



# Public Interest Assessment Conditional Grant of a Liquor Store Licence

**Premises Name:** Nicholson Cellars  
**Applicant:** Wisemice Investments Pty Ltd  
**Location:** 459 Nicholson Rd, Canning Vale, WA 6155



**Prepared by:**



**HOSPITALITY  
TOTAL SERVICES**

EST 1992

Office 2, 48 Kishorn Road, Applecross WA 6153  
[admin@hospitalitytotalservices.com.au](mailto:admin@hospitalitytotalservices.com.au)

Ph 08 9316 8699 Fax 08 9316 9699  
[www.hospitalitytotalservices.com.au](http://www.hospitalitytotalservices.com.au)

This Submission is not to be copied in part or its entirety by any person without prior written consent from Hospitality Total Services (Aus) Pty Ltd. Failure to do so may result in legal action.

## **Table of Contents**

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Venue and Operation</b>	<b>10</b>
<b>3</b>	<b>The Applicant</b>	<b>26</b>
<b>4</b>	<b>Location and Locality</b>	<b>28</b>
<b>5</b>	<b>Legislative Framework – Liquor Control Act 1988</b>	<b>34</b>
<b>6</b>	<b>Section 36B(4) of the Liquor Control Act 1988</b>	<b>39</b>
<b>7</b>	<b>Public Interest</b>	<b>51</b>
<b>8</b>	<b>Section 38 (4) (a) of the Act – Harm or Ill-health</b>	<b>56</b>
<b>9</b>	<b>Community Consultation</b>	<b>75</b>
<b>10</b>	<b>Section 38 (4) (b) of the Act – Impact on Amenity</b>	<b>75</b>
<b>11</b>	<b>Section 38 (4) (c) of the Act – Offence, Annoyance, Disturbance or Inconvenience</b>	<b>76</b>
<b>12</b>	<b>Summary</b>	<b>80</b>
<b>13</b>	<b>Advertising</b>	<b>81</b>
<b>14</b>	<b>Attachments</b>	<b>81</b>

# **1 Introduction**

1.1 Wisemice Investments 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 Nicholson Cellars, to be located at 459 Nicholson Rd, Canning Vale WA 6155.

1.2 The experienced Director, Mr Jay Shah of the Applicant Company Wisemice Investments Pty Ltd, is part of the Shah Group, currently operate the following supermarket and liquor store amenities:

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



1.3 This Public Interest Assessment (PIA) submission has been prepared by Hospitality Total Services (Aus) Pty Ltd on behalf of the Applicant, and the application is in accordance with Section 47 of the Liquor Control Act 1988 (the Act) which states:

***LIQUOR CONTROL ACT 1988 - SECT 47***

***47. Liquor store licence, effect of***

***(1) Subject to this Act, during permitted hours the licensee of a liquor store licence is authorised to keep open the licensed premises and to sell packaged liquor on and from the premises to any person.***

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

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

**(b) for consumption off the premises.**

- 1.4 The documentation for this application has been submitted to the Licensing Authority in accordance with Section 68 of the Act<sup>1</sup>. It has been compiled by Hospitality Total Services (Aus) Pty Ltd on behalf of Wisemice Investments Pty Ltd.
- 1.5 The Applicant has also diligently addressed the matters relating to both the primary and secondary objects of Section 5 and Section 38(2)(4)<sup>1</sup> of the Act in this PIA, as required by the Director's Policy on Public Interest Assessment<sup>2</sup> 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."*<sup>3</sup>



**Figure 1: Nicholson Central neighbourhood shopping**

- 1.7 According to *City of Gosnells Activity Centres Planning Strategy*<sup>4</sup>, the population in the locality is increasing. It is expected to continue to grow, based on the opening of the 5,400 sqm Nicholson Central neighbourhood shopping centre, which includes a range

<sup>1</sup> [http://www.austlii.edu.au/au/legis/wa/consol\\_act/lca1988197/s68.html](http://www.austlii.edu.au/au/legis/wa/consol_act/lca1988197/s68.html)

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

<sup>3</sup> [http://www7.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/consol\\_act/lca1988197/s36b.html](http://www7.austlii.edu.au/cgi-bin/viewdoc/au/legis/wa/consol_act/lca1988197/s36b.html)

<sup>4</sup> [https://www.gosnells.wa.gov.au/sites/default/files/seamless/original\\_urbis\\_-\\_20192103\\_-\\_p0000687\\_-\\_final\\_updated\\_gosnells\\_acps.pdf](https://www.gosnells.wa.gov.au/sites/default/files/seamless/original_urbis_-_20192103_-_p0000687_-_final_updated_gosnells_acps.pdf)

of amenities such as an IGA Supermarket, childcare centre, gym, coffee shop, Taco Bell, and related services.<sup>5</sup>

- 1.8 This \$45 million mixed-use Canning Vale neighbourhood centre is the first transport orientated development (TOD) on METRONET's Thornlie-Cockburn link is supported by significant infrastructure projects and the METRONET Precinct initiative, enhancing the locality's liveability and appeal. Nicholson Cellars will be strategically located within this new neighbourhood shopping centre, poised to cater to the expanding community's reasonable requirements, including packaged liquor and related services.<sup>6</sup>

*"METRONET champion Transport, Planning and Ports Minister Rita Saffioti along with Southern River MP Terry Healy today opened Nicholson Central.*

*Blackmont Property director John Young said the developer, which worked closely with Main Roads, the Department of Communities, the City of Gosnells and the Department of Planning, Lands and Heritage, was thrilled to be making METRONET history."*

- 1.9 The neighbourhood centre is being developed on a 'greenfield site' as part of the strategic vision outlined in the *City of Gosnells Activity Centres Planning Strategy*<sup>7</sup>, aiming to cater to the requirements of current and new residents and businesses in the locality. This strategy includes fostering accessible and pedestrian-friendly environments. Nicholson Cellars, envisioned within this framework, is set to complement the existing and new retail landscape by offering a diverse range of products and services, enhancing convenience for residents, businesses, and visitors while contributing to the local council's sustainable urban development goals.

- 1.10 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."*<sup>8</sup>

- 1.11 As a key component of the Nicholson Central neighbourhood shopping centre's amenity, Nicholson Cellars (subject to approval) will be an independently owned and operated liquor store by the experienced Shah Group. The Shah Group is also operating the adjacent IGA Tucker Fresh supermarket within the Nicholson Central neighbourhood shopping centre, leveraging its extensive experience to offer a comprehensive retail experience that caters to the diverse requirements of consumers in the locality.

---

<sup>5</sup> <https://www.blackmont.com.au/activity/opening-of-nicholson-central>

<sup>6</sup> <https://www.blackmont.com.au/activity/opening-of-nicholson-central>

<sup>7</sup> [https://www.gosnells.wa.gov.au/sites/default/files/seamless/original\\_urbis\\_-\\_20192103\\_-\\_p0000687\\_-\\_final\\_updated\\_gosnells\\_acps.pdf](https://www.gosnells.wa.gov.au/sites/default/files/seamless/original_urbis_-_20192103_-_p0000687_-_final_updated_gosnells_acps.pdf)

<sup>8</sup> <https://jade.io/article/303163>

- 1.12 Nicholson Cellars (subject to approval) will be a professionally managed premises operated by the well-regarded Shah Group. With deliberate planning, the store's layout spans approximately 140m<sup>2</sup>, and it is thoughtfully designed to include a refrigerated storage area and a trolley-accessible area for consumers to browse.
- 1.13 As an independent liquor store, the Applicant will take advantage of a buying group while also offering a product range that caters to the locality's demographic diversity.
- 1.14 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 and those resorting to the locality while also supporting WA liquor Producers<sup>9</sup>.
- 1.15 Nicholson Cellars will provide a convenient packaged liquor amenity for patrons frequenting Nicholson Central neighbourhood shopping centre, including those shopping at the IGA Supermarket. Positioned in a dedicated space within the shopping centre, the liquor store will operate independently from the IGA, ensuring a distinct and specialised retail experience for consumers seeking a variety of liquor products.

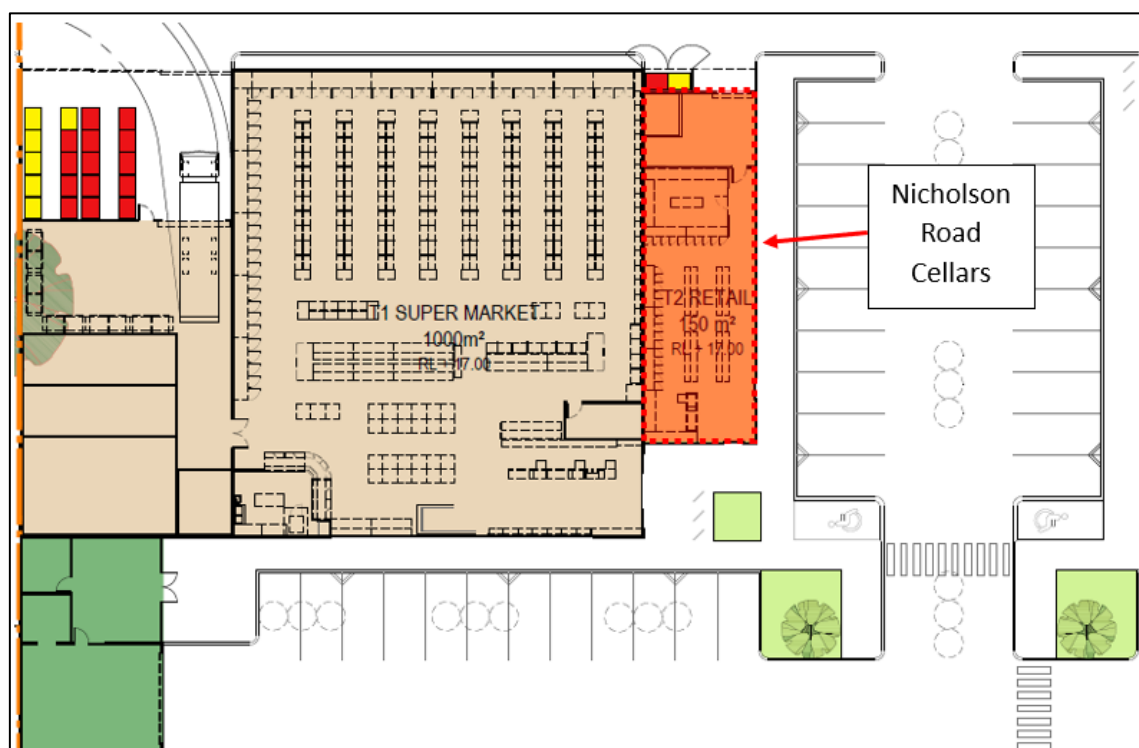


Figure 2: Nicholson Cellars Site Plan<sup>10</sup>

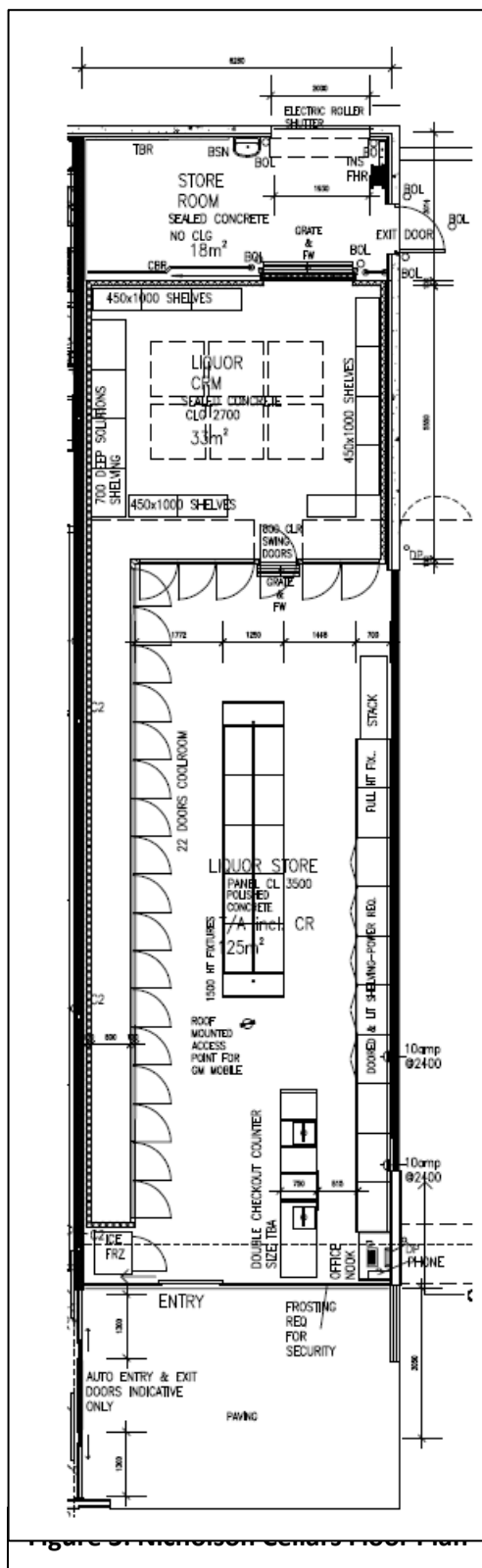
<sup>9</sup> Attachment 1 – Sample Product List

<sup>10</sup> Attachment 2 - Plans

1.16 Nicholson Cellars will be managed according to the highest industry standards, emphasising a wide-ranging, accessible, and modern selection of products and related services like tastings and food and alcohol pairings, etc., designed to cater to the requirements of residents and visitors to the locality. This commitment aligns with the vision for the Nicholson Central neighbourhood shopping centre, offering a tailored shopping experience that complements the diverse offerings of the surrounding retail environment<sup>11</sup>.

1.17 Nicholson Cellars<sup>12</sup> will provide residents and those resorting to the Locality with the following much-needed amenity:

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



<sup>11</sup> <https://www.blackmont.com.au/activity/opening-of-nicholson-central>

<sup>12</sup> Attachment 2 - Plans

- The ability to request products that are not currently available.

1.18 As stated in previous determination A206551<sup>13</sup> (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.*

*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.’*

1.19 The City of Gosnells' vision for its Neighbourhoods and Local Centres is to encourage vibrant, mixed-use areas that cater to the locality's needs. This initiative emphasises enhancing walkability, reducing car reliance, and strengthening community ties through accessible social spaces, supporting local enterprises, and creating jobs. Nicholson Cellars aligns with these objectives, aiming to contribute to a sustainable, connected, and safe community environment<sup>14</sup>.

1.20 The envisaged Neighbourhood Centre<sup>15</sup> within Nicholson Central neighbourhood shopping centre aligns with the strategic planning for Canning Vale, aiming to offer a comprehensive array of everyday necessities within a short walk for most residents. Planned amenities include:

- IGA supermarket,
- Speciality stores,
- Fitness facility,
- Deli,
- Café,
- Automotive services,
- Childcare, and
- Local office spaces.

---

<sup>13</sup>[https://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](https://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)

<sup>14</sup>[https://www.gosnells.wa.gov.au/sites/default/files/seamless/original\\_urbis\\_-\\_20192103\\_-\\_p0000687\\_-\\_final\\_updated\\_gosnells\\_acps.pdf](https://www.gosnells.wa.gov.au/sites/default/files/seamless/original_urbis_-_20192103_-_p0000687_-_final_updated_gosnells_acps.pdf)

<sup>15</sup><https://www.blackmont.com.au/activity/opening-of-nicholson-central>



- 1.21 To demonstrate a consumer requirement for the proposed Nicholson Cellars, numerous Consumer Surveys were completed by members of the local community, with a majority of respondents (92.11%) supporting the proposed store<sup>16</sup>.
- 1.22 The experienced and responsible Applicant submits they have diligently considered the harm and ill health that can be caused by the use of alcohol as per Section 38(4) of the Act and will put into place a robust Harm Minimisation Plan<sup>17</sup> that has been specifically designed to minimise any potential, undue adverse effects to the local community subject to the application being approved in the public interest.
- 1.23 The Applicant has also designed Staff Training Materials<sup>18</sup>, comprised of a Staff RSA Handbook and relevant policies of the Director of Liquor<sup>19</sup>.
- 1.24 The following harm minimisation initiatives will be in place:
- Spirits stored in locked cabinets behind the POS counter,
  - The entry to the liquor store will be fitted with an audible alarm to alert staff of persons entering and exiting the premises. The alarm will sound in the store and also in the coolroom.
  - CCTV throughout the proposed liquor store, including delivery areas,
  - A range of low and mid-alcohol beer and wine to be available,
  - Under ID25 checks,
  - Not permitting service to persons in school uniform (regardless of ability to produce legal photo ID),
  - Use appropriate signage throughout the store 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, and
  - The liquor store will be physically separate by full height walls and have a separate entry and exit to the IGA supermarket.
- 1.25 The Applicant acknowledges Section 36B(4) of the Liquor Control Act 1988, which aims to regulate the proliferation of packaged liquor outlets and posits that Nicholson Central neighbourhood shopping centre at 459 Nicholson Rd, Canning Vale WA 6155, addresses an unmet need for household amenities. Thus, introducing a specialised, well-managed packaged liquor store within this emerging shopping hub is both pertinent and necessary to meet the local community's reasonable packaged liquor requirements in the public interest.

---

<sup>16</sup> Attachment 3 – Consumer Surveys

<sup>17</sup> Attachment 5 – Harm Minimisation Plan

<sup>18</sup> Attachment 6 – Staff RSA Handbook

<sup>19</sup> <https://www.dlgsc.wa.gov.au/department/publications/publication/mandatory-training-and-training-register-policy>

## 2 Venue and Operation

- 2.1 The proposed Nicholson Cellars (subject to approval) will be located at 459 Nicholson Rd, Canning Vale, WA 6155, within the Nicholson Central neighbourhood shopping centre. It aims to offer a diverse packaged liquor selection to complement the shopping experience for both residents and visitors to the centre, ensuring a convenient amenity for their reasonable household requirements.
- 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."*<sup>20</sup>

### Harm Minimisation Plan



- 2.3 As a committed and responsible Applicant, Wisemice Investments Pty Ltd will enforce strict measures to ensure no alcohol is sold to juveniles under 18 years of age. This commitment to responsible service is consistent across the Applicant's other operations in Iluka, Lynwood, Claremont, and Innaloo, where a proven track record of preventing underage alcohol sales has been established and maintained.
- 2.4 The Shah Group's strong Harm Minimisation Plan<sup>21</sup>, together with their experience as owners/operators of other licensed liquor store premises, will assist in minimising any potential, undue harm or ill-health to the locality that may occur due to the consumption of alcohol.
- 2.5 The Applicant is committed to supporting the aims and objectives outlined in the Cities of Armadale Canning Gosnells Alcohol Action Plan 2023 - 2026<sup>22</sup> at the proposed

<sup>20</sup> [https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-land-australia-pty-ltd-v-director-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a\\_0](https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/liquor-commission/liquor-land-australia-pty-ltd-v-director-of-liquor-licensing-2021-wasc366.pdf?sfvrsn=37e4353a_0)

<sup>21</sup> Attachment 5 – Harm Minimisation Plan

<sup>22</sup> [https://www.armadale.wa.gov.au/system/files/documents/docs/Public\\_Health/ACGAlcoholActionPlan.pdf](https://www.armadale.wa.gov.au/system/files/documents/docs/Public_Health/ACGAlcoholActionPlan.pdf)

premises. This includes implementing comprehensive strategies to prevent underage drinking, address alcohol-related anti-social behaviour, and enhance access to alcohol-related support services.

2.6 Nicholson Cellars is committed to aligning with the principles of the Alcohol Action Plan. This commitment, subject to approval, involves engaging with the City of Gosnells, local businesses, and community groups to formulate a voluntary agreement aimed at minimising alcohol-related harm. Key focus areas will include:

- Promoting responsible alcohol service.
- Reducing alcohol-related violence and anti-social behaviour.
- Supporting local initiatives aimed at mitigating alcohol-related issues in the community.

2.7 Nicholson Cellars will adhere to all the Department of Local Government, Sport and Cultural Industries policies regarding selling and supplying liquor for consumption off the premises under Section 47 of the Act.<sup>23</sup>

2.8 Retail Drinks Australia is a trade association representing the interests of the retail liquor industry in Australia. Retail Drinks Australia's<sup>24</sup> self-regulatory initiatives are a set of voluntary guidelines that members are encouraged to follow. The guidelines cover a range of issues related to the responsible supply and promotion of alcohol, including:

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

*"Retail Drinks and the retail liquor sector take their responsible service of alcohol responsibilities seriously which is why we developed and continue to promote several initiatives to discourage underage attempts at purchase and to educate parents and adults about their responsibility to not purchase alcohol on behalf of minors."<sup>25</sup>*

*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*



<sup>23</sup>[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)

<sup>24</sup><https://www.retaildrinks.org.au/>

<sup>25</sup><https://www.retaildrinks.org.au/policies-advocacy/id25-dont-buy-it-for-them>

*to completing the sale, under an inoffensive promotional line "if you look under 25, take it as a compliment, as we'll ask for ID".<sup>25</sup>*

*Don't Buy It For Them (DBIFT) is a program designed to discourage secondary supply and to educate the community on their shared responsibility not to supply to underage and highlights the penalties for doing so. It also reinforces staff awareness and confidence to refuse service when in doubt, with back-up point-of-sale material.<sup>25</sup>*

2.9 The Applicant also notes the *Retail Drinks Australia Guidelines for Responsible Product Ranging Decisions*<sup>26</sup> that will be put into operation subject to the application being approved. Based on their industry experience, they note that their specialty products do not to appeal to "At Risk" groups, including young people:

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

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

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

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

2.10 The Shah Group is also an active member of the Australian Liquor Store Association and will adhere to all their 'Self-Regulatory Initiatives'.

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

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<sup>27</sup> at all times.

*"It is not acceptable for licensees to:*

---

<sup>26</sup> <https://www.retaildrinks.org.au/documents/item/1267>

<sup>27</sup> <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>

*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.”<sup>27</sup>*

- 2.12 The experienced Applicant is dedicated to marketing its products responsibly to adults, emphasising the importance of informed choices about alcohol consumption. They actively support programs, practices, and policies aimed at addressing alcohol misuse. In-store informational signage will educate consumers on responsible alcohol purchase and consumption.
- 2.13 The Applicant is committed to empowering consumers with the necessary information to make well-informed choices about their purchases. This includes details about alcohol content and country of origin, as well as guidance on taste profiles and food pairings, thus promoting responsible consumption.

- 2.14 Industry experts like Coena<sup>28</sup> allow sellers to display and control their wine inventory digitally while allowing customers to browse and research products available in-store (See Figure 3 below).

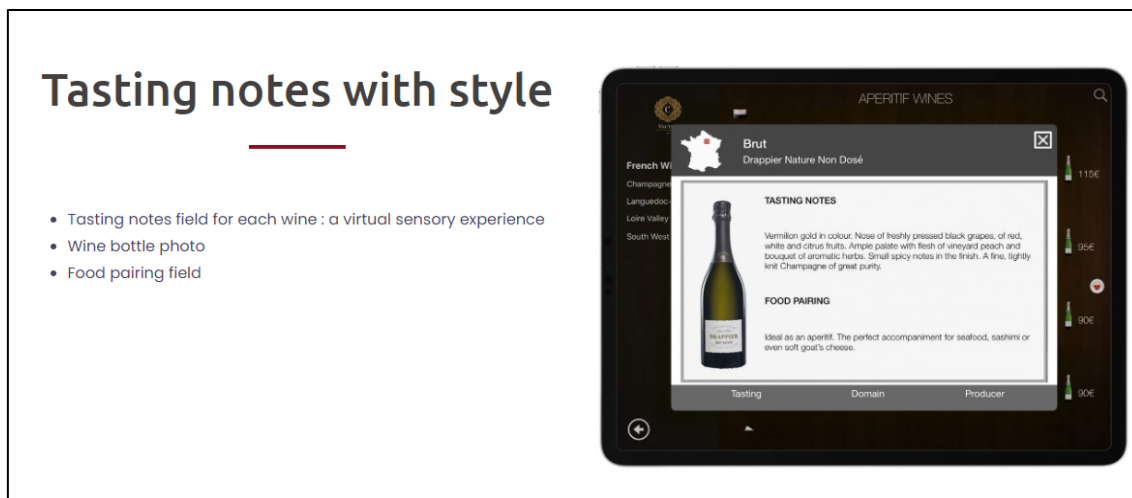


Figure 4: Coena Food Pairing Information System

- 2.15 The Applicant will adopt a modern customer service approach, similar to the digital inventory and customer interaction models utilised by companies like Coena. This approach includes digital displays for wine inventory, allowing customers to explore and research in-store products more thoroughly.
- 2.16 Moreover, personalised product recommendations will be based on individual consumer preferences, enhancing the shopping experience. The proposed premises will also provide value-added related services like product tastings and informed suggestions for food and beverage pairings, further enriching the consumer experience.



Figure 5: Innaloo Specialty Liquor

- 2.17 The responsible Applicant plans to fit out the premises to the highest standard, as demonstrated in their other stores (refer to Figure 4). Safety and security are a top

<sup>28</sup> <https://coena.fr/en/welcome>

priority, as the applicant is an experienced operator and understands the importance of ensuring the safety of both patrons and staff.

- 2.18 Below are images of the Shah Group liquor store at Morris Place Shopping Centre. The store features aisles that can accommodate trolleys and are easily monitored with two POS monitors facing two directions.

### Proposed Product Range<sup>29</sup>



**Figure 6: WA Packaged Liquor Products at the Proposed Premises**

- 2.19 The proposed premises will offer a diverse range of products, from local Western Australian wines to a variety of international varieties with local craft beers and ciders, among other packaged liquor options, that will ensure that consumer requirements will be catered to.
- 2.20 In addition to meeting specific consumer product requests, Nicholson Cellars will actively support the local community by featuring products from local producers, generating job opportunities, and ensuring a selection of high-quality products. With its strategic location in the Nicholson Central neighbourhood shopping centre, these

<sup>29</sup> Attachment 1 – Sample WA Product List

initiatives position Nicholson Cellars as an independent entity to meet the reasonable requirements of consumers for liquor and related services.

## Product Tasting and Education



**Figure 7: Examples of Tastings at Applicant's Other Liquor Stores**

- 2.21 As permitted under the Act, the Applicant intends to offer products for tasting, including wine, beer, and cider products. These tastings will be conducted responsibly, and consumers will be limited to one tasting per product, with food such as cheese and crackers offered supplementary to the tasting.
- 2.22 The quantities of the tastings to be provided will be in accordance with those prescribed in the Director's Policy on Tastings<sup>30</sup> being:
- Wine – 50 mls,
  - Beer – 100 mls, and
  - Spirits – 15 mls (if undertaken).

<sup>30</sup><https://www.dlgsc.wa.gov.au/department/publications/publication/tastings-producer-s-and-other-licences-policy>



- 2.23 Nicholson Cellars will enhance the customer experience through thoughtful services and educational initiatives:
- Offering tastings in single-use plastic glasses for convenience and safety.
  - Providing free drinking water during tastings to ensure patron 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 consumers about beverage preferences, aiding in the recommendation of food and beverage pairings for a contemporary shopping experience.
- 2.24 This practice will further cater to consumers' contemporary requirements for liquor and related services by educating patrons about their liquor choices and how to pair them with food.
- 2.25 Nicholson Cellars will prioritise hiring local talent, offering full-time and casual employment opportunities in the retail liquor sector to residents in the locality. This approach will support the local economy and build a community-focused team.

### **Local, National and International Craft Beer**

- 2.26 The Shah Group (of which Wisemice Investments Pty Ltd is a part) have a strong history of supporting local Australian Beer producers.
- 2.27 In recent years, craft beer has emerged as a growing market in Australia, with consumers developing a palate for a diverse and interesting range of beers that go beyond the old favourites of yesteryear:
- “Change is coming though. After many years of being a prisoner to its most successful style, there is now a quiet change taking place in Australia, akin to the wine revolution of thirty years ago. Basic lagers, bland and unexciting, are giving way to such exotic styles as saison, hefeweizen and barley-wine created by artisans both here and overseas.”<sup>31</sup>*
- 2.30 Nicholson Cellars is committed to supporting Australian breweries by featuring local craft beers such as Cheeky Monkey, Nail Brewing, and Rocky Ridge. This initiative not only supports regional producers but also showcases Western Australia's rich brewing heritage and craftsmanship, aligning with the store's goal to offer a diverse and locally sourced product range.

---

<sup>31</sup> <https://brewsnews.com.au/a-craft-beer-revolution/>



Figure 8: Local Craft Beer at the Proposed Premises

2.31 The rapid expansion of the craft beer market in Australia signifies a fundamental shift driven by consumers' preference for unique flavour profiles. This evolving trend reflects a growing demand for a more diverse and refined beer selection, highlighting the industry's evolution towards embracing a wider variety of brewing styles and tastes.

*“An emphasis on authenticity and small batches has made it difficult for larger brewers to establish new craft beer brands”.<sup>32</sup>*

<sup>32</sup> <https://www.ibisworld.com/au/industry/craft-beer-production/5071/>

## Gluten and Allergen Free Alcohol Products



Figure 9: Two Bays Gluten Free Beers<sup>33</sup>

2.32 The Applicant plans to offer a curated selection of low-alcohol, gluten-free, preservative-free, organic, and other specialty alcoholic beverages. Recognising the growing consumer demand for such products, driven by more discerning consumption habits and an increase in allergies, Nicholson Cellars aims to cater to this emerging market by providing options not widely available in other liquor stores in the locality.

### *“Allergic disease in Australia*

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

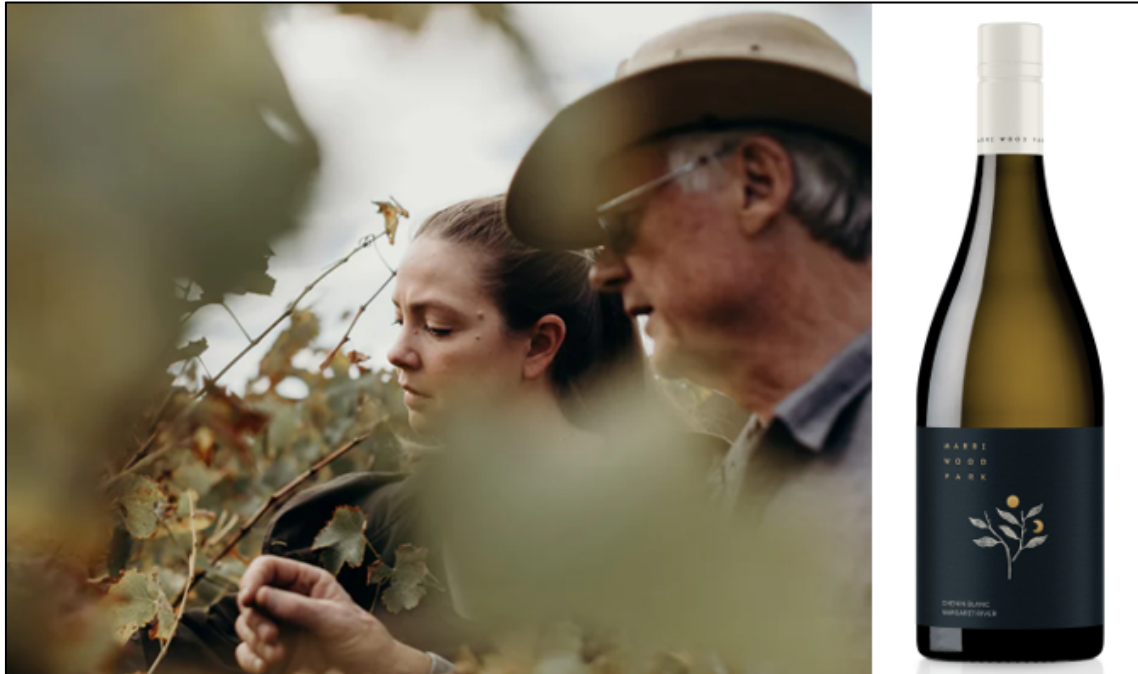
- *4.1 million Australians (19.6% of the population) had at least one allergic disease,*
- *The highest prevalence of allergies is in the working-age population, with 78% of people with allergies aged 15 to 64 years,*
- *There are 7.2 million cases of allergy (i.e., an average of 1.74 simultaneous allergies per person),*
- *The Australian population is ageing. If current trends continue, there will be a 70% increase in the number of Australians with allergy, from 4.1 million in 2007 to 7.68 million by 2050 (26.1% of the population or more than one in four Australians) compared to 5.62 million (19.1%) by mid-century due to demographic ageing alone and compared to one in five Australians today, and*
- *In Australia there is a lack of appreciation of the impact of allergic disorders on quality of life, and even less of the economic impact to society and individuals who suffer allergic disease. Raising awareness of the economic and health*

<sup>33</sup> <https://www.twobays.beer/collections/beer>

*impacts is an important factor in facilitating the early recognition and control of allergic disease.”<sup>34</sup>*

- 2.33 The Applicant will continually source available gluten-free products as they come onto the market.

### **Organic, Biodynamic and Preservative Free Liquor Products**



**Figure 10: Marri Wood Demeter Certified Biodynamic Vineyard<sup>35</sup>**

- 2.34 Nicholson Cellars, subject to approval, is dedicated to catering to the evolving preferences of consumers by offering a selection of organic products. This initiative aligns with the growing consumer desire for products made with fewer chemicals and hormones.
- 2.35 Australian winemakers are adapting to changing global tastes and preferences, as a new wave of consumer demands is reshaping the industry. Recent trends show a notable shift towards organic, biodynamic, and preservative-free products, with consumers favouring the unique and diverse flavours offered by these Australian wines.

*“Younger consumers are increasingly turning away from traditional, full-bodied mainstream wines in favour of natural varieties with little to no additives.*

<sup>34</sup> [http://www.allergycapital.com.au/allergycapital/allergies\\_in\\_australia.html](http://www.allergycapital.com.au/allergycapital/allergies_in_australia.html)

<sup>35</sup> <https://marriwoodpark.com.au/>

*The natural wine movement has gained real traction with younger consumers, particularly young millennials.*<sup>36</sup>



**Figure 11: Fairbrussen Boutique - Sustainable, Biodynamic Wines<sup>37</sup>**

- 2.36 Additionally, the proposed premises aim to be a convenient and safe choice for consumers. It will provide options for those with specific dietary requirements, allergies, or preferences for healthier, low- to mid-alcohol beverages. It will also feature a variety of locally produced wines, beers, and ciders, ensuring a wide range of choices for its patrons.

### **Mid-Strength, Low and No-Alcohol Products**

- 2.37 The Applicant is committed to catering to the evolving preferences of the community by offering a selection of low and no-alcohol products. This supports more responsible drinking habits and caters to health-conscious consumers looking for options that are lower in sugar compared to traditional alcoholic beverages. This approach reflects a broader trend towards healthier lifestyle choices and responsible consumption.
- 2.38 There is evidence to suggest that Australians are embracing the reduced alcohol wine and beer movement (including craft beer), with one well-regarded news outlet reporting that:

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

<sup>36</sup><https://www.abc.net.au/news/rural/2023-11-04/changing-palate-offers-aussie-wine-optimism/103059438>

<sup>37</sup><https://www.fairbrossen.com.au/about/>

*The results have provided the best of both worlds for consumers who want to enjoy the health and social benefits of lower alcohol drinks, without sacrificing the taste.”<sup>38</sup>*



**Figure 12: No Alcohol Beers at the Applicant's Liquor Stores**

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

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

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

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

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

<sup>38</sup><https://www.news.com.au/lifestyle/food/midstrength-beers-and-wines-gaining-popularity-among-drinkers/news-story/2bc426de64c4195a7c82e740f925fe6f>

*In the 12 weeks to 12 August 2018, sales of no-alcohol beers were up by 58% compared with the same period last year, according to Kantar World Panel. Moving annual total of Nablax products has risen by 24.4% in volume and by 29.6% in value in two years – by 22.7% and 24.3 % respectively in the past year, according to CGA. “I have a non-alcoholic porter, IPA and lager in my fridge. You’d never have seen that a year ago,” says David Bremmer, director of marketing at Robinsons Brewery in Stockport.”<sup>39</sup>*

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

2.41 These growing industry trends have come through a variety of interventionist matters, with alcohol management being one way that winemakers can retain flavour and complexity while reducing ABV:

*“Winemaking techniques for alcohol management and flavour enhancement*

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

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

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

*However, significantly different interactions between two selected mannoprotein products and tannin were observed, suggesting that addition of polysaccharide fractions could modify wine polyphenolic composition. Preliminary trials may*

---

<sup>39</sup> <https://www.thedrinksbusiness.com/2018/11/in-focus-top-trends-in-lower-alcohol-beer/>

*therefore be required during winemaking to determine the outcomes of their addition in particular wine matrices.”<sup>40</sup>*

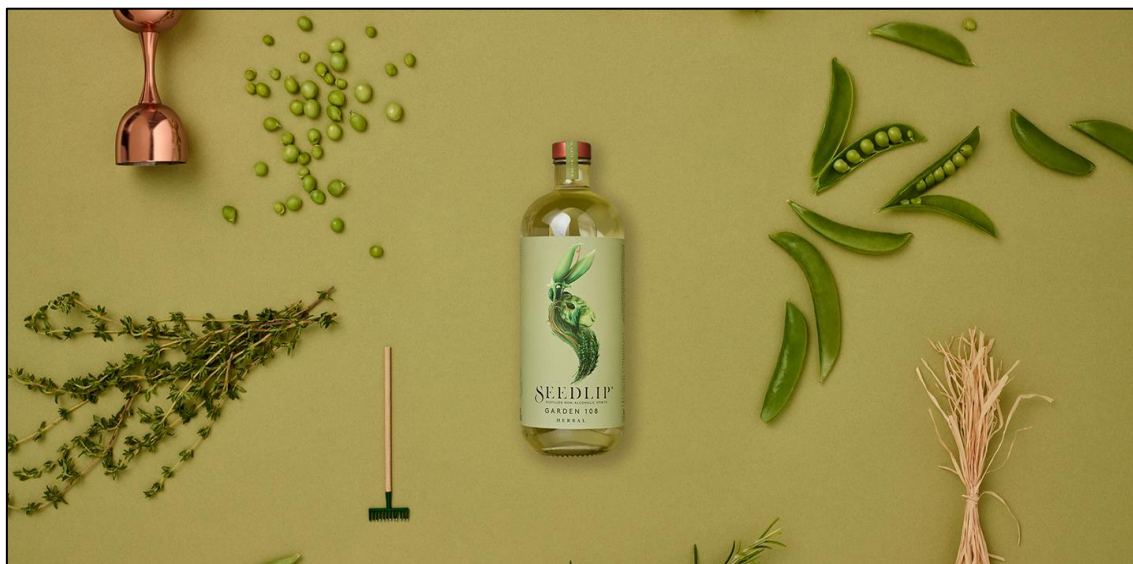
2.42 Low-alcohol wines are also becoming more accepted by consumers:

*“Consumer acceptance of lower alcohol wines*

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

*The preliminary exploratory approach towards low alcohol wines, involving twelve focus groups and wine tastings, was conducted in Indonesia, where wine is not a traditional product, Australia, where wine consumption is part of the culture and in France where wine is considered as a very traditional product. Overall results indicated that Indonesian participants are more open to consuming low/no alcohol wine and still consider the product to be wine in contrast to Australian and French participants, who reacted more negatively to the product innovation and did not consider the product to be wine. Quantitative results indicated that traditionalist perceptions influence perceptions of authenticity, which in turn significantly influences purchase intention.”<sup>41</sup>*

### **Zero Alcohol Spirits**



**Figure 13: Seedlip Non-Alcoholic Spirits**

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

<sup>40</sup> <https://www.awri.com.au/wp-content/uploads/2024/05/s2013-Supplements.pdf>

<sup>41</sup> <https://www.awri.com.au/wp-content/uploads/2024/05/s2013-Supplements.pdf>



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

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

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

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

*‘Sprout is very Middle Eastern — inspired by the whole spice trail with cardamom, cinnamon, rose and grapefruit, and Stem is Asian-inspired with lemongrass, mint and kaffir lime leaf,’ Ms Brewer said.”<sup>42</sup>*

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

2.45 Mr. Shah of The Shah Group has also launched an online store called Shift Lane Drinks<sup>43</sup>, which caters to the market for non-alcoholic beverages. This initiative is an extension of their efforts to promote healthier options and meet the rising demand for low and no-alcohol products. It aligns with the trend towards health-conscious consumption among consumers:

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

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

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

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

*“It will get saturated at some point, maybe a few years, but I think people who are serious about it, and once quality improves, I think it will be here to stay.”<sup>44</sup>*

---

<sup>42</sup><https://www.abc.net.au/news/2020-02-14/low-alcohol-no-alcohol-gin-and-rum-growing-interest/11958288>

<sup>43</sup><https://shiftlanes.com.au/>

<sup>44</sup><https://www.businessnews.com.au/article/Booze-free-bevvies-gain-traction>

2.46 Additionally, the proposed premises will have a selection of these non-alcoholic products available for purchase to cater to this growing consumer requirement.

### **3 The Applicant**

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

3.2 Mr Jay Shah, Director of the Applicant Company Wisemice Investments Pty Ltd, has relevant and varied experience and qualifications in the retail hospitality and liquor industry.



Figure 14: Local WA Producers promoted by Porters Liquor Claremont<sup>45</sup>

3.3 The experienced Applicant, part of the Shah Family Group, currently operates 12 IGA Supermarkets, including:

- Tucker Fresh Atwell,
- Tucker Fresh Broadway (Nedlands),
- Tucker Fresh Carine,
- Tucker Fresh Dalkeith,
- Tucker Fresh Exchange,

<sup>45</sup> <https://www.facebook.com/portersliquorclaremont/photos>

- Tucker Fresh Iluka,
- Tucker Fresh Kinross,
- Tucker Fresh Morris,
- Tucker Fresh Nicholson Road,
- Tucker Fresh Piara Waters,
- Tucker Fresh Rossmoyne,
- Tucker Fresh Treeby.

3.4 Further, the Shah Group operates a number of liquor stores associated with neighbourhood IGA supermarkets, including:

- Cellarbrations at Morris Place,
- Cellarbrations at Lynwood,
- Porters Liquor Claremont,
- Porters Liquor Iluka Beach, and
- Exchange Cellars Curtin.

3.5 The Applicant is committed to supporting the local liquor industry by supporting smaller Western Australian producers, offering them a platform to display their products at competitive prices, ensuring a diversified and vibrant local market presence.

3.6 The Applicant understands the rights and responsibilities as a liquor store operator and takes seriously the responsibility to provide a licensed premises that will operate in the public's interest and have a minimal negative impact on the local amenity (subject to approval).

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

3.7 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,*<sup>46</sup>

- 3.8 The Applicant has long supported the craft beer industry and will continue to support the smaller local WA craft brewers, subject to the application being granted in the public interest. Accordingly, the same applies to smaller, boutique WA wine producers who do not get sustainable market access through the national chain liquor stores<sup>47</sup>.
- 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 experienced Applicant has an innate understanding of current consumer trends, 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, while minimising the risk of alcohol related harm.
- 3.11 The Shah Group has a strong financial track record, manages businesses well, engages with stakeholders and authorities, and are qualified to obtain a liquor licence in Western Australia.

## **4 Location and Locality**

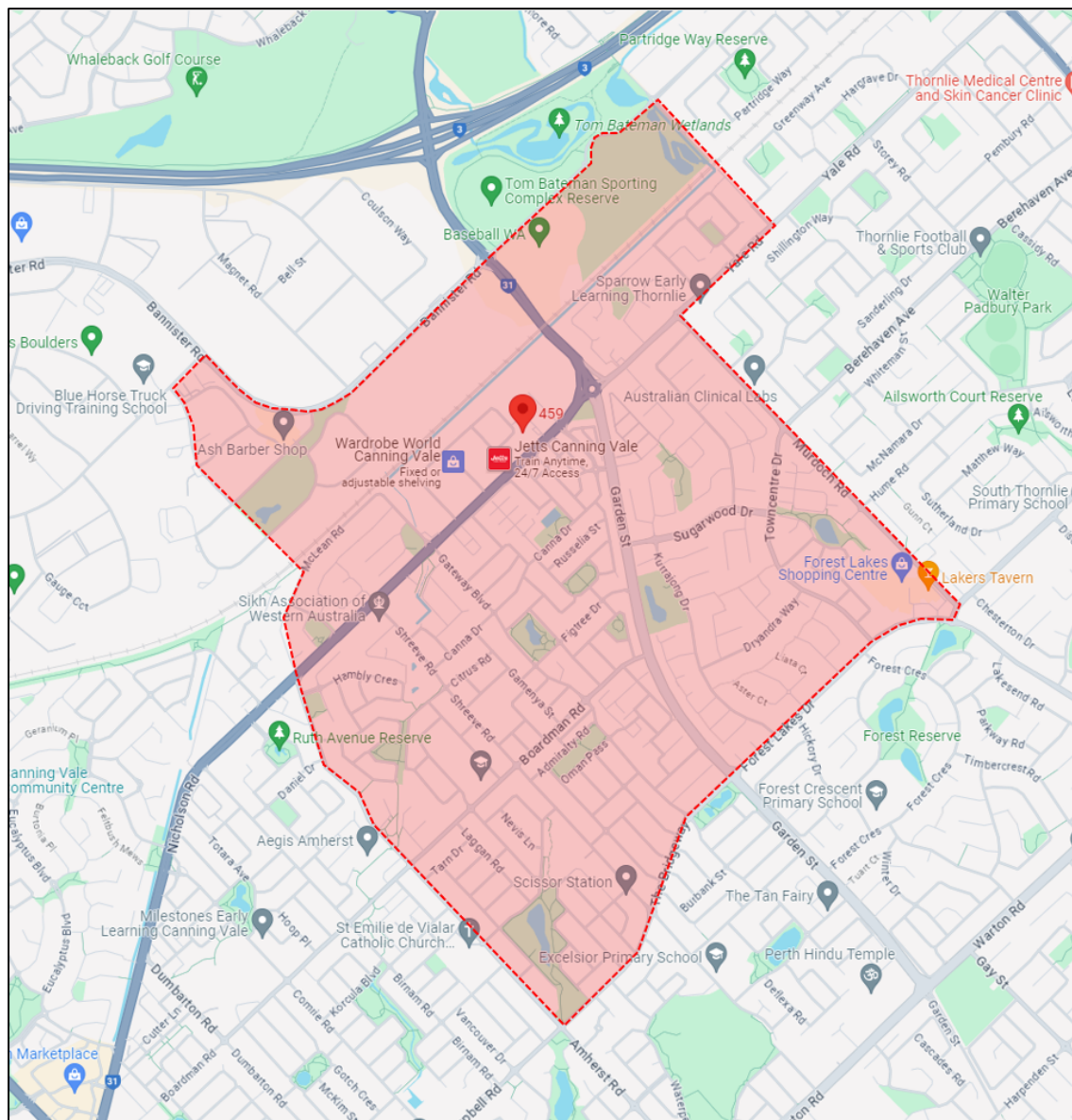
- 4.1 The locality within the suburb of Canning Vale is strategically located about 16 kilometres south of the Perth CBD, offering excellent connectivity through Roe Highway and Nicholson Road. This locality is well-serviced by public transport, with several bus routes enhancing accessibility to the wider Perth metropolitan area. Positioned near the upcoming Nicholson Road Station, part of the METRONET project, Nicholson Cellars will benefit from increased ease of access, making it a convenient destination for both local residents and visitors to the locality.
- 4.2 The locality on the western periphery of the City of Gosnells Local Government Area (LGA), exemplifies the principles of liveability and community-focused urban planning. It is defined by a mix of residential, commercial, and green spaces catering to a diverse and growing population. The locality's development aligns with broader policies aimed at creating sustainable, accessible, and inclusive communities.
- 4.3 In accordance with the Public Interest Policy '*Specification of Locality*,' which defines the '*locality*' affected by an application under the Act, the '*defined locality*' of the proposed liquor store, Nicholson Cellars, located at 459 Nicholson Rd, Canning Vale WA 6155 where the proposed premises will be operated, subject to approval.

---

<sup>46</sup>[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)

<sup>47</sup> Attachment 4 – Written Support

*“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.”*



**Figure 15: Nicholson Cellars Defined Locality<sup>48</sup>**

- 4.4 The locality for the proposed Nicholson Cellars 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 for the purposes of addressing Section 36B(4) of the Act.
- 4.5 Murdoch Road borders the ‘defined locality’ to the north, Amherst Road to the south, Forest Lake Drive to the east, and Bannister Road to the west.

<sup>48</sup> Attachment 7 – DLGSC Defined Locality

4.6 For the purposes of addressing Section 38(4) in this submission, the locality, according to the Director’s Policy of Public Interest Assessments,<sup>49</sup> includes parts of Canning Vale (where the proposed Liquor Store will be located) and a minor section of Thornlie (Figure 6).

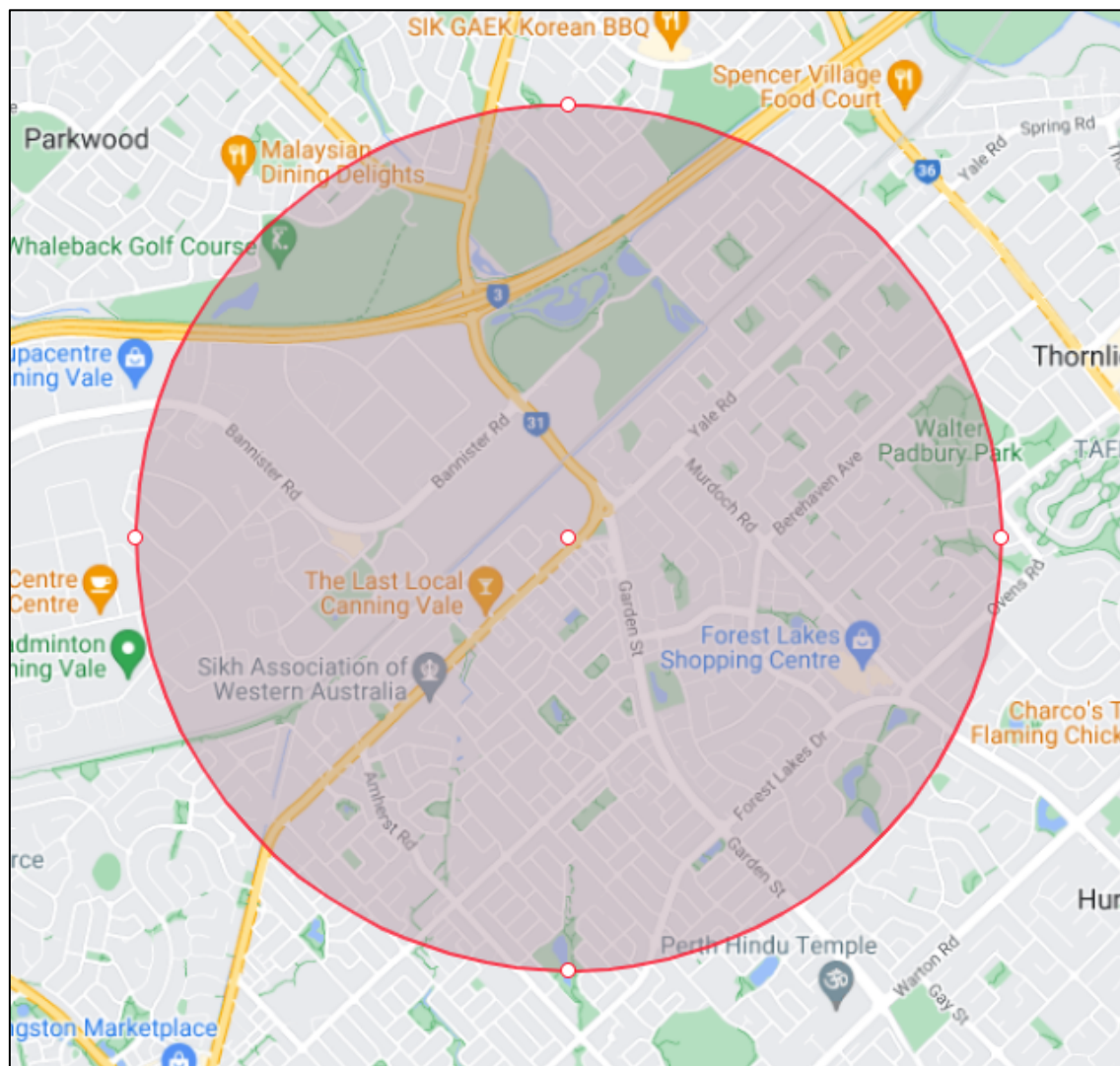


Figure 16: 2km Radius Locality

## Demographics

4.7 Accordingly, data from the Australian Bureau of Statistics 2022 Census<sup>50</sup> for the above suburbs has been used.

	Locality	Greater Perth	Western Australia
Population	58169	2116647	2660026
Median Age	38	37	38
Median Individual Income (Weekly)	\$756.00	\$859.00	\$848.00
Median Household Income (Weekly)	\$1,924.00	\$1,865.00	\$1,815.00
Median Family Income (Weekly)	\$2,100.50	\$2,259.00	\$2,214.00
Population Under 14 years	13.75%	18.96%	19.01%

<sup>49</sup> <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

<sup>50</sup> Attachment 8 – 2021 ABS Census Data

Indigenous Persons	2.11%	1.99%	3.33%
Australian Born	50.09%	59.46%	61.98%
Speak English only at Home	57.76%	73.99%	75.29%
Couple Family without Children	32.95%	37.60%	38.80%
Couple Family with Children	51.60%	45.70%	44.60%
One Parent Family	13.80%	15.10%	15.10%
Other Family	1.65%	1.60%	1.60%

**Table 1: Demographic Analysis**

4.8 The demographic overview presented highlights the characteristics of the community surrounding Nicholson Cellars. Drawing from the 2021 Australian Bureau of Statistics<sup>51</sup> data, the locality where Nicholson Cellars will be established has a population of 58,169.

4.9 Analysis of Demographic Data for the 2km locality surrounding Nicholson Cellars:

- **Population Insights:** The locality has a large population of 58,169, offering Nicholson Cellars a substantial customer base to serve.
- **Age Demographics:** The median age of 38 suggests a balanced mix of youth and maturity within the locality. Nicholson Cellars will cater to this demographic with a tailored product range.
- **Income Distribution:** With a median household income of \$1,924 weekly, the community exhibits a high socioeconomic foundation, allowing Nicholson Cellars to offer a wide range of products, from everyday to premium selections.
- **Family Dynamics:** The prevalence of families, particularly those with children (51.60%), underscores the importance of responsible service of alcohol at Nicholson Cellars.
- **Language and Cultural Considerations:** With over half of the population (57.76%) speaking only English at home and a significant portion being Australian-born (50.09%), Nicholson Cellars will ensure clear communication and a product selection that resonates with the local community's tastes and preferences.

4.10 The projected growth rate for the locality is anticipated to mirror broader trends within the Perth region, with significant expansion expected. Several key factors propel this growth:

- **Vibrant Housing Market:** Perth's buoyant housing market is drawing new residents to Canning Vale, enhancing the locality's demographic diversity and consumer base.

*“Canning Vale has seen an annual compound growth rate of 10.6% for houses and 23.0% for units.”<sup>52</sup>*

<sup>51</sup> <https://www.abs.gov.au/census>

<sup>52</sup> <https://www.realestate.com.au/wa/canning-vale-6155/>

- **Infrastructure Developments:** Ongoing enhancements in transportation infrastructure, including road improvements and the forthcoming METRONET project, will bolster the locality's accessibility.
- **Amenities and Services:** The locality's proximity to extensive urban amenities and related services further contributes to its appeal.

4.11 These factors underscore Nicholson Cellars' strategic positioning within the Nicholson Central neighbourhood shopping centre, which will enhance the local retail landscape. The proposed premises are designed to meet the contemporary, evolving requirements of local residents and visitors, aligning with the locality's growth trajectory and the community's reasonable requirement for various household amenity.

### Nicholson Central neighbourhood shopping centre



Figure 17: Nicholson Central neighbourhood shopping centre<sup>53</sup>

- 4.12 The 5,400 sqm Nicholson Central neighbourhood shopping centre includes an IGA Supermarket, a childcare centre 'Sagewood Early Learning', Snap Fitness Gym, Yahava Coffee, Taco Bell, and other retailers.
- 4.13 The shopping centre is designed with ample, secure parking, making it trolley accessible for those opting to visit by car or on foot.

### Relevant Town Planning Considerations

4.14 The 'State Planning Policy 4.2: Activity Centres for Perth and Peel'<sup>54</sup> highlights the significance of 'Neighbourhood Centres' as key local community hubs. These centres are essential to cater to daily to weekly household shopping requirements, serving as accessible points for medium-density housing and facilitating community engagement. Additionally, they play an essential role in ensuring walkable access to various services and facilities, emphasising their importance in local planning strategies and structure plans for new urban developments.

<sup>53</sup> <https://www.nicholsoncentral.com.au/>

<sup>54</sup> [https://www.wa.gov.au/system/files/2021-07/SPP\\_draft\\_4-2-activity-centres.PDF](https://www.wa.gov.au/system/files/2021-07/SPP_draft_4-2-activity-centres.PDF)



## Nicholson Road Station

- 4.15 *The City of Gosnells' Local Planning Strategy 2019*<sup>55</sup> integrates the 'Neighbourhood Centres' concept with the METRONET precinct, which is about complementing urban development with enhanced public transportation. This strategy aims to create accessible, sustainable communities that encourage public transit use, reduce car dependency, and promote healthier, more active lifestyles among residents. This vision aligns with broader objectives to improve quality of life, connectivity, and environmental sustainability in the region.

*"The proposed station will enhance existing services to the area and will act as a catalyst for urban renewal in support of medium to higher density residential and employment development in Canning Vale."*<sup>56</sup>

- 4.16 METRONET's collaboration extends to state agencies, local governments, and the private sector, focusing on the development of the Nicholson Road Station precinct. The station design facilitates access through new shared paths and upgraded roads, enhancing connectivity for bus, vehicle, and pedestrian traffic. This aligns with the aim to foster accessible, sustainable communities around key transport hubs. This initiative reflects a comprehensive approach to urban planning and development, emphasising ease of access and community integration<sup>57</sup>.

*"METRONET's Thornlie-Cockburn Link duplicates three kilometres of track between Beckenham and Thornlie stations, relocates 11 kilometres of freight rail, builds 14.5 kilometres of new passenger rail between Thornlie and Cockburn stations and new stations at Nicholson Road and Ranford Road. The project is the catalyst for medium to long-term redevelopment in the area"*<sup>58</sup>.

- 4.17 At point 184 of [2021] WASC 366<sup>59</sup>, Judge Archer clarifies the definition of 'locality' within the law when addressing Section 36B(4), 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.<sup>60</sup>

---

<sup>55</sup>Attachment 12 - The City of Gosnells' Local Planning Strategy 2019

<sup>56</sup><https://www.wa.gov.au/system/files/2021-06/PRJ-METRONET-DA-Report-Nicholson-Station.pdf>

<sup>57</sup><https://www.metronet.wa.gov.au/Portals/31/Project%20Documents/Thornlie-Cockburn%20Link/Nicholson%20Road%20Station%20Fact%20Sheet.pdf>

<sup>58</sup><https://www.metronet.wa.gov.au/Portals/31/Project%20Documents/Thornlie-Cockburn%20Link/Nicholson%20Road%20Station%20Fact%20Sheet.pdf>

<sup>59</sup>[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](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)

<sup>60</sup>[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](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)



**Figure 18: Nicholson Road Station<sup>61</sup>**

4.18 The establishment of the Nicholson Central neighbourhood shopping centre adjacent to the Nicholson Road Station has the principal aim of complementing efforts to serve as a retail, commercial, and hospitality hub contributing to the precinct development according to the METRONET mandate. The proposed premises intends to con local amenity in accordance with the Director of Liquor Licensing's policies and with licence conditions to meet the contemporary requirements of consumers in the public interest, while minimising the risk of alcohol related harm.

## **5 Legislative Framework – Liquor Control Act 1988<sup>62</sup>**

- 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 stated in Section 5 of the Act. These aspects will be explored in greater detail in the subsequent sections of this submission.

<sup>61</sup><https://www.wa.gov.au/system/files/2021-06/PRJ-METRONET-DA-Report-Nicholson-Station.pdf>

<sup>62</sup>[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)

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 Plan<sup>63</sup> 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, dietary-specific products, and locally produced craft beer products not readily available elsewhere in the defined locality<sup>64</sup>.
- 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 Policy<sup>65</sup>.
- All staff of the proposed Nicholson 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 training<sup>66</sup>.
- The Applicant will join the *Armada Canning Gosnells Alcohol Action Plan 2023 - 2026*<sup>67</sup> 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 guidelines, incorporating CCTV coverage throughout the well-lit store.
- The reputation and experience of the Director of the Applicant Company as a liquor retailer in WA.

---

<sup>63</sup> Attachment 5 – Harm Minimisation Plan

<sup>64</sup> Attachment 1 – Sample WA Product List

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

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

<sup>67</sup> [https://www.armadale.wa.gov.au/system/files/documents/docs/Public\\_Health/ACGAlcoholActionPlan.pdf](https://www.armadale.wa.gov.au/system/files/documents/docs/Public_Health/ACGAlcoholActionPlan.pdf)

- The robust Harm Minimisation Plan has delivered positive results at the experienced Applicant's other liquor store operations in the state.
- Including visual signage will reflect the Licensing Authority's regulations surrounding purchasing takeaway packaged liquor, including new regulations around the secondary supply of liquor to juveniles.
- The Applicant will 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 City of Gosnells Local Planning Strategy's initiative to establish the Nicholson Central neighbourhood shopping centre<sup>68</sup> underscores the necessity for enhanced housing and amenities. This strategic development ensures residents have access to essential services and diverse retail options, promoting a sustainable and connected community lifestyle.
- A dedicated, browse packaged liquor amenity in Nicholson Central neighbourhood shopping centre is an amenity available to other consumers in the State.
- A majority of the Consumer Survey respondents support the proposed 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.

---

<sup>68</sup> <https://www.blackmont.com.au/activity/opening-of-nicholson-central>

- 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 Nicholson Central neighbourhood shopping centre that is master planned to include a small liquor store reflects the diversity of requirements of consumers in the state.
- 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 Nicholson Central neighbourhood shopping centre as per the State Planning Authority masterplan of the commercial precinct and provide a convenient, accessible, local amenity for local residents and visitors to the locality.
- 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 Nicholson Cellars, operating under a Liquor Store Licence, would provide a convenient and required amenity at the Nicholson Central neighbourhood shopping centre.
- The Applicant is committed to working with the Department of Local Government, Sport and Cultural Industries, the WA Police, the WA Department of Health, the City of Gosnells 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 Nicholson Cellars, in accordance with the Director's Policy on Mandatory Training<sup>69</sup>.
- The presence of an Approved Manager at all times to oversee the store's operation in compliance with all licensing and regulatory requirements

---

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

relating to *'Managers at Licensed Premises'*<sup>70</sup>. 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 Minimisation<sup>71</sup>.
- 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<sup>72</sup>.

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

- The Applicant acknowledges that a Liquor Store Licence is a high-risk application and accordingly has diligently addressed all necessary requirements to satisfy Section 5, section 36B(4) and Section 38 (2) and (4) of the Act.
- The relevant documentation to comply with Section 68 of the Act has also been submitted by the Applicant.
- Should 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 section of the Act.

***f) To encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community:***

- Low alcohol and no alcohol products will be readily available.
- The Applicant is an experienced and responsible Licensee who will ensure any in-store promotion is suitable and does not support excessive liquor consumption.
- The Applicant will at all times adhere to the Director's Policy<sup>73</sup> on the responsible promotion of liquor.
- Advertising will be in line with the Director's Policy on the *Responsible Promotion of Alcohol*

---

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

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

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

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

- 5.5 **Section 16<sup>74</sup> 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 33<sup>74</sup> (1) of the Act** provides that the licensing authority has absolute discretion to grant or refuse an application on any ground or for any reason that it considers in the public interest.
- 5.7 The experienced Shah Group is also a member of other local liquor accords and will become a part of the *Armadale Canning Gosnells Alcohol Action Plan 2023 - 2026*.
- 5.8 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 license in Western Australia."
- 5.9 The Applicant is committed to actively engaging with any local government initiative designed to reduce alcohol-related harm in the locality. As an IGA operator, the Applicant has access to funding through the IGA Community Chest program.
- 5.10 The IGA Community Chest initiative supports local causes through grocery purchases at IGA stores. It contributes to communities and charities nationwide, responding to events like natural disasters or local needs such as sports equipment for children. Over 1,200 local projects benefit annually, and more than 25,000 donations have been made since 2010, significantly impacting local communities<sup>75</sup>.
- 5.11 The Applicant is also committed to ongoing engagement with the DLGSC, the Gosnells 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.



## **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*

<sup>74</sup>[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)

<sup>75</sup><https://www.iga.com.au/community-chest/>

*reasonably be met by existing packaged liquor premises in the Locality in which the proposed licensed premises are, or are to be, situated.*<sup>76</sup>

6.2 The DLGSC website states:

*"Concern regarding the impact of the proliferation of large packaged liquor outlets on the community has resulted in new legislative provisions that allow regulations to be prescribed setting out criteria that apply to applications for large packaged liquor outlets."*<sup>77</sup>

6.3 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 400m<sup>2</sup>; and*

**b.** *an existing packaged liquor outlet with a retail section that exceeds 400m<sup>2</sup> 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 400m<sup>2</sup>; and*

**b.** *an existing packaged liquor outlet with a retail section that exceeds 400m<sup>2</sup> is located within 5 kilometres (metropolitan) or 12 kilometres (regional) (distances are calculated using the shortest route by road).*<sup>78</sup>

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

*"local packaged liquor requirements, in relation to an application to which this section applies, means the requirements of consumers for packaged liquor in the Locality in which the proposed licensed premises are, or are to be, situated."*

6.5 Australian Leisure and Hospitality Group Pty Limited v Commissioner of Police & Ors [2017] WASC 88<sup>79</sup>:

*"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*

---

<sup>76</sup>[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)

<sup>77</sup><https://www.dlgsc.wa.gov.au/department/news/news-article/2019/11/01/new-provisions-relating-to-packaged-liquor-outlets>

<sup>78</sup><https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/license-types-and-trading-hours/package-liquor-sales-policy>

<sup>79</sup>[https://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](https://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)



*in considering the issue of catering for consumer requirements. Catering for consumer requirements is not considered in isolation. The potential and opportunity for proper development of the industry (including change) is not to be ignored. Assuming there is appropriate probity evidence, the words invite a broader ambit of matters to be considered as part of assessing the diversity of consumer requirements and how they are to be catered for".*

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

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

*In this regard, applications for the grant of a new packaged liquor outlet must include evidence and submissions demonstrating that existing packaged liquor outlets in the Locality of the proposed packaged liquor premises cannot reasonably satisfy the local packaged liquor requirements of the public."<sup>80</sup>*

- 6.7 The Liquorland Karrinyup decision ([2021] WASC 366) is a landmark examination of the nuances of Section 36B(4) of the Act, particularly in determining whether present packaged liquor premises can reasonably meet local packaged liquor requirements. Her Honour Judge Archer emphasised the significance of considering convenience, product range, and accessibility as relevant factors under Section 36B(4), thus emphasising the need to evaluate the physical availability of packaged liquor and the broader consumer experience and accessibility in the locality.
- 6.8 Judge Archer's legal determinations, particularly in the context of Sections 5, 36B(4), and 38 of the Act, highlight the importance of carefully evaluating whether existing locations can adequately meet the public's reasonable requirements for liquor and related services without causing undue difficulty or inconvenience. This decision, which emphasises a comprehensive evaluation of consumer requirements and a clear definition of the "relevant public," is extremely pertinent and applicable to numerous aspects of this application.
- 6.9 Further in WASC 366 (the Liquorland Karrinyup decision), Judge Archer found that:

*"The purpose of legislation must be derived from the statutory text and not from any assumption about the desired or desirable reach or operation of the relevant provisions. The intended reach of a legislative provision is to be discerned from the words of the provision and not by making an a priori assumption about its purpose.*

*A section in a statute which specifically states the purposes or objects of the statute is relevant to the proper construction of the statute. It is necessary to consider the method by which Parliament has implemented the specified purposes or objects. The*

---

<sup>80</sup> <https://www.dlgsc.wa.gov.au/departments/publications/publication/public-interest-assessment-policy>

*purposes or objects must be read and understood in the context of the statute as a whole.*"<sup>81</sup>

- 6.10 Judge Archer clarified that the interpretation of legislative provisions, such as determining the intent of the legislation, must be derived directly from the text of the statute and not from assumptions about its desired or preferable operation. This principle is crucial in understanding and applying the Act. It ensures that the meaning of a legislative provision is derived from its language, not assumptions about its intent.
- 6.11 Her Honour, in that decision, goes further to state:
- "The task of statutory construction in this case involves, among other things, construing the phrase 'requirements of consumers' in s 36B of the Act. This phrase also appears in s 5(1)(c).*
- There is ordinarily a presumption that the same word will bear the same meaning wherever it appears throughout an Act."*<sup>82</sup>
- 6.12 In the decision, Judge Archer also emphasised the importance of consistent interpretation of phrases within a statute, noting that the phrase *'requirements of consumers'* in Section 36B should be interpreted similarly to how it appears in Section 5(1)(c), thereby ensuring a coherent and consistent application of the statute across sections and contexts.
- 6.13 Significantly, Judge Archer determined that *"'requirements of consumers for packaged liquor' in the definition of 'local packaged liquor requirements' in section 36B(1) of the Act is not limited to the physical item or product of packaged liquor, and that other matters also include matters of convenience, product range, and other matters"*<sup>83</sup>. This expansive interpretation highlights the importance of evaluating whether existing premises can satisfy the reasonable requirements of the public based on a wide range of factors.
- 6.14 At point 89 of [2021], WASC 366, it was stated that the words *'requirements of consumers'* should bear consistent meaning in s 36B(1) and s 5(1)(c) and may entail consideration of the same types of matters, subject to the facts and issues of a particular case. This consistency in interpretation is essential to ensuring that the Act is applied uniformly and fairly in a variety of contexts and applications.
- 6.15 It is essential to carefully implement the Liquorland case's (WASC366) principles to the current application under Section 36B(4) of the Act in light of the case's insights. A strategic, evidence-based approach will be used to demonstrate unquestionably that the proposed licensed premises is essential for meeting the local packaged liquor requirements, which are not adequately met by the local packaged liquor outlets.

---

<sup>81</sup> Point 21 of [2021] WASC 366

<sup>82</sup> Point 22 of [2021] WASC 366

<sup>83</sup> Point 108 of [2021] WASC 366

- 6.16 The proposed premises, strategically located to serve both residents and non-residents passing through the locality, will offer a unique and diverse range of liquor products and related services, addressing the missing consumer requirements identified through the consumer surveys.
- 6.17 In accordance with the principles outlined in the aforementioned Liquorland case, all assumptions regarding consumers' reasonable requirements have been thoroughly verified and supported with objective evidence, ensuring that the application is grounded in factual accuracy and stands up to scrutiny.
- 6.18 Additionally, proactive engagement with the local community and stakeholders has been undertaken to ensure that the proposed premises caters to the reasonable requirements of packaged liquor and related services.
- 6.19 Feedback mechanisms have been established to facilitate ongoing dialogue and ensure that the proposed premises' operations will continue to satisfy the public's constantly evolving expectations.
- 6.20 Reflecting on the Woolworths Ltd<sup>84</sup> case, which underlined the value of centralised shopping hubs, the City of Gosnells has approved a small liquor store within the Nicholson Central neighbourhood shopping centre. This recognises the need to cater to the current and growing local population's contemporary requirements and aligns with the consumer requirements highlighted in this application.

## Proliferation

- 6.21 The Director of Liquor Licensing, in many decisions, refers to the second reading of the Speech in the WA Parliament, and the Applicant highlights that 36B(4)<sup>85</sup> is intended to prevent the 'proliferation' of packaged liquor premises.
- 6.22 The statement, "34 Consequently, in my view, in order to give intent to the obvious legislative policy of restricting the grant of certain licences in order to prevent the proliferation of packaged liquor outlets in the community," underscores a legislative intent to regulate the rapid expansion of packaged liquor outlets.
- 6.23 Proliferation' is generally defined as:
- "to grow or increase or cause to grow or increase rapidly"<sup>86</sup>
  - "the sudden increase in number or amount of something; a large number of a particular thing"<sup>87</sup>
  - "the fact of something increasing a lot and suddenly in number or amount"<sup>88</sup>

---

<sup>84</sup> <https://jade.io/article/284715>

<sup>85</sup> [https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/\\$File/BiI1058-1.002.pdf](https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/$File/BiI1058-1.002.pdf)

<sup>86</sup> <https://www.collinsdictionary.com/dictionary/english/proliferate#:~:text=proliferate%20in%20British%20English&text=1.,Collins%20English%20Dictionary>.

<sup>87</sup> [https://www.oxfordlearnersdictionaries.com/definition/american\\_english/proliferation](https://www.oxfordlearnersdictionaries.com/definition/american_english/proliferation)

<sup>88</sup> <https://dictionary.cambridge.org/dictionary/english/proliferation>

- 6.24 Considering the Woolworths Ltd<sup>89</sup> case, the Applicant has diligently ensured that the proposed liquor store aligns with consumer requirements, substantiating the application with robust evidence that addresses consumers' reasonable requirements for packaged liquor in the locality.
- 6.25 Furthermore, the Applicant has methodically navigated the legislative framework, ensuring that the application adheres to the Act and advocating for decisions by the licensing authority to be made in stringent compliance with statutory provisions.
- 6.26 The Explanatory Memorandum – Liquor Control Amendment Bill 2018, which introduced the new Section 36B legislation, articulates that:
- “Proposed subsection (4) provides that the licensing authority must not grant an application for a new packaged liquor premises unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the Locality.”<sup>90</sup>*
- 6.27 Based on the aforementioned submissions, the Applicant submits that granting conditional approval of the Liquor Store Licence, which will cater to consumers' reasonable requirements of packaged liquor services and complement the diverse amenities of the Nicholson Central neighbourhood shopping centre, will not result in the proliferation of packaged liquor.

## **Reasonable**

- 6.28 The Licensing Authority does not define the term reasonable; however, some determinations outline the approach of the Director of Liquor Licensing when evaluating certain applications under Section 36B(4).
- 6.29 Section 36(B)(4) does not define the phrase *“reasonably be met,”* nor does it provide prescriptive requirements for Applicants, leaving room for interpretative flexibility.
- 6.30 In a decision relating to application A122893507<sup>91</sup>, 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.”*

---

<sup>89</sup> <https://jade.io/article/284715>

<sup>90</sup> [https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/\\$File/Bill\\_058-1.002.pdf](https://www.parliament.wa.gov.au/Parliament/Bills.nsf/A487819EDAB89EDF4825823900277C53/$File/Bill_058-1.002.pdf)

<sup>91</sup> [https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/hangawee-outlet-northbridge436b61a50976489388d21bccd7d2d900.pdf?sfvrsn=83a7222e\\_4](https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/hangawee-outlet-northbridge436b61a50976489388d21bccd7d2d900.pdf?sfvrsn=83a7222e_4)

- 6.31 According to the above definition, it does not invoke a particularly high threshold and implies a degree of objectivity, as in reasonable and not excessive.
- 6.32 Various sources define 'reasonable' as:
- "based on or using good judgement and therefore fair and practical"<sup>92</sup>.
  - "fair, practical, and sensible"<sup>93</sup>
  - "showing reason or sound judgement"<sup>94</sup>
- 6.33 In the context of Section 36(B)4 and consumer requirements, the Applicant has diligently considered the term "reasonably met." This has been achieved by assessing various factors that extend beyond just the availability of liquor products, including aspects such as location, accessibility, convenience, competition, range, volume, and variety of liquor products in delivering a satisfying consumer experience without duplicating services in the locality.

## **Matters to be Addressed**

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

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

### **1. What is the relevant locality?**

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

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

- 6.36 In accordance with the understanding that 'Consumer requirements must be considered in a broader context'<sup>95</sup>, the Applicant has ensured that the proposed premises will cater to a diverse range of consumer requirements.
- 6.37 Recognising the importance of the diverse demographics of the community and the

<sup>92</sup> <https://dictionary.cambridge.org/dictionary/english/reasonable>

<sup>93</sup> [https://www.oxfordlearnersdictionaries.com/definition/american\\_english/reasonable#:~:text=%2F%CB%88riz%C9%99n%C9%99bl%2F,beforehand%20that%20this%20would%20happen.](https://www.oxfordlearnersdictionaries.com/definition/american_english/reasonable#:~:text=%2F%CB%88riz%C9%99n%C9%99bl%2F,beforehand%20that%20this%20would%20happen.)

<sup>94</sup> <https://www.collinsdictionary.com/dictionary/english/reasonable#:~:text=adjective-1.,prescribed%20by%20reason%3B%20not%20excessive>

<sup>95</sup> [https://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](https://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)

introduction of a different offering in terms of consumer choice and diversity,<sup>96</sup> the Applicant has ensured that the application is adaptable to evolving consumer demands and preferences, ensuring that the proposed premises can cater to evolving consumer requirements and preferences.

6.38 Consumer requirements for packaged liquor in the relevant locality have been comprehensively assessed through a Consumer Survey and numerous Letters of Support. The Consumer Survey conducted with 106 respondents from the locality, indicated strong support (92.11%) for the proposed Nicholson Cellars operating under a Liquor Store Licence, subject to approval:

- 57.02% live in the Canning Vale
- 17.54% live elsewhere in the City of Gosnells
- 26.32% travel to or through the Canning Vale locality for work

6.39 The Consumer Surveys and Letters of Support demonstrate a strong requirement for specialised products such as organic, gluten-free, vegan, and low-alcohol options. Consumers in the locality seek a diverse range of high-quality products that reflect contemporary requirements and health-conscious choices. This requirement is driven by both residents and visitors who are looking for packaged liquor products that are not currently available in the existing packaged liquor outlets.

6.40 Judge 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 trifling, or to use Liquorland's words, not insignificant or immaterial."*<sup>97</sup>

6.41 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;*

---

<sup>96</sup>[https://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](https://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)

<sup>97</sup>[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)

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."<sup>98</sup>*

- 6.42 The Applicant has considered '*catering for the requirements of consumers*' in conjunction with '*the proper development of the industry*' to ensure that the application is in alignment with the broader Objects of the Act and is capable of catering to a diverse range of consumer requirements while ensuring no proliferation of packaged liquor outlets.

#### **Objective Evidence:**

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

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

#### **Experience of the Applicant**

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

#### **Product Availability:**

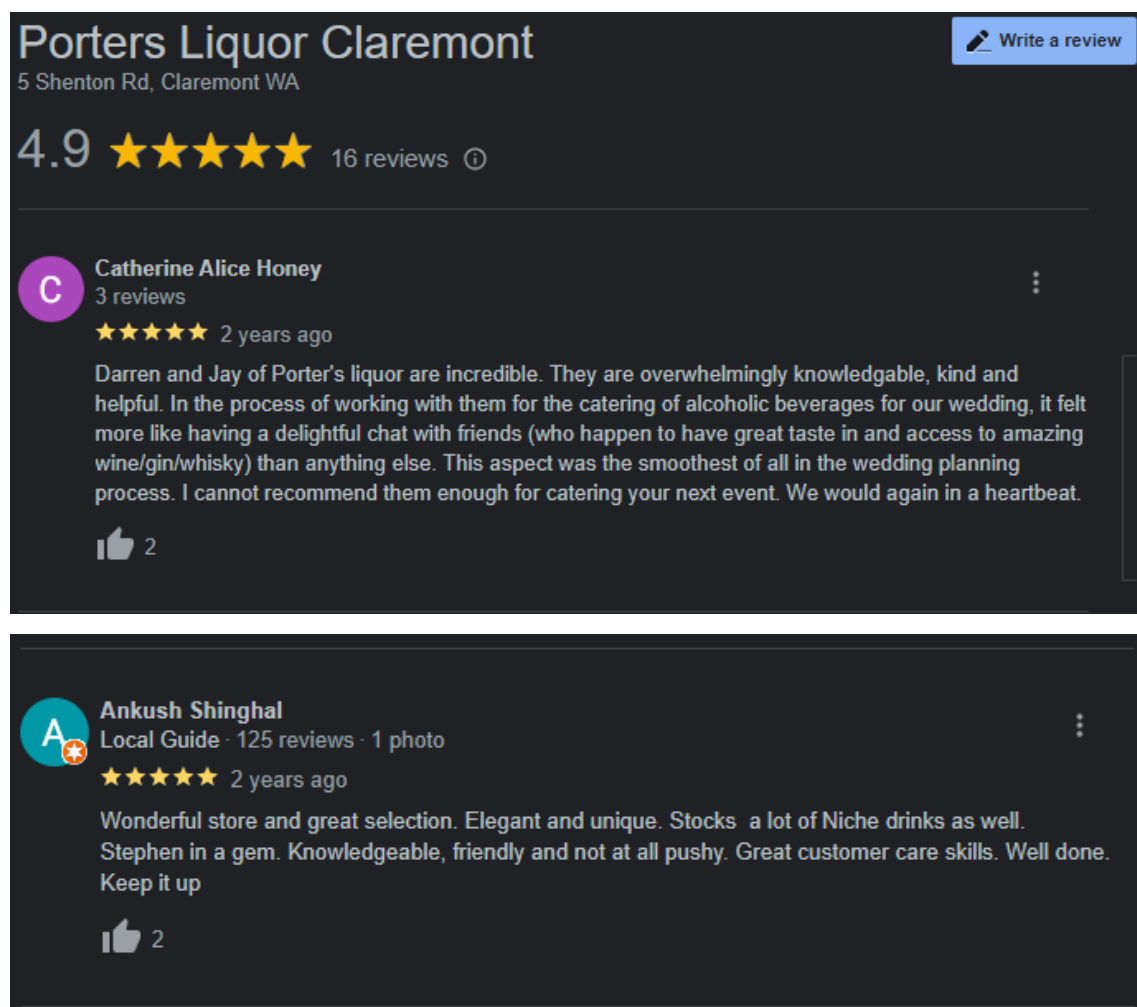
- the ability to purchase all their regular and one-off packaged liquor requirements in a single shopping trip.
- A core range of beer, wine, cider, and spirits.
- A specialty range of allergen-free products (GF, preservative-free, vegan, low alcohol, etc.) in one convenient location.
- Meet the growing requirement for low- and no-alcohol products.

<sup>98</sup>[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)

- Focusing on WA-made products, including premium wines, to support local industry with direct and indirect employment.

**Customer service offered:**

- Customer service is an important component of consumer requirements, and the Applicant prides itself on comprehensive customer service training, delivering a superior amenity to consumers<sup>99</sup>.
- The proposed premises will have well-trained staff who can assist with patron inquiries and assist with food and wine/beer matching selections.
- Further, the product information will be provided in the form of tasting notes from producers of new and contemporary products that consumers in the locality may need to become more familiar with (i.e., rare wine varietals, new release vintages, specialty products, etc.).
- Staff will always readily provide information about food and beverage pairings.



**Figure 19: Porters Claremont Reviews (operated by the Shah Group)**

- Staff will be trained to take product requests from consumers when required. Should a particular product not be available for any reason, staff will

<sup>99</sup> Attachment 4 – Letters of Support



communicate this to the patron and suggest a comparable alternative product that is currently in stock.

### **Accessibility:**

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

### **Related Services:**

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

### **Safety:**

- The proposed premises have been designed according to the *Safer Place By Design* (CPTED) principles, with safety foremost in mind and will be well-lit at all times.
- There will be CCTV throughout the proposed premises in accordance with the Director's Policy on *Safety and Security at licensed premises*<sup>100</sup>.
- CCTV has also been installed at the shopping centre.
- The related services at the shopping centre will provide passive surveillance of the liquor store.
- The Tucker Fresh IGA supermarket will be trading during the times the proposed liquor store is open.

---

<sup>100</sup><https://www.dlgsc.wa.gov.au/department/publications/publication/safety-and-security-at-licensed-premises-policy>

### **Convenience:**

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

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

6.44 Refer to Attachment 7 to analyse the packaged liquor outlets in the locality<sup>101</sup>.

6.45 In alignment with the emphasis on convenience, product range, one-stop shopping and accessibility, Nicholson Cellars is thoughtfully positioned to cater to consumer requirements effectively. This approach is informed by consumer feedback and detailed analysis, which indicate that the local packaged liquor requirements are currently unmet. The proposed premises aims to bridge this gap by providing easy access, a comprehensive shopping experience, and a wide selection of products, fulfilling the community's requirement for diverse and quality liquor offerings.

### **4. Whether the local packaged liquor requirements cannot reasonably be met by those existing packaged liquor premises.**<sup>102</sup>

6.46 Amenities/Related Services at Existing Packaged Liquor Outlets:

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

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

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

---

<sup>101</sup> Attachment 7 - Packaged Liquor Outlets in the Locality

<sup>102</sup> [https://www.dlgsc.wa.gov.au/docs/default-source/default-document-library/liquorland-\(australia\)-pty-ltd--v--director-of-liquor-licensing-2024-wasc12860bc9582c0d44b2cadf04b244acedbb.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-wasc12860bc9582c0d44b2cadf04b244acedbb.pdf?sfvrsn=eb68de15_0)

- 6.49 Recognising the importance of the changing demographics of the community and the introduction of a different offering in terms of consumer choice and diversity, the Applicant has ensured that the application is adaptable to evolving consumer demands and preferences, ensuring that the proposed premises can cater to evolving consumer requirements and preferences.
- 6.50 The application for Nicholson 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."*<sup>103</sup>

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

- 6.52 The Applicant has also considered 'the positive and negative social, economic, and health impacts on the community,' thereby maintaining a balanced and responsible approach to liquor licensing. As substantiated by Judge Archer in WASC 366:

*"The Public Interest condition looks to, among other things, the risk that granting the application may have negative consequences, such as harm or ill-health, the reduction of amenities in the locality, and offence to those who live or work there. It also looks to any effect the granting of the licence may have in relation to tourism or community or cultural matters. Determining the public interest is a discretionary value judgment (to be made having regard to the objects of the Act)."*<sup>104</sup>

## **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"*

---

<sup>103</sup> <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

<sup>104</sup> [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](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)

*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.”<sup>105</sup>*

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

- Provide a convenient packaged liquor offering at the Nicholson Central neighbourhood shopping centre to complement the other related services in the locality.
- Operate a small liquor store to cater to the requirements of the local community, which has 58169 residents and the capacity to grow significantly over the next ten years due to the METRONET amenity.
- Offer a range of products with no heavy discounting and/or offering of cheap liquor products.
- Responsibly separate the proposed liquor store from the supermarket.
- Provide products that cater to the growing number of allergen and dietary-sensitive consumers.
- Offer a variety of low, mid, and zero-alcohol options for beer, wine, and spirits to meet 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.
- Offer personalised service through product order forms so consumers can request that products they require be made available at a convenient location for shopping.
- Implement and enforce a strict Harm Minimisation Plan in the interest of the public and to minimise any potential undue harm due to the use of liquor.

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 importance, especially to working people, and that this social fact is reflected in the development of district and regional shopping centres.”<sup>106</sup>*

7.4 The Applicant is an experienced retail operator committed to meeting the reasonable requirements of the local community around the new Nicholson Central

---

<sup>105</sup> <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

<sup>106</sup> <https://jade.io/article/303163>

neighbourhood shopping centre and those who resort to the store for their individual liquor purchasing requirements.

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

- Consumer Survey<sup>107</sup>,
- Experience of the Applicant,
- Letters of Support<sup>108</sup>.

### **Consumer Surveys**<sup>109</sup>

7.6 The Consumer Survey for Nicholson Cellars was conducted to gather insights from the local community regarding their preferences and requirements for a new packaged liquor outlet at the Nicholson Central Neighbourhood Shopping Centre in Canning Vale, WA. This Consumer Survey forms part of the application process for the conditional grant of a Liquor Store Licence from the Department of Local Government, Sport and Cultural Industries. The results indicate community support for the proposed premises, highlighting its potential to meet consumers' diverse requirements and enhance the locality's overall amenity.

7.7 Key findings:

- The majority of respondents were between 26-55 years, indicating a mature audience with established preferences.
- 57% of respondents currently live in Canning Vale.
- A significant number visit or work in the locality, showing a vested interest in local amenities.
- 96.49% of respondents intend to patronise the shopping centre.
- 65.49% of respondents plan to visit Nicholson Central weekly.
- Respondents currently purchase liquor from Cellarbration Nicholson Road and BWS Lakers Walk-In.
- Convenience, competitive pricing, and proximity to home or work are the most important factors for respondents.
- 88.60% of respondents plan to purchase liquor from Nicholson Cellars.
- High interest in organic, gluten-free, and low-alcohol options.
- 92.11% of respondents support the application for Nicholson Cellars.
- 90.18% do not foresee any potential harm from the liquor store.
- 90.27% believe that the liquor store licence approval is in the public interest.
- The survey demonstrates strong community support for Nicholson Cellars.

---

<sup>107</sup> Attachment 3 – Consumer Surveys

<sup>108</sup> Attachment 4 – Letters of Support

<sup>109</sup> Attachment 3 – Consumer Surveys

- Highlights preferences for convenience, diverse product offerings, and competitive pricing.

7.8 The Consumer Survey for Nicholson Cellars demonstrates significant community support for the proposed premises. The findings highlight the community's preference for convenience, diverse product offerings, and competitive pricing. The survey also underscores the proposed premises' positive impact on local amenities, fulfilling unmet consumer requirements and contributing to the Canning Vale locality in addition to being in the public interest.

### **Letters of Support**<sup>110</sup>

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

7.10 Please refer to Attachment 4.

### **Positive Impacts**

7.11 The proposed premises of Nicholson Cellars aims to promote a sustainable and locally focused business that actively participates in the community. The objective is to create jobs, revive local business activity centres, and boost the economy. The business values sustainability, local focus, and ease of doing business.

7.12 Sharing objectives with the *City of Gosnells Local Planning Strategy*<sup>111</sup>, the Nicholson 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 local retail landscape.

7.13 The Applicant, through initiatives like loyalty programs across its stores, such as FreshConnect<sup>112</sup>, demonstrates a deep commitment to community welfare and active local participation. This approach signifies its dedication to becoming a vital part of the locality's retail landscape and a significant contributor to local growth and development. Through such efforts, the Applicant has established itself as a valuable member of the numerous communities in which it operates, fostering relationships built on mutual support and community enrichment.

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

7.14 The proposed premises will have the following positive social and economic impacts on the Locality, including (but not limited to) the current and future residents:

---

<sup>110</sup> Attachment 4 – Letters of Support

<sup>111</sup> Attachment 12 - The City of Gosnells' Local Planning Strategy 2019

<sup>112</sup> <https://tuckerfreshiga.com.au/freshconnect-rewards/>

- Introducing a new amenity to the locality.
- Sustainable development of the locality.
- Encouraging diversity to provide affordability.
- Both initiatives promote economic growth and job creation.
- The Applicant's business model aligns with the planning process's emphasis on engagement with the community.

7.15 This approach underlines Nicholson Cellars' commitment to contributing positively to the community. It echoes the broader objectives of sustainable development, economic revitalisation, and enhancing local amenities as outlined in the City's planning strategy.

### **Potential Negative Impacts**

- 7.16 The responsible and experienced Applicant recognises that alcohol can be misused and cause harm if not responsibly consumed.
- 7.17 As a Licensee 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.”*
- 7.18 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”.*
- 7.19 The Applicant aims to engage actively within the community by joining initiatives like the Alcohol Action Plan, collaborating 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*<sup>113</sup>).
- 7.20 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,

---

<sup>113</sup> [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)

- Adhering to the conditions of the licence,
- Adhering to any resolutions of the Liquor Accord,
- Responsible service of alcohol practices.

and informal controls, including:

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

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

*"The bottom line is we are seeing more attention to the issue, so people are more likely to report," Women's Council for Domestic and Family Violence Services WA chief executive Angela Hartwig told The Sunday Times.<sup>114</sup>*

7.22 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.

7.23 Nicholson Cellars will feature separate access and checkout from the Tucker Fresh IGA Supermarket, addressing concerns of impulse buying while offering convenience and safety for consumers seeking groceries and liquor products. This approach highlights a balanced strategy of providing service while minimising the potential negative impacts of impulse purchasing and normalising liquor.

## **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*

<sup>114</sup><https://www.perthnow.com.au/news/wa/domestic-violence-reaches-epidemic-levels-in-wa-as-more-cry-for-help-ng-eea3e567dba6fbcda8e929181f9a6889>



- (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.*<sup>115</sup>

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

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

Mental Health Commission website

- National Drug Strategy Household Survey 2013: Western Australian Introduction, Executive Summary, Supplementary Tables
- Australian School Student Alcohol and Drug Survey: Alcohol Report 2011 – Western Australian Results. Surveillance Report Number 8
- Broad Strategic Directions of West Australian Drug and Alcohol Strategy 2005-2009
- 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.

---

<sup>115</sup>[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)

- 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 Saggars.
- 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*<sup>116</sup>, 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.

---

<sup>116</sup> Attachment 8 – Preventing Violence WA

*“Much is known about the causes of the crime and the effectiveness of a range of interventions. While continuing to grow on an almost daily basis, this information presents ample opportunity for limited resources to be better targeted to address the causes and to ameliorate emerging harm. There are many theories on what causes violence which could be broadly categorised around “individual” or “community/environmental” factors.*

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

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

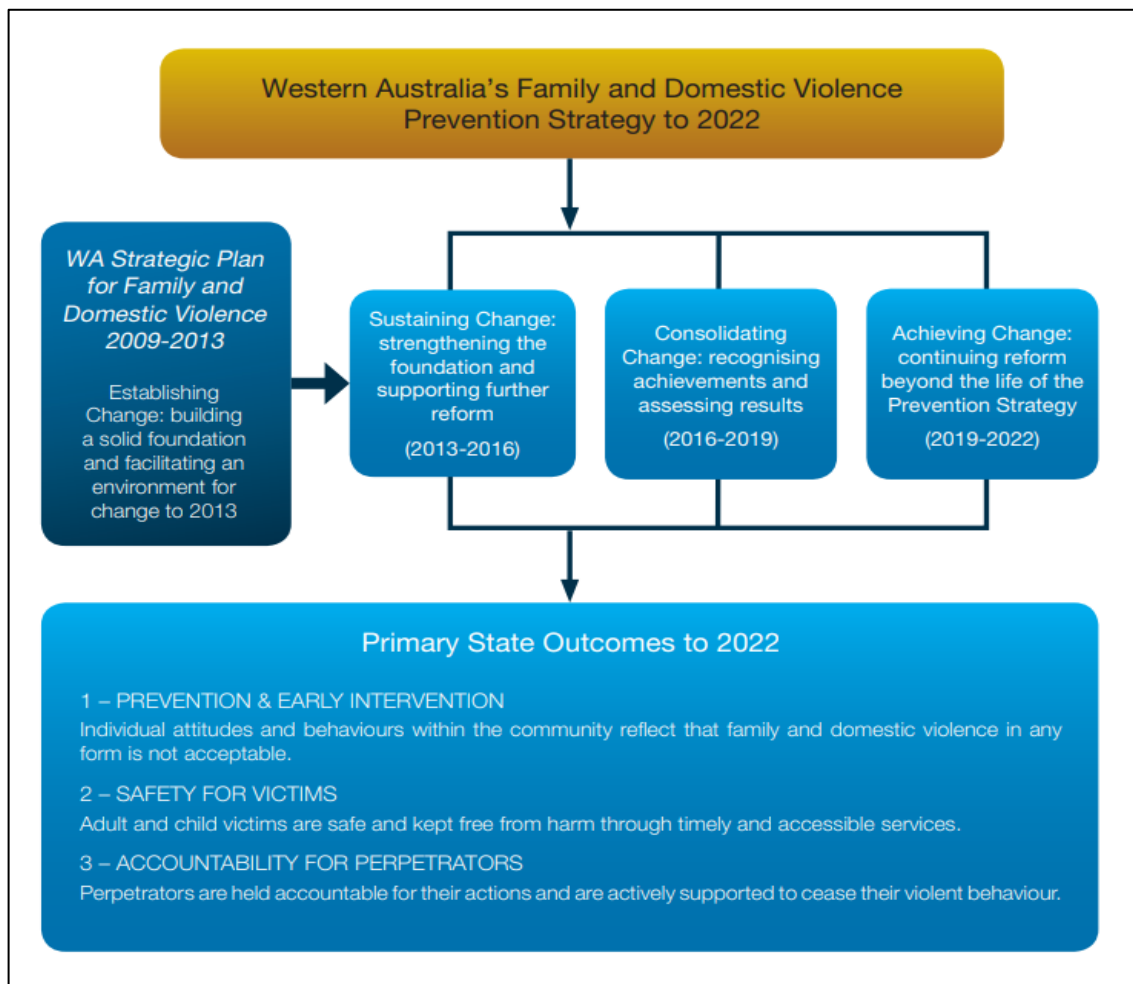


Figure 20: Excerpt from WA Family and Domestic Violence Prevention Strategy to 2022<sup>117</sup>

<sup>117</sup> <https://www.wa.gov.au/system/files/2021-11/WA-FDV-Prevention-Strategy-to-2022.pdf>

*The research demonstrates:*

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

*A growing body of evidence points towards the interaction of a range of factors in shaping behavioural outcomes. While each of the factors described above plays a role, attempts to separate out a single cause that will only address and respond to a small part of the problem. Regardless of the causes, violence is not acceptable, and the available evidence shows that much can be done to prevent it”<sup>118</sup>.*

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’<sup>119</sup> 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.*

---

<sup>118</sup> Attachment 9 – Preventing Violence WA

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

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.*
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*<sup>120</sup> 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 of the store to allow staff to monitor and supervise customers entering and exiting the store.
- A qualified Team Member will supervise the store at all times.
- The Nicholson Central neighbourhood shopping centre will also incorporate its own CCTV.

---

<sup>120</sup> <https://www.wa.gov.au/system/files/2023-07/safer-places-by-design-cpted-guidelines.pdf>

#### 8.9 **Access Control:**

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

#### 8.10 **Territorial Reinforcement:**

- Clear and secured signage will identify the venue 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 Nicholson 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 used 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 Nicholson Cellars application:

	Locality	Greater Perth	Western Australia
Population Under 14 years	13.75%	18.96%	19.01%
Indigenous Persons	2.11%	1.99%	3.33%
Australian Born	50.09%	59.46%	61.98%
Couple Family with Children	51.60%	45.70%	44.60%

8.15 The above statistical data was compiled using the latest statistics available from the *Australian Bureau of Statistics, 2021 Census Data*<sup>121</sup>.

8.16 In preparing this submission, the Applicant has given due consideration to those groups deemed the most “At Risk” of alcohol-related harm and ill-health, as identified by *The Western Australian Alcohol and Drug Interagency Strategy 2018-2022*<sup>122</sup> 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, indicating targeted strategies for engagement and support as outlined in these submissions.
- **Children and young people:** With a lower percentage of the population under 14 compared to broader averages, strict ID checks and responsible service of alcohol refusals to juveniles.
- **People from regional, rural, and remote communities:** Given the locality’s metro setting, the risk of undue harm is minimised.
- **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.
- **Addressing Other Target Groups of Concern:** Given the diverse demographic profile, inclusive practices for older adults, culturally and linguistically diverse communities, and LGBTIQ+ individuals are critical to ensuring that the operations are inclusive and supportive of community members.

<sup>121</sup> <https://www.abs.gov.au/census/find-census-data/search-by-area>

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



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*,<sup>123</sup> 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:** Implementing strategies to reduce alcohol and drug availability and break the cycle of offending.
- **Effective treatment and support services:** Providing integrated, evidence-based treatment and support services.
- **Strategic coordination and capacity building:** Capacity building, workforce development, collaboration, evidence-based practice, monitoring, and information dissemination to provide improved and targeted responses.

8.20 Nicholson Cellars 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.*<sup>124</sup>

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

---

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

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

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)<sup>125</sup> is a product developed by the ABS<sup>126</sup> 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 The SEIFA index is a measure of socioeconomic disadvantage, so a higher score indicates a lower level of disadvantage.
- 8.23 The proposed premises' locality includes a minor portion at the southern end of Thornlie, with the majority falling within the Canning Vale LGA, which has a SEIFA index score of 1066.2. Thornlie has a distinct level of disadvantage, with a SEIFA index score of 939.0.

City of Canning's small areas and benchmark areas		
Area	2021 index	Percentile
Rossmoyne	1,104.3	96
Shelley	1,092.9	95
Canning Vale	1,066.2	89
Willetton - Leeming (part)	1,060.3	87
Canning Vale Overlay	1,052.4	85
Riverton	1,050.8	84
City of Canning	1,023.6	71
Wilson	1,014.3	66
Greater Perth	1,014.0	66
St James	1,012.8	65
Canning City Centre	1,003.4	60
Australia	1,002.6	60
Western Australia	1,002.0	60
Parkwood	997.5	57
East Cannington	989.1	52
Ferndale	985.5	50
Cannington	976.1	44
Queens Park - Welshpool	973.9	43
Lynwood	970.8	41
Bentley	965.6	38
Queens Park Study Area	962.9	37
City of Gosnells	962.5	36

**Figure 21: Index of Relative Socio-economic Advantage and Disadvantage**

<sup>125</sup> [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.)

<sup>126</sup> <https://www.abs.gov.au/>

8.24 The experienced Applicant has rigid harm minimisation strategies in place to minimise the potential undue harm or ill health that may result from the consumption of alcohol.

### Crime Statistics for the Locality<sup>127</sup>

YR	Homicide	Sexual Offences	Assault (Family)	Assault (Non-Family)	Threatening Behaviour (Family)	Threatening Behaviour (Non-Family)	Deprivation of Liberty	Robbery
July 2021 - June 2022	0	67	248	288	43	51	3	29
July 2022 - June 2023	1	198	300	326	54	55	3	27
<b>Total</b>	1	265	548	614	97	106	6	56

8.25 The data presented in the tables below was sourced from the Western Australian Police website ([www.police.wa.gov.au](http://www.police.wa.gov.au)) and contains verified ‘Crimes Against Persons’ offences for the defined Locality from July 2021 to June 2022 and July 2022 to June 2023.

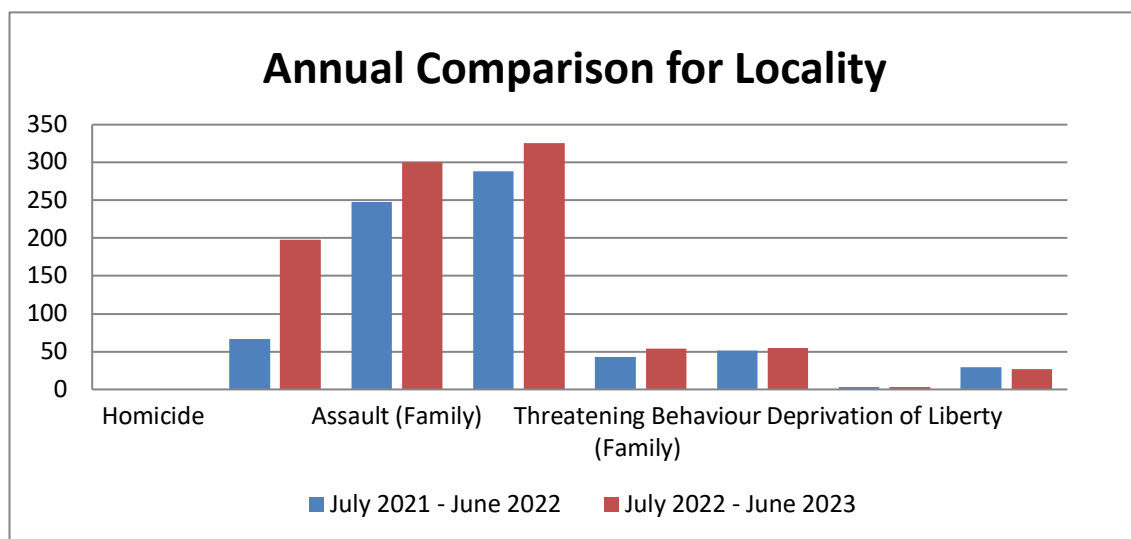


Figure 22: ‘Crimes Against Persons’ Annual Comparison<sup>128</sup>

8.26 The Applicant submits that recognising the constraints within crime statistics data is essential, especially 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.

<sup>127</sup> <https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

<sup>128</sup> <https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

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

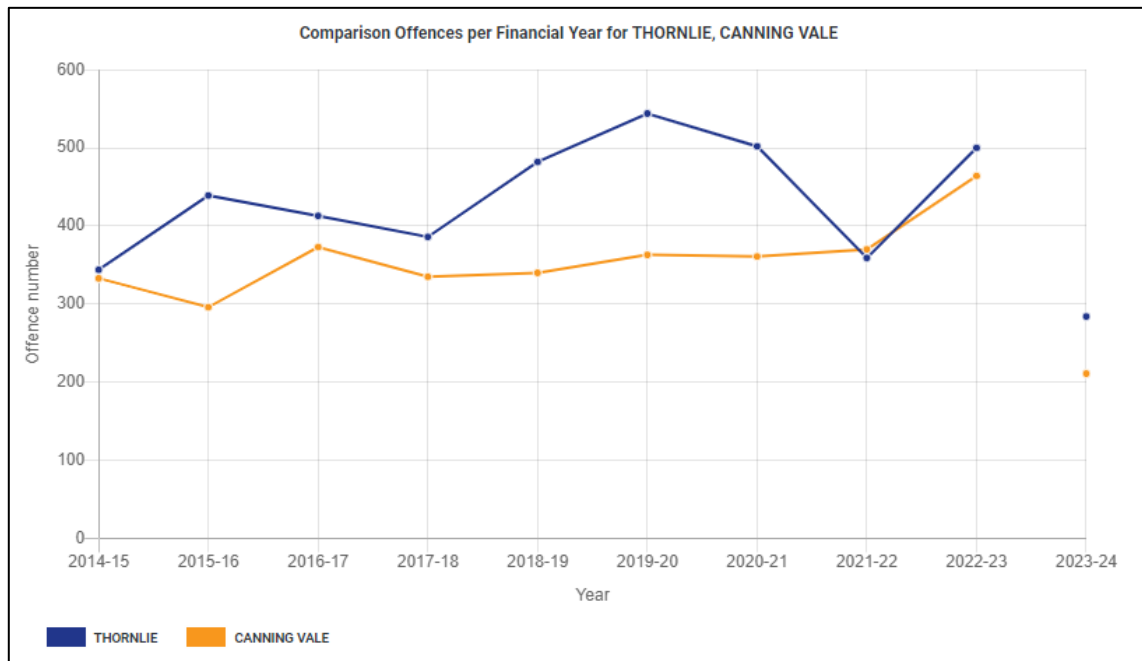


Figure 23: Comparison Offences<sup>129</sup>

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, Nicholson 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 *Armadale Canning Gosnells Alcohol Action Plan 2023 – 2026*<sup>130</sup>, the following statistics are available.

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

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

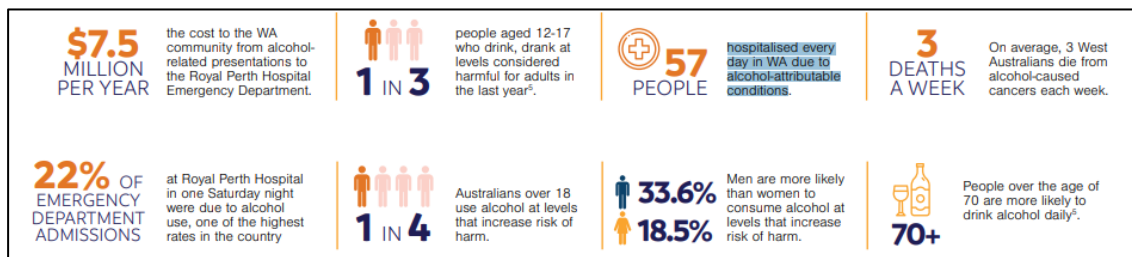


Figure 24: The Current Situation<sup>131</sup>

8.31 The Applicant supports the initiatives such as the vision and mission statements outlined in the *Armadale Canning Gosnells Alcohol Action Plan 2023 – 2026*<sup>132</sup>:

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

8.32 The Applicant acknowledges the potential negative consequences of alcohol abuse, such as alcohol-related hospitalisations and accordingly has offered several conditions to minimise the risk of undue harm or ill health due to the use of alcohol.

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*<sup>133</sup> and recognises that there is a current trend towards responsible consumption in Australia.

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

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

*“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.*

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

<sup>132</sup> <https://www.canning.wa.gov.au/CanningWebsite/media/Files/Residents/Health/alcohol-action-plan-2023-2026.pdf>

<sup>133</sup> <https://www.mhc.wa.gov.au/media/3516/plan-update-2018-corrections-29-july-2020.pdf>

*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 old’s not ever having had a drink in 2019, up from 39 percent from just 12 years before.*

*Australian’s tastes have also changed. 50 years ago, beer was the drink of choice representing almost three quarters of all alcohol sales (73.5 percent). Now its 39 percent, with wine rising from 14.4 percent to almost 39 per cent (38.4 percent). Spirits, cocktails and packaged ready-to-drink products now represent 19.9 per cent up from 12.2 per cent.”<sup>134</sup>*

- 8.43 The Australian Institute of Health and Welfare study examines Australian alcohol consumption, which indicates a transition towards a more responsible and adult relationship with alcohol, as shown by declining rates of dangerous drinking, changing beverage choices, and notable youth moderation<sup>135</sup>.
- 8.44 The WA Mental Health Commission has also released data demonstrating that West Australians are using alcohol at less risky levels than they have historically.
- 8.45 The Applicant has analysed the locality’s crime statistics and benchmarked them against local and state averages. Leveraging extensive experience in the retail, grocery, and liquor sectors, the Applicant contends that the operation of Nicholson Cellars,

<sup>134</sup> <https://www.alcoholbeveragesaustralia.org.au/trends-show-australians-drinking-responsibly/>

<sup>135</sup> <https://www.aihw.gov.au/getmedia/78cc7716-aa97-4042-9141-d476c23406ed/aihw-phe-270-fact-sheet-wa.pdf.aspx>

subject to approval, will contribute positively to the community without leading to undue harm or ill health within the locality.

## **Strategies to minimise harm or ill health**

8.46 The proposed premises has a detailed Harm Minimisation Plan<sup>136</sup>. 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 Nicholson 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*<sup>137</sup>, as previously outlined in this submission.

8.50 The industry guideline states that:

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

*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;*

<sup>136</sup> Attachment 5 – Harm Minimisation Plan

<sup>137</sup> <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>

- *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:<sup>137</sup>

- 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 an essential amenity for local residents and consumers in the locality.

8.54 The Applicant emphasises its commitment to quality over discount pricing. While Nicholson Cellars will feature select value options, the primary aim is to serve the community by offering a curated selection of products that cater to the tastes and preferences of local residents and consumers. This ensures a focus on providing a valuable 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 Handbook<sup>138</sup> 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 system will be in operation at all times, and footage will be retained in accordance with the Director's Policy *on Security at Licensed Premises*.<sup>139</sup>
- 8.58 The CCTV coverage at the premises will include:
- A system is to be in place and operational at all times covering the internal access/egress of each entrance and exit of the premises,
  - These cameras must allow clear identification of patrons, including times and dates.
  - The system must comply with the Director's Policy relating to CCTV and
  - CCTV will operate until one (1) hour after trading ceases,
  - 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.

---

<sup>138</sup> Attachment 6 – Staff RSA Handbook

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

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.
- Comancheroes.
- Hell's Angels.
- Rock Machine.
- Bandidos.

## **9 Community Consultation<sup>140</sup>**

### **Liquor Enforcement Unit (LEU)**

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

### **Chief Health Officer (CHO)**

- 9.2 The Applicant's representative also sent an email outlining the details of the application to the Chief Health Officer at the WA Health Department. The Applicant respects that the CHO will consider the application in its entirety when advertised and intervene if required. The Applicant also confirms that any correspondence with the CHO does not in any way constitute an endorsement of this application.
- 9.3 The Applicant also notes that a Notice of Application<sup>141</sup> 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.

## **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 Nicholson Central neighbourhood shopping centre.

### **Outlet Density**

- 10.2 As required by the PIA Policy, refer to the attachment for the existing active liquor Licences within a 2km radius<sup>142</sup> and in the defined locality
- 10.3 Nicholson Cellars is positioned to complement the locality's retail landscape by offering a curated selection of alcoholic beverages. It will add to the diversity of amenities available in the METRONET Precinct by providing convenient retail liquor offerings to those who frequent the Nicholson Central neighbourhood shopping centre, as well as consumers using public transport at Nicholson Road Station.
- 10.4 Nicholson Cellars offers the following amenity to the newly developed locality:

---

<sup>140</sup> Attachment 11 - Community Consult

<sup>141</sup> Attachment 10 - Notice of Application

<sup>142</sup> Attachment 9 – Outlet Density

- **Product range:** Offering a range of products to meet the local population's and visitors' varied preferences, catering to the contemporary requirements of the consumers in the locality.
- **Accessibility:** Ensuring easy access to the proposed premises via various modes of transportation, including vehicles, public transport, and non-motorised options like walking and bicycling, making it convenient for all consumers in the locality.
- **Convenience:** Providing a hassle-free shopping experience, aiming to streamline the purchasing process for consumers, 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.
- **Competitive pricing:** Offer value-for-money options, including weekly specials.
- **Related services:** Tastings and paring of food and wine, and resort to the locality that includes the new METRONET Precinct.
- **Experienced operator-** Offer the extensive experience of the Applicant.

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

- 11.1 As previously stated, the Applicant, given the Director's experience in licensed Liquor Stores in WA, fully understands the rights and responsibilities of operating the proposed 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 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 be supervised at all times.
  - Not promote cheap, discounted bulk items.
  - Tried, tested and proven operational policies from the Applicant's other licensed premises will be replicated in the new premises.
  - Unaccompanied juveniles will not be permitted entry at any time.
  - Liquor will not be sold to any person wearing a school uniform.
  - Intoxicated patrons will not be permitted entry at any time.
  - The premises will be fitted out and furnished with new fittings and fixtures of a high standard to reflect the demographic the Applicant seeks to attract.

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

### **Code of Conduct**

- 11.3 The proposed Nicholson Cellars' Code of Conduct is vital to their Harm Minimisation Plan<sup>144</sup>. 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.

### **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

---

<sup>143</sup> Attachment 1 – Sample WA Product List

<sup>144</sup> Attachment 5 – Harm Minimisation Plan

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

## **Training**

### 11.7 Staff will also be trained in the following:

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

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


## **Underage patrons**

11.9 Staff will implement the following strategies when checking patrons' IDs who they think might be under 25 (Figure 16).

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:

- 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.




**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 25: ID25 Checking Strategies

## **12 Summary**

- 12.1 Hospitality Total Services (Aus) Pty Ltd, on behalf of Wisemice Investments Pty Ltd, hereby submits this Public Interest Assessment submission to support the Liquor Store Application for the proposed premises, Nicholson Cellars, to operate within the Nicholson Central neighbourhood shopping centre, to be located at 459 Nicholson Rd, Canning Vale WA 6155.
- 12.2 A Liquor Store Licence under section 47 of the 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.
- 12.3 Based on these detailed submissions, the Applicant submits that the application meets the requirements of Section 5, which includes both primary and secondary objects.
- 12.4 The experienced Applicant has also considered and evaluated the application concerning Section 36B(4) requirements and how the premises will cater to the reasonable requirements of consumers for packaged liquor without causing a proliferation of packaged liquor premises in the defined locality.
- 12.5 The responsible Applicant has seriously considered the public interest matters as outlined in Section 38(4) (a, b c and ca) of the Act in relation to Harm or Ill-health, Impact on Amenity and the Offence, annoyance, disturbance or inconvenience the proposed Liquor Store may have on the local community in this Public Interest Assessment submission.
- 12.6 The applicant submits that the development of a new Neighbourhood Centre on a greenfield site at the Nicholson Central neighbourhood shopping centre and the Nicholson Road Station supports the submission that additional amenities are required in the locality.
- 12.7 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.
- 12.8 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).*
- 12.9 Accordingly, the Applicant, part of the Shah Group, an experienced retail, liquor and grocery operator, requests, with respect, that the Director of Liquor Licensing consider



approving this conditional grant for a Liquor Store Licence as it is in the public interest to do so.

## **13 Advertising**

- 13.1 Advertising will be completed when the Department of Local Government, Sport and Cultural Industries determines dates for the specified period.
- 13.2 A Notice of Application will be distributed to residents and businesses within a 200m radius.
- 13.3 A Notice of the Application will be mailed to any local Aboriginal community and the Department of Indigenous Affairs regional office.
- 13.4 The Public Interest Assessment Submission will be available for public inspection.
- 13.5 A Notice of Application<sup>145</sup> will be mailed to schools, hospitals, hospices, aged care facilities, drug and alcohol treatment centres, short-term accommodation or refuges for young people, childcare centres, churches, local government authorities, local police stations, which may be situated in the specified Locality of the proposed premises.

## **14 Attachments**

1. Sample WA Product List
2. Plans
3. Consumer Surveys
4. Written Support
5. Harm Minimisation Plan
6. Staff RSA Handbook
7. Packaged Liquor Outlets in the Locality
8. Preventing Violence WA
9. Outlet Density
10. Notice of Application
11. Community Consult
12. The City of Gosnells' Local Planning Strategy 2019

---

<sup>145</sup> Attachment 10 – Notice of Application