

Valencia Bar & Grill

55 Benara Road, Caversham WA 6055

Section 38 Submissions Public Interest Assessment



November 2025

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Valencia Bar & Grill

Application to Add / Vary / Cancel conditions on a licence

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1. Introduction



Valencia Bar & Grill, Front Bar

- 1.1. Swan Valley Drinks Pty Ltd is applying to the licensing authority to vary the trading conditions on their tavern restricted licence (licence no. 6020108671).
- 1.2. These submissions have been drafted by Canford Hospitality Consultants Pty Ltd in consultation with Manpreet Singh, a director of the applicant company, and references to the applicant or the applicant's opinion relate to Mr. Singh.
- 1.3. The licensee applicant has been motivated to make this application as the existing trading conditions on the licence are not standard conditions and restrict Valencia Bar & Grill's ability to offer the full suite of licensed services expected by both the local community and the tourists and day trippers who frequent the venue.
- 1.4. These submissions were requested in order to provide the Director with evidence of the opinions of the local community to the proposed changes to Valencia Bar & Grill's Tavern Licence.
- 1.5. As will be clearly shown in section 5 of these submissions the local community has a very evident requirement for the licensed services proposed by the licensee and supports the variations to the trading conditions applied for here.
- 1.6. **Proposed changes to the trading conditions**

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- 1.7. Trading condition 1 (Cancel):
- 1.7.1. **Current condition** - “The licensee is permitted to sell and supply cider and ginger beer produced on the premises, for consumption on and off the premises. The ginger beer produced on the premises may, however, be brewed with the addition of a spirit sourced from other suppliers.”
- 1.8. **Proposed changes** - The Licensee Applicant would like to have this trading condition cancelled.
- 1.9. Trading condition 2 (Vary):
- 1.10. **Current Condition** - “The licensee is permitted to sell and supply Western Australian produced wine for consumption on and off the premises.”
- 1.11. **Proposed Changes** - The Licensee Applicant asks that this trading condition reflects the standard wording in Tavern licences as below.
- “The licensee is permitted to sell and supply liquor in accordance with the provisions of S41 of the Act as it relates to a tavern licence.”*
- 1.12. Trading condition 3 (Vary):
- 1.12.1. **Current Condition** - “The permitted trading hours under the licence are:
10.30 a.m. - 10.30 p.m. Monday to Saturday
10.30 a.m. - 10.00 p.m. Sunday
12.00 noon - 10.00 p.m. Christmas Day and Good Friday where liquor is sold ancillary to a meal.
12.00 noon - 10.30 p.m. Anzac Day (Mon - Sat)
12.00 noon - 10.00 p.m. Anzac Day (Sun)”
- 1.12.2. **Proposed Changes** - The Licensee Applicant asks that this trading condition is varied to reflect standard tavern trading conditions also. As shown below:
- 1.12.3. *“The permitted trading hours are those prescribed in s 98(1) of the Act for a hotel (tavern) licence.”*
- 1.13. Trading condition 4 (Cancel):
- 1.13.1. **Current Condition** - “The licensee is permitted to sell and supply locally (Western Australian) produced craft beer, for consumption on the premises.”
- 1.14. **Proposed Changes** - The Licensee Applicant would like to have this trading condition cancelled.
- 1.15. Trading condition 5 (Cancel):

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1.15.1. **Current Condition** - “The licensee is permitted to sell and supply spirits made by other producers, for consumption on the premises.”

1.15.2. **Proposed Changes** - If the other proposed variations are made this trading condition will be made redundant and as such should be cancelled from the licence.

1.16. Trading condition 7 (Vary):

1.16.1. **Current Condition** - “Coffee, tea and light food to be available at all times during the trading hours of the premises”

1.17. **Proposed Changes** - The Licensee Applicant would like this trading condition to be changed to the more usual tavern licence condition as shown below.

1.18. **“Food must be available during all trading hours until one hour prior to closing.”**



Valencia Winery, 1926

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2. History of the licence and locality

- 2.1. The licence was previously granted for the premises trading as Iron Bark Brewery. Pictured below:



Iron Bark Brewery Entrance

- 2.2. Iron Bark Brewery produced their own beer and cider on site and positioned themselves as a stopover premises in the valley for tourists to the region and the various tours that travel through Swan Valley¹.
- 2.3. As the Applicant is not producing liquor on the premises the proposed conditions would mean they no longer need to operate under the restrictive conditions, which is limiting their offering to the visitors to the Swan Valley as a tavern.
- 2.4. The decision to grant the current licence was made in 2005 by Peter Minchin in his role as Acting Director of Liquor Licensing.
- 2.5. Both the hospitality landscape and landscape of Caversham has changed very significantly in the 20 years since this licence was granted.
- 2.6. In 2006 the City of Swan had a population of 93,279. However, in 2021 the population had risen to 148,324. This is a growth of 159% over 15 years.
- 2.7. The projected estimated residential population as of 2024 is now 179,207.
- 2.8. Suburbs such as Dayton, Caversham and Bennet Springs are part of the City of Swan's "Northern Growth Corridor²" and have been developed and populated in the 20 years since the licence was granted.

¹ <https://mindtrip.ai/restaurant/perth-western-australia/ironbark-brewery/re-ASDBmyOJ>

² <https://www.swan.wa.gov.au/city-and-council/city-profile>

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- 2.9. These suburbs are located very close to the subject premises and today have a total population of 18,585 (ABS, 2021).
- 2.10. In 2006 Caversham had a population of only 2,506. Dayton and Bennett Springs were not yet gazetted in 2006 (ABS, 2006).



Swan Valley Welcome Sign (Including reference to hospitality history),
City of Swan (2025)

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3. Reasons for this variation:

- 3.1. As mentioned in the introduction the licensee finds the current trading conditions to be restrictive to their operations.
- 3.2. Please see a summary of the reasons for the proposed change below;
- 3.3. Trading condition 1 (Cancel):
- 3.4. **Proposed changes** - The Licensee Applicant feels that this condition is restrictive to the operation of his business and is unreasonable. As such the Licensee Applicant would like to have this trading condition cancelled.
- 3.5. Trading condition 2 (Vary):
- 3.6. **Proposed Changes** - The Licensee Applicant feels that this condition is restrictive to the operation of his business and is unreasonable. The applicant asks that this trading condition reflects the standard wording in Tavern licences as below.
- 3.7. ***“The licensee is permitted to sell and supply liquor in accordance with the provisions of S41 of the Act as it relates to a tavern licence.”***
- 3.8. Trading condition 3 (Vary):
- 3.9. **Proposed Changes** - The Licensee Applicant asks that this trading condition is varied to reflect standard tavern trading conditions in order to allow for flexibility in their operations. The proposed trading condition is as shown below:
- 3.10. ***“The permitted trading hours are those prescribed in s 98(1) of the Act for a hotel (tavern) licence.”***
- 3.11. Trading condition 4 (Cancel):
- 3.12. **Proposed Changes** - The Licensee Applicant feels that this condition is restrictive to the operation of his business and is unreasonable. As such the Licensee Applicant would like to have this trading condition cancelled.
- 3.13. Trading condition 5 (Cancel):
- 3.14. **Current Condition** - ***“The licensee is permitted to sell and supply spirits made by other producers, for consumption on the premises.”***
- 3.15. **Proposed Changes** - If the other proposed changes to their trading conditions are made this trading condition will be made redundant and as such should be cancelled from the licence.
- 3.16. Trading condition 7 (Vary):

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- 3.17. **Proposed Changes** - The Licensee Applicant will have a full menu with substantial food on offer until one hour before closing. As such they suggest that this trading condition can be changed to the standard tavern licence condition as shown below.
- 3.18. ***“Food must be available during all trading hours until one hour prior to closing.”***



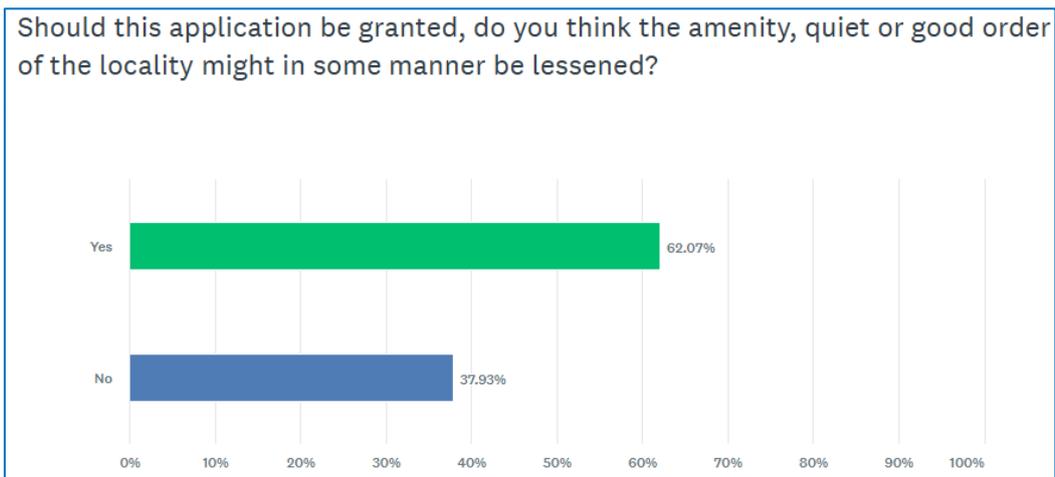
Valencia Bar & Grill, Front Bar

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4. Section 38(4)(b) - Impact on Amenity

- 4.1. Section 38(4)(b) of the Liquor Control Act, asks the applicant to consider *“whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened”*.
- 4.2. It is the Licensee’s intention to run Valencia Bar & Grill as a standard tavern. The current licence conditions do not allow for standard operation of a tavern, depriving the local community of the full amenity and suite of licensed services they might expect from a tavern.
- 4.3. The Licensee’s operations will remain the same but with a broader range of liquor on offer. As the supply of liquor is not restricted by the current licence conditions the Licensee does not anticipate the changes to the licence conditions leading to a decrease in the amenity of locality.
- 4.4. When asked if the grant of this application would lessen the amenity, quiet or good order of the locality, the witnesses gave a mixed response as shown in the chart below.



- 4.5. The applicant notes that this question seems to have confused witnesses as some of the witnesses who answered ‘Yes’ also left positive comments as seen below.
- 4.6. Witness 11, answered ‘yes’ but then went on to expand on their answer saying *“Yes it’s really good to these changes, give locals more opportunities to work and enjoy the evening around swan Valley.”*
- 4.7. Witness 30, answered ‘yes’ but then went on to expand on their answer saying *“Now they have done the inside up its a great place with good facilities.”*

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- 4.8. From the above information is it open for the Director to find that the approval of this application will not decrease the amenity of the locality in any way and will in fact increase the amenity of the locality.



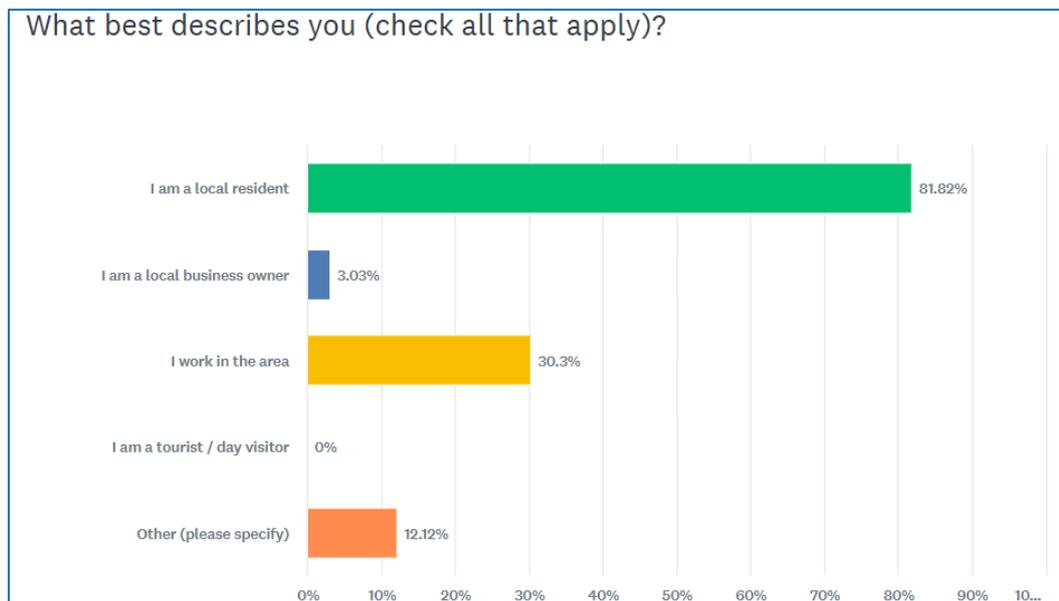
Valencia Bar & Grill, North Facing Alfresco Area

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5. Objective public interest evidence

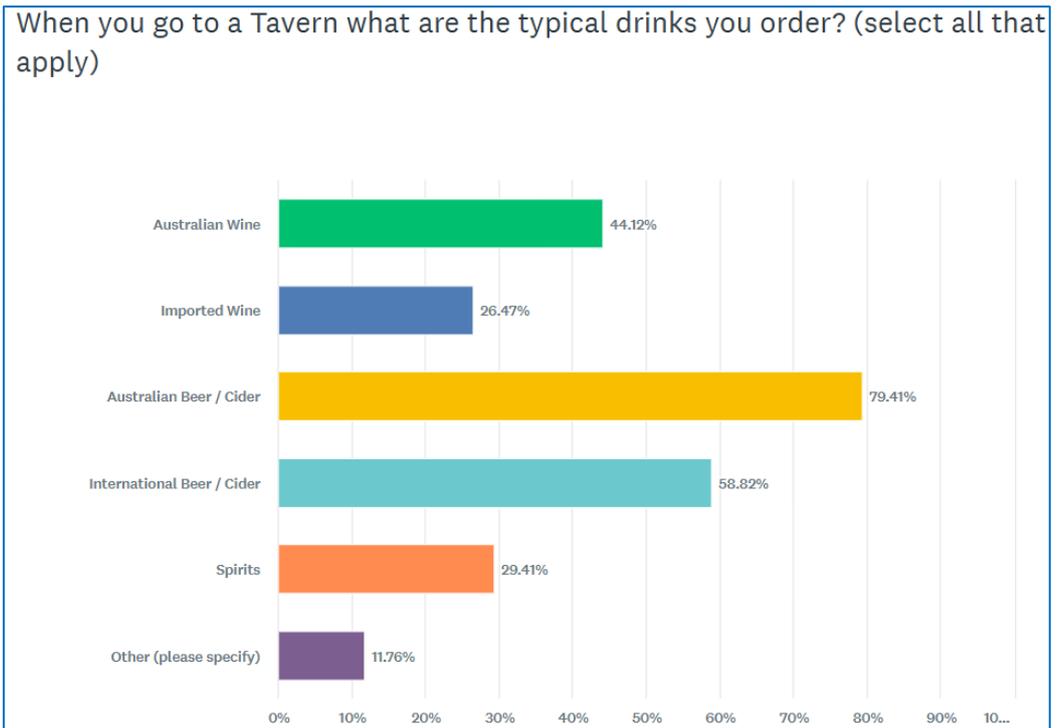
- 5.1. The applicant sought to assess public opinion on the proposed premises through the use of a witness questionnaire. A copy of this questionnaire is attached (Attachment VBG01).
- 5.2. Attached to these submissions are 33 witness survey responses which the applicant collected from a variety of people who live, work or visit the locality. See attachment VBG02.
- 5.3. In addition to the 33 witness responses there were an additional 21 respondents who attempted the survey but did not meaningfully answer.
- 5.4. The witness evidence survey had a list of the proposed changes to the trading condition on the trading licence attached to inform witness before they completed their responses. A copy of this document is attached as VBG03.
- 5.5. It can be seen from on the bar chart below the witnesses were varied in their relationship to the proposed premises.



- 5.5.1. As can be seen above, 82% of witnesses are local residents.
- 5.6. Of the witnesses who answered the survey **58%** have lived in their current suburb for more than 5 years.
- 5.7. When asked what the typical drinks witnesses order witnesses responded with the following:

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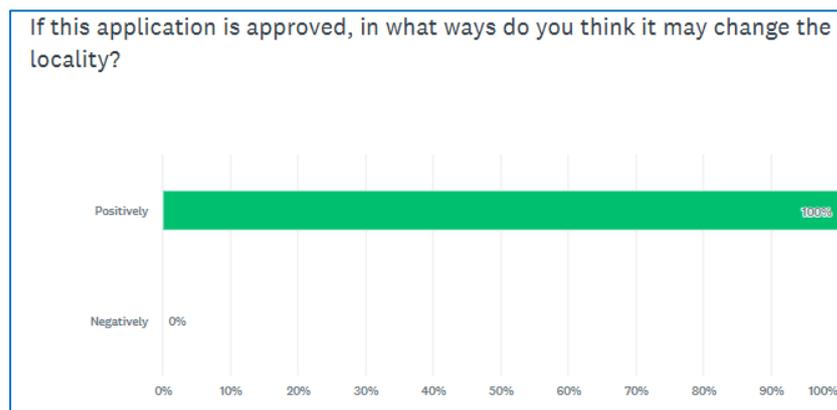


- 5.8. The results above are indicative of a wide ranging demand by the local community for the full suite of licensed services normally available from a tavern in WA.
- 5.9. The witnesses were asked if they supported the proposed changes to the trading conditions on the current tavern (restricted) licence.
- 5.10. The changes were broken down into three 'proposed changes' as detailed below:
- 5.11. Proposed Change 1 - Range of Product Available
- 5.12. The current related conditions are:
- 5.13. *"The licensee is permitted to sell and supply cider and ginger beer produced on the premises, for consumption on and off the premises. The ginger beer produced on the premises may, however, be brewed with the addition of a spirit sourced from other suppliers."*
- 5.14. *"The licensee is permitted to sell and supply Western Australia produced wine for consumption on and off the premises."*
- 5.15. *"The licensee is permitted to sell and supply locally (West Australian) produced craft beer, for consumption on the licensed premises."*
- 5.16. *"The licensee is permitted to sell and supply spirits made by other producers, for consumption on the premises."*
- 5.17. The witnesses were then asked if they supported cancelling the above conditions and imposing the condition:
- The licensee is permitted to sell and supply liquor in accordance with the provisions of S41 of the Act as it relates to a tavern licence.*
- 5.18. **100%** of witnesses supported this change to the trading conditions.

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- 5.19. Proposed Change 2 - Trading Hours
- 5.20. The current trading hours condition is:
- 5.21. *The permitted trading hours under the licence are: 10:30am - 10:30pm Monday to Saturday*
- 10:30am - 10:00pm Sunday*
- 12 noon - 10:30pm Anzac Day (Mon - Sat)*
- 12 noon - 10:00pm Anzac Day (Sun)*
- 5.22. The witnesses were asked if they supported varying the above trading condition to:
- The permitted trading hours are those prescribed in s98(1) of the act for a hotel (tavern) licence.*
- 5.23. **97%** of witnesses supported this change to the trading conditions.
- 5.24. Proposed Change 3 - Provision of food
- 5.25. The current related condition is:
- 5.26. *Coffee, tea and light food to be available at all times during the trading hours of the premises.*
- 5.27. The witnesses were asked if they supported varying the above trading condition to:
- Food must be available during all the trading hours until one hour prior to closing.*
- 5.28. **94%** of witnesses supported this change to the trading conditions.
- 5.29. When asked how the locality might be changed by the approval of the proposed changes to the trading conditions, **100%** of the witnesses responded that they felt the locality will be affected positively as can be seen in the bar chart below.



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6. Section 38(4)(a) - Risk Assessment with respect to the Harm and Ill Health

- 6.1. Section 38(4)(a) of the Liquor Control Act (1988) asks the licensee to consider *“the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor.”*
- 6.2. In this section the licensee assesses the risk with respect to the harm or ill-health that might be caused to people, or groups of people within the locality.
- 6.3. According to the Federal Government’s Snapshot entitled Australia’s Health 2018 (<https://www.aihw.gov.au/getmedia/7c42913d-295f-4bc9-9c24-4e44eff4a04a/aihw-aus-221.pdf>)
 - 6.3.1. *“most Australians drink alcohol at levels that cause few harmful effects”. (Page 204)*
 - 6.3.2. *“As well, fewer Australians are drinking at levels that contribute to alcohol-related harm over a lifetime. However, about 26% of people drink more than is recommended on a single occasion, and they do this at least once each month. Younger people show more promising trends when it comes to alcohol—fewer people aged 12-17 are drinking and a greater proportion are abstaining from drinking altogether.” (Page 165, emphasis added)*
 - 6.3.3. *“The NDSHS data reveal several changes in drinking patterns compared with those for 2013, including that:*
 - 6.3.4. *people are drinking less often—daily and weekly drinking rates have declined*
 - 6.3.5. *fewer young people aged 12-17 are drinking alcohol and the proportion abstaining from alcohol has increased*
 - 6.3.6. *people aged 14-24 are delaying starting to drink—the average age at which they first tried alcohol has increased*
 - 6.3.7. *fewer people are exceeding the lifetime risk guideline (Table 4.6.1).” (Page 204)*

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Table 4.6.1: Significant changes in drinking behaviours, 2013 and 2016

Drinking behaviours	2013	2016
Drank alcohol daily (14 years and over)	6.5%	5.9%
Drank alcohol weekly (14 years and over)	37.3%	35.8%
Drank alcohol less often than weekly (14 years and over)	34.5%	35.8%
Abstained from alcohol (12–17 years)	72.3%	81.5%
Age when had first full serve of alcohol (14–24 years)	15.7 years	16.1 years
Exceeded lifetime risk guidelines (14 years and over)	18.2%	17.1%

Source: AIHW 2017.

6.4. The Snapshot, in a section titled “Alcohol-related incidents and harm” states the following.

6.4.1. *Excessive consumption of alcohol increases the risk of people putting themselves and others at risk of harm (AIHW 2017). The NDSHS showed that, in 2016 almost 1 in 6 (17%) recent drinkers aged 14 and over put themselves or others at risk of harm while under the influence of alcohol in the previous 12 months—significantly down from 21% in 2013. In 2016, the most likely risky activity undertaken while under the influence of alcohol was driving a motor vehicle (9.9% of recent drinkers). Overall, more than 1 in 5 (22%) Australians had been a victim of an alcohol-related incident in 2016—down from 26% in 2013. Between 2013 and 2016, verbal abuse (22% and 19%, respectively), being put in fear (13% and 11%) and physical abuse (8.7% and 7.3%) all declined.” (Page 206, Emphasis added.*

6.5. Further, it’s worth noting the following statistics from these studies:

6.5.1. The National Health Survey (NHS), first results - 2017 - 18,

6.5.1.1. There is a continued decline of standard drinks consumed per day by persons aged 18 years and over, from 19.5% of people in 2011 - 2012, to 16.1% in 2017-2018.

6.5.1.2. There are fewer adults 18 and over consuming four standard drinks on one occasion, dropping from 44% (2014 – 15) to 42.1% (2017 – 18).

6.6. **Criminal/offence Statistics**

6.7. To further satisfy Section 38(4)(a), the licensee sought to investigate the incidence of alcohol related offences within the locality as recorded by the WA police.

6.8. However, no statistics were available on the WA Police website in relation to alcohol related crime for any towns or suburbs in WA.

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- 6.9. Consequently, the licensee has considered crime statistics for the suburb of Caversham, keeping in mind that these figures do not specify any incidence of alcohol.
- 6.10. In 2024, Caversham, the suburb where the premises is located, had an average of 58.2 offences per 1000 people (see table below). In comparison, the Western Australia State had an average of 106.5 offences per 1,000 people in the population.

2024 Crime statistics recorded by the WA Police for Caversham and Western Australia.

Area	Total number of offences	Number of offences per 1000 people
Caversham	432	58.2
WA	294,682	110.8

Data retrieved from abs.gov.au & <https://www.wa.gov.au/organisation/western-australia-police-force/crime-statistics>

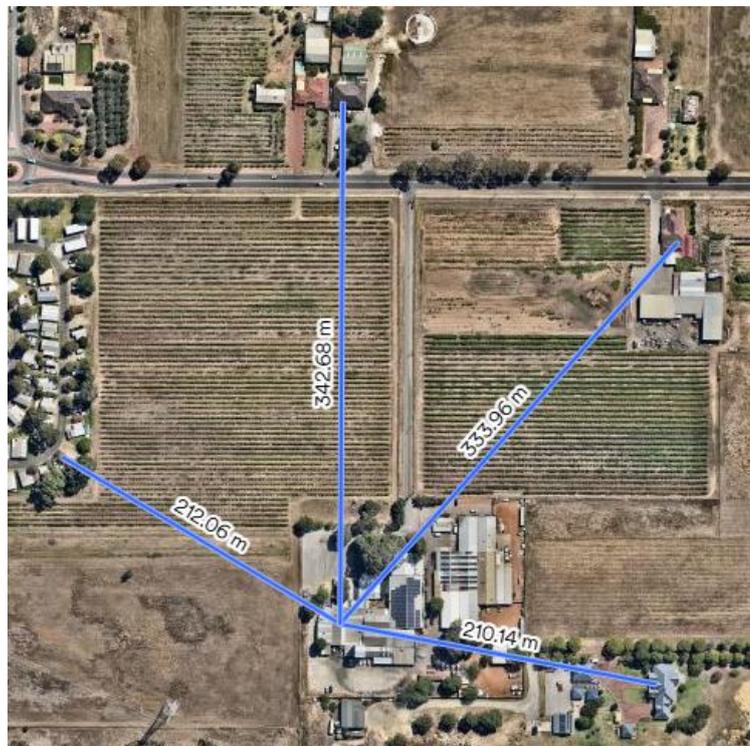
- 6.11. The rate of offences in Caversham is much lower than the state average indicating Caversham is a safe and relatively crime free suburb.
- 6.12. Importantly, this is not an application for a new licence, nor is it an application to increase the size of the licensed area, or the patron capacity.
- 6.13. A tavern has existed at this site for 20 years, selling full strength alcohol, and we are not aware of any complaints or serious incidents that have occurred there.
- 6.14. In the witness questionnaire, respondents were asked, *“Are there any people or any groups of people in the locality who, in your opinion, would be at risk of increased and undue harm as a result of the granting of this application?”*.
- 6.14.1. 90% of witnesses answered ‘no’.
- 6.14.2. The 10% of witnesses who answered ‘yes’ did not specify the groups that may be susceptible to increased harm or ill health.

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7. Section 38(4)(c) - Offence, annoyance disturbance or inconvenience

- 7.1. Section 38(4)(c) of the Liquor Control Act (1988) asks the applicant to consider “whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises”.
- 7.2. The licensee confirms the following:
- 7.3. The premises is separated from the nearest home by 210m, please see in the image below.



Aerial images of the Valencia Complex, Google Earth (2025)

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- 7.4. The outdoor area of Valencia Bar & Grill is surrounded by a tall fence.
- 7.5. The alfresco area is facing north from the premises, not in the direction of the nearest neighbours.
- 7.6. No variation to entertainment conditions is sought as part of this application.
- 7.7. The proposed changes will not change the behaviour of customers in any way as the current trading conditions on the licence only vary the range of the liquor on offer, not the content or service.
- 7.8. The changes proposed will not affect the physical layout of the premises or the entertainment on offer at the premises.
- 7.9. Witnesses were asked if they believe the granting of this application will cause annoyance, offence, inconvenience or disturbance to anyone in the locality.
- 7.10. The witness evidence survey included a question on the witnesses' thoughts about the potential for the grant of this application to cause annoyance, offence, inconvenience or disturbance to anyone in the locality.
- 7.11. The witnesses' responses overwhelmingly showed there was no concern for an increase in annoyance offence, some example responses are below:
- 7.12. Witness 9 said, "*I believe the application's benefits—including economic growth and community amenity—will provide a net positive contribution to the locality, with no anticipated unacceptable offense or inconvenience to any group.*"
- 7.13. Witness 30 said, "*I am local. Sound, music and people won't be an issue.*"
- 7.14. Witness 14 said, "*Should be all good for the (sic) community.*"
- 7.15. Therefore, in the applicant's opinion there is very little potential for offence, annoyance, disturbance or inconvenience to the local community caused by the approval of this application.

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8. Section 38(4)(ca) Tourism or community or cultural matters

- 8.1. Caversham is part of the wider Swan Valley area in the City of Swan. This area is popular in Perth for day trips, wine tours and events for tourists and residents of Perth.
- 8.2. The location of Valencia Bar & Grill is perfectly placed for daytime visits to the region to sample the food and liquor Swan Valley is known for³.
- 8.3. The Swan Valley had over 918,000 daytrip visitors in the year of 2023/2024⁴.
- 8.4. Valencia Bar & Grill is a tourist attraction within the Swan Valley region.
- 8.5. The new licensees have completed a professional fit out making this premises into an American Style tavern with live music, pool tables and a modern, stylish fit out as shown in the photos below.



Valencia Bar & Grill, The Barn

³ <https://www.swan.wa.gov.au/awcontent/Web/Documents/Business%20support/City-of-Swan-Investment-Sheets-Tourism.pdf>

⁴ <https://economy.id.com.au/swan/tourism-visitor-summary>

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Valencia Bar & Grill, Promotional Photo



Valencia Bar & Grill, Northern Alfresco Area

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- 8.6. The proposed changes to the trading conditions on the tavern licence would allow Valencia Bar & Grill to better serve day trippers to the premises.

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9. Section 5(1)(a) of the Liquor Control Act (1988)

- 9.1. Section 5(1)(a) states that a primary object of the Act is;
 - 9.1.1. *“to regulate the sale, supply and consumption of liquor”*;
- 9.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.
- 9.3. To regulate means;
 - 9.3.1. *“to control or direct according to rule, principle, or law”* or
 - 9.3.2. *“to put or maintain in order”*
- 9.4. The proposed changes will not result to an increase in supply of liquor to the locality as it is only related to the range of liquor that may be sold. There is no proposal, as part of this application to increase the patron numbers or change the form of entertainment provided.
- 9.5. Therefore, this primary object should not, of itself, prevent this application from being granted.
- 9.6. It does not mean to restrict or to reduce.
- 9.7. There may be some circumstances where a restriction or a reduction is warranted, but the word “regulate” implies more flexibility than either “restrict” or “reduce”.
- 9.8. It is possible to “regulate” and to “increase” at the same time.
- 9.9. It is possible to properly regulate the sale, supply and consumption of liquor and grant this application.

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10. Section 5(1)(b) of the Liquor Control Act (1988)

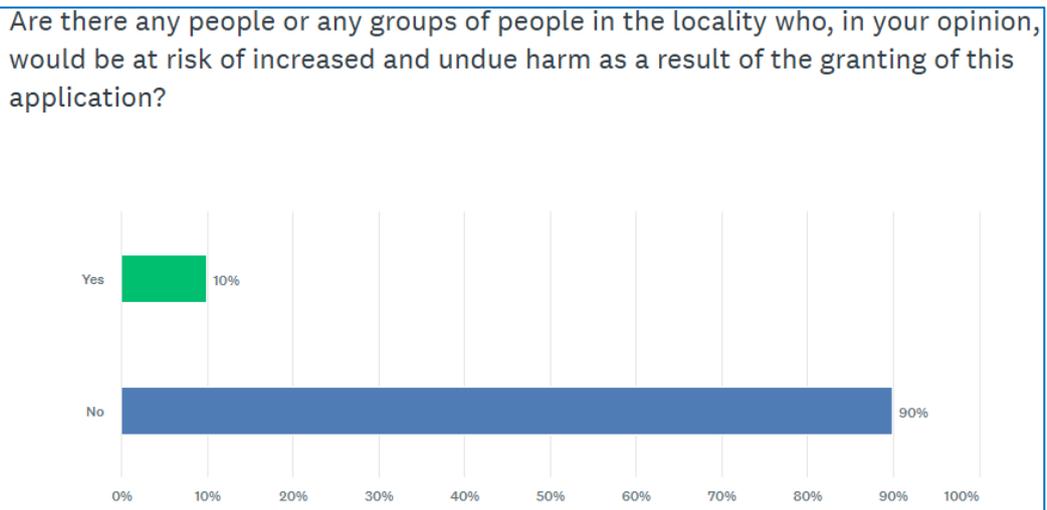
- 10.1. Section 5(1)(b) states that a primary object of the Act is;
 - 10.1.1. *“to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor”*;
- 10.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.
- 10.3. In its decision granting a liquor store licence to Woolworths Warnbro the Liquor Commission) noted;
 - 10.3.1. 40. The potential for harm or ill-health is a powerful public interest consideration when determining an application (refer *Lily Creek supra*). Consequently, it is relevant for the licensing authority to consider the level of alcohol-related harm, due to the use of liquor, which is likely to result from the grant of the application. As Wheeler J stated in *Executive Director of Public Health v Lily Creek International & Ors [2001] WASCA 410*:
 - 10.3.2. “This does not mean that only the increased harm which may result from the specific premises in question is to be considered; rather it seems to me that must necessarily be assessed against any existing harm or ill health so as to assess the overall level which is likely to result if a particular application is granted. Where, as occurs in probably the majority of cases, the existing level of alcohol related harm is no greater than that which appears to be commonly accepted in the community, the distinction is probably not significant.”
 - 10.3.3. 41. Also, as observed by Ipp J (in *Lily Creek supra*) it is significant that the primary object in section 5(1)(b) is to “minimize” harm or ill-health, not to prevent harm or ill-health absolutely.
- 10.4. In paragraph 46 of the Supreme Court decision in respect of the National Hotel, Fremantle, the following conclusion is found;
 - 10.4.1. *“It 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.”*
- 10.5. Paragraph 62 of that same decision reads;
 - 10.5.1. *“the reasons of the Commission reveal that it considered the application was not in the public interest, but not:
(a) the positive aspects of the application that were weighed;
(b) how the Commission reached the conclusion there was a likelihood of increased harm and ill-health if the application was granted; or*

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(c) the degree of increased harm or ill-health that was likely to have resulted if the application was granted.”

- 10.6. In this application, therefore, the applicant is not required to show that no harm whatsoever may occur if this application is granted, only that the applicant will do all that is reasonable to minimise harm and ill-health that could potentially occur if this application is granted, and that any potential for harm or ill-health is minimised and is not “undue”.
- 10.7. As can be seen in the table in section 6, Caversham has an offence rate per 1000 people much lower than the average figure for the state.
- 10.8. It is then a matter for the licensing authority to weigh and balance the potential for harm and ill-health against the identified public benefits of this proposed licensed venue.
- 10.9. Witnesses were asked if there were any people or groups of people who they believed are likely to suffer increased and undue harm or ill-health if this licence is granted. Their responses are shown in the chart below.



- 10.10. The vast majority of witnesses answered ‘No’.
- 10.11. Of the three witnesses who answered ‘Yes’ none specified which people or groups would be at risk.
- 10.12. The applicant believes that it has shown very clearly there is little potential for any additional undue harm or ill-health that could result from the granting of this application, and the rate of offending in the locality is lower than what appears to be acceptable in other WA localities.

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11. Section 5(1)(c) of the Liquor Control Act (1988)

- 11.1. Section 5(1)(c) states that a primary object of the Act is;
 - 11.1.1. *“to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State”*;
- 11.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.
- 11.3. In other words, it is just as important for the Director to cater for the requirements of consumers as stated above, as it is to minimise the potential for harm or ill-health due to the use of liquor.
- 11.4. In the end it is a weighing and balancing of these equal objects which will determine whether this application should be granted or not.
- 11.5. Throughout this document the applicant has demonstrated that:
- 11.6. The locality has grown since the current trading conditions were imposed.
- 11.7. There is public demand for the proposed trading conditions to be granted, and
- 11.8. The grant of this application will result in a better tourist destination in a tourism forward locality, the Swan Valley.
- 11.9. It is therefore open for the licensing authority to conclude the granting of this licence will be completely in accordance with the primary object stated in section 5(1)(c) of the Act.

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12. Section 5(2)(a)(d)(e)(f) of the Liquor Control Act (1988)

- 12.1. In carrying out its functions under the Act, the licensing authority shall have regard to the primary objects of the Act and also to the following secondary objects -
 - 12.1.1. *(a) "To facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State"; and*
 - 12.1.2. *(d) "To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor"; and*
 - 12.1.3. *(e) "To provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act": and*
 - 12.1.4. *(f) to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.*
- 12.2. Further Section 5(3) states *"If, in carrying out any function under this Act, the licensing authority considers that there is any inconsistency between the primary objects referred to in subsection (1) and the secondary objects referred to in subsection (2), the primary objects take precedence"*.
- 12.3. Through the granting of this application the licensing authority will enable the licensee to enhance the public amenity allowing it to better serve the reasonable and growing demand for licensed services in the rapidly expanding suburb of Caversham.
- 12.4. Therefore, in the opinion of the Applicant, in granting this licence the Director of Liquor Licensing will be fulfilling his obligations under section 5(2) of the Act.

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13. Conclusion

- 13.1. In summary this is an application to vary trading conditions on a Tavern Licence for Valencia Bar & Grill in Caversham. The requested variations to the licence, if granted, would allow Valencia Bar & Grill to offer the public the standard and expected licensed services normally available from tavern licensed venues.
- 13.2. It is clear that there is need for a standard tavern from the witness questionnaire results:
 - 13.2.1. **93%** of witnesses approved of all the proposed changes to the trading conditions.
 - 13.2.2. The vast majority of witnesses believe that the granting of this application would not cause annoyance, offence, inconvenience or disturbance to anyone in the locality.
 - 13.2.3. **90%** of witnesses believe that no people or groups of people are likely to suffer increased and undue harm or ill-health if this application is granted.
- 13.3. Witness's comments on the application included the following:
 - 13.3.1. Witness 24 said, "*I would like to see some more variety of beer at local pub.*"
 - 13.3.2. Witness 17 said, "*They are great for locals and for Swan Valley.*"
 - 13.3.3. Witness 32 said, "*These guys run a good business and deserve success they are professional and considerate.*"
- 13.4. From the witness questionnaire responses the Director can conclude the proposed changes to the licence conditions will add in a positive way to the amenity of the locality and the suburb of Caversham.
- 13.5. It is, therefore, open for the licensing authority to conclude that the positive aspects of the application far out-weigh any potential for negative impacts clearing the way to a grant of this application.

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14. Attachments

- VBG01 Witness Evidence Survey Hard Copy
- VBG02 Witness Evidence Raw Data
- VBG03 Proposed Changes to Trading Conditions

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55 Benara Road CAVERSHAM WA 6055

Application for a Tavern (Restricted) Licence

Section 38 Submissions

Attachment (VBG03)

Proposed Changes to Trading Conditions

November 2025

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Proposed changes to trading conditions on the Tavern licence with reasoning

Trading condition 1 (Cancel):

Current condition - “The licensee is permitted to sell and supply cider and ginger beer produced on the premises, for consumption on and off the premises. The ginger beer produced on the premises may, however, be brewed with the addition of a spirit sourced from other suppliers.”

Proposed changes - The Licensee Applicant feels that this condition will be restrictive to the operation of his business and is unreasonable. Through the restriction As such the Licensee Applicant would like to have this trading condition cancelled.

Trading condition 2 (Vary):

Current Condition - “The licensee is permitted to sell and supply Western Australian produced wine for consumption on and off the premises.”

Proposed Changes - The Licensee Applicant proposes that this condition will be restrictive to their customers, limiting their options when patronising Valencia Bar & Grill.

The applicant asks that this trading condition reflects the standard wording in Tavern licences as below.

“The licensee is permitted to sell and supply liquor in accordance with the provisions of S41 of the Act as it relates to a tavern licence.”

Trading condition 3 (Vary):

Current Condition - “The permitted trading hours under the licence are:

10.30 a.m. - 10.30 p.m. Monday to Saturday

10.30 a.m. - 10.00 p.m. Sunday

12.00 noon - 10.00 p.m. Christmas Day and Good Friday where liquor is sold ancillary to a meal.

12.00 noon - 10.30 p.m. Anzac Day (Mon - Sat)

12.00 noon - 10.00 p.m. Anzac Day (Sun)”

Proposed Changes - The Licensee Applicant asks that this trading condition is varied to reflect standard tavern trading conditions also. As shown below:

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

Trading condition 4 (Cancel):

Current Condition - “The licensee is permitted to sell and supply locally (Western Australian) produced craft beer, for consumption on the premises.”

Proposed Changes - The Licensee Applicant feels that this condition will be restrictive to the operation of his business and is unreasonable. As such the Licensee Applicant would like to have this trading condition cancelled.

Trading condition 5 (Cancel):

Current Condition - “The licensee is permitted to sell and supply spirits made by other producers, for consumption on the premises.”

Proposed Changes - If the other proposed variations are made this trading condition will be made redundant and as such should be cancelled from the licence.

Trading condition 7 (Vary):

Current Condition - “Coffee, tea and light food to be available at all times during the trading hours of the premises”

Proposed Changes - The Licensee Applicant will have a full menu with substantial food on offer until one hour before closing. As such they suggest that this trading condition can be changed to the standard tavern licence condition as shown below.

“Food must be available during all trading hours until one hour prior to closing.”