

IN THE LIQUOR LICENSING DIVISION OF WESTERN AUSTRALIA

IN THE MATTER OF AN APPLICATION BY **SPORTING GLOBE FREMANTLE PTY LTD** FOR THE GRANT OF A TAVERN (RESTRICTED) LICENCE FOR PREMISES KNOWN AS **THE SPORTING GLOBE BAR & GRILL** SITUATED AT **37 SOUTH TERRACE, FREMANTLE**

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**PUBLIC INTEREST ASSESSMENT SUBMISSIONS**

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Date of Document:        The    8th        day of    December                                2023

Filed on behalf of: The Applicant

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1. The Applicant has filed an Application seeking the grant of a Tavern (Restricted) licence for premises to be known as The Sporting Globe Bar & Grill, located at 37 South Terrace, Fremantle ("the Venue").



2. Located on Fremantle's Cappuccino Strip on South Terrace across from The Sail & Anchor and in very close proximity to the Fremantle Markets, the Venue will be a prominent feature within the Locality, servicing both local residents and visitors to Fremantle including day-trippers and overnight visitors.

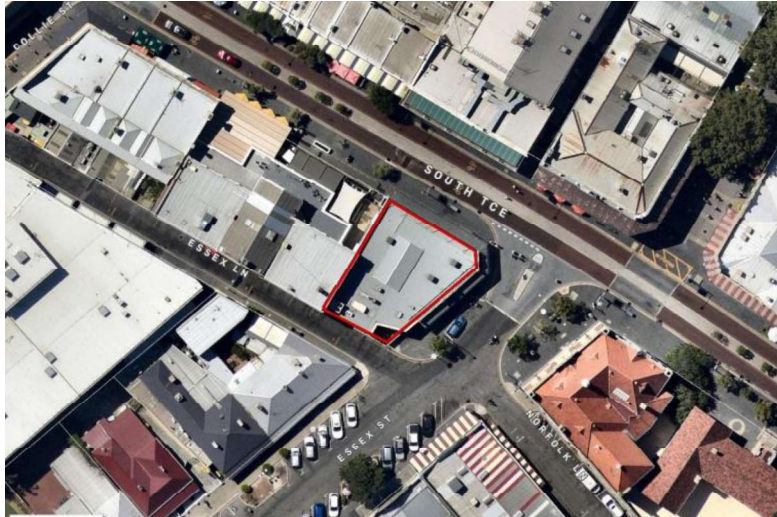


FIGURE 1: AERIAL VIEW OF THE VENUE'S LOCATION

### The Venue

3. The Venue will be a three-storey hospitality venue that will also incorporate indoor and alfresco dining spaces, as well as a roof-top bar.
4. The Venue will also share the Site (refer to Figure 1 above) with Tagger 28 Pty Ltd ("Tagger") who will operate brewery production facilities in a separate unlicensed area of the basement, together with storage tanks on the first floor (excluded from the licensed area). Tagger will operate under a proposed Wholesaler's licence.
5. The craft beer products produced by Tagger will be supplied solely to the Applicant and other Sporting Globe venues operating in WA. The Venue will be the only licensed venue in Fremantle where freshly brewed 4 Pines craft beer products will be available direct from vats. In addition to the Venue being able to offer this enhanced 4 Pines experience to its patrons, it will also give the Venue a microbrewery feel, noting the first floor storage vats will be on view in an unlicensed area of the Venue.
6. Annexed and marked "**Annexure A**" is a copy of the Venue's proposed floor plans.
7. Concept plans for the Venue are annexed and marked "**Annexure B**".

8. The Site will incorporate the following features:

(a) **Basement Level**

Tagger 28 Pty Ltd

- (i) Office – Licensed Premises
- (ii) Brewery back of house

The Venue

- (iii) Keg Room (licensed)
- (iv) Unlicensed back-of-house storage areas.

(b) **Ground Floor Level**

- (i) Indoor restaurant dining space (approx. 159 sqm);
- (ii) Alfresco dining space (approx. 127 sqm);
- (iii) Bar & kitchen space, including back-of-house requirements; and
- (iv) Bathroom facilities.



(c) **Level One**

**The Sporting Globe Bar & Grill**

- (i) Indoor bar & dining space (approx. 98 sqm);
- (ii) Alfresco bar & dining space (approx. 72 sqm);
- (iii) Indoor & alfresco function space (approx. 142 sqm);
- (iv) Bar;
- (v) Bathroom facilities; and
- (vi) Brewery vat storage tanks (54sqm) on view to the Venue's patrons (unlicensed).



- (d) **Level Two – Roof Top**
- (i) Alfresco area & dining space (approx. 186 sqm);
  - (ii) Alfresco bar & dining space (approx. 88 sqm);
  - (iii) Bar; and
  - (iv) Bathroom facilities.
9. The Venue will provide the following onsite services, featuring the Venue’s own 4 Pines craft beer products (supplied by Tagger), together with a range of non-beer alcoholic beverages including wine and spirits:
- (a) Dining & liquor services;
  - (b) Alfresco/Outdoor licensed area;
  - (c) Function services;
  - (d) Tastings; and
  - (e) Live entertainment.

### **Brewery Operations – Tagger 28 Pty Ltd**

10. The Venue will include a microbrewery that Tagger will operate from within the basement at the Site that will primarily produce for the Applicant craft beer products for on-site consumption at the Venue. Storage vats will be located on Level 1 (unlicensed) that will create a microbrewery setting for the Venue.
11. Tagger will produce a craft beer range at the Site under a service agreement with 4 Pines Brewing Company Wholesale Pty Ltd (“4 Pines”) who is a notable brewer. 4 Pines is a highly accredited brewer with many award-winning beers.

12. The craft beers range that will be produced by Tagger will be purchased by the Applicant and other Sporting Globe venues that operate in Western Australia. As noted above, the vats located on the first floor will be a visible feature that patrons will be able to see within the Venue and from the streetscape. The vats utilised in the brewing process by Tagger, will be located outside the Venue's licensed area.
13. The Applicant has developed this concept for the Venue as it believes it will add to the uniqueness of the Venue and its appeal to patrons.



14. Tagger's brewing facilities will take up approximately 54 sqm on Level 1 (i.e. vat storage tanks) and this area will be unlicensed.

15. The Venue's core range of 4 Pines craft beer products will include:

- Pacific Ale;
- Pale Ale;
- Japanese Style Lager;
- Hazy Pale Ale;
- Ultra-Low Alc Beer;

16. It is planned that occasionally a co-branded "special beer" will be created between 4 Pines and Sporting Globe that will be on offer at the Venue and other Sporting Globe venues.



17. The freshly brewed 4 Pines craft beer that Taggers will supply direct from the vats on Level 1, will only be available at the Venue and other Sporting Globe venues in WA. This a key and unique feature of the 4 Pines craft beers that will be sold at the Venue.

18. The Applicant will purchase beer produced by Tagger in kegs and cans.



### Tastings



19. Patrons will have the opportunity to do tastings of the Venue's product range whilst socialising at the Venue.

### Food & Beverages



20. Annexed and marked “**Annexure C**” is a sample food and beverages menu that reflects the Venue’s reputation for providing a great variety of food and drink options for patrons to enjoy.

### Functions

21. Should the Application be approved, the Applicant will promote the Venue as a multi-use function space that will include being able to hold an event in a roof-top setting.
22. Offering a number of areas that can be used for function/event space, the Venue will be an exciting location to hold a special event.
23. The roof-top’s views across Fremantle are expected to be a major drawcard for function organisers, adding to the appeal of the Venue, with the roof-top taking full advantage of its location, especially in the warmer months. (Refer to Figure 3 in these Submissions)



24. The types of events that the Venue will cater for will include (but not limited to):
- (a) Weddings;
  - (b) Milestone celebrations;
  - (c) Christmas parties;
  - (d) Sporting and social group events; and
  - (e) Corporate events and sundowners.



### Entertainment & Special Events

25. The Applicant plans to present regular entertainment and special events at the Venue including, for example, live major sporting events and music, including DJs and acoustic bands.

### Noise Attenuation

26. As part of the Development Approval process the Applicant obtained an acoustic report from Stantec, a copy of which is annexed and marked “**Annexure D**” (“the Acoustic Report”). The Applicant will follow the recommendations made in the report as part of the build and in the Venue’s operations, including additional recommendations relating to the Application for an ETP for Ongoing Hours. (Refer to the heading in these submissions *Extended Trading Permit – Trading Hours*).

### Target Market

27. The Venue will attract both local residents and visitors who are seeking to experience a unique and welcoming setting that offers a high quality and distinctive hospitality experience and craft beer product.
28. With various function spaces available at the Venue, it will also be able to cater the individual requirements of function organisers with respect to the style of an event, location (indoor/outdoor) and its size.
29. The Applicant’s design is aimed at offering patrons a fun and comfortable atmosphere in which to socialise and be entertained, which through its elements of design gives visitors to the Venue new ways to experience hospitality and event/function services in the Locality.





30. Patrons will be attracted to the Venue for the following:
- (a) Distinct local 4 Pines craft beer products;
  - (b) Quality food and a range of alcoholic and non-alcoholic beverages;
  - (c) Outdoor licensed areas;
  - (d) Variety of upmarket indoor and outdoor function space;
  - (e) Entertainment & special events; and
  - (f) Upmarket facilities and comfortable microbrewery setting.

#### **Dress Code**

31. A smart casual dress code requirement will continue to be enforced at the Venue.

#### **Accommodation Numbers**

32. The Venue's maximum accommodation numbers is estimated to be 621 patrons that is made up of the following patrons numbers in each of the areas of the Venue:
- (a) Ground Level (internal) – 124 pax;
  - (b) Ground Level (alfresco) – 56 pax;
  - (c) First Level (internal) – 232 pax;
  - (d) First Level (balcony facing South Terrace) – 48 pax;
  - (e) First Level (balcony facing Essex Street) – 20 pax;
  - (f) Second Level Rooftop Bar (internal) – 58 pax; and

- (g) Second Level Roof Terrace – 141 pax.

### Extended Trading Permit – Trading Hours

33. An Application for the ETP will also be filed with the Licensing Authority.
34. The Venue seeks to operate with an Extended Trading Permit for Ongoing Hours on Thursday to Saturday between 12 midnight and 2:00am the following day (“the ETP”).
35. The ETP is an important requirement in order to meet the demand for late-night licensed hospitality services within Fremantle’s Entertainment Precinct for those persons who want to socialise past midnight in a “pub-style” venue.
36. The grant of the ETP will support the City’s objectives of re-invigorating Fremantle’s evening economy and adding to the Locality’s vibrancy as one of WA’s flagship entertainment precincts.

### Extended Trading Permit - Alfresco

37. An Application for the Alfresco ETP will also be filed with the Licensing Authority.
38. The Applicant is seeking to operate licensed alfresco areas on South Terrace and Essex Street (“the Alfresco ETP”), as shown in Figure 2 below. The grant of the permit will support the City of Fremantle’s (“the City”) objective to increase the activity on the streets and enhance vibrancy in the Locality.



FIGURE 2: GROUND LEVEL ALFRESCO AREAS

### Consumer Requirement & Demand for Services

39. The Venue is located in Fremantle’s CBD, on the iconic Cappuccino Strip which forms part of Fremantle’s popular Entertainment Precinct. (Refer to paragraph 49 below)
40. Annexed and marked “**Annexure E**” is a bundle of 103 Consumer Requirement Surveys that were collected by the Applicant (“the Survey”), together with a Survey Summary. It should be

noted that whilst the Survey did obtain feedback from survey participants in relation to their interest in purchasing takeaway liquor from the Venue, the Applicant has decided not to offer packaged liquor services at the Venue.

41. The Survey lodged by the Applicant establishes that the relevant section of the public supports the Application for the Venue to operate under Tavern (Restricted) licence within the Precinct. The Survey reflects significant support for the Application to be granted, particularly by a more mature demographic, including the following results:

- (a) Approximately 70% of survey participants were aged in their 40's and 50's;
- (b) 98% of survey participants indicated that they like to socialise in Fremantle;
- (c) 94% of survey participants confirmed that they would like to socialise at the Venue;
- (d) The Venue's proposed sports bar theme in a microbrewery setting was overwhelmingly supported by 96% of survey participants.
- (e) Overall approximately 96% of survey participants felt that the amenity and appeal of the Locality would be improved by the Venue operating in the area; and
- (f) 73% of those surveyed indicated their interest in holding a function or special event at the Venue.

42. It is also the Applicant's intention to file additional 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)(ca) – Effect on tourism, community or cultural matters**

#### **Tourism**

43. The Venue will be located within Fremantle's city centre and Entertainment Precinct. In close proximity to the Venue are the following attractions:

- (a) Fremantle Markets (45m);
- (b) Fremantle Oval (150m);



- (c) Fremantle Fishing Boat Harbour (400m);
- (d) Fremantle Prison (450m); and
- (e) Fremantle Port (750m).



44. The Venue has been designed to have visual connections to Fremantle's Fishing Boat Harbour, Fremantle Port and Fremantle Prison, which is a world heritage listed site and a significant cultural attraction.

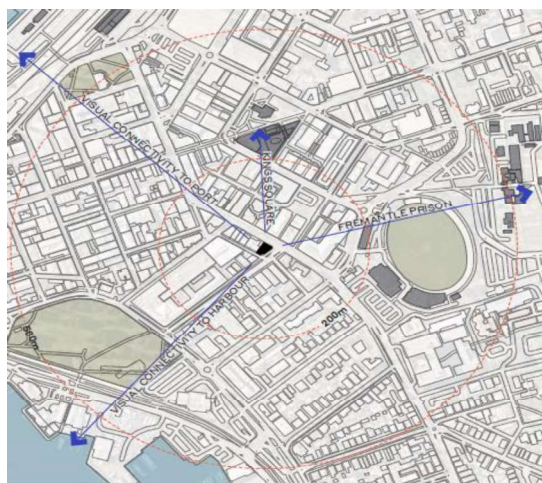


FIGURE 3: SITE VIEWS FROM VENUE'S ROOFTOP

45. Tourism WA's publication, *Perth Entertainment Precincts Research 2022 / Final Report* ("the Entertainment Survey") offers an insight into what are the strongest drivers for consumers generally in choosing a licensed venue. Extracts of the Entertainment Survey that are relevant to the Application are annexed and marked "**Annexure F**".
46. As noted in the Entertainment Survey, Fremantle remains the most favoured entertainment precinct in Perth and holds great appeal to the general public and visitors. (Pages 10 – 13, 15)
47. Fremantle rates highly as a destination as it offers the biggest range of venues as well as the following features:
- (a) Many things to do, with a good range of venues and activities;

- (b) Lots of food options;
  - (c) A great place to visit;
  - (d) Safe and vibrant atmosphere;
  - (e) Easily accessible by public transport; and
  - (f) Range of shopping options. (Page 15, 18, 21, 112)
48. The provision of liquor services also rates highly as a key finding in all entertainment precincts, together with extended trading hours and alfresco/outdoor dining. (Page 90). These findings support the Venue's design and the ETP.
49. Research undertaken in the Entertainment Survey also identifies the age groups likely to be most attracted to a tavern style venue. As revealed in the Entertainment Survey, patrons aged between 18 - 34 year olds visit all venue types more than any other age group, with 58% choosing to socialise in pub/taverns/sports bars with their friends. They were also more likely to visit microbreweries/distilleries. Considerations for selecting a venue in this age group included:
- (a) The types of alcohol served;
  - (b) Live music or other entertainment; and
  - (c) Uniqueness of the venue. (Page 84)



FIGURE 4: SITE DETAILS  
(Source: Urbis DA Report, 37 South Terrace)

50. For those aged between 35 and 54 years of age, pubs / taverns / sports bar are visited by more than 2 in 5 persons. They are more likely than other age groups to visit venues with children. They also spend more time in venues with their partner than any other age groups, with at least half of this demographic going with their partners to microbreweries/distilleries and pubs/taverns/sports bars and other types of venues with their partner. Important considerations for this age group included:
- (a) Risk of anti-social behaviour;
  - (b) Smoke free; and
  - (c) Family-friendly. (Page 85)
51. The most visited venue type amongst those aged over 55 years of age are cafes, followed by licensed restaurants and pubs. Similar to those aged 35-54, physical safety is also the most important consideration for this age group when visiting a venue type. (Page 86)
52. For all age groups safety, together with seeking out a range of food and dining options that represent good value for money were important and consistent drivers in a person's decision to visit a venue.



53. Consumers in the Entertainment Survey indicated that Taverns/Sports Bars were suitable styles of venue for the locality of Fremantle. (Page 94)
54. With respect to the popularity of a microbrewery/distillery and that of a pub/tavern/sports bar, the following data came out of the Entertainment Survey:
- (a) **Microbrewery/Distillery** (Page 110)
    - (i) 27% indicated that it was the type of venue that they would like to visit;
    - (ii) 22% were more likely to visit an area where this type of venue existed;

- (iii) 33% stated that this class of venue added to the vibrancy of an area;
  - (iv) 62% would attend with their partners, 41% with friends and 26% with children;
- (b) **Pub/Tavern/Sports Bar** (Page 104)
- (i) 35% indicated that it was the type of venue that they would like to visit;
  - (ii) 25% were more likely to visit an area where this type of venue existed;
  - (iii) 32% stated that this class of venue added to the vibrancy of an area; and
  - (iv) of these patrons who choose these styles of venue, 53% attend with friends, 53% with their partner and 16% with children.
55. Overall, the travel parties attracted to a tavern style venue largely consisted of:
- (a) Friends (68%);
  - (b) Partner (50%); and
  - (c) Work colleagues (16%).
56. Tavern style venues were found to be the 3rd most visited class of venue in the Entertainment Survey and Microbreweries rated 9th. For both classes of licence there was a perception that these classes of licensed premises:
- (a) Added vibrancy to an area; and
  - (b) Makes an area more appealing and more likely to be visited.
57. Significantly, when looking at the demographics of the City the median age of residents is 42 years, which matches with the findings in the Entertainment Survey. Based on the research undertaken, the Venue's style of operations (i.e. tavern with microbrewery) will appeal to a large sector of the City's local residents and visitors. (Refer to Annexure G in the Locality Submissions)



58. The Applicant submits that the Venue's services including an exciting design that spans over 3 levels and features a microbrewery concept, alfresco dining and roof-top area will, make it a destination attractor motivating a range of people to visit the Locality.
59. The Applicant expects that many local residents and workers will be repeat visitors who will attend with their family and friends for social and recreational purposes. Day-trippers and visitors to Fremantle and Perth will appreciate the Venue's services as part of their day out / holiday itinerary.
60. 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) Motivating more people to visit the Locality;
  - (b) Adding to the choice of attractions and entertainment options available in the Locality for the community to enjoy;
  - (c) Enhancing the attractiveness and vibrancy of South Terrace and Fremantle's Entertainment Precinct both during the day and evening; and
  - (d) Offering a safe and friendly licensed venue to visit and enjoy.

#### **Section 34(4)(b) - Impact on Amenity**

61. When considering the impact the grant of the licence will have upon the amenity of the locality, it is relevant to consider the immediate locale within which the Venue will be situated.
62. The Chamber of Commerce in their discussion paper, *Perth Vibrancy and Regional Liveability* annexed and marked "**Annexure G**" ("the Discussion Paper") considered that increasing the vibrancy of an urban area is an essential element for its future growth and sustainability.
63. Annexure G supports the City's objectives for Fremantle to further evolve in order to ensure its status as one of the State's most vibrant and sustainable urban centres.

*"Fremantle has a long and esteemed history but to survive and prosper as a fully-functioning modern city it must continue to evolve. These transformational moves provide the blueprint for this evolution".*

(Refer to Freo 2029, Annexure D, Locality Submissions)

64. The Chamber of Commerce and Industry considers that it is important to:



*"actively encourage clusters of activity or vibrancy centres, where a mix of businesses can develop and create social and commercial activity that attracts people."* (Pages 45 and 52)

65. It is submitted that the present application is consistent with the planning objectives for the City, WAPC and the recommendations made by the Chamber of Commerce and Industry, particularly given that the Venue will:
- (a) Introduce an additional upmarket licensed hospitality venue into the Locality;
  - (b) Add to the destination attractors that draw people into the Locality;
  - (c) Encourage residents and workers to socialise locally;
  - (d) Provide additional upmarket function/event space and services within the Locality;
  - (e) Encourage more visitors to stay overnight and holiday in the Locality; and
  - (f) Establish a further late-night venue within the Locality that will help to activate Fremantle's CBD and support its evening economy.
66. The Venue's site has been a range of uses over the years and whilst located on a prominent corner site the building has sat vacant for a number of years since the previous fast-food outlet ("Hungry Jacks") ceased to trade. The Applicant's proposal seeks to activate this key site within the Locality. This will help to reinvigorate the area.

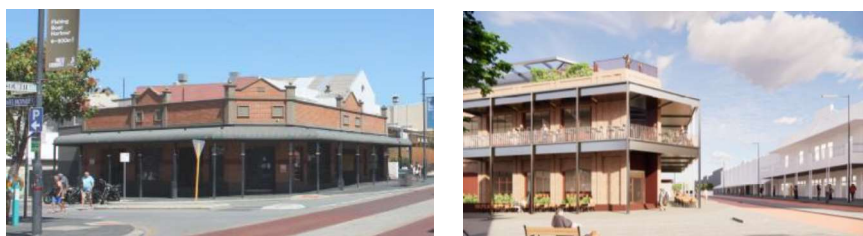


FIGURE 5: CURRENT & FUTURE VIEW OF THE PROPOSED SITE FOR THE VENUE

67. The design of the Venue will promote an active streetscape and has been carefully designed to appropriately sit and be sympathetic to the unique character and identity of this area within Fremantle.
68. The Application supports the City's Draft Local Planning Strategy and its planning direction for Fremantle's CBD which is the guide for area's future development:

*"Support revitalisation of Fremantle City Centre as Perth's second city, ocean gateway and a vibrant contemporary City Centre."*

(Refer to Annexure E, Locality Submissions)

69. The grant of the Application will:
- (a) Transform a long term vacant and dilapidated building on Fremantle's Cappuccino Strip;
  - (b) Revitalise one of the most prominent corner sites within Fremantle's CBD;
  - (c) Add to the CBD's vibrancy and tourism attractions, supporting the resurgence of an exciting City Centre;
  - (d) Offer licensed outdoor areas that showcases Fremantle's cosmopolitan atmosphere and urban lifestyle that can be used for dining, socialising, function space and for special events;
  - (e) Provide to the local community and visitors extra choice and variety in licensed hospitality services within the Locality;
  - (f) Create modern and unique function and special events space that includes stunning sightlines and visual connections to Fremantle's Fishing Boat Harbour, Port and Fremantle Prison;
  - (g) Support the City's intention of attracting new residents, business and visitors into the Locality; and
  - (h) Provide a freshly brewed 4 Pines craft beer range.
70. The City is committed to implementing strategies to increase the vibrancy, attractiveness and amenities for a growing population and tourist destination. All sectors of the community seek out hospitality and entertainment services. (Refer to Annexures E – G in these submissions).
71. By reason of all the above, the Applicant submits that the grant of the present application positively contributes to the amenity of the Locality by:
- Activating a key site along South Terrace, (Fremantle's iconic Cappuccino Strip) which has been vacant for an extended time;
  - Specifically supporting the strategic planning objectives of the City in relation to economic development, community social engagement and promoting tourism within the Locality, and the City;
  - Increasing the choice of licensed hospitality services available within the Locality and CBD;
  - Increasing the function space available in the Locality including licensed outdoor areas;

- Providing additional hospitality services in the Locality that will increase the vibrancy of the area and attract a greater number of visitors to the CBD including local residents, visitors and business clientele;
  - Supporting other local businesses in the Locality;
  - Supporting the further development of an evening economy within the Locality and Fremantle's Entertainment Precinct;
  - Providing upmarket late-night hospitality services in the Locality that meets the requirements of patrons aged 30 years+ that will in turn help to attract a diverse and responsible group of patrons to the area and support the Locality's developing evening economy;
  - Further activating and improving the streetscape along Fremantle's Cappuccino Strip on South Terrace and the corner of South Terrace and Essex Street; and
  - Encouraging increased overnight visitor numbers within the Locality and the City generally.
72. Approval of the Application will positively contribute to the amenity of the Locality by providing additional licensed hospitality, entertainment and function space in the City that will support increased visitation in the Locality both during the day and in the evenings.
73. The Applicant submits that the present application is consistent with the planning objectives of the City and WAPC, as well as the recommendations made by the Chamber of Commerce and Industry and Tourism WA.

### **Section 38(4)(a) - Harm or Ill Health**

#### **At Risk Groups**

74. 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.'"*

75. 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. There is no publicly available evidence, however, that any one group is experiencing harm or ill-health due to the use of

liquor within the Locality. Nor is there any evidence that those persons will be attracted to the Venue should the Tavern (Restricted) Licence be approved.

76. The Drug and Alcohol Interagency Strategic Framework for Western Australia 2011 — 2015 identifies the following "at risk" groups and sub-communities:

- (a) Young people: Given the quality fit-out of the Venue, the style of services and the price point of products, it is not anticipated that the Venue will impact at-risk groups from this sector of the community.
- (b) Aboriginal persons: Given the demographic data referred to above and the intended manner of operation at the Venue it is not anticipated that a significant proportion of Aboriginal persons who are regarded as "at risk" will patronise the Venue if the Application is granted.
- (c) Persons from regional, rural and remote communities: The Venue will be located in the hub of Fremantle's CBD and will therefore attract visitors from regional and rural areas who are visiting Fremantle. Given the quality fit-out of the Venue, the style of services and the price point of products, it is not anticipated that the Venue will impact at-risk groups from this sector of the community.
- (d) Families: The Venue will welcome family groups who live or are visiting the Locality. Given the quality fit-out of the Venue, the style of services and the price point of products, it is not anticipated that the Venue will impact at-risk groups from this sector of the community.
- (e) Migrant groups from non-English speaking countries: It is not anticipated that this section of the public will comprise a significant proportion of the Venue's patronage unless they are visitors to the Locality/City (based on the demographics of the area). Given the quality fit-out of the Venue, the style of services and the price point of products, it is not anticipated that the Venue will impact at-risk groups from this sector of the community.
- (f) People in low socioeconomic areas: Given the quality fit-out of the Venue and the style of services and the price point of products, it is not anticipated that the Venue will cause an increase in patron numbers for this sector of the public.
- (g) Mining communities or communities with high numbers of itinerant workers: Due to its location and demographics, it is not anticipated that this section of the public will comprise a significant proportion of the Venue's patronage.

- (h) Communities that experience high tourist numbers: The Venue's location within the Fremantle CBD, together with its fit-out, unique freshly brewed 4 Pines craft beer products and upmarket licensed hospitality services are all aimed to appeal to tourists. Whilst this is the case, the Venue's quality fit-out and its manner of operations, together with the price point of products have proven historically not to attract at-risk tourists.

## Health

77. 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.
78. Quickstats for the City (Annexure G, Locality Submissions) reveals that approximately 59% of residents had no long-term health conditions, with the most common long-term health conditions being:
- (a) Mental health condition, including depression or anxiety (10.8%);
  - (b) Arthritis (8.3%); and
  - (c) Asthma (7.2%).

## Crime Prevention Through Environmental Design

79. The Location and design of the Venue is within the guidelines and principles outlined in the "Designing/Planning Guidelines".
80. 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; and
  - (d) consists of well-designed areas that will be monitored by experienced approved managers and staff who will be responsible for monitoring patron behaviour.
81. The Applicant will continue to apply a strict zero tolerance policy with respect to anti- social behaviour at the Venue.

## Crime

82. Crime statistics for the period July 2014 – YTD 2023 have been obtained from the WA Police website for the suburb of Fremantle and are annexed and marked “**Annexure H**”.
83. No statistics are available in relation to alcohol-related crime.
84. The City’s *Community Safety and Crime Prevention Plan 2019 – 2024* is annexed and marked “**Annexure I**” (“the Crime Prevention Plan”). Annexure I provides that the top offences in Fremantle are stealing, fraud and drug offences. (Page 4)
85. The Applicant will work with the City to support community safety and ensure the responsible service of alcohol within the Locality.

## Anti-Social Behaviour

86. The Venue does not share the following features which are sometimes associated with other similar licenced premises' that include bar services, which 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 pp277-297. 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 J**”.

The Venue will have a high quality fit-out and is 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 their design of the Venue has incorporated both extensive seating, as well as easily accessible bar areas.

The Venue will be non-smoking, well set out and ventilated:

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

There will be no pool tables or dance floors at the Venue:

- (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 will not be the case at the Venue; and

- (e) The availability of food (especially full meals) has been associated with 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".

A range of food options will be available throughout the Venue's trading hours.

87. Due to all of the above these features and based on the Venue's past trading history, it is submitted that the Applicant's venue is much less likely to be associated with alcohol-related violence and aggression.


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

88. 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. The Sporting Globe chain of hospitality venues has a strong trading history with venues operating in a number of suburbs in Perth and across Australia that demonstrate a responsible approach to its operating framework, which will be replicated at the Venue, ensuring that its neighbours are not negatively impacted by the Venue's operations.
89. The Venue will operate in accordance with the Environmental Protection (Noise) Regulations 1997 and will take all reasonable steps to control the behaviour of patrons whilst at the Venue and as they enter and leave the Venue.
90. A zero tolerance to anti-social behaviour will be adopted at the Venue.
91. By reason of all of the foregoing, the Applicant does not envisage that any significant offence, annoyance, disturbance or inconvenience will be caused by the granting of the Application.

**Conclusion**

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

- (a) the Applicant is a successful licensee and has established a strong and responsible trading history;
  - (b) the grant will not result in harm or ill health due to the consumption of liquor;
  - (c) there will be no adverse impact upon the amenity of the Locality by the granting of the Application;
  - (d) the granting of the Application will improve the amenity of the Locality;
  - (e) the granting of the Application will add to the diversity and attractions within the Locality, supporting the activation and ongoing development of the City's tourist precinct and in particular the development of Fremantle's Entertainment Precinct;
  - (f) the Application is in line with the visions of the relevant planning and tourism authorities for the Locality;
  - (g) the grant will not result in any significant antisocial behaviour, noise or disturbance through the operation of the Venue;
  - (h) there are no taverns within the Locality and in particular South Terrace that offer comparable services and fit-out to what is proposed for the Venue; and
93. In all the circumstances, the Application should be granted.

  
Dwyer Durack  
Solicitors for the Applicant



IN THE LIQUOR LICENSING DIVISION OF WESTERN AUSTRALIA

IN THE MATTER OF AN APPLICATION BY **SPORTING GLOBE FREMANTLE PTY LTD** FOR THE GRANT OF An EXTENDED TRADING PERMIT (ONGOING HOURS) FOR PREMISES TO BE KNOWN AS **THE SPORTING GLOBE BAR & GRILL** SITUATED AT **37 SOUTH TERRACE, FREMANTLE**

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**PUBLIC INTEREST ASSESSMENT SUBMISSIONS**

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Date of Document:        The    12th            day of            December            2023

Filed on behalf of: The Applicant

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1. The Applicant has filed an Application seeking the grant of a Tavern (Restricted) licence for premises to be known as The Sporting Globe Bar & Grill, located at 37 South Terrace, Fremantle ("the Venue").
2. In addition, the Applicant is also seeking the grant of an Extended Trading Permit for Ongoing Hours for the Venue, to allow it to operate from Thursday to Saturday between 12 midnight and 2:00am the following day ("the ETP").
3. The ETP is an important requirement in order to meet the demand for late-night licensed hospitality services within Fremantle's Entertainment Precinct for those persons who want to socialise past midnight in a "pub-style" venue and also for booked functions and special events held at the Venue.

4. The grant of the ETP will support the City's objectives of re-invigorating Fremantle's evening economy and adding to the Locality's vibrancy as one of WA's flagship entertainment precincts.



### The Venue

5. Located on Fremantle's Cappuccino Strip on South Terrace across from The Sail & Anchor and in very close proximity to the Fremantle Markets, the Venue will be a prominent feature within Fremantle's Entertainment Precinct ("the Precinct"), servicing both local residents and visitors to Fremantle including day-trippers and overnight visitors.



FIGURE 1: AERIAL VIEW OF THE VENUE'S LOCATION

6. The Venue will be a three-storey hospitality venue that will also incorporate indoor and alfresco dining spaces, as well as a roof-top bar, creating a vibrant and contemporary setting that will cater to all ages across the day and into the evenings.
7. After dinner trade will see the patron mix predominantly be singles, couples and adult groups aged primarily between 30 – 50 years who wish to socialise in a licensed setting. This

includes persons who may have enjoyed a meal at one of the Locality's many restaurants and wish to continue to socialise and enjoy their night out at the Venue.

8. There are numerous short term accommodation facilities in close proximity to the Venue within the Precinct that are used by visitors who want to make the most of their time in Fremantle and enjoy its evening economy.
9. Annexed and marked "**Annexure A**" is a copy of the Venue's proposed floor plans.
10. Concept plans for the Venue are annexed and marked "**Annexure B**".
11. With respect to areas of the Venue that will be accessible by patrons the following details are provided, which highlight its main features:

(a) **Ground Floor Level**

- (i) Indoor restaurant dining space (approx. 159 sqm);
- (ii) Alfresco dining space (approx. 127 sqm);
- (iii) Bar & kitchen space, including back-of-house requirements; and
- (iv) Bathroom facilities.



(b) **Level One**

**The Sporting Globe Bar & Grill**

- (i) Indoor bar & dining space (approx. 98 sqm);
- (ii) Alfresco bar & dining space (approx. 72 sqm);
- (iii) Indoor & alfresco function space (approx. 142 sqm);
- (iv) Bar;



- (v) Bathroom facilities; and
- (vi) Brewery vat storage tanks (54sqm) on view to the Venue's patrons (unlicensed).



(c) **Level Two – Roof Top**

- (i) Alfresco area & dining space (approx. 186 sqm);
- (ii) Alfresco bar & dining space (approx. 88 sqm);
- (iii) Bar; and
- (iv) Bathroom facilities.

12. The Venue will provide the following onsite services, featuring the Venue's own 4 Pines freshly brewed craft beer products, together with a range of non-beer alcoholic beverages including wine and spirits:

- (a) Dining & liquor services;
- (b) Alfresco/Outdoor licensed area;
- (c) Function services;
- (d) Tastings; and
- (e) Live entertainment.



13. The Venue's core range of 4 Pines craft beer products that will be available on tap will include:

- Pacific Ale;
- Pale Ale;
- Japanese Style Lager;
- Hazy Pale Ale;
- Ultra-Low Alc Beer;

### Tastings

14. Patrons will have the opportunity to do tastings of the Venue's product range whilst socialising at the Venue.



### Food & Beverages



15. Annexed and marked “**Annexure C**” is a sample food and beverages menu that reflects the Venue's reputation for providing a great variety of food and drink options for patrons to enjoy.

16. The Venue's kitchen will remain open during all hours of trade, with food always available. It is proposed that after 10:00pm there will be a "late-night" menu. Annexed and marked "Annexure D" is a sample of the Venue's proposed Late-Night Menu.

### Functions

17. Should the Application be approved, the Applicant will promote the Venue as a multi-use function space, which will include the ability to hold an event in a roof-top setting.
18. Offering a number of areas that can be used for function/event spaces, the Venue will be an exciting location to hold a special event.
19. The roof-top's views across Fremantle are expected to be a major drawcard for function organisers, adding to the appeal of the Venue, with the roof-top taking full advantage of its location, especially in the warmer months. (Refer to Figure 2 in these Submissions)



20. The types of events that the Venue will cater for will include (but will not be limited to):
- (a) Weddings;
  - (b) Milestone celebrations;
  - (c) Christmas parties;
  - (d) Sporting and social group events; and
  - (e) Corporate events and sundowners.



21. The Applicant also plans to present regular entertainment and special events at the Venue including, for example, live major sporting events and music, including DJs and acoustic bands.
22. The ETP will be an integral feature of the function services that will be available at the Venue, giving function organisers more flexibility with respect to the duration of the event, together with start and finish times. The ETP will also allow guests the opportunity to, and convenience of, mingling post function at the same location, avoiding the need for guests to relocate to another venue within the Precinct in the latter part of the evening, simply to socialise a little bit longer before going home.
23. Should the Application be granted, planned special events at the Venue may on occasions, occur during ETP trading hours.
24. Finally later trading hours will enable the staggered egress of patrons from the venue, rather than a mass exit at 12 midnight.

### **Target Market**

25. As a late-night venue, the Venue will attract both local residents and visitors who are seeking to experience a unique and welcoming setting that offers a high quality and distinctive hospitality experience.
26. With various function spaces available at the Venue, it will also be able to cater to the individual requirements of function organisers with respect to the style of an event, location (indoor/outdoor) and its size.
27. The Applicant's design aspires to offer patrons a fun and comfortable atmosphere in which to socialise and be entertained.



28. Patrons will be attracted to the Venue for the following reasons:
- (a) Distinct freshly brewed local craft beer products;
  - (b) Quality food and a range of alcoholic and non-alcoholic beverages;
  - (c) Outdoor licensed areas;
  - (d) Variety of upmarket indoor and outdoor function space;
  - (e) Entertainment & special events;
  - (f) Upmarket facilities and comfortable microbrewery setting; and
  - (g) Extended trading hours (Thursday to Saturday to 2:00am the following day).

### **Dress Code**

29. A smart casual dress code requirement will continue to be enforced at the Venue.

### **Consumer Requirement & Demand for Services**

30. The Venue is located in Fremantle's CBD, on the iconic Cappuccino Strip which forms part of Fremantle's popular Entertainment Precinct. (Refer to paragraph 39 below)
31. Annexed and marked "**Annexure E**" is a bundle of 109 Consumer Requirement Surveys that have been collected by the Applicant ("the Survey"), together with a Survey Summary.
32. The Survey lodged by the Applicant establishes that the relevant section of the public supports the Application for the Venue to operate with the ETP within the Precinct. Additional surveys will be lodged in due course.



33. The ETP will:

- (a) Provide the local community and visitors to Fremantle with a greater choice of late-night venues within the Locality to socialise in.
- (b) Provide the public with a safe and upmarket licensed venue to socialise in after midnight on Thursday, Friday and Saturday evenings until 2:00am;
- (c) Allow patrons to enjoy on ETP trading days a greater variety of entertainment and longer sets of live entertainment at the Venue;
- (d) Give function organisers and the Applicant the option to hold a function/special events past midnight, should they wish to do so;
- (e) Allow function guests and those patrons attending a special event at the Venue in the evenings the opportunity to informally socialise/mingle at the same location subsequent to a function/event coming to an end (i.e. stay at the Venue past midnight); and
- (f) Allow patrons and function/event guests to vary their departure times from the Venue past midnight during ETP trading hours, which will assist in the management and safety of patrons leaving the Venue.



34. It is the Applicant's intention to file additional 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)(ca) – Effect on tourism, community or cultural matters

### Tourism

35. The Venue will be located within Fremantle's city centre and Precinct.
36. Situated In close proximity to the Venue are the following attractions:
- (a) Fremantle Markets (45m);
  - (b) Fremantle Oval (150m);
  - (c) Fremantle Fishing Boat Harbour (400m);
  - (d) Fremantle Prison (450m); and
  - (e) Fremantle Port (750m).
37. The Venue has been designed to have visual connections to Fremantle's Fishing Boat Harbour, Fremantle Port and Fremantle Prison, which is a world heritage listed site and a significant cultural attraction.

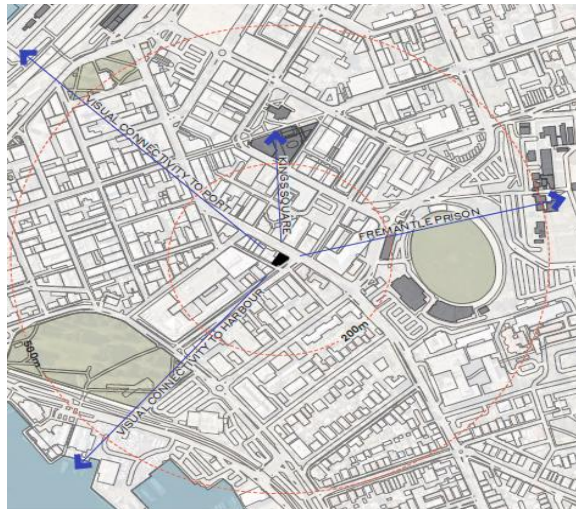


FIGURE 2: SITE VIEWS FROM VENUE'S ROOFTOP

38. Tourism WA's publication, *Perth Entertainment Precincts Research 2022 / Final Report* ("the Entertainment Survey") offers an insight into what are the strongest drivers for consumers generally in choosing a licensed venue. Extracts of the Entertainment Survey that are relevant to the Application are annexed and marked "**Annexure F**".
39. As noted in the Entertainment Survey, Fremantle remains the most favoured entertainment precinct in Perth and holds great appeal to the general public and visitors. (Pages 10 – 13, 15)
40. Fremantle rates highly as a destination as it offers the biggest range of venues as well as a wide variety of attractions and features. (Page 15, 18, 21, 112)

41. The provision of liquor services also rates highly as a key finding in all entertainment precincts, together with extended trading hours and alfresco/outdoor dining. (Page 90). These findings support the Venue's design and the ETP.
42. The key findings from the Entertainment Survey reveals what the general public value when selecting an Entertainment Precinct to visit and socialise in. It also highlights the importance of continually enhancing and reinvigorating entertainment precincts in order to achieve an exciting and vibrant atmosphere that is a driver for ongoing visitation.
43. The Entertainment Survey identified that the strongest drivers in consumers choosing to visit an entertainment precinct included the following:
  - (a) Safety;
  - (b) Vibrancy and Atmosphere;
  - (c) Access to a good range of venues and activities;
  - (d) Availability of food and liquor services; and
  - (e) Entertainment/Events/Late-night licensed venues. (Pages 7, 9 – 12, 41)
44. The Entertainment Survey also 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. late night trading); and
  - (f) Live music or other live entertainment. (Page 24)
45. Research undertaken in the Entertainment Survey also identifies the age groups likely to be most attracted to a tavern style venue. As revealed in the Entertainment Survey, patrons aged between 18 - 34 year olds visit all venue types more than any other age group, with 58% choosing to socialise in pub/taverns/sports bars with their friends. They were also more likely to visit microbreweries/distilleries. Considerations for selecting a venue in this age group included:

- (a) The types of alcohol served;
- (b) Live music or other entertainment; and
- (c) Uniqueness of the venue. (Page 84)

46. For those aged between 35 and 54 years of age, pubs / taverns / sports bar are visited by more than 2 in 5 persons. They also spend more time in venues with their partner than any other age groups, with at least half of this demographic going with their partners to microbreweries/distilleries and pubs/taverns/sports bars and other types of venues with their partner. (Page 85)



47. Significantly, when looking at the demographics of the City the median age of residents is 42 years. Based on the research undertaken, the Venue's style of operations as a tavern with microbrewery and extended trading hours will appeal to a large sector of the City's local residents and visitors. (Refer to Annexure G in the Locality Submissions)



48. The Applicant submits that the Venue's proposed late-night licensed hospitality services operating within an exciting 3 level design that incorporates a microbrewery concept, alfresco dining and roof-top area will make it a late-night venue of choice for a range of people who wish to socialise past midnight in the Locality on Thursday to Saturday evenings.

49. The Applicant expects that many local residents and workers will be repeat visitors who will attend for social occasions in the evenings.

50. 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) Motivating more people to visit the Locality in the evenings;
  - (b) Adding to the choice of late-night hospitality and entertainment attractions that are available in the Locality for the community to enjoy;
  - (c) Enhancing the attractiveness and vibrancy of South Terrace and the Precinct after midnight (Thursday to Saturday);
  - (d) Offering a safe and friendly late-night licensed venue to visit and enjoy.

**Section 34(4)(b) - Impact on Amenity**

51. When considering the impact the grant of the licence will have upon the amenity of the locality, it is relevant to consider the immediate locale within which the Venue will be situated.
52. The Chamber of Commerce in their discussion paper, *Perth Vibrancy and Regional Liveability* annexed and marked "**Annexure G**" ("the Discussion Paper") considered that increasing the vibrancy of an urban area is an essential element for its future growth and sustainability.
53. The Discussion Paper supports the City's objectives for Fremantle to further evolve in order to ensure its status as one of the State's most vibrant and sustainable urban centres.

*"Fremantle has a long and esteemed history but to survive and prosper as a fully-functioning modern city it must continue to evolve. These transformational moves provide the blueprint for this evolution".*

(Refer to Freo 2029, Annexure D, Locality Submissions)

54. The Chamber of Commerce and Industry considers that it is important to:
- "actively encourage clusters of activity or vibrancy centres, where a mix of businesses can develop and create social and commercial activity that attracts people." (Pages 45 and 52)*
55. It is submitted that the present application is consistent with the planning objectives for the City, WAPC and the recommendations made by the Chamber of Commerce and Industry, particularly given that the Venue will:
- (a) Introduce an additional upmarket licensed hospitality venue into the Locality;
  - (b) Add to the destination attractors that draw people into the Locality;

- (c) Encourage residents and workers to socialise locally;
- (d) Provide additional upmarket function/event spaces and services within the Locality;
- (e) Encourage more visitors to stay overnight and holiday in the Locality; and
- (f) Establish a further late-night venue within the Locality that will help to activate Fremantle's CBD and support its evening economy.

56. The City identifies Fremantle's Cappuccino Strip where the Venue will be located as a nationally recognised destination attractor.

*"This precinct is synonymous with Fremantle's brand that has long presented itself as one of the major hospitality hot spots within Western Australia."*

[City's Economic Strategy (Annexure F, Locality Submissions)]

57. Supporting the findings of the Discussion Paper, the City also acknowledges that Fremantle's lifestyle and liveability factors are important drivers which are essential for its long-term sustainability and competitiveness with other LGAs.

*"...drivers of economic prosperity such as such social capital, social diversity and a stimulating urban environment are now seen as major factors in driving Fremantle's competitiveness, along with more traditional factors. In practice, this means that we must continually invest in improving its urban environment to support the attraction and retention of residents and workers to Fremantle."*

(Page 39)

58. The Venue's site has been a range of uses over the years and whilst located on a prominent corner site the building has sat vacant for a number of years since the previous fast-food outlet ("Hungry Jacks") ceased to trade. The Applicant's proposal seeks to activate this key site within the Locality. This will help to refresh the area, particularly in the evenings.



FIGURE 3: CURRENT & FUTURE VIEW OF THE PROPOSED SITE FOR THE VENUE

59. Throughout the Economic Strategy the importance of increasing activity in the area and generating a sense of vibrancy within the City is reinforced, together with the need to continue to host unique events throughout year, find ways to further increase visitor numbers and

activate its night time economy are seen as essential to increase the Locality's appeal. (Pages 20, 39, 44 & 52)

60. The Application supports the City's Draft Local Planning Strategy and its planning direction for Fremantle's CBD which is the guide for area's future development:

*"Support revitalisation of Fremantle City Centre as Perth's second city, ocean gateway and a vibrant contemporary City Centre."*

(Refer to Annexure E, Locality Submissions)

61. The grant of the Application will:

- (a) Transform a long term vacant and dilapidated building on Fremantle's Cappuccino Strip;
- (b) Revitalise one of the most prominent corner sites within Fremantle's CBD;
- (c) Add to the CBD's vibrancy and tourism attractions, supporting the resurgence of an exciting City Centre, particularly adding to the late-night licensed hospitality options that are available in the Locality for persons to enjoy;
- (d) Add to the function and special events spaces that are available in the Locality after midnight;
- (e) Support the City's strategic objective of increasing the appeal of the City and the Precinct thereby encouraging population growth, investment and increased visitor numbers. (Refer to Annexure F and G in these submissions and Annexures B – I, Locality Submissions).

62. By reason of all the above, the Applicant submits that the grant of the present application positively contributes to the amenity of the Locality by:

- Activating a key site along South Terrace (i.e. Fremantle's iconic Cappuccino Strip) in the latter part of the evenings, which has been vacant for an extended period of time;
- Specifically supporting the strategic planning objectives of the City in relation to economic development, community social engagement and promoting tourism within the Locality and the City in general;
- Increasing the choice of licensed hospitality services available within the Locality and Fremantle's CBD;

- Providing additional licensed hospitality services in the Locality that will increase the vibrancy of the area and attract a greater number of visitors to the CBD including local residents, visitors and business clientele;
  - Supporting other local businesses in the Locality to create a stronger night-time economy and Entertainment Precinct;
  - Providing upmarket late-night hospitality services in the Locality that meets the requirements of patrons aged 30 years+ that will in turn attract a more diverse and responsible group of patrons to the area in the evenings;
  - Further activating and improving the streetscape along Fremantle's Cappuccino Strip on South Terrace and the corner of South Terrace and Essex Street; and
  - As a result of increasing choice of late-night licensed venues and the vibrancy of the Precinct, encourage increased overnight visitor numbers within the Locality and the City.
63. Approval of the Application will positively contribute to the amenity of the Locality by providing additional late-night licensed hospitality, entertainment and function space in the Precinct that will support increased visitation in the Locality in the evenings.
64. The Applicant submits that the present application is consistent with the planning objectives of the City and WAPC, as well as the recommendations made by the Chamber of Commerce and Industry and Tourism WA.

### **Section 38(4)(a) - Harm or Ill Health**

#### **At Risk Groups**

65. 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.'"*

66. 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. There is no publicly available evidence, however, that any one group is experiencing harm or ill-health due to the use of



liquor within the Locality. Nor is there any evidence that those persons will be attracted to the Venue should the Tavern (Restricted) Licence be approved.

67. The Drug and Alcohol Interagency Strategic Framework for Western Australia 2011 — 2015 identifies the following "at risk" groups and sub-communities:

- (a) Young people: Given the quality fit-out of the Venue, the style of services and the price point of products, it is not anticipated that the Venue will impact at-risk groups from this sector of the community.
- (b) Aboriginal persons: Given the demographic data referred to above and the intended manner of operation at the Venue it is not anticipated that a significant proportion of Aboriginal persons who are regarded as "at risk" will patronise the Venue if the Application is granted.
- (c) Persons from regional, rural and remote communities: The Venue will be located in the hub of Fremantle's CBD and will therefore attract visitors from regional and rural areas who are visiting Fremantle. Given the quality fit-out of the Venue, the style of services and the price point of products, it is not anticipated that the Venue will impact at-risk groups from this sector of the community.
- (d) Families: Families will not attend the Venue during the ETP trading hours.
- (e) Migrant groups from non-English speaking countries: It is not anticipated that this section of the public will comprise a significant proportion of the Venue's patronage unless they are visitors to the Locality/City (based on the demographics of the area). Given the quality fit-out of the Venue, the style of services and the price point of products, it is not anticipated that the Venue will impact at-risk groups from this sector of the community.
- (f) People in low socioeconomic areas: Given the quality fit-out of the Venue and the style of services and the price point of products, it is not anticipated that the Venue will attract consumers from this sector of the public.
- (g) Mining communities or communities with high numbers of itinerant workers: Due to its location and demographics, it is not anticipated that this section of the public will comprise a significant proportion of the Venue's patrons.
- (h) Communities that experience high tourist numbers: The Venue's location within the Fremantle CBD, together with its fit-out, craft beer products, upmarket licensed hospitality services and extended trading hours are all aimed at appealing to tourists.

Whilst this is the case, the Venue's quality fit-out and its manner of operations, together with the price point of products is unlikely to attract at-risk tourists.

## **Health**

68. 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.
69. Quickstats for the City (Annexure G, Locality Submissions) reveals that approximately 59% of residents had no long-term health conditions, with the most common long-term health conditions being:
- (a) Mental health condition, including depression or anxiety (10.8%);
  - (b) Arthritis (8.3%); and
  - (c) Asthma (7.2%).

## **Crime Prevention Through Environmental Design**

70. The Location and design of the Venue is within the guidelines and principles outlined in the "Designing/Planning Guidelines".
71. 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; and
  - (d) consists of well-designed areas that will be monitored by experienced approved managers and staff who will be responsible for monitoring patron behaviour.
72. The Applicant will continue to apply a strict zero tolerance policy with respect to anti- social behaviour at the Venue at all times the Venue trades.

## Crime

73. Crime statistics for the period July 2014 – YTD 2023 have been obtained from the WA Police website for the suburb of Fremantle and are annexed and marked “**Annexure H**”.
74. No statistics are available in relation to alcohol-related crime.
75. The City’s *Community Safety and Crime Prevention Plan 2019 – 2024* is annexed and marked “**Annexure I**” (“the Crime Prevention Plan”). Annexure I provides that the top offences in Fremantle are stealing, fraud and drug offences. (Page 4)
76. The Applicant will work with the City to support community safety and ensure the responsible service of alcohol within the Locality.

## Anti-Social Behaviour

77. The Venue does not share the following features which are sometimes associated with other similar licenced premises' that include bar services, which 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 pp277-297. 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 J**”.

The Venue will have a high quality fit-out and is 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 their design of the Venue has incorporated both extensive seating, as well as easily accessible bar areas.

The Venue will be non-smoking, well set out and ventilated;

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

There will be no pool tables or dance floors at the Venue;

- (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 will not be the case at the Venue; and

- (e) The availability of food (especially full meals) has been associated with 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".

A range of food options will be available throughout the Venue's trading hours.

78. Due to all of the above these features and based on the Venue's past trading history, it is submitted that the Applicant's' venue is much less likely to be associated with alcohol-related violence and aggression.

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


79. 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. The Sporting Globe chain of hospitality venues has a strong trading history with venues operating in a number of suburbs in Perth and across Australia that demonstrate a responsible approach to its operating framework, which will be replicated at the Venue, ensuring that its neighbours are not negatively impacted by the Venue's operations.
80. The Venue will operate in accordance with the Environmental Protection (Noise) Regulations 1997 and will take all reasonable steps to control the behaviour of patrons whilst at the Venue and as they enter and leave the Venue.
81. A zero tolerance to anti-social behaviour will be adopted at the Venue.
82. By reason of all of the foregoing, the Applicant does not envisage that any significant offence, annoyance, disturbance or inconvenience will be caused by the granting of the Application.

**Conclusion**

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

- (a) the Applicant is a successful licensee and has established a strong and responsible trading history;
- (b) the grant will not result in harm or ill health due to the consumption of liquor;
- (c) there will be no adverse impact upon the amenity of the Locality by the granting of the Application;
- (d) the granting of the Application will improve the amenity of the Locality;
- (e) the granting of the Application will add to the diversity and attractions within the Locality, supporting the activation and ongoing development of the City's tourist precinct and in particular the development of Fremantle's Entertainment Precinct;
- (f) the Application is in line with the visions of the relevant planning and tourism authorities for the Locality;
- (g) the grant will not result in any significant antisocial behaviour, noise or disturbance through the operation of the Venue;
- (h) there are no taverns within the Locality and in particular South Terrace that offer comparable services and fit-out to what is proposed for the Venue; and

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

  
Dwyer Durack  
Solicitors for the Applicant