

IN THE LIQUOR LICENSING DIVISION OF WESTERN AUSTRALIA

IN THE MATTER OF AN APPLICATION BY GERMAR INVESTMENTS (WA) PTY LTD AS TRUSTEE
FOR THE CARTHU INVESTMENT TRUST FOR AN EXTENDED TRADING PERMIT (ONGOING
HOURS) FOR PREMISES AT 6 SOUTH TERRACE, FREMANTLE, WA KNOWN AS 'MONS. OSHEA
IRISH PUB AND SHOP'

PUBLIC INTEREST ASSESSMENT SUBMISSIONS

Date of Document: 13 February 2025

Filed on behalf of: The Applicant

Prepared by:

Tim Monaghan

Monaghan Lawyers

Level 2, 524 Hay St, Perth WA

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SECTION A: DETAILS OF APPLICATION

INTRODUCTION

1. In these submissions, reference to:
 - (a) **Act** means the Liquor Control Act 1988;
 - (b) **Applicant** means GerMar Investments (WA) Pty Ltd as Trustee for the Carthy Investment Trust;
 - (c) **Application** means the application by the Applicant for the ETP (Hours) in respect to the Licence;
 - (d) **ETP (Hours)** means extended trading permit (ongoing hours) pursuant to s.60(4)(g) of the Act;
 - (e) **Licence** means the small bar licence which the Applicant has applied for, to be attached to the Premises;
 - (f) **Locality** means the locality relevant to the Application as defined in these submissions;
 - (g) **Premises** means the land and buildings at 6 South Terrace, Fremantle, WA which are subject to the Licence;
 - (h) **RSA** means responsible service of alcohol; and
 - (i) **Venue** means the business to be operated by the Applicant at the Premises under the Licence trading under the name 'Mons. OShea Irish Pub and Shop'.

The Applicant

2. The Applicant has secured a lease of the Premises with the intention of establishing the Venue described in these submissions.
3. The Applicant has applied for a small bar licence and also applies for an ETP (Hours) for the Venue for a period of 10 years to extend the permitted trading hours of the Venue from midnight to 1.00am, seven days per week. It is proposed that the two applications are determined jointly by the licensing authority.
4. The Application is driven by the Director of the Applicant company, Simon Carthy who has over 30 years of hospitality experience, having worked at various bars and hotels

in Ireland and around Australia. **Attached and marked A1** is a copy of his curriculum vitae.

5. As an experienced operator, the Applicant is well aware of its responsibility to effectively manage and mitigate all risks that may potentially be associated with the supply of liquor. Accordingly, this proposal has been developed with the specific aim of ensuring that the Venue operates as a positive addition to the lifestyle, leisure and tourism attractions of the Locality and with a broad range of effective mitigation measures in place at all times.

Premises

6. The location of the Premises is ideal in light of the following features:
 - (a) Located in the heart of the Fremantle entertainment precinct, which serves the leisure and hospitality requirements of Perth residents and tourists;
 - (b) Proximate and complimentary to numerous other licenced and unlicensed hospitality venues and facilities located in the vicinity of the Premises; and
 - (c) Convenient access to public transport options and public car parks.
7. The Applicant intends to undertake an internal renovation of the Premises which will involve minor building works, including the construction of a new bar and toilet facilities, and an internal fit out to a high standard. Once completed it will present as a boutique traditional Irish pub with themed décor, cosy seating and small street front shop selling merchandise and takeaway food.
8. Approximately ten persons will be employed to work at the Venue, including permanent, part time and casual staff.
9. In due course, subject to the approval of the City of Fremantle, the Applicant intends to apply for an ETP to licence an alfresco area on the footpath outside the Premises.
10. The Venue will operate as a casual, stylish hospitality facility offering a wide range of liquor and related services, combining the best elements of a small bar environment with the contemporary features and services expected by modern consumers.

INTENDED MANNER OF OPERATION

11. The Applicant has carefully planned all aspects of its proposal, including the following keys areas:
 - (a) Capacity;
 - (b) Trading hours;
 - (c) Dress code;

- (d) Dining
 - (e) Beverages
 - (f) Entertainment;
 - (g) Juveniles;
 - (h) Functions;
 - (i) Management, supervision & training;
 - (j) RSA policies & procedures;
 - (k) Safety and security; and
 - (l) Neighbourhood & amenity issues.
12. These features have been designed to provide a range and quality of products and services that will satisfy the requirements of the relevant section of the public, deter persons in recognised 'at risk' categories and mitigate against risk of negative impacts of the operation of the Venue on the local community.

Capacity

13. The Venue will accommodate a maximum of approximately 120 persons at any one time, subject to the approval of the City of Fremantle.

Trading hours

14. The Applicant seeks to operate under the standard permitted trading hours for small bar licences pursuant to s98AA, Act and subject to the grant of this Application, extended trading hours allowing the Venue to close at 1.00am seven days per week.

Dress code

15. The dress code for the Venue will be 'Neat Casual Dress and Footwear'. This will be interpreted strictly by management to ensure that the Venue is attended by the desired demographic and to minimise persons in a 'high risk' category from seeking to attend the Venue.

Dining services

16. The Applicant proposes to provide patrons of the Venue with food that is accessible, value driven and high quality. These features are seen as a key aspect of the hospitality 'offer' at the Venue.
17. Food will be available throughout all trading hours with an all-day menu including hot beef rolls, a roast of the day, hand cut wedges and toasted sandwiches.

18. The Venue's full dining menu will be available during all trading hours until 9pm every night except on Friday and Saturday nights when the full menu will be available until 15 minutes before closing. Toasted sandwiches will remain available until 15 minutes before closing every night of the week.
19. Patrons will be able to enjoy dining services in all parts of the Premises with substantial seating provided throughout the Venue to facilitate and encourage dining.
20. As part of its commitment to RSA the Applicant will ensure that a range of low and non-alcohol products will be available during all trading hours, including mocktails and non-alcoholic beer and wine.
21. **Attached and marked A2** is a copy of an indicative dining and beverage menu for the Venue.

Beverage services

22. The Applicant intends to maintain beverage services with an emphasis on quality products, excellent service and stylish presentation. Features of beverage service will include the following:
 - (a) Liquor products of a consistently high quality will be offered.
 - (b) The Applicant will ensure that a range of mid strength, low strength and non-alcoholic products are available to patrons at all times.
 - (c) Drink products that would tend to encourage excessive or rapid consumption of alcohol will not be offered or promoted at the Venue.
23. The Venue's wine list will comprise a wide range of varieties and regions covering Western Australian, Australian and international wines. Wines will be in the mid to upper premium range, covering a range and priced accordingly.
24. A range of premium and craft beers covering a wide range of varieties will be offered including products from quality Western Australian and international brewers.
25. High quality spirit products offered will include a selection of Irish Malt Whiskeys that will arguably be the largest of any "pub" style venue in Australia.

Entertainment

26. During the day amplified music will be played via the Venue's in-house sound system to provide background ambiance. In the evenings, including extended trading hours, patrons will be able to enjoy a range of local live acts performing on the Venue's small stage area. Amplified music will be played via an in-house sound system and traditional Irish live music will be performed most nights. A DJ will occasionally perform for special occasions or private functions.

27. The Applicant intends to create and maintain an environment for patrons that is comfortable and relaxed during all regular trading operations. To achieve these aims, entertainment at the Venue will be provided in a format and style that enhances the hospitality experience of patrons visiting the Venue and is not in a style or intensity that detracts from the hospitality experience of patrons.
28. The proposed extended trading hours will facilitate and enhance live music at the Venue by providing such services at times desired by many patrons.

Juveniles

29. The Venue aims to appeal and cater to a broad cross-section of the community, including family groups with children.
30. Unaccompanied juveniles will not be permitted in the Venue other than in circumstances permitted by the Act.

Functions

31. The Venue will provide an attractive and unique function venue for a wide range of function customers comprising a mix of corporate functions and events and private functions such as birthdays, anniversaries and weddings.
32. While no part of the Venue will be permanently dedicated to the exclusive use of function customers, private functions will be catered for by way of temporary areas allocated for the exclusive use of function customers and their guests as required.
33. As part of internal risk mitigation policies, the Applicant will generally not accept bookings for functions associated with irresponsible alcohol consumption.

Management, supervision & training

34. Operation of the Venue will be benefited by the 'hands on' involvement of principal director of the Applicant company, Simon Carthy, who has attained considerable experience in the hospitality industry. He will supervise and control of all aspects of the business operating under the licence.
35. Staff and approved managers will be subject to induction and ongoing in-house training to ensure the highest standards of service and a comprehensive knowledge of all legal requirements under the Act. Special emphasis will be placed upon RSA principles (see below).
36. As an experienced operator, the Applicant is well aware of the risks and responsibilities associated with the supply of liquor. Accordingly, this proposal has been developed with the specific aim of ensuring that the Venue operates as a positive addition to the Locality's lifestyle, leisure and tourism attractions and operating under a comprehensive and effective range of harm mitigation measures.

37. The Applicant has developed a wide range policies and procedures relating to all aspects of operational which all staff members will be expected to follow as documented in the Venue Management Plan, **a copy of which is attached and marked A3.**

RSA policies & procedures

38. The Applicant is strongly committed to adhering to RSA principles and proposes to implement and maintain a comprehensive range harm minimisation measures.
39. The Applicant's relevant policies are contained in the Harm Minimisation Plan filed in support of the Application and the Venue Management Plan (Attachment A3).
40. RSA and harm minimisation policies and procedures include the following:
- (a) Drinks that would tend to encourage the rapid or excessive consumption of alcohol will not be offered or promoted;
 - (b) A wide range of non-alcoholic and mid-strength drinks will be available and advertised at the Venue during all trading hours;
 - (c) Staff induction training will include a strong emphasis on encouraging responsible consumption, pro-actively discouraging excessive or rapid consumption and effectively identifying signs of drunkenness and implementing effective measures to deal with patrons exhibiting such signs. This will apply to all 'front of house' staff including bar, wait and glass collection staff;
 - (d) Bar and wait staff will be trained to actively and routinely encourage patrons to combine alcohol consumption with food and to have 'breaks' between consumption of alcoholic drinks by consuming water and/or non-alcoholic beverages;
 - (e) Regular refresher training will be conducted for all approved managers and general staff with a strong emphasis on RSA issues; and
 - (f) All front of house staff including glass collection staff will be required to hold a valid Responsible Service of Alcohol Certificate.
 - (g) Bar, wait and glass collection staff to conduct ongoing assessment of the state of sobriety of patrons at all times and to report any signs of drunkenness immediately to the senior manager on duty.
 - (h) Managers will be required to conduct regular 'intox sweeps' of the Venue to identify any patrons exhibiting possible signs of drunkenness and to implement appropriate action in accordance with documented RSA practice for the Venue.

41. To demonstrate its bona fides in this regard, the Applicant would consent to an 'RSA' condition being attached to the licence in the terms referred to below should the Director see fit to doing so.

Safety & security

42. The Venue can be considered to be in a relatively low risk category in terms of safety and security given the following features:
- (a) High quality of design and fit out;
 - (b) Wide availability of dining services ;
 - (c) Substantial seating for patrons;
 - (d) Strict dress code;
 - (e) Comprehensive RSA policies and procedures;
 - (f) Responsible "hands on" licensee with considerable experience in the hospitality industry, a commitment to regular staff training, quality management and extensive management controls, policies and procedures; and
 - (g) Substantial CCTV coverage.
43. Nonetheless as a precautionary and deterrent measure the Applicant intends to provide a suitable security services during peak trading periods as set out in the Applicant's proposed Licence conditions (see below).

Neighbourhood & amenity issues

44. Relevant to the assessment of these issues is the character of the neighbourhood in which a licensed venue is situated. In this case the Premises are located in a mixed-use, inner-city precinct, recognised as one of Perth's most popular nighttime entertainment precincts.
45. The Premises are situated in proximity to numerous licensed and unlicensed hospitality venues associated with a significant level of ambient noise, particularly at night and on weekends.
46. There are several large and small licensed venues located within walking distance of the Premises which trade until 1am or later. They include:
- (a) Ronnie Nights (small bar licence trading until 1am);
 - (b) Flight Club, 2 South Terrace (hotel licence trading until 1am)
 - (c) The National Hotel, 98 High St (hotel licence trading until 1am)

- (d) Hugos, 14-16 South Terrace (trading until 4am);
 - (e) Metropolis Fremantle, 58 South terrace (trading until 4am).
47. The Applicant is very aware of its responsibility to operate the Venue in harmony with its neighbours, without lessening local amenity, causing undue disturbance or otherwise impacting adversely on the persons that live and work in the vicinity. Accordingly, the Applicant is committed to operating the Venue in a manner that positively contributes to the lifestyle, leisure and tourism attractions in the Locality while minimising the risk of any negative impacts in the community.
 48. The Applicant's intention for the Venue is to developing deep roots in the local community, creating a strong sense of identity, providing a welcoming social meeting place for locals and offering employment opportunities for all persons, particularly young adults.
 49. The Venue and its manner of operation pose a low risk of lessening amenity or causing undue disturbance in light of the following features:
 - (a) Premises of a moderate size and capacity;
 - (b) Premises to be fitted out to a high standard;
 - (c) Low intensity manner of operation lacking intensive forms of entertainment;
 - (d) Significant dining services provided;
 - (e) Substantial seating provided throughout the Premises;
 - (f) Venue unlikely to attract patrons with a high risk ions of irresponsible consumption of alcohol and/or anti-social behaviour; and
 - (g) Experienced and responsible licensee; and
 - (h) Comprehensive range of management controls and risk mitigation measures in force all times with a strong emphasis on RSA principles.
 50. In combination these features provide a high level of confidence that the Venue will operate without negative impacts in the local community either in terms of reducing amenity or causing undue noise or disturbance to persons.
 51. In fact, the introduction of the Venue into the Locality would be consistent with the objectives of the relevant local government authority and would provide numerous positive amenity impacts in the Locality by improving the:
 - (a) quality and variety of leisure and hospitality facilities and services available in the Locality; and

- (b) liveability of the Locality and the quality of life of persons living in, working in and visiting the Locality.
52. Nonetheless, the Applicant intends to operate the Venue under a comprehensive range of written policy and procedures to mitigate against the risk of disturbance to its neighbours. **Attached and marked A4** is a copy of the Venue Noise Management Plan.
53. The Applicant has demonstrated a strong commitment to ensuring that the Venue operates as a positive addition to the local community and without causing negative impacts to people working or residing in the vicinity.
54. This comprehensive range of management controls and risk mitigation policies and procedures to be implemented and maintained by the Applicant provide a high level of confidence that the Venue will operate without negative impacts in the local community in terms of amenity or disturbance.

CONSUMER REQUIREMENTS

55. The Applicant anticipates that patrons attracted to the Venue will comprise a mix of 'locals' and tourists covering a broad range of ages. Anecdotal evidence and the Applicant's informal market testing indicated that a significant number of people would be satisfied by the extending trading hours contemplated by this Application.
56. The Applicant sought the views of persons living and working in and near the Locality regarding the proposal. To enable these persons to make an informed opinion, the Applicant provided each with a copy of the Premises plans, Proposed Licence conditions, Dining and beverage menu and a "Summary of Proposal" a copy of which is **attached and marked A5**.
57. A bundle of the statements of those persons is **attached and marked A6**. The Applicant intends to file additional consumer evidence in due course.
58. The consumer requirement evidence filed by the Applicant is cogent and reliable, and it constitutes a representative sample of the section of the public whose leisure and hospitality needs would be satisfied by the grant of the Application.

Restrictive Trading Conditions

59. The Applicant is committed to operating the Venue in the manner and subject to the various restrictive trading conditions described in these submissions.
60. To demonstrate its bona fides in this regard, the Applicant seeks that these restrictive trading conditions are formalised as conditions attached to the liquor licence in the terms set out in the document titled "Applicant's Proposed Restrictive Trading Conditions" a copy of which is **attached and marked A7**.

SECTION B: LOCALITY

61. Attached and marked B1 are the Applicant's locality submissions.

SECTION C: TOURISM

Tourism in Western Australia

62. Tourism is one of Western Australia's most significant industries and is a key part of the State's economy. The industry generates 110,800 jobs and contributes \$18.3 billion in visitor spending.
- (a) In the year ending (YE) June 2024, 21.3 million daytrips were taken within the State and 11.8 million overnight (domestic and international) visitors came to or travelled within WA. Together, these visitors spent \$18.3 billion in the State. Of this \$18.3 billion, \$8.3 billion (45%) was spent in Regional WA.
 - (b) Compared to the previous year, the total number of overnight visitors to / within WA remained stable (-0.18%) or 21,000 less visitors (down from 11.869 million to 11.848 million visitors). While there was growth in the number of international visitors to WA (+19.4%), and a growth in the number of interstate visitors (+6.3%). The number of intrastate trips taken by Western Australians within their State remained stable year on year (+1%).
 - (c) Tourism makes a significant contribution to the State's economic well-being generating 110,800 jobs (Source: Tourism Satellite Accounts 2022-23) and injecting \$18.3 billion into the Western Australian economy by Gross State Product. (Source: WA Tourism Snapshot YE June 2024). Almost half (44%) of direct tourism filled jobs in WA are in the food and beverage sector. This sector contributes to 19% (\$1.1 billion) of GVA.

(Source: www.tourism.wa.gov.au)

63. Fremantle is one of Western Australia's major tourist attractions and is one of the major visitor destinations in Western Australia for both day and overnight visitors. Tourism is a significant part of the local economy of Fremantle and the Port of Fremantle. Fremantle is globally recognised as a place that is highly attractive to tourists and local visitors. Its combination of architectural heritage, restaurants and cafés, galleries and nightlife are seen as key attractions, as is the fact that being a port city creates a unique character.
64. Fremantle's popularity with tourists arises from its significant tourism attractions and the ambiance, heritage, cultural and lifestyle attributes of this city. Fremantle's unique character is captured by its landscape, heritage, architecture, music, arts and culture, festivals, retail stores and markets, cafés and restaurants. These contribute to its

village style atmosphere - making it a popular destination for local (intrastate), interstate and international visitors

65. Significant numbers of tourists are attracted to Fremantle each year. Copies of the following documents are **attached and marked**:
- (a) **C1** - COF Tourism Visitor Summary;
 - (b) **C2** - COF Visitor tracker for Fremantle 2017 – 2024; and
 - (c) **C3** - Tourism WA Overnight Visitor factsheet for Fremantle 2023
66. The COF has developed the Destination Development Strategic Plan 2023 – 2027, a copy of which is **attached and marked C4**. The plan seeks to maximise the growth already generated by the previous strategy by providing a refreshed road map aimed at converting awareness of the City’s destination brand and the City’s expanded visitor experiences into business.
67. In 2020 a report titled “Australian Cultural and Creative Activity: A Population and Hotspot Analysis — Fremantle, Western Australia” was prepared by Digital Media Research Centre in partnership with stakeholders including the Western Australian Department of Local Government, Sport and Cultural Industries. A summary of the report is **attached and marked C5**. The report relevantly states, “Tourism is important to Fremantle and arts and culture features significantly in tourism. The City of Fremantle (COF) Destination Marketing Strategic Plan 2018-2022 is forward-looking and seeks to improve integration of local tourism related businesses into marketing campaigns and digital marketing and focus more strongly on promoting popular local events to visitors as well as locals. The plan envisages a vibrant walkable Fremantle, with unique events and festivals, and leisure and entertainment, which the combination of ‘port and ocean’, heritage assets, and arts and culture offer.”
68. In October 2022 TWA commissioned the Perth Entertainment Precincts Research 2022, a copy of which is **attached and marked C6**. The report summarised the views of 821 respondents reflective of the population of WA and updated a similar study conducted in 2017. The 2022 report found that Fremantle remains the most favoured entertainment precinct in Perth, rating highly by the whole community but especially among those in regional WA. The report stated, “Fremantle stands out as being a place of enjoyment, safety, vibrancy, and having a good range of venues and activities.”

SECTION D: HEALTH

69. Annual consumption levels of alcohol by Western Australians has declined steady over the last few decades, conforming with nationwide trends.
70. The following documents are **attached and marked**:

- (a) **D1:** Department of Health report titled “Health and Wellbeing of Adults in Western Australia 2022” which describes the findings from data collected in 2022 from 8,095 Western Australians adults aged 16 years and over, including findings regarding alcohol consumption habits at section 5.2;
 - (b) **D2:** Drug and Alcohol Interagency Strategic Framework for Western Australia 2011-2015
 - (c) **D3:** National Alcohol Strategy 2018 – 2026 (Consultation draft); and
 - (d) **D4:** City of Fremantle Health and Wellbeing Profile 2019.
71. **Attached and marked D5** is a copy of the Oxford University research paper titled, “Functional Benefits of (Modest) Alcohol Consumption” (2016) by Professor Robin Dunbar et al, from the experimental psychology department at Oxford University. The study showed that frequenting a local pub can directly affect peoples’ social network size and how engaged they are with their local community, which in turn can affect how satisfied they feel in life. While pubs traditionally have a role as a place for community socialising, alcohol’s role appears to be in triggering the endorphin system, which promotes social bonding. The report found that people who said they have a ‘local’ or those who patronise small community pubs have more close friends on whom they can depend for support, are more satisfied with their lives and feel more embedded in their local communities than those who said they do not have a local pub. The report further states “Directly and indirectly (by allowing us to meet face-to-face), modest alcohol consumption also enables us to build friendships and create a sense of community, and there is considerable evidence that social network size and quality has dramatic effects on health, wellbeing, happiness and even survival.
72. **Attached and marked D6** is the Applicant’s Venue Risk Assessment which assesses nature and proposed manner of operation of the Venue in light of relevant risk factors in terms of alcohol related harm and ill-health. It can be seen that the Venue does not feature any factors associated with a risk of patron aggression and violence, excessive or unsafe alcohol consumption or alcohol related harm and ill-health. Accordingly, the Venue can be considered to fall into a low risk category for alcohol related harm and ill-health.
73. **Attached and marked D7** is the Applicant’s Patron Risk Profile which assesses the risk factors of the likely patron profile of the Venue in terms of alcohol related harm and ill-health. It can be seen that in all the circumstances, persons attracted to the Venue are unlikely to include those in any recognised “at risk” groups.
74. The location and design of the Premises is consistent with the principles outlined in the “Designing Out Crime Planning Guidelines” given that the following features:

- (a) Located in an area designated for mixed use and therefore compatible with neighbouring uses;
- (b) Well monitored by staff and surveillance equipment;
- (c) Specific entry/exit locations;
- (d) Located in a well-defined private space; and
- (e) Able to assist in the monitoring of the streetscape via passive surveillance undertaken by patrons and staff in and around the Premises.

75. **Attached and marked D8** is a copy of current crime statistics from the Western Australian Police Force website.

SECTION E: LEGAL SUBMISSIONS

76. **Attached and marked “E1”** is a copy of the Applicant’s summary of legal principles relevant to the Application.

Section 5: Objects of the Act

77. The Application falls squarely within all of the primary objects and several of the secondary objects of the Act.

78. Grant of the Application would be consistent with the requirement for the licensing authority to “*ensure the proper regulation of the sale, supply and consumption of liquor*” under s.5(1)(a) because:

- (a) the licensing authority can be confident that the business operating under the Licence during extended trading hours will be operated in a professional and responsible manner;
- (b) the fit-out of the Premises will be of a high quality and the Premises and facilities will be maintained to a high standard; and
- (c) the liquor and related services provided at the Venue will be of a high standard and extension of those services during the extended trading hours sought would constitute a unique hospitality services in the Locality.

79. Grant of the Application would be consistent with the object to “*minimise harm or ill-health caused to people, or any group of people, due to the use of liquor*” under s.5(1)(b) of the Act because:

- (a) The Venue will operate under a low risk category of liquor licence;

- (b) The expected patron profile of the Venue is low risk in terms of alcohol related harm or ill-health;
 - (c) The Applicant is committed to responsible service of alcohol through strict adherence to RSA procedures and policies throughout all trading hours;
 - (d) The Applicant is committed to a strong focus on dining services;
 - (e) The Applicant is committed to providing a substantial range of seating throughout the Venue throughout all trading hours;
 - (f) The Applicant is committed to rigorous regime of staff training to maintain a high standard of professionalism in all staff at all times;
 - (g) The Venue does not sell or supply alcohol for consumption off the licensed premises; and
 - (h) The manner of operation of the Venue is low impact and does not involve activities or patrons associated with high health risks.
80. Grant of the Application would cater for the requirements of consumers for liquor and related services with regard to the proper development of liquor industry and other related hospitality industries under s.5(1)(c) by providing:
- (a) high quality premises during suitable hours;
 - (b) a diversified range and high quality of services including dining, beverage and function services during suitable hours;
 - (c) A convenient and accessible location;
 - (d) A licensed venue that is distinctive and unique in the Locality; and
 - (e) A safe and well-controlled environment.
81. Grant of the Application would allow the Venue to cater for the requirements of consumers for liquor and related services with regard to the proper development of the tourism industry under s.5(1)(c) because:
- (a) the Venue is located in a recognised hospitality precinct;
 - (b) grant of the Application would assist in attracting greater numbers of tourists to the Locality;
 - (c) the liquor and related services proposed to be provided at the Venue, both during regular and extended trading hours, would cater for the leisure and hospitality requirements of intrastate, interstate and international tourists visiting the Locality during suitable hours;

- (d) Grant of the Application would be consistent with the tourism objectives of the local government authority and Tourism WA; and
 - (e) grant of the Application would assist in the continued promotion and development of the tourism industry in the Locality and in Western Australia and contribute to the development of the State's hospitality industry.
82. Grant of the Application would facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State under s.5(2)(a) of the Act for the following reasons:
- (a) Consumers, both 'locals' and visitors to the Locality, have a requirement for the proposed Venue during the extended hours sought and would utilise the range of liquor and related services, including live entertainment services, proposed to be provided by the Applicant during the extended trading hours sought.
 - (b) The relevant services during the extended trading hours sought include:
 - (i) quality dining services;
 - (ii) quality beverage services;
 - (iii) quality function facilities;
 - (iv) a valuable leisure facility for both locals and tourists in the Locality; and
 - (v) a unique ambiance with a safe, relaxed and friendly environment;
 - (vi) a range of local live music; and
 - (vii) liquor and related services during the hours required by the public.

Section 38(4)(a) - Harm or Ill health

83. The following matters are relevant to the assessment of potential harm and ill health at a specific level:
- (a) The Applicant is an experienced and responsible long-term participant in the hospitality industry with a strong track record in relation to the Venue;
 - (b) The Premises will be fitted out to a high standard;
 - (c) The Venue attracts patrons in a low risk category;

- (d) The business operating under the Licence will involve a significant focus on dining services;
 - (e) A relaxed ambiance will be maintained and substantial seating will be provided throughout the Venue during the extended trading hours sought;
 - (f) The Applicant is committed to the responsible service of alcohol during all trading hours; and
 - (g) The Applicant is committed to operating the Venue subject to a comprehensive range of management controls and restrictive trading conditions during all trading hours sought.
84. In the present case, the evidence supports a conclusion that, assessed against the existing level of harm, no significant level of additional harm will be likely to be caused by the grant of the Application.

Section 38(4)(b) - Impact on amenity

85. Grant of the Application will be unlikely to have a negative impact on local amenity given the quality of the premises, the target patron profile and the Applicant's rigorous management controls in terms of amplified music, RSA and patron supervision and management.
86. Grant of the Application will positively contribute to the amenity of the Locality by:
- (a) contributing to the activation of the streetscape during the extended trading hours sought;
 - (b) adding to the vibrancy attractiveness and convenience of the Locality;
 - (c) meeting the stated goals of the local government authority in the Locality;
 - (d) supporting the further development of the Locality as a key hospitality and leisure precinct for the local population;
 - (e) helping to improve the identity of the Locality and supporting the continued development of hospitality and tourism services in the Locality;
 - (f) providing additional leisure services for residents, workers and visitors who wish to enjoy liquor and dining services to be offered at the Premises during the proposed trading hours sought; and
 - (g) providing quality hospitality services to tourists and increasing the attractiveness of the Locality as a tourist destination during the proposed trading hours.

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

87. Grant of the Application is unlikely to cause offence, annoyance, disturbance and inconvenience to persons in the Locality in light of the following factors:
- (a) Located in a mixed use entertainment precinct with high level of existing ambient noise levels;
 - (b) Non-intensive manner of operation proposed;
 - (c) Significant focus on dining services;
 - (d) Relaxed and comfortable ambiance with substantial seating provided;
 - (e) Low risk patron profile;
 - (f) Responsible and experienced licensee; and
 - (g) Commitment to RSA with comprehensive management controls and restrictive trading conditions.

Sections 33 and 38: Public interest

88. Grant of the Application would be in the public interest because it would:
- (a) cater for the reasonable requirements of a significant section of the public residing and/or working in or near the Locality during trading hours desired by those persons;
 - (b) contribute positively to tourism by providing an attractive licensed hospitality facility to persons visiting the Locality during the trading hours sought by those persons and thereby assist in the development of the Western Australian tourism industry;
 - (c) not have the characteristics and attractions that are commonly associated with antisocial or criminal behaviour and would be unlikely to cause harm or ill-health to any persons or group of persons;
 - (d) be unlikely to cause noise, disturbance, offence or inconvenience to any persons; and
 - (e) contribute positively to the amenity of the Locality.
89. In the present case, the evidence submitted by the Applicant establishes significant positive impacts from the grant of the Application:
90. In the present case, grant of the Application would not be likely to cause any significant negative outcomes. In any event, the positive aspects of the Application

outweigh the risk of alcohol related harm which could potentially be caused by grant of the Application

91. For these reasons grant of the Application would be consistent with Act and in the public interest under sections 33 and 38(2) of the Act.

CONCLUSION

92. It is submitted that in all the circumstances the Application should be granted.



Tim Monaghan
Monaghan Lawyers
Solicitors for the Applicant