



Public Interest Assessment Conditional Grant of a Liquor Store Licence

Premises Name: Piara Cellars
Applicant: Normalnow Pty Ltd
Location: 12 Erade Dr, Piara Waters WA 6112



Prepared by:



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1 Introduction

1.1 Normalnow Pty Ltd (the Applicant) is seeking approval from the Director General at the Department of Local Government, Sport, and Cultural Industries (DLGSC) for the conditional grant of a Liquor Store Licence for the premises to be known as Piara Cellars, to be located at 12 Erade Dr, Piara Waters WA 6112.

1.2 The experienced Director Mr Jay Shah of the Applicant Company Normalnow Pty Ltd is part of the Shah Group who currently successfully and safely operates the following supermarket and liquor store amenities in WA:

- Tucker Fresh Atwell,
- Tucker Fresh Broadway (Nedlands),
- Tucker Fresh Carine,
- Tucker Fresh Dalkeith,
- Tucker Fresh Exchange,
- Tucker Fresh Iluka,
- Tucker Fresh Kinross,
- Tucker Fresh Morris,
- Tucker Fresh Nicholson Road,
- Tucker Fresh Piara Waters,
- Tucker Fresh Rossmoyne,
- Tucker Fresh Treeby,
- Cellarsbrations at Morris Place,
- Cellarsbrations at Lynwood,
- Porters Liquor Claremont,
- Porters Liquor Iluka Beach, and
- Exchange Cellars Curtin



1.3 This Public Interest Assessment (PIA) submission has been prepared by Hospitality Total Services (Aus) Pty Ltd on behalf of the Applicant, and the application is 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.

- 1.4 The documentation for this application has been submitted to the Licensing Authority in accordance with Section 68 of the Act¹ and has been compiled by Hospitality Total Services (Aus) Pty Ltd on behalf of Normalnow Pty Ltd.
- 1.5 The Applicant has also diligently addressed the matters relating to the primary and secondary Objects of Section 5 and Section 38(2)(4)¹ of the Act in this PIA, as required by the Director’s Policy on Public Interest Assessment² submissions.
- 1.6 The Applicant acknowledges that Section 36B(4) applies to this application for packaged liquor, as it states that:

“The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the Locality in which the proposed licensed premises are, or are to be, situated.”³



Figure 1: Piara Waters Future Development⁴

- 1.7 With the population in Piara Waters on an upward trajectory and anticipated to increase alongside new residential developments, there's a growing demand for new and improved infrastructure to cater to this projected growth. In alignment with developmental foresight, the Piara Village Shopping Centre is a modern, new amenity that includes a small liquor store use on a greenfield site to cater to the reasonable requirements of consumers for household and related.

¹ http://www.austlii.edu.au/au/legis/wa/consol_act/lca1988197/s68.html

² <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

³ [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

⁴ <https://www.celsius.com.au/celsius-gears-up-to-launch-86-lot-subdivision-in-piara-waters/>

- 1.8 The *City of Armadale Local Planning Strategy*⁵ emphasises the integration of sustainable development principles to enhance the City of Armadale's urban environment. It aims to promote non-motorised transport through improved pedestrian and cycling infrastructure, fostering safety, convenience, and sustainability. By focusing on economic, social, and environmental goals, the strategy supports the development of activity centres that encourage diverse urban activities within accessible, high-density areas such as Piara Waters Shopping Centre.
- 1.9 In the pivotal development of the Piara Village Shopping Centre, Piara Cellars, pending approval, is set to emerge as an independently owned outlet under the management of the Shah Group. The Shah Group is positioned as the owner/operator of the supermarket and liquor store amenities at the shopping centre.

“Piara Waters Village is currently in development and will be home to Tucker Fresh IGA, medical centre, childcare and more.”⁶



Figure 2: Concept Images of the Tucker Fresh IGA at Piara Village Shopping Centre⁷

- 1.10 The City of Armadale approved the proposed Mixed Use Development in accordance with the provisions of the City of Armadale Town Planning Scheme No.4 as considered by the Metro Outer JDAP at its meeting on 16 March 2022.⁸
- 1.11 The \$10.2 million shopping centre for Piara Waters includes a supermarket, retail shops, a gym, four fast food outlets, and a large childcare centre. This development

⁵https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning_and_Land_Use/Local_Planning_Strategy.pdf

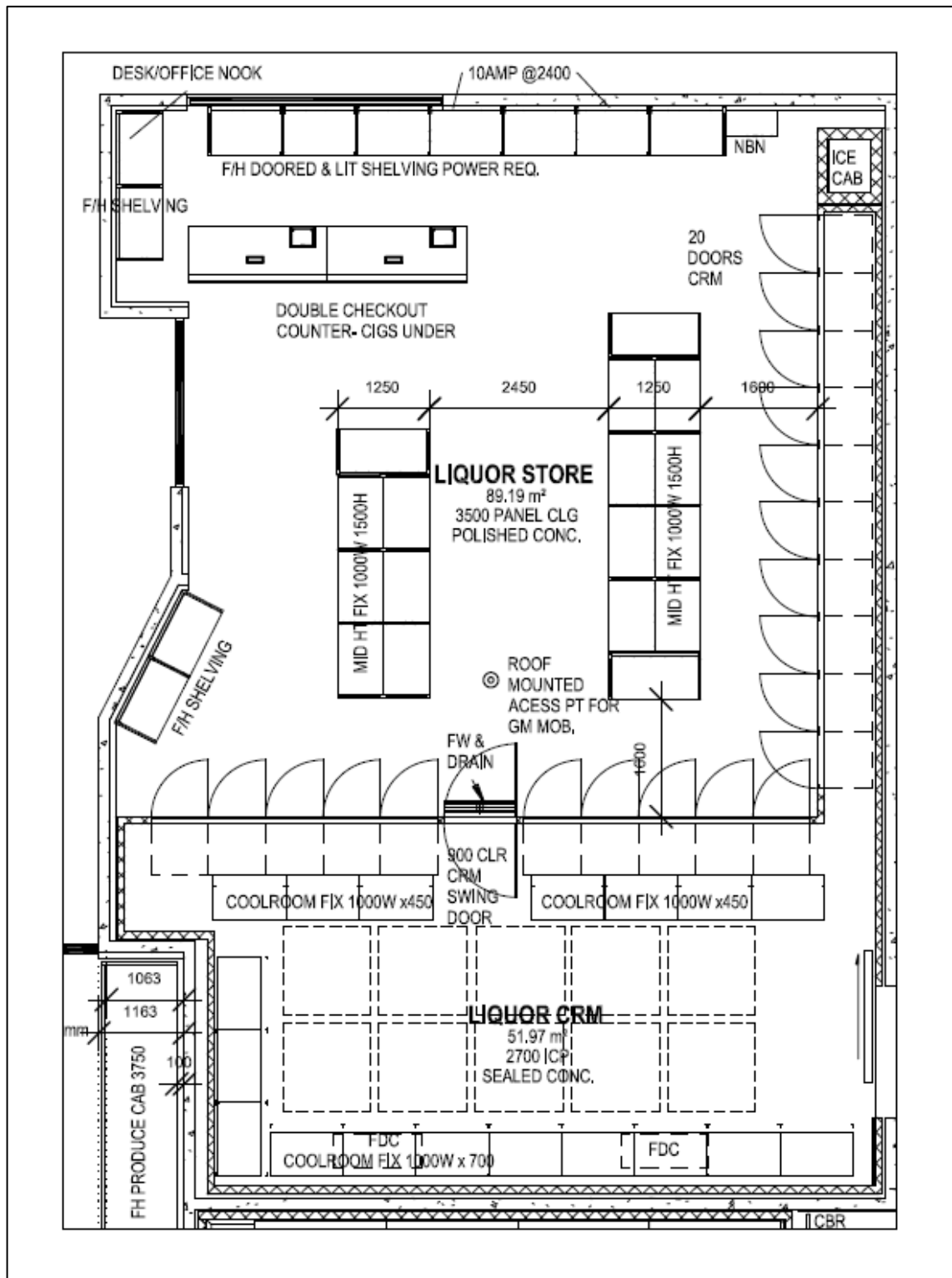
⁶ <https://www.celsius.com.au/celsius-gears-up-to-launch-86-lot-subdivision-in-piara-waters/>

⁷ <https://www.c-store.com.au/new-tucker-fresh-iga-opens-at-piara-waters/>

⁸ Attachment 6 - JDAP Determination

aims to offer locals more retail options, bringing welcome foot traffic to the area and enhancing the community's retail and service offerings.⁹

- 1.12 Piara Cellars, subject to approval, is set to be a high-quality, well-managed packaged liquor outlet managed by an experienced Licensee operator. The proposed store size is strategically designed, encompassing a licensed area of approximately 140m², including a cool room and an area for patrons to browse.



⁹<https://www.perthnow.com.au/local-news/perthnow-cockburn/new-102-million-shopping-centre-approved-for-piara-waters-c-6093189>

Figure 3: Proposed Premises Floor Plan¹⁰

- 1.13 As an independent liquor store, the Applicant can take advantage of a national buying group while still catering to the local demographic characteristics.
- 1.14 Conditionally granting the Licence allows the Applicant the flexibility to supply a selected range of products that cater to the contemporary requirements of local consumers and visitors to the locality while supporting WA liquor Producers with niche product lines¹¹.
- 1.15 The proposed premises will offer convenient shopping for consumers who resort to the IGA or the Piara Village Shopping Centre. The liquor store premises will have its own tenancy with a separate entrance to the IGA Supermarket.¹²

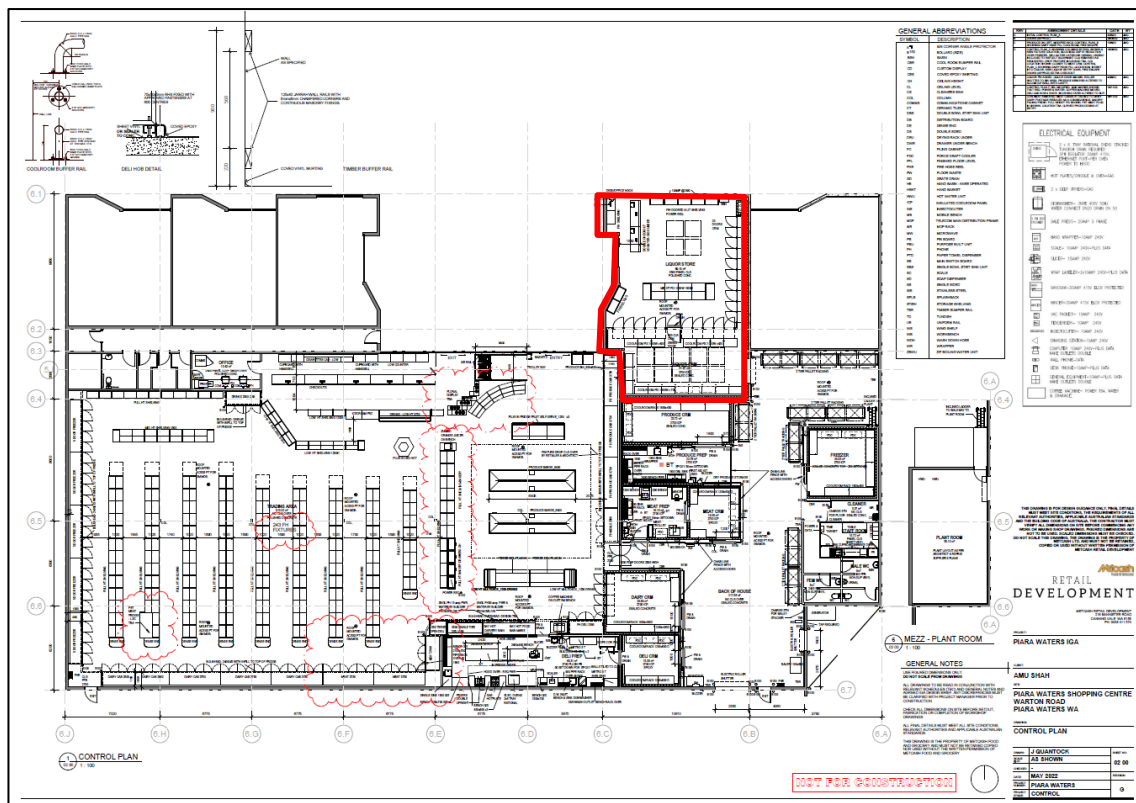


Figure 4: Proposed Premises adjacent to Piara Waters IGA

- 1.16 The proposed premises will adhere to the highest industry standards and strive to offer a broad, accessible, and contemporary range of products and related services that cater to the consumers' requirements in the locality and patrons of the newly developed Piara Village Shopping Centre.
- 1.17 Piara Cellars will provide product tasting sessions and enhance customers' knowledge about the alcohol products available, offering a more informed and engaging shopping experience.

¹⁰ Attachment 2 - Plans

¹¹ Attachment 1 – Sample Product List

¹² Attachment 2 – Plans

- 1.18 The proposed Piara Cellars aligns with the *City of Armadale's Local Planning Strategy* by contributing to the development of vibrant, accessible community hubs. It supports sustainable urban growth by providing essential retail services within walking distance for residents, enhancing local amenities, and fostering economic development.
- 1.19 The Applicant's focus on product knowledge and responsible consumption aligns with the strategy's objectives for community well-being and sustainable development, ensuring the project contributes positively to the locality's social, economic, and environmental goals¹³.
- 1.20 The *City of Armadale's Local Planning Strategy* indicates plans to develop new local centres within Piara Waters to meet its growing population's retail and community service requirements. The strategy focuses on providing accessible amenities and related services to residents and visitors to the locality.
- 1.21 Piara Cellars will provide residents and those resorting to the locality with the following much-needed amenities:
- A contemporary, convenient, packaged retail facility with a dedicated browse area for consumers,
 - Access to a wide range of genuine local WA brands that support the local wine industry and jobs in WA,
 - A range of Craft Beer, including local and international craft,
 - Access to special dietary and alternative choices of alcohol products, e.g., Gluten Free, Vegan, Low Alcohol etc.,
 - Access to a range of low-intervention or "lo-fi" wine products,
 - A safe and comfortable browse area with well-trained and knowledgeable staff offering outstanding customer service,
 - Incorporating technology to educate consumers about the provenance of the products they purchase, as well as food pairing and more,
 - Personalised customer service with a strict Code of Conduct and Responsible Service of Alcohol practices, and
 - The ability to request specific products.
- 1.22 As stated in previous determination A206551¹⁴ (emphasis added):

"In considering these factors, the licensing authority is to have regard to the expectations and contemporary standards of consumer requirements for packaged liquor and related services.

Consumers have a requirement for a range of licence types and in this regard, the public living or resorting to Cunderdin presently have no liquor store facilities; a facility available to people living in other areas of Western Australia.

¹³https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning_and_Land_Use/Local_Planning_Strategy.pdf

¹⁴https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/lc-242015---iga-plus-liquor-corrigin---decision.pdf?sfvrsn=486d2d7c_3

There is no diversity of packaged liquor outlets in Cunderdin available to the public, whereas the provision of such a service is consistent with object 5(1)(c) of the Act, namely the proper development of the liquor industry in the State.

The use and development of the proposed liquor store in Cunderdin is consistent with object 5(2)(a) of the Act, in that the licensing authority is to have regard to facilitating 'the use and development of licensed facilities ... reflecting the diversity of the requirements of consumers in the State.'

- 1.23 To demonstrate a consumer requirement for the proposed Piara Cellars, numerous Consumer Surveys were completed by members of the local community, with a majority of respondents (90%) supporting the proposed store¹⁵.
- 1.24 The experienced and responsible Applicant submits that they have thoroughly considered the undue harm and ill health that can be caused by the consumption of alcohol as per Section 38(4) of the Act. The robust Harm Minimisation Plan¹⁶ aims to reduce any potential adverse effects on the local community if the application is approved in the public interest.
- 1.25 The Applicant also has extensive training materials including, but not limited to, a Staff RSA Handbook¹⁷ and relevant policies of the Director of Liquor¹⁸.
- 1.26 The following harm minimisation initiatives will be in place and have been implemented at the Applicant's other packaged liquor outlets:
- Spirits stored in locked cabinets behind the POS counter,
 - The entry to the liquor store will be fitted with an audible alarm to alert staff of persons entering and exiting the premises. The alarm will sound in the store and also in the coolroom.
 - CCTV throughout the proposed liquor store, including delivery areas,
 - A range of low and mid-alcohol beer and wine to be available,
 - Under ID25 checks,
 - Not permitting service to persons in school uniform (regardless of ability to produce legal photo ID),
 - Use appropriate signage throughout the store regarding (but not limited to) the secondary supply of alcohol, not serving juveniles or drunk persons, etc.
 - Unaccompanied juveniles will not be permitted on the premises, and
 - The liquor store will have a separate entry and checkout to the IGA supermarket.
- 1.27 The Applicant is aware that Section 36B(4) prevents the proliferation of packaged liquor outlets and respectfully submits that the new greenfield site at 12 Erade Dr,

¹⁵ Attachment 3 – Consumer Surveys

¹⁶ Attachment 4 – Harm Minimisation Plan

¹⁷ Attachment 4 – Harm Minimisation Plan

¹⁸ <https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

Piara Waters, WA 6112, seeks to fill the gap that is currently under catered to with respect to commercial amenities. It is, therefore, both suitable and relevant to have a small, diverse packaged liquor offering in this new neighbourhood shopping centre to cater to local consumers' reasonable packaged liquor requirements.

2 Venue and Operation

2.1 The proposed liquor store (subject to approval) will be located at 12 Erade Dr, Piara Waters, WA 6112. It will provide residents and visitors to the Piara Village Shopping Centre with a curated packaged liquor amenity, including, but not limited to, contemporary shopping convenience as enjoyed at neighbourhood shopping centres throughout the State.

2.2 The term "amenity" refers to various aspects that contribute to the overall character of a particular location. This includes both present and anticipated future amenities and has been interpreted by the Supreme Court:

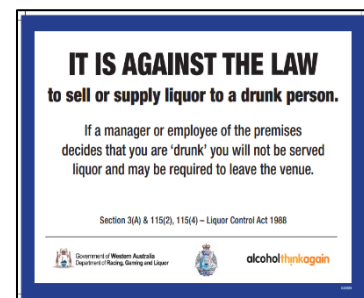
*"In my opinion, the term 'amenity' in s 38(4)(b) is concerned with whether and, if so, to what extent the granting of the application would be likely to have any positive or negative effects or consequences upon the overall character, quality and enjoyment of life within the locality."*¹⁹

Harm Minimisation

2.3 As a responsible Applicant, Piara Cellars will implement stringent measures to prevent the sale and distribution of alcohol to individuals under the age of 18. The Applicant's other packaged liquor stores adhere to identical protocols, and the Applicant is proud of its record of successfully preventing the sale of alcohol to juveniles.



2.4 The Shah Group's strong Harm Minimisation Plan²⁰, together with their experience as owners/operators of other licensed liquor store premises, will assist in minimising any potential undue harm or ill-health to the locality that may occur due to the misuse of alcohol.

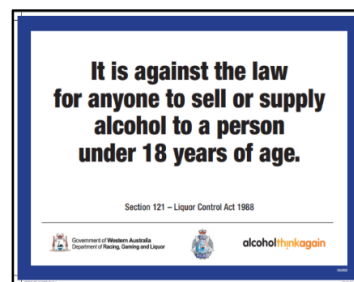


¹⁹ https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-director-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0

²⁰ Attachment 4 – Harm Minimisation Plan

2.5 The premises (subject to approval) will support the aims and goals of *the Armadale Gosnells Canning Alcohol Action Plan 2023 – 2026*²¹ and strictly abide by all the conditions that will result from its implementation. The plan includes measures such as:

- Promoting responsible service of alcohol.
- Reducing alcohol-related violence and anti-social behaviour.
- Supporting community initiatives to reduce alcohol-related harm.



2.6 The proposed premises will adhere to all the policies of the Department of Local Government, Sport and Cultural Industries relating to the sale and supply of liquor for consumption off the premises under Section 47 of the Act.²²

2.7 The responsible Shah Group employs a broad harm minimisation strategy across its many liquor retail outlets. These successful measures have been proven to minimise undue harm or ill health from alcohol consumption and are applied throughout the Group's many stores.

2.8 The Shah Group are a member of the Australian Liquor Store Association and will adhere to all of their 'Self-Regulatory Initiatives'.

*"To ensure the reputation of our sector and assist our members, ALSA continues to promote standards of operation for its members beyond the required standards of legal compliance and has implemented a range of voluntary product and service control initiatives across our members' stores which are focussed on responsible supply and promotion of alcohol."*²³

2.9 Retail Drinks Australia is a trade association representing the interests of the retail liquor industry in Australia. Retail Drinks Australia's self-regulatory initiatives are a set of voluntary guidelines that members are encouraged to follow. The guidelines cover a range of issues related to the responsible supply and promotion of alcohol, including:²³

- Responsible service of alcohol.
- Prevention of underage drinking.
- Promotion of moderate drinking.
- Prevention of alcohol-related harm.

²¹https://www.armadale.wa.gov.au/system/files/documents/docs/Public_Health/ACGAlcoholActionPlan.pdf

²²[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

²³<https://www.pc.gov.au/inquiries/completed/retail-trade/submissions/submissions-test2/submission-counter/subdr031-retail-trade.pdf>

“Retail Drinks and the retail liquor sector take their responsible service of alcohol responsibilities seriously which is why we developed and continue to promote several initiatives to discourage underage attempts at purchase and to educate parents and adults about their responsibility to not purchase alcohol on behalf of minors.”²⁴



ID25 is an initiative to educate customers, dissuade attempted purchase by minors and to reinforce staff awareness and confidence to refuse service to minors with point-of-sale material. If a customer looks under the age of 25, staff members are encouraged to ask to verify ID prior to completing the sale, under an inoffensive promotional line "if you look under 25, take it as a compliment, as we'll ask for ID".²⁴

Don't Buy It For Them (DBIFT) is a program designed to discourage secondary supply and to educate the community on their shared responsibility not to supply to underage and highlights the penalties for doing so. It also reinforces staff awareness and confidence to refuse service when in doubt, with back-up point-of-sale material.²⁴



2.10 The Applicant is committed to empowering consumers with the necessary information to make well-informed choices about their purchases. This includes details about alcohol content, country of origin, and guidance on taste profiles and food pairings, thus promoting responsible consumption.

2.11 The Applicant also notes the *Retail Drinks Australia Guidelines for Responsible Product Ranging Decisions*²⁵ that will be put into operation subject to the application being approved. They note that their specialty products are generally reported not to appeal to either 'At Risk' consumers, including young people:

“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.

Key product ranging considerations should include a balanced assessment of the following factors:

- *Perception of targeting underage drinkers.*
- *Product appeal and positioning.*
- *Promotion style, including advertising.*
- *Alcohol strength and packaging format.*

²⁴ <https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

²⁵ <https://www.retaildrinks.org.au/documents/item/1267>

- *Name of product, packaging, graphics, colour, etc.*

2.12 The Applicant will rigorously adhere to the DLGSC's Industry Guideline on the Responsible Promotion of Alcohol – Consumption of Liquor on Licenced Premises and the Sale of Packaged Liquor²⁶ at all times.

"It is not acceptable for licensees to:

Promote and advertise alcoholic drinks that suggest irresponsible or excessive consumption of liquor with emotive titles such as – "laybacks", "shooters", "slammers", "test tubes", and "blasters".

Promote and advertise alcoholic drinks that by virtue of their design or packaging encourages irresponsible drinking behaviour and are likely to result in rapid intoxication (for example prepackaged shooters or toothpaste style tubes containing alcohol).

Challenge or dare people to sample a particular alcoholic drink because of its higher alcohol content.

Display or use promotional or branding material in promoting and advertising alcoholic drinks that by virtue of the design or packaging have a strong appeal to children or adolescents (e.g., "alcopops" or naming of the product and/or design using cartoon-like colouring and images).

Display or use promotional, advertising or branding material, which contains children or adults under the age of 25.

Display or use advertising material that suggests the consumption or presence of alcoholic drinks may create or contribute to a significant change in mood or environment and accordingly must not depict the consumption or presence of alcoholic drinks as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success.

Display or use advertising material that depicts any direct association between the consumption of alcoholic drinks and the operation of a motor vehicle, boat or aircraft or the engagement in any sport (including swimming and water sports) or potentially hazardous activity and, accordingly any depiction of the consumption of alcoholic drinks in connection with the above activities must not be represented as having taken place before or during engagement of the activity in question and must in all cases portray safe practices."²⁶

2.13 The premises will be fitted out to the highest standard, as demonstrated in the Applicant's other stores (Refer Figure 5), with safety and security being strong features. As an experienced operator, the Applicant will ensure that the safety of patrons and staff is a priority of the highest order and features aisles that can accommodate a trolley and are more easily monitored with two POS monitors facing two directions.

²⁶<https://www.dlgsc.wa.gov.au/department/publications/publication/responsible-promotion-of-liquor-consumption-of-liquor-on-licensed-premises-and-the-sale-of-packaged-liquor-policy>



Figure 5: Shah Group's Innaloo Specialty Store

2.14 As an example, please find Figure 6 below of the Shah Group Claremont Porters liquor store.



Figure 6: Shah Group's Claremont Porters Liquor Store²⁷

²⁷<https://www.facebook.com/portersliquorclaremont/photos/a.145923263514136/156820615757734/?type=3>

2.15 The experienced Applicant takes great care to market brands only to adults responsibly. They encourage their consumers to make responsible decisions regarding alcohol consumption by supporting programmes, practices, and policies that address issues related to alcohol misuse. In addition, shelf signs will inform consumers about the sale, distribution, and consumption of alcohol.

Proposed Product Range²⁸



Figure 7: WA Packaged Liquor Products at the Proposed Premises

2.16 The product range to be provided will also include (but not be limited to) a range of local WA wines, International and local craft beers and ciders, and other packaged liquor products that will ensure that consumer requirements will be catered to.

2.17 Piara Cellars will provide residents and those resorting to the Locality with the following much-needed amenities:

- Easy access by foot, push-bike, car, or public transport,
- Contemporary shopping convenience,
- Trolley access throughout the store,
- Competitive pricing,

²⁸ Attachment 1 – Sample WA Product List

- Product range tailored to the local demographic,
- A quality dedicated packaged retail facility with a dedicated browse area,
- A safe and comfortable browse area with well-trained and knowledgeable staff offering outstanding customer service,
- Access to special dietary and alternative choices of alcohol products, e.g., Gluten Free, Vegan, Low Alcohol, etc., not available in the Locality,
- Access to a range of low-intervention or “lo-fi” wine products,
- Personalised customer service with a strict Code of Conduct and Responsible Service of Alcohol practices,
- Tastings and education provided for specialty and, and
- The ability to request products that are not currently available.

2.18 In addition to meeting specific customer product requests, Piara Cellars will enrich the local community by supporting regional producers, generating job opportunities, and offering superior local products.

2.19 Positioned within the Piara Village Shopping Centre, this independent liquor store aims to enhance service to the community by combining convenience with a commitment to local quality and employment.

Product Tasting and Education

2.20 Piara Cellars' customer service approach will also include personalised recommendations for new products based on consumers' preferences. The proposed premises will offer value-added educational services such as product tasting and expert advice on pairing food and beverages.

2.21 As permitted under the Act, the Applicant intends to offer products for tasting, including wine, beer, and cider products. These tastings will be conducted responsibly, and consumers will be limited to one tasting per product, with food such as cheese and crackers offered.



Figure 8: Tastings at the Applicant's other Liquor Stores

- 2.22 The quantities of the tastings to be provided will be in accordance with those prescribed in the Director's Policy being:
- Wine – 50 mls,
 - Beer – 100 mls, and
 - Spirits – 15 mls (if undertaken).
- 2.23 Tastings will be provided in single-use plastic glasses, negating any glass storage and cleaning/sanitising requirement.
- 2.24 Free drinking water will be available at all times, and samples of liquor will be available for tasting.
- 2.25 All tastings will be conducted under the full responsibility and supervision of the Licensee or Approved Manager at all times.
- 2.26 The Applicant will leverage these notes from these tastings to enhance both staff and patrons' understanding of their beverage preferences. With this knowledge, Piara

Cellars' staff can guide consumers on food and beverage pairings and make tailored recommendations.

2.27 The Applicant is committed to empowering consumers with the necessary information to make well-informed purchase choices. This includes details about alcohol content and country of origin, as well as guidance on taste profiles and food pairings, thus promoting responsible consumption.

2.28 Companies like Coena allow retailers to display and control their wine inventory digitally while allowing customers to browse and research in-store products (See Figure 6 below).

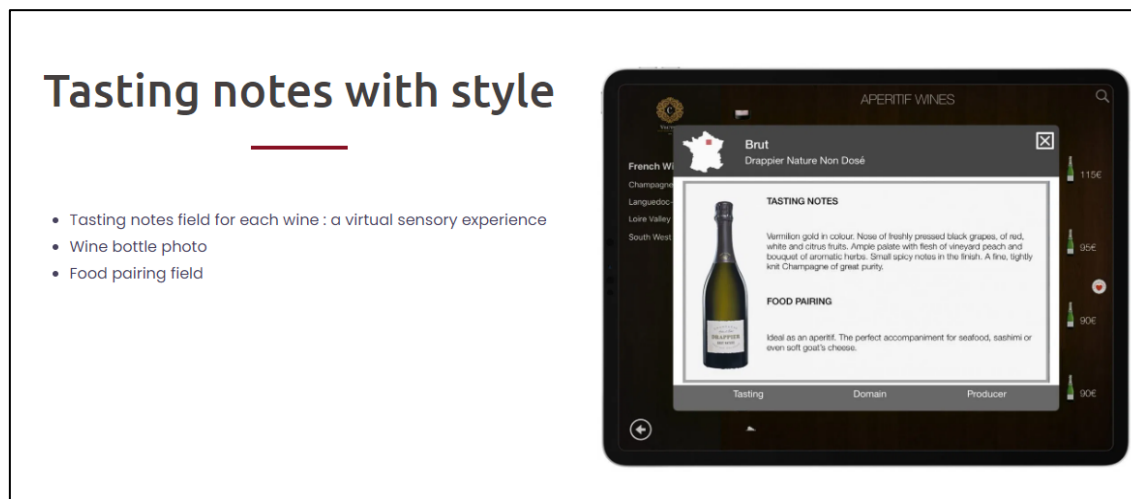


Figure 9: Coena Food Pairing Information System

2.29 This practice will further cater to consumers' contemporary requirements for liquor and related services by educating patrons about their liquor choices and how to pair them with food.

Local, National and International Craft Beer

2.30 In recent years, craft beer has emerged as a growing market in Australia, with consumers developing a palate for a diverse and interesting range of beers that go beyond the old favourites of yesteryear:

“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.”²⁹



Figure 10: Local Craft Beers

2.31 The craft beer market has grown rapidly in recent years, with more and more Australians choosing craft beer for its more distinctive flavour profiles. This is now seen

²⁹ <https://brewsnews.com.au/a-craft-beer-revolution/>

as less of a 'trend' in brewing circles and more of a market move to a more diverse and interesting beer offering³⁰.

"An emphasis on authenticity and small batches has made it difficult for larger brewers to establish new craft beer brands".³¹

2.32 The Shah Group has a strong history of supporting local Australian Beer producers through its many retail packaged liquor outlets.

2.33 Further, staff will be sourced from the local area, providing employment in Piara Waters for those looking for full-time and/or casual roles in the retail liquor industry.

Gluten and Allergen Free Alcohol Products



Figure 11: Two Bays Gluten Free Beers³²

2.34 The proposed premises also intends to stock a selection of low-alcohol, gluten and preservative-free, organic and other select alcoholic beverages that are not easily accessible in other liquor stores in the Locality. As consumers become more discerning about their consumption preferences and more people are diagnosed with allergies, these products are gaining popularity:

"Allergic disease in Australia

Allergies have emerged as a major public health problem in developed countries during the twentieth century. Australia and New Zealand have among the highest prevalence of allergic disorders in the developed world. An ASCIA-Access Economics Report estimated that in 2007:

- *4.1 million Australians (19.6% of the population) had at least one allergic disease,*
- *The highest prevalence of allergies is in the working-age population, with 78% of people with allergies aged 15 to 64 years,*
- *There are 7.2 million cases of allergy (i.e., an average of 1.74 simultaneous allergies per person),*

³⁰ <https://craftypint.com/>

³¹ <https://www.ibisworld.com/au/industry/craft-beer-production/5071/>

³² <https://www.twobays.beer/collections/beer>

- *The Australian population is ageing. If current trends continue, there will be a 70% increase in the number of Australians with allergy, from 4.1 million in 2007 to 7.68 million by 2050 (26.1% of the population or more than one in four Australians) compared to 5.62 million (19.1%) by mid-century due to demographic ageing alone and compared to one in five Australians today, and*
- *In Australia there is a lack of appreciation of the impact of allergic disorders on quality of life, and even less of the economic impact to society and individuals who suffer allergic disease. Raising awareness of the economic and health impacts is an important factor in facilitating the early recognition and control of allergic disease.”*³³

2.35 The Applicant will continually source available Gluten Free products as they come onto the market.

Organic, Biodynamic and Preservative Free Liquor Products

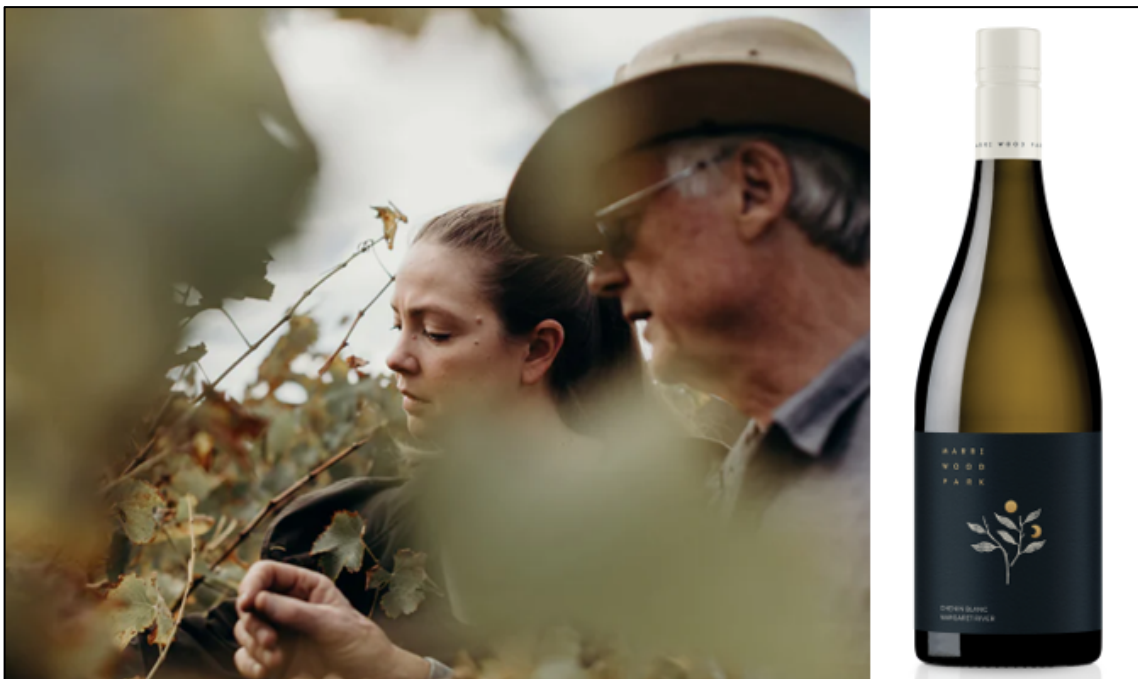


Figure 12: Marri Wood Demeter Certified Biodynamic Vineyard³⁴

- 2.36 Piara Cellars (subject to approval) also aims to stock a range of organic products to cater to consumers who wish to enjoy fewer chemicals and hormones in the production of their food and beverages.
- 2.37 Piara Cellars aims to offer a safe and convenient service to those shopping at Piara Village Shopping Centre and the surrounding locality. The proposed liquor store will cater to consumers with specific dietary requirements, including allergies, and those seeking healthier, low- or mid-alcohol options. Additionally, the store will offer a range of locally produced wines, beers, and ciders.

³³ http://www.allergycapital.com.au/allergycapital/allergies_in_australia.html

³⁴ <https://marriwoodpark.com.au/>



Figure 13: Fairbrussen Boutique - Sustainable, Biodynamic Wines³⁵

Mid-Strength, Low and No-Alcohol Products



Figure 14: No Alcohol Beers at the Applicant's Other Liquor Stores

- 2.38 The Applicant is committed to meeting the changing needs in the community by stocking a range of low- and no-alcohol products that encourage more responsible consumption practices, are lower in sugar, and are, therefore, healthier than their full-alcohol, high-sugar alternatives.
- 2.39 There is evidence to suggest that Australians are embracing the reduced alcohol wine and beer movement (including craft beer), with one well-regarded news outlet reporting that:

“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

³⁵ <https://www.fairbrossen.com.au/about/>

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.

The results have provided the best of both worlds for consumers who want to enjoy the health and social benefits of lower alcohol drinks, without sacrificing the taste.”³⁶

- 2.40 Along with mid-strength craft beer, the Applicant will also stock a range of low-alcohol beer that is also gaining popularity as brewers are able to combine lower alcohol with full flavour:

“The rise of low- and no-alcohol beer has been welcomed by the industry and by consumers looking for healthier serves. But this segment of the sector still has a lot of room for growth.

While the trend has been brewing for many years, in the last 12 months there has been a surge in the production of and demand for lighter beers with lower levels of alcohol. This isn’t to say that lager and other lighter styles of beer, such as Pale ale, Witbier or Saison, have ever fallen out of favour.

While the majority of the world’s lager is produced by the global brewing giants, the category has newfound respect in the craft beer world, as brewers attempt to recreate the elegant and refined Bohemian and German styles of Pilsner, Kölsch and Helles. According to figures provided by data monitor CGA, craft lager’s moving annual total has risen by 15.9% in volume and by 15.1% in value in two years, and by 10.9% and 11.4% respectively in the past year.

The no- and low-alcohol beer (Nablab) category has been transformed beyond all recognition. Whereas once, according to contributors to this feature, sampling the Nablab range was an “act of self-abuse” and “little better than drinking flavoured water”, with improvements in brewing techniques producers can now control the amount of alcohol created, rather than simply de-alcoholising the end product. Beers are thus able to retain their flavour.

In the 12 weeks to 12 August 2018, sales of no-alcohol beers were up by 58% compared with the same period last year, according to Kantar World Panel. Moving annual total of Nablab products has risen by 24.4% in volume and by 29.6% in value in two years – by 22.7% and 24.3 % respectively in the past year, according to CGA. “I have a non-alcoholic porter, IPA and lager in my fridge. You’d never have seen that a year ago,” says David Bremmer, director of marketing at Robinsons Brewery in Stockport.”³⁷

- 2.41 Low-alcohol wine is another product that is influencing how people consume liquor in Australia and is a consideration of the Applicant across their other packaged liquor outlets.

³⁶<https://www.news.com.au/lifestyle/food/midstrength-beers-and-wines-gaining-popularity-among-drinkers/news-story/2bc426de64c4195a7c82e740f925fe6f>

³⁷<https://www.thedrinksbusiness.com/2018/11/in-focus-top-trends-in-lower-alcohol-beer/>

- 2.42 This has come through a variety of interventionist matters, with alcohol management being one way that winemakers can retain flavour and complexity while reducing ABV:

“Winemaking techniques for alcohol management and flavour enhancement

Additives, such as oenological tannin and mannoproteins, can be used to improve mouthfeel and consequently quality of lower alcohol wines. However, a greater understanding of the compositional consequences of tannin and mannoprotein (MP) additions, and their interactions in the wine matrix, are needed. Trials involving the addition of commercial additives to ‘early’ and ‘late’ harvest Shiraz wines were undertaken, but the outcomes were inconclusive, likely due to the large compositional variation amongst the commercial additives.

As a consequence, the composition of 14 grape-based oenotannins and 8 MPs were profiled. Analysis showed that some products exhibited compositions in agreement with the labelled origin of material (i.e. grape seed and/or skin), while others did not. Furthermore, some products were marketed under different names for different oenological purposes, but their compositions were actually quite similar; with the same products marketed by different manufacturers (under different labels) showing significant compositional differences.

Based on those results, a subset of tannins and mannoproteins was selected and introduced into wine in different combinations and at different concentrations. However, no significant effect on wine body or astringency was perceivable by sensory analysis. It remains unclear if the difference in tannin levels between treatments was too subtle for the sensory panel to detect, or if the panel needed more training to achieve higher sensitivity.

However, significantly different interactions between two selected mannoprotein products and tannin were observed, suggesting that addition of polysaccharide fractions could modify wine polyphenolic composition. Preliminary trials may therefore be required during winemaking to determine the outcomes of their addition in particular wine matrices.”³⁸

- 2.43 Low-alcohol wines are also becoming more accepted by consumers:

“Consumer acceptance of lower alcohol wines

Wine is a very traditional product with high symbolic value, but recent trends in wine consumers’ behaviour support modifying (reducing) alcohol levels, either by partial or complete dealcoholisation. Existing lower/low alcohol wines have not been very successful due to people experiencing these wines as less traditional, less complex and without varietal character. This study examined whether the intrinsic innovation of a product will elicit a stronger influence on perceived authenticity when the product is traditional rather than not traditional.

The preliminary exploratory approach towards low alcohol wines, involving twelve focus groups and wine tastings, was conducted in Indonesia, where wine is not a

³⁸ <https://www.awri.com.au/wp-content/uploads/2024/05/s2013-Supplements.pdf>

traditional product, Australia, where wine consumption is part of the culture and in France where wine is considered as a very traditional product. Overall results indicated that Indonesian participants are more open to consuming low/no alcohol wine and still consider the product to be wine in contrast to Australian and French participants, who reacted more negatively to the product innovation and did not consider the product to be wine. Quantitative results indicated that traditionalist perceptions influence perceptions of authenticity, which in turn significantly influences purchase intention.”³⁹

Zero Alcohol Spirits

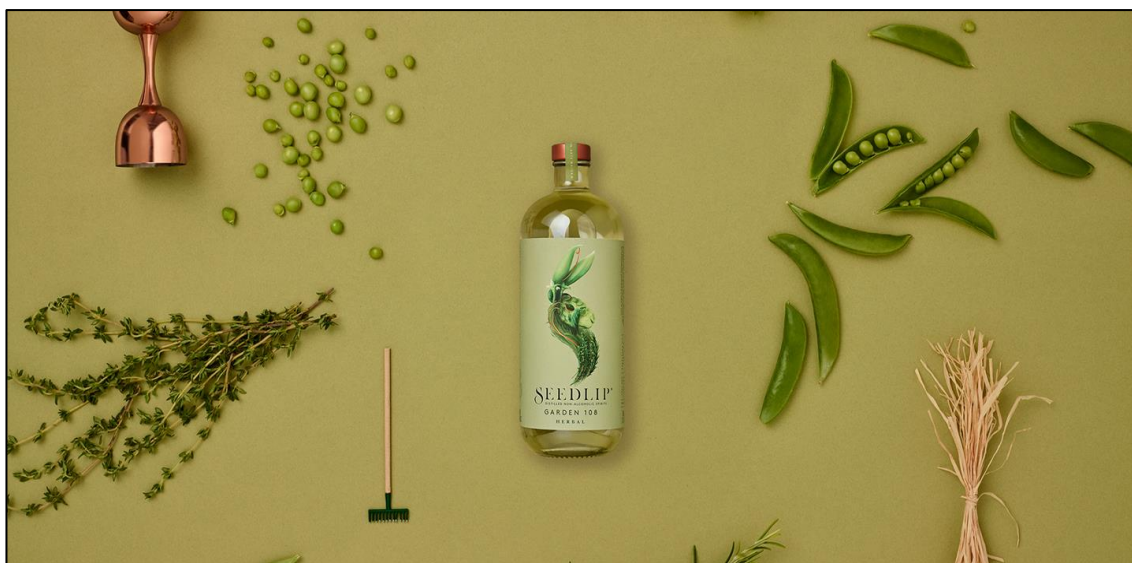


Figure 15: Seedlip Non-Alcoholic Spirits

2.44 The latest in the healthy alcohol trend, zero alcohol spirits are becoming more popular in Australia:

“Low and no-alcohol beer and wine have been around for a long time, but spirits options have been rare until the UK company Seedlip launched the world's first distilled non-alcoholic spirits in 2015. Last year the startup cashed in when the alcohol giant Diageo, which owns Johnnie Walker, Smirnoff, Baileys, Tanqueray and Guinness, bought a majority share.

After seeing Seedlip's huge success, Rockhampton gin and rum distillers Catie and Warren Brewer, of Saleyards Distillery, developed Australia's first range of three zero-proof clear spirits. The brand, named Clovendoe, makes concentrates reminiscent of the flavours in gin.

It comes in three varieties: Seed, Sprout and Stem.

Ms Brewer said Seed was like an Australian native kind of ‘inspired lavender rosemary smell of your nanna's backyard with lemon myrtle’.

³⁹ <https://www.awri.com.au/wp-content/uploads/2024/05/s2013-Supplements.pdf>

*'Sprout is very Middle Eastern — inspired by the whole spice trail with cardamom, cinnamon, rose and grapefruit, and Stem is Asian-inspired with lemongrass, mint and kaffir lime leaf,' Ms Brewer said.*⁴⁰

- 2.45 The Applicant will carry a range of zero-alcohol spirits and is willing to order any products that consumers in the Piara Waters locality require to meet their contemporary requirements.



Figure 16: Examples of the Applicant's Non-Alcoholic Range through Shift Lane Drinks

- 2.46 In line with this commitment towards non-alcohol beverages, the Director of the Applicant company, Mr Shah (The Shah Group), has started an online store called Shift Lane Drinks⁴¹ aimed at this market segment:

"It was a response to seeing such a big demand over Christmas for non-alcoholic drinks and particularly wine and beer." Mr Shah said.

"Because our actual liquor store is quite small, we just can't fit everything in there, so we decided to start a business."

Be believed the shift away from alcohol, for some, was here to stay.

"From a Perth perspective and a WA perspective, a lot of WA products are coming online slowly because I think producers are realising it's not a trend, it's not a fad," Mr Shah said.

⁴⁰<https://www.abc.net.au/news/2020-02-14/low-alcohol-no-alcohol-gin-and-rum-growing-interest/11958288>

⁴¹<https://shiftlanes.com.au/>

“It will get saturated at some point, maybe a few years, but I think people who are serious about it, and once quality improves, I think it will be here to stay.”⁴²

3 The Applicant

- 3.1 The Applicant is committed to engaging with the DLGSC, the Liquor Enforcement Unit (LEU), the CHO’s office and local WA Police if and when required and will abide by any relevant conditions imposed by the Licensing Authority in the public interest.
- 3.2 Mr Jay Shah, Director of the Applicant Company Normalnow Pty Ltd, has relevant and varied experience and qualifications in the retail hospitality and liquor industry.
- 3.3 The experienced Applicant, part of the Shah Family Group, currently operates 12 IGA Supermarkets, including:
- Tucker Fresh Atwell,
 - Tucker Fresh Broadway (Nedlands),
 - Tucker Fresh Carine,
 - Tucker Fresh Dalkeith,
 - Tucker Fresh Exchange Cellars,
 - Tucker Fresh Iluka,
 - Tucker Fresh Kinross,
 - Tucker Fresh Morris,
 - Tucker Fresh Nicholson Road,
 - Tucker Fresh Piara Waters,
 - Tucker Fresh Rossmoyne,
 - Tucker Fresh Treeby.
- 3.4 Further, the Shah Group operates a number of liquor stores associated with neighbourhood IGA supermarkets, including:
- Cellarsbrations at Morris Place,
 - Cellarsbrations at Lynwood,
 - Porters Liquor Claremont and
 - Porters Liquor Iluka Beach.

⁴² <https://www.businessnews.com.au/article/Booze-free-bevies-gain-traction>



Figure 17: Local WA Producers promoted by Porters Liquor Claremont⁴³

- 3.5 The Applicant is dedicated to supporting and advocating for smaller local producers and is passionate about the local liquor industry, particularly local products. To support a strong and diverse local liquor industry, the Applicant is motivated to create a platform that enables these local producers to showcase their products at an affordable price.
- 3.6 The experienced Applicant understands the rights and responsibilities as a liquor store operator and takes seriously the responsibility to provide a licenced premises that will be in the public's interest and have a minimal negative impact on the local amenity (subject to approval).
- 3.7 According to the WA Supreme Court decision regarding Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227, Justice Bess noted 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."*⁴⁴

⁴³ <https://www.facebook.com/portersliquorclaremont/photos>

⁴⁴ <https://jade.io/article/303163>

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

3.8 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,”⁴⁵

3.9 The Applicant has long supported the craft beer industry and will continue to support smaller local WA craft brewers, subject to the application being granted in the public interest. Accordingly, the same applies to smaller, boutique WA wine producers who do not get enough market access through the national chain liquor stores⁴⁶.

3.10 The Applicant is committed to applying the principles of the *Armadale Gosnells Canning Alcohol Action Plan 2023 – 2026* and will abide by any conditions recommended by and approved by the Director General in the public interest.

“The Armadale Canning Gosnells Local Drug Action Group (ACG LDAG) is a collaborative stakeholder group focused on reducing harms from alcohol. Working across the three local government areas, the Armadale Canning Gosnells Local Drug Action Group (ACG LDAG) has prepared a new three-year Plan for safer and healthier communities.”⁴⁷

4 Location and Locality

4.1 Piara Waters is a thriving suburb in the southeastern region of Perth, Western Australia. Located approximately 25 kilometres south of Perth's central business district, it enjoys excellent connectivity thanks to its proximity to the Kwinana Freeway and Armadale Road. Residents also benefit from the convenience of public transportation, with the Cockburn Central train station and bus interchange located just 2 kilometres away.

⁴⁵[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

⁴⁶ Attachment 5 – Written Support

⁴⁷https://www.armadale.wa.gov.au/system/files/documents/docs/Public_Health/ACGAlcoholActionPlan.pdf

4.2 Piara Waters is a liveable neighbourhood located on the periphery of the City of Armadale:

“Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans (regional, district and local) and subdivision for new urban (predominantly residential) areas in the metropolitan area and country centres, on greenfield and large urban infill sites.”⁴⁸

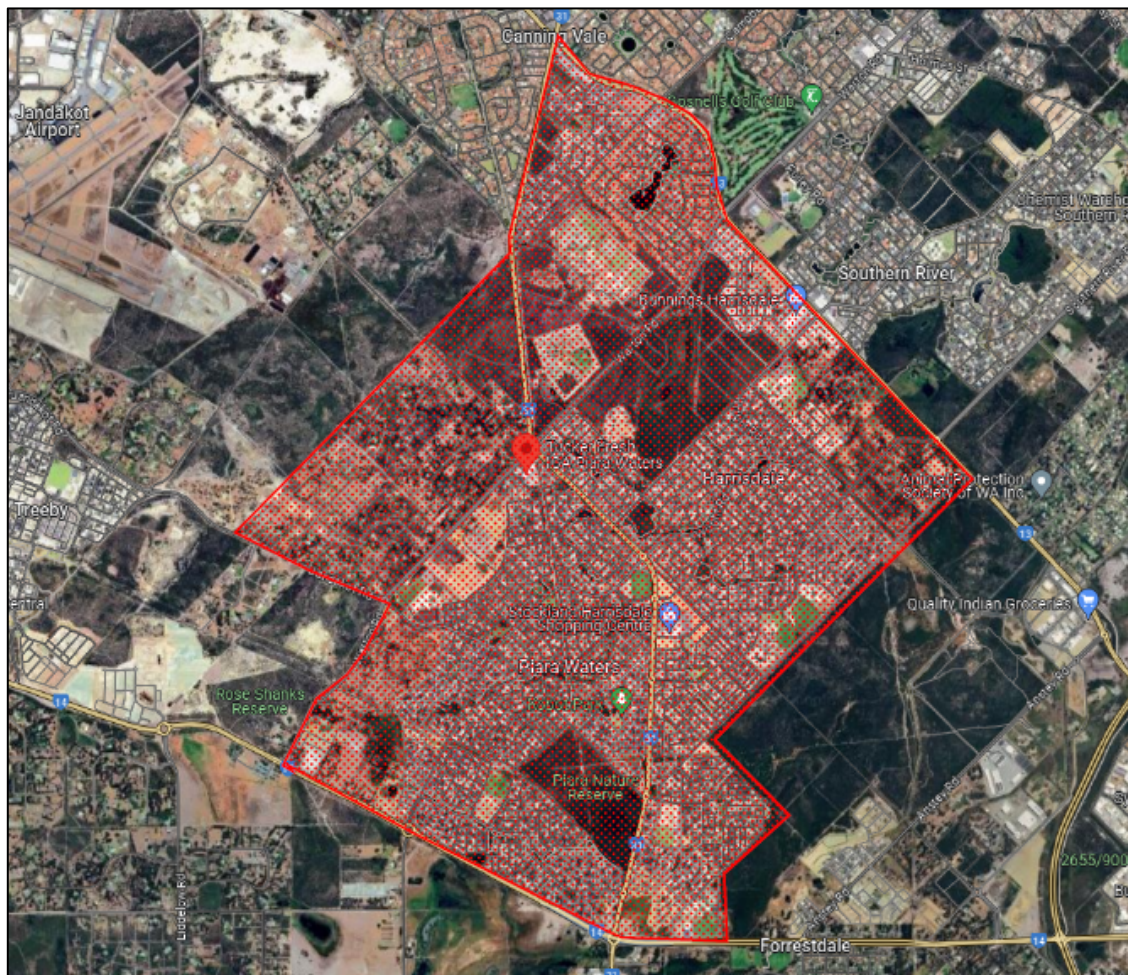


Figure 18: Piara Cellars Cells Defined Locality⁴⁹

4.3 In accordance with the Public Interest Policy 'Specification of Locality,' which defines the 'locality' affected by an application under the Act, the 'defined locality' of the proposed liquor store, Piara Cellars, located at 12 Erade Dr, Piara Waters WA 6112 where the proposed premises will be operated, pending approval.

“The term ‘locality’ in this instance refers to the area surrounding the proposed licensed premises. This locality will be the area most likely to be affected by the granting of an application in relation to amenity issues.”

4.4 In point 184 of [2021] WASC 366⁵⁰, Judge Archer clarifies the definition of “locality” within the law, confirming that it refers to the geographical territory surrounding and

⁴⁸ https://www.wa.gov.au/system/files/2021-05/FUT_LN_Liveable_Neighbourhoods_update_02.pdf

⁴⁹ <https://www.google.com/maps>

adjacent to the proposed site - essentially the “*neighbourhood*” of the site. This interpretation emphasises the significance of contemplating the characteristics and needs of the immediate neighbourhood when evaluating an application for a liquor licence.⁵¹

- 4.5 The proposed premises' locality has been determined based on guidance from the Premises Manager at the Department of Local Government, Sport, and Cultural Industries. This ensures that the application complies with the Licensing Authority's considerations.
- 4.6 The ‘*Defined Locality*’ is bounded by the Berrigan Drive and Jandakot Road to the north, Armadale Road to the south, Skeet Road to the east , and Warton Road and Nicholson Road to the west.
- 4.7 For the purposes of addressing Section 38(4) in this submission, the locality⁵² (as identified above) includes the suburb of Piara Water (where the proposed Liquor Store will be located), parts of Harrisdale, and a minor segment of Canning Vale East (Figure 4).
- 4.8 Accordingly, data from the Australian Bureau of Statistics 2022 Census⁵³ for the above suburbs has been used.

	Locality	Greater Perth	Western Australia
Population	51111	2116647	2660026
Median Age	33	37	38
Median Individual Income (Weekly)	\$1,011.33	\$859.00	\$848.00
Median Household Income (Weekly)	\$2,382.67	\$1,865.00	\$1,815.00
Median Family Income (Weekly)	\$2,467.00	\$2,259.00	\$2,214.00
Population Under 14 years	25.28%	18.96%	19.01%
Indigenous Persons	1.70%	1.99%	3.33%
Australian Born	46.93%	59.46%	61.98%
Speak English only at Home	50.62%	73.99%	75.29%
Couple Family without Children	24.90%	37.60%	38.80%
Couple Family with Children	63.50%	45.70%	44.60%
One Parent Family	10.47%	15.10%	15.10%
Other Family	1.20%	1.60%	1.60%

⁵⁰https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-direcotr-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0

⁵¹https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-direcotr-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0

⁵²<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/license-types-and-trading-hours/public-interest-assessment-policy>

⁵³<https://www.abs.gov.au/>

4.9 Analysis of Demographic Data for the '*Defined Locality*' Surrounding Piara Cellars:

- **Population Insights:** Piara Waters showcases a population of 51,111, presenting Piara Cellars as a broad consumer base with a multicultural character and dynamic.
- **Age Demographics:** A median age of 33 reflects a youthful and energetic community, to which Piara Cellars will offer a diverse range of products.
- **Income Distribution:** The locality indicates a median household income of \$2,382.67 weekly, significantly superior to the Perth and WA averages, indicating the potential for the proposed premises to cater to these consumers' contemporary requirements.
- **Family Dynamics:** There are a significant number of families with children (63.50%), so emphasising responsible alcohol service will be crucial.
- **Language and Cultural Considerations:** A notable 50.62% speak only English at home, with 46.93% Australian-born, guiding clear communication and a selection catering to local tastes.
- **Consumer Preferences:** The demographic profile underscores a strong inclination towards supporting local WA producers, aligning with consumer preference for regional offerings and a diverse selection of products.

4.10 The Piara Waters locality is experiencing significant growth with a structured plan approved for more than 400 new houses and a new primary school, aimed to accommodate an increase in population by around 1300 people. This development underscores the suburb's rapid expansion and the local government's commitment to enhancing the community's infrastructure and amenities, indicating a promising environment for new businesses like Piara Cellars⁵⁴.

4.11 These attributes of Piara Cellars will introduce an added, accessible service to the Piara Village Shopping Centre, aiming to fulfil the contemporary requirements of local residents and visitors to the locality. This addition will serve as a convenient option for those seeking to complete their weekly shopping in one location, enhancing the shopping centre's appeal as a comprehensive retail hub.

Relevant Town Planning Considerations

Metropolitan Region Scheme

4.12 The Metropolitan Region Scheme (MRS) serves as the statutory guide for land use planning in the Perth metropolitan region, with '*Liveable Neighbourhoods*' being a key policy within this framework. This policy pertains specifically to new urban areas, primarily residential spaces, in both the metropolitan region and country centres. It applies to greenfield and sizeable urban infill sites.⁵⁵

⁵⁴ <https://www.yourlocalexaminer.com.au/piara-waters-housing-boom-continues/>

⁵⁵ https://www.wa.gov.au/system/files/2021-07/SPP_draft_4-2-activity-centres.PDF

- 4.13 When preparing a structured plan under the MRS, careful consideration should be given to the principles and requirements outlined in the Liveable Neighbourhoods policy. The proposed Liquor Store is consistent with the 'Urban' MRS zoning and, accordingly, has been thoroughly researched and identified as an amenity required to cater to the requirements of consumers in the locality.⁵⁶

City of Armadale: Local Planning Strategy - Town Planning Scheme No. 4⁵⁷



Figure 19: Piara Waters Shopping Centre

- 4.14 The City of Armadale Town Planning Scheme emphasises the need for suitable land to accommodate growth, supporting local economic development while maintaining housing affordability. It encourages statutory land use zoning changes supported by environmental and servicing studies to supply well-located land for urban residential development purposes. The areas identified for urban development include greenfield and infill locations aimed at accommodating the City's expected population growth.
- 4.15 The objectives outlined in the document under the Urban Development Strategy and Strategic Plan sections reflect the intent to provide a framework for future land use and encourage a variety of residential accommodations through a range of residential densities. This is aimed at fostering diverse residential environments and supporting the development of communities with adequate commercial and recreational amenities.

⁵⁶ https://www.wa.gov.au/system/files/2021-05/FUT_LN_Liveable_Neighbourhoods_update_02.pdf

⁵⁷ https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning_and_Land_Use/Local_Planning_Strategy.pdf

4.16 The Piara Village Shopping Centre is deemed to be a neighbourhood shopping centre, as outlined in the Local Planning Strategy.

4.17 A 'Neighbourhood Centre', as defined in the 'State Planning Policy 4.2: Activity Centres for Perth and Peel'⁵⁸ states:

"5.1.2 Neighbourhood and local centres

- 1. Neighbourhood centres are important local community focal points that help to provide for the main daily to weekly household shopping and community needs. They are also a focus for medium density housing. There are also many smaller local centres such as delicatessens and convenience stores that provide for the day-to-day needs of local communities.*
- 2. Neighbourhood and local centres play an important role in providing walkable access to services and facilities for communities. These centres should be recognised in local planning strategies, and also in structure plans for new urban areas."*

4.18 The Piara Village Shopping Centre is poised to become a central hub for retail, commercial, and hospitality services in Piara Waters. This development caters to the requirements of the existing and expanding population in the locality. This will also minimise the necessity for residents to travel significant distances outside the locality for regular household requirements, including packaged liquor, improving convenience and accessibility.

4.19 The *State Planning Strategy 2050*⁵⁹ is the highest-order planning instrument in the Western Australian planning system and is built on the web of interconnections that currently exists across the Government.

4.20 The *State Planning Strategy 2050* states the following regarding the development of liveable, diverse and inclusive communities:

"Social infrastructure improves liveability, encourages social inclusion, diversifies the economy by building social capital and is an essential ingredient for creating sustainable communities. Social infrastructure is the interdependent mix of facilities, places, spaces, programs, projects, services and networks that maintain and improve the standard of living and quality of life in a community.

The key to liveable, inclusive and diverse communities is the collaboration between people and organisations involved in the strategic planning of social infrastructure and those participating in the delivery of social services. A liveable place is safe, attractive, affordable and environmentally sustainable, with a socially cohesive and inclusive community, good access to public open space, employment, education,

⁵⁸https://www.wa.gov.au/system/files/2023-07/spp_4.2-activity-centres.pdf

⁵⁹https://www.wa.gov.au/system/files/2021-05/FUT-SPS-State_Planning_Strategy_2050.pdf

shops, healthy food, arts and culture, accessible and frequent public transport, and walking and cycling infrastructure.”⁶⁰

4.21 Strategies for ensuring good design are outlined in the Government’s policy, ‘*Better Places and Spaces: A Policy for the Built Environment in Western Australia*’:

“The Government’s ‘Liveable Neighbourhoods’ policy promotes compact settlement structures that are safe, accessible and responsive to the environment, with the capacity to meet the long-term needs of a community.”⁶¹

4.22 The *State Planning Strategy 2050* emphasises enhancing the local economy through fostering small-scale entrepreneurship and creating new niches in service, retail, and customer sectors. It aims to increase the availability of quality goods, services, and jobs, promote local ownership, and reduce reliance on council resources.

4.23 Additionally, it stresses improving liveability by ensuring quality of life, safety, and community engagement, alongside promoting inclusivity through improved sociability, cultural exchange, and youth engagement. The ‘*Liveable Neighbourhoods*’ policy advocates for compact, safe, and environmentally responsive community structures.

4.24 The Applicant asserts that conditional approval of the proposed Piara Cellars in the Piara Village Shopping Centre is in the public interest. The operation, in accordance with the Director of Liquor Licensing’s policies and with licence conditions, will enhance the variety of amenities designed to meet the contemporary requirements of consumers in the locality.

5 Liquor Control Act 1988 Legislative Framework

5.1 This application is for the conditional grant of a Liquor Store Licence in accordance with Section 47⁶² of the Act.

5.2 **The primary Objects of the Act as set out in Section 5 (1) are:**

a) *To regulate the sale, supply and consumption of liquor:*

- As demonstrated by the HMP⁶³ attached, the Applicant is committed to adopting responsible practices in the sale and supply of packaged liquor, including (but not limited to):
 - Minimal, controlled external advertising,
 - A selection of low and mid-alcohol beer to be available at all times,
 - ID25 checks,
 - Not permitting service to persons in school uniform (regardless of ability to produce legal photo ID),

⁶⁰ Section 3, page 86 https://www.wa.gov.au/system/files/2021-05/FUT-SPS-State_Planning_Strategy_2050.pdf

⁶¹ https://www.wa.gov.au/system/files/2021-06/SPP-7-0-Design-of-the-Built-Environment_0.pdf

⁶² [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

⁶³ Attachment 4 – Harm Minimisation Plan

- A range of specialty products, including (but not limited to) local WA-made products, low-alcohol products, dietary-specific products and locally produced craft beer products not readily available elsewhere in the defined locality⁶⁴.
 - CCTV coverage will be provided throughout the store, including the entrance, exit, and delivery area. The footage will be recorded during operational hours and accessible by staff, WA Police, and any other authorised person as required by the Director's Policy⁶⁵.
 - All staff of the proposed Piara Cellars will be required to undergo and complete the appropriate RSA training in accordance with Sections 33⁶² and 103A⁶² of the Act.
 - A copy of each staff member's RSA certificate kept on premises in a Training Register as per the Director's Policy in *Mandatory Training*⁶⁶.
 - The Applicant will adhere to the principles of the *Armada Canning Gosnells Alcohol Action Plan 2023 - 2026*⁶⁷, actively participate in meetings and abide by any resolutions or strategies the Liquor Accord deems appropriate.
- b) to minimise the harm or ill-health caused to people, or any group of people, due to the use of liquor:**
- The proposed liquor store's layout will be consistent with the *Safer Places By Design* Planning Guidelines 2023,⁶⁸ incorporating CCTV coverage throughout the well-lit store.
 - The reputation and experience of the Director of the Applicant Company as a liquor retailer in WA.
 - The robust HMP has delivered positive results at the Applicant's other liquor store operations in the state.
 - Including visual signage will reflect the Licensing Authority's regulations surrounding purchasing takeaway packaged liquor, including new regulations around the secondary supply of liquor to juveniles.
 - The Applicant will stock a selection of low and non-alcoholic products to encourage more responsible drinking practices.
 - Persons in school uniform will not be served, regardless of age and ability to produce relevant photo ID.

⁶⁴ Attachment 1 – Sample WA Product List

⁶⁵ <https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

⁶⁶ <https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

⁶⁷ https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Public_Health/ACGAlcoholActionPlan.pdf

⁶⁸ <https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

c) *To cater to the requirements of consumers of liquor related services, with regard to the proposed development of the liquor industry, the tourism industry and hospitality industries in the state:*

- The State Planning Authority has deemed it necessary to support developments such as Piara Village Shopping Centre, demonstrating that additional housing and amenities are required to cater to the requirements of the current and growing population in the locality.
- A dedicated, browse packaged liquor amenity in the Piara Village Shopping Centre is an amenity available to other consumers in the State.
- The proposed supermarket and liquor store is supported by a majority of the Consumer Survey respondents.
- The Applicant is committed to developing the local liquor and tourism industries by supporting local WA and Australia producers of craft beer, cider, wines, and spirits, some of which are currently only available at the Cellars/Brewery Door and limited independent retailers.
- Being independently owned and operated, the Applicant submits that they can tailor the product range to cater to the requirements of local consumers based on consumer requests and feedback.
- The Applicant is also committed to catering to the rising number of consumers who have allergies and welcomes the opportunity to develop this growing and under-catered side of the liquor industry as previously outlined in these submissions.
- The Consumer Surveys completed by members of the local community indicate that the majority of consumers in the locality support the proposed liquor store.
- Subject to approval, a new independent liquor store will employ local people, support the local WA liquor and tourism industry, and provide a much-needed amenity for the current and future residents of the locality.
- Product tastings will be offered to consumers where appropriate.

5.3 The secondary Objects of the Act as set out in Section 5(2) are:

a) *To facilitate the use and development of licenced facilities, including their use and development of live original music, reflecting the diversity of requirements of consumers in the state:*

- The development of the Piara Neighbourhood Centre signifies a significant expansion in Piara Waters, and the provision of a range of amenities is relevant and appropriate for a city growing at the rate of Armadale.
- The Piara Neighbourhood Centre has been carefully and responsibly considered by the State Planning Authority.
- The proposed liquor store will carry a range of WA-produced wines and other alcohol products from smaller local producers who do not produce

large enough quantities to get market access at the national chain liquor stores. This will support small producers in WA, one of the major drivers of tourism visitors to the state.

- The Applicant will also provide a range of low-alcohol products and allergy-specific liquor products to offer diversity to the other liquor stores in the locality.
- The proposed liquor store will complement the IGA supermarket and related services at the Piara Village Shopping Centre development as per the State Planning Authority masterplan of the commercial precinct and provide a convenient, accessible, local amenity for local residents.
- As part of this Public Interest Assessment, a Consumer Survey was undertaken in the locality. A majority of the respondents indicated that they believed that the proposed Piara Cellars, operating under a Liquor Store Licence, would provide a convenient and required amenity at the Piara Village Shopping Centre.
- The Applicant is committed to working with the Department of Local Government, Sport and Cultural Industries, the WA Police, the WA Department of Health, the City of Armadale and other relevant and local authorities throughout the application process and while operating the proposed premises (subject to approval).

d) To provide adequate controls over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor:

- All employees involved in the sale and supply of alcohol will undergo the appropriate RSA training from a Nationally Accredited Training Provider, and their qualifications will be kept in a Training Register on the premises to be known as Piara Cellars, in accordance with the Director's Policy on Mandatory Training⁶⁹.
- The presence of an Approved Manager at all times to oversee the store's operation in compliance with all licensing and regulatory requirements relating to 'Managers at Licensed Premises'⁷⁰. The Approved Manager will always be available to respond to the concerns of patrons, local residents and local law enforcement officers (if any).
- The implementation of the HMP that incorporates a Code of Conduct, Management Policy and House Management Plan that will be in place at all times and will apply to patrons, staff and management at all times in accordance with the Department's policy on Harm Minimisation⁷¹.

⁶⁹ <https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

⁷⁰ <https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/approved-managers>

⁷¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/harm-minimisation-policy>

- Visual signage will be used within the store to remind patrons and staff of Liquor Licensing requirements concerning the sale and supply of packaged liquor.
- A comprehensive CCTV system will be installed at the proposed liquor store, with cameras covering the entrance/exit and delivery areas, in accordance with the Director's policy on Safety and Security at Licensed Premises⁷².

e) To provide a flexible system with as little formality or technicality as may be practicable for the administration of this Act:

- The Applicant acknowledges that a Liquor Store Licence is a high-risk application and accordingly has diligently addressed all necessary requirements to satisfy Section 5, section 36B(4) and Section 38 (2) and (4) of the Act.
- The relevant documentation to comply with Section 68 of the Act has also been submitted by the Applicant.
- Should there be a minor perceived deficiency (if any) in the Applicant's submission, the Applicant requests that the Director apply an appropriate level of discretion and flexibility in conditionally granting the licence in the public interest as afforded by this section of the Act.

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:

- The Applicant is an experienced and responsible Licensee who will ensure that any in-store promotion is suitable and does not support excessive liquor consumption.
- The Applicant will at all times adhere to the Director's Policy on the *Responsible Promotion of Liquor*⁷³.

5.4 Section 16 of the Act details that the licensing authority should act based on principles of fairness, good conscience, and the significant merits of the case. The authority should not be overly formal in its approach and is not required to follow strict rules of evidence.

5.5 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 it considers in the public interest.

5.6 The Applicant has demonstrated their creditworthiness, character, and conduct of other businesses and willingness to engage with relevant stakeholders and authorities to develop the liquor, hospitality, and tourism industry properly. They are qualified to hold a Liquor Licence in Western Australia.

⁷²<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

⁷³<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/promotion-of-liquor>

5.7 The Applicant is committed to actively engaging with any local government initiative designed to reduce alcohol-related harm in the locality. As an IGA operator, the Applicant has access to funding through the IGA Community Chest program.

5.8 The IGA Community Chest initiative supports local causes through grocery purchases at IGA stores. It contributes to communities and charities nationwide, responding to events like natural disasters or local needs such as sports equipment for children. Over 1,200 local projects benefit annually, and more than 25,000 donations have been made since 2010, significantly impacting local communities⁷⁴.



5.9 The Applicant is also committed to ongoing engagement with the DLGSC, the Cockburn Liquor Enforcement Unit (LEU), the CHO's office and local WA Police if and when required and will abide by any relevant conditions imposed by the Licensing Authority in the public interest.

6 Section 36B(4) of the Liquor Control Act 1988

6.1 The Applicant acknowledges Section 36B(4) legislation will apply to this application as follows:

Section 36B(4) of the Act:

*"4) The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the Locality in which the proposed licensed premises are, or are to be, situated."*⁷⁵

6.2 The DLGSC website states:

*"Concern regarding the impact of the proliferation of large packaged liquor outlets on the community has resulted in new legislative provisions that allow regulations to be prescribed setting out criteria that apply to applications for large packaged liquor outlets."*⁷⁶

6.3 Moreover, sections 36B, 77A, and Regulations 9AA, 9AAA, and 9AAB of the Liquor Control Regulations 1989 (the Regulations) stipulate the following:

2. An application will not be heard or determined by the licensing authority for the grant or removal of a licence if:

- a. the retail section of the proposed premises exceeds 400m²; and**
- b. an existing packaged liquor outlet with a retail section that exceeds**

⁷⁴ <https://www.iga.com.au/community-chest/>

⁷⁵ http://www7.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/consol_act/lca1988197/s36b.html

⁷⁶ <https://www.dlgsc.wa.gov.au/department/news/news-article/2019/11/01/new-provisions-relating-to-packaged-liquor-outlets>

400m² is located within 5 kilometres (metropolitan) or 12 kilometres (regional) of the proposed premises (distances are calculated using the shortest route by road).

- 3.** *an application will not be heard or determined by the licensing authority to alter or redefine a licensed premises if:*
 - a.** *the alteration or redefinition would result in the retail section of the premises increasing to more than 400m²; and*
 - b.** *an existing packaged liquor outlet with a retail section that exceeds 400m² is located within 5 kilometres (metropolitan) or 12 kilometres (regional) (distances are calculated using the shortest route by road).⁷⁷*

6.4 Section 36B(1) defines "prescribed distances", "prescribed area", "retail section", and "packaged liquor premises" and explains "local packaged liquor requirements":

"local packaged liquor requirements, 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."

6.5 Australian Leisure and Hospitality Group Pty Limited v Commissioner of Police & Ors [2017] WASC 88⁷⁸:

"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".

6.6 The publicly available information on the DLGSC website, with respect to the Director's Policy on Public Interest Assessments, states:

"Further, section 36B of the Act states that the licensing authority must not grant an application for a packaged liquor outlet of any size unless it is satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the Locality in which the licensed premises are or will be situated.

In this regard, applications for the grant of a new packaged liquor outlet must include evidence and submissions demonstrating that existing packaged liquor outlets in the Locality of the proposed packaged liquor premises cannot reasonably

⁷⁷<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/license-types-and-trading-hours/package-liquor-sales-policy>

⁷⁸https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/lc26-2018---peninsula-tavern---commission-decisione1cab950a970656ab79cff000037f661.pdf?sfvrsn=1368609b_3

satisfy the local packaged liquor requirements of the public.”⁷⁹

- 6.7 The Liquorland Karrinyup decision ([2021] WASC 366) is a landmark examination of the nuances of Section 36B(4) of the Act, particularly in determining whether present packaged liquor premises can reasonably meet local packaged liquor requirements. Her Honour Judge Archer emphasised the significance of considering convenience, product range, and accessibility as relevant factors under Section 36B(4), thus emphasising the need to evaluate the physical availability of packaged liquor and the broader consumer experience and accessibility in the locality.
- 6.8 Judge Archer's legal determinations, particularly in the context of Sections 5, 36B(4), and 38 of the Act, highlight the importance of carefully evaluating whether existing locations can adequately meet the public's reasonable requirements for liquor and related services without causing undue difficulty or inconvenience. This decision, which emphasises a comprehensive evaluation of consumer requirements and a clear definition of the "relevant public," is extremely pertinent and applicable to numerous aspects of this application.
- 6.9 Further in WASC 366 (the Liquorland Karrinyup decision), Judge Archer found that:
- “The purpose of legislation must be derived from the statutory text and not from any assumption about the desired or desirable reach or operation of the relevant provisions. The intended reach of a legislative provision is to be discerned from the words of the provision and not by making an a priori assumption about its purpose.*
- A section in a statute which specifically states the purposes or Objects of the statute is relevant to the proper construction of the statute. It is necessary to consider the method by which Parliament has implemented the specified purposes or Objects. The purposes or Objects must be read and understood in the context of the statute as a whole.”⁸⁰*
- 6.10 Judge Archer clarified that the interpretation of legislative provisions, such as determining the intent of the legislation, must be derived directly from the text of the statute and not from assumptions about its desired or preferable operation. This principle is crucial in understanding and applying the Act. It ensures that the meaning of a legislative provision is derived from its language, not assumptions about its intent.
- 6.11 Her Honour, in that decision, goes further to state:
- “The task of statutory construction in this case involves, among other things, construing the phrase 'requirements of consumers' in S 36B of the Act. This phrase also appears in s 5(1)(c).*
- There is ordinarily a presumption that the same word will bear the same meaning wherever it appears throughout an Act.”⁸¹*

⁷⁹ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

⁸⁰ Point 21 of [2021] WASC 366

⁸¹ Point 22 of [2021] WASC 366

- 6.12 In the decision, Judge Archer also emphasised the importance of consistent interpretation of phrases within a statute, noting that the phrase *'requirements of consumers'* in Section 36B should be interpreted similarly to how it appears in Section 5(1)(c), thereby ensuring a coherent and consistent application of the statute across sections and contexts.
- 6.13 Significantly, Judge Archer determined that "*'requirements of consumers for packaged liquor' in the definition of 'local packaged liquor requirements' in section 36B(1) of the Act is not limited to the physical item or product of packaged liquor, and that other matters also include matters of convenience, product range, and other matters*"⁸². This expansive interpretation highlights the importance of evaluating whether existing premises can satisfy the reasonable requirements of the public based on a wide range of factors.
- 6.14 At point 89 of [2021], WASC 366, it was stated that the words *'requirements of consumers'* should bear consistent meaning in s 36B(1) and s 5(1)(c) and may entail consideration of the same types of matters, subject to the facts and issues of a particular case. This consistency in interpretation is essential to ensuring that the Act is applied uniformly and fairly in a variety of contexts and applications.
- 6.15 In light of the Liquorland case's insights, it is essential to carefully implement the Liquorland case's (WASC366) principles in the current application under Section 36B(4) of the Act. A strategic, evidence-based approach will be used to demonstrate unquestionably that the proposed licensed premises are essential for meeting the local packaged liquor requirements, which are not adequately met by the local packaged liquor outlets.
- 6.16 The proposed premises, strategically located to serve both residents and non-residents passing through the locality, will offer a unique and diverse range of liquor products and related services, addressing the missing consumer requirements identified through the Consumer Surveys.
- 6.17 In accordance with the principles outlined in the aforementioned Liquorland case, all assumptions regarding consumers' reasonable requirements have been thoroughly verified and supported with objective evidence, ensuring that the application is grounded in factual accuracy and stands up to scrutiny.
- 6.18 Additionally, proactive engagement with the local community and stakeholders has been undertaken to ensure that the proposed premises caters to the reasonable requirements of packaged liquor and related services.
- 6.19 Feedback mechanisms have been established to facilitate ongoing dialogue and ensure that the proposed premises' operations will continue to satisfy the public's constantly evolving expectations.

⁸² Point 108 of [2021] WASC 366

6.20 Reflecting on the Woolworths Ltd⁸³ case, which underlined the value of centralised shopping hubs, the City of Armadale has approved a small liquor store within the Piara Village Shopping Centre. This recognises the need to cater to the current and growing local population's contemporary requirements and aligns with the consumer requirements highlighted in this application.

Proliferation

6.21 The Director of Liquor Licensing, in many decisions⁸⁴, refers to the second reading of the Speech in the WA Parliament, and the Applicant highlights that 36B(4) is intended to prevent the 'proliferation' of packaged liquor premises.

6.22 The statement, "34 Consequently, in my view, in order to give intent to the obvious legislative policy of restricting the grant of certain licences in order to prevent the proliferation of packaged liquor outlets in the community," underscores a legislative intent to regulate the rapid expansion of packaged liquor outlets.

6.23 Proliferation' is generally defined as:

- "to grow or increase or cause to grow or increase rapidly"⁸⁵
- "the sudden increase in number or amount of something; a large number of a particular thing"⁸⁶
- "the fact of something increasing a lot and suddenly in number or amount"⁸⁷

6.24 Considering the Woolworths Ltd⁸⁸ case, the Applicant has diligently ensured that the proposed liquor store aligns with consumer requirements, substantiating the application with robust evidence that addresses consumers' reasonable requirements for packaged liquor in the locality.

6.25 Furthermore, the Applicant has methodically navigated the legislative framework, ensuring that the application adheres to the Act and advocating for decisions by the licensing authority to be made in stringent compliance with statutory provisions.

6.26 The Explanatory Memorandum – Liquor Control Amendment Bill 2018, which introduced the new Section 36B legislation, articulates that:

"Proposed subsection (4) provides that the licensing authority must not grant an application for a new packaged liquor premises unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises

⁸³ <https://jade.io/article/284715>

⁸⁴ https://www.dlgs.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/directors-decisions/commune-wine-store-reasons100e7d4176b64a60bd143c0df60bcfb.pdf?sfvrsn=d66ca0eb_6

⁸⁵ <https://www.collinsdictionary.com/dictionary/english/proliferate#:~:text=proliferate%20in%20British%20English&text=1.,Collins%20English%20Dictionary>.

⁸⁶ https://www.oxfordlearnersdictionaries.com/definition/american_english/proliferation

⁸⁷ <https://dictionary.cambridge.org/dictionary/english/proliferation>

⁸⁸ <https://jade.io/article/284715>

in the Locality.”⁸⁹

6.27 Based on the aforementioned submissions, the Applicant submits that granting conditional approval of the Liquor Store Licence, which will cater to consumers' reasonable requirements of packaged liquor and related services and complement the diverse amenities of the Piara Village Shopping Centre, will not result in the proliferation of packaged liquor.

Reasonable

6.28 The Licensing Authority does not define the term reasonable; however, some determinations outline the approach of the Director of Liquor Licensing when evaluating certain applications under Section 36B(4).

6.29 Section 36(B)(4) does not define the phrase “*reasonably be met*,” nor does it provide prescriptive requirements for Applicants, leaving room for interpretative flexibility.

6.30 In a decision relating to application A122893507⁹⁰, the decision maker introduced two distinct approaches to interpreting the word ‘*reasonable*’. At point 32, the decision maker referred to the Oxford Dictionary, stating the following:

“The word “reasonably” does not invoke a particularly high threshold. In Charlie Cater Pty Ltd v Streeter and Male Pty Ltd, Malcolm CJ noted that:

The word ‘reasonable’ imports a degree of objectivity in that the word reasonable means sensible, ...not irrational, absurd or ridiculous, not going beyond the limit assigned by reason, not extravagant or excessive, moderate: Shorter Oxford Dictionary at 1667.”

6.31 According to the above definition, it does not invoke a particularly high threshold and implies a degree of objectivity, as in reasonable and not excessive.

6.32 Various sources define ‘*reasonable*’ as:

- *“based on or using good judgement and therefore fair and practical”⁹¹.*
- *“fair, practical, and sensible”⁹²*
- *“showing reason or sound judgement”⁹³*

6.33 In the context of Section 36(B)4 and consumer requirements, the Applicant has diligently considered the term “*reasonably met*.” This has been achieved by assessing various factors that extend beyond just the availability of liquor products, including aspects such as location, accessibility, convenience, competition, range, volume, and

⁸⁹[https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/\\$File/Bill_058-1.002.pdf](https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/$File/Bill_058-1.002.pdf)

⁹⁰https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/hangawee-outlet-northbridge436b61a50976489388d21bccd7d2d900.pdf?sfvrsn=83a7222e_4

⁹¹<https://dictionary.cambridge.org/dictionary/english/reasonable>

⁹²https://www.oxfordlearnersdictionaries.com/definition/american_english/reasonable#:~:text=%2F%CB%88riz%C9%99n%C9%99bl%2F,beforehand%20that%20this%20would%20happen.

⁹³<https://www.collinsdictionary.com/dictionary/english/reasonable#:~:text=adjective-1.,prescribed%20by%20reason%3B%20not%20excessive>

variety of liquor products in delivering a satisfying consumer experience without duplicating services in the locality.

Matters to be Addressed

6.34 Importantly the relevant matters to be addressed, as stated by Judge Lemonis in WASC128 [2024]:

Broken down into its constituent parts, s 36B(4) requires the Commission to address the following four matters.

1. What is the relevant locality?

6.35 The relevant locality for the proposed Piara Cellars has been determined with guidance from the Premises Manager at the Department of Local Government, Sport, and Cultural Industries. This locality includes the primary catchment area for residents, visitors, and those travelling through the locality for work or leisure. It is bounded by Berrigan Drive and Jandakot Road to the north, Armadale Road to the south, Skeet Road to the east, and Warton Road and Nicholson Road to the west.

2. What are the requirements of consumers for packaged liquor in the relevant locality?

6.36 In accordance with the understanding that '*Consumer requirements must be considered in a broader context*⁹⁴,¹ the Applicant has ensured that the proposed premises will cater to a diverse range of consumer requirements.

6.37 Recognising the importance of the diverse demographics of the community and the introduction of a different offering in terms of consumer choice and diversity,⁹⁵ the Applicant has ensured that the application is adaptable to evolving consumer demands and preferences, ensuring that the proposed premises can cater to evolving consumer requirements and preferences.

6.38 Consumer requirements for packaged liquor in the relevant locality have been comprehensively assessed through a Consumer Survey and numerous Letters of Support. The Consumer Survey conducted with 120 respondents from the locality, indicated strong support (90.00%) for the proposed Piara Cellars operating under a Liquor Store Licence, subject to approval:

- 81.67% live in the Piara Waters
- 12.50% travel to or through the Piara Waters locality for work

6.39 The Consumer Surveys and Letters of Support demonstrate a strong requirement for specialised products such as organic, gluten-free, vegan, and low-alcohol options.

⁹⁴https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/lc26-2018---peninsula-tavern---commission-decisione1cab950a970656ab79cff000037f661.pdf?sfvrsn=1368609b_3

⁹⁵https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/lc26-2018---peninsula-tavern---commission-decisione1cab950a970656ab79cff000037f661.pdf?sfvrsn=1368609b_3

Consumers in the locality seek a diverse range of high-quality products that reflect contemporary requirements and health-conscious choices. This requirement is driven by both residents and visitors who are looking for packaged liquor products that are not currently available in the existing packaged liquor outlets.

6.40 Judge Leminos clarified in WASC 128 that:

*"The absence of a de minimis requirement reinforces my view that s 36B(4) does not require the applicant for a packaged liquor store licence to establish that the relevant consumer requirements are considerable. Further, even if a de minimis requirement was to be imported (contrary to my view), such a requirement does not reach the level of considerable. It would only necessitate that the relevant consumer requirements are not trifling, or to use Liquorland's words, not insignificant or immaterial."*⁹⁶

6.41 The Hon. Justice S. Leminos deduced in WASC 128 [2024] that Judge Archer (WASC 366) comprehensively considered Section 36B, stating that:

"I cannot discern any error and I will adopt her Honour's reasoning as set out below. Her Honour observed:

- 1. the purpose of s 36B was to ensure that an additional licence would only be granted where such requirements could not reasonably be met by the existing premises;*
- 2. section 36B seeks to add an additional hurdle before a licence may be granted under which packaged liquor can be sold. It seeks to ensure that there are not multiple premises in close proximity to one another selling packaged liquor.*

Her Honour observed that the phrase 'requirements of consumers' in s 5(1)(c) has been interpreted to include such matters as shopper convenience and preferences, including the convenience of one-stop shopping. Her Honour also observed that 'consumer requirements' has been understandably assumed to mean what consumers demand or desire, as distinct from what they cannot manage without.

*Her Honour held that the phrase 'requirements of consumers' means the same in s 36B(1) and s 5(1)(c) and, subject to the facts and issues of a particular case, may involve consideration of the same types of matters. Thus, the phrase as used in s 36B(1) includes such matters as shopper convenience and preferences, including the convenience of one-stop shopping."*⁹⁷

6.42 The Applicant has considered 'catering for the requirements of consumers' in conjunction with 'the proper development of the industry' to ensure that the application is in alignment with the broader Objects of the Act and is capable of

⁹⁶[https://www.dlgsc.wa.gov.au/docs/default-source/default-document-library/liquorland-\(australia\)-pty-ltd--v--director-of-liquor-licensing-2024-wasc12860bc9582c0d44b2cadf04b244acbedbb.pdf?sfvrsn=eb68de15_0](https://www.dlgsc.wa.gov.au/docs/default-source/default-document-library/liquorland-(australia)-pty-ltd--v--director-of-liquor-licensing-2024-wasc12860bc9582c0d44b2cadf04b244acbedbb.pdf?sfvrsn=eb68de15_0)

⁹⁷[https://www.dlgsc.wa.gov.au/docs/default-source/default-document-library/liquorland-\(australia\)-pty-ltd--v--director-of-liquor-licensing-2024-wasc12860bc9582c0d44b2cadf04b244acbedbb.pdf?sfvrsn=eb68de15_0](https://www.dlgsc.wa.gov.au/docs/default-source/default-document-library/liquorland-(australia)-pty-ltd--v--director-of-liquor-licensing-2024-wasc12860bc9582c0d44b2cadf04b244acbedbb.pdf?sfvrsn=eb68de15_0)

catering to a diverse range of consumer requirements while ensuring no proliferation of packaged liquor outlets.

Objective Evidence:

The committed Applicant expended resources to gain specific data and objective evidence as follows to establish the Consumer requirements in the locality:

- Targeted Consumer Surveys to local residents within the Locality,
- Letters of Support, and
- Precedent Determinations.

Experience of the Applicant

6.43 The Applicant submits, based on their experience in the retail industry, that a variety of factors influence the packaged liquor requirements of consumers. These include, but are not limited to:

Product Availability:

- the ability to purchase all their regular and one-off packaged liquor requirements in a single shopping trip.
- A core range of beer, wine, cider, and spirits.
- A specialty range of allergen-free products (GF, preservative-free, vegan, low alcohol, etc.) in one convenient location.
- Meet the growing requirement for low- and no-alcohol products.
- Focusing on WA-made products, including premium wines, to support local industry with direct and indirect employment.

Customer service offered:

- Customer service is an important component of consumer requirements, and the Applicant prides itself on comprehensive customer service training, delivering a superior amenity to consumers⁹⁸.
- The proposed premises will have well-trained staff who can assist with patron inquiries and assist with food and wine/beer matching selections.
- Further, the product information will be provided in the form of tasting notes from producers of new and contemporary products that consumers in the locality may need to become more familiar with (i.e., rare wine varietals, new release vintages, specialty products, etc.).

⁹⁸ Attachment 4 – Letters of Support

- Staff will always readily provide information about food and beverage pairings.

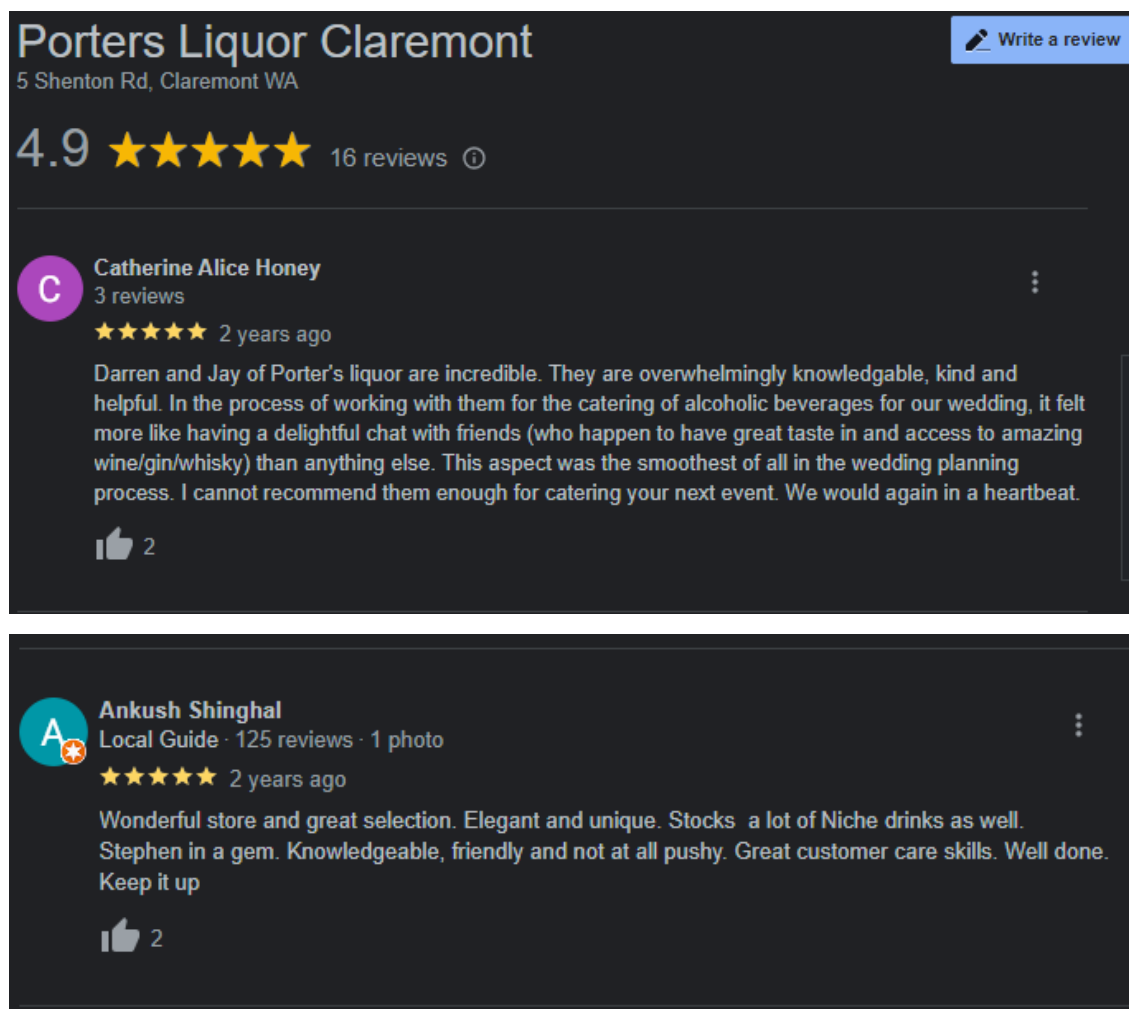


Figure 20: Porters Claremont Reviews (operated by the Shah Group)

- Staff will be trained to take product requests from consumers when required. Should a particular product not be available for any reason, staff will communicate this to the patron and suggest a comparable alternative product that is currently in stock.

Accessibility:

- Access to the proposed liquor store is improved via foot, pushbike, car, or public transport.
- The proposed premises has ease of access by foot or vehicle, parking provision, and safety of parking areas.
- The Applicant submits that the proposed premises will provide a new amenity to meet the contemporary and diverse requirements of local consumers, including but not limited to those who will undertake their regular household shopping at the Piara Village Shopping Centre and consumers resorting to the locality for work or leisure.
- The proposed premises will be accessible by shopping trolleys, providing convenient access to the amenities and other related services in the nearby

shopping centre.

Related Services:

- The proposed liquor store will be located alongside a range of related commercial services designed to meet local consumers' daily and weekly needs.
- The location relevant to this application would include (but not be limited to):
 - Supermarket amenity provided by the new Piara Waters Tucker Fresh IGA supermarket, operated by the Applicant,
 - Automotive services, childcare, fitness, well-being, food and beverage amenities, as well as specialty shops.

Safety:

- The proposed premises have been designed according to the *Safer Place By Design* (CPTED) principles, with safety foremost in mind and will be well-lit at all times.
- There will be CCTV throughout the proposed premises in accordance with the Director's Policy on *Safety and Security at licensed premises*⁹⁹.
- CCTV has also been installed at the shopping centre.
- The related services at the shopping centre will provide passive surveillance of the liquor store.
- The Tucker Fresh IGA supermarket will be trading during the times the proposed liquor store is open.

Convenience:

- Consumers can undertake more than one task (i.e., liquor shopping and related services including but not limited to grocery shopping) in a single trip or at one time.
- This ability to undertake multiple tasks at one convenient location is a reasonable expectation of consumers across the State.

3. What packaged liquor services are provided by existing packaged liquor premises in the relevant locality?

6.44 Refer to Attachment 8 for the analysis of the packaged liquor outlets in the locality¹⁰⁰.

6.45 In alignment with the emphasis on convenience, product range, one-stop shopping and accessibility, Piara Cellars is thoughtfully positioned to cater to consumer requirements effectively. This approach is informed by consumer feedback and detailed analysis, which indicate that the local packaged liquor requirements are currently unmet. The proposed premises aims to bridge this gap by providing easy

⁹⁹<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

¹⁰⁰ Attachment 8 - Packaged Liquor Outlets

access, a comprehensive shopping experience, and a wide selection of products, fulfilling the community's requirement for diverse and quality liquor offerings.

4. Whether the local packaged liquor requirements cannot reasonably be met by those existing packaged liquor premises.¹⁰¹

6.46 Amenities/Related Services at Existing Packaged Liquor Outlets:

- No specific tasting area.
- Limited selection of dietary-specific, organic, or small-batch WA products.
- Mainstream product focus with limited specialty items.
- Not all are co-located with a supermarket and/or related services.

6.47 The new contemporary packaged liquor premises at Piara Cellars aid in the development of the liquor industry; supporting local and small-batch producers will also aid in the development of the tourism industry as their cellar doors attract tourists and visitors to the place of origin.

6.48 Based on the objective evidence, it is uncontroversial that the local packaged liquor requirements cannot reasonably be met by the existing packaged liquor premises in the locality. The lack of specialised products, such as those offered by Piara Cellars, also highlights this requirement. The current packaged liquor outlets do not provide unique, health-conscious products to consumers in the locality. Piara Cellars' offering will cater to this unmet requirement, aiding in the development of the liquor and hospitality industries.

6.49 Recognising the importance of the changing demographics of the community and the introduction of a different offering in terms of consumer choice and diversity, the Applicant has ensured that the application is adaptable to evolving consumer demands and preferences, ensuring that the proposed premises can cater to evolving consumer requirements and preferences.

6.50 The application for Piara Cellars includes objective evidence by way of Consumer Surveys and Letters of Support demonstrating that the current packaged liquor outlets within the locality do not adequately meet the local packaged liquor requirements by confirming that:

"existing packaged liquor outlets in the Locality of the proposed packaged liquor premises cannot reasonably satisfy the local packaged liquor requirements of the public."¹⁰²

6.51 The Applicant has considered '*catering for the requirements of consumers*' in conjunction with '*the proper development of the industry*' to ensure that the application aligns with the Objects of the Act and is capable of catering to a diverse

¹⁰¹[https://www.dlgsc.wa.gov.au/docs/default-source/default-document-library/liquorland-\(australia\)-pty-ltd--v--director-of-liquor-licensing-2024-wasc12860bc9582c0d44b2cadf04b244acbedbb.pdf?sfvrsn=eb68de15_0](https://www.dlgsc.wa.gov.au/docs/default-source/default-document-library/liquorland-(australia)-pty-ltd--v--director-of-liquor-licensing-2024-wasc12860bc9582c0d44b2cadf04b244acbedbb.pdf?sfvrsn=eb68de15_0)

¹⁰²<https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

range of consumer requirements.

- 6.52 The Applicant has also considered 'the positive and negative social, economic, and health impacts on the community,' thereby maintaining a balanced and responsible approach to liquor licensing. As substantiated by Judge Archer in 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)."*¹⁰³

7 Public Interest

- 7.1 According to section 38 of the Act, the licensing authority is required to assess whether the granting of an application is in the public interest. The Butterworth's Australian Legal Dictionary defines the term 'public interest' 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"

*The public interest provisions enable the licensing authority to consider a broad range of issues specific to each licence or permit application, and flexibility exists to assess each individual application on its merits."*¹⁰⁴

- 7.2 Normalnow Pty Ltd submits that the conditional grant of the proposed Liquor Store Licence for Piara Cellars will be in the public interest as per Section 38(2) and (4) of the Liquor Control Act 1988 for the following reasons:

- Enhancing the Piara Village Shopping Centre with convenient packaged liquor options.
- Serving the local population with a tailored, small-scale liquor store.
- Providing a diverse product range without promoting heavy discounts on low-cost liquor.
- Ensuring a responsible layout distinct from the supermarket.
- Catering to dietary preferences and offering a selection of low to zero-alcohol options for various consumer needs.
- Supporting local WA producers facing challenges in larger retail spaces.
- Delivering personalised services for consumer-specific requests.
- Prioritising public safety with a comprehensive Harm Minimisation Plan.

¹⁰³ https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-decisions/liquorland-australia-pty-ltd-v-director-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0

¹⁰⁴ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

Piara Village - Neighbourhood Shopping Centre

7.3 A review of the Western Australian Planning Commission's State Planning Policy 4.2 *"Activity Centres for Perth and Peel"*¹⁰⁵ indicates that the Piara Village Shopping Centre is a large Neighbourhood Centre. This is based on the following characteristics of the centre as outlined in Table 3 of the SPP 4.2:

- Will cater to 2000–15,000 persons (about 1 km radius),
- Has a Nett Lettable Area (NLA) of more than 1500sqm,
- Typical retail types include: *"Supermarket/s Personal services convenience shops"*, and
- *"Neighbourhood centres provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services."*

7.4 Additionally, Piara Cellars will complement the array of proposed businesses within the Piara Village Shopping Centre, serving both local residents and those from surrounding areas, in line with the local demographic needs and the locality's projected population growth rate.

7.5 The proposed Piara Cellars and adjacent Tucker Fresh IGA Supermarket will implement stringent measures to deter crime and antisocial behaviour, enhancing safety and security for Piara Village Shopping Centre patrons.

7.6 The Applicant is an experienced retail operator committed to meeting the reasonable requirements of the local community around the Piara Village Shopping Centre and those who resort to the store for their individual purchasing requirements.

7.7 The Applicant believes that the following all demonstrate that the conditional grant of the liquor store licence is in the public interest:

- Consumer Survey¹⁰⁶,
- Experience of the Applicant,
- Letters of Support¹⁰⁷, and
- Harm Minimisation Plan¹⁰⁸ to be in place at all times the premises is open and operating (subject to approval).

Consumer Surveys¹⁰⁹

7.8 Below is a summary of the most relevant aspects of the Consumer Survey conducted within the locality. The survey results provide strong evidence of community support and consumer requirements for the proposed Piara Cellars. Key findings include:

¹⁰⁵ https://www.dplh.wa.gov.au/getmedia/4386f155-219a-405f-97b7-e012e4963683/SPP-4-2activity_centres_policy_2

¹⁰⁶ Attachment 3 – Consumer Surveys

¹⁰⁷ Attachment 5 – Letters of Support

¹⁰⁸ Attachment 4 – Harm Minimisation Plan

¹⁰⁹ Attachment 3 – Consumer Surveys

- **Age Distribution:** The majority of respondents fall within the 26-40 years (45%) and 41-55 years (30.83%) age groups, indicating a mature demographic.
- **Residential Status:** A significant portion of respondents (81.67%) currently reside in Piara Waters, highlighting that respondents were mostly residing in the defined locality.
- **Frequency of Patronage:** Nearly all respondents (97.50%) intend to visit the new Piara Village Shopping Centre, with 69.17% planning to visit weekly for their packaged liquor and related services requirements.
- **Likelihood of Shopping at Piara Cellars:** A combined 91.67% of respondents are likely or very likely to meet their packaged liquor requirements at Piara Waters Cellars. This high level of interest supports the proposed premises' aim to cater to the diverse requirements of consumers.
- **Important Purchase Factors:** Key considerations for respondents include proximity to home or work (76.67%), competitive pricing (65.83%), and availability of parking (45%). These factors demonstrate the importance of convenience and value to consumers in the locality, which Piara Cellars aims to provide in accordance with the Objects of the Act of catering to the requirements of consumers and contributing to the proper development of the liquor industry.
- **Product Preferences:** Respondents show a strong interest in exclusive products unavailable in large chain stores (77.50%) and a significant interest in organic, gluten-free, and preservative-free options (32.50%). This highlights the store's potential to offer a diverse range of products, supporting the Objects of the Act of catering to the diverse requirements of consumers and promoting responsible attitudes towards alcohol consumption.
- **Support for the Liquor Store:** An overwhelming majority (93.28%) believe the new independent liquor store will cater to their consumer requirements, with 91.60% indicating it will not cause undue harm or adverse impacts to the locality. This aligns with the Objects of the Act to minimise harm or ill-health caused by alcohol and ensure that the operation of the liquor store is in the public interest.
- **Public Interest:** The data supports the public interest requirement as outlined in the Act, with 93.28% of respondents affirming the proposed premises' positive contribution to the community. This demonstrates that Piara Cellars will operate responsibly and align with the Act's primary and secondary Objects.

Letters of Support¹¹⁰

- 7.9 The Applicant received several letters of support for their application, in addition to consumer surveys. These letters were from local liquor producers and suppliers, and they emphasised the positive social and economic impacts that supporting small, independent retailers will have on the locality.

¹¹⁰ Attachment 5 – Letters of Support

Positive Impacts

- 7.10 Piara Cellars will significantly enhance the social and economic landscape of Piara Waters, offering substantial benefits to both existing and forthcoming residents within the developing Piara Waters Neighbourhood Centre.
- 7.11 In relation to the Piara Cellars's licence application at the Piara Village Shopping Centre, it's crucial to highlight how it aligns with the strategic visions outlined in similar regional planning frameworks. These PIA submissions support the overarching goals for community growth and development, paralleling the strategic intents of State Planning Strategies and fostering the prosperity of the broader region.
- 7.12 The Applicant, through initiatives like loyalty programs across its stores such as FreshConnect¹¹¹, demonstrates a deep commitment to community welfare and active local participation. This approach demonstrates the Applicant's commitment to becoming an essential component of the local retail scene and a significant contributor to the growth and development of the locality. Through these efforts, the Applicant has established itself as a valuable member of the many communities in which it operates, fostering relationships based on mutual support and community enrichment.

“At Tucker Fresh IGA, we are committed to enriching the lives of our shoppers and local community, which is why we run our FreshConnect reward program”.

- 7.13 These shared goals positively impact the Applicant's submission in the following ways:
- Sustainable development of the locality.
 - Encouraging diversity to provide affordability.
 - Both initiatives promote economic growth and job creation.
 - The Applicant's business model aligns with the planning process's emphasis on engagement with the community.
- 7.14 The shared objectives align with the Applicant's vision for the proposed liquor store at Piara Village Shopping Centre, ensuring that the proposed premises positively contributes to the broader City of Armadale's development objectives.

Potential Negative Impacts

- 7.15 The responsible and experienced Applicant recognises that alcohol can be misused and cause harm if not responsibly consumed.
- 7.16 As a Licensee committed to the responsible consumption of liquor, the Applicant has considered the *Australian Institute of Criminology: Research in Practice SUMMARY PAPER No. 04 December*,¹¹² which refers to the following regarding the negative social impact of Alcohol-related violence in residential locations; *“Hotels and nightclubs are*

¹¹¹ <https://tuckerfreshiga.com.au/freshconnect-rewards/>

¹¹² <https://www.aic.gov.au/sites/default/files/2020-05/rip04.pdf>

the most problematic licensed venues for violence, particularly those with extended or 24-hour trading.”

7.17 To effectively tackle alcohol-related violence, it is crucial for various community stakeholders to collaborate in establishing and upholding both formal and informal regulations on alcohol consumption and its misuse. This cooperative approach aims to mitigate problematic behaviours stemming from alcohol abuse, aligning with broader public health and safety objectives¹¹³.

7.18 The Applicant is committed to community involvement and working together with the Police, LEU, and CHO (see Legislative Framework—*Liquor Control Act 1988*¹¹⁴) to mitigate and minimise any undue, potential negative risk that may result within the locality.

7.19 The Applicant will maintain control over the supply of liquor in the community through formal controls such as:

- Harm Minimisation Plan,
- Policies of the Director of Liquor Licensing,
- Juvenile management,
- Adhering to the conditions of the licence,
- Responsible service of alcohol practices.

and informal controls, including:

- Community involvement,
- Ongoing engagement with ‘At Risk’ groups and/or organisations, and
- Monitor the potential for undue negative social impacts on the Locality, including secondary supply.

7.20 The Applicant acknowledges that the rise in reported instances of such family and domestic violence can be attributed to numerous factors, including increased reporting rates, as outlined in the subsequent excerpt:

“The bottom line is we are seeing more attention to the issue, so people are more likely to report,” Women’s Council for Domestic and Family Violence Services WA chief executive Angela Hartwig told The Sunday Times.¹¹⁵

7.21 The responsible and experienced Applicant is aware of the role of excessive alcohol consumption in domestic and family violence matters and notes that the proposed Piara Cellars will adhere to any action or order issued by the WA Police upon advice by the relevant agency or authorised person.

¹¹³ <https://www.aic.gov.au/sites/default/files/2020-05/rip04.pdf>

¹¹⁴ [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

¹¹⁵ <https://www.perthnow.com.au/news/wa/domestic-violence-reaches-epidemic-levels-in-wa-as-more-cry-for-help-ng-eea3e567dba6fbcda8e929181f9a6889>

- 7.22 Importantly, given the locality's socio-economic status and the low rates of alcohol-related harm (outlined in this PIA), the defined locality is considered to be at “low risk” of potential alcohol-related harm.
- 7.23 Piara Cellars will include a separate entry, exit, and point of sale to the proposed IGA Supermarket, allowing consumers to shop for food groceries without coming into contact with liquor products, minimising the risk (if any) of impulse purchasing and normalising liquor, yet providing an amenity that can conveniently and safely cater to the requirements of consumers in the locality.

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

- 8.1 In compiling this Public Interest Assessment, the following information sources were reviewed as recommended by the Director’s Policy on Public Interest Assessment.
- 8.2 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 —
- (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.”¹¹⁶*

The information sources considered (but not limited to) are as follows:

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

¹¹⁶[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

- 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.
- Alcohol and Other Drug Indicators Report — Regional Reports (2015) R. Bridle, A. Christou & T. Lembo.

National Drug Research Institute, Curtin University of Technology (Perth)

National Drug Research Institute website

- 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 Siggers.
- Study of Extended Trading Permits (May 1997) Dr. T. Chikritzhs.
- Drinking After Driving in Western Australia. (2002). Catalano, P and Stockwell, T. R.
- 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.

National Alcohol Strategy 2016-2009

- [Towards Safer Drinking Cultures](#)

National Health and Medical Research Council

- [Australian Guidelines to Reduce Health Risks from Drinking Alcohol](#). Commonwealth of Australia, 2009

National Centre for Education and Training on Addictions (Adelaide)

- [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).

Australian Bureau of Statistics and Australian Institute of Health and Welfare (AIHW Cat. no IHW 147)

- [The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples 2015](#).

Australian Government Department of Health and Ageing

- 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.

8.3 It would appear, following a comprehensive review of the reports available on the websites as noted above (refer 8.2), that violence can be attributed to many factors. Of particular note is the excerpt (see below) from *“Preventing Violence: The State Community Violence Prevention Strategy 2005, A Green Paper Policy Framework for Development”*, a collaborative publication with input from the following reference sources:

- Department of Justice,
- Department of Health,
- Department for Community Development,
- Department of Education and Training,
- Office of Road Safety,
- The Mental Health Commission,
- Department of Sport and Recreation,
- The WA Local Government Association, and
- WA Police.

“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”¹¹⁷.

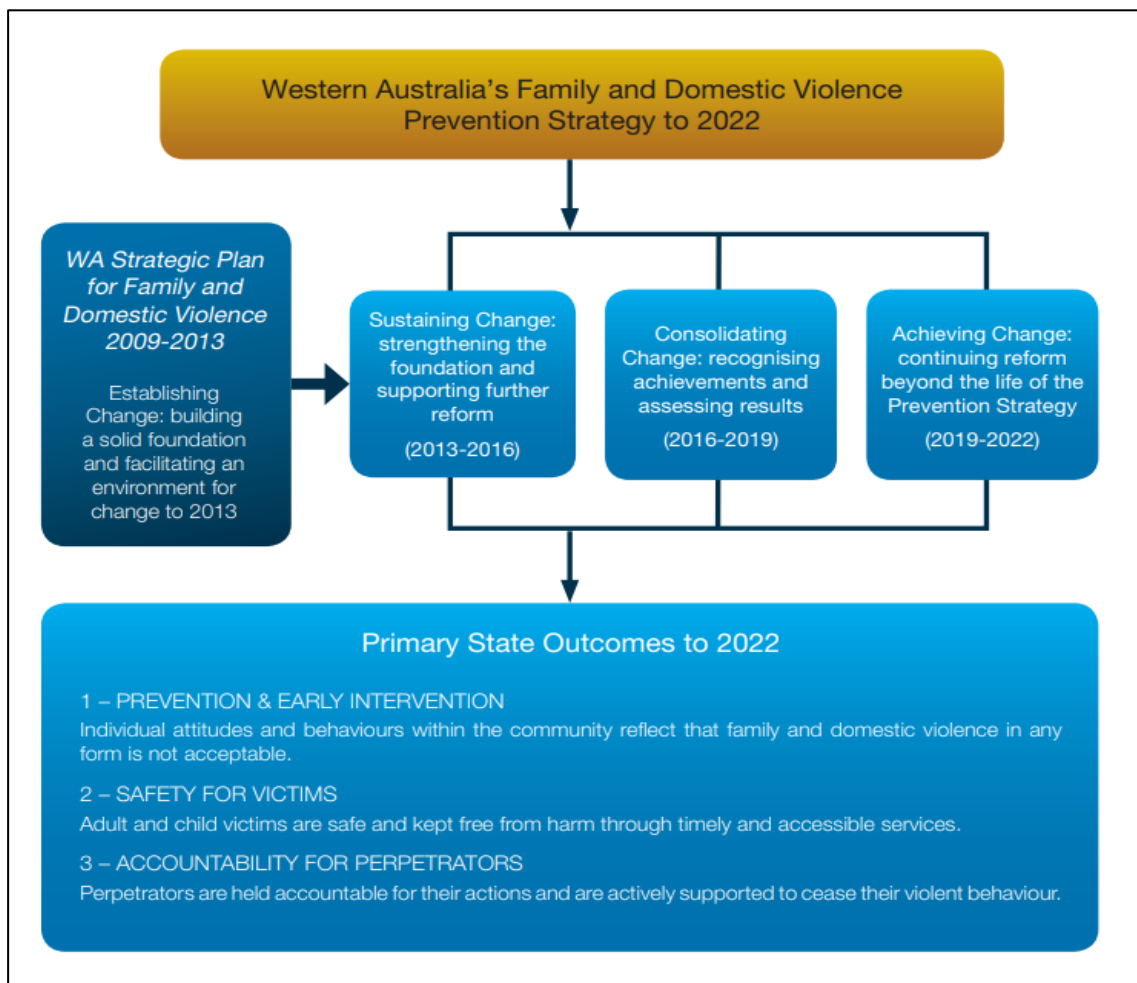


Figure 21: Excerpt from WA Family and Domestic Violence Prevention Strategy to 2022¹¹⁸

8.4 Additionally, the WA State Government and Department of Child Protection (DCP) have stated in the ‘WA Strategic Plan for Family and Domestic Violence¹¹⁹ that:

“Across Australia and internationally, it is now recognised that responding to family and domestic violence requires a holistic and integrated response across

¹¹⁷ Attachment 7 – Preventing Violence WA

¹¹⁸ <https://www.wa.gov.au/system/files/2021-11/WA-FDV-Prevention-Strategy-to-2022.pdf>

¹¹⁹ <https://www.wa.gov.au/system/files/2021-04/fdv-strategy-2020-2030.pdf>

government and community sector agencies underpinned by effective legislation, as well as the support of the broader community.”

“The key strategies to be implemented will:

- 1. Strengthen community understanding and awareness that domestic violence is not acceptable.*
- 2. Focus family and domestic violence prevention and early intervention initiatives on children and young people and healthy, respectful relationships.*
- 3. Support Aboriginal and new and emerging communities to develop greater awareness and understanding of family and domestic violence.*
- 4. Develop a statewide integrated response to those experiencing family and domestic violence.*
- 5. Provide an accessible, integrated 24-hour response to family and domestic violence throughout the State including crisis and post-crisis intervention.*
- 6. Ensure a range of safe and supported emergency and longer-term accommodation and housing options for those affected by family and domestic violence, with priority consideration given to regional and remote locations and Aboriginal communities.*
- 7. Provide advocacy and support responses that address the health and wellbeing of those affected by family and domestic violence, with priority consideration given to regional and remote locations and Aboriginal communities.*
- 8. Ensure access to specialist short- and long-term counselling and support services for children who are victims of family and domestic violence.*
- 9. Ensure a range of evidence-based programs and interventions for perpetrators of family and domestic violence.*
- 10. Maintain and continue to develop a strong civil and criminal justice and statutory response to family and domestic violence.*
- 11. Include family and domestic violence as a core unit in social science, justice and health related tertiary qualifications.”*

8.5 Further to the above, the *Designing Out Crime Planning Guidelines*¹²⁰ produced by the *Western Australian Planning Commission (2006)* were also considered within this submission. The Applicant believes the guidelines are a successful tool in eliminating crime that may result in harm or ill-health to the Locality when combined with a robust harm minimisation plan and a commitment to operating safe, small-sized, well-managed licenced premises.

8.6 The relative criteria for Design out Crime as recognised by environmental design practitioners and educationalists in Australia, which can be considered and developed at a local level, could be based on five design and usage concepts:

- Surveillance

¹²⁰ <https://www.wa.gov.au/system/files/2023-06/safer-places-by-design-cted-guidelines.pdf>

- Access Control
- Territorial Reinforcement
- Target Hardening (Security Measures); and
- Management and Maintenance

8.8 **Surveillance:**

- CCTV will cover the proposed Liquor Store, including the exit, entry, and delivery points.
- The store layout is designed with the Point of Service at the entrance/exit of the store to allow staff to monitor and supervise customers entering and exiting the store.
- A qualified Team Member will supervise the store at all times.
- The Piara Village Shopping Centre will also incorporate its own CCTV.

8.9 **Access Control:**

- The Applicant will utilise techniques to deny offenders, reduce their escape opportunities, and guide legitimate users through the environment.
- Spirits will be located behind the Point-of-Sale counter as a further harm minimisation measure.
- Further to the above, RTDs will be stocked at the rear of the store.
- The POS counter will be located at the front of the store to deter theft.

8.10 **Territorial Reinforcement:**

- Appropriate signage will substantially identify the venue and the perimeter of the Liquor Store, including rear entry for deliveries, which will be clearly marked and secured.

8.11 **Target Hardening (Security Measures):**

- The entry/exit points to the proposed Piara Cellars will be secured by quality locking devices.

8.12 **Management and Maintenance:**

- The proposed Piara Cellars will be in good repair and well-maintained at all times. Staff will be trained to identify and report problems immediately to management should they notice graffiti, broken locks and/or other damage to the premises.

8.13 Additional crime reduction measures that will be considered by the Applicant during the design process:

- **Lighting**—The area in and around the venue, including the car park, will be well-lit to discourage antisocial behaviour. This greatly increases the chances of detection and recognition. Additionally, the proposed liquor store will have bright lighting throughout.

- **Landscaping** – It is important to maintain clear sightlines and avoid creating areas of potential concealment.
- **General appearance** – If a place is well-maintained and has a quality fit-out, it is less likely to attract loiterers or anti-social behaviour.
- **Entrapment places** – It is important to avoid creating areas that can trap people, such as recessed Automatic Teller Machines or narrow alleyways.
- **Activity generators** – Passive surveillance and an image of liveliness are created by the broad range of uses available at various times throughout the shopping centre, making it unattractive to most criminals.

Social Health Indicators – “At Risk” Groups

8.14 The following is a table that presents the numbers and percentages of “At Risk” groups in the locality that are relevant to the Piara Cellars application:

	Locality	Greater Perth	Western Australia
Population	51111	2116647	2660026
Median Age	33	37	38
Population Under 14 years	25.28%	18.96%	19.01%
Indigenous Persons	1.70%	1.99%	3.33%
Couple Family with Children	63.50%	45.70%	44.60%

8.15 The above statistical data was compiled using the latest statistics available from the Australian Bureau of Statistics, 2021 Census Data¹²¹.

8.16 In preparing this submission, the Applicant has given due consideration to those groups deemed the most “At Risk” of alcohol-related harm and ill-health, as identified by *The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*¹²² and noted in the Directors Policy on Public Interest Assessments.

8.17 According to *The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*. The priority population groups within the Strategy:

- **Aboriginal people and communities:** There is a low presence (1.70%) of Aboriginal people in the locality.
- **Children and young people:** Strictly enforcing the policy of checking IDs and refusing service to juveniles in school uniform irrespective of their ability to show a valid ID.
- **People from regional, rural, and remote communities:** Piara Waters is not in a regional, rural or remote area.

¹²¹<https://www.abs.gov.au/census>

¹²²<https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

- **Families:** Supporting families dealing with alcohol and drug issues., from *'police responding to domestic violence and assaults to family members accessing telephone helplines.'*
- **Justice and Corrections Systems:** Working in collaboration with local authorities to ensure that individuals who interact with the justice system have access to the necessary support.
- **Addressing Other Target Groups of Concern:** The Applicant is also attentive to the needs of older adults, culturally and linguistically diverse communities, LGBTQI+ individuals, and homeless people, ensuring that the operations are inclusive and supportive of all community members.

8.18 The Applicant recognises the importance of addressing drug and alcohol-related issues within the locality, specifically among "At Risk" groups. The Applicant aligns itself with the *Western Australian Alcohol and Drug Interagency Strategy 2018-2022*,¹²³ which provides a comprehensive guide for proactive prevention, timely intervention, and necessary support to those affected by drug and alcohol use.

8.19 Key Strategic Areas:

- **Focusing on prevention:** Educating individuals, families, and communities to make healthy choices and create healthy environments.
- **Intervening before problems become entrenched:** Developing initiatives to identify individuals, families, and communities who are at risk and intervening before problems escalate.
- **Effective law enforcement approaches:** Implementing strategies to reduce alcohol and drug availability and break the cycle of offending.
- **Effective treatment and support services:** Providing integrated, evidence-based treatment and support services.
- **Strategic coordination and capacity building:** Improved responses through capacity building, collaboration, evidence-based practice, information dissemination, monitoring, and targeted workforce development.

8.20 In line with the commitment to community health and welfare, the Applicant appreciates and acknowledges initiatives such as the one undertaken by DrinkWise®, which was designed to promote responsible drinking habits among young adults. The aim of this campaign was to decrease the frequency and intensity of binge drinking episodes. The research conducted after the campaign indicated that there were significant changes in attitudes and behaviours among the target audience who were exposed to the campaign. The Applicant supports such initiatives and will promote messages of responsible alcohol consumption within the proposed premises.

Key outcomes from the campaign included:

¹²³<https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

- 40% of the target audience drinking less on a night out as a result of seeing the campaign.
- 44% of the target audience reported that the campaign provided the platform to talk to friends about their drinking.
- 76% of the target audience agree that the campaign has made them think about the benefits of moderation.
- 91% of the target audience have tried to moderate their drinking behaviour either before or during the evening out.¹²⁴

8.21 The experienced Applicant adapts the Harm Minimisation Plan specifically for Piara Waters, ensuring constant dialogue, backing community projects, and evolving the plan as necessary; the Applicant is dedicated to building a strong relationship with the Piara Waters community. This approach underlines a commitment to reducing any undue harm and ill-health from the consumption of alcohol.

Socio-economic Indicators

SEIFA

“Socio-Economic Indexes for Areas (SEIFA)¹²⁵ is a product developed by the ABS¹²⁶ that ranks areas in Australia according to relative socioeconomic advantage and disadvantage. The indexes are based on information from the five-yearly Census.”



Figure 22: Piara Waters Aerial View¹²⁷

¹²⁴ <https://www.alcoholbeveragesaustralia.org.au/wp-content/uploads/Alcohol-Beverages-Industry-Report-Deloitte.pdf>

¹²⁵ [https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa#:~:text=Socio%2DEconomic%20Indexe%20for%20Areas%20\(SEIFA\)%20is%20a%20product,from%20the%20five%2Dyearly%20Census.](https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa#:~:text=Socio%2DEconomic%20Indexe%20for%20Areas%20(SEIFA)%20is%20a%20product,from%20the%20five%2Dyearly%20Census.)

¹²⁶ <https://www.abs.gov.au/>

¹²⁷ <https://www.celsius.com.au/celsius-gears-up-to-launch-86-lot-subdivision-in-piara-waters/>

8.22 Piara Waters (1087.6) has the lowest level of disadvantage in the City of Armadale, while Harrisdale (1074.1) also has a low level of disadvantage. The City of Armadale recognises these suburbs as key growth areas in the *Integrated Transport Strategy 2023 - 2050*¹²⁸.

Crime Statistics for the Locality

YR	Homicide	Sexual Offences	Assault (Family)	Assault (Non-Family)	Threatening Behaviour (Family)	Threatening Behaviour (Non-Family)	Deprivation of Liberty	Robbery
July 2022 - June 2023	0	31	93	34	10	12	1	2
July 2023 - June 2024	1	34	114	42	23	15	1	4
Total	1	65	207	76	33	27	2	6

Table 1: Crimes Against Person Statistics¹²⁹

8.23 The data presented in the tables below was sourced from the Western Australian Police website (www.police.wa.gov.au) and contained verified criminal offences for the defined locality (Piara Waters and Harrisdale, with only a minor portion of Canning Vale being in the locality) during the period July 2022 to June 2023 and July 2023 to June 2024.

8.24 It is crucial to acknowledge the limitations in the crime statistics data obtained from the WA Police website, as it does not provide specific information in various key areas.

8.25 These areas include:

- Determining if the crime was influenced by alcohol consumption.
- Identifying the origin of alcohol for individuals under its influence during the crime, such as whether it was obtained from a tavern, restaurant, or liquor store.
- Establishing if a single offender was responsible for committing multiple crimes.

¹²⁸https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/9afb9b3bfbe62094c96ff080992968ad3d0582bd/original/1681719243/247ca978b85e84ecc96c98bce3ef3c3c_CD_21646_23_CoA_ITS_-_Draft_%28WSP_March_2023%29.PDF?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIOR7VAOP4%2F20240314%2Fap-southeast-2%2Ffs3%2Faws4_request&X-Amz-Date=20240314T081525Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=bb3034fbe944b0f4b2dabec0d93b508e63f7629ec5e26b6dbab295c65db4bb63

¹²⁹<https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

- Recognising the occurrence of repeat offenders, which generally occurs in cases of family-related assaults.

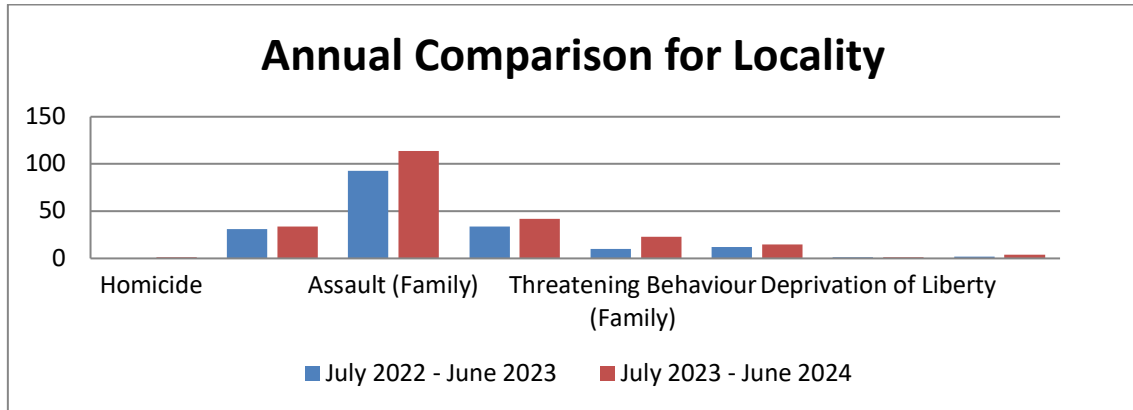


Figure 23: Crimes Against Persons Annual Comparison

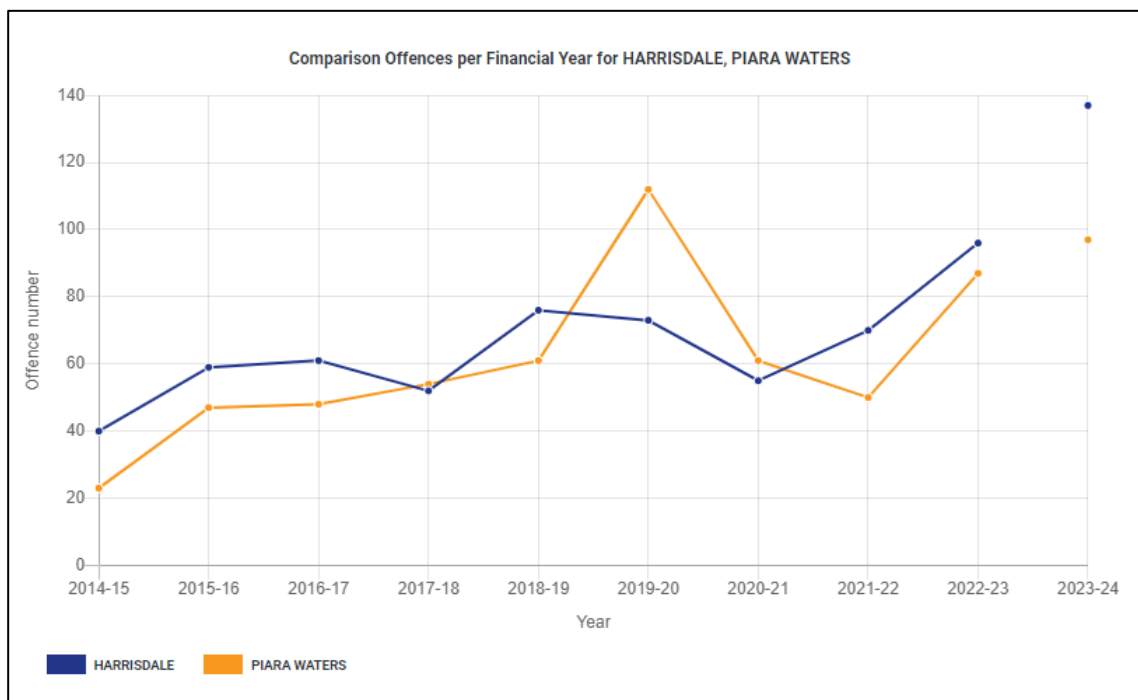


Figure 24: Comparison Offences Graph

- 8.26 Although Canning Vale hasn't been included in the statistics due to a minor portion of the LGA being in the actual locality, the above graph displays the 'Crimes Against Persons' for the populace of Piara Waters (15,029) and Harrisdale (11,667).
- 8.27 The SEIFA scores for Piara Waters (1087.6) and Harrisdale (1074.1) these suburbs experience lower levels of socioeconomic disadvantage, which corresponds with a lower incidence of offences. This context underlines a relatively stable and secure environment for the proposed premises, aligning with a community profile supporting the proposed Piara Cellars.
- 8.28 Acknowledging the community's diversity, as reflected in demographic and crime data, the Applicant will adapt the Piara Cellars's operations to cater to the unique community makeup, affirming a commitment to positive community interaction.

8.29 The Applicant undertakes to keep open lines of communication with the local community and relevant authorities, welcoming and integrating their input into the proposed premises' harm minimisation strategies. This ensures adaptability to the community's evolving requirements.

Alcohol-Related Hospitalisations

8.30 According to the *Armadale Canning Gosnells Alcohol Action Plan 2023 – 2026*¹³⁰, the following statistics are available and state that 57 people are hospitalised every day in WA due to alcohol-attributable conditions.

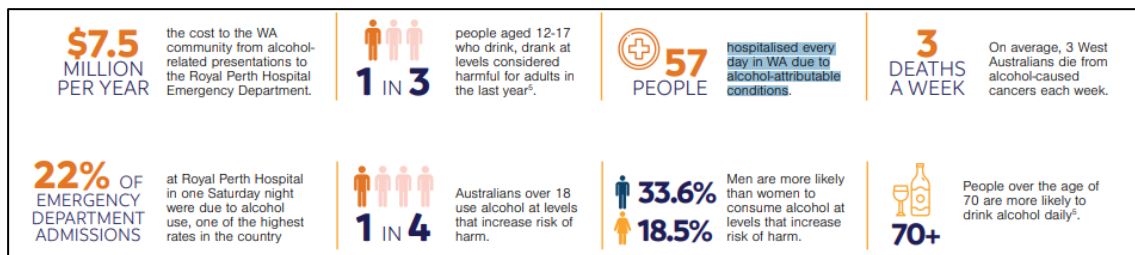


Figure 25: Alcohol-Related Hospitalisations^{Error! Bookmark not defined.}

8.31 The Applicant supports the initiatives such as the vision and mission statements outlined in the *Armadale Canning Gosnells Alcohol Action Plan 2023 – 2026*¹³¹:

- *“Our Vision - We want our communities to be safe, healthy and vibrant places to live, work, and play.”*
- *“Our Mission – To reduce the harms from alcohol in the Cities of Armadale, Canning and Gosnells.”*

8.32 The Applicant acknowledges the potential negative consequences of alcohol abuse, such as alcohol-related hospitalisations.

8.33 The Applicant has additionally considered the information provided by the Mental Health Commission (formerly the Drug and Alcohol Office): *WA State Priorities Alcohol and Other Drug Services Plan 2015-2025*¹³² and recognises that there is a current trend towards responsible consumption in Australia.

8.38 The Shah Group recognises its insights and responsibilities as a liquor license holder and acknowledges recent research suggesting a shift towards responsible consumption of alcohol in Australia. The Applicant is committed to ensuring the highest responsible service standards at the proposed premises to operate in the public interest.

8.42 Australians' consumption habits and preferences have changed in recent years; it has reflected societal, health, and lifestyle changes. The Australian Institute of Health and Welfare (AIHW) methodically tracked these changes and offered a national picture of alcohol consumption trends.

¹³⁰<https://www.canning.wa.gov.au/CanningWebsite/media/Files/Residents/Health/alcohol-action-plan-2023-2026.pdf>

¹³¹<https://www.canning.wa.gov.au/CanningWebsite/media/Files/Residents/Health/alcohol-action-plan-2023-2026.pdf>

¹³²<https://www.mhc.wa.gov.au/media/3516/plan-update-2018-corrections-29-july-2020.pdf>

“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.

Commenting on the figures, Alcohol Beverages Australian CEO Andrew Wilsmore said: ‘What you are seeing is significant cultural change where moderation is the new norm – Australians are making sensible choices and choosing to act responsibly when it comes to enjoying alcohol.’

No-one who works hard at crafting a beer, wine or spirit wants Australians harmed by their product and over several decades of partnering with Governments or by investing in industry-led programmes and initiatives, it is pleasing to see the proportion of people exceeding lifetime risk guidelines (drinking more than 2 standard drinks a day) declining from 21 percent in 2001 to 16.8 percent in 2019. It’s a trend that says Australian are increasingly capable of making sensible, personal decisions around their own consumption.

“Public education campaigns and police RBT enforcement has clearly made a big difference. The AIHW data shows driving a car was the riskiest activity undertaken while under the influence of alcohol and has fallen more than 40 percent from 14.3 to 9.9 percent of drinkers over nine years,” said Mr Wilsmore.

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.

Australian’s tastes have also changed. 50 years ago, beer was the drink of choice representing almost three quarters of all alcohol sales (73.5 percent). Now its 39 percent, with wine rising from 14.4 percent to almost 39 per cent (38.4 percent). Spirits, cocktails and packaged ready-to-drink products now represent 19.9 per cent up from 12.2 per cent.”¹³³

- 8.43 The Australian Institute of Health and Welfare study examines Australian alcohol consumption, which indicates a transition towards a more responsible and adult relationship with alcohol, as shown by declining rates of dangerous drinking, changing beverage choices, and notable youth moderation.

¹³³ <https://www.alcoholbeveragesaustralia.org.au/trends-show-australians-drinking-responsibly/>

- 8.44 The WA Mental Health Commission¹³⁴ has also released data demonstrating that West Australians are using alcohol at less risky levels than they have historically.
- 8.45 After reviewing crime statistics for Piara Waters and comparing them to local and state averages, the Applicant, with extensive retail and liquor industry experience, believes that Piara Cellars's operation will positively impact the community. This approach ensures that the store's presence will not lead to any undue harm or ill health from the consumption of alcohol in the locality.

Strategies to minimise harm or ill health

- 8.46 The proposed premises has a detailed Harm Minimisation Plan¹³⁵. These strategies support local and state alcohol-related harm reduction goals, indicating the Applicant's dedication to operating in the public interest.

- 8.47 Since its establishment in 1995, Crime Stoppers has become a reliable conduit between the locality and the WA Police. Crime Stoppers' vision aligns with The Piara Cellars' policies of fostering a secure environment in Western Australia, particularly at the proposed liquor store in Piara Waters.



- 8.48 The core values emphasise:
- Social wellbeing,
 - Inclusivity,
 - Forward-thinking strategies,
 - Ethical conduct, and
 - Mutual respect.

Promotion

- 8.49 The Applicant is committed to adhering to the Director's Policy on the *Responsible promotion and advertising of liquor*¹³⁶, as previously outlined in this submission. The industry guideline states that:

"This document provides the industry with a framework of practices which are considered acceptable in order to prevent the intoxication and antisocial behaviour of patrons and, in all other respects, to ensure that the premises are being properly managed. The framework highlights those practices which are discouraged and are not in the public interest."

¹³⁴ <https://www.aihw.gov.au/getmedia/78cc7716-aa97-4042-9141-d476c23406ed/aihw-phe-270-fact-sheet-wa.pdf.aspx>

¹³⁵ Attachment 4 – Harm Minimisation Plan

¹³⁶ <https://www.dlgsc.wa.gov.au/department/publications/publication/responsible-promotion-of-liquor-consumption-of-liquor-on-licensed-premises-and-the-sale-of-packaged-liquor-policy>

The principles contained in this guideline are designed to assist licensees to ensure that any promotion or advertising is consistent with the requirements of the Act. Section 64(3) of the Act empowers 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.”*

8.50 The Applicant acknowledges that promotions or activities that encourage rapid or excessive alcohol consumption can lead to issues such as alcohol-related violence, antisocial behaviour, and negative health effects. In addition, promotions that may appeal to juveniles or be construed as offensive or indecent are inconsistent with the public interest or community standards.

8.51 By adapting the Director of Licensing’s Guiding Principles¹³⁷ into the proposed premises own “Guiding Principles” and affirming that:

- Advertising or promotions will not endorse the accumulation of drinks for overconsumption.
- Advertisements or promotions for liquor will avoid using language, slogans, or visuals that may encourage or glorify excessive drinking or intoxication.
- Staff members or associated agents will not be employed to promote a beverage based on its higher alcohol content, nor will they sell promotional drinks using novelty devices such as drink belts, backpacks, or similar gimmicks.
- Advertising or promotion of liquor will not include sexual, degrading, sexist or gratuitously offensive images, symbols, figures or innuendo.
- Advertisements or promotions of liquor will not represent any individual or group in a manner that discriminates against, degrades, or exhibits bias towards any person or community sector based on their race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, or political conviction.
- Advertisements or promotions will not 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.
- Advertising, promotion or branding material will not display children under the age of 18.
- Advertising or promotion of liquor will not suggest any association with risk-taking, violent, aggressive, dangerous, or anti-social behaviour.

¹³⁷<https://www.dlgsc.wa.gov.au/department/publications/publication/responsible-promotion-of-liquor-consumption-of-liquor-on-licensed-premises-and-the-sale-of-packaged-liquor-policy>

- Advertising or promotion of liquor will not include any association with breaking the law, including the use of drugs.

8.52 The Applicant wishes to reiterate that they will not be a discount liquor store. While they may offer some “value for money options”, the primary focus will be providing an amenity for local residents and consumers in the locality.

Training

8.53 Further to the RSA qualifications required by all staff members who work at the proposed liquor store, the Applicant will also provide staff with a Staff RSA Handbook¹³⁸ that outlines a range of procedures relating to the safe and responsible sale and supply of liquor in the Piara Waters locality.

8.54 The Staff Training Handbook covers a range of relevant topics including (but not limited to):

- Rights and responsibilities under the Liquor Control Act 1988,
- Legislative requirements of a Liquor Store Licence,
- Responsible Service of Alcohol and your employment,
- How to identify if a customer is nearing intoxication,
- What defines an “Incident” and how to use the “Incident Register” correctly,
- When and how to relay concerns about potential customer intoxication to the Approved Manager and/or another authorised person/organisation and
- How to perform an I.D. check of a customer who appears under the age of 25.

CCTV

8.55 The Applicant will install extensive CCTV surveillance at the proposed liquor store, including the entrance, exit, and delivery area. The CCTV system will be in operation at all times, and footage will be retained in accordance with the Directors Policy on *Security at Licenced Premises*.¹³⁹

8.56 The CCTV coverage at the premises will include:

- A system is to be in place and operational at all times covering the internal access/egress of each entrance and exit of the premises,
- These cameras must allow clear identification of patrons, including times and dates.
- The system must comply with the Director’s Policy relating to CCTV and
- CCTV will operate until one (1) hour after trading ceases,

¹³⁸ Attachment 4 – Harm Minimisation Plan

¹³⁹ <https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

- Images recorded via the CCTV system must be retained for twenty-eight (28) days. They must be made available for viewing or removal by the police or other officers authorised by the Director of Liquor Licensing.

8.57 Staff and the Approved Manager at the premise will be trained on how to access and view the CCTV footage, should it be required by the Police, local government, or any other authorised officer.

8.58 Considering the Applicant's dedication to ensuring a secure and regulated environment and drawing from harm minimisation strategies in the public interest:

- **Strict ID Check:** The Applicant will implement stringent identification checks to prevent the sale of alcohol to juveniles.
- **Limited Promotions:** To discourage binge drinking, promotions will focus on the quality and enjoyment of the product, not on quantity or price-based incentives. Promotions that encourage rapid or excessive consumption will be strictly prohibited.
- **Training and Education:** Staff will receive regular training on responsible service of alcohol, identifying intoxication, and dealing with difficult situations. This will help to ensure that alcohol is served and consumed responsibly.
- **Community Engagement:** The Applicant is committed to building a positive relationship with the local community, engaging with community groups, and taking feedback to improve their operations continuously.
- **Safe Environment:** The Applicant will take measures to ensure a safe environment for customers and staff, including adequate lighting and CCTV surveillance.
- **Product Selection and Display:** The product range will be chosen and displayed in a way that supports local producers and does not promote excessive consumption.

Dress Standards

8.59 The Applicant must refuse entry to the licenced area to any person wearing a jacket or any other clothing bearing patches or insignias, including, but not limited to the following Outlaw Motorcycle Gangs:

- Coffin Cheaters.
- Club Deroes.
- God's Garbage.
- Gypsy jokers.
- Outlaws.
- Finks.
- Rebels.
- Comancheroes.
- Hell's Angels.

- Rock Machine.
- Bandidos.

9 Community Consultation¹⁴⁰

Liquor Enforcement Unit (LEU)

- 9.1 An email was sent to the LEU and stated that the Applicant would appreciate any feedback the LEU could provide. The LEU provided valuable feedback to the Applicant that has been considered in the proposed conditions. As always, the LEU will review the application in its entirety during the advertising period and reserves the right to intervene to the application.

Chief Health Officer (CHO)

- 9.2 The Applicant's representative also sent an email outlining the details of the application to the Chief Health Officer at the WA Health Department. The Applicant respects that the CHO will consider the application in its entirety when advertised and intervene if required. The Applicant also confirms that any correspondence with the CHO does not in any way constitute an endorsement of this application.

At Risk Groups

- 9.3 The Applicant also notes that a Notice of Application¹⁴¹ 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, churches, local government authorities, local police station, which may be situated in the specified Locality of the proposed premises.

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

- 10.1 The Applicant has diligently considered the need for the proposed liquor store to enhance the amenities to be offered at the Piara Village Shopping Centre.

Outlets Density¹⁴²

- 10.2 The locality has limited licensed premises considering its population size (51,111) and demographic character, indicating a present need for a unique retail experience that caters to consumers' diverse requirements.
- 10.3 The Applicant submits that the proposed Piara Cellars will not adversely affect the locality. Rather, it will add to the diversity of amenities available in the development by

¹⁴⁰ Attachment 11 – Community Consultation

¹⁴¹ Attachment 10 – Notice of Application

¹⁴² Attachment 9 – Outlet Density

providing convenient retail liquor offerings to those who wish to shop for alcohol. At the same time, they do their regular shopping at the Piara Village Shopping Centre.

10.4 Piara Cellars offers the following amenity to the newly developed locality:

- **Product range:** Offering a range of products to meet the local population's and visitors' varied preferences, catering to the contemporary requirements of the locality.
- **Accessibility:** Ensuring easy access to the proposed premises via various modes of transportation, including vehicles, public transport, and non-motorised options like walking and bicycling, making it convenient for all consumers in the locality.
- **Convenience:** Providing a hassle-free shopping experience, aiming to streamline the purchasing process for customers, and ensuring that the store layout and product placement are consumer-friendly.
- **One-stop shopping:** Creating an environment where consumers can fulfil multiple shopping requirements in one location enhances overall convenience.
- **Trolley Access Options:** Accommodating consumers with trolley access options to ensure a comfortable and efficient shopping experience, catering to the requirements of consumers in the specific locality.

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

11.1 As previously stated, the Applicant, given the director's experience in licensed Liquor Stores in WA, fully understands the rights and responsibilities of operating the proposed Piara Cellars according to best practice and the Director's policies.

11.2 Based on the research and data included in these PIA submissions, there are acknowledged potential risk factors associated with this application; however, the Applicant proposes to implement the following strategies to minimise any potential offence, disturbance or inconvenience that may occur, subject to the application, being approved in the public interest:

- The licensed premises are relatively small and will be supervised at all times.
- Not promote cheap, discounted bulk items.
- Tried, tested and proven operational policies from the Applicant's other licensed premises will be replicated in the new premises.
- Unaccompanied juveniles will not be permitted entry at any time.
- Liquor will not be sold to any person wearing a school uniform.
- Intoxicated patrons will not be permitted entry at any time.
- The premises will be fitted out and furnished with new fittings and fixtures of a high standard to reflect the demographic the Applicant seeks to attract.

- The product list will support WA producers and their locally made products.¹⁴³
- The business will be operated by mature, skilled, and experienced staff wearing professional uniforms and offering consumers high product knowledge. These features will add an element of professionalism and responsibility and will provide an additional service to patrons.
- Due to the specialty products the Applicant will carry, all staff employed at the premises will undergo specific product training and be able to speak to consumers about their products.
- Low-alcohol liquor products will be given high visibility within the proposed store.
- Staff will be trained to highlight the low-alcohol liquor options available (i.e., beer and wine) that consumers may not be aware of.
- Liquor products will not be promoted or sold at cheap or discounted prices so that they are attractive to consumers with alcohol issues or encourage excessive consumption.
- The Applicant will not use advertising or promotional material that is deemed attractive to young people.

Code of Conduct

- 11.3 The proposed Piara Cellars' Code of Conduct is vital to their Harm Minimisation Plan¹⁴⁴. This document will ensure that appropriate behaviour is observed by patrons, staff, and the premises management.
- 11.4 The management and staff will remain committed to minimising liquor-related harm and will be ever-vigilant in adopting harm reduction strategies. Patrons will always be reminded to observe the Code of Conduct while on the premises.

Effective and Efficient Service Recovery

- 11.5 Patrons of the proposed liquor store will be encouraged to discuss complaints, feedback, and requests (if any) with the Approved Manager, who will address any issues and inform patrons of the outcome of these investigations.
- 11.6 Staff will undergo an initial induction and ongoing training across all aspects of the business, including (but not limited to):
- Customer service and service recovery,
 - Product knowledge,
 - Wine and food matching,
 - Understanding of the liquor store layout design,

¹⁴³ Attachment 1 – Sample WA Product List

¹⁴⁴ Attachment 4 – Harm Minimisation Plan

- Specialised product information – particularly low-alcohol products and
- Managers working at the proposed liquor store will also undergo a course in Management of Licenced Premises (MLP1) to ensure a greater understanding of the Act and their responsibilities to operate a safe and well-managed venue.

Training

11.7 Staff will also be trained in the following:


- How to identify and refuse intoxicated persons,
- Checking photo ID correctly,
- Emergency evacuation procedures,
- Identification of disorderly or anti-social behaviours,
- Responsibilities during employment,
- Basic level of understanding of the Liquor Licensing Act,
- Thorough understanding of the Staff RSA Handbook,
- Minimum dress code for premises,
- RSA and MLP1 qualifications will be required as part of employment, and
- Ongoing product knowledge as required by the business.

11.8 Staff will be given a training manual at the onset of their employment, outlining the above-noted matters and ensuring that they are aware that they are accountable for their actions.

Underage patrons

11.9 Staff will implement the following strategies when checking patrons' IDs that they think might be under the age of 25 (Figure 26).

11.10 The following documents are the only forms of identification that can be accepted by a Licensee to prove age in circumstances where they suspect a person is a juvenile seeking entry to licensed premises:





Checking Identification Procedure – 1. Australian Drivers License

The following points are important when checking an ID for validity.

1. Always ask for the licence to be taken out of the wallet or purse.
2. Tilt the licence to see the reflection from the holographic picture in the background.
 - a. **If there is no reflection then it is a fake licence**
3. Check the date –You need to ensure their 18th birthday has been before the current date exactly. So please check the day, month and year. Teenagers will try and come in earlier before their actual birthday as they often have friends of age.
4. If you are unsure about the picture on the licence, you must do all of the following:
 - a. Request to see another form of ID (ie; bank card or credit card) and ensure that the names match exactly.
 - b. Quiz the patron on their address, what star sign they are, middle name (they may make a mistake on giving you the correct answer)
5. If you come across a fake ID you **MUST CONFISCATE THE ID IMMEDIATELY and lodge with management.**

Please note that if you do not follow the correct ID checking procedures and we allow juveniles into the premise, you can be fined \$1000 minimum from the Liquor Licensing Department under the Liquor Control Act.

2. A proof of age card

- The proof of age card is a personal identity card which is available to anyone 18 years or over.
- The card shows only those details considered necessary for identification including:
 - a. Name, Date of Birth, Signature and Photograph
 - b. For Security reasons, your card does not show your address.
 - c. The same ID checking procedure applies to Proof of age card.

3. A Passport with Photo

- Current valid passport (not expired)
- Must have a Photo
- Can be International in nature (From another country)
- Note that you need to be careful looking at a passport picture as passport can be valid for 10 years so the picture of the person can be quite different to what they look like.
- Please follow the same ID checking procedures with the Drivers licence and request to see another form of ID with the patron's name.

Figure 26: ID25 Checking Strategies

- a current Australian driver's licence with a photograph,
- A current passport,
- A current Australian learner's driver permit with photograph,
- WA Proof of Age Card (note new cards are not issued after 1/1/2015),
- Proof of Age card or equivalent issued in an Australian state or territory,
- A current WA Photo Card,

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- A current NSW Photo Card, and
- A Photo Card issued by any Australian state or Territory similar to the NSW/WA Photo Card.

12 Summary

- 12.1 Hospitality Total Services (Aus) Pty Ltd, on behalf of Normalnow Pty Ltd, hereby submits this Public Interest Assessment submission to support the Liquor Store Application for the proposed premises, Piara Cellars, to operate within the Piara Village Shopping Centre at 12 Erade Dr, Piara Waters WA 6112.
- 12.2 A liquor store licence under section 47 of the Liquor Control Act 1988 authorises the sale and supply of liquor for consumption off the Licensed premises (i.e., packaged liquor). All relevant requirements for a Liquor Store application have been complied with and submitted along with this application as per Section 68 of the Act.
- 12.3 The Applicant submits that the application meets the requirements of Section 5, both primary and secondary Objects.
- 12.4 The experienced Applicant has also considered and evaluated the application concerning Section 36B(4) requirements and how the premises will cater to the reasonable requirements of liquor consumers without causing a proliferation of packaged liquor premises in the Locality.
- 12.5 The responsible Applicant has seriously considered the public interest matters as outlined in Section 38(4) (a, b c and ca) of the Act in relation to Harm or Ill-health, Impact on Amenity and the Offence, annoyance, disturbance or inconvenience the proposed Liquor Store may have on the local community in this Public Interest Assessment submission.
- 12.6 The Applicant has also considered the DLGSC Industry Guideline on the Responsible Promotion of Packaged Liquor and is committed to adhering to the DLGSC policy at all times.
- 12.7 The Applicant also notes that the Act relevantly provides that the licensing authority:
- (a)** *is to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act: s.5(2)(e),*
 - (b)** *shall act without undue formality in any proceedings under this Act: s.16 (1),*
 - (c)** *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*
 - (d)** *is to act with as little formality and technicality as is practicable: s.16(7)(c).*
- 12.8 Accordingly, the Applicant, part of the Shah Group, an experienced retail, liquor and grocery operator, requests, with respect, that the Director of Liquor Licensing consider approving this conditional grant for a Liquor Store Licence as it is in the public interest to do so.

13 Advertising

- 13.1 Advertising will be completed when the Department of Local Government, Sport and Cultural Industries determines dates for the specified period.
- 13.2 A Notice of Application will be distributed to residents and businesses within a 200m radius.
- 13.3 A Notice of the Application will be mailed to any local Aboriginal community and the Department of Indigenous Affairs regional office.
- 13.4 The Public Interest Assessment Submission will be available for public inspection.
- 13.5 A Notice of Application¹⁴⁵ 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, churches, local government authorities, local police stations, which may be situated in the specified Locality of the proposed premises.

14 Attachments

- 1. Sample WA Product List
- 2. Plans
- 3. Consumer Surveys
- 4. Harm Minimisation Plan
- 5. Written Support
- 6. JDAP Determination
- 7. Preventing Violence WA
- 8. Packaged Liquor Outlets
- 9. Outlet Density
- 10. Notice of Application

¹⁴⁵ Attachment 10 – Notice of Application