



Public Interest Assessment

Conditional Grant of a Liquor Store Licence

Premises Name: The Good Grocer Cellar, Doubleview
Applicant: Jake Brindle Holdings Pty Ltd
Location: Shop 1, 181 Scarborough Beach Road,
Doubleview WA 6018

✦ thegoodgrocer
cellar

— Prepared by:



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1 Introduction

- 1.1 Jake Brindle Holdings Pty Ltd (the Applicant) is seeking approval from the Director of Liquor Licensing at the Department of Local Government, Industry Regulation and Safety for the conditional grant of a Liquor Store Licence for the premises to be known as The Good Grocer Cellar, Doubleview (the proposed premises), to be located at Shop 1, 181 Scarborough Beach Road, Doubleview WA 6018, within the City of Stirling.
- 1.2 The Applicant, part of the Brindle Group established in 1986, currently operates the following supermarket and liquor store amenities in WA:
- The Good Grocer Boulevard, City Beach,
 - The Good Grocer, Canning Bridge,
 - The Good Grocer Cellar, Canning Bridge,
 - The Good Grocer, East Fremantle,
 - The Good Grocer Cellar, East Fremantle,
 - The Good Grocer, Karratha,
 - The Good Grocer Cellar, Karratha,
 - The Good Grocer, Leederville,
 - The Good Grocer, 2nd Avenue, Mount Lawley,
 - The Good Grocer Cellar, 2nd Avenue,
 - The Good Grocer, Myaree,
 - The Good Grocer Cellar, Myaree,
 - The Good Grocer, Shenton Park,
 - The Good Grocer Cellar, Shenton Park,
 - The Good Grocer, South Perth,
 - The Good Grocer Cellar, South Perth,
 - The Good Grocer, Wembley,
 - The Good Grocer Cellar, Wembley,
 - Geordie Bay General Store (including liquor store offering),
 - Rottnest Liquor Store,
 - The Applicant intends to offer the same high-quality packaged retail amenity alongside the grocery offer that successfully operates across the State.
- 1.3 The proposed premises, subject to approval, will adjoin the existing Good Grocer supermarket (IGA) at 187 Scarborough Beach Road, Doubleview. The Group's Western

Australian grocery and packaged liquor operating record is set out in the Applicant section of these submissions. The proposed premises is intended to deliver to consumers residing in, working in, resorting to and travelling through the Doubleview locality a packaged liquor retail amenity of contemporary standard, integrated with the grocery offer already established at that address.

- 1.4 The Applicant's experience in the Western Australian licensed premises industry is directly relevant to the assessment of this application. As observed by the Court of Appeal in *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227, the popularity and track record of a business model in other localities is a relevant consideration in the context of a new application and may support an inference as to the existence of relevant consumer requirements. It is submitted that the establishment of the Good Grocer Cellar format at multiple Western Australian locations, each operating alongside a Good Grocer supermarket, provides the licensing authority with an evidentiary foundation for confidence in the capacity to operate The Good Grocer Cellar, Doubleview responsibly and in the public interest.
- 1.5 This Public Interest Assessment (PIA) submission has been prepared by Hospitality Total Services (Aus) Pty Ltd on behalf of the Applicant, pursuant to the authority given under Section 17 of the Liquor Control Act 1988, authorising Hospitality Total Services (Aus) Pty Ltd and its employees to act as the contact between the Applicant and the Department of Local Government, Industry Regulation and Safety in respect of this Liquor Store Licence application.
- 1.6 The proposed The Good Grocer Cellar, Doubleview will operate as an independently owned and operated walk-in browse cellar situated adjacent to the existing Good Grocer supermarket, allowing consumers to complete their packaged liquor and grocery shopping in one location. The premises will offer:
 - A WA first cellar - small-batch and single vineyard wines from across WA
 - Local and international craft alcohol products - rotating seasonal selection
 - Premium WA and international liquor products
 - A “mindful” drinking range - extensive selection of zero, low and mid-strength alcohol products
 - New and emerging spirits - premium agave spirits (tequila and mezcal, the fastest-growing spirits category in Australia)
 - Specialty products, including organic, gluten-free and low-alcohol options
 - Periodic specials of your favourite drops
 - The ability to request unique products not readily available in the locality
 - Product tastings and product knowledge experience
 - Exceptional customer service

- 1.7 The application is made in accordance with Section 47 of the Liquor Control Act 1988 (the Act), which states:

LIQUOR CONTROL ACT 1988 - SECT 47

47. Liquor store licence, effect of

- (1)** Subject to this Act, during permitted hours the licensee of a liquor store licence is authorised to keep open the licensed premises and to sell packaged liquor on and from the premises to any person.
- (2)** The licensee of a liquor store licence is authorised to supply liquor, by way of free sample —
- (a)** for consumption on a part of the licensed premises approved for the purpose by the Director; or
- (b)** for consumption off the premises.¹

- 1.8 Any supply of liquor by way of free sample under Section 47(2) of the Act will be conducted only in accordance with the conditions approved by the Director, under the supervision of staff holding current Responsible Service of Alcohol certification and will not be offered to any juvenile or to any person who is or appears to be intoxicated. The detail of the proposed tasting arrangements is set out in the Venue and Operation section of these submissions.
- 1.9 The documentation for this application is submitted to the licensing authority in accordance with Section 68 of the Act on behalf of Jake Brindle Holdings Pty Ltd. This submission has been compiled in accordance with the Director's Policy on the preparation of Public Interest Assessment submissions.²
- 1.10 The Applicant has diligently addressed the primary and secondary objects of the Act under Section 5, and the matters set out in Section 38(2) and Section 38(4) of the Act, as required by the Director's Policy on Public Interest Assessment submissions (Guidance).³
- 1.11 Section 38(2) of the Act provides:
- 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.*⁴
- 1.12 The Applicant acknowledges its obligation under Section 38(2) of the Act and addresses it throughout these submissions.
- 1.13 The Applicant acknowledges that section 36B of the Act applies to this application, it being an application for the grant of a licence authorising the sale of packaged liquor. The matters arising under section 36B(4), including the assessment of the requirements of consumers in the locality, the packaged liquor retail floor area of the proposed premises and the

¹https://www.legislation.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrd oc_49727.pdf

² <https://www.wa.gov.au/government/publications/public-interest-assessment>

³ <https://www.wa.gov.au/government/publications/public-interest-assessment>

⁴https://www.legislation.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrd oc_49727.pdf

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

- A modern, fit-for-purpose retail facility with dedicated refrigeration, clear product zoning and generous browsing space;
- Easy trolley access with ample parking;
- A broad selection of liquor products including Western Australian producers, regional craft beer and boutique wine labels;
- One stop shopping experience;
- Inclusive product categories, such as low-alcohol and non-alcoholic beverages, consistent with contemporary harm minimisation principles;
- Support for local Western Australian breweries and wineries, celebrating regional produce and producers;
- Access to special dietary and alternative choices of liquor products, including gluten-free, vegan and organic products;
- Competitive pricing with ongoing specials;
- A safe and welcoming environment, staffed by Responsible Service of Alcohol trained personnel committed to exceptional service;
- An entry alert system and clear sightlines throughout the store to support proactive staff supervision;
- Spirits, liqueurs and fortified wines held in cabinets behind the point-of-sale area, not accessible for self-service;
- Flexibility to order specific or requested items in response to local consumer demand; and
- Co-location with the established Good Grocer supermarket at the same address, allowing a packaged liquor purchase to be completed within a grocery trip already being made.

1.18 The reasoning of the licensing authority in decision A206551 is directly applicable to the proposed premises. In that matter the Director stated:

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

It is submitted that The Good Grocer Cellar, Doubleview will enhance consumer access, product diversity, retail choice and shopping convenience within the Doubleview locality, in direct accordance with the objects of the Act.

- 1.19 The Applicant is deeply committed to the locality in which it operates, as evidenced by the "NeighbourHug" initiative. This community responsibility program the Applicant's embodies ethos through what they term a *"big, warm, neighbourly embrace."*



Figure 2: Neighbouring Hugs

- 1.20 The proposed premises aligns with the strategic objectives of the City of Stirling's planning framework. The operative scheme is Local Planning Scheme No. 3, gazetted on 6 August 2010, and draft Local Planning Scheme No. 4 has been adopted by the Council with modifications and awaits final approval by the Minister for Planning. The aims of draft Local Planning Scheme No. 4 include, at Clause 9(a), *"to prioritise growth and investment in activity centres and along urban corridors"*, and at Clause 9(d), *"to maintain and enhance a sustainable and viable hierarchy of activity centres and employment areas"*. Scarborough Beach Road is one of the City's principal urban corridors and the proposed premises is located upon it, at an established retail address within that corridor. The addition of a modern, contemporary, responsibly operated packaged liquor retail tenancy to a new trading grocery operation at that address is consistent with each of those aims, reinforcing the retail function of an established address rather than establishing a new one.⁷
- 1.21 The subject site is an established retail address on the Scarborough Beach Road corridor, where the Good Grocer supermarket (IGA) presently trades, and is frequented daily by consumers residing in and travelling through the locality. What is proposed is the addition of a separate, purpose-designed liquor retail tenancy to that established operation, within the existing built form and at the existing frontage.
- 1.22 The liquor store component has been purpose-designed for the site, with walk-in access, a dedicated browse-and-display area, an integrated cool room and storage facilities, and a staffed service environment, with the point of sale positioned at the front of the store. The proposed premises will be a separate tenancy to the supermarket, physically and visibly demarcated from the food and grocery display area.
- 1.23 The City of Stirling's planning framework anticipates liquor retail as a land use within its centre and corridor structure. The zoning table at Clause 17 of draft Local Planning Scheme No. 4 expressly lists "Liquor Store – Small" and "Liquor Store – Large" among the land uses

⁷https://www.stirling.wa.gov.au/awcontent/Web/Documents/City%20and%20Council/Shaping%20Our%20City/Projects%20and%20infrastructure/Council_endorsed_LPS4_modified_after_advertising.pdf (draft, awaiting final approval); operative Local Planning Scheme No. 3, gazetted 6 August 2010: <https://www.wa.gov.au/system/files/2026-01/stirling3-schemetext.pdf>

provided for, and those uses are not excluded in the centre zones. Local Planning Scheme No. 3 contains no equivalent use class, so under the operative scheme the use falls to be characterised within the broader use classes of the zoning table at its Clause 4.3. The use proposed is therefore a use the planning framework contemplates, to be assessed and conditioned through the ordinary exercise of planning discretion rather than one the framework seeks to exclude.⁸

- 1.24 Clause 9(b) of the draft Scheme requires that development "*protects and enhances the amenity, sense of place and desired character of neighbourhoods and streets*", and Clause 9(f) directs that development avoid dependence on private vehicles. The proposal answers both. It is a walk-in tenancy within an existing retail frontage, generating no new vehicle movement beyond that already generated by the adjoining supermarket, and it allows a consumer already making a grocery trip to that address to complete a packaged liquor purchase on the same visit rather than undertaking a separate journey.⁹
- 1.25 The defined locality, comprising the State Suburb Area of Doubleview and parts of Scarborough, Innaloo and Wembley Downs, records a resident population of 43,145 persons at the 2021 Census. The locality records median household and family incomes materially above both the Greater Perth and the Western Australian benchmarks, a median age of 37.5 years, and a higher proportion of couple families without children than either benchmark. The demographic profile of the locality is set out in full in the Location and Locality section of these submissions.¹⁰
- 1.26 The proposed premises forms one component of an integrated retail offer at 187 Scarborough Beach Road, comprising:
- **The Good Grocer supermarket (IGA):** an established full-line grocery operation trading from the address; and
 - **The Good Grocer Cellar, Doubleview:** a walk-in packaged liquor retail tenancy adjoining that supermarket, operating as a separate and demarcated licensed area.
- 1.27 To demonstrate the requirements of consumers for the proposed premises, a Consumer Survey was deployed to consumers residing in and resorting to the Doubleview locality. The survey has been completed by 174 respondents, of whom 98.3 per cent reside in, work in or near, or travel to or through the defined locality. The results are presented and analysed in full in the Community Consultation section of these submissions, including the results adverse to the application.¹¹

⁸https://www.stirling.wa.gov.au/awcontent/Web/Documents/City%20and%20Council/Shaping%20Our%20City/Projects%20and%20infrastructure/Council_endorsed_LPS4_modified_after_advertising.pdf

⁹https://www.stirling.wa.gov.au/awcontent/Web/Documents/City%20and%20Council/Shaping%20Our%20City/Projects%20and%20infrastructure/Council_endorsed_LPS4_modified_after_advertising.pdf

¹⁰ <https://www.abs.gov.au/census/find-census-data/quickstats>

¹¹ Attachment 2 – Consumer Survey

- 1.28 The experienced and responsible Applicant submits that it has diligently considered the potential for harm or ill-health that may arise from the misuse of alcohol, in accordance with Section 38(4)(a) of the Act.
- 1.29 The Applicant has developed a detailed Harm Minimisation Plan¹² that incorporates key policies issued by the Director of Liquor Licensing and a training framework that ensures alignment with the Director's policies on Harm minimisation plan¹³, Juveniles on licensed premises¹⁴, and the Responsible promotion and advertising of alcohol (Guidance)¹⁵.
- 1.30 Taking into account industry best practice and the specific physical and operational characteristics of the proposed premises, the Applicant proposes to implement the following harm minimisation initiatives:
- The licensee is authorised to sell and supply packaged liquor in accordance with the provisions of Section 47 of the Act as it relates to a Liquor Store Licence.
 - The premises will maintain a CCTV system in accordance with the policies of the Director of Liquor Licensing on security licensing conditions, with CCTV located at the entry and exit points of the premises.
 - All spirits, liqueurs and fortified wines to be stored in cabinets behind the point-of-sale area, not accessible for self-service.
 - Trading hours will be within the hours permitted by the Liquor Control Act 1988.
 - Strict identification verification protocols for all persons who appear under 25 years of age.
 - Zero tolerance policy on anti-social behaviour with comprehensive harm minimisation protocols.
 - No unaccompanied juveniles permitted on the premises.
 - No service of alcohol to persons in school uniform.
 - Low alcohol and no alcohol products to be available.
 - The liquor browse and display area to be physically and visibly demarcated from the food and grocery display area, and closed when not open for trade.
 - No external liquor advertising visible from any school, childcare facility or other sensitive land use in the vicinity of the premises.
- 1.31 Pursuant to *Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia* [2021] WASC 366, the requirements of consumers encompass convenience, accessibility, product diversity and competitive retailing, and are not confined to the question whether liquor is

¹² Attachment 3 - Harm Minimisation Plan

¹³ <https://www.wa.gov.au/government/publications/harm-minimisation-plan>

¹⁴ <https://www.wa.gov.au/government/publications/juveniles-licensed-premises>

¹⁵ <https://www.wa.gov.au/government/publications/responsible-promotion-and-advertising-of-alcohol>

merely sold somewhere in the locality. Accordingly, The Good Grocer Cellar, Doubleview is submitted as an appropriate and proportionate addition to the packaged liquor retail landscape of the Doubleview locality, responsive to the reasonable requirements of the consumers it will serve.

- 1.32 Accordingly, The Good Grocer Cellar, Doubleview is submitted as an appropriate and proportionate addition to the packaged liquor retail landscape of the Doubleview locality: a single, well-managed, independently operated store, alongside with a full-line supermarket, responsive to the reasonable requirements of the consumers it will serve, and operated under the harm minimisation framework set out in these submissions.

2 The Applicant

- 2.1 The Good Grocer Cellar, Doubleview will operate under the Good Grocer banner, a Western Australian independent grocery and packaged liquor group. The Good Grocer model is that of the independent owner-operator. It is built around a operator invested in the localities they serve, who range for the consumers actually in front of them rather than to a national program, and who compete on range, quality, convenience, price, and outstanding service rather than on the scale advantages available to the major national chains.
- 2.2 The Applicant's alignment with an independent Western Australian group rather than a national banner is itself a statement about the kind of liquor store the Doubleview locality should have, being one that belongs to the locality it serves. The premises will carry an extensive range of beer, wine, spirits, ready-to-drink products and low and no alcohol products, with a deliberate emphasis on Western Australian breweries, wineries and distillers, and on smaller producers whose products are not widely distributed.
- 2.3 The Good Grocer Cellar retail format is an established one in Western Australia, and it has maintained supermarket and packaged liquor amenities across the state, comprising both a Good Grocer supermarket and an associated Good Grocer Cellar. The format proposed at Doubleview is accordingly not novel. It is an established Western Australian retail format proposed at a further Western Australian location.
- 2.4 The Applicant is committed to contributing to economic benefit within the Doubleview locality. The Good Grocer Cellar, Doubleview submits a commitment to promoting Western Australian producers by establishing premises that showcase regional producers, so as to support the local liquor industry and to introduce consumers to a broader range of liquor products not accessible through the larger retail chains. That commitment to local procurement is not incidental to the retail model; it is central to what distinguishes an independent Western Australian cellar from a nationally operated packaged liquor outlet.

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

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

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

—

(a) the creditworthiness of that person; and

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

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

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

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

- 2.6 As to character and reputation under Section 33(6)(aa), Mr Jake Thomas Brindle is the sole director, secretary and member of the Applicant and has held the directorship continuously since the company's registration in 2009.
- 2.7 As to convictions under Section 33(6)(b), no conviction of the Applicant or of Mr Jake Thomas Brindle is recorded in any material forming part of this submission, and the statutory personal disclosure material submitted to the licensing authority.
- 2.8 As to the conduct of the Applicant in respect of other businesses and matters to which the Act relates under Section 33(6)(c), Good Grocer Cellar records a successful track record of preventing the sale of alcohol to juveniles for over a decade, and strict protocols to ensure the responsible service of alcohol at each of that group's locations, including Mount Lawley, Wembley, Leederville, Myaree and South Perth. That record is advanced subject to the confirmation of the corporate relationship identified above and to the lodging of the licensing compliance history.
- 2.9 On the material presently before the licensing authority, and subject to the statutory disclosure material identified above, it is submitted that there is nothing that would bear adversely on the Applicant's fitness and propriety to hold a Liquor Store Licence within the meaning of Section 33 of the Act.

3 Venue and Operation

- 3.1 The proposed premises, to be known as The Good Grocer Cellar, Doubleview, is located at Shop 1, 181 Scarborough Beach Road, Doubleview WA 6018, and forms the packaged liquor retail adjacent to the Good Grocer supermarket (IGA) trading at that address. Subject to the conditional grant of a Liquor Store Licence, the premises will provide a high quality and diverse packaged liquor offering with walk-in access, purpose-designed to serve the reasonable requirements of consumers residing in, working in, resorting to and travelling through the Doubleview locality. The premises will trade as a separate and demarcated tenancy alongside a full-line grocery operation already resorted to by those consumers, so that the packaged liquor component of a grocery trip may be completed at the address at which that trip is already being made. There is no drive-through component and no provision for the general consumption of liquor at the premises.
- 3.2 The term "*amenity*" as engaged by Section 38(4)(b) of the Act has been interpreted broadly to encompass the overall character, quality and enjoyment of life within the locality. It is submitted that The Good Grocer Cellar, Doubleview will contribute positively to local amenity by introducing a professionally managed retail environment within an existing retail frontage, by adding a curated and independently operated packaged liquor offer to an established retail address on the Scarborough Beach Road corridor, and by doing so in a manner of trade that generates no unacceptable additional vehicle movement of its own beyond that already generated by the supermarket it adjoins. The aims of the City of Stirling's draft Local Planning Scheme No. 4 require at Clause 9(b) that development "protects and enhances the amenity, sense of place and desired character of neighbourhoods and streets", and the proposal is advanced as consistent with that aim. The assessment under Section 38(4)(b) is addressed in full at Section 9 of this submission.
- 3.3 The proposed The Good Grocer Cellar, Doubleview will operate as an independently owned and operated walk-in browse cellar situated adjacent to the existing Good Grocer supermarket, allowing consumers to complete their packaged liquor and grocery shopping in one location. The premises will offer:
- A WA first cellar - small-batch and single vineyard wines from across WA
 - Local and international craft alcohol products - rotating seasonal selection
 - Premium WA and international liquor products
 - A "mindful" drinking range - extensive selection of zero, low and mid-strength alcohol products
 - New and emerging spirits - premium agave spirits (tequila and mezcal, the fastest-growing spirits category in Australia)
 - Specialty products, including organic, gluten-free and low-alcohol options
 - Periodic specials of your favourite drops

- The ability to request unique products not readily available in the locality
 - Product tastings and product knowledge experience
 - Exceptional customer service
- 3.4 The proposed premises is designed to provide an independent and distinctive offering, with consumers having access to product tastings, knowledgeable staff and personalised recommendations.
- 3.5 The assessment of the requirements of consumers in the locality is addressed in full in the separate assessment accompanying this submission at Attachment 5, and the impact of the proposal upon the amenity of the locality is addressed at the section 38(4)(b) section of this submission.

Trading Hours

- 3.6 The trading hours sought for The Good Grocer Cellar, Doubleview will be within the hours permitted by Section 98D of the Liquor Control Act.

Premises Configuration and Retail Floor Area

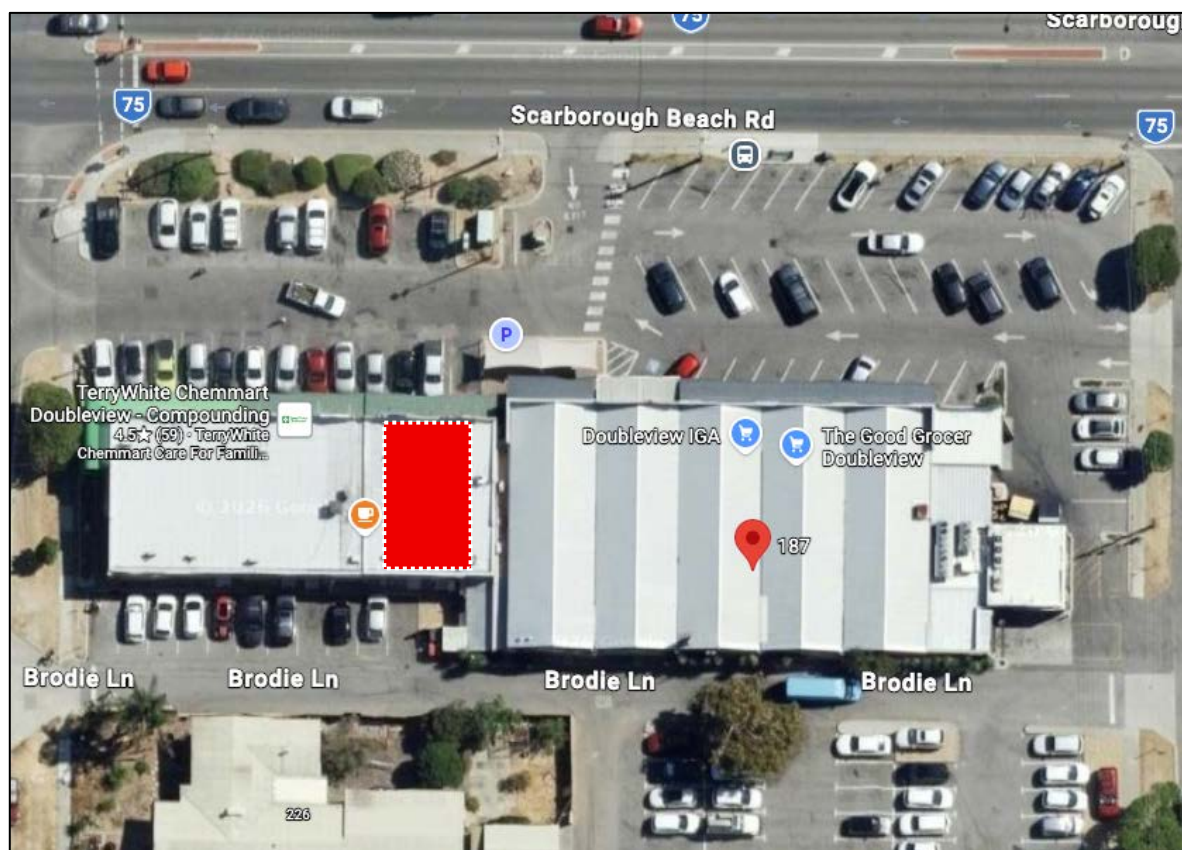


Figure 3: The Good Grocer Cellar, Doubleview - Site Location Aerial

- 3.7 The Applicant confirms that the proposed premises is separated from the Good Grocer supermarket, and that the liquor display and sale area are physically and visibly separated

from the grocery display and sale area by full height brick walls with separate entries to each.

- 3.8 The premises will be designed in accordance with Crime Prevention Through Environmental Design principles and will be well lit at all times.
- 3.9 The Applicant undertakes that the store layout will maintain clear and unobstructed sightlines, enabling passive supervision of the browse area from the point-of-sale position, and that the layout will be as per the floor plan.
- 3.10 The proposed liquor store will trade within the times that the supermarket is operating, ensuring passive surveillance of the proposed premises.
- 3.11 The Applicant acknowledges that section 36B of the Act applies to this application, it being an application for the grant of a licence authorising the sale of packaged liquor. The matters arising under section 36B(4), including the assessment of the requirements of consumers in the locality, are addressed in full in the separate assessment accompanying this submission at Attachment 5. Regulations 9AA, 9AAA and 9AAB of the Liquor Control Regulations 1989 are set out and addressed at the Legislative Framework section of this submission, and the packaged liquor retail floor area of the proposed premises of less than 400sqm is required for that purpose.

Proposed Product Range¹⁶

- 3.12 The Applicant group is an independent and experienced retailer with the capacity to curate a diverse range of packaged liquor products and to modify its offering according to the characteristics of the locality it serves, and the group's purchasing capability supports that flexibility.
- 3.13 The range of products will include (but not be limited to) packaged alcoholic beverages, craft ales, spirits, ciders, and WA-grown wines, catering to diverse consumer preferences.

¹⁶ Attachment 8 - Proposed Western Australian Product List

- 3.14 Some of the signage that will be conspicuously showcased within the proposed premises is depicted in the figure below:



Figure 4: Example of Visual In-store Signage (Subject to Approval)

- 3.15 The Good Grocer Cellar, Doubleview will provide residents and those visiting the locality with the following diverse amenities:
- Consumers can easily access the proposed premises by foot, bike, car or public transportation for maximum convenience.
 - A dedicated retail space for packaged products and a specialised browsing area to ensure a premium shopping experience.
 - Curated liquor selection from Western Australian producers, supporting local wine industry and jobs.
 - An assortment of craft beers, including both domestic and international brands.
 - An environment that is safe, welcoming, and comfortable, with knowledgeable staff dedicated to exceptional service.
 - A beverage selection that includes alcoholic and non-alcoholic options, such as gluten-free, vegan, organic, and low-alcohol beverages, to cater to diverse preferences.
 - Tailored service, supported by a Code of Conduct and industry standards for Responsible Service of Alcohol.
 - Education and product sampling opportunities, with a particular emphasis on rare and specialised items.
 - The ability for patrons to place orders for items that are not presently available in the locality.

Product Tastings and Consumer Education

- 3.16 The Applicant acknowledges the terms of section 47(2) of the Act, which authorises the supply of liquor by way of free sample and which provides:

47. Liquor store licence, effect of

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

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

(b) for consumption off the premises.

- 3.17 The Applicant seeks approval under section 47(2)(a) of the Act for a part of the licensed premises to be approved for the consumption of free samples. Any tasting conducted on the licensed premises will be conducted only in the part approved by the Director for that purpose, and under the full responsibility and supervision of the Approved Manager.
- 3.18 The quantities provided at any tasting will be in accordance with the sample quantities set out in the Director's Policy (Guidance).

A tasting or sample is a small amount of liquor supplied by a licensee for sampling purposes. It is intended to assist customers to choose a product. The Liquor Control Regulations 1988 (LC Regs) prescribes the following sample quantities:

- *wine 50ml*
- *beer 100ml*
- *spirits 15ml.¹⁷*

- 3.19 Free drinking water will be made available at all times that samples are available for tasting. The Applicant undertakes that no juvenile will be permitted to participate in a tasting, consistent with the juvenile access controls set out below.
- 3.20 Tastings serve a consumer education purpose. They allow consumers to explore their preferences with the benefit of staff guidance and personalised recommendations, and to understand alcoholic content, country of origin, flavour profile and culinary pairing before purchase. Staff will be trained to assist with enquiries, to provide product information and tasting notes, to fulfil product requests, and to suggest alternatives where a product is unavailable.

The Proposed Range in Detail

- 3.21 This section identifies the product range proposed for The Good Grocer Cellar, Doubleview, the basis on which that range has been assembled, and the evidence that it is capable of

¹⁷ <https://www.wa.gov.au/government/publications/tastings>

being delivered. It is directed to the second of the matters arising under section 36B(4) of the Act, being the requirements of consumers for packaged liquor in the locality, and to the primary object in section 5(1)(c) of catering for the requirements of consumers for liquor and related services with regard to the proper development of the liquor industry in the State.

- 3.22 The proposed premises is a walk-in browse cellar of the scale appropriate to its tenancy. The range is defined by what it is curated for rather than by the number of lines it carries.
- 3.23 The proposed range is built on eight elements, each of which is described below. A schedule of the Western Australian wine lines proposed for the premises is at Attachment 8.
- 3.24 The schedule at Attachment 8 comprises 265 Western Australian wine lines drawn from 86 Western Australian wineries across 32 varieties, at recommended retail prices ranging from \$11 to \$79.99 with a median of \$27. Of those lines, 54 are new to the market.¹⁸

¹⁸ Attachment 8 - Proposed Western Australian Product List.

A Western Australian First Cellar



Figure 5: Vallee du Venom Wines

- 3.25 The proposed premises will trade as a Western Australian first cellar. The wine offering is built on small batch and single vineyard wines from Margaret River, the Great Southern, the Swan Valley, the Perth Hills and the Ferguson Valley, and includes limited allocations that are not widely represented in national chain outlets.
- 3.26 The Western Australian producers scheduled at Attachment 8 include West Cape Howe, Singlefile, Sittella, Happs, 3 Drops, Ironcloud Wines, Leeuwin Estate, Settlers Ridge, Vallee du Venom, Willow Bridge Estate, Castelli, Dukes, La Violetta, Cherubino, Oakover, Mon Tout, Run Free, Cape Mentelle, Millbrook, Stormflower, Clairault, Wise, Pinelli and Si Vintners.

- 3.27 Three Western Australian producers are ranged specifically because they are not widely available in the surrounding area. Vallee du Venom is a small production, single vineyard, minimal intervention producer working classic Margaret River varieties together with Grenache, Chenin and Fume Blanc styles. Ironcloud Wines is from the Ferguson Valley east of Bunbury, an often overlooked Western Australian wine region. Mon Tout is a project of Richard Burch of Howard Park, made by Nic Bowen.



Figure 6: Ironcloud Wines

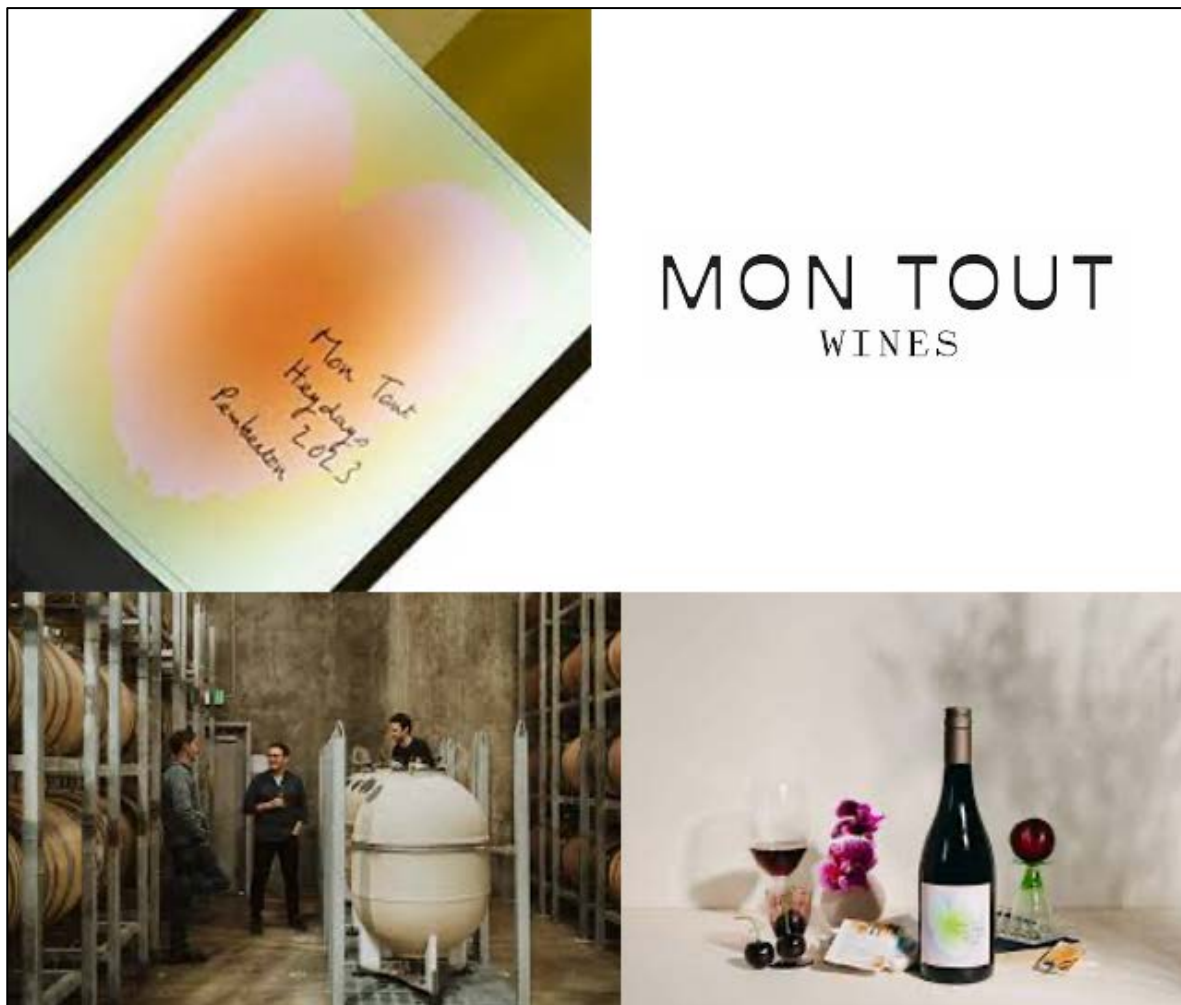


Figure 7: Mon Tout Wines

- 3.28 Australian producers ranged on the same basis, being producers not widely ranged in the locality, include Forage Supply Co, which is organically farmed, Moorilla in Tasmania, Gullyview Estate in the Clare Valley, and White Gate Wine Co, a small batch Barossa Valley producer.



Figure 8: Forage Supply Co



Figure 9: Moorilla Wines

- 3.29 The Applicant has developed contacts in the local liquor industry over a number of years and will use those contacts so that smaller and lesser-known Western Australian producers are able to reach consumers through the proposed premises. A curated selection from Western Australian producers supports the Western Australian wine industry and supports employment in the State, which is a matter to which the licensing authority may have regard under section 5(1)(c) of the Act.



Figure 10: Gullyview Estate

Local, National and International Craft Beer

- 3.30 Craft beer is an established segment of the Australian packaged liquor market rather than a passing trend, and consumers have developed an appreciation for styles beyond the traditional mainstays:

“Change is coming though. After many years of being a prisoner to its most successful style, there is now a quiet change taking place in Australia, akin to the wine revolution of thirty years ago. Basic lagers, bland and unexciting, are giving way to such exotic styles as saison, hefeweizen and barley-wine created by artisans both here and overseas.”¹⁹

- 3.31 An emphasis on authenticity and small batch production has made it difficult for larger brewers to establish new craft beer brands, and the segment is accordingly one in which an independent retailer is well placed to give smaller producers access to consumers.

- 3.32 The proposed premises will carry a rotating, seasonal selection from independent Western Australian breweries, together with collaboration releases. The Applicant has secured limited release collaborations of a kind not available from other liquor stores in the Doubleview locality, an example



¹⁹ <https://brewsnews.com.au/a-craft-beer-revolution/>

being the Pirate Life and Fremantle Dockers lager, a cold fermented and naturally carbonated lager produced in limited stock.

- 3.33 Subject to availability and demand, the Western Australian craft producers intended to have representation at the proposed premises include Rocky Ridge, Boston Brewing Company, Beerfarm, Nail Brewing, Little Creatures, Otherside Brewing, Gage Roads, Seasonal Brewing, Bailey Brewing Co, Whalebone Brewing Company at Exmouth, Bootleg Brewery at Wilyabrup, Feral Brewing at Baskerville, Mash Brewing at Henley Brook and Colonial Brewing at Margaret River.

Lo-fi, Organic, Biodynamic and Preservative-Free Wine

- 3.34 The proposed premises will carry a range of lo-fi, organic, biodynamic and preservative-free wines. That segment is among the fastest-growing in Australian wine, and it responds to consumer preference for products made without synthetic chemicals and artificial fertilisers.

- 3.35 Organic winemaking and organic viticulture require the cessation of synthetic chemicals and artificial fertilisers in the vineyard, with the object of promoting healthy soils, healthy vines and sustainability. Producers that operate on that basis include Settlers Ridge, which is scheduled at Attachment 8 and which produces certified organic wine in Western Australia, and Happs in the Margaret River region, which produces a preservative-free white, red, pink and shiraz.



- 3.36 Settlers Ridge publishes that its organic wines are asthma and allergy friendly and vegetarian friendly, that most are vegan friendly by reason of low inputs, and that it produces three preservative free wines.²⁰

- 3.37 Preservative free lines carried by the Applicant at its related premises include Happs preservative free white, red, pink and shiraz, Tamburlaine preservative free sauvignon blanc, Yangarra preservative free shiraz, and the Hero of Zero preservative free pinot noir and shiraz. Certified organic lines carried include Angove organic rose and sauvignon blanc, Naturalis organic cabernet sauvignon, sauvignon blanc and shiraz, Spring Seed organic pinot grigio, pinot noir, semillon sauvignon blanc and shiraz, Mac Forbes organic syrah, and Willie Smiths organic cider.



²⁰ <https://settlersridge.com.au/pages/our-story>

The Mindful Drinking Range

- 3.38 The proposed premises will carry a mindful drinking range, being an extensive selection of zero alcohol product between 0.0 and 0.5 per cent by volume, together with low and mid strength beer, wine, cider and distilled non-alcoholic spirits.
- 3.39 The Applicant undertakes that the mindful drinking range will be merchandised with equal prominence to full strength product. That undertaking is significant. The assessment of existing packaged liquor premises prepared as Attachment 5 to this submission records that zero alcohol product is carried at existing premises in the locality but is distributed within the general refrigeration rather than presented as a section, so that a consumer seeking it must already know what to look for. The Applicant proposes to present it as a section.
- 3.40 The inclusion of this range serves both a requirement of consumers and a harm minimisation purpose, by making a lower risk alternative available, and visible, at the point of purchase.
- 3.41 Consumer preference has moved toward beers and wines of lower alcohol content:

“Sales of mid-strength beer and lower-alcohol wines are growing twice as fast as all other wines and beers as consumers make healthier lifestyle choices, Nielsen data researchers report. While low-alcohol drinks have had a poor reputation for taste in the past, producers have invested in new methods and technology to create drinks with more freshness and flavour.”²¹

- 3.42 Zero, low and mid strength lines carried by the Applicant at its related premises include Carlton Zero, Great Northern Light at 2.0 per cent, Cascade Premium Light, Dingo Lager mid strength, Carlton Dry Ultra Low Carb, Run With Thieves low carb hazy, and the Disfrutando zero alcohol rose and verdejo. The Applicant also carries a dedicated non-alcoholic drinks category.



²¹ <https://www.news.com.au/lifestyle/food/drink/midstrength-beers-and-wines-gaining-popularity-among-drinkers/news-story/2bc426de64c4195a7c82e740f925fe6f>

New and Emerging Spirits

- 3.43 The proposed premises will carry new and emerging spirits categories, being premium agave spirits including tequila and mezcal, which is the fastest-growing spirits category in Australia, Australian whisky, and Western Australian craft gin and vodka from local distillers.
- 3.44 Local distillers are within minutes of the proposed premises. Bombak Distillery at Osborne Park is a family-owned distillery producing contemporary gins from native Western Australian botanicals.



Dietary Specific Products

- 3.45 The proposed premises will carry dietary-specific products, being gluten-free, vegan-friendly, low-carbohydrate, and low-sugar options, presented as part of the range that a consumer can find by browsing.



- 3.46 Allergic disease is a significant and growing matter of public health in Australia. Australia and New Zealand have among the highest prevalence of allergic disorders in the developed world. The ASCIA-Access Economics Report estimated that in 2007 4.1 million Australians, being 19.6 per cent of the population, had at least one allergic disease, that the highest prevalence of allergies is in the working age population with 78 per cent of people with allergies aged 15 to 64 years, and that if current trends continue there will be a 70 per cent increase in the number of Australians with allergy, from 4.1 million in 2007 to 7.68 million by 2050, being more than one in four Australians.²²
- 3.47 Gluten free lines carried by the Applicant at its related premises include the O'Brien gluten free lager and gluten free XPA, Two Bays gluten free pale ale, Hahn Super Dry gluten free, and the Run With Thieves gluten free gin and soda. The Applicant remains proactive in sourcing gluten free products as they come to market.

Cleanskin Wine

- 3.48 The proposed premises will carry a cleanskin wine offering with a strong focus on Western Australian grown product, which extends the accessibility of Western Australian wine to consumers at lower price points.

²² <https://www.allergy.org.au/ascia-reports-economic>

Exclusive Releases, Collaborations and Special Orders

- 3.49 The proposed premises will carry exclusive and limited release product developed through the Applicant's In Good Company platform, including food and liquor pairing packs and collaborations created with neighbouring restaurants, local distillers and brewers. An example of an exclusive collaboration secured by the Applicant is the 2026 season Zonzo panettone gin, a small batch product from the Yarra Valley produced exclusively for The Good Grocer.



Figure 11: In Good Company Platform²³

²³ <https://www.morsels.com.au/the-good-grocer-testun-and-threecoins-come-together-in-mt-lawley/>

- 3.50 As an independent operator, the Applicant retains the flexibility to curate its product range on direct feedback and requests from local consumers, and consumers will be able to place orders for specific products not presently carried. All special order requests remain subject to the product ranging restrictions and the responsible ranging considerations set out below, and the Applicant will decline any request for a product falling within a restricted category or otherwise inconsistent with those considerations.

Pricing Transparency

- 3.51 The proposed premises will use electronic shelf labels, so that pricing displayed to consumers is accurate and transparent at all times.

The Range is Deliverable, and is Presently Delivered

- 3.52 The range described above is not aspirational. It reflects the range presently operated by the Applicant's related premises trading as a Good Grocer Cellar, which at the date of this submission carries 2,184 active liquor lines.
- 3.53 Of those active lines, 793 are wine and sparkling wine, 570 are beer, 615 are spirits, 542 are cider and ready-to-drink products.

Product Ranging Restrictions

- 3.54 The Applicant will apply the following product ranging restrictions at the proposed premises:
- No cask wine over 2 litres in volume;
 - No sale of beer in glass bottles of 750 ml or more; and
 - No sale of fortified wine in containers greater than 2 litres.
- 3.55 The Applicant acknowledges the Retail Drinks Australia Guidelines for Responsible Product Ranging Decisions, which have been developed to assist liquor store operators to make product ranging choices that minimise potential misuse and subsequent harm related to excessive alcohol consumption, and which direct attention to the perception of targeting underage drinkers, product appeal and positioning, promotion style, alcohol strength and packaging format, and product name, packaging, graphics and colour. The Applicant will make product ranging decisions at the proposed premises consistent with those considerations.²⁴

Summary

- 3.56 The proposed range is a Western Australian first offering a rotating selection of independent Western Australian craft beer with collaboration releases not available

²⁴ Retail Drinks Australia, Guidelines for Responsible Product Ranging Decisions.

elsewhere in the locality, a lo-fi, organic, biodynamic and preservative free wine offering, a mindful drinking range merchandised with equal prominence to full strength product, emerging spirits categories including Western Australian craft distillate, dietary specific product presented so that it can be found by browsing, cleanskin wine focused on Western Australian product, and exclusive releases developed with local producers.

- 3.57 Based on the select and diverse product range, complemented by tasting opportunities and outstanding customer service, as successfully and responsibly offered at the other Good Grocer Cellar Stores across the Perth metro, the Applicant seeks to replicate the model at The Good Grocer Cellar, Doubleview that will aid in the development of the liquor, tourism and hospitality industries in the State.

Operational and Harm Minimisation Controls

- 3.58 The controls set out below are the measures the Applicant proposes to adopt at the proposed premises from the established Good Grocer Cellar store format, calibrated to a walk-in browse cellar adjoining a supermarket on Scarborough Beach Road, and no control has been proposed that cannot be performed in that retail configuration.
- 3.59 Responsible Service of Alcohol. All staff members involved in the sale and supply of alcohol will hold current Responsible Service of Alcohol certification obtained from a nationally accredited training provider, and will maintain their certifications in a Training Register kept on the premises, consistent with the Director's Policy on Mandatory training for licensees, approved managers and employees (Guidance)²⁵. An Approved Manager will be present at all times to manage the operation of the liquor store and to ensure adherence to licensing and regulatory standards relating to managers at licensed premises²⁶.
- 3.60 Refusal of service to intoxicated persons. Entry will be denied to intoxicated persons at all times, and liquor will not be sold or supplied to any person who is intoxicated²⁷. Staff will be trained in how to identify if a customer is nearing intoxication, in how to identify and refuse intoxicated persons, and in when and how to relay concerns about potential customer intoxication to the Approved Manager or another authorised person.
- 3.61 The liquor browse-and-display area will be physically and visibly demarcated from the food and grocery display area and will have its own point of sale. This is the defining control at this site. It ensures that the licensed area is a distinct, supervised retail environment rather than a supermarket aisle, and that entry to it is monitored.

²⁵ <https://www.wa.gov.au/organisation/racing-gaming-and-liquor/mandatory-training-licensees-approved-managers-and-employees>

²⁶ https://www.legislation.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrdoc_49727.pdf

²⁷ https://www.legislation.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrdoc_49727.pdf

- 3.62 The liquor browse and display area will be closed off whenever the premises is not open for trade, so that packaged liquor is not accessible from, or visible across, the supermarket frontage at any time the licence does not authorise its sale.
- 3.63 Under 25 identification verification. Any customer who appears to be under 25 years of age will be required to produce acceptable proof of age before a sale is completed, and no sale will proceed until identification has been sighted²⁸.
- 3.64 No service to persons in school uniform. Service will be refused to any person presenting in school uniform, regardless of that person's ability to produce legal photo identification²⁹.
- 3.65 No unaccompanied juveniles will be permitted within the licensed area at any time. The Applicant notes that juveniles will lawfully be present in the adjoining supermarket, and it is precisely for that reason that the demarcation of the licensed area and the supervision of its entry are treated as primary controls at this site rather than as incidental ones.
- 3.66 CCTV is located at the entry and exit points of the premises. The system will comply with the Director of Liquor Licensing's on Security licensing conditions (Guidance), Closed Circuit Television (CCTV), and the Applicant undertakes to meet the recording and retention requirements of that policy as amended.³⁰
- 3.67 The Applicant proposes that an entry alert will notify staff whenever a person enters the walk-in browse area, so that no customer movement into the licensed area occurs without staff awareness.
- 3.68 The Applicant undertakes that the browse area will be laid out to maintain clear and unobstructed sightlines from the point-of-sale position, so that the licensed area can be passively supervised by staff, subject to confirmation against the floor plan as set out above.
- 3.69 Signage will be displayed within the store relating to the secondary supply of alcohol, to the refusal of service to juveniles, and to the refusal of service to intoxicated persons³¹. Visual signage will be placed strategically in the store to remind patrons and staff of the licence requirements regarding the sale and supply of packaged liquor.
- 3.70 The Applicant maintains a zero-tolerance approach to anti-social behaviour and has measures in place to minimise it, including a well-illuminated licensed area and the authority of the Store Manager to refuse service to any customer not behaving in an acceptable manner³². Camera coverage at the proposed premises is as stated in the CCTV control above. External lighting, car parking and building fabric measures are matters for the site-specific Operational Management Plan referred to below.

²⁸ Attachment 3 – Harm Minimisation Plan

²⁹ Attachment 3 – Harm Minimisation Plan

³⁰ <https://www.wa.gov.au/government/publications/security-licensing-conditions>

³¹ Attachment 3 – Harm Minimisation Plan

³² Attachment 3 – Harm Minimisation Plan

4 Location and Locality

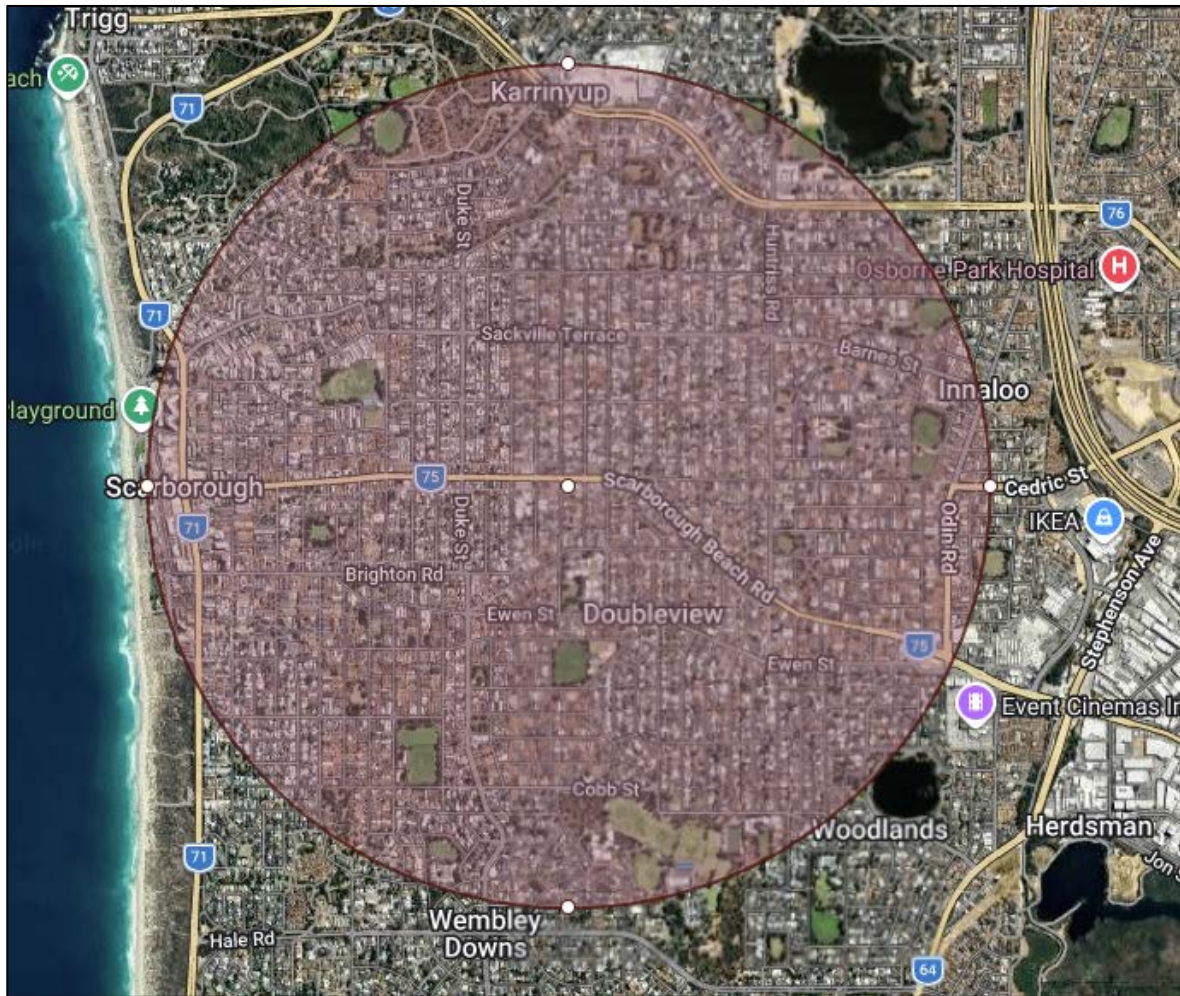


Figure 12: The Good Grocer Cellar, Doubleview – 2km Radius Locality³³

- 4.1 The proposed premises is located at Shop 1, 181 Scarborough Beach Road, Doubleview WA 6018, within the local government district of the City of Stirling. The proposed liquor store adjoins the existing Good Grocer supermarket (IGA) trading from that address. The locality described in this section is the area against which the matters in section 38(4) of the Act, and the packaged liquor question arising under section 36B(4) will be assessed.
- 4.2 The locality adopted for this assessment is the Scarborough Beach Road corridor, the established retail and commercial nodes that the corridor connects, and the Australian Bureau of Statistics State Suburb Areas of Doubleview and parts of Scarborough, Innaloo, and Wembley Downs, which comprise the statistical areas that comprise the residential catchment served by that corridor.
- 4.3 Section 38(4) of the Act is set out verbatim in the Legislative Framework section of this submission and is applied to the locality described below.

³³ <https://www.mapdevelopers.com/draw-circle-tool.php>

- 4.4 The Applicant acknowledges that section 36B of the Act applies to this application, it being an application for the grant of a licence authorising the sale of packaged liquor. The matters arising under section 36B(4), including the assessment of the requirements of consumers in the defined locality and the operation of regulation 9AAB.³⁴

Doubleview and the Scarborough Beach Road Corridor

- 4.5 Scarborough Beach Road is a primary arterial east-west movement corridor linking the Mitchell Freeway and the Innaloo commercial precinct to the Scarborough coast, and is the primary movement corridor of this locality. The proposed premises is located at 181 Scarborough Beach Road, Doubleview.
- 4.6 The corridor is a designated activity corridor recognised at State level. The Scarborough Beach Road Activity Corridor Framework was prepared by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission, in partnership with the City of Stirling, the City of Vincent, the Department of Transport, the Public Transport Authority and Main Roads Western Australia. The Framework provides *"an overarching transport and land use vision that, when implemented over time, will significantly improve the form and function of the road and its surrounds"*, and it proceeds on an activity corridor approach that coordinates the transport use of the road with the buildings that open onto it.³⁵
- 4.7 The Framework extends along Scarborough Beach Road from Charles Street to the Scarborough coast and organises the corridor into six precincts. Doubleview is one of those six precincts. The Framework is aligned with the Western Australian Planning Commission's Directions 2031 and Beyond, which identifies roads of this character as *"important connections to a hierarchy of activity centres"*.³⁶
- 4.8 The Scarborough Beach Road West Activity Corridor Strategy, Revision 8, July 2017, applies to the 2.8 kilometre section of Scarborough Beach Road extending from Thor Street in the east to the eastern edge of the Scarborough Redevelopment Area at Hinderwell Street in the west, and to all lots fronting or siding onto that section. The proposed premises at 181 Scarborough Beach Road is located within that section.³⁷
- 4.9 The vision stated for that corridor is as follows:

"The Scarborough Beach Road West Activity Corridor will be a modern, vibrant, mixed use area shared by light rail, pedestrians, cyclists and vehicles, with high quality buildings capitalising on attractive views. The Activity Corridor will accommodate local businesses

³⁴ Attachment 5 - Section 36B(4) Assessment

³⁵ <https://www.wa.gov.au/government/document-collections/scarborough-beach-road-activity-corridor-framework>

³⁶ <https://www.wa.gov.au/government/document-collections/scarborough-beach-road-activity-corridor-framework>

³⁷ <https://www.stirling.wa.gov.au/awcontent/Web/Documents/Scarborough-Beach-Road-West-Activity-Corridor-Strategy.pdf>

*that serve local residents **while taking advantage of passing trade**. It will become a street containing many trees that encourages walking and cycling and will offer places for people to meet."*³⁸

The Applicant respectfully submits that the adopted vision for this corridor is expressly one of local businesses that serve local residents while also taking advantage of passing trade. That is a precise description of the cogent evidence in this submission: an independently owned packaged liquor retail tenancy adjoining a new grocery business that caters to the consumer requirements of the local residents of Doubleview and consumers travelling the corridor.

Demographic Profile of the Locality

- 4.10 The demographic profile of the locality is a material input to the assessment required under section 38(4)(a) of the Act, and to the assessment accompanying this submission at Attachment 5. Demographic data for the defined locality has been compiled from the Australian Bureau of Statistics Census of Population and Housing 2021 for the State Suburb Areas of Doubleview and parts of Scarborough, Innaloo and Wembley Downs, and is presented in aggregate for the locality, benchmarked against Greater Perth and Western Australia, in the table below.³⁹ The locality medians reported in that table are the simple average of the four constituent suburb medians.

³⁸ <https://www.stirling.wa.gov.au/awcontent/Web/Documents/Scarborough-Beach-Road-West-Activity-Corridor-Strategy.pdf>

³⁹ Australian Bureau of Statistics, Census of Population and Housing 2021;
<https://www.abs.gov.au/census/find-census-data/quickstats>

	LOCALITY	GREATER PERTH	WESTERN AUSTRALIA
Population	43,145	2,116,647	2,660,026
Median Age	37.5	37	38
Median Individual Income (Weekly)	\$1,140	\$859	\$848
Median Household Income (Weekly)	\$2,225	\$1,865	\$1,815
Median Family Income (Weekly)	\$2,905	\$2,259	\$2,214
Population Under 14 years	16.23%	18.96%	19.01%
Indigenous Persons	1.01%	1.99%	3.33%
Australian Born	63.08%	59.46%	61.98%
Speak English only at Home	79.41%	73.99%	75.29%
Couple Family without Children	42.11%	37.56%	38.75%
Couple Family with Children	41.02%	45.73%	44.61%
One Parent Family	15.35%	15.10%	15.08%
Other Family	1.60%	1.61%	1.55%

Table 1: Demographic Comparison, Doubleview Locality⁴⁰

- 4.11 The table above illustrates the general population demographics of the suburbs comprising the locality for The Good Grocer Cellar, Doubleview. According to the 2021 Australian Bureau of Statistics Census, the total population of the suburbs within the defined locality is 43,145 persons.⁴¹
- 4.12 Analysis of the demographic data for the defined locality surrounding The Good Grocer Cellar, Doubleview:
- **Population:** The locality has a population of 43,145 persons across four State Suburb Areas, providing a substantial resident catchment for the proposed premises to cater

⁴⁰ Source: ABS Census of Population and Housing 2021; <https://www.abs.gov.au/census/find-census-data/quickstats>

⁴¹ ABS Census of Population and Housing 2021; <https://www.abs.gov.au/census/find-census-data/quickstats>

to, in addition to the consumers who work in, resort to and travel through the defined locality along the Scarborough Beach Road corridor.

- **Age:** The median age of the locality is 37.5 years, being marginally above the Greater Perth benchmark of 37 years and marginally below the Western Australian benchmark of 38 years.
- **Income:** The locality records a median household income of \$2,225 per week and a median family income of \$2,905 per week, approximately 19 and 29 per cent above the respective Greater Perth benchmarks, and a median individual income of \$1,140 per week, compared with \$859 for Greater Perth. The Applicant relies on the household and family measures as the more stable indicators.
- **Family composition:** Couple families with children comprise 41.02 per cent of families in the locality and couple families without children 42.11 per cent. That composition varies materially between the constituent suburbs, from 33.8 per cent couple families with children at Innaloo to 53.7 per cent at Wembley Downs. The defined locality contains 7,004 persons aged under 14 years. The Applicant identifies that figure expressly, and the controls directed to juveniles set out in the Venue and Operation section, being the refusal of service to any person in school uniform, the prohibition on unaccompanied juveniles within the licensed area, identification verification for any consumer who appears under 25 years of age, and the demarcation and separation of the licensed area from the adjoining grocery floor, apply in full and are not contingent on the demographic result.
- **Language:** 79.41 per cent of the locality speaks English only at home, above both the Greater Perth and Western Australian benchmarks. The Applicant notes that the remaining 20.59 per cent speak a language other than English at home, rising to 26.9 per cent at Innaloo, and undertakes that point-of-sale signage relating to the secondary supply of alcohol, proof of age requirements and responsible consumption will be presented so as to be understood by the small cohort of consumers for whom English is not the first language.
- **Cultural composition:** 63.08 per cent of the locality was born in Australia, above both benchmarks, and 36.92 per cent was born overseas or did not state a birthplace. Indigenous persons comprise 1.01 per cent of the locality, against 1.99 per cent for Greater Perth and 3.33 per cent for Western Australia. The Applicant will apply its refusal of service, identification and secondary supply protocols without discrimination, will train staff in the respectful application of those harm minimisation protocols, and will range products having regard to the cultural composition of the locality. [42](#)
- **Consumer requirements:** The Applicant will carry a curated Western Australian focused range, including wine from South West producers and products from smaller

[42](#) Attachment 2 – Consumer Survey

local producers, together with a specialty range addressing dietary and lifestyle requirements including gluten free, organic, low alcohol and no alcohol products. The requirements of consumers in this locality are fully addressed in the separate assessment accompanying this submission (43) at Attachment 5 and are further evidenced by the consumer survey conducted for this application.

- 4.13 The planning framework described earlier in this section, and the City of Stirling's adopted corridor strategy, contemplate consolidation and redevelopment of the Doubleview and St Brigids Centres, with mixed-use development delivering additional dwellings above ground-floor retail along this section of Scarborough Beach Road. The Applicant submits that consumers' requirements for packaged liquor in this defined locality are not static, and that the anticipated intensification of the corridor supports the proposition that those reasonable and contemporary requirements will continue and grow.

SEIFA - Socio-Economic Context

- 4.14 The socio-economic position of the locality is assessed with reference to the Socio-Economic Indexes for Areas published by the Australian Bureau of Statistics, particularly the Index of Relative Socio-Economic Disadvantage. The index is a relative measure. Within the Index of Relative Socio-Economic Disadvantage, decile 1 comprises the most disadvantaged 10 per cent of areas in Australia and decile 10 the least disadvantaged 10 per cent. The position for each constituent suburb of the defined locality and for the City of Stirling is as follows.⁴³

AREA	IRSD SCORE	DECILE IN AUSTRALIA	DECILE IN WA
Doubleview	1,060	8	8
Scarborough	1,072	9	9
Innaloo	1,036	7	6
Wembley Downs	1,102	10	10
City of Stirling (LGA)	1,027	9	8

Table 2: SEIFA 2021, Index of Relative Socio-economic Disadvantage

⁴³ Australian Bureau of Statistics, Socio-Economic Indexes for Areas (SEIFA) 2021.
<https://www.abs.gov.au/statistics/people/people-and-communities/socio-economic-indexes-areas-seifa-australia/latest-release>

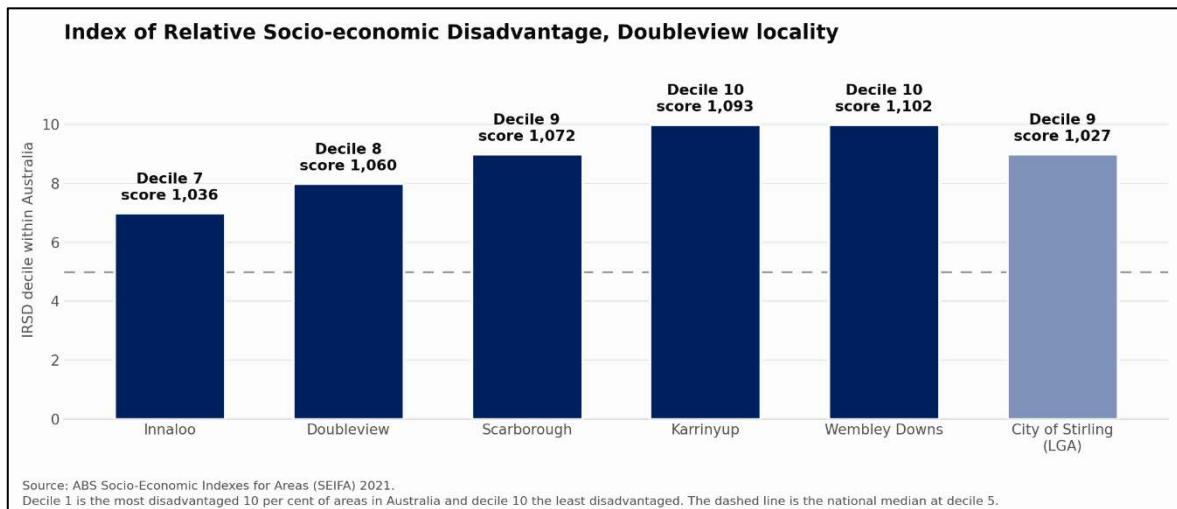


Figure 13: City of Stirling and Doubleview Locality, SEIFA Index of Relative Socio-economic Disadvantage

- 4.15 Every constituent suburb of the defined locality records a decile position at or above 7 in Australia, ranging from decile 7 at Innaloo to decile 10 at Wembley Downs, and the City of Stirling as a whole records decile 9 in Australia.⁴⁴ The defined locality is therefore materially less disadvantaged than the national median, and the socio-economic disadvantage indicators commonly examined under section 38(4)(a) of the Act are not elevated in this locality.
- 4.16 The Applicant submits that an index position describes an area and is not a finding about any consumer residing in that area. An index position is contextual evidence about an area, and it is not directed to the existence of harm, to the likelihood of harm arising from this application, or to the comparison between them, each of which is assessed on the evidence in the assessment under section 38(4)(a) of the Act.
- 4.17 Whatever position the index discloses, the Applicant proposes the operational controls set out in the Venue and Operation section, being responsible service of alcohol training for all staff, spirits secured behind the point of sale, identification verification for any consumer who appears under 25 years of age, no service to any person in school uniform, no unaccompanied juveniles, and CCTV located at the entry and exit points of the premises. Those controls apply irrespective of the index position and are directed to the consumer groups the demographic and index evidence may identify.

Requirements of Consumers in the Locality

- 4.18 The requirements of consumers in this locality, and the matters arising under section 36B(4) of the Act, are addressed in full in the separate assessment accompanying this submission at Attachment 5. They are not repeated in this section.

⁴⁴ Australian Bureau of Statistics, Socio-Economic Indexes for Areas (SEIFA) 2021.
<https://www.abs.gov.au/statistics/people/people-and-communities/socio-economic-indexes-areas-seifa-australia/latest-release>

- 4.19 The requirements of consumers in this locality are further evidenced by the consumer survey deployed for this application. The survey results are reported in full in the Community Consultation section of this submission, including any results adverse to the application. Of the 173 respondents who identified where they currently purchase packaged liquor, only 17.3 per cent do so at the one existing outlet located in Doubleview, and a further 19.7 per cent nominated an outlet located outside the defined locality altogether.
- 4.20 The defined locality described in this section is the Scarborough Beach Road corridor, the established retail and commercial nodes that the corridor connects, and the State Suburb Areas of Doubleview, Scarborough, Innaloo and Wembley Downs within the City of Stirling. Within that defined locality, the proposed premises would trade as a walk-in packaged liquor store at an established retail address, with no general consumption of liquor on the premises, the trading hours sought being addressed in the Venue and Operation section of this submission. The amenity of the locality is addressed in the assessment under section 38(4)(b) of the Act, and the harm consequences of the proposal under section 38(4)(a), in each case together with the operational controls proposed for the premises.

5 Legislative Framework – Liquor Control Act 1988

- 5.1 This application is made pursuant to section 47 of the Liquor Control Act 1988 (the Act) for the conditional grant of a Liquor Store Licence for The Good Grocer Cellar, Doubleview at 181 Scarborough Beach Road, Doubleview WA 6018, within the local government district of the City of Stirling. It is submitted in satisfaction of the public interest test imposed by section 38(4) of the Act, in response to the further requirement imposed by section 36B(4) in respect of applications for packaged liquor premises, and in compliance with the documentation requirements of section 68 of the Act. The Applicant submits that the conditional grant of this licence is in the public interest, having regard to the primary and secondary objects of the Act set out in section 5, and that each of the matters required to be addressed under sections 38(2) and 38(4) is addressed in this submission.
- 5.2 Legislative provisions are reproduced verbatim. Where a provision is discussed rather than reproduced, the discussion is the Applicant's submission as to the effect of the provision and is not the text of the Act. The provisions relied on are reproduced below.

5. Objects of Act

(1) *The primary objects of this Act are —*

- (a) to regulate the sale, supply and consumption of liquor; and*
- (b) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and*
- (c) to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.*

(2) *In performing the Director's functions under this Act, the Director must have regard to the primary objects of this Act and also to the following secondary objects —*

- (a) to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and*
- [(b), (c) deleted]*
- (d) to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and*
- (e) to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act; and*
- (f) 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.*

- (3)** *If, in performing any of the Director's functions under this Act, the Director 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.*

33. Director's powers when deciding applications

- (1)** *The Director may grant or refuse an application under this Act on any ground, or for any reason, that the Director considers in the public interest.*
- (2)** *An application —*
- (a)** *may be refused, even if the applicant meets all the requirements of this Act; or*
 - (b)** *may be granted, even if a valid ground of objection is made out, but is required to be dealt with on its merits, after such inquiry as the Director thinks fit.*

38. Certain applications to be refused unless in the public interest

- (1)** *Subsection (2) applies to —*
- (a)** *an application for the grant or removal of a licence of a kind prescribed; or*
 - (b)** *an application for a permit of a kind prescribed; or*
 - (c)** *any other application to which the Director decides it is appropriate for subsection (2) to apply.*
- (2)** *An applicant who makes an application to which this subsection applies must satisfy the Director that granting the application is in the public interest.*
- (3)** *For the purposes of subsection (2), the applicant must provide to the Director —*
- (a)** *any prescribed document or information; and*
 - (b)** *any other document or information reasonably required by the Director for those purposes.*
- (4)** *Without limiting subsection (2), the matters the Director may have regard to in determining whether granting an application is in the public interest include —*
- (a)** *the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and*
 - (b)** *whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened; and*

- (c) whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and*
 - (ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters; and*
 - (d) any other prescribed matter.*
- (5) If an application referred to in subsection (1)(a) is refused because the Director is not satisfied that granting the application is in the public interest, an application for the grant or removal of a licence in respect of the same premises or land cannot be made within 3 years after the Director's decision unless the Director certifies that the proposed application is of a kind sufficiently different from the application that was refused.*
- (7) If subsection (2) applies to an application, the Director may publish the following on the Department's website —*
- (a) the application;*
 - (b) any document or information provided under subsection (3) in relation to the application.*

Primary Objects: Section 5(1)

- 5.3 The Applicant addresses each of the primary objects identified in section 5(1) of the Act, being the regulation of the sale, supply and consumption of liquor, the minimisation of harm or ill-health caused to people, or any group of people, due to the use of liquor, and the catering for the requirements of consumers for liquor and related services with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

Section 5(1)(a): Regulation of Sale, Supply and Consumption

- 5.4 The proposed The Good Grocer Cellar, Doubleview adjoins the existing Good Grocer supermarket (IGA) at 187 Scarborough Beach Road, Doubleview, on the Scarborough Beach Road commercial corridor. The manner of trade, being an independently operated walk-in browse cellar, is described in the Venue and Operation section of this submission. The internal configuration of the premises, including the location of the point of sale and the demarcation of the licensed area, are shown on the floor plan.
- 5.5 The Applicant will operate under the conditions imposed by the licensing authority and proposes for this premises the following operational controls: minimal and controlled external advertising, the availability of low and mid-strength beer at all times, ID25 identification checks, and a strict policy against serving any person in school uniform irrespective of that person's ability to produce legal photo identification. CCTV is located at the entry and exit points of the premises, and the CCTV system will be installed, operated

and maintained in accordance with the Director's Policy on Security licensing conditions (Guidance).

- 5.6 Every staff member engaged in the sale or supply of liquor at the proposed premises will complete the relevant Responsible Service of Alcohol training from a nationally accredited training provider in line with sections 33 and 103A of the Act, and a copy of each certificate will be maintained on the premises in a training register in accordance with the Director's Policy on Mandatory training for licensees, approved managers and employees. The Applicant will become a member of the liquor accord operating within the City of Stirling, participate in its meetings, and adhere to any resolution or strategy the accord deems necessary.
- 5.7 There is no on-premises consumption at the proposed premises other than supervised product tastings. The quantities of the tastings to be provided will be in accordance with those prescribed in the Director's Policy (Guidance); free drinking water will be made available at all times that samples of alcoholic beverages are available for tasting, and all tastings will be conducted under the full responsibility and supervision of the Approved Manager. Those controls apply wherever product tastings are referred to elsewhere in this submission.

Section 5(1)(b): Minimisation of Harm or Ill-Health

- 5.8 The Applicant acknowledges the undue risk of harm or ill health from the consumption of alcohol associated with a Liquor Store Licence and accepts that the criteria in sections 5, 36B(4) and 38(2) and (4) of the Act, and the standards required by the policies of the Director of Liquor Licensing, must be met. The risk profile of the proposed premises is that of a walk-in packaged liquor store adjoining a full-line supermarket on a commercial corridor, with no drive-through channel and no on-premises consumption other than supervised product tastings.
- 5.9 That risk profile is answered by the controls stated above: Responsible Service of Alcohol certified staff with certificates held in an on-site training register, ID25 identification checks, refusal of service to any person in school uniform regardless of identification, refusal of entry to unaccompanied juveniles, spirits, liqueurs and fortified wines stored behind the point of sale and accessible only by staff, the availability of low and mid-strength beer at all times, signage within the premises addressing the sale of packaged liquor, the secondary supply of liquor to juveniles and the service of intoxicated persons, CCTV located at the entry and exit points of the premises, tastings conducted only under the supervision of the Approved Manager with free drinking water available, and participation in the liquor accord operating within the City of Stirling. The applied research and the full harm minimisation framework supporting these measures are set out in the harm sections of this submission and in the accompanying Harm Minimisation Plan.

Section 5(1)(c): Requirements of Consumers and Proper Development of the Industry

- 5.10 Section 5(1)(c) is the object most directly engaged by this application, because the phrase it uses, "the requirements of consumers", is the same phrase that section 36B(1) uses in defining local packaged liquor requirements. The construction of that phrase, and its application to this locality, is addressed in the detailed assessment accompanying this submission at Attachment 5.
- 5.11 The proposed premises is an independently owned and operated cellar adjoining an operating full-line supermarket. Its product range, its specialty and dietary-specific offering, its facility for consumers to request products not readily available in the locality, and its supervised product tastings are described in the Venue and Operation section of this submission. That offering is directed at the requirements of consumers for range, specialty product, access, customer service and one-stop shopping convenience, and not merely at the physical availability of liquor.
- 5.12 As to the proper development of the liquor industry, catering to consumer requirements is not assessed in isolation from industry development. In *Australian Leisure and Hospitality Group Pty Limited v Commissioner of Police & Ors* [2017] WASC 88 the Court held:
- "I consider Section 5(1)(c) requires regard 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 considered in isolation. The potential and opportunity for proper development of the industry (including change) is not to be ignored. Assuming there is appropriate probity 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".⁴⁵*
- 5.13 The Applicant submits that an independently operated cellar with a Western Australian producer emphasis contributes to the proper development of the liquor industry in the manner this object contemplates. An independent operator with the flexibility to curate its range in response to direct consumer requests, and to give emphasis to Western Australian producers, supports the authenticity and value of the Western Australian liquor market and the diversity of the retail offering available to consumers in the State.

Secondary Objects: Section 5(2)

- 5.14 The Applicant addresses the secondary objects identified in section 5(2) of the Act that are engaged by this application, being the facilitation of the use and development of licensed facilities reflecting the diversity of the requirements of consumers in the State, the provision of adequate controls over the persons directly or indirectly involved in the sale,

⁴⁵ Attachment 4 - Case Precedence

disposal and consumption of liquor, the provision of a flexible system with as little formality or technicality as may be practicable for the administration of the Act, and the encouragement of responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor.

Section 5(2)(a): Diversity of the Requirements of Consumers

- 5.15 The proposed premises is designed to deliver a retail offering directed at the diversity of contemporary consumer requirements. The curated Western Australian focused range, the specialty and dietary-specific offering, the request facility and the supervised tastings described in the Venue and Operation section of this submission are each directed at that diversity, and at the requirements of consumers in the locality identified on the evidence advanced in this submission.
- 5.16 31.0 per cent of respondents to the Consumer Survey identified a preference for an independent liquor store operator as a reasonable requirement when purchasing packaged liquor, 40.2 per cent identified Western Australian focused liquor products and 41.4 per cent identified local and international craft products. The results are presented in full in the Community Consultation section of this submission.

Section 5(2)(d): Adequate Controls

- 5.17 An Approved Manager will always be present to manage the operations of the premises, ensuring adherence to the licensing and regulatory standards pertaining to Managers at Licensed Premises. All staff involved in the sale and supply of liquor will hold current Responsible Service of Alcohol certification, with certificates retained in the on-site training register in accordance with the Director's Policy on Mandatory Training (Guidance).
- 5.18 The Harm Minimisation Plan, incorporating a Code of Conduct, a Management Policy and a House Management Plan, will apply to all patrons, staff and management, and is consistent with the Director's Policy on Harm Minimisation (Guidance). Statutory signage relating to the sale and supply of packaged liquor, the requirement to produce identification, and the secondary supply of liquor to juveniles, will be displayed within the premises. CCTV is located at the entry and exit points of the premises. The specific operational controls the Applicant offers to accept as conditions of the licence are set out in the conditions section of this submission.

Section 5(2)(e): Flexible Administration

- 5.19 The Applicant has prepared this submission as a substantive, evidence-based engagement with the merits of the application. The application is complete in all material respects, and each matter the licensing authority is required to consider is addressed on the material available.
- 5.20 Should any minor perceived shortcoming be identified in the course of assessment, the Applicant respectfully requests the licensing authority to exercise its discretion and to consider conditionally granting the licence in the public interest.

Responsible Attitudes and Practices

- 5.21 The experienced Applicant is committed to promoting responsible in-store consumption during product tastings at the proposed premises, and will strictly adhere to the Director's Policy regarding the responsible promotion of alcohol at all times. The Applicant has also considered the Industry Guideline on the Responsible promotion and advertising of alcohol and is committed to adhering to the licensing authority's policies.

Section 38 of the Act: The Public Interest Test

- 5.22 Section 38 of the Act requires the licensing authority to assess whether the granting of an application is in the public interest, and section 38(2) places the onus on the Applicant to satisfy the licensing authority that granting the application is in the public interest. The Applicant has provided the prescribed documents and information and will provide any further documents or information the licensing authority reasonably requires.
- 5.23 The matters to which the licensing authority may have regard in determining the public interest are set out in section 38(4). The limbs engaged by this application are sections 38(4)(a), (b), (c) and (ca), each of which is addressed in its own section of this submission.
- 5.24 The public interest is not a term of narrow compass. The Butterworths' Australian Legal Dictionary defines the term as:

*"an interest in common to the public at large or a significant portion of the public and which may, or may not involve the personal or propriety rights of individual people"*⁴⁶

- 5.25 The public interest provisions accordingly enable the licensing authority to consider a broad range of issues specific to each application, and flexibility exists to assess each application on its merits. In *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 the Court of Appeal recognised that the public interest encompasses a wide range of considerations, including the requirement to minimise harm or ill-health caused by the consumption of liquor and the requirement to ensure that the sale and supply of liquor contributes to, and does not detract from, the amenity of the locality. The Court in that case also recognised consumer convenience, and one-stop shopping in particular, as an important public interest consideration:

*"It is a notorious fact that in contemporary Australian life, one-stop shopping in large suburban shopping centres is of great importance, especially to working people, and this social fact is reflected in the development of district and regional shopping centres."*⁴⁷

- 5.26 The Court in that case further observed that *"the popularity of a business model in other localities is relevant to consider in the context of an application in another location and may support an inference as to the existence of relevant consumer requirements"*. The Applicant

⁴⁶ <https://www.wa.gov.au/government/publications/public-interest-assessment>

⁴⁷ Attachment 4 - Case Precedence

advances that inference, based on evidence of the operating record of the format within the Good Grocer Group.⁴⁸

- The Good Grocer Cellar, Canning Bridge,
- The Good Grocer Cellar, East Fremantle,
- The Good Grocer Cellar, Karratha,
- The Good Grocer Cellar, 2nd Avenue,
- The Good Grocer Cellar, Myaree,
- The Good Grocer Cellar, Shenton Park,
- The Good Grocer Cellar, South Perth,
- The Good Grocer Cellar, Wembley,
- Geordie Bay General Store (including liquor store offering),
- Rottnest Liquor Store,

5.27 The discretionary character of the public interest determination was confirmed by Archer J in *Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia* [2021] WASC 366:

*"The Public Interest condition looks to, among other things, the risk that granting the application may have negative consequences, such as harm or ill-health, the reduction of amenities in the locality, and offence to those who live or work there. It also looks to any effect the granting of the licence may have in relation to tourism or community or cultural matters. Determining the public interest is a discretionary value judgment (to be made having regard to the objects of the Act)"*⁴⁹

5.28 Section 33(1) of the Act provides that the licensing authority has absolute discretion to grant or refuse an application on any ground or for any reason that it considers in the public interest. The Applicant seeks a conditional grant, has offered a suite of conditions on its own initiative, and will accept and comply with any further condition the licensing authority considers necessary in the public interest in the exercise of that discretion.

5.29 The Applicant further submits that the procedure of the licensing authority under the Act is characterised as follows:

- it is to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of the Act: s.5(2)(e);
- it shall act without undue formality in any proceedings under the Act: s.16(1);
- it is to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms: s.16(7)(b); and

⁴⁸ Attachment 4 - Case Precedence

⁴⁹ Attachment 4 - Case Precedence

- it is to act with as little formality and technicality as is practicable: s.16(7)(c).

5.30 The Applicant undertakes to maintain proactive communication with the licensing authority, the WA Police Liquor Enforcement Unit and the Mental Health Commission throughout the determination of this application and the life of the licence, and acknowledges that such interactions are administrative in nature and do not constitute approval of the application.

Section 36B of the Act

5.31 The Applicant acknowledges that section 36B of the Act applies to this application, it being an application for the grant of a licence authorising the sale of packaged liquor. The matters arising under section 36B(4), including the assessment of the requirements of consumers in the locality, are addressed in full in the comprehensive assessment accompanying this submission at Attachment 5.

5.32 The prohibition in section 36B(4) is expressed in negative form and does not require the Applicant to establish that consumers cannot obtain packaged liquor at all in the locality. It requires the licensing authority to be satisfied of a specific matter, namely that the requirements of consumers for packaged liquor in the locality cannot reasonably be met by the packaged liquor premises that already exist there.⁵⁰

⁵⁰ Attachment 5 - Section 36B(4) Assessment

6 Public Interest

6.1 Section 38(2) of the Act places the onus on the Applicant. It provides:

"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."

6.2 The term 'public interest' encompasses a broad range of considerations, including the primary and secondary objects of the Act set out in Section 5. The primary objects are:

"5. Objects of Act

(1) The primary objects of this Act are,

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

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

*(c) to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State."*⁵¹

6.3 As established earlier in this submission, the primary objects at Sections 5(1)(a), 5(1)(b) and 5(1)(c) of the Act are the objects directly engaged by this application.

6.4 Archer J confirmed in *Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia* [2021] WASC 366 the full scope of what the public interest condition requires the licensing authority to weigh:

"The Public Interest condition looks to, among other things, the risk that granting the application may have negative consequences, such as harm or ill-health, the reduction of amenities in the locality, and offence to those who live or work there. It also looks to any effect the granting of the licence may have in relation to tourism or community or cultural matters. Determining the public interest is a discretionary value judgment (to be made having regard to the objects of the Act)." ⁵²

6.5 The Applicant accepts that framing in full, and engages with the discretionary value judgment it describes in both its positive and its negative dimensions. This section is structured accordingly, addressing both the positive grounds for the conditional grant and the potential negative impacts, together with the initiatives that minimise the risk of those impacts arising.

⁵¹ Liquor Control Act 1988 (WA).
https://www.legislation.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrdoc_49727.pdf

⁵² Attachment 4 - Case Precedence

Convenience and One-Stop Shopping

- 6.6 The proposed The Good Grocer Cellar, Doubleview will be located at Shop 1, 181 Scarborough Beach Road, Doubleview, adjoining the existing Good Grocer supermarket (IGA) at the same address. The proposed premises will operate as an independently owned and operated walk-in browse cellar situated adjacent to that supermarket, allowing consumers to complete their packaged liquor and grocery shopping in the one location⁵³.
- 6.7 In Western Australia the notion of one-stop shopping has been recognised as a substantial determinant in the assessment of applications for liquor store licences. In *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227, Buss JA emphasised that:
- "Further, the Commission overlooked the notorious fact that, in contemporary Australian life, one-stop shopping in large suburban shopping centres is of great importance, especially to working people, and that this social fact is reflected in the development of district and regional shopping centres."*⁵⁴
- 6.8 That principle applies directly to the present proposal. The proposed premises will adjoin an established full-line supermarket at the same address, so that a consumer completing the weekly domestic grocery shop is able to complete a packaged liquor purchase on the same trip and at the same destination, rather than by a separate journey to a separate location.

Consumer Requirements

- 6.9 The Applicant submits that the conditional grant of a Liquor Store Licence to Jake Brindle Holdings Pty Ltd (ACN 139 983 707), to trade as The Good Grocer Cellar, Doubleview at Shop 1, 181 Scarborough Beach Road, Doubleview WA 6018, is in the public interest as construed in Sections 38(2) and 38(4) of the Act.
- 6.10 The Applicant has commissioned a Consumer Survey for the Doubleview locality, administered by the Applicant's representative. The survey instrument expressly explains to respondents that consumer requirements are *"what you reasonably expect when purchasing packaged liquor and include convenience, accessibility, one-stop shopping, product range and diversity, specialty and local products, pricing, and service. It is not limited to the availability of liquor alone."* The Consumer Survey has been completed by 174 respondents, and the results are reported in full in the Community Consultation section of this submission. 91.2 per cent of the 170 respondents who answered the question consider that conditional approval of the licence is in the public interest.⁵⁵

⁵³ Attachment 2 – Consumer Survey

⁵⁴ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227. Attachment 4 - Case Precedence, file 01

⁵⁵ Attachment 2 – Consumer Survey; Attachment 4 - Case Precedence

Positive Impacts

- 6.11 The Applicant submits that the proposal will deliver measurable positive impacts to the Doubleview locality, to the City of Stirling and to the State's liquor, tourism and hospitality industries. The positive case rests on the following grounds, each of which is independently substantiated within this submission.
- 6.12 **An independently owned and operated offer within Doubleview.** The proposed premises will be an independently owned and operated walk-in browse cellar⁵⁶. The format is a browse cellar operated by an independent retailer adjoining a full-line supermarket, with a curated range and personalised service from knowledgeable staff.
- 6.13 **Product range and specialty offer.** The proposed premises will offer a curated, Western Australian-focused alcohol range including wine from the Southwest, local and international craft alcohol products, small batch and premium Western Australian and international liquor products, and specialty products including organic, gluten-free and low-alcohol options. Consumers will be able to request unique products under a special-order service, and supervised product tastings will be conducted in accordance with licence conditions⁵⁷.
- 6.14 **One-stop shopping.** The proposed premises will adjoin an operating full line supermarket, so that a consumer may complete a household grocery shop and a packaged liquor purchase on a single trip to a single location. The locality records a median individual income of \$1,140 per week against \$859 for Greater Perth and a median household income of \$2,225 per week against \$1,865, and couple families comprise 83.13 per cent of all families. That is an income and household profile consistent with a predominantly professional and white-collar resident population, for whom discretionary time is limited and for whom the number of separate trips required to complete a routine household shop is a material consideration.
- 6.15 **Contribution to the proper development of the Western Australian liquor industry.** The proposal engages the primary object identified at Section 5(1)(c) of the Act, quoted above. A curated range emphasising Western Australian producers, including small batch and boutique products, provides a retail platform for independent Western Australian producers and enables them to engage directly with consumers in the Doubleview locality⁵⁸.
- 6.16 **Competition and consumer choice.** The introduction of an independently owned and operated retailer into the locality supports competitive pricing and product diversity, each

⁵⁶ Attachment 2 – Consumer Survey

⁵⁷ Attachment 2 – Consumer Survey

⁵⁸ Attachment 2 – Consumer Survey

of which Archer J identified as falling within the requirements of consumers for packaged liquor⁵⁹.

- 6.17 **Convenience and access.** The proposed premises is located at 181 Scarborough Beach Road, on the primary east-west movement corridor through this part of the City of Stirling, and within an established retail node to which consumers in the locality already resort. Consumers will be able to reach the premises on foot, by bicycle, by private vehicle and by public transport, using the existing access and car parking arrangements that serve the centre. The premises will trade during the hours the adjoining supermarket operates, so that it is open when consumers already attend the site. The Applicant submits that the location and manner of trade proposed answer the convenience requirements of the residents of Doubleview and of the consumers who work in, resort to and travel through the locality along the corridor.
- 6.18 **Employment and local economic contribution.** The Applicant anticipates that the operation of the proposed premises will generate direct employment at the store and indirect employment in supply chain and associated services, and will extend the trading offer of an established retail address on Scarborough Beach Road.
- 6.19 Consistency with the City of Stirling's strategic and planning framework is addressed on the evidence of that framework itself. The relevant instruments are not yet before the Applicant's representative in a form that permits citation.

Potential Negative Impacts

- 6.20 The Applicant acknowledges that packaged liquor retailing, while a legitimate and accepted component of modern retail activity, requires honest engagement with the potential for alcohol misuse and its associated negative impacts. That engagement is the foundation of the harm minimisation framework detailed in this submission. The Applicant identifies the following categories of potential negative impact specific to this application and addresses each directly.
- 6.21 **Secondary supply and juvenile access.** Packaged liquor retail carries a recognised risk that adults will purchase alcohol on behalf of persons under 18 years of age, and a risk of attempted purchase by minors. The Applicant treats this as a high risk associated with an off-premises format and responds to it through the point-of-sale controls described below.
- 6.22 **Consumption in unsupervised settings.** Liquor sold under a Liquor Store Licence is consumed away from the premises, so the licensee cannot supervise the circumstances of consumption. The Applicant responds through educational material on the risks of alcohol misuse, product ranging controls, container and volume restrictions, refusal of service protocols and the promotion of low-alcohol and non-alcoholic alternatives.

⁵⁹ Liquorland (Australia) Pty Ltd v Liquor Commission of Western Australia [2021] WASC 366.
Attachment 4 – Case Precedent

- 6.23 **Family and domestic violence.** The Applicant acknowledges that family and domestic violence remains a significant public health and social issue in Western Australia and that alcohol misuse can be a contributing factor. The Applicant's response is set out below and is aligned with the State frameworks identified in this section.
- 6.24 **Theft, anti-social behaviour and loitering at the premises.** The Applicant responds through the Crime Prevention Through Environmental Design measures described below, including secured display of spirits behind the point-of-sale counter, supervised access and the closure of the browse area outside trading hours.
- 6.25 Each of these risks is addressed by a specific mitigation, and no risk is identified in this submission without a corresponding mitigation being stated.

Responsible Retailing and Harm Minimisation

- 6.26 The harm minimisation framework applicable to this premises is set out in full in the Harm Minimisation Plan attached to this submission as a numbered schedule. The measures adopted are not a regulatory minimum. They are a proactive contribution to consumer safety, calibrated to the risk profile of an off-premises retail format co-located with a supermarket. The following summary identifies the key formal and informal measures, which the Applicant offers as self-imposed conditions.
- Spirits are to be stored behind the point-of-sale counter and are only to be accessible by staff.
 - A CCTV system located at the entry and exit points of the premises, maintained in accordance with the policies of the Director of Liquor Licensing.
 - Signage displayed within the store relating to the secondary supply of alcohol, to not serving juveniles and to not serving intoxicated persons.
 - Under 25 identification checks applied to every transaction where the customer appears to be under 25 years of age.
 - No service to persons in school uniform, regardless of ability to produce legal photo identification.
 - Unaccompanied juveniles are not permitted to enter or remain on the proposed licensed premises.
 - A range of zero, low and mid-strength alcohol beer will be available.
 - A range of mid-alcohol and low-alcohol wines will be available.
 - No cask wines over 2 litres in volume.
 - The sale of beer in glass bottles of 750ml or more is prohibited.
 - The sale of fortified wines in containers greater than 2 litres is prohibited.

- The store is to be a separate tenancy to the Good Grocer supermarket, so that the entire liquor display and sale area is physically and visibly separated from the food and grocery display and sale area by non-transparent barricading and an entry and exit door or gate.
- The liquor browse and display area is to be closed off when not open for trade.⁶⁰

6.27 Informal measures include active engagement with the City of Stirling, neighbouring occupiers and local organisations throughout the licence life, awareness of and referral to support services for individuals or families displaying signs of alcohol-related hardship, monitoring of customer behaviour for indicators of secondary supply risk including where adults appear to be purchasing on behalf of minors, and participation in any liquor accord operating in the locality.

6.28 The Applicant will participate in any liquor accord operating in the locality that is approved by the Director of Liquor Licensing, being an arrangement entered into between licensees and persons representing the licensing authority, State Government departments, State agencies or local government, directed to minimising the harm caused by the excessive consumption of liquor and to promoting responsible practices in the sale, supply and service of liquor.

6.29 The Applicant will comply with the self-regulatory initiatives of the Australian Liquor Stores Association and Retail Drinks Australia, which are directed to responsible service of alcohol, prevention of underage drinking, promotion of moderate drinking and prevention of alcohol-related harm⁶¹. The Applicant also acknowledges the Retail Drinks Australia Guidelines for Responsible Product Ranging Decisions, which will apply upon approval of the application:

"The Retail Drinks Guidelines for Responsible Product Ranging Decisions have been developed to assist liquor store operators make product ranging choices to minimise potential misuse and subsequent harm related to excessive alcohol consumption.

*The Guidelines include a checklist of issues that liquor retailers may wish to consider when making product-ranging decisions for their stores."*⁶²

The Public Interest Conclusion

6.30 The Applicant submits that the evidence assembled in this submission, across the consumer requirements analysis, the locality analysis, the harm minimisation framework and the operational controls described in this section, establishes on the balance of material considerations that the conditional grant of a Liquor Store Licence for The Good Grocer

⁶⁰ Attachment 3 – Harm Minimisation Plan

⁶¹ Attachment 3 – Harm Minimisation Plan

⁶² <https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

Cellar, Doubleview is in the public interest within the meaning of Sections 38(2) and 38(4) of the Act.

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

- 7.1 In compiling this Public Interest Assessment, the following information sources were reviewed as the Director's Policy on Public Interest Assessments recommends (Guidance).
- 7.2 The matters the licensing authority may have regard to in determining whether granting an application is in the public interest are set out at paragraphs (a), (b), (c), (ca) and (d) of Section 38(4) of the Act, and are quoted verbatim in the Legislative Framework section of this submission. The limbs engaged by this application are Section 38(4)(a), Section 38(4)(b) and Section 38(4)(c), which are addressed in this section and in the sections that follow.
- 7.3 The information sources considered in the preparation of this section include, but are not limited to:

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

Mental Health Commission website

- *National Drug Strategy Household Survey 2013: Western Australian Introduction, Executive Summary, Supplementary Tables*
- *Australian School Student Alcohol and Drug Survey: Alcohol Report 2011 – Western Australian Results. Surveillance Report Number 8*
- *Broad Strategic Directions of West Australian Drug and Alcohol Strategy 2005-2009*
- *Drug & Alcohol Interagency Strategic Framework for Western Australia 2011-2015*
- *Strong Spirit Strong Mind: Western Australian Aboriginal Drug and Alcohol Framework for Western Australia 2011-2015*
- *Fitzroy Valley Alcohol Restriction Report: An evaluation of the effects of a restriction on takeaway alcohol relating to measurable health and social outcomes, community perceptions and behaviours after a two-year period, 2010.*
- *Drug and Alcohol Office WA (2012). The impact of liquor restrictions in Kununurra and Wyndham: a twelve-month review*
- *Halls Creek Alcohol Restriction Report 2012: a 24-month review of the impact of alcohol restrictions on health and social outcomes, community perceptions and behaviours.*
- *The impact of liquor restrictions in Halls Creek: Quantitative data — Five years post-restriction*
- *Alcohol-related hospitalisations and deaths in Western Australia: State Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: this report may incur a cost, see note on previous page.*
- *Alcohol-related hospitalisations and deaths in Western Australia: Regional Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: This report may incur a cost, see note on previous page.*

- *Alcohol and Other Drug Indicators Report — Western Australia (2015)* R. Bridle, A. Christou & T. Lembo.
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- *An Evaluation of Liquor Licensing restrictions in the Western Australian Community of Port Hedland. Preventing Harmful Drug Use in Australia. Prepared with assistance from the Combined Universities Centre for Rural Health.*
- *Restrictions on the sale and supply of alcohol: Evidence and Outcomes. (2007)* Dr. T Chikritzhs, Prof. D. Gray, Z Lyons, Prof. S Saggars.
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- *Predicting Alcohol-Related Harms from licensed outlet density: A Feasibility Study. 2007 Monograph Series No.28.* T Chikritzhs, I Catalano, R Pascal and N. Henrickson
- *National Alcohol Indicators*
- *The Prevention of Substance Use, Risk and Harm in Australia - a review of the evidence. Loxley, et al., 2004. (The National Drug Research Institute and the Centre for Adolescent Health Published for Commonwealth Department of Health and Ageing 2004)*
- *The researchers examined international and national data, literature and programs that provide evidence of good practice in preventing or delaying the onset of alcohol and drug use and that address the risk and harm known to be associated with alcohol and drug use. The monograph outlines patterns of substance use and harm, considers risk and protective factors predictive of harmful alcohol and drug use and extensively reviews the evidence available on national and international prevention strategies and approaches.*

Department of Aboriginal Affairs

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

Alice Springs Liquor Trail

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

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- *Towards Safer Drinking Cultures*

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

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

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

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

Other relevant sources

- *Effects of restricting pub closing times on night-time assaults in an Australian city_(2010). K. Kypri, C. Jones, P. McElduff, and D. Barker.*
- *Dealing with alcohol-related problems in the Night-Time Economy: A study protocol for mapping trends in harm and stakeholder views surrounding local community level interventions (DANTE) (2011). P. Miller et al.*
- *Patron offending and intoxication in Night-Time entertainment districts (POINTED) (2013). P. Miller et al.*

Violence, Harm and the Limits of Causal Attribution

- 7.4 The publication "Preventing Violence: The State Community Violence Prevention Strategy 2005, A Green Paper Policy Framework for Development", prepared with input from the Department of Justice, the Department of Health, the Department for Community Development, the Department of Education and Training, the Office of Road Safety, the Mental Health Commission, the Department of Sport and Recreation, the WA Local Government Association and WA Police, states:

"Much is known about the causes of the crime and the effectiveness of a range of interventions. While continuing to grow on an almost daily basis, this information presents ample opportunity for limited resources to be better targeted to address the causes and to ameliorate emerging harm. There are many theories on what causes

violence which could be broadly categorised around "individual" or "community/environmental" factors.

"Individual" theorists say that, given the human history and continuing record of war, persecution and suppression, humans are an inherently violent species. Others point to genetics, hormonal or chemical precursors, biological and mental pathology or learned cognitive/behavioural responses.

"Community/Environmental" theorist suggest poverty or economic circumstances, political environmental (war, racism et cetera), cultural norms and attitudes, role modelling or social learning as root causes of violence.

The research demonstrates:

- The nature and outcomes of crime are the result of a complex relationship between a number of factors that relate to the individual, the community and environment, and the specific situation in which crime occurs;
- Social and cultural norms play a key role in how the community perceives and responds to crime;
- Low socio-economic status and social exclusion are closely linked with criminal behaviour; and
- Crime outcomes and a range of other conduct and behavioural, social cognitive and health outcomes can be influenced by appropriate intervention in the early years of life, targeting "risk" and "protective" factors.

A growing body of evidence points towards the interaction of a range of factors in shaping behavioural outcomes. While each of the factors described above plays a role, attempts to separate out a single cause that will only address and respond to a small part of the problem. Regardless of the causes, violence is not acceptable, and the available evidence shows that much can be done to prevent it".⁶³

- 7.5 The Applicant also acknowledges that family and domestic violence remains a significant public health and social issue in Western Australia and that alcohol misuse can be a contributing factor. The WA State Government and the Department for Child Protection have stated in the WA Strategic Plan for Family and Domestic Violence that:

*"Across Australia and internationally, it is now recognised that responding to family and domestic violence requires a holistic and integrated response across government and community sector agencies underpinned by effective legislation, as well as the support of the broader community."*⁶⁴

- 7.6 The mitigations embedded in the Harm Minimisation Plan, including point-of-sale controls, refusal-of-service protocols, staff training in recognising and responding to at-risk

⁶³ Attachment 6 - Preventing Violence together

⁶⁴ <https://www.wa.gov.au/system/files/2021-04/fdv-strategy-2020-2030.pdf>

purchasing patterns, and collaboration with the Chief Health Officer, WA Police, and the Liquor Enforcement Unit, are directed to that end. The Applicant reaffirms its commitment to working with government and non-government stakeholders in the ongoing effort to reduce alcohol-related harm through informed, collaborative and proportionate regulatory compliance.

CPTED and Built Environment Safety

- 7.7 The Applicant has applied the Safer Places by Design crime prevention through environmental design guidelines published by the Department of Planning, Lands and Heritage, and the Crime Prevention Through Environmental Design (CPTED) framework, to the proposed premises⁶⁵.
- 7.8 **Surveillance.** CCTV is located at the entry and exit points of the premises, and the system will be maintained in accordance with the Director's Policy on security at licensed premises (Guidance). The Applicant will design the premises so that the point of service is located near the store entry and exit and staff can monitor customer movement.
- 7.9 **Access control.** The Applicant will establish access control measures that guide authorised consumers efficiently through the premises while discouraging undesirable access and loitering. High-alcohol products such as spirits are to be stored securely and handled by staff trained in the responsible service of alcohol⁶⁶.
- 7.10 **Territorial reinforcement.** The boundaries of the licensed area are to be clearly marked by visible and appropriate signage so that customers and employees can identify the areas designated for the liquor store's operation.
- 7.11 **Target hardening.** High-quality locking devices are to be installed on all entry and exit points, and the browse and display area is to be closed off when the store is not open for trade. Alcohol stock is to be secured in storage areas outside trading hours.
- 7.12 **Management and maintenance.** Employees will receive training to detect and report graffiti, broken locks, damage and other maintenance issues promptly so that the premises is maintained in clean and professional condition. In the design of the premises the Applicant will address lighting of interior, exterior and parking areas, landscaping that maintains clear sightlines, general appearance so as to discourage loitering, elimination of potential entrapment places, and activity generators that promote passive surveillance⁶⁷.

⁶⁵ Department of Planning, Lands and Heritage, Safer Places by Design: Crime Prevention Through Environmental Design Guidelines. <https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

⁶⁶ Attachment 3 – Harm Minimisation Plan

⁶⁷ Department of Planning, Lands and Heritage, Safer Places by Design: Crime Prevention Through Environmental Design Guidelines. <https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

Social Health Indicators and "At Risk" Groups

- 7.13 The Applicant, in alignment with The Western Australian Mental Health and Alcohol and Other Drugs Strategy 2026-2031⁶⁸ and the Director's Policy on Public Interest Assessments, has identified and considered the groups most susceptible to alcohol-related harm and ill-health. The verified demographic profile of those groups in the defined locality is presented in the table under Socio-economic Indicators below. The priority population groups within that Strategy, and the Applicant's response to each in the Doubleview locality, are as follows.
- 7.14 **Aboriginal people.** Indigenous persons comprise 1.01 per cent of the population of the defined locality, against 1.99 per cent for Greater Perth and 3.33 per cent for Western Australia.⁶⁹ The Indigenous proportion in the locality is therefore approximately half the Greater Perth proportion and less than one third of the Western Australian proportion. The Applicant does not treat that figure as reducing its obligations. The Applicant acknowledges the disproportionate impacts of alcohol-related harm on Aboriginal people and supports initiatives that reduce alcohol-related harm among Aboriginal people. The operational controls applied are the refusal of service protocol for any person who is intoxicated or appears to be intoxicated, the secondary supply monitoring protocol applied at the point of sale, staff training in culturally respectful refusal of service, the display of point-of-sale signage relating to secondary supply and to not serving intoxicated persons, and the provision of referral information for alcohol support services.
- 7.15 **Children and young people.** Persons aged under 14 years comprise 16.23 per cent of the population of the defined locality, against 18.96 per cent for Greater Perth and 19.01 per cent for Western Australia.⁷⁰ The juvenile cohort in the locality is accordingly below both benchmarks, which is consistent with the household composition of the locality, couple families without children comprising 42.11 per cent of families against 37.56 per cent for Greater Perth. The controls applied are not adjusted by reference to that result. Strict identification checks and refusal of service to juveniles will be enforced. The Applicant will apply Under 25 identification checks to every transaction where the customer appears to be under 25 years of age, will refuse service to any person in school uniform regardless of ability to produce legal photo identification, and will not permit unaccompanied juveniles to enter or remain on the licensed premises.
- 7.16 **Families.** Couple families with children comprise 41.02 per cent of families in the defined locality, against 45.73 per cent for Greater Perth and 44.61 per cent for Western Australia, and one parent families comprise 15.35 per cent, which is consistent with both

⁶⁸<https://www.mhc.wa.gov.au/awcontent/Web/Documents/MHAOD%20Strategy%20docs/MHAOD-Strategy-2026-2031-Summary.PDF>

⁶⁹ Australian Bureau of Statistics, Census of Population and Housing 2021.
<https://www.abs.gov.au/census/find-census-data/quickstats>

⁷⁰ Australian Bureau of Statistics, Census of Population and Housing 2021.
<https://www.abs.gov.au/census/find-census-data/quickstats>

benchmarks.⁷¹ The Applicant applies the secondary supply monitoring protocol where an adult appears to be purchasing on behalf of a minor, and will apply the refusal of service protocol where staff form the view that a sale would contribute to alcohol-related harm.

- 7.17 **Justice and corrections systems.** The Applicant will maintain the incident recording and reporting protocol set out in the Harm Minimisation Plan, will report incidents to WA Police and the Liquor Enforcement Unit as required, will produce CCTV footage on request to authorised persons, and will provide referral information for support services at the point of sale.
- 7.18 **Other target groups of concern.** The Applicant will apply the same refusal of service, identification and secondary supply protocols without discrimination in respect of older adults, culturally and linguistically diverse residents, LGBTQI+ individuals and people experiencing homelessness, will train staff in the respectful application of those protocols, and will provide referral information for alcohol support services at the point of sale.
- 7.19 The Applicant relies on the verified Australian Bureau of Statistics Census data set out below for the defined locality, benchmarked against Greater Perth and Western Australia, to identify the proportionate size of each at-risk cohort. The result is that each of the cohorts capable of measurement by that dataset is proportionately smaller in this locality than in either benchmark.
- 7.20 Irrespective of the demographic result, the mitigations stated above apply in full. The Applicant's harm minimisation controls directed to juveniles, to secondary supply and to at-risk purchasing patterns are not contingent on the demographic result and will operate as self-imposed conditions from the commencement of trade.
- 7.21 The Applicant respectfully submits that when considering consumer safety and the risk of harm under Section 38(4)(a), it is necessary to recognise the inherent limitations of crime statistics as a proxy for the risk created by a specific proposed licensed premises. The data published by the Western Australia Police Force does not disclose:
- whether the offence was influenced by alcohol consumption;
 - the origin of any alcohol consumed by a person under its influence at the time of the offence, such as whether it was obtained from a tavern, a restaurant, a liquor store or by secondary supply;
 - whether a single offender was responsible for committing multiple offences; and
 - the incidence of repeat offending, which is particularly relevant in family-related assault.

⁷¹ Australian Bureau of Statistics, Census of Population and Housing 2021.
<https://www.abs.gov.au/census/find-census-data/quickstats>

- 7.22 The Applicant recognises the long-term national trend toward reduced and more moderate alcohol consumption. The Australian Institute of Health and Welfare has tracked that change, and the following was recorded in respect of its data:

"Updated data today from the Australian Institute of Health and Welfare (AIHW) has confirmed Australians retain a mature and responsible relationship with their use of alcohol.

Risky drinking rates are falling, consumption levels are declining, wine is increasingly popular as tastes changes, and underage and young Australians are overwhelmingly avoiding drinking at all.

On a per-capita basis the consumption of alcohol is at a 50-year low (1968: 10.8 litres pure alcohol per person. 2018: 9.5 litres).

Fewer Australians are now drinking daily, down significantly from 8.5 percent in 2001 to 5.4 percent in 2019. Even those who enjoy a glass or two a week is down from 39 percent to 34 percent over the same period.

Underage Australians in particular have heeded the message about abstaining from alcohol with 72.5 percent of 14–17-year old's not ever having had a drink in 2019, up from 39 percent from just 12 years before.

..."⁷²

- 7.23 The Applicant has also considered the information provided by the Mental Health Commission in the WA Mental Health and Alcohol and Other Drugs Strategy 2026-2031. Those trends are reflected in the retail strategy for the proposed premises, which will carry a range of zero, low and mid-strength beer, mid-alcohol and low-alcohol wines, and specialty products including organic, gluten-free and low-alcohol options, as a genuine component of the store's offer rather than as a token line⁷³. This responds directly to evolving consumer requirements and reinforces the harm reduction objectives of the Act.

Strategies to Minimise Harm or Ill-health

- 7.24 The proposed premises will operate under a comprehensive Harm Minimisation Plan aligned with State policy objectives, in particular those set out in the Director's Policy on Public Interest Assessments (Guidance) and the Industry Guideline on the Responsible Promotion of Liquor (Guidance). The Plan reflects the Applicant's commitment to mitigating harm or ill-health caused by alcohol misuse and supports the objects of the Act under Sections 5(1)(a), 5(1)(b) and 5(1)(c).
- 7.25 The Applicant recognises the importance of partnership in preventing alcohol-related harm. Since 1995 Crime Stoppers WA has acted as a conduit between the public and WA

⁷² https://fare.org.au/wp-content/uploads/MR_040322_Action-needed-to-protect-kids-from-alcohol-ads-in-sport.pdf

⁷³ Attachment 2 – Consumer Survey

Police, and the Applicant endorses and aligns with its core values of social wellbeing, inclusivity, forward-thinking strategies, ethical conduct and mutual respect in the operation of this premises⁷⁴. The Applicant will maintain an ongoing relationship with the City of Stirling and WA Police as part of its engagement commitment.

- 7.26 Promotion. In accordance with the Industry Guideline on the Responsible Promotion of Liquor, the Applicant will ensure that all promotional activity and in-store advertising comply with the statutory obligations under Section 64(3) of the Act. The Industry Guideline (Guidance) summarises Section 64(3) as empowering the licensing authority to impose conditions on a licence which:

"ensure liquor is sold and consumed in a responsible manner;

limit the manner or the containers, or number or type of containers, in which liquor may be sold;

prohibit promotional activity in which drinks are offered free or at reduced prices, or limit the circumstances in which this may be done; and

prohibit any practices which encourage irresponsible drinking."

- 7.27 The following guiding principles will be strictly observed in all promotional activity at the premises:

- No advertising or promotion will endorse the accumulation of drinks for overconsumption.
- No advertising or promotion will use language, slogans or visuals that encourage or glorify excessive drinking or intoxication.
- No staff member or associated agent will promote a beverage on the basis of its higher alcohol content, and no promotional drink will be sold using novelty devices such as drink belts, backpacks or similar gimmicks.
- No advertising or promotion will include sexual, degrading, sexist or gratuitously offensive images, symbols, figures or innuendo.
- No advertising or promotion will represent any individual or group in a manner that discriminates against, degrades or exhibits bias towards any person on the basis of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability or political conviction.
- No advertising or promotion will imply that consuming or being in the presence of alcohol enhances mental or physical health or mood, or leads to success in personal, business, social, athletic, sexual or other areas.

⁷⁴ Crime Stoppers Western Australia, Our History. <https://www.crimestopperswa.com.au/about-overview/our-history/>

- No advertising, promotional or branding material will display children under the age of 18.
- No advertising or promotion will suggest any association with risk-taking, violent, aggressive, dangerous or anti-social behaviour.
- No advertising or promotion will include any association with breaking the law, including the use of drugs.⁷⁵

7.28 The Good Grocer Cellar, Doubleview is not positioned as a discount liquor outlet. The Applicant's focus is a curated, quality-oriented range emphasising Western Australian products, including wine from the Southwest, small batch and premium products, and specialty organic, gluten-free and low-alcohol options⁷⁶. Promotional activity will be directed at the quality and provenance of the product rather than at price-based or volume-driven incentives.

7.29 **Training.** All staff at the proposed premises will hold nationally accredited Responsible Service of Alcohol qualifications as a condition of employment. The experienced Applicant will also provide on-the-job training covering the safe and responsible sale and supply of alcohol. Beyond the statutory minimum, the training program will cover:

- how to identify and refuse intoxicated persons;
- checking photo identification correctly;
- emergency evacuation procedures;
- identification of disorderly or anti-social behaviour;
- responsibilities during employment;
- a working understanding of the Liquor Control Act 1988;
- a thorough understanding of the Staff RSA Handbook;
- the minimum dress code for the premises;
- Responsible Service of Alcohol and Management of Licensed Premises (MLP1) qualifications as part of employment; and
- ongoing product knowledge as required by the business.⁷⁷

7.30 An Approved Manager will be present to manage the store's operations, ensuring adherence to the licensing and regulatory standards relating to Managers at licensed premises⁷⁸.

7.31 **Juveniles and secondary supply.** The Applicant will implement the ID25 initiative, which educates customers, dissuades attempted purchase by minors and reinforces staff

⁷⁵ Attachment 3 – Harm Minimisation Plan

⁷⁶ Attachment 2 – Consumer Survey

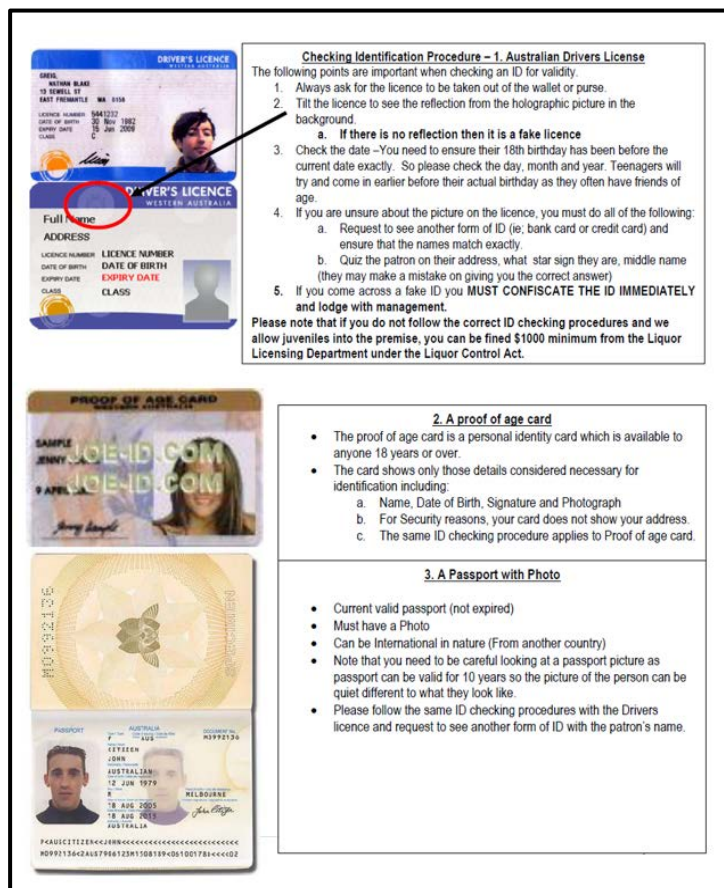
⁷⁷ Attachment 3 – Harm Minimisation Plan

⁷⁸ Attachment 3 – Harm Minimisation Plan

awareness and confidence to refuse service to minors through point-of-sale material. Where a customer appears to be under the age of 25, staff will verify identification before completing the sale⁷⁹.

- 7.32 The Applicant will also implement the Don't Buy It For Them program, which is designed to discourage secondary supply, to inform adults of their responsibility not to purchase alcohol on behalf of persons under 18 and of the penalties for doing so, and to reinforce staff confidence to refuse service when in doubt, supported by point-of-sale material⁸⁰.
- 7.33 Staff will accept only the following forms of identification where they suspect a person is a juvenile:

- a current Australian driver's licence with a photograph;
- a current passport;
- a current Australian learner's driver permit with photograph;
- a WA Proof of Age Card;
- a Proof of Age card or equivalent issued in an Australian state or territory;
- a current WA Photo Card;
- a current NSW Photo Card; and
- a photo card issued by any Australian state or territory similar to the NSW or WA Photo Card.



- 7.34 **CCTV.** CCTV is located at the entry and exit points of the premises. The system will be installed and maintained in accordance with the Director's Policy on security at licensed premises (Guidance) and the minimum standards for closed circuit television security systems as amended. The system will:

- record continuous images on any day that the premises trades, from the commencement of trade until one hour after trading ceases;

⁷⁹ Attachment 3 – Harm Minimisation Plan

⁸⁰ Attachment 3 – Harm Minimisation Plan

- allow clear identification of persons entering and leaving the premises, with date and time displayed; and
- retain continuous images for a period of twenty-eight (28) days, available for viewing or removal upon request by police or other persons authorised by the Director of Liquor Licensing.⁸¹

7.35 **Dress standards.** The Applicant will refuse entry to the licensed area to any person wearing a jacket or other clothing bearing patches or insignia of an outlaw motorcycle gang, including the Coffin Cheaters, Club Deroes, God's Garbage, Gypsy Jokers, Outlaws, Finks, Rebels, Comancheros, Hell's Angels, Rock Machine and Bandidos⁸².

7.36 Through these strategies, combining operational controls, CCTV at the entry and exit points, self-imposed container and product restrictions, targeted promotional restrictions, engagement with local stakeholders and evidence-based staff training, the Applicant seeks to operate premises that make a genuine contribution to harm minimisation in the Doubleview locality, consistent with the objects of the Act and the expectations of the licensing authority.

⁸¹ Attachment 3 – Harm Minimisation Plan

⁸² Attachment 3 – Harm Minimisation Plan

8 Community Consultation

Liquor Enforcement Unit (LEU)

- 8.1 In accordance with the Director's Policy on Public Interest Assessments (Guidance) and the Liquor Control Act 1988, the Applicant's representative will contact the WA Police Liquor Enforcement Unit prior to lodgement to advise of the proposed application for a Liquor Store Licence at 181 Scarborough Beach Road, Doubleview. That correspondence will outline the harm minimisation measures detailed in this Public Interest Assessment. The Applicant respects that the Liquor Enforcement Unit will review the application in accordance with its statutory role once the application is advertised under the Act, and will provide its feedback at that time. This section will be converted to the past tense with the confirmed date once the notification is sent.

Chief Health Officer (CHO)

- 8.2 The Applicant's representative will also write to the Chief Health Officer at the WA Department of Health prior to lodgement, outlining the application details and the harm minimisation framework proposed for the premises. The Applicant confirms that any pre-lodgement correspondence with the Chief Health Officer does not constitute an endorsement of this application. This section will be converted to the past tense with the confirmed date once the notification is sent.

Consumer Survey

- 8.3 A dedicated sample Consumer Survey was undertaken for this application to demonstrate the reasonable requirements of consumers for packaged liquor and related services in the locality and was directed at residents of, workers in, and visitors to the Doubleview locality who purchase packaged liquor within the Scarborough Beach Road corridor. The sample survey 174 responses.⁸³
- 8.4 Of the respondents, 52.3 per cent live in the Doubleview locality, 12.8 per cent work in or near it, and 33.1 per cent travel to or through it for work or leisure, so that 98.3 per cent are consumers live, work or resort to the defined locality, confirming that the survey substantially reflects the views of consumers within the defined locality.⁸⁴
- 8.5 The results demonstrate strong consumer support for the application, with 91.9 per cent supporting the inclusion of the proposed premises, and 91.2 per cent considering the conditional grant of the licence to be in the public interest. 94.7 per cent of respondents stated an intention to purchase packaged liquor from the proposed premises, being 55.2 per cent who would do so most of the time and 39.5 per cent who would do so sometimes. 86.1 per cent consider that the proposed premises would cater to their reasonable

⁸³ Attachment 2 – Consumer Survey

⁸⁴ Attachment 2 – Consumer Survey

requirements for packaged liquor and related services that are not currently met by the existing outlets in the locality, which is the question directed to Section 36B(4) of the Act.⁸⁵

- 8.6 The requirements identified by respondents align closely with the proposed manner of trade. When asked what they reasonably require when purchasing packaged liquor, 73.6 per cent of respondents nominated ease of access to the store, 63.8 per cent competitive pricing, 58.6 per cent parking in close proximity, and 43.7 per cent the convenience of completing packaged liquor and other shopping in the same location. As to the character of the range, 41.4 per cent nominated local and international craft products, 40.2 per cent Western Australian focused liquor products, 39.1 per cent knowledge of staff, 33.9 per cent small batch and premium products, and 31.0 per cent a preference for an independent liquor store operator.⁸⁶
- 8.7 Respondents were also asked to identify specialty products that interest them and that they believe are not readily available in the locality. 60.5 per cent nominated Western Australian liquor products and 56.7 per cent craft and premium selections, being the two categories on which the proposed range is principally built. Smaller but material proportions nominated exclusive or limited release products at 29.9 per cent, a mindful drinking range of zero, low and mid strength products at 25.5 per cent, new and emerging spirits at 22.9 per cent, organic, biodynamic or preservative free products at 21.7 per cent, and gluten free products at 9.6 per cent. The question records the perception of consumers as to availability, and the Applicant does not submit that those categories are unobtainable in the locality.
- 8.8 Respondents also addressed the potential impacts of the grant. Of the verified respondents, 85.3 per cent believe the application will not adversely impact the locality through undue harm or ill-health, 93.5 per cent do not believe there would be negative amenity impacts, and 94.2 per cent hold no concerns that the proposed premises would cause disturbance or inconvenience to persons who reside, work or engage in business in the vicinity. The Applicant reports that 14.7 per cent of the 170 respondents who answered the question consider that the application would adversely impact the locality, and the concerns raised by those respondents are considered in the harm and amenity sections of this submission.
- 8.9 The survey further evidences the fragmented nature of current packaged liquor purchasing in the locality. No single existing outlet is used by more than 43.9 per cent of respondents, and only 17.3 per cent presently purchase packaged liquor at the one existing outlet located in Doubleview, while a further 19.7 per cent nominated an outlet located outside the defined locality altogether, indicating that a material proportion of consumers presently travel beyond the locality to cater to their packaged liquor requirements. That purchasing pattern supports the Applicant's submission under Section 36B(4) that the local packaged liquor requirements are not reasonably met by the existing packaged liquor

⁸⁵ Attachment 2 – Consumer Survey

⁸⁶ Attachment 2 – Consumer Survey

premises. The distribution by outlet is set out in the assessment accompanying this submission at Attachment 5.

- 8.10 In addition to the structured responses, 22 of the 174 verified respondents took the opportunity to provide written comments in support of their answers. The comments were unprompted and are reproduced verbatim, attributed by nominated suburb only, with personal information redacted consistent with the privacy statement provided to respondents.
- 8.11 At-risk groups. During the advertising period, a Notice of Application will be mailed to the following stakeholders located within the defined locality of the proposed premises:
- schools and childcare centres;
 - hospitals, hospices and aged care facilities;
 - drug and alcohol treatment services and youth support facilities;
 - churches and religious institutions;
 - the local government, being the City of Stirling;
 - the local police station; and
 - providers of short-term accommodation.⁸⁷
- 8.12 The Applicant submits that, having regard to Section 38(4)(a) of the Act, the four-step harm framework adopted above, the verified recorded offence and socio-economic evidence presented in this section, and the operational controls and self-imposed conditions offered, the conditional grant of a Liquor Store Licence for The Good Grocer Cellar, Doubleview will not cause harm or ill-health to people, or any group of people, in the Doubleview locality. That submission is made on the evidence presently verified, acknowledges the recorded rise in offences against the person in the locality, and remains subject to the health evidence and the consumer survey results identified above, which will be reported as returned.

⁸⁷ Attachment 3 – Harm Minimisation Plan

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

9.1 The Applicant has given careful consideration to the potential impact of the proposed The Good Grocer Cellar, Doubleview on the amenity of the defined locality. The matter to which the licensing authority may have regard under this limb is whether the amenity, quiet or good order of the locality in which the proposed licensed premises are to be situated might in some manner be lessened.

9.2 The term "amenity" is concerned with the aspects that contribute to the overall character of a particular location, including both present and anticipated future amenity, and it has been interpreted by the Supreme Court in the following terms:

"In my opinion, the term 'amenity' in s 38(4)(b) is concerned with whether and, if so, to what extent the granting of the application would be likely to have any positive or negative effects or consequences upon the overall character, quality and enjoyment of life within the locality."

9.3 The proposed manner of trade is walk-in packaged liquor retail. Customers would enter the demarcated liquor tenancy on foot from an established retail address, select from the display in a dedicated browse area, and pay at a point of sale located within that tenancy. There is no general consumption of liquor on the premises other than supervised product tastings conducted under section 47(2) conditions. The premises would not incorporate a drive-through facility, and there would be no sale of liquor to a person remaining in a vehicle. There is no entertainment, no amplified music and no late-night patron dispersal from the premises. The use is accordingly that of a retail shop, conducted within the retail day at a site already in retail use.

9.4 The premises would be located within an established retail node on Scarborough Beach Road, being a primary east to west movement corridor within the locality. The proposal would not introduce a licensed use into a residential street or into a quiet setting. It would attach a demarcated packaged liquor retail tenancy to an address that already functions as a retail destination on an arterial corridor, and the activity it would generate is of the same kind as the activity already occurring there.

9.5 It is submitted that a use of that character does not lessen the amenity, quiet or good order of the locality. It is further submitted that the principal amenity effect of the proposal is to permit a packaged liquor purchase to be consolidated with a grocery trip already being made to this address, rather than to generate additional trips into the locality or additional occasions of purchase. The evidence bearing on that submission is the consumer survey deployed for this locality, in which 93.5 per cent of the 170 respondents who answered the question did not consider that the proposal would have a negative impact on the amenity of the locality.

9.6 The Applicant submits that, on the balance of the amenity evidence presently available, the proposed The Good Grocer Cellar, Doubleview would not lessen the amenity, quiet or good

order of the defined locality, and would improve the overall character, quality and enjoyment of life within it.

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

10.1 The public interest matters to be considered under Section 38(4) of the Act include:

"Without limiting subsection (2), the matters the licensing authority may have regard to in determining whether granting an application is in the public interest include,

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

10.2 The Applicant has assessed each potential source of offence, annoyance, disturbance or inconvenience attributable to the operation of the proposed The Good Grocer Cellar, Doubleview at 181 Scarborough Beach Road, Doubleview, and addresses each in turn below.

10.3 The Applicant's corporate background, and the operating record of the group with which the Applicant is associated, are addressed in the Applicant section of this submission and are not restated here. The operational strategy for The Good Grocer Cellar, Doubleview is calibrated to the characteristics of the Scarborough Beach Road commercial frontage in which the premises will be located.

10.4 During the advertising period a Notice of Application will be provided to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation and refuges for young people, childcare centres, churches, the local government and the local police station located within the defined locality of the proposed premises. The Applicant will consider and respond to any feedback received from those parties, and any matter raised concerning offence, annoyance, disturbance or inconvenience will be reported to the licensing authority.

10.5 The Applicant additionally relies on the harm minimisation controls addressed under Section 38(4)(a) of this submission and in the strategies to minimise harm or ill-health, which operate directly on the risks associated with sensitive uses and are not restated in this section⁸⁸.

10.6 The Applicant's operational commitments directed at preventing offence, annoyance, disturbance and inconvenience to persons who reside or work in the vicinity are summarised below. The commitments concerning internal layout and fit-out are design commitments to be confirmed on the floor plan identified above.

- The premises will not be used for the consumption of liquor, other than a supervised sample supplied under Section 47(2) of the Act and in accordance with any condition imposed by the Director.

⁸⁸ Attachment 3 – Harm Minimisation Plan

- The Applicant undertakes that no entertainment, amplified music, external speakers or public address system will be used in a manner audible beyond the site boundary.
- The Applicant undertakes that deliveries and servicing of the premises will be confined to ordinary business hours.
- The Applicant undertakes that the premises and its immediate surrounds will be maintained in a clean and well presented condition at all times, and that litter will be removed as part of routine daily operation.
- Staff will be trained in the identification of disorderly or anti-social behaviours, and the Applicant undertakes that staff will escalate such conduct in the vicinity of the premises to the Approved Manager and to the Western Australia Police Force as required.
- CCTV is located at the entry and exit points of the premises, is operational during trading hours and for one hour after trading ends, and footage is retained and made available in accordance with the Director's Policy on Security at Licensed Premises (Guidance).
- The point of sale will be positioned so that all patrons pass through a supervised area on entering and exiting, and clear sightlines will be maintained across the retail floor, as a design commitment to be confirmed on the floor plan⁸⁹.
- Interior and exterior lighting will be maintained so that the premises is well lit, and landscaping will be designed so as to maintain clear sightlines and prevent the creation of hidden areas, as design commitments to be confirmed on the floor plan⁹⁰.

10.7 Patrons and persons who reside or work in the vicinity will be encouraged to raise any feedback, complaint or request with the Approved Manager on duty, so that any matter is resolved promptly and the person raising it is informed of the outcome. The Applicant will record any complaint concerning offence, annoyance, disturbance or inconvenience in the Incident Register together with the action taken, and undertakes to make that record available to the licensing authority and to the Western Australia Police Force on request. That mechanism gives persons in the vicinity a direct and identified point of contact, and gives the licensing authority a means of verifying the Applicant's performance against the commitments made in this submission.

10.8 The Applicant submits that the Section 38(4)(c) assessment does not weigh against the grant of this application. The proposal is for a walk-in packaged liquor premises adjoining an existing supermarket on an established commercial corridor. Other than a supervised sample supplied under Section 47(2) of the Act and in accordance with any condition

⁸⁹ Department of Planning, Lands and Heritage, Safer Places by Design: Crime Prevention Through Environmental Design Guidelines. <https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

⁹⁰ Department of Planning, Lands and Heritage, Safer Places by Design: Crime Prevention Through Environmental Design Guidelines. <https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

imposed by the Director, the licence sought does not authorise the consumption of liquor at the premises, and the proposal accordingly generates no dispersal, congregation or crowd noise. The Applicant proposes no drive-through service lane. The Applicant will accept a condition of licence fixing the trading hours at those ultimately sought. Deliveries and servicing will be confined to ordinary business hours.

11 Summary

- 11.1 Hospitality Total Services (Aus) Pty Ltd, acting on behalf of the Applicant, Jake Brindle Holdings Pty Ltd (ACN 139 983 707), submits this Public Interest Assessment in support of an application for the conditional grant of a Liquor Store Licence under section 47 of the Liquor Control Act 1988 for the premises to be known as The Good Grocer Cellar, Doubleview, to be located at Shop 1, 181 Scarborough Beach Road, Doubleview WA 6018, within the local government district of the City of Stirling. The submission is lodged by Hospitality Total Services (Aus) Pty Ltd pursuant to the authority given under section 17 of the Act.
- 11.2 A Liquor Store Licence under section 47 of the Act authorises the Licensee, during permitted hours, to keep open the licensed premises and to sell packaged liquor on and from the premises, and separately authorises the supply of liquor by way of free sample tasting for consumption on a part of the licensed premises approved for the purpose by the Director or for consumption off the premises. The documentation for this application is submitted to the licensing authority in accordance with section 68 of the Act, and the submission has been compiled in accordance with the Director's Policy on the preparation of Public Interest Assessment submissions (Guidance).
- 11.3 The Applicant has addressed the primary objects of the Act under section 5(1), being the regulation of the sale, supply and consumption of liquor, the minimisation of harm or ill-health caused to people or any group of people due to the use of liquor, and the catering for the requirements of consumers for liquor and related services with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State. The Applicant has also addressed the secondary objects engaged by this application under section 5(2), being the facilitation of the use and development of licensed facilities reflecting the diversity of the requirements of consumers in the State, the provision of adequate controls over the persons directly or indirectly involved in the sale, disposal and consumption of liquor, the provision of a flexible system for the administration of the Act, and the encouragement of responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor. It is submitted that the conditional grant of this licence is consistent with each of those objects.
- 11.4 The proposal assessed in this submission is a single, independently owned and operated walk-in browse cellar, proposed as a separate tenancy adjoining the existing Good Grocer supermarket (IGA) trading at 187 Scarborough Beach Road, Doubleview, on the Scarborough Beach Road corridor, with no drive-through channel and no consumption of liquor at the premises other than supervised sampling conducted under section 47(2) of the Act and in accordance with any condition imposed by the Director⁹¹. The defined locality adopted for this assessment is the Scarborough Beach Road corridor, being the arterial road serving this part of the City of Stirling, together with the established retail and

⁹¹ Attachment 2 – Consumer Survey

commercial nodes that the corridor connects, and is expressed by reference to the State Suburb Areas of Doubleview, Scarborough, Innaloo and Wembley Downs, being the areas across which consumer movement to and from those nodes is evidenced.

- 11.5 The Applicant has seriously considered the public interest matters set out in section 38(4) of the Act, being the harm or ill-health that might be caused to people or any group of people due to the use of liquor, whether the amenity, quiet or good order of the locality might in some manner be lessened, and whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the proposed premises.
- 11.6 The Applicant acknowledges that section 36B of the Act applies to this application, it being an application for the grant of a licence authorising the sale of packaged liquor. The matters arising under section 36B(4), including the assessment of the requirements of consumers in the locality, are addressed in full in the separate assessment accompanying this submission at Attachment 5.
- 11.7 The Applicant also notes that the Act relevantly provides that the licensing authority:
- is to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of the Act: s.5(2)(e);
 - shall act without undue formality in any proceedings under the Act: s.16(1);
 - is to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms: s.16(7)(b); and
 - is to act with as little formality and technicality as is practicable: s.16(7)(c).
- 11.8 Section 33(1) of the Act provides that the licensing authority has absolute discretion to grant or refuse an application on any ground or for any reason that it considers in the public interest. The Applicant has offered a suite of operational controls on its own initiative as self-imposed conditions and will accept and comply with any further condition the licensing authority considers necessary in the public interest in the exercise of that discretion.
- 11.9 The Applicant acknowledges that section 38(2) of the Act places upon it the onus of satisfying the licensing authority that granting the application is in the public interest. It is submitted that, on the evidence assembled in this submission across the applicant and suitability analysis, the venue and operational analysis, the locality analysis, the legislative framework, and the assessments under sections 38(4)(a), 38(4)(b) and 38(4)(c), together with the assessment at Attachment 5, and subject to the completion of the outstanding material identified above, the Applicant has discharged that onus.
- 11.10 Accordingly, the Applicant, Jake Brindle Holdings Pty Ltd, respectfully seeks the conditional grant of a Liquor Store Licence for The Good Grocer Cellar, Doubleview at Shop 1, 181 Scarborough Beach Road, Doubleview WA 6018, within the City of Stirling, consistent with the objects of the Act, with the requirements of consumers for packaged liquor in the

Doubleview locality, and with the harm minimisation framework and operational controls set out in this submission.

12 Advertising

- 12.1 Advertising will be completed once the Department of Local Government, Industry Regulation and Safety (LGIRS) has determined the dates for the specified advertising period.
- 12.2 A Notice of Application will be distributed to residents and businesses within a 200-metre radius of the proposed premises.
- 12.3 A Notice of Application will be provided to any local Aboriginal community and to the relevant regional office.
- 12.4 The Public Interest Assessment submission will be available for public inspection for the duration of the advertising period.
- 12.5 A Notice of Application will be mailed to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation or refuges for young people, childcare centres, places of worship, local government authorities, and local police stations situated within the defined locality of the proposed premises.

13 Attachments

1. Plans
2. Consumer Surveys
3. Harm Minimisation Plan
4. Case Precedents
5. Section 36B(4) Assessment
6. Preventing Violence Together
7. Community Consultation
8. Proposed Western Australian Product List

