



Mr Justin Sammut

LAS Lawyers

By email to: j.sammut@laslawyers.com.au

7 December 2023

Dear Mr Sammut

Application No.	1-8308489021
Applicant	Kristina Kovac
Application for	Amendment – Hotel (general bar) – new extended trading authorisation
Decision Date	19 August 2022
Licence name	Whisky Tango
Licence	LIQH440019020
Proposed trading hours	Consumption on premises (Indoor) Monday to Thursday and Sunday 11:00 AM – 12:00 midnight Friday to Saturday 11:00 AM to 01:00 AM Consumption on premises (Outdoor) Monday to Saturday 11:00 AM to 12:00 midnight Sunday 11:00 AM – 10:00 PM
Current trading hours	Consumption on premises Monday to Saturday 11:00 AM – 12:00 midnight Sunday 11:00 AM – 10:00 PM
Premises	No. Shop 2 501 Cowpasture Road, Len Waters Estate, NSW 2171
Legislation	Sections 3, 14, 16, 48 and 49 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for an amendment – Hotel (general bar) – new extended trading
authorisation (ETA) – Whisky Tango**

We **approve** the application under section 49 of the *Liquor Act 2007* (the Act) - with the conditions set out in Schedule 1.

Preliminary advice of this decision was provided on 13 October 2022.

Statement of reasons

Overall, we are satisfied that the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application is valid and meets the Act's requirements for procedural fairness

- the proposed trading hours for the premises meet the requirements under sections 14 of the Act in respect of trading periods
- the Community Impact Statement (CIS) meets the relevant requirements set out in section 48(4) of the Act.

Community impact

Local and broader communities

The 'local community' is the community in the suburb of Len Waters Estate and the 'broader community' comprises the Local Government Area of Liverpool.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Len Waters Estate shows that the saturation of hotel, club and packaged liquor licences is lower in the Liverpool LGA compared to all of NSW. We also note that the venue is the only hotel licence in the suburb.

Crime data (annual rate per 100,000 residents)

BOCSAR data shows that in the year to March 2022:

- the premises was not located within any crime hotspots
- alcohol-related domestic and non-domestic assault, malicious damage to property and alcohol-related disorderly conduct was lower in the Liverpool LGA than all of NSW.

Alcohol-related health data (per 100,000 residents)

The most recent HealthStats NSW data available show that between 2018/19 and 2019/20 both, alcohol-related deaths and hospitalisations were lower in the Liverpool LGA compared to the NSW average.

Business model

We note that the proposed business model involves extending the trading hours in the indoor area on Fridays and Saturdays until 1:00 AM, and until midnight on Sundays. The venue is in a mainly industrial estate and is part of a complex that includes a supermarket and several retail specialty stores.

Proposed benefits

The applicant proposes that there would be these benefits:

- increased convenience and choice
- meet growing local demand
- experienced operators with demonstrated history of compliance and responsible management
- promoting renewed business diversity and providing greater employment opportunities in the area.

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated *28 June 2022 and 12 July 2022*, which notes that they would not support the application unless the requested conditions are imposed
- Local Council, dated 14 July 2022, which recommends updates for the plan of management, but not objection

- L&GNSW Compliance, dated 19 July 2022, which notes that extended trading authorisation that extends the availability of live entertainment hours may increase the risk of alcohol-related harm and undue disturbances in the local community — particularly as the licensee is already failing to comply with licence conditions that address alcohol-related harm. However, no objection

We also considered the Applicant's submission in response, to these submissions, which notes their consent to the recommended conditions. The applicant also contests that no adverse findings against the licensee were found and that they agreed to increase security presence at the hotel to effectively manage any risk that may result from increasing the venues trading hours.

Findings of concern

There is a risk that if the licence was granted, liquor sold at the premises will contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

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

- low licence saturation in the suburb and LGA with the venue being the only hotel licence in the suburb
- low crime rates in the LGA compared to NSW for all categories usually considered by us
- 5-year crime data shows that actual incidents for all categories usually considered by us within the suburb are low
- proposed extended hours total only four hours per week within the indoor area of the venue
- the venue not being located in a residential area and patron capacity being limited to 80 people inside
- harm minimisation measures outlined in the plan of management and licence conditions set out in Schedule 1.

The material we considered

We considered all the material we received about the application, including:

Application material

- Completed application lodged 9 June 2022
- Completed Category B Community Impact Statement (CIS) dated 26 May 2022
- Completed certifications of advertising dated 8 July 2022,
- Plan of Management documents for the premises, titled Plan of Management Whisky Tango and dated June 2022.
- ASIC business records for the Applicant and associated companies.
- Floor plan for the premises, dated 23 October 2019, indicating the proposed extended trading authorisation area.

Under [Guideline 6](#), we have also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received
- Correspondence between L&GNSW staff and the applicant between 28 June 2022 and 22 July 2022 in relation to the assessment of the Application.
- Google map images extracted from the Google website showing the location and photos of the Premises in map view.

This decision will be published on the [Liquor & Gaming NSW website](#).

If you have any questions

Please contact the case manager, Glenn Barry, at Glenn.Barry@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink that reads "Sarah Dinning". The signature is written in a cursive style.

Sarah Dinning

Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed
Whisky Tango

No.	Condition to be imposed	Description
1.	Social impact	<p>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:</p> <ul style="list-style-type: none"> a) obtaining the licence on 26/05/2020 b) obtaining the extended trading authorisation on 19 August (application number 1- 8308489021)
2.	Extended Trading	Extended Trading Authorisation: Whole of the indoor area.
3.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated June 2022 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.