

IN THE LIQUOR LICENSING DIVISION OF WESTERN AUSTRALIA

THE MATTER OF AN APPLICATION BY **JO 6061 PTY LTD** FOR A **NIGHTCLUB LICENCE** FOR PREMISES KNOWN AS **TRUTH PERTH** SITUATED AT **LOWER LEVEL, 564 – 568 HAY STREET, PERTH**

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**PUBLIC INTEREST ASSESSMENT SUBMISSIONS**

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Date of Document:        The        19th        day of        September        2025

Filed on behalf of:        The Applicant

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1. The Applicant is seeking a Nightclub Licence (“the Application”) for premises known as Truth Perth, located at Lower Level, 564 – 568 Hay Street, Perth (“the Venue”).
2. The Application seeks to expand the Venue’s operational and service capacity, allowing for greater community engagement, more diverse cultural programming and the further promotion of First Nations business leadership within Perth’s hospitality sector.
3. The Applicant currently operates the Venue as a Small Bar (Licence no. 634221625224), which restricts the Venue’s capacity to a maximum of 120 persons (excluding responsible persons and authorised officers). The business is housed in a leased space that has the capacity and facilities to accommodate approximately 550 patrons, which will enable the Applicant’s to expand the Venue’s licensed function and entertainment services.

4. The Venue opened its doors on 29 November 2024, having created a unique upmarket small bar that also gives back to Perth's First Nations community and the State's Hospitality industry. The Venue is operating successfully and has quickly become an integral part of the Perth cultural and hospitality scene.



### **The Applicant**

5. The Venue is First Nations owned and operated and is the brainchild of current Director John O'Driscoll and former Director Jarrad Oakley Nicholls who remains a shareholder in the business.
6. The Applicant is part of the Indigenous Emerging Business Forum Aboriginal Corporation ("IEBFAC") and is dedicated to creating meaningful employment opportunities for young people, particularly those who have faced barriers to entering the workforce. Through the Applicant's partnership with Oakford College of Management, which is a Registered Training Organisation ("RTO") operated by John O'Driscoll and Jarrad Oakley-Nicholls, the Applicant offers Certificate I, II, and III in Hospitality training at the Venue to equip individuals with the skills needed for a successful career in the Hospitality industry. These nationally recognised qualifications facilitate employment opportunities and provides a strong foundation for a pathway into permanent employment.
7. As a profit-for-purpose organisation, the Applicant operates with a strong social mission, where profits from the Venue are reinvested towards its purpose-driven objectives. This includes delivering high-quality, upmarket licensed hospitality services while actively addressing the shortage of First Nations employment within the hospitality industry. As part

of this commitment, the Applicant prioritises the recruitment and training of First Nations jobseekers, equipping them with the skills and experience necessary to become proficient hospitality workers. This initiative contributes to a growing pipeline of skilled First Nations workers to support the Hospitality industry, while also fostering future business ventures that will generate meaningful long-term employment opportunities for First Nations people.

8. In addition to the Applicant's accredited training programs, it now also offers a Native Australian Ingredients Cocktail Course, a unique training initiative designed to introduce participants to the native ingredients of Perth. This course will teach individuals about the rich history and cultural significance of using local native bush foods and how to incorporate them into the cocktail-making experience. By highlighting the flavours of local bush foods, this course aims to educate both bartenders and cocktail enthusiasts on how to create innovative drinks that honour First Nations culture and flavours.
9. The Venue and associated projects are developed in close consultation with First Nations elders and community leaders, ensuring culturally informed decision-making that aligns with their community values and aspirations.
10. The initiatives of John O'Driscoll and Jarrad Oakley Nicholls and the Venue's business model strongly support the City's strategic planning objectives and strongly align with the City's goals outlined in the *Cultural Development Plan* (Page 26) and the *Reconciliation Plan* (Page 18).

## **Director**

### **Jonathan (John) O'Driscoll**

11. John O'Driscoll is an influential figure in both the Entertainment and Hospitality industries and First Nations business development in Perth, Western Australia. As a director of Truth Perth, John plays a pivotal role in shaping the vision and operations of the venue, which has become a vibrant part of the Perth CBD's nightlife scene. His leadership has been integral to the venue's unique offering, blending entertainment, community engagement, and a commitment to quality service.
12. In addition to his directorial role with the Applicant, John is widely recognised for his advocacy and contributions as the CEO of the Indigenous Emerging Business Forum Aboriginal Corporation ("IEBFAC") and is deeply committed to fostering economic empowerment and sustainable growth within First Nations communities. His work with the

IEBFAC focuses on promoting First Nations - owned businesses, fostering networking, and ensuring fair, sustainable opportunities in the business landscape.

13. With a wealth of experience in leadership and a passion for creating meaningful change, John works as an advocate to help bridge the gap between First Nations businesses and mainstream opportunities through collaboration and innovation. His commitment to empowering First Nations communities and promoting social inclusion within the business sector remains at the heart of his professional journey. At the Venue, he brings his expertise in event coordination, hospitality and community outreach to the fore, ensuring the Venue remains a hub for diverse range of patrons who seek unique social experiences.
14. IEBFAC actively works towards creating an inclusive business environment where First Nations entrepreneurs can thrive and contribute to the broader economic landscape. The Venue is a perfect example of how a First Nations business can successfully operate within the Perth's Hospitality industry.
15. John has extensive experience in booking artists both internationally and nationally. Through IEBFAC events that he runs, he has hosted six (6) successful annual forums averaging approximately 1500 patrons at each event. Past bookings through IEBFAC include and are not limited to: Lil Eazy E - Los Angeles, DJ Yella - Los Angeles, M.I.M.S - Miami, Grammy Award Winner MYA - Detroit, Jessica Mauboy - Melbourne, Baker Boy - Sydney, Royston Knoell - Sydney, Prinie Stevens - Sydney, Anthony Mundine - Sydney, Dam IM - Melbourne.
16. Under John's direction, the Venue has solidified its position as a welcoming, inclusive licensed venue, that offers high quality drinks and entertainment. His commitment to local talent, sustainability, and fostering a positive customer experience are the principles that both guide the ongoing development of the Venue and ensure it will continue to thrive in a competitive market.



JARRAD OAKLEY NICHOLLS (LEFT) & JOHN O'DRISCOLL (RIGHT)

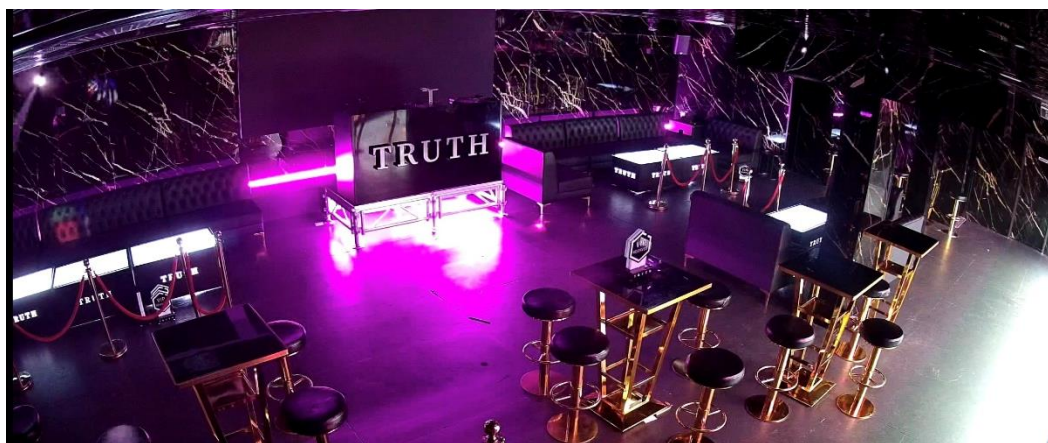
Jarrad Oakley Nicholls (former Director & current Shareholder)

17. Jarrad Oakley Nicholls is a former Richmond and West Coast Eagles AFL footballer who is a dynamic and accomplished leader known for his entrepreneurial spirit and commitment to First Nations empowerment.
18. As the Founder and Managing Director of Oaks Civil Construction, a 100% First Nations - owned and operated civil construction, traffic management and workforce solutions business, Jarrad has grown the company since its establishment in 2019. Under his leadership, Oaks Civil Construction has expanded from its base in Geraldton to serve the Perth Metropolitan area, providing services such as traffic management, civil construction, workforce labour hire and comprehensive training across Western Australia's regions.
19. In addition to his role at Oaks Civil Construction, Jarrad serves as the Yamatji Expert Economic Director for the Yamatji Southern Regional Corporation (YSRC) from 2023 to 2027. In this position, Jarrad plays a vital role in fostering economic growth and opportunities for First Nations communities, ensuring that their voices are heard, and their interests are represented in economic development initiatives.
20. Jarrad's career spans a variety of sectors, including civil construction, mining, and government, where he has worked with industry leaders to address procurement targets and create long-term employment opportunities for First Nations individuals. His dedication to facilitating First Nations employment and business development has earned him recognition, including the Supply Nation Sam Tjengala Reuben Young Indigenous Entrepreneur of the Year Award in 2023.
21. Jarrad's multifaceted role in business, community development, and social initiatives reflects his unwavering commitment to making a positive impact in Western Australia and supporting First Nations communities through sustainable growth and empowerment.
22. As a shareholder of the Applicant company, Jarrad Oakley Nicholls is committed to the vision of creating social spaces that blend high-end hospitality with a strong sense of community.
23. Through the Applicant's affiliations with Oaks Civil Construction, it was proud to use the services of talented and highly skilled First Nations tradespersons to complete the fit-out of the Venue.

## Inclusivity and Cultural Expression

24. Extracts from the City of Perth's *Cultural Development Plan, 2019-2029* ("The Cultural Plan") are annexed and marked "**Annexure A**", together with extracts from the City's *Reconciliation Plan, 2022-2024* ("the Reconciliation Plan") annexed and marked "**Annexure B**".
25. The Applicant and its initiatives strongly align with the City of Perth's *Cultural Development Plan (2019-2029)* and the *City's Reconciliation Plan (2022-2024)*. The grant of the Application will further foster inclusivity and cultural expression, along with additional training and economic opportunities for First Nations entrepreneurs and hospitality workers. (Refer Annexure A, pages 5, 22, 28 & and Annexure B, pages 10, 14, 18)

## The Application



26. Annexed and marked "**Annexure C**" is a copy of the Applicant's existing *Small Bar Licence* ("the Existing Licence"), which will be surrendered, should the Application be granted.
27. The *Existing Redline Floor Plan* for the Venue is annexed and marked "**Annexure D**".
28. Annexed and marked "**Annexure E**" is a copy of the Venue's *Proposed Redline Plan*.
29. Capacity numbers at the Venue are currently restricted to 120 persons, as per the trading conditions that apply to a Small Bar licence. Should the Application be approved, the Venue would be able to accommodate approximately 550 pax at any one time.
30. Annexed and marked "**Annexure F**" is a copy of a *Site Plan* which shows the location of the Venue.
31. Trading under a Nightclub licence will allow the Applicant to better utilise their leased area and further develop the following key areas of their business:



(a) **Change in Operating Hours to Accommodate Late-Night Entertainment**

Approval of the Application will allow the Venue to focus on evening trade and to also cater to the growing demand for later-night social events. The Applicant has identified that a sector of their existing patron base prefer arriving later in the evening. The Applicant also receives significant enquiries to book events that start after 10:00 pm.

With a Nightclub licence, the Venue would be uniquely positioned to cater to a broad spectrum of patrons throughout the night. Early in the evening, it will attract the after-work crowd and those seeking pre-dinner or after-dinner drinks, offering a relaxed atmosphere with live entertainment such as DJs playing chilled tunes. This will create a welcoming environment for professionals and social groups looking to unwind or start their night out. As the evening progresses, the Venue will seamlessly transition into a vibrant late-night destination, appealing to those who enjoy a more energetic nightlife experience. With dynamic entertainment, a lively atmosphere, and later trading hours, the Venue will be able to serve both early-evening socialisers and late-night revellers, playing a vital role in Perth's evolving and diverse nightlife scene.

(b) **Enhanced DJ and Live Entertainment Program**

With the Applicant's commitment to offer continuous live entertainment during the Venue's trading hours, the proposed change to the Venue's licence will allow for an even more dynamic, high-energy atmosphere.

(c) **Increased Focus on Private Events and After Parties**



The extension of operating hours will allow the Venue to host a greater variety of exclusive private events and after parties for major touring artists. These events will cater to function organisers and their guests seeking a high-end, VIP experience, whether for corporate events, special celebrations, or after-party concerts.

The ability to host after parties for major artists will also attract new customers to the Venue who want to be part of exclusive events that are not available at other venues in Perth, increasing the Venue's appeal and reach within the entertainment industry.

(d) **Focus on Premium Drinks and "Native Australian Infused" Cocktails**

The Venue will create a unique patron experience that will have an emphasis on premium drinks, expertly crafted cocktails that will include a selection of native Australian ingredients sourced from local bush foods.



(e) **Better Alignment with Customer Expectations**

The approval of the Application will result in the Venue being able to trade as a late-night entertainment venue with the provision of continuous live entertainment, premium drinks, and event-driven programming. This will result in the Venue repositioning itself to better align with the expectations of both existing customers and new clientele.

The Applicant has identified a strong and growing demand among its clientele for venues that offer extended late-night trading hours and the capacity to host special events beyond midnight. The proposed amendments to the Venue's liquor licence will enable it to be at the forefront of Perth's hospitality and entertainment sectors. These changes will also allow the Venue to continue evolving and actively engage with diverse community groups, fostering vibrant social and cultural experiences that resonate with a wide cross-section of the community and reflect the city's multicultural identity.

(f) **Increased Capacity for Special Events, Cultural Themed Nights & Themed Parties**

As will be discussed further below, the grant of the Application will allow the Venue to expand its special events and entertainment program.



(g) **Greater Focus on Community Engagement**

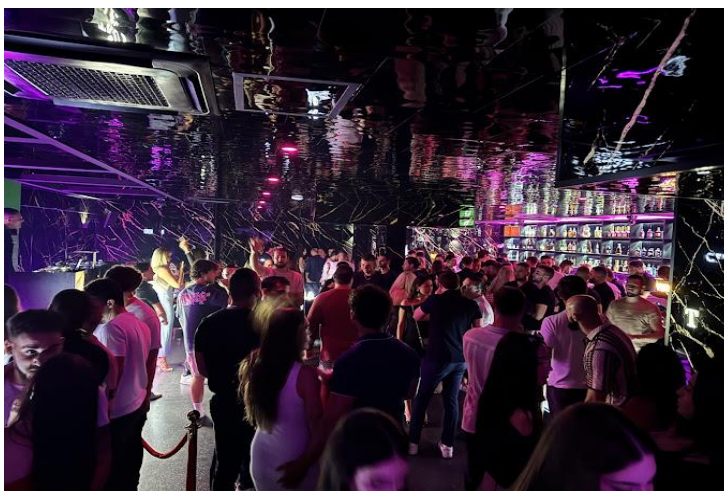
Should the Application be granted, the Venue will continue to provide opportunities for community involvement and employment, especially through Workforce Australia and Jobs and Training Support Initiatives (“JTSI”).

By creating more tailored events and offering training initiatives, the Venue can further engage with local young people, offering them opportunities for growth in the Hospitality and Entertainment industries. This social responsibility initiative not only benefits the community but also strengthens the Venue’s role as a positive force within Perth.

The Venue’s evolution and commitment to social responsibility initiatives provides a wonderful example of how a licensee can actively lead in the proper development of the Liquor industry, whilst also supporting the Tourism industry and other hospitality-related industries in Western Australia.

32. Approval of the Application will greatly benefit the Venue’s customer base and will give the wider community greater opportunity to enjoy a unique late-night attraction in the heart of Perth city’s centre. The Venue when operating as a Nightclub will further add to the City’s nightlife and vibrancy, as well as supporting cultural diversity and engagement.

**The Venue**



33. The Venue is a 100% First Nations - owned licensed premises that has quickly earned a reputation as a stylish, high-end lounge bar offering a dynamic social experience with exceptional service, VIP booths, a sophisticated cocktail menu and a constantly evolving entertainment program that caters to a variety of tastes.

34. The Venue is one of its kind in the Perth CBD that prides itself on celebrating and integrating First Nations culture into its brand and operations. This commitment to cultural heritage sets it apart, offering a unique and authentic experience that celebrates local First Nations' history, arts, and traditions. Approval of the Application will support the evolving nature of the Venue as a high-energy nightlife destination where the primary focus will be on the Venue's sophisticated premium service, unique signature cocktails featuring native Australian ingredients sourced from local bush foods and live entertainment.
35. While the Venue honours First Nations' culture and flavours, it also deeply committed to community engagement through its active involvement in youth employment and training initiatives, as well creating a social environment that welcomes a diverse range of cultures through its special themed nights.
36. The Venue's fit-out has been styled reminiscent of a high-end Vegas-style lounge bar, to create a sophisticated setting where people of all cultures and age groups can come together to relax and socialise. It has been designed to provide an exclusive, yet welcoming experience for both locals and tourists, with a constant line-up of live DJ performances and events that will create a vibrant energy each night it trades.

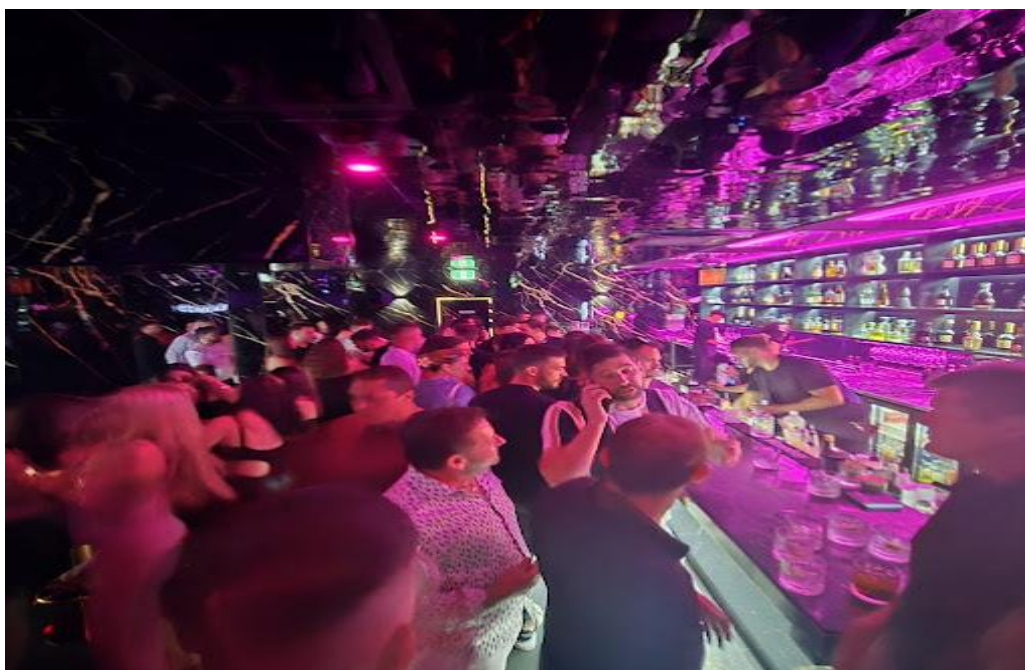


37. The design of the Venue incorporates VIP booths, bottle service and a luxurious Louis Vuitton inspired function room, all of which is serviced by personal waiters to create a truly special experience for each patron.
38. The Venue will have the following features:
  - Premium beverages menu, including handcrafted signature cocktails, featuring native Australian ingredients sourced from local bush foods;
  - Luxury bar and seating areas i.e. "Truth" and "Dare";
  - Sophisticated VIP Booths and Bottle Service;
  - Exclusive Louis Vuitton inspired function space for private events and after parties;
  - Designated dance floor area;

- Cultural-themed events and special events programming;
- Continuous live music & DJs with RnB vibes; and
- Exceptional service.

### Trading Hours

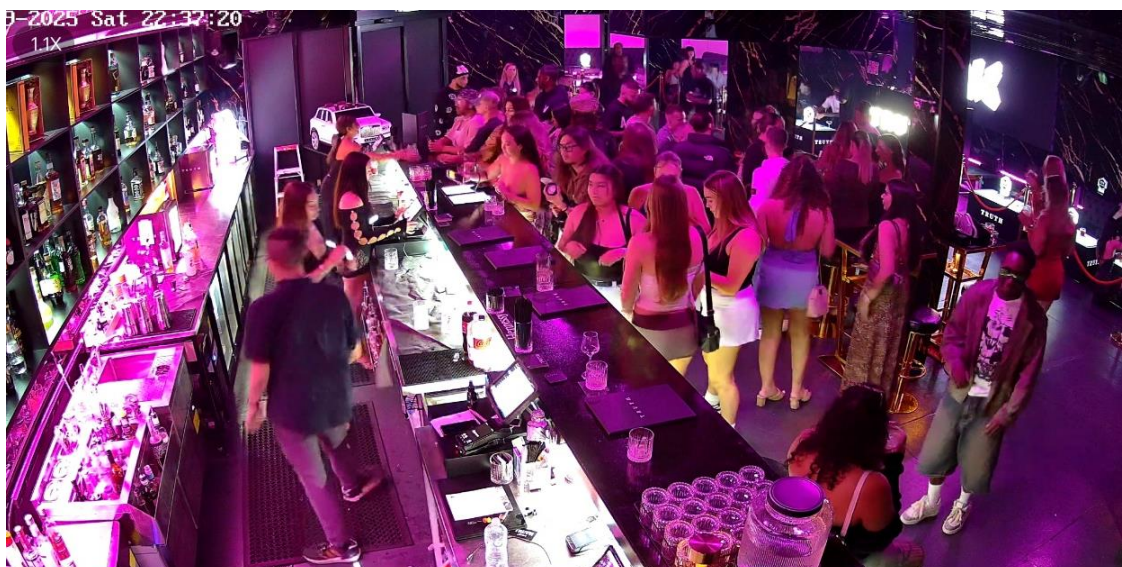
39. The Applicant seeks to operate under the standard trading hours of a Nightclub licence, as outlined below, providing greater flexibility in evening operations and increasing the Venue's capacity to accommodate patrons at any given time.
- Monday to Saturday: 6:00pm – 5:00am the following day; and
  - Sunday: 8:00pm - 2:00am the following day.
40. The above hours will allow for the Venue's standard operating hours, as well as seasonal variations in entertainment and events in the City (for example Fringe) that may be presented at the Venue during the course of the year.
41. The Venue would also be available for private function bookings and corporate events across the week.
42. The enhanced operational scope available to the Applicant under a Nightclub licence will support the growth of the Venue's functions and events arm of the business, enabling it to host a wider range of corporate functions and private bookings, while continuing to serve the general public during peak trading periods throughout the week.





## Patrons

43. The Venue's customer base is made up of affluent persons with discretionary income who are seeking an immersive social and entertainment experience with high-quality premium drinks and expertly crafted cocktails. The average age of patrons attending the Venue is approximately 35 years of age. The patron demographic drawn to the Venue also reflected in the Surveys that have been collected by the Applicant. (Refer to Annexures J1 – J3)
44. It has been the experience of the Applicant that existing patrons fall into two categories, those who attend in the early evening, enjoy the entertainment before leaving before midnight, and those who attend late in the evening to enjoy late in the evening seeking a late-night experience. Those patrons in the second category have continually expressed disappointment that the Venue is not a "late night" entertainment venue (i.e. they are seeking the trading hours available under a nightclub licence) and are disappointed when required to move elsewhere at closing.
45. Further, as discussed further below, consumers have approached the Venue for the purpose of organising functions, centred around live entertainment, with a start time of 10.00 p.m. They are disappointed when the Applicant, under its existing licence cannot cater to their requirements beyond midnight.
46. The Venue appeals to a wide range of cultural groups and ages that live in the City and Greater Perth who like to enjoy the Perth CBD's nightlife.
47. The Venue is extremely popular with women, who make up approximately 85% of patrons on most nights that it currently trades.



48. Approval of the Application will allow the Venue to better meet the expectations and requirements of consumers who seek a late-night licensed entertainment venue with a refined premium liquor service.
49. The grant of the Application will allow the Applicant to also further focus on event-driven programming and function bookings.

### **Beverages**

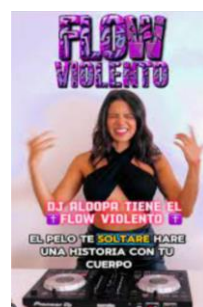
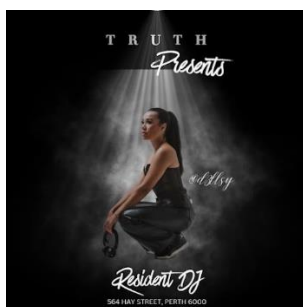
50. A highlight at the Venue will be its handcrafted cocktails that include a range of one-of-a-kind cocktails that showcase ingredients from native Australian bush foods. Patrons attending the Venue will learn about the unique native produce from Perth and Western Australia and how these ingredients are incorporated into the Venue's signature cocktails. This educational and culturally enriching drinking experience that blends native Australian flavours with high-end mixology is something no other venue in the CBD offers.



51. The Venue's liquor services will include:
  - (a) Handcrafted and innovative premium cocktails, that will include the flavours of native Australian ingredients using local bush foods; and
  - (b) Bottle Service consisting of premium quality Vodka, Tequila, Gin, Cognac, Whisky/Whiskey and Wine/Champagne.
52. Annexed and marked "**Annexure G**" is a sample of the Venue's *Cocktail Menu*.
53. Annexed and marked "**Annexure H**" is a copy of the Venue's *Bottle Service menu*.

## Entertainment

54. Operating under a Nightclub licence the Applicant will be able to extend its entertainment program. It will offer continuous live DJ entertainment during all trading hours, providing a dynamic music selection that will create a consistently vibrant atmosphere that will flow throughout each evening, which will enrich Perth's evening and late-night social scene.
55. By increasing the frequency and diversity of live entertainment, including special themed nights and performances by local and international artists, the Venue will offer a wider variety of entertainment options.
56. Since opening, the Venue has hosted a number of cultural nights including Balkan and Latino nights, as noted below:
  - Balaknized – Balkan people disco
  - Flo Viento – Reggaton Brazillian dance
  - Indian Bollywood Bhangara
  - IEBF Reconciliation – First Nations music festival
  - Soul City – Afro house performance
  - Croation singer for after party
  - Peelings – Tamil Disco
  - Unbounded Presents – South Asian Fusion
  - Crème – Apiano, Afro funk, Hip hop, Rnb



57. These cultural nights will continue in the event the present application is granted.
58. The Venue's enhanced DJ and live entertainment program will not only meet the requirements of the Venue's strong existing patron base but will also attract new customers who seek an immersive nightlife experience. The grant of the Application will also increase the choice and variety of late-night licensed entertainment venues that are available in the Perth's CBD, making the city centre more exciting and vibrant.



59. Extension of the Venue's entertainment offer by trading as a late-night venue, will allow the Venue to provide greater diversity in live entertainment.



60. The Applicant has repeatedly had the experience, since opening, of being unable to book major performers at the Venue due to the existing trading hours. By way of example:
- Drake - (Canada) private booking – Booked Modu due to closing time
  - Kehlani (USA) after party – Booked Metro City due to closing time
  - Girlz v Cocktails (Aus) – booked Edison Bar due to closing time
  - Rnb Fridays (international) after party – booked Niche Bar due to closing time
  - AFL diversity (Aus) private booking – booked Magnet House due to closing time
  - Jessica Mauboy (Aus) after party – booked Crown due to closing time
61. Trading under a nightclub licence will enable the Applicant to increase the range of performers hosted at the Venue and meet the needs of a greater number of patrons.

### **Functions & Special Events**

62. One of the key motivating factors in applying for a Nightclub licence was the level of enquiries the Applicant receives for function bookings at the Venue from 10:00pm and later. The grant of the Application will give the Venue the capacity to host a greater number of exclusive function bookings, special events, cultural-themed nights and after parties in the evenings and as a late-night venue.



63. The Venue features Louis Vuitton inspired function space that is available as a private function space and/or special events setting which offers event organisers with a premium experience for their guests that is a unique, upscale nightlife experience.



64. Operating under the Nightclub licence, the Venue will also be able to accommodate after parties for major touring artists. These exclusive after parties, often held after large performances or concerts, are highly sought after and will provide a VIP, high-energy environment for both the artists and their fans. Truth Perth will become the go-to venue for artists and their entourages to continue the celebration in a premium setting, offering an intimate, exclusive experience that extends the excitement of their tour performances.

### Acoustic Attenuation

65. The Venue is located in basement and will have a sound lock set-up to both entry/exits with installed sound proofing throughout the ceiling and the walls. The doors and windows have vinyl acoustic absorbing membrane and are designed to muffle the amplification of sounds coming from the Venue. Annexed and marked “**Annexure I**” is a copy of the *Acoustic Report* for the Venue.

### Security Licensing Conditions Policy

66. The Applicant will abide by this policy with respect to both the employ of crowd controllers and the use of CCTV.

### Consumer Requirement and the Proper Development of the Liquor Industry

67. The reasonable requirements of consumers and how those needs will be met by the grant of the Application are matters relevant to general public interest considerations raised under s33 of the Act and also to the objects of the Act as stated in s.5(1)(c) and 5(2)(a).

### Consumer Requirement

68. The Applicant has gathered feedback from the local community in relation to their proposal. Annexed and marked “**Annexure J1**” is a bundle of 78 *Consumer Requirement, Spreadsheet*, together with *Excel Summary* annexed and marked “**Annexure J2**”) and *Survey Summary Chart “Annexure J3”* (‘the Survey’), which have been collected by the Applicant.
69. The Survey establishes that the relevant section of the public have a requirement for the Venue to operate under a Nightclub licence and be permitted to offer the proposed enhanced level of hospitality and entertainment services outlined in these submissions.
70. The Survey reflects overwhelming support for the Application to be granted.
71. In relation to the Survey the following summary of the data is provided below:
- (a) The Survey reflected unanimous support for the Venue to operate with extended hours past midnight;
  - (b) 100% of the survey participants indicated that they wanted more late-night entertainment options in the Perth CBD to increase choice and variety.

- (c) There was overwhelming support in the Survey for the Venue to operate as a Nightclub;
  - (d) The survey participants also provided their complete endorsement to the Venue providing late-night live entertainment.
  - (e) The survey participants also showed strong support (96%) to attend the Venue for after work and/or pre-dinner drinks.
  - (f) The Survey reflects that the Venue will appeal to a large cohort of mature group of patrons aged over 30 years of age (61%);
  - (g) There was significant interest by the survey participants to attend the Venue for a range of special events and functions both in the early evening and later in the evening (i.e. commence at, or after 10:00pm and extend past midnight);
  - (h) The Survey provided evidence of substantial demand for licensed venues in the Perth CBD that offer live entertainment and DJs and quality drinks and liquor services; and
  - (i) Culturally themed and international music nights and special events were greatly valued by the survey participants, as was unique social and nightlife social experiences.
72. Demand for the Venue to operate under a Nightclub licence and offer the proposed enhanced hospitality and entertainment services that have been outlined in these submissions, together with local community support for the Application is reflected in the Surveys collected by the Applicant (Annexure J1 – J3).
73. The Application also supports the City's strategic planning objectives to revitalise and further activate the Perth CBD, as outlined in the Locality Submissions, as well as supporting the Venue's initiatives to promote inclusivity and cultural expression, and the provision of hospitality training and employment for First Nations people. (Refer to paragraphs 23 - 25 in these submissions and Annexures A, D, I in the Locality Submissions)
74. The Venue's change in trading hours and its focus on evening and late-night licensed entertainment services will help to create a stronger evening economy and nightlife scene in the CBD, which also further activate the area along Hay Street in the vicinity of the Venue.
75. It is submitted that when regard is had to the requirements of consumers for licensed hospitality and entertainment services, the grant of the application will advance the proper development of the liquor industry for the following reasons:

### **Positively Contribute the Amenity & Appeal of the Locality**

- (a) Operating under a Nightclub licence, the Venue will be able to better meet the consumer requirements of its patrons and enhance the customer experience for those who seek premium late-night bar and entertainment services, together with function and event space in the Perth CBD.
- (b) The Venue will be a unique late-night attraction within the Locality that will offer an immersive nightlife experience that honours First Nations culture and celebrates Perth's multi-cultural population through its entertainment programming.
- (c) The grant of the Application will increase the Venue's footprint and enhance its existing licensed hospitality and entertainment services. This will give the Applicant increased opportunities to showcase the City's cultural diversity through its entertainment and special events, together with the ongoing provision of training and employment within the First Nations community.
- (d) Increased activation created by the Venue will help to create a positive evening economy and nightlife in the area surrounding the Venue on Hay Street, which will encourage further investment and development of additional hospitality ventures within the Perth CBD, particularly east of Barrack Street, along with the activation of forgotten and empty spaces. (Refer to paragraphs 116 - 117 below under the heading "Impact on Amenity")

### **Enhanced Function Services**

- (e) Under a Nightclub class licence, the Venue will be able to better meet the needs of function/event organisers. The expanded licensed area will give organisers greater choice and flexibility in when they hold their event, function space, guest numbers, concept and themes.

### **Functionality and Accessibility**

- (f) The Venue's Existing Licence does not allow the Applicant to fully utilise the Venue's leased area and further enhance the patron experience. The grant of the Application will allow the Applicant to create a more spacious social setting that will better support the Venue's commitment to excellence in service and live entertainment, along with increased training and employment opportunities within the First Nations community. (Refer to Annexure E, Proposed Redline Plan and paragraphs 3, 6 – 10, 54 – 64, 75, 116 – 119 & 148)

### **Training in Hospitality:**

- (g) The Applicant provides accredited training programs for hospitality workers, together with an Native Australian Ingredients Cocktail Course for bartenders that teaches participants how create innovative drinks that honour First Nations culture by using flavours of local bush foods.

### **Supporting Tourism and Economic Growth:**

- (h) The Venue's increased presence in the Locality will contribute to the further development of tourism in the City by offering an additional destination attraction for visitors to enjoy in the heart of the City that is distinctive, in that it offers upmarket entertainment services that are culturally diverse.
- (i) By operating as a Nightclub, the Venue will be able to increase its appeal as a late-night licensed entertainment venue and support the further activation of the Perth CBD's nightlife and social scene. It will also have a wider scope of services and increased capacity. This will allow the Venue to have a much stronger engagement with the community and visitors, with greater opportunities to establish the Venue as a prominent destination attractor within the Perth CBD.

76. In the present case, it is evident from the Consumer Requirement evidence provided in these submissions that in the event the Application is granted:

- (a) The Venue will be well patronised by a wide range of consumers from the Locality and the surrounding areas.
- (b) The Venue will be a popular attraction for local residents, workers and visitors who wish to socialise within an upmarket licensed venue within the City centre.
- (c) The Venue will enhance the amenity of the Locality and will:
  - (i) Motivate residents, workers and visitors to socialise in the Locality more often;
  - (ii) Improve the opportunities to socialise in a culturally inclusive social space within the Locality;
  - (iii) Improve the diversity of premium late-night venues within the Locality;
  - (iv) Add to the tourist attractions and experiences that visitors can enjoy when visiting the Locality;



- (v) Provide modern licensed function space to hold special events and functions within the Locality; and
- (vi) Significantly improve opportunities for First Nations training and employment within the Hospitality industry.

77. It is the Applicant's intention to file further evidence in relation to the requirements of consumers, once it has been determined whether any objection(s) and/or interventions have been filed.

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

#### **At Risk Groups**

78. The Applicant submits that it will manage the Venue in a professional and responsible manner.
79. Given the location of the Venue, and the broad range of at-risk groups and communities that have been identified in The West Australian Alcohol and Drug Interagency Strategy 2018 – 2022, it is reasonable to assume that there will be persons who from time to time will attend the Venue that fall within one or more of these categories.
80. The Western Australian Alcohol and Drug Interagency Strategy 2018–2022 identifies the following “at-risk” priority groups. Based on the Applicant's knowledge of the area and experience in the Hospitality industry, their comments concerning these “at-risk” groups with respect to the Venue are provided below:

- (a) **Children & Young People** - Based on the Venue's style of operations, proposed services, pricing, and the demographics of the Locality, the Venue is unlikely to attract a significant number of young adults aged 18–24 years considered “at-risk.” The Venue's premium services and live entertainment programming will be specifically tailored to appeal to a culturally diverse demographic with discretionary income who are seeking a unique evening and/or late-night social experience, with the anticipated average age of patrons being 35 years. The Venue will not focus on youth focused events or target a younger adult demographic. (Refer to paragraphs 43, 54 - 64 in these submissions & Locality Submissions, Annexure K).

The Venue will continue to strictly enforce the Responsible Service of Alcohol and will not tolerate any forms of anti-social behaviour by any patron.

With reference to the Locality Submissions, the median age in the City was recorded as 33 years of age. Persons aged 15– 19 years of age living in the LGA made up only 4.4% of the population, with residents aged 25 - 44 years forming close to 47% of the resident population. (Refer to Locality Submissions, Annexure K)

In relation to children attending the Venue, minors will not be able to attend the Venue except for training, work experience and employment in hospitality areas that will not include the service of alcohol.

The Venue will continue to strictly enforce the Responsible Service of Alcohol and will not tolerate any forms of anti-social behaviour by any patron.

Based on the Venue's style of operations, pricing and proposed services, it is unlikely to attract a significant number of patrons who are from this "at risk" group.

- (b) **Indigenous People & Communities** – While First Nations people are identified as being at risk of alcohol-related harm, the Applicant submits that there is also growing consumer demand for hospitality venues in Perth that celebrate First Nations inclusion and cultural expression as part of Perth's evolving social and cultural landscape.

As a First Nations licensee, the Applicant is deeply committed to fostering a safe and well managed licensed social setting that not only provides high-quality hospitality services but also promotes First Nations cultural representation through training, employment, entertainment programming and patronage. This aligns directly with the City's *Cultural Development Plan* and *Reconciliation Plan* both of which support a vision of inclusivity, diversity, and cultural enrichment within the City's hospitality sector. (Refer to Annexure A & B in these submissions)

The Venue has already established itself as a unique, upmarket licensed venue that integrates First Nations culture into Perth's hospitality scene. It remains the only venue of its kind in the City, where First Nations culture is actively celebrated, and where First Nations entrepreneurship and workforce participation are at the forefront. This not only creates meaningful employment and training pathways but also enhances cultural visibility and appreciation in Perth's hospitality sector.

While Indigenous residents constitute a small proportion (1.3%) of the City's population, the Venue has garnered widespread appeal in its proposal to operate under a Nightclub licence, as evidenced by the consumer requirement evidence lodged in these submissions. The Venue will continue to attract a diverse patronage

from across the metropolitan area, serving as a vibrant and inclusive social space that welcomes people from all cultural backgrounds. Furthermore, based on its pricing structure, style of operations, and demographic appeal, the Venue is unlikely to attract a significant number of Indigenous residents who may be considered “at risk.”

The Applicant remains committed to the responsible service of alcohol, cultural sensitivity, and the promotion of positive social and economic outcomes for First Nation and non-First Nations patrons alike. The grant of the Application will further support the City’s vision for a more inclusive and culturally rich hospitality industry while reinforcing the Venue’s role as a leader in First Nations representation within Perth’s social scene and will not tolerate any forms of anti-social behaviour by from a patron.

- (c) **People with Co-Occurring Problems** - The Applicant acknowledges that the consumption of alcohol may in some instances exacerbate existing symptoms for those members of the community with co-occurring mental health conditions. The Applicant is fully aware of its obligations under the act, not to permit drunkenness and not to permit the sale or supply of liquor to intoxicated persons

Responsible Service of Alcohol and Harm Minimisation Strategies will assist the Venue’s staff members to respectfully attend to the management of a person who appears to be affected by alcohol or drugs, by both prohibiting them entry or removing them from the venue, while ensuring their safety and that of other patrons and staff members.

The Venue will continue to strictly enforce the Responsible Service of Alcohol and will not tolerate any forms of anti-social behaviour by any patron.

Based on the Venue’s style of operations, pricing and proposed services, it is unlikely to attract a significant number of patrons who are from this “at risk” group.

- (d) **People in Rural and Remote Areas, including Fly-In, Fly-Out (FIFO) and Drive-In, Drive-Out Workers** - This does not apply to the Venue.
- (e) **Families, including Alcohol and Drug-Using Parents & Significant Others**  
The Venue seeks to strengthen community engagement by encouraging positive social connections among its residents, including families.

The Applicant is fully aware of its obligations under the Act, not to permit drunkenness and not to permit the sale or supply of liquor to intoxicated persons

Responsible Service of Alcohol and Harm Minimisation Strategies will assist the Venue's staff members to respectfully attend to the management of a person who appears to be affected by alcohol or drugs, by both prohibiting them entry or removing them from the venue, while ensuring their safety and that of other patrons and staff members.

The Venue will continue to strictly enforce the Responsible Service of Alcohol and will not tolerate any forms of anti-social behaviour by any patron.

Based on the Venue's style of operations, pricing and proposed services, it is unlikely to attract a significant number of patrons who are from this "at risk" group.

- (f) **Those Interacting with the Justice & Corrections System** - Persons from this at-risk group will not be known to the Venue's management and staff unless they become identified through exhibiting anti-social behaviour or have been banned from entering licensed premises. The Venue will continue to strictly enforce the Responsible Service of Alcohol and Harm Minimisation strategies and will not tolerate any forms of anti-social behaviour by any patron.

Based on the Venue's style of operations, pricing and proposed services, it is unlikely to attract a significant number of patrons who are from this "at risk" group.

- (g) **Other Target Groups of Concern** - Other target groups identified included: older adults, culturally and linguistically diverse communities, people identifying as lesbian, gay, bisexual, transgender or intersex, and homeless people. The Venue recognises the diversity that exists within both the City and the wider metropolitan area and will continue to adopt an inclusive approach, ensuring accessibility to the Venue's services are available to seniors, the culturally and linguistically diverse (CALD) groups, and individuals identifying as LGBTQIA+.

Pricing and services have been designed to be accessible yet reflective of the Venue's high standard in food and beverage offers. These factors, combined with responsible alcohol service policies, reduce the likelihood of the Venue attracting persons at risk due to socio-economic challenges.

## Health

81. The Health Department no longer provides access to publications relating to alcohol-related harm for regions of WA on their website and therefore this data is not accessible to the Applicant.
82. As noted in Annexures J and K in the Locality Submissions (i.e. ABS Quickstats), the top 3 identified long-term health conditions in both Greater Perth and in the LGA were Asthma, Arthritis and Mental Health Conditions, including anxiety and depression.
83. Approximately 66.3% of the City's residents had no long-term health conditions and a similar percentage was reported for Greater Perth (62.4%).
84. Annexed and marked "**Annexure K**" is a copy of the City's *Social Health and Wellbeing Plan, 2022 – 2024* ("the Health Plan"), which acknowledges the importance the City's residents place on social connections, vibrancy and inclusivity, as was acknowledging and promoting culture. The importance of feeling safe in social settings was also highlighted.

*"In recognising that social connections, health and wellbeing are interconnected, it's important that this Strategy is referenced in conjunction with our other strategic plans that support our vulnerable cohorts in areas such as disability and inclusion, LGBTQIA+, seniors, youth, homelessness, and cultural or linguistic diversity." (Page 6)*

85. Stakeholder feedback in the engagement process for the City's Health Plan ranked the following factors as the most important contributions to community wellbeing, and what they hoped would be achieved for the Perth community by 2040:
  - Social connection / community;
  - Safety and security;
  - Interaction with nature;
  - The built environment;
  - Inclusivity, accessibility;
  - Vibrancy / activation; and
  - Culture.

(Refer to Page 20)

## Crime Prevention Through Environmental Design

86. The Location and design of the Venue is within the guidelines and principles outlined in the "Designing/Planning Guidelines".

87. The Venue:

- (a) is located in an area that has been zoned for the proposed use and is therefore compatible with neighbouring uses. Those uses include a mix of activities including commercial, retail, hospitality, community services and residential living, as expected in a capital city's central business district, that creates a dynamic urban area that stimulates multi-purpose trips and extended activity periods.
- (b) has specific entry/exit locations for patrons, allowing areas to be easily monitored by staff and surveillance equipment;
- (c) is located in a well-defined private space, well suited to meet the needs of its patrons; and
- (d) consists of well-designed areas that will continue to be monitored by experienced approved managers and staff, together with security personnel who will be responsible for monitoring patron behaviour and serving alcohol responsibly.

88. The grant of the Application will allow the Venue to play a greater role in promoting an active streetscape on Hay Street in the vicinity of Venue and will support the further activation of the Perth CBD. The Venue's proposal supports a number of the City's key strategic planning objectives as set out in paragraphs 12 – 19, 37 – 38, 40 – 43 in the Locality Submissions. (Also refer to Annexure A, D & I - Locality Submissions)

89. The grant of the Application will enhance the amenity of the Locality due to greater number of patrons that it will be able to service, along with the enhanced hospitality and entertainment services that it will be in a position to provide, all of which will add to the appeal of the Locality and encourage further activity in the area in the day, in the evenings and on weekends during its peak trading periods.

90. The Applicant will maintain a strict zero tolerance policy with respect to anti- social behaviour at the Venue.

## Crime

91. *Crime Statistics for the Perth District* have been obtained from the WA Police website that include *Monthly Crime Statistics for 2024 – 25*, along with the *Monthly Crime Rates*, which are annexed and marked “**Annexure L**”. WA Police no longer provide crime reporting by suburb on their website and instead present crime data for WA, Metropolitan and Regional WA for each individual police district.



92. Specific statistics on alcohol-related offences that have occurred in the Locality are no longer available from the WA Police, who have previously advised the Applicant's Solicitors that it is *"against WA Police policy to release detailed alcohol related offence statistics prior to the lodgement of a Liquor Licence Application"*.
93. As noted on the WA Police website, the crime statistics provided in Annexure L are reported based on the location of where the offence occurred and may be influenced by a wide range of factors that include population, infrastructure, seasonal trends and the extent to which crime is reported or detected by police. Such factors should be considered when interpreting the statistics annexed to these submissions.
94. No statistics are available in relation to alcohol-related crime.
95. Any statistic provide by WA Police should be treated with caution as statistics generally only refer to alleged offences and not convictions. In the absence of statistics in relation to the rates of conviction, it is uncertain how reliable these statistics are.
96. Annexed and marked **"Annexure M"** is a copy of the City's *SafeCity Plan, 2021 – 2025* ("the SafeCity Plan). Annexure M is integrated into the City's service planning cycle and undergoes annual evaluations.
97. The SafeCity Plan demonstrates that the City prioritises safety, crime prevention, and responsible nightlife management. It has an emphasis on creating safe environments, community engagement and effective surveillance aligns with the Applicant's undertakings as a responsible licensee of a licensed venue in Western Australia.

### **Anti-Social Behaviour**

98. As noted above, the Applicant will comply with the Director's *Security Licencing Conditions* policy.
99. The Applicant will both employ crowd controllers and utilise CCTV throughout the Venue.
100. As recognised by this Policy both crowd controllers and CCTV are effective tools in both patron management and the discouragement of anti-social behaviour.
101. Research has found that "place" is important when predicting whether alcohol-related anti-social or criminal behaviour will occur.
102. Venues that take no steps to prevent such behaviour and have a permissive attitude to drunken behaviour are more likely to be associated with such behaviour.

103. It is submitted the Applicant will strictly enforce the responsible service of alcohol.
104. The Venue will not share the following features which are sometimes associated with other similar licenced premises' that have been associated with alcohol-related anti-social behaviour and aggression:

- (a) Unattractive, poorly furnished, poorly maintained premises give a message to patrons that the managers anticipate physical violence and associated damage to furnishings (Graham, K, Larocque, L, Yetman, R, Ross, TF and Guistre, E, (1980) "*Aggression and Bar Room Environments*" (Journal of Studies on Alcohol, 41 pp277). Aggression has been significantly correlated with poorly maintained, unclean and unattractive bar environments, Homel, R and Clark, J, 1994 "*The Prediction and Prevention of Violence in Pubs and Clubs*" (Crime Prevention Studies 3, 146), annexed and marked "**Annexure N**".

The Venue has a high-quality fit-out and will be well maintained.

- (b) Poor ventilation and smokey air, inconvenient bar access and inadequate seating, high noise levels and overcrowding (Grahame et al 1980, Homel and Clark et al). The applicant in its design of the Venue has incorporated both extensive seating, as well as easily accessible bar areas.

The Venue is non-smoking, well set out and ventilated with substantial seating.

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

There is greater aggression when bar staff are very aggressive, and do not engage in responsible serving practices (Homel and Clark, 1994, etc. al) and/or little control is exercised over patrons' behaviour. Graham et al 1980. Aggression has been found to be more likely in bars where drunkenness is frequent (Graham et al 1980, Homel and Clark 1994) and where there are discounted drinks and other drink promotions.

This will continue to not be the case at the Venue with the Responsible Service of Alcohol strictly upheld, together with a zero tolerance for anti-social behaviour.

105. The Applicant submits that the Venue entertainment focus, together with function and events services falls within that category of venues where the consumption of alcohol is not the primary focus for patrons.

106. Due to these features, the Applicant's venue is much less likely to be associated with alcohol-related violence and aggression.



#### **Section 38(4) (b) – Impact on Amenity**

107. When considering the impact the grant of the licence will have upon the amenity of the locality, it is relevant to consider the immediate locale within which the Venue will be situated.
108. The Chamber of Commerce and Industry in their discussion paper, ("the Discussion Paper"), annexed and marked "**Annexure O**", discusses the importance of increasing the vibrancy of Perth to attract more people to visit and motivate them to stay longer.
109. The Discussion Paper considered that increasing the vibrancy of Perth is an essential element for its future growth and sustainability to ensure that it remains a vibrant and liveable capital city.
110. The Chamber of Commerce and Industry considers that it is important to:
- "actively encourage clusters of activity or vibrancy centres, where a mix of businesses can develop and create social and commercial activity that attracts people."* (Pages 45 and 52)
111. It is submitted that the present application is consistent with the planning objectives of the City and WAPC, as well as the recommendations made by the Chamber of Commerce and Industry and Tourism WA ("the TWA").

112. Planning authorities have recognised the need to meet the growing demands of Perth residents and visitors. Localities across the metropolitan area need to ensure that they provide a greater variety of services to meet the needs and tastes of a wide and growing consumer base that will help to attract new residents and motivate visitation.
113. All sectors of the community seek out hospitality and entertainment services and significantly relevant for this Application is the fact that the Perth CBD has been identified as a primary entertainment precinct that offers a range of hospitality services, including evening and late-night licensed entertainment services.
114. The Discussion Paper sets out a series of solutions to improving the vibrancy of Perth. These solutions are outlined below:
- (a) **Encourage entrepreneurs:** Foster a culture of innovation by supporting small and medium-sized businesses. Encourage risk-taking, experimentation, and new business ideas to drive economic and social dynamism. (Page 43)
  - (b) **Develop vibrancy centres:** Create business and social hubs that attract people and investment. Shift regulatory focus from restrictions to facilitating business expansion and streamlining approval processes. (Page 45 & 46))
  - (c) **Set a higher benchmark:** Position Perth as a globally competitive, liveable, and vibrant city, aiming for international recognition rather than just national comparison. (Page 46)
  - (d) **Establish inspiring vision:** Define a clear future direction that integrates First Nations heritage, entrepreneurship, specialised industry hubs, and strong regional ties with Asia. Link this vision to concrete actions that shape government policies. (Page 46)
115. The City of Perth has actively implemented the Chamber of Commerce's recommendations, to ensure that Perth's nightlife sector remains dynamic, accessible, and globally competitive, as noted below:
- (a) The City's Economic Strategy supports business innovation and investment, aiming to make Perth a hub for entrepreneurial activity and nightlife expansion in the city centre. (Page 7)

- (b) The City's Strategic Plan prioritises the development and activation of its cultural and entertainment precincts. (Page 36)
- (c) The City has indicated that it has reduced red tape and streamlined approvals for businesses in the hospitality and nightlife sectors to support investment into additional hospitality venues in Perth. (Page 10, Economic Strategy)
- (d) The City is committed to positioning Perth as a leading nightlife and events destination to attract greater numbers of international visitors. (page 17)
- (e) The City supports cultural diversity, entertainment, and social vibrancy as pillars of its long-term vision as noted in the Strategic Plan, the Cultural Plan and the Reconciliation Plan. (Also refer to paragraphs 24 & 25 in these Submissions; pages 10 – 26, 35 – 38 – 43 in the Locality Submissions)

#### Underutilised Space in the CBD

116. Supporting the recommendations made in the Discussion Paper, *The Forgotten Spaces – Upper Floor Activation in Perth Report* (“the Activation Report”), extracts of which are annexed and marked “**Annexure P**” focuses on City’s plans to revitalise empty and underutilised spaces within Perth’s city centre, primarily in upper floors of buildings. However, the same principles and benefits outlined in the Activation Report are directly applicable to lower-level and basement spaces, such as the one the Venue occupies. The Application seeks to utilise the additional available space under its lease at the Venue, which cannot be achieved under the Existing Licence.



117. The Activation Report highlights the need for increased commercial and social activity in Perth’s underutilised spaces. While Annexure P predominantly discusses upper floor activation, many of the identified challenges and solutions are also applicable to basement and lower-level spaces that exist in the city centre:

- (a) **Enhancing Urban Vibrancy:** The report highlights that revitalised spaces contribute to increased foot traffic and a more active streetscape. The Venue's transformation to a Nightclub will give the Applicant to use the additional space, which is available under its existing lease, which will give them the capacity to attract more patrons and provide enhances services, contributing to a livelier urban environment. (Page 6)
- (b) **Utilising Existing Infrastructure:** Many buildings in Perth's city centre, including the one housing Venue, were originally designed to support larger occupancies. The conversion of basement spaces for active use aligns with the report's recommendation to maximise the use of existing structures rather than leaving them dormant (Page 9).
- (c) **Economic and Social Benefits:** The activation of upper floors is identified as a key driver of economic revitalisation in the Activation Report. Similarly, activating lower-level spaces such as the proposal for the Venue can provide comparable benefits by increasing employment opportunities, business growth, and cultural engagement. (Page 10)
- (d) **Aligning with City Planning Goals:** The City has expressed interest in diversifying and expanding its night-time economy. Approval of the Application will contribute to this strategic objective by providing a high-quality licensed hospitality and entertainment attraction in an otherwise underutilised part of the City. (Page 12) Also refer to the City's Strategic Plan, Annexure A, Locality Submissions

#### Acoustic Attenuation & Noise Management

- 118. A key consideration for liquor licensing applications where the proposal includes live entertainment, as well as basement activation is noise management and acoustic attenuation.
- 119. The Venue is located in the basement where no windows are present. The entry doors (auto) are closed during service hours except for entry and exit.
- 120. A sound lock set-up will apply to both entry/exits with installed sound proofing throughout the ceiling and the walls. The doors and windows have vinyl acoustic absorbing membrane and are designed to muffle the amplification of sounds coming from the Venue.
- 121. The Venue has incorporated soundproofing measures and undertaken an acoustic assessment prior to the grant of the Small Bar Licence, which confirmed the Venue would comply with Environmental Protection (Noise) Regulations 1997 ("the Regulations").



122. The noise attenuation measures taken by the Applicant are in line with the Activation Report's acknowledgment that structural modifications may be necessary to meet modern regulatory requirements for adaptive re-use of spaces. (Page 15).



#### Perth CBD Entertainment Precinct

123. According to the Discussion Paper, the Chamber of Commerce identified that nightclubs and late-night venues directly feed into the “*Buzz Quotient*”—a subjective, emotional sense of energy and atmosphere that makes a city feel alive, particularly at night. This quotient is crucial to making Perth more attractive to locals and visitors alike. (Page 46)
124. The Discussion Paper also indicated cities compete globally to attract talent, and lifestyle is now a key deciding factor. A thriving nightlife scene signals that a city is culturally relevant, dynamic, and internationally competitive. The Discussion Paper noted that Perth has historically struggled to retain the mobile age cohort of individuals aged between 20–34 years old, which is a demographic closely tied to cultural and nightlife participation. Cultural experiences and an exciting nightlife are major attractors for this demographic, who are highly mobile and make career and permanent settlement decisions based on a location's lifestyle offerings. (Pages 4, 5, 8 -10, 21, 23)
125. It was further noted that the perception of Perth as “Dullsville” and reflects a lack of excitement and activity, especially in the evenings, which impacts Perth's ability to attract new residents and visitors. Nightclubs and late-night culture are identified as ways to shift that image and energise the city's identity. (Page 40)
126. As outlined in the Discussion Paper that late-night venues foster grassroots entrepreneurialism by offering spaces for events, music, art, and small business innovation. These venues contribute to a city's cultural identity and empower creative communities. (Pages 43 & 45)

127. Mixed-use “Vibrancy Centres” have also been found to be more effective when nightlife is integrated. Clubs and late-night spots activate public spaces after dark and support a 24-hour economy. (Page 44)
128. Given that Nightclubs are perceived to “add vibrancy” and adds to a city’s liveability and appeal, the Venue’s concept and services as an evening and late-night venue will be key drivers that will attract upwardly mobile individuals with discretionary income and their friends to visit the Perth CBD in the evenings to socialise and be entertained in premium environment where culture is celebrated.
129. The Applicant submits when considering the impact that the grant of a Nightclub licence will have on the amenity of the Locality, it is relevant to consider:
- (a) The net benefits to the local community by having the Venue operate under a Nightclub licence, which will greatly improve the amenity of the area and further motivate tourists, residents and the area’s workers to socialise in the CBD in the evenings, further activating the Perth’s evening and late-night evening economy.
  - (b) The immediate locale within which the Venue is situated. The Venue is situated in Perth’s Entertainment Precinct and therefore the proposed changes to the Venue’s licensed area and services are compatible with other uses in the Locality and will support the re-activation of unused urban spaces.
  - (c) The positive impact that the Venue will have when trading as a Nightclub and the added appeal that it will have as a premium evening and late-night venue with function/events space. The Venue will become an increasingly important destination attractor, bringing additional visitors and new business investment into the Locality.
  - (d) As a destination attractor, the Venue will contribute to the vibrancy and appeal of the Locality, helping to support a thriving evening and late-night evening economy in the Perth CBD.
  - (e) The passive surveillance of the area will increase, supporting crime prevention, particularly on this section of Hay Street near the Venue.
  - (f) The additional variety, choice and standard of licensed hospitality services that will become available in the Locality.
  - (g) Support of the Applicant’s vision for the Venue to further foster inclusivity and cultural expression for a diverse range of cultures including Perth’s First Nations community

and provide further economic opportunities for First Nations entrepreneurs and hospitality workers.

130. By reason of the above, the Applicant submits that the grant of the Application will positively contribute to the amenity of the Locality by:

- (a) Encouraging more people to enjoy the City's nightlife social scene;
- (b) Adding to the attractiveness and vibrancy of the Locality's evening late-night evening economy and the surrounding streetscape;
- (c) Offering a safe and welcoming premium evening and late-night licensed venue for Perth's culturally diverse resident population and visitors;
- (d) Adding to the choice of premium licensed venues and associated services that are available within the Locality in the evenings and early mornings for socialising and entertainment;
- (e) Provide an upmarket evening and late-night licensed venue that is available for premium private functions and event space within the Perth CBD; and
- (f) Supporting economic opportunities for First Nations entrepreneurs and hospitality workers within the Locality.

#### **Section 38(4)(ca) – Effect on tourism & community**

##### **Tourism**

131. The Application and the proposed changes to the Venue's operations will allow the Applicant to better meet the needs of tourists and visitors to the City, which supports the City's strategic planning objectives relating to tourism and improving the vibrancy of the city centre. (Refer to the Discussion Paper and Annexures A, D & I in the Locality Submissions)



132. Supporting consumer requirement for the Application and the Venue's extended services is the TWA's publication, *Perth Entertainment Precincts Report* ("the Entertainment Survey"). Extracts of the Entertainment Survey relevant to the Application are annexed and marked "**Annexure Q**".
133. The Perth CBD was identified in the Entertainment Survey as one of the most appealing entertainment precincts in terms of accessibility to public transport, taxis and Ubers. (Page 11) Also refer to page 18, Annexure R, Final Entertainment Survey)
134. Significantly, "Delight Drivers" (i.e. vibrancy and good range of venues and activities) were identified as the most important drivers for visitation and enjoyment. Conversely, the absence of these features were seen as the most frustrating, which reduced the appeal of an area (Page 12 & 41). This supports the key recommendations made in the Chamber of Commerce's Discussion Paper (Annexure O) and the TWA's findings in the Final Entertainment Survey (referred to below), which reported that the Perth CBD's appeal had declined since 2017, with the precinct falling to 4<sup>th</sup> place as a preferred location to visit. A lack of vibrancy, a perception of not being safe and not having a good range of suitable venues and a mix of activities were the issues that were identified for the low ranking, with it being seen as more of a place to shop. (Annexure R, pages 18, 25, 35, 45 & 60)
135. The research undertaken in the Entertainment Survey and its key findings provides a useful insight into what are the strongest drivers that consumers generally take into consideration when choosing a licensed venue. These include: (at page 24):
  - (a) Value for money;
  - (b) Safety;

- (c) Atmosphere;
- (d) Availability of food;
- (e) Good reviews/popularity;
- (f) Liquor services;
- (g) The type of alcohol served;
- (h) Opening hours (e.g. is open late);
- (i) Live music or other live entertainment.

136. A final entertainment precincts report was published by the TWA in 2022, extracts of *Perth Entertainment Precincts Research 2022 / Final Report* (“the Final Entertainment Survey”) are annexed and marked “**Annexure R**”, which offers further insights into what consumers value when going out to dine and socialise.
137. The Final Entertainment Survey found that Fremantle remained the most favoured entertainment precinct in Perth, with the Perth CBD ranked 4<sup>th</sup>. (page 11)

*“Fremantle stands out as being a place of enjoyment, safety, vibrancy and having a good range of venues and activities. Perth CBD on the other hand excels in being accessible – in terms of public transport and having taxis and Ubers readily available.”* (Page 18)

138. The Final Entertainment Survey highlights that a vibrant and a diverse range of licensed venues encourages visitation and enhances customer experiences, and that the Perth CBD needed to increase its vibrancy and range of venues to attract more visitation. Based on the feedback obtained from survey participants the Perth CBD was seen more of a place to shop. (Pages 18, 25, 35 & 60). Further, it was identified that intentions to visit Perth in the following 6 months had dropped when compared to responses received in 2017. (Page 38 – 40 & 45). The City is attempting to change this trend in its strategic planning objectives. Refer to Annexure P - the Activation Report in these submissions and Annexures A, D & I in the Locality Submissions)
139. The Applicant submits that approval of the Application will allow the Venue to have a positive impact on the vibrancy of the Perth CBD and increase the availability of upmarket late-night licensed entertainment services in the Locality. Consumer requirement evidence gathered by the Applicant supports the proposed changes to the Venue which will add to its appeal and allow it to better meet the consumer requirements of consumers.

140. The Venue's ability to trade as an upmarket evening and late-night licensed entertainment venue will cement the Venue as destination attractor that will lead to increased visitation within the Locality in the evenings and help to further activate the City's nightlife. This aligns with the City's planning objectives outlined in the Locality Submissions (Annexures A, D & I) and consumer requirement for additional late-night venues within the Locality. (Annexures J1 – J3 in these submissions)
141. The Final Entertainment Survey found that participants aged 18 – 34 years of age, were the largest group to socialise in the Perth CBD, followed by those aged 35 – 44 years of age, who are the same age groups most likely to socialise in a Nightclub setting with their friends. (Page 60, 84, 85 & 108). This research of consumer profiles correlates with the City's residential population that reflects a young, urban demographic with a median age of 33 years and the Venue's average patron age of 35 years. (Annexure K & Figure 3, Locality Submissions.
142. Both Annexure Q and R identified several key factors that are drivers in influencing a consumer's preference for a venue. The factors that were highly valued and considered by consumers included:
- (a) Safety;
  - (b) Atmosphere;
  - (c) Availability of food and liquor services;
  - (d) Good reviews / popularity;
  - (e) Opening hours; and
  - (f) Live music or other live entertainment.
143. It is relevant to also highlight for the purposes of this Application that in the Final Entertainment Survey (Annexure R), it was identified that although each of the major entertainment precincts for Greater Perth were 'known' for offering different activities, special events was one of the key drawcards that motivated the public to visit all precincts. (refer to Annexure R page 36). The City as recognised as part of its Strategic Planning (Annexures D in the Locality Submissions) that holding increased events within the City would:
- (a) Add to a locality's appeal,
  - (b) Increase the liveability of an area;
  - (c) Increased social experiences would add to an increase in visitor numbers; and
  - (d) Further activate an area and make it more vibrant.

144. With reference to page 60 of the Final Entertainment Survey, which is referred to specifically in the Locality Submissions in paragraphs 21 - 25, the profile of visitors and their requirements to the Perth CBD Entertainment Precinct supports the Application due to its high visitation, demand for a choice and variety in licensed premises and spending behaviour on food and drinks.
145. The Applicant submits that the proposed operations at the Venue will meet all of the above consumer requirements when operating under a Nightclub licence in the Perth CBD. With its strong commitment to cultural experiences, signature cocktails and live entertainment offerings the Venue will provide consumers with a distinctive hospitality experience that will enrich Perth's nightlife and vibrancy. (Refer to paragraphs 56 – 64, 123 – 129 above)
146. In summary, the grant of the Application to the Venue will elevate both the amenity and tourism potential of the Locality, creating a versatile licensed premises that fosters a lively, community-centred atmosphere while also further showcasing the Perth CBD as a safe and vibrant entertainment precinct that is culturally diverse.

### **Community - Cultural & Social Contribution**

147. Perth is one of Australia's most diverse multicultural communities, with over 200 nationalities calling Perth home. The City is committed to ensuring there is a strong sense of inclusiveness, acceptance and unity within the community. (Refer to Annexure A & B in these submissions.



148. The Applicant is a wonderful example of First Nations people being leaders within the Hospitality Industry. The Application supports the City's Cultural Plan and its Reconciliation

Plan, both of which highlight the importance of business leadership, cultural expression, and fostering a vibrant, inclusive city. Key contributions include:

**(a) First Nations Entrepreneurship & Leadership**

- (i) The Applicant's business model and training initiatives closely aligns with the City's commitment to increase First Nations business participation in economic activities (Annexure B, Page 26).
- (ii) It serves as a precedent for future first Nations business leaders in Perth's hospitality and entertainment industry.

**(b) Cultural Integration & Identity**

- (i) The Venue will incorporate cultural heritage through its entertainment services that will include storytelling and local collaborations with Indigenous performers and artists that support the City's commitment to celebrate First Nations identity and storytelling (Annexure B, page 18).
- (ii) The Approval of the Application will allow the Venue to play a much bigger role as a cultural hub, promoting a greater understanding and appreciation of First Nations traditions and modern contributions to Perth's economy.

**(c) Community Engagement & Social Inclusion**

- (i) The Venue's expansion of services under a Nightclub Licence will enable it to host larger cultural events, special events and social initiatives to bridge cultural gaps and build relationships (Refer to Annexure A, Page 34).
- (ii) The Application supports the City's Strategic Community Vision of a more vibrant, connected, and progressive city. (Refer to Annexure A, Page 24).





149. Based on the consumer requirement evidence gathered by the Applicant in support of the Application, existing options to socialise in a Nightclub venue within the Locality that offers a range of culturally diverse entertainment offerings is limited. (Refer to The Survey, Annexure J1 – J3)
150. The grant of the Application will add to the choice and variety of culturally diverse licensed hospitality and entertainment services that are available in the Locality and will improve the amenity of the Locality by the wider services that the Venue will be able to provide. (Refer Annexure J1 – J3 (the Survey) and paragraphs 31 - 38 in these submissions.
151. The Venue will offer residents and the wider Perth community a culturally safe and exciting social community hub within the heart of the city centre.
152. The increased appeal and activity in the Locality will help to support the local economy and is likely to motivate other businesses, including First Nations entrepreneurs to invest in the area.

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

153. It is submitted that the grant of the Application will not cause offence, annoyance, disturbance and/or inconvenience to residents, business owners or persons passing through the Locality, taking into consideration that the Venue is in a mixed-use area within the Perth CBD Entertainment Precinct.
154. The Venue already provides liquor services under the Existing Licence, the grant of the Application seeks to better meet the requirement of its patron base and utilise leased floor space that is currently lying dormant to enhance its hospitality services and better meet the needs of consumers wishing to socialise in the Perth CBD.
155. The Venue is located in a mixed- use area that is suitably zoned for a Nightclub to operate at the site. Acoustic attenuation measures have been taken by the Applicant to ensure that its neighbours are not negatively impacted by its operations. (Refer to Heading “Acoustic Attenuation” above in these submissions)
156. The Venue and its staff will continue to take all reasonable steps to control the behavior of patrons whilst at the Venue and as they enter and leave the Venue.
157. The Applicant will ensure that high standards of service are maintained, as well as harm minimisation strategies. The responsible service of alcohol to its patrons will be strictly maintained and enforced by the Venue’s management and staff.

158. By reason of all of the foregoing, the Applicant does not foresee that any significant offence, annoyance, disturbance, or inconvenience will be caused by the granting of the Application.

## **Conclusion**

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

- (a) Approval will not result in harm or ill-health due to the consumption of liquor;
- (b) The Venue trading under a Nightclub Licence would better meet the reasonable requirements of consumers for combined cultural experiences and evening / late-night bar, entertainment and function/event space in a culturally safe and diverse social setting;
- (c) It will allow the Venue to enhance its existing services and meet the requirements of a greater number of patrons at any one time;
- (d) It will support greater opportunities and scope for cultural events and live entertainment to be held at the Venue.
- (e) The Venue will be able to attract a broader customer base that will further activating the surrounding precinct.
- (f) The Venue will enhance local tourism and employment opportunities for young First Nations hospitality workers and trainees, supporting community engagement and economic vitality, together with the ongoing proper development of the Liquor and Hospitality industries.
- (g) Approval of the Application will increase the choice and variety of licensed hospitality services and facilities that are available for the community and visitors to enjoy with the Locality;
- (h) Approval of the Application will not result in any significant antisocial behaviour, noise or disturbance.
- (i) The Venue will continue to provide a safe and culturally sensitive licensed premises that will appeal to a wide demographic that live and/or work in the community, as well as tourists visiting the Locality;
- (j) The Application supports the visions of the relevant planning authorities for the Locality and the City's planning objectives for Perth CBD and the City generally;

- (k) The further development of the Venue represents a significant milestone for First Nations entrepreneurship in Western Australia. The expansion of the Venue aligns with the City of Perth's strategic cultural and reconciliation goals, fostering economic opportunities, First Nations leadership, and community engagement.
- (l) The Applicant is dedicated to creating long-term employment, economic stability, and community engagement through their training and employment initiatives within the First Nations community. The ongoing collaboration with First Nations elders and community groups will ensure that this project remains sustainable and beneficial for generations to come

160. In all the circumstances, the Application should be granted as approval of the Application to better meet consumer requirements of the Venue's existing and future patron base and is an integral step in supporting cultural diversity, inclusion, and First Nations business development in Western Australia's Hospitality industry



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