



Mr Tony Johnston
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30 May 2019

Dear Mr Johnston,

Application No.	1-6492977095
Applicant	Moorebank Sports Club Limited
Application for	A New Registered Club Licence Extended Trading Authorisation Club Functions Authorisation Non-Restricted Area Authorisation
Licence name	Gregory Hills Sports Club
Trading hours	<u>Consumption on Premises</u> Monday to Wednesday 10:00 AM – 11:00 PM Thursday 10:00 AM – 12:00 Midnight Friday and Saturday 10:00 AM – 1:00 AM Sunday 10:00 AM – 10:00 PM <u>Takeaway sales</u> Monday to Sunday 10:00 AM – 9:59 PM
Premises	Corner of Gregory Hills Drive and Rodeo Road Central Hills Business Park Gregory Hills NSW 2557
Legislation	Sections 3, 11A, 12, 18, 19, 20, 40, 45, 48, 49 and 51 of the <i>Liquor Act (NSW)2007</i> Sections 10, 12, 22, 23 and 23A of the <i>Registered Clubs Act 1976 (NSW)</i>

**Decision of the Independent Liquor and Gaming Authority
Application for a new registered club licence with an extended trading authorisation,
club functions authorisation and a non-restricted area authorisation – Gregory Hills
Sports Club**

The Independent Liquor and Gaming Authority (“Authority”) considered the application for a new registered club licence (“Licence Application”) and associated applications for an extended trading authorisation, club functions authorisation and non-restricted area authorisation at its meeting on 23 January 2019 (collectively referred to as “the Applications”).

Following further consultation with the Applicant, the Authority has decided:

- pursuant to section 45(1) of the *Liquor Act 2007 (NSW)* (“Liquor Act”), to **grant** the Licence Application.
- pursuant to section 49(2) of the Liquor Act, to **authorise** the licence to trade under an extended trading authorisation between 12:00 midnight and 1:00 am on Friday and Saturday in relation to the whole of the licensed area of the club.

- pursuant to section 23(1) of the *Registered Clubs Act 1976* (NSW) (“Clubs Act”), to **grant** a club functions authorisation that will cover all areas of the licensed premises excluding the gaming and alfresco gaming areas.
- pursuant to section 22(1) of the Clubs Act, to **grant** a non-restricted area authorisation that will cover all areas of the licensed premises excluding the gaming and alfresco gaming areas.

The Authority has granted the licence 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 & NYE (std)**

Consumption on Premises

Good Friday	Normal trading
Christmas Day	Normal trading
December 31 st	Normal opening time until normal closing time or 2:00 AM on New Year’s Day, whichever is the later

Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.

Takeaway Sales

Good Friday	Not permitted
Christmas Day	Not permitted

3. 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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence and extended trading authorisation.
4. The premises is to be operated at all times in accordance with the Plan of Management dated February 2019 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.
5. **CCTV**
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - b. recordings must be in digital format and at a minimum of six (6) frames per second,

- c. any recorded image must specify the time and date of the recorded image,
- d. the system's cameras must cover the following areas:
 - i. all entry and exit points on the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) within the premises.

2) The licensee must also:

- a. keep all recordings made by the CCTV system for at least 30 days,
- b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
- c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

6. **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.

7. **Non Restricted Area Authorisation**

Whole of the licensed area excluding the gaming area.

8. **Club Functions Authorisation**

Whole of the licensed area excluding the gaming area.

9. **Extended Trade Authorisation**

Whole of the licensed area

10. The licensee or its representative must join and be an active participant in the local liquor accord.

11. No drinks commonly referred to as shots, shooters, slammers and/or bombs are to be sold or supplied.

12. The capacity of the club premises is limited to no more than 1,712 patrons at one time.

The Authority notes, for the purposes of section 49(6) of the Liquor Act, that the extended trading authorisation will apply to the whole of the licensed area between the hours of 12:00 midnight and 1:00 am Friday and Saturday.

Licence cannot be exercised until premises is ready to trade

Please note that the licence cannot be exercised unless and until the Authority or 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 the Authority or 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.

If you have any questions about this letter, please contact the case manager via email to charles.rivers@liquorandgaming.nsw.gov.au

Yours faithfully



D B Armati
Deputy Chairperson
For and on behalf of the Independent Liquor and Gaming Authority

Statement of reasons

Decision

1. On 23 November 2017 the Independent Liquor and Gaming Authority (“the Authority”) received from Moorebank Sports Club Ltd (“the Applicant”), through Liquor and Gaming NSW (“LGNSW”), an application for a new club licence (“Licence Application”).
2. This was accompanied by associated applications (“Associated Applications”) for an extended trading authorisation (“ETA Application”), a non-restricted area authorisation (“NRAA Application”) and a club functions authorisation (“CFA Application”).
3. The Licence Application and Associated Applications are lodged in respect of premises located at the corner of Gregory Hills Drive and Rodeo Road, Central Hills Business Park Gregory Hills, NSW 2557 (“Premises”) to be known as Gregory Hills Sports Club (“Club”).
4. The Authority has considered the applications at its meeting on 23 January 2019 and following further consultation has granted the applications. This statement of reasons is prepared in respect of the Licence Application and ETA Application only, while providing a formal record of the decisions in relation to the NRAA Application and CFA Application. The Authority is only required to publish reasons for the Licence Application and ETA Application under section 36C of the *Gaming and Liquor Administration Act 2007* (NSW) (“GALA Act”).
5. Pursuant to section 45(1) of the *Liquor Act 2007* (NSW) (“Liquor Act”) the Authority has decided to **grant** the Licence Application.
6. Pursuant to section 49(2) of the Liquor Act, the Authority has decided to grant the ETA Application. For the purpose of section 49(6) of the Liquor Act, the Authority determined to **authorise** the licence to trade under an extended trading authorisation (“ETA”) between 12:00 midnight and 1:00 am on Friday and Saturday in relation to the whole of the licensed area of the Club.
7. Pursuant to section 22(1) of the *Registered Clubs Act 1976* (NSW) (“Clubs Act”), the Authority has decided to **grant** the NRAA Application. The Authority is satisfied that it is in the public interest for the non-restricted area authorisation (“NRAA”) to apply to the whole of the licensed area excluding the gaming area and alfresco gaming area.
8. Pursuant to section 23(1) of the Clubs Act, the Authority has decided to **grant** the CFA Application. The Authority is satisfied that it is in the public interest for the club functions authorisation (“CFA”) to apply to the whole of the licensed area excluding the gaming area and alfresco gaming area.
9. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 12, 18, 19, 20, 40, 45, 48, 49 and 51 of the Liquor Act, sections 10, 12, 22, 23 and 23A of the Clubs Act and relevant provisions of the *Liquor Regulation 2018* (NSW) (“Liquor Regulation”) and the *Registered Clubs Regulation 2015* (“Clubs Regulation”).

Material considered by the Authority

10. The Authority has considered the Licence Application, Associated Applications and the accompanying Community Impact Statement (“CIS”), and all submissions received in relation to these applications.

11. 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 applications were provided with the opportunity to make submissions.
12. In accordance with its *Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health and Australian Bureau of Statistics (“ABS”).
13. A list of the material considered by the Authority is set out in Schedule 1.

Legislative framework

14. The Authority has considered the Licence Application and ETA Application in accordance with the following provisions of the Liquor Act and Clubs Act:
 - (a) Section 3 of the Liquor Act: Statutory objects of the Act and relevant considerations.
 - (b) Section 11A of the Liquor Act: 6-hour closure period.
 - (c) Section 12 of the Liquor Act: Standard trading period.
 - (d) Sections 18 of the Liquor Act: Authorisations conferred by club licence.
 - (e) Section 19 of the Liquor Act: Club licence general provisions.
 - (f) Section 20 of the Liquor Act: Club licence miscellaneous conditions.
 - (g) Section 40 of the Liquor Act: Minimum procedural requirements for a liquor licence application to be validly made.
 - (h) Section 45 of the Liquor Act: Criteria for granting a liquor licence.
 - (i) Section 48 of the Liquor Act: Requirements in respect of a CIS.
 - (j) Section 49 of the Liquor Act: ETA general provisions.
 - (k) Section 51 of the Liquor Act: General provisions relating to licence-related authorisations.
 - (l) Section 10 of the Clubs Act: Requirements to be met by clubs.
 - (m) Section 12 of the Clubs Act: Calculations of minimum number of ordinary members.
15. An extract of these sections is set out in Schedule 2.

Key findings

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

Validity, procedural and trading hour requirements

17. The Authority finds that the Licence Application, ETA Application and accompanying CIS have been validly made in that they meet the minimum procedural requirements under sections 40, 48(4) and 51(2) of the Liquor Act and clauses 20 through 29 of the Liquor Regulation. This finding is made on the basis of the Licence Application material, ETA Application material, CIS material and the Certificate of Advertising signed by Mr Troy Crisp (Chief Financial Officer of the corporate Applicant) dated 14 March 2018 and Ms Sara Taylor (Paralegal, Eastern Commercial Lawyers) dated 28 February 2018.

18. Although some concern was raised by a commercial objector, Western Suburbs League Club (Campbelltown) Ltd (“West’s”), who lodged their submission through Hawes & Swan Town Planning Consultants, about the Applicant’s alleged failure to provide a map with the CIS that depicts the neighbouring premises that were consulted as part of the CIS process, the Authority is satisfied that the CIS was in fact prepared in accordance with the requirements of section 48(4) of the Liquor Act. The map was completed and submitted with material accompanying the Licence Application although that particular document was not published by licensing staff on the LGNSW website.
19. Wests also raised concerns in relation to Part 4 of the CIS failing to note that during public notification of the development application for this Club and for Hermitage Healthcare Private Hospital, submissions were received. However, the CIS only needs to address community consultation in relation to this Licence Application and ETA Application, not previous consultation in relation to the development consent.
20. The Authority has considered Wests’ submission that Part 7 of the CIS Form contains limited information and broad statements. While the information provided could arguably have been more extensive, the Authority is satisfied that the Applicant has met the minimum information requirements of the Form and has satisfied the requirements of section 48(4) of the Liquor Act, noting also that the Applicant’s legal representative has provided additional submissions supplementing the information provided in the initial CIS.
21. The Authority notes that the licensed trading hours granted by the Authority and consented to by the Applicant on 28 February 2018 and 8 February 2019, including the extended hours, meet the requirements specified by sections 11A, 12, 18 and 49 of the Liquor Act in respect of trading, extended trading and the 6-hour closure periods. The Authority makes these findings on the basis of the Licence Application, ETA Application, CIS material and additional submissions dated 28 February 2018 and 8 February 2019.

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

22. The Authority is satisfied that:
 - (a) For the purpose of section 45(3)(a) of the Act, the corporate Applicant is a fit and proper person to carry on the business to which the proposed licence relates, on the basis that no issues of concern were raised regarding the probity of the Applicant following consultation with relevant law enforcement agencies including NSW Police (“Police”) and the compliance section of LGNSW.
 - (b) For the purpose of section 45(3)(b) and section 49(8)(a) of the Act, practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible serving of alcohol and prevent intoxication, on the basis of the Applicant’s Plan of Management dated February 2019 which incorporates the Prevention of Intoxication on Licensed Premises Management Plan.
 - (c) For the purpose of section 45(3)(c) of the Act, the requisite development consent permitting use of the Premises as a registered club licensed business is in force. This finding is made on the basis of a determination by Camden Council (“Council”) dated 27 June 2017 for development application (“DA”) 2016/648/1

permitting “Proposed registered community sports club, ancillary bottle shop, signage and associated site works”. This DA restricts trading at the Club between 10:00 am and 11:00 pm Sunday to Wednesday, 10:00 am to 12:00 midnight Thursday, 10:00 am to 3:00 am Friday and 10:00 am to 2:00 am Saturday. In additional correspondence dated 26 February 2019, the Applicant has consented to a condition being imposed upon the licence that limits patron capacity to 1,712 patrons, consistent with a condition of the DA.

Further restrictions on granting a Club licence

23. Pursuant to section 19(1) of the Liquor Act, the Authority is satisfied that the proposed new Club will meet the requirements of section 10(1) of the Clubs Act and will meet other requirements of the Clubs Act. These findings are based on the letter dated 28 February 2018 from the Applicant’s legal representative, the Australian Securities and Investments Commission (“ASIC”) Current Organisation Extract for Moorebank Sports Club Ltd as at 23 October 2017 and the plan/diagram of the Premises. The Authority notes that the Applicant provided the Constitution of the Club with its submission on 28 February 2018 and although not before the Authority, it was stored on the LGNSW file.
24. The Authority notes advice in the Applicant’s legal submission dated 28 February 2018, that the Applicant also conducts its business from premises at 230 Heathcote Road Hammondville NSW 2170 (LIQC324004709) and 1 Bates Drive, Kareela NSW 2232 (LIQC300231704).
25. However, on the basis of information provided by licensing staff, the Authority is satisfied that, for the purposes of section 19(2) of the Liquor Act, although the company owns or occupies more than one premises, each set of premises is separately licensed with the Applicant being the licensee for each premises.
26. On the basis of the Applicant’s submission dated 27 February 2019, pursuant to section 20 of the Liquor Act, the Authority is satisfied that the Club does not hold a hotel licence or acquire any financial interest in a hotel and that the manager of the licensed Premises will 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.

Further restrictions on granting an ETA

27. For the purpose of section 49(8)(b) of the Liquor Act, the Authority is satisfied that approving the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed Premises. The Authority makes this finding on the basis of the Plan of Management dated February 2019, which includes the Prevention of Intoxication on Licensed Premises Management Plan, and the conditions to which the Applicant consented to being imposed on the licence in the submission dated 28 February 2018. These conditions relate to not operating the licence with a greater overall level of social impact, operating the Premises in accordance with the Plan of Management, maintaining a closed-circuit television system, joining the local liquor accord, adhering to crime scene preservation requirements and not selling or supplying shots, shooters, slammers and or bombs at any time.

Community impact statement

28. For the purposes of this decision and consistent with Authority *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Gregory Hills, and the relevant “broader community” comprises the local government area (“LGA”) of Camden Council (“Camden LGA”).

Positive social impacts

29. The Authority is satisfied, on the basis of the information provided in the Licence Application, ETA Application, CIS and additional submission from the Applicant’s legal representative dated 28 February 2018, that granting the club licence with the extended trading hours sought will have a positive impact upon the local community by establishing a bona fide community based club to operate on the Premises in a developing residential suburb that does not presently have the services of a registered club.
30. The Application was the subject of one objection by a likely competitor club (discussed in greater detail below), but no opposition was voiced by residents in the local or broader community, nor were objections made by Police, LGNSW or the local Council - all agencies that have law enforcement capabilities in respect of licensed premises.
31. LGNSW licensed premises information dated 5 November 2018 establishes that the suburb of Gregory Hills has no registered club licences, 1 full hotel (with extended trading) and 4 on-premises licensed businesses. In that context, a new registered club licence will serve the statutory object of regulating liquor in a manner consistent with the “expectations, needs and aspirations” of the local community and nearby suburbs in the broader community within the meaning of section 3(1)(a) of the Liquor Act.
32. The Authority is further satisfied, on the basis of the Applicant’s diagram of the venue, that the licensed area of the Club will cover two levels and provide for Club members and their guests a foyer, lounge and small bottle shop on the ground floor with a café, dining and bistro area, kids club, multiple lounge and bar areas and internal and alfresco gaming areas on the first floor.
33. In this respect, granting the Licence Application will further the balanced development of the liquor industry serving the local and broader communities, by providing a registered club style of licensed entertainment venue advancing the statutory object of section 3(1)(b) of the Liquor Act.
34. The Authority is further satisfied, on the facilities specified in the Licence Application, CFA Application and plans/diagrams for the Premises, that the new Club will also contribute to the responsible development of related industries, such as the hospitality industry and live music and entertainment industries for the purpose of section 3(1)(c) of the Liquor Act.

Negative social impacts

35. Having reviewed all of the material before it, the Authority considers that over time there is a risk that liquor sold from this Club (which is authorised to sell liquor by retail on the licensed Premises to a member or guest of a member for consumption on or away from the licensed premises) will over time contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse liquor.

36. The licence *type* is a registered club. Unlike other licence types, section 10 of the Clubs Act requires that licensed clubs observe the requirements of that section and operate as a bona fide registered club, with a dedicated social, literary, political, sporting, athletic or other lawful purpose, providing accommodation for their members and guests. The Authority is satisfied that this will be the case on the basis of the information in the Licence Application, CIS and the Applicant's legal submission dated 28 February 2018.
37. By reason of the additional regulatory requirements pertaining to clubs, they typically provide a more structured form of monitoring and control of access by members, guests and visitors than other types of licensed venues. Pursuant to section 30(3B) of the Clubs Act, a person whose ordinary place of residence is in New South Wales and is within a radius of 5 kilometres from the premises of a registered club is *not* eligible for admission as a temporary member of the host club unless the person is a member of another registered club with similar objects to those of the host club, or a member of another registered club who is attending the host club as provided by subsection (10). Moreover, takeaway liquor sales are limited by section 18(1) of the Liquor Act to the sale of liquor to a member or a guest of a member.
38. Licensed trading hours sought by the Applicant and approved by the Authority are quite extensive across the course of the week permitting alcohol to be sold/supplied between 10:00 am to 11:00 pm Monday to Wednesday, 10:00 am to 12:00 midnight Thursday 10:00 am to 1:00 am Friday and Saturday and between 10:00 am and 10:00 pm Sunday. The potential adverse social impact of the venue is also elevated by the scale of the venue at approximately 3,056 sqm, the patron capacity (specified in the Application as being 2000, but limited by the development consent to 1,712) and the prospect that the Club may host live entertainment and functions.
39. Police opposed licensed trading after 1:00 am on the basis of potential adverse impact upon alcohol related crime and anti-social conduct. In its legal submissions dated 28 February 2018 and 8 February 2019, the Applicant amended the extended trading hours in accordance with the position proposed by Police - concluding at 1:00 am on Friday and Saturday nights, instead of the original proposal of 3:00 am closure on Friday and 2:00 am closure on Saturday. The Authority has given weight to the local knowledge of Police and the Applicant's change of position, when granting the amended ETA Application.
40. The Authority notes the Applicant has also lodged an application to increase the gaming machine threshold, which was considered by the Authority at its meeting on 13 February 2019 and is the subject of a separate decision letter.
41. Licence density in the local community is not a compounding risk factor when assessing the Licence Application and ETA Application. LGNSW licensed premises information for the suburb of Gregory Hills has been noted above. That information also indicates that the broader community of Camden LGA is comparatively well served by liquor licensed venues, with 6 club licences, 8 full hotel licences and 17 packaged liquor licensed premises.
42. In assessing the suitability of the proposed location of the venue, the Authority has considered BOCSAR crime maps between July 2017 to June 2018 indicating that the

Premises is not located within any concentrations of *alcohol related assault, domestic assault, non-domestic assault* and *malicious damage to property*.

43. BOCSAR crime data for the year to June 2018 indicates that although the LGA is not experiencing comparatively elevated crime rates, there is some moderate elevation of alcohol related domestic assault and alcohol related disorderly conduct (offensive conduct) recorded within the local community of Gregory Hills. BOCSAR recorded:
- A rate of **155.2** for incidents of *alcohol related domestic assault* per 100,000 persons for the suburb, a rate of **96.9** for the LGA and a rate of **114.0** for NSW.
 - A rate of **19.4** for incidents of *alcohol related non-domestic assault* per 100,000 persons for the suburb, a rate **90.7** for the LGA and a rate of **127.3** for NSW.
 - A rate of **465.6** for incidents of *malicious damage to property* per 100,000 persons for the suburb, a rate of **550.5** for the LGA and a rate of **768.4** for NSW.
 - A rate of **58.2** for incidents of *alcohol related disorderly conduct (offensive conduct)* per 100,000 persons for the suburb, a rate of **34.8** for the LGA and with a rate of **40.3** for NSW.
44. These factors support the position that extended trading hours should be limited, having regard to the scope for a venue of this scale to contribute to alcohol related crime, particularly at higher risk times of the week.
45. The ABS Socio-Economic Indexes For Areas data, based on the 2016 Census, indicate that socio-economic disadvantage is not a compounding factor, with Camden LGA ranking in the 9th decile and Gregory Hills ranking in the 10th decile on the Index of Relative Socio-Economic Advantage and Disadvantage within NSW.
46. Another mitigating factor is that alcohol attributable hospitalisations and deaths are not at elevated levels, with the NSW Healthstats data for Camden LGA in 2013 recording a standardised alcohol attributable deaths ratio of **97.2** and in 2015 a standardised alcohol attributable hospitalisation ratio during 2015 of **78.8**.
47. The Authority has considered the submissions from Wests (a competing registered club in the Camden LGA) lodged by Ms Melissa Stilloni, a Town Planner at Hawes and Swan Planning Pty Ltd, dated 15 March 2018. The Authority has also considered the Applicant's response provided by way of a submission dated 6 June 2018 prepared by a planning consultant, Mr George W Smith of Design Collaborative.
48. Briefly, Wests' main contentions raised in opposition to the Licence Application concern the proximity of sensitive lands within the vicinity of the Premises; an alleged failure of the CIS to quantify a dollar value on the community development and support expenditure the Club will provide and a submission that the proposed Club does not meet the new development test pursuant to section 37A of the *Gaming Machines Act 2001* (NSW) ("GM Act").
49. The Authority accepts that surrounding developments to the Club site, all within 200 metres of the Premises, will include the Hermitage Healthcare Private Hospital (which received development approval DA172/2016 on 27 November 2017), a private hospital (which received development approval DA1088/2014 on 10 June 2016) and Camden Medical Campus Precinct (which received development approval SSD15_7387 on 27 April 2017).

50. The requirements of section 37A of the GM Act in respect of new developments and the prohibition in clause 36(2) of the *Gaming Machines Regulation 2010* (NSW) against increasing the gaming machine threshold for a hotel or club in the immediate vicinity of a school, place of worship, or hospital are not matters that require determination with respect to the liquor applications before the Authority.
51. The Authority derives some comfort from the lack of objection from local Police, who advised no objection provided conditions were imposed relating to trading hours; the overall social impact of operating the business; no shots, shooters, slammers and bombs to be sold or supplied on the Premises; membership of the liquor accord; crime scene preservation and CCTV.
52. The Authority has taken into account the conditions proposed by Police and imposed by the Authority with respect to licensed trading hours, requiring the business to have a social impact consistent with the information provided in the Application and CIS; prohibiting shots, shooters, slammers and bombs; requiring membership of the local liquor accord; observance of crime scene preservation requirements and CCTV.
53. The Authority has also had regard to the measures specified in the Plan of Management dated February 2019, which are enforceable by way of licence condition and include procedures concerning the responsible service of alcohol, control of noise and security. The Authority has considered the Applicant's proposal that it should limit any proposed patron capacity by reference to the club "building" rather than the licensed premises. The Authority considers that, in the interests of regulatory certainty and reducing the scope for negative impact from the Club's licensed operations, the maximum number of patrons on the licensed *premises* should be limited to 1,712.

Overall social impact

54. Having considered the positive benefits and negative impacts that are likely to flow from granting the Licence Application and ETA Application as modified, the Authority is satisfied, for the purposes of section 48(5) of the Liquor Act, that the overall social impact of granting this new registered Club licence with extended trading hours would not be detrimental to the well-being of the local community or broader communities.
55. The Authority is otherwise satisfied on the information provided in the applications, that it is in the public interest to grant the NRAA Application and CFA Application with respect to those areas of the Club that are specified in the respective applications.
56. The Licence Application is granted pursuant to section 45(1) of the Liquor Act.
57. The ETA Application is granted pursuant to section 49(2) of the Liquor Act.
58. The NRAA Application is granted pursuant to section 22(1) of the Clubs Act.
59. The CFA Application is granted pursuant to section 23(1) of the Clubs Act.



D B Armati
Deputy 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 the New South Wales Civil and Administrative Tribunal (“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/independent-liquor-and-gaming-authority/ilga-and-l-and-gnsw-decisions> 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 before the Authority

1. One-page email from Eastern Commercial Lawyers dated 23 October 2017 on behalf of Moorebank Sports Club Limited (“Applicant”) lodging with Liquor and Gaming New South Wales (“LGNSW”) the following documents in respect of premises to be located at the corner of Gregory Hills Drive and Rodeo Road Central Hills Business Park Gregory Hills NSW 2557 (“Premises”):
 - (a) New Club Licence Application Form (“Licence Application”) signed and dated 19 October 2017. The Licence Application was accompanied by Notices to Local Consent Authority, Police and Public Consultation – Site Notice signed and dated 19 October 2017.
 - (b) Extended Trading Authorisation Application Form (“ETA Application”) signed and dated 19 October 2017. The ETA Application was accompanied by the Site Notice and Notices to Local Consent Authority, Police, neighbouring premises and other stakeholders, signed and dated 19 October 2017.
 - (c) Non-Restricted Area Authorisation Application Form (“NRAA Application”) signed and dated 19 October 2017. The NRAA Application was accompanied by Notices to Local Consent Authority and Police, signed and dated 19 October 2017.
 - (d) Club Functions Authorisation Application Form (“CFA Application”) signed and dated 19 October 2017. The CFA Application was accompanied by Notices to Local Consent Authority and Police, signed and dated 19 October 2017.
 - (e) Australian Securities and Investments Commission (“ASIC”) Current Organisation Extract for Moorebank Sports Club Ltd as at 23 October 2017.
 - (f) Category B Community Impact Statement signed and dated 19 October 2017.
 - (g) Plan/diagram of the Premises highlighting the licensed area in red, the area to be covered by the non-restricted area authorisation in blue and the club functions authorisation in yellow.
 - (h) Development Approval 2016/648/1 issued by Camden Council (“Council”) on 27 June 2017 for “Proposed registered community sports club, ancillary bottle shop, signage and associated site works”.
2. One-page email submission from Senior Constable Mario Pasalic, Licensing Officer of Camden Local Area Command (“Police”) dated 27 February 2018 advising no objection provided conditions are imposed which relate to trading hours; the overall social impact of operating the business; no shots, shooters, slammers and bombs to be sold or supplied on the Premises; membership of the liquor accord; crime scene preservation and CCTV.
3. A ten-page letter from Eastern Commercial Lawyers on behalf of the Applicant dated 28 February 2018 responding to an email from licensing staff dated 27 February 2018. In this submission, the Applicant addresses section 10(1) of the *Registered Clubs Act 1976* (NSW) and responds to the imposition of licence conditions and the Police submission dated 27 February 2018. This submission is accompanied by the following documents:
 - (a) Plan of Management dated February 2018 including the Prevention of Intoxication on Licensed Premises Management Plan.
 - (b) Certificates of Advertising signed by Troy Crisp (Chief Financial Officer of the Applicant company) dated 14 March 2018 and Sara Taylor (Paralegal at Eastern Commercial Lawyers) dated 28 February 2018.
4. A five-page letter from Police dated 7 March 2018 in which Police oppose extension of trading hours after 1:00 am due to the negative impact it would have on crime and seek

the same conditions and hours as specified in the above email dated 27 February 2018 be imposed.

5. A seven-page letter from consultant Ms Melissa Stilloni, a Town Planner at Hawes and Swan Planning Pty Ltd, on behalf of Western Suburbs League Club (Campbelltown) Ltd (“West”) dated 15 March 2018 seeking that the Licence Application be rejected on the basis that the Premises are situated in the immediate vicinity of a sensitive land use, fails to meet the special provisions for clubs establishing in new development areas as prescribed in section 37A of the *Gaming Machines Act 2001* (NSW) and will negatively impact on the economic and social welfare of the surrounding community. This submission is accompanied by the following documents:
 - (a) A Geographical map depicting the distance from the Premises (as the crow flies) to Gregeory Hills Hotel, Country Club Gledswood Hills, Lakeside Golf Club Camden, Proposed Marconi Club, Camden Golf Club, Camden RSL and Camden Sports Club.
 - (b) A one-page press release from Wests Group Macarthur dated 15 March detailing the expanding services and facilities at Country Club Gledswood Hills.
 - (c) A four-page letter from Hawes and Swan Planning Pty Ltd to Council dated 31 May 2017 responding to a submission objecting to the development of a private health care facility under consideration by Council (DA172/2016) in relation to the proposed development at 1A and 1B Hermitage Way, Gledswood Hills (Lots 832 and 833 in DP 1203104). [Although this letter to Council does not specify who the consultant was acting for, the Authority assumes it was prepared on behalf of Wests].
6. A one-page letter from Eastern Commercial Lawyers on behalf of the Applicant dated 26 June 2018 responding to an email from licensing staff dated 19 April 2018. Attached to this letter is a twelve-page document prepared by planning consultant, Mr George W Smith of Design Collaborative Pty Limited, dated 6 June 2018 responding to the submissions received.
7. Google geographical maps and street view images of the Premises and surrounds sourced by licensing staff on 1 August 2018 and 20 November 2018.
8. An annotated copy of the CFA Application’s Notice to Local Consent Authority, provided by email on 27 October 2018, indicating that Council received a copy of this notice on 8 August 2017 and that development consent is required with consent number 2016/648/1 in place.
9. Licence density data calculated by licensing staff using the 2016 Australian Bureau of Statistics (“ABS”) population data and licensed premises information as at 5 November 2018.
10. LGNSW List of Licensed Premises in Gregory Hills at 5 November 2018 sourced by licensing staff.
11. Bureau of Crime Statistics and Research (“BOCSAR”) hotspot maps for the State Suburb of Gregory Hills from July 2017 to June 2018 for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property, sourced by licensing staff on 8 November 2018.
12. BOCSAR Crime data for July 2016 to June 2018 comparing the count and rate per 100,000 persons for incidents of alcohol related domestic assault, alcohol related non-domestic assault, malicious damage to property and alcohol related disorderly conduct (offensive conduct) for NSW, the suburb of Gregory Hills and the Camden Local Government Area (“LGA”), sourced by licensing staff on 8 November 2018.

13. BOCSAR 2017 data of the number of incidents by offence type, day of week and time of day for Camden LGA and NSW, sourced by licensing staff on 8 November 2018.
14. BOCSAR number and proportion of selected offences flagged as alcohol related by NSW Police for the Camden LGA and NSW from 2017, sourced by licensing staff on 8 November 2018.
15. ABS Socio-Economic Indexes For Areas data based on the 2016 Census for Gregory Hills and Camden LGA, sourced by licensing staff on 8 November 2018.
16. NSW Healthstats data on alcohol attributable deaths (between 2009 and 2013) and alcohol attributable hospitalisations (between 2011 and 2015) in the Camden LGA, sourced by licensing staff on 16 November 2018.
17. A two-page email from Eastern Commercial Lawyers on behalf of the Applicant dated 21 November 2018 responding to an email from licensing staff dated 15 November 2018. In this submission the Applicant responds to BOCSAR statistics and proposed conditions.
18. Annexure 8 and 9 to the Local Impact Assessment (that accompanied a separate but related application to increase the gaming machine threshold at this new club Premises), extracted by licensing staff. Annexure 8 is a two-page letter from Eastern Commercial Lawyers to neighbouring premises dated 1 August 2017 advising that the Applicant proposes to apply for a new club licence and authority to keep 150 gaming machines. Enclosed with this letter is a copy of the Notice of Intention to Apply for a Gaming Machine Threshold Increase dated 25 July 2017, the public consultation – site notice for a new club licence (undated) and the site notice and notice to neighbouring premises and other stakeholders in relation to the ETA Application (undated). Annexure 9 is a map prepared by Council.
19. A fourteen-page document prepared by Council titled *Camden Council Still Growing*, sourced by licensing staff from Council's website.
20. Four-page letter from Eastern Commercial Lawyers on behalf of the Applicant dated 8 February 2019 responding to a request for further information from licensing staff dated 5 February 2019 and attaching an updated Plan of Management dated February 2019 including the Prevention of Intoxication on Licensed Premises Management Plan.
21. One half-page email from Eastern Commercial Lawyers on behalf of the Applicant dated 26 February 2019 in response to a condition proposed by licensing staff limiting patron capacity to 1,712.
22. One half-page email from Eastern Commercial Lawyers on behalf of the Applicant dated 27 February 2019 addressing section 20 of the *Liquor Act 2007* (NSW).

Schedule 2

Relevant extracts from the *Liquor Act 2007* (NSW)

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:
 - (a) the views of the local community, and
 - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.
- (2) In this section:

relevant application means any of the following:

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

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).
- (3) A relevant application must be accompanied by a community impact statement.
- (3A) However, a small bar application is not required to be accompanied by a community impact statement if:
 - (a) development consent is required under the Environmental Planning and Assessment Act 1979 to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
 - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following:
 - (a) an application for a small bar licence,
 - (b) an application for approval to remove a small bar licence to other premises,
 - (c) an application for an extended trading authorisation for a small bar,
 - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if:
 - (a) the application relates to the same premises as the premises to which a general bar licence relates, and
 - (b) development consent has been obtained under the Environmental Planning and Assessment Act 1979 to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:

- (a) an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or
 - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the Registered Clubs Act 1976.
- (4) The community impact statement must:
- (a) be prepared in accordance with the regulations and any requirements of the Authority, and
 - (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:
- (a) the community impact statement provided with the application, and
 - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following:
- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
 - (b) the matters to be addressed by a community impact statement,
 - (c) the information to be provided in a community impact statement,
 - (d) the criteria for determining the local and broader community for the purposes of a relevant application,
 - (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

49 Extended trading authorisation—general provisions

(1) Application of section

This section applies in relation to the following types of licences (referred to in this section as a **relevant licence**):

- (a) a hotel licence,
- (b) a club licence,
- (c) an on-premises licence (other than an on-premises licence that relates to a vessel),
- (d) a packaged liquor licence,
- (e) a producer/wholesaler licence.

(2) Extended trading authorisation for consumption on premises

In the case of a relevant licence (other than a packaged liquor licence) that authorises the sale or supply of liquor for consumption on the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption on the licensed premises only, during any of the following periods:

- (a) in the case of a hotel licence—a specified period between midnight (other than midnight on a Sunday) and 5 am on any day of the week (other than a Monday),
- (b) in the case of a relevant licence other than a hotel licence—a specified period between midnight and 5 am on any day of the week,
- (c) in any case—a specified period between 5 am and 10 am on a Sunday,
- (d) in any case—a specified period between 10 pm and midnight on a Sunday.

(2A) Without limiting subsection (2), the Authority may, in the case of an on-premises licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during any of the following periods:

- (a) a specified period between 5 am and noon on a restricted trading day,

- (b) a specified period between 10 pm and midnight on a restricted trading day.
- Note.** The sale of liquor at these times is subject to the requirement that a meal is also served—see section 25 (3).
- (3) Despite subsection (2) (a), the Authority may, in the case of a hotel:
- (a) situated in the area constituting the City of Sydney (as at 1 July 1994), or
 - (b) situated in the Kings Cross precinct, or
 - (b1) situated in the area including and bounded by the parts of streets specified in Schedule 3 (Oxford Street–Darlinghurst precinct) or that fronts or backs onto, or abuts, any such specified part, or
 - (c) situated in the Kosciuszko National Park,
- authorise the licensee, on application by the licensee, to sell or supply liquor, for consumption on the licensed premises only, during a specified period between midnight on a Sunday and 5 am on a Monday.
- (4) **Extended trading authorisation for take-away sales on Sundays**
- In the case of a relevant licence (including a packaged liquor licence) that authorises the sale or supply of liquor for consumption away from the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption away from the licensed premises only, during either or both of the following:
- (a) a specified period between 5 am and 10 am on a Sunday,
 - (b) (Repealed)
- (5) **Nature of extended trading authorisation**
- An extended trading authorisation operates to authorise the sale or supply of liquor on the licensed premises:
- (a) on a regular basis (until such time as the authorisation is varied or revoked by the Authority), or
 - (b) if the authorisation so provides—on a special occasion that takes place on a specified date, or
 - (c) if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.
- (5A) Despite subsection (2) (a), the Authority may, in the case of a hotel licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during a specified period between midnight on a Sunday and 5 am on a Monday, but only on or in connection with a special occasion that takes place on a specified date.
- (6) **Extended trading period to be specified**
- In granting an extended trading authorisation, the Authority is to specify:
- (a) the extended trading hours during which the licensee is authorised to sell or supply liquor, and
 - (b) the part or parts of the licensed premises to which the authorisation applies.
- (7) **Extended trading not permitted on or in relation to restricted trading days—hotels and licensed public entertainment venues**
- Despite any other provision of this section, an extended trading authorisation cannot, in the case of a hotel licence or an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre), be granted to authorise the sale or supply of liquor for consumption on the licensed premises during any of the following periods:
- (a) between 5 am and noon on a restricted trading day,
 - (b) between 10 pm and midnight on a restricted trading day,
 - (c) between midnight and 5 am on any day immediately following a restricted trading day.
- (8) **Restrictions on granting extended trading authorisation**
- The Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:
- (a) practices are in place, and will remain in place, at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied or served responsibly on the

- premises and that all reasonable steps are taken to prevent intoxication on the premises, and
- (b) the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.
- (9) For the purposes of this section, a **special occasion** means the occasion of a unique or infrequent event of local, State or national significance that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark on the licensed premises concerned.

51 General provisions relating to licence-related authorisations

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

- (10) Any such application by a licensee to vary or revoke an authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by the fee prescribed by the regulations.
- (11) For the purposes of this Act, any condition to which an authorisation is subject is taken to be a condition of the licence to which the authorisation relates.
- (12) An authorisation has effect only while all the conditions to which it is subject are being complied with.
- (13) The Authority must not impose a condition on an authorisation, or revoke or vary an authorisation, other than a variation made on application by a licensee, unless the Authority has:
 - (a) given the licensee to whom the authorisation relates a reasonable opportunity to make submissions in relation to the proposed decision, and
 - (b) taken any such submissions into consideration before making the decision.
- (14) This section does not authorise the revocation or variation of a condition to which an authorisation is subject if the condition is imposed by this Act or is prescribed by the regulations.

Relevant extracts from the *Registered Clubs Act 1976 (NSW)*

10 Requirements to be met by clubs

- (1) The following requirements apply in relation to a club:
 - (a) The club shall be conducted in good faith as a club.
 - (b) The club shall be:
 - (i) a company within the meaning of the [Corporations Act 2001](#) of the Commonwealth, or
 - (ii) if the club was registered, or applied for registration, before the commencement of Part 10—a co-operative under the [Co-operatives Act 1992](#) or a corporation constituted by another Act.
 - (c) (Repealed)
 - (d) The membership of the club shall consist of or include not less than such number of ordinary members as is prescribed in respect of it by section 12.
 - (e) The club shall be established:
 - (i) for social, literary, political, sporting or athletic purposes or for any other lawful purposes, and
 - (ii) for the purpose of providing accommodation for its members and their guests.
 - (e1) If the regulations prescribe objects that are to apply in relation to specified types of clubs, the club is, if it is of such a type, to have the objects so prescribed in relation to that type of club.
 - (f) The club shall have premises of which it is the bona fide occupier for the purposes of the club and which are provided and maintained from the funds of the club.
 - (g) The premises of the club shall contain accommodation appropriate for the purposes of the club.
 - (h) The premises of the club shall contain a properly constructed bar room but shall not contain a separate area for the sale or supply of liquor to be carried away from those premises to which area there is direct access from outside any building that is part of those premises.
 - (i) A member of the club, whether or not he or she is a member of the governing body, or of any committee, of the club, shall not be entitled, under the rules of the club or otherwise, to derive, directly or indirectly, any profit, benefit or advantage from the club that is not offered equally to every full member of the club.
 - (j) Only the club and its members are to be entitled under the rules of the club or otherwise to derive, directly or indirectly, any profit, benefit or advantage from the ownership or

- occupation of the premises of the club unless the profit, benefit or advantage is in the form of:
- (i) reasonable and proper interest paid to a lender on any loan made to the club that is secured against the premises of the club, or
 - (ii) reasonable and proper rent or occupation fees paid to the owner of the premises of the club,
- being, in either case, a payment arising out of dealings reasonably carried out, or contracts reasonably made, with the club in the ordinary course of its lawful business.
- (k) The secretary or manager, or any employee, or a member of the governing body or of any committee, of the club is not entitled to receive, either directly or indirectly, any payment calculated by reference to:
 - (i) the quantity of liquor purchased, supplied, sold or disposed of by the club or the receipts of the club for any liquor supplied or disposed of by the club, or
 - (ii) the keeping or operation of approved gaming machines in the club.
 - (k1) The membership of the governing body of the club must not, on and from such date (or the happening of such event) as may be prescribed by the regulations, exceed 9 persons.
 - (l) The club must comply with any requirements imposed on the club under section 38.
 - (m) The club must comply with any requirements imposed on the club by or under Part 4A.
 - (n) The business conducted on the premises of the club must not be managed or controlled by any person or body other than:
 - (i) the governing body of the club, or
 - (ii) the secretary of the club, or
 - (iii) the manager (within the meaning of the [Liquor Act 2007](#)) of the club premises, or
 - (iv) a person acting in a capacity referred to in section 41 (1) in respect of the club, or
 - (v) a person appointed under section 41A in respect of the club, or
 - (vi) a person who is exercising functions relating to the management of the business or affairs of the club under a management contract entered into in accordance with the Registered Clubs Accountability Code.
- (2) For the purposes of determining whether a club is being conducted in good faith as a club, as required by subsection (1) (a), regard is to be had to the following:
- (a) the nature of the premises of the club,
 - (b) whether the club has been under administration for an extended period of time (whether as an externally-administered body corporate, within the meaning of the [Corporations Act 2001](#) of the Commonwealth, or otherwise),
 - (c) whether any arrangements relating to the club have resulted in another person or body assuming the effective control of the club and its business,
 - (d) such other matters as may be prescribed by the regulations.
- (3) Subsection (1) (b) does not apply in respect of Tattersall's Club referred to in the [Tattersall's Club Act of 1888](#), City Tattersall's Club referred to in the [City Tattersall's Club Act of 1912](#), Newcastle Tattersall's Club referred to in the [Newcastle Tattersall's Club Act 1945](#), the Newcastle International Sports Centre Club referred to in clause 9 of Schedule 5 to the [Sporting Venues Authorities Act 2008](#) or in respect of any club declared under section 13 (1) (a) to be an exempt club for the purposes of this subsection.
- (4) (Repealed)
- (5) Subsection (1) (e) (ii) does not apply in respect of any club declared under section 13 (1) (b) to be an exempt club for the purposes of this subsection.
- (6) A club does not fail to meet the requirement specified in subsection (1) (i) or (1) (j) by reason only that a member of the club derives or is entitled to derive any profit, benefit or advantage from the club that is not offered equally to every full member of the club if:
- (a) the member derives or is entitled to derive the profit, benefit or advantage, not being a profit, benefit or advantage referred to in paragraph (b), pursuant to a contract (including a contract of employment) or agreement with the club and the deriving of or entitlement to

- the profit, benefit or advantage is, in the opinion of the Authority, reasonable in the circumstances of the case, or
- (b) the profit, benefit or advantage consists only of a sum of money paid to the member in respect of his or her services as a member of the governing body or of any committee of the club and that payment has been approved by a resolution passed at a general meeting on which the persons entitled to vote are the same as the persons entitled to vote at the annual election of the governing body of the club, or
 - (c) the profit, benefit or advantage consists only of hospitality in the nature of reasonable food or refreshment offered by the holder of a dealer's licence or adviser's licence (within the meaning of the [Gaming Machines Act 2001](#)) in the normal course of a sale of an approved gaming machine on the licensee's premises, or at a display of an approved gaming machine that is held anywhere in the State for the purpose of directly promoting the products or services of the licensee, or
 - (d) the profit, benefit or advantage consists only of the payment of out-of-pocket expenses that are of a kind authorised by a current resolution of the governing body and are reasonably incurred by a member of the club, or by the secretary or any other employee, in the course of carrying out his or her duties in relation to the club.
- (6A) Subsection (1) (i) does not prevent a club from providing different benefits for different classes of members if:
- (a) the different benefit was being lawfully provided immediately before the commencement of this subsection, or
 - (b) the different benefit is not in the form of money or a cheque or promissory note and is the subject of a current authorisation given by a general meeting of the members prior to the benefit being provided.
- (7) A club does not fail to meet the requirement specified in subsection (1) (j) by reason only that a person derives or is entitled to derive any profit, benefit or advantage as referred to in subsection (1) (j) if, in the opinion of the Authority, the deriving of or entitlement to the profit, benefit or advantage is reasonable in the circumstances of the case.

12 Calculation of minimum number of ordinary members

For the purposes of section 10 (1) (d), the number of ordinary members prescribed in respect of a club:

- (a) whose premises are situated within a radius of 24 kilometres from the General Post Office in Sydney is:
 - (i) in a case where a certificate of registration under the [Liquor Act 1912](#) in respect of the club was in force immediately before the commencement of the [Liquor \(Amendment\) Act 1954](#)—sixty, or
 - (ii) in any other case—200 or such lesser number, not being less than 60, as the Authority may in special circumstances determine in respect of the club, or
- (b) whose premises are situated elsewhere, is:
 - (i) in a case where a certificate of registration under the [Liquor Act 1912](#) was in force immediately before the commencement of the [Liquor \(Amendment\) Act 1954](#)—thirty, or
 - (ii) in any other case—100 or such lesser number, not being less than 30, as the Authority may in special circumstances determine in respect of the club.