

Fact sheet FS3152

# Trial of a New Licence for Pop-up Bars and Events

This fact sheet provides information about a 12-month trial of a new 'pop-up liquor licence' to encourage pop-up bars and events in seven night-time economy precincts.

## What is happening?

Liquor & Gaming NSW commenced a 12-month trial of a new liquor licence for small-scale pop-up bars and events on 1 March 2019. Trial areas include the [night-time economy \(NTE\) precincts](#) announced by the NSW Government:

- ▲ Darlinghurst
- ▲ Haymarket and George St
- ▲ Liverpool
- ▲ Newtown
- ▲ Opera House to Walsh Bay
- ▲ Parramatta
- ▲ Pyrmont.

## Who is the trial open to?

The trial is open to the established licensed industry as well as entrepreneurs, creatives and others that wish to run a pop-up bar or event in one of the NTE precincts for no longer than six weeks at a time.

## Why is the trial being run?

The trial aims to deliver a new licence to encourage responsibly run, small-scale pop-ups that help to activate and revitalise local places and spaces, and support more diversity and vibrancy in the night-time economies of the precincts.

Potential benefits to be assessed via the trial include:

- ▲ encouraging unique or out of the ordinary experiences for residents and visitors
- ▲ supporting events that contribute to the responsible development of the live music entertainment, tourism and hospitality industries
- ▲ enabling creatives, entrepreneurs and other businesses to pilot innovative business ideas on a small-scale with minimal overheads
- ▲ helping raise awareness of, or enhancing the image or profile of the NTE precincts.

## What type of pop-up bars or events are eligible?

The new licence caters for pop-up bars that serve 100 patrons or less, and pop-up events with 300 patrons or less.

At a *pop-up bar*, the sale or supply of alcohol for consumption on the premises is a primary focus. This may include, for example, a cocktail bar pop-up in a vacant indoor space or a producer showcasing their own liquor products at an outdoor bar.

At a *pop-up event*, the sale or supply of alcohol for consumption on the premises must be ancillary to the purpose for which the event is held. This may include, but not be limited to, pop-up music or arts shows, restaurants, promotions or sport and recreational activities.

Applicants for the licence will need to demonstrate that their pop-up bar or event will help to activate or revitalise local places or spaces, or diversify the social, cultural and business offerings at night in the precinct where it is proposed to be run.

Applicants should also show what controls will be in place to ensure their pop-ups will be run responsibly and will not unduly impact on the quiet and good order of the neighbourhood.

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## Other key conditions of the pop-up licence

### Trading Hours

Approved trading times for pop-up bars and events will be specified on each licence, and may fall within the following periods:

- ▲ Pop-up bar – 10am to midnight
- ▲ Pop-up event – 8am to midnight provided the event is running at all times when alcohol is being sold or supplied.

### Duration of pop-up

A pop-up bar or event must be of an infrequent or temporary nature, and the maximum length they can run under the licence at the same location is six weeks. The bar or event does not need to run over consecutive days (for example, it may run over a series of weekends only over the six week period).

### Patron Capacity

At any time, the maximum number of patrons permitted on the premises under a pop-up licence includes:

- ▲ For a pop-up bar - 100 patrons
- ▲ For a pop-up event - 300 patrons

More restrictive patron limits may also be specified as a condition of the licence, depending on the nature of the pop-up bar or event.

Licensees will need to demonstrate as part of the application process they have appropriate arrangements in place to ensure the number of patrons does not exceed the specified limit.

Liquor may only be sold or supplied at a pop-up bar under the licence if the number of patrons on the licensed premises does not exceed the limit. For pop-up events, liquor may only be sold or supplied if the licensee is complying with arrangements agreed as part of the application process to ensure patron numbers do not exceed the limit. For example, this could include measures such as limiting ticket numbers (if ticketed), fenced boundaries, limiting the footprint of the licensed area and/or seated/standing areas, security and/or monitoring of patrons entering and present, etc.

### Consumption on the licensed premises only

A pop-up licence authorises the licensee to sell or supply liquor only for consumption on the premises specified in the licence. It does not allow the sale of takeaway alcohol.

## Training requirements

The licensee, and staff at the pop-up, must have completed responsible service of alcohol (RSA) training and have a valid RSA endorsement on their RSA competency card before liquor may be sold or supplied under the pop-up licence.

Applicants are also encouraged to undertake the Licensee Training course to ensure they are aware of all obligations under the liquor laws before they apply.

## How to apply?

Download the form APP1100/1120 'Pop-up licence application – bar or event' at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

The application fee is \$165.

You must notify local police and the local council that you have applied for a pop-up event or bar within two days of making your application and at least 14 days before the event is held. Liquor may not be sold or supplied under the pop-up licence unless this notice has been provided. The application will be subject to a 14-day public submissions period, and will be advertised on the liquor and gaming application noticeboard on our website.

More information about the application process is provided on our website at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

## Frequently Asked Questions (FAQs)

### Will I need development consent?

Pop-ups run as part of the trial must have appropriate development consent and operate in line with the conditions of consent. You should contact your local consent authority to confirm any required approvals.

As a part of the trial, Liquor & Gaming NSW will be working with relevant councils to determine if a single planning and liquor approval process can be introduced for this licence type. This could further assist in streamlining the end-to-end processes for approval during the later stages of the trial.

### Why isn't the trial being run in regional NSW or other parts of Sydney?

Trial areas have been selected to support the Government's precinct approach, where regulatory settings and support is being tailored to the needs of seven NTE precincts in Sydney in consultation with relevant councils and other local stakeholders. There is potential that the licence could be expanded to other precincts, subject to a successful trial.

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### Why are there patron limits on pop-ups?

Placing a limit on the number of patrons at a pop-up bar or event is intended to strike the right balance between managing alcohol-related risks and minimising red tape and costs for applicants.

A separate licence is available for larger-scale events, with no patron capacity limit, that have a beneficial social or economic impact at a regional, State or national level. Information about this licence (a Limited Licence - Special Event) is available at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

### Can I move my pop-up concept across precincts?

Yes. While pop-ups must be temporary or infrequent in nature, it is recognised that they can encourage unique and out of the ordinary experiences for residents and visitors across different local areas.

For example, if your pop-up concept has been run in one precinct, but not elsewhere, then you may apply again for the licence to move the pop-up to any other precinct.

### Are there penalties for not complying with NSW liquor laws?

Yes. All licensees operating under a pop-up licence must comply with NSW liquor laws.

Non-compliance with liquor laws is a serious matter and penalties can be severe. On-the-spot fines and penalties of up to \$11,000 or 12 months imprisonment (or both) can be issued for breaches of NSW liquor laws, such as underage drinking.

Your pop-up licence can be cancelled if you do not comply with the relevant liquor licence conditions imposed on the licence when it is granted.

### Need more information?

To find out more about liquor laws, contact L&GNSW:

 [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)

 [Contact us online](#)

 1300 024 720

You can also access the *Liquor Act 2007* and the *Liquor Regulation 2018* at [legislation.nsw.gov.au](http://legislation.nsw.gov.au)