

NSW Independent Liquor & Gaming Authority

Our ref: DF25/009905

Mr Grant Cusack
Hatzis Cusack Lawyers

13 February 2025

Dear Mr Cusack

Application No.	APP-0013749065
Applicant	ALDI FOODS PTY LIMITED
Application for	New packaged liquor licence
Application date	10 October 2024
Decision date	22 January 2025
Licence name	ALDI Branxton
Trading hours	Monday to Wednesday 08:30 AM – 08:00 PM Thursday 08:30 AM – 09:00 PM Friday and Saturday 08:30 AM – 08:00 PM Sunday 10:00 AM – 08:00 PM
Premises	12 Well Street Branxton NSW 2335
Legislation	Sections 3, 11A, 12, 29, 30, 40, 44, 45, 48, 53 and 123 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a new packaged liquor licence – ALDI Branxton

We **approve** the application above under section 45 of the *Liquor Act 2007* (the Act) — with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

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

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Mixed-use checkouts must be closed outside licensed hours

Under section 103(2) of the Act, any counter or place used to sell or supply liquor under the licence, including any mixed-use checkouts in the liquor sales area, must be closed to the public outside the licensed trading hours.

Statement of reasons

We are satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our main findings

The local community for the purposes of this decision is Branxton. The broader community is the Local Government Area (LGA) of Cessnock.

Positive social impacts

The Authority noted the application sought to operate a packaged liquor licence within a new ALDI supermarket in a newly developing suburb and will not sell refrigerated liquor products or offer same day delivery.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Negative social impacts

We note the objection from NSW Police and we accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- medium-density crime hotspots in the suburb for non-domestic assault, alcohol-related assault and malicious damage to property
- low-density crime hotspot in the suburb for domestic assault
- crime rates in the LGA for the offences of alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage to property being higher than the NSW average
- crime rate in the suburb for alcohol-related non-domestic assault being higher than the NSW average
- density of packaged liquor licences as well as the density of all other relevant licence types providing takeaway liquor facilities in the suburb and the LGA being higher than the NSW average
- overall density of liquor licences in the LGA exceeding the thresholds identified by researchers after which crime rates for domestic assault and non-domestic assault may rise more quickly should new licences be approved within the LGA
- Aboriginal and Torres Strait Islander population in the suburb and LGA being higher than the NSW average, which has been identified in research as a probable risk factor
- Socio-Economic Indexes for Areas (SEIFA) data indicating a below average level of socio-economic advantage and disadvantage in the LGA compared to other communities in NSW
- rate of alcohol-attributable deaths in the LGA being higher than the NSW average.

- *Note: the crime statistics are heavily influenced by other major centres of population in the LGA (Cessnock) and are a significant distance from the proposed licensed premises. The LGA also includes the well-known Hunter Valley wine growing and tourism area.*

However, we are satisfied that these risk factors are reduced by the:

- crime rates in the suburb for the offences of alcohol-related domestic assault, malicious damage to property and alcohol-related offensive conduct being lower than the NSW average
- premises operating under reduced trading hours
- experienced operator with a good compliance history and consistent harm mitigation measures and controls that are implemented across all ALDI supermarkets
- rate of alcohol-attributable hospitalisations in the LGA being lower than the NSW average
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a Statement of Risks and Potential Effects
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the website. There is a fee to lodge the application.

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

If you have any questions

Please contact the case manager, Andrew Whitehead, at Liquor & Gaming NSW if you have any questions.

Yours sincerely

A handwritten signature in cursive script that reads "Caroline Lamb".

Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - ALDI Branxton

No.	Condition to be imposed	Description								
1.	6-hour closure	Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 02:30 AM and 08:30 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence								
2.	Restricted trading & NYE	<table border="0"> <tr> <td>Good Friday</td> <td>Not permitted</td> </tr> <tr> <td>December 24th</td> <td>Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</td> </tr> <tr> <td>Christmas Day</td> <td>Not permitted</td> </tr> <tr> <td>December 31st</td> <td>Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</td> </tr> </table>	Good Friday	Not permitted	December 24th	Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday	Christmas Day	Not permitted	December 31st	Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday
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3.	Overall impact	The business authorised by this licence must not operate with a greater level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of obtaining the licence.								
4.	Plan of management	The premises is to be operated at all times in accordance with the ALDI Management Policies and Strategies and House Policy documents , as submitted to the Independent Liquor and Gaming Authority (“the Authority”) in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Authority.								
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.								
6.	Adequate separation	The liquor sales area must be adequately defined from the rest of the supermarket in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on 22 January 2025 or any premises plan subsequently approved by the Authority.								
7.	No refrigeration	The licensee must not sell refrigerated liquor products from the licensed premises.								
8.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/speciality store in accordance with the following requirements: <ol style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the supermarket/speciality store is required to close, 								

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system's cameras must cover the following areas: <ul style="list-style-type: none"> i. all entry and exit points to the supermarket/ speciality store, and ii. all publicly accessible areas (other than toilets) within the liquor sales area. <p>2. The licensee must also:</p> <ul style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days, b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.