



Cellarbrations Central

41 Chapman Rd, Geraldton WA 6530



Application for the grant of an
Extended Trading Permit - Sunday trading
for non-metropolitan liquor stores

Section 38 - Public Interest Assessment

June 2026

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1. Introduction

- 1.1. Queens Avocet Pty Ltd currently owns and operates Cellarbrations Central / Bullseye Birdies under tavern licence number 6020046680 at premises located at 41 Chapman Road, Geraldton WA 6530.
- 1.2. This application seeks to allow Cellarbrations Central to continue to trade on Sundays as it has done for many years under the existing tavern licence.
- 1.3. Cellarbrations Central is a bottleshop that offers Geraldton's largest range of wines and beers as well as highly competitive prices and specials on products to suit everyone. They also offer a leading craft beer selection and quality spirits.
- 1.4. Queens Avocet Pty Ltd, the Applicant for this application, is applying to the Director of Liquor Licensing to amend and restructure their abovementioned licence in the following ways:
 - 1.4.1. An alteration or redefinition of the licensed premises to split the two venues.
 - 1.4.2. A new liquor store licence for Queens Avocet Pty Ltd
 - 1.4.3. An extended trading permit for the liquor store to trade on Sundays.
 - 1.4.4. A permanent add, vary or cancel application to convert their tavern licence to a tavern restricted licence
 - 1.4.5. Transfer of the newly converted tavern restricted licence from Queens Avocet Pty Ltd to Avocet Island Pty Ltd.
- 1.5. The Applicant requests that in the case where any of the applications fail individually, the entire submission and all remaining applications will be withdrawn, and further requests, in that scenario, that the existing tavern licence be retained in its current form.
- 1.6. These submissions have been drafted by Canford Hospitality Consultants Pty Ltd in consultation with Kyme Rigter, a director of the applicant company, and references to the applicants or the applicant's opinion relate to Mr. Rigter.
- 1.7. Section 38(2) of the Act sets out the matters to be taken into account by the Licensing Authority in deciding whether or not to grant a liquor licence. Specifically, it states:
 - 1.7.1. *"An applicant who makes an application to which this subsection applies must satisfy the licensing authority that granting the application is in the public interest"*
- 1.8. Further Section 38(4) sets out the matters to which the Licensing Authority may have regard, as follows;
 - 1.8.1. *"The harm or ill health that might be caused to people, or any group of people, due to the use of liquor; and*
 - 1.8.2. *The impact on the amenity of the locality in which the licensed premises, or proposed licensed premises are, or are to be, situated; and*
 - 1.8.3. *Whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and*
 - 1.8.4. *Any other prescribed matter".*

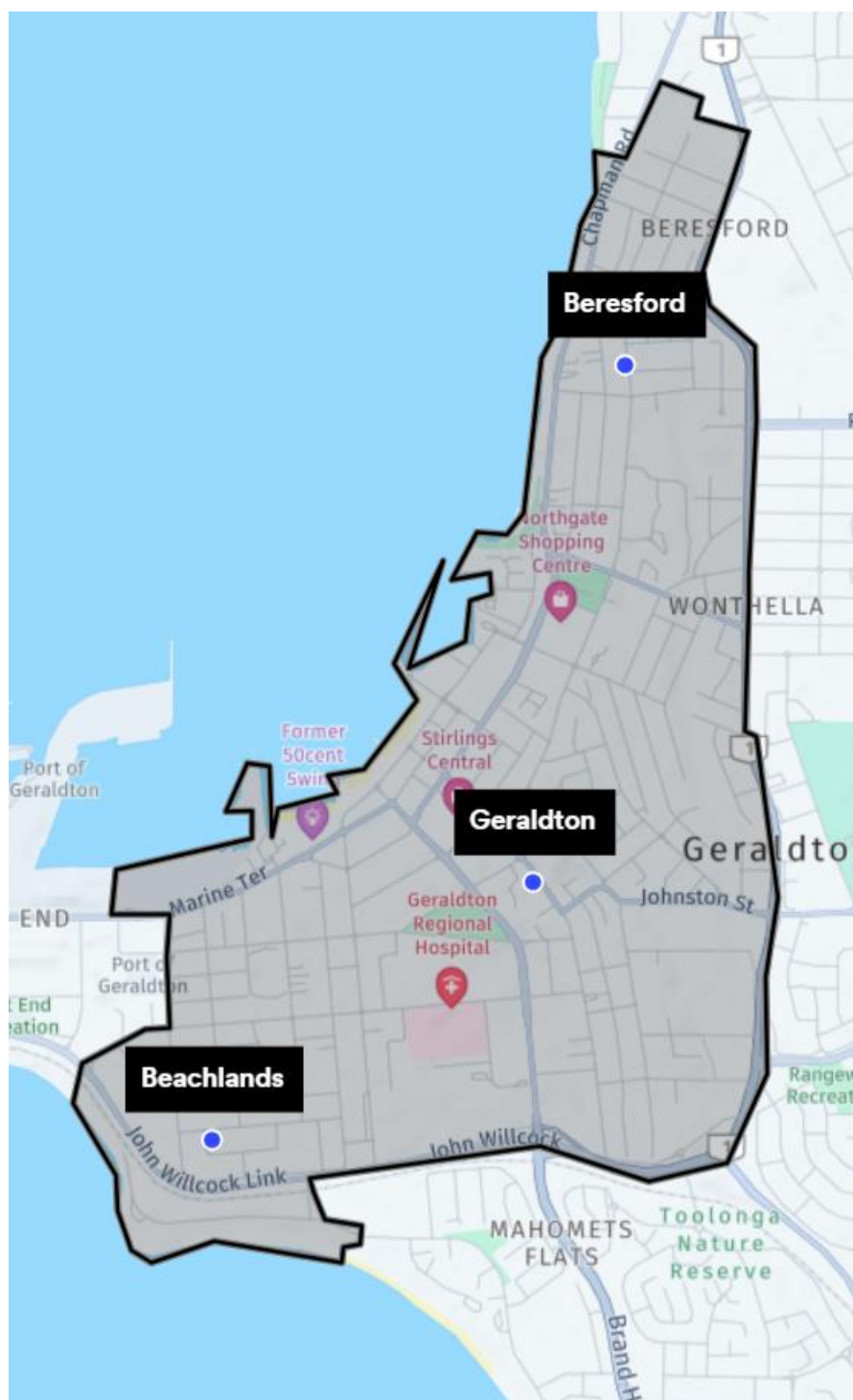
- 1.9. The objects of the Act are expressed at s.5 of the Act, which states that the primary objects of the Act are -
- 1.9.1. *“To regulate the sale, supply and consumption of liquor; and*
 - 1.9.2. *To minimise harm or ill-health caused to people, or any group of people, due to the use of liquor, and*
 - 1.9.3. *To cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.”*
- 1.10. Section 5(2) of the Act also includes the following Secondary Objects;
- 1.10.1. *“To facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and*
 - 1.10.2. *To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and*
 - 1.10.3. *To provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act, and*
 - 1.10.4. *To encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.”*
- 1.11. Further Section 5(3) states *“If, in carrying out any function under this Act, the licensing authority considers that there is any inconsistency between the primary objects referred to in subsection (1) and the secondary objects referred to in subsection (2), the primary objects take precedence”*.
- 1.12. In the Aldi South Fremantle decision (refusing an application for a conditional grant of a liquor store licence), dated 22nd March 2019, at paragraph 26, the Director said (attachment CC01);
- 1.12.1. *“None of the primary objects of the Act take precedence over each other, however, where conflict arises in promoting the objects of the Act, the licensing authority must weigh and balance the competing interests in each case¹¹ and it is a matter for the licensing authority to decide what weight to give to the competing interests and other relevant considerations¹²”*.
- 1.13. The footnote references at 11 and 12 from the above decision relate to the following;
- 1.13.1. Footnote 11 - Executive Director of Health v Lily Creek International Pty Ltd & Ors [2000] WASCA 258.
 - 1.13.2. Footnote 12 - Hermal Pty Ltd v Director of Liquor Licensing [2001] WASC 356.

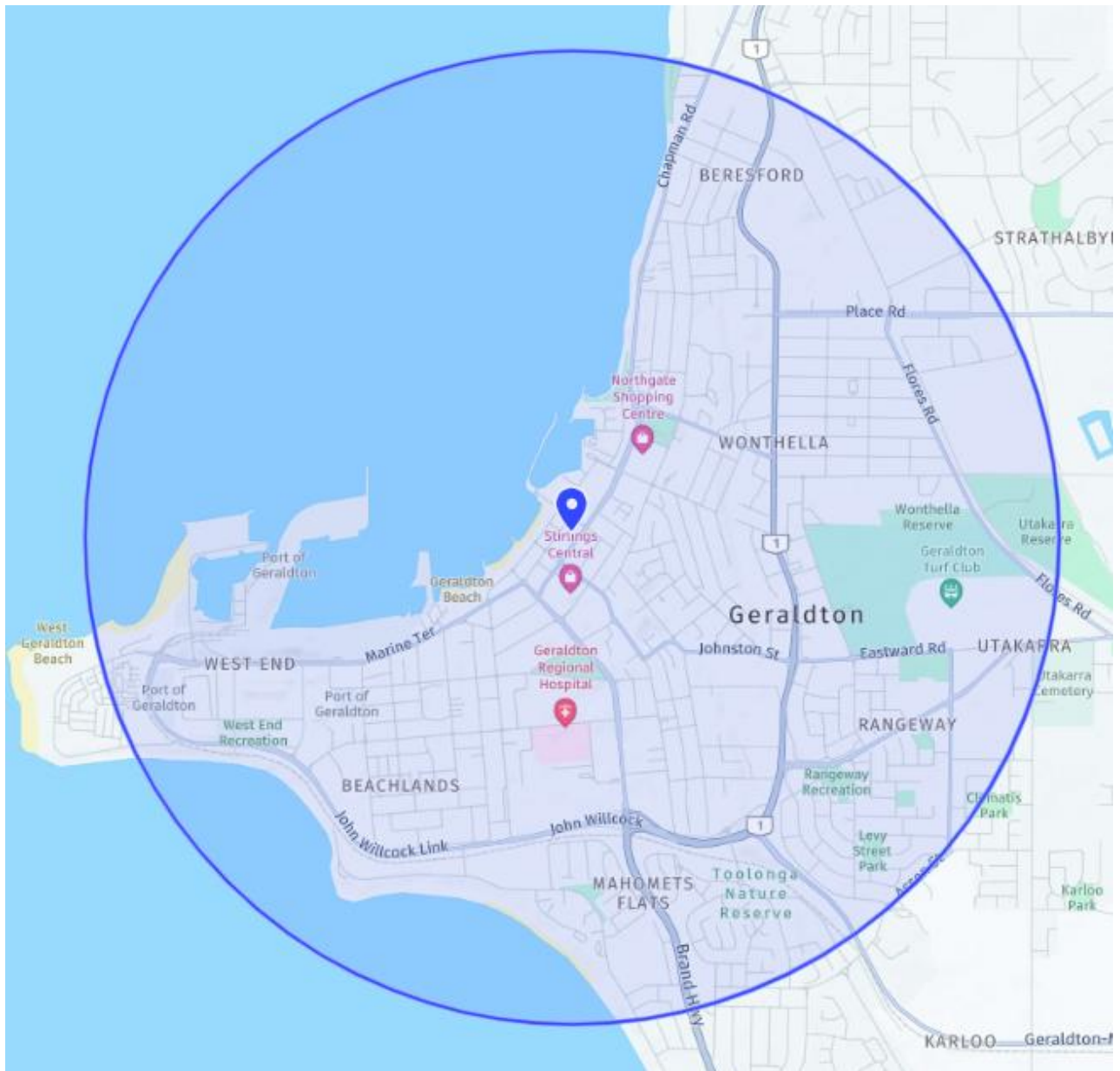
2. The Locality

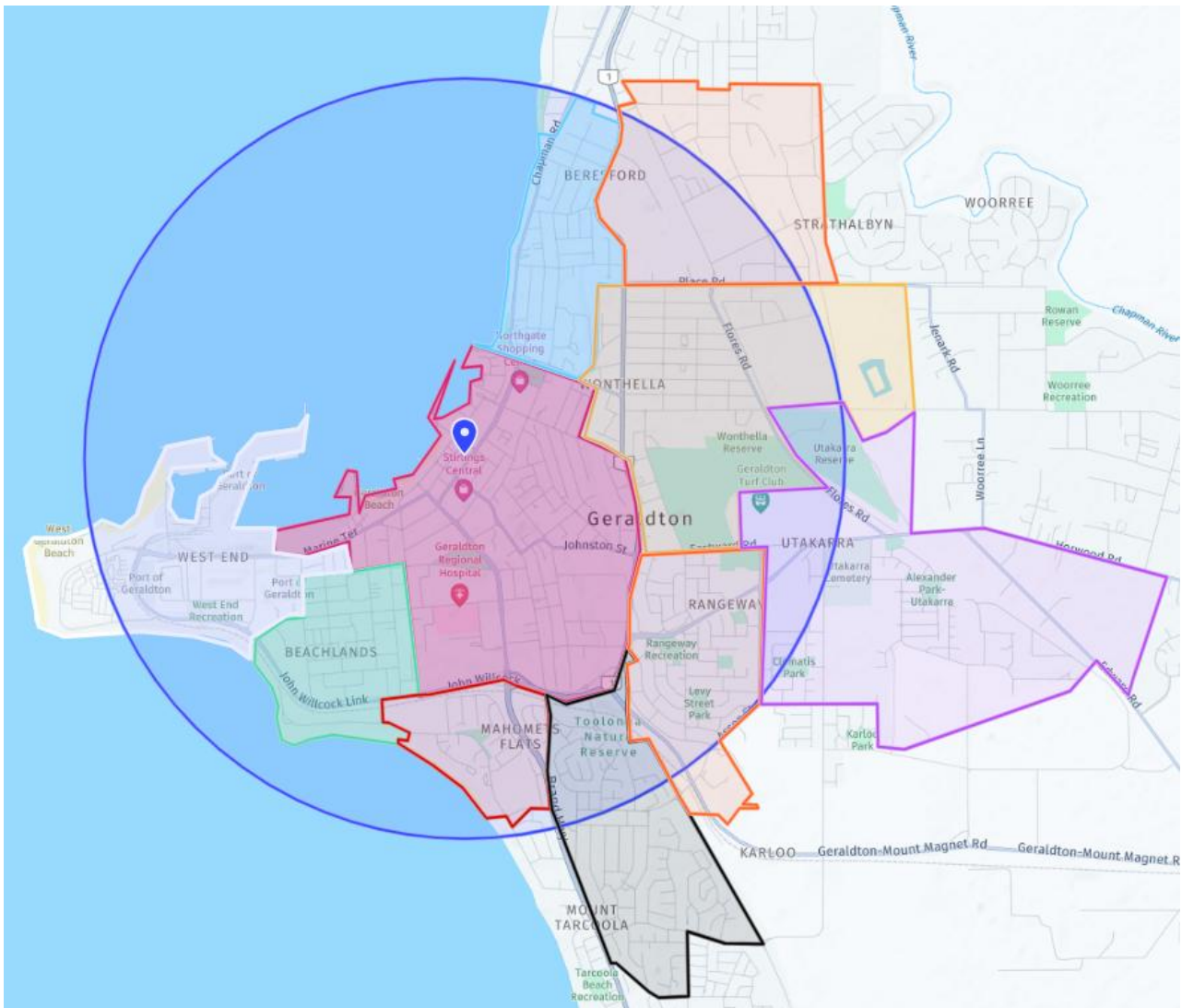
- 2.1. In the Liquorland Karrinyup Supreme Court decision (WASC [2021] 366) Archer J made the following observations in relation to setting the appropriate locality for an application. In Liquorland Southern River WASC [2024] 128 Lemonis J agreed with these observations.
 - 2.1.1. It denotes an area that surrounds, and is geographically close to, the location of the proposed premises. It was not intended to equate to the area(s) from which consumers would come.
 - 2.1.2. It is intended to connote the same concept of neighbourhood and in that context means the geographical area surrounding the proposed site.
 - 2.1.3. The legislature intended to capture the geographical area surrounding, and relatively close to, the proposed site, being the neighbourhood of the site.
 - 2.1.4. The shape and size of the locality may be influenced by topographical features (including man-made features such as roads) and areas from which the proposed site could be accessed reasonably easy on foot or push-bike.
 - 2.1.5. If there is a community in the area of the proposed site, the geographical spread of that community may also influence the shape and size of the locality.
 - 2.1.6. It is impossible to prescribe a specific test to be applied or even an exhaustive list of the factors that will or may be relevant in the determination of the locality in any given case, and
 - 2.1.7. The locality is not to be determined by reference to a retail catchment area. However, a retail catchment area may still be of relevance, for example illuminating the ease of access to the proposed site.
- 2.2. The Director's Form 2A provides guidance on the appropriate locality to be considered for a liquor licence application.
 - 2.2.1. *"You need to provide profile information from the locality that is within a certain distance to your intended business. If your intended business is:*
 - 2.2.1.1. *within 15km of the Perth CBD, the locality is a radius of 2km of it*
 - 2.2.1.2. *anywhere else (unless remote), the locality is a radius of 3km of it*
 - 2.2.1.3. *in a remote area, you should make a submission on what the appropriate size of the locality should be. Remote areas are those where the nearest town is at least 200km away and Perth is at least 400km away.*
 - 2.2.2. *If you think the above definitions of locality are not appropriate for your intended business, make a separate submission on what you think the size should be.*
 - 2.2.3. *Please outline the population characteristics in the locality. Helpful demographic information will include the total population, estimated population growth, average age, income and employment status, and*

the type of people who live and work in the community.

- 2.2.4. *List the community buildings in the locality If any of the following are in the locality, please provide their names and addresses: schools and educational institutions, hospitals, hospices, aged care facilities, churches/places of worship, drug and alcohol treatment centres, short term accommodation or refuges, childcare centres, or a local government.*
- 2.3. To assist in defining the locality, the Applicant has examined the following factors;
 - 2.3.1. The physical location of the subject premises.
 - 2.3.2. The presence of natural or man-made boundaries that effectively separate one local community from another, and
 - 2.3.3. The community most likely to be impacted by the grant of this application.
- 2.4. On 14th January 2026 the applicant emailed a submission to the licensing authority seeking agreement and approval of an appropriate locality boundary.
- 2.5. By email on 15th January 2026 a delegate of the licensing authority responded with a slightly amended locality suggestion, that wholly encompasses the suburbs of Geraldton, Beachlands and Beresford, as well as a little bit of West End and Wonthella.
- 2.6. The maps below show the outline of the resulting, agreed locality that will be used for the purposes of the outlet density report, and the image following shows all 5 suburbs outlined. The two maps show the same area, but the second includes suburb boundaries.







- 2.8. The demographics report will include the suburb of Geraldton, as well as the Geraldton Local Government Area, to cover all of the suburbs that fall within the 3km catchment.

3. Director's policy "Extended Trading Permits - Sunday Trading: Non-metro liquor stores"

- 3.1. Pursuant to section 60 of the Liquor Control Act, the licensing authority may grant permits to allow liquor stores in non-metropolitan areas to trade on Sundays.
- 3.2. The policy document entitled "Extended Trading Permits - Extended Hours - Ongoing" last amended on 29th August 2024 provides guidance on the requirements relating to the granting of such permits.
 - 3.2.1. *"If a licence application is being made at the same time as an application for an extended hours ETP both applications can be considered at the same time. However, consideration around what is in the public interest will be made separately for the licence and the ETP application. To support this, the applicant must submit two public interest assessments, one in support of the grant of the licence and the other for the extended hours ETP."*
- 3.3. The policy document assists further by saying the following.
 - 3.3.1. *"The initial grant of an ongoing extended hours ETP will require the applicant to prepare a Public Interest Assessment (PIA). If an application is made to renew an ongoing extended hours ETP on the same terms as the ETP which is due to expire, generally only a brief submission will be required which outlines how the renewal would be in the public interest."*
- 3.4. In this matter the licensee is seeking to replace a tavern bottleshop, capable of trading seven days a week, with a liquor store, and wishes it to trade, similarly, seven days a week, as it has done for many years.
- 3.5. Following the logic of the quote from the policy in paragraph 3.3.1 above, only *"a brief submission"* should be required.
- 3.6. Critically any applicant for such permits must demonstrate that the granting of the permit is in the public interest. However, it is clearly contemplated that such permits may be granted in the right circumstances when the application is shown to be in the public interest.
- 3.7. **Treatment of Sunday compared to other days of the week**
- 3.8. It should be noted that neither the policy wording above nor the Act require the Director to treat Sundays differently to other days of the week.
- 3.9. Paragraphs 37 and 38 from McClure J in [2001] WASCA 286 state;
 - 3.9.1. *"The source for the suggestion appears to be the Director's reasons in the Joondalup Inn case quoted by the Acting Deputy Director in his reasons. The Director in the Joondalup Inn case says nothing more than for the stated reasons he treats Sunday differently than other days in relation to the grant of an ETP and that his approach is consistent with s 97(3) of the Act. The statement of consistency is correct as far as it goes. The statutorily permitted (fixed) trading hours on a Sunday are different from weekdays or a Saturday. For a hotel licence the weekday trading hours are 6 am to midnight whereas they are 10 am to 10 pm on a Sunday. I interpret the Director's reasons in the Joondalup Inn case (approved and adopted by the Acting Deputy Director) as identifying discretionary matters he has taken into account and noting that the discretionary matters are consistent with the scope and purpose of the Act."*

- 3.9.2. *That is an entirely appropriate approach to the issue. He does not say or suggest that his approach to the grant of an ETP for Sunday is mandated by the Act.*
- 3.9.3. *The applicant put its construction argument slightly differently at the hearing. In essence, the submission was that there was nothing in the provisions of the Act dealing with ETPs to support the conclusion that Sunday should be treated differently than any other day. It is correct that the provisions of the Act dealing with ETPs do not make any distinction between Sunday and any other day of the week (except Good Friday). However, there are three difficulties with the applicant's submission. Firstly, it is wrong to focus on the ETP provisions of the Act. Regard must be had to the Act as a whole. Secondly, it fails to take due account of the nature and scope of the Director's discretion. Subject to the Act, the Director has an absolute discretion to refuse an application for an ETP on any ground, or for any reason, that he considers in the public interest: (s 33). Thirdly, the ETP provisions of the Act do not require the Director to treat Sunday in the same way as other days of the week." (emphasis added)*
- 3.10. To summarise the above quote:
 - 3.10.1. (1) regard must be had to the Act as a whole, and
 - 3.10.2. (2) the Director has an absolute discretion to grant or refuse an application for an ETP on any ground, or for any reason, that he considers in the public interest.
- 3.11. In *Hermal Pty Ltd -v- Director of Liquor Licensing* [2001] WASCA 356, at paragraph 37, Templeman J noted: *"The only question is whether, having regard to all the circumstances and the legislative intention, an extended trading permit is justified. In answering that question the Director has a wide discretion: it is a matter for him to decide what weight he will give to the competing interests and other relevant considerations."*
- 3.12. Further in the Harvey decision (2nd June 2016), the Delegate of the Director, determined, relevantly, as follows;
 - 3.12.1. *"there is no evidence before me that Sunday trading in Harvey should be treated differently from any other day of the week"* (Paragraph 66 (c)).
- 3.13. The conclusion is the licensing authority is not required to treat Sunday *"in the same way as other days of the week"*, but in the absence of evidence to the contrary it should not be *"treated differently from any other day of the week"*, and the ultimate criterion is whether the proposed extended trading permit is justified in the public interest.
- 3.14. **Public Interest**
- 3.15. From the summary of Paragraphs 37 and 38 from McClure J in [2001] WASCA 286: the Licensee concludes that there should be no presumption of an approval nor presumption of a refusal because an application must be judged on its own merits in the public interest.
- 3.16. In a Decision granting an Extended Trading Permit (Ongoing Hours) for Sunday trading for Cellarbrations at Harvey, reference No. A000191694, the Delegate of the Director said the following:
 - 3.16.1. *"In determining, whether an application should be granted "in the public interest" the licensing authority, is required to exercise a discretionary value judgement within the scope and purpose of the Act (refer Water Conservation and Irrigation Commission (NSW) v Browning (1947) 74 CLR 492; O'Sullivan v Farrer (1989) 168 CLR 210: and Palace Securities Pty Ltd v Director of Liquor Licensing (1992) 7 WAR 241".*

- 3.17. In *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 Tamberlin J said:
- 3.17.1. *“The reference to “the public interest” appears in an extensive range of legislative provisions upon which tribunals and courts are required to make determinations as to what decision will be in the public interest. This expression is, on the authorities, one that does not have any fixed meaning. It is of the widest import and is generally not defined or described in the legislative framework, nor, generally speaking, can it be defined. It is not desirable that the courts or tribunals, in an attempt to prescribe some generally applicable rule, should give a description of the public interest that confines this expression.*
- 3.17.2. *The expression “in the public interest” directs attention to that conclusion or determination which best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances.”*
- 3.18. So, it is clearly contemplated that such permits may be granted in the right circumstances when the application is shown to be in the public interest.
- 3.19. It is made clear that the onus must be put on “each particular set of circumstances”. These submissions will show the particular circumstances of this application clearly leave it open for the Director to conclude it is in the public interest to grant this permit.
- 3.20. In the witness questionnaire (discussed later in these submissions), the respondents were asked, *“Thinking about the proposed extended trading permit to allow trading on a Sunday, would you like the flexibility and convenience of Cellarbrations on Central being open on a Sunday?”*
- 3.21. Of the 18 responses to the question, all **100%** of respondents said, **“Yes”**.
- 3.22. Subsequently, respondents were asked, *“If trading on a Sunday is important to you please explain why”*;
- 3.22.1. Respondent 1 said, *“Sunday trade helps the local economy and allows customers another option to enjoy their rest time before beginning a typical new work week.”*,
- 3.22.2. Respondent 3 said, *“I believe Sunday trading provides important convenience and flexibility for both locals and visitors, especially for people working irregular hours, hospitality staff, travellers and families. It also supports tourism and allows customers to shop responsibly at times that better suit their schedules.”*,
- 3.22.3. Respondent 9 said, *“as am busy during the week - Sunday is a better day for me to shop for things like this”*,
- 3.22.4. Respondent 18 said, *“Working Monday - Friday, it's very convenient to have it open on both Saturday and Sunday as those are the days I'm more likely to purchase alcohol. It also makes Saturdays and other days have less traffic as people aren't restricted to purchasing their alcohol on the single day.”*

4. Demographics of the locality

- 4.1. Whilst it is acknowledged that the premises already exists and is trading, the impact of this proposed licence on the community within the specified locality still needs to be considered and is considered in this section by the applicant.
- 4.2. In “The Western Australian Alcohol and Drug Interagency Strategy 2018-2022” the priority groups of concern are as follows;
 - 4.2.1. *Aboriginal people and communities.*
 - 4.2.2. *Children and young people.*
 - 4.2.3. *People with co-occurring problems*
 - 4.2.4. *People in rural and remote areas including fly-in, fly-out and drive-in, drive-out workers;*
 - 4.2.5. *Families, including alcohol and other drug using parents and significant others;*
 - 4.2.6. *Those interacting with the justice and corrections systems.*
 - 4.2.7. *Other target groups of concern include:*
 - 4.2.7.1. *Older adults;*
 - 4.2.7.2. *Culturally and linguistically diverse communities,*
 - 4.2.7.3. *People identifying as lesbian, gay, bisexual, transgender or intersex; and*
 - 4.2.7.4. *Homeless people.*
- 4.3. The applicant will consider all ten groups above for which data is readily available. The following groups were unable to be considered however, as data is not available for them;
 - 4.3.1. *people with co-occurring problems;*
 - 4.3.2. *People in rural and remote areas including fly-in, fly-out and drive-in, drive-out workers;*
 - 4.3.3. *Families, including alcohol and other drug using parents and significant others (see paragraphs 3.5 & 3.6 below);*
 - 4.3.4. *Those interacting with the justice and corrections systems;*
 - 4.3.5. *Culturally and linguistically diverse communities, people identifying as lesbian, gay, bisexual, transgender or intersex;*
 - 4.3.6. *Homeless people.*
- 4.4. Clarification has previously been sought from the Drug and Alcohol Office regarding the definition of the term “family”.
- 4.5. The Drug and Alcohol Office replied that “a specific definition of family is not provided in the Strategy document. There are a number of reasons for this, including:
 - 4.5.1. *“Recognition of the cultural diversity in Western Australia and that the definition of family can be different for different cultures.*

- 4.5.2. *Recognition that the impact of an individual's drug and alcohol use is not always confined to a household or what has in the past been defined as the 'immediate family' - it can impact more broadly on family members who are external to a household. For example, Grandparents, Aunts and Uncles are commonly reported to be impacted upon.*
- 4.5.3. *Recognition that not all families are biologically related but can still be impacted on by a person's drug or alcohol use - for example step children/guardians."*
- 4.6. With such a broad definition, it is impossible for the applicant to identify or quantify this priority population group in the locality.
- 4.7. The applicant has selected relevant Census topics from the Australian Bureau of Statistics (ABS) website (www.abs.gov.au) to provide an indication of the prevalence of each of the priority population groups within the locality.
- 4.8. For the purposes of the demographic study, the applicant will be considering the 2021 census data relating to Geraldton, as well as the Local Government Area of Greater Geraldton in comparison to Western Australia as a whole.
- 4.9. The selected ABS 2021 Census data is shown below.

ABS Census 2021	Geraldton	Greater Geraldton	WA
People and population			
Total population	3,246	39,489	2,660,026
Aboriginal & Torres Strait Islander	8.6%	9.7%	3.3%
Age			
Persons aged 15-24 years	11.4%	11.6%	11.8%
Persons aged over 65 years	28%	17.6%	16.1%
Country of birth, top responses			
Australia	70.6%	76.5%	62.0%
Country of birth of parents			
Both parents born overseas	22.0%	18.2%	41.6%
Employment Status			
Work full-time	54.7%	56.2%	57.1%
Occupation			
Professionals	23.3%	16.9%	22.0%
Median weekly income			
Personal	\$645	\$777	\$848
Family	\$1,718	\$2,003	\$2,214
Australian Defence Force Service			
Previously served (and not currently serving)	3.5%	2.8%	2.6%
Tenure Type			
Owned Outright	30.7%	31.8%	29.2%
Mortgage monthly repayments			
Median Mortgage Repayments	\$1,400	\$1,519	\$1,842
Owner with mortgage households where mortgage repayments are less than or equal to 30% of household income	75.4%	71.8%	72.1%

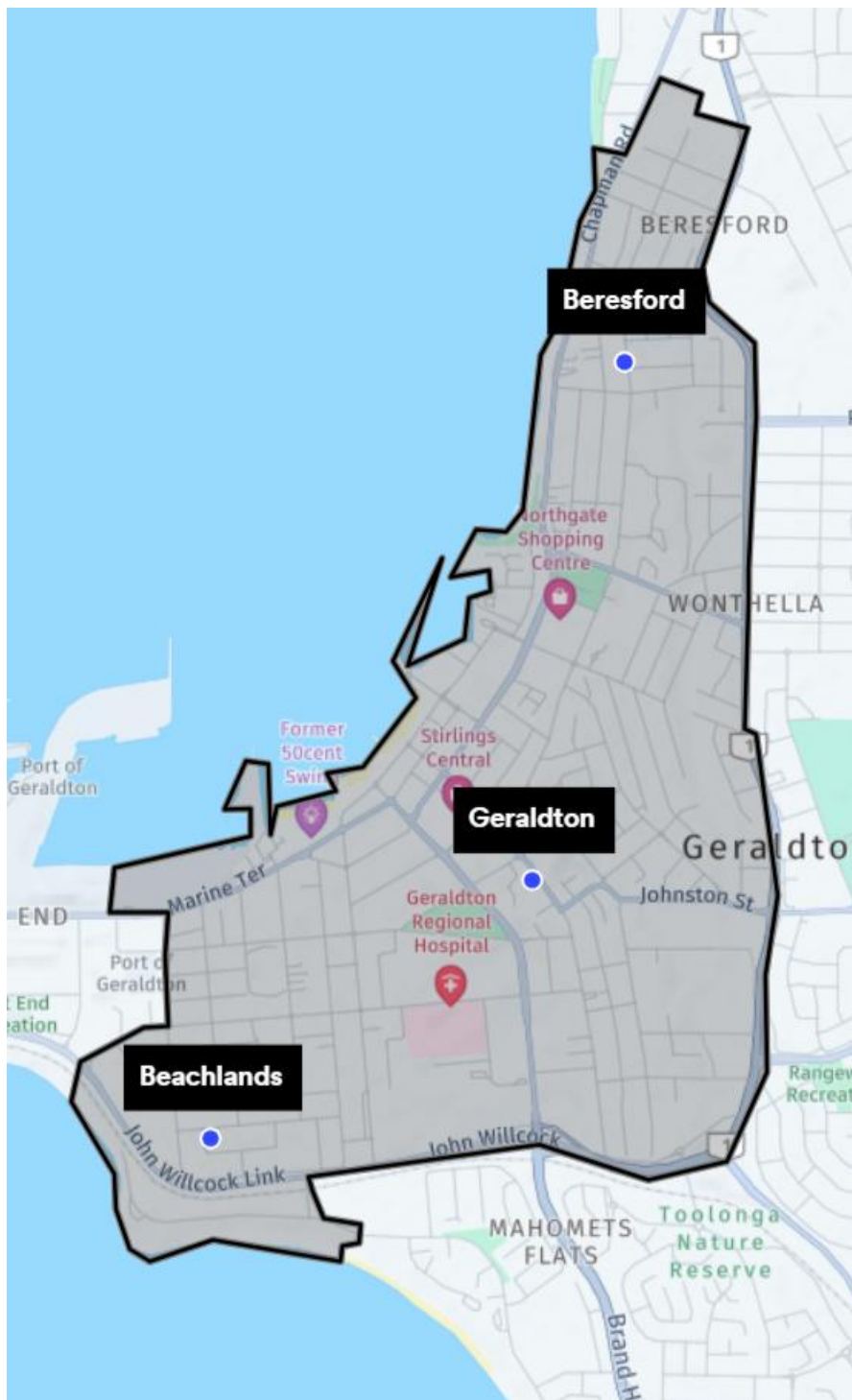
ABS Census 2021	Geraldton	Greater Geraldton	WA
Owner with mortgage households with mortgage repayments greater than 30% of household income	7.6%	9.9%	13.0%

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

- 4.10. The purpose of considering the demographic data for the locality is to establish whether the priority population groups identified in paragraphs 3.2 and 3.3 above are over or underrepresented in the locality.
- 4.11. Below is a summary of the 2021 ABS data for Geraldton;
 - 4.11.1. Both Geraldton and Greater Geraldton show a slightly older demographic.
 - 4.11.2. The percentage of Aboriginal and Torres Strait Islander people is above the State average. This is not uncommon for towns in the northern parts of the State, however it must be remembered that this packaged liquor outlet is existing, and the applicant is a local family business, with an impeccable reputation in the locality, and a long history in licensed retail and hospitality in Geraldton.
 - 4.11.3. The Ancestry, Country of Birth and Country of Birth of Parents shows the local community has a generational connection to the town, much as the applicant does, first with Johannes and Beryl Rigter, and now with Kyme Rigter.
 - 4.11.4. Rental stress in the locality is on par with the State, while mortgage stress is shown to be less in Geraldton / Greater Geraldton compared to the State.
- 4.12. The table above and summary indicate the locality is unremarkable with low representations of almost all at-risk priority groups that data is available for.

5. Outlet Density Information

5.1. The outlet density locality for this application was discussed in Section 2 above and is reproduced below.



5.2. As noted above, the suburbs included within the locality are:

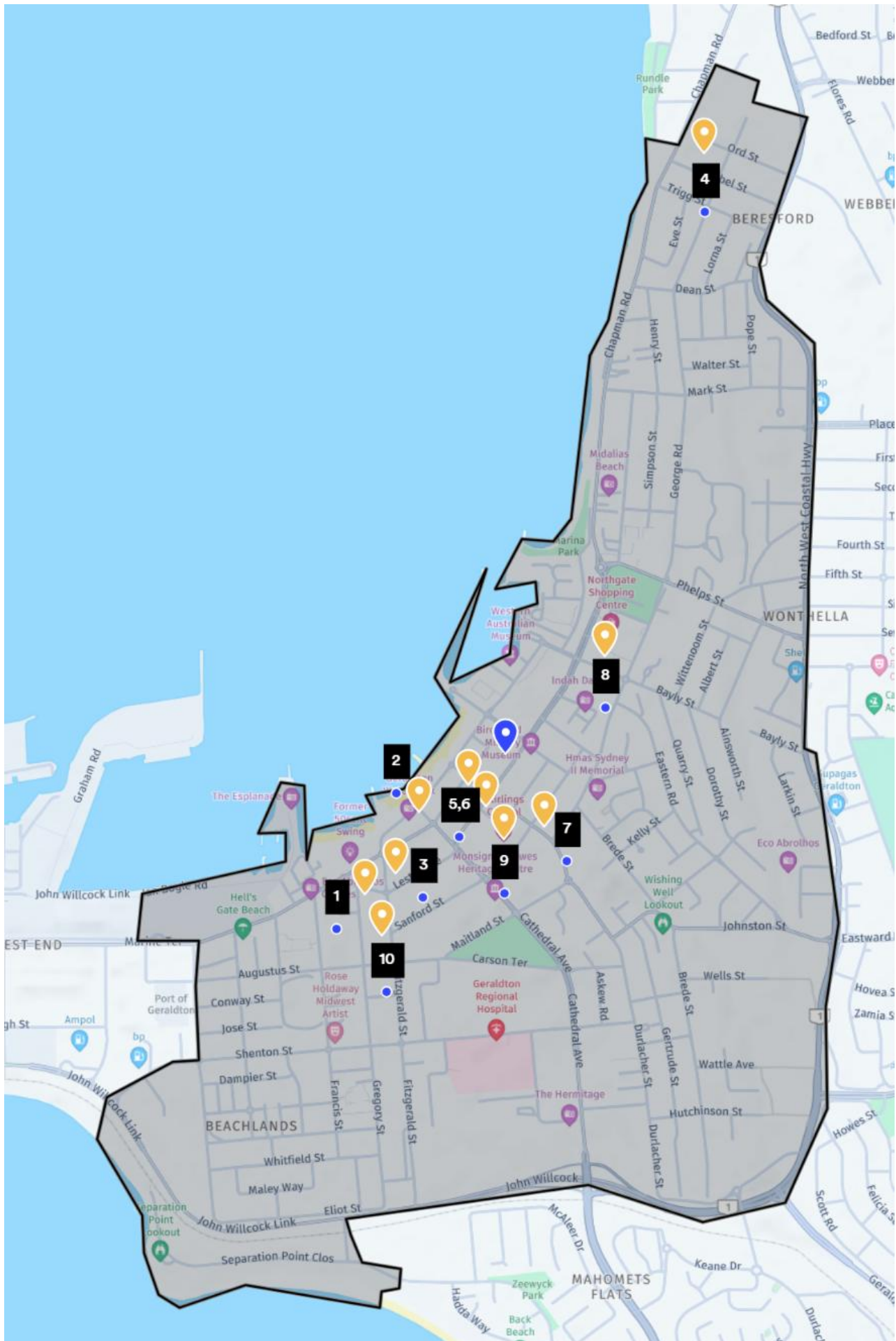
- 5.2.1. Beachlands
- 5.2.2. Geraldton
- 5.2.3. Beresford
- 5.2.4. A small portion of Wonthella, and
- 5.2.5. A small portion of West End

5.3. In April 2026, the applicant searched the website of the Office of Racing, Gaming and Liquor for all licensed premises located within the locality.

5.4. The applicant then eliminated all premises that may not trade in a similar manner to a tavern or a liquor store, on a Sunday.

5.5. This resulted in the following list of premises that sell packaged liquor for takeaway on Sundays.

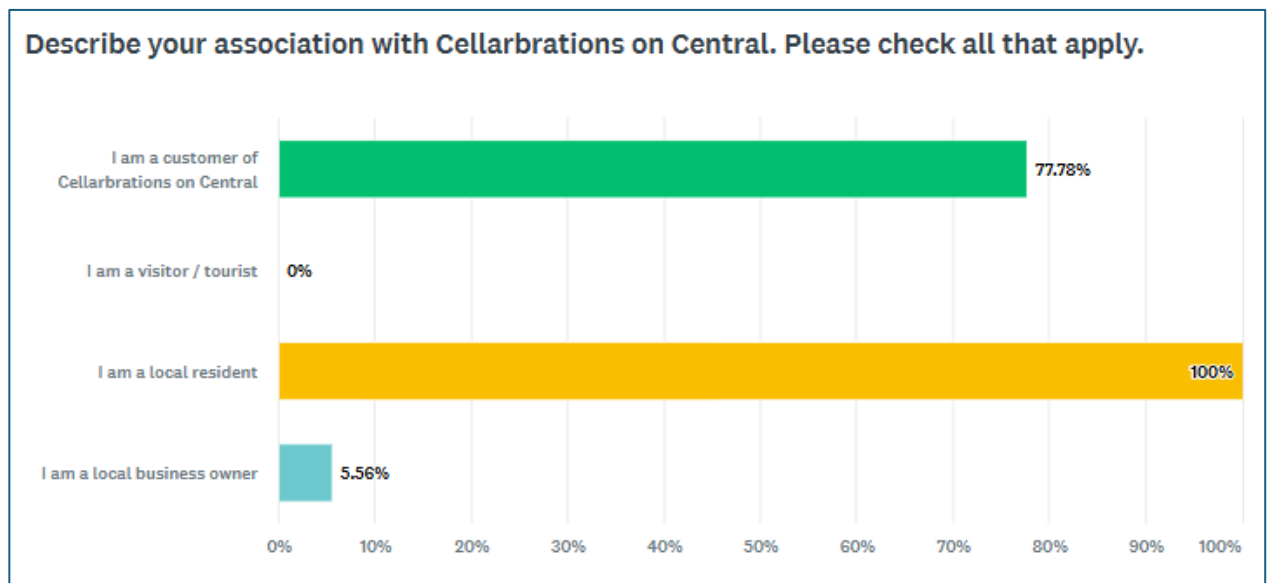
	Licence Ref	Licence Type	Premises Name	Licensee Name	Suburb	Address
1.	6010010579	LIQ-Hotel	Geraldton Hotel (liquor barons)	Western Leisure Pty Ltd	GERALDTON	19 GREGORY STREET GERALDTON WA 6530
2.	6010011932	LIQ-Hotel	Ocean Centre Hotel	R & M Ramage Pty Ltd	GERALDTON	144 MARINE TCE GERALDTON WA 6530
3.	6010117599	LIQ-Hotel	Corcorans Geraldton Beach Hotel (Bottlemart)	BIP Investments Pty Ltd	GERALDTON	15 Fitzgerald St GERALDTON WA 6530
4.	6020011056	LIQ-Tavern	Broadwater Resort Hotel	Broadwater Hospitality Pty Ltd	GERALDTON	MABEL STREET GERALDTON WA 6530
5.	6020011239	LIQ-Tavern	The Murchison Tavern	Kate & KB Pty Ltd	GERALDTON	20 CHAPMAN ROAD GERALDTON WA 6530
6.	6020044388	LIQ-Tavern	Freemasons Hotel	Kate & KB Pty Ltd	GERALDTON	79 Marine Terrace GERALDTON WA 6530
7.	6020046680	LIQ-Store	Cellarbrations at the Queens	Queens Supermarket (WA) Pty Ltd	GERALDTON	79 Durlacher Street, GERALDTON WA 6530
8.	6030012567	LIQ-Liquor Store	Liquorland Northgate Plaza	Liquorland (Australia) Pty Ltd	GERALDTON	Shop 1 Northgate Plaza Shopping Centre Lot 17 Chapman Road GERALDTON WA 6530
9.	6030013169	LIQ-Liquor Store	BWS - Beer Wine Spirits Geraldton	Endeavour Group Limited	GERALDTON	Shops 23 and 24 (Lot 32) 54 Sanford Street GERALDTON WA 6530
10.	602220746923	LIQ-Tavern	Batavia Brewing	Dennis Healy and Lynette Healy	GERALDTON	60 Fitzgerald Street GERALDTON WA 6530



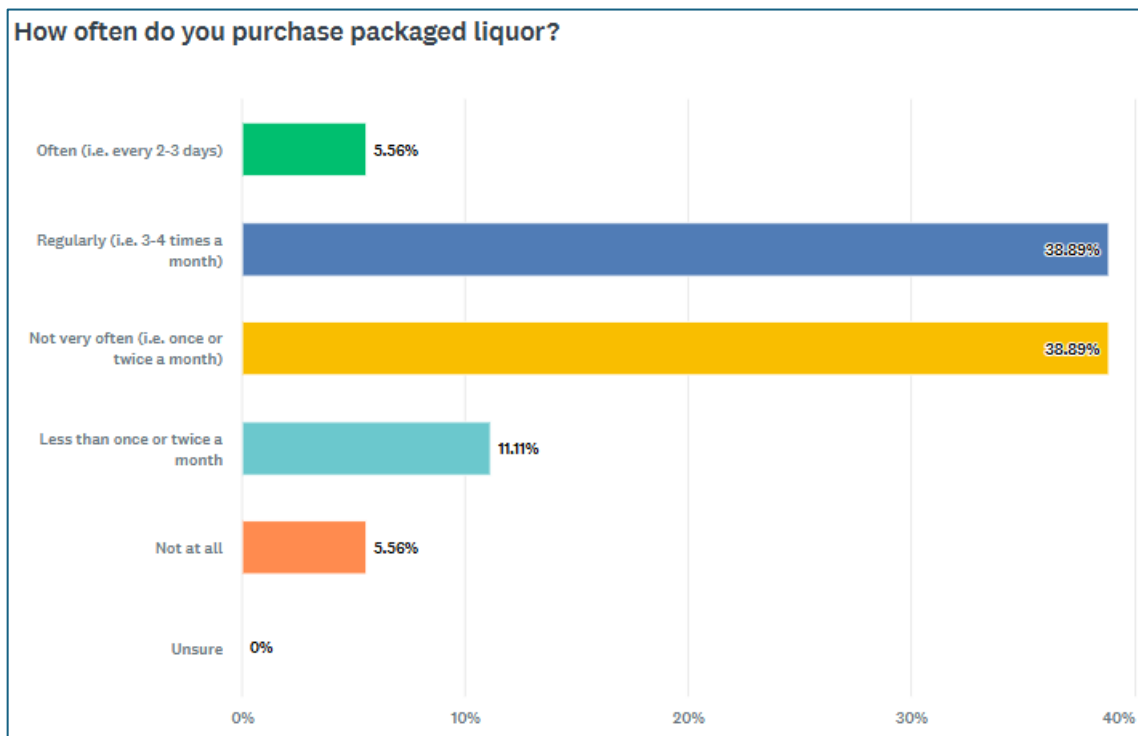
- 5.6. Premises like Freemasons Hotel have the licence type to sell packaged liquor on a Sunday, but do not.
- 5.7. This application does not seek to add a new premises selling packaged liquor on a Sunday. It is a change in the liquor licence arrangements. The premises has been selling packaged liquor on a Sunday for years.

6. Objective Evidence

- 6.1. In May 2026, the applicant implemented a witness response strategy both online and in-person, to gather objective evidence for these submissions.
- 6.2. A hard copy of the witness questionnaire can be found at attachment CC02 and the raw witness data can be found at attachment CC03.
- 6.3. Specific to this application, the applicant gathered 18 responses.
- 6.4. Of those who listed their address, **100%** of respondents are from the Geraldton local Government area. A majority of respondents live within 2 / 3 suburbs of Cellarbrations Central.
- 6.5. Further, when asked how long they have lived at their listed address, **67%** of respondents selected “**More than 5 years**”. A further **22%** have lived at their address for between 1 -5 years.
- 6.6. Respondents were then asked to describe their association with Cellarbrations Central, and **over three quarters** said they were currently a customer of the liquor store.



- 6.7. It's also noted that **40%** of the respondents to the question, “**Approximately how far away is your residence / place of work from the proposed liquor store?**” live within 2km of Cellarbrations Central. The rest of the respondents live further than 2km, though, given this is a regional town, this is not unusual.
- 6.8. The objective evidence presented in this section shows the respondent pool is an accurate representation of the community and locality.
- 6.9. In qualifying the respondents relationship with packaged liquor, the questionnaire asked, “**How often do you purchase packaged liquor?**”
- 6.10. Nearly **half of the respondents** purchase their package liquor regularly - 3-4 times a month or more.



6.11. Lastly, respondents were asked, *“Do you currently purchase packaged liquor from the Cellarbrations at the Queens liquor store?”*, to which **89%** said, **“Yes”**.

6.12. The responses to these questions above detail a relevant respondent base.

6.12.1. The respondent base is local to the area,

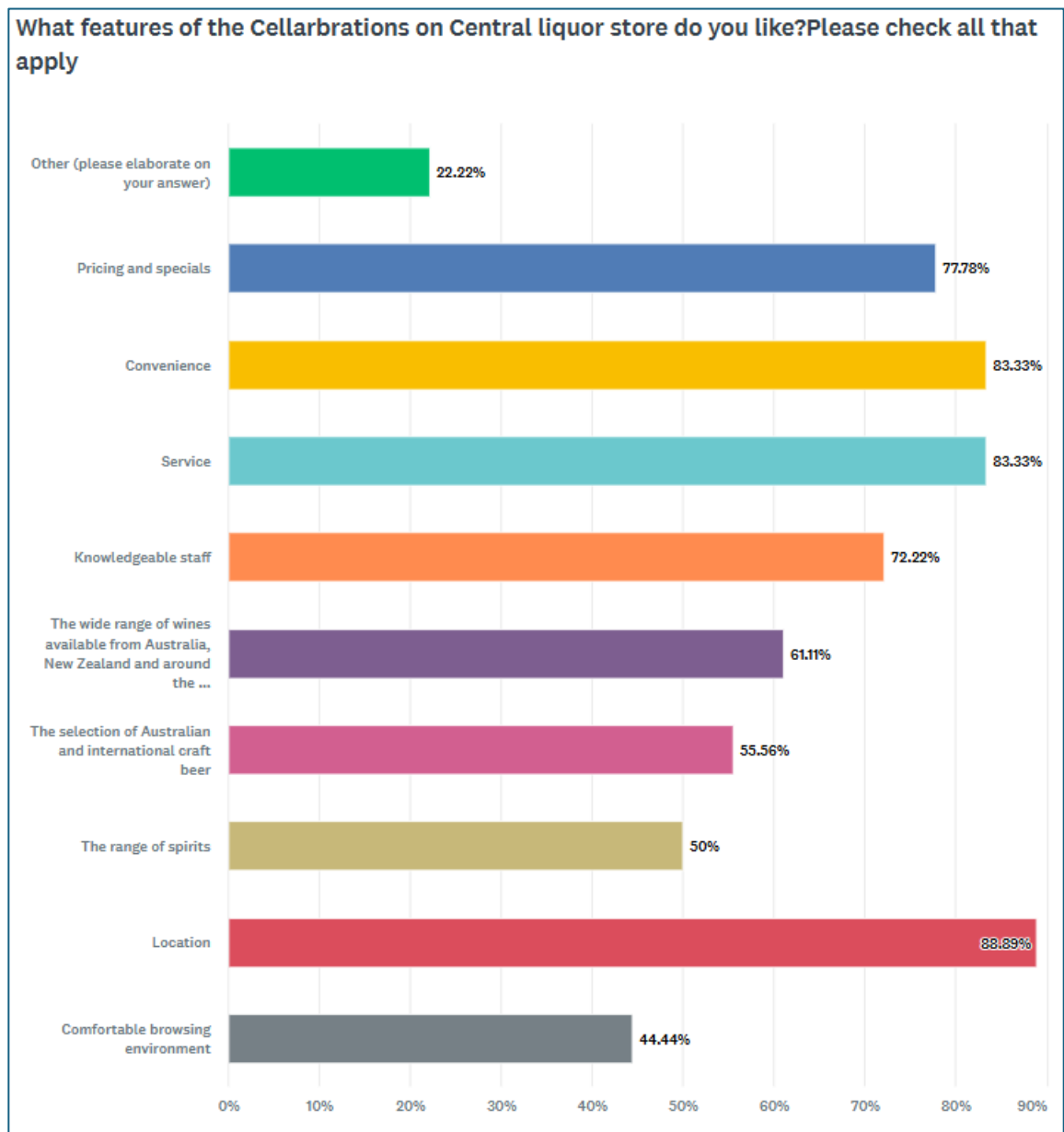
6.12.2. They have lived in the area for a substantial period of time,

6.12.3. A large majority of the respondents have purchased packaged liquor on multiple occasions in the last month, and

6.12.4. Are also customers of the store.

6.13. Further questions and respondent answers are detailed throughout these submissions.

6.14. Noting their established relationship with the liquor store, respondents were also asked, *“What features of the Cellarbrations on Central liquor store do you like? Please check all that apply”*. Their answers are below;



6.15. When respondents were asked if there was anything the store could do better, all respondents who answered said, **“No”**.

7. Local Government Authority Consultation

- 7.1. A submission explaining the proposed split between Bullseye Birdie and Cellarbrations Central liquor store has been presented to the City of Greater Geraldton in a section 40 planning certificate application lodged on 13th May, 2026.
- 7.2. Given the premises exist already and have been trading without incident for some years the Applicant does not expect any planning issues to be raised by Council.

8. Background and Experience of the applicant

- 8.1. Rigtters Supermarkets began humbly in 1969 when John Rigtter and his wife Beryl were looking for a business opportunity to start the next chapter of their life together. Having left the RAAF, John and Beryl were drawn to Beryl's hometown of Geraldton, Western Australia.
- 8.2. In 2017 Rigtters Supermarkets purchased the Breakers Tavern site on Chapman Road along with the drive through Thirsty Camel bottle shop. This has now tastefully been transformed into Cellarbrations Central and now Bullseye Birdies (previously Cutler & Smith).
- 8.3. The bottle shop has completely been refurbished and now offers Cellarbrations' great specials with drive-through convenience. Since the store's renovations it has had strong periods of growth achieved through high store standards, product ranging and excellent service.
- 8.4. Cutler & Smith (before transforming into Bullseye Birdie) re-opened as a unique tapas style bar, with the food menu designed around sharing and hosting a great range out non-mainstream drinks and cocktails. Their tapas originally changed on a regular basis with only a few remaining as staple.
- 8.5. The consumers appreciated this idea of being able to sample many different styles of new beers and ciders from the now many craft and microbreweries.
- 8.6. Recently, the venue has shifted its operational style to a sports bar, also offering interactive activities for customers to enjoy. It has been remodelled into a modern, relaxing setting with activities for whole family to enjoy. It now boasts a golf simulator, five interactive "Dartsee" lanes, kids' outdoor entertainment area and numerous big screen TVs streaming live action sports. The menu has also shifted in line with the venue change, now offering more share style menu options.
- 8.7. Through the years Rigtters Supermarkets Group have evolved into a well-established and proud Geraldton business. Locally owned and operated, the Group employs some 380 people and continues to support many local businesses within the community.
- 8.8. The Rigtters pride themselves on their dedication to helping the community through many ways including Community Chest, Shop for your Schools, Rigtters Rewards and Rewards Partner programs, local club sponsorships and the numerous donations they make each year which assist organisations with much needed funds.
- 8.9. They are determined to continue to deliver their customers with the best possible shopping experience every time whether it be through quality, range or service.
- 8.10. The Rigtters strive to maintain quality & excellence in all their stores and will continue to bring Geraldton new innovative concepts for supermarket and packaged liquor shopping needs.
- 8.11. Liquor Accord.
 - 8.11.1. The following is taken from the Director's Policy on Liquor Accords (last amended on 12th June 2019);

8.11.1.1. *‘Liquor Accords are a co-operative arrangement aimed at developing safe and well managed environments in and around licensed premises in the local context.*

8.11.1.2. *Liquor Accords may include representatives from licensed premises, business, councils, police, government departments and other community organisations.’*

8.12. *Rigters Group has been a long-standing member of the Midwest Gascoyne Liquor Accord, voluntarily withdrawing from the accord in January 2023. They chose to withdraw from the accord due to competitive reasons as a new licence opened in Geraldton, and they refused to join the accord as they wanted to trade outside of the current agreed hours. After several meetings with the local police liquor enforcement unit, they were still not open to changing their hours, so in turn Rigters Group withdrew so they could open at the same time.*

8.12.1. *Rigters Group abide by all regulations and agreements of the Midwest Gascoyne Liquor Accord, other than they open at 9am (except Sunday), instead of 10am. They are still invited and participate in all Midwest Gascoyne Liquor Accord meetings.*

8.13. Director of the applicant company - Kyme Martin Rigter - has worked in the family business for over 35 years. Working across multiple sites and covering multiple roles, he now is the company’s General Manager and Director and has been in that role for the past 10 years.

8.14. His current role also focuses on overseeing the operations of the Group’s licensed retail and on-premise locations, with all venue and store management reporting directly to him.

8.15. Kyme is also a WA IBA Committee member, representing regional stores under the Cellarbrations, Bottle-O and Porters banners. He has been a member of this committee for over 6 years.

8.16. The Manager of Cellarbrations Central liquor store is Michael Linton. Michael started with the Rigters Group as a casual liquor store assistant out at Wonthella Liquor in October 2022 showing keen ambition and was hardworking with a willingness to learn. Although he did not have much of a liquor industry background, he quickly gained knowledge and experience which made him a valued member of the team.

8.17. In early 2025 a store manager’s position at the Cellarbrations Central store became available and Michael submitted his application. He was ultimately successful, was offered the role, and transitioned over to the store in May 2025.

8.18. Since then, Michael has continued to excel, by upholding the high standards set by previous management across all areas of operations. Michael is well respected by his staff and peers, often displaying maturity well beyond his age.

8.19. All staff are required to complete a company induction prior to commencing employment and must hold relevant accreditation as required by the Liquor Control Act. The applicant conducts regular product knowledge and tasting sessions for staff to keep their knowledge base up to date and relevant to modern liquor trends.

- 8.20. All staff (including the supermarket staff) are expected to deliver a high standard of customer service.
- 8.21. Attachment CC04 is a document entitled 'Employee Guidelines'. This document shows the applicant is a thorough employer with excellent induction and staff training methods.
- 8.22. The applicant confirms that neither they, nor any of the venues they've managed previously, have received any liquor infringements from the Licensing Authority.
- 8.23. They have received only one warning from Police with regards to Liquor Act breaches at Cutler & Smith. As a result, immediate actions were taken by Mr. Rigter to reprimand and stand down staff involved. Further a review of the incident and their harm minimisation policy was undertaken, all venue staff were required to sign updated job descriptions and documentation that covered the liquor licence consumption area.
- 8.24. It is open for the licensing authority to conclude;
 - 8.24.1. This applicant is very experienced;
 - 8.24.2. Is a very competent and responsible licensee, and
 - 8.24.3. Its staff are experienced and knowledgeable.

9. Risk Assessment with respect to the Harm and Ill Health

- 9.1. Section 38(4)(a) of the Liquor Control Act (1988) asks applicants to consider *“the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor”*.
- 9.2. The proposed changes to these premises will have a no effect on any people or groups of people. As mentioned above, these premises have been operating in the same manner since 2017 without incident. Since there will be no operational changes, there is no reason to believe there will be an increase to the potential for harm or ill health.
- 9.3. The proposed changes to these premises means that there will now be at least two approved managers between the venues where there used to only be one necessary. That could have the added effect of more efficient enforcement of liquor laws which reduces the risk of harm and ill health.
- 9.4. In conclusion, there will be no new packaged liquor service added to the locality as part of this application, instead it is seeking to maintain the licensed services of the existing tavern and bottleshop premises.
- 9.5. In the witness questionnaire, respondents were asked, *“Are there any people or any groups of people in the locality who, in your opinion, would be at risk of increased and undue harm as a result of the granting of this application? If yes, who? And how would they be at risk?”*
- 9.6. All respondents to this question said, **“No”**.

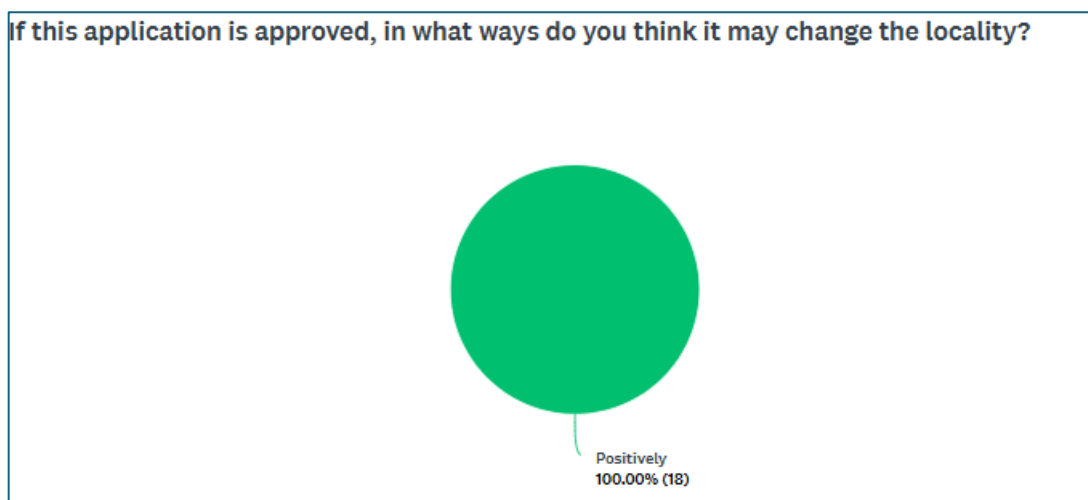
Are there any people or any groups of people in the locality who, in your opinion, would be at risk of increased and undue harm as a result of the granting of this application?



- 9.7. Elaborating on their answers;
 - 9.7.1. Respondent 3 said, *“I do not believe the application would negatively affect the amenity, quiet or good order of the locality, as the business already operates responsibly and the proposal does not involve major changes to the premises or its operation.”*,

10. A report on the amenity of the locality - Section 38(4)(b)

- 10.1. The applicant is required to consider both the positive and the negative potential impacts of this application on the amenity of the locality.
- 10.2. The applicant believes that through this proposed extended trading permit (replacing a service offered for many years to the local community via a tavern licensed bottleshop) it will be retaining value and amenity for the local community.
- 10.3. Consumers in the locality are long used to availing themselves of this service on a Sunday. It is open for the Director to conclude that it would be unfair and unwarranted to deprive them of this service now.
- 10.4. In the witness questionnaire, respondents were asked, *“If this application is approved, in what ways do you think it may change the locality?”*
- 10.5. **All respondents** said, **“Positively”**.



10.6. Elaborating on their answers;

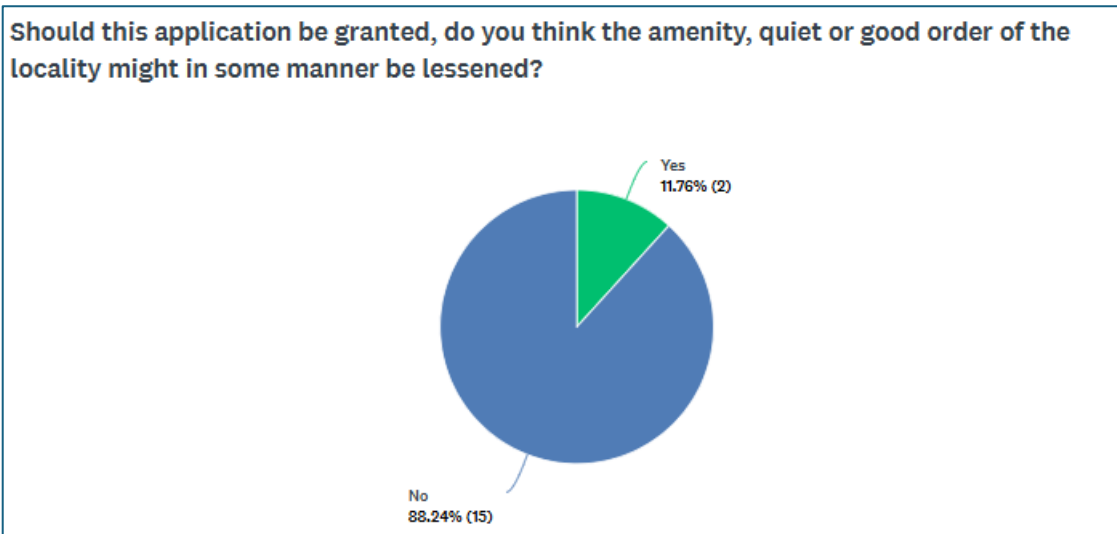
- 10.6.1. Respondent 3 said, *“I believe the impact on the locality would be positive overall. The proposal improves convenience and accessibility for customers while supporting a long-standing local business that already operates responsibly within the community. As there are no major operational or structural changes proposed, I do not believe there would be any negative impact on the locality.”*,
- 10.6.2. Respondent 10 said, *“Having quality venues, run by excellent people, is a good outcome for the community. Allowing this operator to continue doing what they do well, will improve the community.”*.
- 10.6.3. Respondent 15 said, *“there in not many businesses nearby and they have the convenience of the drive through”*,
- 10.6.4. Respondent 17 said, *“It will be convenient for the community to be able to grab whatever packaged alcohol products they would like on any given day. It may also dissuade binge drinking, as people will*

understand that the liquor store will be able to open Sunday therefore preventing bulk buying and possibly binge drinking.”

10.6.5. Respondent 18 said, *“It will provide extra availability to consumers that aren't able to shop on other trading days, as well as spread out the traffic in store. it will accommodate to a large number of people here in Geraldton.”*

10.7. Further, respondents were then asked, *“Should this application be granted, do you think the amenity, quiet or good order of the locality might in some manner be lessened?”*

10.8. **88%** of respondents said, **“No”**.



10.9. Elaborating on their answers;

10.9.1. Respondent 1 said, *“The way that Michael and the team at Celebrations conduct themselves now is at such a high level that it will only improve with the ability to act more autonomously. It will only help to improve the situation as a whole.”*

10.9.2. Respondent 7 said, *“As a takeaway bottle shop customers come and go, there doesn't seem to be any anti-social problems currently so can't see that changing”*,

10.9.3. Respondent 8 said, *“no changes to venue operations, service or trading hours”*,

10.9.4. Respondent 18 said, *“If everyone decides to shop on the Saturday to make up for the Sunday, then Saturdays will become substantially busier causing a lot more issues with the surrounding area. Being a drive through bottle shop and connected to the main roads, it can cause traffic interference making roads prone to accidents. There is also more risk when having more people in store and in the drive through, also more people = more noise.”*,

11. Offence, Annoyance, Disturbance or Inconvenience - Section 38(4)(c)

- 11.1. Section 38(4)(c) of the Liquor Control Act states the licensing authority may have regard to;
 - 11.1.1. *“whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises”.*
- 11.2. In the applicant’s opinion, there is no potential for adverse impacts from these changes because the two premises will operate in the same manner as they always have.
- 11.3. This application proposes no additional trading hours, and no expansion of the licensed areas, in fact no material change to the premises at all.
- 11.4. The packaged liquor component of the tavern has offered this service on Sundays for many years.
- 11.5. It is therefore open to the licensing authority to conclude that an approval of this application will not result in an increase to offence, annoyance, disturbance or inconvenience to anybody who lives, works, or otherwise resorts to the locality.
- 11.6. In the witness questionnaire, respondents were asked, *“What do you say about the potential for annoyance, offence, disturbance or inconvenience that the granting of this application may cause people who live, work, visit or otherwise resort to the locality?”*
- 11.7. Respondent 1 said, *“The current location and operating hours prevent this from impacting the wider community.”*,
- 11.8. Respondent 3 said, *“I do not believe the application would create any significant annoyance, offence, disturbance or inconvenience for people in the locality. The premises already operates responsibly within the community, and the proposal mainly relates to licensing and trading flexibility rather than expanding the scale of the business.”.*
- 11.9. Respondent 10 said, *“Given there is no change to their current operating hours, the impact appears negligible.”*,
- 11.10. Respondent 17 said, *“I think that Sunday trading could provide no possible annoyance to the people that love work visit or otherwise resort to the locality as I think Sunday trading actually dissuades binge drinking and further encourages safe consumption of alcohol”*,

12. Section 5(1)(a) of the Liquor Control Act (1998)

12.1. Section 5(1)(a) states that a primary object of the Act is;

12.1.1. *“To regulate the sale, supply and consumption of liquor”;*

12.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.

12.3. To regulate means;

12.3.1. *“To control or direct according to rule, principle, or law” or*

12.3.2. *“To put or maintain in order”*

12.4. It does not mean to restrict or to reduce.

12.5. There may be some circumstances where a restriction or a reduction is warranted, but the word “regulate” implies more flexibility than either “restrict” or “reduce”.

12.6. It is possible to “regulate” and to “increase” at the same time.

12.7. Therefore, this primary object should not, of itself, prevent this application from being granted.

12.8. This application will not change the day-to-day operation of the venue, on a Sunday, in anyway whatsoever.

12.9. Kyme Rigter and Queens Avocet Pty Ltd will assume direct management of the Cellarbrations Central liquor store. Tai Paul, the current manager of the tavern Bullseye Birdies will remain on the day-to-day operations under new licensee Avocet Island Pty Lt.

12.10. Anyone looking on from outside the venues will not notice any material change at all.

13. Section 5(1)(b) of the Liquor Control Act (1998)

13.1. Section 5(1)(b) states that a primary object of the Act is;

13.1.1. *“To minimise harm or ill-health caused to people, or any group of people, due to the use of liquor”;*

13.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.

13.3. In its decision granting a liquor store licence to Woolworths Warnbro the Liquor Commission noted;

“40. The potential for harm or ill-health is a powerful public interest consideration when determining an application (refer Lily Creek supra). Consequently, it is relevant for the licensing authority to consider the level of alcohol-related harm, due to the use of liquor, which is likely to result from the grant of the application. As Wheeler J stated in Executive Director of Public Health v Lily Creek International & Ors [2001] WASCA 410:

“This does not mean that only the increased harm which may result from the specific premises in question is to be considered; rather it seems to me that must necessarily be assessed against any existing harm or ill health so as to assess the overall level which is likely to result if a particular application is granted. Where, as occurs in probably the majority of cases, the existing level of alcohol related harm is no greater than that which appears to be commonly accepted in the community, the distinction is probably not significant.

41. Also, as observed by Ipp J (in Lily Creek supra) it is significant that the primary object in section 5(1)(b) is to “minimize” harm or ill-health, not to prevent harm or ill-health absolutely”.

13.4. In paragraph 46 of the Supreme Court decision in respect of the National Hotel, Fremantle, the following conclusion is found;

13.4.1. *“It is not sufficient to simply reason that, where there is already a high level of harm in the particular area, even a small increment in potential or actual harm may be determinative, without making specific findings on the evidence about the level of alcohol related harm which is likely to result from the grant of the particular application.”*

13.5. Paragraph 62 of the same decision reads;

13.5.1. *“The appellant contends that the reasons of the Commission reveal that it considered the application was not in the public interest, but not:*

- (a) the positive aspects of the application that were weighed;*
- (b) how the Commission reached the conclusion there was a likelihood of increased harm and ill-health if the application was granted; or*
- (c) the degree of increased harm or ill-health that was likely to have resulted if the application was granted.”*

- 13.6. The evidence of these submissions is that there are no physical changes proposed to the premises, and no change to the way the premises will operate.
- 13.7. The premises have been well managed over a long period of time and will remain under the management of the team that has managed them so well for so long.
- 13.8. It is therefore open for the licensing authority to conclude approving these applications will not, in any way, add to the potential for harm and ill-health in the locality.

14. Section 5(1)(c) of the Liquor Control Act (1988)

14.1.1. Section 5(1)(c) states that a primary object of the Act is;

1.1.1. *“To cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State”;*

14.2. As stated in the introduction this object was elevated to the status of primary object in the May 2007 changes to the Liquor Control Act (1988) *“to place a higher emphasis on the needs of consumers”*, as the Minister stated in the Second Reading Speech at the time.

14.3. Being a primary object means that it is of equal importance to the other two primary objects of the Act.

14.4. In other words, it is just as important for the Director to cater for the requirements of consumers as stated above, as it is to minimize the potential for harm or ill-health due to the use of liquor.

14.5. As the meeting point between Perth and the growing economies of West Australia’s northern regions, the City of Geraldton is emerging as a popular tourist destination and has a strong hospitality industry. In Greater Geraldton, tourism output is estimated at \$137 million per year¹ and accommodation and food services accounts for \$241 million per year² in gross output.

14.6. The Growth Plan developed by Council in 2017 identified tourism as a key driving force for the growth of Greater Geraldton. The plan states;

14.6.1. *“Greater Geraldton will grow its reputation as a hotspot for marine services and specialised food production and we will become a hub for a range of remarkable tourism experiences in the Mid-West and be known far and wide for our customer service and hospitality.”*

14.7. Bullseye Birdies and Cellarbrations Central have been mainstays of the City’s food and beverage offering and both provide important licensed services which have been shown, over many years, to be popular amongst locals and tourists.

¹<https://app.remplan.com.au/geraldton/economy/tourism/output?state=BJ90FN!a2qAFMaxEUejy2RCVVgrwH0FQsX74F5JjJKc9yAyMIGSKDI9SvhM71efN5p>

²<https://app.remplan.com.au/geraldton/economy/industries/output?state=MJqZFy!n4XFPFWnXHXJmLkhaa8YZU5FrSdjJCX020BuD5R5qtPSPnTQSnmmkeuO79>

15. Conclusion

- 15.1. As noted above in the Introduction it is an object of the Act for the licensing authority “to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act”.
- 15.2. Cellarbrations Central is centrally located in Geraldton, Western Australia, and has been trading for over 9 years under the Rigter banner. It boasts an extensive range of wines from Australia and international as well as organic, preservative free, specialty and other premium offers.
- 15.3. The store has an excellent beer range including a large selection of Australian, International and craft beer as well as Australian and International ciders. Boasting one of largest range of craft beers in the mid-west, Cellarbrations Queens is constantly working with major and independent breweries to bring exciting new beers through weekly.
- 15.4. They strongly support smaller independent brewers and also stock craft beers from the popular mainstream breweries. This category is constantly reviewed and updated to ensure they are in line with the latest trends and releases.
- 15.5. They also have a wide range of glass spirits, carrying many unique and premium whiskeys, gins, bourbons and other limited release products.
- 15.6. Lastly, in the witness questionnaire respondents were asked if they had any other comments regarding the application;
 - 15.6.1. Respondent 3 said, *“I believe this application supports a well-established local business that has been part of the Geraldton community for many years. The proposal appears sensible, responsible and beneficial for customers, while continuing to support local employment, tourism and customer convenience without negatively impacting the community.”*,
- 15.7. The salient factors that justify this submission can be summarised as follows:
 - 15.7.1. There will be no difference between the way that the two venues currently trade and the way they intend to trade should these applications be successful.
 - 15.7.2. The primary reason that these applications are being submitted is to allow Michelle Sidebottom the opportunity to own, influence and operate her own business.
- 15.8. The licensee’s / applicant’s ongoing success as a hospitality operator in Geraldton over twenty-three years is testament to their popularity and signifies a close relationship with the local community.
- 15.9. Whilst comparatively brief, the complexity of a public interest submission should be commensurate with the subject application.
- 15.10. In this regard, there is no additional licensed service being proposed, no expansion of the licensed area, and no extension of the proposed trading hours as part of any of these five applications.
- 15.11. These applications are motivated by the desire to separate the on-premise part of the business to allow Michelle Sidebottom to develop and put a stamp on her own licensed business.

15.12. The Applicant therefore submits that the evidence contained in this public interest assessment should convince the licensing authority that these applications should be granted in the public interest.

Drafted on behalf of Queens Avocet Pty Ltd by;

Phil Cockman
Canford Hospitality Consultants Pty Ltd
Thursday, 16 July 2026

16. Attachments

CC01	ALDI South Fremantle Decision
CC02	Hard copy witness questionnaire
CC03	Raw witness data
CC04	Employee guidelines