



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

9053 Portobello Road, Dalyellup

to be known as

ALDI Dalyellup

Public Interest Assessment Form 2A Annexure

including section 36B submissions



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1. Executive summary

- 1.1. This application involves a proposal for an incredibly popular and strongly demanded liquor service, to operate from a small and discrete area, to be located in the new ALDI Dalyellup store currently under construction.
- 1.2. The liquor range, comprising many award-winning products, is almost entirely exclusive to the applicant. The relevant community currently needs to drive approximately 9.8km one-way to access it at the nearest location elsewhere.
- 1.3. Expert evidence has confirmed that thousands of Dalyellup shoppers are currently travelling a long distance out of their area to access ALDI elsewhere¹.
- 1.4. The liquor store model is well-known, sought-after by the public and has been previously approved by the licensing authority at other locations in WA.
- 1.5. The site is perfectly suited, within the evolving Dalyellup Town Centre that is part of the District Centre, to the proposed liquor service and has no unusual sensitivities or risks associated with it.
- 1.6. The application is supported by a substantial volume of compelling evidence which goes far above and beyond the level or degree of requirement capable of justifying the grant².
- 1.7. The expert market researcher in this case found that, among other things:
 - 1.7.1. "The survey of adult residents of the 3km radius locality showed considerable support for and intended use of the proposed liquor section for the proposed Dalyellup ALDI store."³
 - 1.7.2. "If the Dalyellup ALDI liquor section is established slightly more than three in four (77%) of packaged liquor buyers will shop there for their packaged liquor requirements at least once a month. Forty-seven per cent will do so at least once a fortnight (see section 4.5.3) and 93% "at least sometimes."⁴
- 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 licence⁵.
- 1.9. The applicant is well-known, highly sophisticated and enjoys an excellent trading compliance record.

¹ Deep End Services Sales Report dated May 2024 (**DES report**) (attached). Deep End Services is an expert site researcher, analyst and advisory firm.

² Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2024] WASC 128 (**Liquorland Southern River**) [128] [137] (Lemonis J)

³ Survey of the Consumer Requirement for Liquor Retailing Amongst Adults Resident in the 3km Radius Locality of the proposed Dalyellup ALDI Supermarket, by Patterson Research Group (**PRG**), dated August 2025 (**PRG Report**) (attached), at 2.0, page 6. PRG and Jessica Patterson Law & Consultancy Pty Ltd are totally unrelated entities. The commonality of the name "Patterson" is purely coincidental.

⁴ At 2.1, page 6.

⁵ Liquorland Southern River [57] (Lemonis J)

2. Introduction and background

- 2.1. ALDI Foods Pty Limited (ACN 086 210 139) (**ALDI**⁶) seeks the conditional grant of a liquor store licence and extended trading permit (**ETP**) pursuant to sections 33, 38, 36B, 47, 60(4)(g) and 98D of the Liquor Control Act 1988 (WA) (**Act**) for a very small section of its supermarket premises located at 9053 Portobello Road, Dalyellup.
- 2.2. This document has been prepared as an annexure to and in accordance with the Public Interest Assessment Form 2A published by the Department of Local Government Industry Regulation and Safety (**Department**) (**Form 2A**). Together they comprise the applicant's Public Interest Assessment (**PIA**). The PIA has been prepared in accordance with the Act and with reference to relevant Department policies.
- 2.3. As directed by the Department⁷, the applicant has applied a "common-sense approach"⁸ 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"⁹. 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 evidence¹⁰. 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 Dalyellup through the expert survey by PRG. This evidence is based largely on consumers' first-hand knowledge of the proposed liquor model. The PRG report states that "92% [of those surveyed] indicate that they have previously shopped in a Western Australia (sic) ALDI that had a liquor section, and 66% reported that they had consumed exclusive ALDI liquor products purchased from a WA ALDI store with a liquor licence"¹¹.
- 2.5. The applicant is entirely capable and keen to address the community requirement, as soon as possible. ALDI hopes to open the new development with the liquor service, around the end of this year.
- 2.6. This PIA has been formally adopted and verified by a senior WA representative of ALDI by way of signing the Form 2A.

⁶ Including related entities forming the ALDI group

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

⁸ Form 2A page 2

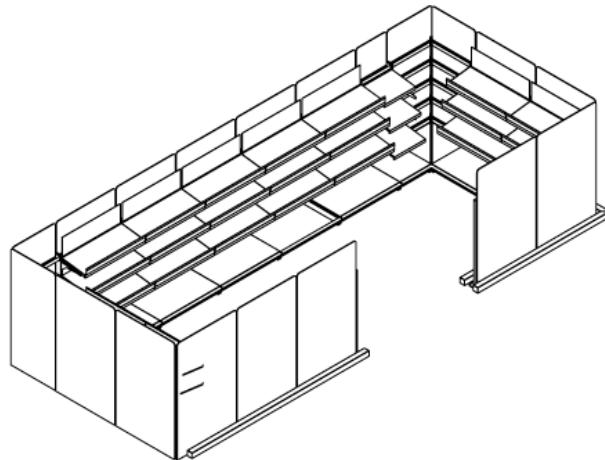
⁹ For example: <https://www.cits.wa.gov.au/department/news/news-article/2024/08/29/liquor-licensing-policy-reform-a-big-win-for-wa-hospitality-industry>

¹⁰ Liquorland Southern River [126] and [128] (Lemonis J)

¹¹ At para 2.0, page 6 and see also page 17

3. Brief outline of the application

- 3.1. This application involves a petite liquor display/browse and checkout section of only approximately 41m² within the ALDI Dalyellup store.
- 3.2. A small but carefully elected and exclusive range of unrefrigerated liquor is proposed to be available in a discrete and clearly designated licensed area under the same roof as the wider ALDI Dalyellup store. The size, layout and style of operation will be almost identical to the 36 existing ALDI licences trading in WA.
- 3.3. This liquor model is unique to ALDI. Its various features, referred to throughout this PIA, make for a bespoke manner of trade. The boutique type of liquor service perfectly complements the diverse and attractive range of ALDI's unique non-liquor products, services and facilities. This creates an exceptional one-stop-shopping convenience for customers, which is a key feature of the ALDI offering.
- 3.4. The aerial render below is indicative of what is proposed as the liquor display/browse area. The checkout is located in front of the entrance that is depicted. The boundary partitioning is proposed to be made of 2.1 metre high opaque frosted glass depicted 1 in the subsequent photo.



- 3.5. Additional details of the ALDI liquor offering are provided further on in this PIA.

- 3.6. The hundreds of people living within 3km of the site who have provided evidence of their requirement for the proposed liquor service have encouraged ALDI to lodge this application and seek approval to provide liquor at its new Dalyellup store.
- 3.7. Members of the Dalyellup community and other shoppers will have the opportunity to enjoy the full range of ALDI's offering 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 organisation¹².

"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

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

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 and packaged food 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 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 consumers¹³.
- 4.6. ALDI has published that it has “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.”¹⁴

- 4.7. ALDI’s mission is to provide the public with “unbeatable value”¹⁵. 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 items which are manufactured according to ALDI’s

¹³ 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.”

¹⁴ <https://corporate.aldi.com.au/en/corporate-responsibility/>

¹⁵ <https://www.aldi.com.au/en/about-aldi/aldis-low-prices/>

particular and strict specifications to ensure quality and value-for-money. Expressi Coffee is one of the most popular non-liquor examples. ALDI's Expressi Coffee capsule machine and coffee capsules have won numerous awards.

- 4.9. The majority of ALDI's exclusive products that are available in Australia are sourced from Australian suppliers.
- 4.10. Every Wednesday and Saturday "special buys" are promoted by ALDI which are specialty short-term product lines that are usually non grocery items. Flat screen televisions, furniture, clothing, appliances, BBQs, tools, gardening equipment, vacuums, camping gear and toys are just some examples. These have proven extremely popular such that customers often queue outside a store to try to access these items and then spend long periods browsing. ALDI special buys are sometimes even reported by the media as news¹⁶.
- 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 is not replenished.

ALDI Special Buys™

- 4.12. ALDI special buys are displayed in the now renowned middle aisle of every store.
- 4.13. The following images show recent catalogue-advertised special buys available at other ALDI stores, by way of example and which would be available at the new Dalyellup store.

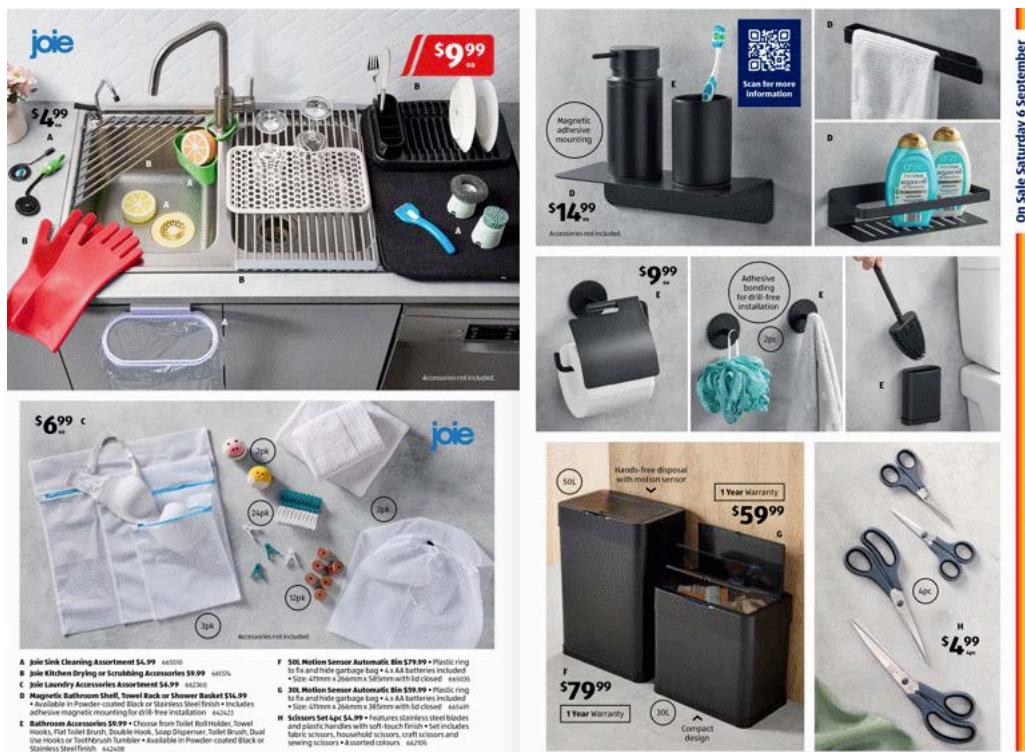


¹⁶ For example, Chanel 7: "ALDI Australia set to bring back its wildly popular snow gear sale after two-year hiatus", 9 May 2023 (<https://7news.com.au/lifestyle/aldi/aldi-australia-set-to-bring-back-its-wildly-popular-snow-gear-sale-after-shock-hiatus-c-10571950>)

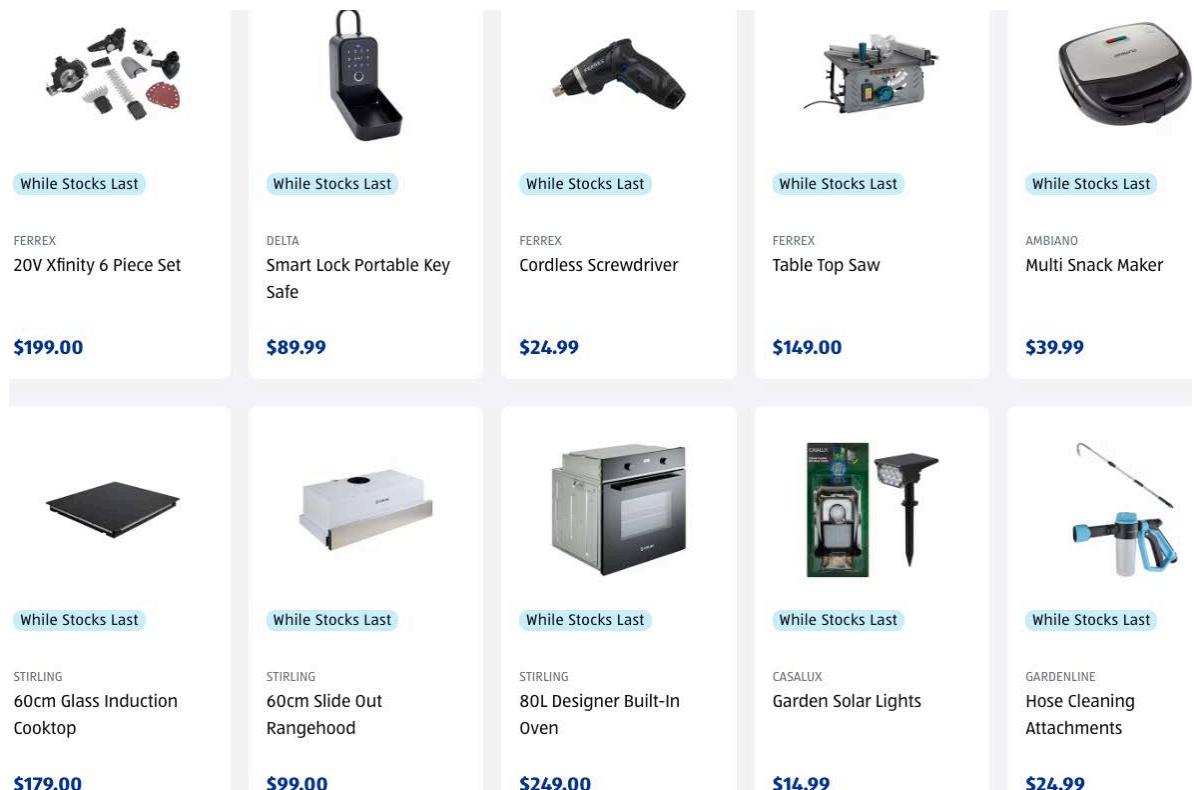
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4.14. The following are further examples:



4.15. These images show that an enormous and diverse range of popular consumer items will be available at exceptional value-for-money prices. Sometimes the

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special buys include a small selection of liquor. The following shows a few recently available special buys of liquor, by way of example.

				
ST HALLETT St Hallett Faith Barossa Shiraz 750ml	BROWN BROTHERS Winter Red 2024 Vintage	HIGHLAND GREEN Highland Green Blended Malt Scotch Whisky 700ml	WYNNS ESTATE Coonawarra Shiraz 2023 750ml	LES ARGELIÈRES Pinot Noir 750ml
\$14.99	\$9.99	\$44.99	\$11.99	\$11.99
				
MOUNT LANGI GHIRAN Shiraz 2023 Vintage	CORTE CARISTA Montepulciano D'Abruzzo DOCG 2021 Vintage	THE STANDING PEOPLE Lighter in Alcohol Pinot Noir 2024 Vintage	DUFFEY'S Irish Whiskey 700ml	RESCHKE Reschke Coonawarra Cabernet Sauvignon 20...
\$15.99	\$11.99	\$9.99	\$46.99	\$11.99
				
PIERRE CHAINIER Vin De Sud Pinot Noir 2024	FAUSTINO Faustino Rivero Ulecia Reserva 750ml	FOWLES WINE Fowles Vinarium Chardonnay 750ml	FREYA AND JULES Clare Valley Shiraz 2022 750ml	BEST'S GREAT WESTERN EST 1866 Bests Grampains Cabernet Sauvignon...
\$9.99	\$9.99	\$14.99	\$12.99	\$14.99

4.16. ALDI prides itself on consistently competitive pricing across all of its product lines and providing customers with exceptional value-for money. The company's ability to achieve such low prices for quality products stems from its highly sophisticated business model which focuses on optimum operational efficiency. The following are but a few examples of aspects of ALDI's in-store operations which heighten productivity, reduce waste and enable competitive value-for money pricing to be maintained.

4.16.1. 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.

- 4.16.2. Products in ALDI stores are displayed on re-usable standardised 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.
- 4.16.3. 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.
- 4.16.4. Customers are required to pack their own shopping bags at the checkout and a dedicated bagging 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.

4.17. ALDI's business is highly systemised and disciplined. ALDI's shelving, storage methods, displays, product placement and other logistical aspects are carefully designed to sync and 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.

4.18. 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.

4.19. Consistent pricing is 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.

4.20. ALDI's approach to business is neatly encapsulated in its "Good Different" slogan, which was launched in 2017. Mr Thomas Daunt, then director of the applicant company, explained this campaign as follows.

"ALDI Australia is unapologetically different – and that's a good thing for shoppers. We are proud of our differences and we stand by them wholeheartedly, as they are what allows us to bring unbeatable value to our customers, maintain strong relationships with our suppliers and support our staff every day."¹⁷

¹⁷ <https://insidefmcg.com.au/2017/05/15/aldis-good-different-campaign/>



4.21. ALDI is a responsible and sophisticated corporate citizen and operates pursuant to very high standards and key performance indicators, which include the following published principles. “We are passionate about putting our customers at the heart of everything we do. It’s why we’re so proud to have won more Roy Morgan Customer Satisfaction Awards than any other supermarket in the last five years. Talk about Good Different!¹⁸”.

4.22. Further¹⁹:

- We are the only supermarket that has eliminated artificial colours from all products storewide. This includes both our ALDI exclusive range and the popular branded products we stock in our stores
- None of our products contain added MSG
- We are rolling out the ‘Health Star Rating’ (HSR) on our products to help make healthy choices easy to identify, and all our confectionary features the ‘Be Treatwise’ logo
- We’re increasing healthier options for our customers: in the last two years alone our organic range has grown by 21% and our ‘Has No’ gluten-free range is forecast to increase by 50% in 2018
- Every production facility that makes ALDI food products should be certified according to the Global Food Safety Initiative (GFSI) standard, recognising world class food manufacturing safety.

4.23. 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 supermarkets²⁰.

4.24. ALDI’s pursuit of excellence and quality in all things is evident in the many awards it has won in Australia, including Canstar Blue Most Satisfied Shoppers – Supermarkets 2014-2016 and 2018-2023 and Roy Morgan Supermarket of the Year for the last eight consecutive years²¹. Upon winning Supermarket of the Year in 2023, “Roy Morgan’s research found Aldi’s average customer

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

¹⁹ <https://corporate.aldi.com.au/en/corporate-responsibility/customers/>

²⁰ <https://www.roymorgan.com/findings/9666-risk-monitor-quarly-update-june-2024>

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

satisfaction score was 95.7 per cent based on face-to-face customer interactions at supermarkets”²².

- 4.25. More specifically, ALDI is also an award-winning retail liquor supplier. Among its many liquor retailing awards has been the Canstar Blue Most Satisfied Customers – Liquor Retailer 2021 and Roy Morgan Liquor Store of the Year in 2018 based on customer satisfaction.
- 4.26. Canstar Blue is a major, renowned national independent reviewer and reporter of consumer products and services “helping Australian consumers make better-informed purchase decisions on products and services by providing factual, up-to-date and well-researched comparison tables, ratings, reviews, guides and news on a range of consumer-related topics...Canstar Blue uses its wealth of consumer and expert research and data to identify outstanding brands, products, services and plans. We award these brands, products, services and plans with an award that recognises this achievement”²³.
- 4.27. There should be no question as to the credibility of these awards and certainly no doubt that ALDI customers are immensely satisfied with the products and services provided by ALDI which include liquor.
- 4.28. The Australian Liquor Stores Association has said that Australian “shoppers have migrated towards the value messaging of Aldi”²⁴.
- 4.29. “Our success is based on the close relationships we have with our suppliers, who all share our passion for awesome quality. Aldi partners with some of the best producers and winemakers both in Australia and internationally, which means we can deliver exceptional quality, value and consistency to our customers. Our partnerships with our suppliers are focused on a desire to see the customer win with great-tasting wines at unbeatable prices”.²⁵
- 4.30. ALDI is a highly sophisticated and experienced packaged liquor operator, which enjoys extensive supermarket and liquor retailing experience within Western Australia, elsewhere in Australia and overseas.
- 4.31. ALDI has been operating in Australia since 2001 when the first ALDI store opened in Sydney. There are now around 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.
- 4.32. Over the last ten years approximately, ALDI has been undergoing a \$700 million expansion, most notably in WA and South Australia. ALDI opened its first four stores in Western Australia on 8 June 2016.

²² <https://www.news.com.au/finance/business/retail/aldi-named-supermarket-of-the-year-in-roy-morgans-customer-satisfaction-awards-for-fourth-year-in-a-row/news-story/66f907a7efa9941ae6fc2610bc93c65f>

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

²⁴ ALSA – IRI State of the Industry Report, March 2017 at page 14 - copy available if required, upon request

²⁵ 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/>

4.33. The ALDI liquor service was made available in WA from the end of August 2017 in five ALDI stores initially. Since then, the applicant has had an excellent compliance record and growing consumer popularity.

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 Dalyellup 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 changes from time to time 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 Dalyellup 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."²⁶

5.6. In recognition of the launch of the ALDI liquor service in WA, renowned wine expert Ray Jordan was invited to sample six of the wines in ALDI's WA stores. Mr

²⁶ https://www.aldi.com.au/fileadmin/fm-dam/Products/Groceries/Liquor/WA_Launch/ALDI_Media_Release_-_WA_Liquor_Launch_1.pdf

Jordan produced a media article on his tasting and remarked that one of the wines in particular, being a \$7 bottle of One Road South Australian Heathcoate Shiraz 2015, was "damn good"²⁷. 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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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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²⁷ <http://www.perthnow.com.au/news/western-australia/aldi-will-start-selling-alcohol-in-perth-stores-from-today/news-story/c59014afc215ba475dd1265a0e89eb4c>

²⁸ <https://7news.com.au/lifestyle/food/bargain-30-aldi-vodka-picks-up-top-award-at-the-global-vodka-masters-2022-c-8149807>

²⁹ <https://www.bhg.com.au/aldi-scotch-whiskey-award>

- 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 'Winestain Uncorked: 'Local' WA wines actually owned by Woolworths, Coles'³⁰ where he described the duopoly's approach as follows:

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

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

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

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

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

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

³⁰ <https://www.smh.com.au/entertainment/winestain-uncorked-local-wines-actually-owned-by-woolworths-coles-20151211-gllhjo.html>

- 5.11. ALDI's approach is very different because it does not own the wineries, breweries and distilleries that produce the ALDI exclusive products. Therefore, whilst those producers will be required to produce to ALDI's standards they will, nonetheless, develop the products as the independent wine, beer or spirit producing expert. The arms-length independence of ALDI's contracted producers enables them to also produce other liquor under different branding to sell directly to consumers separately, or to other packaged liquor retailers.
- 5.12. The ALDI model does not, therefore, have the same deleterious effect on the development of the 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 and react to consumer requirements.
- 5.13. This is one of many factors which differentiate ALDI's liquor range from the major liquor stores. The local community will benefit greatly from having access to this special service in Dalyellup. This factor is highlighted when considered in the context of the ALDI store being built within the Town Centre of the Dalyellup District Centre. The mix of retail and commercial uses will be enhanced with increased product diversity through the addition of ALDI liquor.
- 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 Dalyellup or 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. An example of ALDI's liquor advertising in a recently published catalogue appears below. It is relatively modest, yet smart and stylish. The advertisement contains product information for each item, demonstrating the quality and value-for-money propositions regarding the ALDI range and the fact the range is indeed carefully selected and responsibly promoted.

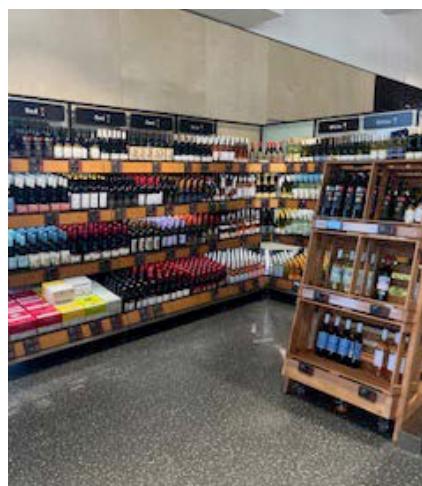
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6. Form 2A “Part 2 – Manner of trade”

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

- 6.1. This application involves a proposal to sell and supply packaged liquor on and from the premises proposed to be licensed as described above, in accordance with section 47 of the Act.
- 6.2. As previously addressed in this document, the applicant proposes to offer a relatively small and mostly exclusive selection of carefully selected, value-for-money non-refrigerated packaged beer, wine and spirits (including a range beer, wine and spirit varietals, cider and sparkling). The following images depict a typical ALDI liquor section, to be established in Dalyellup if the licence is granted:





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



6.4. The applicant seeks the same licensing approval, in respect of the same business model and on the same terms as approved on 38 previous occasions under the Act.

6.5. The main ALDI Dalyellup store (non-liquor) is proposed, at this stage, to operate around the following times (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 7.00pm
Sunday: 8.30am to 7.00pm

- 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 would 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.
- 6.8. The applicant invites the licensing authority, if it considers appropriate, to impose the following special trading conditions that are imposed on ALDI's existing licences in WA:
 - 6.8.1. The licensee is prohibited from selling refrigerated liquor products.
 - 6.8.2. There is to be no external advertising of liquor products on the façade of the licensed premises.
 - 6.8.3. The browse/display area is to be closed off when not open for trade.
 - 6.8.4. The licensee is to have and maintain a CCTV system in accordance with the policies of the Director of Liquor Licensing.
 - 6.8.5. The liquor display and sale area must be separated from the food/grocery display and sale area by barricading of non-see-through material over two (2) metres in height.
 - 6.8.6. The entry/exit point to the licensed area must have a gate.
- 6.9. There are many aspects to the ALDI liquor model which differ from virtually all other non-ALDI packaged liquor outlets anywhere and which are most certainly totally different from the existing outlets relevant in this case. The following are key unique aspects of the ALDI liquor model, which will apply at the new store, should the application be approved:
 - 6.9.1. ALDI exclusive product range.

- 6.9.2. Combination of the ALDI liquor service with the ALDI non-liquor store elements. A one-stop-ALDI shopping convenience.
- 6.9.3. One transaction convenience.
- 6.9.4. Its small size and location under the supermarket roof.
- 6.9.5. Small, carefully curated selection of liquor with no bulk displays.
- 6.9.6. Absence of refrigeration.
- 6.9.7. Absence of external presence of the liquor section.
- 6.9.8. The particular level of surveillance of the display/browse area which can be seen and monitored by staff at all times in its entirety.
- 6.9.9. Restricted visibility into the liquor section as a juvenile risk management feature.
- 6.9.10. Combined beneficial effects of the features listed above which are supplemented by the overall manner of trade and harm minimisation features identified.

- 6.10. In regard to the “target client base” required by the Form 2A to be addressed:
 - 6.10.1. Principally, the ALDI target client base for the proposed liquor service will be adult customers of the ALDI Dalyellup store who are demanding liquor be available to them there. Currently thousands of Dalyellup shoppers travel to the ALDI Bunbury store³¹, approximately 7.8km away one way, as the crow flies and approximately 9.8km driving one-way.
 - 6.10.2. Subsequently and more generally, the target client base consists of people living and working in the anticipated “primary trade area” identified in the DES report which comprises mostly of the suburb of Dalyellup and also the small suburb of Usher and part of Gelorup.
 - 6.10.3. As explained elsewhere in this PIA, the Dalyellup Town Centre within the District Centre operate as the nucleus of the area, providing the main service centre and retail, hospitality and entertainment precinct for several kilometres. Its mix of retailers is designed for all manner of shopping including regular, routine, daily and weekly type trips as well as other more destination-type shopping. ALDI’s proposal intends to cater for the needs of any adult shopper in the District Centre, from wherever they have come.
- 6.11. ALDI operates friendly, inclusive and welcoming stores. Any adult may potentially visit the liquor section in Dalyellup 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.

³¹ DES report; see also PRG report at 4.2, page 15

- 6.12. ALDI enjoys enormously favourable community sentiment and support. Its stores have huge popularity and significant regular custom. Some customers are so passionate about ALDI that they have developed their own private Facebook page/group named, Aldi Fans Australia, dedicated to information for ALDI lovers. This is not an official ALDI media source and yet it has around 104,600 members³². ALDI's official Facebook page has around 892,000 "followers"³³. This medium is the modern-day voice of the public and therefore, represents significant community sentiment.
- 6.13. The first two ALDI applications for liquor store licences in WA were initially refused at first instance³⁴. Subsequently, a massive 8,637 people took it upon themselves to participate in an Internet survey conducted by Nine News Perth³⁵ which asked: "Do you think ALDI should be banned from selling alcohol because it's too cheap?". Within just two days 7,428 people who participated (86%) answered "no". Importantly, this survey was conducted without any involvement from the applicant. It was completely unsolicited. The public's reaction to the survey is indicative of ALDI's significant popularity in the WA community.
- 6.14. Customers seeking ALDI's liquor service had other ALDI stores that do not have liquor have expressed confusion, frustration and disappointment as to why most ALDI locations offer liquor but some do not. This same reaction is expected at the new Dalyellup store if liquor is not made available there.
- 6.15. The applicant engaged independent expert market research firm, PRG³⁶, 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 345 people interviewed and surveyed, include the following:
 - 6.15.1. "Eighty-seven per cent of all residents, and 91% of packaged liquor buyers support the establishment of a liquor section within the proposed Dalyellup ALDI store"³⁷
 - 6.15.2. "A significant majority of respondents indicated that the key liquor store attributes that would be provided in an ALDI Liquor section appealed to them."³⁸
 - 6.15.3. "More than seven in ten (74%) of the total locality resident sample liked the notion that the proposed liquor section would have mostly exclusive ALDI products."³⁹

³² <https://www.facebook.com/groups/117155111252/>

³³ <https://www.facebook.com/ALDI.Australia/>

³⁴ Decision of Director of Liquor Licensing: ALDI Harrisdale (A000187300) and Decision of Director of Liquor Licensing: ALDI Joondalup (A000191943)

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

³⁶ Experience, expertise and methods are referred to on pages 2, 5 and 11; Also:

<https://marketresearch.com.au/about-us/overview/>

³⁷ PRG report at 2.2, page 7

³⁸ PRG report at 2.3, page 9

³⁹ PRG report at 4.4.2, page 20

6.16. The PRG report has been compiled by an extremely experienced expert. Such evidence was found by the Liquor Commission in *ALDI Foods Pty Ltd v Director of Liquor Licensing LC 09/2017 (ALDI Harrisdale)* to be “gold standard”⁴⁰.

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

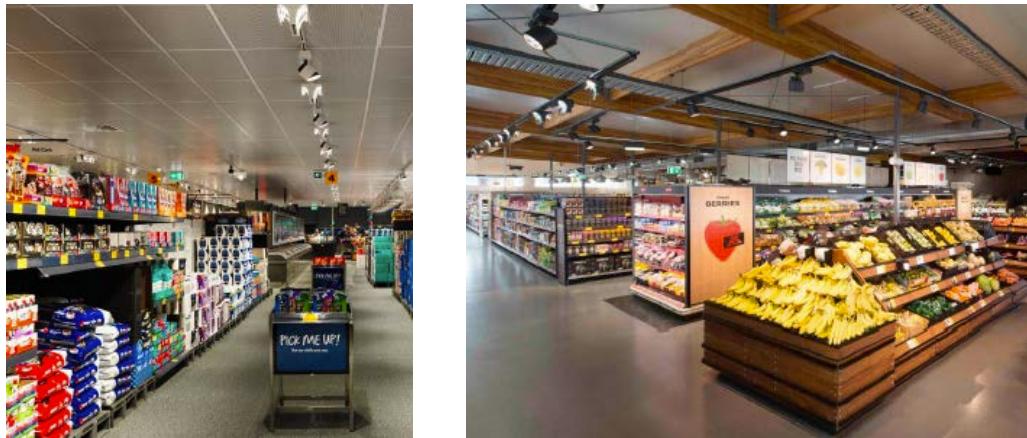
6.17. The following images identify the applicant's location within the Dalyellup Town Centre and District Centre.



⁴⁰ Hearing 22 February 2017, transcript at page 45



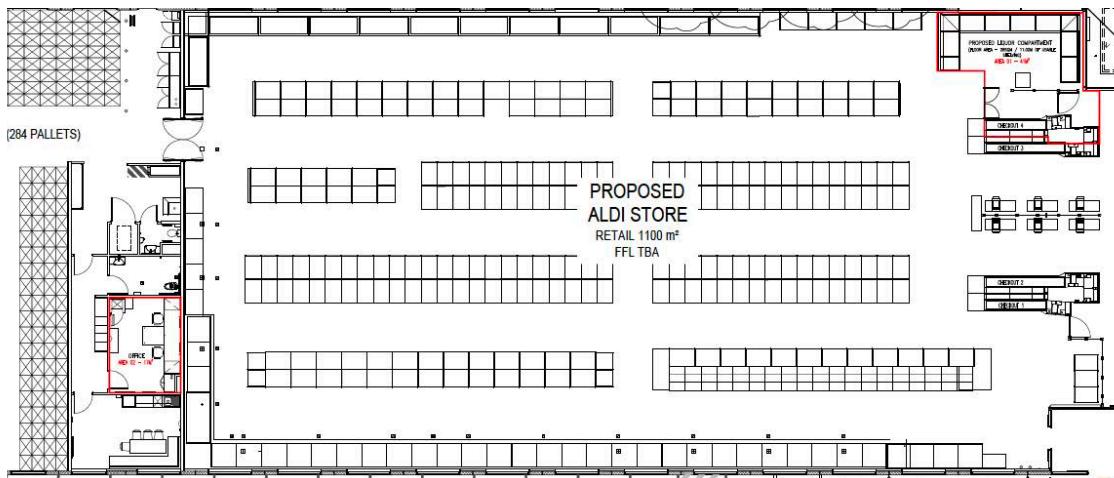
- 6.18. ALDI stores generally comprise a total footprint of approximately 2,000m². Some are located at shopping centres, while others are free-standing like the store render depicted on the cover page of this PIA which is generally how the Dalyellup is intended to be built.
- 6.19. Consistent with other ALDI stores, the Dalyellup store will made up of the following different parts or areas, listed in order of size in terms of the approximate portion of the total footprint:
 - 6.19.1. Main public retail area (non-liquor) – displaying grocery, other supermarket items, homewares, clothing, furniture, tools and other non-grocery items.
 - 6.19.2. Storage.
 - 6.19.3. Loading dock/delivery area.
 - 6.19.4. Entrance and trolley bay.
 - 6.19.5. Checkout.
 - 6.19.6. Office and staff facilities.
 - 6.19.7. Liquor display and browse area (proposed).
- 6.20. The store will provide shoppers with a dedicated parking area comprising 85 bays.
- 6.21. 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 Dalyellup store:



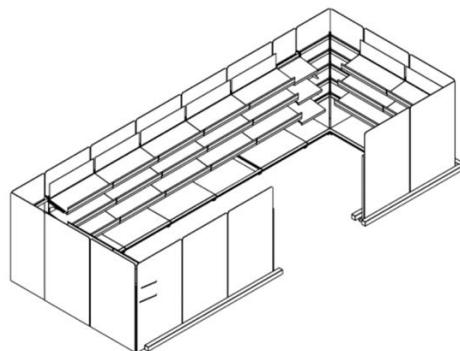
6.22. ALDI operates a generic store modelling concept. The size, layout, colour, product location and stock range of each ALDI store are almost always the same. Minor differences may occur from time to time at some stores owing to land formation, town planning requirements or other unique particulars of the site. For example, the entrance door may be positioned a few metres away from its usual position at a particular location.

6.23. The standardisation of store layouts engenders familiarity for customers, enhances shopping comfort, efficiency and convenience. It also enables customers to rely on consistency of style, standard and overall offer. Importantly, these are key features of the applicant's successful superior efficiency model of operation which benefits customers enormously and is clearly popular with shoppers.

6.24. The layout of the ALDI Dalyellup store is pictured below in an extract from the applicant's floor plan lodged with the application. It shows the proposed licensed area outlined in red, which includes both liquor display/browse and checkout with a combined area of approximately 41m² on the right hand side of the image. This is clearly a tiny proportion of the overall footprint. The office, indicated on the left hand side of the sketch, is also sought to be licensed to house the required licensing documents and to accommodate the approved manager from time to time.



- 6.25. The display/browse space, of only approximately 30m², is a simple rectangular shape. This design is based on many years of experience and enables convenience and a high level of surveillance of the area. The display/browse area will also comfortably accommodate shoppers with their trolleys.
- 6.26. The checkout closest to the liquor display/browse area is proposed to be licensed for the purposes of the liquor transactions. Staff operating at this checkout will be able to monitor all patron activity in this area.
- 6.27. The very small size and layout of the liquor display/browse area clearly confirms that the liquor section is a complementary service to the rest of the ALDI store and will help ensure the area is well-controlled and supervised.
- 6.28. As set out earlier on in this document, the following aerial render is indicative of the proposed sectioned-off liquor display/browse area, which is to be established if approved. The boundary partitioning is intended to be made of 2.1 metre high opaque frosted glass designed for the purpose.

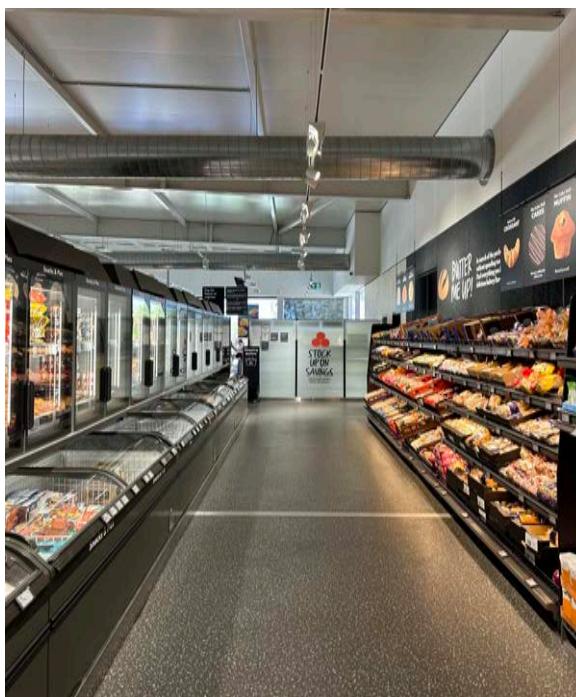


- 6.29. The following photograph of the approved liquor section at the ALDI Yanchep store is indicative of what is proposed to be established at Dalyellup:



- 6.30. The position, layout and small size of the liquor section will enable very clear and uninterrupted visibility and supervision of the display/browse area. These features assist with security, surveillance, management and control by staff.

- 6.31. Thoroughly trained and suitably qualified staff members over the age of 18 will be positioned at the licensed checkout at all times, where they will be able to see directly into the whole liquor area. Such constant and close surveillance is rarely achieved at most other liquor stores due to their size, layout and walk-in cool rooms. Further details of the applicant's well developed risk management measures, which include a heavy emphasis on staff training, are set out further on in this PIA.
- 6.32. The liquor area will be entirely confined well within the ALDI supermarket building and have no access directly into, or visibility from, outside of the ALDI store. In fact, the liquor section will have even limited visibility from within the ALDI supermarket. It will be positioned on the opposite side of the store from the main entrance, next to the office, so as to reduce visibility and enhance the separation from the rest of the store. The liquor section will be discretely tucked-away into the corner, as depicted below at the end of the far-end aisle.



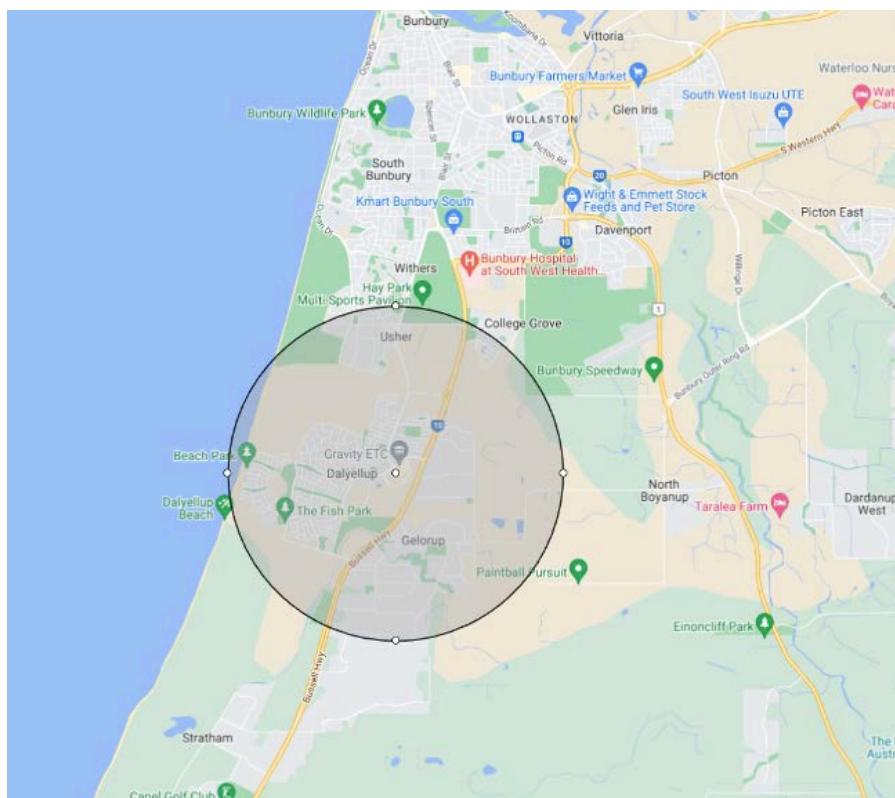
- 6.33. Signage external to the licensed premises may be displayed which is subtle, modest and states simply that there is "liquor available in store", but such signage will not contain images of liquor products, references to particular liquor products or prices of liquor products. The example to the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



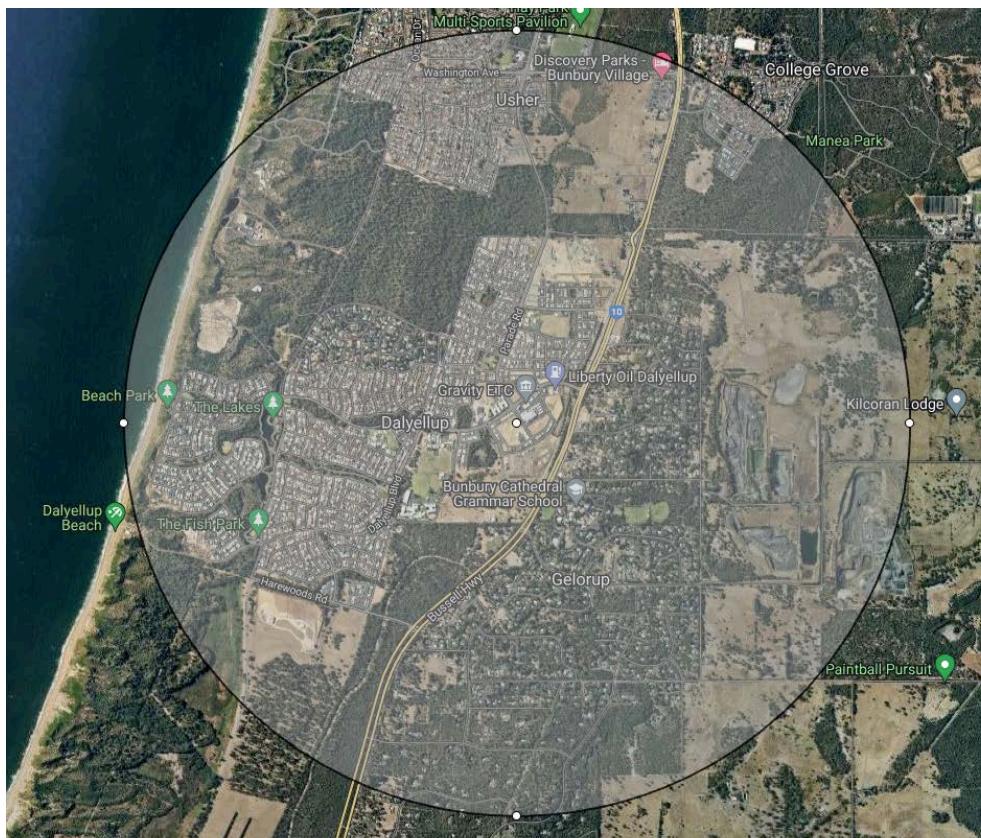
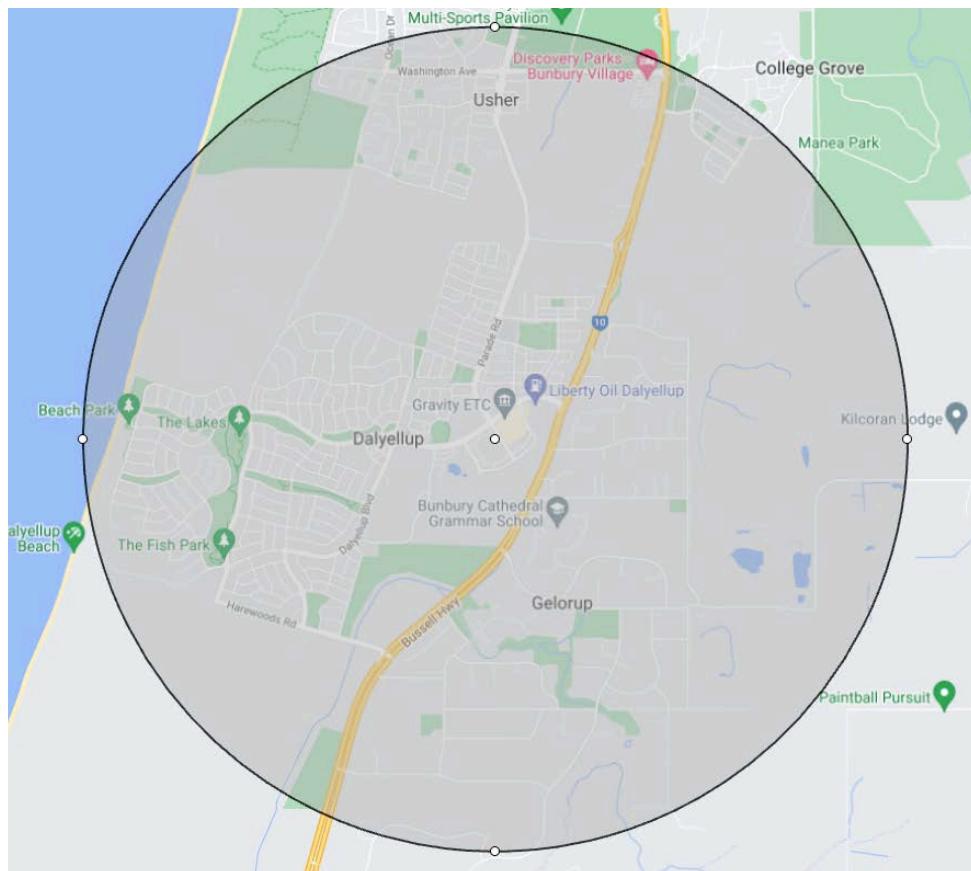
- 6.34. There will be no cool room or other refrigeration in the liquor area. All products will be stocked and sold at room temperature. This unique feature further confirms the intention that the liquor service is genuinely designed to complement the other household items being sold and provide a one-stop-ALDI shop, not an impulse buying service designed to accommodate quick drinking.
- 6.35. 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.
- 6.36. The applicant intends to store liquor in the back-of-house storage area of the ALDI Dalyellup 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"

- 6.37. To address this Form 2A item, it is necessary to firstly identify the relevant locality.
- 6.38. There is no definition of "locality" in the Act.
- 6.39. The ALDI Dalyellup site is located approximately 165km south of the Perth CBD. In the Form 2A, the Department has suggested that the locality for this case may be a 3km radius around the proposed licensed area given that the premises is located more than 15km of the Perth CBD but not remote. That area is depicted in the Google Maps images below (**3km locality**).



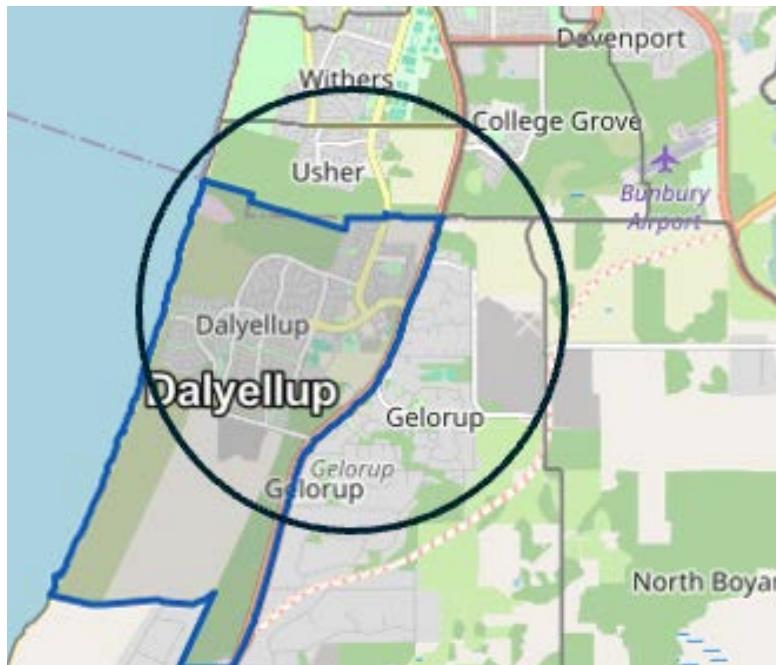
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6.40. This area is within the Shire of Capel and comprises approximately⁴¹:

- 6.40.1. 60% of the suburb area of Dalyellup, but almost 100% of the developed residential area,
- 6.40.2. 99% of the suburb area of Usher and approximately 100% of the developed residential area,
- 6.40.3. 40% of the suburb area of Gelorup, and approximately 60% of the developed residential area,
- 6.40.4. 15% of the suburb area of Withers and approximately 35% of the developed residential area,
- 6.40.5. 15% of the suburb area of College Grove and approximately 15% of the developed residential area and
- 6.40.6. 1% of the suburb area of North Boyanup but none of the developed residential area.

6.41. The following Australian Bureau of Statistics' (**ABS**) map shows Dalyellup itself outlined in **blue**, in the context of the 3km locality encircled in black and with reference to the surrounding suburbs listed above. This image indicates that the majority of the 3km locality land area is comprised of the suburb of Dalyellup.



6.42. ABS statistics for this area are mostly represented by the suburb of Dalyellup, followed by, to a lesser extent, the suburbs of Gelorup and Usher.

6.43. The suburb of Dalyellup is the main settlement within the Shire district⁴². It sits at the top of the Shire's Settlement Hierarchy, described with a “[f]ocus of regional

⁴¹ Based on an assessment of satellite aerial imaging available through Google Maps

⁴² Shire of Capel Local Planning Strategy, Part 1: The Strategy, 26 July 2023, at page 9 (copy available if required, upon request, or here: <https://www.capel.wa.gov.au/plan-build/planning-services/local-planning-strategy.aspx>)

administrative & commercial services and economic growth" and with a population growth potential of up to 16,000 people.⁴³

6.44. "[T]he word 'locality' in s 36B denotes an area that surrounds, and is geographically close to, the location of the proposed premises"⁴⁴.

6.45. "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."⁴⁵

6.46. "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'"⁴⁶.

6.47. The 3km locality is coastal, situated roughly between Bunbury and Busselton. It includes ocean, Bussell Highway and bushland which all act as significant physical markers and delineations within the area, as well as other natural and man-made features.

6.48. "[D]ue to the variety of factual situations that may arise, it is impossible to prescribe a specific test to be applied or even an exhaustive list of the factors that will or may be relevant in the determination of the locality in any given case. As has been observed in other jurisdictions, there will be some cases where it will be easy to determine the locality, and other cases where it will not be. An example of the former would be where the proposed premises was to be placed in a small country town. An example of the latter would be where it was to be placed in the CBD."⁴⁷

6.49. "What constitutes a 'locality' relates to the geographical area surrounding, and what is relatively close to, the proposed site"⁴⁸.

6.50. "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

⁴³ Shire of Capel Local Planning Strategy, Part 2: The Profile, undated (around 2020-2023) but current, at page 12 (copy available if required, upon request, or here: <https://www.capel.wa.gov.au/plan-build/planning-services/local-planning-strategy.aspx>)

⁴⁴ Liquorland (Australia) Pty Ltd v Director of Liquor Licensing [2021] WASC 366 (**Liquorland Karrinyup**) [181] (Archer J); confirmed in Liquorland Southern River [62] (Lemonis)

⁴⁵ Liquorland Karrinyup [182] (Archer J); confirmed in JB Foods Pty Ltd v Commissioner of Police [2022] WASC 352 [15] (Smith J) and Liquorland Southern River [62] (Lemonis)

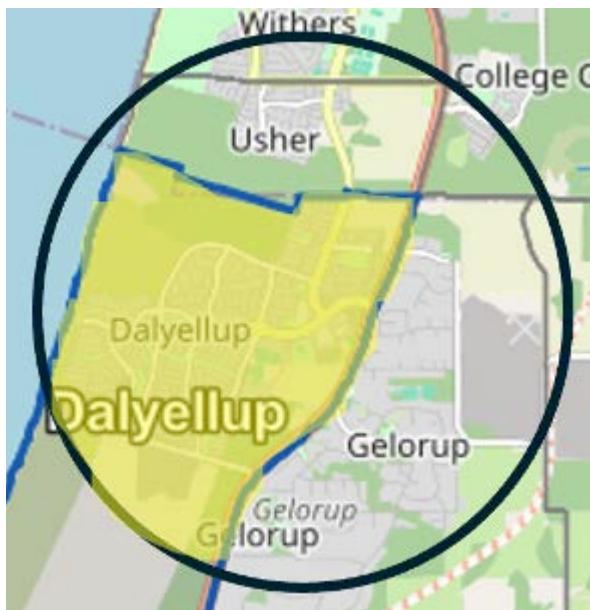
⁴⁶ Liquorland Karrinyup [185] (Archer J); confirmed in JB Foods Pty Ltd v Commissioner of Police [2022] WASC 352 [16] (Smith J) and Liquorland Southern River [62] (Lemonis)

⁴⁷ Liquorland Karrinyup [186] (Archer J); confirmed in Liquorland Southern River [62] (Lemonis)

⁴⁸ JB Foods Pty Ltd v Commissioner of Police [2022] WASC 352 [14] (Smith J); Liquorland Karrinyup [186] and [190] (Archer J)

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”⁴⁹.

- 6.51. “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”.⁵⁰
- 6.52. For the purposes of section 36B of the Act and having regard to the findings of in Liquorland Karrinyup, upheld in Liquorland Southern River, the applicant submits that the relevant locality in this case is the portion of the suburb of Dalyellup that is within the 3km, as shaded yellow in the following image (**s36B locality**), based on the reasons set out below after the image:



- 6.52.1. The majority of the 3km locality land area comprises the suburb of Dalyellup. The suburb of Dalyellup represents the majority of the 3km area, particularly in terms of development and population and therefore, ABS statistics.
- 6.52.2. Dalyellup represents the large majority of the “primary trade area” previously identified by the applicant⁵¹.
- 6.52.3. Virtually the whole of the developed and populated area of the suburb of Dalyellup is within the 3km locality.

⁴⁹ 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]

⁵⁰ 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]

⁵¹ DES report

- 6.52.4. Bussell Highway between Dalyellup and Gelorup represents a significant dividing feature between the east and western segments of the 3km.
- 6.52.5. Bushland and undeveloped area between Dalyellup and Usher represent a significant dividing feature between the north and south rendering them somewhat disjointed and largely disconnected.
- 6.52.6. The road upon which the new store will be located has Main Roads classification as a “local distributor” and is intended to prioritise traffic “belonging to or serving the area”⁵².
- 6.52.7. The role of Dalyellup as the Shire’s District Centre and the applicant’s site being within the Town Centre of the District Centre. “The Dalyellup District Centre is currently being developed and this will provide significant retail, business and community services for the large population emerging in Dalyellup and Gelorup and will become the main activity centre in the Shire”⁵³.
- 6.52.8. The suburb of Dalyellup is classified by the Shire of Capel as a main settlement within the Shire district⁵⁴. Further, it is a published strategy of the Shire to “develop Dalyellup as a District Centre serving a sub-regional catchment”⁵⁵.
- 6.52.9. 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 Dalyellup suburb. This proposition is supported by the obiter dictum of Lemonis J in Liquorland Southern River at [65].
- 6.52.10. The applicant’s expert Traffic Impact Assessment has focused on an area within the suburb of Dalyellup⁵⁶.
- 6.52.11. The northern boundary of the suburb of Dalyellup is the northern boundary of the Shire of Capel. To extend the s36B locality past Dalyellup would be to straddle it across two local government areas.

⁵² Traffic Impact Assessment, by WSP, dated October 2024 (**Traffic Assessment**) at para 2.3

⁵³ Shire of Capel Local Planning Strategy, Part 2: The Profile, undated (around 2020-2023) but current, at page 12 (copy available if required, upon request, or here: <https://www.capel.wa.gov.au/plan-build/planning-services/local-planning-strategy.aspx>)

⁵⁴ Shire of Capel Local Planning Strategy, Part 1: The Strategy, 26 July 2023, at page 9 (copy available if required, upon request, or here: <https://www.capel.wa.gov.au/plan-build/planning-services/local-planning-strategy.aspx>)

⁵⁵ Shire of Capel Local Planning Strategy, Part 1: The Strategy, 26 July 2023, at page 15 (copy available if required, upon request, or here: <https://www.capel.wa.gov.au/plan-build/planning-services/local-planning-strategy.aspx>)

⁵⁶ Traffic Assessment

6.53. Having regard for sections 16(7)(b) and (c) of the Act, the Department's "common-sense approach" policy⁵⁷ and the State Government's published desire to make it less complicated and easier to do business in the WA liquor industry⁵⁸, 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.

6.54. The applicant has carefully considered both the 3km locality and s36B locality, as referred to throughout this PIA and the accompanying Legal Submissions.

6.55. Much of the area is relatively young with the first main housing estate being developed in 1999. It was a joint venture between well-known private developer, Satterley and what is now known as Development WA.

6.56. The following description has been published by Development WA⁵⁹:

"Dalyellup Beach estate stretches along the coast between Bunbury and Busselton and features parks, gardens, cycling and walking trails and its own piece of preserved Tuart Forest.

Whilst set in a natural location, Dalyellup Beach offers city amenity which includes its own district centre where you will find a Woolworths and specialty stores. There is a number of public and private schools and The Capel Golf Club is a 5 minutes' drive and the clubhouse is open to new visitors.

Winner in the UDIA WA Awards for Excellence 2019; Masterplanned Development, Dalyellup Beach is delivered in partnership with Satterley."

6.57. The following suburb snapshot and images have been published by Satterley⁶⁰:

Dalyellup has really come into its own over the last decade, transforming from a sleepy coastal spot into a vibrant community with all the conveniences you need right at your doorstep. This suburb along the picturesque south-west coastline of Western Australia is well-established, offering a relaxed and family-friendly atmosphere. Known for spacious residential neighbourhoods, family-friendly parks and public spaces, lush greenery, and long stretches of coast, Dalyellup is the ideal setting for a tranquil suburban lifestyle.

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

⁵⁸ 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>

⁵⁹ <https://developmentwa.com.au/projects/residential/dalyellup/overview>

⁶⁰ <https://satterley.com.au/dalyellup-beach/about/dalyellup-wa-6230-suburb-profile/> and <https://satterley.com.au/dalyellup-beach/living-in-dalyellup/amenities/>

The area has great schools, established shopping centres, and plenty of sports groups and recreational facilities. With a strong sense of community and a focus on sustainability, Dalyellup is a great choice for individuals and families looking for a peaceful yet well-connected living environment along the Western Australian coast.



6.58. Shire of Capel has described Dalyellup as “a growing coastal suburb with awesome beaches perfect for young families. It’s home to 50ha of parks and gardens, 25km of cycleways and walking trails, and its own piece of preserved Tuart Forest. It’s location boasts easy access to Bunbury CBD, Bunbury Hospital

and ECU. Dalyellup was originally promoted as 'A Village in the Forest by the Sea'"⁶¹.

6.59. As required by the Form 2A, the applicant provides the following "names and addresses of all existing licensed premises within the [s36B] locality"⁶².

- 6.59.1. Last Slice Dalyellup, lot 9039 Portobello Road, Dalyellup
- 6.59.2. BWS – Beer Wine Spirits Dalyellup, Lot 5001 Tiffany Centre, Dalyellup
- 6.59.3. Liquorland Dalyellup, 19 Portobello Road, Dalyellup (conditionally granted)

6.60. Additional information and submissions regarding these "packaged liquor premises"⁶³ are provided further on in this document.

6.61. Beyond the s36B locality, within the 3km locality, is BWS – Beer Wine Spirits Dalyellup (Gelorup) at 79 Bussell Highway, Gelorup, approximately 505m away on the opposite, eastern side of Bussell Highway.

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

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

7.1. At the most recent Census the ABS recorded the following numbers of people living in the suburbs reflected in the 3km locality, relative to the estimated portions of developed residential area from those suburbs that actually fall within the 3km locality⁶⁴:

	Dalyellup	Usher	Gelorup	Withers	College Grove
Total suburb population⁶⁵	9,770	2,137	2,255	2,979	1,821
Portion estimated within the 3km locality	9,770	2,137	1,353	1,043	274
Collective total estimated to be living within the 3km locality as at the 2021 Census	14,577				

7.2. The expert DES report states an estimated 2022 population of Dalyellup as 10,300, being an additional 530 people, which, when added to the estimated number living across the 3km locality as at the 2021 Census results in a total of 15,107.

⁶¹ <https://www.capel.wa.gov.au/dalyellup.aspx>

⁶² Based on information published by the Department as at August 2025:
<https://portal.dlgsc.wa.gov.au/forms/fr/search/findlicence/new>

⁶³ Section 36B of the Act

⁶⁴ As referred to earlier in this PIA: Dalyellup 100%, Usher 100%, Gelorup 60%, Withers 35% and College Grove 15%

⁶⁵ ABS 2021 Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50376> (Dalyellup),

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51485> (Usher),

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50533> (Gelorup),

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51625> (Withers) and

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50309> (College Grove)

7.3. The average person living in Dalyellup, statistically speaking based on ABS Census data from 2021⁶⁶ can be described as follows:

- 7.3.1. female, married, aged 34,
- 7.3.2. identifying as “non-indigenous”⁶⁷,
- 7.3.3. educated beyond year 12 to at least certificate III level
- 7.3.4. born in Australia, of English ancestry,
- 7.3.5. of no religious affiliation,
- 7.3.6. living in a household as part of a couple family with children where only English is used, the household income is \$2,066, being well above both the State and national average and the house is owned with a mortgage
- 7.3.7. working full-time, earning \$885 personally, also above the State and national average and
- 7.3.8. not suffering a long-term health condition.

7.4. The following further resident profile characteristics have been identified for people living in the 3km locality⁶⁸. Statistics for the whole of WA have been provided for comparative and contextual purposes.

	Dalyellup	Usher	Gelorup	Withers	College Grove	WA
Aged 19 and under	33.1%	26.2%	26.9%	23.7%	20.8%	23.9%
Aged 65 and over	9.7%	15.8%	16.6%	18.3%	12.2%	16.1%
Aboriginal and/or Torres Strait Islander	3.2%	5.5%	1.7%	8.2%	8.2%	3.3%
Born in Australia	69%	76.7%	77.2%	71.3%	76.2%	62%
English only used at home	82.3%	86.9%	91.5%	82.5%	60.4%	75.3%
In the labour force	70.4%	59.9%	64.9%	49.5%	43.7%	63.9%
Unemployed	4.4%	7.3%	3.4%	12.7%	4.8%	5.1%

7.5. Further information regarding the “population characteristics of the locality” required for this section of the PIA includes the following:

⁶⁶ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50376> - Only Dalyellup has been referenced because is has by far the largest population in the 3km locality and so to include statistics from other suburbs would distort the results disproportionately

⁶⁷ Based on the ASIC definition

⁶⁸ ABS 2021 Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50376> (Dalyellup), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51485> (Usher), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50533> (Gelorup), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51625> (Withers) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50309> (College Grove)

- 7.5.1. For the small portion of the population in both the s36B locality and 3km locality born outside of Australia, the main country of birth was England as at the 2021 ABS Census.⁶⁹
- 7.5.2. Of the people in the 2021 ABS Census who indicated that they have a religious affiliation, the most common was said to be catholic.⁷⁰
- 7.5.3. Socio-Economic Indexes for Areas, which measure the relative level of socio-economic disadvantage and/or advantage, based on a range of ABS data have ranked the Shire of Capel in the top third at number 50 out of 140⁷¹ indicating that its residents enjoy a relatively average level of socio-economic conditions.

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

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

- 7.6.1. Schools and educational institutions:
 - 7.6.1.1. Montessori Early Years Learning and Care Centre, Unit 4/49 Norton Promenade Dalyellup
 - 7.6.1.2. Tuart Forest Primary School, 10 Crystal Bend, Dalyellup
 - 7.6.1.3. St Joseph's Catholic Primary School, 132 Parade Road, Withers
 - 7.6.1.4. OSCHC Elementary School, care of St Joseph's Catholic Primary School, 132 Parade Road, Withers
 - 7.6.1.5. Bunbury Cathedral Grammar School, 5 Allen Road, Gelorup
 - 7.6.1.6. Bunbury Cathedral Grammar Education and Care Centre, 7 Speed Retreat, Gelorup
 - 7.6.1.7. Dalyellup College, 1 Wake Drive, Dalyellup
 - 7.6.1.8. Bunbury Baptist College, 133 Norton Promenade, Dalyellup
 - 7.6.1.9. Dalyellup Music Academy, 4/135 Norton Promenade, Dalyellup

⁶⁹ ABS 2021 Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50376> (Dalyellup), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51485> (Usher), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50533> (Gelorup), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51625> (Withers) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50309> (College Grove)

⁷⁰ ABS 2021 Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50376> (Dalyellup), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51485> (Usher), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50533> (Gelorup), <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL51625> (Withers) and <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50309> (College Grove)

⁷¹ <https://profile.id.com.au/wapl/seifa-disadvantage?SeifaKey=40002>

- 7.6.1.10. Dalyellup Primary School, 14 Hartog Road, Dalyellup
- 7.6.1.11. Milestones Early Learning Dalyellup, 11 Dampier Street, Dalyellup
- 7.6.2. Hospitals: none identified.
- 7.6.3. Hospices: none identified.
- 7.6.4. Aged care facilities: Bethanie Dalyellup Aged Care Home, 114 Norton Promenade, Dalyellup
- 7.6.5. Churches/places of worship:
 - 7.6.5.1. South West Baptist Church, Bunbury Baptist College, 133 Norton Promenade, Dalyellup
 - 7.6.5.2. Bunbury Geka, 6 Gosse Way, Dalyellup
 - 7.6.5.3. Gelorup Anglican Parish, Jenour Court, Gelorup (located in Bunbury Cathedral Grammar School, 5 Allen Road, Gelorup)
 - 7.6.5.4. Carmelite Monastery, Gelorup Rise, Gelorup
- 7.6.6. Drug and alcohol treatment centres: no specialist centres identified.
- 7.6.7. Short term accommodation or refuges: none identified other than hotel type accommodation open to the general public.
- 7.6.8. Childcare centres:
 - 7.6.8.1. Montessori Early Years Learning and Care Centre, Unit 4/49 Norton Promenade Dalyellup
 - 7.6.8.2. Irene Bourne Early Childhood Centre, 6 Jenour Court, Gelorup
 - 7.6.8.3. Bunbury Cathedral Grammar Education and Care Centre, 7 Speed Retreat, Gelorup
 - 7.6.8.4. Discovery at Play Early Learning Centres, 12/18 Portobello Road, Dalyellup
 - 7.6.8.5. Little Kindy Dalyellup, 36 Arrowsmith Drive, Dalyellup
 - 7.6.8.6. Joybells Explorers Family Daycare, Lawson Road, Dalyellup
- 7.6.9. Local government: As referred to previously in this document, the Shire of Capel is the applicable local government authority for the applicant's site. Its Administration Centre is located at 31 Forrest Road, Capel, approximately 18km away. The 3km locality area falls within part of the City of Bunbury. Its Administration Centre is located at 4 Stephen Street, Bunbury, approximately 8km away.

7.7. Once the ALDI Dalyellup store has been completed, it is understood that the nearest residence to the proposed licensed area will be approximately 80m away, as the crow flies. The liquor section will be much further in terms of accessible distance and not visible, nor directly accessible, from any residence.

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

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

8.1. Risk management and harm minimisation from the sale and supply of liquor are not only very familiar subjects to ALDI but are prominent considerations and given priority in operational policies. ALDI has been successfully implementing measures that minimise harm and ill-health at its large number of existing liquor outlets for many years. Its liquor store model has been much tried and tested and proven to be entirely positive.

8.2. The applicant has had regard for harm and ill-health factors potentially associated with the new liquor licence, with reference to its trading history. The applicant has an excellent trading record in terms of compliance and is not aware of any of its licences causing harm or ill-health.

8.3. Any potential negative impact of the licence should be considered in light of the low risk features of the ALDI liquor model, which are described throughout this PIA. This proposition is supported by the following finding of the Liquor Commission in ALDI Harrisdale⁷² which involved virtually the same proposal.

“There is nothing to suggest that the granting of the licence will result in an increase in harm and ill-health. The small size of the proposed premises, the nature of its operation and the limited number of products are significant factors in reaching this conclusion.”

8.4. No part of the proposed licensed area will be visible in any way from the churches, schools, aged care facilities and day care centres etc within the 3km locality which have been identified earlier on in this PIA. In fact, no part of the ALDI store is visible from those places or any other sensitive organisation. The liquor section will only be visible from within the ALDI supermarket.

8.5. The applicant has sought to identify current information regarding alcohol related hospitalisations and deaths associated with the 3km locality, but none could be identified from published material. Further, “due to different classification systems and alcohol as a contributing factor not being recorded within all health datasets, challenges exist in quantifying the incidence of alcohol-related injuries in WA.”⁷³.

8.6. Nonetheless, the applicant acknowledges that hospitalisation and death can potentially result for some people as a consequence of the use of liquor and

⁷² ALDI Harrisdale [38(b)]

⁷³ 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

would most likely be occurring at some level in the 3km locality. The applicant has considered the South West Needs Assessment 2022-2024 by the WA Primary Health Alliance⁷⁴ which appears to be the most recent publication of country data that relates to the area nearest to the 3km locality being the Bunbury reporting district. From within that document, the following are noted:

- 8.6.1. "Residents in...Bunbury (29.5%)...were at long-term risk from alcohol consumption (Epidemiology Branch, 2021b). Although these rates exceeded the state rate (26.5%), they were not statistically significantly higher than WA rate (Epidemiology Branch, 2021b)." (at page 8)
- 8.6.2. "In 2021, all service providers noted an increase in demand for alcohol and other drug services and increasing waitlists across the region. The reason for the growing demand is still unknown, workforce issues exacerbated by the COVID-19 pandemic could be a contributing factor." (page 9)
- 8.6.3. "The South West is the most populous region outside of the metropolitan area. The dominant health concerns in the region are chronic disease, an increasing ageing population, mental health, and access to services.... The populations of Bunbury and Manjimup SA3s had significantly high prevalence rates of risk factors for chronic disease including obesity and high blood pressure." (page 12)

8.7. The Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015–2025⁷⁵ is also acknowledged. The applicant's liquor store model is considered to be respectful of this Plan and the positive health outcomes that the Plan tries to achieve by virtue of the various low risk elements built into the ALDI model referred to throughout this document. The very small, discrete and modest scale of the ALDI Dalyellup liquor proposal is expected to contribute to "efforts to change the drinking culture from one of harmful use to one where low-risk drinking is encouraged and supported", as referred to at page 33 of the Plan. This proposition is based on, for example, ALDI's model being capable of encouraging shoppers to appreciate the quality of its products, purchase in relatively small volumes and purchase in conjunction with food for consumption ancillary to food.

8.8. The applicant acknowledges that alcohol-related hospitalisations and deaths would have occurred in the 3km locality and may occur in the future.

8.9. The most recent ABS data has revealed no specific alcohol-related health condition associated with local residents. The large majority of residents in the 3km locality, being 63.1% in Dalyellup, reported at the 2021 Census that they have no long-term health condition, which is higher/better than the State and

⁷⁴ Copy available upon request if required.

⁷⁵ Copy available upon requested, if required

national figures⁷⁶. It is acknowledged that a small percentage of people did indicate that they experience some long-term health condition.

- 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”⁷⁷. Data for the 12 months to March 2023 showed an increase of 1.3%, but relevantly “[t]he most significant driver of the increase in consumption of alcohol compared to pre-pandemic is the increasing popularity of RTDs (Ready-to-drink)”⁷⁸ and ALDI’s liquor range includes only a tiny number of RTDs. The attached stocklist contains only six different RTDs. They will certainly not be available in bulk or even in large supply compared to other liquor outlets, given ALDI’s modest stock volume and manner of trade
- 8.11. ALDI has factored advertising and promotion into its harm minimisation strategies. Flamboyant and highly suggestive advertising posters, encouraging or even suggesting rapid, excessive or juvenile drinking are not displayed in association with ALDI’s liquor service. Nor does ALDI advertise discount liquor prices for certain periods. This is because traditional, ad hoc “sales” may encourage customers to purchase more liquor than they otherwise would have for fear of missing out on the deal.
- 8.12. Placing a heavy focus on staff is another key strategy to ensuring policies and practices are implemented and laws are complied with.
- 8.13. ALDI operates pursuant to a highly evolved and sophisticated corporate structure and hierarchy whereby staff at each level are entrusted with an advanced degree of responsibility and are provided with extensive and comprehensive training and support.
- 8.14. ALDI is a market leader in terms of staff training and development. Its impressive approach in this regard is detailed in the following sub-paragraphs:
 - 8.14.1. “We believe that good people working together, united by a shared purpose, can achieve extraordinary things. ALDI isn’t just a workplace; it’s a place where you’ll be part of a tight-knit team that supports and uplifts each other, where you can learn, grow and develop and make a meaningful impact by helping everyday Australians live richer lives for less.”⁷⁹
 - 8.14.2. “We provide [staff] with comprehensive training including induction training and quarterly retraining. We also offer leadership training programs that help create the operational leaders of the future.”⁸⁰

⁷⁶ <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50376>

⁷⁷ <https://theshout.com.au/australian-alcohol-consumption-declines-rtd-consumption-at-record-high/>

⁷⁸ <https://www.roymorgan.com/findings/9153-alcohol-consumption-march-2023>

⁷⁹ <https://www.aldicareers.com.au/>

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

8.14.3. “We offer diverse and cross-functional career pathways. We also value internal promotions with over 70% of our leaders promoted internally.”⁸¹

8.14.4. “ALDI Australia has taken top spot in the Australian Business Award’s – Employer of Choice 2020”⁸².

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

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

“Through a commitment to staff and the community, ALDI are the pioneers in the retail sector, leaving no stone unturned,” the ARA said.⁸³

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

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

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

8.14.9. In-store staff are required to wear a uniform, which is of a smart and modern style and bears the ALDI logo. Staff presentation is considered by the applicant to be important both in terms of upholding its image and also in portraying a professional and responsible approach to the business.

⁸¹ <https://aldiaustralia-1481176-en-au.sr-atrax.com/benefits-that-matter>

⁸² <https://www.aldiunpacked.com.au/aldi-australia-is-recognised-as-an-employer-of-choice/>

⁸³ <https://insidefmq.com.au/2018/10/19/aldi-awarded-ara-employer-of-the-year/>

8.14.10. PRG has reported the following from the consumer survey research⁸⁴:

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 proposed Dalyellup ALDI liquor section. Very low proportions of surveyed residents believe that the establishment of the licence may cause:

- a “lessening of the amenity of the locality” (6%).
- some personal annoyance (5%)
- some “personal disturbance” (3%)
- “personal offence” (3%)
- some “personal inconvenience” (5%)
- some “personal harm” (2%)
- some “personal ill health” (1%)

However, these perceptions are overwhelmed by the very great proportions of 89% to 97% indicating that they do not believe these possible consequences will eventuate (for clarity the “don’t know” responses are not shown in this graphic).

8.15. Another harm minimising element of the ALDI model is the strong focus on quality of product and value-for-money propositions, not just price per se. The applicant invests enormously in providing customers with the perfect balance of high quality product at the lowest price that can be achieved whilst maintaining the quality. Many of its liquor items have been awarded accordingly. This value-for-money philosophy – which is entirely different from simple notions of low price and being cheap – is entirely consistent with consumer requirement. This latter proposition is supported by the following:

- 8.15.1. “Aldi is arguably one of the biggest disruptors to hit the Australian economy over the past 20 years, single handedly busting open the Woolworths/Coles supermarket duopoly.”⁸⁵
- 8.15.2. “Seventy-eight percent of consumers are prioritising value for money when shopping...”⁸⁶
- 8.15.3. “More than eight in ten (86%) of the total locality resident sample liked this aspect of the proposed Dalyellup ALDI liquor section, and just 1% disliked it. Note the elevated 90% and 96% respectively of packaged liquor buyers, and those who have consumed ALDI liquor products purchased from a WA ALDI store, who provided a “like” response.... Again the weight of sentiment is very much in support of this aspect of the proposed ALDI liquor section.”⁸⁷

⁸⁴ PRG report at page 8 and see also page 29

⁸⁵ <https://www.macrobusiness.com.au/2021/03/the-rise-and-rise-of-aldi/>

⁸⁶ <https://ecommercenews.com.au/story/australians-prioritise-value-for-money-as-economic-pressure-mount#:~:text=Seventy%20Deight%20percent%20of%20consumers,research%20from%20Shopify%20has%20revealed> and <https://retailworldmagazine.com.au/four-in-five-australians-now-prioritise-value-for-money/>

⁸⁷ PRG report at para 4.4.4, page 22

- 8.16. The ALDI liquor model clearly presents with a number of low risk elements, all of which have been proven to be successful in many of its stores in other locations given ALDI's excellent trading record.
- 8.17. As referred to previously, the liquor section will be positioned away from the entrance to the supermarket, tucked-away in the corner of the store, surrounded by opaque barricading making it substantially separate and discrete. Shoppers could choose to avoid the liquor section if they so wish. The layout of the supermarket and checkouts enables any shopper to walk their way through the supermarket with barely noticing the liquor component, if at all and not needing to cross through it or near it.
- 8.18. To summarise and reiterate, the following are the key harm and risk minimising features of the ALDI Dalyellup liquor proposal:
 - 8.18.1. Its small size
 - 8.18.2. The bright, open-plan layout
 - 8.18.3. The absence of refrigeration to help avoid impulse buying and impulse drinking. The absence of a walk-in coolroom also enhances surveillance.
 - 8.18.4. The limited stock range and volume.
 - 8.18.5. The absence of an online delivery service
 - 8.18.6. The absence of bulk quantities of cheap mainstream products.
 - 8.18.7. Reduced trading hours – significantly less than permitted under the Act and less than the usual trading hours of most other liquor stores.
 - 8.18.8. Its location/position confined within the supermarket footprint, away from the main store entrance, under the close supervision of the supermarket and its staff. ALDI staff will have a clear line of sight into the liquor display/browse area at all times.
 - 8.18.9. The restricted visibility of and into the liquor section.
 - 8.18.10. The lack of immediate or direct egress from the liquor area outside into the public domain. The design and layout forces customers to enter the supermarket and walk past the watchful eye of several trained staff.
 - 8.18.11. The limited and controlled nature of product pricing.
 - 8.18.12. The lack of signage external to the store advertising discounted liquor products.
 - 8.18.13. The highly experienced and reputable operator.
 - 8.18.14. The high level of staff training.
- 8.19. Importantly also, there will be none of the following:
 - 8.19.1. Prominent external advertising of liquor products and their prices.

- 8.19.2. Products, advertising or promotional materials designed to entice juveniles.
- 8.19.3. Large volumes of cheap bulk products displayed.
- 8.19.4. Volumes of liquor products refrigerated and ready-to-drink.
- 8.19.5. Energy drinks stocked in the liquor display/browsing area.
- 8.20. In respect of the issue of juveniles, very strict policies will apply. ALDI is very aware of the fact that juveniles will be in the supermarket from time to time, some of whom may be unaccompanied by a parent/guardian.
 - 8.20.1. The store layout will enable juveniles to totally avoid going near the liquor section.
 - 8.20.2. The combination of store layout and security systems will facilitate and ensure a constant and high degree of surveillance over the liquor area and checkout to safeguard the proper management of juveniles. ALDI has successfully managed this issue at its existing stores elsewhere in Western Australia for many years.
 - 8.20.3. No liquor will be sold or supplied to juveniles or anyone who is suspected of trying to obtain liquor for a juvenile.
 - 8.20.4. ALDI has adopted an "ID Under 25" policy. Staff at ALDI Dalyellup will be directed to go beyond the requirement to ask customers suspected of being under the age of 18 to prove their age and in fact ask all customers suspected of being under the age of 25 for age verification, so as to err on the side of caution.
 - 8.20.5. The applicant will operate under a strict policy, which will be taught to and perpetuated with its staff, whereby liquor is not sold or supplied to anyone whom it is suspected might give the liquor to a juvenile, including guardians and parents.
 - 8.20.6. Juveniles observed to be loitering near the liquor block will be asked to move on and no juveniles will be permitted in the licensed area unless accompanied by a responsible adult. The applicant has not experienced notable issues of this kind at its existing stores.
 - 8.20.7. Lollies and other items commonly known to attract the attention of juveniles will not be stocked in the liquor display/browse area.
 - 8.20.8. The liquor display and browse area will have limited line-of-sight such that visibility into that area will be restricted.
 - 8.20.9. The liquor area will be subject to a high level of surveillance and security from the associated checkout.
 - 8.20.10. Unaccompanied juveniles who may be in the supermarket from time to time will be directed to a non-licensed checkout to make their purchase.

8.21. A clear example to confirm ALDI's high standards in its liquor service is when the company came under scrutiny from the public for the strictness of its approach to liquor and juveniles. Some ALDI stores in New South Wales have refused service to adults because staff have witnessed a juvenile merely touching the liquor items, even where they have touched the items simply to stop them from falling over in a trolley.⁸⁸

8.22. Adult consumers have felt comfortable shopping in an ALDI liquor area with their children as clearly depicted, by way of example, in the images below taken at one of the busy operating ALDI stores in WA with a liquor section⁸⁹.



⁸⁸ <https://www.news.com.au/finance/business/retail/aldi-s-strict-underage-alcohol-policing-leaves-shoppers-high-and-dry/news-story/c7beaa2c4b8e1f0345b3545c98c7789c>

⁸⁹ Faces redacted for privacy reasons

- 8.23. Every effort will be made by the applicant to conduct business under the new licence in a manner that minimises the potential for harm or ill-health to occur as a result of the liquor store licence operating at the Dalyellup store.
- 8.24. The applicant is an upstanding corporate citizen which operates pursuant to several high level standards and policies. ALDI has a considerable presence in the public domain, which it intends to continue growing in Western Australia. It is in the applicant's interests to ensure that the liquor service in Dalyellup is successful in all respects, including genuinely minimising harm and successfully managing risks.
- 8.25. The applicant has identified the issue of crime in terms of harm factors applicable to the 3km locality. The following information has been considered⁹⁰. This police data may possibly assist in assessing very broadly and generally criminal offence activity in the area.

Crime rate in Dalyellup, WA, Australia, 6230 Suburb in Capel

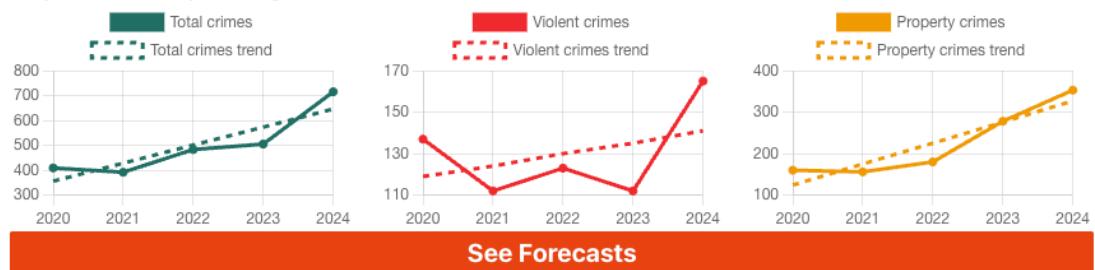
Crime Rank: 22/100

(higher number means more crime)

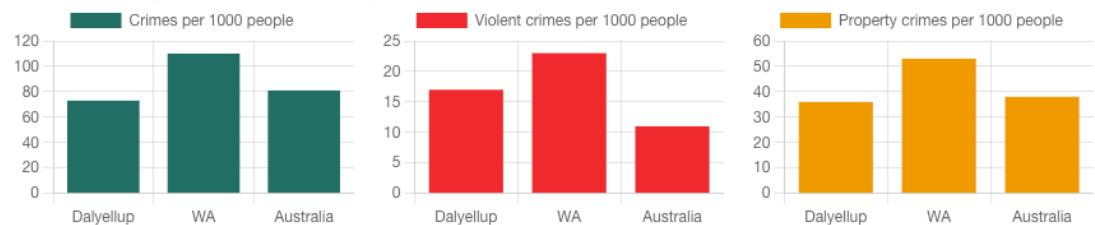
 9,770 Population	 16.33 km ² Area size	 715 All Crimes	 73.18 Crimes per 1000 people	 165 Violent Crimes
 353 Property Crimes	 16.89 Violent Crimes per 1000 people	 36.13 Property Crimes per 1000 people	 87.49% suburbs with less Violent Crimes	 79.06% suburbs with less Property Crimes

⁹⁰ <https://redsuburbs.com.au/suburbs/dalyellup/>, <https://redsuburbs.com.au/suburbs/gelorup/> and <https://redsuburbs.com.au/suburbs/usher/>

5 year Dalyellup crime trends

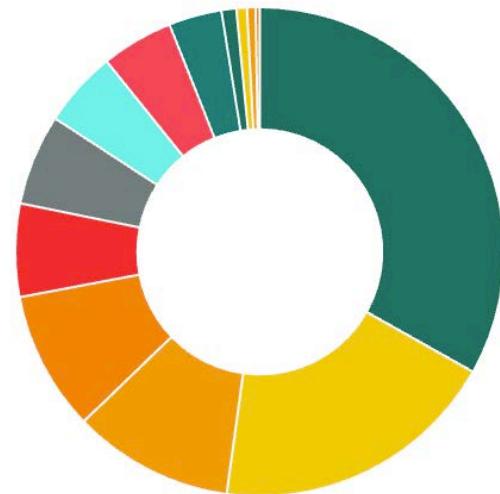


Dalyellup crime compared



Top crime types in Dalyellup:

Theft	237
Assault and related offences	136
Drug dealing and trafficking	76
Property damage	66
Stalking, harassment and threatening behaviour	44
Burglary/Break and enter	43
Breaches of orders	36
Deception	34
Sexual offences	25
Weapons and explosives offences	7
Arson	5
Robbery	4
Motor Vehicle Theft	2



Crime Types explained

Chances of becoming a victim of a Violent crime

1 in 59 Dalyellup	1 in 43 WA	1 in 89 Australia	1 in 28 Dalyellup	1 in 19 WA	1 in 26 Australia
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Chances of becoming a victim of a Property crime

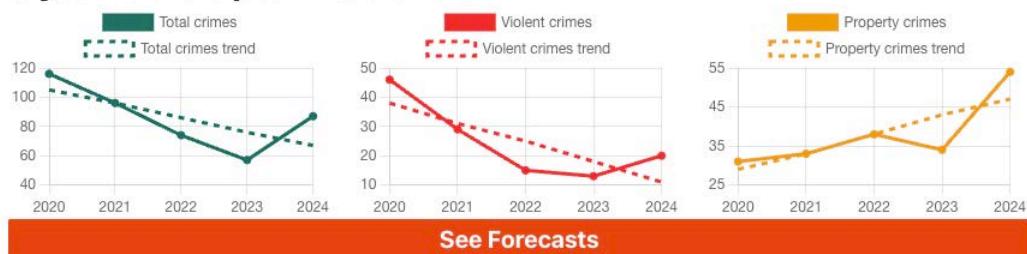
Crime rate in Gelorup, WA, Australia, 6230 Suburb in Capel

Crime Rank: 14/100

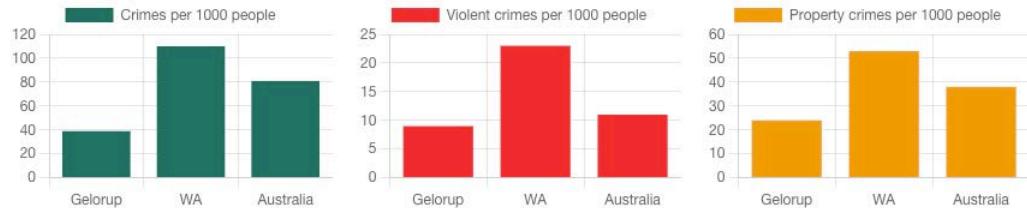
(higher number means more crime)



5 year Gelorup crime trends



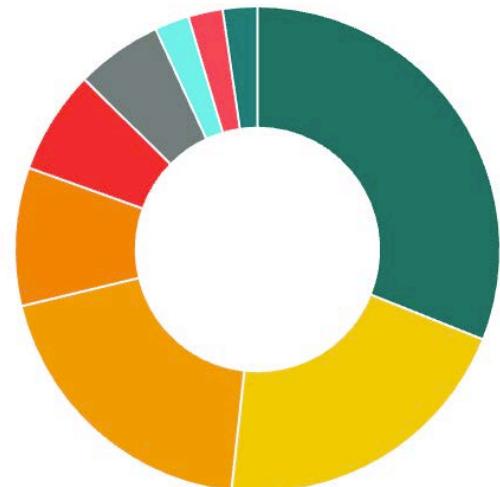
Gelorup crime compared



Top crime types in Gelorup:

Property damage	27
Assault and related offences	18
Theft	17
Drug dealing and trafficking	8
Burglary/Break and enter	6
Stalking, harassment and threatening behaviour	5
Sexual offences	2
Arson	2
Motor Vehicle Theft	2

[Crime Types explained](#)



Chances of becoming a victim of a Violent crime



Chances of becoming a victim of a Property crime

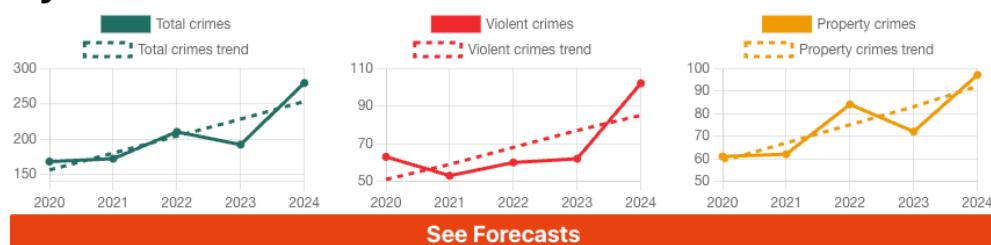
Crime rate in Usher, WA, Australia, 6230 Suburb in Bunbury

Crime Rank: 49/100

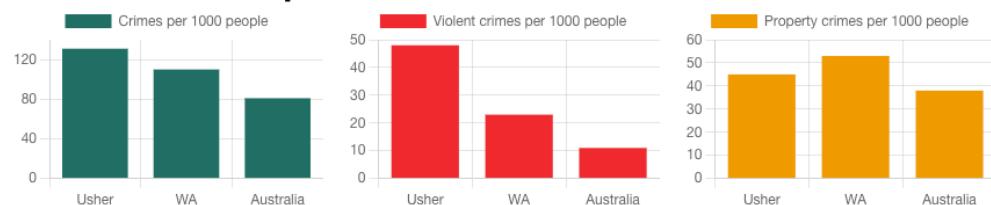
(higher number means more crime)



5 year Usher crime trends

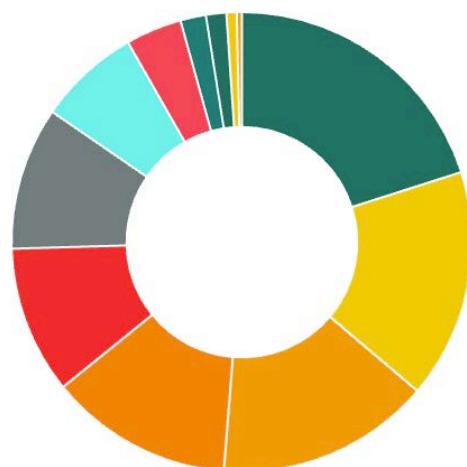


Usher crime compared



Top crime types in Usher:

Assault and related offences	56
Sexual offences	45
Drug dealing and trafficking	42
Property damage	36
Theft	29
Burglary/Break and enter	28
Breaches of orders	20
Stalking, harassment and threatening behaviour	11
Deception	5
Motor Vehicle Theft	4
Weapons and explosives offences	2
Robbery	1



Crime Types explained

Chances of becoming a victim of a Violent crime



Chances of becoming a victim of a Property crime

8.26. It is acknowledged that there is a level of crime occurring in the 3km locality. It is most notable in the suburb of Usher. Usher is some distance away from the applicant's site, near the northern 3km boundary and quite separated with a large buffer of bushland between Dalyellup and Usher. Whilst any crime rate is an issue to be addressed, the police data referred to above indicates that the rates for Dalyellup and Gelorup are relatively low. The highest types or categories of police offences recorded in those suburbs is "property damage" and "theft". ALDI has multiple measures in place to reduce the risk of theft and property damage to its store.

8.27. The Police data above does not reveal anything to suggest that the 3km locality – and most relevantly, Dalyellup – 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.

- 8.27.1. Small, simple and open layout of the liquor block.
- 8.27.2. Location within the confined safety of the supermarket building.
- 8.27.3. Lack of external frontage.
- 8.27.4. Location of the liquor area adjacent to the checkout and therefore, under constant close staff surveillance and supervision.
- 8.27.5. Absence of refrigeration, which removes the opportunity for impulsive desires to steal liquor for immediate consumption.
- 8.27.6. Lack of a walk-in cool room, which is ordinarily hidden from staff view, providing cover and convenience for would-be criminals.
- 8.27.7. Installation of CCTV surveillance throughout the supermarket, including the proposed licensed area.
- 8.27.8. Reduced trading hours – no intention to operate late at night.

8.28. ALDI's considerable retailing experience, including selling liquor products, has provided the organisation with the ability to manage security well such that crime associated with ALDI stores is kept very low. The quality of the premises that will be established at Dalyellup, both inside and outside and the standard of supervision by staff will help make the public feel welcome and safe but any would-be criminals or disorderly persons uncomfortable.

8.29. The liquor area will have no external access as it will be entirely confined and secured within the ALDI supermarket, set-back considerably from the main entrance.

8.30. The following security steps will be taken in relation to the Dalyellup liquor section.

- 8.30.1. Security cameras both inside the licensed area and outside will be operating.
- 8.30.2. Secure locking systems will be engaged for after hours.
- 8.30.3. A high level of staff training which includes how to deal with incidents that are, or could potentially become, obviously criminal or unsafe.
- 8.30.4. Maintaining a rigid enforcement of harm minimisation principles and policies. These will include, for example the “ID Under 25” policy, staff training, participation in the local liquor accord (if there is one), notifying Police of potential criminal behaviour and keeping in contact with Police.
- 8.30.5. Clear and obvious signage. The new premises will be bright, modern and attractive.
- 8.30.6. Limited public access and egress via one point only, from within the supermarket under the constant watching-eye of the cashiers. This will ensure a high level of staff surveillance from inside the store and inhibit would-be criminals by restricting the ease of a get-away.

8.31. The applicant has established, confidentially, a Security Layout plan, illustrating the general position and fit-out of the items described above. If required, a copy can be provided to the licensing authority on a confidential basis, upon request. An advanced security and surveillance system will be installed, based on the model which has been successfully operating in the eastern states. The applicant's advanced system includes the following features:

- 8.31.1. An Access Control System as follows:
 - 8.31.1.1. 24 hour entry system to the store including interface with the security system.
 - 8.31.1.2. A tamper switch will be applied to set off the alarm in the event of unauthorised removal of the panel front covers.
- 8.31.2. CCTV system – 24-hour surveillance of the licensed area and entry and exits to the store, which will include the following:
 - 8.31.2.1. 11 active cameras will provide 24-hour surveillance with the digital video recorder.
 - 8.31.2.2. Two full body cameras located within the licensed area, one facing the checkout and another one facing the liquor shelf.
 - 8.31.2.3. The digital video recorder will be configured for motion detection to allow efficient review of any incidents.

- 8.31.2.4. An appropriately sized hard disk will be installed to allow images to be retained on the digital video recorder for at least two weeks without greatly compromising recording quality.
- 8.31.2.5. The CCTV flat panel monitor will be located in the office to provide real time monitoring to the store staff of the retail floor including the licensed area. This will include a play-back function.
- 8.31.3. The security system equipment will include the following:
 - 8.31.3.1. Passive Infra-Red Motion Detectors.
 - 8.31.3.2. Break glass detectors.
 - 8.31.3.3. Magnetic reed switches.
 - 8.31.3.4. Vibration detector.
 - 8.31.3.5. External strobe and siren.
 - 8.31.3.6. Security flashing lights and horns.
- 8.31.4. A back-to-base monitoring system which will raise a security alarm if the security system is armed and there is a breach. The back to base alarm will then send a patrol as well as notifying the manager, which will also activate an external strobe light and external siren.
- 8.32. The design and installation of the electronic security, access control and audible system shall comply with the requirements of all relevant standards and codes including but not limited to the following:
 - 8.32.1. Australian Standards AS/NZS 3000.
 - 8.32.2. State Service and Installation Rules.
 - 8.32.3. National Construction Code.
 - 8.32.4. Local and other authority services and installation rules.
 - 8.32.5. Australian Communications Authority.
 - 8.32.6. Work Cover Authority.
 - 8.32.7. Other relevant Australian standards.
- 8.33. Of real significance is the fact that the ALDI liquor area design and layout facilitates an advanced level of security and surveillance. The store's design will make it extremely difficult for juveniles, drunk people or would-be thieves to gain access to the liquor area and go undetected. This will be achieved by virtue of the following factors:
 - 8.33.1. Customers will be required to walk well into the supermarket footprint under clear view of a combination of various cameras, staff monitoring them and other customers observing.

- 8.33.2. Customers will be required to walk through the manned and monitored checkouts in order to exit the store. There will be no quick get-away option.
- 8.33.3. The simple small layout of the liquor area will also ensure that it is not in any way attractive for juveniles, drunk people or would-be criminals nor a temptation for impulse procurement.
- 8.33.4. The location tucked away in the far corner of the store.

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

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

- 9.1. The proposed liquor section will not have any external frontage, façade or overt signage. It will be contained inside the wider ALDI store footprint. The intended manner of trade is for the liquor service to complement the grocery and household offering in the supermarket. The premises will not operate as a stand-alone liquor outlet.
- 9.2. Given these circumstances, there will be no impact on the streetscape or external physical amenity whatsoever and so the amenity, quiet and good order of the 3km locality shall be entirely preserved.
- 9.3. The amenity of the 3km locality has been variously described in earlier sections of this PIA. There is a mix of land uses including rural, residential, parkland, bushland, retail and commercial. The area is relatively young and still being developed in some parts, including the ALDI store itself.
- 9.4. Dalyellup is the Shire of Capel's main activity centre and District Centre. The site is within the heart, being the Town Centre.
- 9.5. Most of ALDI's neighbours will be other retail businesses.
- 9.6. In these circumstances, the relevant surrounding area can be regarded as a busy and active and purposeful precinct designed to provide a variety of services and facilities for the community.
- 9.7. Amongst this existing amenity, the ALDI liquor section will be an ideal addition from an operational perspective and in terms of enhancing services to the public. It will complement existing and other new businesses and be totally consistent with surrounding land-uses. From a visual, physical or streetscape perspective, the proposed licensed area will have no impact. It will not even be seen from anywhere other than well inside the ALDI supermarket.
- 9.8. The recent consumer survey found that 89% of local people consider that the ALDI liquor section will not lessen the amenity of the area.⁹¹

⁹¹ PRG report at para 4.6, page 29

- 9.9. Despite the relatively tiny size of the licensed area proposed, the ALDI Dalyellup liquor feature will make a big and valuable contribution towards the services and facilities in the area and further enhance the important role of the Town Centre.
- 9.10. As referred to earlier in this PIA, the applicant has undertaken an assessment of traffic, accessibility and related issues associated with its development. An expert was engaged and has reported positive conclusions⁹².
- 9.11. Further submissions addressing the amenity issue under the Act are provided in the applicant's Legal Submissions.

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

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

- 10.1. ALDI has an excellent trading history. It is not known to be the cause of any offence, annoyance, disturbance or inconvenience in relation to any of its many existing liquor store licences.
- 10.2. ALDI has carefully considered the impact that may be caused to people who reside or work in the vicinity of the proposed licensed premises in terms of how and in what circumstance, the sale and supply of liquor could potentially cause those people offence, annoyance, disturbance or inconvenience.
- 10.3. It is not considered that there are any high risk factors associated with the ALDI application, for the various reasons referred to throughout this PIA. Despite that conclusion, the applicant acknowledges the potential for adverse effects from any sale and supply of liquor and hence proposes to implement the following strategies to manage and minimise risks.
 - 10.3.1. Maintaining a manner of trade which is low risk and low impact.
 - 10.3.2. Managing delivery times and methods in such a way as to minimise potential disturbance to others, even although there is no neighbour in close proximity.
 - 10.3.3. Implementing tried, tested and proven operational policies for overall management and conduct of business.
 - 10.3.4. Closely monitoring unaccompanied juveniles.
 - 10.3.5. Not stocking controversial liquor products and promotions designed to be attractive to juveniles.

⁹² Traffic Assessment at page 5

- 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 Dalyellup will consistently enforce and uphold the licensee's policies and philosophies for a compliant business which focuses on integrating with the local community. The applicant values its excellent reputation as an upstanding corporate citizen and employees will continue to be trained to uphold reputation and share in ALDI's core values.
- 10.5. No high risk factors associated with the liquor store proposal in this case have arisen in preparing this PIA, especially given ALDI's trading history. The small risk factor that does exist, as with any licensed premises, will be closely monitored and carefully managed in any event.

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

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

- 11.1. The community within, around and visiting the 3km locality stands to benefit enormously from the introduction of the ALDI liquor service. The public will have 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. ALDI is still relatively new to the WA market compared to other retailers. The opening of ALDI stores in Western Australia has been met with great enthusiasm by customers from across the metropolitan area. When the first ALDI stores in WA started trading in June 2016, members of the public queued up for hours, in winter, before the stores opened, as seen in the photographs below⁹³.



⁹³ <https://www.watoday.com.au/national/western-australia/keen-shoppers-brave-cold-for-opening-of-perth-aldi-stores-20160608-qpe297.html>



- 11.3. Clearly ALDI's positive reputation preceded itself and since then, as addressed earlier in this PIA, ALDI has grown and cemented itself in the WA market as a sought-after retailer. In the first six months of trade in Western Australia, more than 3.2 million customers were served at ALDI stores. The ALDI Cloverdale store transacted a staggering 156,338 customers in just 69 days of trading, which is an average of 2,266 customers per day.⁹⁴
- 11.4. The licensing authority is entitled to take into account the popularity of similar services provided at other locations when assessing whether the proposed services will be in the public interest at this particular location.⁹⁵
- 11.5. The growth and success of ALDI has resulted in tremendous employment benefits for Western Australians. The applicant currently employs approximately 1,000 people in WA. The approval of this application will generate further employment opportunities for people at ALDI.
- 11.6. The consumer evidence in this case is clear, directly on-point and compelling. Hundreds of members of the local community have expressed a strong demand for the ALDI liquor products and service.
- 11.7. "It is clear that the great majority of packaged liquor buyers residing within the 3km locality would shop for their packaged liquor requirements from the Dalyellup ALDI liquor section if it was established. Almost half (47%) would do so at least once a fortnight, 77% at least once a month and 93% on at least some occasions, should the liquor section be established within the proposed Dalyellup ALDI store... The clear suggestion is that the Dalyellup ALDI liquor section would better meet their packaged liquor requirements than the currently available Dalyellup liquor outlets."⁹⁶
- 11.8. Further submissions referring to the consumer evidence and how it strongly supports the grant of the licence, have been provided elsewhere in this document and in the attached Legal Submissions.
- 11.9. ALDI is a major supporter of local communities and Australian businesses. This proposition is explained by the following published ALDI policy.

⁹⁴ Evidence available if required, upon request

⁹⁵ *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227 [77] (Buss JA)

⁹⁶ PRG report at para 4.5.3 on page 27



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:

- 11.10. The grant of the liquor store licence will enhance and facilitate ALDI's increased involvement in the 3km community. The local community will be the beneficiary of this outcome.
- 11.11. The 3km locality stands to reap many benefits from the approval of this application. The small and modest liquor service has the capacity to make a great impact in terms of choice, diversity, competition, convenience, development of the area and relevant industries and satisfying unmet consumer demand and requirement.
- 11.12. In terms of tourism, the peaceful and picturesque coastal features of the area, together with the relaxing rural ambience mean that there are attractions for tourists and the Shire of Capel has a published strategy to develop facilities for tourists in Dalyellup⁹⁷.
- 11.13. 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

⁹⁷ Shire of Capel Local Planning Strategy, Part 1: The Strategy, 26 July 2023, at page 16 (copy available if required, upon request, or here: <https://www.capel.wa.gov.au/plan-build/planning-services/local-planning-strategy.aspx>)

to ALDI's model elsewhere. Further, the ability for ALDI to establish a full-service store in the Town Centre will help to support and promote Dalyellup as a proper modern District Centre with commonly expected retail conveniences.

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

- 11.14. 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.
- 11.15. 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.
- 11.16. There is currently only one premises selling packaged liquor in the s36B locality, for the approximately 10,000 people living there⁹⁸, namely BWS – Beer Wine Spirits Dalyellup. Presumably the conditionally granted Liquorland licence in Dalyellup will eventually open.
- 11.17. Those outlets do little, if anything, for the thousands of people expected to shop at ALDI Dalyellup each week (on average)⁹⁹ seeking one-stop shopping and certainly do not address the demand for ALDI liquor. This should be considered in the context of the role of the site within the Town Centre of the Shire's District Centre and the need for it to offer a modern diversity in products and services.
- 11.18. The addition of the ALDI liquor section at the Dalyellup store will, in effect, result in a self-sufficient retail outlet. Responsible adults living locally will be able to browse and purchase food – fresh, frozen and non-perishable – homewares, tools, gardening equipment, clothing, leisure items, sporting gear, toys, other products and liquor all in one trolley
- 11.19. The following was reported in relation to ALDI recently winning the coveted Canstar Australian Supermarket of the Year for the eighth year in a row¹⁰⁰:

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

⁹⁸ ABS 2021 Census: <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50376> (Dalyellup) and DES report

⁹⁹ DES report at pages 5 and 6 showing Dalyellup residents currently shopping at ALDI stores elsewhere; refer also to the PRG report as to intended ALDI liquor shoppers

¹⁰⁰ <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>

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.'"

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

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

- 12.1. Section 36B of the Act deals with packaged liquor sold and supplied for take-away purposes for consumption off the premises and it also deals with premises authorised, or proposed to be authorised, to sell and supply packaged liquor.
- 12.2. Pursuant to section 36B(1), "packaged liquor premises means premises to which a licence referred to in subsection (2) relates". Section 36B(2) expressly states that section 36B applies to an application for a liquor store class of licence.
- 12.3. Section 36B(4) of the Act provides that "[t]he licensing authority must not grant an application to which [section 36B] applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated".
- 12.4. Section 36B(4) "imposes a meaningful additional hurdle"¹⁰¹ 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"¹⁰².
- 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.

¹⁰¹ Liquorland Karrinyup [75] (Archer J)

¹⁰² Explanatory Memorandum, Liquor Control Amendment Bill 2018 at page 1

- 12.7. The application for ALDI Dalyellup is far from a proposal for a full and traditional liquor store licence. It is a critical factor that the packaged liquor to be available will be of a discrete and limited nature. The full ambit of “liquor” and traditional liquor store features will not be available in this case, whilst several alternative features will be provided.
- 12.8. The licensing authority has determined that under section 36B a packaged liquor specialist, involving a very narrow and discrete packaged liquor range, can be approved to hold a licence for a packaged liquor premises in appropriate cases¹⁰³. More specifically, the licensing authority has determined that an application may satisfy section 36B of the Act and be granted where the particular type of packaged liquor to be sold and supplied under the licence is limited and/defined¹⁰⁴ and most relevantly, that has included approval of ALDI licences under the current law¹⁰⁵. This present application falls squarely within that category and is in fact a stand-out example of such an outlet.
- 12.9. With reference to the outlet density information and evidence referred to in this PIA, the relevant “packaged liquor premises” to be considered in the context of this case in terms of section 36B are the following referred to earlier in this PIA as being located within the s36B locality.
 - 12.9.1. Last Slice Dalyellup, lot 9039 Portobello Road, Dalyellup
 - 12.9.2. BWS – Beer Wine Spirits Dalyellup, Lot 5001 Tiffany Centre, Dalyellup
 - 12.9.3. Liquorland Dalyellup, 19 Portobello Road, Dalyellup (conditionally granted)
- 12.10. However, Last Slice Dalyellup does not sell packaged liquor and Liquorland Dalyellup is not trading. Therefore, at this stage, only BWS – Beer Wine Spirits Dalyellup is relevant to the determination.
- 12.11. None of the holders of these existing licences does, or is even able to, sell or supply the applicant's exclusive range.
- 12.12. The BWS outlet and potentially the Liquorland store sell various types of other liquor but no ALDI products and almost 100% of their products would never be available at the ALDI store. As addressed earlier in this PIA, multiple other factors also differentiate the existing and proposed liquor models. In fact, there can hardly be any comparison.

¹⁰³ For example, Commune Wine Store (Maylands - 60321533920), Costco Wholesale (Perth Airport - 603213623419), Costco Wholesale (Casuarina – 603217776421), Pirate Life Perth (602213750319), Cherubino City Cellar (602215063820,) Kakka Alley Brewing Co (602215442820), Casa Perth (602215763420), Gage Roads Brew Co (602216177321), Mane Osborne Park (603218426322) and Commune Wine Store (Subiaco – 603220029123)

¹⁰⁴ For example, Commune Wine Store (Maylands - 60321533920), Costco Wholesale (Perth Airport - 603213623419), Costco Wholesale (Casuarina – 603217776421), Pirate Life Perth (602213750319), Cherubino City Cellar (602215063820,) Kakka Alley Brewing Co (602215442820), Casa Perth (602215763420), Gage Roads Brew Co (602216177321), Mane Osborne Park (603218426322) and Commune Wine Store (Subiaco – 603220029123)

¹⁰⁵ ALDI Yanchep (603220993723), ALDI Innaloo (603222726424), ALDI Karrinyup (603222913525) and ALDI Whitfords (603222858025)

- 12.13. Beyond the s36B locality, there is only one other packaged liquor premises within the 3km locality and that is BWS – Beer Wine Spirits Dalyellup (Gelorup) at 79 Bussell Highway, Gelorup, approximately 505m away on the opposite, eastern side of Bussell Highway. That store also stocks the usual BWS range which is comprehensively different from ALDI.
- 12.14. The Liquor Commission found in ALDI Harrisdale that there "is a significant diversity between the products sold by ALDI and the BWS store."¹⁰⁶
- 12.15. The BWS and Liquorland ranges and store styles are well known to the Director of Liquor Licensing. They are the typical national models commonly before the licensing authority, selling beer wine and spirits from largely mainstream producers and their own home-brand within traditional format outlets with warm and refrigerated product. They are associated with their respectively aligned supermarkets.
- 12.16. The small size, layout, location, absence of coolroom, absence of prominent product advertising and absence of refrigeration at ALDI are glaring additional differences over and above the major distinction of ALDI's mainly exclusive range.
- 12.17. "[T]wo thirds (65%) packaged liquor buyers believe that a liquor section in the proposed Dalyellup ALDI store would be different from the current liquor outlets within the 3km locality. This proportion is slightly elevated to 69% amongst liquor buyers who have been in a licenced ALDI store, and increases to 74% amongst those who have consumed ALDI liquor products purchased in a WA ALDI store)".¹⁰⁷
- 12.18. "[T]wo thirds of the adult residents in the locality (66%) have previously consumed ALDI exclusive liquor products that had been purchased from a licensed WA ALDI store...This figure is elevated to 70% amongst those who have shopped in an ALDI with a liquor licence, and 70% of all packaged liquor buyers."¹⁰⁸ This suggests that many shoppers are going to other ALDI stores to access exclusive ALDI products which are not currently available in or near Dalyellup. This is confirmed to some extent by the DES report which refers to ALDI sales data from its stores in Bunbury and Australind showing a sizeable percentage of customers at those stores as residents of Dalyellup.
- 12.19. The community was asked: "On average, how often would you make liquor purchases from the Dalyellup ALDI supermarket?... [and] the great majority of packaged liquor buyers residing within the 3km locality [said they] would shop for their packaged liquor requirements from the Dalyellup ALDI liquor section if it was established. Almost half (47%) would do so at least once a fortnight, 77% at least once a month and 93% on at least some occasions... The clear suggestion

¹⁰⁶ [43(g)]

¹⁰⁷ PRG report at para 4.5.2, page 26

¹⁰⁸ PRG report at para 4.3.1, page 17

is that the Dalyellup ALDI liquor section would better meet their packaged liquor requirements than the currently available Dalyellup liquor outlets."¹⁰⁹

- 12.20. "The extent to which buyers would transfer their liquor shopping to ALDI should the liquor licence be granted is illustrated in the table below. Should the proposed Dalyellup ALDI store be granted a liquor licence, the data shows that 71% of locality residents who purchase their liquor needs at least once a fortnight would shop from the ALDI liquor section at least once a fortnight. Ninety per cent would do so at least once a month, and 94% at least sometimes... Amongst buyers who currently shop for their alcohol needs at least once a month, 88% would shop in the ALDI liquor section at least once a month, and 93% at least sometimes... The sample of residents from the locality who currently buy packaged liquor would do most of their packaged liquor shopping at the proposed Dalyellup ALDI liquor section, if it were established."¹¹⁰
- 12.21. The nearest ALDI liquor service from the Dalyellup site is at ALDI Bunbury, approximately 7.8km away one way as the crow flies and approximately 9.8km driving one-way, travelling through several other suburbs into a completely different district and through a dense road network. Accessibility for those in the 3km locality seeking ALDI's liquor range is currently timely, expensive, inconvenient and archaic.
- 12.22. Given the current population, growth and development and the role of Dalyellup's Town Centre and as a District Centre for the whole Shire of Capel it is essential that the site provide ready access to usual modern conveniences and diversity. It is unreasonable for people living in, working in and visiting such a major retail site to be denied modern choice and competition.
- 12.23. It is an essential consideration in this case that "the phrase 'requirements of consumers for packaged liquor' in the definition of 'local packaged liquor requirements' in s 36B(1) of the Act is not limited in its scope to the physical item or product of packaged liquor"¹¹¹.
- 12.24. The evidence of the requirements of consumers, as referred to in this PIA, is very clearly that they require the applicant's particular range and associated products, services and style of operation to be available to purchase for take-away purposes from the ALDI Dalyellup store.
- 12.25. Almost 100% of applicant's stock range will be unavailable elsewhere in the 3km locality and beyond, up to approximately 7.8km (straight line). This is a striking factor in this case.
- 12.26. To reiterate, the following are key distinguishing features of the ALDI liquor proposal:

¹⁰⁹ PRG report at para 4.5.3, page 27

¹¹⁰ PRG report at page 28

¹¹¹ Liquorland Karrinyup [108] (Archer, J)

- 12.26.1. The majority of ALDI's products are exclusive and not available at any of the other liquor outlets.
- 12.26.2. The display/browse area will only comprise approximately 30m², significantly smaller than many of the other packaged liquor outlets. The bespoke ALDI liquor service will be an ancillary but highly valuable component of its overall service in Dalyellup which is projected to be very popular and well patronised.
- 12.26.3. There will be no refrigerated liquor products. This is a harm minimising feature of the ALDI liquor service and speaks to its genuine intention to complement its household and grocery offering.
- 12.26.4. None of the other packaged liquor outlets can offer one-stop-shopping convenience to ALDI shoppers.

12.27. 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 parts of the Act have been briefly referred to in this document but are detailed in a separate set of Legal Submissions accompanying this PIA.
- 13.2. It is respectfully submitted that the licensing authority should be easily satisfied that in relation to ALDI Dalyellup, as was concluded in relation to other ALDI applications decided under the current law, that the applicant has far exceeded the legislative high bar because the evidence shows substantially more than "trifling" and "considerable" requirements¹¹².

14. Conclusion

- 14.1. This PIA responds to the Form 2A comprehensively and addresses relevant sections of the Act with specific reference to particulars of the application.
- 14.2. The applicant has focused attention on a wide variety of relevant public interest factors, existing packaged liquor premises and has presented a comprehensive proposal for the grant.
- 14.3. To reiterate, what is proposed is a modest liquor range comprising largely of award winning, value-for-money, exclusive products, through a modern one-stop-shop concept that has the potential to offer an unrivalled level of convenience for shoppers in Dalyellup and has been proven very popular

¹¹² Liquorland Southern River [136] [137] (Lemonis J)

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elsewhere. The proposal is a replica of the Australian Supermarket of the Year for the last eight consecutive years¹¹³.

- 14.4. The ALDI Dalyellup liquor service will be unique, not only in the s36B locality but also in the 3km locality and beyond. The products and style of operation will be almost entirely unlike the limited range of existing products and services available to the already enormous and increasing community.
- 14.5. The stand-out characteristics of the location should be regarded as highly relevant in setting this case apart.
- 14.6. The licensing authority should be able to find as follows in this case, just as it did in ALDI Harrisdale – which findings still have relevance in the era of section 36B of the Act – where the liquor store model in question is virtually the same:

"The granting of a licence for the selling of packaged liquor in a floor space of [27] square metres would not result in a proliferation of liquor stores within the locality or a proliferation of liquor within the locality. To the contrary, given the nature of products to be sold by the applicant it will add to the diversity of products on offer and allow greater choice for consumers of liquor, thus being consistent with the primary object set out in section 5(1)(c) of the Act."¹¹⁴

- 14.7. Further submissions addressing conclusions to 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 10 September 2025


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

Attachments	
No.	Title/description
1.	DES report (redacted version; full version available to the licensing authority on a private and confidential basis upon request if required)
2.	PRG report
3.	Traffic Assessment
4.	Stocklist, including identification of the ALDI exclusive products (subject to change)
5.	List of awards received by ALDI
6.	9 News Perth Facebook, 15 June 2016
7.	Legal Submissions dated 10 September 2025

¹¹³ <https://www.roymorgan.com/findings/roy-morgan-unveils-annual-customer-satisfaction-award-winners-across-all-categories-2023>; <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>

¹¹⁴ [42]