



Mr Brett Tobin  
Hatzis Cusack Lawyers  
[bt@hatziscusack.com.au](mailto:bt@hatziscusack.com.au)

11 February 2019

Dear Mr Tobin

<b>Application No.</b>	1-6792057573
<b>Applicant</b>	Henadeck Pty Limited
<b>Application for</b>	Extended trading authorisation
<b>Licence name</b>	East Hills Hotel
<b>Licence number</b>	LIQH400101988
<b>Current Trading hours</b>	<u>Consumption on premises (The whole of the licensed premises)</u> Monday to Saturday 5:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm <u>Existing Trading Hours – Take away sales</u> Monday to Saturday 5:00 am – 11:00 pm Sunday 10:00 am – 10:00 pm
<b>Proposed trading hours</b>	<u>Consumption on premises (The whole of the licensed premises except covered way)</u> Monday to Saturday 10:00 am – 2:00 am Sunday 10:00 am – 12:00 midnight <u>Consumption on premises (covered way)</u> Monday to Saturday 10:00 am – 12:00 midnight Sunday 10:00 am – 10:00 pm <u>Take away sales</u> Monday to Sunday 10:00 am – 10:00 pm
<b>Premises</b>	19 MacLaurin Avenue East Hills NSW 2213
<b>Legislation</b>	Sections 3, 11A, 48, 49 and 51 of the Liquor Act 2007

**Decision of the Independent Liquor and Gaming Authority  
Application for extended trading authorisation – East Hills Hotel**

The Independent Liquor and Gaming Authority considered, at its meeting on 15 August 2018, the Application above and, pursuant to section 49 of the *Liquor Act 2007*, decided to **approve** the Application 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. Consumption on premises  
Good Friday 12:00 noon – 10:00 PM  
Christmas Day 12:00 noon – 10:00 PM  
December 31st 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.

3. Take away sales
  - Good Friday Not permitted
  - Christmas Day Not permitted
  - December 31st Normal trading
4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. 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 the extended trading authorisation.
6. The premises is to be operated at all times in accordance with the Plan of Management dated August 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 and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
7. Closed-circuit television system
  - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
    - (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
    - (b) recordings must be in digital format and at a minimum of six (6) frames per second,
    - (c) any recorded image must specify the time and date of the recorded image,
    - (d) the system's cameras must cover the following areas:
      - (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.
8. 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.
9. No entertainment other than background music is to be provided after 12:00 midnight, Monday to Saturday or 10:00 PM on Sunday.

10. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am. Interior noise levels which, although restricted in accordance with the above condition, still exceed safe hearing levels, are in no way supported or condoned by the Authority.

11. Entry and exit to the hotel after 12:00 midnight restricted to the entry and exit point on MacLaurin Avenue.

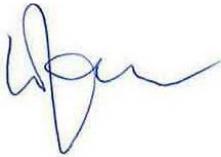
A statement of reasons for this decision is attached at the end of this letter.

**Exemption under clause 70AB of the Liquor Regulation 2008**

Pursuant to section 12 of the *Liquor Act 2007*, the standard trading period during which liquor can be sold for consumption away from the licensed premises must end at 10 PM on all trading days. However, the exemption provision under clause 70AB of the Liquor Regulation 2008 permits takeaway liquor sales between 10 PM and 11 PM on days other than Sundays and restricted trading days.

If you have any questions, please contact the case manager at [nhan.phan@liquorandgaming.nsw.gov.au](mailto:nhan.phan@liquorandgaming.nsw.gov.au).

Yours faithfully



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

## Statement of reasons

### Decision

1. On 22 May 2018, Henadeck Pty Limited (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”), an application (“Application”) for an extended trading authorisation (“Authorisation”) for the premises at 19 MacLaurin Avenue, East Hills (“Premises”).
2. The Authority considered the Application at its meeting on 15 August 2018 and decided to grant the Authorisation under section 49 of the *Liquor Act 2007* (“Act”).
3. A preliminary notification of this decision was sent to the Applicant on 26 September 2018, together with the licence document for the Premises.
4. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2008 (“Regulation”).

### Material considered by the Authority

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

### Legislative framework

9. The Authority has considered the Application in the context of the 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) Section 48: Requirements in respect of a CIS.
  - d) Section 49: Extended trading authorisation.
  - e) Section 51: General provisions relating to licence-related authorisations.
10. An extract of these sections is set out in Schedule 2.

### Key findings

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

#### Trading hours and 6-hour closure period

12. Section 12 of the Act sets out the standard trading period for liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

### Provisions specific to extended trading authorisations

13. The legal requirements for making a valid application for an extended trading authorisation are provided by section 51 of the Act and the Regulation. The power to grant an Authorisation is provided by section 49(2) of the Act.
14. Section 49(8) of the Act provides that the Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:
- 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
  - 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.

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

15. Section 51(3) of the Act provides that, in determining an application for a licence related authorisation, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence. 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 authorisation 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 the authorisation 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 current licence, and
  - c) the requisite development consent is in force, based on the Notice to Applicant of Determination of Development Application No.D1730/2000 in respect of the Premises, issued by City of Bankstown Council on 7 November 2000.

### Community impact statement

16. 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.
17. 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 East Hills, and the relevant "broader community" comprises the Local Government Area ("LGA") of Canterbury-Bankstown.

### Gambling activities

18. Having regard to the information in the CIS and the Plan of Management provided by the Applicant, the Authority is satisfied that the Applicant has adequately addressed matters relating to gambling activities on the Premises during the proposed extended trading hours. The Authority also notes that no issues were raised by the stakeholders consulted in relation to this issue.

### Positive social impacts

19. The Authority notes that the Premises has been trading since 1959 and is currently the only hotel in East Hills. There are no other hotels in the suburb, with the next closest hotel being located in Panania, 1.6km away from the Premises. The Authority accepts that granting the

Authorisation would provide increased convenience and choice for those in the local and broader communities who wish to patronise local late trading venues.

20. The Authority accepts the Applicant's contention that the Premises primarily caters to residents of the local community, and that additional hours would provide an opportunity for members of the local community to enjoy the Hotel's facilities after midnight, and until midnight on a Sunday, as well as afford shift-workers an opportunity to attend the Hotel at a time of day that is convenient to them.
21. The Authority also notes that the majority of the facilities offered by the Hotel, such as the public bar, ladies lounge and sports bar, will be available during the extended trading period.
22. On balance, the Authority considers the proposed benefits above to be somewhat limited by the absence of any substantive evidence of community support for the Application.
23. Having regard to all of the information available, however, the Authority is satisfied that granting the Authorisation would be in line with the expectations, needs and aspirations of the community, particularly those in the local community who wish to stay at this venue rather than seek alternative late night entertainment in other suburbs.

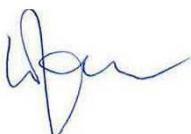
#### Negative social impact

24. The Authority has considered the BOCSAR hotspot maps for the year to March 2018, which indicate that the Premises is not located within any hotspots for incidents of alcohol-related assault, domestic assault, or non-domestic assault. However, the Premises is located within a medium density hotspot for malicious damage to property.
25. The Authority has also considered the relevant BOCSAR data indicates that, for the year to March 2018:
  - a) the rate of incidents of alcohol-related assault (domestic) was higher than the NSW average for the suburb, but significantly lower in the LGA.
  - b) the rate of incidents of alcohol-related assault (non-domestic) was lower than the NSW average for the suburb and the LGA.
  - c) the rate of incidents of malicious damage to property is significantly higher in the suburb when compared to the NSW average.
  - d) the rate of incidents of alcohol-related disorderly conduct (offensive conduct) is lower than the NSW average for the suburb and the LGA.
26. The Authority noted the submission from a local resident raising concerns about the potential for noise and previous issues with noise under the former owners. The Authority also noted the Applicant's commitment to addressing these concerns by way of the following measures:
  - a) Stopping all entertainment other than background music after midnight.
  - b) Not exceeding the background noise level in any Octave Band Centre Frequency.
  - c) Restricting the egress of patrons to a single exit.
27. The Authority notes the Applicant's contention that the Premises will operate in accordance with a detailed Plan of Management that addresses the operation of gaming machines at the hotel, and is satisfied that the measures included in the Plan of Management are appropriate to support the responsible conduct of gambling during the period to which the extended trading authorisation will apply, as well as to contain any amenity impacts on the area immediately surrounding the Hotel.

28. The Authority has considered the density of liquor licences in East Hills. Whilst the density of hotel licences in East Hills is considerably higher than the corresponding NSW figure, this figure is of limited relevance given that the granting of the Authorisation will not result in an increase in the density of hotel licences in the area.
29. More significantly, the Authority notes that there are no other late trading premises in the suburb. The nearest late trading premises are Panania RSL ('Panania Diggers') which is located in a neighbouring suburb and Panania Hotel, which is located at a considerable walking distance away from the premises. Currently, there are no other existing late trading hotels or comparable packaged liquor facilities available during later hours in East Hills.
30. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that the former Bankstown LGA, in which the Premises is located, recorded a lower than average level of alcohol attributable deaths for the period 2012-13, and a lower than average level of alcohol attributable hospitalisations for the period 2013-15.
31. The ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that East Hills was relatively advantaged compared to other suburbs in NSW, ranking in the 6th decile on the Index of Relative Socio-economic Advantage and Disadvantage. Canterbury-Bankstown LGA was a relatively advantaged LGA, ranking in the 6th decile on the same index.
32. The Authority accepts that there may be a risk that, if the Authorisation were to be granted, liquor sold at the Premises during the extended trading period will, over time, contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities.
33. The Authority is nevertheless satisfied that the risk is sufficiently mitigated by the following:
- a) The fact that there were no objections from any of the key stakeholders consulted, including NSW Police, Council and NSW FACS, in respect of the Application.
  - b) Measures set out in the Applicant's Plan of Management documents and the licence conditions to be imposed in respect of the responsible service of alcohol and prevention of intoxication on the premises.
  - c) The Applicant's proposed measures in ensuring the responsible conduct of gambling.
  - d) The Applicant's willingness to adhere to licence conditions, such as a condition limiting the noise levels and restricting live entertainment to certain hours.

#### Overall social impact

34. Having considered the positive and negative social impacts that are likely to flow from granting the Authorisation, the Authority is satisfied that the overall social impact of granting the Authorisation would not be detrimental to the well-being of the local and broader communities.
35. The Authority is also satisfied that the other legislative criteria for the granting of the Authorisation have been met.
36. Accordingly, the Authority has decided to grant the Authorisation under section 49 of the Act.



Philip Crawford  
Chairperson

**Important Information:**

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

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

## Schedule 1

### Material considered by the Authority

1. HealthStats NSW data showing that the Bankstown LGA recorded, compared to a state benchmark of 100:
  - a. a smoothed standardised mortality ratio of 89.30 for the period 2012-13, and
  - b. a smoothed standardised separation ratio of 94.10 for the period 2013-15.
2. ABS SEIFA data based on the 2016 Census indicating that, on the Index of Relative Socio-economic Advantage and Disadvantage for NSW on a scale of 1 to 10, with the 10th decile being the most advantaged and 1st decile the most disadvantaged, East Hills ranked in the 6th decile and Canterbury-Bankstown LGA ranked in the 6th decile.
3. NSW Recorded Crime Statistics 2017 outlining offences by day of week and time of day in Canterbury-Bankstown LGA compared to NSW.
4. Notice of determination issued by City of Bankstown Council on 7 November 2000, approving the development application D1730/2000 for the Premises.
5. BOCSAR crime hotspot maps for the year to March 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:
  - a. for the year to March 2017, the rates of:
    - i. alcohol-related domestic assault in Canterbury-Bankstown LGA and East Hills were 54.8 and 151.5 respectively, compared to the NSW average of 113.2,
    - ii. alcohol-related non-domestic assault in Canterbury-Bankstown LGA and East Hills were 47.6 and 181.8 respectively, compared to the NSW average of 132.8,
    - iii. malicious damage to property in Canterbury-Bankstown LGA and East Hills were 556.8 and 1060.3 respectively, compared to the NSW average of 805.1,
    - iv. alcohol-related offensive conduct in Canterbury-Bankstown LGA and East Hills were 5.0 and 0.0 respectively, compared to the NSW average of 46.3,
  - b. for the year to March 2018, the rates of:
    - i. alcohol-related domestic assault in Canterbury-Bankstown LGA and East Hills were 62.5 and 121.2 respectively, compared to the NSW average of 114.4,
    - ii. alcohol-related non-domestic assault in Canterbury-Bankstown LGA and East Hills were 44.8 and 90.9 respectively, compared to the NSW average of 130.4,
    - iii. malicious damage to property in Canterbury-Bankstown LGA and East Hills were 518.3 and 1060.3 respectively, compared to the NSW average of 779.5, and
    - iv. alcohol-related offensive conduct in Canterbury-Bankstown LGA and East Hills were 3.6 and 30.3 respectively, compared to the NSW average of 41.2.
7. Submission from NSW Roads & Maritime Services on 4 April 2018 in relation to the Application.
8. Submission from Aboriginal Affairs on 5 April 2018 in relation to the Application.
9. Submission from Local Resident on 13 April 2018 in relation to the Application.
10. Submission from NSW FACS on 17 April 2018 in relation to the Application.
11. Completed application dated 7 May 2018.
12. Copy of the public consultation site notice, police notice and local consent authority notice dated 7 May 2018.
13. Completed Category B Community Impact Statement dated 7 May 2018.
14. Completed Certification of Advertising dated 11 May 2018.
15. Submission from NSW Police on 19 July 2018 in relation to the Application.

16. Google map images extracted from the Google website on 19 July 2018, showing the location and photos of the Premises in map view, earth view and street view.
17. L&GNSW liquor licensing records as at 19 July 2018 listing all liquor licences in East Hills and hotel licences in the LGA, and setting out the number and density (in terms of licences per 100,000 persons of the population) of all types of liquor licences in East Hills, Canterbury-Bankstown LGA and NSW. The density of Hotel licences is 28.42 in NSW, 9.24 in Canterbury-Bankstown LGA, and 31.19 in East Hills.
18. L&GNSW Compliance Detail Report extracted on 24 July 2018.
19. Correspondence between L&GNSW staff and the Applicant on 27 June, 23 August and 30 August 2018 in relation to the assessment of the Application.
20. Correspondence from Applicant on 30 August 2018, with an updated Plan of Management dated 30 August 2018.
21. An undated floor plan indicating the licensed areas and proposed extended trading licensed area within the Premises.

## 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).

#### 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 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.