

Public Interest Assessment

Form 2A

Under the *Liquor Control Act 1988* (LC Act), the Director of Liquor Licensing (DLL) has the discretion to grant or refuse any application if the DLL considers this to be in the public interest.¹ The DLL requires certain applicants to fill in this Public Interest Assessment (PIA) form and provide supporting evidence that their application is in the public interest.² If you are applying for the grant of any of the following licences, or the removal of one of these types of existing licence to another premises, you will need to complete a PIA to provide evidence that your application is in the public interest:

- hotel/hotel restricted
- tavern/tavern restricted
- liquor store
- nightclub.³

A PIA is also required if you are applying for an extended trading permit for extended hours, which has a duration of more than 3 weeks⁴, or for a temporary bar (refer to the [Temporary bars policy](#)). The DLL may also ask for a PIA to be prepared as part of any application under the LC Act, and will ask for one if it would assist in deciding whether the grant of the application is in the public interest.

The DLL will consider the following factors when determining whether granting the application is in the public interest, but this list is not exhaustive:

- the harm that might be caused due to the use of alcohol
- whether there might be a decrease in the amenity, quiet or good order of the locality
- whether people who live or work nearby might suffer offence, annoyance, disturbance or inconvenience
- how it might affect tourism, culture and the community.⁵

The level of detail required will be unique to each PIA. If you do not provide enough information, your application might not succeed or you might be asked to provide further information.

¹ LC Act s33(1).

² LC Act s38(3).

³ Liquor Control Regulations (LC Regs) r9EA.

⁴ LC Regs r9F.

⁵ LC Act s5 and s38(4).

Your completed PIA will be made publicly available and may be [advertised on the DLGSC website](#), allowing the community an opportunity to make submissions on it. Because it will be made public, do not include sensitive or personal information on this form. You can complete this PIA by taking a common-sense approach and you don't need a lawyer or a consultant to fill it in. The PIA form is a guide, and it is up to the applicant to satisfy the DLL that their application is in the public interest. If you do not have enough space, attach extra pages or prepare a separate submission. If you prepare your PIA as a separate submission, please refer to each of the question numbers on this form, so we know what question you are responding to. Lodge this form by submitting it with your application at portal.dlgsc.wa.gov.au

Part 1 — Application details

Applicant name:

HUB ST GEORGES TERRACE PTY LTD

**What licence or permit type
are you applying for?**

TAVERN RESTRICTED + EXTENDED TRADING PERMIT (CATERING)

Are you applying for:

- ☒ New licence
☐ Removal of existing licence (which licence/permit type)

Premises trading name:

ONE TWO FIVE BY HUB

**Address of proposed
premises:**

LEVEL 1, TOWER ONE, BROOKFIELD PLACE, 125 ST
GEORGES TERRACE, PERTH W 6000

If you are lodging an application for an extended trading permit for extended hours at the same time as an application for the grant of a licence, you should submit separate PIAs for each. This is because the information required for each may be different and the DLL may approve the licence but not the extended trading hours.

Part 2 — Manner of trade

Please provide enough information for us to understand how you are intending to run your business, so we can understand the impact it will have on the community and the potential for it to cause alcohol related harm.

2.1 What is the proposed manner of trade and your target client base?

PLEASE REFER TO ANNEXURE A, ATTACHED AND PREPARED ON BEHALF OF
THE APPLICANT BY JESSICA PATTERSON LAW & CONSULTANCY PTY LTD.

2.2 Describe the premises/proposed premises. Include a map of the locality and a floor plan detailing the nature and layout of the premises, highlighting the unique aspects of the proposed facility. What is the maximum number of patrons permitted on the premises? How will the proposed premises contribute to the streetscape and atmosphere of the area?

PLEASE REFER TO ANNEXURE A, ATTACHED AND PREPARED ON BEHALF OF THE
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2.3 If you intend to sell packaged liquor, give the names and addresses of all existing licensed premises within the locality. The LC Act puts limitations on how many packaged liquor premises can be in a certain location. Refer to [Outlet Density — Packaged liquor premises](#) for more information.

NO PACKAGED LIQUOR IS PROPOSED TO BE SOLD. PLEASE REFER TO
ANNEXURE A, ATTACHED AND PREPARED ON BEHALF OF THE APPLICANT BY
JESSICA PATTERSON LAW & CONSULTANCY PTY LTD.

Part 3 — The profile of the local community

The better you capture the characteristics of the local community, the better the DLL will be able to understand the potential impact the grant of your application could have on the public interest. Your local government may have information about the area around the proposed premises, and you should seek useful data and statistics from a variety of sites, such as: www.police.wa.gov.au/crime/crimestatistics and www.abs.gov.au

You need to provide profile information from the *locality* that is within a certain distance to your intended business. If your intended business is:

- within 15km of the Perth CBD, the locality is a radius of 2km of it
- anywhere else (unless remote), the locality is a radius of 3km of it
- in a remote area, you should make a submission on what the appropriate size of the locality should be. Remote areas are those where the nearest town is at least 200km away and Perth is at least 400km away.

If you think the above definitions of locality are not appropriate for your intended business, make a separate submission on what you think the size should be.

3.1 Please outline the population characteristics in the locality. Helpful demographic information will include the total population, estimated population growth, average age, income and employment status, and the type of people who live and work in the community.

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3.3 List the community buildings in the locality If any of the following are in the locality, please provide their names and addresses: schools and educational institutions, hospitals, hospices, aged care facilities, churches/places of worship, drug and alcohol treatment centres, short term accommodation or refuges, childcare centres, or a local government.

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Part 4 — Minimising the potential for alcohol to cause harm

Excessive consumption of alcohol can cause health problems, increase the risk of accidents and contribute to societal problems such as domestic violence. You must demonstrate how the responsible conduct of your business will minimise the potential for alcohol to cause harm. This could be through promoting a culture of responsible consumption of alcohol amongst staff and patrons, having strategies to prevent alcohol being served to juveniles, discouraging rapid or excessive consumption of alcohol, being alert for signs of intoxication and not serving drunk people.

4.1 What strategies will you use to minimise harm from the use of alcohol?

PLEASE REFER TO ANNEXURE A, ATTACHED AND PREPARED ON BEHALF OF THE
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Part 5 — Impact on the amenity, quiet or good order of the locality

A well designed premises will make it easier to prevent negative impacts on the locality.
For example if a premises is:

- in good repair, well lit, with operational CCTV and designed to allow passive surveillance of areas such as the car park and entrances, it will tend to discourage anti-social behaviours such as vandalism or crime

- designed with sufficient parking and with good transport options available, it will allow patrons to leave the area quickly rather than potentially inconveniencing the neighbours
- provided with sound insulation sufficient for the proposed entertainment, it will prevent the surrounds from being exposed to unacceptable noise.

5.1 How will your premises design protect the amenity, quiet or good order of the locality?

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Part 6 — Impact on the people who live or work nearby, and whether they might suffer offence, annoyance, disturbance or inconvenience

You need to demonstrate how your business will be a responsible member of the community and minimise negative impacts on the people who live or work nearby. For example, this could include:

- keeping the premises and surrounds clean and tidy, monitoring patron behaviour and discouraging anti-social behaviour
- ensuring that any entertainment is in keeping with the locality, that those present are within the allowed accommodation numbers and licensed crowd controllers are used if required
- asking departing patrons to keep the noise down so they do not disturb the neighbourhood
- being responsive to any complaints from neighbours and working with them to resolve issues.

6.1 What actions will you take to minimise the impact on people who live or work nearby?

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Part 7 — Impact on tourism, culture and the community

When making licensing decisions under the LC Act, the DLL is required to consider the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.⁶ This is your opportunity to expand on how the grant of your application would result in positive developments to tourism, culture and the community. This could include increased local employment opportunities, the provision of unique entertainment or food options, and the creation of new leisure opportunities in the area.

7.1 Are there any tourism, cultural and community benefits that would result from the grant of your application?

YES. PLEASE REFER TO ANNEXURE A, ATTACHED AND PREPARED ON BEHALF OF THE APPLICANT BY JESSICA PATTERSON LAW & CONSULTANCY PTY LTD.

⁶ LC Act s5(1)(c).

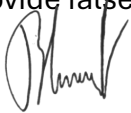
7.2 If you have any other information to provide in support of your application, include it here.

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Part 8 — Declaration

I declare that the contents of this document and attachments are true, correct and complete and that I have made all reasonable inquiries to obtain the information required.

I acknowledge that under section 159 of the *Liquor Control Act 1988* it is an offence to provide false, misleading or incomplete information in this document.

 _____ Signature of applicant/s	30 May 2025 _____ Date
_____ Signature of applicant/s	_____ Date
_____ Signature of applicant/s	_____ Date
_____ Signature of applicant/s	_____ Date



Hub St Georges Terrace Pty Ltd

**applicant for the conditional grant of a tavern restricted licence
and extended trading permit**

in respect of premises situated at

**Level 1, Tower One, Brookfield Place, 125 St Georges Terrace,
Perth**

to be known as

One Two Five by Hub

Public Interest Assessment Form 2A Annexure

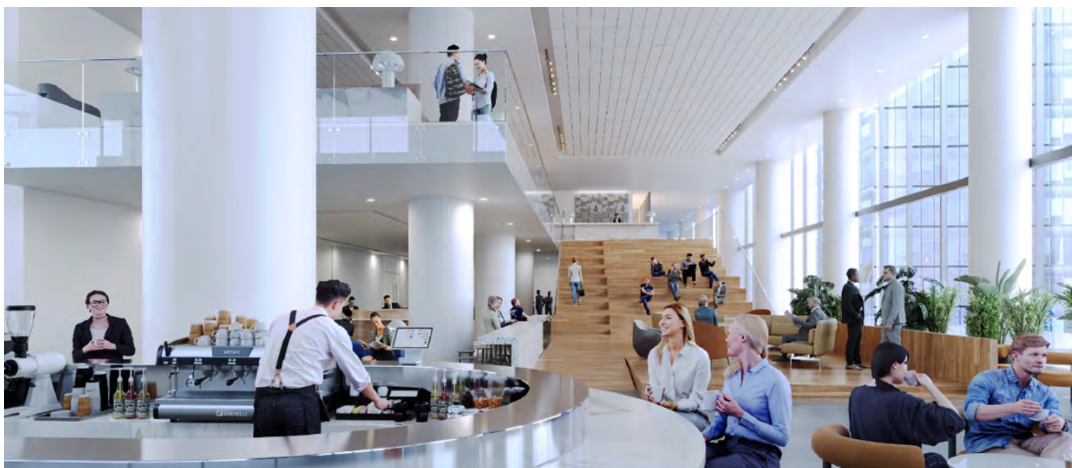


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1. Executive summary

- 1.1. There are multiple factors supporting this application and no high risk elements.
- 1.2. The applicant is a sophisticated operator of first-class corporate hospitality services and facilities around Australia. One Two Five by Hub will provide businesses, their staff and clients with purpose-designed licensed hospitality services and facilities, mainly focused on daytime trade.
- 1.3. The proposed style of operation will be one-of-a-kind within the enormous Brookfield Place precinct and very different from most businesses operating under a tavern restricted licence. It will have a relatively narrow scope.
- 1.4. The applicant and the landlord have worked closely together on this proposal and identified need and demand for the services proposed. They anticipate a high level of patronage of One Two Five by Hub if the licence is approved.
- 1.5. The applicant has prepared an application that properly particularises its proposal and provides relevant information regarding the site and surrounding area.

2. Introduction and background

- 2.1. Hub St Georges Terrace Pty Ltd (ACN 665 958 627) seeks the conditional grant of a tavern restricted licence pursuant to sections 33, 38, 41, 62 and 68 and 98 of the Liquor Control Act 1988 (WA) for premises situated at Level 1, Tower One, Brookfield Place, 125 St Georges Terrace, Perth, to be known as One Two Five by Hub.
- 2.2. The applicant also seeks the grant of an extended trading permit pursuant to section 60(4)(a) of the Act (**ETP**), for the purposes of providing catering services at functions and events booked by third parties in levels 2, 3 and 4 of Tower One, Brookfield Place, 125 St Georges Terrace, Perth.
- 2.3. This document has been prepared as an annexure to and in accordance with the Department of Local Government Sport and Cultural Industries' (**Department**) Public Interest Assessment Form 2A (**Form 2A**). Together they comprise the applicant's Public Interest Assessment (**PIA**). The PIA has been prepared in accordance with the Act and with reference to other relevant Department policies.
- 2.4. As directed by the Department¹, the applicant has applied a "common-sense approach"² to the preparation of the PIA and therefore, provided a level of detail considered appropriate for the circumstances in terms of the content of this document and the attachments. Further detail and additional copies of source material can be provided if necessary.
- 2.5. This PIA has been formally adopted and verified by a senior representative of the applicant by the signing of the Form 2A.

¹ Form 2A and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

² Form 2A page 2

3. Brief outline of the application

- 3.1. One Two Five by Hub will provide corporate-based licensed hospitality services to businesses, their employees and clients in Brookfield Place, for regular weekday purposes and also for meetings, conferences, functions and events.
- 3.2. Brookfield Place houses two large office towers, commercial offices operating in heritage buildings, a food and beverage precinct, retail shops and large thoroughfare and open spaces. There are three main structural components, being the two high-rise office towers and the heritage area made up of several buildings. Collectively, these main components of Brookfield Place house approximately 9,000 workers.
- 3.3. The applicant intends to establish a sophisticated and discrete business lounge with associated services, designed primarily to cater for the professional workforce within the two towers and heritage buildings.
- 3.4. Snacks, light meals, coffee and meeting/conference catering will be available, accompanied by a modest selection of liquor and non-alcoholic drinks.
- 3.5. Liquor is proposed to be available for consumption on the premises only, as a subsidiary, ancillary-type service.
- 3.6. The premises layout will generally comprise open-plan seating area, small private booths and meeting and conference rooms. There will be important features to support people working in these areas including multiple charging points, business news publications, desks and working spaces for laptops.

4. Applicant's background

- 4.1. Hub is a premium workplace hospitality expert and the largest, privately owned flexible workspace operator in Australia. Hub's philosophies include helping businesses and their teams love where they work and assist employers in delivering superior workspace experiences for their employees
- 4.2. The applicant has developed an elegant business model of providing workspace hospitality, which it currently operates at several locations in the eastern states and the recently opened Hub Elizabeth Quay which operates under a small bar licence.
- 4.3. Hub was established in 2011 and now supports over 8,000 customers across 16 locations in Australia with a diverse customer-base of small businesses, large corporate entities and government departments.
- 4.4. The Chief Executive Officer and founder of Hub, Brad Krauskopf (pictured right), has an international reputation as one of the pioneers of co-working operations and workplace hospitality services. Brad's background experiences are in the hospitality, technology and events-management sectors and his qualifications include MBA, B.Com and B.Eco.



5. Form 2A: “Part 2 – Manner of trade”

Form 2A: “2.1 What is the proposed manner of trade and your target client base?”

- 5.1. This application involves a proposal to sell and supply liquor:
- 5.1.1. in a variety of types (ie beer, wine and spirits), not produced by the applicant,
 - 5.1.2. for consumption on the premises only,
 - 5.1.3. without any obligation for the liquor to be sold as ancillary to a meal³,
 - 5.1.4. without any obligation for the applicant to produce and supply meals⁴ at all times,
 - 5.1.5. without any obligation for patrons to be seated, or for the applicant to provide seating for all patrons at all times,
 - 5.1.6. with a maximum person capacity greater than 120 and
 - 5.1.7. without any overnight accommodation,
- therefore, the application has been sought pursuant to section 41(1)(c) of the Act, for a tavern restricted class of licence.
- 5.2. Usual trading hours are expected to be 8am to 6pm Monday to Friday.
- 5.3. The applicant seeks approval for the standard trading hours permitted under section 98(1) of the Act in respect of the tavern restricted class of licence, namely from 6am to 12 midnight Monday to Saturday and 10am to 12 midnight on Sunday, with variations for New Year's Day, Good Friday, ANZAC Day and Christmas Day. Trading is rarely expected to occur on Saturdays and Sundays and only occasionally before 8am or after 6pm on weekdays. The full scope of hours permitted under the Act is sought to be approved to ensure flexibility in the business to cater for consumer requirements, particularly in terms of bookings of meetings, conferences, functions and special events.
- 5.4. The applicant also seeks the ETP for catering, to authorise the sale of liquor as a caterer to unrelated third party businesses operating in Brookfield Place that wish to engage the applicant to provide food and/or liquor to meetings, conferences, functions and events pre-booked by the third party on either levels 2, 3 or 4 of Tower One at any time other than Good Friday. Therefore, the application has been sought pursuant to section 60(4)(a) of the Act.
- 5.5. One Two Five by Hub will be a sophisticated business-focused café, bar, meeting and working place with regular weekday food and beverage services from morning to late afternoon, as well as related catering services to be provided outside of the area proposed to be licensed under the tavern restricted licence, on levels 2-4 above. For example, patrons may pop into level

³ As defined in section 3 of the Act

⁴ As defined in section 3 of the Act

- 1 to grab a take-away coffee or food, or stay to work on their laptop for a while whilst having a glass of wine, with or without food, or attend a meeting with light refreshments served by the licensee, or attend a function, conference or event with other catering provided.
- 5.6. The physical design and layout of the premises will resemble an environment for social working rather than a restaurant or pub.
- 5.7. In respect of level 1, from where the licence is proposed to operate:
- 5.7.1. This will be the applicant's primary operating space, with daily weekday services. It will be a multi-purpose area.
 - 5.7.2. This area is intended to accommodate up to 300 people.
 - 5.7.3. There will be a cafe bar providing light meals and snacks for consumption on and off the premises. The liquor service will only be available on the premises.
 - 5.7.4. The area will offer patrons a range of seating and table options, private work spaces, meeting rooms and areas for conferences and functions.
 - 5.7.5. This area will play a flexible role in catering for the typical daily hospitality needs of the Brookfield Place workforce. In the mornings, level 1 is expected to operate mainly for coffee, accompanied by light breakfast and morning tea items. Then lunch and later after-work drinks.
 - 5.7.6. The layout and fitout design is adaptable and incorporates flexible and fluid features to enable the area to be quickly changed around to accommodate different requirements. For example, from time to time meeting, conference and function rooms can be enlarged, reduced or made a different shape and then the other parts of the licensed area will be changed accordingly.
 - 5.7.7. Table service may be provided as and when appropriate and staff capacity permits.
 - 5.7.8. The next section of this PIA includes further information about the physical aspects of the proposed level 1 licensed area. Generally, it will be of a similar style and operation to that which has recently been approved as Hub Elizabeth Quay, operating under a small bar licence⁵.
- 5.8. In respect of the areas where the privileges of the proposed ETP are intended to be exercised, on an ad hoc basis when the applicant is engaged by a third party provide catering:

⁵ 634222628724

- 5.8.1. Level 2 will comprise co-working spaces, small function areas and small meeting rooms. There will be no general public access to this level.
- 5.8.2. Level 3 will comprise co-working spaces with basic function area capacity. There will be no general public access to this level.
- 5.8.3. Level 4 will comprise co-working spaces and an outdoor BBQ area. There will be no general public access to this level.
- 5.9. Attached to this PIA are copies of the applicant's Melbourne menus which are generally indicative of what will be available at Brookfield Place in Perth. They include items for the fixed café/bar on level 1 and also catering options which will include sandwich platters, cocktail food and more substantial options.
- 5.10. The liquor service is intended to be modest and very much ancillary and subsidiary, with a relatively small selection of liquor options which will be WA-based products. Drink prices will range from around \$8.00 for a 330ml beer, around \$10.00 for a glass of wine and up to around \$50.00 for a bottle of wine. Variations will be available for pre-booked occasions. A large range of non-alcoholic beverages will be available, including a comprehensive coffee service which is expected to be a key feature.
- 5.11. No entertainment is proposed to be provided by the applicant.
- 5.12. As a corporate-focused operation, patron dress standards will apply at One Two Five by Hub. Formal business attire will not be required, but is expected to be worn by most patrons. Smart and neat casual dress standards will be implemented. Shorts and thongs, for example, will not be permitted.
- 5.13. As required by the Form 2A as part of its diligent business planning, the applicant has considered its "target client base", as follows:
 - 5.13.1. The businesses and their workers in Brookfield Place, principally Towers One and Two and their clients, comprise the primary target client base.
 - 5.13.2. The landowner has identified that at Brookfield Place, "[t]he worker trade area population is projected at 22,039 at 2023, at which date the forecast food catering expenditure generated by these workers is projected at \$15 million"⁶. The applicant's proposal is designed to cater for these people primarily and a large number of them are expected to patronise One Two Five by Hub regularly.
 - 5.13.3. A survey of businesses conducted by the applicant and owner to ascertain their opinion on the application showed the majority as people working in Tower One. They all said they support the

⁶ Brookfield Place Perth Assessment of Retail Potential, by Macroplan, June 2022 at page 1 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

application and will use the services proposed. A copy of the survey questions and results as gathered online are attached.

- 5.13.4. Also attached is a letter of support from the owner/landlord confirming the anticipated target client base as outlined above and indicating the likely high usage of the Hub services and facilities.
- 5.13.5. Whilst people working outside Brookfield Place will be welcome at One Two Five by Hub and members of the broader general public could potentially access level 1 and be permitted into the premises, these other types of potential patrons are expected to visit only very rarely, if at all. They are not within the applicant's target client base. The premises will not be visible nor promoted to, the general public.

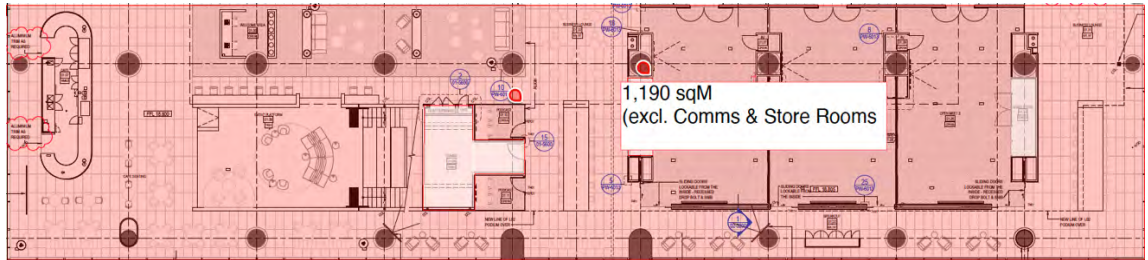
Form 2A: "2.2 Describe the premises/proposed premises"

- 5.14. The proposed licensed premises will be located in Tower One of Brookfield Place – a prominent, landmark destination site in the Perth CBD⁷.
- 5.15. Brookfield Place is an enormous mixed-use precinct development that has been operating since 2012. It comprises a total net lettable area of 85,762m², of which 78,709m² is office space and 7,053m² is retail tenancy.
- 5.16. "Covering approximately 14,000 sq. m of prime, CBD core land, Brookfield Place is located in the heart of the office precinct of the Perth CBD, between St Georges Terrace and Mounts Bay Road. The site enjoys a prominent position within the office core, and benefits from accessibility to the Swan River and transport linkages at nearby Elizabeth Quay. This substantial mixed-use site in the southern end of Perth's CBD Core has increased activity along the north-south axis of the Perth CBD and has become a prominent asset."⁸
- 5.17. Tower One currently comprises seven different large corporate tenants across 45 levels which include a law firm, a multi-disciplinary accounting firm, Telstra and BHP.
- 5.18. The neighbouring Tower Two currently comprises 11 tenants across 16 levels, being five law firms, a multi-disciplinary accounting firm, Brookfield, Multiplex and Wesfarmers.
- 5.19. Also, within Brookfield Place, there are twelve tenants in the commercial offices operating in heritage buildings, including Curtin University, UWA, Brookfield and the Property Council of Australia. Plus, there are 18 food and beverage tenancies and 11 other retailers.
- 5.20. As stated previously, Brookfield Place accommodates approximately 9,000 people.

⁷ Brookfield Place Perth Assessment of Retail Potential, by Macroplan, June 2022 at page 53 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

⁸ Brookfield Place Perth Assessment of Retail Potential, by Macroplan, June 2022 at page 4 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

- 5.21. The following is an extract of the applicant's floor plans showing the proposed Level 1 licensed area, which is generally depicted in the subsequent render and sample indicative images from Hub premises operating elsewhere:

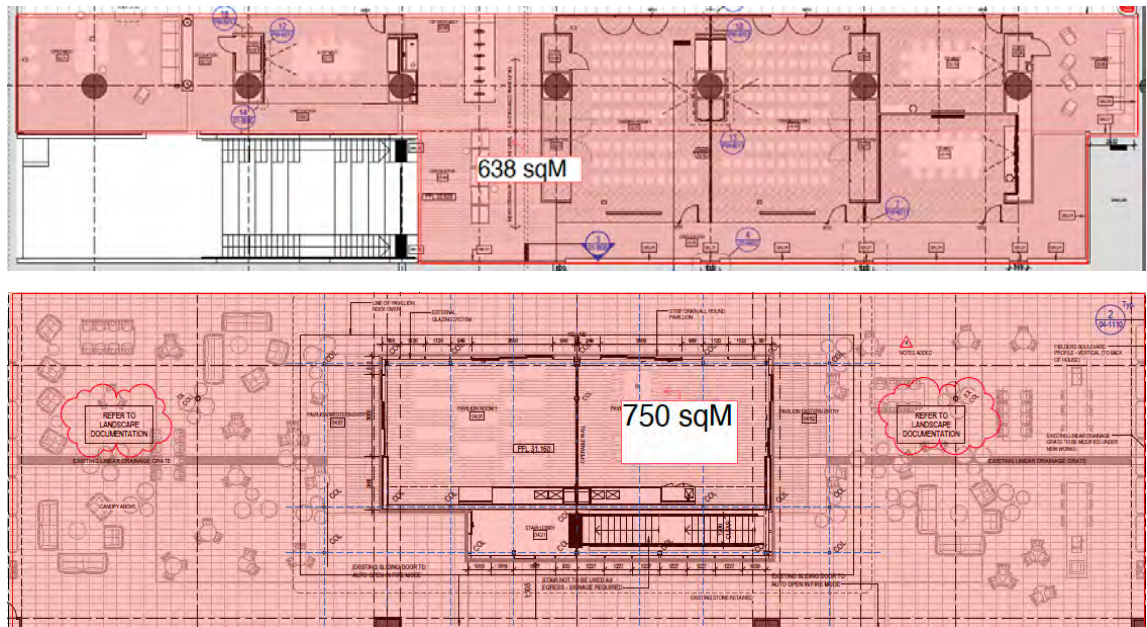




- 5.22. Toilets will be located on level 1, comprising male (3+4), female (x5), UAT (x2) and all-gender (x1).
- 5.23. The fitout will be fresh and smart with professional, corporate styling. Crisp materials will be used alongside soft furnishings for comfort. The colour scheme will be natural and complemented with indoor plants.
- 5.24. Fixtures, fittings and furnishings will be of a very high and modern quality, consistent with the fitout and design themes.
- 5.25. A variety of casual and work-based seating will be provided, together with desks, coffee tables and boardroom tables.
- 5.26. As stated previously, the physical design and layout of the premises will resemble a corporate type environment for people to comfortably and productively work and have professional social engagement with hospitality, rather than a traditional public dining and drinking venue.
- 5.27. Entrance to One Two Five by Hub will be via the escalator depicted below, access from the ground level of Tower One:



- 5.28. The following are extracts from the applicant's floor plans showing the areas on levels 2, 3 and 4 of Tower One where the ETP is proposed to operate, from time to time. The ETP is intended to be utilised when tenants of Brookfield Place engage the applicant to provide catering services outside of level 1 to their pre-booked meetings, conferences, functions and special events at which a liquor service is required.



- 5.29. The occasions when these spaces and the ETP are expected to be used are for traditional meetings, conferences and staff functions, as well as other private seminars, presentations, product launches, corporate milestones and networking where attendees comprise the staff and other invited guests of the business which engages the applicant for the offsite catering. They are not intended to be general public events.
- 5.30. The draft menus attached include examples of the offsite catering food and drinks to be provided. The applicant will offer tailor-made packages. Brookfield Place tenants will enjoy the convenience of catering services available from very closeby.

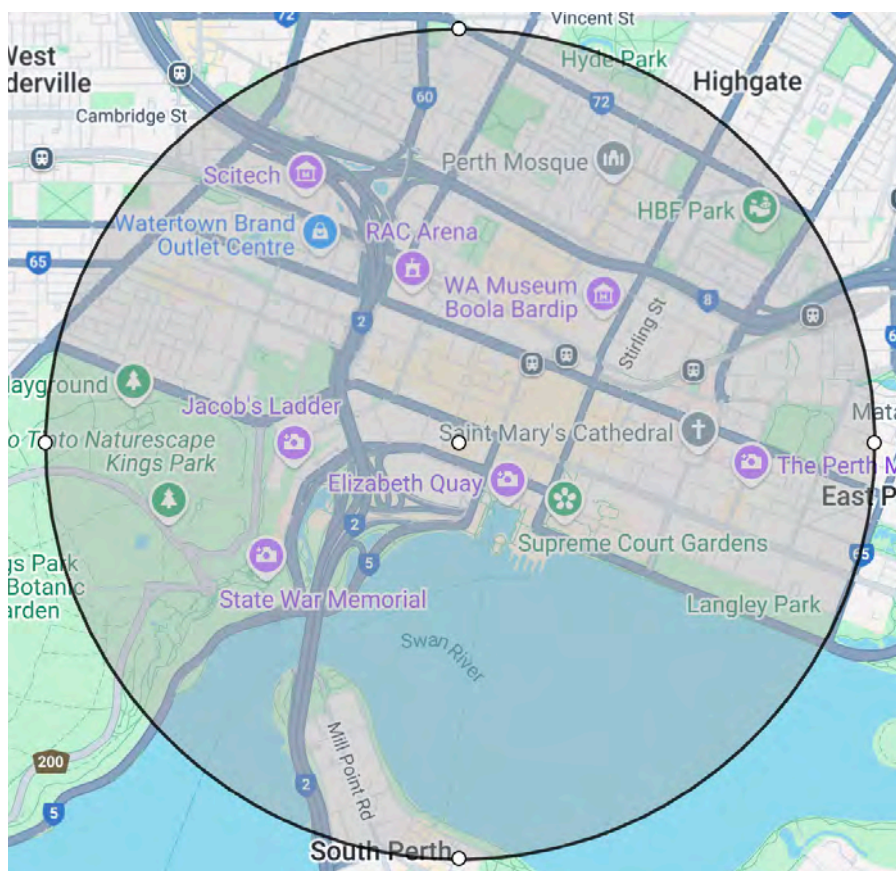
Form 2A: “2.3 If you intend to sell packaged liquor, give the names and addresses of all existing licensed premises within the locality”

- 5.31. Section 2.3 of the Form 2A is not applicable.
- 5.32. Packaged liquor is not proposed to be sold under the licence.
- 5.33. Further, the Act does not permit packaged liquor to be sold under the class of licence sought to be approved in this case.

6. Form 2A: “Part 3 – The profile of the local community”

Form 2A: “3.1 Please outline the population characteristics in the locality”

- 6.1. To address this item in the Form 2A, it is necessary to firstly identify the relevant locality.
- 6.2. There is no definition of “locality” in the Act. “Locality” is “intended to mean the geographical area surrounding, and relatively close to, the proposed site”⁹ subject to other considerations as to the vicinity of the proposed premises¹⁰.
- 6.3. The applicant’s site is located within the Perth CBD. In the Form 2A, the Department has suggested that the locality for this case may be a 2km radius around the proposed licensed area given that the premises is located within 15km of the Perth CBD. That area is depicted in the Google Map below (**2km locality**).



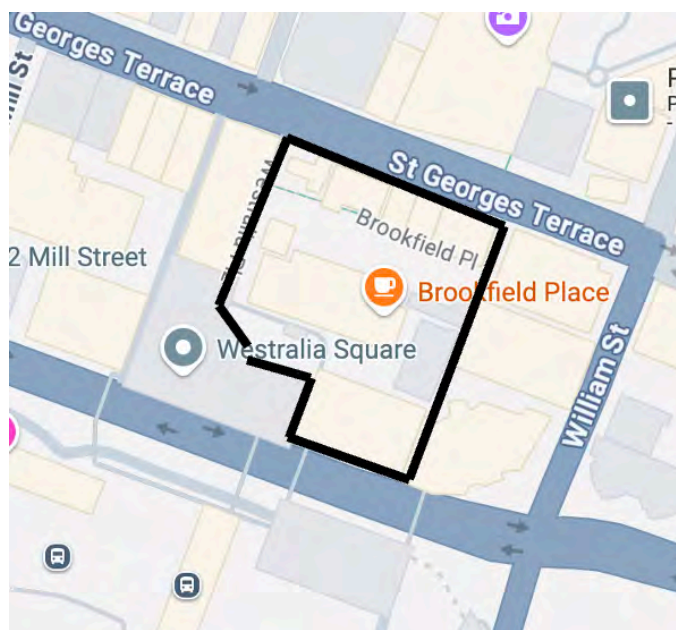
⁹ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 [190] (Archer J)

¹⁰ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 [190] (Archer J); section 38(4)(c) of the Act

- 6.4. This area is within the City of Perth.
- 6.5. "Consistently ranking as one of the most liveable cities in the world, the City is home to more than 32,000 residents...The City is also the State's central hub for business, contributing \$91.1 billion in Gross Regional Product, and representing the interests of almost 13,000 businesses that support around 230,000 local jobs."¹¹



- 6.6. Given the narrow and defined nature of the applicant's manner of trade and target client base, the relatively isolated aspects to the proposed premises and the enormous number of workers in Brookfield Place, the locality area most relevant in this application is proposed to be Brookfield Place. This is the precinct bounded by St Georges Terrace on the north, Mounts Bay Road on the south, just west of William Street on the east side, just east of Mercantile Lane on the west side and around Westralia Place on the south-western corner. This area is depicted below outlined in black (**Hub locality**).



¹¹ <https://perth.wa.gov.au/building-and-planning/future-perth>

¹² As at 13 May 2025: <https://perth.wa.gov.au/building-and-planning/future-perth>

"Brookfield Place's centrepiece is a premium-grade 45-level office tower with BHP, one of the world's leading resources companies as the anchor tenant.

Tower 1's external 'K-frame' provides a signature design feature to the building and structural support to the tower.

Brookfield Place provides a unique heritage retail area for the city, offering food and fashion options in some of Perth's most sympathetically restored historical buildings. Perth is burgeoning with new faces, ideas, passions and goals; Brookfield Place provides them a home.

The precinct comprises a net lettable area of approximately 120,000 sqm. Brookfield Place is fully owned, managed and built by Brookfield and its subsidiaries.

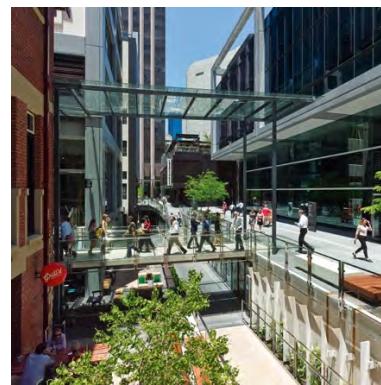
Brookfield Place Perth is one of Australia's most awarded properties."¹³

6.7. Tower One is that which appears as the tallest in the following images:

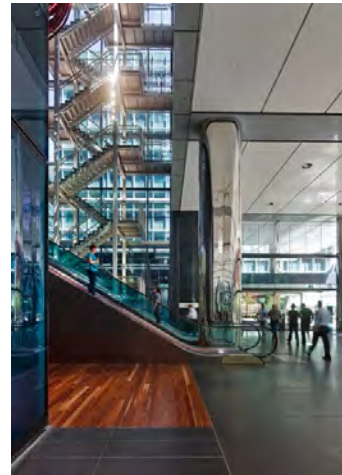


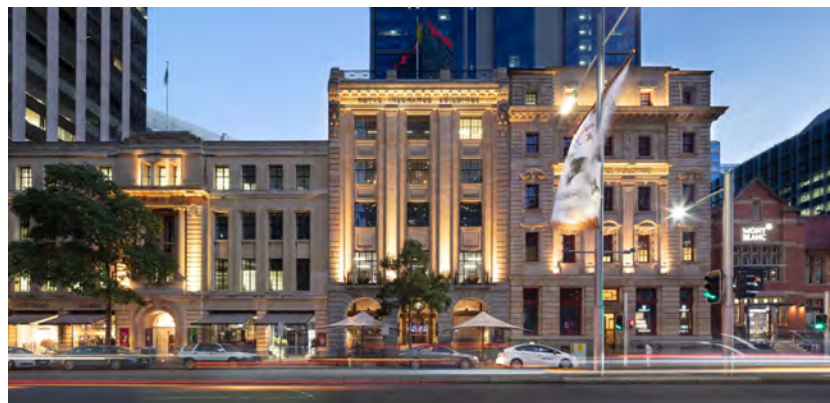
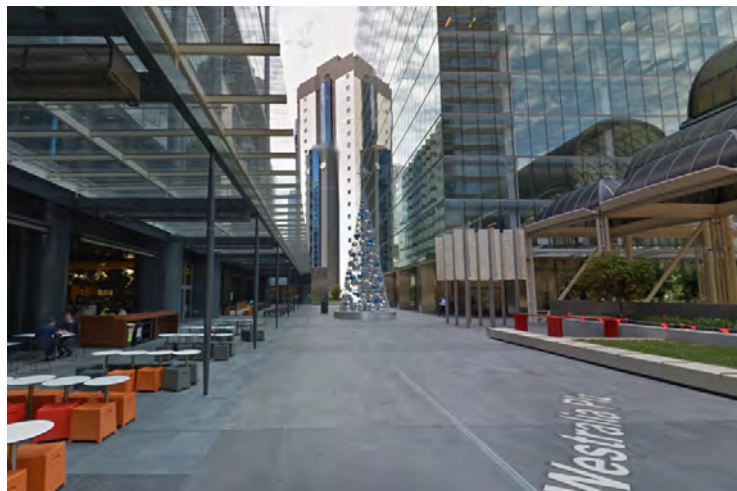
6.8. Attached is a copy of Brookfield Place – The Precinct – site map with some tenancies labelled.

6.9. The following images depict aspects of the Hub locality and Brookfield Place.



¹³ <https://bfplperth.com/leasing/tower-1/>





- 6.10. The applicant has carefully considered both the 2km locality and Hub locality, as referred to throughout this PIA and the accompanying Legal Submissions.
- 6.11. The whole of the Hub locality and most of the 2km locality are within, or comprise, the capital city suburb of Perth.
- 6.12. As directed by the Department¹⁴, the applicant has applied a “common-sense approach”¹⁵ to the submissions contained within this PIA in relation to assessing the locality. In this context, the applicant has had regard for the fact that the 2km locality and Hub locality are both very established and the licensing authority would be intimately familiar with them and so only pertinent locality material has been included in this document¹⁶.
- 6.13. It has not been possible to isolate current published data confined to either the 2km locality or Hub locality for the purposes of addressing statistics contemplated in the Form 2A. The applicant has considered data published in respect of the City of Perth and the suburb of Perth by the Australian Bureau of Statistics (**ABS**).
- 6.14. At the most recent Census in 2021 the ABS recorded 13,670 people living in Perth. More relevantly to this application though, is the estimated 9,000 personnel working in Brookfield Place. The largest tenant is BHP, occupying 45 levels of office tower and employing approximately 4,000 staff.
- 6.15. Statistically speaking, the average person living in the suburb of Perth can be described as follows¹⁷:
- 6.15.1. 33 year old man who has never been married and is living as a couple without children in a flat or apartment,
 - 6.15.2. does not identify as Indigenous,
 - 6.15.3. has attended or is attending tertiary level education,
 - 6.15.4. was born in Australia, has English speaking ancestry and speaks only English at home,
 - 6.15.5. has no religious affiliation,
 - 6.15.6. is earning \$1,053 per week (well above the State average) and
 - 6.15.7. has no long-term health condition.
- 6.16. The following further resident profile characteristics have been identified for Perth¹⁸, although as addressed previously, these have limited relevance to this application given the manner of trade and target client base proposed:
- 6.16.1. Approximately 11.4% of the population is aged 19 and under.

¹⁴ Form 2A and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

¹⁵ Form 2A page 2

¹⁶ Further detailed information and supporting documents can be provided if required, upon request

¹⁷ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA57080>

¹⁸ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51230>

- 6.16.2. Approximately 1.3% of the population of Perth identified their indigenous status as being Aboriginal and/or Torres Strait Islander with an average of approximately 87.6% as non-Indigenous.
- 6.16.3. Approximately 39.1% of households use a non-English language which is most likely Mandarin.
- 6.16.4. The average unemployment rate is 5.4% which is much lower than the State and national figure of 5.1%.
- 6.16.5. People living in the area enjoy much higher than average incomes than the State average.
- 6.16.6. A much lower percentage of the local resident community comprises families compared to the State on average.
- 6.17. Socio-Economic Indexes for Areas measure the relative level of socio-economic disadvantage and/or advantage based on a range of ABS Census characteristics. According to the Index of Relative Socio-economic Advantage and Disadvantage for local government areas in Western Australia, the City of Perth ranks very highly at number 14 out of 138¹⁹ indicating that its residents enjoy relatively advantageous socio-economic conditions.
- 6.18. Research initiated by Brookfield as to the make-up of the Brookfield Place workforce has identified that there is a "very high percentage" of people working in Tower One and Tower Two who are from the "highest socio-economic community"²⁰.
- 6.19. As directed by the Department, the applicant has applied a "common-sense approach"²¹ to the submissions contained within this section of the PIA in. Further, the applicant has sought not to overburden the licensing authority with materials, especially those available via the internet and having regard to the well-known location which the licensing authority is presumed to be very familiar with. Therefore, only pertinent locality material has been included in this document²².

Form 2A: "3.3 (sic) List the community buildings in the locality"

- 6.20. As required by the Form 2A, the applicant provides names and addresses for the following identified to be operating in the Hub locality:
 - 6.20.1. Schools and educational institutions: Curtin University, Level 1, 137 St Georges Terrace, Perth.
 - 6.20.2. Hospitals: none.
 - 6.20.3. Hospices: none.

¹⁹ <https://profile.id.com.au/perth/seifa-disadvantage>

²⁰ Customer & Location Intelligence Report, prepared for Brookfield by Propella.ai, 28 June 2022 at page 12 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

²¹ Form 2A and at <https://www.dlgsc.wa.gov.au/departments/publications/publication/public-interest-assessment>

²² Additional and more detailed information and supporting documents can be provided if required and requested

- 6.20.4. Aged care facilities: none.
 - 6.20.5. Churches/places of worship: none.
 - 6.20.6. Drug and alcohol treatment centres: none.
 - 6.20.7. Short term accommodation or refuges: none.
 - 6.20.8. Childcare centres: Buggles Childcare Brookfield Place, 125 St Georges Terrace, Perth.
 - 6.20.9. Local government: The administration centre for the City of Perth is located outside the Hub locality, at Council House, 27 St Georges Terrace.
- 6.21. Within the 2km locality there are additional "community buildings" as referred to by the Form 2A. None will be visible from, nor directly accessible to/from One Two Five by Hub and they will all be significantly separated by considerable infrastructure. Given these geographical and physical factors and having regard for the applicant's proposed manner of trade, no "community buildings" are likely to be affected by the operations of One Two Five by Hub in any manner.
- 6.22. In fact, no "community buildings" are even likely to know about the existence of the applicant's premises. People expected to be coming and going from One Two Five by Hub will not be required to walk past any "community buildings" in order to access the premises.
- 6.23. There are no people known to be living in the Hub locality. The nearest residence is understood to be approximately 150m away from the proposed licensed area, as a straight-line distance, but also out of sight and buffered by considerable infrastructure.

7. Form 2A: "Part 4 – Minimising the potential for alcohol to cause harm"

Form 2A: "4.1 What strategies will you use to minimise harm from the use of alcohol?"

- 7.1. The applicant has had regard for harm and ill-health factors potentially associated with the new liquor licence, including with reference to its own trading history. The applicant is very experienced and has an excellent trading record over many years in other States in terms of compliance and is not aware of any of its licences causing harm or ill-health. It has so far commenced trading at the new Hub Elizabeth Quay without incident.
- 7.2. As identified previously in this document, no part of the proposed licensed area will be visible in any way from churches, schools, hospitals and day care centres etc.
- 7.3. The liquor services will not be publicly advertised or promoted for general public use.

- 7.4. Liquor will be priced in such a way as to avoid rapid or excessive consumption. In other words, the applicant will not price liquor too cheaply as to be likely to encourage rapid, excessive or other irresponsible consumption by patrons.
- 7.5. Water will not only be provided free of charge as required under the Act, but it will feature prominently and the consumption of water will be encouraged.
- 7.6. Staff will be directed to actively monitor patron liquor consumption levels to try to ensure anyone suspected of becoming drunk is identified and addressed at an early point.
- 7.7. A no tolerance rule for drunkenness and troublesome behaviour on the premises will be enforced.
- 7.8. Among other policies and strategies, the following will apply:
 - 7.8.1. The usual and regular trading hours will be limited and generally restricted to weekday daytime-trade.
 - 7.8.2. The range of liquor will be limited. Only a modest, carefully selection quality drinks list will be available.
 - 7.8.3. There will be a high standard of premises in terms of the design, fit-out and furnishings with corporate styling. Together with a high standard modus operandi, these features will command an equally high standard of patron behaviour.
 - 7.8.4. Staff will be highly trained on all facets of the business, including responsible service of liquor, other harm minimising practises, safety and customer service. Staff training will be provided on an ongoing basis.
 - 7.8.5. Noise generated at the venue will be monitored and controlled to ensure it is not likely to disturb anyone, although only professional patron noise is likely.
- 7.9. In regard to juveniles:
 - 7.9.1. They are rarely, if ever, expected to ever visit One Two Five by Hub, given the location of the premises, the target patronage and its proposed manner of trade.
 - 7.9.2. Nonetheless, very strict policies will apply. If there is any doubt about the age of a patron, satisfactory identification will be required.
 - 7.9.3. The applicant will operate under a strict policy, which will be directed to and perpetuated with its staff, whereby liquor is not to be sold or supplied to anyone whom it is suspected might give the liquor to a juvenile, including guardians and parents.
 - 7.9.4. Should juveniles be observed loitering near the licensed premises they will be asked to move on and no juveniles will be permitted in the licensed area unless accompanied by a responsible adult acting

as a parent or other guardian. The applicant has not experienced notable issues of this kind at its existing venues.

- 7.10. Every effort will be made by the applicant to conduct business under the licence in a manner that minimises the potential for harm or ill-health to occur as a result of the liquor service operating.
- 7.11. The applicant has sought to identify current information regarding alcohol related hospitalisations and deaths associated with Perth, but none could be identified from published material. Further, “due to different classification systems and alcohol as a contributing factor not being recorded within all health datasets, challenges exist in quantifying the incidence of alcohol-related injuries in WA.”²³.
- 7.12. Nonetheless, the applicant acknowledges that hospitalisation and death can potentially result for some people as a consequence of the use of liquor and would have previously occurred and be likely to occur again in the future at some level in the 2km locality and Hub locality.
- 7.13. The most recent ABS data has revealed no specific alcohol-related health condition associated with residents of Perth. The 2021 ABS Census revealed residents of the City of Perth to have lower rates of all categories long-term health conditions compared with the State averages²⁴. The vast majority of residents (64.9%) reported having no long-term health condition²⁵. It is acknowledged that a small percentage of people did indicate that they experience some long-term health condition²⁶.
- 7.14. Site specific research by the owner has revealed that Brookfield Place workers “maintain a fit and healthy lifestyle when compared to the average worker”²⁷.
- 7.15. “[D]ata from Roy Morgan’s Alcohol Consumption Report shows the proportion of Australians who drink alcohol dropped by 1.8 percentage points to 67.9 per cent in the 12 months to June 2022”²⁸.
- 7.16. Data for the 12 months to March 2023 showed an increase of 1.3%, but relevantly “[t]he most significant driver of the increase in consumption of alcohol compared to pre-pandemic is the increasing popularity of RTDs (Ready-to-drink)”²⁹. Very few RTDs are intended to be available at One Two Five by Hub and those that may be available will be of a carefully selected premium quality.
- 7.17. The applicant has considered the issue of crime relevant to the application. Published data could not be isolated for either the 2km locality or the Hub

²³ Alcohol-related injuries in Western Australia Position Paper, by Injury Matters, dated April 2022, at page 2 (www.injurymatters.org.au) – copy of the paper available if required, upon request

²⁴ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA57080>

²⁵ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA57080>

²⁶ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA57080>

²⁷ Customer & Location Intelligence Report, prepared for Brookfield by Propella.ai, 28 June 2022 at page 21 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

²⁸ <https://theshout.com.au/australian-alcohol-consumption-declines-rt-d-consumption-at-record-high/>

²⁹ <https://www.roymorgan.com/findings/9153-alcohol-consumption-march-2023>

locality. The following broad-scope information has been identified from Policing records³⁰.

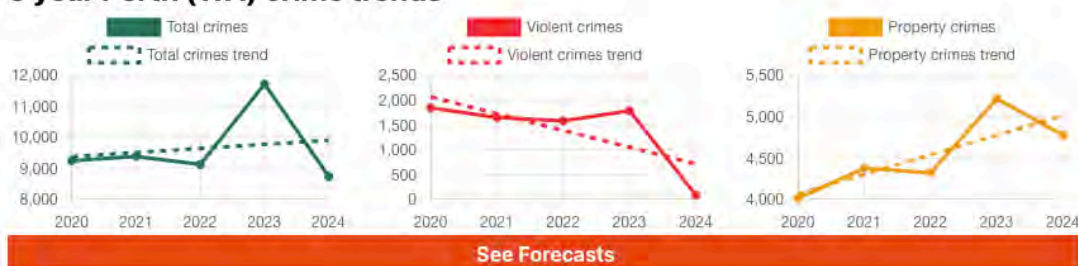
Crime rate in Perth (WA), WA, Australia, 6000 Suburb in Perth

Crime Rank: 79/100

(higher number means more crime)



5 year Perth (WA) crime trends



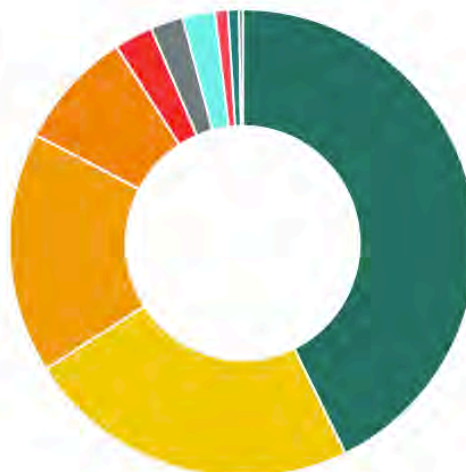
Perth (WA) crime compared



Top crime types in Perth (WA):

Theft	3,732
Drug dealing and trafficking	2,026
Deception	1,457
Property damage	719
Burglary/Break and enter	234
Weapons and explosives offences	197
Breaches of orders	197
Robbery	78
Motor Vehicle Theft	66
Arson	22

[Crime Types explained](#)



³⁰ <https://redsuburbs.com.au/suburbs/perth-wa/> as at 14 May 2025. This data is based on collated annual Police records: <https://redsuburbs.com.au/about-us/>. It is not evidence of proven crimes.

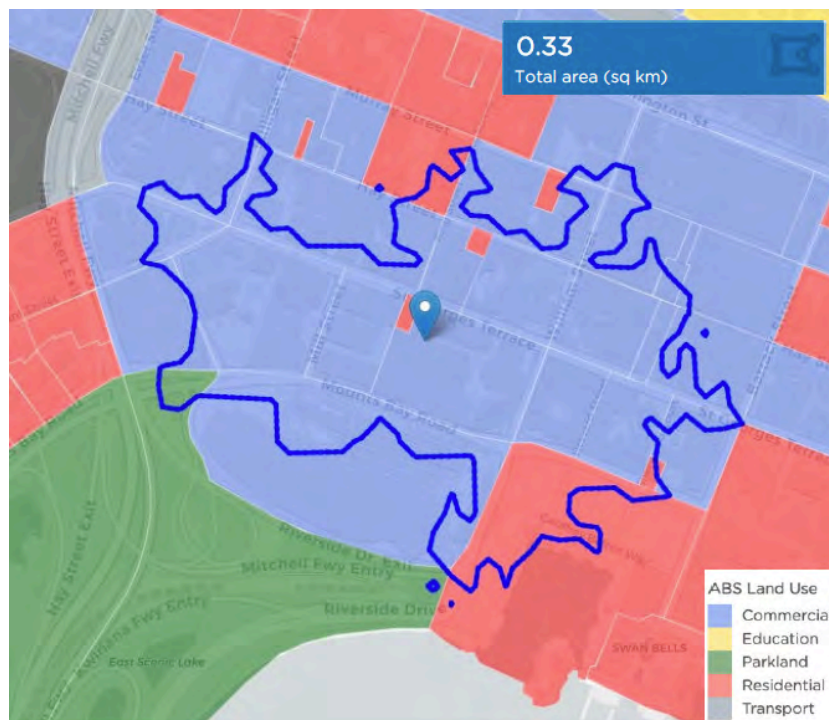
- 7.18. Collectively this published data shows the overall Perth average, in terms of the general level of offences, to be relatively high. This should not impede the grant of the licence for the following reasons:
- 7.18.1. Brookfield Place, as a mainly day-trading business precinct, can be isolated from the general Perth statistics. Brookfield Place is not known to have any unusual or noticeably high rate of incidents.
 - 7.18.2. As a bustling and growing capital city that is home to a large concentration of businesses and people it is reasonable to presume that the area will attract a higher rate of incidents.
 - 7.18.3. Whilst any crime rate is an issue to be addressed, the police offence data for Perth may be regarded as proportionate given the particular circumstances of the area.
 - 7.18.4. The most common category of offences is "theft". One Two Five by Hub will not be selling or supply products reasonably likely to be stolen. There will be no packaged liquor and little cash on the premises. Further, the premises will not be easily accessible for theft.
 - 7.18.5. Security personnel and CCTV surveillance operate around Brookfield Place.
 - 7.18.6. The licensed premises will not be visible externally.
 - 7.18.7. One Two Five by Hub will have reduced trading hours.
- 7.19. As outlined previously, the licensed area in this case will have no external presence and no direct street access. It will be entirely confined and secured above street-level.
- 7.20. The following steps will be taken by the applicant to minimise crime occurring in relation to One Two Five by Hub:
- 7.20.1. Security cameras will monitor the entrance on level 1 and within the licensed area.
 - 7.20.2. Liaising closely with the owner and being familiar with its security measures that apply throughout the precinct.
 - 7.20.3. Keeping the premises well-lit and maintaining the high standards of fitout.
 - 7.20.4. A high level of staff training will be adopted, including how to deal with incidents that are, or could potentially become, obviously criminal or unsafe.
 - 7.20.5. Maintaining a rigid enforcement of harm minimisation principles and policies.
 - 7.20.6. Limiting public exposure and access.
- 7.21. The applicant's other, existing licensed premises are not known to attract crime.

8. Form 2A: “Part 5 – Impact on the amenity, quiet or good order of the locality”

- 8.1. Amenity means the “amenity, quiet and good order of the locality”⁵ and has been interpreted by the Supreme Court, Court of Appeal as follows:

“...the term 'amenity' in s 38(4)(b) “is concerned with whether and, if so, to what extent the granting of the application would be likely to have any positive or negative effects or consequences upon the overall character, quality and enjoyment of life within the locality.”³¹.

- 8.2. The amenity in this case is that of a busy and emerging central business district of a capital city. There is a high density of buildings and land uses. The applicant's site and most of the surrounding area is zoned for commercial use. The following map illustrates this, showing the location of Brookfield Place by the blue balloon³²:



- 8.3. The area is intended and designed for multiple hospitality services of varying types. It is more than appropriate and in fact essential that diversity in services and facilities be provided in a capital city. One Two Five by Hub will provide a bespoke offering befitting for a growing capital city and its corporate industry.
- 8.4. Perth “is the centre for civic, cultural, administrative, tourism and commercial services, and the hub of greater Perth’s public transport system”.³³

³¹ *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2020] WASCA 157 [184]-[186] (Buss P)

³² Customer & Location Intelligence Report, prepared for Brookfield by Propella.ai, 28 June 2022 at page 47 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

³³ City of Perth Local Planning Strategy, Part One – The Strategy, December 2022 at page 9 (PDF copy available upon request – 112 pages, or accessible here: <https://engage.perth.wa.gov.au/draft-local-planning-strategy>)

- 8.5. Brookfield Place, with its multiple buildings and business tenants and enormous workforce is an established and substantial part of the amenity. It is a bustling precinct of worker and business activity. Some of the images depicting Brookfield Place provided earlier on in this PIA illustrate these factors
- 8.6. St Georges Terrace is a triple lane dual carriageway. It is the main artery through the CBD, running past the access points into Brookfield Place and through to the applicant's premises. The following images show the amenity of St Georges Terrace around the access points to Brookfield Place. This area is dominated by tall buildings, offices and busy traffic.





- 8.7. As referred to earlier on in this document, CCTV will be operating in and around the premises. It already operates throughout Brookfield Place.
- 8.8. As contemplated by the Form 2A, the applicant has considered parking and transport options that "will allow patrons to leave the area quickly rather than potentially inconveniencing the neighbours"³⁴.
- 8.8.1. Under cover parking is available close by in several buildings, at the Perth Convention and Exhibition Centre and on the streets.
- 8.8.2. Taxis and other ride share vehicles can easily drive past and stop on St Georges Terrace and Mounts Bay Road.
- 8.8.3. Bus, ferry and train public transport options operate within easy walking distance.
- 8.8.4. Given the style of operation proposed and the fact that the applicant's neighbours consist of other businesses, inconvenience to

³⁴ Form 2A at page 6

neighbours is highly unlikely. The modus operandi for One Two Five by Hub is to cater for the needs of those business neighbours.

- 8.9. The applicant does not intend to host entertainment and nor will it conduct activities likely to generate noisy patron behaviour and so sound emissions are unlikely to even be noticed, let alone capable of disturbing the amenity.
- 8.10. One Two Five by Hub is expected to fit perfectly into the amenity. The business model has been purposefully designed for the location. It will add a valuable modern feature of sophisticated and diverse corporate hospitality.
- 8.11. Evidence of support for the application from workers and businesses in Brookfield Place, attached, has not revealed any concerns regarding impact on the amenity which need to be addressed.

Form 2A: “5.1 How will your premises design protect the amenity, quiet or good order of the locality?”

- 8.12. The design of the premises proposed to be licensed in this case has been developed by the applicant, with input from the owner, based on many of years of experience operating similar premises elsewhere. The particular layout and fitout are site-specific and have been carefully planned to fit seamlessly into the area and add value to Brookfield Place.
- 8.13. From an external physical perspective in terms of streetscape and visual presence to the wider amenity, there will be no notable impact given that One Two Five by Hub will be discretely tucked-away, elevated from the street, inside level 1.
- 8.14. From an operational perspective, One Two Five by Hub will add an essential modern service for the many businesses and thousands of workers in the precinct.
- 8.15. The manner of trade proposed is most unlikely to cause any adverse impact to the quiet or good order of the surrounding area. Services will mostly finish by 6pm weekdays and there will be no entertainment provided by the applicant.
- 8.16. The overall operation of One Two Five by Hub will be professional and subdued. Only respectful, mature and business-minded services will be provided.
- 8.17. These various features of the proposal will help to ensure that One Two Five by Hub does not adversely affect the quiet or good order of the locality
- 8.18. The strong support for the application provided by the owner in the attached letter from Brookfield confirms the appropriateness of the proposal for the site and the positive outcomes expected if the licence is granted.
- 8.19. Further submissions addressing the amenity issue under the Act and for the purposes of the Form 2A are provided in the attached Legal Submissions.

9. Form 2A: “Part 6 – Impact on the people who live or work nearby and whether they might suffer offence, annoyance, disturbance or inconvenience”

Form 2A: “6.1 What actions will you take to minimise the impact on people who live or work nearby?”

- 9.1. The applicant has carefully considered the impact that may be caused to people who reside or work in the vicinity of the proposed licensed premises, in terms of how and in what circumstance, the sale and supply of liquor could potentially cause those people offence, annoyance, disturbance or inconvenience.
- 9.2. It is not considered that there are any high risk factors associated with the application, for the various reasons referred to throughout this PIA. Notwithstanding that conclusion, the applicant acknowledges the potential for adverse effects from any sale and supply of liquor and hence proposes to implement the following strategies to manage and minimise risks.
- 9.2.1. Implementing the applicant's tried, tested and proven operational policies for overall management, staff training and conduct of business.
 - 9.2.2. Instructing staff to high standards and implementing an ongoing training regime.
 - 9.2.3. Maintaining the modus operandi as outlined in this PIA.
 - 9.2.4. Ensuring the coffee and tea service is of a premium standard.
 - 9.2.5. Offering food.
 - 9.2.6. Maintaining a high standard of premises in terms of cleanliness, tidiness and overall quality, to indicate to patrons the operator's professional approach to management of the business.
 - 9.2.7. Abiding by the licensing authority's policy regarding responsible promotion of liquor³⁵, which shall include, among other things, not selling drinks known as “shooters”.
 - 9.2.8. Making a selection of low and mid-strength liquor items available, as well as a range of non-alcoholic drinks.
 - 9.2.9. Not advertising the liquor service widely, to the general public, as a traditional bar facility.
 - 9.2.10. Closely monitoring for drunk people and juveniles.
 - 9.2.11. No operating late at night.

³⁵ <https://www.dlgsc.wa.gov.au/department/publications/publication/responsible-promotion-and-advertising-of-alcohol>

- 9.2.12. Liaising with the owner regularly to help ensure no adverse impacts are being generated by the operation of the licence.
- 9.3. It is relevant to reiterate the considerable experience of the applicant in compliantly operating licensed premises of a similar nature at other locations for many years.
- 9.4. Evidence of support for the application from workers and businesses in Brookfield Place, attached, has not revealed any concerns regarding potential offence, annoyance, disturbance or inconvenience which need to be addressed.
- 9.5. No high risk factors associated with the proposal in this case have arisen in preparing this PIA. The small risk factor that does exist, as with any licensed premises, will be closely monitored and carefully managed in any event.
- 9.6. Workers will benefit greatly from the expert services at One Two Five by Hub.

10. Form 2A: “Part 7 – Impact on tourism, culture and the community”

Form 2A: “7.1 Are there any tourism, cultural and community benefits that would result from the grant of your application?”

- 10.1. “Perth is adapting to changes in global demand and expanding its economic base to include more service-based industries, such as education, health and hospitality”³⁶.
- 10.2. “There has been a significant increase in the number of companies establishing or relocating their headquarters in and to Perth. BHP, Fortescue Metals Group, Hancock Prospecting, Rio Tinto, South32, Wesfarmers and Woodside Energy are all top 20 Australian Stock Exchange (ASX)-listed organisations with a presence in Perth. This trend is expected to continue as the Indo-Pacific region builds in importance and influence. High levels of capital investment have created a variety of quality options for commercial, residential, retail and office accommodation in the rapidly growing CBD.”³⁷ Companies of this calibre require access to premium corporate hospitality. One Two Five by Hub will address the city hospitality needs of these companies perfectly.
- 10.3. The following published statement by an Australian food and hospitality industry consultant also strongly supports the application:
- “Food and hospitality can play an active and substantial role in the personality of a commercial property or office building, infusing the ground floor with a vibrancy and function beyond the beige security check point, offering spaces that allow tenants and visitors to meet, create and participate. The food and hospitality experience will

³⁶ City of Perth, Perth Liveable Sustainable Prosperous, Australia Investment Profile, May 2024, at page 11 (copy attached)

³⁷ City of Perth, Perth Liveable Sustainable Prosperous, Australia Investment Profile, May 2024, at page 13 (copy attached)

contribute to the level of care, engagement and service that will be the redefinition of the Australian workplace. What happens on the ground plane, sets the scene for the building's uses and themes by providing a vision of energised people places, inspired design, considered placemaking with modern, healthy and on trend food and beverage."³⁸

- 10.4. The licensed services proposed at One Two Five by Hub will provide modern business benefits to the local business community. The services will considerably enhance the role and functionality of Brookfield Place, particularly Tower One and provide choice and diversity in services.
- 10.5. Tourism benefits will be achieved through the following:
- 10.5.1. The enhancement of the business district of Perth.
 - 10.5.2. The introduction of services of an international standard which are similarly available elsewhere in the world at a location which attracts visitors.
 - 10.5.3. Tenant businesses at Brookfield Place are likely, from time to time, to have clients, colleagues and other business associates visit from regional WA, or places outside WA to attend meetings, functions and conferences at Brookfield Place. The consumer evidence lodged with the application confirms this. Several tenants in Brookfield Place, identified earlier on in this PIA, are well known for conducting business around the world and operate with their head offices at Brookfield Place. Attached is a comprehensive tenant list.
- 10.6. Ensuring that One Two Five by Hub can supply a high standard of modern workplace hospitality, with the inclusion of liquor, will promote Perth as a contemporary and competitive business marketplace.
- 10.7. One Two Five by Hub will generate employment opportunities through its own complement of staff. Various positions will be filled from local people if the application is approved.

Form 2A: "7.2 If you have any other information to provide in support of your application, include it here"

- 10.8. Global industry trends in workplace environments involve the provision of advanced levels of hospitality services which are becoming seen as essential.³⁹
- 10.9. It has been reported that "[t]he global pandemic has transformed the traditional office, moving away from impersonal cubicles toward vibrant, welcoming environments. This shift, often referred to as 'hotelisation', is redefining how we perceive and interact with our workplaces...Picture an office

³⁸ "Hospitality, trends – a new era for food and hospitality in commercial property and office buildings", 28 June 2023: <https://futurefood.com.au/blog/2023/6/28/a-new-era-for-food-amp-hospitality-for-commercial-property-amp-office-buildings>

³⁹ <https://etedge-insights.com/featured-insights/people-and-organizations/workplace-evolution-enhancing-employee-experience-with-hospitality-as-a-service-haas-model/>

that feels less like a place of work and more like a luxury hotel complete with cosy lounges, lush greenery and even concierge services. What might have once seemed aspirational is now becoming the norm for forward-thinking organisations...As companies encourage employees to return to the office, they are turning to the hospitality industry for inspiration....The hotelisation concept is about creating spaces that prioritise employee well-being and satisfaction. Gone are the days when offices were merely functional; today's workplaces are designed to be destinations that enhance productivity and foster creativity"⁴⁰.

- 10.10. The tavern restricted licence proposal for One Two Five by Hub directly addresses these trends and consumer requirements.
- 10.11. "[C]oworking communities all over the world are fast-growing and Australia is no exception. Space available at Australian coworking locations is growing over 60% year over year and the country is quickly attracting more and more attention on the topic"⁴¹. One Two Five by Hub will support and facilitate co-working arrangements.
- 10.12. Site specific research by the owner has revealed that Brookfield Place workers have a strong preference for eating and drinking out at hospitality venues and require a liquor service⁴². In fact, they specifically like to consumer liquor when they are in hospitality venues⁴³.

11. Sections 5, 33 and 38 of the Act

- 11.1. Relevant provisions of the Act have been taken into consideration in the preparation of the application, including sections 5, 33 and 38. Submissions addressing those and other relevant provisions in the Act have been briefly referred to in this document but are detailed in a separate set of Legal Submissions attached to this PIA.

12. Conclusion

- 12.1. This PIA fully answers the Form 2A and addresses relevant sections of the Act with specific reference to particulars of the application.
- 12.2. The applicant has paid close regard to a wide variety of relevant public interest factors and has presented a comprehensive proposal for the grant.
- 12.3. This PIA, together with the attachments referred to within, provide strong support for the application.

⁴⁰ "The evolution of workspaces: Embracing the 'hotelification' trend", 22 November 2024:

<https://yourstory.com/2024/11/the-evolution-of-workspaces-embracing-the-hotelification-offices>


⁴¹ <https://www.coworkingresources.org/best-coworking-spaces/australia>

⁴² Customer & Location Intelligence Report, prepared for Brookfield by Propella.ai, 28 June 2022 at page 19 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

⁴³ Customer & Location Intelligence Report, prepared for Brookfield by Propella.ai, 28 June 2022 at page 20 (copy available to the licensing authority if required, upon request, on a private and confidential basis and/or a redacted copy for public advertising if required)

- 12.4. Further submissions addressing conclusions to be drawn from the information contained in this PIA and supporting the conditional grant of the licence as proposed are contained in the attached detailed set of Legal Submissions.

Dated 29 May 2025



Jessica Patterson Law & Consultancy Pty Ltd
Law practice acting for the applicant

Attachments	
No.	Title/description
1.	Draft menus (Melbourne examples)
2.	Copy of survey questionnaire and online results and participant details
3.	Letter from Brookfield Properties dated 29 April 2025
4.	The Precinct – site map
5.	City of Perth, Perth Liveable Sustainable Prosperous, Australia Investment Profile, May 2024
6.	Brookfield Place tenant list as at December 2024
7.	Legal Submissions dated 29 May 2026

Hub St Georges Terrace Pty Ltd

**applicant for the conditional grant of a tavern restricted licence
and extended trading permit**

in respect of premises to be situated at

**Level 1, Tower One, Brookfield Place, 125 St Georges Terrace,
Perth**

and known as

One Two Five by Hub

Legal Submissions

supporting the Public Interest Assessment

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1. Introduction and background

- 1.1. These Legal Submissions support the application by Hub St Georges Terrace Pty Ltd (ACN 665 958 627) for the conditional grant of a tavern restricted licence and extended trading permit (**ETP**) pursuant to sections 33, 37, 38, 41, 60(4), 62 and 68 of the Liquor Control Act 1988 (WA) (**Act**). The application relates to new premises being established at Level 1, Tower One, Brookfield Place, 125 St Georges Terrace, Perth, to be known as One Two Five by Hub.
- 1.2. The evidence referred to in the applicant's Public Interest Assessment Form 2 Annexure dated 15 May 2025 (**PIA**) supports all of the propositions made in this document. Abbreviations and shortened phrases used in this document but not defined in this document have the same meaning as in the PIA or the Act.
- 1.3. These Legal Submissions form part of the application for the licence and should be read in conjunction with the other parts including the PIA. The application also includes all correspondence and any additional information and materials submitted to the Department of Local Government, Sport and Cultural Industries by the applicant or its lawyer in respect of this application. Everything lodged for and on behalf of the applicant in this matter collectively should be regarded as material before the Director¹ at the time of making his/her decision in this matter².
- 1.4. The applicant proposes to operate a business at which liquor will be sold and supplied in the following manner:
 - 1.4.1. For consumption on the premises only; being any type of liquor produced by anyone.
 - 1.4.2. Without any obligation for liquor to be consumed ancillary to a "meal"³ or in compliance with that definition, although food will be available. Also, without any obligation for the business to operate predominantly as a restaurant or to have a full meal service available at all times.
 - 1.4.3. Without any obligation for patrons to be seated, or for the applicant to provide fixed seating for dining or tables for dining. Nonetheless, comfortable seating will be available for most patrons at all times should they wish to sit and desks, coffee tables and boardroom tables will also be available.
 - 1.4.4. Where there will be no obligation for table service.
 - 1.4.5. With no intention to provide accommodation or meals to any lodgers.

The application is, therefore, appropriately made for a tavern restricted class of licence pursuant to section 41(1)(c) of the Act. There is no other class of licence suitable in this case.

¹ As defined in section 3 of the Act

² Section 25(2c)

³ As defined in section 3 of the Act

- 1.5. The applicant also intends to sell and supply liquor, as an add-on feature of the licence, at locations away from the licensed premises where it has been engaged in advance by a third party to provide licensed catering services at the offsite location. Therefore, the application also appropriately seeks the grant of an ongoing ETP pursuant to section 60(4)(a) of the Act.
- 1.6. The applicant has complied with sections 40(1), 66(1), 68(1), 37(5) and all other formalities. The applicant has lodged, or will soon be lodging, all documentation required under the Act and in accordance with published licensing authority policies and directions relevant to an application for a tavern restricted licence. The applicant has confirmed it will satisfy section 37(5) of the Act with a written agreement for tenure granted by the owner. The applicant will be in sole occupation of the whole of the licensed premises. Therefore, the licensing authority can be satisfied that all relevant formalities have been satisfied as required.
- 1.7. The plans and PIA illustrate how the premises will be fitted out and operate.
- 1.8. These Legal Submissions address how the proposal meets the requirements of the Act and if approved, will fulfil the objects of the Act⁴. The application is in respect of a proposition for a licensed business that is low risk when all factors are considered, offers a high level of management, is supported by the relevant public and will benefit proper development of the liquor and related industries. All of the relevant issues have been carefully considered and addressed with positive conclusions.

2. Statutory framework

- 2.1. The licensing authority must be satisfied, on the balance of probabilities, as to all of the various relevant matters specified in the Act in order to grant the tavern restricted licence. Some of the requirements under the Act are mandatory and some are permissive. All invoke the exercise of a discretion in the determination process with reference to respective relevant factors.
- 2.2. "The [licensing authority] is bound to take into account factual matters relevant to the objects of the Act"⁵, which are set out in section 5.
- 2.3. The overall discretionary function of the licensing authority in determining the application "shall have regard to the primary objects of [the] Act and also to the... secondary objects"⁶ set out in section 5. The primary objects take precedence over the secondary, but "s 5 does not establish a hierarchy within the primary objects"⁷.
- 2.4. Given that the permissive provisions in the Act fall away if the mandatory provisions are not satisfied, the mandatory provisions should be considered first.

⁴ Section 5

⁵ *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2017] WASC 88 (**Peninsula Tavern**) [22] (Banks-Smith J); *Woolworths Ltd v Director of Liquor Licensing* (2013) 45 WAR 446 (**Dan Murphy's Bicton**) [49] – [50] (Buss JA)

⁶ Section 5(2)

⁷ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (**Liquorland Southern River**) [44] (Lemonis J)

Only if all of the mandatory provisions are satisfied does the decision maker need to determine the permissive matters⁸.

- 2.5. The applicant submits that the **legal test** for the grant of the licence for One Two Five by Hub encompasses the following steps, all of which involve regard for section 5 of the Act:

- 2.5.1. Step 1: The licensing authority needs to be satisfied that the application formalities and prerequisites have been met, which include (among other things) matters arising under sections 37(1) and possibly (2) and section 41 of the Act.
- 2.5.2. Step 2: The licensing authority must be satisfied as to section 37(3) of the Act.

Steps 1 and 2 above are obligatory for the decision maker. If they are found not to be satisfied, then the application fails at that point. Once the applicant has cleared those hurdles, the decision making process can proceed in terms of the following two further steps.

- 2.5.3. Step 3: Whether the licensing authority is satisfied as to section 38(2), which is also obligatory and possibly section 38(4) of the Act.
- 2.5.4. Step 4: Finally, there is the question of whether to grant or refuse the application under section 33 of the Act.

- 2.6. Each of these steps is addressed further and in detail under subsequent headings in this document, with specific reference to the particulars of the application for One Two Five by Hub and the supporting evidence.

- 2.7. Further, in regard to step 3 referred to above, the statutory framework to be applied in determining this case with reference to section 38 of the Act has been set down by the Supreme Court and summarised as follows⁹:

- 2.7.1. “[B]y section 38(2) of the Act, an applicant has to satisfy the [licensing authority] that the granting of an application is in the public interest;
- 2.7.2. “the expression ‘in the public interest’, when used in a statute, imports a discretionary value judgment;
- 2.7.3. “the factual matters which the [licensing authority] is bound to take into account, in determining whether it is satisfied that the granting of the application is in the public interest, are those relevant to the objects of the Act, as set out in section 5(2) of the Act;
- 2.7.4. “the factual matters which the [licensing authority] is entitled to take into account, in determining whether it is satisfied that the granting

⁸ *Liquorland (Australia) Pty Ltd and ors v Austie Nominees Pty Ltd* (1999) 20 WAR 405 (**Big Bombers**) [415] (Anderson J); *Dan Murphy’s Bicton* [49]-[52] (Buss JA); *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2020] WASCA 157 (**Leisure Inn**) [28] (Quinlan CJ & Vaughan JA)

⁹ *Dan Murphy’s Bicton* [46] - [55] (Buss JA); *Peninsula Tavern* [16] (Banks-Smith J); *Carnegies Realty Pty Ltd v Director of Liquor Licensing* [2015] WASC 208 (**Carnegies**) [22] (Allanson J); *Leisure Inn* [28] (Quinlan CJ and Vaughan JA)

- of an application is in the public interest, are those set out in section 38(4) of the Act;
- 2.7.5. "section 5(2) is mandatory whereas section 38(4) is permissive; and
- 2.7.6. "on the proper construction of the Act (in particular, sections 5(1), 5(2), 16(1), 16(7), 30A(1), 33 and 38(2)), the [licensing authority] is obliged to take into account the public interest in:
- (a) catering for the requirements of consumers for liquor and related services with regard to the proper development of the liquor industry in the State; and
 - (b) facilitating the use and development of licensed facilities so as to reflect the diversity of the requirements of consumers in the State."
- 2.8. Further in regard to sections 5(1)(b) and 38(4)(a) of the Act, the Supreme Court of Western Australia has set out the manner in which harm and ill-health considerations should be assessed and directed that the licensing authority is required to do the following¹⁰:
- 2.8.1. Make findings that specifically identify the existing level of harm and ill- health in the relevant area due to the use of liquor.
- 2.8.2. Make findings about the likely degree of harm to result from the grant of the application.
- 2.8.3. Assess the likely degree of harm to result from the grant of the application against the existing harm.
- 2.8.4. Weigh the likely degree of harm, so assessed, together with any other relevant factors to determine whether the applicant has satisfied the licensing authority that it is in the public interest to grant the application.
- 2.9. The licensing authority must also "consider the baseline level of risk and, in that context, the effect of an increase in risk from the baseline level. It may be that where an existing level of risk is greater, a small increase in risk is less likely to be tolerated. Similarly, it is relevant that there are existing 'at risk' persons who might be further affected"¹¹.
- 2.10. Some factors **must** be taken into account when determining whether the application is in the public interest, whilst other factors are discretionary and may be taken into account¹². When taking anything into account, the licensing authority must act:
- 2.10.1. within the scope and meaning of the Act¹³ and

¹⁰ *Carnegies* [42]-[43] (Allanson J)

¹¹ *Liquorland (Australia) Pty Ltd v Executive Director Public Health* [2013] WASC 51 [57] (Edelman J); *PDG Geraldton Pty Ltd v Executive Director Public Health and ors* LC 12/2016 [41]

¹² Sections 5(1) and (2) and 38(4) of the Act

¹³ *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 505 (Dixon J); *O'Sullivan v Farrer* (1989) 168 CLR 210 [216] (Mason CJ, Brennan, Dawson and Gaudron JJ); *Palace Securities Pty Ltd v Director of Liquor*

2.10.2. “upon materials which have rational probative force”¹⁴.

- 2.11. In terms of assessing the materials before the licensing authority and whether they have that requisite “rational probative force”, where an application is unopposed and the evidence presented by the applicant is uncontested, the licensing authority should find in favour of the applicant’s propositions that are supported by the evidence. Where there is evidence in support of a particular proposition and no evidence to the contrary, the licensing authority should make findings according to the evidence. This principle arises from the following findings of Martin CJ in *Dan Murphy’s Bicton*:

“So, on the face of the Commission’s reasons, no negative aspects of the application are apparent, whereas many positive aspects of the application are identified without adverse finding or comment. The question posed by this appeal is how, in those circumstances, consistently with the proper construction of the Act and its objects, the Commission could have concluded that it was not in the public interest to grant the application. The answer to that question is that the Commission could only have arrived at that conclusion by misconceiving its function or misconstruing the Act, either of which are jurisdictional errors of law which vitiate the Commission’s decision.”¹⁵

- 2.12. In the present case there is a range of probative and relevant evidence proving that the application for One Two Five by Hub satisfies all mandatory requirements under the Act and is sufficiently persuasive in terms of the public interest and section 5 objections provisions as to justify the grant. On this basis and in the absence of evidence to the contrary, the licensing authority should conclude that the application should be granted.

3. Legal test – step 1 – sections 37(1) and (2) and other prerequisites

- 3.1. No issue should arise in respect of sections 37(1) or (2) or any other formality or prerequisite for the application.
- 3.2. The applicant is an incorporated body corporate which is entirely capable of holding a licence¹⁶. The personal details and background of the sole director provided with the application should easily support findings that the applicant and associated person in the position of authority should be regarded as “fit and proper”¹⁷. The sole director has previously been approved in respect of several other licences including recently in relation to Hub Elizabeth Quay¹⁸.

Licensing (1992) 7 WAR 249 [250] (Malcolm CJ); *Re Minister for Resources: ex parte Cazaly Iron Pty Ltd* (2007) WASCA 175 [20] (Pullin JA)

¹⁴ *Peninsula Tavern* [19] (Banks-Smith J); *Re Pochi and Minister for Immigration and Ethnic Affairs* (1979) 26 ALR 247 [256] – [257]

¹⁵ At [7]

¹⁶ Section 35(1)(b) of the Act

¹⁷ Sections 33(6), (6a), (6b) and 37(1)

¹⁸ 634222628724

- 3.3. On the evidence presented the licensing authority should have no doubt that this applicant adequately complies with the requirements of the Act as being fit and proper to hold the tavern restricted licence and manage the premises to be licensed, for the purposes of section 37(1) of the Act.
- 3.4. All staff at One Two Five by Hub will be more than suitably qualified and thoroughly trained. The education of staff, together with the extensive experience of the people behind this application, including the very supportive landowner, make the applicant more than suitable and in fact a perfect candidate.
- 3.5. What will exist in a physical sense at the premises will certainly be of a very high quality and visually appealing. The design and materials will be totally in keeping with the particular characteristics of the site and the relevant amenity. The information contained in the PIA illustrates this.
- 3.6. For the purposes of section 37(1)(f) of the Act the licensing authority, on the evidence before it, should be easily satisfied that the standard of the premises will exceed requirements.
- 3.7. The following factors will ensure the premises remains of a very high standard and entirely suitable to operate under a tavern restricted class of licence:
- 3.7.1. The track record of the applicant company's sole director.
 - 3.7.2. The need to and importance of, keeping pace with modern development standards and contemporary consumer expectations.
 - 3.7.3. The importance to the applicant of upholding its hard-earned industry reputation.
 - 3.7.4. The need to maintain the owner's standards.
 - 3.7.5. The need to comply with local council obligations.
 - 3.7.6. The need to comply with all obligations arising under health regulations.
 - 3.7.7. The licensing authority's policies regarding standards of licensed premises which the applicant is familiar with.
 - 3.7.8. The applicant's strong desire to establish and maintain a premium venue for a maturing business community. The applicant recognises that it has an important role to play in providing modern services and facilities that support local businesses.
- 3.8. On the basis of the submissions contained in the sub-paragraphs above, the application should be considered as eligible to proceed to a determination on the merits as it easily passes step 1 of the legal test.

4. Legal test – step 2 – section 37(3)

- 4.1. Section 37(3) of the Act is a mandatory provision.

- 4.2. The licensing authority does not have the power to grant the application if it is satisfied that an undue degree of offence, annoyance, disturbance or inconvenience would be likely to occur in respect of the persons referred to in that subsection.
- 4.3. The applicant has dealt with the issues arising under section 37(3) of the Act in the PIA and also elsewhere in this document in reference to section 38 matters.
- 4.4. There are no "persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school" that have been identified in the vicinity of where One Two Five by Hub is proposed, which the applicant or the licensing authority need to be concerned with. There are no such places close enough to the applicant's premises, as addressed in the PIA.
- 4.5. The business proposed does not contain any features known to be high risk in terms of section 37(3) factors.
- 4.6. The applicant recognises the need to ensure the conduct of business under the new licence is controlled, well contained and does not cause any offence, annoyance, disturbance or inconvenience and certainly none which will have the potential to become undue. The philosophies of the applicant and its related bodies and level of detail in this application confirm these understandings.
- 4.7. The applicant does not propose to conduct loud, noisy or boisterous activities at One Two Five by Hub. It will be a corporate hospitality venue.
- 4.8. In the light of these submissions and others made throughout the PIA and this document, the licensing authority should be able to be more than satisfied there will be little or no likelihood of offence, annoyance, disturbance or inconvenience occurring for the purposes of section 37(3) of the Act if the licence is granted. There is nothing proposed by this application which should lead to any adverse finding in terms section 37(3).
- 4.9. The people who have provided supporting evidence in this matter have not indicated anything concerning in terms of potential adverse consequences from One Two Five by Hub commencing to trade.
- 4.10. The licensing authority should be able to readily conclude that the comprehensive application satisfies section 37(3) of the Act for the application to proceed to be determined in the public interest.

5. Legal test – step 3 – sections 38(2) and (4)

- 5.1. Having satisfied steps one and two, it is submitted that the application can now proceed to be considered in terms of section 38 and the public interest.
- 5.2. Public interest matters are identified in section 38 of the Act and PIA policy.¹⁹

¹⁹ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>, last amended 25 May 2021

- 5.3. In determining whether the grant of the application is in the public interest, [the licensing authority] is required to exercise a discretionary value judgment confined only by the scope and purpose of the Act.²⁰
- 5.4. Determining whether an outcome will be “in the public interest” involves evaluating what “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”²¹.
- 5.5. The authorities confirm that all relevant provisions in the Act are to be considered in the exercise of the discretion. This is confirmed by the words in section 33 itself which begin with “subject to this Act”. In this regard it is necessary for a determination on the merits of all of the relevant factual matters referred to in the case.
- 5.6. The licensing authority is also required to determine the application under section 38 in accordance with the established case law set out in *Dan Murphy's Bicton*, *Peninsula Tavern*, *Carnegies* and *Leisure Inn* as referred to earlier in this document²².
- 5.7. The Supreme Court of WA Court of Appeal has found as follows, confirming that the meaning of public interest and the factors to be taken into account when determining whether an application should be granted in the public interest are wide and varied:

“The s 38(4) matters are not mandatory; the reference to 'may' confers a discretion such that the identified matters are permissible considerations. Nor are the s 38(4) matters expressed to be exhaustive. To the contrary, s 38(4) expressly provides that the mention of these non- mandatory factors - to which regard may be had - does not limit s 38(2). As s 38(2) is concerned with satisfaction that the grant of an application is in the public interest, we read and construe s 38(4)'s reference to 'without limiting subsection (2)' as meaning that there are other matters to which the Commission may have regard to in determining whether it is satisfied that the grant of an application is in the public interest.”²³

...

... s 5 and s 38(4) of the Act do not confine the meaning of the public interest so as to make the primary and secondary objects and the permissive factors in s 38(2) the exclusive public interest considerations.”²⁴

- 5.8. Notwithstanding the Court of Appeal's confirmation of a wide scope of public interest considerations being relevant, the Court did go on to find that the

²⁰ *O'Sullivan v Farrer* (1989) 168 CLR 210 [216] (Mason CJ, Brennan, Dawson and Gaudron JJ); *Dan Murphy's Bicton* [48] (Buss JA); *Carnegies* [22] (Allanson J); *Peninsula Tavern* [16] (Banks-Smith J)

²¹ *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 [9] (Tamberlin J)

²² As to the most recent case, *Leisure Inn* [11]-[61] (Quinlan CJ and Vaughan JA)

²³ *Leisure Inn* [11]-[61] (Quinlan CJ and Vaughan JA)

²⁴ *Leisure Inn* [35] (Quinlan CJ and Vaughan JA)

breadth of considerations that may be taken into account is not unlimited. Economic benefit factors referred to in Leisure Inn were considered irrelevant.

- 5.9. The section 38(4) matters to which the licensing authority may have regard in determining the application, need to be addressed and evaluated with direct reference to the facts and circumstances applicable to the One Two Five by Hub proposal. Those particular facts and circumstances include the following:
- 5.9.1. The application involves a sophisticated business proposition. It will be established and managed by an entirely appropriate and suitably experienced operator.
 - 5.9.2. The aspirations and requirements of the landowner for Brookfield Place.
 - 5.9.3. The potential of One Two Five by Hub to elevate corporate hospitality and workplace environments more broadly, in the WA business scene and for the benefit of the development of the City of Perth.
 - 5.9.4. The fact that modern working environments demand new and diverse hospitality services of the kind proposed.
 - 5.9.5. It is clearly open to conclude that harm or ill-health is very unlikely to be caused to people, or any group of people, due to the use of liquor sold at One Two Five by Hub. This proposition is supported by a number of key points including:
 - 5.9.5.1. The “use of liquor” will occur in a very controlled and passive environment, in a relatively limited fashion, as an ancillary service.
 - 5.9.5.2. Food will be available.
 - 5.9.5.3. A premium coffee and tea service will be provided.
 - 5.9.5.4. Low and non-alcoholic drinks will be readily available.
 - 5.9.5.5. The trading hours will be limited and not late at night.
 - 5.9.5.6. The information contained in the PIA and supporting evidence reflects the fact that the baseline level of harm and ill-health in the 2km locality can be said to be average at worst.
 - 5.9.5.7. The evidence from members of the public reveals no concerning harm or ill-health factor.
 - 5.9.5.8. The previous submissions regarding harm and ill-health made in the PIA and elsewhere in this document.

- 5.9.6. Amenity in the WA liquor licensing jurisdiction means the “amenity, quiet and good order of the locality”²⁵ and has been interpreted by the Court of Appeal as follows:

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

Relevant effects or consequences will include, for example:

(a) any increase or decrease in traffic, noise, nuisance, overlooking, overshadowing, pollution and late night activities within the relevant locality; and

(b) the nature, features and utility of any structures, facilities or spaces to be built, renovated or created.

In a particular case, the granting of the application may have positive effects or consequences upon the overall character, quality and enjoyment of life within the locality as a result of the expenditure of money on or in connection with the licensed premises or proposed licensed premises. However, relevant effects or consequences do not include, of themselves, general economic benefits from the development and use of licensed premises or proposed licensed premises. As I have mentioned, the concept of 'amenity' in s 38(4)(b) is concerned with the overall character, quality and enjoyment of life within the locality.”²⁶

- 5.9.7. It can be confidently stated that the amenity in this case will not be lessened with the grant of the proposed tavern restricted licence. The licensed premises will not even be visible outside of Tower One in Brookfield Place. It is most likely that the amenity will be enhanced by One Two Five by Hub for the following reasons:

5.9.7.1. The licensed premises will be extremely attractive and appealing, designed specifically for the location and amenity.

5.9.7.2. The style and manner of trade will greatly support the local business community and help to develop business culture.

²⁵ Section 38(4)(b) of the Act

²⁶ Leisure Inn [184]-[186] (Buss P)

- 5.9.7.3. It will complement and support Brookfield Place which is a significant business hub in the City of Perth.
- 5.9.8. It is clearly open to conclude that offence, annoyance, disturbance or inconvenience is highly unlikely by virtue of the following points:
 - 5.9.8.1. The people who have given evidence in this case are not concerned about such consequences.
 - 5.9.8.2. The applicant possesses considerable successful experience with other similar premises which are not known to cause adverse consequences.
 - 5.9.8.3. People in the area closest to the proposed licensed premises, being businesses and workers in Brookfield Place, have not only been factored into the proposal, but are actually the main motivation for the applicant and the owner.
 - 5.9.8.4. In all respects the business to be conducted under the tavern restricted licence has been extremely well planned and will be managed in a highly professional, controlled and closely supervised fashion by dedicated and experienced people.
- 5.9.9. The effect of the granting of the licence in relation to the community and cultural matters is likely to be found to be most positive because of the following:
 - 5.9.9.1. The Perth central business district will be enhanced with diverse services and facilities which are available in other capital cities.
 - 5.9.9.2. The premises will offer a style ideal for the location and unlike anything else in the area.
 - 5.9.9.3. One Two Five by Hub has the potential to attract workers into the city and support a thriving local business community.
 - 5.9.9.4. The services proposed will help to foster collegiate working arrangements for people doing business in the city.
 - 5.9.9.5. Employment opportunities will be generated for people to work at One Two Five by Hub.
- 5.10. It is easily open to the licensing authority to be satisfied pursuant to section 38(2) that the grant of the application is in the public interest.
- 5.11. The question of harm and ill-health is one of the key issues arising under section 38(4) of the Act, the PIA policy and also some of the objects provisions in the Act. It is significant that section 5(1)(b) says to “minimise” harm or ill-health, not

to prevent harm or ill-health absolutely²⁷. This is consistent with decisions of the High Court²⁸ where it has found in favour of licensees and commented that licensees are not responsible for preventing all possible consequences from the use of liquor. The High Court decisions reflect an attitude of balance and compromise as between the different interests of the various parties involved in the sale, supply and consumption of liquor. Even though the High Court cases arose in different jurisdictions from the present, they provide valuable insight and persuasive guidance from the highest legal authority in Australia in respect to aspects of the responsibility of licensees and also consumers of liquor on licensed premises relevant to the interpretation and application of legislation. The licensing authority should clearly give "due respect" to decisions from other jurisdictions²⁹ and weigh up different views³⁰.

- 5.12. While a "mere possibility of harm or ill-health is relevant³¹ it is not the risk of harm in some abstract sense which is relevant, but rather the risk having regard to the proved circumstances of the particular area in relation to which the application is made"³².
- 5.13. In both Lily Creek no. 1 and Lily Creek no. 2 there was a notable existing history of serious alcohol-related harm in and around the applicant's site in Kununurra and a clearly identifiable "at risk group"³³ living and operating very close by. There is no such recognisable group associated with Brookfield Place. Further, both Lily Creek nos. 1 and 2 were decided under the old, now repealed Liquor Licensing Act 1988 (WA). The section 5 objects provisions have been amended several times since those cases were decided and the licensing authority must now also have regard for other matters, including those in section 5(1)(c) of the Act which are required to be primary considerations.
- 5.14. It is acknowledged that harm or ill-health is a possible consequence of the supply of liquor anywhere and that there is existing harm and crime in the 2km locality. However, the contents of the PIA support a conclusion that the levels of crime and harm are not of such a degree or type in the 2km locality to justify refusal of the licence, especially given the risk control measures proposed and positive outcomes likely to flow from approval. The applicant's business model contains several features which will minimise the potential for harm and crime to occur as a result of the business operating.
- 5.15. It is submitted that the application provides the licensing authority with compelling evidence upon which to conclude that there are "proved circumstances of the particular area in relation to which the application is

²⁷ *Executive Director of Public Health v Lily Creek International Pty Ltd* (2000) 22 WAR 510 (**Lily Creek no.1**) [20] (lpp J)

²⁸ *Cole v South Tweed Heads Rugby League Football Club Limited and Lawrence* (2004) 217 CLR 469 and CAL (No. 14) *Pty Ltd (t/as Tandara Motor Inn) v Motor Accidents Insurance Board*; CAL No 14 *Pty Ltd v Scott* – (2009) 239 CLR 390

²⁹ *Australian Securities Investment Commission v Emu Brewery Mezzanine* [2004] WASC 241 (Simmonds J)

³⁰ *Kimberley Stuart Wallman v Milestone Enterprises* [2006] WASC 260 (Master Newnes)

³¹ *Lily Creek no. 1* [29] (lpp J)

³² *Executive Director of Health v Lily Creek International Pty Ltd v Ors* (2001) WASCA 410 (**Lily Creek no. 2**) [59] (Wheeler J)

³³ As per at risk groups referred to in the PIA policy

made"³⁴ which are very positive and strongly support the grant. These circumstances include most notably the following:

- 5.15.1. The role of the 2km locality as the State's central business district and capital city.
 - 5.15.2. The role of Brookfield Place as such a significant feature of the local business community.
 - 5.15.3. Business tourism/visitation in the 2km locality and particularly the Hub locality.
 - 5.15.4. Evidence of support from relevant sources.
 - 5.15.5. Amenity factors which are entirely suitable for the business as proposed to be operated and in fact ideal. There are no overly sensitive amenity issues.
 - 5.15.6. The need to develop services and facilities in a maturing capital city and keep pace with other capital cities.
 - 5.15.7. Development of WA industries and culture generally for the benefit of the whole community and visitors and to ensure the area offers services and facilities expected of a modern capital city.
 - 5.15.8. Requirements and expectations of businesses and workers at Brookfield Place.
- 5.16. It is obvious that it is more than reasonable to argue that on the balance of probabilities the positive factors associated with One Two Five by Hub operating under a tavern restricted licence overwhelm the minor negative aspects.
- 5.17. As referred to earlier on in this document, the Supreme Court of Western Australia has set out the manner in which harm and ill-health considerations should be assessed by the licensing authority in *Carnegies*³⁵, which is now established law in this jurisdiction. In that assessment exercise "[i]t is not sufficient to simply reason that, where there is already a high level of harm in the particular area, even a small increment in potential or actual harm may be determinative, without making specific findings on the evidence about the level of alcohol related harm which is *likely* to result from the grant of the particular application. Those finding (sic) about the effect of the particular application must be the basis on which the [licensing authority] evaluates what is in the public interest"³⁶.
- 5.18. Further, in so reaching those "specific findings on the evidence about the level of alcohol related harm which is likely to result from the grant"³⁷, the licensing authority "must act upon materials which have rational probative force"³⁸.

³⁴ Lily Creek no. 2 [59] (Wheeler J)

³⁵ *Carnegies* [42]-[43] (Allanson J)

³⁶ *Carnegies* [46] (Allanson J)

³⁷ *Carnegies* [46] (Allanson J)

³⁸ *Peninsula Tavern* [19] (Banks-Smith J); *Re Pochi and Minister for Immigration and Ethnic Affairs* (1979) 26 ALR 247 [256]-[257]

- 5.19. As referred to previously, the evidence of the existing level of harm and ill-health in the 2km locality has been addressed in the PIA. The information reveals nothing overly concerning or unusual.
- 5.20. The likely degree of harm to result from the grant involves an assessment of the following factors which all have “probative force”³⁹ in this case:
- 5.20.1. The true nature of the proposal which is for a premium hospitality business designed specifically for its proposed location and with limited scope whereby liquor will be ancillary.
 - 5.20.2. The absence of community groups, community buildings and residents in close proximity.
 - 5.20.3. The discrete, almost hidden, location of the proposed licensed premises, with no street frontage.
 - 5.20.4. The fact that the business will not be promoted to the general public and probably scarcely known, if at all, to the general public.
 - 5.20.5. The role of the site as a major corporate centre.
 - 5.20.6. The excellent track record of the applicant company director.
 - 5.20.7. The ordinary level of police offence data and health statistics which reveal nothing unusual or overly concerning to impede One Two Five by Hub.
- 5.21. In applying the Carnegies test, it is submitted that it is plainly open to find that the application clearly shows the following:
- 5.21.1. The existing level of harm and ill-health in the 2km locality is average at worst with some positive factors, especially in relation to the Hub locality. In other words, the starting point from where the licensing authority is to consider likely risk in this case is acceptable and certainly not problematic, unusual or unacceptable.
 - 5.21.2. The likely degree of harm to result from the grant of the licence is low because of the proposed manner of trade, nature of the operator, location and high degree of management, control and supervision that will be applied by the experienced applicant.
 - 5.21.3. The likely degree of harm to result when considered against the existing acceptable level of harm is low given the previous two points.
 - 5.21.4. There are several positive public interest factors in support of the grant, over and above the question of risk to harm and ill-health. That question has been answered favourably in any event.
- 5.22. The licensing authority should be readily assured of the applicant's capacity to “minimise harm or ill-health caused to people, or any group of people, due to

³⁹ Peninsula Tavern [19] (Banks-Smith J); Re Pochi and Minister for Immigration and Ethnic Affairs (1979) 26 ALR 247 [256]-[257]

the use of liquor"⁴⁰ because of the track record of the people behind the application, nature of their business proposal, the suitability of the site and the harm minimising measures incorporated.

- 5.23. It is apparent from the contents of the application that the applicant has carefully considered all of the harm and ill-health matters under the Act and the potential for the operation to cause harm or ill-health. Both positive and negative aspects relevant to the 2km locality in this context have been identified in the PIA.
- 5.24. It is respectfully submitted that the evidence in this case does not support a finding that the 2km locality is suffering from an elevated level of alcohol-related harm and ill-health sufficient to justify refusal of the application. This is particularly so in relation to the Hub locality. However, in the unlikely situation that the licensing authority did make a finding along those lines, it would not be entirely determinative of the section 5(1)(b) issue. As the Liquor Commission set out in respect of the liquor store licence application for Liquorland Midland⁴¹, after assessing the existing levels of harm the licensing authority must then consider the likely risks associated with the specific licence in question. The particulars of One Two Five by Hub must be evaluated and those particulars certainly are capable of fully supporting the grant of the application in the public interest⁴².
- 5.25. Based on submissions and evidence presented in this case, the licensing authority should be able to conclude that the application is indeed in the public interest and therefore, step 5 of the legal test is satisfied.

6. Legal test – step 4 – section 33(1)

- 6.1. If the decision maker is in any doubt as to the applicant's satisfaction of step 3 of the legal test, then it is submitted that the decision maker could still conclude pursuant to section 33(1) of the Act that the licence should be granted for the overriding reasons outlined in the following sub-paragraphs.
- 6.2. Section 33 of the Act empowers the licensing authority with an absolute discretion, to grant or refuse an application "on any ground, or for any reason, that the licensing authority considers in the public interest"⁴³, but expressly stated to be subject to other provisions in the Act⁴⁴.
- 6.3. "Section 33 does not confer on the [licensing authority] an arbitrary or unlimited power, or permit the [licensing authority] to grant or refuse an application other than consistently with the objects and other provisions of the Act"⁴⁵.
- 6.4. In determining whether the grant of an application is in the public interest the licensing authority must exercise discretion, based on the scope and purpose of

⁴⁰ Section 5(1)(b) of the Act

⁴¹ *Liquorland (Australia) Pty Ltd v Commissioner of Police* LC 35/2018

⁴² At [57]-[58] and [62]

⁴³ Section 33(1) of the Act

⁴⁴ Opening words of section 33(1)

⁴⁵ *Carnegies* [22] (Allanson J)

the Act⁴⁶ and only after being satisfied of the mandatory provisions of the Act. As addressed earlier on in this document, it is submitted that the application satisfies the mandatory provisions and so it can proceed to be determined and potentially approved "on any ground, or for any reason, that the licensing authority considers in the public interest"⁴⁷ under section 33(1).

- 6.5. As submitted previously, determining an outcome "in the public interest" involves evaluating what "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"⁴⁸. This involves a weighing and balancing of all factors relevant under the Act.
- 6.6. The applicant has addressed both the positive and negative impacts that the grant of the application will have on the local community, as it is required to do⁴⁹. The PIA indicates that the applicant has properly researched and recognised the following negative aspects:
 - 6.6.1. That "at risk groups and sub-communities" do exist in the 2km locality.
 - 6.6.2. That "at risk groups and sub-communities" are relevant considerations in the determination of the application.
 - 6.6.3. That a level of crime exists in the 2km locality which includes a small degree of increase in some parts.
 - 6.6.4. That there is the potential for harm to result from the proposed supply of liquor into the community.
- 6.7. There are no negative factors associated with this case that come close to outweighing the many positives. Certainly, none is of a serious nature such as existed in Lily Creek nos. 1 and 2, capable of justifying refusal. Of real significance is the capacity for One Two Five by Hub to contribute enormously to the Perth business community and both the Hub locality and 2km locality.
- 6.8. Relevant to the exercise of the section 33 discretion is the consideration of the evidence from the owner and workers in Brookfield Place and modern industry trends in workplace services and facilities.
- 6.9. These Legal Submissions strongly support the proposition that the section 33 discretion should be exercised in favour of the applicant.

7. Section 5 of the Act – further submissions

- 7.1. The following sub-paragraphs contain further submissions in respect of how the application, if approved, will result in fulfilment and advancement of section 5 of the Act.

⁴⁶ *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 505 (Dixon J); *O'Sullivan v Farrer* (1989) 168 CLR 210 [216] (Mason CJ, Brennan, Dawson and Gaudron JJ); *Palace Securities Pty Ltd v Director of Liquor Licensing* (1992) 7 WAR 249 [250] (Malcolm CJ); *Re Minister for Resources: ex parte Cazaly Iron Pty Ltd* (2007) WASCA 175 [20] (Pullin JA)

⁴⁷ Section 33(1) of the Act

⁴⁸ *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 [9] (Tamberlin J)

⁴⁹ *Shallcross Investments Pty Ltd v Director of Liquor Licensing* LC 26/2010 [18], [22], [30] and the PIA policy

- 7.2. The objects in section 5(1) of the Act “are not given priority according to the manner in which they are ordered...[g]iven that s 5 does not establish a hierarchy within the primary objects, a particular object should not be given primacy over another unless the provision under consideration warrants it”⁵⁰.
- 7.3. One Two Five by Hub will add important services and satisfy the expectations and requirements of consumers in accordance with section 5(1)(c) of the Act. Once trading under a tavern restricted licence, the premises will contribute substantially to this particular primary purpose and intent of the Act. Valuable positive change will be fostered which the Supreme Court has identified as something to have regard to:
- “The changing demographic of a community and the introduction of a different offering in terms of consumer choice and diversity are important matters for evaluation and the [licensing authority] ought to have proper regard to them.”⁵¹
- 7.4. It should be apparent from the supporting evidence that One Two Five by Hub will be well patronised on a regular basis should the licence be granted.
- 7.5. It is open to find that the evidence establishes there is consumer requirement and expectation for what is proposed. However, the licensing authority does not necessarily require such proof in order to be able to find that there is adequate consumer demand upon which to grant the application⁵².
- 7.6. The consumer evidence in respect of One Two Five by Hub should be considered in a broad context to be consistent with the intent of the Act and with regard in particular to proper development under the Act⁵³.
- 7.7. In addition to the evidence of consumer requirements, “are the objective features of the locality and its demographics, coupled with the Licensing Court’s own expertise as to what the reasonable requirements of contemporary demand may be...”⁵⁴. As stated earlier on in this document, as a specialist tribunal the licensing authority’s “findings of fact are entitled to considerable weight when they involve an assessment of matters peculiar to the field of liquor licensing – such as availability of liquor supply, assessment of contemporary standards, accessibility of licensed premises to the public and so on”⁵⁵. These notions are consistent with findings of the Supreme Court in terms of the licensing authority having regard for notorious facts in contemporary Australian life⁵⁶ and “the changing demographic of a community”⁵⁷.
- 7.8. The Supreme Court in Western Australia has found that there are sections of the public which prefer different styles in the form of liquor supply available to them

⁵⁰ *Liquorland Southern River* [44] (Lemonis J)

⁵¹ *Peninsula Tavern* [101] (Banks-Smith J)

⁵² *Peninsula Tavern* [45] [102] (Banks-Smith J)

⁵³ *Peninsula Tavern* [100]-[101] (Banks-Smith J)

⁵⁴ *Nuriootpa Vine Inn Hotel & Motel Pty Ltd and Anor Licensing Court* [1999] SASC 512 [15] (Perry J)

⁵⁵ *Big Bombers* [417] (Anderson J)

⁵⁶ *Dan Murphy’s Bicton* [78] (Buss JA)

⁵⁷ *Peninsula Tavern* [101] (Banks-Smith J)

and that the requirements of the public are for a range of licence types⁵⁸. This principle, considered alongside that of changing contemporary standards and changing community demographics in modern Australian life supports, a conclusion that the application for One Two Five by Hub is entirely appropriate and justified in the public interest.

- 7.9. "The task of assessing consumer requirements is one that invites inferential reasoning. That is, it invites considerations of the collective force of the evidence, rather than looking at each category separately...The approach of drawing inferences in assessing the relevant consumer requirements was endorsed in [Dan Murphy's Bicton]...The [licensing authority] may also make findings and draw inferences from notorious facts...The [licensing authority]...needs to have regard to the evidence as a whole, together with notorious facts"⁵⁹. In this case the licensing authority should give weight to, among other things, the role of the site in providing premium business infrastructure in Perth.
- 7.10. The growth and development referred to in this application, particularly as regards the business community and City of Perth, is "sufficiently certain and proximate in time to the making of the application that it in effect forms part of the extant requirements"⁶⁰. It is far from merely "future population growth in a general sense"⁶¹. Therefore, the licensing authority should and certainly can, take it into consideration in terms of requirements of consumers.⁶²
- 7.11. The granting of the licence will be consistent with the licensing authority's requirement to ensure the proper regulation of the sale, supply and consumption of liquor⁶³ because of the following factors:
- 7.11.1. Aspects of the proposal are designed to foster responsible drinking attitudes.
 - 7.11.2. The applicant passes scrutiny based on the formalities and having been approved by the licensing authority previously. The operation will be very professional, well-managed and fully controlled.
 - 7.11.3. The class of licence sought is entirely appropriate for the type of business. It is the only class of licence available to the applicant in the circumstances. The sophisticated premises will be maintained at high standards and completely suitable to be operated under a tavern restricted licence.
 - 7.11.4. The fit-out will be of a superior quality and designed specifically for the site with many local features.

⁵⁸ Big Bombers [413]-[414] (Anderson J)

⁵⁹ Liquorland Southern River [183]-[186] (Lemonis J)

⁶⁰ Liquorland Southern River [169] (Lemonis J)

⁶¹ Liquorland Southern River [169] (Lemonis J)

⁶² Liquorland Southern River [169] (Lemonis J)

⁶³ Section 5(1)(a) of the Act

- 7.11.5. The application complies with all formal and documentary requirements under the Act.
- 7.11.6. The proposal will certainly not duplicate anything which already exists in the area.
- 7.11.7. The 2km locality and particularly the Hub locality, will not become over-burdened with licences given that the area is designed for a high density and One Two Five by Hub will be unique.
- 7.11.8. One Two Five by Hub will complement other businesses in Brookfield Place. The strong support of Brookfield for this application attests to this.
- 7.12. The information and submissions provided by the applicant clearly prove that One Two Five by Hub operating under a tavern restricted licence will “facilitate the use and development of licensed facilities...reflecting the diversity of the requirements of consumers in the State”⁶⁴.
- 7.13. The persons who will be involved in the sale, disposal and consumption of liquor under the new licence, being the applicant, its sole director and staff, have researched and presented a very responsible proposal. They are dedicated to creating and clearly very capable of establishing, a premium operation. They have proven themselves previously in respect of several other license premises. Granting approval to the applicant in these circumstances will ensure adequate controls over the relevant people in compliance with section 5(2)(d) of the Act.
- 7.14. As referred to elsewhere in this document, all necessary formalities have been addressed and the class of licence sought is entirely suitable. It is respectfully submitted that no further material or unusual process should be required for the determination of the application to ensure a “flexible system, with as little formality or technicality” is applied, in accordance with s5(2)(e) of the Act.
- 7.15. Nothing in the proposal is likely to breach the licensing authority’s policy “Responsible Promotion and Advertising of Liquor”⁶⁵. The licensing authority should feel comfortable that approving the application will “encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community”, in accordance with section 5(2)(f) of the Act because of the particulars of the business model proposed. Several elements of the application support his proposition.
- 7.16. Unlike licensing authority decisions to refuse applications on the basis of a lack of supporting evidence and unsubstantiated statements⁶⁶, in this case the many positives to flow from approving One Two Five by Hub are more than merely perceived by the applicant. This is certainly not a case where the applicant

⁶⁴ Section 5(2)(a) of the Act

⁶⁵ <https://www.dlgsc.wa.gov.au/department/publications/publication/responsible-promotion-of-liquor-consumption-of-liquor-on-licensed-premises-and-the-sale-of-packaged-liquor-policy>

⁶⁶ For example, *Busswater Pty Ltd v Director of Liquor Licensing* LC 17/2010 [36]

simply has a good idea⁶⁷. Rather, the proposal has been properly researched, prepared and presented. The benefits likely to result from the grant are real and tangible and corroborated by the supporting evidence.

- 7.17. The approval of One Two Five by Hub will result in proper promotion of and support for the following thereby properly developing important relevant industries:
- 7.17.1. Modern development of the Perth business community and workplace culture.
 - 7.17.2. The Hub locality as a key part of the central business district of a capital city.
 - 7.17.3. Services and facilities suitable for both local people and visitors.
 - 7.17.4. Sophisticated hospitality offerings by way of quality products and services, premium design, fixtures, fittings, furnishings, customer service and presentation at a site designed for such operations
 - 7.17.5. Choice and diversity for the 2km locality.
 - 7.17.6. Employment opportunities for local people to work at One Two Five by Hub.


8. Conclusion

- 8.1. This detailed application by a worthy and skilled applicant, meets with all of the licensing authority's lodgement requirements and legislative tests for the grant of a tavern restricted licence.
- 8.2. It is open to conclude that the applicant is entirely willing, able and motivated to provide precisely what has been proposed, with a substantial degree of risk management. It is clearly open to the licensing authority to find as a matter of fact that One Two Five by Hub will be a low impact, valuable addition to relevant industries.
- 8.3. It is equally clear to find as follows:
- 8.3.1. The need and requirement for what is proposed and the ability of One Two Five by Hub to cater for that need and requirement has been established by the evidence.
 - 8.3.2. There are no known negative public interest considerations or other factors which should impede the grant.
 - 8.3.3. The factors in favour of approval far outweigh the few negative aspects.
 - 8.3.4. In all respects the proposal exceeds the minimum requirements of the Act to warrant the grant.
 - 8.3.5. The Perth business district will be enhanced.

⁶⁷ *Harold Thomas James Blakely v Director of Liquor Licensing* LC 44/2010 [41]

- 8.3.6. WA industries will benefit from the application being approved.
- 8.4. On the merits of the application, the decision maker is entitled to conclude that all steps comprising both the statutory and common law tests for the grant of the licence have been clearly and fully addressed. The licensing authority should be able to be satisfied that the licence is justified on the balance of probabilities.
- 8.5. The licensing authority is respectfully invited to exercise its discretion to conditionally grant the licence as proposed.
- 8.6. Should the licensing authority be inclined to impose any condition that is different from what has been applied for and referred to by the applicant, then there must be evidential foundation and rational basis for any such condition. Accordingly, in that situation the applicant should, with respect, be afforded the opportunity to be heard in relation to any such condition⁶⁸.
- 8.7. The applicant reserves its right to submit further submissions and evidence in support of the application as regards trading conditions and any objections or interventions.

Dated 29 May 2025



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Law practice acting for the applicant

⁶⁸ *Northbridge Enterprises Pty Ltd v Commissioner of Police* [2014] WASC 135 [71] and [76]-[93] (Edelman J)