



Mr Grant Cusack
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30 August 2019

Dear Mr Cusack

Application No.	APP-0004849062
Applicant	Four Drop Pty Ltd
Application for	Packaged liquor licence
Licence name	Four Drop Pty Ltd
Premises	9/2-14 Pittwater Road Manly NSW 2095
Trading hours	Monday to Saturday 10:00 am – 9:00 pm Sunday 10:00 am – 8:00 pm
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i>

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

The Independent Liquor & Gaming Authority considered the application above, and decided on 23 January 2019 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to the following conditions:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2. Restricted trading and NYE (std)
Retail Sales
Good Friday Not permitted
December 24th Normal trading Monday to Saturday
8:00 am to 10:00 pm Sunday
Christmas Day Not permitted
December 31st Normal trading
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 reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. The premises is to be operated at all times in accordance with the Plan of Management dated November 2018 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming NSW inspector, or any other person authorised by the Authority.
6. Boutique and craft liquor products
 - 1) The licensee must ensure that only craft beer, craft cider, craft spirits and boutique wines are sold and supplied on the premises.
 - 2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted.
 - 3) The licensee must ensure that a list of the product lines and products stocked on the licensed premises at any one time is kept at the premises and made available for inspection on the

request of a police officer, Liquor & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

- 4) For every craft beer, craft cider, craft spirit or boutique wine product that is available for sale on the premises, the licensee must maintain and make available for inspection on the premises written documentation from the supplier confirming that the product meets the relevant definition specified in this condition.

Definitions

For the purposes of this condition:

- 1) Craft beer is defined as beer that is not generally considered to be mainstream beer, and is produced by a craft brewer:
 - (a) which is located in Australia and produces less than 40 million litres of beer per annum, or located overseas and produces less than 6 million barrels of beer per annum;
 - (b) where not more than 25 percent of the brewery is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft brewer; and
 - (c) which will certify that the majority of its total beverage alcohol volume is in beers whose flavour derives from traditional or innovative brewing ingredients and their fermentation (flavoured malt beverages are not considered beers).
 - 2) Craft cider is defined as cider that is not generally considered to be mainstream cider, and is produced by a craft producer:
 - (a) which is located in Australia and produces less than 40 million litres of cider per annum, or located overseas and produces less than 6 million barrels of cider per annum;
 - (b) where not more than 25 percent of the producer is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft cider producer; and
 - (c) which will certify that the cider is made from liquid consisting only of juice (no concentrates).
 - 3) Craft spirits are defined as spirits that are not generally considered to be mainstream spirits and are:
 - (a) the product of a distillery that has maximum annual sales of less than 100,000 proof gallons or 52,000 cases, or in the case of blended spirits, the product of an independently owned and operated facility that uses any combination of traditional and innovative techniques such as fermenting, distilling, re-distilling, blending, infusing or warehousing to create products with a unique flavour profile; and
 - (b) distilled at a distillery where the spirit has either been run through a still by a craft distiller, or in the case of a blended spirit, the spirit has been distilled originally by a craft distiller.
 - 4) Boutique wine is defined as wine (other than sparkling wine or champagne) that is manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently owned (i.e. not owned by a larger wine company).
 - 5) Boutique champagne and sparkling wine is defined as champagne or sparkling wine that is not generally considered to be mainstream champagne or sparkling wine, that is, champagne or sparkling wine that is not commonly sold by major liquor retailers.
7. Closed-circuit television system
- 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("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,
 - (b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises, and
 - (ii) 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 & Gaming NSW inspector within 24 hours of any request by the police officer or Liquor & Gaming NSW inspector to provide such recordings.
8. Incident register
- 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:
 - (a) any incident involving violence or anti-social behaviour occurring on the premises,
 - (b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
 - (c) any incident that results in a person being turned out of the premises under section 77 of the *Liquor Act 2007*,
 - (d) any incident that results in a patron of the premises requiring medical assistance.
 - 2) The licensee must, if requested to do so by a police officer or inspector:
 - (a) make any such incident register immediately available for inspection by a police officer or inspector, and
 - (b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
 - 3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.
9. The licensee must not sell at the premises any of the following products:
- 1) ready to drink (RTD) pre-mixed alcohol products;
 - 2) cask wine;
 - 3) clean skin wines; and
 - 4) alcohol products discounted by more than 20%.
10. The licensed premises must not commence trading before 10:00 AM, and must cease to trade by 8:00 PM, on public holidays.

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

Appointment of an approved manager

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.

Trading on a Sunday that falls on 24 December

In the case of any Sunday that falls on 24 December, the 6-hour closure period overrides the statutory provision that would otherwise allow the licence to trade from 8 am. In accordance with the 6-hour closure period for the current licence, the Premises must not trade earlier than 10 am.

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

Yours faithfully



Philip Crawford
Chairperson
For and on behalf of the Independent Liquor & Gaming Authority

Statement of reasons

Decision

1. On 9 October 2018, Four Drop Pty Ltd (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application (“Application”) for a packaged liquor licence (“Licence”) for the premises at 9/2-14 Pittwater Road, Manly (“Premises”).
2. The Authority considered the Application at its meeting on 23 January 2019 and decided to approve it under section 45 of the *Liquor Act 2007* (“Act”).
3. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2018.
4. Pursuant to section 29(1) of the Act, the Licence authorises liquor to be sold in sealed containers at the Premises for consumption away from the Premises.
5. The licence document was issued to the Applicant with a preliminary notification of this decision on 29 January 2019.

Material considered by the Authority

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

Legislative framework

10. The Authority has considered the Application in the context of the following provisions of the Act:
 - a) Section 3: Statutory objects of the Act and relevant considerations.
 - b) Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6 hour period during which liquor cannot be sold.
 - c) Sections 29-31: Specific provisions in respect of a packaged liquor licence.
 - d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - e) Section 45: Criteria for granting a liquor licence.
 - f) Section 48: Requirements in respect of a CIS.

11. An extract of these sections is set out in Schedule 2.

Key findings

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

Validity, procedural and trading hour requirements

13. The Authority is satisfied on the material before it that:
 - a) the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 12 and 40 of the Act,

- b) if the Licence were to be granted, liquor would be sold in accordance with the authorisation conferred by a packaged liquor licence, as required by section 29 of the Act, and
- c) sections 30 and 31 of the Act do not apply to the Application as the Premises is not intended to operate as is contemplated by those sections.

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

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

- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- b) practices would be in place from the commencement of licensed trading at the Premises to facilitate the responsible serving of alcohol, having regard to the plan of management documentation for the Premises and the conditions to be imposed on the licence, and
- c) the requisite development consent is in force, based on the Complying Development Certificate issued by Modern Building Certifiers on 6 November 2018 in respect of the Premises.

Community impact statement

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

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

Positive social impacts

17. The Authority finds, on the information before it, that there is already an adequate supply of packaged liquor in the local and broader communities, noting that:

- a) both Manly and Northern Beaches LGA have a relatively high density of packaged liquor licences compared to the NSW state average, and
- b) the Premises is located within short distances of a number of existing packaged liquor facilities.

18. The Authority has nevertheless had regard to the Applicant's contention that the Premises will operate as a boutique liquor store, and the majority of products to be sold at the Premises will be boutique and craft wines, ciders, beers and spirits not available elsewhere in Manly.

19. Noting that Manly is a popular tourist destination, the Authority accepts that granting the Licence would provide additional liquor choices to the community, and cater to the demands of local residents, tourists and other visitors for boutique and craft liquor products.

20. In making this finding the Authority has taken into account three submissions from local residents, seven submissions from liquor producers and importers in the region, and a petition with over 60 signatures, in support of the Application.

21. The Authority also notes that Northern Beaches Council stated in its submission that Council is supportive of the Application provided that the hours of operation comply with the relevant development consent.

22. The Authority accepts, on the basis of the above, that granting the Licence would likely be consistent with the community's expectations, needs and aspirations, and contribute to the balanced development of the liquor industry in furtherance of the statutory objects of the Act.

Negative social impact

23. In considering the negative social impacts that may be associated with granting the Licence, the Authority has had regard to the relevant statistics and stakeholder submissions as discussed below.
24. The BOCSAR crime data before the Authority indicates that, for the year to September 2018, Northern Beaches LGA have relatively low rates of alcohol related domestic and non-domestic assault, malicious damage to property and alcohol related disorderly conduct, compared to the NSW state average.
25. Manly, however, recorded considerably higher than average rates of incidents across all of these categories of crime. For example, the rate of alcohol related non-domestic assault recorded for the suburb was five times the state average, and the rate of alcohol related disorderly conduct that was more than 12 times the state average.
26. The BOCSAR crime maps for the year to September 2018 show that the Premises was located in and surrounded by high density hotspots for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property.
27. The most recent HealthStats NSW data before the Authority indicates that Northern Beaches LGA recorded a lower level of alcohol attributable deaths for the period 2015-16, and a higher level of alcohol attributable hospitalisations for the period 2015-17, compared to the NSW average.
28. The ABS Socio-Economic Indexes for Areas ("SEIFA") data as at 2016 indicates that Manly and Northern Beaches LGA ranked among the most advantaged suburbs and LGAs in NSW on the Index of Relative Socio-economic Advantage and Disadvantage.
29. NSW Police Force ("Police") objected to the Application, contending that there is a saturation of bottle shops in Manly, and that adding another packaged liquor facility will exacerbate the already high level of street drinking, underage drinking, and alcohol fuelled violence and anti-social behaviour. Police noted that the Premises is located in the vicinity of a backpacker hostel frequented by young adults, and raised concerns about the potential harm associated with increasing the accessibility of liquor to those young adults.
30. Police noted the Applicant's proposal to only sell boutique liquor products at the Premises, but was concerned that this business model may be changed in future.
31. The Northern Sydney Local Health District of NSW Health ("Health") also made a submission raising similar concerns that granting the Licence would increase the local saturation of packaged liquor facilities and the associated alcohol related harm. Health referred to the close proximity of the Premises to many packaged liquor outlets and the backpacker hostel, known alcohol related crimes and other problems in the area, and its statistics that the rate of alcohol related visits at the Manly District Hospital in 2017 was 182 percent higher than the NSW average.
32. Noting the Applicant's proposal to operate the Premises as a boutique liquor store, Health submitted that it would not object to the granting of the Licence if certain licence conditions are imposed to restrict the types of liquor products that can be sold at the Premises and their price levels.
33. Having regard to the relevant statistics and the submissions received, including the Applicant's reply submissions, the Authority finds that Manly is subject to a relatively high level of alcohol related crimes and disturbances, and that there are some significant alcohol related health issues in the broader community of Northern Beaches LGA. The Authority also notes that the Premises is located in a 24 hour alcohol-free zone.

34. The Authority considers that, if the Licence is granted, there is a risk that the liquor sold at the Premises would exacerbate the existing alcohol related problems in the community and, over time, contribute to an increase in alcohol related harm to the detriment of the community's well-being.
35. The Authority nevertheless gives considerable weight to the Applicant's proposed business model of a boutique liquor store, which the Authority considers to be the most significant risk mitigating factor. Having regard to the concerns raised by Police and Health, the Authority finds it appropriate to impose licence conditions to reflect the proposed business model, and notes for the record that the social impacts of the Licence's operation will need to be re-assessed closely should a future operator of the Premises seek to change this model.
36. The Authority has considered, but is not persuaded by, the Applicant's request to impose a varied version of the Authority's current licence condition in respect of the sale of boutique liquor products, noting that the differences would unlikely have a material impact on the operation of the proposed business.
37. The Authority also notes that the Applicant did not consent to the condition proposed by Health to restrict the sale of certain liquor products, including for example ready-to-drink pre-mixed products, and heavily discounted products. The Authority does not accept the Applicant's argument that this condition should not be imposed because the other conditions consented to by the Applicant were "more than adequate" to mitigate the risk of negative social impacts associated with granting the Licence. Having regard to the relevant statistics and observations by Police and Health in respect of the local circumstances, the Authority considers the condition to be an appropriate harm minimisation measure that is consistent with the proposed business model.

Overall social impact

38. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is satisfied that the overall social impact of granting the Licence, subject to the imposition of the licence conditions set out earlier, will not be detrimental to the well-being of the local or broader community.
39. The Authority is also satisfied that the other legislative criteria for the granting of the Licence have been met.
40. 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 & Gaming NSW website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

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

Schedule 1

Material considered by the Authority

1. 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, both Manly and Northern Beaches LGA ranked in the 10th decile.
2. HealthStats NSW data showing that Northern Beaches LGA recorded:
 - a. for the period 2015-16, a spatially adjusted rate of 15.0 per 100,000 of the population for alcohol attributable deaths, compared to the NSW rate of 18.1, and
 - b. for the period 2015-17, a spatially adjusted rate of 769.6 per 100,000 of the population for alcohol attributable hospitalisation, compared to the NSW rate of 580.6.
3. Submission from NSW Transport Roads & Maritime Services on 4 September 2018 in relation to the Application.
4. Submission from Health on 11 September 2018 in relation to the Application.
5. BOCSAR crime hotspot maps for the year to September 2018, indicating the location of the Premises relative to hotspots for alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
6. NSW crime statistics published by BOCSAR indicating that, for the year to September 2018, the rates of:
 - a) alcohol-related domestic assault in Northern Beaches LGA and Manly were 67.6 and 133.0 respectively, compared to the NSW average of 115.4,
 - b) alcohol-related non-domestic assault in Northern Beaches LGA and Manly were 91.6 and 653.4 respectively, compared to the NSW average of 126.3,
 - c) malicious damage to property in Northern Beaches LGA and Manly were 425.8 and 936.7 respectively, compared to the NSW average of 765.8, and
 - d) alcohol-related offensive conduct in Northern Beaches LGA and Manly were 45.1 and 497.3 respectively, compared to the NSW average of 39.0.
7. NSW Recorded Crime Statistics for the year to September 2018, outlining alcohol related offences by day of week and time of day in Manly and Northern Beaches LGA compared to NSW.
8. ASIC data extracted on 15 May and 27 September 2018, and L&GNSW Compliance records dated 11 December 2018, in relation to the Applicant's probity.
9. Completed Category B Community Impact Statement dated 8 October 2018.
10. Completed application dated 9 October 2018.
11. Submissions from NSW Education Aboriginal Affairs on 11 September and 19 October 2018 in relation to the Application.
12. Submission from NSW Family & Community Services on 23 October 2018 in relation to the Application.
13. Submission from L&GNSW Compliance Operations Unit on 31 October 2018 in relation to the Application.
14. Submissions from three local residents and seven commercial entities in the liquor industry between 27 August and 5 November 2018 in relation to the Application.
15. Complying Development Certificate issued by Modern Building Certifiers on 6 November 2018 in respect of the Premises.
16. Certifications of advertising dated 11 November 2018.
17. Submissions from Police on 12 November 2018 in relation to the Application.

18. Submissions from Northern Beaches Council between 4 October and 15 November 2018 in relation to the Application.
19. Plan of Management for the Premises, dated November 2018.
20. L&GNSW liquor licensing records as at 6 December 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 Manly, Northern Beaches LGA and NSW. The density of packaged liquor licences was 34.46 in NSW, 44.69 in Northern Beaches LGA, and 37.82 in Manly.
21. L&GNSW liquor licensing records as at 6 December 2018 listing all liquor licences in Manly.
22. Google map images extracted from the Google website on 10 December 2018, showing the location and photos of the Premises in map view, earth view and street view.
23. Correspondence between L&GNSW staff and the Applicant between 16 October 2018 and 19 July 2019 in relation to the assessment of the Application, the submissions received and the conditions to be imposed.
24. Floor plan for the Premises.
25. Petition containing over 60 signatures in support of the Application.

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).

29 Authorisation conferred by packaged liquor licence

(1) Retail sales

A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only:

- (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
- (b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.

(2) No retail trading on restricted trading days

Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.

(3) Selling liquor by wholesale or to employees

A packaged liquor licence also authorises the licensee:

- (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and
- (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.

(3A) An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.

(4) Tastings

A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

30 Liquor sales area required if bottle shop is part of another business activity

- (1) If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises (**the liquor sales area**) that is adequately separated from those parts of the premises in which other activities are carried out.
- (2) The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.

31 Restrictions on granting packaged liquor licences

- (1) A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:
 - (a) in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and
 - (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.
- (2) A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.
- (3) In this section:

general store means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.

service station means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.

take-away food shop means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

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.