

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICANT: GPRWA PTY LTD

PREMISES: CANNING BRIDGE PAVILION

PREMISES ADDRESS: 4 THE ESPLANADE MOUNT PLEASANT WA 6153

APPLICATION ID: A987024684

NATURE OF APPLICATION: APPLICATION FOR THE CONDITIONAL GRANT OF A
TAVERN RESTRICTED LICENCE

DATE OF DETERMINATION: 28 SEPTEMBER 2021

Introduction

1. On 22 January 2021, GPRWA Pty Ltd (the applicant) lodged an application for the conditional grant of a tavern restricted licence in respect of premises situated at 4 The Esplanade, Mount Pleasant and to be known as the Canning Bridge Pavilion.
2. The application was made pursuant to ss 41, 62 and 68 of the *Liquor Control Act 1988* (the Act).
3. Pursuant to s 67 of the Act, the application was processed in accordance with instructions issued by the Director of Liquor Licensing (the Director).
4. Pursuant to ss 73 and 74 of the Act, objections to the grant of the application were lodged by Jeanie Helen Antunovich, Stephanie Clifton and Graeme Clifton, Mark Taylor and Kay Taylor, and Michael Veletta and Linda Veletta (the objectors).
5. Also, pursuant to s 72A of the Act, submissions in opposition to the grant of the application were lodged by Laura Emery and Terri Murphy. However, it should be noted that while these notices of opposition were acknowledged by the Director as objections these persons are not parties to these proceedings (s 72A of the Act).
6. By letter dated 29 April 2021, a document exchange process was initiated between the parties to proceedings, namely the applicant and the objectors. Each party was afforded the opportunity to lodge any further information to be taken into consideration in the determination of the application. Also, by email dated 15 June 2021, the applicant was required to lodge further and better particulars regarding the likely impact that the grant of the application may have on the amenity of the area, with regard to the matters contained in s 38(4)(b and (c) of the Act.
7. Pursuant to ss 13 and 16 of the Act, the application will be determined on the papers and by me under delegation pursuant to s 15 of the Act.
8. The submissions and the evidence of the parties to these proceedings are briefly summarised below.

Submissions on behalf of the applicant

9. The applicant seeks the conditional grant of a tavern restricted licence for the proposed premises to be situated at 4 The Esplanade, Mount Pleasant.
10. The principal parts of the proposed premises will comprise:
 - an internal dining/restaurant area of approximately 165m²;
 - a terrace area of approximately 226m²;
 - bar area of approximately 28m²;
 - kitchen facilities of approximately 86m²; and
 - a storeroom of approximately 20m².
11. The proposed toilets, separated by a hallway, from the main areas are sufficient to accommodate up to 450 persons on the proposed premises, at any one time.
12. The applicant submitted that the premises that will house the proposed licensed premises will undergo extensive refurbishment and the resulting premises will be similar to other General Public Food Co venues such as General Public Scarborough and General Public Inglewood.
13. In respect of entertainment, the applicant submitted:

“...envisages that entertainment will be in the form of low-key, pre-corded music played through a central sound system, with occasional live bands for special occasions only.”
14. The applicant also submitted that if the application is approved:

“... what will be created is a single venue promoting responsible drinking practices, food and friendly atmosphere.”
15. It was submitted that the applicant had met with the City of Melville and The Rivers and Estuaries Branch of the Department of Biodiversity, Conservation and Attractions; and some of the issues dealt with in detail included:
 - planning goals for the site and the locality more broadly;
 - traffic;
 - car parking; and
 - public transport options.
16. In support of its application the applicant lodged a Public Interest Assessment (PIA) which outlined its intended manner of trade; a description of the facilities; and addressed the matters contained in s 38(4) of the Act. The PIA was supported, by many things, including:
 - Determination of development application (part 5) (file number 2019/2278) by the Department of Biodiversity, Conservation and Attractions;
 - Department of Biodiversity, Conservation and Attractions Report (file number 2019/2278) endorsed on 30 October 2020;
 - Harm minimisation documents (Code of Conduct, House Management Plan & Management Plan);
 - Concept of proposed premises;

- Witness questionnaire responses;
- Letter of support from Tourism Western Australia; and
- Survey questionnaire.

Submissions of the objectors

17. The objectors, in their notices of objection opposed the grant of the application on one or more of the following grounds:

- the grant of the application would not be in the public interest (s 74(1)(a) of the Act);
- if the application were granted undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur (s 74(1)(g)(i) of the Act); and
- if the application were granted – the amenity, quiet or good order of the locality in which the premises or proposed premises are or are to be situated would in some manner be lessened (s 74(1)(g)(ii) of the Act).

18. M/s Jeanie Antunovich in support of her grounds of objections submitted:

- *Since the upgrade of the recreation area adjacent to and in front of the Rowing Club, this area has become a lovely little haven for families, bike riders, boaties, kayakers, fishermen, crabbers and the like. With its lawned area and quiet and calm beach, families, couples, couples and groups can often be seen picnicking there in the evenings and nights. By its very nature, a Tavern overlooking this area could have noisy music and rowdy patrons. Exiting patrons exhibiting anti-social behaviour could prove to be a danger to families and children and other users of the area. Vehicle parking could likely be an issue. Currently, if there is a function being held at the Rowing Club, car parking in the area is at a premium. Vehicles quickly fill the existing (and inadequate) parking areas and need to travel along the Esplanade to find on street parking as far southwards as Helm St and further. Cars often park on the median strip in the middle of The Esplanade at the Canning Bridge entry/exit when the existing parking is full, creating a hazard for vehicles and pedestrians alike. The addition of extra vehicles belonging to patrons of the proposed tavern would further increase traffic congestion. While not directly related to the grant of application under discussion in this submission, it is worth noting that currently, a development application has been lodged for a commercial development on the vacant site almost immediately across the Esplanade from the rowing Club. In the event that application is approved with its accompanying vehicular traffic demands, combined with the vehicular traffic from Tavern patrons, the amount of traffic and congestion in the area would be untenable.*
- *I live at the Azure Apartments, 19-21 The Esplanade, 100 metres or so from the proposed Tavern premises. I have resided here for 9 years, and during that time I have witnessed dreadful anti-social, drunken, irresponsible, dangerous and sometimes destructive behaviour from people walking home late at night or returning to their parked cars. While it is impossible to ascertain definitively where these people have come from, in all probability they were patrons of either the Raffles Hotel, or patrons of one of the many Private Functions held at both Rowing Clubs on The Esplanade. The sort of behaviour I have witnessed includes urinating and vomiting,*

brawls and fights, the smashing of bottles and glasses, screaming and yelling, vile language, breaking off tree and shrub branches, bending and damaging street signs, playing "chicken" on the road with vehicles etc etc. I have no physical evidence of this, but there are 31 other residents living in our Apartment complex whose apartments overlook the Esplanade, and who, I am sure, would gladly verify the sort of behaviour we are all subjected to on a regular basis. The addition of another hospitality venue offering on-premise alcohol, and trading till late at night would, in all probability, lead to an increase in the type of anti-social behaviour we currently are forced to endure.

- *My comments above cover this category. In my opinion, the granting of a Restricted Tavern licence at these premises would very much compromise and affect the quiet and good order of the locality by way of the real probability of increased anti-social behaviour occurring in the locality if another on-premise liquor outlet was allowed. Residents here, and along The Esplanade have some sort of entitlement to enjoying quiet and good order in this locality as much as possible. Even given the responsibilities of Licensees with regard to the Responsible Service of Alcohol and the regulations they must follow, and while the RSA has eliminated to a certain extent the issue of drunkenness of patrons of licensed premises, it undeniably still exists in the community.*

In conclusion, regarding the Notice to Residents and Business Owners distributed in the local area, I note with great interest that one entire page of the notice was devoted to informing residents and owners of how the proposed tavern would bring a "new age dining experience", and a "local community environment", etc etc. A great deal of space was devoted to the quality of the fresh and vibrant food that would be provided.

Three lines at the end of that particular section in the Notice was allocated to informing residents and owners that the standard trading hours permitted are Monday to Sunday to 12 midnight. While it is then stated that "it would be unusual to trade to midnight" and "most evenings the venue is likely to close around 10pm", the fact remains that if a Restricted Tavern Licence is granted, the Licensee is then permitted to open till midnight, 7 days a week if they so choose.

While I would have little objection to an additional hospitality venue of some sort in the area, I believe that the granting of a Restricted Tavern Licence is inappropriate for the area for the reasons outlined above, and particularly in light of the late night trading hours a Restricted Tavern Licence can be permitted to operate under.

At the very least, if a Restricted Tavern Licence is granted, can there be some sort of restriction stated within that Licence whereby it is mandatory that the Tavern closes at 10pm every night.

19. M/s Stephanie Clifton and Mr Graeme Clifton in support of their grounds of objections submitted:

Alcohol: What measures will provide certainty for residents that alcohol is only consumed with food in the pavilion.

The hours of 6 – 12 are our strongest objection. The associated noise for patrons arriving & departing at these hours will be an added intrusion.

Our 19 apartments are 40m away.

The immediate vicinity, is already serviced by 3 licensed places. The Raffles Hotel, Clancy's Fish Bar & Liquor Barons.

The application provides no evidence that the Rowing Club will not be disadvantaged. Currently the upper floor is used for weddings and other important social events.

The application provides no evidence that this wonderful community icon will continue. Parking for commuters: Parking is at a premium here.

The application provides no evidence that parking will not become a problem

20. Mr Mark Taylor and Ms Taylor in support of their grounds of objections submitted:

For this to go ahead it would be a disturbance and annoyance to the people living close by. It would create extra traffic which cannot be accommodated on the current road along The Esplanade. Parking spot unavailability is already at an all time high, and there is insufficient parking for the proposed licensed venue. This would result in more traffic and cars parked illegally, inconveniencing the persons who reside and work in the vicinity of the proposed premises. It would also impact those using The Esplanade for walking or other recreational purposes would no longer be able to find a carpark.

There are already empty premises at the PRECINCT on the corner of Canning Highway and Sleaford Road. The addition of another hospitality venue in the same area seems inappropriate.

The licensed venue would also create undue annoyance and disturbance, due to the extra noise with no reprieve, with the proposed long opening hours of all day and night, 7 days a week. This would disturb the right to peace and quiet of the nearby local residents (both residential and commercial) located at number 1-5 The Esplanade. These residents should be able to maintain the quiet and good order of the locality as they are currently.

The corner of Canning Highway and The Esplanade is a very busy corner, we have people walking for fitness, people walking with their grandchildren, walking on walkers or walking their dogs or just walking to and from work. We also have a large amount of bicycle traffic some of which goes extremely fast as they go to and from Canning Bridge. Then there is the nice grass and sand area here that a lot of children come and play on and often play with a football or soccer ball.

People also come down to this area for picnic, swimming or just to sit and enjoy the lovely river. Boats often pull up and let people on and off their boats. We also have paddle boats and stand up boards.

Should the application be granted, the corner of The Esplanade and Canning Highway would become too busy, and all of the above activities would be jeopardised with people being no longer able to enjoy this area.

21. Mr Michael Veletta and Ms Linda Veletta in support of their grounds of objections submitted:

We express our opposition, not to the whole of the application, but for a number of elements of major concern as a local resident that will be directly affected by this submission.

Firstly Parking:

Existing parking measures are inadequate for the current use of the premises as a rowing club. Each morning there is excessive traffic and inadequate parking available to accommodate the existing uses (see photos attached).

Not only are the existing parking provisions not adequate with the road side, parking bays between the rowing club buildings and any public parking nearby. There is regularly spillage into private property with cars regularly parking within the private parking of 1 The Esplanade, on the medium strip, on the nature reserves and illegally on the side of the road.

Unless adequate parking is provided for any change of use that this submission proposes then this will serve to place further pressures on local parking for patrons that utilise this proposed facility.

This is a significant issue currently without the submission as we expect amplifying a significant increase and a major parking problem which needs to be resolved prior to the approval of this submission.

Secondly, timing of operation:

The hours of operation are a major concern around the proposed times of 6am to midnight Monday to Saturday. Located in such close proximity to residential premises this is a clear ignorance of the residents rights to quite use of their premises at a reasonable time of the morning and into the evening.

At present and when there are functions late in the evening utilising the existing premises there are often patrons that spill out very late in the evening disturbing locals with excessive noise and often violence that we have witnessed.

22. These objectors attached photographs showing parking on medium strip, nature reserves and a full carpark (photos dated 13 March 2021).

Submissions of parties opposing the application

23. Ms Laura Emery and Ms Terri Murphy in accordance with s 72A of the Act lodged submissions in opposition of the application. The submissions raised similar issues as those raised by the objectors namely that the grant of the application will impact on the amenity of the locality for many reasons including:

- Lack of consultation between the applicant and the residents regarding the application and the evidence lodged in support of the application that the proposed premises was required to meet the requirements of consumers for liquor and related services in the locality.

- Excessive noise that may arise from live music or anti-social behaviour from patrons resorting/leaving the proposed premises.
- Increased traffic and overparking carparks.
- The intended manner of trade and the licence type sought by the applicant.
- The amenity of the area is already affected by the existing activities, including the licensed venues, occurring in the locality and the proposed premises has the potential for the amenity of the locality to be lessened.

Applicant responsive submissions

24. The applicant in its responsive submissions summarised the tenor and the concerns of the objectors and the persons who lodged submissions opposing the grant of the application as follows:

- Noise and disturbance.
- Disruptions/difficulty with traffic and car parking.
- Light pollution.
- Potential for anti-social behaviour.
- Capped trading hours/long trading hours.
- No local responses to surveys.

25. In response to the objections lodged, the applicant reiterated its intention that it wishes to be part of the local community, the proposed premises will provide a family-friendly atmosphere and slip seamlessly into the locality.

26. The applicant also explained the reasons why it has sought a tavern restricted licence instead of a restaurant licence with an extended trading permit; submitted a number of concessions as possible trading conditions and referred to the written statements of Mr Nic Strachan; and statements made by the customers of General Public Inglewood and Scarborough as to the manner that business is conducted at those premises.

27. In respect of disruptions/difficulty with traffic and car parking the applicant submitted:

“2.1 Traffic and car parking are matters to be dealt with through the planning application to the relevant local Government authority, which in this case is the City of Melville, as well as the Department of Biodiversity, Conservation and Attractions (DBCA).

2.2 This application for a tavern restricted licence at these premises has received the appropriate approval from both of these authorities.”

28. In responding to my email dated 15 June 2021, regarding the likely impact that the grant of the application may have on the amenity of the area, with regards to the matters contained in s 38(4)(b) and (c) of the Act, the applicant lodged further submissions including:

- A report dated 23 July 2021 in respect of traffic and car parking associated with the proposed premises by Urbanista Town Planning (the Urbanista report).
- Determination of development application (2019/2278) by the Department of Biodiversity, Conservation and Attractions dated 11 November 2020.
- Department of Biodiversity, Conservation and Attractions report dated 30 October 2020.

Determination

29. The applicant seeks the grant of a tavern restricted licence in respect of the proposed premises.
30. In accordance with s 38 of the Act, the onus is on the applicant to satisfy the licensing authority that the grant of the application is in the public interest. In this regard, the licensing authority, however constituted, makes its determination on the balance of probabilities.
31. In determining whether an application should be granted “in the public interest” the licensing authority, is required to exercise a discretionary value judgement within the scope and purpose of the Act (refer *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 492; *O’Sullivan v Farrer* (1989) 168 CLR 210; and *Palace Securities Pty Ltd v Director of Liquor Licensing* (1992) 7 WAR 241. That is, consideration must be given to the objects of the Act as specified in s 5 and regard may be given to the matters prescribed in s 38(4) of the Act.
32. In *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 Tamberlin J said:
- The reference to “the public interest” appears in an extensive range of legislative provisions upon which tribunals and courts are required to make determinations as to what decision will be in the public interest. This expression is, on the authorities, one that does not have any fixed meaning. It is of the widest import and is generally not defined or described in the legislative framework, nor, generally speaking, can it be defined. It is not desirable that the courts or tribunals, in an attempt to prescribe some generally applicable rule, should give a description of the public interest that confines this expression.*
- The expression “in the public interest” directs attention to that conclusion or determination which best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances.*
33. Pursuant to s 33 of the Act the licensing authority has an absolute discretion to grant or refuse an application under the Act on any ground, or for any reason, that the licensing authority considers in the public interest, provided that the application is dealt with on its merits within the scope of the Act (refer *Woolworths Ltd v Director of Liquor Licensing* [2012] WASC; and *Palace Securities v Director of Liquor Licensing* (1992) 7 WAR).
34. The primary objects of the Act, as set out in s 5 are:
- to regulate the sale, supply and consumption of liquor;
 - to minimise harm caused to people, or any group of people, due to the use of liquor; and
 - to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

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35. The secondary objects as set out in s 5(2) are, to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; to provide adequate controls over persons directly or indirectly involved in, the sale, disposal and consumption of liquor; to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act; and 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.
36. The applicant in its application submitted the reasons for seeking a tavern restricted licence for the proposed premises.
37. The objectors submitted that the grant of the application is not in the public interest, for many reasons including that the proposed licensed premises has the potential to result in offence, annoyance, disturbance or inconvenience to residents and the amenity, quiet or good order of the locality would in some other manner be lessened.
38. In respect of the objections lodged, s 73(10) of the Act, provides that the burden of establishing the validity of any objection lies with the objector.
39. Section 37(3) of the Act, provides:
- “An application shall not be granted where the licensing authority is satisfied that an undue degree of offence, annoyance, disturbance or inconvenience to –*
- (a) persons who reside or work in the vicinity of the place or premises to which the application relates; or*
- (b) persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school, would be likely to occur.”*
40. In responding to the objections lodged and my request for further information, in email dated 15 June 2021, the applicant in its submissions reiterated its intended manner of trade under the tavern restricted licence and submitted that the matters raised by the objectors were matters for consideration by the City of Melville in accordance with the approval granted by Department of Biodiversity, Conservation and Attractions. The authorities responsible for planning in the locality.
41. The City of Melville, by email dated 13 September 2021, advised that the proposed premises is capable of complying with the relevant planning standards for the locality.
42. In considering this matter, I have taken account the information lodged by the parties to proceedings. However, it is worth noting that the application is supported by the relevant planning approvals; and the local authority has advised that the applicant (the premises) can comply with its planning requirements.
43. In respect of the objections lodged, while I acknowledge the grounds of the objections and that the Director cannot abrogate his responsibility to consider matters relating to the amenity of the locality, in view of the expert evidence as contained in the Urbanista report, the applicant's proposed trading concessions and in particular the advice of the City of Melville that the licensed premises can comply with all relevant planning requirements, I

am not satisfied that the objectors have discharged their burden of establishing the validity of their objections that grant of a tavern restricted licence, at these premises, is not in the public interest or would cause:

- undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed premises, would be likely to occur; or
- the amenity, quiet or good order of the locality of the proposed premises, would in some other manner be lessened.

44. In considering all of the information presented, I am satisfied that the applicant has discharged its onus under s 38(2) of the Act and that the grant of the application would be in keeping with the object contained in s 5(1)(c) of the Act and the public interest.
45. However, it may be worthy for the applicant to note that the licensing authority in accordance with the provisions of ss 64, 95 and 117 of the Act is empowered to consider matters which arise as a consequence of the manner that a business is being conducted under a licence at licensed premises.
46. Therefore, as I am satisfied that the applicant has discharged its onus under the Act, I am prepared to exercise my discretion under s 33 of the Act and grant the application for a tavern restricted licence within the tenor of the information lodged and the concessions made by applicant.
47. Accordingly, the application is granted subject to conditions as follows:

CONDITIONAL GRANT

- (a) a Certificate under s 39 of the Act being lodged before the operation of the licence;
- (b) compliance with the Local Government Act 1960, Health Act 1911 and any written law relating to the sewerage and drainage of these premise;
- (c) all work being completed within 12 months in accordance with the plans and specifications dated 22 January 2021;
- (d) the recommendations of the Inspector of Licensed Premises on the Schedule of Requirements dated 5 February 2021 being satisfactorily completed and the Director of Liquor Licensing being notified in writing at least 21 days prior to applicant wishing to trade under the licence;
- (e) a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed; and
- (f) the applicant seeking confirmation of the grant on or before 27 September 2022 pursuant to s 62(4)(c) of the Act.

WHEN THE LICENCE COMMENCES OPERATION, IT WILL BE SUBJECT TO THE FOLLOWING CONDITIONS: -

TRADING HOURS

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

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 restricted licence.
2. During the permitted trading hours, the operating hours for this 'tavern restricted licence', other than on New Year's Eve and on New Year's Day, are:
 - a. Sunday 10 a.m. to 10 p.m.
 - b. Monday and Tuesday 6 a.m. to 10 p.m.
 - b. Wednesday and Thursday 6 a.m. to 11 p.m.
 - c. Friday and Saturday 6 a.m. to 12 p.m.
3. The sale of packaged liquor for consumption off the licensed premises is prohibited.
4. The licensed premises, at all times, must be set up with tables and chairs to accommodate no less than 350 patrons, other than for prearranged private functions or special events.
5. The number of persons that may be accommodated on the licensed premises, at any one time, must not exceed the number of persons as contained in the "Maximum Accommodation Certificate" issued by the local authority.
6. Food must be available during trading hours until 1 hour prior to closing.
7. Entertainment in the form of pre-recorded music provided through a central sound system on the licensed premises played at a level that allows normal conversation to occur, is permitted. Also permitted, is live entertainment for prearranged private functions or special events. All forms of entertainment in the alfresco area after 10 p.m., is prohibited.
8. Drink options that contain low alcohol liquor content as well as a range of non-alcoholic drink options must be available at all times.
9. 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'.
10. 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.

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, 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;
- (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.

COMPLIANCE WITH HARM MINIMISATION POLICY

The licensee has lodged a copy of the House Management Policy, Code of Conduct and Management Plan developed for these premises in accordance with the Harm Minimisation Policy. These documents must be retained on the licensed premises and produced to any Authorised Officer if required.

48. Pursuant to s 116(3) of the Act, the premises' name "Canning Bridge Pavilion" is approved. The licensee, on confirmation of this conditional grant, shall not subsequently conduct business at the licensed premises under any other name, without the prior approval of the Director of Liquor Licensing
49. Contemporaneously with the confirmation of this conditional grant, the club restricted licence No 6190018028 must be surrendered.
50. Parties to this matter dissatisfied with the outcome may seek a review of the Decision under s 25 of the Act. The application for review must be lodged with the Liquor Commission within one month after the date upon which the parties receive notice of this Decision.

**TRADING MAY NOT COMMENCE UNDER THIS LICENCE
WITHOUT THE PRIOR WRITTEN APPROVAL OF THIS OFFICE.**



Eric Romato
DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING