

BEACH TAVERN, MULLALOO

Grievance

MR A.P. O'GORMAN (Joondalup) [9.45 am]: My grievance is directed to the Treasurer, representing the minister responsible for liquor licensing, and is in relation to the Beach Tavern at Mullaloo. Recently the tavern was purchased by Renet Pty Ltd. It has submitted to the local council plans to redevelop the existing tavern area to incorporate a larger licensed area, one or possibly two restaurants, a bottle shop, office space and some residential short-stay apartments in a five-storey complex. The City of Joondalup has granted approval for a four-storey development. Renet has now appealed to the Town Planning Appeal Tribunal. After that appeal was lodged, we learnt that the proponents have also lodged an application with the Liquor Licensing Court for an extended trading permit and a variation to the licensed area. Renet has asked that an extended trading permit be granted to enable the tavern to trade until 2.00 am on Thursday, Friday and Saturday nights and midnight on Sundays. It also wants the bottle shop and convenience store within the development to be able to trade until midnight. Renet is also seeking a redefinition of the licensed area, which would increase the capacity of the tavern from approximately 280 patrons to approximately 580 patrons.

This is totally unacceptable to Mullaloo residents, and they have organised themselves to fight the issue. Their objections are based on past experiences of antisocial behaviour following the closure of the tavern at night and research conducted by the National Centre for Research into the Prevention of Drug Abuse. Between 1988 and 1993 the tavern was owned by a group of people who attracted a rather rowdy element. Once the tavern closed at night, vandalism and disruption occurred throughout the suburb. This was unbearable for the residents, and they do not want to see a return to that. Their objections are also based on a study by the National Centre for Research into the Prevention of Drug Abuse entitled "Evaluation of Public Health and Safety Impact of Extended Trading Permits for Perth Hotels and Night Clubs". The conclusions drawn in that report are as follows -

- The universal Australian experience with extended trading hours has been a corresponding shift in the timing of serious alcohol related problems. In this instance trading post-midnight increases the proportions of road crashes and assaults occurring at a time when emergency and police services are most expensive and are already over-stretched.
- There is strong evidence from recent experiences in Perth and Darwin that extended trading in late night venues results in an increase in levels of assault offences.
- There is also suggestive evidence that the granting of ETPs has limited the effectiveness of strategies such as the 0.05 blood alcohol level and the introduction of Booze Buses in Western Australia.
- Public opinion surveys, indicate that the majority of opinion is in favour of midnight closing for hotels and taverns, at least where this is already the norm.

The residents of Mullaloo and Kallaroo, a neighbouring suburb that is not in my electorate, have distributed a flyer to the local community, which states in part -

We are not anti-development but if you thought we were going to get a family-friendly tavern / restaurant / café at Mullaloo Beach, *think again!*

That was the impression the local residents were given by the proponents -

The proposed Mullaloo Tavern Redevelopment wants and has applied for an extended trading permit until 2 am on Thursdays, Fridays and Saturdays and until 12 midnight on Sundays. The combined bottle-shop / convenience store will be open until 12 midnight . . .

The residents are very concerned.

The flyer refers to antisocial behaviour and states that the number of patrons in the residential area will adversely affect the amenities of the suburb, including the beaches, clubs and the surf club. Car parking is already full at peak operational times and the need for additional parking will cause many problems for residents of Mullaloo and Kallaroo. The tavern developers have advised councillors that the standard operating hours will remain. Councillors were not advised that the bottle shop and convenience store would remain open until midnight. Also, the council's strategic functional requirements for the licensed premises in this area are for a low-key licensed cafe. If the tavern operates until 2.00 am with up to 580 patrons, it will not be a low-key licensed cafe. The flyer also states that late night venues should not be located in the middle of residential areas where there are only limited facilities for policing, dealing with emergencies, containment and transport.

Two tables from the survey contrast the offences that might happen in areas with and without extended trading permits. The frequency of bodily assaults in extended trading permit premises is 33. The frequency of bodily

assaults in non-ETP areas is 18. The number of common assaults in ETP premises was 68, whereas in non-ETP premises it was 37. From July 1991 to June 1995, there were 76 incidents of grievous bodily harm in hotel/tavern and nightclub premises in the metropolitan area. I cannot see a corresponding figure in the other table. It proves that the number of assaults and antisocial behaviour is increased in ETP premises. That is evidenced by the experiences of the locals from 1988-93.

I call on the minister to acknowledge the concerns of my constituents and request that the Liquor Licensing Court decline the application for an ETP at the Beach Tavern and bottle shop. I also request that it decline the redefinition extension of the licensed area to cover a larger area to accommodate an increase in patrons from approximately 250 to 580. This area, along with the restaurant areas within the new development, could see up to 1 000 patrons attend the complex in what is now a quiet residential family area.

MR E.S. RIPPER (Belmont - Treasurer) [9.52 am]: I am representing the Minister for Racing and Gaming. I thank the member for Joondalup for raising this issue. I understand the concerns of his constituents who are faced with the circumstances that he has outlined. I also commend the member for taking up the concerns of his constituents and bringing the matter through this House to the attention of the Minister for Racing and Gaming.

I have asked the minister for some information on this matter. He has advised that the licensee of the Beach Tavern in Mullaloo lodged two applications with the Liquor Licensing Court on 8 November. The first application for an alteration and redefinition of the licensed premises involves a major upgrade of the Beach Tavern, which the minister understands includes a proposal for a five-storey building on the tavern site and a 100 per cent increase in the total licensed area. The second application is for an extended trading permit to extend the trading hours of the Beach Tavern to allow the hotel to trade between midnight and 2.00 am on Thursday, Friday and Saturday nights and from 10.00 pm to midnight on Sundays. Collectively, the two applications have attracted 391 objections, mostly from residents living in the vicinity of the tavern.

Mr R.F. Johnson: You will also receive a petition of thousands and thousands of signatures that I will bring into this Parliament. I am happy to work with the member for Joondalup on this matter because it affects both of our electorates.

Mr E.S. RIPPER: The member for Hillarys will find that the member for Joondalup has taken the lead on this matter.

Mr R.F. Johnson: The Mullaloo protest association asked if I would because they were not happy with the member for Joondalup.

Mr E.S. RIPPER: The City of Joondalup and the police drug and alcohol advisory unit at Joondalup do not support that application, and the Executive Director of Public Health has submitted a notice of intervention in the matter. The City of Joondalup is addressing the planning and public health approvals. Prior to giving approval, it must issue section 39 and 40 certificates to the Liquor Licensing Court unless the authority determines otherwise. The section 39 certificate is required to state whether the premises comply with all the requirements of the Health Act 1911, any written law applying to the sewerage or drainage of the premises, the Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960. The section 40 certificate is required to state that the proposed use of the premises will comply with all town planning matters.

The applicant for commercial reasons sought to expedite the determination of the two applications and requested that they be heard concurrently and be referred to the Liquor Licensing Court for determination in accordance with section 24 of the Liquor Licensing Act 1988. In view of the commercial concerns of the applicant and the strength of opposition to the application, the Director of Liquor Licensing decided to refer the two applications to the Liquor Licensing Court for determination. As the two applications are now before the Liquor Licensing Court, they will be heard by the judge of the Liquor Licensing Court, not the Director of Liquor Licensing.

Section 73(2) of the Liquor Licensing Act confers a right for an objector to be heard by a court provided the objection is founded on the grounds permitted under section 74(1); these include -

- (a) that the grant of the application will be contrary to the public interest;
- (b) that the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor;
- ...
- (d) ... that the grant of the application is not necessary in order to provide for the requirements of the public;
- ...
- (g) that if the application were granted -

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

The minister understands the concerns of the residents living in the vicinity of the tavern with the proposed changes. Under the Liquor Licensing Act, the Minister for Racing and Gaming has no legislative authority to intervene in matters to be determined by the Liquor Licensing Court or the Director of Liquor Licensing. Section 33 of the Liquor Licensing Act requires the application to be dealt with on its merits, and the Liquor Licensing Court may grant or refuse the application in the public interest. In this regard, account can be taken of the 1997 review entitled "Evaluation of Public Health and Safety: Impact of Extended Trading Permits for Perth Hotels and Nightclubs", which concluded a link exists between later trading hours and alcohol-related harm. However, this evidence is of a general nature and is not specific to the application by the licensee of the Beach Tavern, Mullaloo.

I am not an expert on liquor licences matters, but it would seem that at least two further considerations must be undertaken before the matter is resolved. First, it appears from the briefing from the Minister for Racing and Gaming that the City of Joondalup is required to determine whether the application meets certain requirements under the Local Government Act and other legislation, and provide certificates to that effect to the Liquor Licensing Court, which then must make a determination on the merits of the matter.

It would appear significant opportunity exists, given the way the legislation is constructed, for local residents to make objection to the Liquor Licensing Court. I am sure that the member for Joondalup - I know him well - will assist local residents to go through the channels to make such objection. I wish the residents good luck in their objections because I can understand what it might be like to live near a busy tavern operating until the early hours of the morning.