



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

6 June 2023

Dear Mr Cusack

Application No.	APP-0010762834
Applicant	ALDI FOODS PTY LIMITED
Application for	New packaged liquor licence
Application date	16 December 2022
Decision date	15 March 2023
Licence name	ALDI Mudgee
Trading hours	Monday to Wednesday and Friday 08:30 AM – 08:30 PM Thursday 8:30 AM – 09:00 PM Saturday 08:30 AM – 08:00PM Sunday 10:00 AM – 08:00 PM
Premises	97-99 Church Street Mudgee NSW 2850
Legislation	Sections 3, 11, 12, 29, 30, 40, 44, 45, 48 of the <i>Liquor Act 2007</i>

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

We approve the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1. Preliminary advice of this decision was provided DATE 2023.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au) 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

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 Mudgee. The broader community is the Local Government Area (LGA) of Mid-Western Regional.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

The liquor sales area will be located wholly within an existing ALDI supermarket, where the intention is to align the liquor sales area with the supermarket trading hours. Adjoining the supermarket is a large carpark for use by customers for ease of vehicle access.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities (such as violence, health problems or social and public amenity issues) because of the:

- medium-density crime hotspots in Mudgee for incidents of domestic assault and alcohol-related domestic assault;
- crime rates in both Mudgee and Mid-Western Regional are higher than the NSW average for all crime offence categories usually considered by the Authority;
- health data indicates below-average socio-economic advantage and disadvantage in Mudgee, and
- higher saturation of packaged liquor licences in Mudgee and Mid-Western Regional compared to the NSW average.

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

- lack of any agency or public objections received during the application process;
- low-density crime hotspots in Mudgee for incidents of non-domestic assault and malicious damage to property;
- high crime rates attributed to Mudgee are potentially associated with high levels of transient visitation from across the city, state, country and internationally compared to the local population size as this is a renowned tourist destination;
- lower rate of both alcohol-attributable hospitalisations in Mid-Western Regional compared to the NSW average;
- health data indicates average socio-economic advantage and disadvantage in Mid-Western Regional;
- petition of support for the grant of the liquor licence detailing more than 1000 signatures from members of the community;
- 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.
- 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 if we approved the application.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

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



**Schedule 1 – Licence conditions to be imposed
ALDI Mudgee**

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 02:30 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.
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 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.
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	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 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: (i) all entry and exit points to the supermarket/general store, and

No.	Condition to be imposed	Description
		<p>(ii) all publicly accessible areas (other than toilets) within the liquor sales area.</p> <p>2. The licensee must also:</p> <p>(a) keep all recordings made by the CCTV system for at least 30 days,</p> <p>(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</p> <p>(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.</p>
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 15 March 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.