



Public Interest Assessment Conditional Grant of a Liquor Store Licence

Premises Name: Liquor Barons Safety Bay
Applicant: Waikiki Hotel (WA) Pty Ltd
Location: Lot 100, 434 Safety Bay Road, Safety Bay WA
6169



Prepared by:



**HOSPITALITY
TOTAL SERVICES**
EST 1992

Office 2, 48 Kishorn Road, Applecross WA 6153
admin@hospitalitytotalservices.com.au

Ph 08 9316 8699 Fax 08 9316 9699
www.hospitalitytotalservices.com.au

This Submission is not to be copied in part or its entirety by any person without prior written consent from Hospitality Total Services (Aus) Pty Ltd. Failure to do so may result in legal action.

Table of Contents

1	Introduction	3
2	The Applicant	10
3	Venue and Operation	13
4	Location and Locality	18
5	Legislative Framework – Liquor Control Act 1988	24
6	Section 36B(4) of the Liquor Control Act 1988	27
7	Public Interest	37
8	Section 38 (4) (a) of the Act – Harm or Ill-health	42
9	Community Consultation	55
10	Section 38 (4) (b) of the Act – Impact on Amenity	56
11	Section 38 (4) (c) of the Act – Offence, Annoyance, Disturbance or Inconvenience	58
12	Summary	59
13	Advertising	61
14	Attachments	61

1 Introduction

- 1.1 Waikiki Hotel (WA) Pty Ltd (the Applicant) is seeking approval from the Director of Liquor Licensing at the Department of Local Government, Industry Regulations and Safety (DLGIRS) for the conditional grant of a Liquor Store Licence for the premises to be known as Liquor Barons Safety Bay, to be located at Lot 100, 434 Safety Bay Road, Safety Bay WA 6008.
- 1.2 The Applicant is an independent Western Australian company directed by two highly experienced Western Australian hospitality and business operators, Mr Arthur Barrett and Mr David Watson, who collectively bring decades of responsible licensed premises operation, project development expertise, and extensive knowledge of the WA packaged liquor regulatory environment. The proposed liquor store with a drive-through facility aims to cater to the reasonable packaged liquor requirements of the current and growing number of consumers residing, working, resorting to and travelling past Safety Bay and the surrounding Waikiki locality.
- 1.3 This Public Interest Assessment (PIA) submission has been prepared by Hospitality Total Services (Aus) Pty Ltd on behalf of the Applicant, and the application is in accordance with Section 47 of the Liquor Control Act 1988 (the Act), which states:

LIQUOR CONTROL ACT 1988 - SECT 47

47. Liquor store licence, effect of

(1) *Subject to this Act, during permitted hours the licensee of a liquor store licence is authorised to keep open the licensed premises and to sell packaged liquor on and from the premises to any person.*

(2) *The licensee of a liquor store licence is authorised to supply liquor, by way of free sample —*

(a) *for consumption on a part of the licensed premises approved for the purpose by the Director; or*

(b) *for consumption off the premises.*

- 1.4 All documentation for this application has been submitted to the Licensing Authority in accordance with Section 68 of the Act and has been compiled in accordance with the Director's policy on the preparation of Public Interest Assessments.
- 1.5 The Applicant has diligently addressed the primary and secondary objects of the Act under Section 5, and the matters set out in Section 38(2) and Section 38(4), as required under the Director's Policy on Public Interest Assessment submissions.
- 1.6 The Applicant acknowledges that Section 36B(4) applies to this application for packaged liquor, as it states 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

- 1.8 The proposed Liquor Barons Safety Bay is to be strategically positioned on Safety Bay Road, a primary arterial road providing optimal access to both residential catchments across Safety Bay, Waikiki and Shoalwater, and passing trade from visitors to the foreshore.
- 1.9 The proposed premises is situated within an integrated development on Lot 100, 434 Safety Bay Road, a site that formed part of the former Waikiki Beach Hotel landholding, which operated as a licensed venue including packaged liquor for over 50 years prior to closure. The redevelopment of this site for contemporary commercial and hospitality use, including the liquor store component, will be purpose-designed to serve the on-site visitor catchment, the current and forecasted future residential population and economic development of the locality.
- 1.10 Consumer survey feedback obtained as part of this application confirms that drive-through access, convenience and competitive pricing are particularly valued services in this locality. Safety Bay Road functions as a primary arterial route carrying a significant volume of trade and commercial vehicle traffic, and survey respondents specifically identified demand for a drive-through format that accommodates larger vehicles, including those with work or recreational trailers, for whom walk-in retail is impractical. This demand profile reflects the demographic of the Safety Bay Road corridor and represents a legitimate consumer requirement that no existing packaged liquor outlet in the defined locality currently provides.
- 1.11 The site is situated within a commercially active precinct on Safety Bay Road, which the *City of Rockingham's Strategic Community Plan*³ identifies as supporting a hierarchy of centres designed to *"evolve and grow to meet the needs of their precinct catchments for various types of goods and services and activities."*
- 1.12 The City's *Local Planning Strategy*⁴ identifies that future growth in commercial activity will be critical to meeting projected community needs, and that walkable access to daily and weekly retail requirements is a key planning objective, with *"smaller Local and Neighbourhood Centres"* intended to serve residents as part of *"daily and weekly needs and rituals."* The addition of Liquor Barons Safety Bay to this commercially activated commercial precinct directly supports these strategic objectives by delivering a high-quality, conveniently located packaged liquor outlet with a contemporary drive-through facility to an underserved locality.
- 1.13 As a key component of the broader Waikiki development, Liquor Barons Safety Bay will operate as a community-focused packaged liquor retail store under the established Liquor Barons banner, complementing the co-located conditionally granted Waikiki Tavern. The Applicant brings considerable retail and hospitality experience to this substantial new development, ensuring operational standards, compliance, and

³<https://rockingham.wa.gov.au/getContentAsset/e9a336f2-f6c8-48c4-a410-af5a559ea962/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Strategic-Community-Plan-2023-2033.pdf?language=en>

⁴https://www.wa.gov.au/system/files/2025-11/city_of_rockingham_local_planning_strategy_20.pdf

quality assurance consistent with consumer expectations and industry best practice. The development reflects the Applicant's intent to contribute to the continued evolution of a responsible, community-aligned licensed retail offering at this prominent mixed-use location.

1.14 The proposed store will feature a drive-through service lane for customer convenience, a walk-in retail area with browsing capability, separate cool room and storage facilities, a staff service counter, and self-service product displays, with all spirits stored in cabinets behind the point-of-sale area. The design includes both functional and aesthetic considerations to enhance patron access and ensure safe operations in the public interest.

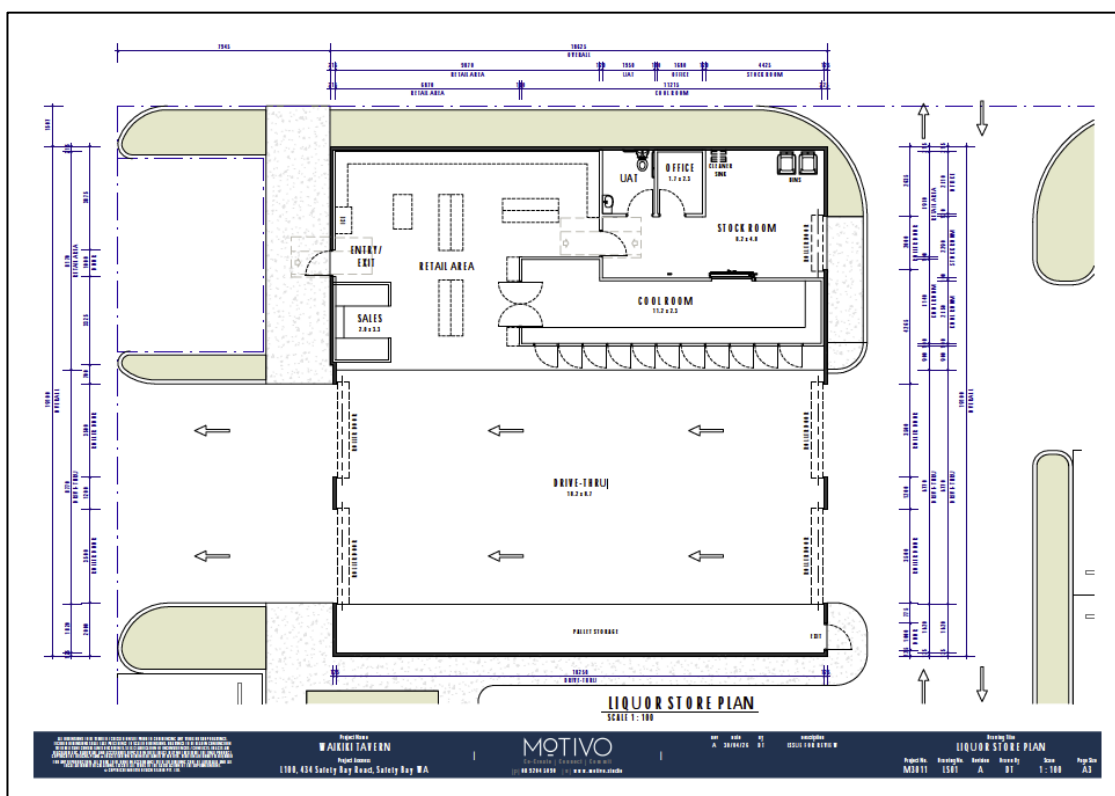


Figure 2: Floor Plan of Proposed Liquor Barons Safety Bay

1.15 The proposed premises will provide the community with a range of contemporary features that enhance the retail shopping experience, including but not limited to:

- A modern, fit-for-purpose retail facility with dedicated refrigeration, a drive-through service lane, clear product zoning, and generous browsing space with trolley access;
- A broad selection of liquor products including WA producers, regional craft beer, and boutique wine labels;
- Inclusive product categories, such as low-alcohol and non-alcoholic beverages, consistent with contemporary harm minimisation principles;
- Support for local Western Australian breweries and wineries, celebrating regional produce and producers;

- A safe and welcoming environment, staffed by RSA-trained personnel committed to exceptional service;
- An entry chime/alert system and clear sightlines throughout the store to support proactive staff supervision;
- Spirits in cabinets behind the point-of-sale area, not accessible for self-service;
- Flexibility to order specific or requested items in response to local consumer demand;
- Co-location within a new commercial development offering with trolley access via ample on-site parking (51 bays + 2 DDA + 1 service bay) and safe vehicular access from Safety Bay Road.

1.16 The reasoning of the Licensing Authority in decision A206551 (*Cunderdin*) is directly applicable to the proposed premises. In that matter, the Director stated:

"...the licensing authority is to have regard to the expectations and contemporary standards of consumer requirements for packaged liquor... The provision of such a service is consistent with object 5(1)(c)... and object 5(2)(a), which seeks to reflect the diversity of the requirements of consumers in the State."

It is submitted that Liquor Barons Safety Bay will enhance consumer access, product diversity, retail choice and a drive-through amenity currently not available in the Safety Bay locality, in direct accordance with the objects of the Act.

1.17 The proposed premises aligns with the strategic objectives of the City of Rockingham's planning framework, which identifies the precinct at Safety Bay Road as part of a commercial and tourism corridor that the City intends to activate, sustain, and develop for the benefit of both resident and visitor populations. The City's Local Planning Strategy (LPS) describes its overarching vision as creating *"a contemporary and vibrant waterfront destination, renowned for its heritage, natural beauty and world class coastal and marine environments"*, and its Local Commercial and Activity Centres Strategy (LCACS) explicitly acknowledges that the Strategic Centre and foreshore context supports *"a tourism, entertainment and hospitality offer both at the foreshore and within the city centre."* The introduction of a modern, responsibly operated packaged liquor retail store as part of the broader Waikiki development directly advances these strategic objectives, reinforcing the precinct as a destination capable of meeting the daily retail needs of residents and the broader expectations of visitors.⁵

1.18 The subject site at Lot 100, 434 Safety Bay Road does not represent a new incursion of liquor retail into a previously unlicensed precinct. The site was home to the Waikiki Beach Hotel, a licensed venue that served the Safety Bay community for over 50 years prior to its closure. What the Waikiki development proposes is the responsible,

⁵ https://www.wa.gov.au/system/files/2025-11/city_of_rockingham_local_planning_strategy_20.pdf

contemporary revival of that licensed legacy: a purpose-built precinct comprising the Waikiki Tavern, Liquor Barons Safety Bay and two further commercial buildings.

- 1.19 The liquor store component has been purpose-designed for the site, with drive-through and walk-in access, integrated cool room and storage facilities, and a staffed service environment, on a lot that has received development approval from the City of Rockingham for the broader commercial use. This is not greenfield speculation; it is the thoughtful reconstruction of a well-established commercial and licensed precinct on a prominent Safety Bay Road frontage.
- 1.20 The City of Rockingham's LCACS recognises that its activity centre hierarchy must *"evolve and grow to meet the needs of their precinct catchments for various types of goods and services and activities"*, and that it is *"critical ... that the economic benefits and anticipated trading impacts to other centres deliver a net community benefit."* Safety Bay Road, as the primary arterial frontage of the Safety Bay precinct, is precisely the type of location the hierarchy is designed to support.
- 1.21 The LPS further notes that *"future expansion of activity centres will be critical in meeting the City's projected housing and employment needs"* and that walkable access to daily and weekly retail needs will face identified gaps across the City by 2041. The re-establishment of a packaged liquor outlet within this precinct addresses a service gap that has existed since the Waikiki Beach Hotel's closure and does so in a format, drive-through and walk-in, community-focused, that the locality previously had access to.
- 1.22 The combined residential catchment of Safety Bay, Waikiki and Shoalwater is approximately 24,500 persons, with a dominant profile of established households, couples, and retirees. It has no packaged liquor premises within 1000 metres of this site and no drive-through packaged liquor option anywhere within the defined locality. For a resident of Waikiki or Shoalwater who has no reason to travel to central Rockingham, the absence of a conveniently located, well-managed packaged liquor store within the locality represents exactly the kind of service gap the activity centre hierarchy is designed to address. The proposed premises fills that gap without replicating any existing licensed service, it serves a population that is currently required to travel further than is reasonable to meet their packaged liquor requirements.
- 1.23 The Waikiki development, of which Liquor Barons Safety Bay is a key retail component, will deliver an integrated commercial precinct on a prominent frontage along Safety Bay Road. The precinct comprises:
 - **Liquor Barons Safety Bay:** community-focused packaged liquor retail with drive-through and walk-in access;
 - **The Waikiki Tavern:** a full-service licensed hospitality venue; and
 - **Two additional commercial buildings:** providing further related services tenancy opportunities.

- 1.24 To demonstrate a consumer requirement for the proposed premises, a Consumer Survey⁶ was undertaken with local residents of Safety Bay, Waikiki, and Shoalwater. Results are presented and analysed in these submissions.
- 1.25 The experienced and responsible Applicant submits that they have diligently considered the potential for harm or ill-health that may arise from the misuse of alcohol, in accordance with Section 38(4)(a) of the Act.
- 1.26 The Applicant has developed a detailed Harm Minimisation Plan⁷ that incorporates key policies issued by the Director of Liquor Licensing and a training framework that ensures alignment with the Director's policies on Harm Minimisation, Juveniles on Licensed Premises, and the Responsible Promotion and Advertising of Alcohol.
- 1.27 Taking into account industry best practice and the specific physical and operational characteristics of the proposed premises, the Applicant proposes to implement the following harm minimisation initiatives:
1. The licensee is authorised to sell and supply packaged liquor in accordance with the provisions of s 47 of the Act as it relates to a Liquor Store Licence.
 2. The premises will maintain a CCTV system in line with the Director of Liquor Licensing policies on Security Licensing Conditions.
 3. All spirits to be stored in cabinets behind the point-of-sale area, not accessible for self-service.
 4. Trading hours will be within the hours permitted by the Liquor Control Act 1988:
 5. Strict ID verification protocols for all persons who appear under 25 years of age.
 6. Zero-tolerance policy on anti-social behaviour with comprehensive harm minimisation protocols.
 7. No unaccompanied juveniles allowed on the premises.
 8. No service of alcohol to persons in school uniform.
 9. Low alcohol and no alcohol products to be available.
- 1.28 The Applicant acknowledges that the application is subject to Section 36B(4) of the Act. Based on the detailed analysis, it is submitted that existing licensed premises in the locality cannot reasonably meet the packaged liquor requirements of local consumers. The nearest licensed premises is a restaurant licence at approximately 1.1 kilometres, not a packaged liquor operator and not a competitive alternative. There is no drive-through packaged liquor facility anywhere within the defined locality. The proposed Liquor Barons Safety Bay is the only outlet of its type serving approximately 24,500 residents, and introduces a format, community-focused, drive-through enabled, Liquor

⁶ Attachment 2 – Consumer Survey

⁷ Attachment 3 – Harm Minimisation Plan

Barons bannered, with a strong WA-local product offer, that is categorically distinct from an packaged liquor outlets currently in the locality.

- 1.29 Pursuant to *Liquorland (Australia) Pty Ltd v Liquor Commission of WA* [2021] WASC 366⁸, consumer requirements encompass convenience, accessibility, product diversity, and competitive retailing, and are not confined to the question of whether a liquor product is merely sold somewhere in the locality. Accordingly, Liquor Barons Safety Bay is submitted as a necessary and appropriate addition to the packaged liquor landscape of the Safety Bay locality, responsive to the reasonable requirements of the community it will serve.

2 The Applicant

- 2.1 The Applicant, Waikiki Hotel (WA) Pty Ltd as trustee for the Safety Bay Rd Unit Trust, is a private, independent Western Australian company created specifically to develop, own, and operate the Waikiki Hotel project at Lot 100, 434 Safety Bay Road, Safety Bay. Structured as a dedicated project entity, it is well-capitalised and purpose-built, demonstrating the Applicant's careful and strategic approach to establishing a major, community-oriented hospitality and retail precinct in the Safety Bay locality.
- 2.2 The Waikiki development encompasses two distinct licensed applications: the Waikiki Tavern, which has been conditionally granted, and Liquor Barons Safety Bay. The decision to pursue a tavern licence and a liquor store licence within the same development reflects the Applicant's understanding of what the Safety Bay locality requires: not simply a bottle shop, and not simply a pub, but an integrated foreshore precinct that serves the full spectrum of the community's hospitality and retail expectations. This Liquor Barons Safety Bay application is the packaged liquor component of that vision.
- 2.3 Liquor Barons Safety Bay will operate under the established Liquor Barons banner, a Western Australian cooperative of independent liquor retailers with a strong presence across metropolitan and regional WA. The Liquor Barons model is inherently community-focused: it is built around independent owner-operators who are invested in their local communities, who champion WA-local producers, and who compete on range, quality and outstanding customer service rather than on the scale advantages of the major national chains.
- 2.4 The Applicant's decision to align with Liquor Barons rather than a national banner is itself a statement about the kind of liquor store Safety Bay should have, one that belongs to the community it serves. The store will stock an extensive range of beer, wine, spirits, RTDs, and low/no-alcohol products, with an emphasis on local WA breweries, wineries, and distillers.

⁸ [https://sitefinitypublicblobs.blob.core.windows.net/prod-blob/docs/default-source/racing-gaming-and-liquor-\(blob\)/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-direcotr-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0](https://sitefinitypublicblobs.blob.core.windows.net/prod-blob/docs/default-source/racing-gaming-and-liquor-(blob)/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-direcotr-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0)

- 2.5 The Applicant is directed by Mr Arthur Barrett and Mr David Watson, two experienced Western Australian business and hospitality operators whose combined expertise spans the development, establishment, and management of licensed premises and commercial projects across the State.

Mr Arthur Barrett is a long-standing participant in the WA licensed premises industry, with a career spanning multiple venues across the State over several decades. His track record is one of consistent compliance and responsible venue management. He is known to the licensing authority for a positive operational history, bringing to this application direct, hands-on knowledge of the obligations that attach to a liquor licence, harm minimisation practice, staff training, responsible service, and the day-to-day management expectations of the Director of Liquor Licensing. His involvement in this application is not that of a passive investor; it is the engagement of an experienced operator who understands what it takes to run a licensed premises responsibly in the public interest.

Mr David Watson brings significant expertise in hospitality and liquor industry operations, with a background in project management, business development, and the establishment of commercial ventures. As co-director in the Waikiki development, Mr Watson's contribution is both operational and structural; his business acumen and development experience have been central to bringing this precinct from concept to approval, and his commitment to responsible licensed venue operation reflects a thorough understanding of the WA liquor licensing regulatory environment.

- 2.6 The Applicant's prior experience in the WA licensed premises industry is directly relevant to the assessment of this application. As observed by the Court of Appeal in *Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227*⁹, the popularity and track record of a business model in other localities is a relevant consideration in the context of a new application and may support an inference as to the existence of relevant consumer requirements. It is submitted that the Applicant's established history of responsible operation across licensed premises, combined with the Liquor Barons Cooperative's demonstrated track record across Western Australia, provides the licensing authority with a strong evidentiary foundation for confidence in this Applicant's capacity to operate Liquor Barons Safety Bay responsibly and in the public interest.
- 2.7 The Applicant is committed to ensuring that Liquor Barons Safety Bay actively contributes to economic benefit within the Safety Bay locality. Through the Liquor Barons banner, the store will prioritise shelf space for WA-local producers; regional wineries, craft brewers, and distillers whose products reflect the quality and diversity of Western Australian production. This commitment to local procurement is not incidental to the retail model; it is central to what distinguishes a Liquor Barons store from a nationally operated bottle shop.

⁹ <https://ecourts.justice.wa.gov.au/eCourtsPortal/Decisions/DownloadDecision/ff4490f4-4633-e9f0-4825-7bf7000c1ece?unredactedVersion=False>

The Applicant as a Fit and Proper Person to hold a Licence

2.8 Section 33(6) of the Act refers to the creditworthiness, character, convictions, conduct of other businesses and reports or interventions made against an Applicant, stating:

“Where the licensing authority is to determine whether an applicant is a fit and proper person to hold a licence or whether approval should be given to a person seeking to occupy a position of authority in a body corporate that holds a licence, or to approve a natural person as an approved unrestricted manager, an approved restricted manager or a trustee —

(a) the creditworthiness of that person; and

(aa) the character and reputation of that person; and

(b) the number and nature of any convictions of that person for offences in any jurisdiction; and

(c) the conduct of that person in respect to other businesses or to matters to which this Act relates; and

(d) any report submitted, or intervention made, under section 69,”¹⁰

2.9 In respect of each of the matters identified in Section 33(6), the Applicant submits as follows. Mr Arthur Barrett is an experienced and long-standing participant in the WA liquor licensing industry whose history of responsible operation is known to the licensing authority. He maintains a sound financial position consistent with the management of licensed premises in Western Australia. His character and reputation within the industry reflect decades of constructive engagement with the regulatory framework. He has not been subject to any adverse findings under the Act. The Applicant entity, Waikiki Hotel (WA) Pty Ltd, is purpose-incorporated for this project and carries no adverse licensing history.

2.10 Mr David Watson similarly brings to this application an unblemished commercial record, a demonstrated commitment to regulatory compliance, and the business capability appropriate to support the establishment and ongoing operation of a liquor store of this nature. Neither director has been the subject of any adverse report, intervention, or finding under the Act that would adversely bear upon their fitness and propriety to hold a licence in Western Australia.

¹⁰[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

3 Venue and Operation

- 3.1 The proposed premises, to be known as Liquor Barons Safety Bay, is located at Lot 100, 434 Safety Bay Road, Safety Bay WA 6008, forming the packaged liquor retail component of the integrated Waikiki Hotel development. Subject to licensing approval, the premises will provide a high-quality and diverse packaged liquor offering with drive-through and walk-in access, purpose-designed to serve the reasonable requirements of residents of Safety Bay, Waikiki and Shoalwater, and the tourists and visitors who regularly resort to the locality. The store will be the first drive-through packaged liquor premises to serve this locality since the closure of the former Waikiki Beach Hotel, a licensed venue that operated on this same site for over 50 years.
- 3.2 The term "*amenity*" as engaged by Section 38(4)(b) of the Liquor Control Act 1988 has been interpreted broadly by the WA Courts to encompass the overall character, quality and enjoyment of life within the locality. It is submitted that Liquor Barons Safety Bay will contribute positively to local amenity by restoring a valued retail service to the precinct, creating local employment, introducing a professionally managed, purpose-built retail environment, and embedding a community-aligned packaged liquor offering in a precinct that the City of Rockingham has identified as central to its vision of a "*contemporary and vibrant waterfront destination.*"¹¹ The loss of a licensed packaged liquor outlet on this site upon the closure of the Waikiki Beach Hotel diminished the amenity of the precinct. Its restoration, in a contemporary and responsible format, enhances it.

Harm Minimisation Plan

- 3.3 The proposed Harm Minimisation Plan has been developed with particular regard to the physical and operational characteristics of this specific site. The Applicant has not adopted a standard harm minimisation template and applied it here. The controls described below have been calibrated to address the actual risk profile of this premises, in this location, with these neighbours.
- 3.4 A comprehensive Harm Minimisation Plan, developed in accordance with the Director's Policy and relevant precedent decisions, will apply at the proposed premises. The Plan is designed to proactively minimise any undue harm or ill-health to the community associated with the sale of packaged liquor.
- 3.5 The following harm minimisation initiatives reflect the operational reality of Liquor Barons Safety Bay and the particular characteristics of its location:
- **Responsible Service of Alcohol:** All staff will hold current RSA certification. Training will be ongoing and will specifically address the risks associated with a drive-through service environment, including the identification of at-risk customers prior to vehicle approach.

¹¹ https://www.wa.gov.au/system/files/2025-11/city_of_rockingham_local_planning_strategy_20.pdf

- **Spirits Storage and Access Controls:** All spirits will be stored in cabinets behind the point-of-sale counter and will not be accessible for self-service. This is a deliberate store-design decision, not merely a compliance measure, and eliminates the most significant self-service harm risk in a packaged liquor environment.
- **Under ID25 Verification:** All customers who appear to be under 25 years of age will be required to produce acceptable proof of age before any sale is completed. This applies equally to drive-through and walk-in customers. No sale will proceed until identification has been sighted.
- **No Service in School Uniform:** Service will be refused to any person presenting in school uniform regardless of the ability to produce legal photo identification. Safety Bay Senior High School is located approximately 1.0 kilometre from the premises, and this control directly addresses the risk of secondary supply or direct sales to minors within the school's catchment.
- **Juvenile Access Prohibition:** No unaccompanied juveniles will be permitted on the premises at any time. This condition applies to both the walk-in retail area and the drive-through lane.
- **CCTV Coverage:** A CCTV system complying with the Director of Liquor Licensing's *Safety and Security at Licensed Premises* policy will be operational across all areas of the premises, including the drive-through lanes. Coverage will be continuous, and recordings will be maintained in accordance with the policy.
- **Entry Alert System:** An entry chime/alert system will notify staff whenever a patron enters the walk-in retail area, ensuring no customer movement occurs without staff awareness.
- **Clear Sightlines:** The store layout will maintain clear, unobstructed sightlines throughout, enabling passive supervision of all areas from the service counter at all times.
- **Signage:** Appropriate signage will be displayed throughout the premises addressing secondary supply of alcohol, refusal of service to intoxicated persons and juveniles, and responsible consumption standards.
- **Anti-Social Behaviour:** A zero-tolerance policy on anti-social behaviour will be maintained. The drive-through configuration, combined with entry alert systems and CCTV, will support rapid staff response to any emerging situation.

3.6 The Applicant will strictly comply with the Director of Liquor Licensing's policy on the *Responsible Promotion and Advertising of Alcohol*. Promotional activity for Liquor Barons Safety Bay will not include:

- References to excessive or rapid consumption;
- Products with strong visual appeal to children or adolescents, including cartoon-style branding or alcopop-style presentation;

- Promotional materials featuring individuals under the age of 25;
- Imagery or claims linking alcohol consumption with social, sexual, sporting, or professional success; or
- Any association between alcohol and the operation of vehicles.

3.7 The Applicant acknowledges the findings of research published by Foundation for Alcohol Research and Education (FARE)¹² showing that Australian children are exposed to significant volumes of alcohol advertising during live sports broadcasts, and that such exposure normalises drinking behaviour. The Applicant's advertising strategy is specifically designed to prevent any contribution to that exposure pattern, all promotional materials will be contained within adult-targeted, age-gated channels, with no outdoor or youth-visible placement, and no sporting event or youth-facing sponsorship.

3.8 The Applicant acknowledges the significance of the voluntary Retail Drinks Australia Guidelines¹³, which serve as best-practice benchmarks for responsible retailing in the packaged liquor sector. In accordance with these guidelines, the Applicant is committed to:

- Ensure the responsible service of alcohol at all times;
- Actively prevent underage purchasing through stringent ID verification and staff training;
- Encourage moderate consumption behaviours consistent with a culture of responsible retail; and
- Implement product ranging decisions that reflect the Retail Drinks Australia Responsible Product Ranging Guidelines, ensuring that the store's inventory does not include products targeted at at-risk groups, including juveniles.

3.9 The Applicant also recognises its obligations under Section 47(2) of the Act in relation to tastings. To the extent tastings are authorised by the Director, they will be conducted only by the Approved Manager or RSA-trained personnel, strictly in accordance with the Director's Policy tasting limits of wine 50ml, beer 100ml, and spirits 15ml. Free drinking water will be available, and no juvenile will be permitted to participate in a tasting.

Proposed Product Range¹⁴

3.10 The product range at Liquor Barons Safety Bay will reflect the character of both the banner and the community it serves. The Liquor Barons cooperative model is built around local producer advocacy, product quality, and consumer education, not volume discounting or promotional intensity. The Safety Bay locality, approximately 24,500

¹² https://fare.org.au/wp-content/uploads/MR_040322_Action-needed-to-protect-kids-from-alcohol-ads-in-sport.pdf

¹³ <https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

¹⁴ Attachment 4 – LB Safety Bay Product List

residents with an average age of 44, a strong culture of coastal lifestyle, and high rates of home ownership, is a consumer base that responds to quality, range, and service rather than to price-driven volume purchasing. The store's product strategy will be calibrated accordingly.

3.11 The range will span:

- An extensive beer selection including craft, premium, mainstream, and imported labels, with dedicated shelf space for Western Australian breweries;
- A comprehensive wine range encompassing local WA wines, Australian, and imported varietals, with a particular focus on South West WA regional producers given the locality's proximity to Margaret River and Geographe wine regions;
- A full spirits selection including whisky, vodka, gin, rum, and liqueurs, with WA craft distillers represented;
- A full RTD and premix range; and
- A dedicated low-alcohol and non-alcoholic product range as a substantive component of the offer, not an afterthought.

3.12 The inclusion of a dedicated low-alcohol and non-alcoholic range reflects a genuine alignment with contemporary consumer behaviour and public health objectives rather than a compliance gesture. Australian Bureau of Statistics data and independent market research consistently demonstrate a measurable shift in consumer preferences toward reduced-alcohol products, driven by health-consciousness, lifestyle factors, and changing social norms around alcohol.¹⁵

3.13 The locality's demographic profile, an older, established residential community with a high proportion of couples and a strong representation of the 45+ age group, is precisely the cohort driving this trend nationally. The Applicant will ensure that low and no-alcohol products are prominently displayed and actively promoted, not relegated to incidental shelf space.

3.14 Liquor Barons Safety Bay will actively champion Western Australian producers across all product categories. WA has more breweries per capita than any other Australian state, and its wine, spirits, and craft beverage sectors are expanding and export capable. Stocking and promoting WA-made products is both a commercial differentiator and a direct contribution to the economic sustainability of WA's beverage industry; supporting jobs, production, and the regional identity that is central to the Liquor Barons model.¹⁶

3.15 The proposed premises will also stock a range of allergy-conscious, dietary-sensitive, and health-forward products, including gluten-free beers, vegan-certified wines, organic and preservative-free options, and biodynamic wines. Australia has one of the highest

¹⁵ <https://www.scribd.com/document/666714380/Alcohol-Beverages-Industry-Report-Deloitte>

¹⁶ <https://static1.squarespace.com/static/62b234e5b82e3f577d752b01/t/631a5f7e7102140f4664eb75/1662672799311/DPIRD+Industry+Snapshot+Beverages.pdf>

rates of allergic disease globally ,approximately 4.1 million Australians were recorded as having an allergic condition in 2007, representing 19.6% of the population, with projections of a 70% increase by 2050,and the packaged liquor sector has been slow to respond to this consumer reality. Liquor Barons Safety Bay will address this gap directly, ensuring that consumers with dietary requirements can shop with confidence.¹⁷

Local Employment and Community Integration

- 3.16 Liquor Barons Safety Bay will prioritise the employment of local residents from Safety Bay, Waikiki, Shoalwater and the broader City of Rockingham. The proposed premises will create full-time and casual retail positions, and the Applicant's preference is to employ people who are invested in this community and who understand the precinct context in which the store operates. This is consistent with the Liquor Barons model more broadly, an independent owner-operator store that belongs to its community rather than to a distant corporate structure.
- 3.17 The proposed premises will also offer click-and-collect services through the Liquor Barons platform, providing a controlled, regulated channel for consumers who prefer to order online. This service is subject to full RSA compliance and age verification at the point of collection and does not alter the responsible service obligations that apply to all transactions.
- 3.18 The Applicant is committed to active and ongoing community engagement. The proposed premises will seek opportunities to participate in local health and safety initiatives, align with any applicable Liquor Accord operating in the City of Rockingham, and engage constructively with the LEU, CHO, local police, and the City in relation to the management of the premises.

¹⁷ https://www.allergy.org.au/images/stories/reports/ASCIA_AIDA_Report_2013.pdf

4 Location and Locality



Figure 3: LB Safety Bay - 3km Radius

- 4.1 The 3km radius locality in relation to Section 38(4) encompasses the suburbs of Safety Bay, Shoalwater, and Waikiki within the City of Rockingham, Western Australia, approximately 41 kilometres south of the Perth CBD. The locality is bounded to the west by the Indian Ocean coastline and extends inland to capture the primary residential catchment that depends on Safety Bay Road as its commercial spine. The orientation of this locality is not incidental; it shapes the character of the community, the nature of visitor activity, and the retail expectations of the people who live and resort here.
- 4.2 In accordance with the Director's Policy on Public Interest Assessment, the defined locality refers to the area surrounding the proposed premises most likely to be affected by the grant of the application in terms of amenity, harm, and the reasonable requirements of consumers under Section 38(4) of the Act.

Demographics

- 4.3 The following demographic data has been compiled from the Australian Bureau of Statistics 2021 Census of Population and Housing for the defined locality suburbs of Safety Bay, Shoalwater, and Waikiki. The data is presented in aggregate for the locality and benchmarked against Greater Perth and Western Australia.

	LOCALITY	GREATER PERTH	WESTERN AUSTRALIA
Population	24483	2116647	2660026
Median Age	44	37	38
Median Individual Income (Weekly)	\$707.67	\$859.00	\$848.00
Median Household Income (Weekly)	\$1,427.00	\$1,865.00	\$1,815.00
Median Family Income (Weekly)	\$1,883.33	\$2,259.00	\$2,214.00
Population Under 14 years	18.44%	18.96%	19.01%
Indigenous Persons	4.05%	1.99%	3.33%
Australian Born	64.28%	59.46%	61.98%
Speak English only at Home	86.57%	73.99%	75.29%
Couple Family without Children	42.77%	37.60%	38.80%
Couple Family with Children	39.10%	45.70%	44.60%
One Parent Family	16.77%	15.10%	15.10%
Other Family	37.53%	1.60%	1.60%

- 4.4 The demographic profile of this locality is coherent and, in several respects, distinctive. The median age of 44 years, 7 years above Greater Perth and 6 years above the State average, signals a settled, established residential community rather than a suburb in demographic transition. Couple-without-children households dominate at 42.77%, nearly five percentage points above the Greater Perth figure of 37.60%, consistent with a significant retiree and semi-retired cohort who have chosen this foreshore location for its liveability. Couples with children represent 39.10% of households, considerably below the Greater Perth figure of 45.70% and the State average of 44.60%, reinforcing that this is not a young family growth corridor but an established coastal community with a mature demographic outlook.
- 4.5 The proportion of the population under 14 years, at 18.44%, is marginally below both the Greater Perth average of 18.96% and the Western Australian average of 19.01%. This is a material data point in the harm assessment that follows. The locality does not carry a disproportionately high juvenile population, and the demographic evidence does not support any inference that this community presents an elevated risk of harm to children from the introduction of a packaged liquor store. The Director's own policy and the doctrine established in *Carnegies Realty Pty Ltd v Director of Liquor Licensing [2015] WASC 208*¹⁸ both require that harm assessments be grounded in the specific

¹⁸ Attachment 6 – Case Precedence

characteristics of the locality and the premises, not in generic concerns untethered to local evidence. The population profile here does not provide that foundation.

- 4.6 The locality's Indigenous population is recorded at 4.05%, above both the Greater Perth figure of 1.99% and the Western Australian average of 3.33%. The Applicant acknowledges this demographic composition and is committed to conducting business in a manner that is culturally respectful and inclusive. Staff training will include cultural awareness as a component of the broader responsible service and harm minimisation framework. It is noted that the demographic data alone, the presence of an Indigenous population above the State average, does not constitute evidence of elevated alcohol-related harm risk attributable to the proposed premises. The Liquor Commission has confirmed, consistently with the doctrine in *Carnegies Realty Pty Ltd v Director of Liquor Licensing [2015] WASC 208*¹⁹, that harm must be demonstrated with specificity and causal connection to the proposed premises and its locality, and cannot be inferred from population composition alone.
- 4.7 The income profile of the locality requires contextual interpretation rather than face-value reading. Median personal income of \$707.67 per week sits below both the Greater Perth figure of \$859.00 and the State average of \$848.00. However, the median household income of \$1,427.00 per week and the median family income of \$1,883.33 per week, while also below their respective benchmarks, reflect a community that is not characterised by working poverty. The gap between relatively suppressed personal income and more substantial household and family income figures is consistent with a community where a significant proportion of individuals are retired or semi-retired, drawing superannuation or investment income not fully captured in weekly personal income measures, rather than a community of low-wage earners. A locality with a median age of 44 and a dominant couple-without-children household structure, as this data shows, is not the demographic profile of economic vulnerability. The income data should be read alongside the age and household structure data, not in isolation from it.

¹⁹ Attachment 6 – Case Precedence

Socioeconomic Context

4.8 The SEIFA Index of Relative Socio-Economic Disadvantage (2021) records the following scores for the locality suburbs:

Index of Relative Socio-economic Disadvantage		
City of Rockingham's small areas and benchmark areas		
Area	2021 Index	Percentile
Secret Harbour	1,051.3	74
Singleton	1,037.6	65
Coastal Ward	1,035.1	63
Baldivis (South)	1,028.5	59
Karnup - Keralup	1,026.9	58
Baldivis	1,025.0	57
Baldivis Ward	1,025.0	57
The South West Group Region	1,022.6	55
Greater Perth	1,020.0	54
Baldivis (North)	1,017.0	52
Western Australia	1,011.0	48
Australia	1,001.2	42
Golden Bay	1,000.9	42
Safety Bay	996.6	40
City of Rockingham	989.3	36
Port Kennedy	981.3	32
Waikiki	970.2	27
Shoalwater	964.3	24
Rockingham - Safety Bay Ward	955.4	21
Wambro	945.3	18
Rockingham - Peron - Garden Island	937.2	16
Cooloongup	900.2	9
Hillman - East Rockingham	899.6	9

Figure 4: City of Rockingham - SEIFA Index²⁰

4.9 These scores require careful interpretation. All three suburbs sit below the Greater Perth and WA averages on the SEIFA index. Read in isolation, this might suggest elevated social disadvantage. Read in context, it does not. The SEIFA methodology is sensitive to income and workforce participation, two indicators that are structurally suppressed in communities with large retiree populations, regardless of the actual socioeconomic well-being of those residents. A retired couple who own their home outright and have superannuation income will score poorly on SEIFA despite living comfortably. The locality's 73% home ownership rate, the dominance of established couple-without-children households, and the absence of any elevated alcohol-related harm data in the

²⁰ <https://profile.id.com.au/rockingham/seifa-disadvantage-small-area>

*City of Rockingham Health & Wellbeing Strategy 2024-2029*²¹, which records no significant difference in risky drinking rates compared to WA generally, collectively confirm that the lower SEIFA scores reflect the age profile of this community, not its vulnerability or dysfunction. The Liquor Commission has consistently held that SEIFA disadvantage alone, absent evidence of a causal link between the licensed premises and specific harm in the locality, is not a basis to refuse an application (*Endeavour Group Pty Ltd v Director of Liquor Licensing LC32/2022*).²²

The Locality as a Tourism and Economic Destination

- 4.10 Safety Bay is not only a residential suburb, it is a coastal destination. The Safety Bay foreshore is one of the Rockingham region's primary recreational and tourism assets, drawing visitors from across metropolitan Perth and beyond for swimming, snorkelling, beach access, water sports, and foreshore recreation. The City of Rockingham's *Economic Development Strategy 2020-2025*²³ explicitly identifies the objective to "promote the City as the premier metropolitan coastal tourism destination" and establishes as a strategic aspiration the goal of activating coastal foreshores and attracting visitors through events, experiences, and precinct quality.
- 4.11 Research commissioned by Tourism WA and conducted by Kantar Public found that 89% of Perth visitors attend the coast at least once during their trip, and that visitors to Perth's coastal precincts, including the Rockingham coast, rated eating and drinking as a central component of their coastal experience, with a clear identified gap in mid-range, casual food and beverage venues.²⁴ The Safety Bay precinct currently lacks a packaged liquor retail option, meaning that visitors who wish to purchase packaged liquor have no accessible option within the immediate locality. Liquor Barons Safety Bay fills that gap; it is the missing retail piece in a precinct that the City of Rockingham and Tourism WA both identify as a priority coastal destination.
- 4.12 The tourism dimension of this locality is further compounded by a second, distinct economic driver of equal or greater long-term significance. The Commonwealth Government has committed \$12 billion toward the establishment of a Defence Precinct at Henderson, with total precinct investment expected to reach \$25 billion over the decade, to deliver continuous naval shipbuilding and Australia's AUKUS submarine programme in Western Australia.²⁵

²¹<https://rockingham.wa.gov.au/getContentAsset/1eddf201-69c3-463c-a9f9-92140a9a7005/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Health-and-Wellbeing-Strategy-2024-2029.pdf?language=en>

²² [https://sitefinitypublicblobs.blob.core.windows.net/prod-blob/docs/default-source/racing-gaming-and-liquor-\(blob\)/liquor/liquor-commission/liquor-decisions/lc-32-2022---endeavour-group-limited-v-commissioner-of-police-others---determination.pdf?sfvrsn=7482e384_0](https://sitefinitypublicblobs.blob.core.windows.net/prod-blob/docs/default-source/racing-gaming-and-liquor-(blob)/liquor/liquor-commission/liquor-decisions/lc-32-2022---endeavour-group-limited-v-commissioner-of-police-others---determination.pdf?sfvrsn=7482e384_0)

²³<https://rockingham.wa.gov.au/getContentAsset/07f4ee03-4a8b-4f83-a482-77cd79777cc7/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Economic-Development-Strategy-2025-2030.pdf?language=en>

²⁴ <https://assets-us-01.kc-usercontent.com/53c284ed-8b6d-0077-d7d1-762b0c10baee/6fae45b8-d51d-43d9-b8eb-389a1a132286/Tourism-and-Perth%27s-coast.PDF>

²⁵<https://www.minister.defence.gov.au/media-releases/2025-09-14/additional-defence-funding-deliver-henderson-defence-precinct>

- 4.13 Activities across the Henderson Defence Precinct and the adjacent HMAS Stirling naval base are projected to create more than 10,000 direct jobs over the next two decades, with continuous shipbuilding commencing at Henderson in 2026, the Submarine Rotational Force–West initiative commencing operations at HMAS Stirling in 2027, and a further \$8 billion committed to HMAS Stirling upgrades through to the mid-2030s.²⁶
- 4.14 The Commonwealth Government has expressly acknowledged that this programme will generate significant demand for housing, schools, retail services, and transport infrastructure in the surrounding communities,²⁷ and has already committed to the delivery of 550 new homes for defence personnel and their families in the Rockingham locality, with further housing commitments in the pipeline.²⁸

Strategic Context and Local Planning Frameworks

- 4.15 The proposed premises sits within a locality that the City of Rockingham has identified as central to its long-term strategic vision. The City's *Local Planning Strategy*²⁹ describes Rockingham as "*a contemporary and vibrant waterfront destination, renowned for its heritage, natural beauty and world class coastal and marine environments*", and its *Strategic Community Plan 2023–2033*³⁰ sets the explicit built environment objective to "*create vibrant coastal foreshores.*" These are not aspirational statements without content, they describe a planning framework that expects commercial and hospitality uses at the foreshore to grow, diversify, and improve.
- 4.16 The City's *Local Planning Strategy*³¹ provides that the activity centre hierarchy must ensure centres evolve and grow to meet the needs of their precinct catchments for various types of goods and services and activities, and that it is essential that the economic benefits and anticipated trading impacts on other centres deliver a net community benefit. The Safety Bay Road precinct is precisely the commercial context these planning policies are designed to support a locally significant centre anchored by a major arterial road, serving a defined residential catchment, and complemented by tourism and recreation activity.
- 4.17 The broader planning framework, the demographic character of the locality, and the tourism function of the Safety Bay foreshore together describe a community and a place for which a purpose-built, community-focused packaged liquor store with drive-through access is not merely commercially viable but genuinely and specifically needed. The sections that follow demonstrate the basis for that conclusion in detail.

²⁶ <https://theotherforce.wa.gov.au/defence-industry-skills-centre-excellence>

²⁷ <https://www.defence.gov.au/business-industry/industry-capability-programs/continuous-naval-shipbuilding-sustainment-enterprise/henderson-defence-precinct>

²⁸ <https://www.minister.defence.gov.au/transcripts/2024-10-11/press-conference-rockingham>

²⁹ https://www.wa.gov.au/system/files/2025-11/city_of_rockingham_local_planning_strategy_20.pdf

³⁰ <https://rockingham.wa.gov.au/getContentAsset/e9a336f2-f6c8-48c4-a410-af5a559ea962/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Strategic-Community-Plan-2023-2033.pdf?language=en>

³¹ https://www.wa.gov.au/system/files/2025-11/city_of_rockingham_local_planning_strategy_20.pdf

5 Legislative Framework – Liquor Control Act 1988³²

- 5.1 This application is made pursuant to Section 47 of the Liquor Control Act 1988 (the Act) for the conditional grant of a Liquor Store Licence. It is submitted in satisfaction of the public interest test under Section 38 of the Act, in response to the requirement imposed by Section 36B(4) in respect of packaged liquor applications, and in full compliance with the documentation requirements of Section 68 of the Act. The Applicant submits that the grant of this licence is in the public interest, having regard to the primary and secondary objects of the Act as set out in Section 5, and that each of the matters required to be addressed under Sections 38(2) and 38(4) has been substantively addressed in this submission.

Primary Objects — Section 5(1)

- 5.2 The primary objects of the Act are set out in Section 5(1) as follows:

5. Objects of Act

(1) The primary objects of this Act are —

(a) to regulate the sale, supply and consumption of liquor; and

(b) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and

(c) 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.

Section 5(1)(a) — Regulation of sale, supply and consumption:

- 5.3 Liquor Barons Safety Bay will be a purpose-built, independently operated packaged liquor store designed from the ground up for safe, supervised retail. The store's physical configuration, spirits secured behind the point-of-sale counter, clear sightlines throughout, an entry alert system, and a staffed service model for both the walk-in and drive-through channels, reflects a retail environment built to enable the responsible regulation of each transaction.
- 5.4 The Applicant will operate under conditions to be imposed by the licensing authority, will maintain CCTV coverage in compliance with the Director's policy, will ensure RSA-trained personnel are on duty at all times, and will participate actively in any applicable Liquor Accord operating within the City of Rockingham. The detailed harm minimisation framework underpinning these commitments is set out in Section 3 of this submission and the accompanying Harm Minimisation Plan.

³²[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

Section 5(1)(b) — Minimisation of harm:

- 5.5 The Applicant's harm minimisation framework addresses the risk profile of this premises: a drive-through and walk-in packaged liquor store on a busy arterial road, in a locality with a median age of 44, a below-average juvenile population of 18.44%, and, as the *City of Rockingham Health & Wellbeing Profile (October 2023)* records, no elevated rates of risky drinking compared to Western Australia generally. The population data does not support an inference of elevated community vulnerability. The harm minimisation measures specific to the proposed premises are detailed in these submissions. The research evidence base supporting those measures is addressed in the Applied Research section.

Section 5(1)(c) — Consumer requirements and proper industry development:

- 5.6 The Safety Bay, Waikiki, and Shoalwater locality, with 24,483 residents have no drive-through packaged liquor option anywhere in the defined locality, and a coastal context that draws visitors from across metropolitan Perth, presents precisely an amenity of unmet consumer requirement that Section 5(1)(c) and Section 36B(4) seeks to address. As the Supreme Court confirmed in *Liquorland Karrinyup v LC [2021] WASC 366*, consumer requirements encompass convenience, accessibility, product diversity, drive-through access, and competitive retailing, not merely the physical availability of alcohol in a nearby store. The Liquor Barons model, a WA-local, community-focused cooperative banner with an emphasis on regional producers, contributes to the proper development of the liquor industry in a way the major national chains do not.
- 5.7 The City of Rockingham's *Economic Development Strategy 2020–2025*³³ explicitly identifies the objective to promote Rockingham as the premier metropolitan coastal tourism destination; a purpose-built packaged liquor store at the Safety Bay foreshore precinct directly supports that tourism objective by completing the retail amenity of a precinct that visitors to Perth's coast identify as a destination for eating and drinking.

Secondary Objects — Section 5(2)

- 5.8 The secondary objects of the Act are set out in Section 5(2), which provides that the licensing authority shall have regard to the primary objects and also to the following secondary objects:

(2) the following secondary objects —

(a) to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and

³³<https://rockingham.wa.gov.au/getContentAsset/07f4ee03-4a8b-4f83-a482-77cd79777cc7/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Economic-Development-Strategy-2025-2030.pdf?language=en>

- (d) to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and*
- (e) to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.*

Section 5(2)(a) — Diversity of consumer requirements:

- 5.9 Liquor Barons Safety Bay has been designed to offer a retail experience that the locality does not currently have. The Safety Bay precinct serves a demographic that includes established residents, older couples and retirees, and a substantial flow of coastal visitors and tourists. A community-focused cooperative store with a curated WA-local range, a dedicated low and non-alcoholic section, gluten-free and dietary-conscious products, and staff with product knowledge reflects the diversity of contemporary consumer requirements far more accurately than a standard packaged liquor outlet. The consumer survey program currently underway in the locality is designed to test and document these requirements directly, and its results will be presented in the Consumer Survey section of this submission.

Section 5(2)(d) — Adequate controls:

- 5.10 The controls proposed for Liquor Barons Safety Bay are not generic but site-specific. The Approved Manager will be present or contactable during all trading hours and will hold responsibility for the operation of the premises in accordance with Sections 100 and 103A of the Act. All staff will complete nationally accredited RSA training, with certification records maintained in an on-site training register in accordance with the Director's Mandatory Training Policy. The CCTV system will comply with the Director's Safety and Security at Licensed Premises policy and will provide continuous coverage of all areas, including the drive-through lane. The specific operational controls proposed as licence conditions, including the spirits-behind-counter requirement, the Under ID25 protocol, and the no-school-uniform policy, are addressed fully in the conditions.

Section 5(2)(e) — Flexible administration:

- 5.11 The Applicant has approached this submission in the spirit this object contemplates: a substantive, evidence-based engagement with the public interest merits of the application, without undue technical formality. The application is complete in all material respects and has been prepared to give the licensing authority everything it needs to determine it on its merits. Should any minor technical deficiency be identified in the course of assessment, the Applicant respectfully invites the licensing authority to exercise the discretion afforded by this object and by Section 33 of the Act in a manner consistent with a merits-based evaluation of the application as a whole.
- 5.12 Section 38 of the Act provides that the Applicant must satisfy the licensing authority that granting this application is in the public interest. Section 33(1) confirms that the licensing

authority may grant the application on the terms sought, grant it subject to conditions, or refuse it, and may have regard to any matter it considers relevant.

- 5.13 The Applicant undertakes to maintain ongoing and constructive engagement with the Department of Local Government, Industry Regulation and Safety (DLGIRS), the Liquor Enforcement Unit (LEU), the Office of the Chief Health Officer, and WA Police throughout the life of the licence, and will accept and comply with all conditions imposed by the licensing authority in the public interest.

6 Section 36B(4) of the Liquor Control Act 1988³⁴

- 6.1 The Applicant acknowledges that Section 36B(4) of the Act applies to this application. The statutory test is as follows:

Section 36B(4) of the Act:

"4) 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."

- 6.2 Section 36B(1) of the Act defines the key term engaged by this test:

"local packaged liquor requirements, in relation to an application to which this section applies, means the requirements of consumers for packaged liquor in the Locality in which the proposed licensed premises are, or are to be, situated."

- 6.3 Moreover, sections 36B, 77A, and Regulations 9AA, 9AAA, and 9AAB of the Liquor Control Regulations 1989 (the Regulations) stipulate the following:

- 1.** *An application will not be heard or determined by the licensing authority for the grant or removal of a licence if:*
 - a.** *the retail section of the proposed premises exceeds 400m², and*
 - b.** *an existing packaged liquor outlet with a retail section that exceeds 400m² is located within 5 kilometres (metropolitan) or 12 kilometres (regional) of the proposed premises (distances are calculated using the shortest route by road).*
- 2.** *an application will not be heard or determined by the licensing authority to alter or redefine a licensed premises if:*
 - a.** *the alteration or redefinition would result in the retail section of the premises increasing to more than 400m², and*
 - b.** *an existing packaged liquor outlet with a retail section that exceeds 400m² is located within 5 kilometres (metropolitan) or 12 kilometres (regional)*

³⁴ Attachment 6 – Case Precedence

*(distances are calculated using the shortest route by road).*³⁵

- 6.4 The statutory test under Section 36B(4) has been authoritatively and progressively interpreted by the Supreme Court of Western Australia and the Liquor Commission across a body of decisions that now constitutes settled law. The controlling authorities are *Liquorland (Australia) Pty Ltd v Liquor Commission [2021] WASC 366 (Archer J)*, *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2024] WASC 128 (Lemonis J)*, and *Liquorland Karrinyup v DLL LC35/2022*. These three decisions operate as an integrated doctrinal framework and must be applied together. The Applicant addresses each in turn before applying the framework to the four constituent elements of Section 36B(4).
- 6.5 In WASC 366, Justice Archer confirmed that the phrase 'requirements of consumers' in Section 36B(1) bears the same meaning as in Section 5(1)(c), that is, consumer requirements extend well beyond the physical item of packaged liquor and encompass convenience, product range, accessibility, competitive pricing, one-stop shopping preferences, and modern retail expectations. Her Honour held that the correct statutory test for 'cannot reasonably be met' is whether existing outlets cannot sensibly or rationally meet the contemporary expectations of consumers — a practical, real-world standard that does not require proof of substantial difficulty, extreme inconvenience, or complete absence of liquor retailing anywhere in the locality.
- 6.6 Justice Archer further confirmed the statutory presumption of consistent meaning:
- "The task of statutory construction in this case involves, among other things, construing the phrase 'requirements of consumers' in s 36B of the Act. This phrase also appears in s 5(1)(c). There is ordinarily a presumption that the same word will bear the same meaning wherever it appears throughout an Act."*
- 6.7 In WASC 128, Justice Lemonis confirmed that the four constituent elements of Section 36B(4) must each be addressed by the licensing authority, affirmed the Archer J reasoning without qualification, and confirmed that Section 36B(4) imposes no de minimis threshold — the Applicant is not required to demonstrate that consumer requirements are considerable, only that they are not trifling or immaterial:
- "Her Honour observed that the phrase 'requirements of consumers' in s 5(1)(c) has been interpreted to include such matters as shopper convenience and preferences, including the convenience of one-stop shopping. Her Honour also observed that 'consumer requirements' has been understandably assumed to mean what consumers demand or desire, as distinct from what they cannot manage without."*
- 6.8 LC35/2022 operationalised the WASC 366 framework at the Commission level and established that locality must be determined by reference to practical consumer access patterns, topography, road networks, and realistic shopping behaviour, not administrative boundaries, and that the existence of alternatives does not of itself

³⁵<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/license-types-and-trading-hours/packaged-liquor-sales-policy>

demonstrate that consumer requirements are reasonably met. The Commission further confirmed that competition and product diversity are themselves legitimate consumer requirements, not merely commercial benefits: the ability to access a different, better-suited store is part of what consumers require.

- 6.9 The *Australian Leisure and Hospitality Group v Commissioner of Police [2017] WASC 88* confirms that Section 5(1)(c) requires the licensing authority to consider the potential and opportunity for proper development of the liquor industry, the tourism industry, and other hospitality industries in the State. Consumer requirements are not assessed in isolation; industry diversity, innovation, and the tourism economy are part of the statutory frame.

Proliferation

- 6.10 The Section 36B(4) framework was introduced to prevent the proliferation of packaged liquor premises. The Applicant acknowledges the purpose and engages directly with it. The question, as the Director has confirmed in a line of decisions, including those applying *Liquorland Karrinyup*, is not whether any new licence constitutes proliferation, but whether a specific approval would contribute to an unregulated and unjustified increase in outlets in a locality where consumer requirements are already being adequately met. Where they are not, as is the case here, approval does not constitute proliferation. It constitutes a measured, specific, and justified response to a genuine consumer requirement gap.
- 6.11 'Proliferation' connotes rapid, uncontrolled multiplication, a sudden and disproportionate increase in the number of outlets in a given area. That is not the character of this application. The Safety Bay, Waikiki, and Shoalwater locality of 24,483 residents currently has no packaged liquor outlet within 1000 meters of the proposed premises. The nearest licensed premises offering any form of retail services is Café Barco at approximately 1.1 kilometers, which holds a restaurant licence and is not a packaged liquor competitor. There is no drive-through packaged liquor option anywhere in the defined locality; conditionally approving this application does not constitute proliferation by any meaningful definition of that word.
- 6.12 The Liquor Commission confirmed in *LC27/2013 (Woolworths Margaret River)* that outlet density is not in itself a basis for refusal: density arguments must be connected to demonstrable, localised evidence of harm, not to the mere number or presence of outlets in a locality. The Commission observed in *LC27/2013* that outlet density research must be applied with caution and that much of the general density literature is not suited to application in specific localities without evidence of a causal nexus between additional supply and actual harm in that locality. The Liquor Commission in *BWS Falcon LC07/2023* reinforced this position, holding that there was insufficient evidence to conclude that granting the application would contribute meaningfully to increased alcohol-related harm where no causal link between the proposed store and localised harm had been established.

- 6.13 The site at Lot 100, 434 Safety Bay Road, was occupied for over 50 years by the Waikiki Beach Hotel, a licensed premises that served the locality with on-premises and off-premises amenity. The Waikiki Hotel development is a responsible and contemporary revival of a licensed precinct in the locality. Conditionally approving this application restores a packaged liquor amenity; it does not multiply existing supply.

Matters to be Addressed – WASC 128 Framework

- 6.14 Consistent with Justice Lemonis's direction in WASC 128, the Applicant addresses each of the four constituent elements of Section 36B(4) in turn.
- 6.15 Importantly, as stated by Judge Lemonis in WASC128 [2024]:
- Broken down into its constituent parts, s 36B(4) requires the Commission to address the following four matters.*

1. What is the relevant locality?

- 6.16 The relevant locality for this application is the defined catchment area of Safety Bay, Waikiki, and Shoalwater within the City of Rockingham, centred on Lot 100, 434 Safety Bay Road. This locality encompasses a combined residential population of 24,483 and is bounded to the west by the Safety Bay foreshore and the Indian Ocean coastline, extending inland to capture the primary residential and recreational catchment served by Safety Bay Road as the commercial and arterial spine of the precinct.
- 6.17 The locality has been defined in accordance with the Director's Policy on Public Interest Assessment and consistently with the Supreme Court's confirmation in WASC 366 and WASC 128 that locality is to be determined by reference to practical consumer access patterns, topography, road networks, and realistic shopping behaviour, not arbitrary administrative boundaries. The Commission in LC35/2022 confirmed that locality must reflect how people actually move through an environment, and that a commercial precinct or arterial road creates its own locality gravity by anchoring consumer movement patterns. Safety Bay Road performs precisely that function, it is the single commercial axis connecting Safety Bay, Waikiki, and Shoalwater, and the proposed premises sits prominently on it.
- 6.18 Residents of all three suburbs move through this locality without meaningful distinction when making daily retail decisions. The locality reflects that commercial and geographic reality, not a line drawn on an administrative map.

2. What are the requirements of consumers for packaged liquor in the relevant locality?

- 6.19 This is the section of the analysis where the narrative established across Sections 1 through 5 of this submission becomes decisive. The reader already knows who lives here, what kind of community this is, and what the site's history is. The task under Element 2 is to translate that portrait into a specific account of what these consumers

require in the packaged liquor category, and why those requirements are not being met.

- 6.20 The consumer base of this locality is not uniform. It has two distinct but complementary components, and each brings its own requirements to the analysis.
- 6.21 **Residential consumers:** The residential community of Safety Bay, Waikiki, and Shoalwater is, as demonstrated in Section 4, a settled, established, older coastal population. With a median age of 44 years, a dominant couple-without-children household profile at 42.77%, and a home ownership rate of 73%, the primary consumer requirements in the packaged liquor category are those of experienced, discerning adult purchasers: quality range, accessibility, drive-through convenience, and a store that reflects the character of the community. As confirmed in *WASC 366* and *LC35/2022*, requirements encompass convenience, product diversity, competitive pricing, and the modern retail experience, not merely access to alcohol in some form somewhere nearby.
- 6.22 **Visitor and tourist consumers:** Safety Bay is a recognised coastal destination within the City of Rockingham, drawing visitors from across the Perth metropolitan area to the foreshore for swimming, snorkeling, beach recreation, and coastal walking. The Liquor Commission confirmed in *LC27/2013* and *LC28/2013* that tourists and visitors form part of "the public" for the purposes of the consumer requirements test, and that their requirements must be assessed alongside those of permanent residents. In *LC27/2013*, the Commission accepted that added competition and convenience for visitors constituted a significant public interest consideration, not a secondary or incidental one.
- 6.23 Research commissioned by Tourism WA found that 89% of Perth visitors attend the coast at least once during their stay, that eating and drinking is a central component of the coastal visit experience, and that a clear gap exists in mid-range, casual food and beverage amenity at Perth's coastal precincts³⁶. The City of Rockingham's Economic Development Strategy 2020–2025 identifies the objective to promote Rockingham as the premier metropolitan coastal tourism destination³⁷. A visitor to the Safety Bay foreshore who wishes to purchase packaged liquor for self-catering accommodation consumption currently has no accessible option within the immediate locality. That is an unmet requirement in a market the City itself has identified as a strategic priority.
- 6.24 The specific requirements of both consumer groups, derived from the demographic profile, the planning context, the tourism evidence base, and the consumer survey program currently in progress, include the following matters:
- **Drive-through access and format:** No drive-through packaged liquor option exists anywhere in the defined locality. The Supreme Court in *WASC 366* expressly identified drive-through accessibility as a legitimate component of consumer

³⁶ <https://assets-us-01.kc-usercontent.com/53c284ed-8b6d-0077-d7d1-762b0c10baee/6fae45b8-d51d-43d9-b8eb-389a1a132286/Tourism-and-Perth%27s-coast.PDF>

³⁷ <https://rockingham.wa.gov.au/getContentAsset/07f4ee03-4a8b-4f83-a482-77cd79777cc7/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Economic-Development-Strategy-2025-2030.pdf?language=en>

requirements.

- **Proximity and convenience:** There is no packaged liquor outlet within 1000 metres of the proposed premises. The nearest licensed premises is a restaurant licence at approximately 1.1 kilometers, not a packaged liquor offer. For a locality of 24,483 residents, this is a service gap that cannot sensibly be described as reasonably met. The Director in *Austin Lakes IGA (A000180967)* granted a liquor store licence for precisely this reason in a comparable context: a residential community of significant size with limited packaged liquor access and residents travelling substantial distances to reach existing outlets.
- **Product range and community identity:** The Liquor Barons cooperative model, with its emphasis on WA-local producers, curated specialty range, low and non-alcoholic alternatives, and community-focused service, is qualitatively different from a generic national-chain packaged liquor outlet. The Commission in *LC35/2022* confirmed that competition and product diversity are legitimate consumer requirements.
- **One-stop shopping:** Liquor Barons Safety Bay forms part of the redeveloped Waikiki Hotel development, co-located with the Waikiki Tavern and other commercial tenancies at a purpose-built retail precinct. The Commission confirmed in *LC35/2022*, and affirmed in *WASC 128*, that one-stop shopping convenience is a legitimate consumer requirement. A development that combines a full-service tavern, packaged liquor retail, and supporting commercial uses creates a genuine retail destination.

6.25 The Applicant has undertaken an assessment of consumer requirements within the relevant locality, incorporating:

- Consumer Survey,
- Letters from industry stakeholders, and
- An objective analysis of packaged liquor service gaps in the locality.

6.26 Judge Lemonis clarified in *WASC 128* that:

“The absence of a de minimis requirement reinforces my view that s 36B(4) does not require the Applicant for a packaged liquor store licence to establish that the relevant consumer requirements are considerable. Further, even if a de minimis requirement was to be imported (contrary to my view), such a requirement does not reach the level of considerable. It would only necessitate that the relevant consumer requirements are not trifling, or to use Liquorland’s words, not insignificant or immaterial.”

6.27 In line with this principle, the Applicant submits that the demonstrated consumer requirements are legitimate, reasonable, and reflective of broader retail and contemporary trends.

3. What packaged liquor services are provided by existing packaged liquor premises in the relevant locality?

6.28 The defined locality contains four existing premises that retail packaged liquor. Those premises are identified, described, and individually assessed against the consumer requirements framework established by WASC 366, WASC 128, and LC35/2022 in the Packaged Liquor Outlet Analysis attached to this submission³⁸.

4. Whether the local packaged liquor requirements cannot reasonably be met by those existing packaged liquor premises.

6.29 The Applicant submits that the local packaged liquor requirements of this locality cannot sensibly or rationally be met by the four existing outlets. That submission is grounded in five independently valid grounds, each of which is substantiated in the Packaged Liquor Outlet Analysis³⁹. The starting principle, confirmed by the Liquor Commission in *LC35/2022*, is that the existence of other packaged liquor outlets does not of itself demonstrate that consumer requirements are reasonably met. The question is always whether the character, format, location, and range of the existing supply can sensibly and rationally cater to the contemporary requirements of consumers in this locality. It cannot.

6.30 No drive-through service and no WA-focused liquor store exists anywhere in the defined locality with the closest drive-through premises being over 5 km away. This is the confirmed position, as confirmed by Justice Archer in *WASC 366*, drive-through accessibility is a legitimate consumer requirement, a dimension of how consumers expect to access packaged liquor as a matter of contemporary retail standards, not a premium amenity. For a residential community with a median age of 44 years, a dominant household profile of couples without children at 42.77%, and a coastal lifestyle orientation, the complete absence of drive-through packaged liquor from the locality's existing supply is a material and specific service gap. It is also a gap that no walk-in outlet at any proximity or price point, can address. The proposed Liquor Barons Safety Bay includes a drive-through as a core feature of the premises. It is the only outlet in the defined locality capable of doing so.

6.31 The existing supply is concentrated in the residential interior (refer Figure 5) the foreshore visitor market is entirely unserved. The four existing outlets are positioned within the residential catchment of the locality. None is located on the Safety Bay Road foreshore corridor that serves as the primary access route for visitors and tourists to the Safety Bay foreshore precinct. As confirmed by the Liquor Commission in *LC27/2013* and *LC28/2013*, tourists and visitors form part of "the public" for the purposes of the consumer requirements test, and their requirements must be assessed on equal footing with those of permanent residents.

³⁸ Attachment 7 – Packaged Liquor Outlets

³⁹ Attachment 7 – Packaged Liquor Outlets

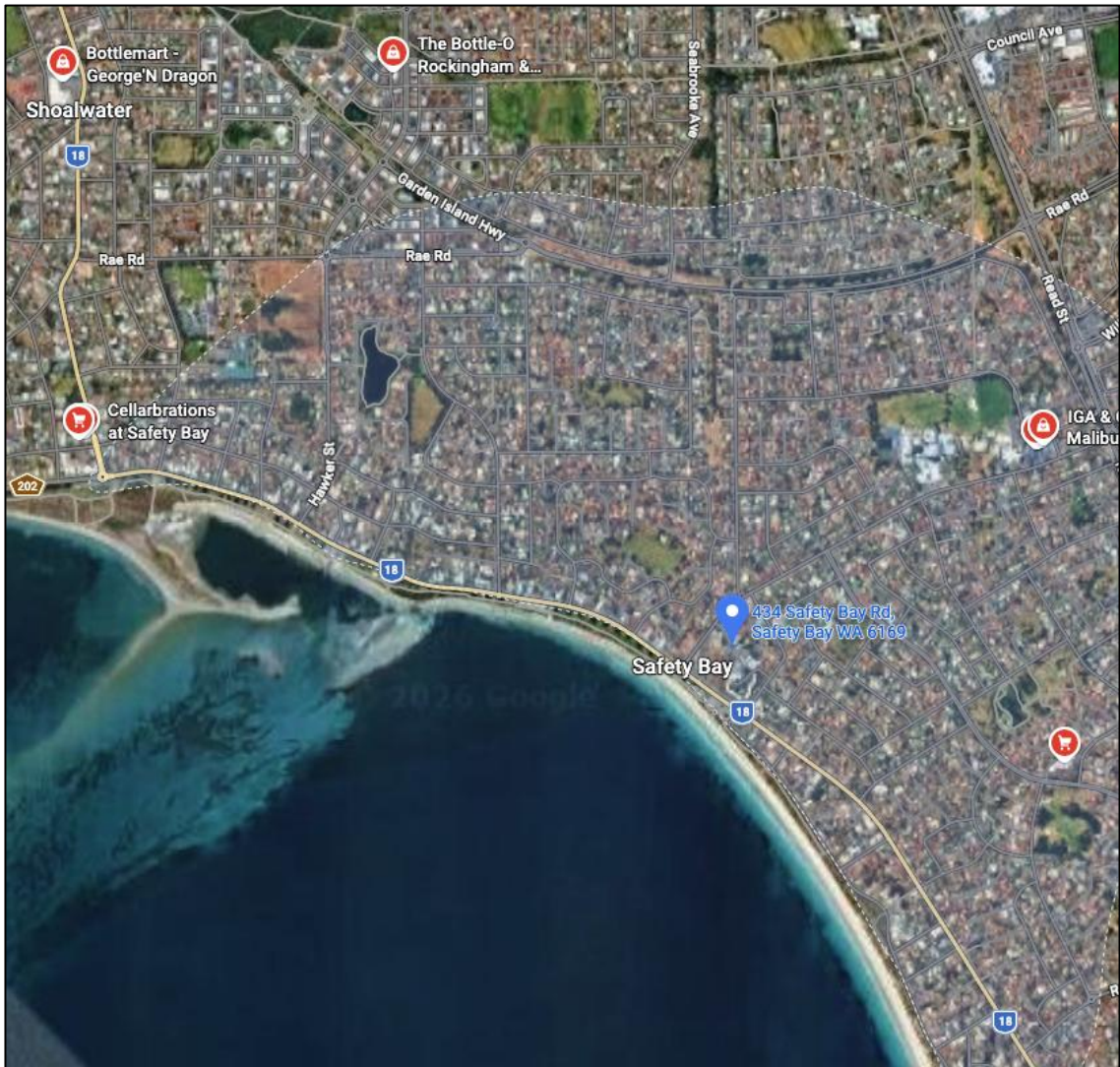


Figure 5: Packaged Liquor Outlets

- 6.32 The Liquor Commission also confirmed in *LC35/2022* that competition and product diversity are themselves legitimate consumer requirements, not merely commercial benefits, and that an existing outlet that sells alcohol does not satisfy the consumer requirement for a different, better-suited alternative. The Liquor Barons cooperative model, with its WA-local producer emphasis, curated specialty range, substantive low and non-alcoholic offering, and community-owner-operated character, represents a qualitatively different retail proposition from anything currently available in this locality.
- 6.33 The locality has been determined in consultation with the Department of Local Government, Industry Regulation and Safety's (LGIRS) Premises Manager. In accordance with section 36B(4) of the Liquor Control Act 1988, the Applicant must demonstrate that the existing liquor store premises cannot reasonably meet the packaged liquor requirements of consumers in the locality. To support this, a Consumer Survey was conducted.
- 6.34 A total of 233 verified respondents participated in the survey. Of these, approximately 45.92% reside within Safety Bay, Waikiki or Shoalwater, with a further 44.21% residing elsewhere in the City of Rockingham and approximately 9.02% travelling to, through, or

frequently visiting the locality. The respondent profile confirms the relevance of the data and its close alignment with the defined trading catchment, with over 90% of respondents drawn from within the City of Rockingham and the immediate locality of the proposed premises.

6.35 Survey participants were asked about their purchasing habits, liquor product preferences, and the perceived need for additional packaged liquor outlets in the locality. The results are highly instructive:

- Approximately 45.92% of respondents reside in Safety Bay, Waikiki or Shoalwater, with a further 44.21% residing elsewhere in the City of Rockingham and approximately 9.02% travelling to, through, or frequently visiting the locality.
- Approximately 63.14% of respondents currently purchase their packaged liquor from outlets outside the defined locality, indicating a substantial gap between the existing supply and the contemporary requirements of consumers in the catchment.
- Approximately 97.03% of respondents indicated their intent to shop at the proposed Liquor Barons Safety Bay, subject to approval.
- Approximately 95.40% of respondents believed the proposed store would cater to consumer requirements not currently met in the locality.
- Approximately 97.49% of respondents supported the conditional grant of the Liquor Store Licence.
- Approximately 97.91% of respondents believed approval of the application was in the public interest.
- The most important reasonable requirements identified by respondents were a conveniently located outlet close to home or work (approximately 88.03%), drive-through service (approximately 41.45%), and competitive pricing (approximately 39.32%). Respondents also identified convenience and accessibility (approximately 28.63%) and an independent operator personalised service (approximately 11.97%) as material considerations.
- The specialty product categories most commonly identified as not readily available in the locality were craft beer and premium beer selections (approximately 77.87%), Western Australian wines and spirits (approximately 51.49%), and ready-to-drink and pre-mixed product variety beyond mainstream brands (approximately 25.53%).

6.36 The survey results corroborate the consumer requirements analysis set out elsewhere in this submission. The fact that approximately 63.14% of respondents currently travel outside the defined locality to purchase packaged liquor demonstrates directly, on contemporaneous evidence from the catchment, that the existing four packaged liquor outlets in the locality cannot sensibly or rationally meet the contemporary requirements of consumers within the meaning of section 36B(4) of the Act. The reasonable

requirements that respondents identified; convenient location, drive-through service, competitive pricing, and access to a curated craft and Western Australian product range are precisely the requirements the proposed Liquor Barons Safety Bay will cater to. They are also, as confirmed by the Supreme Court in WASC 366 and the Liquor Commission in LC35/2022, legitimate consumer requirements within the proper construction of section 5(1)(c) and section 36B(4), not premium amenities or commercial conveniences.

- 6.37 The respondent profile of the survey is also relevant to the assessment of the public interest under section 38(2) and to the harm, amenity, and disturbance considerations under section 38(4)(a)–(c) of the Act. Respondents were directly asked whether they considered the proposed premises would adversely impact the locality, whether they had concerns regarding amenity, and whether they considered approval to be in the public interest. The responses, in each case, were overwhelmingly affirmative of the application: approximately 97.49% of respondents identified no concerns regarding harm or ill-health, approximately 97.91% identified no concerns regarding amenity impact, approximately 97.49% identified no concerns regarding disturbance or inconvenience to persons residing, working, or engaging in business in the vicinity, and approximately 97.91% considered conditional approval of the licence to be in the public interest. These results are addressed in further detail in Section 8 of this submission.
- 6.38 The Applicant has considered "catering for the requirements of consumers" in conjunction with "the proper development of the industry" to ensure that the application aligns with the Objects of the Act and is capable of catering to a diverse range of consumer requirements. The consumer survey results, taken together with the locality, demographic, and existing-supply analyses set out earlier in this Section, provide a contemporaneous and statistically substantial evidentiary foundation for the Applicant's submission that the consumer requirements of the locality cannot be sensibly or rationally met by the existing supply, and that the conditional grant of the licence applied for is in the public interest.

7 Public Interest

- 7.1 According to section 38 of the Act, the licensing authority is required to assess whether the granting of an application is in the public interest. The Butterworth's Australian Legal Dictionary defines the term 'public interest' as:

"an interest in common to the public at large or a significant portion of the public and which may or may not involve the personal or proprietary rights of individual people.

*The public interest provisions enable the licensing authority to consider a broad range of issues specific to each licence or permit application, and flexibility exists to assess each individual application on its merits."*⁴⁰

- 7.2 Section 38(2) of the Act mandates that the Applicant satisfy the licensing authority that the grant of the application is in the public interest. The term 'public interest' encompasses a broad range of considerations, including the primary and secondary objects of the Act as outlined in Section 5. As established in Sections 5 and 6 of this submission, the primary objects directly engaged by this application are the regulation of the sale, supply, and consumption of liquor; the minimisation of harm or ill-health caused to people or any group of people due to the use of liquor; and the catering for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, tourism industry, and other hospitality industries in the State.

- 7.3 In *Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227*⁴¹, Buss JA emphasised that the public interest test requires a discretionary value judgment confined by the scope and purposes of the Act. The Applicant engages with that judgment in both its positive and negative dimensions.

- 7.4 Justice Archer confirmed in *WASC 366* the full scope of what the public interest condition requires the licensing authority to weigh:

*"The Public Interest condition looks to, among other things, the risk that granting the application may have negative consequences, such as harm or ill-health, the reduction of amenities in the locality, and offence to those who live or work there. It also looks to any effect the granting of the licence may have in relation to tourism or community or cultural matters. Determining the public interest is a discretionary value judgment (to be made having regard to the objects of the Act)."*⁴²

The Applicant accepts that framing in full and structures this section, accordingly, addressing both the positive grounds for the grant and the potential negative impacts, together with the initiatives that minimise the risk.

⁴⁰<https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

⁴¹ Attachment 6 – Case Precedence

⁴² Attachment 6 – Case Precedence

Convenience and One-Stop Shopping

- 7.5 The proposed Liquor Barons Safety Bay will be co-located within the Waikiki Hotel development at 434 Safety Bay Road, a purpose-built precinct incorporating the conditionally granted Waikiki Tavern and commercial tenancies. This co-location creates a genuine one-stop destination for a regional locality that currently has no comparable integrated licensed retail and hospitality precinct.
- 7.6 In *Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227*, Buss JA emphasised that:
- “Further, the Commission overlooked the notorious fact that, in contemporary Australian life, one-stop shopping in large suburban shopping centres is of great importance, especially to working people, and that this social fact is reflected in the development of district and regional shopping centres.”*⁴³
- 7.7 While the Waikiki development is not a large suburban shopping centre, the principle directly applies to co-locating packaged liquor retail with a tavern that includes dining facilities, commercial services, and a community precinct, which creates precisely the kind of integrated destination convenience that the Court recognised as a legitimate public interest consideration. For residents of this regional locality, particularly those in the dominant couple-without-children demographic, the ability to consolidate a dining visit to the tavern, packaged liquor purchase, and other related services in a single regional destination reflects a contemporary consumer requirement that the public interest assessment must give proper weight.

Consumer Requirements

- 7.8 The Applicant submits that the conditional grant of a Liquor Store Licence to Waikiki Hotel (WA) Pty Ltd, to operate under the Liquor Barons banner at Lot 100, 434 Safety Bay Road, Safety Bay, is in the public interest as construed in Section 38(2) and (4) of the Act. The consumer requirements analysis in Section 6 of this submission demonstrates that this locality of 24,483 residents currently lacks drive-through packaged liquor service, lacks a WA-local independent cooperative retailer, and presents an unserved resident and visitor cohort, all within a low-harm demographic profile. The public interest case rests on that foundation.
- 7.9 The Applicant has commissioned a consumer survey program targeting 200–250 respondents across Safety Bay, Waikiki, and Shoalwater, designed and administered by Hospitality Total Services (Aus) Pty Ltd. Survey results will be incorporated into this submission upon completion and attached as a numbered schedule.
- 7.10 These findings will align with the decision in *WASC 366*,⁴⁴ where the Court recognised that the requirements of consumers for packaged liquor encompass convenience,

⁴³ Attachment 6 – Case Precedence

⁴⁴ Attachment 6 – Case Precedence

product diversity, competition, accessibility, and the character of the retail experience, not merely physical access to alcohol in some form.

- 7.11 In addition to the consumer survey, the Applicant sought letters of support from WA independent producers whose products would form a component of the store's WA-local range. These letters confirm that an independent outlet in the Safety Bay locality would assist in the development of the liquor, tourism and hospitality industries in the state.⁴⁵

Positive Impacts

- 7.12 The proposed Liquor Barons Safety Bay premises forms one component of the Waikiki development, a contemporary, community-integrated commercial retail precinct that the Applicant submits will deliver measurable positive impacts to the locality, the City of Rockingham, and the State's tourism, liquor and hospitality industries. The positive case rests on five distinct and independently substantiated grounds.
- 7.13 Restoration of a licensed precinct. The site at Lot 100, 434 Safety Bay Road, was occupied for over 50 years by the Waikiki Beach Hotel, a licensed premises with on-premises and off-premises amenity that served the locality for generations before closure. The Waikiki Hotel development is a responsible and contemporary revival of that licensed precinct. This is not a new incursion into a locality; it is the restoration of a service that this community has historically accommodated and that its planning framework supports. The public interest is served by completing that restoration rather than leaving the precinct without the licensed off-premises amenity it is planned to accommodate.
- 7.14 Foreshore activation and tourism development are consistent with the City's strategic objectives. The City of Rockingham's *Economic Development Strategy 2020–2025*⁴⁶ sets as its first strategic aspiration the promotion of the City as "*the premier metropolitan coastal tourism destination*," including the objective to "*seek to host iconic community events and attractions that will entice residents and visitors throughout the year*." The City's *Strategic Community Plan 2023–2033*⁴⁷ includes the built environment objective to "*create vibrant coastal foreshores*." The *Local Planning Strategy*⁴⁸ explicitly positions Rockingham as "*a contemporary and vibrant waterfront destination*." The proposed Liquor Barons Safety Bay, co-located with the Waikiki Tavern at the Safety Bay foreshore, is precisely the kind of licensed infrastructure these strategic objectives contemplate.

⁴⁵ Attachment 5 – Letters of Support

⁴⁶ <https://rockingham.wa.gov.au/getContentAsset/07f4ee03-4a8b-4f83-a482-77cd79777cc7/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Economic-Development-Strategy-2025-2030.pdf?language=en>

⁴⁷ <https://rockingham.wa.gov.au/getContentAsset/e9a336f2-f6c8-48c4-a410-af5a559ea962/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Strategic-Community-Plan-2023-2033.pdf?language=en>

⁴⁸ <https://rockingham.wa.gov.au/getContentAsset/e19feef-0cce-475e-b2fb-02051eea2774/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Approved-Local-Planning-Strategy-2025.pdf?language=en>

The City's own planning framework identifies that tourism can complement growth through "*activation of activity centres.*"

- 7.15 Section 5(1)(c) of the Act includes, as a primary object, catering for consumer requirements with regard to the proper development of the hospitality, liquor and tourism industry. The Liquor Barons banner is a WA cooperative of independent owner-operators. The proposed store will carry a curated range emphasising WA craft beer, wine, and spirits from independent producers, including small-batch breweries and boutique wineries whose products are not stocked by the national chain outlets currently operating in the locality. This represents a contribution to the proper development of the WA liquor industry of the kind that Section 5(1)(c) and Section 5(2)(a) expressly contemplate, one that national chain operators do not replicate.
- 7.16 Employment and local economic contribution. The Waikiki development will generate direct employment through the operation of the Liquor Barons Safety Bay store and the Waikiki Tavern, and indirect employment in construction, supply chain, and associated services. The store's emphasis on WA-local producers creates a retail platform for small and independent producers, facilitating greater market exposure and enabling local and regional suppliers to engage directly with a community-based customer base in a format that benefits both producers and consumers.

Potential Negative Impacts

- 7.17 The Applicant acknowledges that packaged liquor retailing, while a legitimate and accepted component of modern retail activity, requires honest engagement with the potential for alcohol misuse and its associated negative impacts. That engagement is not performative; it is the foundation of the harm minimisation framework detailed in Section 3 of this submission. The responsible Applicant identifies two categories of potential negative impact specific to this application and addresses each directly.
- 7.18 **General packaged liquor retail risks:** secondary supply, domestic and family violence, and consumption off premises. Packaged liquor retail carries recognised risks in respect of secondary supply to minors, domestic and family violence, and consumption in residential settings. The Applicant acknowledges these risks, considers them within the evidence base, and responds proportionately.
- 7.19 Research from the Australian Institute of Criminology confirms that alcohol misuse is a contributing factor to domestic and family violence, and that effective harm reduction requires community-wide engagement, not merely individual venue controls. Specifically, research confirms: "*The need for a range of partners within the community to work together to set appropriate standards for the consumption of alcohol and set formal and informal controls on the misuse of alcohol and the problem behaviours that result*⁴⁹." The experienced Applicant's approach is consistent with that finding: harm minimisation is embedded in staff training, community engagement, Accord

⁴⁹ <https://www.aic.gov.au/sites/default/files/2020-05/rip04.pdf>

participation, and collaboration with the CHO, Local Council, Licensing Authority, WA Police and the Liquor Enforcement Unit, not confined to point-of-sale controls alone.

Responsible Retailing and Harm Minimisation

- 7.20 The harm minimisation framework applicable to this premises is set out in full in Section 3 of this submission and in the attached Harm Minimisation Plan. The measures adopted are not a regulatory minimum; they are a proactive contribution to community safety, calibrated to the specific risk profile of this site. The following summary identifies the key formal and informal measures.
- 7.21 Formal measures include: a documented and enforced Harm Minimisation Plan incorporating responsible product placement and customer engagement protocols, strict adherence to all applicable Director's Policies including those relating to juvenile access, advertising, point-of-sale practices, CCTV, and security; appointment of an Approved Manager during all trading hours pursuant to Sections 100 and 103A of the Act; mandatory nationally accredited Responsible Service of Alcohol training for all staff, with records maintained on-site; Under ID25 protocol applied to all transactions where the customer appears under 25 years of age; compliance with all licence conditions imposed by the licensing authority; and participation in the local Liquor Accord.
- 7.22 Informal and community-based measures include: active engagement with the City of Rockingham, neighbouring residents, and community groups throughout the licence life; awareness of and referral to support services for individuals or families displaying signs of alcohol-related hardship; monitoring of customer behaviour for indicators of secondary supply risk, including where adults appear to be purchasing on behalf of minors; and participation in *DrinkWise* and similar community alcohol education initiatives consistent with industry best practice.

The Public Interest Conclusion

- 7.23 The Applicant submits that the evidence assembled in this submission, across the consumer requirements analysis in Section 6, the planning alignment established in this section, the harm minimisation framework in Section 3, and the demographic and locality evidence in Section 4, establishes, on the balance of material considerations, that the conditional grant of a Liquor Store Licence for Liquor Barons Safety Bay is in the public interest within the meaning of Section 38(2) and (4) of the Act.
- 7.24 The positive case is compelling: a community of 24,483 residents on a City-identified priority tourism foreshore, without drive-through packaged liquor service, without an independent WA cooperative retailer, and without accessible packaged liquor, served by a responsible, experienced applicant with a demonstrated record of regulatory compliance and a purpose-built, community-focused retail model. The City's own strategic planning framework has identified this foreshore as a priority for activation and tourism development. This application delivers precisely what that framework

contemplates.

- 7.25 The potential negative impacts are real and acknowledged, not minimised. They are addressed by a harm minimisation framework specifically calibrated to the site. The locality evidence establishes that the risk profile of this community does not support a finding of elevated harm, and the responsible Applicant has diligently constructed a response to the risks that do exist that is proportionate, substantive, and genuinely committed.

8 Section 38 (4) (a) of the Act – Harm or Ill-health

- 8.1 The following information sources were reviewed in compiling this public interest assessment, as recommended by the Director’s Policy on Public Interest Assessment.

- 8.2 Section 38(4) of the Act provides that, without limiting subsection (2), the matters the licensing authority may have regard to in determining whether granting an application is in the public interest include:

- (a) the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and*
- (b) whether the amenity, quiet or good order of the Locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened; and*
- (c) whether offence, annoyance, disturbance, or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and*
- (ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters; and*
- (d) any other prescribed matter.”⁵⁰*

- 8.3 The information sources considered in the preparation of this section include, but are not limited to:

Drug and Alcohol Office, Mental Health Commission and the Department of Health (WA)

Mental Health Commission website

- *National Drug Strategy Household Survey 2013: Western Australian Introduction, Executive Summary, Supplementary Tables*
- *Australian School Student Alcohol and Drug Survey: Alcohol Report 2011 – Western Australian Results. Surveillance Report Number 8*
- *Broad Strategic Directions of West Australian Drug and Alcohol Strategy 2005-2009*
- *Drug & Alcohol Interagency Strategic Framework for Western Australia 2011-2015*

⁵⁰[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

- *Strong Spirit Strong Mind: Western Australian Aboriginal Drug and Alcohol Framework for Western Australia 2011-2015*
- *Fitzroy Valley Alcohol Restriction Report: An evaluation of the effects of a restriction on takeaway alcohol relating to measurable health and social outcomes, community perceptions and behaviours after a two-year period, 2010.*
- *Drug and Alcohol Office WA (2012). The impact of liquor restrictions in Kununurra and Wyndham: a twelve-month review*
- *Halls Creek Alcohol Restriction Report 2012: a 24-month review of the impact of alcohol restrictions on health and social outcomes, community perceptions and behaviours.*
- *The impact of liquor restrictions in Halls Creek: Quantitative data — Five years post-restriction*
- *Alcohol-related hospitalisations and deaths in Western Australia: State Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: this report may incur a cost, see note on previous page.*
- *Alcohol-related hospitalisations and deaths in Western Australia: Regional Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: This report may incur a cost, see note on previous page.*
- *Alcohol and Other Drug Indicators Report — Western Australia (2015) R. Bridle, A. Christou & T. Lembo.*
- *Alcohol and Other Drug Indicators Report — Regional Reports (2015) R. Bridle, A. Christou & T. Lembo.*

National Drug Research Institute, Curtin University of Technology (Perth)

National Drug Research Institute website

- *An Evaluation of Liquor Licensing restrictions in the Western Australian Community of Port Hedland. Preventing Harmful Drug Use in Australia. Prepared with assistance from the Combined Universities Centre for Rural Health.*
- *Restrictions on the sale and supply of alcohol: Evidence and Outcomes. (2007) Dr. T Chikritzhs, Prof. D. Gray, Z Lyons, Prof. S Siggers.*
- *Study of Extended Trading Permits (May 1997) Dr. T. Chikritzhs.*
- *Drinking After Driving in Western Australia. (2002). Catalano, P and Stockwell, T. R.*
- *Predicting Alcohol-Related Harms from licensed outlet density: A Feasibility Study. 2007 Monograph Series No.28. T Chikritzhs, I Catalano, R Pascal and N. Henrickson*
- *National Alcohol Indicators*
- *The Prevention of Substance Use, Risk and Harm in Australia - a review of the evidence. Loxley, et al., 2004. (The National Drug Research Institute and the Centre for Adolescent Health Published for Commonwealth Department of Health and Ageing 2004)*

- *The researchers examined international and national data, literature and programs that provide evidence of good practice in preventing or delaying the onset of alcohol and drug use and that address the risk and harm known to be associated with alcohol and drug use. The monograph outlines patterns of substance use and harm, considers risk and protective factors predictive of harmful alcohol and drug use and extensively reviews the evidence available on national and international prevention strategies and approaches.*

Department of Aboriginal Affairs

- *State Government response to the Hope Report. 7 April 2008.*
- *Gordon Inquiry – Putting People First. July 2002.*

Alice Springs Liquor Trail

- *By Ian Cundall and Chris Moon for Northern Territory Government. Department of Health and Community Services. May 2003.*

National Alcohol Strategy 2016-2009

- *Towards Safer Drinking Cultures*

National Health and Medical Research Council

- *Australian Guidelines to Reduce Health Risks from Drinking Alcohol. Commonwealth of Australia, 2009*

National Centre for Education and Training on Addictions (Adelaide)

- *Young People and Alcohol: The Role of Cultural Influences. Roche, A.M., Bywood, P.T., Borlagdan, J., Lunnay, B., Freeman, T., Lawton, L., Tovell, A. & Nicholas, R. (2007).*

Australian Bureau of Statistics and Australian Institute of Health and Welfare (AIHW Cat. no IHW 147)

- *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples 2015.*

Australian Government Department of Health and Ageing

- *Australian Government Implementation Plan 2003-2008 - National Strategic Framework for Aboriginal and Torres Strait Islander Health.*
- *Australian Government Implementation Plan 2007-2013 - National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003-2013*

Other relevant sources

- *Effects of restricting pub closing times on night-time assaults in an Australian city (2010). K. Kyprilou, C. Jones, P. McElduff, and D. Barker.*
- *Dealing with alcohol-related problems in the Night-Time Economy: A study protocol for mapping trends in harm and stakeholder views surrounding local community level interventions (DANTE) (2011). P. Miller et al.*

- *Patron offending and intoxication in Night-Time entertainment districts (POINTED) (2013). P. Miller et al.*

Violence, Harm, and the Limits of Causal Attribution

- 8.4 The Applicant acknowledges that concerns about the availability of alcohol frequently form part of broader community discussions about violence, harm, and antisocial behaviour. Contemporary public policy frameworks emphasise, however, that violence is a multifaceted issue that cannot be attributed to any single cause, and cannot be addressed solely through restrictions on retail liquor access. The WA Government's own prevention strategies confirm that community-level harm emerges from a complex interplay of individual, social, economic, and environmental factors, including genetic or biological predispositions, mental health, intergenerational trauma, socioeconomic disadvantage, and inadequate access to education, employment, and support services.
- 8.5 Any public interest assessment must take that evidence base into account. Attempts to attribute negative community outcomes solely to the presence of a single, well-managed, community-scaled packaged liquor outlet operating within a mixed-use foreshore development are overly reductive and inconsistent with contemporary research. The Applicant submits that the public interest is best served by responsible retail models that operate within a structured planning and licensing framework, implement harm-minimisation measures calibrated to the site's specific risk profile, and actively contribute to the social and economic development of the locality, as this application does.
- 8.6 The *Western Australian Mental Health, Alcohol And Other Drug Services Plan 2015–2025*⁵¹, which represents the State's primary whole-of-government framework for preventing and reducing alcohol and drug-related harm, structures its approach around three pillars: prevention through public education, responsible service, and environmental strategies; treatment to ensure access to evidence-based support; and harm reduction to minimise impacts on individuals, families, and communities where use cannot be prevented. The Applicant's harm minimisation framework, set out in Section 3 of this submission and in the attached Harm Minimisation Plan, is designed to function within that three-tier architecture, contributing at the prevention and harm reduction levels through operational controls, staff training, community engagement, and referral capacity.
- 8.7 The Applicant also acknowledges that family and domestic violence remains a significant public health and social issue in Western Australia, and that alcohol misuse can be a contributing factor. Research from the Australian Institute of Criminology confirms that alcohol misuse is strongly linked to both the prevalence and severity of intimate partner violence. The Applicant supports the principle that licensed premises must not contribute to environments that normalise or enable violence. The measures embedded

⁵¹ <https://www.mhc.wa.gov.au/awcontent/Web/Documents/2015-2024/WA-mental-health-AOD-services-plan-2015-2025.pdf>

in the Harm Minimisation Plan, including strict point-of-sale controls, refusal-of-service protocols, staff training in recognising and responding to at-risk purchasing patterns, and collaboration with the CHO, WA Police and the Liquor Enforcement Unit, are consistent with the harm reduction approach recommended by the strategy.

- 8.8 The experienced Applicant reaffirms the commitment to working with government and non-government stakeholders in the ongoing effort to reduce alcohol-related harm through informed, collaborative, and proportionate regulatory compliance.

CPTED and Built Environment Safety

- 8.9 The Applicant has applied the Western Australian Planning Commission's *Safer Places by Design*⁵² (WAPC, 2023) principles and Crime Prevention Through Environmental Design (CPTED) framework to the proposed premises as part of the Waikiki development. The following five CPTED principles have been integrated into the premises design and operational model.
- 8.10 **Surveillance:** The premises will be monitored by a CCTV system providing continuous coverage of all internal areas, all entry and exit points, the drive-through service lane, and external interfaces. This is a site-specific requirement: the drive-through lane is a feature of this premises that requires dedicated surveillance coverage to ensure responsible service is maintained for vehicle-based transactions. The store layout provides high-visibility sightlines from the POS counter throughout the retail floor. All CCTV infrastructure will comply with the Director's Safety and Security policy.
- 8.11 **Access Control:** The store layout and access points guide legitimate users through the premises while discouraging undesirable access and loitering. Spirits will be stored in cabinets behind the POS counter and are not accessible for self-service. The drive-through lane and walk-in retail entrance are separate, logically designed access paths. No public access is permitted through rear service or delivery areas. The Waikiki development's site design, incorporating 51 approved car bays, 2 DDA bays, and a service bay, provides a structured and supervised access environment.
- 8.12 **Territorial Reinforcement:** A clear delineation between public and private spaces is established through signage, store fit-out, lighting, and environmental cues. Signage will display house rules, RSA messaging, and Under ID25 controls, reinforcing the premises as professionally managed. The co-location within the Waikiki development provides natural boundary definition through the development's built form.
- 8.13 **Target Hardening:** The premises will be secured with commercial-grade locking devices outside trading hours. Alcohol stock will be secured in storage areas when the store is not trading. The spirits-behind-counter arrangement provides an additional layer of target hardening during trading hours, consistent with the proposed licence condition.
- 8.14 **Management and Maintenance:** The Applicant is committed to maintaining cleanliness, professional presentation, and amenity at the premises at all times. All staff will be

⁵²<https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

trained to identify and report maintenance issues. The Waikiki development will maintain shared areas, car parks, lighting, and landscaping, as part of a broader centre operations strategy, with sightlines preserved in accordance with Design Out Crime principles.

- 8.15 The CPTED framework, when integrated with the Applicant's RSA regime, staff training commitments, and active Approved Manager presence, supports community safety while providing residents with a modern, responsibly operated packaged liquor outlet.

Social Health Indicators - “At Risk” Groups

- 8.24 The following table summarises relevant demographic indicators for the defined locality of Safety Bay, Waikiki, and Shoalwater from the *Australian Bureau of Statistics, 2021 Census Data*⁵³, compared against the Western Australian benchmark. These indicators are typically assessed under the Director's Policy on Public Interest Assessments to identify populations with elevated vulnerability to alcohol-related harm.

	LOCALITY	GREATER PERTH	WESTERN AUSTRALIA
Population	24483	2116647	2660026
Population Under 14 years	18.44%	18.96%	19.01%
Indigenous Persons	4.05%	1.99%	3.33%
Australian Born	64.28%	59.46%	61.98%
Couple Family with Children	39.10%	45.70%	44.60%

- 8.25 **Children and young people:** The locality's Under 14 population of 18.44% is below both the Greater Perth average (18.96%) and the Western Australian average (19.01%). The below-average proportion is consistent with the locality's dominant household profile, couples without children at 42.77%, and its median age of 44. In response to the broader youth cohort, the proposed premises will implement strict ID verification under the Under ID25 protocol, restricted external advertising, apply shelf placement strategies limiting juvenile exposure to alcohol packaging, and maintain explicit staff training in the identification and refusal of secondary supply attempts.
- 8.26 **Aboriginal and Torres Strait Islander people:** The locality's Aboriginal and TSI population at 4.05% is above the Western Australian average of 3.3%. The experienced Applicant acknowledges the disproportionate impacts of alcohol-related harm on Aboriginal communities and will maintain culturally respectful practices, including accessible signage, inclusive service culture, and openness to engagement with relevant Aboriginal community health or liaison organisations. The Applicant will, as part of the Liquor Accord participation commitment, engage with any locality-specific initiatives directed at reducing harm to Aboriginal community members.
- 8.27 **Culturally and linguistically diverse communities:** The locality is relatively culturally homogenous, with 86.5% of residents speaking English at home and 64.2% Australian-

⁵³ <https://www.abs.gov.au/census/find-census-data/search-by-area>

born. CALD community risk factors are not disproportionately elevated in this locality. The Applicant will maintain accessible, inclusive service practices and can provide RSA-compliant service to all community members regardless of background.

- 8.28 **Families and domestic violence risk:** The Applicant acknowledges that family and domestic violence is a significant harm in Australian communities and that alcohol misuse is a documented contributing factor. The relevant research confirms that effective responses require cross-sector collaboration, early intervention, and community-wide accountability, not single-point interventions at the retail level. The proposed premises will operate with no on-premises consumption, standard retail hours, strict RSA enforcement, and a documented Harm Minimisation Plan. These practices reduce the risk that the premises will serve as an enabling environment for harmful consumption patterns.

Socio-economic Indicators

SEIFA

“Socio-Economic Indexes for Areas (SEIFA)⁵⁴ is a product developed by the ABS⁵⁵ that ranks areas in Australia according to relative socioeconomic advantage and disadvantage. The indexes are based on information from the five-yearly Census.”

- 8.30 The Socioeconomic Indexes for Areas (SEIFA), published by the Australian Bureau of Statistics, rank areas according to relative socioeconomic advantage and disadvantage. They are referenced by the Director when assessing whether a locality contains populations with elevated vulnerability to alcohol-related harm.
- 8.31 All three locality suburbs record SEIFA scores below both the Greater Perth and Western Australian averages. The Applicant does not seek to minimise this data. However, it must be interpreted correctly. The SEIFA result for this locality is principally explained by the demographic composition of the community, an older-than-average population (median age 44) with a large retiree and semi-retired cohort. Retirees record lower personal incomes (\$708/week median against \$848/week for WA), fewer persons in the workforce, and a higher proportion of fixed-income households, all of which depress the SEIFA index. They are not, however, a population characterised by social dysfunction, alcohol-related harm, or community vulnerability in the sense that SEIFA-based harm arguments typically engage. Home ownership at 73% confirms a community of established, asset-holding households, a profile more consistent with economic security than disadvantage.
- 8.32 The Applicant is committed to harm minimisation practices that exceed the regulatory minimum and reflect recognised industry best practice. The *Australian Liquor Stores*

⁵⁴[https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa#:~:text=Socio%20Economic%20Indexes%20for%20Areas%20\(SEIFA\)%20is%20a%20product,from%20the%20five%20yearly%20Census.](https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa#:~:text=Socio%20Economic%20Indexes%20for%20Areas%20(SEIFA)%20is%20a%20product,from%20the%20five%20yearly%20Census.)

⁵⁵ <https://www.abs.gov.au/>

*Association (ALSA)*⁵⁶ identifies secondary supply, adults purchasing alcohol on behalf of juveniles, as one of the most challenging harm prevention issues for retail staff, and one that requires active, trained responses at the point of sale rather than generic refusal messaging.

- 8.33 The proposed premises will implement the Under ID25 protocol, the "*Don't Buy It For Them*"⁵⁷ secondary supply awareness program, and product ranging guidelines that avoid stocking items with youth-appealing packaging in prominent display positions. Staff will receive specific training in identifying and managing suspected secondary supply attempts, including the procedures for refusing service without escalating confrontation.
- 8.34 The Applicant will support *DrinkWise*⁵⁸ Australia responsible drinking initiatives, including distribution of standard drink information and moderation messaging at point of sale. *DrinkWise* campaign research confirms that responsible consumption campaigns have measurable impact among adults: 40% of respondents in relevant research reported reducing alcohol intake after viewing the campaign; 76% agreed the campaign helped them consider the benefits of moderation; and 91% tried to moderate their drinking behaviour during subsequent social occasions. By supporting these campaigns, the Applicant contributes to the broader harm reduction ecosystem that the *Western Australian Mental Health, Alcohol And Other Drug Services Plan 2015–2025*⁵⁹, identifies as essential to the State's prevention objectives.
- 8.35 The three-tier approach promoted by the *Western Australia Mental Health and Alcohol and Other Drugs Strategy 2025-2030*⁶⁰, prevention, early intervention, and support and referral, is operationalised at this premises through: participation in *DrinkWise* and local harm education programs (prevention); staff training to identify and respond to early signs of problematic purchasing patterns (early intervention); and collaboration with support service providers, with written referral materials available on-site (support and referral).

⁵⁶ <https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

⁵⁷ <https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

⁵⁸ <https://drinkwise.org.au/tag/young-adults/>

⁵⁹ <https://www.mhc.wa.gov.au/awcontent/Web/Documents/2015-2024/WA-mental-health-AOD-services-plan-2015-2025.pdf>

⁶⁰ <https://www.mhc.wa.gov.au/awcontent/Web/Documents/2025/MHAOD-Strategy-2025-2030-Consultation-Summary-Report.pdf>

Crime Statistics for the Locality

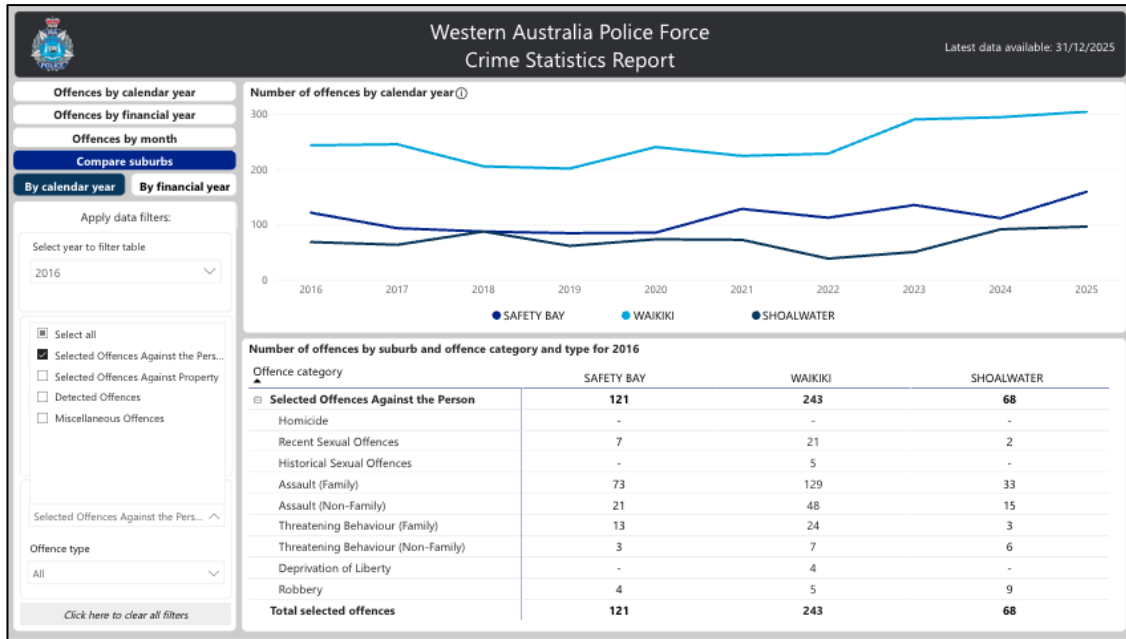


Figure 6: Crimes Against Persons for the Defined Locality⁶¹

- 8.21 The data presented in this section was sourced from the Western Australian Police Force Crime Statistics Report, the authoritative source for WA crime data, and reflects verified Offences Against the Person recorded across the defined locality. The most recent data available extends to 31 December 2025.
- 8.22 The experienced Applicant respectfully submits that when considering community safety and the risk of undue harm under s38(4)(a), it is necessary to recognise the inherent limitations of crime statistics as a proxy for the risk created by a specific proposed licensed premises. The WA Police data, while verified and authoritative, does not disclose whether and to what extent alcohol consumption contributed to any particular incident; the source of any alcohol involved (takeaway packaged liquor, on-premises service, secondary supply, or alcohol obtained outside the locality entirely); whether incidents involved repeat offenders, which is particularly relevant in domestic and family violence contexts; or any connection between the recorded incident and the specific proposed premises or its licence type. Absent that nexus, aggregate crime statistics cannot support a finding that an additional packaged liquor outlet in this locality materially contributes to the identified offence pattern.
- 8.23 This submission is consistent with the Liquor Commission's approach in *BWS Falcon LC07/2023*⁶², which confirmed that regional and area-wide harm data does not establish a causal nexus to a specific proposed premises; harm must be local, specific, and demonstrably connected to the application under assessment. The Commission in that matter declined to treat density and broad crime data as sufficient without establishing

⁶¹ <https://www.wa.gov.au/organisation/western-australia-police-force/crime-statistics>

⁶² Attachment 6 – Case Precedence

a genuine causal link between the proposed premises and the identified harm. The Applicant's position in this submission is consistent with that doctrinal framework.

- 8.24 The Applicant acknowledges the demographic, generational, and economic profile of the Safety Bay, Waikiki, and Shoalwater community and is committed to operating accordingly. This includes designing the store layout and drive-through service environment to prioritise safety and sightlines; ensuring staff training is specifically directed to the demographic profile of this locality, including the older median age, and the below-average juvenile population; and maintaining a product range that includes a low and non-alcoholic offering, catering to health-conscious, abstaining, and moderation-oriented consumers.
- 8.25 Liquor Barons Safety Bay will engage proactively with the City of Rockingham, local service providers, WA Police, and the Liquor Enforcement Unit throughout the licence life. The Directors, Mr Arthur Barrett and Mr David Watson, have a demonstrated track record of compliant, community-minded licensed venue operations across Western Australia, and that record of engagement with the licensing authority and community stakeholders will continue post-grant. The Applicant will participate in the local Liquor Accord and any locality-specific harm-reduction initiatives that emerge from that engagement.
- 8.26 Consistent with Sections 5(1)(b) and 5(1)(c) of the Act, the Applicant is committed to operating premises that enhance amenity, foster a safe environment for the community and its visitors, and contribute to the proper development of the hospitality, liquor and tourism industry as part of the Waikiki foreshore precinct. The operation of the liquor store will reflect contemporary consumer requirements, community expectations, and evidence-based harm prevention strategies grounded in the frameworks detailed in this section.

Alcohol-Related Hospitalisations

- 8.28 The primary health data source for this locality is the *City of Rockingham Health and Wellbeing Strategy 2024-2029*⁶³, which provides the latest publicly available, locality-specific alcohol and health data for the City of Rockingham and its constituent suburbs. The October 2023 Health and Wellbeing Profile records no significant difference between risky drinking rates in the City of Rockingham and those of Western Australia generally. This is the most current, verified, and locality-specific health evidence available for this application. It does not support a finding that the proposed locality experiences alcohol-related harm at elevated rates compared to the State, and the Applicant relies on it directly for the proposition that the S38(4)(a) harm risk (if any) does not weigh against the conditional grant.
- 8.29 The Applicant recognises the long-term national trend toward reduced and more

⁶³<https://rockingham.wa.gov.au/getContentAsset/1eddf201-69c3-463c-a9f9-92140a9a7005/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Health-and-Wellbeing-Strategy-2024-2029.pdf?language=en>

moderate alcohol consumption, as identified by the Australian Institute of Health and Welfare and confirmed by Roy Morgan⁶⁴ research data. Youth abstinence rates have increased from 72% to 81.5% over the observed period. The proportion of Australians drinking fell by 1.8 percentage points to 67.9% as at 2022. These trends are reflected in the Applicant's retail strategy, Liquor Barons Safety Bay will maintain a low and non-alcoholic product range as a genuine component of the store's offer. This responds directly to evolving consumer requirements and reinforces the harm reduction objectives of the Act.

Strategies to minimise harm or ill health

- 8.36 Liquor Barons Safety Bay will operate under a comprehensive Harm Minimisation Plan aligned with local and State policy objectives, particularly those set out in the Director's Policy on Public Interest Assessments and the Director's Policy on Responsible promotion and advertising of alcohol. The Plan reflects the Applicant's commitment to mitigating undue harm or ill-health caused by alcohol misuse and supports the primary and secondary objects of the Act under Sections 5(1)(a), 5(1)(b), and 5(1)(c). The comprehensive Harm Minimisation Plan is attached to this submission as a numbered schedule and is incorporated into the proposed licence conditions.
- 8.37 The Applicant recognises the importance of community partnerships in preventing alcohol-related harm. Since 1995, Crime Stoppers WA has acted as a vital communication channel between communities and WA Police, and the Applicant endorses and aligns with its values in the operation of this premises, including promoting social wellbeing and safety within the Safety Bay, Waikiki, and Shoalwater community; applying forward-thinking strategies in retail and risk management; upholding ethical standards and responsible alcohol marketing; and building a foundation of mutual respect with consumers, regulators, and community stakeholders. The Applicant will maintain an ongoing relationship with the City of Rockingham and WA Police as part of its community engagement commitment.

Promotion:

- 8.38 In accordance with the Director's Policy on *Responsible promotion and advertising of alcohol*¹⁰⁸, the Applicant will ensure that all promotional activity and in-store advertising comply with the statutory obligations under Section 64(3) of the Act. The Applicant considers a promotion irresponsible if it encourages rapid or excessive consumption of alcohol, portrays or encourages risk-taking or antisocial behaviour, or encourages underage drinking or is designed to appeal to persons under 18 years of age. The Applicant's promotional framework is designed with full awareness of these standards.
- 8.39 The following guiding principles will be strictly observed in all promotional activity at the premises:
- No promotion will encourage the stockpiling or excessive consumption of

⁶⁴ <https://theshout.com.au/australian-alcohol-consumption-declines-rtd-consumption-at-record-high/>

alcohol;

- No language, imagery, or messaging will glorify intoxication or binge drinking;
- No promotion will involve novelty service devices or mechanics that encourage rapid consumption;
- No promotional content will be sexualised, sexist, degrading, or discriminatory;
- No suggestion will be made that alcohol consumption enhances social, sexual, athletic, personal, or professional success;
- No marketing will feature children or imply associations with risk-taking, violence, or criminal behaviour; and
- No promotion of packaged alcohol will be designed to appeal to persons under 18.

8.40 Liquor Barons Safety Bay is not positioned as a discount liquor outlet. The Applicant's focus is on delivering a curated, quality-oriented product range that reflects the Liquor Barons independent cooperative model, emphasising WA-local craft beer, boutique wine, and specialty spirits from independent producers, mid- and low-strength options, and a substantive non-alcoholic range. Promotional activity will be directed at the quality and provenance of the product, not at price-based or volume-driven incentives. This approach aligns with the Director's policy guidance that pricing strategies should not encourage irresponsible consumption, and with the ABAC Responsible Alcohol Marketing Code⁶⁵.

Training:

8.43 All staff at Liquor Barons Safety Bay will hold nationally accredited Responsible Service of Alcohol qualifications as a condition of employment. Beyond the statutory minimum, the Applicant's Harm Minimisation Plan incorporates a comprehensive staff training program covering the following topics:

- How to identify and refuse intoxicated persons,
- Checking photo ID correctly,
- Emergency evacuation procedures,
- Identification of disorderly or anti-social behaviours,
- Responsibilities during employment,
- Basic level of understanding of the Liquor Licensing Act,
- Thorough understanding of the Staff RSA Handbook,
- Minimum dress code for premises,

⁶⁵ <https://www.abac.org.au/wp-content/uploads/2021/03/ABAC-Responsible-Alcohol-Marketing-Code-26-February-2021.pdf>


- RSA and MLP1 qualifications will be required as part of employment and
- Ongoing product knowledge as required by the business.

Juveniles:

8.44 Staff will implement the following strategies when checking patrons' IDs who they think might be under 25.

8.45 The following documents are the only forms of identification that a Licensee can accept to prove age in circumstances where they suspect a person is a juvenile seeking entry to licensed premises:

- a current Australian driver's licence with a photograph,
- A current passport,
- A current Australian learner's driver permit with photograph,
- WA Proof of Age Card (note new cards are not issued after 1/1/2015),
- Proof of Age card or equivalent issued in an Australian state or territory,
- A current WA Photo Card,
- A current NSW Photo Card, and
- A Photo Card issued by any Australian state or Territory similar to the NSW/WA Photo Card.






Checking Identification Procedure – 1. Australian Drivers License

The following points are important when checking an ID for validity.

1. Always ask for the licence to be taken out of the wallet or purse.
2. Tilt the licence to see the reflection from the holographic picture in the background.
 - a. If there is no reflection then it is a fake licence
3. Check the date –You need to ensure their 18th birthday has been before the current date exactly. So please check the day, month and year. Teenagers will try and come in earlier before their actual birthday as they often have friends of age.
4. If you are unsure about the picture on the licence, you must do all of the following:
 - a. Request to see another form of ID (ie; bank card or credit card) and ensure that the names match exactly.
 - b. Quiz the patron on their address, what star sign they are, middle name (they may make a mistake on giving you the correct answer)
5. If you come across a fake ID you **MUST CONFISCATE THE ID IMMEDIATELY** and lodge with management.

Please note that if you do not follow the correct ID checking procedures and we allow juveniles into the premise, you can be fined \$1000 minimum from the Liquor Licensing Department under the Liquor Control Act.

2. A proof of age card

- The proof of age card is a personal identity card which is available to anyone 18 years or over.
- The card shows only those details considered necessary for identification including:
 - a. Name, Date of Birth, Signature and Photograph
 - b. For Security reasons, your card does not show your address.
 - c. The same ID checking procedure applies to Proof of age card.

3. A Passport with Photo

- Current valid passport (not expired)
- Must have a Photo
- Can be International in nature (From another country)
- Note that you need to be careful looking at a passport picture as passport can be valid for 10 years so the picture of the person can be quiet different to what they look like.
- Please follow the same ID checking procedures with the Drivers licence and request to see another form of ID with the patron's name.

CCTV:

8.46 The Applicant will install a comprehensive CCTV surveillance system at the premises in accordance with the Director's Policy on *Security at Licenced Premises*.⁶⁶ The CCTV system will operate at all times from the commencement of trading until one hour after trading ceases, and footage will be retained for 28 days. All recordings will be made

⁶⁶<https://www.dlgsc.wa.gov.au/departments/publications/publication/safety-and-security-at-licensed-premises-policy>

54

www.hospitalitytotalservices.com.au

available to WA Police, the Liquor Enforcement Unit, or any other person authorised by the Director of Liquor Licensing within 24 hours of request.

8.47 CCTV coverage will include all of the following areas:

- the internal access and egress at each entrance and exit of the premises;
- the POS counter and all product aisles; the cool room access;
- the delivery and rear service zone; and
- Critically for this premises, the drive-through service lane and the vehicle entry and exit points of the Waikiki development.

8.48 The Approved Manager and all relevant staff will be trained to access, review, and produce CCTV footage for WA Police, local government officers, or any other authorised person who requests it. The CCTV system will be installed by a licensed security installer and maintained in full operational condition at all times.

8.49 Through these strategies, combining robust operational controls, site-specific CCTV design, targeted promotional restrictions, community engagement, and evidence-based staff training, the Applicant seeks to operate premises that make a genuine contribution to harm minimisation in the Safety Bay locality, consistent with the objects of the Act and the expectations of the licensing authority.

9 Community Consultation

Liquor Enforcement Unit (LEU)

9.1 In accordance with the *Director's Policy on Public Interest Assessments* (Guidance) and the *Liquor Control Act 1988* (WA), the Applicant's representative contacted the WA Police Liquor Enforcement Unit (South Metropolitan) to advise of the proposed application for a Liquor Store Licence at Lot 100, 434 Safety Bay Road, Safety Bay. The correspondence outlined the harm minimisation measures detailed in this Public Interest Assessment, with specific reference to the drive-through configuration of the premises and the risks identified in Section 8. The Applicant respects that the LEU will review the application in accordance with its statutory role once advertised under the Act.

Chief Health Officer (CHO)

9.2 The Applicant's representative also contacted the Chief Health Officer at the WA Department of Health by email, outlining the application details and the harm minimisation framework proposed for the premises. The Applicant notes the CHO's standing to intervene in proceedings under the Act and respects that the CHO will consider the application in its entirety once advertised. The Applicant confirms that any

pre-lodgement correspondence with the CHO does not constitute an endorsement of this application.

Safety Bay Senior High School

- 9.3 Given the proximity of Safety Bay Senior High School at approximately 1.0 kilometres from the proposed premises, the Applicant's representative contacted the school and spoke with Samantha, as the principal, Ms Jessica Halliday, was not available at the time. A summary of the application was subsequently emailed to the school along with an outline of the harm minimisation initiatives to be implemented, with particular emphasis on the Under ID25 checks protocol and the no service to school uniform policy. The Applicant confirms that the school will also be formally notified via the mail-out during the advertising process.

At Risk Groups

- 9.4 During the advertising period, a Notice of Application will be mailed to the following stakeholders located within the defined locality of the proposed premises:
- Schools and childcare centres;
 - Hospitals, hospices, and aged care facilities;
 - Drug and alcohol treatment services and youth support facilities;
 - Churches and religious institutions;
 - Local council;
 - Local police station; and
 - Providers of short-term accommodation.

10 Section 38 (4) (b) of the Act – Impact on Amenity

- 10.1 The Applicant has given careful consideration to the potential impact of Liquor Barons Safety Bay on the amenity of the defined locality. The proposed premises forms an integral component of the Waikiki development at Lot 100, 434 Safety Bay Road, a purpose-built mixed-use commercial precinct incorporating a full-service tavern, packaged liquor store and related services on a site that operated as a licensed venue for over 50 years before its closure. The development has been designed to restore and enhance the licensed hospitality function of the Safety Bay foreshore, consistent with the City of Rockingham's strategic objective to create a "*contemporary and vibrant waterfront destination*" and to "*create vibrant coastal foreshores*" as an explicit built environment objective of the *Strategic Community Plan 2023-2033*⁶⁷.

⁶⁷<https://rockingham.wa.gov.au/getContentAsset/e9a336f2-f6c8-48c4-a410-af5a559ea962/3ca954ad-3848-47c6-8f97-68cebe0b47a2/Strategic-Community-Plan-2023-2033.pdf?language=en>

- 10.2 In accordance with the Director's Policy on Public Interest Assessments, the Applicant submits that the proposed liquor store will enhance local amenity through responsible operation, improved accessibility, product diversity, and active contribution to the foreshore precinct that the City's own planning framework identifies as a priority for activation.

Outlet Density

- 10.3 In accordance with the Director's Policy on Outlet Density of Packaged Liquor Premises and prevailing jurisprudence, the Applicant has reviewed the number and type of existing packaged liquor outlets within the defined locality. The defined locality encompasses Safety Bay, Waikiki, and Shoalwater with a combined population of approximately 24,483 residents. There are currently four packaged liquor outlets within the defined locality. A detailed assessment of each outlet against the consumer requirements framework under s36B(4) of the Act, including format, product range, hours, and distance, is contained in the Packaged Liquor Outlet Analysis attached to this submission⁶⁸. The Applicant relies on that analysis in full for the purposes of this section.
- 10.4 As established in *Liquorland Margaret River LC28/2013*⁶⁹ and confirmed in *BWS Falcon LC07/2023*⁷⁰, outlet density is a relevant but not a sole determinative consideration. The Commission has consistently held that density per se is not prescribed by the Act as a basis for refusal, that the research must be applied with caution, as much of the data is general in nature, and that harm must be local, specific, and causally connected to the proposed premises rather than inferred from aggregate counts. The addition of a fifth packaged liquor outlet to a locality of 24,483 residents, which currently has four outlets, none of which offer drive-through service and none of which operate as an independent WA cooperative retailer, does not constitute an excessive concentration warranting an adverse density finding on the evidence available.
- 10.5 For broader context, statewide data indicates there are approximately 1,160 packaged liquor licences across Western Australia. On a population basis, the defined locality's four existing outlets serve approximately 24,483 residents, a ratio meaningfully lower than the statewide average, indicating that the locality is not an area of concentrated packaged liquor supply relative to the State as a whole.
- 10.6 The proposed premises will complement and enhance the mixed-use character of the Waikiki foreshore development by offering the amenity benefits to the locality that have been substantiated through these submissions.
- 10.7 The Applicant submits that, on the balance of the amenity evidence, the proposed Liquor Barons Safety Bay enhances rather than diminishes the amenity of the locality. The foreshore context, the quality of the development, the absence of any licensed premises within 1000 metres, and the absence of elevated alcohol-related health harm

⁶⁸ Attachment 7 – Packaged Liquor Outlets

⁶⁹ Attachment 6 – Case Precedence

⁷⁰ Attachment 6 – Case Precedence

data in the City of Rockingham Health and Wellbeing Profile (October 2023) all support that conclusion. The Section 38(4)(b) amenity consideration does not weigh against the grant.

11 Section 38 (4) (c) of the Act – Offence, Annoyance, Disturbance or Inconvenience

- 11.1 Section 38(4)(c) of the Act requires the licensing authority to have regard to whether offence, annoyance, disturbance, or inconvenience might be caused to people who reside or work in the vicinity of the proposed premises. The Applicant has carefully assessed each potential source of disturbance or inconvenience attributable to the operation of Liquor Barons Safety Bay, and addresses each in turn below.
- 11.2 As an experienced licensee with a demonstrated track record of compliant, community-minded venue operation across multiple Western Australian premises, the Applicant is well-acquainted with the obligation to ensure that operations do not unreasonably affect the amenity and comfort of people who reside or work nearby. The operational strategy for Liquor Barons Safety Bay reflects that experience and is calibrated to the specific characteristics of the Waikiki foreshore development and its immediate environment.

Vehicle Movements — Drive-Through Lane

- 11.3 The drive-through service lane is the primary site-specific S38(4)(c) consideration for this premises. The drive-through will generate vehicle movements within the Waikiki development from the commencement of trading at 8:00 AM until close at 10:00 PM, Monday to Saturday and Sunday. The drive-through lane serves customers who prefer vehicle-based access, they enter the development, proceed to the service window, transact, and depart. This is a lower-intensity movement pattern than that of the walk-in customer who parks, enters, browses, and exits, because drive-through transactions are typically faster and result in vehicles leaving the site more quickly, with less parking demand.
- 11.4 The Applicant notes that the Waikiki development occupies a site on Safety Bay Road; an arterial road that already carries significant through traffic. The incremental vehicle movements generated by the drive-through liquor store are modest relative to the existing traffic environment, and do not include any component associated with patron intoxication, late-night dispersal, or congregation. Vehicle movements from the drive-through lane will naturally reduce in the later evening as customer demand reduces, and the premises closes at 10:00 PM, a standard retail closing hour that does not create the late-night noise and disturbance dynamics associated with extended trading venues. The Applicant commits that no external audio (such as speaker-based ordering systems) will be used in the drive-through lane in a manner that generates audible noise beyond the site boundary.

Operational Commitments — Disturbance Prevention

- 11.5 The Applicant's operational commitments directed at preventing offence, annoyance, disturbance, and inconvenience to persons in the vicinity are summarised below. These commitments are embedded in the Harm Minimisation Plan and the proposed licence conditions.
- 11.6 Unaccompanied juveniles will not be permitted entry at any time. Alcohol will not be sold to any person wearing school uniform. Intoxicated persons will not be permitted to transact, whether at the walk-in counter or the drive-through service window. Spirits are stored behind the POS counter and are not self-service accessible. The premises will not be used for the consumption of alcohol; no patron will be permitted to consume alcohol on site. Staff will be trained to identify and respond to antisocial behaviour and will escalate to the Approved Manager and WA Police as required. CCTV coverage of all access points, the retail floor, and the drive-through lane will be maintained at all times. The Applicant will not use external audio or PA systems in the drive-through lane in a manner audible beyond the site boundary. The premises will be maintained to a high standard of cleanliness and professional presentation at all times.
- 11.7 The premises will operate within a development managed as a coherent whole. The Waikiki development's shared car park, lighting, and perimeter will be maintained collaboratively by the development management, providing a structured, well-lit, and professionally managed environment that reduces the opportunity for antisocial behaviour to occur undetected in the vicinity of the premises.
- 11.8 The Applicant submits that the S38(4)(c) assessment strongly supports the grant of this application. A packaged liquor store with no on-premises consumption, standard retail hours and a well-managed development footprint does not present a realistic risk of causing offence, annoyance, disturbance, or inconvenience to persons residing or working in the vicinity at a level that would warrant an adverse finding.

12 Summary

- 12.1 Hospitality Total Services (Aus) Pty Ltd, acting on behalf of the Applicant, Waikiki Hotel (WA) Pty Ltd as trustee for the Safety Bay Rd Unit Trust (ACN 668 808 428), submits this comprehensive Public Interest Assessment in support of an application for a Liquor Store Licence under Section 47 of the Liquor Control Act 1988 for Liquor Barons Safety Bay, proposed to be located at Lot 100, 434 Safety Bay Road, Safety Bay WA 6008, within the Waikiki development in the City of Rockingham.
- 12.2 A Liquor Store Licence under Section 47 of the Liquor Control Act 1988 authorises the sale and supply of liquor for consumption off the licensed premises, that is, packaged liquor. All relevant requirements for a Liquor Store Licence application have been complied with and submitted with this application as required under Section 68 of the Act.

- 12.3 Based on the detailed and comprehensive submissions in this PIA, the Applicant respectfully submits that the application satisfies the requirements of Section 5 of the Act, in relation to both the primary and secondary objects.
- 12.4 The experienced Applicant has considered and evaluated the application against the Section 36B(4) consumer requirements framework, demonstrating that the proposed premises will cater to legitimate consumer requirements not currently met by the four existing packaged liquor outlets in the defined locality, specifically: the absence of drive-through packaged liquor service and the absence of an independent WA cooperative retailer. The Applicant submits that the consumer requirements test under Section 36B(4) is satisfied.
- 12.2 The responsible Applicant has seriously considered the public interest matters as outlined in Section 38(4) (a, b, c, and ca) of the Act in relation to Harm or Ill-health, Impact on Amenity, and the Offence, annoyance, disturbance, or inconvenience the proposed premises may have on the local community in this comprehensive Public Interest Assessment submission.
- 12.3 The proposed development aligns comprehensively with the City of Rockingham's planning framework, including the *Local Planning Strategy, Town Planning Scheme No. 2, Strategic Community Plan 2023-2033*, and *Economic Development Strategy 2020-2025*. The Waikiki development at Lot 100, 434 Safety Bay Road, is consistent with the City's strategic objective to create vibrant coastal developments and its aspiration to establish Rockingham as a contemporary and vibrant destination. The proposed Liquor Barons Safety Bay delivers precisely the hospitality and licensed retail infrastructure that these strategic instruments contemplate.
- 12.8 The Applicant also notes that the Act relevantly provides that the licensing authority:
- (a)** *is to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act: s.5(2)(e),*
 - (b)** *shall act without undue formality in any proceedings under this Act: s.16 (1),*
 - (c)** *is to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms: s.16(7)(b), and*
 - (d)** *is to act with as little formality and technicality as is practicable: s.16(7)(c).*
- 12.9 Accordingly, the Applicant, Waikiki Hotel (WA) Pty Ltd, an experienced, responsible, and community-minded licensed venue operator with a proven track record in the WA liquor industry, respectfully seeks a conditional grant of a Liquor Store Licence for Liquor Barons Safety Bay at Lot 100, 434 Safety Bay Road, Safety Bay WA 6008, consistent with the legislative objects of the Act, the City of Rockingham's strategic planning framework, and the demonstrated consumer requirements of the Safety Bay, Waikiki, and Shoalwater locality.

13 Advertising

- 13.1 Advertising will be completed once the Department of Local Government, Sport and Cultural Industries has determined dates for the specified period.
- 13.2 A Notice of Application will be distributed to residents and businesses within a 200m radius.
- 13.3 A Notice of the Application will be mailed to any local Aboriginal community and the Department of Indigenous Affairs regional office.
- 13.4 The Public Interest Assessment Submission will be available for public inspection.
- 13.5 A Notice of Application will be mailed to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation or refuges for young people, childcare centres, churches, local government authorities, and local police stations, which may be situated in the specified Locality of the proposed premises.

14 Attachments

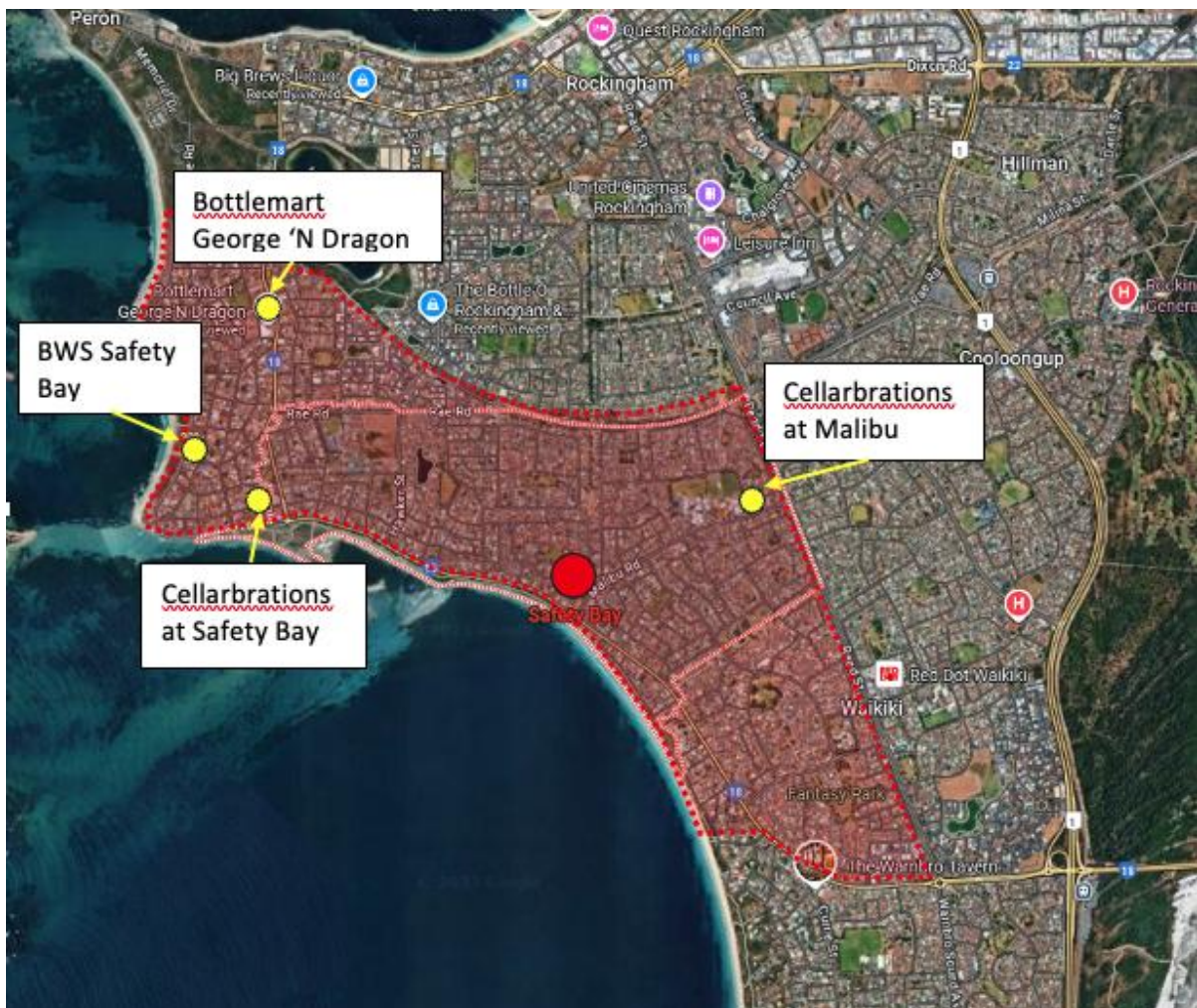
1. Plans
2. Consumer Surveys
3. Harm Minimisation
4. LB Safety Bay Product List
5. Letters of Support
6. Case Precedence
7. Packaged Liquor Outlets



HOSPITALITY TOTAL SERVICES

EST 1992

Analysis of existing packaged liquor premises in the defined locality for the purposes of Section 36B(4) of the Act — informed by a site visit conducted by Hospitality Total Services (Aus) Pty Ltd on 14 April 2026.



+618 9316 8699

A.B.N. 86 318 897 693

www.hospitalitytotalservices.com.au

admin@hospitalitytotalservices.com.au

Suite 2, 48 Kishorn Road, Applecross WA 6153

The defined locality was established with the guidance of the Premises Manager at the Licensing Authority.

The following analysis is grounded in a site visit conducted on 14 April 2026, during which each outlet was inspected in sequence. Photographic evidence was captured at each location and is reproduced in the relevant subsection. Dictated field transcripts made at the conclusion of each inspection are retained on file and summarised under 'Site visit observations' below.

Cellarbrations at Safety Bay

Address	64 Penguin Road, Safety Bay WA 6169
Approx. distance from 434 Safety Bay Road	Approx. 2.25 km by road from 434 Safety Bay Road.
Licence type	Liquor Store Licence
Store format	Walk-in, standalone retail store on Penguin Road in the residential interior.
Drive-through	No drive-through facility.
Product range (observed on site)	A standard Cellarbrations banner range: six fridges of white wine, one of rosé and two of sparkling; eight glass-door beer fridges; mainstream Western Australian craft beer (CB Co., Gage Roads and similar); a small selection of imports (Phoenix from Mauritius noted); organic wines limited to the mainstream (Idle Hands, Angove) plus one Spanish organic Malbec. No meaningful depth in low- or no-alcohol, in boutique WA micro-breweries, or in curated fine wine.
Parking / access	On-site customer parking.
Trading hours	Monday – Saturday: 9 am–8 pm Sunday: 10 am–7 pm

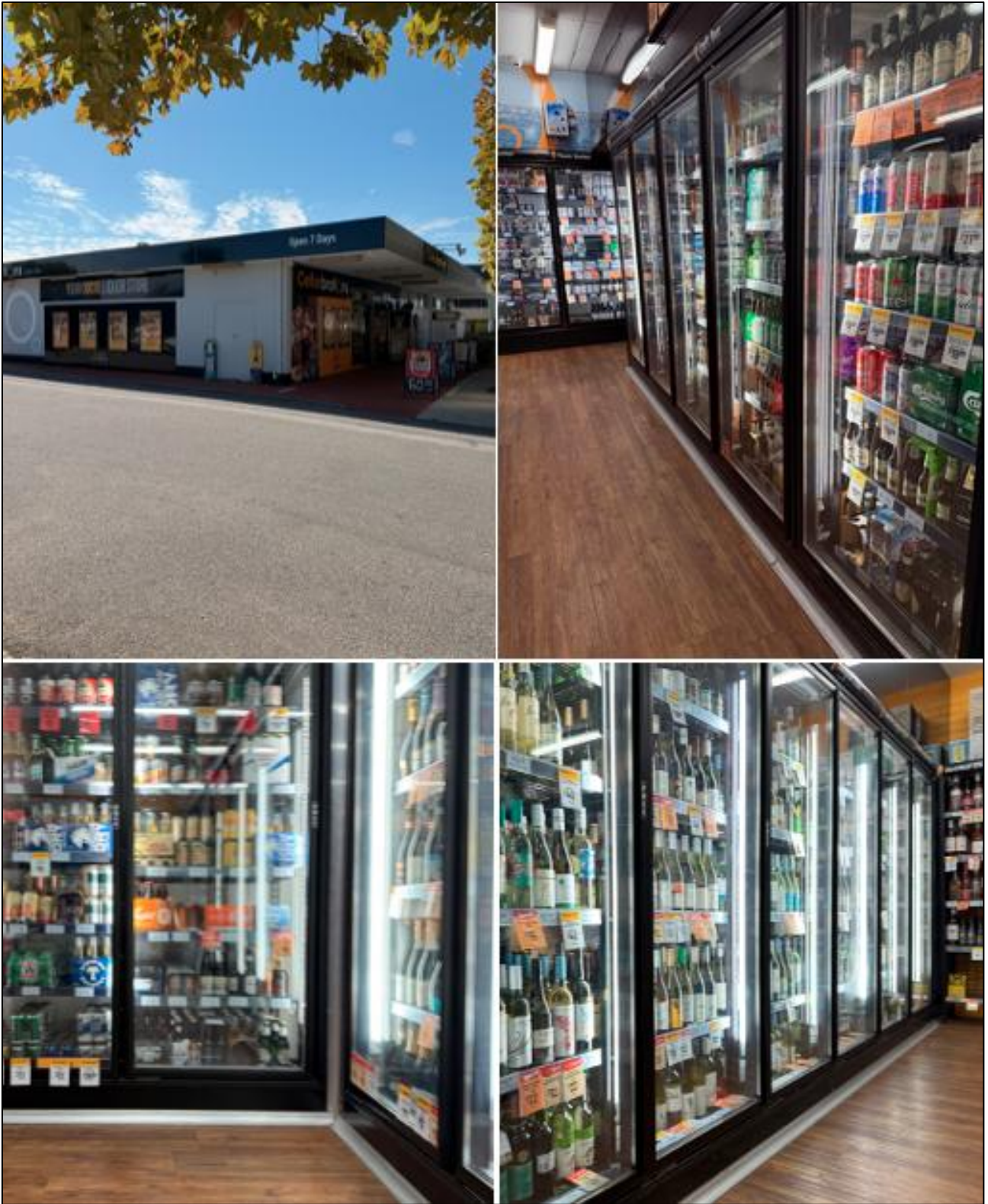


Figure 1: Cellarbrations Safety Bay, 64 Penguin Road (site visit, 14 April 2026).

BWS Safety Bay

Address	4 McLarty Road, Shoalwater WA 6169
Approx. distance from 434 Safety Bay Road	Approx. 3.3 km by road from 434 Safety Bay Road.
Licence type	Liquor Store Licence — Endeavour Group (BWS — national chain).
Store format	Walk-in retail store with a side-yard vehicle area used by customers for rapid in-and-out parking. Online ordering with in-store click-and-collect and home delivery is promoted by Endeavour Group nationally.
Drive-through	No traditional drive-through. A vehicle lane exists adjacent to the store but no attended kerbside service was observed; customers enter the store on foot.
Product range (observed on site)	Mainstream beer fridges, dominated by major Australian breweries and occasional second-tier brands. Some WA craft (Feral noted) but no micro-brewery product such as Rocky Ridge. A small organic wine sub-set (Idle Hands, Nature's Harvest, Yalumba) that is centralised on commonly available SKUs. Wine range predominantly Australian; no curated international or fine wine depth observed.
Parking / access	On-site parking available; exterior of the premises presents as somewhat dated, with graffiti that has been covered over but remains visible. The forecourt condition is functional rather than retail-grade.
Trading hours	Sunday – Thursday: 10 am–7 pm Friday – Saturday: 9 am-8 pm



Figure 2: BWS Safety Bay, 4 McLarty Road, Shoalwater (site visit, 14 April 2026).

Cellarbrations at Malibu

Address	Shop 6, 110 Malibu Road, Safety Bay WA 6169 (Malibu Shopping Centre).
Approx. distance from 434 Safety Bay Road	Approx. 1.45 km by road from 434 Safety Bay Road.
Licence type	Liquor Store Licence — Cellarbrations independent banner.
Store format	Small walk-in retail store attached to, and accessed through, the Malibu IGA within the Malibu Shopping Centre.
Drive-through	None.
Product range (observed on site)	Beer remains WA-focused but includes a small selection of niche product and some double-IPA SKUs not observed at other inspected outlets. Organic wine identical to the Cellarbrations Safety Bay norm (Idle Hands). RTDs present but constrained. Overall offer is more structured around beer and wine than a one-stop specialist offer.
Parking / access	Shopping-centre parking; access to the liquor store requires entry through the IGA.
Trading hours	Monday – Saturday: 9 am - 8 pm Sunday: 10 am – 8 pm

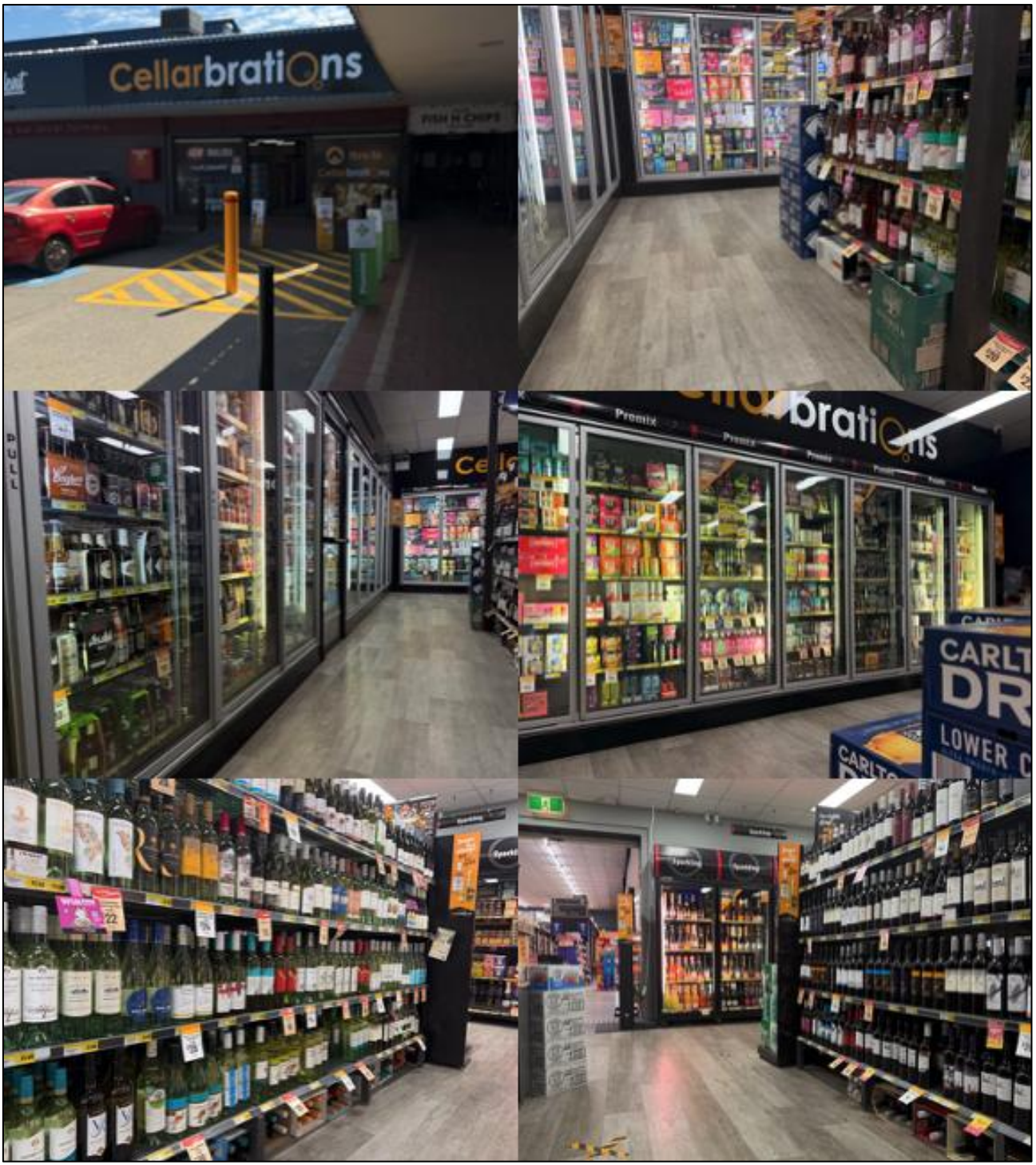


Figure 3: Cellarbrations at Malib, Shop 6, 110 Malibu Road, Safety Bay (site visit, 14 April 2026).

Bottlemart St George

Address	Safety Bay Rd, Shoalwater WA 6169
Approx. distance from 434 Safety Bay Road	Approx. 3.6 km by road from 434 Safety Bay Road.
Licence type	Packaged liquor sold under a Tavern Licence with Bottlemart banner fit-out.
Store format	Tavern bottle-shop below the Shoalwater Tavern — a small packaged-liquor footprint with walk-in retail store
Drive-through	None.
Product range (observed on site)	Mainstream tavern-bottleshop range
Parking / access	Shared parking used by patrons of the tavern and bottle-shop combined.
Trading hours	Monday – Tuesday: 9 am-7 pm Wednesday – Saturday: 9 am-8 pm Sunday: 10 am-7 pm



Figure 4: Bottlemart St George, Safety Bay Rd, Shoalwater (site visit, 14 April 2026).

Comparative Analysis — Gap Matrix

The following matrix synthesises the site-visit findings against the consumer-requirement criteria identified in WASC 366, WASC 128 and LC35/2022. Items marked ✓ reflect a criterion satisfied on site inspection; items marked X reflect a confirmed deficiency. TBC items will be confirmed from operator sources prior to lodgement.

Outlet	Convenience/ Drive-through	Product/WA- local specialty / curated range	Accessibility
Cellarbrations at Safety Bay	X	X	✓
BWS Safety Bay	X	X	✓
Cellarbrations at Malibu	X	X	X
Bottlemart (St George)	X	X	X
Liquor Barons Safety Bay (Proposed)	✓	✓	✓

Conclusion

The matrix confirms that:

- ▶ no existing drive-through amenity in the defined locality,
- ▶ the proposed liquor store will provide convenience, easy access and competitive pricing, consumer requirements expressly recognised in WASC 366,
- ▶ no inspected outlet carries a genuinely curated WA-local specialty and craft product range,
- ▶ there are demonstrated gaps in the consumer requirements that the current packaged liquor outlets do not meet.

The Applicant submits, based on this on-site comparative analysis, that these deficiencies, individually and cumulatively, satisfy the Section 36B(4) test. The conditional grant of a Liquor Store Licence for Liquor Barons Safety Bay is the legislatively contemplated response to genuine and substantive unmet consumer requirements in the defined locality and is in the public interest.