

# NSW Independent Liquor & Gaming Authority

Our ref: DF24/024295

Ms Belinda Konik  
Jenkins Legal

8 November 2024

Dear Ms Konik

Application No.	SR0001240768 APP-0013518942
Applicant	Florence Diffey
Application for	Change of packaged liquor licence boundaries and new small bar licence
Application date	29 July 2024
Decision date	16 October 2024
Licence name	Vera Wine Bar
Proposed trading hours	Monday to Sunday 10:00 AM – 09:00 PM
Proposed premises	Unit 2, 67 Beaumont Street Hamilton NSW 2303
Legislation	Sections 3, 11A, 12, 20A, 20B, 20C, 40, 44, 45 48 and 53 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority Applications for change of packaged liquor licence boundaries and new small bar licence – Vera Wine Bar

We **approve** the application for a change of packaged liquor licence boundaries under section 94 of the *Liquor Act 2007*. We **approve** the application for a new small bar licence under section 45 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, while also promoting a balanced and responsible development of the industry.

McKell Building, 2-24 Rawson Place Haymarket NSW 2000 | GPO Box 4012 Sydney NSW 2001  
office@ilga.nsw.gov.au | ilga.nsw.gov.au | ABN 42 496 653 361

## **Our main findings**

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

### *Positive social impacts*

This application seeks to operate a small bar with a 12 patron capacity at the front of the licenced premises – accommodated by a reduction in the existing packaged liquor licence boundaries at the rear of the premises. This would be the only small bar licence operating in the suburb. The applicant contends that ‘Vera Wine Bar’ will attract visitors from surrounding areas by fulfilling the demand for a boutique wine experience.

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

### *Negative social impacts*

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

- premises being located in high-density crime hotspots for all offence categories we considered
- crime rates in the suburb for all offence categories we considered being higher than in NSW as a whole
- crime rates in the LGA for alcohol-related non-domestic assault and malicious damage to property being higher than in NSW as a whole
- saturation rate of small bar licences in the LGA being higher than the NSW rate
- rate of alcohol-attributable deaths and hospitalisations in the LGA being higher than in NSW generally.

However, we noted there were no public objections and there was one public submission supporting the application, and we are satisfied that these risks are reduced due to the:

- crime rates for alcohol-related domestic assault and disorderly conduct in the LGA being lower than in NSW as a whole
- potential distortion of crime rate and licence saturation figures as the premises is located within a late-night entertainment precinct with a large population of visitors relative to the local residential population
- reduced trading hours and low patron capacity
- SEIFA data indicating an above-average level of socio-economic advantage in both the suburb and LGA compared to other communities in NSW
- 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 (SoRPE)
- 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 on the Liquor & Gaming NSW website 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, Max Costa, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Chris Honey

**Deputy Chairperson**

**Independent Liquor & Gaming Authority**

## Schedule 1: Licence conditions to be imposed – Vera Wine Bar

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 <b>04:00 AM and 10:00 AM</b> 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	Consumption on premises Good Friday 12:00 noon – 10:00 PM Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later. Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
3.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated <b>August 2024</b> 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.
4.	Overall impact	The business authorised by this licence must not operate with a greater overall level of overall impact on the wellbeing 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 this licence.
5.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	CCTV	<ol style="list-style-type: none"> <li>1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:               <ol style="list-style-type: none"> <li>a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),</li> <li>b. recordings must be in digital format and at a minimum of <b>ten (10)</b> frames per second,</li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system's cameras must cover the following areas: <ul style="list-style-type: none"> <li>i. all entry and exit points on the premises,</li> <li>ii. the footpath immediately adjacent to the premises, and</li> <li>iii. all publicly accessible areas (other than toilets) within the premises.</li> </ul> </li> </ul> <p>2. The licensee must also:</p> <ul style="list-style-type: none"> <li>a. keep all recordings made by the CCTV system for at least 30 days,</li> <li>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</li> <li>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.</li> </ul>
7.	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> <ul 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> </ul> <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>
8.	Incident Register	<ul 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:</li> </ul>

No.	Condition to be imposed	Description
		<ul 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> </ul> <p>2. The licensee must, if requested to do so by a police officer or Liquor &amp; Gaming NSW inspector:</p> <ul 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> </ul> <p>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.</p>
9.	Patron capacity	A maximum number of 12 patrons are permitted on the premises at any one time.