

Report to the Future Melbourne Committee

Agenda item 6.1

Planning Permit Application: TP-2002-279/B 313-315 Flinders Lane, Melbourne (Basement)

5 December 2023

Presenter: Nick McLennan, Acting Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to amend existing Planning Permit TP-2002-279/A. The application seeks to amend planning permit conditions to allow for the provision of amplified live music. The existing permit allows for 'use of a bar' within the basement at 313-315 Flinders Lane, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is Glossop Town Planning C/- Miranda Tequila Bar and the owner is Vania Pty Ltd.
3. The location is within the Capital City Zone Schedule 1, Design and Development Overlay Schedules 1 and 10, Heritage Overlay (HO1082), Parking Overlay Schedule 1 and Special Building Overlay of the Melbourne Planning Scheme.
4. The application seeks planning approval to amend Condition 9 of the permit to allow for amplified live music on Thursday between 5pm to 1am, and Friday and Saturday between 5pm to 3am. The application also seeks to impose a condition to limit the patron numbers to no more than 100 at any given time and to make updates to existing conditions to ensure they align with their existing Late Night (On-Premises) Liquor License (refer Attachment 3 – Selected Plans).
5. Public notice of the application was given and 19 objections have been received. The concerns raised in the objections relate to the proposal not being suitable near residential dwellings, noise from patrons and antisocial behaviour associated with the existing use.

Key issues

6. The key issues for consideration in the assessment of the amendment application is whether or not the introduction of amplified live music associated with the existing bar use is appropriate for the site and the amenity of the area.
7. The consideration of the proposed amendment must balance the purpose of the Capital City Zone Schedule 1 with the reasonable amenity expectations of residents living in the central city. This includes the proposed hours, patron numbers and noise attenuation measures. The proposed introduction of amplified live music on the site can be appropriately managed via conditions noting any music played outside of the times proposed must be at background levels only.
8. The submitted Acoustic Report included testing in multiple locations and confirmed proposed noise levels comply with *Environment Protection Regulations 2021* and *Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol)*. The Acoustic Report did not make any recommendations noting existing acoustic measures on site such as soundproofing on windows/doors and the existing noise limiter are appropriate measures.
9. Notwithstanding the above, additional permit conditions are recommended in relation to the permitted hours for amplified live music / entertainment and background music, noise limiters to be maintained at all times to ensure compliance with the Noise Protocol and ongoing patron management in accordance with the submitted Venue Management Plan.

Recommendation from management

10. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit subject to the conditions set out in the delegate report (refer to Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 117)
2. Locality Plan (Page 3 of 117)
3. Selected Plans (Page 4 of 117)
4. Delegate Report (Page 90 of 117)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out requirements in relation to applications for permits pursuant to the relevant planning scheme. The relevant provisions of the Melbourne Planning Scheme are set out in the delegate report (refer Attachment 4).
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision or, if an application for review is made, until the application is determined by VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. Relevant planning considerations including the impact on human health from noise exposure have been considered within the planning permit application and assessment.

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to section 52 of the Act.

Relation to Council policy

7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

8. Energy, Water and Waste Efficiency objectives and requirements were not required to be considered as a part of this application noting it relates to an existing use.

Locality Plan

313-315 Flinders Lane, Melbourne





Town Planning Report

313-315 Flinders Lane, Melbourne

Amendment to Permit Conditions

Glossop Quality System			
Author	HG	Checked By	-
Date Issue	March 2023	Revision Number	1

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1. Introduction

This planning report has been prepared on behalf of Miranda Tequila Bar the permit applicant in relation to the proposed amendment of certain conditions imposed on Planning Permit No. TP-2002-279/A (the 'Permit') and applying to 313-315 Flinders Lane, Melbourne (the 'Application Site').

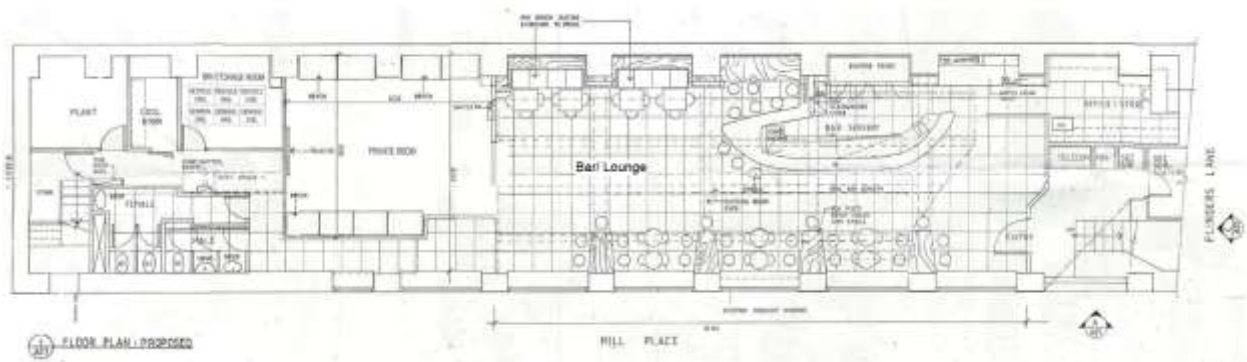
The amendments sought to the Permit are set out in **Appendix A** and predominantly reflect a tightening of the planning permit conditions to be consistent with the liquor licence held. This includes restricting the maximum patronage capacity of the Application Site to 100 persons and amending Condition 9 to allow amplified live music to be provided three nights a week.

For the reasons outlined through this report, these amendments are entirely consistent with the provisions of the Melbourne Planning Scheme and the approval of these amendments is therefore warranted on town planning grounds.

1.1 Plans and Supporting Documentation

This planning report should be read in conjunction with the following:

- Amended Floor Plan Layout prepared by JL Architects;
- Liquor License No. 31822764 (the 'Liquor Licence');
- Acoustic Report prepared by Enfield Acoustics;
- Site Analysis Plan prepared by Glossop Town Planning; and
- Venue Management Plan prepared by Miranda Tequila Bar.



Amended Floor Plan Layout (source: JL Architects)



2. Planning Background

There is a lengthy planning history associated with the Application Site and Review Site. As this history has previously been well documented, it is sufficient simply to note that:

- Planning Permit No. TP98/403 was issued on 23 July 1998 and allowed:

Use of basement as a bar/restaurant in accordance with the attached endorsed plan.
- Planning Permit No. TP02/279 was issued on 8 October 2002 and allowed:

Extension of existing operating hours.
- Planning Application No. TP-2019-889 which proposed to allow the use of the land as a nightclub was withdrawn on 4 October 2022.
- Planning Permit No. TP-2002-279/A was issued on 24 October 2022 which amended the permit preamble to:

Use of basement as a bar in accordance with the endorsed plans.

3. Melbourne Planning Scheme

2.1 Planning Controls

The Application Site is zoned:

- Capital City Zone – Schedule 1 (Outside the Retail Core) ('CCZ1').



Zone overview of the Application Site (source: Planning Property Reports)

The Application Site is subject to the:

- Design and Development Overlay – Schedule 1 (Urban Design in Central Melbourne).
- Design and Development Overlay – Schedule 10 (General Development Area – Built Form).



- Heritage Overlay – Schedule 506 (Flinders Lane Precinct).
- Parking Overlay – Schedule 1 (Capital City Zone – Outside the Retail Core).
- Special Building Overlay.

2.2 Planning Permit Triggers

Pursuant to the CCZ1 a tavern/ bar¹ is a Section 2 – permit required land use. As permission has already been granted for a 'bar' and no new land use is proposed to be introduced, no primary consent is required under the zone.

No buildings and works are proposed as part of this application and the amendments themselves do not trigger a planning permit under any of the overlays pertaining to the Application Site.

2.3 Application Requirements

Clause 53.06 (Live Music Entertainment Venues) is technically not triggered by this proposal as no primary permission under the CCZ1 is required. Nevertheless it provides an appropriate basis for consideration of the application in so far as it would allow the playing of amplified live music.

Clause 53.06-3 stipulates that a live music entertainment venue must be *designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue*. The Acoustic Report prepared by Enfield Acoustics demonstrates that this requirement is met.

Clause 53.06-4 sets out application requirements to be provided as appropriate. These include:

- *A site analysis, including plans detailing:*
 - *the existing and proposed layout of the use, buildings or works, including all external windows and doors*
 - *the location of any doors, windows and open space areas of existing properties in close proximity to the site.*
- *If the application is associated with a live music entertainment venue:*
 - *the location of any noise sensitive residential uses within 50 metres of the site*
 - *the days and hours of operation of that venue*
 - *the times during which live music will be performed.*
- *Details of existing and proposed acoustic attenuation measures.*

¹ Schedule 1 to the Capital City Zone has not been updated to reflect the deletion of the 'tavern' and introduction of the 'bar' land use terms. It is understood that 'bar' remains a Section 2 – permit required land use.





Clause 53.06-4 allows the responsible authority to waive or reduce any of the requirements as it sees fit.

A Site Analysis Plan has been prepared documenting sensitive land uses within 50 metres of the Application Site and should be read in conjunction with the Acoustic Report prepared.

Given the findings of the Acoustic Report, no limitation on the playing of live music is proposed other than to within the trading hours otherwise specified within the Permit.

Existing acoustic attenuation measures introduced since our client took over management of the Application Site include:

- Installation of a soundproofing system to the venue;
- Sound limiters placed on amplification equipment; and
- Employment of new security staff.

No further acoustic measures are proposed again due to the findings of the Acoustic Report that none are required to comply with the *Environment Protection Act 1017* and Environment Protection Regulations.



4. The Application Site and Surrounds

4.1 The Application Site

The Application Site is located within the basement of 313-315 Flinders Lane, Melbourne.

The Application Site has no outdoor trading areas and is largely located below ground.



Entry off Flinders Lane leading down to Miranda Tequila Bar (source: Google Streetview, December 2022)

4.2 Surrounding Area

As documented on the Site Analysis Plan the surrounding area contains a mixture of land uses which is unsurprising given the CCZ1 zoning of the Application Site and surrounds.

Of relevance, residential properties are contained at Level 6 of the Application Site building, directly opposite at 8 & 9 Blich Place and 310 Flinders Lane, while adjacent at 321 Flinders Lane is The Sebel Hotel.





5. The Proposal

As outlined through **Appendix A**, the application seeks five amendments to the Permit described as:

- Amend the hours of operation for consistency between the Permit and the Liquor Licence.
- Remove the restriction imposed on the playing of amplified live music to allow amplified live music to be provided three nights a week.
- Replace the current Permit conditions regarding crowd control officers with those imposed by the Liquor Licence.
- Cap patronage at a maximum of 100 persons consistent with the Liquor Licence.
- Delete the condition relating to the undertaking of a Responsible Service of Alcohol ('RSA') course.

These amendments are proposed as a package and no other condition amendments are sought.



6. Planning Assessment

6.1 Condition 2

Condition 2 currently reads:

The premises shall be open for trading hours between the following hours:

Monday to Wednesday: 7am to 1am

Thursday: 7am to 3am

Friday to Saturday: 7am to 5am (including public holidays)

All patrons must vacate the premises no later than 30 minutes after the closing times. Any extension of these hours will require separate planning approval.

Condition 2 is proposed to read

Monday to Wednesday: 7am to 1am

Thursday: 7am to 3am

Friday to Saturday: 7am to 5am ~~(including public holidays)~~

Friday to Saturday being Anzac Day Eve: 7am to 3am

Good Friday: 12noon to 5am

Anzac Day (being Monday to Wednesday): 12noon to 1am

Anzac Day (being a Thursday): 12 noon to 3am

Anzac Day (being Friday or Saturday): 12noon to 5am

All patrons must vacate the premises no later than 30 minutes after the closing times. Any extension of these hours will require separate planning approval.

The proposed amendments to Condition 2 represent a tightening of the hours under which the Application Site can operate. Whereas currently trading on public holidays is allowable between 7am to 5am this would now be reduced for Good Friday and Anzac Day as set out. This change ensures consistency between the Permit and the Liquor Licence as to the hours the Application Site is allowed to operate.



6.2 Condition 9

Condition 9 reads:

No amplified live music is permitted on the premises.

This condition is proposed to be amended to read:

Amplified live music may only be provided between the following times:

- *Thursday – 5pm to 1am the following day.*
- *Friday – 5pm to 3am the following day.*
- *Saturday – 5pm to 3am the following day.*

It is noted that the Liquor Licence allows for the playing of amplified live music, while it is also relevant that the current condition wording does not prohibit the playing of live music only the playing of amplified live music.

Clause 13.05-1S (Noise management) has as an objective to *assist the management of noise effects on sensitive land uses*. As documented on the Site Analysis Plan there are noise sensitive land uses within 50 metres of the Application Site.

An Acoustic Report has been prepared by an experienced acoustic consultant and the findings of this Acoustic Report are relied upon that the proposed amendment of this condition will raise no noise amenity issues. It is noted that the Acoustic Report was prepared when deletion of Condition 9 in its entirety was proposed. To confirm Condition 9 is sought to be retained in the amended form set out as above, however it is noteworthy that the Acoustic Report foresaw no noise amenity issues were the condition to be deleted.

We further note from the conclusions of this Acoustic Report that:

- *There does not appear to be any existing noise impacts being generated by the Subject Land.*
- *The allowance for live entertainment at sufficiently high music noise levels would result in compliance on the basis of the testing and there is no evidence that we are aware of that suggests that patrons leaving the venue after live entertainment would generate greater noise impacts.*

Clause 13.07-1L-04 (Licensed Premises) seeks in part to *minimise adverse impacts from licensed premises on the amenity of the area*. The associated strategy is to *ensure licensed premises will not have an unreasonable impact on the amenity of the surrounding area, including through noise, patron numbers and hours of operation*.

As previously set out the hours of operation are already set by the Permit and are only proposed to be tightened by this application. Similarly, as discussed in respect of proposed Condition 14 patron numbers are currently unrestricted under the Permit with this application seeking to impose a 100



patron restriction. The findings of the Acoustic Report are otherwise relied upon that the proposal will cause no adverse noise amenity impacts.

Clause 13.07-3S (Live music) has as an objective to *encourage, create and protect opportunities for the enjoyment of live music*. Strategies are:

- *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.*
- *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

As per the Site Analysis Plan this is clearly, and unsurprisingly, an area where a high number of licensed premises exist. This is entirely consistent with the Purpose to the CCZ1 which refers to providing for a range of uses including entertainment land uses. The fact that there are a high number of licensed premises is, however, immaterial to this application as the Application Site is already licensed and no change to the liquor license is sought.

To reiterate an Acoustic Report has been prepared which found that the Application Site currently causes no noise amenity issues and should Condition 9 be amended that the Application Site would continue to cause no noise amenity issues. Our client otherwise has a comprehensive Venue Management Plan in place which addresses amenity matters and a copy of this is included as part of this application.

There is a clear understanding and expectation that residents living within the CCZ1 cannot expect the same level of amenity as within a residential area. Nevertheless, the Acoustic Report and Venue Management Plan prepared in conjunction with the additional restrictions proposed by this application demonstrate that the amenity of surrounding sensitive land uses will be unimpacted by the deletion of this condition.

Clause 52.27 (Licensed Premises) is not triggered by this application.

Clause 53.06 (Live Music Entertainment Venues) includes as a Purpose:

- *To recognise that live music is an important part of the State's culture and economy.*
- *To encourage the retention of existing and the development of new live music entertainment venues.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

As the 'agent of change' the onus would rest on the Application Site to demonstrate that the deletion of this condition would not cause noise amenity impacts. The Acoustic Report clearly demonstrates just that. Having regard to the other components of the Purpose and the decision



guidelines, as no noise amenity issues are raised, Clause 53.06 clearly favours the approval of this application.

When considering the existing and proposed permit conditions in conjunction with the works already undertaken by our client, the lack of any substantiated noise complaints, and Council's own inspection, it is entirely reasonable that this condition be amended as sought.

6.3 Existing Conditions 14-16 and Proposed Condition 14

Conditions 14-16 stipulate crowd control officer requirements namely from 6pm onwards when patronage exceeds 100 persons. A ratio of two crowd control officers to the first 100 patrons and one crowd control officer for each subsequent 100 patrons is imposed. Duties of crowd control officers are also set out.

Proposed Condition 14 consolidates these three conditions into one condition consistent with the Liquor Licence. Crowd control officers would be required when anything other than background music is provided as opposed to the current only once 100 patrons were present.

The wording of the current condition with respect to when crowd control officers are required is difficult to manage as it relies on a projection of whether 100 patrons will be present or not. The proposed wording is simpler in that it requires crowd control officers to be present whenever live or recorded amplified music is provided which is not background music.

The ratio of crowd control officers to patrons would remain consistent. The responsibilities of the crowd control officers, however, is a matter governed by the *Private Security Act 2004* and should not be set out within the Permit.

New requirements related to the provision of a surveillance recording system would be introduced consistent with the Liquor Licence.

6.4 Proposed Condition 15

A new condition is proposed which would read:

The number of patrons present on the premises at any one time must not exceed 100.

This is a significant change to the existing permit which contains no patron cap and allows for an unrestricted number of patrons. As detailed in relation to existing Conditions 14-16 the Permit currently presumes that more than 100 persons will attend the Application Site.

Proposed Condition 15 would be consistent with the Liquor Licence.



6.5 Existing Condition 18

Condition 18 currently reads:

All persons engaged in the serving of liquor must undertake a responsible serving of alcohol course provided by or approved by Liquor Licensing within three months of the issue of the permit.

Condition 18 is proposed to be deleted on the basis it is inappropriate and outdated as:

- 'Liquor Licensing' no longer exists as a body with RSA training now managed by the Victorian Gambling and Casino Control Commission/ Victorian Liquor Commission.
- Persons employed on the Subject Site may change over time and it is impossible for new staff to undertake an RSA course within three months of the issue of the permit being 8 October 2002. Further, a person involved in the selling of liquor must complete an approved RSA training course within one month of being involved in the sale of liquor.
- The requirement for an RSA course to be undertaken is only applicable to those persons engaged in the selling of liquor who do not currently hold an RSA certificate. A refresher course is required to be completed every three years.



7. Conclusion

The proposal is to amend existing conditions on the Permit to bring the Permit in line with the Liquor Licence. Notably, a 100 patron cap is proposed to be introduced, while the prohibition of the playing of amplified live music is proposed to be amended to allow amplified live music to be provided three times a week.

An Acoustic Report has been prepared which concludes that the Application Site does not currently raise any noise amenity issues and would not raise any noise amenity issues should amplified live music be allowed.

Having regard to planning policy associated with noise and the provision of live music the amendments proposed are entirely acceptable.

It follows that this proposal should be approved and an amended town planning permit granted.

Glossop Town Planning

March 2023



Appendix A – Proposed Permit Condition Amendments

The Permit Allows:

Use of basement as a bar in accordance with the endorsed plans.

The following conditions apply to this permit:

1. The use of any land or building or part thereof as shown on the endorsed plans must not be altered or modified without the prior consent of the Responsible Authority.

2. The premises shall be open for trading hours between the following hours:

Monday to Wednesday: 7am to 1am

Thursday: 7am to 3am

Friday to Saturday: 7am to 5am ~~(including public holidays)~~

[Friday to Saturday being Anzac Day Eve: 7am to 3am](#)

[Good Friday: 12noon to 5am](#)

[Anzac Day \(being Monday to Wednesday\): 12noon to 1am](#)

[Anzac Day \(being a Thursday\): 12 noon to 3am](#)

[Anzac Day \(being Friday or Saturday\): 12noon to 5am](#)

All patrons must vacate the premises no later than 30 minutes after the closing times. Any extension of these hours will require separate planning approval.

3. The noise generated by the premises must at all times comply with the requirements of the EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority.

The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.

4. Prominent notices must be erected at all exit points of the premises to the satisfaction of the Responsible Authority, requesting patrons to be quiet when leaving the premises.



5. No sexually explicit entertainment shall be provided on the premises. Sexually explicit entertainment is that provided by a person or persons, who are nude, display sexual organs or are topless females. Entertainment includes “table-top” dancing, “lap” dancing, topless bar serving, live strip tease shows and their equivalent.
6. No bottles or other waste materials shall be removed from the site between the hours of 9:00pm on any day and 8:00am the following morning.
7. All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority.
8. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection.
9. ~~No amplified live music is permitted on the premises.~~ [Amplified live music may only be provided between the following times:](#)
 - [Thursday – 5pm to 1am the following day.](#)
 - [Friday – 5pm to 3am the following day.](#)
 - [Saturday – 5pm to 3am the following day.](#)
10. Public access to and egress from the use hereby permitted shall not be gained via the rear (Mill Place) door unless in emergency and escape situations.
11. The use of any land or building or part thereof as shown on the endorsed plan shall not be altered or modified without the prior consent of the Responsible Authority.
12. The applicant shall conduct the premises so as to ensure that any escape of noise from the premises does not disturb the peace and quiet of the neighbourhood.
13. The applicant shall conduct the premises so as to ensure that the applicant does not cause or permit any undue detriment to the amenity of the area to arise out of or in connection with the use of the premises.
14. ~~The applicant shall so conduct the premises as to ensure the employment of a suitably qualified and experienced crowd control officer to be on duty at the premises at all times from 6.00pm until 15 minutes after closure of the premises on any day that the premises are open to the public and the number of patrons at the premises exceeds 100 or such lesser number determined by the Council from time to time.~~
15. ~~Licensed security staff must be present in the premises during business hours calculated at the ratio of two (2) security staff for the first 100 patrons and an additional security officer for the next 100 patrons or part thereof.~~
16. ~~The duties of the crowd control officer referred to in the preceding condition shall include (but not be limited to) and shall be properly supervised to ensure the effective:-~~
 - (i) ~~Control of intending patrons outside the premises~~



~~(ii) Control of noise by intending and departing patrons outside the premises.~~

~~(iii) Control of numbers of patrons entering the premises~~

~~(iv) Maintenance of clear pedestrian and vehicular access along Flinders Lane.~~

14. When live or recorded amplified music other than background music is provided:

(i) 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, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.

(ii) Signs, as described below, 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".

(iii) Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

15. The number of patrons present on the premises at any one time must not exceed 100.

~~176.~~ A designated manager must be in charge of the premises at all times when the premises are open for business.

~~18.~~ All persons engaged in the serving of liquor must undertake a responsible serving of alcohol course provided by or approved by Liquor Licensing within three months of the issue of the permit.

~~197.~~ The use hereby permitted shall at all times comply with the approved plan and the conditions of the permit and be maintained to the satisfaction of the Responsible Authority.

~~2018.~~ The time within which the use is to be commenced may on application made before or within 3 months after the expiry date of this permit be extended by the Responsible Authority



LATE NIGHT (ON-PREMISES) LICENCE

Licence No. 31822764

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2022

Licensee	KCC HOLDING GROUP PTY LTD (ACN:633146737)		
Address for service of notices	UNIT 306 8 BOWEN CRESCENT MELBOURNE 3004	Licensed premises address	BASEMENT 313A FLINDERS LANE MELBOURNE 3000
Trading as	MIRANDA BAR AND LOUNGE		

GENERAL INFORMATION

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the responsibility of the licensee to ensure they comply with these and all conditions of a planning permit above what is specified on the liquor licence. Where the trading hours on your planning permit are less than the trading hours on this liquor licence, you must comply with the hours on the planning permit.

TYPE OF LICENCE

This licence is a late night (on-premises) licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

When live or recorded amplified music other than background music is provided:

- 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, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.
- Signs, as described below, 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".
- Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

MAXIMUM CAPACITIES

100 patrons

TRADING HOURS

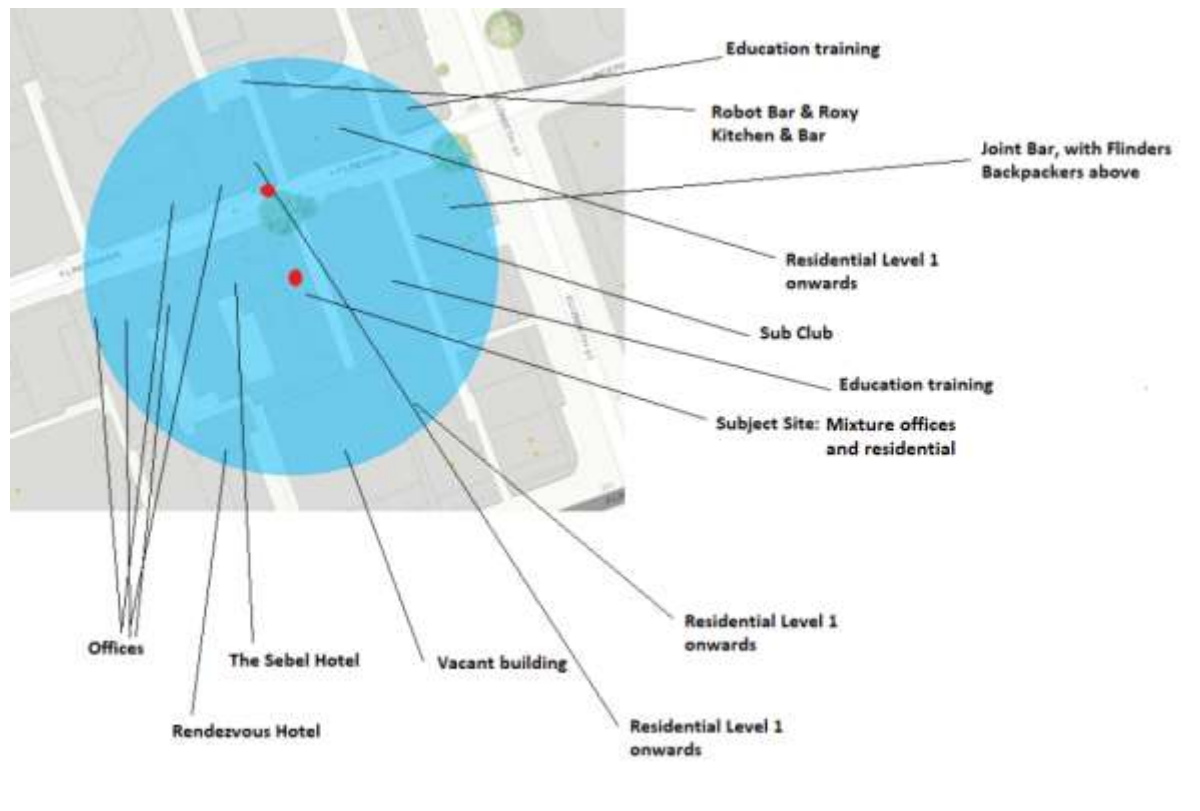
Monday to Wednesday	Between 7am and 1am the day following.
Thursday	Between 7am and 3am the day following.
Friday & Saturday	Between 7am and 5am the day following.
Friday & Saturday being Anzac Day Eve	Between 7am and 3am the day following.
Good Friday	Between 12 noon and 5am the day following.
Anzac Day (being Monday to Wednesday)	Between 12 noon and 1am the day following.
Anzac Day (being a Thursday)	Between 12 noon and 3am the day following.
Anzac Day (being Friday or Saturday)	Between 12 noon and 5am the day following.

End of Conditions - Printed on 25/10/2022

Site Analysis Plan

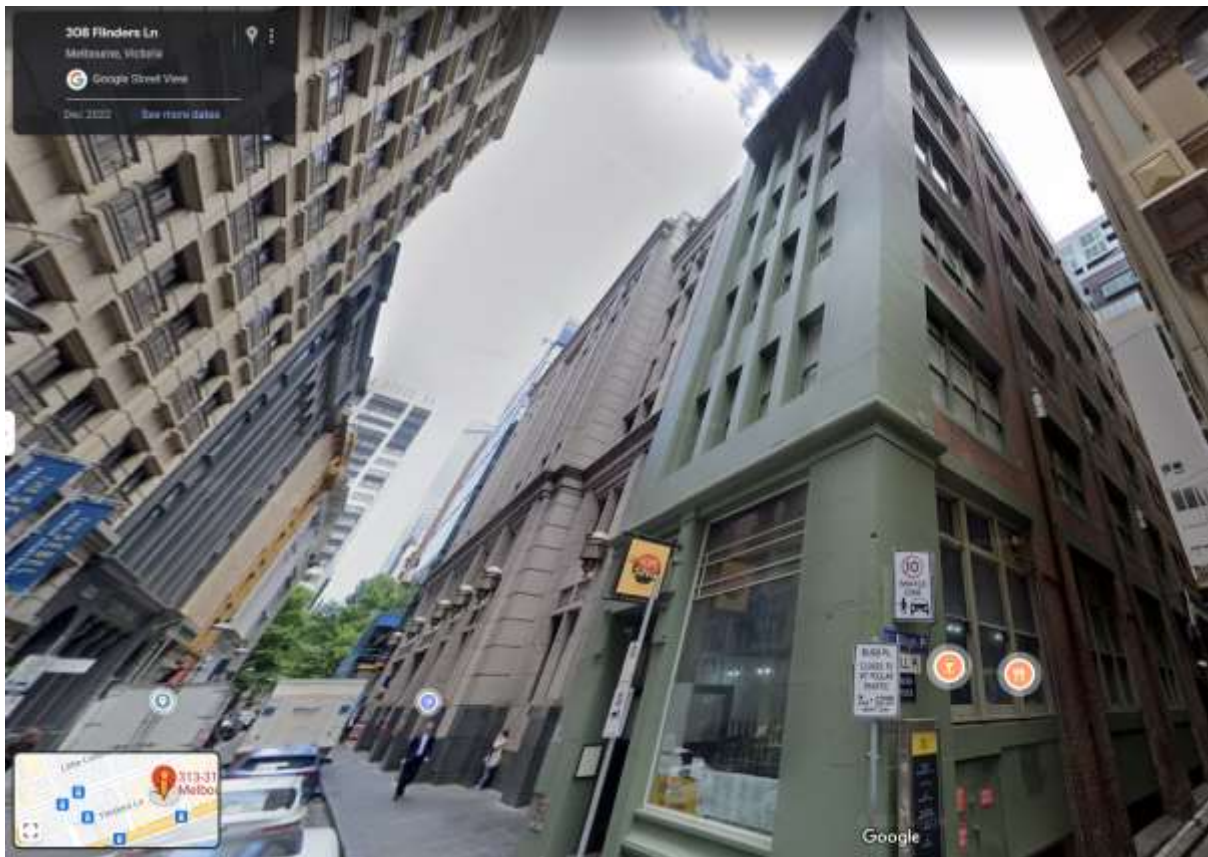
– Basement, 313-315 Flinders Lane, Melbourne

Details of surrounding land uses

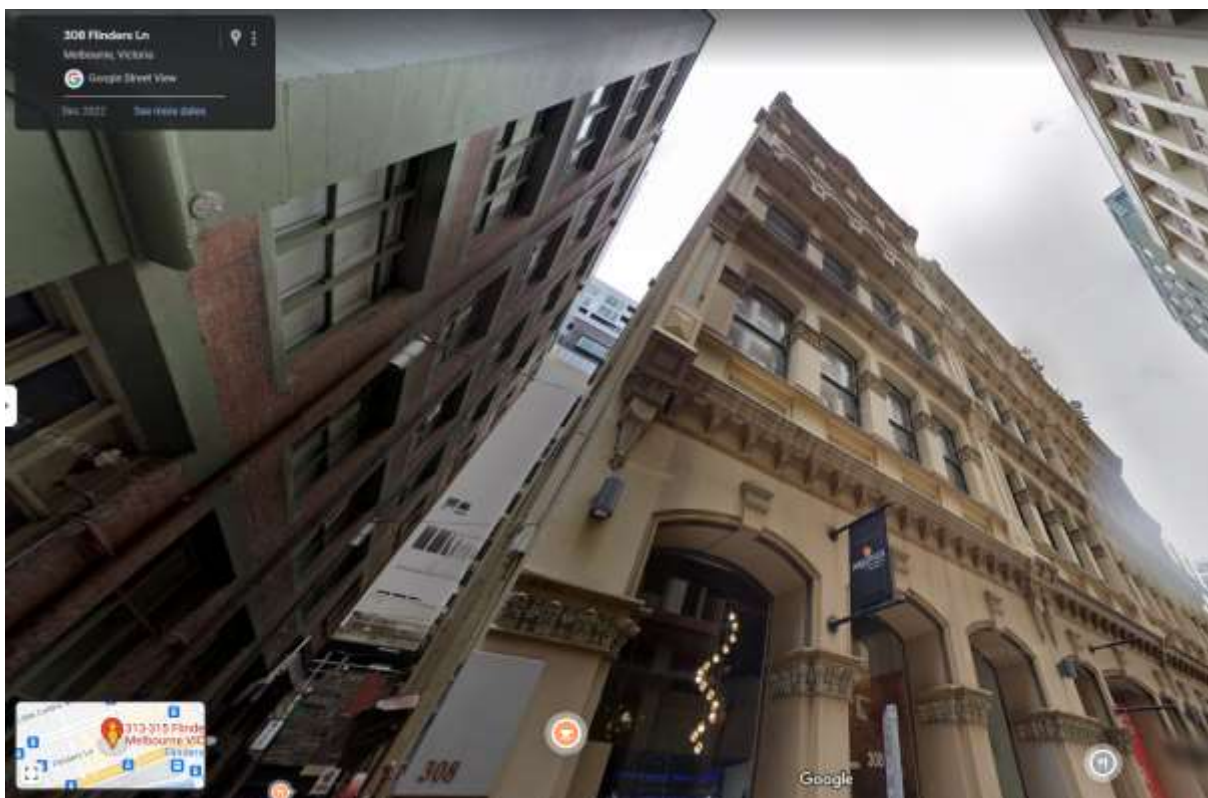


**Blue Circle indicates approximately 50 metre radius from the Review Site.*

December 2022 view of 9 Bligh Place and 310 Flinders Lane from Flinders Lane (opposite Application Site)



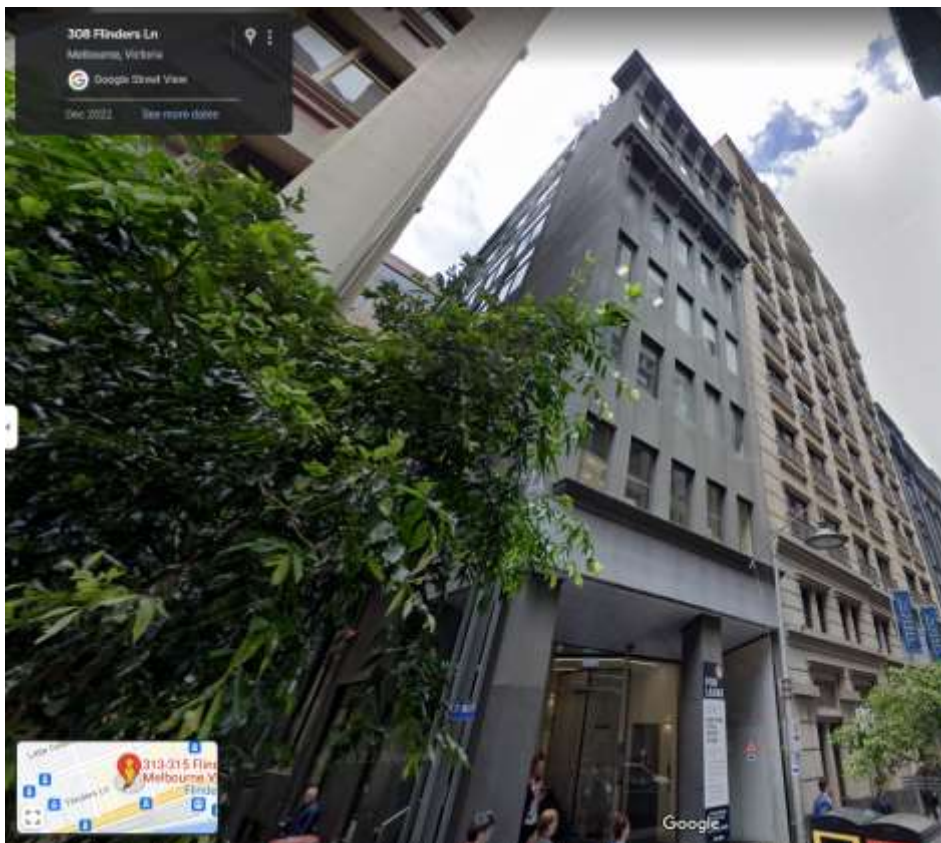
December 2022 view of 8 Bligh Place from Flinders Lane (diagonally opposite Application Site)



Panorama view of 8 & 9 Bligh Place and 310 Flinders Lane



December 2022 view of Review Site from Flinders Lane





MIRANDA TEQUILA BAR, 313- 315 FLINDERS LANE, MELBOURNE

Acoustic Report for Planning Amendment

Prepared For

C/- GLOSSOP TOWN PLANNING

DOC. REF: V886-01-P ACOUSTIC REPORT (R0)
22 FEBRUARY 2023

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Project Miranda Tequila Bar, 313-315 Flinders Lane, Melbourne
Subject Acoustic Report for Planning Amendment
Client c/- Glossop Town Planning
Document Reference V886-01-P Acoustic Report (r0).docx
Date of Issue 22 February 2023

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1 Introduction

Enfield Acoustics has been engaged by the permit applicant c/- Glossop Town Planning to respond to Council's RFI relating to the application to amend permit TP-2002-279/A for the Subject Land 313-315 Flinders Lane (basement), which currently trades as Miranda Tequila Bar.

This report is written in support of the application amendment to permit live entertainment on the Subject Land which proposes:

1. Consistency with the venue's liquor licence, including cap of 100 patrons
2. Deletion of Condition 9 which prohibits amplified live music

2 Application Review

The relevant extract from Council's RFI is provided below:

Acoustic Report

6. An acoustic report must demonstrate that the amenity of the area will not be unreasonably impacted by your proposal as a result of the patrons or operations of the site. The report will need to be prepared by an acoustic engineer or consultant and demonstrate compliance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020).

The RFI specifically calls out an assessment of patron noise impacts. While we acknowledge this request, we do not understand the specific relevance to this application amendment. Further we note that there are no policies in Victoria that assess patron noise impacts. While it is typical to undertake a risk based analysis of patron noise impacts for new venue proposals, the request from Council appears to be borne out of complaints that have been raised about general patron noise along Flinders Lane. While it is apparent that this may be a matter for enforcement, neither approval or rejection of the application would resolve this concern, if indeed such impacts were proven to occur.

Reference to EPA Publication 1826 (Noise Protocol) is otherwise relevant to the assessment of music noise impacts.

With regard to consistency with the liquor licence, the addition of a condition capping patron numbers is reasonable on the following basis:

1. The current planning permit does not restrict the number of patrons, only that additional security measures must be employed for patron numbers over 100. To that end, the proposed amendment could only result in a reduction in patron noise impacts with respect to the planning permit.
2. The Subject Land venue is within a basement and does not have outdoor trading areas, with the exception of entry/queuing along Flinders Lane.



The amendment is primarily an administrative one. In essence, the proposed amendment with regard to patron caps does not introduce a new noise source, nor increase it. At the very least, there would be no change in impacts with respect to noise so there is no reason to refuse that particular amendment on noise grounds.

With regard to deletion of Condition 9, the Subject Land venue already operates with pre-recorded music and DJ's. The purpose of the deletion is to allow for live performance to occur and our instructions are that this would primarily be live Latin bands. Live entertainment is the form of band performances typically emit less noise than DJ's, in particular in the low frequencies which is critical to any noise assessment of music, and so we also consider this to be a benign change that does not intensify the existing use.

Trading hours are also proposed to be amended for consistency with the liquor licence however this is irrelevant to the noise assessment. This is because the amended hours relate to particular holiday calendar dates only, however the hours are still consistent with current permitted trading hours. A noise assessment is not sensitive to a specific date in the calendar so we do not consider this relevant to our assessment. This is particularly true for the CBD, which has consistently elevated background noise all year round. The addition of trading on holiday dates may be a qualitative consideration for Council, however it is not a quantitative one under this proposal.

3 Objections

We have reviewed the objections received for this application and note the following:

1. Objector statements refer to the existing amenity and impacts in the area and do not actually address how the proposed amendments would result in impacts. General complaints about existing noise amenity impacts are noted from the public (including loitering) and cars, this is irrelevant to the application. If anything, this actually assists the proposal in reference to how normal noise protocol applies because ambient noise from public areas including traffic increases the noise limits that a commercial premises can operate at.
2. It is apparent that the primary concern relating to existing impacts is patrons from multiple venues in the area using Flinders Lane. As noted above, the application does not seek to increase patrons and is already capped to 100 patrons on the liquor licence. This results in no practical change and therefore our opinion is that such objections are irrelevant to the application. If patrons were indeed generating impacts, this would be a matter of enforcement and rejecting the application on this basis would not change those impacts.
3. Not surprisingly, Flinders Lane is a relatively busy thoroughfare for patrons travelling on foot as well as traffic at night, as are many other streets throughout the CBD. It is apparent from the objections that 'patron impacts' are mostly generalised to the area. Our opinion is that it is inappropriate to consider general noise from the public in assessing whether this application is satisfactory.
4. Where reference is more specific to patrons leaving the Subject Land premises, we have carried out my own observations on-site to consider the merits of that concern, discussed later in the report. Regardless, given the general trading hours are not proposed to change



and there is no evidence that patrons leaving a venue that has the utility of live entertainment would be any different to patrons leaving the venue currently, there does not appear to be any merit in this objection with regard to whether the amendment should be approved.

5. Complaints are raised through the objections with regard to music and patron noise from other venues in the area, in particular The Joint, Sub Bar and Flinders Hotel. We do not see how this is relevant to this application and our opinion is that the applicant should not be prejudiced by complaints about noise in the general area through an objection to this proposal. If anything, there is apparent a lack of music noise issues identified in the objections as coming from the Subject Land, highlighting that the complaints raised are generalised to the area.
6. One objection refers to experienced 'major noise from this location in the past'. Our instructions are that the Subject Land has previously operated under different ownership as a club and that since the Applicant took over, there have not been any noise complaints. This particular objection is broad, however based on the instructions received, it may be that they are referring to a previous operation in reference to 'the past'.

4 Policy Requirements

4.1 Environment Protection Regulations & EPA Publication 1826

Any amplified music noise from the Subject Land needs to comply with the Environment Protection Regulations 2021 and *Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Noise Protocol).

The Noise Protocol refers to the following assessment periods for indoor entertainment venues:

123 Definitions—operating time periods

In this Subdivision, in relation to music noise emitted from indoor entertainment venues—

day and evening period means—

- (i) Monday to Saturday (other than a public holiday), from 7 a.m. to 11 p.m.;
- (ii) Sunday or a public holiday (other than if either is preceding a public holiday), from 9 a.m. to 10 p.m.;
- (iii) Sunday or a public holiday (if either is preceding a public holiday), from 9 a.m. to 11 p.m.;

night period means—

- (i) Monday to Friday (other than a public holiday or a day preceding a public holiday), from 11 p.m. to 7 a.m. the following day;
- (ii) Saturday or any day preceding a public holiday, from 11 p.m. to 9 a.m. the following day;
- (iii) Sunday or a public holiday (if neither is preceding a public holiday), from 10 p.m. to 7 a.m. the following day.



The applicable music noise limits for the Subject Land are determined by the following:

- for the 'Day/Evening' period – $L_{Aeq} \leq L_{A90} \text{ (background)} + 5\text{dB}$
- for the 'Night' period – $L_{OCT10} \leq L_{OCT90} \text{ (background)} + 8\text{dB}$

5 Site Inspections

To review the Applicant's existing operation, we visited the site on 17 December 2022 at approximately 11:55pm. During this visit, we carried out observations from the following key locations:

- On the opposite side of Flinders Lane from the Subject Land (Bligh Place);
- Outside of The Sebel;
- On the residential level of the Subject Land; and
- Inside the venue.

The level of music noise inside the venue was 96dB(C) which is considered to be a reasonably high level, typical of bars and clubs.

Observations at the corner of Bligh Place and Flinders Lane indicated that music noise from the Subject Land was inaudible. Similarly, no music noise was audible outside of The Sebel. It was observed that the venue has a dedicated sound lock being an external door where patrons queue and an internal door at the bottom of the stairs. Because music was inaudible on the opposite side of Flinders Lane, an additional observation was made along Mill Place where high level windows from the venue are exposed to Mill Place. At this location, bass frequency music was just audible but not directly measurable due to general ambient noise in the area. At this time, we gained access to the residential level above the venue (within the same building) and noted that music noise was also inaudible, with the exception of placing an ear to the wall where structure-borne noise from music was barely audible.

This initial assessment indicated that music noise emission, though reasonably high inside the venue, was not generating any impacts outside or inside of any proximate sensitive land uses. Because music noise was inaudible to barely audible (but not measurable), this intrinsically means that the current use was compliant with the Noise Protocol during our inspection. It is suggested that this is consistent with the objections reviewed, noting again that no specific complaints have been raised about the Applicant's current music noise emissions.

Patrons were observed queuing out the front of the Subject Land during our inspection, however any noise from this area was indistinguishable from general foot traffic and cars along Flinders Lane. From those observations, patrons did not appear to be generating any significant noise impacts. We did observe that Flinders Lane and the surrounding area has a prevalence of pedestrians on foot both in the west and east direction that included occasional loud vocalisation.

At approximately 2:45am, the venue closed and all patrons exited. Observations were again made at the corner of Bligh Place and Flinders Lane and while some vocal noise was audible, it was not distinguishable from other pedestrian noise along Flinders Lane. Based on the observations, it is understandable that residents in the area would be exposed to general patron and vocal noise along Flinders Lane, however this does not appear to be an issue specific to the Subject Land use.



Our experience is that this type of noise throughout many areas of the CBD is commonplace and therefore regulating a specific patron noise emission for a single venue is inappropriate, in particular given it could not be measured against other general patron/pedestrian noise in the area.

The Environment Protection Regulations 2021 and the Noise Protocol also do not require any assessment of patron noise, which is primarily why such impacts are dealt with through venue management plans. Given the context of the site, surrounding area and uses, our view is that management controls are the only reasonable and practical control that can be expected if impacts are actually being generated. More general off-site impacts that are occurring from other pedestrians obviously cannot be controlled through a venue permit.

At approximately 3am, we carried out background noise testing to determine Noise Protocol noise limits that would apply for music noise emissions, representative of a sensitive period. It is noted that within the CBD, specific times for background noise are often irrelevant as it is well known that the CBD has a constant 'hum' from building services. To that end, we carried out the background testing within Commerce Way in an effort to find the quietest area available that is proximate to the Subject Land, as building services noise was found to be prevalent along Bligh Place. The background noise testing and derived noise limits are provided below, representing a reasonably conservative values for the sensitive use lands immediately surrounding the Subject Land:

Metric	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
'Night' Period Noise Limits							
Background noise, taken at 3am (Commerce Way), L_{OCT90}	55	54	55	51	48	42	33
'Night' Noise Limit, L_{OCT10}	63	62	63	59	56	50	41

6 Empirical Assessment of Music Noise Impacts

To test the sensitivity of music noise impacts from the Subject Land, we carried out additional testing on the night of 2 February 2023. The purpose of the test was to verify if music noise impacts were even possible, given our observations during trading in December 2022, and to calibrate the amplification system to a compliant level. This testing was carried out at approximately midnight when the venue was not trading.

In January 2023, the Applicant communicated with building management for The Sebel, as we did not have access to that property for testing during our inspection in December 2022. Access was requested to exhaust all potential sensitive uses surrounding the Subject Land that could be impacted by music noise. Our instructions are that The Sebel did not grant access on the basis that nobody within that building has complained about noise from the Subject Land. Regardless, we again note that there are residential units within the Subject Land building above the venue and based on the observations in December 2022, we are confident that if any impacts were to occur through the structure, it would likely occur within the Subject Land building before The

Miranda Tequila Bar, 313-315 Flinders Lane,
Melbourne

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Sebel. This means that a compliance on the residential level of the Subject Land would intrinsically result in compliance at The Sebel.

To initially test whether it was possible for the venue to generate a high enough music noise level that could be audible outside at surrounding sensitive use lands, we set the entire amplification system to maximum and played music with a high level of low frequency (bass) content. Observations were again carried out at the same points identified during the December 2022 inspection:

- At maximum amplification, the music noise level inside the venue was 112dB(C). This is a level that would be uncomfortable for patrons inside the premises and it is unrealistic that they would occur in practice. Hearing protection had to be worn during the testing, highlighting it's impact for the purpose of the test.
- On the corner of Flinders Lane and Bligh Place, low frequency bass was just audible in the 63Hz band only, with a level of 73dB recorded in that band. This indicates that a music noise impact could only occur at this location if the amplification system was set to maximum, which for the above reasons is unrealistic.
- Music noise was inaudible outside The Sebel.
- Both background noise and music noise were then measured on the residential level of the Subject Land

Metric	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
'Night' Period Noise Limits							
Background noise, taken inside residential level of Subject Land, L_{OCT90}	34	26	21	12	10	11	14
'Night' Noise Limit, L_{OCT10}	42	34	29	20	18	19	22
Music noise level at maximum amplification, L_{OCT10}	44	28	24	15	11	13	14

From the above results, there was only a 2dB noise level exceedance at maximum amplification levels within the Subject Land building. This means that:

- Where the amplification system does reach the maximum levels, compliance would occur within the Subject Land building; and
- Where the amplification system is calibrated to result in compliance on the corner of Flinders Lane and Bligh Place, the venue would intrinsically comply at all other sensitive land uses.

As noted above, the amplification settings for the purpose of the test would not be realised in practice and were only set that way to ensure a measurable signal. As noted in our inspection in December 2022, normal operating levels would not generate any impacts.

To calibrate the amplification system, the amplifiers were turned down to a level equal to the compliance threshold on the corner of Flinders Lane and Bligh Place, resulting in a music noise level inside the venue of 102dB(C), noting that this is still a level significantly higher than recorded during trading and a level sufficient for live entertainment. Tape markers (shown in the photograph below) were placed on the amplifiers as a safety measure for staff and would still be

a sufficiently high level for the proposal for live entertainment, and is unlikely to be reached in practice. It is also worth noting that the amplifiers have been adjusted for a worst-case scenario, with the highest noise emission occurring under the lowest background noise for the area, which is also unlikely to be realised in practice. This adds an element of conservatism to the assessment.



In addition to the amplifier settings, it is noted that the venue has also undertaken a pre-emptive management approach of installing a noise monitor using a large display monitor (photograph below):





7 Summary and Conclusion

On the basis of both observations and empirical noise testing carried out to assess the application proposal, Enfield Acoustics is satisfied that the amendment can be approved on the following basis:

1. There does not appear to be any existing noise impacts being generated by the Subject Land.
2. Though we acknowledge the objections to the proposal, it is apparent that they are mostly generalised complaints about noise in the wider area along Flinders Lane. Our view is that these matters are irrelevant to the Application before Council.
3. In addressing Council's concerns about patron noise impacts, our assessment is that the proposed permit amendment is not particularly relevant to this issue. In a worst-case scenario, the application amendment would only result in the status quo. Regardless, our observations on-site are that Flinders Lane and the surrounding area has a high level of off-site pedestrian/patron traffic that, in our view, unreasonably places responsibility on this Applicant through the planning amendment. We cannot see how rejection of the amendment would solve this issue nor the objectors generalised concerns about street noise.
4. Music amplification has been empirically tested and calibrated. The testing indicated a low risk of music amplification being able to generate an adverse impact which is consistent with the objections that do not appear to describe any music noise impacts from this operation.
5. The allowance for live entertainment at sufficiently high music noise levels would result in compliance on the basis of the testing and there is no evidence that we are aware of that suggests that patrons leaving the venue after live entertainment would generate greater noise impacts.

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September 21, 2023

Miranda Tequila Bar
c/- Glossop Town Planning

Planning Application to Amend TP-2002-279/A
313-315 Flinders Lane
Re: Council Response

Enfield Acoustics has been instructed to review and respond to the Council's RFI to the application to amend planning permit TP-2002-279/A. Enfield Acoustics previously provided a report, dated 22 February 2023, concluding that the noise impacts could be managed to comply with the relevant noise regulations.

Our instructions are that Council has provided further correspondence, as follows:

The conclusion indicates that the proposal is acceptable from a noise impact perspective, however, does not make a clear statement that the proposal achieves compliance with EPA Publication 1826. Also any other recommendations/ conclusions which are provided in 'layman's terminology' will assist in the preparation of the FMC report.

Several concluding remarks were already made in the acoustic report with respect to EPA Publication 1826 and compliance, inclusive of the following highlighted extracts from the report:

Because music noise was inaudible to barely audible (but not measurable), this intrinsically means that the current use was compliant with the Noise Protocol during our inspection. It is suggested that this is consistent with the objections reviewed, noting again that no specific complaints have been raised about the Applicant's current music noise emissions.

To calibrate the amplification system, the amplifiers were turned down to a level equal to the **compliance threshold** on the corner of Flinders Lane and Bligh Place, resulting in a music noise level inside the venue of 102dB(C), noting that this is still a level significantly higher than recorded during trading and a level sufficient for live entertainment. Tape markers (shown in the



The *Environment Protection Regulations 2021* and *Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Noise Protocol) sets out the formula for music noise limits. These are set out within our acoustic report of February 2023.

To avoid doubt and to provide a further “layman’s” response, we confirm that:

- The existing use was shown to comply with the Noise Protocol.
- By extension, the future use can comply with the Noise Protocol.
- The purpose of the report Section 6 titled ‘Empirical Assessment of Music Noise Impacts’, was to demonstrate that regardless of the above findings, amplification levels can be managed and controlled to ensure ongoing compliance with the Noise Protocol.

Trading observations of the premises were carried out on 17 December 2022 to understand ordinary noise generated. Observed music noise was of a reasonably high level and testing external to sensitive properties indicated that the music was either inaudible or not directly measurable.

Additional testing was undertaken on the night of 2 February 2023 when the venue was not trading. At maximum amplification of the sound system, which is an unrealistic level required by the venue, low frequency music noise was audible at the corner of Flinders Lane and Bligh Place in excess of the night noise limit. Noise levels recorded on Level 6 of the subject site development were otherwise lower than recorded at the corner of Flinders Lane and Bligh Place. The amplifiers were then turned down to a level compliant with the night noise limit at the corner of Flinders Lane and Bligh Place, and by extension all other off-site sensitive receptors would also comply with the Noise Protocol at these amplification settings. These amplification levels were marked accordingly. Importantly, this level inside the venue (102dBC) is still higher than was recorded during trading and is more than sufficient for live entertainment.

Based on the testing undertaken the allowance for live entertainment at sufficiently high music noise levels would result in compliance with the Noise Protocol. No further measures are required to be implemented to comply with the Noise Protocol.

Regards

A handwritten signature in blue ink, appearing to read 'D. Tardio'.

Darren Tardio
Director
Enfield Acoustics Pty Ltd



Venue Management Plan

Revision A_5th of June 2023

2.5 Soundproofing compliance

Basement, 313-315 Flinders Lane
Melbourne CBD 3000



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1. Venue Overview

1.1 Venue Details

Name of the venue	: Miranda Tequila Bar
Address	: Basement, 313 – 315 Flinders Lane, Melbourne CBD VIC 3000
Venue owner	: KCC Holding Group Pty Ltd
ABN	: 70 633 146 737
Directors' details	: Heinz Schaefer 0468 995 420 Miguel Angel Paredes Perez 0423 494 695

1.2 Description of the nature of the venue including the type of activities and entertainment:

Miranda Tequila bar is located at the Basement Level of 313-315 Flinders Lane Melbourne's CBD. Entry is through 313A Flinders Lane, Melbourne. We have comfortable couches and a laid-back vibe that caters for the corporate and professional crowd, who wish to relax and meet up socially in a friendly environment. Our target market is professional people between 30 to 45 years of age. Miranda's key clients are the surrounding offices including solicitors, lawyers, accountants, and the public for a social drink. Miranda Tequila Bar is actively involved with the Latin American community supporting charities and events on a regular basis.

During the lockdown period we decided to turn our business into a Tequila Bar as we noticed the trend for Tequila consumption around the world was and still growing. Our goal is to teach people everything about Tequila, Mezcal and all types of Agave spirits.

Miranda's most popular product is our Tequila tasting boards. Patrons can taste and learn about different brands of Blanco, Reposado, Añejo and Mezcal. Our menu includes Tequila 1800 crafted cocktails as well as over 50 different types of Tequilas, Mezcal and Agaves.

We hold exclusive Tequila masterclass events regularly. Tequila brand ambassadors come and teach our guests everything they need to know about Tequila and Agaves.

We trade on Thursdays from 5pm till late offering drink specials for the afterwork crowd in the area. Friday's start with happy hour cocktails and background music from 5pm and transition to Live music which involves a Dj playing from 9pm till close. We plan to bring performers such as acoustic guitarist or a small 4-piece band to entertain our patrons during happy hour or early in the night. We also trade on Saturdays from 9pm. The key feature on Saturdays is our ultra-premium selection of Tequilas, Latin American music, and cocktails.

Miranda is home to one of the best speed dating events managed by Melbourne Speed dating company. Miranda also takes part in the International Comedy Festival once per year.



1.3 Venue Operating Times

Thursday 5pm – Late
Friday 5pm – 3am
Saturday 9pm – 3am

2. License

All staff must be aware of the license conditions under which the premises operates. There are various conditions that relate to noise, amenity, security, and RSA.

The license is renewed annually in December and management and staff should carefully review the license to be aware of any new conditions that have been added to the license.

2.1 The license is detailed and examined below

MIRANDA TEQUILA BAR operates under an On-premises Liquor License No 31822764 during the trading hours specified in accordance to the Liquor Act Control Reform Act 1998 Liquor License.

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the license, the licensee is authorized to supply liquor up to and including 31st December 2022.

Licensee : KCC HOLDING GROUP PTY LTD
Licensed Premises : Basement Level, 313-315 Flinders Lane, Melbourne CBD VIC 3000
Trading as : Miranda Tequila Bar

2.2 Type of License

This license is a late night (General) license and authorizes the licensee to supply liquor on the premises for consumption on the licensed premises during the trading hours specified below.

For consumption on the Licensed Premises –

- Monday to Wednesday Between 7 a.m. and 1 a.m. the day following
- Thursday Between 7 a.m. and 3 a.m. the day following
- Friday & Saturday Between 7 a.m. and 5 a.m. the day following
- Friday & Saturday being Anzac Day Eve Between 7 a.m. and 3 a.m. the day following.
- Good Friday Between 12 noon and 5 a.m. the day following
- Anzac Day (being Monday to Wednesday) Between 12 noon and 1 a.m. the day following
- Anzac Day (being a Thursday) Between 12 noon and 3 a.m. the day following
- Anzac Day (being Friday or Saturday) Between 12 noon and 5 a.m. the day following



2.3 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 license relates during or immediately after the trading hours authorized under this license.

When live or recorded amplified music other than background music is provided:

- 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, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorized in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.
- Signs as described below, 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".
- Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

MAXIMUM CAPACITIES

The maximum number of patrons on the premises must be no more than 100 persons at any one time.

TRADING HOURS FOR CONSUMPTION ON THE LICENSED PREMISES

- Monday to Wednesday Between 7 a.m. and 1 a.m. the day following
- Thursday Between 7 a.m. and 3 a.m. the day following
- Friday & Saturday Between 7 a.m. and 5 a.m. the day following
- Friday & Saturday being Anzac Day Eve Between 7 a.m. and 3 a.m. the day following.
- Good Friday Between 12 noon and 5 a.m. the day following
- Anzac Day (being Monday to Wednesday) Between 12 noon and 1 a.m. the day following
- Anzac Day (being a Thursday) Between 12 noon and 3 a.m. the day following
- Anzac Day (being Friday or Saturday) Between 12 noon and 5 a.m. the day following

2.4 Noise attenuation measures including the use of noise limiters.

The licensee shall install and maintain at the licensed premises, noise limitation or sound attenuation equipment and shall always maintain the equipment so that the escape of amplified music noise from the licensed premises is limited or restricted to comply with the EPA N2 condition referred to above. Miranda has installed noise limiters. All sound attenuation equipment is locked in a cage and only accessed by the venue manager or directors. The cage is lockable.



2.5 Soundproofing.

In March 2020 and 2021 Miranda Tequila Bar carried out extensive soundproofing works on the windows facing Mill place and key areas within the venue. Noise emitted from the venue was substantially minimized and is now below the ambient noise in the area.

Also in 2020 Telemetrix Acoustic & Vibration Solutions Pty Ltd carried out an acoustic report which deemed Miranda compliant with V886-01-P Acoustic Report and EPA Publication 1826.

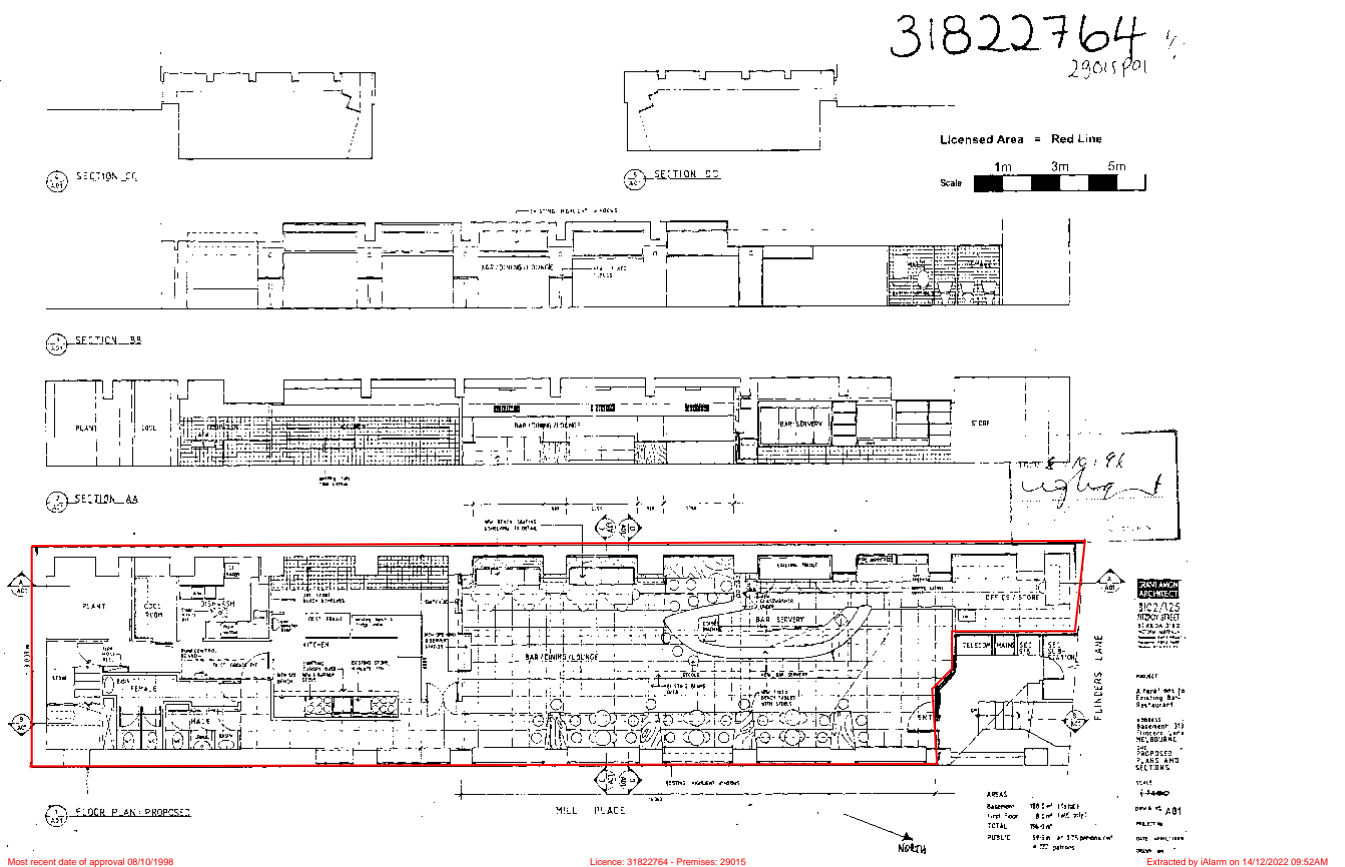
Miranda Tequila bar has now hired Enfield Acoustics to carry out a new assessment.

2.6 Red line plan

Page 1 of 1

Current premises name: MIRANDA BAR AND LOUNGE

BASEMENT 313A FLINDERS LANE MELBOURNE 3000



Liquor Licence 2023

Section 101, Liquor Control Reform Act 1998

LATE NIGHT (ON-PREMISES) LICENCE

Licence No. 31822764

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2023

Licensee	KCC HOLDING GROUP PTY LTD (ACN:633146737)		
Address for service of notices	UNIT 7 34 MACFARLAN ST SOUTH YARRA 3141	Licensed premises address	BASEMENT 313A FLINDERS LANE MELBOURNE 3000
Trading as	MIRANDA TEQUILA BAR		

GENERAL INFORMATION

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the responsibility of the licensee to ensure they comply with these and all conditions of a planning permit above what is specified on the liquor licence. Where the trading hours on your planning permit are less than the trading hours on this liquor licence, you must comply with the hours on the planning permit.

TYPE OF LICENCE

This licence is a late night (on-premises) licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

When live or recorded amplified music other than background music is provided:

- 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, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.
- Signs, as described below, 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".
- Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

MAXIMUM CAPACITIES

100 patrons

TRADING HOURS

Monday to Wednesday	Between 7am and 1am the day following.
Thursday	Between 7am and 3am the day following.
Friday & Saturday	Between 7am and 5am the day following.
Friday & Saturday being Anzac Day Eve	Between 7am and 3am the day following.
Good Friday	Between 12 noon and 5am the day following.
Anzac Day (being Monday to Wednesday)	Between 12 noon and 1am the day following.
Anzac Day (being a Thursday)	Between 12 noon and 3am the day following.
Anzac Day (being Friday or Saturday)	Between 12 noon and 5am the day following.

End of Conditions - Printed on 19/12/2022

ENQUIRIES: LIQUOR CONTROL VICTORIA
 PHONE: 1300 182 457 EMAIL: contactliquor@justice.vic.gov.au
 WEB: vic.gov.au/victorian-liquor-commission



3 General

The Venue Management Plan establishes and documents the licensee's operational standards for the management and operation of the whole venue having regard to compliance with the Liquor Control Reform Act 1998, conditions of the liquor license and the amenity of the immediate area.

This document is a work-in-progress and will be updated following venue audits to be carried out on a regular basis. It is intended that this document will be used in conjunction with more in-depth documents including the Security Management Plan, Patron Code of Conduct, any Work Safe Risk Assessment, R.S.A. Written Briefing, Evacuation Plan and any other instructions provided by the management of MIRANDA TEQUILA BAR.

3.1 Environmentally friendly practices

Miranda is committed to endorse environmentally friendly practices that help reduce our carbon footprint. These include:

- Total elimination of plastic straws. We now use Agave straws which are 100% biodegradable and are a bio-product of the Agave plant.
- Recycle responsibly.
- We have reviewed our bar space, bar equipment and lighting to save on energy.
- Changed our purchasing cycle to reduce carbon footprint.
- We changed the way we use ice by cooling drinks by shake over large ice cubes. Also serving drinks that are pre mixed and chilled.

4. Area covered by Venue Management Plan

This Venue Management Plan (VMP) relates to operation of MIRANDA TEQUILA BAR at Basement, 313-315 Flinders Lane, Melbourne CBD 3000. The VMP details policies in relation to managing the venue's operations including patrons, and third-party service providers to the venue.

The venue management plan is supplemented with the listed below. These documents can be found filed in the office.

- RSA Manual.
- Security Management Check List.
- Emergency Evacuation Plan.
- Victoria Police Attendance.
- RAV Compliance Inspection Report.
- Redline Plan.
- RSA Register / Certificates.
- CCTV/ House Policy.
- Venue Signage
- Drugs and weapons.
- Intoxication Guidelines.
- Building Compliance.
- Patron's code of conduct.
- Liquor license.
- Standard operational procedures SOP'S.
- Risk Management plan (Noise, OH&S, Patron intoxication)



4.1 Staff induction.

All staff are required to undertake an induction including reading and signing that they understand the venue's management plan, OH&S policies and staff policies which reflects on the conditions of the Permit. Management is there to assist if staff have any questions or require help to understand. Staff training is managed by staff in collaboration with Employsure.



5. Amenity and noise management.

5.1 Amenity issues & management of outdoor areas

The following condition applies to the amenity of the area around MIRANDA TEQUILA BAR and states:

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 license relates during or immediately after the trading hours authorized under this license.

To ensure the operation of MIRANDA TEQUILA BAR does not detrimentally affect the amenity of the area, the following management controls will apply to the operation of the venue:

Our opening and closing procedures include that the immediate area around the venue is to be cleared of rubbish.

Staff will monitor the cleanliness of the perimeter of the venue during its operation and attend to any amenity issues on an on-going basis.

5.2 Crowd behavior and staff training.

Inside and around the venue will be managed in accordance with RSA procedures, venue's security protocol and venue's code of conduct.

Staff to be trained once every six months in management of patron behavior and communication with patrons according to all RSA practices for the safe handling of patrons. Staff to sign a training log book once training has been carried out.

5.3 Noise issues, Management of patrons who are smoking.

Miranda Tequila Bar must comply with the limits specified in the EPA Victoria, Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Publication 1826.4* May 2021 will be enforced starting from 1st July 2021.

To reduce the noise within the smoking area on Mills place as well as patrons coming in and out of the venue, Miranda Tequila bar will ensure the following steps are taken:

- 1- On late operational nights the venue manager will ensure a sign that reads **(Quiet Zone Please Be Considerate Of Our Residents and Our Neighbours)** is placed on the closest column to our smoking area. This must be done by 11pm. Please see photo below





- 2- The venue's main door on the bottom of the stairs must be closed by 10pm however the door is to remain unlocked to allow patrons to exit the premises.
- 3- The automatic glass door facing Flinders Lane must be closed at 11pm. However, the security and staff will have a key in order to allow patrons entering the bar or allow staff to come in or out of the venue.
- 4- One security guard to be present within 5 meters of the smoking area to control patrons and to ensure they remain quiet. Patrons that speak loudly or behave in breach of our venues code of conduct will be warn once. Failure to obey will result in banning them from entering the bar and will be asked to leave the area.
- 5- Venue manager and or security to ensure an incident logbook is filled in case of code of a breach to our patron's code of conduct.

5.4 Operational Review / Conditions.

The License requires when live or recorded amplified music other than background music is provided:

5.4.1 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, bars and entertainment/dance floor areas.

5.4.2 The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorized in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month.



5.4.3 The position of the cameras will be to the satisfaction of the Licensing Inspector.

5.4.4 Signs, as described below, 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"

5.4.5 Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

5.4.6 The licensee shall install and maintain at the licensed premises, noise limitation or sound attenuation equipment and shall always maintain the equipment so that the escape of amplified music noise from the licensed premises is limited or restricted to comply with the EPA N2 condition referred to above.

5.5 Incident report.

An incident report must be logged the following events occur:

- A patron is refused service.
- If security is called to intervene with disorderly patrons.
- An intoxication occurs.
- Harassment by a patron.

5.6 Details of provision of music and entertainment.

Background music

Thursday 5pm – 9pm

Friday 5pm – 9pm

Dj's

Thursday 9pm – 3am

Friday 9pm – 3am

Saturday 9pm – 3am

International

Comedy Festival

(once per year)

Thursday 5pm – 10pm

Friday 5pm – 9pm

Saturday No later than
9pm

Live bands (occasionally at any



**time between) including Salsa
bands, pianists, guitarists singers**

Thursday 5pm – 1am

Friday 5pm – 1am

Saturday 9pm – 1am

5.7 Maximum capacities, security arrangements, queues minimization.

MIRANDA TEQUILA BAR has a limit of 100 patrons, Staff and management must be always aware when the venue is approaching its capacity.

The Maximum number of patrons on the premises must be no more than 100 persons at any one time.

Patron numbers must be counted and logged, and records must be made available on request to an authorized Police office, or an authorized officer of Council or an authorized officer of Liquor Licensing Victoria.

Patron numbers are to be strictly monitored by management and security to ensure there is no overcrowding.

Management and security personnel must be aware that there is a limit of 20 patrons to be in the queue at any one time. Queuing patrons must be directed to stand on Flinders Lane towards Elizabeth st and remind quiet.

5.8 Entry and exit locations.

MIRANDA TEQUILA BAR has a one main entry and exit located at 313a Flinders Lane CBD. This is an automatic glass door which is guarded by security within the times amplified music is played. This door and the stairs belong to the body corporate of 313 Flinders lane. The door on the bottom of the stairs is the venue's door. An emergency exit is also available on Mill place. This exit is not to be used unless there is an emergency in the venue

5.9 Lighting within the boundaries of the site.

Lighting within the boundaries of the site is managed by the body corporate of the building, the owner's corporation. City of Melbourne manages lighting on Mill place.

5.9.1 Security lighting outside the premises.

Lighting at the front of the venue is managed by the body corporate and the owners corporation.



6. Noise complaints.

The following complaint handling process is to be followed and managed by the directors and/or the venue manager.

Complaints can be received by the following methods:

- Email at info@mirandabar.com.au
- Phone: 0468 995 420

Once the complaint is received by the person or business making the complaint, the following process follows:

- Once the initial email is received, the complainant is asked to fill out form CR313
- Once the form is received by Miranda bar, the complainant is then informed that his or her complaint has been lodged.
- The complaint is logged into the complaints register.
- Should investigation be required, the person is informed management will begin an investigation. This may take up to 3 weeks.
- The complainant is notified of the outcome by email within the 3-week period.
- Should Miranda be found of any breach to our noise or security protocol, the customer will be notified of the appropriate measures Miranda will take to remediate the problem.
- Risk Management plans to be updated.

The investigation may include:

- CCTV footage.
- Interviews with staff, management and or patrons.
- Statements.

The complaints register is to be kept in the premises. The register must include details of the complaint received, any action and the response provided to the complainant.

6.1 Noise and nuisance policy

1. Initial email is received. V.M notifies Directors.
2. Miranda emails the complainant (Form CR313) with the following response:

<https://forms.gle/gBe5Zo3w3BRTMCa36>

Thank you for email voicing your concern. As part of our noise and nuisance policy we require the complaint fill the attached Form CR313. It is important that answers are provided as accurate as possible to ensure your concern is appropriately investigated. Please note that if you choose not to fill the form Miranda Bar may not be able to lodge and respond to your complaint. You will be notified of the outcome once the investigation is concluded. This may take up to 3 weeks.



Regards,

Miranda Bar
Management Team

3. Miranda does not receive the form. The complaint is not lodged. Initial email is kept under Complain Folder.
4. Miranda receives Form CR313: V.M and or directors carry out internal investigation and informs directors.
5. The complainant is notified of conclusion via Google forms and email.
6. Risk assessment is updated should Miranda is found to be in breach of internal policies.
7. Security is notified of outcome.
8. All records to be kept for 5 years.

7. Patron Management / Operations.

Patrons that arrive at Miranda will be managed according to the following protocol:

- Security Personnel will greet patrons at the main door.
- Licensed Security proceeds to Check ID's and screen for patrons that do not meet our dress code criteria as well as patrons coming from other venues that appeared intoxicated.
- If patron meets our requirements, they are let in.
- One crowd controller to walk into the venue regularly to ensure guests are safe.
- Once the entertainment ends, one crowd controller enters the venue to escort patrons out of the venue. The second crowd controller will stay at the main door to ensure guests leave the area quietly.
- At all times during the operation of the venue, there must be present on the premises a person over the age of 21 years (Venue Manager) who is responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality to satisfaction of the Responsible Authority.

The Manager must be authorized by the operator under this permit to make statements at any time on Miranda Tequila Bar behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorized under section 129 of the Liquor Control Reform Act 1998.

Management is required to assist staff and make sure they are following all RSA and venue's process and procedures.

MIRANDA TEQUILA BAR has a code of conduct placed on the entry to the premises. The Code of Conduct provides the conditions for patron prior to entry, If broken they can be removed from the venue.

The Licensee prohibits any person or persons who is believed to be affected by Alcohol / Drugs, refusing entry at this point will make is easier rather than trying to eject someone once they are inside.

7.1 Sexually explicit entertainment.

Must not be provided on the premises. Sexually explicit entertainment is that provided by a person or persons who are nude, display sexual organs or are topless females. Entertainment includes "table-top" dancing, "lap" dancing, topless bar serving staff, live strip tease shows and their equivalent.



7.2 Signs.

Signs, as described below, 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 clear and legible sign must be attached to an inner wall in a prominent position adjacent to the entry/exit point to advise patrons to leave in a quiet and orderly fashion, to satisfaction of the Responsible Authority.

Code of Conduct placed on the entry to the premises, The Code of Conduct provides information on the conditions for patrons prior to entry.

Liquor License General (Including late night general) are now downloadable and printable via the link provided below;

www.vcglr.vic.gov.au/print-my-liquor-signage

General (including late night general)



VCGLR0012018V1

VCGLR0022018V1

VCGLR0042018V1



7.3 Pass outs Arrangements.

Pass outs means you can leave the venue and re-enter. You might get a stamp on your hand, wristband, or a pass to wear.

No Pass outs means once you leave the premises you will not be able to come back.

Patrons are to be stamped upon entry for Pass outs between the hours of 9pm – 2am.

A No Pass outs strategy has been implemented between the hours of 2am – 3am, this is to minimize patrons causing noise disruptions. A No pass out sign has been placed on the wall adjacent to the venues exit.

7.4 Smoking.

Smoking is permitted in the outside area of Miranda Tequila bar in Mill place, known as the venue's smoking area. This area is always cordoned off and supervised by a licensed security guard. This area is cordoned off and is supervised by a security at all times.

Security and management are responsible to maintain the area and have a maximum of 10 people at a time. Constant communication between security and management ensures patrons that use the smoking area are kept as quiet as possible to avoid any noise disruptions.

(Bussies) Staff are to check the smoking area and are instructed to keep it clean.

7.5 Queuing.

Queues on the public footpath will have sufficient space for pedestrians to always pass.

Security and staff will be aware of the importance to minimize the time patrons are waiting in public places.

The Queuing to the premises and the departure of patrons from the premises must always maintain safe pedestrian access through and along Flinders Lane & interior staircase (during bad weather). The number of patrons queuing shall not exceed 20 patrons.

Arrangements shall utilize a roped off barrier (or other suitable crowd control device to the satisfaction of the Responsible Authority)

Security and Management are to maintain and make sure the arrangements are in place from 8pm Friday and 9pm Thursday and Saturday.

Security and management are to ensure patrons are kept as quiet as possible whilst queuing.



7.6 Patron Behavior.

- Trained staff provide an appearance of professionalism which demonstrates Miranda's commitment to the responsible service of alcohol.
- Staff who are informed and well trained will be less likely to place our venue in jeopardy of losing Miranda's license.
- Staff who are friendly and well-mannered create an atmosphere that patrons respond to positively and can decrease the risk of patron and staff assaults.
- Run regular staff meetings to discuss issues (e.g. how they have dealt with difficult patrons, responsible service of alcohol, etc.).
- Ensure all staff take responsibility for monitoring patron behavior and potential consumption of liquor by unduly intoxicated patrons.
- Ensure staff regularly clear away empty glasses and open bottles.
- Record incidents in the register of crowd controllers. This will be especially helpful if court proceedings are necessary.
- Ensure a staff member on duty has first-aid training to deal with emergencies such as heart attacks and even simple injuries such as sprained ankles, cuts from broken glass and heat exhaustion.

8. RSA – Responsible Service of Alcohol.

The owners, staff and management at MIRANDA TEQUIL BAR are committed to the principles and practices associated with Responsible Serving of Alcohol.

We are committed to ensure our customers and staff can enjoy themselves in a fun and safe environment by following Code of Conduct and Responsible Serving of Alcohol.

Staff must be aware of their responsibilities in relation to Responsible Serving of Alcohol.

Management and Staff are strictly required to have their RSA qualifications and must be kept up-to-date accordingly.

Refreshers of RSA qualifications can be viewed and completed online at:

www.vcqlr.vic.gov.au/liquor/pub/education-and-training/rsa-online-refresher-course

The RSA online refresher course is a quick, easy and convenient way to keep your skills up-to-date while also meeting any mandatory RSA training requirements.



8.1 Who needs to complete the refresher course?

All licensees and staff selling, offering or serving liquor for general, on-premises, packaged liquor and late night licenses must complete the approved RSA online refresher course within three years of completing their last RSA program (and every three years thereafter).

8.2 Completing the RSA online refresher course.

The RSA online refresher course includes:

The ability to login and print your refresher certificate at any time from any computer. A video component to each module, and the ability to complete modules at the user's own pace.

Once completed, you will need to attach the online refresher certificate of completion to your original RSA certificate as evidence that you have refreshed your knowledge.

8.3 RSA Staff Meetings / Fines & Penalty's.

Every month staff meetings are conducted. RSA is always on the agenda as it keeps staff on their feet with constant reminders and in-house training courses which assist to keep management and employees up-to-date with the latest initiatives in this area.

Fines and Penalties can impact the operation of the venue. If the venue has to reduce hours or close notonly do the owners suffer financial loss, but staff will also lose their jobs.

Any deviation from best practice can result in fines that may be against the license holders, and or thevenues staff.

A Full list of offences / Fines are detailed below.



Compliance History Trigger Offences These offences are infringements which are taken into account when calculating the annual licence renewal fees.	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$19,826	\$1,983
Permit drunken or disorderly person on licensed premises	108(4)(b)	\$19,826	\$1,983
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(a)	\$19,826	\$1,983
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(b)	\$19,826	\$1,983
Liquor is supplied to a person under 18 on licensed premises, other than as permitted	119(2)	\$19,826	\$1,983
Permit a person under 18 on licensed premises, other than as permitted	120(1)	\$19,826	\$1,983





Sell/supply/consume liquor offences	Section of the Act	Maximum penalty	Infringement notice
Permit any other person to carry on the business of supplying liquor on licensed premises without the consent of the Commission	106(1)	\$9,913	\$991
Sell liquor or offer liquor for sale without a licence	107(1)	\$39,653 or 2 years imprisonment	N/A
Supply liquor other than in accordance with licence and the Act	108(1)(a)(i)	\$9,913	\$991
Permit/cause liquor to be supplied not in accordance with licence and the Act	108(1)(a)(ii)	\$9,913	\$991
Permit consumption of liquor not in accordance with licence and the Act	108(1)(a)(iii)	\$9,913	\$991
Use any place or premises for the supply liquor other than licensed or authorised premises	108(1)(b)	\$9,913	\$991
Take/receive liquor orders other than at a licensed premises	109(1)	\$2,478	\$248
Unauthorised sale of liquor through vending machines	109A	\$9,913	N/A
Bringing into or consuming liquor on licensed premises not in accordance with licence	111(a)	\$4,131	\$413
Permit liquor to be brought into/consumed or supplied on licensed premises not in accordance with licence	111(b)	\$4,131	N/A
Consume, supply, possess or permit liquor on unlicensed premises to which section 113 applies	113 (1) (1A) (1B) & (1C)	\$8,261	\$330
Permit unauthorised consumption of liquor on party bus	113A (1)	\$8,261	\$330
Obtain/consume liquor on licensed premises other than in accordance with the licence or the Act	114(1)(a)(i)&(ii)	\$3,304	\$330
Falsely indicate that premises are licensed premises	116(a)	\$2,478	\$248
Falsely indicate being licensed to supply or to allow consumption of liquor	116(b)	\$2,478	\$248
Sale of alcohol-based food essences in container above permitted capacity	118A	\$4,957	\$496
Supply certain classes of liquor (i.e milk products, alcoholic vapour, liquor in flexible tubes, liquor that is a dry, soluble, concentrated substance)	118B	\$4,957	\$496

Intoxication/drunk offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person*	108(4)(a)	\$19,826	\$1,983
Permit drunken/disorderly person on licensed premises*	108(4)(b)	\$19,826	\$1,983
Procure liquor for intoxicated person on licensed premises	114 (1)(b)(i)	\$3,304	\$330
Aid/abet intoxicated person to obtain liquor on licensed premises	114 (1)(b)(ii)	\$3,304	\$330
Refusal or failure by a person who is drunk, violent or quarrelsome, to leave licensed premises when requested by a licensee, employee of licensee or Victoria Police	114(2)	\$8,261	\$826

Signage/plans/licence display offences	Section of the Act	Maximum penalty	Infringement notice
Fail to display copy of licence at licensed premises	101	\$826	\$83
Failure to give a current plan or depiction of the licensed premises to the Commission as soon as practicable after the Commission requests	101A(3)	\$1,652	N/A
Failure to keep a copy of the last plan or depiction of the licensed premises on the licensed premises	101B(1)	\$1,652	N/A
Fail to produce a copy of the plan or depiction for inspection by a member of Victoria Police or a gambling and liquor inspector	101B(2)	\$1,652	\$165
Fail to display notices as required by Commission	102(1)	\$826	\$83
Fail to display notice in form required by Commission	102(2)	\$826	\$83



Underage offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)*	119(1)(a)	\$19,826	\$1,983
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)*	119(1)(b)	\$19,826	\$1,983
Liquor is supplied to a person under 18 on licensed premises, other than as permitted*	119(2)	\$19,826	\$1,983
A person other than a licensee or licensee's employee supplying liquor to a person under 18	119(3)	\$19,826	\$1,983
Supply liquor to a person under 18, by an employee, other than as permitted	119 (4)	\$3304	\$330
Permit person under 18 on licensed premises, other than as permitted*	120(1)	\$19,826	\$1,983
Send person under 18 to obtain liquor	121	\$19,826	\$1,983
Permit person under 18 to supply liquor on licensed premises, unless engaged in training program approved by the Commission	122(1)	\$19,826	\$1,983
Falsely represent oneself to be over 18 years in order to purchase liquor or enter licensed premises	123(4)	\$826	\$83
Give evidence of age document to another	124(1)	\$3,304	\$330
Deface/interfere with evidence of age document	124(2)	\$3,304	\$330
Knowingly make false evidence of age document	124(3)(a)	\$3,304	\$330
Knowingly give a false evidence of age document to another	124(3)(b)	\$3,304	\$330
Supply false information, documents, or material to obtain a proof of age document	125(1)(a)	\$3,304	\$330
Pass on any documents or material that does not relate to him or her for the purposes of evidence of age document	125(1)(b)	\$3,304	\$330
Give a document or material to another person to support an application for a proof of age document that contains information that is false or misleading	125(2)(a)	\$3,304	\$330
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$826	\$83
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$826	\$83
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$826	\$83

*see compliance history risk fee and trigger offences on the front page. These offences also affect the star rating and demerit point systems.

Responsible Service of Alcohol (RSA) training offences**	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee (natural person) to complete an approved RSA program (either refresher or initial training) within 3 years of last completing an approved RSA program	108AA(2)	\$9,913	\$991
Failure by licensee (body corporate) to ensure that the person responsible for the management or control of the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of last completing an approved RSA program	108AA(3)	\$9,913	\$991
Failure by the licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program within the 3 years prior to beginning to sell, offer for sale or serve liquor on the licensed premises (New serving staff have a one month grace period to meet this requirement)	108AB(2)	\$9,913	\$991
Failure by licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of last completing an approved RSA program	108AC (2)	\$9,913	\$991
Failure by the licensee to establish and maintain an approved RSA program register	108AD (2)	\$826	\$83
Failure by the licensee to produce an approved RSA program register	108AE (2)	\$826	\$83



Designated area/banning notices offences	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee to comply with an advertising or promotion banning notice given by the Commission	115A(2)	\$19,826	N/A
Refuse or give false particulars of name or address to Victoria Police for the purposes of a banning notice	148D(3)	\$826	N/A
Failure to comply with the request to produce evidence of name and address to Victoria Police for purposes of a banning notice, unless having a reasonable excuse	148D(7)	\$826	N/A
Contravening a banning notice or failing to comply with Victoria Police direction when in a contravention of banning notice	148F(1)&(2)	\$3,304	\$330
Contravening an exclusion order or failing to comply with Victoria Police direction when in contravention of exclusion order	148J(1)&(2)	\$9,913	\$991
Knowingly permit a person to whom a banning notice or exclusion order applies to enter the licensed premises	148Q(1)&(2)	\$9,913	N/A

Fire safety offences	Section of the Act	Maximum penalty	Infringement notice
Refusal or failure to comply with a requirement of a fire safety inspector	148Z	\$9,913	N/A
Refuse to allow a fire safety inspector to enter licensed premises	148ZA	\$9,913	N/A
Providing false or misleading particulars to a fire safety inspector	148ZB (a)&(b)	\$9,913	N/A
Contravening a closure and evacuation notice	148ZJ(1)	\$39,653	N/A
Failing to comply with a direction of a fire safety inspector or authorised person	148ZJ(2)	\$3,304	\$330
Allowing a person to enter licensed premises after notice has been served	148ZK	\$19,826	N/A
Failure to display a sign about the notice at all entrances and exits when a closure and evacuation notice is in force	148ZL	\$1,652	N/A



Barring order offences	Section of the Act	Maximum penalty	Infringement notice
Person who has been refused entry or has left following a request remains in the vicinity of the licensed premises	114(3)	\$3,304	\$330
Person who has been refused entry or has left following a request re-enters the licensed premises within 24 hours of being refused or requested	114(4)	\$3,304	\$330
Failure to comply with barring order by entering or remaining on a licensed premises from which person is barred without reasonable excuse	106J(1)	\$3,304	\$330
Failure to comply with barring order by re-entering or remaining in the vicinity of licensed premises from which person is barred without reasonable excuse	106J(2)	\$3,304	\$330
Failure by licensee or permittee to keep record of barring order, including a variation or revocation	106K(1)	\$826	\$83
Failure by licensee or permittee to produce records of barring orders where requested by Victoria Police or a gambling and liquor inspector	106K(2)	\$826	\$83
Licensee or permittee must not disclose barring order records except as required by the barring order provisions	106K(4)	\$826	\$83
Failure to destroy barring order records after 3 years after expiry or revocation	106K(5)	\$826	\$83
Failure to comply with request from Victoria Police to state name and address without a reasonable excuse, or stating a name or address that is false	106H(3)(a)&(b)	\$826	\$83
Failure to produce evidence of name or address when requested by Victoria Police	106H(7)	\$826	\$83



Other offences	Section of the Act	Maximum penalty	Infringement notice
Failure to notify the Commission within 14 days of a person ceasing to be a nominee	54(11)	\$826	\$83
Failure by owner or mortgagee to register name with the Commission	98(a)	\$826	\$83
Failure by owner or mortgagee to notify the Commission of any change of address	98(b)	\$826	\$83
Fail to provide refreshments on request at licensed premises	99	\$826	\$83
Failure to supply and have available suitable free drinking water on a licensed premises where alcohol is consumed on-site.	99A	\$4,957	\$496
Fail to maintain residents' register in a form approved by the Commission	100(a)	\$1,652	\$165
Fail to enter particulars in residents' register	100(b)	\$1,652	\$165
Fail to keep residents' register on licensed premises	100(c)	\$1,652	\$165
Permit/cause/make any false or misleading entries in the residents' register	100(d)	\$1,652	N/A
Fail to produce residents' register for inspection by Victoria Police or a gambling and liquor inspector	100(e)	\$1,652	\$165
Fail to notify Commission of cessation of company director within 14 days	103(1)	\$826	\$83
Fail to have the director of a body corporate approved by the Commission	103(2)	\$826	\$83
Failure to notify the Commission within 14 days that a person has ceased or has become an associate	103A(2)	\$826	\$165
Letting or sub-letting any part of the licensed premises, or assign the right to supply liquor, without consent of the Commission	105(1)	\$9,913	\$991
Failure to notify the Commission in writing within 21 days of commencing to provide sexually explicit entertainment on the licensed premises	106B	\$1,652	\$165
Permit unlawful games on licensed premises	108(1)(d)	\$9,913	\$991
Failure by licensee (body corporate) to give list of names and addresses of directors to a member of Victoria Police or a gambling and liquor inspector	108B(1)	\$1,652	\$165
Failure by a licensee who is a club, to give a list of the names and addresses of members in its committee of management, to a member of Victoria Police or a gambling and liquor inspector	108B(2)	\$1,652	\$165
Provide false or misleading information to a member of Victoria Police or gambling and liquor inspector	108B(3)	\$3,304	N/A
Holding oneself out, when carrying on a business, as being prepared to order or purchase packaged liquor from a licensee acting on behalf of another person	110	\$2,478	N/A
Keep liquor for supply or consumption in unlicensed club premises	112(1)	\$4,131	N/A
Obtaining liquor by falsely representing oneself to be a resident of a licensed premises	114(1)(c)	\$3,304	\$330
Betting or allowing a person to bet on licensed premises, other than as permitted	115(1)	\$3,304	\$330
Procuring a transfer of a licence or a BYO permit by fraud or false representation	117(1)	\$8,261	N/A
Making a false or misleading statement	118(1)	\$9,913	N/A
Refuse to give particulars of name or address or age	126(4)(a)	\$2,478	\$248
Give false particulars of name or address or age	126(4)(b)	\$2,478	\$248
Give false evidence of name or address or age	126(4)(c)	\$2,478	\$248
Refuse or fail to give name and address to authorised persons*	130A(3)(a)	\$3,304	\$330
Give false name or address to authorised persons	130A(3)(b)	\$3,304	\$330
Obstruct, hinder or abuse authorised person from performing their duty under the Act	130E	\$9,913	N/A



8.4 License Condition RSA.

All persons engaged in the serving of Liquor must undertake a responsible serving of alcohol course provided by or approved by Liquor Licensing Victoria.

8.5 RSA Register Location.

MIRANDA TEQUILA BAR has the responsibility to ensure that the RSA Register is kept up-to-date and that staff are appropriately qualified.

Management has an RSA folder that includes a table for all staff members including bar staff which has their current RSA status as well as a copy of their RSA certificates.

A Victoria Police Attendance Sheet is also present in the Venue Compliance Essentials (VCE) folder for Police, Compliance Officers and other authorized persons to sign should they inspect the RSA folder.

LIQUOR FORUM AND ACCORD GUIDELINES

Establishing and operating a local liquor forum



Victorian Commission for
Gambling and Liquor Regulation



April 2011



VICTORIA POLICE

ATTENDANCE SHEET



VICTORIA POLICE ATTENDANCE SHEET

CAVEAT
 This document has been compiled to assist police to co-ordinate multiple visits within licensed premises and to reduce the time spent conducting compliance inspections. The information contained herein is NOT EVIDENCE and does not indicate compliance or non-compliance and is intended to provide information to police attending licensed premises.

VISITS
VICTORIA POLICE INSTRUCTIONS
 When completing this section, **CIRCLE** Yes or No (Y / N) in the relevant box if you have inspected these items, or not, and complete the date/time, call sign etc. This will indicate to the next attending unit that these areas have been inspected. Do not indicate results of your compliance inspection on this document. Initialling an area does not indicate compliance or non-compliance with the Liquor Control Reform Act, only that it has been inspected.
 Description of what to check is found at the bottom of this form.
PREMISES TO BE ALSO INSPECTED FOR PATRON BEHAVIOUR, DRUNKS, SERVE INTOX, UNDERAGE OFFENCES
REMEMBER TO COMPLETE LPIR IF REQUIRED

Licence: Y / N	CCTV: Y / N	Signs: Y / N	Red Line plans: Y / N	RSA Cert & Reg: Y / N
CC Reg: Y / N	CC Lic's: Y / N	No. CC's:	Walkthrough Only: Y / N	MFB (complete below)
Date/Time	Call Sign	Patron Nos	Signature	Surname/Rank/No.

Licence: Y / N	CCTV: Y / N	Signs: Y / N	Red Line plans: Y / N	RSA Cert & Reg: Y / N
CC Reg: Y / N	CC Lic's: Y / N	No. CC's:	Walkthrough Only: Y / N	MFB (complete below)
Date/Time	Call Sign	Patron Nos	Signature	Surname/Rank/No.

Licence: Y / N	CCTV: Y / N	Signs: Y / N	Red Line plans: Y / N	RSA Cert & Reg: Y / N
CC Reg: Y / N	CC Lic's: Y / N	No. CC's:	Walkthrough Only: Y / N	MFB (complete below)
Date/Time	Call Sign	Patron Nos	Signature	Surname/Rank/No.

Licence: Y / N	CCTV: Y / N	Signs: Y / N	Red Line plans: Y / N	RSA Cert & Reg: Y / N
CC Reg: Y / N	CC Lic's: Y / N	No. CC's:	Walkthrough Only: Y / N	MFB (complete below)
Date/Time	Call Sign	Patron Nos	Signature	Surname/Rank/No.

- Licence:** Check the licence is displayed in a conspicuous place on the premises in a manner that invites public attention. Check conditions, operating times, year of 'issue' (new licences may not be received until March of that year)
- CCTV:** Check that, if it is a condition of licence, that the CCTV complies with the conditions on licence.
- Signs:** Dependant on licence but 4 signs required for late night licenses (Late Night On Premises and General - 'Intoxication'/'No Proof - No Purchase'/'No Proof - No Entry'/'Be Safe')
- Red Line:** Licensed premise is area within red line plan - plan should be available for inspection on request and on premises consumption should only be within this area.
- RSA Cert & Reg:** If applicable to licence, ensure RSA Certificates are on hand and RSA Training Register is up to date if applicable. (if unsure submit LPIR)
- CC Reg:** All Crowd Controllers must sign in CC Register at commencement and completion of shift and all incidents must be recorded in register.
- CC Licences:** All CC's must have current CC licence in their possession - recorded on LEAP. CC licences are managed by Licensing Services Division - if issues with CC then submit 47 to LSD.
- No. of CC's:** Ensure there are adequate Crowd Controllers as per licence conditions - if required to have CC's - place number of CC's currently on duty in the box.

TO BE KEPT IN 'VENUE COMPLIANCE ESSENTIALS' RESOURCE FOR 1 MONTH AND THEN FILED AT VENUE



8.6 RSA Guidelines of responsible serving of alcohol.

- Any patrons under 18 years of age must not be served alcohol.
- Liquor services must be refused to any intoxicated patrons
- Drunk and disorderly patrons must not enter the premises.
- Drunk and disorderly patrons must not remain on the premises.
- There must not be any advertisements on the premises that encourage binge drinking or drunkenness.

8.7 Factors that affect blood alcohol content.

Not all people will be affected by alcohol in the same way. Several factors may impact on the way in which an individual reacts to the use of alcohol. These factors may include:

Gender: Women tend to absorb more alcohol into their bloodstream than men of their same weight.

Size :Larger people may not be affected by alcohol in the same way as a lighter smaller person.

Fitness :A fit person has more muscle and less body fat. Body fat is a factor that may affect blood alcohol content. Because a fit person has more muscle it will take more alcohol to increase their blood alcohol level.

Psychological :An unhappy or depressed state of mind may be increased when a person drinks alcohol. These people tend to become intoxicated at a much faster rate than normal drinkers.

Rate of Drinking: If a person drinks alcohol quickly it will have a greater effect because they are drinking faster than it can be removed from their body.

Drinking on an empty stomach: Food slows the rate at which the blood stream absorbs alcohol. This allows the body more time to remove it. Although the alcohol will stay in the system longer, blood alcohol content will not rise to the same levels if a person has had something to eat.

Medication: Many medications will interact with alcohol. People should avoid drinking alcohol when taking medication.

8.8 Signs of Intoxication

Signs of intoxication may include the following:

becoming loud, boisterous

difficulty walking

straight becoming

argumentative

bumping into furniture or customers



annoying other patrons and staff
rambling conversation
using offensive language
loss of train of thought
spilling drinks
difficulty in paying attention
fumbling and difficulty in picking up objects
not hearing or understanding what is being said swaying
drowsiness or dozing while sitting at a bar or table.

Management and Staff are trained to recognize these signs and behavior to determine whether Patrons are intoxicated.

8.9 Reasonable grounds for a belief.

The law requires that one has 'reasonable grounds' for the belief that the person is intoxicated as a result of alcohol consumption. If Management or Staff have "reasonable grounds" to believe the Patron is intoxicated, the Patron must leave the Premises. A belief can be formed on these basis

- of observing the physical signs and symptoms, talking to the person and themselves

8.10 Advertising Alcohol on Premises.

There are clear standards and guidelines for licensees to follow when advertising or promoting liquor sale or events.

The way alcohol is promoted and sold influences patrons, the way they consume alcohol and how they behave. Some drink promotions can encourage the excessive and irresponsible consumption of alcohol, which in turn contributes to:

- anti-social behavior
- alcohol-related violence and disorder, and
- adverse health effects.



8.11 Monitoring entrances.

All Management and Staff must be proactive in managing who enters the Premises. The early detection of minors or those affected by alcohol will greatly minimize risk to the venue and its license. Drunk and disorderly patrons must not enter the Premises at any given time. Management and Staff are required to request Identification if there is any doubt in relation to age of the Patron.

8.12 Minors and under-age drinking.

Minors and under-age drinking are not permitted on the Premises. Heavy Penalties apply to licenses and staff who permit under-age drinkers to consume liquor and enter the licensed premises.

8.13 Exceptions to Minors entering the Licensed Premises.

A person under-18 years of age isn't permitted on the licensed premises unless there is a condition listed on the licence, or the minor is:

- in the company of a responsible adult, or
- having a meal, or
- is a resident, if accommodation is supplied
- employed by the licensee but not involved in the supply of alcohol
- completing a training program in hospitality.

A responsible adult is defined as a person who is of or over the age of 18 years and is:

- the minor's parent, step-parent, guardian, grandparent, or
- the minor's spouse who is above the age of 18, or
- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the minor.

8.14 Acceptable evidence-of-age documents include:

- Australian driver's license with photograph
- Australian or other current passport
- Victorian Government "Proof-of-Age" card
- Keypass "Proof-of-Age" card
- A driver's licence or learner's permit issued by Vic Roads, or a driver's licence from another state.



8.15 Management and staff should be aware of common methods to fake I.D.'s are:

- Using another person's I.D.
- Inserting a substitute photo into the I.D. card, and
- Altering the date of birth.

8.16 Disabilities and Conditions that have similar symptoms/signs to intoxication.

Management and Staff need to be aware that different types of disabilities can create the impression that a person is intoxicated.

Prior to refusing service on the basis that a person is intoxicated, Management and Staff must be able to rule out various medical conditions and disabilities that cause symptoms similar to intoxication. For example, possible illness or injury or medical conditions such as brain trauma, hypoglycemia or pneumonia.

Sometimes physical and mental disabilities can show some of the same signs and symptoms as alcohol intoxication such as a disability is acquired brain injury, which among other things, affects gait, slurs and slows speech and affects motor responses, all of which can be characteristics of intoxication. Management and Staff must consider the possibility of the existence of any of the above conditions prior to refusing service on the basis that a person is intoxicated. One simple method is to simply ask the patron if they have a disability, and Management and Staff can then act on that response.



8.17 Actions to be taken when a Patron is intoxicated.

It is against the law to serve alcohol to a person who is intoxicated. If Management or Staff have reasonable grounds for the belief that a Patron is intoxicated, they must refuse service to that person.

When Management and Staff are refusing service to a person, they must:

- Advise the person that Management and Staff will not serve them alcohol anymore.
- Repeat firmly that by law they cannot be served another drink and management, or staff may recommend that the patron have water or a soft drink.
- Notify the manager or security or both. Also notify other bar staff that service has been refused.
- If patron show signs of intoxication, security must escort patron out of the venue immediately.
- If considered necessary, Management may impose a short-term ban on the patron.

8.18 Spiked Drinks and Drugs.

Management and Staff at the Licensed Premises will not tolerate any drug taking or drink spiking. Drink spiking has been defined as:

“Drugs or alcohol being added to a drink, without the consent of the person consuming it”.

Management, staff, and security must be vigilant for unattended drinks especially for female patrons and must be removed as soon as they are detected. Any complaints in relation to removal of unattended drinks should be referred to the RSA Compliance Manager.

In the event Management or Staff suspect drink spiking is occurring, the following procedures apply:

- Inform management and security immediately.
- Police must be notified immediately, and the call logged in the Incident Register.
- Where possible the identity of the patron obtained and recorded in the Incident Log with a full incident report completed.
- Obtain any visual evidence of the event, i.e. security cameras or digital photographic device.
- Copy of Incident Report to be handed to duty manager as soon as practicable.

Should a patron involved in a drink spiking incident or their friends or the Perpetrator refuse to co-operate or provide their details, they are to be removed from the venue and be informed that they are banned from the venue. Visual evidence is to be obtained of this procedure where possible.

Management is to be notified as soon as possible and an Incident Report with full details of the incident must be submitted.



8.19 Leaving the premises.

All Management and staff of the venue has a responsibility to ensure patrons leave the premises in a safe and orderly manner. Signage must be provided to prompt patrons to leave quietly. Patrons must not loiter around the Premises entrances.

8.20 VCGLR Additional Information.

RSA and related documents are available on the VCGLR website as below;

<https://www.vcglr.vic.gov.au/>

It is important to review updates that are provided including Annual reports and through the VCGLR Forums.



9. Key Contacts

This list should be displayed in the Event Coordination Centre, first aid and information posts. It will act as a quick reference for staff and volunteers involved in the event.

Position / Organisation	Contact	Phone
Directors	Heinz Schäfer	0468 995 420
	Miguel Paredes	0423 494 695
First Aid Officer	Jhonny Milla	0404 057 025
Chief Warden	Miguel Angel Paredes	0423 494 695
Venue Manager	Jhonny Milla	0404 057 025
Melb CBD Police Station	#	03 8690 4444
Ambulance	#	000
SES	Switchboard	13 25 00
Sound Engineer	Hax	0430 246 380
The Royal Melbourne Hospital	#	03 9342 7000
CFA	#	1800 226 226
Taxi	13 Cabs	132 227
Public Transport Victoria	National	1800 800 007
Security	Sentry Services	
Poisons Information	Life Line	13 11 14
Plumbing	Omer Kurucu	0431 792 525
Electrician	Ali	0422 618 903
Traffic Management	CityWide	(03) 9261 5000
Waste removal	JJ Richards	(03 9794 5722)



10. Coordination and Communications

10.1 Venue Coordination Communications Two-way radio allocation.

Nine two-way radios are available for the event. Use this table to allocate radios for your event.

Role	Name	Radio number
Manager	Jhonny Milla	1
Supervisor		2
Bar Staff		3
Management, First Aid/Chief Warden	Jhonny Milla	4
Security 1	Contractor	5
Security 2	Contractor	6
Security 3	Contractor	7
Bussie		8
Directors		9



11. Facilities.

11.1 Toilets.

The Venue is responsible for the provision of adequate toilet facilities. When additional temporary toilets are required, arrangements need to be made regarding servicing such as the supply of additional toilet paper and cleaning arrangements.

Bussie is to make sure toilets areas are always clean including mopping up wet floors where required.

Female toilets are to be checked by female bar attendants or female security.

11.2 VIP Room.

Miranda's VIP room is available for private functions and Tequila Masterclasses.



12. Waste Management Plan



Planning application number: TP-2002-279B

Address: Basement Level, 313-315 Flinders Lane, Melbourne CBD 3000

Land use type: Commercial

Number of floors: 1, includes plant room & service level

Floor area (m²) : 226 m²

12.1 City of Melbourne waste generation rates (L/day)

Outlet type	Garbage	Recycling
Licensed club	50L/100 m ² floor area/day	50L/100 m ² floor area/day

A full list of the City of Melbourne waste generation rates can be found online at <http://www.melbourne.vic.gov.au/BuildingandPlanning/Planning/formsfees/Pages/factsheets.aspx> .

12.2 Waste volume calculation

Tenancy size	Garbage	Recycling
226 m ² Licensed club	$226/100 \times 50L = 113 \text{ L/day}$	$226/100 \times 50L = 113 \text{ L/day}$
Total daily waste	113 L/day	113 L/day
Total weekly waste	678 L/week	678 L/week

Note: Only fill in rows required

Weekly waste = total L/day by number of operational days per week



12.3 Collection frequency, number and size of bins

GARBAGE / ORGANICS				COMMINGLED RECYCLING / GLASS			
Frequency (a)	Bin size (b)	No. Bins (c)	Weekly Volume =(a)x(b)x(c)	Frequency	Bin size	No. Bins	Weekly Volume
	1100L				1100L		
	660L				660L		
	360L				360L		
1	240L	1	240	1	240L	3	720
	120L				120L		
TOTAL (d) = or > (g)			240L / week	TOTAL			678L / week

12.4 Bin storage location: Bin Storage Room with bin wash & ventilation

Bin storage:

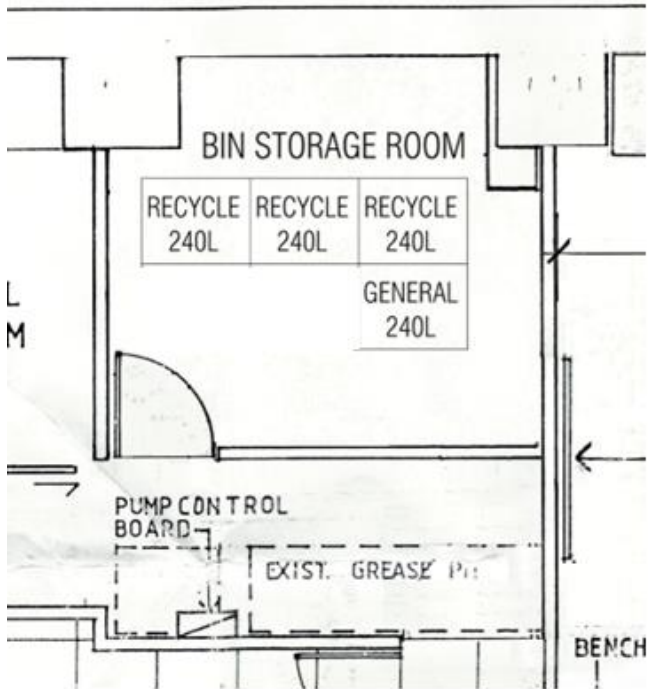
- Bins are stored within the property boundary.
- Bin storage areas must be big enough to fit all the bins listed in your plan, as well as any other bin equipment (for example a bin tug)
- There must be enough space to access and move bins
- There should not be stairs or a slope between the bin storage area and the waste truck

12.5 Waste collection location: Directly from front of property via Flinders Lane

Waste collection contractor: Private JJ Richards Waste and Recycling www.jiswaste.com.au- weekly for garbage and 7 weekly for recyclables on Mondays 6am

Scaled waste management drawings:





14.6 Future bin proposal up on changes to council recycling plans (Separated glass)

GARBAGE				COMMINGLED RECYCLING			
Frequency (a)	Bin size (b)	No. Bins (c)	Weekly Volume =(a)x(b)x(c)	Frequency	Bin size	No. Bins	Weekly Volume
	1100L				1100L		
	660L				660L		
	360L				360L		
	240L			1	240L	1	480
1	120L	1	120		120L		
TOTAL (d) = or > (g)			240L / week	TOTAL			480 L / week
ORGANICS				GLASS			
Frequency	Bin size	No. Bins	Weekly Volume	Frequency	Bin size	No. Bins	Weekly Volume
	240L			1	240L	2	480
1	120L	1	120		120L		
TOTAL			0 / week	TOTAL			720L / week



Garbage and recycling bins must always be stored on-site between collections. It is illegal to store waste and recycling bins permanently in the public space other than in circumstances prescribed by the City of Melbourne. City of Melbourne's Activities Local Law includes specific waste requirements that must be adhered to by all developments.

The Venue consists of a ventilated Bin and wash area 15m² with both a recycling bin and waste bin.

Staff are to maintain cleanliness in all area's including Bin and wash area

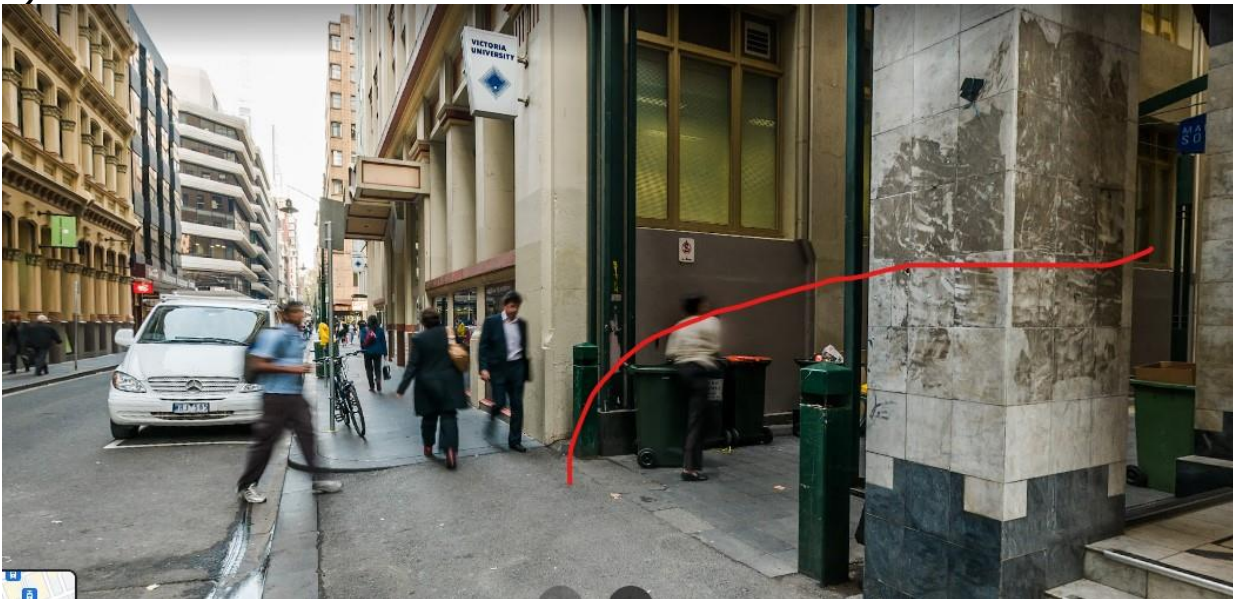
No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection".

Management of the venue shall ensure that bussies will clean the area surrounding the venue and that it is cleaned by staff during the operation of the venue.

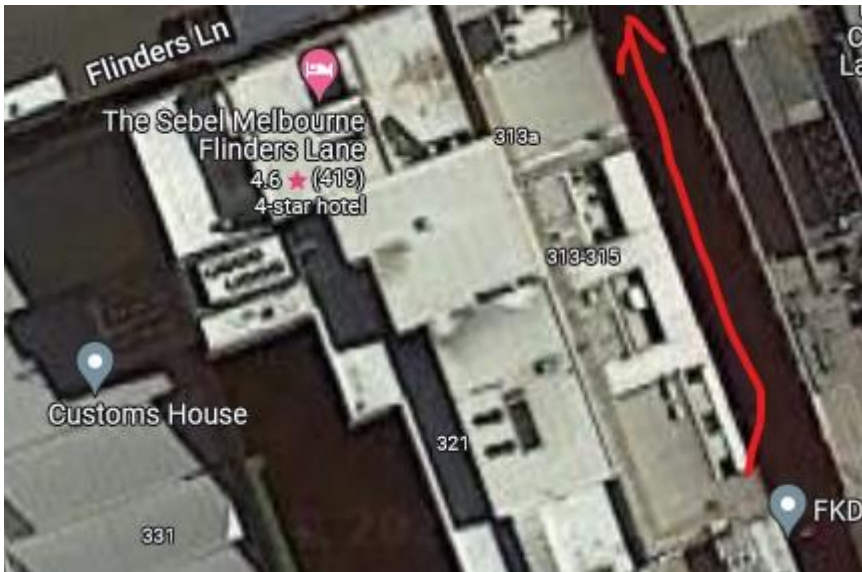
14.7 Waste removal path

The following images dictate the path of the (a) Waste removal personnel (b) the top down path of MIRANDA staff. c) temporary location of bins for pickup

a)



b)



c)



Position marked by red X may differ by 1-2 square metres, as other businesses who already place their waste may therefore alter the final position.



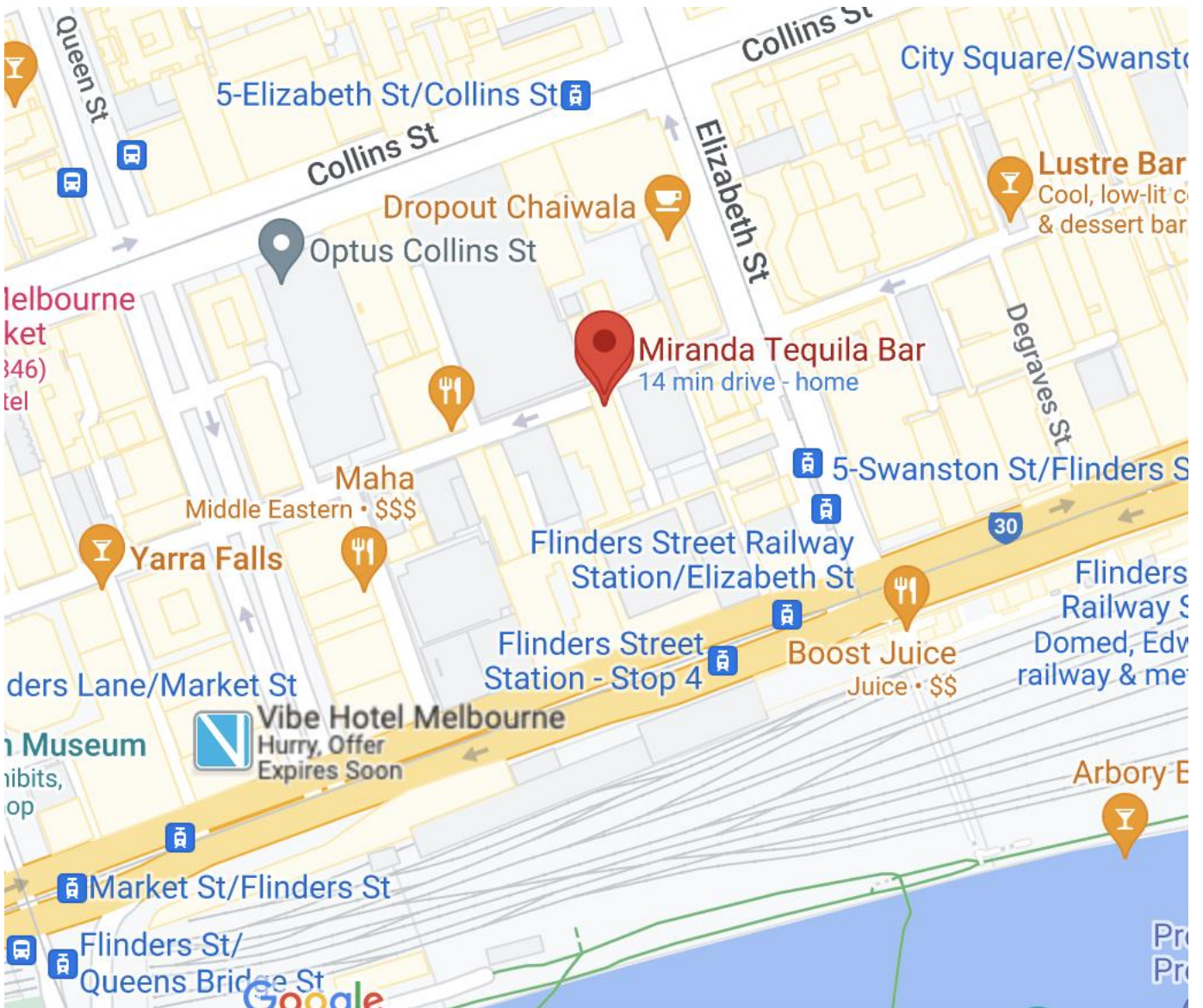
14.8 Signage

Signs will be required at drop-off points and within the bin area to encourage correct recycling and reduce contamination. The City of Melbourne provides assistance with signage.



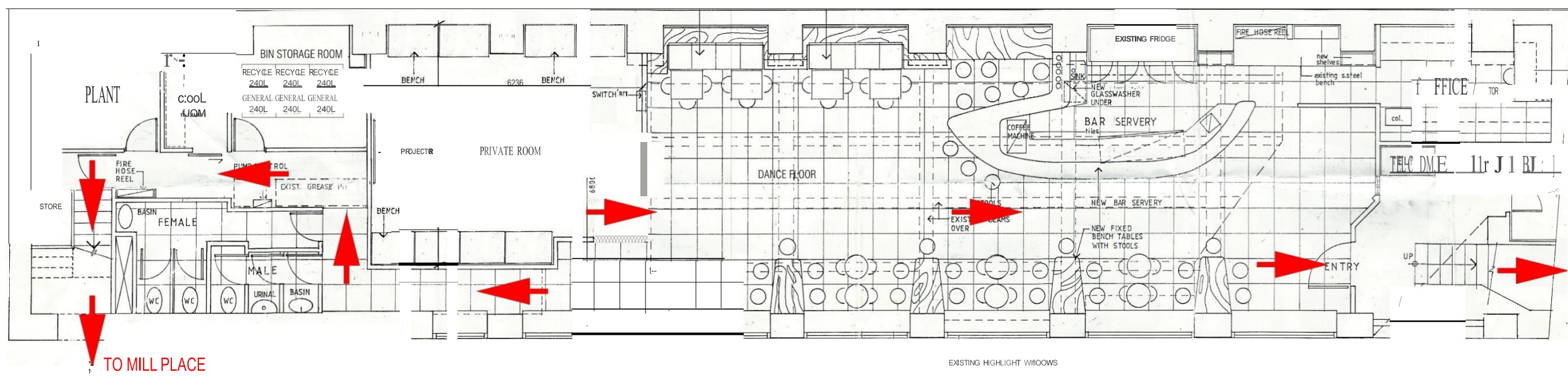
15. Site Plan

Map provided below



16. Emergency Management Plan.

16.1 Evacuation plan



16.2 Emergency Management Personnel.

Venue Management: Jhonny Milla 0404 057 025

Chief Warden: Miguel Paredes 0423 494 695

Security: Sentry Services Pty Ltd Demoz Lpcapglu 0421 150 566

16.3 Venues evacuation plan.

- Fire alarm activation is automatic if emergency is within MIRANDA TEQUILA BAR boundaries
- If emergency is on any of the levels above —
 - a loud alarm sound AND a voice over advising to evacuate will be heard
 - Evacuation is a priority!
 - a loud alarm without the voice over = Fire warden uses Fire Telephone to connect with switchboard for further direction

- If there is a need to evacuate immediately:
 - All Staff are to leave the premises
 - Fire Warden is to switch off gas mains (located at the back door)
 - Supervisors to ask guests to collect belongings in the immediate area (cloaked items are to remain cloaked)
 - All guests to evacuate and move down Flinders Lane to the corner of Flinders lane and Mill place.
 - If possible, Staff are to evacuate through the back exit via Mill Place, and gather at Flinders Lane/ Mill place intersection
 - Supervisors are to check Venue including toilets and kitchen areas to ensure all staff and guests have evacuated before evacuating themselves.
 - When venue is all clear, supervisor is to remain with staff at end of Mill Place, while the Fire Warden returns to the front of the venue (Flinders Lane) to liaise with The MFB.

IF ANY GUEST REFUSES TO EVACUATE:

- Fire Warden will ask three times
- If still refusing, Fire Warden will notify the Fire Brigade upon arrival who will take care of the situation

MIRANDA TEQUILA BAR needs to have faith in guest's honesty that they will return to fix up their bills or continue with their lunch. Patron safety is more important than revenue.

LATE NIGHT TRADING HOURS

There will be no answer at the switchboard (assume the Chief Fire Warden will only be working office hours):

- a loud alarm without the voice over
 - Cease bar service at direction of Fire Warden or Supervisors
 - Alert all security personnel and venue staff of possible evacuation
 - a loud alarm sound AND the voice over advising to evacuate
 - Cease bar service at direction of Fire Warden or Supervisors
 - Alert all security personnel and venue staff of possible evacuation
 - Stop music and announce. evacuation commencing to patrons
 - Staff to take up allocated positions as listed below
 - Security staff to move patrons on to street toward corner of Flinders Lane and Elizabeth Street
 - Once all patrons are evacuated Fire Warden is to check restaurant and toilets areas to ensure all staff and guests have evacuated before evacuating themselves
 - Fire Warden is to switch off gas mains (located at the back door)

STAFF TO ASSIST WITH EVACUATION DURING LATE NIGHT TRADE

1. One staff to remain at the back door to ensure no patron enters the premise via Mill Place. Patrons need to be directed away from the premise via Flinders Lane if it is safe to do so.
2. One staff at door near toilets to guide patrons through to rear fire escape towards Mill Place.
3. One staff at the base of the stairs to guide patrons upstairs to the exit via Flinders Lane.
4. The rest of the staff are to evacuate through the back laneway and remain in a group until further notice. ABSOLUTELY NO SMOKING WHILST OUTSIDE !

SECURITY

- One security is required at Flinders Lane entry to help guide patrons safely to the street once everyone has been evacuated, he can return to the front of the venue to remain with the rest of security.
- The remaining security are to move crowd onto the street as quickly as possible, ensuring Toilets and Store Rooms also are cleared.

When MFB arrive, the Fire Warden will be able to confirm all patrons are out of the building.

FIRE WARDEN: Jhonny

16.4 Emergency Management Processes

Type of Emergency	Actions Required
Explosion	<ul style="list-style-type: none"> • Clear area • Assist anyone in danger, if safe to do so. • Management to advise if ambulance, fire brigade or police are required and the nature and location of the emergency. If required dial "000" (or 112 on mobile) • If required, staff will assemble all people on site in the office Room and set up first aid station. • If possible, all public, all personnel associated with the event and staff will be evacuated from the site.
Medical Emergency	<ul style="list-style-type: none"> • Check for dangers to: <ul style="list-style-type: none"> ○ Yourself ○ Bystanders ○ Injured/ill person. • Contact the designated First Aid service. • Notify security and Management. • Remain with the injured person and provide appropriate support. • If required designate someone to meet the Ambulance at the front of Miranda Bar & Lounge and direct the Ambulance to the location of the accident.
Personal Threat	<ul style="list-style-type: none"> • Notify Security, and management immediately. • They will determine if the severity requires police presence. • Do not do or say anything that may encourage irrational behaviour. Security will follow protocol. • If possible, alert any Event organizers in your vicinity and have them direct visitors away from the offender. • Have as many people as possible complete the Offender Description form (attached).
Bomb Threat	<ul style="list-style-type: none"> • Record all information

Type of Emergency	Actions Required
	<ul style="list-style-type: none"> • Do not do or say anything that may encourage irrational behavior. • Notify Security, management as soon as possible. • It is more likely that the police will instruct all people on site to evacuate. • If a search is conducted it should be done systematically, concentrating on the most likely places such as toilets, equipment rooms, sheds and ceilings where tiles are out of place. • Ensure that doors and windows are left open. • DO NOT touch any suspicious object found. • If a suspicious object is found, or if the wording of the threat identified a particular place, then the decision to evacuate may be exercised.
Hostage	<ul style="list-style-type: none"> • STAY CALM. Encourage others to stay calm. • Notify Security, management immediately. • Do not do or say anything that may encourage irrational behaviour. • If possible, encourage the offender to move away from the group. • If possible, ascertain who the offender is and what their intentions are (without upsetting them further). • If a child involved, allow the child to leave with the offender. • If possible, alert any staff in your vicinity and have them direct visitors away from the offender. • If possible, obtain the offender's vehicle registration number. • Notify the Police by dialling "000 or 112 mobile" and requesting assistance. • Have as many people as possible complete the Offender Description form (attached).

In the event of an emergency which requires an announcement, the following wording may be used.

Announcement

“Attention everyone, this is an emergency announcement.

THIS IS A REAL EMERGENCY

THIS IS NOT A DRILL

On the evacuation tone please evacuate the area as directed by the Chief Warden and proceed to the emergency assembly area located at....

‘Please avoid ...’

Advise if there are any specific areas to avoid

THIS IS NOT A DRILL”

16.5 Incident Reporting Process

- All incidents and emergencies must be reported. The Chief Warden will supply the Council Incident form that needs to be completed.

DELEGATE REPORT

APPLICATION TO AMEND A PLANNING PERMIT

APPLICATION NO:	TP-2002-279/B
APPLICANT:	Miranda Tequila Bar
ADDRESS:	313-315 Flinders Lane, MELBOURNE VIC 3000 (Basement)
PROPOSAL:	<p>Amending the permit pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> in the following manner:</p> <ul style="list-style-type: none"> • Amend Condition 2 to restrict trading on Good Friday and Anzac Day to be consistent with existing Liquour Licence. • Amended Condition 9 to allow for the provision of amplified live music between the following times: <ul style="list-style-type: none"> - Thursday – 5pm to 1am the following day - Friday and Saturday – 5pm to 3am the following day • Include a condition to limit patron numbers to no more than 100. • Delete Conditions 14 – 16 which relate to crowd management for patrons over 100 and combine them into a new security and crowd control condition consistent with existing Liquour Licence.
DATE OF APPLICATION:	26 October 2022
RESPONSIBLE OFFICER:	Xavier Livy

1. SUBJECT SITE AND SURROUNDS

1.1 Site

The Site is located on the southwest corner of Flinders Lane and Mill Place and is formally described as Lot 1 on Title Plan 30393F (Figure 1) and is located within the basement level of the existing building. The Site has a street frontage to Flinders Lane of 7.86 metres and Mill Place of 41.45 metres. The Site has its primary frontage to Flinders Lane and has a separate access point to the host building.

The host building is a seven storey brick and concrete former warehouse constructed in 1916. The Site (basement) is currently used as a bar, the ground floor is occupied by offices, the first floor is occupied by a dwelling and a shop, the second to fifth floors are occupied by offices and the sixth floor is occupied by five dwellings. It is noted that a building permit on file issued in 1998 shows offices on the first level were converted into two dwellings, however Council records indicate that only one is occupied as a dwelling and the other is a retail tenancy.

The site is affected by precinct Heritage Overlay HO506 *Flinders Lane Precinct* and is listed on Incorporated Document *Heritage Places Inventory March 2022 (Amended May 2023)* with a building category of 'Significant' within an ungraded streetscape. It appears from review of the Title and Title Plan that the site is not affected by any easements or other encumbrances.

1.2 Surrounds

The surrounding locality is characterised by a vast range of land uses typical of the Capital City Zone. The site interfaces with the following properties:

- **North:** 310 Flinders Lane comprises a six storey building which is occupied by a restaurant at ground level and 12 dwellings across the first to sixth floors. 302-308 Flinders Lane (Leicester House) comprises a six storey building which is occupied by retail uses at ground level and 19 dwellings across the first to sixth floors. Both these buildings are located on the corner of Flinders Lane and Bligh Place.
- **East:** 301-311 Flinders Lane comprises a six storey building which is occupied by offices and a number of education centres (tertiary institutions).
On the northern side of Flinders Lane is the Capital City Zone, Schedule 2 *Retail core* (CCZ2).
- **South:** 300-316 Flinders Street comprises a nineteen storey mixed use building which is occupied by offices, retail premises at ground level, a commercial car park, and a tertiary institution (Victoria University).
- **West:** 317-323 Flinders Lane comprises a 12-storey building occupied by The Sebel Melbourne Flinders Lane residential hotel, as well as a commercial car park, food and drink premises on ground floor, and indoor recreation facility in the basement.



Figure 1 - Locality Plan



Figure 2 - Subject Building (viewed on corner of Flinders Lane and Mill Place, taken 13 November 2023)



Figure 3 – View along Flinders Lane towards Elizabeth Street (left) and Queen Street (right) (taken 13 November 2023)



Figure 4 – 310 Flinders Lane (left) and 302 Flinders Lane (Leicester House) (right) on the corner of Flinders Lane and Bligh Place and The Sebel located to west of the subject site (taken 13 November 2023)



Figure 5 – Views of Mill Place and windows projecting from basement which include soundproofing / blackout (far right) (taken 13 November 2023)

2. BACKGROUND AND HISTORY

2.1 Amendments during the process

On 31 October 2023 the Permit Applicant submitted a Section 57A Amendment to provide an updated Venue Management Plan to reference current EPA Guidelines (EPA Publication 1826.4), further advice from an acoustic consultant and an additional site context plan.

2.2 Planning Application History

The following planning permits issued for this site (as shown in Table 1) are considered to be relevant to this application:

Table 1 – Application History		
TP number	Description of Proposal	Date of Decision
TP-1998-48	A Planning Permit was issued for the use of a basement bar / restaurant and permitted the following hours of operation: <ul style="list-style-type: none"> Monday to Wednesday 7am to 1am the following day. Thursday to Saturday 7am to 3am the following day. 	Planning Permit 23 July 1998
TP-2002-279	Another Planning Permit was issued to extend the existing use of the site and permitted the following hours: <ul style="list-style-type: none"> Monday to Wednesday 7am to 1am the following day. Thursday 7am to 3am the following day. Friday to Saturday 7am to 5am (including public holidays). 	Planning Permit 8 October 2002
TP-2019-899	An application was lodged for the use of the site as a Nightclub. It is noted that this application was lodged by a previous occupant (Randy Dragon Pty Ltd) and was subsequently withdrawn.	Withdrawn 6 October 2022
TP-2002-279/A	An amendment to TP-2002-279 was issued to update the preamble from 'extension of existing operating hours' to 'use of the basement as a bar' to specifically reference the existing land use. No other conditions were amended as a part of the application other than to update the EPA condition and including a condition which would allow the Responsible Authority, with just cause, to request an acoustic report at any time.	Amended Permit 24 October 2022

The following planning application within the surrounds (as shown in Table 2) is considered to be relevant to this application:

Table 2 – Surrounding Application History		
TP number	Description of Proposal	Date of Decision
TP-2023-523	An application has been lodged for the use of a bar at 2-4 Mill Place, Melbourne.	Currently under assessment

2.3 Existing Liquor Licence

The existing approved use at the Site ('Bar) currently holds a 'late night (on-premises) licence (Licence No. 31822764) that authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified on the licence and allows for live or recorded amplified music subject to conditions.

The Site currently trades as Miranda Tequila Bar and holds a five out of five star rating. This means in the last 36 months there have been no non-compliance issues with regard to the existing Victorian Gambling and Casino Control Commission (VGCCC) Liquor Licence.

<p>31822764 MIRANDA TEQUILA BAR, MELBOURNE 3000</p> <p>Licence Type: Late night (on-premises)</p> <p>Licensee: KCC HOLDING GROUP PTY LTD</p> <p>Star Rating: ★★☆☆☆ (5 Stars)</p> <p>Demerit Points: 0 Points</p>

Figure 6 – Existing Liquor Licence for the Site (Source: VGCCC, generated on 15 November 2023)

2.4 Planning Enforcement History

A previous Planning Permit TP-2019-899 application was lodged in November 2019 for the use of the Site as a 'nightclub'. This was lodged in response to Planning Enforcement action taken due to a noise complaint.

It is important to note the applicant (Randy Dragon Pty Ltd) associated with TP-2019-899 differs to the current Section 72 Application applicant. The Planning Enforcement case was subsequently resolved by the current occupiers (Miranda Tequila Bar) who upgraded existing acoustic measures and treatments to demonstrate compliance with the relevant EPA Noise Protocol.

While objections have been received for the current Application, there are no live enforcement cases associated with the Site which continues to operate as a bar under its existing Planning Permit.

3. PROPOSAL

The application seeks approval to amend Permit TP-2002-279/A pursuant to Section 72 of the *Planning and Environment Act 1987* by way of amending planning permit conditions to allow for the provision of amplified live music. Specifically, the Application seeks the ability to provide live music three days a week during the following times:

- Thursday – 5pm to 1am the following day.
- Friday – 5pm to 3am the following day.
- Saturday – 5pm to 3am the following day.

The Application seeks the ability for amplified live music to accommodate an acoustic guitarist, pianists, small four piece Salsa / Latin bands and DJs.

In addition, the application seeks permission to include a condition to limit the patron number to no more than 100 at any given times as well as align conditions on the Planning Permit with the existing Late Night (On-Premises) Liquor Licence (Licence No. 31822764).

A comparison of the existing and proposed conditions, as provided by the Applicant is shown in Table 3 below.

Table 3 – Conditions Comparison	
Conditions	Changes (deleted shown in red and proposed in blue)
2	<p>The premises shall be open for trading hours between the following hours:</p> <ul style="list-style-type: none"> • Monday to Wednesday: 7am to 1am • Thursday: 7am to 3am • Friday to Saturday: 7am to 5am (including public holidays). • Friday to Saturday being Anzac Day Eve: 7am to 3am • Good Friday: 12noon to 5am • Anzac Day (being Monday to Wednesday): 12noon to 1am • Anzac Day (being a Thursday): 12 noon to 3am

Table 3 – Conditions Comparison	
	<ul style="list-style-type: none"> Anzac Day (being Friday or Saturday): 12noon to 5am <p>Note: the proposed changes are consistent with the trading hours associated with the existing Liquor Licence. The proposed conditions result in a tightening of the hours noting that currently the hours of 7am to 5am are inclusive of public holidays.</p>
9	<p>No amplified live music is permitted on the premises.</p> <p>Amplified live music (including live bands and DJs) may only be provided between the following times:</p> <ul style="list-style-type: none"> Thursday – 5pm to 1am the following day. Friday – 5pm to 3am the following day. Saturday – 5pm to 3am the following day.
14	<p>The applicant shall so conduct the premises as to ensure the employment of a suitably qualified and experienced crowd control officer to be on duty at the premises at all times from 6.00pm until 15 minutes after closure of the premises on any day that the premises are open to the public and the number of patrons at the premises exceeds 100 or such lesser number determined by the Council from time to time.</p> <p>When live or recorded amplified music other than background music is provided:</p> <ol style="list-style-type: none"> 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, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector. Signs, as described below, 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". Two (2) crowd controllers, licensed under the Private Security Act 2004, are to be present at all times. One (1) crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.
15	<p>Licensed security staff must be present in the premises during business hours calculated at the ratio of two (2) security staff for the first 100 patrons and an additional security officer for the next 100 patrons or part thereof.</p>

Table 3 – Conditions Comparison	
16	<p>The duties of the crowd control officer referred to in the preceding condition shall include (but not be limited to) and shall be properly supervised to ensure the effective:-</p> <ul style="list-style-type: none"> • Control of intending patrons outside the premises; • Control of noise by intending and departing patrons outside the premises; • Control of numbers of patrons entering the premises; • Maintenance of clear pedestrian and vehicular access along Flinders Lane.
New	The maximum number of patrons on the premises must be no more than 100 at any one time.

The Application seeks permission to update the previously endorsed layout plans to delete the annotation which references “no amplified live music is permitted on the premises”.

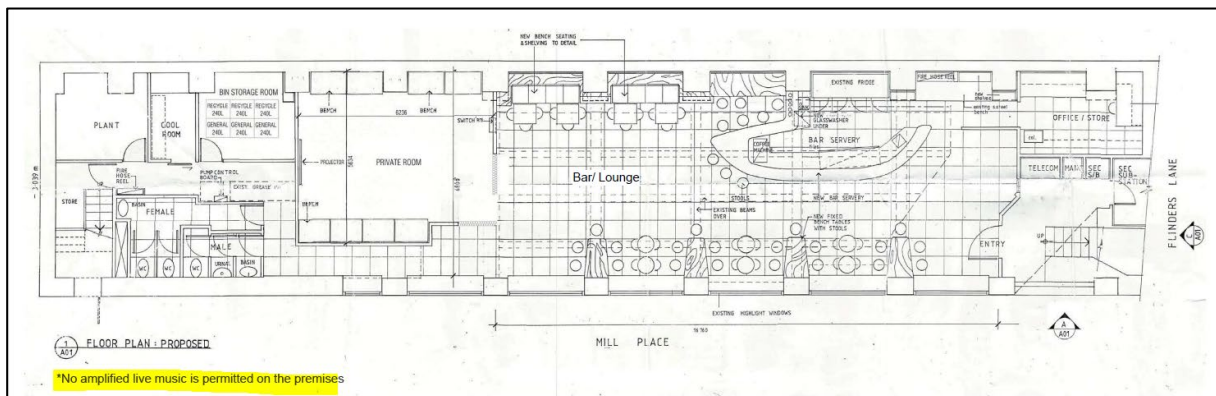


Figure 7 – Endorsed Layout Plan

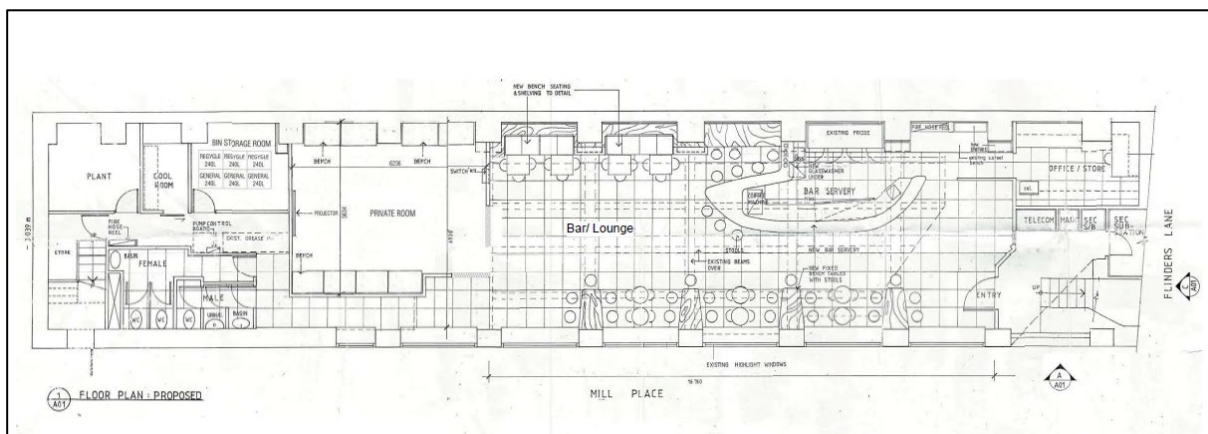


Figure 8 – Proposed Layout Plan which is request to be updated only to allow for the removal of the texted highlighted in yellow.

The documents that form part of the basis for Council’s consideration include:

Table 4 – Application documents		
Document	Author	Date
Floor Plan	JL Architects	11 November 2019

Venue / Patron Management Plan	Miranda Tequila Bar	5 June 2023
Acoustic Report	Enfield Acoustics Pty Ltd	22 February 2023
Acoustic Memo	Enfield Acoustics Pty Ltd	21 September 2023
Liquor Licence No. 31822764 (the 'Liquor Licence')	Victorian Gambling and Casino Control Commission	Current

4. MELBOURNE PLANNING SCHEME

4.1 Statutory controls

This application proposes to amend the existing bar permit to allow for amplified live music. As such, the following clauses in the Melbourne Planning Scheme require a planning permit for this proposal (Table 5).

Note: the provisional zoning of the land has remained the same since the initial permits issued, however, there have been some changes to the overlays applicable to the land including the revision of the former DDO1, introduction of DDO10, SBO, HO506 and PO1.

Table 5 – Permit Requirements	
Clause	Permit Trigger
Clause 37.04 Capital City Zone Schedule 1 (CCZ1)	Pursuant to Clause 1.0 of Clause 37.04, Schedule 1, a tavern (bar) is a Section 2 use. A permit is required.
Clause 43.01 Heritage Overlay (HO1082)	Clause 43.01 and the relevant schedules, do not relate to land use. As such, a permit is not required.
Clause 43.02 Design and Development Overlay Schedule 1 (DDO1) Schedule 10 (DDO10)	Clause 43.02 and the relevant schedules, do not relate to land use. As such, a permit is not required.
Clause 44.05 Special Building Overlay (SBO)	Clause 44.05 and the relevant schedules, do not relate to land use. As such, a permit is not required.
Clause 45.09 Parking Overlay Schedule 1 (PO1)	Pursuant to Clause 45.09-3 and Schedule 1 to the Parking Overlay, maximum car parking rates apply. No permit is required to provide zero spaces.

Table 6 specifies the relevant Particular Provisions:

Table 6 – Particular Provisions and Operational Provisions	
Clause	Permit Trigger
Clause 52.34 Bicycle Facilities	Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage have been provided on the land. As such, a permit is not required in this instance as the application does not relate to a new use.
Clause 52.27 Licensed Premises	Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if any of the following apply: A licence is required under the <i>Liquor Control Reform Act 1998</i> . This does not apply if the schedule to this clause

	<p>specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.</p> <p>Pursuant to Clause 1.0 of the Schedule to Clause 52.27, a permit is not required within the Capital City Zone. This applies to all licences required under the <i>Liquor Control Reform Act 1998</i>.</p> <p>As such, a permit is not required to use the land to sell and/or consume liquor.</p>
<p>Clause 53.06 Live Music and Entertainment Noise</p>	<p>Clause 53.06 applies to an application required under any zone of this scheme to use land for:</p> <ul style="list-style-type: none"> ▪ A live music entertainment venue. ▪ A noise sensitive residential use that is within 50 metres of a live music entertainment venue. ▪ A noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause. <p>A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.</p>
<p>Clause 73.03 Land use terms</p>	<p>It is noted that the CCZ1 contains reference to Tavern, which is outdated and now referred to elsewhere in the planning scheme as Bar.</p> <p>Bar means:</p> <p><i>Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</i></p>

4.2 Planning Policy Framework (PPF)

The relevant clauses of the Melbourne Planning Scheme are summarised as follows:

- Clause 02.02 – Vision
- Clause 02.03 – Strategic Directions
 - Clause 02.03-1 – Settlement
 - Clause 02.03-4 – Built environment and heritage
 - Clause 02.03-6 – Economic development
- Clause 11 – Settlement
 - Clause 11.03 – Planning for Places
 - Clause 11.03-6L-09 – Hoddle Grid
- Clause 13 – Environmental risks and amenity
 - Clause 13.05 – Noise

- Clause 13.05-1S – Noise management
- Clause 13.07 – Amenity, human health and safety
 - Clause 13.07-1L-03 – Land use compatibility
 - Clause 13.07-1L-04 – Licensed premises
 - Clause 13.07-3S – Live music
- Clause 17 – Economic development
 - Clause 17.02 – Commercial
 - Clause 17.04 – Tourism

4.3 Particular Provisions

The following particular provision applies to the application:

- Clause 53.06 – Live Music Entertainment Venues

4.4 General Provisions

The following general provision applies to the application:

- Clause 65 (Decision Guidelines) which includes the matters set out in Section 60 of the *Planning and Environment Act 1987*.

5 PLANNING SCHEME AMENDMENTS

5.1 Request for Update to License Premise Policy (Clause 13.07-1L-04)

At the Future Melbourne Committee on 21 March 2023 a resolution was reached with a recommendation to advocate to the Department of Transport and Planning and Liquor Control Victoria for changes to the regulatory framework, including the planning framework, in response to the lifting of the freeze on 30 June 2023.

As a part of the resolution Council sought support from the Minister for Planning to make the following updates to the Melbourne Planning Scheme and the existing License Premise Policy (Clause 13.07-1L-04):

- Introduce a definition of noise sensitive areas to provide certainty and clarity to applicants and the community. The definition will be based on current statutory practices and Environment Protection Authority guidance.
- Rename 'Tavern' to 'Bar' in the schedules to the Capital City Zone and Docklands Zone to reflect the updated land use terms implemented through Ministerial Planning Scheme Amendment VC159 in August 2019.
- Include Bar and Nightclub as permit required uses in all Docklands Zone schedules to align with the provisions that apply in the Capital City Zone.
- Update the Licensed Premises clause (13.07-1L-04) to expand its application to the Mixed Use Zone and Special Use Zone (as appropriate) and to alterations and additions to existing licensed premises, to ensure the policy applies wherever new or expanded licensed premises are proposed across the municipality.
- Retain the decision making guidelines that are currently used by Liquor Control Victoria when assessing applications for premises to trade later than 1am by making these part of the Melbourne Planning Scheme.
- Reintroduce the application requirements and decision guidelines as they were in the Melbourne Planning Scheme prior to gazettal on 21 September 2022 of Amendment C409 (Planning Policy Framework). The most appropriate location for the provisions to be determined in consultation with the Department Transport and Planning.

In light of the above, consideration must be given to the Council endorsed position.

6. PUBLIC NOTIFICATION

6.1 Section 52 Notice

It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting two notices on the site (one on the Flinders Lane frontage and one on the Mill Place frontage) for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

6.2 Section 57B Notice

As above, following the advertising period amended plans were submitted under s57A of the Act.

The amendments were minor in nature and provided updates to the Venue Management Plan. It was not considered that the changes would not result in material detriment to any person, as compared to the original plans advertised. Given that all previous objections would still apply to the amended proposal formal re-advertisement was not considered necessary. However, the amended plans were circulated to the objectors by way of informal electronic mail.

7. OBJECTIONS

A total of 19 objections were received in response to the application. The concerns raised by objectors are summarised as follows:

- Not appropriate due to proximity to residential dwellings and the area is a residential zone.
- Noise from patrons leaving the premises.
- Additional traffic (cars).
- Accumulation of late night venues not appropriate.
- Drunk people.
- People loitering and noise from patrons as they leave / enter.
- Drinking in the laneways.
- Aggressive people.
- Live amplified music not appropriate.
- People parking cars in Mill Place.
- Music being played on speakers outside.
- People queuing outside the bar.
- Concern with safety.
- Acoustic testing insufficient.
- Concern with no control on the number of patrons.
- Violent incidents outside the venue.

- Inadequate patron management.

7.1 Consultation

Given the receipt of the above objections, the objections were forwarded to the applicant for consideration. The applicant provided a written response to the objections. Furthermore the application updated their Venue Management Plan to reference current EPA Guidelines (EPA Publication 1826.4), obtained further advice from an acoustic consultant and provided a site context plan identifying the proximity of noise sensitive land uses within a 10 metre radius. This information was circulated to all objectors.

8. EXTERNAL REFERRALS

The application was not required to be referred externally.

Clause 52.27 and Clause 66.05 only trigger the requirement for an external referral to the Chief Commissioner of Victoria Police for a bar operating after 1am when a permit is required under Clause 52.27. In this instance, a permit is not required under Clause 52.27 and therefore the application did not require referral under Clause 66.05.

Notwithstanding, notice under Section 52 of the *Planning and Environment Act 1987* was given to the Chief Commissioner of Victoria Police. A response was received advising of no objection and no recommending conditions.

9. INTERNAL REFERRALS

The application was not required to be referred internally.

10. ASSESSMENT

In considering the amendments proposed, regard has been given to the Planning Policy Framework, the provisions of the Melbourne Planning Scheme, objections received and the individual merits of the application.

Pursuant to Section 72 of the *Planning and Environment Act 1987*, the ambit of discretion is limited to the proposed changes sought by the Applicant. Consideration cannot be given to elements already approved as part of the original application but not sought to be amended.

The amendment seeks approval to amend the planning permit to vary conditions to primarily allow for amplified live music on three days a week (being Thursday, Friday and Saturday).

The key considerations for the amendment are:

- Appropriateness of amplified live music having regard to the purpose and decision guidelines of the Capital City Zone Schedule 1, Clause 13.07-3S Live Music, Clause 13.07-1L-4 Licensed Premises and Clause 53.06 Live Music Venue.
- Proximity of dwellings and potential impact from amplified live music.
- The impact the proposal has on existing conditions.
- Response to objections.

10.1 Appropriateness of amplified live music

Capital City Zone Schedule 1

The purpose of the CCZ Schedule 1 to the CCZ is:

- *To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.*

Having regard to the purpose and decision guidelines of the CCZ1, the proposed amplified music associated with the existing bar is appropriate for the reasons outlined below:

- A live music venue aligns with the stated purpose of the CCZ1 as representing a use that will complement the capital city function of the locality, providing an entertainment use for residents, workers and visitors.
- Clause 02.03-3 (Environmental risks and amenity) identifies the following strategic direction for development within the central city which is relevant to this proposal:
 - *The City has licensed premises that provide opportunities for social interaction and a vital night-time economy providing music, food and entertainment. Well managed licensed premises contribute positively to the activity, character and image of the City. Small licensed premises are particularly important to the vitality of the Central City as a 24 hour city.*
- Other policy strategies provide strategic support for the proposal, including:
 - Clause 11, specifically Clause 11.03-6L-09 (Hoddle Grid) through supporting entertainment, bars, eating and other evening uses.
 - Clause 17, specifically Clause 17.04-1R (Tourism in Metropolitan Melbourne) through revitalising the retail core of the central city and supporting artistic and cultural life.
 - Clause 19, specifically Clause 19.02-3S (Cultural facilities) through the establishment of arts, cultural and entertainment facilities in the central city.

Clause 13.07-3S Live Music

Clause 13.07-3S Live Music seeks to encourage, create and protect opportunities for the enjoyment of live music. The strategies to Clause 13.07-3S are:

- *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.*
- *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

The Site is located within proximity to other late night licensed premises such as Sub Club, Robot Bar and Joint Bar. As such, policy encourages live music venues to be located within areas such as this, subject to the management of potential amenity impacts.

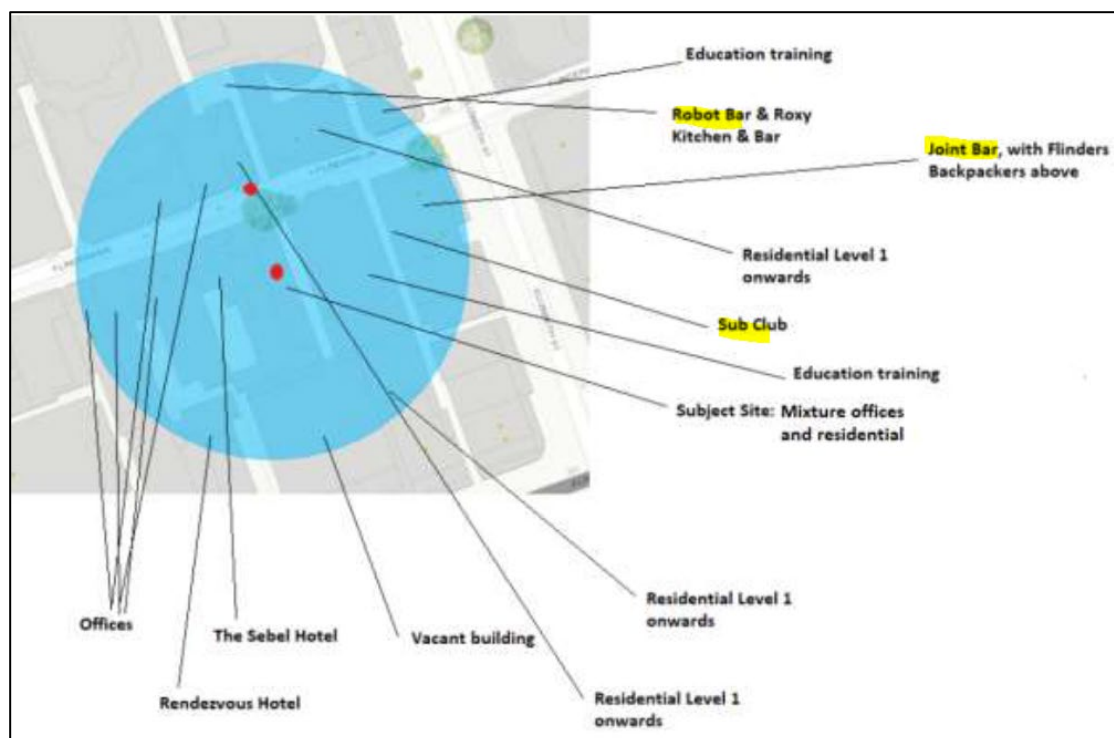


Figure 9 – Surrounding land uses and late night premises within a 50 metre radius of subject site (Source: Glossop Town Planning)

Clause 13.07-1L-04 (Licensed Premises)

Notwithstanding the above, it must be acknowledged that the proposed amplified live music and associated bar is in proximity to dwellings, and does have potential for late night noise to impact on surrounding residents. Therefore an assessment in regard to noise and venue management must be undertaken and considered against relevant policy guidelines of Clause 13.07-1L-04 as follows.

Clause 13.07-1L-04 (Licensed Premises) of the Melbourne Planning Scheme provides policy guidance which directs Council to consider (as relevant) measures to:

- *Ensuring uses that regulate and monitor their noise, and that make use of noise limiters.*
- *Limiting the number of patrons permitted in a licensed premise to:*
 - *Manage any unreasonable impact on the amenity of the surrounding uses.*
- *Limiting the number of patrons permitted in a licensed premise to manage any unreasonable impact on the amenity of the surrounding uses and the maximum occupancy capacity of the premises.*
- *Limiting hours of operation of bars, hotels and nightclubs in the Capital City Zone and Docklands Zone to 1am.*
- *Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.*

Having regard to the parameters of consideration and guidelines as contained within EPA Publication 1826.4 and Clause 13.07-1L-04 (Licensed Premises) it is considered the provision of amplified music on three nights a week is acceptable for the following reasons:

- The Acoustic Report prepared by Enfield Acoustics Noise Vibration and submitted with the application, indicates that any amplified live music on the Site must comply with *Environment Protection Regulations 2021* and *Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol)*. The Report concludes that the Site is capable of compliance with the Noise Protocol. Testing was undertaken in accordance with the protocol at the following locations:
 - On the corner of Flinders Lane and Bligh Place (directly opposite the Site).
 - Outside of The Sebel (directly to the west of the Site).
 - On Level 6 of the Site.
 - Inside the venue itself.
- The Site's primary use is as a bar that incorporates an element of live music in the form of DJ sets from time to time. The Acoustic Report acknowledges entertainment in the form of band performances typically emit less noise than DJ sets, and therefore the introduction of an acoustic guitarist, pianist and or live Latin band are unlikely to emit noise or frequencies higher than that of a DJ set.
- Acoustic testing was carried out when the venue was in operation on Saturday 17 December 2022 at 11.55pm which observed that any music associated with a DJ set was either inaudible or not directly measurable. For example, testing confirmed that bass frequency music was just audible if standing against the existing windows (which are sound proofed) on Mill Place or when inside the host building if an ear was placed to the wall. In both these scenarios the bass frequency was not measurable due to general ambient noise in the area at 11.55pm.¹
- Acoustic testing was again carried out on Thursday 2 February 2023. For the purpose of testing the existing amplification system was turned to its maximum level of 112dB(C) which would result in an unrealistic and uncomfortable scenario for potential patrons within the Site. Outside of the venue on the corner of Flinders Lane and Bligh Place, the testing indicated that low frequency bass was just audible, however, as identified, setting the amplification system to its maximum is unrealistic. The amplification system was subsequently lowered to a level of 102dB(C) which resulted in a compliance with the EPA Noise Protocol. The Acoustic Report notes that 102dB(C) is a level significantly higher than recorded during trading and a level sufficient for any live entertainment.
- In addition to the Acoustic Report submitted with the Application, the Venue Management Plan indicates that prior to the lodgement of the current application a separate acoustic report was prepared by Telemetrix Acoustic & Vibration Solutions Pty Ltd which resulted in recommendations for soundproofing to existing window and entry / exit points to ensure compliance with the EPA Noise Protocol. The measures were subsequently implemented on the Site as confirmed in the Venue Management Plan.
- The Venue Management Plan stipulates that existing noise attenuation measures include the use of noise limiters to ensure compliance with the Noise Protocol at all times. Furthermore, the amplified music equipment has been marked by the acoustic engineer to a level compliant with the Noise Protocol. A recommended condition has been included to ensure noise limiters continue to be used on site at all times to achieve compliance with the Noise Protocol. These measures are considered acceptable for a basement venue with no more than 100 patrons.

¹ Ambient noise is defined as the all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.

- Clause 13.07-1L-04 (Licensed Premises) encourages bars that accommodate less than 100 patrons. The applicant seeks to introduce a condition on any Amended Permit issued to cap the number of patrons to no more than 100 at any given time.
- It is acknowledged that the proposed hours of operation of amplified live music on Friday and Saturday between 5pm-3am are not consistent with policy, exceeding the recommended time by two hours. This is discussed in further detail under Section 10.2 of this report.

Clause 53.06 (Live music entertainment)

The purpose of Clause 53.06 is:

- *To recognise that live music is an important part of the State's culture and economy.*
- *To encourage the retention of existing and the development of new live music entertainment venues.*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

Having regard to the purpose, requirements and decision guidelines of Clause 53.06, the existing bar is capable of supporting live music for the following reasons:

- The Application seeks approval for the provision of live music on three days a week which assists in limiting the intensity and frequency of any live music primarily to the end of a week.
- The proposed hours of operation are within the existing permitted hours and do not result in an extension to any existing operating hours of the bar.
- The provision of an acoustic guitarist, pianist, live Latin bands and / or DJ sets are unlikely to unreasonably harm the amenity of surrounding noise sensitive uses having regard to the location of the premises within a basement and the previous acoustic works undertaken to the premises.
- As discussed earlier in this report the proposal complies with *Environment Protection Regulations 2021* and *Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol)* and therefore satisfied the relevant requirements of Clause 53.06 for an indoor venue (basement).

10.2 Proximity of dwellings and potential impacts from the amplified live music

The Application primarily seeks permission to allow for the provision of amplified live music on a Thursday (5pm to 1am), Friday and Saturday (5pm to 3am). The proposed hours of operation for the amplified live music are within the permitted hours associated with the existing planning permit. However, it is acknowledged that the proposed amplified live music on Friday and Saturday exceed the recommended hours of operation within existing policy.

Clause 13.07-1L-04 (Licensed premises) includes policy to consider limiting trading hours of taverns in the Capital City Zone to 1am.

It is also policy that:

Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.

While the proposal does not seek to increase the existing hours of operation, for completeness a detailed assessment on the impact associated with the amplified live music must be undertaken and regard given to the immediate surrounding area.

Since the grant of the original planning permit in 2002 the Planning Scheme has been amended to include assessment criteria relating to the consideration of licensed premises.

The objectives of 13.07-1L-04 (Licensed premises) seek to minimise adverse impacts from licensed premises, maintain a positive character and image of the City and ensure that the cumulative impacts of licensed premises are appropriately considered in cluster locations.

In addition to the objectives of the policy, Council must also balance a practical response having regard to the Municipal Planning Strategy (MPS) that identifies the City as *'Victoria's premier economic and cultural infrastructure; and a wide diversity of 24/7 uses including office and commercial, retail, leisure, entertainment, research, educational (university) and residential uses; and hosts the State's major events. The City attracts visitors from the metropolitan area, Victoria, inter-state and globally.'*

Importantly the Planning Scheme at Clause 13.07-1L-04 (Licensed premises) notes the limiting of operating hours within *'noise sensitive areas'*. At present there is no definition contained within the Planning Scheme that defines noise sensitive areas specifically in relation to Licensed Premises Policy. This matter has been raised with the Minister for Planning as a part of the recent Future Melbourne Committee resolution discussed under Section 5.1 of this report. In the absence of any definition currently within the Melbourne Planning Scheme, it is considered appropriate to give regard to the definition of a noise sensitive area as defined within the *Environment Protection Regulations 2021* that provides the following definition:

Noise sensitive area means:

(a) that part of the land within the boundary of a parcel of land that is—

(1) within 10 metres of the outside of the external walls of any of the following buildings—

(A) a dwelling (including a residential care facility but not including a caretaker's house);

(B) a residential building;

(C) a noise sensitive residential use;

The nearest dwellings are those located on the corner of Flinders Lane and Bligh Place as follows:

- Approximately 10.3 metres from the external walls of 301-311 Flinders Lane.
- Approximately 11.2 metres from the external walls of 302-308 Flinders Lane (Leicester House).

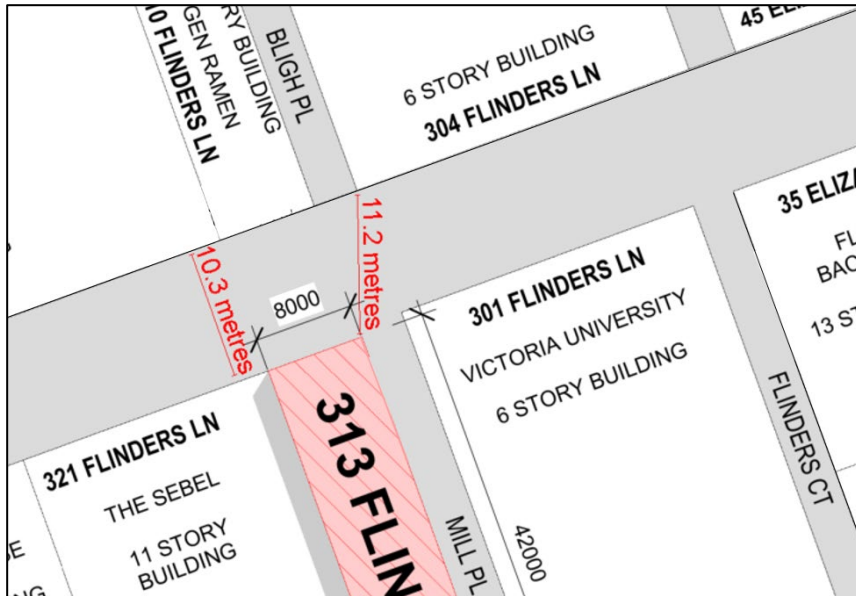


Figure 10 – Site Context Plans and proximity to dwellings on the corner of Flinders Lane and Bligh Place
(Source: site context plans associated with a building and works application TP-2020-553 associated with the Site)

Therefore when considering Clause 13.07-1L-04 and the *Environment Protection Regulations 2021* definition above, the buildings located on the corner of Flinders Lane and Bligh Place are not considered 'noise sensitive areas'.

However, it must be acknowledged that the subject site sits within a building with a residential component and the proximity of dwellings above the Site also needs to be taken into consideration.

The ground floor of the host building is occupied by offices, the first floor is occupied by a dwelling and a shop, the second to fifth floors are occupied by offices and the sixth floor is occupied by five dwellings.

It is noted that a building permit on file issued in 1998 shows offices on the first level were converted into two dwellings, however Council records indicate that only one is occupied as a dwelling and the other is a retail tenancy. For completeness, noting that the two tenancies on the first floor have the potential to be used as dwellings, it is reasonable to therefore consider them as such and understand the potential impact.

The nearest dwellings within the host building are as follows:

- Approximately 5.3 metres from the external walls of the first storey to the roof of the basement (ground floor).
- Approximately 22.3 metres from the external wall of the sixth storey to the roof of the basement (ground floor).

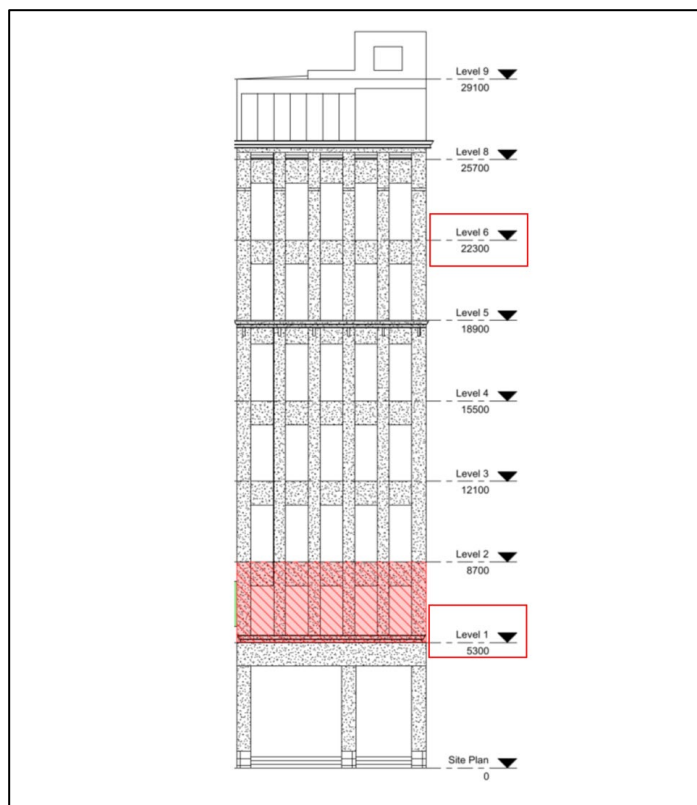


Figure 11 – Elevation of host building indicating distance between the basement and Level 1 and Level 6 (Source: site context plans associated with a building and works application TP-2020-553 associated with the Site)

Noting the above, the Site is within 10 metres of the external walls of a dwelling.

It is important to note the hours of operation of the existing planning permit are not being increased. What is sought is the ability for amplified live music on three days a week.

It is acknowledged that there are a number of additional considerations and potential increased risks due to the introduction of a new component to the existing late night venue.

As required by Clause 13.07-1L-04 the support of any increase of hours past 1am in the Capital City Zone must ensure that it does not unreasonably impact the amenity of the area and in particular noise sensitive uses.

Noting the existing approval and operation of the bar on site, it is considered that the introduction of amplified live music is acceptable for the following reasons:

- The Site is located on the edge of the Retail Core and one street back from Flinders Street Station and in close proximity to Elizabeth Street, which is an area which experiences high activity throughout the day and night time.
- Amplified live music is limited to three days per week, these being Thursday, Friday and Saturday and the applicant seeks to cap numbers to no more than 100 patrons.
- On those three days the amplified music proposes to be limited to 5pm to 1am on Thursday and 5pm to 3am on Friday and Saturday which are within the hours of operation permitted by the existing planning permit.
- The venue is managed with a set of additional and increased controls to minimise and mitigate the additional risks. Security personnel will be rostered during these late night operating periods with one to be located outside the venue at all times.
- The Venue Management Plan stipulates measures to manage patron behaviour and to ensure those leaving the venue do so in a quiet manner.

- The venue has a separate entry point off Flinders Lane and does not require patrons to move through any common areas associated with the host building. The venue's main entrance is via two sets of doors, one at the top of the stair case which is closed at 11pm and the other at the bottom staircase which is shut from 10pm onwards.
- The Site is located within the basement of a building and there are no sensitive uses directly above the Site at the ground floor and any exposed windows located along Mill Place have existing sound proofing which was installed based on acoustic engineering advice.
- Acoustic testing has been undertaken on several occasions with qualified acoustic engineers advising the proposal complies with the Noise Protocol and that the existing acoustic measures on Site are sufficient (i.e. soundproofing of windows / doors and noise limiters).

Having regard to the above, the provision of amplified live music is not anticipated to unreasonably impact on the amenity of the area.

While it is noted that there are other late night venues within proximity, this application does not seek to introduce a new premises but rather one with the ability to have amplified live music. The application appropriately accords with the policy objectives of Clause 13.07-1L-04 (Licensed premises) and it is considered conditions on the existing planning permit, as well as proposed updates to the conditions including limiting days / hours of operation for amplified live music and the inclusion of a Venue Management Plan, will assist in managing any unreasonable impacts.

Finally it must be acknowledged that the Site immediately adjoins The Sebel at 317-323 Flinders Lane which is considered a residential building (residential hotel). While not to disregard the amenity of occupants within this building, it is important to note that The Sebel did not grant access for internal acoustic testing as they have not experienced any noise concerns with the existing use. Notwithstanding acoustic testing was undertaken directly outside the building and confirmed the music noise was inaudible. It is also worth noting no objections were received from the owners / occupiers of The Sebel.

10.3 Impact on Existing Conditions of the Permit

Condition 2

The Application proposes to amend Condition 2 which currently reads:

- The premises shall be open for trading hours between the following hours:
 - Monday to Wednesday: 7am to 1am
 - Thursday: 7am to 3am
 - Friday to Saturday: 7am to 5am (including public holidays)
- All patrons must vacate the premises no later than 30 minutes after the closing times. Any extension of these hours will require separate planning approval.

It is proposed that Condition 2 be amended to read:

- The premises shall be open for trading hours between the following hours:
 - Monday to Wednesday: 7am to 1am
 - Thursday: 7am to 3am
 - Friday to Saturday: 7am to 5am ~~(including public holidays)~~
 - Friday to Saturday being Anzac Day Eve: 7am to 3am
 - Good Friday: 12noon to 5am
 - Anzac Day (being Monday to Wednesday): 12noon to 1am

- Anzac Day (being Thursday): 12noon to 3am
- Anzac Day (being Friday or Saturday): 12noon to 5am
- All patrons must vacate the premises no later than 30 minutes after closing times. Any extension of these hours will require separate planning approval.

This change is acceptable. The proposed amendments to Condition 2 represent a tightening of the hours under which the Site can operate. Whereas current trading on public holidays is allowable between 7am to 5am. This would now be reduced for Good Friday and Anzac Day as set out above. This change ensures consistency between the planning permit and the permit hours under the existing Liquor Licence.

Condition 9

The Application proposes to amend Condition 9 which currently reads:

- No amplified live music is permitted on the premises.

It is proposed that Condition 9 be amended to read:

- Amplified live music or entertainment (including live bands, DJs and recorded amplified music) may only be provided between the following times:
 - Thursday - 5pm to 1am the following day.
 - Friday - 5pm to 3am the following day.
 - Saturday - 5pm to 3am the following day.
- Background music is only permitted at any other time.

The existing Liquor Licence allows for the playing of amplified live music, however, as discussed earlier in the report the merits of amending condition 9 is considered acceptable. It is noted that the existing Liquor Licence also controls 'recorded amplified music' and therefore for consistency it is reasonable to include reference to this type of amplified music in any amendment to Condition 9. Finally the submitted Venue Management Plan stipulates that outside of the times above only background music² is to be played and therefore this should also be referenced in any amendment to Condition 9 as worded above.

Conditions 12 and 13

Conditions 12 and 13 do not reference the relevant Noise Protocol. Therefore it is considered reasonable to update these conditions to reflect current practices and to reference Environment Protection Regulation 2021 and EPA Noise Protocol (EPA Publication 1826.4) in any amended conditions.

Conditions 14-16

Conditions 14-16 stipulates crowd control officer requirements namely from 6pm onwards when patronage exceeds 100 persons. A ratio of two crowd control officers to the first 100 patrons and one crowd control officer for each subsequent 100 patrons is imposed. Duties of crowd control officers are also set out in these existing conditions.

Proposed Condition 14 consolidates these three conditions into one condition consistent with the existing Liquor Licence. Crowd control officers would be required when anything other

² An accepted measure of what constitutes 'background music' is that the music is played at a level that enables patrons to conduct a conversation at a distance of 600 mm without having to raise their voices to a substantial degree.

than background music is provided as opposed to the current requirement of only once 100 patrons were present.

The wording of the current condition with respect to when crowd control officers are required is difficult to manage as it relies on a projection of whether 100 patrons will be present or not. The proposed wording is refined and more readily enforceable in that it requires two crowd control officers to be present whenever amplified live or recorded amplified music is provided on Site.

Conditions 15

The Application proposes a new condition which reads:

The maximum number of patrons on the premises must be no more than 100 at any one time

This is a notable change to the existing planning permit which contains no patron cap and which currently allows for an unrestricted number of patrons.

11. RESPONSE TO OBJECTIONS

In addition to the Assessment section above the following response is provided to the summarised objections below:

Noise impacts from the proposed bar on proximate dwellings

There are existing conditions on the permit as well as additional recommended conditions to be included on any amended permit issued, which seek to manage, limit and control noise impacts.

It is worth noting existing condition 3 ensures that noise emanating from the premises complies with the relevant EPA protocol, and gives Council authority to request further acoustic testing should issues arise in future.

Insufficient Acoustic Testing

A series of acoustic tests have been undertaken by suitably qualified acoustic engineers. The Application includes an assessment by Enfield Acoustic Noise Vibration Pty Ltd. The Acoustic Report outlines two evenings where testing was undertaken at key locations such as the corner of Flinders Lane and Bligh Place and inside the building itself.

While it is acknowledged that testing was not undertaken on Level 1 of the host building (Level 6 only), the Applicant has indicated that several attempts have been made between parties to undertake testing on Level 1, however access to date has not been granted by the Body Corporate. Notwithstanding the extent of testing undertaken (i.e. directly outside the building on Flinders Lane and Mill Place) confirmed the ability for any amplified live music to comply with the Noise Protocol. In addition, Condition 3 of the planning permit currently enables Council to require an acoustic report to be provided confirming compliance with the Noise Protocol.

Noise impacts from patrons entering / exiting the Site

It is important to note the site operates under existing approval as a bar. Therefore patrons congregating in or traversing to / from the Site occurs under existing approvals. The application seeks to introduce a 100 patron cap which currently does not exist on the existing planning permit.

In addition a detailed Venue Management Plan accompanied the application, and sets out a number of expectations for the venue operator to manage the behaviour of patrons engaged in the use. Conditions on any amended planning permit to issue will be updated to refer to the Venue Management Plan, and to ensure the venue operates in accordance with this enforceable plan at all times. Therefore the application proposes a greater control on patron management and numbers compared with existing conditions.

Use of external speakers

A concern was raised relating to an incident that occurred where the existing bar placed an external speaker outside the venue. It is unclear whether this incident was an isolated incident or occurred on several occasions. Notwithstanding existing conditions on the permit seek to ensure compliance with EPA Publication 1826.4 In addition it is considered reasonable to impose a standard condition on any amended permit to ensure no external sound amplification equipment or loud speakers are used on the Site.

Antisocial behaviour from patrons exiting the bar, e.g. littering, violent incidents, consumption of alcohol and other illegal activities

Notwithstanding the scope of the assessment of this amendment application, the detailed Venue Management Plan appropriately addresses these matters, and a condition is recommended to be included on any amended permit issued to ensure this Management Plan is endorsed and adhered to. Furthermore, some of the issues raised would also be a police matter, i.e. public drinking in this location is illegal.

Illegally parked cars and increase in cars in the area

The concern relating to illegally parked cars potentially associated with the existing bar is not a relevant planning consideration. If cars are parked illegally or obstruct areas this is a matter which Council's Local Laws team can assist with if and when the issue arises.

Similarly the concern about additional cars driving past playing music is a police and traffic matter. It is also worth noting that the Application includes a condition to limit patron numbers to 100 which seeks to manage the intensity of the use (which was previously uncapped by the existing planning permit).

Lack of enforcement

The Permit holder is required to carry out the use in accordance with all relevant permits. The Permit holder, in carrying out the approved use, remains obliged to comply with any other local, state or federal legislation. Failure to comply with all requirements may result in enforcement action and / or prosecution. A search of Council records indicates that Council has responded to previous enforcement matters relating to the operation of the use on the Site and in all cases resolution / compliance was achieved.

It is also worth noting Miranda Tequila Bar holds a five out of five star rating for its existing Late Night (On-Premises) Liquor Licence. In addition notice of the application was given to the Chief Commissioner of Victoria Police who offered no objection to the Application.

12. RECOMMENDATION

It is considered that the proposal is consistent with the relevant policies and clauses of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant an Amended Permit be issued subject to the following conditions.

13. CONDITIONS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

All existing conditions to remain:

1. The use of any land or building or part thereof as shown on the endorsed plans must not be altered or modified without the prior consent of the Responsible Authority.
2. The premises shall be open for trading hours between the following hours:
 - Monday to Wednesday: 7am to 1am
 - Thursday: 7am to 3am
 - Friday to Saturday: 7am to 5am ~~(including public holidays).~~

- Friday to Saturday being Anzac Day Eve: 7am to 3am
- Good Friday: 12noon to 5am
- Anzac Day (being Monday to Wednesday): 12noon to 1am
- Anzac Day (being a Thursday): 12 noon to 3am
- Anzac Day (being Friday or Saturday): 12noon to 5am

All patrons must vacate the premises no later than 30 minutes after the closing times. Any extension of these hours will require separate planning approval.

3. The noise generated by the premises must at all times comply with the requirements of the EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority.

The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.

4. Prominent notices must be erected at all exit points of the premises to the satisfaction of the Responsible Authority, requesting patrons to be quiet when leaving the premises.
5. No sexually explicit entertainment shall be provided on the premises. Sexually explicit entertainment is that provided by a person or persons, who are nude, display sexual organs or are topless females. Entertainment includes “table-top” dancing, “lap” dancing, topless bar serving, live strip tease shows and their equivalent.
6. No bottles or other waste materials shall be removed from the site between the hours of 9.00pm on any day and 8.00am the following morning.
7. All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority.
8. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection.
9. ~~No amplified live music is permitted on the premises.~~ Amplified live music or entertainment (including live bands, DJs and recorded amplified music) must only take place between the following hours:
 - i. Thursday – 5pm to 1am the following day;
 - ii. Friday and Saturday – 5pm to 3am the following day;

Background music is only permitted at any other time.

10. Public access to and egress from the use hereby permitted shall not be gained via the rear (Mill Place) door unless in emergency and escape situations.
11. The use of any land or building or part thereof as shown on the endorsed plan shall not be altered or modified without the prior consent of the Responsible Authority.

12. The applicant shall conduct the premises so as to ensure that any escape of noise from the premises does not disturb the peace and quiet of the neighbourhood, [in accordance with the requirements of the EPA Publication 1826.4 \(or subsequently updated publication\): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority](#)
13. The applicant shall conduct the premises so as to ensure that the applicant does not cause or permit any undue detriment to the amenity of the area to arise out of or in connection with the use of the premises, [in accordance with the requirements of the EPA Publication 1826.4 \(or subsequently updated publication\): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, to the satisfaction of the Responsible Authority.](#)
14. [When live or recorded amplified music other than background music is provided:](#)
 - i. [The licensee must 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, bars and entertainment / dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.](#)
 - ii. [Signs, as described below, 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".](#)
 - iii. [Two \(2\) crowd controllers, licensed under the Private Security Act 2004, are to be present at all times. One \(1\) crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.](#)
- ~~15. The applicant shall so conduct the premises as to ensure the employment of a suitably qualified and experienced crowd control officer to be on duty at the premises at all times from 6.00pm until 15 minutes after closure of the premises on any day that the premises are open to the public and the number of patrons at the premises exceeds 100 or such lesser number determined by the Council from time to time.~~
- ~~16. Licensed security staff must be present in the premises during business hours calculated at the ratio of two (2) security staff for the first 100 patrons and an additional security officer for the next 100 patrons or part thereof.~~
- ~~17. The duties of the crowd control officer referred to in the preceding condition shall include (but not be limited to) and shall be properly supervised to ensure the effective:-~~
 - ~~i. Control of intending patrons outside the premises;~~
 - ~~ii. Control of noise by intending and departing patrons outside the premises;~~
 - ~~iii. Control of numbers of patrons entering the premises;~~
 - ~~iv. Maintenance of clear pedestrian and vehicular access along Flinders Lane.~~

15. The number of patrons present on the premises at any one time must not exceed 100.
16. A designated manager must be in charge of the premises at all times when the premises are open for business.
17. All persons engaged in the serving of liquor must undertake a responsible serving of alcohol course provided by or approved by Liquor Licensing within three months of the issue of the permit.
18. The use hereby permitted shall at all times comply with the approved plan and the conditions of the permit and be maintained to the satisfaction of the Responsible Authority.
19. Noise limiters must be maintained and operated at all times any music is played. The noise limiter must be set at a level specified by a qualified acoustic engineer to ensure the venue at all times complies with the Environmental Protection Regulation 2021 and EPA Noise Protocol (EPA Publication 1826.4) to the satisfaction of the Responsible Authority.
20. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.
21. Prior to the commencement of the use, an amended venue management plan must be submitted, generally in accordance with the venue management plan prepared by Miranda Tequila Bar dated 5 June 2023 but updated to reflect Condition 9. The use must operate in accordance with the approved venue management plan and any activities or ongoing obligations contained in the approved plan must be carried out in accordance with the approved plan.
22. The time within which the use is to be commenced may on application made before or within 3 months after the expiry date of this permit be extended by the Responsible Authority.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Details of Amendment:

- Amend Condition 2 to control the existing use on Good Friday and Anzac Day.
- Amend Condition 9 to allow amplified live music or entertainment on Thursday between 5pm – 1am and Friday and Saturday between 5pm – 3am. Background music is only permitted at any other time.
- Amend Condition 12 and 13 to reference Environment Protection Regulation 2021 and EPA Noise Protocol (EPA Publication 1826.4).
- Delete Condition 14, 15 and 16 and consolidate into a new Condition 14 in line with existing Liquor Licence Conditions.
- Include new Condition 15 to limit patrons to no more than 100.
- Include new Condition 19 to ensure noise limiters are installed at all times by a suitability qualified acoustic engineer to ensure the venue at all times complies with the Environmental Protection Regulation 2021 and EPA Noise Protocol (EPA Publication 1826.4).

- Include new Condition 20 that there is no external sound amplification equipment or loud speakers used at any given time.
- Include new Condition 21 to reference the submitted Venue Management Plan.

Xavier Livy
Principal Urban Planner