



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

Premises Name: The Exchange Hotel
Applicant: Pinjarra Exchange Pty Ltd
Location: 12 George Street, Pinjarra WA 6208

THE EXCHANGE HOTEL



Prepared by:



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Contents

1. Introduction	3
2. Venue and Operation	10
3. The Applicant	27
4. Location and Locality	34
5. Legislative Framework – Liquor Control Act 1988	41
6. Section 36B(4) of the Liquor Control Act 1988	45
7. Public Interest	53
8. Section 38 (4) (a) of the Act – Harm or Ill-health	60
9. Applied Research Section 38 (4) (a) of the Act – Harm or Ill-health	65
10 Community Consultation	74
11 Section 38 (4) (b) of the Act – Impact on Amenity	75
12 Section 38 (4) (c) of the Act – Offence, Annoyance, Disturbance or Inconvenience	83
13 Section 38(4)(ca) – Tourism, Cultural and Community Matters	86
14 Summary	90
15 Advertising	92
16 Attachments	93

1. Introduction

- 1.1 Pinjarra Exchange 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 known as The Exchange Hotel, located at 12 George Street, Pinjarra, WA 6208.
- 1.2 The Applicant submitted an application for the conditional grant of a Tavern (Unrestricted) Licence on 23 January 2023 for the premises, which was conditionally granted by the Licensing Authority on 26 May 2023¹.
- 1.3 The Applicant is now considering a new contemporary and diverse opportunity to add a small boutique distillery at the premises that will contribute to the proper development of the liquor, hospitality, and tourism industries in the locality (refer letter from the local council CEO²).
- 1.4 The premises originally operated under a Tavern (Unrestricted) Licence for several years with a drive-through bottleshop. This application only seeks to include the sale and supply of packaged craft gin, vodka and fortifieds produced on-site. The distillery is envisioned to be a focal point for crafting unique spirits, including 'Ginjarra' gin, leveraging local botanicals and providing a distinctive local provenance experience for locals and visitors to the locality (refer Letter of Support from Tourism WA³).
- 1.5 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 41⁴

Section 41 of the Act provides for a Hotel License which has subcategories 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.

¹ Attachment 8 - Acknowledgement Letter

² Attachment 2 – Written Support

³ Attachment 2 – Written Support

⁴[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)

- 1.6 Within these PIA submissions, the Applicant has diligently addressed the matters relating to the primary and secondary Objects of the Act and Section 38(2)(4), as required by the Director’s Policy on Public Interest Assessment⁵ submissions.
- 1.7 The documentation for this application is in accordance with Section 68 of the Liquor Control Act 1988, and has been compiled by Hospitality Total Services (Aus) Pty Ltd on behalf of Pinjarra Exchange Pty Ltd.
- 1.8 The Applicant acknowledges that Section 36B(4) of the Act applies to this application for packaged liquor, as it states that:
- “The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the Locality in which the proposed licensed premises are, or are to be, situated.”⁶*
- 1.9 The Director of the Applicant Company, an experienced Licensee, has undertaken the required MLP1 training to hold a Liquor Licence since 2001 and has significant experience in redeveloping premises that have heritage and historical value.
- 1.10 Historically, The Exchange Hotel was an important venue in Pinjarra, and this application seeks to permit the new operator to provide an amenity that will make The Exchange Hotel one of the region’s most significant venues for food, beverage and entertainment (refer numerous Letters of Support⁷).



Figure 1: Historic Exchange Hotel in Pinjarra⁸

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

⁶ http://www7.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/consol_act/lca1988197/s36b.html

⁷ Attachment 2 – Written Support

⁸ <https://www.abc.net.au/listen/programs/southwestwa-mornings/pinjarra-exchange-hotel/13839422>

1.11 The premises is currently vacant, unused, derelict and in a state of disrepair, as demonstrated in the images below⁹:



Figure 2: The Exchange Hotel (current) from George Street



Figure 3: The Exchange Hotel (current) from the Murray River

1.12 The Applicant is seeking to activate the premises with a diverse offering that will cater to the Pinjarra locality and restore an iconic premises that can accommodate both local residents, day trippers, and tourism visitors travelling to or through Pinjarra.

1.13 Based on the Letters of Support and the Applicant’s significant industry experience, the Applicant submits that the locality will experience a social and economic benefit from the proposed major redevelopment of the food, beverage and entertainment offering operating under a Tavern (Unrestricted) Licence, with a quality fit-out across the premises¹⁰, with areas to accommodate a variety of uses, including (but not limited to):

- dining,
- formal and informal meetings,
- functions (including corporate functions),

⁹ <https://www.murray.wa.gov.au/Shire-and-Council/Projects/The-Exchange-Hotel>

¹⁰ Attachment 1 – Plans

- special events,
 - outdoor alfresco amenity,
 - craft spirit production facility, and
 - socialising with colleagues, family and friends.
- 1.14 The relevant authority has approved the design for the premises¹¹ and demonstrates how the historical significance of the building will be maintained while ensuring a contemporary amenity is provided for local residents and visitors to the region.
- 1.15 The application is also strongly supported by Local, State and Federal stakeholders. The Shire of Murray is the landlord of the premises and LGA that oversees the Pinjarra locality¹².
- 1.16 Section 38(4)(ca) of the Act 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.
- 1.17 The Shire of Murray strongly supports the conditional grant of the Tavern (Unrestricted) Licence in the public interest, as evidenced in the Letter of Support from the CEO of the Shire of Murray¹³.
- 1.18 The Exchange Hotel is forecast to bring additional economic and tourism benefits to the Pinjarra region, as stated in “The Exchange Hotel – Business Case”¹⁴ that states:

“THE EXCHANGE PROJECT PRESENTS THE OPPORTUNITY TO CREATE A TRULY UNIQUE AND DESIRABLE DESTINATION WITHIN THE HEART OF PINJARRA.

Leveraging significant regional investment in tourism, food innovation and town revitalisation, The Exchange will catalyse redevelopment and rejuvenation of the Town Centre, transform Pinjarra into an iconic visitor destination and provide a ‘front door’ to grow and promote the Region’s profile as a hub for quality fresh food and produce.

The Shire of Murray is proactively preparing for significant population growth over the next 30-years, to ensure that future residents have access to fulfilling jobs, quality services and amenities, and a strong sense of community and belonging. Initiatives like Transform Peel, and the joint Murray and Mandurah Economic Development Strategy provide frameworks to support and encourage investment in the Region and are already seeing positive results. Significant regional economic development initiatives such as the Western Australian Food Innovation Precinct, Dwellingup trails and Trails Centre development, North Dandalup Agricultural Research Hub and the

¹¹ <https://www.murray.wa.gov.au/Shire-and-Council/Projects/The-Exchange-Hotel>

¹² Attachment 2 – Written Support

¹³ Attachment 2 – Written Support

¹⁴ Attachment 3 - The Exchange Business Case.pdf

Hotham Railway upgrades position the Peel Region, and the Shire of Murray as a key activity centre.”

- 1.19 The proposed new premises will also have a strong connection to the new “Food Innovation Precinct Western Australia”¹⁵ that will have a base in Pinjarra, and the Shire of Murray has stated:

“Shire of Murray President Cr David Bolt said “There’s nothing quite like this project in Australia – it’s a regional hub for food and agri-tech businesses, a mentoring and networking centre, and a food production site with common-use facilities. There are development and research grants available, business mentoring and development opportunities, and it’s all come from a local government shire that’s punching well above its weight and delivering value for its ratepayers”.

- 1.20 One of the primary considerations of the Applicant is to support the promotion of the region as a tourism destination and celebrate all the region's produce, along with its history and heritage.
- 1.21 The innovative and patron friendly food and beverage concept will be centred around the modern Australian food to be available, complemented by a range of alcoholic and non-alcoholic beverages¹⁶ and will also offer occasional entertainment.
- 1.22 The Applicant will provide well-managed, safe, and welcoming licensed premises that causes minimal undue harm or ill-health to the surrounding locality or to the patrons resorting to The Exchange Hotel while catering to the requirements of consumers of liquor and related services.
- 1.23 A Harm Minimisation Plan¹⁷ and harm minimisation strategies have been addressed in detail within this PIA submission, (Refer Sections 7 to 11 - Section 38(4) Harm or Ill health).
- 1.24 As a security and crime prevention consideration, The Exchange Hotel will incorporate CCTV in accordance with the Director of Liquor Licensing’s Policy on Safety and Security at Licensed Premises¹⁸.
- 1.25 The following trading conditions will apply to the premises trading under a Tavern (Unrestricted) Licence, subject to approval:

TRADING HOURS

The permitted trading hours are those prescribed in s 98(1) of the Act for a hotel licence.

¹⁵<https://www.murray.wa.gov.au/Shire-and-Council/News-and-Media/Media-Releases/New-era-begins-for-Food-Innovation-Precinct-Western-Australia>

¹⁶ Attachment 5 – Sample Menus

¹⁷ Attachment 4 – Harm. Minimisation Plan

¹⁸ <https://www.dlgsc.wa.gov.au/departments/publications/publication/safety-and-security-at-licensed-premises-policy>

TRADING CONDITIONS

1. The licensee is authorised to sell and supply liquor in accordance with the provisions of s 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 prohibited from displaying alcohol products or branded advertising on the external façade of the licensed premises or by A-frames, billboards or other mediums within the vicinity of the licensed premises and local schools.
4. 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.
5. The licensed premises must be set up with tables and chairs to accommodate no less than 50% of the patrons that may be accommodated on the licensed premises at any one time other than for prearranged private functions or special events.
6. Drink options that contain low alcohol liquor content, as well as a range of non-alcoholic drink options, must be available at all times.
7. The licensee shall not promote drinks which offer liquor by virtue of their 'emotive' titles such as, but not limited to 'laybacks', 'shooters', 'test tubes', 'shots'; 'jelly shots', 'blasters', or 'bombs'.
8. Food (meals) to be available during meal service times.
9. A closed-circuit television video (CCTV) surveillance system, able to identify individuals and showing times and dates must be in place and operational. The CCTV system must comply with the minimum requirements as identified in the Director of Liquor Licensing's 'Safety and Security at Licensed Premises' policy. It is expected that the system will provide and record continuous images of the entrances and exits to the premises during the normal trading hours and until one (1) hour after trading ceases.

Images recorded via the CCTV system must be retained for twenty-eight (28) days (or such other period as the Director of Liquor Licensing specifies) and must be made available for viewing or removal by the Police or other persons authorised by the Director.

The recorded vision, when viewed or removed, must include:

- I. Time/date stamp.
- II. Camera location.
- III. Camera identifier.
- IV. Watermarking or method of verifying the original image for authenticity, ensuring tamper prevention. The details of any incident must be recorded in the Incident Register for the licensed premises.

10. DRESS STANDARDS - OUTLAW MOTORCYCLE GANGS

The following dress standard applies during the permitted trading hours:

(a) 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 Motor Cycle Gangs, are not permitted to be worn or to be visible on the licensed premises:

- Coffin Cheaters,
- Club Deroes,
- Gods Garbage,
- Gypsy Jokers,
- Outlaws,
- Finks,
- Rebels,
- Comancheroes,
- Hell's Angels,
- Rock Machine,
- Mongols,
- Lone Wolf,
- Bandidos, and
- Brothers 4 Life.

A notice is to be displayed at all entrances to the licensed area/event reflecting this condition.

11. Noise Management Requirements:

- I. Whenever music is being played that is above background level, all doors and windows to the area where the music is being played must be kept closed, except when people are entering/exiting the venue,
- II. When external doors and windows are open, music shall not exceed a background level that allows normal conversation to occur,
- III. After 10 p.m. all external windows and doors except for the bi-fold doors of the function room that face the entry courtyard off George Street shall be kept closed except when people are entering/exiting the venue,
- IV. All outdoor/alfresco areas (except the entry courtyard) shall not be used after 10 p.m.,
- V. Music played in outdoor/alfresco areas shall not exceed a background level that allows normal conversation to occur.

ENTERTAINMENT CONDITION

- (a) 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:
- I. be immodestly or indecently dressed on the licensed premises, and/or
 - II. take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.
- (b) The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from:
- I. exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any classified “R 18+”, “X 18+” or “RC” classified film or computer game or “Category 1 – Restricted” or “Category 2 – Restricted” publication, or extract therefrom, or
 - II. 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
 - III. 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.
- (c) In this condition, “licensed premises” includes any premises, place or area:
- I. which is appurtenant to the licensed premises, or
 - II. 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.

2. Venue and Operation

- 2.1 The proposed premises (subject to approval) is situated at 12 George Street, Pinjarra, WA 6208, and will provide local residents and visitors to the Pinjarra locality with a high-quality hospitality amenity that can cater to a diverse range of consumer requirements.
- 2.2 The proposed The Exchange Hotel will also provide a tourism attraction for many visitors who are seeking a unique offering using West Australian produce with professional friendly service.

The Proposed Premises

- 2.3 Please find below concept images of the proposed The Exchange Hotel development, which intends to provide a tasteful, stylish interior with a range of seating options and different areas to provide a diverse amenity.



Built Form Figure 1: The Arrival - View from George Street



Built Form Figure 2: The River Edge - View from Suspension Bridge



Built Form Figure 3: River Aspect- View from Amphitheatre

Figure 4: Render of proposed The Exchange Hotel premises.¹⁹

¹⁹ Attachment 1 - Plans

2.4 As the building holds a heritage status, the Applicant has the opportunity to make internal modifications while preserving its historical significance. Above are some renders of the external area of the proposed premises, showcasing the expected outcome after the renovation and refurbishment.

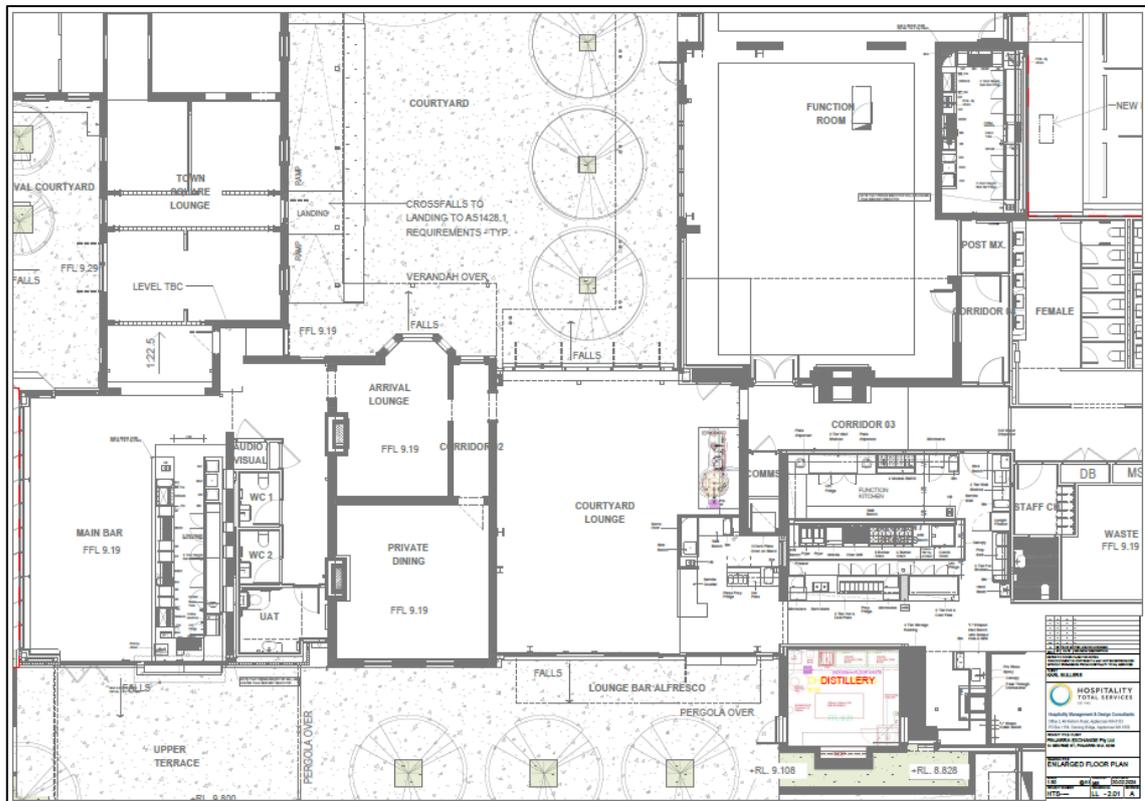


Figure 5: Floor Plan of The Exchange Hotel

2.5 The Applicant intends to undertake considerable fit-out and design works²⁰ to incorporate the following amenities:

- Commercial kitchen
- Cool room
- Toilet amenity
- Vibrant alfresco socialising space
- Designated dining area with diverse seating options
- Variable space to be used for dining, casual lunches, meetings, functions and events and sundowners.
- Alfresco Areas to maximise the connection to the Murray River.
- Function Areas and Private Dining spaces to accommodate a range of contemporary functions, events and Masterclasses.
- A boutique distillery featuring artisan; ‘Ginjarra’ gin featuring local produce from the Pinjarra region.

²⁰ Attachment 1 - Plans

- 2.6 A Venue Manager will be secured to oversee and manage Front of House (FOH) operations, support staff and liaise with consumers at the premises. The Venue Manager will also be responsible for liaising with the local community on Pinjarra based functions and events, and for any private and/or public meetings etc that may be held at the refurbished premises.

Food & Beverage

- 2.7 All menu items at the premises will be prepared on-site, and the compliant commercial kitchen will contain the requisite equipment to prepare all food items to be available.
- 2.8 The menu will have options for individual dining, as well as shared options that bring people together and give consumers a taste of a range of dishes from the menu.

Food Options²¹

- 2.9 The premises intends to offer breakfast, lunch and dinner dining services, with a smaller range of food to be available in between the main mealtimes.

Breakfast:

- Barista made coffee (locally sourced beans) and leaf tea to be available.
- Fresh juices made to order.
- Small options available including fresh fruit and toast.
- Larger, cooked breakfast such as Eggs Benedict and Pancakes.
- Healthy options (breakfast bowl)
- Eggs on toast options with sides available to create your own breakfast.
- Kids food and beverage options.

Lunch:

- Burgers, rolls and sandwiches as per sample menu.
- Small plates and Mains.
- Range of salads.
- Specials to be available Monday to Thursday, lunch, and dinner.
- Express lunch options to be changed weekly.

Dinner:

- Main plates as per the sample menu.
- Degustation menu to be available (dinner only except Saturday and Sunday lunch).
- Selection of share plates, salads, and sides.
- Daily specials to be available.

²¹ Attachment 5 – Sample Menus

- Theme nights will occur monthly to cater to local residents who have limited dining options in close proximity.



Figure 6: Woodfired Pizza

Sharing:

- Salads, Share plates and sides.
- Woodfired Pizzas.
- Nibbles to be available.
- Platters can be pre-ordered for family, friends, or corporate events (i.e., Sundowners).
- Function menus and set menus to be available during peak periods (i.e. Christmas time, NYE, etc.).

2.10 Please find some images below of the food provided at the Applicant's other licensed premises as an indicator of the quality of food to be available at the premises.



Figure 7: Grazing Plate



Figure 8: Burger & Fries



Figure 8: Individual Main Meals

- 2.11 The Applicant has comprehensive experience in providing quality cuisine with a contemporary twist, and these are the nature of the dishes will feature on The Exchange Hotel menu²².
- 2.12 Local meat, poultry, seafood and other agricultural produce will be used where possible. The Applicant actively supports WA producers of food and beverages, and the producers listed in the *'Peel Food and Beverage Capability Guide'*²³.
- 2.13 Local fresh and agricultural food producers that could be used include (but are not limited to):
- Bellbuoy Seafoods (seafood)
 - Australia Bee Company (honey)

²² Attachment 5 – Sample Menus

²³ Attachment 9 – Peel Food and Beverage Capability Guide

- Caraholly Orchards (fresh fruit)
- Coopers Classics (Shortbread and pastry products)
- Davrey growers (jam, relish, chutney, pickles)
- Evergreen Microfarm (wheatgrass, micro-herbs and salad greens etc)
- Fiona's Fancies (deserts and cakes)
- Fouracere Fresh (eggs)
- Groundswell coffee
- ManukaLife (honey in jars)
- Medulla Valley (olive oil)
- Melaleuka Farm Merchants (beef, lamb and smallgoods)
- Midway Farm stall (beef and lamb products)
- Oakford Blues (blueberries)
- Pinjarra Bakery (fresh baked bread, rolls etc)
- Samudera (artisan sourdough, cakes, muffins etc)
- Supafresh (fruit and veg, leaves)
- Tarralea Grove (bottled olive oil)
- The Fisho (local fish and seafood)
- Vergoens Fruit (fresh fruit)

2.14 As can be seen in the list above, local producers of related goods and services stand to benefit from the grant of the Tavern (Unrestricted) Licence application.

2.15 There will be options that can cater to vegan and plant-based needs, as well as others that can be altered to accommodate a range of dietary requirements, including (but not limited to) gluten-free, dairy-free, nut-free and vegetarian choices. Child-friendly options will also be available, and healthy alternatives will be provided for kid's meals.

2.16 Food (meals) will be available during meal service times; however, the ability to appeal to a diverse range of consumers is a strong consideration for the Applicant and the reason for the Tavern (Unrestricted) Licence being the most suitable option.

Beverage Options

2.17 Beverages will include alcoholic and non-alcoholic options (subject to approval), and include beer, cider, wine, spirits, cocktails, and a range of craft beers that support local producers and are relevant to the food offer.

2.18 The following local producers will be represented:

- Drakesbrook Wines
- Thorny Devil (craft beer)
- Three Rivers Brewing Co.

- Wedgetail Brewing
- Wine Tree Cidery

- 2.19 The beverage range will be diverse and offer a range of local, national and international brands and products, with some local and regional products that are not readily available elsewhere also included.
- 2.20 Some beverage items will be selected to complement local seasonal produce at the premises, as well as following beverage trends and the development of the liquor industry, including new products such as zero-alcohol liquor, including cocktails, as options for non-drinkers.
- 2.21 Along with the alcoholic beverages, house-made, lower-alcohol options will be available. Such as the 'spritz' range at The Old Courthouse in Fremantle:



Figure 9: Range of 'Spritz' Beverages Offerings

- 2.22 Zero and non-alcoholic beverages will be provided, and the Applicant understand that this growing segment of the beverage market is an important inclusion in the beverage offering. Low-alcohol wine and beer options will also be available at the premises.
- 2.23 There is evidence to suggest that Australians are embracing the low-alcohol beverage movement, with news outlets reporting that:

“Sales of mid-strength beer and lower-alcohol wines are growing twice as fast as all other wines and beers as consumers make healthier lifestyle choices, Nielsen data researchers report.

While low alcohol drinks have had a poor reputation for taste in the past, producers have invested in new methods and technology to create drinks with more freshness and flavour.

The results have provided the best of both worlds for consumers who want to enjoy the health and social benefits of lower alcohol drinks, without sacrificing the taste.”²⁴

- 2.24 In addition, the zero-alcohol market has grown dramatically, both in the range of products available and the up-take by Australian consumers, as stated in another article by the Australian Financial Review:

“Once peaking around events such as Dry July, consumer interest in no- and low-alcohol drinking is increasingly seen all year-round, says Emily Neill, COO of IWSR Drinks Market Analysis.

“To meet that demand, beverage alcohol companies have invested heavily to introduce a number of innovative new products, and many established mainstream brands have recently crossed over to develop no/low alcohol versions of their popular beer, wines and spirits.”

The market for no- and low-alcohol beverages has reached almost \$US10 billion, according to IWSR analysis, with volume projected to grow by an 8 per cent compound annual growth rate through to 2025, compared to 0.7 per cent for alcohol beverages.

According to the research, most no- and low-alcohol drink consumers are not abstaining from alcohol altogether but are instead looking to moderate their drinking.”²⁵

- 2.25 Along with zero and low-alcohol options, a range of barista-made coffee, leaf tea, juices, smoothies, and soft drinks will round out the beverage offering.

- 2.26 In addition, Groundswell Coffee, a local favourite that is sure to be well received by consumers, will be used at the proposed new premises.

²⁴<https://www.news.com.au/lifestyle/food/midstrength-beers-and-wines-gaining-popularity-among-drinkers/news-story/2bc426de64c4195a7c82e740f925fe6f>

²⁵<https://www.afr.com/life-and-luxury/food-and-wine/growing-taste-for-alcohol-free-inspires-burgeoning-drinks-market-20221129-p5c24x#:~:text=The%20market%20for%20no%2D%20and,per%20cent%20for%20alcohol%20beverages.>

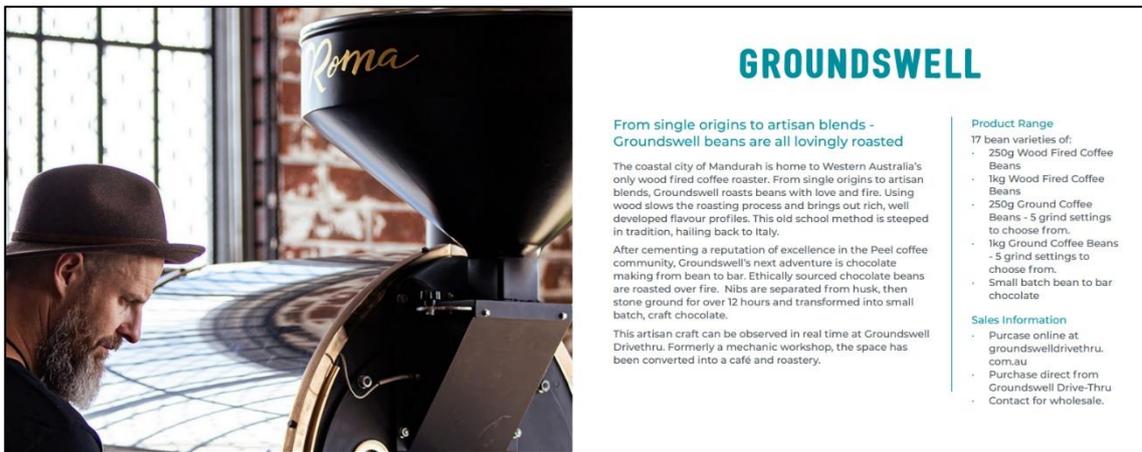


Figure 10: Groundswell Coffee

- 2.27 Free, potable drinking water will be made available at all times of operation.
- 2.28 Staff will be given notes on how to match food and beverages to assist potential consumers in their selection. The Applicant will utilise these tasting notes to assist staff and patrons in better understanding the reasons behind enjoying a particular beverage. This will lead to staff at The Exchange Hotel being capable of suggesting food and beverage pairings and making appropriate recommendations.

The Exchange Hotel Boutique Distillery²⁶



Figure 11: Sample Flying Foam StillCraft 200 Distillery

- 2.29 The Exchange Hotel is set to expand its offerings with the introduction of a boutique distillery equipped with a StillCraft 200. This sophisticated apparatus, comprising a 200L pot with a gin vapour basket, an 8-plate column, and a vapour condenser, will enable the production of premium handcrafted spirits. The design and construction reflect a

²⁶ https://flyingfoam.com.au/wp-content/uploads/2021/05/StillCraft_brochure_v3.pdf

commitment to quality, with polished copper pots and columns, and pipework in a brushed stainless finish, mirroring the Exchange Hotel's dedication to superior craftsmanship.

2.30 The distillery's operation will contribute to the local economy and tourism industry, as recognised by the CEO of the Shire of Murray²⁷, by providing an engaging attraction for both locals and visitors.

I understand that you have received confirmation from Mr Bullers that upon the granting of a Tavern (Unrestricted) Licence, the below commitments have been made:

- *Installation of a boutique distillery at the premises, producing craft spirits such as gin, vodka and fortifieds,*
- *Only craft spirited, produced at the premises, will be available as packaged takeaway alcohol sales over the bar, and*
- *There will not be any dedicated 'browse' area or bottleshop.*

The Shire has confidence that Mr Bullers will meet the above commitments.

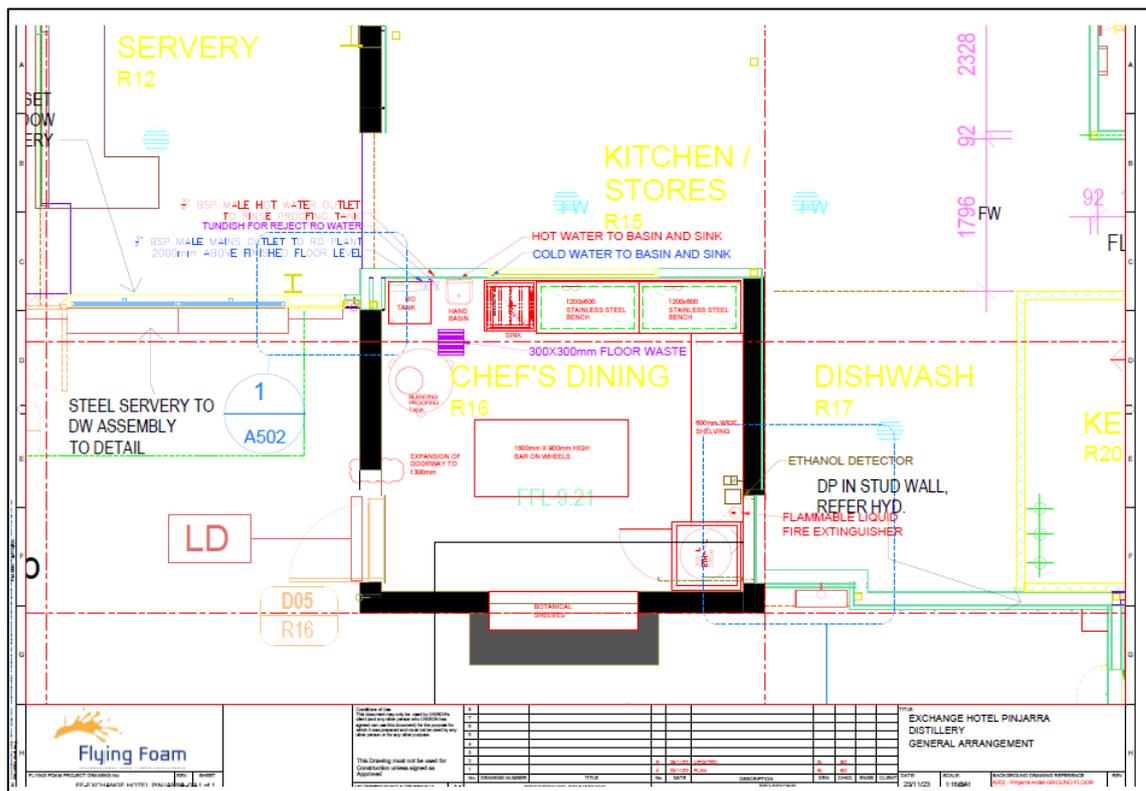


Figure 12: Exchange Hotel Distillery²⁸

2.31 The proposed plans (Figure 13) for the boutique distillery indicate the location of the distilling equipment and has been strategically selected to ensure optimal production

²⁷ Attachment 2 – Written Support

²⁸ Attachment 10 - Exchange Hotel Distillery

efficiency while allowing visitors the opportunity to experience the art of spirit crafting in a regional setting.

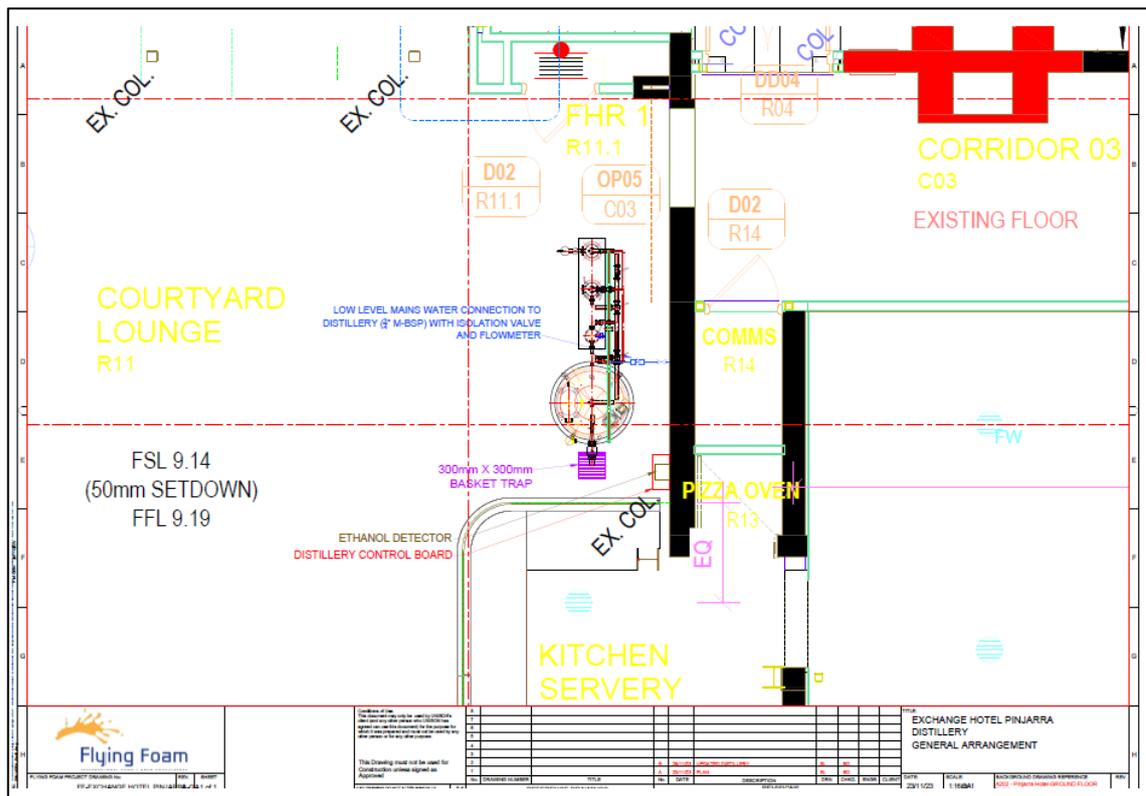


Figure 13: Exchange Hotel Distillery²⁹

2.32 It is anticipated that the distillery will not only enrich the cultural experience of the region but also serve as a platform for education and appreciation of the distilling process, further catering to the contemporary requirements of consumers for liquor and related services.

Look & Feel

2.33 The premises will have a warm and casual modern sophistication while also maintaining an elegant and colourful aesthetic that is appropriate for the Pinjarra locality and the historical and heritage aspects of the building.

2.34 The look and feel of the premises will incorporate the following characteristics:

- Maintain as much of the original building as possible and ensure safety for patrons and staff.
- Wood, iron, and stone were used to replicate the original Hotel building.
- Incorporate more windows to bring the outside in and increase connectivity with the natural environment.

2.35 In addition to retaining the historically important parts of the existing building, the design also includes the following contemporary aspects:

²⁹ Attachment 11 - Exchange Distillery Back-Of-House

- Designed to cater to local residents, local workers, and tourism visitors on a daily basis.
 - Provide a range of function and event options for local residents and corporate entities.
 - Provide a community hub for meetings, products launches, sundowners and other local needs.
 - Focus on groups socialising in a safe and controlled licensed premises with spaces that offer a range of private and communal amenity (private dining, functions options, dining area etc).
 - Providing a food menu that is based on the Applicant's contemporary food offering, with a focus on seasonal local produce, including a selection of plant-based options³⁰.
 - Full beverage menu, including craft spirits from the in-house distillery with low and zero-alcohol options also being made available.
 - Will provide a unique offering with vibrancy and activation without being just another "tavern premises".
- 2.36 In addition, some of the more 'high-risk' aspects of some tavern operations will not be implemented at the proposed The Exchange Hotel. Pool tables, dance floors, TAB and lewd entertainment will not be a part of the amenities available, as the Applicant intends for the premises to be welcoming to all and respects the locality as a popular tourism destination, as well as being an identified 'Entertainment Precinct'.
- 2.37 The premises will also contain toilet amenity that complies with the Director's Policy on 'Standards at Licensed Premises'³¹ and will cater for up to 700 patrons at any one time.
- 2.38 As can be seen on the plans submitted with this application³², there will be ample seating provided throughout the proposed premise. Staff at the venue will be able to monitor patrons better and create a safer and more inclusive environment for patrons.
- 2.39 The 2006 Designing out Crime Planning Guidelines³³ have been used in the design phase of the proposed premise, to provide additional safety and security for patrons and make monitoring and management of patrons easier for staff and management.

³⁰ Attachment 5 – Sample Menu

³¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/standards-of-licensed-premises-policy#>

³² Attachment 1 - Plans

³³ https://www.wa.gov.au/system/files/2021-07/GD_designing_out_crime.pdf

Hospitality Tourism

- 2.40 The proposed The Exchange Hotel will support aspects of ‘Taste 2020 – a strategy food and wine tourism for Western Australia for the next five years & beyond’³⁴ (Attachment 10).

Culinary Tourism

- 2.41 A premises that offers food, beverage and entertainment will support ‘Taste 2020 – a strategy food and wine tourism for Western Australia for the next five years & beyond’, by serving a range of locally produced beverages, and having a food menu sourced by local WA produce.

Taste 2020 states: “For the purpose of this strategy, food and wine tourism – or culinary tourism – is loosely defined as any experience that provides the visitor with an opportunity to sample the destination’s food, wine and other beverages, local cuisine and produce. Whether a broad or narrow definition is taken, it is certain that food and wine tourism as a visitor experience is growing, and the benefits of it are made clear in the Organisation for Economic Co-operation and Development report, Food and the Tourism Experience, which identified that food tourism accounts for at least 30 per cent of visitor expenditure.

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.”³⁵

- 2.42 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.”

Food Innovation Precinct

- 2.43 In addition to the Taste 2020 aims and goals, the Applicant also notes the selection of Pinjarra for WA’s new Food Innovation Precinct, which will bring great benefits to the Pinjarra locality:

“A new era in food innovation has officially begun in the Shire of Murray.

With construction of the Food Innovation Precinct Western Australia due to be completed by July, the founding partners have signed leases committing them to the Precinct for at least 5 years.

³⁴ Attachment 12 – Taste 2020

³⁵ Attachment 12 – Taste 2020

These founding partners will make up the bedrock of the Precinct as it becomes Western Australia's first food-innovation centre.

Also announced is a new name and associated branding for the project: The Food Innovation Precinct Western Australia, or FIPWA as it will likely become known locally.”³⁶

Target Market

- 2.44 The Applicant wants consumers to consider the premises as a social, food, beverage and entertainment premises, where people come to meet, dine, socialise and catch up while enjoying the Pinjarra locality.
- 2.45 This will include a diverse range of consumers, including:
- Local families living in the locality,
 - Workers coming into the area for employment purposes,
 - Tourism visitors travelling to or through Pinjarra and/or Peel, and
 - People resorting to the premises to experience a quality, contemporary, hospitality experience.
- 2.46 The name ‘The Exchange Hotel’ reflects the original name of the premises from many years ago.

The Exchange Hotel sat proudly in the heart of Pinjarra for 135 years before being shuttered in 2008.

*First operated as a pub in 1871 when ex-Queen’s Hotel owner James Summer Greenacre purchased the lots from Dr Bedingfeld, legend has it the name was born from the **exchange of licences** between the two businessmen.³⁷*

Other relevant factors

- 2.47 The Applicant submits that the proposed The Exchange Hotel will provide an economic and social benefit in the public interest by providing amenity and offer additional employment in the locality³⁸.

Harm Minimisation Strategies

- 2.48 The Applicant’s Harm Minimisation Plan³⁹ will assist in minimising and mitigating any potential undue harm or ill-health to the locality from the consumption of alcohol.

³⁶<https://www.murray.wa.gov.au/Shire-and-Council/News-and-Media/Media-Releases/New-era-begins-for-Food-Innovation-Precinct-Western-Australia>

³⁷<https://walga.asn.au/news-events/what-s-happening-news/news-articles/new-life-for-old-bones-exchange-hotel,-pinjarra#:~:text=The%20Exchange%20Hotel%20sat%20proudly,licences%20between%20the%20two%20businessmen.>

³⁸ Attachment 3 - The Exchange Business Case

³⁹ Attachment 4 – Harm Minimisation Plan

- 2.49 As a responsible Applicant who understands the needs and requirements of their consumers, there will be no entertainment on the premises, such as; ‘skimpy’ barmaids, ‘Chase the Ace’ competitions or ‘ladies’ nights’. These activities are not commensurate with the locality or the type of premises the Applicant wishes to establish.
- 2.50 The Applicant will also provide in-house training so that staff can assist patrons. This training will include awareness training, rigorous RSA modelling, and instructions on how to deal with several situations, including intoxicated patrons and juveniles⁴⁰.
- 2.51 The Exchange Hotel 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 Act.
- 2.52 The Applicant will take care to only market liquor products responsibly to adults. They support programs, practices and policies that address issues related to the misuse of alcohol and encourage their consumers to make responsible decisions about consuming alcohol.
- 2.53 The Applicant will strictly adhere to the DLGSC’s Industry Guideline on the Responsible Promotion of Alcohol – Consumption of Liquor on Licensed Premises⁴¹ at all times.

“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.*

⁴⁰ Attachment 7 – Staff RSA Handbook

⁴¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/responsible-promotion-of-liquor-consumption-of-liquor-on-licensed-premises-and-the-sale-of-packaged-liquor-policy>

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.”

- 2.54 Staff employed at the proposed The Exchange Hotel that deal in the sale and supply of liquor will all hold RSA certificates and have a copy kept on the premises at all times as per the Director’s Policy on Mandatory Training⁴².
- 2.55 Staffing levels will be strictly monitored and maintained to ensure a high level of customer service and satisfaction at all times, with additional staff rostered on during peak times.

3. The Applicant

- 3.1 The Applicant Company is Pinjarra Exchange Pty Ltd, and the Director Mr Karl Bullers has significant experience in the hospitality industry.
- 3.2 Mr Bullers has been in the hospitality industry since leaving school in the United Kingdom in the late 1980’s. He has been the venue manager of a number of premises in the UK and Asia, where he was the Managing Director of the Carnegies Group.
- 3.3 The Carnegies Group had six (6) properties across the region, including in the Perth CBD, where Mr Bullers relocated to in 2001.
- 3.4 Mr Bullers is the Director of the Licensee company for the existing premises of The National Hotel and The Old Courthouse in Fremantle, WA.

The National Hotel (Fremantle)

- 3.5 In 2013, the Carnegies Group (with Mr Bullers as co-owner), renovated and re-opened The National Hotel in Fremantle, with due consideration for the history of the premises:

“Fremantle’s historic National Hotel has reopened its doors after a \$3 million restoration carried out by Classic Contractors.

The hotel, which was gutted by fire in 2007, reopened its doors to patrons last weekend at Carnegies Fremantle.

The pub was bought by its current owners, the international Carnegies chain, which has hotels in Perth’s CBD, Hong Kong, Taiwan and China, in June last year.

⁴²<https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

*The venue now includes a rooftop bar, a historic front bar, as well as 11 boutique hotel rooms.*⁴³



Figure 15: The National Hotel Rooftop Bar

⁴³ <https://www.businessnews.com.au/article/National-open-again-in-Freos-West-End>



Figure 16: The National Hotel Refurbished Room

- 3.6 Mr Bullers became a co-owner of ‘Carnegies Fremantle’ and has received a number of positive reviews since that time.
- 3.7 In addition, The National Hotel won the AHA Community Hotel Award 2022 for charitable works and importance to the community, and also won the Gold Plate Award 2022 for the best High Tea in Western Australia.

The Old Courthouse (Fremantle)

- 3.8 In early 2020, Mr Bullers was selected to lease the old Fremantle Police Station and Courthouse premises and undertook extensive renovations to create a vibrant new venue in Fremantle.
- 3.9 The renovation and full fitout of The Old Courthouse considered the historical and heritage aspects of the premises, while incorporating contemporary themes, furniture and open spaces.
- 3.10 A news article at the time stated the following:

“A Fremantle hotelier plans to transform a heritage-listed courtroom into a multi-storey boutique hotel and bar in an ambitious plan to breathe some life into a neglected corner of the port city.

National Hotel co-owner Karl Bullers is the mastermind behind the Old Courthouse Fremantle, a \$5 million facelift of the former courthouse and police station buildings in Henderson Street.

As part of the plan, one of the historic courtrooms will be transformed into a bar, leading out to a glass pavilion with room for 450 punters and a garden area serving local craft brews.

When completed, the Old Courthouse will join a long-list of buzzing new developments in the once-neglected corner of South Terrace, including the popular Freo Social and Old Synagogue.”⁴⁴

3.11 Please find below some images of the renovated and repurposed The Old Courthouse⁴⁵:



Figure 17: Historical Photographs adorn the walls of the Premises.

⁴⁴<https://www.watoday.com.au/national/western-australia/multi-million-dollar-facelift-to-turn-neglected-heritage-site-into-new-centre-of-freo-20200506-p54qeq.html>

⁴⁵<https://freoview.wordpress.com/tag/karl-bullers/#jp-carousel-82401>



Figure 18: Large Alfresco Area

3.12 In addition, the food, service and venue have also received significant praise from patrons, local businesses and professional reviewers alike. Please find some of the reviews (or excerpts of reviews) below:

chrisylikesstuff
4 reviews

★★★★★ 4 months ago

We had a terrific Sunday roast with 3 kinds of meat and dessert for \$35. Great value, delicious and we're completely stuffed. Service was quick and friendly despite being Father's Day. Sat in the outdoor area under a tree with the dog, listened to a fella singing and playing guitar and lots of kids playing in the outdoor area. Lovely atmosphere and location. A very pleasant late lunch. Will definitely return.

Terri Lightbown
Local Guide · 20 reviews · 14 photos

★★★★★ 10 months ago

Stunning venue, the restoration has been done to such a high standard. There's something for everyone here, great outdoor area for a casual drink, family friendly area, beautiful luxury space in doors for a cocktail or function. Can't wait to be back when they have the fire pits cranking in winter.

Ian Chisholm
5 reviews

★★★★★ 4 months ago

A great place to visit in Freemantle, the old courthouse shines. The staff were fantastic, very good food and great service. Will definitely be back soon. The Sunday band in the beer garden had everyone enjoying the sunshine. Well done to all the staff, Sarah you were very helpful and provided great service. 10/10 for all 🍷

Figure 19: Google Reviews⁴⁶

⁴⁶<https://business.google.com/reviews>

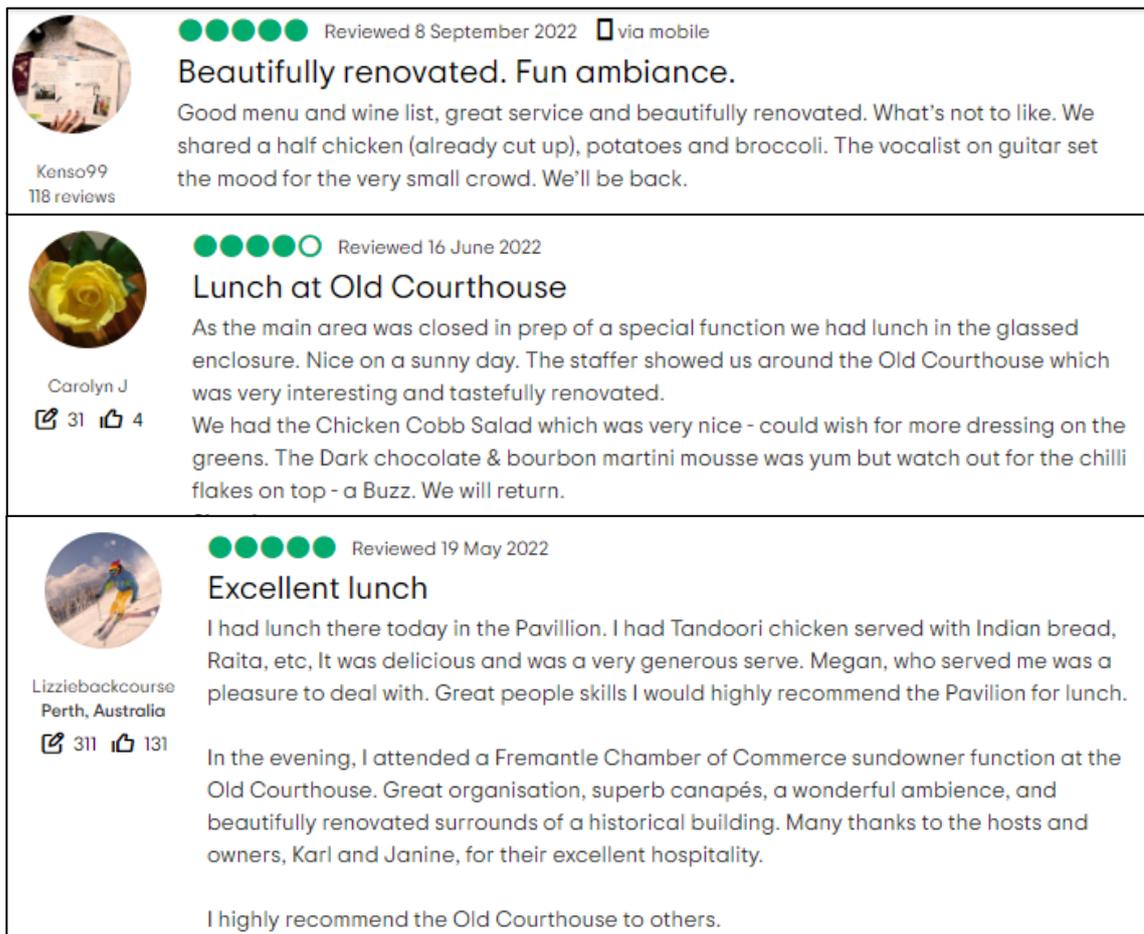


Figure 20: Tripadvisor Reviews⁴⁷

- 3.13 Both The National Hotel and The Old Courthouse are heritage listed premises and accordingly, Mr Bullers has ample, recent experience in the renovation of heritage listed properties to bring them back to life with a contemporary offering, and which has now become a passion.
- 3.14 The Old Courthouse has also won the following awards:
- State Heritage Council award for Conservation or Adaptive Reuse of a State Registered Place
 - Australian Steel Institute Steel Excellence – Small Projects
 - Master Builders Association of WA Best Historic Restoration \$1.5m - \$5m
 - Master Builders Association of WA Best Retail Building \$1.5 - \$5m
 - Fremantle Chamber of Commerce Excellence in Commercial/Residential Property Development
- 3.15 Accordingly, the opportunity to have an impact and assist to reactivate a building such as The Exchange Hotel in Pinjarra was immediately taken up by Mr Bullers, and after a

⁴⁷https://www.tripadvisor.com.au/Restaurant_Review-g285726-d23876179-Reviews-Old_Courthouse_Fremantle-Fremantle_Greater_Perth_Western_Australia.html

competitive EOI process, was finally awarded the lease of the premises to which this application applies.

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

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

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,*
- 3.17 Mr Karl Bullers is a reputable business operator for many years and has no doubt he will be found to be considered a fit and proper person to undertake the operation of the proposed The Exchange Hotel, under a Tavern (Unrestricted) Licence (subject to approval).
- 3.18 Mr Bullers has provided a Written Statement as an experienced Licensee and the Director of the Applicant Company that can be found in the attachments of the application documents⁴⁸.
- 3.19 The Applicant has demonstrated their creditworthiness, character, and conduct of other businesses and willingness to engage with relevant stakeholders and authorities in the interest of the proper development of the liquor, hospitality and tourism industry and is qualified to hold a Liquor Licence in Western Australia.

⁴⁸ Attachment 2 – Written Support

4. Location and Locality

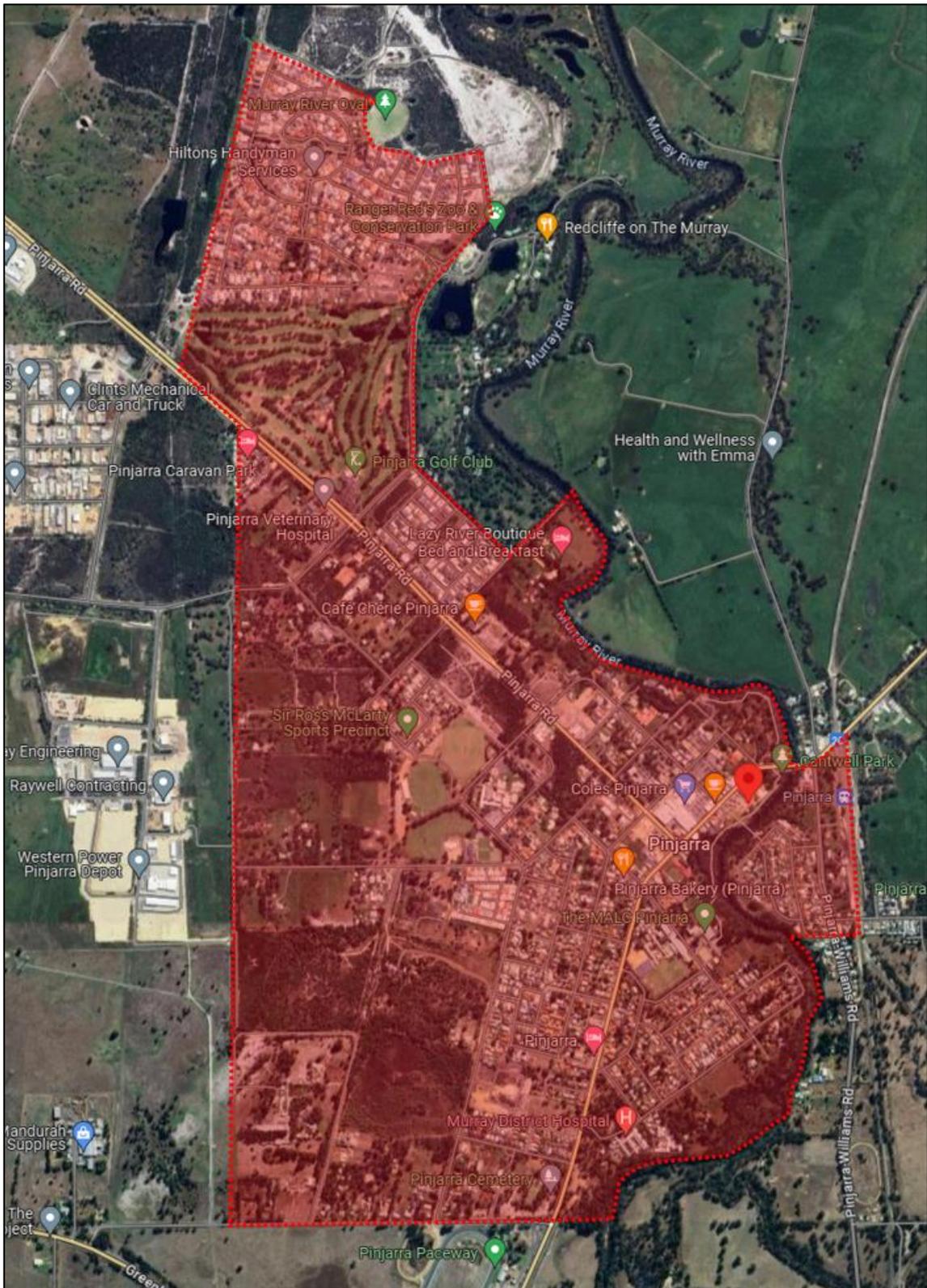


Figure 21: The Exchange Hotel Defined Locality

- 4.1 The proposed premises, The Exchange Hotel, is situated at 12 George Street, Pinjarra, WA 6208.

4.2 In accordance with the Public Interest Policy '*Specification of Locality*,' which defines the '*locality*' affected by an application under the Act, the '*defined locality*' is also outlined in WASC 366 as follows:

*"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."*⁴⁹

4.3 The proposed 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 licensing authority's requirements are met by the application. As shown in Figure 21, the locality has been defined accordingly.

4.4 For the purposes of this submission, the defined locality (as identified in Figure 20 above) includes the town of Pinjarra, (where the proposed premises is located) as well as West Pinjarra, as those residents predominantly resort to Pinjarra for their household provisioning, and/or local dining, social and entertainment amenity.

4.5 As part of the overview of the locality, data from the Australian Bureau of Statistics 2021 Census⁵⁰ for Pinjarra and West Pinjarra have been used, as required by the Director's Guideline on '*Specification of Locality*' as part of the Public Interest Assessment Policy⁵¹.

Population and Demographics of the Locality

4.6 The table below demonstrates the general population demographics of the suburbs that make up the defined locality for The Exchange Hotel:

	Locality	Western Australia	Greater Perth
Population	5362	2660026	2116647
Median Age	41	38	37
Population under 14 years	19.32%	19.01%	18.96%
Indigenous Person	3.92%	3.33%	1.99%
Australia Born	75.05%	61.98%	59.46%
Speak English only at Home	87.73%	75.29%	73.99%
Couple Family without Children	42.70%	38.50%	37.50%
Couple Family with Children	42.45%	45.30%	46.30%
One Parent Family	16.25%	14.50%	14.50%
Other Family	0.60%	1.70%	1.80%
Median Household Income	\$1794.00	\$1815.00	\$1865.00

⁴⁹ https://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

⁵⁰ <https://www.abs.gov.au/census>

⁵¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

4.7 Analysis of Demographic Data for the Locality Surrounding The Exchange Hotel:

- **Population Insights:** The locality boasts a population of 5,362, offering a substantial customer base for The Exchange Hotel and its new boutique distillery. This population size presents a viable market for the distillery's craft spirits, including 'Ginjarra' gin.
- **Age Demographics:** With a median age of 41, the community is relatively mature, likely valuing quality and authenticity in their purchases. The Exchange Hotel's distillery will appeal to this demographic by offering premium, locally produced spirits that appeal to the contemporary consumer requirements of both locals and visitors to the locality.
- **Income Distribution:** The median household income in the locality is \$1,794, indicative of a community with disposable income to spend on premium products. This financial capacity allows The Exchange Hotel to cater to a market looking for high-quality, artisanal spirits.
- **Family Dynamics:** The locality has a balanced mix of couple families with and without children (42.45% and 42.70%, respectively), suggesting diverse household compositions. This demographic information is crucial for tailoring the distillery's offerings and marketing strategies to accommodate both family outings and adult-centric experiences.
- **Language and Communication:** A significant majority (87.73%) speak only English at home, ensuring straightforward communication and marketing efforts for The Exchange Hotel's distillery. This linguistic consistency simplifies promotional campaigns and customer interactions.
- **Cultural Considerations:** With 75.05% of the population born in Australia and 3.92% identifying as Indigenous, it is higher than the WA and Greater Perth rates. The Applicant submits that they are aware of the Indigenous history of Pinjarra and will support the local community through employment, training and sponsorship/donations to local Pinjarra (and surrounding areas) charities and help centres (i.e. The Pinjarra Women's Centre operated by OVIS).
- **Consumer Preferences:** Reflecting the high percentage of Australian-born residents, The Exchange Hotel's distillery will prioritise local products, supporting the local economy and aligning with consumer preferences for locally sourced and artisanal options such as 'Ginjarra' gin.

4.8 The proposed premises will operate during the day and evenings and will support a stronger tourism economy in the region, as outlined in the Business Case⁵² for the development.

⁵² Attachment 3 - The Exchange Business Case

Local Planning Policy – Pinjarra Activity Centre⁵³

4.9 The Local Planning Policy - Pinjarra Activity Centre states:

“Pinjarra has traditionally been a small contained town, servicing regional agricultural activities and has acted as the administrative hub for the Shire of Murray and its rural hinterland. Until relatively recently growth pressures in Pinjarra have been low, reflecting the declining prominence of the agricultural industry, and the high attraction of coastal towns with greater amenity.

Whilst population pressures are already driving the expansion of the town, in 2015 the Western Australian Planning Commission released the draft South Metropolitan Peel Sub Regional Planning Framework. This plan projected significant population growth within the Peel Region and the Shire by 2050.”

4.10 The Local Planning Policy (LPP) document also sets out the objectives of the Plan, and George Street is intended to:

“Support the existing function of George Street and other streets within the town core as the retail and commercial ‘main streets’ of Pinjarra and discourage uses that have the potential to compromise the level of activity along these streets, particularly within the early stages of development and land use.”

4.11 In addition to the designation of George Street as a ‘main street’ in Pinjarra, the LPP also notes the importance of the premises in the heart of the Heritage and Arts Precinct:

“The Heritage & Arts precinct is the cultural heart of Pinjarra where the town’s history and landscape fuse together. The vision for the heritage and arts precinct is for a relaxing and contemplative place on the banks of the Murray River with a strong landscape theme that provides a setting for Pinjarra’s heritage assets and sensitively designed cultural facilities.”

4.12 It is relevant to this application to note that The Exchange Hotel has planning approval and that the Shire of Murray supports the grant of the Tavern (Unrestricted) Licence in the public interest. The Written support of the CEO of the Shire of Murray evidences this⁵⁴.

About Pinjarra⁵⁵

4.13 Pinjarra is located in the Peel Region of Western Australia, approximately 1 hour drive from Perth. Pinjarra supports a predominantly agricultural region with some mining activity, and also contains tourism attractions and areas that would benefit from the reactivation of The Exchange Hotel.

⁵³ Attachment 13 - Local Planning Policy Pinjarra

⁵⁴ Attachment 2 – Written Support

⁵⁵ <https://www.murray.wa.gov.au/Shire-and-Council/About-Murray/History>

4.14 The Shire of Murray website outlines the history of the town and states:

First Inhabitants

Murray is the ancestral home of the Bindjareb people, an Aboriginal Australian group of Noongar speakers, their name taken from the word “pinjar” or “benjas” meaning “wetlands” or “swamps”. The Bindjareb Noongar people were accommodated by Murray’s abundant waterways and diverse natural bushland.

European Settlement

Murray is one of the first areas of European settlement in the state, dating back to the establishment of the town of Pinjarra in the early 1830s.

The early years were characterised by conflict between the settlers and the local Aboriginal people, culminating in one of the area’s darkest events, the Pinjarra Massacre in 1834.

The fertile soils of the area made it an important agricultural producer for the Swan River Colony. The area benefited from convict-built roads and bridges in the mid 1800s, with many ex-convicts settling in the area.

Rail from Perth was pushed through Pinjarra in the 1890s and enabled transport for a developing, largely international, timber industry centralised in Dwellingup in the early part of the twentieth century.

Prominent families have also contributed to the social heritage of the area including the McLarty family who produced three Members of Parliament, including Sir Ross who served the State as Premier from 1947 to 1953.

Today, much of the distinctive fabric that demonstrates the area’s heritage is still very prominent.

Murray’s heritage contributes to its unique character and identity among other social, economic and environmental advantages and our community recognises the need to identify and protect our places of heritage value, in planning for the growth and development of our shire.

Origins

The Shire of Murray is named after the Murray River. The Murray River was named after Sir George Murray, Secretary of State for the Colonies.

The Shire of Murray originated as the Murray Road District, which was gazetted on 25 January, 1871. On 1 July, 1961 it became the Shire of Murray following the passage of the Local Government Act 1960, which reformed all remaining road districts into shires.”⁵⁶

⁵⁶ <https://www.murray.wa.gov.au/Shire-and-Council/About-Murray/History>

Pinjarra Industry

- 4.15 Pinjarra has an agricultural industry that supports a range of other businesses in the area, that can be demonstrated on review of the local business directory⁵⁷.
- 4.16 The demographic data for Pinjarra also indicates that ‘Technicians and Trade Workers’ (20%) and ‘Machinery Operators and Drivers’ (16.3%) were the most common ‘Occupations’, and that 6.7% of all residents 15 years and over in Pinjarra, work in Alumina Production’.⁵⁸
- 4.17 There is bauxite mining (operated by Alcoa) located in close proximity to Pinjarra, and the refinery is located within the Shire of Murray approximately six kilometres east of the Pinjarra town site.
- 4.18 Pinjarra Alumina Refinery was commissioned in 1972 and as one of the world’s largest alumina refineries produces approximately 4.7 million metric tons each year. Around 1,150 employees and 270 contractors work at the refinery, with an estimated 60% of employees living in Pinjarra and Mandurah.

Shire of Murray – Strategic Community Plan 2021 - 2013⁵⁹



Figure 22: Excerpt from Strategic Community Plan 2021 - 2031

- 4.19 The Shire of Murray – Strategic Community Plan 2021 – 2031 states:

Our region is growing and changing and we must act strategically, with clear intent to take advantage of the many opportunities growth brings. We also need to do this in an inclusive manner.

⁵⁷ <https://www.truelocal.com.au/find/agriculture/wa/south-coast/pinjarra>

⁵⁸ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51247>

⁵⁹ Attachment 14 – Strategic Community Plan

4.20 The 'Focus Areas and Aspirations 2013' include (but are not limited to):

4.21 The Applicant submits that The Exchange Hotel operating under a Tavern (Unrestricted) Licence (subject to approval), will support the following 'People and Places' objectives outlined in the Strategy:

- *In partnership with communities, identify and prioritise community-led projects and initiatives.*
- *Develop and facilitate events of a local and regional scale.*
- *Facilitate safe neighbourhoods and communities.*

4.22 This is supported by the Pinjarra Town Centre Revitalisation Strategy⁶⁰ which outlines the design principles required to meet the requirements of current and future residents and visitors:

The following 10 Urban Form Principles have formed the basis for the preparation of this Policy.

1. **Concentrate activity within a compact and well-defined town core** - *The most efficient and appealing town centres are the ones that are compact and diverse, where all of the activities that a town centre has to offer are within walking distance of each other.*
2. **Facilitate opportunities for economic growth and employment creation** - *A thriving economy is fundamental to the sustainability of an area. It leads to higher incomes and living standards for the community.*
3. **Celebrate Pinjarra's distinctive character and identity** - *Pinjarra's character is closely linked to its heritage buildings and its relaxed riverine locality on the banks of the Murray River.*
4. **Encourage a high-quality built form at a scale that encourages walkability and is appropriate for its location** - *People respond to a built form environment that is attractive, comfortable, interesting, safe and unique to a locality and where buildings are at a 'human' scale.*
5. **Create a network of vibrant, accessible and inclusive public spaces** - *The level of activation of public spaces is an indicator of a cohesive, accessible and inclusive town centre.*
6. **Create attractive and pedestrian friendly streetscapes** - *Attractive streetscapes are essential to a vibrant and sustainable centre as they enhance the pedestrian experience and encourage walkability, social interaction and increased foot traffic.*
7. **Support the health and wellbeing of the community** - *A vibrant and inclusive town centre is dependent upon a healthy, educated and active community.*

⁶⁰ Attachment 15 - Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan

8. **Establish an integrated green space network** - Greenspace linkages within urbanized areas facilitate the protection of natural environmental features, contribute to the character and 'feel' of an area, increased passive surveillance, an active lifestyle and the health and wellbeing of the community.
9. **Make Pinjarra accessible by a variety of transport modes** - Activity centres must be accessible by a diverse mix of transport options.
10. **Minimise environmental impact** - Built form designs that are responsive to the local environment, reflect solar passive design principles and embrace alternative sources of energy which conserve resources, reduce heating and cooling costs and minimize the potential 'heat island' effects often associated with activity centres.

4.23 Along with the established industry in Pinjarra, the plans by the Shire of Murray to diversify the tourism offering in Pinjarra to include the fully restored Exchange Hotel premises will result in additional amenity to be available, and a diversification of licensed premises in the Pinjarra locality with the addition of a boutique distillery.

5. Legislative Framework – Liquor Control Act 1988

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

5.2 Section 38(4)(a), (b), and (c) of the Act are duly considered in this Public Interest Assessment (PIA). The Applicant respectfully submits that this application satisfies the primary and secondary Objects stated in Section 5 of the Act. These aspects will be explored in greater detail 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 Plan attached⁶¹, 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 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.

⁶¹ Attachment 4 – Harm Minimisation Plan

- There will be CCTV coverage throughout the premises including the entrance, exit and delivery area, which will record throughout the operational hours of the premises, and be accessible by staff, WA Police and any other authorised person as required by the Director's Policy⁶².
- A variety of seating options will be provided throughout the premises in the public interest. The majority of seating can be rearranged or moved for functions or large groups if and as required.
- Duty Managers will hold the higher qualification Manage Licensed Premises (MLP1) and support the staff in their daily duties.
- All staff of the proposed The Exchange Hotel involved in the sale and supply of liquor will be required to undergo and complete the appropriate RSA training in accordance with Section 33 and 103A of the Act.
- A copy of each staff member's RSA certificate kept on premises in a Training Register as per the Director's Policy relating to Training⁶³.
- 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 design of the proposed premises has considered the Designing out Crime Planning Guidelines 2006⁶⁴ incorporating CCTV coverage throughout the premises in accordance with the Director's Policies.
- The Harm Minimisation Plan (Attachment 4) that will be thoroughly adhered to at all times.
- The Applicant will stock a selection of low, zero and non-alcoholic products that will assist 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 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.

⁶²<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

⁶³<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/training>

⁶⁴<https://www.dplh.wa.gov.au/policy-and-legislation/state-planning-framework/fact-sheets,-manuals-and-guidelines/designing-out-crime-planning-guidelines>

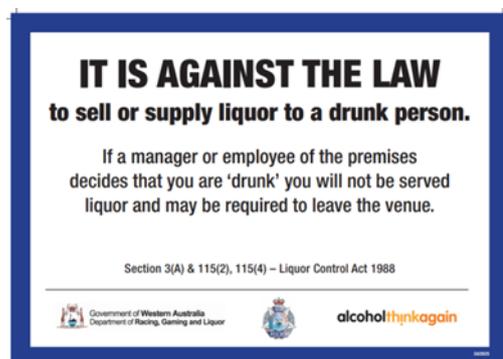
c) To cater to the requirements of consumers of liquor related services, with regard to the proposed development of the liquor industry, the tourism industry and hospitality industries in the state:

- The Exchange Hotel will assist to activate a currently unused premises in the heart of the Pinjarra Main Street precinct on the banks of the Murray River.
- The Applicant submits that they will tailor the food and beverage menus to utilise the best WA seasonal produce and support the local agricultural sector.
- The Exchange Hotel aims to enhance Pinjarra's Main Street precinct, offering locally crafted spirits and supporting the state's liquor, tourism, and hospitality industries to cater to the contemporary requirements.
- Subject to approval, a new independent food and beverage premises (operating under a Tavern Unrestricted Licence) will employ local people and support the local WA liquor, hospitality and tourism industry, as well as providing a new amenity that has strong connections to the history of Pinjarra for local residents and visitors to the locality.

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 a demonstrated history of successfully renovating and reactivating unused, heritage premises and bringing them back to life.
- The Exchange Hotel (subject to approval) will have a genuine focus on meeting the needs of local residents and those resorting to the Pinjarra locality for recreation, leisure, hospitality and tourism purposes.
- The addition of a boutique distillery at The Exchange Hotel directly aligns with the legislative Object to develop licensed facilities that cater to the diverse requirements of consumers in the State.
- The Applicant will provide dietary specific food options for patrons including Gluten Free, vegetarian, vegan, dairy free and will train staff to easily identify eh same to patrons.
- The Applicant has designed a premises and offering that will appeal to a diverse range of patrons at different times of the day and on different days of the week.
- The Applicant is committed to working with the Department of Local Government, Sport and Cultural Industries, the WA Police, WA Department



of Health, the Shire of Murray and other relevant and local authorities throughout the application process and operation of 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 kept in a Training Register on the premises, in accordance with the *'Director's Policy on Mandatory Training'*⁶⁵.
- The presence at all times of an Approved Manager to oversee the premises' operation in compliance with all licensing and regulatory requirements relating to *'Managers at Licensed Premises'*⁶⁶.
- The Approved Manager will be available at all times to respond to the concerns of patrons, local residents and local law enforcement officers.
- The implementation of the Harm Minimisation Plan that incorporates a Code of Conduct, Management Policy and House Management Plan⁶⁷ that 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 Minimisation⁶⁸.
- 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 Premises*⁶⁹.
- The Applicant will ensure that all conditions of the liquor licence (subject to approval) are adhered to at all times. Staff will be notified that compliance with the conditions of the licence are 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.

⁶⁵<https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

⁶⁶<https://www.dlgsc.wa.gov.au/department/publications/publication/managers-at-licensed-premises-policy>

⁶⁷ Attachment 4 - Harm Minimisation Plan

⁶⁸ <https://www.dlgsc.wa.gov.au/department/publications/publication/harm-minimisation-policy>

⁶⁹<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

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 all necessary requirements to satisfy Section 5 and address Section 38(2) and (4) of the Act have been provided within this PIA submission.
- 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 is responsible business operator and will ensure any in-house promotion is suitable and does not support excessive consumption of liquor.
- The Applicant also notes that the Median Incomes for the locality are substantially higher than those for both WA and Australia. (Refer to Section 4: Population and Demographics of the Locality).

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, and 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 that it considers in the public interest.

6. Section 36B(4) of the Liquor Control Act 1988

Section 36B(4) of the Act:

*"4) The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the Locality in which the proposed licensed premises are, or are to be, situated."*⁷⁰

⁷⁰http://www7.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/consol_act/lca1988197/s36b.html

6.1 The DLGSC website states:

“Concern regarding the impact of the proliferation of large packaged liquor outlets on the community has resulted in new legislative provisions that allow regulations to be prescribed setting out criteria that apply to applications for large packaged liquor outlets.”⁷¹

6.2 Further, Sections 36B, stipulates the following:

1. *An application will not be heard or determined by the licensing authority for the grant or removal of a licence if:
 - a. *the retail section of the proposed premises exceeds 400m²; and*
 - b. *an existing packaged liquor outlet with a retail section that exceeds 400m² is located within 5 kilometres (metropolitan) or 12 kilometres (regional) of the proposed premises (distances are calculated using the shortest route by road).**
2. *an application will not be heard or determined by the licensing authority to alter or redefine a licensed premises if:
 - a. *the alteration or redefinition would result in the retail section of the premises increasing to more than 400m²; and*
 - b. *an existing packaged liquor outlet with a retail section that exceeds 400m² is located within 5 kilometres (metropolitan) or 12 kilometres (regional) (distances are calculated using the shortest route by road).⁷²**

6.3 Section 36B(1) defines local packaged liquor requirements as follows:

“local packaged liquor requirements, in relation to an application to which this section applies, means the requirements of consumers for packaged liquor in the Locality in which the proposed licensed premises are, or are to be, situated.”

6.4 The publicly available information on the DLGSC website, with respect to the Director’s Policy on Public Interest Assessments, states that:

“In this regard, applications for the grant of a new packaged liquor outlet must include evidence and submissions demonstrating that existing packaged liquor outlets in the Locality of the proposed packaged liquor premises cannot reasonably satisfy the local packaged liquor requirements of the public.”⁷³

6.5 Further, while Section 36B(1) outlines a range of definitions that relate to Section 36B, there are no definitions applied to terms within Section 36B(4) such as:

- *Proliferation,*

⁷¹<https://www.dlgsc.wa.gov.au/department/news/news-article/2019/11/01/new-provisions-relating-to-packaged-liquor-outlets>

⁷²<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/license-types-and-trading-hours/package-liquor-sales-policy>

⁷³<https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

- *Reasonable, or*
- *Consumer requirement.*

6.6 Accordingly, the Applicant submits the following with respect to some of the terms recently adopted by decision-makers at the licensing authority.

6.7 In the context of determining whether local packaged liquor requirements are being reasonably met, as per Section 36B(4) of the Act (WA), the concept of "*substantial difficulty or substantial inconvenience*" to the relevant public has been judicially considered. For instance, the precedent case in **Liquorland (Australia) Pty Ltd v Austie Nominees Pty Ltd (1999) 20 WAR 405** explains that requirements are not reasonably met if they "*cannot be provided without occasioning substantial difficulty or substantial inconvenience*"⁷⁴. The Court clarified that the term refers to an obstacle that is considerably more difficult than a "*mere inconvenience or difficulty.*"

6.8 The **Liquorland Karrinyup [2021] WASC 366**⁷⁵ case is a relevant legal decision that examines the intricacies of Section 36B(4) of the Act. It specifically focuses on how to determine whether existing packaged liquor stores can reasonably cater to local packaged liquor requirements. In this case, the Court held that the licensing authority must be satisfied that the local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises is to be situated.

6.9 Further in **WASC 366 (the Liquorland Karrinyup decision)**, Judge Archer found that:

"The purpose of legislation must be derived from the statutory text and not from any assumption about the desired or desirable reach or operation of the relevant provisions. The intended reach of a legislative provision is to be discerned from the words of the provision and not by making an a priori assumption about its purpose.

*A section in a statute which specifically states the purposes or objects of the statute is relevant to the proper construction of the statute. It is necessary to consider the method by which Parliament has implemented the specified purposes or objects. The purposes or objects must be read and understood in the context of the statute as a whole."*⁷⁶

6.10 Her Honour, in that decision, goes further to state:

"The task of statutory construction in this case involves, among other things, construing the phrase 'requirements of consumers' in s 36B of the Act. This phrase also appears in s 5(1)(c).

⁷⁴https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/l30_01_510-decision-c-mart-cockburn---section-25-review-final.pdf?sfvrsn=4efc88bb_3

⁷⁵https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-direcotr-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0

⁷⁶ Point 21 of [2021] WASC 366

There is ordinarily a presumption that the same word will bear the same meaning wherever it appears throughout an Act.”⁷⁷

- 6.11 In the decision, Judge Archer also emphasised the importance of consistent interpretation of phrases within a statute, noting that the phrase *'requirements of consumers'* in Section 36B should be interpreted similarly to how it appears in Section 5(1)(c), thereby ensuring a coherent and consistent application of the statute across sections and contexts.
- 6.12 Significantly, Judge Archer determined that *"requirements of consumers for packaged liquor' in the definition of 'local packaged liquor requirements' in section 36B(1) of the Act is not limited to the physical item or product of packaged liquor, and that other matters also include matters of convenience, product range, and other matters"*⁷⁸. This expansive interpretation highlights the importance of evaluating whether existing premises can satisfy the reasonable requirements of the public based on a wide range of factors.
- 6.13 In the WA Supreme Court decision regarding **Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227**, Justice Bess stated that:
- "It is a notorious fact that in contemporary Australian life, one-stop shopping in large suburban shopping centres is of great importance, especially to working people, and this social fact is reflected in the development of district and regional shopping centres."*⁷⁹
- 6.14 The Court, in the aforementioned Woolworths Ltd case, also recognised the importance of considering the public interest when determining applications for liquor licences. The Court stated that the public interest encompasses a wide range of considerations, including the requirement to minimise harm or ill health caused by the consumption of liquor, the requirement to ensure that the harm or ill health does not result from the sale or supply of liquor, and the requirement to ensure that the sale and supply of liquor contribute to, and does not detract from, the amenity of the locality.
- 6.15 The Supreme Court further underscored that the primary Objects of the Act is to regulate the sale, supply, and consumption of liquor to minimise undue harm or ill health due to the consumption of alcohol. Additionally, the Court observed that one of the secondary Objects of the Act is to promote the responsible development of the liquor industry and other related services within the State.

⁷⁷ Point 22 of [2021] WASC 366

⁷⁸ Point 108 of [2021] WASC 366

⁷⁹ <https://jade.io/article/303164>

- 6.16 The case of **Executive Director of Health v Lily Creek International Pty Ltd & Ors [2000] WACA 258**⁸⁰ emphasises the importance of balancing the Objects of the Act, such as minimising undue alcohol-related harm and catering to consumer requirements. The Exchange Hotel is dedicated to achieving this balance by offering a diverse variety of quality products while offering self-imposed conditions to minimise the risk of alcohol related harm.
- 6.17 The Exchange Hotel is committed to addressing both the positive and negative impacts on the locality, ensuring that the application aligns with the public interest. The Applicant has proactively addressed potential concerns related to undue harm or ill health, disturbance, or inconvenience to the locality in these submissions, demonstrating a commitment to responsible sale and supply of packaged liquor.

Proliferation

- 6.18 Proliferation' is generally defined as:
- *"to grow or increase or cause to grow or increase rapidly"*⁸¹
 - *"the sudden increase in number or amount of something; a large number of a particular thing"*⁸²
 - *"the fact of something increasing a lot and suddenly in number or amount"*⁸³
- 6.19 In addressing the proliferation of packaged liquor outlets within the Pinjarra locality, it is imperative to consider the legal framework and judicial interpretations provided by Section 36B(4) of the Act. The Supreme Court decision in **Liquorland (Australia) Pty Ltd v Commissioner of Licensing [2021] WASC 366**⁸⁴ provides critical insights and clarifications on key terms and considerations under this section.
- 6.20 Justice Archer in WASC 366 emphasised the importance of understanding *"local packaged liquor requirements,"* stating that it refers to *"the needs of consumers in the locality under consideration for packaged liquor."* This definition is crucial as it evaluates whether the local liquor outlets sufficiently cater to the consumer's requirements.
- 6.21 With an understanding of the aforementioned submissions and based on the Applicant's experience and the objective evidence provided with this application, Pinjarra Exchange Pty Ltd submits that the conditional approval of the Tavern (Unrestricted) licence will

⁸⁰https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/supreme-court-precedents/executive-director-of-public-health-v-lily-creek-international-pty-ltd-2000-wasca-258.pdf?sfvrsn=cff4f164_3

⁸¹<https://www.collinsdictionary.com/dictionary/english/proliferate#:~:text=proliferate%20in%20British%20English&text=1.,Collins%20English%20Dictionary>.

⁸²https://www.oxfordlearnersdictionaries.com/definition/american_english/proliferation

⁸³<https://dictionary.cambridge.org/dictionary/english/proliferation>

⁸⁴https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-direcotr-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0

cater to consumers' reasonable requirements, enhance the diverse amenities in the East Pinjarra locality and will not result in the proliferation of packaged liquor outlets.

Reasonable

6.22 While the Licensing Authority has not provided a strict definition of "*reasonable*," the Applicant, inspired by the interpretations from the Oxford Dictionary and the **Charlie Carter Pty Ltd v Streeter and Male Pty Ltd** case, is committed to demonstrating that the application meets the criteria implied by the term.

6.23 In a recent decision relating to application **A122893507**⁸⁵, the decision maker introduced two distinct approaches to interpreting the word '*reasonable*'. At point 32 the decision maker referred to Oxford Dictionary, stating the following:

"The word "reasonably" does not invoke a particularly high threshold. In Charlie Carter Pty Ltd v Streeter and Male Pty Ltd, Malcolm CJ noted that:

The word 'reasonable' imports a degree of objectivity in that the word reasonable means ...sensible, ...not irrational, absurd or ridiculous, not going beyond the limit assigned by reason, not extravagant or excessive, moderate: Shorter Oxford Dictionary at 1667."

6.24 According to the above definition, it does not invoke a particularly high threshold and implies a degree of objectivity, as in reasonable and not excessive.

6.25 Various sources define '*reasonable*' as:

- *"based on or using good judgement and therefore fair and practical"*⁸⁶.
- *"fair, practical, and sensible"*⁸⁷
- *"showing reason or sound judgement"*⁸⁸

6.26 In the context of Section 36(B)(4) and consumer requirements, Pinjarra Exchange Pty Ltd has diligently interpreted the term "*reasonably met*" by assessing a myriad of factors. These extend beyond the mere availability of physical liquor products, incorporating aspects such as location, convenience, accessibility, one-stop shopping, competition and the range, volume, and variety of liquor products.

6.27 The term "*cannot reasonably be met*" was scrutinised by Justice Archer highlighted that it should be interpreted as requirements that "*cannot be met to a reasonable extent or*

⁸⁵https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/hangawee-outlet-northbridge436b61a50976489388d21bccd7d2d900.pdf?sfvrsn=83a7222e_4

⁸⁶<https://dictionary.cambridge.org/dictionary/english/reasonable>

⁸⁷https://www.oxfordlearnersdictionaries.com/definition/american_english/reasonable#:~:text=%2F%CB%88riz%C9%99n%C9%99bl%2F,beforehand%20that%20this%20would%20happen.

⁸⁸<https://www.collinsdictionary.com/dictionary/english/reasonable#:~:text=adjective-1.,prescribed%20by%20reason%3B%20not%20excessive>

degree by the existing facilities." This interpretation ensures a balanced and objective assessment of the current market conditions and consumer requirements in Pinjarra.

6.28 By adopting a consumer-centric approach, the Applicant has assessed the current liquor retail landscape in Pinjarra. This assessment reveals notable gaps in catering to consumer requirements, particularly in terms of location, accessibility, convenience, one-stop shopping and product variety. The focus isn't just on the physical availability of alcohol but on elevating the overall consumer experience.

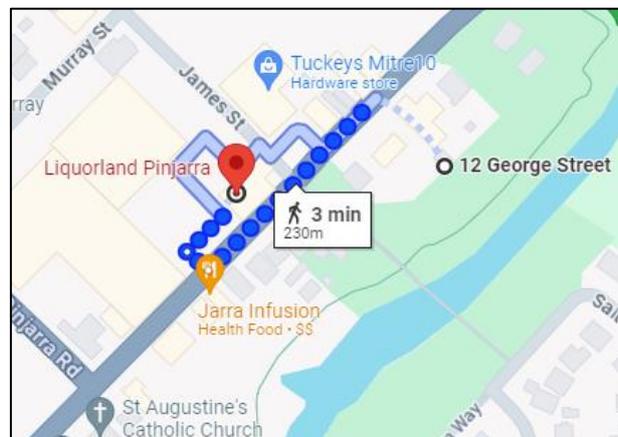
6.29 The Applicant has considered *'the positive and negative social, economic, and health impacts on the community'*⁸⁹, thereby maintaining a balanced and responsible approach to liquor licensing. As substantiated by Judge Archer in WASC366:

*"The Public Interest condition looks to, among other things, the risk that granting the application may have negative consequences, such as harm or ill-health, the reduction of amenities in the locality, and offence to those who live or work there. It also looks to any effect the granting of the licence may have in relation to tourism or community or cultural matters. Determining the public interest is a discretionary value judgment (to be made having regard to the objects of the Act)"*⁹⁰

Liquor Stores within the Defined Locality

6.30 Liquorland Pinjarra:

- PJ SC George &, Shop 24 James St, Pinjarra WA 6208
- Opening hours:
 - Monday: 8:00 AM - 8:00 PM
 - Tuesday: 8:00 AM - 8:00 PM
 - Wednesday: 8:00 AM - 8:00 PM
 - Thursday: 8:00 AM - 8:00 PM
 - Friday: 8:00 AM - 8:00 PM
 - Saturday: 8:00 AM - 6:00 PM
 - Sunday: 10:00 AM - 6:00 PM
- Liquorland is a major Australian liquor retailer operating across the country as part of the Coles Group.



⁸⁹[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)

⁹⁰https://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_3

- Liquorland offers a broad selection, including:
 - Beer: Domestic and international beers, craft beers.
 - Wine: Australian and international wines across various price points
 - Spirits: All the popular spirits, as well as many less common options
 - Ciders
 - Ready-to-drink (RTD) beverages: Pre-mixed cocktails, seltzers, etc.
 - Non-alcoholic options: They also stock a range of non-alcoholic beers, wines, and spirits.
- The premises is part of a Pinjarra Junction Shopping Centre.

6.31 BWS Pinjarra:

- Junction Shopping Centre, Shop 12, Pinjarra WA 6208.
- Opening Hours:
 - Monday: 9:00 AM - 9:00 PM
 - Tuesday: 9:00 AM - 9:00 PM
 - Wednesday: 9:00 AM - 9:00 PM
 - Thursday: 9:00 AM - 9:00 PM
 - Friday: 9:00 AM - 9:00 PM
 - Saturday: 9:00 AM - 9:00 PM
 - Sunday: 10:00 AM - 8:00 PM



- BWS is a national liquor retailer in Australia operated by the Endeavour Group.
- BWS has a selection of beer, wine, spirits, ciders, RTDs (ready-to-drink) beverages.
- The premises is also part of a Pinjarra Junction Shopping Centre.

6.32 Acknowledging the pivotal role of *'changing demographics of a community and the introduction of a different offering in terms of consumer choice and diversity'*⁹¹. This commitment ensures the ability to cater to evolving consumer requirements and preferences, ensuring the provision of high-quality products and services that align with the diverse and changing requirements of consumers.

⁹¹https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/lc26-2018---peninsula-tavern---commission-decisione1cab950a970656ab79cff000037f661.pdf?sfvrsn=1368609b_3

7. Public Interest

7.1 Pinjarra Exchange Pty Ltd submits that the conditional grant of the proposed Tavern (Unrestricted) Licence for The Exchange Hotel will be in the public interest as per Section 38(4) of the Act whilst upholding the primary Objects of Section 5 of the Act for the following reasons:

- Provide a contemporary, safe, and comfortable amenity in the Pinjarra locality as required by the WA Planning Commission and the Shire of Murray.
- Design and operate the premises to provide a diverse amenity for those who live in and resort to the Pinjarra locality.
- Add to the amenity available in the Peel Region.
- Provide food and beverage products that cater to dietary-sensitive consumers, as well as a range of low and zero-alcohol products (beer, wine and spirits), along with a range of non-alcoholic beverages.
- Provide a beverage list that promotes and supports local liquor producers.
- Provide a boutique distillery that showcases the local ingredients and historical significance as an agricultural region.
- Implement and enforce a Harm Minimisation Plan in the interest of the public and to minimise any potential undue harm due to the use of liquor.

Positive Impacts

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 Shire of Murray as stated on the council website:

“The new operators of the soon-to-be-refurbished Exchange Hotel in Pinjarra have been announced following endorsement by the Shire of Murray Council.

Hoteliers Karl and Janine Bullers have been endorsed by the Shire of Murray Council to become the operators of the renovated heritage destination when it reopens next year.

The couple, who hail originally from Yorkshire in England, have a lifetime of experience in hospitality. They met in Hong Kong, where Karl was managing a venue and have built a reputation transforming unloved heritage buildings into successful eateries and pubs: the couple already co-own and manage the Old Courthouse in Fremantle and spent \$5 million transforming the neglected site into a modern venue that protects its heritage and history.

They also own The National Hotel in Fremantle after purchasing the site following a devastating fire in 2009 that risked the property being razed.

Shire of Murray President Cr David Bolt said it was the care and attention the Bullers paid to that renovation project that captured the imagination of the Council for The Exchange Hotel.

“When we saw how Karl and Janine fought to preserve the history and heritage of The National Hotel whilst also making it modern and attractive to a contemporary audience, we knew they were the right people to shepherd The Exchange Hotel in the coming years.”

“We have an opportunity with The Exchange Hotel to create a unique destination in Pinjarra. We will blend more than 150 years of history and storytelling with a modern take on dining and hospitality that will bring people to the town 7-days-a-week”.

Karl Bullers said “The Exchange Hotel gives us an incredible opportunity to create another destination hospitality venue in one of the most beautiful regional settings on the doorstep of the metro area. Our experience in repurposing unloved heritage buildings into modern hospitality venues means we’re confident The Exchange Hotel will be a huge draw card for visitors across the region”.

The much-loved Exchange Hotel closed its doors in 2008 with the Council purchasing the site in 2012. In 2021, a shared community vision was developed for the site with a preliminary design concept report.

“Our community members tell us they want us to be effective stewards of our environment, history, heritage and rural character, and it’s clear that Karl and Janine share those same values,” said Cr Bolt.

\$6.5 million will be spent on the redevelopment of the hotel with tenders being prepared by the end of the year, and an expected opening date of Christmas 2023.

The venue will also be able to offer event space to host weddings, private events and farmers markets, as well as an outdoor edible garden, riverside dining and evening entertainment.”⁹²

- 7.3 In addition, the reactivation of The Exchange Hotel premises, will meet a number of objectives of the Pinjarra Town Centre Revitalisation Strategy and Local Planning Policy⁹³ as outlined in the local community newspaper, the Mandurah Mail:

“The Shire of Murray’s Pinjarra Town Centre Revitalisation Strategy aims at guiding the nature, form and extent of developments within Pinjarra’s town centre, to encourage walkability and transform the town centre into a vibrant retail hub.

⁹²<https://www.murray.wa.gov.au/Shire-and-Council/News-and-Media/Media-Releases/New-operator-announced-for-Exchange-Hotel>

⁹³ Attachment 15 - Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan

*The Activity Centre Plan hopes to guide structural planning and land use within Pinjarra's town centre, and to identify the necessary services and infrastructure to support a sustainable town centre.*⁹⁴

7.4 The Shire of Murray's Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan⁹⁵ notes the following objectives:

- a) *To support the development of the Pinjarra Town Centre commensurate with its designation as a Secondary Activity Centre by providing for a comprehensive range of services, facilities, housing options and employment opportunities, structured around a compact town core with sufficient development intensity and distribution of key retail and other attractor land uses to maximise pedestrian flows along streets, encourage walkability and enable efficient high frequency public transit.*
- b) *To concentrate activities, particularly those that generate high numbers of trips within the traditional central portion of the town centre to reduce the need for multiple vehicle trips, activate secondary businesses adjacent to major attractors, activate the centre beyond traditional retail hours and create a critical mass which would encourage walkability and contribute to the town's sense of place.*
- c) *To strengthen the rural heritage town character and landscape setting of the centre through sensitive urban design, built form and landscaping.*
- d) *Support the existing function of George Street and other streets within the town core as the retail and commercial 'main streets' of Pinjarra and discourage uses that have the potential to compromise the level of activity along these streets, particularly within the early stages of development and land use.*
- e) *Provide pedestrian friendly streetscapes which maximise pedestrian and cycle access to and through the Town Centre and between key destinations including the Murray River foreshore, the Murray River Square and other key nodes of activity.*
- f) *Enhance vehicle connectivity, movement and parking through interconnected street networks, opportunities for freight and through traffic to bypass the town and on-street and reciprocal parking opportunities.*
- g) *Provide for a generous network of vibrant, inclusive, accessible and intergenerational public places that reflect high quality landscaping, street art, seating, signage and end of trip facilities that meet the needs of a diverse community.*
- h) *Enhance the sense of place and arrival into the Town Centre at Pinjarra Road, South-West Highway / McLarty Street and Pinjarra-Williams Rd.*

⁹⁴ <https://www.mandurahmail.com.au/story/4560188/pinjarra-town-centre-set-for-a-street-makeover/>

⁹⁵ Attachment 15 - Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan

- i) *Protect and enhance sensitive environmental features and contribute towards reduced water, energy and material resource use.*
- j) *Protect, promote and enhance the health of the community by implementing strategies that improve opportunities for healthy living.”*

7.5 In addition to supporting the objectives of the Revitalisation Strategy, The Exchange Hotel, operating under a Tavern (Unrestricted) Licence, will also meet the ‘Urban Form’ requirements, including (but not limited to) the following:

- *Concentrate activity within a compact and well-defined town core,*
- *Facilitate opportunities for economic growth and employment creation,*
- *Celebrate Pinjarra’s distinctive character and identity,*
- *Encourage a high quality-built form at a scale that encourages walkability and is appropriate to its location.*

7.6 Further to the multitude of positive benefits to the local community and the region, The Exchange Hotel redevelopment (located in the” Core” precinct of Pinjarra) and reopening will also support the Pinjarra Town Centre Activity Plan⁹⁶.

7.7 The Applicant was selected after a thorough vetting process by the Shire of Murray, and the Shire has also outlined the benefits of the proposed redevelopment as can be seen in the extract below:

“Based on the redevelopment proposal, economic modelling indicates potential for the project to deliver \$57.5M of new economic output in the first five years of operation to the local economy.

This translates to \$11.54M of new economic output annually, calculated as follows:

- *38,850 new visitors to the Shire of Murray per annum.*
- *\$1.57M of new visitor expenditure per annum.*
- *Creation of 67 direct, indirect and induced FTE jobs.*
- *Demand to service approximately 20 local food enterprises.*

In November 2022, Council appointed experienced operators with extensive experience in operating and renovating heritage hospitality venues in Western Australia. The incoming operators also demonstrate strong alignment with Council’s vision for the site to be a ‘Regional Icon’ supporting local producers and delivering products and experiences designed to appeal to a wide audience.

The redevelopment proposal includes the establishment of:

- *A contemporary and relaxed hospitality and beverage venue to service 600+ people and showcase the best of the region’s fresh produce,*

⁹⁶ Attachment 15 - Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan

- *Flexible indoor and outdoor spaces for activation including a multi-purpose events space adaptable for private events, community events, conferences and weddings,*
- *A central commercial kitchen servicing hospitality and event spaces,*
- *Landscaping encompassing edible gardens and dynamic external spaces to explore, interact and engage with,*
- *Integration with adjacent public spaces to maximise opportunities for events and activation of the main street, recently developed Murray River Square and Foreshore and amphitheatre,*
- *To achieve the vision of the Exchange site and realise its associated economic and social benefits, we applied for and successfully secured \$2,335,257 in round five of the Australian Government's Building Better Regions Fund - Infrastructure Projects Stream.*

Council has committed to funding the remaining redevelopment costs (not including fixed fit-out costs) to demonstrate its commitment to restoring this much-loved site as an epi-centre of activity for the community and visitors.”⁹⁷

- 7.8 The grant of the Tavern (Unrestricted) Licence to The Exchange Hotel will support the focus of the Shire of Murray in more ways than one, provide employment, and activate a currently unused building on the main street of Pinjarra.
- 7.9 The Applicant received numerous Letters of Support to clearly demonstrate the consumer requirement for the Tavern (Unrestricted Licence).

Consumer Requirement⁹⁸

- 7.10 The Shire of Murray has lent additional support for the Boutique Distillery at the proposed premises and reiterated their confidence in the project as a valuable contributor to the surrounding locality with the Shire of Murray stating that:

“The proposed addition of a boutique distillery aligns with this vision and supports the Council’s expectation for the Exchange Hotel to leverage local products to amplify its economic impact in the Murray Region. Additionally, by providing a unique visitor experience, the distillery will not only contribute to the broader local economy, but also job creation, instil a sense of community pride and advance the Murray Region’s aspiration to be known for food innovation and excellence.” (Attachment 2a)

- 7.11 The addition of the proposed The Exchange Hotel will provide residents and visitors to the locality with a diverse amenity that can cater to the contemporary requirements of a variety of local residents and visitors.

⁹⁷ <https://www.murray.wa.gov.au/Shire-and-Council/Projects/The-Exchange-Hotel>

⁹⁸ Attachment 2 – Written Support

7.12 The Applicant also submits that The Exchange Hotel (subject to approval) will further enhance Pinjarra's credentials as a tourism destination, as well as provide activation of currently unused and delapidated premises.

7.13 Here are some excerpts from Letters of Support⁹⁹ for The Exchange Hotel, Pinjarra:

"Tourism Australia's Future of Demand research from 2022 highlights that culinary experiences that are underpinned by a connection to place or local culture are in high demand for international visitors. Craft spirits, including the aptly named 'Ginjarra', will be produced at the on-site boutique distillery, using local fruits and botanicals to showcase the region's local produce and offer a compelling proposition for visitors.

The distillery will also offer an exclusive selection of spirits produced on-site for packaged takeaway sales over the bar, enabling visitors to take home a souvenir of their visit to Pinjarra. Tourism WA considers that this will be appealing to visitors and is an offering that differs from traditional bottle shops that predominately sell massed-produced liquor products." (Attachment 2b)

"...we hereby reiterate our support for Pinjarra Exchange Pty Ltd's Tavern Unrestricted Licence application for The Exchange Hotel, Pinjarra.

This endorsement now extends to the innovative addition of a boutique distillery. This initiative promises to invigorate Pinjarra's economic and cultural landscape, reflecting our shared vision for the region's prosperity. We believe this development, blending heritage with the contemporary requirements of consumers in the locality, will substantially benefit our community and the broader Peel region." (Attachment 2c)

"We are pleased to endorse the redevelopment, which now extends to the addition of a boutique distillery, which promises to invigorate Pinjarra's economic and cultural landscape. We believe this redevelopment, which blends heritage with the contemporary requirements of consumers in the locality, will substantially benefit our community and the broader Peel region." (Attachment 2d)

"Tourism Australia's Future of Demand research from 2022 highlights that culinary experiences that are underpinned by a connection to place or local culture are in high demand for international visitors.

We have been briefed by the applicant on the intention to develop a boutique distillery and create experiences around the distillery. Craft spirits, will be produced on-site using local fruits and botanicals to showcase the region's local produce and offer a compelling proposition for visitors." (Attachment 2e)

"Visit Mandurah considers that this will be appealing to visitors, will enhance the vibrancy and amenity of the destination and the broader Peel region and is an offering that differs from traditional bottle shops that predominately sell massed-produced liquor products with no experience component." (Attachment 2f)

⁹⁹ Attachment 2 – Written Support

Potential Negative Impacts

- 7.14 The responsible and experienced Applicant recognises that alcohol can be misused and cause harm if not responsibly consumed.
- 7.15 As an Applicant committed to the responsible consumption of liquor, the Applicant has considered the **Australian Institute of Criminology: Research in Practice SUMMARY PAPER No. 04 December¹⁰⁰** 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.”*
- 7.16 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”.*
- 7.17 The Applicant is committed to working with the Pinjarra 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.
- 7.18 The Applicant understands the potential for undue, negative social impacts related to the sale and supply of liquor, which is evident in their Harm Minimisation Plan and staff training strategy (Attachment 4) provided to staff upon employment (subject to approval).
- 7.19 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:
- limiting packaged alcohol to products produced on-site only,
 - community involvement, and
 - ongoing engagement with ‘at risk’ groups and/or organisations.

¹⁰⁰ Attachment 17 - Preventing Violence

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

8.1 In compiling this Public Interest Assessment, the following information sources were reviewed as recommended by the Directors Policy on Public Interest Assessments¹⁰¹. The information sources were reviewed and considered to understand better the harmful effects of alcohol abuse and the strategies recommended for eliminating or reducing the same, which have been considered in this Public Interest Assessment submission.

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

Drug and Alcohol Office, Mental Health Commission and the Department of Health

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 the 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 the previous page.

¹⁰¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

- 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

- 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.

8.3 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 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”¹⁰².

- 8.4 Further to the above the Designing out Crime Planning Guidelines¹⁰³ produced by the Western Australian Planning Commission (2006) were also considered during the design of the proposed new premises and have been outlined within this submission.

¹⁰² Attachment 17 – Preventing Violence

¹⁰³ <https://www.wa.gov.au/government/publications/planning-guidelines-designing-out-crime>

- 8.5 The Applicant believes the guidelines to be a successful tool in minimising and mitigating crime which may result in potential, undue, alcohol-related harm or ill health to the locality, particularly when combined with a robust harm minimisation plan and a commitment to operating a safe and well managed licensed premises.
- 8.6 The principal headings for Design Out Crime as recognised by environmental design practitioners and educationalists in Australia which can be considered and developed at a local level, could be based on five design and usage concepts:
- Surveillance
 - Access Control
 - Territorial Reinforcement
 - Target Hardening (Security Measures); and
 - Management and Maintenance
- 8.7 Having considered the above principal design and usage concepts and based on their extensive experience as licensed operators, Pinjarra Exchange Pty Ltd submits the following by way of addressing the above:

Surveillance

- The proposed premises will be covered by CCTV, which will include the exit, entry and delivery points. The CCTV to be included will adhere to the DLGSC's policy on Safety and Security at Licensed Premises.
- An appropriate number of RSA-qualified staff and managers will supervise the premises at all times.

Access Control

- The Applicant will employ devices and techniques that will deny offenders entry to the premises after hours, and safely guide legitimate users through the environment. All alcohol will only be accessible via the RSA-trained staff.

Territorial Reinforcement

- Appropriate signage will substantially identify the venue and the perimeter of the licence, including entry for deliveries, which will be clearly marked and secured.

Target Hardening (Security Measures)

- The entry/exit points to the proposed The Exchange Hotel will be secured by quality locking devices.

Management and Maintenance

- Subject to approval (and completion of the building and fit out works), The Exchange Hotel will remain at all times in good repair and well maintained.

- 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.

8.8 Additional crime reduction measures that have been considered by the Applicant during the design process include (but are not limited to):

- **Lighting** – having the area in and surrounding the venue well-lit as it discourages any anti-social behaviour.
- **Landscaping** – the premises is located in an regional, riverside environment and the applicant will ensure that landscaping on the licensed premises deters offenders.
- **General appearance** – the premises will have a quality fit out and be well maintained, and therefore people are less likely to loiter or be anti-social.
- **Entrapment places** – it is important not to create areas capable of trapping people such as recessed Automatic Teller Machines or narrow alleyways.
- **Activity generators** – having a broad range of uses that are available at varied times creates passive surveillance and an image of liveliness that is unattractive to most criminals.

8.9 The Applicant notes that being located in the main Pinjarra township, and surrounded by a number of other commercial, residential and civic premises, The Exchange Hotel will contribute positively to the overall amenity available and provide a quality, diverse premises for consumers.

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*¹⁰⁴ (as outlined in the Director’s Policy on Public Interest Assessments) and noted in the Directors Policy on Public Interest Assessments.

9.2 According to *The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*. *The priority population groups within the Strategy:*

- **Aboriginal people and communities:** The Applicant supports initiatives that reduce alcohol-related harm within Indigenous communities.
- **Children and young people:** Strict ID checks and refusal of service to juveniles are strictly enforced.

¹⁰⁴<https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

- **People from regional, rural, and remote communities:** Pinjarra is a regional area; the Applicant acknowledges the importance of responsible service in regional, rural and remote communities.
- **Families:** Providing resources and support to families, especially those dealing with alcohol and other drug issues.
- **Justice and Corrections Systems:** Collaborating with local authorities to ensure that those interacting with the justice system have access to the necessary support.
- **Addressing Other Target Groups of Concern:** The Applicant is also attentive to the needs of older adults, culturally and linguistically diverse communities, LGBTQI+ individuals, and homeless people, ensuring that the operations are inclusive and supportive of all community members.

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

9.4 The following is a table that presents the numbers and percentages of “At Risk” groups in the locality, which are relevant to The Exchange Hotel application:

Identified Group	Defined Locality	Western Australia
Population aged under 14	1036 (19.32%)	505784 (19.01%)
Indigenous Persons	210 (3.92%)	88693 (3.33%)
Couple Families with Children	42.45%	45.30%
Australian Born	4024 (75.05%)	1648794 (61.98%)

Figure 22: “At-risk” groups present in the Locality¹⁰⁵.

9.5 The above statistical data was compiled using the latest statistics available from the Australian Bureau of Statistics, 2021 Census Data¹⁰⁶. The data used for the “*defined locality*” was the data for the suburbs, as previously stated in this submission.

9.6 Based on the comparison table above, it is of note that the number of Indigenous persons typically residing in the locality at 3.92% is slightly higher than the WA state average of 3.33%.

¹⁰⁵ www.abs.gov.au

¹⁰⁶ www.abs.gov.au

- 9.7 The Applicant is open to engagement with any local Indigenous organisation in Pinjarra that deals with alcohol-related matters.
- 9.8 The Applicant notes that the number of Couple Families with Children is higher in the defined locality than in WA, and the Population under the Age of 14 is slightly lower at 19.32% compared to Western Australia at 19.01%.
- 9.9 The percentage of Australian-born residents in the locality is higher than the WA rate, as is the percentage of those who speak English only at home.
- 9.10 Population experts Forecast ID extrapolates that the Shire of Murray will have growth upwards of 200% by 2051:



Figure 23: Population Forecast for Shire of Murray¹⁰⁷

- 9.11 Although the forecast is for the entire Shire of Murray LGA, the Applicant submits that as the highest order regional town in the LGA, Pinjarra is uniquely placed to become a regional hub for surrounding areas.

Crime Statistics for the Locality

- 9.12 The data presented in the graphs below were sourced from the Western Australian Police website¹⁰⁸ and contain the verified criminal offences for the Pinjarra locality during the period 2013-2014 to 2021 – 2022 (financial years).
- 9.13 Please find below the relevant data for the Pinjarra locality:

¹⁰⁷ <https://forecast.id.com.au/murray-shire>

¹⁰⁸ www.police.wa.gov.au

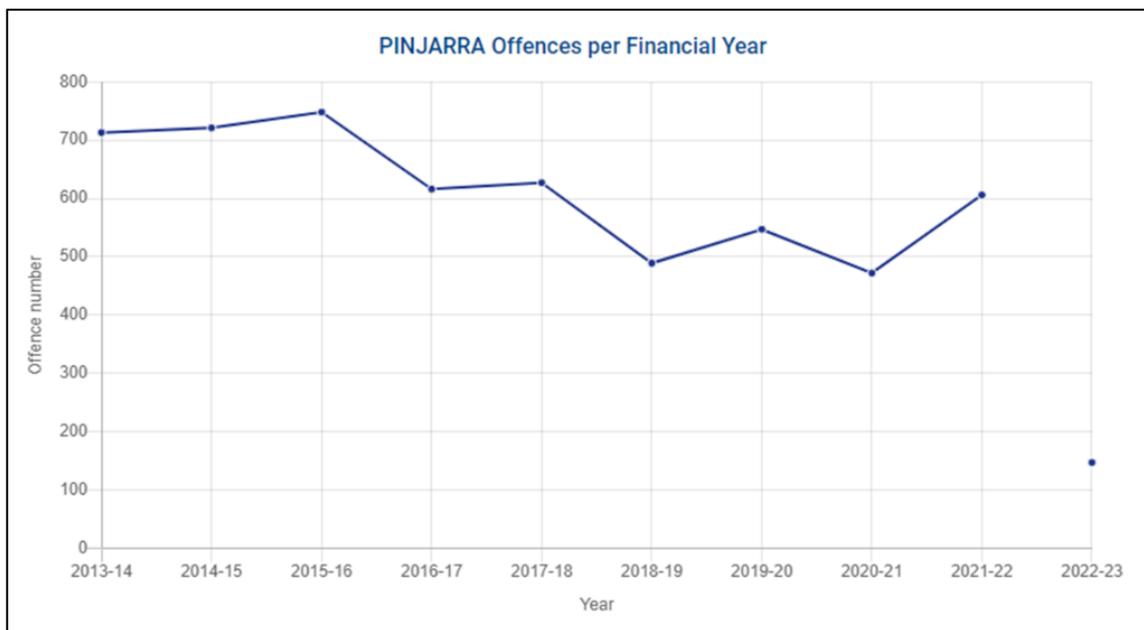


Figure 24: 10-year comparison for the Pinjarra Locality¹⁰⁹

- 9.14 The crime statistics over the 10-year period indicate that overall, criminal activity in Pinjarra has reduced from its peak in 2015-2016; however, is now trending upwards since 2018-2019.
- 9.15 However, some of the criminal offence rates that have risen over the 10-year period include offences not normally associated with the consumption of liquor on licensed premises, as can be seen in the more detailed statistics below in Figure 25.
- 9.16 The largest increase in crime in Pinjarra was *“Fraud and Related Offences”*, up from 6 in 2020-2021 to 41 in 2021-2022, an increase of some 85%.
- 9.17 Similarly, *“Stealing”* increased by more than 40% between the 2020-2021 and 2021-2022 time periods.

¹⁰⁹ <https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

9.18 The Applicant notes that there continue to be Sexual Assault offences in Pinjarra, albeit with a strong downward trend since 2017-2018, and accordingly, will implement the 'Ask for Angela' initiative within the venue.

Type of Offence	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Homicide	-	-	-	-	-	-	1	1	-	-
Sexual Offences	32	12	8	33	45	13	11	14	10	2
Assault (Family)	54	44	63	57	42	29	65	51	55	23
Assault (Non-Family)	23	30	32	32	29	20	25	23	26	13
Threatening Behaviour (Family)	10	6	4	4	10	5	6	6	10	2
Threatening Behaviour (Non-Family)	3	5	8	6	6	3	11	8	12	3
Deprivation of Liberty	1	1	-	-	-	-	3	1	2	-
Robbery	3	2	2	1	2	1	3	3	-	-
Dwelling Burglary	42	54	69	37	33	24	22	33	49	3
Non-Dwelling Burglary	56	43	33	27	21	20	21	11	25	3
Stealing of Motor Vehicle	18	20	33	18	13	17	19	17	14	2
Stealing	216	178	223	175	192	156	120	117	200	34
Property Damage	96	87	95	80	77	68	63	66	73	13
Arson	4	1	-	2	2	2	4	3	1	1
Drug Offences	67	130	87	52	111	94	99	83	43	14
Graffiti	8	7	-	10	2	4	3	8	5	1
Fraud & Related Offences	57	67	68	39	20	13	33	6	41	25
Breach of Violence Restraint Order	23	34	23	43	22	20	38	21	40	8
Total of Selected Offences	713	721	748	616	627	489	547	472	606	147

Notes:

Figure 25: Pinjarra Criminal Offence

9.19 With respect to the crime statistics above, the Applicant submits that it is of note that these reported incidents do not include data on:

- whether or not the change in incidents were alcohol-related, and if so, and
- what type of Licensed premises the alcohol was sourced from.

9.20 The Applicant submits that given the location of the premises and the amenity to be provided, it is highly unlikely that there will be any increase in criminal activity as a result of the application being granted in the public interest, and the premises operating as outlined in this PIA submission.

Alcohol-related Harm

9.21 The Applicant reviewed the recent report by the South Metropolitan Health Service: 'Shire of Murray Health and Wellbeing Profile'¹¹⁰, and noted the following relevant excerpts that related to alcohol consumption in the region:

¹¹⁰<https://smhs.health.wa.gov.au/~media/HSPs/SMHS/Corporate/Files/Hlth-prom/Murray-health-wellbeing-profile.pdf>

“Information is provided for adults aged 16 years and over for Murray (S) LGA, South Metropolitan Health Service and WA State from 2016-2020.”

- 9.22 With respect to alcohol consumption in the Shire of Murray, the report demonstrates that residents in the Shire are less likely to engage in ‘Risky/high-risk drinking for long-term harm’ (24.6% of persons) compared with Western Australia (25.9% of persons).

Table 1. Prevalence of lifestyle risk factors for adults (aged 16 years and over), Murray LGA, and Western Australia (WA)						
Surveillance Period: January 2016 – December 2020						
Risk Factors	Murray (S)		SMHS	Significant difference	Western Australia	Significant difference
	Prevalence Estimate	Estimated Population	Prevalence Estimate	From SMHS	Prevalence Estimate	From WA
	Persons (%)	Persons	Persons (%)		Persons (%)	
Currently smokes	9.1*	1,283	9.1	-	10.5	-
Eats < than two serves of fruit daily	47.0	6,637	53.1	-	53.1	-
Eats < than five serves of vegetables daily	80.6	11,363	90.7	-	89.5	-
Risky/high risk drinking for long term harm (a)	40.2	5,671	24.6	-	25.9	-
Risky/high risk drinking for short term harm (b)	23.4*	3,307	10.3	-	10.3	-
Insufficient physical activity (c)	43.1	5,893	39.3	-	39.7	-
Spends 21+ hours per week in sedentary leisure time	38.1	5,370	40.7	-	39.1	-
Eats fast food at least weekly	35.6	5,017	36.1	-	34.0	-

Source: WA Health and Wellbeing Surveillance System, Epidemiology Branch, DoH WA.

Figure 27: Shire of Murray Health & Well-being Profile

- 9.23 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”¹¹¹*.
- 9.24 In addition, the Applicant acknowledges that there are specialised services in Pinjarra (i.e. OVIS), that cater to the needs of the local community:

“A safe space’: OVIS Community Services open first-of-its-kind women’s centre in Pinjarra

The new centre — which opened its doors during an official ceremony on October 24 — is the first of its kind in the region.

OVIS chief executive Megan McKrill said the new centre was a huge step in the right direction.

“The centre is primarily a safe space for women and children to access place-based services,” Ms McKrill said. “It has long been acknowledged that there is a lack of place-based services available to the people in the outer regional areas of Peel, including Pinjarra.

¹¹¹<https://www.mhc.wa.gov.au/media/3516/plan-update-2018-corrections-29-july-2020.pdf>

“The centre is a hub for community services to co-locate and together provide a no-wrong-door, wraparound service to clients.”¹¹²

9.25 The Applicant will have a zero-tolerance approach to any and all illicit drug use at the premises and notify police immediately if they suspect any activity of that nature.

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 olds 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.

Figure 28: Excerpt from MHC Website

9.26 Other research indicates that Australians are consuming liquor more responsibly (refer to below excerpt); 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.

¹¹²<https://www.perthnow.com.au/community-news/mandurah-coastal-times/a-safe-space-ovis-community-services-open-first-of-its-kind-womens-centre-in-pinjarra-c-8759566>

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

Alcohol and other drugs

The 2019 National Drug Strategy Household Survey states, of Western Australians aged 14 years and older:

- Most people in WA drank alcohol at levels that did not exceed the lifetime risk and single occasion risk guidelines for reducing health risks from alcohol. The proportion of people exceeding these guidelines (17.2% for lifetime harm and 26% for single occasion risk) was similar to 2016, but declined since 2007.
- 11.9% smoked tobacco
- 11.2% used cannabis (down from 11.6% in 2016)
- 2.9% used ecstasy (down from 3.2%)
- 2.4% used cocaine (up from 1.6% - but still substantially below the national average of 4.2%)
- 2.1% used meth/amphetamine (down from 2.7% - still higher than the national average which is 1.3%)
- 1.7% used pharmaceuticals for non medical purposes (down slightly from 1.8%)
- 15.6% of Western Australians over 14 reported recently using an illicit drug.

Figure 29: Excerpt from MHC Website¹¹³

9.28 As outlined previously in this submission, the well-developed Harm Minimisation Plan¹¹⁴ will minimise any potential, undue harm or ill-health that could be caused to the community (if any) subject to the approval of this application for a Tavern (Unrestricted) Licence.

9.29 Further, the manner of trade, dress standards, price point for food and beverage, fit out and location in a popular, existing entertainment precinct will also assist in attracting the mature and responsible patrons the premises intends to cater to.

Promotion

9.30 The Applicant is committed to adhering to the Department of Racing, Gaming and Liquor's Industry Guideline on the Responsible Promotion of Liquor, as previously outlined in this submission. The industry guideline seeks to:

"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."

¹¹³ <https://www.mhc.wa.gov.au/about-us/news-and-media/useful-statistics/>

¹¹⁴ Attachment 4 – Harm Minimisation Plan

- 9.31 The Liquor Control Act 1988 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 to promote their business will not be an incentive for patrons to consume liquor more rapidly or in greater amounts than they normally otherwise would.

Responsible Service of Alcohol

- 9.32 The responsible service and promotion of liquor will be maintained at all times by the Applicant. Any patron who appears intoxicated will be refused service and asked to leave the premises.
- 9.33 At all times, the staff working at the proposed The Exchange Hotel 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).
- 9.34 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. Due to the WA school cohort, some high school students are 18 while still attending Year 12 and can legally purchase liquor. This policy is to minimise the possibility of secondary supply to juveniles.

CCTV

- 9.35 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*".
- 9.36 The closed-circuit television video (CCTV) surveillance system will be able to identify individuals and show times and dates that are currently in place and operational. The CCTV system will comply with the requirements as identified in the Director's Policy 'Security at Licensed Premises'.
- 9.37 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.
- 9.38 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 Consultation¹¹⁵

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

WA Police Liquor Enforcement Unit (LEU)

- 10.2 An email outlining the details of the application was 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 1.25 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)

- 10.3 The Applicant's representative also sent an email outlining the details of the application to the Chief Health Officer's office 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.

Shire of Murray

- 10.4 The Shire of Murray, the freehold owner of the premises, are aware of the application and has provided support via a written statement, as outlined previously in these PIA submissions. While the Shire fully support operating the premises under a Tavern (Unrestricted) Licence, it will respect the decision of the DLGSC.
- 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, local government authorities, 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.

¹¹⁵ Attachment 16 – Community Consult

Local Schools

10.6 The responsible Applicant's representatives contacted the following schools in the locality:

- Pinjarra Primary School,
- Pinjarra Senior High School,
- St. Joseph's Catholic Primary School.

10.7 A follow-up email with relevant details was sent to the schools. The Applicant has accepted several conditions to minimise the risk of alcohol-related harm to juveniles.

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

11.1 The Applicant submits that the proposed The Exchange Hotel will not unduly, adversely affect the locality. Rather it will add to the diversity available in the locality by providing a quality, professional premises where friends, family and colleagues can meet and socialise, in an important historical premises in Pinjarra.

Outlet Density

11.2 As required by the PIA Policy, the following are the existing active, on-premises liquor Licences in the locality within 500 meters:

Licence Ref	Licence type	Premises Name	Licensee Name	Premises Address	Distance
6010011 627	LIQ-Hotel	Premier Hotel Pinjarra	Sai Group of Businesses Pty Ltd	South Western Highway PINJARRA WA 6208	240m
6380145 780	LIQ-Tavern Restricted	Pinjarra Paceway	Pinjarra Harness Racing Club Inc	7 Paceway Court PINJARRA WA 6208	2.49km
6040014 522	LIQ-Club	Pinjarra Bowling & Recreation Club Inc	Pinjarra Bowling & Recreation Club Inc	Dixon Avenue PINJARRA WA 6208	987m
6040014 530	LIQ-Club	Pinjarra Golf Club	Pinjarra Golf Club Inc	Cnr Pinjarra Road & Sutton Street PINJARRA WA 6208	1.85km

6040033 928	LIQ-Club	Pinjarra Football Club Inc	Pinjarra Football Club Inc	Reserve 5170 Sir Ross McCarty Oval Roe Avenue PINJARRA WA 6208	1.22km
6192138 99219	LIQ-Club	Pinjarra RSL Sub-Branch	Pinjarra RSL Sub-Branch	Pinjarra RSL Hall 1889 Pinjarra Rd PINJARRA WA 6208	583m
6090037 044	LIQ-Special Facility Licence	Pinjarra Race Club Inc	Pinjarra Race Club Inc	RACECOURSE ROAD PINJARRA WA 6208	921m
6060035 303	LIQ- Restaurant	The Taj Restaurant	Pinjarra Rest Pty Ltd	Lot 131 (No. 55) McLarty Road PINJARRA WA 6208	1.10km
6060048 108	LIQ- Restaurant	Redcliffe On The Murray	The Red on Murray Pty Ltd	13 Sutton Street PINJARRA WA 6208	2.16km
6060132 457	LIQ- Restaurant	Dome Pinjarra	Mt Elbert Properties Pty Ltd	Shops 21 and 22 Pinjarra Junction Shopping Centre 21 - 31 George Street PINJARRA WA 6208	142m
6062155 16020	LIQ- Restaurant	Edenvale Heritage Tearooms	Fairbridge Western Australia Inc	Lot 316 Henry Street PINJARRA WA 6208	171m

Figure 30: Existing, licensed premises in Pinjarra.

- 11.3 The Applicant notes that the Directors Policy on Public Interest Assessments, and, given the regional nature of the premises, all liquor-licensed premises in Pinjarra have been included in the overview.

Club and Club Restricted Premises

- 11.4 Premises operating under a Club or Club Restricted licence have a requirement for patrons to be a member or a guest of a member restricts access to these premises, particularly for tourism visitors to Pinjarra.
- 11.5 The Applicant submits that the premises operating under Club and Club Restricted Licences in Pinjarra primarily cater to the sporting communities that they accommodate, and given their purpose, are not open and operating during the hours required by people travelling to and through Pinjarra, nor do they provide a comprehensive food, beverage and entertainment amenity, as their primary function is as a sporting facility.

Special Facility Licence Premises

- 11.6 The Pinjarra Race Club Inc operates under a Special Facility Licence; however, it appears to be an incorporated club (normally licensed as Club or Club Restricted).
- 11.7 Please find below a synopsis of the amenity available at Pinjarra Race club Inc, noting that the food and beverage amenity only appear to be operational on Race Days:

Family of Man Restaurant

The Family of Man is a friendly and family-orientated Restaurant, nestled behind the grandstand in the rear grounds of Pinjarra Park

On offer is a variety of food, to suit all tastes. It also features an Alfresco area and Barista prepared coffee. Takeaway food facilities are available next door.

Capacity: 50 people (seated)
Facilities: Buffet/Takeaway, Walk-up bar, Teletext Dividends, Sky Channel, TAB within close proximity, Air-conditioning, and Disability Access.
Availability/Opening: Race Days and for hire
Menu: [2021/22 Standard Menu](#) | [2021/22 Seniors Group Package \(includes ebooking form\)](#)
Takeaway menu: [2021/22 Takeaway Menu](#)

Bridles Restaurant

Located on the first floor of the Grandstand and with Panoramic views overlooking the racetrack and lawns, Bridles is the perfect venue for any occasion. **Member's Dress Code applies (click here)** * Bridles Lounge Guests also are expected to comply with dress however removal from Bridles is subject to Executive discretion.

Capacity: 75 people (seated)
Facilities: Walk-up bar, CCTV/Teletext Dividends, Sky Channel, TAB, Air-conditioning, and Disability Access (via lift)
Availability/Opening: Race Days and for hire
Menus

- Mid-Week Race-days: [2021/22 Mid-week Race-day Buffet](#)
- Standard Weekend Race-days: [2021/22 Standard Weekend Race-day Buffet](#) | [2021/22 Standard Weekend Race-day Seafood Buffet](#)
- Feature Race-days: [2021/22 Magic Millions Ladies Day Buffet](#) | [2021/22 Pinjarra Cup Day Buffet](#)

Bar Locations

- Main Tote Bar - under the grandstand
- Ledger/Trainers - Front Lawn trackside
- Members Only Lounge
- Bridles Restaurant - Bookings Essential
- The Sponsors Lounge
- Cape Bouvard Brewery Garden Bar - Rear Lawn

Figure 31: Overview of amenity at Pinjarra Race Club Inc¹¹⁶

¹¹⁶ <https://www.pinjarrapark.com.au/the-races/14-hospitality>

- 11.8 The capacity of the options at Pinjarra Race Club Inc are very limited, and do not have the capacity that will be available at the redeveloped Exchange Hotel.

Restaurant Premises

- 11.9 These premises are obligated by law to operate under Section 50 of the Liquor Control Act 1988 that states:

“Subject to this Act the licensee of a restaurant licence is, during permitted hours, authorised to sell to any person liquor on the licensed premises for consumption on the premises ancillary to a meal supplied by the licensee to, and eaten by, that person there.

Every restaurant licence is subject to the conditions that —

- (a) the business conducted at the licensed premises must consist primarily and predominantly of the regular supply to customers of meals to be eaten there; and*
- (b) subject to subsection (1a), liquor must not be consumed by a person on the licensed premises except ancillary to a meal supplied, or to be supplied, by the licensee to, and eaten by, that person there; and*
- (c) the licensed premises must contain kitchen facilities that are suitable for the preparation of the meals to be supplied by the licensee.”*

- 11.10 One (1) of the four (4) premises that operate under a Restaurant Licence in Pinjarra has a specialty of Thai cuisine¹¹⁷, with a menu that reflects the same and a very simple beverage list.

- 11.11 The second is the Edenvale Heritage Tearooms, that is open from Tuesday to Friday 8.30am to 2.00pm, and 8.30am to 3.00pm on weekends (closed Mondays) and has the following on offer:

“Serving a delicious brunch menu, rustic desserts and a hearty lunch menu along with everyone's favourite; scones with jam and cream - it is a place to visit!

Operating out of the 130 year old award winning heritage listed homestead, the space is welcoming and offers a number of spots to pause and relax – whether inside the old dining room, on the veranda or overlooking the Precinct gardens.

Celebrating heritage and good food, the Tea Rooms offers a menu of wholesome food or lighter options and a selection of cakes, savouries and more available daily.”¹¹⁸

- 11.12 Another option is the Dome Pinjarra¹¹⁹, that is located within the Pinjarra Junctions Shopping centre, and which offers the same menu as all other Dome premises in

¹¹⁷<https://www.tajrestaurant.com.au/menu/>

¹¹⁸<https://www.edenvaleheritageprecinct.com.au/simply-rustic-food-edenvale-heritage-tea-rooms>

¹¹⁹<https://pinjarrajunction.com.au/dome-cafe-pinjarra/>

Western Australia, as it is franchise operation with a very specific focus and menu, and that closes at 5.00pm daily.

11.13 Finally, the Redcliff on Murray premises is located a little way out of the main township, and also located on the banks of the Murray river, albeit on the opposite side to The Exchange Hotel premises. Redcliff on Murray is and provides a full menu¹²⁰ for consumers after 11.00am daily.

11.14 The Redcliff on Murray premises is not open for breakfast, is closed on Monday and Tuesday, and closes at 4.00pm on Wednesdays¹²¹, and is an older building that does not have the contemporary fit out that can be expected at the redeveloped The Exchange Hotel.

11.15 Please find below an image of the Redcliff on Murray premises:

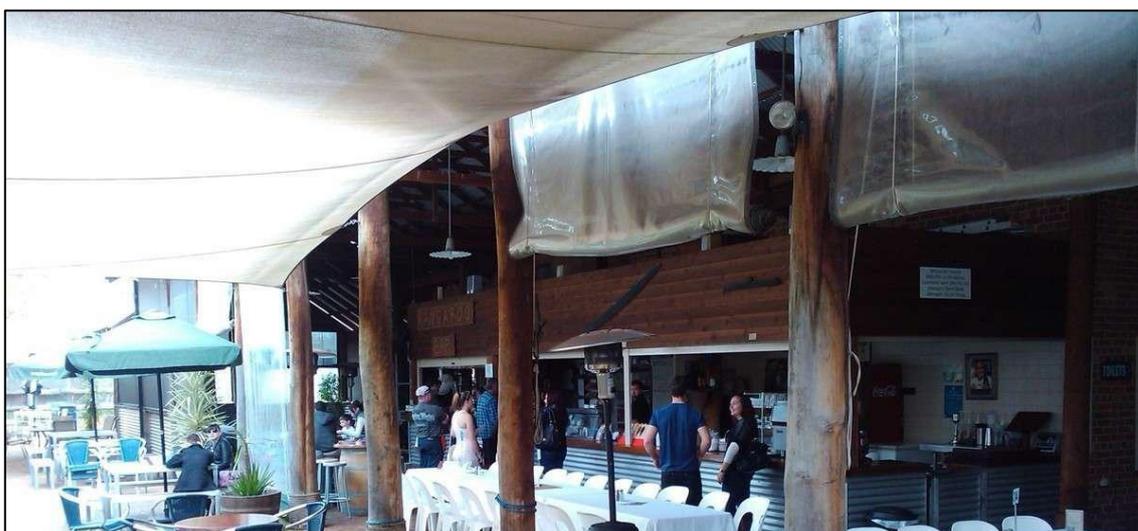


Figure 32: Alfresco Area at Redcliff on Murray¹²²

11.16 It is also relevant that only two premises in Pinjarra operate under a Hotel, Tavern, Hotel Restricted or Tavern Restricted Licence being:

- Premier Hotel Pinjarra – Hotel Licence
- Pinjarra Paceway – Tavern Restricted Licence.

11.17 There are currently no premises in Pinjarra operating under a Small Bar Licence.

11.18 Please find below a synopsis of the Premier Hotel and the Pinjarra Paceway premises:

¹²⁰ <https://redcliffeonthemurray.com.au/menu/>

¹²¹ <https://redcliffeonthemurray.com.au/about/>

¹²² <https://restaurantguru.com/Redcliff-On-The-Murray-Pinjarra>

Premier Hotel

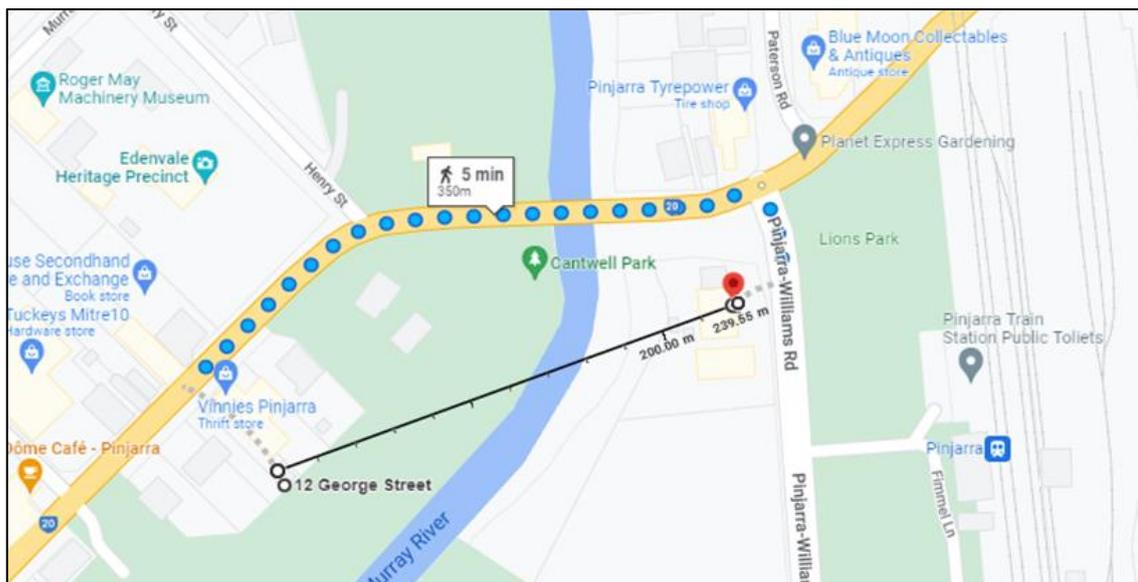


Figure 33: Map showing distance to the Premier Hotel Pinjarra¹²³

- 11.19 This premises is an older establishment and also contains a liquor store under the Cellarbrations banner group that offers a standard range of packaged liquor products.
- 11.20 Please find below some images of the premises and offering:



Figure 34: Entrance to the Premier Hotel Pinjarra

¹²³ <https://www.facebook.com/PinjarraPremierHotel/>

11.21 The food available at this premises is simple, 'pub-grub' style food, as can be seen in the images from the Facebook page:



11.22 The entertainment available ranges from live music to karaoke nights, skimpy barmaids, Chase the Ace and much more, as can be seen in the below social media posts:



Pinjarra Paceway¹²⁴

11.23 Please find below an overview of the Pinjarra Paceway amenity:

“Welcome to Pinjarra Paceway. One of Australia’s best known pacing tracks, offering a beautiful function room, undercover facilities, member area, dining options, tote, bar and of course our famous Pinjarra Paceway. One of Australia’s best tracks!”

¹²⁴ <http://www.pinjarrapaceway.com.au/>

11.24 The food and beverage options are (again) limited to a Race Day offering:

DINING & FUNCTIONS AT THE PINJARRA PACEWAY

Each Monday, not only do we have world class racing, but we also have great lunch options and multiple booking specials at the Paceway Pavillion.

This world class function centre is also available for hire. Situated over-looking the picturesque surrounds of the racecourse, the building is modern, stylish and very affordable and is a superb location to hold your event.

With many different options available for menus, decoration, technical services, staffing requirements and theming, contact our office and we can customise a plan to suit any budget.

Our friendly staff can accommodate your needs and welcome the opportunity to create a customised event menu for any occasion.

Figure 35: Excerpt from Pinjarra Paceway website.¹²⁵

11.25 The menu options here are limited and are not of a similar style to the contemporary meals that will be available at The Exchange Hotel, once the premises is redeveloped and subject to all approvals. Please find below a sample menu for Race Day at Pinjarra Paceway:

BURGERS
 With chips & salad.....\$20
 No sides.....\$16

Crunchy crumbed chicken burger
 Homemade tomato chutney, cheese, mixed greens and mayonnaise

Homemade beef burger
 With homemade onion jam, cheese, tomato and mixed greens

HOME-MADE Lasagne
 With chips & salad.....\$20
 No sides.....\$16

Homemade tuna patties (2 patties)
 With chips & salad.....\$20
 No sides.....\$14

Homemade vegetable Frittata
 With chips & salad.....\$20
 No sides.....\$14

ROAST OF THE DAY
 Roast meat of the day served with potato bake, maple roasted pumpkin and mixed steam vegetables **\$20**

Special \$18
MEAT PIE, CHIPS & SALAD
 No sides.....\$10

OTHER
 Sandwiches, fruit platters and cakes priced in display cabinet
 Bowl of chips.....\$8
 Bowl of chips & gravy.....\$9

Tea, coffee & cake specials overleaf

LUNCH TIME SPECIAL AVAILABLE FOR BOOKINGS OF 8 OR MORE
 PUBLIC HOLIDAY SURCHARGE OF 10% APPLIES TO ALL FOOD ITEMS ON MENU AND SPECIAL BOARD
 Credit Card Payments surcharge is 1.65% and EFTPOS Payments incur a .30cent fee.

Figure 36: Sample menu offering at Pinjarra Paceway¹²⁶

¹²⁵ <http://www.pinjarrapaceway.com.au/dining-functions/>

¹²⁶ <https://www.pinjarrapaceway.com.au/wp-content/uploads/2023/04/New-restaurant-Menu-with-cake.pdf>

- 11.26 Accordingly, it is evident from the information presented that two existing premises in Pinjarra that have a flexible licence type and are the most similar in operation to the proposed, reactivated Exchange Hotel have a different manner of trade and offering to the proposed The Exchange Hotel.
- 11.27 Regardless of the offering, as a tourism and leisure destination, Pinjarra can and should accommodate a range of licensed (and unlicensed) premises, and the Applicant submits that the information provided in these PIA submissions demonstrates that The Exchange Hotel will be of significant benefit to the locality, including the existing premises.
- 11.28 The conditional grant of this application will ensure that the proposed The Exchange Hotel can cater to the requirements of consumers in the Pinjarra locality, and continually provide a diverse range of flexible amenity for consumers to enjoy.

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

- 12.1 As previously stated, the Applicant understands the rights and responsibilities of operating the proposed The Exchange Hotel as per best practice, and the Director's policies, and Director Mr Karl Bullers is an existing Approved Manager and Licensee.
- 12.2 Based on the research and data included in this PIA, there are acknowledged potential risk factors associated with any liquor licensing application, however the Applicant proposes to implement the following strategies to minimise any potential, undue offence, disturbance or inconvenience that may occur, should the application be approved in the public interest:
- The licensed premises will be supervised by an appropriate number of staff at all times.
 - Operational procedures 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, while maintain the historical and heritage aspects of the premises as they have done at The National Hotel and The Old Courthouse.
 - The business will provide employment for local residents, and the Applicant will also seek to employ Trainee's and Apprentice's (chefs) in due course to assist the local community.
 - Low alcohol liquor products will be readily available within the proposed premises.
 - A range of no-alcohol products will also be available from the premises.
 - 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.
- A variety of seating options will be available throughout the premises.
- There will be CCTV coverage throughout the premises.

Code of Conduct

- 12.3 The Exchange Hotel's Code of Conduct is a vital component of their Harm Minimisation Plan¹²⁷. This document will ensure that appropriate behaviour will be observed by patrons, staff, and management of the premises at all times.
- 12.4 The management and staff will remain committed to minimising liquor related harm and will be ever vigilant of their adoption of harm reduction strategies. Patrons will be reminded to observe the Code of Conduct at all times whilst on the premises.

Effective and Efficient Service Recovery

- 12.5 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.
- 12.6 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 licence ends,
 - Specialised product information – particularly low alcohol products and dietary requirements, and
 - Managers working at the proposed premises will also undergo a course in Management of Licensed Premises (MLP1), to ensure greater understanding of the Liquor Control Act 1988, and their responsibilities to operate a safe and well managed premises.

Training

- 12.7 Staff will also be trained in the following:
- How to identify and refuse intoxicated persons,
 - Checking photo ID correctly,
 - Emergency evacuation procedures,
 - Identification of disorderly or anti-social behaviours,

¹²⁷ Attachment 4 - Harm Minimisation Plan

- Responsibilities during employment,
- Basic level of understanding of the Liquor Licensing 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

12.8 The following strategies will be implemented by staff when checking the ID of patrons:



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.

12.9 The following documents are the only forms of identification that can be accepted by a Licensee 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 have not been 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.

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

13.1 Pinjarra was settled in the early 1830s, and has retained much of its scenic countryside feel, with historic buildings, the Hotham valley Railway, and timber milling heritage for the enjoyment of visitors.

13.2 There are a number of tourist attractions in Pinjarra (and surrounding areas), and the town is a popular stop for many people travelling in the South West region of Western Australia, including the Edenvale Heritage Precinct. There, you can browse the Roger May Machinery Museum, Murray Arts and Crafts Centre, Liveringa Art Gallery and Heritage Rose Garden.

Edenvale Heritage Precinct

13.3 Here, you can browse the Roger May Machinery Museum, Pinjarra Arts Hub, Murray Districts Historical Society, Liveringa Art Gallery, St. Johns Church, Pinjarra Patchwork and Quilters, and Heritage Rose Garden. Afterwards, enjoy a tea or coffee and a small treat at the Edenvale Tearooms.

“The Edenvale Heritage Precinct is an award winning cultural attraction in Western Australian, a community cultivating the creativity of the Region and a place where history is celebrated and comes alive.”¹²⁸

Ranger Reds Zoo and Conservation Park

13.4 Pinjarra is also home to Ranger Red's Zoo - a unique boutique zoo offering a 'hands-on' feeding, holding and patting experience. There are more than 100 species of birds and

¹²⁸ <https://www.edenvaleheritageprecinct.com.au/>

animals to encounter there, including koalas, wombats, dingos, Bengal cats and spotted quolls.

“The name might have changed, but you can still expect the same great experience when visiting Ranger Red’s Zoo & Conservation Park!

Bradley R Holland, also known as Ranger Red, previously operated Red’s Roving Australian Wildlife Displays prior to taking ownership of the Peel Zoo in September 2019. The new name for the Zoo represents Ranger Red’s vision for the Zoo going forward.

Statement from Peter Mascaro (Ranger Red’s Zoo & Conservation Park co-owner):

“The Peel Zoo has been in operation for many many years and has been enjoyed by thousands of people. We look forward to many more years of enjoying the smiles and laughter of the children and families that visit our Zoo. We will provide to you a new, revitalized Zoo, filled with new exhibits and facilities that will enhance your experience, educate your children and bring families together in a fun and exciting environment. Thank you for your support.”¹²⁹

Hotham Valley Railway

- 13.5 The Hotham Valley Tourist Railway (commonly known as the Hotham Valley Railway) is a tourist and heritage railway in the Peel region of Western Australia that operates over a 32-kilometre section of the original Pinjarra to Narrogin railway line and originates with the object of preserving both Western Australian steam locomotives and the railway line itself.

“Today we operate both steam and diesel locomotive hauled trains on a variety of services and is staffed exclusively by volunteers.

It is one of only a handful of heritage railway organisations in Western Australia, and as of 2018 is the only heritage/tourist railway in the state regularly operating original 1,067 mm (3 ft 6 in) gauge Western Australian Government Railways steam locomotives.”¹³⁰

Murray River – Kayaking, swimming etc.

- 13.6 The Murray River stems from major tributaries, the Hotham River and the Williams River. It winds through a ‘range’ known as the Darling Scrap, passing through Lane-Poole Reserve and the town of Pinjarra before flowing into the Peel Inlet.

Pinjarra Heritage Trail Walk

- 13.7 The Heritage Trail walk is a pleasant walk through the town from the Tourist Centre (which used to be the old Road Board Office) past the Court House (1935) and the Post

¹²⁹ <https://www.redzoo.com.au/re-brand/>

¹³⁰ <https://www.hothamvalleyrailway.com.au/>

Office (1895), which in season has the most beautiful yellow frangipani outside, and down beside the Murray River. It passes the pedestrian suspension bridge and crosses over the South Western Highway to visit St John's Church (consecrated in 1863), the Old Schoolhouse (1896), the privately owned ÆLiveringa¹ (1885), an attractive colonial homestead with wide verandahs, and the beautiful ÆEdenvale¹ (1888), a huge and gracious dwelling of 18 rooms built from locally fired bricks and consisting of the house as well as barns, a dairy and two small houses. The house was home to Edward McLarty who was a member of the state's Legislative Council for 22 years. McLarty's son, Ross, was a parliamentarian for 32 years and was Premier of Western Australia from 1947-53. By any measure the Heritage Trail is a delightful walk. The tree lined banks of the Murray River, the pedestrian suspension bridge and the beautiful old buildings can all be seen in a leisurely 1.2 km walk which should not take more than an hour.

Old Blythewood

- 13.8 *"If Evenvale, with its delightful gardens, is a reminder of the graciousness of life in the nineteenth century, then so too is Old Blythewood. Located 5 km outside Pinjarra it is set in the most beautiful gardens imaginable.*

The house was built about 1860, probably as a hotel, by John McLarty who had arrived in Western Australia in 1839. The complex comprises the main house with six bedrooms, two offices, a dining room, parlour, front and back verandah and the Kitchen block with the caretaker's quarters, kitchen, scullery and creamery. The National Trust, which now run the building, have produced an interesting booklet which places the house in the larger context of settlement of the whole Murray River area."¹³¹

Cooper's Mill

- 13.9 Cooper's Mill is located on Culeenup Island and is only accessible by boat.

This was the first flour mill in the Murray region. Joseph Cooper built it by collecting limestone rocks every morning, and then sailing them across to the island. Mr Cooper began work on the mill in 1843 but he was killed in an accident before it was completed in 1850. A combination of natural disasters over a short period, effectively brought milling operations to a halt. It was used as a smokehouse for curing fish and then in the 1950s it was restored. The result is a beautifully whitewashed building, and boat trips can be organised via local charter companies.

Fairbridge Village

- 13.10 A few kilometers to the north of Pinjarra on the South Western Highway is the historical settlement of Fairbridge. The name is derived from the founder, Kingsley Fairbridge, who created the place in 1912 as a farm school for migrant children.

¹³¹ <https://www.nationaltrust.org.au/places/old-blythewood/>

Fairbridge spelt out his ambitions when he wrote: *"I saw great Colleges of Architecture (not work houses) springing up in every man-hungry corner of the Empire. I saw children shedding the bondage of bitter circumstances and stretching their legs and minds amid the thousand interests of the farm. I saw waste turned to providence, the waste of unneeded humanity converted to the husbandry of unpeopled acres".*¹³²

- 13.11 The premises now serves as accommodation for visitors, and is generally busy year-round, with the old farmhouses and student accommodation being transformed into Chalets.
- 13.12 The boarding houses all have famous British names such as Clive, Shakespeare, Nightingale, Exeter, Evelyn, Raleigh, and Hudson and they are all nestled in amongst stands of trees. The setting is particularly pretty, and it seems as though things have remained unchanged since the establishment of the orphanage.
- 13.13 Today the complex is used for holidays. All the cottages have self-catering facilities and the range of leisure activities - swimming pool, tennis courts etc - is extensive. Contact the Tourist Information Centre for details.
- 13.14 Other things to do in Pinjarra includes (but are not limited to):
- Pinjarra Races¹³³
 - Bird Watching¹³⁴
 - Hiking¹³⁵
 - Annual WA Junior Rodeo at West Coast Cattle Ranch¹³⁶
- 13.15 Pinjarra is located in the Shire of Murray local Government Area (LGA), who are strong supporters of the application, as evidenced by the written support of the CEO (**Attachment 2a**), and the Shire of Murray's selection of The Carnegies Group as the successful operator of the premises.
- 13.16 The local Pinjarra community is eager to see the development of The Exchange Hotel premises progress and to have the new amenity available and employ people as soon as possible, as many references and quotes in this PIA have attested to.
- 13.17 George Street in Pinjarra is known as the 'main street' for commercial activity and is vital to the reactivation of the Pinjarra Town Centre, as outlined in these PIA submissions.
- 13.18 Accordingly, it is a suitable location for The Exchange Hotel amenity to be located to be easily accessed by tourism visitors.

¹³² <https://www.fairbridge.asn.au/cottage-accommodation/>

¹³³ <https://www.pinjarrapark.com.au/>

¹³⁴ <http://members.iinet.net.au/~foconnor/sites/pinjarra.htm>

¹³⁵ <https://www.alltrails.com/australia/western-australia/pinjarra--2>

¹³⁶ <https://www.facebook.com/ravenswoodarena/>

- 13.19 The Exchange Hotel will always remain available to participate in community events and support initiatives by local community group and organisations and support the town of Pinjarra and their initiatives to attract tourism visitors to the region.

14 Summary

- 14.1 Hospitality Total Services (Aus) Pty Ltd on behalf of Pinjarra Exchange Pty Ltd hereby submit this Public Interest Assessment submission to support the Tavern (Unrestricted) Licence Application for the proposed premises to be known as The Exchange Hotel, located at 12 George Street, Pinjarra WA 6208.
- 14.2 The Director of the Applicant Company is an experienced Licensee, and has been carefully selected by the freehold owner of the premises (Shire of Murray LGA) for the following reasons:

“Plans to redevelop one of Western Australia’s oldest hotels are moving forward with the venue’s new operators announced today.

Karl and Janine Bullers will be the new operators of the soon-to-be refurbished Exchange Hotel in Pinjarra following endorsement from the Shire of Murray Council.

The hotelier couple from England have built a strong reputation for transforming unloved heritage buildings into successful hospitality venues.

Mr and Mrs Bullers already own the Old Courthouse and The National Hotel in Fremantle, which have both undergone significant transformations.

Shire of Murray President Cr David Bolt said it was the care the couple had put into their previous projects that captured the Shire’s attention.

“When we saw how Karl and Janine fought to preserve the history and heritage of The National Hotel whilst also making it modern and attractive to a contemporary audience, we knew they were the right people to shepherd The Exchange Hotel in the coming years,” Cr Bolt said.

“Our community members tell us they want us to be effective stewards of our environment, history, heritage and rural character, and it’s clear that Karl and Janine share those same values.”

The historic Exchange Hotel closed its doors in 2008 and has remained untouched since the Shire of Murray Council purchased the site in 2012.

But thanks to a shared community vision, endorsement from the Council and the Federal Government’s Building Better Regions Fund grant, a redevelopment is finally underway.

\$6.5 million will be spent on the redevelopment and the refurbished venue will offer an event space to host weddings, private events, and farmer’s markets, as well as an outdoor garden and riverside dining.

*It is expected that the project will deliver over \$57 million of new economic output to the local economy over five years.*¹³⁷

14.3 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 fortifieds. The new contemporary boutique distillery at the premises will contribute to the proper development of the liquor, hospitality, and tourism industries in the locality.

14.4 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.

14.5 The Exchange Hotel is considered as follows by the local government and community:

"The abandoned Pinjarra Exchange Hotel is set to become a "regional icon" with a major plan to redevelop the site now underway.

In March, Shire of Murray councillors approved a \$4.1 million redevelopment project to turn the landmark site into a hospitality venue with flexible spaces for events.

A relaxed bar and restaurant that would seat 500 people, market garden, central commercial kitchen, and retail space are a part of the plans.

On Friday, the federal government committed \$2.3 million to the development through a Building Better Regions grant with the shire set to fund the rest of the project.

Shire of Murray chief executive Dean Unsworth said works would be complete by the end of 2023.

"The Murray community have patiently awaited the right opportunity to redevelop the much-loved Exchange Hotel site," he said.

"The funding is going to help redevelop the historically significant site into an investment proposition that is operator ready.

"Additionally, it will support broadening Pinjarra's economic capacity, stimulate further private investment, create jobs...and deliver a broader scale investment encouraging positive flow on benefits to the community and local economy. "

*According to shire officers, the redevelopment of the hotel will bring in \$57 million over five years, see almost 38,000 new visitors to Pinjarra annually and create 48 full-time jobs.*¹³⁸

14.6 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

¹³⁷ <https://www.coastlive.com.au/news/local-news/pinjarras-exchange-hotel-finds-new-operators/>

¹³⁸ <https://www.mandurahmail.com.au/story/7466248/redevelopment-underway-pinjarra-exchange-hotel-set-to-become-regional-icon/>

submissions, with respect to the daily, ongoing management of the premises (subject to approval).

- 14.7 The Applicant has considered Section 5, Section 36B(4) and Section 38 (4) (a, b, c and ca) of the Act in relation to Harm or Ill-health, Impact on Amenity, Offence, Annoyance, Disturbance or Inconvenience, and the Tourism, Community and Cultural benefits the proposed Tavern (Unrestricted) Licence may have on the local community in these submissions.
- 14.8 The Applicant has also considered the DLGSC Industry Guideline on the Responsible Promotion of Liquor¹³⁹ and is committed to adhering to the DLGSC policy at all times.
- 14.9 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: s.5(2)(e),*
 - (b) *shall act without undue formality in any proceedings under this Act: s.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: s.16(7)(b), and*
 - (d) *is to act with as little formality and technicality as is practicable: s.16(7)(c).*
- 14.10 Accordingly, the Applicant requests with respect that the Director of Liquor Licensing consider approving the 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 Plans
- 2 Written Support
- 3 The Exchange Hotel – Business case
- 4 Harm Minimisation Plan
- 5 Sample Menus
- 6 ABS 2021 Census Data
- 7 Staff RSA Handbook
- 8 Acknowledgement Letter
- 9 Peel Food and Beverage Capability Guide
- 10 Exchange Hotel Distillery
- 11 Exchange Hotel Distillery Back-Of-House
- 12 Taste 2020
- 13 Local Planning Policy Pinjarra
- 14 Strategic Community Plan
- 15 Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan
- 16 Community Consult
- 17 Preventing Violence