

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/018639

Mr Grant Cusack  
Hatzis Cusack Lawyers

20 March 2025

Dear Mr Cusack

Application No.	1-9291877942
Applicant	ALDI FOODS PTY LIMITED
Application for	New extended trading authorisation
Application date	19 November 2024
Decision date	19 February 2025
Licence name	ALDI Port Macquarie
Licence number	LIQP770016566
Current trading hours	Monday to Wednesday 08:30 AM – 08:30 PM Thursday 08:30 AM – 09:00 PM Friday 08:30 AM – 08:30 PM Saturday 08:30 AM – 08:00 PM Sunday 10:00 AM – 08:00 PM
Proposed trading hours	Monday to Wednesday 08:30 AM – 08:30 PM Thursday 08:30 AM – 09:00 PM Friday 08:30 AM – 08:30 PM Saturday and Sunday 08:30 AM – 08:00 PM
Premises	3 Hughes Place Port Macquarie NSW 2444
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 48, 49, 53 and 123 of the <i>Liquor Act 2007</i>

## **Decision of the Independent Liquor & Gaming Authority**

### **Application for a new extended trading authorisation – ALDI Port Macquarie**

We **approve** the application above under section 49 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.

#### **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 Port Macquarie. The broader community is the Local Government Area (LGA) of Port Macquarie-Hastings.

#### *Positive social impacts*

The application is for an existing liquor sales area in a supermarket to trade earlier (8.30am rather than 10am) to align with the trading hours of the supermarket.

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

#### *Negative social impacts*

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- high-density crime hotspot in the suburb for all categories we considered
- crime rates in the suburb and LGA being higher than the NSW average for all categories we considered
- 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
- rate of alcohol-attributable deaths in the LGA being higher than in NSW
- increase in trading hours by 1.5 hours on a Sunday morning each week.

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

- saturation of packaged liquor licences in the suburb and LGA being lower than in NSW
- rate of alcohol attributed hospitalisations in the LGA being lower than NSW
- relatively small liquor sales area
- licensee and business owner being a well-established operator of packaged licences

- possibility that crime rates may be skewed due to a large increase in transient population to the suburb and surrounds with visitation from other parts of the state, as well as interstate. The suburb is a major stopping point for travellers via road between Sydney and Brisbane
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1, including the imposition of crime scene preservation and incident register conditions.

### **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*.

### **If you have any questions**

Please contact Liquor & Gaming NSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed – ALDI Port Macquarie

No.	Condition to be imposed	Description
1.	Restricted trading & NYE	<p><b>Good Friday:</b> Not permitted</p> <p><b>December 24<sup>th</sup>:</b> Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p><b>Christmas Day:</b> Not permitted</p> <p><b>December 31<sup>st</sup>:</b> Normal trading Monday to Saturday, 08:30 AM to 12:00 midnight Sunday</p>
2.	Extended trading authorisation	Extended trading authorisation: Whole of the licensed premises.
3.	Overall impact	<p>The business authorised by this licence must not operate with a greater overall 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:</p> <ol style="list-style-type: none"> <li>obtaining the licence on 28/02/2013</li> <li>obtaining the extended trading authorisation on 19 February 2025 (application number 1-9291877942)</li> </ol>
4.	Liquor plan of management	<p>The premises is to be operated at all times in accordance with the <b>ALDI Management Policies and Strategies and House Policy documents</b>, 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.</p>
5.	CCTV	<ol style="list-style-type: none"> <li>The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements: <ol style="list-style-type: none"> <li>the system must record continuously from opening time until one hour after the supermarket/specialty store is required to close,</li> <li>recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>any recorded image must specify the time and date of the recorded image,</li> <li>the system's cameras must cover the following areas: <ol style="list-style-type: none"> <li>all entry and exit points to the supermarket/specialty store, and</li> <li>all publicly accessible areas (other than toilets) within the liquor sales area.</li> </ol> </li> </ol> </li> <li>The licensee must also: <ol style="list-style-type: none"> <li>keep all recordings made by the CCTV system for at least 30 days,</li> <li>ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-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</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<p>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.</p>
6.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> <li>1. take all practical steps to preserve and keep intact the area where the act of violence occurred,</li> <li>2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,</li> <li>3. make direct and personal contact with NSW Police to advise it of the incident, and</li> <li>4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.</li> </ol> <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises</p>
7.	Incident register	<ol style="list-style-type: none"> <li>1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> <li>a. any incident involving violence or anti-social behaviour occurring on the premises</li> <li>b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,</li> <li>c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,</li> <li>d. any incident that results in a patron of the premises requiring medical assistance.</li> </ol> </li> <li>2. The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector: <ol style="list-style-type: none"> <li>a. make any such incident register immediately available for inspection by a police officer or Liquor &amp; Gaming NSW inspector, and</li> <li>b. allow a police officer or Liquor &amp; Gaming NSW inspector to take copies of the register or to remove the register from the premises.</li> </ol> </li> <li>3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</li> </ol>

## Schedule 1: Licence conditions to be revoked – ALDI Port Macquarie

Condition to be revoked	Description
Condition 130 ( <i>modernised with condition 1</i> )	<p>Good Friday: Not permitted</p> <p>December 24<sup>th</sup>: Normal trading Monday to Saturday 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day: Not permitted</p> <p>December 31<sup>st</sup>: Normal trading</p>
Condition 2010 ( <i>modernised with condition 3</i> )	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
Condition 3060 ( <i>modernised with condition 4</i> )	The licensee will ensure compliance with the Management Policies and Strategies and House Policy documents lodged with the Independent Liquor and Gaming Authority and will provide to the Authority copies of those documents as they are developed or updated from time to time.