



Mr Lung Pun
Black Diamondz PR & Marketing Pty Ltd

By email to: luke@blackdiamondz.com.au

17 June 2022

Dear Mr Pun

Application No.	APP-0009550269
Applicant	Black Diamondz PR & Marketing Pty Ltd
Application for	Packaged liquor licence (delivery only)
Licence name	Club Diamondz
Premises	Suite 31, 650 George St Sydney NSW 2000
Trading hours	Monday to Friday 7:00 AM – 7:00 PM Saturday to Sunday 9:00 AM – 5:00 PM
Legislation	Sections 3, 11A, 12, 29 - 31, 40, 44, 45 and 48 of the Liquor Act 2007

**Decision of the Independent Liquor & Gaming Authority
Application for packaged liquor licence (delivery only) - Club Diamondz.**

The Independent Liquor & Gaming Authority considered the application above, and decided on 13 April 2022 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions set out in Schedule 1.

Trading on a Sunday that falls on 24 December

In the case of any Sunday that falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8 am. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 9 AM.

Concise statement of reasons

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the Leonie Jennings at leonie.jennings@liquorandgaming.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is enclosed in a light blue rectangular box.

Philip Crawford

Chairperson

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

Concise statement of reasons

Key facts

Application No.	APP-0009550269
Application date	26 December 2021
Applicant	Black Diamondz PR & Marketing Pty Ltd
Application for	Packaged liquor licence (delivery only)
Licence name	Club Diamondz
Premises	Suite 31, 650 George St Sydney NSW 2000
Trading hours	Monday to Friday 7:00 AM – 7:00 PM Saturday to Sunday 9:00 AM – 5:00 PM
Legislation	Sections 3, 11A, 12, 29 - 31, 40, 44, 45 and 48 of the Liquor Act 2007

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application;
- Category A community impact statement;
- Premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations;
- Plan of management for the licensed business at the premises;
- Development consent for the premises;
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities, and
- Stakeholder submissions in relation to the application, and the applicant's response to those submissions.

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations;
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold;
- Sections 29 - 31: Specific provisions in respect of a packaged liquor licence;
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made;
- Section 44: Submissions to Authority in relation to licence applications;
- Section 45: Criteria for granting a liquor licence, and
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other

available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act, and its Guideline 18 in considering the impact of the location of the premises on the application.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Medowie, and the broader community is the Local Government Area (LGA) of Port Stephens.

Positive social impacts

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through the provision of increased choice and convenience by providing customers with another avenue to shop for boutique liquor products online.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the:

- location in a cumulative impact area in accordance with Guideline 18
- higher rates of liquor outlet saturation in the suburb compared to the New South Wales average (noting that the application is for a delivery-only licence without same-day delivery)
- higher crime rates compared to the New South Wales average for all categories of offending usually considered by the Authority
- higher rates of alcohol-attributable hospitalisations in the LGA compared to New South Wales.

The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- the absence of agency or public objections
- households in Sydney and Sydney LGA are socio-economically advantaged
- the applicant's business model, which proposes to offer a select service to existing business partners in the real estate and marketing industry with the majority of customers being based outside Sydney city
- the fact that the business is not targeted at the mass market, with relatively low turnover of stock expected
- the fact that the proposed hours are within standard trading
- the harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1.

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 45 of the Act.

Yours faithfully

Philip Crawford

A handwritten signature in blue ink, appearing to read 'P. Crawford', is positioned above the typed name.

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
Club Diamondz**

1. 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 1:00 AM and 7:00 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. Restricted trading & NYE (std)
Retail sales
Good Friday Not permitted
December 24th Normal trading Monday to Saturday 8:00 AM to 12 midnight Sunday
Christmas Day Not permitted
December 31st Normal trading
3. The licensee must ensure that the sale of liquor is limited to taking orders over the telephone or by facsimile or mail order, or through an Internet site.
4. The licensee must ensure that no tastings are conducted on the licensed premises.
5. No advertising or promotional material relating to alcohol is to be displayed outside the licensed premises.
6. The premises is to be operated at all times in accordance with the Plan of Management dated May 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.
7. Alcohol is not permitted to be delivered to a customer (other than a person authorised to sell liquor) on the same business day as the order is placed.
8. No liquor products for sale under this licence are to be delivered or stored at the licensed premises address.