



PUBLIC INTEREST ASSESSMENT

BWS - BEER WINE SPIRITS HAMMOND PARK

GRANT OF A LIQUOR STORE LICENCE

Date: 20 February 2025

KING&WOOD
MALLESONS



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Cover page image credit: 'View of Eastern Elevation', Application for Development Approval dated 12 September 2023, Rowe Group

1 ABOUT THE APPLICATION

- (a) Endeavour Group Limited (**Endeavour** or the **Applicant**) is applying for the grant of a liquor store licence for a new BWS liquor store (**Proposed Store**) to be located within the 'Hammond Park Neighbourhood Centre' to be constructed on 490 Wattleup Road, Hammond Park, Western Australia (**Centre**). This Public Interest Assessment (**PIA**) is presented in support of an application to the Director of Liquor Licensing for the grant of a liquor store licence in respect of the Proposed Store (the **Application**).
- (b) Under section 38(2) of the *Liquor Control Act 1988* (WA) (**Act**), the Applicant must satisfy the Licensing Authority that, on the merits of the Application, it is in the public interest to grant the licence (the **Public Interest Test**).
- (c) As stated in *McKinnon v Secretary Department of Treasury*:¹

*"The expression 'in the public interest' directs attention to that conclusion or determination which best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances."*²
- (d) This PIA addresses the Public Interest Test.
- (e) In addition to the Public Interest Test, the Application cannot be granted unless the Licensing Authority is satisfied that the 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, situated³ (the **s36B Test**).
- (f) The Applicant has lodged separate submissions in support of the Application that address the s36B Test.

2 PUBLIC INTEREST TEST

2.1 The Public Interest Test

- (a) For the Application to be approved, the Applicant must satisfy the Director that granting the Application is in the public interest pursuant to s 38(2) of the Act.
- (b) While the Act does not define 'public interest', the Department of Local Government, Sport and Cultural Industries (**DLGSC**) policy refers to the Butterworth's Australian Legal Dictionary as follows:

*"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."*⁴
- (c) A general discretion by reference to the criterion of the 'public interest' is not an unfettered discretion but will ordinarily be confined by the scope and purpose of the statute.⁵

2.2 Primary and Secondary Objects

- (a) In assessing the public interest, the Licensing Authority is bound to take into account the objects of the Act.⁶ If there is any inconsistency between the primary objects and the secondary objects, the primary objects take precedence.⁷
- (b) The primary and secondary objects of the Act as set out in section 5 are:

Primary objects:

¹ *McKinnon v Secretary Department of Treasury* (2005) 220 ALR 587.

² (2005) 220 ALR 587, 590.

³ The Act, s 36B(4)

⁴ Department of Local Government, Sport and Cultural Industries (29 May 2019) 'Public Interest Assessment policy' at p1.

⁵ *Woolworths v Director of Liquor Licensing* [2013] WASCA 227 at [48].

⁶ *Ibid*, per Buss JA at [49].

⁷ *Ibid*, at [36].

- (i) to regulate the sale, supply and consumption of liquor;
- (ii) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor;
- (iii) to cater for the requirements of consumers for liquor related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State;

Secondary objects:

- (iv) to facilitate the use and development of licensed facilities;
 - (v) to provide adequate controls over the sale, disposal and consumption of liquor;
 - (vi) to provide a flexible system, with as little formality or technicality as may be practicable; and
 - (vii) to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interest of the community.
- (c) It is important to note that the object under s5(1)(b) is to minimise harm or ill health, not prevent harm or ill-health absolutely. This creates a need for the Licensing Authority to weigh and balance all relevant considerations. The object of harm minimisation is not the only object of the Act and it is not a more important object of the Act than catering for the requirements of consumers for liquor related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.
- (d) When assessing whether the grant of an Application will cause harm or ill-health to people or any group of people, the Licensing Authority is required to:
- (i) make findings that specifically identify the existing level of harm and ill-health in the relevant area due to the use of liquor;
 - (ii) make findings about the likely degree of harm to result from the grant of the Application;
 - (iii) assess the likely degree of harm to result from the grant of the Application against the existing degree of harm; and
 - (iv) weigh the likely degree of harm, so assessed, together with any relevant factors to determine whether the applicant has satisfied the Licensing Authority that it is in the public interest to grant the Application.⁸

2.3 Additional Factors

- (a) The Licensing Authority may also take into account the factual matters set out in s 38(4) of the Act in determining whether it is satisfied that the granting of the Application is in the public interest.⁹ These factual matters are as follows:
- (i) the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor;
 - (ii) the impact on the amenity, quiet or good order of the locality in which the licensed premises, or proposed licensed premises are to be situated;
 - (iii) 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;

⁸ *Carnegies Realty Pty Ltd v Director of Liquor Licensing* [2015] WASC 208 (*Carnegies*).

⁹ *Ibid* at [50].

- (iv) any effect the granting of the Application might have in relation to tourism, or community or cultural matters; and
 - (v) any other prescribed matter.
- (b) There are currently no prescribed matters.

3 THE PROPOSED STORE

3.1 Location

- (a) The Proposed Store will be located within the 'Hammond Park Neighbourhood Centre' development to be constructed at 490 Wattleup Road, Hammond Park, Western Australia.



Figure 1: Drawing, Wattleup Road Neighbourhood Centre (taken from Attachment 2 of Application for Development Approval, Rowe Group dated 1 August 2023)

3.2 The Centre

- (a) The Centre will make up the ground floor of the development and will consist of:
- (i) a full-scale Woolworths supermarket (3,740 sqm) (**Supermarket**);
 - (ii) the Proposed Store (200 sqm);
 - (iii) approximately 1,142 sqm for speciality retail;
 - (iv) approximately 600 sqm for fast food outlets; and
 - (v) approximately 316 sqm for food and beverage.

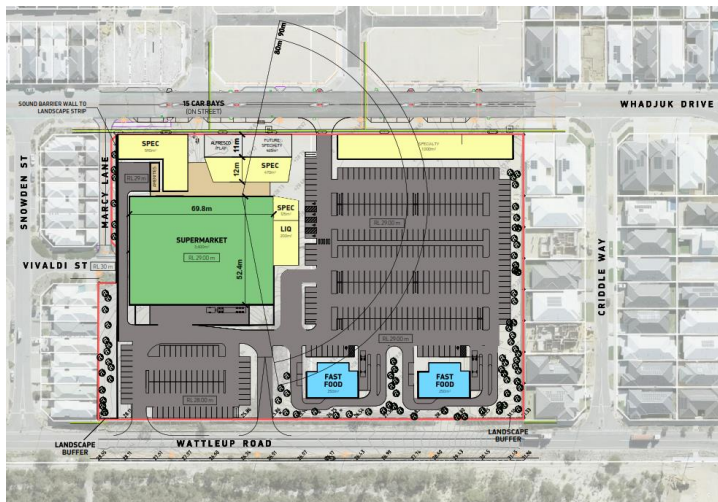


Figure 2: Neighbourhood Centre Concept Plan (Appendix 6) from the Rowe Group Design Structure Plan dated 8 June 2022

- (b) Car parking for customers will be available in the main car park with approximately 370 spots available including 348 standard bays, 6 ACROD bays, 6 direct-to-boot bays and 10 street bays (along Whadjuk Road adjacent to the Centre).
- (c) The Centre is expected to open in August 2026.

3.3 The Proposed Store

- (a) The Proposed Store will be approximately 200m² in size and hold stock worth approximately \$250,000.00. The Proposed Store will employ 3 full-time staff and approximately up to 4 permanent part-time or casual staff. A plan of the Proposed Store is included at Annexure 1.
- (b) The Proposed Store will be located adjacent to a Woolworths supermarket to provide the opportunity for single-trolley grocery and liquor purchases.
- (c) The proposed Trading Hours of the Proposed Store will be:
 - Monday to Friday 8 am to 9 pm
 - Saturday 8 am to 5 pm
 - Sunday 11 am to 5 pm
 - Good Friday Closed
 - Christmas Day Closed
 - ANZAC Day 12 noon to 5 pm

4 THE APPLICANT

4.1 Endeavour Group Limited

- (a) Endeavour is an experienced operator of licensed premises in Western Australia and across Australia, owning two of Australia's best known liquor store brands, BWS and Dan Murphy's. Endeavour's extensive range of hotels, liquor stores and drink products are part of Australia's social life, serving hundreds of thousands of customers every day across 350 local communities.¹⁰ Endeavour is passionate about employing local people, contributing to local economies and bringing locals together in communities across the country.¹¹
- (b) Endeavour is committed to being a responsible liquor retailer, actively supporting harm minimisation and aiming to be Australia's most responsible operator of hotels and alcohol and gaming facilities.
- (c) In addition to complying with local State and Territory liquor legislation requirements, Endeavour has implemented an extensive range of internal policies detailing the requirements of their high standard of responsible service.
- (d) Endeavour is also committed to participating in relevant community education programs in the local communities where its stores are located. Throughout Australia, Endeavour supports the following campaigns:
 - (i) the Alcohol Beverages Advertising (and Packing) Code Scheme which is a combination of industry, advertising and government representatives who administer complaints about alcohol advertising;
 - (ii) Jawun which forms partnerships to benefit corporate, government and Indigenous Australia; and
 - (iii) Drinkwise Australia which aims to educate consumers on the harmful effects of alcohol abuse.

¹⁰ <https://www.endeavourgroup.com.au>.

¹¹ <https://www.endeavourgroup.com.au/sustainability/responsibility-community>.

- (e) Endeavour is also committed to continuous improvement, strong partnerships, and innovation. Endeavour has released a Trade Supplier Charter to build on existing policies and initiatives, and the Complete Liquor tool as a data tool for retail liquor suppliers. The Trade Supplier Charter is built on transparency, simplicity and genuine collaboration, to promote mutual, sustainable growth with Endeavour's suppliers, drive innovation and promote high standards of ethical conduct. The Complete Liquor tool provides liquor trade suppliers with free access to quality data and insights to help guide decision-making.

5 THE BUSINESS TO BE OPERATED AT THE PROPOSED STORE

5.1 Overview of BWS

- (a) BWS is one of Australia's largest drink retailers, providing convenience to customers in over 1,400 stores in Australia.
- (b) Part of the popularity of BWS is the locations of the stores in neighbourhood shopping centres either as stand-alone stores or adjacent to Woolworths supermarkets. After Dan Murphy's, BWS is Australia's second most popular store for purchasers of packaged liquor.¹²

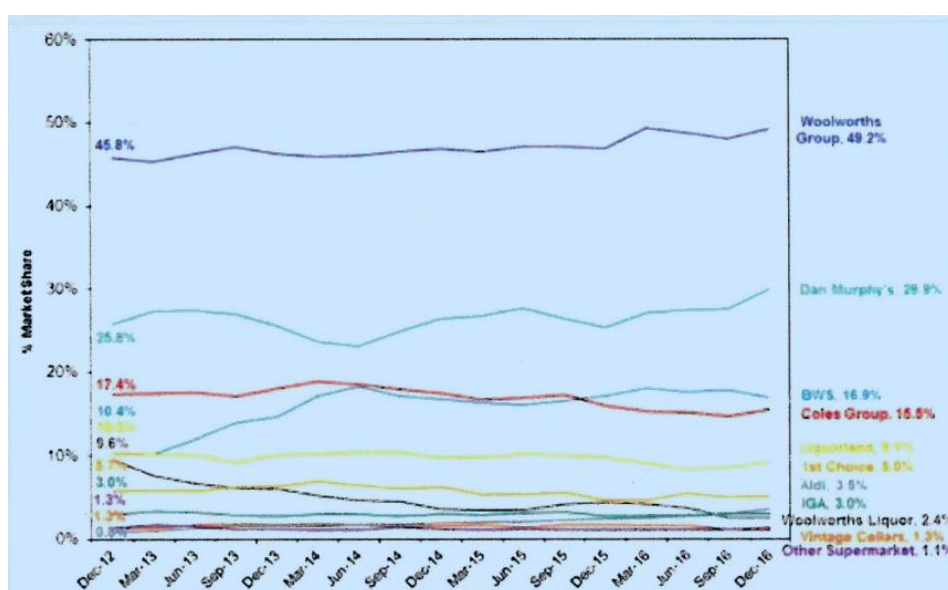


Figure 3: Market share over time: supermarket liquor stores' total alcohol retail share of dollars

- (c) As a dominant player in the alcohol retail industry, Endeavour (formerly a business unit owned by Woolworths) has maintained the highest market penetration among alcohol retailers in Australia. Data released by Roy Morgan in September 2019, revealed that 60.7% of Australian alcohol buyers purchased from an Endeavour-owned store in an average four-week period.¹³ 37% of these consumers purchase exclusively from Endeavour stores.¹⁴

¹² Roy Morgan (20/03/2017) 'The Australian alcohol retail market in review' - accessed at <http://www.rovmorgan.com/findings/7181-liquor-retail-australia-201703201051>.

¹³ Roy Morgan (02/09/2019) 'Woolworths bottle shops prove must popular' - accessed at <http://www.roymorgan.com/findings/8114-alcohol-retail-cross-visitation-june-2019-201908300757>.

¹⁴ *Ibid.*

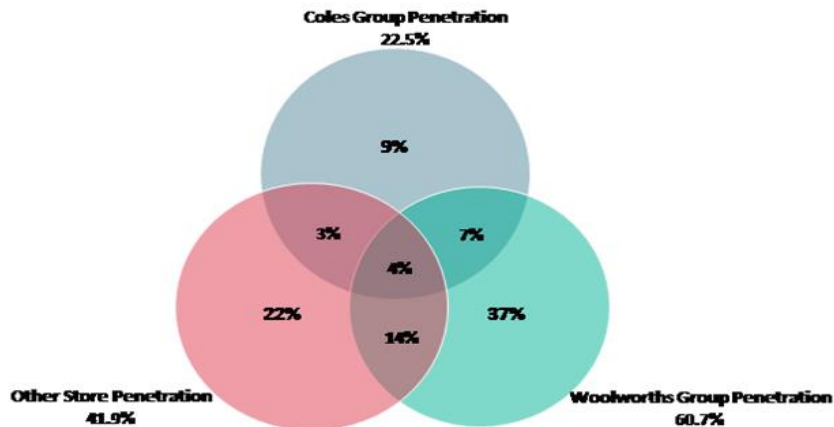


Figure 4: Cross visitation of alcohol retail consumers (Source: Roy Morgan Single Source Australia, July 2018 - June 2019, n=6,829. Base: Australians aged 18+ who had purchased packaged alcohol in the past four weeks.)

- (d) The BWS customer base appears to be increasing at impressive levels. Over a period of 12 months leading to September 2018 BWS increased its customer base by 9.3%.¹⁵

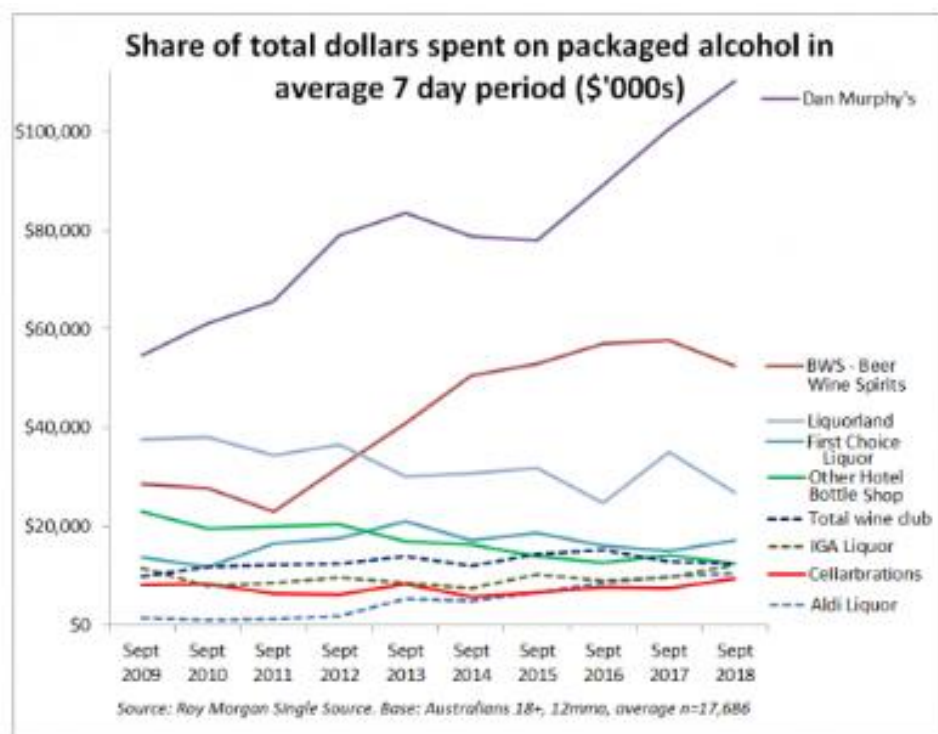


Figure 5: Roy Morgan Research

- (e) Recent Roy Morgan research has found that '[for] BWS it is the 845,000 Australians aged 35-49 years of age who comprise the largest share of their customers'.¹⁶

5.2 BWS Products

- (a) BWS offers a comprehensive range of liquor products, including local and international beer, wine and spirits. The range is focused on popular brands and includes brands sold exclusively through Endeavour's liquor stores. As such, the Proposed Store will provide local residents

¹⁵ Roy Morgan (8/11/2018) 'Supermarkets continue to take alcohol market share from hotel bottle-shops' - accessed at <http://www.roymorgan.com/findings/7753-supermarkets-continue-to-take-alcohol-market-share-from-bottle-shops-201811080408>

¹⁶ *Ibid.*

with approximately 700 exclusive Endeavour products that are not supplied by non-Endeavour retailers. Approximately 1500 to 1800 products will be available at the store, comprised of the following:

ITEM	NUMBER OF PRODUCTS
Beer	221
White wine	308
Sparkling wine	111
Red wine	314
Fortified and cask wines	90
Ciders	116
RTD's	146
Glass spirits	285
Snack foods, soft drinks and cigarettes	80
Total	1,671

Table 1: BWS Products

5.3 Success of the BWS Brand

- (a) BWS has built a strong reputation as both a stand-alone neighbourhood liquor store and as a co-located liquor and supermarket store. The key drivers of purchase intention at BWS are:¹⁷
 - (i) Location and access (36%);
 - (ii) Quality (33%); and
 - (iii) Customer service (28%).
- (b) A BWS store is usually located at the front of the Woolworths supermarket or directly adjacent to it. This means the store is convenient to both customers who only want to purchase packaged liquor, as well as those customers who are purchasing liquor as part of their grocery shop. It is part of a 'one-stop' shopping experience allowing consumers to purchase all their weekly food and liquor purchases in one shop. BWS has built its popularity on the basis of its convenience and accessibility for customers, with 46% of people indicating that they purchase packaged liquor as part of their grocery shopping or other shopping trip.¹⁸
- (c) Further information about BWS is contained in the statement of Anthony Smith attached at Annexure 2.

5.4 BWS Customers

- (a) BWS Stores cater to the demand from consumers who desire a one-stop shopping experience or a convenient local store. The majority (57%) of BWS customers in WA are female. 16% of BWS customers are between the ages of 18 - 24 years of age. 63% of BWS customers are between the ages of 35 - 74 years of age, indicating a more mature customer base.

¹⁷ Statement of Anthony Smith at [4.7].

¹⁸ Statement of Anthony Smith at [4.6].

- (b) Although BWS customers are generally less likely to be premium shoppers,¹⁹ the Proposed Store will cater to the needs of both mainstream and premium shoppers in the Locality by providing a good range of mainstream liquor products and an element of premium wines.

5.5 Harm Minimisation

- (a) BWS enforces strict management practices and policies.
- (b) The Management Plan for each BWS store sets out the RSA procedures for the store. In line with the Act, an approved manager must be present at the premises at all time when business is conducted.
- (c) Endeavour provides its staff with guidelines for assessing whether a customer is intoxicated and refusal of service. Endeavour requires that the staff member ask the person to leave the premises. If any issues arise the staff member should ask for assistance from the store manager and contact the police if necessary. Staff must refuse to serve any alcohol to the intoxicated person and may refuse to admit any person to the store who has previously been asked to leave.
- (d) Endeavour also enforces strong policies regarding evidence of age and preventing service to juveniles. If a juvenile enters the store and is not accompanied by a responsible adult, the staff members on duty should ask the juvenile to leave the store. The ID25 policy is strictly applied and staff must ask for proof of age identification from anyone who looks under 25 years old. If the person is unable to produce identification, the staff member must refuse service.
- (e) Endeavour encourages its staff to be aware of what is taking place both inside and outside the store. This is an important part of monitoring customers who may consume alcohol bought at the premises on site.
- (f) Each BWS store contains an incident register which is required to be used consistently and checked on a daily basis. The staff members at the store ensure that responsible service posters are displayed throughout the store to promote the responsible consumption of alcohol.
- (g) All staff members are required to complete RSA training within 4 weeks of commencing employment and are required to participate in induction training. The induction covers:
 - (i) company policies, such as employee conduct;
 - (ii) the requirement that the employees promote responsible drinking;
 - (iii) the refusal of service to intoxicated persons;
 - (iv) the refusal of service to juveniles;
 - (v) employee benefits and conditions;
 - (vi) loss prevention issues and theft;
 - (vii) safety and health policy and practices;
 - (viii) hazards to be aware of in the store;
 - (ix) reporting an accident;
 - (x) first aid; and
 - (xi) selling regulated products, such as liquor.
- (h) A copy of the BWS Harm Minimisation Policies are attached at Annexure 3 and a copy of the BWS RSA Policy at Annexure 4.
- (i) Endeavour also has a dedicated National RSA and Licensing Manager, who provides advice and direction on all aspects of liquor compliance and responsible service of alcohol to assist in the

¹⁹ *Ibid* at p 17.

management of risk. The National RSA and Licensing Manager liaises with licensing and police in all states and territories and has been involved in many liquor forums and accords working together to develop initiatives that benefit the community.

- (j) In addition to the training of staff who will work in the licensed stores, in 2022 Endeavour introduced the Leading in Responsibility program to train all team members in the principles of responsible service of alcohol and gambling, even if they aren't directly involved in customer service.²⁰ As of August 2022, 92% of all Endeavour team members have completed the Leading in Responsibility program and the program has now been rolled into the induction training of all new team members.²¹ Endeavour believes that it is important that all team members share a common understanding of what it means to be a leader in responsible service.
- (k) Another initiative introduced by Endeavour that goes above and beyond their legal requirements is Family & Domestic Violence Awareness training which is specially curated in close consultation with 1800RESPECT to help Endeavour team members determine what constitutes domestic and family violence, what to do if they see signs of abuse, how to report it, and support systems that are in place.²²

5.6 Responsible Buying

- (a) BWS complies with the Endeavour Responsible Buying Charter (**Responsible Buying Charter**) to ensure that internal purchasing and ranging decision making processes comply with best practice guidelines for retailers and drinks manufacturers worldwide. The Responsible Buying Charter is designed to help ensure that BWS adds value to the community rather than adding harm. The Responsible Buying Charter is a guideline to ensure that only products which are appropriately branded are stocked at Endeavour Drinks Group stores. It prohibits BWS from stocking products that appeal to minors, encourage inappropriate drinking practices, or make inappropriate associations, such as associations with illicit drugs.
- (b) A copy of the Responsible Buying Charter is attached at Annexure 5.
- (c) The Responsible Buying Charter requires that any products sold do not:
 - (i) have the potential to appeal to minors;
 - (ii) have the potential to lead to confusion with confectionary or soft drink;
 - (iii) have an appearance that may lead to confusion about the alcoholic nature and strength of the product;
 - (iv) draw any association with drug culture;
 - (v) encourage illegal or immoderate consumption;
 - (vi) suggest association with violent, dangerous, aggressive or anti-social behaviour;
 - (vii) suggest consumption could lead to sporting, social or sexual success or popularity;
 - (viii) feature imagery or language that could be offensive on cultural, religious, ethnic or gender grounds; or
 - (ix) suggest any physical or mental health benefit can be obtained by consumption.
- (d) Each new product that is sold in the stores must meet these requirements, which are aimed at minimising the potential for alcohol marketing to encourage consumers to drink in ways that could be potentially harmful.

²⁰ Endeavour Group, *Our Positive Imprint 2022 Sustainability Report*, page 12 (available from: https://assets-global.website-files.com/63376b94b708b416ace71770/6357cec26ddd71dd2b7a98d4_2022%20Sustainability%20Report.pdf).

²¹ *Ibid.*

²² *Ibid*, 18.

5.7 Crime Prevention Through Environmental Design

- (a) BWS Stores, being part of the Endeavour store network, are all planned and designed in line with Endeavour's Crime Prevention Through Environmental Design (CPTED) principles. The CPTED principles reduce the likelihood of crime by aiming to create the reality (or perception) that the costs of committing crime are greater than the likely benefits.
- (b) BWS Stores apply the CPTED principles to create environmental and social conditions that:
 - (i) maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
 - (ii) maximise the effort required to commit crime (increasing the time, energy and resources required to commit a crime);
 - (iii) minimise the actual and perceived benefits of a crime (removing, minimising or concealing crime attractors and rewards); and
 - (iv) minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisations of inappropriate behaviour).
- (c) The strategies employed to achieve CPTED include:
 - (i) *Surveillance and Lighting:*
 - natural surveillance through design, landscaping and lighting, ensuring customers can see and can be seen by others;
 - technical and mechanical surveillance through closed circuit television, mirrored building panels, security alarm systems and electronic article surveillance;
 - formal surveillance through tactical positioning of staff; and
 - bright lighting internally and external security lighting.
 - (ii) *Territorial Re-enforcement:*
 - identifying the building and its use;
 - trained staff on duty during trading hours; and
 - identifying staff through name badges to demonstrate guardianship of the area.
 - (iii) *Space / Activity Management:*
 - ensuring internal areas of the store are effectively used and maintained;
 - ensuring external areas are clean and devoid of litter; and
 - providing a sense of activity to the site.
 - (iv) *Access Control:*
 - clear routes in and out of the site for vehicles and pedestrians;
 - low lying landscaping which does not provide concealment or screened areas;
 - clearly defined entrances; and
 - where necessary, security bollards, roller shutters and Crimsafe window security.
- (d) A copy of Endeavour's CPTED policy and the associated strategies is included at Annexure 6. The CPTED will be applied to the design of the Proposed Store.

5.8 Community Education and Engagement

- (a) BWS runs several community education campaigns in its stores, including:
 - (i) the 'Don't Buy It For Them' campaign, which seeks to inform adults of the dangers of providing alcohol to youths;

- (ii) the 'Look For The Standard Drink Icons' campaign, which seeks to inform people of the different volumes equating to a standard drink for each drink category; and
 - (iii) the 'It is safest not to drink alcohol while pregnant' campaign in conjunction with Drinkwise Australia, which seeks to inform women and their partners of the importance associated with understanding all the facts about alcohol and pregnancy.
- (b) BWS also takes its social responsibility seriously, helping raise awareness of different causes that are important to local communities. For example, during Pride Month 2023, BWS ran the BWYASSS campaign to help raise awareness for the queer community and promote inclusivity. This included offering a range of drinks curated by the queer community for the queer community and raising money by donating profits to the Pride Foundation Australia.

6 THE LOCALITY

6.1 The Locality

- (a) Sections 38(4)(b) and 36B(4) of the Act both detail an assessment to be made with reference to the 'locality'. However, there is nothing in the Act that suggests that a different locality should be adopted for s 38(4)(b) as opposed to s 36B(4).
- (b) The Applicant engaged MGA Town Planners to identify, in its opinion, what comprises the 'locality' for the purpose of this Application. The locality identified by MGA Town Planners (the '**Locality**'), and the reasoning for determining the Locality as they have, is set out in the MGA Town Planners Report dated October 2023 (**MGA Report**).
- (c) A copy of the MGA Report is attached at Annexure 7.
- (d) The Applicant relies on its Submissions in Support of Application in relation to the use of the Locality for the purposes of s 36B(4) and 38(4)(b).
- (e) For ease of reference, the Locality is the area bounded by the red dotted line in Figure 6 below.

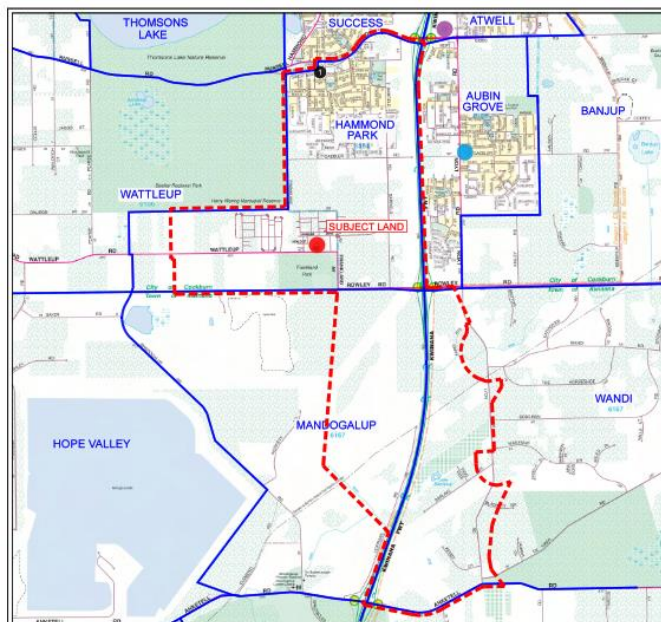


Figure 6: Locality as determined by MGA Town Planners (red dotted line)

- (f) The Locality is made up of portions of the suburbs of Hammond Park (66.5%), Mandogalup (1.2%) and Wandoo (32.3%).

6.2 Strategic Planning Framework

- (a) The Proposed Store is to be located within the Centre (being the new Hammond Park Neighbourhood Centre). The MGA Report explains that the 'the new shopping centre and

proposed licence are a response to projected population growth, and the identified need for shopping facilities enabling grocery and packaged liquor purchase'.²³

- (b) Consistent with its intended functional role, the Centre on the subject land will include a combination of retailing, meeting daily and weekly household needs including a new supermarket and packaged liquor store.²⁴
- (c) The Centre will improve the range and accessibility of goods and services available to local residents. The Proposed Store will be particularly beneficial given the population growth expected in the suburbs of Hammond Park, Wandi, and Mandogalup..²⁵

7 DEMOGRAPHICS

- (a) The following demographic analysis has been prepared by MGA Town Planners based on the 2016 and 2021 Census data and population projections for the Locality obtained from the Western Australian Planning Commission (WAPC), which are provided for individual Main Roads Transport Zones (MTZ).

7.2 Current Population and Forecasts

- (a) Table 2 shows the approximate population within each suburb as at 2021, calculated on the portion of the suburb that makes up the Locality.

SUBURB	2021 CENSUS POPULATION	PROPORTION OF LOCALITY
Hammond Park	6,995	66.5%
Mandogalup	124	1.2%
Wandi	3,397	32.3%
Locality	10,516	100.0%

Table 2: Locality Population by Suburb 2021

- (b) Between the 2016 and 2021 census, the population in the Locality increased by approximately 3,375 people (being a 47.26% increase). Based on the population projections from WAPC, the population for the relevant suburbs that comprise the Locality are projected to increase from 10,516 to 19,005 (being a 80.7% increase) by 2036.²⁶

7.3 Age Profile

- (a) The socio-demographic profile of the Locality population at 2021 shows that it is home to a higher proportion of working aged persons aged 20-39 (40.6%) than throughout the Greater Perth area (28.4%). There is also a higher proportion of children aged 0 - 14 in the Locality (27.7%) compared to Greater Perth and the State (both 19.0%).²⁷
- (b) There is a lower proportion of those aged 15-19 in the Locality (4.1%) than throughout Greater Perth and the State (both 5.8%), and also a lower population of those aged 60 and above (6.9%) in the Locality compared to both Greater Perth (21.2%) and the State (21.8%).²⁸

²³ MGA Report, [2.7].

²⁴ MGA Report, [7.5].

²⁵ MGA Report, [2.6].

²⁶ MGA Report, [5.6] Table 2.

²⁷ MGA Report, page 16.

²⁸ *Ibid.*

- (c) Overall, the Locality population is relatively youthful as it contains a higher proportion of children aged below 14 years and a higher proportion of persons aged up to 49.²⁹

7.4 Household Structure

- (a) The Locality has a higher proportion of family households (82.9%) in comparison to Greater Perth (71.5%),³⁰ and a higher proportion of couples with children (54.7%) than Greater Perth (45.7%).³¹ All suburbs in the Locality had a higher proportion of couples with children in comparison to Greater Perth, with the exception of Mandogalup (39.4%), which contains just 1.2% of the Locality's population and is relatively aged.³²
- (b) The proportion of lone person households within the Locality (14.7%) was much lower than throughout Greater Perth (24.9%).³³
- (c) The proportion of couple families with no children in the Locality (30.1%) was slightly lower than throughout Greater Perth (37.6%).³⁴ Similarly, the proportion of single parent families in the Locality (14.2%), was slightly lower than throughout Greater Perth (15.1%).³⁵
- (d) The proportion of dwellings being purchased within the Locality (67.1%) was very high in comparison to the proportion throughout Greater Perth (41.9%), and the proportion being rented was lower in the Locality (22.8%) compared to Greater Perth (26.6%).³⁶ This reflects the fact that the Locality is comprised of growing communities in greenfield areas, with many first home buyers and young families with children.^{37, 38}

7.5 Language/Ethnicity

- (a) The proportion of Australian born persons in the Locality (59.2%) was generally consistent with the proportion throughout Greater Perth (59.6%).³⁹ The dominant religion amongst residents in the Locality was no religion (43.8%) followed by Christianity (40.9%).⁴⁰
- (b) The proportion of indigenous persons in the Locality (1.2%) was lower than the proportion throughout Greater Perth (2.0%) and the State (3.3%).⁴¹
- (c) The proportion of migrants from non-English speaking countries in the Locality (22.9%) was slightly higher than throughout Greater Perth (20.2%).⁴² However, English proficiency among migrants from non-English speaking countries was observed to be higher than the level observed throughout Greater Perth (2.0%), with only 1.3% of persons identifying as not speaking English well or not at all.⁴³

7.6 Car Ownership

- (a) As of 2021, 64.5% of people aged of 15 years and over living in Hammond Park use a car (as the driver) to travel to work, compared to 62.1% of people in the State.⁴⁴ Further, 9.5% of

²⁹ MGA Report, page 17.

³⁰ MGA Report, page 22.

³¹ MGA Report, page 23 [5.23].

³² MGA Report, page 22 [5.20].

³³ MGA Report, page 22.

³⁴ MGA Report, page 23 [5.21].

³⁵ MGA Report, page 23 [5.21].

³⁶ MGA Report, page 24 [5.26].

³⁷ MGA Report, page 24 [5.26].

³⁸ *Ibid.*

³⁹ MGA Report, page 20, Table 4.

⁴⁰ MGA Report, page 20, Table 4.

⁴¹ MGA Report, page 21, [5.14].

⁴² MGA Report, page 21, Table 5.

⁴³ MGA Report, page 21, Table 5.

⁴⁴ Australian Bureau of Statistics, Hammond Park 2021 Census Quick Stats <https://abs.gov.au/census/find-census-data/quickstats/2021/SAL50610> (ABS Hammond Park).

people aged 15 years and over in Hammond Park use public transport to travel to work compared to 7.4% of the State.⁴⁵

- (b) In Western Australia and Greater Perth,⁴⁶ the average number of motor vehicles per dwelling is 1.9.⁴⁷ This is slightly higher than the average across the suburbs comprising the Locality. For example, in Hammond Park the average number of motor vehicles per dwelling is 1.9,⁴⁸ in Mandogalup and Wandí the average number is 2.1.⁴⁹⁵⁰
- (c) Given car ownership levels are slightly higher in the Locality than in the State, and more people within the Locality rely on motor vehicles to travel, the Proposed Store would cater to the needs of the Locality as it would provide a one-stop shop for combined grocery shopping and liquor purchases.

7.7 Education, Employment and Income

- (a) The suburbs comprising the Locality have a significantly high full time employment rate. For example, in Hammond Park 63.5% of people work full time,⁵¹ in Mandogalup 68.8% of people work full time⁵² and in Wandí 59.8% of people work full time⁵³ (compared to 57.1% in the State⁵⁴ and 56.8% in Greater Perth⁵⁵).
- (b) Further, they each have relatively low unemployment rates, each below the State average. For example, the unemployment percentages are: 3.4% in Hammond Park, 0% in Mandogalup and 4% in Wandí, compared to the State average of 5.1% and 5.3% in Greater Perth.⁵⁶ Mining made up 7.9% of employment within the State and came in as the 5th largest industry in Western Australia.⁵⁷ The proportion of those employed in the mining industry in the Locality (7.3%) was slightly higher than throughout Greater Perth (6.3%).⁵⁸
- (c) In addition to strong employment rates, suburbs within the Locality also have consistent attendance rates at university and vocational education when compared to Greater Perth and the State.⁵⁹ The percentage of people attending University or other higher education in the Locality is similar to the State. For example, in Hammond Park the percentage is 12.9% and in Wandí the percentage is 14.0%, compared to the State average of 13.9%.⁶⁰ The percentage of people attending vocational education (including TAFE and private training providers) in Hammond Park is 7.6%, and in Wandí 8.8%, compared to the State with 7.4%. Mandogalup is an exception with 0% attending University however a much higher percentage attending vocational education (26.7%).⁶¹

⁴⁵ ABS Hammond Park.

⁴⁶ Australian Bureau of Statistics, Western Australia 2021 Census Quick Stats <https://abs.gov.au/census/find-census-data/quickstats/2021/POA6056> (ABS WA); Australian Bureau of Statistics, Greater Perth, <https://abs.gov.au/census/find-census-data/quickstats/2021/5GPER> (ABS Greater Perth).

⁴⁷ ABS WA.

⁴⁸ ABS Hammond Park.

⁴⁹ Australian Bureau of Statistics, Mandogalup, <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50889> (ABS Mandogalup).

⁵⁰ Australian Bureau of Statistics, Wandí, <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51519> (ABS Wandí).

⁵¹ ABS Hammond Park.

⁵² ABS Mandogalup.

⁵³ ABS Wandí.

⁵⁴ Australian Bureau of Statistics, Western Australia, <https://abs.gov.au/census/find-census-data/quickstats/2021/5> (ABS State).

⁵⁵ Australian Bureau of Statistics, Greater Perth, <https://abs.gov.au/census/find-census-data/quickstats/2021/5GPER> (ABS Greater Perth).

⁵⁶ MGA Report, page 24, ABS Greater Perth, ABS State, ABS Hammond Park, ABS Wandí and ABS Mandogalup.

⁵⁷ Australian Bureau of Statistics, Employment in the 2021 Census, <https://www.abs.gov.au/articles/employment-2021-census#employment-by-age-and-sex>.

⁵⁸ MGA Report, page 23 [5.24]

⁵⁹ ABS Hammond Park; ABS Mandogalup ; ABS Wandí, ABS Greater Perth, ABS State.

⁶⁰ *Ibid.*

⁶¹ ABS Hammond Park, ABS Mandogalup, ABS Wandí, ABS Greater Perth, ABS State.

- (d) Suburbs within the Locality have significantly higher median personal and household incomes in comparison to Greater Perth and the State. For example, the weekly median personal income in Hammond Park is \$1,200, Mandogalup is \$1,183 and Wandí is \$1,119 compared to the State and Greater Perth with \$848 and \$859, respectively.⁶² The weekly median household income in Hammond Park is \$2,446, Mandogalup is \$2,277 and Wandí is \$2,373 compared to the State and Greater Perth with \$1,815 and \$1,865, respectively.⁶³

7.8 Socio-economic Status

- (a) The index of Relative Socio-Economic Advantage/Disadvantage (**IRSAD**) for the Locality is as follows:

SUBURB	RELATIVE SOCIO-ECONOMIC ADVANTAGE/DISADVANTAGE RANK (NATIONAL)	RELATIVE SOCIO-ECONOMIC ADVANTAGE/DISADVANTAGE RANK (STATE-WIDE)
Hammond Park	9	9
Mandogalup	8	7
Wandí	9	9

Table 3: SEIFA rankings (2021)⁶⁴

- (b) The IRSAD summarises variables that indicate either relative advantage or disadvantage. This index ranks areas on a continuum from most disadvantaged to most advantaged. An area with a high score (10 being the highest possible score) on this index indicates a relative lack of disadvantage and greater advantage in general.
- (c) All suburbs within the Locality were identified as having SEIFA rankings between 8 and 9 out of 10, indicating they are advantaged from a socio-economic perspective. It is expected that these high rankings would be maintained as new subdivision and development progresses, and more first-home buyers and young families establish in the Locality.⁶⁵

7.9 Summary

- (a) The Locality is an advantaged residential area with strong SEIFA rankings, income profiles and high employment rates. It is a relatively youthful, working aged population. There is expected to be a very significant population growth in the Locality in the coming years which leads to an increased demand for retail amenity. This demand is recognised in local planning strategies.

8 EXISTING RISK FACTORS

8.1 Sensitive Premises

- (a) The sensitive premises in the area as at the date of the MGA Report are identified in part 9 of the MGA Report.
- (b) There are 18 sensitive premises in the Locality, 5 of these sensitive premises are located within 800m of the Proposed Store being; 2 childcare facilities associated with education facilities (Nido Early School and Hammond Park Catholic Primary School), 2 childcare facilities to the west of the Proposed Store, both at the corner of Snowden Street and Vivaldi Street (Next Generation School of Early Learning and Little Sparrows Early Daycare), and the Hammond Park Secondary College.

⁶² MGA Report, page 25; ABS Hammond Park, ABS Mandogalup, ABS Wandí, ABS Greater Perth, ABS State.

⁶³ MGA Report, page 25; ABS Hammond Park, ABS Mandogalup, ABS Wandí, ABS Greater Perth, ABS State.

⁶⁴ MGA Report, page 26, Table 10.

⁶⁵ MGA Report, page 26 [5.30].

- (c) The Hammond Park Catholic Primary School and the Childcare Facility are separated from Proposed Store by three or more street blocks containing established dwellings between Whadjuk Drive and Frankland Avenue, and will not be directly visible from the Proposed Store.
- (d) The Nido Early School is located to the north east of the Proposed Store (on Whadjuk Drive, approximately 170m south west of the Hammond Park Secondary College). Both the Nido Early School and the Hammond Park Secondary College will be separated visually by three or more street blocks containing dwellings to the east of Frankland Avenue.
- (e) Next Generation School of Early Learning and Little Sparrows Early Daycare west of the Proposed Store both have frontage onto Snowden Street at the northern and southern side of Vivaldi Drive. Vivaldi Drive provides service and delivery vehicle access to the Proposed Store at the western and southern sides of the Centre. The Centre will not have pedestrian entry points at the western or southern side. The western side of the supermarket building will adjoin the eastern end of Vivaldi Street, screening direct views to the Proposed Store and areas where shoppers will be concentrated. As the only entry and exit points of the Proposed Store will be on the eastern side facing the car park, the Proposed Store will not be visible from Next Generation School of Early Learning or Little Sparrows Early Daycare.
- (f) The Proposed Store will not allow consumption of packaged liquor onsite and the Centre will have surveillance cameras at all perimeters, along with staff in the tenancies. The potential for adverse impacts on surrounding sensitive premises in the Locality is therefore low.
- (g) The Proposed Store will not be visible from any of the sensitive premises.

8.2 At Risk Groups

- (a) The Licensing Authority guidelines in respect of preparing a PIA identify certain categories of persons as 'at risk' groups. The existence of these at risk groups in the Locality has been assessed in the MGA Report and their findings are summarised below.⁶⁶
 - (i) Children and young people

The proportion of children aged 0 - 14 in the Locality (27.7%) was higher than the proportion throughout Greater Perth (19.0%).
 - (ii) Indigenous people and communities

The proportion of indigenous persons in the Locality (1.2%) was lower than compared to the proportion throughout Greater Perth (2.0%) and the State (3.3%).
 - (iii) People from regional, rural and remote communities

The Locality area is comprised of new and emerging neighbourhoods within the south western part of the Perth metropolitan area, and is not a regional, rural or remote community.
 - (iv) Families

There was a higher proportion of family households within the Locality (83.2%) in comparison to the Greater Perth area (71.5%). Among all family households, those with children comprised 54.7% of all families, being much higher than the Greater Perth average (45.7%).
 - (v) Migrant Groups from Non-English-Speaking Countries

There was a slightly higher proportion of migrants from non-English speaking countries in the Locality (22.9%) in comparison to the Greater Perth average (20.2%). However the proportion of those not speaking English well or at all in the Locality (1.3%) was lower than throughout Greater Perth (2.0%), indicating a relatively high level of English proficiency.

⁶⁶ MGA Report, Section 6.

(vi) People in Low Socio-Economic Areas

The SEIFA index indicates all suburbs in the Locality rank highly in comparison to State and national averages. The Locality population is therefore deemed to be relatively advantaged.

(vii) Mining Communities or Communities with a High Number of Itinerant Workers

The Locality is not a mining community. The proportion of those employed in the mining sector (7.3%) was 1% higher than the Greater Perth average (6.3%).

(viii) Tourist Numbers

- (b) The proportion of visitors within the Locality (1.4%) was much lower than the Greater Perth average (3.0%). In summary, the Locality contains a proportion of children aged 0 - 14, families, and families with children exceeding the Greater Perth and State averages. The proportion of dwellings being fully owned was much lower than the Greater Perth average, given the Locality is comprised of new communities of young families and first home buyers. The Locality is relatively well advantaged by SEIFA measures with higher incomes than compared to Greater Perth (which is expected in communities with high proportion of young families and first-home buyers. On this basis, the Locality may be deemed a moderate risk.⁶⁷

8.3 Crime Rates

- (a) The only publicly available data relating to crime in the Locality are the crime statistics available on the WA Police website.⁶⁸ It is important to note that these statistics do not account for whether alcohol was a contributing factor to the offence.
- (b) The tables in Annexure 8 show the number of offences per year for each of the suburbs that make up part of the Locality, as well as neighbouring suburbs Wattleup and Banjup. This data represents actual rates of offences and does not account for increases or decreases in population (as would be seen a per capita rate).
- (c) A report produced by the Applicant titled "The operating experience of BWS Stores - alcohol related crimes" noted:

"It is the strong view of Woolworths (supported by the evidence in this document) that there must be something "atypical" in a specific location that causes deterioration in alcohol related crime. There is no evidence of any correlation between:

- a new BWS PLL [packaged liquor licence] opening in a suburb (i.e. of itself) on the one hand; and*
- more people behaving poorly (or the frequency in which a person behaves poorly increasing), on the other.*

*This is clearly evident by the information in this document."*⁶⁹

- (d) The Applicant's report analyses crime data following the opening of four BWS stores in New South Wales in 2009, 2010 and 2012. As reported by the Applicant:

"The combined evidence is substantial and undeniable. It shows that the introduction of the 4 BWS stores had no adverse impact on alcohol related crime (either at an LGA or a suburb level). This is despite the fact that those populations have either: (a) a significant number of over represented at-risk indicators; (b) disadvantage through the SEIFA indices (see Tables 1 and Table 2); (c) elevated levels of crime; (d) high outlet density; or (e) a combination of the above."

⁶⁷ MGA Report, page 28.

⁶⁸ [https://www.police.wa.gov.au/crime/crimestatistics#/.](https://www.police.wa.gov.au/crime/crimestatistics#/)

⁶⁹ Woolworths (2 November, 2015) *The operating experience of BWS stores - alcohol related crimes*, [3].

"It is powerful evidence that no matter where a Woolworths retail liquor store is placed in NSW, that there has been no credible evidence provided to the Authority by anyone (that we are aware of) that contradicts the above position."

- (e) There is no equivalent data currently available in Western Australia, however the Applicant submits that the data is equally relevant to Western Australia as the liquor licensing conditions and the cultures of Western Australia and New South Wales are very similar.

8.4 Local Health Data

- (a) There is limited publicly available alcohol related health data that is specific to the Locality.
- (b) The Applicant reviewed the Drug and Alcohol Office's report on the South Metro Health Region (South **Metro Area**). The South Metro Area covers an area of 5,066 square kilometres and had a population of 867,371 in 2011 (which represents 36.9% of the State's population). It includes the Locality albeit the Locality is only a small proportion of the South Metro Area. The report indicated that the rate of alcohol-related hospitalisations in the South Metro Area for the period from 2007-2011 was significantly lower for both males and females than the corresponding State rates.⁷⁰
- (c) Trends show that overall, the mortality rate for all alcohol-related conditions in the South Metro Area was similar than the corresponding State rates from 2007 to 2011.⁷¹
- (d) The South Metro Area also recorded a lower proportion of alcohol-related road-injuries compared to the State.⁷²
- (e) The percentage of people aged 14 and over who consumed alcohol in ways that put their health at risk has decreased from 39% in 2004 and 32% in 2019 to 31% in 2022/2023.⁷³ Similarly, the percentage of people who consumed more than 10 standard drinks per week has also decreased from 32% in 2004 to 25% in 2022/2023 (and those who consumed more than 4 standard drinks in a single day at least once a month has also decreased from 30% in 2004 to 24% in 2022/2023), as shown in Figure 7.⁷⁴
- (f) In a 2014 report, the rate of treatment episodes where alcohol was the primary drug of concern decreased by 12.7% since 2009.⁷⁵
- (g) Between 2009 and 2018, Australia's overall percentage of alcohol consumption on a per capita basis declined or remained relatively stable and in addition significant improvements were observed in abstinence of alcohol in younger Australians.⁷⁶
- (h) Since 2010, the rates of risky alcohol consumption have decreased (and continue to decrease) with the lowest percentage since 2001 being observed in 2022-2023 (as shown in Figure 7).⁷⁷

⁷⁰ Drug and Alcohol Office WA and Epidemiology Branch of Department of Health WA (2014) 'Alcohol-related hospitalisations and deaths in Western Australia. Regional Profile: South Metro', page 6.

⁷¹ *Ibid*, page 6.

⁷³ <https://www.aihw.gov.au/reports/alcohol/risky-alcohol-consumption>

⁷⁴ <https://www.aihw.gov.au/reports/alcohol/risky-alcohol-consumption>

⁷⁵ Drug and Alcohol Office WA Annual Report 2014/15, page 13.

⁷⁶ <https://www.health.gov.au/sites/default/files/documents/2020/11/national-alcohol-strategy-2019-2028.pdf>

⁷⁷ <https://www.aihw.gov.au/reports/alcohol/risky-alcohol-consumption>

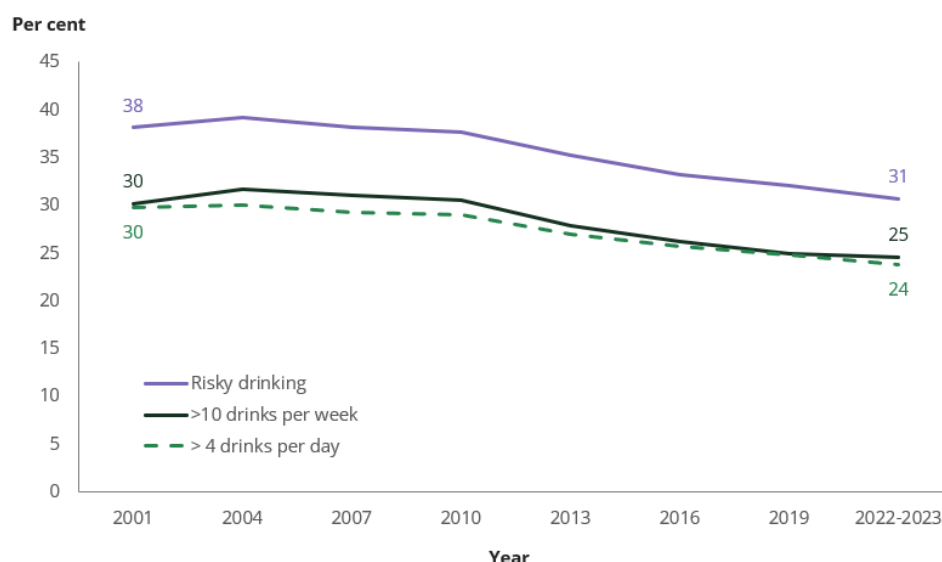


Figure 7: Decrease in risky drinking (aged 14 and over) from 2001 to 2022/2023⁷⁸

8.5 Current Alcohol Consumption Trends

- (a) There is no publicly available data relevant to the alcohol consumption trends in the Locality.

Western Australia

- (b) A 2022/2023 study by the Mental Health Commission of Western Australia involving children between the ages of 12 and 17 found that alcohol consumption had significantly declined since 2017 as shown in Figure 8 below.⁷⁹

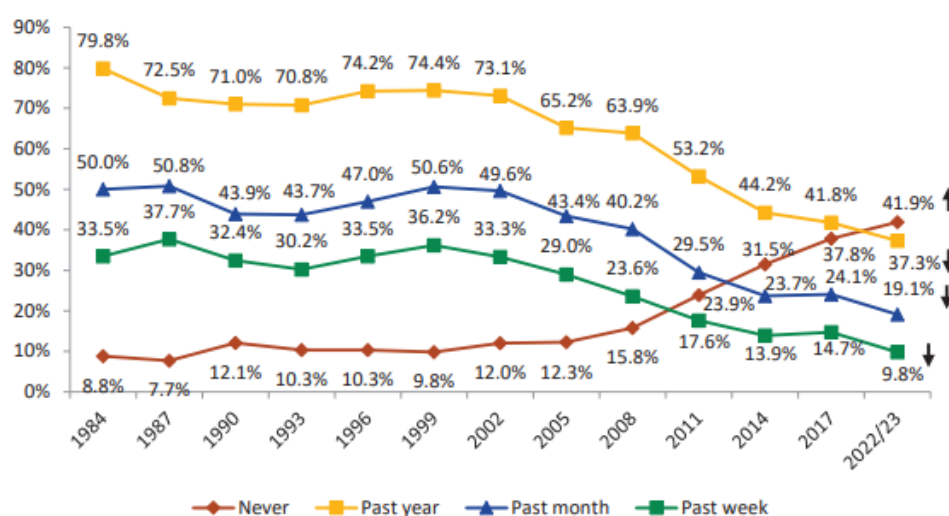


Figure 8: Decrease in alcohol consumption (aged 12 to 17) from 1984 to 2022/2023⁸⁰

- (c) Since 2010 the proportion of WA people aged between 15-24 who drink at risk of long-term harm from alcohol has halved, from 30% in 2010 to 15% in 2019.⁸¹ However, West Australians sit above the national average on both metrics.⁸²
- (d) The National Drug Strategy Household Survey 2019 found that in Western Australia:

⁷⁸ <https://www.aihw.gov.au/reports/alcohol/risky-alcohol-consumption>

⁷⁹ <https://www.mhc.wa.gov.au/media/5027/alcohol-and-drug-trends-in-western-australia-assad-2022-23-report.pdf> [page 6]

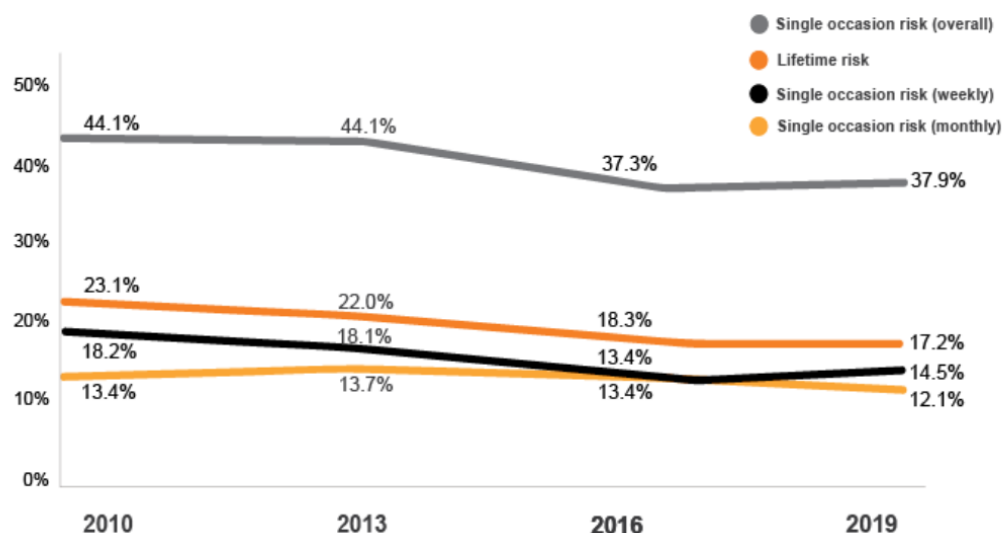
⁸⁰ <https://www.mhc.wa.gov.au/media/5027/alcohol-and-drug-trends-in-western-australia-assad-2022-23-report.pdf> [page 9]

⁸¹ IWSR, 'Executive Summary Report 2021 Australia', page 6.

⁸² *Ibid.*

- (i) there has been a significant decrease in the number of people drinking weekly (-6%); and
 - (ii) in those abstaining from alcohol, there has been a significant increase (4.9%).
- (e) In 2021, Alcohol Think Again Australia published the following statistics (in Figure 9 below) showing a general decrease in the proportion of Western Australians aged 14 years and over who drink at-risk of harm.

Figure 9: Proportion of Western Australians aged 14 years and over who drink



Australia

- (f) Studies have shown that less than 15% of people in Australia actually drink in a truly risky and harmful manner, notwithstanding reports about risky drinking levels in Australia.⁸³
- (g) The Australian Institute of Health and Welfare has released the following data which highlights the decline in risky alcohol behaviour in Australia:⁸⁴
 - (i) nearly half (47.1) of participants said their consumption of alcohol [during the Covid-19 pandemic] stayed the same. 14.4% reported an increase in alcohol consumption.
 - (ii) 21% of Australians aged 14 and over reported being a victim of an alcohol-related incident, which has declined from 26% in 2013.
 - (iii) 66% of 14-17 year olds had never consumed a full standard drink, which is an increase from 28% in 2001.
- (h) The National Alcohol Strategy 2019-2028 provides as follows:

“Australia’s overall consumption of alcohol (on a per capita basis) has been in decline for the past 40 years, and the percentage of people reporting abstinence from alcohol has either increased or remained stable between 2009 and 2016. Significant improvements have also been observed in abstinence over the same period among younger Australians. This is in spite of the fact that some research indicates that alcohol has become more readily available and affordable in Australia over the last decade.”⁸⁵

⁸³ Dr Anne Fox, (January 2015) 'Understanding behaviour in the Australian and New Zealand night-time economies', page 11.

⁸⁴ Australian Institute of Health and Welfare 'Alcohol, tobacco & other drugs in Australia' (Last updated January 2020) - accessed at <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/drug-types/alcohol>.

⁸⁵ Department of Health 'National Alcohol strategy 2019-2028' at page 19.

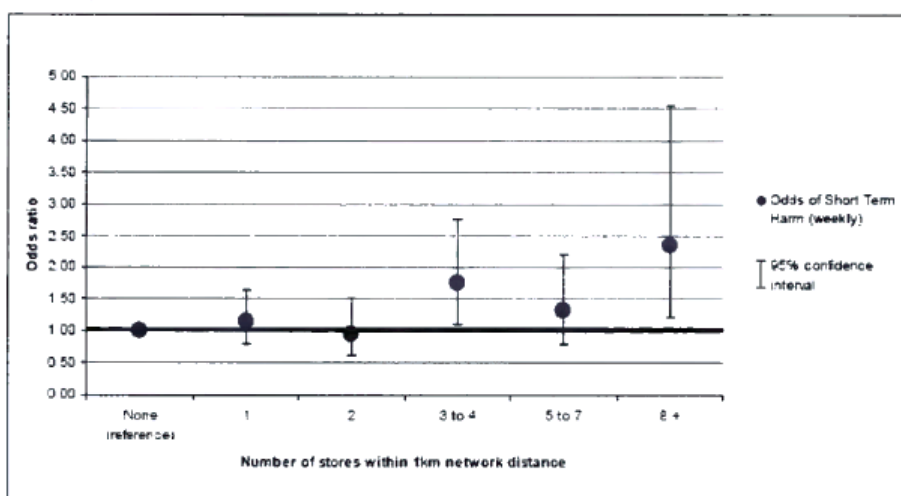
- (i) The National Drug Strategy Household Survey 2019 results⁸⁶ also emphasises the decline in risky alcohol behaviour in Australia:
 - (i) The proportion of people exceeding the single occasion risk and lifetime risk guidelines has reduced from 26% to 25% for single occasion risk and from 17.2% to 16.8% between 2016 and 2019.⁸⁷ The proportions have decreased significantly since the National Health and Medical Research Council guidelines were introduced in 2009.⁸⁸
 - (ii) There has been an increase in 14 -17-year old's who have *never* consumed a full standard drink from 28% in 2001 to 66% in 2019.⁸⁹
 - (iii) The proportion of young people who drink alcohol at risky levels fell between 2001 and 2019. In 2001, 40% of 14-19 year old's exceeded the single occasion risk guidelines but this fell to 20% in 2019. Over the same period, the proportion who exceeded the lifetime risk guidelines fell from 19.8% to 6.0%.⁹⁰

The latest National Drug Strategy Household Survey (2022 and 2023) found that the proportion of people drinking alcohol at risky levels has continued to decrease since 2013.⁹¹

8.6 General Research on Alcohol Related Harm

- (a) In December 2011 VicHealth⁹² published the results of a detailed study which tested the availability of alcohol, measured as the number of beverages stocked in the closest store out of a possible 70 items audited, and its relationship to harm. The study concluded that there was no evidence to support an association between the availability of alcoholic beverages in stores and drinking at levels associated with levels of harm⁹³. It also interestingly found:

*"some limited evidence that increased availability of a range of alcoholic beverages in the stores closest to the respondents' homes actually reduced the risk of consuming at levels associated with long-term harm."*⁹⁴



⁸⁶ Australia Institute of Health and Welfare, National Drug Strategy 2019 In Brief, <https://www.aihw.gov.au/reports/illicit-use-of-drugs/national-drug-strategy-household-survey-2019-in-brief/contents/summary>.

⁸⁷ *Ibid* at Key Findings.

⁸⁸ *Ibid* at page 11.

⁸⁹ *Ibid* at Key Findings.

⁹⁰ *Ibid* at page 22.

⁹¹ Australia Institute of Health and Welfare, National Drug Strategy 2022-2023, accessed at <https://www.aihw.gov.au/reports/illicit-use-of-drugs/national-drug-strategy-household-survey/contents/summary>.

⁹² Kavanagh A and Krnjacki L (December 2011) 'Accessibility to alcohol outlets and alcohol consumption: Findings from VicLANES', Victorian Health Promotion Foundation (VicHealth) Carlton, Australia.

⁹³ *Ibid*, page 16.

⁹⁴ *Ibid*, page 20.

Figure 10: Odds of consumption at levels associated with short-term harm (weekly) by number of stores (within 1-kilometre network distance) compared to no stores

- (b) The study also concluded that elevated risk (of drinking at levels associated with short-term harm, at least weekly) lies with 8 or more outlets within a one-kilometre walking network area.⁹⁵

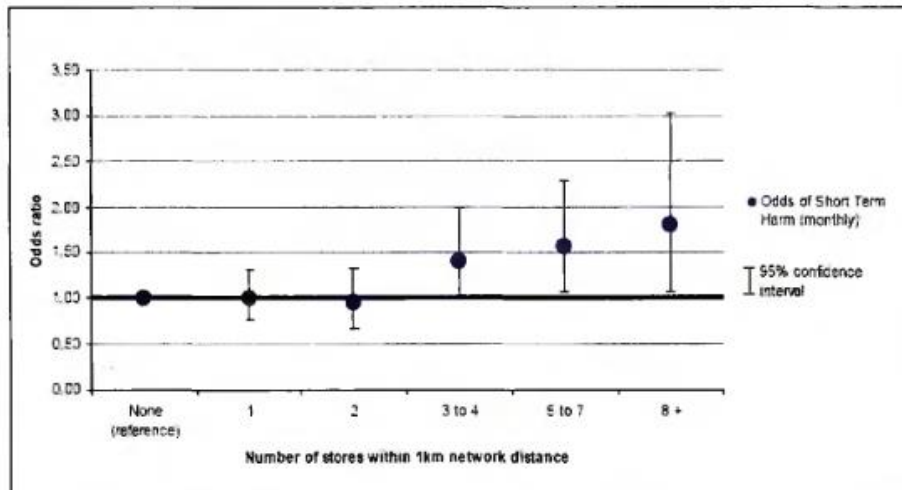


Figure 11: Odds of consumption at levels associated with short-term harm (monthly) by number of stores (within 1-kilometre network distance) compared to no stores

9 CONSUMER REQUIREMENTS

9.1 General Research

- (a) Roy Morgan Research in 2015 reported on the factors that both men and women consider important in purchasing alcohol.⁹⁶ The top answer was 'good value'.⁹⁷ However, the next most popular answer provides some insight into where people like to purchase liquor. For both men and women the location of the store 'close to home' was important. This indicates that consumers value liquor stores which are conveniently located. Female shoppers strongly indicated that they prefer to shop at liquor stores which are located where they do their grocery shopping. This factor was not as important to male shoppers, however it still rated highly in what male shoppers look for in a liquor store.
- (b) The Licensing Authority has continued to recognise that the juxtaposition of a liquor store and a supermarket is a trend in accordance with the proper development of the liquor industry.⁹⁸
- (c) Currently, there are 72 Woolworths' supermarkets in Western Australia with a BWS associated with them. This is now part of Woolworths' standard supermarket design. The Australian consumer now expects that alcohol will be available at the place where they do their grocery shopping.
- (d) The Australia Food & Drink Report also indicates that Australian consumers of alcohol are increasingly favouring quality over quantity.⁹⁹ Research shows that the Australian liquor industry is witnessing a trend towards consumers choosing to browse through a number of options in a particular drink segment rather than being influenced purely by price.¹⁰⁰ These

⁹⁵ *Ibid*, page 16.

⁹⁶ Roy Morgan Research, (2015) 'Shopping for a drop: what Aussies like in their liquor store' <http://www.rovmorgan.com/findines/6093-what-aussies-like-in-their-liquor-stores-201502260413>.

⁹⁷ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 at [78].

⁹⁸ See for example: Decision of the Director of Liquor Licensing A000222902 [2017] at [12]; Liquorland Gateway [LC 07/2017] at 23; Liquorland Secret Harbour [LC 06/2017] at 61; Decision of the Director of Liquor Licensing A117210155 [2019] at 43(b)(v).

⁹⁹ Business Monitor International (2017) 'Australia Food & Drink Report Q1 2018, page 16.

¹⁰⁰ Business Monitor International, Australia Food & Drink Report Q4 2015, page 71.

‘browsers’ place importance on the atmosphere of the liquor store, as well as the product range and expert staff.¹⁰¹

- (e) The wine sub-sector in Australia is predicted to experience the most growth in sales through to 2021 driven by the trend towards premium products.¹⁰² Beer is still the most widely consumed alcoholic drink however beer consumption per capita in Australia has been in decline since 2009 and this trend is set to continue in the coming years.¹⁰³ The beer industry has seen a halt in sales of economy brands, with growth being driven by the premium end products. For example, the craft beer sector has experienced double-digit growth in recent years.¹⁰⁴ This was confirmed in a recent report by The Shout which found that:

“[t]he major category growth stories have been in premium or imported beers, and spirits, both of which fit with a longer term trend away from larger quantities of basic products and towards smaller quantities of premium products.”¹⁰⁵

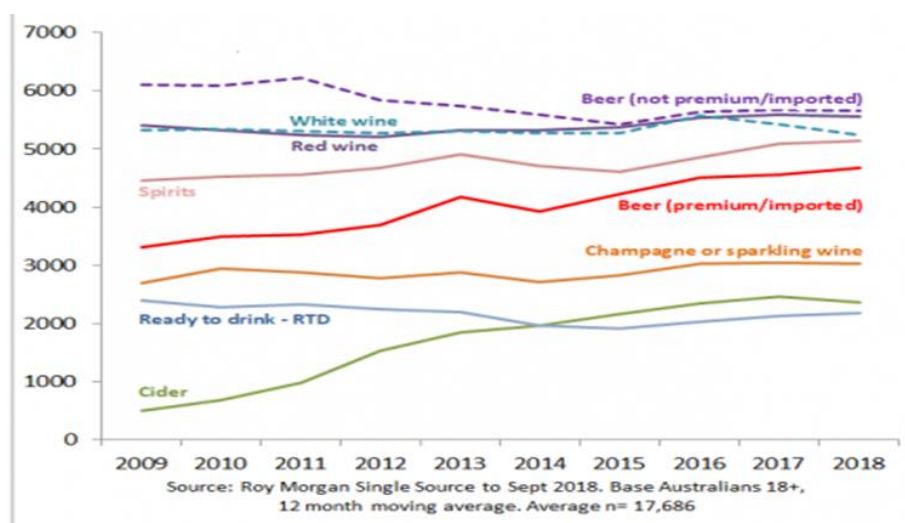


Figure 12: Number of Australians 18+ who consumed major drink categories in an average 4 week period ('000s)

- (f) BWS carries a strong range of wines as well as popular beers and craft beers.
- (g) Alcohol retailers had a boom year during the pandemic, experiencing a 26.7% increase in retail sales in 2019. However, this figure does not necessarily translate into a boom of alcohol consumption for two reasons. First, people might not have been drinking more than previous years, rather drinking differently as the option to go out and drink at bars or restaurants was simply not available or restricted. Second, consumers moved towards premiumisation, with a significant part of the population choosing to drink less but spend more on higher quality products. It is believed that premiumisation is leading to a “less but better” attitude in Australia. Also, the increased focus on health and wellness has resulted in health-conscious consumers opting for low and no-alcohol options as we shift towards “mindful drinking”.¹⁰⁶

¹⁰¹ Sophie Langley, 'Australians browsing more in bottle shops for specials but then spend more anyway', Aus Food News, 6 January 2014.

¹⁰² *Ibid*, page 15.

¹⁰³ *Ibid* at page 16.

¹⁰⁴ *Ibid* at page 17.

¹⁰⁵ <https://theshout.com.au/national-liquor-news/the-huge-shifts-changing-alcohol-retailing-in-australia/>

¹⁰⁶ Play Market Research ('the biggest alcohol trends for 2020' accessed at <https://www.playmr.com.au/blog/the-biggest-alcohol-trends-for-2020>).

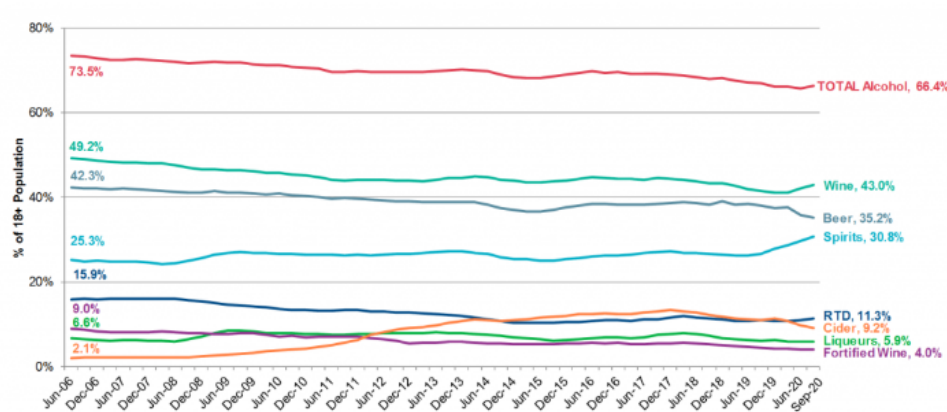


Figure 13: Alcohol Consumption in Australia - Long Term Trends

- (h) To accommodate the trends for “less but better” and “mindful drinking” and to continue meeting Australian consumer requirements, BWS stocks a wide range of premium products as well as low and no-alcohol options. The Proposed Store would stock approximately 253 premium wine products (greater than \$25) and 79 premium spirit products (greater than \$80). Additionally, the Proposed Store would stock approximately 138 Alcohol Free, Low Alcohol (less than 1.15%) or Lower Alcohol (25% less ABV than Standard Product) products.

9.2 Local Consumer Insights

- (a) The Applicant engaged Painted Dog Research to conduct an online survey with residents of the Locality and surrounding suburbs up to 3km from the Proposed Store (divided into 6 sub-areas as shown in Figure 14 below with the Proposed Store indicated with a red dot). A total of 656 surveys were collected by Painted Dog Research between Monday 26th February to Sunday 17th March 2024.

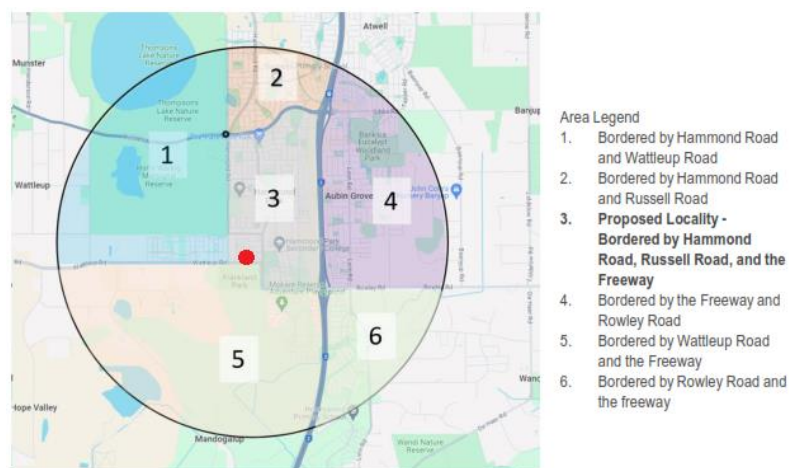


Figure 14: division of areas for Painted Dog survey responses

- (a) All respondents were screened to ensure they were 18 years of age or over.
- (b) A wide range of age groups were interviewed with the gender divide being well balanced.
- (c) A wide range of household compositions were surveyed, the most common were young families, followed by single income, no kids (**SINKs**) and dual income, no kids (**DINKs**) households. This is a fair reflection of the Locality based on the demographics of the area.
- (d) A full copy of the results is attached at Annexure 9 (**Community Survey**).

Strong support

- (e) Overall, 3 in 4 (75%) of surveyed residents are in support of the proposed BWS in Hammond Park while 12% currently have no opinion either way. This means the stated level of support (75%) is over 6 times the stated level of opposition (12%).
- (f) 74% of residents who have no opinion (12% of all respondents had no opinion either way) would choose to support the proposed BWS if they needed to decide. This increases the overall NET support to 84%.

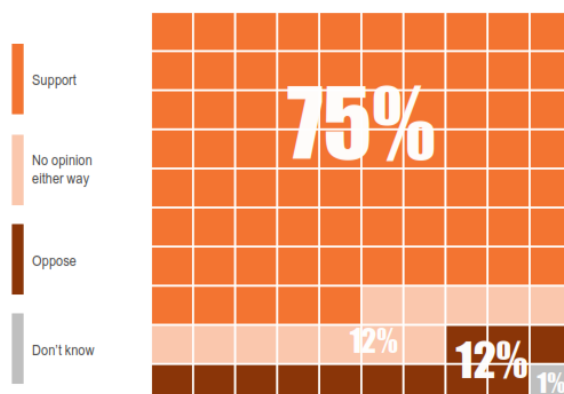


Figure 15: Do you support, oppose, or have no opinion either way regarding the proposed BWS Hammond Park liquor store? Base: All Respondents (n=656)

- (g) Almost 3 in 4 (74%) of residents say they would be likely to purchase from the Proposed Store if it were to open, with 46% very likely to do so. Of the residents that have no opinion either way regarding the Proposed Store, 43% of these residents say would be likely to purchase from the store if it were to open.
- (h) The main reason those who are likely to purchase from the Proposed Store would do so is convenience, specifically that it will be closer to home. Co-location with a Woolworths and ease of access were also key reasons ¹⁰⁷

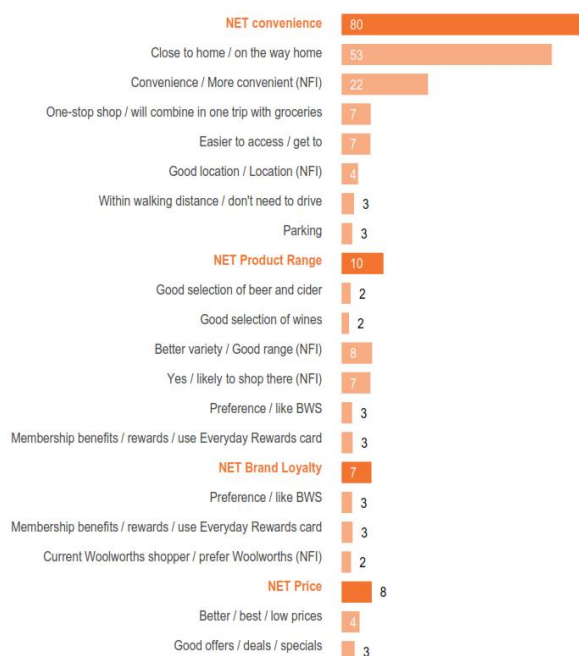


Figure 16: In what ways specifically do you think the proposed BWS Hammond Park liquor store will better satisfy your takeaway liquor purchasing needs compared to other liquor stores in your local area? (n = 418) *Responses below 3% not shown

¹⁰⁷ Community Survey, page 52.

- (i) Area 3 contains the highest percentage (44%) of residents who are regular shoppers but have unmet needs in the area (followed by Area 1 with 20%). This suggests a local need and support for a co-located liquor store and supermarket.¹⁰⁸
- (j) Being co-located with a Woolworths supermarket was one of the most commonly ranked requirements for the residents in Area 3 and the residents in Area 3 have a high likelihood (78%) of purchasing from the Proposed Store.¹⁰⁹
- (k) Of the residents in Area 3, 8 out of 10 stated that the Proposed Store will better satisfy their needs.¹¹⁰
- (l) Residents also left comments about why they would buy from the Proposed Store.¹¹¹

Closer to home where we can buy groceries and/or liquor at the same time. Also, I will avoid driving on the freeway to buy liquor. Male, 37 years

Provide better alcohol options locally and provide new jobs. Female, 33 years

1 - No main roads to cross, 2 - Close enough to cycle, 3 - supports the local area. Male, 74 years

- (m) When asked which of the features of the Proposed Store are most appealing, those who do not oppose the Proposed Store ranked a number of features in their top 3. The most commonly ranked feature ranked as number 1 was the Proposed Store being co-located with a Woolworths Supermarket where they can also do their supermarket/ grocery shopping.¹¹²



Figure 17: Which of the following features of the proposed BWS Hammond Park liquor store appeal most to you? Base: Those who support the proposed BWS (n=486)

- (n) Residents identified a number of ways in which the Proposed Store will better satisfy their takeaway liquor purchasing needs, with the most common ways being easily accessible and convenient, free on-site parking, safe environment to shop, competitive pricing and being co-located with Woolworths.¹¹³

¹⁰⁸ Community Survey, page 28.

¹⁰⁹ Community Survey, page 40 and 58.

¹¹⁰ Community Survey, page 66.

¹¹¹ Community Survey, page 54.

¹¹² Community Survey, page 56.

¹¹³ Community Survey, page 64.

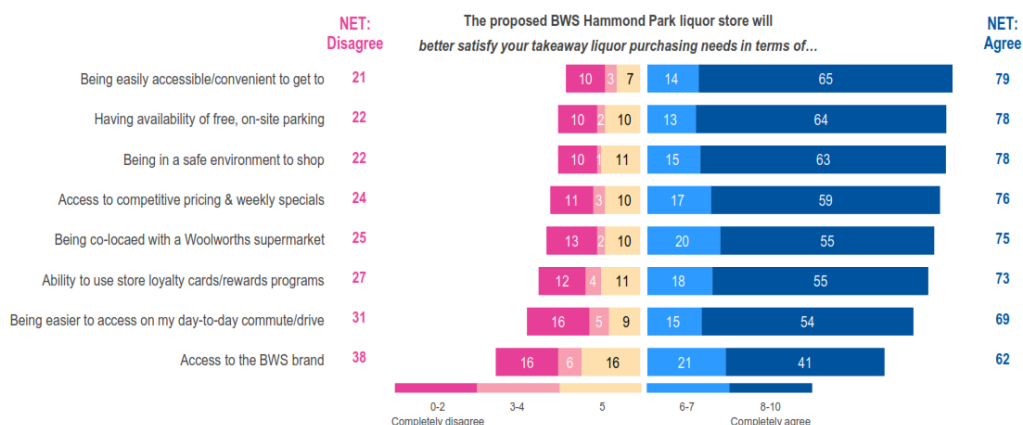


Figure 18: Thinking about each of the following aspects of your takeaway liquor purchasing needs - To what extent do you agree or disagree the proposed BWS Hammond Park liquor store would better satisfy your takeaway liquor purchasing needs compared to other existing liquor stores in your local area? Base: All Respondents (n=656)

Opposition

- (o) Just under 1 in 8 (12%) residents indicated that they are opposed to the Proposed Store.

Concerns

- (p) The most prominent concerns about the Proposed Store are that there is already a sufficient number of liquor stores in the immediate area and the proximity to schools and childcare centres.¹¹⁴

10 PUBLIC INTEREST SUBMISSIONS

10.1 Consumer Requirements and Proper Development of the Industry

- One of the primary objects of the Act is to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.
- It is submitted that ensuring that licensed venues keep up with contemporary standards and consumer requirements is an important element of this objective.
- The Proposed Stores products will be displayed in a modern, upmarket layout, and be located within a safe and enjoyable shopping environment. A large number of products will be available already chilled. BWS' friendly and well-trained staff will be there to help, and the on-site, undercover parking will ensure one stop shop for grocery items and liquor is hassle free. The convenience of one-stop shopping has been accepted as a consumer requirement by the Licensing Authority¹¹⁵ and the WA Supreme Court.¹¹⁶
- The Applicant relies on its Submissions in Support of Application in relation to local packaged liquor requirements and how the Community Survey demonstrates that those needs are not currently being met by the existing packaged liquor premises.
- There is strong support for the Proposed Store, as shown in the Applicant's Community Survey. The Community Survey also demonstrates that residents believe the Proposed Store will better satisfy their takeaway liquor purchasing needs, with the most common ways being ease of access, convenience, free on-site parking, safe environment to shop, competitive pricing and being co-located with Woolworths.¹¹⁷

¹¹⁴ Community Survey, page 69.

¹¹⁵ See for example: Decision of the Director of Liquor Licensing A000222902 [2017] at [12]; Liquorland Gateway [LC 07/2017] at 23; Liquorland Secret Harbour [LC 06/2017] at 61; Decision of the Director of Liquor Licensing A117210155 [2019] at 43(b)(v).

¹¹⁶ Liquorland Decision, at [79].

¹¹⁷ Community Survey, page 64.

10.2 Minimisation of Harm or Ill-Health

- (a) Harm minimisation is one of the primary objects of the Act. In that regard, it is important to note a number of established principles.
- (b) First, harm minimisation is not a more important or fundamental object than the primary object of catering for the requirements of consumers of liquor and related services with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in Western Australia. Harm minimisation is not the primary regulatory object or consideration of the Act.
- (c) Secondly, the primary object in s 5(1)(b) of the Act is to "minimise" harm or ill-health, not to prevent harm or ill-health. The word "minimise" is consistent with the need to weigh and balance all relevant considerations.
- (d) Thirdly, it is necessary to determine the likelihood of harm or ill-health occurring, and to weigh that matter against the other objects which the Licensing Authority finds may be promoted by the grant of the application.
- (e) As the Court of Appeal was moved to observe in *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 at [52]:

"On the proper construction of the Act (in particular, s 5(1), s 5(2), s 16(1), s 16(7), s30A(1), s 33 and s 38(2)), the Commission was obliged to take into account the public interest in:

- (a) catering for the requirements of consumers for liquor and related services with regard to the proper development of the liquor industry in the State (s5(1)(c)); and*
- (b) facilitating the use and development of licensed facilities so as to reflect the diversity of the requirements of consumers in the State (s 5(2)(a))".*
- (f) Fourthly, in order properly to assess matters related to harm minimisation the Licensing Authority is required to make findings about the likely degree of harm to result from the grant of the liquor application in contrast to the existing degree of harm.
- (g) Fifthly, the Licensing Authority's findings must be made by a rational evaluation of the probative evidence on its merits. The Licensing Authority must act judicially and apply provisions of the Act to its findings and conclusions of the evidence.

Effective management

- (h) A number of studies have shown that well managed environments for the sale and consumption of alcohol contribute to reducing alcohol related harms.¹¹⁸ An independent review of the Act states that:

*"Well managed premises and the responsible service of alcohol are seen as important tools in changing Western Australia's drinking environment and providing consumers with safer, more responsible venues that are committed to practising harm-minimisation techniques."*¹¹⁹

- (i) BWS stores are well managed and have adequate, well documented and entrenched harm minimisation policies.¹²⁰ These policies have been annexed to this PIA and will be implemented at the Proposed Store.
- (j) The Applicant submits that harm or ill-health occurring as a result of the Application being granted will be small and will be effectively managed and minimised by the comprehensive harm minimisation policies and procedures that will be implemented in the Proposed Store.

¹¹⁸ Ministerial Council on Drug Strategy, (2004), *'The Prevention of Substance Use, Risk and Harm in Australia'*, page 86.

¹¹⁹ *Liquor Control Act 1988*: Report of the Independent Review Committee December 2013, page 35.

¹²⁰ See Section 4 above.

10.3 Amenity of the Locality

- (a) The Proposed Store forms part of the development of the Centre. The building will be new with modern facilities and well-designed landscaping.
- (b) The Proposed Store will be the only liquor store co-located with a full-scale supermarket in the Locality that facilitates combined grocery and packaged liquor purchases. The new Centre and Proposed Store will improve the level of accessibility to shopping facilities for residents in Hammond Park, who currently must utilise the Kwinana Freeway and/or Russell Road in order to access a similar level of retail amenity, at the Harvest Lakes or Cockburn Gateway shopping centres. The Proposed Store would contribute to meeting daily and weekly household needs in the Locality.¹²¹
- (c) Given the expected population growth in the Locality, the Proposed Store co-located with a Woolworths supermarket will also provide the Locality with much needed retail amenity to accommodate this increase in population.

10.4 Quiet or Good Order of the Locality and Potential Offence, Annoyance, Disturbance or Inconvenience

- (a) Generally, the negative impact on quiet or good order of the Locality or offence, annoyance or disturbance due to licensed premises is greater where the licensed premises is a social facility which provides on-site drinking. This is due to the potential noise issues and patron behavioural problems which may impact on the surrounding area. The Proposed Store is a packaged liquor store and as such there will not be any drinking on the premises (other than occasional tastings if permitted).
- (b) The Proposed Store will also only operate until 9pm during the week and 5pm on weekends which will greatly minimise any potential impact on surrounding premises that might arise from late night trading.
- (c) The Applicant is an experienced licensee with proven operational capabilities who will ensure the Proposed Store is fully controlled and supervised during trading hours.
- (d) The Proposed Store will be designed in line with Endeavour's CPTED principles reducing the risk of offence, annoyance or disturbance to surrounding businesses and residents and reducing the risk of negatively impacting the quiet and good order of the Locality.
- (e) The Centre development provides adequate public parking facilities for customers of the Proposed Store, the Woolworths supermarket as well as the other retail shops that will be located in the Centre, reducing the risk of inconvenience.

11 CONCLUSION

- (a) The Applicant submits that the granting of the Application is in the public interest pursuant to s38(2) of the Act and meets the primary and secondary objects of the Act.
- (b) The Proposed Store will cater for the requirements of the current and future consumers of liquor within the Locality in accordance with s5(1)(c) of the Act and further the proper development of the liquor industry by providing a modern, local and convenient one-stop shopping experience.
- (c) The Applicant submits that the likely degree of harm as a result of the Application being granted is minimal, due to the Locality being an advantaged area with a low level of at-risk groups combined with the proven operational capabilities of the Applicant.
- (d) The Applicant submits that it has provided substantive evidence throughout its PIA to support the grant of the Application.

¹²¹ MGA Report, [2.12], [7.5].

12 FURTHER INFORMATION

- (a) The Applicant reserves the right to supplement these submissions if required in order to satisfy the s36B Test . The Applicant would also welcome the opportunity to discuss the application with the Licensing Authority if further information or further consideration of any aspect of this PIA is needed. The Applicant may be required to amend these submissions subject to any specific issues that are identified by the Licensing Authority or any interveners or objectors to this application.
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See Annexures 1 to 9 (separate attachments)
