



Mr John Van der Veen
Liquor and Gaming Solutions
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6 March 2019

Dear Mr Van der Veen

Application No. 1-6879180715
Applicant Renew Newcastle Limited
Application for On-premises liquor licence (catering service, cinema public entertainment venue, public arena and events, and theatre public entertainment venue classes)
Licence name The Station Newcastle NSW
Trading hours
Areas 1, 2 and 6 (indoor)
Monday to Sunday 10:00 am – 6:00 pm

Area 3 (indoor)
Monday to Sunday 10:00 am – 9:00 pm

Area 4 (indoor)
Monday to Wednesday 10:00 am – 6:00 pm
Thursday 10:00 am – 9:00 pm
Friday 10:00 am – 6:00 pm
Saturday to Sunday 10:00 am – 4:00 pm

Area 5 (indoor)
Monday to Sunday 10:00 am – 10:00 pm

Area 7 (outdoor)
Monday to Sunday 10:00 am – 10:00 pm
Premises Corner Of Scott And Watt Street, Newcastle NSW 2300
Legislation Sections 3, 11A, 12, 21-28, 40 and 45 of the *Liquor Act 2007*

**Decision of the Independent Liquor and Gaming Authority
Application for an on-premises liquor licence – The Station Newcastle NSW**

The Independent Liquor and Gaming Authority considered the Application above and, pursuant to section 45 of the *Liquor Act 2007*, has decided to **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 4:00 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. Restricted trading and NYE (except airport, catering, other public entertainment venue, vessel - std)
Consumption on premises
Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)
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 at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

3. Restricted trading & NYE (std)-catering class
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)
4. No drinks commonly referred to as shots, shooters, slammers, and/or bombs, or any drink designed for rapid consumption are to be sold or supplied.
5. Crime Scene Preservation
Immediately after the person in charge of the licensed premises become aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
 - a. Take all practical steps to preserve and keep intact the area where the act of violence occurred
 - b. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police Force.
 - c. Make direct and personal contact with the Police District Commander and his/her delegate and advise the Commander or delegate of the incident and
 - d. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
6. Closed-circuit television system
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, and
 - (ii) the footpath immediately adjacent to the premises.

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.
7. The licensee is to maintain an approved Incident Register with incidents and details of the action taken, to be recorded in the Incident Register at all times.
8. The licensee shall ensure, by adequate supervision methods throughout the premises, that no patron is stockpiling drinks. For this purpose stockpiling shall mean that any one patron has more than two (2) unconsumed drinks at any one time (a patron may purchase up to four (4) drinks at one time).
9. The caterers licence applies only to proposed licensed area, and may not be used for any function or event away from the licensed area.
10. At least 1 RSA marshal must be deployed for any event conducted on the platforms of the station with an anticipated attendance greater than 200 persons.

11. Licensed uniformed security guards must be employed for any event which is scheduled to continue after sunset and has an anticipated attendance greater than 500 persons.
12. Any event where the number of persons attending will be greater than 1500, the licensee/approved manager must:
 - a. give the Newcastle City Police District not less than 28 days' notice prior to the event;
 - b. submit to Police a draft Security Management Plan; and
 - c. obtain Police approval of the Security Management Plan before the event proceeds.
13. The premises are to be operated in accordance with the Alcohol Plan of Management dated November 2018 as may be varied from time to time after consultation with NSW Police. A copy of this plan 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.
14. The licensee must ensure that any planning approval required to use the premises listed on the licence is in force.
15. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

Interior noise levels which, although restricted in accordance with the above condition, still exceed safe hearing levels, are in no way supported or condoned by the Authority.
16. The sale and supply of alcohol shall cease 15 minutes prior to closing time.
17. The licensee shall not permit the conduct of any amplified live music in the outdoor platform area on more than twelve (12) days per calendar month. This restriction does not apply to live entertainment that may be provided during the course of any bona fide pre-booked private function on the premises that is catered for by the licensee or a third party caterer that is not open to the general public.
18. The maximum patron capacity of the licensed premises is 4,500 persons.

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

If you have any questions, please contact the case manager at kieran.mcsherry@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 25 July 2018, Renew Newcastle Limited (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application (“Application”) for a packaged liquor licence (“Licence”) for the premises at corner of Scott and Watt Streets, Newcastle (“Premises”).
2. The Authority considered the Application and decided on 21 November 2018 to grant the Licence under section 45 of the *Liquor Act 2007* (“Act”).
3. A preliminary notification of this decision was sent to the Applicant on 21 November 2018, together with the licence document for the Premises.
4. 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 2018.

Material considered by the Authority

5. The Authority has considered the Application and all submissions received in relation to the Application.
6. 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.
7. 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”).
8. A list of the material considered by the Authority is set out in Schedule 1.

Legislative framework

9. 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) Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6 hour period during which liquor cannot be sold.
 - c) Sections 21-28: Specific provisions in respect of an on-premises liquor licence.
 - d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - e) Section 45: Criteria for granting a liquor licence.
10. An extract of these sections is set out in Schedule 2.

Key findings

11. 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 hour requirements

12. The Authority is satisfied on the material before it that:
 - a) the Application has been validly made and meets the procedural requirements under sections 40 and 51 of the Act, and
 - b) the proposed trading hours for the Premises meets the requirements under sections 11A, 12 and 25 of the Act in respect of trading and 6-hour closure periods.

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

13. 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 licence 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 licensed trading 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 licence, and
- c) the requisite development consent is in force, based on the Notice of Determination of Development Application No. DA2018/00554 in respect of the Premises, issued by Newcastle City Council on 12 September 2018.

Community impact

14. The Authority is satisfied that a Community Impact Statement is not required pursuant to section 48(3) of the Act as the Application is not a relevant application as specified by section 48(2) of the Act.
15. The Authority has taken into consideration the Application 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 Newcastle, and the relevant "broader community" comprises the Local Government Area ("LGA") of Newcastle.

Positive social impacts

17. The Authority notes that the Premises is at the site of the former Newcastle train station, which was decommissioned in 2014. An independent report, informed by extensive community consultation, was commissioned by Revitalising Newcastle to establish how the heritage-listed Newcastle railway station precinct could best be utilised to serve the local community. The report titled "Ideas Festival Outcomes Report 2017" recommended that the venue should be used as a function centre for community activities and events and also showcase local talent, crafts and products, for a trial period until February 2020. The Authority is satisfied that the business model proposed by the Applicant aligns with the findings of this report.
18. The Authority notes that the former platforms and tracks have been converted into a large open space to facilitate outdoor community based events, including an outdoor cinema, markets, food truck events, private and corporate functions, festivals, and live entertainment. In addition, there are six indoor areas which will be utilised to host events such as local art exhibitions and product launches, with a tourist information centre planned in the future.
19. The Authority is satisfied that the granting of the Licence will assist in diversifying the liquor industry in Newcastle and contribute to the renewal of the Newcastle CBD as a cultural centre. The Authority notes that it is envisaged that the venue will serve a wide range of patrons, of varied demographics and interests.
20. The Authority notes that two submissions were received from members of the community in support of the Application, which acknowledged the role the venue will play in revitalising Newcastle and supporting local musicians and artists. In addition, a petition with 60 signatures in support of the Application was provided by the Applicant.
21. Having regard to the information available, the Authority is satisfied that granting the Licence 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 and the related live music, entertainment, tourism, hospitality industries.

Negative social impact

22. The Authority notes that Newcastle has a significantly higher density of all liquor licence types compared to the state average, however, the Authority considers that this reflects the fact that the Newcastle CBD functions as the main commercial, retail and entertainment centre for the wider city of Newcastle, and is therefore not primarily a residential suburb. The Authority notes that the small residential population and high turnover of visitors to the Newcastle suburb may skew density and crime figures.
23. The Authority notes that, according to BOCSAR Crime Maps for the year to June 2018, the Premises was located within large high density hotspots for incidents of alcohol-related assault, non-domestic assault, and malicious damage to property; and in a low density hotspot for incidents of domestic assault.
24. Furthermore, BOCSAR crime data for the year to June 2018 indicates that the rates of alcohol-related domestic and non-domestic assault, malicious damage to property, and alcohol-related disorderly conduct (offensive conduct) in Newcastle were significantly higher than the corresponding NSW rates.
25. The ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Newcastle was amongst the most advantaged suburbs in NSW, ranking in the top 10 percent on the Index of Relative Socio-economic Advantage and Disadvantage, with Newcastle LGA ranking in the top 20 percent of all LGAs on the same index.
26. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Newcastle LGA recorded a higher than average level of alcohol attributable deaths for the period 2009-13, and a lower than average level of alcohol attributable hospitalisations for the period 2011-15.
27. The Authority has considered the submissions received from local residents which raised concerns in relation to the large patron capacity; noise disturbances; anti-social behaviour; lack of adequate parking; proposed trading hours; and the high concentration of licensed premises in the area.
28. The Authority notes that an independent acoustic report was prepared by Muller Acoustic Consulting for the Premises, which recommended that acoustic seals are applied to doors and glazing on the southern side of the venue; that live music should take place in the south western side of the venue; that the Applicant implement a noise disturbance procedure and register; and that neighbours within 50 metres of the venue are provided with fridge magnets with contact details of the Premises should they have concerns. The Authority is satisfied that the Applicant will incorporate these measures at the Premises.
29. The Authority notes that the lack of adequate parking will be addressed in part by the newly constructed light rail, which will have a stop adjacent to the Premises.
30. In response to the concerns in relation to the high saturation of licensed premises in the area, the Authority notes the Applicant's contention that the venue will be the only function centre located within Newcastle CBD; that it will not operate on all days; and that liquor will always be ancillary to the proposed uses of the venue.
31. The Authority notes that the prolonged trading concerns related to the midnight closure that was initially proposed by the Applicant, which was subsequently restricted to 10:00 PM in the development consent for the Premises.
32. The Authority notes that a number of the submitters claimed that the Applicant failed to notify all of the stakeholders required to be notified of the proposal. In response to this, the Applicant claimed that the mailboxes in two apartment blocks were inaccessible due to the access doors being locked and that the notification documentation was left for the concierge and strata management of those buildings. The Authority notes that the Applicant, on the direction of L&GNSW staff, undertook the notification process a second time in order to ensure that all

stakeholders were notified. The Authority is satisfied that the Applicant has made all reasonable efforts comply with advertising requirements.

33. The Authority has considered the submission from L&GNSW Compliance which notes that there are clusters of high-density dwellings in the vicinity of the Premises, and that for large scale events there may be some degree of disturbance to the neighbourhood, but not necessarily undue disturbance. The Authority notes that L&GNSW Compliance has not opposed the Application.
34. The Authority notes that NSW Police does not object to the Application. NSW Police has, however, proposed a number of conditions to be imposed on the licence in order to minimise any potential negative impacts as well as the possibility that the venue could become a “feeder” venue for late trading venues in the Newcastle CBD, all of which have been consented to by the Applicant.
35. The Authority considers that the risk of any detrimental overall social impacts associated with approving the Application is sufficiently mitigated by the following:
 - a) NSW Police and L&GNSW Compliance did not object to the Application;
 - b) The development consent for the Premises is temporary, valid until 1st February 2020, when Newcastle City Council will re-assess the best use for the heritage site;
 - c) Amplified live music in the outdoor platform area will not be permitted on more than 12 days per calendar month;
 - d) The venue will not trade later than 10:00 PM on any day, and will only operate when events and functions are scheduled; and
 - e) Measures set out in the Applicant’s Plan of Management, and the licence conditions imposed on the licence, to reduce the impact on nearby residents and minimise alcohol-related harms arising from the grant of the licence.

Overall social impact

36. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is satisfied that the overall social impact of granting the Licence would not be detrimental to the well-being of the local and broader communities.
37. The Authority is also satisfied that the other legislative criteria for the granting of the Licence have been met.
38. Accordingly, the Authority has decided to grant the Licence under section 45 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 Newcastle LGA recorded, compared to a state benchmark of 100:
 - a. a standardised alcohol-related hospitalisation ration of 97.20 in 2011, 93.40 in 2012, 93.80 in 2013, 96.20 in 2014 and 97.50 in 2015; and
 - b. a standardised alcohol-related mortality ratio of 118.60 in 2009, 119.90 in 2010, 113.30 in 2011, 114.70 in 2012 and 116.80 in 2013.
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, Newcastle ranked in the 10th decile and Newcastle LGA ranked in the 8th decile.
3. NSW Recorded Crime Statistics 2017 outlining offences by day of week and time of day in Newcastle LGA compared to NSW.
4. NSW Recorded Crime Statistics 2017 outlining the number and proportion of selected offences flagged as alcohol related by NSW Police in Newcastle LGA compared to NSW.
5. Ideas Festival Outcomes Report, prepared by Revitalising Newcastle, dated May 2017.
6. NSW crime statistics published by BOCSAR indicating that:
 - a. for the year to June 2017, the rates of:
 - i. alcohol-related domestic assault in Newcastle LGA and Newcastle were 135.5 and 173.0 respectively, compared to the NSW average of 114.7,
 - ii. alcohol-related non-domestic assault in Newcastle LGA and Newcastle were 274.1 and 2,490.5 respectively, compared to the NSW average of 133.0,
 - iii. malicious damage to property in Newcastle LGA and Newcastle were 1,418.7 and 4,946.4 respectively, compared to the NSW average of 806.0,
 - iv. alcohol-related offensive conduct in Newcastle LGA and Newcastle were 74.6 and 1,037.7 respectively, compared to the NSW average of 45.3,
 - b. for the year to June 2018, the rates of:
 - i. alcohol-related domestic assault in Newcastle LGA and Newcastle were 135.5 and 207.5 respectively, compared to the NSW average of 114.0,
 - ii. alcohol-related non-domestic assault in Newcastle LGA and Newcastle were 241.1 and 1,764.1 respectively, compared to the NSW average of 127.3,
 - iii. malicious damage to property in Newcastle LGA and Newcastle were 1,276.4 and 4,047.0 respectively, compared to the NSW average of 768.4, and
 - iv. alcohol-related offensive conduct in Newcastle LGA and Newcastle were 70.2 and 691.8 respectively, compared to the NSW average of 40.3.
7. CCTV Standard Operating Procedure for the Premises dated June 2018.
8. BOCSAR crime hotspot maps for the year to June 2018, indicating the location of the Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
9. Statement of environmental effects for the proposed temporary activation of the former Newcastle railway station, prepared by ADW Johnson, dated June 2018.
10. Completed appointment of manager notice dated 23 June 2018.
11. Completed application dated 23 July 2018.
12. Copy of the public consultation site notice, police notice and local consent authority notice dated 23 July 2018.
13. Correspondence between L&GNSW staff and the Applicant between 25 July 2018 and 21 November 2018 in relation to the assessment of the Application.
14. Noise Disturbance Standard Operating Procedure for the Premises dated August 2018.

15. Noise assessment prepared by Muller Acoustic Consulting, dated August 2018.
16. Completed certification of Advertising dated 2 August 2018.
17. Submission from NSW Police Force on 15 August 2018 in relation to the Application.
18. Notice of determination issued by the City of Newcastle Council on 12 September 2018, approving development application DA2018/00554 for the Premises.
19. Email from City of Newcastle Council to the Applicant's representative in relation to the development consent for the Premises, dated 14 September 2018.
20. Submission from L&GNSW Compliance on 20 September 2018 in relation to the Application.
21. L&GNSW liquor licensing records as at 12 October 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 Newcastle, Newcastle LGA and NSW. The density of on-premises licences is 112.11 in NSW, 138.34 in Newcastle LGA, and 2,833.27 in Newcastle.
22. L&GNSW liquor licensing records as at 12 October 2018 listing all liquor licences in Newcastle.
23. Google map images extracted from the Google website on 23 October 2018, showing the location and photos of the Premises in map view, earth view and street view.
24. Email from NSW Police Force on 19 November 2018 in relation to the Application.
25. Plan of Management documents for the Premises dated November 2018.
26. ASIC business records in relation to the Applicant.
27. ACNC Charity Register Summary in relation to the Applicant.
28. Photograph of the Premises provided by the Applicant.
29. Premises plan for the Premises.
30. Sixteen submissions from members of the public in relation to the Application.
31. Petition in support of the application.
32. Map depicting parking and public transport within the vicinity of 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).

21 Certain kinds of premises not to be licensed

- (1) An on-premises licence must not be granted in respect of any premises if the premises:
- (a) are used primarily for the purposes of carrying out a business or activity, or
 - (b) are of a kind of premises,
- prescribed by the regulations for the purposes of this section.
- (2) The authorisation conferred by an on-premises licence does not apply if the licensed premises:
- (a) are used primarily for the purposes of carrying out any such business or activity prescribed by the regulations, or
 - (b) are premises of any such kind prescribed by the regulations.

22 Primary purpose test

- (1) An on-premises licence must not be granted in respect of any premises if the primary purpose of the business or activity carried out on the premises is the sale or supply of liquor.
- (2) The authorisation conferred by an on-premises licence does not apply if the primary purpose of the business or activity carried out on the licensed premises at any time is the sale or supply of liquor.
- (3) Subsections (1) and (2) do not apply if the premises to which the licence or proposed licence relates:
- (a) are part of an airport, or
 - (b) are located on land occupied by a tertiary institution and cater for students of that institution.
- (4) Subsections (1) and (2) are also subject to such exceptions as may be prescribed by the regulations.

23 On-premises licence must specify business/activity or kind of licensed premises

- (1) An on-premises licence must specify the kind of business or activity carried out on the licensed premises or the kind of licensed premises to which the licence relates.
- (2) Without limiting the kinds of businesses or activities (or the kinds of premises) in respect of which on-premises licences may be granted, an on-premises licence may be granted in respect of a public entertainment venue.
- (3) More than one kind of business or activity or kind of premises may be specified in an on-premises licence. However, a separate on-premises licence is, except in the circumstances referred to in section 25 (6), required for each set of premises.
- (4) The licensed premises to which an on-premises licence relates may be described by reference to the kind of business or activity carried out on the premises or the kind of premises concerned.
- Note.** For example, the terms “licensed restaurant” and “licensed public entertainment venue” are used in this Act to refer to premises in respect of which an on-premises licence relating to a restaurant or public entertainment venue, respectively, is granted.
- (5) The business or activity, or the kind of premises, specified in an on-premises licence may, on application by the licensee, be varied by the Authority. Any such variation may include the addition of a specified business or activity, or a specified kind of premises, in respect of the licence.
- (6) The authorisation conferred by an on-premises licence does not apply if:
- (a) the business or activity carried out on the licensed premises is not the business or activity specified for the time being in the licence, or
 - (b) the licensed premises at any time do not comprise premises of the kind specified for the time being in the licence.

24 On-premises licence—sale or supply of liquor must be with or ancillary to other product or service

- (1) An on-premises licence authorises the sale or supply of liquor only if the liquor is sold or supplied for consumption on the licensed premises with, or ancillary to, another product or service that is sold, supplied or provided to people on the licensed premises.
- (2) Regulations may limit products or services provided on licensed premises. A product or service is not to be considered a product or service for the purposes of subsection (1) if it is, or is of a class, specified by the regulations for the purposes of this subsection.
- (3) Authorisation to sell or supply liquor without other product or service. Despite subsection (1), the Authority may, on application by the holder of an on-premises licence, endorse the licence with an authorisation that allows liquor to be sold or supplied for consumption on the licensed premises otherwise than with, or ancillary to, the other product or service referred to in that subsection.

Note. Section 51 applies to any such authorisation.

- (3A) However, the other product or service must be available on the licensed premises at all times while the authorisation operates to allow liquor to be sold or supplied otherwise than with, or ancillary to, the product or service.
- (4) Subsection (1) does not apply if the premises to which the licence relates:
 - (a) are part of an airport, or
 - (b) are located on land occupied by a tertiary institution and cater for students of that institution, or
 - (c) are exempt from the primary purpose test referred to in section 22.

25 Authorisation conferred by on-premises licence (generally)

- (1) An on-premises licence authorises the licensee to sell liquor by retail on the licensed premises for consumption on the premises only.
- (2) Trading hours for consumption on premises. The times when liquor may be sold for consumption on the licensed premises are during the standard trading period or at such other times as may be authorised by an extended trading authorisation.
- (3) Restricted trading days. Despite subsection (2), the times when liquor may be sold for consumption on the licensed premises on a restricted trading day are as follows:
 - (a) between midnight and 5 am on that day (but only if authorised by an extended trading authorisation),
 - (b) between 5 am and noon on that day (but only if authorised by an extended trading authorisation and only if the liquor is sold with or ancillary to a meal served in a dining area on the licensed premises),
 - (c) between noon and 10 pm on that day (but only if the liquor is sold with or ancillary to a meal served in a dining area on the licensed premises),
 - (d) between 10 pm and midnight on that day (but only if authorised by an extended trading authorisation and only if the liquor is sold with or ancillary to a meal served in a dining area on the licensed premises).

Note. Section 49 (7) restricts the granting of an extended trading authorisation for licensed public entertainment venues on restricted trading days.

- (4) Subsection (3) does not apply to:
 - (a) licensed premises that are part of an airport, or
 - (b) an on-premises licence that relates to a catering service.
- (5) Trading on new year's eve. On 31 December in any year, liquor may be sold for consumption on the licensed premises from the start of the standard trading period for that day until 2 am on the next succeeding day. This subsection does not limit the operation of any extended trading authorisation that applies in relation to the licensed premises concerned.
- (6) Trading on premises other than licensed premises. An on-premises licence also authorises the licensee to sell liquor by retail on such premises and in such circumstances as the Authority may, on application by the licensee, authorise, but only for consumption on those premises and at such times as are specified by the Authority in the licence. Any such premises are, subject to the regulations, taken to be licensed premises for the purposes of this Act.
- (7) The regulations may make provision for or with respect to the granting of an authorisation under subsection (6) (including limiting the circumstances for which such an authorisation may be granted by the Authority).

Note. Section 51 also applies to an authorisation under subsection (6).

- (8) Special provisions relating to licensed accommodation premises. An on-premises licence that relates to accommodation premises also authorises the licensee to sell liquor by retail on the licensed premises:
 - (a) for consumption on the licensed premises only—at any time on any day (including a restricted trading day) to a resident (or a guest of a resident while in the resident's company) or an employee of the licensee, and
 - (b) to a resident at any time for consumption away from the licensed premises, but only if:
 - (i) the sale is ancillary to the provision of a meal for consumption away from the licensed premises, and
 - (ii) the volume of liquor supplied to any such resident on any one day does not exceed 2 litres.

- (9) Special provisions relating to licensed vessels Despite any other provision of this section, an on-premises licence that relates to a vessel authorises the licensee to sell liquor by retail to passengers on board the vessel, for consumption on board the vessel only:
- (a) between the period commencing one hour before the vessel starts any voyage or passage and ending 30 minutes after the voyage or passage is completed, or
 - (b) at such other times, or in such other circumstances, as the Authority may, on application by the licensee, authorise.

Note. Section 51 applies to an authorisation referred to in paragraph (b).

26 Authorisation to sell liquor for consumption away from licensed premises in special circumstances

- (1) Despite section 25 (1), liquor may be sold by retail on the licensed premises to which an on-premises licence relates for consumption away from the licensed premises if the licence is, on application by the licensee, endorsed by the Authority with an authorisation for the purposes of this section.
- (2) An authorisation under this section does not authorise the sale of liquor on a restricted trading day.
- (3) In granting an authorisation under this section, the Authority is to specify the circumstances in which, and the times when, liquor may be sold for consumption away from the licensed premises.
- (3A) An authorisation under this section must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.
- (4) The regulations may make provision for or with respect to the granting of an authorisation under this section (including limiting the circumstances for which such an authorisation may be granted by the Authority).

Note. Section 51 applies to an authorisation under this section.

27 Requirement to provide food on licensed premises

- (1) Liquor may only be sold or supplied on the licensed premises to which an on-premises licence relates if food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied under the authorisation of the licence.
- (2) If any requirements are prescribed by the regulations in relation to the nature of any such food, those requirements must be complied with.
- (3) Subsection (1) is subject to such exceptions as may be approved by the Authority in relation to any particular licensed premises.

28 Certain licensed premises must be open to general public

- (1) This section applies to an on-premises licence that relates to:
 - (a) a restaurant, or
 - (b) a public entertainment venue.
- (2) The business carried out under an on-premises licence to which this section applies must not be, or include, a business that is limited to the sale or supply of liquor only:
 - (a) to persons who have been invited to use or attend the licensed premises, or
 - (b) to a particular class, or particular classes, of persons using or attending the licensed premises.
- (3) Subsection (2) is subject to such exceptions as may be approved by the Authority on a temporary basis in relation to any particular licensed premises or to such other exceptions as may be prescribed by the regulations. Also, subsection (2) does not apply to the extent that is necessary to comply with any other provision of this Act or with any other law.

40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by:
 - (a) an individual, or
 - (b) a corporation, or
 - (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10 (1) of the *Registered Clubs Act 1976*.
- (3) An application for a licence may not be made by:
 - (a) an individual who is under the age of 18 years, or
 - (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
 - (c) an individual who is a controlled member of a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*.

Note. Controlled members are prohibited from applying for licences—see section 27 of the Crimes (Criminal Organisations Control) Act 2012.

- (4) An application for a licence must:

- (a) be in the form and manner approved by the Authority, 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) be advertised in accordance with the regulations, and
- (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

Note. See also section 48 which requires a community impact statement to be provided with certain licence applications.

- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

45 Decision of Authority in relation to licence applications

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
 - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - (b) practices will be in place at the licensed premises as soon as the licence is granted 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 that those practices will remain in place, and
 - (c) if development consent is required under the Environmental Planning and Assessment Act 1979 (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.

Note. Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person:
 - (a) that the person:
 - (i) is a member of, or
 - (ii) is a close associate of, or
 - (iii) regularly associates with one or more members of, a declared organisation within the meaning of the Crimes (Criminal Organisations Control) Act 2012, and
 - (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:
 - (a) is of good repute, having regard to character, honesty and integrity, and
 - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.