

Section 36B(4) Submissions



Applicant:	Endeavour Group Limited
Application:	Application for Conditional Grant of Liquor Store Licence
Proposed Store:	BWS – Beer Wine Spirits Anketell

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1 Introduction and background

1.1 Introduction

- (a) The Applicant has made an application (**Application**) to the WA Licensing Authority for the conditional grant of a liquor store licence for a proposed new BWS – Beer Wine Spirits liquor store (the **Proposed Store**) to be located at the new Treeby Junction shopping centre (the **Centre**) to be constructed at 789 Thomas Road, Anketell.
- (b) To support the Application the Applicant has lodged:
 - (i) a Public Interest Assessment (**PIA**), which addresses the public interest requirement under section 38(2) of the Liquor Control Act 1988 (**Act**); and
 - (ii) material and evidence to support the PIA and Application (**Applicant's Evidence**).
- (c) Under sections 36B(2) and (4) of the Act the Licensing Authority must not grant the Application unless it is satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the Proposed Store will be situated (**Requirements Test**).
- (d) This document addresses the Requirements Test. The Applicant relies upon the PIA and Applicant's Evidence to inform and support its submissions in this document.

1.2 About the Application

- (a) Full details of the nature of the Application and the services and facilities to be provided by the Proposed Store are detailed in the PIA.¹
- (b) In short, the Proposed Store is a modern, browse style liquor store that is predominantly designed to provide complementary services to customers of the new Woolworths Supermarket at the Centre and the local community.
- (c) In total the proposed store will be 200m² in size, inclusive of a display trading floor area, walking cool room and a non-trading area (stockroom). It will be one of a number of speciality tenancies supporting the Woolworths Supermarket.²

2 The Requirements Test

2.1 The legislative provision

- (a) Section 36B(4) states as follows:

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

¹ PIA Form 2A Annexure 1 clause 4

² MGA Report clause 3.3

- (b) “Local packaged liquor requirements” is defined as:
“in relation to an application to which this section applies, means the requirements of consumers for packaged liquor in the locality in which the proposed licensed premises are, or are to be, situated” (section 36B(1))(emphasis added).
- (c) “Packaged liquor premises” is defined as:
“means premises to which a licence referred to in subsection (2) relates”. (section 36B(1)).
- (d) Subsection (2) states:
“This section applies to an application for the grant or removal of any of the following licences –
 - (a) a hotel licence without restriction;*
 - (b) a tavern licence;*
 - (c) a liquor store licence;*
 - (d) a special facility of a prescribed type.”*
- (e) In short, the provision establishes a prohibition on the Licensing Authority to grant a specified application if it is satisfied the “requirements for consumers of packaged liquor in the locality” cannot be reasonably met by the existing outlets.
- (f) Conversely, if the Licensing Authority is satisfied that the relevant requirements cannot be reasonably met, then the application can proceed to be determined in accordance with the Act.

2.2 Liquorland Karrinyup Decision

- (a) Legal principles as to the meaning and interpretation of the Requirements Test were set down by Archer J in the WA Supreme Court decision of *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2012] WASC 366 (**Liquorland Karrinyup Decision**). Lemonis J outlined further principles in the decision of *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (**Liquorland Southern River Decision**).
- (b) These principles include the following:
 - (i) The analysis under section 36B is not at large in respect of all consumer requirements for packaged liquor in the locality, but is to be conducted by reference to the particular consumer requirements that correlate to the products and services which the new premises are intended to provide, and the necessary starting point for each analysis is that the requirement to be assessed may be relatively modest in quantitative terms.³

³ Liquorland Southern River Decision at [58]; Liquor Commission Decision LC 15/2026 at [102]

- (ii) On a proper construction of section 36B the phrase ‘requirements of consumers for packaged liquor’:
 - (A) Is not limited in its scope to the physical item or product of packaged liquor.⁴
 - (B) The words ‘requirements of consumers’ mean the same in section 36B(1) and section 5(1)(c) and may involve consideration of the same types of matters [at p.89]. However, in considering the term in section 36B(1), consideration must also be given as to whether the requirements cannot reasonably be met by existing packaged liquor premises in the relevant locality.⁵
 - (C) Matters such as convenience, product range, service and efficiency can be relevant to both the requirements test under section 36B and the public interest test under section 38.⁶
 - (D) The term “requirement” or “requirements” conveys a demand or desire to purchase packaged liquor.⁷
 - (E) No minimum quantitative threshold for a “requirement” applies, nor does a *de minimis* threshold apply.⁸ Nor is there a need to establish that a considerable or significant number of consumers have a requirement.⁹
- (iii) On a proper construction of section 36B(4) the phrase ‘cannot reasonably be met’:
 - (A) Means “cannot sensibly or rationally be met”.¹⁰
 - (B) Does not mean “without great or undue difficulty or inconvenience”.¹¹
 - (C) Regard should be given to contemporary standards and expectations for the requirements of packaged liquor.¹²
- (iv) When determining the “locality” for the purposes of section 36B(4)(the **S36B Locality**):
 - (A) It is the area that surrounds, and is geographically close to, the location of the proposed premises.¹³
 - (B) It does not equate to the area(s) from which consumers would come (i.e. the retail catchment area).¹⁴ However, the retail

⁴ Liquorland Karrinyup Decision at p.108

⁵ Liquorland Karrinyup Decision at p.100-103

⁶ Liquorland Karrinyup Decision at p.106

⁷ Liquorland Southern River Decision at 118

⁸ Liquorland Southern River Decision at [126 to 130]

⁹ Liquorland Southern River Decision at [119, 128 to 129, 137 and 139]

¹⁰ Liquorland Karrinyup Decision at p.131

¹¹ Liquorland Karrinyup Decision at p.121

¹² Liquorland Karrinyup Decision at p.133

¹³ Liquorland Karrinyup Decision at p.181

catchment area may be a relevant consideration for the purposes of determining locality.¹⁵

- (C) A specific test to be applied or an exhaustive list of the factors that will or may be relevant in the determination of the locality in any given case cannot be prescribed due to the variety of factual situations that may arise.¹⁶
- (D) The shape and size of the locality may be influenced by topographical features (including man-made features such as roads) and the areas from which the proposed site could be accessed reasonably easily on foot or push bike. If there is a community in the area of the proposed site, the geographical spread of that community may also influence the shape and size of the locality.¹⁷
- (E) Despite section 36B(4) specifically referring to existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be situated, potentially premises outside an identified locality may be relevant to the assessment.¹⁸

2.3 Role and function of the Licensing Authority

- (a) In the hearing and determination of an application or matter under the Act, the Licensing Authority must apply itself to the real issues to be decided and evaluate the evidence before it, including by inference.¹⁹ Its fact finding task also extends to the making of findings and the drawing of conclusions, wholly or partly, from notorious facts.²⁰
- (b) The Licensing Authority is not bound by the rules of evidence.²¹ In the Bicton Decision Buss J found this *“enables [the Licensing Authority] to make findings of fact on the basis of any probative material before it”*.²²

3 Addressing the Requirements Test

3.1 Four stage process

- (a) To address the Requirements Test a four stage process is required.²³
- (b) First, the relevant area that comprises the S36B Locality must be identified. Second, the requirements of consumers for packaged liquor in the relevant

¹⁴ Liquorland Karrinyup Decision at p.181 and 183-184

¹⁵ Liquorland Karrinyup Decision at p.188

¹⁶ Liquorland Karrinyup Decision at p.186

¹⁷ Liquorland Karrinyup Decision at 185

¹⁸ Liquorland Karrinyup Decision at p.202

¹⁹ Bicton Decision per Buss J at [70]

²⁰ Bicton Decision per Buss J at [70]

²¹ Bicton Decision per Buss J at [58]

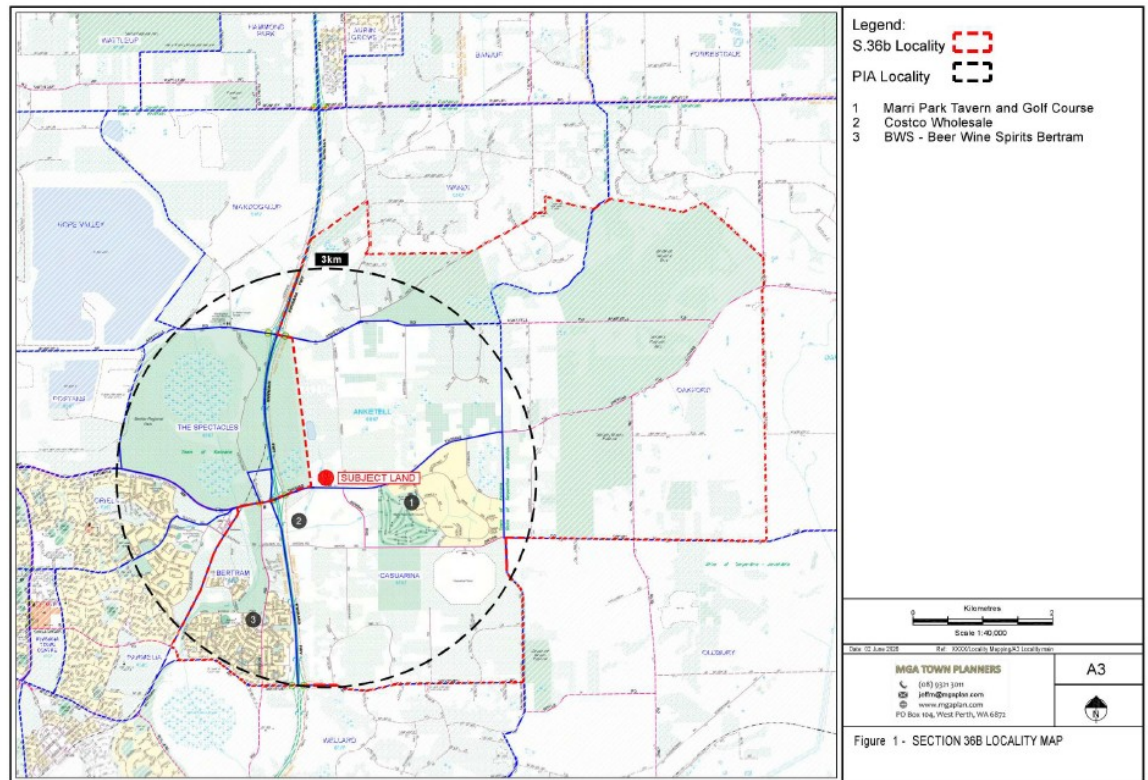
²² Bicton Decision per Buss J at [59]

²³ LC 17/2026 (Liquorland Yanchep)

locality must be identified. Third, assessment as to what, if any, packaged liquor services are already provided by existing outlets in the locality must be done. And lastly, an assessment of whether those requirements can be reasonably met by the existing premises must be completed.²⁴

3.2 Determining the S36B Locality

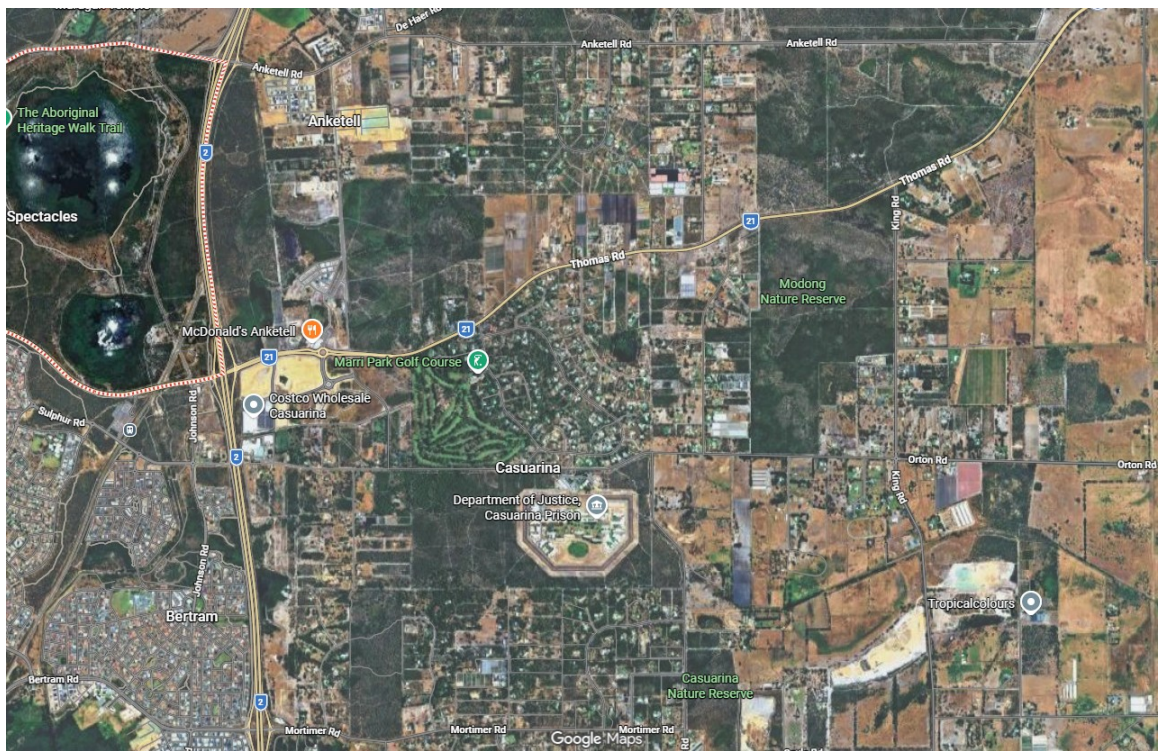
- (a) The Applicant engaged MGA Town Planners to identify, in its opinion, what comprises the S36B Locality for the Application, applying the principles laid down by Archer J in the Liquorland Karrinyup Decision.
- (b) MGA Town Planners concluded that the relevant area is the area outlined by the broken red line shown on the map below. The “Locality” of the Application for the purposes of the public interest assessment under Section 38 of the Liquor Control 1988 (**S38 Locality**) is the area in the circle denoted by the broken black line.



- (c) The identified area includes the majority of the suburbs of Casuarina and Anketell, and a portion of Wandoo, Oakford and Bertram.

²⁴ LC 32/2022 (BWS Kelmscott), at [136]

- (d) Full details and reasons supporting why this area is appropriate are provided in MGA Town Planners report, a copy of which is included in the Applicant's Evidence (**MGA Report**).
- (e) After the Application had been lodged the Licensing Authority indicated to the Applicant that it considered a smaller area should comprise the S36B Locality, namely, confined to the suburbs of Wandi, Anketell and Casuarina.²⁵ However, the Applicant has decided to rely upon, and proceed with, the S36B Locality as determined by MGA Town Planners, as this is an expert opinion that applies the principles laid down by Archer J in the Liquorland Karrinyup Decision. MGA Town Planners has the appropriate expertise and experience to provide the opinion and has provided the rationale and reasons in reaching its conclusion.²⁶
- (f) It is observed that while the S36B Locality extends beyond the area comprising the S38 Locality to the east, the developed portions beyond the S38 Locality east of Casuarina Road and Cumming Roads (Oakford), and north of Anketell Road (Wandi), are sparsely populated, as shown in the image below. The population of Oakford is extremely small and 0.4% of respondents to the Market Survey live in this area.²⁷



- (g) It is important to note that the Applicant does not consider that the S36B Locality should automatically, nor necessarily, be the same geographic area that applies

²⁵ Licensing Authority email dated 24 February 2026.

²⁶ Liquorland Southern River Decision at [294]

²⁷ Market Survey slide 14

for the purposes of the public interest test, except in relation to addressing amenity factors under section 38(4)(b).²⁸

3.3 The requirements of consumers for packaged liquor in the 36B Locality

- (a) Once the S36B Locality has been determined, the relevant question becomes whether the local packaged liquor requirements of consumers in that locality cannot be reasonably met by existing premises. This requires consideration of what consumers demand, or desire, as distinct from what they cannot manage without.²⁹ It also involves consideration of shopper convenience and preferences, including notorious facts such as the convenience of one-stop shopping.³⁰ In particular, it has been recognised by the Licensing Authority that the ability to visit multiple shops in close proximity without the need to make a second trip in a vehicle using a single trolley is an aspect of one-stop shopping convenience.³¹
- (b) To ascertain the requirements of consumers of packaged liquor in both the S38 Locality and the S36B Locality, the Applicant commissioned a market survey (**Market Survey**). It has long been accepted that a market survey can provide evidence of the subjective requirements of the public.³²
- (c) Research objectives of the Market Survey are set out below. These include the express objective to understand and ascertain the specific requirements of consumers for packaged liquor and the extent to which these are being met by existing outlets:³³

To assist Endeavour Group in the liquor licensing application process by providing a comprehensive understanding of the local market dynamics and community sentiment towards the proposed BWS. While also providing a comprehensive, robust and representative study of consumers' off-premise alcohol purchase behaviours and preferences.

In order to deliver on the strategic aim, this research was designed to:

1. Understand market demand and customer profiles for the proposed store
2. Determine the extent to which existing retail packaged liquor premises meet these requirements in the local area
3. Identify the extent to which the proposed BWS store meets consumer requirements for retail packaged liquor
4. Evaluate the community's perceptions and attitudes towards the proposed store
5. Address the Public Interest (Section 5 (1) (c)) and Requirements (Section 36B) Tests

²⁸ PIA Form 2A Annexure 1 clause 5

²⁹ Liquorland Karrinyup Decision, Archer J at [40] and [79]

³⁰ Liquorland Karrinyup Decision, Archer J at [79]; *Woolworths v Director of Liquor Licensing* (2013) 45 WAR 446, Buss J at [75]-[79]

³¹ LC 17/2026 at [167]

³² *Hay Properties Pty Ltd & Anor v Roshel Pty Ltd* Fct Sct Library 9804965 1998

³³ Market Survey slide 8

- (d) As consumer requirement must also be considered for the purposes of the public interest test under section 38(2) of the Act 1988, and the S38 Locality and the S36B Locality capture slightly different geographic areas, all households within the S38 Locality and the 36B Locality were given the opportunity to participate in the Market Survey.³⁴ A total of 392 eligible surveys were completed, providing a good representative sample.³⁵ Residents of Casuarina, which forms part of both the S38 Locality and the S36B Locality were excluded due to the large majority of the population being prisoners in the Casuarina Prison.³⁶
- (e) The research enabled respondents living in the S36B Locality to be identified, of which there were 269.³⁷ 71% of these respondents purchase packaged liquor at least monthly, with 55% purchasing at least fortnightly.³⁸ This result demonstrates there is a demand for retail packaged liquor residents by residents of the S36B Locality. A similar result was recorded for the remainder of the S38 Locality's population (69%).³⁹ And, overall it was evident that responses from residents of the S36B Locality were consistent with the S38 Locality as a whole. Given this, and the homogenous nature of the two areas, the results for the S38 Locality can be relied upon as a proxy for the S36B Locality where specific results are not available for the S36B Locality.
- (f) Key findings from the Market Survey relating to the requirements of residents of the S36B Locality include:
- (i) Almost 3 in 4 residents would find it more convenient to purchase packaged liquor and groceries in the one trip.⁴⁰
 - (ii) There is a mismatch between residents' current behaviours and their preferences, with more residents reporting a preference for one stop shopping for groceries and liquor than those who currently purchase liquor in that way.⁴¹ This indicates a gap in the market.⁴²
 - (iii) 48% of residents indicate their needs are not being met when it comes to existing options for one stop shopping for groceries and liquor.⁴³
 - (iv) The top ranked features of a liquor store are: being accessible by car/convenient to get to; convenient trading hours; a well organised store; availability of free on-site parking; and access to competitive pricing and weekly specials.⁴⁴ Being co-located next to a supermarket was also ranked as important.⁴⁵

³⁴ Market Survey slide 9

³⁵ Market Survey slide 9

³⁶ Market Survey slide 12

³⁷ Market Survey slide 15

³⁸ Market Survey slide 18

³⁹ Market Survey slide 18

⁴⁰ Market Survey slide 30

⁴¹ Market Survey slides 31 and 32

⁴² Market Survey slides 31 and 32

⁴³ Market Survey slide 33

⁴⁴ Market Survey slide 42

⁴⁵ Market Survey slide 42

- (v) The convenience of having a BWS store near to where the resident worked or lived was ranked as the number one most appealing feature of the Proposed Store by residents of the S36B Locality.⁴⁶ This was followed by:⁴⁷
 - (A) Being easily accessible/convenient to get to.
 - (B) Being located with a Woolworths Supermarket where supermarket/grocery shopping can also be done.
 - (C) BWS's competitive pricing and weekly specials.
- (g) It is also observed that:
 - (i) 80% of residents support the Proposed Store.⁴⁸ Support is strongest from residents who prefer to purchase liquor in a one stop shop with groceries.⁴⁹
 - (ii) Overall residents consider the Proposed Store will better satisfy their takeaway purchasing liquor needs, in particular in respect of: being easily accessible/convenient to get to; having availability of free, on-site parking; and being a safe environment to shop.⁵⁰
 - (iii) 76% of residents intend to purchase liquor from the Proposed Store if it opens.⁵¹
- (h) In addition to the Market Survey, consideration ought to be given to general research completed by the Applicant to identify the requirements of Australian consumers for packaged liquor. Tim McGrath, Head of Customer Advocacy for the Applicant, states as follows:⁵²

"EGL carries out regular, extensive market research to obtain insights into consumer purchasing patterns, motivations and trends in retail packaged liquor. This research is essential for EGL's strategic planning and to ensure the products and services it offers are relevant to consumer needs and requirements."

 - (i) The Applicant's experience and research in other areas of Australia of the requirements of consumers throughout Australia is relevant and informative to the issue under section 36B(4) in this Application given:
 - (i) The Proposed Store and the BWS business model is consistent throughout Australia.
 - (ii) The Proposed Store is located in an established urban area, not a remote community with unique characteristics.

⁴⁶ Market Survey slide 53

⁴⁷ Market Survey slide 51

⁴⁸ Market Survey slide 46

⁴⁹ Market Survey slide 50

⁵⁰ Market Survey slide 64

⁵¹ Market Survey slide 68

⁵² Statement of Tim McGrath clause 3.1

- (iii) There is nothing to suggest the population of the S36B Locality is any different to any other urban area in the Perth Metropolitan Area.
- (j) The popularity and success of the BWS business model, and its success in WA, is a matter which must be taken into account in assessing whether there is a consumer requirement for the products and services that are to be provided by the Proposed Store.⁵³
- (k) As identified in the PIA, research by the Applicant evidences that there are different consumer segments for packaged liquor and that these segments have distinct and different shopping preferences.⁵⁴ These findings include:⁵⁵
 - (a) there are different consumer segments for packaged liquor.
 - (b) these segments have distinct preferences as to the manner and frequency in which they purchase packaged liquor;
 - (c) a number of factors determine each consumer segment as to where they will purchase their packaged liquor; and
 - (d) there is a need for a variety of packaged liquor outlets as different retailers are chosen to suit different drinking occasions.
- (l) Other findings include:
 - (i) One of the primary reasons why retail packaged liquor shoppers choose to shop at a BWS liquor store attached, or near, to a supermarket is convenience.⁵⁶
 - (ii) Customers of BWS liquor stores attached, or near, to a supermarket are primarily on a planned shopping trip, where the shopping mission or occasion is to stock up.⁵⁷
- (m) The above confirms the results of the Market Survey. That is, that the BWS brand and business model is sought out; the association of a BWS store with a Woolworths supermarket is successful throughout Australia; and BWS's pricing and product range are of particular appeal.
- (n) As noted in the PIA, the Liquor Commission has found that the combination of the Applicant's general research showing that one-stop shopping is of great importance and reflected in the success of the BWS business model, combined with specific evidence obtained through the Applicant's Market Survey, forms a foundation in fact for inferring the existence of relevant consumer requirements in the locality in the manner explained in *Woolworths v Director of Liquor Licensing* (2013) WAR 44.⁵⁸ It also has found that:

"As reflected in Liquorland (Australia) Pty Ltd v Director of Liquor Licensing (LC 06/2017), one contemporary trend now acknowledged to be in accordance with

⁵³ *Woolworths v Director of Liquor Licensing* (2013) 45 WAR 446, per Buss J at [84]

⁵⁴ PIA Annexure 1 clause 13.3

⁵⁵ Statement of Tim McGrath clause 4.1

⁵⁶ Statement of Tim McGrath clause 5.4(c)

⁵⁷ Statement of Tim McGrath clauses 5.4(d) and 5.5

⁵⁸ LC 32/2022 (BWS Kelmscott LC decision) paras 142-145

the proper development of the liquor industry is liquor stores associated with the larger supermarket outlets.”⁵⁹

3.4 Existing premises in the S36B Locality

- (a) Currently there are three premises within the S36B Locality licensed to sell retail packaged liquor to the general public.⁶⁰ These are:
 - (i) Marri Park Tavern and Golf Course, 34 Marri Park Drive, Casuarina.
 - (ii) Costco Casuarina, 137 Market Street, Casuarina.
 - (iii) BWS – Beer Wine Spirits Bertram, 6 Champion Drive, Bertram.
- (b) The map at **clause 3.2(b)** shows the geographic location of this premises in relation to the Proposed Store. Details of each premises is provided in the PIA and the MGA Report.⁶¹ It is relevant to note that:
 - (i) The Costco store is not a dedicated liquor store. It is a 14,000m² warehouse that focuses on the bulk sale of grocery and household items.⁶² It is only open to members.⁶³ The licensed area forms part of the warehouse, is extremely small (approximately 400m²) and offers a limited range of liquor products, that features a large portion of products exclusive to Costco.⁶⁴
 - (ii) Marri Park Tavern and Golf Course focusses on on-premises food and liquor services. It does not have a dedicated retail liquor area.
- (c) Therefore, the only existing, dedicated liquor store in the S36B Locality that provides a comprehensive range of liquor services and facilities is the BWS Bertram store. The store is a convenience, browse style store located in a small neighbourhood shopping centre. It is not co-located with a major supermarket (only a small IGA) and is located in the suburb of Bertram, on the western side of the S36B Locality.⁶⁵ This is not convenient to residents of the S36B Locality who reside in the eastern part of the Locality, especially given the road congestion and limited access to the western portion due to the Kwinana Freeway.⁶⁶ As noted in the PIA, the new shopping centre of which the Proposed Store will form part, will be the only activity centre east of the Kwinana Freeway that caters to the household grocery, convenience and packaged liquor shopping needs of residents residing east of the Freeway.⁶⁷
- (d) Details of the store, and the other outlets, as reviewed by the Applicant, are provided in the PIA.⁶⁸

⁵⁹ LC 32/2022 para 146

⁶⁰ MGA Report clause 9

⁶¹ PIA Annexure 1 clause 3.4; MGA Report clause 9

⁶² Costco Casuarina Public Interest Assessment statement

⁶³ Costco Casuarina Public Interest Assessment statement clause 4

⁶⁴ Costco Casuarina Public Interest Assessment statement clause 5.3

⁶⁵ MGA Report clause 9.4.1

⁶⁶ PIA Annexure 1 clauses 5.6 and 5.14

⁶⁷ PIA Annexure 1 clause 5.10

⁶⁸ PIA Annexure 1 clause 6.2(c)

3.5 The extent to which the requirements of consumers for packaged liquor in the locality are being met by existing outlets

- (a) The BWS Bertram store is the only outlet in the S36B Locality that provides a full range of packaged liquor services and amenities to residents of the area. While a proportion of residents of the S36B Locality currently patronise this store (58%), a greater proportion (70%) travel outside of both the S36B Locality and the S38 Locality to purchase liquor, with Dan Murphy's Kwinana being the most popular store.⁶⁹ The main reasons given for their current preferred store was "convenience" followed by "price".⁷⁰
- (b) A number of residents are dissatisfied with the outlets they currently patronise, with key pain points being:⁷¹
 - (i) Having to travel across major roads to access the store.
 - (ii) Being difficult to access on their journey to or from their job.
 - (iii) Small/limited product range.

The above are general findings, with the question asked being "Are there any specific limitations, deficiencies or things you don't like about your most preferred takeaway liquor store".⁷²

- (c) A proportion of S36B Locality residents report the reason why they shopped at their nominated, preferred liquor store, was because it offered "one stop shop / combined grocery and liquor purchase".⁷³
- (d) The evidence indicates there is a clear requirement for the services and amenities to be offered by the Proposed Store, by residents of the S36B locality that is currently not being met. In particular the opportunity for one stop / one trolley shopping for liquor and groceries. Currently the only dedicated liquor store that offers a full range of packaged liquor services and facilities in the S38 Locality is not co-located with a major supermarket. All the other stores patronised by residents are outside both the S36B Locality and the S38 Locality.⁷⁴
- (e) When residents were asked if they would find it more convenient or less convenient to be able to buy takeaway liquor at the same time as doing their grocery shopping (at a liquor store located in the same complex as a major supermarket), the answer was overwhelmingly "yes", with 73% reporting it would be more convenient.⁷⁵ When asked what their most preferred way to purchase packaged liquor in their general area was, 62% stated one stop/one trolley shopping for groceries and packaged liquor.⁷⁶ This indicates a mismatch between current behaviours and preference. That is, respondents want one stop/one trolley shopping for liquor and groceries, but currently don't shop in

⁶⁹ Market Survey slides 22 and 23

⁷⁰ Market Survey slide 25

⁷¹ Market Survey slide 27

⁷² Market Survey slide 27

⁷³ Market Survey slide 25

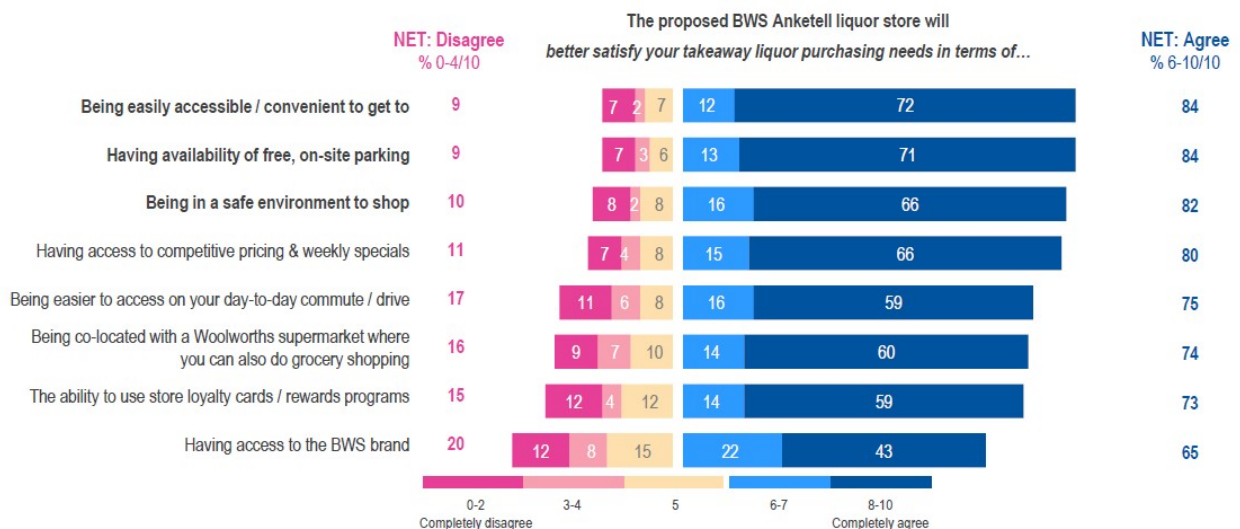
⁷⁴ Market Survey slide 21

⁷⁵ Market Survey slide 30

⁷⁶ Market Survey slide 31

that manner as it is not currently available to them in their local area.⁷⁷ This is confirmed by the findings that:

- (i) 48% of S36B Locality residents feel their needs are not being met when it comes to one stop shopping.
- (ii) 80% of S36B Locality residents support the Proposed Store.⁷⁸ There is 100% support from residents who currently regularly buy liquor in one stop with groceries.⁷⁹
- (f) Being co-located with a Woolworths Supermarket was one of the top ranking features of the Proposed Store.⁸⁰
- (g) Overall two thirds of residents agree that the Proposed Store will better satisfy their takeaway liquor purchasing needs.⁸¹ The extent to which residents consider the Proposed Store will better satisfy their specific packaged liquor purchasing needs is set out in the results from the Market Survey shown below:⁸²



- (h) In particular, residents agree that the Proposed Store will better satisfy their takeaway liquor purchasing needs in terms of being co-located with a Woolworths supermarket, as shown below:

⁷⁷ Market Survey slides 31 and 32

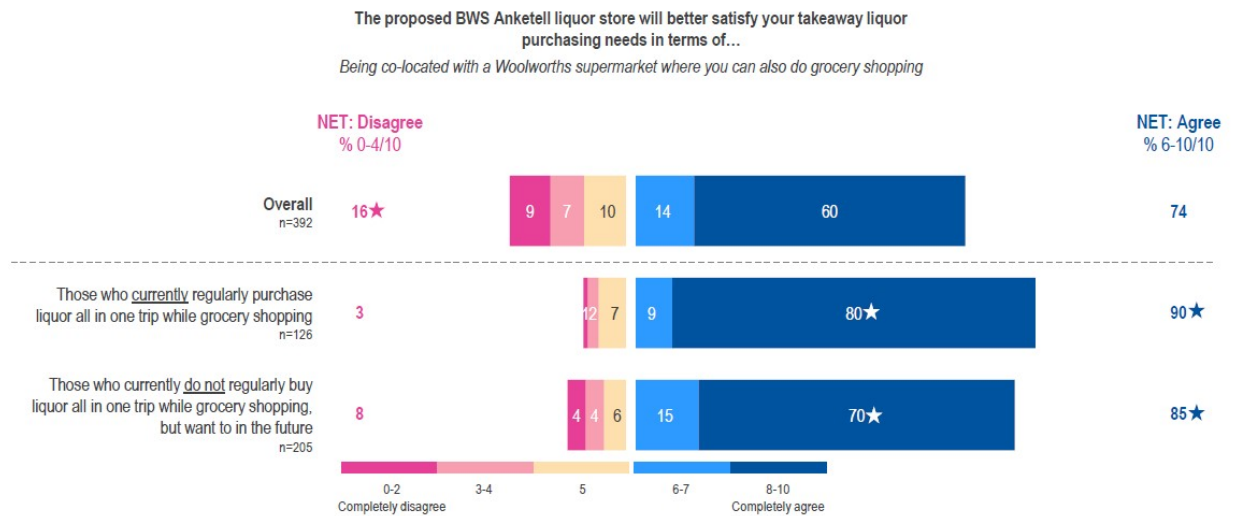
⁷⁸ Market Survey slide 46

⁷⁹ Market Survey slide 50

⁸⁰ Market Survey slide 53

⁸¹ Market Survey slide 59

⁸² Market Survey slide 63



- (i) The above findings clearly show that the requirements of residents of the S36B Locality are not currently being satisfied.

4 Submissions and Conclusion

4.1 Submissions

- (a) The Applicant's Evidence and the material and information supporting the Application establishes the following:
- (i) Consumers of packaged liquor require, and expect, a range and variety of liquor stores to be available to them.
 - (ii) There is a demonstrated requirement for:
 - (A) a liquor store that:
 - (1) provides competitive prices
 - (2) a good product range; and
 - (3) is associated with the Woolworths Supermarket at the Centre.
 - (B) the specific services and facilities of a BWS liquor store in the S36B Locality,

by packaged liquor consumers in the S36B Locality, which is reflected in the level of support for the Proposed Store as well as the reasons for that support.
 - (iii) The above is consistent with the requirements and expectations of consumers in WA and Australia wide.
 - (iv) On the evidence and material before it, it is not open to the Licensing Authority to be satisfied that local packaged liquor requirements can

reasonably be met by the existing packaged liquor premises in the Locality.

- (v) The evidence from the Market Survey evidence specifically relates to consumers in the S36B Locality which makes it relevant and compelling.

4.2 Conclusion

Based on the above the Applicant submits the Licensing Authority should be satisfied that the Requirements Test is met, and does not preclude the grant of the Application.



Lux Legal
Solicitors for the Applicant