

IN THE LIQUOR LICENSING DIVISION OF WESTERN AUSTRALIA

IN THE MATTER OF AN APPLICATION BY **VARSITY CANNINGTON PTY LTD** FOR AN **EXTENDED TRADING PERMIT FOR ONGOING HOURS** FOR PREMISES KNOWN AS **VARSITY CANNINGTON** LOCATED AT 1525 ALBANY HIGHWAY, BECKENHAM

PUBLIC INTEREST ASSESSMENT SUBMISSIONS

Date of Document: The 27 day of May 2024

Filed on behalf of: The Applicant

Prepared by:

Fraser & Associates Lawyers
PO Box 326
BAYSWATER WA 6933

Telephone No: 0422 570 104
Reference No: PLF:1033
Solicitor: Peter Fraser

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1. The Applicant has filed an application for an Extended Trading Permit for Ongoing Hours ("the ETP") for premises known as Varsity Cannington, located at 1525 Albany Highway, Beckenham ("the Venue").



Varsity Cannington

2. The Venue officially opened on 22 March 2024.
3. The ETP is sought to permit the Venue to operate throughout the whole of the licensed area of the Venue. Patron accommodation numbers for the Venue are set at a maximum of 800 pax. Annexed and marked “**Annexure A**” is a copy of the Venue’s **Maximum Accommodation Certificate** which confirms the following patron limits in the various areas of the Venue:
 - (a) Internal Bar/Restaurant – 800 pax;
 - (b) Beer Garden – 260 pax; and
 - (c) Function Room – 72 pax.
4. Upon approval, the ETP will permit the Venue to trade between the hours of 6:00am and 10:00am on a Sunday, in circumstances where there is a live telecast of an Ultimate Fighting Championship (“UFC”) event being shown.
5. Currently, when there is a UFC event on, the Venue is only permitted to open and trade as an unlicensed restaurant and is not permitted to sell liquor until 10:00am.
6. If the ETP is granted, the Venue would be permitted to cater to the liquor requirements of those patrons attending the Venue during UFC events held at the Venue on a Sunday morning, prior to 10:00am and then beyond in accordance with the usual trading hours.

Proposed Trading Conditions

7. The Applicant proposes the following trading condition to apply, should the ETP be approved:
 - (a) Voluntary notification to local Police and Shire offices of intention to trade, no less than 48 hours prior to the proposed trading morning.

Ultimate Fighting Championship

8. The UFC is the largest mixed martial arts (MMA) organisation in the world. The UFC showcases the best international fighters using a variety of martial arts styles and disciplines.

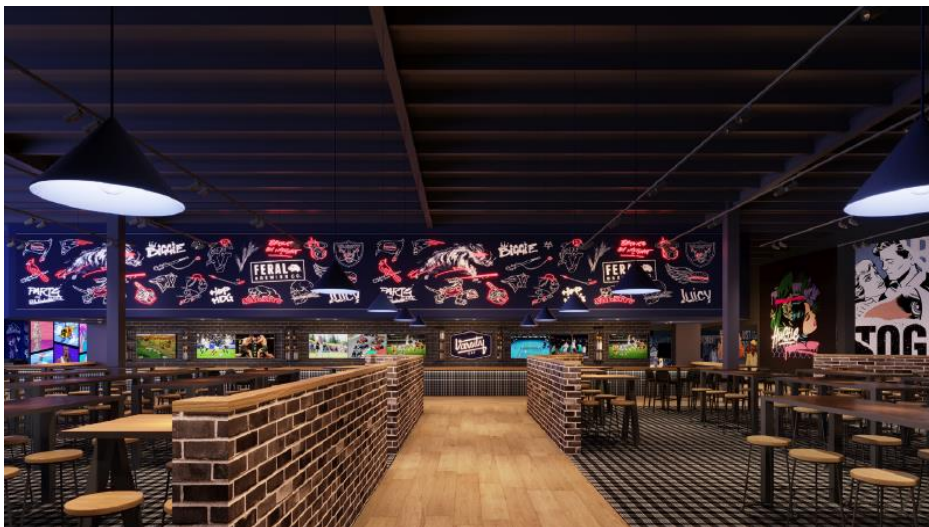


9. The UFC is televised live each week on a Sunday with the timetabling of events including Early Preliminaries, Preliminaries and the Main Card. Events are held around the world predominantly in Las Vegas where the UFC is based.
10. During UFC events, participants compete in fights using a combination of boxing, wrestling, judo and various other martial arts, these combined skills are referred to as “mixed martial arts”, or MMA. The combination of all these sports makes the UFC very popular with a diverse group of fans and patrons of the Venue, as with around the world.
11. UFC matches take place inside The Octagon, an eight-sided structure comprised of metal chain-link fencing. The fence is six feet high and allows for 30 feet of space from point to point within The Octagon.
12. Each UFC bout is a series of five-minute rounds, with a one-minute rest period between rounds. Non-title fights last for three rounds, while championship UFC fights are five rounds in duration.
13. There are currently 5 different UFC weight classes, being:
 - Lightweight;
 - Welterweight;
 - Middleweight;
 - Light Heavyweight; and

- Heavyweight.
14. Annexed and marked “**Annexure B**” is a copy of **UFC Events held in 2023**, with “**Annexure C**” showing the **Current Events arranged for 2024** so far. Annexure B provides details of the location and time the events will be held based on Western Standard Time, which confirms the requirement for the ETP.
 15. The Venue’s **Redline Floor Plan** is annexed and marked “**Annexure D**”. It is proposed that the ETP would operate in the whole of the licensed area of the Venue.
 16. A **Site Map** for the Venue is annexed and marked “**Annexure E**”, which provides an overview of the neighbourhood in closest proximity to the Venue.
 17. Annexed and marked “**Annexure F**” is a copy of the Venue’s **Food and Beverage Menu**.



18. The Venue’s main features relevant to the Application include:



Varsity CANNINGTON

- (a) Dining area of providing a range of seating options including 6-person high bar tables, booths and 4-seater tables.

- (b) A centralised bar service area service both the internal and alfresco areas for food and beverages, with the option to also operate a Garden Bar during peak periods and when the area is booked as function space.
- (c) Alfresco area, providing a range of seating;
- (d) Audio visual experience, with several giant screens and a proposed 34 screens in total operating within the Venue for patrons to enjoy watching the fights on; and
- (e) Function space for those patron who wish to attend as a group and pre-book a function area.

Varsity Pty Ltd (“Varsity”)

19. Operating since 2013, Varsity is a Western Australian success story with proven performance across now 10 venues, all which trade under a type of Tavern class licence and operate based on the Varsity business model. These venues are:

- (a) Varsity Bar, Nedlands (pax 375), Tavern;
- (b) Varsity Bar Waterford (pax 332), Tavern;
- (c) Varsity Morley (pax 1,003), Tavern;
- (d) Varsity Bar Joondalup (pax 510), Tavern;
- (e) Varsity Northbridge (pax 200), Tavern Restricted;
- (f) Varsity Freo (pax 384), Tavern Restricted;
- (g) Varsity Innaloo (pax 600), Tavern Restricted;
- (h) Northshore Tavern & Bistro (pax 350), Tavern;
- (i) Varsity Midland (pax TBA), Tavern (under renovations); and
- (j) Varsity Cannington (800 pax), Tavern Restricted.

(“the Varsity Venues”)

20. Varsity promises and delivers an inclusive, vibrant, fun and entertaining experience with something for everyone. All of the Varsity Venues are designed to appeal to all age groups, with the median age of patrons being 35 years.



Varsity Cannington

21. The Varsity brand and overall target vibe is intentionally designed to make anyone feel at home. Varsity embraces the peculiarities of each of its sites to create special and unique features that make each location quite distinctive, whilst consistently achieving a high level of service and food standards, together with sports entertainment that is extremely popular and are major drawcards at each of the Varsity Venues. It is extremely important to the Applicant for brand consistency and customer service that patrons can enjoy the same level of services at each of the Varsity Venues.
22. The operation of the ETP has been sought at all of the Varsity Venues to ensure that all Varsity patrons, regardless of where they live in the Perth metro area are able to enjoy watching the UFC on a Sunday morning over the same trading periods.
23. The Varsity business model clearly differentiates the brand from other types of licensed venues that operate in WA and fall under the banner of a “regular sports bar”. Each of the Varsity Venues prides itself on distinguishing features in each of its fit-outs, the Varsity brand offers a level of services that separates it from the “traditional” sports bar label and is committed to staying true to the Varsity goal of creating a vibrant and interactive setting for its patrons to enjoy.
24. In their own words Varsity identifies who they are by distinguishing what they are not:

“We are not a traditional pub.

Varsity does not stay open late blasting loud live music and spilling rowdy revellers onto the streets. Period.

We are not just a sports bar

While we are proudly Perth's home of sports experiences we are not a sports-obsessed bar where food and family friendly experiences are reduced to an afterthought.

We are not just a uni student hangout.

While we stay true to our American college / street skater culture origins, Varsity has matured into so much more to so many people.

We are not just another burger bar.

You won't see Varsity tussle with the healthy grilled burger elite at awards night. Sure, our burgers are famous and delicious (and they're what helped put Varsity on the map), but they don't solely define us.

We are not a cliché family restaurant.

We aren't in the company of large, franchises cookie-cutter family restaurants where the experience is polished and predictable."

(Source: varsity.com.au)



Varsity Fremantle

25. All of the Varsity Venues act as a strong destination attractor within its local area, with a large community base. Each has a proven ability to draw from a wide catchment area, reflecting Varsity's wide appeal, particularly for special events and live telecasts of particular sporting events, of which the UFC is one of many.



26. On average 59% of visitors reside within a 15-minute drivetime to each of the existing sites, revealing also the significant local community support that each Varsity venue generates.
27. Evidence supporting paragraphs 25 and 26 above is reflected in the Surveys provided as part of these submissions in Annexure G.

Consumer Requirement

28. The reasonable requirements of consumers and how those needs would be met by the grant of the Application are matters relevant to general public interest considerations raised under section 33 of the Act and also to the objects of the Act as stated in sections 5(1)(c) and 5(2)(a).
29. The Applicant has gathered feedback from consumers who live in and around the Locality who were invited to complete a E relating to the proposal for the Venue, to obtain feedback concerning consumer requirement.
30. Annexed and marked “**Annexure G**” is a bundle of 124 **Consumer Requirement Surveys** that were collected by the Applicant, together with a Survey Summary (“the Survey”).
31. The Survey lodged by the Applicant establishes that the relevant section of the public supports the Application for the Venue to operate under the ETP. The Survey reflects significant support for the Application to be granted, including the following results:
 - (a) Over 57% of survey participants were aged in their 30’s and 40’s.
 - (b) 100% of survey participants confirmed that they would like to attend the Venue during ETP trading hours to watch UFC;

- (c) 100% of survey participants confirmed that they want to watch live UFC telecasts on a Sunday morning;
 - (d) 100% of survey participants indicated that the Venue was their preferred location to watch live telecasts of UFC;
 - (e) The availability of liquor services whilst watching UFC on Sunday mornings at the Venue, was an important feature to over 94% of survey participants;
 - (f) Over 97% of survey participants wanted to have the option to purchase an alcoholic beverage whilst at the Venue watching UFC; and
 - (g) All survey participants wanted to have the opportunity to have food/breakfast and a beverage whilst watching UFC at the Venue.
32. In the present case, it is evident from the Consumer Requirement evidence gathered by the Applicant, together with the Locality's demographic profile (provided in the Locality submissions) that:
- (a) There is a demand for the ETP to operate during the period of 6:00am and 10:00am for the purposes of patrons viewing live screenings of the UFC on Sundays;
 - (b) The Venue will be well patronised during the ETP trading hours by a wide range of consumers from the Locality and the surrounding areas;
 - (c) There is demand for the Venue to offer its services and facilities during the ETP trading hours;
 - (d) The ETP will enhance the entertainment offers available within the Locality that targets the live screening of boxing and martial arts related sporting events; and
 - (e) Improve the opportunities to socialise in the Locality.
33. During the ETP trading hours, the Varsity Business Model will be applied at the Venue which will help foster a sense of community engagement that is not just focused on eating and drinking but also entertainment and social interaction with one another. The Applicant submits that an important ingredient in the Varsity brand's success and ability to create a welcoming and safe environment in all of the Varsity venues is the common element of sport.

34. Based on the Applicant's experience in operating the Venue, the sporting events that Varsity presents at each of its venues bring people together as very few other things can. Sport has the power to unite people, regardless of their age, race or gender and allows patrons to talk to one another through a common interest, which builds connections and creates rapport.
35. Approval of the Application will create a unique location within the Locality where members of the public can socialise and watch UFC in a safe and fun environment that encourages social interaction and a sense of community.
36. It is the Applicant's intention to file further evidence in relation to the requirements of consumers, once it has been determined:
 - (a) whether any objection(s) have been filed, and if so, whether the objection(s) have been accepted by the Director of Liquor Licensing ("the Director"); and
 - (b) once the Director has determined whether the matter will be determined on the papers or by way of a hearing.

Section 38(4)(a) – Harm or Ill Health

At Risk Groups

37. The Directors of Varsity have an excellent trading history at all of the highly successful licensed premises that they are associated with. The Applicant submits that it will manage the Venue during the ETP in the same professional and responsible manner.
38. The Director in his policy entitled *Public Interest Assessment Requirements and Application Procedures*, has identified at risk groups as follows:

“At risk groups” have been identified and may include; ‘children & young people’, ‘aboriginal people and communities’, ‘people from regional, rural and remote communities’, families, ‘people in low socio-economic areas’, ‘mining communities’, ‘communities that experience high tourist numbers.’
39. Given the location of the Venue, it is reasonable to assume that due to the range of people attracted to the Locality, there will be persons who fall within one or more of these categories.

40. The Drug and Alcohol Interagency Strategic Framework for Western Australia 2011 – 2015 identifies the following “at risk” groups and sub-communities. Based upon the Applicant’s knowledge of the area and experience in the Hospitality industry and the patronage it receives at the Venue, it makes the following comments with respect to the “at risk” groups identified.
41. Overall, the standard of the fit-out and manner of operations at the Venue indicate that it will be unlikely to attract a significant proportion of ‘at risk’ sectors of the community as noted in the following paragraphs:

- (a) Young people: Based on its style of operations, proposed services and the demographics of the Locality, the Venue does not attract significant numbers of young people and expects this to remain unchanged, should the application be granted.

As noted in paragraph 20 of these submissions, the median age of patrons attracted to the Varsity Venues is 35 years. With reference to the common ages of the Survey participants in Annexure G and the demographics provided in the Locality Submissions (Annexures E and F) the demand for the ETP is likely to include a large contingent of more mature members of the community.

- (b) Aboriginal persons: The patron base at the Varsity Venues does not include a notable number of “at risk” Indigenous persons at any of the Venue’s current locations and the Applicant expects this will remain unchanged during ETP trading hours.
- (c) Persons from regional, rural and remote communities: The quality of the fit-out and manner of operations and price point of its foods results in the Venue not attracting a significant proportion of ‘at risk’ sectors of regional, rural and remote communities and the Applicant does not expect this to change during ETP trading hours.
- (d) Families: Based on the Applicant’s experience in screening UFC events at the Venue, it is not expected that the UFC will appeal to this demographic during ETP trading hours.
- (e) Migrant groups from non-English speaking countries: Based on the Applicant’s experience in screening UFC events at the Venue, it is not expected that the UFC will appeal to this demographic during ETP trading hours.

- (f) People in low socioeconomic areas: Taking into consideration the proposed quality fit-out, the style of operations at the Venue and the price point of its food and beverages, the Applicant submits that based on the Venue's trading experience, persons suffering disadvantage generally do not patronise the Venue and does not expect this to change during ETP trading hours.
 - (g) Mining communities or communities with high numbers of itinerant workers: This does not apply to the Venue.
 - (h) Communities that experience high tourist numbers: The Applicant does expect to provide services to visitors to the Locality. Based on the Venue's proposed quality fit-out, the style of operations and the price point of its food and beverages the Applicant submits that it is unlikely to attract a significant proportion of 'at risk' tourists during the ETP.
42. The Applicant will strictly maintain and enforce responsible service of alcohol guidelines and will follow the Venue's Harm Minimisation practices at all times.

Health

43. The Health Department no longer provides access to publications relating to alcohol-related harm for regions of WA on their website and therefore this data is not accessible to the Applicant.
44. Annexure F in the Locality Submissions reveals that asthma, arthritis and mental health conditions are the most prevalent long term health conditions suffered by residents in the City of Gosnells ("the City") residents.
45. Also noted in the Gosnells Quickstats 63.4% of the City's residents had no long-term health conditions.

Crime Prevention Through Environmental Design

46. The Location and design of the Venue is within the guidelines and principles outlined in the "Designing/Planning Guidelines".
47. The Venue:
- (a) is located in an area that has been zoned for the proposed use and is therefore compatible with neighbouring uses;

- (b) has specific entry/exit locations for patrons, allowing areas to be easily monitored by staff and surveillance equipment;
 - (c) is located in a well-defined private space, well suited to meet the needs of its patrons;
 - (d) consists of well-designed areas that are monitored by experienced approved managers and staff who will be responsible for monitoring patron behaviour; and
 - (e) will assist in the passive surveillance of the streetscape by activating the area around the Venue in the early hours of Sunday morning.
48. The grant of the Application will enhance the amenity of the Locality by the patron type that it will attract and the hospitality and entertainment services that it will provide, which will encourage further activity throughout the day within the Locality.
49. The Applicant will maintain a strict zero tolerance policy with respect to anti- social behaviour at the Venue.

Crime

50. **Crime Statistics for the Suburb of Beckenham** obtained from the WA Police website for the period 2014/15 – 2023/24 are annexed and marked “**Annexure H**”.
51. Specific statistics on alcohol-related offences that have occurred in the Locality are no longer available from the WA Police, who have previously advised the Applicant’s Solicitors that it is “*against WA Police policy to release detailed alcohol related offence statistics prior to the lodgement of a Liquor Licence Application*”.
52. As noted on the WA Police website, the crime statistics provided in Annexure H are reported based on the location of where the offence occurred and may be influenced by a wide range of factors that include population, infrastructure, seasonal trends and the extent to which crime is reported or detected by police. Such factors should be considered when interpreting the statistics annexed to these submissions.
53. Any statistic provide by WA Police should be treated with caution as statistics generally only refer to alleged offences and not convictions. In the absence of statistics in relation to the rates of conviction, it is uncertain how reliable these statistics are.

54. The Applicant submits that when regard is had to the proposed operation of the ETP (particularly its focus upon the provision of food), and the Venue's past trading history, the Venue should be considered a "low risk" for alcohol related harm.

Anti-Social Behaviour

55. The Venue does not share the following features which are sometimes associated with other similar licenced premises' that have been associated with alcohol-related anti-social behaviour and aggression:

- (a) Unattractive, poorly furnished, poorly maintained premises give a message to patrons that the managers anticipate physical violence and associated damage to furnishings (Graham, K, Larocque, L, Yetman, R, Ross, TF and Guistre, E, (1980) "Aggression and Bar Room Environments" Journal of Studies on Alcohol, 41 pp277-Aggression has been significantly correlated with poorly maintained, unclean and unattractive bar environments, Homel, R and Clark, J, 1994 "***The Prediction and Prevention of Violence in Pubs and Clubs***" (Crime Prevention Studies 3, 146). Annexed and marked "**Annexure I**".

The Venue has a high quality fit-out and will be well maintained;

- (b) Poor ventilation and smokey air, inconvenient bar access and inadequate seating, high noise levels and overcrowding (Grahame et al 1980, Homel and Clark et al). The applicant in its design of the Venue has incorporated both extensive seating, as well as easily accessible bar areas.

The Venue is non-smoking, well set out and ventilated with substantial seating;

- (c) Graham et al (1980) found that aggression was more likely in bars where there was dancing and pool playing.

There are no dance floors areas at the Venue.

Pool tables are a feature at the Varsity Venues and there is no evidence that pool playing at any of these locations have caused aggression or anti-social behaviour.

- (d) There is greater aggression when bar staff are very aggressive, and do not engage in responsible serving practices (Homel and Clark, 1994, etc. al)

and/or little control is exercised over patrons' behaviour. Graham et al 1980. Aggression has been found to be more likely in bars where drunkenness is frequent (Graham et al 1980, Homel and Clark 1994) and where there are discounted drinks and other drink promotions.

This is not the case at the Venue; and

- (e) The availability of food (especially full meals) has been associated with a reduced risk of aggression in bars (Graham, K (1985) "Determinants of Heavy Drinking and Drinking Problems — the Contribution of the Bar Environment"; Single and T Storm (EDS) "Public Drinking and Public Policy, Toronto Addiction Research Foundation".

The Venue has a strong focus on food and meal options will be available throughout the Venue's ETP trading hours.

- 56. It is submitted that the Venue, with its continued commitment to top quality food and meal options, together with family-friendly entertainment falls within that category of venues where the consumption of alcohol is not the primary focus for patrons.
- 57. Due to these features, it is submitted that the Applicant's venue is much less likely to be associated with alcohol-related violence and aggression.

Section 38(4) (b) – Impact on Amenity

- 58. When considering the impact that the grant of the Application will have upon the amenity of the Locality, it is relevant to consider:
 - (a) the net benefits to the local community through the introduction of additional events in the Locality on weekends that will improve the amenity of the area, motivating residents to socialise locally, further activating the area and creating a community hub for like-minded sporting enthusiasts.
 - (b) the immediate locale within which the Venue operates and the services it already provides to the local community.
 - (c) the positive impact that Varsity's brand recognition and its popularity add to the appeal of the Locality as a destination attractor, bringing new business into the area on Sundays.

- (d) as a destination attractor, the Venue will substantially add to the activation of the Locality on Sunday mornings increasing the passive surveillance of the area and supporting crime prevention.
 - (e) the Venue is in a mixed-use area and is therefore compatible with other uses and complements existing services provided.
 - (f) the additional variety, choice and standard of licensed hospitality services that will become available in the Locality through the activation of the ETP.
59. Planning authorities have recognised the need to meet the growing demands of Perth residents and those visiting areas. Localities across the metropolitan area need to ensure that they provide a greater variety of services to meet the needs and tastes of a wide and growing consumer base that will help to attract new residents and also motivate visitation.
60. All sectors of the community seek out hospitality and entertainment services. The City's planning strategies noted in Annexures D in the Locality Submissions aim to create activity centres across the City, which are mixed-use and offer a vibrant, safe and amenity rich area that services the local community.
61. The City's objectives are supported by the findings in the Entertainment Surveys (Annexure J & K).
62. The Venue's proposed sports entertainment offer during the ETP hours is consistent with the style of entertainment that the Venue already offers throughout the week and therefore the style of services provided at the Venue during the ETP trading hours will remain unchanged. Approval of the ETP will allow the Venue to offer UFC fans the opportunity to enjoy this sport live in a social and licensed setting, which is currently not available within the Locality.
63. By reason of the above, the Applicant submits that the grant of the Application will positively contribute to the amenity of the Locality by:
- (a) Encouraging more people to visit and socialise in the Locality, particularly on a Sunday;
 - (b) Enhancing the vibrancy of the Locality and the surrounding streetscape on a Sunday;
 - (c) Offering a safe licensed venue for residents to visit and enjoy watching live UFC;

- (d) Adding to the choice of licensed hospitality services that are available in the Locality for the purposes of socialising, enjoying entertainment (i.e. UFC) with quality bar and dining services also available; and
- (e) Supporting the future sustainability of local businesses trading in the surrounding area of the Venue and within the Locality by attracting increased custom to the area.

Section 38(4)(ca) – Effect on tourism & community



- 64. Tourism WA’s publications, **Tourism WA: Perth Entertainment Precincts (2017)** (“the Entertainment Survey”), extracts annexed and marked “**Annexure J**” and **Perth Entertainment Precincts Research 2022 / Final Report** (“the Final Entertainment Survey”) extracts annexed and marked “**Annexure K**” both offer insights into what are the strongest drivers for consumers generally in choosing a licensed venue.
- 65. With reference to Annexure K, the weekends are the most popular time to visit any precinct (Page 30), with over 3 in 5 of visits being with a partner, and more than half with friends (Page 32).
- 66. Each precinct was ‘known’ for different activities, although it is relevant for this application that Events was one of the drawcards that motivated the public to visit a precinct (Annexure K, page 36). The City identified as part of its Strategic Planning (Annexures D in the Locality Submissions) that creating more reasons to visit the Locality and creating added attractions in the City would help to increase visitor numbers and activate the Locality.

67. The provision of liquor services also rates highly as a key finding, together with extended trading hours (Page 90, Annexure K). These findings support the grant of the ETP Application.
68. The key findings from both Annexure J and K reveals what the public value when selecting which location to go and socialise in. It also highlights the importance of hospitality venues continually enhancing and reinvigorating services to achieve an exciting and vibrant atmosphere that is a driver for ongoing visitation.
69. The Entertainment Survey provides an insight into the key drivers for consumers visiting a licensed premise. Factors that consumers considered when choosing a venue to socialise in, included, but were not limited to:
- (a) Safety of the venue;
 - (b) The venue's atmosphere;
 - (c) Availability of food and liquor services;
 - (d) Good reviews/popularity;
 - (e) Opening hours (e.g. extended trading hours); and
 - (f) Live music or other live entertainment.

(Annexure J, page 24, Annexure J, page 90)

70. Considerations for selecting a venue included:
- (a) Whether food is served;
 - (b) Whether alcohol served;
 - (c) Live Entertainment;
 - (d) Opening Hours; and
 - (e) The Venue's atmosphere. (Annexure J, page 24)
71. In the Final Entertainment Survey, 43% of participants aged 35 – 54 years indicated they were attracted to tavern style venues. (Page 85)
72. Those aged 55+ years are also attracted to tavern style venues (30%). (Annexure K, page 86)

73. Overall, the parties attracted to a tavern style venue largely consisted of:
- (a) Friends (60%);
 - (b) Partner (54%); and
 - (c) Work colleagues (18%). (Annexure K, page 32)
74. Tavern/Sports Bar style venues were found to be one of the most visited class of venue in the Entertainment Survey and the perception was that that this type of licensed premises:
- (a) Added vibrancy to an area;
 - (b) Provided entertainment; and
 - (c) Made an area more appealing and more likely to be visited.
- (Annexure K, pages 94 & 104)
75. Significantly, when considering the following factors, the Venue is well-suited to meet the demands of local residents and visitor during the ETP hours based on the proposed:
- (a) Provision of food and liquor services;
 - (b) Live sporting entertainment;
 - (c) Extended trading hours; and
 - (d) The demographics of Varsity's patron base and those within the Locality.
76. The Applicant submits that the Venue and its proposed style of operations during ETP trading hours will be a positive addition to the amenity of the Locality and will help to better meet the consumer requirements of the local community and visitors for a greater range of entertainment and events to enjoy, particularly on weekends.
77. In addition, the Applicant submits that the additional visitors to the Locality on a Sunday will have a flow on effect on other businesses within the Locality.

Community

78. The Venue will be the only licensed venue in the Locality to present live UFC events on a Sunday morning.

79. Consumer requirement for this event is clearly evidenced in the Surveys that the Applicant has gathered from the general public and provided in Annexure G in these submissions.

Section 38(4)(c) - Offence, Annoyance, disturbance and inconvenience

80. It is submitted that the granting of the Application will not cause offence, annoyance, disturbance and/or inconvenience to residents, business owners or persons passing through the Locality.
81. The Venue and its staff will take all reasonable steps to control the behaviour of patrons whilst at the Venue and as they enter and leave the Venue.
82. The Venue will comply with the *Environment Protection (Noise) Regulation 1997* and the requirements of the City.
83. The Applicant submits that the successful track record and management of other Varsity Venues that have operated previously with an occasional ETP for sporting events are a testament to the highly successfully Varsity Business Model that will be maintained during the ETP. The Applicant will ensure that these high standards are upheld at the Venue during the ETP with respect to harm minimisation strategies and RSA.
84. By reason of all of the foregoing, the Applicant does not foresee that any significant offence, annoyance, disturbance or inconvenience will be caused by the granting of the Application.

Conclusion



85. The Applicant submits that it is in the public interest for the Application to be granted as:

- (a) the grant will not result in harm or ill-health due to the consumption of liquor;
- (b) the approval of the Application will meet the requirements of Varsity's UFC fans that live in the Locality and the surrounding areas.
- (c) the approval of the Application will enhance the services and facilities that will be available for the community and visitors to enjoy, in particular live screenings of UFC events in a licensed environment;
- (d) the grant of the Application will add to the services and attractions that are available within the Locality on a Sunday;
- (e) the Application supports the City's planning objectives in relation to increasing attractions and activating the Locality;
- (f) the grant will not result in any significant antisocial behaviour, noise or disturbance due to the operation of the ETP. The Venue will continue to operate under the Varsity Business Model, providing a safe and friendly licensed premises that will appeal to a wide range of age groups that live and/or visit the Locality.

86. In all the circumstances, the Application should be granted.



FRASER & ASSOCIATES LAWYERS
Solicitors for the Applicant