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Liquorland (Australia) Pty Ltd

Consumer Requirements and Public Interest Assessment Submissions Liquorland Baldivis South

Application for conditional grant of a liquor store licence





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1 Executive Summary

Liquorland (Australia) Pty Ltd (**Liquorland**) applies for the conditional grant of a liquor store licence (**Application**) for a proposed 198m² Liquorland (**Store**) in new premises at the Parkland Heights Neighbourhood Shopping Centre currently being constructed at the corner of Nairn Drive and Furnivall Parade, Baldivis South, WA (**Centre**).

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

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

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

1.2 Grant of licence is in the public interest

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

- (a) As part of the \$14 million development¹ of the Centre, the Store will:
 - (1) provide diversity, choice and competition, allowing comparison of prices, service and product range, between packaged liquor stores in circumstances where there is currently only one existing liquor store in the Locality (as defined at section 6.3 below);
 - (2) consistent with the contemporary expectations and standards of packaged liquor consumers, provide additional one-stop (and one-trolley) shopping convenience in conjunction with shopping at the adjacent Coles supermarket at the Centre;
 - (3) as part of a Neighbourhood Activity Centre (**NAC**), consistent with the planning objectives of *State Planning Policy 4.2: Activity Centres (SPP 4.2)*, *City of Rockingham Town Planning Scheme No 2 District Zoning Scheme (CRTPS)*, *City of Rockingham Local Planning Strategy (CRLPS)*, and the *Planning Policy No 3.2.4 Baldivis Town Centre (PPBTC)*, each endorsed by the City of Rockingham and, where relevant, the Western Australian Planning Commission;
 - (4) contribute to the amenity of the Locality, particularly the Parkland Heights Neighbourhood Activity Centre (**PHNAC**) being the focal retail point for the local community; and
 - (5) enable local residents who are patrons of Coles and Liquorland to shop locally, minimising consumer travel and lead to a corresponding reduction in traffic congestion and vehicle emissions.

¹ <https://www.soundtelegraph.com.au/news/sound-telegraph/rockingham-council-approves-14m-parkland-heights-shopping-centre-for-baldivis-c-10247546>.



- (b) The results of the McGregor Tan survey demonstrate that more than two-thirds (69%) of respondents support the Application. For purchasers of packaged liquor within the last 12 months, support was even higher at 81%.² Further, 70% of overall respondents said they are likely to use the Store, with 30% likely to do so weekly and 26% fortnightly.³ Half (52%) of the survey respondents indicated that they saw benefits arising from the Store for the local community, mainly relating to convenience and competition.⁴
- (c) Evidence from Liquorland's State Manager, and from various independent experts, uniformly confirms that the grant of the Application would be consistent with contemporary standards, expectations and shopping habits, and planning objectives.
- (d) Liquorland is confident that, based on the evidence and application of the *Carnegies* test, the Store is unlikely to increase alcohol-related harm or ill-health in the local community to unacceptable or undue levels. Should any harm arise, Liquorland has best-practice Store-specific security measures and harm minimisation policies and practices proven to mitigate against the risks associated with the operation of the Store.

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

- (a) There is comprehensive evidence establishing a consumer requirement for the products and services to be offered by, and manner of operation of, this Store and, also, that such requirement is consistent with, and reflects, contemporary consumer standards, expectations and shopping habits:
 - (1) There is a high number of regular packaged liquor purchasers amongst residents within the Locality (74% of survey respondents have purchased packaged liquor in the last 12 months, 80% are regular purchasers (at least once a month) and 32% do so once a week or more).⁵
 - (2) The totality of the Applicant's evidence demonstrates a requirement for an additional, and different, convenient, local and readily accessible packaged liquor store in the Locality at which a wider range of mainstream and exclusive wine, beer and spirits and, in particular, local WA products, can be obtained at competitive prices, including (but not limited to) in conjunction with other grocery items.
 - (3) More specifically, there is a requirement (and expectation) for a choice of supermarket associated liquor stores to facilitate combined grocery and packaged liquor purchases (ie one-stop, or even one-trolley shopping), both online and in-store.
- (b) There are no existing premises within the Locality that can meet the demonstrated local packaged liquor requirement for an additional one-trolley/stop shopping option to provide the efficiencies and benefits of competition (including the opportunity for comparison shopping and choice, corresponding minimisation of consumer travel and competition driven improvements in price, range, service and facilities) consistent with, and reflecting, contemporary consumer standards, expectations and shopping habits.

² MT Report, p 12.

³ MT Report, p 9.

⁴ MT Report, p 13.

⁵ MT Report, p 6.



2 Application background and details⁶

2.1 Applicant name

Liquorland (Australia) Pty Ltd.

2.2 Application

Liquorland applies for the conditional grant of a liquor store licence, including a tasting condition and usual trading conditions.

2.3 Premises trading name

If the Application is approved, the Store will trade as Liquorland Baldivis South.

2.4 Address of proposed premises

The proposed premises are located at Parkland Heights Shopping Centre, Corner Nairn Drive and Furnivall Parade, Baldivis.

3 Proposed Store and Manner of Trade⁷

Summary

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

It is a convenience browse-style liquor store that will both enable local consumers to purchase packaged liquor in conjunction with grocery items at the adjacent Coles supermarket and to enjoy the efficiencies of competition, as well as locally convenient single-purpose packaged liquor purchasing.

3.1 Context of proposed Store

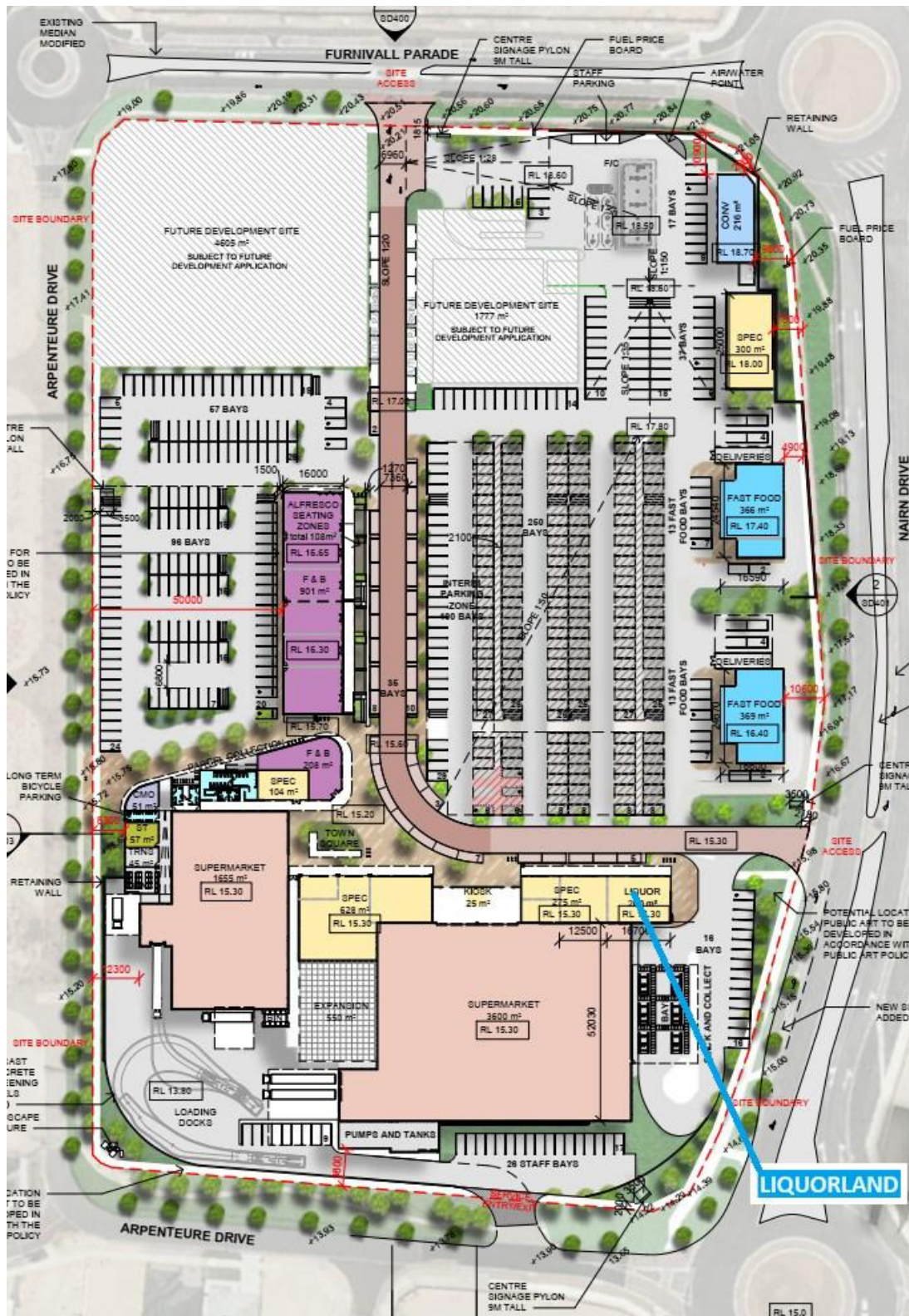
The Store will be located inside the Centre in south Baldivis, which is located approximately 45 kilometres south of the Perth CBD. The context and location of the Centre can be seen below.

⁶ Part 1 PIA Form 2A.

⁷ Part 2 PIA Form 2A.



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The Store will be located within the PHNAC. Once fully completed, the Centre is planned to contain a full-scale (approximately 3,600m²) Coles supermarket and a second smaller



supermarket (approximately 1,665m²). The size of the Centre makes it a large NAC.⁸ Consistent with SPP4.2 NACs are *'important local focal points that provide for daily to weekly household shopping needs, community facilities and a small range of other convenience services. These centres play an important role in providing walkable access to services and facilities for local communities.'*⁹

The Centre will also comprise:

- a tenancy mix of speciality shops, including a pharmacy; and
- cafes, restaurants and takeaway food.

The Centre also includes expansive parking with 480 on-site parking bays. The Centre also includes a landscaped public space and pedestrian crossings and paths.¹⁰

3.2 Nature and character of Locality

The locality, as defined by MGA having regard to the natural and man-made barriers and residential and community infrastructure context that defines the local community or neighbourhood (**Locality**),¹¹ is outer metropolitan and encompasses the south-western portion of the large suburb of Baldivis.¹² A map of the Locality is set out below.¹³

The Locality is bounded by Mandurah Road and Kwinana Freeway on the west and east sides respectively. On the western side, this (along with Lake Walyungup) creates a clear boundary for the Locality, while on the eastern side, the presence of Kwinana Freeway establishes a clear demarcation between the Locality and the eastern parts of Baldivis.

Similarly, Stakehill Road provides a clear southern border to the Locality (aligned with the Baldivis suburb southern boundary), running from where it connects with Mandurah Road in the west, to where it meets Baldivis Road, and then across to Kwinana Freeway.

On the northern boundary, the Locality is defined by Safety Bay Road (excluding a pocket in the north-west corner which contains rural and "parks and recreation" zoning, and which has limited connectivity to the urban parts of the Locality¹⁴), and Baldivis Road, which forms the north-eastern border. The selection of Baldivis Road as the north-eastern border is reinforced by the fact that it runs alongside a strip of "parks and recreation" reserve of which there are only four crossing points.¹⁵

The north-eastern border runs along Baldivis Road to the point that it meets Furioso Green, at which point it connects to Kwinana Freeway.

This area surrounds the Store and captures the proximately inhabited areas of the suburb of Baldivis. The Store is easily accessible by car and for some Baldivis residents on foot or bike.

These boundaries along the northern and north-eastern borders of the Locality also show the division between those residents who would be likely to use the Centre compared to those who are likely to use the Baldivis DC to the north of Safety Bay Road.

⁸ MGA Report, para 3.2.

⁹ MGA Report, para 7.3.

¹⁰ MGA Report, para 3.2.

¹¹ See section 6.3 below for further detail.

¹² MGA Report, para 2.2.

¹³ MGA Report, Figure 1.

¹⁴ MGA Report [4.14]. Other than this small pocket, the Locality defined by MGA was accepted by the RGL Premises Manager.

¹⁵ MGA Report [4.10].



In 2021, the Locality had a recorded population of 21,951. The projected population growth is to 42,830 by 2046 and will likely exceed 30,000 in the next decade.

The Centre and Store will assist to ensure that the growing population are able to avail themselves of full consumer services in the Locality, including for packaged liquor. The Centre will allow residents in the southern half of the Locality to undertake day to day grocery shopping expeditions more efficiently, without having to negotiate high traffic volumes, customer numbers and long travel times in accessing alternative centres.¹⁶

3.3 Services and facilities of Store

The Store will be a browse-style, convenience liquor store with the current Liquorland black and white store design and range, which includes a more spacious store layout, clearer in-store signage and a more locally relevant range, including an extensive range of exclusive liquor products.

The Store will be located inside the Centre, in a separate tenancy adjacent to the Coles supermarket. The Store will have a separate entry and point of sale to the supermarket, allowing customers to shop for groceries largely without being exposed to liquor products, minimising the risk (if any) of impulse purchasing and normalising liquor.

There will be two entrances to the Store, one located in the northern façade which fronts onto the carpark and will serve as the main pedestrian access point, and a second “de-wall” which will adjoin the Coles supermarket checkout area. This arrangement will enable efficient combined single-trolley grocery and packaged liquor purchases during

¹⁶ MGA Report, para 8.4



Importantly, for security reasons, the service counter will be positioned to allow team members to have a direct line of sight and observe customers using either entrance. The Store has also been designed to be uncluttered (with minimal, mid height shelves in the middle of the floor space), which will allow team members maximum supervision of the entire Store, as shown in the photographs in section 3.5 below.

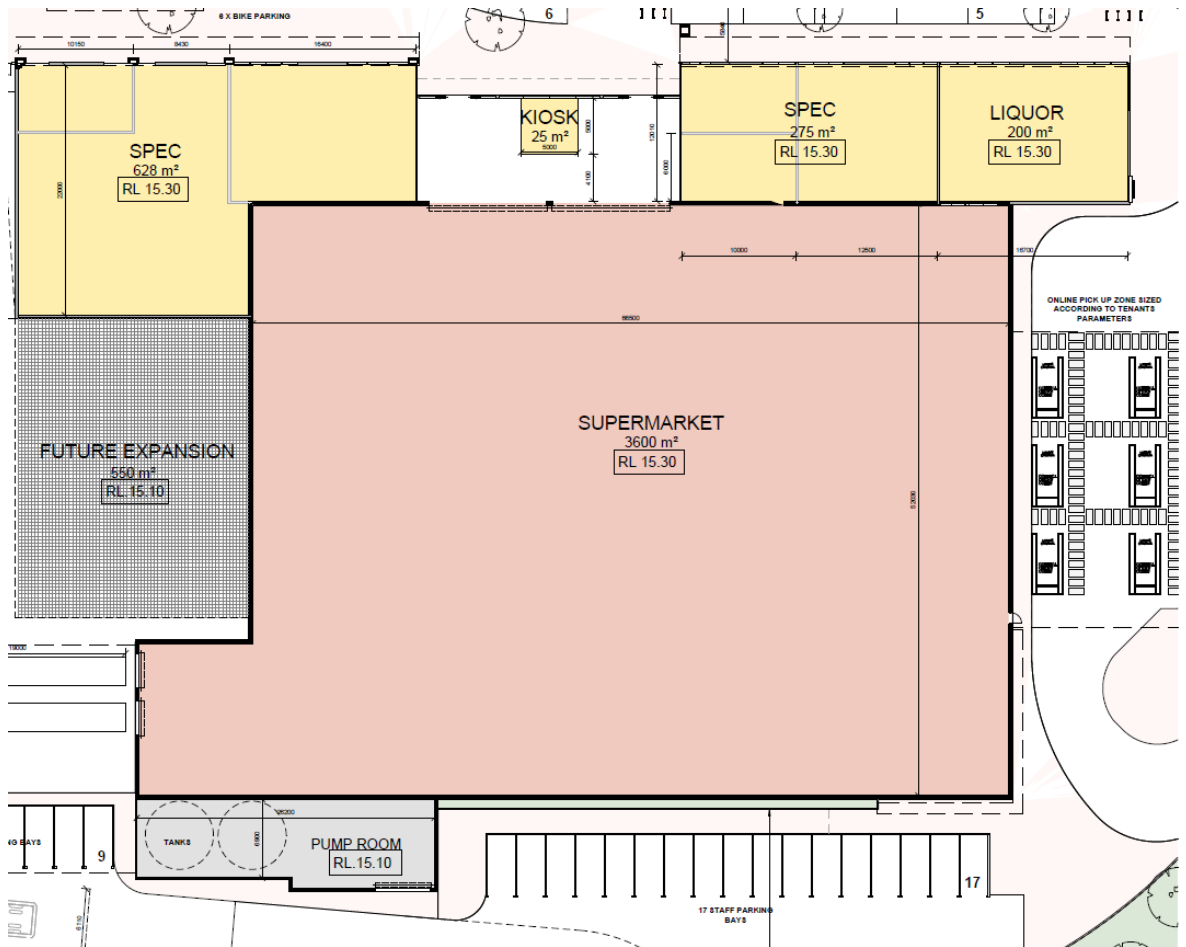
- selling area of 147m²;
- cool room area of 36m²; and
- back of house / stock area of 15m²,

[illegible]

¹⁸ Accordingly, s36B(3) of the Act does not apply.



The location of the Store within the Centre can be seen on the indicative Centre plan extract (below).



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

- an excellent selection of beers, wine and spirits, including an extensive range of exclusive products, local WA products and no and low alcohol products, available at competitive prices;
- a cool room, with glass door and trolley access, for the storage and selection of cold beers, wine and ciders;
- shelving will line the walls and carry a wide range of products;
- display units, including for Liquorland advertised specials, which are located within the floor display area;
- a modern, customer friendly fit out, designed to allow for easy browsing and selection of purchases;
- multiple cash registers to accept purchases, with EFTPOS and all major credit card facilities;
- appropriate staffing levels to ensure a high quality service at all times, particularly during peak trading periods; and



- regular tasting sessions will be held in the Store.

3.4 Range of products

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

The anticipated range of liquor that will be stocked at the Store can be roughly divided into the following categories:¹⁹

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

The Store will carry Liquorland's extensive range (up to 1,600 lines of stock²⁰) of Australian and international beers, wine and spirits, including all advertised Liquorland specials. In addition to popular brands, Liquorland's core range includes more than 450 products exclusive to Liquorland stores, including around 70 locally West Australian produced wines and beers,²¹ many of which are award winning.²² An indicative list of products that will be stocked at the Store is included in Annexure 11 to the statement of Liquorland's State Manager.²³

¹⁹ Statement of Nick Smith, para 12.

²⁰ Statement of Nick Smith, para 12.

²¹ Statement of Nick Smith, para 14.

²² Statement of Nick Smith, para 15 and Annexure 1.

²³ Statement of Nick Smith, paras 61-62 and Annexure 11.



The Store will also carry a wide range of no and low alcohol products, which is the fastest growing category in the Liquorland Group business over the last five years. From FY23 to FY26 Liquorland has experienced an annual compound annual growth rate of approximately 20.8% in sales of no and ultra-low products.²⁴ This trend has led to an increased focus on ranging more no and low alcohol products in Liquorland stores. In FY26, Liquorland ranged more than 229 no and low alcohol products, as part of its commitment to promoting responsible consumption and in recognition of changing customer preferences.²⁵

In addition, the Store will carry ancillary non-liquor products such as soft drinks, ice, snacks, bar accessories, and giftware.

3.5 Theme and décor

Liquorland continues to develop and refresh the Liquorland store design to ensure that Liquorland remains at the forefront of customer service in Australia. If this Application is granted, the proposed Store will be fitted-out in accordance with the 'black and white' Liquorland theme which has been designed to appeal to a more sophisticated clientele, consistent with Liquorland's objective to be a simpler, more accessible, locally relevant drinks specialist.

Key features of the Store design include:²⁶

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

The internal fit-out of the Store has been specifically designed to enhance and increase consumer amenity.²⁷

²⁴ Statement of Nick Smith, para 17.

²⁵ Statement of Nick Smith, para 17.

²⁶ Statement of Nick Smith, para 58.

²⁷ Pictures are examples only.



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



The modern design conveys a distinguished brand and appeals to today's more discerning customer.





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



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





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



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



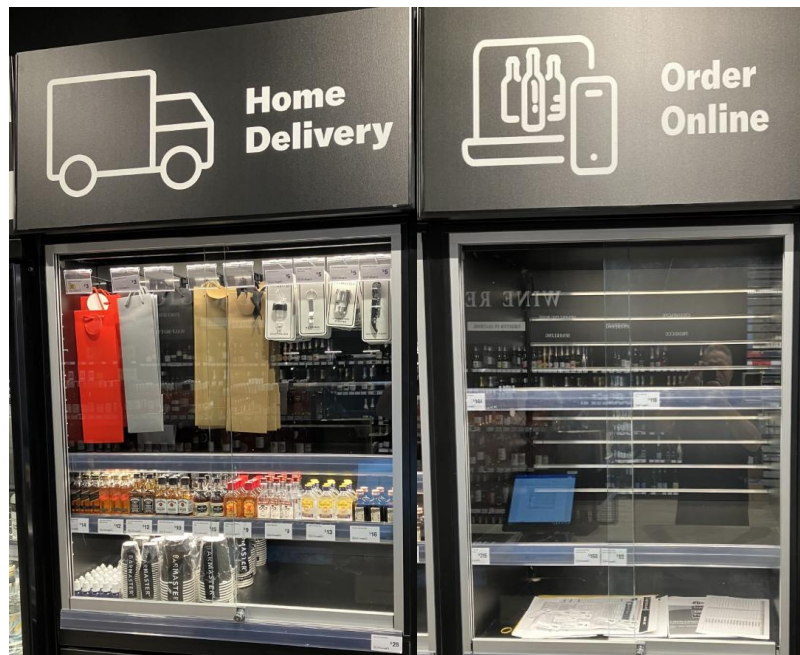


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In addition to refrigerated display cabinets offering a range of chilled products, the cool room at the Store has been specifically designed to allow easy access and navigation for consumers with trolleys.



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



3.6 Proposed manner of trade

Liquorland applies for approval to trade during all permitted non-metropolitan liquor store trading hours. However, the Store's usual trading hours will be aligned with the adjacent Coles supermarket, which are currently proposed to be:²⁸

²⁸ MGA Report, para 3.6; Statement of Nick Smith, para 57.



Days	Hours
Monday, Tuesday, Wednesday, Friday, Saturday	8am – 6pm
Thursday	8am – 9pm
Sunday	10am – 5pm

3.7 Target client base

Liquorland's customers are generally convenience shoppers who purchase alcohol as part of their weekly grocery shop.

The target clientele of the Store will be local residents who buy liquor as part of their shopping at the Centre, whether in-store or on-line, consistent with modern packaged liquor consumer expectations. The Store will provide consumers with a full-scale one stop / one-trolley shopping option, which is not presently available in the Locality.

Increasingly, Liquorland customers are shopping online to purchase their liquor, with this trend continuing to increase post the COVID-19 pandemic.²⁹ Due to its co-location with the Coles supermarket, the Store will facilitate combined online grocery and liquor purchases, either for delivery or 'Click and Collect'.³⁰ The Centre will have a covered 6-bay Click and Collect drive-thru with direct access from the back-of-house area allowing team members to provide a direct-to-boot service that is quick, safe and convenient.

The requirement for these services is supported by the McGregor Tan survey data, in which 16% of purchasers indicated they would use the Store when they want to order online for home delivery or click and collect.³¹

4 Other packaged liquor premises in Locality

Summary

There is only one existing packaged liquor premises in the Locality.

²⁹ Statement of Nick Smith, para 24.

³⁰ Statement of Nick Smith, para 24.

³¹ MT Report, p 10.

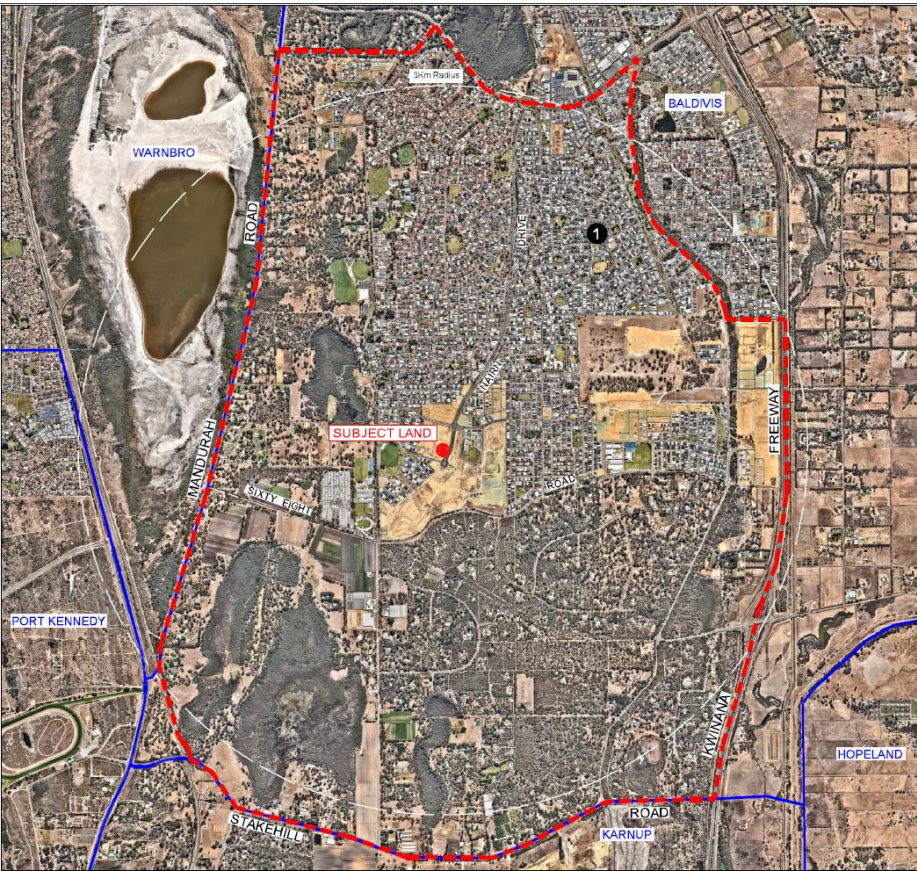


4.1 Location of other operational packaged liquor premises

The current premises selling packaged liquor within the Locality is listed below, and shown on MGA’s Locality map.³² The premises operates under a liquor store licence.

Name	Licence type	Address	Distance
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1	Cellarbrations Tuart Ridge	Liquor Store	2/61 Makybe Parade, Baldvis	2.4km
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The sole retail/package liquor premises within the Locality is the Cellarbrations Tuart Ridge located at the “1” icon in the map above. Based on the MT Report survey results, this location is the preferred location for 18% of the residents within the Locality, with the remainder leaving the Locality for their packaged liquor requirements resulting in economic leakage.

4.2 Services provided by other premises

Based on MGA’s review of the existing packaged liquor premises,³³ the comparative analysis conducted by Liquorland’s operational team³⁴ and evidence from Bodhi Alliance

³² MGA Report, Figure 1.
³³ MGA Report, sections 9 and 10.
³⁴ Statement of Nick Smith, Annexure 14.



(**Bodhi**), there are various points of difference between the sole existing premises and the proposed Store as summarised in the below table.

Premises	Service provided	Differences with Store
Cellarbrations Tuart Ridge	Browse-style convenience store located nearby IGA supermarket	• Co-located with a small local IGA supermarket. The centre does not have a full-scale supermarket. • Good selection of WA products with a focus on local fast selling WA wine, 3 WA craft beer fridges, and WA product call outs on shelf tickets. • Delivery not available.

(a) **Cellarbrations Tuart Ridge**

The Cellarbrations Tuart Ridge is located in the northeast of the Locality and is located adjacent to a small local IGA supermarket (see image below).³⁵

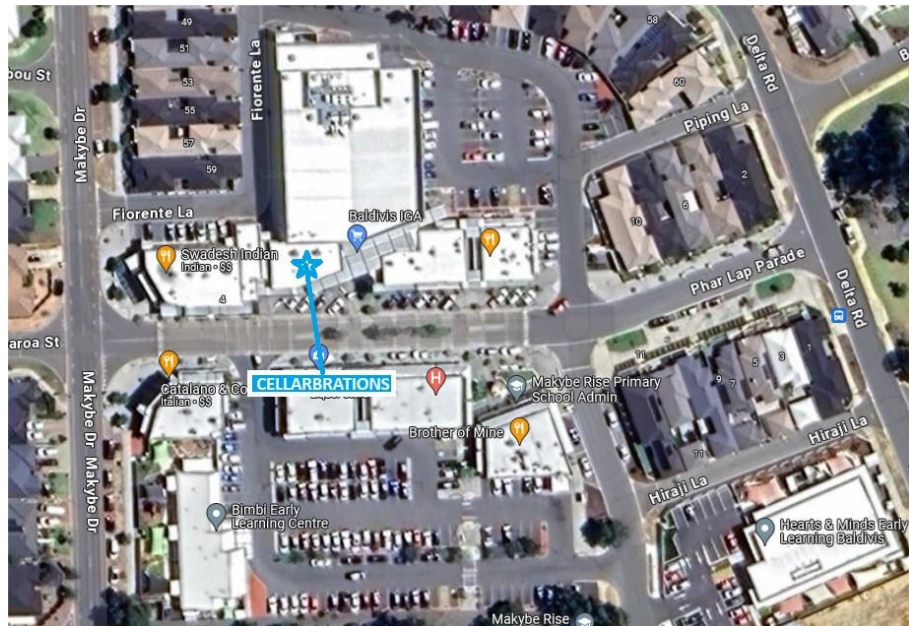
The current opening hours are 9am-9pm Monday to Saturday, and 10am-9pm on Sunday.³⁶

Cellarbrations Tuart Ridge is the only packaged liquor premises in the Locality, however only 18% of residents surveyed identified it as their preferred store, demonstrating that there is a current local packaged liquor requirement which is not, and cannot, be met by this store alone as customers prefer to resort to stores outside of the Locality for their packaged liquor.



³⁵ MGA Report, para 9.2.1, image on p37.

³⁶ MGA Report, para 9.2.2.



4.3 Outlet density and diversity

Granting the Application will not result in proliferation of packaged liquor premises in the Locality.³⁷ Even with the addition of the Store, the Locality will have low outlet density for the current (and growing) population. At the time of lodging this Application, Liquorland is not aware of any other packaged liquor applications in the Locality.

The evidence establishes a consumer expectation that, consistent with its role as a NAC (as reflected in the planning objectives of CRTPS and SPP 4.2), the Centre will have outlets that compete with other outlets in the area in the sale of various consumer product categories, including packaged liquor, and hence provide the efficiencies associated with competition and one stop shopping. As discussed above, there is currently only one liquor store in the Locality and that is the Cellarbrations Tuat Ridge store.

Granting the Application will also provide local consumers with a diversity of packaged liquor premises and choice and competition, as the sole existing store is a Cellarbrations-branded outlet providing substantially the same (mainstream) or less (exclusive products) range, pricing, specials and service.

5 Evidence of consumer requirements

Summary

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

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

³⁷ Bodhi Report, pp 7, 36–7.



It has long been accepted that a market survey can provide evidence of consumer requirements.³⁸

McGregor Tan, an ISO20252 accredited market, opinion and social research consultancy, was engaged by Liquorland to undertake and analyse a survey of residents in the Locality. The survey was aimed at assessing both consumer requirements and public support for the grant of the Application, the results of which were analysed by McGregor Tan in their report titled ‘*Coles South Baldivis – Liquorland Sentiment Survey*’ dated May 2026 (**MT Report**).

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

5.1 Purchasing habits and visitation patterns

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

(a) Frequency of packaged liquor purchases

Purchased packaged liquor in last 12 months	74%
Purchase packaged liquor once a week or more	32% ³⁹

There are a large proportion (80%) of regular packaged liquor consumers in the Locality,⁴⁰ and a clear demand for packaged liquor based on the representative nature of the surveys.

(b) Likely visitation to the Centre

The new Centre will provide services including a Coles supermarket adjacent to the Store. The Centre will also ultimately contain a smaller supermarket, and several specialty stores and food outlets. Coles estimates that the new Centre will attract approximately 700,000 visits per year.⁴¹

The inclusion of a Coles supermarket is expected to be a major feature of the Centre once completed, with 59% of survey respondents citing the ability to use the Store while shopping at Coles as a key reason for their likelihood to visit.⁴² It is also expected, and can be inferred, that the expected customer demand at the Centre (particularly for groceries) will see a similar level of demand for packaged liquor at the Centre.⁴³

³⁸ *Hay Properties Pty Ltd & Anor v Roshel Pty Ltd* [1998] Library 980496A (Full Court of Supreme Court) at 9.

³⁹ MT Report, p 6.

⁴⁰ ie those who purchase packaged liquor monthly or more often: MT Report, p 6.

⁴¹ Statement of Nick Smith, para 56.

⁴² MT Report, p 10.

⁴³ Statement of Nick Smith, para 56.



A significant number of survey respondents expected they would use the Store at least once a week (30%) or once a fortnight (26%).⁴⁴

(c) **Reasons for, manner and location of packaged liquor purchases**

After Liquorland, who 32% of respondents said was their most preferred brand (26% for Liquorland and 6% for Liquorland Warehouse stores), BWS was the second most popular brand reported in the survey, with 25% of respondents who purchased packaged liquor using it over the last 12 months.⁴⁵ The next most commonly-used brands and stores was Cellarbrations (18%) and Dan Murphy's (12%).⁴⁶ There are currently no Liquorland, BWS or Dan Murphy's stores within the Locality.

5.2 Liquor store expectations

Respondents were asked to identify their expectations for liquor stores generally. The main expectations nominated (in order) were:

- a liquor store to be open at the same days and times as the supermarket;
- a liquor store to be close to or directly accessible from a full-service supermarket;
- a liquor store at the nearest shopping centre to where I live or work;
- the liquor store to have wide aisles accessible to shoppers with grocery trolleys;
- several liquor stores close to each other to provide choice and competition; and
- the liquor store to have click and collect and/or home delivery services.

Each of these expectations is consistent with and met by the proposed Store.

5.3 Support for the proposed Store

The survey demonstrated that there was very strong support for the proposed Store from respondents. The number of respondents (69%) that support the Store far outweigh those who oppose the store (17%),⁴⁷ with over four times as many supporting the Store as opposing it.⁴⁸ For purchasers of packaged liquor, those offering support was even higher, at 81%.⁴⁹

The reasons for support include that the proposed Store:

- would provide convenience;
- would provide greater choice and competitiveness; and
- would support businesses and employment in the area.⁵⁰

⁴⁴ MT Report, p 9.

⁴⁵ MT Report, p 7.

⁴⁶ MT Report, p 7.

⁴⁷ MT Report, p 12.

⁴⁸ MT Report, p 12.

⁴⁹ MT Report, p 12.

⁵⁰ MT Report, p 12.



5.4 Use of Store

There is a high level of expected use of the proposed Store. 70% of respondents who have purchased packaged liquor in the past 12 months thought they would use the proposed Store.⁵¹ 30% of those respondents thought they would use the proposed Store weekly, 26% fortnightly and 26% at least monthly.⁵²

Similarly to support, likely usage of the proposed Store was highest amongst those who think they will regularly use the new Coles supermarket once it opens (59%),⁵³ presumably due to the ability to combine both grocery and packaged liquor shopping.

The above responses show that the Store will be well used by packaged liquor consumers in the Locality.

5.5 Local packaged liquor requirements

The survey results regarding support for and usage of the Store clearly establish that a requirement for purchasing competitively priced packaged liquor conveniently (including one-stop / one-trolley shopping) in the Locality can be inferred.⁵⁴

There is also a requirement for a local, convenient packaged liquor premises in the Locality. More specifically, there is a requirement (and expectation) for an additional supermarket associated liquor store in the Locality to facilitate competition with the existing Cellarbrations store and to facilitate combined grocery and packaged liquor purchases (ie one-stop, or even one-trolley shopping), both online and in-store.

These requirements are consistent with, and reflect, contemporary consumer standards, expectations and shopping habits as demonstrated by the success of the Liquorland business model in WA where around 60% of Liquorland stores are co-located with a Coles supermarket⁵⁵ and 69% of Flybuys customers who shop at a Liquorland store and also shop at a co-located Coles supermarket on the same day.⁵⁶ It is also consistent with the results of other surveys conducted for Liquorland licence applications which establish a requirement for packaged liquor premises to be conveniently located both relative to where people live and relative to where they shop.

There is also an expectation, particularly amongst packaged liquor purchasers, that a Locality containing multiple supermarkets will include a choice of liquor stores.⁵⁷

5.6 Important aspects of the Store

To gauge whether the proposed Store would assist them in meeting their requirements, a number of statements were shown to the survey respondents. The following are the key reasons and motivators for purchasing packaged liquor from the proposed Store:⁵⁸

- 59% of respondents stated that the Store would be more conveniently located than any existing liquor store;

⁵¹ MT Report, p 9.

⁵² MT Report, p 9.

⁵³ MT Report, p 10.

⁵⁴ MT Report, p 8 and 12.

⁵⁵ Statement of Nick Smith, para 11.

⁵⁶ Statement of Nick Smith, para 23.

⁵⁷ MT Report, p 8 and 12.

⁵⁸ MT Report, p 11.



- 49% nominated the convenience and/or efficiency of being able to buy takeaway liquor at the shopping centre where they buy groceries (which will be the new Centre);
- 42% nominated the ability to use FlyBuys; and
- 30% nominated choice and competition with existing liquor stores in the area.

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

5.7 Benefits of the Store

Around half (52%) of all respondents believe the proposed Store will provide benefits to the local community, including convenience, choice and competition and economic benefits.⁵⁹

5.8 Concerns

In addition, respondents were asked if they had any concerns about the proposed Store. A minority of the respondents to the survey (16%) expressed concerns with the Store, predominately related to:⁶⁰

- the attraction of undesirable people (6%);
- sufficient liquor stores in the area (5%);
- increased accessibility to alcohol, particularly for young and vulnerable persons (3%); and
- other (2%).

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

- the Store's location inside the Centre is likely to provide a high level of passive surveillance, which will assist in minimising the potential for anti-social or risky alcohol related behaviour;
- the tight security measures to be implemented at the Store, and Liquorland's harm minimisation policies, should also minimise any prospect of the Store contributing to anti-social behaviour;
- the Store's location inside the Centre and Liquorland's advertising policies will also minimise visual impact and exposure to advertising and the sale of liquor to children and the vulnerable;
- the Store will discourage risky drinking practices, via its management practices and the RSA materials that will be displayed at the Store, as shown on the plans;
- spirits will be placed behind glass;
- the Store will have minimal traffic and access impact on adjacent residential areas; and
- outlet density within the Locality is low.

⁵⁹ MT Report, p 13.

⁶⁰ MT Report, p 14.



6 Consumer requirements test

Summary

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

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

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

6.1 The test under s36B(4)

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

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

It requires consideration of the following issues:

- (a) what is the relevant locality;
- (b) what are the requirements of consumers for packaged liquor in the relevant locality;
- (c) what packaged liquor services are currently provided by existing packaged liquor premises in the relevant locality; and
- (d) whether the local packaged liquor requirements cannot be reasonably met by those existing packaged liquor premises.⁶¹

It is not the purpose of s36B(4) of the Act to limit the number of packaged liquor outlets in a locality to some arbitrary number. Rather, s36B(4) requires the licensing authority to only grant another licence in a locality, upon being satisfied a consumer requirement is not being met in that locality.⁶²

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

- (a) The objects of the Act in s5 are relevant in applying both the public interest test and the consumer requirements test; [26] to [29].
- (b) 'Reasonably' in s36B(4) means '*sensible, not irrational, absurd or ridiculous, not going beyond the limit assigned by reason, not extravagant or excessive, moderate*'; [38].
- (c) 'Requirements' means something desired, as compared to essential; [41].

⁶¹ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (*Liquorland Southern River*) per Lemonis J at [55].

⁶² *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 at [74]; *BWS Kelmscott* [LC 32/2022] at [23]; *LL Hamilton Hill* [A857119210] at [24]; *Liquorland Hilton* [LC 11/2026] at [65].



- (d) The purpose of s36B(4) is not to constrain the number of packaged liquor outlets by sacrificing consumers' options to get liquor at a lower price and better quality, but rather is to ensure that an additional licence will only be granted where consumer requirements could not reasonably be met by existing premises (in the context of there also being a public interest test to satisfy); [73], [74].
- (e) A requirement for competition may be relevant under s36B(4), the question being whether such requirement could not be reasonably met by the existing premises; [76].
- (f) Extrinsic materials (such as the second reading speech) are not of assistance in construing s36B(4); [88], [53].
- (g) The words 'requirements of consumers' mean the same in s5(1)(c) and s36B(4), and matters such as convenience, one stop shopping, competition and product range, service and efficiency (which arise under s5 and the public interest test) are equally relevant in relation to both provisions; [78] to [84], [89], [106].
- (h) Section 36B(4) represents an additional hurdle even though the 'requirements' to be considered under the public interest test and s36B(4) are the same. An application could satisfy the public interest test but not the consumer requirements test under s36B(4); [98].
- (i) When considering evidence of consumer requirements for the purposes of s36B(4), the licensing authority must consider whether those requirements can reasonably be met by existing premises, having regard to the objects of the Act; [101], [102].
- (j) The consumer requirements test is an objective test, whereas the public interest test involves a discretionary value judgment; [104], [105].
- (k) The public interest test will prevent absurd outcomes; [107].
- (l) Consequently, the consumer requirements to be considered in s36B(4) are not limited in scope to the physical item or product of packaged liquor; [108].
- (m) The phrase 'cannot reasonably be met' in s36B(4) means 'cannot sensibly or rationally be met'; [134]. It does not mean 'cannot be met without great difficulty or inconvenience'; [127]. All that is required is that the requirement cannot be met sensibly or rationally or moderately or without absurdity, ridiculousness, extravagance or excessiveness, having regard to community standards and expectations; [130], [131].
- (n) The licensing authority is to have regard to contemporary standards and expectations for the requirements for packaged liquor in determining whether consumer requirements can reasonably be met by existing premises; [133].

Relevantly, the objects of the Act include s5(1)(c), being 'to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry ...'. In *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2017] WASC 88, Banks-Smith J stated (at [67]–[69]):

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

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



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

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

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

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

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

6.2 Applying the consumer requirements test

The analysis under s36B(4) is not at large in respect of all consumer requirements, but is to be conducted by reference to the nature, scope and extent of particular consumer requirements that correlate to the products and services which the new premises are intended to provide, and the necessary starting point for each analysis is that the requirement to be assessed may be relatively modest in quantitative terms.⁶³ Further:

- (a) there is no *de minimis* threshold for establishing a consumer requirement for the purposes of s36(B)(4).⁶⁴ As such, there is no requirement for applicants to show that a large section of the public has the relevant requirement or that the requirements of consumers for packaged liquor in the relevant locality must be more than trifling;
- (b) s36B(4) does not require an applicant for a liquor store licence to establish a 'considerable' consumer requirement;⁶⁵
- (c) the first step in considering consumer requirements would usually be to identify the parameters of the requirement (ordinarily including a broad approximation of the likely numbers of consumers for liquor in the locality, and a broad assessment of the nature and scope of their relevant requirements).⁶⁶

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

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

⁶³ *Liquorland Southern River* at [58], [59].

⁶⁴ *Liquorland Southern River* at [132]–[136].

⁶⁵ *Liquorland Southern River* at [137], [139].

⁶⁶ *Liquorland Southern River* at [137], [139]–[140].



application in accordance with the evidence (including notorious facts) before it and the criteria imposed by the Act. This is a two-step process.⁶⁷

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

Further:

- (a) when using inferential reasoning, facts are not to be considered on a standalone or piecemeal basis, but rather, their collective force is to be considered;
- (b) in deciding whether an inference is made out, all of the circumstances are to be considered and weighed, including any notorious facts.⁶⁸

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

6.3 Locality

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

The term 'locality' is not defined in the Act. The area suggested in the Director's *Public Interest Assessment* form is simply an indicative position⁶⁹ or starting point, and is not consistent with observations by the licensing authority about the inappropriateness of an artificial area.⁷⁰

The licensing authority may determine a different locality, provided that such a determination is made on reasonable and ascertainable grounds; meaning it must have regard to the applicable criteria.⁷¹

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

- (a) 'Locality' denotes an area that surrounds, and is geographically close to, the location of the proposed premises.⁷² Put another way, it is the geographical area surrounding the proposed site, or, it is the geographical area surrounding, and relatively close to, the proposed site, or the 'neighbourhood' of the site; [181], [182], [183], [184], [191].

⁶⁷ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASC 227 at [55].

⁶⁸ *Liquorland Yanchep* [LC 17/2026] at [166] – [167]; *Liquorland Southern River* at [181] to [187], *Endeavour Group v Commissioner of Police* at LC 32/2022 [141].

⁶⁹ *Liquorland Southern River* at [230].

⁷⁰ See section 6.1 above.

⁷¹ *Liquorland Southern River* at [224]–[225].

⁷² Cf *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 at [14].



- (b) Although retail catchment area can be a relevant consideration for the purpose of determining locality, at least to illuminate the practical impact of topographical features or the areas from which the proposed site is likely to be accessed on foot or bike (at [187], [188]), locality does not equate to the area from which consumers would come; [181], [198].
- (c) Locality will not necessarily be a circular area defined by a radius, and the shape of the locality will be influenced by topographical features (including man-made features) and the geographical spread of any community in the area of the proposed site, and may be evidenced by accessibility on foot or by bike; [185].
- (d) The factors that will be relevant in determining locality will vary from case to case, and in some cases, it will be difficult to determine the locality; [179], [186].

The applicant also relies on the observations and approach taken by the Court in the recent *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 (***JB Foods***) decision and by the Liquor Commission in the *BWS Kelmscott*⁷³, *Liquorland Karrinyup*⁷⁴, *Liquorland Southern River East*⁷⁵ and *Karratha Cellars*⁷⁶ decisions in applying those criteria.

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

⁷³ [LC 32/2022].

⁷⁴ [LC 35/2022].

⁷⁵ [LC 9/2023].

⁷⁶ [LC 15/2023].



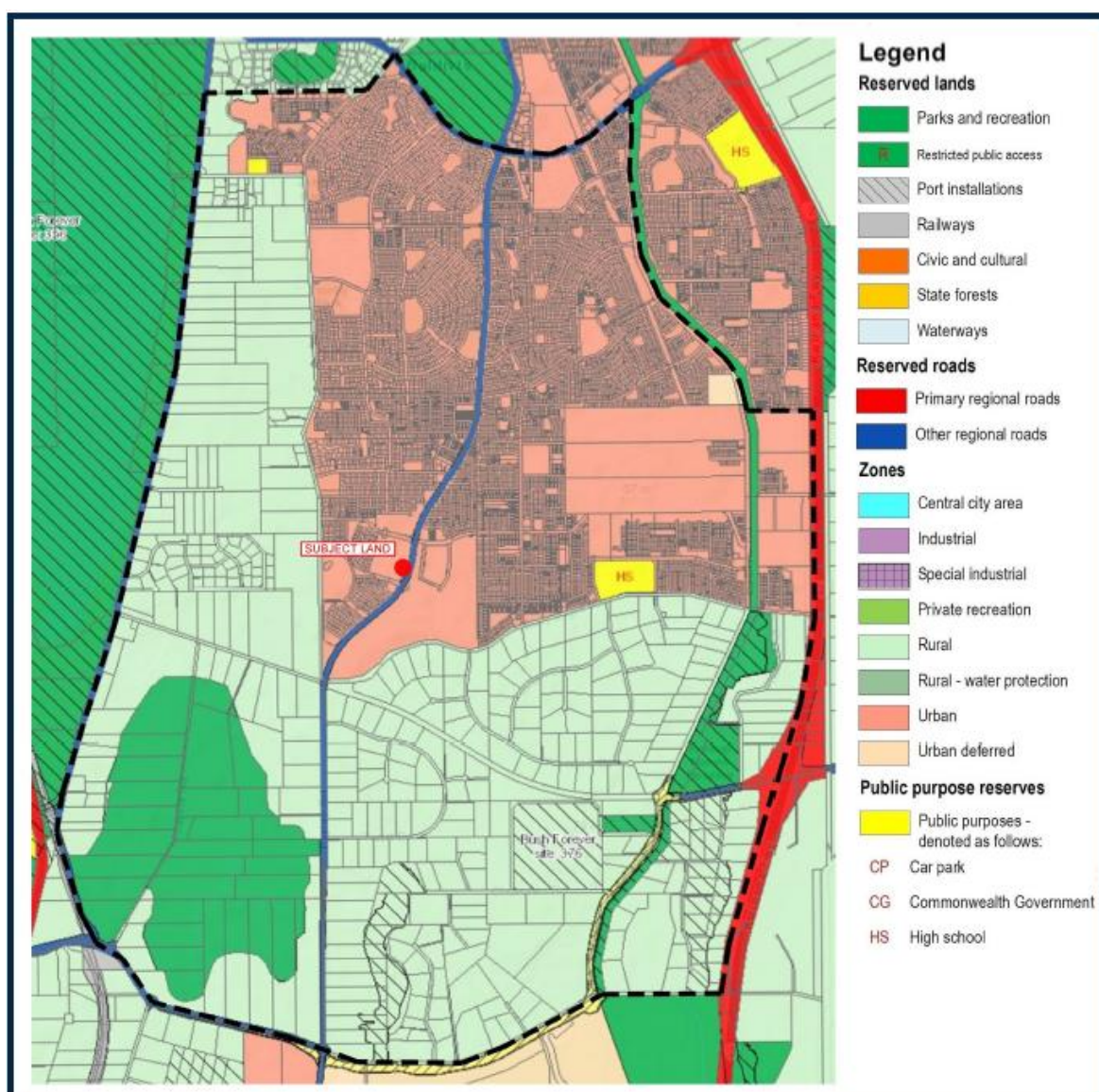
Applying the criteria identified by the Court and the Liquor Commission, in his report, Jeffrey Malcolm from MGA Town Planners identifies the applicable locality for the Store (**Locality**) as set out below.⁷⁷



As shown in the map below, the Locality consists of two broad regions which are zoned under the Metropolitan Region Scheme for urban development and rural development respectively.⁷⁸

⁷⁷ MGA Report, Figure 1.

⁷⁸ MGA Report, Figure 3. See also Figure 5.



MGA has provided logical and coherent reasons for the Locality boundaries identified, and the reasoning is consistent with the criteria identified by Archer J in *Liquorland Karrinyup*. Liquorland submits that the Locality as identified by MGA should be accepted as the relevant 'locality' for the purposes of s36B(4) in this Application.

6.4 Local packaged liquor requirements

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

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

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



The McGregor Tan survey revealed a high number of regular packaged liquor purchasers amongst residents within the Locality (74% of respondents have purchased packaged liquor in the last 12 months and 80% of those do so at least monthly).⁷⁹

Liquor stores co-located with full-scale supermarkets are a contemporary expectation (and notorious fact), acknowledged by the Court⁸⁰ and Liquor Commission⁸¹ and reflected in the success of the Liquorland business model in WA, from which a requirement for the Store's services can be inferred.⁸² In addition, there is clear evidence that packaged liquor consumers in the Locality have a requirement for another liquor store which provides the opportunity for combined grocery and packaged liquor purchases, both in-store and on-line, in conjunction with the co-located supermarket. The McGregor Tan survey results indicate that 59% of respondents thought that it would be convenient to shop there at the same time as using other stores in the Centre and 16% thought they would use it when they want to order packaged liquor online for home delivery or click and collect.⁸³

The Liquor Commission has also accepted the notorious fact that, in populated urban areas (such as the Locality), there is a general consumer requirement for choice and competition, including competitive pricing and weekly specials, between packaged liquor providers.⁸⁴

Further, it is a notorious fact that people are more likely to do their food, and consequently packaged liquor, shopping at a shopping centre that is closely located to them, that is, at their local shopping centre.⁸⁵ This is, again, supported by the survey evidence.

The totality of the evidence demonstrates a requirement for an additional convenient, local and readily accessible packaged liquor store in the Locality at which a wider range of competitively priced wine, beer and spirits, including local WA products, can be obtained in conjunction with other grocery and day to day items.

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

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

There is only one liquor store within the Locality which is the Cellarbrations Tuart Ridge located at 2/61 Makybe Parade, Baldvis.

As outlined in section 4.2 above, Cellarbrations Tuart Ridge provides one-trolley / one-stop shopping convenience for visitors to the Tuart Ridge Shopping Centre, primarily in conjunction with grocery shopping trips to the IGA supermarket. However, the range of

⁷⁹ MT Report, p 6.

⁸⁰ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227, per Buss JA at [84].

⁸¹ *Liquorland Hilton* [LC 11/2026] at [67].

⁸² *Ibid.*

⁸³ MT Report, p 10.

⁸⁴ *BWS Falcon* [LC 07/2023] at [219], [221].

⁸⁵ *Liquorland Karrinyup* [LC 07/2021] at [126].



services offered by the store is limited and cannot fully support the liquor requirements of the Locality.

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

The question under s36B(4) is, ultimately, whether, viewed *objectively*, relevant local packaged liquor requirements can reasonably (ie sensibly, rationally or moderately, and without being absurd, ridiculous or extravagant, or excessive) be met having regard to contemporary standards and expectations for provision of packaged liquor.⁸⁶

Liquorland submits that although there is currently one packaged liquor premises in the Locality, the evidence demonstrates requirements for an additional liquor store in the Locality to provide diversity and choice, the efficiencies and benefits of competition,⁸⁷ comparison shopping for packaged liquor and facilitate combined grocery and packaged liquor purchases (ie one-stop, or even one-trolley shopping), both online and in-store, that cannot reasonably be met by the existing store.

The proposed Store will also allow those choosing to visit the Coles supermarket to make packaged liquor purchases more efficiently, without having to drive to the Cellarbrations location or to leave the Locality altogether.⁸⁸

As regards contemporary standards and expectations, there is no doubt that there is a contemporary standard and expectation that one stop shopping for groceries and liquor be available. This has been acknowledged as a notorious fact by the Court of Appeal⁸⁹ and is demonstrated by the McGregor Tan survey.

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

- (a) the consumer requirement for choice and diversity of packaged liquor premises providing a different range of products, pricing and promotions, and services than are available from the single existing premises, being the Cellarbrations Tuart Ridge;
- (b) the consumer requirement for additional convenience and one-stop shopping opportunities - it should be inferred that, for the consumers who opt to shop at the new Coles supermarket, it would be inconvenient and unreasonable having regard to contemporary standards and expectations to expect those customers to travel to the Cellarbrations or outside the Locality to meet their packaged liquor requirements; and
- (c) The drawing of these inferences is strongly supported by the fact that 69% of all survey respondents (and 81% of respondents who were purchasers of packaged liquor) supported the Application. A similar proportion of purchasers (70%) said they would use the Store. The obvious and compelling inference which the licensing authority should draw is that support for, and usage of, the

⁸⁶ *Liquorland Karrinyup* at [131], [133].

⁸⁷ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 at [74].

⁸⁸ MGA Report, para 2.14

⁸⁹ *Woolworths v Director of Liquor Licensing* [2013] WASCA 227 at [78] per Buss JA.



Store would not be as strong as this if consumer requirements were in fact being sufficiently met by existing stores.⁹⁰

6.7 Conclusion in relation to consumer requirements test

Approaching the evidence in the manner described above, based on the combination of evidence of very strong consumer support for, and use of, the Store, the inference that (even before the completion of the Centre and the opening of the Coles supermarket, and future population growth) various consumer requirements were not being completely met by the sole existing premise, and the evidence of contemporary standards and expectations, the evidence as a whole comfortably satisfies the consumer requirements test under s36B(4) that there is a consumer requirement within the Locality for an additional packaged liquor premises providing convenience, one-stop shopping, choice and competition, which cannot reasonably be met by the existing Cellarbrations Tuart Ridge.

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

7 Objects of the Liquor Control Act

Summary

The Application satisfies the objects of the Act.

The objects of the Act in s5 are relevant in applying both the public interest test and the consumer requirements test.⁹¹ Liquorland submits that the grant of the Application complies with the relevant objects of the Act (and so both tests), as follows.

⁹⁰ *Liquorland Yanchep* [LC 17/2026] at [146]-[147].

⁹¹ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 at [26] to [29].



7.1 Primary objects

Object	Application
To regulate the sale, supply and consumption of liquor	Liquorland is an experienced, responsible licensee who intends to implement site-specific operational and harm minimisation policies and practices to ensure that the grant of the Application complies with this object. Any licence issued on grant of the Application will also be subject to conditions that are imposed by the licensing authority, which will assist to ensure that liquor is sold at the Store in a responsible and regulated manner.
To minimise harm or ill-health caused to people, or any group of people, due to the use of liquor	As noted above, Liquorland will have comprehensive and tested harm minimisation policies and practices in place at the Store to mitigate any potential impact of the Store on the local community. Liquorland commissioned Bodhi to provide an expert opinion on the impact of the Store. Bodhi concluded that the Store is unlikely to contribute to alcohol-related harm or ill-health or additionally adversely impact sensitive premises or at-risk groups within the Locality.
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	The Centre is located in a NAC. Contemporary consumer expectations, consistent with planning objectives, are that a Centre of this magnitude will contain convenience shops (including a liquor store). Granting the Application is consistent with the proper development of the liquor industry because it is a reasonable expectation for a NAC to have a liquor store co-located with a supermarket. The expert evidence included as part of the Application shows that residents, stakeholders and consumers in the Locality strongly support the grant of the Application. This is reflected in the results of the McGregor Tan survey and the Bodhi Report.



7.2 Secondary objects

Object	Application
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	Liquorland acknowledges that consumers have diverse requirements for packaged liquor. Some consumers prefer to browse extensively and purchase some or all of their requirements at large destination style premises. However, other consumers have a requirement to purchase some or all of their liquor in often smaller volumes at local shopping centres, in an efficient setting and in conjunction with other goods and services. Approving this Application will facilitate the development of licensed facilities that meet the requirement of the latter category of consumers as well as those who value having a choice of such premises. The Application will afford residents in the Locality the opportunity for convenient, full-scale one-stop shopping services. This is an opportunity that is presently unavailable in the Locality.
To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor	Liquorland is an experienced licensee and will have extensive and tested harm minimisation policies and practices in place at the Store to minimise any potential adverse impact. Additionally, the Store will have best-practice site-specific security measures designed to ensure that the Store sells packaged liquor in a responsible manner. These policies, in conjunction with any conditions the licensing authority sees fit to place on the licence, will provide adequate control over the sale of packaged liquor at the Store.
To encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.	All liquor product advertising in and associated with the Store will comply with Liquorland's and the Director's responsible advertising policies. Further, Liquorland is a signatory to the Alcohol Beverages Advertising Code (ABAC) and a member of DrinkWise and Retail Drinks Australia (RDA), which in turn is a member of Alcohol Beverages Australia (ABA). Information and access to resources assisting those at-risk of alcohol-related harm and ill-health will be provided in-store.



Object

Application

In those circumstances, the new Store will not encourage irresponsible drinking. Further, the location of the Store within the Centre means that it will have no visibility to persons passing by the Centre, and there will be limited external liquor product advertising inside the Centre limiting impulse purchases.

8 Public interest benefits and considerations

Summary

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

8.1 Benefits to the community and the public

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

(a) **Choice, diversity and convenience**

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

It will also provide a diversity of packaged liquor premises, which is currently lacking from the Locality.

(b) **One-stop-shopping**

It has long been recognised that the contemporary requirement for one stop shopping for liquor and other retail purchases, particularly linked to full-scale grocery shopping, is an important element of modern life. The term 'one-stop shopping' refers to the provision of everything that a consumer might require in one place.⁹² As recognised by the Liquor Commission,⁹³ the essence of one-stop shopping is the ability to easily visit multiple shops in close proximity without the need to make a second trip in a vehicle and applies equally to a neighbourhood shopping centre or a very large shopping centre.⁹⁴ A further aspect of that convenience is the ability to visit multiple shops using a single trolley. This Application is entirely consistent with that requirement.

⁹² *Liquorland Hamilton Hill* [A857119210] at [7].

⁹³ *BWS Kelmscott* [LC 32/2022] at [153].

⁹⁴ *Liquorland Hilton* [LC 11/2026] at [66] – [67].



As noted above, the Centre is part of a Neighbourhood Activity Centre. It is expected that a NAC will have convenience stores and supermarkets located within it, catering to the daily and weekly retail requirements of local residents. Packaged liquor is a convenience good suited to a NAC.

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

(c) **Competitive prices**

The Store will offer consumers the benefit of competitive prices and an improved choice of a range of liquor products conveniently purchased as part of an everyday shop, including many exclusive products not currently available within the Locality. The Store will carry up to 1,600 lines of stock. This range is regularly reviewed, to enable Liquorland to accommodate the changing trends, expectations and preferences of contemporary consumers.⁹⁵

Liquorland stores emphasise single item value, rather than bulk purchasing or bundle buys.⁹⁶ This provides the opportunity for consumers to obtain value for the one or two liquor products that might accompany grocery or other shopping, consistent with the demonstrated requirement for smaller packaged liquor purchases.

Liquorland stores do not price beat or price match at an individual store level, though the Liquorland brand, as a whole, always looks to provide the best value for money to consumers, which includes a "Price Match Promise" that Liquorland will match the price of any identical product offering from another retailer in the state.⁹⁷

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

(d) **Internal layout of new Store**

The Store will feature an internal layout incorporating a modern store design and improved consumer convenience and service, consistent with contemporary expectations. It is intended to provide a heightened, enjoyable shopping experience and allow better access for trolleys to benefit consumers conducting one-stop shopping, including in the cool room. Additionally, the Store will have clear signage, allowing consumers to easily identify where their preferred varieties of product, and local WA products, are located.⁹⁸

(e) **Amenity of the area**

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

- (1) the Centre is part of a NAC and, as such, is a retail focal point;
- (2) the Centre, and the Store, is consistent with the town planning principles guiding development in the Locality;

⁹⁵ Statement of Nick Smith, paras 12-13.

⁹⁶ Statement of Nick Smith, paras 21, 51.

⁹⁷ Statement of Nick Smith, para 18.

⁹⁸ Statement of Nick Smith, paras 59-64.



- (3) the Store itself will be appropriately designed, modern and responsibly managed premises; and
- (4) the Store will be ideally located to assist local residents to fulfil their retail requirements and improve shopper efficiency, and reduce the need to travel both within and external to the Locality.

The reduction in travel that comes with having a convenience liquor store located in close proximity to where consumers live and work is also likely to enhance amenity for the community generally because it limits vehicle use and traffic congestion and the associated adverse environmental effects. Reductions in vehicle use, traffic congestion and pollution, and an increase in the utility of retail facilities, all relate to amenity because they go to the overall character, quality and enjoyment of life within a locality.⁹⁹

(f) **Security of the area**

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

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

(g) **Other benefits for community**

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

The Store will provide up to 6-8 positions (including full-time, part-time and casual) available to local members of the community.¹⁰⁰

Liquorland, as part of the wider Coles group of companies, is a responsible and sophisticated corporate citizen, which contributes to the local community in which its stores are located.¹⁰¹ Coles invested approximately \$149.4 million in the community during the FY25 reporting year. This investment includes cash donations, time and in-kind donations made by Coles Group companies to community causes across Australia. Donations made by customers of the Store will add to the amount donated by Coles to worthy Australian charities, examples include:¹⁰²

- SecondBite winter and Christmas appeals;
- The Drought Appeal;
- The Red Cross;
- Redkite;
- Bushfire relief; and
- Clean Up Australia.

The Store may provide opportunities to support local community groups and sporting teams. As part of Coles' broader operations, Coles Liquor responds to

⁹⁹ *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2020] WASCA 157 at [184]-[185] per Buss P.

¹⁰⁰ Statement of Nick Smith, para 84.

¹⁰¹ Statement of Nick Smith, paras 76-77.

¹⁰² Statement of Nick Smith, para 77.



community needs and expectations by contributing beyond the benefits generated by operating a successful business. Local organisations will be able to approach Coles Liquor for support.¹⁰³

9 Harm or ill health: section 38(4)(a)¹⁰⁴

Summary

Liquorland's established security measures and harm minimisation policies will ensure that the impact of the Store is minimal.

The socio-economic profile of the Locality is of average advantage/disadvantage.

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

9.1 Communities and sub-communities

MGA prepared a demographic profile of the Locality, including a consideration of groups and sub-groups potentially at risk of alcohol related harm or ill-health in the Locality (as identified under the Drug and Alcohol Interagency Framework for Western Australia 2018-2022).¹⁰⁵ Bodhi also undertook a risk assessment based on the demographic profile.¹⁰⁶

Group	Locality	Risk assessment
Children and young people	27.5% of Locality population is aged between 0-14 - This is higher than Greater Perth (18.9%) and the State as a whole (19.1%) 6.7% of Locality is aged between 15-19 - This is higher than the than Greater Perth (5.8%) and the State as a whole (6.4%)	Medium risk
Aboriginal people and communities	1.8% of Locality population is indigenous	Low risk

¹⁰³ Statement of Nick Smith, para 79

¹⁰⁴ Part 3 PIA Form 2A.

¹⁰⁵ MGA Report, sections 5 and 6.

¹⁰⁶ Bodhi Report, pp 29–30 Table 10. See also pp 5–6.



Group	Locality	Risk assessment
	This is lower than Greater Perth (2.0%) and significantly lower than throughout the State (3.3%).	
Regional, rural, remote communities	The area is outer metropolitan and urbanised.	Low risk
Families	81.7% of the Locality consists of family households - This is higher than throughout Greater Perth (71.2%) and the State (71.5%)	Medium risk
Migrant groups from non-English speaking countries	0.4% of Locality population are migrants who do not speak English very well - This is lower than the Greater Perth (2.6%) and State (2.3%) averages	Low risk
People in low socio-economic areas	The SEIFA index indicates that residents in the Locality have average or higher levels of socio-economic advantage. Home ownership (fully owned or being purchased), income, and employment levels in the suburb of Baldivis are higher than Greater Perth and State averages.	Low risk
Mining communities	The proportion of those employed in the mining industry within the locality (8.6%) was significantly higher than throughout Greater Perth (6.3%) and slightly higher than the State average (7.5%). The locality is not a mining community.	Low risk
Tourist Communities	1.7% of the population of the Locality are made up of visitors. The Locality is comprised predominantly of residential development, is not a prominent tourist destination and contains no tourist accommodation facilities. - This is far lower than the Greater Perth (3.0%) average.	Low risk

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



MGA found that, overall, the community is considered to represent a moderate risk based on the presence of at-risk groups.¹⁰⁷

Bodhi confirmed that the Locality is low to medium risk overall, and medium risk to the residential population specifically, with the main risk factors being families, and children and young people¹⁰⁸. Despite these risk factors, Bodhi considered that the context of the Store, including its internal position within the Centre, location in a NAC, low visibility, service offering and co-location with a supermarket is unlikely to add to the impact of alcohol already being experienced.¹⁰⁹

Liquorland has extensive Harm Minimisation policies to address any potential issues, outlined further below, including the strict enforcement of its 'school uniform policy' that states unequivocally that team members must not serve anyone in a school uniform under any circumstances (even when a valid ID is produced).¹¹⁰

9.2 Social health indicators

(a) SEIFA

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

Based on 2021 Census data, the score for the suburb of Baldivis was 6 relative to the nation and 5 relative to the State. This indicates that the Locality had an average or higher level of relative socio-economic advantage/disadvantage.¹¹¹

(b) Other socio-economic factors

The MGA Report also considered other relevant socio-economic factors, as they applied to the Locality, relevantly:¹¹²

Census	Greater Perth	WA	Locality
Unemployment (% total)	5.3	5.1	4.6
Median weekly household Income (\$)	1865	1815	2170
Home fully owned (%)	28.5	29.2	16.5

¹⁰⁷ MGA Report, para 6.10.

¹⁰⁸ Bodhi Report, pp 6, 30.

¹⁰⁹ Bodhi Report, pp 6–7, 43–4.

¹¹⁰ Statement of Nick Smith, para 48.

¹¹¹ MGA Report, Table 10.

¹¹² MGA Report, Tables 8 and 9.



Census	Greater Perth	WA	Locality
Home being purchased (%)	41.9	40.0	59.1

Bodhi conducted a community wellbeing assessment which found that:¹¹³

Factor	Locality information	Assessment
Material living conditions	This domain covers purchasing power, income and housing. The Locality is relatively affluent. Median household income is higher than Greater Perth, mortgage and rental stress is lower than Greater Perth. There is high home ownership and low levels of rental, social housing and homelessness. Median house prices are rising providing home owners with capital appreciation.	Positive
Work	The Locality has a high level of workforce participation rates with lower unemployment than Greater Perth.	Positive
Skills and learning	The Locality has lower percentage of residents with university qualifications and a higher proportion of those with trade qualifications. School students are achieving average to below-average results, and attendance levels are lower than average.	Negative
Health and vitality	The majority of modifiable risk factors, that include smoking, being overweight, low physical activity, and avoidable mortality, are better than or similar to Greater Perth and the State.	Neutral

¹¹³ Bodhi Report, pp 27–8, section 4.5.



Factor	Locality information	Assessment
	There are fewer persons with a long-term health conditions, fewer mental health conditions and people suffering mental distress. The Locality has higher emergency department admissions for external causes (accidents, falls, poisoning), risky consumption of alcohol is higher both likely reflecting the younger demographic.	
Personal safety	The Locality is overall safe with a crime rank of 18.	Positive
Community engagement	The community has a lower level of volunteerism, high workforce participation.	Neutral
Environment	This domain covers quality of the environment. The Locality is an emerging outer metropolitan suburb and a master planned community, with high level of community recreational and educational facilities, good access to local parks and reserves. With the completion of the Centre the area will be well served with retail facilities including groceries pharmacy and hospitality.	Positive

Bodhi concluded¹¹⁴

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

¹¹⁴ Bodhi Report, p 28.



(c) **Crime statistics**

The latest publicly available Western Australia Police statistics for the Locality and surrounding suburbs are found in the Bodhi Report.¹¹⁵ These statistics are not specific to the Locality and do not indicate which offences are alcohol related. It is also not clear from the data whether the incidents recorded were in relation to activities at or near the proposed Store.

The reported incidents of crime suggest that the Locality is relatively safe.

Despite these statistics, the Applicant acknowledges there is theft of liquor products occurring at its two stores within the suburb of Baldivis (Liquorland Warehouse Baldivis and Liquorland Baldivis). The level of theft is not an outlier compared to other outer southern suburbs of the metropolitan area. This issue, which is commonly experienced by liquor stores, has informed the proposed security measures at the Store (see section 10.7 below).

(d) **Alcohol related health statistics**

The readily available data suggests that while there are higher levels of alcohol consumption, this is reflective of the younger demographic of the Locality and, on the contrary, the Locality population is at a similar or lower risk than the State for alcohol related ill-health.¹¹⁶

(e) **Application of statistics to current Application**

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

9.3 Harm minimisation strategies¹¹⁷

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

Two of the primary objectives of the Act are to:

- regulate the sale, supply and consumption of alcohol; and
- minimise (not prevent) harm or ill-health caused to people or any group of people, due to the use of liquor.

Using the benefit of its experience in the packaged liquor market in Western Australia, Liquorland has developed harm minimisation policies to ensure that the Store will comply with these objectives and will be operated in a responsible manner,¹¹⁸ while also ensuring that consumers can conveniently purchase packaged liquor.

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

¹¹⁵ Bodhi Report, pp 25–7.

¹¹⁶ Bodhi Report, pp 6, 23, 28.

¹¹⁷ Part 4 PIA Form 2A.

¹¹⁸ Statement of Nick Smith, paras 25-28.



The licensing authority has, on multiple occasions, found the applicant's harm minimisation policies and practices to be sound in approving liquor store licence applications throughout WA.

(a) **Security and harm minimisation**

In addition to its general harm minimisation policies as outlined below, Liquorland will have security measures to minimise any prospect of the Store contributing to alcohol related harm in the community. These measures, outlined in paragraph 10.7 below, are considered to be global best practice security measures.¹¹⁹

Of particular note is the security measure of placing all spirits behind locked glass which has been shown to deter theft and reduce aggressive incidents.¹²⁰ It must be acknowledged that it is not possible to remove the risk of theft entirely for any liquor retailer in Perth. The objects of the Act in this regard are clear - to *minimise* any harm (and impact on the amenity) not to remove it entirely, which is not practical.¹²¹

(b) **House policies and management plans**

Liquorland is an experienced licensee and is part of the Liquorland group, which currently operates 131 liquor stores in Western Australia.¹²²

Liquorland has had regard to the objects of the Act in developing its House Policy for the Responsible Service of Alcohol (House Policy) and WA Management Plan (Management Plan) for the Store, and a Liquorland Code of Conduct (Code of Conduct). Liquorland's harm minimisation strategies, which exceed the minimum requirements outlined in the Director's *'Harm Minimisation Policy'*, are detailed in its House Policy, Code of Conduct and Management Plan.¹²³ These have been developed and tested with the benefit of Liquorland's extensive experience in the liquor industry in Western Australia and nationally.¹²⁴

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

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

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

It is general Liquorland policy that the managers of Liquorland stores will join any local liquor accords that exist in the area. This has resulted in Liquorland

¹¹⁹ Statement of Nick Smith, paras 65-74.

¹²⁰ Statement of Nick Smith, para 67.

¹²¹ *LL Hamilton Hill* [A857119210] at [33].

¹²² Statement of Nick Smith, para 9.

¹²³ Statement of Nick Smith, para 27; Annexures 3 and 4.

¹²⁴ Statement of Nick Smith, para 26.



stores proactively identifying and addressing alcohol related issues in the past. Liquorland also seeks to develop an effective working relationship with local police and the LEU.¹²⁵

(c) **Advertising policies**

Liquorland seeks to ensure that its liquor advertising:¹²⁶

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

Liquorland is a signatory to Alcohol Beverages Advertising Code (**ABAC**). It takes its alcohol advertising obligations and responsibilities very seriously and is committed to industry best practice. The ABAC vets all major Liquorland campaigns prior to their release to ensure that they meet community standards.¹²⁷ Liquorland's marketing material, means of communication and overall behaviour are consistent with the spirit of ABAC and its Responsible Alcohol Marketing Code.

(d) **Responsible sale of alcohol**

Liquorland has established a strong culture of compliance education and training to ensure its team have the necessary skills and expertise to successfully navigate this heavily regulated environment.¹²⁸

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

- adopting responsible practices in the service of liquor (House Policy; Management Plan):
 - requiring the management and team members of the Store to undertake Liquorland's induction training, an approved course in responsible service of alcohol (**RSA**) and to complete regular on-going training (Management Plan, sections 2.2 and 7);
 - refusing to sell liquor to any person who appears to be intoxicated (Management Plan, section 4);
 - refusing to serve anyone who intends to drink liquor in a public place (Management Plan, sections 4.3 and 4.4) or supply alcohol to a drunk person (Management Plan, section 4.1);
 - ensuring patrons and team members have ready access to information and training materials in relation to the responsible service of liquor;
- preventing the sale or supply of liquor to juveniles (House Policy; Management Plan):
 - refusing to serve anyone in school uniform (even when a valid ID is produced);¹²⁹

¹²⁵ Statement of Nick Smith, para 75.

¹²⁶ Statement of Nick Smith, para 49.

¹²⁷ Statement of Nick Smith, paras 28, 53.

¹²⁸ Statement of Nick Smith, paras 29-41.

¹²⁹ Statement of Nick Smith, para 48.

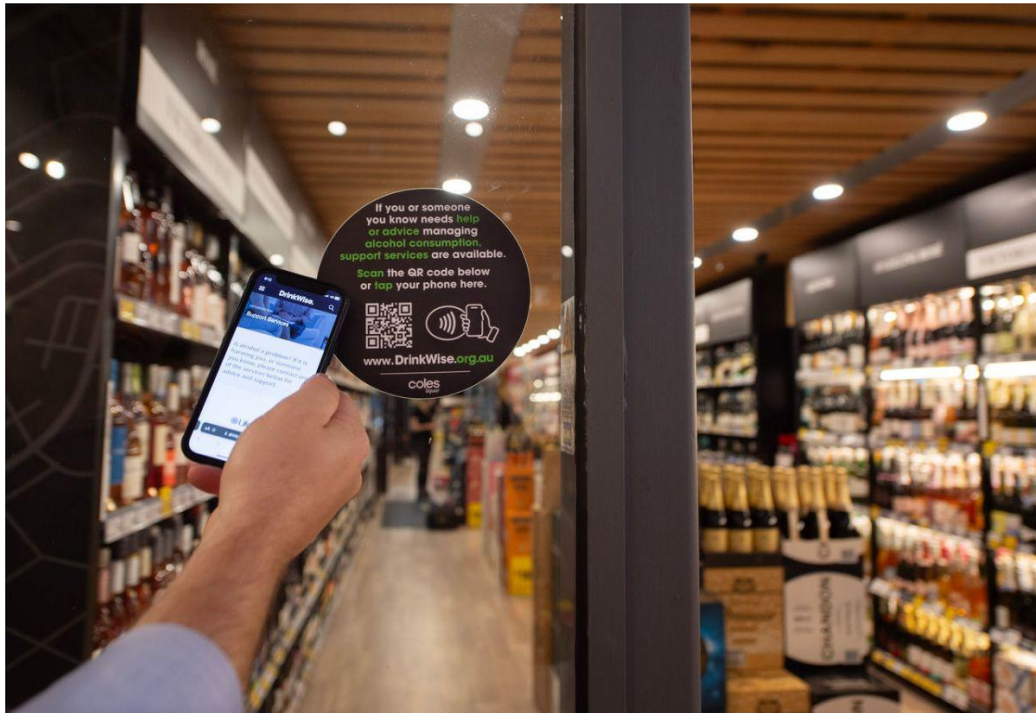


- refusing to sell liquor to any person who is believed to be intending to supply that liquor to a juvenile (Management Plan, section 5.2);
 - ID 25 Policy checks are routinely conducted (Management Plan, section 5.7);
- displaying signage throughout the Store relating (but not limited) to the secondary supply of alcohol, not serving juveniles or drunk persons as a visual reminder to patrons;¹³⁰
- reporting street drinking in the vicinity of the Store to Police (Management Plan, section 4.4);
- complying with all laws and regulations in relation to the sale and consumption of liquor products (House Policy);
- being a signatory to the Retail Drinks Online Code of Conduct, which is an industry-wide framework developed in collaboration with government and community to enhance compliance in the responsible online sale and delivery of alcohol;¹³¹ and
- being a founding member and key contributor to DrinkWise and participating in DrinkWise promotions. For example, Liquorland's private label wine has the DrinkWise Pregnancy label and DrinkWise signage providing easy access to support services for customers needing help managing their alcohol consumption or behaviour will be displayed in-Store (as shown below). Customers will be able to scan a QR code or tap their mobile phone on the signage, which will then take them to the DrinkWise website. From there, customers will be able to access a range of support services, including the National Alcohol and Other Drug Hotline, Lifeline, Beyond Blue and Alcoholics Anonymous.¹³²

¹³⁰ Statement of Nick Smith, para 46.

¹³¹ Statement of Nick Smith, para 28.

¹³² Statement of Nick Smith, para 28.



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

In addition to the above measures, there is an increasing trend in Australia, and globally, towards more moderate drinking behaviours. This is reflected in the fact that no and low alcohol products are the fastest growing category in the Liquorland group business.¹³³ Liquorland's expanded no and low alcohol range will refocus customers' attention to no and low alcohol products resulting in more responsible drinking behaviours.

(e) **Induction training**

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

Liquorland's induction training covers topics such as:¹³⁴

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

Further, all Liquorland team members complete 'Serve Up' training (Coles' product knowledge and service training platform), which provides an overview of product knowledge for alcoholic beverages as well as additional information on trending lines and helpful tips for service.¹³⁵

¹³³ Statement of Nick Smith, para 17.

¹³⁴ Statement of Nick Smith, para 30.

¹³⁵ Statement of Nick Smith, para 19.



(f) **Ongoing training**

Further, during the course of their employment, team members are required to complete training on the following topics:¹³⁶

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

A breach of liquor licensing laws could result in an employee's dismissal from employment.¹³⁷

Liquorland constantly reminds its team members of their obligations to comply with liquor licensing laws through a variety of methods, including:¹³⁸

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

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

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

An incident register is also maintained, recording details of all incidents and complaints in relation to the premises (Management Plan, section 3.7).

Liquorland uses a Regulatory Compliance and Licensing booklet to give team members a summary resource of all licensing and compliance issues.¹³⁹

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

Patrons are required to respect team members and other patrons, or they will be requested to leave the Store.

(g) **Indigenous training program**

Liquorland has a training program for store team members designed to:¹⁴⁰

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

¹³⁶ Statement of Nick Smith, para 31.

¹³⁷ Statement of Nick Smith, para 32.

¹³⁸ Statement of Nick Smith, para 34.

¹³⁹ Statement of Nick Smith, paras 34-35 and Annexure 7.

¹⁴⁰ Statement of Nick Smith, para 37.



(h) **Liquorland Leadership program**

Liquorland is also dedicated to training young Western Australian liquor industry leaders. It has established the 'Liquor Retail Leaders Program', which looks to train Western Australian team members to become more prominent in the industry.¹⁴¹

9.4 Sensitive premises audit and key stakeholder consultation

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

(a) **Sensitive premises audit**

The following sensitive premises were identified by Bodhi¹⁴² and will be notified of the Application in accordance with the Director's advertising directions:

- 1 drug and alcohol treatment centre;
- 9 schools, of which only one is in close proximity;
- 13 childcare facilities;
- 4 places of religious worship; and
- 2 aged care facility.

(b) **Stakeholder engagement**

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

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

Overall, the outcome of this consultation was positive. While Bodhi noted that during the development approval process, some stakeholder concerns were raised: *'these concerns related primarily to the potential interface with the school and the potential for alcohol related harm in a young community'*. Otherwise, no stakeholder reported concerns that the proposed Store will impact the community they serve or their operations.¹⁴³

The Bodhi Report considers the impact of the Store on these premises. In short, Bodhi concluded:¹⁴⁴

Overall, the social impact is positive since:

- *The location and services offered by the Store will meet the needs of the local community.*

¹⁴¹ Statement of Nick Smith, para 36 and Annexure 8.

¹⁴² Bodhi Report, pp 31–3.

¹⁴³ Bodhi Report, p 14.

¹⁴⁴ Bodhi Report, p 7.



- *The operation of the Store is complementary to the other uses in providing for the daily and weekly needs of the local community and will support the function and role of the neighbourhood centre.*
- *The potential for impact on sensitive premises and particularly the Pine View Primary School is low due to the design and operational mitigation measures already identified through the Development Application process and proposed operational context.*
- *Various other amenity issues, such as noise, light spill, and visual intrusion are minimal due to the separation from residential areas and the Store forming part of an activated Centre.*
- *Site access is excellent, with good regional connectivity and low impact on residential areas.*

9.5 Carnegies test

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

To determine whether an application will satisfy section 5(1)(b) of the Act, the following analysis (known as the *Carnegies* test) must be performed:¹⁴⁵

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

In respect of this Application:

(a) Existing levels of harm

The available evidence suggests the Locality experiences higher levels of alcohol consumption to the State average, but that this is reflective of the demographic and has not given rise to a similar increase in alcohol-related harm and ill-health compared to the State average.

(b) Likely harm arising from grant of Application

The Store will be a small, secure convenience packaged liquor premises, which is designed to primarily cater to local residents purchasing liquor as part of their daily or weekly grocery shop. It will minimise any risk of harm both by its stringent security measures and via its best practice harm minimisation policies.

It is located wholly within the Centre. In addition to Centre security, Liquorland will implement strong security measures, including the placing of spirits behind locked glass, lockable RTD fridges, and a lockable RTD cage in the coolroom. These security measures will assist in minimising any possibility of the Store having a detrimental impact.

¹⁴⁵ *Carnegies Realty Pty Ltd v Director of Liquor Licensing* [2015] WASC 208.



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

Liquorland has been recognised by the Liquor Commission as '*a responsible entity that takes its obligations of selling a potentially harmful product seriously by way of implementing harm minimisation measures.*'¹⁴⁶

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

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

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

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

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

10 Impact on amenity: section 38(4)(b)¹⁴⁷

Summary

The Store will enhance the amenity of the area.

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

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

10.1 Impact on amenity

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

Site assessment and feedback from stakeholders and residents suggest that the development of the Centre including the addition of the Store is expected to have a positive impact on the amenity of the area.¹⁴⁸

¹⁴⁶ Liquorland Gateway [LC 07/2017] at [8].

¹⁴⁷ Part 5 PIA Form 2A.

¹⁴⁸ Bodhi Report, pp 41–3.



10.2 Traffic and access

The Centre will be positioned at the end of Nairn Drive which is the central road through the area of south Baldivis and which has limited connectivity to the major traffic routes nearby being Kwinana Freeway and Mandurah Road.

The location of the Centre at the end of this major local road thus maximises the accessibility of the Centre to residents within the Locality, while it minimises the amount of outside traffic that is likely to visit the Centre. Accordingly, it is unlikely that the Store will have any adverse impact on local traffic, and to whatever extent it may do (such as by attracting residents who would otherwise be leaving the Locality for their packaged liquor requirements), they will be using the established Nairn Drive and not traveling through lower speed residential areas.

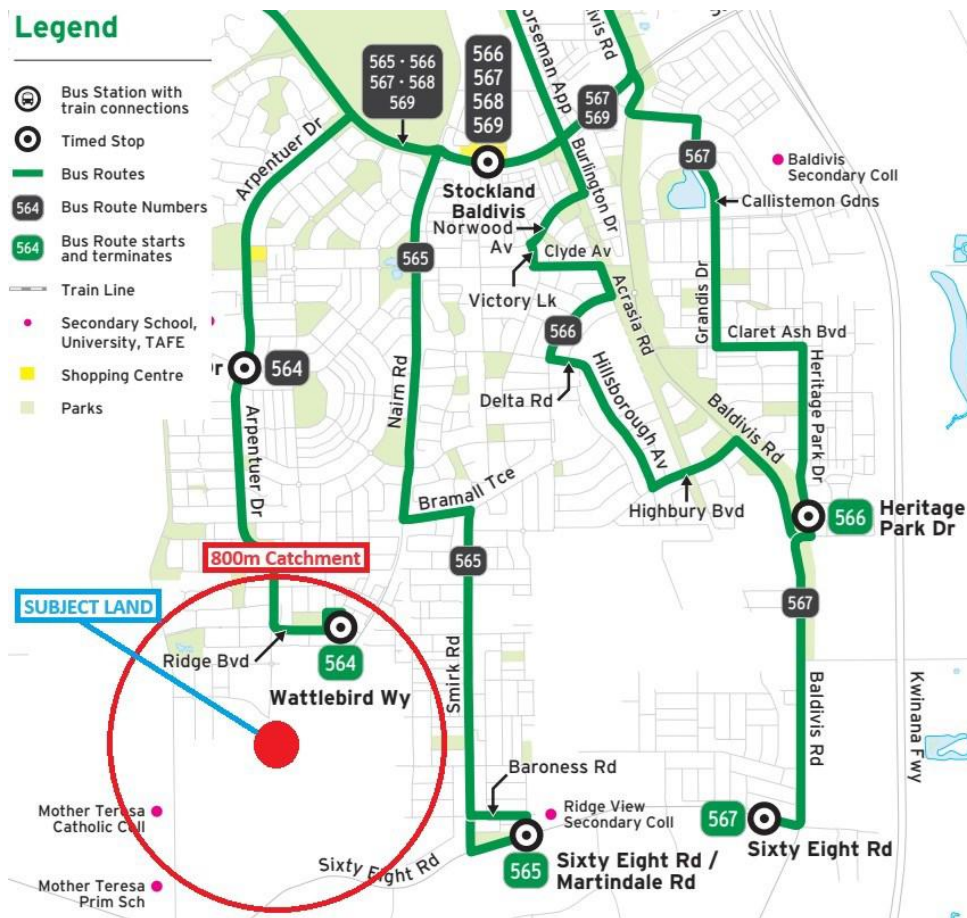
Finally, the positioning and layout of the Centre provides good vehicle circulation, and good pedestrian and cycle access to the Centre are ensured as part of the development approval.

10.3 Public transport

There is currently one bus service operating in the Locality within the indicative walkable catchment area of the Centre, which is the 564 bus route.¹⁴⁹ Further, although this route terminates on Ridge Boulevard (approximately 530 meters north of the Centre), It is expected that once the PHNAC is established, this bus service would continue south along Nairn Drive to the Centre, and possibly west into the growing residential areas surrounding the subject land.¹⁵⁰

¹⁴⁹ MGA Report, para 8.5.

¹⁵⁰ MGA Report, para 8.6.



10.4 Parking

The Centre will include 480 parking bays once development is concluded.¹⁵¹

10.5 Streetscape and atmosphere of the area

The Store will be developed on a currently vacant lot as part of the new Centre. On this basis, not only will the proposed Store not be detrimental, but it will, as part of the Centre, add positively to the amenity of the area.

Artist's impressions of the proposed Centre are shown below:

¹⁵¹ MGA Report, para 3.2.



10.6 Noise and anti-social behaviour

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

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

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

The proposed Store is not expected to generate any adverse amenity impacts that are materially different from those associated with any other retail premises.

10.7 Store security

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



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

The Store will include the following security features:¹⁵²

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

These security measures are at the forefront of global best practice.¹⁵³

In addition to the measures outlined above, the Store layout has been designed so that it supports surveillance and management of customer movements, with the service counter positioned overlooking both entry/exit points.

Security pendants, which are a mobile device allowing team members to alert the Police to a threatening situation when they are away from the register and therefore cannot use the void log function, will provide further security for team members and patrons.

To confirm that the new Store would be safe and secure, Liquorland commissioned Bodhi to perform a Crime Prevention Through Environmental Design (**CPTED**) assessment of the Store. The Bodhi Report identified various relevant CPTED elements including surveillance, legibility, connectivity, territoriality, place management and vulnerability.¹⁵⁴ Bodhi concluded that being new, internal and well managed, the Store will perform well on all CPTED criteria.

11 Offence, annoyance, disturbance or inconvenience: section 38(4)(c)¹⁵⁵

Summary

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

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

¹⁵² Statement of Nick Smith, paras 65-73.

¹⁵³ Statement of Nick Smith, para 67.

¹⁵⁴ Bodhi Report, pp 34-5.

¹⁵⁵ Part 6 PIA Form 2A.



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

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

Liquorland does not expect that any offence, annoyance, disturbance or inconvenience will be caused to people who live and work in the vicinity of the Centre beyond that associated with the operations of the Centre itself. Any potential for offence, annoyance, disturbance or inconvenience will be mitigated by the operation of the Store in accordance with Liquorland's proven management practices, which have been demonstrated to be effective at its other stores.

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

12 Tourism, community or cultural matters: section 38(4)(ca)¹⁵⁶

Summary

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

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

- providing added local shopping amenity, with additional one-trolley shopping convenience and comparison shopping (ie compare prices and product range between stores), which will save time for consumers and lead to a corresponding reduction in consumer trips, traffic congestion and vehicle emissions;
- supporting the Centre's role in a NAC; and
- enabling local residents and workers to access diverse and competitive packaged liquor shopping requirements without leaving the Locality.

13 Conclusion in relation to public interest

Summary

Granting the Application is in the public interest.

¹⁵⁶ Part 7 PIA Form 2A.



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

The proposed Store will be relatively small and located inside the Centre. The assessment of 'at risk' communities in the Locality is moderate, with the main risk factors being unemployment, younger individuals and the proportion of families. There is no direct evidence that any of these groups is suffering alcohol related harm or that the grant of this Application will result in any increase in alcohol-related harm to undue or unacceptable levels.

Feedback from stakeholders and residents suggests that the development of the Centre, including the addition of the Store, is expected to have a positive impact on the amenity of the area.

The proposed Store will provide the existing and future residents of south Baldivis and surrounding suburbs with an increased level of choice, diversity and retail amenity and meet the requirement for an additional local co-located liquor store to assist with shopping efficiency, consistent with contemporary packaged liquor consumer standards, expectations and shopping habits.

14 References

- Report entitled '*Proposed Liquor Store Licence – Liquorland Baldivis South*' prepared by MGA Town Planners dated June 2026 (**MGA Report**).
- Report entitled '*Social Impact and Amenity Audit for the proposed Liquorland Baldivis Store*' prepared by Bodhi Alliance dated 10 July 2026 (**Bodhi Report**).
- Report entitled '*Coles South Baldivis – Liquorland Sentiment Survey*' prepared by McGregor Tan dated May 2026 (**MT Report**).
- Witness Statement of Nicholas Smith (**Statement of Nick Smith**) dated 9 July 2026.

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