



Mr Tony Mathew
Secretary
Western Suburbs League Club (Campbelltown) Ltd
tonym@westslc.com.au

25 February 2019

Dear Mr Mathew

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| Application No. | 1-6846120881 |
| Applicant | Western Suburbs League Club (Campbelltown) Ltd |
| Application for | Club licence Non-restricted area authorisation Junior members authorisation Club functions authorisation |
| Licence name | The Greens Gledswood Hills |
| Trading hours | <u>Consumption on premises</u> Monday to Friday 10:00 am – 12:00 am Saturday 9:00 am to 12:00 am Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Sunday 10:00 am – 10:00 pm |
| Premises | 880 Camden Valley Way GLEDSWOOD HILLS NSW 2557 |
| Legislation | Sections 3, 11A, 12, 13, 18, 19, 20, 40, 45 and 48 of the <i>Liquor Act 2007</i> . Sections 10, 22, 22A, 23 and 23A of the <i>Registered Clubs Act 1976</i> |

**Decision of the Independent Liquor and Gaming Authority
Application for a club licence and associated applications for a non-restricted area
authorisation, a junior members authorisation and a club functions authorisation
The Greens Gledswood Hills**

The Independent Liquor and Gaming Authority first considered the applications above at its meeting on 17 October 2018 and, pursuant to section 45 of the *Liquor Act 2007* and sections 22, 22A and 23 of the *Registered Clubs Act 1976*, decided on 8 November 2018 to **approve** the applications 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 3:00 AM and 9:00 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
Consumption on premises
Good Friday Normal trading
Christmas Day Normal trading
December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later
3. Restricted trading and NYE
Take away sales
Good Friday Not permitted
Christmas Day Not permitted
December 31st Normal trading

4. 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 licence.
5. Non-restricted area authorisation: Applies to the restaurant, sports bar, and terraces.
6. Club functions authorisation: Applies to the restaurant, sports bar, and terraces.
7. Junior members authorisation: Applies to the restaurant, sports bar, and terraces.
8. Club functions authorisation: The registered club is to ensure that not less than one (1) supervisor for each one hundred (100) minors or part thereof, such supervisors being persons not less than twenty one (21) years of age, are engaged or assigned by the registered club for the purpose of supervising the conduct of minors whilst they are attending the function. At least thirty (30) minutes before the commencement of the function and for not less than thirty (30) minutes after the conclusion of the function the persons required to be engaged or assigned pursuant to the above condition must patrol the exterior environs of the licensed premises to ensure the safe conduct of persons attending the function and that such persons do not disturb the quiet and good order of the neighbourhood.
9. 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:
 - a. all entry and exit points on the premises,
 - b. the footpath immediately adjacent to the premises, and
 - c. 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.
10. Crime scene preservation

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

 - 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
 - 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,
 - 3) make direct and personal contact with NSW Police to advise it of the incident, and
 - 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.
11. The premises is to be operated at all times in accordance with the Wests Group of Clubs Responsible Service of Alcohol and Responsible Conduct of Gambling House Policies 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.

12. No more than 40 gaming machines may be authorised for the premises.
13. The licensee or its representative must join and be an active participant in the local liquor accord.
14. 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.

15. No drinks commonly referred to as “shots”, “shooters”, “slammers” and/or “bombs” nor any other alcoholic drinks that are designed to be consumed rapidly are to be sold or supplied on the premises.
16. The licensed premises must cease to trade by 10:00 PM, on public holidays.
17. The maximum patron capacity of the licensed premises is 615 persons.

Licence cannot be exercised until premises is ready to trade

Please note that the licence cannot be exercised unless and until Liquor & Gaming NSW has been provided with evidence that the premises is complete and ready to trade.

Approved manager or individual licensee

Please note that the licence cannot be exercised unless and until Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

Trading between 10 pm and 11 pm, Monday to Saturday

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. Nevertheless, 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.

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 beatrice.pitpaiaac@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 7 June 2018, Western Suburbs League Club (Campbelltown) Ltd (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application for a club licence (“Licence”) for the premises at 880 Camden Valley Way, Gledswood Hills (“Premises”), to be known as The Greens Gledswood Hills.
2. The Applicant also lodged associated applications for a non-restricted area authorisation (“NRAA”), a junior members authorisation (“JMA”) and a club functions authorisation (“CFA”) for the Premises.
3. The Authority first considered the applications at its meeting on 17 October 2018 and, following the receipt and consideration of further requested information, decided on 8 November 2018 to grant:
 - a) the Licence under section 45 of the *Liquor Act 2007* (“Act”), which authorises liquor to be sold by retail on the Premises to members of the club or their guest, for consumption on or away from the Premises,
 - b) the NRAA under section 22 of the *Registered Clubs Act 1976* (“Clubs Act”), which allows minors to attend the restaurant, sports bar and terraces of the Premises,
 - c) the JMA under section 22A of the Clubs Act, which allows club members who are minors to access the restaurant, sports bar and terraces of the Premises to take part in sporting activities or associated prize-giving ceremonies, and
 - d) the CFA under section 23 of the Clubs Act, which allows minors to attend certain functions in the restaurant, sports bar and terraces of the Premises.
4. The licence document was issued to the Applicant with a preliminary notification of this decision on 22 November 2018.
5. In reaching this decision, the Authority has had regard to the material before it and the legislative requirements under the Act and the Liquor Regulation 2008.
6. Pursuant to section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is only required to publish reasons for its decision in respect of the Licence application (“Application”). Accordingly, this statement of reasons is prepared in respect of the Application, while providing a formal record of the Authority’s decision in relation to the applications for the NRAA, JMA and CFA.

Material considered by the Authority

7. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
8. 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.
9. 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”).
10. A list of the material considered by the Authority is set out in Schedule 1.

Legislative framework

11. The Authority has considered the Application in the context of the following legislative provisions under the Act:

- a. Section 3: Statutory objects of the Act and relevant considerations.
 - b. Section 11A: The mandatory 6 hour period during which liquor cannot be sold.
 - c. Section 12: The standard trading period for licensed premises, including clubs.
 - d. Sections 18-20: Provisions specific to a club licence.
 - e. Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - f. Section 45: Criteria for granting a liquor licence.
 - g. Section 48: Requirements in respect of a CIS.
12. An extract of these sections is set out in Schedule 2.

Key findings

13. 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

14. The Authority is satisfied on the material before it that:
- a) the Application has been validly made and meets the procedural requirements under section 40 of the Act, and
 - b) the proposed trading hours for the Premises meet the requirements under sections 11A, 12 and 18 of the Act in respect of trading and 6-hour closure periods.

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

15. 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 and prevent intoxication on the premises, having regard to the plan of management for the Premises and the licence conditions to be imposed, and
 - c) the requisite development consent is in force, based on the written confirmation from Camden Council on 16 July 2018.

Requirements to be met by a club

16. Pursuant to section 19 of the Act and having regard to the letter and information received from the Applicant on 5 November 2018, the Authority is satisfied that the Premises will operated as a bona fide registered club that meets the requirements of section 10(1) of the Clubs Act and otherwise complies with the Clubs Act.
17. The Authority notes that the Applicant holds four other club licences for four separate premises, in compliance with section 19(2) of the Act.
18. Pursuant to section 20 of the Act, the Authority is also satisfied that the Applicant does not hold a hotel licence or have any financial interest in a hotel, and that no cash advance will be available on the Premises.

Community impact statement

19. 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.

20. For the purposes of this decision and consistent with its position in *Guideline 6*, the Authority considers the relevant “local community” to be the suburb of Gledswood Hills, and the relevant “broader community” to be the Local Government Area (“LGA”) of Camden.

Positive social impacts

21. Gledswood Hills is a new master-planned community in the Camden LGA, recording a population of only 22 people at the time of the 2016 Census. The Authority accepts that the Camden LGA as a whole, including areas surrounding the Premises, is undergoing substantial redevelopment, and that the anticipated population growth as a result of the current and planned development would likely create more demand for liquor.
22. The density of club licences in Gledswood Hills, in terms of licences per 100,000 persons of the population, is significantly higher than the NSW state average. The Authority accepts that this high density figure is attributable to the small population recorded for the suburb, noting that there is currently one existing club in Gledswood Hills. The Authority also notes that the density of club licences in the Camden LGA is considerably lower than the state average.
23. The Authority accepts the Applicant’s contention that if the Licence is granted, the Premises would provide the growing local and broader communities with a contemporary golf facility and a range of amenities enabling patrons to consume liquor while they socialise, eat, participate in sporting events and enjoy other services and entertainment.
24. In reaching the finding above the Authority has taken into consideration four submissions from local residents and sporting clubs in support of the Application.
25. Having regard to 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 related industries such as the hospitality industry.

Negative social impact

26. The BOCSAR data before the Authority at the time of its consideration of the Application indicates that, for the year to June 2018:
- a) the Premises was not located within any hotspot for incidents of alcohol related assault, domestic assault, non-domestic assault and malicious damage to property,
 - b) the Camden LGA recorded lower rates of alcohol related assault (domestic and non-domestic), malicious damage to property and alcohol related disorderly conduct when compared to the NSW state average, and
 - c) no comparable crime rates were recorded for Gledswood Hills due to the small size of the suburb’s population.
27. The HealthStats NSW data available at the time of the Authority’s consideration of the Application indicates that the Camden LGA recorded lower than average levels of alcohol attributable deaths and alcohol attributable hospitalisations in the periods 2012-13 and 2013-15 respectively.
28. The ABS Socio-Economic Indexes for Areas (“SEIFA”) data as at 2016 indicates that Gledswood Hills and the Camden LGA ranked among the most advantaged suburbs and LGAs in NSW on the Index of Relative Socio-economic Advantage and Disadvantage.
29. The Authority considers that the statistics above do not raise immediate concerns about the prevailing level of alcohol related harm experienced by the local or broader community.
30. One submission was received from two members of the public opposing the operation of gaming machines at the Premises, stating that they would otherwise support the granting of the Licence. The Authority notes that granting the Licence would not automatically permit gaming machines to be operated on the Premises, as the Premises would only have a gaming machine

threshold of zero. Accordingly, it would be more appropriate to consider the potential social impact of gambling activities on the Premises when an application to increase the club's gaming machine threshold is made.

31. A submission was received from NSW Health which, while not opposing the granting of the Licence, expressed some concerns over the rates of domestic assault in the Camden LGA, the possibility of increased drink driving and the potential harm associated with gaming machines on the Premises.
32. Having regard to the Applicant's response to this submission and other available information, the Authority considers the concerns raised by NSW Health to have been adequately addressed, given that:
 - a) the stated concern that the Camden LGA has an above average level of domestic violence is not supported by the submission from NSW Police or the BOCSAR statistics indicating that the LGA has a lower than average rate of alcohol related domestic assault,
 - b) the harm minimisation measure suggested by NSW Health in respect of shuttle bus services has been adopted by the Applicant, and
 - c) the potential harm associated with gaming machines on the Premises should be considered when the Applicant lodges a gaming machine related application, as the Licence itself carries no entitlement to operate gaming machines on the Premises.
33. The Authority accepts that there may be a risk that, if the Licence is granted, liquor sold or supplied at the Premises will over time contribute to an increase in alcohol related crime, health and other social and amenity issues in the local and broader communities.
34. The Authority nevertheless considers that the risk of any detrimental overall social impacts associated with approving the Application is sufficiently mitigated by:
 - a) the absence of objections to the granting of the Licence,
 - b) the harm minimisation measures proposed in the plan of management documentation titled "Responsible service of alcohol and responsible conduct of gambling house policies – Wests Group of Clubs House Policies", and
 - c) the Applicant's consent to all of the licence conditions proposed by NSW Police and L&GNSW, including the maintenance of a CCTV system, prohibition of shots and ongoing compliance with the plan of management, to facilitate the responsible service of liquor on the Premises and minimisation of alcohol related harm.

Overall social impact

35. Having considered the positive and negative social impacts that are likely to flow from approving the Application, 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.
36. The Authority is also satisfied that the other legislative criteria for the granting of the Licence have been met.
37. 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 Camden LGA recorded, compared to a state benchmark of 100:
 - a. a smoothed standardised mortality ratio of 97.2 for the period 2012-13, and
 - b. a smoothed standardised separation ratio of 78.8 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:
 - a. Gledswood Hills ranked in the 10th decile, and
 - b. Camden LGA ranked in the 9th decile.
3. BOCSAR NSW Recorded Crime Statistics 2017 in respect of crime data in Camden LGA compared to NSW.
4. Development consent issued by Camden Council on 17 April 2018, approving development application DA/2015/840/1 in relation to the Premises.
5. Three submissions from members of the public between 3 May and 1 June 2018 in relation to the Application.
6. Two submissions from local sporting clubs between 2 and 8 May 2018 in relation to the Application.
7. Completed application forms dated 7 June 2018, the relevant notices of application, and other documents in respect of the Applicant's identity and probity.
8. Completed Category B CIS dated 7 June 2018, with supporting documents attached.
9. Submission from NSW Transport Roads & Maritime Services on 18 May 2018 in relation to the Application.
10. BOCSAR Crime Hotspot Maps for the year to June 2018, indicating the location of the Premises relative to hotspots for incidents of alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
11. NSW crime statistics published by BOCSAR indicating that, for the year to June 2018:
 - a. Camden LGA recorded the following crime rates:
 - i. 96.9 for alcohol related domestic assault compared to the NSW average of 114.0,
 - ii. 90.7 for alcohol related non-domestic assault compared to the NSW average of 127.3,
 - iii. 550.5 for malicious damage to property compared to the NSW average of 768.4,
 - iv. 34.8 for alcohol related disorderly conduct (offensive conduct) compared to the NSW average of 40.3, and
 - b. the crime rates for the suburb of Gledswood Hills were 'not computed'.
12. Submissions from South Western Sydney Local Health District, NSW Health, on 12 June and 5 July 2018 in relation to the Application.
13. Submission from Camden Council on 16 July 2018 in relation to the Application.
14. Certificate of advertising dated 24 July 2018.
15. Submission from NSW Police on 31 July 2018 in relation to the Application.
16. L&GNSW liquor licensing records as at 25 September 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 NSW, Camden LGA and Gledswood Hills. The density of club licences was 17.34 in NSW, 7.67 in Camden LGA and 4545.45 in Gledswood Hills.
17. L&GNSW liquor licensing records as at 25 September 2018 listing all club licences in Camden LGA.

18. Google map images extracted from the Google website on 2 October 2018, showing the location and photo of the Premises in map view, earth view and street view.
19. Plan of management for the Premises, titled "West's Group of Clubs Responsible Service of Alcohol and Responsible Conduct of Gambling House Policies.
20. Premises plan for the Premises, setting out the licensed area and the area to which the authorisations apply.
21. Correspondence between L&GNSW staff and the Applicant between 20 July and 5 November 2018 in respect of the assessment of the Application and the submissions received.

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).

18 Authorisation conferred by club licence

- (1) A club licence authorises the licensee to sell liquor by retail on the licensed premises to a member of the club (or a guest of a member of the club) for consumption on or away from the licensed premises.
- (2) Trading hours for consumption on premises The times when liquor may be sold for consumption on the licensed premises are as follows:
 - (a) during the standard trading period or at such other times as may be authorised by an extended trading authorisation,
 - (b) on 31 December in any year (but without limiting the operation of any extended trading authorisation)—from the start of the standard trading period for that day until 2 am on the next succeeding day.
- (3) Trading hours for consumption away from premises Liquor may be sold for consumption away from the licensed premises during the standard trading period or at such other times as may be authorised by an extended trading authorisation.
- (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) No take-away sales on restricted trading days However, the sale of liquor for consumption away from the licensed premises is not authorised on a restricted trading day.

19 Club licence—general provisions

- (1) A club licence may only be granted to a club that:
 - (a) meets the requirements specified in section 10(1) of the *Registered Clubs Act 1976*, and
 - (b) otherwise complies with the requirements of that Act.
- (2) If a registered club owns or occupies more than one set of premises:
 - (a) each set of premises must be separately licensed under this Act, and
 - (b) the entity comprising the registered club is the licensee for each set of licensed premises.
- (3) The regulations may create exceptions to this section.

20 Club licence—miscellaneous conditions

- (1) The following requirements apply in relation to a registered club:
 - (a) the club must not hold a hotel licence or acquire any financial interest in a hotel,
 - (b) the manager of the licensed premises must not provide a cash advance on the premises, or permit a cash advance to be provided on the premises on behalf of the club otherwise than as a prize or bonus won as a direct or indirect consequence of participating in a form of gambling that may lawfully be conducted on the licensed premises.
- (2) Subsection (1) (a) does not apply to or in respect of a hotelier's licence or financial interest in a hotel that was granted to (or acquired by) a club before 2 April 2002.

Note. The prohibition on a registered club holding a hotelier's licence or acquiring a financial interest in a hotel was previously contained in section 9A (1AA) of the *Registered Clubs Act 1976* (as inserted by Schedule 3 [6] to the *Gaming Machines Act 2001*). The previous prohibition did not apply to licences or financial interests granted or acquired before the commencement of section 9A (1AA)—see clause 89 of Schedule 2 to the *Registered Clubs Act 1976*.

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.

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:
- the views of the local community, and
 - 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:
- an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
 - an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
 - an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
 - 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),
 - 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),
 - any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
 - 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:
- 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
 - 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:
- an application for a small bar licence,
 - an application for approval to remove a small bar licence to other premises,
 - an application for an extended trading authorisation for a small bar,
 - 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:
- the application relates to the same premises as the premises to which a general bar licence relates, and
 - 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:
- 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
 - 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:
- be prepared in accordance with the regulations and any requirements of the Authority, and
 - 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:
- the community impact statement provided with the application, and
 - 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.