Public Interest Assessment Submission

Application for the conditional grant of a Tavern Unrestricted Licence

Premises Name: Banksia Grove Tavern

Applicant: Banksia Grove Tavern Pty Ltd ACN 697 586 360

Location: Banksia Grove Shopping Centre, 1001 Joondalup Drive, Banksia Grove WA 6031

BANKSIA GROVE

Prepared by:

HOSPITALITY TOTAL SERVICES
EST 1992

OFFICE
Office 2, 48 Kishorn Road
Applecross WA 6153

PHONE
Ph 08 9316 8699

EMAIL
admin@hospitalitytotalservices.com.au

WEBSITE
www.hospitalitytotalservices.com.au

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1. Introduction

1.1 Banksia Grove Tavern Pty Ltd (ACN 697 586 360) (the Applicant) is seeking approval from the Director of Liquor Licensing at Department of Local Government, Industry Regulation and Safety (LGIRS) (formerly the Department of Local Government, Sport and Cultural Industries) for the conditional grant of a Tavern Unrestricted Licence for the premises to be known as Banksia Grove Tavern to be located within the Banksia Grove Shopping Centre, 1001 Joondalup Drive, Banksia Grove WA 6031, in the City of Wanneroo.

1.2 The Applicant is proposing a contemporary, family-friendly hospitality venue designed to contribute to the proper development of the liquor, hospitality, and tourism industries in the locality. The proposed tavern will:

- Operate as a family-friendly venue with a focus on quality dining, beverage service and consumer experience.
- Offer an ancillary take-away component for the sale and supply of packaged liquor, by way of a drive-through and walk-in offering.
- Provide dedicated areas for dining, entertainment, alfresco amenity.
- Provide a social hub for local residents, workers and visitors by offering a balanced mix of food, beverage and entertainment offerings.
- Replicate the successful hospitality offering by the experience Gastevski Group.

1.3 This Public Interest Assessment submission has been prepared by Hospitality Total Services (Aus) Pty Ltd on behalf of the Applicant, and the application is made in accordance with Section 41 of the Liquor Control Act 1988 (the Act), which provides for the grant of a Tavern Licence as a kind of hotel licence. Section 41 of the Act provides for a Hotel Licence, which has subcategories including a Hotel Licence, a Hotel Restricted Licence, a Tavern Licence, a Tavern Restricted Licence and a Small Bar Licence. These kinds of licence carry different restricted trading conditions which differentiate them from one another. Section 41 of the Act states:

Hotel licence, kinds, conditions and effect

***(1)** A hotel licence may be granted —*

***(a)** as a tavern licence;*

***(b)** as a hotel restricted licence;*

***(c)** as a tavern restricted licence; or*

***(aa)** as a small bar licence.*

***(2)** Subject to this Act, a hotel licence authorises the licensee to sell and supply liquor on the licensed premises for consumption on the premises and, where the licence so provides, for consumption off the premises.*

***(3)** A hotel licence has effect subject to —*

***(a)** this Act; and*

***(b)** any other written law; and*

***(c)** the conditions of the licence.*

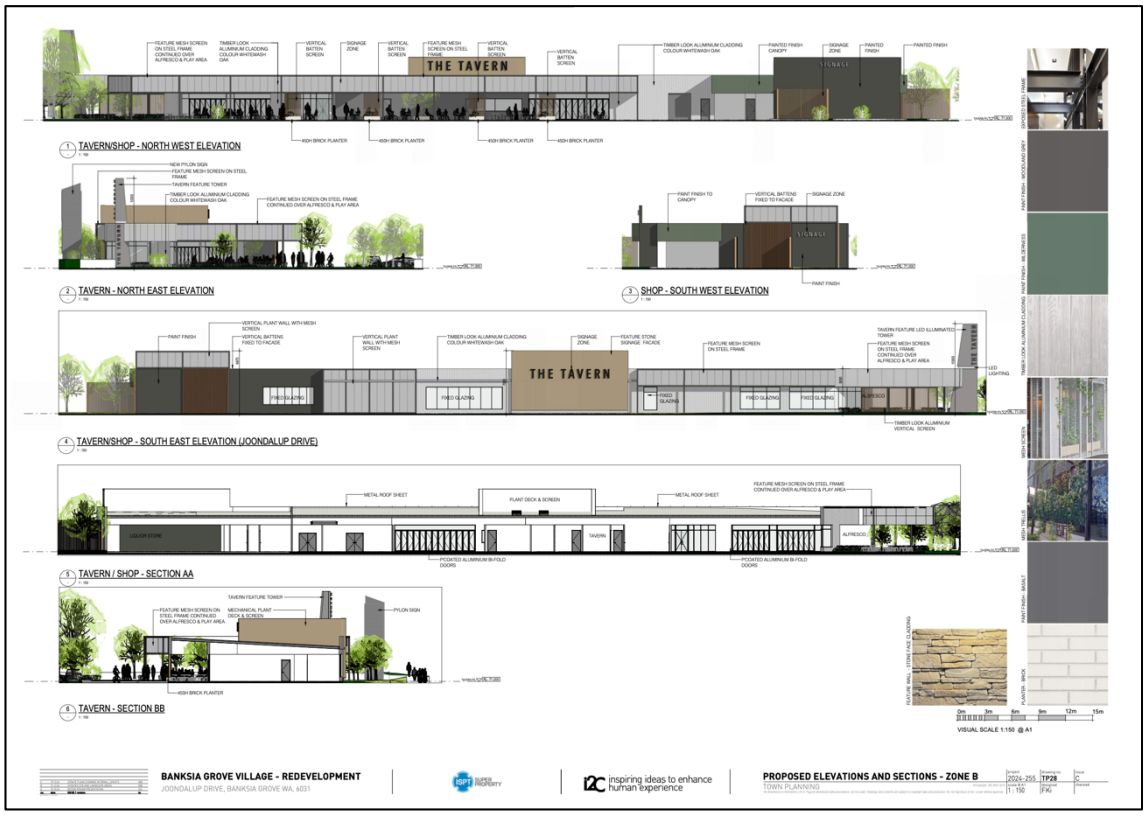


Figure 1: Banksia Grove Tavern - Elevation Plans[1]

1.4 The Applicant accordingly seeks the grant of a Tavern Unrestricted Licence, being a hotel licence that is not subject to the restrictions applicable to a Tavern Restricted Licence, so as to authorise the sale and supply of liquor for consumption on the licensed premises and, in respect of the ancillary packaged liquor component, for consumption off the premises. It is submitted that the on-premises amenity and the ancillary packaged liquor component are to be operated as one contiguous licensed premises under a single Tavern Unrestricted Licence.

1.5 Within these PIA submissions, the Applicant has diligently addressed the matters relating to the primary and secondary Objects of the Act and to Section 38(4) of the Act, as required by the Director's Policy on Public Interest Assessment submissions.

1.6 The documentation for this application is in accordance with Section 68 of the Liquor Control Act 1988, and has been compiled by Hospitality Total Services (Aus) Pty Ltd on behalf of Banksia Grove Tavern Pty Ltd.

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1 Attachment 1 – Plans

1.7 The Applicant acknowledges that Section 36B(4) of the Act applies to the packaged liquor component of this application, and that the licensing authority must be satisfied that the local packaged liquor requirements of the locality cannot reasonably be met by the existing packaged liquor premises in the locality in which the proposed licensed premises are to be situated. Section 36B(4) of the Act 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 existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated".*

1.8 The Applicant addresses the Section 36B(4) packaged liquor test in detail within this submission and relevant attachments.

1.9 Ms Jane Victoria Gastevski is the sole Director and Secretary of the Applicant company, Banksia Grove Tavern Pty Ltd (ACN 697 586 360.[2]

1.10 The Applicant company is part of the Gastevski Group, an established, family-owned and operated Western Australian hospitality operator with a demonstrated record of delivering and responsibly managing family-friendly licensed premises across Perth's northern growth corridor. The Gastevski Group owns and operates a portfolio of licensed premises in the region, including The Landing and the Alkimos Tavern at Alkimos, The Cornerstone at Butler, the Whale 'n' Ale at Clarkson, the Sovereign Arms at Joondalup, and, more recently, a purpose-built family-friendly tavern at Lakelands. Those taverns are paired with drive-through and walk-in packaged liquor outlets at Ellenbrook, Alkimos and Lakelands, using the same hybrid tavern-plus-packaged model proposed for Banksia Grove. The Group also operates drive-through and walk-in packaged liquor outlets at Clarkson, Aveley, Ellenbrook and Jindalee, demonstrating the Group's direct experience in delivering and responsibly managing the exact format sought under this application. It is submitted that the Applicant's position within the Gastevski Group, and the Group's operational systems, management experience and compliance record, stand behind this application and support the harm minimisation and public interest case advanced in this submission.

1.11 The Banksia Grove locality forms part of an established growth area in the City of Wanneroo, with continuing residential development and a growing resident population across Banksia Grove and the surrounding suburbs of Carramar, Ashby and Tapping. The Banksia Grove Shopping Centre is itself the subject of a planned second stage of development, and the proposed venue is intended to support the activation of the centre and to serve the anticipated residential and commercial population as the precinct matures. The specific planning instruments applicable to the site and locality are addressed in detail within the Location and Locality section of this submission.

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[2] Attachment 2 - Banksia Grove Tavern Pty Ltd ASIC

1.12 This application is supported by consumer requirements, as evidenced by the Consumer Survey results[3] and Letters of Support, which indicate a strong interest in a hospitality venue offering high-quality food and beverage options in the locality. The proposed tavern aims to:

- Enhance local dining and social options in Banksia Grove.
- Meet the reasonable requirements of local residents, families, professionals and visitors seeking a safe and well-managed licensed venue.
- Contribute to the economic and social development and activation of the Banksia Grove Shopping Centre.
- Complement the existing supermarket, retail and services offering at the Banksia Grove Shopping Centre.

1.13 The Applicant seeks to activate the premises by developing a diverse, quality hospitality venue to serve the Banksia Grove locality, local residents, and visitors. The proposed tavern will become a key social destination catering to a broad demographic, including:

- Local residents and families seeking a welcoming dining and social venue.
- Future residents of the Banksia Grove growth corridor.
- Professionals and workers in the surrounding districts.
- Social and corporate groups seeking function and meeting spaces.
- Visitors and day-trippers to the Banksia Grove locality.

1.14 Based on consumer feedback and the Applicant's industry experience, establishing this venue under a Tavern Unrestricted Licence will provide measurable social and economic benefits to the locality. The proposed high-quality fit-out will support various uses, including (but not limited to):

- Dining;
- Formal and informal meetings;
- Functions (including corporate functions);
- Special events;
- Outdoor alfresco amenity;
- Drive-through facility;
- Packaged liquor sales; and
- Socialising with colleagues, family and friends.

[3] Attachment 4 – Consumer Surveys

1.15 The application for the proposed tavern is supported by local and state stakeholders, acknowledging the significant contribution the venue will make to Banksia Grove's economic and social development. The City of Wanneroo, as the Local Government Authority responsible for the locality, has identified economic development and tourism growth as strategic priorities, as set out in the City of Wanneroo Economic Development Strategy 2022–2032.[4]

1.16 A Harm Minimisation Plan and harm minimisation strategies have been addressed in detail within this PIA submission (refer to the Section 38(4) harm or ill-health sections of this submission).

Proposed trading conditions

1.17 The responsible and experienced Applicant will accept the following trading hours and conditions to apply to the premises trading under a Tavern Unrestricted Licence, subject to approval.

TRADING HOURS

The permitted trading hours are those prescribed in Section 98(1) of the Act for a Tavern licence. The Applicant seeks the standard permitted trading hours and does not seek any extended trading permit as part of this application.

TRADING CONDITIONS

- The licensee is authorised to sell and supply liquor in accordance with the provisions of Section 41 of the Act as it relates to a Tavern Unrestricted Licence.
- The premises will maintain a CCTV system located at the entry and exit points of the premises, in line with the Director of Liquor Licensing's policies.
- Unaccompanied juveniles are not permitted on the licensed premises.
- Food will be available to patrons until one hour before close.
- Low-alcohol liquor and a range of non-alcoholic drinks will be available at all times.
- The maximum number of patrons that may be accommodated on the licensed premises at any one time must not exceed the number of patrons contained in the Maximum Accommodation Certificate issued by the local authority.
- Entertainment on the licensed premises will comply with the guidelines of the Environmental Protection Authority at all times.
- The licensee shall not promote drinks which offer liquor by virtue of their emotive titles such as, but not limited to, 'laybacks', 'shooters', 'test tubes', 'shots', 'jelly shots', 'blasters' or 'bombs'.

[4] Attachment 3 – City of Wanneroo Economic Development Strategy 2022–2032

- Attire or insignia associated with any outlaw motorcycle gang is not permitted within the licensed premises.

ENTERTAINMENT CONDITION

A person resorting to, or on, the premises, including the licensee or manager, or an employee or agent of the licensee or manager, shall not:

- be immodestly or indecently dressed on the licensed premises; and/or
- take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from:

- exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any 'R 18+', 'X 18+' or 'RC' classified film or computer game or 'Category 1 – Restricted' or 'Category 2 – Restricted' publication, or any extract therefrom; or
- causing, suffering or permitting any person employed, engaged or otherwise contracted to undertake any activity or perform any entertainment on the licensed premises to be immodestly or indecently dressed on the licensed premises; or
- causing, suffering or permitting any person to take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

In this condition, 'licensed premises' includes any premises, place or area:

- which is appurtenant to the licensed premises; or
- in respect of which an extended trading permit granted to the licensee is for the time being in force, but does not include any part of the premises which is reserved for the private use of the licensee, manager or employees of the licensee and to which the public does not have access.

2. Venue and Operation

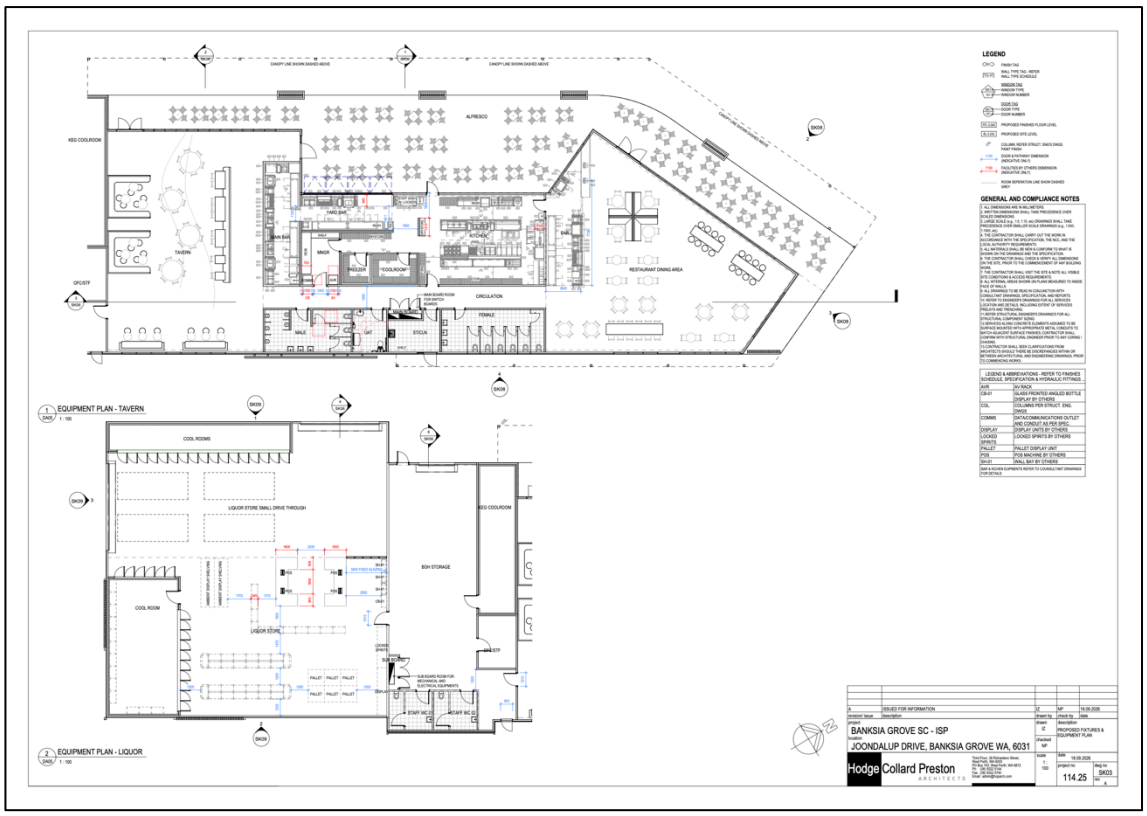


Figure 2: Banksia Grove Tavern – Floor Plan[5]

2.1 The proposed premises, subject to approval, is to be located within the Banksia Grove Shopping Centre at 1001 Joondalup Drive, Banksia Grove WA 6031, in an expanding residential precinct in Perth's northern growth corridor within the City of Wanneroo. The Banksia Grove Tavern is intended to provide a quality hospitality experience for local residents, families, workers and visitors to the locality. The venue will present a contemporary and welcoming atmosphere, offering a balanced mix of dining, beverage and entertainment options across both indoor and outdoor settings, together with a children's play area that supports the family-friendly character of the premises.

2.2 The proposed premises will also contribute to the proper development of the hospitality, liquor and tourism industries within the Banksia Grove locality by providing a quality venue that caters to consumers seeking a well-rounded dining and beverage experience close to home. With a focus on Western Australian produce and attentive customer service, the venue will offer a curated selection of food and beverages, including a considered range of beer, cider, wine and spirits, complemented by low-alcohol and non-alcoholic options.

[5] Attachment 1 - Plans

2.3 The proposed premises will further incorporate an ancillary take-away packaged liquor offering via a drive-through and browse facility, allowing consumers to purchase packaged liquor products for take-away from the premises.



Figure 3: Banksia Grove Tavern - 3D Render from Elevations

2.4 The Safer Places by Design planning guidelines, which incorporate current Crime Prevention Through Environmental Design (CPTED) principles, are proposed for integration into the design of the premises.[6] This approach is intended to include strategic lighting, clear sightlines and secure access points to enhance overall safety. These design elements are intended to streamline patron monitoring and venue management to support a secure and enjoyable experience for all patrons in a well-managed hospitality environment.

[6] https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf



Figure 4: Banksia Grove Tavern - Site Plan[7]

2.5 The Applicant intends to undertake considerable fit-out and design works to incorporate the following amenities within the premises:

- A designated dining area with diverse seating options.
- A variable space to be used for dining, casual meals, meetings, functions, events and sundowners.
- A separate and dedicated non-licensed children's play area.
- Alfresco amenity oriented to maximise the connection between the venue and the adjacent street frontage.
- Function areas and private dining spaces to accommodate a range of contemporary functions and events.
- A commercial kitchen.
- Cool rooms for food and beverages.
- Toilet amenity.
- A walk-in packaged liquor browse area and a covered drive-through forming the take-away packaged liquor component.

[7]Attachment 1 – Plans

2.6 The maximum number of patrons to be accommodated on the licensed premises at any one time is anticipated to be 400 patrons.

Food & Beverage[8]

2.7 All menu items at the Banksia Grove Tavern will be freshly prepared on-site, utilising a fully compliant commercial kitchen equipped with modern culinary appliances, so as to maintain a high standard of food service. The menu will offer a diverse selection of dishes designed to cater to individual diners, families and groups, encouraging a sociable dining experience that allows patrons to enjoy a variety of flavours in a welcoming and safe setting.



Figure 5: Banksia Grove Tavern - Sample Food 1

[8]Attachment 5 – Sample Menus

Food Options



Figure 6: Banksia Grove Tavern - Sample Food 2

2.8 The Banksia Grove Tavern will provide a broad range of food options available through trading hours to cater to consumers seeking a well-rounded culinary experience. The food offering will focus on modern Australian classics and contemporary dishes prepared using the best local Western Australian produce available. Food will be available to patrons until one hour before close.

2.9 A sample food menu, together with images indicating the quality and presentation of the food to be available at the premises, is provided at Attachment 5 – Sample Menus. These images are drawn from the operator's existing licensed premises, Lakelands Tavern, and are provided to indicate the standard of food intended to be delivered at the Banksia Grove Tavern.

2.10 The Banksia Grove Tavern draws on the operating model of the established, family-friendly licensed premises delivered and operated across Perth's northern growth corridor, which are recognised for their quality food and beverage offering and their attentive customer service. The same commitment to quality and hospitality is intended to be reflected at the Banksia Grove Tavern to deliver a memorable dining and social experience for consumers.

Beverage Options

2.11 Beverages will consist of both alcoholic and non-alcoholic options (subject to approval) and will include beer, cider, wine, spirits, cocktails and a selection of craft beers that support local producers and complement the food offering.

2.12 The beverage selection will be diverse, featuring a mix of local, national and international brands and products. In addition, the selection will include local and regional items that are not readily found elsewhere in the locality.

2.13 Beverage items will be selected to complement the local seasonal produce served at the premises, and to reflect prevailing beverage trends and developments in the liquor industry, including new products such as zero-alcohol liquor and mocktails as options for non-drinkers.

2.14 Zero-alcohol and non-alcoholic beverages will be provided, and the Applicant recognises that this expanding segment of the beverage market is a valuable inclusion in the overall offering. Low-alcohol wine and beer options will also be available for on-premises consumption or take-away.

2.15 Along with the zero-alcohol and low-alcohol options, a range of coffee, leaf tea, juices, smoothies and soft drinks will round out the beverage offering. A sample packaged product list, reflecting the operator's existing packaged liquor range, is provided at Attachment 6 – Sample Product List.[9]

[9] Attachment 6 – Sample Product List

Look & Feel



Figure 7: The Applicant's Venue Aesthetic 1



Figure 8: The Applicant's Venue Aesthetic 2

2.16 The premises will present a warm and casual contemporary character, while maintaining an elegant and considered aesthetic that is appropriate to the Banksia Grove locality, as set out below. The design incorporates the following contemporary aspects:

- Designed to cater to local residents, local workers, families and visitors to the locality on a daily basis.
- A range of function and event options for local residents and corporate entities.
- A social hub for meetings, product launches, sundowners and other local requirements.
- A focus on groups socialising in a safe and controlled licensed environment, with spaces that offer a range of private and communal amenity, including private dining, function options and the general dining area.
- A food menu based on the operator's contemporary food offering, with a focus on seasonal local produce.
- A full beverage menu, including craft spirits and beer, with low-alcohol and zero-alcohol options also being made available.
- A distinctive offering with vibrancy and activation, providing more than simply a conventional tavern.

2.17 The premises will also contain toilet amenities that comply with the Director's Policy on Standards of Licensed Premises, and will cater for a maximum number of patrons at any one time as fixed by the Maximum Accommodation Certificate.

2.18 The Designing Out Crime planning guidelines have been drawn upon during the design phase of the proposed premises to provide additional safety and security for patrons and to make monitoring and managing patrons more manageable for staff and management.[10]

Harm Minimisation Strategies

2.19 The Applicant's Harm Minimisation Plan will be implemented to mitigate any potential undue harm or ill-health associated with alcohol consumption within the locality.[11] The plan aligns with the Act and the policies of the licensing authority, so as to support the responsible service and consumption of liquor at the premises.

2.20 The Applicant will provide in-house training to ensure staff are equipped to manage the service of liquor responsibly. This training will include:

- Comprehensive Responsible Service of Alcohol (RSA) training, reinforcing best practice in the management of liquor service.

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10 https://www.wa.gov.au/system/files/2021-07/GD_designing_out_crime.pdf
11 Attachment 7 – Harm Minimisation Plan

- Awareness training, enabling staff to identify the signs of intoxication and to assist patrons appropriately.
- Guidelines for the handling of intoxicated patrons and juveniles, so as to support compliance with the licensing laws and venue policies.
- Identification checks for patrons who appear to be under 25 years of age.

2.21 The Banksia Grove Tavern will adhere to the policies of the licensing authority relating to the sale and supply of liquor for on-premises consumption and for take-away packaged liquor, as provided for under Section 41 of the Act. The Applicant is committed to the responsible marketing and promotion of liquor, ensuring that all advertising and liquor promotions are directed exclusively at adults in accordance with industry standards and best practice.

2.22 The Applicant will further maintain a closed-circuit television (CCTV) system located at the entry and exit points of the premises, in accordance with the Director of Liquor Licensing's Policy on Security licensing conditions.

2.23 This section provides an operational, venue-level summary of the harm minimisation features proposed for the premises. The detailed harm minimisation analysis, including the assessment of harm or ill-health under Section 38(4)(a) of the Act, is addressed in a later section of these submissions.

3. The Applicant

3.1 The Applicant is Banksia Grove Tavern Pty Ltd (ACN 697 586 360). The sole Director and Secretary of the Applicant company is Ms Jane Victoria Gastevski. The Applicant company forms part of the Gastevski Group, an established Western Australian hospitality operator committed to delivering high-quality food, beverage and entertainment experiences within a well-managed, safe and consumer-focused environment. The Applicant's business model is built on the provision of exceptional customer service, the responsible management and supply of liquor, and the alignment of its venues with the reasonable requirements of local consumers of liquor and related services.

3.2 It is well established that the demonstrated success of an applicant's business model in other localities is relevant evidence in support of an application. In *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227, Buss JA held that the Liquor Commission had erred by confining its assessment to whether there was a 'general principle' that the popularity of a business model elsewhere justified the grant of a licence in a new locality. The correct question was whether, having regard to all of the evidence and any notorious facts, including evidence as to the reasons for the popularity of that business model elsewhere and how those reasons related to the subject locality, there were consumer requirements in that locality for the range of products and services proposed. Consistent with that authority, the demonstrated popularity and responsible operation of the Gastevski Group's existing venues, and the reasons for that success, are relied upon in this submission as evidence of the consumer requirements of the Banksia Grove locality. The licensing authority has further accepted that the likely degree of harm from a grant is reduced by the experience and demonstrated operational capabilities of the applicant (*PDG Geraldton Pty Ltd*, LC 12/2016), and the Applicant's operational record is relied upon accordingly in the harm assessment in Section 8.[12]

3.3 The proposed premises is inspired by the success of the operator's delivered flagship venues, purpose-built, family-friendly hospitality destination known for its quality dining, curated beverage offering and welcoming environment for local consumers. The Applicant intends to replicate this level of professionalism, operational discipline, and service excellence at the proposed premises, establishing it as an anchor hospitality venue within the Banksia Grove Shopping Centre where the proposed premises is to be located.

3.4 The Applicant's management structure means that the same experienced principals who stand behind the operator's existing licensed venues will stand behind this application. It is submitted that this continuity of management is a material consideration, as it places the proposed premises under the control of operators with a proven history of

[12] Attachment 11 – Case Precedents

operating licensed premises to a high standard, and it directly supports the harm minimisation and public interest case made in these submissions.

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

3.5 In determining an application of this kind, the licensing authority is to consider whether the applicant, and each person who is to occupy a position of authority in the applicant company, is a fit and proper person to hold a licence. Section 33(6) of the Act, which refers to the creditworthiness, character, convictions, conduct in respect of other businesses, and reports or interventions made against an applicant, provides that 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 manager or a trustee, the licensing authority is to have regard to the following considerations:

(a) *the creditworthiness of that person; and*

(b) *the character and reputation of that person; and*

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

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

(e) *any report submitted, or intervention made, under section 69 of the Act.*

3.6 It is submitted that the Applicant, and its Director, satisfies each of these considerations. Ms Jane Victoria Gastevski is the sole Director and Secretary of the Applicant company, and the Applicant forms part of the Gastevski Group, whose principals have, through the Group's existing venues, demonstrated a sustained track record in hospitality management, ensuring that licensed premises are operated professionally, responsibly and in full compliance with regulatory requirements. Given this history of successful and compliant business operations, it is submitted that there is no doubt the Applicant and its Director will be found to be fit and proper persons to undertake the operation of the proposed premises under a Tavern Unrestricted Licence, subject to approval.

3.7 The Applicant has demonstrated its creditworthiness, character and responsible business conduct across the operator's existing licensed venues. The Applicant has also shown a willingness to engage with relevant stakeholders and authorities to ensure the proper development of the liquor, hospitality and tourism industries. With a proven commitment to regulatory compliance, responsible service of alcohol, engagement with local consumers and operational excellence, it is submitted that the Applicant is

qualified to hold a liquor licence in Western Australia and to successfully establish the proposed premises as a safe, well-managed hospitality venue.

4. Location and Locality

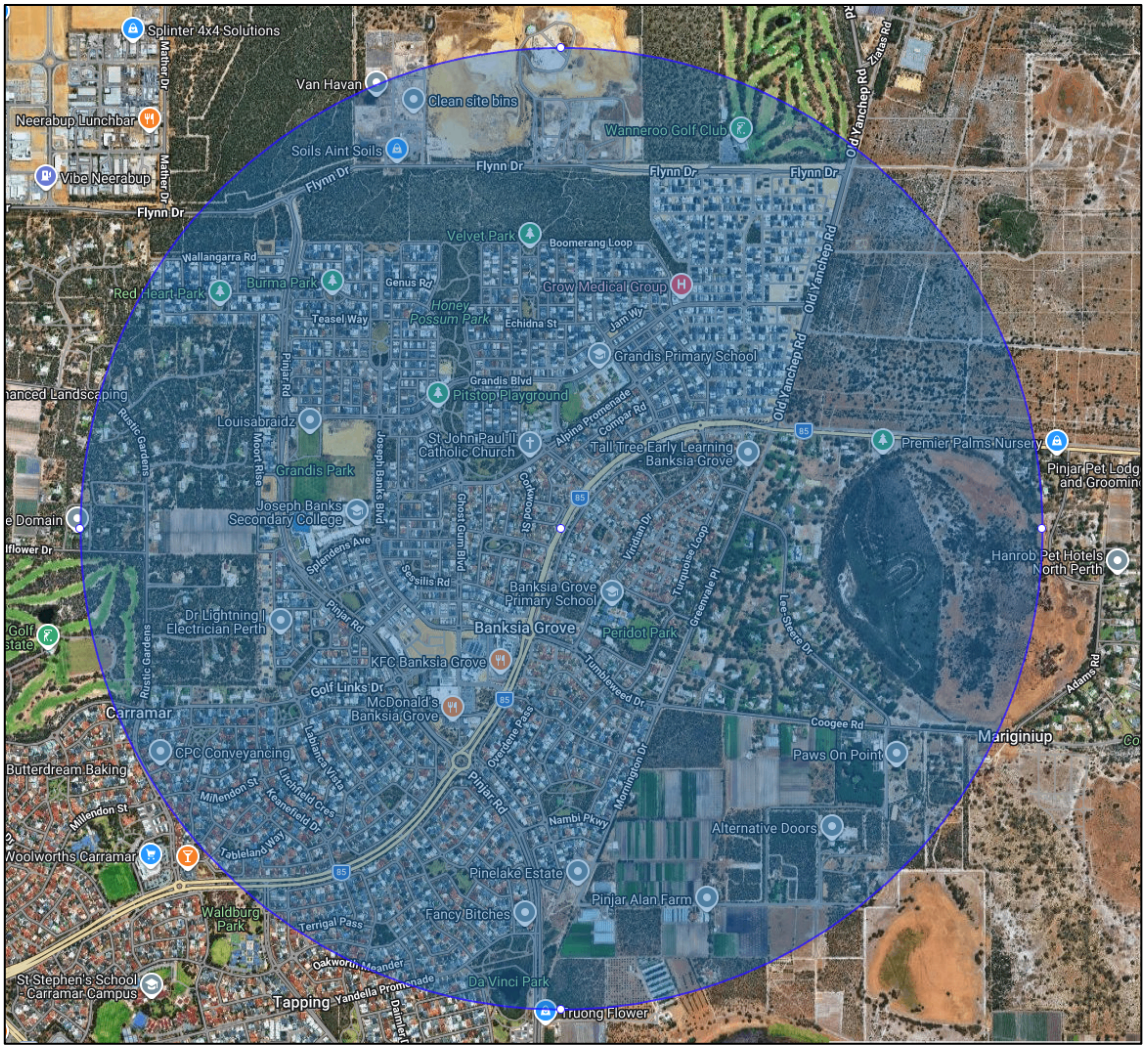


Figure 9: Banksia Grove Tavern - 3km Radius

4.1 The proposed premises, to be known as Banksia Grove Tavern will be situated within the Banksia Grove Shopping Centre at 1001 Joondalup Drive, Banksia Grove WA 6031, in the City of Wanneroo. The Banksia Grove Shopping Centre is located within the Banksia Grove District Centre, which is identified in the City of Wanneroo's activity centre hierarchy as a District Centre serving the surrounding residential catchment.[13] The site has been selected to serve a rapidly expanding resident population in Perth's northern growth corridor, providing a contemporary, family-friendly hospitality venue that enhances the local dining, social and take-away packaged liquor options available to residents, workers and visitors within the locality.

4.2 The term 'locality' performs two distinct functions in this submission. The defined locality described in this section is adopted for the purposes of the public interest assessment under Section 38(4) of the Act, being the area most likely to be affected by

[13] https://yoursay.wanneroo.wa.gov.au/projects/local-planning-strategy

the granting of the application in relation to amenity, offence, annoyance, disturbance and inconvenience considerations. The locality relevant to the packaged liquor test under Section 36B(4) of the Act serves a different statutory purpose: it is directed to the requirements of consumers for packaged liquor, and is accordingly shaped by the retail catchment of the proposed premises, having regard to consumer travel patterns, the road network and the commercial geography of the area. The Section 36B(4) locality is separately identified and justified in the Section 36B(4) section of this submission. While the two localities have been assessed as coextensive in this application, they are conceptually distinct, and each has been determined by reference to its own statutory purpose.

4.3 The defined locality for the proposed premises has been determined by the Premises Manager having regard to the guidance provided by the Director of Liquor Licensing on the specification of locality and to the natural and constructed catchment boundaries surrounding the site. This approach ensures that the licensing authority's expectations are met and that the scope of this Public Interest Assessment aligns with regulatory requirements. The defined locality has been delineated by reference to the following boundaries[14]:

- **North:** Flynn Drive;
- **South:** Pinjar Road and Caporn Street;
- **West:** Wanneroo Road; and
- **East:** Rousset Road and Old Yanchep Road.

4.4 The defined locality so bounded captures the suburb of Banksia Grove and parts of Carramar, Ashby and Tapping. It is noted that the City of Wanneroo's Local Planning Policy 2.8 – Licensed Premises adopts, for the purposes of that policy, a 'locality' defined as a 3-kilometre radius from the subject premises.[15] The defined locality adopted for this Public Interest Assessment is broadly consistent in scale with that planning benchmark, while being refined to the surrounding suburban catchment most likely to be affected by the granting of the application.

4.5 As part of the locality overview, resident population and demographic data for the suburbs comprising the defined locality has been drawn from the Australian Bureau of Statistics, consistent with the Director's guidance on the specification of locality under the Public Interest Assessment Policy.[16] This data provides an evidence-based foundation for assessing the population, economic activity and social characteristics relevant to the proposed premises, and for demonstrating that the application aligns with the licensing authority's expectations.

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14 Attachment 10 - Section 36B(4) Assessment
15 Attachment 8 – City of Wanneroo Local Planning Policy 2.8 – Licensed Premises
16 https://www.abs.gov.au

Population and Demographics of the Locality

4.6 The suburbs that make up the defined locality for the proposed Banksia Grove Tavern form part of an established and continuing growth area in Perth's northern corridor. The following analysis draws on Australian Bureau of Statistics data for the suburbs comprising the 3 km locality.[17]

	Locality	Greater Perth	Western Australia
Population	30,926	2,116,647	2,660,026
Median age	34	37	38
Median weekly personal income	$915	$859	$848
Median weekly family income	$2,344	$2,259	$2,214
Median weekly household income	$2,146	$1,865	$1,815
Aboriginal and/or Torres Strait Islander persons	1.3%	2.0%	3.3%
Population aged 0–14 years	24.6%	18.9%	19.0%
Born in Australia	54.3%	59.5%	62.0%
English only used at home	80.6%	74.0%	75.3%
Couple family with children (of all families)	55.0%	45.7%	44.6%

Source: *Australian Bureau of Statistics, Census of Population and Housing 2021, General Community Profile / QuickStats. "Locality" is the aggregate of the four constituent suburbs of the defined locality — Banksia Grove (SAL 50069), Carramar (SAL 50269), Ashby (SAL 50032) and Tapping (SAL 51435)*

4.7 **Population insights:** The defined locality comprises the residential suburbs of Banksia Grove, Carramar, Ashby and Tapping, which together provide a substantial and growing resident catchment for the proposed hospitality venue. The locality recorded a resident population of 30,926 persons at the 2021 Census, as set out in Table 1. The locality is characterised by continuing residential subdivision and dwelling construction, such that the resident population is expected to increase materially over the life of the licence. The proposed premises will serve local residents, families, professionals and visitors by

[17] Australian Bureau of Statistics: https://www.abs.gov.au

providing quality dining, beverage service and take-away packaged liquor that meets reasonable consumer requirements.

4.8 **Age demographics:** The Banksia Grove locality is characterised by a comparatively young, family-oriented resident profile that is typical of an established metropolitan growth front. As shown in Table 1, the locality recorded a median age of 34 years at the 2021 Census, below the Greater Perth median of 37 years and the Western Australian median of 38 years, and persons aged 0 to 14 years comprised 24.6 per cent of the resident population, well above the Greater Perth and Western Australian figures of 18.9 per cent and 19.0 per cent respectively. This profile supports a family-friendly hospitality venue offering dining, alfresco amenity and a dedicated children's play area alongside a controlled licensed offering, consistent with the venue concept described in this submission.

4.9 **Income distribution:** The locality recorded a median weekly personal income of $915 and a median weekly household income of $2,146 at the 2021 Census, each exceeding the corresponding Greater Perth figures of $859 and $1,865 and the Western Australian figures of $848 and $1,815. Household incomes across a home-owning, family-oriented growth corridor of this kind typically support discretionary expenditure on quality dining, beverage, and packaged liquor services, thereby supporting the viability of the proposed venue and the reasonableness of the consumer requirement it seeks to cater to.

4.10 **Family dynamics:** The locality is characterised by a high proportion of couple-family and family-with-children households, consistent with a metropolitan growth corridor. Couple families with children comprised 55.0 per cent of all families in the locality at the 2021 Census, well above the Greater Perth figure of 45.7 per cent and the Western Australian figure of 44.6 per cent. This composition supports the requirement for a hospitality offering that caters to both family-oriented dining and adult-focused social occasions, which the proposed premises is designed to provide.

4.11 **Language and communication:** 80.6 per cent of residents of the locality used only English at home at the 2021 Census, above the Greater Perth figure of 74.0 per cent and the Western Australian figure of 75.3 per cent. The language profile of the locality is relevant to the effective communication of responsible-service messaging and of the venue's offering to consumers in the locality.

4.12 **Cultural considerations:** Aboriginal and Torres Strait Islander persons comprised 1.3 per cent of the locality's population at the 2021 Census, against 2.0 per cent for Greater Perth and 3.3 per cent for Western Australia, and 54.3 per cent of residents were born in Australia, against 59.5 per cent and 62.0 per cent respectively. The proposed premises will be operated as an inclusive, welcoming venue reflecting the character of the surrounding suburbs.

4.13 **Consumer requirements and the local economy:** The resident profile of the locality, combined with the continuing residential growth of the northern corridor, supports a reasonable consumer requirement for an additional, well-managed hospitality venue offering quality food, beverage and take-away packaged liquor. Consistent with the Applicant's operating model, the proposed premises will emphasise Western Australian producers alongside mainstream products to cater to the reasonable requirements of consumers of liquor and related services in the locality, including packaged liquor for consumption off the premises.

Planning Framework and Local Planning Policy

4.14 The operative statutory planning instrument for the subject site is the City of Wanneroo District Planning Scheme No. 2 (DPS 2), gazetted on 6 July 2001 and consolidated to include Amendment No. 227 and Amendment No. 228 (2026).[18] DPS 2 is the current gazetted scheme and remains the operative law governing land use and development at the site. The proposed premises is located within the Banksia Grove Shopping Centre, which forms the Banksia Grove District Centre.

Alignment with State Planning Policy 4.2 – Activity Centres

4.15 State Planning Policy 4.2 – Activity Centres, prepared by the Western Australian Planning Commission, provides the overarching state framework for the planning and development of activity centres across the Perth and Peel regions.[19] The DPS 2 Centre zone objectives expressly contemplate future detailed planning "in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy," confirming that State Planning Policy 4.2 is the operative policy framework for the role and function of the Banksia Grove District Centre.[20][21]

4.16 State Planning Policy 4.2 establishes a hierarchy of activity centres intended to:

- provide a distribution of centres, from neighbourhood centres to strategic metropolitan centres, that caters for the requirements of surrounding catchments for goods and services;
- support multi-functional centres that integrate retail, commercial, dining, hospitality, entertainment and social services; and
- deliver social, economic and amenity benefits to the residents of surrounding catchments, including local employment.[22]

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[18] Attachment 9 – City of Wanneroo District Planning Scheme No. 2
[19] https://www.wa.gov.au/system/files/2023-07/spp_4.2-activity-centres.pdf
[20] Attachment 9 – City of Wanneroo District Planning Scheme No. 2
[21] https://www.wa.gov.au/system/files/2023-07/spp_4.2-activity-centres.pdf
[22] https://www.wa.gov.au/system/files/2023-07/spp_4.2-activity-centres.pdf

4.17 The Banksia Grove District Centre is classified as a District Centre in the City of Wanneroo's activity centre hierarchy, which the City maintains in alignment with State Planning Policy 4.2.[23] A District Centre performs the role of a focal point for retail, commercial and social activity serving the surrounding residential catchment. The proposed Banksia Grove Tavern is consistent with, and supportive of, that activity-centre role. By providing a family-friendly dining, beverage and social venue with an ancillary take-away packaged liquor offering within the centre, the proposed premises will contribute to the activation, day-and-evening vibrancy and multi-functionality of the Banksia Grove District Centre, and will enhance the diversity of services available to the residents of the surrounding catchment. In this respect the proposal advances the activity-centre objectives of State Planning Policy 4.2 and the centre-activation intent underlying the DPS 2 Commercial and Centre zone objectives.[24][25]

Growth, Structure-Plan and Strategic Context

4.18 **Banksia Grove and the northern growth corridor.** The residential expansion of the locality, delivered under the Banksia Grove structure planning framework (Banksia Grove ASP 21A / SP 65) and the surrounding estate development, is designed to accommodate a growing resident population.[26] The maturing of this population reinforces the requirement for well-integrated retail, hospitality and social services within the Banksia Grove District Centre, so that residents can conveniently access dining, beverage, entertainment and packaged liquor services close to home. The proposed hospitality premises aligns with this pattern of planned residential growth by providing a family-friendly venue that serves both existing and future residents of the corridor while contributing to the economic vibrancy of the centre.

4.19 **Banksia Grove Shopping Centre – planned second development stage.** The Banksia Grove Shopping Centre is itself the subject of a planned second stage of development. The proposed tavern is intended to support the activation of the centre and to serve the anticipated residential and commercial population as the precinct matures. The introduction of a well-managed hospitality venue as part of this next stage of the centre's development is consistent with the centre-activation and multi-functionality objectives of the activity-centre framework, and provides a social and dining destination that complements the existing supermarket, retail and services offering at the centre.

4.20 **Strategic alignment.** The proposed premises aligns with the City of Wanneroo's strategic economic and land-use objectives. The City of Wanneroo Economic Development Strategy 2022–2032 identifies tourism industry support and development,

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[23] Attachment 9 – City of Wanneroo District Planning Scheme No. 2
[24] Attachment 9 – City of Wanneroo District Planning Scheme No. 2
[25] https://www.wa.gov.au/system/files/2023-07/spp_4.2-activity-centres.pdf
[26] Attachment 9 – City of Wanneroo District Planning Scheme No. 2

and local economic growth, among the City's strategic priorities, and the proposed premises supports those priorities by delivering a new hospitality venue, local employment and activation of the Banksia Grove District Centre.[27] The draft City of Wanneroo Local Planning Strategy, which remains in draft and has not yet been endorsed by the Western Australian Planning Commission, similarly contemplates the continued growth of the City's activity centres in alignment with State Planning Policy 4.2, and envisages centres that offer an increasing range of entertainment, dining and local services to their catchments.[28]

Significant Growth in the Locality and Secondary Catchment

4.21 **East Wanneroo District Structure Plan.** The locality adjoins the East Wanneroo District Structure Plan area, approved by the Minister for Planning in August 2021, which provides the long-term planning framework for more than 8,300 hectares of land immediately to the east and south-east of Banksia Grove. The Structure Plan provides for approximately 50,000 new dwellings, to accommodate a future population in the order of 150,000 residents, and supports up to 20,000 jobs, together with a district town centre, six high schools and approximately 280 hectares of additional parks and recreation reserves. Development will occur in stages over a number of decades, subject to rezoning, district developer contribution arrangements and local structure planning. It is submitted that Banksia Grove, as an established District Centre on the western edge of that area, is positioned to serve as a point of access to retail, hospitality and social infrastructure for that emerging population.[29]

4.22 **Residential pipeline and forecast growth.** The resident population of the defined locality recorded at the 2021 Census is set out earlier in this section. That figure is a historic measure. The locality forms part of a growth corridor in which residential subdivision and dwelling construction are continuing, and the forward planning framework anticipates material further growth. The .id (informed decisions) population and household forecasts prepared for the City of Wanneroo in March 2023 record that the number of dwellings in Banksia Grove is forecast to grow from 4,018 in 2021 to 4,887 in 2041, with average household size easing from 2.99 to 2.71 persons. Those figures indicate that the suburb of Banksia Grove is approaching the mature stage of its residential development. The material growth in the surrounding catchment is forecast to occur immediately to the east, where dwellings in the Gnangara, Jandabup and Mariginiup forecast area are projected to increase by an average of approximately 363 dwellings per annum, to 10,089 dwellings by 2041, that growth being attributed to the release of new greenfield land under the East Wanneroo District Structure Plan. It is

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[27] Attachment 3 – City of Wanneroo Economic Development Strategy 2022–2032

[28] https://hdp-au-prod-app-wan-yoursay-files.s3.ap-southeast-2.amazonaws.com/9917/2725/4316/DRAFT_Local_Planning_Strategy_Part_2.PDF

[29] East Wanneroo District Structure Plan (Western Australian Planning Commission, approved August 2021): https://www.wa.gov.au/government/publications/east-wanneroo-district-structure-plan

submitted that the forecast growth of the catchment surrounding the District Centre, rather than of the suburb alone, is the material consideration in assessing the future requirements of consumers in the locality.[30]

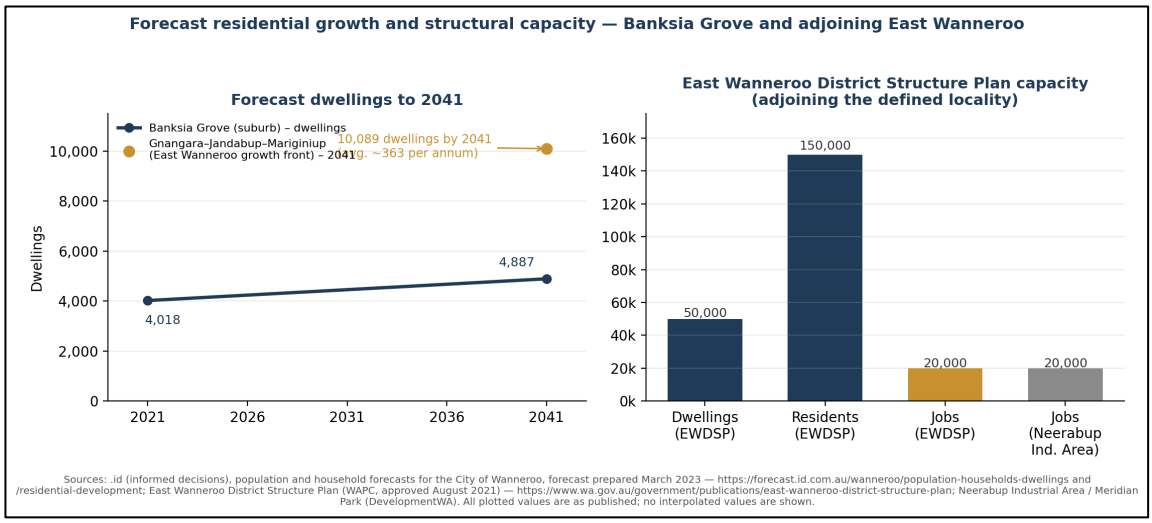


Figure 10: Forecast residential growth and structural capacity, Banksia Grove and adjoining East Wanneroo. Sources: .id (informed decisions) population and household forecasts for the City of Wanneroo, forecast prepared March 2023[31]

4.23 **Sub-regional planning and infrastructure.** At the sub-regional level, the Perth and Peel @3.5million North-West Sub-regional Planning Framework identifies the North-West corridor as one of the State's principal urban growth fronts, supported by infrastructure investment including the Mitchell Freeway extension and upgrades to Flynn Drive. That investment improves accessibility to the Banksia Grove District Centre from the surrounding catchment.[32]

4.24 **Secondary catchment and the workforce economy.** The Banksia Grove District Centre serves a catchment materially larger than its immediate resident population. The retail composition of the centre and its surrounds is itself evidence of catchment depth: the locality sustains three supermarkets, where a district centre of this classification would ordinarily be expected to sustain a full-line supermarket and a smaller second operator. It is submitted that the presence of three supermarket operators is an

30 '.id' (informed decisions), population and household forecasts for the City of Wanneroo, forecast prepared March 2023: https://forecast.id.com.au/wanneroo/population-households-dwellings and https://forecast.id.com.au/wanneroo/residential-development

31 https://forecast.id.com.au/wanneroo/population-households-dwellings; East Wanneroo District Structure Plan (Western Australian Planning Commission, approved August 2021), https://www.wa.gov.au/government/publications/east-wanneroo-district-structure-plan; Neerabup Industrial Area and Meridian Park (DevelopmentWA), https://developmentwa.com.au/projects/industrial-and-commercial/meridian-park/overview

32 Perth and Peel @3.5million, North-West Sub-regional Planning Framework (Western Australian Planning Commission, March 2018): https://www.wa.gov.au/system/files/2021-05/FUT-PP-North-West_Sub_Region_March2018.pdf

objective indicator that the centre draws trade from beyond its immediate residential catchment.[33]

4.25 **Adjoining employment precincts.** The locality adjoins a substantial and growing employment precinct. The Neerabup Industrial Area, immediately to the north-west, is planned as the most significant new industrial estate in Perth's North-West Metropolitan Corridor and is expected to generate up to 20,000 employment opportunities. Within it, the Australian Automation and Robotics Precinct, a 51-hectare State Government facility delivered with a $28 million investment and opened in November 2024, is Australia's largest test and development site for automation, robotics, remote operations and zero-emissions technologies, managed by DevelopmentWA and operated by CORE Innovation Hub. The Meridian Park industrial estate within the same area draws a substantial daytime workforce. It is submitted that this workforce catchment gives rise to consumer requirements distinct from residential evening trade, including daytime dining, business and corporate meetings, after-work socialising and end-of-week patronage, which are not presently met within the Banksia Grove District Centre.[34]

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33 Retail composition of the Banksia Grove District Centre and surrounding centres, verified against the operators' published material, August 2026. The supermarket operators trading in the locality are Coles (Banksia Grove Village), Woolworths (Ghost Gum Boulevard) and ALDI (Jewel Way). Banksia Grove Village retail directory: https://www.banksiagroveshoppingvillage.com.au/retail-directory/

34 Meridian Park, Neerabup Industrial Area (DevelopmentWA): https://developmentwa.com.au/projects/industrial-and-commercial/meridian-park/overview ; Australian Automation and Robotics Precinct: https://www.theaarp.com.au/about-aarp/

5. Legislative Framework – Liquor Control Act 1988

5.1 This application for the conditional grant of a Tavern Unrestricted Licence is determined under the Liquor Control Act 1988 (WA) (the Act). The application, and the sale and supply of liquor for consumption on the licensed premises together with the ancillary sale of packaged liquor for consumption off the premises, are regulated by the Act, and the grant of the licence is a matter for the discretion of the Director of Liquor Licensing as the licensing authority. This application has been prescribed as one to which Section 38(2) of the Act applies, and the licensing authority must accordingly be satisfied that granting the application is in the public interest before the licence may be granted. The Applicant respectfully submits that this application satisfies the primary and secondary objects stated in Section 5 of the Act, and that the grant of the licence is in the public interest for the purposes of Section 38. Each of these matters is developed in greater detail in the dedicated sections that follow in this Public Interest Assessment (PIA), and the present section sets out the statutory framework against which the application is to be assessed.

5.2 Section 38 of the Act provides:

> ***38.*** *Certain applications to be refused unless in the public interest*
>
> ***(1)*** *Subsection (2) applies to —*
>
> ***(a)*** *an application for the grant or removal of a licence of a kind prescribed; or*
>
> ***(b)*** *an application for a permit of a kind prescribed; or*
>
> ***(c)*** *any other application to which the Director decides it is appropriate for subsection* ***(2)*** *to apply.*
>
> ***(2)*** *An applicant who makes an application to which this subsection applies must satisfy the Director that granting the application is in the public interest.*
>
> ***(3)*** *For the purposes of subsection (2), the applicant must provide to the Director —*
>
> ***(a)*** *any prescribed document or information; and*
>
> ***(b)*** *any other document or information reasonably required by the Director for those purposes.*
>
> ***(4)*** *Without limiting subsection* ***(2),*** *the matters the Director 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.*

5.3 The Applicant has prepared this PIA in accordance with the Director's Policy on Public Interest Assessment,, and addresses, within it, the primary and secondary objects of the Act and the public interest matters set out in Section 38(4). The submissions below demonstrate how the grant of a Tavern Unrestricted Licence to the Applicant serves each of the objects of the Act.

Primary objects (Section 5(1))

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

> ***(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.*

5.5 The Applicant submits that the application serves each of the primary objects as follows.

To regulate the sale, supply and consumption of liquor (Section 5(1)(a))

5.6 The Applicant is committed to the responsible sale, supply and consumption of liquor at the proposed premises and to trading in strict accordance with the Act, the conditions of the licence and the policies of the Director of Liquor Licensing. The proposed manner of trade has been designed to support the regulated sale and supply of liquor, and includes the following measures:

- All staff involved in the sale, supply and service of liquor will hold current Responsible Service of Alcohol (RSA) certification obtained through a nationally accredited training provider, with certificates maintained in a training register kept on the premises in accordance with the Director's Policy on Mandatory training for licensees, approved managers and employees.
- An Approved Manager will be responsible for the conduct of the licensed premises. The Applicant will appoint an Approved Manager holding current

Management of Licensed Premises (MLP1) certification prior to the grant of the licence.

- Low-alcohol and non-alcoholic drink options will be available to patrons at all times, providing responsible alternatives to full-strength liquor.
- Liquor will not be sold or supplied to any person who is a juvenile, and unaccompanied juveniles will not be permitted on the licensed premises; the Applicant will comply in full with the Director's policies relating to juveniles and will apply responsible identification-checking practices.
- A closed-circuit television (CCTV) system located at the entry and exit points of the premises will operate in accordance with the Director of Liquor Licensing's Policy on Security licensing conditions, supporting the supervised and regulated conduct of the premises.
- The Applicant will maintain an incident register and will complete incident reports as and when required, in accordance with the Act and the Director's policies.

5.7 These arrangements demonstrate that the sale, supply and consumption of liquor at the proposed premises will be conducted in a controlled, supervised and regulated manner consistent with Section 5(1)(a).

To minimise harm or ill-health caused to people (Section 5(1)(b))

5.8 The Applicant is committed to minimising the harm or ill-health that may be caused to any person, or group of persons, due to the use of liquor. The proposed premises will operate as a hospitality amenity with a genuine dining focus, family-friendly amenity, and the venue and its operation have been designed with harm minimisation as a central consideration. The Applicant's harm minimisation measures include:

- A Harm Minimisation Plan applying to all patrons, staff and management, to be implemented and adhered to at all times in accordance with the Director's policies, and addressed in detail in the harm sections of this submission.
- Layout and design consistent with the Safer Places by Design (Crime Prevention Through Environmental Design) principles, incorporating considered lighting, sightlines and secure access, together with CCTV located at the entry and exit points of the premises.[35]
- The availability of low-alcohol and non-alcoholic products at all times to encourage responsible consumption and to provide alternatives to full-strength liquor.
- Staff training directed to the responsible service of alcohol, including the recognition and prevention of undue intoxication, the responsible handling of juveniles, and the management of anti-social behaviour, supported by a zero-tolerance approach to anti-social conduct.

[35] https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf

- Full compliance with the Director's policies relating to juveniles, and a prohibition on the sale or supply of liquor to persons who are, or appear to be, juveniles regardless of any ability to produce identification.

To cater for the requirements of consumers, with regard to the proper development of the liquor, tourism and hospitality industries (Section 5(1)(c))

5.9 The Applicant submits that the proposed premises will cater for the requirements of consumers for liquor and related services in the locality, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State. In support of this object:

- The proposed premises will introduce a contemporary, family-friendly hospitality amenities to the Banksia Grove locality, offering quality dining, beverage service, alfresco and function and event space, together with an ancillary drive-through and walk-in packaged liquor offering, thereby broadening the range of diverse licensed hospitality options available to consumers in the locality.
- As an independently operated venue standing behind an experienced Western Australian hospitality operator, the Applicant has the flexibility to tailor its food and beverage offering to the preferences of local consumers, aligning its range with consumer demand, seasonal product availability and contemporary hospitality trends.
- The Applicant will support the proper development of the liquor industry by ranging Western Australian craft beer, cider, boutique wine and the produce of local suppliers alongside mainstream products, catering for the requirements of consumers in the locality and supporting Western Australian producers.
- The establishment of the venue under a Tavern Unrestricted Licence will contribute to the local economy through the employment of local staff, engagement with Western Australian suppliers, and the activation of the Banksia Grove Shopping Centre within Perth's northern growth corridor.
- The proposed premises will enhance the social, recreational and hospitality amenity available to residents, workers and visitors, consistent with the City of Wanneroo's identified economic development and tourism priorities, including those in the City of Wanneroo Economic Development Strategy 2022-2032.[36]

5.10 The requirements of consumers, and the effect of the grant in relation to tourism and consumer and cultural matters for the purposes of Section 38(4)(ca), are further addressed in the public interest and tourism sections of this submission.

[36] Attachment 3 - City of Wanneroo Economic Development Strategy 2022-2032 (City of Wanneroo)

Secondary objects (Section 5(2))

5.11 The secondary objects of the Act as set out in Section 5(2) are:

> ***(2)*** *In carrying out its functions under this Act, the licensing authority shall have regard to the primary objects of this Act and also to 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*
>
> *[(b), (c) deleted]*
>
> ***(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.*
>
> *If, in carrying out any of its functions under this Act, the licensing authority considers that there is any inconsistency between the primary objects referred to in subsection (1) and the secondary objects referred to in subsection (2), the primary objects take precedence.*

5.12 The Applicant submits that the application aligns with the secondary objects as follows.

To facilitate the use and development of licensed facilities (Section 5(2)(a))

5.13 The proposed premises will facilitate the use and development of a licensed facility that reflects the diversity of the requirements of consumers. The venue is designed to serve a broad demographic, including local residents and families, professionals and workers in the surrounding districts, social and corporate groups, and visitors to the locality, across dining, function, alfresco and packaged liquor uses. The Applicant stands behind a demonstrated record of developing and responsibly operating family-friendly licensed premises across Perth's northern growth corridor, and the development of a contemporary, high-quality hospitality amenity within the Banksia Grove Shopping Centre directly advances the object of developing licensed facilities that cater for the diverse requirements of consumers in the State. The Applicant is committed to providing a versatile and inclusive offering suited to different patrons at different times of the day and week.

To provide adequate controls over the persons involved in the sale, disposal and consumption of liquor (Section 5(2)(d))

5.14 The Applicant will provide adequate controls over the conduct of the licensed premises and over the persons directly or indirectly involved in the sale, disposal and consumption of liquor. An Approved Manager will oversee the operation of the premises and will be

available to address concerns raised by patrons, local residents and law enforcement officers. All staff involved in the sale and supply of liquor will hold current RSA certification maintained in a training register on the premises in accordance with the Director's policies, a Harm Minimisation Plan will apply to all patrons, staff and management, and a CCTV system located at the entry and exit points of the premises will operate in accordance with the Director's Policy on Safety and Security at Licensed Premises. The Applicant will ensure strict compliance with all conditions of the licence, and will treat adherence to the licence conditions as a mandatory requirement of employment. A zero-tolerance policy will apply to anti-social behaviour on the premises.

To provide a flexible system for the administration of the Act (Section 5(2)(e))

5.15 The Applicant acknowledges that the requirements necessary to satisfy Section 5 and to address Section 38(2) and Section 38(4) of the Act have been addressed within this PIA, and that the documentation required to comply with Section 68 of the Act has been submitted with the application. Section 33 of the Act confers on the licensing authority a broad discretion in the determination of applications, and provides:

> ***(1)*** *Subject to this Act, when considering an application the licensing authority may —*
>
> ***(a)*** *grant the application on the terms sought by the applicant; or*
>
> ***(b)*** *grant the application subject to such conditions as the licensing authority thinks fit; or*
>
> ***(c)*** *refuse the application.*
>
> ***(2)*** *Without limiting subsection (1), the licensing authority may impose or vary conditions on a licence or permit when granting an application.*
>
> ***(3)*** *In considering an application, the licensing authority is not limited to the matters raised by the applicant or any intervenor or objector.*
>
> ***(4)*** *The licensing authority may have regard to any matter it considers relevant.*

5.16 Consistent with the flexible and non-technical administration of the Act contemplated by Section 5(2)(e), the Applicant respectfully requests that, in the event of any minor perceived deficiency in this submission, the licensing authority exercise its discretion under the Act to grant the licence, subject to such conditions as it believes reasonable and in the public interest.

Engagement of the Section 38(4) public interest matters

5.17 The Applicant submits that this application squarely engages the public interest matters set out in Section 38(4) of the Act, and that each is addressed in the dedicated section of this submission indicated below:

- the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor (Section 38(4)(a)), addressed in the harm or ill-health section applying the Carnegies Realty Pty Ltd methodology;
- whether the amenity, quiet or good order of the locality might in some manner be lessened (Section 38(4)(b)), addressed in the amenity section;
- whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the premises (Section 38(4)(c)), addressed in the offence, annoyance, disturbance and inconvenience section; and
- any effect the granting of the application might have in relation to tourism, or consumer or cultural matters (Section 38(4)(ca)), addressed in the tourism, consumer and cultural matters section.

5.18 The Applicant respectfully submits that, taken together, the matters addressed across those sections establish that the grant of the licence is in the public interest for the purposes of Section 38(2).

Application of Section 36B(4) to the packaged liquor component

5.19 The proposed premises include an ancillary packaged liquor component, offered by way of a drive-through and walk-in facility, for the sale and supply of packaged liquor for consumption off the premises. Section 36B of the Act applies to an application for the grant of a Tavern Restricted Licence, and Section 36B(4) provides that the licensing authority must not grant such an application unless satisfied that local packaged liquor requirements cannot reasonably be met by the existing packaged liquor premises in the locality in which the proposed licensed premises are to be situated. The retail section of the proposed packaged liquor area is 268 m², which is less than the prescribed area, so that the Section 36B(3) bar on hearing and determining the application is not triggered; the Section 36B(4) grant test nonetheless applies to the packaged liquor component. The Applicant addresses the Section 36B(4) test and demonstrates that the local packaged liquor requirements of the locality cannot reasonably be met by the existing packaged liquor premises in the dedicated Section 36B section of this submission.

6. Section 36B(4) of the Liquor Control Act 1988[37]

6.1 The Applicant acknowledges that Section 36B(4) of the Liquor Control Act 1988 (the Act) applies to the packaged liquor component of this application, and addresses the requirements of that provision in this section. Section 36B(4) of the Act provides:

> *"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 The purpose of the Section 36B provisions is directed at the concentration of packaged liquor retailing in a locality. The licensing authority has explained that the provisions were introduced in response to concern about the impact of the growth of large packaged liquor outlets, by allowing regulations to be prescribed that set criteria applying to applications for such outlets. The Applicant respectfully submits, consistent with the interpretation adopted by the Supreme Court of Western Australia, that Section 36B is not a mere outlet-counting exercise. It does not direct the licensing authority to refuse an application merely because packaged liquor is sold somewhere within the locality. Rather, it directs attention to consumers' requirements for packaged liquor in the locality and to whether those requirements can reasonably be met by the existing packaged liquor premises. The number of existing outlets is a relevant circumstance, but it is not determinative of the statutory question.

6.3 Section 36B(1) of the Act defines the key terms used in the section, including prescribed distance, prescribed area, retail section and packaged liquor premises. Of central importance to the Section 36B(4) test is the definition of local packaged liquor requirements, which Section 36B(1) defines as follows:

> *"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."*

6.4 The statutory question is therefore framed by reference to the requirements of consumers, and not by reference to the mere physical availability of packaged liquor products within the locality.

6.5 In assessing the requirements of consumers, the Applicant has had regard to the potential for the proper development of the liquor industry, consistent with the secondary objects of the Act. The Supreme Court has observed, in the context of packaged liquor, that the opportunity for the proper development of the industry, including change, is not to be ignored, and that on appropriate evidence the relevant words invite a broad range of matters to be considered in assessing the diversity of

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37 Attachment 10 - Section 36B(4) Assessment

consumer requirements and how they are to be catered for.[38] The Applicant's submissions in this section are advanced on that basis.

6.6 The Director of Liquor Licensing's Public Interest Assessment Policy states that an application for the grant of a new packaged liquor outlet must include evidence and submissions demonstrating that the existing packaged liquor outlets in the locality cannot reasonably satisfy the local packaged liquor requirements of the public. The Applicant has prepared this section, and the supporting Consumer Survey and locality analysis, to discharge that evidentiary requirement.

6.7 While Section 36B(1) defines a number of terms used in the section, it does not define certain expressions that are central to the operation of Section 36B(4), including:

- proliferation;
- reasonable; and
- the requirements of consumers.

6.8 In the absence of statutory definitions, the meaning and application of these expressions has been developed through the decisions of the licensing authority and the Supreme Court of Western Australia. The Applicant sets out below the principles established by those authorities, and then addresses the four matters that Section 36B(4) requires the licensing authority to consider.

6.9 The leading authority on the interpretation of Section 36B(4) is Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366, in which Archer J considered how the licensing authority is to determine whether existing packaged liquor premises adequately meet the requirements of consumers.[39] Her Honour held that the phrase requirements of consumers in Section 36B is to be interpreted consistently with the same phrase in Section 5(1)(c) of the Act, applying the ordinary presumption that the same expression bears the same meaning throughout an Act.[40] Her Honour held that the requirements of consumers for packaged liquor are not confined to the physical item or product of packaged liquor, but extend to matters such as convenience, product range and other matters. On that construction, Section 36B(4) operates as an assessment of the consumer experience, and not merely as an inquiry into whether liquor is sold nearby. This interpretation is directly relevant to the present application, in which the point of difference lies not in the availability of packaged liquor as a product, but in the manner, convenience and character of its supply.

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[38] Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.
[39] Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.
[40] Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.

6.10 The relevance of convenience to the requirements of consumers has long been recognised by the Supreme Court. In Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227, the Court observed that in contemporary Australian life the ability to undertake one-stop shopping in large suburban shopping centres is of considerable importance, particularly to working people, and that this social fact is reflected in the development of district and regional shopping centres.[41] The proposed premises is located within the Banksia Grove District Centre, and the packaged liquor component is designed to be accessed conveniently by residents undertaking their regular shopping, and by way of a drive-through facility, consistent with this recognised consumer requirement.

6.11 The Applicant is conscious that the requirements of consumers must be balanced against the primary objects of the Act. The Court has recognised that tension may arise between advancing the object of minimising alcohol-related harm and the object of catering for the requirements of consumers for liquor and related services, and that where such tension arises the licensing authority must weigh and balance those competing interests.[42] The proposed premises is designed to achieve that balance, by offering a responsible and well-curated packaged liquor range within a supervised, family-friendly hospitality venue, and by adopting the self-imposed harm-minimisation conditions described elsewhere in this submission.

Proliferation

6.12 The term proliferation is not defined in the Act. In ordinary usage, to proliferate is variously defined as:

- to grow, increase or multiply rapidly, or to cause something to do so;
- a sudden or rapid increase in the number or amount of something; and
- the fact of something increasing greatly and suddenly in number or amount.[43]

6.13 In the context of liquor licensing, the concept of proliferation is used to assess whether the grant of a further packaged liquor authorisation would contribute to an excessive concentration of packaged liquor outlets within a locality, with attendant risks of adverse impacts on the locality.

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[41] Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227 (Buss JA): Attachment 11 – Case Precedents.
[42] Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2024] WASC 128 (Lemonis J): Attachment 11 – Case Precedents.
[43] "Proliferate" / "proliferation", Collins English Dictionary and Cambridge Dictionary: https://www.collinsdictionary.com/dictionary/english/proliferate https://dictionary.cambridge.org/dictionary/english/proliferation

6.14 The Applicant submits that the grant of the ancillary packaged liquor component of this application would not amount to a proliferation of packaged liquor outlets in the relevant sense, for the following reasons:

- the packaged liquor component is an ancillary take-away offering integrated within a single tavern premises, and is not a stand-alone large-format packaged liquor outlet of the kind at which the Section 36B provisions are principally directed;
- the retail section of 268 square metres is modest and well below the prescribed area of 400 square metres, so that the hearing bar in Section 36B(3) is not engaged; and
- the specific consumer requirement to which the offering responds is a requirement of manner, convenience and character that, for the reasons developed below, is not reasonably met by the existing offer, notwithstanding the number of outlets.

6.15 The proper approach to a contested locality has been considered by the licensing authority. In Liquorland Secret Harbour [LC 06/2017], the Commission held that the presence of existing outlets, including a nearby destination outlet, did not negate a demonstrated consumer requirement, and that a high concentration of outlets in a different part of a district does not defeat a localised consumer requirement.[44] The Applicant respectfully adopts that reasoning. The existence of the outlets identified in the locality analysis is not, of itself, an answer to the statutory question, which is whether those outlets can reasonably meet the requirements of consumers for packaged liquor in the defined locality.

Reasonable

6.16 The term reasonable, as it appears in the expression cannot reasonably be met in Section 36B(4), is likewise not defined in the Act. The Applicant, having regard to the ordinary dictionary meaning of the word and to its judicial consideration, submits that the word does not import an exacting threshold. In ordinary usage, reasonable is variously defined as:

- based on or using good judgement, and therefore fair and practical;
- fair, practical and sensible; and
- showing reason or sound judgement.[45]

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[44] Liquorland Secret Harbour, LC 06/2017: Attachment 11 – Case Precedents.
[45] "Reasonable", Oxford / Cambridge dictionaries: https://www.oxfordlearnersdictionaries.com/definition/english/reasonable ; https://dictionary.cambridge.org/dictionary/english/reasonable

6.17 The judicial consideration of the word is to the same effect. In Charlie Carter Pty Ltd v Streeter and Male Pty Ltd, Malcolm CJ observed that the word reasonable imports a degree of objectivity, in that it means sensible, not irrational, absurd or ridiculous, not going beyond the limit assigned by reason, and not extravagant or excessive, but moderate.[46] In the specific context of Section 36B(4), Archer J held that the word reasonably is intended to bear the same meaning, so that the phrase cannot reasonably be met means cannot sensibly or rationally be met, having regard to contemporary standards and expectations.[47] Her Honour rejected a heightened threshold requiring proof of great inconvenience or substantial difficulty.

6.18 It follows that the Applicant is not required to establish that consumers cannot obtain packaged liquor in the locality, or that they face great difficulty in doing so. The Applicant is required to establish only that the requirements of consumers, understood in the broad sense described in Liquorland Karrinyup, are not sensibly or rationally met by the existing packaged liquor premises. Applying that practical standard, the Applicant has assessed the packaged liquor landscape in the defined locality by reference to a range of factors extending beyond the mere physical presence of liquor products, including location and accessibility, convenience and one-stop shopping, competition and choice, and product range and provenance. That assessment is set out in the matters addressed below.

Matters to be Addressed

6.19 In Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2024] WASC 128, the Supreme Court broke Section 36B(4) into its constituent parts and identified the matters that the licensing authority must address in applying the provision.[48] Adapting that analysis to the present application, the Applicant addresses the following four matters in turn:

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

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46 Liquor Commission of Western Australia, LC 31/2011: Attachment 11 – Case Precedents.
47 Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.
48 Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2024] WASC 128 (Lemonis J): Attachment 11 – Case Precedents.

What is the Relevant Locality?

6.20 The relevant locality for the proposed premises has been determined with the guidance of the Premises Manager at the Department of Local Government, Industry Regulation and Safety (LGIRS) based on the natural and constructed catchment boundaries surrounding the site. The defined locality is bounded by Flynn Drive to the north, Pinjar Road and Caporn Street to the south, Wanneroo Road to the west, and Rousset Road and Old Yanchep Road to the east, and captures the suburb of Banksia Grove and parts of Carramar, Ashby and Tapping.[49]

6.21 The locality for the purposes of Section 36B(4) is not defined by the Act, and its identification is a practical question directed to the statutory purpose of the provision. Because the Section 36B(4) test is framed by reference to the requirements of consumers for packaged liquor, the relevant locality is the retail catchment from which the proposed packaged liquor offering will reasonably draw its custom, informed by consumer travel patterns, the surrounding road network, physical and constructed barriers, and the distribution of competing retail facilities, and is not confined to an arbitrary radius (Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2024] WASC 128).

6.22 Applying that approach, the Applicant adopts for the purposes of Section 36B(4) the same bounded area as the defined locality described in the Location and Locality section of this submission, for the following reasons. First, the arterial roads that bound the area (Flynn Drive, Wanneroo Road, Pinjar Road and Caporn Street, and Rousset Road and Old Yanchep Road) operate as genuine catchment boundaries for convenience-based retail trips, so that the same physical geography that shapes amenity impacts also shapes consumer travel for packaged liquor. Secondly, the area corresponds to the residential catchment served by the Banksia Grove District Centre, at which the proposed premises is located, and consumers within it reasonably look to that District Centre for their day-to-day retail requirements, including packaged liquor. Thirdly, the area is broadly consistent in scale with the 3-kilometre 'locality' benchmark adopted by the City of Wanneroo's Local Planning Policy 2.8 – Licensed Premises, providing an objective planning cross-check on the catchment adopted. The coextensive adoption is therefore a product of the site's geography rather than an assumption that the two statutory localities are the same in principle.

6.23 The Applicant acknowledges that a large-format destination outlet (Dan Murphy's) is located on the western side of Wanneroo Road, outside the adopted locality. Consistent with the approach of the licensing authority in Liquorland Secret Harbour [LC 06/2017], the presence of a destination outlet serving a broader regional catchment does not negate a demonstrated consumer requirement within the locality, and the assessment

[49] Attachment 10 – Section 36B(4) Assessment

below nonetheless addresses that outlet conservatively as part of the competitive context.

What are the Requirements of Consumers for Packaged Liquor in the Relevant Locality?

6.24 Consistent with the authorities set out above, the requirements of consumers for packaged liquor are not limited to the physical availability of liquor products, but extend to matters of convenience, accessibility, product range, provenance, competition, service and the overall consumer experience.[50] The Applicant submits that the requirements of consumers in the defined locality, having regard to its character as a fast-growing, family-oriented metropolitan growth front, include the following.

6.25 The evidence of those requirements is drawn principally from the Consumer Survey.

6.26 The experienced Applicant has also had regard to its direct industry experience with the same hybrid tavern-plus-packaged model at Clarkson, Butler, Alkimos and Lakelands, each of which pairs a family-friendly hospitality venue with a drive-through and walk-in packaged liquor offering serving a comparable metropolitan growth catchment. That experience informs the Applicant's assessment of the requirements of consumers in the Banksia Grove locality, which the Applicant submits include the following factors, consistent with the matters identified by Archer J.[51]

6.27 **Product range and provenance.** The requirement is for a curated packaged liquor range rather than a purely volume-driven offer, including:

- a core range of beer, wine, cider and spirits ensuring access to everyday products;
- a curated selection of Western Australian wines, craft beers and locally distilled spirits, supporting local producers and generating direct and indirect economic benefit within the State; and
- a growing selection of low-alcohol and no-alcohol products, consistent with contemporary consumer preferences and with the objects of harm minimisation.

6.28 **Convenience and one-stop shopping.** Consumers in the locality reasonably expect to be able to undertake more than one task in a single trip. The proposed premises will allow a resident to combine a visit to the hospitality venue, the wider Banksia Grove District Centre and the packaged liquor offering in one convenient location, including by way of a drive-through facility that is of particular value to families and to time-poor working residents.[52]

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[50] Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.
[51] Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.
[52] Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227 (Buss JA): Attachment 11 – Case Precedents.

6.29 **Integration with a family-friendly hospitality venue.** The distinguishing feature of the Applicant's offering is that the packaged liquor component is an extension of a supervised, family-friendly tavern rather than a stand-alone bottle shop. Consumers who patronise the venue for dining, alfresco amenity or the children's play area are able to purchase a curated selection of packaged liquor as part of the same visit, in an environment operated to the Applicant's harm-minimisation standards. The Applicant submits that this integrated experience is itself a requirement of consumers in the locality that the existing stand-alone outlets do not provide.

6.30 **Accessibility.** The proposed premises will offer convenient and equitable access to consumers, whether they travel by foot, bicycle, car or public transport, with ample parking within the Banksia Grove District Centre and a drive-through facility designed for safe vehicular and pedestrian access.

6.31 **Service and responsible retailing.** The proposed premises will employ trained staff able to provide product guidance, including on Western Australian producers and on low-alcohol and no-alcohol alternatives, and will operate the packaged liquor component in accordance with the responsible-service and security standards described elsewhere in this submission.

6.32 In assessing these requirements, the Applicant has considered the catering for the requirements of consumers together with the proper development of the liquor industry, so that the application aligns with the objects of the Act. The Applicant submits that the requirements identified above are genuine requirements of consumers in the locality, and are not trifling. The Applicant notes in this respect the observation in Liquorland Southern River that Section 36B(4) does not require an applicant to establish that the relevant consumer requirements are considerable, but only that they are not insignificant or immaterial.[53]

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

6.33 The Applicant has assessed the packaged liquor services currently provided within the defined locality, and refers to the locality analysis for the detailed assessment of each outlet.[54] The existing packaged liquor premises in, or on the boundary of, the defined locality are:

- BWS Banksia Grove, a national-brand outlet located within the locality;
    - Liquorland Banksia Grove, a national-brand browse-only outlet located within the shopping centre;

[53] Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2024] WASC 128 (Lemonis J): Attachment 11 – Case Precedents.
[54] Attachment 10 – Section 36B(4) Assessment

- BWS Carramar, a national-brand outlet without a drive-through facility;
- Cellarbrations at Ashby, a superstore-format outlet with a drive-through facility located on the southern boundary of the locality.

6.34 The Applicant addresses below why, notwithstanding the availability of product, the requirements of consumers identified in the preceding matter are not reasonably met by these existing premises.

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

6.35 Applying the practical standard established in Liquorland Karrinyup, the question is not whether packaged liquor is available in the locality, but whether the requirements of consumers, understood in the broad sense described above, are sensibly or rationally met by the existing packaged liquor premises.[55] The Applicant submits that they are not, for the following reasons.

6.36 Three of the existing outlets are national-brand retailers whose manner of trade differs from the Applicant's. The fourth store is a large-format, volume-driven store. Their offering is directed principally at price and volume, and none integrates a curated, Western Australian-producer-inclusive packaged liquor range with a supervised, family-friendly hospitality venue of the kind proposed. The requirement for that integrated experience, which the Applicant submits is a genuine requirement of consumers in this family-oriented growth locality, is not met by any existing outlet.

6.37 The two existing outlets located within the immediate District Centre catchment, being BWS Banksia Grove and Liquorland Banksia Grove, are stand-alone bottle shops that do not offer the drive-through convenience or the hospitality integration proposed. The nearest drive-through facility, at Cellarbrations at Ashby, is located on the southern boundary of the locality, away from the primary residential catchment served by the proposed premises. The Applicant submits, consistent with Liquorland Secret Harbour, that the concentration of outlets in other parts of the locality does not defeat the localised requirement of consumers within the immediate catchment for a conveniently accessible, integrated drive-through and walk-in offering.[56]

6.38 The written comments provided by survey respondents corroborate the fragmented purchasing pattern evident in the structured responses, for example:

> *"When it's later than 9 pm on a weekend I have to traverse to Clarkson thirsty camel" (Respondent, Clarkson)*

[55] Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.
[56] Liquorland Secret Harbour, LC 06/2017: Attachment 11 – Case Precedents.

"We have been waiting for somewhere local, where we can take our families for dinner, or stop in on the way home from work for a quick one. The ashby and the duke are too far from us. If we had a drive thru, I would use it all the time as I drive further to ashby over bws all the time for the convenience." (Respondent, Banksia Grove)

"I usually shop at Dan Murphy's on Wanneroo Road …" (Respondent, Carramar)

6.39 Further, the requirement of consumers is dynamic, and the locality is a fast-growing one in which the resident population is expected to increase materially over the life of the licence. The Applicant submits, consistent with the licensing authority's approach in growth-corridor localities, that the requirements of an expanding, family-oriented resident population for a well-managed, locally responsive packaged liquor offering are not reasonably met by an existing offer configured to the present population and dominated by volume-driven national brands. The locality forms part of a growth corridor adjoining the East Wanneroo District Structure Plan area, which provides for approximately 50,000 new dwellings and a future population in the order of 150,000 residents, and it is submitted that the requirements of an expanding resident and workforce catchment are properly assessed by reference to that anticipated growth as well as the present population.[57][58][59]

6.40 The application is supported by objective evidence, comprising the Consumer Survey[60], Letter of support, [61] and the locality analysis,[62] together with the Applicant's direct operating experience with the same model in comparable localities. That evidence is directed to demonstrating that:

- the existing packaged liquor landscape in the locality lacks the integrated, provenance-focused offering that consumers require, indicating a clear requirement for the proposed premises;
- consumers in the locality support a locality-specific packaged liquor offering of the kind proposed; and
- the specific requirement of manner, convenience and character to which the proposed offering responds is not sensibly or rationally met by the existing outlets, notwithstanding their number.

6.41 For these reasons, the Applicant submits that the local packaged liquor requirements of the defined locality cannot reasonably be met by the existing packaged liquor premises within the meaning of Section 36B(4) of the Act, and that the licensing authority may be satisfied of the matter that Section 36B(4) requires before the application is granted.

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[57] Liquorland Secret Harbour, LC 06/2017: Attachment 11 – Case Precedents.
[58] Liquor Commission of Western Australia, LC 31/2011: Attachment 11 – Case Precedents.
[59] East Wanneroo District Structure Plan (Western Australian Planning Commission, approved August 2021): https://www.wa.gov.au/government/publications/east-wanneroo-district-structure-plan
[60] Attachment 4 – Consumer Surveys
[61] Attachment 13 – Letters of Support
[62] Attachment 10 – Section 36B(4) Assessment

The Applicant has weighed the positive and negative social, economic and health considerations relevant to the locality, consistent with the observation in Liquorland Karrinyup that the determination of the public interest is a discretionary value judgement to be made having regard to the objects of the Act, including the risk of harm or ill-health, the amenity of the locality, and the effect of the grant on tourism, consumer and cultural matters.[63] Those considerations are addressed in full in the public interest and harm-minimisation sections of this submission.

[63] Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366 (Archer J): Attachment 11 – Case Precedents.

7. Public Interest

7.1 The Applicant submits that the conditional grant of the Tavern Unrestricted Licence for the proposed premises will be in the public interest for the purposes of Section 38(4) of the Liquor Control Act 1988, while advancing the primary and secondary Objects of Section 5 of the Act. The public interest test, and the manner in which the licensing authority weighs the benefits of an application against its potential detriments, is addressed in detail in the Legislative Framework section of this submission (refer Section 5), and is not restated at length here. Consistent with the Director of Liquor Licensing's Public Interest Assessment Policy, the Applicant's case is advanced as a positive one, supported by evidence of consumer demand and a suite of controls aimed at minimising harm. For the following reasons, the Applicant submits that the balance of the relevant considerations weighs in favour of the grant:

- The proposed premises will provide a contemporary, safe, and family-friendly hospitality amenity within the Banksia Grove District Centre, in alignment with the City of Wanneroo's activity centre and economic development objectives.
- The premises will be designed and operated to cater to a broad consumer base, delivering a diverse and quality hospitality experience, together with a convenient take-away packaged liquor offering, for the residents of, workers in, and visitors to the locality.
- The premises will enhance the hospitality, retail and take-away packaged liquor offering within the locality, contributing to the economic and social vibrancy of the Banksia Grove District Centre and to the activation of the shopping centre's planned second stage of development.
- The premises will offer a food and beverage selection catering to a broad range of consumers, including quality dining, alfresco amenity, alongside a controlled range of low-alcohol, zero-alcohol and non-alcoholic products, ensuring a responsible and inclusive liquor offering.
- The premises will meet an identified locality requirement for a well-managed, licensed hospitality venue that is not presently satisfied by the existing offering in the locality, as evidenced by the Consumer Survey.[64]
- The premises will be operated by an experienced and responsible operator, and in accordance with a Harm Minimisation Plan directed at minimising any undue risk of harm or ill-health arising from the use of liquor.[65]

[64] Attachment 4 – Consumer Surveys
[65] Attachment 7 – Harm Minimisation Plan

Positive Impacts

7.2 The Applicant submits that the proposed premises at the Banksia Grove District Centre will contribute materially to local amenity, consumer choice and economic activity by providing a contemporary hospitality and packaged liquor amenity within a fast-growing locality, by supporting the City of Wanneroo's vision for a vibrant, multi-functional District Centre, by creating a distinctive social destination that draws residents and visitors to the centre, by improving consumer choice through a quality food and beverage offering and a convenient take-away packaged liquor range, and by contributing to the longer-term development and activation of the centre. Each of these benefits is developed below.

7.3 **A new family-friendly hospitality amenity for a fast-growing locality.** The defined locality comprising Banksia Grove, Carramar, Ashby and Tapping forms part of an established and continuing growth area in Perth's northern corridor, characterised by a comparatively young, family-oriented resident profile and by continuing residential subdivision and dwelling construction (refer Section 4). At present, the locality is served principally by packaged liquor outlets and limited hospitality options, and does not offer a family-friendly licensed hospitality venue that integrates quality dining, alfresco amenity, and function facilities within the District Centre. The proposed premises directly addresses that gap by providing a welcoming, well-managed venue at which local residents and families can dine, socialise and gather close to home, without travelling outside the locality. This benefit will strengthen over the life of the licence as the resident catchment of the northern corridor continues to mature.

7.4 **Consumer choice and convenience.** The proposed premises will broaden the range and quality of hospitality and packaged liquor services available within the locality. On the licensed premises, the venue will offer a diverse food and beverage selection, including quality dining, a range of beer, cider, wine, spirits and cocktails with an emphasis on Western Australian producers, and a controlled range of low-alcohol, zero-alcohol and non-alcoholic products so that responsible and inclusive choices are available to consumers at all times. The ancillary take-away packaged liquor component, offered by way of both a drive-through and a walk-in facility, will provide a convenient and safe means for residents to purchase packaged liquor for consumption off the premises as part of an integrated visit to the District Centre. The integration of a quality dining offer with a convenient take-away packaged liquor offer under a single, supervisable licensed premises is a distinguishing feature of the proposal and directly serves the reasonable requirements of consumers of liquor and related services in the locality.

7.5 **Local employment.** The construction, fit-out and ongoing operation of the proposed premises will generate direct and indirect local employment, including hospitality, kitchen, bar, retail and management roles, together with training and career-

development opportunities for residents of the locality. This benefit is consistent with the local-employment objectives of the activity-centre framework, which contemplates that District Centres will deliver social and economic benefits to their surrounding catchments, including employment.[66]

7.6 **Activation of the Banksia Grove District Centre.** The Banksia Grove Shopping Centre is the subject of a planned second stage of development, and the proposed tavern is intended to support the activation of the centre and to serve the anticipated residential and commercial population as the precinct matures (refer Section 4). By introducing a well-managed hospitality and social destination that trades across both day and evening, the proposed premises will extend the hours of activity within the centre, contribute to passive surveillance and vibrancy, and complement the existing supermarket, retail and services offering. This advances the centre-activation and multi-functionality objectives of State Planning Policy 4.2 – Activity Centres and of the City of Wanneroo's activity-centre hierarchy.[67]

7.7 **Support for Western Australian producers.** Consistent with the Applicant's operating model, the proposed premises will emphasise Western Australian producers across its beverage range and packaged liquor offering, alongside mainstream products. This offering supports the State's liquor, hospitality and tourism industries and the proper development of those industries as contemplated by the secondary Objects of the Act, and provides consumers in the locality with access to a diverse, quality and locally-oriented product range.

7.8 **Economic contribution.** Beyond direct employment, the proposed premises will contribute to the local economy through capital investment in the fit-out of the tenancy, ongoing procurement from local and Western Australian suppliers, and attracting patronage to the District Centre, thereby supporting co-located retail and service businesses. This contribution aligns with the strategic priorities identified in the City of Wanneroo Economic Development Strategy 2022–2032, which identifies local economic growth and tourism support among the City's strategic objectives.[68]

7.9 **Employment - construction and operational phases.** The proposed premises will generate employment during both the construction and operational phases. The City of Wanneroo Economic Development Strategy 2022-2032 identifies the creation of local jobs among the City's strategic priorities, and it is submitted that the proposed premises

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66 State Planning Policy 4.2 - Activity Centres (Western Australian Planning Commission): https://www.wa.gov.au/system/files/2023-07/spp_4.2-activity-centres.pdf
67 State Planning Policy 4.2 - Activity Centres (Western Australian Planning Commission): https://www.wa.gov.au/system/files/2023-07/spp_4.2-activity-centres.pdf
68 City of Wanneroo Economic Development Strategy 2022-2032: Attachment 3; https://www.wanneroo.wa.gov.au/download/downloads/id/4537/economic_development_strategy_-_2022_to_2032.pdf

contributes directly to that objective. These matters are presented as anticipated benefits of the grant and not as contractual commitments.[69]

7.10 **Activation of the evening economy.** The Banksia Grove District Centre presently operates predominantly as a daytime retail environment, with limited activity after retail trading hours. It is submitted that a well-managed, family-oriented hospitality venue contributes lawful evening activation to the centre, extending legitimate use of the precinct beyond retail hours. Increased legitimate visitation, together with the presence of trained staff and management, improves passive surveillance of the centre during the evening period, consistent with the Crime Prevention Through Environmental Design principles addressed in this submission. It is further submitted that the proposed premises completes hospitality infrastructure that is presently absent from the District Centre, and that contemporary district centres are ordinarily expected to provide hospitality and social amenity alongside retail uses.[70]

7.11 **An experienced and compliant operator.** The Applicant is associated with an established, family owned and operated Western Australian hospitality operator with a demonstrated record of delivering and responsibly managing family-friendly licensed premises across Perth's northern growth corridor, including the same hybrid tavern-plus-packaged-liquor model proposed for Banksia Grove (refer Section 1). The continuity of the same experienced principals standing behind this application provides confidence that the premises will be operated to a high standard of compliance and responsible service, which is itself a matter weighing in favour of the grant in the public interest.

7.12 The Applicant has also sought Letters of Support from industry stakeholders, which demonstrate consumer demand for a quality hospitality and packaged liquor venue in the locality.[71]

7.13 The Applicant submits that, taken together, these positive impacts establish that the grant of the Tavern Unrestricted Licence is in the public interest, that the development aligns with the City of Wanneroo's strategic and land-use vision, and that it caters to current and future consumer requirements in the locality in a responsible and sustainable manner.

Potential Negative Impacts

7.14 The Applicant is a responsible and experienced operator who acknowledges that liquor may be misused and may cause harm if not responsibly served and consumed. The Applicant has approached this application on the basis that potential negative impacts must be identified and specifically addressed. For each potential negative impact

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69 Attachment 3: City of Wanneroo Economic Development Strategy 2022-2032.
70 Safer Places by Design - Western Australian Crime Prevention Through Environmental Design (CPTED) Guidelines: https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf
71Attachment 13 – Letters of Support

identified below, the Applicant sets out the specific control or mitigation that responds to it, and cross-refers to the dedicated section of this submission in which that control is addressed in full.

7.15 **Alcohol-related harm or ill-health.** The Applicant acknowledges the potential for the sale and supply of liquor to contribute to alcohol-related harm or ill-health. This risk is addressed through the Harm Minimisation Plan and the responsible-service systems described in the harm or ill-health section of this submission (refer Section 8), including responsible service of alcohol training, intoxication and juvenile management procedures, controlled product-storage and service conditions, and the exclusion of unaccompanied juveniles.

7.16 **Amenity and noise.** The Applicant acknowledges the potential for a licensed premises to affect the amenity of the surrounding area through noise, patron behaviour or similar impacts. This risk is addressed in the amenity section of this submission (refer Section 9). The premises is located within a commercial District Centre rather than in a residential interface, entertainment will be limited to compliant levels with Environmental Protection Authority guidelines, and the venue will be operated as a family-friendly hospitality venue rather than a late-night entertainment venue.

7.17 **Offence, annoyance, disturbance or inconvenience.** The Applicant acknowledges the potential for a licensed premises to cause offence, annoyance, disturbance or inconvenience to persons in the locality. This risk is addressed in the offence, annoyance, disturbance or inconvenience section of this submission (refer Section 9), including through the responsible management of patrons, the entertainment and dress conditions accepted by the Applicant, controlled advertising and promotion directed only at adults, and closed-circuit television located at the entry and exit points of the premises in accordance with the Director's Safety and Security at Licensed Premises Policy.

7.18 **Family and domestic violence.** The Applicant acknowledges the recognised association between the consumption of alcohol, including packaged liquor consumed away from licensed premises, and the incidence of family and domestic violence, and treats this as a distinct consideration in the assessment of potential negative impacts. Family and domestic violence data for the locality is examined in the applied research within the harm or ill-health section of this submission (refer Section 8), and the risk is addressed through the responsible service and supply practices described in this submission, including the refusal of service to intoxicated persons at the point of sale and at the drive-through, staff training that includes the identification of at-risk purchasing behaviour and awareness of secondary supply, the storage of spirits behind the point-of-sale counter, controlled advertising and promotion directed only at adults, and the supervised, family-oriented character of the venue.

7.19 The Applicant recognises that effective harm minimisation requires collaboration between key stakeholders, and has committed to working proactively with WA Police, including the local policing team, the Liquor Enforcement Unit, the Chief Health Officer, and local stakeholders and groups within the locality. This collaborative approach supports the monitoring and management of the responsible service and consumption of liquor. The Applicant will maintain control over the supply of liquor in the locality through both formal and informal controls:

Formal controls

- the measures set out in the Harm Minimisation Plan;[72]
- juvenile management and procedural policies;
- adherence to any resolutions of a local liquor accord; and
- responsible service of alcohol practices.

Informal controls

- stakeholder and consumer involvement; and
- ongoing engagement with 'at risk' groups and organisations.

7.20 The Applicant submits that, with these controls in place, the potential negative impacts identified above are minimised so far as is reasonably practicable, and do not outweigh the positive impacts of the proposal or displace the conclusion that the grant is in the public interest.

Consumer Surveys[73]

7.21 A dedicated Consumer Survey was undertaken for this application to assess local consumer sentiment and to gauge the reasonable requirements of consumers of liquor and related services in the locality. The survey was administered through SurveyMonkey between 20 July 2026 and 23 August 2026, and was directed at residents of, workers in, and visitors to the Banksia Grove locality who dine, socialise or purchase packaged liquor within the District Centre. The Consumer Survey is the primary evidence relied upon by the Applicant to demonstrate consumer requirement for, and support of, the proposed premises.

7.22 The Consumer Survey closed with 780 responses received. Every verified respondent provided their name and nominated suburb, and 235 respondents provided additional written comments. Of the verified respondents, 83.4 per cent live or work in Banksia Grove, Carramar, Ashby or Tapping, and 82.4 per cent nominated a suburb within the defined locality, confirming that the survey substantially reflects the views of consumers within the defined locality.

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[72] Attachment 7 – Harm Minimisation Plan
[73] Attachment 4 – Consumer Surveys

7.23 The results demonstrate strong consumer support for the application, with 92.4 per cent supporting the grant of a Tavern Unrestricted Licence for the proposed premises, and 92.9 per cent considering the grant of the licence to be in the public interest. A total of 91.7 per cent of respondents stated an intention to patronise the proposed premises and its take-away packaged liquor offering, and of those, 42.1 per cent anticipate patronising weekly and a further 25.9 per cent fortnightly.

7.24 The requirements identified by respondents align closely with the proposed manner of trade. When asked what they look for in a food, beverage and socialising amenity, 73.7 per cent of respondents nominated the availability of quality food and beverages, 72.8 per cent a safe and well-managed licensed premises, 68.7 per cent access to a neighbourhood dining, lounge and bar amenity, and 53.8 per cent a family-friendly venue with alfresco dining and a children's play area. Specifically regarding packaged liquor requirements, the leading requirements were competitive pricing (71.9 per cent), a conveniently located outlet close to home or work (60.9 per cent), and drive-through service (46.2 per cent).

7.25 Respondents also addressed the potential impacts of the grant. Of the verified respondents, 88.4 per cent believe the application will not adversely impact the locality through undue harm or ill-health, 93.3 per cent do not believe there would be negative amenity impacts, and 90.9 per cent hold no concerns that the proposed premises would cause disturbance or inconvenience to persons who reside, work or engage in business in the vicinity. The concerns raised by the balance of respondents are considered in the harm and amenity sections of this submission.

7.26 The survey further evidences the fragmented nature of current packaged liquor purchasing in the locality. No single existing outlet is used by more than 41.8 per cent of respondents (Liquorland Banksia Grove 41.8 per cent, BWS Banksia Grove 36.9 per cent, Cellarbrations at Ashby 30.4 per cent and BWS Carramar 15.8 per cent), while 29.0 per cent of respondents nominated another outlet, indicating that a material proportion of consumers presently travel beyond the defined locality to cater to their packaged liquor requirements. That purchasing pattern supports the Applicant's submission under Section 36B(4) that the local packaged liquor requirements are not reasonably met by the existing packaged liquor premises.

7.27 In addition to the structured responses, 235 of the 779 verified respondents took the opportunity to provide written comments in support of their answers. The comments were unprompted and are reproduced verbatim, attributed by nominated suburb only, with personal information redacted consistent with the privacy statement provided to respondents. The full set of written comments forms part of the survey data at Attachment 4. The comments are consistent with the structured results and speak directly to the matters the licensing authority is required to weigh: a long-standing and unmet consumer requirement for a family-friendly licensed venue in the locality, the

convenience of a walkable venue and a drive-through packaged liquor facility, and the local employment and social benefits of the proposed premises. A representative selection is set out below.

"A tavern and drive through bottle shop in Banksia Grove is long overdue" (Respondent, Banksia Grove)

"Just hoping that the tavern is built as soon as possible. We've been waiting 20 years for a tavern in Banksia Grove." (Respondent, postcode 6031)

"Get it built. Moved here 11 years ago and part of the sales pitch was a future tavern." (Respondent, Banksia Grove)

"There is no family friendly tavern in this area currently and with all the new housing and development in the area it will be a welcomed amenity. … That area has a lot going for it but hugely missing out on a tavern. It will improve business for the other retailers in the area too" (Respondent, Banksia Grove)

"A nice family friendly local tavern, would be lovely, as a mum of 3 boys, I can't remember the last time I could enjoy a meal, and just enjoy it. Also having a drive thru, is so convenient and would be much success to have in our local." (Respondent, Carramar)

"While we do already have other pubs in the area, one that has more family friendly amenities will definitely be useful to a lot of families in the area. We live within walking distance and have 2 toddlers." (Respondent, Banksia Grove)

"I strongly support this application, providing proper security is given … If it is kept to a similar manner to the Duke, it will be a positive part of the community." (Respondent, Banksia Grove)

"I support the family friendly tavern proposal as long as there is also a strong security presence inside and outside and all RSA requirements are upheld" (Respondent, Banksia Grove)

7.28 A smaller number of respondents expressed concerns, principally directed at the management of anti-social behaviour and noise rather than opposition to a hospitality venue in principle, and several respondents expressly conditioned their support on the premises being well managed and secured. Those concerns align with the harm minimisation and amenity controls to which the Applicant has committed, and are addressed in the Section 38(4) sections of this submission.

7.29 The application is further supported by Letters of Support obtained from industry stakeholders, which corroborate the survey evidence of consumer and stakeholder demand for the proposed premises.[74]

[74] Attachment 13 – Letters of Support

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

8.1 In compiling this Public Interest Assessment, the Applicant has reviewed the information sources recommended by the Director of Liquor Licensing in the Public Interest Assessment Policy, and has assessed the harm or ill-health that might be caused to people, or any group of people, in the locality due to the use of liquor. The matters that the licensing authority may have regard to in determining whether granting the application is in the public interest are set out in Section 38(4) of the Act, which provides:

"Without limiting subsection (2), the matters the Director 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."*

8.2 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*
- *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 Saggers.*
- *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. Kypri, 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.*

8.3 This Section addresses paragraph (a). The minimisation of harm or ill-health caused to people due to the use of liquor is both a matter for consideration under Section 38(4)(a) and a primary object of the Act under Section 5(1)(b). The Applicant has approached this Section on the footing that the Act requires the minimisation, not the elimination, of the potential for alcohol-related harm, and that a low to medium risk, well-managed proposal supported by robust controls should not be refused on the basis of generalised harm concerns that are not connected to the circumstances of this particular application.[75]

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 public discussion 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 liquor access. The WA Government's own prevention strategies confirm that harm at the locality level 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 locality outcomes solely to the presence of a single, well-managed, family-oriented tavern with an ancillary drive-through and walk-in packaged liquor offering, operating within an established District Centre, are overly reductive and inconsistent with contemporary research. The Applicant submits that the public interest is best served by responsible venue and 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.

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75 Carnegies Realty Pty Ltd v Director of Liquor Licensing [2015] WASC 208 (Supreme Court of Western Australia, Allanson J): Attachment 11 - Case Precedents.

8.6 The Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015–2025[76], 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 the wider public where use cannot be prevented. The Applicant's harm minimisation framework, set out in the Strategies to Minimise Harm or Ill-health part of this section and in the 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, consumer and stakeholder 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 in the Harm Minimisation Plan, including strict point-of-sale controls at both the venue and the drive-through, refusal-of-service protocols, staff training in recognising and responding to at-risk purchasing patterns, the display of support-service information at the premises, and collaboration with the CHO, WA Police and the Liquor Enforcement Unit, are consistent with the harm reduction approach recommended by that framework.

8.8 The experienced Applicant reaffirms its 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.

Crime Prevention Through Environmental Design

8.9 The design of the proposed premises has been informed by the *Safer Places by Design – Crime Prevention Through Environmental Design (CPTED) Guidelines* prepared by the Western Australian Planning Commission, and by the *Designing Out Crime Guidelines* (WA).[77][78] The Applicant regards these guidelines as an effective tool for reducing and managing crime and alcohol-related harm, particularly when combined with a robust Harm Minimisation Plan and a commitment to operating a safe and well-managed

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

77 Safer Places by Design – Crime Prevention Through Environmental Design (CPTED) Guidelines (Western Australian Planning Commission): https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf

78 Designing Out Crime Guidelines (WA): https://www.wa.gov.au/system/files/2021-07/GD_designing_out_crime.pdf

licensed premises. The principal CPTED concepts have been considered and applied to the proposed premises as follows.

8.10 **Surveillance.** The proposed premises will be equipped with a closed-circuit television (CCTV) system located at the entry and exit points of the premises, complying with the Director's Policy on Safety and Security at Licensed Premises. An appropriate number of staff holding responsible service of alcohol qualifications, together with management, will supervise the licensed areas at all times, including the packaged-liquor retail area, the drive-through and the walk-in bottle shop, so as to maintain passive and active surveillance of patrons.

8.11 **Access control.** Access to the licensed areas will be guided and controlled so that legitimate patrons are directed safely through the premises while unauthorised access, particularly after trading hours, is prevented. All liquor, whether for on-premises consumption or take-away, will be accessible only through staff who hold current responsible service of alcohol qualifications.

8.12 **Territorial reinforcement.** Clear signage will identify the proposed premises and its licensed perimeter, including the packaged-liquor retail area, the drive-through and any secured delivery point, so that the boundaries of the licensed area are readily apparent to patrons and to the public.

8.13 **Target hardening.** The entry and exit points of the proposed premises will be secured by quality locking devices, and the spirits, ready-to-drink products and other high-value or higher-risk stock will be secured in the manner described in the harm-minimisation strategies below.

8.14 **Management and maintenance.** Following completion of the fit-out works, the proposed premises will be maintained in good repair and to a high standard of presentation at all times. Staff will be trained to identify and promptly report maintenance issues, including graffiti, damaged fixtures and defective locks, so that the premises is kept clean, safe and welcoming, reinforcing its standing as a well-managed hospitality venue within the Banksia Grove District Centre.

8.15 The Applicant has also had regard to lighting, landscaping, general appearance, the avoidance of entrapment spaces and the provision of activity generators in the design of the premises, each of which supports passive surveillance and a sense of activation that is known to deter antisocial behaviour. As the proposed premises will be located within an established, family-oriented District Centre surrounded by retail, residential and civic uses, these measures are directed at ensuring that the venue contributes positively to the amenity and good order of the locality.

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

Social Health Indicators – "At Risk" Groups

8.16 In preparing this submission, the Applicant has carefully considered the population groups identified as most "at risk" of alcohol-related harm and ill-health in the *Western Australian Alcohol and Drug Interagency Strategy 2018–2022*, which is referenced in the Director's Public Interest Assessment Policy.[79] The Applicant aligns its operating practices with that Strategy and is committed to responsible service and to supporting initiatives that reduce harm among the following priority groups.

- **Aboriginal and Torres Strait Islander people:** the Applicant supports culturally appropriate approaches to reducing alcohol-related harm within Aboriginal communities, and will integrate culturally aware practices into its responsible-service and harm-minimisation procedures.
- **Children and young people:** strict identification checks will be enforced, with a zero-tolerance policy on the sale or supply of liquor to minors and on secondary supply. The proposed premises will comply fully with the age-related requirements of the Act and, given the family-oriented character of the venue and its children's play area, will maintain particular vigilance in relation to unaccompanied juveniles.
- **People in growth-corridor and outer-metropolitan localities:** recognising that Banksia Grove and the surrounding suburbs form part of Perth's rapidly growing northern corridor, where support services may be developing behind population growth, the Applicant understands the importance of responsible liquor service and of not contributing to harm within a maturing residential catchment.
- **Families:** the proposed premises will provide a safe, supervised and welcoming environment for families, and the Applicant will support responsible-consumption messaging and local wellbeing initiatives directed at the wellbeing of families in the locality.
- **People interacting with the justice and corrections systems:** the Applicant is committed to cooperating with WA Police, the Liquor Enforcement Unit and local support agencies to support the responsible operation of the premises and the wellbeing of persons who interact with those systems.
- **Other groups of concern:** the Applicant recognises the requirements of older adults, culturally and linguistically diverse residents, LGBTQI+ individuals, and

[79] Western Australian Alcohol and Drug Interagency Strategy 2018–2022 (Mental Health Commission): https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf

homeless or otherwise vulnerable persons, and is committed to inclusive, respectful and supportive service practices for each of these groups.

Crime Statistics for the Locality

8.17 Publicly available crime statistics for the locality have been obtained from the WA Police Force crime statistics portal.[80]

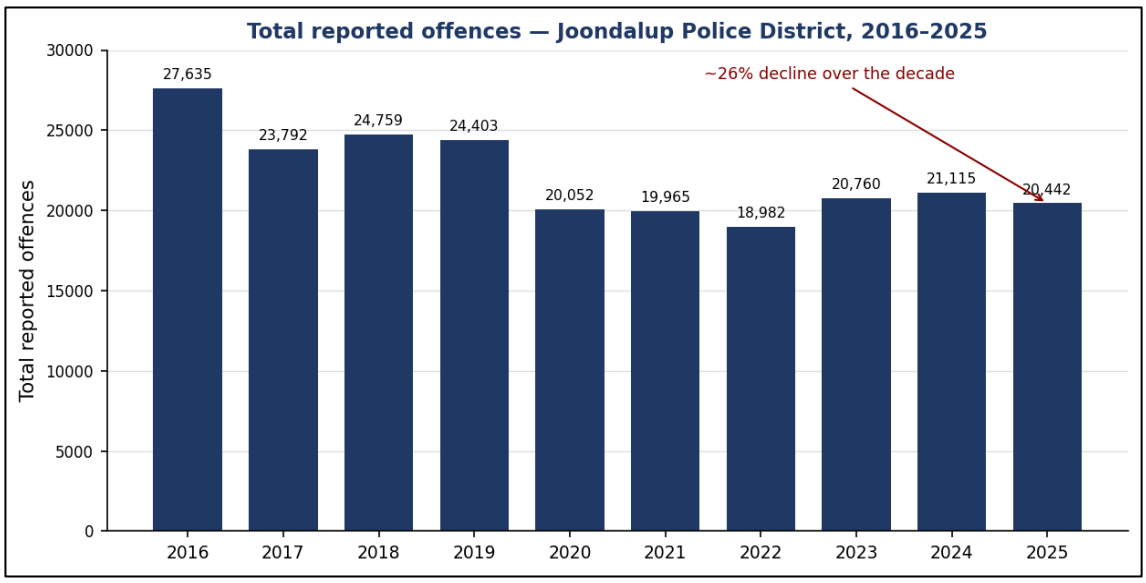


Figure 5 — Total reported offences in the Joondalup Police District, 2016 to 2025

Source: Western Australia Police Force, Crime Time Series Data (Joondalup Police District), series from January 2007. Total reported offences is the sum of the twenty top-level offence-category totals, to avoid double-counting component offences; full calendar years 2016 to 2025 shown (2026 excluded as a partial year). Crime is reported by location of offence and figures are subject to revision. Accessed 15 July 2026.

8.18 It is submitted that reported crime across the Joondalup Police District, being the police district that encompasses the defined locality, has trended materially downward over the past decade, from 27,635 offences in 2016 to 20,442 offences in 2025, a reduction of approximately 26 per cent, notwithstanding substantial population growth across the district over the same period. It is submitted that there is accordingly no adverse or escalating crime trend in the locality that the grant of this application would exacerbate, and that the experienced Applicant's harm minimisation measures, addressed below, further reduce any risk of alcohol-related offending associated with the proposed premises.

8.19 While crime statistics provide a useful quantitative measure, the data lacks qualitative depth in several respects that are material to a proper understanding of the relationship between liquor and crime. The Applicant notes the following limitations of the dataset:

- **Absence of any indication of alcohol involvement:** the statistics do not record whether liquor was a factor in any reported offence. Since the Act is concerned with the minimisation of alcohol-related harm specifically, the absence of this

[80] WA Police Force Crime Statistics: https://www.police.wa.gov.au/Crime/CrimeStatistics#/start

information means that the raw figures cannot be attributed to liquor without further evidence.

- **Absence of any indication of the source of liquor:** the data does not identify where any person affected by liquor obtained it. It therefore does not establish that any licensed premises, still less a proposed venue of this character, contributed to any recorded offence.
- **Potential for multiple offences by a single offender:** the data does not distinguish between offences committed by different individuals and multiple offences committed by the same individual, which can distort the apparent prevalence of offending.
- **Absence of any distinction between first-time and repeat offenders:** in particular in relation to family and domestic violence, the data does not identify repeat offending patterns, which limits its usefulness for the design of targeted interventions.[81]

Strategies to Minimise Harm or Ill-health

8.20 The proposed premises will operate as a responsible, hospitality-focused venue, aligning with best-practice harm-minimisation strategies to contribute positively to the locality without increasing alcohol-related harm. The Applicant has prepared a detailed Harm Minimisation Plan that supports local and State alcohol-related harm-reduction objectives and demonstrates the Applicant's commitment to operating in the public interest.[82] The Applicant also acknowledges the role of Crime Stoppers as a trusted link between the public and WA Police, and its alignment with the Applicant's own commitment to safety and responsible operation.

8.21 The following strategies pair each identified risk with the specific mitigation the Applicant will implement.

- **Responsible service and training.** *Risk:* service to intoxicated or underage persons. *Mitigation:* all staff will complete responsible service of alcohol training in accordance with the Director's Mandatory Training requirements, with certificates maintained in a training register; management will hold the higher management-level qualification; and an Approved Manager will be present and available at all times.
- **Management and supervision.** *Risk:* inadequate oversight during trading. *Mitigation:* the licensed areas, including the packaged-liquor retail area, drive-through and walk-in bottle shop, will be supervised at all times by qualified staff.

[81] Western Australian Family and Domestic Violence Strategy 2020–2030: https://www.wa.gov.au/system/files/2021-04/fdv-strategy-2020-2030.pdf
[82] Attachment 7 – Harm Minimisation Plan

- **Staff-only point of sale and duress alarm.** *Risk:* staff safety incidents and robbery, particularly in the take-away and drive-through areas. *Mitigation:* the point-of-sale area will be staff-only and securable, and a duress or panic alarm will be provided to enable staff to summon assistance.
- **Closed-circuit television.** *Risk:* undetected antisocial or criminal behaviour. *Mitigation:* a CCTV system will be installed and maintained at the entry and exit points of the premises in accordance with the Director's Policy on Security at licensed premises, with recordings retained and made available to WA Police and the Liquor Enforcement Unit as required.
- **Identification and under-25 checks.** *Risk:* sale or supply to minors and secondary supply. *Mitigation:* any person who appears to be under 25 years of age will be required to produce valid photographic identification, and a strict policy will prohibit the service of liquor to any person wearing a school uniform, regardless of age or the production of identification, so as to guard against secondary supply.
- **Intoxication management.** *Risk:* continued service to, and harm arising from, intoxicated patrons. *Mitigation:* any patron who appears to be intoxicated will be refused service and asked to leave, and staff will be trained in recognising intoxication and in safe refusal and, where appropriate, safe transport practices.
- **Juvenile controls.** *Risk:* unaccompanied juveniles on premises and access to liquor by juveniles. *Mitigation:* unaccompanied juveniles will not be permitted in the licensed areas, and juveniles present in family areas, including the children's play area, will be required to be accompanied by a responsible adult, consistent with the Act.
- **Incident register.** *Risk:* incidents going unaddressed. *Mitigation:* an incident register will be maintained to record refusals of service, ejections, injuries and other notable incidents, so that patterns can be identified and management responses adjusted.
- **Responsible promotion.** *Risk:* promotions that encourage rapid or excessive consumption. *Mitigation:* the Applicant will not conduct gimmick, discount-driven or emotive promotions, and all promotional activity will comply with the Director's guidelines on responsible promotion and advertising, as addressed below.

8.22 The diligent Applicant's approach to harm minimisation is built on the principles of social wellbeing, inclusivity, forward-thinking operational strategies, ethical conduct and mutual respect, and is directed at ensuring that the proposed premises operates as a safe, responsible and welcoming venue for the residents of the locality.

8.23 The consumer evidence supports these strategies. Respondents identified the walkable, local character of the proposed premises as a factor that would reduce alcohol-related road risk and unsupervised street drinking, for example:

"No drinking and driving as close to home, no Uber required. Great to have a local for supper and drinks after work with friends." (Respondent, Banksia Grove)

"I believe a licensed venue with proper security and facilities would benefit the locals because I think it would reduce the amount of people street drinking." (Respondent, Banksia Grove)

Promotion

8.24 The Applicant is committed to complying fully with the Director's guidelines on the Responsible promotion and advertising of alcohol. Those guidelines provide a framework of acceptable practices designed to prevent intoxication and antisocial behaviour among patrons, to ensure that liquor is promoted and supplied responsibly, and to discourage practices that are not in the public interest and could contribute to alcohol-related harm.

8.25 The Act obliges licensees to sell and supply liquor responsibly. The Applicant acknowledges that gimmick promotions and the sale of cheap or heavily discounted liquor in a manner that encourages irresponsible drinking are not permitted. All promotional activity conducted by the proposed premises will enhance the dining and social experience rather than incentivise rapid or excessive consumption.

9. Community Consultation

WA Police 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 to advise of the proposed application for a Tavern Unrestricted Licence at the Banksia Grove Shopping Centre, 1001 Joondalup Drive, Banksia Grove. The correspondence outlined the harm minimisation measures detailed in this Public Interest Assessment, with specific reference to the supervised, family-oriented character of the venue, the configuration of the ancillary drive-through and walk-in packaged liquor offering, 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, including the family and domestic violence measures described in Section 8. 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.

At Risk Groups

9.3 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.

- Copies of the community consultation correspondence are provided at Attachment 12 – Community Consultation.

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

10.1 Section 38(4)(b) of the Act provides that, in determining whether the granting of an application is in the public interest, the licensing authority may have regard to:

> *"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."*

10.2 The proposed premises, to be known as Banksia Grove Tavern is located within the Banksia Grove Shopping Centre, which forms part of the Banksia Grove District Centre in the City of Wanneroo's activity-centre hierarchy.[83] The premises is therefore situated within a purpose-built commercial and retail activity-centre setting, alongside an existing supermarket, retail and services offering, rather than at a residential interface. This commercial activity-centre context is a material consideration under Section 38(4)(b), because the amenity baseline of the locality already contemplates trading activity, customer movement, servicing, car parking and the day-to-day operation of retail and commercial tenancies. The introduction of a well-managed hospitality venue of the kind proposed is consistent with that established character, and the potential for the proposed premises to lessen the amenity, quiet or good order of the locality is correspondingly limited.

10.3 The venue has been designed to integrate with, and to reinforce, the commercial character of the Banksia Grove District Centre. Its layout, orientation and operation are intended to complement the activity-centre setting and to contribute to the activation and day-and-evening vibrancy of the centre in a manner that supports, rather than detracts from, local amenity. The Applicant is an experienced operator of family-friendly licensed premises across Perth's northern growth corridor, and the proposed premises reflects that operating experience in its approach to the protection of amenity. To ensure that the premises operates in harmony with its surroundings, the Applicant will implement a series of design, operational and management controls directed to noise, trading hours, patron behaviour and dispersal, parking and traffic, lighting and waste management.

Trading hours

10.4 The Applicant seeks the standard permitted trading hours prescribed in Section 98(1) of the Act for a Tavern licence, and does not seek any extended trading permit as part of this application. The adoption of standard trading hours, rather than extended or late-night hours, materially limits the potential for the premises to affect the quiet and good

[83] City of Wanneroo District Planning Scheme No. 2 (DPS 2), gazetted 6 July 2001, consolidated to Amendment No. 227 and Amendment No. 228 (2026): Attachment 9 - City of Wanneroo District Planning Scheme No. 2.

order of the locality, and confines the venue's operation to periods that are consistent with the trading pattern of the surrounding activity centre.

Patron behaviour and dispersal

10.5 The Applicant will manage patron behaviour within the premises and the orderly dispersal of patrons at the conclusion of trade so as to avoid disturbance to the locality. All service staff will hold current Responsible Service of Alcohol certification, and the responsible service of liquor, together with the refusal of service to intoxicated persons, will be enforced throughout trading.. The venue has been designed in accordance with Crime Prevention Through Environmental Design principles, with clear sightlines, passive surveillance, defined entry and exit points and active staff presence, so that staff are able to identify and manage patron behaviour and support the orderly movement of patrons from the premises.[84] The closing procedure will be managed to encourage the calm and orderly departure of patrons, so that the conclusion of trade does not give rise to disturbance in the car park or the surrounding centre. A closed-circuit television system located at the entry and exit points of the premises will be maintained in accordance with the Director of Liquor Licensing's Policy on *Security at licensed premises.* These controls support the good order of the locality.

Lighting

10.6 External and car park lighting associated with the premises will be provided to a standard that supports the safe movement of patrons and passive surveillance of the entry and exit points and the surrounding car park, consistent with Crime Prevention Through Environmental Design principles.[85] Lighting will be designed and directed so as to illuminate the premises and its immediate surrounds effectively while avoiding unnecessary light spill beyond the boundary of the centre, so that the amenity of the locality is not adversely affected.

Waste

10.7 Waste storage and collection associated with the premises will be managed within the approved service arrangements of the Banksia Grove Shopping Centre. Bin storage, servicing and collection areas will be located away from public areas and screened from view, and waste collection will be scheduled so as to avoid disturbance during sensitive periods. These arrangements ensure that the servicing of the premises does not detract from the amenity of the locality.

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[84] Safer Places by Design – Western Australian Crime Prevention Through Environmental Design (CPTED) Guidelines: https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf

[85] Safer Places by Design – Western Australian Crime Prevention Through Environmental Design (CPTED) Guidelines: https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf

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

11.1 In determining whether the granting of an application is in the public interest, the Director of Liquor Licensing may have regard to the matters set out in Section 38(4) of the Act. Section 38(4)(c) of the Act provides that the Director may consider:

> *"whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises;"*

11.2 The Applicant submits that the potential for the proposed premises to cause offence, annoyance, disturbance or inconvenience to people who reside or work in the vicinity is low, and that any such potential is effectively minimised by three combined factors: the location of the premises within an established commercial setting, the responsible management of the venue by an experienced operator, and the operational conditions and controls offered in support of the application. Whereas the analysis of harm and ill-health under Section 38(4)(a) is directed to the consequences of liquor use for people and groups of people, the assessment under Section 38(4)(c) is directed specifically to the everyday amenity of neighbours, being those who live and work near the proposed premises, and to whether the conduct associated with the venue and its patrons might disturb the reasonable enjoyment of their homes and workplaces.

11.3 The proposed premises will be situated within the Banksia Grove Shopping Centre, in the Banksia Grove District Centre, an established commercial precinct that already accommodates a supermarket, retail tenancies, food and beverage uses and associated car parking. The venue is located within a commercial activity centre rather than within a residential street, and the immediate interfaces of the premises are with other commercial uses, internal centre circulation and shared car parking, rather than with dwellings. The commercial character of the setting means that the ordinary activity generated by the proposed tavern, including patron arrivals and departures, deliveries and background operational activity, is consistent with the established use pattern of the precinct and is unlikely to introduce a source of offence or annoyance that is out of character with the locality.

11.4 For the reasons set out above, and having regard to the operational controls detailed in the Harm Minimisation Plan below, the Applicant submits that the proposed premises will not cause undue offence, annoyance, disturbance or inconvenience to people who reside or work in the vicinity, and that the granting of the application is consistent with the matter the Director may consider under Section 38(4)(c) of the Act.

Harm Minimisation Plan

11.5 The Applicant has prepared a comprehensive Harm Minimisation Plan to ensure that the proposed premises operates safely, responsibly and with the interests of the surrounding consumer base in mind. The Harm Minimisation Plan sets out the proactive strategies and operational measures by which the Applicant will mitigate the risks associated with the sale, supply and consumption of liquor, and reinforces the Applicant's commitment to the responsible service of liquor and to public safety. A copy of the Harm Minimisation Plan is provided at Attachment 7 – Harm Minimisation Plan.[86]

11.6 As addressed elsewhere in this submission, the Applicant understands the rights and responsibilities attached to the operation of the proposed licensed premises and is committed to operating the venue in accordance with industry best practice and the policies of the Director of Liquor Licensing. The research and data presented in this Public Interest Assessment acknowledge the recognised potential risk factors associated with any liquor licensing application. In response, the Applicant advances the operational strategies described below to minimise any potential offence, disturbance or inconvenience that might arise if the application is granted in the public interest.

11.7 The proposed premises is intended to deliver a high-quality hospitality experience while ensuring that all operations align with the principles of responsible service and harm minimisation. The Applicant prioritises the safety, wellbeing and enjoyment of patrons and of the surrounding consumer base, and is committed to operating the venue responsibly, compliantly and in a manner that is considerate of its neighbours.

11.8 The management and staff of the proposed premises are committed to maintaining a safe and responsible drinking environment while delivering a high standard of service. Patrons will be treated with professionalism, respect and care, so that the venue maintains a welcoming and secure atmosphere. To that end, the Applicant will ensure that all staff receive thorough training to:

- Uphold a high standard of customer service;
- Comply with Responsible Service of Alcohol (RSA) requirements; and
- Sell and supply liquor in a manner consistent with best practice and regulatory requirements.

11.9 The Applicant submits that the responsible operation of the proposed premises, combined with the proactive harm minimisation measures set out below, will ensure that the venue remains a positive and well-managed hospitality amenity within the locality.

[86] Attachment 7 – Harm Minimisation Plan

Resolving Complaints

11.10 The proposed premises is committed to addressing and resolving complaints proactively, so as to maintain a high standard of service and to ensure patron satisfaction. The Applicant will implement efficient and professional complaint resolution procedures directed to providing a welcoming, comfortable and enjoyable experience for all patrons, and to responding to any concern raised by a neighbour or member of the surrounding consumer base. The following measures will be in place:

- Patrons and neighbours will be encouraged to raise any concern directly with the Approved Manager on duty, who will act as the venue's contact point and will be responsible for resolving the matter promptly and professionally.
- A formal complaint resolution procedure will ensure that all concerns are documented, assessed and addressed appropriately, and that any recurring issue is identified and managed.
- Multiple feedback channels will be available, including direct communication with management, written feedback, and the management of online reviews, so that concerns can be expressed and receive a timely response.

Responsible Service of Alcohol (RSA)

11.11 The proposed premises is committed to complying with the Responsible Service of Alcohol requirements established by the Director of Liquor Licensing and by the Act. These requirements ensure that liquor is served responsibly, that patrons are monitored for signs of intoxication, and that harm minimisation measures are rigorously enforced.

Training Requirements:

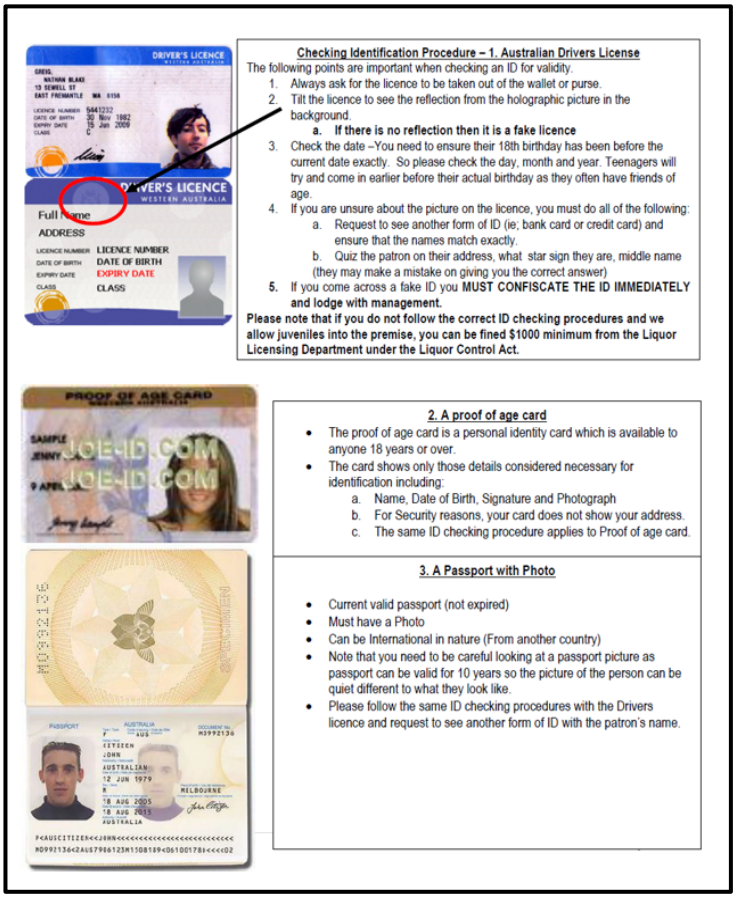
- Approved Managers will complete the Management of Licensed Premises (MLP1) training course before the premises commences trading.
- All staff will be required to hold a current RSA qualification prior to commencing employment and will undergo in-house training in the responsible service of liquor.
- Staff will be trained to manage situations involving intoxicated, disorderly or offensive patrons, and will be encouraged to consult the Duty Manager before engaging with any challenging situation.
- Induction training will be completed within the first four weeks of employment and will be refreshed and updated on a regular basis.
- All training certificates will be recorded in a Training Register, consistent with the Director's policy on mandatory training for licensees, approved managers and employees.

Responsible Service of Alcohol Policies:

- All staff will be RSA trained.
- Liquor will be sold and supplied only in compliance with the conditions of the Tavern Unrestricted Licence, subject to the grant of the application.
- Promotions or incentives that encourage irresponsible or excessive consumption will not be permitted.
- Non-alcoholic beverages, including water, together with low-alcohol products, will be available at all times.
- Staff will actively discourage the irresponsible consumption of liquor.

ID Checking Strategies:

- Staff will be trained in proper identification verification techniques.
- More than one form of identification may be required for verification where necessary.
- A "No ID, No Service" policy will be strictly enforced, and any patron who appears to be under the age of 25 will be required to present valid identification before being served.



12. Section 38(4)(ca) – Tourism, Cultural and Community Matters

12.1 Section 38(4)(ca) of the Act identifies, among the matters to which the licensing authority may have regard in determining whether granting an application is in the public interest, the following:

12.2 That contribution is echoed in the written comments provided by survey respondents, for example:

> *"Brings jobs into the area and a place for people to socialise and get to know other people in their community." (Respondent, Banksia Grove)*

> *"(ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters;"*

12.3 The Applicant submits that the grant of a Tavern Unrestricted Licence for the proposed premises would have a positive effect in relation to tourism, and community or cultural matters, at a scale appropriate to a suburban District Centre venue. Tourism in Western Australia is sustained not only by the State's landscapes, biodiversity and major events, but also by the everyday hospitality infrastructure that gives places their character and gives residents and visitors a reason to gather, dwell and spend locally. Contemporary hospitality venues that present quality food, beverage and social amenity form part of the wider visitor economy and contribute to the sense of place on which the State's tourism identity is built. The proposed tavern is advanced as a modest but genuine contributor to that economy within the Banksia Grove locality, rather than as a standalone tourism attraction.

12.4 The Banksia Grove District Centre and the surrounding growth corridor offer a developing mix of retail, lifestyle, recreation and consumer amenity that serves both a rapidly expanding resident population and visitors to the area. The proposed premises would add to that mix in the following ways:

- It would provide a contemporary, family-friendly hospitality destination within the Banksia Grove Shopping Centre, complementing the existing supermarket, retail and services offering and supporting the planned activation of the centre as it matures through its next stage of development.
- It would improve the range and quality of dining and social amenity available in a locality where such offerings are presently limited, giving residents, workers and visitors a safe and well-managed venue in which to gather.
- It would strengthen the walkability and vibrancy of the District Centre by extending the hours and diversity of activity within the precinct, supporting passive surveillance and a more active public realm.

- It would draw on the site's position within Perth's northern growth corridor and its proximity to established transport routes to serve both the immediate consumer catchment and day-visitors to the surrounding suburbs of Carramar, Ashby and Tapping.

12.5 A distinguishing feature of the proposed venue, and one directly relevant to the tourism and cultural considerations under Section 38(4)(ca), is its intended showcasing of Western Australian producers. The Applicant proposes a modern Australian food model prepared fresh on-site using local Western Australian produce, and a beverage range that features Western Australian brewers, winemakers, cider makers and distillers across both the on-premises offering and the ancillary packaged liquor range. In presenting local produce and locally made beverages to consumers and visitors, the venue reflects the "fresh, local and authentic" food and drink experiences that Tourism WA's Taste 2020 research identifies as core motivators for travel within and to the State,[87] and supports the emerging premium food and beverage identity that Western Australia promotes as a point of difference in its visitor markets. This is consistent with the recognised relationship between food and wine tourism and visitor behaviour, whereby quality culinary and beverage experiences increase dwell time, encourage repeat visitation and support local supply chains.

12.6 The proposed premises would also make a proportionate contribution to the local economy and to social infrastructure. Its establishment and operation would generate construction and ongoing hospitality employment, drawing on and supporting the local workforce, and would stimulate discretionary consumer spending within the District Centre. Beyond its economic function, the venue is intended to operate as a social hub for local residents, families, workers and visitors, offering dining, function and event amenity, alfresco space addressing the street, and a children's play area. In providing a welcoming and inclusive gathering place, the premises contributes to social connection, local identity and the amenity of a growing community, which are the community and cultural benefits contemplated by the provision.

12.7 The Applicant's submission is consistent with the State's tourism policy settings. The Western Australian Visitor Economy Strategy 2033 (WAVES 2033) identifies growth in the visitor economy as a State priority and recognises hospitality as an essential component of the quality visitor experience and of vibrant, socially engaging precincts.[88] While the proposed tavern is a suburban District Centre venue and does not present itself as a driver of interstate or international visitation, its contribution to hospitality

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87 Western Australia Visitor Economy Strategy 2033 (WAVES 2033), Tourism Western Australia: https://www.wa.gov.au/government/publications/tourism-wa-western-australia-visitor-economy-strategy-2033

88 Western Australia Visitor Economy Strategy 2033 (WAVES 2033), Tourism Western Australia: https://www.wa.gov.au/government/publications/tourism-wa-western-australia-visitor-economy-strategy-2033

choice, precinct vibrancy and the showcasing of local produce aligns with the direction of the State's tourism framework at the local scale at which it operates.

12.8 The application is further supported by the strategic priorities of the City of Wanneroo. The City has identified economic development and tourism growth among its strategic objectives, including through the City of Wanneroo Economic Development Strategy 2022–2032, which lists tourism industry support and development among its focus areas.[89] The draft City of Wanneroo Local Planning Strategy similarly contemplates continued commercial growth, greater hospitality choice and the activation of the City's centres.[90] The proposed premises is consistent with these local strategic directions in a manner proportionate to its role within the Banksia Grove District Centre.

12.9 For these reasons, the Applicant submits that the grant of the application would have a positive effect in relation to tourism, and community or cultural matters, within the meaning of Section 38(4)(ca) of the Act. The proposed premises would deliver a well-managed, family-friendly hospitality destination that activates the District Centre, showcases Western Australian producers, supports local employment and social infrastructure, and aligns with State and local tourism and economic development objectives. These matters weigh in favour of a finding that the grant of the licence is in the public interest.

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[89] City of Wanneroo Economic Development Strategy 2022–2032 (City of Wanneroo) — https://www.wanneroo.wa.gov.au/download/downloads/id/4537/economic_development_strategy_-_2022_to_2032.pdf

[90] Draft City of Wanneroo Local Planning Strategy (City of Wanneroo) - draft, not yet endorsed: https://yoursay.wanneroo.wa.gov.au/projects/local-planning-strategy

13. Summary

13.1 Hospitality Total Services (Aus) Pty Ltd, on behalf of Banksia Grove Tavern Pty Ltd (the Applicant), submits this Public Interest Assessment in support of the application for the conditional grant of a Tavern Unrestricted Licence for the proposed premises to be located within the Banksia Grove Shopping Centre at 1001 Joondalup Drive, Banksia Grove WA 6031, in the City of Wanneroo.

13.2 The proposed licence authorises the sale and supply of liquor for consumption on the licensed premises and, in respect of the ancillary drive-through and walk-in packaged liquor component, for consumption off the premises. It is submitted throughout these submissions that the on-premises amenity and the ancillary packaged liquor component are to be operated as one contiguous licensed premises under a single Tavern Unrestricted Licence, depicted on the approved floor plan as a single, continuous and supervisable licensed area.

13.3 The Applicant is an experienced Western Australian hospitality operator with a demonstrated record of delivering and responsibly managing family-friendly licensed venues across Perth's northern growth corridor. The continuity of the same experienced principals behind this application, together with the family-friendly venue proposed for the Banksia Grove District Centre, situates a quality hospitality and packaged liquor offering within a purpose-built activity centre serving a rapidly expanding resident catchment, consistent with the City of Wanneroo's District Planning Scheme No. 2 and its activity-centre and economic development objectives. The locality forms part of a growth corridor adjoining the East Wanneroo District Structure Plan area, which provides for approximately 50,000 new dwellings and a future population in the order of 150,000 residents, and it is submitted that the requirements of an expanding resident and workforce catchment are properly assessed by reference to that anticipated growth as well as the present population.

13.4 The diligent Applicant submits that the primary and secondary objects of the Act are served, and that the Section 36B(4) test is satisfied, the local packaged liquor requirements of the locality not being reasonably met by the existing offer. The Consumer Survey, completed by 779 verified respondents, records 92.4 per cent support for the grant and 92.9 per cent agreement that the grant of the licence is in the public interest, with 83.4 per cent of respondents living or working in the defined locality.[91] The public interest matters under Section 38(4) are addressed in full: harm and ill-health are minimised through a robust suite of controls assessed against every recognised risk; the amenity, quiet and good order of the locality will not be lessened; the potential for offence, annoyance, disturbance or inconvenience is low and

[91] Attachment 4 – Consumer Surveys

effectively controlled; and the premises will make a positive contribution in relation to tourism, and community and cultural matters.

13.5 For the reasons set out across these submissions, it is respectfully submitted that the grant of the application is in the public interest, and the experienced Applicant requests that the Director of Liquor Licensing approve the conditional grant of a Tavern Unrestricted Licence.

14. Advertising

14.1 Advertising will be completed once the Department of Local Government, Industry Regulation and Safety (LGIRS) has determined the dates for the specified advertising period.

14.2 A Notice of Application will be distributed to residents and businesses within a 200-metre radius of the proposed premises, consistent with the notification radius adopted by the City of Wanneroo's Local Planning Policy 2.8 – Licensed Premises.

14.3 A Notice of Application will be provided to any local Aboriginal community and to the relevant regional office.

14.4 The Public Interest Assessment submission will be available for public inspection for the duration of the advertising period.

14.5 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, places of worship, local government authorities, and local police stations situated within the defined locality of the proposed premises.

15. Attachments

Attachment 1 – Plans (floor plan, elevations and sections)

Attachment 2 – Banksia Grove Tavern Pty Ltd ASIC Company Extract

Attachment 3 – City of Wanneroo Economic Development Strategy 2022–2032

Attachment 4 – Consumer Surveys

Attachment 5 – Sample Menus

Attachment 6 – Sample Product List

Attachment 7 – Harm Minimisation Plan

Attachment 8 – City of Wanneroo Local Planning Policy 2.8 – Licensed Premises

Attachment 9 – City of Wanneroo District Planning Scheme No. 2

Attachment 10 – Section 36B(4) Assessment

Attachment 11 – Case Precedents

Attachment 12 – Community Consultation

Attachment 13 – Letters of Support