

Public Interest Assessment

Form 2A

Under the *Liquor Control Act 1988* (LC Act), the Director of Liquor Licensing (DLL) has the discretion to grant or refuse any application if the DLL considers this to be in the public interest.¹ The DLL requires certain applicants to fill in this Public Interest Assessment (PIA) form and provide supporting evidence that their application is in the public interest.² If you are applying for the grant of any of the following licences, or the removal of one of these types of existing licence to another premises, you will need to complete a PIA to provide evidence that your application is in the public interest:

- hotel/hotel restricted
- tavern/tavern restricted
- liquor store
- nightclub.³

A PIA is also required if you are applying for an extended trading permit for extended hours, which has a duration of more than 3 weeks⁴, or for a temporary bar (refer to the [Temporary bars policy](#)). The DLL may also ask for a PIA to be prepared as part of any application under the LC Act, and will ask for one if it would assist in deciding whether the grant of the application is in the public interest.

The DLL will consider the following factors when determining whether granting the application is in the public interest, but this list is not exhaustive:

- the harm that might be caused due to the use of alcohol
- whether there might be a decrease in the amenity, quiet or good order of the locality
- whether people who live or work nearby might suffer offence, annoyance, disturbance or inconvenience
- how it might affect tourism, culture and the community.⁵

The level of detail required will be unique to each PIA. If you do not provide enough information, your application might not succeed or you might be asked to provide further information.

¹ LC Act s33(1).

² LC Act s38(3).

³ Liquor Control Regulations (LC Regs) r9EA.

⁴ LC Regs r9F.

⁵ LC Act s5 and s38(4).

Your completed PIA will be made publicly available and may be [advertised on the DLGSC website](#), allowing the community an opportunity to make submissions on it. Because it will be made public, do not include sensitive or personal information on this form. You can complete this PIA by taking a common-sense approach and you don't need a lawyer or a consultant to fill it in. The PIA form is a guide, and it is up to the applicant to satisfy the DLL that their application is in the public interest. If you do not have enough space, attach extra pages or prepare a separate submission. If you prepare your PIA as a separate submission, please refer to each of the question numbers on this form, so we know what question you are responding to. Lodge this form by submitting it with your application at portal.dlgsc.wa.gov.au

Part 1 — Application details

Applicant name:

ALDI FOODS PTY LTD

What licence or permit type are you applying for?

LIQUOR STORE LICENCE

Are you applying for:

New licence

Removal of existing licence (which licence/permit type)

Premises trading name:

ALDI WHITFORDS

Address of proposed premises:

WESTFIELD WHITFORD CITY, CNR MARMION AND
WHITFORDS AVENUES, HILLARYS WA 6025

If you are lodging an application for an extended trading permit for extended hours at the same time as an application for the grant of a licence, you should submit separate PIAs for each. This is because the information required for each may be different and the DLL may approve the licence but not the extended trading hours.

Part 2 — Manner of trade

Please provide enough information for us to understand how you are intending to run your business, so we can understand the impact it will have on the community and the potential for it to cause alcohol related harm.

2.1 What is the proposed manner of trade and your target client base?

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PATTERSON LAW & CONSULTANCY PTY LTD

2.2 Describe the premises/proposed premises. Include a map of the locality and a floor plan detailing the nature and layout of the premises, highlighting the unique aspects of the proposed facility. What is the maximum number of patrons permitted on the premises? How will the proposed premises contribute to the streetscape and atmosphere of the area?

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2.3 If you intend to sell packaged liquor, give the names and addresses of all existing licensed premises within the locality. The LC Act puts limitations on how many packaged liquor premises can be in a certain location. Refer to [Outlet Density — Packaged liquor premises](#) for more information.

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Part 3 — The profile of the local community

The better you capture the characteristics of the local community, the better the DLL will be able to understand the potential impact the grant of your application could have on the public interest. Your local government may have information about the area around the proposed premises, and you should seek useful data and statistics from a variety of sites, such as: www.police.wa.gov.au/crime/crimestatistics and www.abs.gov.au

You need to provide profile information from the *locality* that is within a certain distance to your intended business. If your intended business is:

- within 15km of the Perth CBD, the locality is a radius of 2km of it
- anywhere else (unless remote), the locality is a radius of 3km of it
- in a remote area, you should make a submission on what the appropriate size of the locality should be. Remote areas are those where the nearest town is at least 200km away and Perth is at least 400km away.

If you think the above definitions of locality are not appropriate for your intended business, make a separate submission on what you think the size should be.

3.1 Please outline the population characteristics in the locality. Helpful demographic information will include the total population, estimated population growth, average age, income and employment status, and the type of people who live and work in the community.

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3.3 List the community buildings in the locality If any of the following are in the locality, please provide their names and addresses: schools and educational institutions, hospitals, hospices, aged care facilities, churches/places of worship, drug and alcohol treatment centres, short term accommodation or refuges, childcare centres, or a local government.

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Part 4 — Minimising the potential for alcohol to cause harm

Excessive consumption of alcohol can cause health problems, increase the risk of accidents and contribute to societal problems such as domestic violence. You must demonstrate how the responsible conduct of your business will minimise the potential for alcohol to cause harm. This could be through promoting a culture of responsible consumption of alcohol amongst staff and patrons, having strategies to prevent alcohol being served to juveniles, discouraging rapid or excessive consumption of alcohol, being alert for signs of intoxication and not serving drunk people.

4.1 What strategies will you use to minimise harm from the use of alcohol?

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Part 5 — Impact on the amenity, quiet or good order of the locality

A well designed premises will make it easier to prevent negative impacts on the locality. For example if a premises is:

- in good repair, well lit, with operational CCTV and designed to allow passive surveillance of areas such as the car park and entrances, it will tend to discourage anti-social behaviours such as vandalism or crime

- designed with sufficient parking and with good transport options available, it will allow patrons to leave the area quickly rather than potentially inconveniencing the neighbours
- provided with sound insulation sufficient for the proposed entertainment, it will prevent the surrounds from being exposed to unacceptable noise.

5.1 How will your premises design protect the amenity, quiet or good order of the locality?

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Part 6 — Impact on the people who live or work nearby, and whether they might suffer offence, annoyance, disturbance or inconvenience

You need to demonstrate how your business will be a responsible member of the community and minimise negative impacts on the people who live or work nearby. For example, this could include:

- keeping the premises and surrounds clean and tidy, monitoring patron behaviour and discouraging anti-social behaviour
- ensuring that any entertainment is in keeping with the locality, that those present are within the allowed accommodation numbers and licensed crowd controllers are used if required
- asking departing patrons to keep the noise down so they do not disturb the neighbourhood
- being responsive to any complaints from neighbours and working with them to resolve issues.

6.1 What actions will you take to minimise the impact on people who live or work nearby?

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Part 7 — Impact on tourism, culture and the community

When making licensing decisions under the LC Act, the DLL is required to consider the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.⁶ This is your opportunity to expand on how the grant of your application would result in positive developments to tourism, culture and the community. This could include increased local employment opportunities, the provision of unique entertainment or food options, and the creation of new leisure opportunities in the area.

7.1 Are there any tourism, cultural and community benefits that would result from the grant of your application?

YES. PLEASE REFER TO THE FORM 2A ANNEXURE PREPARED BY JESSICA
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⁶ LC Act s5(1)(c).

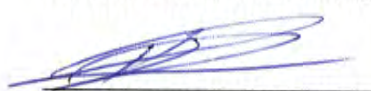
7.2 If you have any other information to provide in support of your application, include it here.

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Part 8 — Declaration

I declare that the contents of this document and attachments are true, correct and complete and that I have made all reasonable inquiries to obtain the information required.

I acknowledge that under section 159 of the *Liquor Control Act 1988* it is an offence to provide false, misleading or incomplete information in this document.


Signature of applicant/s

Radu Popescu
REAL ESTATE DIRECTOR

23/1/2025
Date

Signature of applicant/s

Date

Signature of applicant/s

Date

Signature of applicant/s

Date



ALDI Foods Pty Ltd

applicant for the conditional grant of a liquor store licence

in respect of premises situated at

**Westfield Whitford City, cnr Marmion and Whitfords Avenues,
Hillarys**

to be known as

ALDI Whitfords

Public Interest Assessment Form 2A Annexure

including section 36B submissions



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1. Executive summary

- 1.1. The following compelling findings have been reported and summarised by the expert market researcher in this case¹:

In our assessment, the survey has shown that the great majority of Whitfords ALDI shoppers is looking forward to the possibility of a liquor section being established in the Whitfords ALDI store. The great majority (89%) of shoppers have previously shopped in an ALDI supermarket that featured a take-away liquor section, and 77% have previously consumed exclusive ALDI liquor products purchased from the liquor section of another WA ALDI.

77% of take-away alcohol buyers believe that the proposed ALDI liquor section would be different from the current liquor outlets within the locality, and 80% of take-away liquor buyers would shop for their requirements in the ALDI liquor section at least once a month.

The clear suggestion is that the Whitfords ALDI liquor section would better meet their takeaway liquor requirements than the currently available Whitfords liquor outlets.

The free form comment section showed a dominant sentiment of support for the liquor section, and shoppers showed very little concern over the prospect of harm or a lessening of the amenity of the locality, should the licence be granted and the liquor section established.

It is clear that the great majority of take-away liquor buyers who currently shop at Whitfords ALDI would shop for their take-away liquor requirements from the ALDI liquor section if it was established, and there is very little opposition from shoppers whether or not they buy take-away alcohol products.

- 1.2. This application involves a proposal for an incredibly popular liquor service, to operate from a small and modest licensed area, to be located at an already hugely popular shopper location.
- 1.3. The existing ALDI Whitfords store has enormous regular patronage of 9,623 shoppers per week on average, many of whom ask staff for liquor.
- 1.4. The liquor range, comprising many award-winning products, is almost entirely exclusive to the applicant.
- 1.5. The liquor store model is well-known, sought-after by the public and has been previously approved by the licensing authority on many occasions.
- 1.6. The applicant is well-known, highly sophisticated and enjoys an excellent trading compliance record.
- 1.7. The location is perfectly suited to the proposed liquor service and has no notable sensitivities or high risks associated with it.
- 1.8. The applicant's records show that the ALDI Whitfords store draws a wide catchment across the metropolitan area.
- 1.9. A demand/supply analysis of relevant factors in this case reveals that demand cannot reasonably be met by supply, justifying the grant of the licence².
- 1.10. The application is supported by a substantial volume of compelling evidence which goes far above and beyond the level or degree of requirement capable of justifying the grant³.

¹ Survey of the Consumer Requirement for Liquor Retailing Amongst Shoppers in The ALDI Supermarket in Whitfords by Patterson Research Group (PRG), dated October 2024, at section 2.4, page 10 (PRG Report) (attached). PRG and Jessica Patterson Law & Consultancy Pty Ltd are totally unrelated entities. The commonality of the name "Patterson" is purely coincidental.

² *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (**Liquorland Southern River**) [57] (Lemonis J)

³ *Liquorland Southern River* [128] [137] (Lemonis J)

2. Introduction and background

- 2.1. ALDI Foods Pty Limited (ACN 086 210 139) (**ALDI**⁴) seeks the conditional grant of a liquor store licence pursuant to sections 33, 38, 36B, 47 and 98D of the Liquor Control Act 1988 (WA) (**Act**) for a very small section of its supermarket premises located at Westfield Whitford City, cnr Marmion and Whitfords Avenues, Hillarys.
- 2.2. This document has been prepared as an annexure to and in accordance with the Public Interest Assessment Form 2A published by the Department of Local Government Sport and Cultural Industries (**Form 2A**). Together they comprise the applicant's Public Interest Assessment (**PIA**). The PIA has been prepared in accordance with the Act and with reference to relevant Department policies.
- 2.3. As directed by the Department⁵, the applicant has applied a "common-sense approach"⁶ to the preparation of the PIA and therefore, provided a level of detail considered appropriate for the circumstances in terms of the content of this document and the attachments. Further detail and additional copies of source material can be provided if necessary.
- 2.4. Hundreds of members of the public have provided evidence of strong demand for the ALDI liquor service at Westfield Whitford City. This evidence is based largely on consumers with first-hand knowledge of the proposed liquor model. The PRG report found that "[a]lmost nine out of ten (89%) of the ALDI Whitfords shoppers have previously been in an ALDI store that has a take-away liquor section: it is not a new concept for them"⁷.
- 2.5. The applicant is motivated and able to address the community requirement, as soon as this application is approved. The proposed licensed area can be quickly established.
- 2.6. This PIA has been formally adopted and verified by a senior WA representative of ALDI by way of signing the Form 2A.

3. Brief outline of the application

- 3.1. This application involves a petite liquor display/browse and checkout section of only approximately 48m² within the ALDI Whitfords store.
- 3.2. A small but carefully selected and exclusive range of unrefrigerated liquor is proposed to be available in a discrete and clearly designated licensed area under the same roof of the existing ALDI Whitfords store. The size, layout and style of operation will be almost identical to existing ALDI licences trading in WA.
- 3.3. This liquor model is unique to ALDI. Its various features, referred to throughout this PIA, make for a bespoke manner of trade. The boutique type of liquor service perfectly complements the diverse and attractive range of ALDI's unique non-liquor products, services and facilities. This creates an exceptional

⁴ Including related entities forming the ALDI group

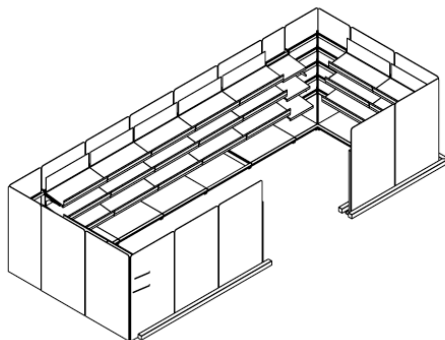
⁵ Form 2A and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

⁶ Form 2A page 2

⁷ At para 4.4, page 17

one-stop-shopping convenience for customers, which is a key feature of the ALDI offering.

- 3.4. The aerial render below is indicative of what is proposed as the liquor display/browse area. The checkout is located in front of the entrance that is depicted. The boundary partitioning is proposed to be made of 2.1 metre high opaque frosted glass depicted in the subsequent photo.



- 3.5. Additional details of the ALDI liquor offering are provided further on in this PIA.
- 3.6. As referred to elsewhere in this PIA, the applicant also consulted with the relevant local community and received overwhelming support. Hundreds of people have provided evidence that has encouraged ALDI to lodge this application and seek approval to provide liquor at its Whitfords store.
- 3.7. Members of the Hillarys community and others shopping at Westfield Whitford City will have the opportunity to enjoy the full range of ALDI's offering, including its liquor service, if this application is approved so as to provide them with the same valuable choice, diversity and specialty range as many other communities in Australia enjoy.

4. Applicant's background

- 4.1. ALDI operates more than 10,000 stores across 20 countries and is one of the largest and most popular retailers in the world. It has more than 570 stores in Australia.

- 4.2. The company (including related entities) has become a world-leading supermarket operator since it was founded in 1913 in Germany as a family business.



- 4.3. The following is a snapshot of the history of the organisation⁸.

"The first foundation stone was laid in 1913 with the opening of a small food store in the German town of Essen. It didn't take long for this little 'service store' to become a popular place to shop.

During the '40s, an expansion program was created and more ALDI stores were opened. In 1954, a celebration was held for the opening of the 50th store in Germany.

By 1960 ALDI had grown to a network of over 300 stores between the Ruhr Valley and Aachen. The prosperous family business was then divided into two independent companies: ALDI Süd - to service the South, and ALDI Nord - for the North.

'Self-service' was still a relatively new retail structure in the '60s and ALDI became the first company in Germany to adopt this new retail concept. While customers were still able to take advantage of the same high quality products as before, they could now purchase them at much more competitive prices.

In 1983, ALDI Süd started chilled distribution depots and sold fresh products such as cheese, yoghurt and sausages. Frozen products came in 1998 and were closely followed by fresh meat. ALDI, to this day, continues to keep up with the ever-evolving taste of the modern consumer."

- 4.4. ALDI stores offer a wide range of quality products including fresh food, packaged food, other consumables and various household, garden, leisure and personal items. At most stores, liquor is also available.
- 4.5. Modern ALDI supermarkets contain around 1,350 core product lines, which is significantly less than many other supermarket operators. There are limited brand options within each different product line. For example, ALDI may offer only two or three different brands of plain flour, rather than five or more as is

⁸ <https://corporate.aldi.com.au/en/about-aldi/aldi-history/>

commonly stocked at most other supermarkets. This enables ALDI to operate from a smaller and more user-friendly footprint and with a more exclusive and carefully selected range. It also facilitates a simpler and more convenient shopping exercise for consumers⁹.

- 4.6. "At ALDI, we have three core values that guide everything we do: simplicity, consistency, and responsibility. What this means is simple: we know it's our responsibility to consistently do good so we can make a positive impact on the world. No ifs, no buts, no excuse.

Just because our products are at the lowest prices doesn't mean we sacrifice quality or cut corners in our supply chain. In all of our actions, we are committed to doing the right thing for our customers, the community, our employees, the environment and our business partners. Whether it's the way we work with our nearly 1,000 Aussie suppliers, or how we support our millions of customers to live healthier lives, our responsibility to people and planet guides us every day."¹⁰

- 4.7. ALDI's published mission is to provide the public with "unbeatable value"¹¹. This is achieved through a highly sophisticated business model involving a very focused selection of products and advanced levels of systemisation and organisation designed for optimum efficiency and product control. ALDI is dedicated to maintaining consistency in its philosophy of incredibly high quality at impossibly low prices.
- 4.8. Most of ALDI's products are exclusive to ALDI. They are often versions of mainstream big-brand name items which are manufactured according to ALDI's particular and strict specifications to ensure quality and value-for-money. Expressi Coffee is one of the most popular non-liquor examples. The Expressi Coffee capsule machine and coffee capsules have won numerous awards.
- 4.9. The majority of ALDI's exclusive products that are available in Australia are sourced from Australian suppliers.
- 4.10. Every Wednesday and Saturday "special buys" are promoted by ALDI which are specialty short-term product lines that are usually non-grocery items. Flat screen televisions, furniture, clothing, appliances, BBQs, tools, gardening equipment, vacuums, camping gear and toys are just some examples. These have proven extremely popular such that customers often queue outside a store to try to access these items and then spend long periods browsing. ALDI special buys are sometimes even reported by the media as news¹².

⁹ For example: <https://www.macrobusiness.com.au/2021/03/the-rise-and-rise-of-aldi/> - "In addition to its competitive prices and good product quality, I like the simplicity of Aldi. Having a small footprint and limited product choice makes shopping quick and easy. Products are always in the same spot irrespective of store, making them easy to find. By contrast, I find Woolworths and Coles too large and confusing, and I often waste time wandering aisles trying to find what I need."

¹⁰ <https://corporate.aldi.com.au/en/corporate-responsibility/>

¹¹ <https://www.aldi.com.au/en/about-aldi/aldis-low-prices/>

¹² For example, Chanel 7: "ALDI Australia set to bring back its wildly popular snow gear sale after two-year hiatus", 9 May 2023 (<https://7news.com.au/lifestyle/aldi/aldi-australia-set-to-bring-back-its-wildly-popular-snow-gear-sale-after-shock-hiatus-c-10571950>)



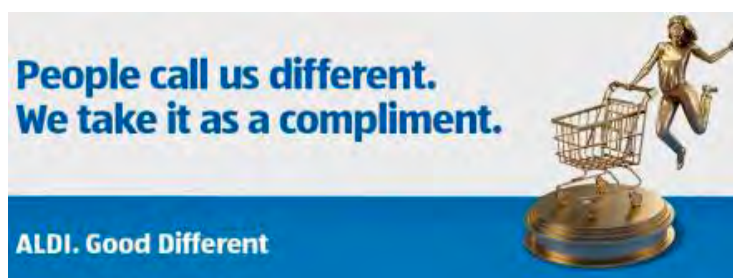
4.14. These images show that an enormous and diverse range of popular consumer items will be available at exceptional value-for-money prices. Sometimes the special buys include a small selection of liquor. The following shows a few recently available special buys of liquor, by way of example.

 <p>Soupon de Fruit Rosé d'Anjou 2023 750ml</p> <p>750ml \$11.99</p>	 <p>Eastern Laneway Vintners Grampians Shiraz 2022 750ml</p> <p>750ml \$14.99</p>	 <p>The Standing People Lighter in Alcohol Pinot Gris 2024 750ml</p> <p>750ml \$9.99</p>	 <p>Asahi Super Dry Beer 12 x 330ml</p> <p>12pk \$29.99*</p>
 <p>Real McCoy Whiskey & Cola 4 x 440ml</p> <p>4pk \$16.99*</p>	 <p>Black Bottle Brandy 700ml</p> <p>700ml \$39.99*</p>	 <p>Strongbow Lower Carb Apple Cider 6 x 355ml</p> <p>6pk \$12.99*</p>	 <p>The Infusionist Passionfruit Flavoured Craft Gin 700ml</p> <p>700ml \$49.99*</p>
 <p>Brick Lane Backyarder Crisp Lager 12 x 355ml</p> <p>12pk \$26.99*</p>	 <p>Heaps Normal Quiet XPA 4 x 375ml</p> <p>4pk \$10.99*</p>	 <p>Andrew Garrett Sparkling Shiraz NV 750ml</p> <p>750ml \$11.99*</p>	 <p>Hofbräuhaus Session Lager 4 x 500ml EXPERIENCING DELAYS</p> <p>4pk \$13.99*</p>
 <p>Hofbräuhaus Helles Lager 4 x 500ml EXPERIENCING DELAYS</p> <p>4pk \$14.99*</p>	 <p>Laphroaig Oak Select Single Malt Scotch Whisky 700ml</p> <p>700ml \$79.99*</p>	 <p>Maker's Mark Bourbon 700ml</p> <p>700ml \$54.99*</p>	 <p>Hanwood Estate 10yo Grand Tawny 750ml</p> <p>750ml \$24.99*</p>

- 4.15. ALDI prides itself on consistently competitive pricing across all of its product lines and providing customers with exceptional value-for money. The company's ability to achieve such low prices for quality products stems from its highly sophisticated business model which focuses on optimum operational efficiency. The following are but a few examples of aspects of ALDI's in-store operations which heighten productivity, reduce waste and enable competitive value-for money pricing to be maintained.
- 4.15.1. Customers need to insert a gold coin into a trolley in order to be able to use the trolley. This encourages customers to return the trolley to retrieve their gold coin and avoid the need for staff to spend time collecting trolleys.
- 4.15.2. Products in ALDI stores are displayed on re-usable crates, designed specifically for ALDI. The crates fit systematically in the ALDI Jandakot warehouse, delivery trucks and stores and can be moved from one place to another without unloading or extra-handling.
- 4.15.3. ALDI products are packaged with multiple barcodes for quick and easy scanning at the checkout with little to no time wasted fumbling to find a barcode and scan the product.
- 4.15.4. Customers are required to pack their own shopping bags at the checkout and a dedicated packing area is provided for customers. Checkout staff do not use valuable time packing bags and checkout processing is kept moving as there are no interruptions with customers holding-up the procession whilst packing at the checkout.
- 4.16. ALDI's business is highly systemised and disciplined. ALDI's shelving, storage methods, displays, product placement and other logistical aspects are designed to coordinate with each other to achieve optimum operational efficiencies. As a result, ALDI is able to reduce operating costs and provide better services and facilities for its customers.
- 4.17. ALDI does not operate by the regular retailing method of rotating discounts each day or week. Rather, prices are maintained at a consistently low level. This means that customers know what to expect when shopping at an ALDI store. It also reduces costs and resources associated with the logistics of managing specials and sales promotions which involves external advertising on site, changing ticket prices, reconfiguring product placement, adjusting till systems and other processes. ALDI does not incur all of these costs, thereby enhancing its operating efficiency.
- 4.18. Consistent pricing is also indicative of consistent quality. ALDI does not downgrade its products through heavy discounting. The applicant is driven by quality and consistency. In this regard in terms of liquor especially, ALDI's products very much represent value-for-money. High quality award winning liquor items are provided at prices accessible to most people.

- 4.19. The Australian Liquor Stores Association has said that Australian “shoppers have migrated towards the value messaging of Aldi”¹³.
- 4.20. ALDI's approach to business is neatly encapsulated in its “Good Different” slogan, which was launched in 2017. Mr Thomas Daunt, then director of the applicant company, explained this campaign as follows.

“ALDI Australia is unapologetically different – and that's a good thing for shoppers. We are proud of our differences and we stand by them wholeheartedly, as they are what allows us to bring unbeatable value to our customers, maintain strong relationships with our suppliers and support our staff every day.”¹⁴



- 4.21. ALDI is a responsible and sophisticated corporate citizen and operates pursuant to very high standards and key performance indicators, which include the following published principles. “We are passionate about putting our customers at the heart of everything we do. It's why we're so proud to have won more Roy Morgan Customer Satisfaction Awards than any other supermarket in the last five years. Talk about Good Different!”¹⁵.
- 4.22. Further¹⁶:
- **We are the only supermarket that has eliminated artificial colours from all products storewide. This includes both our ALDI exclusive range and the popular branded products we stock in our stores**
 - **None of our products contain added MSG**
 - **We are rolling out the 'Health Star Rating' (HSR) on our products to help make healthy choices easy to identify, and all our confectionary features the 'Be Treatwise' logo**
 - **We're increasing healthier options for our customers: in the last two years alone our organic range has grown by 21% and our 'Has No' gluten-free range is forecast to increase by 50% in 2018**
 - **Every production facility that makes ALDI food products should be certified according to the Global Food Safety Initiative (GFSI) standard, recognising world class food manufacturing safety.**

¹³ ALSA – IRI State of the Industry Report, March 2017 at page 14 - copy available if required, upon request

¹⁴ <https://insidefmcg.com.au/2017/05/15/aldis-good-different-campaign/>

¹⁵ <https://corporate.aldi.com.au/en/corporate-responsibility/customers/>

¹⁶ <https://corporate.aldi.com.au/en/corporate-responsibility/customers/>

- 4.23. For the 12 months to June 2024, ALDI was the second most trusted brand in Australia amongst consumers. In the assessment by reputable firm, Roy Morgan, ALDI had a strong performance, far ahead of most other supermarkets¹⁷.
- 4.24. ALDI's pursuit of excellence and quality in all things is evident in the many awards it has won in Australia, including Canstar Blue Most Satisfied Shoppers – Supermarkets 2014-2016 and 2018-2023 and Roy Morgan Supermarket of the Year for the last four consecutive years¹⁸. Upon winning Supermarket of the Year in 2023, "Roy Morgan's research found Aldi's average customer satisfaction score was 95.7 per cent based on face-to-face customer interactions at supermarkets"¹⁹.
- 4.25. More specifically, ALDI is also an award-winning retail liquor supplier. Among its many liquor retailing awards has been the Canstar Blue Most Satisfied Customers – Liquor Retailer 2021 and Roy Morgan Liquor Store of the Year in 2018 based on customer satisfaction.
- 4.26. Canstar Blue is a major, renowned national independent reviewer and reporter of consumer products and services "helping Australian consumers make better-informed purchase decisions on products and services by providing factual, up-to-date and well-researched comparison tables, ratings, reviews, guides and news on a range of consumer-related topics...Canstar Blue uses its wealth of consumer and expert research and data to identify outstanding brands, products, services and plans. We award these brands, products, services and plans with an award that recognises this achievement"²⁰.
- 4.27. There should be no question as to the credibility of these awards and certainly no doubt that ALDI customers are immensely satisfied with the products and services provided by ALDI which include liquor.
- 4.28. "Our success is based on the close relationships we have with our suppliers, who all share our passion for awesome quality. Aldi partners with some of the best producers and winemakers both in Australia and internationally, which means we can deliver exceptional quality, value and consistency to our customers. Our partnerships with our suppliers are focused on a desire to see the customer win with great-tasting wines at unbeatable prices"²¹.
- 4.29. ALDI is a highly sophisticated and experienced packaged liquor operator, which enjoys extensive supermarket and liquor retailing experience within Western Australia, elsewhere in Australia and overseas.
- 4.30. ALDI has been operating in Australia since 2001 when the first ALDI store opened in Sydney. There are now nearly 600 stores throughout Australia, including 52 in

¹⁷ <https://www.roymorgan.com/findings/9666-risk-monitor-quartely-update-june-2024>

¹⁸ <https://www.roymorgan.com/findings/roy-morgan-unveils-annual-customer-satisfaction-award-winners-across-all-categories-2023>

¹⁹ <https://www.news.com.au/finance/business/retail/aldi-named-supermarket-of-the-year-in-roy-morgans-customer-satisfaction-awards-for-fourth-year-in-a-row/news-story/66f907a7efa9941ae6fc2610bc93c65f>

²⁰ <https://www.canstarblue.com.au/about-us/>

²¹ Jason Bowyer, ALDI Australia's Buying Director, in response to winning the Roy Morgan Liquor Store of the Year in 2018: <https://theshout.com.au/national-liquor-news/aldi-wins-roy-morgan-liquor-store-of-the-year/>

WA. The large majority of ALDI's stores throughout the country include a liquor component. In WA there are 34 ALDI stores trading with a liquor section.

- 4.31. Over the last ten years approximately, ALDI has been undergoing a \$700 million expansion, most notably in WA and South Australia. ALDI opened its first four stores in Western Australia on 8 June 2016.
- 4.32. The ALDI liquor service was made available in WA from the end of August 2017 in five ALDI stores initially. Since then, the applicant has had an excellent compliance record.
- 4.33. The ALDI liquor offering has been described as follows by ALDI Australia's Buying Director, Mr Jason Bowyer:

“Like our grocery offer, ALDI's liquor range is focused, ensuring that we offer great value and exceptional quality. Since establishing in WA more than a year ago, customers have spoken loudly about their desire for us to bring our popular liquor offering to the West.

ALDI partners with a number of high calibre international and Australian wine suppliers, who each share our passion for quality. We have built strong relationships with these suppliers, who are committed to ensuring that our wine products offer great value at their respective price points.”²²

5. The liquor – ALDI exclusive products

- 5.1. The ALDI range of liquor products comprises a selection of wines, beers, spirits, ciders and liqueurs. The in-store range at Whitfords will contain a carefully selected value-for-money variety of approximately 95 items, many of which are award-winning and the large majority is produced for and available exclusively at ALDI.
- 5.2. Attached is a stocklist, which varies from time to time. The stocklist identifies the items that are available exclusively at ALDI. Notwithstanding that the stocklist is smaller than most liquor outlets, it contains a wide and well-balanced variety.
- 5.3. The range adapts with new products that become available to ALDI, in response to customer requirements and when occasional specialty items are offered. Generally, the liquor service at ALDI Whitfords would include the following:
- 5.3.1. Around 60 different wines – red, white, sparkling and fortified.
- 5.3.2. Around 15 different beers – full, medium and light strength.
- 5.3.3. Around 15 different spirits – bourbon, brandy, gin, scotch, vodka and liqueurs.
- 5.3.4. Around 5 different ciders.

²² https://www.aldi.com.au/fileadmin/fm-dam/Products/Groceries/Liquor/WA_Launch/ALDI_Media_Release_-_WA_Liquor_Launch_1_.pdf

- 5.4. The applicant's product range includes Western Australian produced wines. ALDI has partnered with various wine makers from the Margaret River region to develop a selection of exclusive ALDI Margaret River region products.
- 5.5. In recognition of the launch of the ALDI liquor service in WA, renowned wine expert Ray Jordan was invited to sample six of the wines in ALDI's WA stores. Mr Jordan produced a media article on his tasting and remarked that one of the wines in particular, being a \$7 bottle of One Road South Australian Heathcote Shiraz 2015, was "damn good"²³. That Shiraz has also won several other awards, including Double Gold & Best Value Shiraz of the Year at the 2017 Melbourne International Wine Competition. This Shiraz is just one example of ALDI's many high quality, value-for-money, award winning liquor products.
- 5.6. A large number of accolades have been bestowed on ALDI for its exclusive liquor range. Attached is a list of awards received. The following are just two of the numerous published reports attributed to ALDI's super quality award-winning products:

A bargain [ALDI](#) vodka has taken home the top award at The Spirits Business Global Vodka Masters for 2022.

The supermarket's Tamova Quadruple Distilled Vodka (700ml) retails for just \$30.99 and is made in Australia.

The affordable spirit was awarded the Master Medal by an independent panel of experts, who tasted more than 139 vodkas from 75 companies around the world.

Melita Kiely, editor of The Spirits Business, said it the recent win was an "excellent achievement" for ALDI.

"To receive any sort of medal is something that every company should be extremely pleased with, and for ALDI Australia to receive a Master medal, the highest medal we award, for their single entry within a very competitive selection is an excellent achievement," she said.

"The multi award-winning vodka, part of ALDI's everyday range, is four times distilled and traditionally filtered for exceptional purity and a clean, crisp natural flavour."

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Aldi is your one stop shop when it comes to amazing products at low prices. From the furniture sold in the Special Buys sale to the fresh produce on the shelves, Aldi is your go-to for all things groceries and homewares. However, the German retailer has another feather to add to its cap: seller of award-winning booze.

The 2019 International Wine and Spirits Awards were held recently, and Aldi took home 13 awards.

Earning an impressive score of 95 in the cask-inish single malt scotch whiskey category, the Glen Marnoch Single Malt Sherry Cask Scotch Whiskey, which retails for just \$43, took home the gold medal and is now recognized as one of the best scotch whiskeys in the world.

²³ <http://www.perthnow.com.au/news/western-australia/aldi-will-start-selling-alcohol-in-perth-stores-from-today/news-story/c59014afc215ba475dd1265a0e89eb4c>

²⁴ <https://7news.com.au/lifestyle/food/bargain-30-aldi-vodka-picks-up-top-award-at-the-global-vodka-masters-2022-c-8149807>

The whiskey is currently only available in Aldi stores throughout NSW, however, Aldi's Highland Earl 8 Year Old Scotch Whiskey, which retails at just \$34 and came in at second place, is available Australia-wide.

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- 5.7. One of the most unique aspects of the ALDI liquor offering is the exclusive range itself, made-to-order for ALDI stores and not available at any other packaged liquor outlet. As stated previously, the majority of ALDI's range is unique and exclusive to ALDI. Shoppers simply cannot access those items at any other non-ALDI outlet.
- 5.8. In order to become an ALDI exclusive product, the producer enters into an arrangement with ALDI whereby it is agreed that particular brands of product will not be distributed or provided to any other retailer. This confirms that ALDI exclusive products cannot be obtained anywhere other than at an ALDI store.
- 5.9. The ALDI exclusive products differ significantly from the Woolworths and Coles private-label liquor ranges. Woolworths and Coles generally purchase the whole producer and production facility where possible and the products from those facilities then become what are known as private-label liquor items. The issue with this approach, in terms of the proper development of the liquor industry, has been well explained by David Prestipino in his article 'Winestein Uncorked: 'Local' WA wines actually owned by Woolworths, Coles' where he described the duopoly's approach as follows:

"To avoid certain wine taxes and further boost their huge profits, Woolworths and Coles create 'wine brands' (such as the Cow Bombie) under cheeky and creative (some say misleading) names.

The wines are difficult to identify, and often undercut well-known brands, small boutique and family wineries and those struggling to find a voice in an ever-increasing crowded market.

Instead of Coles Reserve Chardonnay or Woolworths Bin 666 Cabernet, you have brands like Chateau Louise (Coles) and Augustine Wines (Woolworths) for sale...wines that are actually owned by the supermarket giants themselves.

By Developing their own private-label and exclusive wines, Coles and Woolies are now competitors to the very wineries (and consumers) they are meant to serve.

Why should this worry wine drinkers? Because not only are we losing diversity and competition as the duopoly increases its share of the wine market, but the relationship hurts independent merchants across the country, who are forced to close.

If the big chains need to move a product because it is not selling, or want to replace it for their own means, they slash the wine's price, essentially lowering the winery's brand/reputation at the same time."

²⁵ <https://www.bhg.com.au/aldi-scotch-whiskey-award>

- 5.10. ALDI's approach is very different because it does not own the wineries, breweries and distilleries that produce the ALDI exclusive products and therefore, those independent producers are capable of producing other liquor items under different branding to sell directly to consumers themselves, or to other packaged liquor retailers. Further, whilst those producers will be required to produce a product to ALDI's standards and specifications they will, nonetheless, give input and advice into developing the products as the independent wine, beer or spirit producing expert.
- 5.11. The ALDI model does not, therefore, have the same deleterious effect on the development of the liquor industry by removing independent liquor producers from the market, but rather ALDI makes a highly valuable contribution to the industry by providing independent producers with a channel to develop and sell their wares.
- 5.12. This is one of many factors which differentiate ALDI's liquor range from the major liquor stores. The local community will benefit greatly from having access to this special service. The important role of Westfield Whitford City will be enhanced with the increased product diversity.
- 5.13. Given that the majority of ALDI's liquor range comprises ALDI exclusive products, it means that, as stated previously, the ALDI offering, overall, is unique to ALDI and simply cannot be replicated by any other licensee. The overall offering includes ALDI's liquor services which also cannot be said to duplicate any existing operation in Hillarys or nearby.
- 5.14. Within the liquor range available in any given week is a selection of new and different liquor items which change from week to week, similar to the "special buys" offer referred to elsewhere in this PIA. Approximately eight different products per week are made available to customers until the stocks are depleted and then new ones are brought in for customers, so the product selection remains fresh and vibrant.
- 5.15. ALDI's liquor range is determined following a rigorous process of elimination trialling and testing of products, then identifying those that offer the very best value-for-money which necessitates excellent quality. The optimum range is provided to customers. Therefore, a quantity of products is stocked that is deliberately much smaller than may be found at most other liquor stores. The ALDI range is much more discerning and refined than most other liquor outlets. This ensures modern consumer requirements are met and ALDI's principles of quality, value-for-money and great convenience are upheld.
- 5.16. An example of ALDI's liquor advertising in a recently published catalogue appears below. It is relatively modest, yet smart and stylish. The advertisement contains product information for each item, demonstrating the quality and value-for-money propositions regarding the ALDI range and the fact the range is indeed carefully selected and responsibly promoted.

J Rivet Blonde Low Carb Lager 12 x 330ml
 A refreshing, low carb lager. Easy drinking with a clean, crisp finish.

K Brewdog Draught Lager 4 x 375ml
 A mid-strength, but surprisingly full flavoured lager with a mildly bitter finish.

L Suntory - 196 Variety Pack 10 x 330ml
 A mixed 10 pack including the original double lemon, grape and peach flavoured variants. Great for entertaining and a perfect size for the fridge.

M Talisker Storm Single Malt Whisky 700ml
 Under the peaty, smoky flavour from the malting process, you'll find soft fruits and cereal notes, with a distinctive finish.

N Jose Cuervo Especial Silver Margarita Gift Pack
 Simply mix, garnish and serve, for the perfect margarita every time.

O Greyson's Spiced Apple and Winter Berry Gin 700ml
 Fresh apple undertones combine with sweet woody cinnamon and bursts of berry throughout.

P St Agnes Perpetual Brandy 700ml
 Made via a solera-style process, each blend contains small amounts of brandy that is over 50 years old.

Q O'Donnell's Crème Brûlée Country Cream 700ml
 A blend of the freshest Irish cream from County Tipperary, with natural flavours to create a delicious, award-winning, Irish Country Cream.

R Invention Lychee Martini Mixer Gift Pack
 Simply mix, shake, strain, pour and enjoy!

ALDI supports the responsible service of alcohol. It is illegal to purchase alcohol for people under 18.

Soak it up

A \$15⁹⁹ Mount Langi Ghiran Summer Series Pinot Gris 2024 750ml

B \$14⁹⁹ Brown Brothers Mango Swirl Moscato NV 750ml

C \$12⁹⁹ La Mule Côteaux Varois en Provence Rosé 2023 750ml

D \$14⁹⁹ Small Talk Shiraz 2023 1L

E \$11⁹⁹ Do Bortoli Limited Release Muscat NV 375ml

F \$13⁹⁹ Truly Wildly Yarra Valley Pinot Noir 2023 750ml

G \$13⁹⁹ Big Bear Californian Chardonnay 2022 750ml

H \$9⁹⁹ Loire Valley Sauvignon Blanc 2023 750ml

I Moon Dog Fizzer Mixed Sour Pack 10 x 330ml

ALDI Liquor available in selected stores. See [aldi.com.au](https://www.aldi.com.au) for locations

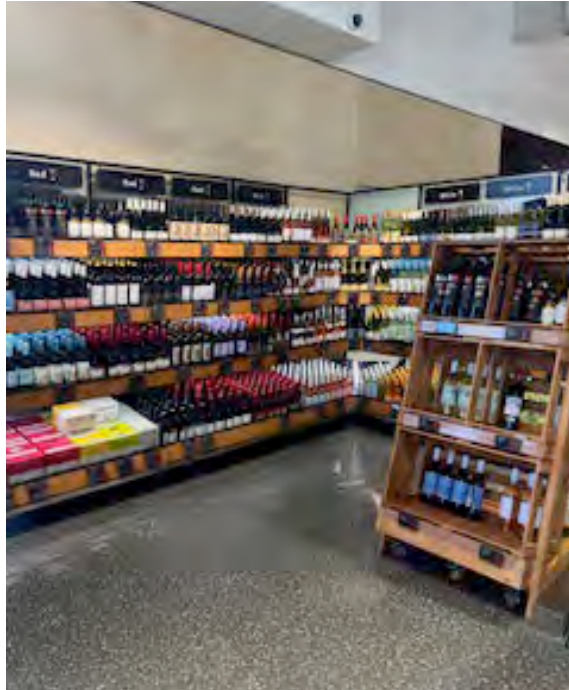
14 While stocks last – please note stocks are limited and will vary between stores. Despite our careful planning, we apologise if selected items may sell out on the first day due to unexpected high demand. In the event of unexpected high demand, ALDI Stores reserves the right to limit purchases to reasonable quantities. Vintages may vary from store to store. Every effort is made to ensure the current vintage is displayed, however variations can occur. Any unaccompanied juvenile or other (adult) person who does not feel comfortable to use the licensed register for non-liquor transactions should make themselves known to staff in the store and an unlicensed register will be opened.

6. Form 2A “Part 2 – Manner of trade”

Form 2A “2.1 What is the proposed manner of trade and your target client base?”

- 6.1. This application involves a proposal to sell and supply packaged liquor on and from the premises proposed to be licensed as described above, in accordance with section 47 of the Act.

- 6.2. As previously addressed in this document, the applicant proposes to offer a relatively small and mostly exclusive selection of carefully selected, value-for-money non-refrigerated packaged beer, wine and spirits (including a range beer, wine and spirit varietals, cider and sparkling). The following images depict a typical ALDI liquor section which will be established in the Whitfords store if the licence is granted:



- 6.3. The low-level free-standing temporary displays, as depicted in the following image, may be placed in different positions within the small liquor block.



- 6.4. The applicant seeks the same licensing approval, in respect of the same business model and on the same terms as approved on 36 previous occasions under the Act.
- 6.5. ALDI Whitfords currently operates as follows (with variations for public holidays):
- | | |
|------------|-------------------|
| Monday: | 8.30am to 6.00pm |
| Tuesday: | 8.30am to 8.00pm |
| Wednesday: | 8.30am to 8.00pm |
| Thursday: | 8.30am to 9.00pm |
| Friday: | 8.30am to 8.00pm |
| Saturday: | 8.30am to 5.00pm |
| Sunday: | 11.00am to 5.00pm |
- 6.6. The liquor service will operate during these same hours as the existing store, but subject to trading hours permitted under section 98D the Act.
- 6.7. The applicant seeks approval for the standard trading hours permitted under section 98D of the Act, namely 8am to 10pm Monday to Saturday, 10am to 10pm on Sunday and 12 noon to 10pm on ANZAC Day (except no trading on Good Friday or Christmas Day). However, the actual opening times of the liquor section are proposed to be the usual ALDI store trading hours, as stated above (except no liquor trading before 12 noon on ANZAC Day or any time on Good Friday or Christmas Day). When the ALDI supermarket is not trading, the liquor display/browse area would be clearly closed off to customers and if the ALDI store is open for trade at times not permitted under section 98D of the Act, the liquor area will also be closed to the public.

- 6.8. The applicant invites the licensing authority, if it considers appropriate, to impose the following special trading conditions that are imposed on ALDI's existing licences in WA:
- 6.8.1. The licensee is prohibited from selling refrigerated liquor products.
 - 6.8.2. There is to be no external advertising of liquor products on the façade of the licensed premises.
 - 6.8.3. The browse/display area is to be closed off when not open for trade.
 - 6.8.4. The licensee is to have and maintain a CCTV system in accordance with the policies of the Director of Liquor Licensing.
 - 6.8.5. The liquor display and sale area must be separated from the food/grocery display and sale area by barricading of non-see-through material over two (2) metres in height.
 - 6.8.6. The entry/exit point to the licensed area must have a gate.
- 6.9. There are many aspects to the ALDI liquor model which differ from virtually all other non-ALDI packaged liquor outlets anywhere and which are most certainly totally different from the existing outlets relevant in this case. The following are key unique aspects of the ALDI liquor model, which will apply at the new store, should the application be approved:
- 6.9.1. ALDI exclusive product range.
 - 6.9.2. Combination of the ALDI liquor service with the ALDI non-liquor store elements. A one-stop-ALDI shopping convenience.
 - 6.9.3. One transaction convenience.
 - 6.9.4. Its small size and location under the supermarket roof.
 - 6.9.5. Small, carefully curated selection of liquor with no bulk displays.
 - 6.9.6. Absence of refrigeration.
 - 6.9.7. Absence of external presence of the liquor section.
 - 6.9.8. The particular level of surveillance of the display/browse area which can be seen and monitored by staff at all times in its entirety.
 - 6.9.9. Restricted visibility into the liquor section as a juvenile risk management feature.
 - 6.9.10. Combined beneficial effects of the features listed above which are supplemented by the overall manner of trade and harm minimisation features identified.
- 6.10. In regard to the "target client base" required by the Form 2A to be addressed:
- 6.10.1. The applicant has already identified from sales data that its existing client base at the Whitfords store is drawn from an enormous catchment. For the August reporting period of the last two years,

- ALDI Whitfords attracted shoppers from 148 different suburbs²⁶. It is expected that the liquor section will draw a similarly wide catchment. Shoppers who live in Hillarys represent the largest percentage, followed by Padbury and Kallaroo.
- 6.10.2. Through the expert market and site researcher, analyst and advisory firm, Deep End Services, the applicant identified primary and secondary trade areas when the store was being developed at Westfield Whitford City which have come to fruition. Attached is the initial report by Deep End Services²⁷. The primary trade area captures the whole of the suburbs of Hillarys, Kallaroo, Padbury, Craigie and part of Mullaloo.
- 6.10.3. Principally, the ALDI target client base for the proposed liquor service is existing customers of the ALDI Whitfords store who are demanding liquor be available to them there.
- 6.10.4. Subsequently and more generally, the ALDI target client base for the ALDI Whitfords liquor service consists of people living and working in the primary trade area referred to in the DES report.
- 6.10.5. The next nearest equal liquor service is at ALDI Currambine, 6.5km away (straight line), over 8km by car. The applicant's target customer base for ALDI Whitfords will focus on people living within at least half of that distance, to save them travelling so far, well outside their neighbourhood.
- 6.10.6. Westfield Whitford City is, as explained elsewhere in this PIA, a significant retail, hospitality and entertainment precinct. Its mix of retailers is designed for all manner of shopping including regular, routine, daily and weekly type trips as well as other more destination-type shopping. ALDI's proposal intends to cater for the needs of any adult shopper at Westfield Whitford City, from wherever they have come.
- 6.11. ALDI operates a friendly, inclusive and welcoming store and will continue to do so if the liquor licence is granted. Any adult may potentially visit the liquor section and shop there provided only that they comply with ALDI's conditions of entry that apply to anyone and any legal requirements by which ALDI needs to abide.
- 6.12. ALDI enjoys enormously favourable community sentiment and support. Its stores have huge popularity and significant regular custom. Some customers are so passionate about ALDI that they have developed their own private Facebook page/group named, Aldi Fans Australia, dedicated to information for ALDI lovers. This is not an official ALDI media source and yet it has 98,600 members²⁸. ALDI's

²⁶ ALDI CommBank card sales data – Whitfords - Hillarys – 26 August 2024-1 September 2024 (private and confidential - copy available to the licensing authority upon request)

²⁷ Whitford City WA Trade Area & Sales Projection, by Deep End Services dated 28 March 2019 (**DES report**)

²⁸ <https://www.facebook.com/groups/117155111252/>

official Facebook page has 836,000 “likes” and 869,000 “followers”²⁹. This medium is the modern-day voice of the public and therefore, represents significant community sentiment.

- 6.13. The first two ALDI applications for liquor store licences in WA were initially refused at first instance³⁰. Subsequently, a massive 8,637 people took it upon themselves to participate in an Internet survey conducted by Nine News Perth³¹ which asked: “Do you think ALDI should be banned from selling alcohol because it’s too cheap?”. Within just two days 7,428 people who participated (86%) answered “no”. Importantly, this survey was conducted without any involvement from the applicant. It was completely unsolicited. The public’s reaction to the survey is indicative of ALDI’s significant popularity in the WA community.
- 6.14. ALDI has been under pressure for some while from Whitfords customers to provide a liquor service at the store. They know about other ALDI stores offering liquor and want the Westfield Whitford City store to do the same. Customers seeking the liquor service have expressed confusion and frustration as to why other ALDI locations offer liquor but Whitfords does not.
- 6.15. The applicant engaged independent expert market research firm, PRG³², to conduct a market survey and to subsequently provide a report of the results which has been referred to throughout this document. Some of the results in the PRG report evidencing clear and strong demand for the ALDI liquor proposal from the 331 people surveyed, include the following:
- 6.15.1. “Ninety-three per cent of all shoppers, and 96% of take-away liquor buyers support the establishment of a liquor section within the Whitfords ALDI store (see section 4.8)”³³
- 6.15.2. “A significant majority of respondents indicated that the key liquor store attributes that would be provided in an ALDI Liquor section appealed to them. The fact that 89% of shoppers had shopped in an ALDI store that included a liquor section, adds some weight to these observations.”³⁴
- 6.15.3. “In our assessment, the survey has shown that the great majority of Whitfords ALDI shoppers is looking forward to the possibility of a liquor section being established in the Whitfords ALDI store.”³⁵
- 6.15.4. “In excess of 9 in 10 ‘experienced shoppers’ agree with...these propositions...:
- ALDI liquor sections have good quality products,

²⁹ <https://www.facebook.com/ALDI.Australia/>

³⁰ Decision of Director of Liquor Licensing: ALDI Harrisdale (A000187300) and Decision of Director of Liquor Licensing: ALDI Joondalup (A000191943)

³¹ 9 News Perth Facebook, 15 June 2016, printout attached

³² Experience, expertise and methods are referred to on pages 2, 5 and 11; Also: <https://marketresearch.com.au/about-us/overview/>

³³ PRG report at para 2.2, page 7

³⁴ PRG report at para 2.3, page 9

³⁵ PRG report at para 2.4, page 10

- the products represent good value for money,
 - the liquor section is convenient for shoppers. (sic) and
 - 86% agree that they have many brands and products not available elsewhere (other than another ALDI store)".³⁶
- 6.15.5. "Evidently, more than 9 in 10 shoppers (93%) like the notion that the liquor section would be located within the ALDI Whitfords store. Importantly, only 3% indicated that they dislike this possibility."³⁷
- 6.15.6. "Almost nine in ten (87%) of the total ALDI shopper sample, liked the notion that the proposed liquor section would have mostly exclusive ALDI products, and only 2% disliked it. The weight of opinion is very much supportive of this aspect of the proposed ALDI Whitfords liquor section."³⁸ This follows evidence in the survey that "more than three out of four (77%) shoppers have previously consumed ALDI exclusive liquor products that had been purchased from another WA ALDI store"³⁹, so those interviewed who expressed strong support for the specialist exclusive range clearly knew exactly what liquor products they were addressing.
- 6.15.7. "Almost 9 in 10 (86%) of the total sample like, and just 2% dislike [the ALDI award winning products] aspect of the proposed Whitfords ALDI liquor section".⁴⁰
- 6.15.8. "More than 9 in 10 (96%) of the total ALDI shopper sample liked [ALDI's value for money pricing] aspect of the proposed Whitfords ALDI liquor section, and 0% disliked it. Again the weight of sentiment is very much in support of this aspect of the proposed ALDI liquor section."⁴¹
- 6.15.9. "In excess of 9 in 10 (95%) of the total Whitfords ALDI sample liked [the convenience of shopping for groceries and liquor needs in the one transaction] aspect of the proposed liquor section. Only 3% disliked this notion."⁴²
- 6.16. The PRG report has been compiled by an extremely experienced expert. Such evidence was found by the Liquor Commission in *ALDI Foods Pty Ltd v Director of Liquor Licensing* LC 09/2017 (**ALDI Harrisdale**) to be "gold standard"⁴³.

³⁶ PRG report at para 4.4.2, page 19

³⁷ PRG report at para 4.5.1, page 20

³⁸ PRG report at para 4.5.2, page 21

³⁹ PRG report at para 4.4.1, page 18

⁴⁰ PRG report at para 4.5.3, page 21

⁴¹ PRG report at para 4.5.4, page 21

⁴² PRG report at para 4.5.5, page 21

⁴³ Hearing 22 February 2017, transcript at page 45

Form 2A “2.2 Describe the premises/proposed premises”

6.17. The following images identify the general location of the ALDI Whitfords store within the enormous Westfield Whitford City precinct, on the western side.



- 6.18. Westfield Whitford City “currently caters to a trade area population of 440,000 residents, with a total accessible market of 1 million residents. An \$80 million redevelopment completed in September 2017, delivered a new dining, lifestyle and entertainment precinct incorporating an 8-screen Event Cinemas complex and a bowling alley. Designed as a space where people can come together, the fresh outdoor space celebrates the best of Perth’s café culture and provides a new destination for Perth’s northern beaches community. Westfield Whitford City offers customers a convenient mix of business partners including a BIG W, Coles, Woolworths and Kmart as well as around 274 specialty stores.”⁴⁴
- 6.19. The following provides a further snapshot of key information about Westfield Whitford City.

⁴⁴ <https://www.scentregroup.com/our-customers/westfield-destinations/westfield-whitford-city>

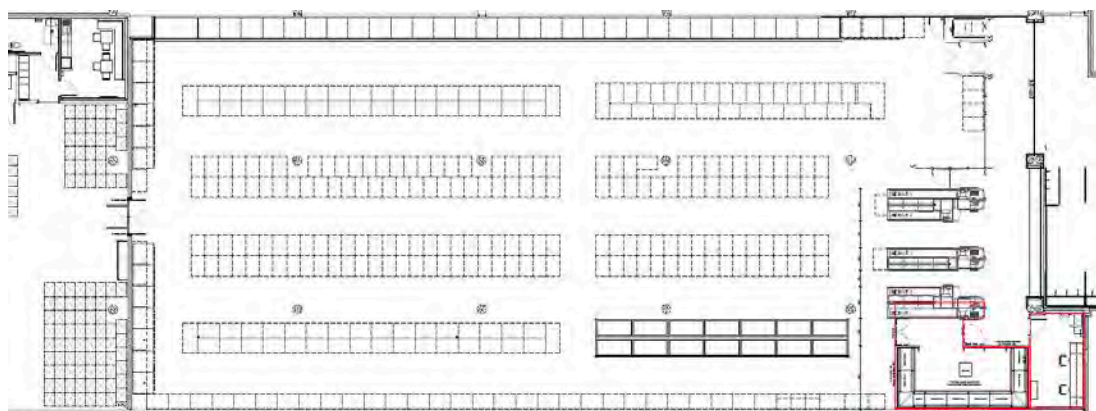
Key Stats and Figures



- 6.20. ALDI stores generally comprise a total footprint of approximately 2,000m². Some are located at shopping centres like the Whitfords store as depicted on the cover page of this PIA, while others are free-standing.
- 6.21. The Whitfords store has been operating since 2020. Consistent with other ALDI stores, it is made up of the following different parts or areas, listed in order of size in terms of the approximate portion of the total footprint:
- 6.21.1. Main public retail area (non-liquor) – displaying grocery, other supermarket items, homewares, clothing, furniture, tools and other non-grocery items.
 - 6.21.2. Storage.
 - 6.21.3. Loading dock/delivery area.
 - 6.21.4. Entrance and trolley bay.
 - 6.21.5. Checkout.
 - 6.21.6. Office and staff facilities.
 - 6.21.7. Liquor display and browse area (proposed).
- 6.22. The store relies upon the enormous surrounding parking provided by the shopping centre management, for its customers.
- 6.23. ALDI stores are bright, fresh and pleasant shopping environments. The following images depict the stylish and crisp appearance that can be found at the ALDI Whitfords store:



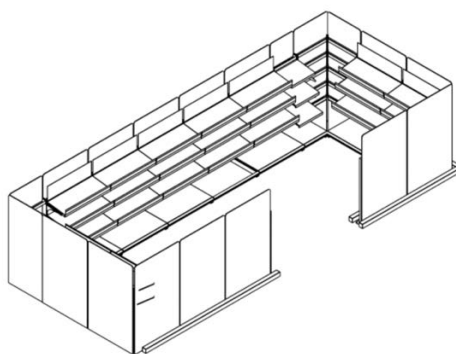
- 6.24. ALDI operates a generic store modelling concept. The size, layout, colour, product location and stock range of each ALDI store are almost always the same. Minor differences may occur from time to time at some stores owing to land formation, town planning requirements or other unique particulars of the site. For example, the entrance door may be positioned a few metres away from its usual position at a particular location.
- 6.25. The standardisation of store layouts engenders familiarity for customers, enhances shopping comfort, efficiency and convenience. It also enables customers to rely on consistency of style, standard and overall offer. Importantly, these are key features of the applicant's successful superior efficiency model of operation which benefits customers enormously and is clearly popular with shoppers.
- 6.26. The layout of the ALDI Whitfords store is pictured below in an extract from the applicant's floor plan lodged with the application. It shows the proposed licensed area outlined in red, which includes both liquor display/browse and checkout, with a combined area of approximately 48m². This is clearly a tiny proportion of the overall footprint. The office is also sought to be licensed to house the required licensing documents and to accommodate the approved manager from time to time.



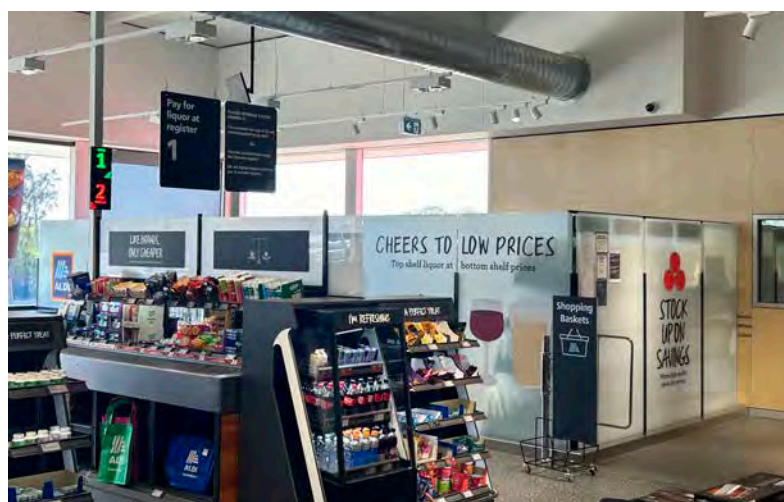
- 6.27. The display/browse space, of only approximately 33m², is a simple rectangular shape. This design is based on many years of experience and enables

convenience and a high level of surveillance of the area. The display/browse area will also comfortably accommodate shoppers with their trolleys.

- 6.28. The checkout closest to the liquor display/browse area is proposed to be licensed for the purposes of the liquor transactions. Staff operating at this checkout will be able to monitor all patron activity in this area.
- 6.29. The very small size and layout of the liquor display/browse area clearly confirms that the liquor section is a complementary service to the rest of the ALDI store and will help ensure the area is well-controlled and supervised.
- 6.30. As set out earlier on in this document, the following aerial render is indicative of the proposed sectioned-off liquor display/browse area, which is to be established if approved. The boundary partitioning is intended to be made of 2.1 metre high opaque frosted glass designed for the purpose.



- 6.31. The following photograph of the approved liquor section at the ALDI Yanchep store is indicative of what is proposed to be established at Whitfords:



- 6.32. The position, layout and small size of the liquor section will enable very clear and uninterrupted visibility and supervision of the display/browse area. These features assist with security, surveillance, management and control by staff.
- 6.33. Thoroughly trained and suitably qualified staff members over the age of 18 will be positioned at the licensed checkout at all times, where they will be able to see directly into the whole liquor area. Such constant and close surveillance is

rarely achieved at most other liquor stores due to their size, layout and walk-in cool rooms. Further details of the applicant's well developed risk management measures, which include a heavy emphasis on staff training, are set out further on in this PIA.

- 6.34. The liquor area will be entirely confined well within the ALDI supermarket building and have no access directly into, or visibility from, outside of the ALDI store. In fact, the liquor section will have even limited visibility from within the ALDI supermarket. It will be positioned on the opposite side of the store from the main entrance, next to the office, so as to reduce visibility and enhance the separation from the rest of the store. The liquor section will be discretely tucked-away into the corner, as depicted below at the end of the far-end aisle.



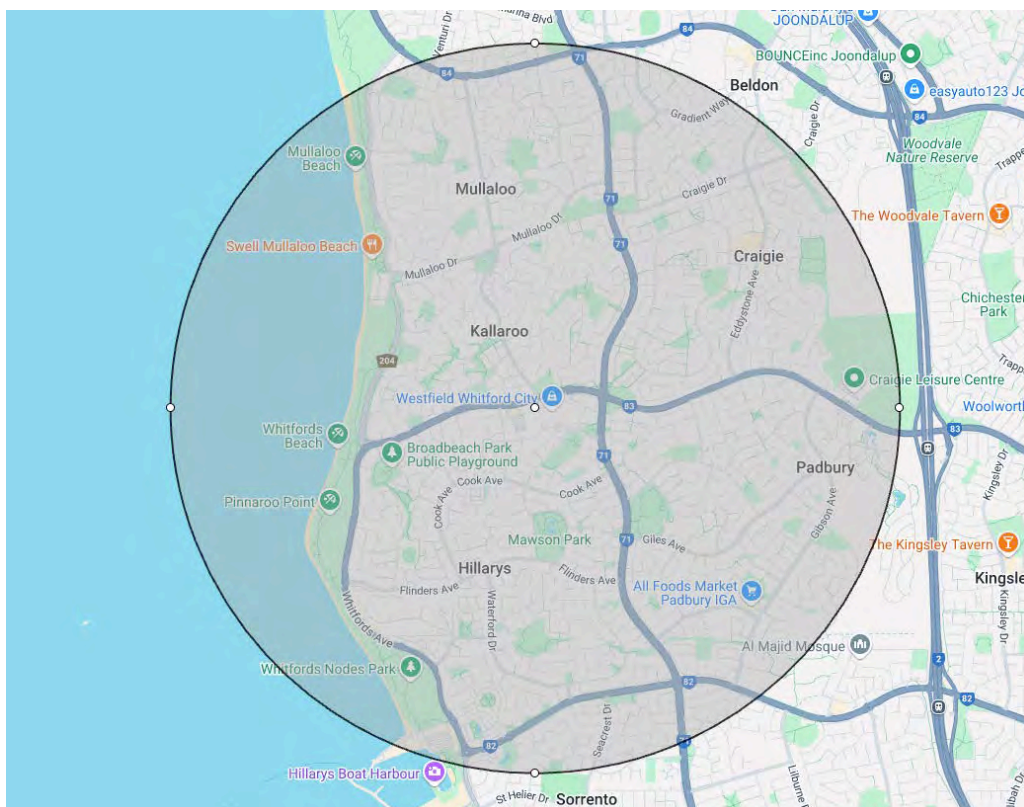
- 6.35. Signage external to the licensed premises may be displayed which is subtle, modest and states simply that there is "liquor available in store", but such signage will not contain images of liquor products, references to particular liquor products or prices of liquor products. The example to the right indicates the innocuous type of external signage that may be displayed.



- 6.36. There will be no cool room or other refrigeration in the liquor area. All products will be stocked and sold at room temperature. This unique feature further confirms the intention that the liquor service is genuinely designed to complement the other household items being sold and provide a one-stop-ALDI shop, not an impulse buying service designed to accommodate quick drinking.
- 6.37. As stated previously, the office inside the ALDI store is proposed to be licensed for the main purpose of storing licensing-related documents including the approved plans, harm minimisation plan, incident register and staff training register. From time to time, the approved manager may be positioned inside the office.
- 6.38. The applicant intends to store liquor in the back-of-house storage area of the ALDI Whitfords store and also at the applicant's distribution centre in Jandakot. No sale or supply of the liquor directly to customers will take place from the storage facilities.

Form 2A: "2.3 If you intend to sell packaged liquor, give the names and addresses of all existing licensed premises within the locality"

- 6.39. To address this Form 2A item, it is necessary to firstly identify the relevant locality.
- 6.40. There is no definition of "locality" in the Act.
- 6.41. The ALDI Whitfords store is located approximately 19km north west of the Perth CBD. In the Form 2A, the Department has suggested that the locality for this case may be a 3km radius around the proposed licensed area given that the premises is located more than 15km of the Perth CBD but not remote. That area is depicted in the Google Maps images below (**3km locality**).





- 6.42. The satellite image above shows the Westfield Whitford City precinct as the large rectangular block shape shaded grey in the middle of the circle. This infrastructure is clearly shown to be of significance in the 3km locality both in terms of its size but also as being the only facility of its kind for several kilometres. There is no other structure of its scale visible in the image above. It appears as somewhat isolated, servicing the enormous residential area surrounding it within the circle and beyond.
- 6.43. ALDI Whitfords and the 3km locality are located within the City of Joondalup local government area which has described itself as “transitioning from an economy supported by population growth to one driven by business investment, innovation and entrepreneurship”⁴⁵, which this proposal feeds into.

⁴⁵ <https://www.joondalup.wa.gov.au/business-and-investment/investment>

Joondalup is recognised for its vibrant economy and commitment to growth and innovation. As the strategic economic centre of the booming northern metropolitan corridor, Joondalup is uniquely positioned to embrace and capitalise on new business opportunities, making it a prime location for investment and development. Driven by innovation and entrepreneurship, the City prioritises smart growth while staying attentive to the needs of an engaged and connected community. Key reasons to invest in Joondalup include:

- ✔ **Economic strengths:** boasts a Gross Regional Product of \$7.82 billion with 12,721 registered businesses and 56,236 local jobs.
- ✔ **Strategic location:** with well-connected transport networks and approximately 500,000 people within a 20-minute catchment area, Joondalup offers a substantial consumer and talent pool.
- ✔ **Future ready:** Joondalup fosters sectors that are key to economic resilience and growth, demonstrating a proactive approach to development.
- ✔ **Active development:** with \$1 billion in recent construction projects, Joondalup is expanding its infrastructure and capabilities, enhancing its economic landscape.
- ✔ **Sector leadership:** as a leading hub for sectors like cybersecurity, health and medical, education, tourism, and retail, Joondalup sets benchmarks in innovation and sectoral growth. ⁴⁶

The City of Joondalup is the third largest local government in Western Australia by population with approximately 160,000 residents. Living across 22 suburbs, our community consists of a significant migrant population, particularly from the United Kingdom and South Africa. There are currently over 60,000 dwellings in the City, with most residents purchasing or fully-owning their homes. ⁴⁷

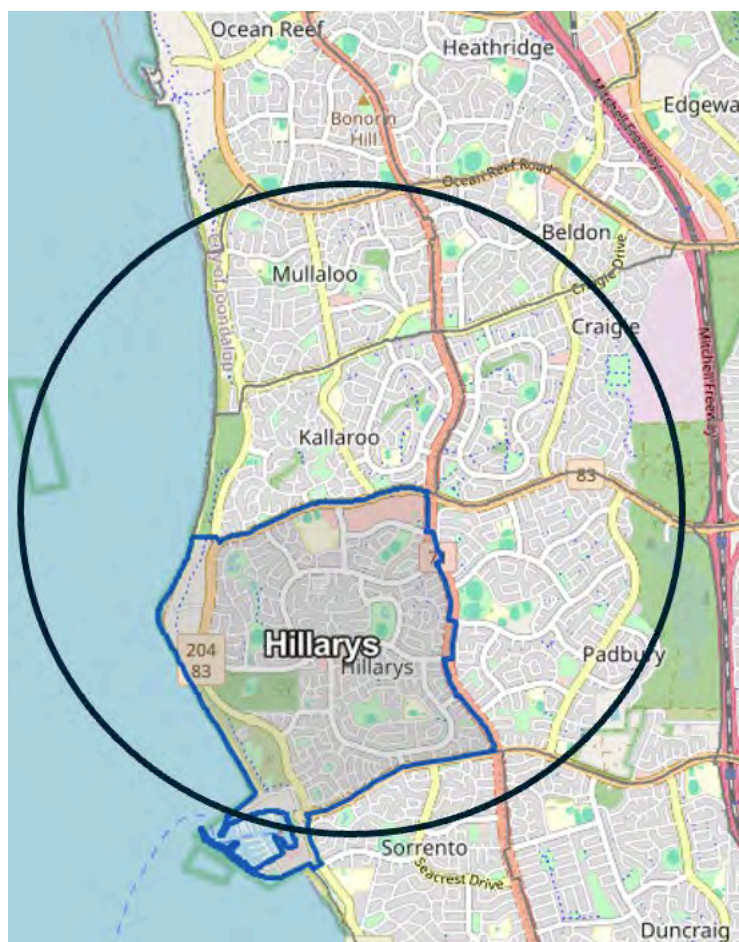
6.44. The 3km locality comprises all or parts of the following suburbs in the context so described in the following table to indicate the make-up of the area:

Suburb	Approximate % of suburb land area within the 3km locality	Approximate % of suburb residential area within the 3km locality	Approximate % of the 3km locality land area that the suburb covers
Hillarys	99%	99%	30%
Padbury	85%	90%	20%
Mullaloo	100%	100%	18%
Kallaroo	100%	100%	9%
Craigie	85%	95%	9%
Beldon	50%	55%	7%
Sorrento	20%	20%	3%
Duncraig	3%	3%	2%
Ocean Reef	3%	3%	2%
			100%

⁴⁶ <https://www.joondalup.wa.gov.au/business-and-investment/investment>

⁴⁷ City of Joondalup, Joondalup 2032, Strategic Community Plan 2022-2032 at page 9 (copy attached)

- 6.45. The following Australian Bureau of Statistics' (**ABS**) map shows Hillarys itself outlined in **blue**, in the context of the 3km locality (as encircled in black) and with reference to the surrounding suburbs listed above. The map also illustrates what has been described and approximated in the table above in terms of the suburb make-up.



- 6.46. Given the small percentages referred to in the preceding table regarding the suburbs of Beldon, Sorrento, Duncraig and Ocean Reef in respect of the 3km locality, statistics for those suburbs have mostly been excluded from this PIA. This is because those statistics are not regarded as genuinely representative of the 3km locality because of the small applicability of those two suburbs and therefore, including those statistics would likely distort the overall picture of the 3km locality.
- 6.47. “[T]he word ‘locality’ in s 36B denotes an area that surrounds, and is geographically close to, the location of the proposed premises”⁴⁸.
- 6.48. “Given the context and purpose of s 36B, the word ‘locality’ is intended to connote the same concept of neighbourhood. I consider that, in this context, it means the geographical area surrounding the proposed site. Section 36B seeks to add an additional hurdle before a licence may be granted under which

⁴⁸ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 (**Liquorland Karrinyup**) [181] (Archer J); confirmed in *Liquorland Southern River* [62] (Lemonis)

- packaged liquor can be sold. It seeks to ensure that there are not multiple premises in close proximity to one another selling packaged liquor.”⁴⁹
- 6.49. “This is not to say that the 'locality' will inevitably, or even usually, be a circular area within a particular radius of the proposed site. The shape and size of the 'locality' may be influenced by topographical features (including man-made features such as roads) and the areas from which the proposed site could be accessed reasonably easily on foot or push-bike. If there is a community in the area of the proposed site, the geographical spread of that community may also influence the shape and size of the 'locality’”⁵⁰.
- 6.50. The 3km locality includes the ocean and the major road arteries of Marmion, Whitfords and Hepburn Avenues which act as significant physical barriers within the area.
- 6.51. “[D]ue to the variety of factual situations that may arise, it is impossible to prescribe a specific test to be applied or even an exhaustive list of the factors that will or may be relevant in the determination of the locality in any given case. As has been observed in other jurisdictions, there will be some cases where it will be easy to determine the locality, and other cases where it will not be. An example of the former would be where the proposed premises was to be placed in a small country town. An example of the latter would be where it was to be placed in the CBD.”⁵¹
- 6.52. “What constitutes a 'locality' relates to the geographical area surrounding, and what is relatively close to, the proposed site”⁵².
- 6.53. “In any event, the factors which can be contemplated in deciding 'locality' must remain diverse and fluid and it is contemplated that the Director may impose different localities in respect to different applications, provided that, in the interests of natural justice, such decision is made on reasonable and ascertainable grounds”⁵³.
- 6.54. “The imposition of a radius circle is not necessarily appropriate where such the same encompasses an artificial area. To adopt a patently artificial radius does not reflect the licensing authority’s mandate to have regard to the primary objects of the Act and the functions of the licensing authority which require consideration of the actual impacts of a proposed application”.⁵⁴
- 6.55. For the purposes of section 36B of the Act and having regard to the findings of in Liquorland Karrinyup, upheld in Liquorland Southern River, the applicant submits

⁴⁹ Liquorland Karrinyup [182] (Archer J); confirmed in *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 [15] (Smith J) and *Liquorland Southern River* [62] (Lemonis)

⁵⁰ Liquorland Karrinyup [185] (Archer J); confirmed in *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 [16] (Smith J) and *Liquorland Southern River* [62] (Lemonis)

⁵¹ Liquorland Karrinyup [186] (Archer J); confirmed in *Liquorland Southern River* [62] (Lemonis)

⁵² *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 [14] (Smith J); *Liquorland Karrinyup* [186] and [190] (Archer J)

⁵³ *Endeavour Group Limited v Director of Liquor Licensing and ors* LC07/2023 at [164]; *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* LC09/2023 [92]

⁵⁴ *Endeavour Group Limited v Director of Liquor Licensing and ors* LC 07/2023 [172]; *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* LC 09/2023 [99]

that the relevant locality in this case is the suburbs of Hillarys⁵⁵ and Kallaroo (**s36B locality**), for the following reasons:

- 6.55.1. The suburbs of Hillarys and Kallaroo form “an area that surrounds and is geographically close to the location of the proposed premises”⁵⁶ which are the key criteria. Hillarys and Kallaroo are the local neighbourhood⁵⁷.
 - 6.55.2. Hillarys and Kallaroo are closest to the ALDI store.
 - 6.55.3. Hillarys and Kallaroo are both located west of Marmion Avenue, which is the most significant artery running through the area distinguishing west from east. Marmion Avenue is a 27km-long, four-lane dual carriage-way which has, for the most recent published recording period, averaged around 30,000 vehicles per day in the stretch of road nearest Westfield Whitford City⁵⁸. In 2021 at least part of the road responsibility was resumed by Main Roads WA in recognition of its “significance as a high traffic transport route”⁵⁹.
 - 6.55.4. Given the size of Westfield Whitford City and its role in catering for a very large and wide catchment and considering the extensive ALDI Whitfords catchment referred to previously in this PIA, it would not be practical to consider the whole of these enormous catchments and so it is submitted to be sensible to narrow the area to the true local neighbourhood.
 - 6.55.5. The ALDI liquor display and browse area will be a tiny space within Westfield Whitford City, with no visibility whatsoever external to the ALDI store. In fact, the liquor section will only be visible from well within the ALDI supermarket. When Westfield Whitford City is considered in the context of the suburbs of Hillarys and Kallaroo, it is clear that the size of the ALDI liquor section is even further reduced in scale. Having regard for these factors, it could be artificial to extend the relevant locality to an area wider than the suburbs of Hillarys and Kallaroo.
- 6.56. As directed by the Department⁶⁰, the applicant has applied a “common-sense approach”⁶¹ to the submissions contained within this PIA in relation to assessing the locality. In this context, the applicant has had regard for the decision in Liquorland Karrinyup and the fact that the 3km locality and s36B locality are both very established and presumably the licensing authority is properly familiar

⁵⁵ Excluding the tiny portion that is outside the 3km locality being part of Hillarys Boat Harbour

⁵⁶ Liquorland Karrinyup [181] (Archer J)

⁵⁷ Liquorland Karrinyup [182, for example] (Archer J)

⁵⁸ Main Roads Statewide Traffic Digest 2019/20 - 2024/25 at page 31: at the nearest and most recent recordings – Marmion Avenue south of Whitfords Avenue – 28,080 per day average in 2020/21 and Marmion Avenue north of Whitfords Avenue – 31,740 per day average in 2020/21 (copy of the Digest is available if required, upon request)

⁵⁹ https://www.wanneroo.wa.gov.au/news/article/1268/authority_of_marmion_avenue_transferred_to_main_roads_wa

⁶⁰ Form 2A and at <https://www.dlqsc.wa.gov.au/department/publications/publication/public-interest-assessment>

⁶¹ Form 2A page 2

with them and so only pertinent locality material has been included in this document⁶².

- 6.57. The applicant has carefully considered both the 3km locality and s36B locality, as referred to throughout this PIA and the accompanying Legal Submissions.
- 6.58. As required by the Form 2A, the applicant provides the following “names and addresses of all existing licensed premises within the [s36B] locality”⁶³.
- 6.58.1. Varsity Whitfords, cnr Marmion and Whitford Avenue, Hillarys
 - 6.58.2. The Breakwater, Hillarys Boat Harbour, Sorrento Quay, Hillarys
 - 6.58.3. BWS – Beer Wine Spirits Whitford City, Whitfords City Shopping Centre, Whitfords Avenue, Hillarys
 - 6.58.4. Whitfords Brewing Company, Shop MM6, Westfield Whitford City, 470 Whitfords Avenue, Hillarys
 - 6.58.5. Hillarys Cellars, Shop 17B, Hillarys Shopping Centre, 110 Flinders venue, Hillarys
 - 6.58.6. Dan Murphy's Hillarys, 37 Endeavour Road, Hillarys – conditionally granted
 - 6.58.7. BWS – Beer Wine Spirits Kallaroo, 1 Adalia Street, Kallaroo
 - 6.58.8. Hillarys Yacht Club Inc, West Coast Drive, Hillarys
 - 6.58.9. Eccolo, Shop 5, 110 Flinders Avenue, Hillarys
 - 6.58.10. Mia Cucina, 1/45 Northside Drive, Hillarys
 - 6.58.11. Flinderz Café, Flinders Shopping Centre, Shop 7, 110 Flinders Avenue, Hillarys.
 - 6.58.12. Lot One Kitchen, tenancy A, 46 Angove Drive, Hillarys
 - 6.58.13. Bangkok Brothers Whitford City, Westfield Whitford City, Shop 313, cnr Marmion and Whitfords Avenues, Hillarys
 - 6.58.14. Betty's Burger Whitford City, Tenancy 1-312, Westfield Whitford City, 470 Whitfords Avenue, Hillarys
 - 6.58.15. Emperor's Kitchen Whitfords, Tenancy 1-314, Westfield Whitford City, cnr Marmion and Whitfords Avenue, Hillarys
 - 6.58.16. Chopsticks Viet Restaurant, Tenancy 1-315, Zone 05, Ground Retail Level, Westfield Whitford City cnr Marmion & Whitfords Avenue, Hillarys
 - 6.58.17. TGI Fridays, Shop 322, Westfield Whitford City, cnr Marmion and Whitfords Avenue, Hillarys

⁶² Further detailed information and supporting documents can be provided if required, upon request

⁶³ Based on information published by the Department as at 16-21 January 2025:
<https://portal.dlgsc.wa.gov.au/forms/fr/search/findallicence/new>

ALDI Whitfords

- 6.58.18. Guzman Y Gomez Whitfords, Tenancy 1-316, Ground Floor, Westfield Whitford City, cnr Marmion & Whitfords Avenue, Hillarys
- 6.58.19. Grill'd Whitford City, Shop 319, Westfield Whitford City, cnr Marmion and Whitfords Avenue, Hillarys
- 6.58.20. Tao Café Whitford, tenancy 1, 470 Westfield Whitford City, Whitfords Avenue, Hillarys
- 6.58.21. Event Cinemas, Westfield Whitford City Shopping Centre, 470 Whitfords Avenue, Hillarys
- 6.58.22. iPlay Whitfords, Tenancy 1 MM-5, Westfield Whitford City Shopping Centre, cnr Marmion & Whitfords Avenue, Hillarys
- 6.58.23. Kallaroo's Curryhouse, Springfield Shopping Centre, Shop 4, 5 Adalia Street, Kallaroo
- 6.58.24. North Shore Clubhouse, 11 Henderson Drive, North Shore, Kallaroo
- 6.59. Additional information and submissions regarding the seven "packaged liquor premises"⁶⁴ listed above are provided further on in this document.
- 6.60. Beyond the s36B locality, are the following existing licensed premises which are all located at least 1km from the proposed ALDI packaged liquor premises:
 - 6.60.1. Mullaloo Beach Hotel, 10 Oceanside Promenade, Mullaloo
 - 6.60.2. Cellarbrations Mullaloo, 11 Koorana Road, Mullaloo
 - 6.60.3. Perth Social Club Pty Ltd, 22 Gunida street, Mullaloo
 - 6.60.4. Mullaloo Surf Life Saving Club, Oceanside Promenade, Mullaloo
 - 6.60.5. Beldon Tavern, cnr Gunter Grove & Marmion Avenue, Beldon
 - 6.60.6. Joondalup United Footbaall Club Inc, lot 9472 (61) Gradient Way, Beldon
 - 6.60.7. Craigie Tavern, 119 Eddystone Avenue, Craigie
 - 6.60.8. Liquorland Padbury, Shopping Centre, Warburton Avenue, Padbury
 - 6.60.9. Whitford Amateur Football Club, MacDonald Reserve Clubrooms, Marmion Avenue, Padbury
 - 6.60.10. Whitfords & Districts Cricket Club, MacDonald Reserve, Padbury
 - 6.60.11. The Northern Warriors Veterans Football Club Inc, Forest Road, Padbury
 - 6.60.12. Propellis Pty Ltd, 8A Vernon Place, Padbury
 - 6.60.13. Joondalup United Football Club Inc, Forest Park Community Sporting Facility, Forrest Road, Padbury

⁶⁴ Section 36B of the Act

7. Form 2A “Part 3 – The profile of the local community”

Form 2A: “3.1 Please outline the population characteristics in the locality”

- 7.1. At the most recent Census the ABS recorded 11,200 people living in Hillarys⁶⁵.
- 7.2. The following are the resident populations recorded by the ABS at the 2021 Census for the other relevant suburbs comprising the 3km locality⁶⁶.

Killaroo	Mullaloo	Padbury	Craigie	Beldon
5,305	6,109	8,626	6,456	4,094

- 7.3. On the basis of this data, approximately 40,000 people live in the 3km locality.
- 7.4. “Between 2021 and 2046, the population for the City of Joondalup is forecast to increase by 12,900 persons (7.81% growth), at an average annual change of 0.30%”⁶⁷.
- 7.5. “The City of Joondalup population forecast for 2025 is 171,497”⁶⁸.
- 7.6. The average person living in the 3km locality, statistically speaking based on ABS Census data from 2021⁶⁹ can be described as follows:
- 7.6.1. a 40 year old female person, identifying as non-Indigenous,
 - 7.6.2. married and living as a couple family with children in a house with four or more bedrooms that is owned with a mortgage,
 - 7.6.3. educated beyond year 12,
 - 7.6.4. born in Australia from English ancestry,
 - 7.6.5. having no religious affiliation,
 - 7.6.6. speaking only English at home,
 - 7.6.7. in the labour force, working full-time in an occupation within the category of “professionals”,
 - 7.6.8. earning \$917 per week, being well above both the State and national averages and
 - 7.6.9. suffering no long-term health condition.

⁶⁵ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50638>

⁶⁶ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50714> (Killaroo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51047> (Mullaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51192> (Padbury), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50350> (Craigie) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50102> (Beldon)

⁶⁷ <https://forecast.id.com.au/joondalup/population-summary>

⁶⁸ <https://forecast.id.com.au/joondalup>

⁶⁹ Being the combined average of Hillarys, Killaroo, Mullaloo, Padbury, Craigie and Beldon: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50638> (Hillarys), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50714> (Killaroo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51047> (Mullaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51192> (Padbury), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50350> (Craigie) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50102> (Beldon)

- 7.7. The following further resident profile characteristics have been identified for people living in the 3km locality⁷⁰:
- 7.7.1. Approximately 25.3% of the population is aged 19 and under.
 - 7.7.2. Approximately 2.9% of the population is aged 80 and over.
 - 7.7.3. Approximately 1.0% of the population identified their indigenous status as being Aboriginal and/or Torres Strait Islander with 96.2% as non-Indigenous.
 - 7.7.4. Approximately 87.2% of households use a non-English language which is most likely Mandarin, Afrikaans, Italian or German.
 - 7.7.5. Approximately 4.5% identified as being unemployed, which is much lower than the State and national figure of 5.1%
- 7.8. As directed by the Department, the applicant has applied a “common-sense approach”⁷¹ to the submissions contained within this section of the PIA in terms of outlining the population characteristics in the locality. Further, the applicant has tried not to overburden the licensing authority with materials, especially those available via the internet. Therefore, only pertinent locality material has been included in this document⁷².
- 7.9. Further information regarding the “population characteristics of the locality” required for this section of the PIA includes the following:

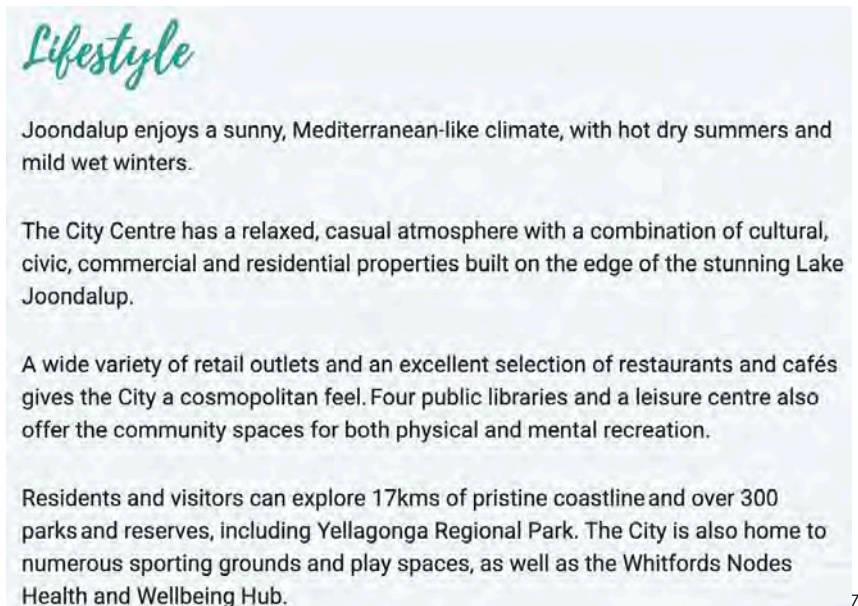


⁷⁰ Being the combined average of Hillarys, Kallaroo, Mullaloo, Padbury, Craigie and Beldon: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50638> (Hillarys), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50714> (Kallaroo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51047> (Mullaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51192> (Padbury), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50350> (Craigie) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50102> (Beldon)

⁷¹ Form 2A and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

⁷² Additional and more detailed information and supporting documents can be provided if required and requested

⁷³ City of Joondalup, Joondalup 2032, Strategic Community Plan 2022-2032 at page 24 (copy attached)



Form 2A “3.3 (sic) List the community buildings in the locality”

7.10. As required by the Form 2A, the applicant provides names and addresses for the following identified to be operating in the 3km locality:

- 7.10.1. Schools and educational institutions:
- 7.10.1.1. St Mark’s Anglican Community School, St Mark’s Drive, Hillarys
 - 7.10.1.2. Nido Early School Hillarys, Hillarys Shopping Plaza, 2/4 Banks venue, Hillarys
 - 7.10.1.3. Hillarys Community Kindergarten, 137 Broadbeach Boulevard, Hillarys
 - 7.10.1.4. Hillarys Primary School, 75 Lymburner Drive, Hillarys
 - 7.10.1.5. Springfield Primary School, 31 Bridgewater Drive, Kallaroo
 - 7.10.1.6. Kallaroo Community Threes, 23 Batavia Place, Kallaroo
 - 7.10.1.7. Mullaloo Heights Primary School, 27 Charonia Road, Mullaloo
 - 7.10.1.8. Beldon Primary School, 10 Pacific Way, Beldon
 - 7.10.1.9. Beldon Early Learning School, 185 Eddystone Avenue, Beldon
 - 7.10.1.10. Whitford Catholic Primary School, 256 Camberwarra Drive, Craigie
 - 7.10.1.11. Nido Early School Craigie, 248 Camberwarra Drive, Craigie

⁷⁴ <https://www.joondalup.wa.gov.au/city-and-council/about-us/city-profile-and-suburbs>

- 7.10.1.12. Craigie Heights Primary School, 47 Spinaway Street, Craigie
- 7.10.1.13. Bambara Primary School, 30 Gosse Road, Padbury
- 7.10.1.14. Nido Early School Padbury, 1 Forrest Road, Padbury
- 7.10.1.15. Padbury Catholic Primary School, 2/4 O'Leary Road, Padbury
- 7.10.1.16. South Padbury Primary School, 56 Warburton Avenue, Padbury
- 7.10.1.17. School of Alternative Learning Settings, 33 Giles Avenue, Padbury
- 7.10.1.18. West Coast Language Development Centre, 27 McDonald Avenue, Padbury
- 7.10.1.19. Padbury Primary School, 27 McDonald Avenue, Padbury
- 7.10.1.20. Indigo Montessori Childcare & Kind – Padbury, 10 Warburton Avenue, Padbury
- 7.10.2. Hospitals: none identified.
- 7.10.3. Hospices: none identified.
- 7.10.4. Aged care facilities: none identified. St Ives Northshore, retirement village, is located at 177 Dampier Avenue, Kallaroo.
- 7.10.5. Churches/places of worship:
 - 7.10.5.1. Whiffords Anglican Community Church, 26 Endeavour Road, Hillarys
 - 7.10.5.2. Kallaroo Anglican Church, 1 Aristride Avenue, Kallaroo
 - 7.10.5.3. True North Church, 19 Scaphellaa Avenue, Mullaloo
 - 7.10.5.4. NorthWay Uniting Church – Beldon Campus, 9 Pacific Way, Beldon
 - 7.10.5.5. Our Lady of the Mission Catholic Church, 270 Camberwarra Drive, Craigie
 - 7.10.5.6. Craigie Baptist Church, 119 Camberwarra Drive, Craigie
 - 7.10.5.7. Cross Culture Church, 119 Camberwarra Drive, Craigie
 - 7.10.5.8. Everyday Church Office, Unit 6, 63 Forrest Road, Padbury,
 - 7.10.5.9. Perth Free Presbyterian Church, 10 Alexander Road, Padbury
 - 7.10.5.10. Sorrento Church of Christ, 10 Alexander Road, Padbury
- 7.10.6. Drug and alcohol treatment centres: no specialist centres identified.

ALDI Whitfords

- 7.10.7. Short term accommodation or refuges: none identified other than hotel type accommodation open to the general public.
- 7.10.8. Childcare centres:
- 7.10.8.1. Endeavour Early Learning, 21B Endeavour Road, Hillarys
 - 7.10.8.2. Whitfords Occasional Child Care Centre, 21D Endeavour Road, Hillarys
 - 7.10.8.3. Giggling Gecko Out of School Care – Whitford Family Centre, 21c Endeavour Road, Hillarys
 - 7.10.8.4. Happy N Healthy FDC, Cooke Avenue, Hillarys
 - 7.10.8.5. Nido Early School Hillarys, Hillarys Shopping Plaza, 2/4 Banks Avenue, Hillarys
 - 7.10.8.6. Kids College, 34 Bridgewater Drive, Kallaroo
 - 7.10.8.7. Beldon Early Learning School, 185 Eddystone Avenue, Beldon
 - 7.10.8.8. Craigie Early Learning Centre, 126 Eddystone Avenue, Craigie
 - 7.10.8.9. Magic Circle Child Care, 20 Glenunga Way, Craigie
 - 7.10.8.10. Padbury Education & Child Care Centre, 21 Giles Avenue, Padbury
 - 7.10.8.11. Indigo Montessori Childcare & Kind – Padbury, 10 Warburton Avenue, Padbury
 - 7.10.8.12. West Coast Family Day Care Services, Unit 1A/73 Gibson Avenue, Padbury
 - 7.10.8.13. Jellybeans Child Care Padbury, 78 Warburton Avenue, Padbury
- 7.10.9. Local government: As referred to previously in this document, the City of Joondalup is the applicable local government authority. Its Administration Centre is located at 90 Boas Avenue, Joondalup, approximately 6.3km away.
- 7.11. The nearest residence is understood to be approximately 150m away from the proposed licensed area, as a straight-line distance. The ALDI Whitfords liquor section will be much further in terms of walking or driving distance and not visible, nor directly accessible, from any residence.

8. Form 2A “Part 4 – Minimising the potential for alcohol to cause harm”

Form 2A “4.1 What strategies will you use to minimise harm from the use of alcohol?”

- 8.1. Risk management and harm minimisation from the sale and supply of liquor are not only very familiar subjects to ALDI but are prominent considerations and

given priority in operational policies. ALDI has been successfully implementing measures that minimise harm and ill-health at its large number of existing liquor outlets for many years. Its liquor store model has been much tried and tested and proven to be entirely positive.

- 8.2. The applicant has had regard for harm and ill-health factors potentially associated with the new liquor licence, with reference to its trading history. The applicant has an excellent trading record in terms of compliance and is not aware of any of its licences causing harm or ill-health.
- 8.3. Any potential negative impact of the licence should be considered in light of the low risk features of the ALDI liquor model, which are described throughout this PIA. This proposition is supported by the following finding of the Liquor Commission in ALDI Harrisdale⁷⁵ which involved virtually the same proposal.
- “There is nothing to suggest that the granting of the licence will result in an increase in harm and ill-health. The small size of the proposed premises, the nature of its operation and the limited number of products are significant factors in reaching this conclusion.”
- 8.4. No part of the proposed licensed area will be visible in any way from the churches, schools, hospitals and day care centres etc within the 3km locality which have been identified earlier on in this PIA. In fact, no part of the ALDI store is visible from those places or any other sensitive organisation. The liquor section will only be visible from within the ALDI supermarket.
- 8.5. The applicant has sought to identify current information regarding alcohol related hospitalisations and deaths associated with the 3km locality, but none could be identified from published material. Further, “due to different classification systems and alcohol as a contributing factor not being recorded within all health datasets, challenges exist in quantifying the incidence of alcohol-related injuries in WA.”⁷⁶.
- 8.6. Nonetheless, the applicant acknowledges that hospitalisation and death can potentially result for some people as a consequence of the use of liquor and would most likely be occurring at some level in the 3km locality.
- 8.7. The applicant acknowledges that alcohol-related hospitalisations and deaths would have occurred in the 3km locality and may occur in the future. The applicant has considered the Perth North PHN Needs Assessment 2022-2024 prepared by WA Primary Health Alliance. The report identified the City of Joondalup as having the third largest population for the purposes of the report⁷⁷ and yet the area was found to be experiencing relatively equal levels of alcohol-related problems in comparison with several other areas referred to. It is acknowledged that risky drinking levels were identified in the assessment, but

⁷⁵ ALDI Harrisdale [38(b)]

⁷⁶ Alcohol-related injuries in Western Australia Position Paper, by Injury Matters, dated April 2022, at page 2 (www.injurymatters.org.au) – copy of the paper available if required, upon request

⁷⁷ At page 2 (copy of report available if requested by the licensing authority)

not at levels in the City of Joondalup that are unusual in the context of the whole enormous district covered by the report, in comparison with other areas⁷⁸.

- 8.8. The most recent ABS data has revealed no specific alcohol-related health condition associated with local residents. The large majority (63.7%) of residents in the 3km locality reported at the 2021 Census that they have no long-term health condition, which is higher/better than the State and national figures⁷⁹. It is acknowledged that a small percentage of people did indicate that they experience some long-term health condition⁸⁰. The most common long-term health condition reported by residents was arthritis which is not commonly known to be associated with liquor consumption.
- 8.9. “New data from Roy Morgan’s Alcohol Consumption Report shows the proportion of Australians who drink alcohol dropped by 1.8 percentage points to 67.9 per cent in the 12 months to June 2022”⁸¹.
- 8.10. Data for the 12 months to March 2023 showed an increase of 1.3%, but relevantly “[t]he most significant driver of the increase in consumption of alcohol compared to pre-pandemic is the increasing popularity of RTDs (Ready-to-drink)”⁸² and ALDI’s liquor range includes only a tiny number of RTDs. The attached stocklist contains only six different RTDs. They will certainly not be available in bulk or even in large supply compared to other liquor outlets, given ALDI’s modest stock volume and manner of trade
- 8.11. ALDI has factored advertising and promotion into its harm minimisation strategies. Flamboyant and highly suggestive advertising posters, encouraging or even suggesting rapid, excessive or juvenile drinking are not displayed in association with ALDI’s liquor service. Nor does ALDI advertise discount liquor prices for certain periods. This is because traditional, ad hoc “sales” may encourage customers to purchase more liquor than they otherwise would have for fear of missing out on the deal.
- 8.12. Placing a heavy focus on staff is another key strategy to ensuring policies and practices are implemented and laws are complied with.
- 8.13. ALDI operates pursuant to a highly evolved and sophisticated corporate structure and hierarchy whereby staff at each level are entrusted with an

⁷⁸ At page 25 (copy of report available if requested by the licensing authority)

⁷⁹ Being the combined average for Hillarys, Kallaroo, Mullaloo, Padbury, Craigie and Beldon:

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50638> (Hillarys),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50714> (Kallaroo),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51047> (Mullaloo),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51192> (Padbury),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50350> (Craigie) and
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50102> (Beldon)

⁸⁰ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50638> (Hillarys),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50714> (Kallaroo),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51047> (Mullaloo),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51192> (Padbury),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50350> (Craigie) and
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50102> (Beldon)

⁸¹ <https://theshout.com.au/australian-alcohol-consumption-declines-rtd-consumption-at-record-high/>

⁸² <https://www.roymorgan.com/findings/9153-alcohol-consumption-march-2023>

advanced degree of responsibility and are provided with extensive and comprehensive training and support

8.14. ALDI is a market leader in terms of staff training and development. Its impressive approach in this regard is detailed in the following sub-paragraphs:

8.14.1. “We believe that good people working together, united by a shared purpose, can achieve extraordinary things. ALDI isn't just a workplace; it's a place where you'll be part of a tight-knit team that supports and uplifts each other, where you can learn, grow and develop and make a meaningful impact by helping everyday Australians live richer lives for less.”⁸³

8.14.2. “We provide [staff] with comprehensive training including induction training and quarterly retraining. We also offer leadership training programs that help create the operational leaders of the future.”⁸⁴

8.14.3. “We offer diverse and cross-functional career pathways. We also value internal promotions with over 70% of our leaders promoted internally.”⁸⁵

8.14.4. “ALDI Australia has taken top spot in the Australian Business Award's – Employer of Choice 2020”⁸⁶.

8.14.5. ALDI has been awarded Retail Employer of the Year at the eftpos Australian Retail Association Awards (**ARA**).

The ARA said that ALDI have proven to be “fierce contenders” with a strong commitment to diversity, non-discrimination and support to all employees. The supermarket was recognised for incorporating internal and external recruiting methods to select candidates and for nurturing the skills, confidence and leadership required to operate business functions.

“Through a commitment to staff and the community, ALDI are the pioneers in the retail sector, leaving no stone unturned,” the ARA said.

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8.14.6. Every ALDI staff member is required to undertake detailed internal training and an induction programme, which will certainly apply for staff at the ALDI Whitfords store. This involves education on a wide variety of facets of the business and includes liquor product knowledge and responsible service. To help ensure high standards are achieved at all times, all ALDI staff are employed on a permanent basis.

8.14.7. The applicant will ensure all staff at the ALDI Whitfords store are properly trained as to their responsibilities under the Act, the licensing authority's policies, ALDI policies and procedures, matters of safety and all other laws and regulations applicable to the proper conduct of the business.

⁸³ <https://www.aldicareers.com.au/>

⁸⁴ <https://aldiaustralia-1481176-en-au.sr-atrax.com/benefits-that-matter>

⁸⁵ <https://aldiaustralia-1481176-en-au.sr-atrax.com/benefits-that-matter>

⁸⁶ <https://www.aldiunpacked.com.au/aldi-australia-is-recognised-as-an-employer-of-choice/>

⁸⁷ <https://insidefmca.com.au/2018/10/19/aldi-awarded-ara-employer-of-the-year/>

- 8.14.8. The liquor section will be adequately staffed at all times with appropriately trained and knowledgeable people. In addition to having sufficient numbers of approved managers, other part-time and full-time staff will also be employed. At least one qualified unrestricted approved manager will be at the store at all times.
- 8.14.9. In-store staff are required to wear a uniform, which is of a smart and modern style and bears the ALDI logo. Staff presentation is considered by the applicant to be important both in terms of upholding its image and also in portraying a professional and responsible approach to the business.
- 8.14.10. PRG found that only “1% to 2% [of people surveyed] believe that they could come to some harm or experience some inconvenience or annoyance should the liquor section be established”⁸⁸.
- 8.15. Another harm minimising element of the ALDI model is the strong focus on quality of product and value-for-money propositions, not just price per se. The applicant invests enormously in providing customers with the perfect balance of high quality product at the lowest price that can be achieved whilst maintaining the quality. Many of its liquor items have been awarded accordingly. This value-for-money philosophy – which is entirely different from simple notions of low price and being cheap – is entirely consistent with consumer requirement. This latter proposition is supported by the following:
- 8.15.1. “Aldi is arguably one of the biggest disruptors to hit the Australian economy over the past 20 years, single handedly busting open the Woolworths/Coles supermarket duopoly.”⁸⁹
- 8.15.2. “Seventy-eight percent of consumers are prioritising value for money when shopping...”⁹⁰
- 8.15.3. “More than 9 in 10 (96%) of the total ALDI shopper sample liked this aspect of the proposed Whitfords ALDI liquor section, and 0% disliked it. Again the weight of sentiment is very much in support of this aspect of the proposed ALDI liquor section.”⁹¹
- 8.16. The ALDI liquor model clearly presents with a number of low risk elements, all of which have been proven to be successful in many of its stores in other locations given ALDI’s excellent trading record.
- 8.17. As referred to previously, the liquor section will be positioned away from the entrance to the supermarket, tucked-away in the corner of the store, surrounded by opaque barricading making it substantially separate and discrete. Shoppers could choose to avoid the liquor section if they so wished. The layout of the supermarket and checkouts enables any shopper to work their

⁸⁸ PRG report at para 2.2.1, page 8

⁸⁹ <https://www.macrobusiness.com.au/2021/03/the-rise-and-rise-of-aldi/>

⁹⁰ <https://ecommercenews.com.au/story/australians-prioritise-value-for-money-as-economic-pressures-mount#:~:text=Seventy%2Deight%20percent%20of%20consumers,research%20from%20Shopify%20has%20revealed> and <https://retailworldmagazine.com.au/four-in-five-australians-now-prioritise-value-for-money/>

⁹¹ PRG report at para 4.5.4, page 22

way through the supermarket with barely noticing the liquor component, if at all and not needing to cross through it or near it.

- 8.18. To summarise and reiterate, the following are the key harm and risk minimising features of the ALDI Whitfords liquor proposal:
- 8.18.1. Its small size
 - 8.18.2. The bright, open-plan layout
 - 8.18.3. The absence of refrigeration to help avoid impulse buying and impulse drinking. The absence of a walk-in coolroom also enhances surveillance.
 - 8.18.4. The limited stock range and volume.
 - 8.18.5. The absence of an online delivery service
 - 8.18.6. The absence of bulk quantities of cheap mainstream products.
 - 8.18.7. Reduced trading hours – significantly less than permitted under the Act and less than the usual trading hours of most other liquor stores.
 - 8.18.8. Its location/position confined within the supermarket footprint, away from the main store entrance, under the close supervision of the supermarket and its staff. ALDI staff will have a clear line of sight into the liquor display/browse area at all times.
 - 8.18.9. The restricted visibility of and into the liquor section.
 - 8.18.10. The lack of immediate or direct egress from the liquor area outside into the public domain. The design and layout forces customers to enter the supermarket and walk past the watchful eye of several trained staff.
 - 8.18.11. The limited and controlled nature of product pricing.
 - 8.18.12. The lack of signage external to the store advertising discounted liquor products.
 - 8.18.13. The highly experienced and reputable operator.
 - 8.18.14. The high level of staff training.
- 8.19. Importantly also, there will be none of the following:
- 8.19.1. Prominent external advertising of liquor products and their prices.
 - 8.19.2. Products, advertising or promotional materials designed to entice juveniles.
 - 8.19.3. Large volumes of cheap bulk products displayed.
 - 8.19.4. Volumes of liquor products refrigerated and ready-to-drink.
 - 8.19.5. Energy drinks stocked in the liquor display/browsing area.

- 8.20. In respect of the issue of juveniles, very strict policies will apply. ALDI is very aware of the fact that juveniles will be in the supermarket from time to time, some of whom may be unaccompanied by a parent/guardian.
- 8.20.1. The store layout will enable juveniles to totally avoid going near the liquor section.
- 8.20.2. The combination of store layout and security systems will facilitate and ensure a constant and high degree of surveillance over the liquor area and checkout to safeguard the proper management of juveniles. ALDI has successfully managed this issue at its existing stores elsewhere in Western Australia for many years.
- 8.20.3. No liquor will be sold or supplied to juveniles or anyone who is suspected of trying to obtain liquor for a juvenile.
- 8.20.4. ALDI has adopted an "ID Under 25" policy. Staff at ALDI Whitfords will be directed to go beyond the requirement to ask customers suspected of being under the age of 18 to prove their age and in fact ask all customers suspected of being under the age of 25 for age verification, so as to err on the side of caution.
- 8.20.5. The applicant will operate under a strict policy, which will be taught to and perpetuated with its staff, whereby liquor is not sold or supplied to anyone whom it is suspected might give the liquor to a juvenile, including guardians and parents.
- 8.20.6. Juveniles observed to be loitering near the liquor block will be asked to move on and no juveniles will be permitted in the licensed area unless accompanied by a responsible adult. The applicant has not experienced notable issues of this kind at its existing stores.
- 8.20.7. Lollies and other items commonly known to attract the attention of juveniles will not be stocked in the liquor display/browse area.
- 8.20.8. The liquor display and browse area will have limited line-of-sight such that visibility into that area will be restricted.
- 8.20.9. The liquor area will be subject to a high level of surveillance and security from the associated checkout.
- 8.20.10. Unaccompanied juveniles who may be in the supermarket from time to time will be directed to a non-licensed checkout to make their purchase.
- 8.21. A clear example to confirm ALDI's high standards in its liquor service is when the company came under scrutiny from the public for the strictness of its approach to liquor and juveniles. Some ALDI stores in New South Wales have refused service to adults because staff have witnessed a juvenile merely touching the

liquor items, even where they have touched the items simply to stop them from falling over in a trolley.⁹²

- 8.22. Adult consumers have felt comfortable shopping in an ALDI liquor area with their children as clearly depicted, by way of example, in the images below taken at one of the busy operating ALDI stores in WA with a liquor section⁹³.



- 8.23. Every effort will be made by the applicant to conduct business under the new licence in a manner that minimises the potential for harm or ill-health to occur as a result of the liquor store licence operating at the Whitfords store.
- 8.24. The applicant is an upstanding corporate citizen which operates pursuant to several high level standards and policies. ALDI has a considerable presence in the public domain, which it intends to continue growing in Western Australia. It is in the applicant's interests to ensure that the liquor service in Whitfords is successful in all respects, including genuinely minimising harm and successfully managing risks.

⁹² <https://www.news.com.au/finance/business/retail/aldis-strict-underage-alcohol-policing-leaves-shoppers-high-and-dry/news-story/c7beaa2c4b8e1f0345b3545c98c7789c>

⁹³ Faces redacted for privacy reasons

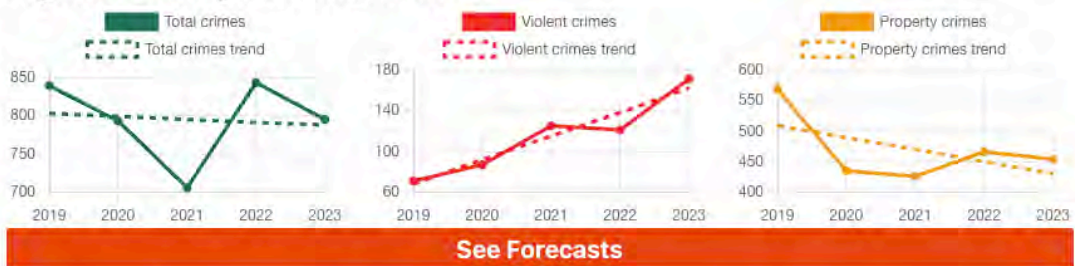
8.25. The applicant has identified the issue of crime in terms of harm factors applicable to the 3km locality. The following information has been considered⁹⁴. This police data may possibly assist in assessing very broadly and generally criminal offence activity in the area.

Crime rate in Hillarys, WA, Australia, 6025 Suburb in Joondalup

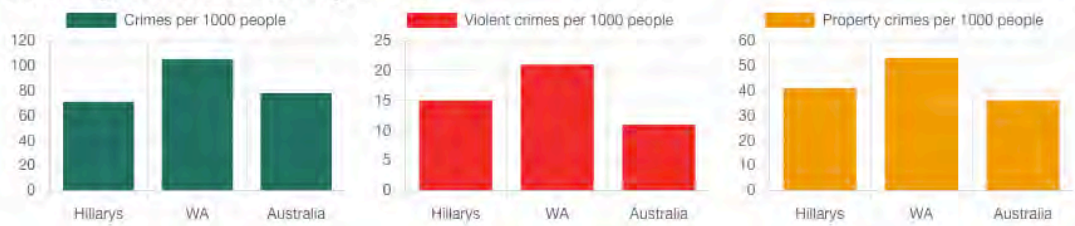
Crime Rank: 19/100
 (higher number means more crime)



5 year Hillarys crime trends



Hillarys crime compared



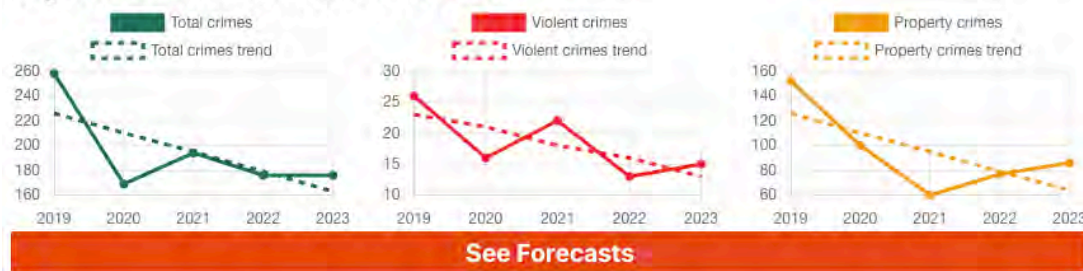
⁹⁴ <https://redsuburbs.com.au/suburbs/hillarys/>, <https://redsuburbs.com.au/suburbs/kallaroo/>, <https://redsuburbs.com.au/suburbs/mullaloo/>, <https://redsuburbs.com.au/suburbs/beldon/>, <https://redsuburbs.com.au/suburbs/craigie-wa/> and <https://redsuburbs.com.au/suburbs/padbury/>

Crime rate in Kallaroo, WA, Australia, 6025 Suburb in Joondalup

Crime Rank: 10/100
 (higher number means more crime)



5 year Kallaroo crime trends



Kallaroo crime compared

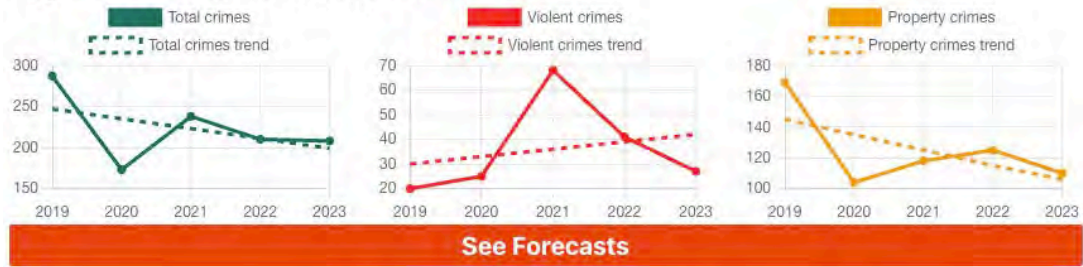


Crime rate in Mullaloo, WA, Australia, 6027 Suburb in Joondalup

Crime Rank: 10/100
 (higher number means more crime)



5 year Mullaloo crime trends



Mullaloo crime compared

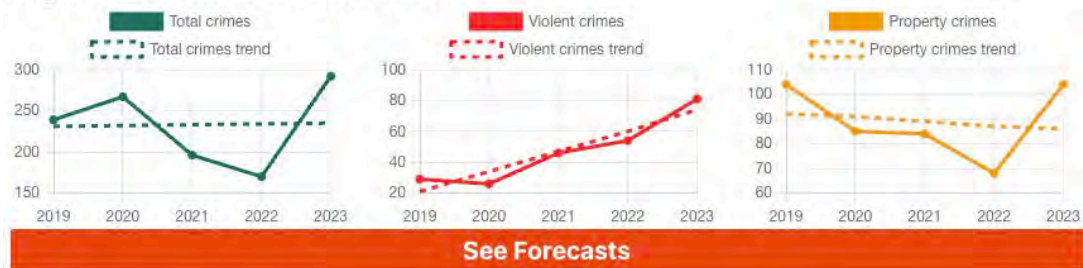


Crime rate in Beldon, WA, Australia, 6027 Suburb in Joondalup

Crime Rank: 24/100
 (higher number means more crime)



5 year Beldon crime trends



Beldon crime compared



Crime rate in Craigie (WA), WA, Australia, 6025

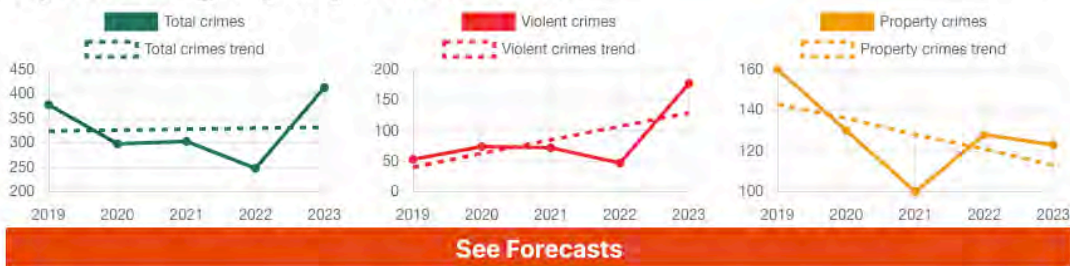
Suburb in Joondalup

Crime Rank: 24/100

(higher number means more crime)



5 year Craigie (WA) crime trends



Craigie (WA) crime compared



Crime rate in Padbury, WA, Australia, 6025

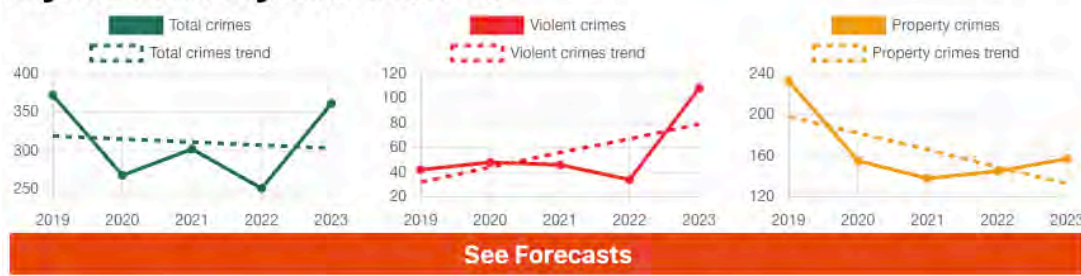
Suburb in Joondalup

Crime Rank: 13/100

(higher number means more crime)



5 year Padbury crime trends



Padbury crime compared



- 8.26. It is acknowledged that there is a level of crime occurring in the 3km locality. This is to be expected given the high density of the area with approximately 40,000 residents, as referred to earlier on in this PIA. Whilst any crime rate is an issue to be addressed, the rate for the 3km locality may be regarded as proportionate given the large and growing demographics and the existence of the enormous Hillarys Boat Harbour. The highest type or category of police offence recorded is "theft"⁹⁵. ALDI has multiple measures in place to reduce the risk of theft.
- 8.27. In a 2021 survey by the City of Joondalup residents within the City reported "safety/security/low rates of crime" as their second highest ranking thing that they most value about their local community City⁹⁶.
- 8.28. The Police data above does not reveal anything to suggest that the 3km locality experiences a concerning or unusual level of crime relevant to the ALDI proposal. The applicant will nevertheless maintain its tried and tested risk management, safety and security measures and implement additional steps, to minimise potential crime. These measures are addressed elsewhere in this PIA and will continue to ensure the risk of any crime associated with the premises is minimised, as it currently is. In addition, the likelihood of the liquor service contributing to alcohol related crime is reduced by the following mitigating factors.
- 8.28.1. Small, simple and open layout of the liquor block.
 - 8.28.2. Location within the confined safety of the supermarket building.

⁹⁵ <https://redsuburbs.com.au/suburbs/hillarys/>, <https://redsuburbs.com.au/suburbs/kallaroo/>, <https://redsuburbs.com.au/suburbs/mullaloo/>, <https://redsuburbs.com.au/suburbs/beldon/>, <https://redsuburbs.com.au/suburbs/craigie-wa/> and <https://redsuburbs.com.au/suburbs/padbury/>

⁹⁶ City of Joondalup Community Consultation Outcomes Report, Shaping Your Local Community: Developing a New 10-Year Strategic Community Plan, at page 26 (copy available if required upon request)

- 8.28.3. Lack of external frontage.
 - 8.28.4. Location of the liquor area adjacent to the checkout and therefore, under constant close staff surveillance and supervision.
 - 8.28.5. Absence of refrigeration, which removes the opportunity for impulsive desires to steal liquor for immediate consumption.
 - 8.28.6. Lack of a walk-in cool room, which is ordinarily hidden from staff view, providing cover and convenience for would-be criminals.
 - 8.28.7. Installation of CCTV surveillance throughout the supermarket, including the proposed licensed area.
- 8.29. ALDI's considerable retailing experience, including selling liquor products, has provided the organisation with the ability to manage security well such that crime associated with ALDI stores is kept very low. The quality of the premises at Westfield Whitford City, both inside and outside and the standard of supervision by staff will help make the public feel welcome and safe but any would-be criminals or disorderly persons uncomfortable.
- 8.30. The liquor area will have no external access as it will be entirely confined and secured within the ALDI supermarket, set-back considerably from the main entrance.
- 8.31. The following security steps will be taken in relation to the Whitfords liquor section.
- 8.31.1. Security cameras both inside the licensed area and outside will be operating.
 - 8.31.2. Secure locking systems will be engaged for after hours.
 - 8.31.3. A high level of staff training which includes how to deal with incidents that are, or could potentially become, obviously criminal or unsafe.
 - 8.31.4. Maintaining a rigid enforcement of harm minimisation principles and policies. These will include, for example the "ID Under 25" policy, staff training, participation in the local liquor accord (if there is one), notifying Police of potential criminal behaviour and keeping in contact with Police.
 - 8.31.5. Clear and obvious signage. The new premises will be bright, modern and attractive.
 - 8.31.6. Limited public access and egress via one point only, from within the supermarket under the constant watching-eye of the cashiers. This will ensure a high level of staff surveillance from inside the store and inhibit would-be criminals by restricting the ease of a get-away.
- 8.32. The applicant has established, confidentially, a Security Layout plan, illustrating the general position and fit-out of the items described above. A copy can be provided to the licensing authority on a confidential basis, upon request. An

advanced security and surveillance system will be installed, based on the model which has been successfully operating in the eastern states. The applicant's advanced system includes the following features:

- 8.32.1. An Access Control System as follows:
 - 8.32.1.1. 24 hour entry system to the store including interface with the security system.
 - 8.32.1.2. A tamper switch will be applied to set off the alarm in the event of unauthorised removal of the panel front covers.
 - 8.32.2. CCTV system – 24-hour surveillance of the licensed area and entry and exits to the store, which will include the following:
 - 8.32.2.1. 11 active cameras will provide 24-hour surveillance with the digital video recorder.
 - 8.32.2.2. Two full body cameras located within the licensed area, one facing the checkout and another one facing the liquor shelf.
 - 8.32.2.3. The digital video recorder will be configured for motion detection to allow efficient review of any incidents.
 - 8.32.2.4. An appropriately sized hard disk will be installed to allow images to be retained on the digital video recorder for at least two weeks without greatly compromising recording quality.
 - 8.32.2.5. The CCTV flat panel monitor will be located in the office to provide real time monitoring to the store staff of the retail floor including the licensed area. This will include a play-back function.
 - 8.32.3. The security system equipment will include the following:
 - 8.32.3.1. Passive Infra-Red Motion Detectors.
 - 8.32.3.2. Break glass detectors.
 - 8.32.3.3. Magnetic reed switches.
 - 8.32.3.4. Vibration detector.
 - 8.32.3.5. External strobe and siren.
 - 8.32.3.6. Security flashing lights and horns.
 - 8.32.4. A back-to-base monitoring system which will raise a security alarm if the security system is armed and there is a breach. The back to base alarm will then send a patrol as well as notifying the manager, which will also activate an external strobe light and external siren.
- 8.33. The design and installation of the electronic security, access control and audible system shall comply with the requirements of all relevant standards and codes including but not limited to the following:

- 8.33.1. Australian Standards AS/NZS 3000.
 - 8.33.2. State Service and Installation Rules.
 - 8.33.3. National Construction Code.
 - 8.33.4. Local and other authority services and installation rules.
 - 8.33.5. Australian Communications Authority.
 - 8.33.6. Work Cover Authority.
 - 8.33.7. Other relevant Australian standards.
- 8.34. Of real significance is the fact that the ALDI liquor area design and layout facilitates an advanced level of security and surveillance. The store's design will make it extremely difficult for juveniles, drunk people or would-be thieves to gain access to the liquor area and go undetected. This will be achieved by virtue of the following factors:
- 8.34.1. Customers will be required to walk well into the supermarket footprint under clear view of a combination of various cameras, staff monitoring them and other customers observing.
 - 8.34.2. Customers will be required to walk through the manned and monitored checkouts in order to exit the store. There will be no quick get-away option.
 - 8.34.3. The simple small layout of the liquor area will also ensure that it is not in any way attractive for juveniles, drunk people or would-be criminals nor a temptation for impulse procurement.
 - 8.34.4. The location tucked away in the far corner of the store.

9. Form 2A “Part 5 – Impact on the amenity, quiet or good order of the locality”

Form 2A “5.1 How will your premises design protect the amenity, quiet or good order of the locality?”

- 9.1. The proposed liquor section will not have any external frontage, façade or overt signage. It will be contained inside the wider ALDI store footprint. The intended manner of trade is for the liquor service to complement the grocery and household offering in the supermarket. The premises will not operate as a stand-alone liquor outlet.
- 9.2. Given these circumstances, there will be no impact on the streetscape or external physical amenity whatsoever and so the amenity, quiet and good order of the 3km locality shall be entirely preserved.
- 9.3. The amenity of the 3km locality has been variously described in earlier sections of this PIA. The dominant land use is residential.
- 9.4. “The City of Joondalup is located to the north of the Greater Perth Metropolitan Area along 17 kilometres of stunning coastline. Our City is renowned for its

beautiful wildlife, natural bushland and extensive wetlands, including Yellagonga Regional Park. With more than 370 diverse parklands which incorporate spacious, open grassed areas, and over 500 hectares of natural bushland, the City has been recognised internationally for its liveability and the healthy lifestyle opportunities our community enjoys"⁹⁷.

- 9.5. Amongst this existing amenity, the ALDI liquor section will be an ideal addition from an operational perspective and in terms of enhancing services to the public. It will complement the existing businesses and be totally consistent with surrounding land-uses. From a visual, physical or streetscape perspective, the proposed licensed area will have no impact. It will not even be seen from anywhere other than well inside the ALDI supermarket.
- 9.6. The recent consumer survey found that 95% of local people consider that the ALDI liquor section will not lessen the amenity of the area.⁹⁸
- 9.7. The immediate neighbours to the ALDI store are other retail tenancies of Westfield Whitford City.
- 9.8. Despite the relatively tiny size of the licensed area proposed, the ALDI Whitfords liquor feature will make a big and valuable contribution towards the services and facilities in the area and further enhance the important role of Westfield Whitford City.
- 9.9. Further submissions addressing the amenity issue under the Act are provided in the attached Legal Submissions.

10. Form 2A "Part 6 – Impact on the people who live or work nearby and whether they might suffer offence, annoyance, disturbance or inconvenience

Form 2A "6.1 What actions will you take to minimise the impact on people who live or work nearby?"

- 10.1. ALDI has an excellent trading history. It is not known to be the cause of any offence, annoyance, disturbance or inconvenience in relation to any of its many existing liquor store licences.
- 10.2. ALDI has carefully considered the impact that may be caused to people who reside or work in the vicinity of the proposed licensed premises in terms of how and in what circumstance, the sale and supply of liquor could potentially cause those people offence, annoyance, disturbance or inconvenience.
- 10.3. It is not considered that there are any high risk factors associated with the ALDI application, for the various reasons referred to throughout this PIA. Despite that conclusion, the applicant acknowledges the potential for adverse effects from any sale and supply of liquor and hence proposes to implement the following strategies to manage and minimise risks.

⁹⁷ City of Joondalup, Joondalup 2032, Strategic Community Plan 2022-2032 at page 9

⁹⁸ PRG report at para 4.7, page 28

- 10.3.1. Maintaining a manner of trade which is low risk and low impact.
 - 10.3.2. Managing delivery times and methods in such a way as to minimise potential disturbance to others, even although there is no neighbour in close proximity.
 - 10.3.3. Implementing tried, tested and proven operational policies for overall management and conduct of business.
 - 10.3.4. Closely monitoring unaccompanied juveniles.
 - 10.3.5. Not stocking controversial liquor products and promotions designed to be attractive to juveniles.
 - 10.3.6. Maintaining a high standard of premises in terms of cleanliness, tidiness and overall quality, to indicate to patrons the operator's professional approach to management of the business.
 - 10.3.7. Employing only mature and skilled people to run the operation, all of whom will be presented in professional uniform. The staff will all be trained to be able to exhibit a high level of stock knowledge. These features will add an element of responsibility to the functioning and image of the business.
- 10.4. ALDI's advanced practises in terms of staff training will ensure that staff at ALDI Whitfords will consistently enforce and uphold the licensee's policies and philosophies for a compliant business which focuses on integrating with the local community. The applicant values its excellent reputation as an upstanding corporate citizen and employees will continue to be trained to uphold reputation and share in ALDI's core values.
- 10.5. No high risk factors associated with the liquor store proposal in this case have arisen in preparing this PIA, especially given ALDI's trading history. The small risk factor that does exist, as with any licensed premises, will be closely monitored and carefully managed in any event.

11. Form 2A “Part 7 – Impact on tourism, culture and the community”

Form 2A “7.1 Are there any tourism, cultural and community benefits that would result from the grant of your application?”

- 11.1. The community within, around and visiting the 3km locality stands to benefit enormously from the introduction of the ALDI liquor service. The public will have the demand met and enjoy the well-known ALDI liquor products and services in their area which have been relished by other Australians elsewhere for many years.
- 11.2. The comprehensive Westfield Whitford City offers an excellent selection of retail products, but ALDI liquor is a notable omission which this application will rectify if approved.

- 11.3. ALDI is still relatively new to the WA market compared to other retailers. The opening of ALDI stores in Western Australia has been met with great enthusiasm by customers from across the metropolitan area. When the first ALDI stores in WA started trading in June 2016, members of the public queued up for hours, in winter, before the stores opened, as seen in the photographs below⁹⁹.



- 11.4. Clearly ALDI's positive reputation preceded itself and since then, as addressed earlier in this PIA, ALDI has grown and cemented itself in the WA market as a sought-after retailer. In the first six months of trade in Western Australia, more than 3.2 million customers were served at ALDI stores. The ALDI Cloverdale store transacted a staggering 156,338 customers in just 69 days of trading, which is an average of 2,266 customers per day.¹⁰⁰
- 11.5. The licensing authority is entitled to take into account the popularity of similar services provided at other locations when assessing whether the proposed services will be in the public interest at this particular location.¹⁰¹
- 11.6. The growth and success of ALDI has resulted in tremendous employment benefits for Western Australians. The applicant currently employs approximately 1,000 people in WA. The approval of this application will generate further employment opportunities for people at ALDI.

⁹⁹ <https://www.watoday.com.au/national/western-australia/keen-shoppers-brave-cold-for-opening-of-perth-aldi-stores-20160608-gpe297.html>

¹⁰⁰ Evidence available if required, upon request

¹⁰¹ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 [77] (Buss JA)

- 11.7. The consumer evidence in this case is clear, directly on-point and compelling. Hundreds of members of the local community have expressed a strong demand for the ALDI liquor products and service.
- 11.8. "It is clear that the great majority of take-away liquor buyers who currently shop at Whitfords ALDI would shop for their take-away liquor requirements from the ALDI liquor section if it was established. Eighty per cent of Whitfords ALDI shoppers would shop for their takeaway liquor requirements from the Whitfords ALDI liquor section at least once a month, and 98% "at least sometimes" should it be established... The clear suggestion is that the Whitfords ALDI liquor section would better meet their takeaway liquor requirements than the currently available Whitfords liquor outlets."¹⁰²
- 11.9. Further submissions referring to the consumer evidence and how it strongly supports the grant of the replacement licence, have been provided elsewhere in this document and in the attached Legal Submissions.
- 11.10. ALDI is a major supporter of local communities and Australian businesses. This proposition is explained by the following published ALDI policy.



Supporting local, because after all we're locals too

At the Heart of Our Local Communities

We know that we are only as strong as the communities in which we operate. We will always support our local communities through high-quality employment opportunities, long-term supplier relationships, and by partnering with local charities and community groups.

Prioritising Australian Made

Australian-made products are always our first choice when sourcing items for our stores. That's not just because Aussie-made foods represent some of the highest-quality products in the world, but also because supporting our community is the right thing to do.

We're proud to support Australian suppliers and manufacturers, and we only source from overseas when we can't find the item, quality, efficiency or innovation we seek here in Australia.

Look out for the Made in Australia logo in all ALDI Stores. We also support the Buy West, East Best logo in our Western Australian stores, and the South Australian State Brand in our South Australian stores.

Supporting Aussie Businesses

Since opening in 2001, we have built long-term relationships with nearly 1,000 farmers, producers and manufacturers in every state and territory, supporting them with reduced competition, simplified processes, and high-volume, timely, and consistent orders.

Creating Change In Our Communities

As we expand across Australia, we believe it's important to give back to the local communities that support us. We have a number of charity partnerships and projects designed to create sustainable, positive change in our local areas. Keep reading below to find out more:

¹⁰² PRG report at para 4.6.3 on page 26

- 11.11. The grant of the liquor store licence will enhance and facilitate ALDI's increased involvement in the 3km community. The local community will be the beneficiary of this outcome.
- 11.12. The 3km locality stands to reap many benefits from the approval of this application. The small and modest liquor service has the capacity to make a great impact in terms of choice, diversity, competition, convenience, development of the area and relevant industries and satisfying unmet consumer demand and requirement.

Form 2A “7.2 If you have any other information to provide in support of your application, include it here”

- 11.13. ALDI operates with liquor at nearly 350 locations across Australia. As stated previously, 34 of those are in WA. In the eastern states, nearly every ALDI store contains a liquor section.
- 11.14. The ALDI liquor model, now well-known and established in Western Australia, has been carefully designed to complement the supermarket and special buys. ALDI's particular product and service range provides adult shoppers with superior shopping convenience through being able to access a highly diverse range of value-for-money household and consumable products at the one location.
- 11.15. There are currently five active liquor store licences to cater for approximately 40,000 people living the 3km locality¹⁰³ on top of the wide catchment of regular shoppers at ALDI Whitfords currently. Those outlets and the taverns do little, if anything, for the 9,623 people shopping at ALDI Whitfords each week (on average)¹⁰⁴ seeking one-stop shopping and certainly do not address the demand for ALDI liquor. When considering this information it is relevant to reiterate that Westfield Whitford City attracts around 6.7 million people per year¹⁰⁵. These enormous numbers are currently being supported by a very small number of and limited diversity in packaged liquor outlets.
- 11.16. The addition of the ALDI liquor section at Whitfords will, in effect, result in a self-sufficient retail outlet. Responsible adults living locally will be able to browse and purchase food – fresh, frozen and non-perishable – homewares, tools, gardening equipment, clothing, leisure items, sporting gear, toys, other products and liquor all in one trolley

12. Local packaged liquor requirements - section 36B of the Act

- 12.1. Section 36B of the Act deals with packaged liquor sold and supplied for take-away purposes for consumption off the premises and it also deals with premises authorised, or proposed to be authorised, to sell and supply packaged liquor.

¹⁰³ Based on the ABS population data and Department licence information provided earlier on in this PIA

¹⁰⁴ PRG report at para 1.0, page 5

¹⁰⁵ <https://www.scentregroup.com/our-customers/westfield-destinations/westfield-whitford-city>

- 12.2. Pursuant to section 36B(1), “packaged liquor premises means premises to which a licence referred to in subsection (2) relates”. Section 36B(2) expressly states that section 36B applies to an application for a liquor store class of licence.
- 12.3. Section 36B(4) of the Act provides that “[t]he licensing authority must not grant an application to which [section 36B] applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”.
- 12.4. Section 36B(4) “imposes a meaningful additional hurdle”¹⁰⁶ to the section 38 public interest test.
- 12.5. Section 36B has been said to have been intended to “enable the licensing authority to manage the number of packaged liquor outlets where sufficient outlets already exist within a locality”¹⁰⁷.
- 12.6. No issue arises in respect of section 36B(3) of the Act in this case. The proposed packaged liquor service will not comprise a retail area that is anywhere near the prescribed size. Therefore, the application is eligible to be heard and determined.
- 12.7. The application for ALDI Whitfords is far from a proposal for a full and traditional liquor store licence. It is a critical factor that the packaged liquor to be available will be of a discrete and limited nature. The full ambit of “liquor” and traditional liquor store features will not be available in this case, whilst several alternative features will be provided.
- 12.8. The licensing authority has determined that under section 36B a packaged liquor specialist, involving a very narrow and discrete packaged liquor range, can be approved to hold a licence for a packaged liquor premises in appropriate cases¹⁰⁸. More specifically, the licensing authority has determined that an application may satisfy section 36B of the Act and be granted where the particular type of packaged liquor to be sold and supplied under the licence is limited and/defined¹⁰⁹ and most relevantly, that has included approval of an ALDI licence under the current law¹¹⁰. This present application falls squarely within that category and is in fact a stand-out example of such an outlet.
- 12.9. With reference to the outlet density information and evidence referred to in this PIA, the relevant “packaged liquor premises” to be considered in the context of

¹⁰⁶ Liquorland Karrinyup [75] (Archer J)

¹⁰⁷ Explanatory Memorandum, Liquor Control Amendment Bill 2018 at page 1

¹⁰⁸ For example, Commune Wine Store (Maylands - 60321533920), Costco Wholesale (Perth Airport - 603213623419), Costco Wholesale (Casuarina - 603217776421), Pirate Life Perth (602213750319), Cherubino City Cellar (602215063820,) Kakka Alley Brewing Co (602215442820), Casa Perth (602215763420), Gage Roads Brew Co (602216177321), Mane Osborne Park (603218426322) and Commune Wine Store (Subiaco - 603220029123)

¹⁰⁹ For example, Commune Wine Store (Maylands - 60321533920), Costco Wholesale (Perth Airport - 603213623419), Costco Wholesale (Casuarina - 603217776421), Pirate Life Perth (602213750319), Cherubino City Cellar (602215063820,) Kakka Alley Brewing Co (602215442820), Casa Perth (602215763420), Gage Roads Brew Co (602216177321), Mane Osborne Park (603218426322) and Commune Wine Store (Subiaco - 603220029123)

¹¹⁰ ALDI Yanchep (603220993723)

this case in terms of section 36B are the following referred to earlier in this PIA as being located within the s36B locality.

- 12.9.1. BWS – Beer Wine Spirits Whitford City, Whitfords City Shopping Centre, Whitfords Avenue, Hillarys
 - 12.9.2. Hillarys Cellars, Shop 17B, Hillarys Shopping Centre, 110 Flinders venue, Hillarys
 - 12.9.3. BWS – Beer Wine Spirits Kallaroo, 1 Adalia Street, Kallaroo
 - 12.9.4. Varsity Whitfords, cnr Marmion and Whitford Avenue, Hillarys
 - 12.9.5. Whitfords Brewing Company, Shop MM6, Westfield Whitford City, 470 Whitfords Avenue, Hillarys
 - 12.9.6. The Breakwater, Hillarys Boat Harbour, Sorrento Quay, Hillarys
 - 12.9.7. Dan Murphy's Hillarys, 37 Endeavour Road, Hillarys – conditionally granted
- 12.10. None of these existing premises does, nor is even able to, sell or supply the applicant's exclusive range. The existing premises collectively sell various types of other liquor but no ALDI products and almost 100% of their products would never be available at the ALDI store. As addressed earlier in this PIA, multiple other factors also differentiate the existing and proposed liquor models. In fact, there can hardly be any comparison.
- 12.11. There is only one liquor store, namely BWS – Beer Wine Spirits Whitford City, located in the enormous Westfield Whitford City. It is associated with the Woolworths supermarket there.
- 12.12. Varsity Whitfords, located just east of the shopping centre has a small-medium drive-through bottleshop. Whitfords Brewing Company operates in the Westfield Whitford City hospitality precinct where its own beers are available for take-away. Dan Murphy's Hillarys is conditionally granted on a site to the west of Westfield Whitford City.
- 12.13. The Breakwater does not provide any bottleshop or apparent take-away liquor service.
- 12.14. Hillarys Cellars is an independent outlet which sells a range of largely mainstream liquor focusing on the catchment of the modestly sized Hillarys Shopping Centre.
- 12.15. The Liquor Commission found in *ALDI Harrisdale* that there "is a significant diversity between the products sold by ALDI and the BWS store."¹¹¹
- 12.16. The BWS and Dan Murphy's ranges and store styles are presumably well known to the licensing authority. They are the usual national models commonly before the licensing authority, selling beer wine and spirits from largely mainstream

¹¹¹ [43(g)]

- producers within traditional format outlets. They are associated with their respectively aligned supermarkets.
- 12.17. Further afield within the 3km locality but outside the s36B locality are the following packaged liquor premises:
- 12.17.1. Mullaloo Beach Hotel, 10 Oceanside Promenade, Mullaloo
 - 12.17.2. Cellarbrations Mullaloo, 11 Koorana Road, Mullaloo
 - 12.17.3. Beldon Tavern, cnr Gunter Grove & Marmion Avenue, Beldon
 - 12.17.4. Craigie Tavern, 119 Eddystone Avenue, Craigie
 - 12.17.5. Liquorland Padbury, Shopping Centre, Warburton Avenue, Padbury
- 12.18. The physical size, layout, location and absence of coolroom at ALDI are glaring additional differences over and above the major distinction of ALDI's mainly exclusive range.
- 12.19. "The great majority (77%) of packaged alcohol buyers, and 80% of those who have previously consumed ALDI liquor products believe that the proposed ALDI liquor section will provide a different take-away liquor experience to that which is currently available in the Whitfords locality (see section 4.6.2)".¹¹²
- 12.20. "The results in the table below show more than three out of four (77%) shoppers have previously consumed ALDI exclusive liquor products that had been purchased from another WA ALDI store...This suggests that many shoppers are prepared to go to other ALDI stores to access exclusive ALDI liquor products"¹¹³ which are not currently available in or near Westfield Whitford City.
- 12.21. "Over a third (35%) the sample of take-away liquor buyers report that they cannot access all their take-away liquor requirements in outlets within the 3km radius of the Whitfords ALDI store"¹¹⁴. Over and above this, the expert research found that "many packaged liquor buyers report that they propose using the liquor offer in the ALDI Whitfords store should the liquor licence be granted. Evidently the ALDI offer will better suit their packaged liquor purchasing needs than the range of outlets currently available to them."¹¹⁵
- 12.22. "It is clear that the great majority of take-away liquor buyers who currently shop at Whitfords ALDI would shop for their take-away liquor requirements from the ALDI liquor section if it was established. Eighty per cent of Whitfords ALDI shoppers would shop for their takeaway liquor requirements from the Whitfords ALDI liquor section at least once a month, and 98% "at least sometimes" should it be established."¹¹⁶

¹¹² PRG report at para 2.1, page 6

¹¹³ PRG report at para 4.4.1, page 18

¹¹⁴ PRG report at para 4.6.1, page 24

¹¹⁵ PRG report at para 4.6.2, page 25

¹¹⁶ PRG report at para 4.6.3, page 26

- 12.23. "It is clear that shoppers who currently buy packaged liquor would do most of their packaged liquor shopping at the Whitfords ALDI liquor section if it were established."¹¹⁷
- 12.24. "The extent to which buyers would transfer their liquor shopping to ALDI should the liquor licence be granted is illustrated in the table [on page 27 of the PRG report]. It shows that 75% of shoppers who purchase their liquor needs at least once a fortnight would shop from the ALDI liquor section at least once a fortnight. Ninety-two per cent would do so at least once a month, and 98% at least sometimes... Amongst buyers who currently shop at least once a month, 89% would shop in the ALDI liquor section at least once a month, and 99% at least sometimes"¹¹⁸.
- 12.25. The nearest ALDI liquor service from Westfield Whitford City is at ALDI Currambine, 6.5km away (straight line) and over 8km by car travelling through several other suburbs into a completely different district. Accessibility for those in the 3km locality seeking ALDI's liquor range is timely, expensive, inconvenient and archaic. A recent travel survey conducted by the City of Joondalup found that of the 400 residents consulted, "convenience" and "travel time" were the two main factors affecting them¹¹⁹.
- 12.26. Given the community growth in the 3km locality and the role of Westfield Whitford City as a large and modern retail facility supporting more than 40,000 people and with its 6.7 million annual visitors¹²⁰, it is essential that the site provide ready access to usual modern conveniences and diversity. It is unreasonable for people living in, working in and visiting such a major retail site to be denied modern choice and competition.
- 12.27. It is an essential consideration in this case that "the phrase 'requirements of consumers for packaged liquor' in the definition of 'local packaged liquor requirements' in s 36B(1) of the Act is *not* limited in its scope to the physical item or product of packaged liquor"¹²¹.
- 12.28. The evidence of the requirements of consumers, as referred to in this PIA, is very clearly that they require the applicant's particular range and associated products, services and style of operation to be available to purchase for take-away purposes from the ALDI Whitfords store.
- 12.29. Almost 100% of applicant's stock range will be unavailable elsewhere in the 3km locality and beyond, up to approximately 6.5km. This is a striking factor in this case.
- 12.30. To reiterate, the following are key distinguishing features of the ALDI liquor proposal:

¹¹⁷ PRG report at para 4.6.3, page 27

¹¹⁸ PRG report at paras 4.6.3 on page and 27

¹¹⁹ City of Joondalup Community Consultation Outcomes Report Travel Survey 2024, at page 3 (copy available if required and requested): <https://www.ioondalup.wa.gov.au/community-and-spaces/community-consultation/2024-travel-survey>

¹²⁰ <https://www.scentregroup.com/our-customers/westfield-destinations/westfield-whitford-city>

¹²¹ Liquorland Karrinyup [108] (Archer, J)

- 12.30.1. The majority of ALDI's products are exclusive and not available at any of the other liquor outlets.
 - 12.30.2. The display/browse will only comprise approximately 33m², significantly smaller than many of the other packaged liquor outlets. The bespoke ALDI liquor service will be an ancillary but highly valuable component of its overall service at Westfield Whitford City which is already very popular and well patronised.
 - 12.30.3. There will be no refrigerated liquor products. This is a harm minimising feature of the ALDI liquor service and speaks to its genuine intention to complement its household and grocery offering.
 - 12.30.4. None of the other packaged liquor outlets can offer one-stop-shopping convenience to ALDI shoppers.
- 12.31. Further and more detailed submissions regarding section 36B of the Act are contained in the attached Legal Submissions.

13. Sections 5, 33, 36B and 38 of the Act

- 13.1. Relevant provisions of the Act have been taken into consideration in the preparation of the application, including sections 5, 33, 36B and 38. Submissions addressing those and other relevant provisions in the Act have been briefly referred to in this document but are detailed in a separate set of Legal Submissions attached to this PIA.
- 13.2. It is respectfully submitted that the licensing authority should be easily satisfied that in relation to ALDI Whitfords, as was concluded in relation to ALDI Yanchep, the applicant has far exceeded the legislative high bar because the evidence shows substantially more than "trifling" and "considerable" requirements¹²².

14. Conclusion

- 14.1. This PIA responds to the Form 2A comprehensively and addresses relevant sections of the Act with specific reference to particulars of the application.
- 14.2. The applicant has focused attention on a wide variety of relevant public interest factors, existing packaged liquor premises and has presented a comprehensive proposal for the grant.
- 14.3. To reiterate, what is proposed is a modest liquor range comprising largely of award winning, value-for-money, exclusive products, through a modern one-stop-shop concept that has the potential to offer an unrivalled level of convenience for shoppers at Westfield Whitfords City and has been proven very popular elsewhere.
- 14.4. The ALDI Whitfords liquor service will be unique, not only in the s36B locality but also in the 3km locality and beyond. The products and style of operation will be

¹²² Liquorland Southern River [136] [137] (Lemonis J)

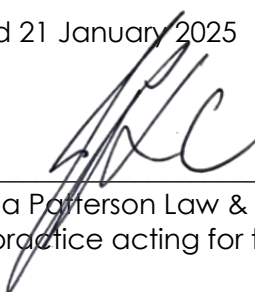
almost entirely unlike the existing products and services available to the already enormous and increasing community.

- 14.5. The stand-out characteristics of the Westfield Whitford City should be regarded as highly relevant in setting this case apart.
- 14.6. The licensing authority should be able to find as follows in this case, just as it did in ALDI Harrisdale – which findings still have relevance in the era of section 36B of the Act – where the liquor store model in question is virtually the same:

“The granting of a licence for the selling of packaged liquor in a floor space of [27] square metres would not result in a proliferation of liquor stores within the locality or a proliferation of liquor within the locality. To the contrary, given the nature of products to be sold by the applicant it will add to the diversity of products on offer and allow greater choice for consumers of liquor, thus being consistent with the primary object set out in section 5(1)(c) of the Act.”¹²³

- 14.7. Further submissions addressing conclusions to be drawn from the information contained in this PIA and supporting the grant of the licence as proposed are contained in the attached detailed set of Legal Submissions.

Dated 21 January 2025



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

Attachments	
No.	Title/description
1.	DES report
2.	PRG report
3.	City of Joondalup, Joondalup 2032, Strategic Community Plan 2022-2032
4.	Stocklist, including identification of the ALDI exclusive products (subject to change)
5.	List of awards received by ALDI
6.	9 News Perth Facebook, 15 June 2016
7.	Legal Submissions dated 21 January 2025

¹²³ [42]