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3 June 2020

Dear Mr Cusack

Application No.	APP-0006779643
Applicant	ALDI FOODS PTY Limited
Application for	Packaged Liquor Licence
Licence name	ALDI Jerrabomberra
Premises	9 Ferdinand Lane JERRABOMBERRA NSW2619
Trading hours	Monday to Saturday 8:30 am – 8:00 pm Sunday 10:00 am – 8:00 pm
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45, 48 and 53, of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority
Application for packaged liquor licence – ALDI Jerrabomberra

The Independent Liquor & Gaming Authority considered the application above and decided on 13 May 2020 to **approve** the application under section 11A, 45 and 53 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

Licence cannot be exercised until premises is ready to trade

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been provided with evidence that the premises is complete and ready to trade.

Mixed-use checkouts must be closed outside licensed hours

Pursuant to section 103(2) of the Act, any counter or place used to sell or supply liquor under the licence, including any mixed-use checkouts in the liquor sales area, must be closed to the public outside the licensed trading hours.

Concise statement of reasons

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the case manager at michelle.stark@liquorandgaming.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', written in a cursive style.

Philip Crawford
Chairperson
For and on behalf of the Independent Liquor & Gaming Authority

Concise statement of reasons

Key facts

Application No.	APP-0006779643
Applicant	ALDI FOODS PTY LIMITED
Application for	Packaged Liquor Licence
Licence name	ALDI Jerrabomberra
Premises	9 Ferdinand Lane Jerrabomberra NSW 2619
Trading hours	Monday to Saturday 8:30 am – 8:00 pm Sunday 10:00 am – 8:00 pm
Application date	30 January 2020
Decision	Approved under section 11A, 45 and 53 of the <i>Liquor Act 2007</i>
Decision date	13 May 2020

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application;
- Category B community impact statement;
- Premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations;
- Plan of management for the licensed business at the premises;
- Development consent for the premises;
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities; and

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations.
- Section 11A: The mandatory 6-hour period during which liquor cannot be sold.
- Section 12: Standard trading period for certain licensed premises
- Section 29: Authorisation conferred by packaged liquor licence
- Section 30: Liquor sales area required if bottle shop is part of another business activity
- Section 31: Restrictions on granting packaged liquor licences
- Section 45: Decision of Authority in relation to licence applications
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
- Section 53: Authority may impose, vary or revoke licence conditions

An extract of these sections is set out in Schedule 1

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Jerrabomberra, and the broader community is the Local Government Area of Queanbeyan-Palerang.

Positive social impacts

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through the provision of increased liquor access, choice and convenience.

The Authority notes that the ALDI supermarket is situated within the new Poplars development in the western section of the suburb of Jerrabomberra within the Queanbeyan-Palerang LGA, which is presently experiencing significant development and growth. Further, the Authority notes that the local and broader communities have a lower density of packaged liquor licences than the state average and considers that the Premises will provide the growing local and broader communities with additional access to packaged liquor and increased product choice.

The Authority notes the Applicant's contention that granting the Licence would provide a measure of convenience to customers of the ALDI supermarket who wish to engage in "one stop shopping" by purchasing liquor items together with grocery and other items.

The Authority notes that ALDI is an experienced operator of many packaged liquor licences, each of which conforms to the business model outlined in the Application.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues. The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- relatively small size of the area in which liquor will be sold or supplied
- relatively moderate licensed trading hours
- lower than average liquor licence density in the local and/or broader community
- absence of any objections from agency stakeholders or members of the community
- experience of the applicant as an operator of multiple licensed premises with sound compliance records
- harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1.

Overall social impacts and conclusion

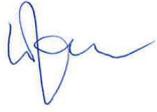
Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the

community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 11A, 45 and 53 of the Act.

A handwritten signature in blue ink, appearing to read 'P. Crawford', is positioned above the name and title.

Philip Crawford
Chairperson

Schedule 1 – Licence conditions to be imposed ALDI Jerrabomberra

6-hour closure

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 2:30 AM and 08:30 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

Restricted trading & NYE

2. Restricted trading & NYE (std)

Retail sales

Good Friday Not permitted

December 24th Normal trading Monday to Saturday
8:00 AM to 10:00 PM Sunday

Christmas Day Not permitted

December 31st Normal trading

Adequate separation

3. The liquor sales area must be adequately defined from the rest of the supermarket in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on 13 May 2020 or any premises plan subsequently approved by the Authority.

CCTV

4. Closed-circuit television system

- 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/general store in accordance with the following requirements:

- (a) the system must record continuously from opening time until one hour after the supermarket/general store is required to close,
- (b) recordings must be in digital format and at a minimum of six (6) frames per second,
- (c) any recorded image must specify the time and date of the recorded image,
- (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points to the supermarket/general store, and
 - (ii) all publicly accessible areas (other than toilets) within the liquor sales area.

- 2) The licensee must also:

- (a) keep all recordings made by the CCTV system for at least 30 days,
- (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
- (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

Liquor Accord

5. The licensee or its representative must join and be an active participant in the local liquor accord.

Plan of management - ALDI

6. The premises is to be operated at all times in accordance with the ALDI Management Policies and Strategies and House Policy documents, as submitted to the Independent Liquor and Gaming Authority ("the Authority") in support of the licence application and as may be varied from time to time after

consultation with the Authority. A copy of these documents is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming NSW inspector, or any other person authorised by the Authority.

No refrigeration

7. The licensee must not sell refrigerated liquor products from the licensed premises.

No display of liquor

8. There is to be no display of liquor in the second checkout area included within the liquor sales area (Checkout 2).

Social impact

9. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.