



Public Interest Assessment Conditional Grant of a Liquor Store Licence

Premises Name: Gingin Cellars
Applicant: Vin Fox Pty Ltd
Location: Lot 9500 Brockman Street, Gingin, WA 6503



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1 Introduction

- 1.1 Vin Fox 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 Gingin Cellars, to be located at Lot 9500 Brockman Street, Gingin WA 6503.
- 1.2 The Director, Mr Christopher Young, of the Applicant Company Vin Fox Pty Ltd, associated with Westerly Developments Pty Ltd, is seeking to cater to the reasonable requirements of consumers for packaged liquor by establishing Gingin Cellars as part of the retail centre development at a greenfield site being Lot 9500 Brockman Street, Gingin WA 6503.
- 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. It has been compiled by Hospitality Total Services (Aus) Pty Ltd on behalf of Vin Fox 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

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

1.7 Gingin is experiencing a population increase and is anticipated to rise further, particularly with new local developments enhancing the region's attractiveness and amenity offerings. Gingin Cellars is in a strategic location at the new development at Lot 9500 Brockman Street⁴, Gingin, positioned to cater to the growing community's reasonable requirements. Set in a location enriched by the Shire of Gingin's development initiatives and natural and cultural attractions, Gingin Cellars is well-placed to meet the contemporary requirements of both residents and visitors to Gingin.

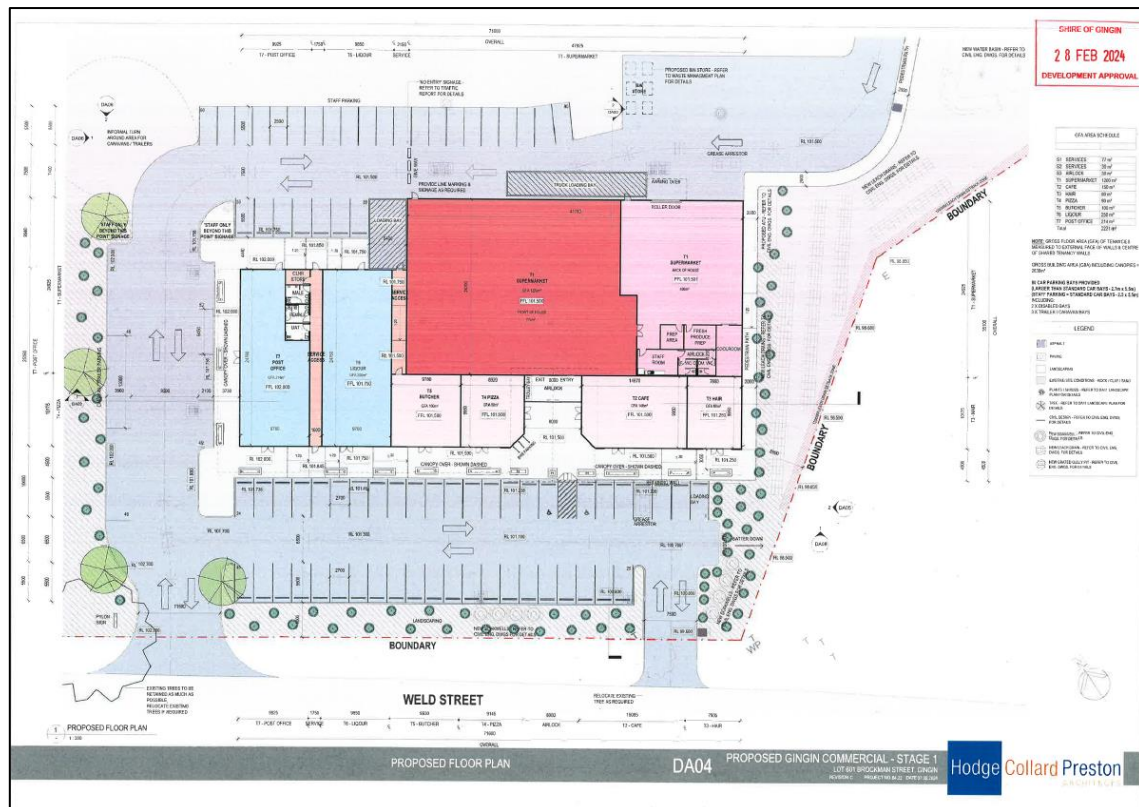


Figure 1: Approved Plans⁵

1.8 A new commercial centre is being developed on a greenfield site in alignment with Gingin's strategic planning outlined in Local Planning Scheme No. 9, designed to meet the community's evolving needs. This development aims to create accessible and pedestrian-friendly environments currently unavailable in Gingin's retail landscape. Gingin Cellars will be an integral part of these services, offering a diverse product range and enhancing convenience for residents, contributing to the locality's sustainable growth and rural development objectives.

1.9 As a central element of the strategic development within the Gingin locality, Gingin Cellars will operate as an independent liquor store under the ownership of Vin Fox Pty Ltd. This initiative leverages the Applicant's retail experience, aiming to deliver a comprehensive shopping experience that meets the diverse requirements and needs of the local community.

⁴ Attachment 5 - Development Approval Lot 9500 Brockman Street Gingin

⁵ Attachment 7 - Approved Plans

1.10 The proposed liquor store will include an area of approximately 242m² and feature a contemporary design that includes refrigerated storage for convenience and an expansive browsing area for consumers. This layout reflects a commitment to providing a high-quality shopping experience, catering to the diverse preferences and requirements of the residents and visitors to Gingin (refer to Consumer Surveys⁶).

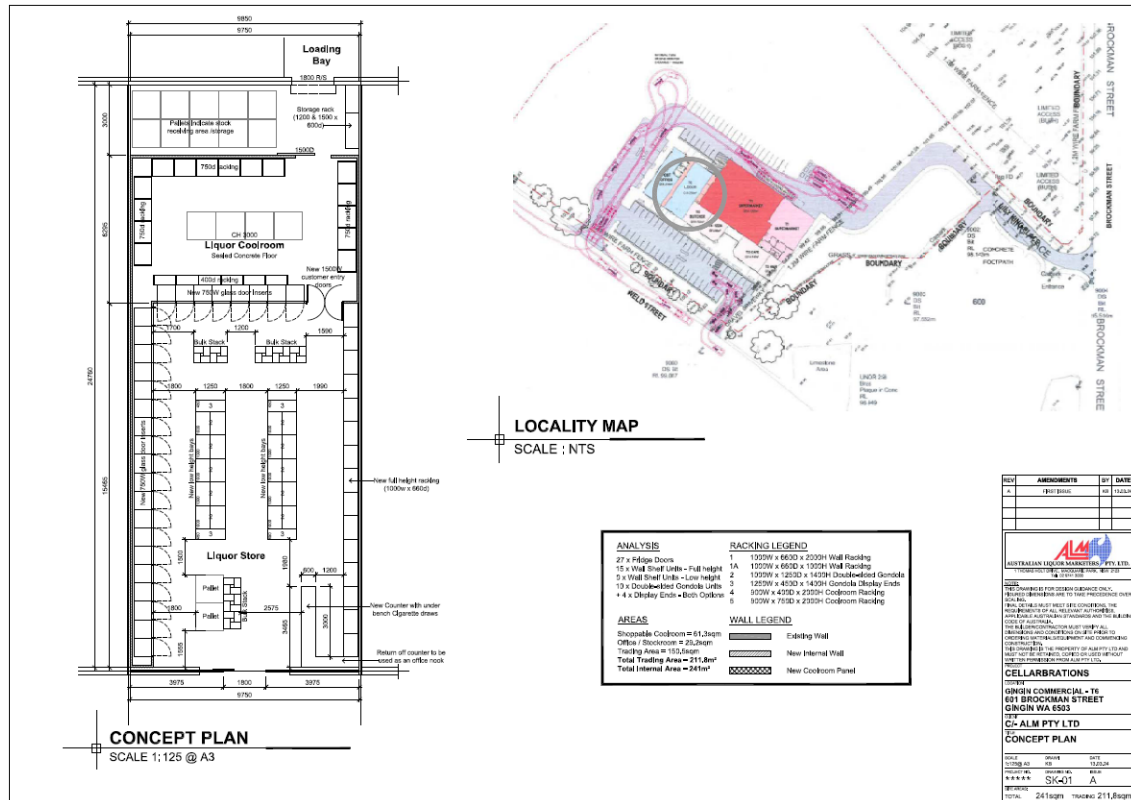


Figure 2: Proposed Gingin Cellars Layout⁷

1.11 Conditionally granting the Liquor Store Licence will permit the Applicant the flexibility to supply a product range that meets the contemporary requirements of local consumers to serve as a key amenity within the local retail environment, offering convenient access to a wide range of packaged liquor options.

1.12 Situated distinctively within a newly developed retail space, this independently operated liquor store by the Applicant is designed to complement the shopping experience, including for those consumers visiting the locality for groceries and other necessities. This strategic location ensures a unique and focused retail experience, catering specifically to the liquor preferences and requirements of consumers living and resorting to Gingin.

1.13 Gingin Cellars will be managed to the highest industry standards, offering a diverse, accessible, and contemporary selection of liquor products and services tailored to the needs of both residents and visitors. This initiative is in line with the broader vision for enhancing the local retail environment and related services, ensuring Gingin Cellars

⁶ Attachment 2 – Consumer Surveys

⁷ Attachment 1 – Gingin Cellars Plan and Layout

complements the varied offerings of the surrounding retail spaces with a specialised and tailored shopping experience.

1.14 Gingin Cellars will offer the community and visitors a range of contemporary amenities tailored to enhance the retail shopping experience:

- A modern, convenient retail facility with a dedicated area for customers to explore and a specialised walk-in cool room for product quality.
- A diverse selection of products, including local WA brands, to support the regional liquor industry and local employment.
- A range of Craft Beer, showcasing both local and international brews.
- A comprehensive assortment catering to special dietary and alternative alcohol preferences, such as Gluten-Free, Vegan, and Low-Alcohol options.
- A curated selection of low-intervention or "natural" wines for those seeking artisanal wine experiences.
- A welcoming, safe, and well-organized browse area staffed by knowledgeable personnel committed to exceptional customer service.
- Using technology and other resources to educate consumers on the products' origins, production methods, and ideal culinary pairings, enhancing the retail experience.
- Personalised customer service underpinned by a strong code of conduct and adherence to Responsible Service of Alcohol guidelines, ensuring a safe and responsible retail environment.
- The facility for consumers to request specific products, demonstrating a commitment to meeting consumer needs and preferences.
- Located within a new neighbourhood shopping centre offering safe access, plenty of parking with other related services.

1.15 As stated in the previous determination, A206551⁸ (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.

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.

⁸https://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

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.'

- 1.16 The Shire of Gingin's planning principles focus on fostering vibrant, mixed-use areas that serve the community's needs, emphasising walkability, reducing dependence on cars, and strengthening community connections through accessible social spaces. Gingin Cellars within the Gingin Local Shopping Centre, in alignment with these values, aims to contribute to a sustainable, well-connected, and safe community environment, supporting local businesses and generating employment opportunities.
- 1.17 The development strategy for Gingin, guided by Local Planning Scheme No. 9, aims to provide the community with a comprehensive suite of everyday amenities and related services accessible within a short walk for most residents. This initiative includes the development of Gingin Cellars within the strategic vision, contributing to a dynamic community space. Planned amenities within this vision promote a vibrant, mixed-use area that caters to the evolving needs of the Gingin community, fostering walkability, community engagement, and supporting local enterprises.
- IGA supermarket,
 - Speciality stores,
 - Café,
 - Restaurants, and
 - Independent Liquor Store.
- 1.18 To demonstrate a consumer requirement for the proposed Gingin Cellars, numerous Consumer Surveys were completed by members of the local community, with a majority of respondents (96.43%) supporting the proposed liquor store⁹.
- 1.19 The experienced and responsible Applicant submits they have diligently considered the harm and ill health that may be caused by the use of alcohol as per Section 38(4) of the Act and will implement a robust Harm Minimisation Plan specifically designed to minimise any potential, undue adverse effects on the local community, subject to the application being approved in the public interest.
- 1.20 The Applicant has also designed Staff Training Materials¹⁰, which is comprised of a Staff RSA Handbook and relevant policies of the Director of Liquor¹¹.

⁹ Attachment 2 – Consumer Surveys

¹⁰ Attachment 4 – Harm Minimisation Plan

¹¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

1.21 Having considered valuable feedback from the WA Police LEU, the following harm minimisation initiatives will be in place:

- Spirits will be stored in cabinets behind the POS counter to prevent unauthorised access.
- A latched half-height swing door will be installed at the POS area to restrict access further.
- A panic button connected to a loud audible alarm will be positioned at the POS counter.
- The single entry/exit door to the premises will be self-closing with a buzzer and time delay,
- CCTV throughout the proposed liquor store, including delivery areas,
- Limited external advertising,
- A range of low and mid-alcohol beer to be available,
- The availability of no-alcohol products in store,
- 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 relating (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.

1.22 The Applicant acknowledges Section 36B(4) of the Act, which seeks to regulate the growth of packaged liquor outlets and argues that the development at Lot 9500 Brockman Street, Gingin, addresses a previously unmet need for commercial amenities within the locality. Thus, the introduction of Gingin Cellars as a professionally managed packaged liquor store within this evolving retail environment is both relevant and essential to cater to the local community's reasonable packaged liquor requirements efficiently.

2 Venue and Operation

2.1 The proposed Gingin Cellars, pending approval, will be located at Lot 9500 Brockman Street, Gingin, WA 6503. It is designed to provide a wide selection of packaged liquor to enhance the retail shopping experience for residents and visitors to the locality and ensure a convenient amenity to their diverse household needs.

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.”¹²

Harm Minimisation Plan

- 2.3 As a committed and responsible Applicant, Vin Fox Pty Ltd will implement stringent measures to ensure that alcohol is not sold to individuals under 18 years of age. This approach underlines the Applicant's commitment to community welfare and responsible retailing practices, aligning with the expectations and regulations set forth in the Act.
- 2.4 The Harm Minimisation Plan¹³ will assist in minimising any potential, undue harm or ill-health to the locality that may occur due to the consumption of alcohol.
- 2.5 Considering the *Shire of Gingin's Public Health Plan 2020-2023*¹⁴, several key insights and initiatives can be adapted to align Gingin Cellars' operations with the community's health and well-being goals, especially focusing on harm minimisation:
- **Promotion of Responsible Alcohol Consumption:** Gingin Cellars will actively support and engage in campaigns that promote responsible alcohol consumption. This includes educational initiatives on the risks of excessive drinking and supporting community events with messages about responsible drinking. By doing so, Gingin Cellars aligns with the Shire's efforts to reduce alcohol-related harm and ill health.
 - **Support for Community Health and Safety:** In adherence to the Shire's health and safety goals, Gingin Cellars commits to actively engaging in initiatives that contribute to harm minimisation. This reflects the Applicant's dedication to not just the sale and supply of liquor but also the healthy integration of operations into the locality.
 - **Offering a Range of Low-Alcohol and Alcohol-Free Options:** Gingin Cellars will ensure the availability of low-alcohol and alcohol-free beverage options. This initiative supports consumers' desire for healthier lifestyle choices and aligns with the broader aim of promoting a balanced approach to alcohol consumption within the community.
 - **Engagement in Waste Reduction and Sustainability:** In line with the Shire's environmental health protection goals, Gingin Cellars will implement sustainable practices, including recycling programs and efforts to minimise waste.

¹² 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

¹³ Attachment 4 – Harm Minimisation Plan

¹⁴ https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/05_YOUR_SHIRE_Menu_Items/Your_Council/Reports_and_Publications/Public_Health_Plan_2020-2023.pdf

- **Collaboration with Health Services and Programs:** Gingin Cellars will explore opportunities to collaborate with local and regional health services and programs.
- **Inclusive and Welcoming Environment:** Following the Shire's focus on mental well-being, Gingin Cellars will strive to create an inclusive and welcoming environment for all consumers. This includes ensuring the store is accessible to individuals with disabilities and fostering a sense of community among consumers.



RETAIL DRINKS INDUSTRY RESPONSIBILITY

Our commitment to the responsible promotion,
sale and supply of alcohol beverage products.

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.



DON'T BUY IT FOR THEM
18+

Don't Buy It For Them is an initiative 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.

Choose to DrinkWise is an initiative developed in partnership between Retail Drinks and DrinkWise, which aims to promote responsible alcohol consumption, via consistent retail moderation messages.



Visit retaildrinks.org.au for more information

Figure 3: Retail Drinks Industry Responsibility¹⁵

- 2.6 Gingin Cellars will fully comply with all policies of the Department of Local Government, Sport and Cultural Industries concerning the sale and supply of liquor for off-premises consumption, as stipulated under Section 47 of the Act.¹⁶
- 2.7 Gingin Cellars acknowledges the importance of the voluntary guidelines set forth by Retail Drinks Australia¹⁷, a key body representing the retail liquor industry. In alignment with these guidelines, the Applicant is committed to:
- Ensuring the responsible service of alcohol at all times.
 - Actively preventing underage drinking through stringent ID checks and staff training.
 - Encouraging moderate drinking behaviours among consumers to foster a culture of responsible alcohol consumption.
 - Implementing measures aimed at preventing alcohol-related harm and ill health within the community.
- 2.8 The Applicant has noted the Retail Drinks Australia Guidelines for Responsible Product Ranging Decisions, which will be implemented subject to the application being approved. Based on their industry experience, the applicant believes their specialty products are not known to appeal to “At Risk” consumers, including juveniles.
- 2.9 The Retail Drinks Guidelines for Responsible Product Ranging Decisions have been created to help liquor store operators make responsible product choices to minimise the potential harm and ill health associated with excessive alcohol consumption. These guidelines offer a checklist of issues liquor retailers may wish to consider when deciding which products to include in their store's inventory.
- 2.10 Key product-ranging considerations should include a balanced assessment of the following factors¹⁸:
- Perception of targeting underage drinkers.
 - Product appeal and positioning.
 - Promotion style, including advertising.
 - Alcohol strength and packaging format.
 - Name of product, packaging, graphics, colour, etc.
- 2.11 In addition, 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 Liquor*¹⁹ at all times.

¹⁵ <https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

¹⁶ [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)

¹⁷ <https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

¹⁸ Attachment 8 - RDA Product Ranging Guidelines

“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.”¹⁹



¹⁹<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 4: Example of Visual In-Store Signage (Subject to Approval)

- 2.12 The Applicant is committed to responsible marketing practices targeted exclusively at adult consumers, underscoring the significance of making informed decisions regarding alcohol consumption. They actively endorse initiatives, methodologies, and regulations designed to tackle alcohol misuse. Gingin Cellars will feature educational signage within the store to guide consumers towards responsible alcohol purchasing and consumption behaviours.
- 2.13 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 of alcohol.

Proposed Product Range²⁰

- 2.14 The proposed premises will offer a diverse range of products, from local Western Australian wines to international varieties, along with local craft beers and ciders. These include mainstream packaged liquor options that will ensure that all consumer requirements are catered to.
- 2.15 Gingin Cellars will provide residents and those resorting to the locality with the following contemporary packaged liquor amenity:
- Easy access by foot, push-bike, car, or public transport,
 - One-stop shopping convenience,
 - Trolley access throughout the store,
 - Competitive pricing,
 - Refrigerated products,
 - 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.

²⁰ Attachment 6 - Gingin Cellars Sample Product List

- 2.16 Beyond accommodating individual product requests from consumers, Gingin Cellars is committed to actively supporting the local Gingin community. This includes:
- Showcasing products from local producers to support the local economy and offer consumers unique local flavours and products.
 - Generating employment opportunities for the community, contributing to local economic development and fostering a sense of community ownership and pride in the Applicant's operations.
 - Ensuring a selection of high-quality products that meet our consumers' expectations for product range and diversity.

Product Tasting and Education

- 2.17 As permitted under the Act, the Applicant intends to offer products for tasting, including wine, beer, and cider. These tastings will be conducted responsibly, and consumers will be limited to one tasting per product. Food such as cheese and crackers will be offered supplementary to the tasting.
- 2.18 The quantities of the tastings to be provided will be in accordance with those prescribed in the Director's Policy on Tastings²¹ being:
- Wine – 50 mls,
Beer – 100 mls, and
Spirits – 15 mls (if undertaken).
- 2.19 Gingin Cellars aims to improve the overall customer experience by providing related services and educational initiatives.
- Offering tastings in single-use plastic glasses for convenience and safety.
 - Providing free drinking water during tastings to ensure guest comfort.
 - Ensuring tastings are always conducted under the careful supervision of the licensee or an Approved Manager.
 - Utilising tasting experiences to educate both staff and customers about beverage preferences, aiding in the recommendation of food and beverage pairings for a contemporary shopping experience.
- 2.20 This practice will further cater to the contemporary requirements of consumers for liquor and related services by educating patrons about their liquor choices and how to pair them with food.
- 2.21 Gingin Cellars is dedicated to hiring local talent and will provide residents of Gingin and the surrounding locality with both full-time and casual employment opportunities within the retail liquor sector. This strategy not only bolsters the local economy but also fosters a team deeply rooted in community values.

²¹<https://www.dlgsc.wa.gov.au/department/publications/publication/tastings-producer-s-and-other-licences-policy>

Meet The Buyer²²

- 2.22 Gingin Cellars is keen on fostering a local-first approach, extending its support to a wide range of Western Australian food and beverage businesses. This commitment to local producers embraces a diverse spectrum of products, showcasing the state's culinary richness and innovation. Through this initiative, the Applicant aims to celebrate and promote Western Australia's unique flavours, craftsmanship, and heritage. This aligns with broader efforts to grow the local food and beverage industry and meet evolving consumer preferences for authentic, high-quality offerings.

“The Western Australian Government is connecting WA food and beverage businesses with local, national and international buyers to help them get local products onto retail shelves, menus and beverage lists across Australia and around the world.”

Local, National and International Craft Beer

- 2.23 In recent times, according to *BrewsNews*²³, Australia's craft beer scene has witnessed a significant transformation, much like the wine revolution decades ago. Consumers are increasingly gravitating towards a variety of unique and sophisticated beer styles, moving away from traditional, basic lagers. This shift reflects a growing appreciation for diverse flavours and artisanal craftsmanship in beer production, both locally and internationally.
- 2.30 Gingin Cellars is committed to supporting Western Australian breweries by featuring local craft beers such as Cheeky Monkey, Nail Brewing, and Rocky Ridge. This initiative not only supports local producers but also highlights Western Australia's brewing heritage and craftsmanship, aligning with the proposed premises' goal to offer a diverse and locally sourced product range.

Gluten and Allergen Free Alcohol Products



²²<https://www.wa.gov.au/government/media-statements/COOK-Labor-Government/Supporting-WA-food-and-beverage-businesses-to-grow-20231024>

²³<https://brewsnews.com.au/a-craft-beer-revolution/>

2.31 Gingin Cellars aims to meet the growing consumer interest in health-conscious and specialty alcoholic beverages by offering a curated selection that includes low-alcohol, gluten-free, preservative-free, and organic options. Recognising the growing number of discerning consumption habits and increased allergies amongst consumers, Gingin Cellars intends to fill a niche in the market by providing these specialty options, which are not widely available in other local packaged liquor outlets. This approach is designed to cater to consumers' evolving requirements in the locality, ensuring a diverse and inclusive product range.

2.32 *Allergy Capital*²⁴ mentions that allergies are a significant public health issue in Australia, which has one of the highest rates of allergic disorders globally. A report highlights:

- 4.1 million Australians had an allergic disease in 2007, about 19.6% of the population.
- The majority of allergy sufferers are of working age (15 to 64 years).
- On average, individuals have 1.74 allergies, totalling 7.2 million cases.
- Predictions suggest a 70% increase in allergy cases by 2050, affecting over one in four Australians.
- There's a need to understand better and address the impact of allergies on quality of life and the economy.

Organic, Biodynamic and Preservative Free Liquor Products



Figure 5: Angove Organic Wines²⁵

2.33 The Applicant is dedicated to catering to the evolving requirements of local consumers by offering a selection of organic, biodynamic, and preservative-free products. This initiative aligns with the growing consumer desire for products made with fewer chemicals, additives, and hormones.

2.34 Gingin Cellars, subject to approval, is set to offer a tailored and safe shopping experience at the heart of the community. It will focus on those with dietary requirements and preferences for healthier, low- to mid-alcohol options. The proposed

²⁴ http://www.allergycapital.com.au/allergycapital/allergies_in_australia.html

²⁵ <https://www.angove.com.au/our-story/organic-vineyards>

premises will boast a diverse selection of locally produced wines, beers, and ciders, catering to the broad and evolving preferences of its consumers.

Mid-Strength, Low and No-Alcohol Products

- 2.35 The Applicant pledges to align with community trends by offering a select array of low and no-alcohol products, promoting healthier and more responsible drinking choices. This selection is particularly appealing to those seeking alternatives lower in sugar than traditional alcoholic drinks, mirroring a wider movement towards health-conscious lifestyles and mindful consumption.
- 2.36 According to *news.com.au*²⁶, recent trends in Australia show a notable shift towards mid-strength and lower-alcohol beers and wines, with sales growing significantly faster than their higher-alcohol counterparts. This change is attributed to consumers making healthier lifestyle choices. Advances in production technology have allowed for these lower-alcohol beverages to retain more flavour and freshness, offering a desirable balance for those seeking the social and health advantages of drinking alcohol without compromising on taste.



Figure 6: Sample No-Alc Beers at Gingin Cellars²⁷

- 2.37 Gingin Cellars will align with contemporary trends mentioned in *the drinks business*²⁸ by offering an array of mid-strength and low-alcohol craft beers. The curated selection underscores a commitment to quality and innovation in the craft beer space based on the following aspects:

- **Growing Popularity:** Rising demand for mid-strength and low-alcohol craft beers as consumers seek healthier options.
- **Full Flavour:** Advances in brewing technology ensure these beers retain full flavour despite lower alcohol content.

²⁶<https://www.news.com.au/lifestyle/food/midstrength-beers-and-wines-gaining-popularity-among-drinkers/news-story/2bc426de64c4195a7c82e740f925fe6f>

²⁷ Attachment 6 - Gingin Cellars Sample Product List

²⁸ <https://www.thedrinksbusiness.com/2018/11/in-focus-top-trends-in-lower-alcohol-beer/>

- **Craft Lager Renaissance:** Craft brewers are revisiting classic styles like Pilsner and Kölsch, driving a 15.9% increase in craft lager sales.
- **Nablab Category Transformation:** Improved brewing techniques have enhanced the taste of no- and low-alcohol beers, significantly boosting their market presence.

2.38 Gingin Cellars recognises the shift towards low-alcohol wine in Australia, exploring innovative winemaking techniques to reduce alcohol content while maintaining flavour and complexity. This approach, according to *Wine Australia*,²⁹ involves:

- **Innovative Techniques:** Utilising additives like tannins and mannoproteins to enhance mouthfeel and quality.
- **Research and Development:** Conducting trials to understand the impact of these additives on wine composition.
- **Sensory Analysis:** Evaluating the effect of various additives on wine's body and astringency, aiming for an optimal balance that appeals to consumers.
- **Tailored Additions:** Selecting specific combinations of additives to refine wine's polyphenolic composition, indicating a customised approach to low-alcohol winemaking.

2.39 Low-alcohol wines are gaining consumer acceptance despite challenges. Traditionally, wines with reduced alcohol were seen as less complex or authentic. However, changing consumer behaviours show openness to innovation, such as dealcoholisation, especially in non-traditional wine markets. Consumer perception varies significantly across different cultures, with traditional views on wine influencing acceptance and perceived authenticity, impacting the likelihood of purchasing low-alcohol wine options³⁰.

2.40 The Applicant believes that these contemporary trends are an evolutionary change in consumer behaviour and aims to tailor the product range to cater to the requirements of these discerning consumers.

Zero Alcohol Spirits

2.41 Zero-alcohol spirits are the newest trend in Australia's health-conscious alcohol market, according to *abc.net.au*³¹. Pioneered by Seedlip in the UK, this category has gained momentum, leading to Saleyards Distillery's development of Australia's first range of zero-proof clear spirits. Their brand, Clovendoe, offers concentrates with distinct, globally inspired flavours, marking a



²⁹ <https://www.wineaustralia.com/labelling/low-alcohol-wine>

³⁰ <https://www.wineaustralia.com/labelling/low-alcohol-wine>

³¹ <https://www.abc.net.au/news/2020-02-14/low-alcohol-no-alcohol-gin-and-rum-growing-interest/11958288>

significant shift in the non-alcoholic beverage landscape.

- 2.42 The Applicant will carry a range of zero-alcohol spirits and is willing to order any products that consumers in Gingin require to meet their contemporary requirements.

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 Young, through Vin Fox Pty Ltd, brings extensive experience in retail, hospitality, and the liquor industry to the Gingin Cellars project. The proposed premises under the Bottle-O brand aims to offer a modern, comprehensive packaged liquor outlet at Lot 9500 Brockman Street, Gingin, WA 6503.
- 3.3 The proposed premises will focus on convenience, accessibility, and a broad product range, including organic, gluten-free, vegan, low-alcohol, and other specialty items. Committed to responsible service and customer care, Gingin Cellars will implement harm minimisation initiatives, including secure spirits storage, CCTV surveillance, staff RSA training, and a range of health-conscious products.
- 3.4 The proposed premises will operate within the hours specified by Section 98D of the Liquor Control Act, ensuring a safe and welcoming environment for all patrons.
- 3.5 By promoting smaller, local producers, Gingin Cellars aims to offer a platform for these businesses to showcase their products at competitive prices. This initiative will not only diversify the product offerings available to consumers but also strengthen the local market's vibrancy and appeal.
- 3.6 The Applicant understands the rights and responsibilities as a liquor store operator having experience with Cellarbrations Two Rocks located at the Two Rocks Shopping Centre, 7/10 Enterprise Ave, Two Rocks WA 6037, and takes seriously the responsibility to provide 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 The Applicant's validated experience has precedence, as noted by Justice Bess in the WA Supreme Court decision of Woolworths Ltd v Director of Liquor Licensing [2013] WASCA 227:

*"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."*³²

³² <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,”³³

3.9 The Applicant's proficiency in liquor store operations ensures consumer safety while minimising undue alcohol-related harm or ill health in the locality.

3.10 The Applicant understands current consumer trends in the Gingin locality and the neighbouring City of Wanneroo, with a dedication to promoting local artisans and a steadfast commitment to conducting business ethically and responsibly, reflecting a broader aim to serve the public interest by meeting contemporary requirements, supporting local craftsmanship, and upholding high standards of business practice.

3.11 The Applicant has a strong financial track record, manages businesses well, engages with stakeholders and authorities, and is qualified to obtain a liquor licence in Western Australia.

³³[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 Location and Locality

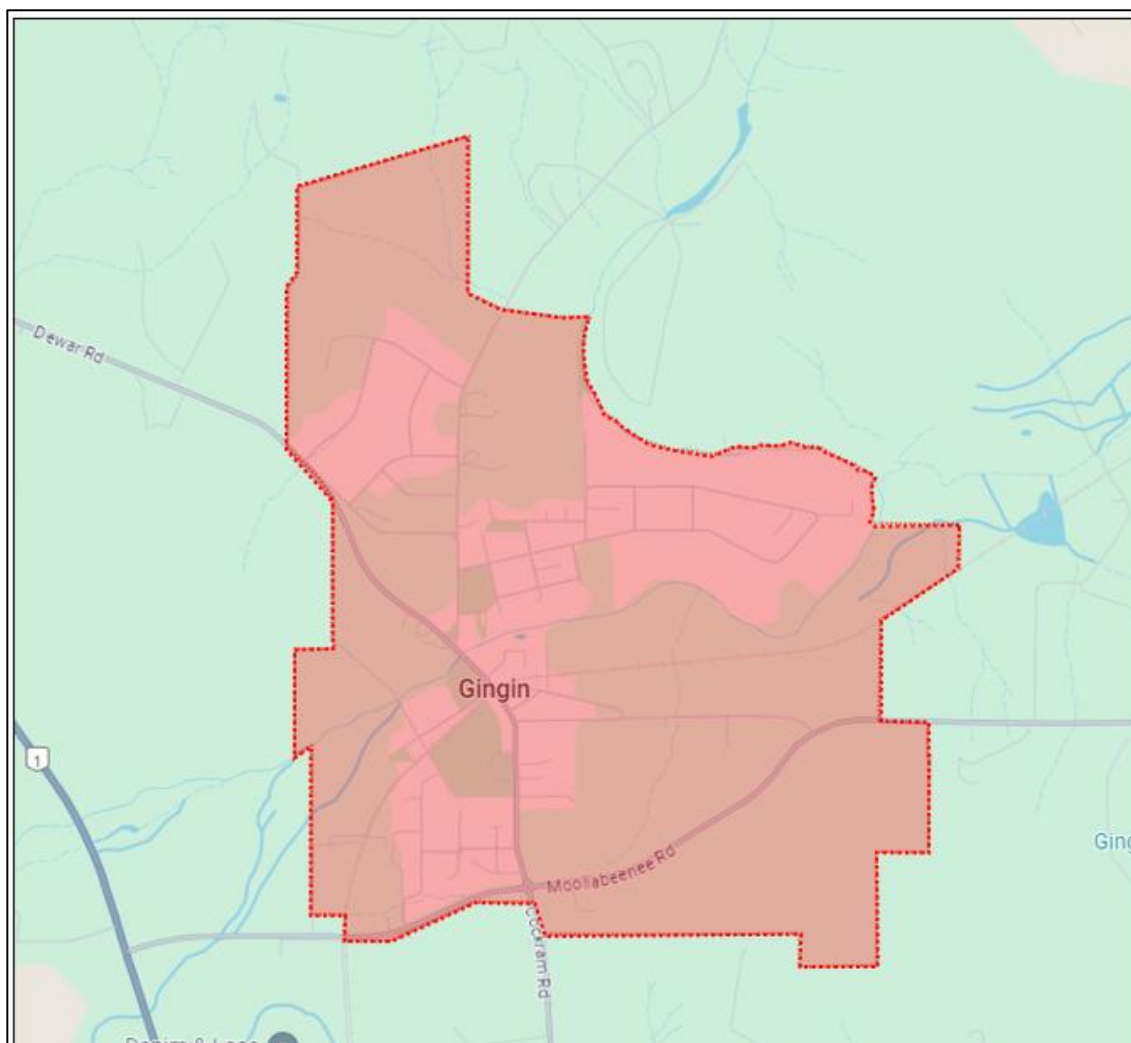


Figure 7: Gingin Cellars Defined Locality³⁴

- 4.1 Gingin is prominently situated 67 kilometres north of Perth, along the Brand Highway, making it an accessible retreat from the city. This positioning ensures Gingin's role as a key player in the Shire of Gingin local government area (LGA), renowned for its agricultural base and emerging scientific interests. With a population embodying a close-knit community, Gingin offers a unique blend of rural charm and scientific exploration, appealing to both residents and visitors alike.
- 4.2 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, Gingin Cellars, located at Lot 9500 Brockman Street, Gingin, WA 6503 where the proposed premises will be operated, subject to 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.”

- 4.3 In point 184 of [2021] WASC 366³⁵, Judge Archer clarifies the definition of ‘locality’ within the law, confirming that it refers to the geographical territory surrounding and 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.³⁶
- 4.4 The locality for the proposed Gingin Cellars, which includes the whole township of Gingin, has been determined with guidance from the Premises Manager at the Department of Local Government, Sport, and Cultural Industries. This ensures that the application adheres to the parameters set by the Licensing Authority.
- 4.5 For the purposes of addressing Section 38(4) in this submission, the locality (as identified above) includes the town of Gingin (Figure 7).

Demographics

- 4.6 Data from the Australian Bureau of Statistics 2021 Census for the Gingin LGA has been used.

| | Gingin | Greater Perth | Western Australia |
|-----------------------------------|---------------|----------------------|--------------------------|
| Population | 5576 | 2116647 | 2660026 |
| Median Age | 50 | 37 | 38 |
| Median Individual Income (Weekly) | \$670.00 | \$859.00 | \$848.00 |
| Median Household Income (Weekly) | \$1,331.00 | \$1,865.00 | \$1,815.00 |
| Median Family Income (Weekly) | \$1,626.00 | \$2,259.00 | \$2,214.00 |
| Population Under 14 years | 14.35% | 18.96% | 19.01% |
| Indigenous Persons | 8.20% | 1.99% | 3.33% |
| Australian Born | 65.10% | 59.46% | 61.98% |
| Speak English only at Home | 82.77% | 73.99% | 75.29% |
| Couple Family without Children | 55.70% | 37.60% | 38.80% |
| Couple Family with Children | 33.00% | 45.70% | 44.60% |
| One Parent Family | 10.20% | 15.10% | 15.10% |
| Other Family | 1.50% | 1.60% | 1.60% |

³⁵https://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

³⁶https://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

4.7 The demographic overview presented highlights the characteristics of the greater community surrounding Gingin Cellars. According to the 2021 Australian Bureau of Statistics data, Gingin has a population of 5,576. In fact, the Shire of Gingin Profile Id reflects the population as 6064 as of 2023, which represents a 10% population growth over a 2-year period.³⁷

4.8 Analysis of Demographic Data for the Gingin:

- **Population Insights:** Gingin has a population of 5,576, which, while smaller than Greater Perth and Western Australia overall, contributes to the locality's community atmosphere. This demographic base presents Gingin Cellars with an opportunity to cultivate close customer relationships and offer personalised service.
- **Age Demographics:** With a median age of 50, Gingin's population is significantly older than Greater Perth (37) and Western Australia (38), indicating a mature community. Gingin Cellars will tailor its product offerings to suit the preferences of a more established demographic, emphasising quality and variety.
- **Income Distribution:** The median individual income in Gingin is \$670 weekly, which is lower than Greater Perth (\$859) and Western Australia (\$848). The median household income is \$1,331 weekly, also lower than Greater Perth (\$1,865) and Western Australia (\$1,815). This reflects a need for Gingin Cellars to offer value-oriented products alongside premium options, ensuring affordability without compromising quality.
- **Family Dynamics:** A significant portion of families in Gingin are couples without children (55.70%), which is higher than the percentages for Greater Perth (37.60%) and Western Australia (38.80%). Couples with children comprise 33.00% of families, lower than Greater Perth (45.70%) and Western Australia (44.60%). This demographic trend underscores the potential demand for family-friendly and responsible alcohol consumption messaging at Gingin Cellars.
- **Language and Cultural Considerations:** A high percentage of Gingin residents are Australian-born (65.10%) and speak only English at home (82.77%), suggesting a predominantly English-speaking, Australian-born population. Gingin Cellars will promote local Australian wines, beers, and spirits to cater to Western Australia's preferences for homegrown products.
- **Indigenous and Diverse Communities:** With 8.20% of the population identifying as Indigenous, which is higher than the Greater Perth average (1.99%) and the Western Australian average (3.33%), Gingin Cellars has an opportunity to engage with and acknowledge Indigenous products and cultural sensitivity in its product selections.
- **Consumer Preferences:** The demographic characteristics of Gingin LGA reinforce the importance of Gingin Cellars' commitment to offering a diverse range of

³⁷ <https://profile.id.com.au/gingin/about>

products, including health-conscious options like low and no-alcohol beverages, which can appeal to the mature, family-oriented community.

- 4.9 The Gingin Local Government Area (LGA) is part of the strategic initiatives outlined in the Northern Growth Corridor³⁸ project. This project emphasises the development of the broader Wheatbelt region, including Gingin, as a significant growth area that supports surrounding rural communities.
- 4.10 The Northern Growth Corridor project aims to enhance the region's economic development, infrastructure, and community services. The project acknowledges the interconnected nature of the regional economy and the role that Gingin plays as a service and economic hub for its outlying areas. This broader perspective aligns with regional planning and development strategies, ensuring that Gingin Cellars is well-positioned to serve the town and the wider community.
- 4.11 Gingin Cellars' strategic establishment within the forthcoming Gingin Local Shopping Centre underscores its commitment to enriching the local retail scene. This new development, designed to cater to the evolving needs of Gingin's residents and visitors, aims to complement the locality's growth and the community's evolving lifestyle preferences. Gingin Cellars, by being part of this modern shopping centre, is well-positioned to become a cornerstone of convenience and quality for the locality, aligning seamlessly with the community's requirements and the broader development trajectory of Gingin³⁹.

Gingin Town Centre Development⁴⁰

- 4.12 The planned Gingin Local Shopping Centre, including Gingin Cellars, is strategically situated within the Shire of Gingin's municipal area, adjacent to the Shire's office. Located at the corner of Brockman Street and Weld Street, the site neighbours a residential subdivision currently under development to the north. It will adhere to the plans and specifications approved in the Development Application⁴¹.

The subject site has recently received subdivision approval from the WAPC to create 99 residential lots as well as a lot proposed for a town centre commercial development, consistent with the existing zoning for the site. The proposed

³⁸ <https://wheatbelt.wa.gov.au/project/northern-growth-corridor/>

³⁹ https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/04_BUILD_Menu_Items/Planning/Local_Development_Plans/2023-11-03_Gingin_Retail_Centre_-_Gingin_Commercial_Development_DA.pdf

⁴⁰ https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/04_BUILD_Menu_Items/Planning/Local_Development_Plans/2023-11-03_Gingin_Retail_Centre_-_Gingin_Commercial_Development_DA.pdf

⁴¹ Attachment 5 - Development Approval Lot 9500 Brockman Street Gingin

development will be located on the 'Town Centre' zoned lot and intends to deliver a commercial development consistent with the zone objectives.⁴²

4.13 This approved development will enhance the local retail and dining landscape by ensuring a diverse mix of retail options that cater to the community's requirements and preferences. This will align with the broader objective of providing comprehensive amenities to residents and visitors to the locality.



Figure 8: Approved Subdivision Layout⁴³

4.14 The proposed development will incorporate 74 parking spaces, with three designated trailer/caravan parking bays, for a total of 77 bays.

4.15 The proposed Gingin Local Shopping Centre will include the following amenities:

- Supermarket
- Café
- Hairdresser
- Pizza Shop

⁴²https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/04_BUILD_Menu_Items/Planning/Local_Development_Plans/2023-11-03_Gingin_Retail_Centre_-_Gingin_Commercial_Development_DA.pdf

⁴³https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/04_BUILD_Menu_Items/Planning/Local_Development_Plans/2023-11-03_Gingin_Retail_Centre_-_Gingin_Commercial_Development_DA.pdf

- Butcher
- Liquor Store
- Post Office

4.16 The planning report for the Gingin Local Shopping Centre development underscores the project's alignment with the Shire of Gingin's objectives and its potential to enhance local services and amenities for residents and workers significantly.



Figure 9: The Gingin Local Shopping Centre⁴⁴

Shire of Gingin Local Planning Scheme No. 9⁴⁵

4.17 Gingin Town Centre Development, part of the vibrant and expanding Gingin community, aligns with Local Planning Scheme No. 9. This scheme advocates for a harmonious blend of residential, commercial, and green spaces that encapsulate the town's spirit and natural beauty. Positioned on a 17.69 Ha 'greenfield' site within the 'Town Centre' zoning, the development is tailored to enhance Gingin's town centre, supporting sustainable growth and diversifying the local retail landscape to accommodate the community's evolving requirements.

"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."⁴⁶

⁴⁴https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/04_BUILD_Menu_Items/Planning/Local_Development_Plans/2023-11-03_Gingin_Retail_Centre_-_Gingin_Commercial_Development_DA.pdf

⁴⁵<https://www.wa.gov.au/system/files/2022-01/LPSC-gingin9-scheme-text.pdf>

⁴⁶https://www.wa.gov.au/system/files/2021-05/FUT_LN_Liveable_Neighbourhoods_update_02.pdf

4.18 Key aspects of the scheme include:

- **Promotion of Townsite Expansion:** Encouraging growth within townsites, particularly where infrastructure is available or planned, to maximise the utility of investments and create demand for infrastructure improvements.
- **Infrastructure Enhancement:** Aiming to upgrade and expand town infrastructure to reduce environmental degradation.
- **Sustainable Residential Development:** Advocating for residential amenity development in townsites where feasible to support sustainable growth.
- **Rural Land Use Protection:** Protecting the rural land resource from unplanned fragmentation and promoting intensive and diversified rural land uses that are compatible with traditional agricultural activities.
- **Environmental and Landscape Conservation:** We are committed to conserving Gingin's unique environment and landscape, including protecting biodiversity and managing land and water resources.

5 Legislative Framework – Liquor Control Act 1988⁴⁷

5.1 This application is submitted for the conditional grant of a Liquor Store Licence in accordance with Section 47 of the Act.

5.2 Section 38(4)(a), (b), and (c) of the Act are duly considered in this Public Interest Assessment (PIA). The Applicant respectfully submits that this application satisfies the primary and secondary objects in Section 5 of the Act. These aspects will be explored in greater detail in the subsequent sections of this submission.

5.3 **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 Harm Minimisation Plan⁴⁸ attached, the Applicant is committed to adopting responsible practices in the sale and supply of packaged liquor, including (but not limited to).
 - 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),
 - A range of specialty products, including (but not limited to) local WA-made products, low-alcohol products and dietary-specific products, not readily available elsewhere in the defined locality⁴⁹.

⁴⁷ [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)

⁴⁸ Attachment 4 – Harm Minimisation Plan

⁴⁹ Attachment 6 – Gingin Cellars Sample Product List

- CCTV coverage will be implemented 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 Policy⁵⁰.
- All staff of the proposed Gingin Cellars will be required to undergo and complete the appropriate RSA training in accordance with Sections 33 and 103A of the Act.
- A copy of each staff member's RSA certificate is kept on premises in a training register, per the director's policy on mandatory training⁵¹.
- The Applicant will join the local Liquor Accord, 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*⁵² guidelines, incorporating CCTV coverage throughout the well-lit store.
- The experience of the Applicant as a liquor retailer in WA.
- The robust Harm Minimisation Plan⁵³ has delivered positive results at the experienced Applicant's other liquor store operations in the state.
- Visual signage will reflect the Licensing Authority's regulations regarding purchasing takeaway packaged liquor, including new regulations regarding the secondary supply of liquor to juveniles.
- The Applicant will always 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.

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 Shire of Gingin Local Planning Scheme's initiative to endorse the Gingin Town Centre Development⁵⁴ underscores the necessity for enhanced housing and amenities. This strategic development ensures residents have

⁵⁰<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

⁵¹<https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

⁵²<https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

⁵³ Attachment 4 – Harm Minimisation Plan

⁵⁴ Attachment 9 - Gingin Town Centre Development

access to essential services and diverse retail options, promoting a sustainable and connected community lifestyle.

- A dedicated, browse packaged liquor amenity in Gingin Local Town Centre development is an amenity available to other consumers in the State.
- A majority of the Consumer Survey respondents support the proposed supermarket and liquor store.
- 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 Cellar/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 increasing 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.

5.4 **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 Gingin Town Centre Development signifies a significant expansion in the locality.
- The proposed liquor store 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 Gingin Town Centre Development as per the State Planning Scheme's 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 Gingin Cellars, operating under a Liquor Store Licence, would provide a convenient and required amenity at the Gingin Town Centre Development that is currently unmet in the Locality.
- 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 Shire of Gingin 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. Their qualifications will be kept in a Training Register on the premises to be known as Gingin Cellars, in accordance with the Director's Policy on *Mandatory Training*⁵⁵.
- 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*⁵⁶. The Approved Manager will always be available to respond to the concerns of patrons, 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 always be in place and will apply to patrons, staff and management at all times in accordance with the Department's policy on Harm Minimisation⁵⁷.
- 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.
- The proposed liquor store will have a comprehensive CCTV system installed, with cameras covering the entrance/exit and delivery areas, in accordance with the Director's policy on *Safety and Security at Licensed Premises*⁵⁸.

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

⁵⁵<https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

⁵⁶<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/approved-managers>

⁵⁷<https://www.dlgsc.wa.gov.au/department/publications/publication/harm-minimisation-policy>

⁵⁸<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

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 the applicant's submission contain a minor perceived deficiency (if any), 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 object 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 any in-store promotion is responsible and does not support excessive liquor consumption.
- The Applicant will at all times adhere to the Director's Policy⁵⁹ on the responsible promotion of liquor.

5.5 **Section 16⁶⁰ of the Act** outlines how the licensing authority is to act according to equity, good conscience and the substantial merits of the case. It should act without undue formality and is not bound by the rules of evidence.

5.6 **Section 33⁶⁰ (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.

5.7 The Applicant has proven their creditworthiness, good character, and successful track record in other business ventures. They have also shown a willingness to engage with relevant stakeholders and authorities to develop the liquor, hospitality, and tourism industry in a responsible manner. Based on these qualifications, they are deemed eligible to hold a liquor licence in Western Australia."

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

⁵⁹<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/promotion-of-liquor>

⁶⁰[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)

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."*⁶¹

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

1. *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 400m² is located within 5 kilometres (metropolitan) or 12 kilometres (regional) of the proposed premises (distances are calculated using the shortest route by road).*

2. *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).*⁶²

6.3 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."

6.4 Australian Leisure and Hospitality Group Pty Limited v Commissioner of Police & Ors [2017] WASC 88⁶³:

⁶¹[https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/\\$File/EM58-2.002.pdf](https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/$File/EM58-2.002.pdf)

⁶²<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/license-types-and-trading-hours/package-liquor-sales-policy>

⁶³https://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

"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".

6.5 The Liquorland Karrinyup decision ([2021] WASC 366) is a landmark legal interpretation 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, competitive pricing, one-stop shopping 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.

6.6 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."*⁶⁴

6.7 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.

6.8 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"*⁶⁵. 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.

⁶⁴ Point 21 of [2021] WASC 366

⁶⁵ Point 108 of [2021] WASC 366

6.9 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. However, that presumption may be displaced by the context in which the word appears”⁶⁶

Proliferation

6.10 The Director of Liquor Licensing, in many decisions⁶⁷, 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.

6.11 The statement, “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.

6.12 Proliferation’ is generally defined as:

- *“to grow or increase or cause to grow or increase rapidly”⁶⁸*
- *“the sudden increase in number or amount of something; a large number of a particular thing”⁶⁹*
- *“the fact of something increasing a lot and suddenly in number or amount”⁷⁰*

6.13 Based on these PIA submissions, the Applicant respectfully submits that granting conditional approval for the Liquor Store Licence, which is intended to cater to consumers' reasonable requirements and enhance the diverse amenities of Gingin Local Town Centre development on a greenfield site, will not result in the proliferation of packaged liquor:

- **Convenience:** The strategic placement of Gingin Cellars within the new Gingin Local Shopping Centre would enhance accessibility for residents and complement the existing outlets without proliferation in the market.
- **Catering to Consumer Requirements:** The proposed Gingin Cellars will offer unique products such as organic, gluten-free, vegan, and low-alcohol options not

⁶⁶ Point 22 of [2021] WASC 366

⁶⁷ https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/directors-decisions/commune-wine-store-reasons100e7d4176b64a60bd143c0df60bcfbb.pdf?sfvrsn=d66ca0eb_6

⁶⁸ <https://www.collinsdictionary.com/dictionary/english/proliferate#:~:text=proliferate%20in%20British%20English&text=1.,Collins%20English%20Dictionary>.

⁶⁹ https://www.oxfordlearnersdictionaries.com/definition/american_english/proliferation

⁷⁰ <https://dictionary.cambridge.org/dictionary/english/proliferation>

specified as available in the existing package liquor outlets. This caters to consumers' evolving requirements and health-conscious preferences.

Reasonable

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

6.15 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.

6.16 In a decision relating to application A122893507⁷¹, 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.”

6.17 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.

6.18 Various sources define ‘*reasonable*’ as:

- *“based on or using good judgement and therefore fair and practical”⁷².*
- *“fair, practical, and sensible”⁷³*
- *“showing reason or sound judgement”⁷⁴*

6.19 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 beyond the availability of liquor products, including location, accessibility, convenience, competition, range, volume, and variety of liquor products in catering to the reasonable requirements of consumers.

Matters to be Addressed

6.20 Importantly, as stated by Judge Lemonis in WASC128 [2024]:

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

⁷¹https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/hangawee-outlet-northbridge436b61a50976489388d21bccd7d2d900.pdf?sfvrsn=83a7222e_4

⁷²<https://dictionary.cambridge.org/dictionary/english/reasonable>

⁷³https://www.oxfordlearnersdictionaries.com/definition/american_english/reasonable#:~:text=%2F%CB%88riz%C9%99n%C9%99bl%2F,beforehand%20that%20this%20would%20happen.

⁷⁴<https://www.collinsdictionary.com/dictionary/english/reasonable#:~:text=adjective-.1.,prescribed%20by%20reason%3B%20not%20excessive>

the following four matters.

6.21 In accordance with the understanding that ‘Consumer requirements must be considered in the broader context’⁷⁵, the Applicant has ensured that the proposed premises will cater to a diverse range of consumer requirements.

1. What is the relevant locality?

6.22 The relevant locality for Gingin Cellars is defined by the geographic area encompassing the town of Gingin and its immediate surroundings, extending to other areas within the Shire of Gingin as confirmed by the Premises Manager at the Licensing Authority. This locality includes the primary catchment area for residents, visitors, and those travelling through the locality for work or leisure.

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

6.23 Consumer requirements for packaged liquor in the relevant locality have been comprehensively assessed through a Consumer Survey and numerous Letters of Support. The Consumer Survey⁷⁶ conducted with 112 respondents, predominately from the Shire of Gingin, indicated strong support (96.43%) for the proposed Gingin Cellars operating under a Liquor Store Licence, subject to approval:

- 24.55% live in the Town of Gingin
- 52.27% live elsewhere in the Shire of Gingin
- 18.18% travel to or through the Shire of Gingin for work or leisure

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

6.25 Judge Lemonis 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

⁷⁵[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)

⁷⁶ Attachment 2 – Consumer Surveys

*trifling, or to use Liquorland's words, not insignificant or immaterial.*⁷⁷

6.26 The Hon. Justice S. Lemonis 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.*⁷⁸

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

6.27 The Applicant submits, based on their experience in the retail industry and the responses from the Consumer Surveys, that various factors influence the packaged liquor requirements of consumers. These reasonable requirements include, but are not limited to:

Product Availability:

⁷⁷[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)

⁷⁸[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)

- A diverse range of beer, wine, cider, and spirits.
- A specialty range of products (GF, preservative-free, vegan, low alcohol, etc.) in one convenient location.
- Focusing on WA-made products, including premium wines, to support local industry with direct and indirect employment.
- Staff will be trained to take product requests from patrons when required. If a particular product is not available for any reason, staff will communicate this to the patron and suggest a comparable alternative product that is currently in stock.

Customer service offered:

- Regular product tastings by industry experts.
- Customer service is an important component of consumer requirements, and the Applicant prides itself on comprehensive customer service training, delivering a superior amenity to consumers⁷⁹.
- 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 as 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.).

Accessibility:

- Access to the proposed liquor store via foot, pushbike, car, or public transport.
- The proposed premises will have ease of access with parking on site.
- The proposed premises will be accessible by shopping trolleys, providing convenient access to the new shopping centre's amenities and other related services on a greenfield site.

Related Services:

- The proposed liquor store will be strategically located within the Gingin Local Town Centre development, surrounded by various related commercial services designed to meet local consumers' daily and weekly requirements. This development includes:
 - Supermarket
 - Liquor store
 - Café
 - Hairdresser
 - Pizza outlet

⁷⁹ Attachment 3 – Letters of Support

- Butcher
- Post office

Safety:

- The proposed premises have been designed according to the Safer Place By Design (CPTED) principles, with safety foremost in mind and will always be well-lit.
- There will be CCTV throughout the proposed premises in accordance with the Director's Policy on *Safety and Security at licensed premises*⁸⁰.
- CCTV will also be installed at the shopping centre.
- The related services at the shopping centre will provide passive surveillance of the liquor store.
- IGA supermarket will be trading during the times the proposed liquor store is open, providing passive surveillance and one-stop shopping.

Convenience:

- Consumers can undertake multiple tasks (i.e., liquor shopping and related services like 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 and at the proposed Gingin Local Town Centre development.
- The ability to purchase all their regular and one-off packaged liquor requirements in a single shopping trip.

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

- 6.28 The existing packaged liquor outlet in the defined locality primarily offers a range of mass-produced liquor products. The outlets lack a specialised selection of organic, gluten-free, vegan, and low-alcohol options. The existing services do not cater to the requirements of consumers seeking high-quality, specialised products that Gingin Cellars aims to provide.
- 6.29 Based on the Consumer Survey, the gap in the market is significant, as current offerings do not meet the contemporary requirements of consumers who desire unique, health-conscious options.
- 6.30 Consumer Requirements for Specialised Products:
- 67.57% of respondents want the ability to request unique products.
 - 54.05% of respondents seek specialty products not readily available locally, such

⁸⁰<https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

as preservative-free, allergen-free, biodynamic, and dietary-specific options.

- 95.95% of respondents believe their reasonable requirements for packaged liquor are not currently met within the Gingin locality.

6.31 Unmet Needs and Support for Gingin Cellars:

- 99.06% of respondents believe that a new independent liquor store at the Gingin Town Centre Development would better meet their packaged liquor requirements.
- 96.43% of respondents support the liquor store application for Gingin Cellars.
- 94.64% of respondents believe it is in the public interest to conditionally approve a Liquor Store Licence for Gingin Cellars at the new Gingin Town Centre Development.

6.32 Refer to Attachment 10: Packaged Liquor Outlets in the Defined Locality⁸¹.

4. Whether the local packaged liquor requirements cannot reasonably be met by those existing packaged liquor premises.⁸²

6.33 Amenities/Related Services at existing Packaged Liquor Outlet:

- No specific tasting area.
- Standalone liquor store.
- No trolley service.
- No related services available (i.e., supermarket)
- Pricing is not competitive as no other dedicated packaged liquor outlet exists in the Gingin locality.

6.34 The new contemporary packaged liquor premises aids in the development of the liquor industry; supporting local and small batch producers will also aid in the development of the tourism industry.

6.35 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 Gingin Cellars, highlights this requirement. The current packaged liquor outlets do not provide unique, health-conscious products to consumers in the locality. Gingin Cellars' offering will cater to this unmet requirement, aiding in the development of the liquor and hospitality industries.

6.36 Recognising the importance of the changing demographics of the community and the

⁸¹ Attachment 10 – Packaged Liquor Outlets in the Defined Locality

⁸²[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)

introduction of a different offering in terms of consumer choice and diversity,⁸³ 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.

- 6.37 The application for Gingin 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."*⁸⁴

- 6.38 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 range of consumer requirements.

- 6.49 The Applicant has 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 WASC366:

*"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)."*⁸⁵

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."

⁸³https://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

⁸⁴<https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

⁸⁵https://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

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.”⁸⁶

7.2 Based on these comprehensive PIA submissions, Vin Fox Pty Ltd firmly believes that conditionally granting a Liquor Store Licence for Gingin Cellars aligns with the public interest, as outlined in Section 38(2) and (4) of the Act, for the following reasons:

- **Convenience and One-Stop Shopping:** Gingin Cellars will be a part of the Gingin Local Shopping Centre, which is designed to be a one-stop shopping destination, providing a wide range of services and amenities, including a supermarket, café, hairdresser, pizza outlet, butcher, and post office.
- **Accessibility:** Gingin Cellars' location within the Gingin Local Shopping Centre ensures easy access for local consumers, providing ample parking and convenience for those shopping on foot, by bike, or by car.
- **Competition:** The addition of Gingin Cellars will introduce healthy competition within the locality, encouraging better service and more diverse product offerings without heavy discounting or selling cheap liquor products.
- **Product Offering:** Gingin Cellars will offer a range of products with no heavy discounting and/or offering of cheap liquor products. The store will cater to the growing number of allergen and dietary-sensitive consumers with a variety of low, mid, and zero-alcohol options for beer, wine, and spirits, meeting the needs of health-conscious individuals, those who want to reduce their alcohol intake without compromising on taste, pregnant women, and those who choose not to consume alcohol for health, medical, religious, or personal reasons.
- **Responsible Retailing:** The proposed liquor store will be responsibly separated from the supermarket, ensuring a clear distinction between the two types of retail operations. Additionally, personalised service will be offered through product order forms, allowing consumers to request specific products to be made available at a convenient location for shopping
- **Harm Minimisation:** A strict Harm Minimisation Plan will be implemented and enforced, demonstrating the Applicant's commitment to minimising any potential undue harm due to the use of liquor, thus aligning with public interest considerations.

7.3 Significantly, in Western Australia, the notion of one-stop shopping has been acknowledged as a substantial determinant in the assessment of applications for liquor store licences. In *Woolworths Ltd v Director of Liquor Licencing* [2013] WASCA 227, Buss JA emphasised the following:

“Further, the Commission overlooked the notorious fact that, in contemporary Australian life, one-stop shopping in large suburban shopping centres is of great

⁸⁶ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

importance, especially to working people, and that this social fact is reflected in the development of district and regional shopping centres.”⁸⁷

- 7.4 The Applicant is an experienced retail operator committed to meeting the reasonable requirements of the local community around the new Gingin Local Town Centre development and those who resort to the store for their individual liquor purchasing requirements.
- 7.5 The Applicant believes that the following objective evidence all demonstrate that the conditional grant of the liquor store licence is in the public interest:
- Consumer Survey,
 - Experience of the Applicant,
 - Letters of Support.

Consumer Surveys⁸⁸

- 7.6 Please find attached a summary of the most relevant aspects of the Consumer Survey conducted within the locality.

Letters of Support⁸⁹

- 7.7 In addition to the Consumer Surveys, the applicant received several Letters of Support for their application from Key Stakeholders and elected members of Local and State government.

Positive Impacts

- 7.8 The proposed premises of Gingin Cellars aim to promote a sustainable, locally focused business that actively participates in the community. The company prioritises sustainability, local impact, and streamlined business processes, and its goal is to generate employment, rejuvenate local business hubs, and stimulate the economy.
- 7.9 Sharing objectives with the *SHIRE OF GINGIN Local Planning Scheme No. 9*⁹⁰, the Gingin Cellars' application emphasises the strategic alignment of local planning goals with the Applicant's vision to foster community growth, support local producers, and enhance the retail landscape in the locality.
- 7.10 The proposed premises will have the following positive economic impacts on the Locality, including (but not limited to) the current and future residents:
- Introduce a new contemporary amenity to the locality.
 - Aid in the development of the liquor and tourism industry
 - Provide accessibility.

⁸⁷ <https://jade.io/article/303163>

⁸⁸ Attachment 2 – Consumer Surveys

⁸⁹ Attachment 3 – Letters of Support

⁹⁰ <https://www.wa.gov.au/system/files/2022-01/LPSC-gingin9-scheme-text.pdf>

- Promote economic growth and job creation.
- Provide competitive pricing
- Opportunity for small batch producers to sell their product and sustain their business.

Potential Negative Impacts

- 7.11 The responsible and experienced Applicant recognises that alcohol can be misused and cause harm if not responsibly consumed.
- 7.12 As a person of authority in another Licensee entity committed to responsible liquor consumption, the Applicant has considered the Australian Institute of Criminology: Research in Practice SUMMARY PAPER No. 04 December, which refers to the negative social impact of Alcohol-related violence in residential locations: *“Hotels and nightclubs are the most problematic licensed venues for violence, particularly those with extended or 24-hour trading.”*
- 7.13 To be effective in reducing alcohol-related violence, the research notes that the implications for policy and practice need to give importance to the following:
- “The need for a range of partners within the community to work together to set appropriate standards for the consumption of alcohol and set formal and informal controls on the misuse of alcohol and the problem behaviours that result”.*
- 7.14 The Applicant aims to engage actively within the community by joining initiatives while working closely with law enforcement [Police and Liquor Enforcement Unit (LEU)] and the Chief Health Officer (CHO) to address and reduce any potential negative impacts on the locality. This commitment underscores a dedication to mitigate and minimise any undue, potential negative risk that may result from the consumption of alcohol within the locality (see Legislative Framework – *Liquor Control Act 1988*⁹¹).
- 7.15 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,
 - Adhering to any resolutions of the local Liquor Accord,
 - Responsible service of alcohol practices.
 - Ongoing staff training.

⁹¹[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)

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.

7.16 The Applicant acknowledges that the rise in reported instances of 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.⁹²

7.17 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 premises will adhere to any action or order issued by the WA Police upon advice by the relevant agency or authorised person.

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

8.1 The following information sources were reviewed in compiling this public interest assessment, 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."*⁹³

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

⁹²<https://www.perthnow.com.au/news/wa/domestic-violence-reaches-epidemic-levels-in-wa-as-more-cry-for-help-ng-eea3e567dba6fbcda8e929181f9a6889>

⁹³[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 and Alcohol Office, Mental Health Commission and the Department of Health (WA)

Mental Health Commission website

- National Drug Strategy Household Survey 2013: Western Australian Introduction, Executive Summary, Supplementary Tables
- Australian School Student Alcohol and Drug Survey: Alcohol Report 2011 – Western Australian Results. Surveillance Report Number 8
- Broad Strategic Directions of West Australian Drug and Alcohol Strategy 2005-2009
- Drug & Alcohol Interagency Strategic Framework for Western Australia 2011-2015
- Strong Spirit Strong Mind: Western Australian Aboriginal Drug and Alcohol Framework for Western Australia 2011-2015
- Fitzroy Valley Alcohol Restriction Report: An evaluation of the effects of a restriction on takeaway alcohol relating to measurable health and social outcomes, community perceptions and behaviours after a two-year period, 2010.
- Drug and Alcohol Office WA (2012). The impact of liquor restrictions in Kununurra and Wyndham: a twelve-month review
- Halls Creek Alcohol Restriction Report 2012: a 24-month review of the impact of alcohol restrictions on health and social outcomes, community perceptions and behaviours.
- The impact of liquor restrictions in Halls Creek: Quantitative data — Five years post-restriction
- Alcohol-related hospitalisations and deaths in Western Australia: State Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: this report may incur a cost, see note on previous page.
- Alcohol-related hospitalisations and deaths in Western Australia: Regional Profile (2014) Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA. Note: This report may incur a cost, see note on previous page.
- Alcohol and Other Drug Indicators Report — Western Australia (2015) R. Bridle, A. Christou & T. Lembo.
- 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*⁹⁴, 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.

⁹⁴ Attachment 13 – Preventing Violence WA

“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.

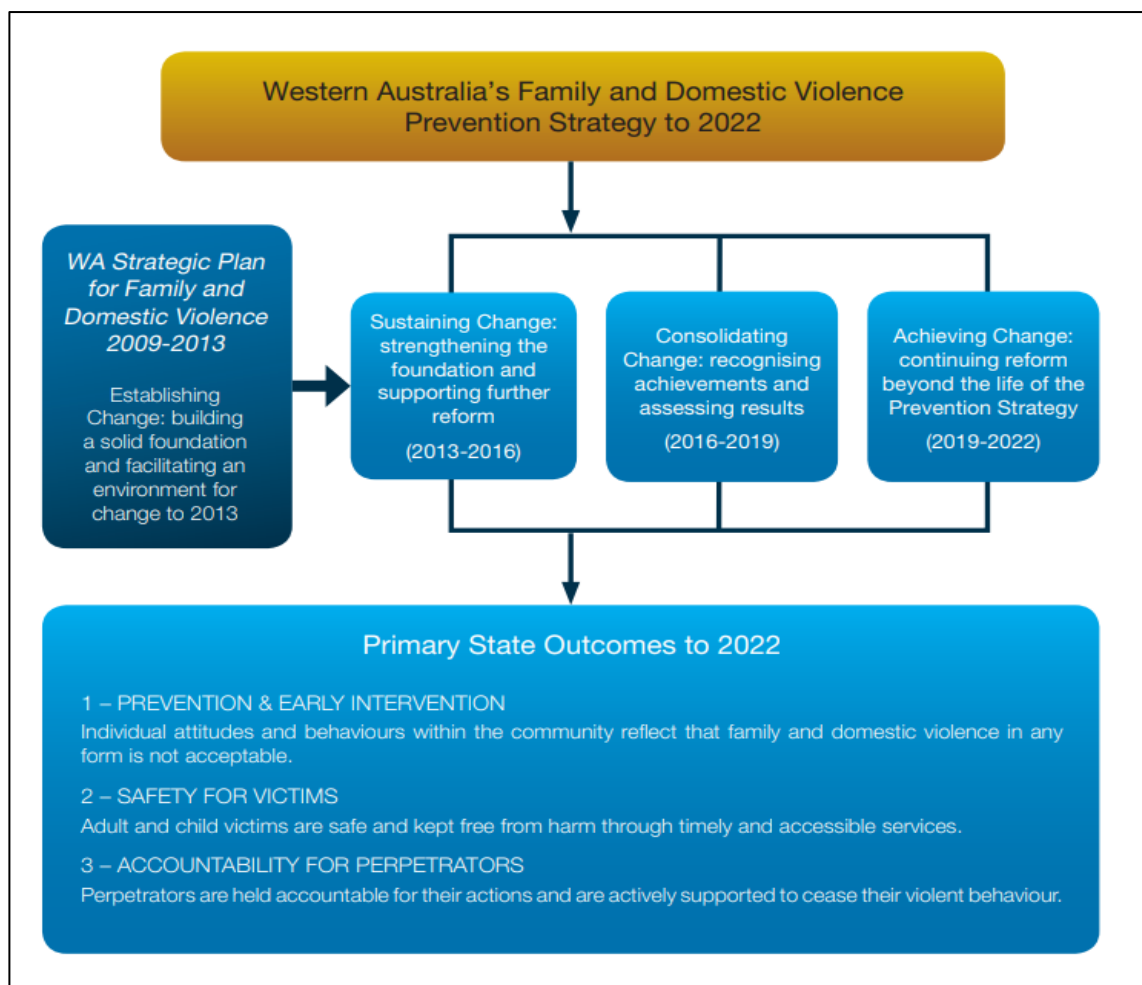


Figure 10: Excerpt from WA Family and Domestic Violence Prevention Strategy to 2022⁹⁵

“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*

⁹⁵ <https://www.wa.gov.au/system/files/2021-11/WA-FDV-Prevention-Strategy-to-2022.pdf>

- *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”⁹⁶.

8.4 Additionally, the WA State Government and Department of Child Protection (DCP) have stated in the ‘WA Strategic Plan for Family and Domestic Violence’⁹⁷ that:

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

“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 well-being 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.*

⁹⁶ Attachment 13 – Preventing Violence WA

⁹⁷ <https://www.wa.gov.au/system/files/2021-04/fdv-strategy-2020-2030.pdf>

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 In addition to the above, the *Safer Places By Design* guidelines produced by the Western Australian Planning Commission (2023) were also considered within this submission. The Applicant believes the guidelines to be 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, and well-managed licensed premises.

8.6 The relative criteria for *Safer Places By Design* 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
- Access Control
- Territorial Reinforcement
- Target Hardening (Security Measures); and
- Management and Maintenance

8.8 **Surveillance:**

- The proposed Liquor Store will be covered by CCTV, including the exit, entry, and delivery points.
- The store layout is designed with the Point of Service at the entrance/exit to allow staff to monitor and supervise customers entering and exiting the store.
- A qualified Approved Manager will supervise the store at all times.
- The Gingin Town Centre Development will also incorporate its own CCTV.

8.9 **Access Control:**

- The experienced Applicant will use tried-and-tested techniques to deny offenders, reduce 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:**

- Clear and secured signage will identify the premises and the perimeter of the Liquor Store, including rear entry for deliveries.

8.11 Target Hardening (Security Measures):

- Quality locking devices will secure the entry/exit points to the proposed Gingin Cellars.

8.12 Management and Maintenance:

- The proposed premises will be well-maintained and remain in good repair 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 the Applicant will consider during the design process:

- **Lighting**—The area in and surrounding the venue, including the car parking area, will be well-lit to discourage antisocial behaviour. This greatly increases the chance of detection and recognition. Bright lighting will also be throughout the proposed premises.
- **Landscaping** – It is important that sightlines are not obscured, creating small areas of potential concealment.
- **General appearance**—If a place has a quality fit-out and appears well looked after, people are less likely to loiter or be antisocial.
- **Entrapment places**—It is important not to create areas capable of trapping people, such as recessed Automatic Teller Machines or narrow alleyways.
- **Activity generators** – Having a broad range of uses that are available at varied times creates passive surveillance and an image of liveliness that is 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 Gingin Cellars application:

| | Locality | Western Australia |
|-----------------------------|----------|-------------------|
| Population Under 14 years | 23.39% | 19.01% |
| Indigenous Persons | 3.10% | 3.33% |
| Australian Born | 70.62% | 61.98% |
| Couple Family with Children | 46.00% | 44.60% |

8.15 The above statistical data was compiled using the latest statistics available from the *Australian Bureau of Statistics, 2021 Census Data*⁹⁸.

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

⁹⁸ <https://www.abs.gov.au/census/find-census-data/search-by-area>

by *The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*⁹⁹ and noted in the Director's 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 are summarised as follows:

- **Aboriginal people and communities:** The locality has a modest Indigenous population similar to the state.
- **Children and young people:** With a higher percentage of the population under 14 compared to broader averages, strict ID checks and responsible service of alcohol refusals to juveniles will be implemented.
- **People from regional, rural, and remote communities:** Given the locality's rural setting, strategies tailored to rural communities will be invoked by the Applicant who has experience in the regional areas.
- **Families:** Providing resources and support to families, especially those dealing with alcohol and other drug issues, from '*police responding to domestic violence and assaults to family members accessing telephone helplines.*'
- **Justice and Corrections Systems:** Collaborating with local authorities to ensure that those interacting with the justice system have access to the necessary support including restrictive access to the premises.
- **Addressing Other Target Groups of Concern:** Given the diverse demographic profile, inclusive practices for older adults, culturally and linguistically diverse communities, and LGBTQI+ individuals to ensure that the operations are inclusive and supportive for members of the community.

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*,¹⁰⁰ 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 and empowering individuals, families, and communities to make healthy choices and create healthy environments.
- **Intervening before problems become entrenched:** Implementing programs to identify at-risk individuals, families and communities and intervening before problems escalate.
- **Effective law enforcement approaches:** Close liaison with the local police and break the cycle of offending, if any.

⁹⁹<https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

¹⁰⁰<https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

- **Effective treatment and support services:** Providing integrated, evidence-based treatment and support services.
- **Strategic coordination and capacity building:** Capacity building, workforce development, collaboration, evidence-based practice, monitoring, and information dissemination to provide improved and targeted responses.

8.20 The Applicant is committed to promoting community health and well-being. It recognises the importance of responsible drinking initiatives like those by DrinkWise®, which aim to curb binge drinking among young adults. The campaign has shown effectiveness in changing attitudes and behaviours regarding alcohol consumption. The Applicant plans to support and propagate such responsible drinking messages, aligning with community health initiatives within their operations.

Key outcomes from the campaign included:

- *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.¹⁰¹*

8.21 By tailoring the Harm Minimisation Plan to the community's specific needs, maintaining open communication, supporting local initiatives, and adapting the plan as needed, the Applicant aims to foster a positive relationship with the community and demonstrate a commitment to minimising undue harm and ill-health from alcohol consumption.

Socio-economic Indicators

SEIFA

“Socio-Economic Indexes for Areas (SEIFA)¹⁰² is a product developed by the ABS¹⁰³ that ranks areas in Australia according to relative socioeconomic advantage and disadvantage. The indexes are based on information from the five-yearly Census.”

8.22 In 2021, Gingin and rural inland had the lowest level of Disadvantage in the Shire of Gingin, with a SEIFA index score of 992.4.¹⁰⁴

¹⁰¹<https://www.alcoholbeveragesaustralia.org.au/wp-content/uploads/Alcohol-Beverages-Industry-Report-Deloitte.pdf>

¹⁰²[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.)

¹⁰³<https://www.abs.gov.au/>

¹⁰⁴<https://profile.id.com.au/gingin/seifa-disadvantage-small-area>

8.23 The Shire of Gingin, with its SEIFA indices, reveals a community ready for investment and growth according to the *Public Health Plan 2020 - 2023*¹⁰⁵.

Crime Statistics for the Locality¹⁰⁶

8.24 The data presented in the table above was sourced from the Western Australian Police website (www.police.wa.gov.au) and contains verified ‘Crimes Against Persons’ offences for the defined locality from calendar years 2022 and 2023.

| Type of Offence | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|------------------------------------|-----------|-----------|----------|-----------|----------|----------|-----------|-----------|-----------|
| Homicide | - | - | - | - | - | - | - | 1 | - |
| Sexual Offences | - | 9 | 1 | 19 | - | - | 1 | 24 | 1 |
| Assault (Family) | 10 | 5 | 3 | 2 | 2 | 1 | 6 | 11 | 6 |
| Assault (Non-Family) | 8 | 6 | 1 | 2 | 1 | 3 | 3 | 4 | 2 |
| Threatening Behaviour (Family) | 2 | - | - | - | - | - | - | 2 | 2 |
| Threatening Behaviour (Non-Family) | 1 | 2 | - | - | 1 | - | - | 3 | 1 |
| Deprivation of Liberty | 1 | - | - | - | - | - | - | 1 | - |
| Robbery | - | - | - | 1 | - | - | - | - | - |
| Total of Selected Offences | 22 | 22 | 5 | 24 | 4 | 4 | 10 | 46 | 12 |

Figure 11: Crimes Against Persons for Gingin¹⁰⁷

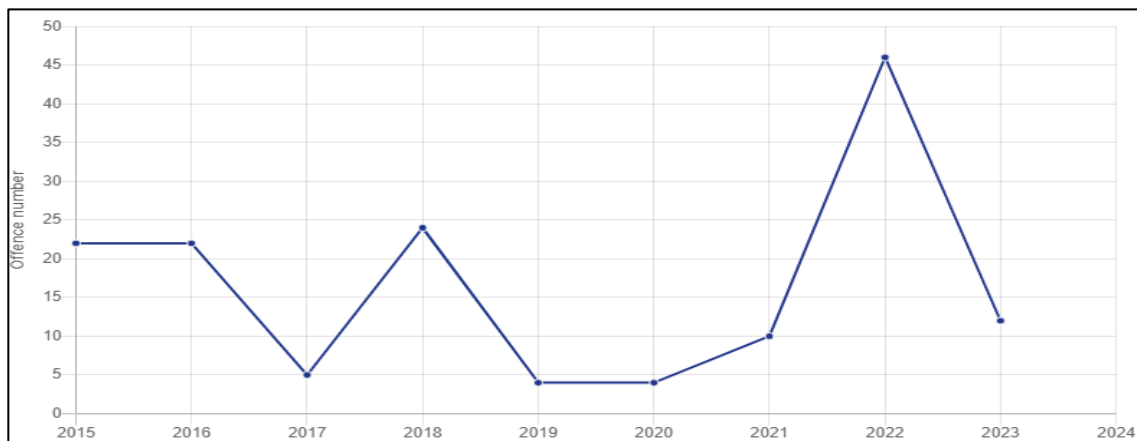


Figure 12: Comparison Offences¹⁰⁸

8.25 The Applicant submits that recognising the constraints within crime statistics data is essential, when obtained from official sources like the WA Police. These limitations often include a lack of detailed context surrounding incidents, particularly:

- The role of alcohol consumption in criminal activities.
- The source of alcohol involved in crimes, distinguishing between consumption at various establishments like taverns, restaurants, or liquor stores.

¹⁰⁵ https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/05_YOUR_SHIRE_Menu_Items/Your_Council/Reports_and_Publications/Public_Health_Plan_2020-2023.pdf

¹⁰⁶ <https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

¹⁰⁷ <https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

¹⁰⁸ <https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

- The identification of repeat offences by a single individual, especially in cases related to family violence.
- The pattern of repeat offences is a common aspect of domestic assault cases.

8.28 The Applicant is deeply aware of the community's diversity, reflected in demographic and crime statistics. This awareness informs its approach, ensuring that operations are adapted to the unique characteristics of the locality, promoting positive stakeholder engagement and responsible service of alcohol.

8.29 The Applicant's commitment extends beyond operational strategies, which will prioritise ongoing dialogue with community leaders and local authorities. By actively seeking and integrating feedback, Gingin Cellars aims to be a proactive, responsive premises within the community, addressing concerns and adapting to consumers' evolving needs and requirements.

Alcohol-Related Hospitalisations

8.30 According to the *Shire of Gingin Public Health Plan 2020-2023*¹⁰⁹, the levels of long-term harm from alcohol consumption in the Shire are greater than the Wheatbelt and WA averages. Specifically, 32.2% of adults in the Shire of Gingin are considered to be at long-term risk from consuming alcohol, compared to 28% in the Wheatbelt and 31.5% across Western Australia.

8.31 The Applicant, Vin Fox Pty Ltd, acknowledges the potential negative consequences of alcohol abuse, such as alcohol-related hospitalisations and other health issues. The Shire of Gingin's Public Health Plan¹¹⁰ highlights the need to address alcohol-related harm through local initiatives and harm minimisation strategies.

8.32 The Applicant, Vin Fox Pty Ltd, acknowledges the potential negative consequences of alcohol abuse, such as alcohol-related hospitalisations and other health issues. The Shire of Gingin's Public Health Plan highlights the need to address alcohol-related harm through local initiatives and harm minimisation strategies.

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*¹¹¹, and recognises that there is a current trend towards responsible consumption in Australia.

8.34 The implementation of strict harm minimisation strategies, including educational materials and responsible service practices, will contribute positively to the health and well-being of the Gingin community. Vin Fox Pty Ltd is dedicated to promoting a

¹⁰⁹ https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/05_YOUR_SHIRE_Menu_Items/Your_Council/Reports_and_Publications/Public_Health_Plan_2020-2023.pdf

¹¹⁰ https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/05_YOUR_SHIRE_Menu_Items/Your_Council/Reports_and_Publications/Public_Health_Plan_2020-2023.pdf

¹¹¹ <https://www.mhc.wa.gov.au/media/3516/plan-update-2018-corrections-29-july-2020.pdf>

culture of responsible alcohol consumption and supporting the Shire of Gingin's public health objectives.

- 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.

“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 Wilshire 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 Wilshire.

Underage Australians in particular have heeded the message about abstaining from alcohol with 72.5 percent of 14–17-year olds 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.”*¹¹²

- 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 moderation¹¹³.
- 8.44 The WA Mental Health Commission has also released data¹¹⁴ demonstrating that West Australians are using alcohol at less risky levels than they have historically.

Strategies to minimise harm or ill health

8.46 The proposed premises has a detailed Harm Minimisation Plan¹¹⁵. These strategies support local and state alcohol-related harm reduction goals, indicating the Applicant's dedication to operating in the public interest.



8.47 Crime Stoppers has become a reliable conduit between the locality and the WA Police since its inception in 1995. Crime Stoppers' vision aligns with Gingin Cellars' policies to foster a secure environment in Western Australia, particularly at the proposed liquor store.

8.48 The core values place emphasis on:

- Social wellbeing,
- Inclusivity,
- Forward-thinking strategies,
- Ethical conduct, and
- Mutual respect.

Promotion

8.49 The Applicant is committed to adhering to the *Department of Racing, Gaming and Liquor's Industry Guideline on the Responsible Promotion of Liquor*¹¹⁶, as previously outlined in this submission.

8.50 The industry guideline states that:

¹¹² <https://www.alcoholbeveragesaustralia.org.au/trends-show-australians-drinking-responsibly/>

¹¹³ <https://www.aihw.gov.au/getmedia/78cc7716-aa97-4042-9141-d476c23406ed/aihw-phe-270-fact-sheet-wa.pdf.aspx>

¹¹⁴ <https://www.aihw.gov.au/getmedia/78cc7716-aa97-4042-9141-d476c23406ed/aihw-phe-270-fact-sheet-wa.pdf.aspx>

¹¹⁵ Attachment 4 – Harm Minimisation Plan

¹¹⁶ <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>

“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.

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.”*

8.51 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.

8.52 Some of the Guiding Principles include but are not limited to:¹¹⁶

- Advertising or promotions must not endorse the accumulation of drinks for overconsumption.
- Advertisements or promotions for liquor must avoid using language, slogans, or visuals that may encourage or glorify excessive drinking or intoxication.
- Staff members or associated agents must not be employed to promote a beverage based on its higher alcohol content, nor should they sell promotional drinks using novelty devices such as drink belts, backpacks, or similar gimmicks.
- Advertising or promotion of liquor must not include sexual, degrading, sexist or gratuitously offensive images, symbols, figures or innuendo.
- Advertisements or promotions of liquor should 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 must 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 must not display children under the age of 18.

- Advertising or promotion of liquor must not suggest any association with risk-taking, violent, aggressive, dangerous, or anti-social behaviour.
- Advertising or promotion of liquor must not include any association with breaking the law, including the use of drugs.

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

8.54 The Applicant emphasises its commitment to quality over discount pricing. While Gingin Cellars will feature select value options, the primary aim is to serve the community by offering a curated selection of products that cater to local residents and consumers' tastes and preferences. This ensures a focus on providing a diverse amenity rather than competing on price alone.

Training

8.55 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 Handbook¹¹⁷ that outlines a range of matters relating to the safe and responsible sale and supply of liquor in the locality.

8.56 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

8.57 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*.¹¹⁸

8.58 The CCTV coverage at the premises will include:

¹¹⁷ Attachment 4 – Harm Minimisation Plan

¹¹⁸ <https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

- 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,
- 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.

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

8.60 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 ensure that alcohol is served and consumed responsibly.
- **Community Engagement:** The Applicant is committed to building positive relationships with the local community, engaging with community groups, and using feedback to improve its 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

8.61 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.
- Comancheros.
- Hell's Angels.
- Rock Machine.
- Bandidos.

9 Community Consultation

Liquor Enforcement Unit (LEU)

- 9.1 An email was sent to the LEU outlining the harm minimisation initiatives proposed for Gingin Cellars. The LEU head office reached out to the regional LEU who also liaised with the Gingin Police. In response, the LEU provided feedback, acknowledging the Applicant's proactive measures, such as the placement of spirits behind the POS counter and the installation of a buzzer system for controlled entry; however, invited the Applicant to consider further measures to restrict access to the store and specifically to the spirit cabinet. The Applicant has taken this feedback into consideration and has included the same in additional harm minimisation measures. (Refer pt. 1.21). The LEU indicated that they would reserve final comments until a thorough review of the Public Interest Assessment (PIA) during the advertising period.

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.
- 9.3 The Applicant also notes that a Notice of Application will be mailed to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation or refuges for young people, childcare centres, churches, local government authority, local police station, which may be situated in the specified Locality of the proposed premises.¹¹⁹

¹¹⁹ Attachment 11 – At Risk Groups

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

10.1 The Applicant has diligently considered the requirement that the proposed liquor store enhance the amenities to be offered at the Gingin Local Town Centre development.

Outlet Density

10.2 As required by the PIA Policy, refer to the attachment for the existing active liquor Licences within a 3km radius¹²⁰.

10.3 The Town of Gingin has limited licensed venues, which makes Gingin Cellars a unique retail experience for packaged liquor products. While there are other packaged liquor outlets, as discussed within these submissions, the additional outlets, such as taverns and clubs, essentially function as social gathering locations with a primary focus on 'on-premises' consumption.

10.4 Gingin Cellars will offer the following amenity at the newly developed shopping centre:

- **Product range:** Offering a range of products to meet the local consumers' and visitors' varied preferences, catering to their contemporary requirements.
- **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, given the Director's experience in licensed Liquor Stores in WA, the Applicant fully understands the rights and responsibilities of operating the proposed premises according to best practices and the Director's policies.

11.2 The Applicant plans to implement a series of proactive measures to address potential risk factors associated with the application. These strategies aim to mitigate any possible offence, disturbance, or inconvenience, ensuring operations align with the

¹²⁰ Attachment 12 – Outlet Density

public interest. Specific measures will be tailored to community feedback and regulatory guidelines, emphasising responsible service and community welfare:

- The licensed premises are relatively small and will always be supervised.
- Not promote cheap, discounted bulk items.
- The new premises will replicate the tried, tested, and proven operational policies from the Applicant's other licensed 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, reflecting the demographic the Applicant seeks to attract.
- The product list will support WA producers and their locally-made products.¹²¹
- The business will be operated by mature, skilled, experienced staff 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 deemed attractive to young people.

Code of Conduct

- 11.3 The proposed Gingin Cellars' Code of Conduct is vital to their Harm Minimisation Plan¹²². This document will ensure patrons, staff, and premises management observe appropriate behaviour.
- 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.

¹²¹ Attachment 6 - Gingin Cellars Sample Product List

¹²² Attachment 4 – Harm Minimisation Plan

Effective and Efficient Service Recovery

- 11.5 Patrons of the proposed liquor store are encouraged to discuss any complaints, feedback, or requests with the Approved Manager. The manager will address any issues and keep patrons informed of the outcome of the 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,
 - 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 premises.


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 know they are accountable for their actions.

Underage patrons

- 11.9 Staff will implement the following strategies when checking patrons' IDs who they think might be under 25 (Figure 13).

11.10 The following documents are the only forms of identification that a Licensee can accept 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 13: 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,
- 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 Vin Fox Pty Ltd, hereby submits this Public Interest Assessment submission to support the Liquor Store Application for the proposed premises, Gingin Cellars, to operate within the new Gingin Local Shopping Centre, located at Lot 9500 Brockman Street, Gingin WA 6503.
- 12.2 A Liquor Store Licence under Section 47 of the Liquor Control Act 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.
- 12.2 Based on these detailed and comprehensive submissions, the Applicant submits that the application meets the requirements of Section 5, both primary and secondary objects.
- 12.3 The Applicant has also considered and evaluated the application concerning Section 36B(4) requirements, demonstrating how the premises will cater to the reasonable requirements of consumers without causing a proliferation of packaged liquor premises in the defined locality.
- 12.4 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.
- 12.5 The Applicant submits that the development of the new Gingin Local Shopping Centre Development supports the submission that additional amenities would benefit the Gingin locality.
- 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, Vin Fox Pty Ltd, an experienced retail, liquor, and grocery operator, respectfully requests 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 Application¹²³ 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. Plans
2. Consumer Surveys
3. Written Support
4. Harm Minimisation Plan
5. Development Approval Lot 9500 Brockman Street Gingin
6. Gingin Cellars Sample Product List
7. Approved Plans
8. RDA Product Ranging Guidelines
9. Gingin Town Centre Development
10. Packaged Liquor Outlets in the Defined Locality
11. At Risk Group
12. Outlet Density
13. Preventing Violence
14. Notice of Application

¹²³ Attachment 14 - Notice of Application