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Liquorland (Australia) Pty Ltd

Consumer Requirements and Public Interest Assessment Submissions Liquorland Currambine Central

Application for conditional grant of a liquor store licence





Contents

1	Executive Summary	4
1.2	Grant of licence is in the public interest	4
1.3	Local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises	5
2	Application background and details	6
2.1	Applicant name	6
2.2	Application	6
2.3	Premises name	6
3	The Proposed Store and Locality	6
3.1	Address, location and context of proposed premises	6
3.2	Nature and character of Locality	8
3.3	Services and facilities of Store	9
3.4	Range of products	11
3.5	Theme and décor	13
3.6	Proposed manner of trade	17
3.7	Target client base	18
4	Other packaged liquor premises in Locality	18
4.1	Location of other operational retail premises	18
4.2	Services provided by other premises	21
4.3	Outlet density	26
5	Evidence of consumer requirements	27
5.1	Purchasing habits and visitation patterns	27
5.2	Support for the proposed Store	28
5.3	Store use and expectations	29
5.4	Local packaged liquor requirements	29
5.5	Important aspects of the Store	30
5.6	Benefits of the Store	30
5.7	Concerns	31
6	Consumer requirements test	31
6.1	The test under s36B(4)	32
6.2	Applying the consumer requirements test	34
6.3	Locality	35
6.4	Local packaged liquor requirements	38
6.5	Packaged liquor services currently provided by existing premises in the Locality	40
6.6	Existing packaged liquor premises cannot reasonably meet the local packaged liquor requirements	40
6.7	Conclusion in relation to consumer requirements test	42
7	Objects of the Liquor Control Act	42
7.1	Primary objects	42
7.2	Secondary objects	44
8	Public interest benefits and considerations	45
8.1	Benefits to the community and the public	45



9	Harm or ill health: section 38(4)(a)	47
9.1	Communities and sub-communities.....	47
9.2	Social health indicators	49
9.3	Harm minimisation strategies	53
9.4	Sensitive premises audit.....	59
9.5	Conclusions regarding harm.....	60
10	Impact on amenity: section 38(4)(b)	61
10.1	Impact on amenity.....	61
10.2	Traffic and access.....	61
10.3	Public transport.....	61
10.4	Parking.....	63
10.5	Streetscape and atmosphere of the area	63
10.6	Noise and anti-social behaviour.....	63
10.7	Security of the area.....	63
11	Offence, annoyance, disturbance or inconvenience: section 38(4)(c)	64
12	Tourism, community or cultural matters: section 38(4)(ca)	65
13	Conclusion in relation to public interest	65
14	Percentage rent arrangement	66
15	References	66



1 Executive Summary

Liquorland (Australia) Pty Ltd (**Liquorland**) applies for the conditional grant of a liquor store licence (**Application**) for a proposed 131m² Liquorland (**Store**) located in Shop 12 in the Currumbine Central shopping centre at 1244 Marmion Avenue, Currumbine (**Centre**).

As confirmed by the Court in *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 at [2] and more recently in *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 at [5], under the *Liquor Control Act 1988* (**Act**) an applicant for a liquor store licence must satisfy the licensing authority of two matters:

- (a) that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are to be situated: s36(B)(4) (**consumer requirements test**); and
- (b) that the grant of the application is in the public interest: s38 (**public interest test**).

For the reasons that follow, the Application satisfies both tests.

1.2 Grant of licence is in the public interest

Liquorland submits that the demonstrated benefits of the operation of the proposed Store outweigh the minimal risks and that it is in the public interest for the Application to be granted.

- (a) The Store will provide additional choice, convenience and competition for packaged liquor and related services to residents of and visitors to the Locality, especially for enabling efficient combined grocery and packaged liquor shopping in a single-trolley shopping expedition to a full-scale supermarket which is currently only available at one location within the Locality.
- (b) The Centre, which includes a Woolworths supermarket, specialty shops, café and fast-food tenancies, commercial and office floor space, medical and health premises, and a cinema, will be enhanced by the Store, which will:
 - (1) provide additional choice and competition, allowing comparison of prices and range, between diverse packaged liquor stores;
 - (2) consistent with the contemporary expectations and standards of packaged liquor consumers, provide one-stop (and one-trolley) shopping convenience in conjunction with shopping at the nearby Woolworths supermarket in the Centre;
 - (3) service the daily and weekly convenience and comparison shopping needs of local customers residing in and resorting to the Locality, consistent with the planning objectives of *State Planning Policy 4.2: Activity Centres (SPP 4.2)*, *North-West Sub-regional Planning Framework (2018) (NWSPF)*, and the *City of Joondalup Local Planning Strategy (2017) (Joondalup LPS)* endorsed by the City of Joondalup and Western Australian Planning Commission; and
 - (4) contribute to the amenity of the area, being the focal retail point for the local community and minimising consumer travel.



- (c) The results of the MT Report demonstrate that a majority (68%) of respondents support the Application.¹ For purchasers of packaged liquor, those offering support was even higher, at 73%. Survey respondents indicated that they saw benefits arising from the Store for the local community, mainly relating to convenience and competition.²
- (d) Evidence from Liquorland's State Manager, and from various independent experts, uniformly confirms that the grant of the Application would be consistent with contemporary standards, expectations and shopping habits, and planning objectives.
- (e) The evidence indicates that the Locality currently experiences low alcohol-related harm levels.³ Liquorland is confident that, based on the evidence and application of the *Carnegies* test, the Store is unlikely to increase alcohol-related harm or ill-health in the local community to unacceptable or undue levels. Should any harm arise, Liquorland has Store-specific security measures and harm minimisation policies and practices proven to mitigate against the risks associated with the operation of the Store.

1.3 Local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises

- (a) There is comprehensive evidence establishing a consumer requirement for the products and services to be offered by, and manner of operation of, this Store and, also, that such requirement is consistent with, and reflects, contemporary consumer standards, expectations and shopping habits:
 - (1) There is a high number of regular packaged liquor purchasers amongst residents and visitors within the Locality (83% of survey respondents have purchased packaged liquor in the last 12 months and, of those respondents, 82% do so at least monthly).⁴
 - (2) The totality of the Applicant's evidence demonstrates a requirement for an **additional, and different, convenient, local and readily accessible packaged liquor store** at which wine, beer and spirits and, in particular, local WA products, can be obtained in conjunction with other grocery items.
 - (3) More specifically, there is a requirement (and expectation) for a **choice of supermarket associated liquor stores** to facilitate combined grocery and packaged liquor purchases (ie one-stop, or even one-trolley shopping).
- (b) There are no existing premises within the Locality that can meet the demonstrated local packaged liquor requirement for an additional, one-trolley/stop shopping option in conjunction with a full-scale supermarket to provide the **benefits of competition** (including the opportunity for comparison shopping and choice, corresponding minimisation of consumer travelling and competition driven improvements in range, service and facilities) consistent with, and reflecting, contemporary consumer standards, expectations and

¹ MT Report, page 12.

² MT Report, page 11.

³ Bodhi Report, pages 22, 42.

⁴ MT Report, page 6.



shopping habits. Further, there is evidence that the existing premises cannot (reasonably) meet other local packaged liquor requirements.

2 Application background and details

2.1 Applicant name

Liquorland (Australia) Pty Ltd (**Liquorland** or **Applicant**).

2.2 Application

Liquorland applies for the conditional grant of a liquor store licence at premises in the Centre located at 1244 Marmion Avenue, Currambine.

Liquorland also applies for approval of the proposed percentage rent arrangement with the Centre owner, pursuant to section 104(3) of the Act.

2.3 Premises name

If the Application is approved, the Store will trade as Liquorland Currambine Central.

3 The Proposed Store and Locality

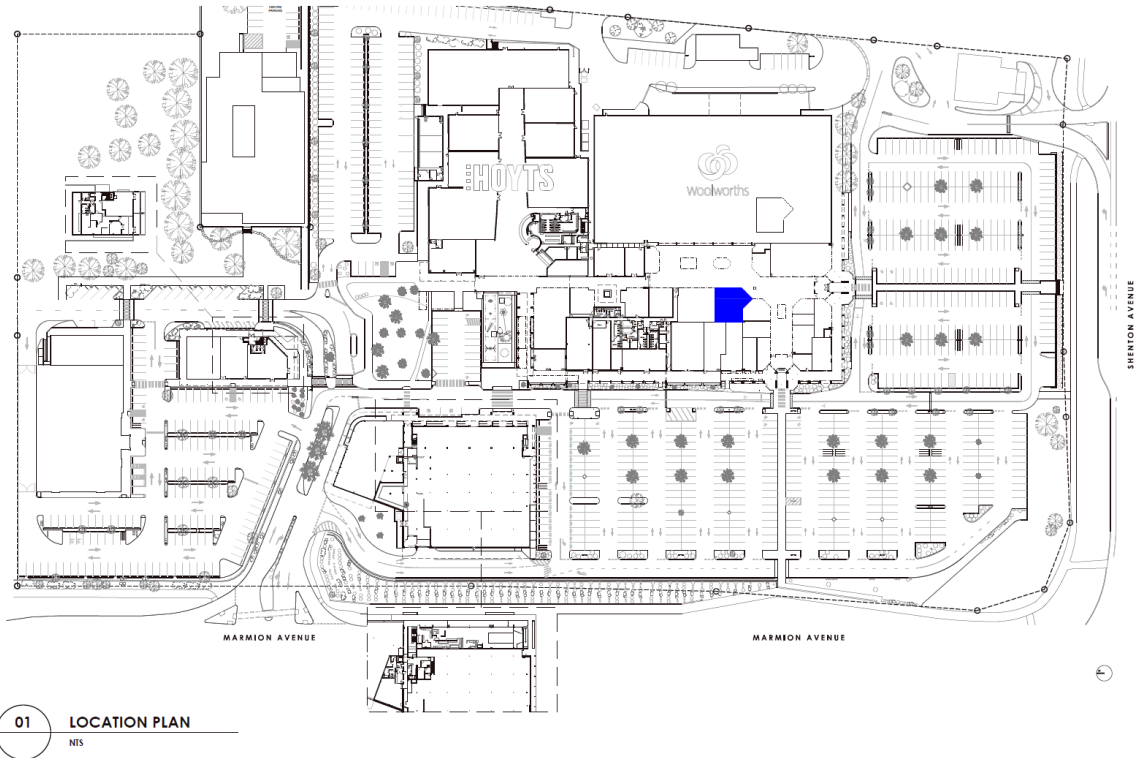
Summary

The Store will be modern purpose-built premises, designed to meet the contemporary requirements of consumers for packaged liquor and related services.

The Store is a convenience style premises that will enable local consumers to purchase packaged liquor in conjunction with grocery items at the nearby full-scale supermarket and will enable consumers to enjoy the efficiencies of competition and one-stop/one-trolley shopping.

3.1 Address, location and context of proposed premises

The Store will be located inside the main Centre building, which is located approximately 26 kilometres north of the Perth CBD. The context and location of the Centre can be seen below. The Store is indicated in blue in the Centre plan.



The Store will be located within the Currambine District Activity Centre (**DAC**). There are three supermarkets in and around the DAC, being Woolworths, Farmer Jack's, and Aldi. This is common for modern DACs and provides residents and visitors with alternative choices and a competitive shopping environment,⁵ consistent with contemporary expectations and the planning objectives of SPP 4.2.

The Currambine DAC contains the primary full-scale supermarket-based activity centre meeting the regular grocery shopping needs for residents and visitors in the Locality. The only other activity centre within the Locality containing a full-scale supermarket is the Currambine Village neighbourhood activity centre.

The Centre comprises over 40 stores, including:

- a tenancy mix including a full-scale Woolworths supermarket opposite the Store in the main Centre building, and a Farmer Jack's supermarket and Aldi supermarket in separate buildings;
- bakery;
- butcher;
- pharmacy and optometrists;
- cafes, restaurants and takeaway food;
- cinema; and
- specialty retailers.

The Centre also includes expansive free car parking, with approximately 900 parking bays at the Centre.

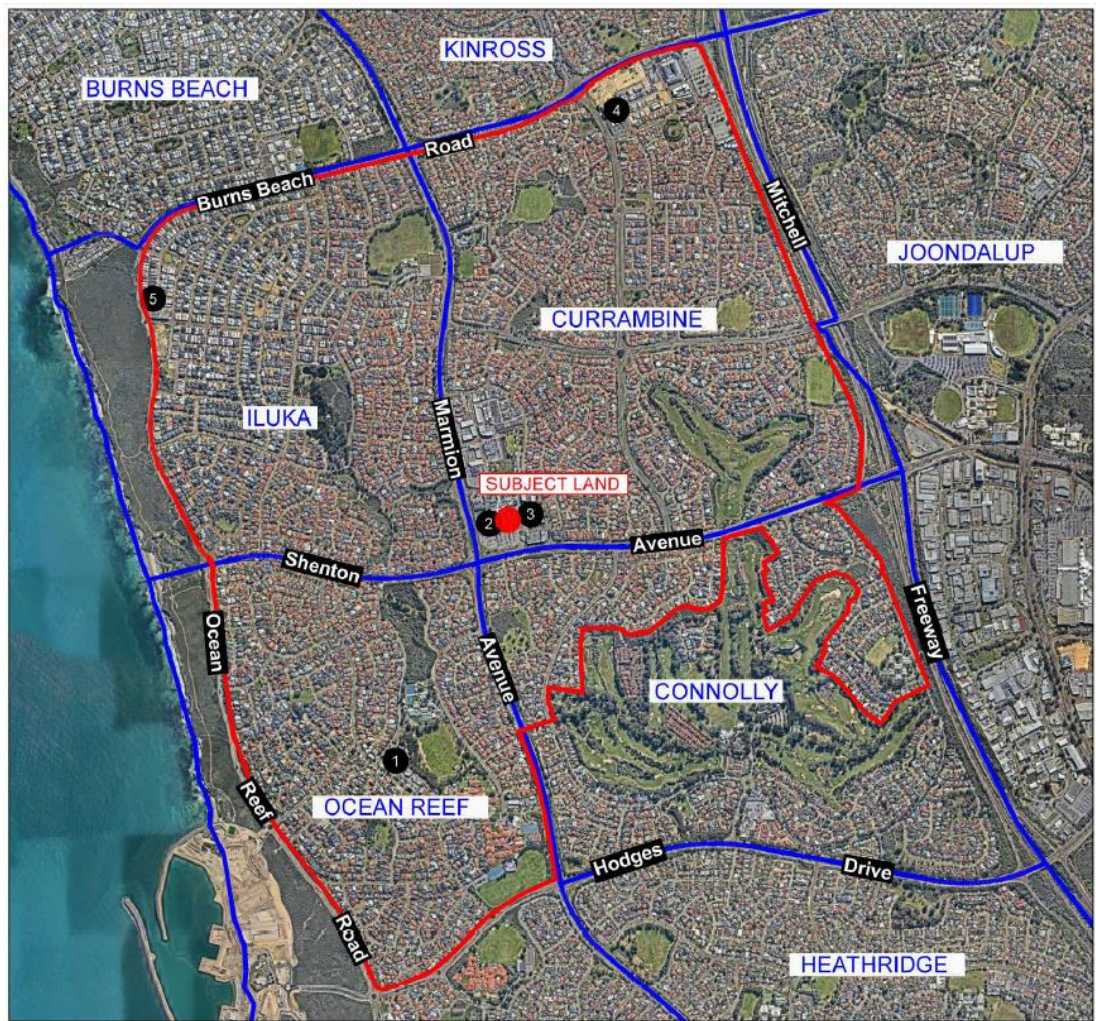
⁵ MGA Report, paras 7.4 – 7.6.



3.2 Nature and character of Locality

The locality, as defined by MGA having regard to the natural and man-made barriers and residential and community infrastructure context that defines the local community or neighbourhood (**Locality**),⁶ is metropolitan and encompasses the suburbs of Currambine, Iluka and portions of the suburbs of Ocean Reef and Connolly.⁷ A map of the Locality is set out below.⁸

The Locality is bounded to the east by the Mitchell Freeway, to the north by Burns Beach Road, and to the west by Ocean Reef Road which runs along the Indian Ocean coast. The south boundaries are formed by Hodges Drive, which divides the suburb of Ocean Reef, and the Joondalup Resort which presents a physical separation in Connolly.⁹



The Locality is zoned 'Urban' under the Metropolitan Region Scheme.¹⁰

⁶ See section 6.3 below for further detail.

⁷ MGA Report, para 4.4.

⁸ MGA Report, Figure 1.

⁹ MGA Report, para 4.9.

¹⁰ MGA Report, para 4.22, Figure 4.



In 2021, the Locality had a recorded population of 17,777.¹¹ The projected population of the City of Joondalup by Forecast ID Data is 28,319 by 2036 – a growth of around 16% from 24,412 in 2021.¹²

The Centre and Store will assist to ensure that the growing population are able to avail themselves of full consumer services in the Locality, including for packaged liquor. Traffic count data suggests that a high volume of traffic passes the Centre, given Marmion Avenue and Shenton Avenue are both higher order regional roads, which provide major connections facilitating movement through the north-west corridor to places of employment and shopping facilities.¹³ The Centre and Store will likely also be visited by workers and visitors passing through the Locality, as confirmed by the McGregor Tan survey.

3.3 Services and facilities of Store

The Store will be a browse-style, convenience liquor store and will adopt the familiar Liquorland black and white store design and range.

The Store will be located wholly within the Centre, opposite the Woolworths supermarket and accessible from the central mall within the main shopping centre building. This arrangement will enable efficient combined single-trolley grocery and packaged liquor purchases during grocery shopping expeditions,¹⁴ as well as convenient single-purpose packaged liquor purchasing.

The Store will have a footprint that is consistent with convenience packaged liquor premises of this nature and location, with a total licensed area of 131m² comprised of:¹⁵

- selling area of 92m²;
- cool room area of 27m²; and
- back of house area of 12m²,

as shown on the general layout plan submitted with this Application (extract below).

The applicant also intends to store liquor in a back of house storage area near the supermarket, as shown on the general layout plan submitted with this Application. No sale or supply of liquor directly to customers will occur from this storage facility.

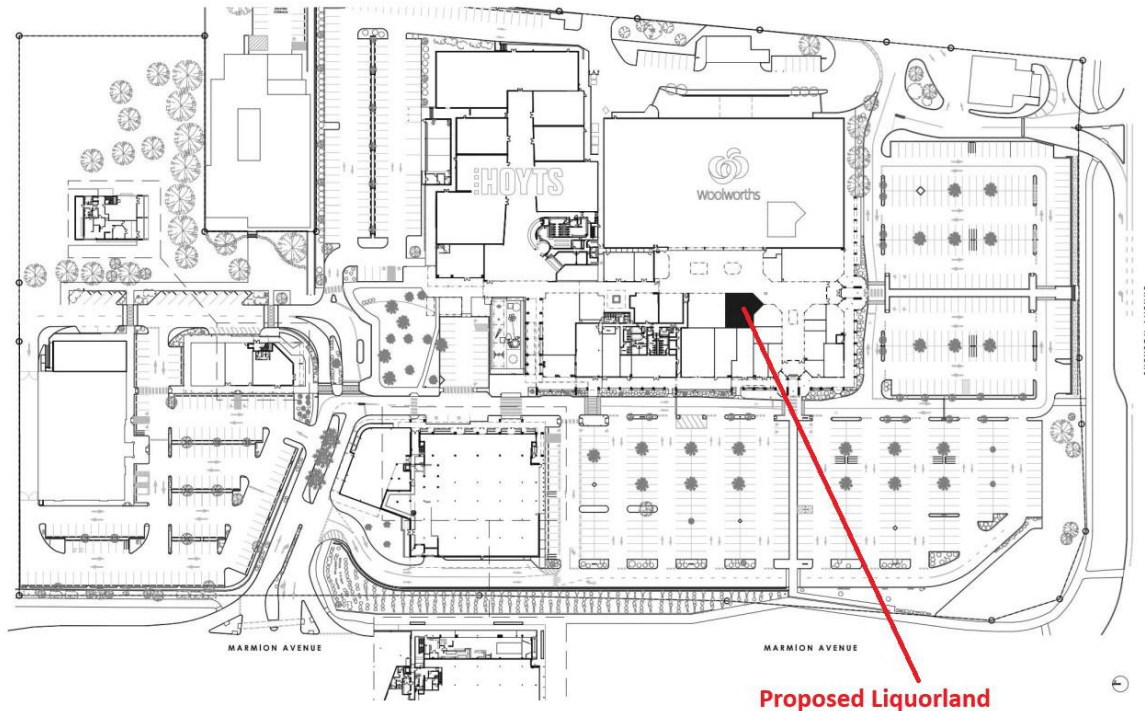
¹¹ MGA Report, para 5.3, Table 1.

¹² MGA Report, paras 5.5 – 5.6, Table 2.

¹³ MGA Report, paras 4.20 and 8.4.

¹⁴ MGA Report, para 3.2.

¹⁵ MGA Report, para 3.4, Appendix 2.



If the Application is granted, the Store will be operated by Coles Liquor as part of its national chain of Liquorland stores. Coles Liquor places great emphasis upon the provision of services for its customers in a consumer friendly way that also enhances harm minimisation. The Store will have the following facilities, which are common to Liquorland stores:

- an excellent selection of beers, wine and spirits available at competitive prices;
- a cool room, with glass door and trolley access, for the storage and selection of cold beers, wine and ciders;
- shelves will line the walls and carry a wide range of products;
- display units, including for Liquorland advertised specials, will be located within the floor display area;
- a modern, customer friendly fit out, designed to allow for easy browsing and selection of purchases;
- multiple cash registers to accept purchases, with EFTPOS and all major credit card facilities;
- appropriate staffing levels to ensure high quality service at all times, particularly during peak trading periods; and
- regular wine tasting sessions will be held in the Store.

3.4 Range of products

The range of products will be specifically selected for the Store and the Store's target clientele, and will vary from time to time to reflect customers' preferences, based on evolving insights and sales data.



The anticipated range of liquor that will be stocked at the Store can be roughly divided into the following categories:¹⁷

Category	Percentage	Range Focus
Wine	55%	The Store will have an expanded range of Australian Rosé, lighter style reds (i.e. Tempranillo, Sangiovese and Grenache) and an expanded range and dedicated shelves for WA Sauvignon Blanc, Chardonnay, Shiraz, Cabernet Sauvignon, Cabernet Merlot.
Spirits and Liquor	17%	The Store's range will be focused on local boutique gin suppliers, with at least one shelf dedicated to WA gin in all Black and White stores.
Beer	13%	The Store will have an increased focus on local WA craft beers.
RTDs (ready to drink products)	13%	There will be an expanded range of vodka and gin RTDs and Seltzers, due to an increase in customer preference/seeking healthier alternatives.
No and low alcohol	3%	Increased focus on ranging no and low alcohol products.

The Store will carry Liquorland's extensive range of Australian and international beers, wine and spirits (up to 1,600 lines of stock¹⁸), including all advertised Liquorland specials. In addition to popular brands, Liquorland's core range includes more than 450 products exclusive to Coles Liquor stores, including around 70 locally WA produced wines and beers,¹⁹ many of which are award winning.²⁰ An indicative list of specific local WA products that will be stocked at the Store is included in the statement of Coles Liquor's State Manager.²¹

The Store will also stock a wide range of no and low alcohol products, which is the fastest growing category in the Coles Liquor Group business. From FY22 to FY24 Coles Liquor has experienced a 3 year compound annual growth rate of 17.9% in sales of no and ultra-low products. This trend has led to an increased focus on ranging more no and low alcohol products in Coles Liquor stores. In FY25, Coles Liquor ranged more than 200 no

¹⁷ Statement of Nick Smith, paras 12, 58.

¹⁸ Statement of Nick Smith, para 12.

¹⁹ Statement of Nick Smith, para 14.

²⁰ Statement of Nick Smith, para 15 and Annexure 1.

²¹ Statement of Nick Smith, para 61 and Annexure 11.



and low alcohol products, as part of its commitment to promoting responsible consumption and in recognition of changing customer preferences.²²

The Store will also carry ancillary non-liquor products such as soft drinks, ice, snacks, bar accessories, giftware and cigarettes.

3.5 Theme and décor

Coles Liquor has been continuing to develop and refresh the Liquorland store design to ensure that Liquorland remains at the forefront of customer service in Australia. If this Application is granted, the proposed Store will be fitted-out in accordance with the current 'black and white' theme which has been designed to appeal to a more sophisticated clientele, deliver a more relevant local range, and position Liquorland as a local specialist.

In addition to the modern typography and colours, the key features of the design include:²³

- clear signage defining categories, subcategories and calling out important product attributes (e.g. organic wines);
- category zones, such as 'Wine Region', 'Beer District' and 'Spirits Trail', to help customers easily find what they are looking for and make shopping easier;
- dedicated spaces to feature locally sourced, craft and boutique products;
- displays to encourage browsing and exploration of new products; and
- clearer pricing, with whole bays marked with a single price.

Some of the other recent design measures adopted to improve the consumer experience include:²⁴

The black and white aesthetic appearance of the Store will be immediately recognisable as a 'Liquorland', easily distinguishable from other liquor stores.



²² Statement of Nick Smith, para 17.

²³ Statement of Nick Smith, para 58.

²⁴ Pictures are examples only.



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The modern design appeals to today's more discerning customer.



The Store will have signage, such as the 'Beer District' and 'Spirits Trail', allowing consumers to easily identify where their preferred varieties of product are located, including local WA products.





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The 'Wine Region' signage improves customers' ability to navigate between red and white wine and also between varieties and blends.





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The Store will include a specific section for local Western Australian wines to make this store more locally relevant for customers and providing another avenue to market for local producers.



The design will also include dedicated spaces featuring locally sourced craft and boutique beer.





The cool room at the Store has been specifically designed to allow easy access and navigation for consumers with trolleys, as it features a wide path and accessible chilled product lines.



To cater for the increasing consumer requirement for online shopping, the store will have a clearly signed and designated area for customers who purchase liquor online and wish to collect their products in store.



3.6 Proposed manner of trade

The Store's trading hours will be mostly aligned with the opposite Woolworths supermarket, as follows:²⁵

²⁵ Statement of Nick Smith, para 57.



Days	Hours
Monday to Friday	8am – 9pm
Saturday	8am – 5pm
Sunday	11am – 5pm

Liquorland applies for approval to trade during all permitted metropolitan liquor store trading hours to cater for flexibility during peak trading periods, such as Christmas.

3.7 Target client base

Liquorland’s customers are generally convenience shoppers who purchase alcohol as part of their weekly grocery shop. As part of this, Liquorland looks to provide everyday value for its customers. This includes providing value for individual items, like a single bottle of wine to accompany a meal, rather than focusing on bundle buys or bulk purchases.

The target clientele of the Store will be local residents and visitors who buy liquor as part of their shopping at the Centre, whether in-store or online, consistent with modern packaged liquor consumer expectations. The Store will provide consumers with a one-stop / one-trolley shopping option.

Increasingly, Liquorland customers are shopping online to purchase their liquor, with this trend accelerating as a result of the recent COVID-19 pandemic and the need to ‘socially distance’.²⁶ The Store will facilitate online liquor purchases, either for delivery or ‘Click and Collect’.²⁷

The requirement for these services is supported by the McGregor Tan survey data, in which 21% of respondents expect liquor stores to have a click and collect service and 9% expect liquor stores to provide home delivery service.²⁸

4 Other packaged liquor premises in Locality

4.1 Location of other operational retail premises

The current premises selling packaged liquor within the Locality are listed below, and shown on MGA’s Locality map,²⁹ which all operate under liquor store licences. Additionally, Currambine Bar and Bistro operates under a tavern licence, however, it does not have a dedicated packaged liquor retail space. The Iluka Pub and restaurant is also

²⁶ Statement of Nick Smith, para 24.

²⁷ Statement of Nick Smith, paras 24, 64, 80.

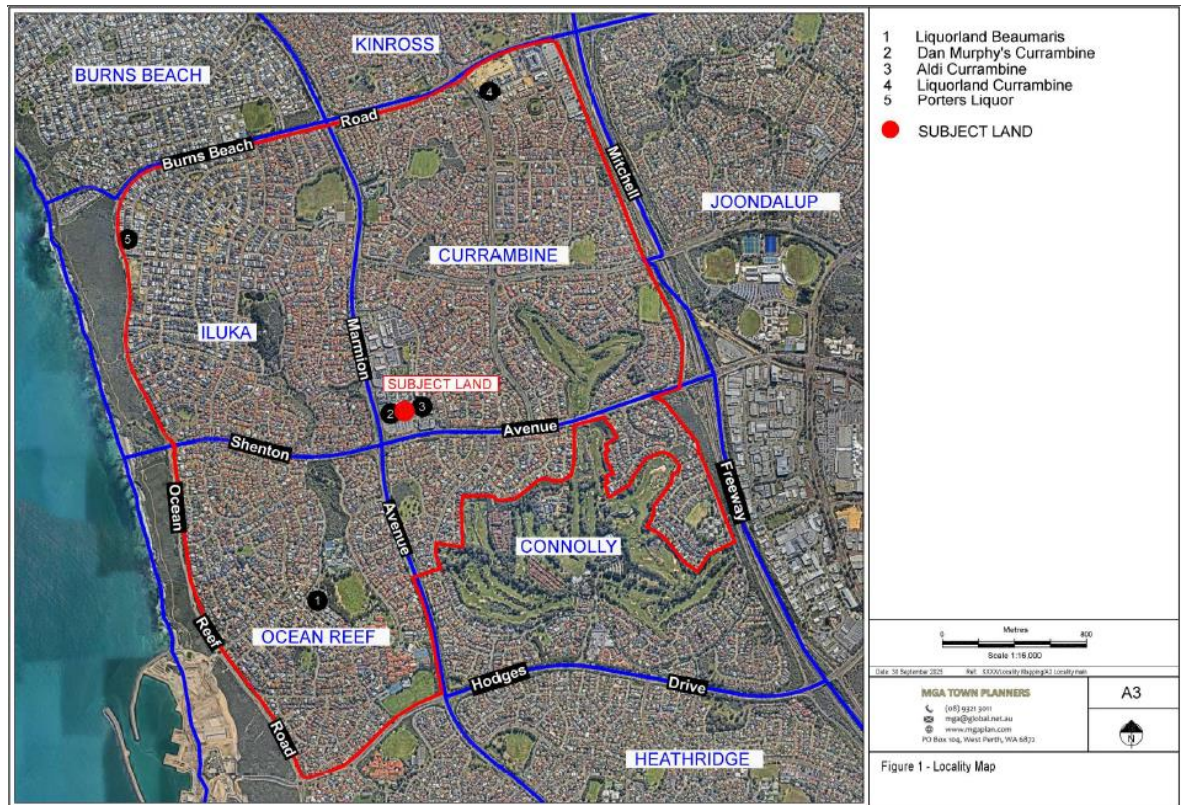
²⁸ MT Report, page 8.

²⁹ MGA Report, Figure 1.



located within the Locality but operates under a tavern restricted licence, meaning it is unable to sell packaged liquor.

Name	Address	Distance
1 Liquorland Beaumaris	62 Constellation Drive, Ocean Reef	1.1 km
2 Dan Murphy's Currambine	1244 Marmion Avenue, Currambine	0.28 km
3 Aldi Currambine	86 Delamere Avenue, Currambine	0.13 km
4 Liquorland Currambine	18 Sunlander Drive, Currambine	1.8 km
5 Iluka Plaza Cellars (trading as Porters Liquor)	Unit 5/98 O'Mara Boulevard, Iluka	1.7 km



The nearest packaged liquor premises are Aldi and Dan Murphy's. While they are located a few hundred metres from the Store at the same complex, neither of these two stores are comfortably accessible as part of a single trolley shopping trip, as it requires



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traversing a large carpark and crossing internal vehicular access roads to access Dan Murphy's, and grade separation with a long walk uphill to access Aldi.³⁰

The Store is distinct and separated from the Aldi store by Tyger Entrance and a carpark and similarly is separated from the Dan Murphy's by Chesapeake Way and a carpark.

Because of the separated nature of the Centre, customers shopping at the Woolworths supermarket will not have easy access to the Aldi or Dan Murphy's for convenient one-stop shopping as it is difficult to traverse with a trolley. This can be seen in the below image from the Bodhi Alliance (**Bodhi**) report (noting that this image does not show the additional grading difficulties that also exist between the locations), in particular, the road highlighted in yellow is noted as being a busy road that is difficult to cross with a trolley.³¹



³⁰ Bodhi Report, page 36.

³¹ Bodhi Report, page 37, Figure 11.



4.2 Services provided by other premises

Based on MGA’s review of the existing packaged liquor premises,³² the comparative analysis conducted by Coles Liquor’s operational team,³³ and evidence from Bodhi, there are various points of difference between the six existing licensed premises and the proposed Store.

Premises	Service provided	Differences with Store
Liquorland Beaumaris	Browse-style convenience store	<ul style="list-style-type: none"> Positioned to service residents within localised catchments. Located in a small scale activity centre, which is a standalone shopping centre with a butcher, IGA, pharmacy, newsagent, bakery and a hairdressers. The location is removed from the regional road network.
Dan Murphy’s Currambine	Browse-style liquor store	<ul style="list-style-type: none"> Has a different functional role, being a regional retail attraction having a broad catchment, but does not facilitate accessible and efficient combined grocery and packaged liquor purchases. Stocks a standard Dan Murphy’s range, including own and local branded products.
Aldi Currambine	Supermarket with small liquor section	<ul style="list-style-type: none"> Very small range of stock, predominantly consisting of Aldi’s own branded products. The liquor display is approximately 10% of the size of a standard Liquorland store. Does not have a chilled offering. No click and collect or direct online ordering services.
Liquorland Currambine	Browse-style convenience store	<ul style="list-style-type: none"> Positioned to service residents within localised catchments. Located in small scale activity centre, co-located with Coles and a coffee shop, but no other businesses.

³² MGA Report, sections 9 and 10.

³³ Statement of Nick Smith, para 79 and Annexure 14.



Premises	Service provided	Differences with Store
Iluka Plaza Cellars (trading as Porters Liquor)	Browse-style 'high street' liquor store	<ul style="list-style-type: none"> Designed to service local suburbs with a draw card of the Iluka tavern to attract customers. Located in small scale activity centre with an IGA. Does not have a full-scale supermarket.
Currumbine Bar & Bistro	Pub	<ul style="list-style-type: none"> No dedicated package liquor sales

(a) Liquorland Beaumaris

The Liquorland Beaumaris store is located at the north-western side of the Beaumaris Neighbourhood Centre, and directly fronts the shopping centre carpark adjacent to Beaumaris Boulevard. The entrance to the premises is located approximately 60m from the main southern entrance to the shopping centre building, from which customers gain access to the IGA supermarket.

The liquor store is a browse-only premises, with no drive-through facility. The premises predominantly caters to local residents in the suburb of Ocean Reef, and likely also residents in Iluka, and the southern half of Connolly.



(b) Dan Murphy's Currumbine

The Dan Murphy's Currumbine store is located in a stand-alone building approximately 280m north of the Centre and the Store and is a browse-only premises.



Overall, the distance separation between the Centre and Dan Murphy's store alone is a deterrent for customers walking or pushing a trolley from the Woolworths and Farmer Jack's supermarket, and the impediment of the vehicle access road adds a further constraint and deterrent. Customers are therefore far more likely to make a second vehicle trip within the DAC when purchasing packaged liquor and groceries.

The Dan Murphy's store is a destination store and has a regional level of attraction, with customers travelling a greater distance, from beyond the locality area, to peruse the greater breadth and depth of stock available in comparison to smaller format packaged liquor stores. Customers may also use the Dan Murphy's store to purchase larger quantities (such as for social gatherings or at home storage).



(c) Aldi Currambine

The Aldi Currambine supermarket contains a small display of non-chilled wine and beer. The display is contained in a small enclosed space having an open square format with three short wall displays containing red wine, white wine and beer. The packaged liquor offering in the store complements grocery shopping expeditions, but none of the products are chilled and the range of stock available is much smaller than a standard Liquorland store.

The closest pedestrian access point leading to the Aldi supermarket from the main southern entry of the Centre is located approximately 130m to the east, and customers must cross an internal vehicle accessway separating the Aldi and main shopping centre building. Similar to those visiting the Dan Murphy's store, if customers visit the Aldi supermarket after shopping at Woolworths, they are more likely to make a second vehicle trip and use the Aldi car park.



(d) **Liquorland Currambine**

The Liquorland Currambine store is located adjacent to both the main southern entry of the Currambine NC and the supermarket checkout area. This location facilitates efficient combined grocery and packaged liquor shopping in a single trolley expedition.

Within a neighbourhood centre (being a lower-level activity centre) at the north-west edge of the Locality this premises predominantly caters to local residents in the suburb of Currambine, although residents in the surrounding suburbs of Iluka, Kinross and Burns Beach to the north and west may visit this activity centre, if commuting to and from places of employment via Burns Beach Road.



(e) Iluka Plaza Cellars (trading as Porters Liquor)

The Porters Iluka store is located at the ground / basement level of the Iluka NC, fronting the car parking area of the activity centre. The car park is concealed by roofing above. The location of the store facilitates shopping with a premium IGA grocery store. The store is not co-located with a full-scale supermarket.

As above, as a neighbourhood centre the premises predominantly caters to local residents in Iluka, although residents in Burns Beach would be expected to resort to this centre due to its proximity, given the distance separation from some residents in Burns Beach to other competing activity centres.

The store has a small footprint and stocks a premium range. There is a large range of craft beer and a large range of other items not ranged to Liquorland.



(f) Currambine Bar & Bistro

This premises does not have a dedicated package liquor retail space.

4.3 Outlet density

Granting the Application will not result in a proliferation of packaged liquor premises in the Locality.³⁴ Even with the addition of the Store, the Locality will have a low outlet density for the current and projected population (which is forecast to reach 24,412 in the City of Joondalup by 2036).

The evidence establishes a consumer expectation that, consistent with its role as a DAC (as reflected in the planning objectives of SPP 4.2), the Centre will have outlets that compete with each other in the sale of various consumer product categories, including packaged liquor, and hence provide the efficiencies associated with competition and one-stop shopping. As discussed above, there is no liquor store located inside the Centre premises, and two located in the overall DAC, namely the Dan Murphy's and Aldi which provide different products and services and are used in different ways to the proposed Store.

Other existing packaged liquor premises in the Locality are not in a position to conveniently and efficiently meet demand for an additional liquor store co-located with a full-scale supermarket. Having regard to these matters, and with there being only two existing liquor stores in the DAC and three others in the Locality, outlet density is not a reason to refuse the Application.

Granting the Application will provide local consumers with diversity of packaged liquor premises, choice and the benefits of competition at the Centre and in the Locality.

³⁴ Bodhi Report, pages 37, 42, 44–5.



5 Evidence of consumer requirements

Summary

The Store enjoys strong support from consumers resident in or resorting to the Locality.

The survey results demonstrate a requirement for purchasing **competitively priced packaged liquor efficiently and conveniently** and that a large number of residents and visitors would use the Store regularly.

It has long been accepted that a market survey can provide evidence of consumer requirements.³⁵

McGregor Tan, an ISO20252 accredited market, opinion and social research consultancy, was engaged by Liquorland to undertake and analyse a survey of visitors to the Centre. The overwhelming majority (91%) of respondents were also residents in the Locality,³⁶ making the surveys representative of the local community.³⁷ The survey was aimed at assessing both local consumer requirements and public support for the grant of the Application, the results of which were analysed by McGregor Tan in their report titled 'Coles Currumbine: Liquorland Sentiment Survey' dated December 2025 (**MT Report**).

The results presented in the MT Report show that residents of the Locality strongly support the grant of the Application. While the results in the MT Report are relied on in their entirety and are referenced throughout these submissions, the key results have been summarised below.

5.1 Purchasing habits and visitation patterns

As the Store is not yet open, the survey focused on the likely behaviour of those who frequent the Centre and proposed Store, their packaged liquor requirements, and what might be necessary to meet those requirements.

(a) Frequency of packaged liquor purchases

Purchased packaged liquor in last 12 months	83%
---------------------------------------------	-----

Of those that have purchased in the last 12 months, regularly purchase packaged liquor at least monthly	82%
---------------------------------------------------------------------------------------------------------	-----

This proportion suggests that there are a large number of regular packaged liquor consumers in the Locality and a clear demand for packaged liquor based on the representative nature of the surveys.

(b) Visitation to the Centre

The Centre provides services including Woolworths, Aldi and Farmer Jack's supermarkets, and a range of other tenancies, including specialty shops, café and fast food tenancies, commercial and office floor space, medical and health premises, and a cinema.

³⁵ *Hay Properties Pty Ltd & Anor v Roshel Pty Ltd* [1998] Library 980496A (Full Court of Supreme Court) at 9.

³⁶ MT Report, page 16 ('Live within map').

³⁷ MT Report, page 26.



A large number of survey respondents (84%) said they shop at the Centre at least once a week.³⁸

Being a DAC (a higher order activity centre), it is reasonable and to be expected that the Centre provides an opportunity for customers to undertake combined grocery and packaged liquor shopping expeditions while visiting a full scale supermarket, as is commonly available in DACs throughout the Perth Metropolitan Region.³⁹

(c) Location of packaged liquor purchases

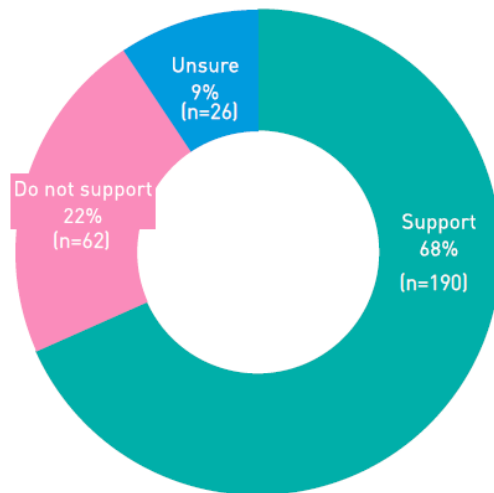
Dan Murphy’s Currambine was the most used liquor store reported in the survey, with 68% of respondents who purchased packaged liquor using it as their main store for purchasing packaged liquor.⁴⁰

Aldi Currambine, although physically the closest packaged liquor store to the proposed Store, was only the preferred store of 6% of survey respondents.⁴¹

5.2 Support for the proposed Store

The survey demonstrated that there was strong support for the proposed Store from respondents. The number of respondents (68%) that support the Store far outweigh those who oppose the store (22%),⁴² with over three times as many supporting the Store as opposing it.⁴³

Support for the proposed Liquorland



³⁸ MT Report, page 16.

³⁹ MGA Report, paras 2.6 and 10.6.

⁴⁰ MT Report, page 7.

⁴¹ MT Report, page 7.

⁴² MT Report, page 12.

⁴³ MT Report, page 12.



The primary reasons for supporting the Store was convenience (68% of support respondents) and greater choice and competition (24% of support respondents).⁴⁴

The primary reason for opposing the Store was that there were enough liquor stores (88% of oppose respondents). Community safety was the primary reason for opposition of only a small number of respondents (5% of oppose respondents).

5.3 Store use and expectations

There is also a high level of expected use of the proposed Store. Overall, 73% of respondents to the survey who have purchased packaged liquor in the past 12 months thought they would use the proposed Store.⁴⁵ Over half of respondents (55%) who purchase packaged liquor (i.e. consumers) thought they would use the proposed Store at least fortnightly, and a quarter (27%) at least monthly.⁴⁶

The strong linkage to where people do their other shopping is illustrated by 70% of purchasers who think that they will likely use the proposed Liquorland at the same time as they are visiting the Centre to use the supermarkets.⁴⁷

Similarly, likely usage of the proposed Store was motivated primarily by:⁴⁸

- (a) convenience and/or efficiency of buying takeaway liquor whilst shopping at the Centre (70%);
- (b) the Store being more conveniently located than the existing stores (47%), and other shopping centres with co-located supermarkets and liquor are not conveniently located (24%);
- (c) choice and competition with other stores (34%);
- (d) using FlyBuys (28%); and
- (e) the Store will have the brands and products that the consumer wants (25%).

The above responses show that the Store will be well used by packaged liquor consumers in the Locality and will provide services that are either not currently available or are not convenient to access for a significant number of consumers in the Locality.

5.4 Local packaged liquor requirements

The survey results regarding support for and usage of the Store clearly establish that a requirement for purchasing competitively priced packaged liquor conveniently (including one-stop / one-trolley shopping) in the Locality can be inferred.⁴⁹

There is an existing and future requirement for an **additional local convenient packaged liquor premises** in the Locality. More specifically, there is a requirement (and expectation) for an additional supermarket associated liquor store **to facilitate choice and competition and efficient combined grocery and packaged liquor purchases** (i.e. one-stop, or even one-trolley shopping).

⁴⁴ MT Report, page 12.

⁴⁵ MT Report, page 9.

⁴⁶ MT Report, page 9.

⁴⁷ MT Report, page 10.

⁴⁸ MT Report, page 11.

⁴⁹ MT Report, pages 8, 12–3.



This requirement is consistent with, and reflects, contemporary consumer standards, expectations and shopping habits as demonstrated by the success of the Liquorland business model in WA where around 60% of Liquorland stores are co-located with a Coles supermarket.⁵⁰ It is also consistent with the results of other surveys conducted by Liquorland which establish a requirement for packaged liquor premises to be conveniently located both relative to where people live and relative to where they shop.

There is also an expectation, particularly amongst packaged liquor purchasers, that a shopping centre containing multiple supermarkets will include a choice of liquor stores.⁵¹

5.5 Important aspects of the Store

To gauge whether the proposed Store would assist them in meeting their requirements, respondents were asked to select from a number of statements which outlined potential expectations of the new Store. The following are the key results and observations:⁵²

- 65% of respondents stated **a broad selection of products at varying price points** to offer variety and choice was an expectation, with additional comments including “*Discount prices*”, “*Reasonable prices*”, and “*Prices and convenience*”, from which it can be inferred that competitive prices and specials/value for money are also expected;
- 61% of respondents nominated that having **refrigerated products** available was an expectation, including additional comments regarding the **range** such as “*Have a good selection of craft beer*”, “*A large selection of foreign beer*”, and “*I would expect them to have non-alcoholic drinks*” and **service** (“*Good knowledge service*”, “*Good service with customers*”);
- 44% nominated having a liquor store open at the same times as the supermarket, 44% nominated easy access from a collocated supermarket, and 34% nominated wide aisles that are **accessible** by shopping trolleys as an expectation, from all of which it can be inferred that having a liquor store at the same location as their preferred supermarket to enable **one stop shopping** is an expectation;
- 31% nominated having a liquor store at the nearest shopping centre to where they live or work, namely a **convenient location**; and
- 26% nominated having several liquor stores close to each other to provide **choice and competition** as an expectation.

These responses confirm the importance of convenience, choice and competition to consumers, from which a local packaged liquor requirement for the services to be provided by the proposed Store can be inferred.

5.6 Benefits of the Store

Half (50%) of all respondents believe the proposed Store will provide benefits to the local community, including **convenience, competition and choice**.⁵³

⁵⁰ Statement of Nick Smith, para 11.

⁵¹ MT Report, page 8.

⁵² MT Report, page 8.

⁵³ MT Report, page 13.



5.7 Concerns

Respondents were also asked if they had any concerns about the proposed Store. A minority of the respondents to the survey (25%) expressed general concerns with the Store, predominately related to:⁵⁴

- perceived increased crime (2%) and anti-social behaviour (4%) ;
- increased accessibility to alcohol (4%), particularly for young and vulnerable persons (5%); and
- sufficient liquor stores in the area (6%).

Whilst these are commonly held perceptions among a minority of survey respondents in many areas, they are not supported by the evidence specific to the circumstances of this Application. In particular:

- the Store's location inside the Centre is likely to provide a high level of community surveillance, which will assist in minimising the potential for anti-social or risky alcohol related behaviour;
- the tight security measures to be implemented at the Store, and Coles Liquor's harm minimisation policies, should also minimise any prospect of the Store contributing to anti-social behaviour;
- the Store's location inside the Centre and Coles Liquor's advertising policies will also minimise visual impact and exposure to advertising and the sale of liquor to children and the vulnerable;
- the Store will discourage risky drinking practices, via its management practices and the responsible service of alcohol (**RSA**) materials that will be displayed at the Store, as shown on the plans;
- the Store will have minimal traffic and access impact on adjacent residential areas;
- outlet density within the Locality is low; and
- the Store will be operated by an experienced licensee, subject to the relevant licence conditions and regulatory oversight.

6 Consumer requirements test

Summary

The Locality is the geographical area surrounding, and relatively close to, the proposed Store, or the 'neighbourhood' of the Store as identified by the expert evidence.

There is a demonstrated requirement for an **additional** local liquor store providing **diversity, choice and competition, convenience**, and another one-stop/trolley shopping opportunity.

There are no packaged liquor premises in the Locality which can reasonably meet those local packaged liquor requirements.

⁵⁴ MT Report, page 14.



6.1 The test under s36B(4)

Section 36B(4) of the Act provides that:

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.

It requires consideration of the following issues:

- 1 what is the relevant locality;
- 2 what are the requirements of consumers for packaged liquor in the relevant locality;
- 3 what packaged liquor services are currently provided by existing packaged liquor premises in the relevant locality; and
- 4 whether the local packaged liquor requirements cannot be reasonably met by those existing packaged liquor premises.⁵⁵

It is not the purpose of s36B(4) of the Act to limit the number of packaged liquor outlets in a locality to some arbitrary number. Rather, s36B(4) requires the licensing authority to only grant another licence in a locality, upon being satisfied a consumer requirement is not being met in that locality.⁵⁶

Justice Archer in *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 confirmed the proper construction of s36B(4), as follows:

- (a) The objects of the Act in s5 are relevant in applying both the public interest test and the consumer requirements test; [26] to [29].
- (b) ‘Reasonably’ in s36B(4) means “*sensible, not irrational, absurd or ridiculous, not going beyond the limit assigned by reason, not extravagant or excessive, moderate*”; [38].
- (c) ‘Requirements’ means something desired, as compared to essential; [41].
- (d) The purpose of s36B(4) is not to constrain the number of packaged liquor outlets by sacrificing consumers’ options to get liquor at a lower price and better quality, but rather it is to ensure that an additional licence will only be granted where consumer requirements could not reasonably be met by existing premises (in the context of there also being a public interest test to satisfy); [73], [74].
- (e) A requirement for competition may be relevant under s36B(4), the question being whether such requirement could not be reasonably met by the existing premises; [76].
- (f) Extrinsic materials (such as the second reading speech) are not of assistance in construing s36B(4); [53], [88].
- (g) The words ‘requirements of consumers’ mean the same in s5(1)(c) and s36B(4), and matters such as convenience, one stop shopping, competition and product range, service and efficiency (which arise under s5 and the public

⁵⁵ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (***Liquorland Southern River***) per Lemonis J at [55].

⁵⁶ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 at [74]; BWS Kelmscott [LC 32/2022] at [23]; LL Hamilton Hill [A857119210] at [24].



- interest test) are equally relevant in relation to both provisions; [78] to [84], [89], [106].
- (h) Section 36B(4) represents an additional hurdle even though the 'requirements' to be considered under the public interest test and s36B(4) are the same. An application could satisfy the public interest test but not the consumer requirements test under s36B(4); [98].
 - (i) When considering evidence of consumer requirements for the purposes of s36B(4), the licensing authority must consider whether those requirements can reasonably be met by existing premises, having regard to the objects of the Act; [101], [102].
 - (j) The consumer requirements test is an objective test, whereas the public interest test involves a discretionary value judgment; [104], [105].
 - (k) The public interest test will prevent absurd outcomes; [107].
 - (l) Consequently, the requirements to be considered in s36B(4) are not limited in scope to the physical item or product of packaged liquor; [108].
 - (m) The phrase 'cannot reasonably be met' in s36B(4) means 'cannot sensibly or rationally be met'; [134]. It does not mean 'cannot be met without great difficulty or inconvenience'; [127]. All that is required is that the requirement cannot be met sensibly or rationally or moderately or without absurdity, ridiculousness, extravagance or excessiveness, having regard to community standards and expectations; [130], [131].
 - (n) The licensing authority is to have regard to contemporary standards and expectations for the requirements for packaged liquor in determining whether consumer requirements can reasonably be met by existing premises; [133].

Relevantly, the objects of the Act include s5(1)(c), being 'to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry ...'. In *Australian Leisure and Hospitality Group Pty Limited v Commissioner of Police* [2017] WASC 88, Banks-Smith J stated:⁵⁷

"... I consider s5(1)(c) requires regard to be directed to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State in considering the issue of catering for consumer requirements.

Catering for consumer requirements is not to be considered in isolation. The potential and opportunity for proper development of the industry (including change) is not to be ignored.

Assuming there is appropriate probative evidence, the words invite a broader ambit of matters to be considered as part of assessing the diversity of consumer requirements and how they are to be catered for."

Taking into account all of the above matters, Liquorland submits that 'cannot reasonably' requires the licensing authority to assess whether local packaged liquor requirements cannot be met by existing premises in a way that is sensible, moderate or rational, having regard to evidence of contemporary standards, expectations and shopping habits and the proper development of the packaged liquor industry.

In assessing whether the local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the Locality, consideration should be given to the following:

⁵⁷ At [67]–[69].



- (a) the existing packaged liquor premises in the Locality;
- (b) distribution of the existing premises; and
- (c) ease of access to the existing premises.

This is not an exhaustive list, and the value judgment will be guided by the facts and circumstances of each application and the evidence presented by the applicant.

6.2 Applying the consumer requirements test

The analysis under s36B(4) is not at large in respect of all consumer requirements, but is to be conducted by reference to the nature, scope and extent of particular consumer requirements that correlate to the products and services which the new premises are intended to provide, and the necessary starting point for each analysis is that the requirement to be assessed may be relatively modest in quantitative terms.⁵⁸ Further:

- (a) there is no *de minimis* threshold for establishing a consumer requirement for the purposes of s36(B)(4).⁵⁹ As such, there is no requirement for applicants to show that a large section of the public has the relevant requirement or that the requirements of consumers for packaged liquor in the relevant locality must be more than trifling;
- (b) s36B(4) does not require an applicant for a liquor store licence to establish a 'considerable' consumer requirement;⁶⁰ and
- (c) the first step in considering consumer requirements would usually be to identify the parameters of the requirement (ordinarily including a broad approximation of the likely numbers of consumers for liquor in the locality, and a broad assessment of the nature and scope of their relevant requirements).⁶¹

Put simply, the question is whether or not identified consumer requirements can reasonably be met by existing premises.

That question is to be determined as a matter of inference from the evidence as a whole. The licensing authority must evaluate the evidence before it, including evidence that might provide a foundation in fact (either alone or in combination with other evidence) for inferring the existence of consumer requirements and notorious facts. In *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227, Justice Buss found (at [80]-[86]), on the proper construction of the Act, that the licensing authority is obliged to determine an application in accordance with the evidence (including notorious facts) before it and the criteria imposed by the Act. This is a two-step process:⁶²

- (a) first, the licensing authority must evaluate the evidence before it and make findings and draw conclusions from the evidence, including by inference. An inference is an affirmative conclusion arising from facts that have been established. The licensing authority's fact finding task extends to the making of findings and the drawing of conclusions, wholly or partly, from notorious facts; and
- (b) secondly, the licensing authority must apply the criteria to the relevant circumstances, in particular, the findings it has made and the conclusions it has

⁵⁸ *Liquorland Southern River* at [58], [59].

⁵⁹ *Liquorland Southern River* at [132]-[136].

⁶⁰ *Liquorland Southern River* at [137], [139].

⁶¹ *Liquorland Southern River* at [137], [139]-[140].

⁶² *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 at [55].



drawn, by reference to the issues which arose from the application in the context of the relevant provisions of the Act, the evidence (including notorious facts) before them and any submissions by the applicant (and other parties).

Further:

- (c) when using inferential reasoning, facts are not to be considered on a standalone or piecemeal basis, but rather, their collective force is to be considered; and
- (d) in deciding whether an inference is made out, all of the circumstances are to be considered and weighed, including any notorious facts.⁶³

This reasoning process should be applied to determine both the local packaged liquor requirements and whether those requirements cannot reasonably be met by the existing premises in the Locality.

6.3 Locality

The first step in applying the consumer requirements test is to identify the applicable locality.

The term 'locality' is not defined in the Act. The area suggested in the Director's Public Interest Assessment form is simply an indicative position,⁶⁴ or starting point, and is not consistent with observations by the licensing authority about the inappropriateness of an artificial area.⁶⁵

The licensing authority may determine a different locality, provided that such a determination is made on reasonable and ascertainable grounds; meaning it must have regard to the applicable criteria.⁶⁶

The Court has identified criteria regarding the identification of the applicable locality in *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366:

- (a) 'Locality' denotes an area that surrounds, and is geographically close to, the location of the proposed premises.⁶⁷ Put another way, it is the geographical area surrounding the proposed site, or, it is the geographical area surrounding, and relatively close to, the proposed site, or the 'neighbourhood' of the site; [181], [182], [183], [191].
- (b) Although retail catchment area can be a relevant consideration for the purpose of determining locality, at least to illuminate the practical impact of topographical features or the areas from which the proposed site is likely to be accessed on foot or bike (at [187], [188]), locality does not equate to the area from which consumers would come; [181], [198].
- (c) Locality will not necessarily be a circular area defined by a radius, and the shape of the locality will be influenced by topographical features (including man-made features) and the geographical spread of any community in the area of the proposed site, and may be evidenced by accessibility on foot or by bike [185].

⁶³ *Liquorland Southern River* at [181] to [187], *Endeavour Group v Commissioner of Police* at LC 32/2022 [141].

⁶⁴ *Liquorland Southern River* at [230].

⁶⁵ See section 6.2 above.

⁶⁶ *Liquorland Southern River* at [224]-[225].

⁶⁷ Cf *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 at [14].



- (d) The factors that will be relevant in determining locality will vary from case to case, and in some cases, it will be difficult to determine the locality; [179], [186].

The Applicant also relies on the observations and approach taken by the Court in the recent *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 (*JB Foods*) decision and by the Liquor Commission in the *BWS Kelmscott*,⁶⁸ *Liquorland Karrinyup*,⁶⁹ *Liquorland Southern River East*,⁷⁰ and *Karratha Cellars*⁷¹ decisions in applying those criteria.

- (e) The term 'locality' in section 36B(4) connotes the same concept of neighbourhood, and denotes an area that surrounds, and is geographically close to, the location of the proposed premises, rather than the area(s) from which consumers would come, and to which the retail catchment area can be a relevant consideration; *JB Foods* [15]; *BWS Kelmscott* [27].
- (f) The imposition of a radius circle (or, equally, another shape based purely on roads or the suburb boundary) is not necessarily appropriate where the same encompasses an artificial area; *Liquorland Southern River East* [99].
- (g) The shape and size of a locality may be influenced by topographical features (including man-made features such as roads) and the areas from which the proposed site could be accessed reasonably easily on foot or push-bike. 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; *JB Foods* [16]; *BWS Kelmscott* [28].
- (h) A neighbourhood is a residential area with its own sense of community and identity. The community indicia of a neighbourhood / locality include the existence of community infrastructure such as schools, sporting facilities, places of worship and other community facilities; *Karratha Cellars* [27], [129(b)]. Whilst a topographical feature might be relevant because it forms a physical barrier, it might also be relevant because it creates a separate sense of community or neighbourhood on either side. Similarly, the presence of another neighbourhood activity centre could be relevant to the determination of the boundaries of a locality because it is an element of community infrastructure and may be evidence of a separate community or neighbourhood.
- (i) The licensing authority would ordinarily not deviate from expert evidence which logically and coherently applies the facts of the case to the law unless there is some compelling reason to do so; *Liquorland Karrinyup* [131]; *Karratha Cellars* [128]-[129].

Applying the criteria identified by the Court and the Liquor Commission, in his report, Jeffrey Malcolm from MGA Town Planners identifies the applicable locality for the Store (**Locality**) as set out below.⁷²

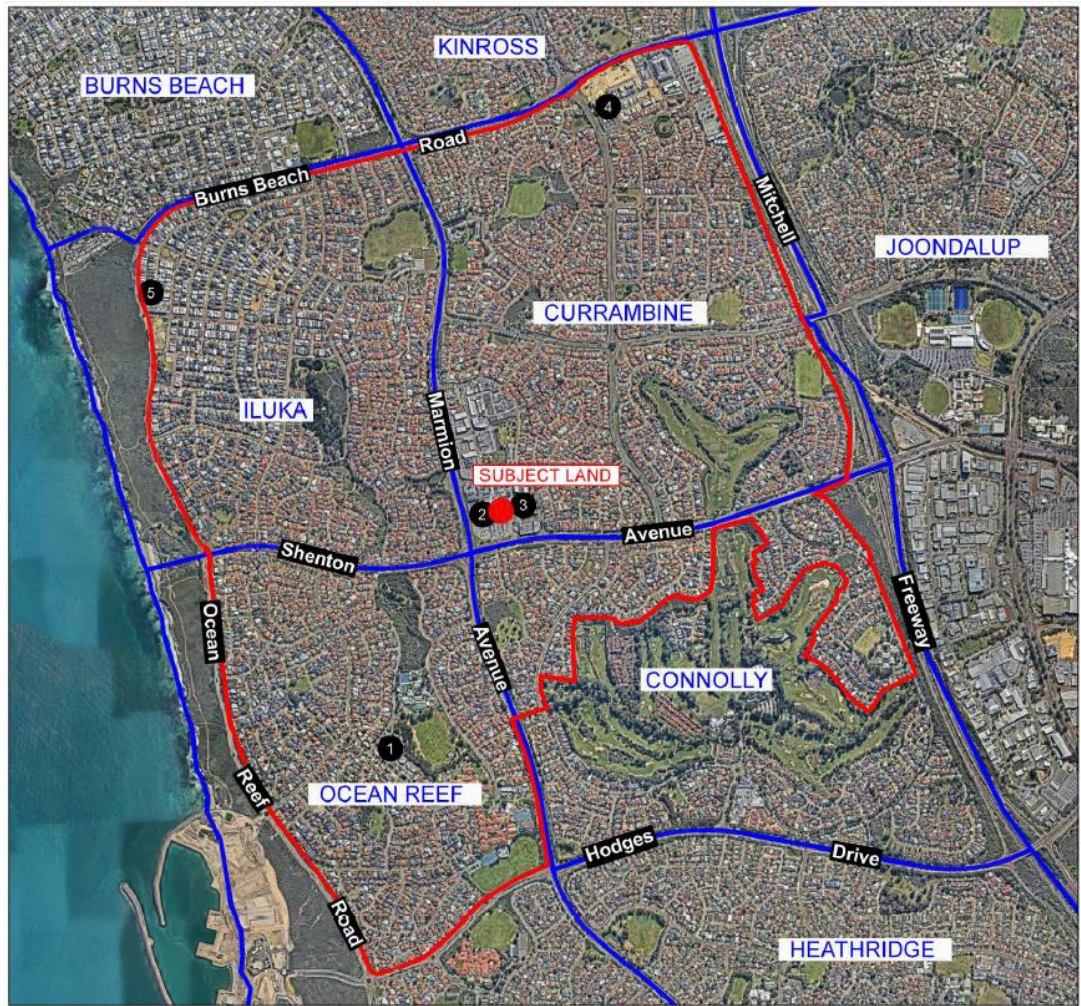
⁶⁸ [LC 32/2022].

⁶⁹ [LC 35/2022].

⁷⁰ [LC 9/2023].

⁷¹ [LC 15/2023].

⁷² MGA Report, Figure 1.



This area surrounds the Store, and captures the inhabited areas of the suburbs of Currumbine, Iluka, and portions of Connolly and Ocean Reef. The Store is easily accessible on foot or bike from that area.

The Locality is defined by the following:

- (a) The northern boundary of the Locality is defined by Burns Beach Road, being an 'Other Regional Road' under the MRS to the east of Marmion Avenue. Residents to the north of Burns Beach Road are within closer proximity and considered by MGA to be within the neighbourhood of two alternate activity centres.⁷³
- (b) The western edge of the Locality is defined by the foreshore reserve areas at the western edges of the suburbs of Iluka and Ocean Reef.⁷⁴
- (c) To the east, the Mitchell Freeway is identified as a 'Primary Regional Road' under the MRS and forms a definitive barrier separating residents within the Locality from those to the east in the suburb of Joondalup.⁷⁵

⁷³ MGA Report, paras 4.9 – 4.10.

⁷⁴ MGA Report, para 4.11.

⁷⁵ MGA Report, para 4.12.



- (d) The south-eastern edge of the Locality is defined by the edges of the Joondalup Golf Course, which creates a clear distinction and separation between the communities at either side.⁷⁶
- (e) To the south-west, the Locality boundary follows the alignment of Hodges Drive, which is an 'Other Regional' road under the MRS. Residents in the balance of the suburb of Ocean Reef to the south of Hodges Drive external to the Locality, would likely resort to activity centres in Mullaloo or Beaumaris.⁷⁷

MGA has provided logical and coherent reasons for the Locality boundaries they identify, and their reasoning is consistent with the criteria identified by Archer J. MGA's analysis of the Locality is also consistent with City of Joondalup Town Planning Scheme,⁷⁸ the policy criteria in SPP 4.2, and the State Planning Policy 4.2 – Activity Centres (2023),⁷⁹ in particular regarding district activity centres being important local focal points that help to provide for the daily to weekly shopping needs, community services, facilities and job opportunities and provide small-scale comparison shopping (in Table 3). District activity centres are typically characterised by an indicative service population of between 20,000 to 50,000 persons.⁸⁰

The fact that 91% of respondents surveyed at the Centre live within the Locality⁸¹ corroborates this area being the relevant 'neighbourhood' surrounding the proposed Store.

In those circumstances, Liquorland submits that the Locality as identified by MGA should be accepted as the relevant 'locality' for the purposes of s36B(4) in this Application. The RGL Premises Manager has confirmed that the proposed Locality is appropriate.⁸²

6.4 Local packaged liquor requirements

The phrase 'local packaged liquor requirements' is defined in s 36B(1) as meaning 'the requirements of consumers for packaged liquor in the locality in which the proposed licensed premises are, or are to be, situated'. Reading this definition into s36B(4), it provides:

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

There is ample evidence about the local packaged liquor requirements of consumers in the Locality.⁸³

Firstly, the McGregor Tan survey revealed a high number of regular packaged liquor purchasers amongst residents and visitors within the Locality (83% of respondents have

⁷⁶ MGA Report, para 4.14.

⁷⁷ MGA Report, para 4.15.

⁷⁸ MGA Report, para 4.22, Figure 4.

⁷⁹ MGA Report, section 7.

⁸⁰ MGA Report, para 7.4.

⁸¹ MT Report, page 16 ('Live within map').

⁸² Email from Daryl McLauchlan to the applicant's solicitors dated 5 September 2025.

⁸³ Email from Daryl McLauchlan to the applicant's solicitors dated 5 September 2025.



purchased packaged liquor in the last 12 months and 82% of those do so at least monthly).⁸⁴

Liquor stores co-located with full-scale supermarkets are a contemporary expectation (and notorious fact), acknowledged by the Court⁸⁵ and the Liquor Commission, and are reflected in the success of the Liquorland business model in WA, from which a requirement for the Store's services can be inferred.⁸⁶ In addition, there is clear evidence that packaged liquor consumers in the Locality have a requirement for an additional liquor store which provides the opportunity for efficient combined grocery and packaged liquor purchases, in conjunction with co-located supermarkets. The McGregor Tan survey results indicate that 70% of respondents thought that it would be convenient to shop there at the same time as using other stores in the Centre⁸⁷ with survey respondents also noting that they would likely use the store for small purchases such as a few bottles of wine or a six pack of beer (43%) and for last minute purchases (35%). This use differs from Dan Murphy's, being a destination store for larger liquor purchases or specialty products.

As also acknowledged by the Liquor Commission, it is a notorious fact that large shopping centres (such as those classified as a DAC) generally contain competing liquor stores (typically associated with the larger supermarket outlets such as Coles, Woolworths, IGA and Aldi).⁸⁸ There are many examples of this in WA, including (but not limited to) Karrinyup, Gateways Cockburn, Secret Harbour, Midland, Floreat, Joondalup, Morley, Belmont, and Ellenbrook.

The Liquor Commission has also accepted the notorious fact that, in populated urban areas (such as the Locality), there is a general consumer requirement for choice and competition, including competitive pricing and weekly specials, between packaged liquor providers.⁸⁹ Further, in Liquorland Karrinyup,⁹⁰ the Liquor Commission recognised "*the obvious desire for consumers to 'shop around' or compare prices in store*" between stores.

There is also evidence of a requirement for the efficiencies that flow from the co-location of competing liquor outlets at the one shopping centre from surveyed Centre visitors and local residents. Comparison shopping (both for price and range) is facilitated when there is co-location, and co-location reduces unnecessary consumer trips (and hence energy consumption, traffic congestion and vehicle emissions) and saves time for consumers. Co-location also exerts competitive pressure, which leads to benefits at the local level in matters such as service standards, quality of premises and range.

Further, it is a notorious fact that people are more likely to do their food, and consequently packaged liquor, shopping at a shopping centre that is closely located to them, that is, at their local shopping centre.⁹¹ This is, again, supported by the survey evidence.

The totality of the evidence demonstrates a requirement for **an additional convenient, local and readily accessible packaged liquor store** in the Locality at which

⁸⁴ MT Report, page 6

⁸⁵ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 at [78] per Buss JA.

⁸⁶ *Ibid.*

⁸⁷ MT Report, pages 10 and 11.

⁸⁸ *Liquorland Secret Harbour* [LC 06/2017] at [61].

⁸⁹ BWS Falcon [LC 07/2023] at [219], [221].

⁹⁰ *Liquorland Karrinyup* [LC 35/2022] at [138]-[139].

⁹¹ *Liquorland Karrinyup* [LC 07/2021] at [126].



competitively priced wine, beer and spirits, including local WA products, can be obtained in conjunction with other grocery and day to day items.

More specifically, there is a requirement (and expectation) for an additional supermarket associated liquor store in the Locality to **facilitate combined grocery and packaged liquor purchases** (ie one-stop, or even one-trolley shopping). These requirements are consistent with, and reflect, contemporary consumer standards, expectations and shopping habits and planning objectives (in particular ACGBP and SPP 4.2).

6.5 Packaged liquor services currently provided by existing premises in the Locality

There are currently five liquor stores within the Locality as defined by MGA. These are:

- 1 Liquorland Beaumaris – 62 Constellation Drive, Ocean Reef;
- 2 Dan Murphy's Currambine – 1244 Marmion Avenue, Currambine;
- 3 Aldi Currambine – 86 Delamere Avenue, Currambine;
- 4 Liquorland Currambine – 18 Sunlander Drive, Currambine; and
- 5 Porters Liquor – Unit 5/98 O'Mara Boulevard, Iluka.

As outlined in section 4.2 above, other existing packaged liquor premises in the Locality are not in a position to conveniently and efficiently meet demand for an additional liquor store to provide combined grocery and liquor purchases.

6.6 Existing packaged liquor premises cannot reasonably meet the local packaged liquor requirements

The question under s36B(4) is, ultimately, whether, viewed *objectively*, relevant local packaged liquor requirements can reasonably (ie sensibly, rationally or moderately, and without being absurd, ridiculous or extravagant, or excessive) be met having regard to contemporary standards and expectations for the provision of packaged liquor.⁹²

Liquorland submits that, although there are currently five packaged liquor premises in the Locality, the demonstrated requirements for an additional liquor store to provide choice, the benefits of competition,⁹³ and comparison shopping for packaged liquor, and to facilitate combined grocery and packaged liquor purchases (i.e. one-stop, or even one-trolley shopping), which cannot reasonably be met by the existing stores.

The survey results show that there is a strong level of support for the proposed Store with convenience being the key reason for that support. This suggests that there is a required level of convenience that the existing liquor premises are unable to meet.⁹⁴ This is consistent with the approach taken by the Liquor Commission in the *BWS Kelmscott* decision,⁹⁵ where the survey results as a whole, including the overall level of support for the Store and nominated requirements, were sufficient to establish consumer requirements despite the responses to specific questions suggesting existing outlets met their overall requirements.

⁹² *Liquorland Karrinyup* at [131], [133].

⁹³ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 at [74].

⁹⁴ MT Report, page 4.

⁹⁵ [LC 32/ 2022] at [140] to [141].



The proposed Store will allow those choosing to visit the Woolworths and Farmer Jack's supermarkets to make packaged liquor purchases more efficiently, without having to cross car parks with uphill incline and cross Tyger Entrance or Chesapeake Way to access the alternative Dan Murphy's or Aldi stores.⁹⁶ This is consistent with the *BWS Kelmscott* decision in which a shorter distance of 76m from the entry to the supermarkets, and separated by carpark and vehicle access-ways, was found to inhibit efficient single trolley grocery and liquor purchases.⁹⁷

Further, notwithstanding access issues, the fact that many large shopping centres in WA (typically, those classified as DACs – which is the case here, or higher order activity centres) contain several liquor stores (usually associated with larger supermarkets such as Woolworths, Coles, IGA and Aldi) is evidence of a related contemporary expectation and requirement, namely, that where there are large shopping or activity centres containing multiple supermarkets, there is a contemporary standard and expectation that there will also be multiple liquor stores. This sort of close competition facilitates efficiencies including comparison shopping and reduction in consumer trips, that is consistent with the express objectives of AGCBP and SPP 4.2 under the Planning and Development Act, and those planning policies are themselves evidence of contemporary standards and expectations.

Having regard to those contemporary standards and expectations, and the evidence as a whole, the licensing authority should infer (for the following reasons and in the following respects) that there are consumer requirements which cannot reasonably be met (i.e. in a way that is sensible, rational or moderate and not absurd or ridiculous or extravagant, or excessive) by the existing premises:

- (a) the consumer requirement for **choice and diversity of packaged liquor premises** providing a different range of products, pricing and promotions, and services than are available from the existing stores;
- (b) the consumer requirement for **additional convenience another one-stop shopping opportunity** for those that opt to shop at the Woolworths and Farmer Jacks supermarkets, and having to proceed from the Woolworths and Farmer Jacks supermarkets across a carpark and access roads to the Dan Murphy's or Aldi and then back again (either with or without a grocery trolley) would be relatively inconvenient and unreasonable having regard to contemporary standards and expectations for convenience and co-location of supermarkets and liquor stores;
- (c) the consumer requirement to be able to purchase packaged liquor in the Locality in a **competitive** setting and to enjoy the **benefits** (in terms of comparison shopping, facilities, services and prices) that flow from the close physical competition that is now a contemporary standard and expectation in DACs such as this. The Aldi generally has a very small unique non-refrigerated range and the Dan Murphy's on its own, cannot meet the "...*obvious desire for consumers to conveniently shop around or compare prices in store*", see the Liquor Commission's decision in *Liquorland Karrinyup* at [138]; and
- (d) the drawing of these inferences is strongly supported by the fact that two thirds (68%) of all survey respondents (and 73% of respondents who were purchasers of packaged liquor) supported the Application. The same proportion of purchasers (73%) said they would use the Store. The obvious and compelling inference which the licensing authority should draw is that support for, and

⁹⁶ MGA Report, paras 10.4 – 10.6.

⁹⁷ [LC 32/2022] at [151].



usage of, the Store would not be as strong as this if consumer requirements were being sufficiently met by existing stores.

6.7 Conclusion in relation to consumer requirements test

Approaching the evidence in the manner described above, based on the combination of the evidence of very strong consumer support for, and use of, the Store, the inference that various consumer requirements are not being completely met by existing premises, and the evidence of contemporary standards and expectations, the evidence as a whole comfortably satisfies the consumer requirements test under s36B(4).

- (a) The Court and the Liquor Commission have confirmed that consumer requirements for competition, convenience and one stop / one-trolley shopping are (amongst other things) relevant aspects of the requirements of consumers for the purposes of s36B(4).
- (b) While the existing premises may meet a certain consumer requirement in the Locality; the Applicant's evidence clearly demonstrates a consumer requirement for the choice, competition and convenience, including (but not limited to) one stop shopping, at an additional liquor store in the Locality.
- (c) There are no existing packaged liquor premises in the Locality, as identified by MGA, capable of sensibly or rationally satisfying the demonstrated consumer requirements for efficiencies provided by an additional local convenience store, consistent with contemporary standards and expectations and planning objectives, for the reasons outlined above.
- (d) It is unreasonable for consumers residing or working in, or resorting to, the Locality to be denied convenience, choice, diversity and competition of packaged liquor premises.

7 Objects of the Liquor Control Act

Summary

The Application satisfies the objects of the Act.

The objects of the Act in s5 are relevant in applying both the public interest test and the consumer requirements test.⁹⁸ Liquorland submits that the grant of the Application complies with the relevant objects of the Act, as follows.

7.1 Primary objects

Object	Application
To regulate the sale, supply and consumption of liquor	Liquorland is an experienced, responsible licensee who intends to implement site-specific operational and harm minimisation

⁹⁸ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 at [26] to [29].



Object	Application
	<p>policies and practices to ensure that the grant of the Application complies with this object. Any licence issued on the grant of the Application will also be subject to conditions that are imposed by the licensing authority, which will assist to ensure that liquor is sold at the Store in a responsible and regulated manner.</p>
<p>To minimise harm or ill-health caused to people, or any group of people, due to the use of liquor</p>	<p>As noted above, Liquorland will have comprehensive and tested harm minimisation policies and practices in place at the Store to mitigate any potential impact of the Store on the local community. Liquorland commissioned Bodhi to provide an expert opinion on the impact of the Store. Bodhi concluded that the Store is unlikely to contribute to alcohol-related harm or ill-health or adversely impact sensitive premises or at-risk groups within the Locality.</p>
<p>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</p>	<p>The Centre is in a DAC. Contemporary consumer expectations, consistent with planning objectives, are that a DAC of this magnitude will contain multiple convenience shops (including liquor stores) to facilitate comparison shopping. Granting the Application is consistent with the proper development of the liquor industry because it is a reasonable expectation for a locality to have a mix and choice of types (and brands) of packaged liquor premises which consumers can use to meet their requirements, and for a DAC to have more than one liquor store co-located with a supermarket.⁹⁹</p> <p>The expert evidence included as part of the Application shows that residents, Centre visitors, stakeholders and consumers in the Locality support the grant of the Application. This is reflected in the results of the survey.</p>

⁹⁹ *Liquorland Secret Harbour* [LC 06/2017] at 61.



7.2 Secondary objects

Object	Application
<p>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</p>	<p>Liquorland acknowledges that consumers have diverse requirements for packaged liquor. Some consumers prefer to browse extensively and purchase some or all of their requirements at large destination style premises. However, other consumers have a requirement to purchase some or all of their liquor in often smaller volumes at large shopping centres, in an efficient setting and in conjunction with other goods and services. Approving this Application will facilitate the development of licensed facilities that meet the requirement of the latter category of consumers as well as those who value having a choice of such premises.</p>
<p>To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor</p>	<p>Liquorland is an experienced licensee and will have extensive and tested harm minimisation policies in place at the Store to minimise any potential impact.</p> <p>Additionally, the Store will have site-specific security measures designed to ensure that the Store sells packaged liquor in a responsible manner.</p> <p>These policies, in conjunction with any conditions the licensing authority sees fit to place on the licence, will provide adequate control over the sale of packaged liquor at the Store.</p>
<p>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.</p>	<p>All liquor product advertising in and associated with the Store will comply with Coles Liquor's and the Director's responsible advertising policies.</p> <p>Further, Coles Liquor is a signatory to the Alcohol Beverages Advertising Code (ABAC) and a member of DrinkWise and Retail Drinks Australia, which in turn is a member of Alcohol Beverages Australia (ABA).</p> <p>Information and access to resources assisting those at-risk of alcohol-related harm and ill-health will be provided in-store. In those circumstances, the new Store will not encourage irresponsible drinking. Further, the location of the Store within the Centre means that it will not be visible to persons passing by</p>



Object	Application
	the Centre, and there will be limited external liquor product advertising inside the Centre.

8 Public interest benefits and considerations

Summary

The Store will result in benefits to the local community, including the **efficiencies of comparison packaged liquor shopping, one-stop shopping and convenience, and improved amenity** generally.

8.1 Benefits to the community and the public

The grant of the Application would provide numerous benefits to the local community. These include the following:

(a) Choice and convenience

The Store will offer additional shopping choice and local convenience to residents who work or live in, or persons who travel to or through the Locality, particularly the opportunity to compare products, price and services at diverse liquor stores located at the Centre.

As outlined above, there is a substantial level of support from local residents based on the increased level of choice and convenience that the proposed Store would offer.

(b) One-stop-shopping

It has long been recognised that the contemporary requirement for one stop shopping for liquor and other retail purchases is an important element of modern life. As recognised by the Liquor Commission,¹⁰⁰ the essence of one-stop shopping is the ability to easily visit multiple shops in close proximity without the need to make a second trip in a vehicle. A further aspect of that convenience is the ability to visit multiple shops using a single trolley. This Application is entirely consistent with that requirement.

As noted above, the Centre is part of the Currumbine DAC. It is expected that a DAC will have multiple convenience stores and supermarkets located within it, catering to the daily and weekly retail requirements of local residents and visitors, and facilitate small-scale comparison shopping. Packaged liquor is a convenience good suited to a DAC.

It is a reasonable expectation for a DAC to contain a liquor store co-located with a full-scale supermarket to enable single trolley combined grocery and packaged liquor purchases, being a level of retail amenity commonly available to, and expected by, consumers in the metropolitan area. That opportunity is

¹⁰⁰ *BWS Kelmscott* [LC 32/2022] at [153]



only currently available at one location at the edge of the Locality, and the Store would provide an additional choice for local consumers.

(c) Everyday value and competitive prices

The Store will offer consumers the benefit of competitive prices and an improved choice of a range of liquor products conveniently purchased as part of an everyday shop. The Store will carry up to 1,600 lines of stock. This range is regularly reviewed, to enable Liquorland to accommodate the changing trends, expectations, and preferences of contemporary consumers.

Liquorland stores emphasise single item value, rather than bulk purchasing or bundle buys.¹⁰¹ This provides the opportunity for consumers to obtain value for the one or two liquor products that might accompany grocery or other shopping, consistent with the demonstrated requirement for smaller packaged liquor purchases.

Liquorland stores aim to provide excellent value to consumers in respect of its product range and price and always look to provide the best value for money to consumers, including by way of its price-match guarantee.

The increased competition within the Locality is expected to lead to competitive prices, improved range, variety and choice of products and services.

(d) Internal layout of new Store

The Store will feature an internal layout incorporating a modern store design and improved consumer convenience and service, consistent with contemporary expectations. It is intended to provide a heightened, enjoyable shopping experience and allow better access for trolleys to benefit consumers conducting one-stop shopping, including in the cool room. Additionally, the Store will have clear signage, allowing consumers to easily identify where their preferred varieties of product, and local WA products, are located.¹⁰²

(e) Amenity of the area

Liquorland is committed to promoting the use and development of the Store at a standard that the community expects (see the House Policy and Code of Conduct). Liquorland believes that the Store will add to the amenity of the Locality as:

- (1) the Centre is part of a DAC and, as such, is a retail focal point;
- (2) the Centre, and the Store, are consistent with the town planning principles guiding development for consumers in the Locality;
- (3) the Store itself will be an appropriately designed, modern, and responsibly managed premises; and
- (4) the Store will be ideally located to assist local residents to fulfil their retail requirements and improve shopper efficiency and reduce the need to travel both within and external to the Locality.

The reduction in travel that comes with having a convenience liquor store located in close proximity is also likely to enhance amenity for the community generally because it limits vehicle use and traffic congestion and the associated adverse environmental effects. Reductions in vehicle use, traffic congestion and pollution, and an increase in the utility of retail facilities, all relate to amenity

¹⁰¹ Statement of Nick Smith, paras 21, 51.

¹⁰² Statement of Nick Smith, paras 58–63.



because they go to the overall character, quality and enjoyment of life within a locality.¹⁰³

(f) Security of the Locality

As outlined in section 10.7 below, the Store will have comprehensive security measures in place to minimise and deter crime and anti-social behaviour. These measures are rigorous and will have a beneficial impact on the security and safety of patrons using the Store.

The Store will also provide consumers in the Locality the opportunity to purchase liquor in a safe and responsible environment.

(g) Other benefits for community

The Store will be offering a substantial number of Western Australian wines, beers and spirits. By stocking and promoting these items, the Store will support the local economy and specifically local producers.

The Store will provide up to 8 positions (including full time, part time and casual) to local members of the community.¹⁰⁴

9 Harm or ill health: section 38(4)(a)

Summary

Coles Liquor’s established security measures and harm minimisation policies will ensure that the impact of the Store is minimal.

The socio-economic profile of the Locality is of relatively higher advantage/ lower disadvantage.

Sensitive premises were consulted about the Store and no adverse impacts were identified.

9.1 Communities and sub-communities

MGA prepared a demographic profile of the Locality, including a consideration of groups and sub-groups potentially at risk of alcohol related harm or ill-health in the Locality (as identified under the Drug and Alcohol Interagency Framework for Western Australia 2011-2015). Bodhi also undertook a risk assessment based on the demographic profile.¹⁰⁵

Group	Locality	Risk assessment
Children and young people	<ul style="list-style-type: none"> The proportion of children aged 0 – 14 in the locality (17.1%) was lower than 	Low Risk

¹⁰³ *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2020] WASCA 157 at [184]–[185] per Buss P.

¹⁰⁴ Statement of Nick Smith, para 82.

¹⁰⁵ Bodhi Report, pages 29–30.



Group	Locality	Risk assessment
	<p>the proportion throughout Greater Perth (18.9%) and the State (19.0%).</p> <ul style="list-style-type: none"> The proportion of those aged 20 – 29 (11.6%) and 30 – 39 (9.0%) was also lower than throughout Greater Perth (13.1% and 15.3% respectively). There was a higher proportion of teenagers aged 15 – 19 (8.1%) compared to Greater Perth (5.8%) and the State (5.8%). AEDC suggest children are performing well, school attendance is high, and less children are vulnerable on 1 or more domains. There is a significantly lower percentage of disengaged youth. 	
Aboriginal people and communities	<ul style="list-style-type: none"> Those identifying as Aboriginal in the locality (0.7%) make up a lower proportion than throughout Greater Perth (2.0%) and the State (3.3%). 	Low Risk
Regional, rural, remote communities	The Locality area is not a regional, rural or remote community.	Low Risk
Families	<ul style="list-style-type: none"> The Locality had a higher proportion of family households (86.4%) in comparison to Greater Perth (71.5%) The proportion of single parent families in the Locality (10.6%), was much lower than throughout Greater Perth (15.1%). 	Low Risk
Migrant groups from non-English speaking countries	<ul style="list-style-type: none"> There was a lower proportion of migrants from non-English speaking countries in the locality (14.0%) in comparison to the Greater Perth average (20.5%). The proportion of those not speaking English well or at all throughout the locality (0.7%) was lower than throughout Greater Perth (2.6%), indicating a relatively high level of English proficiency. 	Low Risk



Group	Locality	Risk assessment
People in low socio-economic areas	<ul style="list-style-type: none"> Median individual, household and family incomes greatly exceeded Greater Perth and State averages in all suburbs within the Locality area. In addition, the level of unemployment recorded in the 2021 Census (4.3%) was below the Greater Perth average (5.3%). The SEIFA index indicates that all suburbs in the Locality rank very highly in comparison to State and national averages in terms of relative socio-economic advantage / disadvantage. 	Low Risk
Mining communities	<ul style="list-style-type: none"> The Locality is not a mining area and there are fewer persons employed in mining than Greater Perth. 	Low Risk.
Tourist Communities	<ul style="list-style-type: none"> The area is not a tourist destination. The proportion of visitors within the Locality (1.6%) was lower than the Greater Perth average (2.4%). 	Low Risk

There is no direct evidence that any of these groups is suffering from or at-risk of alcohol related harm in the Locality.

MGA found that overall the community is considered to represent a **low risk**.¹⁰⁶ Bodhi also confirmed that the Locality is **low risk** across all risk factors.¹⁰⁷

9.2 Social health indicators

(a) SEIFA

The SEIFA Index of Relative Socio-economic Advantage and Disadvantage (**IRSAD**) summarises information about the economic and social conditions of people and households within an area, including both relative advantage and disadvantage, which is measured based on 25 indicators regarding income, education level, employment, household status, and other matters. A low IRSAD score indicates relatively greater disadvantage and a lack of advantage in general. A high score indicates a relative lack of disadvantage and greater advantage in general.

Based on 2021 Census data, the score for the suburb of Currambine was 9 relative to the nation and 8 relative to the State. This indicates that the Locality

¹⁰⁶ MGA Report, para 6.11.

¹⁰⁷ Bodhi Report, page 30.



had a **high level of relative socio-economic advantage** compared to both the nation and State.¹⁰⁸

Bodhi determined that the overall Locality had a SEIFA decile of 10 relative to Greater Perth and the State.¹⁰⁹

(b) Other socio-economic factors

The MGA Report also considered other relevant socio-economic factors, as they applied to the Locality, relevantly:¹¹⁰

Census	Greater Perth Metro 2021	Locality 2021
Unemployment (%)	5.3	4.2
Median weekly household Income (\$)	1,865	2,616
Home owned (%)	28.5	36.3

Bodhi conducted a wellbeing assessment which found that:¹¹¹

Factor	Locality information	Advantaged/ Disadvantaged
Material living conditions	This domain covers purchasing power, income and housing. The Locality is relatively affluent. Median household income is higher than Greater Perth and mortgage and rental stress is lower than Greater Perth. There is high home ownership and low levels of rental, social housing and homelessness. Median house prices are higher than Greater Perth.	Positive

¹⁰⁸ MGA Report, paras 5.30 and 6.7.

¹⁰⁹ Bodhi Report, pages 17, 19, 29.

¹¹⁰ MGA Report, Tables 8 and 9.

¹¹¹ Bodhi Report, pages 27–28.



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Factor	Locality information	Advantaged/ Disadvantaged
Work	The Locality has a high level of workforce participation rates. Unemployment is lower, and youth unemployment is lower than in Greater Perth. There is a higher percentage of persons employed in education, construction, and in management and professional roles.	Positive
Skills and learning	The Locality has a similar percentage of residents with university qualifications and a higher proportion attending university. Schools are achieving average to above-average results, and attendance levels are higher than average. There are learning institutions catering for skill development at all levels in Joondalup, just outside the Locality.	Positive
Health and vitality	The majority of modifiable risk factors, that include smoking, being overweight, low physical activity, high blood pressure and avoidable mortality, are better than or similar to Greater Perth and the State. Risky consumption of alcohol is higher but is likely impacted by the demographic that has a higher proportion of persons aged 45-65 and less younger persons aged 20 – 45. There are fewer persons with a long-term health condition, fewer emergency department admissions for external causes (accidents, falls, poisoning), and fewer mental health conditions and people suffering mental distress. The area is very well served with supporting	Neutral



Factor	Locality information	Advantaged/ Disadvantaged
	and medical services. Overall, this is a relatively healthy community with the exception of the risky consumption of alcohol.	
Personal safety	The Locality is overall safe with a crime rank of 10.	Positive
Community engagement	The community is engaged and exhibits a good level of volunteerism, high workforce participation, and youth engagement.	Positive
Environment	This domain covers quality of the environment. The Locality is an established metropolitan suburb with a high level of community facilities and services, close to the coast and with good access to local parks, foreshore reserves and sporting fields. It has good accessibility to public transport and main road regional connectivity. The higher level of natural and urban amenity is reflected in the higher median house prices.	Positive

Bodhi concluded:¹¹²

The demographic and social profile of the Locality is indicative of a healthy, relatively well-educated, mature population of predominantly couple families. There is a high level of workforce participation and school attendance. There is good regional connectivity, access to health and education services, and recreational facilities. Compared to Greater Perth and the State there is a low level of crime, and lower levels of unemployment, and mortgage and rental stress and relative affluence. These attributes suggest the Locality has a high level of well-being.

¹¹² Bodhi Report, page 28.



(c) Crime statistics

The latest publicly available Western Australia Police statistics for the Locality and surrounding suburbs are found in the Bodhi Report.¹¹³ These statistics are not specific to the Locality and do not indicate which offences are alcohol-related. It is also not clear from the data whether the incidents recorded were in relation to activities at or near the proposed Store. These reported incidents of crime suggest that Currambine is relatively safe.¹¹⁴

(d) Alcohol related health statistics

The available data suggests that the Locality population is at a similar (if not lower) risk to the State for alcohol related ill-health.¹¹⁵

Bodhi noted that:¹¹⁶

The modifiable risk factors for this Locality are mixed with most indicators being similar or better than Greater Perth and the State. Two indicators that are of concern are risky levels of alcohol consumption and median age at death, this is more reflective of the non-weighted measure.

Both of these health indicators are reflective of the demographic composition with a higher proportion aged 45 to 65 (33.6%) compared to Greater Perth (24.2%). This cohort is also more likely to consume alcohol in the home and in social settings where guidelines are exceeded (defined as consuming five or more standard alcoholic drinks on any day in the last 12 months at least monthly). Overall, the population is in good health, and indicators of loneliness and mental health disorders, emergency admissions, premature mortality, and crime indicators of domestic violence and crimes against the person are suggestive of lower alcohol related harm than Greater Perth and the State.

(e) Application of statistics to current Application

In any event, reliance on historic and statistical data to assess the potential for the proposed Store to result in additional harm or ill-health must proceed with care and be balanced against the nature of the operations and harm minimisation policies proposed.

9.3 Harm minimisation strategies

Having regard to the demographics of the Locality, it is unlikely that the operation of the Store would have an adverse impact on the health or well-being of the local community. However, to the extent that there is a risk of harm arising, Liquorland has proven strategies in place to mitigate the risk.

Two of the primary objectives of the Act are to:

- regulate the sale, supply and consumption of alcohol; and

¹¹³ Bodhi Report, pages 24–27.

¹¹⁴ Bodhi Report, pages 6, 24, 28, 42.

¹¹⁵ Bodhi Report, pages 6, 21–23, 27–28.

¹¹⁶ Bodhi Report, page 22.



- minimise (not prevent) harm or ill-health caused to people, or any group of people, due to the use of liquor.

Using the benefit of its experience in the packaged liquor market in Western Australia, Coles Liquor has developed harm minimisation policies to ensure that the Store will comply with these objectives and will be operated in a responsible manner,¹¹⁷ while also ensuring that consumers can conveniently purchase packaged liquor.

These policies are designed to be applicable across the State – in suburbs with good and poor social health. Liquorland submits that these harm minimisation policies will be sufficient to ensure that alcohol related harm and ill-health is mitigated as much as possible.

(a) Security and harm minimisation

In addition to its general harm minimisation policies as outlined below, Liquorland will have security measures to minimise any prospect of the Store contributing to alcohol related harm in the community. These measures, outlined in paragraph 10.7 below, are considered to be global best practice security measures.¹¹⁸

Of particular note is the security measure of placing all spirits behind locked glass which has been shown to deter theft and reduce aggressive incidents.¹¹⁹ It must be acknowledged that it is not possible to remove the risk of theft entirely for any liquor retailer in Perth. The objects of the Act in this regard are clear - to minimise any harm (and impact on the amenity) not to remove it entirely, which is not practical¹²⁰

(b) House policies and management plans

Liquorland is an experienced licensee and is part of the Coles Liquor group, which currently operates 134 liquor stores in Western Australia.¹²¹

Coles Liquor has had regard to the objects of the Act in developing its House Policy for the Responsible Service of Alcohol (**House Policy**) and WA Management Plan (**Management Plan**) for the Store, and a Coles Liquor Code of Conduct (**Code of Conduct**),¹²² as follows.

Coles Liquor's harm minimisation strategies, which exceed the minimum requirements outlined in the Director's '*Harm Minimisation Policy*', are detailed in its House Policy, Code of Conduct and Management Plan. These have been developed and tested with the benefit of Coles Liquor's extensive experience in the liquor industry in Western Australia and nationally.¹²³

Coles Liquor is committed to minimising harm and ill health to its patrons, and the wider community, from the use of liquor by:

¹¹⁷ Statement of Nick Smith, paras 25–28.

¹¹⁸ Statement of Nick Smith, paras 65–73.

¹¹⁹ Statement of Nick Smith, para 67.

¹²⁰ LL Hamilton Hill [A857119210] at [33].

¹²¹ Statement of Nick Smith, para 9.

¹²² Statement of Nick Smith, paras 27, 30.

¹²³ Statement of Nick Smith, para 26.



- adopting responsible practices in the service of liquor (as referred to above), including the responsible promotion of liquor at the Store (Management Plan, section 2.1); and
- discouraging and eliminating disorderly and inappropriate behaviour by persons on or near the premises (House Policy; Code of Conduct; Management Plan, section 3).

Coles Liquor expects that any undue harm or ill-health in what is already a moderate risk community will be mitigated by the operation of the Store in accordance with Coles Liquor's management practices (which have proven to be effective at its other stores within the State) plus the security measures outlined above.

It is general Coles Liquor policy that the managers of Liquorland stores will join any local liquor accords that exist in the area. This has resulted in Liquorland stores identifying and addressing alcohol related issues in the past. Coles Liquor also seeks to develop an effective working relationship with local police and the LEU.¹²⁴

(c) Advertising policies

Coles Liquor seeks to ensure that its liquor advertising:¹²⁵

- should not encourage the rapid and/or excessive consumption of alcohol;
- should not appeal to minors or people under the age of 25; and
- should not promote inappropriate or offensive behaviour.

Coles Liquor is a signatory to Alcohol Beverages Advertising Code (**ABAC**). It takes its alcohol advertising obligations and responsibilities very seriously and is committed to industry best practice. The ABAC vets all major Liquorland campaigns prior to their release to ensure that they meet community standards.¹²⁶

Liquorland's marketing material, means of communication and overall behaviour are consistent with the spirit of ABAC and its Responsible Alcohol Marketing Code. As a business Liquorland has established a strong culture of compliance education and training to ensure its team have the necessary skills and expertise to successfully navigate this heavily regulated environment.¹²⁷

(d) Responsible sale of alcohol

Coles Liquor is committed to the responsible sale, service and consumption of alcohol by:

- adopting responsible practices in the service of liquor (House Policy; Code of Conduct):
 - requiring the management and team members of the Store to undertake Coles Liquor's induction training, an approved RSA course, and to complete regular on-going training (Management Plan, sections 2.2 and 7);

¹²⁴ Statement of Nick Smith, paras 74–75.

¹²⁵ Statement of Nick Smith, para 49.

¹²⁶ Statement of Nick Smith, paras 28, 53.

¹²⁷ Statement of Nick Smith, para 54.



- refusing to sell liquor to any person who appears to be intoxicated (Management Plan, section 4);
- refusing to serve anyone who intends to drink liquor in a public place (Management Plan, sections 4.3 and 4.4) or supply alcohol to a drunk person (Management Plan, section 4.1);
- ensuring patrons and team members have ready access to information and training materials in relation to the responsible service of liquor;
- preventing the sale of liquor to juveniles (House Policy; Code of Conduct):
 - ID 25 Policy checks are routinely carried out (Management Plan, section 5.7);
- reporting street drinking in the vicinity of the Store to Police (Management Plan, section 4.4);
- complying with all laws and regulations in relation to the sale and consumption of liquor products (House Policy);
- being a signatory to the Retail Drinks Online Code of Conduct, which is an industry-wide framework developed in collaboration with the government and community to enhance compliance in the responsible online sale and delivery of alcohol;¹²⁸ and
- being a founding member and key contributor to DrinkWise and participating in DrinkWise promotions. For example, Liquorland's private label wine has the DrinkWise Pregnancy label and DrinkWise signage will be displayed in-Store (as shown below) providing easy access to support services for customers needing help managing their alcohol consumption or behaviour. Customers will be able to scan a QR code or tap their mobile phone on the signage, which will then take them to the DrinkWise website. From there, customers will be able to access a range of support services, including the National Alcohol and Other Drug Hotline, Lifeline, Beyond Blue and Alcoholics Anonymous.¹²⁹

¹²⁸ Statement of Nick Smith, para 28.

¹²⁹ Statement of Nick Smith, para 28.



Coles Liquor has also introduced a national self-exclusion process for customers for all its stores and online platforms.

In addition to the above measures, there is an increasing trend in Australia, and globally, towards more moderate drinking behaviours. This is reflected in the fact that no and low alcohol products are the fastest growing category in the Coles Liquor Group business.¹³⁰ Coles Liquor's expanded no and low alcohol range will refocus customers' attention to no and low alcohol products resulting in more responsible drinking behaviours.

(e) Induction training

Coles Liquor's induction training covers topics such as:¹³¹

- code of conduct and behaviour standards;
- company policies, including compliance, fair trading, tobacco, liquor licensing, equal opportunities, safety and asset protection; and
- compliance with liquor licensing laws, including the responsible service of alcohol, signage requirements and other operational requirements.

Further, all Coles Liquor team members complete 'Serve Up' training (Coles' product knowledge and service training platform), which provides an overview of product knowledge for alcoholic beverages as well as additional information on trending lines and helpful tips for service.¹³²

Coles Liquor is an experienced licensee, and has worked to ensure that the training provided to its team members is sufficient to ensure that packaged liquor is sold to consumers responsibly.

(f) Ongoing training

¹³⁰ Statement of Nick Smith, para 17.

¹³¹ Statement of Nick Smith, para 30.

¹³² Statement of Nick Smith, para 19.



Further, during the course of their employment, team members are required to complete training on the following topics:¹³³

- likely indicators of someone being intoxicated;
- dealing with aggressive customers;
- armed hold-ups;
- controlling store loss and security; and
- product knowledge.

A breach of liquor licensing laws could result in an employee's dismissal from employment.¹³⁴

Coles Liquor constantly reminds its team members of their obligations to comply with liquor licensing laws through a variety of methods, including:¹³⁵

- a suite of online training programs to educate all team members on their RSA obligations; and
- licensing and compliance manual, guidelines, audit checklists and customer service and management procedures, which are available for all team members via an intranet.

The training referred to above looks to ensure that best practice systematic control is exerted over the sale of alcohol in all Liquorland stores.

An RSA training register is maintained by the manager of each Store, recording team member's training compliance (Management Plan, section 2.3, Attachment A).

An incident register is also maintained, recording details of all incidents and complaints in relation to the premises (Management Plan, section 3.6).

Coles Liquor uses a Regulatory Compliance and Licensing booklet to give team members a summary resource of all licensing and compliance issues.¹³⁶

Additionally, team members are regularly sent an interactive check list informing them how best to deal with aggressive customers.

Patrons are required to comply with Coles Liquor's Code of Conduct and respect team members and other patrons, or they will be requested to leave the Store.

(g) Indigenous training program

Coles Liquor has a training program for store team members designed to:¹³⁷

- better educate team members of the alcohol related harm being experienced by Indigenous communities; and
- develop team members' skills to facilitate better engagement with Indigenous communities.

(h) Coles Liquor Leadership Program

¹³³ Statement of Nick Smith, para 31.

¹³⁴ Statement of Nick Smith, para 32.

¹³⁵ Statement of Nick Smith, para 34.

¹³⁶ Statement of Nick Smith, paras 34–35 and Annexure 7.

¹³⁷ Statement of Nick Smith, para 37.



Coles Liquor is also dedicated to training young, Western Australian liquor industry leaders. It has established the 'Liquor Retail Leaders Program', which looks to train Western Australian team members to become more prominent in the industry.¹³⁸

9.4 Sensitive premises audit

Liquorland commissioned Bodhi to conduct an audit of the sensitive premises located within the Locality, as well as to consult with key stakeholders in the community.

(a) Sensitive premises audit

The following sensitive premises were identified by Bodhi and will be notified of the Application in accordance with the Director's advertising directions:¹³⁹

- 5 schools;
- 3 childcare facilities;
- 5 places of religious worship;
- 1 community centre; and
- 1 health care centre.

(b) Stakeholder engagement

Bodhi also consulted with key community stakeholders and sensitive premises regarding the impact of the Store. Stakeholder interviews were conducted to understand the potential for impact on their premises and the communities they serve, the extent to which the local community may be impacted by a liquor store and any issues in the community that may be relevant to determining whether granting the Application is in the public interest.

Bodhi conducts stakeholder interviews in a protected environment where issues can be discussed in confidence, in person or by phone. The interview process is informal and unstructured and is designed to gain an 'on the ground' view to identify potential issues as distinct from an organisational, strategic or policy response. The stakeholder contact is often the manager of facilities, or someone nominated to speak on behalf of the organisation.

Overall, the outcome of this consultation was positive. No stakeholder reported concerns that the proposed Store will impact the community they serve or their operations.¹⁴⁰

The Bodhi Report considers the impact of the Store on these premises. In short, Bodhi concluded:¹⁴¹

There are 14 sensitive premises, hosting 17 user groups, in the Locality. Two premises, the Child Health Clinic and the Currumbine Community, are within close proximity (400m) of the Store. These sensitive uses are currently more visible and closer to the existing licensed premises than to the proposed Store, which will be further removed, being internal to the Centre complex. The Locality also includes five schools all with OHSC programs, and the Currumbine

¹³⁸ Statement of Nick Smith, para 36 and Annexure 8.

¹³⁹ Bodhi Report, page 31.

¹⁴⁰ Bodhi Report, pages 34, 44.

¹⁴¹ Bodhi Report, page 44.



Community Centre that hosts two religious faith congregations. Although some premises are in close proximity to the Dan Murphys and within sight of the store, none report being currently adversely impacted by the existing stores. The proposed Store and Centre perform well against CPTED requirements and will improve local amenity.

9.5 Conclusions regarding harm

Based on the totality of the evidence, Liquorland submits that, in assessing the public interest, there is no specific evidence of any risk of incremental harm that needs to be weighed against the demonstrated benefits the Store will provide.

To determine whether the Application will satisfy section 5(1)(b) of the Act, the following analysis (known as the *Carnegies* test) must be performed:¹⁴²

- 1 what are the existing levels of harm in the Locality;
- 2 what is the likely degree of harm to result from the grant of the Application;
- 3 assess the likely degree of harm to result from the grant of the Application against the existing degree of harm; and
- 4 weigh the likely degree of harm, so assessed, together with any other relevant factors to determine whether the applicant has satisfied it is in the public interest to grant the Application.

In respect of this Application:

(a) Existing levels of harm

The available evidence suggests the Locality experiences similar alcohol-related harm and ill-health to the State average.

(b) Likely harm arising from grant of Application

The Store will be a small, secure packaged liquor premises, which is designed to primarily cater to local residents purchasing liquor as part of their daily or weekly grocery shop at the co-located Woolworths and Farmer Jacks supermarkets.

It is located wholly within the Centre. In addition to Centre security, Coles Liquor will implement strong security measures, including the placing of spirits behind locked glass. These security measures will assist in minimising any possibility of the Store having any adverse impact.

There is no specific evidence to suggest that granting the Application will result in harm and ill-health at all, or alternatively, to a level that could be deemed to be unacceptable or undue.

Liquorland has been recognised by the Liquor Commission as “*a responsible entity that takes its obligations of selling a potentially harmful product seriously by way of implementing harm minimisation measures.*”¹⁴³ It will minimise any risk of harm both by its stringent security measures and via its best practice harm minimisation policies.

(c) Assessment of likely harm arising from grant against existing harm

¹⁴² *Carnegies Realty Pty Ltd v Director of Liquor Licensing* [2015] WASC 208.

¹⁴³ *Liquorland Gateway* [LC 07/2017] at [8].



Based on the above, Liquorland submits that it is unlikely that the grant of this Application will result in any increase in alcohol-related harm at all (or alternatively, any increase to undue or unacceptable levels).

(d) Has the applicant satisfied that it is in the public interest to grant Application?

The conclusions above are supported by the objective evidence of McGregor Tan, Bodhi and MGA.

To the extent that any weighing and balancing exercise is required in this case, Liquorland submits that the benefits of the Store outweigh any potential adverse impacts from granting the Application, ensuring the Store will have a net public benefit.

10 Impact on amenity: section 38(4)(b)

Summary

The Store will enhance the amenity of the area.

It will not cause increased annoyance or anti-social behaviour.

The Store will have very strict security measures in place to mitigate the risk of theft or any other matters which might affect amenity.

10.1 Impact on amenity

The Store will be wholly located inside the Centre and is unlikely to have any adverse impact on amenity.

10.2 Traffic and access

The Centre is positioned on the corner of Shenton Avenue and Marmion Avenue and can be accessed via a traffic light controlled intersection from Marmion Avenue, an off-ramp road from Shenton Avenue, or a turn into Tyger Entrance from Delamere Avenue.

The location of the Centre minimises the need for car travel through residential areas and it is unlikely that the Store will have any adverse impact on local traffic. The positioning and layout of the Centre provides good vehicle circulation.

Cycling and pedestrian access is good with shared paths and traffic-calmed local streets facilitating the safe movement of cyclists and pedestrians across the Locality.¹⁴⁴

10.3 Public transport

TransPerth bus routes operating in the locality area are shown below. The map also shows an 800m catchment around the Centre, representing an indicative walkable catchment, as described in the Liveable Neighbourhoods (WAPC, 2009) policy. In this instance, with reference to the 800m catchment radius diagram as a guide to scale, it is evident that all residents within the locality have access to a bus route within 800m of

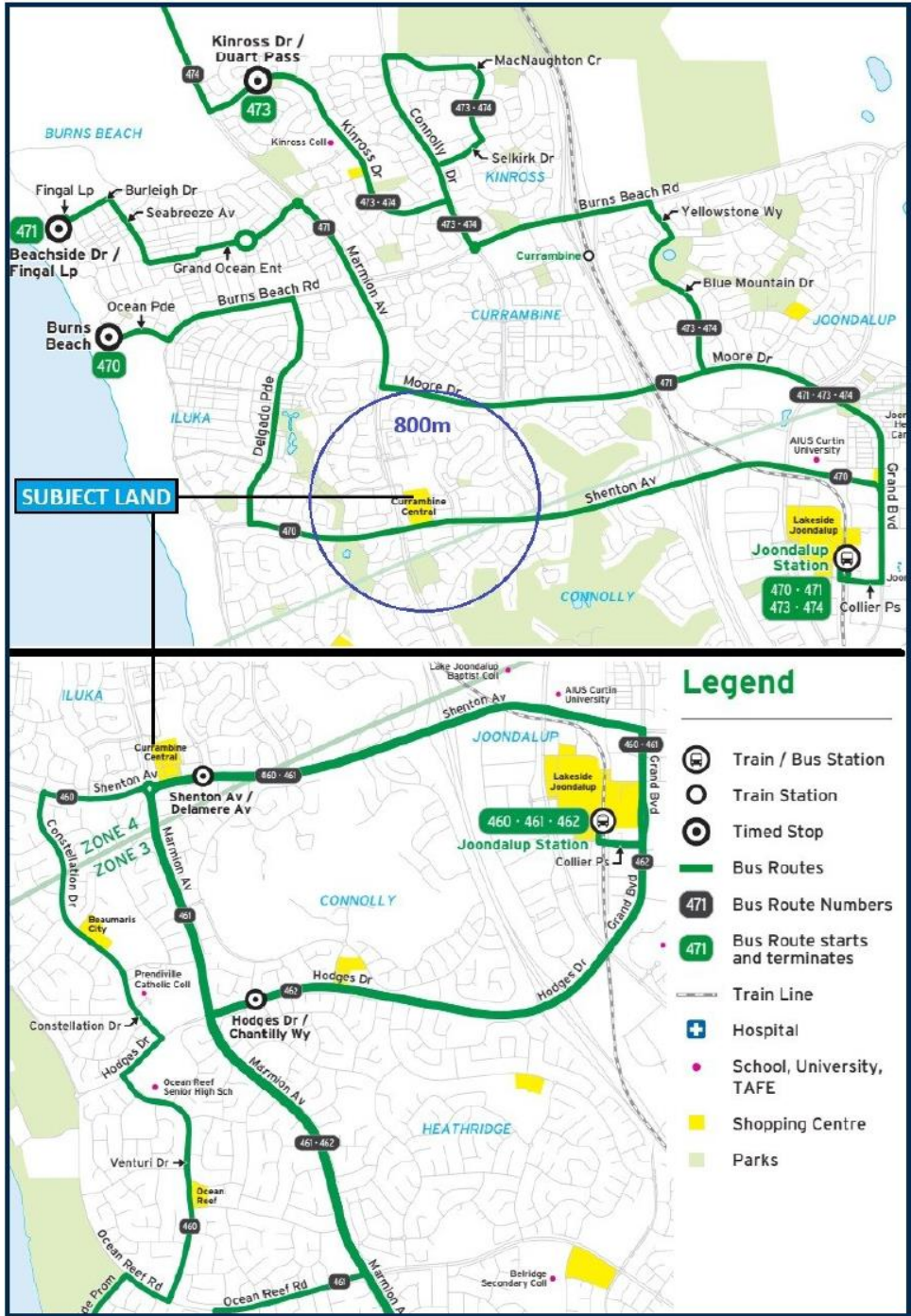
¹⁴⁴ Bodhi Report, page 34.



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their dwelling that would in turn enable access to bus service 470, which passes by the Centre.¹⁴⁵

Bus route 460, 461 and 470 stop at two bus stops immediately south of the shopping centre on Shenton Avenue, with a bus stop at each side of the road for the collection or setting down of passengers travelling east or west.



¹⁴⁵ MGA Report, para 8.5 and Figure 11.



10.4 Parking

There is ample parking provided at the Centre.¹⁴⁶

10.5 Streetscape and atmosphere of the area

The Store will be inside the existing Centre. On this basis, not only will the proposed Store not be detrimental, but it will likely, as part of the Centre, add positively to the amenity of the area.

A rendering of the proposed Store is below:



10.6 Noise and anti-social behaviour

Based on the location of the Store inside the Centre, Liquorland submits that the proposed Store will not create noise or anti-social activities that will detrimentally affect the Locality's amenity, over and above those associated with the operation of the Centre. The Store will be subject to the standard liquor store trading hours requirements of the Act.

In addition, the Store will have security measures in place that will discourage anti-social behaviour.

The Store will be operated under Coles Liquor's extensive House Policy, Code of Conduct and Management Plan. Relevantly, the Management Plan also provides guidelines with respect to managing noise and amenity impact.

10.7 Security of the area

Coles Liquor has had regard to the location of the Store, both within the Centre and its location within the Locality, in planning security measures for the Store.

Liquorland believes that the security measures it proposes to implement at the Store will allow the Store to cater for consumers in a responsible way that mitigates the risk of any increased anti-social behaviour and harm.

¹⁴⁶ Bodhi Report, pages 34, 43.



The Store will include the following security features:¹⁴⁷

- all spirits will be located behind locked glass;
- bright lighting will be located around the Store;
- an alarm system which is monitored off-site;
- team members will be issued with security pendants;
- CCTV cameras covering the Store, in compliance with the Director’s policy; and
- CCTV monitors at the entry and exit points of the Store that will display customers coming in and out of the Store

The security measures that are put in place at Coles Liquor stores are the forefront of global best practice.¹⁴⁸

In addition to the measures outlined above, the Store layout has been designed so that it supports surveillance and management of customer movements, with the counter positioned overlooking both entry/exit points. Security pendants, which are a mobile device allowing team members to alert the Police to a threatening situation when they are away from the register and therefore cannot use the void log function, will provide further security for team members and patrons.

To confirm that the new Store premises would be safe and secure, Liquorland commissioned Bodhi to perform a Crime Prevention Through Environmental Design (CPTED) assessment of the Store. Bodhi identified various relevant CPTED elements including surveillance, legibility, connectivity, territoriality, place management and vulnerability.¹⁴⁹ Bodhi concluded that being new, internal and well managed, the Store will perform well on CPTED criteria.

11 Offence, annoyance, disturbance or inconvenience: section 38(4)(c)

Summary

The Store will not cause undue offence, annoyance or disturbance to the community.

It is Liquorland’s objective to protect the amenity and good character of the Locality and to minimise disturbance to persons living and working in the local community.

The Store’s operational activities will be integrated with the Woolworths supermarket located in the Centre. The Store will not offer onsite liquor consumption (other than tastings), nor engage in any offensive, noisy or intrusive promotions.

The location of the Centre minimises the need for car travel through residential areas and it is unlikely that the Store will have any adverse impact on local traffic. Similarly, parking is unlikely to create problems for those working or living nearby given there is ample public parking available at the Centre.

¹⁴⁷ Statement of Nick Smith, paras 65–73.

¹⁴⁸ Statement of Nick Smith, para 67.

¹⁴⁹ Bodhi Report, pages 34–35.



Liquorland does not expect that any offence, annoyance, disturbance or inconvenience will be caused to people who live and work in the vicinity of the Centre. Any potential for offence, annoyance, disturbance or inconvenience will be mitigated by the operation of the Store in accordance with Liquorland’s proven management practices, which have been demonstrated to be effective at its other stores (including its existing store within the Locality).

Accordingly, it is not anticipated that any undue offence, annoyance, disturbance or inconvenience will be caused to persons in, or travelling from, an existing or proposed place of public worship, hospital or school (section 37(3) of the Act).

12 Tourism, community or cultural matters: section 38(4)(ca)

Summary

The Store will have a positive effect on the Locality in respect of tourism, culture and the community as a whole.

The Store will have a positive effect on the Locality, with the following benefits to culture and the community:

- providing added local shopping amenity, with additional one-stop/ one-trolley shopping choice, convenience and comparison shopping, which will save time for consumers and lead to a corresponding reduction in consumer trips, traffic congestion and vehicle emissions;
- supporting the Centre's role in a DAC;
- enabling local residents and workers to access their daily/ weekly shopping needs without leaving the Locality; and
- providing a greater level of amenity to those living near, or visiting, the Centre.

13 Conclusion in relation to public interest

Summary

Granting the Application is in the public interest.

There is compelling evidence that the grant of this Application is in the public interest. The Store is part of a Centre where shoppers can enjoy the benefits of one-stop /one-trolley shopping. This maximises consumer convenience, shopping efficiency, and reduces consumer travel, consistent with contemporary shopper habits and expectations and planning objectives articulated in SPP 4.2.

The proposed Store will be relatively small and located within the Centre. The assessment of ‘at risk’ communities in the Locality were consistently low risk. There is no direct evidence that any of these groups is suffering alcohol related harm or that the grant of this Application will result in any increase in alcohol-related harm to undue or unacceptable levels.

The proposed Store at the Centre will provide the existing and future residents of Currumbine and surrounding suburbs an increased level of choice, accessibility, and retail amenity, and meet the requirement for an additional local co-located liquor store to



assist with shopping efficiency, consistent with contemporary packaged liquor consumer standards, expectations and shopping habits.

14 Percentage rent arrangement

Liquorland applies for approval, under section 104(3) of the Act, of the agreement with Region RE Limited for the payment of percentage rent pursuant to the terms of a proposed lease.

A copy of the offer to lease (**OTL**), accepted by Liquorland, has been provided with this Application. The Turnover Rent Percentage in the OTL specifies that percentage rent will be payable.

It is submitted that approving the arrangement in the proposed lease between the Centre owner and Liquorland is in the public interest. Approval of the agreement will enable Liquorland to cater for the requirements of local consumers for packaged liquor at the Centre as set out above. It is submitted that, in the circumstances of this Application and if the liquor store licence is approved, there is no reason why approving the arrangement should be considered contrary to the public interest.

In particular, it is submitted that:

- (a) The proposed lease between Region RE Limited and Liquorland is a commercial arrangement at arm's length.
- (b) Region RE Limited will have no involvement in the conduct of the Store and ultimate responsibility for the business remains with Liquorland (as the licensee).
- (c) It is not foreseen that approval of the proposed arrangement would result in any increased risk of offence, annoyance, disturbance or inconvenience to people who reside or work in the vicinity of the premises beyond what would be expected to result from the operation of the Centre generally.
- (d) Nor is it foreseen that approval would result in any 'at risk' group being adversely affected by the operation of the Store (in the context of harm or ill health that might be caused to them due to the use of liquor) in all the circumstances outlined above.
- (e) The nature and type of services (being the sale of packaged liquor) provided by the Store, and its location at the Centre, support the contention that rather than detrimentally affecting the amenity of the Locality, approval of the Application will contribute to and enhance the amenity of the Centre and the Locality, as set out in the submissions above.

Accordingly, approval of the arrangement outlined above is sought pursuant to section 104(3) of the Act.

15 References

- Report entitled '*Proposed Liquor Store Licence: Liquorland Currumbine Central*' prepared by MGA Town Planners dated January 2026 (**MGA Report**)
- Report entitled '*Social Impact and Amenity Audit for the Liquorland Currumbine Central Store*' prepared by Bodhi Alliance (**Bodhi Report**)



- Report entitled '*Coles Currambine: Liquorland Sentiment Survey*' prepared by McGregor Tan dated December 2025 (**MT Report**)
- Statement of Nicholas Smith, dated 2 February 2026 (**Statement of Nick Smith**)

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