

Variation to an existing licence or permit

This kit contains all the forms and related materials required to apply for a:

- change in the hours of operation**
- change of the area or size of the premises**
- change of the general conditions of the licence or permit in Victoria.**

Items

1. Pre-lodgement checklist - variation to an existing licence or permit
2. Application form - variation to an existing licence or permit
3. Public notice (this must be displayed as A3 size)
4. Statement of display
5. Guidelines for displaying public notices
6. 'Plans of licensed premises' fact sheet
7. 'Maximum patron capacity' fact sheet

To confirm the current fee, please refer to 'Liquor licence fees' on our website at vgccc.vic.gov.au

Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Gambling and Casino Control Commission (VGCCC) website at vgccc.vic.gov.au
- telephone the VGCCC on 1300 182 457
- email the VGCCC at contact@vgccc.vic.gov.au

Variation to an existing licence or permit

This checklist details the documents required to accompany the lodgement of your application. Supplying these with your application will allow the Victorian Gambling and Casino Control Commission (VGCCC) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below.

The VGCCC may contact applicants to request additional documentation depending on the circumstances of their business.

All forms and fact sheets referred to are available on the VGCCC website vgccc.vic.gov.au.

Please tick that you have provided all the required documents with lodgement of your application

Application form

Please ensure:

- all fields on the application form are completed
- the nature of the business is detailed, clearly demonstrating why a liquor licence is sought
- the application form is signed and dated by the applicant
- that correct fees are attached, as detailed in the 'Liquor licence fees' fact sheet.

Planning permit OR evidence that a permit is not required

A copy of a planning permit from the local council (or responsible planning authority) which shows that you have planning permission to supply liquor as outlined in your application. For example, this should show that you have planning permission for the new trading hours you are applying for, and/or the additional area where you would like to supply liquor (red-line area).

If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority). If the area where you would like to supply liquor includes the kerbside trading area, please provide a copy of a permit that shows you have permission to use that area.

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

Four copies of the red-line plan

A licence is granted for a defined area on the premises. Four copies of the plan of the premises with the proposed licensed area outlined in red are required for an application to be accepted. The plan must meet requirements detailed in the 'Plans of licensed premises' fact sheet.

Maximum patron capacity documents

Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time. Please refer to the 'Maximum patron capacity' fact sheet and the 'Useful information' section.

Late night liquor licence freeze

If applicable, please ensure the following is attached:

- late night liquor licence supplementary forms kit.

For more information please refer to the 'other application requirements' section.

What happens next

If your application is accepted, you will be emailed or sent an acknowledgement letter. This will confirm that the VGCCC has received your application and outline any further information required and the date by which it must be submitted. Once the VGCCC has received all required information and documents, your application will be determined. You will be advised of the outcome in writing.

How to lodge this form

By post:

Victorian Gambling and Casino Control Commission
GPO Box 1988,
Melbourne VIC 3001

In person:

Victorian Gambling and Casino Control Commission
Level 3, 12 Shelley Street
Richmond VIC 3121

By email:

contact@vgccc.vic.gov.au

Please note

Applicants will be sent an acknowledgement letter when the application and required documentation detailed in the above checklist are lodged. The letter may also outline a list of additional information required and the date by which it must be submitted. The VGCCC will then complete the assessment and determine the application.

One applicant to sign and date below to confirm all required documentation has been completed and is attached to this application.

Name

Signature

X _____

Date

Variation to an existing licence or permit*Liquor Control Reform Act 1998***OFFICE USE ONLY**

v18-08

Date Rec'd / /

Receipt No. _____

File No. _____

This form should be used to vary the trading hours, size of licensed area or conditions of your licence.

1. Applicant details

Name of licensee (person/partnership/company/body corporate/club)

Licence number

Australian Business Number
(if applicable)Australian Company Number
(if applicable)

Details of each individual, each partner, each director or each executive committee member (attach another page if necessary)

Name

Position held

Residential address

Postcode

Name

Position held

Residential address

Postcode

Name

Position held

Residential address

Postcode

Name

Position held

Residential address

Postcode**2. Contact details**

Business hours contact details for you/your representative

Contact name

Daytime telephone number

Fax number

Postal address

Postcode

Email

3. Premises details

Trading name (ie registered business name)

Street address

Postcode

Postal address (for service of notices if different from street address)

Postcode

Premises email

4. Variation details

What are you seeking to vary on your licence or permit?

Existing trading hours

- Specify new trading hours and days
(list all hours and days of trading)

The conditions of the licence or permit

- Describe the changes to the conditions

The size or perimeter of the licensed area

- Describe the changes. You must also attach to this application a plan of the premises. (Refer to the document checklist overleaf for details.)

If this variation application is granted, are you able to commence trading immediately?

Yes

- No Give details of why you cannot commence trading immediately and the likely date of commencement.

5. Signatures of licensee or permit holder(s)

Who must sign this application – If the licensee/permit holder is:

An individual The individual person, **A company** One director of the company, **A partnership** All partners, **A club** One committee member.

Certification

As the licensee or permit holder, I/we apply to vary the licence or permit as described in this application.

X _____	Date / /
---------	-------------

Name

X _____	Date / /
---------	-------------

Name

6. Other application requirements

As part of your application you will also be required to provide:

1. The application fee

If you are paying by cheque or money order you must submit your payment with your application. If your application is incomplete or incorrect, we will return your cheque or money order to you. If you wish to pay by credit card and if your application is complete and correct, we will contact you for payment. Otherwise we will let you know that we have not accepted your application. If your application is granted the renewal fee for the following year is due every year by 31 December. This is regardless of when your licence is issued. A renewal notice will be issued prior to the due date detailing how to make payments to the State Revenue Office.

2. Planning permission (not required for variations of all types of renewable limited licences).

A copy of a planning permit from the local council (or responsible planning authority) which shows that you have planning permission to supply liquor as outlined in your application. For example, this should show that you have planning permission for the new trading hours you are applying for, and/or the additional area where you would like to supply liquor (red-line area). If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority).

Note: Kerbside trading - If the area where you would like to supply liquor includes the kerbside trading area, please provide a copy of a permit that shows you have permission to use that area.

Alternatively, a letter from the local council (or responsible planning authority) advising that a planning permit is not required to supply liquor as outlined in your application.

6. Other application requirements (cont'd)

3. A plan of the premises

A plan or drawing of the premises drawn to scale including relevant measurements, showing:

- the official address
- the location and boundaries of the proposed licensed premises, and
- the area/s within the premises that are to be licensed depicted by a red line.

Please refer to the 'Plans of licensed premises' fact sheet for the specifications issued by the Commission.

4. Maximum patron capacity

If you are applying for a variation to a general, on-premises, late night general, late night on-premises, restaurant and cafe, restricted club or full club licence which does not have a maximum patron capacity endorsed you must provide documentation to assist the VGCCC to determine a maximum patron capacity. Please refer to the 'Maximum patron capacity' fact sheet for more information.

5. Display of application (not required for BYO permits)

A public notice must be displayed at the premises that are the subject of the application.

After the application has been accepted, you or your representative will be advised in writing of the period the public notice must be displayed. The enclosed 'Statement of display' must be returned at the end of the display period. Refer to the enclosed 'Guidelines for displaying public notices'.

Note: The Commission may request an applicant to provide any other information. If required to do so you will be notified in writing.

6. Late night liquor licence freeze

If you are applying for a variation to trade past 1am for a general, on-premises, packaged liquor, renewable limited, late night (general, on premises or packaged liquor licence) or BYO permit for a premises within the municipalities of Melbourne (including Docklands), Stonnington, Yarra and Port Phillip you must satisfy the VGCCC that:

- the premises is used as an accommodation hotel, a venue that regularly provides live music entertainment or a venue that supplies liquor for consumption on the premises provided food is available at all times when alcohol is supplied, where the patron capacity of the venue does not exceed 200 persons
- The venue regularly provides live music entertainment where the patron capacity does not exceed 500 patrons at any time
- the economic and social benefit of granting the licence will outweigh the impact of alcohol misuse and abuse and community amenity
- a venue management plan is in place.

Please download and lodge the 'late night liquor licence supplementary forms kit' available from vgccc.vic.gov.au

7. How to lodge this application and accompanying documents

By post to:

Victorian Gambling and Casino Control Commission
GPO Box 1988, Melbourne VIC 3001

In person to:

Victorian Gambling and Casino Control Commission
Level 3, 12 Shelley Street, Richmond

By email:

contact@vgccc.vic.gov.au

8. What happens next

You will be sent a letter that confirms we have received your application and outlines any further information required. Once we have received all the required information and documents, your application will be determined. You will be advised of the outcome in writing.

Privacy – the Victorian Gambling and Casino Control Commission is committed to responsible and fair handling of personal information consistent with the *Information Privacy Act 2000* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.

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Payment method

IMPORTANT INFORMATION

Applications must be accompanied by the relevant fee. Please note that once an application has been registered, the application fee is non-refundable. To confirm the current fee, refer to the 'Liquor fees' fact sheet on our website. The application fee can be paid by:

- cheque or money order, made payable to the Victorian Gambling and Casino Control Commission; or
- credit card (Visa or MasterCard)

If you wish to make payment by credit card, please lodge your completed application with the VGCCC and we will contact you directly to arrange payment if your application is accepted.

Please select your payment method:

Money order

Cheque

If you wish to make payment by credit card, please lodge your completed application with the VGCCC and we will contact you directly to arrange payment if your application is accepted.

Privacy – the VGCCC is committed to responsible and fair handling of personal information consistent with the Policy and Data Protection Act 2014 and its obligations under the Liquor Control Reform Act 1998. Your credit card details will not be retained once your payment has been processed.

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PUBLIC NOTICE

Liquor licence application

Liquor Control Reform Act 1998

v22-02

Details of liquor licence application lodged
with the Victorian Gambling and Casino
Control Commission (the Commission)

Name of applicant: (person/partnership/company/ incorporated association)	
Display period:	Start date (dd/mm/yyyy): _____ End date:(dd/mm/yyyy): _____
Type of application:	Application no: _____
Name and address of premises to which the application relates:	
The purpose of the application is to:	
Proposed hours of trade are: (noting that for restaurant and cafe, general, on-premises and late night licences, authorised hours are between 7am and 1am, subject to planning permission)	
Will these hours apply to an external area?	<input type="checkbox"/> YES <input type="radio"/> NO
The current days and hours of trade are: (if existing licensee)	
I/we have requested authority to supply liquor at the kerbside area	<input type="checkbox"/> YES <input type="radio"/> NO

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

Trading hours of a liquor licence:

Please note that, as per the Liquor Control Reform Act 1998, the Commission cannot restrict trading hours for restaurant and cafe, general, on-premises and late night licences between 7am and 1am. Any objections to these hours for these licence categories must address specific concerns about the trading hours (for example amenity or noise). These hours do not override the trading hours allowed under the planning permit issued by local Council.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to the VGCCC:

- online at vgccc.vic.gov.au
- via email at contact@vgccc.vic.gov.au
- or via post to: VGCCC, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by **the Commission**. If you are unable to print the public notices as A3 size, email contact@vgccc.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.

 Victorian Gambling and Casino Control Commission

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Statement of display

To be completed after the 28 day public notice period has passed

Liquor Control Reform Act 1998

OFFICE USE ONLY

v16-03

Date rec'd / /

File no. _____

Details of application lodged with the Victorian Gambling and Casino Control Commission (the Commission)

Licence number (if licence has already been granted)

File number (this can be found on correspondence sent to you by the Commission)

Name of licence applicant (person/partnership/company/club)

ACN (if applicable)

Address of premises

Postcode

Display period required by the Commission

Start date: / /

End date: / /

Signature and certification of public notice display

Certification

I being the applicant, or on behalf of the applicant certify that:

- during the period specified in this form, a public notice of the size and in the format required by the Commission and containing all relevant details of the application was displayed on the premises or site to which the application relates; and
- the public notice was continuously and conspicuously displayed during the period advised by the Commission in accordance with the guidelines for the display of liquor licensing applications.

I understand that it is an offence under Section 118 of the *Liquor Control Reform Act 1998* to make a false or misleading statement and that penalties apply.

Signature

Printed name

Date

Address

Postcode

Daytime telephone number

How to lodge this form

By post to:

Victorian Gambling and Casino Control Commission
GPO Box 1988, Melbourne VIC 3001

In person to:

Victorian Gambling and Casino Control Commission
Level 3, 12 Shelley Street, Richmond

Privacy – the Victorian Gambling and Casino Control Commission is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the Victoria Police questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.

Victorian Gambling and
Casino Control Commission
ABN 56 832 742 797

Level 3, 12 Shelley Street
Richmond VIC 3121
GPO Box 1988
Melbourne VIC 3001

E: contact@vgccc.vic.gov.au
T: 1300 182 457
vgccc.vic.gov.au
ABN 56 832 742 797



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Guidelines for displaying public notices

Liquor Control Reform Act 1998
Issued by the Victorian Gambling and Casino Control Commission

Insert the full name of the applicant(s) as written on the application form.

Once the application has been accepted, the applicant will be advised in writing of the start and end date that the public notice must be continuously displayed.

Describe the type of application (eg new packaged liquor licence, variation to an on-premises licence, relocation of a general licence).

Insert the full name and address of the premises for which a licence is sought.

If relocating a licence, insert the address of the previous premises.

Provide details of your application.
(Applications to vary the conditions of existing licences must clearly contrast your proposed conditions with your current conditions).

This section must be completed for all applications. Hours of trade for consumption off the premises must be shown separately.
Insert "No change" if the hours on your existing licence are to remain unchanged.

Indicate "yes" or "no" if the proposed trading hours apply to an external area.

This section must be completed for all variation and relocation applications. Hours of trade for consumption on and off the premises must be shown separately.

On-premises licence holders may, with the consent of the local municipal authority, offer a kerbside area. Indicate "Yes" or "No" if you have requested an authority to supply liquor in such an area.

The public notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.
(If you are unable to print the public notices as A3 size, email contact@vgccc.vic.gov.au or telephone 1300 182 457 to request a copy)

PUBLIC NOTICE

Liquor licence application

Liquor Control Reform Act 1998

v22-02

Details of liquor licence application lodged with the Victorian Gambling and Casino Control Commission (the Commission)

Example of Completed Notice

Name of applicant: (person/partnership/company/ incorporated association)	Smithies Pty Ltd
Display period:	Start date (dd/mm/yyyy): 13/10/2010 End date:(dd/mm/yyyy): 11/11/2010
Type of application:	Variation of a General Licence
Name and address of premises to which the application relates:	Smithies Bar, 400 Smith Street, Smithville
The purpose of the application is to:	Operate a restaurant, operate a bar, extend my licensed area, increase the patron numbers to 500. Extend trading hours on Friday and Saturday nights to 1am.
Proposed hours of trade are: (noting that for restaurant and cafe, general, on-premises and late night licences, authorised hours are between 7am and 1am, subject to planning permission)	Sunday 10am to 12 Midnight Good Friday and ANZAC Day 12 noon to 12 Midnight On any other day 7am to 1am
Will these hours apply to an external area?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
The current days and hours of trade are: (if existing licensee)	Sunday 10am to 11pm Good Friday and ANZAC Day 12 noon to 11pm On any other day 7am to 11pm
I/we have requested authority to supply liquor at the kerbside area	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

Trading hours of a liquor licence:

Please note that, as per the Liquor Control Reform Act 1998, the Commission cannot restrict trading hours for restaurant and cafe, general, on-premises and late night licences between 7am and 1am. Any objections to these hours for these licence categories must address specific concerns about the trading hours (for example amenity or noise). These hours do not override the trading hours allowed under the planning permit issued by local Council.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the Liquor Control Reform Act 1998.

Objections must be made in writing to the VGCCC:

- online at vgccc.vic.gov.au
- via email at contact@vgccc.vic.gov.au
- or via post to: VGCCC, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by the Commission. If you are unable to print the public notices as A3 size, email contact@vgccc.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.



Victorian Gambling and Casino Control Commission

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Liquor licensing fact sheet

Plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied and/or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to the Victorian Gambling and Casino Control Commission (VGCCC) as part of the application process and may be required upon request at any time.

The plan of the premises must accompany applications for:

- a licence or BYO permit excluding a pre-retail licence or a BYO permit for party bus
- a variation of a licence or BYO permit that involves a change to the size or perimeter of the licensed premises
- a transfer of a licence or BYO permit if the current floor layout of the premises differs from the plan held at the VGCCC
- the relocation of a licence or BYO permit.

Plan of premises should be given to the VGCCC if internal changes are made

If a change is made to the internal area of licensed premises (for example, by adding or removing a particular structure), the licensee should submit an updated plan of the licensed premises.

Plan of the premises to be given to the VGCCC if requested

In addition to the above, under section 130(1)(a) of the *Liquor Control Reform Act 1998* an authorised person (such as a Compliance Inspector or member of Victoria Police) may at any time request information relevant to the operations or the management of the premises. This may include a current plan of a licensed premises.

What form should a plan take?

The VGCCC has specified that a plan must contain the following elements:

- be on suitably sized paper, minimum A4 size (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- show the floor plan(s) of the owned or leased property
- outline in red the boundaries of the proposed area to be licensed

- if the proposed area does not follow a physical barrier (such as a wall), describe what is being used to separate the area
- show clear and consistent measurements on the plan
- include the address of the premises
- include a compass point showing north and names of the surrounding streets
- show basic functions or fixtures, for example, bar and dining area/kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located
- a plan should be drawn to a suitable scale so that all elements above are clearly identified. A suggested scale is 1:100 (1cm = 1m).

Restaurant and cafe licences and On-premises licences

If applying for kerbside trading, identify the area to be licensed and separately outline this area in red on the plan. The VGCCC will mark this area with an A.A on the approved copy of the plan. This area is referred to as the Authorised Area.

General licences

A general licence authorises the supply of liquor to patrons for consumption off the licensed premises, being a footpath or kerbside area. Therefore this area does not need to be identified on the plan.

Please note that licensees must comply with relevant local planning laws.

Where a proposed licensed or authorised area includes large outdoor spaces, a separate site plan must be provided that shows:

- the entire site including internal and external areas drawn to a suitable scale
- outline in red the proposed area that is to be licensed

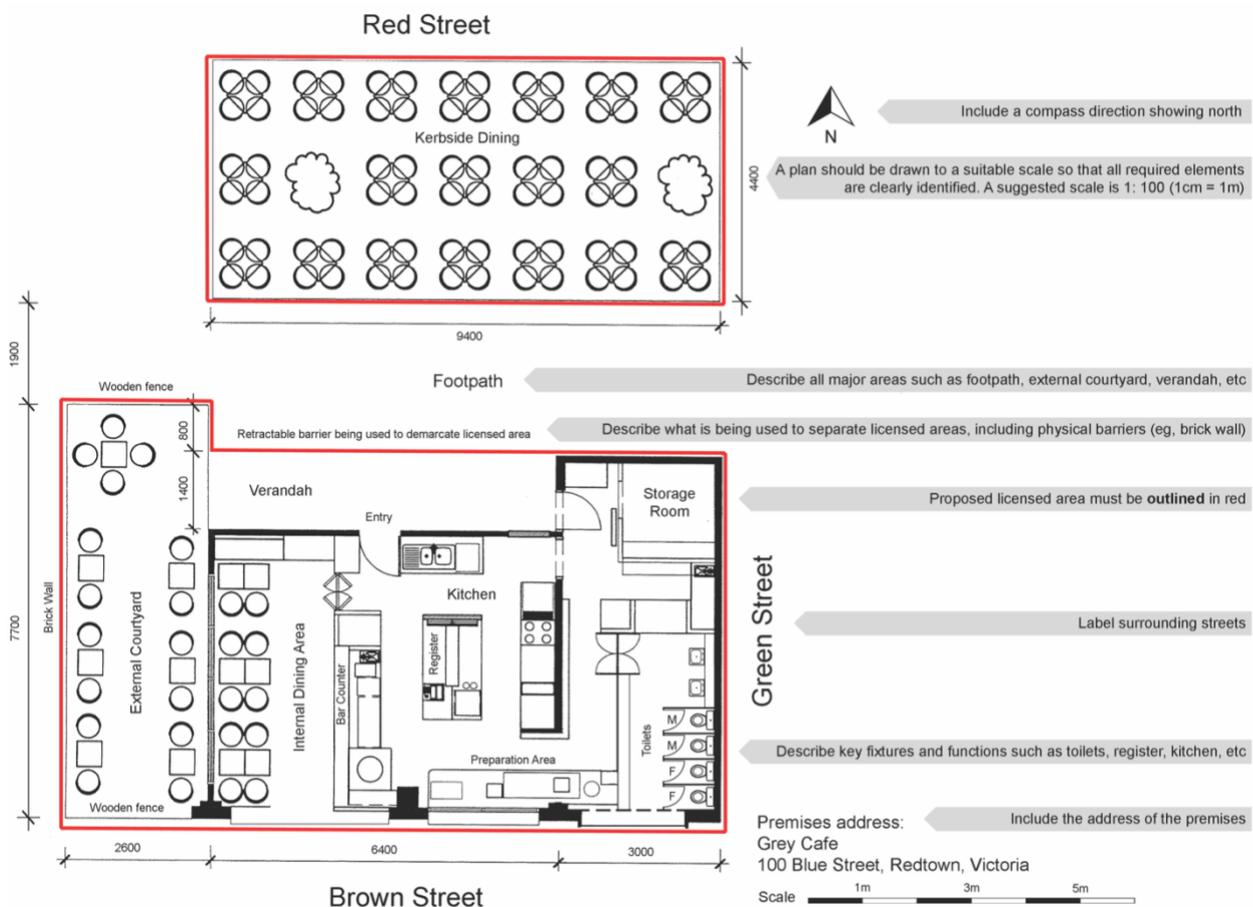
- clear descriptions of how the proposed outdoor area will be distinguished (for example, fence, portable barriers, warning signs).

If the plan does not meet these requirements, the applicant will be required to resubmit the plan.

What am I required to do with my approved plan?

A copy of the approved plan must be kept on the licensed premises and must be available for inspection on request by a member of Victoria Police or a Compliance Inspector.

Plan example



Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

Where can I get a copy of my approved plan?

If you do not have a copy of your approved plan, you can obtain a copy from the VGCCC at no extra cost.

An example of a plan is provided below.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.



Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Maximum patron capacity

The Victorian Commission for Liquor and Gambling Regulation (VCGLR) has a maximum patron capacity policy that guides how patron capacity is determined for a liquor licence.

Maximum patron capacity is the maximum number of patrons allowed on a licensed premises at any one time. This is to prevent overcrowding inside the venue and to minimise impacts on local amenity. Patron capacity may be used to calculate the annual licence fee payable by each licensee.

Applicants will be required to provide specific documentation in order for the VCGLR to determine and endorse maximum patron capacity for a premises.

Under the *Liquor Control Reform Act 1998* (the Act) the VCGLR can set a maximum patron capacity as a condition of a liquor licence. This is enforceable, and penalties apply for licensees who do not comply.

This factsheet provides guidance as to how the VCGLR will determine maximum patron capacity for the purposes of the Act. It is the building owner's responsibility to ensure that building occupants comply with all other regulatory requirements.

Which licences have a maximum patron capacity?

Maximum patron capacity will be endorsed in respect of applications for the following new licences:

- general
- on-premises
- restaurant and cafe
- late night (on-premises and general)
- full club
- restricted club.

Some existing licences may also be endorsed with maximum patron capacities.

Maximum patron capacities may also be required on some major event licences where appropriate.

How does the VCGLR determine maximum patron capacity?

In the first instance, the VCGLR will determine maximum patron capacity based on the maximum patron capacity stated within the most recently issued planning permit provided with the application.

If the planning permit does not contain a maximum patron capacity, or if the planning permit has not been granted by the local council prior to the grant of the liquor licence, applicants are encouraged to contact their local council to obtain a copy of an occupancy permit. The VCGLR will then determine the maximum patron capacity based on the number stated on the occupancy permit.

In circumstances where neither the planning permit nor occupancy permit specify a maximum patron capacity, applicants are required to obtain a report from a registered building surveyor that states:

- the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and
- the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres.

Please ensure that the report displays the building surveyor registration number.

Note: The VCGLR may request a building report from a registered building surveyor showing a calculation based on a ratio of one person per 0.75 square metres if the VCGLR considers that the capacity provided in the planning or occupancy permit is inaccurate or inappropriate. This may be requested in light of any information contained within the licence application and having regard to the objects of the Act.

Restaurant and cafe licences

For restaurant and cafe licences, tables and chairs must be available for at least 75 per cent of patrons. For example, if the licence states that maximum patron capacity is 100 patrons then there must be tables and chairs available for at least 75 patrons. Likewise, if there are tables and chairs available for only 50 patrons, a maximum of 66 patrons may be legally accommodated on the premises.

Patron capacity for specific areas

In addition to the overall maximum patron capacity for the licensed area, the VCGLR may set separate patron capacities on specific areas within a licensed area, such as:

- balconies
- terraces and courtyards
- beer gardens.

Patron capacities allocated for specific areas are calculated in accordance with the methods listed above, as well as amenity considerations.

While the VCGLR considers amenity as part of the patron number calculation, the relevant local council also retains responsibility for managing issues of amenity in each council region.

External areas

The overall maximum patron capacity for a licensed area is generally no larger than the maximum capacity allowed for the internal area of the premises.

This is to prevent overcrowding, and minimise sanitation and fire safety risks associated with patrons moving from outdoor to indoor areas, for example, to get a drink, to exit the premises or if it rains.

In some circumstances, the VCGLR may consider increasing the overall maximum patron capacity to allow for external areas.

Applicants with external licensed areas who wish to apply for this increase can submit a building report from a registered building surveyor demonstrating that fire safety and sanitation arrangements for the additional patrons will be met.

Features of an external area that may support an increase to the overall maximum patron capacity include:

- an external area that is large compared to the internal area, such as a large beer garden
- effective weather proofing
- separate entrances and exits
- separate facilities such as bars and toilets.

Function and accommodation areas

Function and accommodation areas may be excluded from the overall maximum patron capacity, and may be given their own separate capacity limits.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.