

Section 36B Submission — Packaged Liquor Outlet Density

Midnight Cowboy Liquor Store • Woodlands Shopping Centre • Liquor Control Act 1988 (WA)

Applicant	Sullivan McLeod
Proposed premises	Midnight Cowboy Liquor Store
Address	Shop 2, Woodlands Shopping Centre, 84 Rosewood Ave, Woodlands WA 6018
Licence type	Liquor Store Licence
Application type	New licence
Date	18/08/2026

1. Introduction

This submission is provided in support of the application for the grant of a Liquor Store Licence for Midnight Cowboy Liquor Store, to be located at Shop 2, Woodlands Shopping Centre, 84 Rosewood Ave, Woodlands WA 6018 (the Proposed Premises).

This submission addresses the requirements of section 36B of the Liquor Control Act 1988 (WA) (the Act), which requires the Director of Liquor Licensing (DLL) to be satisfied that existing licensed premises in the proposed locality cannot adequately meet local requirements before approving the grant of a licence authorising the sale of packaged liquor.

The Proposed Premises has a retail area dedicated to the sale of packaged liquor of less than 400m². Accordingly, the hard prohibition of the Act does not apply. This submission addresses the broader s36B outlet density consideration and demonstrates that existing packaged liquor outlets in proximity to the proposed liquor store cannot adequately meet the local requirements that Midnight Cowboy Liquor Store is designed to serve.

2. Description of the Proposed Premises

Midnight Cowboy is a boutique independent liquor retail store with a singular focus: championing small Western Australian wine, beer, and spirits producers. The store is designed to operate as a specialist curated retailer — not a general packaged liquor outlet — offering a highly selective range that prioritises quality, provenance, and producer relationships over volume and price competition.

The owner of Midnight Cowboy Liquor, Sullivan McLeod, was raised in Margaret River, and is a huge advocate of West Australian wineries — particularly the boutique wineries in Margaret River. Midnight Cowboy is already a successful online wine store that champions boutique West Australian wineries, and this liquor store is an extension of that online store into a physical space that will promote and sell curated West Australian wines, beers and spirits. Through his 15-year experience in the West Australian liquor industry, Sullivan has fostered many great relationships with small, boutique, single vineyard wineries in Margaret River, and currently sells many wines in Midnight Cowboy Online Store that do not have distribution and are not sold in chain liquor stores (many are not sold in any liquor stores).

The applicant believes there is a gap in the Perth liquor market for a store that is West Australian focused, and he seeks for Midnight Cowboy liquor store to fill that gap. As such, (at least) 80% of all liquor that is sold in Midnight Cowboy Liquor Store will be produced in Western Australia.

Key characteristics of the Proposed Premises:

- Retail area dedicated to packaged liquor: 78.87m² (6.765m × 11.660m)
- Format: boutique single-tenancy retail store within Woodlands Shopping Centre
- Trading hours: Mon–Wed & Sun 10:00am–8:00pm; Thu–Sat 10:00am–9:00pm
- Staffing: owner-operator plus 2–3 part-time employees
- Product focus: (At least) 80% of store range to be from WA producers
- Service model: expert, relationship-driven retail service — not self-service volume retail

3. Legislative Framework

Section 36B of the Liquor Control Act 1988 (WA) provides that in considering an application for the grant or removal of a licence authorising the sale of packaged liquor, the DLL must have regard to whether existing licensed premises in the proposed locality are able to meet the requirements of the public in that locality.

The DLL must not approve a new packaged liquor outlet unless satisfied that existing licensed premises cannot meet local requirements.

This submission addresses the general s36B outlet density requirement and provides the DLL with the basis to be satisfied that existing outlets in the proposed locality cannot meet the local requirements that Midnight Cowboy will serve.

4. Existing Packaged Liquor Outlets in the Proposed Locality

A search of the Racing, Gaming, Liquor (RGL) licence register has been conducted to identify existing licensed premises authorised to sell packaged liquor within the proposed locality. The outlets identified are set out in the table below.

4A. Liquor stores within 2 kms from proposed Midnight Cowboy Liquor Store

Name	Address	Distance	Type	Trading hours	Format / range notes
Dan Murphy's Innaloo	401 Scarborough Beach Rd, Innaloo WA 6018	1.4km	Liquor store, over 400m ² (RGL register)	Wed-Sat 9am to 9pm Mon, Tue 9am to 8pm Sun, 10am to 7pm	Endeavour Group (national chain, ASX-listed). Large format, centrally ranged, self-service, volume/price model. No WA small-producer curation.
BWS Innaloo	384 Scarborough Beach Road, Innaloo WA 6018	1.8km	Liquor store	Mon-Sat 9am to 9pm. Sun 10am to 5pm	Endeavour Group (national chain). Convenience-format, nationally ranged, promotion/loyalty-led. No specialist WA curation.

4B. Liquor stores further than 2kms from proposed Midnight Cowboy Liquor Store

Name	Address	Distance	Type	Trading hours	Format / range notes
Liquorland Innaloo City	Corner Ellen Stirling Blvd & Scarborough Beach Rd, Innaloo WA 6018	2.2km	Liquor store	Mon–Fr 9:00am to 7pm Sat 9am to 5pm Sun 11am to 5pm	Coles Group (national chain). Nationally ranged, price/promotion and Flybys loyalty model. No WA small-producer curation.
WA Cellar Door (Doubleview)	257 Scarborough Beach Road, Doubleview WA 6018	2.1km	Liquor store	Mon-Wed 10am to 7pm Thur-Sat 10am to 8pm Sun 11am to 7pm.	Cleanskin and own-label model: bulk WA wine purchased and bottled under generic WA Cellar Door labels. Producer identity removed. Volume/price-led, not a curated named-producer specialist. Fundamentally different

					business model to Midnight Cowboy.
Liquor Barons Wembley Downs	Shop 1/11 Bournemouth Cres, Wembley Downs WA 6019	2.3km	Liquor store	Mon-Sat 9am to 9pm Sun 10am to 7.30pm.	Independent WA-owned. Positions on boutique, organic, biodynamic wines. Closest existing comparator but range is general-independent/global, not exclusively WA small-producer; lacks direct WA producer relationships.
Celebrations Morris Place Innaloo	Morris Place Shopping Centre, Shop 7/27 Morris Pl, Innaloo WA 6018	3km	Liquor store	Mon – Sat 9am to 8pm Sun 10am to 7pm.	IGA-affiliated WA banner group. General packaged liquor range, price/promotion led. No specialist WA small-producer curation, no direct producer relationships. Mainstream range across wine, beer and spirits.
Aldi Innaloo	Westfield Shopping Centre Ellen Stirling Blvd, Innaloo WA 6018	2.1km	Supermarket — limited liquor licence	Mon – Fri 8.30am to 8pm Sat 8.30am to 5pm. Sun 11am to 5pm.	Discount supermarket chain. Holds a liquor licence for a small, fixed, centrally ranged selection of wine, beer and spirits at very low-price points. No specialist service, no WA producer focus, no curation. Volume/price model only.
Hanga Wee Market Innaloo	Westfield Shopping Centre Ellen Stirling Blvd, Innaloo WA 6018	2.1km	Speciality grocery market — limited liquor licence	Mon – Fri 10am to 7pm Sat 9.30am to 5pm Sun 11am to 5pm.	Speciality Asian grocery and market. Liquor licence held for a limited, culturally specific range of imported product (e.g. Asian beers, sake, soju, rice wines) relevant to its customer base. Not a general packaged liquor retailer. No WA small-producer range.
The Morris Tavern	2 Morris Road, Innaloo WA 6018	3.2km	Tavern Licence	Mon – Thur 10am to 11pm Fri – Sat 10am to 12 Midnight Sun 11am to 10pm	Packaged liquor is ancillary to on-premises tavern operations. Mainstream take-home range only — no specialist WA curation

5. Why Existing Outlets Cannot Meet Local Requirements

5.1 Specialist product gap — WA small producers

The defining characteristic of Midnight Cowboy Liquor Store is its exclusive focus on small Western Australian producers. The nearest large-format outlet in the proposed locality is Dan Murphy's Innaloo (401 Scarborough Beach Rd, Innaloo – 1.4kms from proposed Midnight Cowboy Liquor Store) licensed to Endeavour Group.

With a packaged liquor retail area of over 400m² on the DLGSC register, its ranging decisions are made at a national level by centralised buying teams. This retailer, and the other large-format outlets identified in section 4, stock a narrow selection of WA-produced products — predominantly those from large, nationally distributed producers — with little or no representation of the state's small independent wineries, craft breweries, and artisan distilleries. The scale and ownership structure that make Dan Murphy's Innaloo an efficient, price-competitive volume retailer are the same features that make it structurally unable to replicate a curated, relationship-led WA small-producer offer: its range is set centrally for hundreds of stores nationally, not tailored to this locality. It makes it particularly difficult to buy and sell small, boutique wineries that do not have distribution. (These are precisely the wineries that the owner of Midnight Cowboy, Sullivan McLeod, desires to sell in his store. He already sells wines in his online store that you cannot buy in Dan Murphy's Innaloo — like Windows Estate Syrah for example).

For a customer seeking to explore, discover, or regularly purchase from WA's small independent producer community, existing outlets in the suburb of Woodlands provide no meaningful option. This is a genuine and unmet local requirement that existing licensed premises cannot address.

5.2 Curated specialist retail model — no existing outlet replicates the WA small-producer focus

Midnight Cowboy Liquor Store operates on a fundamentally different retail model to the large-format chain outlets in the locality — Dan Murphy's Innaloo, BWS Innaloo, and Liquorland Innaloo City— which compete on price, range breadth, and convenience, and are structured for high-volume, self-service retail with centralised national buying. Midnight Cowboy is structured around expert curation, producer relationships, and personalised service — a model that supports informed purchasing, encourages moderation over volume consumption, and actively promotes the work of WA's independent producer community.

The closest existing comparator identified to Midnight Cowboy Liquor Store is Liquor Barons Wembley Downs - an independent, WA-owned banner-group retailer that also positions itself on boutique wines with knowledgeable staff. Liquor Barons Wembley Downs' range is general-independent in character — organic, biodynamic, and imported labels sourced from a broad, non-WA-specific market — rather than the exclusively WA small-producer curation that defines Midnight Cowboy Liquor Store. It does not offer the direct producer relationships that stem from the applicant's up binding in the Margaret River wine region.

It is also worth noting that Liquor Barons Wembley Downs is over 2kms from the proposed liquor store and in a completely different suburb to Woodlands.

5.3 Non-alcoholic and low-alcohol alternatives

Midnight Cowboy Liquor Store will stock a dedicated range of non-alcoholic and low-alcohol products, including non-alcoholic wines, spirits, and craft alternatives — products that are systematically under-represented or absent from the ranges of large-format chain retailers. This serves a growing segment of the local community seeking quality alternatives and is consistent with harm minimisation objectives under the Act.

5.4 Trading hours and accessibility

Midnight Cowboy's proposed trading hours — including Sunday trading to 8:00pm and Thursday to Saturday trading to 9:00pm — are designed to complement their shopping experience, particularly those that shop at Farmer Jack's Supermarket at Woodlands Shopping Centre.

5.5 Local community demand

The proposed locality — Woodlands — is a well-established, affluent, predominantly owner-occupied residential suburb with strong household income levels and a demonstrated interest in quality local produce and independent retail.

5.6 Demographics of Woodlands (Australian Bureau of Statistics 2021)

- Population of Woodlands 4551
- Median Age 44 (Australian Median 38)
- Percentage of Owned Dwelling 79% (Australian average 66%)
- Education Level Degree or Above 41% (Australian average 26%)
- Household Weekly Income \$2098. (Australian average \$1746)
- Percentage of suburb families with children 52% (Australian average 43.7%)

The absence of any retailer exclusively curating small WA producer products, with direct producer relationships, in the proposed locality means that residents with a preference for this specialist offer must travel outside the suburb of Woodlands to access it. Midnight Cowboy Liquor Store addresses this gap directly.

6. Section 36B Summary — Why Each Existing Outlet Cannot Reasonably Meet Local Requirements

Section 36B of the Liquor Control Act 1988 (WA) requires the licensing authority to be satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality before a new licence can be granted. This section provides a specific outlet-by-outlet analysis of the nine existing licensed premises identified in the proposed locality — Dan Murphy's Innaloo, BWS Innaloo, Liquorland Innaloo, WA Cellar Door (Doubleview), Liquor Barons Wembley Downs, Celebrations Morris Place Innaloo, Aldi Innaloo, Hanga Wee Market Innaloo, and The Morris Tavern — and demonstrates why none of them, individually or collectively, can reasonably meet the local packaged liquor requirements that Midnight Cowboy is designed to address.

6.1 Outlet-by-outlet analysis

Dan Murphy's Innaloo

Dan Murphy's Innaloo (401 Scarborough Beach Rd, Innaloo WA 6018) is a large-format packaged liquor outlet licensed to Endeavour Group Limited, an ASX-listed national retailer. It operates on a high-volume, self-service, price-competitive model with a retail area exceeding 400m² as recorded on the Racing, Gaming, Liquor (RGL) register. While Dan Murphy's Innaloo stocks a broad general range, it cannot reasonably meet the local requirement that Midnight Cowboy addresses for the following reasons:

- Centralised national ranging: product selection is determined by Endeavour Group's national buying teams for hundreds of stores across Australia. The range is not tailored to the specific local community of Woodlands and surrounds, and does not reflect the locality's demonstrated preference for WA provenance and independent producers.
- No WA small-producer curation: Dan Murphy's stocks WA wine and beer from large, nationally distributed producers. It does not carry the output of WA's small independent wineries, craft breweries, and artisan distillers that are the focus of Midnight Cowboy's range. Producers such as Windows Estate and Mr Barval are not represented at Dan Murphy's Innaloo.
- No direct producer relationships: Midnight Cowboy's offer is built on direct relationships with WA small producers, enabling access to limited-release, small-batch, and allocation products that are never stocked by large-format chain retailers.
- Volume retail model incompatible with specialist service: Dan Murphy's retail model is designed for self-service, volume purchasing. It does not provide the expert, relationship-driven service that characterises boutique specialist retail and that a segment of the local community specifically seeks.
- Format and location: as a large-format, high-volume destination store, Dan Murphy's Innaloo serves a broad metropolitan catchment rather than functioning as a neighbourhood-serving community liquor retailer integrated into the day-to-day shopping habits of Woodlands residents at Woodlands Shopping Centre.

Dan Murphy's Innaloo cannot reasonably meet the local requirement for a curated, community-integrated, WA small-producer specialist retailer.

BWS Innaloo

BWS Innaloo (384 Scarborough Beach Road, Innaloo WA 6018) is a convenience-format packaged liquor outlet licensed to Endeavour Group Limited, operating as part of the BWS national chain. It is structurally similar to Dan Murphy's Innaloo in its national ownership and centralised ranging, with an additional focus on convenience, promotions, and alcohol-brand loyalty programs. It cannot reasonably meet the local requirement for the following reasons:

- Nationally ranged convenience format: BWS is a convenience-format liquor store. Its range is set at a national level and focuses on high-turnover, broadly-accessible products — mainstream beer, wine, and spirits — at promotional price points. It is not structured to carry or promote specialist WA small-producer product.
- No WA small-producer representation: like Dan Murphy's, BWS does not carry the output of WA's independent small producers. Its format and ranging model are fundamentally incompatible with the curated, provenance-focused offer that Midnight Cowboy Liquor Store provides.
- No specialist expertise or service: BWS operates as a convenience retailer; its staffing model and service culture are not oriented toward product education, producer storytelling, or the informed recommendation service that Midnight Cowboy Liquor Store provides as a core part of its offer.
- Promotion-led model encourages volume consumption: BWS's commercial model — structured around discounting, multipack deals, and loyalty promotions — is oriented toward driving volume sales of mainstream products, which is the opposite of the moderation-positive, quality-over-quantity model that Midnight Cowboy Liquor Store promotes.

BWS Innaloo cannot reasonably meet the local requirement for a curated WA small-producer specialist retailer. Its format, ownership, and ranging model make it structurally incapable of doing so.

WA Cellar Door — Doubleview

WA Cellar Door in Doubleview operates on a cleanskin and own-label retail model. It purchases bulk wine from Western Australian producers, bottles it under its own generic WA Cellar Door labels, and sells it at discounted price points. The producer's identity is removed or obscured from the final product. This is a fundamentally different business model to Midnight Cowboy and cannot reasonably meet the local requirements that Midnight Cowboy addresses, for the following reasons:

- Opposite business model — cleanskin vs named-producer curation: WA Cellar Door's cleanskin model actively strips producer identity from the product. Midnight Cowboy's entire proposition is the opposite — every wine carries the producer's name, region, vintage, and story. A customer purchasing from WA Cellar Door does not know who made their wine; a customer purchasing from Midnight Cowboy knows exactly who made it, where, and why. These are not variations of the same offer — they are opposing retail philosophies serving fundamentally different customer needs.
- No producer relationships or transparency: the cleanskin model by definition obscures the supply chain and removes the producer's identity from the retail transaction. Midnight Cowboy's offer is built on direct, named relationships with WA small producers — including House of Cards, LS Merchants, and Mr Barval — giving customers access to limited-release and allocation product that is never available through cleanskin or bulk channels. WA Cellar Door cannot replicate this offer.
- Different customer served — price vs provenance: WA Cellar Door's cleanskin model serves customers primarily motivated by price — seeking to purchase WA wine at a discount, without particular interest in provenance or producer identity. Midnight Cowboy serves a genuinely different customer: one motivated by quality, discovery, and story, prepared to pay a fair price for a product they understand and can trace to a named producer. These are different local requirements, and WA Cellar Door's existence does not meet the requirement that Midnight Cowboy serves.
- Harm minimisation: the Liquor Control Act 1988 (WA) has harm minimisation as a core object. A cleanskin/own-label model that sells discounted bulk wine at low price points is specifically designed to drive higher-volume purchasing. Midnight Cowboy's model promotes the opposite — quality over quantity, informed purchasing, and moderate consumption of considered product. WA Cellar Door's model is not consistent with this harm minimisation approach.
- Devalues WA producer community: the cleanskin model commodifies WA wine by removing producer identity and selling it as a generic bulk product, which over time suppresses the perceived and actual value of WA wine for the producers who made it. Midnight Cowboy's model actively builds producer reputation and brand — every sale supports a named WA small producer's ability to sell future vintages at a fair price. This directly supports the proper development of the WA liquor industry, one of the objects of the Act.
- Geographic accessibility: WA Cellar Door is in Doubleview, a suburb outside the Woodlands and surrounds locality. It operates as a standalone destination store serving a broad metropolitan catchment of price-motivated customers prepared to travel for discounted cleanskin product. It is not integrated within a neighbourhood shopping centre and does not serve the Woodlands community as

a convenient, day-to-day packaged liquor destination alongside the Farmer Jacks supermarket anchor.

WA Cellar Door (Doubleview) cannot reasonably meet the local packaged liquor requirements of the Woodlands community. Its cleanskin and own-label business model is fundamentally and structurally different from — and incapable of replicating — the curated, named-producer, direct-relationship specialist retail offer that Midnight Cowboy will provide.

Liquorland Innaloo

Liquorland Innaloo (Corner Ellen Stirling Blvd & Scarborough Beach Rd, Innaloo WA 6018, within Westfield Innaloo) is a packaged liquor outlet operated by Liquorland Australia Pty Ltd, a wholly-owned subsidiary of the Coles Group — one of Australia's two largest supermarket-anchored retail conglomerates (ASX: COL). It cannot reasonably meet the local requirement for the following reasons:

- National supermarket-liquor model: Liquorland's ranging decisions are made centrally for its national store network and are heavily integrated with the Coles supermarket promotional and loyalty ecosystem (flybuys). Its model is designed to drive volume sales of nationally distributed, broadly available products at competitive price points. It does not cater to specialist or provenance-led purchasing.
- No WA small-producer curation: Liquorland does not carry the output of WA's small independent producers. Like Dan Murphy's and BWS, its WA representation is limited to large nationally distributed producers and does not encompass the small-batch, limited-release, and direct-from-producer product that defines Midnight Cowboy's range.
- Loyalty-led commercial model: Liquorland's Flybuys integration is designed to lock customers into the Coles ecosystem through loyalty-point incentives on mainstream product purchases. This commercial model is fundamentally different from — and incompatible with — a community-serving independent retailer whose purpose is to support WA's small producer community.
- No specialist service: Liquorland operates as a supermarket-adjacent convenience liquor retailer. Its staffing model is not designed to provide the product expertise, producer knowledge, and personalised recommendation service that Midnight Cowboy provides as a core part of its retail offer.

Liquorland Innaloo cannot reasonably meet the local requirement for a curated WA small-producer specialist. Its national chain structure, centralised ranging, and loyalty-led commercial model make it structurally incapable of replicating Midnight Cowboy's offer.

Liquor Barons Wembley Downs

Liquor Barons Wembley Downs (Bournemouth Cres, Wembley Downs WA 6019) is the most relevant existing outlet for the purposes of this s36B analysis. It is an independent, WA-owned banner-group retailer — the closest existing comparator to Midnight Cowboy's specialist retail model. However, it cannot reasonably meet the specific local requirement that Midnight Cowboy Liquor Store addresses for the following reasons:

- General-independent range, not exclusively WA small-producer: Liquor Barons Wembley Downs' range is characterised by independent; mainstream and boutique products sourced from a broad, non-WA-specific market — including significant representation of imported and interstate producers. Its positioning is as a quality-independent specialist, not as an exclusively WA small-producer retailer. This is a meaningful distinction: the local requirement that Midnight Cowboy Liquor Store serves are specifically for a retailer curating WA's own small producers, not a generalist independent wine store with some WA products.
- No direct WA producer relationships: Midnight Cowboy's offer is founded on direct relationships with WA small producers that enable access to limited-release, small-batch, and allocation-only products not available through standard distribution channels. Liquor Barons Wembley Downs does not operate on this direct-relationship model and accordingly cannot provide access to these products.
- Geographic accessibility: Liquor Barons Wembley Downs is in the suburb of Wembley Downs, 2.3kms from the proposed Midnight Cowboy Liquor Store at Woodlands Shopping Centre. Woodland's residents cannot reasonably rely on Wembley Downs as their primary, neighbourhood-serving packaged liquor destination for regular purchases alongside their grocery shop at Woodlands Shopping Centre.

- Different community catchment: Liquor Barons Wembley Downs serves a different residential community. Its integration within the Wembley Downs local precinct means it is not positioned to serve as the neighbourhood liquor retailer for Woodlands and surrounds residents in the way that Midnight Cowboy — located within Woodlands Shopping Centre itself — will.

Liquor Barons Wembley Downs cannot reasonably meet the specific local requirement for an exclusively WA small-producer specialist with direct producer relationships, integrated within the Woodlands Shopping Centre community precinct.

Celebrations Morris Place, Innaloo

Celebrations Morris Place Innaloo is a packaged liquor store operating under the Celebrations banner, an IGA-affiliated WA bottle shop group. While it is independently operated at the store level, its banner group affiliation and general retail model mean it cannot reasonably meet the local requirement that Midnight Cowboy addresses, for the following reasons:

- General mainstream range, no WA small-producer curation: Celebrations operates as a general packaged liquor retailer stocking mainstream wine, beer, and spirits across a broad price range. Its ranging reflects the general-market, volume-retail model of an IGA-affiliated banner group, not the curated, exclusively WA small-producer specialist offer of Midnight Cowboy Liquor Store. It does not stock the output of WA's independent small wineries, craft breweries, and artisan distillers that define Midnight Cowboy's range.
- No direct WA producer relationships: Celebrations does not operate on a direct-producer-relationship model for WA small producers. Its product is sourced through standard distribution channels, not through the direct producer relationships that give Midnight Cowboy access to limited-release, small-batch, and allocation product unavailable elsewhere in the locality.
- Price and promotion-led model: Celebrations' commercial model is oriented around price competition and promotional offers, not quality-led curation or producer storytelling. This serves a different customer need to the provenance-motivated, quality-focused customer that Midnight Cowboy serves.
- No specialist service: Celebrations operates as a general-format bottle shop. Its staffing and service model are not designed to provide the expert WA producer knowledge, personal recommendation, and relationship-driven service that Midnight Cowboy delivers as a core part of its retail offer.

Celebrations Morris Place Innaloo cannot reasonably meet the local requirement for a curated WA small-producer specialist with direct producer relationships. Its general banner-group retail model is structurally incapable of replicating Midnight Cowboy's offer.

Aldi Innaloo

Aldi Innaloo is a discount supermarket that holds a liquor licence authorising the sale of a limited range of packaged liquor as part of its general grocery retail offer. It is among the most different possible format from Midnight Cowboy Liquor Store and cannot remotely meet the local requirement for the following reasons:

- Discount supermarket model, not a liquor retailer: Aldi is a discount supermarket chain. Its liquor licence authorises the incidental sale of a small, fixed selection of wine, beer, and spirits as part of a broader grocery offer. It is not a packaged liquor specialist in any sense. Its liquor range is determined centrally by Aldi's international buying teams based on volume and price, not WA provenance or producer quality.
- No WA small-producer product: Aldi's liquor range consists of centrally-selected, high-volume, low-cost product — predominantly private-label and internationally-sourced wines and beers. It carries no meaningful WA small-producer representation and no artisan or craft spirits. It is structurally and commercially incapable of stocking the type of product Midnight Cowboy curates.
- Volume and price-led — inconsistent with harm minimisation: Aldi's liquor offer is specifically designed to drive high-volume, low-price purchasing as part of a discounting retail strategy. This is the opposite of Midnight Cowboy's quality-over-quantity, moderation-positive model, and is less consistent with the harm minimisation objects of the Liquor Control Act 1988 (WA).
- No specialist service: Aldi operates entirely on a self-service, no-frills model with no specialist liquor knowledge or service capability. There is no product expertise, producer knowledge, or recommendation capability of any kind.

Aldi Innaloo cannot reasonably meet any aspect of the local requirement for a curated WA small-producer specialist. It is a discount supermarket incidentally licensed to sell a limited range of generic packaged liquor and is not comparable to Midnight Cowboy in any material respect.

Hanga Wee Market, Innaloo

Hanga Wee Market is a Korean grocery mart in Innaloo that holds a liquor licence. However, the practical operation of that licence is subject to a material condition: customers are required to purchase food items alongside any alcohol purchase. The liquor range stocked is exclusively Korean and Chinese product — Korean beer, soju, rice wine ect. While the DLGSC does not publicly categorise this licence as culturally specific, the observable operating conditions and product range make it de facto a culturally specific, food-ancillary liquor licence that is wholly distinct from a general packaged liquor retail operation. It cannot reasonably meet the local requirement that Midnight Cowboy addresses for the following reasons:

- Exclusively Korean and Chinese liquor range — no WA product: Hanga Wee Market's entire liquor range consists of Korean and Chinese imported product — Korean beer, soju, rice wine, and makgeolli. It carries no Western Australian wine, no WA craft beer, and no WA artisan spirits of any kind. It has no connection whatsoever to WA's independent producer community. It cannot stock, curate, or recommend the type of product that defines Midnight Cowboy's offer.
- Culturally-specific offer serving a specific community — not a general local packaged liquor service: while the RGL register does not publicly categorise Hanga Wee Market's licence as culturally-specific, its observable operation — Korean and Chinese product only, food purchase required — makes clear that it serves a specific cultural community seeking familiar imported product as part of a Korean grocery experience. This is a legitimate and valuable community service, but it is a fundamentally different service to the general neighbourhood packaged liquor retail that s36B contemplates, and a wholly different service to the WA small-producer specialist retail that Midnight Cowboy will provide.
- Entirely different customer: the customer purchasing Korean beer or soju alongside Korean groceries at Hanga Wee Market is seeking a specific cultural product in a specific purchasing context. The customer seeking curated WA small-producer wine, craft beer, and artisan spirits from Midnight Cowboy has an entirely different need, motivation, and expectation. There is no meaningful overlap between the two customer bases or the two retail offers.
- No WA liquor expertise or specialist service: Hanga Wee Market's expertise is in Korean and Chinese grocery and imported product. It provides no knowledge of, or capability to advise on, WA wine regions, WA craft producers, or WA artisan spirits. It cannot replicate any aspect of Midnight Cowboy's service model.

Hanga Wee Market, Innaloo holds a liquor licence, but its licence operates subject to a food purchase condition, its range is exclusively Korean and Chinese imported product, and its offer serves a specific cultural community in a grocery context. It is not, in any practical or legal sense, a general packaged liquor retailer, and its existence in the locality provides no basis whatsoever for the licensing authority to be satisfied that local requirements for a curated WA small-producer packaged liquor specialist are met.

Morris Tavern

Morris Tavern is a tavern that holds a packaged liquor authorisation as an ancillary component of its primary on-premises tavern licence under the Liquor Control Act 1988 (WA). While the packaged liquor authorisation means Morris Tavern is technically an existing premises authorised to sell packaged liquor in the proposed locality, it cannot reasonably meet the local requirement that Midnight Cowboy addresses for the following reasons:

- Packaged liquor is ancillary to on-premises tavern operations: a tavern's packaged liquor authorisation exists primarily to allow patrons to purchase take-home product as an incidental service to the tavern's primary function — the sale of liquor for consumption on the premises. It is not, and is not designed to be, a standalone packaged liquor retail operation serving the broader community's general packaged liquor requirements. The s36B analysis requires the authority to consider whether existing premises can meet local packaged liquor requirements — an ancillary tavern packaged liquor authorisation does not constitute a meaningful alternative to a dedicated packaged liquor retailer for this purpose.

- Mainstream take-home range only — no specialist WA curation: Morris Tavern's packaged liquor range will be limited to mainstream, high-turnover take-home product — typically a narrow selection of beer, wine, and spirits oriented toward the tavern's existing patron base. It does not carry, and is not structured to carry, the curated output of WA's small independent wineries, craft breweries, and artisan distillers that define Midnight Cowboy's offer.
- No direct WA producer relationships: Morris Tavern does not operate on a direct-producer-relationship model for WA small producers. Its packaged liquor stock is sourced through standard distribution channels, not through the direct relationships that give Midnight Cowboy access to limited-release, small-batch, and allocation product unavailable elsewhere in the locality.
- No specialist packaged liquor service: Morris Tavern is a tavern, not a packaged liquor specialist. Its staff expertise and service model are oriented toward on-premises food and beverage service, not specialist packaged liquor retail, WA producer knowledge, or the expert recommendation and curation service that Midnight Cowboy provides.
- Different purpose and customer context: a customer entering a tavern to purchase take-home liquor as an incidental transaction is in a fundamentally different purchasing context to a customer visiting a dedicated neighbourhood packaged liquor store integrated within a shopping centre for their regular liquor shop. The tavern environment, operating hours, and incidental packaged liquor offer do not constitute a reasonable substitute for a dedicated specialist packaged liquor retailer serving the day-to-day needs of the local community.

Morris Tavern's packaged liquor authorisation is ancillary to its primary tavern function and does not constitute a meaningful general packaged liquor retail offer. Its existence in the proposed locality does not satisfy the licensing authority that local packaged liquor requirements — particularly the requirement for a curated WA small-producer specialist integrated within the Woodlands Shopping Centre community — can reasonably be met by existing premises.

6.2 Collective assessment

Considered collectively, the nine existing licensed premises in the proposed locality — Dan Murphy's Innaloo, BWS Innaloo, Liquorland Innaloo, WA Cellar Door (Doubleview), Liquor Barons Wembley Downs, Celebrations Morris Place Innaloo, Aldi Innaloo, Hanga Wee Market Innaloo, and Morris Tavern — cannot reasonably meet local packaged liquor requirements in the following respects:

Unmet local requirement	Why existing outlets cannot meet it
WA small-producer curation	Dan Murphy's, BWS, and Liquorland are national chains with centralised ranging — no WA small-producer curation. WA Cellar Door strips producer identity entirely via cleanskin model. Celebrations is a general banner-group bottle shop. Aldi is a discount supermarket. Hanga Wee Market is a Korean grocery with culturally specific imported liquor. Morris Tavern's packaged liquor is ancillary to tavern operations. Liquor Barons Wembley Downs carries general-independent/global product. None curate exclusively WA small producers.
Direct producer relationships	No existing outlet operates on a direct-producer-relationship model for WA small producers. Midnight Cowboy has established direct relationships with House of Cards, Mr Barval, Windows Estate and others, enabling access to limited-release and allocation products unavailable elsewhere in the locality.
Neighbourhood-serving format for Woodlands	All outlets are located outside Woodlands Shopping Centre. None serves the Woodlands community as an integrated neighbourhood packaged liquor destination alongside the Farmer Jack's supermarket anchor. There is currently no liquor store in the suburb of Woodlands. The two liquor stores that are within 2kms of the proposed store (Dan Murphy's Innaloo and BWS Innaloo) are chain stores run by ASX listed companies.
Expert specialist service	Dan Murphy's, BWS, and Liquorland operate self-service, volume retail models. WA Cellar Door is cleanskin/price-led with no producer expertise. Celebrations is a general banner-group bottle shop. Aldi provides no liquor expertise. Hanga Wee Market serves a culturally specific imported product need. Morris Tavern's packaged liquor is incidental to tavern service.

	Liquor Barons offers independent service but not exclusively WA small producer. None provides the named-producer, direct-relationship WA specialist service that Midnight Cowboy delivers.

7. Conclusion

For the reasons set out in this submission, the applicant respectfully submits that in relation to Section 36B of the Liquor Control Act 1988 (WA) the existing licensed premises authorised to sell packaged liquor within proximity of the proposed liquor store are not capable of meeting the local requirements that Midnight Cowboy Liquor Store is designed to serve. Specifically:

- No existing outlet in the proposed locality provides a curated, specialist range focused on small WA producers across wine, beer, and spirits.
- There currently is no liquor store in the suburb of Woodlands.
- No existing outlet — including the closest independent comparator, Liquor Barons Wembley Downs — replicates Midnight Cowboy’s exclusively WA small-producer curation and direct producer relationships, and Liquor Barons Wembley Downs is over 2kms from the proposed store and in an entirely different suburb.
- The 2 liquor stores within 2kms of the proposed store are ASX listed chain liquor stores (Dan Murphy’s Innaloo and BWS Innaloo) and are completely different from Midnight Cowboy Liquor Store for a variety of reasons (outlined in this document).
- Woodlands has an established affluent community with demonstrated demand for the type of specialist, quality-focused retail offer that Midnight Cowboy Liquor Store will provide, and Midnight Cowboy Liquor Store, which showcases the best of West Australia’s Wine, Beer and Spirits, perfectly complements the existing Farmer Jack’s Supermarket, a proudly West Australian owned and operated supermarket, in Woodlands Shopping Centre.

The RGL can therefore be satisfied, in accordance with s36B of the Act, that existing licensed premises in the proposed locality cannot adequately meet local requirements, and that the grant of the proposed Liquor Store Licence is appropriate.

Submitted by Sullivan McLeod <i>Licensee / Applicant — Midnight Cowboy Liquor Store</i>	Signature 	Date: 18/08/2026
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