



Grant Cusack
c/o Hatzis Cusack Lawyers
Level 9, 68 Pitt Street
Sydney NSW 2000

15 September 2016

Dear Mr Cusack,

APPLICATION NO: 1-4175779211
APPLICATION FOR: New Packaged Liquor Licence
PROPOSED TRADING HOURS: Monday to Wednesday 8:30AM – 8:30PM
Thursday 8:30AM – 9:00PM
Friday 8:30AM – 8:30PM
Saturday 8:30AM – 8:00PM
Sunday 10:00AM – 8:00PM

APPLICANT: ALDI FOODS PTY LIMITED
**PROPOSED LICENSED PREMISES
NAME:** ALDI Cranebrook

PREMISES LOCATION: Cranebrook Village Shopping Centre
Cranebrook, NSW 2749 (Premises)

ISSUE: Whether to grant or refuse an application for
a new packaged liquor licence.

LEGISLATION Sections 3, 29, 30, 31, 40, 45, 48 *Liquor Act*
2007

**INDEPENDENT LIQUOR AND GAMING AUTHORITY DECISION - APPLICATION FOR
NEW PACKAGED LIQUOR LICENCE – ALDI CRANEBROOK**

The Independent Liquor and Gaming Authority considered the Application at its meeting on 17 August 2016 and pursuant to section 45 of the *Liquor Act 2007* (Act), has decided to **grant** the Application number 1-4175779211 subject to the following conditions:

1. Trading Hours
Monday to Wednesday 8:30AM – 8:30PM
Thursday 8:30AM – 9:00PM
Friday 8:30AM – 8:30PM
Saturday 8:30AM – 8:00PM

Sunday 10:00AM – 8:00PM

2. 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 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.
3. Retail Sales

Good Friday	Not permitted
December 24 th	Normal trading Monday to Saturday, 8:00AM – 10:00PM Sunday
Christmas Day	Not permitted
December 31 st	Normal trading
4. The licence cannot be exercised unless and until the Independent Liquor & Gaming Authority has been provided with evidence that the premises at this location are complete and ready to trade.
5. The licence cannot be exercised unless and until the Independent Liquor and Gaming Authority has been notified of the appointment of a manager to the licence.
6. Upon evidence of completion of the premises being provided to the Independent Liquor and Gaming Authority, the licensee or its representative must join and be an active participant in the local liquor accord.
7. 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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
8. The licensee will ensure the liquor sales area is adequately defined from the rest of the supermarket by means of a fixed, solid and permanent barrier.
9. The licensee will not sell refrigerated liquor products from the licensed premises.
10. The licensee will ensure compliance with the Management Policies and Strategies and House Policy documents lodged with the Independent Liquor and Gaming Authority and will provide to the Authority copies of those documents as they are developed or updated from time to time.

If you have any enquiries about this letter please contact the case manager via email to santina.causa@ilga.nsw.gov.au

Yours faithfully



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

STATEMENT OF REASONS

Material Before The Authority

1. The following is a summary only of the material and submissions before the Independent Liquor and Gaming Authority (Authority) for the purposes of publication of a statement of reasons, as soon as practicable, in a high volume jurisdiction.
2. In making this decision, the Authority has considered the new packaged liquor licence Application filed on 14 March 2016 (Application), the accompanying community impact statement (CIS) and all submissions received in relation to the Application. As foreshadowed in Authority Guideline 6, the Authority has also had regard to relevant liquor licensing records and licence density data maintained by Liquor and Gaming NSW (LGNSW), Bureau of Crime Statistics and Research (BOCSAR) crime data and Australian Bureau of Statistics (ABS) data pertaining to the local and broader communities sourced by licensing staff from publicly available sources. That material is listed and briefly summarised in the Schedule.

Summary of Further Submissions

3. Report to the Authority dated 1 June 2016 from Compliance Branch of the Office of LGNSW advising that the Application was assessed using the Environment and Venue Assessment Tool (EVAT). This means that LGNSW have not performed any specific assessment of the Application.
4. Submission from Sergeant Kerrie Smith Licensing, Penrith Local Area Command (LAC) on behalf of NSW Police (Police) dated 18 April 2016, objecting to the Application. In this four-page submission Police submit that the Cranebrook Village Shopping Centre (Shopping Centre) is surrounded by residential housing, that Cranebrook High School is adjacent to the Shopping Centre, that Braddock Public School is a short distance away with the Shopping Centre next to a childcare facility and community centre.
5. Police further submit that the neighbouring suburb of Jordan Springs is a new developing suburb 2 kilometres from the Shopping Centre which recently opened a village style shopping complex which contains a Woolworths supermarket and a new packaged liquor licence BWS - Beer Wine Spirits.
6. Police contend that within the area covered by the Penrith LAC there are 36 licensed venues from which packaged liquor may be purchased, 20 of which are designated packaged liquor outlets. Police submit that Top Drops Bottle Shop Cranebrook (Top Drops), licence number 700301198, is “already in existence at the location”, has been the sole provider for packaged liquor at this location since 1984 and is currently the subject of a temporary cease of trade (for redevelopment).
7. Police contend that the Cranebrook area has a “large proportion of housing commission clusters and is a low socio economic area with 4% of the population of Aboriginal and Torres Strait Islander’s (ATSI) descent. Police contend that on the basis of alcohol related crime data at the Penrith LAC level for the period from March 2015 to 2016, the suburb of Cranebrook is “over represented” compared to the rest of

the Command with “9% alcohol related” (the Authority interprets this as meaning that 9% of all recorded crime in the LAC is recorded alcohol related). Police advise that Penrith is another suburb which has elevated levels of alcohol related crime and which, by comparison to Cranebrook’s single packaged liquor outlet (Top Drops) has a central business district incorporating a large major hub railway and bus interchange, a large Westfield shopping complex, a national rugby league sports stadium, 4 registered clubs, 4 hotels and six packaged liquor outlets.

8. After listing the 17 suburbs within the Penrith LAC, Police advise that 27% of all assaults recorded in the LAC were alcohol related while 39% of those (alcohol related incidents) noted that the alcohol was last consumed at a location recorded as “home/private residence”.
9. Police contend that allowing another packaged liquor outlet in the same location at Cranebrook would not be in the public interest in respect of the local residents. Police contend (the Authority notes without any elaboration) that the pricing structure of the liquor products sold within ALDI stores will enable easier access to alcohol consumption for the socio economically disadvantaged members of the community in which the Premises will be located.
10. Police contend that the *Top Drops* liquor business ceased trading on 8 January 2016 but Woolworths are in the process of purchasing that liquor licence and this was confirmed during a telephone call to the current licensee, Mr Craig Field.
11. Police provide the following attached data and material:
 - (a) A table of specific offences recorded to have occurred in Cranebrook gleaned from the records maintained by the LAC from April 2015 to March 2016.
 - (b) A table of all alcohol-related incidents recorded for neighbouring suburbs from April 2015 to March 2016.
 - (c) An unlabelled graph depicting percentages of alcohol related crime (as a percentage of all incidents recorded) for each suburb within the Command.
 - (d) Alcohol Linking Monthly Report for the Penrith LAC between April 2015 and March 2016.
 - (e) Last Place of Alcohol Consumption Report for Penrith LAC between April 2015 and March 2016.
 - (f) Google geographical map depicting the location of the Premises in relation to a number of identified nearby facilities.
12. Email from Ms Alison Veron on behalf of Penrith City Council (Council) dated 23 March 2016 attaching the local consent authority notice which records Development Application (DA) number DA13/1386.02 as being required and in place for use of the Premises as a supermarket.
13. Submission from Ms Laura Williams, Convenor/Secretary on behalf of Cranebrook Neighbourhood Advisory Board (CNAB) dated 12 April 2016. In this two-page submission, CNAB object to the Application contend that a licence (Top Drops) already exists in Cranebrook; that Cranebrook is “over represented” in the LAC for crime

involving alcohol, including domestic and family violence and other violent crime; that ALDI is “renowned” for being very low priced and this would “significantly” increase access to liquor by “vulnerable” residents; that the theft of liquor products from a retail premises represents the highest proportion of theft in the Penrith LAC according to Police; and that ALDI appears to have taken “little or no interest” in their submission to the specific circumstances of this community.

14. CNAB submit that Cranebrook has a 600 lot housing estate less than 1 km from the Premises; that there are significant concerns in Cranebrook regarding the on-sale of liquor by adults to minors in the community and the bartering of alcohol as a currency for drugs; that there is “insufficient need or demand” to justify granting the Application in that there are already two licenced premises within a 2 kilometre radius of each other; that amenity of the shopping precinct, the neighbourhood centre, the walking spine and the steps at the rear of the shops used by the public are currently affected by persons drinking and discarding their empty packaging and breaking bottles and this makes the area feel “quiet unsafe at times” and that less than 50 metres from the Premises are Cranebrook High School with approximately 900 students and the Braddock Public School with 250 students.
15. Submission from Mr Grant Cusack c/o Hatzis Cusack Lawyers on behalf of the Applicant dated 27 July 2016. In this 21-page document the Applicant consents to the imposition of eight conditions upon the licence and discusses the proposal by ALDI, location of the Premises, planning approvals, growth in Penrith Local Government Area (LGA) and the suburb of Cranebrook, the redevelopment of the Shopping Centre, licence density, Socio-Economic Indexes For Areas (SEIFA) data and the demographic profile of Penrith LGA and Cranebrook, contended positive public benefits of granting the Application, alcohol-related hospitalisations for Penrith LGA between 2001 and 2014 as reported by Health Statistics NSW and BOCSAR crime data for the twelve months ended March 2016 for the suburb of Cranebrook and Penrith LGA.
16. The Applicant refers to a report dated 12 May 2016 prepared by a consultant Mr Adam Purcell, A & M Consultants Pty Limited (Consultant) who was engaged by the Applicant. Mr Cusack discusses the Consultant’s views on the location of the Premises, existing liquor outlet options, surveillance of the Cranebrook area conducted by the Consultant and alternative low priced alcohol options that are currently available in surrounding suburbs.
17. The Applicant addresses the submissions made by LGNSW, Council, CNAB, Family and Community Services (FACS), NSW Roads and Maritime Services (RMS), Nepean Blue Mountains Local Health District (NBMLHD) and Police and makes the following key contentions:
 - (a) The existence of a packaged liquor licence in the Shopping Centre is no bar to grant a second packaged liquor licence provided the section 48(5) test is met;
 - (b) BOCSAR data for the 12 months ended March 2016 indicate that rates of *alcohol-related crime* (as well as rates of assault more generally) are significantly below the state averages;

- (c) ALDI's alcohol prices are "largely competitive" with other supermarket operators;
 - (d) The Consultant's survey shows that alcohol is already available at "keen prices" to members of this local community and notwithstanding the availability of keenly priced alcohol, alcohol-related crime rates are "low" and alcohol-related health indicators are "benign";
 - (e) NSW crime statistics for April 2009 to March 2016 show that rates of theft from liquor store for the suburb of Cranebrook are "decidedly low and have been for some years";
 - (f) Objective crime data shows that this local community has not proven to be a problematic one for on-sales of liquor to minors;
 - (g) Density of club licences, hotel licences and packaged liquor licences for the local community and broader community is "significantly *below* State average densities";
 - (h) With regard to Police submissions on public housing, the "Housing Commission" (sic) does not publish the location of "Housing Commission" (sic) stock in any given local community (the Authority notes that public housing is provided by the NSW Department of Housing not the Housing Commission);
 - (i) The suburb of Cranebrook (population 14,721) accounts for 8.5% of the total population of the Penrith LGA (population 178,467) and "even if" 9% of all alcohol-related incidents in the LGA were attributable to incidents occurring in Cranebrook, that would be "unremarkable and would not show any over-representation or particular vulnerability to alcohol-related crime".
18. Attached to this submission is the Consultant's report dated 12 May 2016. In this eight-page report the Consultant discusses the time the assessment was conducted, the Premises, existing liquor outlet options, the risk of undue adverse impacts and pricing. Attached to the Consultant's report are four photographs depicting: the longer trading hours of *Top Drops* Cranebrook; the BWS premises attached to the Woolworths supermarket at Jordan Springs; open park areas nearby to the Premises and advertising boards from the former Top Drops Bottle Shop in Cranebrook displaying the costs of *Marten Pils* beer.

Legislative Framework

19. The legal requirements for the making of a valid application for a liquor licence are provided by section 40 of the *Liquor Act 2007* and the *Liquor Regulations 2008* (Liquor Regulations). The power to grant an application for a new liquor licence is provided by section 45 of the Act.
20. Any person exercising functions under the Act must also have regard to the objects and considerations set out in section 3 of the Act which states:
- (1) *The objects of this Act are as follows:*
 - (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*

- (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
 - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
 - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*
21. Section 48(5) of the Act requires the Authority, in certain circumstances, to consider a CIS (as well as any other matter the Authority is made aware of during the application process) in order to ensure that the overall impact of the licence, authorisation or approval being considered will not be detrimental to the local or broader community.
22. An application for a new packaged liquor licence is a “relevant application” within the meaning of section 48(2) of the Act for which a CIS is required.
23. Section 48(5) of the Act requires that the Authority must not grant the Application unless satisfied that “the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.
24. The Authority notes that the Applicant has posited a local community that extends beyond the suburb of Cranebrook to include the suburbs of Llandilo, Castlereagh and Jordan Springs.
25. In the absence of a statutory definition of “local community” and for the sake of regulatory certainty and consistency with the Authority’s long established practice, the Authority finds the relevant local community to comprise the State suburb in which the Premises is located. This approach is preferable to a purported local community that incorporates a number of suburbs which would, in the Authority’s view, tend to lose any genuinely “local” focus when assessing overall social impact.
26. The Authority also notes that the Applicant has defined the “broader community” to be the Penrith LGA. For the purposes of this decision and consistent with its longstanding practice and its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Cranebrook while the “broader community” comprises the responsible local government area, the Penrith LGA.

Analysis of Relevant Facts

27. The Authority is satisfied, on the basis of the Application and CIS material before the Authority that, for the purposes of Section 40 of the Act, the Application has been

validly made and minimum procedural requirements with regard to the Application, CIS and community consultation have been satisfied.

28. The Authority is also satisfied, on the basis of the Application material, plans and conditions consented to by the Applicant in further submissions, that additional requirements as to packaged liquor businesses required by sections 30 and 31 of the Act have been satisfied.
29. The Authority is satisfied, for the purposes of section 45(3)(a) of the Act, that the Applicant is a fit and proper person to carry on the business of a packaged liquor licenced venue of the kind proposed in the Application material. The Authority notes that no probity issues were raised with regard to the Applicant company following consultation with law enforcement agencies including Police and LGNSW.
30. The Authority is satisfied, for the purposes of section 45(3)(b) of the Act, that responsible service of alcohol practices will be in place with the commencement of licensed trading. This finding is made on the basis of the *House Policy, Management Policies and Strategies* and submissions provided by the Applicant.
31. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the required development consent is in place, on the basis of DA13/1386 granted by Council on 10 April 2014 and Complying Development Certificate (CDC) 15/0113/01 granted by building consultants Steve Watson and Partners on 11 November 2015 for the modification to existing approved ALDI Store to include shelving for retail sale of liquor.

Social Impact – Positive Benefits

32. The Authority is satisfied, on the basis of the Application and CIS, that granting the licence will provide some benefit of additional convenience to members of the local community who wish to purchase packaged liquor whilst grocery shopping at ALDI at this Shopping Centre. The Authority is satisfied that some additional convenience and choice benefit arises from the availability of ALDI branded products to be supplied by this store to ALDI shoppers. This is apparent from the licensing information which indicates that there is no packaged liquor licence operating in the suburb of Cranebrook, and that the current licensed premises is dormant.
33. In this respect, the additional convenience may be said to serve the “expectations, needs and aspirations of the community” in respect of the local community of Cranebrook, being an object of section 3(1)(a). However, the advancement of this object is not unequivocal, given the opposition to the licence expressed evident in submissions from local representative organisations including NSW Police, CNAB and the responsible health district, the NBMLHD.
34. To the extent that granting the Application will provide additional convenience to ALDI shoppers and enable the local community to purchase ALDI branded products within the local community of Cranebrook, the Authority is satisfied that the proposed new licensed area within an existing ALDI supermarket will develop, in the public interest, the liquor industry that serves the local and broader community, for the purposes of section 3(1)(b) of the Act. Those benefits of additional convenience and choice are

less clearly established as a positive benefit for the broader community given the availability of numerous other liquor outlets authorised to sell packaged liquor in the broader community, which includes but is not limited to the Penrith CBD.

35. The other purported positive community benefits of “need”, reducing escape expenditure, increasing customers at the local shopping centre, a reduction in traffic, an increase in public safety, an increase in employment, economic spin-offs and contributing to initiatives to moderate the drinking culture, are less well defined let alone supported by persuasive evidence or analysis. On the material before the Authority those potential benefits have been given little weight.

Social Impact – Negative Impacts

36. Having reviewed all the material, the Authority is satisfied that over time there will likely be some contribution from the liquor sold at the licensed business to alcohol related crime, disturbance or impact on amenity from a minority of customers who abuse packaged liquor purchased from the Premises.
37. The trading hours are reasonably extensive, which is a factor that objectively extends the scope for adverse impact from the operation of this business over time. The 8:30pm closing time Monday through Wednesday and Friday and the 8:00pm closing time on Saturday and Sunday provides some modest constraint on the capacity of liquor sold on traditionally higher risk evenings.
38. The scale of the proposed licensed area is a mitigating factor. The Authority is satisfied, on the basis of the CIS, that the licensed business area is relatively small, occupying approximately 31 square metres. The licensed area will be adequately separated from the rest of the supermarket and will be easily monitored.
39. The liquor licence density data indicates that Penrith LGA has significantly lower rates of *packaged liquor licences, registered club licences* and *full hotel licences* per 100,000 persons compared to NSW as a whole. The Authority does not consider that prevailing licence density *per se* gives rise to any particular cause for concern with regard to the relevant communities.
40. The Authority further notes that the BOCSAR Crime Maps for the period between April 2015 and March 2016 indicate that the Premises *is located within low density hotspots* for incidents of *domestic assault, non-domestic assault* and *malicious damage to property*.
41. The Authority notes that although the BOCSAR report on Crime by LGA and Alcohol Related Status for the calendar year 2013 indicates that Penrith LGA has slightly higher rates of domestic violence related assault per 100,000 persons compared to NSW as a whole, the Authority is satisfied that Penrith LGA has lower rates for incidents of *non-domestic violence related assault, offensive conduct, assault police* and *malicious damage to property* compared to the rates per 100,000 persons for NSW.
42. The Authority considers that the concerns raised by Police, CNAB and NBMLHD with regard to adverse alcohol-related social impact and crime are generally credible. The Authority is satisfied that the BOCSAR crime data for the LGA and the suburb gives rise to only moderate cause for concern as to the prevalence of alcohol related

domestic violence assault rates in the broader and local community, while the impact of this this new business is likely to be more diffuse across both the broader and local community given the number and location of other packaged liquor premises elsewhere in the Penrith LGA.

43. The Authority is further satisfied on the basis of the crime data provided by the Applicant with the CIS that the rates of alcohol-related crime in the suburb of Cranebrook are well below State averages. There is insufficient adverse health data to displace the Applicant submission that alcohol related health outcome data for the broader community is around the rate of the State of NSW. While aboriginality is accepted as a potential risk factor, the population of ATSI descent is not significantly above the State average for the communities in question.
44. The data provided by Police at the level of the LAC is credible but that data and the BOCSAR crime and crime mapping data at the level of the local and broader community does not indicate that prevailing crime in those communities is sufficiently problematic to move the Authority to refuse the Application.
45. The Authority accepts that the local community group have genuine and broadly credible concerns about the potential impact of public drinking but there is insufficient evidence or specificity as to the nature and frequency of public drinking, under-age drinking or alcohol related litter to move the Authority to refuse the Application.
46. The Authority is satisfied on the basis of the SEIFA data that Penrith LGA ranked in the 8th decile and the suburb of Cranebrook in the 5th decile on the Index of Relative Socio-Economic Advantage and Disadvantage. The Authority accepts the Police contention that there are clusters of social housing in the suburb, but Police have not identified their location and whether they pose an additional risk factor given the location of the Premises and why.
47. The Authority is satisfied that ALDI's "no refrigeration" condition may work to reduce adverse social impacts from the impulse consumption of liquor purchased in public places in the area of the supermarket or as "pre-fuelling" by young adults *en route* to licensed premises elsewhere in the local or broader community.
48. The Authority is further satisfied on the basis of the documents submitted by the Applicant titled "House Policy" and the "Management Policies and Strategies" that the Applicant has implemented comprehensive and well developed harm minimisation measures. These documents provide a mechanism whereby staff members will be adequately trained with a view to constraining the impact of the licensed business by avoiding service to minors and intoxicated persons.

Conclusion

49. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding the decision whether or not to grant the Application, as all of those required to be notified of the Application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The interested parties include NSW Police, the Licensee, Council,

RMS, neighbouring occupiers, NSW Health and FACS and all other parties required to be consulted under the legislation.

50. Having considered together the positive benefits and negative impacts that the Authority are satisfied are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the Act that the overall social impact of granting this licence would not be detrimental to the well-being of these local and broader communities.
51. The Application is granted pursuant to section 45 of the Act.
52. In making this decision the Authority has had regard to all of the statutory objects prescribed by section 3(1) of the Act and all of the considerations to which it must have regard under section 3(2) – including (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Decision Date: 17 August 2016



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published in the liquor and gaming website

<https://www.liquorandgaming.justice.nsw.gov.au/Pages/ilqa/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>

SCHEDULE

Material Before The Authority

1. Application Form lodged on 14 March 2016.
2. Copies of stakeholder notices notifying the Application to various stakeholders.
3. CIS document and supporting material dated 14 March 2016. Briefly, the Applicant makes the following contentions on overall social impact:
 - (a) The proposed licensed liquor sales area will comprise approximately a “small” 31 square metres of the existing ALDI supermarket within a Shopping Centre.
 - (b) The liquor sales area will be “clearly defined” including by way of partitioning and liquor will be displayed on shelving and display units within the liquor sales area.
 - (c) Liquor to be sold at the Premises will “principally comprise” a limited range of ALDI branded products (including beers, wines and spirits) and on occasion, a small selection of non-ALDI branded products may be available as “special products” for a limited time until sold out. Approximately 100 lines will be sold, substantially fewer than a typical liquor store.
 - (d) It is not proposed that liquor products will be sold refrigerated.
 - (e) Adjoining the ALDI supermarket will be a large carpark for use by customers and parking facilities are provided at the shopping centre for use by customers. The majority of customers of the liquor sales area will be customers of the supermarket.
 - (f) Policies will be in place, including a detailed House Policy, in respect of the responsible service of liquor and all staff involved in the sale and supply of liquor will complete an approved Responsible Service of Alcohol (RSA) course.
 - (g) Measures will be in place to ensure that minors do not gain access to liquor, as well as security measures such as CCTV surveillance of the licensed area.
4. Map depicting the Alcohol Free Areas in Cranebrook.
5. Geographical Map depicting notification of the Application.
6. List of stakeholders and special interest groups notified of the Application.
7. Additional Information about the Application and CIS attached to the CIS dated 14 March 2016. In this 15-page document, the Applicant provides information about ALDI stores, the role of the corporate licensee, approved manager and staff, the position with Council, section 30 of the Act, the location of nearby community buildings, facilities and places, notification of stakeholders and “public benefits” of granting the Application.
8. In this document, the Applicant also discusses (by apparent reference to the social impact factors identified in Authority Guideline 6) the type, scale, hours and location of the Premises, along with growth in the suburb of Cranebrook and Penrith LGA, prevailing licence density, ABS SEIFA scores for Penrith LGA and the suburb of

Cranebrook, Cranebrook's demographic profile and measures to be implemented to reduce the potential for alcohol-related harms.

9. ALDI Liquor *NSW House Policy* for the responsible service of alcohol and *Management Policies and Strategies* for ALDI Liquor (undated).
10. A list of conditions consented to by the Applicant being endorsed on the licence.
11. DA number DA13/1386 granted by Council on 10 April 2014 providing consent for the shopping centre redevelopment subject to conditions including that the operating hours of the centre are limited to between 7:00AM and 10:00PM seven days a week.
12. CDC number 15/0113/01 granted by building consultants Steve Watson and Partners on 11 November 2015 advising consent for the "Modification to existing approved ALDI Store to include shelving for retail sale of liquor".
13. Submission from RMS dated 30 November 2015 advising, *inter alia*, that data for the Penrith LGA indicates that during 2013 there were 37 alcohol-related crashes, resulting in 20 casualties.
14. Submission from Council dated 8 December 2015 advising that that DA 13/1386 was amended under DA13/1386.01 and DA13/1386.02 approved the staged redevelopment of Cranebrook Village Shopping Centre and conceptual uses within the development, which included provision for Supermarkets. Construction Certificate (CC) No. 2015-0077 has been issued under private certification. Council submit that any application should have specific regard to the social impacts including the cumulative impact of multiple licenced tenancies within the local community.
15. Submission from Sergeant Kerrie Smith, Licensing of Penrith LAC on behalf of Police dated 8 December 2015. Police make similar contentions in this letter as those made in their later submission dated 18 April 2016, which is discussed in detail above.
16. Submission from Kay Hyman, Chief Executive of the NBMLHD dated 18 December 2015. In this two-page submission NBMLHD contend that granting the licence is "likely" to contribute to further alcohol-related harm and negative health outcomes for the local Cranebrook community. NBMLHD express concern that of persons seeking accessing NBMLHD's drug and alcohol service in 2012-2013 173.80 per 100,000 people stated alcohol was their primary drug of concern. [The Authority notes that NBMLHD references but does not provide a copy of the data from the NBMLHD, Drug and Alcohol Service, Matisse and CHIME database]. NBMLHD also refers to a "Snapshot of Health Needs" conducted by the Nepean Blue Mountains Medicare Local (2014) in which 91% of Cranebrook residents who participated stated they are most concerned about drug and alcohol abuse in their community.
17. Submission from Ms Laura Williams, Convenor/Secretary on behalf of CNAB dated 16 December 2015, making similar submissions to the later submission of 12 April 2016. .
18. Submission from FACS dated 16 December 2015 advising that no information is held to show that this particular proposal would adversely affect the local community above and beyond the usual social impacts
19. Google geographical map depicting an aerial view of the location of the Premises.

20. Plan of the Premises highlighting in red the proposed licensed area and clearly depicting the location of the entry barrier and exit gate for this licensed area.
21. BOCSAR Crime Maps based upon data from April 2015 to March 2016.
22. Liquor licensing records indicating that the suburb of Cranebrook already has 1 packaged liquor licence.
23. Liquor licence density data obtained by the Authority from licensing records that are publicly available from LGNSW indicate that the Penrith LGA as a whole recorded:
 - (a) A rate of **7.28 packaged liquor licences** per 100,000 persons, which is well below the NSW state wide rate of **32.85**.
 - (b) A rate of **2.80 registered club licences** per 100,000 persons, which is well below the NSW state wide rate of **20.48**.
 - (c) A rate of **5.60 full hotel licences** per 100,000 persons, which is well below the NSW state wide rate of **30.36**.
24. Report on *Crime by LGA and Alcohol Related Status* obtained from published BOCSAR sources for calendar year 2013. This data indicates that:
 - (a) The rate of *domestic violence related assault* incidents recorded by reporting Police as *alcohol related* across the Penrith LGA was **159** per 100,000 persons, higher than the New South Wales rate of **145** per 100,000 persons.
 - (b) The rate of *non-domestic violence related assault* incidents flagged by reporting Police as *alcohol related* in the Penrith LGA for 2013 was **148**, less than the State wide rate of **191**.
 - (c) The rate of *offensive conduct* offences flagged by reporting Police as *alcohol related* across this LGA was **34** per 100,000 persons, less than the State wide rate of **83**.
 - (d) The rate of *assault police* incidents flagged by reporting Police as alcohol related across the Penrith LGA was **21**, less than the rate of **24** per 100,000 for New South Wales as a whole.
25. ABS SEIFA data prepared on the basis of the 2011 census.
26. Report to the Authority dated 1 June 2016 from Compliance Branch of the Office of LGNSW.
27. Submission from Sergeant Kerrie Smith, Licensing, Penrith LAC on behalf of Police dated 18 April 2016.
28. Email from Alison Veron on behalf of Council dated 23 March 2016 attaching the local consent authority notice signed by Robert Craig on behalf of Council.
29. Submission from Ms Laura Williams, Convenor/Secretary on behalf of CNAB dated 12 April 2016.
30. Submission from Mr Grant Cusack c/o Hatzis Cusack Lawyers on behalf of the Applicant dated 27 July 2016. Attached to this submission are the Consultant report dated 12 May 2016 and four photographs.