



**Independent
Liquor & Gaming
Authority**

A statutory board established under the Gaming and Liquor Administration Act 2007

Mr Matthew Haddad
Matvic Pty Ltd



30 March 2023

Dear Mr Haddad

Application No.	APP-0010271690
Applicant	Matvic Pty Ltd
Application for	New packaged liquor licence
Licence name	Matvic Pty Ltd
Trading hours	Retail Monday to Sunday 10:00 AM – 10:00 PM
Premises	1 Bridge Street, Moree NSW 2400
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a new packaged liquor licence – Matvic Pty Ltd**

The Independent Liquor & Gaming Authority considered the application above and decided on 18 January 2023 to **refuse** the application under section 45 of the *Liquor Act 2007*.

Statement of reasons

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, Andrew Whitehead, at andrew.whitehead@liquorandgaming.nsw.gov.au

Yours faithfully

Caroline Lamb

Chairperson

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

STATEMENT OF REASONS

DECISION

1. On 2 August 2022, Mr Matthew Haddad (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application (“Application”) for a new packaged liquor licence (“Licence”) for the premises at 1 Bridge Street, Moree NSW 2400 (“Premises”).
2. The Application for a packaged liquor licence was lodged under section 29 of the *Liquor Act 2007* (“Act”).
3. The Authority considered the Application at its meeting on 18 January 2023 and decided to refuse the new packaged liquor licence under section 29 and 48 of the *Liquor Act 2007* (“Act”).
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, the accompanying community impact statement (“CIS”), 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 *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018.
10. The Authority has also had regard to its *Guideline 6* in considering the overall social impact of approving the application pursuant to section 48 of the Act.

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 meets the regulatory requirements for a valid Application, and
 - b) the CIS submitted with the Application complies with the relevant requirements.

Development consent

13. The Authority is also satisfied that the requisite development consent is in force, based on the local development consent DA2022/76 in respect of the Premises, issued by Moree Plains Shire Council on 29 November 2022.

Community impact

Local and broader communities

14. 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 Moree, and the relevant “broader community” comprises the Local Government Area (“LGA”) of Moree Plains.

Licence density

15. The Authority notes that Moree has a relatively high saturation of packaged liquor licences compared to the NSW average and a high saturation of liquor outlets generally.
16. The Authority also notes the public objections submitting their concerns with the saturation of existing packaged liquor outlets in the suburb and the close proximity of the proposed premises to existing packaged liquor stores.

Crime data

17. The relevant BOCSAR data indicates that, in the year to June 2022:
 - a) the Premises are located within hotspots for incidents of alcohol-related assault, domestic and non-domestic assault, and malicious damage to property
 - b) Moree recorded substantially **higher** rates of alcohol-related assault (domestic and non-domestic), malicious damage to property and alcohol-related disorderly conduct, compared to the NSW state average, and
 - c) Moree Plains LGA also recorded substantially **higher** rates of alcohol-related assault (domestic and non-domestic), malicious damage to property and alcohol-related disorderly conduct, compared to the NSW state average.

Alcohol-related health data

18. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Moree Plains recorded a **higher** than average level of alcohol-attributable deaths and a **lower** than average level of alcohol-attributable hospitalisations for the period 2018-2020.

SEIFA

19. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Moree and Moree Plains were relatively disadvantaged compared to other suburbs and LGAs in NSW, and the Authority has no information to suggest that position has changed subsequent to 2016.

Business model

Purported benefits

20. The Authority has had regard to the purported benefits, noting that this application is for a 'standalone' package liquor store in the suburb of Moree, which will offer a drive through and "park and browse" service at the premises as well as a next day delivery service.
21. The Authority considers the proposed benefits above to be limited by the absence of any substantive evidence of community support for the Application, noting that there were objections from members of the community.

Stakeholder submissions

22. The Authority has had regard to the submissions from:
 - a) **NSW Police Force**, which does not object to the Application and noted:
 - i. the changes to the liquor plan of management to align with the current guidelines and
 - ii. the revised reduced trading hours.
 - b) **Local Council**, which does not object to the Application and recommended:
 - i. the liquor licence be consistent with L&GNSW's standard requirements with tailored conditions as appropriate.
 - c) **Three members of the public**, who objected to the grant of the packaged liquor licence and note that:

- i. the addition of another packaged liquor outlet in the area may result in an increase in alcohol related crime, intoxication, and a loss of public amenity for residential and commercial premises and on the adjacent park area (located in an alcohol-free zone)
- ii. the premises may not be considered safe after 10:00 PM
- iii. the proposed premises is in close proximity to other liquor outlets in the suburb and is not required to service the community currently.

23. The Authority has also had regard to the Applicant's submission in response which notes that:

- a) the low number of objections implies a generally low level of interest in, or concern regarding, the application
- b) they have consented to licence conditions and will operate under a plan of management designed to minimise risk and mitigate potential harm
- c) the licensing of an additional liquor outlet is not particularly problematic considering the availability of liquor from other sources in the town of Moree
- d) the proposed site has been used for commercial purposes historically, and is surrounded predominately by commercial venues rather than residential properties
- e) CCTV and sufficient lighting of the area surrounding will provide added security and will create natural casual surveillance in an area where it is lacking, and
- f) the premises will be able to provide an additional service to the community and, via its drive through offering, would provide a convenient way for community members and travellers to purchase liquor.

Findings of concern

24. Having regard to the submissions received, including the Applicant's reply submission, the Authority finds that there is a risk that if the packaged liquor licence were to be granted, liquor sold from the Premises would, contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.
25. The Authority noted the high rates of crime in the local community and the high alcohol outlet saturation. Notwithstanding the absence of expressed objections from NSW Police, the high crime rates and alcohol related domestic violence statistics in the community are matters of concern. The Authority also noted that the lack of submissions from local Aboriginal groups and may suggest that they have not had an adequate opportunity to participate in consultation.

Mitigating factors

26. The Authority recognises that the risk may be somewhat mitigated by the Applicant's proposal to provide additional CCTV and sufficient lighting of the area surrounding which may provide added surveillance in an area where it is currently lacking.

CONCLUSION

27. Having considered the number of liquor outlets and the likely impacts, both positive and negative, that may flow from granting the packaged liquor licence, as well as the Applicant's efforts to mitigate the potential associated risks, the Authority has determined that the overall social impact of granting the Application would be detrimental to the well-being of the local and broader communities.
28. Accordingly, the Authority has decided to refuse the Application under section 29 and 48 of the Act.



Caroline Lamb

Chairperson

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

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 & Gaming NSW 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
Matvic Pty Ltd

Application material

1. ASIC business records in relation to the Applicant dated 7 January 2022.
2. Completed Category B Community Impact Statement dated 20 May 2022.
3. Completed packaged liquor licence application dated 2 August 2022.
4. Floor plan for the Premises dated 11 August 2022, indicating the proposed licensed area will apply.
5. Completed certification of advertising dated 24 August 2022.
6. Plan of Management documents for the Premises dated December 2022.

Development consent

7. Notice of determination issued by Moree Plains Council on 29 November 2022, approving the local development consent DA2022/76 for the Premises.

Liquor & Gaming LiveData Report

8. L&GNSW Liquor & Gaming LiveData Report for the suburb of Moree, generated on 5 December 2022, which sets out that:

Outlet diversification

- a) There are **26** authorised liquor licences in Moree. Of these, **12** are authorised to sell packaged liquor. This includes **2** packaged liquor licences, **3** registered club licences, **6** full hotel licences and **1** producer/ wholesaler licence.

Outlet density (annual rate per 100,000 residents)

- a) saturation of packaged liquor licences in Moree (**28.29**) is **higher** compared to Moree Plains LGA (**15.69**), and **lower** compared to NSW (**38.32**)
- b) saturation of club liquor licences in Moree (**42.43**) is **lower** compared to Moree Plains LGA (**47.06**), and **higher** compared to NSW (**15.71**)
- c) saturation of hotel liquor licences in Moree (**84.87**) is **lower** compared to Moree Plains LGA (**94.11**), and **higher** compared to NSW (**24.86**)
- d) saturation of producer/ wholesaler liquor licences in Moree (**14.14**) is **higher** compared to Moree Plains LGA (**7.84**), and **lower** compared to NSW (**21.88**)

Offence data (annual rate per 100,000 residents)

In the year to June 2022:

- a) alcohol-related domestic assault in Moree (**691.4**) was **higher** compared to the Moree Plains (**634.7**), and **higher** compared to all NSW (**112.7**)
- b) alcohol-related non-domestic assault in Moree (**399.7**) was **higher** compared to the Moree Plains (**374.7**), and **higher** compared to all NSW (**87.0**)
- c) alcohol-related offensive conduct in Moree (**162.1**) was **higher** compared to the Moree Plains (**122.4**), and **higher** compared to all NSW (**22.0**)
- d) malicious damage to property in Moree (**4073.0**) was **higher** compared to the Moree Plains (**3479.4**), and **higher** compared to all NSW (**581.0**)

Alcohol-attributable hospitalisations & deaths (per 100,000 residents)

- a) In the period 2018-2020 the alcohol-attributable death rate in Moree Plains (**23.8**) was **higher** compared to the average across all of NSW (**19.6**)
- b) In the period 2018-2020 the alcohol-attributable hospitalisation rate in Moree Plains (**380.8**) was **lower** compared to the NSW average (**502.9**).

SEIFA

- a) According to the SEIFA Index of Relative Economic Advantage & Disadvantage, households in Moree and Moree Plains are socio-economically disadvantaged and disadvantaged respectively (**bottom 2%** and **bottom 2%** of NSW households, in terms of household income and residents in skilled occupations).

Stakeholder submissions

9. Submission from a member of the public, dated 12 August 2022.
10. Submission from a member of the public, dated 16 August 2022.
11. Submission from Council, dated 18 August 2022.
12. Submission from a member of the public, dated 19 August 2022.
13. Submission from NSW Police, dated 5 December 2022.

Other relevant information

14. Correspondence between L&GNSW staff and the Applicant between 15 August 2022 and 9 December 2022 in relation to the assessment of the Application.
15. Google map images extracted from the Google website complied on 5 December 2022, showing the location and photos of the Premises in map view.
16. Additional correspondence from the applicant dated 9 December 2022, including a copy of the Remediation Action Plan for Bridge Street Garage Moree, dated June 2014.

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

Matvic Pty Ltd

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.
 - (d) the need to support employment and other opportunities in the—
 - (i) live music industry, and
 - (ii) arts, tourism, community and cultural sectors.

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)(b), the **standard trading period** for premises to which this subsection applies ends at midnight on a Sunday that falls on 24 or 31 December.
- (1C) Subsection (1B) applies to the following premises or part of premises—
 - (a) if the primary purpose of the business carried 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 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).

29 Authorisation conferred by packaged liquor licence

- (1) **Retail sales** A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only—
 - (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
 - (b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to midnight on that day.

- (2) **No retail trading on restricted trading days** Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.
- (3) **Selling liquor by wholesale or to employees** A packaged liquor licence also authorises the licensee—
 - (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and
 - (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.
- (3A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—
 - (a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and
 - (b) on any other day—after midnight.
- (4) **Tastings** A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

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.

44 Submissions to Authority in relation to licence applications

- (1) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for a licence.
- (2) 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 licence.

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.
- (7) In deciding whether or not to grant a licence, the Authority must consider whether, if the licence were granted, it
 - would provide employment in, or other opportunities for, any of the following—
 - (a) the live music industry,
 - (b) the arts sector,
 - (c) the tourism sector,
 - (d) the community or cultural sector.

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.
 - (c) whether the granting of the application would provide employment in, or other opportunities for, any of the following—
 - (i) the live music industry,
 - (ii) the arts sector,
 - (iii) the tourism sector,
 - (iv) community or cultural sector.
- (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
 - (a1) any published cumulative impact assessment that applies to the area in which the premises the subject of the application are located, 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.