



Mr Barton Lau
CKSD Lawyers

By email to: b.lau@cksd.com.au

30 January 2024

Dear Mr Lau

Application No.	APP – 0012035816
Applicant	DIONYSUS ARK PTY LTD
Application for	New packaged liquor licence
Application date	22 September 2023
Decision date	14 December 2023
Proposed licence name	The Whiskey Ark
Proposed trading hours	Monday to Wednesday 10:00 AM – 06:00 PM Thursday 10:00 AM – 09:00 PM Friday to Saturday 10:00 AM – 06:00 PM Sunday 10:00 AM – 05:00 PM
Proposed premises	Queen Victoria Building Shop 2-018/455 George Street Sydney NSW 2000
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a New packaged liquor licence – The Whiskey Ark**

We **approve** the application above under section 45 of the *Liquor Act 2007* (the Act) — with the conditions set out in Schedule 1.

Trading on a Sunday that falls on 24 December

If a Sunday falls on 24 December, the premises must not trade earlier than 10:00 am.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

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

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

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

Positive social impacts

The applicant seeks approval to operate a small, packaged liquor store within the Queen Victoria Building and no objections were lodged by agencies or the community. The licence hours align with the trading hours of the QVB providing customers with the opportunity for one-stop shopping.

The proposed premises will offer a restricted range of liquor being 'high-end' whisky or Scotch Whisky.

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:

- premises being located in a cumulative impact Area 1
- high-density hotspots in Sydney for all categories usually considered by the Authority
- higher crime incident rates in Sydney and the Sydney LGA compared to NSW for all offence categories usually considered by the Authority
- higher saturation rates of packaged liquor licences in Sydney compared to NSW.

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

- indication of an above average level of relative socio-economic advantage and disadvantage in both Sydney and the Sydney LGA compared to NSW
- high crime rates attributed to Sydney being potentially associated with high levels of transient visitors from across the city, state, country and internationally
- applicant consenting to a condition which restricts the sale of liquor at the proposed premises to only that of whisky or Scotch Whisky
- proposed premises being located within the Queen Victoria Building which provides additional security measures, not usually made available to 'standalone' bottle shops
- business not providing a delivery service or offering tastings
- 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 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*.

If you have any questions

Please contact the case manager, Max Costa, at max.costa@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
The Whisky Ark**

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 04:00 AM and 10:00 AM 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.	Retail sales	<p>Good Friday Not permitted</p> <p>December 24th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</p> <p>Christmas Day Not permitted</p> <p>December 31st Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</p>
3.	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 obtaining the licence.
4.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
5.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 10 October 2023 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.
6.	CCTV	<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> <ul style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises is required to close, (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system’s cameras must cover the following areas: <ul style="list-style-type: none"> (i) all entry and exit points on the premises, and (ii) all publicly accessible areas (other than toilets) within the premises. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (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 (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector

No.	Condition to be imposed	Description
		within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
7.	Speciality liquor	The sale of liquor for consumption away from the licensed premises is restricted to whisky and Scotch Whisky only.
8.	Incident register	<ol style="list-style-type: none"> 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"> a. any incident involving violence or anti-social behaviour occurring on the premises, 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, c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises 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.
9.	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"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 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, 3) make direct and personal contact with NSW Police to advise it of the incident, and 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <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 (eg. crowd controller or bouncer) on or about the premises.</p>