



Erinfair Pty Ltd
applicant for the conditional grant of a tavern restricted licence

in respect of premises situated at
4 Orchard Place, Vasse

and to be known as
Vasse Village by Bunbury Farmers Market

Public Interest Assessment




JESSICA
PATTERSON
Law & Consultancy Pty Ltd
Liquor | Hospitality | Tourism | Events

Prepared on behalf of and together with the applicant by:
Jessica Patterson Law & Consultancy Pty Ltd
ACN: 648 525 204
PH: +61 409 599 093
E: jessica.patterson@jplc.com.au
www.jplc.com.au

Table of Contents

1. Introduction and background	3
2. Brief outline of the application	4
3. Description of the applicant	4
4. The premises	7
5. Manner of trade	12
6. Locality	16
8. Impact on amenity – section 38(4)(b) of the Act	31
9. Offence, annoyance, disturbance or inconvenience – section 38(4)(c) of the Act	34
10. Tourism, community or cultural matters – section 38(4)(ca) of the Act	35
11. Key sections in the Act	37
12. Conclusion	37

1. Introduction and background

- 1.1. Erinfair Pty Ltd (ACN 109 023 761) seeks the conditional grant of a tavern restricted licence pursuant to sections 33, 37, 38 41(1)(c), 62, 68 and 98(1) of the Liquor Control Act 1988 (WA) (**Act**), for premises being built at 4 Orchard Place, Vasse.
- 1.2. To be known as *Vasse Village by Bunbury Farmers Market*, the premises will be a multi-faceted food market and hospitality venue, featuring local artisan products, with casual family-focused eating and drinking services.
- 1.3. Whilst the applicant has applied for a tavern restricted class of liquor licence, the premises will not operate anything like a traditional pub-type of tavern. The liquor service will be much more akin to a restaurant. A tavern restricted licence has been sought merely because in some parts of the premises table service of liquor will not be available.
- 1.4. This Public Interest Assessment (**PIA**) supports the application. It has been prepared in accordance with both the Act and the policy of the Director of Liquor Licensing titled "Public interest assessment policy"¹ (**PIA policy**).
- 1.5. As directed in the PIA policy, the applicant has applied a "common-sense approach" to the contents of this PIA and therefore, provided a level of detail considered appropriate for the circumstances. However, further information, submissions and evidence can be provided if necessary and requested. In an effort not to overburden the licensing authority with documents, some of the supporting material referred to in this PIA has not been attached, however, is fully referenced and available to be produced upon request from the licensing authority if required.
- 1.6. This PIA has been adopted and verified by the applicant's Company Secretary and Chief Executive Officer in the attached Statutory Declaration, confirming the accuracy of the statements attributed to the applicant and as regards the proposed business model and premises and also confirming the applicant's commitment to the proposal set out in this PIA.
- 1.7. The application is strongly supported by evidence from 151 people, mostly from the local community, who have responded to a detailed questionnaire. A summary of the responses is attached². Over 91% of participants said they support the application. 80% said they will use the proposed liquor services with the majority of them saying they will use the liquor services at least monthly. Many said they will do so weekly and fortnightly.
- 1.8. The proposed licensed premises is currently under construction and due for completion and opening to the public in December 2024 when the liquor service is proposed to commence operating.

¹ <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment-policy>

² A redacted version is attached to protect the privacy of the participants. An unredacted version, together with the full completed questionnaires, will be lodged separately with the licensing authority on a private and confidential basis.

2. Brief outline of the application

- 2.1. *Vasse Village by Bunbury Farmers Market* will be a larger, premium version of the hugely popular Bunbury Farmers Market, with added eating and drinking services.
- 2.2. Bunbury Farmers Market is described in the next section of this PIA. It is located approximately 55km, straight line distance and approximately 63km driving distance north of the applicant's site in Vasse.
- 2.3. The applicant is in the process of constructing a sizeable mixed-use food market and hospitality facility at the new location, focused on fresh and cooked food for take-away sale and onsite consumption. An ancillary liquor service is proposed for adult patrons.
- 2.4. *Vasse Village by Bunbury Famers Market* will operate three distinct parts, although they will overlap and intermingle.
 - 2.4.1. The main element will be the fresh food market, retailing fresh produce, meat, seafood, market-made products, dairy, cheese, grocery and dried fruit and nuts. The fresh food market will account for approximately 95% of the overall operation and turnover for the business. Liquor will not be available in this area.
 - 2.4.2. Secondary to the main operation will be the café service, providing sandwiches, panini, wraps, poke bowls, fresh cut fruit, breakfast options, pies and sausage rolls, fresh pizza, carvery, hamburgers, fish and chips, gluten free options, coffee and tea, cold pressed juice, smoothies, milkshakes and daily food experiences (including, for example stir-fry, paella and roasts). This part of the premises will offer local beer, wine and spirits from the Geographe region. The food provided will be available for consumption on the premises in indoor and outdoor areas, or for take-away. Liquor is proposed to be available in this area, for consumption on the premises only.
 - 2.4.3. Thirdly, *Vasse Village by Bunbury Famers Market* will provide a seated alfresco restaurant with table service from an a la carte menu. The proposed liquor service will also be available in this area, for consumption on the premises.
- 2.5. As explained further on in this PIA, the applicant seeks approval pursuant to section 120(1)(e) of the Act, such that unaccompanied juveniles be permitted to enter and remain on the licensed premises so as to ensure the premises meets the public requirements for juveniles to be able to carry out market shopping and to purchase food and non-alcoholic drinks to consume at the premises.

3. Description of the applicant

- 3.1. The applicant is an independent, Western Australian, privately owned and operated entity which owns and operates the immensely popular Bunbury Farmers Market, on the Australind Bypass in Bunbury.

- 3.2. In one form or another the applicant has been running the Bunbury Farmers Market for over 20 years. The business was founded as a fruit and vegetable retail store, owned and operated by two long-term green grocers, Graham Heath and Kevin Opferkuch. In its first ten years, the business operated from three different locations in the Bunbury CBD. It relocated to the purpose-built store at its present site in 2014. At around that time the business introduced meat, expanded with dairy, bakery and a café and incorporated its own kitchens to produce onsite a “market made” range of products.
- 3.3. The applicant’s modus operandi is dedicated to being fresh and local. It buys fresh produce and on-sells it fresh. The majority of its produce is received directly from local growers.
- 3.4. Over 150 WA growers, farmers and producers supply to Bunbury Farmers Market, which has been described by Business News as a “tourism icon”³.
- 3.5. The applicant is an avid supplier and supporter of produce that has been locally grown, locally farmed and locally produced by locally owned and operated businesses. It has published the following regarding this principle⁴:

Firstly, here in WA we are lucky enough to have some of the finest conditions for growing delicious & nutritious fresh fruit & veg and the growers on our doorstep really know their stuff. Also because local growers are local, their produce doesn't have to travel thousands of kilometres or spend weeks or months in cold storage. Food from local growers tastes better because they can afford to let their fruit & veg ripen for longer. Local produce also lasts longer because its out of the ground and on your plate far more quickly than anything that comes from further afield.

Plus without local support, local growers can be forced out of business, which can mean generations-old family run businesses slowly dwindle away to nothing and in the end we'll all have no choice but to eat fruit & veg from other states or other countries. We think it's important to support local farming because we think it's the right thing to do and because we want to keep that choice alive.

- 3.6. The applicant is an at source retailer, driven to supporting local growers and predominantly those from the southwest of Western Australia.
- 3.7. Depending on the season, between around 70-90% of produce at Bunbury Farmers Market is locally sourced.
- 3.8. The applicant has a long-held creed that is: “extreme value and extreme freshness guaranteed”.

³ <https://www.businessnews.com.au/article/Rinehart-buys-into-Bunbury-Farmers-Market>

⁴ <https://bunburyfarmersmarket.com.au/about/faqs/>



3.9. Bunbury Farmers Market has an enormous following of almost 30,000 on Facebook⁵ and 12,600 on Instagram⁶.



Bunbury Farmers Market

26K likes · 29K followers

Instagram

Search

Log In

Sign Up



bunbury_farmers_market

Follow

Message

3,190 posts

12.6K followers

4,243 following

Bunbury Farmers Market

[@bunbury_farmers_market](#)

Arguably the best fresh food store in Australia, supporting over 150 local growers and producing delicious ready to eat... more

2 Vittoria Road, Bunbury, Western Australia 6230

[bunburyfarmersmarket.vista.page](#)

3.10. The applicant provides its thousands of devoted customers with a regular newsletter which will become available to customers at the new *Vasse Village by Bunbury Farmers Market*. It features recipes, cooking videos, updates on seasonal produce, occasional competitions and news associated with the business.

3.11. The applicant knows from its newsletter database and other records that the majority of its customers live long distances away and are tourists travelling past the premises.

⁵ <https://www.facebook.com/BunburyFarmersMarket/>

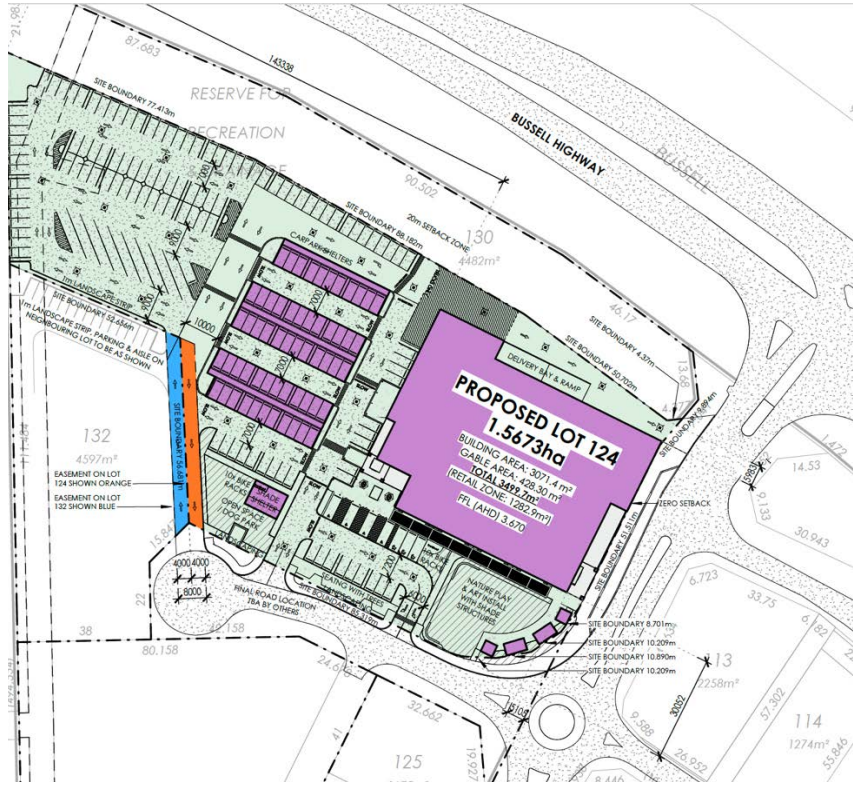
⁶ https://www.instagram.com/bunbury_farmers_market/?hl=en

- 3.12. The applicant currently employs around 300 people in various roles and takes pride in employing skilled and qualified tradespeople, including bakers, butchers, chefs and technicians and in training staff including apprentices.
- 3.13. Last year world-renowned operation, Hancock Prospecting, invested into the applicant's operations, which evidences the significant and valuable role and reputation of the business and the applicant in WA industry.
- 3.14. The applicant has been driven to expand its operation with a second and more advanced operation at the burgeoning Vasse location to appease customers and make its bespoke and parochial products and services more readily available to south-west holiday-makers.
- 3.15. The applicant struggles to cope with current demand and its growing reputation at the Bunbury premises where the business has an enormous average annual turnover of approximately \$85 million from its several thousand customers per week. The same or greater level of patronage is expected at *Vasse Village by Bunbury Farmers Market*.
- 3.16. As the proposed trading name suggests for the new site, the Vasse operation will be modelled on Bunbury Farmers Market. The same business philosophies and overall manner of trade in Bunbury will transpose to *Vasse Village by Bunbury Farmers Market*.
- 3.17. The applicant's consumer questionnaire evidence supporting this application contains many positive remarks from participants about how much they like Bunbury Farmers Market and how well run they believe it is.
- 3.18. The applicant and Vasse landowner are related entities which will help to ensure that the proposal as presented in this PIA is fulfilled and that the applicant has certainty over the site.

4. The premises

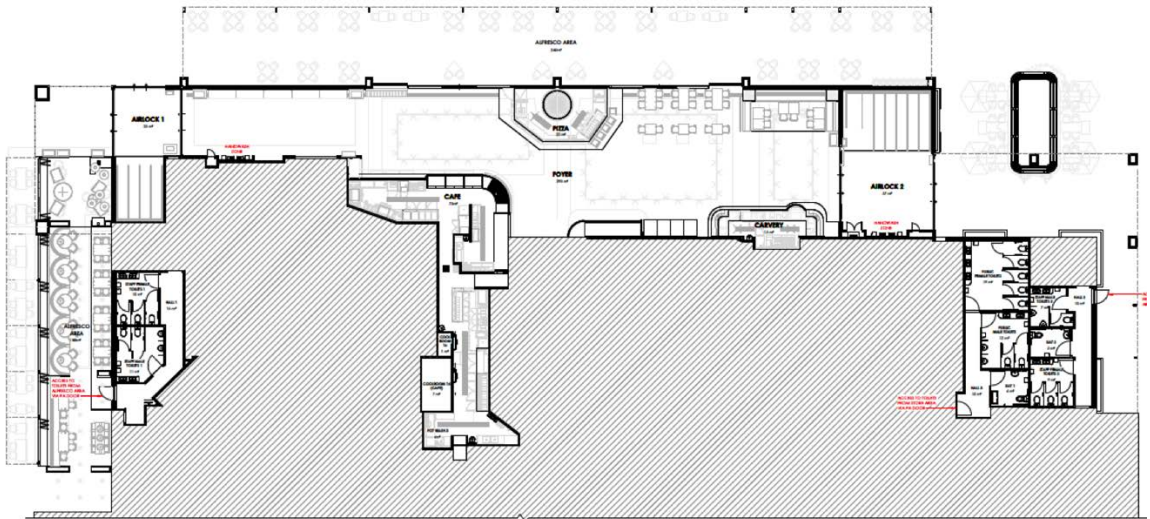
- 4.1. The premises currently being constructed for the new *Vasse Village by Bunbury Farmers Market* is a large facility of approximately 3,500m² in total, of which approximately 765m² is sought to be licensed. The site will comprise the following main components:
 - 4.1.1. Indoor food market, including fresh and cooked products for take-away and onsite consumption.
 - 4.1.2. Indoor café, pizza kitchen and carvery for on site eating and drinking
Outdoor eating and drinking areas.
 - 4.1.3. Outdoor lawn area for playing, socialising, family entertainment, including a fenced playground and designated dog park.
 - 4.1.4. Toilets – two sets.
 - 4.1.5. Large carpark.

Public Interest Assessment
Application for tavern restricted licence
Vasse Village by Bunbury Farmers Market





- 4.2. The design of the layout aligns with the overall modus operandi which is based on a European market and hospitality format, with a distinct pathway of shopping experience creating a one-way customer flow that winds itself through the complex from the entrance to the exit. Customers encounter a carefully sequenced culinary layout.
- 4.3. The following is an extract of the applicant's building floor plan and alfresco areas comprising the entire area sought to be licensed, which excludes the main grocery/market and lawn areas. Given the scale, the detail cannot be clearly depicted below but the overall layout and footprint is plainly illustrated.



- 4.4. The fixtures depicted above include café with kitchen, pizza kitchen, carvery with kitchen, back-of-house areas and toilets.
- 4.5. The following images are indicative of the main internal area proposed to be licensed.



- 4.6. This spacious area will have two parts, being internal and external sections with combined seating for approximately 195 people. The internal part, depicted below, will have approximately 29 loose seats around the carvery and pizza station and approximately 16 booth seats, opposite the carvery. The external section will have approximately 124 loose seats and approximately 26 modular seats.



- 4.7. The area depicted in the following three images is described as the internal alfresco area which will offer the a la cart menu. It will provide patrons with a light and bright space for seated dining and drinking with a seating capacity of approximately 76, comprising approximately 46 loose chairs, approximately 20 booth seats and approximately 10 bench seats.





- 4.8. There will also be an external alfresco veranda area with modular seating for approximately 22.
- 4.9. The licensed area is intended to have a patron capacity of around 300, often with seating for up to 293. The precise number of seats in each section may change slightly from time to time in keeping with consumer requirements and subject to weather conditions. In fine weather, there will be seating available outside. Seating for approximately 293 people should be available at most times during fine weather. At least 120 seats should otherwise be available at all times.
- 4.10. Separate but adjoining the licensed area and part of the overall site will be the main market floor and lawn area.

5. Manner of trade

- 5.1. As stated previously, *Vasse Village by Bunbury Farmers Market* will be a first-class, European style food market with family-friendly eating and drinking services.
- 5.2. The food market will be extensive, offering a comprehensive range of take-home groceries, meat, seafood, dairy, condiments, nuts, packaged foods, meals, flowers and more.
- 5.3. Amongst the enormous selection of packaged food and drinks includes the applicant's own "Market Made" range. These are products made fresh on site, from the freshest ingredients, being entirely, or at least almost entirely, local and exclusive to the applicant. The popular Market Made range is not available anywhere else.



- 5.4. Accompanying the large market space will be a wide selection of food and drink to consume on site. Food options will include bakery, snack foods, pizza, carvery and a diverse a la carte menu.
- 5.5. There will be a considerable coffee service, together with juices, milkshakes, smoothies, cooldrinks and ice-creams.
- 5.6. The ancillary liquor service will include only wine, beer and spirits from the Geographe and south-west region of Western Australia. The drinks list is intended to include approximately six still wines (white and red), two sparkling wine options, three beers, a ginger beer, a cider option and couple of spirits.
- 5.7. Tastings of various foods will be offered regularly and occasionally local liquor, in the form of small free samples, or by way of a more elaborate product promotion possibly including the producer and cooking demonstrations.
- 5.8. Whilst the proposed liquor service is considered important and very much required by consumers, it will be a modest, subsidiary and ancillary element of the operation. The predominant function of *Vasse Village by Bunbury Farmers Market* will be food.
- 5.9. The liquor service is intended to accompany and complement the food and provide mature refreshment for adult patrons at the premises. Most consumers are expected to purchase liquor with a meal, but the applicant seeks approval to cater for patrons who may wish to have a drink with only a small food item, or with no food at all and perhaps simply to enjoy whilst waiting for a spouse to carry out the household grocery shopping. Further, the applicant requires patrons in some parts of the premises to be able to walk with their liquor purchase to their seat, which warrants the tavern restricted class of licence. Table service will only be provided in the restaurant area, not around the café, pizzeria and carvery.
- 5.10. The scale, style and quality of *Vasse Village by Bunbury Farmers Market* will provide consumers with a unique and engaging culinary experience.
- 5.11. Given the food focus, juveniles not accompanied by a parent or guardian are expected at the premises to purchase food and non-alcoholic drinks and need to be accommodated. Therefore, the applicant seeks approval pursuant to section 120(1)(e) of the Act.
- 5.12. From time to time entertainment and events will include the following:
 - 5.12.1. low-key acoustic musical performances, such as a jazz trio for example, to provide passive atmosphere and ambience,
 - 5.12.2. local produce showcases and promotions,
 - 5.12.3. cooking demonstrations,
 - 5.12.4. cooking schools and
 - 5.12.5. tastings.

- 5.13. The entertainment proposed and the overall facility being developed have been designed to foster a sense of community and neighbourhood for the local area as well as catering for tourists. The applicant is investing significantly in the development on the basis of promoting and supporting all elements of the local community including small businesses, farmers, producers, residents and people who enjoy visiting the area.
- 5.14. The applicant intends to operate mostly during the following hours:
- Summer months:
- 5.14.1. Monday to Saturday: 7.30am to 9.00pm
- 5.14.2. Sunday: 8.00am to 9.00pm
- Winter months:
- 5.14.3. Monday to Friday: 7.30am to 6.30pm
- 5.14.4. Saturday: 7.30am to 5.30pm
- 5.14.5. Sunday: 8.00am to 5.30pm
- Closed Christmas Day, Boxing Day and Easter Sunday.
- 5.15. The liquor service is not intended to commence until around 11am. There will be no liquor service before noon on ANZAC Day and on Good Friday liquor will only be sold ancillary to a meal.
- 5.16. Notwithstanding these proposed usual trading times, the applicant seeks approval for the standard trading hours permitted under section 98(1) of the Act in respect of the tavern restricted class of licence, as a subsidiary of the hotel class, namely from 6am to 12 midnight Monday to Saturday and 10am to 12 midnight on Sunday, with variations for New Year's Day, Good Friday, ANZAC Day and Christmas Day. This full scope of hours permitted under the Act is sought to be approved to ensure flexibility in the business to accommodate the occasional special events and functions which may sometimes operate outside of the usual trading times.
- 5.17. In relation to harm minimisation and risk management:
- 5.17.1. The applicant has carefully considered and sought to identify potential risks and to develop ways to minimise potential harm in relation to the proposed sale of liquor, which should be evident from details in this document.
- 5.17.2. Various operational policies and procedures will operate at *Vasse Village by Bunbury Farmers Market* to properly manage the business, as are referred to in this document.
- 5.17.3. Staff will be ample in number and thoroughly trained in liquor licensing and compliance, safety, risk management and customer service. A front of house manager, duty manager and licensed approved manager will be rostered during virtually all trading hours, as well as several other staff. The highly experienced applicant has well-developed policies and procedures for staff.

- 5.17.4. Strict policies will apply in relation to juveniles including strict directions to staff as to the following:
- 5.17.4.1. Closely monitoring juveniles.
 - 5.17.4.2. Scrutinising for identification to confirm sufficient age.
 - 5.17.4.3. Not selling or supplying liquor to anyone whom it is suspected might give the liquor to a juvenile, including guardians and parents.
- 5.17.5. The following conditions are proposed to be considered for imposition on the licence, should the licensing authority consider appropriate. The applicant has developed these proposed conditions to confirm its commitment to its proposal as outlined in this PIA and to help manage potential risks:
- 5.17.5.1. Seating for a minimum of 120 patrons shall be provided at all times.
 - 5.17.5.2. Food shall be available at all times.
 - 5.17.5.3. External advertising associated with the business shall not include images of liquor products.
 - 5.17.5.4. The licensee is prohibited from selling liquor in such a way that might encourage rapid consumption of the liquor (for example, but not limited to drinks generally known as laybacks, shots, shooters, test tubes, jelly shots, blasters or bombs or by other emotive titles).
 - 5.17.5.5. No mainstream non-local spirit-based ready-to-drink products will be sold (for example, no Jim Beam and cola cans).
 - 5.17.5.6. Liquor options containing low and mid-strength alcohol are to be available at all times.
 - 5.17.5.7. A large range of non-alcoholic drinks (in addition to water) is to be available at all times.
 - 5.17.5.8. The licensee is to have and maintain a CCTV system which records people entering, exiting and inside the licensed premises. Recordings are to be maintained for at least 28 days.
- 5.18. Further in terms of conditions to potentially be imposed on the licence, as stated previously, the applicant seeks approval pursuant to section 120(1)(e) of the Act, such that unaccompanied juveniles be permitted to enter and remain on the licensed premises.
- 5.19. The applicant's catchment at *Vasse Village by Bunbury Farmers Market* is expected to comprise a large portion of tourists, being people travelling through the south-west region. Many of those are expected to be couples or families.

- 5.20. The applicant expects its shoppers and patrons will visit *Vasse Village by Bunbury Farmers Market* mainly to shop for fresh food and whilst doing so, enjoy a casual meal and a drink. It is not expected that they will stay at the premises for extended periods of time. Although the existing popularity of food at Bunbury Farmers Market and customer feedback indicates to the applicant that a large number of people will be attracted to *Vasse Village by Bunbury Farmers Market* to consume food on site, without necessarily shopping for groceries. The light entertainment proposed will enhance the atmosphere and their experience, especially for the growing resident community in the locality that currently has very little in the form of hospitality services, let alone licensed services.

6. Locality

- 6.1. The Act and the PIA policy require consideration of a “locality” in respect of this application which “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”⁷.
- 6.2. “Amenity” means the “amenity, quiet and good order of the locality”⁸ and has been interpreted by the Supreme Court, Court of Appeal as follows:
- “...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”⁹.
- 6.3. “Locality” is “intended to mean the geographical area surrounding, and relatively close to, the proposed site”¹⁰ subject to other considerations as to the vicinity of the proposed premises¹¹.
- 6.4. The applicant’s site is in the suburb of Vasse, approximately 230km south of the Perth CBD, in the City of Busselton.
- 6.5. The PIA policy specifies that a 3km radius surrounding the applicant’s site is the relevant area to be considered in this particular case (**locality**). That area is depicted in the following Google Maps image:

⁷ PIA policy

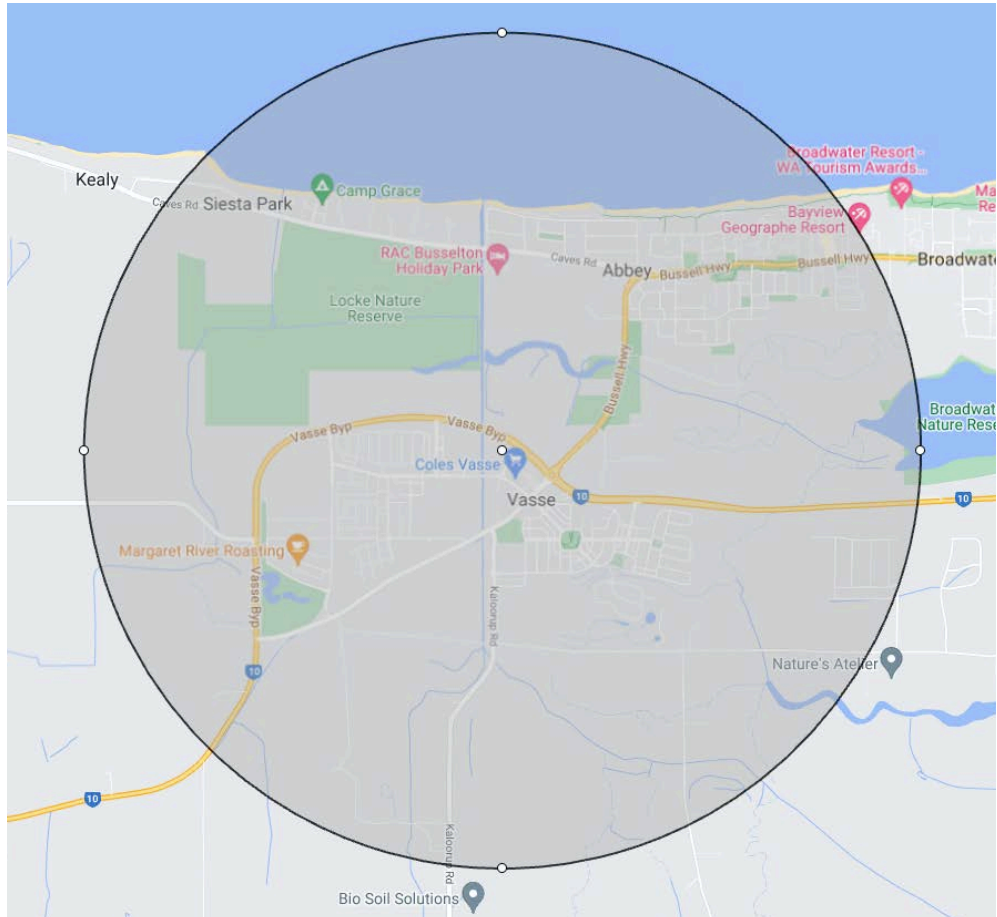
⁸ Section 38(4)(b) of the Act

⁹ *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2020] WASCA 157 [184]-[186] (Buss P)

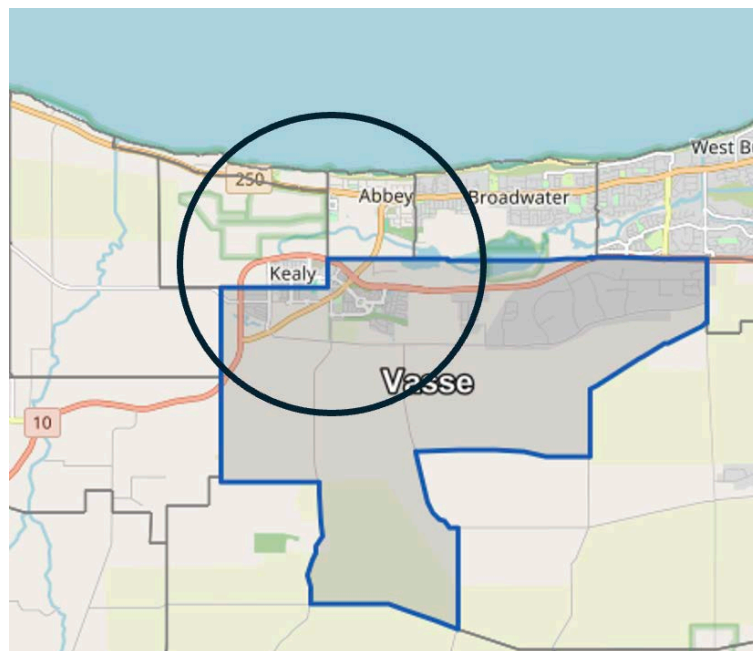
¹⁰ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 [190] (Archer J)

¹¹ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 [190] (Archer J); section 38(4)(c) of the Act

Public Interest Assessment
Application for tavern restricted licence
Vasse Village by Bunbury Farmers Market



6.6. This area comprises the whole of the suburb of Abbey, most of Kealy, approximately half of Siesta Park, approximately a third of Vasse and some of Broadwater. These suburb areas are depicted as follows alongside the locality radius drawn onto the map¹²:



¹² <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51489>

- 6.7. The locality is home to approximately 5,353 people based on Australian Bureau of Statistics (**ABS**) Census data 2021¹³.
- 6.8. This PIA focuses mainly on statistics applicable to Vasse, Abbey and Kealy which collectively make-up the large majority of the locality. Very few statistics for Siesta Park have been included because they are not available due to there being a resident population of only 60 as at the last Census¹⁴. Broadwater data has not been included as to do so would likely distort the assessment overall because only a small portion of Broadwater falls within the locality. Whilst only a third of the suburb of Vasse is within the locality, that portion houses a large section of the development and residents in Vasse and so has been assessed for the purposes of this PIA. Further, the applicant's site is within Vasse and so it is pertinent to be considered in this PIA.
- 6.9. Various information within this PIA reveals aspects of the nature and character of the local community, as does the following which summarises the average person living within the locality from a statistical perspective¹⁵:
- 6.9.1. female, aged 37,
 - 6.9.2. who is married and living in a couple with children,
 - 6.9.3. in a house with four or more bedrooms which is owned with a mortgage,
 - 6.9.4. born in Australia with English ancestry,
 - 6.9.5. with no religious affiliation,
 - 6.9.6. working fulltime, earning \$844 per week and
 - 6.9.7. experiencing no long-term health condition.
- 6.10. Vasse itself is a designated "town centre" within the City of Busselton and has been described by the City as a "growing centre"¹⁶.
- 6.11. "Over 7.2 million vehicles drive past Vasse each year and 2.5 million drive through Vasse Village. Vasse is 230km South of Perth and sits on the major junction of Busselton Bypass and Bussell Highway. It is located between three major South West towns."¹⁷
- 6.12. As is further explained in subsequent sections of this PIA, the locality and particularly Vasse, is an emerging and developing district with considerable infrastructure and population evolving. However, hospitality services are sorely lacking and far behind other advancements occurring.

¹³ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51489> (Vasse: 2,853), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50002> (Abbey: 1,321), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50745> (Kealy: 1,119) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51350> (Siesta Park: 60)

¹⁴ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51350>

¹⁵ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51489> (Vasse: 2,853), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50002> (Abbey: 1,321) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50745> (Kealy: 1,119)

¹⁶ City of Busselton Economic Development Strategy 2022-2027, at page 9 (copy available if required, upon request); also <https://www.busselton.wa.gov.au/discover/about-the-city/town-centres.aspx>

¹⁷ Vasse Information Memorandum February 2023 (copy attached) at 7

7. Harm or ill-health – section 38(4)(a) of the Act

- 7.1. The applicant acknowledges that harm and ill-health could potentially occur as a consequence of its proposed supply of liquor into the community.
- 7.2. In preparing this PIA, the applicant has had regard to harm and ill-health factors referred to in the PIA policy in the context of selling and supplying liquor at *Vasse Village by Bunbury Farmers Market* and in particular, the following statement in the PIA policy.

When addressing harm or ill-health caused due to the use of liquor, applicants need to consider:

1. are there any 'at risk' groups or sub-communities within the locality, travelling through the locality or resorting to the locality?
2. what are the groups or sub communities in the locality that may be affected?
3. what are the social health indicators for the locality? and
4. what will be the strategies the licensee will implement to minimise harm or ill health?

In regard to 'at risk' groups and sub-communities, there are a range of groups that may be more vulnerable to the impact of alcohol.

Examples of these groups have been identified under the Drug and Alcohol Interagency Framework for Western Australia 2011-2015 and may include:

- children and young people;
- aboriginal people and communities;
- people from regional, rural and remote communities;
- families;
- migrant groups from non-English speaking countries;
- people in low socio-economic areas;
- mining communities or communities with a high number of itinerant workers; and/or
- communities that experience high tourist numbers.

- 7.3. The applicant has sought to identify those "at risk groups and sub-communities" referred to in the PIA policy which may be present in the locality. The following table addresses some of the groups of people described as "at risk" in the PIA policy, as referred to above, that are identifiable from ABS Census data¹⁸. Statistics for the whole of the State have been included in the table below for context and comparative purposes.

¹⁸ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51489> (Vasse), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50002> (Abbey) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50745> (Kealy)

ABS Census category	Vasse	Abbey	Kealy	Western Australia
Aboriginal and Torres Strait Islander people (percentage of population)	2.1%	1.4%	2.4%	3.3%
Juveniles - percentage of people under 19	32.2%	28.3%	30.4%	24.8%
Average age	39	42	30	38
Ancestry – top response	English (49.1%)	English (51.9%)	English (48.0%)	English (37.6%)
Country of birth – top response	Australia (79.8%)	Australia (78.4%)	Australia (78.9%)	Australia (62%)
Unemployed	3.4%	2.7%	2.4%	5.1%
Median weekly income – personal	\$778	\$837	\$918	\$848
Median weekly income – family	\$2,002	\$2,030	\$2,066	\$2,214
Median weekly income – household	\$1,810	\$1,737	\$1,895	\$1,815
Couple family without children	34.6%	43.3%	36.3%	38.8%
Couple family with children	49.2%	43.3%	48.2%	44.6%
One parent family	15.8%	12.6%	13.8%	15.1%

7.4. The PIA policy refers to the following as “at risk groups and sub-communities” which the applicant has considered and addresses as follows:

7.4.1. “Children and young people”, as referred to in the PIA policy:

7.4.1.1. The statistics contained in the table above show a higher portion of children and young people living in the locality compared to WA as a whole.

7.4.1.2. The applicant anticipates children and young people will visit the premises and has built multiple measures into this proposal to manage them, including excluding from the proposed licensed area the lawn where children are likely to play.

- 7.4.2. "Aboriginal people and communities", as referred to in the PIA policy:
- 7.4.2.1. The statistics contained in the table above reveal that the portion of residents who identify as Aboriginal in the locality is much less than that of the overall WA average.
 - 7.4.2.2. The applicant has not been able to identify any group of Aboriginal people living as an identifiable community unit within the locality, although it is acknowledged that some or even all the very small number of people who recognise as being Aboriginal in the locality may possibly comprise a community.
 - 7.4.2.3. *Vasse Village by Bunbury Farmers Market* will be an inclusive venue which will, subject to its obligations under the Act, welcome responsible adult-aged customers who may identify as being Aboriginal. The applicant intends that its premises will cater for a diversity of customers.
- 7.4.3. "People from regional, rural and remote communities", as referred to in the PIA policy:
- 7.4.3.1. The locality is outside the metropolitan area and does have rural elements about it. But it is not remote given that it is approximately 9km from the Busselton town centre and approximately 14km from the Dunsborough town centre. Most of the area is well developed and established with infrastructure and residents.
 - 7.4.3.2. The applicant acknowledges that people from regional, rural and remote communities may visit the locality. They would almost certainly be regarded as tourists. Tourists are addressed further on in this document.
 - 7.4.3.3. People from regional, rural and remote communities will, subject to the applicant's obligations under the Act, be welcomed at the venue and should feel entirely comfortable there. The applicant intends that *Vasse Village by Bunbury Farmers Market* will be inclusive, catering for a diversity of responsible customers.
- 7.4.4. "Families", as referred to in the PIA policy:
- 7.4.4.1. The ABS data indicates a slightly higher portion of the local population is part of a family in the locality, as compared to the State average.
 - 7.4.4.2. Families will be very well accommodated at *Vasse Village by Bunbury Farmers Market*. They are in fact a target demographic for the applicant.

- 7.4.5. “Migrant groups from non-English speaking countries”, as referred to in the PIA policy:
- 7.4.5.1. The statistics in the table above indicate that the large majority of residents in the locality were born in Australia and have English speaking ancestry. A greater portion of local residents, compared to the WA averages, appear to be non-migrants.
 - 7.4.5.2. The applicant acknowledges that migrants and people from non-English speaking countries do live in the locality and may visit the locality.
 - 7.4.5.3. These people will, subject to the applicant's obligations under the Act, be welcomed at the applicant's premises and should feel entirely comfortable there. The applicant intends that *Vasse Village by Bunbury Farmers Market* will be inclusive, catering for a diversity of responsible patrons.
 - 7.4.5.4. People from migrant groups will benefit greatly from the new experience and education that the locally-centric offering at *Vasse Village by Bunbury Farmers Market* is likely to provide for them. They will be able to enjoy an enormous source of local produce all at the one location.
- 7.4.6. “People in low socio-economic areas”, as referred to in the PIA policy:
- 7.4.6.1. Statistics above reveal that people living in the locality enjoy a very low unemployment rate and relatively average income levels.
 - 7.4.6.2. Socio-Economic Indexes For Areas in respect of the City of Busselton was most recently rated at 1,014 which places it in the top ranking advantage category.¹⁹
 - 7.4.6.3. Vasse has been experiencing very positive trends in its property market according to the Real Estate Institute of WA, summarised as follows²⁰:



¹⁹ Latest indexes relate to 2016 ABS Census: <https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa/> <https://profile.id.com.au/wapl/seifa-disadvantage>

²⁰ <https://reiwa.com.au/suburb/vasse/>

- 7.4.6.4. People who experience low-socio economic circumstances will, subject to the applicant's obligations under the Act, be welcomed at the applicant's premises and should feel entirely comfortable there. The applicant intends that *Vasse Village by Bunbury Farmers Market* will be inclusive, catering for a diversity of responsible patrons and will be very competitively priced so as to be accessible to a wide range of shopper incomes.
- 7.4.7. "Mining communities or communities with a high number of itinerant workers", as referred to in the PIA policy:
- 7.4.7.1. There is no mining known to be occurring in the locality and therefore, no mining community to be concerned with.
- 7.4.7.2. It has not been possible to identify the number of itinerant workers in the locality. Whilst it is acknowledged that there may be some, there is nothing to indicate a high number of them.
- 7.4.7.3. Of some relevance is that a very high portion (76.4%) of the people who were recorded as being in the locality on Census night in 2021 stated that they own their home either outright or with a mortgage²¹ and are presumably, therefore, settled in the area and not itinerant.
- 7.4.7.4. The inclusive and casual, family-friendly nature of the premises proposed should not adversely affect anyone from a mining community or other community with a high number of itinerant workers who may be present in the locality. People from such communities will be welcome at *Vasse Village by Bunbury Farmers Market* and their entry to the premises subject only to the applicant's legal obligations.
- 7.4.8. "Communities that experience high tourist numbers", as referred to in the PIA policy:
- 7.4.8.1. Such communities do exist within the locality.
- 7.4.8.2. The relevant area attracts considerable numbers of tourists and is a major tourism centre for the State. The issue of tourism is dealt with elsewhere in this PIA.

²¹ Combined average of <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51489> (Vasse), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50002> (Abbey) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50745> (Kealy)

- 7.4.8.3. 895,000 people visited the City of Busselton in 2023²². They stayed an average of 3.8 days²³.
- 7.4.8.4. *Vasse Village by Bunbury Farmers Market* is intended to cater for large numbers of tourists. The Bunbury Farmers Market already does attract considerable tourism and has even been described as a “tourism icon”²⁴.
- 7.4.8.5. The inclusive and casual, family-friendly nature of the premises proposed should only affect the local community in a most positive way, as referred to throughout this PIA. The fact that the local community experiences high tourist numbers has helped drive the applicant's project and this application which will benefit both locals and tourists.
- 7.5. The particular nature of the applicant's business model, which has been designed to be low risk, is most unlikely to adversely affect any of these “at risk groups and sub-communities”, as so-described in the PIA policy.
- 7.6. As required by the PIA Policy, the applicant has considered whether there are other groups of people who may be vulnerable or more at risk than the average person, who lives in, works in or visits the locality and who may not be identifiable from the information set out above. In this regard, the following have been considered:
- 7.6.1. Residents – the nearest residence is understood to be approximately 208m away (straight line).
- 7.6.2. Hospitals – the nearest is believed to be Busselton Health Campus approximately 7km away (straight line).
- 7.6.3. Churches – the nearest is understood to be Church 242 approximately 650m away (straight line).
- 7.6.4. Day care centres – the nearest is understood to be Discovery at Play Early Learning Centre, approximately 400m away (straight line).
- 7.6.5. Aged care – the nearest is understood to be Capecare Busselton approximately 2.5km away (straight line).
- 7.6.6. Retirement facilities – the nearest is believed to be The Vantage Lifestyle Resort approximately 200m away (straight line).
- 7.6.7. Alcohol treatment centres – the nearest one is believed to be in or near Perth.

²² City of Busselton Overnight Visitor Factsheet 2023, prepared by Tourism WA Insights and Planning, May 2024: <https://www.tourism.wa.gov.au/Markets-and-research/Destination-insights/Pages/Local-Government-Area-factsheets.aspx#/> (copy available if required, upon request)

²³ City of Busselton Overnight Visitor Factsheet 2023, prepared by Tourism WA Insights and Planning, May 2024: <https://www.tourism.wa.gov.au/Markets-and-research/Destination-insights/Pages/Local-Government-Area-factsheets.aspx#/> (copy available if required, upon request)

²⁴ <https://www.businessnews.com.au/article/Rinehart-buys-into-Bunbury-Farmers-Market>

- 7.7. Most and possibly all, of the places referred to above, will not be visible from the applicant's proposed licensed area. Further, the distances will enable people visiting *Vasse Village by Bunbury Farmers Market* to do so without directly interacting with those places.
- 7.8. The applicant sought to identify current information regarding alcohol related hospitalisations and deaths associated with the locality, but none could be identified from published material. The applicant acknowledges that hospitalisation and death can potentially result for some people as a consequence of their association with liquor.
- 7.9. The following health behavioural statistics have been identified²⁵:

Health behaviour	Busselton (ASR/100)¹⁰	Western Australia (ASR /100)
Currently smokes (18 yrs +) (Hlth Tracker)	4,376 (16.4)	16.0
Does not eat two or more serves of fruit daily ASR 100 (18 yrs +)	46.1	54.4
Does not eat 5 serves of vegetables daily	85.1	88.4
Drinks alcohol at risk/high levels for long-term harm (PHIDU 2019, SHA) (15 yrs +)	22.5	19.5
Drinks alcohol at risk/high levels for short-term harm	12.2	10.3
Insufficient physical activity (AIHW Health Tracker)	63	62.8
Participates in unsafe sex	NA	29
Age standardised suicide rate	15.5 per 100 000	12.1 per 100 000 (national)
Psychological distress (ASR per 100000)	11.6	10.5
Above current high blood pressure (AIHW Health Tracker) (18yrs +)	16.1	21.2
Above current high cholesterol	38.7	34.8
Overweight or obese (2-17 yrs)	61.3	60.4
Overweight or obese (18 yrs +)	27.8	24.6
Cervical screening rate (%)	62.5	58

²⁵ Collation of Data of Health Status and Determinants for the City of Busselton, Western Australia, Stoneham and Associates, May 2019
(<https://www.amrshire.wa.gov.au/library/file/2Services/06%20Environmental%20Health/Public%20Health%20Plan/Collation%20of%20Data%20of%20Health%20Status%20and%20Determinants%20of%20the%20City%20of%20Busselton%20WA.pdf>) at page 17

- 7.10. It is acknowledged that the alcohol-related statistics in the table above show higher rates in the City of Busselton.
- 7.11. In July 2021 the Australian Institute of Health and Welfare released a report on alcohol, tobacco and other drugs finding that consumption rates in Australia have decreased and fewer Australians are drinking at levels likely to cause lifetime harm. "According to an ANU poll included within the report, 80 per cent of respondents reported either 'no change' or a 'decrease' in their alcohol consumption in May 2020 since the spread of COVID-19. This data was complemented by Commonwealth Bank card expenditure data which showed that during the pandemic total alcohol purchases were down, despite alcohol expenditure in pubs and clubs being partially offset by bottle shops".²⁶ These findings should be regarded as positive considerations for this application.
- 7.12. The 2021 ABS Census revealed that the large majority (62.3%) of people living in the locality suffer no long-term health condition²⁷. No alcohol-related condition has been identified.²⁸
- 7.13. The applicant has considered the issue of crime relevant to its application, as required by the PIA policy. Information as to proven crimes could not be found and so the following statistics of alleged offences recorded and published by WA Police²⁹ have been considered for the locality. The following statistics may possibly assist in assessing, very broadly and generally, criminal offence activity in the area. The graph shows the trends in the recorded offence data over a ten year period. The table following each graph contains a breakdown of the incidents recorded as offences and reflected in the preceding graph. (None of the following data is of proven crimes.)

²⁶ <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/about> and <https://www.aihw.gov.au/getmedia/df04a2e7-47be-4e08-9225-d5849311e01c/aihw-phe-221-fact-sheets-Jul21-alcohol.pdf.aspx>

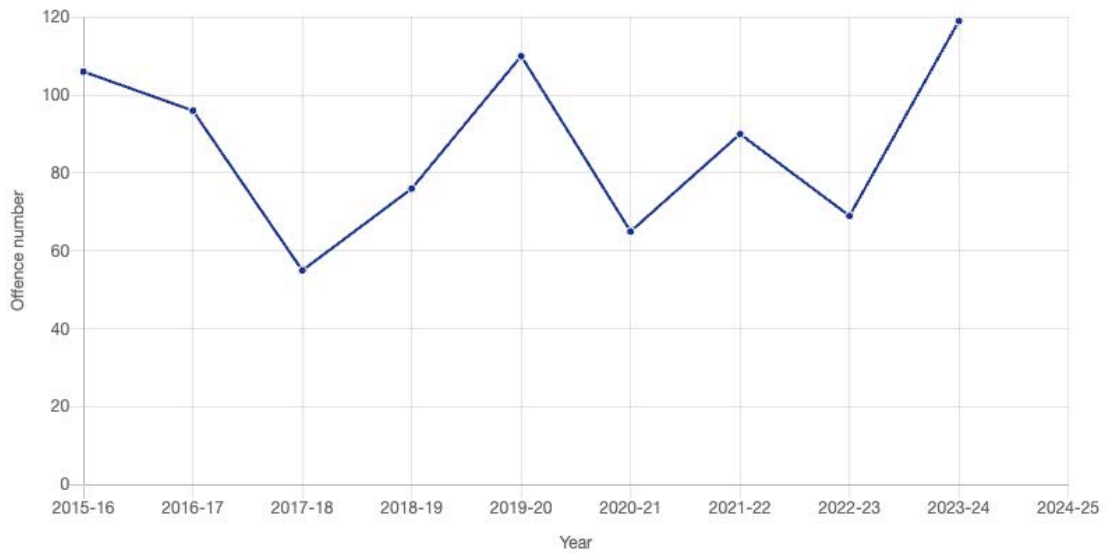
²⁷ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51489> (Vasse), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50002> (Abbey) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50745> (Kealy)

²⁸ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51489> (Vasse), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50002> (Abbey) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50745> (Kealy)

²⁹ <https://www.police.wa.gov.au/Crime/CrimeStatistics#/start>

Public Interest Assessment
 Application for tavern restricted licence
Vasse Village by Bunbury Farmers Market

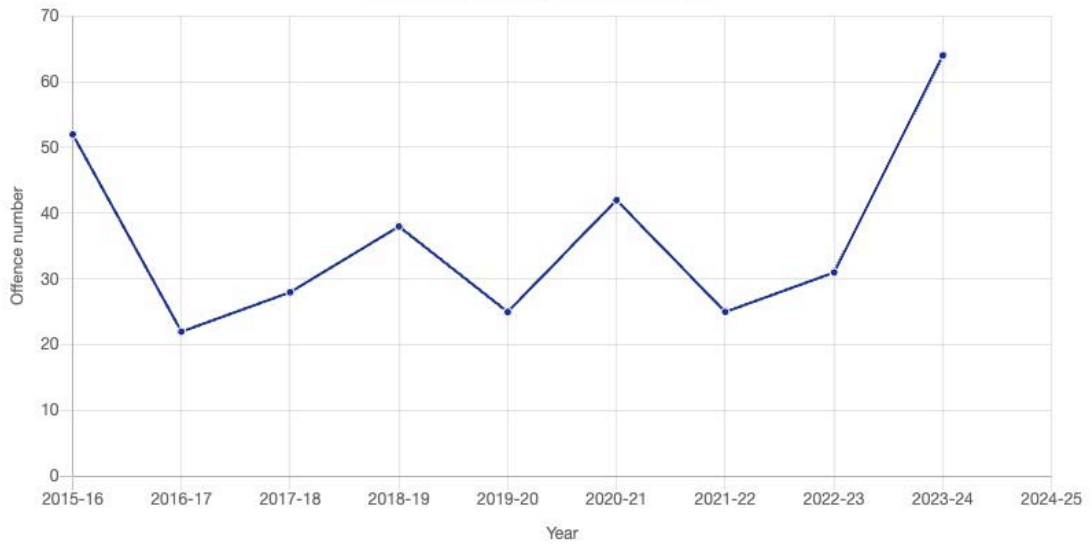
VASSE Offences per Financial Year



Type of Offence	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Homicide	-	-	-	-	-	-	-	-	-
Sexual Offences	4	4	1	2	8	3	3	3	6
Assault (Family)	6	4	6	3	6	2	6	5	11
Assault (Non-Family)	1	8	6	2	4	1	2	9	3
Threatening Behaviour (Family)	3	1	-	1	1	1	1	3	3
Threatening Behaviour (Non-Family)	1	1	-	1	-	2	-	2	3
Deprivation of Liberty	-	2	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-	-
Dwelling Burglary	4	2	2	1	6	1	2	-	5
Non-Dwelling Burglary	10	5	8	4	16	2	1	6	2
Stealing of Motor Vehicle	4	1	2	-	6	1	1	3	1
Stealing	29	25	13	27	26	26	17	15	27
Property Damage	16	8	3	10	8	6	9	8	4
Arson	1	2	-	-	2	-	2	1	-
Drug Offences	21	25	9	13	15	13	14	8	31
Graffiti	1	3	-	-	1	-	-	2	2
Fraud & Related Offences	-	1	1	3	4	2	20	-	9
Breach of Violence Restraint Order	5	4	4	9	7	5	12	4	12
Total of Selected Offences	106	96	55	76	110	65	90	69	119

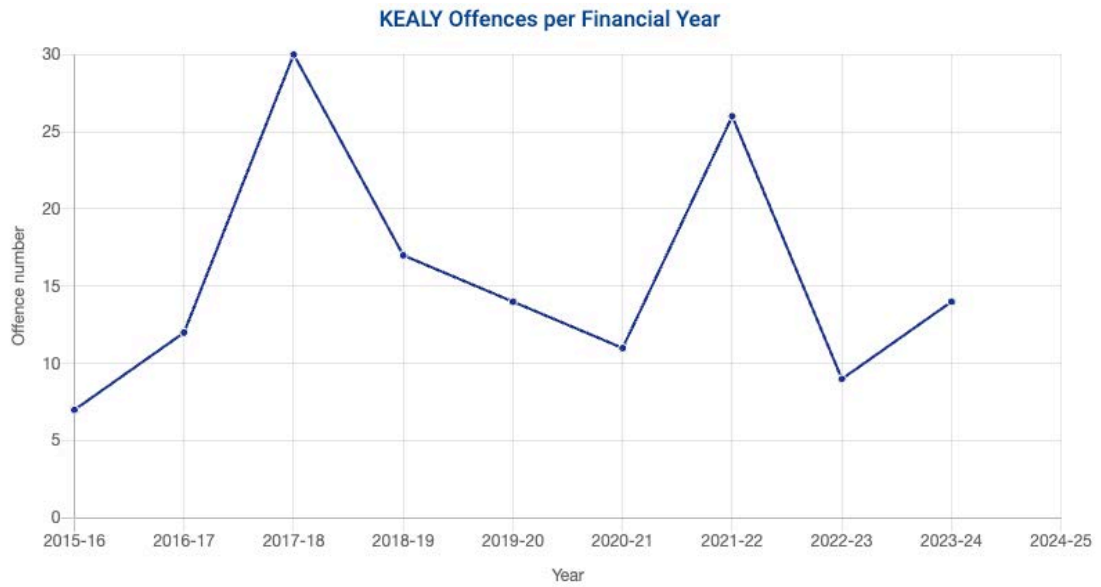
Notes:
 - Crime statistics are extracted quarterly from the WA Police Force Incident Management System.
 - Crime statistics are provisional and subject to change.

ABBEY Offences per Financial Year



Type of Offence	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Homicide	-	-	-	-	-	-	-	-	-
Sexual Offences	-	-	-	1	1	3	3	-	2
Assault (Family)	3	-	5	7	1	4	4	5	8
Assault (Non-Family)	1	1	1	1	-	-	2	1	3
Threatening Behaviour (Family)	-	-	1	1	-	-	-	-	-
Threatening Behaviour (Non-Family)	-	-	-	-	-	-	-	-	-
Deprivation of Liberty	-	-	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	2	-
Dwelling Burglary	2	-	1	3	2	4	-	1	2
Non-Dwelling Burglary	1	-	-	-	2	-	-	-	-
Stealing of Motor Vehicle	-	1	1	2	1	2	-	1	1
Stealing	8	4	9	11	13	10	10	12	22
Property Damage	3	4	1	2	1	8	2	3	3
Arson	-	-	-	-	-	2	-	-	-
Drug Offences	30	9	7	5	2	-	3	2	16
Graffiti	-	-	-	-	-	-	-	-	-
Fraud & Related Offences	1	-	1	-	1	9	-	1	-
Breach of Violence Restraint Order	3	3	1	5	1	-	1	3	7
Total of Selected Offences	52	22	28	38	25	42	25	31	64

Notes:
 - Crime statistics are extracted quarterly from the WA Police Force Incident Management System.
 - Crime statistics are provisional and subject to change.



Type of Offence	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Homicide	-	-	-	-	-	-	-	-	-
Sexual Offences	-	-	12	1	-	2	1	-	-
Assault (Family)	-	-	3	1	3	1	1	3	-
Assault (Non-Family)	-	-	-	-	-	-	3	2	-
Threatening Behaviour (Family)	-	-	-	1	-	-	-	1	-
Threatening Behaviour (Non-Family)	-	-	-	-	-	-	-	-	-
Deprivation of Liberty	-	-	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-	-
Dwelling Burglary	4	3	2	2	1	1	2	-	4
Non-Dwelling Burglary	-	-	-	1	-	-	-	-	-
Stealing of Motor Vehicle	-	-	-	1	1	-	1	-	2
Stealing	3	7	4	5	3	1	9	1	3
Property Damage	-	2	1	3	1	-	5	-	1
Arson	-	-	-	-	-	-	-	-	-
Drug Offences	-	-	7	-	3	2	4	1	2
Graffiti	-	-	-	-	-	1	-	1	-
Fraud & Related Offences	-	-	1	-	1	-	-	-	1
Breach of Violence Restraint Order	-	-	-	2	1	3	-	-	1
Total of Selected Offences	7	12	30	17	14	11	26	9	14

Notes:
 - Crime statistics are extracted quarterly from the WA Police Force Incident Management System.
 - Crime statistics are provisional and subject to change.

- 7.14. It is acknowledged that these statistics show ,not only that offences are being recorded in the locality, but that there is an increasing trend over the last year.
- 7.15. A range of safety and security measures will operate at *Vasse Village by Bunbury Farmers Market* to help avoid and mitigate against potential crime, including the following:

- 7.15.1. Operating high quality CCTV across the whole premises.
- 7.15.2. Ensuring the premises is light, bright and well-lit at all times.
- 7.15.3. Maintaining clean, high quality premises.
- 7.15.4. Installing clear signage around the premises.
- 7.15.5. Securely locking the premises with modern, quality locking mechanisms when not trading.
- 7.15.6. Not storing cash on the premises when not trading.
- 7.15.7. Maintaining a good relationship with local police.
- 7.16. The applicant is very experienced in business and managing safe premises with very low incidence of crime.
- 7.17. A range of practices, procedures and policies will operate at the premises to minimise the potential for harm or ill-health to occur as a result of the liquor service. Those strategies will include the following:
 - 7.17.1. Implementing and maintaining the manner of trade outlined in this PIA, including the family-friendly theme, where food is the main feature.
 - 7.17.2. Restricting operating hours, including not trading late at night.
 - 7.17.3. Excluding the lawn area from the proposed licensed premises.
 - 7.17.4. Pricing liquor in such a manner as to discourage rapid or excessive consumption of liquor.
 - 7.17.5. Employing qualified and well-trained people and developing their expertise with ongoing in-house education. Staff shall be thoroughly trained on all compliance matters including responsible service of liquor, occupational health and safety, as well as customer service.
 - 7.17.6. Monitoring patron consumption of liquor so as to try to identify and address potential drunkenness or incidents before they arise.
 - 7.17.7. Operating in accordance with professional policies and procedures for proper supervision and management. Applying and reviewing responsible management plans and codes of conduct.
 - 7.17.8. Ensuring the public areas are clean, comfortable and spacious.
 - 7.17.9. Providing entertainment that is of a relatively low-key and passive nature conducive to relaxing, peaceful socialising.
 - 7.17.10. Maintaining high standards in all things throughout the business.
- 7.18. Several of the applicant's strategies have been regarded by health academics as likely to support a safer drinking environment³⁰.

³⁰ For example, The Essential Handbook of Treatment and Prevention of Alcohol Problems, edited by Nick Heather and Tim Stockwell, 2004, at pages 238-240. Copy available if required, upon request.

- 7.19. Very few concerns regarding harm or ill-health were raised in the applicant's public questionnaire exercise. Of the very few concerns expressed, the applicant has had regard for them and sought to address them in the particulars of this proposal.

8. Impact on amenity – section 38(4)(b) of the Act

- 8.1. The following Google Map shows the applicant's site, indicated by the red bubble and the immediate surrounding area, which is situated alongside the busy Vasse Bypass and intersection with Bussell Highway and comprises the Vasse Village Centre.



- 8.2. The location is ideal within a growing district and busy travel route through the south-west region. The Vasse Village Centre is a major development which has been identified as requiring considerable services and facilities to be approved within it. Attached is a copy of the Vasse Village Precinct Structure Plan which outlines the significant development occurring and need for Vasse Village by Bunbury Farmers Market. "Vasse is one of the fastest growing communities in the South West region. At its heart is Vasse Village, a new place for locals and visitors to shop, relax and connect"³¹.
- 8.3. The following is an extract from page 22 of that Structure Plan which provides further insight into amenity factors:

³¹ Vasse Village Precinct Structure Plan (copy attached) at page 6

Vasse Village is made up of three Character Areas characterized by distinct land use focuses and urban form, as shown at Figure 5. The establishment of these areas supports the function and legibility of Vasse Village by co-locating differing intensities of land use and built form in key areas to support a successful town centre environment focused on a Main Street and high quality pedestrian environment. Character statements for each area are described adjacent.

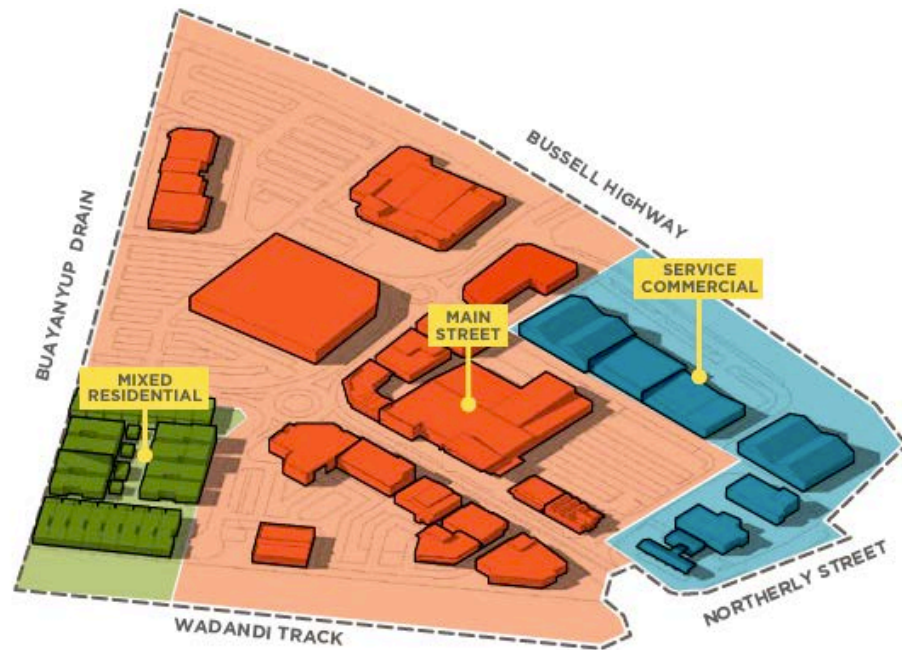


Figure 5 Character Area Diagram

- 8.4. “Vasse Village is planned to include a diverse mix of complementary and cross-supporting land-uses”³². *Vasse Village by Bunbury Farmers Market* will fit perfectly into this mix. In fact, it has been expressly foreshadowed in the Structure Plan³³.
- 8.5. The Structure Plan “articulates a vision for Vasse Village [to become] the hub of Vasse Estate and the gateway to the Margaret River region”³⁴.
- 8.6. “Vasse Estate has been meticulously planned, designed and built to suit a modern lifestyle, without losing the tranquility and natural surrounds that make the South West of Western Australia such a desirable place to live...When fully developed in 2035, the Vasse Estate will become home to more than 6,500 residents and support over 2,700 direct jobs and another 925 indirect jobs”³⁵.

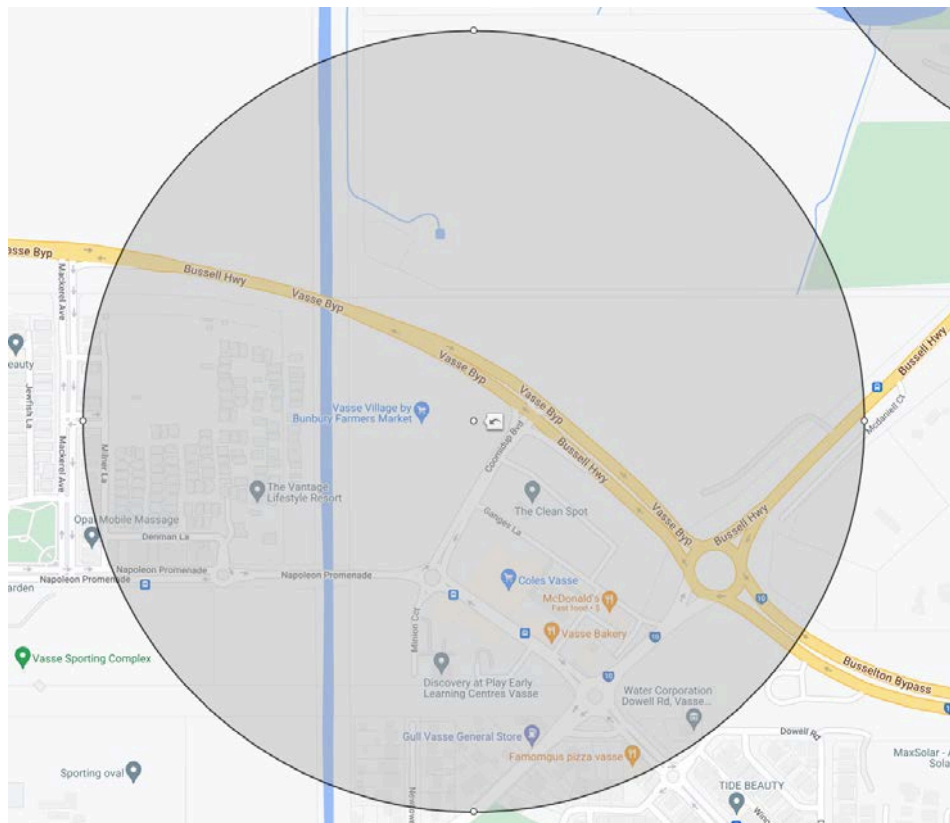
³² Vasse Village Precinct Structure Plan (copy attached) at page 24

³³ Vasse Village Precinct Structure Plan (copy attached) at page 25

³⁴ Vasse Village Precinct Structure Plan (copy attached) at page 7

³⁵ Vasse Information Memorandum February 2023 (copy attached) at 1

- 8.7. "Vasse was chosen by the Planning Commission of Western Australia and the Shires of Busselton and Augusta-Margaret River to be an entirely new sub-regional centre to meet the demand for residential, commercial, retail and community services for the region. This led to the first blocks of land in the Vasse Newtown Birchfields Estate being sold in 2004. Since then, there has been over \$625 million in capital expenditure, which has helped to make Vasse the fastest growing town in Western Australia's South West."³⁶
- 8.8. "Since its inception, the Vasse Estate population has grown faster than surrounding areas. The population within the estate grew by 30% between 2016 and 2021 and is forecast to have an average annualised growth rate of 5.5%."³⁷
- 8.9. Well over seven million vehicles pass by the applicant's site each year.³⁸
- 8.10. As required by the PIA policy the applicant has considered a 500m radius around its site – which is depicted as follows – to identify existing licensed premises within it.



- 8.11. The existing licensed premises within this area are only Liquorland Vasse (liquor store licence) and Bobcha (restaurant).
- 8.12. These Liquorland premises is totally different from *Vasse Village by Bunbury Farmers Market*, as would be well within the knowledge of the licensing authority. The Liquorland outlet may only sell packaged liquor and the applicant in this case does not propose to sell any packaged liquor. .

³⁶ Vasse Information Memorandum February 2023 (copy attached) at 2

³⁷ Vasse Information Memorandum February 2023 (copy attached) at 9

³⁸ Vasse Information Memorandum February 2023 (copy attached) at 7

- 8.13. Bobcha is a small Korean restaurant with none of the applicant's additional services and no ability for liquor to be sold and supplied without table service as is proposed at *Vasse Village by Bunbury Farmers Market*.
- 8.14. The void in licensed services in the area is glaring and supports the present application.
- 8.15. The locality is sorely lacking in services, both licensed and unlicensed. Despite it being regarded as a growing town centre by the City of Busselton and infrastructure being developed in the area, including major roadways and airport, Vasse is not keeping pace with food and beverage services. The establishment of *Vasse Village by Bunbury Farmers Market* will greatly assist in this regard and make a valuable contribution to development in the locality.

9. Offence, annoyance, disturbance or inconvenience – section 38(4)(c) of the Act

- 9.1. The applicant has had regard for potential offence, annoyance, disturbance or inconvenience that could possibly be caused as a result of selling liquor at *Vasse Village by Bunbury Farmers Market*.
- 9.2. Careful consideration of the impact that may potentially be caused to people who live or work in, or visit, the vicinity of the proposed premises has been applied by the applicant in accordance with the PIA policy.
- 9.3. The applicant has sought to design a business model and premises which is entirely unoffensive, far from annoying or disturbing and highly convenient for people. Its model has proven to achieve those goals at the existing Bunbury site, albeit without liquor.
- 9.4. There will be a sizeable buffer surrounding the proposed licensed area, of approximately 76 metres between the licensed area boundary and the nearest neighbour of any type.
- 9.5. The applicant proposes to implement the following strategies at the venue to help "combat offence, disturbance or inconvenience" that could potentially occur³⁹:
 - 9.5.1. Not offering extreme liquor discounting.
 - 9.5.2. Ensuring that special promotions are not of a kind likely to inspire rapid, excessive or other irresponsible consumption of liquor.
 - 9.5.3. Having food as the main feature.
 - 9.5.4. Maintaining premises of a style and standard that portrays passive, sociable and well-mannered characteristics so as to command like behaviour from patrons.
 - 9.5.5. Maintaining a family-friendly focus.
 - 9.5.6. Providing a large amount of seating.

³⁹ PIA Policy

- 9.5.7. Limiting entertainment to passive styles which will not operate late at night.
 - 9.5.8. Training staff regularly and to a very high standard across all aspects of the business, including the motoring and management of activities that could potentially cause offence, disturbance or inconvenience.
 - 9.5.9. Instructing staff to:
 - 9.5.9.1. constantly monitor patron conduct.
 - 9.5.9.2. report concerns to management at an early stage
 - 9.5.9.3. employ friendly and sociable customer service.
 - 9.5.10. Installing lighting around the venue to keep it well-lit and not operate late at night.
- 9.6. The evidence from the members of the public in support of the application has uncovered very few concerns regarding potential offence, annoyance, disturbance or inconvenience. The public were asked specifically if they consider that harm, ill-health, annoyance, inconvenience, offence or disturbance might occur. Almost all participants indicated not. Of the tiny number of concerns expressed, the applicant has taken them on-board and sought to address them in the particulars of this proposal.

10. Tourism, community or cultural matters – section 38(4)(ca) of the Act

- 10.1. The approval of *Vasse Village by Bunbury Farmers Market* is likely to result in many benefits for tourism, community and culture.
- 10.2. Tourism is a major feature of the locality, as has been referred to earlier in this document and would be well-within the knowledge of the licensing authority.
- 10.3. The City of Busselton has been regarded “as the ‘events capital’ of Western Australia and the gateway to the Busselton Margaret River wine region, is a hotspot for awe-inspiring attractions and world-class experiences. This dynamic combination makes the City the ideal location for all things food, wine, nature, tourism, entertainment, events and a prime destination for investment”⁴⁰.
- 10.4. Relatively recently a multi-million dollar upgrade to the Busselton Margaret River Airport, funded by the City of Busselton, WA State Government and the Federal Government has been completed, signifying the role of tourism in the region and the value of the area to the State’s tourism industry. “The Project has cemented the future of the airport to facilitate air services to both interstate and international destinations via the widening and strengthening of the airport’s runway (up to 2520m long and 45m wide), which allows narrow and wide-bodied Code 4C and E aircraft such as Boeing 737, Airbus 320 and Airbus 330 to

⁴⁰ <https://www.busselton.wa.gov.au/invest/business-hub/Investment-Attraction.aspx>

- land"⁴¹. This, now major, airport is located approximately 12km from the *Vasse Village by Bunbury Farmers Market* site.
- 10.5. The Busselton-Melbourne "flight path is expected to be an economic driver for the South West over the next three years, with 60,000 east coast visitors expected to contribute more than \$40 million to the local economy. Future flight paths to destinations including Sydney, Denpasar, Singapore and China are all possible with the current infrastructure. It is also the City's intention to further develop opportunities to facilitate direct international flights of both passenger and freight to South East Asian destinations such as Singapore, Kuala Lumpur, Hong Kong and Denpasar."⁴² Direct Sydney flights have commenced recently⁴³.
- 10.6. "Total passengers for the 2023/24 financial year (as at 30 April) were just over 125,500 compared to 108,000 for the same period in 2022/23"⁴⁴.
- 10.7. The strong local focus of food and produce at *Vasse Village by Bunbury Farmers Market* will contribute greatly towards catering for visitors in the region and also the development of the local community's identity.
- 10.8. *Vasse Village by Bunbury Farmers Market* will provide an excellent meeting and socialising place for the growing Vasse community which currently has no proper venue. It will serve to draw the community together whilst providing important retail services.
- 10.9. The applicant's consumer evidence in this case includes the following persuasive personal remarks amongst the completed questionnaires, by way of example, confirming the value to the community that is envisaged by the public:
- 10.9.1. "I think it,Äöll (sic) promote more of a community in the area" (KN, age 24)
- 10.9.2. "Vasse village is missing somewhere you can have a quick drink or do tastings...Love the Bunbury Farmers Market and will definitely be a bonus to be able to have a drink as well." (JC, age 51)
- 10.9.3. "I love the Bunbury location and visit weekly for my fresh food. I am very excited to have a similar or even better venue closer to home. It's a fantastic addition to the community" (MR, age 39)
- 10.9.4. "Cant wait to see it all in action and look forward to visiting" (JC, age 44)
- 10.9.5. "Good luck - WA are well behind the rest of the country when it comes to granting liquor apps. (unless you are coles or woolies) I really hope you (a WA company) are successful." (MK, ge 46)

⁴¹ Busselton Margaret River Airport: Overview (copy available if required, upon request)

⁴² Busselton Margaret River Airport: Overview (copy available if required, upon request)

⁴³ <https://www.busseltonmargaretriverairport.com.au/news/the-city-of-busselton-celebrates-new-direct-flights-to-sydney/634>

⁴⁴ City of Busselton, Business in the Bay, June 2024 (<https://mailchi.mp/busselton/city-of-busselton-business-in-the-bay-newsletter-june-2024?e=24e091e0e2>)

- 10.9.6. "I think this is a great idea overall and will create a sense of community with (sic) locals and people who may just be passing through" (MH, age 30)
- 10.9.7. "This proposal will add to the community feeling for Vasse" (JR, age 85)
- 10.9.8. "Can,Äôt (sic) wait for it to be ready! Love the Farmers Market in Bunbury so am looking forward to seeing what this one will be like" (MD, age 54)
- 10.9.9. "Looking forward to the opening and will definitely utilise what is on offer regularly" (GG, age 67)
- 10.9.10. "Why not? They have a good understanding of what people look for in fresh food market. They run the Bunbury farmers market with absolute professionalism and you couldn,Äôt (sic) ask for a better place to find exactly what you need every time you visit. I think Vasse will benefit from having. The liquor license and their excellent management skills" (RP, age 62)
- 10.10. Of the tiny number of comments not supporting the licence application, the applicant has had regard for those and has sought to address the comments in this proposal with the particulars set-out within and the many risk minimising strategies presented.

11. Key sections in the Act

- 11.1. Key provisions in the Act have been taken into consideration in the preparation of the application. Further submissions addressing the Act as referred to in this PIA have been detailed in a separate set of Legal Submissions accompanying this PIA. Those Legal Submissions also address other relevant sections of the Act.

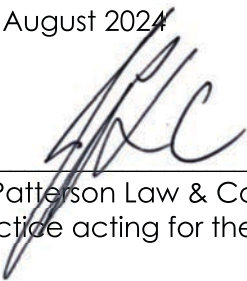
12. Conclusion

- 12.1. This PIA fully addresses the PIA policy and relevant sections of the Act with specific reference to particulars of the application.
- 12.2. Nothing contained in the information and submissions provided above indicates anything unusual or particularly concerning in terms of harm, ill-health, the amenity or safety.
- 12.3. The proposed operation is almost suitable for a restaurant class of licence which would then be deemed low-risk based on the PIA policy and would not even require this PIA.
- 12.4. The applicant has paid close regard to a wide variety of public interest factors relevant to the application and has presented a comprehensive proposal for the grant.
- 12.5. The void in services within the locality considered alongside the significant growth and development occurring in and around Vasse call for the establishment of *Vasse Village by Bunbury Farmers Market* as proposed. The

enormous existing popularity of Bunbury Farmers Market is expected to translate at the new location with enhanced and improved services and facilities.

- 12.6. *Vasse Village by Bunbury Farmers Market* is likely to make a substantially positive contribution to the development of the locality, become an attraction in its own right and replicate the applicant's "tourism icon"⁴⁵ reputation and role.
- 12.7. This PIA, together with the attachments referred to within, provide strong support for the application which the public has clearly expressed a need for.

Dated 6 August 2024



Jessica Patterson Law & Consultancy Pty Ltd
Law practice acting for the applicant

Summary of attachments	
No.	Title/description
1.	Statutory Declaration of Leith Johnston
2.	Public questionnaire evidence - redacted summary of responses + copy of original questionnaire form (unredacted full set of questionnaires to be lodged separately and confidentially, for privacy reasons)
3.	Vasse Village Precinct Structure Plan by Hatch Roberts Day dated 26 October 2022
4.	Vasse Information Memorandum February 2023
5.	Legal Submissions dated 6 August 2024

⁴⁵ <https://www.businessnews.com.au/article/Rinehart-buys-into-Bunbury-Farmers-Market>