

NSW Independent Liquor & Gaming Authority

Our ref: DF24/017226

Mr Tony Schwartz

Tony Schwartz and Associates Legal Pty Limited

12 August 2024

Dear Mr Schwartz

| | |
|------------------|---|
| Application No. | SR0001211662 |
| Applicant | AUSTRALIAN VINTAGE LTD |
| Application for | Change of boundaries |
| Application date | 8 March 2024 |
| Decision date | 17 July 2024 |
| Licence name | Tempus Two Wines |
| Licence number | LIQP770017860 |
| Trading hours | Monday to Sunday 10:00 AM – 06:00 PM |
| Premises | Pavilion D, Roche Estate 2144 Broke Road Pokolbin NSW 2320 |
| Legislation | Sections 3, 11A, 12, 29, 30, 40, 44, 45, 48, 114, and 123 of the <i>Liquor Act 2007</i> |

Decision of the Independent Liquor & Gaming Authority Application for a change of boundaries – Tempus Two Wines

We **approve** the application above under section 94 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.

Positive social impacts

The application seeks to change the boundaries of the Tempus Two Wines current licensed premises to increase the area from 541 m² to 786 m². This is to accommodate the movement of staff from McGuigan Wines which has been sold and allow for expansion of the business.

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:

- rate of alcohol-attributed deaths in the LGA being higher than in NSW
- high indigenous population within the LGA
- SEIFA data indicating that the community in the LGA may be considered disadvantaged compared to the rest of NSW
- saturation rate of packaged liquor licences within the suburb being higher than in NSW (this is due to the suburb having the highest concentration of wineries in the region and is a popular tourist area for locals and overseas visitors).

However, we are satisfied that these risks are reduced by the:

- low incident counts in the suburb for all offence categories usually considered by ILGA (crime rates have not been calculated due to the small size of the population)
- licensee being an experienced operator with no history of non-compliance
- 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 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 have any questions

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

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - Tempus Two Wines

| No. | Condition to be imposed | Description |
|-----|-------------------------|---|
| 1. | Social impact | 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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of changing the boundaries of the licenced premises on 17 July 2024 . |
| 2. | Plan of management | The premises is to be operated at all times in accordance with the Plan of Management dated June 2024 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. |

Licence conditions to be revoked - Tempus Two Wines

| Condition to be revoked | Description |
|--|---|
| Condition 3000 (<i>replaced by 'Social impact' condition above</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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence. |
| Condition 3010 (<i>replaced by 'Plan of management' condition above</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. |