

# NSW Independent Liquor & Gaming Authority

Our ref: DF24/017227

Mr Tony Schwartz

Tony Schwartz and Associates Legal Pty Limited

12 August 2024

Dear Mr Schwartz

Application No.	1-9024645452
Applicant	AUSTRALIAN VINTAGE LTD
Application for	Packaged liquor licence removal
Application date	12 March 2024
Decision date	17 July 2024
Licence name	McGuigan Wines
Licence number	LIQP770017859
Trading hours	Monday to Sunday 10:00 AM – 06:00 PM
Current premises	447 McDonalds Road Pokolbin NSW 2320
Proposed premises	Pavilion C, Roche Estate 2144 Broke Road Pokolbin NSW 2320
Legislation	Sections 3, 11A, 12, 29, 31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence removal – McGuigan Wines

We **approve** the application above under section 59 of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

### 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 Pokolbin. The broader community is the Local Government Area (LGA) of Cessnock.

### *Social impacts*

The application seeks to remove the McGuigan Wines PLL, which is to be held in a dormant capacity. The licence may not be exercised at the proposed premises. Accordingly, no negative social impacts are associated with the removal. The licence remains subject to the conditions 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 community impact statement (CIS)
- 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 on 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 disagree with this decision**

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they 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, Wendy Yeung, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed - McGuigan Wines

No.	Condition to be imposed	Description
1.	Licence must not be exercised	The Licence must not be exercised within the approved licensed area at Roche Estate, 2144 Broke Road, Pokolbin. As part of the reactivation of the Licence, which may involve the removal of the Licence elsewhere or a change of boundaries, the applicant will submit to the Authority a statement of risks and potential effects.

## Licence conditions to be revoked - McGuigan Wines

Condition to be revoked	Description
Condition 3010 ( <i>now redundant as the licence will be held in a dormant capacity and cannot be exercised</i> )	The premises is to be operated at all times in accordance with the Plan of Management dated 18 August 2021 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management 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 Independent Liquor and Gaming Authority.
Condition 3030 ( <i>now redundant as the licence will be held in a dormant capacity and cannot be exercised</i> )	<p><b>Closed-circuit television system</b></p> <p>1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements:</p> <p>(a) the system must record continuously from opening time until one hour after the premises is required to close,</p> <p>(b) recordings must be in digital format and at a minimum of <b>ten (10)</b> frames per second,</p> <p>(c) any recorded image must specify the time and date of the recorded image,</p> <p>(d) the system’s cameras must cover the following areas:</p> <p>(i) all entry and exit points on the premises, and</p> <p>(ii) all publicly accessible areas (other than toilets) within the premises.</p> <p>2) The licensee must also:</p> <p>(a) keep all recordings made by the CCTV system for at least 30 days,</p> <p>(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</p> <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>

Condition to be revoked	Description
<p>Condition 3040 (<i>now redundant as the licence will be held in a dormant capacity and cannot be exercised</i>)</p>	<p><b>Specialised liquor products</b></p> <p>1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business (“Business”), except as provided by sub-clause 2:</p> <p>(a) liquor products packaged under labels owned by the Business</p> <p>2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds.</p> <p>3) The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor &amp; Gaming NSW, or any other person authorised by the Independent Liquor and Gaming Authority.</p>