

## **DECISION OF DIRECTOR OF LIQUOR LICENSING**

**APPLICANT:** ALDI FOODS PTY LIMITED  
Represented by Lavan

**OTHER PARTIES:** PUBLIC HEALTH ADVOCACY INSTITUTE OF WA  
First Objector

AND

LORENZO ZAGARI  
Second Objector

DARREL ERNEST CAKE  
Third Objector

ELIZABETH ANN PARTRIDGE  
Fourth Objector

MICHELLE MAREE WHITE  
Fifth Objector

CITY OF COCKBURN  
Sixth Objector, represented by Frichot & Frichot

CHIEF HEALTH OFFICER  
Intervenor

**TYPE OF APPLICATION:** CONDITIONAL GRANT OF A LIQUOR STORE LICENCE

**NAME OF PREMISES:** ALDI BEELIAR

**ADDRESS OF PREMISES:** 281 BEELIAR DRIVE, YANGEBUP

**APPLICATION REFERENCE:** A117210155

**DECISION OF:** BRETT SNELL, DEPUTY DIRECTOR LIQUOR CONTROL  
AND ARBITRATION

**DATE OF DECISION:** 6 JUNE 2019

**DATE OF REASONS:** 22 OCTOBER 2019

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### **Procedural background**

1. On 20 December 2018, ALDI Foods Pty Limited (Applicant) made application to the Director of Liquor Licensing (Director) for the conditional grant of a liquor store licence for premises to be known as *ALDI Beeliar* and situated at 281 Beeliar Drive, Yangebup.
2. The application, which was made pursuant to ss 47 and 62 of the *Liquor Control Act 1988* (Act), was advertised in accordance with instructions issued by the Director, resulting in the lodgement of notices of objection by the Public Health Advocacy Institute of WA (First Objector), Lorenzo Zagari (Second Objector), Darrel Ernest Cake (Third Objector), Elizabeth Ann Partridge (Fourth Objector), Michelle Maree White (Fifth Objector) and the City of Cockburn (Sixth Objector).

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3. Additionally, pursuant to s 69(8a) of the Act, a notice of intervention was lodged by the Chief Health Officer (the Intervenor).
4. On 6 June 2019, pursuant to ss 13 and 16 of the Act, I determined the application on the written submissions of the parties and published a notice of decision, pursuant to s 18AA of the Act, in which the application was conditionally granted.
5. On 3 October 2019, the Sixth Objector requested written reasons for the notice, in accordance with s 18AA(4) of the Act.<sup>1</sup> Accordingly, my reasons for conditionally granting the application follow.
6. As this is an administrative decision, rather than referring in detail to the entirety of the evidence before me, I will set out what I consider to be the relevant material facts. Further, I have considered all of the information submitted by all of the parties and the fact that I have not referred to a specific submission or piece of evidence does not mean I have not taken it into account.

**Overview of the application**

7. The notice of application lodged by the Applicant was accompanied by a Public Interest Assessment (PIA), in which it explained that it proposed to operate a small liquor store as part of the ALDI supermarket in the *Beeliar Shopping Centre* (Centre), which would be typical of the ALDI liquor store model.
8. As such, the proposed liquor store would have the following key features:
  - (a) a small browse/display area of approximately 37m<sup>2</sup>, together with a single licensed checkout; and
  - (b) approximately 95 non-refrigerated liquor products on offer, some of which would be unique to the Applicant.
9. In addition to the PIA, the Applicant provided the following two reports to support its application:
  - (a) a report on the locality prepared by Deep End Services (DES report), including demographic and economic data, as well as an analysis of where the Applicant's custom would be derived from; and
  - (b) a report by Patterson Research Group (Patterson Report), which reported on the requirements of consumers in the locality in relation to the proposed premises, based on a survey of 300 residents.

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<sup>1</sup> Due to an administrative oversight, the Sixth Objector's representative was not provided with a copy of the notice of decision until 16 September 2019. Therefore, despite the other parties receiving notice of the decision in June 2019, I consider that the Sixth Objector's request for reasons falls within the timeframe prescribed in s 18AA(3) of the Act, i.e. 28 days after it received the notice of the decision

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10. According to the DES report:

- (a) the primary catchment area covers parts of Yangebup, Beeliar and Munster, as well as parts of Spearwood and Coogee<sup>2</sup>;
- (b) there are three secondary catchment areas: located north to the lower areas of Spearwood; west into the southern parts of Port Coogee and east to the eastern parts of Beeliar and Yangebup, as well as to the chain of lakes which divide the area from South Lake, Cockburn Central and Success;
- (c) the locality had a 2016 Census population of 29,596 and an ABS estimated population of 29,941 in 2017;
- (d) the workforce is skewed to technicians/trades and clerical/administration workers; with the representation of lower income blue collar occupations such as labourers, drivers and machinery operators being only just above the Perth average;
- (e) the workforce participation rate (% of people aged between 15-65 years in the workforce) is high at 71% (Perth 64%) partly due to the high number of dual income families and low proportion of people in early retirement;
- (f) average individual income levels in the primary sector were just 1% below the Perth average, while household incomes were 6.9% higher;
- (g) at June 2018, the unemployment rate for the three combined SA2s was 5.3% or 0.8 percentage points below the Perth average (6.1%)<sup>3</sup>, although:
  - (i) the SA2 of Yangebup (north of Beeliar Drive), which has some older housing and is closer to the large Bibra Lake industrial area, had an unemployment rate of 7.4%; and
  - (ii) Beeliar and Coogee had unemployment rates of 5.3% and 3.5% respectively;
- (h) Aboriginal and/or Torres Strait Islanders made up 1.4% of the primary trade area population in 2016 and 1.5% of the secondary sectors, with the average proportion across the catchment being 1.5%, which is the same as the Perth average;
- (i) the proportion of public housing in the primary sector (2.8%) and secondary sectors (3.6%) averages 3.2%, which is slightly above the Perth average (2.9%); and
- (j) the Socio-economic Indices for Areas<sup>4</sup> (SEIFA) score is 1,032, or 0.3% above the Perth average (1,029) and 3.2% above the national average (1,000), with the average score across the secondary catchment being 1,027, which suggest that the catchment area is not highly disadvantaged.

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<sup>2</sup> The Applicant noted that areas of Bibra Lake within the locality are mainly industrial in character, while Munster to the south has a large cement works and quarrying activities

<sup>3</sup> Based on quarterly unemployment estimates at the SA2 level published by the Federal Department of Employment

<sup>4</sup> Developed by the ABS, SEIFA ranks geographic areas across Australia by their socio-economic characteristics with data from the five-yearly Census

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11. According to the Patterson report, a survey of adult residents of the locality demonstrated that:
- (a) just over a third (38%) of respondents reported purchasing “all or most” of their take-away liquor requirements when also shopping for household groceries;
  - (b) over three-quarters (77%) of respondents who reported purchasing packaged liquor indicated that they would be likely to purchase their packaged liquor requirements if they were shopping at *ALDI Beeliar* and it offered packaged liquor for sale;
  - (c) “increased convenience” is a major driver of the likely change in behaviour, with over four in five (82%) respondents who reported purchasing packaged liquor, indicating that the ability to shop for their liquor requirements in a grocery store with a licensed section within the store, would be more convenient; and
  - (d) the ALDI attributes of value; being able to buy unique products and being able to buy groceries and liquor in the one store, were liked by a significant majority (at least 79%) of packaged liquor purchasers.
12. Accordingly, the Applicant submitted that the grant of a liquor store licence in respect of the ALDI Beeliar application would be in the public interest and cater for the requirements of modern consumers.

**The right to object, prescribed grounds of objection and evidentiary burden**

13. Sections 73(2) of the Act provides that where an application is required to be advertised, a right to object to the application is conferred on any person on any ground permitted by section 74.
14. Section and 74(1)(a) of the Act provides that no objection shall be made except on one or more of the following grounds:
- (a) the grant of the application would not be in the public interest;
  - (b) the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor;
  - (c) if the application were granted —
    - (i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur;
    - or
    - (ii) the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be situated would in some manner be lessened; and
  - (d) the grant of the application would otherwise be contrary to the Act.

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15. Section 73(10) of the Act provides that the burden of establishing the validity of any objection lies on the objector.

### Overview of the objections

16. The First Objector objected to the application on the ground that it would not be in the public interest, based on the following:
- (a) support for the City of Cockburn's position on packaged liquor outlet density and its policy to limit the number of packaged liquor outlets in specified circumstances;
  - (b) concerns about key characteristics of the locality, including that:
    - (i) that an additional liquor outlet would likely increase alcohol-related harm to the surrounding community;
    - (ii) the locality has some instances of low socioeconomic standing;
    - (iii) the proposed liquor store will be located in proximity to a school, thereby increasing opportunities for children and young people, including those travelling to and from school, to be exposed to alcohol;
  - (c) that increasing the availability of alcohol would likely result in increased alcohol-related harms<sup>5</sup>, with reference to:
    - (i) published articles about alcohol availability in general and/or outlet density in particular<sup>6</sup>; and
    - (ii) the increased availability of cheap alcohol from the proposed premises, given that price is a significant risk factor for the harmful consumption of alcohol;
  - (d) that packaged liquor, which accounts for a large proportion of alcohol sold in Australia and the density for packaged liquor outlets, is positively associated with rates of assault, domestic violence, chronic disease and episodic drinking, which occur away from the licensed premises;
  - (e) that young people will have increased access to alcohol, given that:
    - (i) the proposed premises will be placed within a supermarket and near groceries, which would contribute to the normalisation of alcohol through its treatment as a normal grocery item; and
    - (ii) supermarkets are places children and young people are likely to visit with or without their parents and the layout of the proposed ALDI liquor store means that children will be exposed to the sale and promotion of alcohol in places where they would not normally see it.

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<sup>5</sup> With reference to the findings of Australian research on the impact of changes in the physical availability of alcohol and summarised in the *National Preventative Health Taskforce. Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action*. Canberra: Commonwealth of Australia; 2009

<sup>6</sup> Such as *World Health Organization. Tackling NCDs: Best buys and other recommended interventions for the prevention of noncommunicable diseases*. WHO; 2017 and Byrnes J, Shakeshaft A, Petrie D, et al. *Can harms associated with high-intensity drinking be reduced by increasing the price of alcohol?* Drug and Alcohol Review. 2013;32(1):27-30.

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17. The First Objector also submitted that the Applicant's reliance on the findings of the Liquor Commission in *ALDI Foods Pty Ltd v Director of Liquor Licensing & Others*<sup>7</sup> was misplaced, given that "the quoted statement is based on a different set of circumstances, particularly as Harrisdale is a new development that had no existing stores close to the proposed ALDI store at the time."
18. The objection by the Second Objector was made on every ground permitted under s 74(1) of the Act and was based on:
  - (a) concerns that the locality already has a higher than normal number of liquor outlets and has 'statistically the highest use of alcohol per capita in Australia';
  - (b) misgivings about the number of juveniles who would pass by the proposed premises;
  - (c) concerns over the possible impact of the liquor store on the patients of a local medical centre; and
  - (d) concerns about an increase in antisocial incidents associated with the consumption of liquor in public areas, such as parks/reserves.
19. The Third Objector also objected to the application on every ground permitted under s 74(1) of the Act and was similarly concerned with potential alcohol-related harms associated with the proposed premises; particularly cheap alcohol being used by vulnerable and disadvantaged people; that the grant of an additional licence would detract from the amenity of the locality and that the grant of the application would be contrary to the Act.
20. As the objections of the Fourth and Fifth Objectors were materially similar, they will be dealt with at the same time. These objections were also made on every ground permitted under s 74(1) of the Act and were essentially concerned that the grant of application would:
  - (a) not be in the public interest with the number of existing 'bottle shops' in the locality;
  - (b) cause undue harm or ill-health to people, or any group of people, due to the use of liquor, given a potential increase in alcohol-related illnesses;
  - (c) negatively affect children, who would see alcohol being purchased as part of weekly shopping;
  - (d) increase opportunities for teenagers to access alcohol and consume it in local parks; and
  - (e) be likely to cause undue offence, annoyance, disturbance or inconvenience to persons who reside in the vicinity, due to broken glass and smashed bottles in carparks or on footpaths and other antisocial behaviour.

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<sup>7</sup> LC 09/2017 (*ALDI Harrisdale*)

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21. The Sixth objection was informed by the City's opinion that two packaged liquor outlets are more than sufficient for a local shopping centre the size of the *Beeliar Shopping Centre* and its associated policy of controlling the availability of alcohol by placing a restriction on the number of packaged liquor outlets to be approved in small/local shopping centres.
22. Notwithstanding this view, the Sixth Objector explained how it initially refused to provide planning approval for the application, in line with its internal policy, but 'reluctantly granted planning approval' after the State Administrative Tribunal advised that planning legislation had limited capacity to allow Local Government Authorities to control packaged liquor outlets.
23. The Sixth Objector also raised concerns about a number of factors, which it considered were associated with an increased negative impact of alcohol on the community, such as:
  - (a) noise complaints associated with music and/or party noise; and
  - (b) antisocial behaviour, such as crime; graffiti, drinking in public places and drug/alcohol fuelled parties in parks and reserves.

### Overview of the intervention

24. The Intervenor made representations about the risks of alcohol-related harm specific to the application and on how those risks could be minimised, including that conditions could be imposed on the licence, to separate the display and sale of alcohol from general grocery items, consistent with those imposed by the Liquor Commission in *ALDI Harrisdale*.

### Statutory Framework

25. Pursuant to s 38(1)(a) and 38(2) of the Act and r 9EA of the *Liquor Control Regulations 1989*, an application for the grant of a liquor store licence must satisfy the licensing authority that the grant of the application is in the public interest. To discharge this onus, an applicant must address both the positive and negative impacts that the grant of the application will have on the local community.
26. Determining whether the grant of an application is 'in the public interest' requires the exercise of a discretionary value judgement confined only by the subject matter and the scope and purpose of the legislation.<sup>8</sup>
27. Further, s 33(1) of the Act provides that the licensing authority has an absolute discretion to grant or refuse an application on any ground or for any reason that is in the public interest. The scope of this discretion was considered by EM Heenan J in *Woolworths Ltd v Director of Liquor Licensing*<sup>9</sup> as:

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<sup>8</sup> Refer *Re Minister for Resources: ex parte Cazaly Iron Pty Ltd* [2007] WACA 175 and *Palace Securities Pty Ltd v Director of Liquor Licensing* (1992) 7 WAR 241

<sup>9</sup> [2012] WASC 384 (*Woolworths v DLL* (2012))

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‘...an example of a very full and ample discretion which is only confined by the scope and purpose of the Act which in turn is to be determined by the express objects of the Act and the legislation read as a whole. Section 5(2) in requiring the licensing authority to have regard to the primary and secondary objects of the Act... obliges the licensing authority to pay regard to those objects on any application but does not otherwise confine the scope or meaning of the public interest to make those objects the exclusive consideration nor the sole determinants of the public interest.’

28. In this regard, s 5(1) sets out the primary objects of the Act, which are:

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

29. Additionally, s 5(2) sets out the secondary objects of the Act, which are:

- (a) to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and
- (b) to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and
- (c) to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act; and
- (d) to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.

30. Section 16 of the Act requires that each application is considered on its merits and determined on the balance of probabilities. However, when determining the merits of an application, tension may arise between advancing the objects of the Act, particularly the objects of minimising alcohol-related harm and endeavouring to cater for the requirements of consumers for liquor and related services. When such circumstances arise, Ipp J observed in *Executive Director of Health -v- Lily Creek International Pty Ltd & Ors*<sup>10</sup> that the licensing authority is required to weigh and balance those competing interests. Further, where harm and ill-health is a relevant factor, the approach the licensing authority must adopt was outlined by Allanson J in *Carnegies Realty Pty Ltd v Director of Liquor Licensing*.<sup>11</sup>

## Determination

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<sup>10</sup> [2000] WASCA 258 (*Lily Creek No 1*)

<sup>11</sup> [2015] WASC 208 (*Carnegies*)



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31. In relation to the concerns expressed by the Objectors and the representations of the Intervenor, I have noted that after observing similar concerns about the integration of alcohol and grocery items, the Liquor Commission imposed a condition on the grant of *ALDI Harrisdale*, requiring the licensee to separate the liquor area from the food/grocery area by a barricading of non-see-through material over two metres in height, to provide a degree of separation between the licensed area and the remainder of the supermarket.
32. Additionally, despite the view of the First Objector that the Applicant's reliance of *ALDI Harrisdale* was misguided, I consider that the determinations of the Liquor Commission in *ALDI Harrisdale* and *ALDI Foods Pty Ltd v Director of Liquor Licensing and Others*<sup>12</sup>, are relevant to this matter.
33. In *ALDI Joondalup* the Liquor Commission determined to grant a liquor store licence to ALDI at the *Lakeside Joondalup Shopping Centre*, notwithstanding the presence of three existing liquor stores and a tavern at that Centre and after also noting that the surrounding area was well catered for in terms of packaged liquor outlets, after finding that:
- (a) there were no harm and ill-health issues within the relevant locality of such a nature that the granting of the application would not be in the public interest;
  - (b) the Applicant is an experienced operator;
  - (c) the Applicant is a responsible operator;
  - (d) the application relates to a very small floor space within a much larger supermarket;
  - (e) the range of products proposed to be sold is relatively small;
  - (f) the granting of the licence will result in the convenience of one-stop shopping for those who purchase items from the ALDI store;
  - (g) the granting of the licence would promote competition; and
  - (h) the granting of an application that relates to 24 square metres of floor space would not result in the proliferation of liquor stores or liquor itself in the locality.
34. Also, in *ALDI Harrisdale*, the Commission noted that much of the material relating to harm was generic in nature (for example reference to articles) and therefore did not assist in the determination of the application, noting that concerns about alcohol-related harm and ill-health are required to be considered in accordance with the test outlined in *Carnegies*, i.e. to:
- (a) make findings that specifically identified the existing level of harm and ill-health in the relevant area due to the use of liquor;
  - (b) make findings about the likely degree of harm to result from the grant of the application;
  - (c) assess the likely degree of harm to result from the grant of the application against the existing degree of harm; and

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<sup>12</sup> LC 19/2017 (*ALDI Joondalup*)

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- (d) weigh the likely degree of harm, so assessed, together with any other relevant factors to determine whether the appellant had satisfied the Commission that it was in the public interest to grant the application.
35. Therefore, based on the evidence that was before me, I found that:
- (a) the existing levels of harm and ill-health in the locality were no higher than other areas in Western Australia;
  - (b) there was nothing to suggest that the granting of the licence would result in an increase in harm and ill-health (with the small size of the proposed premises, the nature of its operation and the limited number of products being significant factors in reaching this conclusion); and
  - (c) there was nothing to suggest that there would be an increase in harm and ill-health in the locality to such a degree that it would be considered unacceptable.
36. In relation to the intervention, the primary object of the Act as set out in section 5(1)(b), is to 'minimise harm or ill-health caused to people, or any group of people, due to the use of liquor' and this can be achieved by the imposition of conditions, as noted by the Intervenor.
37. In relation to the issues raised by the Sixth Objector regarding its concerns about the proliferation of packaged liquor outlets in the City of Cockburn, I noted that:
- (a) in *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing*<sup>13</sup>, the Liquor Commission observed that despite there being a reference to 'proliferation' in the Second Reading Speech on the introduction of the *Liquor and Gaming Legislation Amendment Bill 2006*<sup>14</sup>, there is no actual reference to that term in the Act and therefore to consider 'proliferation' would be inconsistent;

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<sup>13</sup> (LC 06/2017)

<sup>14</sup> Refer *Western Australian Parliamentary Debates, Legislative Assembly, Western Australian Parliamentary Debates, Legislative Assembly, Wednesday, 20 September 2006, pages 6341 - 6344*

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- (b) in *ALDI Harrisdale*, after taking into consideration the characteristics of the locality, the Liquor Commission specifically found that the granting of a licence for the selling of packaged liquor in a floor space of 24 square metres would not result in a proliferation of liquor stores within the locality<sup>15</sup>; and
  - (c) while the government also indicated concerns over the impact that a proliferation of packaged liquor outlets could have on the community and introduced specific provisions into the Act to prevent such proliferation<sup>16</sup>; the relevant amendments to the Act have not yet come into force<sup>17</sup>, which meant that I was obliged to determine the application under the Act's existing provisions.
38. Accordingly, after taking into account the characteristics of the locality in this matter and making findings about existing and potential alcohol-related harm and ill-health in the locality (see [35] above) in accordance with the test outlined in *Carnegies*, I formed the view that the grant of a liquor store licence in respect of the present application for a licensed area of 37 square metres, would not result in a proliferation of packaged liquor outlets in the locality.
39. Further, while I acknowledge that a local government authority can choose to implement a local policy in relation to liquor, it should be noted that such policies are not binding on the licensing authority. As a delegate of the Director<sup>18</sup>, I had the statutory authority to determine the application in accordance with the provisions of the Act and relevant legal precedent. In this regard, s 33 of the Act prescribes that each application must be dealt with on its merits.
40. Therefore:
- (a) after making the positive findings about the locality (see [35] (above)); and
  - (b) finding that the grant of the licence would not result in a proliferation of packaged liquor outlets (see [38] (above)),

I consider that to have applied the Sixth Objector's internal policy would have involved an abdication of my decision-making responsibility and rendered my decision invalid. In this regard, the Supreme Court has found that a policy which fetters all or part of a discretion is unlawful, as explained by McLure J in *Re Romato; Ex Parte Mitchell James Holdings Pty Ltd*<sup>19</sup>, who observed that 'Although decision-makers may have regard to a relevant policy, it cannot be treated as a fixed determinative rule regardless of the merits of an individual case' and Hall J in *Kapinkoff Nominees Pty Ltd -v- Director of Liquor Licensing*<sup>20</sup>, who relevantly observed that:

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<sup>15</sup> On the contrary, the Commission found, given the nature of products proposed be sold, that the grant of the licence would 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

<sup>16</sup> As explained by the Minister for Racing and Gaming in the Second Reading Speech on the introduction of the *Liquor Control Amendment Bill 2018*, refer *Western Australian Parliamentary Debates, Legislative Assembly*, Tuesday, 20 February 2018, pages 324 - 325

<sup>17</sup> *Liquor Control Act 1988*; s 36B

<sup>18</sup> *Liquor Control Act 1988*; s 15

<sup>19</sup> [2001] WASCA 286

<sup>20</sup> [2010] WASC 345

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'In the present case the Commission accepted that the appellant had obtained all relevant planning approvals and took this into account in support of the application. However, it was then necessary for the Commission to go on to consider whether granting the application was in the public interest. In this regard the considerations in s 38(4) were matters that may well have been considered by the planning authority but that does not obviate the need for the licensing authority to consider those matters itself. *A decision made by the licensing authority on a matter within its discretion including matters relating to amenity by simply applying a planning decision made by the planning authorities, rather than determining the merits of the application of the Act, would be invalid...*' [emphasis added]

41. Therefore, having considered all of the evidence presented by the parties, including the views of the Sixth Objector and its internal policy, I was satisfied that the grant of the application, based on the current legislation, would not negatively impact on the amenity of the locality.
42. In view of the foregoing, I was satisfied that the Objectors had failed to establish the validity of their objections as required under s 73 of the Act.
43. Conversely, after considering the evidence and submissions of the Applicant, particularly:
  - (a) that it has the necessary planning approval, as required by s 40 of the Act;
  - (b) that its PIA:
    - (i) established that the Applicant is an experienced and responsible operator;
    - (ii) identified both the positive and negative factors associated with the locality and application generally;
    - (iii) included relevant harm minimisation measures
    - (iv) established that the range of products proposed to be sold is relatively small; and
    - (v) established that the granting of the licence will result in convenience for those who purchase items from the ALDI store;
  - (c) that the DES Report provided an in-depth analysis of the locality for the purposes of s 38(4) of the Act; and
  - (d) that the Patterson Report, which surveyed people living in the locality to assess their attitudes toward the ALDI liquor store proposal, demonstrate a considerable requirement by those consumers for the liquor and related services proposed in the application;

I was satisfied that the Applicant had discharged its onus under s 38(2) of the Act and demonstrated that the grant of the application was in the public interest, subject to the conditions specified in the schedule attached to my notice of decision.

44. I was also satisfied that the Applicant had complied with all the necessary statutory criteria, requirements and conditions precedent to the application being granted.

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45. Parties to this matter dissatisfied with the outcome may seek a review of the Decision under s 25 of the Act. The application for review must be lodged with the Liquor Commission within one month after the date upon which the parties receive notice of this Decision.
46. This matter has been determined by me under delegation pursuant to s 15 of the Act.

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a horizontal line.

DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING



Department of  
**Local Government, Sport  
and Cultural Industries**

Your Ref: 052/004

Our Ref: A117210155

Enquiries: Mary Ioannidis  
☎ (08) 6551 4957

Mr N Jones  
Manager Environmental Health  
City of Cockburn  
PO Box 1215  
BIBRA LAKE DC WA 6956

By email: [njones@cockburn.wa.gov.au](mailto:njones@cockburn.wa.gov.au)

Dear Mr Jones

**APPLICATION FOR THE CONDITIONAL GRANT OF A LIQUOR STORE LICENCE:  
ALDI BEELIAR**

I refer to your correspondence of 25 September 2019, where you sought reasons in support of the notice of decision published on 6 June 2019, in which a liquor store licence was conditionally granted in respect of *ALDI Beeliar*. Please find attached the relevant reasons.

Please also accept my apologies for the administrative oversight which resulted in the City of Cockburn failing to be advised when the application was determined in June.

Should you have any queries regarding this please contact me on (08) 6551 4957.

Yours sincerely

Mary Ioannidis  
RESEARCH SUPPORT OFFICER

22 October 2019

[Enc]

cc: Ms J Patterson  
Lavan (Your Ref: JIP:1156009)  
GPO Box F338  
PERTH WA 6841

By email: [Jessica.Patterson@lavan.com.au](mailto:Jessica.Patterson@lavan.com.au)