



ALDI Foods Pty Ltd
applicant for the conditional grant of a liquor store licence

in respect of premises situated at
Westfield Innaloo, Ellen Stirling Boulevard, Innaloo

to be known as
ALDI Innaloo

Public Interest Assessment Form 2A Annexure

including section 36B submissions



Table of Contents

1. Executive summary	3
2. Introduction and background	4
3. Brief outline of the application	7
4. Applicant's background.....	7
5. The liquor – ALDI exclusive products	16
6. Form 2A “Part 2 – Manner of trade”	22
7. Form 2A “Part 3 – The profile of the local community	38
8. Form 2A “Part 4 – Minimising the potential for alcohol to cause harm”	43
9. Form 2A “Part 5 – Impact on the amenity, quiet or good order of the locality”	55
10. Form 2A “Part 6 – Impact on the people who live or work nearby and whether they might suffer offence, annoyance, disturbance or inconvenience”	60
11. Form 2A “Part 7 – Impact on tourism, culture and the community”	61
12. Local packaged liquor requirements – section 36B of the Act	64
13. Sections 5, 33, 36B and 38 of the Act	69
14. Conclusion	69

1. Executive summary

- 1.1. This ALDI liquor proposal has already been conditionally approved and found to be in demand and in the public interest at premises just 150 metres away approximately. This application is driven by the need to relocate the liquor service to nearby land almost adjoining.
- 1.2. This re-application for the previously approved liquor proposal, involves an incredibly popular liquor service, to operate from a small and modest licensed area, to be located amongst a growing population and significant demand.
- 1.3. The ALDI Innaloo store has tremendous regular patronage with 9,700 shoppers per week on average with a significant appetite for liquor given that staff receive enormous numbers and frequency of requests from customers for ALDI's 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 elsewhere in the State including on the applicant's formerly approved Innaloo site.
- 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 proposal for ALDI liquor in Innaloo continues to be strongly supported and demanded by the local community. Evidence of the most recent support and demand is attached.
- 1.9. Expert evidence shows that the ALDI Innaloo store draws customers from far afield, across a wide catchment of the metropolitan area¹.
- 1.10. The following telling findings have been reported and summarised by the expert market researcher in this matter²:

In our assessment, the survey has shown that the great majority of Innaloo ALDI shoppers is looking forward to the possibility of a liquor section being established in the Innaloo ALDI store. The great majority (70%) of shoppers have previously shopped in an ALDI supermarket that featured a take-away liquor section, and 63% have previously consumed exclusive ALDI liquor products purchased from the liquor section of another WA ALDI.

74% of take-away alcohol buyers believe that the proposed ALDI liquor section would be different from the current liquor outlets within the locality, and 81% 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 Innaloo ALDI liquor section would better meet their takeaway liquor requirements than the currently available Innaloo liquor outlets.

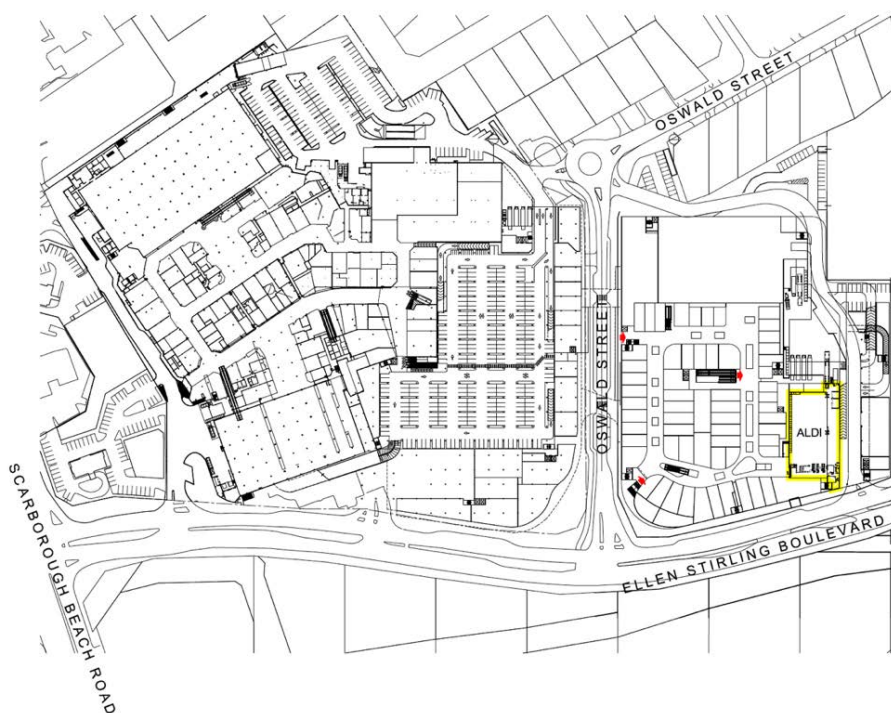
¹ ALDI CommBank card sales data – Innaloo – 2 September 2024) (private and confidential - copy available to the licensing authority upon request)

² Survey of the Consumer Requirement for Liquor Retailing Amongst Shoppers in the ALDI Supermarket in Innaloo 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.

- 1.11. A demand/supply analysis of relevant factors in this case reveals that demand cannot reasonably be met by supply, justifying the grant of the licence³.
- 1.12. 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 grant⁴.

2. Introduction and background

- 2.1. ALDI Foods Pty Limited (ACN 086 210 139) (**ALDI**⁵) has already obtained the conditional grant of a liquor store licence in Innaloo⁶, which is currently subject to the condition that the premises be completed by 13 March 2025. The conditionally approved premises is required to be relocated to a different site, only approximately 150 metres away.
- 2.2. The site the subject of the conditionally granted licence is part of a large non-contiguous shopping precinct which includes multiple buildings and an access road running through it, known as Oswald Street. The shopping precinct covers multiple parcels of adjoining land owned by the same party and straddles Oswald Street which facilitates access and connection between different parts of the shopping precinct on either side of Oswald Street. The whole site, described as the **Innaloo shopping precinct** is depicted in the site plan below whereby the location of the conditionally granted licence is situated within the area highlighted in yellow and labelled ALDI.



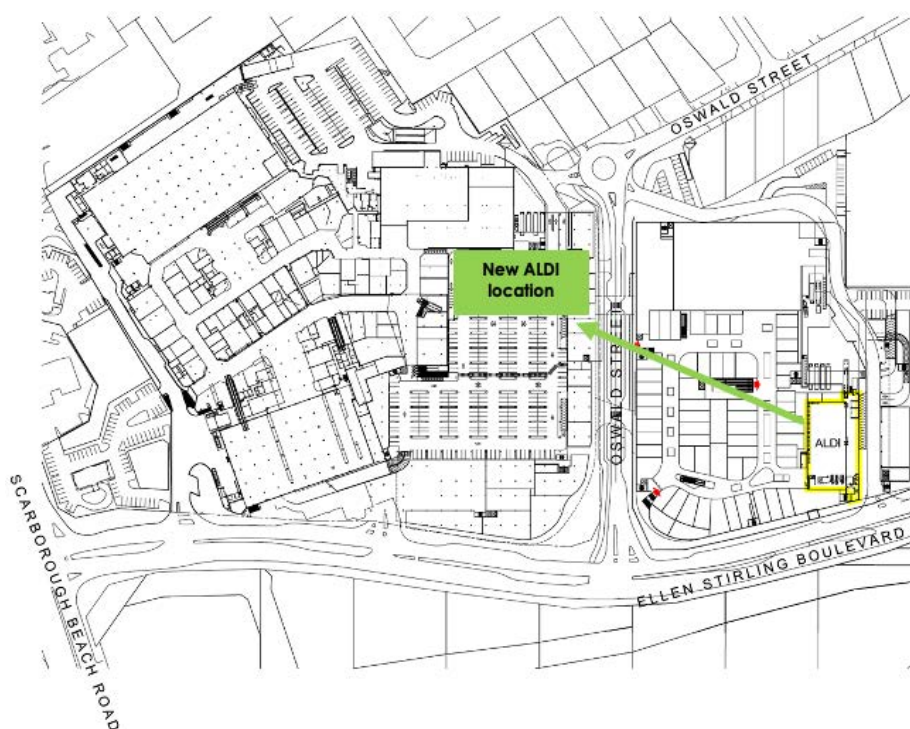
³ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (**Liquorland Southern River**) [57] (Lemonis J)

⁴ *Liquorland Southern River* [128] [137] (Lemonis J)

⁵ Including related entities forming the ALDI group

⁶ A359699402/603212035418

- 2.3. The Innaloo shopping precinct has been the subject of redevelopment by the landowner in recent years. Various extensions and improvements have been and continue to be constructed.
- 2.4. Subsequent to the approval of the conditionally granted licence to ALDI, the landowner made various changes and deferrals to the redevelopment. Consequently, ALDI has been compelled to make changes to its supermarket and liquor store plans which included shifting its supermarket and liquor store development the short distance of approximately 150 metres, elsewhere within the Innaloo shopping precinct, to the other side of Oswald Street. This is depicted in the following marked-up version of the site plan whereby the existing location of the conditionally granted licence is within the yellow highlighted area marked "ALDI" and the new location shaded in green and marked as "new ALDI location".



- 2.5. The same manner of trade is intended at the new ALDI location and almost identical premises are to be constructed in terms of size and layout. The style of operation, stock range, trading conditions and intended catchment will not change. Only the location within the Innaloo shopping precinct is sought to be changed, by just 150m (approx.), together with a slight shape change to the licensed area and different barricading material.
- 2.6. Notwithstanding the close proximity of the new ALDI location and the fact that it is also within the Innaloo shopping precinct, it is situated on a different parcel of land and is not contiguous. Therefore, ALDI is unable to apply for approval of the new ALDI location under sections 62(6) or 77(4) of the Liquor Control Act 1988 (WA) (**Act**).

- 2.7. As ALDI has not been able to confirm the conditionally granted licence in respect of the existing approved location, due to the landowner's requirements, ALDI is unable to apply for approval of the new ALDI location under 81 of the Act. Therefore, the only avenue available under the Act is to seek a new grant in respect of the new ALDI location, to replace the conditionally granted licence.
- 2.8. ALDI now seeks the conditional grant of a new liquor store licence pursuant to sections 33, 38, 36B, 47, 62 and 68 and 98D of the Act for a very small section of its supermarket premises located at Westfield Innaloo, Ellen Stirling Boulevard, Innaloo, known as ALDI Innaloo. This new grant is sought to replace the existing which can be surrendered or cancelled contemporaneously.
- 2.9. 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 (**Department**) (**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.
- 2.10. As directed by the Department⁷, the applicant has applied a "common-sense approach"⁸ 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. Accordingly and in the interests of not overburdening the licensing authority, regard has been given to the fact that ALDI has already proven the need for and obtained a liquor store licence in respect of, its Innaloo offering in the neighbouring site within the almost identical locality. Further detail and additional copies of source material can be provided if necessary.
- 2.11. Given the unusual background to this application, ALDI respectfully invites the licensing authority to exercise the discretion in sections 5, 16, 33 and 67 of the Act and determine that no advertising is required. Further submissions addressing this request will be lodged with the licensing authority in separate correspondence.
- 2.12. Hundreds of members of the public have again provided evidence of strong demand for the ALDI liquor service in Innaloo, at the new location. This evidence is based largely on consumers with first-hand knowledge of the proposed liquor model and product range. The PRG report found that "[s]even out of ten of the ALDI Innaloo shoppers have previously been in an ALDI store that has a take-away liquor section: it is not a new concept for them"⁹.
- 2.13. 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 completed.

⁷ Form 2A and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

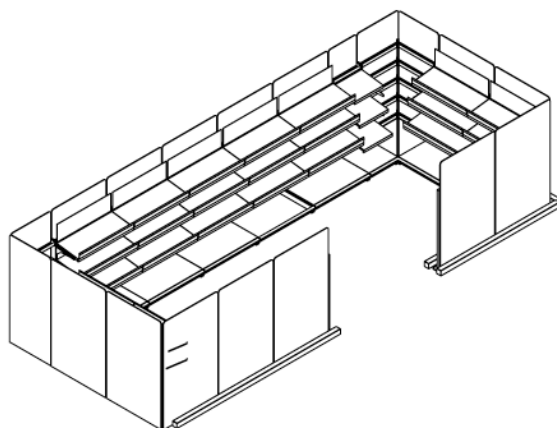
⁸ Form 2A page 2

⁹ At para 4.4, page 17

- 2.14. 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 small liquor display/browse and checkout section of only approximately 27m² within the ALDI Innaloo store. 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 Innaloo store. The size, layout and style of operation will be almost identical to existing ALDI liquor store licences trading in WA.
- 3.2. This liquor model is entirely 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 services and facilities. This creates an exceptional one-stop-shopping convenience for customers, which is a key feature of the ALDI offering.
- 3.3. Pictured below is an aerial render that is generally indicative of what is proposed as the liquor display/browse area. The checkout is located at the entrance that is depicted. The boundary partitioning is proposed to be made of 2.1 metre high opaque frosted glass.



- 3.4. Additional details of the ALDI liquor offering are provided further on in this PIA.
- 3.5. Members of the Innaloo community and surrounding area 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 organisation¹⁰.

"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

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

only two or three different brands of plain flour, rather than five or more as is 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 consumers¹¹.

- 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."¹²

- 4.7. ALDI's published mission is to provide the public with "unbeatable value"¹³. 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 news¹⁴.

¹¹ 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."

¹² <https://corporate.aldi.com.au/en/corporate-responsibility/>

¹³ <https://www.aldi.com.au/en/about-aldi/aldis-low-prices/>

¹⁴ 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>)

4.11. Some special buys are repeated occasionally but most are one-off items in limited stock so when a store sells out, the item won't be replenished.

ALDI Special Buys™

4.12. ALDI special buys are displayed in the now well-renowned middle aisle of every ALDI store.

4.13. The following images show recent catalogue-advertised special buys available at Innaloo, by way of example.





4.14. These images show that an enormous and diverse range of popular consumer items will be available at exceptional and diverse 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.

Public Interest Assessment
Form 2A Annexure
Application for liquor store licence
ALDI Innaloo

 <p>Souppon 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 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"¹⁵.
- 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."¹⁶



¹⁵ ALSA – IRI State of the Industry Report, March 2017 at page 14 - copy available if required, upon request

¹⁶ <https://insidefmca.com.au/2017/05/15/aldis-good-different-campaign/>

- 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!¹⁷”.
- 4.22. Further¹⁸:
- **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.**
- 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 supermarkets¹⁹.
- 4.24. Roy Morgan “collects customer satisfaction ratings from an ongoing Single Source survey in Australia (over 60,000 consumers and 12,000 business decision-makers annually, for example.) This data is used to determine the monthly and annual winners of the Roy Morgan Customer Satisfaction Awards.”²⁰
- 4.25. 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 years²¹. 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”²².
- 4.26. 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.

¹⁷ <https://corporate.aldi.com.au/en/corporate-responsibility/customers/>

¹⁸ <https://corporate.aldi.com.au/en/corporate-responsibility/customers/>

¹⁹ <https://www.roymorgan.com/findings/9666-risk-monitor-quarterly-update-june-2024>

²⁰ <https://www.roymorgan.com/products-and-tools/customer-satisfaction-awards>

²¹ <https://www.roymorgan.com/findings/roy-morgan-unveils-annual-customer-satisfaction-award-winners-across-all-categories-2023>

²² <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>

- 4.27. Canstar Blue is a major, well-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”²³.
- 4.28. 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.
- 4.29. “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”.²⁴
- 4.30. 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.
- 4.31. 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 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.
- 4.32. 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.
- 4.33. 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.
- 4.34. 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

²³ <https://www.canstarblue.com.au/about-us/>

²⁴ 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/>

strong relationships with these suppliers, who are committed to ensuring that our wine products offer great value at their respective price points.”²⁵

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 Innaloo 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 ALDI liquor service at Innaloo would include the following:
 - 5.3.1. Approximately 60 different wines – red, white, sparkling and fortified.
 - 5.3.2. Approximately 15 different beers – full, medium and light strength.
 - 5.3.3. Approximately 15 different spirits – bourbon, brandy, gin, scotch, vodka and liqueurs.
 - 5.3.4. Approximately 5 different ciders.
- 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 Heathcoate Shiraz 2015, was “damn good”²⁶. 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 superior quality award-winning products:

²⁵ https://www.aldi.com.au/fileadmin/fm-dam/Products/Groceries/Liquor/WA_Launch/ALDI_Media_Release_-_WA_Liquor_Launch_1_.pdf

²⁶ <http://www.perthnow.com.au/news/western-australia/aldi-will-start-selling-alcohol-in-perth-stores-from-today/news-story/c59014qfc215ba475dd1265a0e89eb4c>

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."

27

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.

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.

28

- 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 take-away 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.

²⁷ <https://7news.com.au/lifestyle/food/bargain-30-aldi-vodka-picks-up-top-award-at-the-global-vodka-masters-2022-c-8149807>

²⁸ <https://www.bhg.com.au/aldi-scotch-whiskey-award>

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."

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.

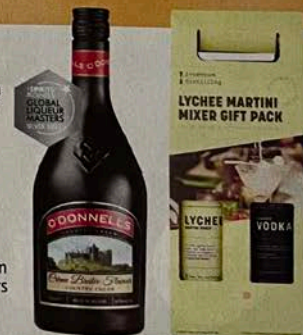
5.11. The ALDI model does not, therefore, have the same deleterious effect on the development of the liquor industry by removing independent liquor producers from the market, but rather ALDI makes a highly valuable contribution to the industry by providing independent producers with a channel to develop and sell their wares.

- 5.12. This is one of many factors which differentiates ALDI's liquor range from the major liquor stores. The local community will benefit greatly from having access to this special service.
- 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 Innaloo 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. The following are examples of ALDI's liquor advertising in a recently published catalogue which are relatively modest, stylish and elegant. The advertisement contains product information for each item, clearly 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'Donnells 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 Inventum Lychee Martini Mixer Gift Pack**
Simply mix, shake, strain, pour and enjoy!



Q \$14.99 **R \$44.99**
pk

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



Soak it up

A \$15⁹⁹

B \$14⁹⁹

C \$12⁹⁹

D \$13⁹⁹

E \$11⁹⁹

F \$13⁹⁹

G \$13⁹⁹

H \$9⁹⁹

I \$5⁹⁹

1 litre value

A Mount Langi Ghiran Summer Series Pinot Gris 2024 750ml
 Beautifully fruit driven with notes of nashi pear and apple, and a crunchy citrus backbone.

B Brown Brothers Mango Swirl Moscato NV 750ml
 Tropical paradise in a glass!

C La Mule Côteaux Varois en Provence Rosé 2023 750ml
 Clear and limpid, fuchsia-pink colour with powerful notes of citrus and red berries.

D Small Talk Shiraz 2023 1L
 Excellent value!

E De Bortoli Limited Release Muscat NV 375ml
 Barrel aged for 8 years, with concentrated wood character, raisins, coffee and caramel. Beautifully integrated with a long, smooth finish.

F Truly Wildly Yarra Valley Pinot Noir 2023 750ml
 Wild cherry and raspberry fruits, intertwined with a dash of pepper spice from some partial, whole-bunch winemaking. Features finely tensioned tannins and a fine line of acidity.

G Big Bear Californian Chardonnay 2022 750ml
 An opulent and rich palate of spiced butterscotch, peach and apricot. Filled with macadamia and almond meal notes. Full bodied goodness, rich, round and creamy.

H Loire Valley Sauvignon Blanc 2023 750ml
 Crisp and delicate with hints of white flowers, pineapple, stone fruits and a touch of minerality.

I Moon Dog Fizzer Mixed Sour Pack 10 x 330ml
 Low calorie, low carb, low sugar, all natural and downright delicious!

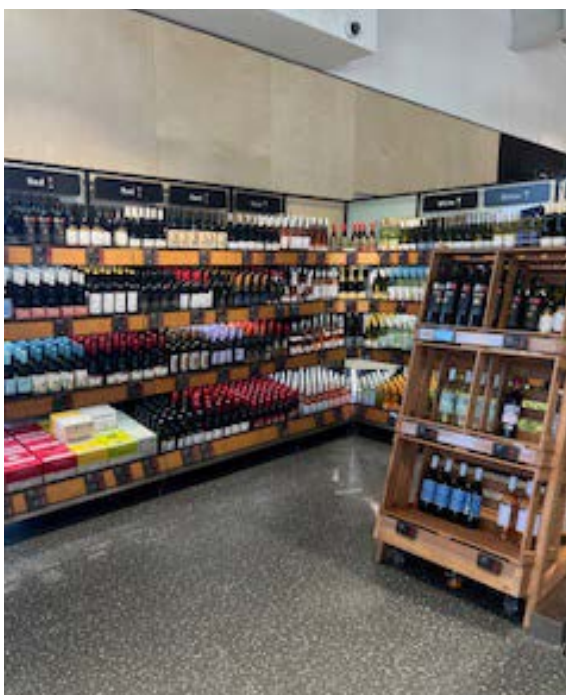
ALDI Liquor available in selected stores. See aldi.com.au for locations

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, very similar to that which will be established in Innaloo 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, including the existing Innaloo site which will not be proceeding.
- 6.5. ALDI Innaloo currently operates as follows:
- Monday: 8.30am to 8.00pm
 - 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 Innaloo, should the application be approved:
- 6.9.1. ALDI exclusive product range.
 - 6.9.2. Combination of the ALDI Innaloo 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 Innaloo client base comprises shoppers from over 150 suburbs²⁹. It is expected that the liquor section will draw a similarly wide catchment.
 - 6.10.2. Shoppers who live in Innaloo represent the largest percentage, closely followed by Scarborough and then Doubleview.
 - 6.10.3. Through the expert market and site researcher, analyst and advisory firm, Deep End Services, the applicant identified primary and secondary trade areas when ALDI Innaloo was being developed. Attached is the initial report by Deep End Services³⁰. The primary trade area captures the whole of the suburbs of Innaloo, Osborne Park, Woodlands and Wembley Downs.
 - 6.10.4. The Westfield Innaloo shopping centre is, as explained elsewhere in this PIA, a very convenience-focused facility. Its mix of retailers is designed for regular, routine, daily and weekly type shopping trips. Therefore, shoppers who live and work relatively close by are most attracted to the site.
 - 6.10.5. Primarily, the ALDI target client base for the Innaloo liquor service is existing customers of the ALDI Innaloo supermarket who are demanding liquor be available to them there.
 - 6.10.6. Subsequently and more generally, the ALDI target client base for the Innaloo liquor service is people living and working in the nearest surrounding suburbs of Innaloo, Doubleview, Scarborough, Osborne Park, Woodlands and Wembley Downs.
- 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 95,900 members³¹. ALDI's official Facebook page has 834,000 "likes" and 865,000 "followers"³². This medium is

²⁹ ALDI CommBank card sales data – Innaloo – 2 September 2024 (private and confidential - copy available to the licensing authority upon request)

³⁰ Innaloo WA Trade Area & Sales Projection, by Deep End Services dated 8 June 2021 (**DES report**). The attached version contains redacted confidential commercial sales data. An unredacted version can be provided to the licensing authority on request if required on a private and confidential basis.

³¹ <https://www.facebook.com/groups/11715511252/>

³² <https://www.facebook.com/ALDI.Australia/>

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 instance³³. Subsequently, a massive 8,637 people took it upon themselves to participate in an Internet survey conducted by Nine News Perth³⁴ 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. It is indicative of ALDI’s significant popularity in the WA community.
- 6.14. ALDI has been under pressure for some while from Innaloo customers to provide a liquor service at the store. They know about other ALDI stores offering liquor and want Innaloo to do the same. Customers seeking the liquor service have expressed confusion and frustration as to why other ALDI locations offer liquor but the Innaloo store does not.
- 6.15. The applicant re-engaged independent expert market research firm, PRG³⁵, to conduct a fresh survey in respect of the new location 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 221 people surveyed, include the following:
- 6.15.1. “Ninety-seven per cent of all shoppers, and 98% of take-away liquor buyers support the establishment of a liquor section within the Innaloo ALDI store (see section 4.8)”³⁶
- 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 70% of shoppers had shopped in an ALDI store that included a liquor section, adds some weight to these observations.”³⁷
- 6.15.3. “In our assessment, the survey has shown that the great majority of Innaloo ALDI shoppers is looking forward to the possibility of a liquor section being established in the Innaloo ALDI store.”³⁸
- 6.15.4. “It is clear that in excess of 9 in 10 ‘experienced shoppers’ agree each of these propositions. That is, that:
- ALDI liquor sections have good quality products,
 - the products represent good value for money,
 - the liquor section is convenient for shoppers, and

³³ Decision of Director of Liquor Licensing: ALDI Harrisdale (A000187300) and Decision of Director of Liquor Licensing: ALDI Joondalup (A000191943)

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

³⁵ Experience, expertise and methods are referred to on pages 2, 5 and 11; Also: <https://marketresearch.com.au/>

³⁶ PRG report at para 2.2, page 7

³⁷ PRG report at para 2.3, page 9

³⁸ PRG report at para 2.4, page 10

- they have many brands and products not available elsewhere (other than another ALDI store)".³⁹
- 6.15.5. "Evidently, more than 9 in 10 shoppers (94%) like the notion that the liquor section would be located within the ALDI Innaloo store. Importantly, only 4% indicated that they dislike this possibility."⁴⁰
- 6.15.6. "Nine in ten (90%) of the total ALDI shopper sample, liked the notion that the proposed liquor section would have mostly exclusive ALDI products, and only 1% disliked it. The weight of opinion is very much supportive of this aspect of the proposed ALDI Innaloo liquor section."⁴¹ This follows evidence in the survey that "almost two thirds (63%) of shoppers have previously consumed ALDI exclusive liquor products that had been purchased from another WA ALDI store"⁴², so those interviewed who expressed strong support for the specialist exclusive range clearly knew exactly what liquor products they were addressing.
- 6.15.7. "Slightly more than 9 in 10 (91%) of the total sample liked and no respondents dislike [the ALDI award winning products] aspect of the proposed Innaloo ALDI liquor section".⁴³
- 6.15.8. "More than 9 in 10 (94%) of the total ALDI shopper sample liked [ALDI's value for money pricing] aspect of the proposed Innaloo 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."⁴⁴
- 6.15.9. "In excess of 9 in 10 (95%) of the total Innaloo ALDI sample liked [the convenience of shopping for groceries and liquor needs in the one transaction through] the proposed liquor section. Only 1% disliked this notion."⁴⁵
- 6.16. The PRG report has been compiled by an extremely experienced expert in this field. 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"⁴⁶.

Form 2A: "2.2 Describe the premises/proposed premises"

- 6.17. The following map extracted from the DES report identifies the general location of the ALDI Innaloo store in the context of its surroundings and some of the nearby businesses.

³⁹ PRG report at para 4.4.2, page 19

⁴⁰ PRG report at para 4.5.1, page 20

⁴¹ PRG report at para 4.5.2, page 21

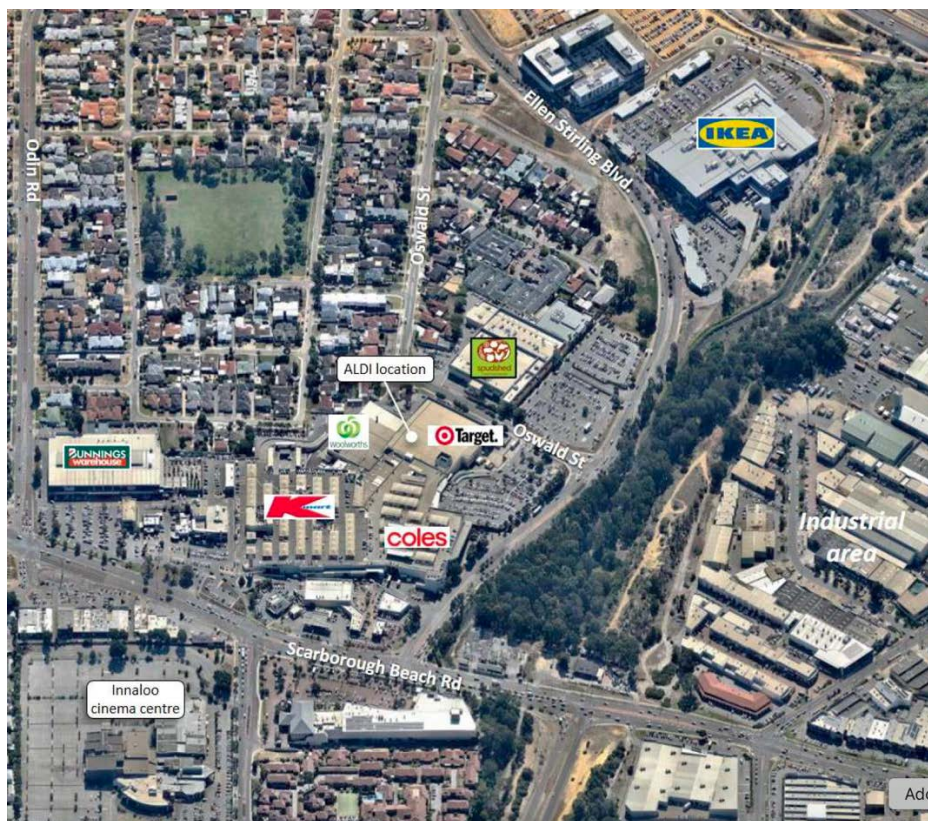
⁴² PRG report at para 4.4.1, page 18

⁴³ PRG report at para 4.5.3, page 21

⁴⁴ PRG report at para 4.5.4, page 21

⁴⁵ PRG report at para 4.5.5, page 22

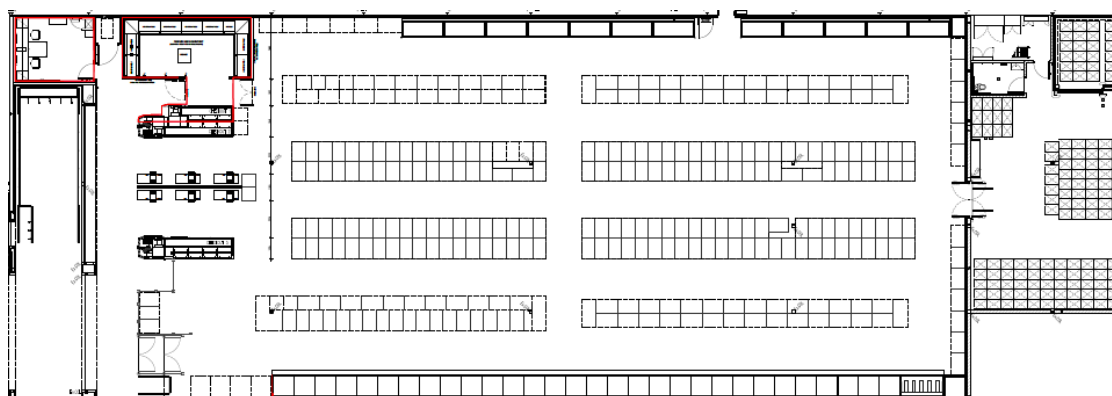
⁴⁶ Hearing 22 February 2017, transcript at page 45



- 6.18. ALDI stores generally comprise a total footprint of approximately 2,000m². Some are located at shopping centres like the Innaloo store as depicted on the cover page of this PIA, while others are free-standing.
- 6.19. The Innaloo store has been operating since 2023. Consistent with other ALDI stores, the following different parts or areas comprise the Innaloo store, listed in order of size in terms of the approximate portion of the total footprint:
- 6.19.1. Main public retail area (non-liquor) – displaying grocery, other supermarket items, homewares, clothing, furniture, tools and other non-grocery items.
 - 6.19.2. Storage.
 - 6.19.3. Loading dock/delivery area.
 - 6.19.4. Entrance and trolley bay.
 - 6.19.5. Checkout.
 - 6.19.6. Office and staff facilities.
 - 6.19.7. Liquor display and browse area (proposed).
- 6.20. The store relies upon the enormous surrounding and rooftop parking provided by the shopping centre management, for its customers.
- 6.21. ALDI stores are bright, fresh and pleasant shopping environments. The following images depict generally the stylish and crisp appearance that can be found at the ALDI Innaloo store:



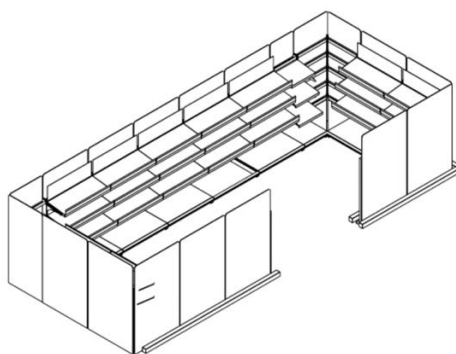
- 6.22. ALDI operates a generic store modelling concept. The size, layout, colour, product location and stock range of each ALDI store are almost always the same. Minor differences may occur from time to time at some stores owing to land formation, town planning requirements or other unique particulars of the site. For example, the entrance door may be positioned a few metres away from its usual position at a particular location.
- 6.23. 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.
- 6.24. The layout of the ALDI Innaloo 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 area (approximately 27m²), checkout and office. This is clearly a tiny proportion of the overall footprint. The office is sought to be licensed for the purpose of housing the required licensing documents and to accommodate the approved manager from time to time.



- 6.25. The display/browse space is a simple rectangular shape as depicted in the image above. This design is based on many years of experience and enables

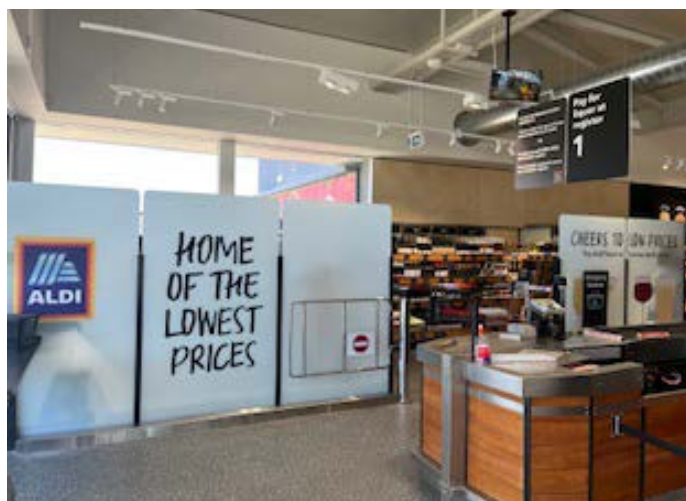
convenience and a high level of surveillance of the area. The display/browse area will comfortably accommodate shoppers with their trolleys.

- 6.26. 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.
- 6.27. 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 Innaloo store and will help ensure the area is well-controlled and supervised.
- 6.28. 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 at ALDI Innaloo if approved. The boundary partitioning is intended to be made of 2.1 metre high opaque frosted glass designed for the purpose.



- 6.29. The following photographs of the liquor section at the ALDI Yanchep store are indicative of what is proposed to be established at Innaloo:





- 6.30. 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.
- 6.31. 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.
- 6.32. 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.

6.33. 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. To the right is an example of the innocuous type of external signage that may be displayed.



6.34. 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 thereafter.

6.35. As stated previously, the office inside the ALDI Innaloo 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.

6.36. The applicant intends to store liquor in the back-of-house storage area of the ALDI Innaloo supermarket 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.

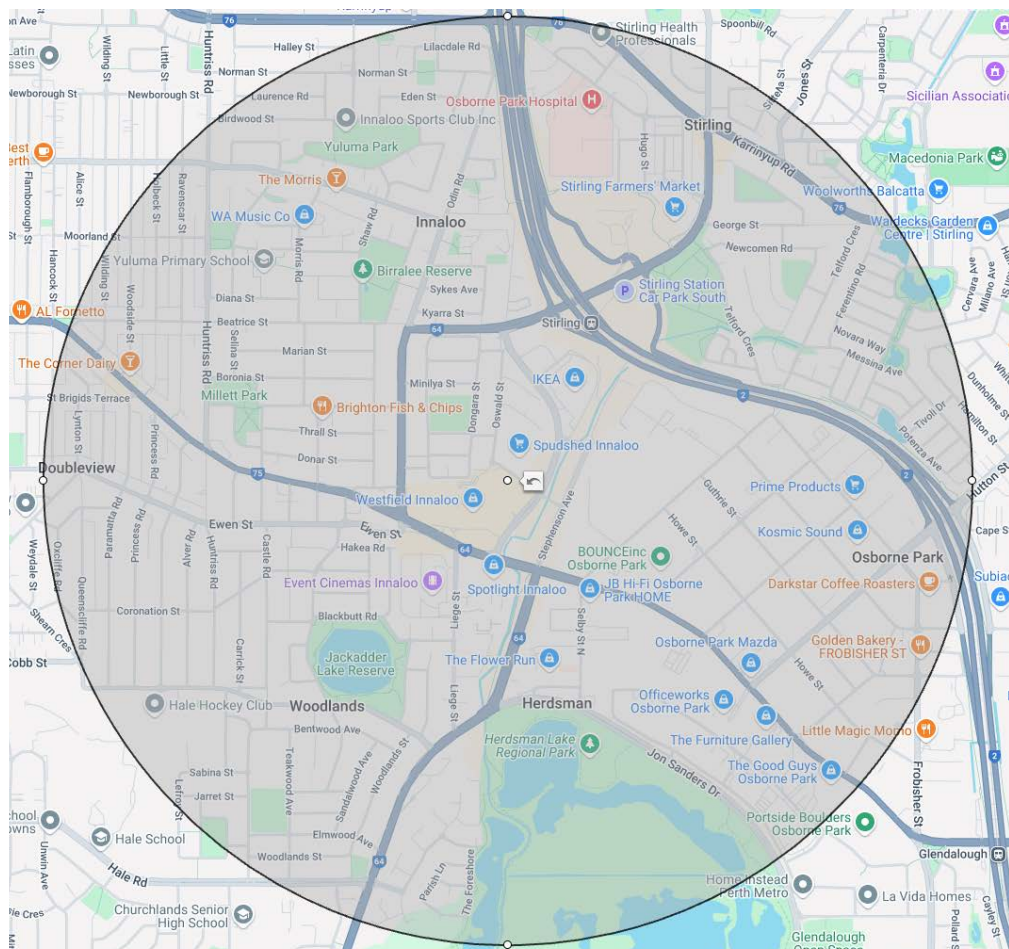
Form 2A: "2.3 If you intend to sell packaged liquor, give the names and addresses of all existing licensed premises within the locality"

6.37. To address this item in the Form 2A, it is necessary to firstly identify the relevant locality.

6.38. There is no definition of "locality" in the Act.

6.39. The ALDI Innaloo store is located approximately 7.5km north west of the Perth CBD. In the Form 2A, the Department has suggested that the locality for this case may be a 2km radius around the proposed licensed area given that the premises is located within 15km of the Perth CBD. That area is depicted in the Google Map below **(2km locality)**.

Public Interest Assessment
Form 2A Annexure
Application for liquor store licence
ALDI Innaloo



6.40. ALDI Innaloo and the 2km locality are located within the City of Stirling local government area which has described itself in the following terms:

6.40.1. "[A] vibrant and thriving community in Western Australia. Home to 243,871 residents, 23,667 businesses and 77 activity centres - our City is a bustling hub of activity, supporting 88,056 jobs across various sectors. With an impressive annual economic output of \$38.681 billion, Stirling stands as a beacon of growth and opportunity, offering a dynamic environment for both businesses and families alike."⁴⁷

6.40.2. The City of Stirling (the City) is located 8 km north of Perth's central business district and covers an area of around 100km². Spanning 30 suburbs – from Scarborough in the west to Inglewood in the east, and from Hamersley in the north to Herdsman in the south - the City is a thriving cosmopolitan, multicultural and economic hub.

It is the largest local government area by population in Western Australia and the 17th largest in Australia. The City's estimated resident population in 2021 was 234,000, with a median age of 38

⁴⁷ <https://www.stirling.wa.gov.au/business-and-investment/investing-in-stirling>

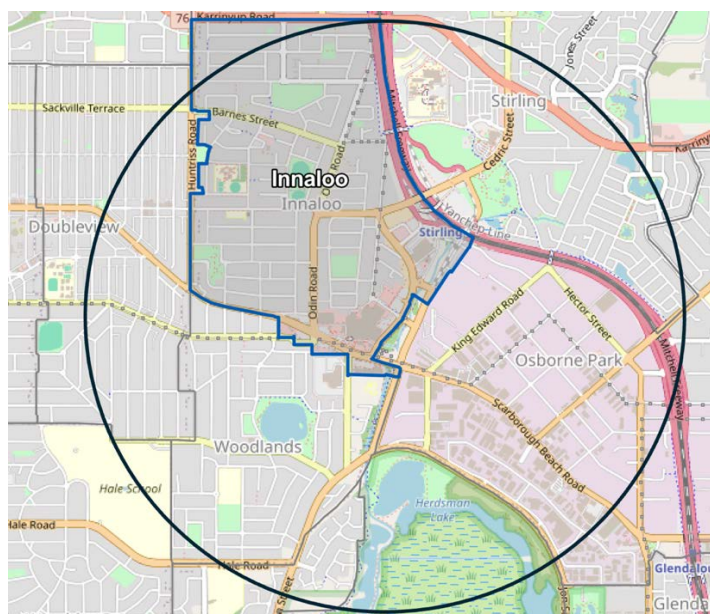
years. Between 2016 and 2020, the annualised population growth rate was 0.41 per cent.

The City of Stirling sits on land known as Mooro Country, home to Wadjak Nyoongar people for more than 40,000 years. Mooro Country extends from the Indian Ocean in the west to beyond the City's boundary in the east, and from the Swan River on the banks of Perth's CBD south of the City of Stirling to the boundary of Perth's metropolitan northern border in Yanchep.

The City of Stirling's population is incredibly diverse. Recent data from 2021 shows that around 37 per cent of the City's population was born overseas and 29 per cent of the population spoke a language other than English at home. The population of Aboriginal and/or Torres Strait Islanders has remained stable at approximately one per cent of the City's population.

The City is predominantly urban, with over 103,000 private dwellings. It also has 1,780ha of open space for reserves, parks, natural conservation areas and special purpose lands, including over 700ha of natural bushland, 26 wetland sites and 7 km of coastal dunes and beaches. Our built environment boasts a thriving industrial hub, beautiful history-laden suburbs and cool, eclectic café strips."⁴⁸

- 6.41. The 2km locality comprises all or parts of the suburbs of Innaloo, Stirling, Osborne Park, Churchlands, Wembley Downs, Woodlands and Doubleview. Innaloo itself is shown below outlined in blue, in the context of the 2km locality⁴⁹. The other suburbs are also labelled.



⁴⁸ <https://www.stirling.wa.gov.au/business-and-investment/investing-in-stirling/community-and-economic-profile>

⁴⁹ Map obtained from Australian Bureau of Statistics (ABS): <https://www.abs.gov.au/census/find-census-data/search-by-area>, 2km locality circle added

- 6.42. “[T]he word ‘locality’ in s 36B denotes an area that surrounds, and is geographically close to, the location of the proposed premises”⁵⁰.
- 6.43. “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 packaged liquor can be sold. It seeks to ensure that there are not multiple premises in close proximity to one another selling packaged liquor.”⁵¹
- 6.44. “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’”⁵².
- 6.45. The 2km locality includes the trainline, Stirling Train Station, Mitchell Freeway and Herdsman Lake which act as significant structural barriers within the area. It also includes the part of Osborne Park which is largely light industrial.
- 6.46. “[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.”⁵³
- 6.47. “What constitutes a ‘locality’ relates to the geographical area surrounding, and what is relatively close to, the proposed site”⁵⁴.
- 6.48. “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”⁵⁵.
- 6.49. “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

⁵⁰ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 (**Liquorland Karrinyup**) [181] (Archer J); confirmed in *Liquorland Southern River* [62] (Lemonis)

⁵¹ *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)

⁵² *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)

⁵³ *Liquorland Karrinyup* [186] (Archer J); confirmed in *Liquorland Southern River* [62] (Lemonis)

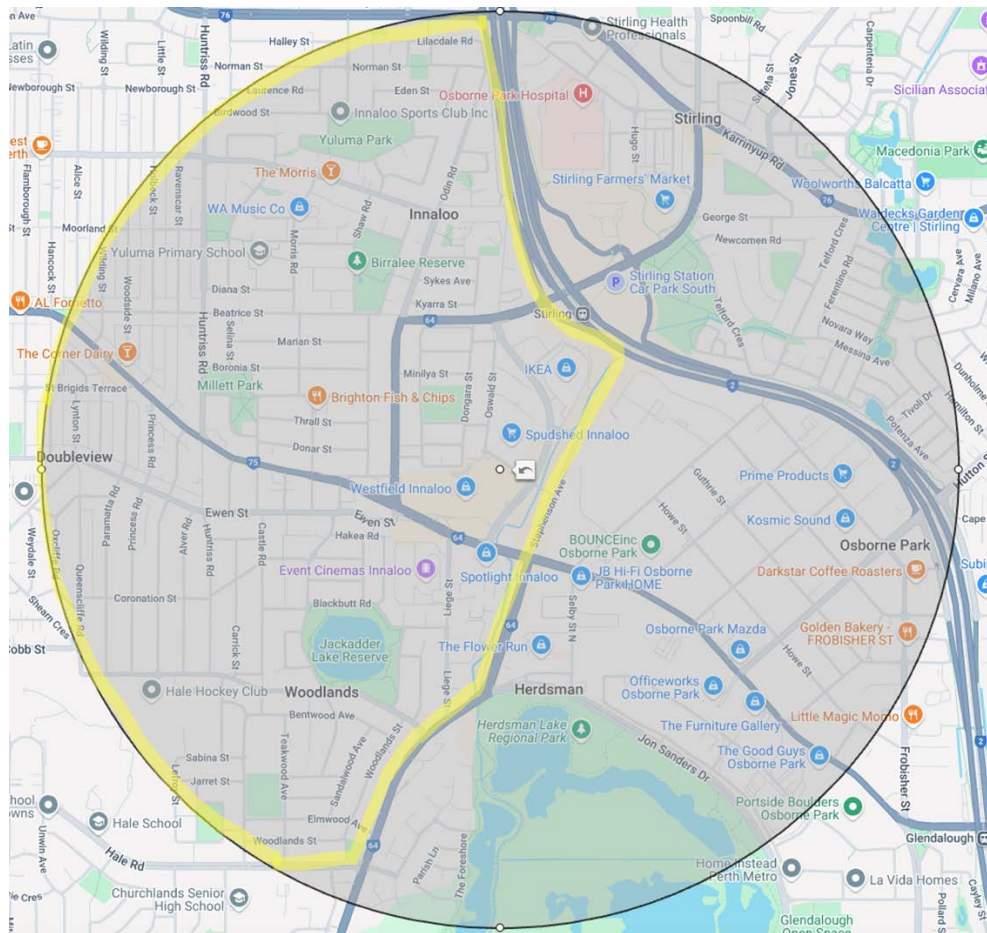
⁵⁴ *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 [14] (Smith J); *Liquorland Karrinyup* [186] and [190] (Archer J)

⁵⁵ *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]

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".⁵⁶

- 6.50. For the purposes of section 36B of the Act, the applicant submits that the relevant locality in this case is the area bounded by:
- 6.50.1. the 2km locality boundary to the north,
 - 6.50.2. trainline, Mitchell Freeway and Stephenson Avenue to the east,
 - 6.50.3. Pearson Street (around Herdsman Lake) and Hale Road to the south and
 - 6.50.4. the 2km locality boundary to the west.

This area is outlined in **yellow** inside the 2km locality radius in the Google Maps image below (**s36B locality**).



- 6.51. This s36B locality area comprises most of the suburbs of Innaloo and Woodlands and approximately half of the suburb of Doubleview.
- 6.52. The applicant has carefully considered both the 2km locality and s36B locality, as referred to throughout this PIA and the accompanying Legal Submissions.

⁵⁶ 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]

- 6.53. As directed by the Department⁵⁷, the applicant has applied a “common-sense approach”⁵⁸ to the submissions contained within this PIA in relation to assessing the locality. In this context, the applicant has had regard for the fact that the 2km locality and s36B locality are both very established and presumably the licensing authority is intimately familiar with them and so only pertinent locality material has been included in this document⁵⁹.
- 6.54. As required by the Form 2A, the applicant provides the following “names and addresses of all existing licensed premises within the [s36B] locality”⁶⁰.
- 6.54.1. The Morris Tavern, 2 Morris Place, Innaloo
 - 6.54.2. Liquorland Innaloo – Oswald Street, Oswald Street, Innaloo
 - 6.54.3. BWS – Beer Wine Spirits Innaloo, Westfield Shopping Centre, Ellen Stirling Boulevard, Innaloo
 - 6.54.4. Innaloo Sports Clubs Incorporated, Birdwood Street, Innaloo
 - 6.54.5. Punjab Indian Restaurant, 371 Scarborough Beach Road, Innaloo
 - 6.54.6. Eat Italian, 1/379 Scarborough Beach Road, Innaloo
 - 6.54.7. Bollywood Restaurant, Innaloo Cinema Complex, Shop 6, Liege Street, Innaloo
 - 6.54.8. Dhaba Innaloo, Shop 8/377 Scarborough Beach Road, Innaloo
 - 6.54.9. Stirling City Toscani (Panthers) Soccer Club Inc, Langley Crescent, Innaloo
 - 6.54.10. Cellarbrations at Morris Place, Shop 7 Morris Place Shopping Centre, 27 Morris Place, Innaloo
 - 6.54.11. ALDI Innaloo, Shop M2001 Westfield Stirling, 46 Oswald Street cnr Ellen Stirling Boulevard, Innaloo – conditionally granted, as referred to earlier in this PIA – proposed to be surrendered contemporaneously with the conditional grant of the replacement licence the subject of this application.
 - 6.54.12. Dan Murphy's Innaloo, 401 Scarborough Beach Road, Innaloo
 - 6.54.13. HanGaWee Market, Shop 1118, Westfield Innaloo Shopping Centre, 388 Scarborough Beach Road, Innaloo
 - 6.54.14. Nando's Innaloo, 381 Scarborough Beach Road, Innaloo
 - 6.54.15. Izakaya Sasuke, Shop 4, 379 Scarborough Beach Road, Innaloo
 - 6.54.16. Tao Café, 381B Scarborough Beach Road, Innaloo

⁵⁷ Form 2A and at <https://www.dlqsc.wa.gov.au/department/publications/publication/public-interest-assessment>

⁵⁸ Form 2A page 2

⁵⁹ Further detailed information and supporting documents can be provided if required, upon request

⁶⁰ Based on information published by the Department as at 9 December 2024:

<https://portal.dlqsc.wa.gov.au/forms/fr/search/findallicence/new>

- 6.54.17. The Cray Seafood and Grill Restaurant Innaloo, 387 Scarborough Beach Road, Innaloo
- 6.54.18. Innaloo Amateur Football Club Inc, Birralee Reserve Bates Road, Innaloo
- 6.54.19. The Cooksley, 2 Morris Place, Innaloo
- 6.54.20. Bada Bing Café, Shop 1-3, Woodlands Shopping Centre, 84 Rosewood Avenue, Woodlands
- 6.54.21. 3 Sheets On The Lake, 88 Rosewood Avenue, Woodlands
- 6.54.22. Event Cinemas, 57 Leige Street, Woodlands
- 6.54.23. Woodlands Wolves Ball Club Inc, 33 Teakwood Avenue, Woodlands
- 6.54.24. WA Cellar Door Doubleview, 257 Scarborough Beach Road, Doubleview
- 6.54.25. Old Haleians Hockey Club Inc, Hale School Hockey Pavilion, Williamstown Road, Doubleview
- 6.54.26. St Brigid Bar, 257 Scarborough Beach Road, Doubleview
- 6.54.27. The Corner Dairy, 260 Woodside Street, Doubleview
- 6.55. Additional information and submissions regarding the “packaged liquor premises”⁶¹ listed above are provided further on in this document.

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 in 2021 the ABS recorded the following numbers of residents within the suburbs that have been previously identified as being located entirely or partly within the 2km locality and 36B locality⁶²:

Innaloo	Stirling	Osborne Park	Woodlands	Churchlands	Wembley Downs	Doubleview
9,592	10,165	4,463	4,551	3,638	6,743	9,205

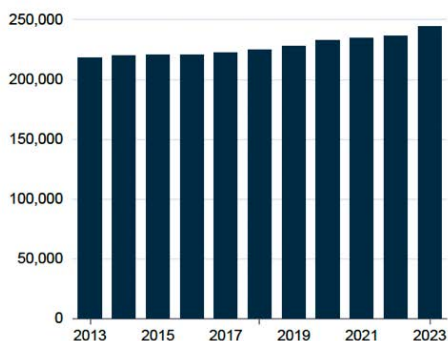
- 7.2. There has been steady growth for the last ten years, as per the following local government summary⁶³:

⁶¹ Section 36B of the Act

⁶² <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50670> (Innaloo),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51405> (Stirling),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51190> (Osborne Park),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51638> (Woodlands),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50293> (Churchlands),
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51565> (Wembley Downs) and
<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50423> (Doubleview)

⁶³ Economic Insights, City of Stirling’s, October 2024 (copy attached)

Estimated Residential Population



The population for 2023 is estimated at 243,871 people.

Since 2013, the population has **increased by 25,828 people**, reflecting a compounding annual growth rate (CAGR) of **1.13%**.

7.3. More particularly, the following table shows the change in resident population, with reference to ABS data from the previous two Census⁶⁴ for the suburbs comprising the 2km locality. These statistics and the information above indicate noteworthy growth in the local community, across all suburbs.

Innaloo	Stirling	Osborne Park	Woodlands	Churchlands	Wembley Downs	Doubleview
2016						
8,251	9,676	4,120	4,145	3,387	6,321	8,404
2011						
7,648	9,157	4,047	3,967	2,749	5,881	7,576

7.4. As stated previously, the 36B locality comprises most of the suburb areas of Innaloo and Woodlands and approximately half of the suburb of Doubleview.

7.5. The portions of Churchlands and Wembley Downs that are within the 2km locality are very small and only a tiny portion of Osborne Park which is residential falls within the area. For the most part, statistical information pertaining specifically to the suburbs of Churchlands, Wembley Downs and Osborne Park has been excluded from this PIA on the basis that doing so would likely distort the overall picture. Therefore, for the purposes of this section of the PIA and

⁶⁴ <https://www.abs.gov.au/census/find-census-data/quickstats/2016/SSC50668> and <https://www.abs.gov.au/census/find-census-data/quickstats/2011/SSC50352> (Innaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2016/SSC51394> and <https://www.abs.gov.au/census/find-census-data/quickstats/2011/SSC50740> (Stirling), <https://www.abs.gov.au/census/find-census-data/quickstats/2016/SSC51180> and <https://www.abs.gov.au/census/find-census-data/quickstats/2011/SSC50615> (Osborne Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2016/SSC51621> and <https://www.abs.gov.au/census/find-census-data/quickstats/2011/SSC50860> (Woodlands), <https://www.abs.gov.au/census/find-census-data/quickstats/2016/SSC50292> and <https://www.abs.gov.au/census/find-census-data/quickstats/2011/SSC50155> (Churchlands), <https://www.abs.gov.au/census/find-census-data/quickstats/2016/SSC51549> and <https://www.abs.gov.au/census/find-census-data/quickstats/2011/SSC50824> (Wembley Downs) and <https://www.abs.gov.au/census/find-census-data/quickstats/2016/SSC50422> and <https://www.abs.gov.au/census/find-census-data/quickstats/2011/SSC50224> (Doubleview)

having regard to matters arising in section 38 of the Act, the applicant has focused attention on the suburbs of Innaloo, Stirling, Woodlands and Doubleview.

- 7.6. The number of people living in Innaloo, Stirling, Woodlands and Doubleview at the last Census was recorded as 33,513 based on the Census data set out above.
- 7.7. Statistically speaking, the average person living in those suburbs can be described as follows⁶⁵:
- 7.7.1. a married 40 year old, female who identified themselves as “non-Indigenous”,
 - 7.7.2. educated to the level of bachelor degree or above,
 - 7.7.3. of English ancestry,
 - 7.7.4. born in Australia
 - 7.7.5. having no religious affiliation,
 - 7.7.6. in the workforce, working full-time in a role categorised as professional,
 - 7.7.7. earning a personal weekly income of \$1,005, being well-above the State and national averages,
 - 7.7.8. living in a household with an income of \$2,121, also well-above the State and national averages,
 - 7.7.9. suffering no long-term health condition,
 - 7.7.10. living as part of a couple family with children, in a house owned with a mortgage.
- 7.8. An average of 84% of residents living in Innaloo, Stirling, Woodlands and Doubleview are considered “satisfied with liveability”⁶⁶.
- 7.9. The following further resident profile characteristics have been identified⁶⁷:
- 7.9.1. Approximately 22.7% of the population is aged 19 and under.
 - 7.9.2. Approximately 6% of the population is aged 80 and over.

⁶⁵ With reference to the combined average and majority statistics for the suburbs of Innaloo, Stirling, Woodlands and Doubleview as at the 2021 ABS Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50670> (Innaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51405> (Stirling), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51638> (Woodlands) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50423> (Doubleview)

⁶⁶ <https://www.stirling.wa.gov.au/city-and-council/your-local-suburb/innaloo>, <https://www.stirling.wa.gov.au/city-and-council/your-local-suburb/woodlands> and <https://www.stirling.wa.gov.au/city-and-council/your-local-suburb/doubleview>

⁶⁷ With reference to the combined average and majority statistics for the suburbs of Innaloo, Stirling, Woodlands and Doubleview as at the 2021 ABS Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50670> (Innaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51405> (Stirling), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51638> (Woodlands) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50423> (Doubleview)

- 7.9.3. Approximately 0.9% of the population of the 2km locality identified their indigenous status as being Aboriginal and/or Torres Strait Islander with an average of approximately 95% as non-Indigenous.
- 7.9.4. Approximately 26% of households use a non-English language which is most likely Italian or Mandarin.
- 7.9.5. The average unemployment rate is 3.7% which is much lower than the State and national figure of 5.1%.
- 7.10. The attached DES report contains additional information regarding aspects of the nature and characteristics of the local community.
- 7.11. Attached is a copy of the City of Stirling's latest Economic Insights summary which provides further insight into characteristics for the whole local government area.
- 7.12. As directed by the Department, the applicant has applied a "common-sense approach"⁶⁸ to the submissions contained within this section of the PIA in. Further, the applicant has sought not to overburden the licensing authority with materials, especially those available via the internet and having regard to the particulars of this proposal as a re-application to replace an existing conditional grant close by. Therefore, only pertinent locality material has been included in this document⁶⁹.

Form 2A: "3.3 (sic) List the community buildings in the locality"

- 7.13. As required by the Form 2A, the applicant provides names and addresses for the following identified to be operating in the 2km locality:
- 7.13.1. Schools and educational institutions:
- 7.13.1.1. St Dominic's Primary School, Beatrice Street, Innaloo
- 7.13.1.2. Yuluma Primary School, 21 Ambrose Street, Innaloo
- 7.13.1.3. Holy Rosary, 35 Williamstown Road, Doubleview
- 7.13.1.4. West Coast Music School, 16 Morris Place, Innaloo
- 7.13.1.5. Woodlands Primary School, 7 Bentwood Avenue
- 7.13.1.6. Tiny Kingdom Preschool, 58 Lombardy Street, Woodlands
- 7.13.2. Hospitals:
- 7.13.2.1. Osborne Park Hospital, Osborne Place, Stirling
- 7.13.3. Hospices: none identified.
- 7.13.4. Aged care facilities:
- 7.13.4.1. Aegis Shawford, 8 Twyford Place, Innaloo
- 7.13.4.2. Parkland Villas, 52/54 Liege Street, Woodlands

⁶⁸ Form 2A and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

⁶⁹ Additional and more detailed information and supporting documents can be provided if required and requested

- 7.13.4.3. Bethanie Geneff Aged Care Home, 39 Hertha Road, Innaloo
- 7.13.4.4. Regis Woodlands, 10 Sabina Street, Woodlands
- 7.13.4.5. Stanhope Home Nursing Services, St Brigid's Terrace, Doubleview
- 7.13.4.6. Aged & Community Services Australia, 16/25 Walters Drive, Osborne Park
- 7.13.5. Churches/places of worship:
 - 7.13.5.1. LFCC Innaloo Living Faith Community Church, 2 Grant Street, Innaloo
 - 7.13.5.2. St Dominic's Church, 19 Philips Grove, Innaloo
 - 7.13.5.3. Oasis Faith Church, 11 Hector Street W, Osborne Park
 - 7.13.5.4. Grace City Church, 8/386 Scarborough Beach Road, Osborne Park
 - 7.13.5.5. Our Lady of the Rosary Parish, 17 Angelico Street, Woodlands
 - 7.13.5.6. Church of Jesus Christ of Latter-day Saints, 71 Princess Road, Doubleview
- 7.13.6. Drug and alcohol treatment centres: no specialist centres identified.
- 7.13.7. Short term accommodation or refuges: none identified other than hotel type accommodation open to the general public.
- 7.13.8. Childcare centres:
 - 7.13.8.1. Climb pre-kindergarten
 - 7.13.8.2. Cuddly Bear Day Care Centre
 - 7.13.8.3. Woodlands Early Learning Hub
 - 7.13.8.4. Ascolta Early Learning and Care Woodlands
 - 7.13.8.5. MulberryTree Child Care & Kindy – Scarborough
 - 7.13.8.6. Doubleview Family Day Care
 - 7.13.8.7. Barnes Street Early Learning Centre
 - 7.13.8.8. Om Multicultural Family Day Care
 - 7.13.8.9. Village Early Learning - Stirling
- 7.13.9. Local government:
 - 7.13.9.1. As referred to previously in this document, the City of Stirling is the applicable local government authority. Its Administration Centre is located at 25 Cedric Street, Stirling, within the 2km locality.

- 7.14. The nearest residence is understood to be approximately 100m away from the proposed licensed area, as a straight-line distance. The ALDI Innaloo liquor section will not be 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 policy making. 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 at Innaloo, 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 Harrisdale⁷⁰ 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 2km 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 2km 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.”⁷¹.
- 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 2km locality.

⁷⁰ ALDI Harrisdale [38(b)]

⁷¹ 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

- 8.7. The applicant acknowledges that alcohol-related hospitalisations and deaths would have occurred in the 2km 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 Stirling as having the largest, or equal largest, population for the purposes of the report⁷² and yet the area was not found to be experiencing greater levels of alcohol-related problems in comparison with the other areas referred to. It is acknowledged that risky drinking levels were identified in the assessment, but not at levels in Stirling that are unusual in the context of the whole enormous district covered by the report⁷³.
- 8.8. The most recent ABS data has revealed no specific alcohol-related health condition associated with residents of the 2km locality. The large majority (63.9%) of the community reported at the 2021 Census that they have no long-term health condition, which is more/better than the State and national figures⁷⁴. It is acknowledged that a small percentage of people did indicate that they experience some long-term health condition⁷⁵.
- 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"⁷⁶.
- 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)"⁷⁷ 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.

⁷² At page 2 (copy of report available if requested by the licensing authority)

⁷³ At page 25 (copy of report available if requested by the licensing authority)

⁷⁴ With reference to the combined average statistics for the suburbs of Innaloo, Stirling, Woodlands and Doubleview as at the 2021 ABS Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50670> (Innaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51405> (Stirling), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51638> (Woodlands) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50423> (Doubleview)

⁷⁵ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50670> (Innaloo), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51405> (Stirling), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51638> (Woodlands) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50423> (Doubleview)

⁷⁶ <https://theshout.com.au/australian-alcohol-consumption-declines-rt-d-consumption-at-record-high/>

⁷⁷ <https://www.roymorgan.com/findings/9153-alcohol-consumption-march-2023>

- 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 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.”⁷⁸
- 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.”⁷⁹
- 8.14.3. “We offer diverse and cross-functional career pathways. We also value internal promotions with over 70% of our leaders promoted internally.”⁸⁰
- 8.14.4. “ALDI Australia has taken top spot in the Australian Business Award's – Employer of Choice 2020”⁸¹.
- 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. 32
- 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 Innaloo 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.

⁷⁸ <https://www.aldicareers.com.au/>

⁷⁹ <https://aldiaustralia-1481176-en-au.sr-atrax.com/benefits-that-matter>

⁸⁰ <https://aldiaustralia-1481176-en-au.sr-atrax.com/benefits-that-matter>

⁸¹ <https://www.aldiunpacked.com.au/aldi-australia-is-recognised-as-an-employer-of-choice/>

⁸² <https://insidefmca.com.au/2018/10/19/aldi-awarded-ara-employer-of-the-year/>

- 8.14.7. The applicant will ensure all staff at the ALDI Innaloo 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.
- 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 at all times, 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 99% of members of the local community recently surveyed do not consider harm or ill-health is likely to be experienced by them if the licence is granted.⁸³
- 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.”⁸⁴
- 8.15.2. “Seventy-eight percent of consumers are prioritising value for money when shopping...”⁸⁵
- 8.15.3. “More than 9 in 10 (94%) of the total ALDI shopper sample liked [the value for money pricing] aspect of the proposed Innaloo 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.”⁸⁶

⁸³ PRG report at para 2.2.1, page 8

⁸⁴ <https://www.macrobusiness.com.au/2021/03/the-rise-and-rise-of-aldi/>

⁸⁵ <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/>

⁸⁶ PRG report at para 4.5.4, page 22

- 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 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 Innaloo 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 had adopted an "ID Under 25" policy. Staff at ALDI Innaloo 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.⁸⁷
- 8.22. It is relevant that adult consumers have felt comfortable shopping in an ALDI liquor area with their children as clearly depicted in the images below taken at one of the busy operating ALDI stores in WA with a liquor section⁸⁸.



- 8.23. Every effort will be made by the applicant to conduct business under the replacement licence in a manner that minimises the potential for harm or ill-health to occur as a result of the liquor store licence operating in Innaloo.
- 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 Innaloo is

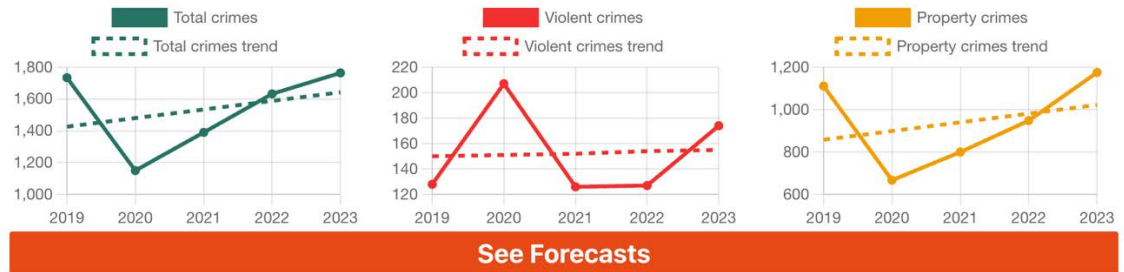
⁸⁷ <https://www.news.com.au/finance/business/retail/aldis-strict-underage-alcohol-policing-leaves-shoppers-high-and-dry/news-story/c7beaa2c4b8e1f0345b3545c98c7789c>

⁸⁸ Faces redacted for privacy reasons

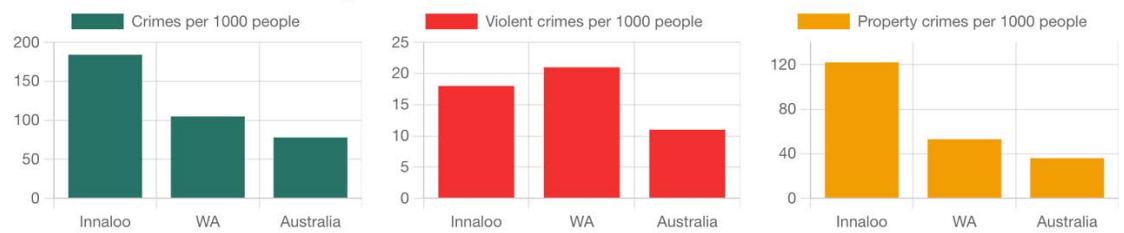
successful in all respects, including genuinely minimising harm and successfully managing risks.

8.25. The applicant has considered the issue of crime in terms of harm factors applicable to the 2km locality. The following information has been identified⁸⁹.

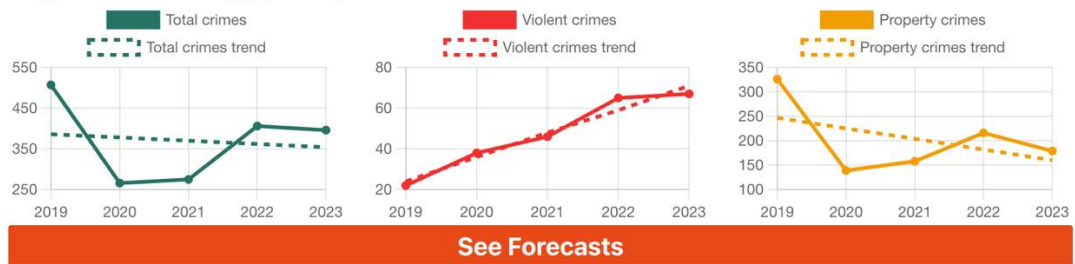
5 year Innaloo crime trends



Innaloo crime compared



5 year Stirling (WA) crime trends

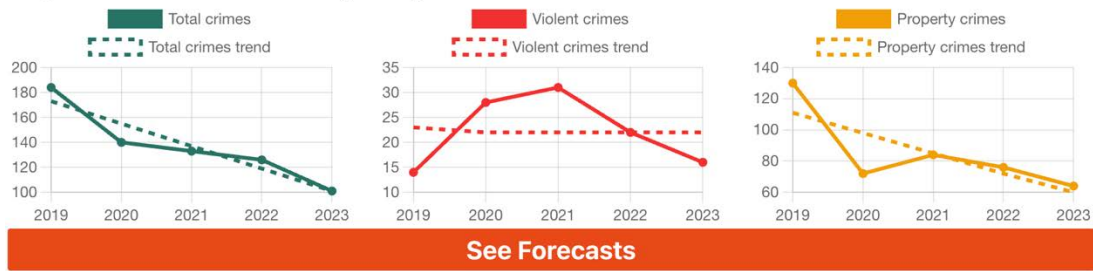


Stirling (WA) crime compared

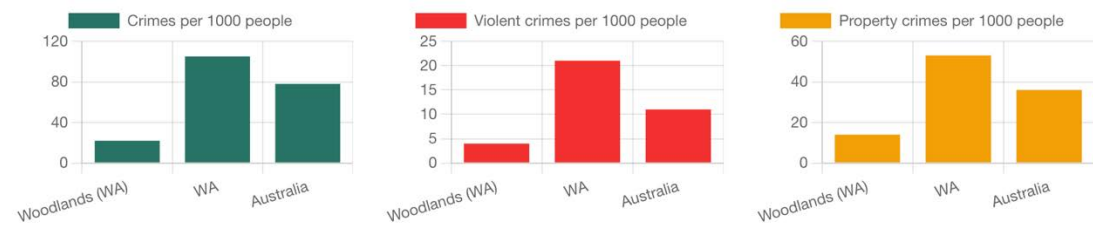


⁸⁹ <https://redsuburbs.com.au/suburbs/innaloo/>, <https://redsuburbs.com.au/suburbs/stirling-wa/>, <https://redsuburbs.com.au/suburbs/woodlands-wa/> and <https://redsuburbs.com.au/suburbs/doubleview/>. This data is based on collated annual Police records: <https://redsuburbs.com.au/about-us/>

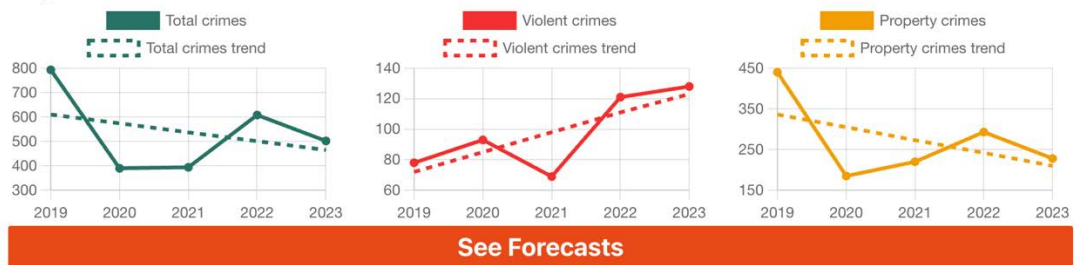
5 year Woodlands (WA) crime trends



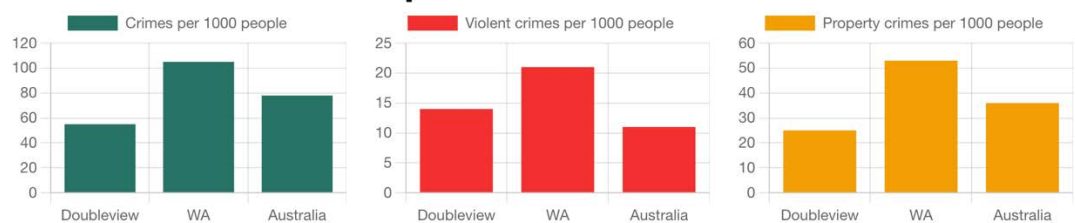
Woodlands (WA) crime compared



5 year Doubleview crime trends



Doubleview crime compared



8.26. Collectively this published data shows the overall locality average in terms of the general level of crime to be lower than WA and Australia, which should be regarded as a positive factor. It is acknowledged that the suburb of Innaloo has a higher rate. Innaloo has also seen sizeable population growth and Innaloo is home to a large concentration of retail and fast-food businesses which may attract incidents. Whilst any crime rate is an issue to be addressed, the rate for Innaloo may be regarded as proportionate given the large and growing number of residents and the concentration of businesses attracting people to the area. The following is a breakdown of the offence data for Innaloo showing

theft as the highest type by far⁹⁰. ALDI has multiple measures in place to reduce the risk of theft.

Top crime types in Innaloo:

Theft	934
Deception	258
Assault and related offences	148
Property damage	127
Burglary/Break and enter	85
Drug dealing and trafficking	68
Breaches of orders	58
Stalking, harassment and threatening behaviour	31
Motor Vehicle Theft	24
Sexual offences	16
Robbery	9
Arson	5
Abduction and related offences	1

8.27. The Police data above does not reveal anything to suggest that the 2km 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 ensure the risk of any crime associated with the premises is minimised. In addition to those measures, the likelihood of the liquor service contributing to alcohol related crime is reduced by the following mitigating factors.

- 8.27.1. Small, simple and open layout of the liquor block.
- 8.27.2. Location within the confined safety of the supermarket building.
- 8.27.3. Lack of external frontage.
- 8.27.4. Location of the liquor area adjacent to the checkout and therefore, under constant close staff surveillance and supervision.
- 8.27.5. Absence of refrigeration, which removes the opportunity for impulsive desires to steal liquor for immediate consumption.
- 8.27.6. Lack of a walk-in cool room, which is ordinarily hidden from staff view, providing cover and convenience for would-be criminals.
- 8.27.7. Installation of CCTV surveillance throughout the supermarket, including the proposed licensed area.

8.28. 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

⁹⁰ <https://redsuburbs.com.au/suburbs/innaloo/>

- Innaloo, 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.
- 8.29. 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.
- 8.30. The following security steps will be taken in relation to the Innaloo liquor section.
- 8.30.1. Security cameras both inside the licensed area and outside will be operating.
- 8.30.2. Secure locking systems will be engaged for after hours.
- 8.30.3. A high level of staff training which includes how to deal with incidents that are, or could potentially become, obviously criminal or unsafe.
- 8.30.4. 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.
- 8.30.5. Clear and obvious signage. The new premises will be bright, modern and attractive.
- 8.30.6. 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.
- 8.31. The applicant has established 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:
- 8.31.1. An Access Control System as follows:
- 8.31.1.1. 24 hour entry system to the store including interface with the security system.
- 8.31.1.2. A tamper switch will be applied to set off the alarm in the event of unauthorised removal of the panel front covers.
- 8.31.2. CCTV system – 24-hour surveillance of the licensed area and entry and exits to the store, which will include the following:
- 8.31.2.1. 11 active cameras will provide 24-hour surveillance with the digital video recorder.

- 8.31.2.2. Two full body cameras located within the licensed area, one facing the checkout and another one facing the liquor shelf.
- 8.31.2.3. The digital video recorder will be configured for motion detection to allow efficient review of any incidents.
- 8.31.2.4. 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.
- 8.31.2.5. 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.
- 8.31.3. The security system equipment will include the following:
 - 8.31.3.1. Passive Infra-Red Motion Detectors.
 - 8.31.3.2. Break glass detectors.
 - 8.31.3.3. Magnetic reed switches.
 - 8.31.3.4. Vibration detector.
 - 8.31.3.5. External strobe and siren.
 - 8.31.3.6. Security flashing lights and horns.
- 8.31.4. 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.
- 8.32. 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:
 - 8.32.1. Australian Standards AS/NZS 3000.
 - 8.32.2. State Service and Installation Rules.
 - 8.32.3. National Construction Code.
 - 8.32.4. Local and other authority services and installation rules.
 - 8.32.5. Australian Communications Authority.
 - 8.32.6. Work Cover Authority.
 - 8.32.7. Other relevant Australian standards.
- 8.33. 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:

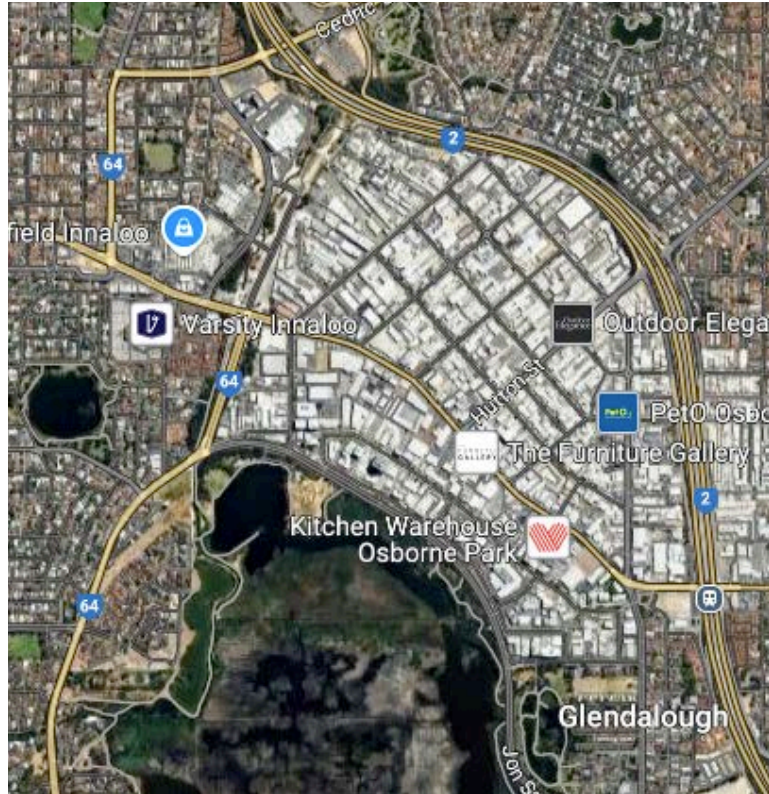
- 8.33.1. Customers will be required to walk far into the supermarket footprint under clear view of a combination of various cameras, staff monitoring them and other customers observing.
- 8.33.2. Customers will be required to walk through the manned and monitored checkouts in order to exit the store. There will be no quick get-away option.
- 8.33.3. 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.
- 8.33.4. 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”

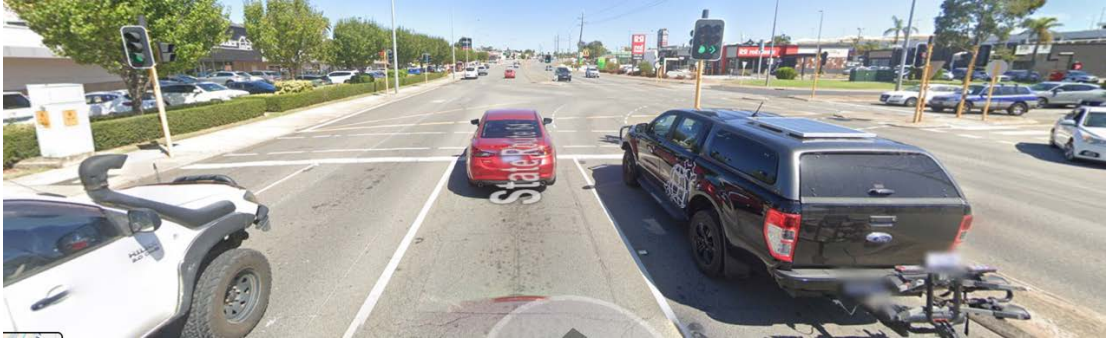
Form 2A: “5.1 How will your premises design protect the amenity, quiet or good order of the locality?”

- 9.1. The amenity of the 2km locality has been variously described in earlier sections of this PIA. It is dominated by the Innaloo shopping precinct comprising major retail businesses, including many in large format and the enormous Westfield Innaloo Shopping Centre, in addition to other significant commercial land uses. There is also a significant road network with major arteries including Mitchel Freeway and Scarborough Beach Road. Surrounding the massive commercial infrastructure is a dense residential area feeding from and into the various businesses.
- 9.2. 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 be seen from anywhere other than well inside the ALDI supermarket.
- 9.3. The immediate neighbours to the ALDI store are other retail tenancies of the Westfield Innaloo Shopping Centre.
- 9.4. The following Google Map shows the Innaloo shopping precinct, its surroundings and the neighbouring light industrial area of Osborne Park. The photographs that follow depict aspects of some of the businesses within and the closest streets surrounding and running through, the Innaloo shopping precinct.

Public Interest Assessment
Form 2A Annexure
Application for liquor store licence
ALDI Innaloo



Public Interest Assessment
Form 2A Annexure
Application for liquor store licence
ALDI Innaloo





- 9.5. The Westfield Innaloo Shopping Centre has around 150 retail tenants and “currently caters to a diverse and sizeable trade area population of approximately 340,000 residents, with a total accessible market of 1.2 million residents. The total retail spend in the Westfield Innaloo Total Trade Area was estimated at \$6.7 billion in 2023, while the total retail spend in the Main Trade Area was estimated at \$3.1 billion. The total annual retail spend per capita in the Total Trade Area was estimated at \$19,549, which is 17% above the Perth Metro average (\$16,737).”⁹¹
- 9.6. 8,200,000 people visit Westfield Innaloo Shopping Centre annually.⁹²
- 9.7. The following has also been described about the Westfield Innaloo Shopping Centre by the City of Stirling⁹³:

⁹¹ <https://www.scentregroup.com/our-customers/westfield-destinations/westfield-innaloo>

⁹² <https://www.scentregroup.com/our-customers/westfield-destinations/westfield-innaloo>

⁹³ <https://www.stirling.wa.gov.au/attractions-and-recreation/discover-stirling/shopping-and-retail>

Westfield Innaloo

A bustling hub located about 9km northwest of Perth's central business district style meets convenience with over 133 stores. There is something for everyone, with trendy fashion boutiques and tech shops to beauty and wellness services. The centre features popular retailers as well as an assortment of dining options from a food court to specialty restaurants.

Westfield Innaloo is more than just a retail haven, with activity zones featuring fun themed activities for kids and adults during school holidays. Catch the latest blockbuster at the Event Cinemas, where comfortable seats and immersive screens enhance your movie experience.

Westfield also serves as a vibrant community hub with regular events, promotions, and live entertainment, making it a destination for all ages.

9.8. The Innaloo shopping precinct and nearby surrounds include the following, amongst other businesses:

- 9.8.1. IKEA
- 9.8.2. Event Cinemas complex
- 9.8.3. Bunnings
- 9.8.4. Several other large format retailers, including Spotlight, Early Settler, Anaconda, Rebel and Petbarn.
- 9.8.5. Several small retailers.
- 9.8.6. Several fastfood outlets.
- 9.8.7. Several casual dining restaurants and cafes.

9.9. It is a dense, bustling, modern and growing district. The DES report provides the following commentary:

- Innaloo is an inner -northern suburb of Perth characterised by established housing, a light industrial and showroom area at Osborne Park and lake system and reserves to the south. The industrial and commercial areas have good connections to the Mitchell Freeway and east-west roads which underpin the success of the area as a regional retail destination.
- The commercial area along Scarborough Beach Road and Ellen Stirling Boulevard is known as the Stirling Strategic City Centre where the focus is Westfield Innaloo, a 47,030 sqm sub-regional centre with Coles, Woolworths, Kmart and Target. North of Oswald Street is the Westfield-owned Innaloo Megacentre, a neighbourhood centre with the Spudshed. Perth's only IKEA store and the Innaloo Cinema Centre are separate stand-alone complexes in the area. The Stephenson Road extension is underway creating a new eastern bypass of Innaloo between Scarborough Beach Road and Mitchell Freeway with a new transit station and links to the Westfield centre.

9.10. Approximately 30,000 vehicles travel around and through the Innaloo shopping precinct on average each day.⁹⁴

⁹⁴ Main Roads Statewide Traffic Digest 2019/20 - 2024/25 at page 40: at the nearest and most recent recordings – Scarborough Beach Road, west of King Edward Street and east of Odin Road – last recorded 30,700 and 30,180 per day average at each point, respectively, in 2020/21 (copy of the Digest is available if required, upon request)

- 9.11. In terms of the impact of the liquor display/browse area on the amenity of the 2km locality, it is important to reiterate that it will not have any external frontage, façade or overt signage. It will be contained inside the ALDI supermarket footprint. Further on this point, 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 and therefore, there will be no impact on the streetscape or external amenity whatsoever.
- 9.12. The recent consumer survey found that 96% of local people consider that the ALDI liquor section will not lessen the amenity of the area.⁹⁵
- 9.13. Despite the relatively tiny size of the licensed display/browse and checkout area proposed, the ALDI Innaloo liquor proposal will make a big and valuable contribution towards the services and facilities in the area.
- 9.14. Further submissions addressing the amenity issue under the Act and for the purposes of the Form 2A 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 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.
- 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.

⁹⁵ PRG report at para 4.7, page 27

- 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 Innaloo 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 2k locality stands to benefit enormously from the introduction of the ALDI liquor service. The public will 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. 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 below⁹⁶.

⁹⁶ <https://www.watoday.com.au/national/western-australia/keen-shoppers-brave-cold-for-opening-of-perth-aldi-stores-20160608-gpe297.html>



- 11.3. 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.⁹⁷
- 11.4. 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.⁹⁸
- 11.5. 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.
- 11.6. 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.
- 11.7. "If the Innaloo ALDI liquor section is established, slightly more than 8 in 10 (81%) of take-away liquor buyers will shop there for their take-away liquor requirements at least once a month. Sixty per cent will do so at least once a fortnight (see section 4.6.3).and 94% "at least sometimes"⁹⁹.

⁹⁷ Evidence available if required, upon request

⁹⁸ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 [77] (Buss JA)

⁹⁹ PRG report at paras 2.1 on page 6

11.8. "It is clear that the great majority of take-away liquor buyers who currently shop at Innaloo ALDI would shop for their take-away liquor requirements from the ALDI liquor section if it was established. Eighty-one per cent of Innaloo ALDI shoppers would shop for their takeaway liquor requirements from the Innaloo ALDI liquor section at least once a month, and 94% 'at least sometimes' should it be established.

The clear suggestion is that the Innaloo ALDI liquor section would better meet their takeaway liquor requirements than the currently available Innaloo liquor outlets."¹⁰⁰

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:

11.11. The grant of the liquor store licence will enhance and facilitate ALDI's increased involvement in the local community and the local community will in turn be the beneficiary of this outcome.

¹⁰⁰ PRG report at paras 6.6.3 on page 26

11.12. The 2km 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 only five active liquor store licences attempting to cater for around 33,513 people¹⁰¹ in the 2km locality. Four of those outlets are unremarkable with their commonality and overlap in stock range. They do little, if anything, for the 9,700 people shopping at ALDI Innaloo each week (on average)¹⁰².

11.16. The addition of the ALDI liquor section at Innaloo 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.

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”.

¹⁰¹ Based on the ABS population data and Department licence information provided earlier on in this PIA

¹⁰² PRG report at para 1.0, page 5

- 12.4. Section 36B(4) “imposes a meaningful additional hurdle”¹⁰³ 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”¹⁰⁴.
- 12.6. No issue arises in respect of section 36B(3) of the Act in this case. The proposed licensed area 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 Innaloo 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.
- 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 cases¹⁰⁵. 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/defined¹⁰⁶ and most relevantly, that has included approval of an ALDI licence under the current law¹⁰⁷. 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 this case, in terms of section 36B, are the following, as identified earlier in this PIA:
- 12.9.1. The Morris Tavern, 2 Morris Place, Innaloo
- 12.9.2. Liquorland Innaloo – Oswald Street, Oswald Street, Innaloo
- 12.9.3. BWS – Beer Wine Spirits Innaloo, Westfield Shopping Centre, Ellen Stirling Boulevard, Innaloo
- 12.9.4. Cellarbrations at Morris Place, Shop 7 Morris Place Shopping Centre, 27 Morris Place, Innaloo
- 12.9.5. Dan Murphy’s Innaloo, 401 Scarborough Beach Road, Innaloo

¹⁰³ Liquorland Karrinyup [75] (Archer J)

¹⁰⁴ Explanatory Memorandum, Liquor Control Amendment Bill 2018 at page 1

¹⁰⁵ 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)

¹⁰⁶ 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)

¹⁰⁷ ALDI Yanchep (603220993723)

- 12.9.6. HanGaWee Market, Shop 1118, Westfield Innaloo Shopping Centre, 388 Scarborough Beach Road, Innaloo
- 12.9.7. WA Cellar Door Doubleview, 257 Scarborough Beach Road, Doubleview
- 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 will not be available at ALDI Innaloo.
- 12.11. None offer a small, carefully selected, mostly award-winning, mostly exclusive product range
- 12.12. Further, no existing packaged liquor premises is located in association with, or adjacent to, the ALDI Innaloo store. Cellarbrations at Morris Place and WA Cellar Door Doubleview are located nearly 2km away from the proposed ALDI licensed area. Dan Murphy's Innaloo is located on the opposite side of a three-lane dual carriage, well outside the Westfield Innaloo Shopping Centre, across carparks and extremely busy traffic. The locations of ALDI and Dan Murphy's and the amenity and infrastructure in between, are depicted in the following marked-up Google Maps image. Not only is there no one-stop-shopping available to ALDI customers through the Dan Murphy's outlet, but there is a significant process involved for ALDI shoppers to access the Dan Murphy's which won't, in any event, sell any ALDI exclusive liquor.



- 12.13. HanGaWee Market and WA Cellar Door Doubleview are restricted in the products permitted to be available at those stores.
- 12.14. The other five of the seven existing packaged liquor premises should be well-known to the licensing authority, including in terms of their stock range which is largely the same mainstream selection commonly before the licensing authority. In respect of the BWS specifically, the Liquor Commission found in ALDI Harrisdale that there “is a significant diversity between the products sold by ALDI and the BWS store...”¹⁰⁸.
- 12.15. The physical size and layout of the stores and absence of coolroom at ALDI are glaring additional differences.
- 12.16. “The great majority (74%) of shoppers, and 79% 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 Innaloo locality”.¹⁰⁹
- 12.17. The PRG consumer survey found that 79% of ALDI Innaloo shoppers have previously shopped in an ALDI WA store with a liquor section and have consumed ALDI liquor products. This indicates that shoppers are prepared to go to other ADLI stores to access exclusive ALDI liquor products¹¹⁰ which are not available in or near Innaloo.
- 12.18. “Almost four in ten (37%) of the sample of take-away liquor buyers report that they cannot access all their take-away liquor requirements in outlets within the 2km radius of the Innaloo ALDI store”¹¹¹. This should be considered alongside the following other key findings of the expert market research:
- 12.18.1. “[A]lmost three in four (74%) of take-away liquor buyers believe that the proposed liquor section in the Innaloo ALDI store would be different from the current liquor outlets.”¹¹²
- 12.18.2. “[T]he great majority of take-away liquor buyers who currently shop at Innaloo ALDI would shop for their take-away liquor requirements from the ALDI liquor section if it was established. Eighty-one per cent of Innaloo ALDI shoppers would shop for their takeaway liquor requirements from the Innaloo ALDI liquor section at least once a month, and 94% “at least sometimes” should it be established.
- The clear suggestion is that the Innaloo ALDI liquor section would better meet their takeaway liquor requirements than the currently available Innaloo liquor outlets.”¹¹³

¹⁰⁸ [43(g)]

¹⁰⁹ PRG report at para 2.1, page 6; see also para 4.6.2 at page 25

¹¹⁰ PRG report para 4.6.2, page 25

¹¹¹ PRG report at para 4.6.1, page 24

¹¹² PRG report at para 4.6.2, page 25

¹¹³ PRG report at para 4.6.3, page 25

- 12.19. The nearest ALDI liquor service for Innaloo shoppers is at the ALDI Dog Swamp store, which is located approximately 4.6km away (straight-line) in Yokine, through several other dense suburbs into a completely different district. This travelling requirement for those seeking ALDI's liquor range is timely, expensive, inconvenient and certainly undesirable.
- 12.20. Given the growth and development of the 2km locality in recent years and the role of the area as a modern and rapidly evolving part of the metropolitan area, as part of the State's largest local government area by population¹¹⁴, it is essential that the community within have convenient access to choice and diversity.
- 12.21. 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"¹¹⁵.
- 12.22. 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 Innaloo store.
- 12.23. Almost 100% of the applicant's stock range will be unavailable elsewhere in the 2km locality and beyond, up to approximately 4.6km.
- 12.24. To reiterate, the following are key distinguishing features of the ALDI liquor proposal:
- 12.24.1. The majority of ALDI's products are exclusive and not available at any of the other liquor outlets.
 - 12.24.2. The display/browse section will only comprise approximately 27m², significantly smaller than all but one of the other packaged liquor premises. The bespoke ALDI liquor service will be an ancillary but highly valuable component of its overall service in Innaloo which is already very popular and well patronised.
 - 12.24.3. There will be no refrigerated liquor products at ALDI Innaloo. This is a harm minimising feature of the ALDI liquor service and speaks to its genuine intention to complement its household and grocery offering.
 - 12.24.4. None of the other packaged liquor outlets can offer one-stop-shopping convenience to ALDI shoppers.
- 12.25. Further and more detailed submissions regarding section 36B of the Act are contained in the attached Legal Submissions.

¹¹⁴ <https://www.stirling.wa.gov.au/business-and-investment/investing-in-stirling/community-and-economic-profile>

¹¹⁵ Liquorland Karrinyup [108] (Archer, J)

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 Innaloo, because the evidence shows substantially more than “trifling” and “considerable” requirements, the applicant has far exceeded the legislative high bar¹¹⁶.

14. Conclusion

- 14.1. This PIA responds to the Form 2A in full measure and addresses relevant sections of the Act with specific reference to particulars of the application.
- 14.2. The applicant has paid close regard to a wide variety of relevant public interest factors and has presented a comprehensive proposal for the replacement grant.
- 14.3. The ALDI Innaloo liquor service will be unique, not only in the s36B locality but also in the 2km locality and beyond. The products and style of operation will be almost entirely unlike the existing products and services available to the increasing community.
- 14.4. 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 in Innaloo and has been proven very popular elsewhere.
- 14.5. This PIA, together with the attachments referred to within, provide strong support for the application.
- 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.”¹¹⁷

¹¹⁶ Liquorland Southern River [136] [137] (Lemonis J)

¹¹⁷ [42]

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

Dated 20 December 2024



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

Attachments	
No.	Title/description
1.	PRG report
2.	Economic Insights, City of Stirling's, October 2024
3.	Stocklist, including identification of the ALDI exclusive products (subject to change)
4.	List of awards received by ALDI
5.	9 News Perth Facebook, 15 June 2016
6.	Innaloo WA Trade Area & Sales Projection, by Deep End Services dated 8 June 2021 (redacted) (unredacted version available for the licensing authority on a confidential basis)
7.	Legal Submissions dated 20 December 2024