



Mr Jon Martin
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22 February 2018

Dear Mr Martin

Application No.	1-6810176741
Applicant	Mr Gavin Wayne Brown
Application for	Extended trading authorisation
Licence name	Wollongbar Tavern
Licence number	LIQH424003619
Current trading hours	<u>Consumption on premises</u> Monday to Saturday 5:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Saturday 5:00 am – 11:00 pm Sunday 10:00 am – 10:00 pm
New trading hours	<u>Consumption on premises</u> Monday to Saturday 10:00 am – 1:30 am Sunday 10:00 am – 12:00 midnight <u>Take away sales</u> Monday to Saturday 10:00 am – 10:00 pm Sunday 10:00 am – 10:00 pm
Premises	53 Simpson Avenue Wollongbar NSW 2477
Legislation	Sections 3, 11A, 48, 49 and 51 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority
Application for an extended trading authorisation – Wollongbar Tavern**

The Independent Liquor and Gaming Authority considered the Application above at its meeting on 15 August 2018 and, pursuant to section 49 of the *Liquor Act 2007*, the Authority decided on 23 October to grant the Authorisation **approve** the Application subject to the following conditions:

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 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. 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. Take away sales

Good Friday	Not permitted
Christmas Day	Not permitted
December 31st	Normal trading

4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. 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 extended trading authorisation.
6. The premises is to be operated at all times in accordance with the Plan of Management dated May 2018 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. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (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),
 - (b) recordings must be in digital format and at a minimum of six (6) 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:
 - (i) all entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - (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 within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
8. Signage is to be erected in a prominent position near all exits to the premises reminding patrons to leave quietly.
9. No entertainment after midnight and venue is not to be run as a nightclub.

To avoid doubt, the above conditions are taken to be conditions of the hotel licence to which this application relates, and are imposed in addition to the existing licence conditions.

Exemption under clause 117 of the Liquor Regulation 2018

Please note that pursuant to section 12 of the Liquor Act 2007, the standard trading period during which liquor can be sold for consumption away from the licensed premises must end at 10 PM on all trading days. However, the exemption provision under clause 117 of the Liquor Regulation 2018 permits takeaway liquor sales between 10 PM and 11 PM on days other than Sundays and restricted trading days.

If you have any questions, please contact the case manager at robert.hanns@liquorandgaming.nsw.gov.au.

Yours faithfully



Philip Crawford
Chairperson

For and on behalf of the Independent Liquor and Gaming Authority

Statement of reasons

Decision

1. On 1 June 2018, Mr Gavin Wayne Brown (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application (“Application”) for an extended trading authorisation (“Authorisation”) for the premises at 53 Simpson Avenue, Wollongbar NSW 2477 (“Premises”).
2. Specifically, the Applicant sought the Authorisation to extend the closing time for the entire Premises from 12:00 midnight to 1:30 AM, Monday to Saturday, and from 10:00 PM to 12:00 midnight on Sundays.
3. The Authority considered the Application at its meeting on 15 August 2018 and, following the settlement of the licence conditions to be imposed, decided on 23 October 2018 to grant the Authorisation under section 49 of the Liquor Act 2007 (“Act”).
4. A preliminary notification of this decision was sent to the Applicant on 25 October 2018.
5. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2008 (“Regulation”).

Material considered by the Authority

6. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
7. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
8. In accordance with its Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
9. A list of the material considered by the Authority is set out in Schedule 1.

Legislative framework

10. The Authority has considered the Application in the context of the following provisions of the Act:
 - a) Section 3: Statutory objects of the Act and relevant considerations.
 - b) Section 11A: A mandatory 6 hour period during which liquor cannot be sold.
 - c) Section 48: Requirements in respect of a CIS.
 - d) Section 49: Extended trading authorisation.
 - e) Section 51: General provisions relating to licence-related authorisations.
11. An extract of these sections is set out in Schedule 2.

Key findings

12. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading requirements

13. The Authority is satisfied on the material before it, that the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 49 and 51 of the Act.

Fit and proper person, responsible service of alcohol, and development consent

14. Pursuant to section 45 of the Act, the Authority is also satisfied that:

- a) the Applicant is a fit and proper person to carry on the business to which the proposed authorisation relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- b) practices would be in place from the commencement of the authorisation at the Premises to facilitate the responsible serving of alcohol, having regard to the plan of management documentation for the Premises and the conditions to be imposed on the current licence, and
- c) the requisite development consent is in force, based on the Notice of Determination of Development Application No. (DA2008/233) in respect of the Premises, issued by Ballina Council on 5 November 2007.

Community impact statement

15. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.

16. For the purpose of this decision and consistent with its position in Guideline 6, the Authority is satisfied that the relevant "local community" is the community within the suburb of Wollongbar, and the relevant "broader community" comprises the Local Government Area ("LGA") of Ballina.

Gambling activities

17. The Authority is satisfied that, for the purpose of clause 10A of the Regulation, the matters addressed by the CIS include matters relating to gambling activities on the Premises during the proposed extended trading hours. The Authority also notes that no issues were raised by the stakeholders consulted in relation to this issue.

Positive social impacts

18. The Authority notes that the Premises has been trading since 1991 and is currently the only hotel in Wollongbar, with the next closest hotel being located in Alstonville, three kilometres away from the Premises. The Authority also notes that there is a limited availability of late trading venues within walking distance from the Premises.

19. The Authority accepts that granting the Authorisation would provide a modicum of convenience for those in the local and broader community who patronise the area during later hours of the night, by allowing them to attend and stay at the Premises during later hours of the night and enjoy a variety of recreational pursuits.

20. The Authority accepts the Applicant's contention that granting the Authorisation would provide an opportunity for members of the local community and visitors to enjoy the facilities and services of the hotel, such as to watch international sporting events, during later hours of the night.

21. The Authority considers the proposed benefits above to be somewhat limited by the absence of any substantive evidence of community support for the Application.

22. Having regard to the information available, the Authority is satisfied that approving the Application would be in line with the expectations, needs and aspirations of the community, and contribute to the balanced and responsible development of the liquor industry.

Negative social impact

23. The Authority has considered the BOCSAR crime hotspot maps for the year to March 2018, which indicate that the Premises was not located within any hotspots for incidents of alcohol related assault, domestic assault, non-domestic assault or malicious damage to property.
24. The Authority has also considered the relevant BOCSAR data which indicates that, for the year to March 2018:
- a) Wollongbar recorded lower rates of alcohol related assault (domestic and non-domestic), alcohol related disorderly conduct (offensive conduct) and malicious damage to property than the corresponding NSW figures.

The Ballina LGA recorded lower than average rates of alcohol related domestic assault and malicious damage to property, and higher than average rates for alcohol related non-domestic assault and alcohol related disorderly conduct (offensive conduct).
25. The HealthStats NSW data available at the time of the Authority's decision indicates that the Ballina LGA recorded a higher than average level of alcohol attributable deaths for the period 2012-13, and a lower than average level of alcohol attributable hospitalisations for the period 2013-15.
26. The ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Wollongbar was relatively disadvantaged compared to other suburbs in NSW, ranking in the 5th decile on the Index of Relative Socio-economic Advantage and Disadvantage. Ballina LGA was a relatively advantaged LGA, ranking in the 8th decile on the same index.
27. During 2017, the Applicant originally proposed seeking extended trading hours until 3:00am which resulted in nine submissions from residents of the local community and a petition with 28 signatures, raising concerns about entertainment being conducted after midnight and the magnitude of the original extended trading hours sought by the Applicant.
28. The Authority has considered these 2017 submissions and the Applicant's response, and accepts that most of these concerns have been addressed by way of the following measures implemented by the Applicant:
- a) Holding public meetings to take feedback from the local community.
 - b) Reducing the proposed extended hours so that the Premises will only trade to 1:30am, Monday to Saturday, instead of the 3:00am originally sought.
 - c) Consenting to a condition prohibiting entertainment during the additional hours sought.
29. The Authority notes that no additional public submissions or petitions were received in 2018 when the Applicant advertised the subject Application with reduced trading hours to 1:30am,
30. The Authority notes the Applicant's assurance that the Premises will operate in accordance with a detailed Plan of Management that addresses the operation of gaming machines at the hotel, and is satisfied that the Plan of Management includes measures to support the responsible conduct of gambling during the period to which the Authorisation will apply, as well as initiatives to assist with the responsible provision of alcohol to patrons.
31. The Authority has considered the density of liquor licences per 100,000 of the population. Whilst the density figures for hotel licences in Wollongbar is considerably higher than the NSW average, the Authority accepts that this figure is based on one hotel in a small population.

32. The Authority accepts that there may be a risk that, if the Authorisation were to be granted, liquor sold at the Premises during the extended trading period will, over time, contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities.

33. The Authority is nevertheless satisfied that the risk is sufficiently mitigated by the following:

- a) The absence of any objections from institutional stakeholders including NSW Health, NSW Police and Local Council;
- b) Alcohol-related crime rates in the local and broader communities that are generally lower than the corresponding NSW figures;
- c) The Applicant's consent to special licence conditions, including restricting live entertainment to certain hours and for the Premises to not be run as a nightclub; and
- d) Reduction in the extended trading hours sought from 3:00 AM to 1:30 AM following feedback from the community.

Overall social impact

34. Having considered the positive and negative social impacts that are likely to flow from granting the Authorisation, the Authority is satisfied that the overall social impact of granting the Authorisation would not be detrimental to the well-being of the local and broader communities.

35. The Authority is also satisfied that the other legislative criteria for the granting of the Authorisation have been met.

36. Accordingly, the Authority has decided to grant the Authorisation under section 49 of the Act.



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

Schedule 1

Material considered by the Authority

1. HealthStats NSW data showing that the Ballina LGA recorded, compared to a state benchmark of 100:
 - a. a smoothed standardised mortality ration of 129.0 for the period 2012-13, and
 - b. a smoothed standardised separation ratio of 93.7 for the period 2013-15.
2. ABS SEIFA data based on the 2016 Census indicating that, on the Index of Relative Socio-economic Advantage and Disadvantage for NSW on a scale of 1 to 10, with the 10th decile being the most advantaged and 1st decile the most disadvantaged, Wollongbar ranked in the 5th decile and the Ballina LGA ranked in the 8th decile.
3. NSW Recorded Crime Statistics 2017 outlining offences by day of week and time of day in Ballina LGA compared to NSW.
4. Notice of determination issued by Ballina Council on 5 November 2007, approving the development application (DA 2008/233) for the Premises.
5. Submission from local community association on 16 May 2017 in relation to the Application.
6. Submissions from four local residents on 16 and 25 May 2017 in relation to the Application.
7. Submission from a local resident on 29 May 2017 in relation to the Application.
8. Submission from a local resident on 31 May 2017 in relation to the Application.
9. Submission from a local resident on 1 June 2017 in relation to the Application.
10. Submission from NSW Roads and Maritime Services on 13 June 2018 in relation to the Application.
11. An undated petition from local residents in relation to the Application.
12. Submission from Ballina Council on 5 July 2018 in relation to the Application.
13. Completed application dated 3 May 2018.
14. Copy of the public consultation site notice, police notice and local consent authority notice dated 2 May 2018.
15. Completed Category B Community Impact Statement dated 3 May 2018.
16. Completed certifications of Advertising dated 4 July 2018.
17. BOCSAR crime hotspot maps for the year to March 2018, indicating the location of the Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
18. NSW crime statistics published by BOCSAR indicating that:
 - a. for the year to March 2018, the rates of:
 - i. alcohol-related assault in the Ballina LGA and Wollongbar were 300.3 and 104.2 respectively, compared to the NSW average of 206.3,
 - ii. alcohol-related domestic assault in the Ballina LGA and Wollongbar were 86.8 and 0.0 respectively, compared to the NSW average of 114.4,
 - iii. alcohol-related non-domestic assault in the Ballina LGA and Wollongbar were 192.4 and 104.2 respectively, compared to the NSW average of 130.4,
 - iv. malicious damage to property in the Ballina LGA and Wollongbar were 743.7 and 486.1 respectively, compared to the NSW average of 779.5,
 - v. offensive conduct in the Ballina LGA and Wollongbar were 65.1 and 34.7 respectively, compared to the NSW average of 65.1,
 - b. for the year to March 2017, the rates of:
 - i. alcohol-related assault in the Ballina LGA and Wollongbar were 309.7 and 34.7 respectively, compared to the NSW average of 260.8,
 - ii. alcohol-related domestic assault in the Ballina LGA and Wollongbar were 138.4 and 34.7 respectively, compared to the NSW average of 113.2,

- iii. alcohol-related non-domestic assault in the Ballina LGA and Wollongbar were 159.5 and 0.0 respectively, compared to the NSW average of 132.8,
 - iv. malicious damage to property in the Ballina LGA and Wollongbar were 811.7 and 312.5 respectively, compared to the NSW average of 805.1, and
 - v. offensive conduct in the Ballina LGA and Wollongbar were 75.1 and 0.0 respectively, compared to the NSW average of 69.5.
19. Plan of Management documents for the Premises, titled Plan of Management and House Policy and dated May 2018.
 20. Google map images extracted from the Google website on 8 June 2018, showing the location and photos of the Premises in map view, earth view and street view.
 21. L&GNSW liquor licensing records as at 8 June 2018 setting out the number and density (in terms of licences per 100,000 persons of the population) of all types of liquor licences in Wollongbar, Ballina LGA and NSW. The density of Hotel liquor licences is 28.37 in NSW, 26.32 in Ballina LGA, and 35.36 in Wollongbar.
 22. L&GNSW liquor licensing records as at 22 May 2018 listing all packaged liquor licences and full hotel licences in Wollongbar.
 23. Correspondence between L&GNSW staff and the Applicant between 22 August 2018 and 12 October 2018 in relation to the assessment of the Application.
 24. An undated floor plan indicating the proposed liquor sales area within the Premises.

Schedule 2 – Relevant extracts from the *Liquor Act 2007*

3 Objects of Act

- (1) The objects of this Act are as follows:
 - (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
 - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
 - (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
 - (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
 - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
 - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

11A Special licence condition—6-hour closure period for licensed premises

- (1) This section applies in relation to:
 - (a) any licence granted on or after 30 October 2008, and
 - (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.
- (2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (the 6-hour closure period).
- (3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.
- (4) In the case of a licence:
 - (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the Liquor Legislation Amendment Act 2008) commenced, or
 - (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.
- (5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than:
 - (a) the period as last approved by the Authority, or
 - (b) the period specified in subsection (4).
- (6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.
- (7) To avoid doubt, during the 6-hour closure period for any licensed premises:
 - (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
 - (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.
- (8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).
- (9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.
- (10) The regulations may also create exceptions to this section.

12 Standard trading period for certain licensed premises

- (1) For the purposes of this Act, the standard trading period means:
 - (a) for any day of the week other than a Sunday:
 - (i) the period from 5 am to midnight, or

- (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
- (b) for a Sunday:
 - (i) the period from 10 am to 10 pm, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed.
- (1A) Despite subsection (1), the standard trading period for a small bar is the period from noon to midnight on any day of the week.

Note. Small bars are subject to the 6-hour closure period under section 11A.
- (1B) Despite subsection (1) (a), the standard trading period for premises to which this subsection applies ends at 10 pm.
- (1C) Subsection (1B) applies to the following premises or part of premises:
 - (a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,
 - (b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
 - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may:
 - (a) apply to a specified class of licensed premises, and
 - (b) apply in relation to a specified day or days, and
 - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2) (a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

48 Community impact

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of:
 - (a) the views of the local community, and
 - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.
- (2) In this section:

relevant application means any of the following:

 - (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
 - (c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
 - (e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),
 - (f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
 - (g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).
- (3) A relevant application must be accompanied by a community impact statement.
- (3A) However, a small bar application is not required to be accompanied by a community impact statement if:

- (a) development consent is required under the Environmental Planning and Assessment Act 1979 to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
 - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following:
- (a) an application for a small bar licence,
 - (b) an application for approval to remove a small bar licence to other premises,
 - (c) an application for an extended trading authorisation for a small bar,
 - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if:
- (a) the application relates to the same premises as the premises to which a general bar licence relates, and
 - (b) development consent has been obtained under the Environmental Planning and Assessment Act 1979 to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:
- (a) an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or
 - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the Registered Clubs Act 1976.
- (4) The community impact statement must:
- (a) be prepared in accordance with the regulations and any requirements of the Authority, and
 - (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:
- (a) the community impact statement provided with the application, and
 - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following:
- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
 - (b) the matters to be addressed by a community impact statement,
 - (c) the information to be provided in a community impact statement,
 - (d) the criteria for determining the local and broader community for the purposes of a relevant application,
 - (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force

49 Extended trading authorisation—general provisions

- (1) Application of section This section applies in relation to the following types of licences (referred to in this section as a relevant licence):
- (a) a hotel licence,
 - (b) a club licence,
 - (c) an on-premises licence (other than an on-premises licence that relates to a vessel),
 - (d) a packaged liquor licence,
 - (e) a producer/wholesaler licence.

- (2) Extended trading authorisation for consumption on premises In the case of a relevant licence (other than a packaged liquor licence) that authorises the sale or supply of liquor for consumption on the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption on the licensed premises only, during any of the following periods:
- (a) in the case of a hotel licence—a specified period between midnight (other than midnight on a Sunday) and 5 am on any day of the week (other than a Monday),
 - (b) in the case of a relevant licence other than a hotel licence—a specified period between midnight and 5 am on any day of the week,
 - (c) in any case—a specified period between 5 am and 10 am on a Sunday,
 - (d) in any case—a specified period between 10 pm and midnight on a Sunday.
- (2A) Without limiting subsection (2), the Authority may, in the case of an on-premises licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during any of the following periods:
- (a) a specified period between 5 am and noon on a restricted trading day,
 - (b) a specified period between 10 pm and midnight on a restricted trading day.
- Note.** The sale of liquor at these times is subject to the requirement that a meal is also served—see section 25 (3).
- (3) Despite subsection (2) (a), the Authority may, in the case of a hotel:
- (a) situated in the area constituting the City of Sydney (as at 1 July 1994), or
 - (b) situated in the Kings Cross precinct, or
 - (b1) situated in the area including and bounded by the parts of streets specified in Schedule 3 (Oxford Street–Darlinghurst precinct) or that fronts or backs onto, or abuts, any such specified part, or
 - (c) situated in the Kosciuszko National Park, authorise the licensee, on application by the licensee, to sell or supply liquor, for consumption on the licensed premises only, during a specified period between midnight on a Sunday and 5 am on a Monday.
- (4) Extended trading authorisation for take-away sales on Sundays In the case of a relevant licence (including a packaged liquor licence) that authorises the sale or supply of liquor for consumption away from the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption away from the licensed premises only, during either or both of the following:
- (a) a specified period between 5 am and 10 am on a Sunday,
 - (b) (Repealed)
- (5) Nature of extended trading authorisation
An extended trading authorisation operates to authorise the sale or supply of liquor on the licensed premises:
- (a) on a regular basis (until such time as the authorisation is varied or revoked by the Authority), or
 - (b) if the authorisation so provides—on a special occasion that takes place on a specified date, or
 - (c) if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.
- (5A) Despite subsection (2) (a), the Authority may, in the case of a hotel licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during a specified period between midnight on a Sunday and 5 am on a Monday, but only on or in connection with a special occasion that takes place on a specified date.
- (6) Extended trading period to be specified in granting an extended trading authorisation, the Authority is to specify:
- (a) the extended trading hours during which the licensee is authorised to sell or supply liquor, and
 - (b) the part or parts of the licensed premises to which the authorisation applies.
- (7) Extended trading not permitted on or in relation to restricted trading days—hotels and licensed public entertainment venues Despite any other provision of this section, an extended trading authorisation cannot, in the case of a hotel licence or an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre), be granted to authorise the sale or supply of liquor for consumption on the licensed premises during any of the following periods:
- (a) between 5 am and noon on a restricted trading day,
 - (b) between 10 pm and midnight on a restricted trading day,
 - (c) between midnight and 5 am on any day immediately following a restricted trading day.
- (8) Restrictions on granting extended trading authorisation The Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:

- (a) practices are in place, and will remain in place, at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
 - (b) the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.
- (9) For the purposes of this section, a special occasion means the occasion of a unique or infrequent event of local, State or national significance that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark on the licensed premises concerned.

51 General provisions relating to licence-related authorisations

- (1) This section applies to the following authorisations granted by the Authority under this Act:
- (a) an extended trading authorisation,
 - (b) a drink on-premises authorisation,
 - (c) any other authorisation that may be granted by the Authority under Part 3 (other than a licence),
 - (d) a minors area authorisation,
 - (e) a minors functions authorisation.
- (2) An application for an authorisation to which this section applies must:
- (a) be in the form and manner approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary), and
 - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
 - (c) if required by the regulations to be advertised—be advertised in accordance with the regulations, and
 - (d) comply with such other requirements as may be approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary) or prescribed by the regulations.
- (3) In determining an application for an authorisation, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (4) If, before an application for an authorisation is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection), the applicant must immediately notify the Authority of the particulars of the change.
- (5) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for an authorisation.
- (6) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the authorisation.
- (7) The regulations may prescribe, or provide for the determination of, a fee in respect of the granting of an authorisation. If any such fee is prescribed or determined, the authorisation does not take effect unless the fee has been paid.
- (8) The Authority may, in granting an authorisation, specify requirements that are to be complied with before the authorisation takes effect. The authorisation does not take effect until such time as any such requirements have been complied with
- (9) An authorisation:
- (a) is subject to such conditions:
 - (i) as are imposed by the Authority (whether at the time the authorisation is granted or at later time), or
 - (ii) as are imposed by or under this Act or as are prescribed by the regulations, and
 - (b) may be varied or revoked by the Authority on the Authority's own initiative or on application by the licensee, the Secretary or the Commissioner of Police.
- (10) Any such application by a licensee to vary or revoke an authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by the fee prescribed by the regulations.
- (11) For the purposes of this Act, any condition to which an authorisation is subject is taken to be a condition of the licence to which the authorisation relates.
- (12) An authorisation has effect only while all the conditions to which it is subject are being complied with.
- (13) The Authority must not impose a condition on an authorisation, or revoke or vary an authorisation, other than a variation made on application by a licensee, unless the Authority has:
- (a) given the licensee to whom the authorisation relates a reasonable opportunity to make submissions in relation to the proposed decision, and
 - (b) taken any such submissions into consideration before making the decision.

(14) This section does not authorise the revocation or variation of a condition to which an authorisation is subject if the condition is imposed by this Act or is prescribed by the regulati