



Mr Grant Cusack  
Hatzis Cusack Lawyers  
[gc@hatziscusack.com.au](mailto:gc@hatziscusack.com.au)

16 July 2018

Dear Mr Cusack

<b>Application No.</b>	APP-0002976530
<b>NCAT No.</b>	2017/00312292
<b>Applicant</b>	ALDI Foods Pty Limited
<b>Application for</b>	Packaged Liquor Licence
<b>Licence name</b>	ALDI Warners Bay
<b>Trading hours</b>	Monday to Wednesday 8:00 am – 8:30 pm Thursday 8:00 am – 9:00 pm Friday 8:00 am – 8:30 pm Saturday 8:00 am – 8:00 pm Sunday 10:00 am – 8:00 pm
<b>Premises</b>	6 King Street & 2 & 4 Howard Street (Cnr King & Howard Streets) WARNERS BAY NSW 2282

**Order by the NSW Civil & Administrative Tribunal in ALDI Foods Pty Ltd v ILGA  
Application under *Liquor Act 2007* for a packaged liquor licence – ALDI Warners Bay**

As you are aware, on 16 August 2017 the Independent Liquor and Gaming Authority refused application number APP-0002976530 for a packaged liquor licence for the premises at 6 King Street & 2 & 4 Howard Street (Cnr King & Howard Streets), Warners Bay, to be operated as ALDI Warners Bay (“Original Decision”).

On 4 July 2018, the NSW Civil & Administrative Tribunal (“NCAT”) made an order setting aside the Original Decision and granted the packaged liquor licence, subject to the following conditions:

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 6 hours between 2:00 AM and 8:00 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 and NYE (std)  
Retail Sales  
Good Friday Not permitted  
December 24<sup>th</sup> Normal trading Monday to Saturday  
8:00 AM to 10:00 PM Sunday  
Christmas Day Not permitted  
December 31<sup>st</sup> Normal trading
3. The licensee or its representative must join and be an active participant in the local liquor accord.
4. 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.
5. 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. The licensee will ensure the liquor sales area is adequately defined from the rest of the supermarket by means of fixed, solid and permanent barrier.
7. The licensee will not sell refrigerated liquor products from the licensed premises.
8. 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 licensed premises.
  - 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.

A copy of the NCAT order and the licence document are attached to this letter.

If you have any questions, please contact the case manager at [andrew.whitehead@liquorandgaming.nsw.gov.au](mailto:andrew.whitehead@liquorandgaming.nsw.gov.au).

Yours faithfully



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



**NCAT**  
NSW Civil &  
Administrative Tribunal  
Administrative & Equal Opportunity Division

Quote the number below for all enquiries  
**Case number 2017/00312292**

Independent Liquor & Gaming Authority  
c/- Crown Solicitor's Office  
Attn: Helen Sims  
crownsol@cs0.nsw.gov.au

## ORDER

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Case title ALDI Foods Pty Ltd v Independent Liquor & Gaming Authority  
Application under Liquor Act 2007

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On 4 July 2018 the following orders (and/or directions) were made:

- 1 The Tribunal notes that the parties have reached an agreed settlement, the terms of which are in writing and have been signed by or on behalf of the parties and lodged with the Tribunal.
- 2 The Tribunal is satisfied that it would have the power to make the following orders which are in the terms of the agreed settlement:
  - (1) The decision of the Respondent dated 16 August 2017 is set aside.
  - (2) In substitution of that decision, the application for a packaged liquor licence is granted, subject to those conditions annexed marked "A".
  - (3) No order as to costs.

S H Montgomery, Senior Member

Issued: 4 July 2018



For further information about your rights and obligations in relation to this order please read NCAT's Rights and Obligations Guideline available on the NCAT website at [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

"A"

"A"

**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 2:00 AM and 8:00 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 (std)**

Restricted trading and 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

**Local liquor accord**

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

**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, the application and other information submitted in the process of obtaining this licence.

**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.

**Liquor sales area**

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.

**Sale of refrigerated liquor products**

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

**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 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 licensed premises.

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
- (a) 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.

Display of liquor products

There is to be no display of liquor in the second checkout indicated as "Checkout 02" in the plan supplied to Liquor & Gaming NSW, which is included within the licensed area.



Mr Grant Cusack  
Hatzis Cusack Lawyers

gc@hatziscusack.com.au

21 September 2017

Dear Mr Cusack

**APPLICATION NO:** APP-0002976530  
**APPLICATION FOR:** Packaged Liquor Licence

**PROPOSED TRADING HOURS:** Monday to Wednesday 8:00am – 8:30pm  
Thursday 8:00am – 9:00pm  
Friday 8:00am – 8:30pm  
Saturday 8:00am – 8:00pm  
Sunday 10:00am – 8:00pm

**APPLICANT:** ALDI FOODS PTY LIMITED

**PROPOSED LICENCE NAME:** ALDI Warners Bay

**PROPOSED LICENSED PREMISES:** 6 King Street & 2 & 4 Howard Street (Cnr  
King & Howard Streets)  
WARNERS BAY NSW 2282

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

**LEGISLATION:** Sections 3, 29, 30, 40, 45 and 48 of the  
*Liquor Act 2007*

**INDEPENDENT LIQUOR & GAMING AUTHORITY DECISION  
APPLICATION FOR A PACKAGED LIQUOR LICENCE – ALDI WARNERS BAY**

The Independent Liquor & Gaming Authority considered application number APP-0002976530 at its meeting on 16 August 2017 and, pursuant to section 45 of the *Liquor Act 2007*, decided to **refuse** the Application.

If you have any enquiries about this letter, please contact the case manager via email to [michael.fabits@liquorandgaming.nsw.gov.au](mailto:michael.fabits@liquorandgaming.nsw.gov.au).

Yours faithfully

David Armati  
**Deputy Chairperson**  
For and on behalf of the **Independent Liquor & Gaming Authority**

## **STATEMENT OF REASONS**

### **DECISION**

1. On 15 May 2017, ALDI Foods Pty Limited (“the Applicant”) lodged an application for a packaged liquor licence for premises located at 6 King Street & 2 & 4 Howard Street (Cnr King & Howard Streets) Warners Bay (“the Application”) with Liquor & Gaming NSW (“L&GNSW”) for determination by the Independent Liquor & Gaming Authority (“the Authority”).
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority decided to refuse the Application.
3. In making this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 29, 30, 31, 40, 45 and 48 of the Act, and the relevant provisions of the *Liquor Regulation 2008* (“the Regulation”).

### **MATERIAL CONSIDERED BY THE AUTHORITY**

4. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. In accordance with the Authority’s Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, sourced by L&GNSW staff from publicly available sources.
7. The material considered by the Authority is listed in the Schedule, with a summary where appropriate.

### **LEGISLATIVE FRAMEWORK**

8. The Authority has considered the Application in the context of the following legislative provisions.

#### Objects of the Act

9. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
10. In the pursuit of these objectives, section 3 requires the Authority to, in determining a liquor licence application, have due regard to the need to minimise alcohol-related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

### Trading hours

11. Section 12 of the Act sets out the standard trading period for different types of liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

### Minimum procedural requirements

12. Section 40 of the Act prescribes the minimum procedural requirements for a liquor licence application to be validly made to the Authority.

### Fit and proper person, responsible service of alcohol, and development consent

13. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:
  - (a) the applicant is a fit and proper person to carry on the proposed business,
  - (b) practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
  - (c) the applicable development consent required for use of the premises for the proposed business is in force.

### Community impact statement

14. Section 48 of the Act requires certain applications, including an application for a packaged liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.
15. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter brought to its attention.

### Provisions specific to packaged liquor licence

16. Further legislative provisions specific to a packaged liquor licence are set out in sections 29, 30 and 31 of the Act.
17. Section 29 prescribes the period and manner in which a licensee can sell or supply liquor.
18. Section 30 requires a separate liquor sales area to be set up on the licensed premises if its primary business is not to sell liquor for consumption away from the premises.
19. Section 31 sets out certain restrictions on the granting of the licence to general stores, service stations and take-away food shops.

## **KEY FINDINGS**

20. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

### Validity, procedural and trading requirements

21. The Authority is satisfied that:
  - (a) the Application has been validly made and meets the procedural requirements under section 40 of the Act,
  - (b) the proposed trading hours for the Proposed Premises meet the requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods,
  - (c) if the Application were to be granted, liquor would be sold and supplied in a separate liquor sales area at the Proposed Premises, and in accordance with the authorisation

conferred by a packaged liquor licence, as required by sections 29 and 30 of the Act, and

- (d) section 31 of the Act does not apply to the Application, as the Proposed Premises is not intended to be used for any of the purposes specified in the section.

#### Fit and proper person, responsible service of alcohol, and development consent

22. Pursuant to section 45 of the Act, the Authority is also satisfied that:

- (a) the Applicant is a fit and proper person to carry on the proposed business, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- (b) if the Application were to be granted, practices would be in place from the commencement of licensed trading at the Proposed Premises to ensure the responsible service of alcohol, having regard to the Applicant's Plan of Management ("POM") and the conditions to be imposed on the licence, and
- (c) the requisite development consent is in force, based on the Notice of Determination of an Application to Modify Development Consent No. DA/888/2009/A issued by Lake Macquarie City Council on 15 May 2014.

#### Community impact statement

23. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Proposed Premises on the local and broader communities.
24. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Warners Bay, and the relevant "broader community" comprises Lake Macquarie Local Government Area ("the LGA").

#### Positive social impacts

25. The Authority accepts, based on the information available, the Applicant's contention that population growth is likely to occur in the local and broader communities in the coming years, including in the immediate vicinity of the Proposed Premises. The Authority also accepts that the anticipated population growth will create further demand for packaged liquor.
26. The Authority accepts the Applicant's claim that the granting of the licence would provide an additional measure of convenience to customers of the proposed ALDI Supermarket who wish to purchase liquor items along with their grocery items. This additional expediency can only be considered a modest benefit however, given that residents of Warners Bay can already access grocery and liquor products together at the existing Coles Supermarket, which adjoins a Liquorland store.
27. The benefit of increased convenience is further reduced on the basis of the small size of the Proposed Premises. A smaller packaged liquor facility is less likely to carry a comprehensive range of liquor products, meaning that customers of the ALDI Supermarket might still prefer to shop at any one of the number of other packaged liquor facilities located in Warners Bay and surrounding areas, including the three packaged liquor facilities located within 300 metres of the Proposed Premises.
28. The Authority accepts the Applicant's submission that the Proposed Premises would sell a range of principally ALDI-branded liquor products which are not currently available

elsewhere in Warners Bay, however notes that the range of additional products to be offered is limited. The Authority notes that a number of those products are award-winning.

### Negative social impacts

29. The Authority notes that NSW Police objects to the Application, raising the following concerns:
- (a) the proximate location of multiple existing packaged liquor facilities to the Proposed Premises,
  - (b) the proximate location of schools to the Proposed Premises, and the likelihood that school students will frequent the complex within which the ALDI Supermarket will be housed,
  - (c) the risk of an increase in secondary supply to the minors who frequent the significant waterfront parkland spaces in Warners Bay,
  - (d) NSW Police data that indicates that there had been an increase in the number of incidents of alcohol-related domestic assault in Warners Bay between 2015 and 2016, and
  - (e) NSW Police data that indicates that, in the majority of alcohol-related criminal incidents in Warners Bay, the last place of consumption was the home or another private residence.
30. The Authority notes from the BOCSAR data that, for the year ending March 2017, there are medium density hotspots for alcohol-related assault and domestic assault and a high density hotspot for malicious damage to property in Warners Bay suburb.
31. The Authority is concerned by the high rates of incidents of alcohol-related domestic assault and malicious damage to property recorded in respect of Warners Bay suburb for the year ending December 2016, which indicate that a significant degree of alcohol-related harm is currently being experienced within the local community. The Authority is further troubled by the significant increase in these rates between 2015 and 2016. The Authority notes that the Applicant provided more up-to-date BOCSAR data (for the year ending March 2017), and that this data was more favourable (particularly in respect of alcohol-related domestic assault), however remains troubled by the 2016 rates. The Authority also notes that, since making its decision to refuse the Application, BOCSAR data for the year ending June 2017 has been released, which indicates that the rate of alcohol-related domestic assault has increased to 138.5 per 100,000 of population, compared to the corresponding NSW figure of 116.2.
32. The Authority accepts that the local community has a higher than average rate per 100,000 of population of packaged liquor licences, however concedes that the broader community has a lower than average rate. The Authority is not persuaded by the Applicant's suggestion that a number of the existing packaged liquor licences in the local community should not be included in density calculations due to being restricted operations, as the same limitations also exist in respect of an unknown number of the many packaged liquor licences located across NSW, and are not accounted for in the calculation of the density of packaged liquor licences per 100,000 of the state's population.
33. Whilst the Authority accepts the results of the 2015 ALDI customer survey gathered at 20 store locations across NSW currently selling liquor that suggests that the majority of ALDI's customers surveyed expect ALDI to sell liquor, and that just over half indicated that they would be inconvenienced if ALDI were not to sell liquor, there is no local evidence to suggest that the prospective customers of ALDI Warners Bay share the same expectations and outlook on convenience.

34. The Authority considers that there is no positive evidence of local support for the Application. In fact, the Authority notes that the only response received from a member of the local community, which was made by way of a telephone call to the Applicant's legal representative, actually raised a number of concerns in respect of the proposal, including:
- (a) concerns about the possible reduction in car parking spaces available to the local community as a result of the development of the mixed use facility within which the ALDI Supermarket will be housed,
  - (b) concerns as to the extent to which packaged liquor is already available to residents of the local community,
  - (c) the proximate location of a primary school to the Proposed Premises,
  - (d) the potential for the Proposed Premises to operate until 11:00pm, and
  - (e) the potential for the Proposed Premises to result in an increase in liquor consumption.
35. The Authority notes the extensive submission provided by the Applicant in response to the concerns raised by NSW Police and the public submitter, and accepts that some aspects of the business model applicable to the Proposed Premises would mitigate or counter a number of those concerns, such as:
- (a) the fact that the Proposed Premises does not intend to sell refrigerated liquor products,
  - (b) the hours sought to apply to the Proposed Premises, and
  - (c) the fact that the Proposed Premises would be small in size and located within the confines of an ALDI Supermarket.
36. On balance, however, the Authority remains troubled by evidence of alcohol-related harm and the existing ready availability of packaged liquor in the local community.
37. The Authority accepts that data provided by NSW Health indicates that residents of Lake Macquarie LGA are dying as a result of alcohol-related health issues at a higher than average rate. Further, this data indicates that these health issues have been an ongoing problem in the LGA since, at least, 2001-2002 and this rate has been on the rise since 2010. The rate of alcohol-related hospitalisations for the LGA is, however, lower than the NSW average.
38. The Authority considers that it is likely that any liquor that were to be sold or supplied at the Proposed Premises would contribute to the prevailing concerning levels of alcohol-related domestic assault and malicious damage to property in the local community and alcohol-related deaths in the broader community.
39. The Authority is not satisfied that this risk would be adequately mitigated by the imposition of special licence conditions or by the Applicant's adherence to the "Management Policies and Strategies" and "House Policy" documents lodged with the Application.
40. Nor is the Authority satisfied that this risk is sufficiently alleviated by the fact that ABS data indicates that, as at 2011, Warners Bay ranked in the 6<sup>th</sup> decile when compared to other suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage, and that Lake Macquarie ranked in the 7<sup>th</sup> decile when compared to other local government areas in NSW.

### Overall social impact

41. The Authority notes that this was a finely balanced decision, with numerous anticipated positive and negative impacts on the local and broader communities having been identified.
42. Having considered the positive and negative impacts that are likely to flow from granting the licence, the Authority is not satisfied that the overall social impact of granting the licence would not be detrimental to the well-being of the local and broader communities.
43. Furthermore, the Authority is not satisfied that a decision to grant the licence would be consistent with the objects of the Act to regulate the supply of liquor and facilitate the responsible development of the liquor industry in line with community expectations and needs.
44. Accordingly, the Authority has decided to refuse the Application.



David Armati  
Deputy 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 on the liquor and gaming website <http://www.liquorandgaming.nsw.gov.au/Pages/ilga/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

1. ABS SEIFA data based on the 2011 Census.
2. HealthStats NSW data relating to alcohol attributable deaths by local government area, 2001-2002 to 2012-2013, indicating that the Smoothed Estimate of Standardised Mortality Ratio was 109.50 for Lake Macquarie LGA for the period 2012-2013.
3. Notice of Determination of an Application to Modify Development Consent No. DA/888/2009/A issued by Lake Macquarie City Council on 15 May 2014, approving modification to the loading dock design and hours of operation.
4. HealthStats NSW data relating to alcohol attributable hospitalisations by local government area, 2001-2003 to 2013-2015, indicating that the Smoothed Estimate of Standardised Separation Ratio was 84.80 for Lake Macquarie LGA for the period 2013-2015.
5. 2016 Census QuickStats for Warners Bay suburb and Lake Macquarie LGA.
6. NSW crime statistics for the year ending December 2016, published by BOCSAR, for Warners Bay suburb and Lake Macquarie LGA. This data indicates that:
  - the rate of alcohol-related domestic assault incidents recorded by NSW Police for Warners Bay suburb was 151.9 per 100,000 persons and for Lake Macquarie LGA was 96.7, compared to the State-wide rate of 116.9 per 100,000 persons;
  - the rate of alcohol-related non-domestic assault incidents recorded by NSW Police for Warners Bay suburb was 75.9 per 100,000 persons and for Lake Macquarie LGA was 85.4, compared to the State-wide rate of 136.5 per 100,000 persons; and
  - the rate of malicious damage to property incidents recorded by NSW Police for Warners Bay suburb was 860.8 per 100,000 persons and for Lake Macquarie LGA was 910.8, compared to the State-wide rate of 834 per 100,000 persons.
7. BOCSAR Crime Hotspot Maps for Warners Bay and surrounding suburbs for the year ending March 2017.
8. An email from Aboriginal Affairs dated 28 March 2017 advising the Applicant that there is no objection to the Application provided that the NSW and Local Aboriginal Land Councils have been notified of the proposal.
9. ASIC Current Organisation Extracts for ALDI PTY LTD ACN 086 493 950, ALDI FOODS PTY LIMITED ACN 086 210 139 and COVESTON DEVELOPMENTS PTY LTD ACN 090 153 085, dated 27 April and 12 May 2017.
10. Liquor licensing records from L&GNSW as at 2 May 2017 indicating:
  - Warners Bay suburb had four packaged liquor licences, equivalent to 52.53 packaged liquor licences per 100,000 of population;

- Lake Macquarie LGA had 54 packaged liquor licences, equivalent to 27.35 packaged liquor licences per 100,000 of population; and
  - NSW had 2,477 packaged liquor licences, equivalent to 33.1 packaged liquor licences per 100,000 of population.
11. CIS Category B signed 8 May 2017, with accompanying document titled “Additional Information – Application and Community Impact Statement”.
  12. Application form for a packaged liquor licence, lodged 15 May 2017, accompanied by the following documents:
    - “Management Policies and Strategies – ALDI Liquor – NSW”;
    - “ALDI Liquor – NSW – House Policy”; and
    - Plan of the proposed licensed area.
  13. Google maps indicating the location of the Proposed Premises, extracted on 13 June 2017.
  14. Submission from Lake Macquarie Local Area Command advising that NSW Police opposes the Application, received by L&GNSW on 17 June 2017.
  15. An email from Aboriginal Affairs dated 10 July 2017 advising the Applicant that there is no objection to the Application provided that the NSW and Local Aboriginal Land Councils have been notified of the proposal.
  16. Certification of Advertising Application signed by Ms Lisa Rafidi, dated 13 July 2017.
  17. Letter from Grant Cusack to L&GNSW in response to its assessment of the Application and the submission from Lake Macquarie LAC, dated 24 July 2017.