



Bottlemart Anketell

Albinia Avenue, Anketell WA



Application for the Conditional Grant
of a Liquor Store Licence

Section 38 - Public Interest Assessment
(including Section 36B submissions)

June 2025

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(08) 6278 2788
0417 976 009

phil@canford.com.au

PO Box 389, Guildford 6935

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1. Introduction

- 1.1. The Nordic Seeress Pty Ltd is applying to the Licensing Authority for the conditional grant of a liquor store licence for premises located at Lot 219 Albinia Avenue, Anketell WA.
- 1.2. The subject premises is currently vacant land.
- 1.3. In the Director's Decision in respect of an application for the conditional grant of a liquor store licence dated 4th March 2020 for Hangawee Outlet Northbridge (attachment BA01), the Director's Delegate, Peter Minchin stated the following:
 - 1.3.1. *"In addition to the normal administrative requirements, applicants for the grant of a new liquor store licence have two very distinct obligations under the Act which must be discharged before the application can be approved. This first is overcoming the restraint imposed by s 36B and second, by demonstrating that the grant of the licence is in the public interest as required under s 38(2)."*
- 1.4. These submissions are designed to address:
 - 1.4.1. The restrictions on the grant of certain licences authorising the sale of packaged liquor as set out in Section 36B of the Liquor Control Act 1988 and the (WA) (the "Act"), and
 - 1.4.2. The public interest requirements as set out in Section 38(2) of the Act.
- 1.5. These submissions have been drafted by Canford Hospitality Consultants Pty Ltd in consultation with Mr. Errey of The Nordic Seeress Pty Ltd, and references to the applicant or the applicant's opinion relate to Mr. Errey.
- 1.6. Section 38(2) of the Liquor Control Act 1988 sets out the matters which may be considered by the Licensing Authority in deciding whether or not the grant of a liquor licence is in the public interest. Specifically, it states:
 - 1.6.1. *"An applicant who makes an application to which this subsection applies must satisfy the licensing authority that granting the application is in the public interest"*.
- 1.7. Section 38(4) of the Liquor Control Act 1988 states the licensing authority may have regard to the following matters when considering an application for a liquor licence.
 - 1.7.1. *"the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and*
 - 1.7.2. *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; and*
 - 1.7.3. *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; and*

- 1.7.4. *any effect the granting of the application might have in relation to tourism, or community or cultural matters; and*
- 1.7.5. *any other prescribed matter”.*
- 1.8. Section 36B(2) of the Liquor Control Act 1988 states:
 - 1.8.1. *“This section applies to an application for the grant or removal of any of the following licences -*
 - 1.8.1.1. *(a) a hotel licence without restriction;*
 - 1.8.1.2. *(b) a tavern licence;*
 - 1.8.1.3. *(c) a liquor store licence;*
 - 1.8.1.4. *(d) a special facility licence of a prescribed type.”*
- 1.9. Based on the above, Section 36B of the Liquor Control Act 1988 applies to this application and therefore will be considered in these submissions.
- 1.10. Section 36B(3) of the Liquor Control Act 1988 states;
 - 1.10.1. *“The licensing authority must not hear or determine an application to which this section applies if –*
 - 1.10.1.1. *(a) packaged liquor premises are situated less than the prescribed distance from the proposed licensed premises; and*
 - 1.10.1.2. *(b) the area of the retail section of those packaged liquor premises exceeds the prescribed area; and*
 - 1.10.1.3. *(c) the area of the retail section of the proposed licensed premises exceeds the prescribed area”.*
- 1.11. Regulations Nos. 9AAA and 9AAB of the Liquor Control Regulations 1989 stipulate the distance and area prescribed referred to in Section 36B of the Liquor Control Act;
- 1.12. Regulation No.9AAA states;
 - 1.12.1. *“Area prescribed (Act s. 36B)*
 - 1.12.1.1. *For the purposes of section 36B, the area of 400m2 is prescribed.”*
- 1.13. Regulation No. 9AAB states;
 - 1.13.1. *“Distance prescribed (Act s.36B)*
 - 1.13.1.1. *(1) For the purposes of section 36B, the following distances are prescribed -*
 - 1.13.1.1.1. *For packaged liquor premises in the metropolitan region - 5 km;*
 - 1.13.1.1.2. *For all other packaged liquor premises - 12km.*
 - 1.13.1.2. *(2) The distances referred to in subregulation (1) are to be calculated using the shortest route by road.”*

- 1.14. Section 36B(3) above does not apply to this application as the proposal is for a liquor store component of around 200sqm.
- 1.15. Section 36B(4) of the Act states;
- 1.15.1. *“The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”*.
- 1.16. Section 36B(4) does apply to this application.
- 1.17. The applicant has put forward the reasons in this PIA as to why the local packaged liquor requirements in the locality cannot reasonably be met by the existing packaged liquor premises. These reasons are detailed in sections 6 and 10 of these submissions.
- 1.18. Further, the licensing authority has consistently noted this clause states the licensing authority **must not** grant an application to which this section applies unless satisfied in respect of other matters. It is a clear directive, with no room for manoeuvre.
- 1.19. However, Parliament has tailored the wording of this section to provide the licensing authority with some discretion. This is not a directive to refuse all liquor licence applications to which this section applies.
- 1.20. The licensing authority **MAY GRANT** an application to which this section applies if it is *“satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”*.
- 1.21. Paragraph 15 of the Director’s Decision No. A688963697 (BWS Thornlie decision) quotes the Minister Paul Papalia in his Second Reading Speech relating to the Liquor Control Amendment Act 2018. In that quote Minister Papalia advised Parliament that the intent behind amending this part of the Act was to *“prevent the further proliferation of small and medium packaged liquor outlets across the State”*.
- 1.22. Proliferation is defined as *“the fact of something increasing a lot and suddenly in number or amount”*. Taken together with the quote above from the Explanatory Memorandum it is clear the legislative intent was not a moratorium on new licences for packaged liquor outlets, but for the licensing authority to “manage” the process and to not allow “a lot” of new packaged liquor licences to be granted “suddenly” or rapidly.
- 1.23. In Liquorland Karrinyup (WASC 2021/366, 28/10/2021) Justice Archer found that this was not a “difficulty test”. At 121 she stated;
- 1.23.1. *“I do not accept this. It is plain from the paragraphs extracted above that the Commission mistakenly thought that the Difficulty Test applied to the ‘reasonable requirements’ phrase. Further, although appearing to state on those two occasions that these matters were alternatives, on another occasion, the Commission appeared to find that an alleged consumer requirement did not satisfy*

the Consumer Requirements condition because it did not 'constitute a "great difficulty or inconvenience".

- 1.24. In paragraphs 129 to 131 Justice Archer goes on to say;
 - 1.24.1. *"129 Construing the phrase in this way is to effectively apply the same test as applied to the then s 38(2b) of 'cannot be provided for'. It gives no weight to the adjective 'reasonably'.*
 - 1.24.2. *130 The word 'reasonable' has been said to import a degree of objectivity in that the word reasonable means sensible; not irrational, absurd or ridiculous; not going beyond the limit assigned by reason; not extravagant or excessive.*
 - 1.24.3. *131 In my view, the word 'reasonably' in s 36B(4) is intended to bear the same meaning. Accordingly, the phrase 'cannot reasonably be met' means 'cannot sensibly or rationally be met'."*
- 1.25. So, the intent of the legislative change was to reduce the pace of approvals for packaged liquor outlets, to manage the process, to bring a level of control. Evidently, the mechanism still exists for the granting of new packaged liquor licences when the evidence presented in an individual application merits a grant.
- 1.26. The objects of the Act are contained in section 5, which states the primary objects of the Act are (section 5(1)) -
 - 1.26.1. *"to regulate the sale, supply and consumption of liquor; and*
 - 1.26.2. *to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor, and*
 - 1.26.3. *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".*
- 1.27. Section 5(2) of the Act also includes the following Secondary Objects;
 - 1.27.1. *"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*
 - 1.27.2. *To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and*
 - 1.27.3. *To provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act, and*
 - 1.27.4. *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."*
- 1.28. 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”.

- 1.29. In the Aldi South Fremantle decision (refusing an application for the conditional grant of a liquor store licence), dated 22nd March 2019, at paragraph 26 (attachment BA02), the Director said,
 - 1.29.1. *“None of the primary objects of the Act takes precedence over each other, however, where conflict arises in promoting the objects of the Act, the licensing authority must weigh and balance the competing interests in each case¹¹ and it is a matter for the licensing authority to decide what weight to give to the competing interests and other relevant considerations”.*¹²
- 1.30. These submissions will show there is a readily identifiable section of the local community who have a very reasonable requirement for the packaged liquor products and the licensed services proposed to be offered by the Applicant.
- 1.31. Lastly, for this application, the Applicant conducted an extensive witness questionnaire exercise to gather objective evidence. This witness questionnaire will be referred to throughout these submissions and addressed in more detail in section 7.

2. The Locality

- 2.1. In the Liquorland Karrinyup Supreme Court decision (WASC [2021] 366) Archer J made the following observations in relation to setting the appropriate locality for an application. In Liquorland Southern River WASC [2024] 128 Lemonis J agreed with these observations.
 - 2.1.1. It denotes an area that surrounds, and is geographically close to, the location of the proposed premises. It was not intended to equate to the area(s) from which consumers would come.
 - 2.1.2. It is intended to connote the same concept of neighbourhood and in that context means the geographical area surrounding the proposed site.
 - 2.1.3. The legislature intended to capture the geographical area surrounding, and relatively close to, the proposed site, being the neighbourhood of the site.
 - 2.1.4. The shape and size of the locality may be influenced by topographical features (including man-made features such as roads) and areas from which the proposed site could be accessed reasonably easily on foot or push-bike.
 - 2.1.5. If there is a community in the area of the proposed site, the geographical spread of that community may also influence the shape and size of the locality.
 - 2.1.6. It is impossible to prescribe a specific test to be applied or even an exhaustive list of the factors that will or may be relevant in the determination of the locality in any given case, and
 - 2.1.7. The locality is not to be determined by reference to a retail catchment area. However, a retail catchment area may still be of relevance, for example illuminating the ease of access to the proposed site.
- 2.2. The Director's Form 2A provides guidance on the appropriate locality to be considered for a liquor licence application.
 - 2.2.1. *"You need to provide profile information from the locality that is within a certain distance to your intended business. If your intended business is:*
 - 2.2.1.1. *within 15km of the Perth CBD, the locality is a radius of 2km of it*
 - 2.2.1.2. *anywhere else (unless remote), the locality is a radius of 3km of it*
 - 2.2.1.3. *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.*
 - 2.2.2. *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.*

- 2.2.3. *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.*
- 2.2.4. *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.*
- 2.3. To give effect to these instructions this section will consider;
 - 2.3.1. The physical location of the subject premises,
 - 2.3.2. The presence of natural or human made boundaries that define the locality,
 - 2.3.3. The perception of local community relevant to that locality,
 - 2.3.4. The appropriate locality definition for amenity issues and the demographic study, and
 - 2.3.5. The appropriate locality definition for the outlet density study.
- 2.4. **The physical situation of the subject premises;**
 - 2.4.1. The premises is situated just off of Anketell Road, and is a part of the Albero Estate Plan, where multiple residential lots are currently up for sale.
 - 2.4.2. Nearby man-made features are the Wandi District Shopping Centre and Kwinana Freeway.
 - 2.4.3. Otherwise, the location of the premises is currently full of empty lots - with a view for rapid residential and commercial buildings to develop in the near future.

Alberó AT ANKETELL



Masterplan

Contact
Dale Miles
0419 966 547

Selling agent



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 HEAD OFFICE: 9435 3900 [.com.au](http://terranovis.com.au)

- 2.4.4. Item 17.1 of the minutes of Council meeting for the Town of Kwinana, 24th April 2024, provides the following detail on this new shopping centre.

Table 1: Summary of land use intended for Wandí District Centre

Land Use	Land Area	Comprising
Residential	7.6ha	100 lots equating to 23 dwellings per site hectare
Commercial	14.7ha	Estimated total floor space of 47,000m ² , comprising: Shop – 22,000m ² Other Retail – 12,900m ² Office / Business – 3,300m ² Eating / Entertainment – 5,150m ² Community / Health – 2,650m ² Other / Incidental – 1,000m ²
Public Open Space	0.76ha	Approximately 10% of Residential land area
Encumbered Land	15.6ha	High voltage transmission line easements – 9.7ha Anketell Road future widening – 5.9ha

- 2.4.5. The proposed premises will be at Lot 219 Albina Avenue, Anketell.
- 2.4.6. Anketell is a fairly green suburb, without much residential population (2021 ABS Census Data showing a population of 280).
- 2.4.7. Below is a map of the premises, from Nearmaps, showing the features of the suburb.



Image 1 - location of proposed liquor store

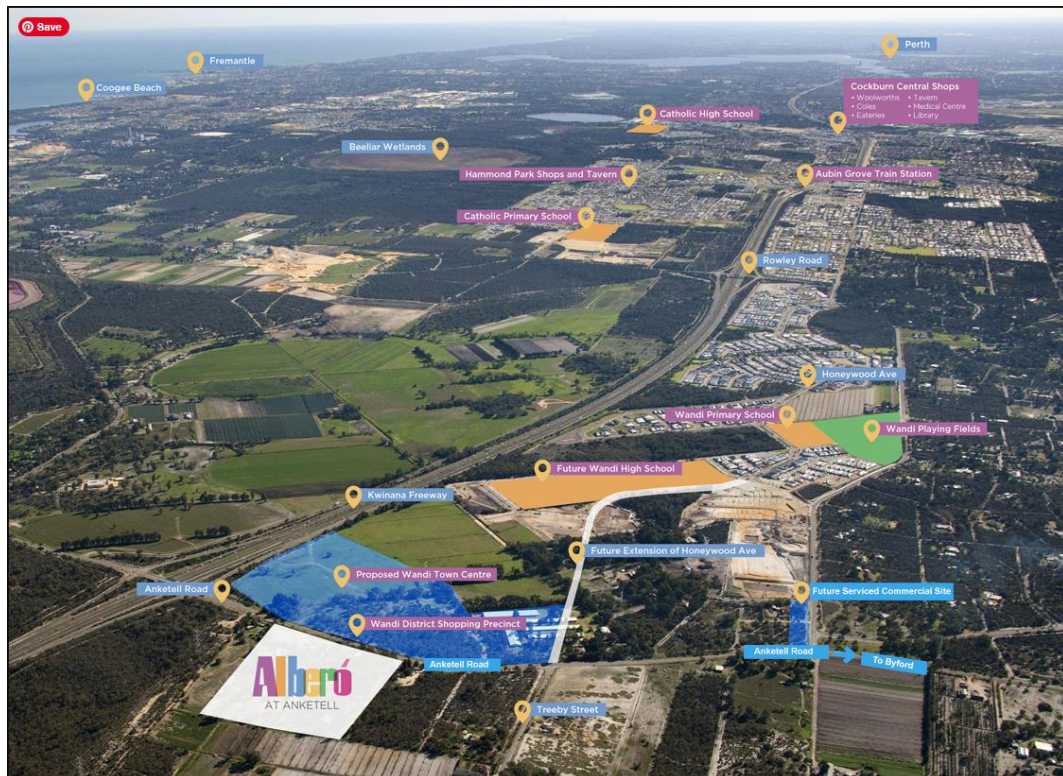


Image 2 - Albero Estate site image

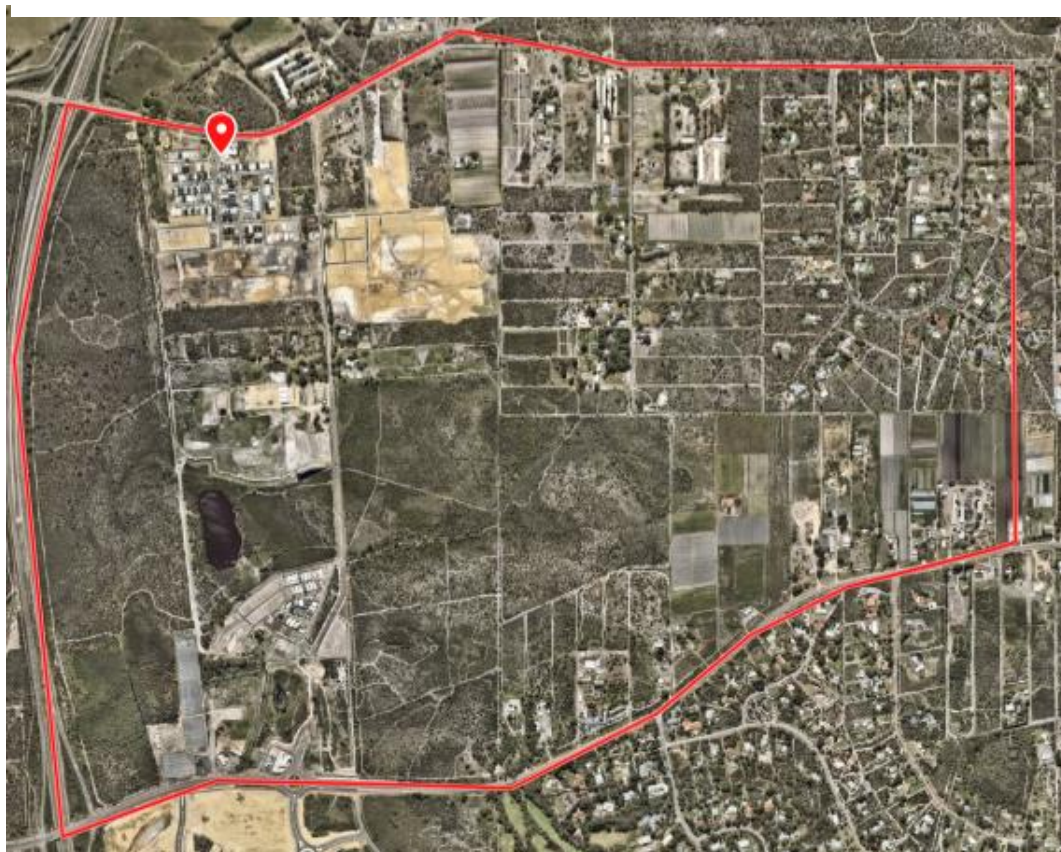


Image 3 - Location of premises within Anketell suburb boundary

2.5. **The presence of natural or human made boundaries that define the locality;**

- 2.5.1. The applicant's premises is just south of Anketell Road and will exist within a commercial complex.
- 2.5.2. In all other directions, there are residential and commercial properties.
- 2.5.3. The majority of the suburb remains undeveloped. Outside of the small residential population shown on the maps above, it is bushland.
- 2.5.4. The western suburb boundary is boarded by the Kwinana Freeway.

2.6. **The perception of the local community and/or key advisers relevant to that community.**

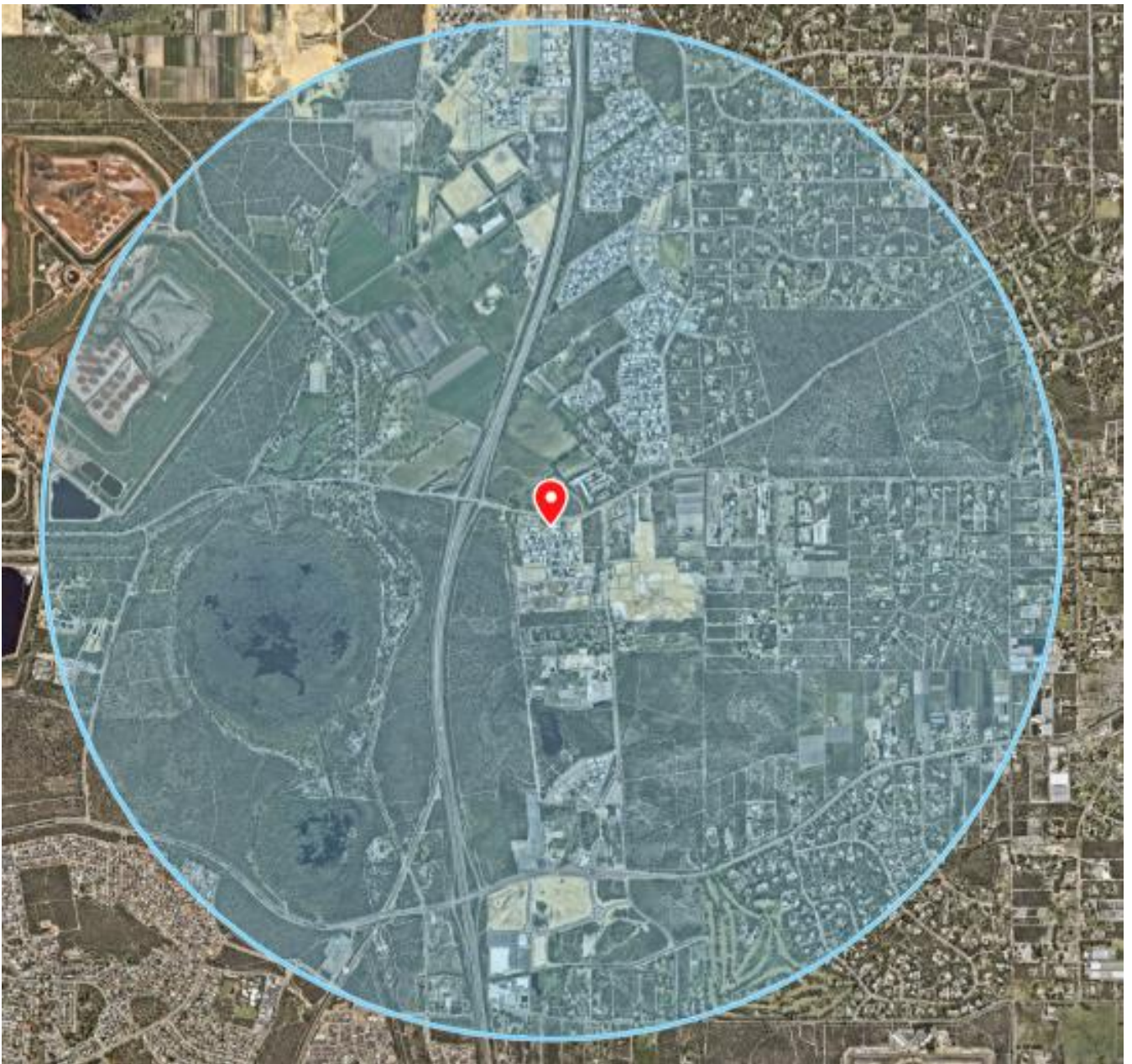
- 2.6.1. Anketell is at the southern tip of a population growth corridor and is forecast for future growth, although it has a low population today.
- 2.6.2. There are several building / development projects currently happening in and around the suburb however.

2.7. **The appropriate locality for the demographic study.**

- 2.7.1. The size of the locality has been determined by following the Director's policy document, where "the locality is to be a radius of 3km from the site of the intended business."¹
- 2.7.2. Considering the Applicant intends to sell packaged liquor, this 3km radius applies to this application, and will be used for the demographic review in this document.

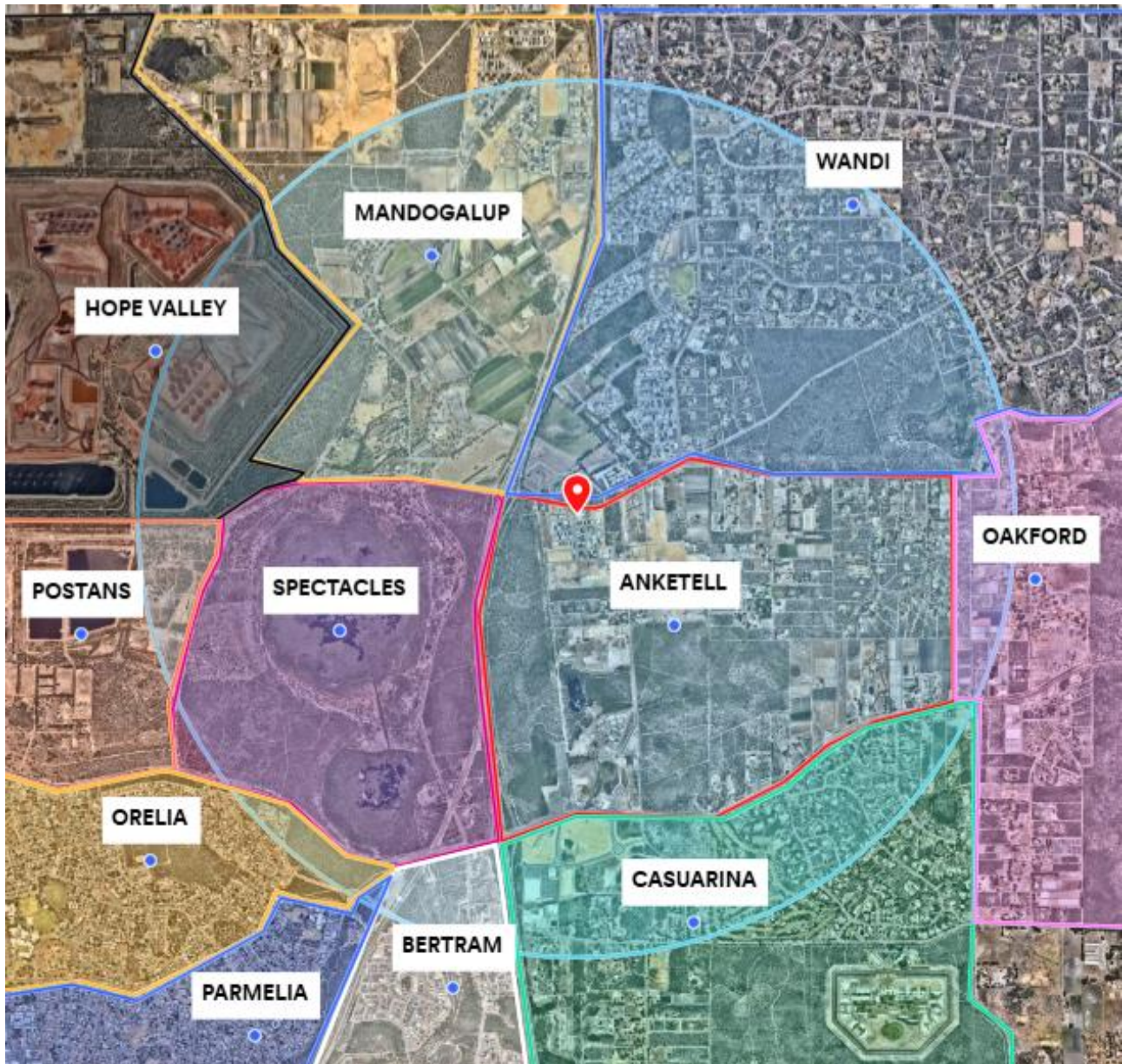
¹ <https://www.dlgsc.wa.gov.au/departments/publications/publication/public-interest-assessment-policy>

2.7.3. Shown below is an aerial image sourced from www.maps.au.nearmap.com. This photo shows the location of the proposed licensed premises. A blue circle (radius of 3km) is included to indicate the proposed locality mentioned above.



Map 1 - 3km locality ring around subject premises

2.8. Further, below is this same 3km radius, along with all suburbs that fall within this area.



Map 2 - 3km locality ring with all suburb boundaries

2.9. The Applicant has determined that the suburbs of Anketell, Spectacles, Mandogalup and Wandai should be used for the demographic report in section 3 of this document, as they take up the majority of the 3km radius. However;

- 2.9.1. The applicant discounts Anketell from the demographic study due to its very low population of 280,
- 2.9.2. The applicant discounts Spectacles as it does not register a population count on the ABS Census website, and
- 2.9.3. The applicant discounts Mandogalup from the demographic study due to its very low population of 128.
- 2.9.4. Bertram, Casuarina and Hope Valley are also excluded as only a small portion of these suburbs contribute to the locality.

- 2.10. Given the nearest major suburb that has a decent population and falls well within the 3km locality is Wandi, the applicant will use this as a basis for the demographic study as being representative of the locality.
- 2.11. **The appropriate locality for the outlet density study.**
- 2.11.1. The applicant will list and review all competing outlets within a 3km radius of the subject premises for the outlet density study.
- 2.11.2. Section 4 of these submissions will address the outlet density in more detail.

3. Demographics of the Locality

- 3.1. The Director advises that applicants “need to provide profile information from the locality”, and “The better you capture the characteristics of the local community, the better the (Director) will be able to understand the potential impact the grant of your application could have on the public interest”.
- 3.2. In Form 2A the Director provides guidance on the data and information he would find useful when applicants consider the demographic make-up of the subject locality. In that document applicants are tasked to provide an “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.’
- 3.3. On page 39 of the Western Australian Mental Health Promotion, Mental Illness, Alcohol and Other Drug Prevention Plan 2018-2025 the following priority population groups are identified.
 - 3.3.1. Aboriginal peoples and communities;
 - 3.3.2. LGBTIQ+ individuals and communities;
 - 3.3.3. Youth;
 - 3.3.4. Victims of trauma;
 - 3.3.5. Children affected by parental mental illness and/or harmful alcohol and other drug use;
 - 3.3.6. People at-risk of experiencing homelessness;
 - 3.3.7. Military veterans;
 - 3.3.8. People within the criminal justice system;
 - 3.3.9. People with an existing mental illness;
 - 3.3.10. Regional, remote and rural populations;
 - 3.3.11. Fly-In-Fly-Out workers and families;
 - 3.3.12. Carers, families and supporters of consumers of mental health, alcohol and other drug services (in particular, children); and
 - 3.3.13. People with lived experience of mental health and/ or alcohol and other drug-related issues.
- 3.4. The applicant will consider all thirteen groups above for which data is readily available. The following groups were unable to be considered however, as data is not available for them.
 - 3.4.1. LGBTIQ+ individuals and communities;
 - 3.4.2. Victims of trauma;
 - 3.4.3. Children affected by parental mental illness and/or harmful alcohol and other drug use;
 - 3.4.4. People at-risk of experiencing homelessness;

- 3.4.5. People within the criminal justice system;
 - 3.4.6. People with an existing mental illness;
 - 3.4.7. Fly-In-Fly-Out workers and families
 - 3.4.8. Carers, families and supporters of consumers of mental health, alcohol and other drug services (in particular, children); and
 - 3.4.9. People with lived experience of mental health and/ or alcohol and other drug-related issues.
- 3.5. So, in summary, the Applicant will provide data on the following;
- 3.5.1. Total population,
 - 3.5.2. Estimated population growth,
 - 3.5.3. Average age,
 - 3.5.4. Income,
 - 3.5.5. Employment status,
 - 3.5.6. Aboriginal peoples and communities,
 - 3.5.7. Youth,
 - 3.5.8. Military veterans, and
 - 3.5.9. Regional, remote and rural populations,
- 3.6. For the purpose of this demographic study, the applicant has selected relevant Census topics from the Australian Bureau of Statistics (ABS) website (www.abs.gov.au) to provide an indication of the prevalence of each of the priority population groups within the locality and compared them with the same information for the State (Western Australia).
- 3.7. The applicant will be considering the 2021 census data relating to the suburbs specified in paragraph 2.10.
- 3.8. The selected ABS 2021 Census data is shown in the table below for the suburb of Wandi.

Table 1 2021 ABS Census Topics for Locality Demographics

ABS Census	Wandi 2021	WA 2021
Total Persons	4,234	2,660,026
Aboriginal & Torres Strait Islander	0.9%	3.3%
Median Age	32	38
Age		
Persons aged 15-24 years	10.3%	11.8%
Level of highest educational attainment		
Bachelor Degree level and above	28.6%	23.8%
Employment status		
Worked full-time	59.8%	57.1%
Participation in the labour force		
In the labour force	70.7%	63.9%
Australian Defence Force Service		
Previously served (and not currently serving)	1.8%	2.6%
Median Weekly Incomes		
Household	\$2,373	\$1,815
Dwelling Count		
Occupied Private Dwelling	95.1%	89.1%
Household income		
Less than \$650 total household weekly income	5.4%	16.3%
More than \$3,000 total household weekly income	31.7%	25.6%
Rent weekly payments		
Renter households where rent payments are less than or equal to 30% of household income	62.2%	59.9%
Renter households where rent payments are greater than or equal to 30% of household income	25.8%	28.3%
Mortgage monthly repayments		
Median Mortgage payments	\$2,056	\$1,842
Owner with mortgage households where mortgage repayments are less than or equal to 30% of household income	73.3%	72.1%
Owner with mortgage households with mortgage repayments greater than 30% of household income	13.4%	13.0%

Source: <https://abs.gov.au/census/find-census-data/quickstats/2021/AUS>

- 3.9. Wandi is a neighbouring suburb to Anketell, and has a (comparatively) large population which the applicant submits is indicative of the growing population that is moving south and will eventually populate Anketell.

- 3.10. The purpose of considering the demographic data for the locality is to establish whether the priority population groups identified in paragraphs 3.3 and 3.4 above are over or underrepresented in the locality.
- 3.11. Below is a summary of the 2021 ABS data for Wandi.
 - 3.11.1. The median age in the locality is below the State figure, as is the percentage of the population aged between 15 and 24.
 - 3.11.2. The number of Aboriginal and Torres Strait Islander people in the locality is well below the State average.
 - 3.11.3. With regards to education and work;
 - 3.11.3.1. Wandi exhibits a population that (on average and compared to the State) has a higher education level, with more people working in a full-time capacity as well as people generally in the labour force.
 - 3.11.4. Looking toward other factors, Wandi shows a locality that has households on higher incomes than the State average. Further, Wandi is shown to have more households with 'higher' income levels and lesser 'lower' income levels than the State, by some margin.
 - 3.11.5. There is also less rental and mortgage stress in Wandi when compared to the State.
 - 3.11.6. Lastly, Wandi has a higher dwelling occupancy rate.
 - 3.11.7. All of this points to the following.
 - 3.11.7.1. This is a hardworking locality that is financially and economically vibrant,
 - 3.11.7.2. People who live here are young - middle aged, and are shown to be responsible and hardworking, and
 - 3.11.7.3. Wandi is a desirable locality to live in.
- 3.12. This locality shows a very low representation of the priority population groups.

4. Profile of the local community

- 4.1. In Form 2A (available on the Public Interest Assessment policy page of the licensing authority's website and last amended September 2024) the Director provides the following direction to applicants for a new liquor licence.
 - 4.1.1. *"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"*.
- 4.2. Noting the above - the applicant conducted a desktop search exercise of all these sensitive venues within 3km of the proposed premises.
- 4.3. Educational institutions
 - 4.3.1. Honeywood Primary School - Windjana Rise, Wandi WA 6167
- 4.4. Hospitals
 - 4.4.1. No hospitals exist in the locality
- 4.5. Hospices
 - 4.5.1. No hospices exist in the locality
- 4.6. Aged Care facilities
 - 4.6.1. Wisteria Care Disability - 10 Saltbush St, Wandi WA 6167
- 4.7. Drug and alcohol treatment centres
 - 4.7.1. No drug and alcohol treatment centres exist in the locality
- 4.8. Short term accommodation
 - 4.8.1. No short-term accommodation exists in the locality
- 4.9. Refuge for young people
 - 4.9.1. No refuges for young people exist in the locality
- 4.10. Child Care centres
 - 4.10.1. Buttercups Childcare and Early learning centre Wandi - 3 Kenby Chase, Wandi WA 6167
 - 4.10.2. Nido Early School Wandi - 1 Hartz Way, Wandi WA 6167
- 4.11. Churches
 - 4.11.1. Honeywood Community Church - Windjana Rise, Wandi WA 6167
- 4.12. Local Government Authority
 - 4.12.1. There are no Local Government Authority premises in the locality
- 4.13. Local Police Stations
 - 4.13.1. No local Police stations exist in the locality

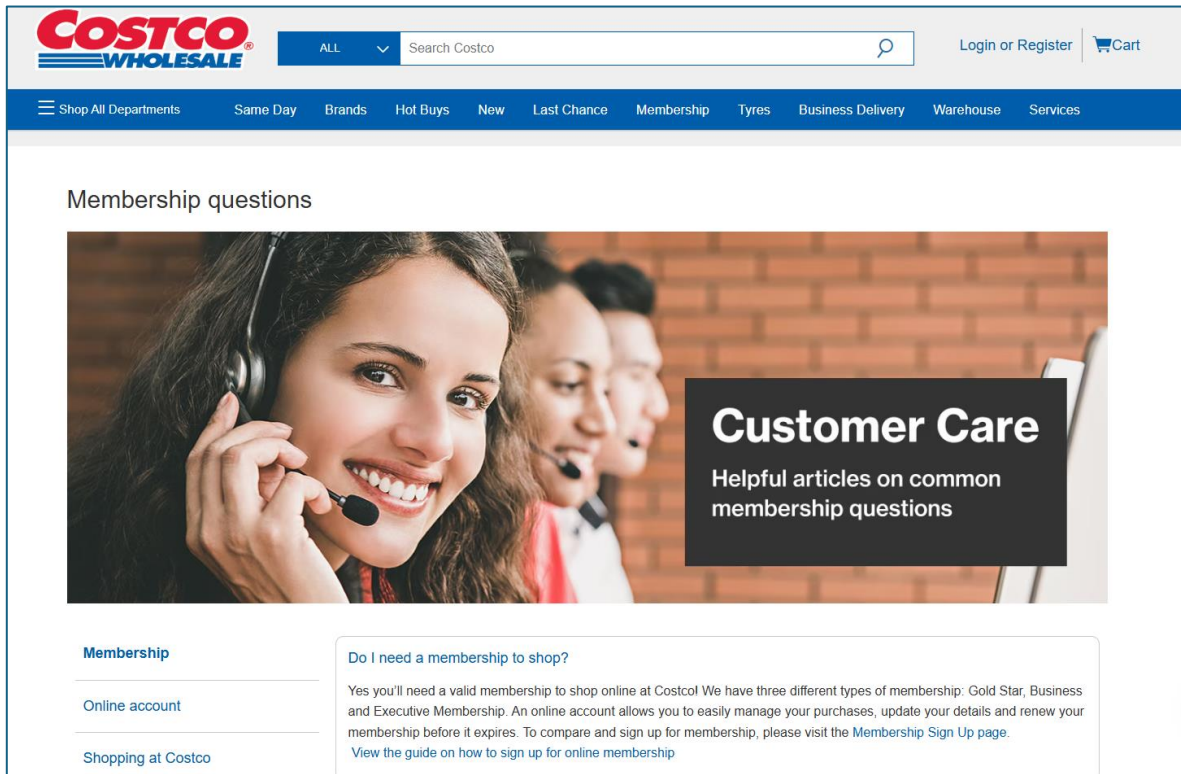
5. Outlet Density

- 5.1. The Director's Factsheet titled "Outlet density of packaged liquor premises: Provisions which limit the density of licensed premises selling packaged liquor in any one area", last reviewed on 29th August 2024, the Director states;
- 5.1.1. *"Outlet density is a relevant consideration for the grant or removal of three different liquor licence types: hotels (if they are authorised to sell packaged liquor), taverns and liquor stores.³*
- 5.1.2. *The (licensing authority) must not approve additional packaged liquor outlets in an area unless satisfied that existing licensed premises cannot meet local requirements. As a result, applications for a new packaged liquor outlet in an area must provide evidence to satisfy the (licensing authority) that any existing premises cannot meet local requirements."*
- 5.2. In LIQUORLAND (AUSTRALIA) PTY LTD -v-DIRECTOR OF LIQUOR LICENSING [2021] WASC 366 Archer J stated at 53 *"During his second reading speech, the relevant Minister said that the purpose of the amendment was 'to prevent the further proliferation of small and medium packaged liquor outlets across the state'. In the Parliamentary debates on the Bill, the Minister said that the new s 36B would 'enable the community to determine whether it feels consumers in its area have adequate, reasonable access to a liquor supply'"*.
- 5.3. The locality for this application was discussed in Section 3 above and is reproduced below.
- 5.4. In January 2025, the applicant searched the website of the Office of Racing, Gaming and Liquor for all licensed premises located within the locality.
- 5.5. The applicant then,
- 5.5.1. Eliminated any premises which may not trade in a manner similar to a liquor store, and
- 5.5.2. Eliminated any premises from that list located outside the subject locality.
- 5.6. This resulted in the following premises which may trade in a manner similar to a liquor store situated in the locality.

No.	Licence Ref	Licence Type	Premises Name	Address
1	603217776421	Liquor Store	Costco Wholesale	137 Market Street, Casuarina WA 6167
2	6020018648	Tavern	Marri Park Tavern and Golf Course	34 Marri Park Drive, Casuarina

Table 2 Outlet Density of competing premises in the agreed locality

- 5.7. Further research shows the Marri Park Tavern and Golf Course does not have a dedicated packaged liquor facility. There is no designated packaged liquor area, nor is there any indication on their social media that they provide a packaged liquor offer by definition.
- 5.8. The applicant sought to confirm their packaged liquor offering, and visited the premises in mid-May of 2025. The tavern has packaged liquor available for purchase over the counter only. It is confirmed that there is no dedicated space at the premises for packaged liquor.
- 5.9. The applicant argues that Costco Wholesale should also be discounted from further consideration because of it's member's only policy.



- 5.10. This membership stipulates that, for an annual fee, members can access and purchase from Costco premises. Guests of members are not allowed to make purchases.
- 5.11. The way Costco operates is in line with a typical 'club', though they have a liquor store licence at their Casuarina location. Given that members of the public cannot walk in off the street and purchase takeaway liquor the applicant argues that it should be discounted from further consideration.
- 5.12. Therefore, the applicant submits that no dedicated packaged liquor currently exists within the proposed liquor store locality.



Map 3 - Competing premises' location within 3km locality

- 5.13. At the time of the last Census, WA had a population of 2,660,026. This is the most recent, accurate population count for the State.
- 5.14. In July of 2022, Canford received a database of current and suspended liquor licences from the Licensing Authority. As of July 2022, WA had;
 - 5.14.1. 269 hotel licences (without restriction)
 - 5.14.2. 440 tavern licences (without restriction), and
 - 5.14.3. 656 liquor store licences.
- 5.15. This means there was **approximately** one packaged liquor outlet for every 1,949 West Australians, on average.
- 5.16. Taking the 4 suburbs mentioned above in paragraph 3.8 and referring to map 2, the applicant estimates that 75% of Mandogalup, 100% of The Spectacles, 100% of Anketell and 50% of Wandi fall into the 3km locality.
- 5.17. Using the 2021 ABS Stats along with the applicant's percentages, it can be estimated that the 2021 locality population was 2,493.
- 5.18. Considering the applicant's submissions that there are no dedicated packaged liquor outlets available to the public in the locality it is open to the Director to conclude that, should he grant this licence

application, there would be one packaged liquor outlet to service 2,493 people.

- 5.19. This is ***far below*** the average for Western Australia.
- 5.20. With Wandi touted as a growth suburb - having already seen it's population double between 2016 and 2021 (per [Regal Gateway Property](#)), and Mandagolup having a large new planning scheme framework approved for future developments (per [WA Gov](#)), it is very possible the locality population will continue to increase.

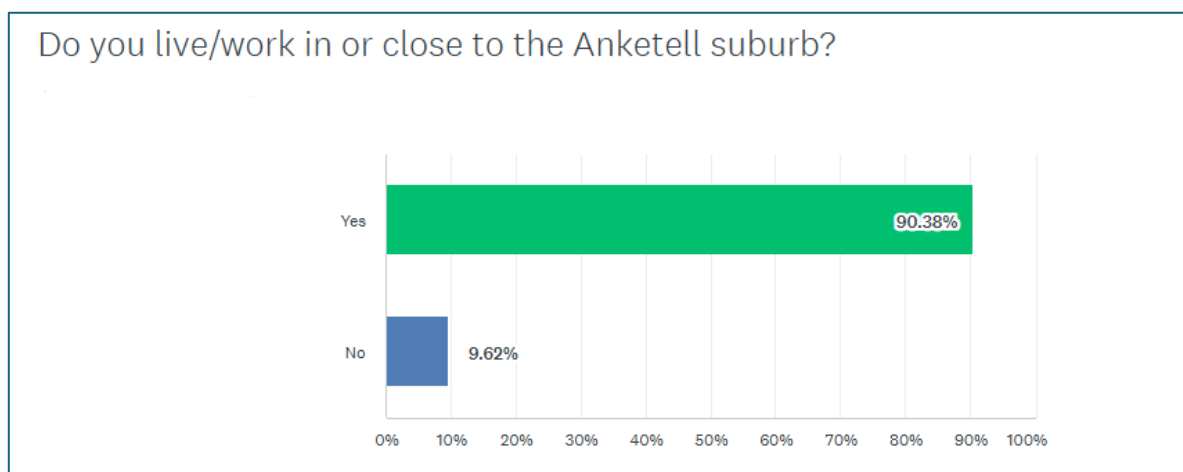
6. Evaluation of Existing Packaged Liquor Outlets in the Locality

- 6.1. This section addresses the second “key question” (see paragraph 9.4), i.e. *“what packaged liquor services are already provided by existing packaged liquor premises in the locality”*.
- 6.2. In Liquorland Karrinyup Justice Archer advised, at 108”:
 - 6.2.1. *“108 For these reasons, I would answer the question of law in relation to ground 1 in the negative - the phrase ‘requirements of consumers for packaged liquor’ in the definition of ‘local packaged liquor requirements’ in s 36B(1) of the Act is not limited in its scope to the physical item or product of packaged liquor.”*
- 6.3. In the Liquor Commission decision for Liquorland Karrinyup (LC 35/2022, dated 8/11/2022) the Commission provided further guidance;
 - 6.3.1. *“121. Further, the determination of public interest is not isolated from considerations of competition, convenience, product range and efficiency. This understanding was confirmed by Archer J in Liquorland when her honour, at paragraph 106, stated that such matters are relevant to both the Public Interest and Consumer Requirements Conditions.*
 - 6.3.2. *122. The Applicant has presented persuasive consumer and expert evidence in favour of the view that the proposed store would satisfy consumer requirements for convenience and competition and would enhance the amenity of the locality in a manner that is consistent with planning objectives and community expectations concerning large shopping centres. In contrast, there is minimal to no indication of any negative aspects arising from granting the application.”*
- 6.4. In BWS Kelmscott (LC 32/2022) The Liquor Commission found;
 - 6.4.1. *“23. Section 36B(4) was considered at length in Liquorland. Justice Archer found that its purpose was to ensure that an additional licence would only be granted where consumer requirements could not reasonably be met by the existing premises (and in the context of there also being a Public Interest condition) (Liquorland [74]).*
 - 6.4.2. *24. To apply the test, the Commission is required to consider whether, having regard to the objects of the Act that arise on the evidence or by notorious fact (including the object of catering 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), it is satisfied that the requirements of consumers for packaged liquor in the relevant locality cannot reasonably be met by existing packaged liquor premises in that locality (Liquorland [101]).*

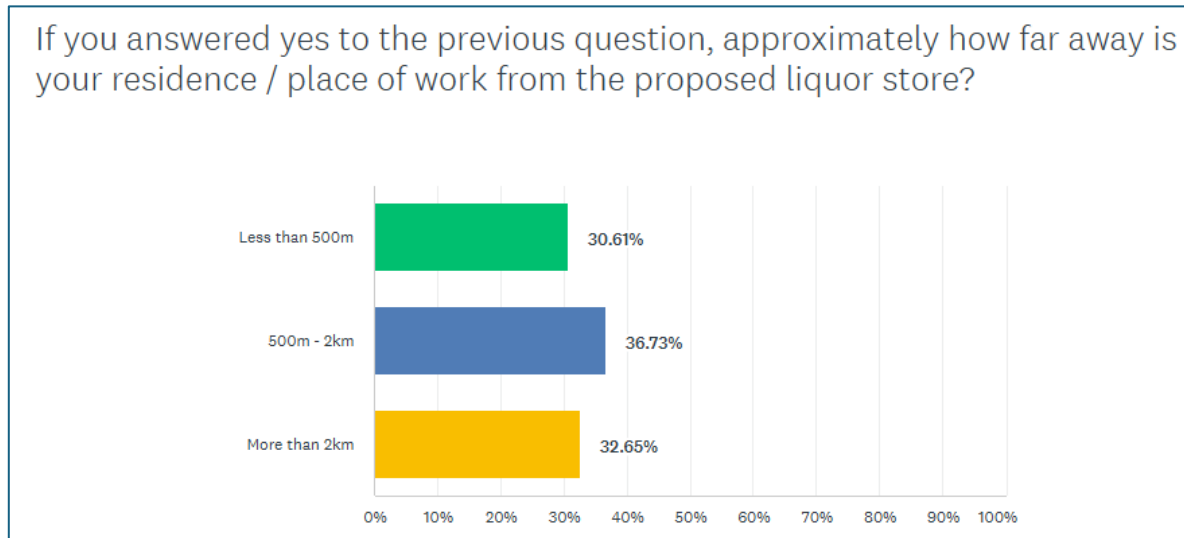
- 6.4.3. *25. The test is objective and requires the Commission to be satisfied that the requirements of consumers for packaged liquor in the locality cannot sensibly or rationally be met by existing premises (Liquorland [104], [131], [134]).*
- 6.4.4. *26. Consideration of ‘requirements of consumers for packaged liquor’ in section 36B(1) allows consideration of the same types of matters as are relevant to section 5(1)(c) of the Act (Liquorland [89], [102]). Relevant matters are not limited to the physical item or product of packaged liquor and can include convenience, product range, service and efficiency (Liquorland [106], [108]).”*
- 6.5. In this section the Applicant will consider the relevant factors which the Liquor Commission referenced in the quote above in respect of the existing packaged liquor outlets in the locality.
 - 6.5.1. The product range,
 - 6.5.2. Customer convenience, and
 - 6.5.3. Service and Efficiency.
- 6.6. Given the Applicant’s submission that there are no existing dedicated packaged liquor outlets in the locality that are available to the public, it follows that any requirements the local community have for product range, convenience, service and efficiency are currently not met at all in the locality.

7. Objective Evidence

- 7.1. In May and June 2025 the applicant implemented a witness response strategy both online and via mail drop, to gather objective evidence for these submissions.
- 7.2. A hard copy of the witness questionnaire can be found at attachment BA03
- 7.3. The following information / documentation was made available to potential respondents.
 - 7.3.1. Floor plans (attachment BA04),
 - 7.3.2. Map of the locality (attachment BA05),
 - 7.3.3. Draft stocklist (attachment BA06), and
 - 7.3.4. Intended Manner of Trade document (attachment BA07).
- 7.4. In total, the applicant has gathered 52 responses. It should be noted that a further 28 questionnaires were attempted, but no data was entered. They have been removed from final consideration as they have no bearing on the final data.
- 7.5. The applicant declares Mr. Errey also submitted a questionnaire.
- 7.6. The raw data can be viewed in attachment BA08
- 7.7. Throughout these submissions, the witness data received from the questionnaires listed above will be compiled and referred to as one data set.
- 7.8. Of those who listed their address, **over a third (38%)** of the respondents are shown to live within the suburb of the proposed liquor store.
- 7.9. Further, **23%** of respondents live within two suburbs of the proposed liquor store (i.e. Wandi, Wattleup, Hammond Park, Kwinana Town Centre)
- 7.10. Respondents were then asked, *"Do you live/work in or close to the Anketell suburb?"*.
 - 7.10.1. Of the 52 respondents who answered this question, **47 (90%)** said, **"Yes"**.



7.11. Following on from this, respondents were asked how far away their place of residence / work is from the proposed liquor store. Their answers are graphed below;



7.12. Over **two thirds** of the respondents to this questionnaire live within 2km of Bottlemart Anketell.

7.13. Respondents were then asked *“Please describe the nature of the locality of the Anketell suburb and surrounds”*;

7.13.1. Respondent 1 said, *“It’s a very nice area, lots of good people and plenty of families”*,

7.13.2. Respondent 12 said, *“Growing development”*,

7.13.3. Respondent 18 said, *“Residential, Rural and industrial area. Developing more into residential area now with new blocks coming up in the area. Near by suburbs are Wandi, Hammond Park and Aubjn Grove with fully residential areas.”*

7.13.4. Respondent 22 said, *“Population Growing Require more Retail outlets”*

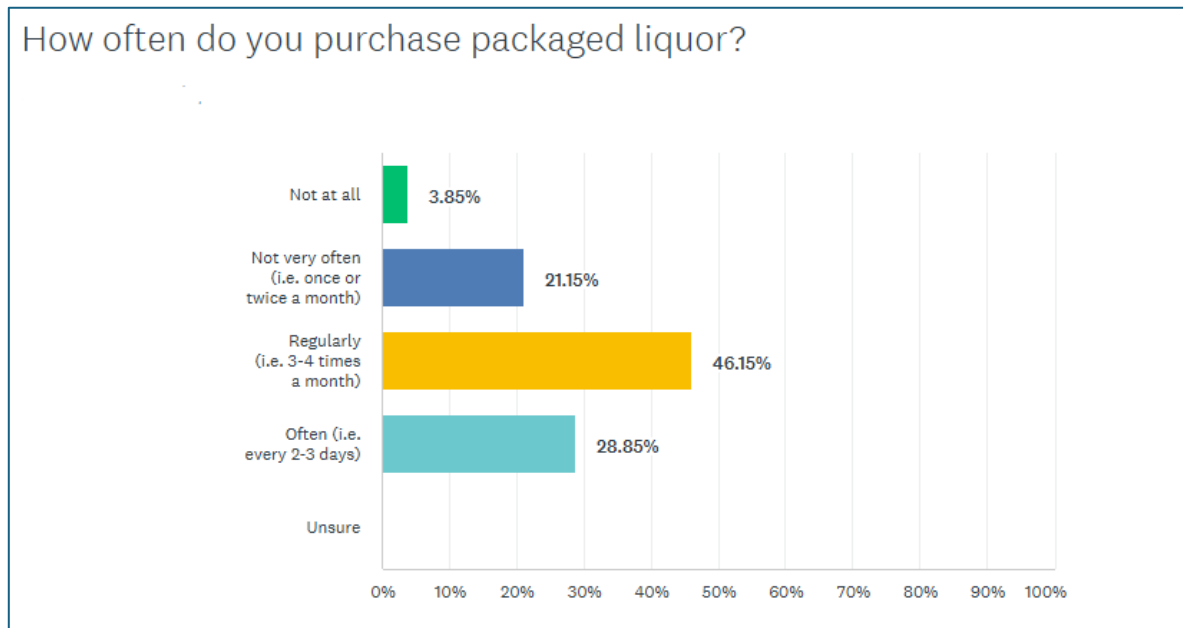
7.13.5. Respondent 24 said, *“An expanding suburb that need new and more services the help that expansion”*,

7.13.6. Respondent 32 said, *“Plenty of traffic travelling through the area for custom but also not too much competition for a business”*,

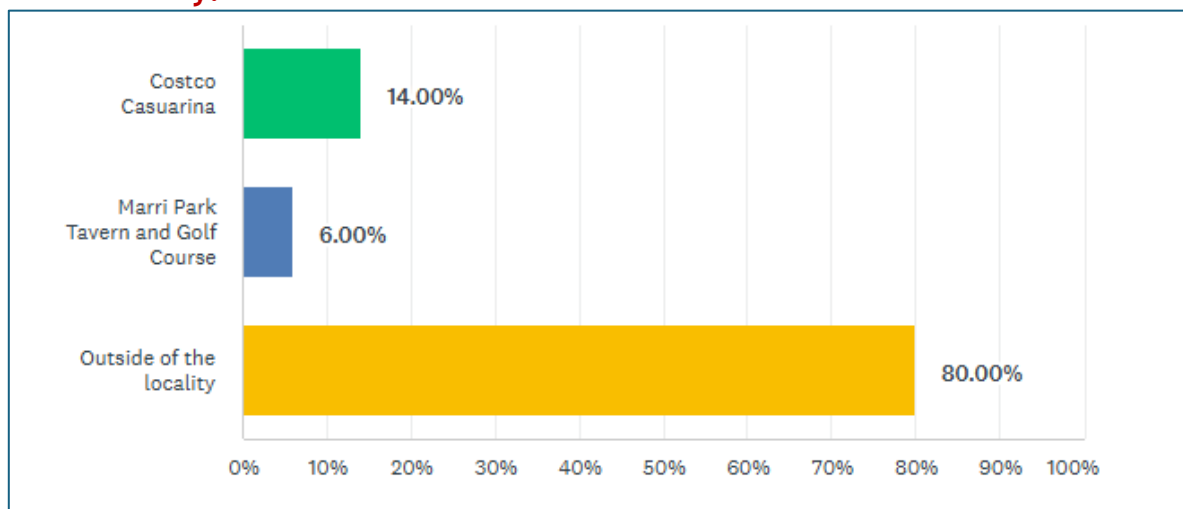
7.13.7. Respondent 40 said, *“This new area of Anketell has no facilities apart from a service station. Residents currently need to travel a minimum of 10 minutes to even buy groceries. The location requires infrastructure.”*,

7.13.8. Respondent 47 said, *“Anketell feels like still living in the country somewhat, we don't have many shops close by and the estate is built next to 2 major roads”*.

- 7.14. Next, the applicant sought to establish the respondent pool's relationship with packaged liquor.
- 7.15. Respondents were asked to say how often they purchased packaged liquor. Their answers are graphed below;



- 7.16. **Three quarters** of respondents purchase their liquor multiple times a month (at least 3-4 times).
- 7.17. And lastly, in qualifying respondents, they were asked, *“Within the locality map, there are two other premises which may sell packaged (take-away) liquor to the public. There is Marri Park Tavern and golf course, but it has no dedicated bottleshop area. And, there is Costco Wholesale in Casuarina, but you must be a member to shop there. Given the above information - where do you currently obtain your packaged (take-away) liquor requirements / products?”*
- 7.18. Of the 50 respondents to the question, 40 of them (80%) stated they source their packaged liquor requirements / products **outside of the locality**.



- 7.19. Respondents were also asked to list where they sourced their packaged liquor requirements / products from if they answered “outside of the

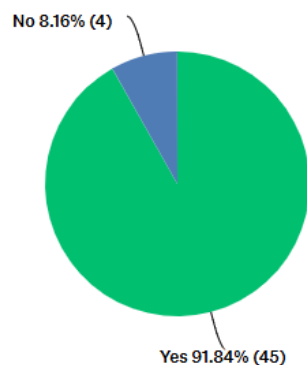
locality". Bottleshops in Aubin Grove, Kwinana Town Centre and Bertram were listed, amongst others.

- 7.20. Given this application is for those living in and around Anketell, the applicant submits that the respondent pool is very representative of the local community who would most benefit from the approval of this liquor licence.
- 7.21. The responses to these questions above detail a relevant respondent base.
 - 7.21.1. Nearly two thirds of the respondent base lives in the same suburb as the premises or within 2 suburbs,
 - 7.21.2. Regardless of where they live, 80% the entire respondent pool live or work within 2km of the subject premises, and
 - 7.21.3. **Three quarters** of the respondents purchase packaged liquor multiple times a month (at least 3-4 times).
- 7.22. Noting all of this, further questions and respondent answers are detailed throughout these submissions, to aid in the applicant satisfying Section 36B(4) and Section 38 of the Liquor Control Act (1988).

8. Proposed Style of Operation

- 8.1. The proposed liquor store will be approximately 250sqm.
- 8.2. The applicant intends to trade as a Bottlemart store, and attached to these submissions is a stock-list that showcases the products and brands they intend to stock (attachment BA06).
- 8.3. Note that this stock list is a draft and will change / be moulded by product availability and consumer demand.
- 8.4. Mr. Errey will create dedicated spaces (as necessary) for new product launches and tastings.
- 8.5. Anketell Bottlemart will focus on providing outstanding service and is committed to the principles of the responsible sale of alcohol.
- 8.6. The venue will be a brand-new build, with a projected build cost of over \$1 million.
- 8.7. The applicant proposes the liquor store will trade seven days a week from 9am to 9pm.
- 8.8. The applicant has also;
 - 8.8.1. Drafted a detailed Harm Minimisation Plan,
 - 8.8.2. A CCTV system to be installed with the store fit-out, and
 - 8.8.3. Has developed a staff induction program to assist with the store's operational procedure.
- 8.9. In the witness questionnaire, the following is evident.
 - 8.9.1. Over three quarters of respondents (**75%**) have purchased packaged liquor on multiple occasions within the last month (at least 3 - 4 times).
 - 8.9.2. **75%** of respondents said "**No**" to the question, *"...do the existing packaged liquor outlets in the locality meet your packaged liquor needs?"*
 - 8.9.3. Having access to the proposed Bottlemart stock range is important for the local community, with around 80% of respondents saying "**Yes**".
- 8.10. With the approval of this application, Bottlemart Anketell would be able to give the local community an opportunity to conveniently purchase their packaged liquor without having to leave the locality, and provide a range of liquor they are seeking, ergo fulfilling their packaged liquor requirements.
- 8.11. In the witness questionnaire, respondents were asked, *"... after reading the intended manner of trade document (see here), would you be likely to become a customer of Anketell Bottlemart?"*
- 8.12. Of the **49** respondents to this question, **91%** said "**Yes**".

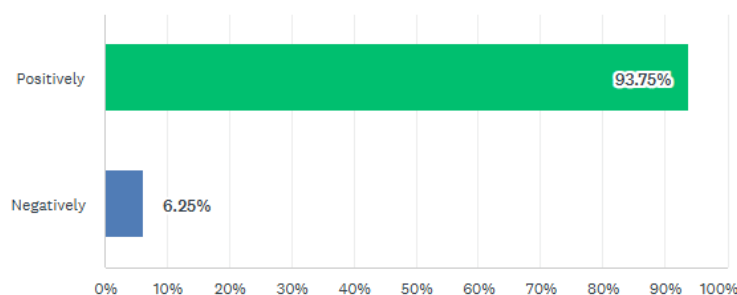
Noting all of the questions in this section, and after reading the intended manner of trade document (see here), would you be likely to become a customer of Anketell Bottlemart?



8.13. Further, applicants were asked, *"If this application is approved, in what ways do you think it may change the locality?"*

8.14. Of the 48 respondents, 45 (**93.75%**) said, **"Positively"**.

If this application is approved, in what ways do you think it may change the locality?



8.15. Elaborating on their answers;

8.15.1. Respondent 3 said, *"It will only add to the growing demand for the residential areas. People want to buy alcohol close to where they are drinking it so if the other options available are having a membership or a tavern, this will be a good addition."*,

8.15.2. Respondent 14 said, *"It is in a great convenient location for people to grab some alcohol on the way home"*,

8.15.3. Respondent 25 said, *"Increase convenience to the local area, the proposed location is in the vicinity to the proposed anketell central hub I think it will be awesome to see the area grow to the needs of the residents"*,

- 8.15.4. Respondent 29 said, *“Yeah this would be awesome sometimes we just need to grab a drink after a hard day work it’s too much of a drive for us at the moment”*,
- 8.15.5. Respondent 31 said, *“It will give local residents more options and variety other than a members’ only place and a golf course pub”*,
- 8.15.6. Respondent 41 said, *“Residents won’t need to travel so far for such items.”*,
- 8.15.7. Respondent 52 said, *“this will mean less travel time and keep me within my neighbourhood meaning more quality family time”*.
- 8.15.8. Of the 52 respondents, a couple people raised concerns around theft, at risk locals and the general harm that may be caused by alcohol consumption.
 - 8.15.8.1. The applicant responds by submitting that the concerns of theft and overconsumption of alcohol are general in nature. These statements can be applied to any new liquor store licence application, in any locality. Regardless, the applicant assures the Director that they will strictly abide by their harm minimisation plan, and that all staff employed will be trained in RSA and will know what signs of intoxication to look for. Further, CCTV cameras will be installed and the store will be well lit to deter any acts of theft.

9. Background and Experience of the Applicant

- 9.1. Chris Errey, director of the Applicant company, owned and managed Power on Cabling between 2008 and 2022, with the company eventually being bought out by a competitor for market share.
- 9.2. Mr. Errey successfully grew Power on Cabling from 1 employee to a company of between 50-100 employees depending on project work.
- 9.3. After the company was bought out, Mr. Errey stayed on as General Manager for 2 years, ending in March 2025.
- 9.4. During his tenure at Power on Cabling, the company developed into a ISO Triple certified company and had critical Government contracts.
- 9.5. During this time Mr. Errey also successfully ran 2 other companies - Power on Plant hire and Advance Scanning for shorter periods of time.
- 9.6. All companies were in the construction industry. Now, Chris is moving into the liquor industry to utilize his business management skillset.

10. Section 36B(4) of the Act - Restrictions on Grant or Removal of Certain Licences Authorising the Sale of Packaged Liquor

10.1. In the Second Reading Speech on the introduction of the Liquor Control Amendment Bill 2018 dated 20th February 2018, the Minister for Racing and Gaming, Mr. Paul Papalia stated:

10.1.1. *“.....to prevent the further proliferation of small and medium packaged liquor outlets across the state, the act will be amended so that the licensing authority must not grant an application unless it is satisfied that existing premises in the locality cannot reasonably meet the requirements for packaged liquor.”*

10.2. Subsequently, a new Section 36B(4) of the Liquor Control Act (WA) 1988 was proclaimed and came into effect on 2nd November 2019. Section 36B(4) reads as follows:

10.2.1. *“The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”.*

10.3. In this section the applicant considers whether the local packaged liquor requirements are reasonably met by the existing packaged liquor premises in the locality.

10.4. Director’s Decision No. A122893507 for Hangawee Outlet Northbridge

10.4.1. In paragraph 24, the Director’s Delegate stated that *“there are three key questions that arise out of s 36B(4):*

10.4.1.1. *What are the local packaged liquor requirements?*

10.4.1.2. *What packaged liquor services are currently provided by the existing premises in the locality? and*

10.4.1.3. *Can the existing packaged liquor premises in the locality reasonably meet those local packaged liquor requirements (or not).”*

10.5. In the Supreme Court decision relating to Liquorland Karrinyup Justice Archer considered three grounds of appeal. In simple terms they were;

10.5.1. The meaning of “local packaged liquor requirements”,

10.5.2. The meaning of “cannot reasonably be met”, and

10.5.3. The relevant “locality”.

10.6. Local packaged liquor requirements.

10.6.1. The licensing authority have, since November 2019, held a line that this related only to liquor itself, and did NOT include matters of shopper preference.

10.6.2. However, Justice Archer found as follows;

106 There is no reason why matters such as convenience, product range, service and efficiency would not, or should not, be relevant to both conditions.

108 For these reasons, I would answer the question of law in relation to ground 1 in the negative - the phrase 'requirements of consumers for packaged liquor' in the definition of 'local packaged liquor requirements' in s 36B(1) of the Act is *not* limited in its scope to the physical item or product of packaged liquor.

10.7. In this application the locality currently does not have a packaged liquor outlet and the local community does not have access to a packaged liquor service within the defined locality.

10.8. **Cannot reasonably be met**

10.9. The Liquor Commission interpreted this test as occasioning substantial inconvenience or difficulty. Her Honour was quite critical of this, and she concluded.

121 I do not accept this. It is plain from the paragraphs extracted above that the Commission mistakenly thought that the Difficulty Test applied to the 'reasonable requirements' phrase. Further, although appearing to state on those two occasions that these matters were alternatives, on another occasion, the Commission appeared to find that an alleged consumer requirement did not satisfy the Consumer Requirements condition because it did not 'constitute a "great difficulty or inconvenience"'.⁷⁵

134 The question of law in relation to ground 2 is what is the meaning of the phrase 'cannot reasonably be met' in s 36B(4) of the Act. In my view, the answer is 'cannot sensibly or rationally be met'.

10.10. Noting what Her Honour has said the applicant believes it is unreasonable for customers to have to leave the locality to obtain their requirements for packaged liquor.

10.11. Matters of convenience are considered a reasonable requirement. The convenience of having a local liquor store (the first in the locality) has been shown through objective evidence gathered (see paragraph 10.18 to end of section), to be an important and sought after service in the locality.

10.12. The relevant locality

10.13. Her Honour found,

186 Unfortunately, due to the variety of factual situations that may arise, it is impossible to prescribe a specific test to be applied or even an exhaustive list of the factors that will or may be relevant in the determination of the locality in any given case. As has been observed in other jurisdictions, there will be some cases where it will be easy to determine the locality, and other cases where it will not be. An example of the former would be where the proposed premises was to be placed in a small country town. An example of the latter would be where it was to be placed in the CBD.

10.14. There is an argument that the Kwinana Freeway reduces the size of the locality. However, whether or not the whole 3km radius is accepted, or a reduced locality the same conclusion, in respect of existing packaged liquor outlets, remains. There is no dedicated packaged liquor outlet available to the public presently.

10.15. The following paragraphs address the three key questions the Director posed in the Hangawee decision and in the light provided by Justice Archer's decision in Liquorland Karrinyup discussed in paragraphs 10.4 - 10.9.

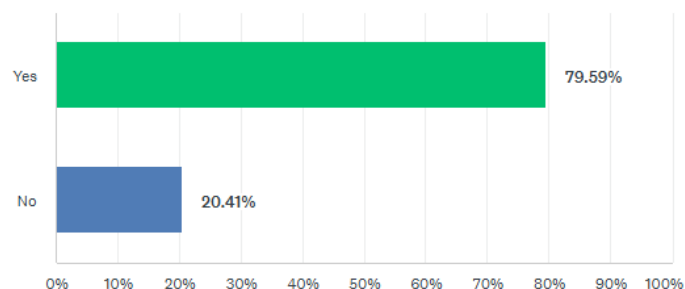
10.16. The applicant has taken these three questions, and has related them to this application, and the objective evidence obtained.

10.17. **First question, what are the local packaged liquor requirements?**

10.18. In the witness questionnaire, respondents were asked "*Anketell Bottlemart will also have the full core range of liquor products as required by the Bottlemart banner (full stock list link here). Is this core range of Bottlemart packaged liquor important for you to have access to in Anketell?*"

10.19. Of the 49 respondents to the question, around **80%** said, "**Yes**".

Anketell Bottlemart will also have the full core range of liquor products as required by the Bottlemart banner (full stock list link here). Is this core range of Bottlemart packaged liquor important for you to have access to in Anketell?

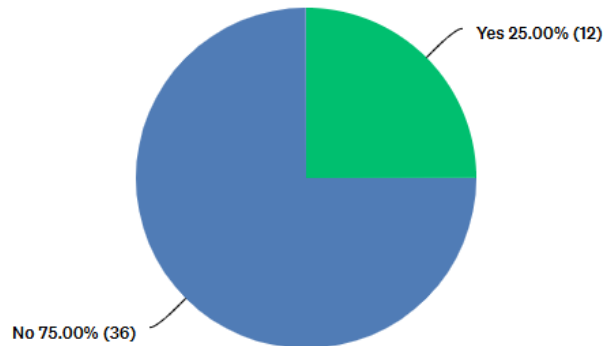


10.20. Respondents who said yes, were asked to explain their answer;

- 10.20.1. Respondent 13 said, *“I like the location close to the freeway so I can stop off and get my wine for dinner on my way home. It’s less out the way than my regular shop in Manchester”*,
- 10.20.2. Respondent 40 said, *“There is no infrastructure in this area. The residents deserve access to the same shopping facilities as other suburbs.”*,
- 10.20.3. Respondent 47 said, *“The available places to get alcohol from in the area (Costco and marri park tavern) have very limited stocks and supplies, it is valuable to have somewhere local to purchase alcohol for ease of living”*,
- 10.20.4. Respondent 51 said, *“It would be so convenient to have a liquor store option within walking distance. It anticipate it will be a very busy store given the location”*
- 10.21. Looking at the responses to the questions above, there is a clear majority demand for the packaged liquor offering proposed in this application.
- 10.22. **Second question, what packaged liquor services are currently provided by the existing premises in the locality?**
- 10.23. Sections 5 and 6 of these submissions discuss the state of the current packaged liquor offer in the locality.
- 10.24. As noted through these submissions, the packaged liquor services currently provided do not meet the reasonable requirements of the public who live, work in or resort to the locality.
- 10.25. **Third question can the existing packaged liquor premises in the locality reasonably meet those local packaged liquor requirements (or not).**
- 10.26. The answer here has to be a resounding no.
- 10.27. The evidence presented in these submissions clearly leads to the conclusion that the local community within the defined locality do not have access to a dedicated packaged liquor facility, as none exists.
- 10.28. In the witness questionnaire, respondents were asked, *“Bearing in mind your answers to the questions above, do the existing packaged liquor outlets in the locality meet your packaged liquor needs?”*

10.29. Of the 48 respondents to this question, three quarters (75%) said, “No”.

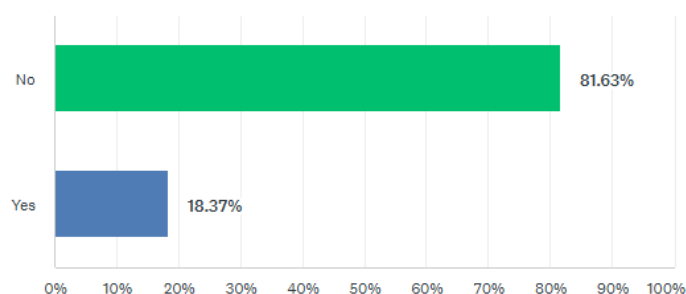
Bearing in mind your answers to the questions above, do the existing packaged liquor outlets in the locality meet your packaged liquor needs?



10.30. On matters of **shopper convenience**, respondents to the witness questionnaire were also asked “*Is there anywhere else in the locality where you are able to access a similar range of liquor products? (Noting that the only other packaged liquor outlets in the locality are the members only Costco Wholesale in Casuarina, and the Marri Park Tavern and golf course).*”

10.31. Of the 49 responses to this question, **81%** (44) of respondents said “No”.

Is there anywhere else in the locality where you are able to access a similar range of liquor products? (Noting that the only other packaged liquor outlets in the locality are the members only Costco Wholesale in Casuarina, and the Marri Park Tavern and golf course).



10.32. This store is clearly desired by the local community, with over **90%** of respondents saying they would become a customer.

11. Section 38(4)(a) of the Act - Harm or Ill-health

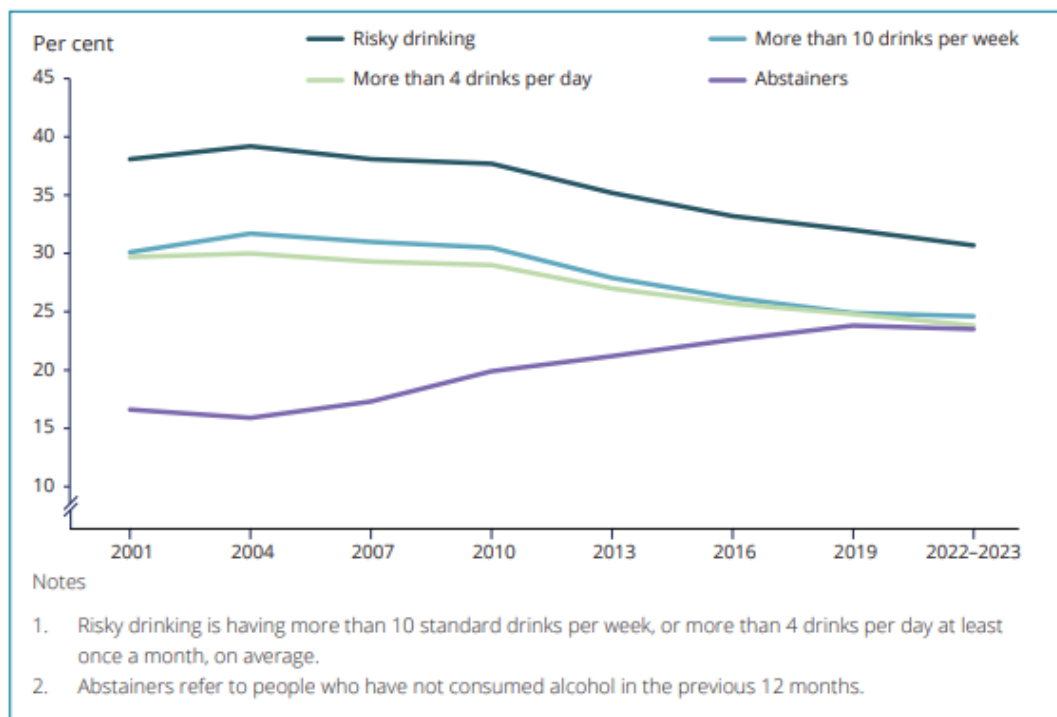
- 11.1. Section 38(4)(a) of the Liquor Control Act (1988) asks the applicant to consider *“the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor.”*
- 11.2. In this section the applicant assesses the risk with respect to the harm or ill-health that might be caused to people, or groups of people within the locality should this licence be granted.
- 11.3. The demographics of the locality have been discussed in Section 3 of these submissions and concluded there are no significant concerns in respect of the identified priority groups.
- 11.4. The snippet below is taken from Australia’s Health 2024 in brief (a report from the Australian Institute of Health and Welfare).

Long-term decline in risky drinking

In December 2020, the National Health and Medical Research Council (NHMRC) released revised Australian guidelines to reduce health risks from drinking alcohol. Consuming more than 10 standard drinks per week, or more than 4 in a single day is likely to increase the risk of harm from alcohol-related disease or injury.

Between 2004 and 2022–2023, the proportion of people aged 14 and over:

- drinking alcohol in ways that put their health at risk declined – from 39% to 31%
- putting their health at risk by drinking more than 10 standard drinks per week on average declined – from 32% to 25%
- putting their health at risk by drinking more than 4 standard drinks in a single day at least once a month declined – from 30% to 24%.



- 11.5. Other points of note from this report, specific to alcohol consumption are;
- 11.5.1. Abstaining from alcohol is increasing - the proportion of First Nations people aged 18 and over who reported they 'had not consumed alcohol in the last 12 months or have never consumed alcohol' rose from 19% in 2001 to 26% in 2018-19.
- 11.5.2. 3 in 10 (31%) people aged 14 and over consumed alcohol in ways that put their health at risk in 2022 - 2023 - down from 4 in 10 (39%) in 2004.
- 11.6. In a separate Alcohol Factsheet provided as part of this report, it is noted that;
- 11.6.1. The proportion (%) of Australians aged 14+ drinking daily continues to decline (6% in 2016, to 5.4% in 2019 and most recently, 5.2% in 2022- 23).
- 11.7. The applicant has provided a detailed Harm Minimisation Plan which is included in the application documents to manage any potential for increased harm or ill-health.
- 11.8. **Criminal/offence Statistics**
- 11.9. To further satisfy Section 38(4)(a), the applicant sought to investigate the incidence of alcohol related offences within the locality as recorded by the WA police. However, no statistics were available on the WA Police website in relation to alcohol related crime for any towns or suburbs in WA.
- 11.10. Consequently, the applicant has considered crime statistics for the locality, keeping in mind that these figures do not specify any incidence of alcohol.
- 11.11. The applicant submits the below combined crime stats made up of Wandi (the suburb directly above Anketell and majorly contributing to the 3km locality) and Anketell (where the subject premises is located).

Table: Average number of recorded offences per thousand people in 2024 calendar year in the locality and the Western Australia state. Source - ABS Census 2021.

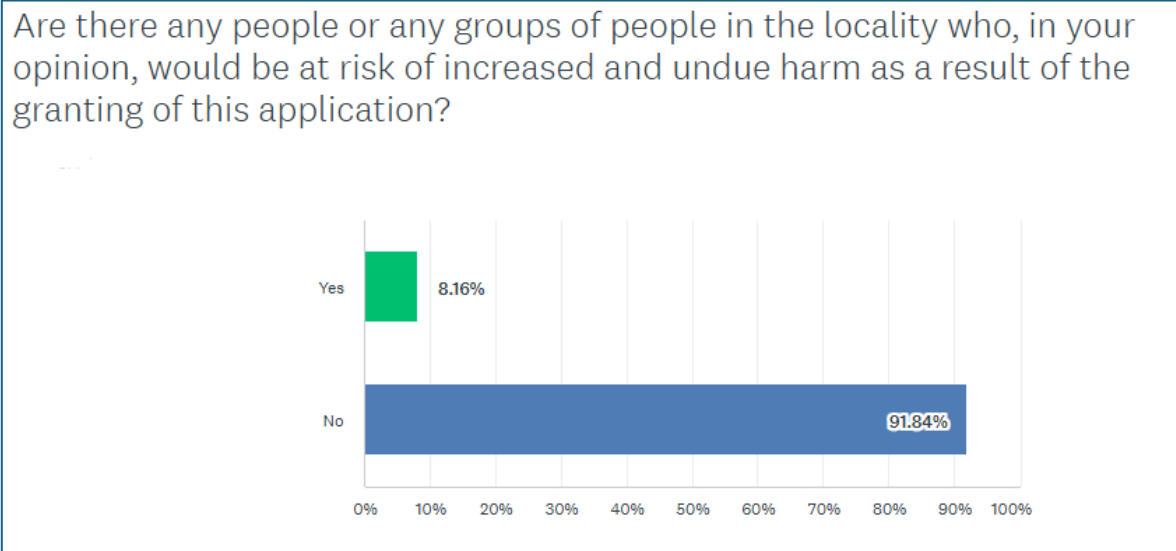
	Anketell + Wandi	Western Australia
Number of Recorded Offences in 2024 (according to the WA Police)	228	294,027
ABS Census population (2021)	4,604	2,660,026
Number of offences per 1,000 people	50	110

- 11.12. The applicant notes that the total of offences per 1,000 people is well below the State average. Even if the suburb directly below

Anketell was added into the above statistics (Casuarina), the total offences per 1,000 people would be 86.

11.13. 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?”*.

11.14. Of the **49** responses received, **45 (91.84%)** of respondents said, **“No”**.

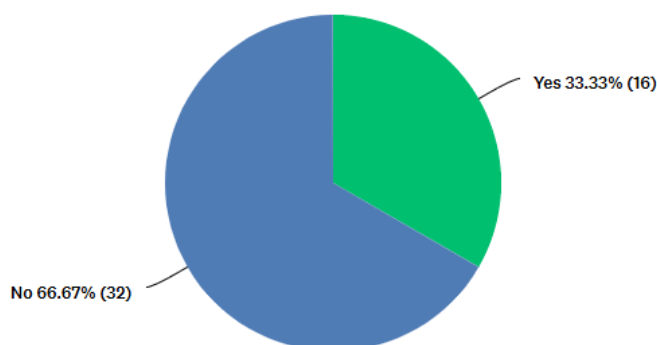


11.15. The applicant notes the same couple of respondents cited earlier in these submissions have made similar comments to this question. The applicant repeats its comments in paragraph 8.15.8.

12. Section 38(4)(b) of the Act - A Report on the Amenity of the Locality

- 12.1. 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”*.
- 12.2. The proposed liquor store being built as part of a new commercial and retail development.
- 12.3. This is a long anticipated commercial development, and, as can be seen below, two-thirds of respondents have no concerns over the impact on the amenity of the locality.
- 12.4. Given the foregoing statements it is open for the licensing authority to conclude the amenity of the locality would be enhanced by the granting of the proposed liquor store licence, as it will permit the store to offer a range of products and an important licensed services not found in the locality, but greatly desired by the local community.
- 12.5. In the questionnaire, respondents were asked *“Should this application be granted, do you think the amenity, quiet or good order of the locality might in some manner be lessened?”*
- 12.6. Two thirds of respondents said **“No”**.

Should this application be granted, do you think the amenity, quiet or good order of the locality might in some manner be lessened?



- 12.7. Elaborating on their answers;
 - 12.7.1. Respondent 2 said, *“I don’t see how it would make a difference. Any development is better then the nothing we currently have.”*,
 - 12.7.2. Respondent 32 said, *“It is not a built up area with lots of competition. I believe it is a convenient spot to purchase goods while either travelling south or north. I believe people will purchase goods and continue on to their destination”*,
 - 12.7.3. Respondent 38 said, *“Being that it is not a pub I don’t believe it is likely to affect the quiet and good order of the community”*,

- 12.7.4. Respondent 44 said, *“It should be granted. Highly unlikely the amenity would change in the area as a result of a bottleshop”*,
 - 12.7.5. Respondent 52 said, *“i don't feel this would be a negative impact to the community”*.
- 12.8. The applicant notes the same couple of respondents cited earlier in these submissions have made similar comments to this question. The applicant repeats its comments in paragraph 8.15.8.

13. Section 38(4)(c) of the Act - Offence, Annoyance, Disturbance or Inconvenience

- 13.1. 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”*.
- 13.2. The proposed liquor store makes up a very small portion of the site it is on. The major feature of what is being built on Lot 219 is a car wash premises. The liquor store is not the dominating feature.
- 13.3. It should be noted that access to the packaged liquor being sold is only within the store, there is no drive-through.
- 13.4. Further, the sale of packaged liquor is limited to the hours of the store.
- 13.5. Given the above, and the fact there will be no consumption on premises, save for product tastings, it is the applicant’s considered opinion the proposed liquor store licence will not cause any undue offence, annoyance or disturbance to anyone in the local community.
- 13.6. In the questionnaire respondents were asked, *“What do you say about the potential for annoyance, offence, disturbance or inconvenience that the granting of this application may cause people who live, work, visit or otherwise resort to the locality?”*
 - 13.6.1. Respondent 4 said, *“Can’t see this being a hinderance at all”*,
 - 13.6.2. Respondent 5 said, *“A bottle shop is unlikely to result in the above mentioned.”*.
 - 13.6.3. Respondent 18 said, *“Not a major issue as every suburb needs their local shops.”*,
 - 13.6.4. Respondent 31 said, *“I think it will be a minimal change in disturbance when taking into account the existing amenities already on the site”*,
 - 13.6.5. Respondent 38 said, *“I have only ever experienced bottleshops as being an in and out service, without people loitering or causing a disturbance therefore I don’t believe it will be cause for annoyance or offence”*,
 - 13.6.6. Respondent 51 said, *“I don’t think a bottle shop alone will cause any disruption”*.

14. Impact on tourism, culture and the community

14.1. The applicant submits that;

- 14.1.1. The suburb of Anketell is very new, though with future population growth forecast.
- 14.1.2. There are no notable landmarks, tourist attractions or popular commercial / retail destinations within the suburb
- 14.1.3. Further afield, in adjoining suburbs - the majority of the area that falls within the 3km locality is bushland, major roads, swamp lands, and some residential areas.
- 14.1.4. The locality is very much in its infancy of development as a residential / industrial / commercial area.
- 14.1.5. The applicant believes that the success of this liquor store, and the other commercial and retail developments at this site will work to draw more traffic into the area and hopefully boost the local economy.

14.2. All of this is to say that the impact of this liquor store licence application on tourism, culture and the community will be very minimal.

15. Section 5(1)(a) of the Act - Primary Objects

- 15.1. Section 5(1)(a) states that a primary object of the Act is;
 - 15.1.1. *“to regulate the sale, supply and consumption of liquor”.*
- 15.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.
- 15.3. To regulate means;
 - 15.3.1. *“to control or direct according to rule, principle, or law”* or
 - 15.3.2. *“to put or maintain in order”*
- 15.4. It does not mean to restrict or to reduce.
- 15.5. 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”.
- 15.6. It is possible to “regulate” and to “increase” at the same time.
- 15.7. Therefore, this primary object should not, of itself, prevent this application from being granted.
- 15.8. It is possible to properly regulate the sale, supply and consumption of liquor and grant this application.
- 15.9. As clearly shown in these submissions the proposed liquor store licence will;
 - 15.9.1. Allow customers / those who live or work in the locality to purchase their liquor within the locality instead of having to leave it, and
 - 15.9.2. Offer a range of distinguishable packaged liquor products and a licensed service not currently available in the locality.
- 15.10. The applicant’s objective evidence has also clearly shown there is an identifiable and substantial section of the local community which has a reasonable requirement for the products and services proposed to be offered under this licence.
- 15.11. It is therefore open for the licensing authority to conclude the granting of this licence would not lead to a proliferation of liquor licences in the locality without justification.

16. Section 5(1)(b) of the Act - Primary Object

- 16.1. Section 5(1)(b) states that a primary object of the Act is;
 - 16.1.1. *“to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor”.*
- 16.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.
- 16.3. In paragraph 46 of *Carnegies v Director of Liquor Licensing* [2015] WASCA 208 (“Carnegies decision”) in respect of the National Hotel, Fremantle (attachment BA09), the following conclusion is found.
 - 16.3.1. *“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.”*
- 16.4. Paragraph 62 of that same decision reads;
 - 16.4.1. *“the reasons of the Commission reveal that it considered the application was not in the public interest, but not:*
 - 16.4.1.1. *(a) the positive aspects of the application that were weighed;*
 - 16.4.1.2. *(b) how the Commission reached the conclusion there was a likelihood of increased harm and ill-health if the application was granted; or*
 - 16.4.1.3. *(c) the degree of increased harm or ill-health that was likely to have resulted if the application was granted.”*
- 16.5. 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”.
- 16.6. This then must be weighed, in equal measure, against the benefits that will accrue to the local community.

17. Section 5(1)(c) of the Act - Primary Object

- 17.1. Section 5(1)(c) states that another primary object of the Act is;
 - 17.1.1. *“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”.*
- 17.2. Being a primary object means that it is of equal importance to the other two primary objects of the Act.
- 17.3. 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.
- 17.4. In the end it is a weighing and balancing of these equal objects which will determine whether a liquor licence should be granted or not.
- 17.5. The Director has, on several occasions, reminded applicants of the importance of reading this primary object fully. Many applicants stop after reading *“to cater for the requirements of consumers for liquor and related services”.*
- 17.6. However, this primary object goes on to direct applicants to have *“regard to the proper development of the liquor industry”.*
- 17.7. This Bottlemart will be the first genuine liquor store in the locality - neither Costco Wholesale or Marri Park Tavern can be considered dedicated packaged liquor outlets.
- 17.8. The evidence presented in these submissions shows a desire to be able to purchase packaged liquor locally and conveniently.
- 17.9. As has been mentioned (see paragraph 7.18.), locals to the area are purchasing outside of the locality because no options exist within it.
- 17.10. Therefore, it is open for the licensing authority to find that granting this licence would cater to the requirements of consumers for convenience, as the current outlets cannot cater for the local requirements. The granting of this application would represent the proper development of the packaged liquor industry.

18. Section 5(2)(a), (d), (e), and (f) of the Act - Secondary Objects

- 18.1. 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 -
- 18.1.1. (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*
 - 18.1.2. (d) *“To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor”; and*
 - 18.1.3. (e) *“To provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act”: and*
 - 18.1.4. (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.”*
- 18.2. Through this application the licensing authority will be facilitating the development of a much anticipated and very responsible packaged liquor service in this locality.
- 18.3. Critically it is open for the licensing authority to conclude that through the granting of this liquor store licence it will be facilitating the development of a licensed facility reflecting an identified consumer requirement for a convenient and local liquor store, the first in Anketell.
- 18.4. The granting of this licence can also be seen as encouraging responsible attitudes towards the sale and supply of liquor. The liquor store is modest in size, located within a newly developed piece of land in Anketell and will be operated by an experienced business operator with an excellent reputation.
- 18.5. 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.

19. Conclusion

- 19.1. The Applicant has presented persuasive consumer and expert evidence in favour of the view that the proposed liquor store would satisfy consumer requirements for important packaged liquor services which would enhance the amenity of the locality in a manner that is consistent with community expectations. There is also minimal to no indication of any negative aspects that may arise from granting the application.
- 19.2. The store will be the first dedicated packaged liquor facility available to the public in Anketell, and the wider locality.
- 19.3. The message from the respondents to the witness survey is very clear. They say they would welcome the proposed packaged liquor service which would obviate the need for them to leave the locality to access such services.
- 19.4. In the witness questionnaire, when respondents were asked, *“Do you have any other comments regarding this application?”*
 - 19.4.1. Respondent 18 said, *“It would be great to have a liquor shop in the area for convenience.”*,
 - 19.4.2. Respondent 25 said, *“Looking forward to a closer and easier accessible option”*,
 - 19.4.3. Respondent 32 said, *“The applicant is a very astute and capable business owner.”*,
 - 19.4.4. Respondent 38 said, *“In the years i have lived here it has been a major inconvenience to have to drive to buy liquor so the addition of a bottleshop to the area would be greatly beneficial to many residents”*,
 - 19.4.5. Respondent 44 said, *“As a resident on Bonney Road, I support the proposal and believe it will be beneficial for the locality and increasing number of residents in the area.”*.
 - 19.4.6. Respondent 47 said, *“We are very isolated out here, not even a bus route, and I know for a fact that the building of a bottleshop would benefit a great many of the residents of Anketell and lessen the likelihood of anyone making a silly decision to drink drive to another suburb”*.
- 19.5. The deliberations in section 10 of these submissions leave it open for the licensing authority to conclude that section 36(B)(4) is not an impediment to the granting of this application.
- 19.6. This then allows for the proper consideration of the public interest question.
- 19.7. The applicant invites the licensing authority to find it is in the public interest to grant this application for the following reasons;
 - 19.7.1. The proposed liquor store will be small by contemporary standards.
 - 19.7.2. The fact there will be no consumption on premises, save for product tastings, it is the applicant’s considered opinion the

proposed liquor store will not cause any undue offence, annoyance or disturbance to anyone in the local community.

19.7.3. There is limited potential for any detrimental impacts through the proposed additional supply of liquor into the community. There is, on the other hand every prospect that the overall amenity of the locality will be enhanced through the granting of this application and the subsequent provision, for the first time, of a dedicated packaged liquor outlet.

19.8. The evidence presented in these submissions very strongly supports the grant of this application.

Drafted for and on behalf of The Nordic Seeress Pty Ltd by;

Phil Cockman
Canford Hospitality Consultants Pty Ltd
Wednesday, July 02, 2025

Attachments

BA01	Hangawee Outlet Northbridge Decision
BA02	ALDI South Fremantle Decision
BA03	Hard copy of the witness questionnaire
BA04	Floor Plans
BA05	Map of the locality
BA06	Draft Stocklist
BA07	Intended Manner of Trade document
BA08	Raw witness data
BA09	Carnegies Decision - National Hotel Fremantle