



Public Interest Assessment Submission
Application for the conditional grant of a
Tavern Unrestricted Licence

Premises Name: Moon and Mary

Applicant: Miss Chow's Fremantle Pty Ltd

Location: Tenancy 4, 45 Henderson Street, Fremantle, WA,
6160



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1. Introduction

1.1 Miss Chow's Fremantle Pty Ltd (the Applicant) is seeking approval from the Director General at the Department of Local Government, Sport and Cultural Industries (DLGSC) for the conditional grant of a Tavern Unrestricted Licence for the premises to be known as Moon and Mary, to be located at Tenancy 4, 45 Henderson Street, Fremantle, WA, 6160.

1.2 This Public Interest Assessment (PIA) submission has been prepared by Hospitality Total Services (Aus) Pty Ltd on behalf of the Applicant, and the application is in accordance with Section 41 of the Liquor Control Act 1988 (the Act), which states:

LIQUOR CONTROL ACT 1988 - SECT 41

Section 41 of the Act provides for a Hotel License, which has sub categories including a Hotel License, a Hotel Restricted license, a Tavern License, a Tavern Restricted License and a Small Bar License. These types of licenses have different types of restricted trading conditions which differentiate them from each other.

LIQUOR CONTROL ACT 1988 - SECT 41

41. Hotel licence, kinds, conditions and effect of

[(1aa) deleted]

(1) *For the purposes of this Act —*

(a) *where a hotel licence is not subject to any condition referred to in subsection (4) it shall be referred to as a Tavern Licence; and*

1.3 The Applicant has diligently addressed the matters relating to the primary and secondary objects of Section 5, Section 36B(4) and Section 38(4) of the Act in this PIA, as required by the Director's Policy on Public Interest Assessment¹ submissions.

1.4 The documentation for this application is in accordance with Section 68 of the Act. It has been compiled by Hospitality Total Services (Aus) Pty Ltd on behalf of Miss Chow's Fremantle Pty Ltd.

1.5 The proposed Moon and Mary, operated by Miss Chow's Fremantle Pty Ltd, will provide patrons with a quality culinary experience featuring a range of high-quality, modern Asian meals and specialty hand-crafted dumplings. Drawing inspiration from traditional recipes infused with innovative flavours, each dish will be prepared using fresh ingredients sourced locally, mirroring the culinary excellence established at existing Miss Chow's restaurants.

1.6 The proposed premises aims to include the sale and supply of craft gin and vodka that will be produced on-site. The distillery is envisioned as a focal point for creating unique spirits using local ingredients, while also sharing the story of the Moon & Mary through a distinctive blend of history and locality.

¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

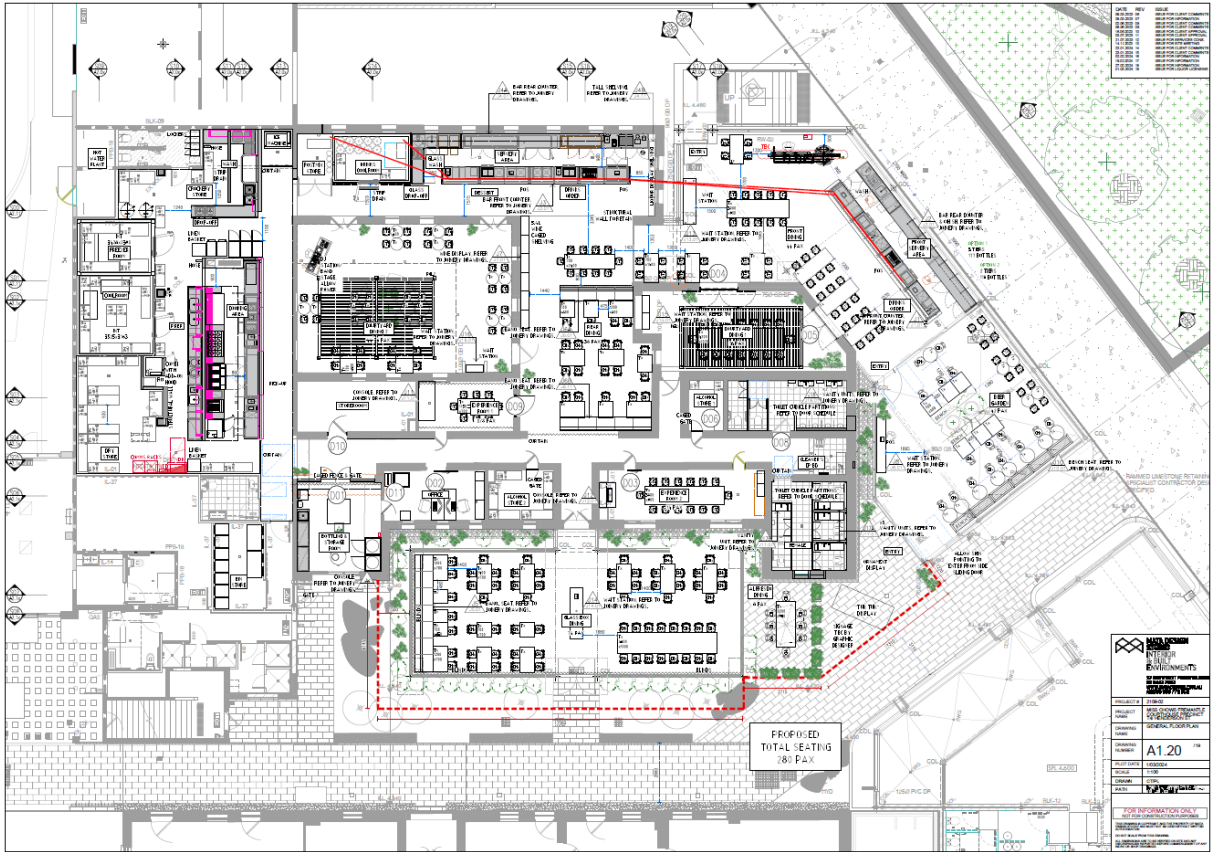


Figure 1: Moon and Mary Layout²

1.7 Ms Hung Yee Chan, the Director of Miss Chow's Fremantle Pty Ltd, colloquially known as Jacquie Chan, brings a wealth of experience in the hospitality industry to Moon and Mary. Ms Chan has a proven track record of success, having successfully operated the acclaimed Miss Chow's Licensed Restaurants since 2015. Under her leadership, these venues have gained high acclaim, reflecting her commitment to excellence in both culinary offerings and customer experience.



Figure 2: Artist Impression of Former Courthouse and Police Station³

² Attachment 1 - Moon and Mary Floor Plans

- 1.8 Guided by the experience of Ms Chan, Moon and Mary is set to develop as a distinctive dining destination in Fremantle, aligning with the high standards of Miss Chow's brand but also catering to the contemporary requirements of consumers in the Fremantle locality.
- 1.9 The Applicant submits that the Locality will benefit from a food, beverage, and entertainment offering (operated under a Tavern Unrestricted Licence), with a quality fit-out across the premises⁴ with areas to accommodate a variety of uses, including (but not limited to):
- Dining,
 - Formal and informal meetings,
 - Functions (including corporate functions),
 - Special events,
 - Socialising with colleagues, family, and friends, and
 - Premium craft spirits produced on-site.
- 1.10 Section 38(4)(ca) of the Act was recently added and states that the licensing authority will give weight to applications that relate to tourism, community and cultural matters when determining if the grant of the application is in the public interest.
- 1.11 The primary consideration of the Applicant is to provide a well-managed, safe, and welcoming licensed premises that will cause minimal undue harm or ill-health to the surrounding locality or to the patrons resorting to Moon and Mary while catering to the requirements of consumers of liquor and related services in the locality.
- 1.12 As per the Director's Policy on '*Public Interest Assessments*'⁵ (PIA), the Applicant is required to demonstrate that the application is in the public interest.
- 1.13 To meet this requirement, the Applicant has provided Consumer Surveys as cogent and objective evidence in support of the application in the public interest.⁶
- 1.14 The Applicant will implement effective harm minimisation strategies that have been successfully utilised at its sister premises as part of its Harm Minimisation Plan⁷ outlined in these PIA submissions as part of the "*Section 38 (4) (a) of the Act – Harm or Ill-health*" section.
- 1.15 As a security and crime prevention consideration, Moon and Mary will incorporate CCTV internally and externally, covering all the entry and exit points as per the Director of Liquor Licensing's Policy on '*Safety and Security at Licensed Premises*'⁸.

³ <https://mysay.fremantle.wa.gov.au/Courthouse-Henderson-street>

⁴ Attachment 1 – Floor Plans

⁵ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

⁶ Attachment 2 - Consumer Surveys

⁷ Attachment 3 - Harm Minimisation Plan

⁸ <https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

1.16 Moon and Mary, upholding Miss Chow's tradition, will feature a menu of modern Asian cuisine thoughtfully crafted using locally sourced WA produce. The menu will be enhanced by a curated selection of local and international wines, beers, ciders, and a bespoke range of spirits.⁹

1.17 The Applicant accepts the following conditions to be applied on the Tavern licence, subject to approval:

Trading Hours:

The permitted trading hours will be aligned with those prescribed in Section 98 of the Act for a Tavern licence.

Trading Conditions:

- 1 The licensee is authorised to sell and supply liquor in accordance with the provisions of Section 41 of the Act as it relates to a Tavern Unrestricted Licence.
- 2 Only craft spirits produced at the premises will be available as packaged takeaway alcohol sales with no dedicated browse area or bottleshop.
- 3 The Licensee is to have and maintain a CCTV system in accordance with the policies of the Director of Liquor Licensing.
- 4 Seating and associated table arrangements must be available for a minimum of 50% of the patrons on the premises except if there is a pre-booked function or event.
- 5 Food (meals) to be available during meal service times.
- 6 The Licensee shall not promote or sell drinks that offer liquor by their 'emotive' titles such as, but not limited to, 'laybacks', 'slammers', 'test tubes', and 'blasters'.
- 7 Drink options that contain low alcohol liquor content, as well as a range of non-alcoholic drink options, must be available at all times.
- 8 The number of patrons that may be accommodated on the licensed premises at any one time must not exceed the number of patrons as contained in the "Maximum Accommodation Certificate" issued by the local authority.
- 9 Dress Standards – Outlaw Motorcycle Gangs.

The following dress standard applies during the permitted trading hours:

Jackets or any other clothing or accessory, or any clearly visible body marking, bearing patches or insignia of any Outlaw Motorcycle Gangs not limited to, but including, the following listed Outlaw Motorcycle Gangs, are not permitted to be worn or to be visible on the licensed premises:

- Coffin Cheaters,
- Club Deroes,
- Gods Garbage,
- Gypsy Jokers,
- Outlaws,

⁹ Attachment 5 - Moon and Mary Sample Menus

- Finks,
- Rebels,
- Comancheroes,
- Hell's Angels,
- Rock Machine, and
- Mongols.

Entertainment Conditions:

1. A person resorting to, or on the premises, including the licensee or manager, or an employee or agent of the licensee or manager, shall not:
 - Be immodestly or indecently dressed on the licensed premises, and/or
 - Take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.
2. The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from:
 - Exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any "R 18+", "X 18+" or "RC" classified film or computer game or "Category 1 – Restricted" or "Category 2 – Restricted" publication, or extract therefrom; or
 - Causing, suffering or permitting any person employed, engaged or otherwise contracted to undertake any activity or perform any entertainment on the licensed premises to be immodestly or indecently dressed on the licensed premises; or
 - Causing, suffering or permitting any person to take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.
3. In this condition, "licensed premises" includes any premises, place or area:
 - which is appurtenant to the licensed premises; or
 - in respect of which an extended trading permit granted to the licensee is for the time being in force but does not include any part of the premises which is reserved for the private use of the licensee, manager or employees of the licensee and to which the public does not have access.

1.18 The Applicant respectfully submits that this application for a Tavern Unrestricted Licence for the proposed premises of Moon and Mary, strategically located to cater to consumers in the vibrant tourism, heritage and entertainment precinct of Fremantle, should be conditionally granted in the public interest.

2. Venue and Operation

- 2.1 The proposed premises, subject to approval, will be situated in a prime location in Fremantle, WA, and will offer residents and visitors a diverse and contemporary premises that will cater to the evolving requirements of consumers of the locality.
- 2.2 The Applicant submits that the proposed licensed premises will be made up of different patron uses, including (but not limited to) dining spaces to suit the requirements of patrons, with a variety of indoor and alfresco seating.
- 2.3 As can be seen on the plans submitted with this application, ample seating will be provided throughout the proposed premises. Staff at the venue will be able to better monitor patrons and create a safer and more inclusive environment for them.
- 2.4 Patrons attending Moon and Mary can expect a quality fit-out featuring high-end finishes and contemporary design concepts tailored to appeal to a mature and professional clientele while prioritising patron safety at all times.
- 2.5 The "Safer Places by Design"¹⁰ planning guidelines, reflecting the latest in crime prevention through environmental design (CPTED) principles, are integral to Moon and Mary's design phase. This approach will provide additional safety and security measures for patrons while streamlining the monitoring and management processes for staff and management, ensuring a secure and welcoming environment at the proposed premises.

¹⁰ <https://www.wa.gov.au/government/publications/planning-guidelines-safer-places-design>

Food & Beverage



Figure 3: Food Samples by the Applicant¹¹

- 2.6 The proposed Moon and Mary venue will serve as a multi-use premises featuring an Asian-inspired culinary experience with a specialty in dumplings, complemented by Asian-inspired cocktails. Emphasising the quality and creativity of ingredients, the proposed premises is committed to preserving cultural heritage through traditional cooking methods and techniques, ensuring a genuine and enriching dining experience.
- 2.7 Moon and Mary will continue the respected tradition of Miss Chow's brand, celebrated in Perth for its diverse range of freshly made in-house dumplings. The proposed premises will entice patrons with a selection of Shanghainese, steamed, and pan-fried dumplings, inclusive of dietary accommodations such as gluten-free and vegetarian options, ensuring a welcoming dining experience for all consumers in the locality.
- 2.8 The food menu at Moon and Mary will be thoughtfully paired with an extensive beverage selection featuring both Asian and classic cocktails, international wines, and spirits, alongside a curated choice of Australian wines, beers, ciders, and premium spirits.

¹¹ <https://www.ubereats.com/au/store/the-pantry-by-miss-chows-city-beach/Bi0gaP3zRnm4yROhOBP36w>



Figure 4: Cocktail Samples by the Applicant¹²

2.9 Moon and Mary will uphold the tradition of offering an extensive wine list, showcasing premium local, Australian, and International red, white, and sparkling wines for consumers to enjoy with their meals. This selection will feature wines from esteemed Western Australian producers, ensuring a diverse and high-quality range that complements the culinary offerings:

- Robert Oatley (great Southern),
- Howard Park (Cowaramup),
- Thompson Estate (Margaret River),
- Voyager Estate (Margaret River),
- Stormflower (Margaret River),
- The Yard (Pemberton),
- Arlewood (Margaret River),
- Vasse Felix (Margaret River),
- Rosabrook (Margaret River),
- Apostrophe (Frankland River),
- Vinaceous Voodoo Moon (Margaret River),
- Deep Woods (Margaret River),
- The Pennant (Margaret River), and
- Peel State Old Vine (Karnup).

2.10 At Moon and Mary, patrons can look forward to an array of premium cocktails, including both traditional favourites like Espresso Martinis and Cosmopolitans, as well as signature creations unique to our brand. The menu will feature creative twists on classics, including

¹²https://www.tripadvisor.com/LocationPhotoDirectLink-g950978-d9699145-i267618156-Miss_Chow_s-Clairemont_Greater_Perth_Western_Australia.html

the Lychee Martini, Chinaman's Mojito, and Shanghai Tang, offering a memorable and sophisticated drinking experience.

- 2.11 Moon and Mary will ensure a comprehensive selection of non-alcoholic beverages is available throughout its operating hours. In addition, potable water will be provided free of charge to all patrons.
- 2.12 Moon and Mary will feature an extensive tea menu, offering patrons a choice of premium teas, iced teas, bubble teas, and traditional teas, catering to diverse preferences and enhancing the dining experience. Additionally, the proposed premises will provide a variety of non-alcoholic mocktails, soft drinks, and coffee, ensuring a broad selection of beverages to suit all tastes.

Boutique Distillery



Figure 5: Sample Flying Foam StillCraft 200 Distillery¹³

- 2.13 Moon and Mary is poised to enhance its unique culinary experience with the introduction of a boutique distillery featuring the advanced StillCraft 200. This state-of-the-art equipment, equipped with a 200L pot, gin vapour basket, an 8-plate column, and a vapour condenser, will facilitate the creation of premium, handcrafted spirits. The distillery's design, boasting polished copper pots and columns alongside brushed stainless pipework, underscores Moon and Mary's commitment to excellence and superior craftsmanship in every aspect of its offerings.
- 2.14 The addition of the boutique distillery within Moon and Mary is expected to contribute significantly to the amenity of Fremantle, serving as a source of premium, handcrafted spirits. By offering patrons insight into the distilling process, the proposed premises aims to foster an appreciation for the art of craft spirit production, meeting the contemporary consumer's requirement for engaging and informative experiences.

¹³ https://flyingfoam.com.au/wp-content/uploads/2021/05/StillCraft_brochure_v3.pdf

- 2.15 Moon and Mary's initiative to integrate a boutique distillery within its premises is poised to significantly contribute to the local amenity and support the proper development of the liquor industry, the tourism industry and other hospitality industries. The distillery's focus on producing premium gin, vodka and fortified spirits, utilising distinctive local botanicals such as pepper berry, blue pea flowers, and ginger, further showcases a commitment to highlighting regional flavours and supporting the local agricultural industry.

Hospitality Tourism

- 2.16 Moon and Mary is committed to aligning with and supporting *'Taste 2020 – a strategy for food and wine tourism in Western Australia for the next five years & beyond.'*¹⁴ By showcasing a curated selection of premium, locally sourced ingredients and offering an authentic experience rooted in Asian culinary traditions, Moon and Mary aims to contribute to the strategy's vision of enhancing Western Australia's reputation as a premier food and wine destination.
- 2.17 Taste 2020 states:
"Culinary tourism is one of the fastest growing sectors of the tourism industry. Within our well-established hospitality, viticulture, agriculture and fishing industries, Western Australia has the potential to be one of the world's foremost culinary tourism destinations."
- 2.18 The Taste 2020 report further states:
"In 2012, tourism Australia conducted a Consumer Demand Research Project in 15 of Australia's key tourism markets, which identified that food and wine is a key factor in holiday decision making and the next most important emotive trigger after world class natural beauty."
- 2.19 The "Tourism Forecasts for Australia 2023 to 2028" report by Tourism Research Australia provides detailed projections for both international and domestic tourism over the next five years. It outlines an optimistic growth in international arrivals and a significant increase in total visitor expenditure, forecasting a recovery to pre-pandemic levels by 2025 for international arrivals.
- 2.20 Australia's Tourism Outlook 2023-2028:
- International visitor numbers are expected to grow significantly.
 - Total international expenditure likely to surpass pre-pandemic levels by 2024.
 - Forecasted annual arrival of 11.0 million international visitors by 2027.
 - India and New Zealand might lead in recovery speed.
 - Longer recovery expected for markets like the US, UK, Europe, and Japan.
 - Uncertainty around the Chinese market due to travel restrictions.
 - Strong recovery anticipated in other Asian markets.

¹⁴ <https://www.readkong.com/page/taste-2020-tourism-wa-4348907?p=3>

- Holiday arrivals are predicted to experience the strongest growth.
- Business travel will rebound to pre-pandemic levels by 2027.
- Domestic tourism remains vital, with an increase in overnight spending due to longer trips.

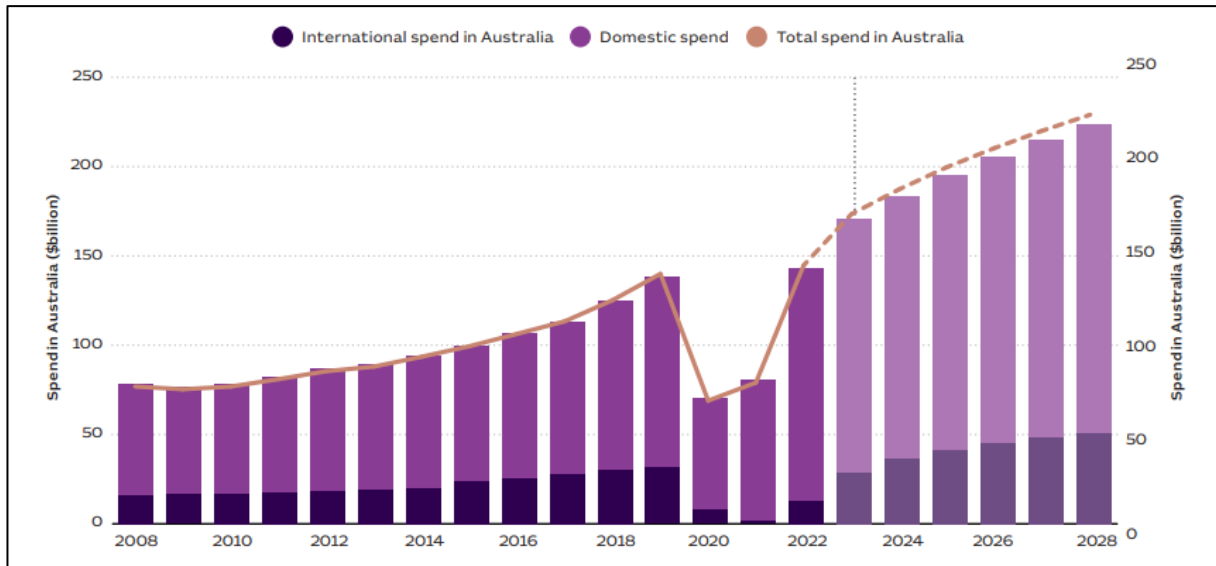


Figure 6: International, domestic and total tourism spend in Australia.¹⁵

- 2.21 With these contributing factors and the City of Fremantle's *'Tourism visitor summary'*, there were 47,583 international visitor nights in 2021/22.¹⁶
- 2.22 Fremantle leverages its rich heritage by blending historical preservation with contemporary development, creating a dynamic tourism experience. This approach not only honours the city's past but also caters to contemporary consumer's expectations, making Fremantle a unique destination where history, culture, and modernity intersect. Through maintaining landmarks, repurposing structures, and adding modern amenities, Fremantle offers an authentic, diverse experience, positioning itself as a favoured destination for visitors to the locality.
- 2.23 The positive tourism industry forecast underscores the potential for local businesses to grow by diversifying their offerings to meet diverse consumer requirements. This strategic approach is crucial for accommodating the varied preferences of tourists and local residents, ensuring a broad appeal and enhancing the visitor experience in the locality.

¹⁵ <https://www.tra.gov.au/en/economic-analysis/tourism-forecasts>

¹⁶ <https://economy.id.com.au/fremantle/tourism-visitor-summary>

Outcome	Fremantle celebrates its history and built heritage through active renewal and adaption.
Objective	<ul style="list-style-type: none"> • Strengthen sense of place, history and heritage • To be recognised as a city with an emphasis on strong heritage interpretation and design excellence • Facilitate and promote investment in heritage.
Measure of success	<ul style="list-style-type: none"> • Achieve state heritage registration for the West End area • Improve community satisfaction with local history and heritage • Strong investment in heritage buildings (BPs), programs and infrastructure.

Figure 7: Fremantle Heritage¹⁷

Harm Minimisation Strategies

- 2.24 The Applicant's comprehensive Harm Minimisation Plan¹⁸ is designed to effectively reduce and manage undue harm or ill health that may arise from the consumption of alcohol.
- 2.25 The Applicant commits to providing ongoing, comprehensive staff training to enhance patron assistance. This training encompasses awareness programs, rigorous Responsible Service of Alcohol (RSA) practices, and protocols for handling situations involving intoxicated patrons and juveniles, ensuring a safe and responsible service environment¹⁹.
- 2.26 The Applicant will adhere to the Department of Local Government, Sport and Cultural Industries' policies relating to the sale and supply of liquor for consumption on the premises, under section 41 of the Liquor Control Act 1988.
- 2.27 The Applicant is committed to responsible marketing practices and will take great care to ensure that all marketing efforts are directed exclusively at adults. They are dedicated to supporting programs, policies, and practices that address the issues related to alcohol misuse and encourage consumers to make responsible decisions when it comes to alcohol consumption.
- 2.28 Signage promoting responsible alcohol practices will be strategically placed throughout Moon and Mary, serving as constant reminders for guests about the importance of responsible alcohol sale, supply, and consumption. This measure is part of the proposed premises' broader commitment to ensuring a safe, positive experience for all consumers, aligning with its dedication to upholding community well-being and responsible Service of alcohol practices.
- 2.29 The Applicant will strictly adhere to the DLGSC's Industry Guideline on the Responsible Promotion of Alcohol – *Consumption of Liquor on Licensed Premises*²⁰ at all times.

¹⁷<https://www.fremantle.wa.gov.au/sites/default/files/Strategic%20Community%20Plan%20-%20August%202019.pdf>

¹⁸ Attachment 3 – Harm Minimisation Plan

¹⁹ Attachment 4 – Staff RSA Handbook

²⁰<https://www.dlgsc.wa.gov.au/departments/publications/publication/responsible-promotion-of-liquor-consumption-of-liquor-on-licensed-premises-and-the-sale-of-packaged-liquor-policy>

"The Liquor Control Act 1988 (the Act) places an obligation on licensees to sell and supply liquor in a responsible manner.

One of the primary objects of the Act is to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor. A secondary object of the Act is to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.

The principles contained in this guideline are designed to assist licensees to ensure that any promotion or advertising is consistent with the requirements of the Act.

Section 64(3) of the Act empowers the licensing authority to impose conditions on a licence which:

- ensure liquor is sold and consumed in a responsible manner;*
- limit the manner or the containers, or number or type of containers, in which liquor may be sold;*
- prohibit promotional activity in which drinks are offered free or at reduced prices, or limit the circumstances in which this may be done; and*
- prohibit any practices which encourage irresponsible drinking.*

Where there is evidence that a licensee has not promoted, advertised, sold or supplied liquor in a responsible manner, the licensing authority may impose restrictive conditions on the licence."

- 2.30 At Moon and Mary, all staff involved in the sale and supply of liquor will be required to have RSA certificates and will have a copy kept on the premises at all times, in line with the *Director's Policy on Mandatory Training*²¹. These certificates will be readily available on-site. Staffing levels will be diligently managed to ensure guest satisfaction and service quality, with adjustments made during peak times to meet higher demand and maintain the establishment's commitment to excellent service.
- 2.31 Staffing levels at Moon and Mary will be diligently monitored and adjusted to ensure guests experience high-quality customer service consistently. During peak periods, additional staff will be rostered to meet the increased demand, guaranteeing customer satisfaction remains a top priority.

²¹<https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

3. The Applicant



Figure 8: Jacquie Chan, Director of the Applicant company and managing director of Miss Chow's²²

- 3.1 The Applicant is Miss Chow's Fremantle Pty Ltd, and the Director of the Applicant Company, Ms. Hung Chan (known as Ms. Jacquie Chan), oversees the operation of Miss Chow's in Claremont, South Perth, Kiri Japanese in Nedlands, as well as Miss Chow's Pantry in City Beach and Bicton, with no known liquor infringements. This leadership and operational experience underline the Applicant's capability to uphold high standards in the management of Moon and Mary.
- 3.2 The Applicant aims to introduce the same authentic modern Asian cuisine and distinctive dumplings to Moon and Mary, situated in the vibrant heart of Fremantle. The application for a Tavern Unrestricted Liquor Licence is required to cater to the contemporary dining and social requirements of consumers in the locality.

²²<https://womensagenda.com.au/business/how-miss-chows-die-hard-following-in-perth-helped-jacquie-chans-restaurants-through-2020/>



Figure 9: Miss Chow's Claremont by Mata Design²³

- 3.3 Miss Chow's Fremantle Pty Ltd aspires to maximise the potential of Moon and Mary within Fremantle's dynamic retail, dining, and entertainment district. By introducing a new venue following the success of the Miss Chow's Group, the Applicant aims to enrich the diversity of the locality's culinary and entertainment offerings.
- 3.4 The Applicant, through its several venues around the Perth Metropolitan area, has established itself as a frontrunner in modern Asian cuisine, gaining widespread recognition for its innovative menu and particularly for its exceptional dumplings. This reputation underscores the brand's commitment to culinary excellence and innovation.
- 3.5 The proposed Moon and Mary in Fremantle, to be operated by Miss Chow's Fremantle Pty Ltd, will emphasise continual staff training in both food and beverage product knowledge and Responsible Service of Alcohol (RSA) compliance, reflecting the company's commitment to excellence and safety.
- 3.6 Ms Chan's, the Pantry by Miss Chow's, situated in City Beach and Bicton, showcases a takeaway meals-only model. This venue features a carefully selected menu, incorporating some of the most favoured dishes from Miss Chow's restaurant lineup, further extending the brand's culinary reach and innovation.



²³ <https://www.matadesign.com.au/>

- 3.7 Miss Chow's Fremantle Pty Ltd has demonstrated a strong commitment to ensuring the proposed Tavern Unrestricted Licence for Moon and Mary aligns with the public interest. This is evidenced by the numerous Consumer Surveys, indicating a clear demand for the licensed premises²⁴.
- 3.8 The Applicant values high standards in training, performance, and procedural systems, with a robust quality assurance process that includes annual performance reviews for management and regular evaluations and refresher training for all staff on RSA, product knowledge, and service delivery²⁵.
- 3.9 The Applicant is dedicated to enhancing the local amenity by meeting the diverse requirements of the community and implementing strategies to minimise potential undue harm or health issues related to alcohol consumption, subject to approval.
- 3.10 Leveraging the success of Miss Chow's venues, Ms. Chan is committed to maintaining high operational standards and product quality at Moon and Mary. The Approved Manager will also obtain MLP1 qualification, reinforcing the establishment's dedication to responsible management and service.
- 3.11 Furthermore, customer engagement extends to the dining experience, with staff trained to offer guidance on enjoying dumplings and provide personalised food recommendations, enhancing the overall dining experience at Miss Chow's.

The Applicant as a Fit and Proper Person to hold a Licence

- 3.12 Section 33(6) of the Act refers to the creditworthiness, character, convictions, conduct of other businesses and reports or interventions made against an applicant, stating:

"Where the licensing authority is to determine whether an applicant is a fit and proper person to hold a licence or whether approval should be given to a person seeking to occupy a position of authority in a body corporate that holds a licence, or to approve a natural person as an approved unrestricted manager, an approved restricted manager or a trustee —

(a) the creditworthiness of that person; and

(aa) the character and reputation of that person; and

(b) the number and nature of any convictions of that person for offences in any jurisdiction; and

(c) the conduct of that person in respect to other businesses or to matters to which this Act relates; and

(d) any report submitted, or intervention made, under section 69,"

- 3.13 Ms. Jacquie Chan, the director of Miss Chow's Fremantle Pty Ltd, has established herself as a distinguished business operator with a proven track record. There is confidence in her being

²⁴ Attachment 2 – Consumer Surveys

²⁵ Attachment 4 – Staff RSA Handbook

recognised as a fit and proper person to oversee the operations of Moon and Mary under a Tavern Unrestricted Licence, subject to approval.

- 3.14 Miss Chow's Fremantle Pty Ltd has showcased its financial reliability, exemplary character, and successful management of other licensed premises. The company's engagement with key stakeholders and commitment to the advancement of the liquor, hospitality, and tourism sectors affirm its qualification to hold a Liquor Licence in Western Australia.

4. Location and Locality

- 4.1 The proposed Moon and Mary will be situated at Tenancy 4, 45 Henderson Street, Fremantle, WA, 6160.

- 4.2 As per the application of the Public Interest Policy '*Specification of Locality*'²⁶ (which determines the "*locality*" affected by an application under the Act), the map below (Figure 9) indicates the 2km radius that forms the locality surrounding Moon and Mary.

"The term 'locality' in this instance refers to the area surrounding the proposed licensed premises. This locality will be the area most likely to be affected by the granting of an application in relation to amenity issues."

- 4.3 The defined locality for the premises has been determined based on the guidance provided by the Premises Manager at the Department of Local Government, Sport and Cultural Industries. This ensures that the application meets the licensing authority's requirements. As shown in Figure 10, the locality has been defined accordingly.
- 4.4 For the purposes of this submission, the defined locality encompasses part of the Local Government Area (LGA) of Fremantle, where the proposed premises will be located.
- 4.5 As required by the Director's Guideline on '*Specification of Locality*' as part of the Public Interest Assessment Policy, data from the Australian Bureau of Statistics 2021 Census²⁷ for Fremantle.

²⁶ <https://www.dlgsc.wa.gov.au/departments/publications/publication/public-interest-assessment-policy>

²⁷ <https://www.abs.gov.au/census>

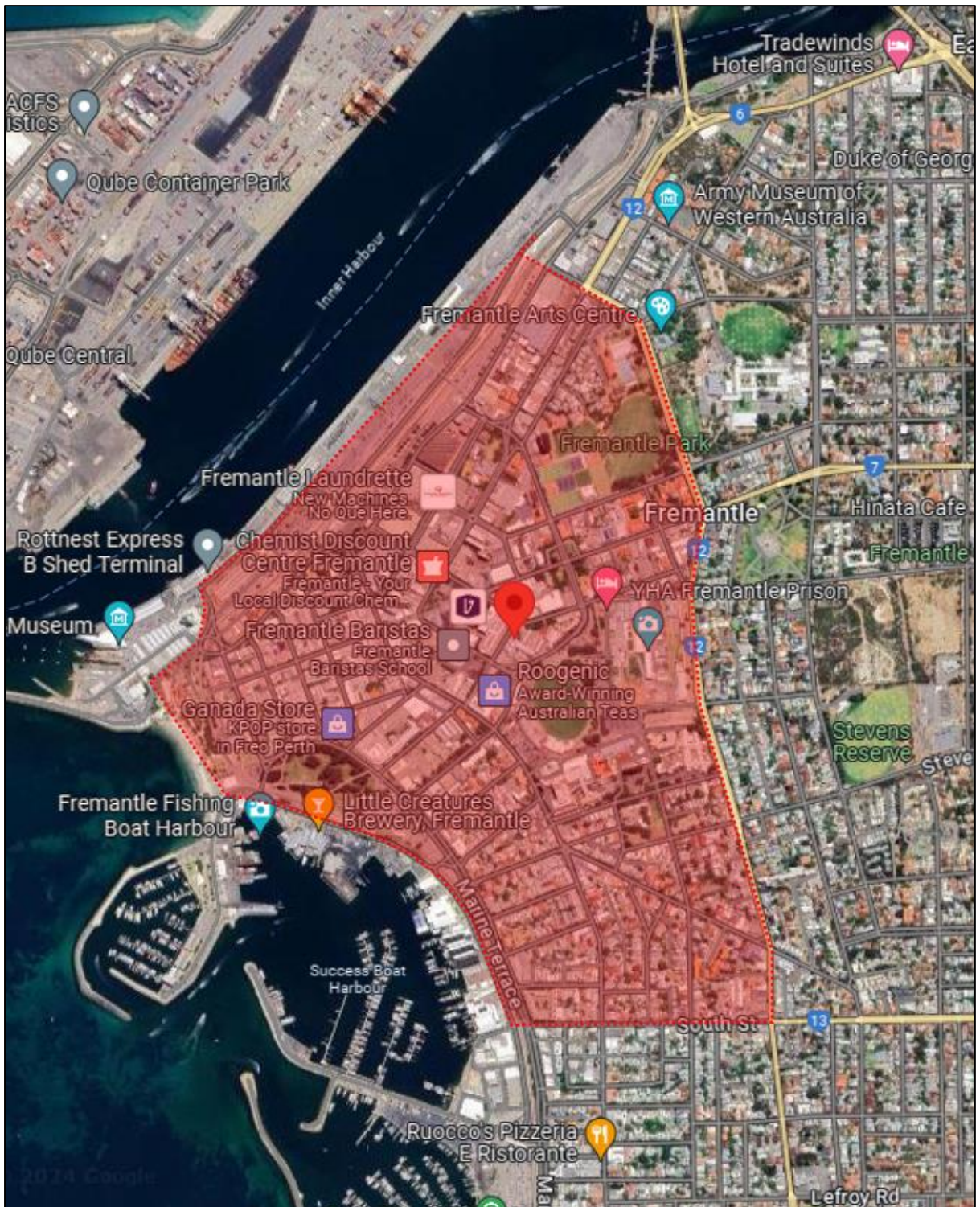


Figure 10: 2km specified locality surrounding the proposed premises²⁸

4.6 The table below demonstrates the general population demographics of the suburbs that make up the defined locality as identified above.

²⁸ <https://www.mapdevelopers.com/draw-circle-tool.php>

	Locality	Western Australia	Greater Perth
Population	31930	2660026	2116647
Median Age	42	38	37
Population under 14 years	14.35%	18.96%	19.01%
Indigenous Person	1.73%	3.33%	1.99%
Australia Born	64.86%	61.98%	59.46%
Speak English only at Home	80.99%	75.29%	73.99%
Couple Family without Children	45.10%	38.80%	37.60%
Couple Family with Children	37.80%	44.60%	45.70%
One Parent Family	15.70%	15.10%	15.10%
Other Family	1.40%	1.60%	1.60%
Median Household Income	\$1887.00	\$1815.00	\$1865.00

4.7 Demographic overview of the locality:

- **Population:** The locality boasts a population of 31,930, marking it as a substantial community within Greater Perth and Western Australia.
- **Median Age:** The locality's median age is 42, reflecting a mature demographic slightly older than the median ages in Greater Perth (37 years) and Western Australia (38 years).

4.8 Socio-economic Characteristics:

- **Median Household Income:** The locality's median household income stands at \$1,887 weekly, surpassing both Greater Perth (\$1,865.00) and Western Australia (\$1,815.00).

4.9 Family Composition and Diversity:

- **Population under 14 years:** 14.35% of the locality's population is under 14 years, indicating a lower proportion than in Greater Perth (19.01%) and Western Australia (18.96%).
- **Indigenous Population:** Indigenous persons constitute 1.73% of the population, slightly below the state average (3.33%) but closer to Greater Perth (1.99%).
- **Australia Born:** 64.86% of residents were born in Australia, higher than both Greater Perth (59.46%) and Western Australia (61.98%).
- **Language:** 80.99% of the population speaks only English at home, which is higher than in Greater Perth (73.99%) and Western Australia (75.29%).

4.10 Family Types:

- **Couple Families without Children:** Account for 45.10%, which is higher than in Greater Perth (37.60%) and Western Australia (38.80%).
- **Couple Families with Children:** Make up 37.80%, indicating a lower percentage compared to Greater Perth (45.70%) and Western Australia (44.60%).
- **One Parent Family:** The locality shows a 15.70% proportion, slightly higher than the figures for Greater Perth and Western Australia (both 15.10%).

- 4.11 The locality reflects a diverse cultural makeup, with a significant portion of the population born in Australia and a high percentage speaking only English at home, reflecting a blend of cultural backgrounds and linguistic preferences.

City of Fremantle²⁹



Figure 11: City of Fremantle³⁰

- 4.11 The City of Fremantle, as a forward-thinking Local Government Area (LGA), is focused to evolving the region to cater to the current and upcoming requirements of the local community.
- 4.12 Today, most of the land use in the City of Fremantle is residential. However, it still maintains significant maritime, industrial, and port areas and commercial, business, and professional sectors. It also accommodates leisure and recreational activities, educational institutions, and tourism-focused establishments, primarily concentrated within and around the city centre.
- 4.13 The Fremantle City Centre is recognised as a strategic metropolitan centre in the State Planning Policy 4.2 'Activity Centres for Perth and Peel'³¹. Beyond the City Centre, a network of mixed-use, local, and neighbourhood commercial areas act as hubs for the City's suburbs.
- 4.14 "Activity centres are multi-functional community focal points that vary in size and function. They are generally well-served by transport networks with a focus on integrated pedestrian access and walkability. They may include land uses such as commercial, retail, food and

²⁹<https://www.fremantle.wa.gov.au/sites/default/files/PC2209-5%20-%20Attachment%20%20-%20DRAFT%20Local%20Planning%20Strategy%202021%20-%20Part%20%2028ID%205301053%29.pdf>

³⁰<https://www.fremantle.wa.gov.au/about>

³¹<https://www.wa.gov.au/government/publications/state-planning-policy-42-activity-centres-perth-and-peel>

hospitality, higher-density housing, entertainment, tourism, civic/community, higher education, and medical services.”

- 4.15 Strategic centres serve as the leading regional activity hubs, providing various services for their communities. They support large populations with essential health, community, and social services, integrate with public transport, and foster business agglomerations, all while prioritising accessibility.
- 4.16 This policy promotes the creation of versatile activity centres designed to accommodate a broad spectrum of uses, including office space, commercial and retail, food service and hospitality, entertainment, education, leisure, cultural/tourism, residential, and mixed-use areas.
- 4.17 According to State Planning Policy 4.2.2, Fremantle is considered a Strategic (Metropolitan) Centre, as demonstrated in the excerpt below:

Region	Capital City	Strategic Centres	Secondary Centres
Perth and Peel	Perth Northbridge East Perth West Perth	Armadale Cannington Fremantle Joondalup Mandurah Midland Morley Rockingham Stirling Yanchep	Alkimos Belmont Booragoon Claremont Clarkson Cockburn Ellenbrook Karrinyup Kwinana Leederville Maddington Mirrabooka Pinjarra Subiaco Two Rocks North Victoria Park Wanneroo Warwick Whitfordsxx

Figure 12: Activity Centre Hierarchy³²

4.18 Location and Historical Significance:

- Fremantle is situated at the mouth of the Swan River, about 17 kilometres southwest of Perth's city centre.
- Established in 1829 as a port for the Swan River Colony, it was Western Australia's major city in its early history.

4.19 Urban Development:

- Fremantle is part of the rapidly growing southwest urban corridor, the fastest-growing region in the metropolitan area.

³² <https://www.wa.gov.au/government/publications/state-planning-policy-42-activity-centres-perth-and-peel>

- Despite its own residential population, Fremantle serves a much broader population due to its strategic location.

4.20 Strategic Regional Centre:

- Recognised by the State Government as a strategic regional centre, Fremantle provides vital commercial, employment, recreational, and welfare support services.

4.21 Geographical and Demographic Details:

- The City covers an area of 18.7 square kilometres, with 28 kilometres of river foreshore and coastline.
- Municipal suburbs include Fremantle, North Fremantle, South Fremantle, White Gum Valley, Hilton, Beaconsfield, O'Connor, and Samson.
- As of 2022, the residential population was approximately 33,749, with a forecast to stabilise around 44,549 by 2046³³.
- The daily commuter workforce is around 8,000 people to the city centre, with about 1.4 million visitors annually.

4.22 Economic Landscape:

- Traditional economic focus on the port, commercial services, general manufacturing, recreation, marine, and fishing industries.
- Over the past decade, some sectors have declined while others, such as tourism, entertainment, education, and business services, have grown significantly.

4.23 Development and Heritage:

- Fremantle is known for its rich heritage. Development and innovation are encouraged, provided they respect the unique blend of people and historical characteristics of Fremantle.

City of Fremantle Local Planning Strategy³⁴

4.24 The strategic groundwork for the City's Local Planning Strategy stems from the Strategic Community Plan 2015–25, encompassing its Vision and Mission statements, respectively:

The vision for Fremantle was, and remains, clear: a city that embraces culture and heritage, thrives on diversity and innovation and dares to be different. The Strategic Community Plan 2015–25 outlined how we would deliver this vision through our strategic focus areas:

- *economic development,*
- *environmental responsibility and sustainability,*

³³ <https://forecast.id.com.au/fremantle>

³⁴ <https://www.fremantle.wa.gov.au/sites/default/files/Strategic%20Community%20Plan%20-%20August%202019.pdf>

- *transport and connection between the Fremantle CBD, outer suburbs and key transit areas,*
- *use and creation of public space,*
- *heritage conservation and its balance with new development, and art and cultural activities,*
- *the health and happiness of our community,*
- *the continued evolution of our organisation and its capacity to deliver world-class leadership and services.*

- 4.25 The Applicant will contribute to recent developments in Fremantle by offering amenities and related services that complement and enhance the existing and forthcoming projects in the locality. By contributing to Fremantle's dynamic growth and development, Moon and Mary aims to add economic value to the community, aligning with its heritage character.
- 4.26 The Applicant submits that it serves the public interest to conditionally approve Moon and Mary, operating under a Tavern Unrestricted Licence in Fremantle. By providing a high-quality and diverse premises, Moon and Mary will cater to the evolving requirements of both the local residents and visitors to the locality.
- 4.27 Fremantle is in a significant phase of redevelopment, marked by the completion of several major projects and the anticipation of more in the future. These developments are set to enhance the vibrancy and appeal of the locality, offering new opportunities for businesses like Moon and Mary.

Residential Developments in Fremantle³⁵

- 4.28 Fremantle is experiencing a residential renaissance driven by both private sector and State Government projects. This includes the development of the Knutsford Precinct, Heart of Beaconsfield, and Burt Street Development, which will introduce vibrant new communities close to Fremantle's centre.
- 4.29 Fremantle has embraced the concept of higher-density living, particularly around its central business district (CBD). This strategic shift aligns with modern urban planning and sustainability principles. The Fremantle Council, in its commitment to urban revitalisation and economic growth, has approved a series of mixed-use residential apartment developments. These projects are expected to significantly increase the local population and support the locality's economic development.
- 4.30 The new residential developments in Fremantle feature sustainable design and focus on providing a high standard of living. Incorporating elements such as rooftop gardens and communal spaces aligns with contemporary sustainable living trends.
- 4.31 Please find below some of the residential developments that have been completed and others that are soon to be constructed in the locality:

³⁵ <https://www.fremantle.wa.gov.au/new-and-shiny>

- Heirloom by Match Apartments (183 apartments),
- Beach Street Apartments (71 apartments),
- Somersault Apartments (71 apartments),
- Little Lane Apartments (70 apartments),
- Defence Housing Fremantle (180 apartments),
- Liv Apartments (180 apartments),
- QV11 Apartments (47 apartments),
- Energy Museum (38 apartments TBC), and
- Elders Woolstores (350 apartments TBC).

4.32 Fremantle's city centre is undergoing an extensive transformation with redevelopment projects valued at approximately \$1 billion. This is creating a substantial hub for government and corporate services, contributing significantly to the local economy.

4.33 The Kings Square project, central to Fremantle's urban renewal, represents the largest public-private infrastructure initiative in the City's history. This project, a collaboration between Sirona Capital and the City of Fremantle, is set to transform the civic and commercial heart of Fremantle.

Developments in Fremantle

4.34 Walyalup Koort – Now Open:³⁶



Figure 13: Walyalup Playground³⁷

“The heart of Fremantle in the square originally imagined in 1833 by John Septimus Roe and where the wide blue Western Australian skies meet the architecture of a spirited 19th-century gold rush port city, where avenues of Jacaranda trees line the streets and Moreton Bay figs and plane trees create a canopy for an urban room in the heart of the downtown area.”

³⁶ <https://visitfremantle.com.au/neighbourhoods/walyalup-koort>

³⁷ <https://www.fremantle.wa.gov.au/news-and-media/walyalup-koort-playground-official-opening>

- Formerly known as Kings Square in Fremantle, Western Australia.
- The development respects the unique character and history of Kings Square.
- Involved in the revitalisation of the Kings Square precinct, encompassing the Fremantle Town Hall, Fremantle Library, and Fremantle Civic Centre.
- Expected to bring more than 2,000 people working in Kings Square.
- An estimated \$358 million is projected to be injected into the local economy.
- Enhances the heritage values of Fremantle Town Hall and the nearby church.

4.35 Manning Buildings:³⁸



Figure 14: Manning Buildings³⁹

- The Manning Buildings are a significant part of Fremantle's street-front retail offering.
- Located along High St, extending from William St across the High St Mall and into Market St, they include the Majestic Theatre and Barney Silbert's Corner.
- The redevelopment added office space and an alfresco area for public open space and restored the facade.
- The project is noted for its significant contribution to the redevelopment of central Fremantle, with commendation for Silverleaf's investment.

4.36 Fremantle Woolstores:⁴⁰

- The Fremantle Woolstores is a historic building located in the eastern part of Fremantle.
- The proposed redevelopment includes a new six-level mixed-use building at 28 Cantonment Street and 1-6/20 Elder Place, Fremantle.

³⁸ <https://fremantlestuff.info/buildings/manningbuildings.html>

³⁹ <https://thewest.com.au/news/fremantle/woolstores-and-the-manning-buildings-in-fremantle-in-line-for-major-revamp-ng-b88653764z>

⁴⁰ <https://mysay.fremantle.wa.gov.au/DA-28Cantonment>

- The new mixed-use development is expected to include residential apartments, commercial spaces, and public areas, supporting the rejuvenation of Fremantle's eastern part.



Figure 15: Fremantle Woolstores⁴¹

4.37 FOMO – Now Open:⁴²



Figure 16: FOMO Building⁴³

FOMO is a blend of art, architecture, culture, retail & dining, all under one roof. Nestled in the heart of Fremantle's Walyalup Koort, FOMO Freo serves as a one-stop destination for the senses. Tend to your appetite in the hawker-style food court, indulge in a little retail therapy, run wild in FunLab, and even fit in a speedy workout – FOMO truly has it all, and it's all for you.

⁴¹ <https://www.woolstores.com.au/>

⁴² <https://fomofreo.com.au/>

⁴³ <https://www.placedevelopment.com.au/project-fomo>

4.38 Convict Establishment Hotel:

- Situated as a significant part of the site of the proposed premises, the heritage-listed Fremantle District Police Complex⁴⁴ has great historical significance and is recognised on the National Estate Register.
- The hotel design will honour the aesthetic and historical essence of the locality while contributing to Fremantle's social vibrancy and tourist appeal.



Figure 17: Fremantle Police Station Complex

- 4.39 As part of the Fremantle District Police Complex, the proposed premises will become part of Fremantle's heritage. Alongside the Fremantle Prison, it forms an important part of the rich history of Fremantle and the immediate locality, of which the Walyalup Koort, Manning Buildings, Fremantle Woolstores, and the FOMO Building all form a part.
- 4.40 This precinct has garnered deserved appreciation through the Burra Charter⁴⁵, a pioneering conservation framework that has been instrumental in guiding heritage management within Australia. Drafted in 1979, the Burra Charter has become an influential and enduring guide in Australian heritage conservation, shaping how heritage practitioners approach the preservation of culturally significant sites.
- 4.41 The Applicant is dedicated to developing the proposed premises while respecting the locality's rich cultural heritage. The design of the premises will pay homage to the establishment's aesthetic and historical core while also contributing to the social vibrancy and tourist appeal of the Fremantle locality.

⁴⁴ Attachment 6 - Fremantle Police Station Complex

⁴⁵ <https://heritage.city/2019/07/14/forty-years-of-the-burra-charter-and-australias-heritage-vision/>

The Fremantle Entertainment Precinct⁴⁶

- 4.42 Fremantle is recognised as a dynamic Entertainment Precinct, boasting a variety of entertainment venues, including bars, restaurants, and music venues. This rich and varied entertainment landscape provides an engaging experience for both locals and visitors to the locality. The addition of Moon and Mary to this vibrant scene will further enhance Fremantle's appeal, attracting more visitors and contributing positively to the local economic landscape.
- 4.43 In 2017, Tourism WA⁴⁷ conducted a study on nine key "Entertainment Precincts" in Perth and Fremantle, including Fremantle. The report's goal was to identify each precinct's unique attributes and suggest enhancements to boost visitor appeal. Fremantle stands out for its unique character and potential.
- 4.44 While entertainment is a focal point in new hospitality ventures across Australia, Fremantle has historically trailed in the expansion of amenities. Nevertheless, recent initiatives are geared towards rejuvenating Fremantle, positioning it as a lively entertainment hub. Moon and Mary, with its contemporary Asian-themed offering, is poised to be a part of this revitalisation, bringing a fresh and unique dimension to Fremantle's entertainment landscape.

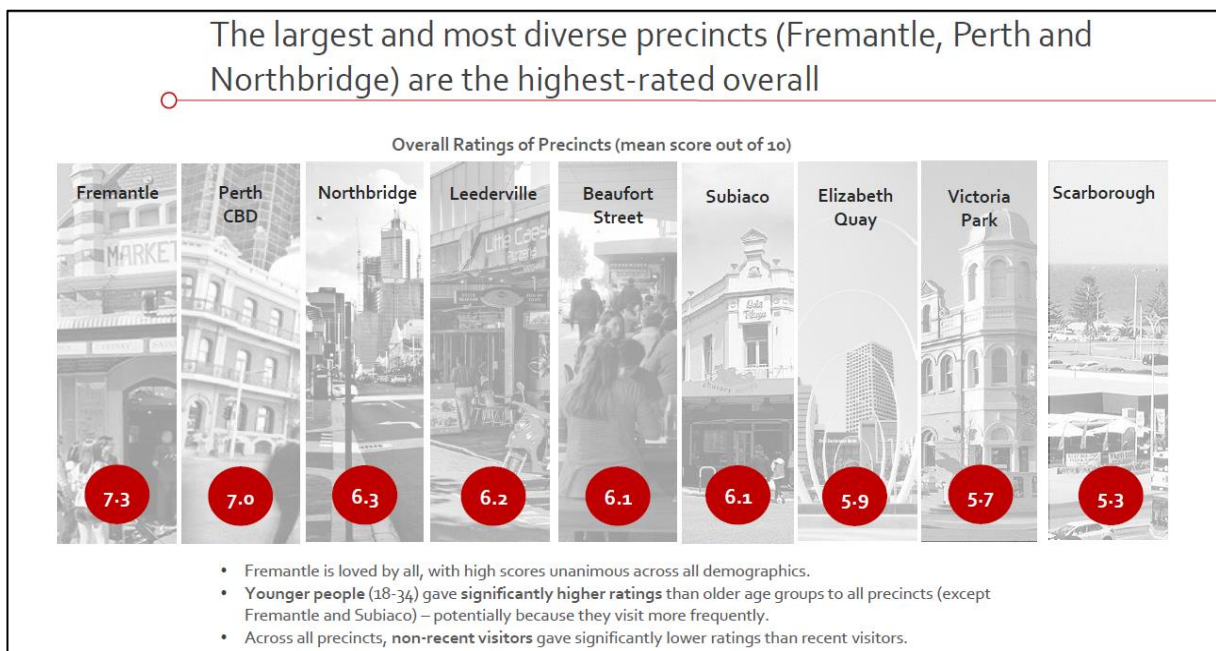


Figure 18: Excerpt from Perth Entertainment Precinct's Report⁴⁸

⁴⁶ <https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/protected-entertainment-precincts>

⁴⁷ <https://www.tourism.wa.gov.au/Publications%20Library/Markets%20and%20research/Specialised%20reports/Tourism%20WA%20Entertainment%20Precincts%20-%20Presentation.pdf>

⁴⁸ <https://www.tourism.wa.gov.au/Publications%20Library/Markets%20and%20research/Specialised%20reports/Tourism%20WA%20Entertainment%20Precincts%20-%20Presentation.pdf>

4.45 According to the Tourism WA report, Fremantle has been positively rated compared to eight other entertainment precincts. Fremantle's entertainment offerings received favourable ratings, standing out among the nine precincts analysed.

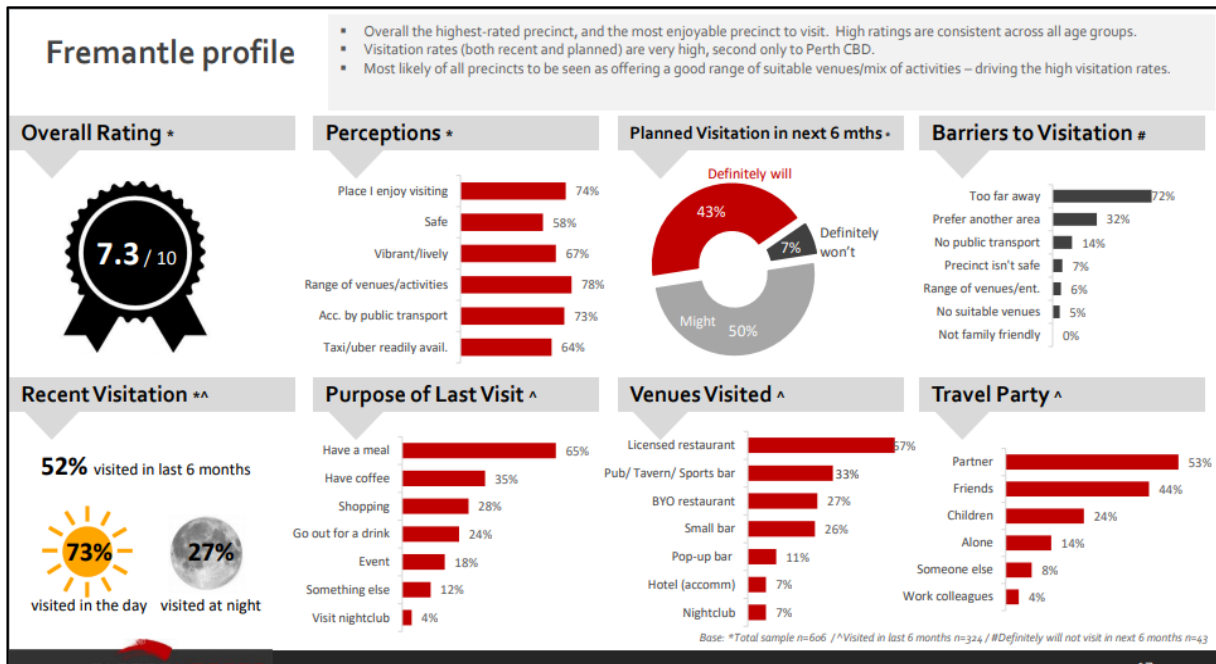


Figure 19: Excerpt 2 from Perth Entertainment Precincts Report⁴⁹

4.46 Areas for improvement suggested by respondents include:

- More family-friendly entertainment options such as playgrounds and cinemas.
- More contemporary and innovative attractions that appeal to younger visitors.
- Increased investment in public infrastructure and transport links for better accessibility.
- A more cohesive identity and concentrated entertainment option.

4.47 Moon and Mary proposed to be located in the heart of Fremantle, directly addresses the need for innovative and family-friendly entertainment identified in the report. By offering contemporary dining and social experiences, the proposed premises aims to enhance Fremantle's entertainment landscape and contribute to its development of the liquor, tourism and hospitality industries.

4.48 Situated in a prime tourism area, Moon and Mary is poised to enhance Fremantle's appeal as a diverse and vibrant destination. The proposed premises' contribution to the locality, particularly in food and beverage offerings, aligns with Fremantle's strategic vision and will be detailed in these PIA submissions, focusing on tourism, community, and cultural matters as per the Objects of the Act.

⁴⁹<https://www.tourism.wa.gov.au/Publications%20Library/Markets%20and%20research/Specialised%20reports/Tourism%20WA%20Entertainment%20Precincts%20-%20Presentation.pdf>

5. Legislative Framework – Liquor Control Act 1988

5.1 This application is for the conditional grant of a Tavern Unrestricted Licence in accordance with Section 41 of the Act.

5.2 Throughout this Public Interest Assessment (PIA), critical considerations have been given to Section 38(4)(a), (b), and (c) of the Act. Miss Chow's Fremantle Pty Ltd confidently asserts that the application meets the primary and secondary Objects outlined in Section 5 of the Act, details of which will be elaborated on in the subsequent sections of this submission.

5.3 The primary objects of the Act as set out in Section 5 (1) are:

a) To regulate the sale, supply and consumption of liquor:

- As demonstrated by the Harm Minimisation Plan⁵⁰ attached, the Applicant is committed to adopting responsible practices in the sale and supply of liquor, including (but not limited to):
 - a selection of low and mid-alcohol beer to be available,
 - include zero-alcohol wine, beer and spirits options,
 - not permitting service of alcohol to persons in school uniform (regardless of ability to produce legal photo ID),
 - All drinks will be served in an open container as required under the Act.
- CCTV coverage will be provided throughout the premises, including the entrance, exit, and delivery area. The footage will be recorded throughout the premises' operational hours and accessible by staff, WA Police, and any other authorised person as required by the Director's Policy⁵¹.
- A variety of seating options will be provided throughout the premises in the public interest. Most of the seating can be rearranged or moved for functions or large groups if and as required.
- All duty managers will hold a higher qualification to '*Manage legislative responsibilities for the sale, supply and service of liquor*' (MLP1) and support the staff in their daily duties.
- All staff of the proposed Moon and Mary involved in the sale and supply of liquor will be required to undergo and complete the appropriate RSA training in accordance with Sections 33 and 103A of the Act.
- A copy of each staff member's RSA certificate is kept on premises in a Training Register per the Director's Policy relating to Training⁵².
- Subject to approval, the Applicant will join the 'Local Liquor Accord', participate in meetings and abide by any resolutions or strategies the Liquor Accord deems appropriate.

⁵⁰ Attachment 3 – Harm Minimisation Plan

⁵¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

⁵² <https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/training>

- Incident Reports to be completed as and when required.

b) *to minimise the harm or ill-health caused to people, or any group of people, due to the use of liquor:*

- The layout of the proposed premises will be consistent with the Safer Places by Design⁵³, incorporating CCTV coverage throughout the premises in accordance with the Director's Policies.
- The Harm Minimisation Plan will always be thoroughly adhered to.
- The Applicant will stock a selection of low, zero and non-alcoholic products to encourage more responsible drinking practices.
- Persons in school uniform will not be served alcohol, regardless of age and ability to produce relevant photo ID.
- All policies of the Directors of Liquor Licensing relating to juveniles will be complied with at all times.
- The Applicant will also provide staff with comprehensive in-house training to be focussed on customer service, product knowledge and harm minimisation, including the prevention of undue intoxication and anti-social behaviour.
- As an experienced Licensee, the Director of the Applicant Company has ample experience in minimising and mitigating potential, undue harm or ill-health due to the use of liquor.

c) *To cater to the requirements of consumers of liquor-related services, with regard to the proposed development of the liquor industry, the tourism industry and hospitality industries in the state:*

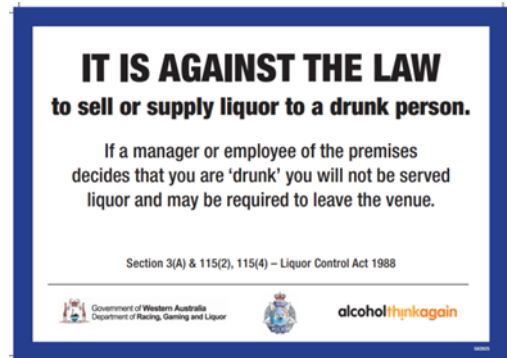
- Moon and Mary will serve to invigorate a currently underutilised location in the vibrant heart of the Fremantle Entertainment Precinct, enriching the area's cultural and culinary landscape.
- Miss Chow's Fremantle Pty Ltd plans to craft its food and beverage offerings around the finest seasonal produce from Western Australia, thereby bolstering the local agricultural sector.
- By showcasing locally distilled spirits and prioritising Western Australian products, Moon and Mary aims to contribute positively to the state's liquor, tourism, and hospitality industries, addressing the contemporary requirements of consumers.
- Subject to approval, this unique food and beverage premises (operating under a Tavern Unrestricted Licence) will support the local WA liquor, hospitality, and tourism industry, as well as provide a new amenity deeply rooted in Fremantle's rich history, appealing to both residents and visitors.

⁵³<https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

5.4 **The secondary objects of the Act, as set out in Section 5(2), are:**

a) To facilitate the use and development of licensed facilities, including their use and development of live original music, reflecting the diversity of requirements of consumers in the state:

- The Applicant has an Agreement to Lease the premises, demonstrating their commitment to the proposed premises.
- Moon and Mary (subject to approval) will prioritise catering to the needs of Fremantle's residents and visitors, focusing on recreation, leisure, hospitality, and tourism.



- The establishment of a boutique distillery within Moon and Mary is in direct accordance with the legislative objective to develop licensed venues that meet the diverse requirements of Western Australia's consumers.
- Moon and Mary will offer a range of dietary-specific options, including gluten-free, vegetarian, vegan, and dairy-free choices, with staff trained to assist patrons in making informed menu selections.
- The Applicant has designed premises and offerings that will appeal to a diverse range of consumers at different times of the day and on different days of the week.
- Committed to collaborative regulatory compliance, Miss Chow's Fremantle Pty Ltd will engage closely with the Department of Local Government, Sport and Cultural Industries, WA Police, WA Department of Health, the City of Fremantle, and other pertinent local bodies, ensuring a streamlined application process and responsible operation of the premises (subject to approval).

d) To provide adequate controls over the persons directly or indirectly involved in the sale, disposal and consumption of liquor:

- All employees involved in the sale and supply of alcohol will undergo the appropriate RSA training from a Nationally Accredited Training Provider, and their qualifications will be kept in a Training Register on the premises in accordance with the *Director's Policy on Mandatory Training*⁵⁴.
- An approved manager must be present at all times to oversee the premises' operation in compliance with all licensing and regulatory requirements relating to 'Managers at Licensed Premises'. The Approved Manager will always be

⁵⁴<https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

available to respond to the concerns of patrons, local residents, and law enforcement officers.

- Implementing the Harm Minimisation Plan, which incorporates a Code of Conduct, Management Policy, and House Management Plan, will be in place at all times and will apply to patrons, staff, and management at all times in accordance with the Department's policy on Harm Minimisation⁵⁵.
- Visual signage will be used to remind patrons and staff of Liquor Licensing requirements concerning the safe and responsible sale and supply of liquor.
- A CCTV system will be installed at the proposed premises, with cameras covering the entrance and exit along with delivery areas in line with the Director's policy on Safety and Security at Licensed Premises⁵⁶.
- The Applicant will ensure that all liquor licence conditions (subject to approval) are adhered to at all times. Staff will be notified that compliance with the licence conditions is a condition of employment.
- During the advertising period (14 days), a Notice of Application will be mailed to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation or refuges for young people, childcare centres, churches, local government authority, local police station, which are situated in the specified locality of the proposed premises, who will then have the opportunity to comment on the application should they choose to do so.

e) To provide a flexible system with as little formality or technicality as may be practicable for the administration of this Act:

- The Applicant acknowledges that this PIA submission has provided all necessary requirements to satisfy Section 5 and address Section 38(2) and (4) of the Act.
- The relevant documentation to comply with Section 68 of the Act has also been submitted by the Applicant.
- Should there be a minor perceived deficiency (if any) in the Applicant's submission, the Applicant requests with respect that the Director applies an appropriate level of discretion and flexibility in conditionally granting the licence in the public interest as afforded by this section of the Act.

f) To encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.

- The Applicant will at all times adhere to the Directors Policy on the responsible promotion of liquor.
- The Applicant will ensure that any in-house promotion is suitable and does not support excessive consumption of liquor.

⁵⁵ <https://www.dlgsc.wa.gov.au/department/publications/publication/harm-minimisation-policy>

⁵⁶ <https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

- 5.5 Section 16 of the Act outlines how the licensing authority is to act according to equity, good conscience, and the substantial merits of the case. It should act without undue formality and is not bound by the rules of evidence.
- 5.6 Section 33(1) of the Act provides that the licensing authority has absolute discretion to grant or refuse an application on any ground or for any reason it considers in the public interest.

6. Section 36B(4) of the Liquor Control Act 1988⁵⁷

- 6.1 Refer to Attachment 10 for the Applicant's Section 36B submissions.

7. Public Interest

- 7.1 Miss Chow's Fremantle Pty Ltd submits that the conditional grant of a Tavern Unrestricted Licence for Moon and Mary aligns with the public interest as outlined in Section 38(4) of the Act while supporting the primary Objects of Section 5 of the Act, for several key reasons:

- To offer a safe and diverse dining and entertainment option within Fremantle.
- To design and manage the proposed premises in a way that provides diverse amenity for both residents and visitors to the locality.
- To provide a menu that accommodates dietary restrictions, offers low-alcoholic beverage options, and includes a variety of non-alcoholic drinks.
- To curate a beverage list that features and promotes Western Australian producers, including the addition of a boutique distillery on-site.
- To enact a comprehensive Harm Minimisation Plan in the public interest and to minimise any potential undue harm due to the consumption of alcohol.

- 7.2 The amenity has been specifically designed to cater to the requirements of a diverse range of consumers in the Locality, in line with the requirements of the City of Fremantle as outlined in the Strategic Community Plan 2015 – 2025⁵⁸ that states:

“Fremantle has developed a reputation for being gritty, eclectic, and quirky as well as creative, musical and artistic. It is a place to discover a wide range of hidden treasures and experience laidback adventures. This experience is reflected in the City's four aspirational brand pillars: eclectic and quirky, culturally significant, vibrant, and welcoming and inclusive.”

- 7.3 The Strategic Community Plan has several Strategic Focus Areas that include:
- *economic development,*
 - *environmental responsibility and sustainability,*

⁵⁷ Attachment 10 – Section 36B

⁵⁸<https://www.fremantle.wa.gov.au/sites/default/files/Strategic%20Community%20Plan%20-%20August%202019.pdf>

- *transport and connection between the Fremantle CBD, outer suburbs and key transit areas*
- *use and creation of public space,*
- *heritage conservation and its balance with new development and art and cultural activities*
- *the health and happiness of our community, and*
- *the continued evolution of our organisation and its capacity to deliver world-class leadership and services.*

7.4 One of the Focus Areas of the Strategic Community Plan 2015 – 2025 that is relevant to the offering is “*Places for People*”, and the Applicant intends to contribute to those goals by providing a new additional amenity in the heritage dining and entertainment precinct.

7.5 The addition of the proposed premises at 45 Henderson Street in Fremantle, as part of the World Heritage site, will offer both residents and visitors a diverse amenity designed to meet the contemporary requirements of various local residents and travellers. This addition will contribute to the area's vibrancy and enhance the overall experience for those living in or visiting the Locality.

7.6 The premises will contribute to the ‘*Health and Happiness*’ of the community and align with the Strategic Community Plan⁵⁹ to:

- *Create an environment where people feel safe and welcome,*
- *Enhance the health and wellbeing of people who live, work and visit Fremantle,*
- *Improve community inclusiveness and participation.*
- *Facilitate a sense of community and meaningful social connection.*

7.7 The Applicant is dedicated to establishing Moon and Mary as an inviting venue that fosters social connections, promotes inclusivity, and offers diverse opportunities for community engagement. By aligning with the City of Fremantle's vision and objectives, the proposed premises seeks to contribute positively to community life, creating a harmonious relationship that benefits the broader community in the locality.

Positive Impacts

7.8 The Applicant aspires to make Moon and Mary a hub that not only brings people together but also respects and amplifies the locality's heritage beauty through sustainable practices, in line with Fremantle's environmental goals.

7.9 From an economic standpoint, the proposed premises will support economic growth and development in the region. Furthermore, the Applicant is committed to good governance and accountability in all their operations, maintaining transparency and complying with local regulations.

⁵⁹<https://www.fremantle.wa.gov.au/sites/default/files/Strategic%20Community%20Plan%20-%20August%202019.pdf>

- 7.10 Moon and Mary aims to offer a dynamic venue that responds to the evolving requirements and needs of Fremantle's residents and visitors, enriching the city's appeal as a destination for tourists and locals alike. By revitalising an underused space, the proposed premises will contribute to Fremantle's reputation as a vibrant tourism hub.
- 7.11 As the proposed premises will be independently owned and operated, the Applicant can tailor the product range and change it, when necessary, to cater to the local residents and visitors to the locality.

Potential Negative Impacts

- 7.12 The Applicant is committed to the responsible consumption of liquor, the Applicant has considered the **Australian Institute of Criminology: Research in Practice SUMMARY PAPER No. 04 December⁶⁰** which refers to the following regarding the negative social impact of Alcohol-related violence in residential locations; *"Hotels and nightclubs are the most problematic licensed venues for violence, particularly those with extended or 24-hour trading."*
- 7.13 To be effective in reducing alcohol-related violence, the research notes that the implications for policy and practice need to give importance to; *"The need for a range of partners within the community to work together to set appropriate standards for the consumption of alcohol and set formal and informal controls on the misuse of alcohol and the problem behaviours that result"*.
- 7.14 The Applicant is committed to working with the local Fremantle Police, LEU and CHO (see Legislative Framework – Liquor Control Act 1988) as required to mitigate and minimise any undue, potential negative risk that may result within the locality.
- 7.15 In addition, they will join the local Liquor Accord⁶¹, and actively participate in any resolutions of the Accord. Liquor Accords are designed to address harm and ill-health issues and create safe spaces around licensed premises:

"They are part of an overall strategy that seeks to achieve a standard of practice that assists in:

- *Fostering a responsible drinking culture.*
- *Ensures safety in the local community.*
- *Promotes effective communication and problem-solving between licensees and key stakeholders.*

Each liquor accord is focused on resolving local issues within a local area. Although individual accords may have similar elements, there are no two the same.

Liquor accords may include representatives from licensed premises, businesses, councils, police, government departments and other community organisations.

The intended outcomes of liquor accords include:

⁶⁰ <https://www.aic.gov.au/sites/default/files/2020-05/rip04.pdf>

⁶¹ <https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-accords>

- *Reducing of anti-social behaviour in and around licensed premises.*
- *Reducing alcohol-related violence, ill-health and other harm.*
- *Increasing the responsible service of alcohol.*
- *Improving licensees and club operators, managers and staff knowledge of legislative obligations.*
- *Reducing alcohol-related road trauma.*
- *Facilitating and maintaining positive communication between stakeholders.*
- *Enhancing community cooperation and understanding of the various roles and resources of government agencies.*
- *Enhancing community engagement in various controls and strategies that affect their community.*
- *Improving local amenity through the development of proactive and effective responses to local issues.*

7.16 To be effective in reducing alcohol-related violence, the research notes that the implications for policy and practice need to give importance to:

“The need for a range of partners within the community to work together to set appropriate standards for the consumption of alcohol and set formal and informal controls on the misuse of alcohol and the problem behaviours that result”⁶².

7.17 The Applicant will maintain control over the supply of liquor in the community through formal controls such as:

- harm minimisation measures,
- juvenile management and procedural policies,
- adhering to any resolutions of the ‘Local Accord’,
- responsible service of alcohol practices etc.,

and informal controls including:

- community involvement, and
- ongoing engagement with ‘At Risk’ groups and/or organisations.

Consumer Surveys⁶³

7.18 The Applicant undertook a Consumer Survey of local residents and visitors to gauge the public interest in the proposed Moon and Mary, which was completed by numerous respondents.

7.19 The data from the Consumer Survey provides significant insights into catering to consumer requirements and the public interest in the proposed Tavern Unrestricted Licence. Below is a summary of the key findings of the survey:

⁶² <https://www.aic.gov.au/publications/rip/rip4>

⁶³ Attachment 2 – Consumer Surveys

- A substantial majority of respondents (94.87%) support the proposed Moon and Mary operating under a Tavern Unrestricted Licence.
- A total of some 76% of the respondents intend visiting the premises monthly, weekly or fortnightly.
- 77.78% of respondents believe that the operation of Moon and Mary will not result in undue harm or ill health in the locality.
- Similarly, 77.78% also agree that the operations will not cause undue offence, annoyance, disturbance, or inconvenience, underscoring the community's confidence in the management of the venue.
- A high percentage (85.47%) of the respondents indicated that Moon and Mary will not negatively impact the amenity of the locality.
- The survey reveals strong public interest in locally produced craft spirits, with 79.49% very likely and likely to purchase gin and vodka produced on-site.

7.20 The positive feedback received from the Consumer Survey highlights the strong consumer interest for the proposed premises. This support aligns with the Objects of the Act, highlighting that the proposed premises' Tavern Unrestricted Licence application is in the public interest and will cater to the reasonable requirements of consumers.

8. Section 38 (4) (a) of the Act – Harm or Ill-health

8.1 As part of the Public Interest Assessment, the Applicant has reviewed several recommended information sources in accordance with the Directors Policy on Public Interest Assessments⁶⁴. These sources have been reviewed and considered to understand better the harmful effects of alcohol abuse and the recommended strategies for reducing them. The findings from these sources have been included in this submission for the Public Interest Assessment.

8.2 The public interest matters to be considered under Section 38(4) of the Act include:

“Without limiting subsection (2), the matters the licensing authority may have regard to in determining whether granting an application is in the public interest include —

- (a) the harm or ill health that might be caused to people, or any group of people, due to the use of liquor; and*
- (b) whether the amenity, quiet or good order of the Locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened; and*
- (c) whether offence, annoyance, disturbance, or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and*

⁶⁴ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

- (ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters; and*
- (d) any other prescribed matter.”⁶⁵*

8.3 The information sources considered (but not limited to) are as follows:

Drug and Alcohol Office, Mental Health Commission and the Department of Health (WA)

Mental Health Commission website

- National Drug Strategy Household Survey 2013: Western Australian Introduction, Executive Summary, Supplementary Tables
- Australian School Student Alcohol and Drug Survey: Alcohol Report 2011 – Western Australian Results. Surveillance Report Number 8
- Broad Strategic Directions of West Australian Drug and Alcohol Strategy 2005-2009
- Drug & Alcohol Interagency Strategic Framework for Western Australia 2011-2015
- Strong Spirit Strong Mind: Western Australian Aboriginal Drug and Alcohol Framework for Western Australia 2011-2015
- Fitzroy Valley Alcohol Restriction Report: An evaluation of the effects of a restriction on take-away alcohol relating to measurable health and social outcomes, community perceptions and behaviours after a two-year period, 2010.
- Drug and Alcohol Office WA (2012). The impact of liquor restrictions in Kununurra and Wyndham: a twelve-month review
- Halls Creek Alcohol Restriction Report 2012: a 24-month review of the impact of alcohol restrictions on health and social outcomes, community perceptions and behaviours.
- The impact of liquor restrictions in Halls Creek: Quantitative data — Five years post-restriction
- Alcohol-related hospitalisations and deaths in Western Australia: State Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: this report may incur a cost, see note on previous page.
- Alcohol-related hospitalisations and deaths in Western Australia: Regional Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: This report may incur a cost, see note on previous page.
- Alcohol and Other Drug Indicators Report — Western Australia (2015) R. Bridle, A. Christou & T. Lembo.
- Alcohol and Other Drug Indicators Report — Regional Reports (2015) R. Bridle, A. Christou & T. Lembo.

National Drug Research Institute, Curtin University of Technology (Perth)

National Drug Research Institute website

⁶⁵[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

- An Evaluation of Liquor Licensing restrictions in the Western Australian Community of Port Hedland. Preventing Harmful Drug Use in Australia. Prepared with assistance from the Combined Universities Centre for Rural Health.
- Restrictions on the sale and supply of alcohol: Evidence and Outcomes. (2007) Dr. T Chikritzhs, Prof. D. Gray, Z Lyons, Prof. S Saggars.
- Study of Extended Trading Permits (May 1997) Dr. T. Chikritzhs.
- Drinking After Driving in Western Australia. (2002). Catalano, P and Stockwell, T. R.
- Predicting Alcohol-Related Harms from licensed outlet density: A Feasibility Study. 2007 Monograph Series No.28. T Chikritzhs, I Catalano, R Pascal and N. Henrickson
- National Alcohol Indicators
- The Prevention of Substance Use, Risk and Harm in Australia - a review of the evidence. Loxley, et al, 2004. (The National Drug Research Institute and the Centre for Adolescent Health Published for Commonwealth Department of Health and Ageing 2004)
- The researchers examined international and national data, literature and programs that provide evidence of good practice in preventing or delaying the onset of alcohol and drug use and that address the risk and harm known to be associated with alcohol and drug use. The monograph outlines patterns of substance use and harm, considers risk and protective factors predictive of harmful alcohol and drug use and extensively reviews the evidence available on national and international prevention strategies and approaches.

Department of Aboriginal Affairs

- State Government response to the Hope Report. 7 April 2008.
- Gordon Inquiry – Putting People First. July 2002.

Alice Springs Liquor Trail

- By Ian Cundall and Chris Moon for Northern Territory Government. Department of Health and Community Services. May 2003.

National Alcohol Strategy 2016-2009

- [Towards Safer Drinking Cultures](#)

National Health and Medical Research Council

- [Australian Guidelines to Reduce Health Risks from Drinking Alcohol](#). Commonwealth of Australia, 2009

National Centre for Education and Training on Addictions (Adelaide)

- [Young People and Alcohol: The Role of Cultural Influences](#). Roche, A.M., Bywood, P.T., Borlagdan, J., Lunnay, B., Freeman, T., Lawton, L., Tovell, A. & Nicholas, R. (2007).

Australian Bureau of Statistics and Australian Institute of Health and Welfare (AIHW Cat. no IHW 147)

- The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples 2015.

Australian Government Department of Health and Ageing

- Australian Government Implementation Plan 2003-2008 - National Strategic Framework for Aboriginal and Torres Strait Islander Health.
- Australian Government Implementation Plan 2007-2013 - National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003-2013

Other relevant sources

- Effects of restricting pub closing times on night-time assaults in an Australian city (2010). K. Kypri, C. Jones, P. McElduff, and D. Barker.
- Dealing with alcohol-related problems in the Night-Time Economy: A study protocol for mapping trends in harm and stakeholder views surrounding local community level interventions (DANTE) (2011). P. Miller et al.
- Patron offending and intoxication in Night-Time entertainment districts (POINTED) (2013). P. Miller et al.

8.4 It would appear, following a comprehensive review of the reports available on the websites as noted above that violence can be attributed to many factors. Of particular note is the excerpt (see below) from *“Preventing Violence: The State Community Violence Prevention Strategy 2005, A Green Paper Policy Framework for Development”*, a collaborative publication with input from the following reference sources:

- Department of Justice,
- Department of Health,
- Department for Community Development,
- Department of Education and Training,
- Office of Road Safety,
- The Mental Health Commission,
- Department of Sport and Recreation,
- The WA Local Government Association, and
- WA Police.

“Much is known about the causes of the crime and the effectiveness of a range of interventions. While continuing to grow on an almost daily basis, this information presents ample opportunity for limited resources to be better targeted to address the causes and to ameliorate emerging harm. There are many theories on what causes violence which could be broadly categorised around “individual” or “community/environmental” factors.

“Individual” theorists say that, given the human history and continuing record of war, persecution and suppression, humans are an inherently violent species. Others point to genetics, hormonal or chemical precursors, biological and mental pathology or learned cognitive/behavioural responses.

“Community/Environmental” theorist suggest poverty or economic circumstances, political environmental (war, racism et cetera), cultural norms and attitudes, role modelling or social learning as root causes of violence.

The research demonstrates:

- *The nature and outcomes of crime are the result of a complex relationship between a number of factors that relate to the individual, the community and environment, and the specific situation in which crime occurs;*
- *Social and cultural norms play a key role in how the community perceives and responds to crime;*
- *Low socio-economic status and social exclusion are closely linked with criminal behaviour; and*
- *Crime outcomes, together with a range of other conduct and behavioural, social cognitive and health outcomes can be influenced by appropriate intervention in the early years of life, targeting “risk” and “protective” factors.*

A growing body of evidence points towards the interaction of a range of factors in shaping behavioural outcomes. While each of the factors described above plays a role, attempts to separate out a single cause that will only address and respond to a small part of the problem. Regardless of the causes, violence is not acceptable, and the available evidence shows that much can be done to prevent it”⁶⁶.

8.5 Additionally, the WA State Government and Department of Child Protection (DCP) have stated in the ‘WA Strategic Plan for Family and Domestic Violence’⁶⁷ that:

“Across Australia and internationally, it is now recognised that responding to family and domestic violence requires a holistic and integrated response across government and community sector agencies underpinned by effective legislation, as well as the support of the broader community.”

“The key strategies to be implemented will:

1. *Strengthen community understanding and awareness that domestic violence is not acceptable.*
2. *Focus family and domestic violence prevention and early intervention initiatives on children and young people and healthy, respectful relationships.*
3. *Support Aboriginal and new and emerging communities to develop greater awareness and understanding of family and domestic violence.*
4. *Develop a statewide integrated response to those experiencing family and domestic violence.*
5. *Provide an accessible, integrated 24-hour response to family and domestic violence throughout the State, including crisis and post-crisis intervention.*

⁶⁶ Attachment 7 – Preventing Violence

⁶⁷ <https://www.wa.gov.au/system/files/2021-04/fdv-strategy-2020-2030.pdf>

6. *Ensure a range of safe and supported emergency and longer-term accommodation and housing options for those affected by family and domestic violence, with priority consideration given to regional and remote locations and Aboriginal communities.*
7. *Provide advocacy and support responses that address the health and wellbeing of those affected by family and domestic violence, with priority consideration given to regional and remote locations and Aboriginal communities.*
8. *Ensure access to specialist short- and long-term counselling and support services for children who are victims of family and domestic violence.*
9. *Ensure a range of evidence-based programs and interventions for perpetrators of family and domestic violence.*
10. *Maintain and continue to develop a strong civil and criminal justice and statutory response to family and domestic violence.*
11. *Include family and domestic violence as a core unit in social science, justice and health related tertiary qualifications."*

8.6 Further, the 'Safer Places by Design'⁶⁸ guidelines produced by the Western Australian Planning Commission (2006) were also considered within this submission. The guidelines, coupled with a comprehensive harm minimisation plan and a pledge to maintain safe and efficiently managed licensed premises, are effective in mitigating crime and thereby reducing potential undue harm or ill health risks to the locality.

8.7 The principal criteria for 'Safer Places by Design'⁶⁹ as recognised by environmental design practitioners and educationalists in Australia, which can be considered and developed at a local level, are based on five design and usage concepts:

- Surveillance
- Access Control
- Territorial Reinforcement
- Target Hardening (Security Measures); and
- Management and Maintenance

8.8 **Surveillance**

- CCTV will cover the proposed premises, including the exit, entry, and delivery points. The CCTV will adhere to the DLGSC's policy on *Safety and Security at Licensed Premises*⁷⁰.
- An appropriate number of RSA-qualified staff shall monitor the premises at all times.

⁶⁸ <https://www.wa.gov.au/system/files/2023-06/safer-places-by-design-cpted-guidelines.pdf>

⁶⁹ <https://www.wa.gov.au/system/files/2023-06/safer-places-by-design-cpted-guidelines.pdf>

⁷⁰ <https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

8.9 **Access Control**

- The applicant will use devices and techniques to prevent unauthorised access after hours and guide legitimate patrons safely through the proposed premises. Alcoholic beverages will only be accessible through RSA-trained staff.

8.10 **Territorial Reinforcement**

- Appropriate signage will substantially identify the proposed premises and the perimeter of the licenced area, including entry for deliveries, which will be clearly marked and secured.

8.11 **Target Hardening (Security Measures)**

- Quality locking devices will secure the entry/exit points to the proposed Moon and Mary.

8.12 **Management and Maintenance**

- The proposed premises will remain in good repair and well-maintained at all times. Staff will be trained to identify and report problems immediately to management should they notice graffiti, broken locks and/or other damage to the premises.

8.13 The Applicant has incorporated additional crime reduction measures in the design of Moon and Mary, aimed at ensuring safety and minimising anti-social behaviour. These measures include:

- **Lighting**—Ensure that the proposed premises' interior and exterior areas are well-lit to deter potential antisocial activities.
- **Landscaping** – Given the inner-urban location of the proposed premises, careful consideration has been given to avoid landscaping that could conceal offenders.
- **General appearance** – The proposed premises will feature a high-quality fit-out and regular maintenance to discourage loitering and anti-social behaviour.
- **Entrapment places** – Design strategies have been employed to prevent the creation of spaces that could trap individuals, such as recessed ATMs or narrow alleyways.
- **Activity generators**—By offering a diverse range of amenities and related services at different times, the proposed premises aim to generate a sense of liveliness and passive surveillance that deters criminal activities.

9. Applied Research Section 38 (4) (a) of the Act – Harm or Ill-health

Social Health Indicators - “At-Risk” Groups

9.1 In preparing this submission, the Applicant has given due consideration to those groups deemed the most “At Risk” of alcohol-related harm and ill-health, as identified by the “*The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*”⁷¹ and noted in the Directors Policy on Public Interest Assessments.

	Locality	Greater Perth	Western Australia
Population Under 14 years	14.35%	18.96%	19.01%
Indigenous Persons	1.73%	1.99%	3.33%
Australian Born	64.86%	59.46%	61.98%
Couple Family with Children	37.80%	45.70%	44.60%

9.2 The above statistical data was compiled using the latest statistics available from the Australian Bureau of Statistics, 2021 Census Data⁷².

9.3 In alignment with *The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*, the Applicant recognises the importance of addressing the requirements of priority population groups within the Fremantle locality through the operations of Moon and Mary:

- **Aboriginal People and Communities:** Acknowledging the presence of Aboriginal people in the locality (0.74%) and ensuring culturally sensitive practices.
- **Children and Young People:** Implementing rigorous ID checks and strictly refusing service to juveniles to enforce responsible alcohol consumption.
- **People from Regional, Rural, and Remote Communities:** While Fremantle is an urban area, Moon and Mary aims to welcome visitors from all areas, providing a cosmopolitan experience that respects the diversity of its consumers.
- **Families:** Offering resources and support to families affected by alcohol and other drug issues, contributing to a safe and supportive community environment.
- **Justice and Corrections Systems:** Engaging in partnerships with local law enforcement and justice systems to provide support for individuals needing assistance, promoting a rehabilitative approach.
- **Addressing Other Target Groups of Concern:** Committing to inclusivity by catering to the needs of older adults, culturally and linguistically diverse communities, LGBTQI+ individuals, and homeless people, ensuring Moon and Mary is a welcoming space for every member of the community.

⁷¹<https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

⁷² <https://www.abs.gov.au/census>

- 9.4 The Applicant acknowledges the need to address drug and alcohol-related challenges in the locality, particularly among identified "At Risk" groups. Aligning with *"The Western Australian Alcohol and Drug Interagency Strategy 2018-2022,"* the responsible Applicant is committed to adopting a holistic approach that encompasses proactive prevention for undue harm or ill health from the consumption of alcohol in the locality.

Socio-economic Indicators

SEIFA

"Socio-Economic Indexes for Areas (SEIFA)⁷³ is a product developed by the ABS⁷⁴ that ranks areas in Australia according to relative socioeconomic advantage and disadvantage. The indexes are based on information from the five-yearly Census."

- 9.5 The City of Fremantle has a SEIFA Index of 1031.2 and is positioned in the top four of Perth South West Metropolitan Alliance's smaller areas, indicating a lower level of disadvantage, greater than Greater Perth, Western Australia and Australia.

Index of Relative Socio-economic Disadvantage		
Perth South West Metropolitan Alliance's small areas and benchmark areas		
Area	2021 index	Percentile
Town of East Fremantle	1,082.2	91
City of Melville	1,070.0	85
City of Cockburn	1,033.3	62
City of Fremantle	1,031.2	61
Perth South West	1,022.6	55
Greater Perth	1,020.0	54
Western Australia	1,011.0	48
Australia	1,001.2	42
City of Rockingham	989.3	36
City of Kwinana	970.5	27

Figure 20: Index of Relative Socio-economic Disadvantage

- 9.6 Having considered the above "At-Risk" groups and reviewed the priorities for each group, the Applicant confirms a commitment to supporting the local community and community groups, tasked with devising strategies to reduce the effects of alcohol in the defined locality.

⁷³[https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa#:~:text=Socio%2DEconomic%20Indexes%20fo r%20Areas%20\(SEIFA\)%20is%20a%20product,from%20the%20five%2Dyearly%20Census.](https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa#:~:text=Socio%2DEconomic%20Indexes%20fo r%20Areas%20(SEIFA)%20is%20a%20product,from%20the%20five%2Dyearly%20Census.)

⁷⁴ <https://www.abs.gov.au/>

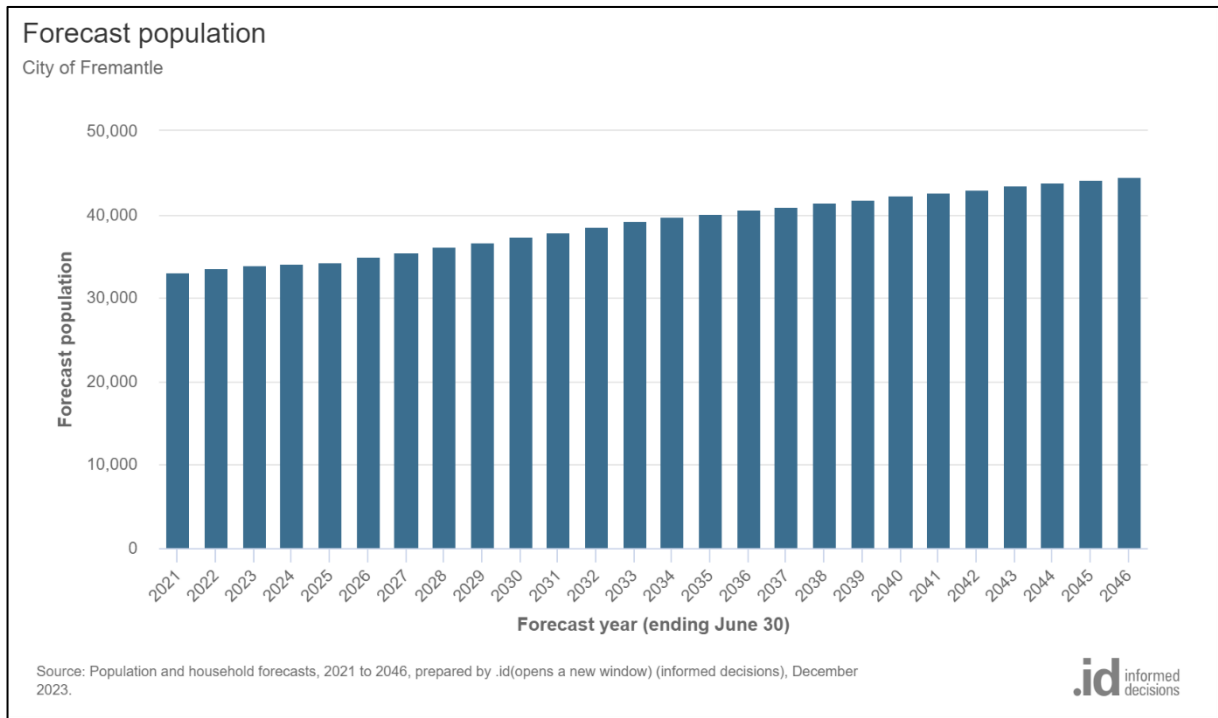


Figure 21: Population Forecast for City of Fremantle⁷⁵

9.7 The Applicant acknowledges the City of Fremantle's projected population growth from 34,080 in 2024 to 44,549 by 2046, a significant 24% increase. This demographic trajectory underscores the importance of developing amenities like Moon and Mary that can adapt to and satisfy the evolving requirements of the growing consumers in the locality.

Crime Statistics for the Locality

Type of Offence	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Homicide	1	-	1	-	-	1	-	-	1	-
Sexual Offences	199	29	52	37	37	39	60	62	51	18
Assault (Family)	97	97	77	79	98	132	118	129	137	91
Assault (Non-Family)	271	254	255	264	263	239	378	331	329	166
Threatening Behaviour (Family)	12	13	10	13	11	23	13	22	15	11
Threatening Behaviour (Non-Family)	46	59	67	55	62	57	72	41	73	40
Deprivation of Liberty	1	-	4	3	4	1	-	1	2	2
Robbery	17	18	23	22	17	13	17	21	19	8
Total of Selected Offences	644	470	489	473	492	505	658	607	627	336

Figure 22: Crimes Against Persons - Fremantle⁷⁶

⁷⁵<https://forecast.id.com.au/fremantle/#:~:text=The%20City%20of%20Fremantle%20population%20forecast%20or%202024%20is%2034%2080,year%20between%202021%20and%202046.>

⁷⁶<https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

9.8 The data presented in the table above was sourced from the Western Australian Police website⁷⁷ and contains the verified criminal offences for the suburb of Fremantle during the period July 2021 to June 2022 and July 2022 to June 2023.

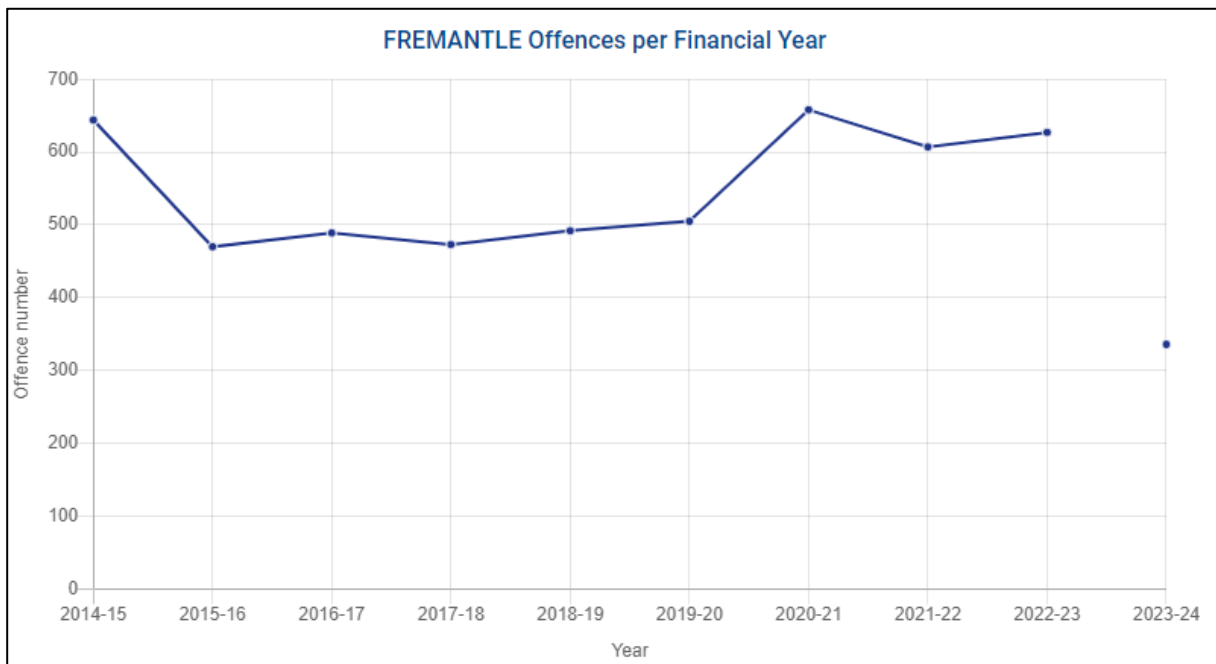


Figure 23: Crime Data Graph - Crimes Against Persons

9.9 The crime statistics indicate that criminal activity in Fremantle has moderately decreased from the peak in 2020-2021 and is now trending slightly below that level over the last couple of years.

9.10 The Applicant acknowledges the complexities within the crime statistics data sourced from the WA Police website, noting the absence of specific details in several critical areas. These limitations include the inability to:

- Ascertain whether alcohol consumption influenced the crime.
- Determine the source of alcohol consumed by individuals involved in crimes, whether from a tavern, restaurant, or liquor store.
- Identify whether a single offender committed crimes or involved repeat offenders, especially in cases related to family assaults.

9.11 The Applicant recognises the diversity of the community, as indicated by the demographic and crime statistics. The operations of the proposed premises will align with the unique social dynamics of the locality, reinforcing a commitment to constructive community engagement.

9.12 The Applicant commits to maintaining open communication channels with the local community and relevant authorities. They will actively solicit and incorporate feedback into the operational strategies of the proposed premises to ensure that they remain responsive to the community's evolving requirements of the locality.

⁷⁷ www.police.wa.gov.au

Alcohol-Related Hospitalisations

- 9.14 Please find below (Figure 23) the Alcohol-related hospitalisations for the City of Fremantle Alcohol Profile ⁷⁸ 2018. The Applicant submits that the '*Alcohol-related hospitalisations*' for Fremantle Inner & Remainder have been used as they are the only statistics publically available and are somewhat outdated for the current 2022-2023 financial year.
- 9.15 However, within the City of Fremantle Alcohol Profile 2018, suggested measures to counter the adverse effects of overconsumption of alcohol are:
- Promoting responsible alcohol consumption,
 - Making support services available,
 - Monitoring and evaluating current strategies aimed at reducing alcohol-related harm in the community.

Alcohol-related hospitalisations by year, age and gender					
Year	Age group		Gender		Total
	Less than 18 years	18 years and above	Male	Female	
2011	9	419	275	153	428
2012	10	415	277	148	425
2013	7	426	298	135	433
2014	<5	<370	252	115	367
2015	7	337	225	119	344
Total	<40	<1970	1328	670	1997

Figure 24: Alcohol-related hospitalisations for the City of Fremantle⁷⁹

- 9.16 The Applicant highlights their Harm Minimization Plan⁸⁰ and continual engagement with stakeholders across their licensed venues. This demonstrates a commitment to responsible alcohol consumption and a proactive approach to addressing alcohol-related harm, which should be considered when evaluating their liquor licence application in alignment with evidence-based strategies.
- 9.17 The Applicant also considered the information provided by the Mental Health Commission (formerly the Drug and Alcohol Office): "*WA State Priorities Alcohol and Other Drug Services Plan 2015-2025*"⁸¹.
- 9.18 The Applicant is aware of the increasing concerns around Methamphetamine use in Western Australia, as highlighted in the *Western Australian Mental Health, Alcohol and Other Drug*

⁷⁸ <https://smhs.health.wa.gov.au/~media/HSPs/SMHS/Corporate/Files/Hlth-prom/Fremantle-alcohol-profile.pdf>

⁷⁹ <https://smhs.health.wa.gov.au/~media/HSPs/SMHS/Corporate/Files/Hlth-prom/Fremantle-alcohol-profile.pdf>

⁸⁰ Attachment 4 – Harm Minimisation Plan

⁸¹ <https://www.mhc.wa.gov.au/media/3516/plan-update-2018-corrections-29-july-2020.pdf>

Services Plan 2015-2025, and subsequent reports from the Mental Health Commission. Recognising the serious impact of Methamphetamine and other illicit drugs on community health and safety. The Applicant adopts a zero-tolerance policy towards all illicit drug activities at all their licensed premises and commits to collaborating closely with law enforcement, promptly reporting any suspected illicit drug activities to ensure the venue remains a safe and welcoming environment for all patrons.

- 9.19 Other research indicates that Australians are consuming liquor more responsibly (refer to the excerpt below). The Applicant understands that as a responsible Licensee, they must continue to operate the proposed Tavern Unrestricted Licence safely, responsibly and in the public interest.

“Updated data today from the Australian Institute of Health and Welfare (AIHW) has confirmed Australians retain a mature and responsible relationship with their use of alcohol.

Risky drinking rates are falling, consumption levels are declining, wine is increasingly popular as tastes changes, and underage and young Australians are overwhelmingly avoiding drinking at all. On a per-capita basis the consumption of alcohol is at a 50-year low (1968: 10.8 litres pure alcohol per person. 2018: 9.5 litres). Fewer Australians are now drinking daily, down significantly from 8.5 percent in 2001 to 5.4 percent in 2019. Even those who enjoy a glass or two a week is down from 39 percent to 34 percent over the same period.

Commenting on the figures, Alcohol Beverages Australian CEO Andrew Wilsmore said: ‘What you are seeing is significant cultural change where moderation is the new norm – Australians are making sensible choices and choosing to act responsibly when it comes to enjoying alcohol.’

No-one who works hard at crafting a beer, wine or spirit wants Australians harmed by their product and over several decades of partnering with Governments or by investing in industry-led programmes and initiatives, it is pleasing to see the proportion of people exceeding lifetime risk guidelines (drinking more than 2 standard drinks a day) declining from 21 percent in 2001 to 16.8 percent in 2019. It’s a trend that says Australian are increasingly capable of making sensible, personal decisions around their own consumption.

“Public education campaigns and police RBT enforcement has clearly made a big difference. The AIHW data shows driving a car was the riskiest activity undertaken while under the influence of alcohol and has fallen more than 40 percent from 14.3 to 9.9 percent of drinkers over nine years,” said Mr Wilsmore.

Underage Australians in particular have heeded the message about abstaining from alcohol with 72.5 percent of 14–17-year old’s not ever having had a drink in 2019, up from 39 percent from just 12 years before.

Australian’s tastes have also changed. 50 years ago, beer was the drink of choice representing almost three quarters of all alcohol sales (73.5 percent). Now its 39 percent,

with wine rising from 14.4 percent to almost 39 per cent (38.4 percent). Spirits, cocktails and packaged ready-to-drink products now represent 19.9 per cent up from 12.2 per cent.”⁸²

- 9.20 In addition, the WA Mental Health Commission has also released data that demonstrates that West Australians are using alcohol at less risky levels than they have historically:

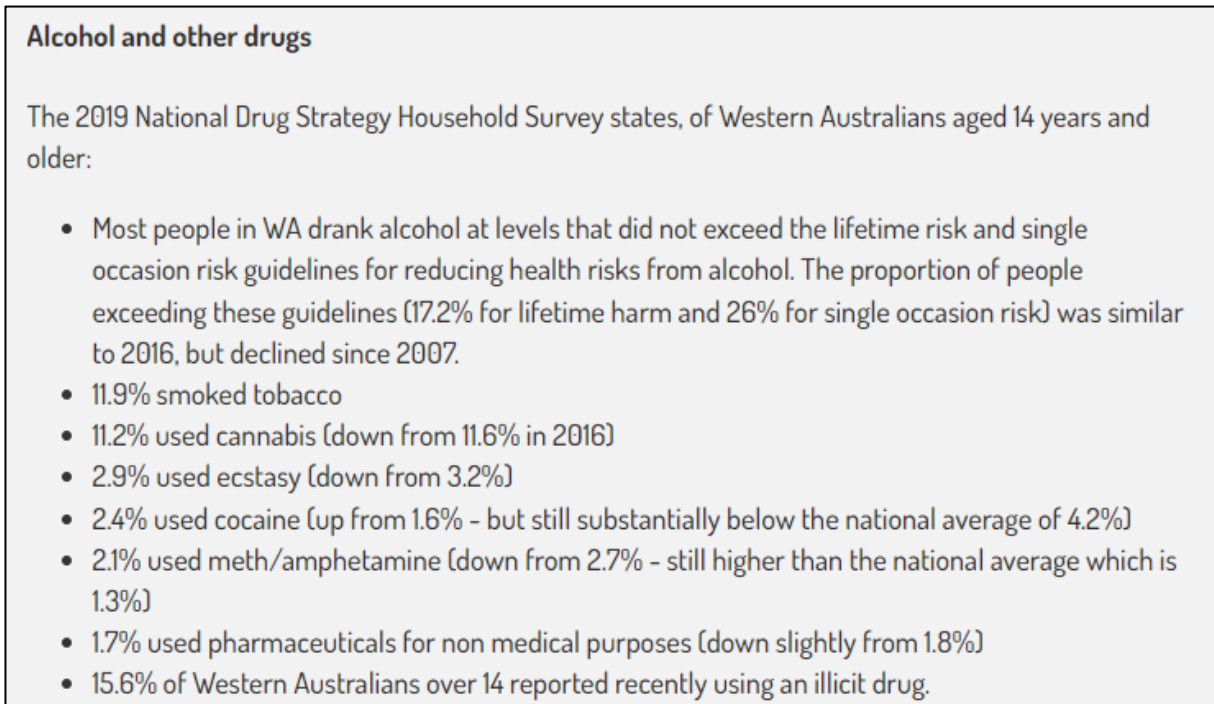


Figure 25: Excerpt from MHC website⁸³

- 9.21 The Applicant has considered available statistics, their previous experience operating licensed premises in the area, the implementation of a strict Harm Minimisation Plan, the style and product range of the proposed premises, and local knowledge. Based on their experience, they submit that the proposed premises will not unduly contribute to alcohol-related harm, including hospitalisations and deaths, in the locality.

Strategies to minimise harm or ill-health

- 9.22 Moon and Mary has developed a comprehensive Harm Minimisation Plan⁸⁴, reflecting a commitment to local and state objectives for reducing alcohol-related harm. This plan underscores the Applicant's dedication to operating in the public interest and actively contributing to a safer community environment.
- 9.23 Since its inception in 1995, Crime Stoppers has served as a crucial link between the community and the WA Police. The Applicant's alignment with Crime Stoppers' vision demonstrates a commitment to creating a safe and secure environment in the locality and the City of Fremantle.

⁸² <https://www.alcoholbeveragesaustralia.org.au/trends-show-australians-drinking-responsibly/>

⁸³ <https://www.mhc.wa.gov.au/about-us/news-and-media/useful-statistics/>

⁸⁴ Attachment 3 – Harm Minimisation Plan



Figure 26: Crime Stoppers⁸⁵

9.24 The Applicant has also considered *The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*⁸⁶ and the information contained therein, including (but not limited to):

- *Putting people and their needs at the centre of planning and responses to problems,*
- *Putting people's lives before political ideology,*
- *Providing the necessary supports to assist the Western Australian community,*
- *Ensuring that people are well informed about alcohol and other drug-related issues, services and programs,*
- *Addressing new challenges in a pragmatic way.*

9.25 The Applicant aligns with the Western Australian Police Drug and Alcohol Action Plan, dedicating itself to mitigating alcohol-related harm through well-founded strategies and active community involvement. The goal is to heighten awareness about alcohol consumption risks and foster responsible drinking practices. Proactive measures will be implemented to prevent underage drinking and protect 'At-Risk' groups from alcohol-related harm.

9.26 Further, the manner of trade, dress standards, price point for food and beverage, quality fit out and location will also assist in attracting the mature and responsible patrons the premises intends to cater to.

Promotion

9.27 The Applicant is committed to adhering to the Department of Local Government, Sport and Cultural Industries Guideline on the Responsible Promotion of Liquor, as previously outlined in this submission. The industry guideline states that:

⁸⁵<https://www.crimestopperswa.com.au>

⁸⁶<https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

"This document provides the industry with a framework of practices which are considered acceptable in order to prevent the intoxication and antisocial behaviour of patrons and, in all other respects, to ensure that the premises are being properly managed. The framework highlights those practices which are discouraged and are not in the public interest."

9.28 The Act places an obligation on Licensees to sell and supply liquor in a responsible manner. The uses of 'gimmick' promotions of cheap or discounted liquor that are likely to encourage irresponsible consumption of alcohol are not acceptable. Any activities promoting their business will not incentivise patrons to consume liquor more rapidly or in greater amounts than they normally otherwise would.

9.29 The Applicant wishes to reiterate that they will not be a destination for cheap drinks.

Responsible Service of Alcohol

9.30 The Applicant will always maintain responsible service and liquor promotion. Any patron who appears intoxicated will be refused service and asked to leave the premises.

9.31 At all times, the staff working at the proposed Moon and Mary will have completed their RSA training, and a copy of their certificate will be retained in the training register. Management will be required to complete the higher qualification of MLP1 (Management of Licensed Premises).

9.32 The Applicant will also implement a policy of not serving liquor to any person wearing a school uniform, regardless of their ability to produce relevant photo ID.

CCTV

9.33 The Applicant will install CCTV surveillance at the proposed premises, including the entrance and exit, and the CCTV system will be in operation at all times and footage will be retained in accordance with the Directors Policy on "*Security at Licensed Premises*"⁸⁷.

9.34 The closed-circuit television video (CCTV) surveillance system will be able to identify individuals and showing times and dates is currently in place and is operational. The CCTV system will comply with the requirements as identified in the Director's Policy '*Security at Licensed Premises*'.

9.35 The CCTV system will continue to provide and record continuous images of the entrances and exits to the premises (including the alfresco area) during the normal trading hours and until one (1) hour after trading ceases. Images recorded via the CCTV system will continue to be retained for at least twenty-eight days (or such other period as the Director of Liquor Licensing specifies) and will be made available for viewing or removal by the Police or other persons authorised by the Director.

⁸⁷<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

- 9.36 Staff and the Approved Manager at the premises will be trained on how to access and view the CCTV footage, should it be required by Police, local government or any other authorised officer.

10 Community Consultation⁸⁸

- 10.1 As part of the Community Consultation, the key organisations were contacted to discuss the Tavern Unrestricted Licence application. They were asked to comment and provide feedback with concerns (if any) in relation to the application.

WA Police Liquor Enforcement Unit (LEU)⁸⁹

- 10.2 An email outlining the details of the application will be sent to the LEU, and the response was that conditions would be beneficial to mitigate and minimise any potential for harm or ill health. Accordingly, the Applicant is willing to have the conditions imposed as outlined in point 1.17 of this PIA.

The Applicant respects that the LEU will consider the application in its entirety when advertised and intervene if required. The Applicant notes that any communication they have with the LEU does not constitute support for this application.

Chief Health Officer (CHO)⁹⁰

- 10.3 The Applicant's representative also sent an email brief outlining the details of the application to the Chief Health Officer at the WA Health Department. The Applicant respects that the CHO will consider the application in its entirety when advertised and intervene if required. They also confirm that any correspondence with the CHO does not in any way constitute an endorsement of this application.

Fremantle - Local Government Authority

- 10.4 The City of Fremantle is aware of the application and has noted that it will leave the decision on its outcome to the Director of Liquor Licensing.

At-Risk Groups

- 10.5 The Applicant also notes that a Notice of Application will be mailed to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation or refuges for young people, childcare centres, churches, the local government authority, and the local police station situated in the specified locality of the proposed premises during the 14-day advertising period to be set by the licensing authority.

⁸⁸ Attachment 11 – Community Consult

⁸⁹ Attachment 11a - COP Consult Letter

⁹⁰ Attachment 11b - CHO Consult Letter

Nyoongar Outreach



Figure 25: Excerpt from Nyoongar Outreach Services⁹¹

“Nyoongar Outreach Services Incorporated (NOS) is an Aboriginal not for profit organisation registered with the Australian Charities and Not-for-profits Commission (ACNC).

We are an Aboriginal mobile outreach service providing social support, coordinated referrals and advocacy to Aboriginal people at risk in public spaces.

Operations sites include the Cities of Fremantle, Belmont and Vincent, Midland, Northern and Southern Corridors, Northbridge, and Crown Perth.”⁹²

10.6 Fremantle is home to many significant sites and features in the traditional stories of the Whadjuk people, the locality's traditional owners. It is also home to the Wyalup Aboriginal Cultural Centre and Japingka Aboriginal Art Gallery.

10.7 Their stated objectives (Figure 25) are outlined on their website and have been reviewed in detail by the Applicant.

11 Section 38 (4) (b) of the Act – Impact on Amenity

11.1 The Applicant has spent considerable resources researching the requirement for the proposed licensed premises to enhance the amenities offered in the Fremantle tourism and Entertainment precinct.

⁹¹ <http://www.nyoongaroutreach.com.au/about-us>

⁹² <http://www.nyoongaroutreach.com.au/about-us>

- 11.2 The term "amenity" refers to various aspects that contribute to the overall character of a particular location, including both present and anticipated future amenities. The Supreme Court has interpreted this term as:

"In my opinion, the term 'amenity' in s 38(4)(b) is concerned with whether and, if so, to what extent the granting of the application would be likely to have any positive or negative effects or consequences upon the overall character, quality and enjoyment of life within the locality⁹³."

- 11.3 The Applicant posits that the proposed Moon and Mary will positively contribute to the Fremantle locality, enhancing the diversity of amenities and related services.

Outlet Density

- 11.4 As required by the PIA Policy, attached are the existing active, on-premises liquor Licences in the locality within 500 metres of the proposed premises.⁹⁴
- 11.5 The Applicant acknowledges the unique landscape of licensed premises in Fremantle, characterised by its diversity and vibrancy. In the Fremantle Tourism and Entertainment Precinct, a variety of licensed premises cater to a broad consumer base, enhancing the locality's dynamic atmosphere and appealing to both visitors and local residents.
- 11.6 Premises under Club or Club Restricted licenses are noted for their membership requirements, which, while offering exclusivity, limit accessibility for the broader population residing in or visiting the Fremantle locality.
- 11.7 The premises with Hotel or Hotel Restricted Licenses add to the locality's accommodation offerings, ensuring guests receive attentive service and a comfortable stay. Similarly, Small Bar licences, with their patron capacity limit, offer a distinct ambience and service style compared to larger venues, contributing to the Fremantle Entertainment Precinct's distinctive character.
- 11.8 The diversity is further demonstrated by premises operating under Tavern or Tavern Restricted Licenses, which demonstrate varied trade manners. An example includes innovative concepts like the "Flight Club," which merges traditional darts with advanced technology, offering unique experiences that underscore the precinct's tourism attraction.
- 11.9 The Applicant aims to complement this rich tapestry with Moon and Mary, proposing a premises that aligns with the Objects of the Act's objectives to cater to the contemporary requirements of consumers. This addition seeks to contribute positively to the development of Fremantle's liquor, hospitality, and tourism industries.

⁹³https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-director-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0

⁹⁴ Attachment 8 – Outlet Density

12 Section 38 (4) (c) of the Act – Offence, Annoyance, Disturbance, or Inconvenience

12.1 Miss Chow's Fremantle Pty Ltd is fully cognisant of the responsibilities and obligations that accompany the operation of Moon and Mary, guided by the Director's policies and best practices in the hospitality industry. This knowledge forms the basis of the Applicant's commitment to maintaining exemplary standards in the management of the proposed premises, ensuring compliance with all applicable regulations.

12.2 In preparing these Public Interest Assessment (PIA) submissions, the Applicant has meticulously considered potential risks associated with the Tavern Unrestricted Licence application. To mitigate any possible negative impacts, such as offence, disturbance, or inconvenience to the community, the Applicant is committed to implementing a series of strategic measures subject to the approval of this application in the public interest. These strategies are designed to ensure that Moon and Mary operates in a responsible manner to minimise undue harm or ill health from the consumption of alcohol:

- An appropriate number of staff will supervise the licensed premises at all times.
- Not promote cheap discounted drinks.
- Tried, tested and proven Miss Chow's Group's operational policies will be implemented at the new premises.
- Intoxicated patrons will not be permitted entry at any time.
- The premises will be fitted out and furnished with new fittings and fixtures of a standard to reflect the demographic that the Applicant is seeking to attract.
- The business will be operated by mature, skilled, and experienced staff that will wear professional uniforms and offer customers a high level of product knowledge. These features will add an element of professionalism and responsibility and will provide an additional service to guests.
- Low-alcohol liquor products will be available at the proposed premises.
- A range of no-alcohol beer, wine and spirits will also be available from the premises.
- Only packaged alcohol products produced on-site will be available for takeaway.
- Liquor products will not be promoted or sold at cheap or discounted prices so that they are attractive to consumers with alcohol issues or encourage excessive consumption.
- The Applicant will not use advertising or promotional material that is deemed attractive to young people.
- Staff will be trained to a high level as has been done at the existing Licensed premises of the Applicant. Refresher training will be conducted at regular intervals to ensure staff are aware of their rights and responsibilities in relation to RSA and customer service.

Code of Conduct

- 12.3 The establishment of a Code of Conduct, integral to Moon and Mary's Harm Minimisation Plan⁹⁵, ensures the maintenance of appropriate behaviour by all - patrons, staff, and management alike. This commitment to upholding the highest standards of conduct is designed to foster a secure and pleasant atmosphere for everyone who enters the proposed premises.
- 12.4 Moreover, the management and staff at Moon and Mary will unwaveringly focus on reducing alcohol-related harm, actively employing strategies aimed at harm reduction. This includes ensuring all patrons are aware of and follow the Code of Conduct, thereby promoting a culture of safety and responsibility within the proposed premises.

Noise Management

- 12.5 While Fremantle is celebrated as an Entertainment Precinct, the Applicant is acutely aware of its responsibility towards the local residents. Committed to balanced operations, the Applicant strives to strike an optimal balance between sustaining a lively ambience through Moon and Mary and honouring the preferences and concerns of its neighbours. This approach underscores dedication to fostering not only a vibrant but also a considerate and inclusive community environment in the locality.

Effective and Efficient Service Recovery

- 12.6 Patrons of the proposed premises will be encouraged to discuss complaints, feedback and requests (if any) with the Approved Manager, who will address any issues and inform patrons of the outcome of these investigations.
- 12.7 Staff will undergo an initial induction and ongoing training across all aspects of the business, including (but not limited to):
- Customer service and service recovery,
 - Product knowledge,
 - Food and beverage matching,
 - Understanding of the licensed premises layout design and where the licenced area ends,
 - Specialised product information – particularly low and no-alcohol products as well as the craft spirits produced on-site and
 - Managers working at the proposed premises will also undergo a course in Management of Licensed Premises (MLP1) to ensure absolute understanding of the Act and their responsibilities to operate a safe and well-managed premises.

⁹⁵ Attachment 3 – Harm Minimisation Plan

Training⁹⁶

12.8 Staff will also receive comprehensive training in the following areas, in addition to the Staff RSA Handbook, to ensure the highest level of service and adherence to regulations:

- How to identify and refuse intoxicated persons,
- Checking photo ID correctly,
- Emergency evacuation procedures,
- Identification of disorderly or anti-social behaviours,
- Responsibilities during employment,
- Basic level of understanding of the Act,
- Minimum dress code for premises,
- RSA and MLP1 qualifications will be required as part of employment and
- Ongoing product knowledge as required by the business.


Underage patrons

12.9 The following strategies will be implemented by staff when checking patron IDs.

12.10 The following documents are the only forms of identification that a Licensee can accept to prove age in circumstances where they suspect a person is a juvenile seeking entry to licensed premises:

- a current Australian driver's licence with a photograph,
- A current passport,
- A current Australian learner's driver permit with photograph,
- WA Proof of Age Card (note new cards are not issued after 1/1/2015),
- Proof of Age card or equivalent issued in an Australian state or territory,
- A current WA Photo Card,
- A current NSW Photo Card, and
- A Photo Card issued by any Australian state or Territory similar to the NSW/WA Photo Card.

⁹⁶ Attachment 4 – Staff RSA Handbook





Checking Identification Procedure – 1. Australian Drivers License

The following points are important when checking an ID for validity.

1. Always ask for the licence to be taken out of the wallet or purse.
2. Tilt the licence to see the reflection from the holographic picture in the background.
 - a. **If there is no reflection then it is a fake licence**
3. Check the date –You need to ensure their 18th birthday has been before the current date exactly. So please check the day, month and year. Teenagers will try and come in earlier before their actual birthday as they often have friends of age.
4. If you are unsure about the picture on the licence, you must do all of the following:
 - a. Request to see another form of ID (ie; bank card or credit card) and ensure that the names match exactly.
 - b. Quiz the patron on their address, what star sign they are, middle name (they may make a mistake on giving you the correct answer)
5. If you come across a fake ID you **MUST CONFISCATE THE ID IMMEDIATELY and lodge with management.**

Please note that if you do not follow the correct ID checking procedures and we allow juveniles into the premise, you can be fined \$1000 minimum from the Liquor Licensing Department under the Liquor Control Act.





2. A proof of age card

- The proof of age card is a personal identity card which is available to anyone 18 years or over.
- The card shows only those details considered necessary for identification including:
 - a. Name, Date of Birth, Signature and Photograph
 - b. For Security reasons, your card does not show your address.
 - c. The same ID checking procedure applies to Proof of age card.

3. A Passport with Photo

- Current valid passport (not expired)
- Must have a Photo
- Can be International in nature (From another country)
- Note that you need to be careful looking at a passport picture as passport can be valid for 10 years so the picture of the person can be quite different to what they look like.
- Please follow the same ID checking procedures with the Drivers licence and request to see another form of ID with the patron's name.

Figure 27: ID25 Checking Strategies

13 Section 38(4)(ca) – Tourism, Cultural and Community Matters

- 13.1 Fremantle, located at the mouth of the Swan River, has been the main port for Western Australia since European settlement in 1829. This rich historical heritage has made Fremantle a bustling and vibrant hub for locals and tourists alike.
- 13.2 The City of Fremantle is bordered by the Town of Mosman Park to the north, the Town of East Fremantle and the City of Melville to the east, the City of Cockburn to the south, and the Indian Ocean to the west (including Rottnest Island). This ideal location offers a wide range of attractions that cater to different interests and draw visitors from all over. Fremantle has a unique character, with a blend of colonial architecture and modern developments.
- 13.3 The city is home to some of Australia's best-preserved buildings from the convict era, which sit alongside contemporary amenities, creating a vibrant and dynamic atmosphere that appeals to both residents and visitors. Additionally, the City of Fremantle is renowned for its commercial fishing fleet. It is increasingly popular among tourists for its alfresco dining, convict history, quirky shops, museums, boutique retail, and hospitality offerings.
- 13.4 Fremantle is home to Western Australia's main commercial port, which includes marine, logistical, and industrial sectors. The city is essential to the state's economy as most imports and exports are handled through this busy hub. This highlights the diverse range of activities and significance of Fremantle.
- 13.5 The City of Fremantle is a vibrant and diverse area that boasts a mix of residential and commercial developments. It features a strong representation of retail, civic, hospitality, and tourism uses. This blend of diverse uses and activities enhances the liveability of the locality, catering to a broad range of interests and providing ample opportunities for engagement and community involvement.

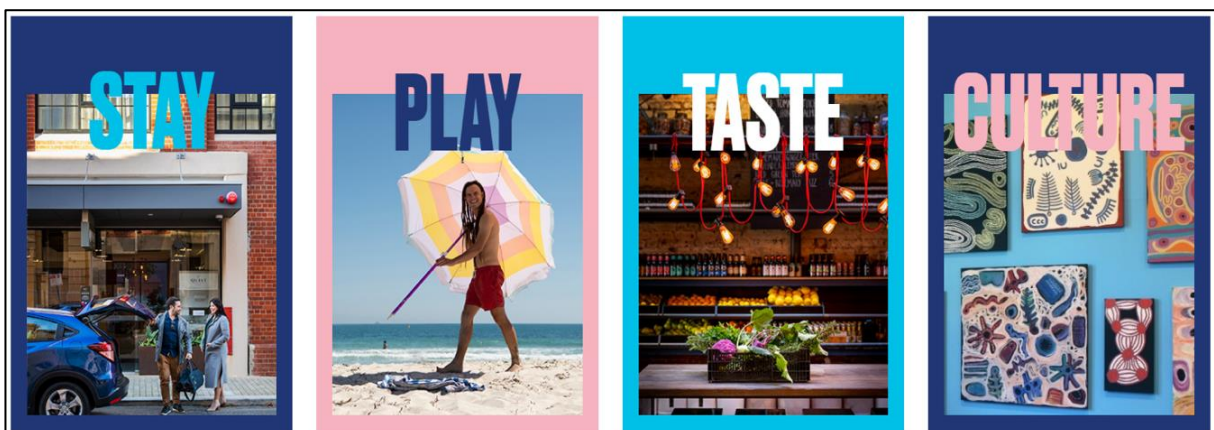


Figure 28: Fremantle Tourism⁹⁷

⁹⁷ <https://www.visitfremantle.com.au/>

13.6 The city of Fremantle boasts a significant coastal and river foreshore, making it a highly desirable destination for both local residents and tourists. Consequently, the tourism market in Fremantle has grown, with an increasing number of day-trippers from Greater Perth exploring the area's diverse offerings. This lively and dynamic atmosphere has solidified Fremantle's position as a premier tourism destination, attracting visitors from both near and far.

Tourism in Fremantle

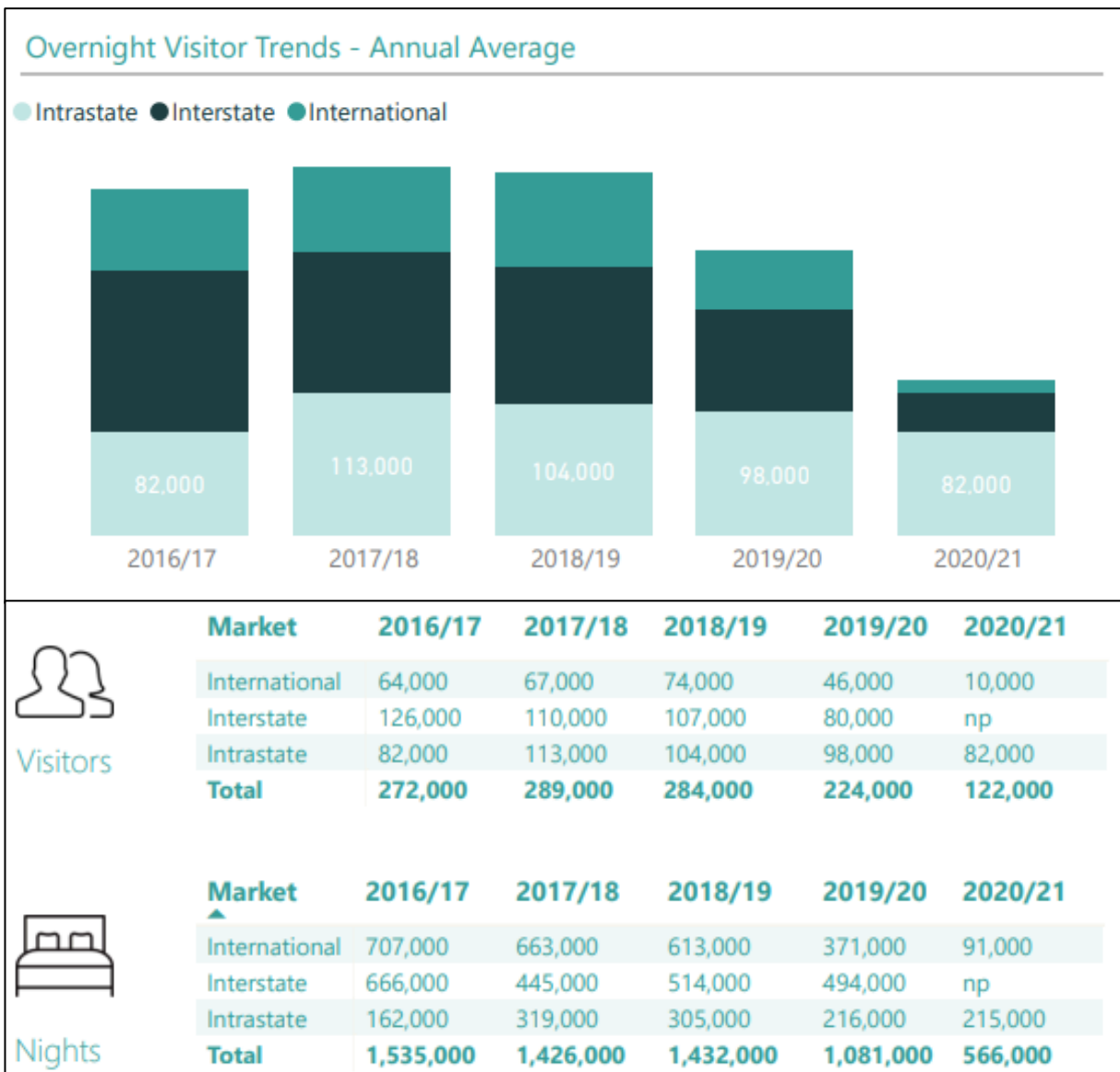


Figure 29: Overnight Visitor Summary for Fremantle⁹⁸

13.7 Tourism WA describes Fremantle as:

“Fremantle's unique character is captured by its landscape, heritage, architecture, music, arts and culture, festivals, retail stores and markets, cafés, and restaurants. These

⁹⁸<https://www.tourism.wa.gov.au/Publications%20Library/Markets%20and%20research/2021/LGA%20Factsheets/LGA%20Visitor%20Factsheet%202021%20-%20Fremantle.pdf>

contribute to its village-style atmosphere - making it a popular destination for local and international visitors.

Fremantle is undergoing its biggest transformation since the America's Cup defence in 1987. According to the City of Fremantle, the combined level of private and public investment in the pipeline totals around \$1.3 billion."

13.8 The above graphs provide information on visitor statistics for Fremantle. The data is from the 2020-2021 financial year and includes information on visitor numbers, demographics, activities, expenditure, and tourism infrastructure.

13.9 Tourism WA's statistics demonstrate the significant growth in tourism visitors to the Fremantle region. The Overnight Visitors Summary for the City of Fremantle provides an overview of this trend, which exhibits a robust upward trajectory, as follows:

- Fremantle received over 1 million visitors in 2020-2021, with 92% being domestic and 8% international. The high number of overnight visitors to Fremantle suggests an increase in demand for accommodation and hospitality services.
- The majority of visitors were aged 25-44 and female, with the largest number of international visitors being aged 25-34 and also female.
- The most popular activities were sightseeing, dining, and shopping, with visitors spending an average of \$408 per person, which suggests that there is a definite market for more tourism-orientated services.
- Fremantle has a range of accommodation options and tourism infrastructure, including public transportation, visitor centres, and tour operators, to cater to the needs and preferences of visitors.

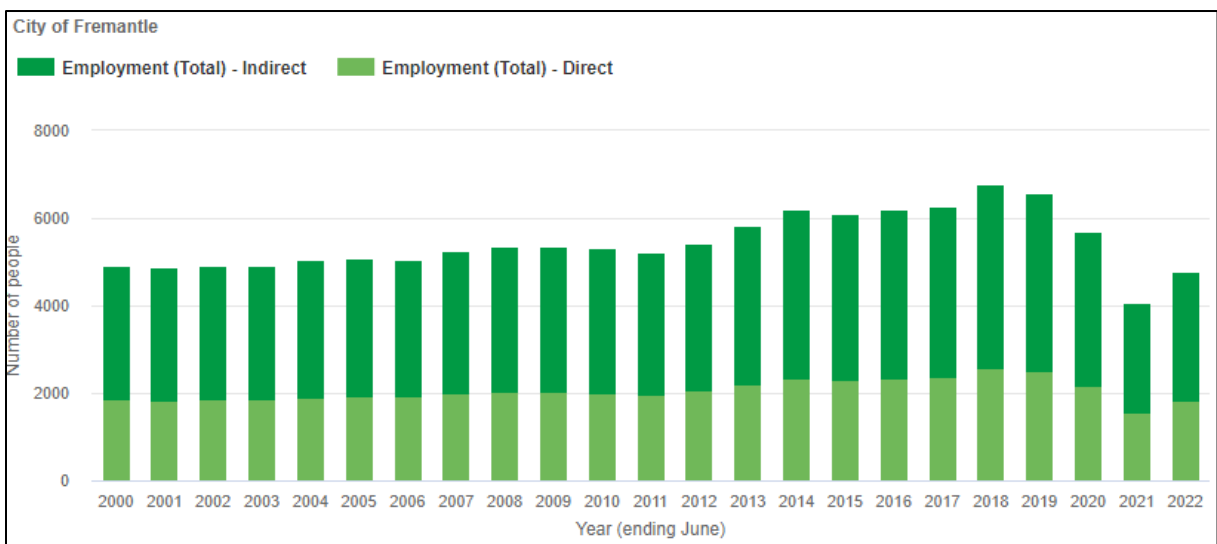


Figure 30: Tourism Employment - City of Fremantle⁹⁹

13.10 The primary Objects of the Act not only aim to regulate the sale, supply, and consumption of liquor but also to *"cater for the requirements of consumers for liquor and related services*

⁹⁹ <https://economy.id.com.au/fremantle/tourism-value>

with regard to the proper development of the liquor industry, the tourism industry, and other hospitality industries in the State." Underscoring the importance of supporting the growth of businesses that contribute positively to the local economy and employment sectors.

13.11 The proposed premises is set to contribute to the economic vitality of the City of Fremantle by generating employment opportunities and enhancing the local tourism and hospitality industries. The Applicant is committed to offering a premier dining experience that complements the existing diversity of Fremantle's hospitality offerings. Through its operation, Moon and Mary will draw both tourists and local residents, stimulating economic growth and reinforcing Fremantle's reputation as a vibrant hub for culture, leisure, and business.

13.12 Research undertaken on behalf of Tourism WA indicates that tourism visitors to Perth, and by extension the City of Fremantle (including intrastate, interstate, and international tourism visitors), consider the coastal regions of Perth a fundamental part of any holiday. This indicates that visitors to Perth consider the coastal regions of the city to be an important aspect of their holiday experience. Here are some findings from the study on *"Tourism and Perth's Coast"*¹⁰⁰:

"SUMMARY OF RESEARCH INSIGHTS

A summary of learnings from both phases of Perth's Coast research is provided below, categorised by perceptions and appeal, development opportunities, and functional issues. All learnings are based on insights directly derived from the visitors surveyed.

Perceptions and Appeal

- *Visiting Perth's coast is a fundamental part of a holiday in Perth.*
 - *Almost all Perth visitors (nine in ten, or 89%), visit the coast at least once during their stay in Perth.*
 - *There is opportunity to increase the frequency of visits and increase spend per visit at the coast.*
- *Current visitors to Perth's beaches value the cleanliness and clarity of the water, the white sand, and the natural environment. However, good beaches are an 'expected' part of a holiday in Perth for tourists, they are rarely the driving reason for visiting Perth, as they have low perceived uniqueness.*
 - *There is opportunity to further promote the unique aspects of Perth's coast, such as watching the sunset over the Indian Ocean.*
- *The preservation of the natural landscape along Perth's coast is valued by visitors... as long there are facilities, eateries, bars and shops nearby.*
- *Visiting Perth's coast is an experience, and it's not just about the beach specifically.*

¹⁰⁰<https://www.tourism.wa.gov.au/Publications%20Library/Markets%20and%20research/Specialised%20reports/Tourism-and-Perth%27s-coast.PDF>

- *The top two activities that visitors are most interested in at Perth's coast are the simplest and tied to the natural offering of Perth's coast, watching the sunset and walking.*
 - *There is opportunity to raise the profile of these experiences, as they are not top of mind for visitors, but have the highest appeal when prompted.*
 - *Grabbing a coffee / snack or having a meal at a casual café or restaurant at the coast are also high appeal activities.*
- *Aligned with the appeal of walking along the coast, it is worth noting recent Cycle Tourism Segmentation research undertaken by Tourism WA identified the coast is consistently considered the most appealing location to cycle within Perth (more so than along the Swan River, in National Parks, etc.).*

Development Opportunities

- *Activation & enhancement is preferred, not large-scale development (consistent with learnings from Swan River development research conducted by Tourism WA in 2016).*
 - *This should be considered both in the daytime and the evening and directly linked to the beach e.g. 'Scarborough Beach Festival', 'Sundowners on the Sand', 'Hillarys Sunset Markets'.*
 - *Markets are highly desirable – even in locations where there are existing shops like Hillarys and Fremantle."*

13.13 This research provides valuable insights into the perceptions and appeal of Perth's coastal regions among visitors, suggesting that:

- Visiting the coast is a fundamental part of a holiday in Perth, with almost all visitors surveyed (89%) visiting the coast at least once during their stay.
- Visitors value the cleanliness and natural environment of Perth's beaches. Still, there is an opportunity to promote further unique aspects, such as watching the sunset over the Indian Ocean, which is a key feature in Fremantle.
- Visitors also value the preservation of the natural landscape if there are nearby facilities, eateries, bars, and shops.
- Visitors highly enjoy activities such as walking along the coast, grabbing a coffee, or having a meal at a casual café or restaurant.
- Visitors prefer activation and enhancement of the coastal regions rather than large-scale development.

13.14 The research suggests that Perth's coastal regions, including Fremantle, have a great potential to increase the number of visits and amount of money spent per visit. This presents opportunities for local businesses and economies to cater to the requirements and preferences of visitors to the locality.

- 13.15 As a strategic centre¹⁰¹, the City of Fremantle has an 800m walkable catchment underscoring the prime location of the proposed Moon and Mary, well suited to cater to the requirements of local residents and visitors to the locality.
- 13.16 Additionally, there is a wealth of cultural and tourist attractions in the city centre, such as:
- Shipwreck and Maritime Museums of Fremantle and E shed markets.
 - Significant heritage sites such as the world heritage listed Fremantle Prison, the state heritage listed West End, the Round House and Arthur Head.
 - Fremantle Arts Centre, which operates as an art gallery, studio, educational space and live music venue.
 - Boutique retail and entertainment precincts.
- 13.17 The City's strategic direction is detailed in the Strategic Community Plan 2015-2025, formulated after comprehensive community engagement and visioning efforts. This plan presents a vision for Fremantle as follows:
- "a Destination City. A city that is clever and creative, inspiring and inclusive. A city that welcomes and celebrates all people and cultures. A city that encourages innovation, prosperity and achievement. A compassionate city that cares for the wellbeing of people and the environment we share. A city that thrives on diversity and dares to be different."*

14 Summary

- 14.1 Hospitality Total Services (Aus) Pty Ltd, on behalf of Miss Chow's Fremantle Pty Ltd, submits this Public Interest Assessment to support the Tavern Unrestricted Licence Application for the proposed premises, Moon and Mary to be located at Tenancy 4, 45 Henderson Street, Fremantle, WA, 6160.
- 14.2 A Tavern Unrestricted Licence under section 41 of the Liquor Control Act 1988 authorises the sale and supply of liquor for consumption on the licensed premises with packaged sale and supply of craft gin, vodka and fortified spirits produced on-site. The contemporary boutique distillery at the premises will contribute to the proper development of the liquor, hospitality, and tourism industries in the locality.
- 14.3 All relevant requirements for a Tavern Unrestricted Licence application have been complied with and submitted along with this application as per Section 68 of the Liquor Control Act 1988.
- 14.4 Subject to approval, the Licensee Director's Policies and other compliance measures that will be adhered to by the Applicant, along with the measures outlined in these PIA submissions, with respect to the daily, ongoing management of the proposed premises (subject to approval).
- 14.5 The Director of the Applicant company has considered Section 38(4) (a, b, c and ca) of the Liquor Control Act 1988 in relation to Harm or Ill-health, Impact on Amenity, Offence,

¹⁰¹ <https://www.wa.gov.au/government/publications/state-planning-policy-42-activity-centres-perth-and-peel>

Annoyance, Disturbance or Inconvenience the proposed Tavern Unrestricted Licence may have on the local community in these submissions.

- 14.6 The Applicant has also considered the DLGSC Industry Guideline on the Responsible Promotion of Liquor and is committed to always adhering to the DLGSC policy.
- 14.7 The Applicant also notes that the Act relevantly provides that the licensing authority:
- (a) *is to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act: Section 5(2)(e),*
 - (b) *shall act without undue formality in any proceedings under this Act: Section 16 (1),*
 - (c) *is to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms: Section 16(7)(b), and*
 - (d) *is to act with as little formality and technicality as is practicable: Section 16(7)(c).*
- 14.8 Accordingly, the Applicant requests with respect that the Director of Liquor Licensing consider approving this conditional grant for a Tavern Unrestricted Licence as it is in the public interest to do so.

15 Advertising

- 15.1 Advertising will be completed when the Department of Local Government, Sport and Cultural Industries determines dates for the specified period.
- 15.2 A Notice of Application will be distributed to residents and businesses within a 200m radius.
- 15.3 A Notice of the Application will be mailed to any local Aboriginal community and regional office of the Department of Indigenous Affairs.
- 15.4 The Public Interest Assessment Submission will be available for public inspection.
- 15.5 A Notice of Application will be mailed to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation or refuges for young people, childcare centres, churches, local government authorities, local police stations, which may be situated in the specified locality of the proposed premises.

16 Attachments

- 1 Floor Plans
- 2 Consumer Surveys
- 3 Harm Minimisation Plan
- 4 Staff RSA Handbook
- 5 Proposed Food and Beverage Menu
- 6 Fremantle Police Station Complex
- 7 Preventing Violence
- 8 Outlet Density
- 9 Advertising
- 10 Section 36B