



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

15 January 2024

Dear Mr Cusack

Application No.	APP-0010437216
Applicant	ALDI FOODS PTY LIMITED
Application for	Packaged liquor licence
Decision Date	17 May 2023
Licence name	ALDI Macarthur Square
Trading hours	Monday to Wednesday, Friday 8:30 AM – 8:30 PM Thursday 8:30 AM – 9:00 PM Saturday 8:30 AM – 8:00 PM Sunday 10:00 AM – 8:00 PM
Premises	Macarthur Square, Shop A03B 200 Gilchrist Drive Campbelltown NSW 2560
Legislation	Sections 3, 11A, 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 packaged liquor licence – ALDI Macarthur Square**

We **approve** the application under section 45 of the *Liquor Act 2007* (the Act) – with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 5 June 2023.

Trading on a Sunday that falls on 24 December

If any Sunday falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow trading from 8:00 AM. However, due to the 6-hour closure period for the licence, the premises must not trade earlier than 8:30 AM.

Approved manager or individual licensee

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

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

Mixed-use checkouts must be closed outside licensed hours

Under section 103(2) of the Liquor 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

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

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application is valid and meets the Liquor Act's requirements for procedural fairness and trading period
- liquor would be sold and supplied in a separate liquor sales area at the premises
- [section 31](#) of the Liquor Act does not apply to this application.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

The necessary development consent is in force. Steve Watson & Partners, Building Consultants, issued the complying Development Consent Ref: 17/0874/01 for the premises on 12 July 2017. The supermarket has existing approval under Development Application 1057/2014/DA-C, granted by Campbelltown City Council on 10 October 2014.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Campbelltown and the relevant 'broader community' comprises the Local Government Area (LGA) of Campbelltown.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for the suburb Campbelltown shows:

- there are 48 authorised liquor licenses, of which 16 are authorised to sell packaged liquor. This includes 7 packaged liquor licences, 3 registered club licences, 5 hotel licences and 1 Producer/Wholesaler.
- saturation of packaged liquor, club and hotel licences in the suburb is higher compared to both the Campbelltown LGA and all of NSW.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that in the year to December 2022:

- the premises are located in a high-density crime hotspot in the suburb for alcohol related domestic and non-domestic assault as well as for malicious damage; medium-density crime hotspot in the suburb for alcohol related assault the incident rates for the suburb of Campbelltown for all crime categories usually considered by us was higher compared with both the Campbelltown LGA and all of NSW.

Alcohol-related health data (per 100,000 residents)

Health Stats NSW data available for Campbelltown LGA (2019/20 – 2020/21) shows:

- alcohol-related deaths were slightly higher compared to all of NSW
- alcohol-related hospitalisations were lower compared to all of NSW.

ABS Socio-Economic Index for Areas (SEIFA)

The suburb of Campbelltown shows a below average level and the LGA of Campbelltown shows an average level of relative socio-economic advantage in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

We note that the proposed business model involves operating a liquor sales area in an existing ALDI supermarket. The applicant requested a varied 6-hour closure period for added convenience to customers who would like to buy liquor before 10:00 AM.

Benefits proposed by the applicant

The applicant proposes that there would be these benefits:

- Increased demand due to continuous population growth in the area
- the convenience of 'one stop shopping' for consumers wishing to purchase packaged liquor while shopping at the supermarket and in the shopping centre
- Improved Community Amenity
- Increase of employment opportunities
- Experienced operator offering a range of principally ALDI-branded liquor products which are not available at other liquor stores within the Shopping Centre

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 29 September 2022, objecting to the proposal noting concerns about the potential detrimental impact on the wellbeing of the local and broader Campbelltown community
- Local Council, dated 13 September 2022, no objection
- L&GNSW Compliance, dated 12 April 2023 and 27 September 2022, which notes a number of recommended measures for the applicant to implement in order to mitigate the risks associated with the low cost of liquor, no objection
- A petition with 1067 signatures in support of the application.

We also considered the Applicant's submission in response, to these submissions, which notes that:

- crime statistics, in particular high rates of alcohol-related crime in the suburb, reflects very large numbers of visitations from non-residents
- the petition from the general public is evidence of public demand and expectation for the licence
- their refusal to a recommended condition for voluntary self-exclusion as a response to community issues
- Aldi's prices, compared to other packaged retail outlets in the shopping centre, will not introduce 'low-cost liquor'. Should the application be granted, Aldi would be offering competitive prices.

Findings of concern

The LGA of Campbelltown has a higher license density than the state average and the suburb of Campbelltown has a higher incident rate for three of the four crime categories usually considered by us. There is also a slightly higher rate of alcohol-attributable deaths in the Campbelltown LGA compared to all of NSW. Granting the licence could result in a risk that liquor sold from the premises could lead to an increase in alcohol-related crime, health, and other social and amenity issues, worsening these problems.

We are satisfied that the risks are mitigated by the:

- proposed liquor sales area which sits wholly within an ALDI Supermarket and would operate under reduced hours
- premises being located within a well-managed shopping centre
- low crime rates in the LGA compared to NSW for incidents of alcohol-related non-domestic assault and alcohol-related disorderly conduct
- lower saturation rates of packaged liquor licences in the LGA compared to NSW
- store providing a limited range of liquor harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1.

The material we considered

We considered all the material we received about the application, including:

Application Material

- Completed application dated 9 February 2022
- Completed Category B Community Impact Statement (CIS) dated 24 August 2022
- Completed certifications of advertising dated 11 April 2023
- Plan of management documents for the premises - undated
- ASIC business records for the Applicant and associated companies.
- Floor plan for the premises, dated February 2022, indicating the proposed licensed area to which the PLL will apply.

Under [Guideline 6](#), we also considered data published by the Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS) and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 16 September 2022 and 8 May 2023 in relation to the assessment of the application
- Google map images extracted from the Google website showing the location and photos of the Premises in map view.

This decision will be published on the [Liquor & Gaming NSW website](#). in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you are not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW website](#). There is a fee to lodge the application.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the [NCAT website](#).

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**

Schedule 1 – Licence conditions to be imposed

ALDI Macarthur Square, Campbelltown

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 2:30 AM and 8:30 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.	Restricted trading & NYE	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.	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) at the supermarket/speciality 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 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, and (ii) all publicly accessible areas (other than toilets) within the liquor sales area.

		<p>2) The licensee must also:</p> <ul style="list-style-type: none"> (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.
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 17 May 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.
9.	Self-exclusion	The licensee must advertise and operate a voluntary liquor self- exclusion scheme.