



Mr Tony Schwartz
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30 May 2018

Dear Mr Schwartz

Application No.	APP-0003337828
Applicant	ALDI Foods Pty Limited
Application for	Packaged Liquor Licence
Proposed licence name	ALDI Armidale
Proposed trading hours	Monday to Friday 9:00 AM – 7:00 PM Saturday 8:00 AM – 6:00 PM Sunday 10:00 AM – 6:00 PM
Premises	95 Barney Street ARMIDALE NSW 2350
Issue	Whether to grant or refuse an application for a packaged liquor licence
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i>

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

The Independent Liquor and Gaming Authority (“the Authority”) has considered application number APP - 0003337828 made by ALDI Foods Pty Limited for a new packaged liquor licence (“the Application”). Pursuant to section 45 of the *Liquor Act 2007*, the Authority has decided to **refuse** the Application.

If you have any questions about this letter, please email the case manager via andrew.whitehead@liquorandgaming.nsw.gov.au

Yours faithfully

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

Statement of reasons

Decision

1. On 5 September 2017 the Independent Liquor and Gaming Authority (“the Authority”) received from ALDI Foods Pty Limited (“the Applicant”), through Liquor and Gaming NSW (“LGNSW”), an application for a new packaged liquor licence (“Application”) in respect of premises located at 95 Barney Street, Armidale (“the Premises”) for a licensed supermarket business to be known as “ALDI Armidale”.
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority has decided to refuse the Application.
3. In reaching this decision, the Authority has had regard to all the material before it, the legislative requirements under sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the Act, and relevant provisions of the *Liquor Regulation 2008* (“the Regulation”).

Background

4. At a board meeting on 13 April 2016 the Authority refused a previous application, made by the Applicant on 14 April 2015 (“Previous Application”) seeking a packaged liquor licence in respect of the same Premises for a liquor store of similar scale. In a published decision with reasons dated 24 May 2016 (“the Previous Decision”), that application sought to licence an area within an ALDI Supermarket of approximately 33 square metres, during proposed licensed hours from 8:00 am to 9:00 pm Monday to Friday, 8:00 am to 6:00 pm Saturday and 10:00 am to 6:00 pm Sunday.

Material considered by the Authority

5. The Authority has considered the Application, the accompanying Community Impact Statement (“CIS”), and all submissions received in relation to the Application.
6. 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.
7. As foreshadowed in *Authority Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, NSW Department of Health data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by LGNSW staff from publicly available sources.
8. The material considered by the Authority is listed in the Schedule and briefly described where appropriate.

Legislative framework

9. The Authority has considered the Application in accordance with the following legislative provisions.

Objects of the Act

10. The objects of the Act, as set out in section 3(1), are 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, to facilitate the balanced development, in the public interest, of the liquor industry, and to contribute to the responsible development

of related industries such as the live music, entertainment, tourism and hospitality industries.

11. In the pursuit of these objectives, section 3(2) requires the Authority to have due regard to the need to minimise harm associated with the misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour), the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

Trading hours and 6-hour closure period

12. Section 12 of the Act prescribes the standard trading period for different types of liquor licences. Section 11A requires the cessation of the sale of liquor by retail on licensed premises for a continuous period of 6-hours during each consecutive period of 24 hours.

Minimum procedural requirements

13. Section 40 of the Act and the Regulation prescribe the minimum procedural requirements for the making of a valid application for a liquor licence.

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

14. Section 45(3) of the Act provides that the Authority may only grant a licence if it is satisfied that:
 - the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
 - if any applicable development consent is required to use the premises for the purposes of the business or activity to which the licence relates, such consent is in force.

Community impact statement

15. Section 48 of the Act requires certain applications, including an application for a new packaged liquor licence, to be accompanied by a CIS that is prepared in accordance with the relevant legislative requirements.
16. Section 48(5) provides that the Authority may only grant a relevant application for a licence, authorisation or approval 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 the Authority becomes aware of during the application process.

Provisions specific to a packaged liquor licence

17. Further legislative provisions specific to packaged liquor licences are set out in sections 29, 30 and 31 of the Act and in the Regulation.

Key findings

18. Having regard to the material before it and the relevant legislative requirements, the Authority makes the following findings.

Validity, procedural and trading requirements

19. The Authority finds that:

- (a) The Application has been validly made and meets the minimum procedural requirements under section 40 of the Act. This finding is made on the basis of the Application form, CIS material and the Certificates of Advertising signed by the Applicant's legal representative, Mr Tony Schwartz of Back Schwartz Vaughan ("BSV") dated 7 September 2017.
- (b) The Applicant's proposed licensed trading hours meet the requirements under sections 11A and 12 of the Act in respect of a 6-hour daily cessation of liquor sales and licensed hours that fall within the standard trading period for a packaged liquor licence. This finding is made on the basis of the Application and CIS material provided by the Applicant.
- (c) Liquor will be sold and supplied in an adequately separated liquor sales area at the Premises (pursuant to section 30 of the Act) and in accordance with the authorisation conferred by a packaged liquor licence under section 29 of the Act. This finding is made on the basis of the CIS material and the plan/diagram of the Premises.

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

20. Pursuant to section 45 of the Act, the Authority finds that:

- (a) for the purposes of section 45(3)(a), the Applicant company is a fit and proper person to carry on the proposed business. This finding is made noting that the Applicant holds numerous licences in the State of NSW and that no issues of concern were raised regarding the probity of the Applicant following consultation with relevant law enforcement agencies, including NSW Police ("Police") and the Compliance Section of LGNSW.
- (b) for the purposes of section 45(3)(b), practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol and prevent intoxication. This finding is made on the basis of the Applicant's documents titled *Management Policies and Strategies* and *ALDI's House Policy*.
- (c) for the purposes of section 45(3)(c), the requisite development consent is in force for the proposed use of the Premises as a liquor store. This finding is made on the basis of development consent DA-351-2009/B modifying DA-351-2009/A and DA-351-2009. Armidale Dumaresq Council has determined on 22 December 2014, to modify the development consent for the Premises permitting "Demolition and removal of existing structure & site vegetation and the erection of a retail supermarket & associated carparking facilities" and this consent permits trading between 8:00 am and 9:00 pm Monday to Sunday. The Authority further notes that Armidale Regional Council, in an email to the previous Office of Liquor Gaming and Racing (now LGNSW) dated 5 September 2017, returned an annotated copy of the Notice to Local Consent Authority form in which Armidale Regional Council advises that development consent is required and that "DA-351-2009-D" is in force. While the Applicant refers to but has not provided this latest modification of the consent with its submissions, the Authority accepts

Council's advice. The Authority further notes the Applicant's discussion in their letter dated 19 December 2017 of the decision of Stein J in the matter of *Bottero v Pittwater Council* No. 40204 of 1995 [1995] NSWLEC 206 (5 December 1995) in which Stein J found that consent to use the relevant premises for a liquor store was encompassed within the existing consent to use the land as a supermarket and that no further development consent was required.

Community impact statement

21. The Application has been refused by reason that the Authority is not satisfied that the requirements of section 48(5) have been met in respect of the local community of Armidale. The Authority has taken into account the Application, CIS, submissions and other available information when making the findings below about the social impact of the Premises on the local and broader communities.
22. For the purposes of this decision and consistent with *Authority Guideline 6* and longstanding practice, the Authority is satisfied that the relevant "local community" is the community within the State suburb of Armidale, while the "broader community" comprises the local government area ("LGA") of Armidale Regional Council ("Armidale Regional LGA").
23. The Authority notes that on 12 May 2016 the then Minister for Local Government, the Hon Mr Paul Toole MP, announced the newly formed Armidale Regional Council, which merges the former Armidale Dumaresq and Guyra Shire Councils.

Positive social impacts

Community expectations

24. The Authority is satisfied, on the basis of the CIS material and submissions from the Applicant dated 19 December 2017, that granting the new licence will provide some additional community benefit, by way of a modest increase in customer convenience and choice to those members of the local community in Armidale and other residents in the Armidale Regional LGA who may wish to purchase liquor for consumption off the Premises at the same time as buying their groceries from the ALDI supermarket. This will permit ALDI shoppers to engage in one-stop shopping.
25. When considering whether granting the Application is consistent with the "expectations, needs and aspirations of the community" being an object of section 3(1)(a) of the Act, the Authority has taken into account the nature of the proposal and the submissions received from the community.
26. The Authority is satisfied, on the basis of the CIS material provided by the Applicant that the Applicant distributed notices to the 100-metre radius prescribed by the Regulation required for the preparation of a Category B CIS and that all stakeholders required to be consulted on this type of application were consulted.
27. The Armidale Regional Council does not object to the Application. NSW Aboriginal Affairs does not object provided that the New South Wales Aboriginal Land Council and the Local Aboriginal Land Council have been notified of the proposal. The CIS material establishes that the Applicant has consulted with the NSW Aboriginal Land Council and Armidale Aboriginal Land Council. The Applicant's submission dated 19 December 2017 notes that following lodgement of the Application with the Authority, a submission was received from the Wallaby Indigenous Corporation. The Corporation supports the

Application provided that non-alcoholic beverages and de-alcoholised beverages are provided within the liquor store or if non-alcoholic beverages and de-alcoholised beverages are not available, where ALDI Armidale promotes safe drinking of alcohol and details community support groups for alcohol abuse.

28. The Authority notes that Roads and Maritime Services (“RMS”) did not specifically object but instead provided crash statistics and outlined a number of recommendations to be considered should the licence be granted.
29. The Authority accepts that the Applicant has demonstrated some community support (discussed in greater detail below) through around three responses to online surveys conducted by the Applicant’s solicitors (two of which are from the same resident Ms J Edmunds of Armidale and one is from a resident Ms E Ihde who does not specify her address but states that her place of residence is approximately 1.5 kilometres from the Premises); eight letters of support from residents of Armidale (Mr R Higgins, Ms D Uphill, Mr G Uphill, Ms T O’Mullane (who also works in a local shelter in Armidale for women), Ms S Harden, Ms M Pankhurst, Ms V Lumb and Mr J Raue), one email in support from Armidale residents Ms R and Mr I Rogers and two submissions lodged using the LGNSW online form (one being a local resident of Armidale, Mr T Smith and the other from Mr M Foote who does not provide his address but advises that he is located more than 100 metres from the Premises).
30. The key contentions on community benefits made by these submitters include that granting the licence will: provide improved user choice and the convenience of being able to make purchases at a time and place of their choosing; provide access to ALDI liquor products that would currently require a three hour round trip to Tamworth; provide increased employment; enable access to a great range of quality ALDI products; cater for a preference for ALDI branded liquor products. The submitters contend that other liquor stores opposing the Application simply want to protect “price gouging” and granting the Application will increase competition in Armidale for the supply of liquor.
31. Additional evidence of community support is provided by the Applicant in the form of 43 ALDI Shopper Questionnaires. These one-page forms invite the respondent to answer 10 fixed reasons why the packaged liquor outlet would be a good idea whilst also providing a blank section for any additional information. While the questionnaires indicate the respondents support for the Application, they do not specify their address and hence the degree to which those respondents may be impacted by the new liquor business. The form specifies 10 reasons why the proposal is a good idea, including the convenience of buying liquor with groceries; a personal need for packaged liquor; favouring ALDI’s liquor products; competitive prices, value and quality; an expressed preference for beer, wine or spirits; that buying ALDI liquor won’t mean drinking more liquor; that parking will allow easy access and that submitters have no concern that granting the licence will lead to an increase in crime or anti-social conduct.
32. To place this evidence of community support in context, ABS population data from the 2016 Census included with the Applicant’s submission dated 19 December 2017 recorded the population for Armidale at **23,352** and the Armidale Regional LGA at **29,449**.

33. The Authority notes, by reference to the information identified in the Previous Decision, that the nearest ALDI licensed supermarket is some 110 kilometres away in Tamworth. The Authority finds that granting this new licence will increase *choice* in respect of *ALDI branded liquor products* for those in the local communities seeking such products. The extent of that benefit is somewhat constrained by reason of ALDI's limited product range, but it is an increase in choice nonetheless, given that there are no ALDI liquor businesses within the local or broader communities.
34. In this respect, bearing in mind the considerable availability of packaged liquor in the local and broader communities, granting the Application will advance the statutory object in section 3(1)(a) of the Act by serving community expectations through a modest increase in product choice and convenience.
35. However, support among the local community is not unequivocal. The Marsh Street Medical Practice, which is very well placed to provide informed advice on prevailing alcohol related social impacts, has raised concerns with the impact of selling liquor from the nearby ALDI supermarket. Furthermore, two public agencies with primary law enforcement and public health responsibility for these communities - New England Police Command and Hunter New England Local Health District ("HNELHD"), oppose the new licence on social impact grounds.
36. While the Armidale Liquor Accord has also provided a short submission opposing the Application, and the Authority accepts this as evidence that these local liquor retailers oppose the proposal, only limited weight is given to this objection by reason of the lack of independent supporting evidence and the commercial interest of Accord members.

Development of the liquor industry in these communities

37. LGNSW licensed premises information as at 21 January 2018 indicates that there are currently 5 packaged liquor licensed premises in Armidale. Accepting the Applicant's advice that one is no longer trading, the liquor stores are as follows:
 - Dan Murphy's located at 218 Beardy Street, Armidale.
 - Armidale Liquor Company located at Giraween Shopping Centre, Queen Elizabeth Drive, Armidale.
 - Liquorland located at Coles Supermarket Marsh, Dumaresq, Faulkner and Beardy streets, Armidale.
 - BWS- Beer Wine Spirits located at Beardy and Jessie Streets, Armidale.
 - Liquorland located at 102 Rusden Street, Armidale. [Not trading at this time].
38. That information also discloses 11 hotel licensed premises (noting that "New Club Armidale" is a general bar and unable to sell takeaway liquor):
 - White Bull Hotel located at 117 Marsh Street, Armidale.
 - Grand Hotel located at 249 Rusden Street, Armidale.
 - Imperial Hotel located at the corner of Beardy and Faulkner Streets, Armidale.
 - New England Hotel located at the corner of 194-198 Beardy Street, Armidale.
 - Railway Hotel Tavern located at 222 Rusden Street, Armidale.
 - Royal Hotel located at Marsh Street, Armidale.
 - St Kilda Hotel located at 104 Rusden Street, Armidale.
 - Tattersalls Hotel located at The Mall 174 Beardy Street, Armidale.
 - Wicklow Hotel located at the corner of Marsh and Dumaresq Streets, Armidale.
 - The Welder's Dog located at 120 Marsh Street, Armidale.

39. Moreover, there are three licensed registered clubs in Armidale:
- Armidale City Bowling Club located at 92-96 Dumaresq Street, Armidale.
 - Armidale Ex-services Memorial Club Limited located at Dumaresq Street, Armidale.
 - Armidale Golf Club located at Golf Links Road, Armidale.
40. The Applicant contends in its submission dated 19 December 2017 that many people, such as women or the elderly, may prefer to purchase packaged liquor from a liquor store environment rather than entering a public bar. While no data is provided on the extent of that consumer preference, the Authority finds it credible to assert that some consumers prefer the convenience of a liquor store to patronising a hotel.
41. The Applicant also submits on the basis of the licensed premises information that there is an “under-provision” of packaged liquor licences within Armidale and that while regional and rural locations have an outlet density that is typically greater than the NSW average this is because hotels play an important part in community interactions.
42. The Authority does not accept that the residents of Armidale are “under provisioned” in respect of packaged liquor. The presence of 4 active dedicated packaged liquor licensed businesses, plus a further 10 hotels (4 of which, according to the Applicant, operate dedicated bottle shops hence do not require a person to buy liquor in a bar) substantially diminish the extent to which a new packaged liquor business in this location will enhance convenience for those seeking to purchase takeaway liquor within Armidale. While less readily available to the public, the three local registered clubs, are also authorised to sell takeaway liquor.
43. While the Authority accepts that there will be a moderate increase in *choice* with respect to making available ALDI branded products, the extent of additional *convenience* is constrained by the limited range proposed by ALDI (comprising approximately 100 liquor products according to the CIS material) and the availability of packaged liquor outlets in locations throughout Armidale. There is a considerable variety of takeaway liquor outlets who may exercise substantial trading hours across the week.
44. While the Applicant’s contention that the ALDI supermarket contributes to the “vibrancy” of Armidale is credible, it is not apparent how adding a *liquor licence* to this established supermarket will make any difference to what is, essentially, a town planning benefit. The Authority gives little weight to this submission.
45. On the Applicant’s contention that a liquor section inside a supermarket provides a “safe” place for liquor to be purchased, given the availability of CCTV, passive surveillance and the like, it is difficult to find that this is a net positive for the community, when the relevant (and safer) counterfactual is that the supermarket may remain unlicensed. The Authority has taken account of submissions as to increased security as matters that may reduce the negative impacts at point of sale, as discussed below.
46. The Applicant contends that the new licence will contribute to competition in the local supply of liquor and a number of local submitters expect competition in liquor pricing when voicing their support. The clearest apparent consumer benefits will take the form of some modest increase in choice with respect to competitively priced ALDI branded liquor products and other non-ALDI branded products available as special products from time to time. There may well be some increase in price competition on a limited

range of non-ALDI branded products, but the *extent* of consumer benefits in the form of lower prices are unclear on the information provided by the Applicant.

Other contended community benefits

47. The Authority finds it broadly credible to assert that a new major supermarket chain liquor store will bring with it some local competitive pressure, but it is difficult to appreciate the nature and scope of those pricing benefits on the material before the Authority. When it comes to negative impacts, the Applicant claims that the new business will not reduce liquor prices, or at least will not provide the lowest priced product in each category compared to other outlets in Armidale.
48. As for the Applicant's contentions with respect to increased employment, the Authority accepts that the Applicant is planning to create two new positions devoted to the liquor aspect of the supermarket. What is not clear, in the absence of any documented policy or unequivocal undertaking, is when these new staff will be hired and whether they will be sourced from the local community. Accepting the Applicant's information that all 18 current staff are sourced from the broader community, the Authority finds it likely that further staff will be sourced from this broader area, but the Authority is unable to give weight to employment benefit claims in respect of the local community.
49. With respect to ALDI's charitable activities, the Authority accepts that the Applicant makes regular donations to a local food bank, but it is not clear as to what further charitable support is contingent upon the operation of a liquor business. While the Applicant's practices are commendable, the Authority can give little weight to this contended benefit.
50. The Authority also accepts the proposition that takeaway liquor is likely to be consumed in connection with social and recreational activity in the communities, but it is difficult to assess this somewhat amorphous benefit by reference to the specific proposal before the Authority. This submission is given limited weight.
51. The Applicant further contends, in its CIS and submission dated 19 December 2017, that the licence will serve the relevant communities which receive a significant influx of visitors and tourists (with the broader community receiving a total of 444,000 visitors annually according to the Destination NSW website). The Applicant also contends that the communities host a significant "transient" population (from the approximate 20,000 to 22,500 university students that are additional to the resident base population) and they are subject to significant population growth, with the NSW Planning and Environment 2016 NSW State and Local Government Area Population and Household Projections indicating that by 2036 Armidale Regional LGA will have an expected population of 38,600 which is an annual average increase of 1.1%.
52. The Authority notes the Applicant's submission that an unrestricted packaged liquor licence has not been granted in the local community since 2004. Given that projected population growth is on par with NSW at 1.1% and in light of the number and variety of incumbent liquor retailers, it is difficult to give particular weight to this submission.
53. In conclusion, the Authority is satisfied that granting this Application will, for the purpose of the statutory object in section 3(1)(a) of the Act, provide some modest contribution to serving community expectations and provide increased convenience for those shopping at the ALDI supermarket who seek to purchase ALDI liquor products while grocery shopping. Granting the licence will make a discrete but limited

contribution to the balanced development of the liquor industry serving the communities, for the purposes of the statutory object in section 3(1)(b) of the Act, through the availability of ALDI branded liquor products that are not readily available in the local or broader communities.

Negative social impacts

54. Having reviewed all the material before it, the Authority considers that over time there is a risk that the packaged liquor sold from this ALDI supermarket will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse packaged liquor.
55. Authority Guideline 6 places applicants on notice that when assessing the overall social impact of granting a new licence, the Authority will consider a range of risk factors including the licence type, the scale of the licensed business, the proposed trading hours and the location of the premises. When considering the suitability of the location, the Authority will have regard to a range of data about the relevant communities, including licence density, alcohol related crime, socio demographic data, and other information as to the relative sensitivity of the community in question to alcohol related social impacts.

Licensed business type

56. The *licence type* at issue is a packaged liquor licence, permitting the sale or supply of liquor for consumption off the Premises. This means that the Authority's assessment of social impact will tend to focus on the scope for this new business to contribute positively, or negatively, to social impacts both in the vicinity of the Premises and in areas that are likely to be serviced by, and impacted by the proposal in question.
57. The fact that this business type is not a stand-alone business but one that will operate within a major supermarket both increases one-stop shopping convenience (as noted above) but also provides a major attraction factor for this liquor business, providing an established customer base of persons who the Authority accepts will likely be drawn from both the local and broader communities seeking competitively priced groceries. The ALDI liquor business is quite likely to draw its customer base from the local community, by reason of the proximity of that community to this store, situated within Armidale. Being a regional centre, a major grocery store is also likely to draw patrons from further afield across the broader community.

Scale of proposed licensed business

58. As for the *scale* of the proposed licensed area, the CIS indicates that it will be 34 square metres. This is smaller by comparison to the average stand-alone liquor store but consistent with other ALDI liquor businesses. The *relatively smaller scale*, its placement within a busy ALDI supermarket and the proposal not to sell refrigerated liquor products are all factors that tend to reduce the scope or risk for this business to generate negative social impacts over time, particularly in or near the Premises. Although scale of the liquor area is no clear guide to expected sales, it is one indicia of the capacity for this business to have an adverse impact on the community. The Applicant's estimate of liquor sales revenue is discussed below.

Licensed trading hours

59. The *licensed trading hours* sought by the Applicant are reasonably extensive across the course of the week (a total of 68 hours) extending for nearly all of the opening hours of the supermarket. While the ALDI supermarket trades between 8.30 am and 8:00 pm Monday to Friday, 8:00 am to 8:00 pm Saturday and 9:00 am to 7:00 pm on Sunday, the liquor licence is proposed to be exercised between 9:00 am and 7:00 pm Monday through Friday, 8:00 am and 6:00 pm on Saturday and 10:00 am and 6:00 pm on Sunday. The earlier licensed closing times on weekends provides a further moderating factor with respect to the scope for adverse impacts to flow to the communities from sales made during higher risk weekend evenings.
60. The Authority accepts the Applicant's information in its submission dated 19 December 2017, that ALDI "liquor cash registers" are fitted with an electronic device that prevents liquor sales from occurring outside trading times, resulting in the register itself refusing sales. Provided that liquor sales are only made through the designated liquor cash registers, this measure may also reduce the scope for erroneous liquor sales being made outside of the proposed licensed hours.

Location of proposed licensed premises and social impact environment

61. As for the location of the new liquor business, the Authority has considered prevailing licence density, crime data and socio demographic data to assess the prevailing exposure and vulnerability of the local and broader communities to adverse liquor related social harm.

Prevailing licence density

62. The number and location of packaged liquor businesses in Armidale is noted above. The Authority accepts the licence density calculations provided by the Applicant in the 19 December 2017 submission which indicate that:
- The rate of packaged liquor licences within Armidale is 21.41 per 100,000 persons of population, compared to 23.76 for the Armidale Regional LGA and 32.88 for New South Wales.
 - The rate of hotel licences in Armidale is 42.82 per 100,000 persons, compared to a rate of 47.53 for the Armidale Regional LGA and 28.31 for New South Wales.
 - The rate of registered club licences in Armidale is 12.84 per 100,000 persons compared to a rate of 16.97 for the Armidale Regional LGA and 17.50 for New South Wales.
63. The Applicant argues in this submission that hotel density should be greater than the NSW average by reason that Armidale is a rural area and rural areas generally cover large areas with smaller populations. The Applicant simultaneously submits that there is an "under-provision" of packaged liquor licences and this supports the grant of the Application.
64. Although the density of packaged liquor licensed premises in either community is not at particular levels of concern, the LGNSW information regarding the location, type and variety of businesses that are authorised to sell takeaway liquor (particularly packaged liquor shops and hotels with discrete liquor stores) is such that the Authority does not accept that either community is "under provisioned".
65. The Applicant has not presented evidence or analysis establishing that population growth (which appears to be around the NSW rate) or consumer demand is somehow outstripping the sources of takeaway liquor that are accessible across both communities.

Exposure of these communities to alcohol related crime and other anti-social conduct

66. As for the prevailing levels of *alcohol related crime* and other anti-social conduct, BOCSAR crime data for the year to September 2017 establish the following for the State suburb of Armidale:
- A rate of **265.4** per 100,000 persons of population for incidents of *alcohol related domestic assault*, substantially above the NSW wide rate of **114.3**.
 - A rate of **269.6** per 100,000 persons for incidents of *alcohol related non-domestic assault*, substantially above the NSW rate of **131.9**.
 - A rate of **1969.8** per 100,000 persons of population for incidents of *malicious damage to property*, substantially above the NSW rate of **793.2**.
67. The Armidale Regional LGA recorded the following for the same period:
- A rate of **250.7** per 100,000 persons for incidents of *alcohol related domestic assault*, substantially above the NSW rate of **114.3**.
 - A rate of **244.1** per 100,000 persons for incidents of *alcohol related non-domestic assault*, substantially above the NSW rate of **131.9**.
 - A rate of **1827.7** per 100,000 persons for incidents of *malicious damage to property*, substantially above the NSW rate of **793.2**.
68. BOCSAR crime data obtained by the Authority for the period from October 2015 to September 2017 indicates that:
- In the year to September 2016 Armidale Regional LGA recorded a count of **47** incidents of *alcohol related domestic assault* compared to a count of **76** for the year to September 2017.
 - In the year to September 2016 the suburb of Armidale recorded a count of **35** incidents of *alcohol related domestic assault* compared to a count of **64** for the year to September 2017.
 - In the year to September 2016 Armidale Regional LGA recorded a count of **71** incidents of *alcohol related non-domestic assault* compared to a count of **74** for the year to September 2017.
 - In the year to September 2016 the suburb of Armidale recorded a count of **60** incidents of *alcohol related non-domestic assault* compared to a count of **65** for the year to September 2017.
 - In the year to September 2016 Armidale Regional LGA recorded a count of **611** incidents of *malicious damage to property* compared to a count of **554** for the year to September 2017.
 - In the year to September 2016 the suburb of Armidale recorded a count of **535** incidents of *malicious damage to property* compared to a count of **475** for the year to September 2017.
69. On the basis of this data, the Authority finds that both the local and broader communities are over exposed to *alcohol related domestic assault*, *alcohol related non-domestic assault* and *malicious damage to property*.
70. The heightened rate of *alcohol related domestic assault* in the local community of Armidale is particularly troubling when assessing the suitability of the *location* of this new packaged liquor licence and the fact that the liquor business, as part of an established supermarket is highly likely to attract and service residents in Armidale.
71. BOCSAR crime data that is noted in Authority Guideline 6 and routinely referred to by the Authority (the *Excel Report* on Crime for New South Wales for 2017) establishes

that the great bulk of domestic assaults recorded by Police across NSW occur in private residences, where packaged liquor is usually consumed.

72. Moreover, BOCSAR hotspot maps for the Armidale area, based upon data from October 2016 to September 2017 indicate that the Premises is located:
- Within a *medium density* hotspot (bordering on the edge of a *high-density* hotspot) for the concentration of *domestic assault* events. The local community of Armidale, particularly the area surrounding the Premises (running the length of Taylor Street where it intersects with Newton Street to the North and Brown Street to the South), is completely encompassed by various degrees of concentration of domestic assault (including *low*, *medium* and *high-density* hotspots). While a liquor business situated in a supermarket may well serve shoppers from within and outside of the Armidale state suburb, the Authority is satisfied that these existing areas of concentration of domestic violence events fall within the area that is likely to be serviced by the new licence should it be granted.
 - Within a *low-density hotspot* for the occurrence of *non-domestic assault*. The Authority notes that a relatively large *high-density* hotspot (further extended by *medium* and *low-density* hotspots) is in very close proximity to the Premises (less than a block away to the North).
 - Within a *low-density* hotspot for the occurrence of *alcohol related assault*. The Authority notes however that a relatively large *high-density* hotspot (further extended by *medium* and *low-density* hotspots) is in very close proximity of the Premises (being less than a block to the North of the Premises).
 - Within an extensive *high-density* hotspot for the concentration of *malicious damage to property* events. This encompasses an area from Barney Street to the South of the Premises, running north to where Kirkwood Street intersects with Marsh Street and commences near Kennedy Street running west to beyond Markham Street. This high-density hotspot is then further extended in all directions by a *medium* and then a *low-density* concentration of hotspots.
73. Hotspot maps are useful in indicating areas of existing sensitivity and relative concern, from a social impact perspective, when assessing the suitability of the *location* of a proposed new liquor outlet. BOCSAR caution that the ability to discern the role of alcohol in *malicious damage* events is reduced by reason that it may be difficult to identify a perpetrator in such matters. Nevertheless, a significant minority of malicious damage events are recorded as alcohol related and this is another indicium of the extent to which a community, or area within that community, is exposed to anti-social conduct.
74. When weighing up the positive and negative factors presented by a new licence application, the likely contribution made by the liquor sold from a new business in areas that are *already exposed to high rates and concentrations of alcohol related crime* will be given greater weight than a similar contribution in areas of relatively lower rates and concentrations of relevant crime. If the location selected by an applicant for a new liquor business means that the licence is well placed to contribute to what is a relatively “bad lot” in respect of alcohol related social impacts, that is an adverse factor that will weigh heavily in the Authority’s assessment of the risk of granting the licence.
75. In submissions in support of the Application, some community residents have made contentions to the effect that the prevailing anti-social behaviour has always occurred

between 12:00 midnight and 1:00-2:00 am; that the ALDI store will not add to such behaviour; that the submitters are not aware of any individuals who drink alcohol irresponsibly in Armidale and that there is no reason why it could change in the future; that they are not exposed to, or aware of, alcohol related violence; that the products sold by the new store will be unrefrigerated; that the new business will not increase the amount of alcohol consumed as patrons will be substituting purchases that may be made elsewhere for products sold at ALDI; that they have “no concern with alcohol related crime” in Armidale; that they have not witnessed any form of vandalism or empty bottles in the streets nor is the local paper full of alcohol related stories of violence or other alcohol related problems in the area; that cheap liquor is already available in Armidale; that the proposal will not make the circumstances of those who resort to the local women’s shelter in Armidale any worse; that they have never witnessed any crime, violence or underage drinking in the surrounding streets and parks (specifically Macdonald and Central parks, nearest to the ALDI store); that most of the alcohol related crime in Armidale occurs at the liquor store closest to the university and the fact that this liquor business is situated within an ALDI supermarket makes it “harder for young people to hang around and ask others to buy liquor for them” whilst also limiting the possibility of any theft or robbery of the store.

76. While the Authority accepts that these responses are genuine, these lay observations cannot be given the same weight as the information provided by Police. Those submitters do not address the crime data published by BOCSAR or the data available to the New England Police Command in respect of the communities on the whole.
77. The Authority has considered the Applicant’s submission dated 19 December 2017 that the rates of crime are “low” when consideration is given to the “very significant transient, tourist and visitor populations”. While the Authority accepts that these communities are exposed to tourists and visitors, including a substantial student population, that is the case for many areas throughout the State. The Authority must assess each community as it finds it, and the prevailing alcohol related crime rates particularly with respect to domestic violence are relatively high, with concentrations of such crime evident in areas of the local community that are likely to be directly serviced and impacted by the liquor sold from this new business. That is not to say that ALDI liquor will not also be consumed in areas further afield, but this store is particularly well placed and likely to be patronised by residents within Armidale itself, by reason of its proximity to that community.
78. This licensed business proposal has the substantial attractor of operating in tandem with a supermarket offering competitively priced groceries. The survey responses provided by the Applicant indicate that those respondents are *expecting* ALDI to provide new competition on liquor pricing. It follows that visitors, students and residents alike may similarly be drawn to ALDI’s competitive liquor lines, whether or not ALDI specifically “targets” them.
79. In the 19 December 2017 submission, the Applicant contends that there is a lack of evidence as to any adverse impact caused by the opening of the Dan Murphy’s store in Armidale, and crime data in regional areas should not be compared against State wide averages but rather the regional average.
80. While the Authority accepts that no submitter has provided any specific evidence as to the involvement of liquor sold by the Dan Murphy’s Armidale store in incidents of

alcohol related crime or misconduct, there is considerable BOCSAR data on alcohol related domestic violence in the local and broader communities. There is considerable evidence provided by local Police (discussed below), which establishes the role of *packaged* liquor in alcohol related events requiring the intervention of Police in Armidale.

Applicant consultant projections on liquor sales, catchment area, pricing and consumption

81. The Applicant makes a number of contentions in its 19 December 2017 submission as to what the report from the Applicant's consultant, Mr Gavin Duane of Location IQ, dated 12 April 2017 establishes. Briefly, as summarised by the Applicant's solicitor:
- The new ALDI liquor business is likely to achieve liquor sales of around \$800,000.00 per annum;
 - \$750,000.00 of those sales will come at the expense of existing liquor suppliers in the local community while \$50,000 will come at the expense of packaged liquor operators beyond the broader community;
 - The spend on liquor is estimated to increase in this local and broader community from now until 2031 as a result of population growth and *not* due to this particular proposal.
82. The Authority accepts that the Applicant and its consultant are well placed to estimate how much revenue an ALDI liquor business in a rural location of this profile is likely to receive, given that the Applicant operates many liquor businesses in regional towns across New South Wales. What is not clear (aside from a brief reference to "market info" as the source data relied upon to inform its estimate) is the methodology or modelling that establishes why Mr Duane estimates that the arrival of a new competitive liquor business (with all the distribution and marketing power of a major supermarket chain) will make no difference to prices or liquor consumption patterns at the local or broader community level. This is particularly curious when the Applicant is advancing the proposition that it *will* contribute to competition as a positive community benefit.
83. While the Applicant has identified what the current lowest priced lines available are in Armidale (and submits that its lowest price lines are no cheaper than that), the Authority has difficulty understanding how ALDI's prices may impact its competitor's behaviour over many possible product lines or how that interaction may affect local consumption patterns over time. It is difficult for the Authority to find whether liquor sales in Armidale or the Armidale Regional LGA will increase, decrease, or remain constant over the short to medium term following the addition of this new licence. The Authority accepts that ALDI will not sell the cheapest possible product in each category given what is currently on sale but the Applicant does not disclose what the mean or median liquor price across the most popular categories will be with the advent of competition.
84. The Authority accepts the Applicant's estimate that *this* business will sell some \$750,000.00 of liquor within a local community that is demonstrably over exposed to alcohol related domestic violence and in a location that is within walking distance of the Armidale CBD and public places which, according to Police and the Medical Centre, are subject to regular street drinking by minors and persons pre-fuelling, particularly on weekends.
85. The Authority finds that *this* business is *well placed* to make a *significant contribution* to the troubling adverse alcohol related social impacts that are evident in this local community. That is of serious concern from a social impact perspective.

86. The test in section 48(5) does not turn upon whether *overall liquor sales* across the relevant local or broader communities will increase or decrease should a new licence be granted. Rather, it requires the Authority to consider the overall social impact of granting a new licence on the local and broader communities given what is known about the communities in question.

Applicant consultant on local crime and amenity impacts

87. In the CIS the Applicant refers to a report from consultant Mr Patrick Paroz dated 25 May 2017 (“the Paroz Report”) and submits that it confirms that there is no evidence of alcohol related anti-social behaviour in the local parks and streets. While no local resident has provided any specific evidence of public drinking or anti-social conduct occurring in nearby parks or streets, local Police and the Marsh Street Medical Practice have both raised concerns with respect to pre-fuelling and public drinking in the Armidale CBD and the capacity for this licence to contribute to those practices. There is substantial evidence of alcohol related anti-social conduct occurring across the local community, including in hotspots for alcohol related assault and malicious damage in surrounding local streets and parks within the suburb of Armidale.
88. In its 19 December 2017 submission, the Applicant further refers to the Paroz Report and a supplementary report dated 19 December 2017 (“Second Paroz Report”) to contend that the majority of the existing alcohol related crime occurring in the local and broader communities directly correlates with the operation of *on-premises* liquor businesses.
89. The Authority accepts that a good deal of alcohol related violence and misconduct, particularly alcohol related non-domestic violence, may be associated with the operation of licensed venues such as hotels and nightclubs.
90. Nevertheless, BOCSAR data on alcohol related domestic violence (most of which occurs in the home) and the *last place of consumption* data provided by the local Police command establishes that liquor consumed in the home is playing a major role in incidents requiring Police intervention.
91. In the Second Paroz Report, Mr Paroz makes the alternative submission that the *increase* in recorded domestic violence events can be seen as an “indicator of success”, in that the proactive approach taken by Police and increased public awareness has resulted in a greater willingness to report incidents. The consultant contends that there is no evidence that this recorded increase may be associated with increased outlet density in Armidale.
92. The Authority finds it credible for Mr Paroz to submit that increased public awareness and local Police engagement may encourage crime reporting, and that there are local Police and other domestic violence workers playing a role in this regard. However, it is not clear from Mr Paroz’s analysis whether such awareness, reporting or policing practices are of such prominence in these communities (by comparison to other parts of New South Wales) to discount what are unacceptably higher than State wide rates of domestic violence, let alone the localised *concentration* of alcohol related crime, or the *numbers* of alcohol related crime events being detected in the communities.
93. The Authority does not accept the proposition suggested by Mr Paroz that the new licence will not increase liquor *availability*. In a practical sense, this new licence must provide one more location to manage and one more option for those seeking liquor in

Armidale at competitive prices. While the licence will not trade late, it will open as early as 8:00 am and trade over 68 hours across the week, in a location that is close to public parks. In a practical sense, the new outlet increases local convenience and access. It provides one more attractive source of liquor for those who abuse packaged liquor or who are vulnerable to engaging in risky drinking or alcohol related crime.

94. In the CIS, the Applicant submits that the number of incidents occurring in an area is more meaningful than the hotspot maps. The Applicant submits that Mr Paroz has inspected the suburb of Armidale and observed no evidence of alcohol related anti-social behaviour in any public places during his visit.
95. The Authority considers that the populations of the local and broader communities are not so small as to call into question BOCSAR crime rates per 100,000 persons of population. The BOCSAR crime maps remain probative in that they indicate which parts of the local and broader communities are relatively exposed or vulnerable to alcohol related crime or other anti-social conduct such as malicious damage. The crime data calls into question the suitability of the *location* of the proposed new liquor business given its likely catchment area.
96. The Authority accepts that Mr Paroz did not observe any significant alcohol related misconduct in public places during the short period of time in which he visited the town. While the Applicant is entitled to invite the Authority to consider the rates of crime in regional areas (including the Bellingen, Clarence Valley, Coffs Harbour, Glen Innes Severn, Guyra Inverell, Kempsey, Nambucca, Port Macquarie- Hastings, Tamworth Regional, Uralla and Walcha LGAs), and the Authority has done so, the Authority does not give any less weight to an incident of alcohol related domestic violence occurring in a regional location than in an urban or suburban setting. Crime rates that are well above the State-wide average are objectively problematic, wherever they occur in New South Wales.
97. The Authority notes the Applicant's submissions in both the CIS material and the submission dated 19 December 2017 in which the Applicant indicates that Socio-Economic Indexes For Areas ("SEIFA") data for the local and broader communities could be described as moderately advantaged. SEIFA data before the Authority based on the 2011 ABS Census indicated that on the Index of Relative Socio-economic Advantage and Disadvantage the suburb of Armidale ranked in the 5th decile and the former LGA of Armidale Dumaresq ranked in the 7th decile compared to other suburbs and LGAs within NSW. Socio economic disadvantage is not a compounding factor of concern when assessing the communities on the whole.
98. The Applicant argues in its submission dated 19 December 2017 that NSW Health data for the broader community demonstrates "downward trends" in alcohol related harm and that the proposed new licence is "highly unlikely" to have any adverse impact on the rate of alcohol related hospitalisations or deaths in the broader community.
99. However, the NSW Department of Health, which is best placed to advise on adverse health impacts in the relevant communities, has provided an 8-page submission through its local health district, the HNELHD dated 28 September 2017.

Hunter New England Local Health District

100. HNELHD oppose the Application, contending that the new licence is "likely to contribute" to further alcohol-related harm and negative health outcomes for the local

community. The agency makes several broad submissions on the social impact posed by this proposal, including that the population of the former Armidale Dumaresq LGA already experiences high levels of alcohol-related harm due to acute and chronic excessive alcohol consumption; that while no one risk factor is dominant, the more vulnerabilities a person has, the more likely they are to drink excessively and experience harms; that the World Health Organisation has identified risk factors for risky drinking including age (young people), gender (males) and socio-economic status (unemployment, low income and manual workers); that a 2016 Report from the NSW Chief Health Officer identified that levels of harmful drinking were highest among the 16-24 and 65-plus age groups; among those in regional areas; among Aboriginal people and among people born in Australia or other English-speaking countries. The agency submits that alcohol related harm already places significant strain on the health system with increasing numbers of people in NSW being admitted to hospital, requiring ambulance services and visiting emergency departments and that hospitals and other front-line health services in the former Armidale Dumaresq LGA already bear a substantial burden associated with treating disease and injury associated with excessive alcohol consumption.

101. Referring to ABS data from the 2011 Census, HNELHD submits that the community of Armidale could be considered at risk of increased harmful drinking and elevated harm from liquor abuse by reason of the higher representation of young people aged 15 to 24 years [20.6% in the suburb of Armidale compared to 12.9% in NSW]; persons who identify as Aboriginal and Torres Strait Islander [6.5% in the suburb of Armidale compared to 2.5% in NSW]; persons who were born in Australia [81.6% in the suburb of Armidale compared to 68.6% in NSW]; persons who only speaking English at home [87.7% in the suburb of Armidale compared to 72.5% in NSW]; persons who are unemployed [7.7% in the suburb of Armidale compared to 5.9% in NSW]; persons employed as labourers [9.7% in the suburb of Armidale compared to 8.7% in NSW]; persons currently studying at university [30.3% in the suburb of Armidale compared to 14.2% in NSW]; persons of lower income [\$986 in the suburb of Armidale compared to \$1,237 in NSW].
102. When HNELHD discuss demographic traits as a risk factor in a community, they cite research from the World Health Organisation, Global Status Report on Alcohol and Health (2014) and the Report of the Chief Health Officer (2016) in respect of trends in alcohol use and health-related harms in NSW. They also refer to ABS population data from the 2011 census.
103. On the more specific risk posed by liquor sales from this new business and prevailing risky drinking in the communities, HNELHD contend that ALDI stores sell “low priced alcohol” and research has found that the price of alcohol has a strong effect on the level of alcohol consumption and related problems. In this regard, the agency cites 20 different sources, including published research papers and articles from Australia and abroad from 1982 to 2011.
104. HNELHD contend that this additional licence may serve to increase competition and reduce prices with research finding a clear link between increasing density and alcohol related harms. On the relationship between liquor outlet density and social harm, HNELHD cite 11 different sources including published research articles, Google maps

and Service NSW licensed premises data from Australia and abroad from 1995 to 2017.

105. In the Hunter New England Local Health District, 33.3% of people were drinking alcohol at levels that posed a long-term risk to their health in 2016 compared to 29.8% for NSW. People residing in 'inner regional' areas of NSW were also drinking at significantly higher levels for such harm (33.3%) when compared to those living in 'major cities' (28.8%). The Gunnedah area has a higher proportion of Aboriginal residents compared to NSW, and NSW Health also reports that across NSW, 44.1% of Aboriginals are drinking at such levels compared to 29.5% for non-Aboriginals. HNELHD cite HealthStats NSW as supporting this contention.
106. Across that Health District, 30.6% of people were drinking alcohol at levels that posed a short-term risk to their health in 2015 compared to 27.8% for NSW as a whole. People residing in 'inner regional' areas of NSW were also drinking at significantly higher levels for such harm (30.3%) when compared to those living in 'major cities' (27%). HNELHD cite HealthStats NSW as supporting this contention.
107. University students are a "high-risk" group for excessive liquor consumption and alcohol-related harm. HNELHD cite two research papers on studies based in Australia dated 2011 and 2012.
108. All sensitive community buildings, facilities and places located in Armidale should be considered when considering this Application, due to their close proximity to the proposed outlet, and potential increased access.
109. On prevailing crime in the communities, HNELHD submit that for the year to June 2017, Armidale recorded higher rates per 100,000 persons for incidents of domestic-related assaults, non-domestic assault, malicious damage to property and disorderly conduct. From July 2016 to June 2017 Armidale has some hotspots for domestic-related assaults, a hotspot for non-domestic assaults and some areas with high levels of malicious damage to property. HNELHD cite BOCSAR as support for these contentions.
110. The Applicant has made a 24-page response to the HNELHD submission dated 30 January 2018. Without repeating all of those submissions, the Applicant accepts the proposition advanced by HNELHD that although no one risk factor is dominant, the more vulnerabilities a person has, the more likely they are to drink excessively and experience harm from alcohol consumption.
111. However, at the community level, the Applicant counters that the rate of alcohol hospitalisation for this broader community has been consistently below the NSW ratio over the last 8 years; that a large part of the data provided by HNELHD pertains to the much larger NSW Health District; that the combined socio demographic evidence for these communities indicates that this proposal is "low risk"; that the Applicant has referred to demographic data based on the 2016 census, while HNEHLD refers to 2011 data and Australia's drinking culture has now "shifted" with more individuals aware of the importance of responsible consumption.
112. As for the presence of "at risk" groups in these communities, the Applicant submits that the proposal has the support of 56 residents and there is no evidence that indigenous persons in this location are at greater risk than the general population (and no adverse submissions from indigenous groups); that the Paroz Report "confirms" that there are

no issues in local parks. It is not unusual for there to be higher rates of unemployment or labourers in rural locations and while there is a “low risk” of alcohol related harm in respect of the representation of one parent families, there is no evidence that people living in rented accommodation are not participating in society in a “normal and functional” way.

113. On the impact of liquor sales from this new business, the Applicant contends that licensing the premises is “highly unlikely” to have any impact on sale price because Duane Consulting have identified that ALDI’s prices will not be the “outright cheapest” product lines available in Armidale; there is a “clear under provision” of packaged liquor licences in Armidale; that the identified *correlation* between high licence density and harmful consumption does not imply that one *causes* the other; that BOCSAR research performed by Donnelly et al (2014) confirms that the rate of domestic violence changed when packaged liquor licences surpassed 0.75 per 1000 residents or 75 per 100,000 persons, and density is 23.76 in Armidale and 21.41 across this LGA; that the research of Gmel (2015) indicates that the likelihood of density causing harm arises with a “clustering” of on licensed venues in entertainment districts which will not occur here, noting that the Premises is removed from the central shopping area of Armidale.
114. On the local student population, the Applicant “disagrees” that there is a higher risk of social harm posed by the presence of University of New England students, given that the nearest packaged liquor outlet to them is Freddy’s Liquor (800 metres from the entrance to the university). By contrast, ALDI Armidale is 5.2kms by road from the University and thus far less attractive to those students. The Applicant contends that ALDI is neither a realistic nor practical option for university students based upon the following attributes: distance, not the lowest price and no service of refrigerated drinks.
115. The Applicant further submits that the findings on alcohol consumption and associated risk in the ABS Article “Hitting the books: Characteristics of higher education students” (2013) are “highly relevant” to this proposal, in that this research confirms that the risk to university students if measured on a “single occasional” risk and a “long-term” risk are low compared with non-university students.
116. More generally, the Applicant submits that two thirds of the research cited in the HNELHD submission are dated prior to 2010, with several prior to 2000. Although these sources have validity in and of themselves, using them in relation to modern day students significantly reduces their relevance.
117. On the HNELHD complaint that not all sensitive facilities or services were dealt with in the CIS, the Applicant submits that these facilities are located between 212 metres and 4.14kms away from the Premises and not “near” the Premises for the purposes of the CIS form.
118. Having considered the submissions of the parties directed towards alcohol related health impacts, the Authority accepts that the broader community had demonstrated mixed indicia of adverse alcohol related health impacts. The HealthStats data for the period between 2012 and 2013 indicates that the former Armidale Dumaresq LGA recorded a smoothed estimate of standardised mortality ratio of **123.0** (with the NSW wide average fixed at **100**), which is elevated. Data for the period between 2013 and 2015 indicates a smoothed estimate of standardised alcohol related hospital separation ratio of **78.0**.

119. Notwithstanding the detailed submission provided by HNELHD, the Authority does not have before it data on alcohol related mortality, hospitalisation or emergency call outs within Armidale itself, which would have been probative in respect of the local community. HNELHD is better placed than the Applicant to provide expert submissions on public health matters and the Authority accepts that these communities exhibit certain traits that have been identified in the literature (including research that is noted in Authority Guideline 6) as indicative of an elevated risk of alcohol related social harm. These factors include a higher than State average representation of persons in the ATSI population, persons born in Australia, unemployed persons, persons employed as labourers and university students.
120. These demographic factors are adverse to the Applicant but not decisive. The local and broader communities are moderately advantaged by comparison to other suburbs and local government areas in New South Wales and no adverse submissions were made by any ATSI organisations, with one submission giving qualified support.

Other NSW Agencies

121. The Authority further notes that submissions were received from Armidale Regional Council (dated 5 September 2017), RMS (dated 20 January 2017) and Aboriginal Affairs (dated 31 January 2017 and 9 October 2017), with none of these bodies objecting to the Application. Council offered “no objection” and Aboriginal Affairs advised “no objection” provided that the New South Wales Aboriginal Land Council and the Local Aboriginal Land Council were notified of the proposal and objection process.
122. While RMS does not object, the agency did provide some adverse data on alcohol related casualty crashes in the Armidale Regional LGA over the past 5 years. The Authority accepts that there were 24 alcohol-related casualty crashes resulting in 30 casualties in Armidale LGA between 2011/12 and 2015/16. This submission also indicates that 4.2% of casualty crashes in the Armidale Regional LGA were alcohol-related which was below the Northern Region average of 8.1% and close to the State average of 4.5%.

New England Police Command

123. Police object to the Application on the basis that the Armidale Regional LGA is oversupplied with liquor outlets and exposed to “above average” alcohol related crime. Without repeating the entirety of the Police submission, the key contentions are that current Liquor outlet density is “sufficient if not over supplied” in the local and broader communities; alcohol related crime in the communities remains of concern and has a significant impact on victims and added strain on police resources.
124. On the local abuse of packaged liquor Police describe the practice of “pre-fuelling” (which the Authority understands is the practice of persons, usually young adults, drinking packaged liquor before attending on-licensed venues) as prevalent in Armidale and a “huge problem” for Police and licensees to manage. Police contend that they have observed a “constant flow” of patrons attending and purchasing “large quantities” of takeaway alcohol from various takeaway liquor outlets in the early evenings on Thursday, Friday and Saturday. They have observed, generally between 9:00 pm and 10:00 pm, “numerous” persons walking into the CBD “carrying and drinking open containers of alcohol”. Police contend that it has been clear “for many years” on the

basis of the data and the experience of Senior Police that *takeaway* liquor sales are “a major contributing factor in alcohol related crime” and “Armidale is not immune to this”.

125. Police submit that data obtained from the Alcohol Related Crime Information Exchange (“ARCIE”) data held by the Command provides a more accurate indication of the problems linked to alcohol related incidents in this local community. Specifically:
- *ARCIE Last Place of Consumption (“LPC”)* data for September 2016 to August 2017 indicates that within the Armidale sector for 59% of alcohol related events, the LPC was recorded as “home/private residence” compared to 42% for New South Wales as a whole.
 - *Prescribed Concentration of Alcohol (“PCA”)* Report for September 2016 to August 2017 records that the LPC in respect of PCA offences in the Armidale sector was 59% compared to 48% for New South Wales.
 - *Number of People Linked to LPC* Report for September 2016 to August 2017 recorded that 61% of persons involved in *assault* events within the Armidale sector recorded the LPC at home/private residence compared to 51% for New South Wales.
 - *Under Age LPC Report* for September 2016 to August 2017 recorded that in 53% of events the LPC was at home/private residence compared to 32% for New South Wales
126. On the relationship between liquor abuse and domestic violence, Police refer to a recent study by Miller et al (2016) *Alcohol/Drug-Involved Family Violence in Australia* which found that more than half of the alcohol consumed during intimate partner violence incidents was purchased between 500 metres and 10 kilometres away from the location of the incident and supermarkets were the most frequented place of purchase.
127. In response to the observations in the Paroz Report on absence of apparent amenity impacts in Armidale, Police note that Mr Paroz attended the town on Wednesday 28th December 2016, between Christmas and New Year’s Eve. Police contend that there is “very little night public drinking during a working week” by minors and it is “common local knowledge” that local minors “reserve and confine their drinking to Friday & Saturday nights”.
128. Police accept that Council maintains local Parks well and this accounts for Mr Paroz observations to this effect given the time he attended.
129. Police submit that a review of the Computerised Operational Policing System (“COPS”) Station Summary for Armidale for the period between Christmas and New Year’s Eve 2016 indicates that a large portion of rostered Police resources were occupied with alcohol related incidents on the streets and this is typical of the last “5-7 years” during which on-licensed venues have been made more accountable.
130. Police contend that on Saturday 31st December (New Year’s Eve) local Police resources were stretched with numerous persons, both minors and young adults, found drinking on the streets. Police were faced with approximately 200 persons, a large proportion of whom were affected by alcohol from 8:30 pm to 2:00 am. Police provide a news report from the Armidale Express titled *Police stop second brawl at Armidale’s Creeklands New Years Eve Party* dated 31 December 2016.
131. Police concede there has generally been a “huge reduction” in youth drinking on the streets, but minors consuming and possessing alcohol on the streets can still be

detected in Armidale. They submit that alcohol related crime has “dropped significantly over the last ten years” as a result of changes to legislation and the police commitment but contest Mr Paroz’s claims that hotels in Armidale are the most significant cause of concern for alcohol related violence. They submit that Armidale and the New England Police Command have enjoyed an extended period since 2015 during which no licensed venues have been listed as “declared premises” in Schedule 4 to the Act by reason of violence occurring on licensed premises. Police contend that the “vast majority” of alcohol related incidents occur in the home or in private residences, with the takeaway liquor being a “significant factor” in those events.

132. Police submit that the Applicant’s submissions on population growth (the broader community has increased over 24% since 2011) have only been achieved through the merger of Armidale Dumaresq and Guyra Shire Council areas. Estimated population growth has not met the forecast growth in the Main Series and the High Series Forecasts, as outlined in the data provided in the CIS from the NSW Planning and Environment Household Projections for the broader community.
133. Without repeating all of the Applicant’s responses in its submission dated 19 December 2017, the Applicant relies on the observations of Mr Paroz, with respect to local crime issues and provides information that liquor consumption and alcohol related crime rates are on a downward trend between 2008 and 2016 at the level of New South Wales as a whole. The Applicant contends that licensing the supermarket is unlikely to result in “further” problems pertaining to alcohol related violence in the communities and (referring to the report of Mr Duane) contend that any liquor sales will cannibalise revenue from incumbent retailers. On licence density, Donnelly et al (2014) have found in one Australian study that domestic violence rates only changed when licence density surpassed 75 per 100,000 persons. The Applicant also notes “mitigating” factors regarding security, an experienced owner and a lack of sensitive facilities nearby.
134. In a one-page response to the BSV online survey from Dr H Williams of the Marsh Street Medical Practice P/L dated 30 December 2016, the writer advises that the Premises is located half a block away from the Centre and two blocks from his residence. Dr Williams raises concerns about the potential for “increased walk thru traffic of intoxicated patrons” should the licence be granted and submits that the new licensed premises “would become the closest alcohol outlet to large area of low income housing” and that there are “already six alcohol outlets within a two-block radius”.
135. Dr Williams has not provided any additional information as to the “low income housing” that is of concern to him but the Authority finds his submissions in this regard to be credible, given his role as a health care professional servicing the local community. His concerns with regard to public drinking and public intoxication are corroborated by the information provided by local Police on street drinking and pre-fuelling which the Authority accepts are common problems in the Armidale CBD. The location of numerous existing licensed premises authorised to sell packaged liquor in the local community are noted above.
136. The Authority is satisfied that a new liquor store of this type and in this location will be very well placed to *contribute to* the prevailing higher than State average rate of alcohol related crime in the local community and the concentrations of crime as seen from the BOCSAR crime maps in Armidale. The liquor sold from this business is intended to be consumed in the home. Police data on *last place of alcohol consumption* is particularly

telling with respect to the role of *takeaway* liquor, as distinct from liquor consumed on premises, in a range of offences and anti-social conduct in Armidale. The Authority accepts that alcohol related misconduct is placing a substantial demand upon Police resources and packaged liquor abuse is playing a substantial role in these events.

137. In assessing the scope for this new business to contribute to adverse social impacts in the Authority has taken into account the additional harm minimisation measures proposed by the Applicant, including membership of the local liquor accord and a licence mandating operation in accordance with the ALDI Management Policies and Strategies and House Policy documents. The Authority accepts that the security, CCTV, scope for passive surveillance and a condition preventing refrigerated liquor sales all work to reduce the harm from liquor sold by this particular business.
138. The Authority does not consider it likely that the Applicant or its staff would knowingly supply liquor in contravention of the Act or responsible service of alcohol requirements. However, staff will not realistically be in a position to monitor or respond to the abuse of packaged liquor away from the vicinity of the Premises, in private premises or in public places.

Conclusion

139. Considering together the Authority's findings on the modest to moderate benefits with respect to increased choice and convenience and the relatively challenging circumstances pertaining to alcohol related domestic violence, pre-fuelling and public drinking within Armidale, the Authority is *not* satisfied that the overall social impact of granting the Application will *not* be detrimental to the local community of Armidale.
140. Having considered the positive and negative impacts that are likely to flow from granting a new packaged liquor licence, the Authority is ***not*** satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting this Application would not be detrimental to the well-being of the local community or broader community - specifically, the local community of Armidale.
141. The Application is refused pursuant to section 45 of the Act.



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 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

Material before the Authority

1. Socio-economic Indexes for Areas (“SEIFA”) data based on the Australian Bureau of Statistics (“ABS”) 2011 Census for Armidale and the former Armidale Dumaresq local government area.
2. NSW Department of Health *HealthStats* data on the smoothed estimate of standardised separation ratio for the period from 2013 to 2015 and the smoothed estimate of standardised mortality ratio from 2012 to 2013 for Armidale LGA.
3. Independent Liquor and Gaming Authority’s (“Authority”) published statement of reasons dated 27 March 2012 refusing an application for *Carlo’s Supa IGA* proposed for the corner of Beardly and Dangar Streets, Armidale.
4. NSW Bureau of Crime Statistics and Research (“BOCSAR”) crime data for October 2015 to September 2017 on the rate per 100,000 persons of population for incidents of *alcohol related domestic assault, alcohol related non-domestic assault and malicious damage to property* for Armidale, Armidale LGA and New South Wales.
5. BOCSAR *NSW Recorded Crime Statistics for 2016* including data on incidents by offence type, day, and time in the former Armidale Dumaresq LGA.
6. BOCSAR *NSW Recorded Crime Statistics for 2016* providing data on the indigenous status of alleged offenders proceeded against by NSW Police for incidents of selected offences in the former Armidale Dumaresq LGA.
7. The Authority’s statement of reasons dated 24 May 2016 refusing a previous application for a packaged liquor licence for ALDI Armidale.
8. One-page response to Back Schwartz Vaughan (“BSV”) online survey from Ms J Edmunds, resident of Taylor Street, Armidale (within 100 metres of the Premises) dated 29 December 2016 in support of the Application. Ms Edmunds has provided two BSV online surveys on 29 December 2016.
9. One-page response to BSV online survey by Dr H Williams of the Marsh Street Medical Practice P/L dated 30 December 2016 opposing the Application.
10. Six paragraphs email submission from Mr I and Ms R Rogers, local residents of Barney Street, Armidale to BSV dated 3 January 2017 in support of the Application.
11. Two-page response to BSV online survey by Ms E Ihde, a resident located approximately 1.5 kilometres from the Premises (address not provided) dated 16 January 2017 in support of the Application.
12. Two-page letter from Roads and Maritime Services to BSV dated 20 January 2017.
13. Two-page letter from Mr R Higgins, resident of Castle Doyle Road, Armidale to BSV dated 29 January 2017 in support of the Application.
14. Two-page letter from Ms D Uphill, resident of Castle Doyle Road, Armidale to BSV dated 30 January 2017 in support of the Application.
15. One-page letter from Mr G Uphill, resident of Castle Doyle Road, Armidale to BSV dated 31 January 2017 in support of the Application.
16. One-page email from NSW Aboriginal Affairs to BSV dated 31 January 2017.

17. Two-page letter from Ms T O'Mullane, of Gentles Road, Armidale to BSV dated 3 February 2017 in support of the Application.
18. One-page letter from Ms S Harden of Herbert Lane, Armidale to BSV dated 16 February 2017 in support of the Application.
19. One-page letter from Ms M Pankhurst of Barney Street, Armidale to BSV dated 22 February 2017 in support of the Application.
20. Three-paragraph letter from Ms V Lumb of Ashtree Drive, Armidale to BSV dated 27 February 2017 in support of the Application.
21. Three-paragraph email from Armidale Regional Council ("Council") to BSV dated 24 March 2017 advising that Council in principle supports the Application.
22. Two-page letter from Mr Tony Schwartz, BSV on behalf of the Applicant, ALDI Foods Pty Limited ("Applicant") to the Authority dated 5 September 2017 lodging the Application material.
23. Application Form signed by Mr Steven John Bigg under power of attorney on behalf of the Applicant dated 31 July 2017 provided on 5 September 2017 and accompanied by:
 - (a) Notice to Local Consent Authority, Notice to Police and Public Consultation Site Notice forms, all signed and dated 31 July 2017.
 - (b) Submission by Mr Schwartz on why an alternate 6-hour closure period (between the hours of 2:00 am and 8:00 am) should be imposed on the licence under section 11A of the Act dated 8 May 2017.
 - (c) Land Title Act Registration Confirmation Statement for Power of Attorney No 712408831 dated 18 May 2009.
 - (d) Power of Attorney Deed 712408831 dated 14 April 2009 by ALDI Foods Pty Ltd declaring Mr Bigg as the attorney. This deed is stamped as registered on 24 April 2009 in Book 4566 No 175.
 - (e) Australian Securities and Investments Commission ("ASIC") current organisation extract for ALDI Foods Pty Limited as at 31 August 2017 including a (creditor)watch credit report and a "reveal company" visualisation.
 - (f) Geographical aerial map depicting the location of the Premises and the neighbouring premises that were notified of the Application.
24. Community Impact Statement ("CIS") Form and attachments prepared by Mr Tony Schwartz on behalf of the Applicant dated 8 May 2017. The form is signed by the Applicant and dated 31 July 2017, provided to Liquor and Gaming NSW ("LGNSW") on 5 September 2017 and accompanied by:
 - (a) A list of stakeholders and special interest groups consulted.
 - (b) A 53 pages legal submission on the Application by Mr Schwartz dated 8 May 2017.
 - (c) A nine-page document providing details in respect of ALDI's reputation, likely customer and product range prepared by BSV on behalf of the Applicant (undated).
 - (d) ALDI's policy documents comprising the *ALDI Liquor NSW – House Policy For The Responsible Service of Liquor and Management Policies and Strategies ALDI Liquor – NSW* (undated).
 - (e) A 26-page report prepared by consultant, Mr Patrick Paroz of Pat Paroz & Associates Pty Ltd provided on behalf of the Applicant dated 25 May 2017 including Annexures A to H

which comprise various forms of NSW HealthStats and BOCSAR data, a map of Armidale City Centre indicating the location of existing licensed premises, a map showing the location of Wollomombi and Invergowrie relative to the city centre of Armidale, University of New England's student alcohol and other drug policy, Alcohol Related Crime Information Exchange ("ARCIE") alcohol linking monthly report for January 2016 to December 2016 for the State of NSW, a crime review of the other locations where an ALDI packaged liquor licence has commenced operations and an extract of report funded by the National Drug Law Enforcement Research Fund titled *Predicting alcohol-related harms from licensed outlet density: A feasibility study* by Tanya Chikritzhs et al (2008).

- (f) A 44-page report by Mr Gavin Duane of Location IQ (an economist and independent expert on the field of market analysis and strategic research) dated provided on behalf of the Applicant dated 12 April 2017 attaching the curriculum vitae of Mr Duane.
 - (g) An 11-page document prepared by Mr Paroz dated 10 March 2017 providing a price comparison of liquor products available at ALDI and other licensed premises in Armidale.
 - (h) An 11-page document providing an analysis of alcohol related crime in Armidale following the opening of the Dan Murphy's Armidale store during April 2011, prepared by BSV on behalf of the Applicant (undated).
 - (i) A 3-page document on incidents of alcohol related crime in parts of the New England, Mid-north Coast and Northern Rivers Regions of NSW, prepared by BSV on behalf of the Applicant (undated).
 - (j) A 4-page document titled "A review of the Livingston research titled *"A longitudinal analysis of alcohol outlet density and domestic violence"*, prepared by BSV on behalf of the Applicant (undated).
 - (k) Three geographical maps highlighting the alcohol-free zones in Central Armidale 2013-2017 (in effect until September 2017), Girraween 2013-2017 (in effect until September 2017) and South East Armidale 2009-2013 sourced by BSV on behalf of the Applicant from the Armidale Council website.
 - (l) NSW Department of Health *HealthStats* data on alcohol attributable hospitalisations by LGA, NSW 2013-14 to 2014-15 and alcohol attributable deaths by LGA, NSW 2012-2013 sourced by BSV on behalf of the Applicant.
 - (m) NSW Planning and Environment Household Projections relevant to the broader community from 2011 to 2036, sourced by BSV on behalf of the Applicant.
 - (n) A 4-page document providing a summary of how this Application satisfies the relevant objects of the Act, prepared by BSV on behalf of the Applicant (undated).
 - (o) A 22-page document providing a summary of the facilities and services offered at the existing licensed premises in the local and broader communities (including hotel, PLL and club licences), prepared by Mr Paroz undated.
25. Development consent DA-351-2009/B, which modified DA-351-2009/A & DA-351-2009, granted by Armidale Dumaresq Council on 22 December 2014. This DA was provided by the Applicant on 5 September 2017 as part of the Application material.
 26. Plan or diagram of the Premises highlighting the licensed area of the liquor store, depicting the store layout and location within the ALDI supermarket, provided on 5 September 2017 with the Application material.
 27. Two-sentence email from Council to the Office of Liquor Gaming and Racing (now LGNSW) dated 5 September 2017 advising that Council offers no objection to the grant

of the licence, attaching a Council resolution dated 22 March 2017 which states that Council supports the proposal “in principle”.

28. Annotated Notice to Local Consent Authority, in which Council has checked the box indicating that development consent is required and advises that DA-351-2009/D is in force for the Premises.
29. Certificate of Advertising signed by Mr Tony Schwartz dated 7 September 2017 accompanied by two further Certificates from Patrick Paroz and Catherine Blackman dated 6 September 2017.
30. Submission from Mr Patrick Crick, Secretary of the Armidale Liquor Accord, lodged online with LGNSW dated 11 September 2017.
31. One-paragraph submission from Mr T Smith, a resident of Mann Street, Armidale (advising that his premises is within 500m) lodged online using the LGNSW online submission form dated 11 September 2017 asking that the Application be given due consideration on its merits.
32. Two-page submission from Mr M Foote, a resident whose address is not provided but indicating that he is located more than 100 metres away from Premises lodged on 12 September 2017 and providing support for the Application.
33. One sentence submission from Armidale Ex Services Memorial Club Ltd, lodged online via the official LGNSW online submission form dated 22 September 2017 advising that the Club received a letter of notice that was incorrectly addressed to them.
34. Eight-page submission letter from Hunter New England Local Health District (“HNELHD”) to the Authority dated 28 September 2017 opposing the Application.
35. Nine-page submission letter from New England Local Area Command (“LAC”) of NSW Police dated 3 October 2017 objecting to the Application.
36. Six-page submission letter from the Applicant’s legal representative, Mr Tony Schwartz to LGNSW licensing staff dated 19 December 2017 responding to an email from licensing staff dated 10 November 2017 on proposed licence conditions and attaching the following further material:
 - (a) *Bottero v Pittwater Council* No. 40204 of 1995 [1995] NSWLEC 206 (5 December 1995).
 - (b) A 13-page document titled “Response to Submissions” prepared by Mr Tony Schwartz dated 19 December 2017, attaching:
 - An updated index of all submissions received on the Application (64 in total, comprising 7 organisation and council submissions, 1 resident submission raising concerns, 11 resident submissions in support, 43 shopper questionnaires in support and 2 submissions lodged with the Authority in support of the Application).
 - Updated harm minimisation and community impact data relevant to this Application including data on licence density and other characteristics for NSW, the LGA and the Armidale suburb; a list of licensed premises in the LGA and for Armidale as at 12 July 2017; BOCSAR hotspot maps for the local community from July 2016 to June 2017 for incidents of *alcohol related assault*, *domestic assault*, *non-domestic assault* and *malicious damage to property*; Google aerial maps depicting the location of the Premises and SEIFA data for the suburb and former Armidale Dumaresq and Guyra LGA’s based on the ABS 2011 Census and HealthStats data for NSW and the former Armidale Dumaresq and Guyra LGAs for periods between

2013 to 2015 for alcohol related hospitalisations and between 2012 to 2013 for alcohol related deaths.

- A 20-page supplementary report prepared by Applicant consultant Mr Patrick Paroz dated 19 December 2017.
 - Two paragraphs email submission from Ms K Bolt, Director, Wallaby Indigenous Corporation to Mr Tony Schwartz dated 2 November 2017.
 - One paragraph email from Aboriginal Affairs NSW (comprising one-page) to Mr Tony Schwartz dated 9 October 2017.
 - A five-page document titled "Details of ALDI's further awards", prepared by BSV (undated) detailing awards received for its liquor product range.
 - A three-page document titled "Review of the research titled *Alcohol/Drug-Involved Family Violence in Australia*", prepared by BSV (undated)..
 - A one-page document titled "The views of a victim of domestic violence" which extracts a one-page news article from the Daily Advertiser, Wagga Wagga NSW on 9 November 2017.
 - A four-page document titled "Details of the remaining four (4) Hotels within the BC (broader community)" providing details of four hotels that, due to the amalgamation of the Armidale Dumaresq and Guyra Shires, now form part of the broader community including the Ebor Falls Hotel Motel in Ebor, the Guyra Hotel and Royal Hotel in Guyra and the Royal Hotel in Tingha.
 - A map depicting the future residential expansion in Armidale sourced from NSW Department of Planning and Environment dated August 2017.
- (c) A 26-page document titled "The Applicant's *Closing Submissions*", prepared by the Applicant's legal representative Mr Tony Schwartz of BSV dated 19 December 2017.
37. Licence density calculations performed by licensing staff comparing the rate per 100,000 persons of the population for NSW, Armidale Regional LGA and the State suburb of Armidale for packaged liquor, club, hotel, producer wholesaler, on-premises and small bar licences as at 21 January 2018. The calculations are performed using the ABS QuickStats population data from the 2016 Census and LGNSW licensed premises records as at 21 January 2018.
38. LGNSW list of licensed premises (including club, hotel, on-premises, packaged liquor, producer/wholesaler and small bar licences) within the Armidale Regional LGA and the suburb of Armidale as sourced by licensing staff on 21 January 2018.
39. Google maps (including aerial maps and street view) depicting the location of the Premises extracted by licensing staff on 23 January 2018.
40. Four news media articles sourced by licensing staff on 24 January 2018 from the *Armidale Express* including:
- Dannielle Maguire, 'Authority cans Aldi booze bid', *The Armidale Express*, 22 April 2016.
 - Meg Francis, 'Aldi's opening', *The Armidale Express*, 15 April 2016.
 - Matt Bedford, 'University of New England professor says Aldi could move into the petrol retail sector', *The Armidale Express*, 1 August 2016.
 - Elizabeth Knight, 'Aldi ready for supermarket price war' *The Armidale Express*, 15 May 2017.

41. Twenty-four-pages Applicant submission titled "Response to the Submission by the Hunter New England Local Health District", prepared by Mr Tony Schwartz dated 30 January 2018. The following material is attached:
 - A one-page document titled "A copy of the statistical evidence that formed part of Annexure 2 to the Response to Submission dated 19 December 2017", prepared by BSV.
 - A nine-page document titled "A review of the research: Pereira, Gavin; Wood, Lisa; Foster, Sarah; Haggar, Fatima – *Access to Alcohol Outlets, Alcohol Consumption and Mental Health*, January 2013, Volume 8, Issue 1, e53461", prepared by BSV (undated).
 - A one-page document titled "A copy of the facilities and services listed at page 6 of the HNELHD submission, with an amendment to show their respective distance from the proposed ALDI Store", amended by BSV.
42. Email from Mr Tony Schwartz to licensing staff dated 2 February 2018 regarding a Plan of Management licence condition should the Application be granted.
43. BOCSAR hotspot maps (sourced by the Authority Secretariat on 12 February 2018) indicating the concentration of reported offences in the local community of Armidale and the area surrounding the Premises between October 2016 to September 2017.
44. Five paragraphs submission from Mr J Raue, resident of Bowman Avenue, Armidale to BSV (undated) in support of the Application.
45. One-page ALDI Questionnaire in support of the Application completed and signed by 43 people. The Authority notes that these questionnaires are not dated and do not specify any residential addresses.