



Mr Grant Cusack
Hatzis Cusack Lawyers
By email to: gc@hatziscusack.com.au

23 May 2023

Dear Mr Cusack

Application No.	APP-0010787368
Applicant	ALDI FOODS PTY LIMITED
Application for	New packaged liquor licence
Application date	11 January 2023
Decision date	19 April 2023
Licence name	ALDI Penrith Central
Trading hours	Monday, Tuesday, Wednesday and Friday 08:30 AM – 08:30 PM Thursday 08:30 AM – 09:00 PM Saturday 08:30 AM – 08:00 PM Sunday 10:00 AM – 08:00 PM
Premises	Westfield Penrith, Shop A03 Level 1, 585 High Street Penrith NSW 2750
Legislation	Sections 3, 11, 12, 29, 30, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – ALDI Penrith Central**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Independent Liquor & Gaming Authority or Liquor & Gaming NSW has been notified:

- of the appointment of an approved manager to the licence, or
- that the licence has been transferred to an individual licensee.

Mixed-use checkouts must be closed outside licensed hours

Under 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.


Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au/independent-liquor-and-gaming-authority) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Max Costa, at max.costa@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', with a stylized, cursive script.

Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Penrith. The broader community is the Local Government Area (LGA) of Penrith.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased choice and convenience. The supermarket is located within the Westfield Penrith Shopping Centre which consists of 312 other tenancies. The liquor sales area will sit wholly within the supermarket and will provide a limited range of predominantly ALDI-branded products including beers, wines and spirits.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of:

- the premises being located in high-density crime hotspots in the suburb for all offence categories usually considered by the Authority
- the crime rates for all offence categories usually considered by the Authority being higher in Penrith compared to NSW rates
- the high saturation rates of packaged liquor licences in Penrith compared to NSW rates, and
- the indication of a below average level of relative socio-economic advantage and disadvantage in Penrith compared to NSW.

However, we are satisfied that these risks are reduced by:

- the relatively small (55m²) liquor sales area in which liquor will be sold or supplied
- the absence of agency or public objections
- the low saturation rates of packaged liquor licences in the Penrith LGA compared to NSW rates
- the lower rates of alcohol-attributable hospitalisations in the Penrith LGA compared to NSW rates
- the indication of above average level of socio-economic advantage and disadvantage in the Penrith LGA compared to NSW
- the relatively moderate licensed trading hours, and
- the harm-minimisation measures outlined in the plan of management and licence conditions as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application

- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities, and
- stakeholder submissions and the applicant's response them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely



Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed
ALDI Penrith Central

No.	Condition to be imposed	Description
1.	6-hour closure period	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 6 hours between 02:30AM and 08:30AM 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.
2.	Retail sales	Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday
3.	Social Impact	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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 the licence.
4.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Liquor plan of management	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 and Gaming NSW inspector, or any other person authorised by the Authority
6.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements: <ol style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the supermarket/specialty store is required to close, b. recordings must be in digital format and at a minimum of ten (10) 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: <ol style="list-style-type: none"> i. all entry and exit points to the supermarket/specialty store, and ii. all publicly accessible areas (other than toilets) within the liquor sales area. 2. The licensee must also: <ol style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days,

		<ul style="list-style-type: none"> 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.
7.	Adequate separation	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 19 April 2023 or any premises plan subsequently approved by the Authority.
8.	No refrigeration	The licensee must not sell refrigerated liquor products from the licensed premises.