



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

29 September 2016

Dear Mr Cusack,

**APPLICATION NO:** 1-4174899867  
**APPLICATION FOR:** New 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 LICENSED PREMISES  
NAME:** ALDI Charlestown

**PREMISES LOCATION:** Charlestown Square Centre  
Shop G8029, 30 Pearson St  
Charlestown NSW 2290 (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 CHARLESTOWN**

The Independent Liquor and Gaming Authority considered the Application at its meeting on 14 September 2016 and pursuant to section 45 of the *Liquor Act 2007* (Act), has decided to **grant** the Application number 1-4174899867 subject to the following conditions:

1. 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

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 2:00 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.
3. Retail Sales

Good Friday	Not permitted
December 24 <sup>th</sup>	Normal trading Monday to Saturday, 8:00AM – 10:00PM Sunday
Christmas Day	Not permitted
December 31 <sup>st</sup>	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. 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](mailto: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 packaged liquor licence application filed on 10 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) socio-demographic data pertaining to the local and broader communities, sourced by licensing staff from publicly available sources. That material is listed and in some cases briefly summarised in the Schedule.

### Summary of Further Submissions

3. Submission from Licensing Sergeant Adam Walton and Superintendent Brett Greentree of Lake Macquarie Local Area Command (LAC) of NSW Police (Police) dated 21 March 2016. In this 17-page submission Police object to the Application contending that there is sufficient availability of alcohol in the relevant communities and that granting the Application will have possible negative impacts upon children and young people arising from point of sale liquor promotions and a possible impact on alcohol related violence (both personal and domestic) in the communities. Police provide submissions on the demographics of the population of the Lake Macquarie LAC, the ALDI submission, certain research relevant to the relationship between liquor outlet density and social impacts, research relating to large scale liquor outlets and liquor chains and submissions on the impact of granting this Application upon the area of responsibility of the Lake Macquarie LAC specifically the state suburbs of Gateshead and Windale.
4. More specifically, Police contend that: there are currently 183 licensed premises in the area covered by the Lake Macquarie LAC, 51 of which (27%) have a packaged liquor licence. The suburb of Charleston currently has 29 licensed premises, 3 of which (10%) have packaged liquor licences, two within the Charlestown Square Shopping Centre (Shopping Centre) where the Premises is located – Dan Murphy's and Liquorland.
5. Police contend that ALDI has failed to differentiate themselves from any other traditional liquor store; that it is difficult to understand how the small size of the proposed liquor facility is relevant; that although there will be physical separation involving partitioning, the licensed area will still be visible to juveniles and other adult shoppers, exposing them to alcohol products; that the Applicant fails to mention who will supervise and monitor the licensed area; that there are numerous entrances through which members of the public may use for the ALDI store and usually the liquor section is no more than 2 metres from the cash register, making liquor readily

available; that the cash register for liquor sales in ALDI stores is usually that register that is always open and used; that there is a significant risk of consumers “impulse” purchasing liquor products at the register; that ALDI’s promotion of liquor involves marketing via physical catalogues, the internet and at the point of sale; and that more liquor products are purchased from ALDI due to their low prices.

6. Police provide an extract (referencing Sandra C Jones, ‘The Lure of Alcohol Point of Sale Promotions’ (2014) 12(1) *Of Substance* 19) regarding point of sale liquor promotions and impulse purchases. They contend that due to the workload of the checkout operator processing general merchandise, monitoring of age verification and intoxication levels cannot be ensured to the highest standard; that the supply of lower priced alcohol is at the forefront of ALDI’s advertising campaign; that alcoholic beverages do not require refrigeration to be consumed; that the Shopping Centre is on a major transport hub within a residential environment; and the suburb of Charlestown is adjacent to a number of lower socio-economic suburbs including Windale and Gateshead.
7. Police also refer to research on liquor outlet density and large scale liquor outlets and liquor chains and conclude that increasing the number of liquor outlets and the availability of alcohol has a significant impact upon the occurrence of all types of offences in a community. Police contend that there is no benefit to these communities from increasing the availability of alcohol through further packaged liquor stores and that the exposure of disadvantaged areas to off-premises outlets should be limited.
8. Police discuss the socio-demographic data for the state suburbs of Gateshead and Windale. Briefly, Police contend that Gateshead is approximately 2.3 kilometres or a 4-minute drive to the Charlestown Shopping Centre while Windale is approximately 4.2 kilometres or a 7-minute drive away. Police furnish data from BOCSAR for the period between October 2014 to September 2015 indicating that:
  - (a) the suburb of Gateshead has an incident rate for alcohol related domestic violence assault of 265.5 incidents per 100,000 persons. Police do not specify the New South Wales rate but contend that the rate of Gateshead is 52% above the domestic violence alcohol related assault rate for New South Wales as a whole;
  - (b) the suburb of Gateshead has an incident rate for alcohol related assaults of 398.2 incidents per 100,000 persons. Police do not specify the New South Wales rate but contend that the rate of Gateshead is 27% above the alcohol related assault rate for New South Wales as a whole;
  - (c) the suburb of Windale has an incident rate for alcohol related domestic violence assault of 524.0 incidents per 100,000 persons. Police do not specify the New South Wales rate but contend that the rate of Windale is 76% above the domestic violence alcohol related assault rate for New South Wales as a whole;
  - (d) the suburb of Windale has an incident rate for alcohol related assaults of 801.5 incidents per 100,000 persons. Police do not specify the New South Wales rate but contend that the rate of Windale is 64% above the alcohol related assault rate for New South Wales as a whole.

9. Police provide localised data in the form of an Alcohol Linking Monthly Report for the Lake Macquarie LAC between February 2015 to January 2016, sourced from the NSW Police Force Alcohol Related Crime Information Exchange (ARCIE). Police contend on the basis of this data that alcohol related crime accounted for 7% of all incidents recorded by Police, 21% of all *domestic violence* incidents recorded by Police were reported as alcohol related while 28% of *all assaults* recorded in the LAC were reported by Police as alcohol related.
10. Police also provide an ARCIE Benchmarking Graph on alcohol related crime in the Lake Macquarie LAC between 2013 to 2016. They contend that while the period from November 2015 to January 2016 recorded a *decline* in reported incidents, alcohol related crime has generally been on the steady increase across this Command over a period of time. Police contend that alcohol has had and is still having a significant and detrimental impact to the community within the Lake Macquarie Command and that any additional outlet will have a negative impact upon that community in terms of crime, especially violent crime.
11. In the alternative, Police request that ten (10) conditions be imposed upon the licence should the Application be granted. The conditions would require no exercise of the licence until an approved manager is appointed; that all ALDI staff selling or supplying liquor have Responsible Service of Alcohol (RSA) Competency Cards; the maintenance of an incident register; the display of compulsory signage; a requirement to provide Police with copies of the Management Policies, Strategies and House Policy documentation; membership of the Local Liquor Accord, a prohibition against selling refrigerated liquor products; no display of advertising material and a condition requiring the use of CCTV on the Premises.
12. 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. LGNSW contend that granting this Application may result in a significant increase in alcohol related issues in the neighbourhood and request that the conditions requested by NSW Police be imposed on the liquor licence.
13. Submission from the Applicant dated 24 August 2016. In this twenty-three page submission the Applicant consents to the eight conditions proposed by licensing staff and discusses the proposal by ALDI, location of the Premises, planning approvals, growth in Lake Macquarie Local Government Area (LGA) and the suburb of Charlestown, data for the Shopping Centre, prevailing licence density, Socio-Economic Indexes For Areas (SEIFA) data and the demographic profile of the suburb of Lake Macquarie LGA and the suburb of Charlestown, contended positive benefits of granting the Application, the rate of alcohol related hospitalisations for the Lake Macquarie LGA reported by Health Statistics NSW between 2001 and 2014, BOCSAR crime data for the twelve months ended March 2016 for the suburb of Charlestown and the Lake Macquarie LGA and the report prepared by consultant Mr Adam Purcell of A & M Consultants Pty Limited (Consultant) engaged on behalf of the Applicant.
14. The Applicant addresses the submissions from stakeholders and makes the following key submissions: it has been Police policy for some time to oppose *any* applications

for packaged liquor licences in the Lake Macquarie LAC; that absolute numbers of licensed premises are meaningless without referring to licence density within a given area; that there is no over provision of licensed premises within the LGA or the suburb and some under provision of licensed facilities in Charlestown; that larger format stores are likely to be correlated to higher levels of alcohol-related harm than smaller scale stores; that Parliament was in favour of allowing liquor sales within supermarkets provided there is adequate separation between the liquor department and the remaining supermarket area; that it is commonplace throughout the State that adults who attend supermarkets with children be able to see liquor products on display; that there is no prohibition on minors entering packaged liquor stores; that ALDI's liquor layout has been designed to provide a high level of supervision and control over the licensed area; that the Charlestown ALDI store is no different from other ALDI stores across NSW in respect of layout and that workload of monitoring for age verification and intoxication levels will be shared between two checkout operators.

15. The Applicant further contends, in response to the Police submission, that ALDI's prices are not set at "harmfully low" levels; that this introduction of this business will not drive down prices for liquor in Charlestown; that Police in many other commands accept that the refrigerated licence condition is likely to reduce potential alcohol-related harms; that this Police submission lacks actual alcohol-related assault rates for the relevant suburb or LGA; that BOCSAR data indicates that both the relevant local and broader communities are not problematic for alcohol related harm; that an existing stand-alone ALDI supermarket at Mount Hutton with a liquor department (and uniform range and pricing) is located closer to residents of Windale and Gateshead than the proposed new Premises; that Windale is already serviced by Icebox Liquor and Gateshead is serviced by the Gateshead Tavern; that it is unlikely that this new licence would result in any substantial or even appreciable increase in the availability of liquor; that there is no evidence that the operation of Mount Hutton ALDI has resulted in any increase in alcohol-related assaults; that BOCSAR data for the period between 2013 and 2016 indicate that rates of alcohol related assault in the suburbs of Gateshead and Windale have reduced; that Police apprehensions about the likely increase in alcohol related assault are not soundly based; that nine of the ten licence conditions sought by Police are already substantially provided for and the proposed condition relating to advertising material is unwarranted and unjustified.
16. Accompanying this submission is a Google geographical aerial photograph of the Premises, a petition signed by **1119** people supporting the Application and a seven-page report prepared by the Applicant's planning consultant, Mr Adam Purcell, dated 22 August 2016 in which Mr Purcell discusses the proposed liquor outlet, existing liquor outlet options, pricing, the suburbs of Windale and Gateshead and crime rates in the relevant communities, Lake Macquarie LGA and the suburb of Charlestown.

## **Legislative Framework**

17. 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.

18. 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.*
19. 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.
20. 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.
21. 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”.
22. The Authority notes that the Applicant has posited a local community that extends beyond the suburb of Charlestown to include the suburbs of Kahibah, Whitebridge, Dudley and Gateshead.
23. 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 of Charlestown 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. The Authority notes that the Applicant has defined the “broader community” to be the Lake Macquarie LGA and the Authority is satisfied that the relevant “broader community” comprises the responsible local government area, the Lake Macquarie LGA.

## **Analysis of Relevant Facts**

24. 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.
25. 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.
26. 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.
27. 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 as to the Applicant's RSA practices.
28. The Authority is satisfied, for the purposes of section 45(3)(c) of the Act, that the proposed use of the Premises falls within the scope of development consent. This finding is made on the basis of the Development Application (DA) /231/2007/H issued by Lake Macquarie City Council (Council) on 19 February 2010 (which modified the original development consent) and the Complying Development Certificate (CDC) 16/0034/02 issued by Steve Watson & Partners on 26 February 2016.

## **Social Impact – Positive Benefits**

29. The Authority is satisfied, on the basis of the Application and CIS, that granting the licence will provide some benefit of additional convenience and choice to members of the local community who wish to purchase ALDI packaged liquor products whilst grocery shopping at ALDI at this Shopping Centre.
30. The Authority is satisfied on the basis of the petition signed by large numbers of persons in the local and broader community, that granting the Application is consistent with the “expectations, needs and aspirations of the community” in respect of the local community of Charlestown, being an object of section 3(1)(a). Community support is not uncontested, given the Police opposition to the proposal (discussed below) but the Applicant has demonstrated substantial support from ALDI shoppers within the relevant communities.
31. The Authority is satisfied, on the basis of LGNSW liquor licensing records that there are currently four packaged liquor licenced premises in the suburb of Charlestown but is satisfied, on the basis of the Application material and CIS provided by the Applicant, that a packaged liquor licence within an ALDI grocery shop would contribute to the diversification of products available to the *local community* in respect of ALDI branded



products. That benefit is less apparent for the broader community given other ALDI stores.

32. In this sense the Authority is satisfied that the proposed new licensed area within an existing ALDI supermarket will develop, in the public interest, albeit to a modest extent, the liquor industry that serves the local and broader community, for the purposes of section 3(1)(b) of the Act.
33. The other purported positive community benefits of “need”, competitive prices, reducing escape expenditure, increasing customers at the 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 supporting evidence or analysis. On the material before the Authority those potential benefits have been given little weight.

### **Social Impact – Negative Impacts**

34. The Authority considers that over time there will likely be some contribution made from the liquor sold at the licensed business to alcohol related crime, disturbance or impact on amenity in the local and broader communities from a minority of customers who abuse packaged liquor purchased from the Premises.
35. The trading hours sought by the Applicant are reasonably extensive but the 8:30pm closing time Monday through Wednesday and Friday and the 8:00pm closing time on Saturday and Sunday provides some constraint on the capacity of liquor sold to contribute to alcohol related impacts on traditionally higher risk weekend evenings.
36. The scale and mode of business of the proposed licensed area is a mitigating factor. The Authority is satisfied, on the basis of the Application and CIS, that the licensed area is relatively small, occupying approximately 36 square metres and the range of alcohol products sold will be less extensive than a mainstream liquor store.
37. Notably, when considering the contribution made by this new business to prevailing social impacts, LGNSW liquor licence density data establishes that Lake Macquarie LGA has 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 licence density *per se* gives rise to any particular cause for concern.
38. There is some cause for concern arising from the BOCSAR Crime Maps for the Lake Macquarie LGA for the period between April 2015 and March 2016 which indicate that the Premises *is* located *within a medium density hotspot* for incidents of *domestic assault* and *within high density hotspots* for incidents of *non-domestic assault* and *malicious damage to property*.
39. However, those crime hotspots indicate concentrations of events by reference to the prevailing rates of crime in a local government area. The BOCSAR Report on Crime by LGA and Alcohol Related Status for calendar year 2013 indicates that the broader community of Lake Macquarie LGA has lower rates 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. The rate of *domestic violence related assault* is on par with the NSW rate per 100,000 persons.

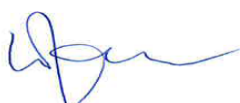
40. The Authority is also satisfied, on the basis of the ABS SEIFA data that both the suburb of Charlestown and the Lake Macquarie LGA are reasonably advantaged by reference to the Index of Relative Socio-Economic Advantage and Disadvantage.
41. The Authority has considered the general concerns raised by Police with regard to the availability of alcohol, the negative impact of point of sale promotions on children and young persons and the effect of liquor sales on alcohol related violence. Those concerns are generally credible, but the prevailing socio demographic, liquor licensing and crime rates in the relevant communities are given greater weight when assessing the vulnerability of these communities to adverse social impacts.
42. Although Police contend that alcohol related crime has been on the steady increase across the Lake Macquarie LAC area Police fail to provide the corresponding data for the Lake Macquarie LGA or local community of Charlestown, which would have been of greater interest to the Authority and given greater weight.
43. 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. It is a measure that goes over and above the minimum requirements of the legislation.
44. The Authority is further satisfied on the basis of the documents submitted by the Applicant entitled "House Policy" and "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 trained with a view to constraining the social impact of the licensed business.
45. Finally, Police have requested a CCTV condition to which the Applicant has consented. While this condition is less exacting and less extensive than the CCTV conditions usually imposed by the Secretary or the Authority, on the material before it and noting the Applicant's consent to the condition, the Authority will impose this case specific CCTV condition on this occasion.

## **Conclusion**

46. 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, Roads and Maritime Services (RMS), neighbouring occupiers, NSW Health and Family and Community Services (FACS) and all other parties required to be consulted under the legislation.
47. Having considered together the positive benefits and negative impacts 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.
48. The Application is granted pursuant to section 45 of the Act.

49. 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: 14 September 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 10 March 2016.
2. CIS document and supporting material dated 10 March 2016. Briefly, the Applicant contends that the liquor sales area will comprise approximately a “small” 36 square metres of the existing ALDI Supermarket within the Shopping Centre; will be clearly defined by way of partitioning; that the liquor sold 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”, approximately 100 lines in total; that liquor products will be sold refrigerated; that the licensed hours will be less extensive than the standard hours permitted by the Act; that various car parking facilities are provided at the Shopping Centre for use by customers; that the majority of customers will be customers of the supermarket; that most of who arrive and depart by car and park in the Shopping Centre car park, who will have the added convenience of also being able to purchase liquor; that policies will be in place, including a detailed House Policy, in respect of the responsible service of liquor; that all staff involved in the sale and supply of liquor will complete an approved RSA course and that 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.
3. List of stakeholders and special interest groups notified of the Application (attached to the CIS dated 10 March 2016).
4. Geographical map depicting notification of the Application (attached to the CIS dated 10 March 2016).
5. Map depicting the Alcohol Free Zones in Charlestown (attached to the CIS dated 10 March 2016).
6. Additional Information about the Application and CIS attached to the CIS dated 10 March 2016. In this 13-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. 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 Charlestown and Lake Macquarie LGA, the Shopping Centre, prevailing licence density, ABS SEIFA scores for Lake Macquarie LGA and Charlestown and the measures to be implemented to reduce the potential for alcohol-related harm.
7. The Applicant also lists, in the CIS, the contended positive public benefits of granting the Application (discussed in the statement of reasons).
8. Undated submission from RMS attached to the CIS dated 10 March 2016. RMS recommend the licensee attend the local liquor accord, display public education material on drink drive and pedestrian alcohol issues and advise customers,

purchasing large quantities of alcohol, of the *Safe Party Kit* available on the Police website.

9. Submission from NSW Aboriginal Affairs dated 19 January 2016 (attached to the CIS dated 10 March 2016), advising no objection to the Application on the proviso that the relevant NSW Aboriginal Land Council and Local Aboriginal Land Council have been notified.
10. Additional information about the proposed 6-hour closure period, attached to the CIS dated 10 March 2016. In this five-page document the Applicant discusses (relevantly) the proposed 6-hour closure period, the proposed mode of operation of the liquor store, the demonstrated or likely needs of patrons, the interests of the local community towards the proposal, the need to minimise harm associated with misuse and abuse of liquor, the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor, the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life and granting of previous similar applications by the Authority.
11. ALDI Liquor NSW *House Policy* for the responsible service of alcohol and *Management Policies and Strategies* for ALDI Liquor (undated) attached to the CIS dated 10 March 2016.
12. A list of conditions consented to by the Applicant to be imposed on the liquor licence (attached to the CIS dated 10 March 2016).
13. CDC 16/0034/02 issued by Steve Watson & Partners on 26 February 2016 certifying the development of “installation of shelving, checkout, lighting & associated works” (attached to the CIS dated 10 March 2016).
14. DA/231/2007/H issued by Council on 19 February 2010 modifying the original development consent for the “Extended Construction Hours for Fitout/Demolition of Retail Tenancies to be Undertaken in the Evening and Night Time” (attached to the CIS dated 10 March 2016).
15. Plan of the Premises highlighting in yellow the proposed licensed area and clearly depicting the location of the entry barrier and exit gate for this licensed area (attached to the CIS dated 10 March 2016).
16. BOCSAR Crime Maps based upon data from April 2015 to March 2016 detailing hotspots for the concentration of offences near the location indicating that the Premises:
  - (a) Is located *within a medium density hotspot* for incidents of *domestic assault*
  - (b) Is located *within a high density hotspot* for incidents of *non-domestic assault*
  - (c) Is located *within a high density hotspot* for incidents of *malicious damage to property*
17. Liquor licensing records from LGNSW indicating that the suburb of Charlestown already has 2 registered club licences, 1 full hotel licence and 4 packaged liquor licences.

18. Liquor licence density data from LGNSW indicating that the Lake Macquarie LGA as a whole recorded:
  - (a) A rate of **12.62 packaged liquor licences** per 100,000 persons, which is well below the NSW state wide rate of **32.85**.
  - (b) A rate of **4.85 registered club licences** per 100,000 persons, which is well below the NSW state wide rate of **20.48**.
  - (c) A rate of **9.71 full hotel licences** per 100,000 persons, which is well below the NSW state wide rate of **30.36**.
19. 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 Lake Macquarie LGA was **145** per 100,000 persons, on par with 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 Lake Macquarie LGA for 2013 was **117**, well below the State wide rate of **191**.
  - (c) The rate of *offensive conduct* offences flagged by reporting Police as *alcohol related* across this LGA was **13** per 100,000 persons, well below the State wide rate of **83**.
  - (d) The rate of *assault police* incidents flagged by reporting Police as alcohol related across the Lake Macquarie LGA was **12**, less than the rate of **24** per 100,000 for New South Wales as a whole.
  - (e) The rate of *malicious damage to property* incidents flagged by reporting Police as alcohol related across the Lake Macquarie LGA was **116**, less than the rate of **122** per 100,000 for New South Wales as a whole.
20. ABS SEIFA data prepared on the basis of the 2011 census indicating that both the suburb of Charlestown and the Lake Macquarie LGA ranked in the 7<sup>th</sup> decile compared to other local government areas and state suburbs in NSW on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).
50. Submission from Licensing Sergeant Adam Walton and Superintendent Brett Greentree of Lake Macquarie LAC of Police dated 21 March 2016.
51. Report to the Authority dated 1 June 2016 from Compliance Branch of the Office of LGNSW.
52. Submission from the Applicant dated 24 August 2016 attaching the following to this submission, a Google geographical aerial photograph of the Premises, a petition signed by some 1119 people supporting the granting of the Application and a copy of the seven-page report prepared by the Consultant Adam Purcell dated 22 August 2016.