



Public Interest Assessment

Form 2A

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

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

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

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

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

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

¹ LC Act s33(1).

² LC Act s38(3).

³ Liquor Control Regulations (LC Regs) r9EA.

⁴ LC Regs r9F.

⁵ LC Act s5 and s38(4).

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

Part 1 — Application details

Applicant name:

ALDI FOODS PTY LTD

**What licence or permit type
are you applying for?**

LIQUOR STORE LICENCE AND ETP (HOURS - SUNDAY - ONGOING)

Are you applying for:

☒ New licence + ETP

☐ Removal of existing licence (which licence/permit type)

Premises trading name:

ALDI ALBANY

**Address of proposed
premises:**

ALDI ALBANY, ALBANY PLAZA, 70-88 ALBANY HIGHWAY,
CENTENNIAL PARK, WA 6330

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

Part 2 — Manner of trade

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

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

PLEASE REFER TO THE FORM 2A ANNEXURE PREPARED BY JESSICA
PATTERSON LAW & CONSULTANCY PTY LTD

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

PLEASE REFER TO THE FORM 2A ANNEXURE PREPARED BY JESSICA PATTERSON
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2.3 If you intend to sell packaged liquor, give the names and addresses of all existing licensed premises within the locality. The LC Act puts limitations on how many packaged liquor premises can be in a certain location. Refer to [Outlet Density — Packaged liquor premises](#) for more information.

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Part 3 — The profile of the local community

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

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

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

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

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

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

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Part 4 — Minimising the potential for alcohol to cause harm

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

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

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

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

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

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

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

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

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

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

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

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Part 7 — Impact on tourism, culture and the community

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

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

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

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

PLEASE REFER TO THE FORM 2A ANNEXURE PREPARED BY JESSICA PATTERSON
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Part 8 — Declaration

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

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

 Signature of applicant/s	RADU POPESCU ALDI REAL ESTATE DIRECTOR	24 / 9 / 2025 Date
Signature of applicant/s		Date
Signature of applicant/s		Date
Signature of applicant/s		Date



ALDI Foods Pty Ltd

**applicant for the conditional grant of a liquor store licence
and extended trading permit (hours – Sunday – ongoing)**

in respect of premises situated at

Albany Plaza, 70-88 Albany Highway, Centennial Park

to be known as

ALDI Albany

Public Interest Assessment Form 2A Annexure

including section 36B submissions



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

Prepared on behalf of and together with the applicant by:

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1. Executive summary

- 1.1. This application involves an incredibly popular liquor service to operate from a small licensed area, to be located in a dense, busy and growing residential community where there is currently limited diversity and significant demand.
- 1.2. The ALDI Albany store has substantial regular patronage with nearly 7,000 shoppers per week on average.
- 1.3. The liquor range, comprising many award-winning products, is almost entirely exclusive to the applicant.
- 1.4. The store model is well-known, sought-after by the public and has been previously approved by the licensing authority on many occasions elsewhere.
- 1.5. The applicant is well-known, highly sophisticated and enjoys an excellent trading compliance record.
- 1.6. The Town Centre and CBD location in this case is ideal and has no unusually sensitive or high risks associated with it.
- 1.7. The application is strongly supported and demanded by the local community. Evidence of this support and demand is referred to within this PIA and attached.
- 1.8. A demand/supply analysis of relevant factors in this case reveals that demand cannot reasonably be met by supply, justifying the grant of the licence and ETP¹.
- 1.9. The application is supported by a considerable volume of compelling evidence which goes far above and beyond the level or degree of requirement capable of justifying the grant².
- 1.10. "The survey of Albany ALDI shoppers showed considerable support for and intended use of the proposed liquor section for that store"³.

2. Introduction and background

- 2.1. ALDI Foods Pty Limited (ACN 086 210 139) (**ALDI**⁴) seeks the conditional grant of a liquor store licence and extended trading permit (**ETP**) pursuant to sections 33, 38, 36B, 47, 60(4)(g), 62, 68(1) and 98D of the Liquor Control Act 1988 (WA) (**Act**) for a very small section of its supermarket premises located at Albany Plaza, 70-88 Albany Highway, Centennial Park, known as ALDI Albany.
- 2.2. This document has been prepared as an annexure to and in accordance with the Public Interest Assessment Form 2A (**Form 2A**) of the Department of Local

¹ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (**Liquorland Southern River**) [57] (Lemonis J)

² *Liquorland Southern River* [128] [137] (Lemonis J)

³ Survey Of The Consumer Requirement For Liquor Retailing Amongst shoppers in The ALDI Supermarket in Albany by Patterson Research Group (**PRG**), dated November 2024 (**PRG report**) (attached) at sections 2.0 on page 6. PRG and Jessica Patterson Law & Consultancy Pty Ltd are totally unrelated entities. The commonality of the name "Patterson" is purely coincidental

⁴ Including related entities forming the ALDI group

Government Industry Regulation and Safety (**Department**). 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 Departmental policies.

- 2.3. As directed by the Department, the applicant has applied a “common-sense approach”⁵ to the preparation of the PIA. Further, the applicant has considered the State Government's promotion of reform in the WA liquor licensing regime to make it less complicated and “easier to do business”⁶. Therefore, the applicant has provided a level of detail considered appropriate for the circumstances in terms of the content of this document and the attachments. This approach is consistent with sections 16(7)(b) and (c) of the Act and considering that there is no minimum or threshold level of consumer requirement evidence⁷ and the ALDI offer is well known, proven to be compliant and modest. Further detail, additional copies of source material and supplementary supporting evidence can be provided if necessary.
- 2.4. Hundreds of members of the public have provided evidence of strong demand for the ALDI liquor service in Centennial Park/Albany. This evidence is based largely on consumers with first-hand knowledge of the proposed liquor model. The PRG report found that “[m]ore than two thirds (67%) of the Albany ALDI shoppers have previously been in an ALDI store that has a packaged liquor section: it is not a new concept for them”⁸.
- 2.5. The applicant is motivated and able to address the community requirement, as soon as this application is approved. The proposed licensed area can be quickly established.
- 2.6. This PIA has been formally adopted and verified by a senior WA representative of ALDI by way of signing the Form 2A.

3. Brief outline of the application

- 3.1. This application involves a small liquor display/browse and checkout section with a total licensed area of only approximately 48m² to be licensed within the ALDI Albany store.
- 3.2. A modest but carefully selected and exclusive range of unrefrigerated liquor is proposed to be available in a discrete and clearly designated area under the same roof of the existing ALDI Albany store. The size, layout and style of operation will be almost identical to existing ALDI liquor store licences trading in WA.

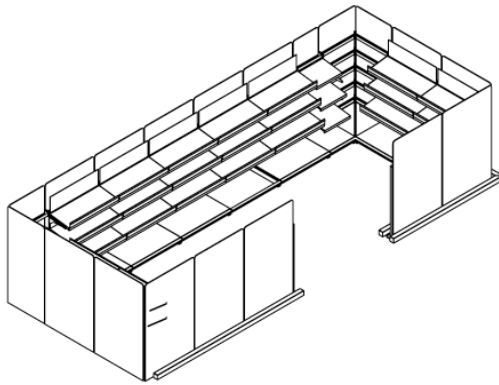
⁵ Form 2A page 2 and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

⁶ For example: <https://www.cits.wa.gov.au/department/news/news-article/2024/08/29/liquor-licensing-policy-reform-a-big-win-for-wa-hospitality-industry>

⁷ Liquorland Southern River [126] and [128] (Lemonis J)

⁸ At para 4.4, page 17

- 3.3. This liquor model is unique to ALDI. Its various features, referred to throughout this PIA, make for a bespoke manner of trade. The boutique type of liquor service perfectly complements the diverse and attractive range of ALDI's unique non-liquor services and facilities. This creates an exceptional one-stop-shopping convenience for customers, which is a key feature of the ALDI offering. Customers can even benefit from one-transaction shopping at ALDI, thereby satisfying the growing society demand for enhanced convenience.
- 3.4. The aerial render below is indicative of what is proposed as the liquor display/browse area in Centennial Park/Albany. The checkout is located in front of the single entrance. The boundary partitioning is proposed to be made of 2.1 metre high opaque frosted glass depicted in the subsequent photo.



- 3.5. Additional details of the ALDI liquor offering are provided further on in this PIA.
- 3.6. As referred to elsewhere in this PIA, the applicant consulted with the relevant local community and received overwhelming support. Hundreds of people have provided evidence that has encouraged ALDI to lodge this application and seek approval to provide liquor at its Albany store.
- 3.7. Members of the Albany community and others shopping at Albany Plaza 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 organisation⁹.

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

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

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

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

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

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

⁹ <https://corporate.aldi.com.au/en/about-aldi/aldi-history/>

commonly stocked at most other supermarkets. This enables ALDI to operate from a smaller and more user-friendly footprint and with a more exclusive and carefully selected range. It also facilitates a simpler and more convenient shopping exercise for consumers¹⁰.

- 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."¹¹

- 4.7. ALDI's published mission is to provide the public with "unbeatable value"¹². 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

¹⁰ 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."

¹¹ <https://corporate.aldi.com.au/en/corporate-responsibility/>

¹² <https://www.aldi.com.au/en/about-aldi/aldis-low-prices/>

access these items and then spend long periods browsing. ALDI special buys are sometimes even reported by the media as news¹³.

- 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.



- 4.12. ALDI special buys are displayed in the now well-renowned middle aisle of every ALDI store.
- 4.13. ALDI special buys are displayed in the now renowned middle aisle of every store. The following images show, by way of example, some catalogue-advertised special buys from this year.



¹³ 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>)

Wild offers

A **\$179**

B **\$29.99**

C **\$9.99**

D **\$9.99**

E **\$29.99**

F **\$29.99**

G **\$29.99**

H **\$19.99**

I **\$9.99**

J **\$9.99**

K **\$9.99**

L **\$9.99**

M **\$9.99**

N **\$9.99**

O **\$9.99**

P **\$9.99**

Q **\$9.99**

R **\$9.99**

S **\$9.99**

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V **\$9.99**

W **\$9.99**

X **\$9.99**

Y **\$9.99**

Z **\$9.99**

AA **\$9.99**

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AD **\$9.99**

AE **\$9.99**

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BW **\$9.99**

BX **\$9.99**

BY **\$9.99**

BZ **\$9.99**

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DL **\$9.99**

DM **\$9.99**

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GF **\$9.99**

GG **\$9.99**

GH **\$9.99**

GI **\$9.99**

GJ **\$9.99**

GK **\$**

[illegible]

Public Interest Assessment
Form 2A Annexure
Application for liquor store licence
and extended trading permit (hours – Sunday - ongoing)
ALDI Albany



The zoomies



Extra Small or Small Dog Harness, Activity Lead or Rope Lead \$9.99
Harness: Quick and easy fastening • Adjustable at neck and chest • Durable construction • Available in 2 sizes - Extra Small to fit neck 36-43cm and chest 48-55cm or Small to fit neck 38-45cm and chest 53-60cm • Assorted colours
Activity Lead: Adjustable to fit across the body • Extends up to 120cm • Reflective stitching for nighttime walks • Assorted colours
Rope Lead: Easy grip handle • Rope length: 120cm • Assorted colours • 610121



\$11.99
C



\$7.99
D



\$4.99
E

Medium or Large Dog Harness or Retractable Lead \$16.99
Harness: Quick and easy fastening • Adjustable at neck and chest • Durable construction • Available in 2 sizes - Medium to fit neck 47-64cm and chest 59-70cm or Large to fit neck 56-75cm and chest 69-85cm • Assorted colours
Retractable Lead: Extends to 10m • Durable construction with comfortable rubberised grip handle • Easy thumb lock mechanism • Reflective tape for nighttime walks • Assorted colours • 610122



\$5.99
F



\$19.99
G

Interactive Dog Ball \$15.99
• Includes grab tabs and handle for easy fetch play • Soccerball: 15cm (24) or Football: 25cm x 10cm x 10cm • 610123

Active Pet Toy Assortment \$7.99
• Assorted styles of treat dispensing toys or Suction Cup Dog Toy • Assorted colours • 610124

Squeaky Dog Toy \$4.99 • Features a snoring-style internal squaker • Assorted colours • 610125

Heavy Duty Dog Toy \$5.99
• Great for strong, aggressive chewers • Lightweight and soft, yet durable construction • Assorted designs and colours • 610126

Elevated Dog Bed \$19.99
• Powder-coated steel frame • Water, oil and UV resistant • Allows pet's body to breathe • Bed and ticks will not breed in the cover • Assorted colours • Assorted sizes • Medium: 106.5cm(W) x 42.5cm(D) x 15cm(H) or Large: 116cm(W) x 76.5cm(D) x 15cm(H) • 610127

On Sale Wednesday 3 September

Prime grime time



\$279
A

Automatic charging
Dual function: vacuum or mop
App controlled

2 Year Warranty



Map and vacuum in one
3 modes: auto, max and suction
\$249
B



Converts into handheld vacuum
\$99.99
C

3 Year Warranty



\$149
1 Year Warranty

Cold, hot and steam functions
Compact and lightweight



\$14.99
Magnetic design allows you to clean both sides of the glass at the same time



Dual functions: wash or dry
Cleans hard-to-reach places
\$29.99
H



Storage box included
\$6.99
I

A EGOVACS DEEBOT NEO 2.0 Robot Vacuum Cleaner \$279 • Carpet detection • "TrueMapping" technology • App controlled • Approx. 180 minutes runtime • 5000Pa suction power • 4000mAh battery • 420ml water tank • 610121

B Tineco GO H20 Sense Floor Masher \$249 • Hard floor cleaner • Vacuum and clean wet and dry messes simultaneously • Cordless • Changing disc • Self-cleaning and centrifugal air drying • LED display and brushless motor • Voice alert and smart sensor • 610122

C Carpet Vacuum Cleaner \$99.99 • Easy to fill, 2.5L dirty water tank • Sleep and release foot pedal • 6m power cord • 610123

D 2-in-1 Cordless Stick Vacuum \$99.99 • Cyclonic technology and washable HEPA filter • 2 operating speeds • Soft-touch, rubberised handle • Includes wall mountable bracket • 610124

E Carpet Spot Cleaner with Steam \$169 • 1.6L clean water tank and 1000ml dirty water tank • 2m hose • 610125

F Magnetic Window Cleaner \$14.99 • Designed to clean both sides of the glass at the same time • Suitable for glass 8-10mm thick • Equipped with a safety rope to prevent cleaner from falling • Includes magnetic window cleaner, 4 pads, spare fixing buttons and spare rubber blades • Assorted colours • 610126

G Electric Scrubber Brush \$13.99 • Great for hard-to-clean areas • Interchangeable heads • 610127

H Compact Tornado Mop & Bucket \$29.99 • Compact and lightweight • Multi-compartment bucket for washing and drying mop head • 2 microfiber pads included • Suitable for use on tiles, laminate and wood • Assorted colours • 610128

I Detail Cleaning Brush Set with Holder \$6.99 • Set includes deep clean brush, V-shaped corner edge brush with scraper, mini dustpan with scraper and soft detail brush with silicone scraper • Ideal for cleaning small spaces • Assorted colours • 610129

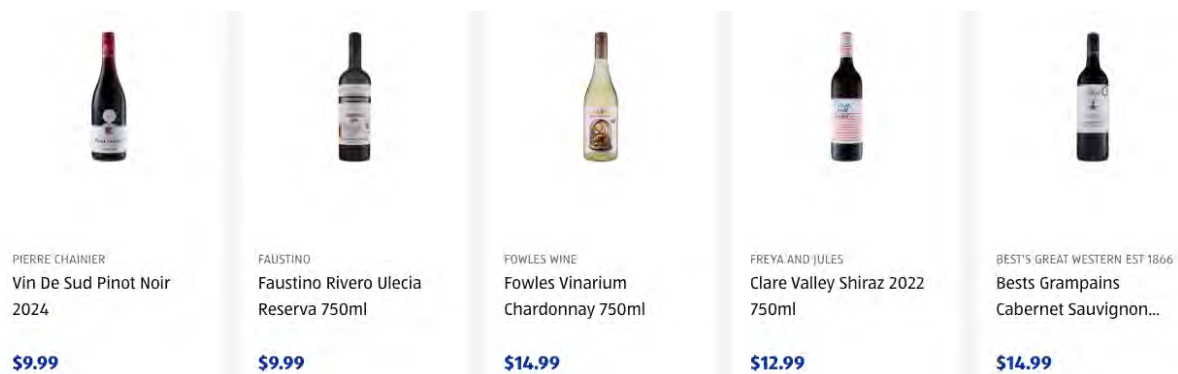
On Sale Saturday 6 September

Public Interest Assessment
Form 2A Annexure
Application for liquor store licence
and extended trading permit (hours – Sunday - ongoing)
ALDI Albany

 While Stocks Last FERREX 20V Xfinity 6 Piece Set \$199.00	 While Stocks Last DELTA Smart Lock Portable Key Safe \$89.99	 While Stocks Last FERREX Cordless Screwdriver \$24.99	 While Stocks Last FERREX Table Top Saw \$149.00	 While Stocks Last AMBIANO Multi Snack Maker \$39.99
 While Stocks Last STIRLING 60cm Glass Induction Cooktop \$179.00	 While Stocks Last STIRLING 60cm Slide Out Rangehood \$99.00	 While Stocks Last STIRLING 80L Designer Built-In Oven \$249.00	 While Stocks Last CASALUX Garden Solar Lights \$14.99	 While Stocks Last GARDENLINE Hose Cleaning Attachments \$24.99

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

 ST HALLETT St Hallet Faith Barossa Shiraz 750ml \$14.99	 BROWN BROTHERS Winter Red 2024 Vintage \$9.99	 HIGHLAND GREEN Highland Green Blended Malt Scotch Whisky 700ml \$44.99	 WYNNS ESTATE Coonawarra Shiraz 2023 750ml \$11.99	 LES ARGELIERES Pinot Noir 750ml \$11.99
 MOUNT LANGI GHIRAN Shiraz 2023 Vintage \$15.99	 CORTE CARISTA Montepulciano D'Abruzzo DOCG 2021 Vintage \$11.99	 THE STANDING PEOPLE Lighter in Alcohol Pinot Noir 2024 Vintage \$9.99	 DUFFEY'S Irish Whiskey 700ml \$46.99	 RESCHKE Reschke Coonawarra Cabernet Sauvignon 20... \$11.99



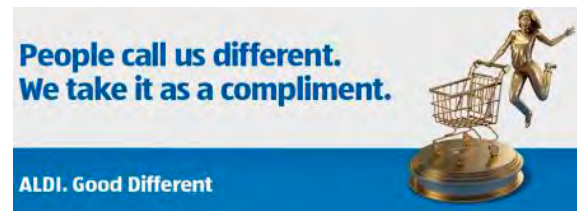
4.15. ALDI prides itself on consistently competitive pricing across all of its product lines and providing customers with exceptional value-for money. The company's ability to achieve such low prices for quality products stems from its highly sophisticated business model which focuses on operational 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. Trolleys can only be access by inserting a gold coin into a particular trolley in order to be able to use it. This encourages customers to return the trolley to retrieve their 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. ALDI's approach to business is neatly encapsulated in its "Good Different" slogan, which was launched in 2017. Mr Thomas Daunt, then director of the applicant company, explained this campaign as follows.

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



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

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

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

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

- 4.22. ALDI is a trusted brand in Australia amongst consumers. Reputable firm, Roy Morgan, has assessed ALDI as having had a strong performance, far ahead of most other supermarkets¹⁷.
- 4.23. 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 eight consecutive years¹⁸. Upon winning Supermarket of the Year in 2023, "Roy Morgan's research found Aldi's average customer satisfaction score was 95.7 per cent based on face-to-face customer interactions at supermarkets"¹⁹.
- 4.24. More specifically, ALDI is also an award-winning retail liquor supplier. Among its many liquor retailing awards has been the Canstar Blue Most Satisfied Customers – Liquor Retailer 2021 and Roy Morgan Liquor Store of the Year in 2018 based on customer satisfaction.
- 4.25. Canstar Blue is a major, renowned national independent reviewer and reporter of consumer products and services "helping Australian consumers make better-informed purchase decisions on products and services by providing factual, up-to-date and well-researched comparison tables, ratings, reviews, guides and news on a range of consumer-related topics...Canstar Blue uses its wealth of consumer and expert research and data to identify outstanding brands, products, services and plans. We award these brands, products, services and plans with an award that recognises this achievement"²⁰.
- 4.26. 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.
- 4.27. The Australian Liquor Stores Association has said that Australian "shoppers have migrated towards the value messaging of Aldi"²¹.
- 4.28. "Our success is based on the close relationships we have with our suppliers, who all share our passion for awesome quality. Aldi partners with some of the best producers and winemakers both in Australia and internationally, which means we can deliver exceptional quality, value and consistency to our customers. Our partnerships with our suppliers are focused on a desire to see the customer win with great-tasting wines at unbeatable prices".²²

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

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

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

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

²¹ ALSA – IRI State of the Industry Report, March 2017 at page 14 - copy available if required, upon request

²² 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/>

- 4.29. ALDI is a highly sophisticated and experienced packaged liquor operator, which enjoys extensive supermarket and liquor retailing experience within Western Australia, elsewhere in Australia and overseas.
- 4.30. ALDI has been operating in Australia since 2001 when the first ALDI store opened in Sydney. There are now nearly 600 stores throughout Australia, including 52 in WA. The large majority of ALDI's stores throughout the country include a liquor component. In WA there are 36 ALDI stores trading with a liquor section.
- 4.31. Over the last ten years approximately, ALDI has been undergoing a \$700 million expansion, most notably in WA and South Australia. ALDI opened its first four stores in Western Australia on 8 June 2016.
- 4.32. The ALDI liquor service was made available in WA from the end of August 2017 in five ALDI stores initially. Since then, the applicant has had an excellent compliance record across the stores now trading in WA with ALDI's specialty trademark liquor section.

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

“Like our grocery offer, ALDI's liquor range is focused, ensuring that we offer great value and exceptional quality. Since establishing in

WA more than a year ago, customers have spoken loudly about their desire for us to bring our popular liquor offering to the West.

ALDI partners with a number of high calibre international and Australian wine suppliers, who each share our passion for quality. We have built strong relationships with these suppliers, who are committed to ensuring that our wine products offer great value at their respective price points.”²³

- 5.6. In recognition of the launch of the ALDI liquor service in WA, prominent wine expert Ray Jordan was invited to sample six of the wines in ALDI's WA stores. Mr Jordan produced a media article on his tasting and remarked that one of the wines in particular, being a \$7 bottle of One Road South Australian Heathcote Shiraz 2015, was “damn good”²⁴. 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.
- 5.7. A large number of accolades have been bestowed on ALDI for its exclusive liquor range. Attached is a list of awards received. The following are just two of the numerous published reports attributed to ALDI's super quality award-winning products:

A bargain **ALDI** vodka has taken home the top award at The Spirits Business Global Vodka Masters for 2022.

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

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

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

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

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

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²³ https://www.aldi.com.au/fileadmin/fm-dam/Products/Groceries/Liquor/WA_Launch/ALDI_Media_Release_-_WA_Liquor_Launch_1_.pdf

²⁴ <http://www.perthnow.com.au/news/western-australia/aldi-will-start-selling-alcohol-in-perth-stores-from-today/news-story/c59014afc215ba475dd1265a0e89eb4c>

²⁵ <https://7news.com.au/lifestyle/food/bargain-30-aldi-vodka-picks-up-top-award-at-the-global-vodka-masters-2022-c-8149807>

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.

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- 5.8. One of the most unique aspects of the ALDI liquor offering is the exclusive range itself, made-to-order for ALDI stores and not available at any other packaged liquor outlet. As stated previously, the majority of ALDI's range is unique and exclusive to ALDI. Shoppers simply cannot access those items at any other non-ALDI outlet.
- 5.9. In order to become an ALDI exclusive product, the producer enters into an arrangement with ALDI whereby it is agreed that particular brands of product will not be distributed or provided to any other retailer. This confirms that ALDI exclusive products cannot be obtained anywhere other than at an ALDI store.
- 5.10. The ALDI exclusive products differ significantly from the Woolworths and Coles private-label liquor ranges. Woolworths and Coles generally purchase the whole producer entity and production facility where possible and the products from those facilities then become what are known as private-label liquor items, effectively produced by/under the direction of Woolworths and Coles or their related entities. 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'²⁷ 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.

²⁶ <https://www.bhg.com.au/aldi-scotch-whiskey-award>

²⁷ <https://www.smh.com.au/entertainment/winestein-uncorked-local-wines-actually-owned-by-woolworths-coles-20151211-gllhjo.html>

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."

- 5.11. 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.
- 5.12. 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.
- 5.13. This is one of the many factors which differentiate ALDI's liquor range from the major liquor stores. The Albany local community will benefit greatly from having access to this special service. The role of Albany Plaza will be enhanced with the increased product diversity proposed.
- 5.14. 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 Albany or up to nearly 300km nearby.

- 5.15. 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.
- 5.16. 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.
- 5.17. Examples of ALDI's liquor advertising in a published catalogues appear below. They are relatively modest, yet smart and stylish. The advertisements contain product information for each item, demonstrating the quality and value-for-money propositions regarding the ALDI range and the fact the range is indeed carefully selected and responsibly promoted.

Bar hoppin'

A Colazione Oro Prosecco Rosé DOC NV 750ml \$13.99
Apricot pink in colour with aromas of strawberry and a honeyed complexity.

B Monsignor Champagne Brut NV 750ml \$32.99
A stellar Champagne – she's elegant and generous, with a price point to celebrate. Available every day.

C Corte Carlota Prosecco DOC NV 750ml \$10.99
Fresh, dry Prosecco with flavours of pear, white floral and all the bubbly you expect from a classic Italian Prosecco. Available every day.

D The Standing People Lighter in Alcohol Pinot Gris 2024 750ml \$12.99
Light but with aromatic cues of lemon, apple and pear. A fresh and vibrant wine, pure and refreshing with cleansing acidity.

E Rose Full Coteaux d'Aix en Provence 2023 750ml \$7.99
An ultra pale Rosé from a blend of Grenache, Syrah, Cinsault and Mourvèdre. Red summer fruits and refreshing citrus aromas.

F Venturini Series Pinot Grigio 2024 750ml \$9.99
Pale straw in colour, with aromas of ripe pear and apple blossom. Fresh, bright and mineral, with mouth-watering, yet soft acidity.

G Truly Wildly Terra Valley Pinot Noir 2023 750ml \$13.99
From the Terra Valley, exotic spices and red berries on the nose. A silky smooth palate with red pepper, stretching to a very long finish. Available every day.

H Piedra Negra Reserva Malbec 2022 750ml \$11.99
Reserve of plum, blackberry and coffee grounds. Sweet, maschia, laced dark fruit, some dried herb and toasty oak on the finish. Available every day.

I Vok Blue Lagoon 2L \$22.99
A refreshing mix of Vok Blue Curacao, vodka and lemon juice. Ready to serve cocktail. Simply chill, pour and enjoy!

J Mandy Spritz \$12.99
Limoncello Spritz 4 x 275ml
Bursting with the tangy zest of freshly squeezed lemons, exotic flavours of Australian native botanicals, a smooth vodka base and lots of effervescent bubbles.

K Invention Hot Cross Bun Vodka Liqueur 500ml \$16.99
This delicious vodka liqueur captures the rich flavours of hot cross buns. Enjoy over ice, with soda or lemonade.

L The Infidelist Lemon Myrtle Gin 700ml \$19.99
Distinctively Australian, this small-batch, award-winning craft gin is perfect in a martini or a G&J.

M Carthou Style Single Malt Scotch Whisky 700ml \$49.99
Made in one of the oldest Speyside distilleries, lighter character with smooth notes of apple blossom and honey.

N Kirin Ichiban 6 x 330ml \$49.99
The smooth, rich flavour of the malt makes Kirin Ichiban the perfect accompaniment to Japanese cuisine.

O Better Beer Middy 10 x 355ml \$46.99
The perfect ultra low carb mid-strength to quench your thirst after a hard day's work. With only 70g per can, now every day can be a "Day Off".

P Stuckade Ducks Lane Crip Lager 6 x 375ml \$54.99
Full-bodied mid-strength, crisp lager.

Q Rivet Draught 12 x 330ml \$39.99
A great value, easy-drinking, session lager in a convenient 12 pack.

R Jack Daniel's Tennessee Fire Whisky 700ml \$24.99
The smooth character of Jack Daniel's Tennessee Whisky with the fiery yet smooth finish of cinnamon.

S Bundaberg Campfire Bourbon Barrel Rum 700ml \$59.99
Bundaberg's first aged rum, located in bourbon barrels, giving this rum a smooth, molasses taste – a perfect balance of toasted caramel and vanilla.

T Buchanan's Black Bush Sherry Cask Irish Whisky 700ml \$49.99
A combination of a high amount of malt whisky, matured in former glorious sherry casks, with a sweet, batch-distilled grain whisky.

U Sainsbury Cranberry Vodka 700ml \$39.99
Great value, quality Australian vodka combined with the tartness of cranberry. Enjoy neat, on the rocks or in a delicious cocktail.

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

On Sale Wednesday 2 April



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



- 6.4. The applicant seeks approval for the same licence, in respect of the same business model and on the same terms and conditions as approved on 38 previous occasions under the Act for other ALDI stores in WA.
- 6.5. ALDI Albany currently operates as follows (with variations for public holidays):
- | | |
|------------|-------------------|
| 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: | 10.00am to 5.00pm |
- 6.6. The liquor service will operate within these time periods, but subject to trading hours permitted under section 98D the Act and as may be approved under section 60(4)(g).
- 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 and 12 noon to 10pm on ANZAC Day (except no trading on Good Friday or Christmas Day). The applicant also seeks approval pursuant to section 60(4)(g) for an ETP to authorise trading from 10am to 10pm on Sunday. 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 will be clearly closed off to customers and if the ALDI store is open for trade at times not permitted under section 98D or 60(4)(g) of the Act, the liquor area will also be closed to the public. Therefore, overall, ALDI's proposed liquor trading hours are much less than potentially permitted under the Act and much less than most liquor stores.

- 6.8. As referred to above, the existing ALDI Albany store already trades seven days a week, as does Albany Plaza and so licensing approval is sought for seven days a week, albeit at reduced times on Sundays.
- 6.9. 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:
- 6.9.1. The licensee is prohibited from selling refrigerated liquor products.
 - 6.9.2. There is to be no external advertising of liquor products on the façade of the licensed premises.
 - 6.9.3. The browse/display area is to be closed off when not open for trade.
 - 6.9.4. The licensee is to have and maintain a CCTV system in accordance with the policies of the Director of Liquor Licensing.
 - 6.9.5. 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.
 - 6.9.6. The entry/exit point to the licensed area must have a gate.
- 6.10. 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 Albany should the application be approved:
- 6.10.1. ALDI exclusive product range.
 - 6.10.2. Combination of the ALDI liquor service with the ALDI non-liquor store elements. A one-stop-ALDI shopping convenience.
 - 6.10.3. One transaction convenience.
 - 6.10.4. Its small size and location under the supermarket roof.
 - 6.10.5. Small, carefully curated selection of liquor with no bulk displays.
 - 6.10.6. Absence of refrigeration.
 - 6.10.7. Absence of external presence of the liquor section.
 - 6.10.8. The particular level of surveillance of the display/browse area which can be seen and monitored by staff at all times in its entirety.

- 6.10.9. Restricted visibility into the liquor section as a juvenile risk management feature.
- 6.10.10. Combined beneficial effects of the features listed above which are supplemented by the overall manner of trade and harm minimisation features identified.
- 6.11. In regard to the “target client base” required by the Form 2A to be addressed:
 - 6.11.1. Principally, the target client base for the proposed liquor service at ALDI Albany is existing customers of the ALDI Albany store who are demanding liquor be made available to them there. Generally, around 7,000 people shop at ALDI Albany every week²⁸.
 - 6.11.2. The next nearest equal liquor service is at ALDI Busselton, approximately 277km away (straight line), approximately 330km by car. The liquor service proposed for ALDI Albany will focus on catering to people living within the whole of the Great Southern Region who otherwise need to travel potentially hundreds of kilometres to access ALDI products.
 - 6.11.3. Albany Plaza is, as explained elsewhere in this PIA, an essential retail facility in the area. where ALDI is an anchor tenant. It houses the only discount department stores, including ALDI, within the wider great southern region²⁹. Its mix of retailers is designed for all manner of shopping including regular, routine, daily and weekly type trips and is supposed to provide a high level of modern retailing convenience. ALDI’s proposal intends to cater for the needs of any adult shopper at Albany Plaza, from wherever they have come.
- 6.12. 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.
- 6.13. 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 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 around 104,600 members³⁰. ALDI’s official Facebook page has around 892,000 “followers”³¹. This medium is the modern-day voice of the public and therefore, represents significant community sentiment.

²⁸ PRG report at page 5 and further evidence available if required upon request

²⁹ <https://www.charterhall.com.au/property/property-detail/Albany-Plaza>

³⁰ <https://www.facebook.com/groups/117155111252/>

³¹ <https://www.facebook.com/ALDI.Australia/>

- 6.14. The first two ALDI applications for liquor store licences in WA were initially refused at first instance³² (and subsequently approved). Soon after the initial refusals, a massive 8,637 people took it upon themselves to participate in an Internet survey conducted by Nine News Perth³³ 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.
- 6.15. ALDI has been under pressure for some while from Albany customers to provide a liquor service at the store. They know about other ALDI stores offering liquor elsewhere and want the same service in their area. Customers seeking the liquor service have expressed confusion and frustration as to why other ALDI locations offer liquor but Albany does not.
- 6.16. The applicant engaged independent expert market research firm, PRG³⁴, to conduct a market survey and to subsequently provide a report of the results which has been referred to throughout this document. Some of the results in the PRG report evidencing clear and strong demand for the ALDI liquor proposal from the 303 people surveyed, include the following:
- 6.16.1. "Ninety-four per cent of all shoppers, and 96% of packaged liquor buyers support the establishment of a liquor section within the Albany ALDI store..."³⁵
- 6.16.2. "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 67% of shoppers had shopped in an ALDI store that included a liquor section, adds some weight to these observations."³⁶
- 6.16.3. "In our assessment, the survey has shown that the great majority of Albany ALDI shoppers is looking forward to the possibility of a liquor section being established in the Albany ALDI store."³⁷
- 6.16.4. "Well in excess of 9 in 10 'experienced shoppers' agree with the first three of these propositions. That is, that:
- ALDI liquor sections have good quality products, (98%)
 - the products represent good value for money, (98%)
 - the liquor section is convenient for shoppers, (99%) and

³² Decision of Director of Liquor Licensing: ALDI Harrisdale (A000187300) and Decision of Director of Liquor Licensing: ALDI Joondalup (A000191943)

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

³⁴ Experience, expertise and methods are referred to on pages 2, 5, 10-12; Also: <https://marketresearch.com.au/about-us/overview/>

³⁵ PRG report at para 2.2, page 7

³⁶ PRG report at para 2.3, page 9

³⁷ PRG report at para 2.4, page 10

- 83% agree that they have many brands and products not available elsewhere (other than another ALDI store)".³⁸
- 6.16.5. "Evidently, almost 9 in 10 shoppers (85%) like the notion that the liquor section would be located within the Albany ALDI store. Importantly, only 2% indicated that they dislike this possibility."³⁹
- 6.16.6. "Slightly more than eight in ten (81%) of the total ALDI shopper sample liked the notion that the proposed liquor section would have mostly exclusive ALDI products... The weight of opinion is very much supportive of this aspect of the proposed Albany ALDI liquor section."⁴⁰ This follows evidence in the survey that "almost half (44%) (sic) shoppers have previously consumed ALDI exclusive liquor products that had been purchased from another WA ALDI store"⁴¹, so those interviewed who expressed strong support for the specialist exclusive range to be made available in Albany clearly knew exactly what liquor products and style of operation they were addressing.
- 6.16.7. The expert market researcher concluded "that many [Albany] shoppers are prepared to go to other ALDI stores to access exclusive ALDI liquor products. Note also that half (49%) of packaged liquor buyers have consumed ALDI liquor products purchased in another WA ALDI store. The closest ALDI store with a liquor licence is in Busselton, some 277 Kms away."⁴²
- 6.16.8. "Almost 8 in 10 (76%) of the total sample like [the award winning product] aspect of the proposed Albany ALDI liquor section".⁴³
- 6.16.9. "Almost 9 in 10 (89%) of the total ALDI shopper sample liked [the value for money pricing] aspect of the proposed Albany ALDI liquor section."⁴⁴
- 6.16.10. "Almost 9 in 10 (89%) of the total Albany ALDI sample liked [the one-stop-shopping] aspect of the proposed liquor section."⁴⁵
- 6.17. The PRG report has been compiled by an extremely experienced expert. Such evidence was found by the Liquor Commission in *ALDI Foods Pty Ltd v Director of Liquor Licensing* LC 09/2017 (**ALDI Harrisdale**) to be "gold standard"⁴⁶.

³⁸ PRG report at para 4.4.2, page 19

³⁹ PRG report at para 4.5.1, page 20

⁴⁰ PRG report at para 4.5.2, page 21

⁴¹ PRG report at para 4.4.1, page 18

⁴² PRG report at para 4.4.1, page 18

⁴³ PRG report at para 4.5.3, page 22

⁴⁴ PRG report at para 4.5.4, page 22

⁴⁵ PRG report at para 4.5.5, page 22

⁴⁶ Hearing 22 February 2017, transcript at page 45

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

- 6.18. The following Google Maps images and centre map identify the location of the ALDI Albany store at Albany Plaza, which is within the Albany CBD and where ALDI is regarded as an anchor tenant among more than 30 other major brand tenants and speciality stores⁴⁷. The department stores at Albany Plaza – including ALDI – are the only ones in the wider great southern region⁴⁸ and therefore, Albany Plaza plays an essential role in the area.

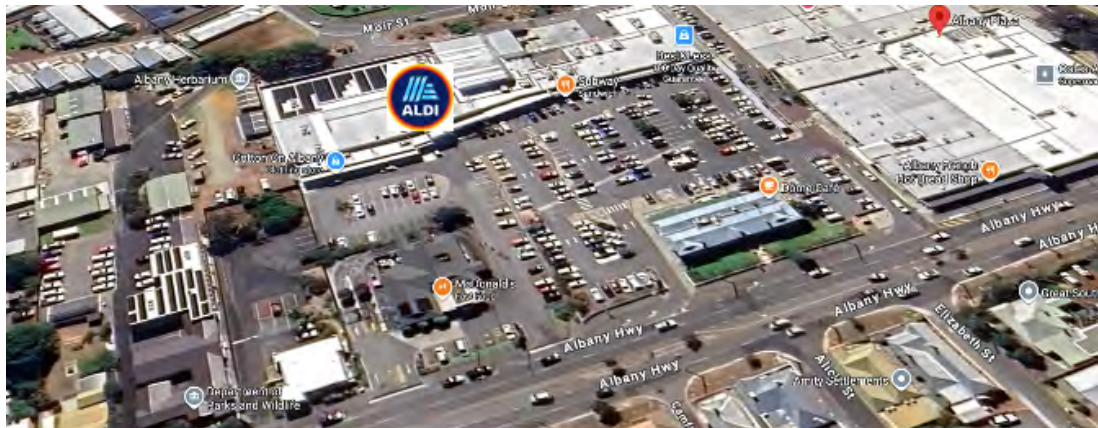


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⁴⁷ <https://www.albanyplaza.com.au/lease-with-us>, <https://www.albanyplaza.com.au/shop-guide#store-listing> and <https://www.charterhall.com.au/property/property-detail/Albany-Plaza>

⁴⁸ <https://www.charterhall.com.au/property/property-detail/Albany-Plaza>

⁴⁹ <https://www.albanyplaza.com.au/shop-guide>

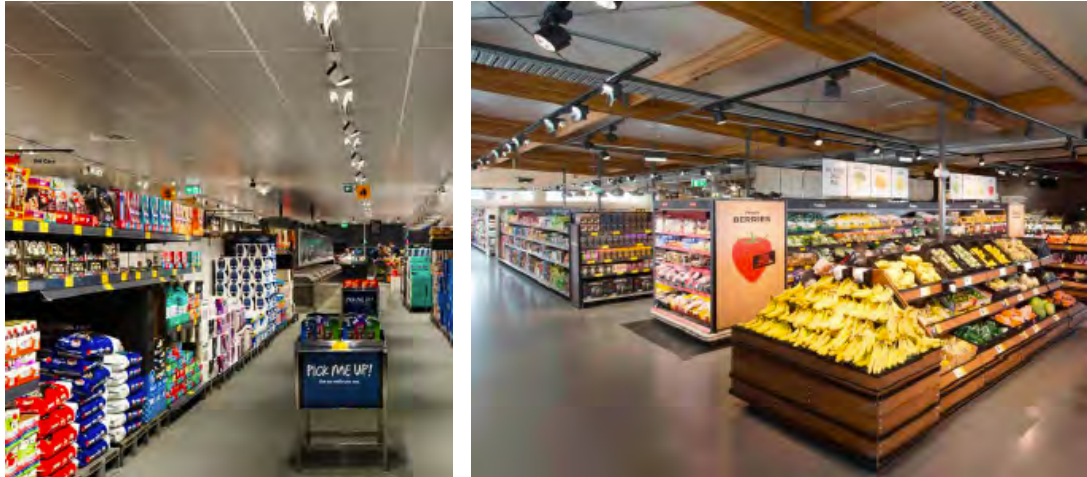


- 6.19. The store faces towards Albany Highway and its carpark can be accessed from Albany Highway and Moir Street behind. Albany Highway is a significant feature of the area and is presumably well known to the licensing authority. It is very large and well-established, covering 410km and dual-carriageway around the ALDI site. It is, among other things, a “principle/major route for high volume traffic movements within large urban areas”⁵⁰.
- 6.20. The ALDI store in Centennial Park/Albany has been operating for around 3.5 years.
- 6.21. ALDI stores generally comprise a total footprint of approximately 2,000m². Some are located at shopping centres like the Albany store, while others are free-standing.
- 6.22. Consistent with other ALDI outlets, the following different parts or areas comprise the Albany store, listed in order of size in terms of the approximate portion of the total footprint:
- 6.22.1. Main public retail area (non-liquor) – displaying grocery, other supermarket items, homewares, clothing, furniture, tools and other non-grocery items.
 - 6.22.2. Storage.
 - 6.22.3. Loading dock/delivery area.
 - 6.22.4. Entrance and trolley bay.
 - 6.22.5. Checkout.
 - 6.22.6. Office and staff facilities.
 - 6.22.7. Liquor display and browse area (proposed).
- 6.23. The store relies upon the shopping centre parking, comprising over 700 bays, for its customers⁵¹. Ample parking is available virtually at the front door.

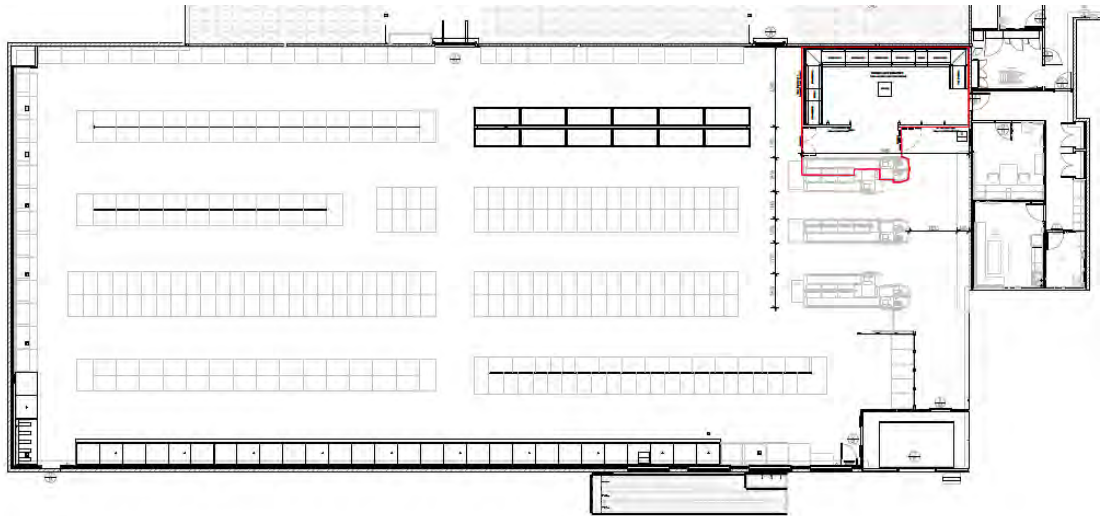
⁵⁰ Section 13(2)(e) and (3)(d) of the Main Roads Act 1930

⁵¹ <https://www.charterhall.com.au/property/property-detail/Albany-Plaza>

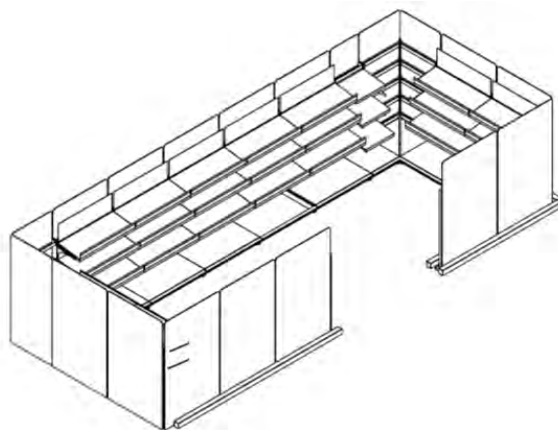
- 6.24. ALDI stores are bright, fresh and pleasant shopping environments. The following images depict the stylish and crisp appearance that can be found at the ALDI Albany store:



- 6.25. 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.
- 6.26. 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.
- 6.27. The following extract from the applicant's floor plan lodged with the application shows the proposed licensed area outlined in red which includes both liquor display/browse and checkout with a combined area of approximately 30m². This is clearly a tiny proportion of the overall footprint. The office is also sought to be licensed to house the required licensing documents and to accommodate the approved manager from time to time.



- 6.28. The petite display/browse space is a simple rectangular shape as depicted in the image above which will be clearly delineated in the same manner as existing ALDI licensed stores. This design is based on many years of experience and enables convenience and a high level of surveillance of the area. The display/browse area will also comfortably accommodate shoppers with their trolleys.
- 6.29. 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.
- 6.30. The very small size and layout of the liquor display/browse area clearly confirms that the liquor section is a complementary service to the rest of the ALDI store and will help ensure the area is well-controlled and supervised.
- 6.31. As set out earlier on in this document, the following aerial render is indicative of the proposed sectioned-off liquor display/browse area, which is to be established if approved. The boundary partitioning is intended to be made of 2.1 metre high opaque frosted glass designed for the purpose.



- 6.32. The following photograph of the approved liquor section at the ALDI Yanchep store, enclosed within the frosted glass, is indicative of what is proposed to be established at Albany:



- 6.33. 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.
- 6.34. 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.
- 6.35. The liquor area will be entirely confined well within the ALDI supermarket building and have no access directly into, or visibility from, outside of the ALDI store. In fact, the liquor section will have even limited visibility from within the ALDI supermarket. It will be positioned on the opposite side of the store from the main entrance, next to the office, so as to reduce visibility and enhance the separation from the rest of the store. The liquor section will be discretely tucked-away into the corner, as depicted below at the end of the far-end aisle.



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

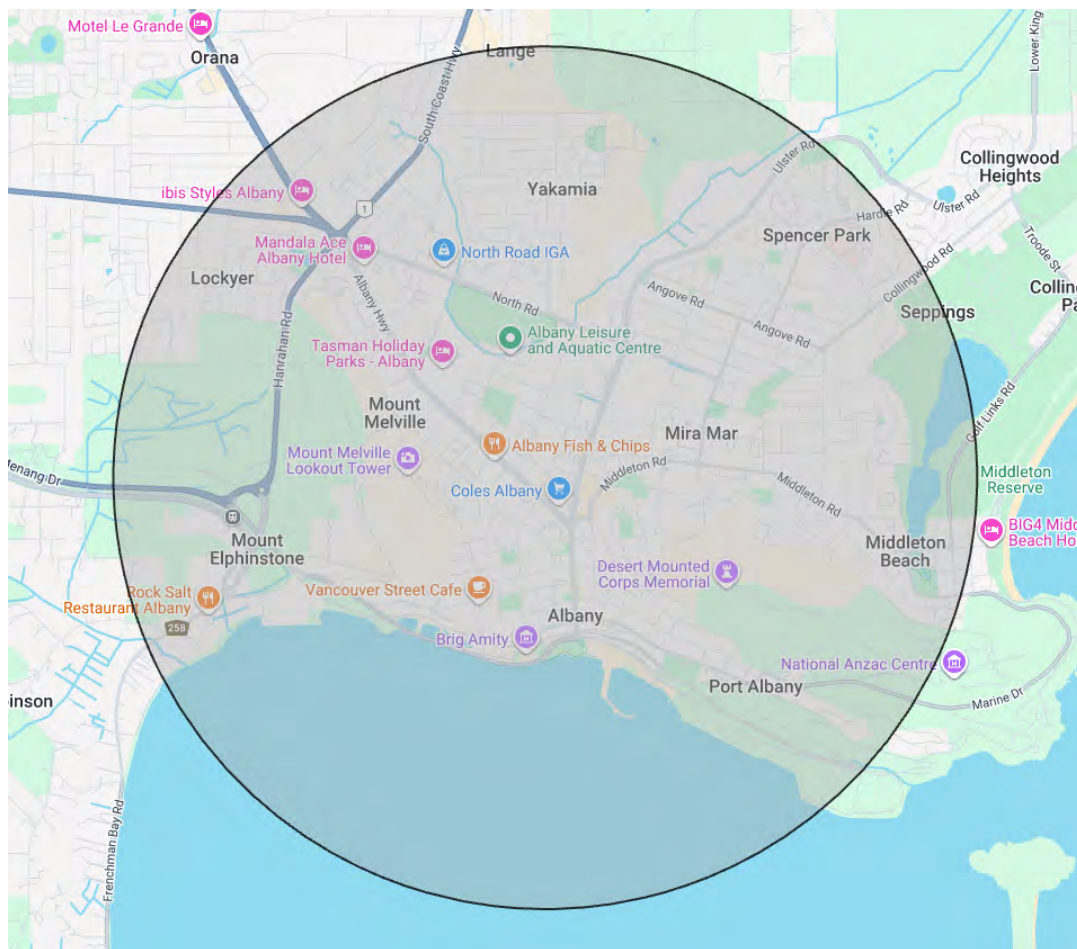


- 6.37. There will be no cool room or other refrigeration in the liquor area. All products will be stocked and sold at room temperature. This unique feature further confirms the intention that the liquor service is genuinely designed to complement the other household items being sold and provide a one-stop-ALDI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

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

- 6.40. To address this section of the Form 2A, it is necessary to firstly identify the relevant locality. There is no definition of “locality” in the Act.
- 6.41. The ALDI Albany store is located approximately 400km south east of the Perth CBD (straight line distance). In the Form 2A, the Department has suggested that the locality for this case may be a 3km radius around the proposed licensed area given that the premises is located more than 15km of the Perth CBD but not more than 200km from the nearest town. A 3km radius is depicted in the Google Maps images below (**3km locality**).

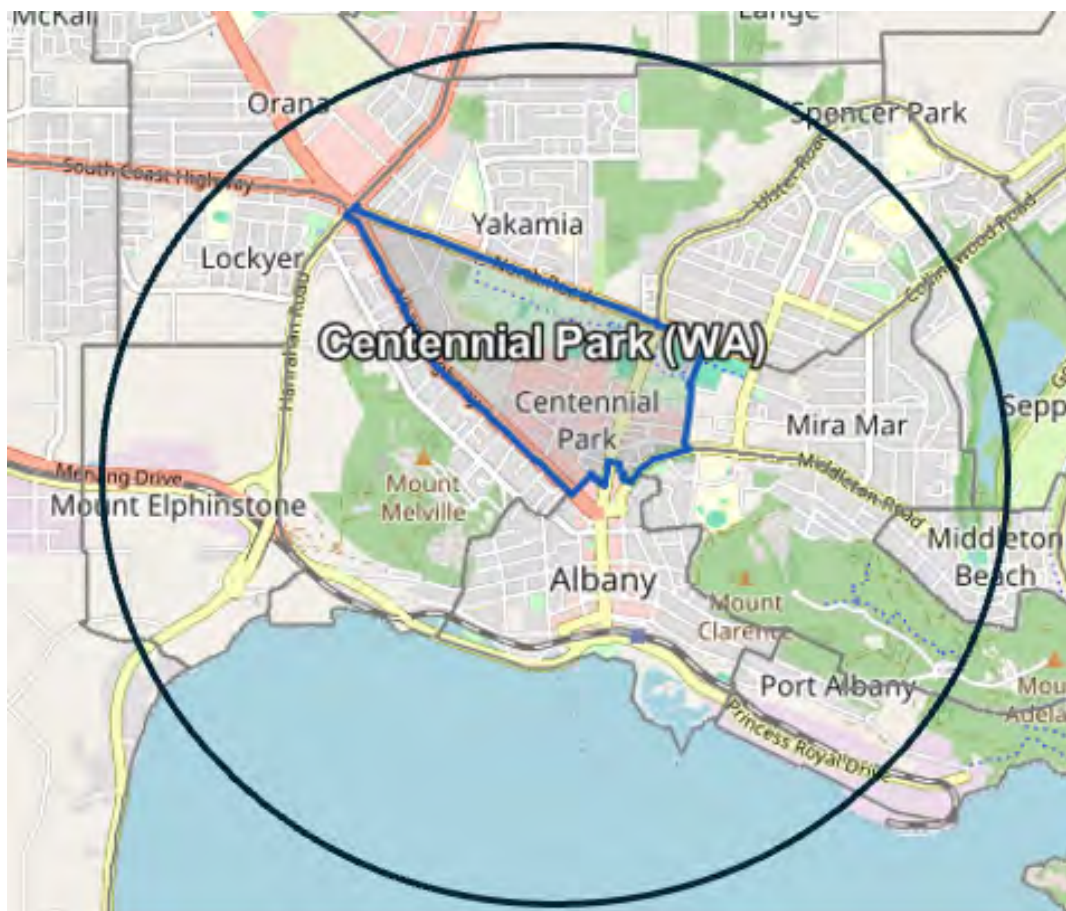




6.42. The 3km locality comprises all or parts of the following suburbs, with approximately 50% of the area either undeveloped bushland, reserve or ocean.

- | | |
|-------------------------|----------------------------|
| 6.42.1. Centennial Park | 6.42.9. Port Albany |
| 6.42.2. Albany | 6.42.10. Mount Melville |
| 6.42.3. Yakamia | 6.42.11. Mount Elphinstone |
| 6.42.4. Spencer Park | 6.42.12. Lockyer |
| 6.42.5. Mira Mar | 6.42.13. Orana |
| 6.42.6. Seppings | 6.42.14. Milpara |
| 6.42.7. Middleton Bech | 6.42.15. Lange |
| 6.42.8. Mount Clarence | |

6.43. The following map illustrates the suburb of Centennial Park outlined in blue within the context of the 3km locality. Neighbouring suburbs are labelled and their boundaries indicated by grey outlining.



- 6.44. Virtually no populated portions of the suburbs of Orana, Milpara and Lange fall within the 3km locality. Therefore, data pertaining to those suburbs has not been included in this PIA because to do so would likely distort the overall picture.
- 6.45. The 3km locality is within the City of Albany and ALDI Albany is located within the Town Centre and Central Business District. The City is within the Great Southern region of WA and is regarded as the oldest town in Western Australia.
- 6.46. Albany has a brilliant history and is home to many wonderful heritage buildings. The origins of the township date back to 1826. Its stand-out feature and role has been as an essential port for Western Australia. The enormous harbour that is King George Sound and Port of Albany has accommodated shipping, whaling, whale watching, fishing and significant defence functions. The first ANZAC troop transport left from Albany, which was in 1914 and in WWII Albany served as a United States submarine base, among other things. The National ANZAC Centre is located in Albany. Images depicting historical sites and buildings and other aspects of the area are provided further on in this PIA.
- 6.47. The 3km locality comprises several major attractions, including Albany Port, Albany Entertainment Centre, Albany Railway Station, museums, historical buildings and

the ANZAC Centre. There are well over 100 accommodation facilities⁵² and in the last reporting year of 2023/24 approximately 1.4 million visitors were recorded staying overnight in the City of Albany⁵³.

- 6.48. "[T]he word 'locality' in s 36B denotes an area that surrounds, and is geographically close to, the location of the proposed premises"⁵⁴.
- 6.49. "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."⁵⁵
- 6.50. "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'."⁵⁶.
- 6.51. As identified previously, the 3km locality in this case includes large sections of undeveloped area, parkland, bushland, reserve and ocean, together with Albany Highway, which is a major artery running all the way to near Perth, Albany Port, Town Jetty, railway and other significant infrastructure, which all act as substantial physical delineation, barriers and obstacles within the area.
- 6.52. "[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

⁵² For example, booking.com (127): https://www.booking.com/city/au/albany.en.html?aid=306395;label=albany-1VAQ5sGYifUw5Ne2e_D7EQS540075748683;pl:ta:p1.55;p2:ac:ap:neg:fi:tkwd-19176985002;lp9070524;li:dec:dm:ppccp=UmFuZG9tSVYkc2Rllyh9YZVcNNsENnH02-pWD53am9c;ws=&qad_source=1&qad_campaignid=17226809&gbraid=0AAAAAD_Ls1JuhphX2E-8m1m9Ae_6C6Lx1&gclid=EAlalQobChMlwdbgp63QjwMVwaRmAh3vLqSAEAAYASAAEgK9ifD_BwE

⁵³ <https://economy.id.com.au/albany/tourism-visitor-summary>; City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

⁵⁴ <https://www.albany.wa.gov.au/publicnotices/albany-cbd-to-become-an-area-40kmh-zone/304>

⁵⁵ *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 (**Liquorland Karrinyup**) [181] (Archer JJ); confirmed in *Liquorland Southern River* [62] (Lemonis)

⁵⁶ *Liquorland Karrinyup* [182] (Archer JJ); confirmed in *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 [15] (Smith J) and *Liquorland Southern River* [62] (Lemonis)

⁵⁷ *Liquorland Karrinyup* [185] (Archer JJ); confirmed in *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 [16] (Smith J) and *Liquorland Southern River* [62] (Lemonis)

placed in a small country town. An example of the latter would be where it was to be placed in the CBD."⁵⁷

6.53. "What constitutes a 'locality' relates to the geographical area surrounding, and what is relatively close to, the proposed site"⁵⁸.

6.54. "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"⁵⁹.

6.55. "The imposition of a radius circle is not necessarily appropriate where such the same encompasses an artificial area. To adopt a patently artificial radius does not reflect the licensing authority's mandate to have regard to the primary objects of the Act and the functions of the licensing authority which require consideration of the actual impacts of a proposed application".⁶⁰

6.56. For the purposes of section 36B of the Act, having regard to the findings of the Court in *Liquorland Karrinyup*, upheld in *Liquorland Southern River*, the applicant submits that the relevant locality in this case is the area bounded by:

6.56.1. North Road, to the north,

6.56.2. Campbell Road, part of Middleton Road and Sussex Street (Middleton Beach suburb western boundary), to the east,

6.56.3. Albany Port Road, the port/coastline boundary and the southern boundaries of the suburbs of Mount Melville and Albany, to the south and

6.56.4. Hanrahan Road, part of Frenchman Bay Road and the western boundary of the suburb of Mount Melville, to the west and

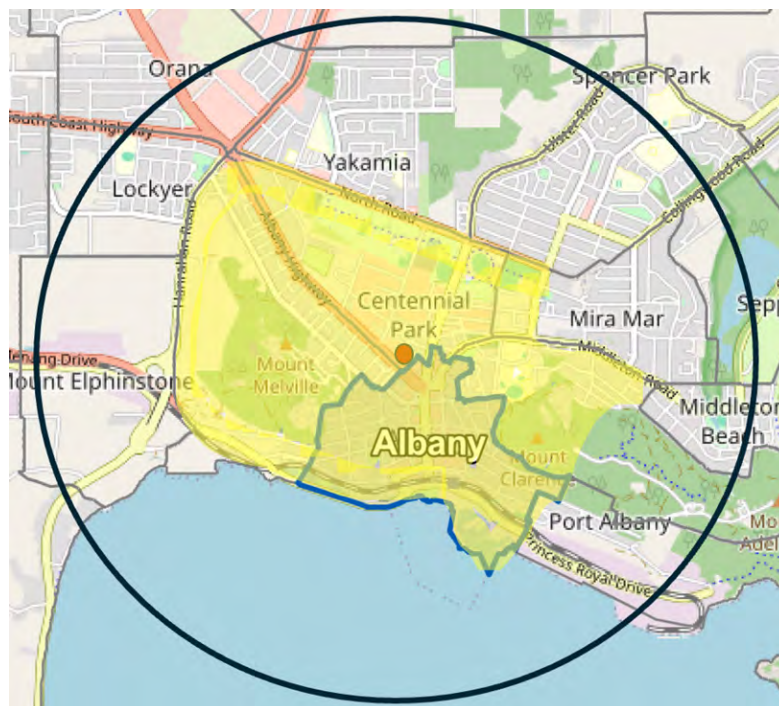
including the whole of the suburbs of Albany, Mount Melville and Centennial Park and the populated (western) part of the suburb of Mount Clarence. (**s36B locality**). This area is highlighted in yellow in the following map which also shows the 3km locality boundary in black outline and the location of ALDI Albany by the red central dot.

⁵⁷ *Liquorland Karrinyup* [186] (Archer J); confirmed in *Liquorland Southern River* [62] (Lemonis)

⁵⁸ *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 [14] (Smith J); *Liquorland Karrinyup* [186] and [190] (Archer J)

⁵⁹ *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]

⁶⁰ *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]



- 6.57. The proposition for the s36B locality is based on the following reasons:
- 6.57.1. The area comprising the proposed s36B locality is “an area that surrounds and is geographically close to the location of the proposed premises”⁶¹ which are the key criteria. This area can be regarded as the true local neighbourhood⁶².
 - 6.57.2. This area is central within the 3km locality, includes the Central Business District and houses the City of Albany's Town Centre. It is the main business and retail core of the Great Southern Region.
 - 6.57.3. This is a very densely built-up and busy area. More than 500 businesses are located within it⁶³.
 - 6.57.4. Reduced 40kmph zones have been introduced into the CBD confirming its role to slow people down within the area so as to draw them in and accommodate pedestrians.⁶⁴
 - 6.57.5. The s36B locality covers a sizeable land area and substantial portion of the developed and populated 3km locality. It is roughly a 1.5km radius in most directions and encompasses the majority of the developed and populated area within the 3km locality.

⁶¹ Liquorland Karrinyup [181] (Archer J)

⁶² Liquorland Karrinyup [182, for example] (Archer J)

⁶³ <https://economy.id.com.au/albany/business-locations>; City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

⁶⁴ <https://www.albany.wa.gov.au/publicnotices/albany-cbd-to-become-an-area-40kmh-zone/304>

- 6.57.6. The s36B locality incorporates several major attractions, including Albany Port, Albany Entertainment Centre, Albany Railway Station, museums and historical buildings.
- 6.57.7. Albany Highway runs through the middle of the 36B locality and could potentially act as a barrier between either side of the Highway, however, it also steers a lot of traffic into the area and close to the applicant's store. It is a major access and egress facilitator, feeder route and thoroughfare. As referred to earlier on in this PIA, Albany Highway is, among other things, a "principle/major route for high volume traffic movements within large urban areas"⁶⁵.
- 6.57.8. North Road, Albany Port Road, the port/coastline boundary and Hanrahan Road provide clear delineation of the s36B locality. Some aspects provide obstacles because of the time and effort involved in traversing them.
- 6.57.9. ALDI Albany is relatively centrally located within the s36B locality.
- 6.57.10. The ALDI liquor display and browse area will be a tiny space with no visibility whatsoever external to the ALDI store. In fact, the liquor section will only be visible from well within the ALDI supermarket. When this is considered in the context of the surrounding area it is clear that the size of the ALDI liquor section is even further reduced in scale. Having regard for these factors, it could be artificial to extend the relevant locality to an area wider than the s36B locality. This proposition is supported by the obiter dictum of Lemonis J in *Liquorland Southern River* at [65].
- 6.58. The s36B locality comprises a resident population of approximately 3,827⁶⁶ and in addition are the significant numbers of both locals and visitors drawn to the area, given its role in the CBD and Town Centre and as housing the main concentration of services and facilities for the whole Great Southern Region.
- 6.59. The issue of tourists is dealt with in more detail further on in this PIA.
- 6.60. The applicant has carefully considered both the 3km locality and s36B locality, as referred to throughout this PIA and the accompanying Legal Submissions.
- 6.61. Having regard for sections 16(7)(b) and (c) of the Act, the Department's "common-sense approach" policy⁶⁷ and the State Government's published desire to make it less complicated and easier to do business in the WA liquor

⁶⁵ Section 13(2)(e) and (3)(d) of the Main Roads Act 1930

⁶⁶ 2021 ABS Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50006> (Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50278> (Centennial Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51009> (Mount Clarence) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51025> (Mount Melville)

⁶⁷ Form 2A page 2 and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

industry⁶⁸, the assessment of locality in this PIA is not exhaustive. The applicant has provided a level of detail considered appropriate for the circumstances in terms of the content of this document and the attachments. Further detail, additional copies of source material and supplementary supporting evidence can be provided if necessary. The applicant has had regard for the decision in Liquorland Karrinyup and the fact that the 3km locality and s36B locality are both very established and presumably the licensing authority is properly familiar with them and so only pertinent locality material has been included⁶⁹.

6.62. As required by the Form 2A, the applicant provides the following “names and addresses of all existing licensed premises within the [s36B] locality”⁷⁰ – the “packaged liquor premises”⁷¹ are in **bold font**:

- 6.62.1. **Albany Hotel**, 244 York Street, Albany
- 6.62.2. **Six Degrees of Separation**, 60-70 Stirling Terrace, Albany
- 6.62.3. **Liberte at the London Hotel**, 160-162 Stirling Terrace, Albany
- 6.62.4. **Premier Hotel Albany**, 208 York Street, Albany
- 6.62.5. **Wilson Brewing Company Tavern**, 72 Stirling Terrace, Albany
- 6.62.6. **Due South**, 6 Toll Place, Albany
- 6.62.7. **Dan Murphy's Albany**, 9 York Street, Albany
- 6.62.8. **Liquorland Albany**, 38 Albany Highway, Albany
- 6.62.9. **BWS – Beer Wine Spirits Dog Rock**, Dog Rock Shopping Centre, Lockyer Avenue, Albany
- 6.62.10. Albany Club Inc, 23 Aberdeen Street, Albany
- 6.62.11. Albany Bowling Club Inc, Albany Highway, Albany
- 6.62.12. Stirling Club Inc, 14 Stirling Terrace, Albany
- 6.62.13. Railways Football & Tigers Sporting Club
- 6.62.14. The Three Plenties Palace, 148 York Street, Albany
- 6.62.15. Ryan's Restaurant, 314 Albany Highway, Albany
- 6.62.16. Royal Turban Indian Restaurant, Wellington Street, Albany
- 6.62.17. Dog Rock Motel, 303 Middleton Road, Albany
- 6.62.18. The Clarence on Melville, 191 Albany Highway, Albany

⁶⁸ For example: <https://www.cits.wa.gov.au/department/news/news-article/2024/08/29/liquor-licensing-policy-reform-a-big-win-for-wa-hospitality-industry>

⁶⁹ Further detailed information and supporting documents can be provided if required, upon request

⁷⁰ Based on information published by the Department as at early September 2025, listed in the order as appears in the Department's database for each suburb: <https://portal.dlgsc.wa.gov.au/forms/fr/search/findallicence/new>

⁷¹ As defined in section 36B of the Act

- 6.62.19. Sleepwell Motel, 270 Albany Highway, Albany
- 6.62.20. Majuba Bistro, 132 York Street, Albany
- 6.62.21. Georgy Scott's, 369 Albany Highway, Albany
- 6.62.22. Quality Apartments Banksia Albany, 212 Albany Highway, Albany
- 6.62.23. Albany's Indian Tandoori Restaurant, 75 Frederick Street, Albany
- 6.62.24. Joop Thai, 138 Lockyer Avenue, Albany
- 6.62.25. Studio 146, 146-152 York Street, Albany
- 6.62.26. Eve Late Night Bar, 338 Middleton Road, Albany
- 6.62.27. Albany Entertainment Centre, 2 Toll Place, Albany
- 6.62.28. Earl of Spencer Historic Inn, cnr Earl and Spencer Streets, Albany
- 6.62.29. Rustlers Steakhouse and Grill, 222 Stirling Terrace, Albany
- 6.62.30. Hilton Garden Inn Albany, 3 Toll Place, Albany
- 6.62.31. Little Italy Restaurant & Pizzeria, 220 York Street, Albany
- 6.62.32. Don Japanese Fusion, Shop 3, 338 Middleton Loop, Albany
- 6.62.33. The Gaffer Burger and Shakes, 190 York Street, Albany
- 6.62.34. Bar sótão, 22-32 Proudlove Parade
- 6.62.35. Kirby's Atelier de Cuisine, 176 Stirling Terrace, Albany
- 6.62.36. Inswing Australia, 40A Sanford Road, Centennial Park
- 6.62.37. Retravisson Stadium – Albany, 156 Lockyer Avenue, Centennial Park
- 6.62.38. Lower Great Southern Hockey Association Inc, 69-73 Barker Road, Centennial Park
- 6.63. The number of existing licensed premises confirms the role of the s36B locality as the centre for services and facilities in the district.
- 6.64. Additional information and submissions regarding the nine “packaged liquor premises”⁷² listed above are provided further on in this document.
- 6.65. Beyond the s36B locality, are the following existing licensed premises, of which nearly all are located between approximately 1.7 and 2.7km away from the proposed ALDI packaged liquor premises:
 - 6.65.1. **The Bottle-O North Road**, Shop 1 & 2, North Road, Shopping Centre, 210 North Road, Albany
 - 6.65.2. Middleton Beach Bowling Club Inc, Garden Street, Albany
 - 6.65.3. Rock Salt Albany, 65 Frenchman Bay Road, Mount Elphinstone

⁷² Section 36B of the Act

6.65.4. Wild West Bowling, 3 Chesterpass Road, Orana

6.65.5. **BWS – Beer Wine Spirits Spencer Park**, 2 Hardie Road, Spencer Park

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. Approximately 13,147 people live in the 3km locality based on the following Australian Bureau of Statistics (**ABS**) data⁷³ for the relevant suburbs within the 3km locality:

	Total 2021 suburb population	Portion estimated within the 3km locality ⁷⁴
Centennial Park	689	689
Albany	1,403	1,403
Yakamia	3,025	3,025
Spencer Park	3,445	2,584
Mira Mar	1,890	1,890
Seppings	177	177
Middleton Beach	759	455
Mount Clarence	728	728
Port Albany	133	133
Mount Melville	1,007	1,007
Mount Elphinstone	82	82
Lockyer	1,298	974
Orana	2,035	Negligible/probably 0
Milpara	953*	Negligible
Lange	394*	Negligible/probably 0
Combined total estimated to be living within the 3km locality at the 2021 Census		13,147

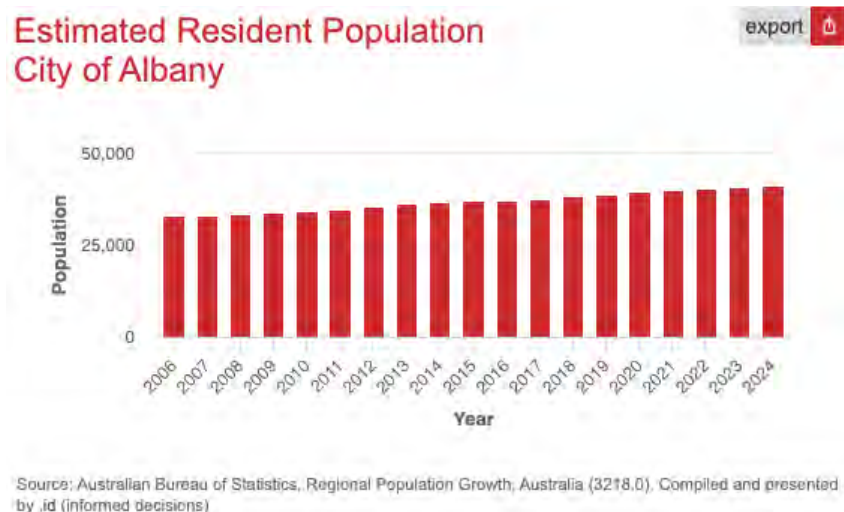
7.2. 38,763 people were recorded as living in the City of Albany at the 2021 Census⁷⁵ and so the 3km locality represents approximately one third of the local government area in terms of demographics, population and density. 41,545

⁷³ 2021 ABS Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50006> (Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50278> (Centennial Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51660> (Yakamia), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51397> (Spencer Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50969> (Mira Mar), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51338> (Seppings), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50946> (Middleton Beach), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51009> (Mount Clarence), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51257> (Port Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51025> (Mount Melville), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51010> (Mount Elphinstone), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50858> (Lockyer), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51184> (Orana), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50957> (Milpara) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50832> (Lange)

⁷⁴ Based on the approximate portion of the developed suburb area that falls within the 3km radius

⁷⁵ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA50080>

were estimated to be living in the City in 2024⁷⁶ which correlates to approximately 13,848 in the 3km locality. There has been steady growth for 20 years.



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- 7.3. Approximately 3,827⁷⁸ people live in the s36B locality, coupled with an enormous number of local people from outside this area who are drawn to the CBD, Town Centre and main district for services and facilities and also huge numbers of other visitors, including tourists⁷⁹.
- 7.4. In statistical terms, a typical person living in Centennial Park based on their self-reporting in the ABS Census of 2021⁸⁰ can be described as follows:
- 7.4.1. female, aged 53,
 - 7.4.2. identifying as "non-indigenous", as that term is so described by the ABS,
 - 7.4.3. born in Australia, of English ancestry,
 - 7.4.4. not married and living as a couple without children,
 - 7.4.5. educated to year 12 and beyond (including. cert. III, IV, diploma and degree)
 - 7.4.6. of no religious affiliation,

⁷⁶ City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

⁷⁷ City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

⁷⁸ 2021 ABS Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50006> (Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50278> (Centennial Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51009> (Mount Clarence) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51025> (Mount Melville)

⁷⁹ Approximately 1.4 million visitors were recorded staying overnight in the City of Albany (<https://economy.id.com.au/albany/tourism-visitor-summary>; City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>)

⁸⁰ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50278>

- 7.4.7. using only English at home,
- 7.4.8. in the labour force, working full-time, earning \$598 personally each week and
- 7.4.9. experiencing no long-term health condition.
- 7.5. The following further resident profile characteristics have been identified for people living in the 3km locality based on their self-reporting in ABS Census of 2021⁸¹:
 - 7.5.1. The average age is 47, which is notably older than the WA and national average of 38.
 - 7.5.2. Approximately 21.6% of the resident population is aged 19 or under, compared to the WA State average of 24.8%. Several of the suburbs within the 3km locality recorded very low and even no residents in the under 4 age bracket which indicates an aging local population. Given that four years has passed since these statistics were collected, the percentage of people under 19 could now quite likely be much lower and the average age higher.
 - 7.5.3. Approximately 25.4% of the resident population is 65 years of age or older, compared to the WA State average of 16.1%. This is another indicator of a very mature demographic.
 - 7.5.4. Approximately 4.2% of the resident population identifies as being Aboriginal or Torres Strait Islander. One suburb has a largest percentage difference compared to the others, namely Lockyer.
 - 7.5.5. Approximately 71.8% of the resident population was born in Australia.
 - 7.5.6. 3.3% indicated being unemployed, comparing very favourably to the WA State figure of 5.1%.
 - 7.5.7. The majority of the population, being 51.5%, has no religious affiliation. The most common religious affiliation disclosed is Catholic at 11.3%, closely followed by Anglican at 11.1%.
- 7.6. Socio-Economic Indexes for Areas, which measure the relative level of socio-economic disadvantage and/or advantage, based on a range of ABS data

⁸¹ Being the combined average for the most relevant suburbs (x11) (being those where at least 75% of the population for that suburb is likely to be living in the 3km locality but excluding Mount Elphinstone for which there is no equivalent ABS data): 2021 ABS Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50006> (Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50278> (Centennial Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51660> (Yakamia), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51397> (Spencer Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50969> (Mira Mar), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51338> (Seppings), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51009> (Mount Clarence), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51257> (Port Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51025> (Mount Melville) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50858> (Lockyer)

have ranked the City of Albany in the third quarter at number 81 out of 140⁸² indicating that the average resident experiences relatively average levels of socio-economic conditions, with slightly lower advantage.

- 7.7. It is acknowledged that some people living in the 3km locality experience lower than average socio-economic circumstances and that this factor may, at first glance, be regarded as negative. Based on the following reasons it is respectfully submitted that such conditions are mitigated in this case and should not inhibit the grant of the licence:
- 7.7.1. The positive factors associated with the application are significant and of much greater weight.
 - 7.7.2. The circumstances surrounding the whole of and role of the City of Albany very positive.
 - 7.7.3. The applicant's pricing, quality and value-for-money policies will enable people living in the 3km locality to be able to access and enjoy quality, award-winning liquor products which they might not otherwise be able to access.
 - 7.7.4. People experiencing low socio economic conditions should still be able to access liquor products and services that are very popular elsewhere, as ALDI's are.
 - 7.7.5. People living in a large regional city should be able to access the same choice and diversity of modern retail products and services as available elsewhere even if they experience low socio economic conditions.
 - 7.7.6. People experiencing low socio economic conditions should still be able to benefit from modern conveniences associated with liquor purchasing including one-stop shopping which is now a very established and expected aspect of modern consumer retailing but is scarcely available in the area.
 - 7.7.7. The particulars of the ALDI Albany proposal should confirm that it will be a relatively discrete and low impact liquor outlet with little capacity to exacerbate low socio economic circumstances.
- 7.8. Further details of the nature and characteristics of the local community are provided elsewhere in this PIA.
- 7.9. As directed by the Department, the applicant has applied a "common-sense approach"⁸³ to the submissions contained within this section of the PIA in terms of outlining the population characteristics in the locality. Further, the applicant has tried not to overburden the licensing authority with materials, especially

⁸² <https://profile.id.com.au/albany/seifa-disadvantage?WebID=50278500> (City of Albany Community Profile (id.community)): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

⁸³ Form 2A and at <https://www.dlgsc.wa.gov.au/department/publications/publication/public-interest-assessment>

those available via the internet. Therefore, only pertinent locality material has been included in this document⁸⁴.

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

- 7.10. As required by the Form 2A, the applicant provides names and addresses for the following identified to be operating in the 3km locality:
- 7.10.1. Schools and educational institutions:
- 7.10.1.1. Albany Summer School Inc, Lottery House, North Road, Centennial Park
 - 7.10.1.2. Bethel Christian School Early Learning Centre, 21 Sydney Street, Yakamia
 - 7.10.1.3. Bethel Christian School, 20 Bethel Way, Albany
 - 7.10.1.4. OneSchool Global Albany Campus, 95 Ulster Road, Albany
 - 7.10.1.5. Spencer Park Education Support Centre, 26 Hardie Road, Spencer Park
 - 7.10.1.6. St Joseph's College Albany, Martin Road, Albany
 - 7.10.1.7. Spencer Park Primary School, 26 Hardie Road, Spencer Park
 - 7.10.1.8. Albany Primary School, Middleton Road & Suffolk Street, Albany
 - 7.10.1.9. Albany Residential College, 8 Thomas Street, Mount Clarence
 - 7.10.1.10. Albany Senior High School, 1 Campbell Road, Mount Clarence
 - 7.10.1.11. Albany Community Kindergarten, 136 Serpentine Road, Albany
 - 7.10.1.12. Youth Futures Community School Albany, 19 Prior Street, Albany
 - 7.10.1.13. Streamkits, 3/89 Cockburn Road, Albany
 - 7.10.1.14. Goodstart Early Learning, 44 Lion Street, Albany
 - 7.10.1.15. John Calvin School, 9 Beaufort Road, Yakamia
 - 7.10.1.16. Albany OSHC, Beaufort Road, Yakamia
 - 7.10.1.17. Parklands School, 32/24 Drummond Street, Lockyer

⁸⁴ Additional and more detailed information and supporting documents can be provided if required and requested

- 7.10.1.18. Mount Lockyer Primary School, 67 South Coast Highway, Lockyer
- 7.10.1.19. YMCA Albany Early Learning Centre, 35 Beaufort Road, Yakamia
- 7.10.2. Hospitals:
 - 7.10.2.1. Albany Health Campus, 30 Warden Avenue, Spencer Park.
 - 7.10.2.2. Albany Day Hospital, 6 Lubich Way, Mira Mar
 - 7.10.2.3. Pioneer Health Albany, 2 Pioneer Road, Centennial
- 7.10.3. Hospices: Albany Community Hospice, 30 Warden Avenue, Spencer Park
- 7.10.4. Aged care facilities:
 - 7.10.4.1. Age Well Albany, 95 Lockyer Avenue, Centennial
 - 7.10.4.2. RAAFA Amity Village Albany, 1 Ulster Road, Yakamia
 - 7.10.4.3. BaptistCare, Bethel, 2 Bethel Way, Albany
 - 7.10.4.4. Clarence Estate Residential Aged Care and Home Care by Hall & Prior, 55 Hardie Road, Spencer
 - 7.10.4.5. Roshana Annie Bryson McKeown Aged Care, 2 Angove Road, Spencer Park
 - 7.10.4.6. Amana Living – Wollaston Court, Albany, 35 Angove Road, Albany
 - 7.10.4.7. Armourcare, 50 Geake Street, Spencer Park
 - 7.10.4.8. CraigCare Albany, 19 Beaufort Road, Yakamia
 - 7.10.4.9. Amaroo Village Albany, 63 Pioneer Road, Centennial Park
 - 7.10.4.10. Juniper Korumup, 11 Townsend Street, Lockyer
- 7.10.5. Churches/places of worship:
 - 7.10.5.1. The Salvation Army Albany Corps, 152 North Road, Yakamia
 - 7.10.5.2. Albany Baptist Church, 20 Bethel Way, Yakamia
 - 7.10.5.3. Holy Family Catholic Church, 74 Hardie Road, Spencer Park
 - 7.10.5.4. Albany Presbyterian Church, Campbell Road and David Street, Albany
 - 7.10.5.5. King River Church Albany, 88 Cockburn Road, Centennial Park

- 7.10.5.6. Harvest Church Albany, 20 Lockyer Avenue, Albany
- 7.10.5.7. St Joseph's Catholic Church, 120 (and 154 (office))
Aberdeen Street, Albany
- 7.10.5.8. Scots Church, 168 York Street, Albany
- 7.10.5.9. St John's Anglican Church Albany, York Street, Albany
- 7.10.5.10. Uniting Church, 12 Duke Street, Albany
- 7.10.5.11. St Paul's Lutheran Church, 151 Serpentine Road, Albany
- 7.10.5.12. Kingdom Hall Albany Jehovah's Witness, 42 Wellington
Street, Centennial Park
- 7.10.5.13. Pioneer Family Church, 47 Pioneer Road, Albany
- 7.10.5.14. Free Reformed Church of Albany, Glenn-Craig Village, 7
Beaufort Road, Yakamia
- 7.10.5.15. Calvary Chapel Albany, 354 Serpentine Road, Albany
- 7.10.5.16. Albany Seventh-day Adventist Church, 322 Albany
Highway, Centennial Park
- 7.10.6. Drug and alcohol treatment centres: Great Southern Community
Alcohol and Drug Service/Palmerston Association, 63 Serpentine
Road, Albany.
- 7.10.7. Short term accommodation or refuges:
 - 7.10.7.1. AHA Great Southern (formerly Albany Halfway House
Association Inc), 142 Aberdeen Street, Albany
 - 7.10.7.2. Shalom House, 320 Albany Highway, Albany
- 7.10.8. Childcare centres:
 - 7.10.8.1. Albany PCYC, 77 Sanford Road, Albany
 - 7.10.8.2. Ragamuffins Child Care Centre, 67 David Street, Spencer
Park
 - 7.10.8.3. The Village Childcare Services, 112 Stirling Terrace, Albany
 - 7.10.8.4. Albany Occasional Child Care Centre, 9 Vancouver
Street, Albany
 - 7.10.8.5. Albany Regional Day Care Centre, 99 Collie Street,
Albany
 - 7.10.8.6. Elite Family Day Care, 12 Barker Road, Centennial Park
 - 7.10.8.7. Goodstart Early Learning Albany, 44 Lion Street, Albany
 - 7.10.8.8. Albany OSHC, Beaufort Street, Yakamia

- 7.10.8.9. YMC Albany Early Learning Centre, 35 Beaufort Road, Yakamia
- 7.10.8.10. Albany Family Daycare, 2 William Street, Yakamia
- 7.10.8.11. Child and Parent Centre - Mount Lockyer, Humphreys Street, Lockyer
- 7.10.9. Local government: City of Albany, 102 North Road, Yakamia.
- 7.11. Other places which could potentially be regarded as “community buildings in the locality” but not listed above include the following which confirm the advanced and established nature of the area:
 - 7.11.1. Rainbow Coast Neighbourhood Centre, 219 North Road, Centennial Park
 - 7.11.2. Albany Lotteries House, 211 North Road, Centennial Park
 - 7.11.3. Shields Community Centre, 320 Albany Highway, Centennial Park
 - 7.11.4. Juniper Community Centre, 5 Townsend Street, Lockyer
 - 7.11.5. Fellowship House, 23 Stead Road, Centennial Park
 - 7.11.6. Albany Noongar Centre, 365 Serpentine Road, Mount Melville
 - 7.11.7. Albany Community Care Centre, 73 Hardie Road, Spencer Park
- 7.12. The nearest residence is understood to be approximately 60m away from the proposed licensed area, as a straight-line distance. The ALDI Albany liquor section will be much further in terms of walking or driving distance and not visible, nor directly accessible, from any residence.

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

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

- 8.1. It is acknowledged that harm can potentially result from the use of liquor⁸⁵.
- 8.2. Risk management and harm minimisation from the sale and supply of liquor are not only very familiar subjects to ALDI but are prominent considerations and given priority in operational policies. ALDI has been successfully implementing measures that minimise harm and ill-health at its large number of existing liquor outlets for many years. Its liquor store model has been tried and tested at many sites and proven to be entirely positive.
- 8.3. The applicant has had regard for harm and ill-health factors potentially associated with the new liquor licence, with reference to its trading history. The

⁸⁵ Containing alcohol

applicant has an excellent trading record in terms of compliance and is not aware of any of its licences causing harm or ill-health.

- 8.4. 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 Harrisdale⁸⁶ 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.”

- 8.5. No part of the proposed licensed area will be visible in any way from the churches, schools, hospitals and day care centres etc within the 3km locality which have been identified earlier on in this PIA. In fact, no part of the ALDI store is visible from those places or any other sensitive organisation. The liquor section will only be visible from within the ALDI supermarket.
- 8.6. The applicant has sought to identify current information regarding alcohol related hospitalisations and deaths associated with the 3km locality specifically, from material published by the relevant local authorities, nearest hospital and health agencies, but none could be identified. 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.”⁸⁷
- 8.7. The applicant acknowledges that hospitalisation and death can potentially result for some people as a consequence of the use of liquor and would have occurred at some level in the 3km locality.
- 8.8. The applicant has researched material published by the City of Albany, Albany Health Campus, Great Southern Community Alcohol and Drug Service/Palmerston Association and State Government. The Great Southern Health Profile 2022⁸⁸, which appears to be the most recent version, has been considered. It states that for people aged over 16 in the Lower Great Southern Region, within which Albany is situated, for the period 2015-2019, “21.1% drank alcohol at risk of long-term harm (compared with 26.5% for WA)”⁸⁹.
- 8.9. The majority (52.5%) of residents in the 3km locality reported at the 2021 Census that they have no long-term health condition⁹⁰. It is acknowledged that 38.9%

⁸⁶ ALDI Harrisdale [38(b)]

⁸⁷ 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

⁸⁸ Great Southern Health Profile 2022, by WA Country Health Service. Copy available upon request if required, or accessible here: <https://www.wacountry.health.wa.gov.au/About-us/Publications/Health-profiles-and-service-plans>

⁸⁹ At page 17

⁹⁰ Being the combined average for the most relevant suburbs (x11) (being those where at least 75% of the population for that suburb is likely to be living in the 3km locality but excluding Mount Elphinstone for which there is no equivalent ABS data): 2021 ABS Census: <https://www.abs.gov.au/census/find-census->

percentage of people indicates that they experience some long-term health condition. The highest rated/most common long-term health condition disclosed was arthritis (12.2%), which seems consistent with the mature age of the population. Arthritis is commonly associated with aging but not liquor usage.

- 8.10. “[D]ata 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”⁹¹. Data for the 12 months to March 2023 showed an increase of 1.3%, but relevantly “[t]he most significant driver of the increase [was] the increasing popularity of RTDs (Ready-to-drink)”⁹² 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 and they will only be available warm and during limited trading hours.
- 8.11. “Alcohol consumption has been declining among students in WA over the past few decades (WA Mental Health Commission, 2017). In 1999 around 36% of students surveyed reported having used alcohol in the past week, in comparison to 15% in 2017. Over this period the number of students reporting never having consumed alcohol increased from 10% to 38% (WA Mental Health Commission 2017)”⁹³.
- 8.12. ALDI has factored advertising and promotion into its harm minimisation strategies. Flamboyant and highly suggestive advertising posters, encouraging or even suggesting rapid, excessive or juvenile drinking are not displayed in association with ALDI’s liquor service. Nor does ALDI advertise discount liquor prices for certain periods. This is because traditional, ad hoc “sales” may encourage customers to purchase more liquor than they otherwise would have for fear of missing out on the deal.
- 8.13. Placing a heavy focus on staff is another key strategy to ensuring policies and practices are implemented and laws are complied with.
- 8.14. ALDI operates pursuant to a highly evolved and sophisticated corporate structure and hierarchy whereby staff at each level are entrusted with an

[data/quickstats/2021/SAL50006](https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50006) (Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50278> (Centennial Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51660> (Yakamia), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51397> (Spencer Park), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50969> (Mira Mar), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51338> (Seppings), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51009> (Mount Clarence), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51257> (Port Albany), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51025> (Mount Melville) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50858> (Lockyer)

⁹¹ <https://theshout.com.au/australian-alcohol-consumption-declines-rtd-consumption-at-record-high/>

⁹² <https://www.roymorgan.com/findings/9153-alcohol-consumption-march-2023>

⁹³ Perth North PHN Needs Assessment 2022-2024 prepared by WA Primary Health Alliance, at page 25 (copy available if required and upon request by the licensing authority)

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

8.15. ALDI is a market leader in terms of staff training and development. Its impressive approach is referred to in the following sub-paragraphs:

8.15.1. “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.”⁹⁴

8.15.2. “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.”⁹⁵

8.15.3. “We offer diverse and cross-functional career pathways. We also value internal promotions with over 70% of our leaders promoted internally.”⁹⁶

8.15.4. “ALDI Australia has taken top spot in the Australian Business Award's – Employer of Choice 2020”⁹⁷.

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

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

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

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

8.15.7. The applicant will ensure all staff at the ALDI Albany store are properly trained as to their responsibilities under the Act, the licensing

⁹⁴ <https://www.aldicareers.com.au/>

⁹⁵ <https://aldiaustralia-1481176-en-au.sr-atrax.com/benefits-that-matter>

⁹⁶ <https://aldiaustralia-1481176-en-au.sr-atrax.com/benefits-that-matter>

⁹⁷ <https://www.aldiunpacked.com.au/aldi-australia-is-recognised-as-an-employer-of-choice/>

⁹⁸ <https://insidemcga.com.au/2018/10/19/aldi-awarded-ara-employer-of-the-year/>

authority's policies, ALDI policies and procedures, matters of safety and all other laws and regulations applicable to the proper conduct of the business.

8.15.8. The liquor section will be adequately staffed at all times with appropriately trained and knowledgeable people. In addition to having sufficient numbers of approved managers, other part-time and full-time staff will also be employed. At least one qualified unrestricted approved manager will be at the store at all times.

8.15.9. 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.

8.15.10. PRG found that only up to 1% of people surveyed believe that they could come to some harm or experience some adverse effect from the ALDI liquor section being established in Albany ⁹⁹.

8.16. 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:

8.16.1. "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."¹⁰⁰

8.16.2. "Seventy-eight percent of consumers are prioritising value for money when shopping..."¹⁰¹

8.16.3. "Almost 9 in 10 (89%) of the total ALDI shopper sample liked this aspect of the proposed Albany 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."¹⁰²

⁹⁹ PRG report at para 2.2.1, page 8

¹⁰⁰ <https://www.macrobusiness.com.au/2021/03/the-rise-and-rise-of-aldi/>

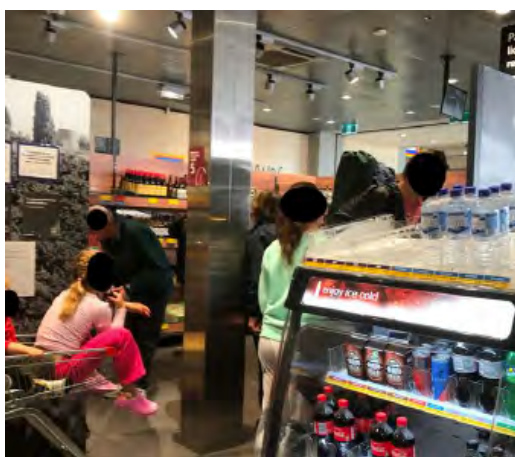
¹⁰¹ <https://ecommercenews.com.au/story/australians-prioritise-value-for-money-as-economic-pressures-mount#:~:text=Seventy%2Deight%20percent%20of%20consumers,research%20from%20Shopify%20has%20revealed> and <https://retailworldmagazine.com.au/four-in-five-australians-now-prioritise-value-for-money/>

¹⁰² PRG report at para 4.5.4, page 22

- 8.17. 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.
- 8.18. 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 enable 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.
- 8.19. To summarise and reiterate, the following are the key harm and risk minimising features of the ALDI Albany liquor proposal:
- 8.19.1. Its small size
 - 8.19.2. The bright, open-plan layout
 - 8.19.3. The absence of refrigeration to help avoid impulse buying and impulse drinking. The absence of a walk-in coolroom also enhances surveillance.
 - 8.19.4. The limited stock range and volume.
 - 8.19.5. The absence of an online delivery service
 - 8.19.6. The absence of bulk quantities of cheap mainstream products.
 - 8.19.7. Reduced trading hours – significantly less than permitted under the Act and less than the usual trading hours of most other liquor stores.
 - 8.19.8. 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.
 - 8.19.9. The restricted visibility of and into the liquor section.
 - 8.19.10. 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.
 - 8.19.11. The limited and controlled nature of product pricing.
 - 8.19.12. The lack of signage external to the store advertising discounted liquor products.
 - 8.19.13. The highly experienced and reputable operator.
 - 8.19.14. The high level of staff training.

- 8.20. Importantly also, there will be none of the following:
- 8.20.1. Prominent external advertising of liquor products and their prices.
 - 8.20.2. Products, advertising or promotional materials designed to entice juveniles.
 - 8.20.3. Large volumes of cheap bulk products displayed.
 - 8.20.4. Volumes of liquor products refrigerated and ready-to-drink.
 - 8.20.5. Energy drinks stocked in the liquor display/browsing area.
- 8.21. 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.
- 8.21.1. The store layout will enable juveniles to totally avoid going near the liquor section.
 - 8.21.2. 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.
 - 8.21.3. No liquor will be sold or supplied to juveniles or anyone who is suspected of trying to obtain liquor for a juvenile.
 - 8.21.4. ALDI has adopted an "ID Under 25" policy. Staff at ALDI Albany 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.
 - 8.21.5. 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.
 - 8.21.6. 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.
 - 8.21.7. Lollies and other items commonly known to attract the attention of juveniles will not be stocked in the liquor display/browse area.
 - 8.21.8. The liquor display and browse area will have limited line-of-sight such that visibility into that area will be restricted.
 - 8.21.9. The liquor area will be subject to a high level of surveillance and security from the associated checkout.

- 8.21.10. Unaccompanied juveniles who may be in the supermarket from time to time will be directed to a non-licensed checkout to make their purchase.
- 8.22. 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.¹⁰³
- 8.23. Adult consumers have felt comfortable shopping in an ALDI liquor area with their children as clearly depicted, by way of example, in the images below taken at one of the busy operating ALDI stores in WA with a liquor section¹⁰⁴.



¹⁰³ <https://www.news.com.au/finance/business/retail/aldis-strict-underage-alcohol-policing-leaves-shoppers-high-and-dry/news-story/c7beaa2c4b8e1f0345b3545c98c7789c>

¹⁰⁴ Faces redacted for privacy reasons

- 8.24. Every effort will be made by the applicant to conduct business under the new licence in a manner that minimises the potential for harm or ill-health to occur as a result of the liquor store licence operating at the Albany store.
- 8.25. 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 Centennial Park/Albany is successful in all respects, including genuinely minimising harm and successfully managing risks.
- 8.26. The applicant has identified the issue of crime in terms of harm factors applicable to the 3km locality. The information contained in the attached offence data summary has been considered¹⁰⁵. This police data may possibly assist in assessing very broadly and generally criminal offence activity in the area.
- 8.27. It is acknowledged that there is a level of crime occurring in the 3km locality. This is to be expected given the high density and role of the area with, as referred to earlier in this PIA, with a growing population of approximately 14,000 residents currently and approximately 1.4 million overnight visitors per year. Whilst any crime rate is an issue to be addressed, the rate for the 3km locality may be regarded as proportionate given these circumstances. Several of the suburbs comprising the 3km locality have a "crime rank" that is very low. The most common type or category of police offence overall across the 3km locality that has been recorded is "theft". ALDI has multiple measures in place to reduce the risk of theft, as referred to in this document and is extremely experienced at managing the issue.
- 8.28. The police data does not reveal anything to suggest that the 3km locality overall experiences a concerning or unusual level of crime relevant to the ALDI proposal. The applicant will nevertheless maintain its tried and tested risk management, safety and security measures and implement additional steps, to minimise potential crime. These measures are addressed elsewhere in this PIA and will continue to ensure the risk of any crime associated with the premises is minimised, as it currently is. In addition, the likelihood of the liquor service contributing to alcohol related crime is reduced by the following mitigating factors.
- 8.28.1. Small, simple and open layout of the liquor block.
- 8.28.2. Location within the confined safety of the supermarket building.

¹⁰⁵ Red Suburbs Crime Map of Australia as at early September 2025 for the most relevant suburbs (being the 11 where at least 75% of the population for that suburb is likely to be living in the 3km locality): <https://redsuburbs.com.au/suburbs/albany/>, <https://redsuburbs.com.au/suburbs/centennial-park-wa/>, <https://redsuburbs.com.au/suburbs/yakamia/>, <https://redsuburbs.com.au/suburbs/spencer-park/>, <https://redsuburbs.com.au/suburbs/mira-mar/>, <https://redsuburbs.com.au/suburbs/seppings/>, <https://redsuburbs.com.au/suburbs/mount-clarence/>, <https://redsuburbs.com.au/suburbs/port-albany/>, <https://redsuburbs.com.au/suburbs/mount-melville/>, <https://redsuburbs.com.au/suburbs/mount-elphinstone/> and <https://redsuburbs.com.au/suburbs/lockyer-wa/>. This is not evidence of proven crimes.

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

8.32. The applicant has established a Security Layout plan illustrating the general position and fit-out of the items described above¹⁰⁶. An advanced security and surveillance system will be installed, based on the model which has been successfully operating in the eastern states. The applicant's advanced system includes the following features:

- 8.32.1. An Access Control System as follows:
 - 8.32.1.1. 24 hour entry system to the store including interface with the security system.
 - 8.32.1.2. A tamper switch will be applied to set off the alarm in the event of unauthorised removal of the panel front covers.
- 8.32.2. CCTV system – 24-hour surveillance of the licensed area and entry and exits to the store, which will include the following:
 - 8.32.2.1. 11 active cameras will provide 24-hour surveillance with the digital video recorder.
 - 8.32.2.2. Two full body cameras located within the licensed area, one facing the checkout and another one facing the liquor shelf.
 - 8.32.2.3. The digital video recorder will be configured for motion detection to allow efficient review of any incidents.
 - 8.32.2.4. An appropriately sized hard disk will be installed to allow images to be retained on the digital video recorder for at least two weeks without greatly compromising recording quality.
 - 8.32.2.5. The CCTV flat panel monitor will be located in the office to provide real time monitoring to the store staff of the retail floor including the licensed area. This will include a play-back function.
- 8.32.3. The security system equipment will include the following:
 - 8.32.3.1. Passive Infra-Red Motion Detectors.
 - 8.32.3.2. Break glass detectors.
 - 8.32.3.3. Magnetic reed switches.
 - 8.32.3.4. Vibration detector.
 - 8.32.3.5. External strobe and siren.
 - 8.32.3.6. Security flashing lights and horns.

¹⁰⁶ A copy can be provided to the licensing authority on a confidential basis, upon request

- 8.32.4. A back-to-base monitoring system which will raise a security alarm if the security system is armed and there is a breach. The back to base alarm will then send a patrol as well as notifying the manager, which will also activate an external strobe light and external siren.
- 8.33. The design and installation of the electronic security, access control and audible system shall comply with the requirements of all relevant standards and codes including but not limited to the following:
 - 8.33.1. Australian Standards AS/NZS 3000.
 - 8.33.2. State Service and Installation Rules.
 - 8.33.3. National Construction Code.
 - 8.33.4. Local and other authority services and installation rules.
 - 8.33.5. Australian Communications Authority.
 - 8.33.6. Work Cover Authority.
 - 8.33.7. Other relevant Australian standards.
- 8.34. Of real significance is the fact that the ALDI liquor area design and layout facilitate an advanced level of security and surveillance. The store's design will make it extremely difficult for juveniles, drunk people or would-be thieves to gain access to the liquor area and go undetected. This will be achieved by virtue of the following factors:
 - 8.34.1. Customers will be required to walk well into the supermarket footprint under clear view of a combination of various cameras, staff monitoring them and other customers observing.
 - 8.34.2. Customers will be required to walk through the manned and monitored checkouts in order to exit the store. There will be no quick get-away option.
 - 8.34.3. The simple small layout of the liquor area will also ensure that it is not in any way attractive for juveniles, drunk people or would-be criminals nor a temptation for impulse procurement.
 - 8.34.4. The location tucked away in the far corner of the store.

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

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

- 9.1. “The City of Albany encompasses a rural area surrounding a regional township. Albany is the administrative and service hub for the Great Southern Region. The urban areas are on the shores of Princess Royal Harbour, Oyster Harbour and King George Sound. Forest, coastal bush and farmland surround the urban

areas. The City encompasses a total land area of about 4,300 square kilometres. Rural land is used mainly for agriculture, particularly sheep and cattle grazing, timber production and farming and fruit and vegetable growing. Tourism is also an important industry.”¹⁰⁷

- 9.2. Approximately 1.3km away from ALDI Albany, is the enormous Port of Albany, which “has been a thriving trade hub since 1826, when it was the first and only deep-water port operating in Western Australia...Three to four million tonnes of import and export material pass through the Port of Albany every year” as well as multiple cruise ships¹⁰⁸. It is an enormous feature of the s36B locality and 3km locality, in several respects including amenity, culture and character. “[T]he Port continues to generate social and economic benefits for Albany and the rest of Western Australia – offering employment opportunities for locals while boosting the broader economy through its robust import and export activities”¹⁰⁹.



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¹⁰⁷ <https://economy.id.com.au/albany/about>; City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

¹⁰⁸ <https://www.southernports.com.au/albany/about-port-albany> and <https://www.southernports.com.au/shipping/albany/cruise-ships>

¹⁰⁹ <https://www.southernports.com.au/albany/about-port-albany>

¹¹⁰ <https://www.southernports.com.au/albany/gallery>

- 9.3. Additional amenity considerations include the following:
- 9.3.1. There are 3,686 businesses registered in the City of Albany.¹¹¹
 - 9.3.2. "The number of GST registered businesses in the the (sic) City of Albany increased by 31 in the Mar-25 Quarter".¹¹²
 - 9.3.3. "The Agriculture, Forestry and Fishing industry had the largest number of total registered businesses in City of Albany, comprising 19.3% of all total registered businesses, compared to 6.2% in Western Australia."¹¹³
- 9.4. The relevant locality in this case is clearly a hive of activity.
- 9.5. The amenity of the 3km locality can be described as a built-up, well-established, densely populated and very busy area with the major artery of Albany Highway running through it and which accommodates an eclectic mix of land uses.
- 9.6. The immediate neighbours to the ALDI store are other retail businesses, as explained and illustrated earlier on.
- 9.7. ALDI Albany is already integrated within the amenity. The addition of the tiny liquor section within the wider store footprint will have no realistic capacity to affect the quiet and good order of the amenity because it will be so small, concealed and restricted from having any external impact. It will, however, improve the amenity overall by enhancing choice and diversity in retail products and elevating the role of Albany's CBD and Town Centre with products and services more akin to a modern city.
- 9.8. The recent consumer survey found that 95% of local people consider that the ALDI liquor section will not lessen the amenity of the 3km locality.¹¹⁴
- 9.9. Despite the relatively tiny licensed display/browse area, of only approximately 33m², the ALDI Albany liquor proposal will make a big and valuable contribution towards the services and facilities in the area.
- 9.10. The proposed liquor section will not have any external frontage, façade or overt signage. It will be contained inside the wider ALDI Albany store footprint. The intended manner of trade is for the liquor service to complement the grocery and household offering from a small, discrete and segregated section within the supermarket. The premises will not operate as a stand-alone liquor outlet.

¹¹¹ <https://economy.id.com.au/albany/about>; City of Albany Community Profile (id.community):

<https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

¹¹² <https://economy.id.com.au/albany/business-trends>; City of Albany Community Profile (id.community):

<https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

¹¹³ <https://economy.id.com.au/albany/number-of-businesses-by-industry>; City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

¹¹⁴ PRG report at para 4.7, page 28

9.11. Albany Plaza, within which ALDI Albany is located and regarded as an anchor tenant, comprises large, major brand tenants and smaller speciality stores¹¹⁵ collectively selling a wide range of goods and services. The tenancy mix includes various businesses within the categories listed to the right¹¹⁶. There are also take-food outlets at the site. As stated earlier on in this PIA, the department stores at Albany Plaza – including ALDI – are the only ones in the wider great southern region¹¹⁷ and therefore, Albany Plaza plays an essential role in providing for people in the area. Albany Plaza is the largest shopping centre in the City of Albany¹¹⁸. It spans two levels and two wings which form an L-shape around the non-covered carpark. ALDI is closest to and most easily accessible from and to the carpark. ALDI is the only supermarket in that wing and if it includes liquor, will add a valuable service to the shopping centre in terms of filling a product gap, adding choice and diversity and enhancing convenience for shoppers. ALDI liquor is a noticeable omission, given the otherwise mixed range of products and services and will perfectly complement existing stores.



¹¹⁵ <https://www.albanyplaza.com.au/lease-with-us>, <https://www.albanyplaza.com.au/shop-guide#store-listing> and <https://www.charterhall.com.au/property/property-detail/Albany-Plaza>

¹¹⁶ <https://www.albanyplaza.com.au/shop-guide#store-listing>

¹¹⁷ <https://www.charterhall.com.au/property/property-detail/Albany-Plaza>

¹¹⁸ <https://albanywesternaustralia.com.au/areas/albany/albanycity>



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- 9.12. The following images depict aspects of the amenity surrounding the ALDI Albany store (first three images) and the wider area within the 3km locality but mainly within the Town Centre¹²⁰.



¹¹⁹ <https://www.albanyplaza.com.au/shop-guide#store-listing>

¹²⁰ City of Albany website and Facebook and Google Maps

Public Interest Assessment
Form 2A Annexure
Application for liquor store licence
and extended trading permit (hours – Sunday - ongoing)
ALDI Albany







9.13. Further submissions addressing the amenity issue under the Act are provided in the attached Legal Submissions.

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

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

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

- 10.3.5. Not stocking controversial liquor products and promotions designed to be attractive to juveniles.
 - 10.3.6. Maintaining a high standard of premises in terms of cleanliness, tidiness and overall quality, to indicate to patrons the operator's professional approach to management of the business.
 - 10.3.7. Employing only mature and skilled people to run the operation, all of whom will be presented in professional uniform. The staff will all be trained to be able to exhibit a high level of stock knowledge. These features will add an element of responsibility to the functioning and image of the business.
- 10.4. ALDI's advanced practises in terms of staff training will ensure that staff at ALDI Albany 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. People living and working within and visiting the 3km locality and beyond stand to benefit enormously from the introduction of the ALDI liquor service. The public will have the demand met and enjoy the well-known ALDI liquor products and services in their area which have been relished by other Australians elsewhere for many years.
- 11.2. Albany Plaza currently offers a selection of retail products and services, but ALDI liquor is a noticeably absent which this application will rectify if approved.
- 11.3. 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 below¹²¹.

¹²¹ <https://www.watoday.com.au/national/western-australia/keen-shoppers-brave-cold-for-opening-of-perth-aldi-stores-20160608-gpe297.html>



- 11.4. Clearly ALDI's positive reputation preceded itself and since then, as addressed earlier in this PIA, ALDI has grown and cemented itself in the WA market as a sought-after retailer. In the first six months of trade in Western Australia, more than 3.2 million customers were served at ALDI stores. The ALDI Cloverdale store transacted a staggering 156,338 customers in just 69 days of trading, which is an average of 2,266 customers per day.¹²²
- 11.5. The licensing authority is entitled to take into account the popularity of similar services provided at other locations when assessing whether the proposed services will be in the public interest at this particular location.¹²³
- 11.6. The growth and success of ALDI has resulted in tremendous employment benefits for Western Australians. The applicant currently employs approximately 1,000 people in WA. The approval of this application will generate further employment opportunities for people at ALDI.
- 11.7. The consumer evidence in this case is clear, directly on-point and compelling. Hundreds of members of the local community have expressed a strong demand for the ALDI liquor products and service.
- 11.8. "It is clear that the great majority of packaged liquor buyers who currently shop at Albany ALDI would shop for their packaged liquor requirements from the ALDI liquor section if it was established. Over half (54%) would do so at least once a

¹²² Evidence available if required, upon request

¹²³ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 [77] (Buss JA)

fortnight, 77% at least once a month and 97% on at least some occasions, should the liquor section be established within the Albany ALDI store... The clear suggestion is that the Albany ALDI liquor section would better meet their packaged liquor requirements than the currently available Albany liquor outlets".¹²⁴

- 11.9. Further submissions referring to the consumer evidence in this case and how it strongly supports the grant of the licence have been provided elsewhere in this document and in the accompanying 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 relevant community. The local community will be the beneficiary of this outcome.
- 11.12. The 3km locality stands to reap many benefits from the approval of this application. The small and modest liquor service has the capacity to make a

¹²⁴ PRG report at para 4.6.3 on page 26

great impact in terms of choice, diversity, competition, convenience, development of the area and relevant industries and satisfying unmet consumer demand and requirement.

- 11.13. Further in terms of tourism, which is relevant to this section of the PIA, as referred to earlier, the 3km locality attracts large numbers of visitors. Albany is an award-winning tourism destination with many things to see and do, events and festivals to attend and a variety of places to stay.¹²⁵
- 11.14. As stated previously, in the last reporting year of 2023/24 approximately 1.4 million visitors were recorded staying overnight in the City of Albany¹²⁶.
- 11.15. The approval of this application will enable ALDI to provide its full suite of products and services like it does at most of its other stores around the country and overseas, providing familiarity for tourists in the area who are accustomed to ALDI's model elsewhere. Further, the ability for ALDI to establish a full-service store will help to support and promote Albany as a proper modern regional city with commonly expected retail conveniences commensurate with a location that encompasses all of the following¹²⁷:
- 11.15.1. The Central Business District for the whole of the City of Albany.
 - 11.15.2. Being within the Town Centre.
 - 11.15.3. Comprising a third (approximately) of the whole City of Albany population.
 - 11.15.4. Consistent growth over an extended period.
 - 11.15.5. Significant industry.
 - 11.15.6. Millions of visitors each year.
- 11.16. In the absence of ALDI's liquor service in Centennial Park/Albany, people are forced to travel hundreds of kilometres if they wish to access the products elsewhere and they are denied the same level and standard of retail choice and diversity accessible to people living in many other locations.
- 11.17. The ALDI Albany store has not kept pace with local requirements and industry trends expected in a location of the size, significance and density of Albany. The results of the consumer market research referred to in this PIA confirms this. Such locations ordinarily have, or are expected to have, wide choice and

¹²⁵ For example: <https://albanywesternaustralia.com.au/areas/albany/albanycity>, <https://www.westernaustralia.com.au/places/albany/56b266bb2cbcbe7073ae06bd>, <https://www.albany.wa.gov.au/> and <https://economy.id.com.au/albany/tourism-visitor-summary>; City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

¹²⁶ <https://economy.id.com.au/albany/tourism-visitor-summary>; City of Albany Community Profile (id.community): <https://www.albany.wa.gov.au/council/working-with-the-city/Community-Economic-Profile.aspx>

¹²⁶ <https://www.albany.wa.gov.au/publicnotices/albany-cbd-to-become-an-area-40kmh-zone/304>

¹²⁷ All supported by evidence referred to previously in this PIA

diversity in products and services. Approving this application will help to rectify the situation

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

- 11.18. ALDI operates with liquor at nearly 350 locations across Australia. As stated previously, 36 of those are in WA. In the eastern states, nearly every ALDI store contains a liquor section.
- 11.19. 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.
- 11.20. There are currently nine active packaged liquor licences in the s36B locality, Town Centre and City Centre. Of those outlets, three do not obviously sell any take-away liquor and certainly have not dedicated packaged liquor service. One of the 9 sells only its own products that it produces. Of the remaining five, there is Dan Murphy's, BWS, Liquorland, Bottlemart and Cellarbrations. The latter two are attached to bars.
- 11.21. The existing outlets do very little, if anything, for the 6,834 people shopping at ALDI Albany each week (on average)¹²⁸ seeking one-stop-ALDI shopping and the existing outlets certainly do not address the specific demand for ALDI liquor.
- 11.22. The addition of the ALDI liquor section at ALDI Albany will, in effect, result in a self-sufficient retail shopping opportunity for the local community with superior-standard convenience. 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.
- 11.23. It has been identified that among ALDI Albany shoppers, “almost half (44%) shoppers have previously consumed ALDI exclusive liquor products that had been purchased from another WA ALDI store...This suggests that many shoppers are prepared to go to other ALDI stores to access exclusive ALDI liquor products. Note also that half (49%) of packaged liquor buyers have consumed ALDI liquor products purchased in another WA ALDI store. The closest ALDI store with a liquor licence is in Busselton, some 277 Kms away.”¹²⁹
- 11.24. This is consistent with the reports from staff at the ALDI Albany store to senior corporate management that they receive regular customer requests and expectation for liquor, surprise that the store does not have the feature and

¹²⁸ PRG report at para 1.0, page 5

¹²⁹ PRG report at para 4.4.1, page 18

dissatisfaction at having to arrange it from another ALDI store hundreds of kilometres away or leave their demand unmet.

- 11.25. The following was reported in relation to ALDI recently winning the coveted Canstar Australian Supermarket of the Year for the eighth year in a row¹³⁰:

"Notoriously, Australia's supermarket "duopoly" of Coles and Woolworths means Aussie consumers pay some of the highest grocery prices in the OECD.

According to Canstar, the average weekly grocery bill for an Australian household of four people has ballooned to \$240, a \$24 increase from the previous year.

The survey, which gathered insights from 2,869 shoppers, highlights the ongoing hip pocket pain facing consumers at the checkout.

In a statement, Eden Radford of Canstar Blue told Yahoo Finance that this year's results reflect the power of "own-brand items" in a tough economic climate.

'The quality of (Aldi's) own-brand items reliably earn the highest rating from customers,' she said.

'Consistently priced, good quality products on offer is why shoppers are choosing Aldi to do their grocery shopping.'

- 11.26. The large majority of ALDI's proposed liquor range at the Albany store will be its reliable own-brand. Approval of the licence will make quality, affordable award-winning liquor available to the local community.

- 11.27. National Liquor News reported the following statements and quotes¹³¹ which corroborate various points made in this PIA and further support the application:

11.27.1. "ALDI's reputation for value attracts customers, with growth outpacing the market without relying on aggressive promotions."

11.27.2. "In 2024, ALDI's liquor business saw significant growth, particularly in spirits, with whisk(e)y and vodka performing strongly...Paul Handley, ALDI Liquor Expert, noted the success was partly driven by increased foot traffic from ALDI's grocery offering."

11.27.3. "ALDI's reputation for delivering value has been key to attracting more customers to its liquor range."

¹³⁰ <https://www.skynews.com.au/lifestyle/celebrity-life/customers-know-they-can-rely-on-us-aldi-crowned-supermarket-of-the-year-for-the-eighth-year-in-a-row-by-canstar-blue/news-story/a566dfe9b507fb1c0892917532618a0d>

¹³¹ "ALDI's liquor growth strategy for 2025", Deborah Jackson, National Liquor News, 15 April 2025 ([https://theshout.com.au/national-liquor-news/aldis-liquor-growth-strategy-for-2025/#:~:text=Growth%20Strategy%3A%20Plans%20to%20convert,practices%20to%20reduce%20environmental%20i mpact.\)](https://theshout.com.au/national-liquor-news/aldis-liquor-growth-strategy-for-2025/#:~:text=Growth%20Strategy%3A%20Plans%20to%20convert,practices%20to%20reduce%20environmental%20i mpact.)))

- 11.27.4. “[Paul] Handley [ALDI Liquor Expert] explained that ALDI’s liquor strategy sets it apart from competitors... ‘We don’t try to attract customers into our stores with crazy pricing to shop our liquor offer – they are already there in large numbers to do their grocery shopping. Customers know that our tightly curated range represents great value – both across the core range as well as our seasonal and specials programmes’.”
- 11.27.5. “Amid ongoing cost-of-living pressures, ALDI is committed to offering high-quality products at competitive prices.”
- 11.27.6. “As ALDI continues to innovate and focus on value, sustainability, and growth in the liquor market, it is well-positioned for further success in 2025. ‘At a time when shoppers are continuously seeking better value, we have never been more aware of the need to continue to deliver on our promise to offer Aussies the highest quality products at the lowest possible prices,’ [Paul] Handley [ALDI Liquor Expert] concluded.”
- 11.28. Further as regards this section of the PIA referring to section 7.2 of the Form 2A which asks: “If you have any other information to provide in support of your application, include it here”, the applicant has had regard for the following from the City of Albany Strategic Community Plan 2023 which this application can address if approved¹³²:

More work is needed to grow the local economy, attract and retain a diverse range of businesses, and manage the impacts of online shopping.

Outcomes	Objectives
4.1 A strong, diverse and resilient economy with work opportunities for everyone.	4.1.1 Attract, retain and support a diverse range of businesses and industries to grow the economy and create more local jobs. 4.1.2 Facilitate access to quality education, training and work opportunities.

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.

¹³² At page 25 of that document – copy available if required upon request, or otherwise here: <https://www.albany.wa.gov.au/facilities/community/community-strategic-plan-2032.aspx>

- 12.3. Section 36B(4) of the Act provides that “[t]he licensing authority must not grant an application to which [section 36B] applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”.
- 12.4. Section 36B(4) “imposes a meaningful additional hurdle”¹³³ 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”¹³⁴.
- 12.6. No issue arises in respect of section 36B(3) of the Act in this case. The proposed packaged liquor service will not comprise a retail area that is anywhere near the prescribed size. Therefore, the application is eligible to be heard and determined.
- 12.7. The application for ALDI Albany is far from a proposal for a full and traditional liquor store licence. It is a critical factor that the packaged liquor to be available will be of a discrete and limited nature. The full ambit of “liquor” and traditional liquor store features will not be available in this case, whilst several alternative features will be provided.
- 12.8. The licensing authority has determined that under section 36B of the Act a packaged liquor specialist, involving a narrow and discrete range, can be approved to hold a licence for a packaged liquor premises in appropriate cases and that an application may satisfy section 36B and be granted where the particular type of packaged liquor to be sold and supplied under the licence is limited and defined¹³⁵. Most relevantly, that has included approval of ALDI licences under the current law¹³⁶. This present application falls squarely within that realm 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 referred to earlier in this PIA as being located within the s36B locality.
- 12.9.1. Albany Hotel, 244 York Street, Albany
- 12.9.2. Six Degrees of Separation, 60-70 Stirling Terrace, Albany

¹³³ Liquorland Karrinyup [75] (Archer J)

¹³⁴ Explanatory Memorandum, Liquor Control Amendment Bill 2018 at page 1

¹³⁵ 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), Commune Wine Store (Subiaco - 603220029123), Rocky Ridge Duncraig (602219804523) and Mane Bicton (603221936524)

¹³⁶ ALDI Yanchep (603220993723), ALDI Innaloo (603222726424), ALDI Karrinyup (603222913525) and ALDI Whitfords (603222858025)

- 12.9.3. Liberte at the London Hotel, 160-162 Stirling Terrace, Albany
- 12.9.4. Premier Hotel Albany, 208 York Street, Albany
- 12.9.5. Wilson Brewing Company Tavern, 72 Stirling Terrace, Albany
- 12.9.6. Due South, 6 Toll Place, Albany
- 12.9.7. Dan Murphy's Albany, 9 York Street, Albany
- 12.9.8. Liquorland Albany, 38 Albany Highway, Albany
- 12.9.9. BWS – Beer Wine Spirits Dog Rock, Dog Rock Shopping Centre, Lockyer Avenue, Albany

12.10. The following table highlights just some of the key points of comparison, contrast and core differences between those nine outlets and the ALDI proposal.

	Dedicated packaged liquor area	Range of take-way beer, wine, spirits etc	One-stop-shopping	Usual retail trading hours	ALDI exclusive liquor	Associated with other ALDI products
ALDI Albany	✓	✓	✓	✓	✓	✓
Albany Hotel	✗	✗	✗	✗	✗	✗
Six Degrees of Separation	✗	✗	✗	✗	✗	✗
Liberte at the London Hotel	✗	✗	✗	✗	✗	✗
Premier Hotel Albany	✓	✓	✗	✗	✗	✗
Wilson Brewing Company Tavern	✗	✗	✗	✗	✗	✗
Due South	✓	✓	✗	✓	✗	✗
Dan Murphy's Albany	✓	✓	✗	✓	✗	✗
Liquorland Albany	✓	✓	✓	✓	✗	✗
BWS – Beer Wine Spirits Dog Rock	✓	✓	✓	✓	✗	✗

12.11. Multiple other factors also differentiate the existing and proposed liquor models. In fact, there can hardly be any meaningful comparison. This proposition is supported by the following:

- 12.11.1. Notwithstanding that two outlets above offer a form of one-stop-shopping, they do not provide ALDI's enhanced level of convenience.
- 12.11.2. Only the Liquorland is located with proximity to Albany Plaza. Further, given the following facts, existing premises cannot provide any form of one-stop shopping to the approximately 7,000 people shopping at ALDI Albany each week (on average)¹³⁷:

¹³⁷ PRG report at para 1.0, page 5

- 12.11.2.1. Bottlemart at the Premier Hotel Albany is located approximately 670m away from ALDI Albany.
- 12.11.2.2. Cellars (formerly Cellarbrations) at Due South is located approximately 1.4km away.
- 12.11.2.3. Dan Murphy's Albany is located approximately 1.1km away.
- 12.11.2.4. BWS – Beer Wine Spirits Dog Rock is located approximately 300m away.
- 12.11.3. Wilson Brewing Company Tavern sells only the products that it produces.
- 12.11.4. Bottlemart at the Premier Hotel Albany advertises not opening before 2pm Monday to Saturday.
- 12.11.5. Cellars (formerly Cellarbrations) at Due South advertises being closed on Tuesdays.
- 12.12. None of these existing premises does, nor is even able to, sell or supply the applicant's exclusive range.
- 12.13. The existing premises collectively sell various types of other liquor but no ALDI products and almost 100% of their products would never be available at the ALDI Albany store.
- 12.14. Further afield within the 3km locality but outside the s36B locality are the following packaged liquor premises:
 - 12.14.1. The Bottle-O North Road, Shop 1 & 2, North Road, Shopping Centre, 210 North Road, Albany, approximately 1.6km away from ALDI Albany.
 - 12.14.2. BWS – Beer Wine Spirits Spencer Park, 2 Hardie Road, Spencer Park, approximately 1.9km away from ALDI Albany.
- 12.15. These two existing premises also sell various types of liquor but no ALDI products and almost 100% of their products would never be available at the ALDI store.
- 12.16. All relevant existing packaged services comprise liquor brands and banner groups well known to the licensing authority, selling a range of mostly mainstream products.
- 12.17. The small size, layout, location, absence of coolroom, absence of prominent product advertising, absence of refrigeration, reduced trading hours at ALDI are glaring additional differences over and above the major distinction of ALDI's mainly exclusive range.

12.18. In relation to 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."¹³⁸

12.19. Th expert market research asked consumers: *"Do you think that the liquor service proposed at Albany ALDI will be different from existing packaged liquor outlets already operating in and near Albany"*. The PRG report states its findings in response as follows¹³⁹:

In the main , the sample was familiar with a typical ALDI liquor section. It may be recalled from section 4.4 that 67% of the shopper sample had previously shopped in an ALDI store that included a liquor section, and in section 4.4.1 that 44% had consumed an ALDI liquor product purchased from a WA ALDI store. So the great majority of responses to this question are based on personal exposure to the ALDI liquor offer.

It is not surprising therefore to find in the table below that almost 7 in 10 (69%) of packaged liquor buyers believe that liquor section in the Albany ALDI store would be different from the current liquor outlets within the 3km locality. This proportion is slightly elevated to 74% amongst liquor buyers who have been in a licensed ALDI store, and increases to 78% amongst those who have consumed ALDI liquor products purchased in a WA ALDI store.

12.20. These results should also be read in conjunction with the following further findings in the PRG report¹⁴⁰ which bolster support for the grant of the licence:

It is clear that the great majority of packaged liquor buyers who currently shop at Albany ALDI would shop for their packaged liquor requirements from the ALDI liquor section if it was established. Over half (54%) would do so at least once a fortnight, 77% at least once a month and 97% on at least some occasions, should the liquor section be established within the Albany ALDI store.

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

The extent to which buyers would transfer their liquor shopping to ALDI should the liquor licence be granted is illustrated in the table below. It shows that 84% of shoppers who purchase their liquor needs at least once a fortnight would shop from the Albany ALDI liquor section at least once a fortnight. Ninety per cent would do so at least once a month, and 97% at least sometimes.

Amongst buyers who currently shop for their packaged liquor needs at least once a month, 90% would shop in the ALDI liquor section at least once a month, and 97% at least sometimes.

12.21. "It is clear that shoppers who currently buy packaged liquor would do most of their packaged liquor shopping at the Albany ALDI liquor section if it were established."¹⁴¹

12.22. As identified previously, the next nearest ALDI liquor service is nearly 300km away in Busselton.

12.23. It is an essential consideration in this case that "the phrase 'requirements of consumers for packaged liquor' in the definition of 'local packaged liquor

¹³⁸ [43(g)]

¹³⁹ PRG report para 4.6.2, page 25

¹⁴⁰ PRG report para 4.6.3, pages 26 and 27

¹⁴¹ PRG report at para 4.6.3, page 27

requirements' in s 36B(1) of the Act is *not* limited in its scope to the physical item or product of packaged liquor"¹⁴².

- 12.24. The evidence of the requirements of consumers is very clearly that they require the applicant's particular range and associated products, services and style of operation to be available to them.
- 12.25. To reiterate, the following are key distinguishing features of this application:
- 12.25.1. The majority of ALDI's products are exclusive and not available at any of the other liquor outlets.
 - 12.25.2. The display/browse will only comprise approximately 33m², significantly smaller than many of the other packaged liquor outlets.
 - 12.25.3. The bespoke ALDI liquor service will be an ancillary but highly valuable component of its overall service at Albany Plaza which is a shopping centre that fulfills an important role in the whole City of Albany community surrounded by tens of thousands of people.
 - 12.25.4. There will be no refrigerated liquor products. This is a harm minimising feature of the ALDI liquor service and speaks to its genuine intention to complement its household and grocery offering.
 - 12.25.5. None of the other packaged liquor outlets can offer one-stop-shopping convenience to ALDI shoppers.
- 12.26. Further and more detailed submissions regarding section 36B of the Act are contained in the attached Legal Submissions.

13. Sections 5, 33, 36B, 38 and 60 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, 38 and 60. 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 supporting the application.
- 13.2. It is respectfully submitted that the licensing authority should be easily satisfied that in relation to ALDI Albany the applicant has far exceeded the legislative high bar because the evidence shows substantially more than "trifling" and "considerable" requirements¹⁴³.

14. Conclusion

- 14.1. This PIA has been researched extensively and prepared conscientiously to respond to the Form 2A in full measure and to address relevant sections of the Act with specific reference to particulars of the application.

¹⁴² Liquorland Karrinyup [108] (Archer, J)

¹⁴³ Liquorland Southern River [136] [137] (Lemonis J)

- 14.2. The applicant has focused attention on a wide variety of relevant public interest factors, existing packaged liquor premises and has presented a comprehensive proposal for the grant.
- 14.3. As has been detailed, 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, with added one-transaction benefit, that has the potential to offer an unrivalled level of convenience for relevant local shoppers and has been proven very popular elsewhere.
- 14.4. The ALDI Albany liquor service will be unique, not only in the s36B locality but also in the 3km locality and for up to nearly 300km. The products and style of operation will be almost entirely unlike the existing products and services available to the large and growing community.
- 14.5. The licensing authority should be able to find as follows in this case, just as was found by the Liquor Commission 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.”¹⁴⁴
- 14.6. Further submissions addressing the conclusions which the applicant submits should be drawn from the information contained in this PIA and supporting the grant of the licence and ETP as proposed are contained in the attached detailed set of Legal Submissions.

Dated 24 September 2025



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

Attachments	
No.	Title/description
1.	PRG report
2.	Stocklist, including identification of the ALDI exclusive products (subject to change)
3.	List of awards received by ALDI
4.	9 News Perth Facebook, 15 June 2016
5.	Offence Data Summary
6.	Legal Submissions dated 24 September 2025

¹⁴⁴ [42]

ALDI Foods Pty Ltd

**applicant for the conditional grant of a liquor store licence
and extended trading permit (hours – Sunday – ongoing)**

in respect of premises to be situated at

Albany Plaza, 70-88 Albany Highway, Centennial Park

to be known as

ALDI Albany

Legal Submissions

supporting the Public Interest Assessment Form 2A Annexure

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1. Executive summary

- 1.1. The application does not involve a traditional, typical liquor store.
- 1.2. Nearly 100% of the liquor range will be genuinely unique to the applicant.
- 1.3. The proposed liquor service has significant community support and demand.
- 1.4. Evidence has been provided from far more than a mere representative sample of people to show that existing packaged liquor premises in and around Albany – and in fact for several hundred kilometres – do not meet requirements of consumers and also that the ALDI Albany liquor service will satisfy those unmet requirements.
- 1.5. There is significant travel by local residents in seeking out the ALDI liquor products and service they require, well outside their area.
- 1.6. Residents of Albany and the surrounding region are currently forced to travel nearly 300 kilometres one way, far beyond their neighbourhood to access a comparable service of the kind required by the consumer evidence in this case.
- 1.7. The applicant's business model has been tried and tested many times elsewhere across the State with immense public following, even devotion.
- 1.8. The relevant locality in this case has been growing and developing, but sorely lacking in choice, diversity and competition.
- 1.9. The findings of the Western Australian Supreme Court, Court of Appeal in *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 (**Liquorland Karrinyup**) and *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128 (**Liquorland Southern River**) strongly support the grant of the ALDI Albany licence. As does the approval of ALDI Yanchep under the current law.
- 1.10. The locality does not present with risks of a type or level to justify refusal of this particular application.
- 1.11. The applicant is highly experienced, well-known to the licensing authority and more than eligible to be approved and capable of conducting the liquor business precisely as proposed.

2. Introduction and background

- 2.1. These Legal Submissions support the application by ALDI Foods Pty Ltd (ACN 086 210 139) for the conditional grant of a liquor store licence and extended trading permit (**ETP**) for Sunday trading, pursuant to sections 5, 33, 37, 36B, 38, 47, 60(4)(g), 62, 68 and 98D of the Liquor Control Act 1988 (WA) (**Act**). The application relates to the ALDI Albany store already operating at Albany Plaza, 70-88 Albany Highway, Centennial Park.
- 2.2. The evidence contained and referred to in the applicant's Public Interest Assessment Form 2A (**Form 2A**) Annexure dated 24 September 2025 (**PIA**) supports all of the propositions made in this document. One item of evidence is the report by Patterson Research Group (**PRG**) dated November 2024. As stated

in the PIA, PRG and Jessica Patterson Law & Consultancy Pty Ltd are entirely **unrelated** entities. There is no legal, commercial or personal relationship between the two other than both being advisers and suppliers to their mutual client, namely the applicant. The commonality of the name "Patterson" is coincidental.

- 2.3. The PIA has been confirmed and adopted by a representative of the applicant company by virtue of a senior WA representative of ALDI signing the Form 2A.
- 2.4. These Legal Submissions form part of the application and should be read in conjunction with the other parts including the PIA. The application also includes all correspondence and any additional information and materials submitted to the Department of Local Government, Industry Regulation and Safety (**Department**) by the applicant or its lawyer in respect of this application. Everything lodged for and on behalf of the applicant in this matter collectively should be regarded as material before the Director¹ at the time of making the decision in this matter².
- 2.5. These Legal Submissions address how the proposal meets the requirements of the Act and if approved, will fulfil the objects of the Act³. The application is in respect of a proposition:
- 2.5.1. involving acutely managed risks,
 - 2.5.2. offering a high level of management,
 - 2.5.3. which has many features unique to the applicant,
 - 2.5.4. which is strongly endorsed by the preeminent reputation and trading record of the applicant,
 - 2.5.5. that has significant community popularity and following and
 - 2.5.6. will greatly benefit proper development of the liquor and related industries.

All of the relevant issues have been carefully investigated and addressed with most positive conclusions.

- 2.6. The applicant has complied with sections 66(1), 68(1), 37(5) and all other formalities. The applicant has lodged all documentation required under the Act and in accordance with the licensing authority's published lodgement guide in respect of a liquor store licence application. The licensing authority can be satisfied that all relevant formalities have been satisfied as required.
- 2.7. The floor plan and PIA illustrate clearly how the proposed licensed premises will operate. The licensing authority is very familiar with the model which has been approved on 38 prior occasions.
- 2.8. The applicant already leases the land the subject of the proposed licensed premises and therefore, easily satisfies section 37(5) of the Act and has the

¹ As defined in section 3 of the Act

² Section 25(2c) of the Act

³ Section 5 of the Act

benefit of controlling entirely when and how the liquor area is created and subsequently operates. This helps to ensure that what is established is precisely what is presented in this application.

- 2.9. The applicant proposes to operate a business at which liquor will be sold in the following manner:
- 2.9.1. In sealed, packaged form, for take-purposes only, without restriction as to volume, to whom the liquor may be sold or type of liquor.
 - 2.9.2. For consumption off the premises only.
 - 2.9.3. With no dining or accommodation services.
- 2.10. The application is, therefore, appropriately made for a liquor store class of licence pursuant to section 47 of the Act. There is no other class of licence suitable in this case.
- 2.11. The applicant intends to operate its associated supermarket Monday to Sunday and seeks approval for the liquor section to also operate seven days a week. Given that the premises is located outside the metropolitan area and section 98D does not authorise trading on Sundays in this case, the applicant seeks the grant of an ETP to authorise trading on Sundays between 10am and 8pm, although the liquor section will close when the supermarket closes which currently happens at 5pm. All ALDI stores trade seven days a week. All existing ALDI liquor store licences are approved to trade on Sundays. The applicant seeks consistency to meet consumer demands and expectations.
- 2.12. Abbreviations and similar short-form terms used in this document but not defined in this document have the same meaning as in the PIA and the Act.

3. Statutory framework

- 3.1. The licensing authority must be satisfied, on the balance of probabilities, as to all of the various relevant matters specified in the Act in order to grant the liquor store licence. Some of the requirements under the Act are mandatory and some are permissive. All invoke the exercise of a discretion in the determination process with reference to respective relevant factors.
- 3.2. "The [licensing authority] is bound to take into account factual matters relevant to the objects of the Act"⁴, which are set out in section 5.
- 3.3. The overall discretionary function "shall have regard to the primary objects of [the] Act and also to the... secondary objects"⁵ set out in section 5.
- 3.4. Given that the permissive provisions in the Act fall away if the mandatory provisions are not satisfied, the mandatory provisions should be considered first.

⁴ *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2017] WASC 88 (**Peninsula Tavern**) [22] (Banks-Smith J); *Woolworths Ltd v Director of Liquor Licensing* (2013) 45 WAR 446 (**Dan Murphy's Bicton**) [49] – [50] (Buss JA)

⁵ Section 5(2) of the Act

Only if all of the mandatory provisions are satisfied does the decision maker need to determine the permissive matters⁶.

- 3.5. According to the WA Supreme Court, “an applicant for a liquor store licence must satisfy the ‘licensing authority’ of two things...that the grant of the application would be in the public interest...and that ‘local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises...are to be, situated’”⁷.
- 3.6. With regard to the key provisions in the Act and the common law, to assist the decision maker in this case the following is submitted in terms of the **legal test** for the grant of the licence for ALDI Albany. It is submitted that the evaluation encompasses the following **six steps**, all of which involve regard for section 5 of the Act:
- 3.6.1. Step 1: The licensing authority needs to be satisfied under section 36B(3) of the Act that the application is eligible to be heard and determined.
- 3.6.2. Step 2: Then the licensing authority needs to be satisfied that the application formalities and prerequisites have been met, which include (among other things) matters arising under sections 37(1) and possibly (2) of the Act.
- 3.6.3. Step 3: If the application passes those two steps, the licensing authority must then be satisfied under section 36B(4) of the Act. In considering factors arising under section 36B(4), “the licensing authority shall have regard to the primary objects of [the] Act and also to the...secondary objects”⁸. This proposition is unequivocally supported by the decision in *Liquorland Karrinyup*⁹, confirmed in *Liquorland Southern River* and addressed in some detail further on.
- 3.6.4. Step 4: The licensing authority must be satisfied as to section 37(3) of the Act.

Steps 1 to 4 above are obligatory for the decision maker. If they are found not to be satisfied, then the application fails at that point. Once the application has cleared those hurdles, the decision making process can proceed in terms of the following two steps.

- 3.6.5. Step 5: Whether the licensing authority is satisfied as to section 38(2), which is also obligatory and at its discretion, “may”¹⁰ need to be satisfied as to the matters in section 38(4) of the Act.

⁶ *Liquorland (Australia) Pty Ltd and ors v Austie Nominees Pty Ltd* (1999) 20 WAR 405 (**Big Bombers**) [415] (Anderson J); *Dan Murphy's Bicton* [49]-[52] (Buss JA); *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2020] WASCA 157 (**Leisure Inn**) [28] (Quinlan CJ & Vaughan JA)

⁷ *Liquorland Karrinyup* [2] (Archer J)

⁸ Section 5(2) of the Act

⁹ For example, [25], [78] and [96] (Archer J)

¹⁰ Section 38(4) of the Act

- 3.6.6. Step 6: Finally, there is the question of whether to grant or refuse the application under section 33 of the Act.
- 3.7. Each of these six steps is addressed further and in detail under subsequent respective separate headings in this document, with specific reference to the particulars of the ALDI Albany application and the supporting evidence.
- 3.8. Further, in regard to step 5 referred to above, the statutory framework to be applied in determining this case with reference to section 38 of the Act has been set down by the Supreme Court and summarised as follows¹¹:
- 3.8.1. "[B]y section 38(2) of the Act, an applicant has to satisfy the [licensing authority] that the granting of an application is in the public interest;
- 3.8.2. "the expression 'in the public interest', when used in a statute, imports a discretionary value judgment;
- 3.8.3. "the factual matters which the [licensing authority] is bound to take into account, in determining whether it is satisfied that the granting of the application is in the public interest, are those relevant to the objects of the Act, as set out in section 5(2) of the Act;
- 3.8.4. "the factual matters which the [licensing authority] is entitled to take into account, in determining whether it is satisfied that the granting of an application is in the public interest, are those set out in section 38(4) of the Act;
- 3.8.5. "section 5(2) is mandatory whereas section 38(4) is permissive; and
- 3.8.6. "on the proper construction of the Act (in particular, sections 5(1), 5(2), 16(1), 16(7), 30A(1), 33 and 38(2)), the [licensing authority] is obliged to take into account the public interest in:
- (a) catering for the requirements of consumers for liquor and related services with regard to the proper development of the liquor industry in the State; and
- (b) facilitating the use and development of licensed facilities so as to reflect the diversity of the requirements of consumers in the State."
- 3.9. Further in regard to sections 5(1)(b) and 38(4)(a) of the Act, the Supreme Court of Western Australia has set out the manner in which harm and ill-health considerations should be assessed and directed that the licensing authority is required to do the following¹²:
- 3.9.1. Make findings that specifically identify the existing level of harm and ill- health in the relevant area due to the use of liquor.

¹¹ Dan Murphy's Bicton [46] - [55] (Buss JA); Peninsula Tavern [16] (Banks-Smith J); *Carnegies Realty Pty Ltd v Director of Liquor Licensing* [2015] WASC 208 (**Carnegies**) [22] (Allanson J); Leisure Inn [28] (Quinlan CJ and Vaughan JA)

¹² *Carnegies* [42]-[43] (Allanson J)

- 3.9.2. Make findings about the likely degree of harm to result from the grant of the application.
 - 3.9.3. Assess the likely degree of harm to result from the grant of the application against the existing harm.
 - 3.9.4. Weigh the likely degree of harm, so assessed, together with any other relevant factors to determine whether the applicant has satisfied the licensing authority that it is in the public interest to grant the application.
- 3.10. The licensing authority must also “consider the baseline level of risk and, in that context, the effect of an increase in risk from the baseline level. It may be that where an existing level of risk is greater, a small increase in risk is less likely to be tolerated. Similarly, it is relevant that there are existing 'at risk' persons who might be further affected”¹³.
- 3.11. Some factors must be taken into account when determining whether the application is in the public interest, whilst other factors are discretionary and may be taken into account¹⁴. When taking anything into account, the licensing authority must act:
- 3.11.1. within the scope and meaning of the Act¹⁵ and
 - 3.11.2. “upon materials which have rational probative force”¹⁶.
- 3.12. In terms of assessing the materials before the licensing authority and whether they have that requisite “rational probative force”, where an application is unopposed and the evidence presented by the applicant is uncontested, the following findings of Martin CJ in *Dan Murphy's Bicton* confirm that where there is evidence in support of a particular proposition and no evidence to the contrary, the licensing authority should find in favour of the proposition that is supported by the evidence:
- “So, on the face of the Commission's reasons, no negative aspects of the application are apparent, whereas many positive aspects of the application are identified without adverse finding or comment. The question posed by this appeal is how, in those circumstances, consistently with the proper construction of the Act and its objects, the Commission could have concluded that it was not in the public interest to grant the application. The answer to that question is that the Commission could only have arrived at that conclusion by misconceiving its function or misconstruing the Act, either of which

¹³ *Liquorland (Australia) Pty Ltd v Executive Director Public Health* [2013] WASC 51 [57] (Edelman J); *PDG Geraldton Pty Ltd v Executive Director Public Health and ors* LC 12/2016 [41]

¹⁴ Sections 5(1) and (2) and 38(4) of the Act

¹⁵ *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 505 (Dixon J); *O'Sullivan v Farrer* (1989) 168 CLR 210 [216] (Mason CJ, Brennan, Dawson and Gaudron JJ); *Palace Securities Pty Ltd v Director of Liquor Licensing* (1992) 7 WAR 249 [250] (Malcolm CJ); *Re Minister for Resources: ex parte Cazaly Iron Pty Ltd* (2007) WASCA 175 [20] (Pullin JA)

¹⁶ *Peninsula Tavern* [19] (Banks-Smith J); *Re Pochi and Minister for Immigration and Ethnic Affairs* (1979) 26 ALR 247 [256] – [257]

are jurisdictional errors of law which vitiate the Commission's decision".¹⁷

- 3.13. In the present case there is an abundance of highly probative and directly relevant evidence proving that the application for ALDI Albany satisfies all mandatory requirements under the Act and is persuasive in terms of the public interest and section 5 objections provisions.

4. Locality

- 4.1. The issue of locality has been addressed in detail in the PIA in section 6¹⁸. The applicant has given the issue much attention and thoroughly considered the area surrounding its site.
- 4.2. The applicant has identified a locality for the purposes of section 36B of the Act on the basis of the findings and directions of the Supreme Court in *Liquorland Karrinyup* and confirmed by the Supreme Court in *JB Foods Pty Ltd v Commissioner of Police* [2022] WASC 352 and *Liquorland Southern River*, as addressed in the PIA. Together the findings in these cases provide unequivocal direction for the determination of this application.
- 4.3. The applicant has also referenced a locality that is a 3km radius on the basis of the Form 2A for the purposes of addressing section 38 of the Act and the Form 2A.
- 4.4. Both areas have been explained and illustrated in the PIA and clearly defined as the s36B locality and 3km locality. The s36B locality is within the 3km locality. Information, evidence and submissions relating to the 3km locality also apply to the s36B locality.
- 4.5. ALDI Albany will cater to a catchment significantly wider than both the s36B locality and even the 3km locality given that it will be a destination shop for seekers of the applicant's unique range and style of operation including the association with other ALDI products which have an incredible, almost famous, reputation in the community. Customers will likely be drawn from far afield given that the next nearest similar store is nearly 300km away one-way.

5. Legal test – step 1 – section 36B(3)

- 5.1. No issue arises in respect of section 36B(3) of the Act.
- 5.2. The application involves a mere 33m² (approx.) of proposed licensed browse/display and sales area which is significantly less than the prescribed area of retail section in section 36B(3) of the Act.
- 5.3. Therefore, the application is eligible to be heard and determined and so it clearly passes step 1.

¹⁷ At [7]

¹⁸ In particular, from paragraph 6.40 onwards

6. Legal test – step 2 – sections 37(1) and (2) and other prerequisites

- 6.1. No issue arises in respect of sections 37(1) or (2) or any other formality or prerequisite for the application.
- 6.2. The applicant company is a registered body corporate which is entirely capable of holding a licence¹⁹ and in fact already does hold 38 approvals in WA. There is nothing that should arise that could impede findings that the directors and applicant company are still entirely “fit and proper”²⁰. The company has been previously approved by the licensing authority on many occasions. A director has completed liquor licensing training and so too the WA State manager.
- 6.3. All staff at the premises will be more than suitably qualified and thoroughly trained, just as they are at other ALD stores. Staff will be subject to an advanced training regime. The education of staff, together with the applicant's considerable experience and excellent track record make it entirely suitable.
- 6.4. On the evidence presented the licensing authority should have no doubt that the applicant more than adequately complies with the requirements of the Act as being fit and proper to hold the proposed liquor store licence and ETP and manage the premises to be licensed, for the purposes of section 37(1) of the Act.
- 6.5. Further, the licensing authority can be easily satisfied as to section 68(2a) of the Act, that the applicant will indeed be carrying on business under the licence if granted and that the applicant will in fact conduct business in the manner proposed with the stock range presented. These propositions are supported by the background of the applicant company, the trading record under existing ALDI liquor store licences and the standard of the proposal for ALDI Albany.
- 6.6. What will exist in a physical sense at the premises will indeed be of a high quality and visually appealing. The popularity of the ALDI liquor model confirms consumer satisfaction. The proposal for ALDI Albany involves the same elements.
- 6.7. For the purposes of section 37(1)(f) of the Act the licensing authority, on the evidence before it, should be able to be easily satisfied that the standard of the premises will be totally adequate and meet minimum requirements.
- 6.8. The following factors will ensure the premises remains of a high standard and entirely suitable to operate under a liquor store class of licence:
 - 6.8.1. The need to comply with obligations associated with local government requirements.

¹⁹ Section 35(1)(b) of the Act

²⁰ Sections 33(6), (6a), (6b) and 37(1) of the Act

- 6.8.2. The need to comply with all obligations arising under health regulations.
 - 6.8.3. The need to maintain the ALDI reputation.
 - 6.8.4. The licensing authority's policies regarding standards of licensed premises which the applicant is familiar with.
 - 6.8.5. The sophisticated capabilities of the applicant which have been proven across the country.
- 6.9. On the basis of the submissions contained in the sub-paragraphs above, the application should be considered as eligible to proceed to a determination on the merits as it easily passes step 2 of the legal test.

7. Legal test – step 3 – section 36B(4)

- 7.1. Section 36B(4) 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”²¹.
- 7.2. Section 36B(4) “imposes a meaningful additional hurdle”²² to the section 38 public interest test.
- 7.3. “The analysis required by s 36B(4) is not envisaged to be an analysis at large, by reference to all consumer requirements for packaged liquor in the locality irrespective of whether they have any correlation to the application. Rather, the analysis is directed to the substance of the application itself, so is directed to the products and services which the new premises is intended to provide.”²³ The consumer evidence referred to throughout the PIA is that there is strong requirement and demand for “the products and services which the new [ALDI liquor] premises is intended to provide”.
- 7.4. As referred to earlier in this document, “[b]roken down into its constituent parts, s36B(4) requires the [licensing authority] to address the following four matters:
- 7.4.1. “what is the relevant locality;
 - 7.4.2. “what are the requirements of consumers for packaged liquor in the relevant locality;
 - 7.4.3. “what packaged liquor services are provided by existing packaged liquor premises in the relevant locality; and
 - 7.4.4. “whether the local packaged liquor requirements cannot reasonably be met by those existing packaged liquor premises.

²¹ Section 36B(4) of the Act

²² Liquorland Karrinyup [75] (Archer J)

²³ Liquorland Southern River [58] (Lemonis J)

“Logically, these matters should be addressed in the order in which [they have been set] out. Each step leads to the next.”²⁴

- 7.5. Each of those “four matters” set out by the Supreme Court in *Liquorland Southern River* is addressed in full measure under separate headings to follow, in this section of these Legal Submissions.

Liquorland Southern River – section 36B – matter one: “What is the relevant locality”?²⁵

- 7.6. This issue has been previously addressed in detail, in section 4 of this document and section 6 of the PIA (particularly from paragraph 6.40 onwards in the PIA).

Liquorland Southern River – section 36B – matter two: “What are the requirements of consumers for packaged liquor in the relevant locality”?²⁶

- 7.7. The Act contains the following definition:

“local packaged liquor requirements, in relation to an application to which [section 36B(4)] applies, means the requirements of consumers for packaged liquor in the locality in which the proposed licensed premises are, or are to be, situated”²⁷

- 7.8. “Packaged liquor” means “liquor delivered to or on behalf of the purchaser in sealed containers for consumption off the licensed premises”²⁸.

- 7.9. “Liquor” means:

- 7.9.1. “a substance intended for human consumption which at 20⁰ Celsius contains more than 1.15% ethanol by volume, or such other proportion as is prescribed; and
- 7.9.2. any other substance prescribed as being liquor for the purposes of [the] Act; and
- 7.9.3. any thing that, for the purposes of sale, is held out to be such a substance”²⁹.

- 7.10. Neither of the preceding definitions of “packaged liquor” or “liquor” are limited to a particular type, kind or category of liquor.

- 7.11. Importantly, “packaged liquor” in section 36B(4) is not qualified as being any specific type or category of liquor. There is nothing in the section about particular types or categories, such as wine, beer or spirits which are defined as particular types of liquor in section 3 of the Act. Equally, section 36B(4) does not refer to a particular kind or variety of wine, beer or spirits, such as, for example, cabernet, stout or whiskey. Parliament could easily have drafted such qualifications into section 36B(4) should it have so desired but did not, thereby leaving the concept and definition of “packaged liquor” open and flexible. Therefore, “packaged liquor” for the purposes of section 36B(4) must mean

²⁴ *Liquorland Southern River* [55] [56] (Lemonis J)

²⁵ *Liquorland Southern River* [55] [56] (Lemonis J)

²⁶ *Liquorland Southern River* [55] [56] (Lemonis J)

²⁷ Section 36B(1)

²⁸ Section 3(1)

²⁹ Section 3(1) of the Act

- anything that qualifies within the definitions of “packaged liquor” and “liquor” set out above³⁰.
- 7.12. “Requirements” are “something that is demanded or imposed as an obligation; a thing desired or needed”³¹.
- 7.13. “By treating one-stop shopping as a 'requirement', it can be seen that the word 'requirements' has been interpreted as meaning something desired as distinct from essential.”³²
- 7.14. Importantly, it has been held by the WA Supreme Court that:
- 7.14.1. “the words 'requirements of consumers' mean the same in s 36B(1) and s 5(1)(c) and, subject to the facts and issues of a particular case, may involve consideration of the same types of matters”³³; and
- 7.14.2. “[t]he reference in s 36B to 'packaged liquor' is also not significant. The words are there because it is the provision that deals with licences under which packaged liquor may be sold. There is no reason to give additional significance to those words”³⁴.
- 7.15. In terms of determining the requirements for packaged liquor:
- 7.15.1. “matters such as convenience, product range, service and efficiency”³⁵ as well as price and quality³⁶ are relevant; and
- 7.15.2. it could be “liquor of a particular type, such as bottled table wines”³⁷ that is required by consumers and justifies the grant of a licence
- 7.16. The WA Supreme Court, Court of Appeal found in *Kartika Holdings Pty Ltd v Liquor Stores Association of Western Australia Inc* [2008] WASCA 103 (**Claremont Cleanskins**) that “[t]he requirements are not confined to the liquor content but includes (sic) other features which distinguish a liquor product in the retail market. That could include price, type (and source) of liquor, quality, range, container (bottle, can, cask), quantities or any combination thereof.... What can distinguish a liquor product in the retail market is inherently flexible”³⁸.
- 7.17. The decision in *Liquorland Karrinyup*, as confirmed in *Liquorland Southern River*, is entirely consistent with the earlier decision in *Claremont Cleanskins*. The ALDI Albany proposal involves packaged liquor and also other products and services, that will be very clearly distinguishable in the market by means of type, source, production, container, quality and the combination thereof. Over and above the liquor itself, the proposed licensed premises and liquor model is also completely distinguishable and unlike anything else.

³⁰ This approach is consistent with the Supreme Court's findings in *Sand Volley Australia Pty Ltd v Director of Liquor Licensing* [2019] WASC 209 [77] (Strk J)

³¹ Collins Australian Dictionary, seventh Australian edition, 2005, at page 1,374

³² *Liquorland Karrinyup* [41] (Archer J)

³³ *Liquorland Karrinyup* [89] (Archer J) (endorsed in *Liquorland Southern River*)

³⁴ *Liquorland Karrinyup* [93] (Archer J) (endorsed in *Liquorland Southern River*)

³⁵ *Liquorland Karrinyup* [106] (Archer J)

³⁶ *Liquorland Karrinyup* [74] (Archer J)

³⁷ *Big Bombers* at [415] (Australian J)

³⁸ [49] (McLure JA)

- 7.18. “Local packaged liquor requirements” include the requirements of residents in, people who resort to, visitors within and people passing through, the relevant locality, for liquor that is sealed and packaged for take-away purposes.
- 7.19. It is submitted that the facts and evidence in this case establish with compelling clarity that there are very strong “local packaged liquor requirements” for the ALDI Albany liquor offer, at the proposed site. Further, those requirements are not being and cannot be met by existing premises.
- 7.20. Several hundred people have provided evidence in this case of their need and desire for ALDI Albany to provide the proposed liquor service. The PRG report reveals that thousands of shoppers will shop in the liquor section regularly, including fortnightly and monthly. It is respectfully submitted that this evidence should readily be regarded as proving the local packaged liquor requirements.
- 7.21. Importantly the consumer evidence not only shows consumer requirements in the relevant area for the applicant’s proposed packaged range generally speaking, but more directly the evidence also shows that the public requires the ability to purchase the particular proposed packaged range from the applicant’s premises specifically. As such, this evidence goes beyond any general one-stop-shopping type requirement and is persuasive of the test in section 36B³⁹.
- 7.22. Given the similarity between section 36B(4) of the Act and the old, repealed section 38(2b)(a) of the preceding Liquor Licensing Act 1988 (WA)⁴⁰, it is appropriate to revisit some cases determined under the old legislation. By doing so, the licensing authority should be assisted in the determination of the present application as the Supreme Court was in *Liquorland Karrinyup*⁴¹, even though the former and current provisions are not identical.
- 7.23. The old section 38(2b)(a) included reference to “related services” whereas the new section 36B(4) does not. However, “related services”, as requirements of consumers, have since been included in the overarching section 5 primary objects provisions. The repeal of section 38(2b)(a) saw “related services” shifted and elevated in the Act to section 5(1)(c) which came into effect in 2006. In accordance with section 5(2) of the Act “the licensing authority shall have regard to” section 5(1)(c) when considering matters under section 36B(4) of the Act. In this regard, the following further submissions are provided with reference to the case law:
- 7.23.1. The licensing authority “must” have regard to the primary and secondary objects of the Act when assessing matters under both section 36B and 38⁴².
- 7.23.2. Anderson J in *Big Bombers* explained the background to the old section 38(2b)(a) test in terms of it seeking to constrain the grants of

³⁹ *Endeavour Group Limited v Director of Liquor Licensing and ors* LC 07/2023 at [226]

⁴⁰ The similarity having been confirmed by the Supreme Court in *Liquorland Karrinyup* [83]

⁴¹ [42]-[47] and [129]-[133] (Archer J)

⁴² *Liquorland Karrinyup* [78] (Archer J)

some new licences⁴³ which is akin to the introduction of the new section 36B⁴⁴. His Honour carefully considered the concept of a stricter legislative test for the grant of liquor store licences and sought to “divine in what way the test to be satisfied by applicants for liquor store licences is different from the test to be satisfied by applicants for other...licences”⁴⁵. The reasoning behind his interpretation is helpful to the present case where his Honour found as follows:

“Looking at the section as a whole, and having regard for the legislative history and the obvious legislative policy of special restriction in regard to liquor stores, I am of the opinion that subs (2b) is not concerned — in the way that subs (1) is — with the requirements of the public as to matters of taste, convenience, shopping habits, shopper preferences and the like, but is concerned with the requirements of the public for liquor itself.

I think that, on the proper construction of s 38, an applicant for a liquor store licence is required by subs (2b) to satisfy the licensing authority that the reasonable requirements of the public for liquor itself (or liquor of a particular type, such as bottled table wines) and related services cannot be provided for in the affected area by licensed premises already existing in the area; that is, cannot be provided for at all, or cannot be provided for without occasioning substantial difficulty or substantial inconvenience to the relevant public.

There are still questions of degree about which value judgments must be made. It remains a question for judgment in every case whether the licensing authority ought to be satisfied that the “requirements . . . for liquor and related services”, in this narrower sense, “cannot” be provided for by licensed premises already existing in the affected area. See, for example, *Lincoln Bottle Shop Pty Ltd v Hamden Hotel Pty Ltd* in which King CJ held that an existing outlet could not meet the demand in the area for wines because, although there was an ample quantity and good range in stock, the stock was not in a practical sense accessible to shoppers because it was kept in boxes in the store room”.⁴⁶

⁴³ *Big Bombers* [408]-[413]

⁴⁴ *Liquorland Karrinyup* [42]-[46] (Archer J); See also Explanatory Memorandum, Liquor Control Amendment Bill 2018 at page 1

⁴⁵ *Big Bombers* at [408] (Anderson J)

⁴⁶ *Big Bombers* at [415] (Anderson J)

7.23.3. In Claremont Cleanskins, which was one of the last cases decided under the previous 1988 Act, the Court of Appeal found as follows:

“The example given by Anderson J is illustrative of the proper approach to be taken to the construction of s 38(2b). It accepts that a licence could properly be granted pursuant to s 38(2b) even if there was another outlet within the affected area which carried the same quantity and range of stock, if the service provided by that outlet was not comparable because of the difficulty of accessing that stock. So, the example given illustrates that a qualitative difference in the nature or character of the service provided, could be sufficient to justify the grant of a licence under s 38(2b), even though the liquor actually sold by the two outlets was identical”.⁴⁷

7.23.4. Further on the Court of Appeal also found in that case as follows (as stated previously):

“It is apparent from Anderson, J's example of bottled wine that the requirements of the public must relate to liquor. The requirements are not confined to the liquor content but includes (sic) other features which distinguish a liquor product in the retail market. That could include price, type (and source) of liquor, quality, range, container (bottle, can, cask), quantities or any combination thereof.... What can distinguish a liquor product in the retail market is inherently flexible. Moreover, the requirements must not only relate to liquor they must also be objectively reasonable. A feature that materially distinguishes a liquor product in the retail market will ordinarily satisfy both objective requirements”.⁴⁸

The circumstances outlined in Claremont Cleanskins and the passage quoted above, provide some indication of what can and should satisfy the licensing authority in terms of section 36B(4). Further, as found by the Supreme Court more recently, such things may include “convenience, product range, service and efficiency”⁴⁹ as well as price and quality⁵⁰.

7.24. The licensing authority is invited to have regard for the following when considering the particular packaged liquor requirements in question in this case:

⁴⁷ [10] (Martin CJ)

⁴⁸ [49] (McLure JA)

⁴⁹ Liquorland Karrinyup [106] (Archer J)

⁵⁰ Liquorland Karrinyup [74] (Archer J)

- 7.24.1. Consumers in Albany and the surrounding region who seek ALDI liquor products and services need to travel a round-trip of around 600km to access them.
 - 7.24.2. The compelling evidence of popularity and patronage of ALDI stores.
 - 7.24.3. The evidence from consumers clearly and strongly demands the proposed liquor service. Huge numbers of people have indicated they are likely to shop for liquor at ALDI Albany at least fortnightly⁵¹.
 - 7.24.4. There will be a range in the area almost entirely exclusive to ALDI Albany.
 - 7.24.5. The quality, award-winning and value-for-money aspects of the liquor itself that is proposed.
 - 7.24.6. The packaging and presentation of products at ALDI Albany will be different given the exclusive nature of them and ALDI's particular *modus operandi*.
 - 7.24.7. The enormous growth and development which has occurred recently in the relevant area confirming its progression and maturation.
- 7.25. It is important to reiterate, so as to highlight the key point stated previously that section 5(2) of the Act obliges the licensing authority to have regard for section 5 when carrying out its function of applying section 36B(4) of the Act. Requirements for related services as referred to in section 5(1)(c) should, therefore, be considered in the determination under section 36B(4), as confirmed in *Liquorland Karrinyup* and *Liquorland Southern River*.
- 7.26. It has been stated that section 36B was introduced to “enable the licensing authority to manage the number of packaged liquor outlets where sufficient outlets already exist within a locality”⁵². However, there is no embargo on approving new licences. There is nothing in section 36B, or in any extrinsic material, which says that all packaged liquor outlets are to be treated as being the same, or that the full scope of features of a liquor store proposal are totally irrelevant factors, or that the requirements of local consumers for packaged liquor should be restricted and confined in a particular way beyond the wording of section 36B. In order to achieve proper development of the liquor industry, which is an obligation of the licensing authority⁵³, there must naturally be grants of new packaged liquor licences in appropriate cases. The *Liquorland Karrinyup* and *Liquorland Southern River* decisions confirm this and strongly supports the propositions made in this paragraph. In fact, the decision maker at first instance in this case is obliged to determine the application in accordance with the Supreme Court in *Liquorland Karrinyup* and *Liquorland Southern River*.

⁵¹ PRG report at para 4.2, page 15

⁵² Explanatory Memorandum, Liquor Control Amendment Bill 2018 at page 1

⁵³ Section 5(1)(c) of the Act

- 7.27. It is respectfully submitted that the licensing authority can readily conclude that the ALDI Albany application is a case which fits entirely with the reasoning and outcomes in *Liquorland Karrinyup* and *Liquorland Southern River*.
- 7.28. The Director of Liquor Licensing has expressed concern that “adopting a broader construction [of the meaning of ‘requirements’ in section 36B(4)] would allow applicants to mould their application to cater to the subjectiveness of convenience and shopping habits and thereby undermine the restriction in s36B(4)”⁵⁴. The following submissions are made in respect of this issue:
- 7.28.1. Such a concern was not endorsed, or even referred to, by the Supreme Court in *Liquorland Karrinyup* nor *Liquorland Southern River*.
 - 7.28.2. Requirements and whether those requirements are reasonably being met, are inherently subjective matters.
 - 7.28.3. The consequence of adopting a construction that is too narrow and preventing new entrants to the market is likely to be that existing outlets become a protected species and complacent, to the detriment of growth and development of the industry; to the detriment of consumer choice and diversity; to the detriment of market competition. The Supreme Court has indicated that competition may be a relevant factor in support of an application⁵⁵.
 - 7.28.4. In such circumstances as contemplated by the Director of Liquor Licensing, existing licensed premises could avoid doing anything whatsoever to develop and improve their businesses. “The potential and opportunity for proper development of the industry (including change)” could be ignored, which would be contrary to the Supreme Court ruling in *Peninsula Tavern* where the need for change was confirmed⁵⁶.
 - 7.28.5. Further, the result would likely see objectors doing precisely what the Director has been concerned about in relation to applicants. Existing licensee objectors in this scenario can easily protect the status quo and mould their objections to represent an ability to satisfy consumer requirements without being held to account to provide a reasonable range and actually meet evolving requirements. Objectors with poor product and service offers could be incentivised to dress-up their businesses for the purposes of an objection, without much burden of proof and no accountability whatsoever, so as to protect their market share while an application is being determined and subjected to an extremely high bar, only to revert to their inadequate offering afterwards.

⁵⁴ For example, *BWS Kelmscott* [31]

⁵⁵ *Liquorland Karrinyup* [76] (Archer J)

⁵⁶ *Peninsula Tavern* [67]-[69] (Banks-Smith J)

7.28.6. The following was stated in the Education and Health Standing Committee: Report No 10 – Alcohol: Reducing the Harm and Curbing the Culture of Excess:

“Any capping of licences, or a moratorium on number of outlets, in an area would need to be carefully managed as the Director of Liquor Licensing told the Committee that “all that moratoriums do is make all the existing business owners very happy, because their businesses increase in value”.⁵⁷

7.29. The present case is clearly not one where “the intention of the proposed premises is to merely sell packaged liquor which is readily available within the locality”⁵⁸. Quite the contrary. ALDI Albany will offer a curated, award-winning range as part of a totally different concept across all aspects of the operation.

7.30. In terms of interpreting, accepting and weighting evidence, the Court of Appeal in *Dan Murphy's Bicton* stated as follows:

“On the proper construction of the Act (in particular s 5(1), s 5(2), s 16(1), s 16(7), s 30A(1), s 33 and s 38(2)), the Commission was obliged to determine the appellant's application in accordance with the evidence (including notorious facts) before it and the criteria imposed by the Act. This statutory duty involves two aspects. First, the Commission must evaluate the evidence before it and make findings and draw conclusions from the evidence, including by inference. An inference is an affirmative conclusion which arises from facts that have been established. Of course, the Commission's fact-finding task extends to the making of findings and the drawing of conclusions, wholly or partly, from notorious facts. Secondly, the Commission must apply the public interest criterion, as I have explained it, to the relevant circumstances, in particular, the findings it has made and the conclusions it has drawn. The Commission was required to undertake the statutory duty by reference to the issues which arose from the application in the context of the relevant provisions of the Act, the evidence (including notorious facts) before the Commission and any submissions made by the appellant, the Director and the objectors”.⁵⁹

7.31. The meaning of “notorious facts” is set out in the decision of *Dunn v Minister for Immigration and Border Protection* [2018] FCAFC 233 as follows:

“The Minister did not in his reasons categorise the existence of a risk of psychological harm as a notorious fact. In any event, the existence of such a risk was not a notorious fact. Such facts are those which are common knowledge or part of ordinary experience. They would include, but not be limited to, those of which a court might

⁵⁷ Education and Health Standing Committee, *Alcohol: Reducing the Harm and Curbing the Culture of Excess*, Report No. 10 in the 38th Parliament, 2011 at page 96

⁵⁸ For example, *BWS Kelmscott* [31]

⁵⁹ [55] (Buss JA)

take judicial notice. In my view, this particular risk was one of those which “while not so indisputable as to be considered within every ordinary person’s common sense, are nonetheless susceptible to resolution by an expert adjudicator”: D B. Rodriguez, “Official Notice and the Administrative Process”, (1990) 10 Journal of the National Association of Administrative Law Judiciary, Issue 1, article 3, p 51.”⁶⁰

- 7.32. Notorious facts in the present case include the following:
- 7.32.1. Uniqueness of the applicant's product range.
 - 7.32.2. Uniqueness of other aspects of the ALDI liquor model.
 - 7.32.3. The huge popularity and patronage of ALDI stores generally and those with liquor operating elsewhere in the State.
 - 7.32.4. The high likelihood that such popularity and patronage will translate and be experienced equally at the Albany premises.
 - 7.32.5. That the exclusive range is distinctly different from mass-produced mainstream items.
 - 7.32.6. The inconvenience for many people of having to source the applicant's range and one-stop-shopping model nearly 300km away (straight line, one-way).
 - 7.32.7. The nature of the s36B locality and 3km locality.
 - 7.32.8. The modern consumer's requirement and expectation for one-stop shopping.
- 7.33. It is respectfully submitted that the evidence in this case proves the notorious facts listed above which support the grant and that based on the applicant's in-depth research within the 3km locality, no probative evidence could be presented in this case to the contrary.
- 7.34. As referred to previously, the Court of Appeal made it clear in *Dan Murphy's Bicton* that in circumstances where there is evidence in support of a particular proposition and no evidence to the contrary, the licensing authority is obliged to find in favour of the proposition that is supported by the evidence⁶¹.
- 7.35. Findings of the Court of Appeal in *Dan Murphy's Bicton* can be applied by the licensing authority when determining packaged liquor applications under the new section 36B test, even though *Dan Murphy's Bicton* was decided prior to section 36B coming into effect. The other provisions referred to by the Court of Appeal and the instruction provided by it to the licensing authority as to how it should administer the Act and interpret evidence remain entirely relevant.

⁶⁰ [17] (Logan J)

⁶¹ [7] (Martin CJ)

Liquorland Southern River – section 36B – matter three: “What packaged liquor services are provided by existing packaged liquor premises in the relevant locality”?

- 7.36. This, the third of the “four matters” within the “constituent parts” of section 36B as articulated by the Supreme Court⁶², has been thoroughly addressed by the applicant in the PIA.
- 7.37. Unlike cases where the applicant failed to provide any or adequate evidence of the packaged liquor currently available in the relevant area⁶³, in this case, the applicant has addressed the stock ranges at the relevant existing premises, going beyond the 36B locality and provided a proper assessment of those existing outlets relative to the particulars of the ALDI proposal.
- 7.38. There is very little basis for comparison between ALDI Albany and the existing outlets because of how different ALDI's range and overall model is when lined-up against those existing outlets. The clear evidence of such differences should greatly favour the grant in this case and support a conclusion by the decision maker that the conditional grant of the ALDI Albany liquor store licence is justified.
- 7.39. There are currently only five outlets within the s36B locality which deliberately offer packaged liquor. Beyond the s36B locality there are only two more outlets within 3km. Therefore, the area is sorely lacking in choice and diversity.

Liquorland Southern River – section 36B – matter four: “Whether the local packaged liquor requirements cannot reasonably be met by those existing packaged liquor premises”?⁶⁴

- 7.40. The Supreme Court has previously found that:
- 7.40.1. “cannot” does not need to be as high as “complete physical impossibility”⁶⁵,
 - 7.40.2. nor does it have to mean as limiting a “without causing great difficulty or inconvenience”⁶⁶,
 - 7.40.3. “the phrase ‘cannot reasonably be met’ means ‘cannot sensibly or rationally be met’”⁶⁷ and
 - 7.40.4. “the licensing authority should have regard to contemporary standards and expectations for the requirements of packaged liquor in determining whether consumer requirements could not ‘reasonably’ be met”⁶⁸. Such “contemporary standards” should naturally include the well-known one-stop-shopping standard, choice and diversity.

⁶² Liquorland Southern River [55] [56] (Lemonis J)

⁶³ For example, *Liquor Commission in Sylver Pty Ltd v Director of Liquor Licensing* LC 02/2023 and *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* LC 09/2023 [51]

⁶⁴ Liquorland Southern River [55] [56] (Lemonis J)

⁶⁵ *Big Bombers* [414] (Anderson J)

⁶⁶ *Liquorland Karrinyup* [127]-[131] (Archer J)

⁶⁷ *Liquorland Karrinyup* [131] and [134] (Archer J)

⁶⁸ *Liquorland Karrinyup* [134] (Archer J)

- 7.41. To assist further to some extent, the licensing authority may consider that “[t]he word ‘reasonable’ imports a degree of objectivity in that the word reasonable means ‘...sensible; ...not irrational, absurd or ridiculous; not going beyond the limit assigned by reason; not extravagant or excessive; moderate: Shorter Oxford Dictionary at 1667”⁶⁹.
- 7.42. In the present case, members of the relevant public simply cannot access most, if not all, of the proposed liquor range and related services anywhere else nearby. They need to travel outside the area to the ALDI Busselton store which warrants a near 600km round trip, that cannot be said to be sensible or rational in modern city society.
- 7.43. The Director of Liquor Licensing has found previously that “existing packaged liquor services in the locality, distribution of premises in the locality and ease of access to the existing premises are relevant factors”⁷⁰. In this case the existing premises collectively carry virtually none of the proposed range or related services.
- 7.44. Without the proposed liquor store licence being granted, the public in the whole 3km locality and well beyond will continue to be forced to travel far outside of their area in order to seek out an ALDI store to access the liquor they require.
- 7.45. This is a very different case from *Liquor Commission in Sylver Pty Ltd v Director of Liquor Licensing* LC 02/2023⁷¹, where only 13% of the proposed stock range was to comprise items relevant to the section 36B test that may be described as unique and unavailable in the area. By stark contrast, in this present case nearly 100% of the proposed packaged range at ALDI Albany is unavailable anywhere else.
- 7.46. Further, as regards of what is reasonable in terms of section 36B(4) of the Act, it is entirely appropriate to consider the section 5 objects provisions. The applicant has provided submissions and evidence to prove that the grant will do all of the following:
- 7.46.1. Properly regulate the sale, supply and consumption of liquor (section 5(1)(a)).
 - 7.46.2. Minimise harm or ill-health due to the use of liquor (section 5(1)(b)).
 - 7.46.3. Cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor and other industries in WA (section 5(1)(c)).
 - 7.46.4. Facilitate the use and development of licensed facilities, reflecting the diversity of the requirements of consumers in WA (section 5(2)(a)).

⁶⁹ *Charlie Carter Pty Ltd v Streeter and Male Pty Ltd* (1991) 4 WAR 1 (Malcolm CJ) [10]

⁷⁰ For example, *BWS Kelmscott* [14], [36] and [43]

⁷¹ [60]

- 7.46.5. Provide adequate controls regarding the sale, disposal and consumption of liquor (section 5(2)(d)).
- 7.46.6. Encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community (section 5(2)(f)).

What evidence is needed to satisfy the licensing authority in order to answer those previous two questions in the affirmative?

- 7.47. The type of evidence will naturally be different in each case, however, the licensing authority “must act upon materials which have rational probative force”⁷².
- 7.48. The applicant is not required to prove a threshold of requirements in order to satisfy the section 36B test⁷³. “The [section 36B] analysis is not predicated on there being a considerable requirement. Rather, the analysis is directed to whether the requirements, whatever they may be, cannot be reasonably met by the existing premises.”⁷⁴
- 7.49. The evidence in support of the ALDI Albany application includes an expert market survey by PRG. This evidence is of high probative value, being directly relevant and objective. Whilst the evidence in this case is respectfully submitted to be sophisticated, as directed by the Department⁷⁵ the applicant has applied a “common-sense approach”⁷⁶.
- 7.50. Evidence of the kind that is in the PRG report was found by the Liquor Commission to be of “gold standard” in ALDI Harrisdale⁷⁷.
- 7.51. “[S] 36B(4) does not necessitate that the requirements of consumers for packaged liquor in the relevant locality... be more than trifling”⁷⁸...and “s 36B(4) does not require the applicant for a packaged liquor store licence to establish that the relevant consumer requirements are considerable”⁷⁹. Therefore, the licensing authority should be easily satisfied that in relation to ALDI Albany, because the evidence shows substantially more than trifling requirements, the applicant has well exceeded the legislative high bar.
- 7.52. Even though there is evidence of a considerable degree of requirement by consumers for the applicant's products and services, including the exclusive range and bespoke one-stop-shopping, the section 36B “analysis is not predicated on there being a considerable requirement. Rather, the analysis is directed to whether the requirements, whatever they may be, cannot be reasonably met by the existing premises”⁸⁰.

⁷² Peninsula Tavern [19] (Banks-Smith J); *Re Pochi and Minister for Immigration and Ethnic Affairs* (1979) 26 ALR 247 [256]-[257]

⁷³ Liquorland Southern River [126] and see also [128] (Lemonis J)

⁷⁴ Liquorland Southern River [128] (Lemonis J)

⁷⁵ Form 2A and at <https://www.dlgsc.wa.gov.au/departments/publications/publication/public-interest-assessment>

⁷⁶ Form 2A page 2

⁷⁷ Hearing 22 February 2017, transcript at page 45

⁷⁸ Liquorland Southern River [136] (Lemonis J)

⁷⁹ Liquorland Southern River [137] (Lemonis J)

⁸⁰ Liquorland Southern River [128] (Lemonis J)

- 7.53. Even if the demand for ALDI Albany were found to be of a low quantity – which would be strongly refuted given the substantial volume of consumer evidence – “that ought not by itself be a possible ground for refusing to grant a liquor licence that would facilitate such a unique demand”⁸¹. In this case, ALDI Albany should clearly be found to fill a unique demand for all of the many and varied reasons set out in the PIA and this document.
- 7.54. Where an applicant's evidence is unchallenged, the licensing authority must find in favour of the evidence submitted by the applicant. To do otherwise could potentially result in error of law as occurred in *Dan Murphy's Bicton*⁸².
- 7.55. The applicant has presented evidence of precisely **what** the requirements of consumers in, resorting to, visiting and passing through the s36B locality and 3km locality are **and** the fact that those requirements are **not** currently being met at all and cannot be met at all, let alone “sensibly or rationally”⁸³. Further, the applicant has presented evidence that it will provide precisely what is required. The evidence referred to in the PIA shows overwhelmingly that consumers require the proposed packaged liquor range and that hundreds of people want it to be available to them at ALDI Albany. It cannot be either a sensible or rational expectation for those people to have to make special trip far outside of their community into to access a comparable packaged liquor offer.
- 7.56. The licensing authority requires credible subjective evidence, which is objectively reasonable, from a representative sample of the relevant community as to needs, why those needs are unfulfilled at the moment and how or why ALDI Albany will satisfy those needs in a safe and otherwise appropriate way in accordance with section 5 of the Act. The applicant has clearly provided such evidence.
- 7.57. Further, “the requirements [of the public] must not only relate to liquor they must also be objectively reasonable”⁸⁴. The evidence of consumer requirements for ALDI Albany referred to in the PIA reveals what the “local packaged liquor requirements” are. When considered together with other evidence in this case, it is apparent that such requirements “cannot reasonably be met by existing packaged liquor premises”. More to the point, the requirements cannot actually be met at all in the 3km locality.
- 7.58. The licensing authority is a specialist tribunal and may assess “matters peculiar to the field of liquor licensing - such as availability of liquor supply, assessment of contemporary standards, accessibility of licensed premises to the public and so on”⁸⁵. But the licensing authority may not go further. For example, it may not make inferences as to the contents of bottles or cans on the shelves of existing outlets without actual evidence. “There are...well established limitations on the extent to which a specialist tribunal can draw on its experience and knowledge

⁸¹ *Liquorland Southern River* [133] (Lemonis J)

⁸² [7] (Martin CJ)

⁸³ *Liquorland Karrinyup* [131] and [134] (Archer J)

⁸⁴ *Claremont Cleanskins* [49] (McLure JA)

⁸⁵ *Big Bombers* [417] (Anderson J)

about relevant matters to make findings of fact in the case before it. The point is that the court is a judicial tribunal and is bound to act judicially and it must observe fundamental rules of natural justice”⁸⁶.

- 7.59. It does not matter that the consumer evidence may not use all of the, or the precise, language and format of section 36B(4) of the Act, or the interpretation of that provision in *Liquorland Karrinyup*. Had that been done, the responses would have lacked merit because they would have usurped the role of the decision maker in answering the ultimate questions.
- 7.60. The important facts are that the consumer evidence referred to in this case very clearly shows:
- 7.60.1. requirements for particular liquor products as well as other features of the proposal,
 - 7.60.2. which requirements are the range of liquor and other products and services to be available at ALDI Albany and
 - 7.60.3. that those products and services are not available within or near either the s36B locality or the 3km locality at all and
 - 7.60.4. that consumers want to access the proposed liquor products and related services at ALDI Albany.
- 7.61. That pertinent consumer evidence in respect of ALDI Albany is supplemented and corroborated by other evidence in this case of the incredible popularity and consumer-following of the applicant's model and the growth and development occurring in and around the 3km locality.
- 7.62. If the licensing authority were to ignore the compelling objective evidence in this case, or ask itself a question beyond the words and scope of section 36B(4) of the Act, it could potentially fall into error as described below in *Craig v The State of South Australia*⁸⁷, which was applied in the *Minister for Immigration and Multicultural Affairs v Yusuf*⁸⁸:
- “If...[a] tribunal falls into error of law which causes it to identify a wrong issue, to ask itself a wrong question, to ignore relevant material, to rely on irrelevant material or, at least in some circumstances, to make an erroneous finding or to reach a mistaken conclusion, and the tribunal's exercise or purported exercise of power is thereby affected, it exceeds its authority or powers. Such an error of law is jurisdictional error which will invalidate any order or decision of the tribunal which reflects it”.
- 7.63. In a liquor licensing context, the above proposition has been cited with approval by the Supreme Court⁸⁹.

⁸⁶ *Big Bombers* [417] (Anderson J)

⁸⁷ (1995) 184 CLR 163 [179]

⁸⁸ [2001] HCA 30

⁸⁹ *Sand Valley Australia Pty Ltd V Director of Liquor Licensing* [2019] WASC 209 [29] (Strk J)

7.64. As observed by Banks-Smith J in Peninsula Tavern⁹⁰, “the preponderance of authority is to the effect that what is required to satisfy the duty to take into account relevant considerations is proper, genuine and realistic consideration of the relevant matter”.

7.65. The WA Court of Appeal importantly found as follows in regard to statutory construction and interpretation:

“The statutory text is the surest guide to Parliament’s intention.”⁹¹

However, legislative history and extrinsic materials cannot displace the meaning of statutory text. Further, the examination of legislative history and extrinsic materials is not an end in itself.⁹²

...

The purpose of legislation must be derived from the statutory text and not from any assumption about the desired or desirable reach or operation of the relevant provisions...The intended reach of a legislative provision is to be discerned from the words of the provision and not by making an a priori assumption about its purpose.”⁹³

7.66. Therefore, it is respectfully submitted that the licensing authority is obliged to focus its attention on the plain meaning of words in section 36B(4) itself. This approach was confirmed by the Supreme Court in *Liquorland Karrinyup* and *Liquorland Southern River*.

7.67. To the extent that may be relevant, the case for ALDI Albany is entirely distinguishable from *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* LC 09/2023 in which the Commission found the Liquorland evidence to show nothing more than “general support and ‘usefulness’... which fell “short for establishing a consumer requirement”⁹⁴ and also lacked the numbers. Although a subsequent appeal of that decision was upheld by the Supreme Court, it is worth noting that in respect of ALDI Albany there is a variety of direct and pointed evidence which has been referred to in the PIA and includes the PRG report and responses to specific and pertinent questions posed by the expert market researcher showing hundreds of people wanting the ALDI liquor service.

7.68. For example, ALDI survey participants were asked: “On average, how often would you make liquor purchases from the Albany ALDI supermarket?”⁹⁵. The resulting evidence has been reported by the researcher as follows:

“It is clear that the great majority of packaged liquor buyers who currently shop at Albany ALDI would shop for their packaged liquor requirements from the ALDI liquor section if it was established. Over

⁹⁰ [37]

⁹¹ *Leisure Inn* [151] (Buss P)

⁹² *Leisure Inn* [154] (Buss P)

⁹³ *Leisure Inn* [155] (Buss P)

⁹⁴ [138]

⁹⁵ PRG report 4.6.3, page 26

half (54%) would do so at least once a fortnight, 77% at least once a month and 97% on at least some occasions, should the liquor section be established within the Albany ALDI store.

The clear suggestion is that the Albany ALDI liquor section would better meet their packaged liquor requirements than the currently available Albany liquor outlets.”⁹⁶

- 7.69. Given the quality and volume of the supporting consumer evidence in respect of this application, it is submitted that it is clearly capable of satisfying the licensing authority as to the matters set out in section 36B(4).

Other submissions addressing section 36B(4) of the Act

- 7.70. The sub-paragraphs above have addressed the three key questions that arise in the determination of section 36B(4) of the Act. Other relevant submissions to assist the decision maker are set out in the PIA.
- 7.71. As addressed previously, the Act requires that the section 5 objects provisions are required to be taken into consideration in the context of section 36B(4) of the Act. This has been confirmed in *Liquorland Karrinyup*⁹⁷ and *Liquorland Southern River*.
- 7.72. The minimisation of harm in section 5(1)(b) is a primary object which must be taken into consideration, “but so too is the object in section 5(1)(c) ‘to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State’”⁹⁸.
- 7.73. “Catering for consumer requirements is not to be considered in isolation. Section 5(1)(c) requires regard be given to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State in considering the issue of catering for consumer requirements”⁹⁹.
- 7.74. Section 5(1)(c) is to be read as one sentence; one proposition. The question of whether the proposal will cater for the requirements of consumers should be considered in the context of the proper development of industries¹⁰⁰, as stated above. Further and importantly the Supreme Court of Western Australia has held as follows:

“...s 5(1)(c) requires regard be directed to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State in considering the issue of catering for consumer requirements.

⁹⁶ PRG Report at para 4.6.3, page 26

⁹⁷ [25], [78] and [96] (Archer J)

⁹⁸ *Carnegies* [11] (Allanson J)

⁹⁹ *Sand Valley Australia Pty Ltd v Director of Liquor Licensing* [2019] WASC 209 (Strk J); *Peninsula Tavern* [67]-[68] (Banks-Smith J)

¹⁰⁰ *Peninsula Tavern* [46]-[69] (Banks-Smith J)

Catering for consumer requirements is not to be considered in isolation. The potential and opportunity for proper development of the industry (including change) is not to be ignored.

Assuming there is appropriate probative evidence, the words invite a broader ambit of matters to be considered as part of assessing the diversity of consumer requirements and how they are to be catered for.”¹⁰¹

- 7.75. Section 5(1)(c) “requires a broad consideration in the context of the expectations of consumers for liquor (and related services) across the State”¹⁰². Such broad consideration should capture, in this case, the award-winning and exclusive aspects to the product range, plus the one-stop-shopping aspect which applies not only in respect of groceries but also ALDI's special buys.
- 7.76. The PIA establishes that ALDI Albany, if operating under a liquor store licence as proposed, will genuinely “cater for the requirements of consumers for liquor and related services, with regard to the proper development”¹⁰³ of the following industries:
- 7.76.1. Liquor industry. The grant of the licence will result in the following:
- 7.76.1.1. The provision, in an entirely different and distinct location, of a hugely popular liquor store model.
 - 7.76.1.2. A significant development and advancement in the local retail liquor market through a brand new, bespoke liquor service offering a very different liquor shopping experience.
 - 7.76.1.3. Valuable added choice and diversity for shoppers in Albany and surrounding region.
 - 7.76.1.4. Filling of a void in the area.
 - 7.76.1.5. Stopping, or at least reducing, the leakage factor with residents currently needing to shop for ALDI liquor far outside the 3km locality.
 - 7.76.1.6. Further support for the Australian liquor producers with whom ALDI engages for its exclusive range.
 - 7.76.1.7. A new outlet in an area that has grown and developed.
 - 7.76.1.8. Development of a community and neighbourhood ambience in relation to retailing and community conveniences.
 - 7.76.1.9. Drawing focus to quality with the award-winning range.

¹⁰¹ Peninsula Tavern [67]-[69] (Banks-Smith J)

¹⁰² *Endeavour Group Limited v Director of Liquor Licensing and ors* LC 07/2023 [201]; *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* LC09/2023 [125]

¹⁰³ Section 5(1)(c) of the Act

- 7.76.2. Tourism industry. The grant of the licence will result in the following:
 - 7.76.2.1. Development of the well-known ALDI brand generally in WA.
 - 7.76.2.2. Meeting requirements of tourists in the area who are likely to know the ALDI model and presume that the store in Albany will provide what they have come to expect from ALDI through its stores elsewhere in the world which mostly contain liquor.
 - 7.76.2.3. Generating greater profile for the area as a modern and properly serviced residential district.
- 7.76.3. Other hospitality industries. The grant of the licence will result in the following:
 - 7.76.3.1. Further development of WA's retail sector in accordance with modern consumer expectations.
 - 7.76.3.2. Support for the growth and development of the Albany community through adding relevant retail services to complement and support a maturing regional city.
 - 7.76.3.3. Employment opportunities for people to work at ALDI Albany.
 - 7.76.3.4. Employment opportunities for the producers of the liquor within ALDI's range.
 - 7.76.3.5. Providing the local community with access to a large number of award-winning liquor items at great value-for-money will draw a focus onto quality and enhanced consumer experience.
- 7.77. Notwithstanding that section 36B of the Act controls the grant of new packaged liquor premises, the Act still requires that each application be determined on its own merits¹⁰⁴ and any consideration of a grant must still be within the parameters of the overall purpose and philosophy of the Act outlined in section 5. That purpose clearly retains scope for the grant of new packaged liquor premises in some circumstances, such as the present application, where there are clear reasons to grant the licence in accordance with section 5, especially 5(1)(a) and (c). The Supreme Court's findings in *Liquorland Karrinyup*, confirmed in *Liquorland Southern River*, support these propositions. The licensing authority should be able to comfortably conclude that the ALDI Albany application is a perfect example of a proposal that will fulfil the aim of section 36B by properly managing outlet numbers and at the same time fulfilling sections 5(1)(c) and 38(2) and (4) of the Act.

¹⁰⁴ Section 16(7)(b)

- 7.78. The licensing authority has seen fit to grant several new licences under section 36B(4) of the Act in appropriate cases¹⁰⁵, including in relation to the ALDI model¹⁰⁶ and the Supreme Court has confirmed that there is clear scope for grants of liquor store licences. It is submitted that the application for ALDI Albany is a perfect example of an appropriate case where the packaged liquor service is entirely justified.

Managing the number of packaged liquor outlets

- 7.79. It has been said that section 36B can “enable the licensing authority to manage the number of packaged liquor outlets where sufficient outlets already exist within a locality”¹⁰⁷ but section 36B most certainly does not prevent new grants in appropriate cases. The Supreme Court has clearly stated that the Act does not “constrain the number of packaged liquor premises by sacrificing consumers’ options to get liquor at a lower price and better quality”¹⁰⁸.
- 7.80. The following key aspects to the present case support the propositions that granting the ALDI Albany liquor store licence will be an exceptionally positive progression in the management of the number of packaged liquor outlets in the s36B locality primarily and also the 3km locality and even beyond **and** that sufficient outlets do not already exist. Importantly, these propositions are supported by objective evidence and whilst that evidence is unchallenged, only findings in favour of these propositions can be reached¹⁰⁹.
- 7.80.1. There are only five outlets within the s36B locality which deliberately offer packaged liquor and only two additional outlets further afield to make for a total of seven in the 3km locality which mostly offer generic, typical stock ranges. Two are BWS stores, one is a Liquorland, one is Dan Murphys and another Bottlemart. These brands should be well known to the licensing authority.
- 7.80.2. The s36B locality, 3km locality and surrounding area are sorely lacking in diversity in packaged liquor services. The deficiency is exacerbated by the fact that the area is otherwise maturing in a range of different ways in terms of demographics, new infrastructure, business development and tourism but it is not keeping pace with modern packaged liquor.
- 7.80.3. Almost the entire range of products at ALDI Albany will only be available through the applicant.

¹⁰⁵ For example, Costco Wholesale (Perth Airport - 603213623419), Costco Wholesale (Casuarina - 603217776421), Commune Wine Store (Maylands - 603215233920), Cherubino City Cellar (602215063820), Kakka Alley Brewing Co (602215442820), Casa Perth (602215763420), Pirate Life Perth (602213750319), Gage Roads Brew Co (602216177321), Bailey Brewing Co (602216939721), Mane Osborne Park (603218426322), The Whitehorse Tavern (602217588621), BWS Beer Wine Spirits Baldivis North (603217731421), Commune Wine Store (Subiaco - 603220029123), Karratha Cellars [LC15/2023], Dan Murphy’s Perth Airport (A475388143), Mane Bicton (603221936524), ALDI Innaloo (A603222726424), ALDI Karrinyup (A603222913525) and ALDI Whitfords (603222858025)

¹⁰⁶ ALDI Yanchep (603220993723), ALDI Innaloo (A603222726424), ALDI Karrinyup (A603222913525) and ALDI Whitfords (603222858025)

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

¹⁰⁸ Liquorland Karrinyup [74] (Archer J)

¹⁰⁹ Dan Murphy’s Bicton [7] (Martin CJ)

- 7.80.4. The increasing resident population and development of the area dictate the need for additional services to accommodate the increasing demand and also to ensure that the maturing and evolving nature of the community is supported by diverse modern retail conveniences.
- 7.80.5. ALDI has significant market popularity.
- 7.81. The applicant has provided detailed information in the PIA regarding the packaged liquor and related services provided by relevant existing packaged liquor premises.
- 7.82. It is respectfully submitted that the licensing authority should be readily "satisfied that local packaged liquor requirements cannot reasonably be met by existing liquor premises in the locality" in accordance with section 36B(4) of the Act and therefore, the ALDI application can and should be granted, provided it also satisfies other mandatory criteria in the Act, which – it is respectfully submitted – this document confirms so, in abundance.
- 7.83. The licensing authority should be able to easily conclude that the applicant has convincingly satisfied section 36B(4) and therefore, passed step 3 of the legal test.

8. Legal test – step 4 – section 37(3)

- 8.1. Section 37(3) of the Act is a mandatory provision.
- 8.2. The licensing authority does not have the power to grant the application if it is satisfied that an undue degree of offence, annoyance, disturbance or inconvenience would be likely to occur in respect of the persons referred to in that subsection.
- 8.3. The applicant has dealt with the issues arising under section 37(3) of the Act in the PIA and also elsewhere in this document in reference to section 38 matters.
- 8.4. No issues are known to have arisen in respect of offence, annoyance, disturbance or inconvenience associated with the existing liquor store licences held by the applicant company elsewhere in WA.
- 8.5. There are no "persons in, or travelling to or from, an existing or proposed place of public worship, hospital or school" that have been identified in the vicinity of the premises to be concerned with. There are no such places close enough to the ALDI Albany liquor section, as addressed in the PIA. Over and above their distance away from ALDI Albany, are the important facts that the proposed new tiny licensed area is confined to the far corner of the wider ALDI store, set well-back from the street, buffered by the supermarket and large carpark. Further, the liquor section will have no external visibility.
- 8.6. The experienced applicant readily recognises the need to ensure the conduct of business under the new licence remains controlled, well contained and does not cause any offence, annoyance, disturbance or inconvenience and certainly none which will have the potential to become undue. Its approach to

the operation at existing licensed premises and level of detail in this application confirm these understandings.

- 8.7. In the light of these submissions and others made throughout this document and the PIA, the licensing authority should be able to be more than satisfied that there will be little or no likelihood of offence, annoyance, disturbance or inconvenience occurring for the purposes of section 37(3) of the Act if the licence is granted. There is nothing proposed by this application which should lead to any adverse finding in terms section 37(3).
- 8.8. No significant concerns on this issue were raised by people who provided consumer evidence.
- 8.9. The licensing authority should be able to readily conclude that the comprehensive application satisfies section 37(3) for it to proceed to be determined in the public interest.

9. Legal test – step 5 – sections 38(2) and (4)

- 9.1. Having satisfied the first four steps, it is submitted that the application can now proceed to be considered in terms of section 38 and the public interest.
- 9.2. Public interest matters are identified in section 38 of the Act and referenced in the Form 2A.
- 9.3. In determining whether the grant of the application is in the public interest, [the licensing authority] is required to exercise a discretionary value judgment confined only by the scope and purpose of the Act.¹¹⁰
- 9.4. Determining whether an outcome will be “in the public interest” involves evaluating what “best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances”¹¹¹.
- 9.5. The authorities confirm that all relevant provisions in the Act are to be considered in the exercise of the discretion. This is confirmed by the words in section 33 itself which begin with “subject to this Act”. In this regard it is necessary for a determination on the merits of all of the relevant factual matters referred to in the case.
- 9.6. The licensing authority is also required to determine the application under section 38 in accordance with the established case law set out in Dan Murphy's Bicton, Peninsula Tavern, Carnegies and Leisure Inn as referred to earlier in this document¹¹².
- 9.7. The Supreme Court of WA Court of Appeal has found as follows, confirming that the meaning of public interest and the factors to be taken into account when

¹¹⁰ *O'Sullivan v Farrer* (1989) 168 CLR 210 [216] (Mason CJ, Brennan, Dawson and Gaudron JJ); *Dan Murphy's Bicton* [48] (Buss JA); *Carnegies* [22] (Allanson J); *Peninsula Tavern* [16] (Banks-Smith J)

¹¹¹ *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 [9] (Tamberlin J)

¹¹² As to the most recent case, *Leisure Inn* [11]-[61] (Quinlan CJ and Vaughan JA)

determining whether an applicant should be granted in the public interest are wide and varied:

“The s 38(4) matters are not mandatory; the reference to 'may' confers a discretion such that the identified matters are permissible considerations. Nor are the s 38(4) matters expressed to be exhaustive. To the contrary, s 38(4) expressly provides that the mention of these non- mandatory factors - to which regard may be had - does not limit s 38(2). As s 38(2) is concerned with satisfaction that the grant of an application is in the public interest, we read and construe s 38(4)'s reference to 'without limiting subsection (2)' as meaning that there are other matters to which the Commission may have regard to in determining whether it is satisfied that the grant of an application is in the public interest.”¹¹³

...

... s 5 and s 38(4) of the Act do not confine the meaning of the public interest so as to make the primary and secondary objects and the permissive factors in s 38(2) the exclusive public interest considerations”.¹¹⁴

9.8. Notwithstanding this confirmation by the Court of Appeal of a wide scope of public interest considerations being relevant, the Court did go on to find that the breadth of considerations that may be taken into account is not unlimited. Economic benefit factors referred to in Leisure Inn were considered irrelevant.

9.9. The section 38(4) matters to which the licensing authority may have regard in determining the application, need to be addressed and evaluated with direct reference to the facts and circumstances of the proposal for ALDI Albany. Those particular facts and circumstances including the following:

9.9.1. As stated previously, the proposal is for a very specialised liquor outlet with mainly exclusive items of which many are award-winning.

9.9.2. The significant public familiarity with and favour for ALDI.

9.9.3. Virtually all aspects of the ALDI Albany proposal are unique to ALDI.

9.9.4. It is clearly open to conclude that harm or ill-health is very unlikely to be caused to people, or any group of people, due to the use of liquor sold at/from ALDI Albany. This is supported by a number of key points including the following:

9.9.4.1. The “use of liquor” will be in a modest, low-key setting with a relatively small, unrefrigerated range, without overt advertising.

9.9.4.2. The style of operation will be very controlled and subject to close scrutiny.

¹¹³ Leisure Inn [11]-[61] (Quinlan CJ and Vaughan JA)

¹¹⁴ Leisure Inn [35] (Quinlan CJ and Vaughan JA)

- 9.9.4.3. The proposed licensed area is isolated from sensitive, or at-risk community groups and facilities.
- 9.9.4.4. The information contained in the PIA and supporting evidence reflects the fact that the baseline level of harm and ill-health in the 3km locality is moderate. No outstanding relevant issues arise from the PIA.
- 9.9.4.5. The evidence from members of the public reveals no significant concerning adverse factor associated with ALDI Albany.
- 9.9.4.6. Other submissions regarding harm and ill-health made in the PIA and elsewhere in this document.
- 9.9.5. The amenity in the WA liquor licensing jurisdiction means the "amenity, quiet and good order of the locality"¹¹⁵ and has been interpreted by the Court of Appeal as follows:

"...the term 'amenity' in s 38(4)(b) "is concerned with whether and, if so, to what extent the granting of the application would be likely to have any positive or negative effects or consequences upon the overall character, quality and enjoyment of life within the locality.

Relevant effects or consequences will include, for example:

(a) any increase or decrease in traffic, noise, nuisance, overlooking, overshadowing, pollution and late night activities within the relevant locality; and

(b) the nature, features and utility of any structures, facilities or spaces to be built, renovated or created.

In a particular case, the granting of the application may have positive effects or consequences upon the overall character, quality and enjoyment of life within the locality as a result of the expenditure of money on or in connection with the licensed premises or proposed licensed premises.

However, relevant effects or consequences do not include, of themselves, general economic benefits from the development and use of licensed premises or proposed licensed premises. As I have mentioned, the concept of 'amenity' in s 38(4)(b) is concerned with the

¹¹⁵ Section 38(4)(b) of the Act

overall character, quality and enjoyment of life within the locality".¹¹⁶

- 9.9.6. It can be confidently stated that the amenity in this case will not be lessened with the grant of the licence. The amenity will actually be improved from serviceability and modernisation perspectives. These statements are based on the follow:
- 9.9.6.1. The immediate amenity is mostly commercial.
 - 9.9.6.2. The area has grown and developed with residents, businesses, buildings, other infrastructure, tourism and other advancements.
 - 9.9.6.3. ALDI Albany will provide products, services and facilities required by the developing community.
 - 9.9.6.4. The liquor area will be tiny and concealed within the main ALDI store building, set far back from the street, with no external visual presence and no overt advertising.
 - 9.9.6.5. The applicant's neighbours are other businesses.
 - 9.9.6.6. There will be no overt liquor advertising signage.
- 9.9.7. It is clearly open to conclude that offence, annoyance, disturbance or inconvenience is highly unlikely by virtue of the following points:
- 9.9.7.1. The proposed business model does not involve anything likely to generate noticeable noise.
 - 9.9.7.2. There are no sensitive places close enough to the site to be concerned with.
 - 9.9.7.3. In all respects the business to be conducted under the licence has been extremely well planned with tried and tested practises and procedures and will be managed in a highly professional, controlled and closely supervised fashion by experienced people.
 - 9.9.7.4. Other ALDI stores are not known to be the cause of offence, annoyance, disturbance or inconvenience.
- 9.9.8. The effect of the granting of the licence in relation to the community and cultural matters is likely to be found to be most positive because of the following:
- 9.9.8.1. The relevant community is currently denied reasonable access to the applicant's highly popular products.
 - 9.9.8.2. Hundreds of people have provided evidence as to a requirement for the proposed liquor store licence.

¹¹⁶ Leisure Inn [184]-[186] (Buss P)

- 9.9.8.3. The consumer evidence indicates that huge numbers of people will shop at the ALDI Albany liquor section if approved.
 - 9.9.8.4. Leakage of consumer spending out of the local neighbourhood will be plugged with the grant.
 - 9.9.8.5. The local community will be able to enjoy access to a large number of award-winning liquor items at great value-for-money, thereby, providing quality and enhanced consumer experience.
 - 9.9.8.6. Albany's CBD and Town Centre and Albany Plaza specifically will be enhanced with the additional, diverse liquor services thereby improving on the role and functionality of those valuable parts of the 3km locality.
- 9.10. It is clearly open to the licensing authority to be satisfied pursuant to section 38(2) that the grant of the application is in the public interest.
- 9.11. The question of harm and ill-health is one of the key issues arising under section 38(4) of the Act, the Form 2A and also some of the objects provisions in the Act. It is significant that section 5(1)(b) says to "minimise" harm or ill-health, not to prevent harm or ill-health absolutely¹¹⁷. This is consistent with decisions of the High Court¹¹⁸ where it has found in favour of licensees and commented that licensees are not responsible for preventing all possible consequences from the use of liquor. The High Court decisions reflect an attitude of balance and compromise as between the different interests of the various parties involved in the sale, supply and consumption of liquor. Even though the High Court cases arose in different jurisdictions from the present, they provide valuable insight and persuasive guidance from the highest legal authority in Australia in respect to aspects of the responsibility of licensees and also consumers of liquor on licensed premises relevant to the interpretation and application of legislation. The licensing authority should give "due respect" to decisions from other jurisdictions¹¹⁹ and weigh up different views¹²⁰.
- 9.12. While a "mere possibility of harm or ill-health is relevant¹²¹ it is not the risk of harm in some abstract sense which is relevant, but rather the risk having regard to the proved circumstances of the particular area in relation to which the application is made"¹²².
- 9.13. In both Lily Creek no. 1 and Lily Creek no. 2 there was a notable existing history of serious alcohol-related harm in and around the relevant location in Kununurra, including right next to the Lily Creek applicant's site and a clearly

¹¹⁷ *Executive Director of Public Health v Lily Creek International Pty Ltd* (2000) 22 WAR 510 (**Lily Creek no.1**) [20] (Ipp J)

¹¹⁸ *Cole v South Tweed Heads Rugby League Football Club Limited and Lawrence* (2004) 217 CLR 469 and *CAL (No. 14) Pty Ltd (t/as Tandara Motor Inn) v Motor Accidents Insurance Board*; *CAL No. 14 Pty Ltd v Scott* – (2009) 239 CLR 390

¹¹⁹ *Australian Securities Investment Commission v Emu Brewery Mezzanine* [2004] WASC 241 (Simmonds J)

¹²⁰ *Kimberley Stuart Wallman v Milestone Enterprises* [2006] WASC 260 (Master Newnes)

¹²¹ *Lily Creek no. 1* [29] (Ipp J)

¹²² *Executive Director of Health v Lily Creek International Pty Ltd v Ors* (2001) WASC 410 (**Lily Creek no. 2**) [59] (Wheeler J)

identifiable at-risk group operating there. But no such recognisable at-risk group exists anywhere near where ALDI Albany is located and no, even remotely similar, adverse history exists in this present case. Plus, the liquor service proposed in this case is very different. Further, both Lily Creek nos. 1 and 2 were decided under the old, now repealed Liquor Licensing Act 1988 (WA). The section 5 objects provisions have been amended several times since those cases were decided and the licensing authority must now also have regard for other matters, including those in section 5(1)(c) of the Act.

- 9.14. It is acknowledged that harm or ill-health is a possible consequence of the supply of liquor anywhere and that there is some level of existing harm and crime in the 3km locality. However, as addressed in the PIA it is plainly open to conclude the levels of crime and harm are not of such a degree or type in this case to justify refusal of the licence. The applicant's business model contains several measures which will minimise the potential for harm and crime to occur as a result of the business operating as proposed.
- 9.15. It is submitted that the application provides the licensing authority with compelling evidence upon which to conclude that there are "proved circumstances of the particular area in relation to which the application is made"¹²³ which are very positive and strongly support the grant. These circumstances include most notably the following:
- 9.15.1. Evidence of strong support from a large sample size of consumers.
 - 9.15.2. Amenity factors which are entirely suitable for the liquor service as proposed. There are no sensitive amenity issues whatsoever.
 - 9.15.3. The purpose of the Albany Town Centre and CBD to provide a sizeable and diverse range of retail products and services.
 - 9.15.4. The need to develop services and facilities in the 3km locality and beyond, consistent with proper development of the liquor industry and the local government plans.
 - 9.15.5. Development of WA industries and modern retail liquor culture generally for the benefit of the state-wide community.
 - 9.15.6. Requirements and expectations of the public.
- 9.16. It is obvious that it is more than reasonable to argue that on the balance of probabilities the positive factors associated with ALDI Albany operating under a liquor store licence overwhelm the minor negative aspects.
- 9.17. As referred to earlier on in this document, the Supreme Court of Western Australia has set out the manner in which harm and ill-health considerations should be assessed by the licensing authority in *Carnegies*¹²⁴, which is now established law in this jurisdiction. In that assessment exercise "[i]t is not sufficient to simply reason that, where there is already a high level of harm in the

¹²³ Lily Creek no. 2 [59] (Wheeler J)

¹²⁴ *Carnegies* [42]-[43] (Allanson J)

particular area, even a small increment in potential or actual harm may be determinative, without making specific findings on the evidence about the level of alcohol related harm which is likely to result from the grant of the particular application. Those finding (sic) about the effect of the particular application must be the basis on which the [licensing authority] evaluates what is in the public interest"¹²⁵.

- 9.18. Further, in so reaching those "specific findings on the evidence about the level of alcohol related harm which is likely to result from the grant"¹²⁶, the licensing authority "must act upon materials which have rational probative force"¹²⁷.
- 9.19. The evidence of the existing level of harm and ill-health in the 3km locality has been addressed in the PIA. The information reveals nothing concerning or unusual.
- 9.20. The likely degree of harm to result from the grant involves an assessment of the following factors which all have "probative force"¹²⁸ in this case:
- 9.20.1. The true nature of the proposal which is far from any kind of traditional liquor store given its small size, location, lack of refrigeration and stock range including exclusive products.
 - 9.20.2. ALDI Albany offering a liquor service should help with further changing attitudes towards liquor in a positive and responsible manner. This should be achieved by virtue of the facts that the liquor service will involve a small licensed area, with a carefully selected range of many award-winning quality items which are unrefrigerated and not from bulk displays or via overt advertising.
 - 9.20.3. The location which is totally ideal for the concept.
 - 9.20.4. The applicant's excellent trading history.
 - 9.20.5. The opinions of hundreds of members of the public which strongly favour the application.
 - 9.20.6. The evidence that the application meets the criteria under the Act to be granted.
- 9.21. In applying the Carnegies test, it is submitted that it is plainly open to find that the application clearly shows the following:
- 9.21.1. The existing level of harm and ill-health in the 3km locality is not problematic or remarkable. In other words, the starting point from where the licensing authority is to consider likely risk in this case is positive and certainly not problematic, unusual or unacceptable.

¹²⁵ Carnegies [46] (Allanson J)

¹²⁶ Carnegies [46] (Allanson J)

¹²⁷ Peninsula Tavern [19] (Banks-Smith J); *Re Pochi and Minister for Immigration and Ethnic Affairs* (1979) 26 ALR 247 [256]-[257]

¹²⁸ Peninsula Tavern [19] (Banks-Smith J); *Re Pochi and Minister for Immigration and Ethnic Affairs* (1979) 26 ALR 247 [256]-[257]

- 9.21.2. The likely degree of harm to result from the grant of the licence is low because of the proposed manner of trade, nature of the proposed operator, location and the small risks which may arise will be extremely well managed.
- 9.21.3. The likely degree of harm to result when considered against the existing acceptable level of harm is low given the previous two points.
- 9.21.4. There are several positive public interest factors in support of the grant, over and above the question of risk to harm and ill-health and that question has been answered favourably in any event.
- 9.22. The licensing authority should be readily assured of the experienced applicant's capacity to "minimise harm or ill-health caused to people, or any group of people, due to the use of liquor"¹²⁹ because of the quality of the overall proposal, the nature of the business, the low risk features of the site and the harm minimising measures incorporated.
- 9.23. It is apparent from the contents of the application that the applicant has carefully considered all of the harm and ill-health matters under the Act and the potential for the operation to cause harm or ill-health. Both positive and negative aspects relevant to the 3km locality in this context have been identified in the PIA.
- 9.24. Even if the licensing authority were to find that the 3km locality in this case is suffering from an elevated level of alcohol-related harm and ill-health, such a finding is not determinative of the section 5(1)(b) issue. As the Liquor Commission has found¹³⁰, after assessing the existing levels of harm the licensing authority must then consider the likely risks associated with the specific licence in question. The particulars of the proposal presently before the licensing authority must be evaluated and those particulars certainly are capable of fully supporting the grant of the application in the public interest.¹³¹
- 9.25. Based on submissions and evidence presented in this case, the licensing authority should be able to conclude very readily that the application is indeed in the public interest and therefore, step 5 of the legal test is satisfied.

10. Legal test – step 6 – section 33(1)

- 10.1. If the decision maker is in any doubt as to the satisfaction of step 5 of the legal test then it is submitted that the decision maker could conclude pursuant to section 33(1) of the Act that the licence for ALDI Albany should be granted for the overriding reasons outlined in the following sub-paragraphs.
- 10.2. Section 33 of the Act empowers the licensing authority with an absolute discretion, to grant or refuse an application "on any ground, or for any reason,

¹²⁹ Section 5(1)(b) of the Act

¹³⁰ *Liquorland (Australia) Pty Ltd v Commissioner of Police* LC 35/2018

¹³¹ [57]-[58] and [62]

- that the licensing authority considers in the public interest”¹³², but expressly stated to be subject to other provisions in the Act¹³³.
- 10.3. “Section 33 does not confer on the [licensing authority] an arbitrary or unlimited power, or permit the [licensing authority] to grant or refuse an application other than consistently with the objects and other provisions of the Act”¹³⁴.
- 10.4. In determining whether the grant of an application is in the public interest the licensing authority must exercise discretion, based on the scope and purpose of the Act¹³⁵ and only after being satisfied of the mandatory provisions including section 36B(4) of the Act. As addressed earlier on in this document, it is submitted that the application satisfies section 36B(4) and so it can proceed to be determined and potentially approved “on any ground, or for any reason, that the licensing authority considers in the public interest”¹³⁶ under section 33(1).
- 10.5. As submitted previously, determining an outcome “in the public interest” involves evaluating what “best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances”¹³⁷. This involves a weighing and balancing of all factors relevant under the Act.
- 10.6. The applicant has addressed both the positive and negative impacts that the grant of the application will have on the community, as it is required to do¹³⁸. The PIA indicates that proper research has been conducted and the applicant has recognised the following negative aspects:
- 10.6.1. That at-risk groups do exist in the 3km locality.
- 10.6.2. That at-risk groups are relevant considerations in the determination of the application.
- 10.6.3. That a level of crime exists in the 3km locality.
- 10.6.4. That there is the potential for harm to result from the proposed new liquor service.
- 10.7. There are no negative factors associated with this case that come close to outweighing the many positives. Certainly, none is of a serious nature such as existed in Lily Creek nos. 1 and 2, capable of justifying refusal. Of real significance is the capacity for ALDI Albany to fill an obvious void in the local market and satisfy needs within the community.

¹³² Section 33(1) of the Act

¹³³ Opening words of section 33(1)

¹³⁴ *Carnegies* [22] (Allanson J)

¹³⁵ *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 505 (Dixon J); *O’Sullivan v Farrer* (1989) 168 CLR 210 [216] (Mason CJ, Brennan, Dawson and Gaudron JJ); *Palace Securities Pty Ltd v Director of Liquor Licensing* (1992) 7 WAR 249 [250] (Malcolm CJ); *Re Minister for Resources: ex parte Cazaly Iron Pty Ltd* (2007) WASCA 175 [20] (Pullin JA)

¹³⁶ Section 33(1) of the Act

¹³⁷ *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 [9] (Tamberlin J)

¹³⁸ *Shallcross Investments Pty Ltd v Director of Liquor Licensing* LC 26/2010 [18], [22], [30] and the Form 2A

- 10.8. Relevant to the exercise of the section 33 discretion is the consideration of the evidence from members of the public in support of the application which has been previously referred to. It is submitted that this evidence is very credible, probative and persuasive.
- 10.9. These Legal Submissions strongly support the proposition that the discretion should be exercised in favour of the applicant.

11. Section 5 of the Act – further submissions

- 11.1. The following sub-paragraphs contain further submissions in respect of how the application, if approved, will result in fulfilment of section 5 of the Act.
- 11.2. As stated previously, ALDI Albany operating under a liquor store licence will fill a noticeable cavity and fulfil the expectations and requirements of consumers in accordance with section 5(1)(c) of the Act. Once trading under the licence, ALDI Albany will contribute even more to this particular primary purpose and intent of the Act. Valuable change will be fostered which the Supreme Court has identified as something to have regard to:

“The changing demographic of a community and the introduction of a different offering in terms of consumer choice and diversity are important matters for evaluation and the [licensing authority] ought to have proper regard to them”.¹³⁹

- 11.3. The notion of change is relevant to the evolution of retail liquor experiences and the progression of consumer shopping culture. The licensing authority is presumably well-versed in such things and may consider them as notorious facts. The operation of ALDI Albany with liquor will help to ensure that Western Australia keeps up with the rest of world in such matters.
- 11.4. A large number of people have gone to the trouble of expressing their strong personal views on the application revealing overwhelming support, as outlined in the PIA. It is obvious from that evidence that ALDI Albany will be extremely well patronised on a regular basis should the licence be granted.
- 11.5. It is open to find that the evidence establishes there is clearly a strong consumer demand and need for what is proposed. However, the licensing authority does not require such a strong or overwhelming level of consumer demand in order to be able to find that there is adequate consumer demand upon which to grant the application¹⁴⁰.
- 11.6. “The [section 36B] analysis is not predicated on there being a considerable requirement. Rather, the analysis is directed to whether the requirements, whatever they may be, cannot be reasonably met by the existing premises.”¹⁴¹

¹³⁹ Peninsula Tavern [101] (Banks-Smith J)

¹⁴⁰ Peninsula Tavern [45] [102] (Banks-Smith J)

¹⁴¹ Liquorland Southern River [128] (Lemonis J)

- 11.7. The consumer evidence in respect of this application should be considered in a broad context to be consistent with the intent of the Act and with regard in particular to proper development under the Act¹⁴².
- 11.8. In addition to the evidence of consumer requirements, “are the objective features of the locality and its demographics, coupled with the Licensing Court’s own expertise as to what the reasonable requirements of contemporary demand may be...”¹⁴³. As stated earlier on in this document, as a specialist tribunal the licensing authority’s “findings of fact are entitled to considerable weight when they involve an assessment of matters peculiar to the field of liquor licensing – such as availability of liquor supply, assessment of contemporary standards, accessibility of licensed premises to the public and so on”¹⁴⁴. These notions are consistent with findings of the Supreme Court in terms of the licensing authority having regard for notorious facts in contemporary Australian life¹⁴⁵ and “the changing demographic of a community”¹⁴⁶.
- 11.9. The Supreme Court in Western Australia has found that there are sections of the public which prefer different styles in the form of liquor supply available to them and that the requirements of the public are for a range of licence types¹⁴⁷. This principle, considered alongside that of changing contemporary standards and changing community demographics in modern Australian life supports, a conclusion that the application for the ALDI licence would be entirely appropriate and should be justified in the public interest.
- 11.10. The granting of the licence will be consistent with the licensing authority’s requirement to ensure the proper regulation of the sale, supply and consumption of liquor¹⁴⁸ because of the following factors:
- 11.10.1. The applicant passes scrutiny based on the formalities, experience and having been approved by the licensing authority many times previously. The operation will be very professional, well-managed and fully controlled by a company which has proven itself capable in terms of compliance and also with producers and consumers in the market.
- 11.10.2. The class of licence sought is entirely appropriate for the type of business. It is the only class of licence available to the applicant in the circumstances. The premises will be maintained to the applicant’s usual high standards and completely suitable to be operated under a liquor store licence.
- 11.10.3. The fit-out will be of a high quality, designed specifically for the style of operation.

¹⁴² Peninsula Tavern [100]-[101] (Banks-Smith J)

¹⁴³ *Nuriootpa Vine Inn Hotel & Motel Pty Ltd and Anor Licensing Court* [1999] SASC 512 [15] (Perry J)

¹⁴⁴ *Big Bombers* [417] (Anderson J)

¹⁴⁵ *Dan Murphy’s Bicton* [78] (Buss JA)

¹⁴⁶ *Peninsula Tavern* [101] (Banks-Smith J)

¹⁴⁷ *Big Bombers* [413]-[414] (Anderson J)

¹⁴⁸ Section 5(1)(a) of the Act

- 11.10.4. The application complies with all formal and documentary requirements under the Act.
- 11.10.5. The proposal will certainly not duplicate anything which already exists within the relevant area.
- 11.10.6. Neither the s36B locality nor the 3km locality will become over-burdened with licences given that there are not many selling packaged liquor, two of the few are virtually identical and another three offer very similar ranges. There is no offering akin to the ALDI model anywhere near Albany and not for nearly 300km.
- 11.10.7. The nature of the ALDI liquor service, the demographics, growth, development, distribution of licences and current types of services are all factors that dictate that no over burdening of licences will result. As addressed in detail earlier on in this document, section 36B of the Act is satisfied.
- 11.11. The application clearly proves that ALDI Albany, once licensed, will more than “facilitate the use and development of licensed facilities...reflecting the diversity of the requirements of consumers in the State”¹⁴⁹.
- 11.12. The party responsible for the sale, disposal and consumption of liquor under the licence has prepared and presented a very responsible application, on the back of extensive experience. ALDI has developed an excellent reputation with consumers in all aspects of retailing including liquor. Granting approval to the applicant in such circumstances will, as stated previously, ensure adequate controls over the relevant people in compliance with section 5(2)(d) of the Act.
- 11.13. As referred to elsewhere in this document, all necessary formalities have been addressed and the class of licence sought is entirely suitable. It is respectfully submitted that no further material or unusual process should be required for the determination of the application to ensure a “flexible system, with as little formality or technicality” is applied, in accordance with s5(2)(e) of the Act.
- 11.14. Nothing in the proposal is likely to breach the licensing authority's policy “Responsible Promotion and Advertising of Alcohol”¹⁵⁰. The licensing authority can be assured that approving the application will “encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community”, in accordance with section 5(2)(f) of the Act. The applicant purposefully seeks to advance these notions, as referred to in the PIA.
- 11.15. The evidence in this present case is far from “scant”¹⁵¹. There is more than enough probative evidence for the licensing authority to easily come to the conclusion that the licence should be granted. The submissions made in respect

¹⁴⁹ Section 5(2)(a) of the Act

¹⁵⁰ <https://www.dlgsc.wa.gov.au/department/publications/publication/responsible-promotion-and-advertising-of-alcohol>

¹⁵¹ *Element WA Pty Ltd v Director of Liquor Licensing* LC 32/2010 [28]

of ALDI Albany are anything but “just abstract generalisations”¹⁵², rather they are firmly based on probative evidence and fact, including trading history.

- 11.16. Unlike licensing authority decisions to refuse applications on the basis of a lack of supporting evidence and unsubstantiated statements¹⁵³, in this case the many positives of ALDI Albany operating with a liquor store licence are much more than merely perceived by the applicant. This is certainly not a case where the applicant simply has a good idea¹⁵⁴. Rather, the fulsome proposal has been very well researched, presented and importantly, supported by evidence. The benefits likely to result from the grant of the sophisticated application are real and tangible and corroborated by the supporting evidence.
- 11.17. As stated previously, the licensing authority should be able to find, as it has done previously on several occasions since section 36B was introduced into the Act, including in relation to the applicant's model, that the ALDI Albany proposal is just as justified to be granted.

12. Section 60(4)(g) of the Act

- 12.1. As referred to earlier in this document and in the PIA, the applicant seeks the grant of an ETP with the licence so as to authorise trading on Sundays.
- 12.2. The case in support of the grant of the ALDI Albany liquor store licence applies equally in respect of the ETP that is sought to be approved.
- 12.3. It is respectfully submitted that nothing arises in this case to justify the licensing authority treating Sundays any differently in terms of the facts of the case, key issues, locality circumstances, public interest and the evidence which supports the ALDI Albany liquor store licence being granted.
- 12.4. The ALDI Albany supermarket operates seven days a week, just like every other ALDI store.
- 12.5. All of the liquor store licences currently operated by the applicant in WA operate seven days a week alongside the ALDI supermarkets, including those located outside the metropolitan area pursuant to ETPs.
- 12.6. Consumers from are accustomed to the applicant trading on Sundays.
- 12.7. The expert market research in this case referred survey participants to existing ALDI outlets and found that “[m]ore than two thirds (67%) of the Albany ALDI shoppers have previously been in an ALDI store that has a packaged liquor section”¹⁵⁵. Therefore, participants understand and expect the proposed ALDI liquor service to operate on Sundays. Their clear and demanding voice supporting the grant of the licence should, therefore, be understood to include Sundays and apply equally as evidence of support for the ETP.

¹⁵² *Element WA Pty Ltd v Director of Liquor Licensing* LC 32/2010 [29]

¹⁵³ For example, *Busswater Pty Ltd v Director of Liquor Licensing* LC 17/2010 [36]

¹⁵⁴ *Harold Thomas James Blakely v Director of Liquor Licensing* LC 44/2010 [41]

¹⁵⁵ PRG report at para 4.4, page 17

- 12.8. Pursuant to sections 38(1)(b) of the Act and regulation 9F of the Liquor Control Regulations 1989 (WA), the applicant is required to satisfy the licensing authority that granting the ETP is in the public interest. The licensing authority's determination is to be based on the balance of probabilities¹⁵⁶.
- 12.9. The applicant has previously addressed the issue of the public interest.
- 12.10. The test for the grant of the ETP is that which arises from section 33(1) of the Act and not some different or narrower test¹⁵⁷.
- 12.11. The objects set out in section 5 of the Act provide a "general policy for the implementation of the Act....[being] the considerations which the Director must take into account when exercising the very broad discretions arising under s 60, on an application for an extended trading permit"¹⁵⁸.
- 12.12. "[T]he Act does not require an applicant for an extended trading permit to demonstrate that there are exceptional circumstances which warrant a departure from the normal trading hours"¹⁵⁹.
- 12.13. "The only question is whether, having regard to all the circumstances and the legislative intention, an extended trading permit is justified. In answering that question the Director has a wide discretion: it is a matter for him to decide what weight he will give to the competing interests and other relevant consideration"¹⁶⁰.
- 12.14. The consumer evidence in support of this application should be considered in a broad context to be consistent with the intent of the Act and with regard in particular to proper development under the Act¹⁶¹.
- 12.15. Unlike licensing authority decisions to refuse applications on the basis of a lack of supporting evidence and unsubstantiated statements¹⁶², in this case the many positives to flow from the ETP being approved are much more than merely perceived by the applicant. This is certainly not a case where the applicant simply has a good idea¹⁶³.

13. Conclusion

- 13.1. This comprehensive and persuasive application has been presented by a most worthy proponent with demonstrated ability and a business model already proven to be immensely popular and low risk.
- 13.2. The application meets with all of the licensing authority's lodgement requirements and legislative tests for the grant of a liquor store licence.
- 13.3. It is accepted that the current legislation imposes a greater burden on applicants for packaged liquor premises as defined in section 36B of the Act. It is

¹⁵⁶ For example, *Convenients Northbridge* (A622389256) [21]

¹⁵⁷ *Hermal Pty Ltd v Director of Liquor Licensing* [2001] WASCA 356 (**Hermal**) [13] (Wallwork J)

¹⁵⁸ *Hermal* [33] (Templeman J)

¹⁵⁹ *Hermal* [34] (Templeman J)

¹⁶⁰ *Hermal* [37] (Templeman J)

¹⁶¹ *Peninsula Tavern* [100]-[101] (Banks-Smith J)

¹⁶² For example, *Busswater Pty Ltd v Director of Liquor Licensing* LC 17/2010 [36] and *Convenients Northbridge* (A622389256)

¹⁶³ *Harold Thomas James Blakely v Director of Liquor Licensing* LC 44/2010 [41]

respectfully submitted to be open to conclude that the applicant in this case has fully discharged that burden with compelling, probative evidence and a proposal to provide a unique and important packaged liquor service.

- 13.4. It is also open to conclude that the applicant clearly is capable of providing and is motivated to provide, precisely what has been proposed, with a high degree of risk management. It is open to the licensing authority to find as a matter of fact that the ALDI liquor section will be low impact in terms of risk.
- 13.5. It is equally clear to find:
- 13.5.1. The local packaged liquor requirements in this case are not currently being met. There is a noticeable void and deleterious leakage.
 - 13.5.2. The need and requirement for what is proposed and the ability of ALDI Albany to cater for that need and requirement has been established by the evidence.
 - 13.5.3. There are no known negative public interest considerations or other factors which should impede the grant.
 - 13.5.4. The factors in favour far outweigh the few negative aspects.
 - 13.5.5. In all respects the proposal exceeds the minimum requirements of the Act to warrant a favourable outcome for the public, relevant industries and the applicant.
- 13.6. On the merits of the application, the decision maker is entitled to conclude that all steps comprising both the statutory and common law tests for the grant of the licence and ETP have been clearly and fully addressed. The licensing authority should be able to be satisfied that the licence and ETP are justified on the balance of probabilities.
- 13.7. The licensing authority is respectfully invited to exercise its discretion to conditionally grant the licence and ETP as proposed.
- 13.8. Should the licensing authority be inclined to impose any condition that is different from what has been applied for and referred to in the PIA and this document, then there must be evidential foundation and rational basis for any such condition. Accordingly, in that situation the applicant should, with respect, be afforded the opportunity to be heard in relation to any such condition¹⁶⁴.
- 13.9. The applicant reserves its rights to submit further evidence in support of the application as regards conditions and any objection or intervention.

Dated 24 September 2025



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

¹⁶⁴ *Northbridge Enterprises Pty Ltd v Commissioner of Police* [2014] WASC 135 [71] and [76]-[93] (Edelman J)

Offence Data Summary – Red Suburbs Crime Map of Australia as at early September 2025 for the most relevant suburbs (being the 11 where at least 75% of the population for that suburb is likely to be living in the 3km locality): <https://redsuburbs.com.au/suburbs/albany/>, <https://redsuburbs.com.au/suburbs/centennial-park-wa/>, <https://redsuburbs.com.au/suburbs/yakamia/>, <https://redsuburbs.com.au/suburbs/spencer-park/>, <https://redsuburbs.com.au/suburbs/mira-mar/>, <https://redsuburbs.com.au/suburbs/seppings/>, <https://redsuburbs.com.au/suburbs/mount-clarence/>, <https://redsuburbs.com.au/suburbs/port-albany/>, <https://redsuburbs.com.au/suburbs/mount-melville/>, <https://redsuburbs.com.au/suburbs/mount-elphinstone/> and <https://redsuburbs.com.au/suburbs/lockyer-wa/>

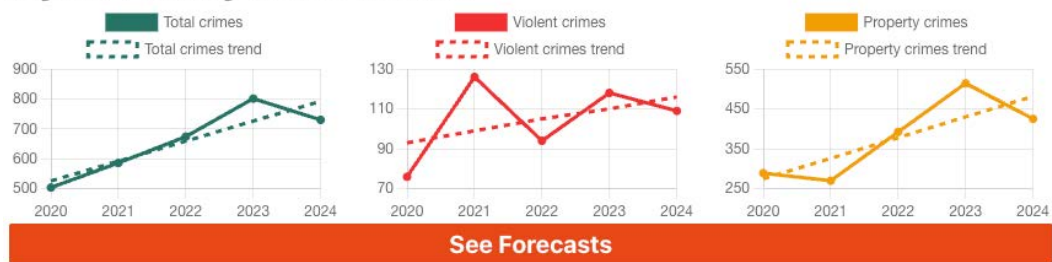
Crime rate in Albany, WA, Australia, 6330

Suburb in Albany.

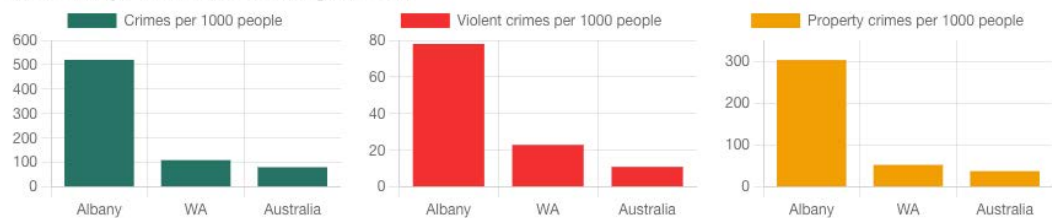
Crime Rank: 100/100
(higher number means more crime)



5 year Albany crime trends

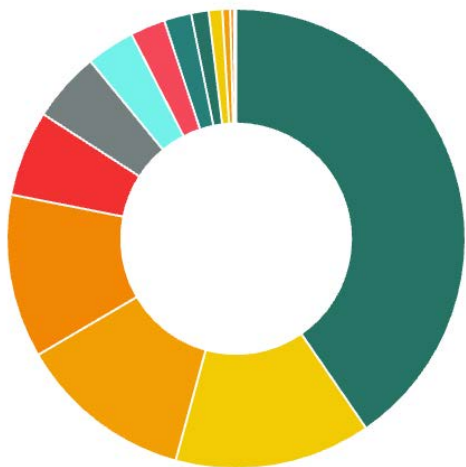


Albany crime compared



Top crime types in Albany:

Theft	295
Property damage	101
Assault and related offences	90
Drug dealing and trafficking	84
Breaches of orders	44
Deception	36
Stalking, harassment and threatening behaviour	25
Burglary/Break and enter	18
Sexual offences	14
Motor Vehicle Theft	9
Weapons and explosives offences	7
Robbery	4
Arson	2
Abduction and related offences	1



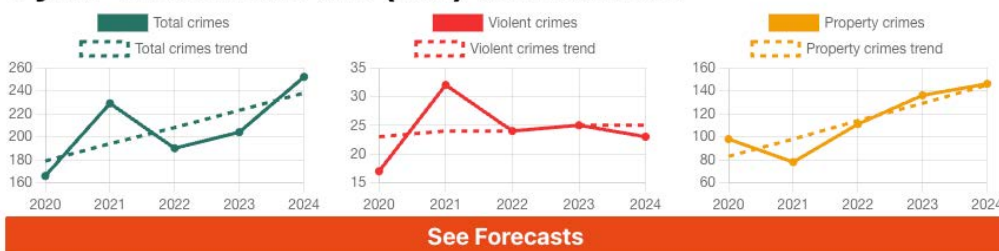
Crime rate in Centennial Park (WA), WA, Australia, 6330 Suburb in Albany.

Crime Rank: 77/100

(higher number means more crime)



5 year Centennial Park (WA) crime trends

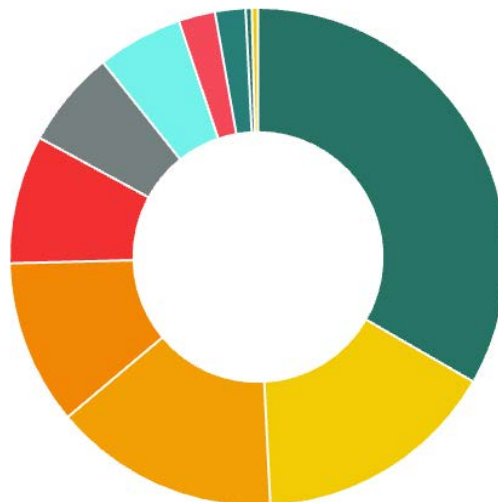


Centennial Park (WA) crime compared



Top crime types in Centennial Park (WA):

Theft	84
Property damage	40
Drug dealing and trafficking	37
Deception	27
Assault and related offences	21
Burglary/Break and enter	16
Breaches of orders	14
Motor Vehicle Theft	6
Stalking, harassment and threatening behaviour	5
Sexual offences	1
Robbery	1



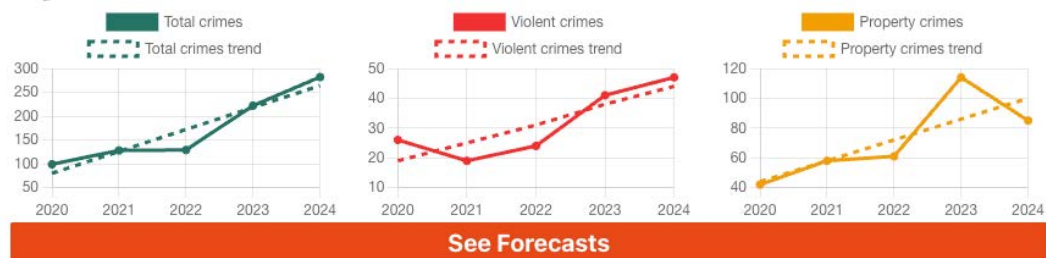
Crime rate in Yakamia, WA, Australia, 6330 Suburb in Albany.

Crime Rank: 23/100

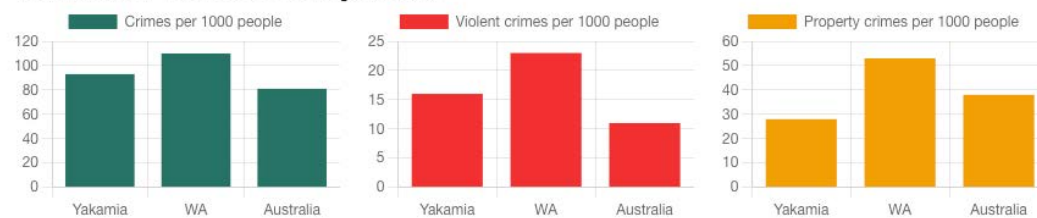
(higher number means more crime)



5 year Yakamia crime trends

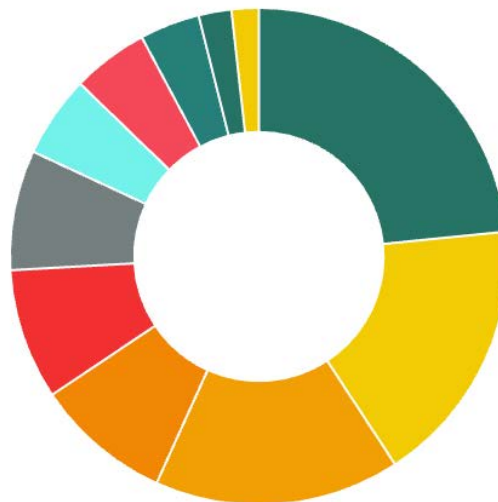


Yakamia crime compared



Top crime types in Yakamia:

Drug dealing and trafficking	66
Deception	49
Theft	45
Sexual offences	25
Property damage	24
Assault and related offences	22
Breaches of orders	15
Stalking, harassment and threatening behaviour	14
Burglary/Break and enter	11
Weapons and explosives offences	6
Motor Vehicle Theft	5

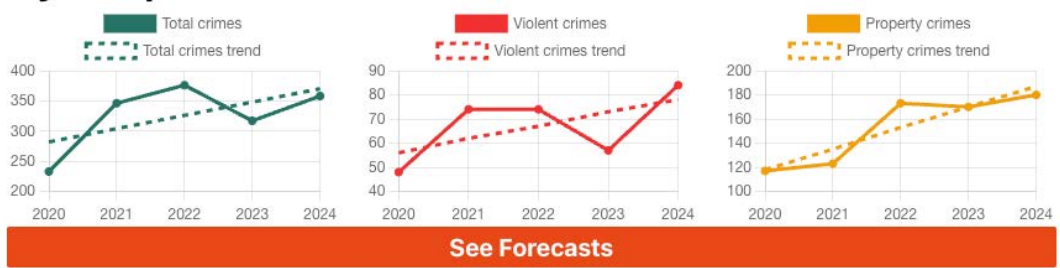


Crime rate in Spencer Park, WA, Australia, 6330 Suburb in Albany

Crime Rank: 31/100
(higher number means more crime)



5 year Spencer Park crime trends

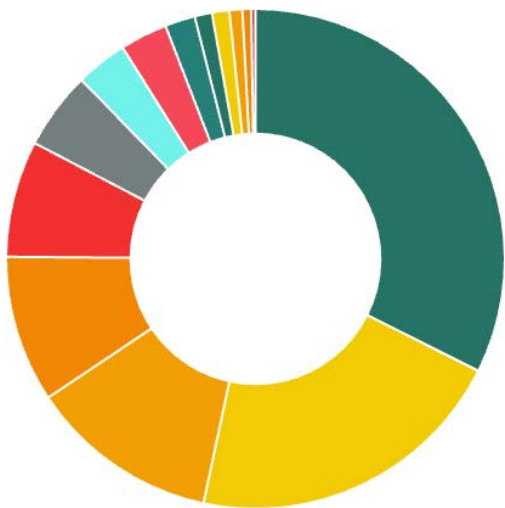


Spencer Park crime compared



Top crime types in Spencer Park:

Theft	116
Assault and related offences	75
Property damage	44
Drug dealing and trafficking	34
Breaches of orders	27
Stalking, harassment and threatening behaviour	18
Deception	12
Burglary/Break and enter	11
Motor Vehicle Theft	7
Sexual offences	4
Robbery	4
Weapons and explosives offences	3
Arson	2
Homicide and related offences	1

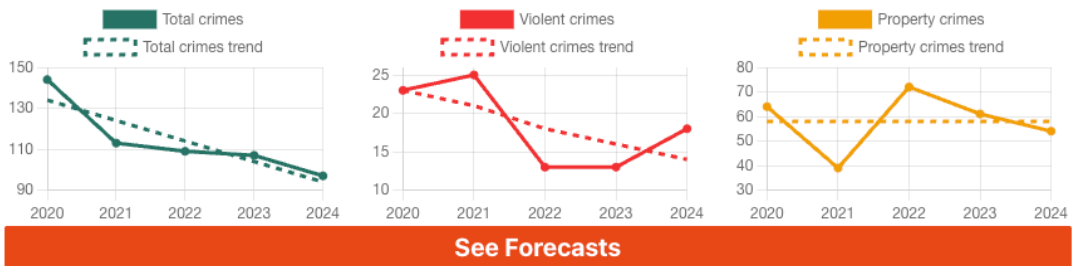


Crime rate in Mira Mar, WA, Australia, 6330 Suburb in Albany

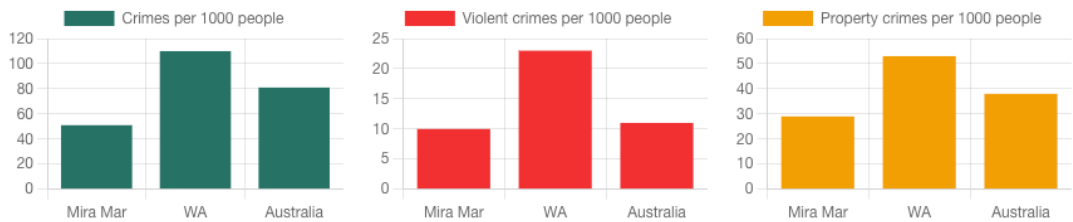
Crime Rank: 15/100
(higher number means more crime)



5 year Mira Mar crime trends

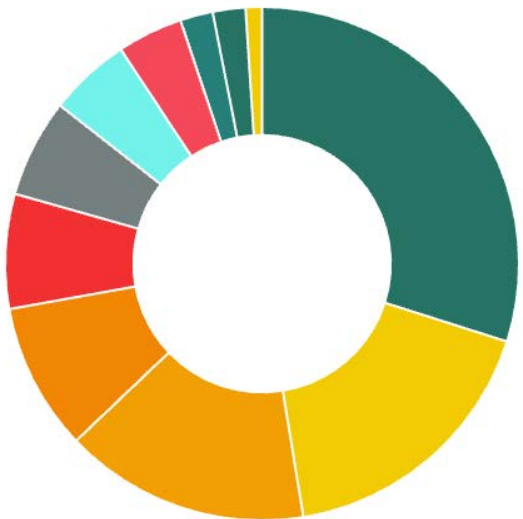


Mira Mar crime compared



Top crime types in Mira Mar:

Theft	29
Property damage	17
Assault and related offences	15
Deception	9
Drug dealing and trafficking	7
Burglary/Break and enter	6
Stalking, harassment and threatening behaviour	5
Breaches of orders	4
Sexual offences	2
Motor Vehicle Theft	2
Robbery	1



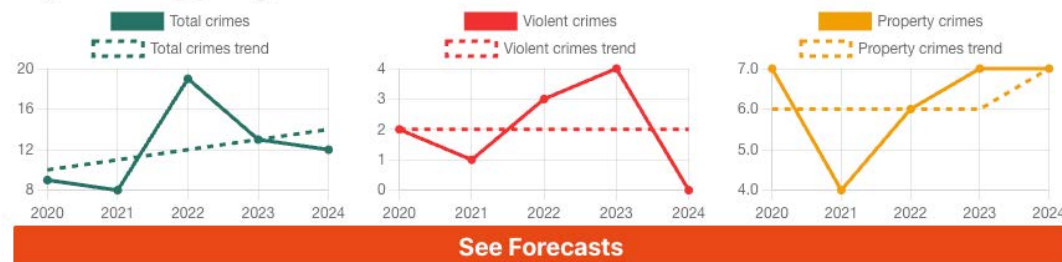
Crime rate in Seppings, WA, Australia, 6330 Suburb in Albany

Crime Rank: 12/100

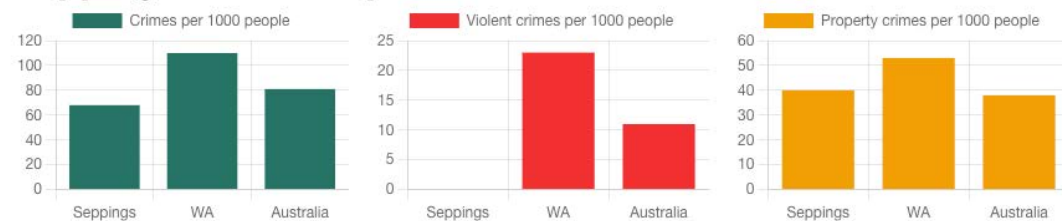
(higher number means more crime)



5 year Seppings crime trends



Seppings crime compared



Top crime types in Seppings:

Property damage	4
Drug dealing and trafficking	4
Theft	2
Burglary/Break and enter	1
Breaches of orders	1

[Crime Types explained](#)

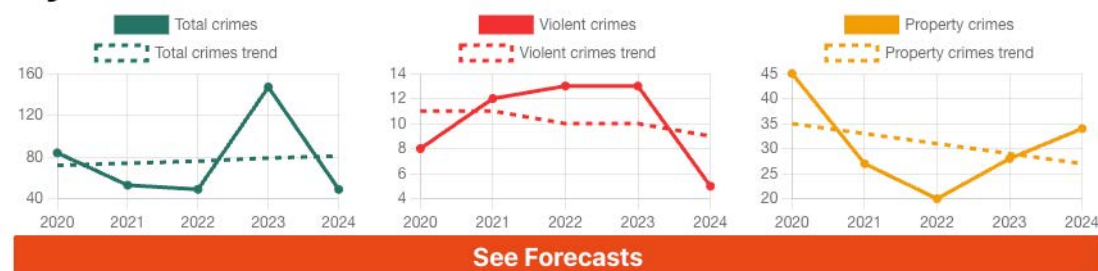


Crime rate in Mount Clarence, WA, Australia, **6330** Suburb in Albany.

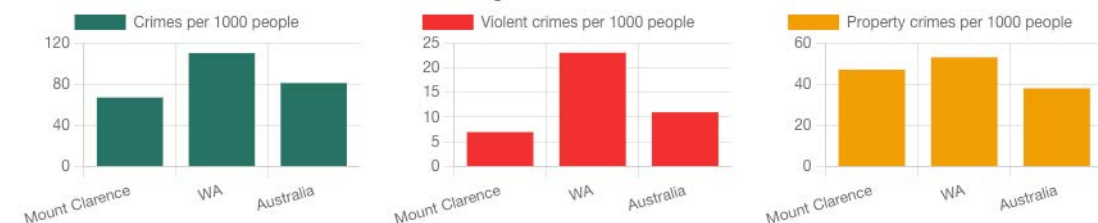
Crime Rank: 14/100
(higher number means more crime)



5 year Mount Clarence crime trends



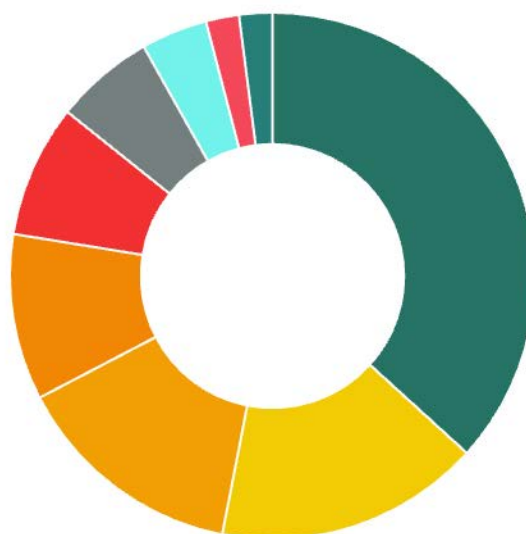
Mount Clarence crime compared



Top crime types in Mount Clarence:

Theft	18
Property damage	8
Drug dealing and trafficking	7
Burglary/Break and enter	5
Sexual offences	4
Motor Vehicle Theft	3
Weapons and explosives offences	2
Assault and related offences	1
Breaches of orders	1

[Crime Types explained](#)



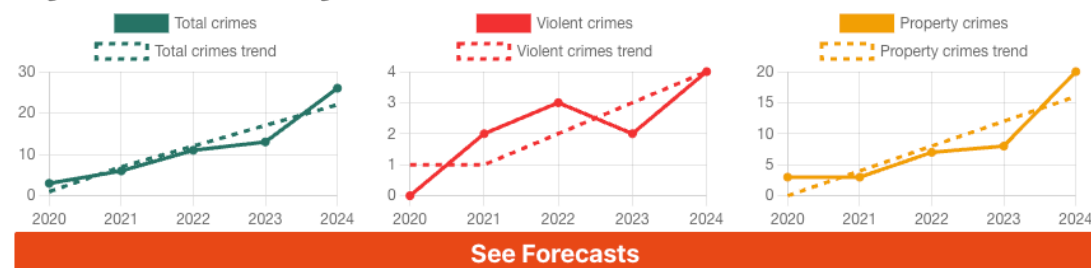
Crime rate in Port Albany, WA, Australia, 6330 Suburb in Albany

Crime Rank: 50/100

(higher number means more crime)



5 year Port Albany crime trends



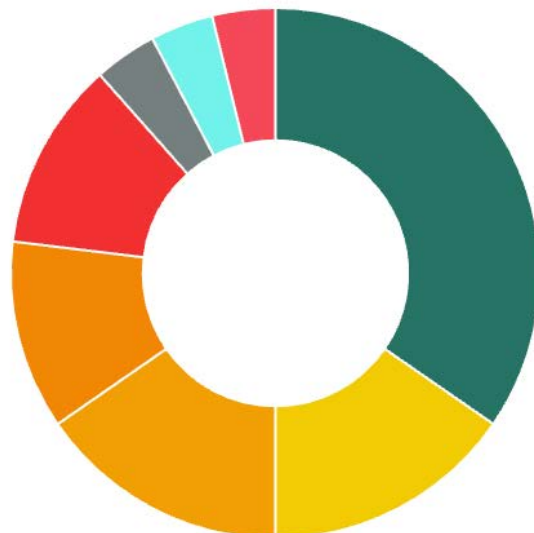
Port Albany crime compared



Top crime types in Port Albany:

Theft	9
Property damage	4
Burglary/Break and enter	4
Assault and related offences	3
Motor Vehicle Theft	3
Robbery	1
Deception	1
Drug dealing and trafficking	1

[Crime Types explained](#)



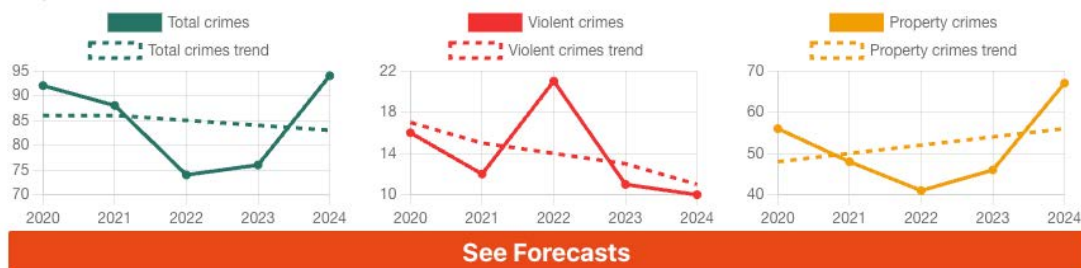
Crime rate in Mount Melville, WA, Australia, **6330** Suburb in Albany.

Crime Rank: 21/100

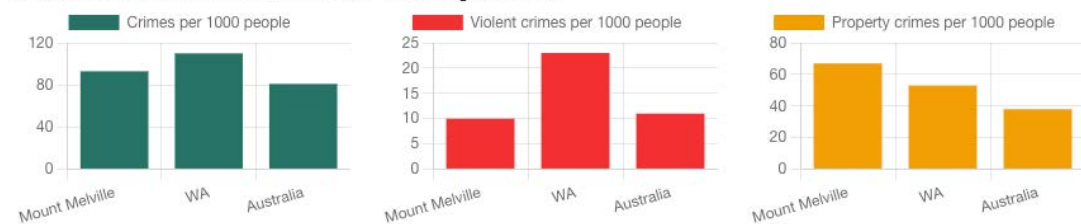
(higher number means more crime)



5 year Mount Melville crime trends

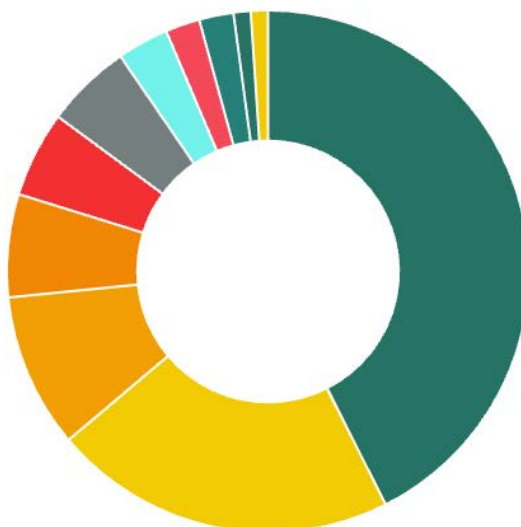


Mount Melville crime compared



Top crime types in Mount Melville:

Theft	40
Property damage	20
Assault and related offences	9
Drug dealing and trafficking	6
Burglary/Break and enter	5
Breaches of orders	5
Deception	3
Stalking, harassment and threatening behaviour	2
Motor Vehicle Theft	2
Sexual offences	1
Weapons and explosives offences	1

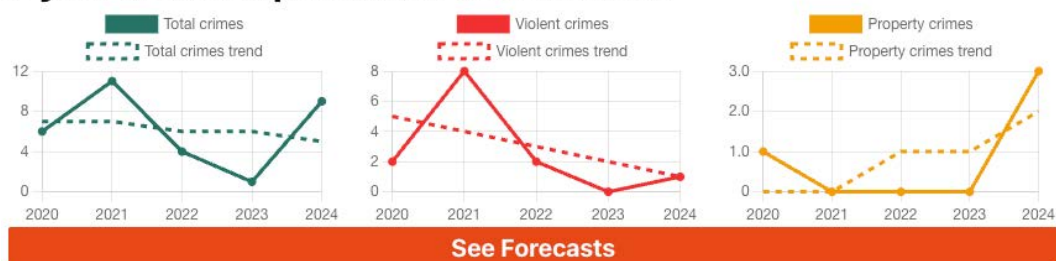


Crime rate in Mount Elphinstone, WA, Australia, **6330** Suburb in Albany

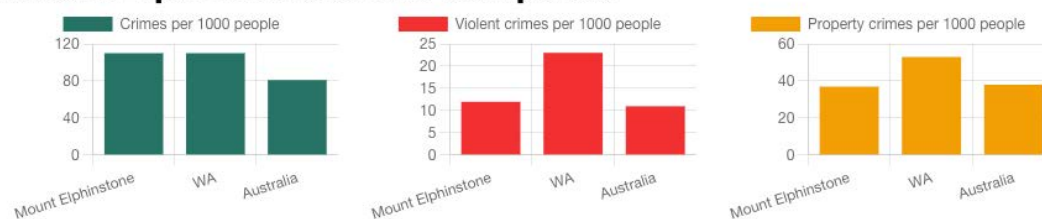
Crime Rank: 27/100
(higher number means more crime)



5 year Mount Elphinstone crime trends



Mount Elphinstone crime compared



Top crime types in Mount Elphinstone:

Drug dealing and trafficking	3
Burglary/Break and enter	2
Deception	2
Assault and related offences	1
Motor Vehicle Theft	1

Crime Types explained



Crime rate in Lockyer (WA), WA, Australia, **6330** Suburb in Albany

Crime Rank: 42/100

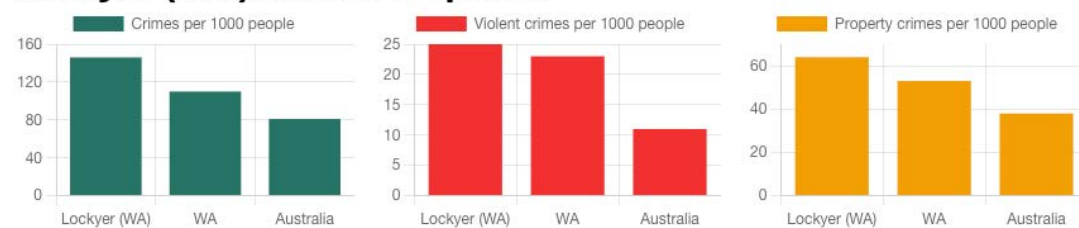
(higher number means more crime)



5 year Lockyer (WA) crime trends

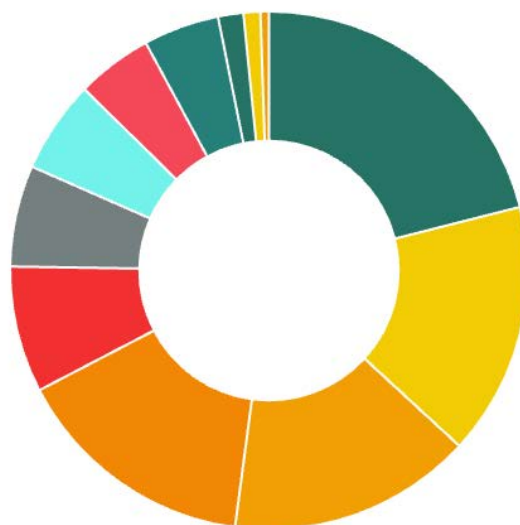


Lockyer (WA) crime compared



Top crime types in Lockyer (WA):

Property damage	40
Assault and related offences	30
Theft	29
Drug dealing and trafficking	29
Breaches of orders	15
Stalking, harassment and threatening behaviour	12
Burglary/Break and enter	11
Deception	9
Weapons and explosives offences	9
Sexual offences	3
Motor Vehicle Theft	2
Arson	1





Survey Of The Consumer Requirement For Liquor Retailing Amongst shoppers in The ALDI Supermarket in Albany

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DATE:

November 2024

ISO 20252: Market, Opinion and Social Research

Patterson Research Group operates using systems that have been developed in compliance with the ISO 20252 Standard for Market, Opinion and Social Research

In accordance with our Quality Assurance System, this report has been reviewed and approved by:

Name:	Keith Patterson
Position:	Principal, Patterson Research Group
Date:	November 2024
Document Version:	FINAL

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1.0 Introduction

ALDI Stores WA commissioned Patterson Research Group, as an independent research consultancy, to complete a reliable survey of customers of the Albany ALDI store located at 70-80 Albany Highway in Albany, WA.

The aim of the survey was to investigate the level of need for, and support or opposition to, the establishment of a small (of approximately 30 - 43 sq metres) liquor section within the Albany ALDI store.

Over the last 24 years, PRG has undertaken more than 50 surveys of public needs in connection with liquor licence applications. Most of these surveys involved random surveys of residents of the affected locality (either a 2km or 3km radius of the proposed liquor store). Historically most of these surveys were conducted either by phone or a hybrid of online self-completion and phone follow-up. However the ongoing deterioration in non – personal interview survey completion rates, (currently typically less than 8 completed interviews per 100 successful contacts) combined with the almost total abandonment of location related landline phone connections, has led us to the alternative of surveying shoppers who would be most directly affected by the proposed liquor licence. In this instance, shoppers in the Albany ALDI store.

Over the six days on which the Albany store traded in the week of 18 – 23 November 2024, a total of 303 shoppers were interviewed as they completed their shopping activity in the ALDI store. The interviews took place while shoppers packed their purchases after passing through the checkout.

This ALDI store had 6834 shoppers over the six days of trading. The final sample of n =303 interviews over the week of survey provides a theoretical maximum survey error of 5.5% at the 95% confidence level, which is sufficient for reliable statistical analysis. The reader should refer to Section 3 for full details of the research approach and sampling procedure.

1.1 A note About Reading the Data Tables

PRG does not show survey results to decimal places. Given the sample sizes involved, to do so would imply an unrealistic level of survey precision. (See section 3.3.2 for survey precision notes). As a consequence, sample totals and summary data may not exactly reflect the manual addition of sub groups within the table. For example , 10.4% “strong agree” and 31.4 “Agree” would be reported respectively as 10% and 31%. Yet the combination of these two subsets would be reported as 42%, (rounded up from 41.8%) not 41%.

2.0 Executive Summary

The survey of Albany ALDI shoppers showed considerable support for and intended use of the proposed liquor section for that store. Eighty-seven per cent of shoppers indicated that they purchase packaged liquor products, 67% indicate that they have previously shopped in (another) Western Australia ALDI that had a liquor section, and 44% reported that they had consumed exclusive ALDI liquor products purchased from another WA ALDI store with a liquor licence. These figures should be seen in the context of the nearest ALDI store with a liquor licence being in Busselton, over 277 kms away. It would appear that a substantial proportion of shoppers have already taken advantage of opportunities to consumer ALD liquor products.

These experiences served to ensure that, in a very great measure, shoppers' comments on and attitudes towards aspects of the proposed ALDI liquor section were based on first-hand knowledge of the ALDI liquor retailing environment and products.

2.1 Packaged Liquor Establishments Within The Locality Found Lacking.

It is clear that a substantial proportion of packaged liquor buyers find the current retail offers within the locality to be lacking. Consider that:

- Whilst currently more than 90% of packaged liquor buyer report that they can access their packaged liquor requirements within the Albany locality, we note that the nearest ALDI with a liquor licence is almost 300 kms away in Busselton. The result is that to date, virtually all the purchasing of their packaged liquor needs has been within Albany itself. (see section 4.6.1).
- The great majority (69%) of packaged liquor buyers, and 78% of those who have previously consumed ALDI liquor products believe that the proposed ALDI liquor section will provide a different packaged liquor experience to that which is currently available in the Albany locality (see section 4.6.2).
- If the Albany ALDI liquor section is established almost 8 in 10 (77%) of packaged liquor buyers will shop there for their packaged liquor requirements at least once a month. Fifty -four per cent will do so at least once a fortnight (see section 4.6.3).and 97% "at least sometimes"
- If the liquor section is established, 84% of shoppers who purchase their liquor needs at least once a fortnight would shop from the Albany ALDI liquor section at least once a fortnight. Ninety per cent would do so at least once a month, and 97% at least sometimes.
- Amongst buyers who currently shop for their packaged liquor needs at least once a month, 90% would shop in the ALDI liquor section at least once a month, and 97% at least sometimes.

The second through to fifth dot points above provide some nuance to the first dot point. Whilst it would appear that the majority of packaged liquor buyers who shop in Albany ALDI are aware of other liquor outlets within the locality (see the 94% reported in section 4.6.1) in which it is possible to buy generic liquor products, 69% believe that the ALDI liquor offer is nonetheless different (see section 4.6.2). Moreover, almost all of them (97% at least sometimes) plan to meet their packaged liquor needs in the Albany ALDI liquor section, should it be established. Evidently the ALDI offer will better suit their packaged liquor purchasing needs than the range of outlets currently available to them.

2.2 Very Strong Support For The Albany ALDI Liquor Section

Ninety-four per cent of all shoppers, and 96% of packaged liquor buyers support the establishment of a liquor section within the Albany ALDI store (see section 4.8).

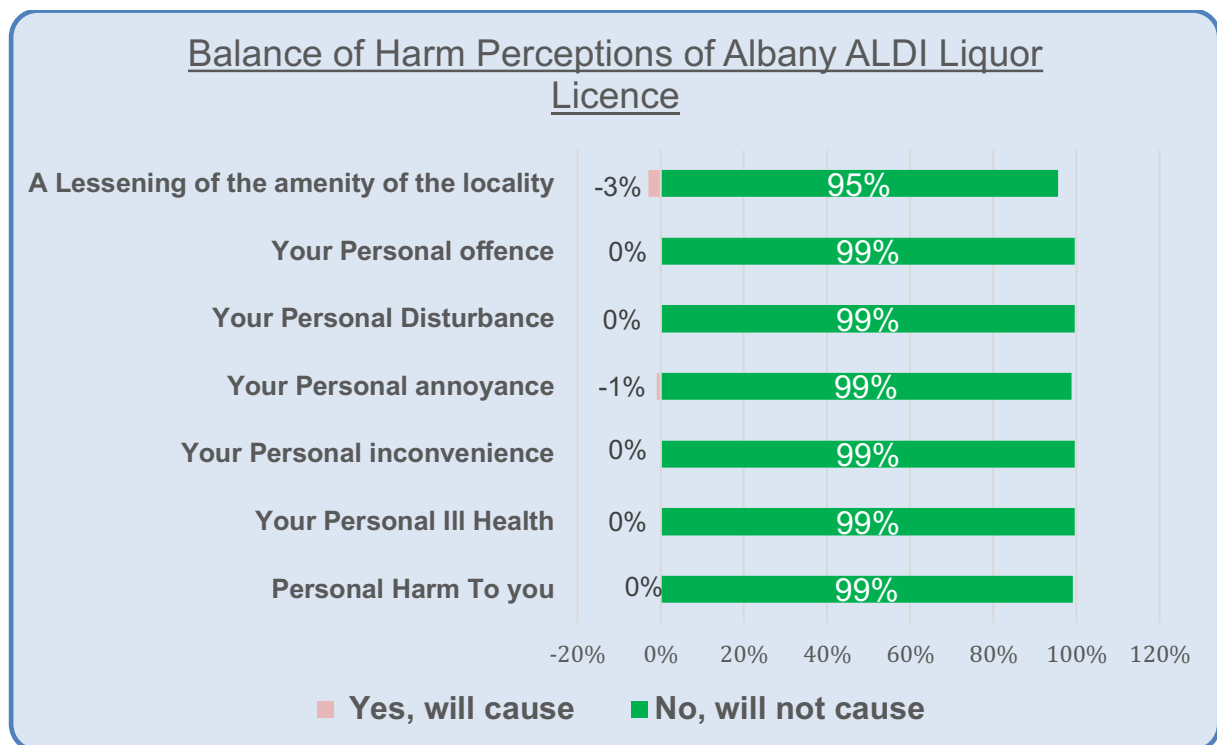
Overall support or oppose Liquor section	All Shoppers	Buyers
Completely support	81%	85%
Tend to support	13%	11%
Neither	5%	4%
Tend to oppose	1%	0%
Completely oppose	1%	0%
Don't know	0%	0%
NET	100%	100%
NET Support	94%	96%
Neither	5%	4%
NET Oppose	1%	0%
Sample	303	265

Very small proportions (1% and 0% for all shoppers and packaged liquor buyers respectively) are opposed to this proposition. The weight of sentiment is very clearly in favour of the establishment of the liquor licence within the Albany ALDI store.

2.2.1 Minimal Anticipated Negative Consequence.

When invited to indicate if they believed the proposed liquor section would cause any harm or inconvenience, only very small minorities suggested that the potential harms would come to pass.

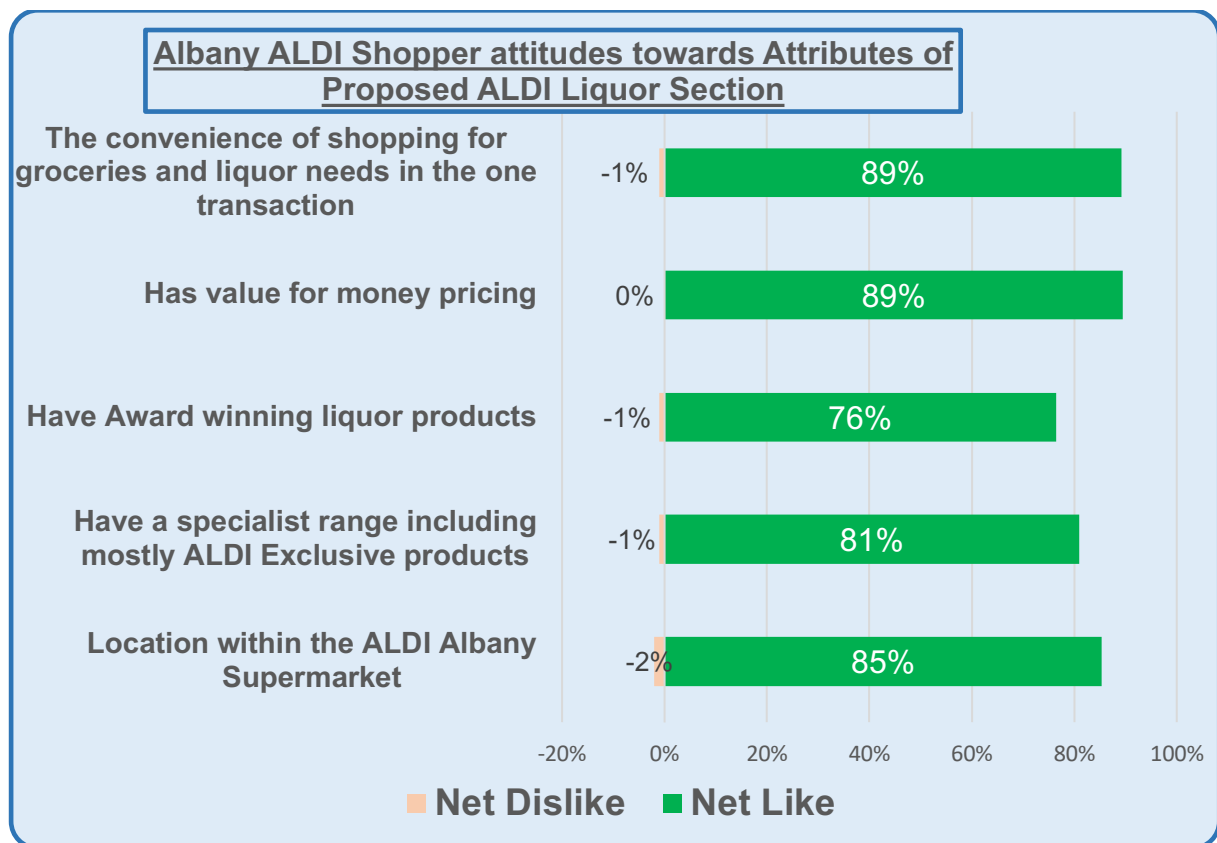
The figure below shows the “No harm” responses and the small proportions believing that some harm could come to them consequent of the establishment of the Albany ALDI liquor section. One per cent only believe that they could experience some annoyance should the liquor section be established, and 3% believe that the amenity of the area may be lessened. These perceptions are overwhelmed by the very great proportions of 95% to 98% indicating that they do not believe these possible consequences will eventuate.



2.3 Typical ALDI - Liquor Store Attributes Are Appealing

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 67% of shoppers had shopped in an ALDI store that included a liquor section, adds some weight to these observations.

The figure below shows the proportions of all Albany ALDI shoppers who reported that they either like or dislike the various aspects of the proposed liquor section (for clarity, the “neither” responses are not shown) (see sections 4.5.1 to 4.5.5 for details). These are all attributes that would be incorporated into the Albany ALDI liquor section.



2.4 Patterson Overview

In our assessment, the survey has shown that the great majority of Albany ALDI shoppers is looking forward to the possibility of a liquor section being established in the Albany ALDI store. The majority (67%) of shoppers have previously shopped in an ALDI supermarket that featured a packaged liquor section, and 44% have previously consumed exclusive ALDI liquor products purchased from the liquor section of another WA ALDI, despite the fact that the nearest licensed ALDI is more than 277 kilometres away.

Sixty-nine per cent of packaged liquor buyers believe that the proposed ALDI liquor section would be different from the current liquor outlets within the locality, and 77% of packaged liquor buyers would shop for their requirements in the ALDI liquor section at least once a month (97% would do so “at least sometimes”).

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

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

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

3.0 Research Approach

3.1 Research Objectives

ALDI Stores commissioned Patterson Research Group to conduct a reliable market research survey to assess the level of ALDI shopper requirement for a dedicated liquor section to be included in the Albany ALDI store.

3.2 Research Method

The research was carried out as an intercept personal interview which involved trained interviewers intercepting Albany ALDI shoppers as they exited the store. The interview duration was designed at approximately 5 minutes to minimise interruption to shoppers. The interviewers reported that shoppers were happy to take part in the survey “on behalf of ALDI” to the effect that the typical completion rate of 5 per hour was easily exceeded, achieving an average 6.5 interviews per hour.

The interviewers assigned to this project had all been trained and were very experienced in intercept interview procedures. Those procedures stipulate that the selection of target respondents is wholly random, with each successive interview to be sought with (in this case) the next person through the checkout. The interviewing program was designed to encompass a full week of shopper traffic.

The interviewer resource was limited to a sole interviewer working 6.5 to 7 hour shifts over the six days of trading over the week of November 18 to 23 of November 2024.

3.2.1 Weighting the Data

The ALDI store traffic data showed very stable shopper numbers per day. The second column in the table below shows the store traffic profile over a typical week in the Albany ALDI store.

The actual interview profile showed an over-representation of Monday and under-representation of Saturday. This profile was weighted to ensure a true representation of the daily shopper traffic. The extent of weighting is shown in the third column, with the final profile for analysis shown in the final column,

The required weighting was minimal and is shown in the table below.

	ALDI Store traffic	Daily profile of interviews	Weights applied	Final Weighted Sample
Mon	17%	20%	0.86	17%
Tue	16%	19%	0.83	16%
Wed	17%	17%	0.99	17%
Thur	18%	15%	1.22	18%
Fri	16%	15%	1.05	16%
Sat	16%	14%	1.15	16%
Sun	0%*	0%	0	0%
TOTAL	100%	100%		100%

****The survey was conducted before the Albany store commenced Sunday trading***

3.3 Questionnaire

The questionnaire used for the research was designed by Patterson Research Group personnel, using the experience of more than 50 surveys conducted as part of the Public Interest Assessments in connection with liquor licence applications. The questionnaire posed a set of questions designed to assess requirements in the ALDI shopper community for packaged liquor and specifically, the ALDI shopper requirement for a liquor licence to be granted in the Albany ALDI store. Importantly the questionnaire also provided survey participants with the opportunity to respond to the concept in their own words. A copy of the questionnaire, as used for the data collection, has been provided in Appendix A attached to this report.

3.3.1 Limitations

The only practical limitation to the usage of the survey data is the limitation on interpretation based on the confidence interval for the sample size of 303 respondents. The default confidence level is 95%.

3.3.2 Survey Precision

Survey accuracy is a function of both the sample size and the distance that the survey results are from 50%; broadly, the further a survey estimate is from 50%, the more accurate it will be. Hence, while the exact confidence limits will vary according to the survey result itself, some broad tolerance limit guidelines have been quoted below to provide a guide as to the accuracy of the survey results. The grid below shows the variation in survey error for the sample size and population size for this survey, as the survey estimates move away from 50/50.

The survey error grid below shows the survey error in estimating the attitudes and opinions of the community of weekly Albany ALDI shoppers (averaging 6834 over the six days' trading). The table shows the extent to which survey error varies from the "worst case" of a 50% estimate, to the "most confident" assessment of 10% (or 90%) of the sample expressing a particular view.

Figure 3.3.2.: Survey Precision Table

	SURVEY PRECISION at 95% level of confidence	
	– Sample of 303	Population of 6834
50/50	5.5%	
60/40	5.4%	
70/30	5.1%	
80/20	4.4%	
90/10	3.3%	

3.5 Data Processing and Analysis

Following data collection, responses to “open ended” questions were coded (the process by which similar responses are assigned a numerical code) to allow for quantitative analysis. A proportion of all coded data is verified to ensure quality throughout the data processing stage. The responses to the open-ended questions are coded into response categories, to facilitate statistical analysis.

The final data set was analysed using survey analysis software Q, the results of which are quantitative data tables. The data tables form the basis of this report and have been included in Appendix B.

4.0 Detailed Findings

4.1 Shopper Profile

The profile of shoppers over the week of survey is shown below.

Albany profile	ALDI shopper	Sample profile
Gender		
Male		35%
Female		65%
		100%
Age Group		
18 – 24		2%
25 – 55		41%
56+		57%
		100%

4.1.1 Relationship with Albany Locality

The survey sought to investigate the relationship that shoppers had with the Albany locality. It asked specifically if shoppers live or work in or near Albany, or if they ordinarily live more than 3kms from the Albany ALDI supermarket.

ALDI Shopper Relationship with Albany Locality	
Someone who lives in or near Albany Store	46%
Someone who works in or near Albany Store	11%
Live outside locality, but pass through or come specifically to shop in ALDI	43%
NET	100%
Sample	303

Whilst a majority (57%) of Albany ALDI shoppers live or work within the locality, note that almost half the shoppers (43%) come from outside the 3km radius locality. The store evidently has a strong appeal for people living outside the locality.

4.2 Frequency of Shopping in Albany ALDI.

Shoppers were asked

How often do you shop in this ALDI supermarket?

The table below shows that six in ten (60%) shop in this store at least once a week, and more than four in ten (83%) shoppers shop in the Albany ALDI at least once a fortnight. Note that almost 8 in 10 (78%) of the subset living outside the locality shop there at least once a fortnight.

Frequency of Shopping in Albany ALDI	All shoppers	Live or work in locality	Live outside locality
Once a week or more	60%	66%	51%
Once or twice a fortnight	24%	22%	26%
Once or twice a month	8%	6%	11%
Less often	9%	6%	12%
NET	100%	100%	100%
At Least 1 / fortnight	83%	88%	78%
At Least 1/month	91%	94%	88%
Sample	303	174	129

**Minor rounding errors may mean the summary of at least 1/fortnight is not the exact addition from the table.*

4.3 Purchasing Packaged Liquor Products.

Shoppers were asked:

“How often do you buy packaged beer wines or spirits, either personally or with another person?”

The table below shows that only 13% of Albany ALDI shoppers report that they never buy packaged liquor products, 71% buy such products at least once a month, and 87% do so at least sometimes. Note also that 54% of shoppers who shop in the Albany ALDI store at least fortnightly, also shop for their packaged liquor needs at least fortnightly.

Packaged liquor purchase frequency	NET	Gender		Age Bracket			Shop Albany ALDI 1 + per fortnight
		Male	Female	18 – 24	25 – 55	56+	
Don't ever buy packaged liquor	13%	12%	13%	24%	10%	14%	13%
Once or more a week	30%	30%	30%	42%	37%	24%	32%
Once or more a fortnight	21%	26%	19%	17%	27%	18%	22%
Once or more a month	20%	19%	21%	17%	18%	22%	18%
Less often	16%	13%	18%	0%	8%	22%	15%
NET	100%	100%	100%	100%	100%	100%	100%
Net at least 1/fortnight	51%	56%	49%	59%	64%	42%	54%
Net at least 1 / month	71%	75%	69%	76%	82%	64%	72%
Net at all	87%	88%	87%	76%	90%	86%	87%
Sample	303	106	197	5	126	172	253

4.4 Experience of ALDI Liquor Sections

The survey asked shoppers if they had shopped in an ALDI that had a liquor section within the store. The evidence is that the great majority of Albany ALDI shoppers have seen an ALDI liquor section in another ALDI store.

The question asked was:

“Many ALDI stores in WA have a small liquor section. Have you previously shopped in an ALDI store that has a liquor section?”

The table below shows the response to this question. More than two thirds (67%) of the Albany ALDI shoppers have previously been in an ALDI store that has a packaged liquor section: it is not a new concept for them.

ALDI Shoppers' exposure to ALDI Liquor sections	NET
Yes	67%
No	33%
Don't know	1%
NET	100%
Sample	303

4.4.1 Experience Consuming ALDI Liquor Products

Shoppers were asked to indicate if they had ever consumed any liquor products purchased from an WA ALDI store. The question asked was:

“Have you consumed any ALDI exclusive liquor products purchased from an ALDI supermarket in WA?”

The results in the table below show that almost half (44%) shoppers have previously consumed ALDI exclusive liquor products that had been purchased from another WA ALDI store.

This suggests that many shoppers are prepared to go to other ALDI stores to access exclusive ALDI liquor products. Note also that half (49%) of packaged liquor buyers have consumed ALDI liquor products purchased in another WA ALDI store. The closest ALDI store with a liquor licence is in Busselton, some 277 Kms away.

	NET	Gender		Age Bracket			Shop in this store 1+ per fortnight	Frequency buy Packaged Liquor	
		Male	Female	18 – 24	25 – 55	56+		Never	NET ever buy
Yes	44%	38%	46%	59%	42%	44%	44%	8%	49%
No	53%	60%	49%	41%	53%	53%	53%	92%	47%
Don't know	4%	2%	5%	0%	4%	4%	4%	0%	4%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%
Sample	303	106	197	5	126	172	253	38	265

4.4.2 Assessment of ALDI Liquor Section

The 133 shoppers who had consumed ALDI exclusive liquor products purchased from another WA ALDI store were asked to agree or disagree with a series of statements about the ALDI liquor section.

The question asked was:

“To what extent do you agree or disagree with the following statements about ALDI liquor sections?”

The table below summarises the responses to that question, showing the proportion of shoppers who were familiar with ALDI liquor products (i.e. those who had consumed exclusive ALDI liquor products sourced from other WA ALDI stores) in agreement and disagreement with each proposition.

Assessments from Shoppers who have experienced ALDI liquor products	They have good quality products	The products represent good Value for money	The liquor section will be convenient for shoppers	They have many brands and products not available elsewhere (other than another ALDI store)
Completely disagree	0%	0%	0%	0%
Tend to disagree	1%	1%	1%	2%
Tend to agree	28%	18%	18%	33%
Completely agree	70%	80%	81%	49%
Don't Know	2%	1%	0%	15%
NET	100%	100%	100%	100%
NET Disagree	1%	1%	1%	2%
NET Agree	98%	98%	99%	83%
Sample	133	133	133	133

Well in excess of 9 in 10 “experienced shoppers” agree with the first three of these propositions. That is, that:

- ALDI liquor sections have good quality products,(98%)
- the products represent good value for money, (98%)
- the liquor section is convenient for shoppers, (99%) and
- 83% agree that they have many brands and products not available elsewhere (other than another ALDI store).

4.5 Appeal of Attributes of ALDI Liquor Sections

All respondents were asked to indicate the extent to which they liked or disliked a series of attributes of ALDI Liquor sections. They were asked about:

- A liquor section located within the Albany ALDI Supermarket.
- Have a specialist range including mostly ALDI Exclusive products.
- Have Award winning liquor products.
- A small section within the ALDI supermarket.
- Has value for money pricing.
- The convenience of shopping for groceries and liquor needs in the one transaction.

The question asked of shoppers was:

Can you tell me to what extent each of these attributes of the liquor section proposed for the Albany ALDI supermarket appeal to you?

The following sub-sections summarise the “like” and “dislike” responses from the total ALDI shopper sample.

4.5.1 Location within the Albany ALDI supermarket.

The table below shows the “Net like” “Net dislike”, and “neither” proportions amongst the total Albany ALDI shopper sample.

Located within the Albany ALDI Supermarket	Total Shoppers
NET Dislike	2%
Neither	13%
NET Like	85%
Don't Know	0%
NET	100%
Sample	303

Evidently, almost 9 in 10 shoppers (85%) like the notion that the liquor section would be located within the Albany ALDI store. Importantly, only 2% indicated that they dislike this possibility.

4.5.2 Have a Specialist Range of Mostly Exclusive ALDI Products

The table below shows the “Net like” “Net dislike”, and “Neither” proportions amongst the total Albany ALDI shopper sample.

Have a specialist range including mostly exclusive ALDI products	Total Shoppers
NET Dislike	1%
Neither	18%
NET Like	81%
Don't Know	0%
NET	100%
Sample	303

Slightly more than eight in ten (81%) 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 Albany ALDI liquor section.

4.5.3 Have Award Winning Products

The table below shows the “Net like” “Net dislike”, and “Neither” proportions amongst the total Albany ALDI shopper sample.

Have Award winning liquor products	Total Shoppers
NET Dislike	1%
Neither	22%
NET Like	76%
Don't Know	1%
NET	100%
Sample	303

Almost 8 in 10 (76%) of the total sample like, and just 1% dislike this aspect of the proposed Albany ALDI liquor section.

4.5.4 Has Value For Money Pricing

The table below shows the “Net like” “Net dislike”, and “Neither” proportions amongst the total Albany ALDI shopper sample.

Has value for money pricing	Total Shoppers
NET Dislike	0%
Neither	10%
NET Like	89%
Don't Know	1%
NET	100%
Sample	303

Almost 9 in 10 (89%) of the total ALDI shopper sample liked this aspect of the proposed Albany 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.

4.5.5 The Convenience Of Shopping For Groceries And Liquor Needs In The One Transaction

The table below shows the “Net like” “Net dislike”, and “Neither” proportions amongst the total Albany ALDI shopper sample.

The convenience of shopping for groceries and liquor needs in the one transaction	Total Shoppers
NET Dislike	1%
Neither	10%
NET Like	89%
Don't Know	0%
NET	100%
Sample	303

Almost 9 in 10 (89%) of the total Albany ALDI sample liked this aspect of the proposed liquor section. Only 1% disliked this notion.

4.6 Current and Potential Packaged Liquor Purchasing Behaviours

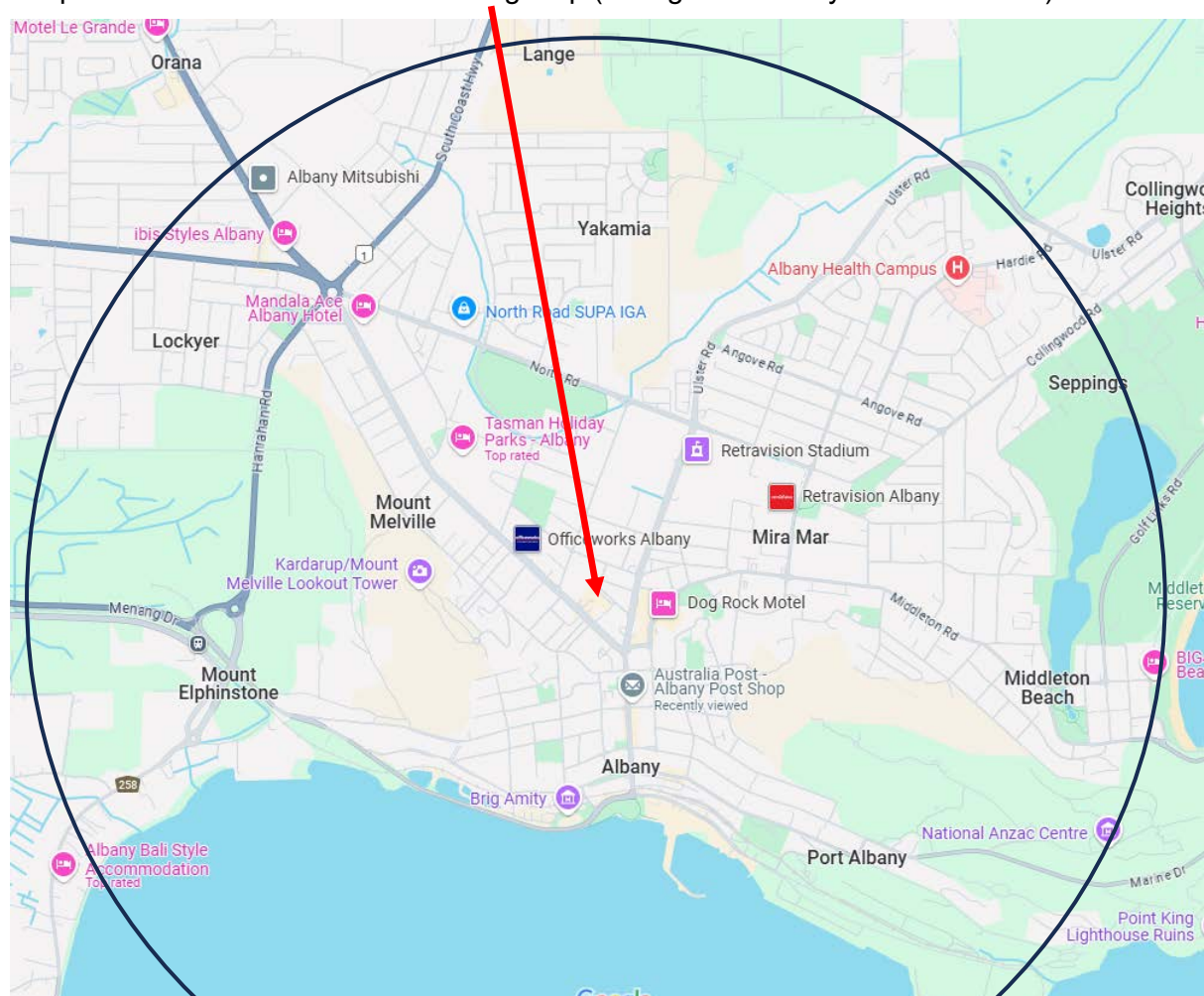
Buyers of packaged liquor products were asked a series of questions about their current and potential packaged liquor purchasing behaviours, should the Albany ALDI liquor section be established.

4.6.1 Availability of Packaged Liquor Outlets Within 3kms of Albany ALDI

In an endeavour to establish the extent to which the current range of liquor outlets meet the needs of the sample, packaged liquor buyers were asked:

“Thinking of a 3 km radius of the Albany ALDI store as a locality, and of the range of liquor products that you want to be able to access, are you currently able to access all of the particular packaged liquor products and services that you require from existing packaged liquor outlets already operating within that 3km radius of Albany ALDI?”

Respondents were shown the following map (enlarged for clarity in the interview).



The table overleaf shows the responses.

Almost all packaged liquor buyers report that they can access such products and services within a 3 km radius of the Albany ALDI store.

Availability of all the packaged liquor requirements within a 3km radius of the Albany ALDI store.	All Buyers
Don't personally buy	0%
Yes	94%
No	3%
Don't know	3%
NET	100%
Sample	265

Given the response to the above it is interesting that the following section shows so many respondents reporting that the ALDI liquor offer would be different to what is currently available within the 3km radius of the Albany store.

4.6.2 Would the Proposed ALDI Liquor Section Be Different From Existing packaged Liquor outlets?

Buyers of take away liquor products were asked whether they believed that the proposed ALDI liquor section would be different from outlets already available in Albany. The question asked was:

“Do you think that the liquor service proposed at Albany ALDI will be different from existing packaged liquor outlets already operating in and near Albany?”

In the main , the sample was familiar with a typical ALDI liquor section. It may be recalled from section 4.4 that 67% of the shopper sample had previously shopped in an ALDI store that included a liquor section, and in section 4.4.1 that 44% had consumed an ALDI liquor product purchased from a WA ALDI store. So the great majority of responses to this question are based on personal exposure to the ALDI liquor offer.

It is not surprising therefore to find in the table below that almost 7 in 10 (69%) of packaged liquor buyers believe that liquor section in the Albany ALDI store would be different from the current liquor outlets within the 3km locality. This proportion is slightly elevated to 74% amongst liquor buyers who have been in a licensed ALDI store, and increases to 78% amongst those who have consumed ALDI liquor products purchased in a WA ALDI store.

Will the ALDI Liquor Section be different?	All Buyers	Buyers who have shopped in ALDI Store with Liquor section	Shoppers who have consumed ALDI liquor products purchased from an ALDI WA store.
Yes	69%	74%	78%
No	22%	20%	17%
Don't know	8%	5%	5%
NET	100%	100%	100%
Sample	265	182	130

As noted this response may appear to be somewhat at odds with the response in the previous section regarding liquor products available within a 3km radius of the Albany store.

It is possible that the respondents were confused by the question. However it seems more likely that they can observe the current availability of largely generic packaged liquor products within the 3km radius, but that the ALDI liquor offer is nonetheless different.

Note in particular the response to the next section in which so many packaged liquor buyers report that they propose using the liquor offer in the Albany ALDI store should the liquor licence be granted. Evidently the ALDI offer will better suit their packaged liquor purchasing needs than the range of outlets currently available to them.

4.6.3 Will buyers Use the ALDI Liquor Section?

Packaged liquor buyers were asked to estimate the extent to which they would purchase their packaged liquor requirements from a liquor section within the Albany ALDI store.

The question asked was:

“On average, how often would you make liquor purchases from the Albany ALDI supermarket?”

The table below shows the great extent to which the proposed liquor section would be used by packaged liquor buyers.

Frequency Would buy Liquor products from the ALDI Liquor Section	Packaged Liquor Buyers
Don't buy packaged liquor	0%
Once or more a week	26%
Once or more a fortnight	28%
Once or more a month	23%
Less often	19%
Don't Know	3%
Total	100%
Sample	265
Summary	
At Least 1 / fortnight	54%
At Least 1 per month	77%
At least sometimes	97%

It is clear that the great majority of packaged liquor buyers who currently shop at Albany ALDI would shop for their packaged liquor requirements from the ALDI liquor section if it was established. Over half (54%) would do so at least once a fortnight, 77% at least once a month and 97% on at least some occasions, should the liquor section be established within the Albany ALDI store.

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

The extent to which buyers would transfer their liquor shopping to ALDI should the liquor licence be granted is illustrated in the table below. It shows that 84% of shoppers who purchase their liquor needs at least once a fortnight would shop from the Albany ALDI liquor section at least once a fortnight. Ninety per cent would do so at least once a month, and 97% at least sometimes.

Amongst buyers who currently shop for their packaged liquor needs at least once a month, 90% would shop in the ALDI liquor section at least once a month, and 97% at least sometimes.

Frequency of purchasing liquor needs from ALDI by frequency of liquor purchases.	Frequency of purchase packaged liquor		
	At Least 1/fortnight	At Least 1/month	Buy at All
At Least 1/fortnight	84%	64%	54%
At Least 1/month	90%	90%	77%
At Least Sometimes	97%	97%	97%
Sample	156	217	265

It is clear that shoppers who currently buy packaged liquor would do most of their packaged liquor shopping at the Albany ALDI liquor section if it were established.

4.7 Potential For Harm Arising from the ALDI Liquor Section.

All shoppers (whether packaged liquor buyers or not) were asked to indicate if they believed that they personally would experience a range of potential health or social harm resulting from the establishment of the Albany ALDI liquor section. The question asked was:

“If the liquor store licence is approved for Albany ALDI, do you consider that it would be likely to cause any of the following?”

- ***Personal Harm To you***
- ***Your Personal Ill Health***
- ***Your Personal inconvenience***
- ***Your Personal annoyance***
- ***Your Personal Disturbance***
- ***Your Personal offence***
- ***A Lessening of the amenity of the locality***

The order in which these issues was presented was rotated to eliminate any sequence bias. The table below shows the proportions who believe they would or would not experience these potential effects if the liquor store licence is approved for the Albany ALDI store.

Would the establishment of the ALDI liquor section cause any of the following?	Yes	No	Don't Know
Personal Harm To you	0%	99%	1%
Your Personal Ill Health	0%	99%	1%
Your Personal inconvenience	0%	99%	1%
Your Personal annoyance	1%	99%	1%
Your Personal Disturbance	0%	99%	1%
Your Personal offence	0%	99%	1%
A Lessening of the amenity of the locality	3%	95%	2%

Almost all (95% to 99%) believe that these potential effects would not come to pass. Only 1% believe that they could suffer some personal annoyance, and 3% that there may be a lessening of the amenity of the locality.

4.8 Overall Support or Opposition to the Proposed Liquor section

To definitively gauge the level of support or opposition to the proposed liquor section, shoppers were asked:

“Overall would you support or oppose the creation of a small liquor section in the Albany ALDI supermarket as we have described?”

The table below shows the responses from the total sample of shoppers, including the subset of shoppers who reported that they don't ever purchase packaged liquor products., and the sub-set of packaged liquor buyers.

Overall support or oppose Liquor section	All Shoppers	Buyers
Completely support	81%	85%
Tend to support	13%	11%
Neither	5%	4%
Tend to oppose	1%	0%
Completely oppose	1%	0%
Don't know	0%	0%
NET	100%	100%
NET Support	94%	96%
Neither	5%	4%
NET Oppose	1%	0%
Sample	303	265

Overall 94% support the establishment of a small liquor section within the Albany ALDI store, and this increases to 96% amongst buyers of packaged liquor products.

The reasoning behind the 1% (four shoppers) opposed to the liquor section are shown below.

Don't encourage liquor consumption, it's our biggest addiction in oz
Don't like the idea of having liquor in a food supermarket
Don't support liquor in supermarkets
Too many liquor licenses already in Albany

4.9 Final Comments

When invited to make any final comments about the prospect of the liquor licence being granted and the liquor section being established, most indicated “no further comment”.

The question asked was:

“Do you have any other comments about the possibility of the Albany ALDI Store being able to create a packaged liquor section as we have discussed?”

The range of responses to this question are shown in the table below. The table adds slightly beyond 100% due to some multiple comments.

Final Comments about the Proposed Liquor Section	All Shoppers
No Comment	66%
Enthusiastic support / can't wait	17%
General Support / Conditional support	9%
Will improve competition	5%
Convenient	3%
No Problem / no concerns / ok with me	2%
Should not be in supermarket / may reduce other grocery products	1%
Concerns over anti-social behaviour	1%
Already plenty of liquor outlets	1%
Other (non-related)	1%
Don't drink / Oppose liquor	0%
NET	106%
Sample	303

Most shoppers had no further comment. However note that 17% professed enthusiastic support for the licence, a further 9% expressed more general support, 5% commented that it would improve competition, and 3% observed that it would be more convenient for them.

Just 1% of respondents commented that they believed liquor should not be sold in supermarkets, 1% expressed concern about potential anti-social behaviour, 1% commented that there are already enough packaged liquor outlets, and less than 1% oppose liquor altogether.

The great weight of sentiment is supportive of the proposition of the Albany ALDI having a liquor licence as discussed. These comments are in the context of the 94% of the total sample and 96% of packaged liquor buyers, supporting the proposal.

Appendix A –

Questionnaire

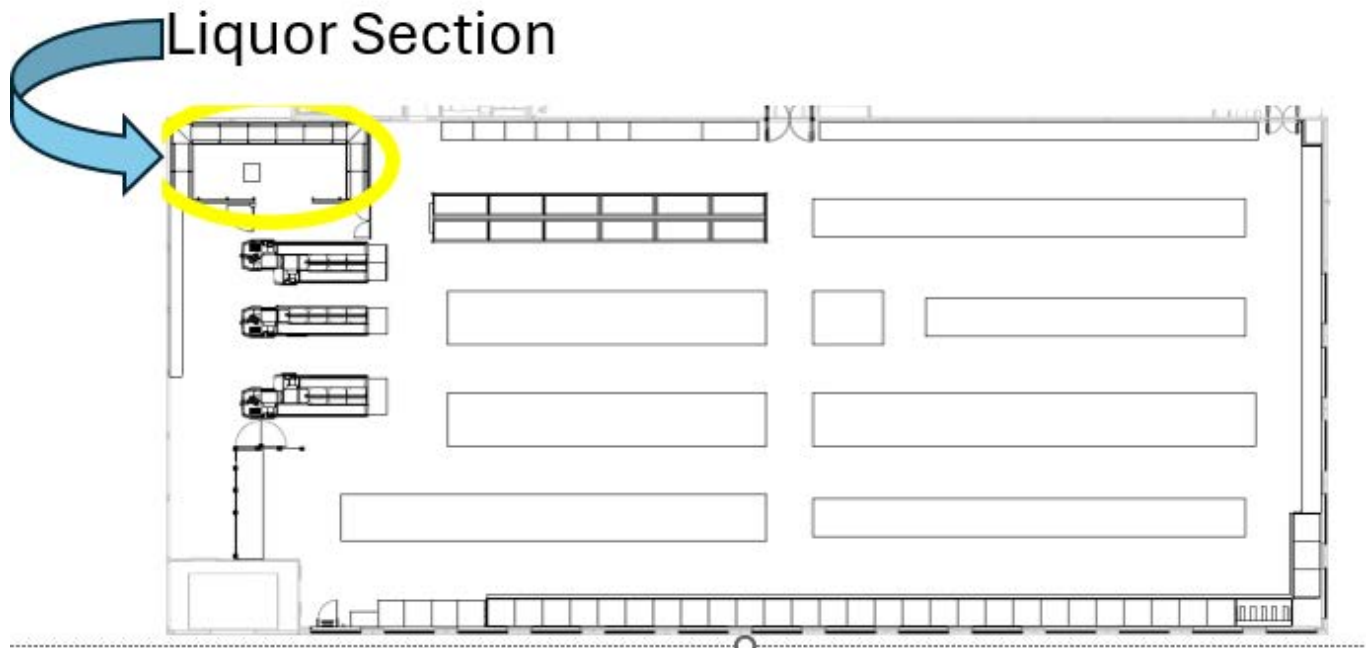
Hi, I am conducting a brief survey about this ALDI store's proposal to create a small liquor section within the store. Do you have a couple of minutes to answer some questions about that proposal?

READ OUT

This ALDI supermarket (70 Albany Highway Albany), intends to apply for a liquor store licence, to sell packaged liquor from a small display/browse and checkout section of approximately 30 - 43m² in total, within the supermarket. I have some pictures from another ALDI store to show how it would look. (SHOW PICTURES)



Typical ALDI store layout



As in other ALDI Liquor sections, a carefully selected range of approximately 100 lines of unrefrigerated wine, beer and spirits is proposed to be available, most of which will be products available exclusively to ALDI, including many award-winning items. The liquor section trading hours would be the same as for the ALDI store itself.

S1 Before we start can I confirm that you are 18 years or older?

Under 18	TERMINATE
18-24	1
25 – 55	2
56+	3

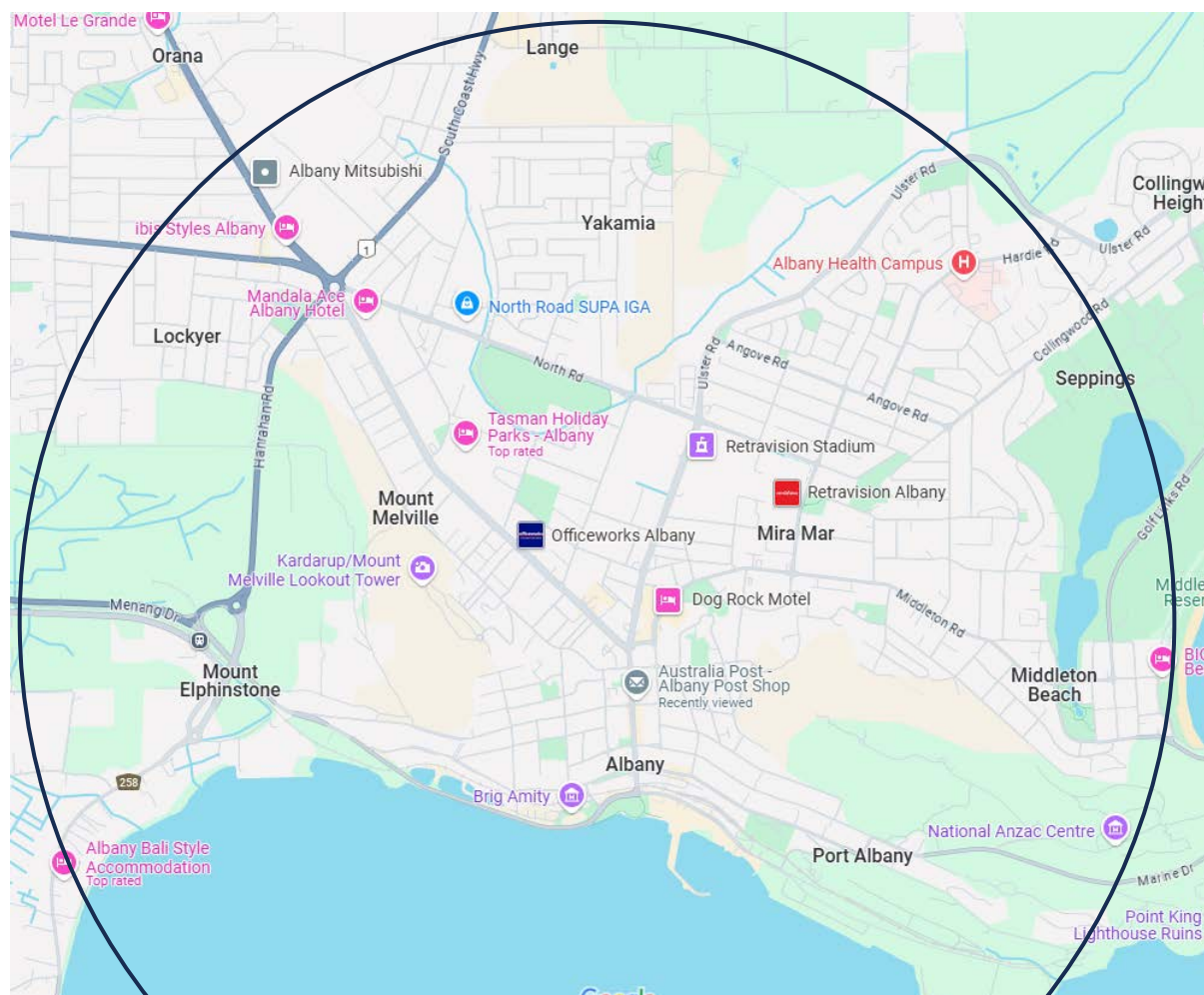
S2 Code day of interview:

Monday	1
Tuesday	2
Wednesday	3
Thursday	4
Friday	5
Saturday	6
Sunday	7

S3 Code gender:

Appears as Male	1
Appears as female	2
Unsure	3

The survey will discuss a locality shown here by the circle around the Albany ALDI store.
(SHOW MAP)



Q1 Are you:

Someone who lives within this circle	1
Someone who works within this circle	2
Someone who visits or passes through this circle but who ordinarily lives outside the circle shown here	3

Q2 How often do you shop in this ALDI supermarket? (SHOW SCALE)

Once a week or more	1
Once or twice a fortnight	2
Once or twice a month	3
Less often	4

Q3 Many ALDI stores in WA have a small liquor section. Have you previously shopped in an ALDI store that has a liquor section?

Yes	1
No	2
Don't know	3

Q4 Have you consumed any ALDI exclusive liquor products purchased from an ALDI supermarket in WA?

Yes	1
No	2 >Q6
Don't know	3 >Q6

Q5 to what extent do you agree or disagree with the following statements about ALDI liquor sections? (SHOW SCALE)

NB ROTATE	Completely disagree	Tend to disagree	Tend to Agree	Completely agree	Don't Know
They have good quality products	1	2	3	4	5
The products represent good Value for money	1	2	3	4	5
The liquor section will be convenient for shoppers	1	2	3	4	5
They have many brands and products that are not available elsewhere (other than another ALDI store)	1	2	3	4	5

Q6 Can you tell me to what extent you like or dislike each of these attributes of the liquor section proposed for the Albany ALDI supermarket? (SHOW SCALE)

NB ROTATE	Definitely Dislike	Tend to Dislike	Neither	Tend to Like	Definitely Like	Don't Know
Location within the Albany ALDI Supermarket	1	2	3	4	5	6
Have a specialist range including mostly ALDI Exclusive products	1	2	3	4	5	6
Have Award winning liquor products	1	2	3	4	5	6
Has value for money pricing	1	2	3	4	5	6
The convenience of shopping for groceries and liquor needs in the one transaction	1	2	3	4	5	6

Q7 How often do you buy packaged beer wines or spirits, either personally or with another person? (SHOW SCALE)

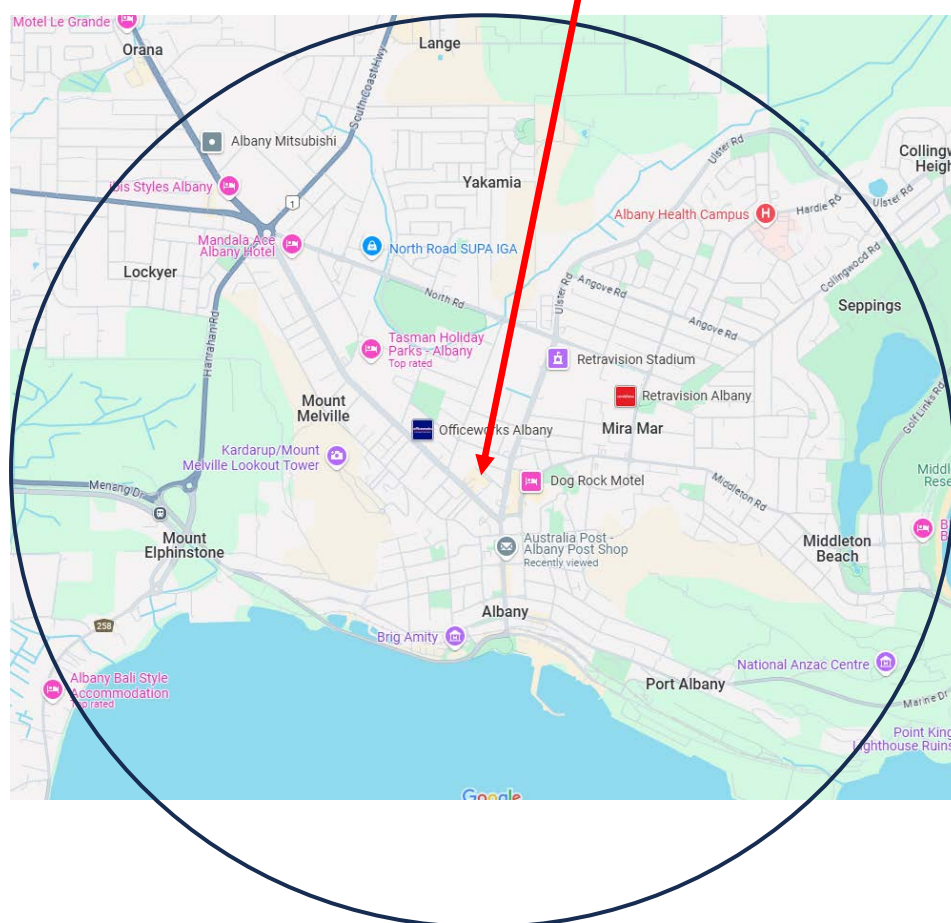
Don't ever buy packaged liquor	1 > Skip to Q10
Once or more a week	2
Once or more a fortnight	3
Once or more a month	4
Less often	5
Don't Know	6

NB Q7a has been removed

Q7b Thinking of the 3km circle around the Albany ALDI store as a locality, and of the range of liquor products that you want to be able to access, are you currently able to access all of the particular packaged liquor products and services that you require from existing packaged liquor outlets already operating within that 3km circle around the Albany ALDI? (SEE MAP)

Don't buy take away liquor products	1 >SKIP TO Q10
Yes I can access such products and services within the 3km circle around the Albany Aldi	2
No I cannot access such products and services within the 3km circle around the Albany Aldi	3
Don't know	4

3km circle around the Albany ALDI store 70 Albany Highway Albany



Q8 Do you think that the liquor service proposed at Albany ALDI will be different from existing packaged liquor outlets already operating in and near Albany?

Yes	1
No	2
Don't know	3

Q9 On average, how often would you make-liquor purchases from the Albany ALDI supermarket? (SHOW SCALE)

Don't buy packaged liquor	1 >Q10
Once or more a week	2
Once or more a fortnight	3
Once or more a month	4
Less often	5
Don't Know	6

Q10 If the liquor store licence is approved for Albany ALDI, do you consider that it would be likely to cause any of the following?

NB ROTATE ORDER	Yes	No	Don't Know
Personal Harm To you	1	2	3
Your Personal Ill Health	1	2	3
Your Personal inconvenience	1	2	3
Your Personal annoyance	1	2	3
Your Personal Disturbance	1	2	3
Your Personal offence	1	2	3
A Lessening of the amenity of the locality	1	2	3

Q11 Overall would you support or oppose the creation of a small liquor section in the Albany ALDI supermarket as we have described? (SHOW SCALE)

Completely support	1 >Q13
Tend to support	2 >Q13
Neither	3 >Q13
Tend to oppose	4
Completely oppose	5
Don't know	6 >Q13

Q12a Why is that?

Q13 Do you have any other comments about the possibility of the Albany ALDI Store being able to create a packaged liquor section as we have discussed?

Thank you for your time. In case we need to check any of your answers can you give me your name and best contact number?

NAME _____ PH _____

Appendix B

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BANNER	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI							FRQ Buy Takeaway Liquor						
	NET	Appears as Male	Appears as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy takeaway liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1 / Fortnight	At Least 1 /Month	Buy at all
		%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Gender:																				
Appears as Male	35%	100%↑	0%↓	0%	24%↓	44%↑	37%	34%	30%	26%	36%	36%	33%	35%	43%	33%	29%	38%	37%	35%
Appears as female	65%	0%↓	100%↑	100%	76%↑	56%↓	63%	66%	70%	74%	64%	64%	67%	65%	57%	67%	71%	62%	63%	65%
Age Group																				
18-24	2%	0%	3%	100%↑	0%	0%↓	2%	2%	0%	3%	2%	2%	3%	2%	1%	1%	0%	2%	2%	1%
25 – 55	41%	28%↓	48%↑	0%	100%↑	0%↓	39%	42%	57%	33%	40%	42%	31%	51%	51%	37%	21%↓	51%↑	47%↑	42%
56+	57%	72%↑	49%↓	0%↓	0%↓	100%↑	59%	56%	43%	64%	58%	57%	66%	46%↓	47%	62%	79%↑	47%↓	51%↓	56%
FRQ Shop in This ALDI																				
Once a week or more	60%	63%	58%	59%	57%	61%	100%↑	0%↓	0%↓	0%↓	71%↑	65%↑	63%	72%↑	57%	55%	44%↓	66%	63%	59%
Once or twice a fortnight	24%	23%	24%	24%	25%	23%	0%↓	100%↑	0%↓	0%↓	29%↑	26%↑	26%	18%	28%	20%	32%	22%	22%	23%
Once or twice a month	8%	7%	9%	0%	11%	6%	0%↓	0%↓	100%↑	0%	0%↓	9%	6%	5%	4%	11%	17%↑	5%	6%	8%
Less often	9%	6%	10%	17%	7%	9%	0%↓	0%↓	0%	100%↑	0%↓	0%↓	5%	5%	10%	15%	7%	8%	10%	9%
At Least 1/ fortnight	83%	87%	82%	83%	82%	85%	100%↑	100%↑	0%↓	0%↓	100%↑	91%↑	89%	90%	85%	75%	76%	88%	84%	83%
At Least 1 / month	91%	94%	90%	83%	93%	91%	100%↑	100%↑	100%	0%↓	100%↑	100%↑	95%	95%	90%	85%	93%	92%	90%	91%
FRQ Buy Takeaway Liquor																				
Don't ever buy takeaway liquor	13%	12%	13%	24%	10%	14%	13%	14%	10%	7%	13%	13%	100%↑	0%↓	0%↓	0%↓	0%↓	0%↓	0%↓	0%↓
Once or more a week	30%	30%	30%	42%	37%	24%↓	36%↑	22%	17%	19%	32%	31%	0%↓	100%↑	0%↓	0%↓	0%↓	58%↑	42%↑	34%↑
Once or more a fortnight	21%	26%	19%	17%	27%	18%	20%	25%	12%	26%	22%	21%	0%↓	0%↓	100%↑	0%↓	0%↓	42%↑	30%↑	25%↑
Once or more a month	20%	19%	21%	17%	18%	22%	19%	17%	27%	35%	18%	19%	0%↓	0%↓	0%↓	100%↑	0%↓	0%↓	28%↑	23%↑
Less often	16%	13%	18%	0%	8%↓	22%↑	12%↓	22%	34%↑	12%	15%	16%	0%↓	0%↓	0%↓	0%↓	100%↑	0%↓	0%↓	18%↑
At Least 1 / Fortnight	51%	56%	49%	59%	64%↑	42%↓	56%	48%	29%	45%	54%	52%	0%↓	100%↑	100%↑	0%↓	0%↓	100%↑	72%↑	58%↑
At Least 1/Month	71%	75%	69%	76%	82%↑	64%↓	75%	64%	56%	81%	72%	70%	0%↓	100%↑	100%↑	100%↑	0%↓	100%↑	100%↑	82%↑
Buy at all	87%	88%	87%	76%	90%	86%	87%	86%	90%	93%	87%	87%	0%↓	100%↑	100%↑	100%↑	100%↑	100%↑	100%↑	100%↑
Column n	303	106	197	5	126	172	181	72	24	26	253	277	38	90	66	61	48	156	217	265

Figure 1. BANNER by BANNER
Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)

Q1 Are you:

	%
Someone who lives within this circle	46%↑
Someone who works within this circle	11%↓
Someone who visits or passes through this circle but who ordinarily lives outside the circle shown here	43%↑
NET	100%↑
Column n	303

Figure 2. Q1 Are you:
Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)
Multiple comparison correction: False Discovery Rate (FDR) (p = 0.05)

Q2 How often do you shop in this ALDI supermarket? show tablet	BANNER																			
	Gender:		Age Group				FRQ Shop in This ALDI								FRQ Buy Takeaway Liquor					
	NET	Appears as Male	Appears as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy takeaway liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1 / Fortnight	At Least 1 /Month	Buy at all
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Once a week or more	60%	63%	58%	59%	57%	61%	100%↑	0%↓	0%↓	0%↓	71%↑	65%↑	63%	72%↓	57%	55%	44%	66%	63%	59%
Once or twice a fortnight	24%	23%	24%	24%	25%	23%	0%↓	100%↑	0%↓	0%↓	29%↑	26%↓	26%	18%	28%	20%	32%	22%	22%	23%
Once or twice a month	8%	7%	9%	0%	11%	6%	0%↓	0%↓	100%↑	0%	0%↓	9%	6%	5%	4%	11%	17%↓	5%	6%	8%
Less often	9%	6%	10%	17%	7%	9%	0%↓	0%↓	0%	100%↑	0%↓	0%↓	5%	5%	10%	15%	7%	8%	10%	9%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
At Least 1 / fortnight	83%	87%	82%	83%	82%	85%	100%↑	100%↑	0%↓	0%↓	100%↑	91%↑	89%	90%	85%	75%	76%	88%	84%	83%
At Least 1 / Month	91%	94%	90%	83%	93%	91%	100%↑	100%↑	100%	0%↓	100%↑	100%↑	95%	95%	90%	85%	93%	92%	90%	91%
Column n	303	106	197	5	126	172	181	72	24	26	253	277	38	90	66	61	48	156	217	265

Figure 3. Q2 How often do you shop in this ALDI supermarket? show tablet by BANNER
Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)
Multiple comparison correction: False Discovery Rate (FDR) (p = 0.05)

Q2 How often do you shop in this ALDI supermarket? show tablet

	%
Once a week or more	66%↑
Once or twice a fortnight	22%
Once or twice a month	6%↓
Less often	6%↓
NET	100%↑
At Least 1 / fortnight	88%↑
At Least 1 / Month	94%↑
Column n	174

Figure 4. Q2 How often do you shop in this ALDI supermarket? show tablet
Filter: Q1 Live or work in locality; Weight: Weight ALBANY 6 days; base n = 174; effective sample size = 169 (97%); 43% filtered out

Q2 How often do you shop in this ALDI supermarket?
show tablet

	%
Once a week or more	51%↑
Once or twice a fortnight	26%
Once or twice a month	11%↓
Less often	12%↓
NET	100%↑
At Least 1 / fortnight	78%↑
At Least 1 / Month	88%↑
Column n	129

Figure 5. Q2 How often do you shop in this ALDI supermarket? show tablet
Filter: Q1 Live outside locality; Weight: Weight ALBANY 6 days; base n = 129; effective sample size = 127 (98%);

Q3 Many ALDI stores in WA have a small liquor section. Have you previously shopped in an ALDI store that has a liquor section?	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor							
	Appe-ars as males			Appe-ars as females			Once a week or more	Once or twi- ce a fortn- ight	Once or twice a month	Less often	At Le- ast 1/ fortn- ight	At Least 1/ month	Don't ever buy take- way liquor	Once or more a week	Once or mo- re a fortn- ight	Once or more a month	Less often	At Le- ast 1/ Fortn- ight	At Least 1/ Month	Buy at all
NET	Male	Female	18-24	25 – 34	35 – 44	45 +	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Yes	67%	64%	68%	100%	66%	66%	70%	63%	66%	54%	68%	68%	54%	72%	68%	66%	65%	70%	69%	68%
No	33%	35%	31%	0%	34%	33%	30%	34%	31%	46%	31%	31%	46%	27%	30%	34%	33%	28%	30%	31%
Don't know	1%	1%	1%	0%	1%	1%	0%	3%	3%	0%	1%	1%	0%	1%	2%	0%	2%	1%	1%	1%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Column n	303	106	197	5	126	172	181	72	24	26	253	277	38	90	66	61	48	156	217	265

Figure 6. Q3 Many ALDI stores in WA have a small liquor section. Have you previously shopped in an ALDI store that has a liquor section? by BANNER. Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)

Q4 Have you consumed any ALDI exclusive liquor products purchased from an ALDI supermarket in WA?	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor							
		Appe-ars as Male	Appe-ars as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy takeaway liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1/ Fortnight	At Least 1 /Month	Buy at all
	NET	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Yes	44%	38%	46%	59%	42%	44%	45%	40%	52%	35%	44%	44%	8%↓	54%	45%	49%	43%	50%	50%↑	49%↑
No	53%	60%	49%	41%	53%	53%	50%	59%	43%	62%	53%	52%	92%↑	44%	48%	49%	48%	46%	47%↕	47%↓
Don't know	4%	2%	5%	0%	4%	4%	5%	1%	5%	3%	4%	4%	0%	1%	7%	2%	9%	4%	3%	4%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Column n	303	106	197	5	126	172	181	72	24	26	253	277	38	90	66	61	48	156	217	265

Figure 7. Q4 Have you consumed any ALDI exclusive liquor products purchased from an ALDI supermarket in WA? by BANNER. Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)

Q5 to what extent do you agree or disagree with the following statements about ALDI liquor sections? show tablet

	They have many brands and products that are not available elsewhere (other than another ALDI store)	The liquor section will be convenient for shoppers	The products represent good Value for money	They have good quality products
	%	%	%	%
Completely disagree	0%	0%	0%	0%
Tend to disagree	1%	1%	1%	2%
Tend to Agree	28%	18%	18%	33%↑
Completely agree	70%	80%↑	81%↑	49%↓
Don't Know	2%	1%	0%↓	15%↑
NET	100%	100%	100%	100%
Net Disagree	1%	1%	1%	2%
Net Agree	98%	98%	99%↑	83%↓
Column n	133	133	133	133

Figure 8. Q5 to what extent do you agree or disagree with the following statements about ALDI liquor sections? show tablet. Total sample; Weight: Weight ALBANY 6 days; base n = 133;

Q6 Can you tell me to what extent you like or dislike each of these attributes of the liquor section proposed for the ALDI [@LOC@] supermarket? show tablet

	Locat- ion wit- hin the ALDI [@LO- C@] Super- market	Have a specia- list ran- ge incl- uding mostly ALDI Exclu- sive produ- cts	Have Award winn- ing liq- uor produ- cts	Has value for money pricing	The conve- nience of shopp- ing for groce- ries an- d liquor needs in the one transa- ction
	%	%	%	%	%
Definitely Dislike	2%↑	0%	0%	0%	0%
Tend to Dislike	0%	1%	1%	0%	1%
Neither	13%	18%	22%↑	10%	10%
Tend to Like	25%	28%	25%	20%	19%
Definitely Like	61%	53%↓	51%↓	70%↑	71%↑
Don't Know	0%	0%	1%	1%	0%
NET	100%	100%	100%	100%	100%
Net Dislike	2%	1%	1%	0%	1%
Net Like	85%	81%	76%↓	89%	89%

Figure 9. Q6 Can you tell me to what extent you like or dislike each of these attributes of the liquor section proposed for the Albany ALDI supermarket? show tablet. Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)

Q7 How often do you buy takeaway beer wines or spirits, either personally or with another person? show tablet	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor							
		Appe-ars as Male	Appe-ars as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy takeaway liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1 / Fortnight	At Least 1 /Month	Buy at all
	NET	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Don't ever buy takeaway liquor	13%	12%	13%	24%	10%	14%	13%	14%	10%	7%	13%	13%	100%↑	0%↓	0%↓	0%↓	0%↓	0%↓	0%↓	0%↓
Once or more a week	30%	30%	30%	42%	37%+	24%+	36%+	22%	17%	19%	32%	31%	0%↓	100%↑	0%↓	0%↓	0%↓	58%↑	42%↑	34%↑
Once or more a fortnight	21%	26%	19%	17%	27%	18%	20%	25%	12%	26%	22%	21%	0%+	0%↓	100%↑	0%↓	0%+	42%↑	30%↑	25%↑
Once or more a month	20%	19%	21%	17%	18%	22%	19%	17%	27%	35%	18%	19%	0%+	0%↓	0%↓	100%↑	0%↓	0%↓	28%↑	23%+
Less often	16%	13%	18%	0%	8%+	22%+	12%+	22%	34%+	12%	15%	16%	0%+	0%↓	0%+	0%↓	100%↑	0%↓	0%↓	18%+
Don't Know	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
At Least 1/fortnight	51%	56%	49%	59%	64%+	42%↓	56%	48%	29%	45%	54%	52%	0%↓	100%↑	100%↑	0%↓	0%↓	100%↑	72%↑	58%↑
At Least 1/month	71%	75%	69%	76%	82%+	64%+	75%	64%	56%	81%	72%	70%	0%↓	100%↑	100%↑	100%↑	0%↓	100%↑	100%↑	82%↑
Buy at all	87%	88%	87%	76%	90%	86%	87%	86%	90%	93%	87%	87%	0%↓	100%↑	100%↑	100%+	100%+	100%↑	100%↑	100%↑

Figure 10. Q7 How often do you buy takeaway beer wines or spirits, either personally or with another person? show tablet by BANNER. Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)

BANNER																					
Q7b. Albany	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor								
		Appe-ars as Male	Appe-ars as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy takeaway liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1 / Fortnight	At Least 1 /Month	Buy at all	
	NET	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	
		%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	
Don't buy take away liquor products	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	NaN	0%	0%	0%	0%	0%	0%	0%	
Yes I can access such products and services within the 3km circle around the Albany Aldi	94%	94%	94%	100%	96%	92%	96%	100%	83%	77%↓	97%↑	96%↑	NaN	96%	97%	92%	88%	97%	95%	94%	
No I cannot access such products and services within the 3km circle around the Albany Aldi	3%	2%	3%	0%	2%	4%	4%	0%	4%	0%	3%	3%	NaN	2%	2%	3%	5%	2%	2%	3%	
Don't know	3%	3%	3%	0%	2%	4%	0%↓	0%	14%↑	23%↑	0%↓	1%↓	NaN	1%	2%	5%	7%	1%	2%	3%	
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	NaN	100%	100%	100%	100%	100%	100%	100%	
Column n	265	93	172	4	114	147	157	62	22	24	219	241	0	90	66	61	48	156	217	265	

Figure 11. Q7b. Albany by BANNER. Total sample; Weight: Weight ALBANY 6 days; base n = 265; total n = 303; 38 missing; effective sample size = 259 (98%).

Q8 Do you think that the liquor service proposed at ALDI [@LOC@] will be different from existing take-away liquor outlets already operating in and near [@LOC@]?	BANNER																				
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor								
		Appe-ars as Male	Appe-ars as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy take-away liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1 / Fortnight	At Least 1 /Month	Buy at all	
	NET	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	
	Yes	69%	66%	71%	100%	72%	66%	74%	63%	72%	50%	71%	71%	NaN	72%	65%	71%	68%	69%	70%	69%
	No	22%	21%	23%	0%	20%	25%	20%	27%	24%	25%	22%	22%	NaN	21%	22%	22%	26%	21%	22%	22%
	Don't know	8%	13%	6%	0%	8%	9%	5%	10%	4%	26% ⁺	7%	7% ⁺	NaN	7%	13%	7%	6%	10%	9%	8%
	NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	NaN	100%	100%	100%	100%	100%	100%	100%
	Column n	265	93	172	4	114	147	157	62	22	24	219	241	0	90	66	61	48	156	217	265

Figure 12. Q8 Do you think that the liquor service proposed at Albany ALDI will be different from existing take-away liquor outlets already operating in and near Albany? by BANNER
Total sample; Weight: Weight ALBANY 6 days; base n = 265; total n = 303;

Q8 Do you think that the liquor service proposed at ALDI [@LOC@] will be different from existing take-away liquor outlets already operating in and near [@LOC@]?	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor							
	NET	Appe-ars as Male	Appe-ars as female	18-24	25 – 55	56+	Once a week or more	Once or twi-ce a fortn-ight	Once or twice a month	Less often	At Le-ast 1/ fortn-ight	At Least 1 / month	Don't ever buy takea-way liquor	Once or more a week	Once or mo-re a fortn-ight	Once or more a month	Less often	At Le-ast 1 / Fortn-ight	At Least 1/ Month	Buy at all
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Yes	74%	73%	75%	100%	74%	74%	81%	63%	68%	57%	77%	76%	NaN	73%	71%	79%	77%	72%	74%	74%
No	20%	18%	21%	0%	20%	21%	16%	23%	27%	35%	18%	19%	NaN	22%	23%	19%	14%	22%	21%	20%
Don't know	5%	9%	4%	0%	7%	5%	2%	14%	5%	8%	5%	5%	NaN	6%	5%	2%	9%	6%	5%	5%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	NaN	100%	100%	100%	100%	100%	100%	100%
Column n	182	63	119	4	78	100	113	39	16	14	152	168	0	65	45	41	31	110	151	182

Figure 13. Q8 Do you think that the liquor service proposed at Albany ALDI will be different from existing take-away liquor outlets already operating in and near Albany? by BANNER. Filter: Q3_Have shopped in ALDI with Liquor section; Weight: Weight ALBANY 6 days;

Q8 Do you think that the liquor service proposed at ALDI [@LOC@] will be different from existing take-away liquor outlets already operating in and near [@LOC@]?	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor							
	NET	Male	Appe-ars as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1/ month	Don't ever buy take-away liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1/ Fortnight	At Least 1/ Month	Buy at all
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Yes	78%	79%	78%	100%	77%	79%	84%	70%	69%	66%	80%	79%	NaN	81%	75%	76%	81%	79%	78%	78%
No	17%	12%	19%	0%	20%	16%	14%	22%	24%	22%	16%	17%	NaN	13%	21%	22%	15%	16%	18%	17%
Don't know	5%	9%	3%	0%	4%	5%	2%	8%	7%	12%	4%	4%	NaN	6%	4%	3%	4%	5%	5%	5%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	NaN	100%	100%	100%	100%	100%	100%	100%
Column n	130	38	92	3	53	74	80	28	13	9	108	121	0	49	30	30	21	79	109	130

Figure 14. Q8 Do you think that the liquor service proposed at Albany ALDI will be different from existing take-away liquor outlets already operating in and near Albany? by BANNER. Filter: Q4 Have consumed any ALDI exclusive liquor products purchased from an ALD

Q9 On average, how often would you make liquor purchases from the [@LOC@] ALDI supermarket? show tablet	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor							
		Appe-ars as Male	Appe-ars as female	18-24	25 – 55	56+	Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy take-away liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1 / Fortnight	At Least 1 /Month	Buy at all
	NET																			
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Don't buy packaged liquor	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	NaN	0%	0%	0%	0%	0%	0%	0%
Once or more a week	26%	25%	26%	55%	28%	23%	40%↑	6%↓	0%↓	4%↓	31%↑	28%↑	NaN	67%↑	10%↓	0%↓	2%↓	43%↑	31%↑	26%
Once or more a fortnight	28%	29%	28%	22%	33%	25%	28%	47%↑	8%	0%↓	33%↑	31%↑	NaN	21%	67%↑	16%↓	6%↓	40%↑	33%↑	28%
Once or more a month	23%	25%	23%	22%	20%	26%	19%	25%	50%↑	25%	21%↓	23%	NaN	5%↓	9%↓	73%↑	15%	7%↓	25%	23%
Less often	19%	16%	21%	0%	15%	23%	10%↓	20%	34%	66%↑	13%↓	15%↓	NaN	4%↓	9%↓	8%↓	76%↑	6%↓	7%↓	19%
Don't Know	3%	5%	2%	0%	4%	3%	3%	1%	8%	5%	2%	3%	NaN	3%	4%	3%	2%	3%	3%	3%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	NaN	100%	100%	100%	100%	100%	100%	100%
At Least 1 / fortnight	54%	54%	54%	78%	61%	48%	68%↑	53%	8%↓	4%↓	64%↑	59%↑	NaN	88%↑	78%↑	16%↓	8%↓	84%↑	64%↑	54%
At Least 1/Month	77%	79%	76%	100%	81%	74%	87%↑	78%	58%	29%↓	85%↑	82%↑	NaN	92%↑	87%	89%↑	23%↓	90%↑	90%↑	77%
At Least sometimes	97%	95%	98%	100%	96%	97%	97%	99%	92%	95%	98%	97%	NaN	97%	96%	97%	98%	97%	97%	97%
Column n	265	93	172	4	114	147	157	62	22	24	219	241	0	90	66	61	48	156	217	265

Figure 15. Q9 On average, how often would you make liquor purchases from the Albany ALDI supermarket? show tablet by BANNER. Total sample; Weight: Weight ALBANY 6 days; base n = 265; total n = 303; 38 missing; effective sample size = 259 (98%)

Q9 On average, how often would you make liquor purchases from the [ALDI supermarket? show tablet	Don't ever buy take-away liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	Don't Know	NET	At Least 1/fortnight	At Least 1/month	Buy at all
	%	%	%	%	%	%	%	%	%	%
Don't buy packaged liquor	NaN	0%	0%	0%	0%	NaN	0%	0%	0%	0%
Once or more a week	NaN	67%↑	10%↓	0%↓	2%↓	NaN	26%	43%↑	31%↑	26%
Once or more a fortnight	NaN	21%	67%↑	16%↓	6%↓	NaN	28%	40%↑	33%↑	28%
Once or more a month	NaN	5%↓	9%↓	73%↑	15%	NaN	23%	7%↓	25%	23%
Less often	NaN	4%↓	9%↓	8%↓	76%↑	NaN	19%	6%↓	7%↓	19%
Don't Know	NaN	3%	4%	3%	2%	NaN	3%	3%	3%	3%
NET	NaN	100%	100%	100%	100%	NaN	100%	100%	100%	100%
At Least 1 / fortnight	NaN	88%↑	78%↑	16%↓	8%↓	NaN	54%	84%↑	64%↑	54%
At Least 1/Month	NaN	92%↑	87%↑	89%↑	23%↓	NaN	77%	90%↑	90%↑	77%
At Least sometimes	NaN	97%	96%	97%	98%	NaN	97%	97%	97%	97%
Column n	0	90	66	61	48	0	265	156	217	265

Figure 16. Q9 On average, how often would you make liquor purchases from the Albany ALDI supermarket? show tablet by Q7 How often do you buy takeaway beer wines or spirits, either personally or with another person? show tablet. Total sample; Weight: Weight ALBANY

Q10 If the liquor store licence is approved for ALDI [ALDI], do you consider that it would be likely to cause any of the following	Personal Harm To you	Your Personal Health	Your Personal inconvenience	Your Personal annoyance	Your Personal Disturbance	Your Personal offence	A Lessening of the amenity of the locality
	%	%	%	%	%	%	%
Yes	0%	0%	0%	1%	0%	0%	3%↑
No	99%	99%	99%	99%	99%	99%	95%↓
Don't Know	1%	1%	1%	1%	1%	1%	2%
NET	100%	100%	100%	100%	100%	100%	100%
Column n	303	303	303	303	303	303	303

Figure 17. Q10 If the liquor store licence is approved for Albany ALDI, do you consider that it would be likely to cause any of the following. Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 312 (103%)

Q11 Overall would you support or oppose the creation of a small liquor section in the ALDI [@LOC@] supermarket as we have described? show tablet	BANNER																			
	Gender:			Age Group			FRQ Shop in This ALDI						FRQ Buy Takeaway Liquor							
		Appears as Male	Appears as female				Once a week or more	Once or twice a fortnight	Once or twice a month	Less often	At Least 1/ fortnight	At Least 1 / month	Don't ever buy takeaway liquor	Once or more a week	Once or more a fortnight	Once or more a month	Less often	At Least 1 / Fortnight	At Least 1 /Month	Buy at all
	NET	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Completely support	81%	82%	80%	76%	80%	81%	83%	77%	80%	75%	81%	81%	51%↓	92%↑	83%	83%	78%	88%↑	87%↑	85%↑
Tend to support	13%	12%	13%	24%	15%	11%	12%	16%	11%	14%	13%	13%	26%	7%	13%	14%	12%	10%	11%	11%
Neither	5%	4%	5%	0%	4%	6%	4%	6%	5%	11%	4%	5%	15%↑	1%	4%	3%	8%	2%	3%↑	4%↑
Tend to oppose	1%	1%	0%	0%	0%	1%	1%	0%	3%	0%	0%	1%	3%	0%	0%	0%	2%	0%	0%	0%
Completely oppose	1%	0%	1%	0%	1%	1%	1%	0%	0%	0%	1%	1%	5%↑	0%	0%	0%	0%	0%	0%	0%↑
Don't know	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
NET	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Net Support	94%	94%	93%	100%	95%	93%	95%	94%	91%	89%	94%	94%	77%↓	99%	96%	97%	90%	98%↑	97%↑	96%↑
Net Oppose	1%	1%	1%	0%	1%	2%	2%	0%	3%	0%	1%	1%	8%↑	0%	0%	0%	2%	0%	0%↑	0%↓
Column n	303	106	197	5	126	172	181	72	24	26	253	277	38	90	66	61	48	156	217	265

Figure 18. Q11 Overall would you support or oppose the creation of a small liquor section in the Albany ALDI supermarket as we have described? show tablet by BANNER. Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 297 (98%)

Q13 Do you have any other comments about the possibility of the ALDI [@LOC@] Store being able to create a take-away liquor section as we have discussed? - Coded

	%
No Comment	66%↑
No Problem / no concerns / ok with me	2%↓
Enthusiastic support / can't wait	17%↑
Should not be in supermarket / may reduce other grocery products	1%↓
Convenient	3%↓
General Support / Conditional support	9%
Concerns over anti-social behaviour	1%↓
Already plenty of alcohol outlets	1%↓
Don't drink / Oppose alcohol	0%↓
Will improve competition	5%↓
Other (non related)	1%↓
NET	100%↑
Column n	303

Figure 19. Q13 Do you have any other comments about the possibility of the Albany ALDI Store being able to create a take-away liquor section as we have discussed? - Coded. Total sample; Weight: Weight ALBANY 6 days; base n = 303; effective sample size = 296 (98%)