



Mr Ben Abraham
Director, Insolvent Pty Ltd
ben@goodtimesonly.com.au

21 June 2019

Dear Mr Abraham

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| Application No. | 1-6901850805 |
| Applicant | Insolvent Pty Ltd |
| Application for | Extended trading authorisation in relation to a hotel licence |
| Licence name | Howlin' Wolf |
| Licence number | LIQH440018928 |
| Premises | Shop 103, 53-61 Crown Street WOLLONGONG NSW 2500 |
| Current trading hours | Monday to Saturday 12:00 midday – 12:00 midnight Sunday 12:00 midday – 10:00 PM |
| Proposed trading hours | Monday to Sunday 12:00 midday – 12:00 midnight |
| Legislation | Sections 3, 11A, 48, 49 and 51 of the <i>Liquor Act 2007</i> |

**Decision of the Independent Liquor and Gaming Authority
Application for an extended trading authorisation – Howlin' Wolf**

The Independent Liquor and Gaming Authority ("Authority") considered the above mentioned application at its meeting on 14 November 2018. Following further consultation with the Applicant the Authority has decided, pursuant to section 49(2) of the *Liquor Act 2007*, to grant the Application with the following conditions to be imposed upon the licence:

1. If the local consent authority does not approve the continuation of the trial period in the development consent after 8 February 2020 (or as may be extended from time to time), the trading hours of the premises will revert to 10:00 PM on Sunday. A copy of the relevant development consent is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
2. The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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 the extended trading authorisation on 30 April 2019.
3. Closed-circuit television (CCTV)
 - 1) The licensee must maintain a closed circuit television (CCTV) system on the premises in accordance with the following requirements:
 - a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - b. recordings must be in digital format and at a minimum of six (6) frames per second,
 - c. any recorded image must specify the time and date of the recorded image,
 - d. the system's cameras must cover the following areas:
 - i. all entry and exit points on the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - a. keep all recordings made by the CCTV system for at least 30 days,
 - b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and

- c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

4. Crime scene preservation

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

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

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.

5. The premises is to be operated at all times in accordance with the Plan of Management dated 07 September 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.
6. 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.

7. Signage is to be erected in a prominent position near the main entry to the premises reminding patrons to leave quietly.

To avoid doubt, the above conditions are taken to be conditions of the hotel licence LIQH440018928, and are imposed in addition to the existing conditions on that licence.

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

If you have any questions, please contact the case manager at lucas.ho@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 10 August 2018 Insolvent Pty Ltd (“Applicant”) lodged an application (“Application”) with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor and Gaming Authority (“Authority”). The Application sought an extended trading authorisation (“Authorisation”) in relation to the Applicant’s hotel licence (LIQH440018928) at Shop 103, 53-61 Crown Street, Wollongong (“Premises”), trading in the name of Howlin’ Wolf.
2. The Authority considered the Application at its meeting on 14 November 2018 and, following further consultation with the Applicant, decided on 30 April 2019 to grant the Authorisation under section 49 of the *Liquor Act 2007* (“Act”).
3. A preliminary advice letter notifying the Applicant of this decision was issued on 2 May 2019.
4. In reaching this decision, the Authority has had regard to the material before it and the legislative requirements under the Act and the Liquor Regulation 2008 (“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 legislative provisions under the Act:
 - a) Section 3: Statutory objects of the Act and relevant considerations.
 - b) Section 11A: The mandatory 6 hour period during which liquor cannot be sold.
 - c) Section 48: Requirements in respect of a CIS.
 - d) Section 49: General provisions in respect of an 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.

Validity, procedural and trading requirements

12. The Authority is satisfied that the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 49 and 51 of the Act.

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

13. Pursuant to sections 45(3)(b) and 49(8) of the Act, and having regard to the Applicant’s plan of management, the Authority is satisfied that practices are and will remain in place to:
 - a) facilitate the responsible service of alcohol on the Premises,
 - b) prevent intoxication on the Premises, and

- c) minimise undue disturbance in the neighbourhood.
14. The Authority is also satisfied, for the purposes of sections 45(3)(a) and 45(3)(c) of the Act, that:
- a) the Applicant is a fit and proper person to carry on the business to which the proposed Authorisation relates, given the absence of any information indicating otherwise following consultation with relevant law enforcement agencies, and
 - b) the requisite development consent is in force, based on the Notice of Determination to Modify Development Consent number DA-2012/227/E issued by Wollongong City Council on 8 February 2019 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 purposes 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 Wollongong, and the relevant “broader community” comprises the Local Government Area (“LGA”) of Wollongong.

Positive social impacts

17. The Authority notes that Howlin’ Wolf is an established bar situated in the Wollongong central business district (“CBD”). The hotel (general bar) licence for the Premises was granted in February 2013, and the Applicant took over the business in January 2017. The Authority is satisfied that that granting the Authorisation would provide members of the local and broader communities with additional access to the hotel services and facilities offered at the Premises for an additional two hours on Sundays.
18. The Authority notes the applicant’s contention that the venue is a “quiet cocktail bar aimed at a refined style of drinking”, and that entertainment will be provided during the additional trading hours in the form of live music, vinyl DJs, art shows and poetry slams.
19. The Authority notes that Applicant has applied for extended trading on Sunday in order to cater to the large number of hospitality and shift workers in Wollongong. The Applicant contends that Wollongong has traditionally been a “shift working town”, with a significant number of the local population employed in the steel, hospitality and tourism industries, as well as at the local hospital and university.
20. The Authority has given weight to the Applicant’s contention that presently only large clubs and nightclubs offer late trading on Sundays in Wollongong, and that granting the Application would assist in diversifying and developing the liquor industry during this period, and offer the local and broader community an alternative style of licenced venue.
21. The Authority considers the proposed benefits above to be limited by the absence of any substantive evidence of community support for the Application.
22. On the basis of the above, the Authority is satisfied that granting the Authorisation would be in line with the expectations, needs and aspirations of the community, and contribute to the development of the liquor industry and the related tourism industry.

Negative social impacts

23. The Authority notes that, according to BOCSAR Crime Maps for the year to June 2018, the Premises was located within large high-density hotspots for incidents of alcohol-related assault, domestic assault, non-domestic assault and malicious damage to property.

24. Furthermore, the Authority notes that the BOCSAR crime data for the year to June 2018 indicates that the incident rates of alcohol-related domestic and non-domestic assault, malicious damage to property and alcohol-related disorderly conduct (offensive conduct) in Wollongong and Wollongong LGA were higher than the corresponding NSW rates, with the exception of the incident rate for alcohol-related domestic assault in Wollongong LGA, which was slightly lower than the NSW rate.
25. The Authority notes that NSW Police ("Police") objected to the Application on the basis of the high density of licensed premises with extended trading hours, and the high rates of incidents of alcohol-related crime in the Wollongong CBD.
26. The Authority considers that the licence density and crime data is reflective of the fact that Wollongong is a major regional centre, with licensed venues serving the city's residents, workers, university students and visitors.
27. Furthermore, the Authority notes that the Premises has operated with a sound compliance history since it was granted a liquor licence in 2013, and that there is no evidence or localised data before the Authority linking the operation of the Premises to any alcohol-related crime or disturbances.
28. The Authority has considered the submission from a local resident raising concerns in relation to potential noise disturbances arising from the operation of the Premises and provision of entertainment during the extended trading hours, noting the high number of residential dwellings situated in close proximity to the Premises.
29. The Authority further notes that during the pre-application consultation the applicant was approached by two local residents who raised concerns about excessive noise in the Wollongong CBD and the number of licensed venues which already had extended trading.
30. The Authority accepts that the operation of the Premises during the additional trading hours on Sundays has the potential to cause noise disturbance and amenity impacts for local residents.
31. The Authority has given weight to the Applicant's contention that the venue has not received any noise complaints in the time they have been operating the venue.
32. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that the LGA recorded a higher level of alcohol-attributable deaths and a slightly lower level of alcohol-attributable hospitalisations compared to the corresponding NSW figures.
33. Socio-economic index for areas data establishes that the local and broader communities are relatively advantaged with the suburb ranking in the 6th decile and the LGA in the 8th decile on the Index of Relative Socio-Economic Advantage and Disadvantage compared to other suburbs and LGAs within the state. That is, social disadvantage does not present as an additional risk factor when assessing these communities on the whole
34. Whilst, as noted above, there is evidence of alcohol-related harms in the local and broader communities, the Authority is satisfied that the risk of detrimental overall social impacts associated with the granting of the Authorisation is sufficiently mitigated by the following:
 - a) the limited hours during which liquor can be sold under the Authorisation (two hours each week);
 - b) the prevailing business model of an intimate high-end cocktail bar, and the fact that the Premises does not trade beyond midnight;
 - c) the small size of the Premises, at 86m² and 100 patron capacity, which provides increased opportunity for proper monitoring and management of patrons consuming liquor thereby reducing the scope for adverse social impact compared to a larger venue;
 - d) the fact that the Premises is an established and well-run venue;

- e) the fact that the extended trading hours applied for are subject to a trial period in the development consent for the Premises;
- f) the imposition of a number of licence conditions to address identified harms; and
- g) the adherence to the measures stipulated in the Plan of Management document.

Overall social impact

35. Having considered the positive and negative impacts that are likely to flow from approving the Application, 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.
36. The Authority is also satisfied that the other legislative criteria for the granting of the Authorisation have been met.
37. 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 Wollongong LGA recorded, compared to a state benchmark of 100:
 - a. a standardised alcohol-related hospitalisation ration of 92.10 in 2011, 98.30 in 2012, 97.30 in 2013, 98.10 in 2014 and 98.70 in 2015; and
 - b. a standardised alcohol-related mortality ratio of 105.60 in 2009, 106.90 in 2010, 107.20 in 2011, 107.10 in 2012 and 106.80 in 2013.
2. ABS SEIFA data based on the 2016 Census indicating that, on the Index of Relative Socio-economic Advantage and Disadvantage for NSW on a scale of 1 to 10, with the 10th decile being the most advantaged and 1st decile the most disadvantaged:
 - a. Wollongong ranked in the 6th decile, and
 - b. Wollongong LGA ranked in the 8th decile.
3. BOCSAR NSW Crime Statistics for July 2016 to June 2018 for incidents of alcohol-related assault (domestic and non-domestic), malicious damage to property and alcohol-related disorderly conduct (offensive conduct) in Wollongong and Wollongong LGA.
4. BOCSAR NSW Recorded Crime Statistics 2017 in respect of the number of incidents by offence type, day of week and time of day in Wollongong LGA.
5. BOCSAR NSW Recorded Crime Statistics 2017 in respect of the number and proportion of selected offences flagged as alcohol related by NSW Police in Wollongong LGA.
6. BOCSAR NSW Recorded Crime Statistics for July 2107 to June 2018 relating to Wollongong LGA.
7. Development Application No. DA-2012/227/D issued by Wollongong City Council on 15 February 2018 in relation to the Premises.
8. Correspondence from Wollongong City Council, dated 24 April 2018, in relation to the trial period for the extended trading hours.
9. BOCSAR Crime Hotspot Maps for the year to June 2018, indicating the location of the Premises relative to hotspots for incidents of alcohol related assault, domestic assault, non-domestic assault, and malicious damage to property.
10. Completed application dated 3 July 2018 and the relevant notices of application.
11. Applicant's response to the submission from a local resident, dated 26 July 2018.
12. Completed Category B CIS dated 10 August 2018 and its supporting documents.
13. Submission from NSW Police dated 23 August 2018 in relation to the Application.
14. Applicant's response to the submission from NSW Police, dated 23 August 2018.
15. Submission from an occupant of a neighbouring premises situated within 50 metres of the Premises dated 7 September 2018 in relation to the Application.
16. Certification of advertising dated 7 September 2018.
17. Plan of management for the Premises, dated 7 September 2018.
18. L&GNSW liquor licensing records as at 24 October 2018 setting out the number and density (in terms of licences per 100,000 persons of the population) of all types of liquor licences in NSW, Wollongong LGA and Wollongong. The density of general bar hotel licences was 1.36 in NSW, 1.96 in Wollongong LGA and 21.69 in Wollongong.
19. L&GNSW liquor licensing records as at 24 October 2018 listing all club and hotel licences in Wollongong.
20. L&GNSW liquor licensing records as at 24 October 2018, setting out the key liquor licence details for the Premises.

21. Google map images extracted from the Google website on 24 October 2018, showing the location and photo of the Premises in map view, earth view and street view.
22. L&GNSW Compliance report dated 25 October 2018 in relation to the compliance history of the Premises between 1 July 2008 and 25 October 2018.
23. Email correspondence from the applicant, dated 22 November 2018.
24. Development Application No. DA-2012/227/E issued by Wollongong City Council on 8 February 2019 in relation to the Premises.
25. Floor plan for the Premises, setting out the licensed area and areas the subject of the Authorisation.
26. Photographs of the Premises, as provided by the Applicant.

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.

48 Community impact

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of:
 - (a) the views of the local community, and
 - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.
- (2) In this section:
relevant application means any of the following:
 - (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
 - (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,

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

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).

- (3) A relevant application must be accompanied by a community impact statement.
- (3A) However, a small bar application is not required to be accompanied by a community impact statement if:
 - (a) development consent is required under the Environmental Planning and Assessment Act 1979 to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
 - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following:
 - (a) an application for a small bar licence,
 - (b) an application for approval to remove a small bar licence to other premises,
 - (c) an application for an extended trading authorisation for a small bar,
 - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if:
 - (a) the application relates to the same premises as the premises to which a general bar licence relates, and
 - (b) development consent has been obtained under the Environmental Planning and Assessment Act 1979 to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:
 - (a) an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or
 - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the Registered Clubs Act 1976.
- (4) The community impact statement must:
 - (a) be prepared in accordance with the regulations and any requirements of the Authority, and
 - (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:
 - (a) the community impact statement provided with the application, and
 - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),

that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following:
 - (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
 - (b) the matters to be addressed by a community impact statement,
 - (c) the information to be provided in a community impact statement,
 - (d) the criteria for determining the local and broader community for the purposes of a relevant application,
 - (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

49 Extended trading authorisation—general provisions

(1) Application of section

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

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

(2) Extended trading authorisation for consumption on premises

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

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

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

- (a) a specified period between 5 am and noon on a restricted trading day,
- (b) a specified period between 10 pm and midnight on a restricted trading day.

Note. The sale of liquor at these times is subject to the requirement that a meal is also served—see section 25 (3).

(3) Despite subsection (2) (a), the Authority may, in the case of a hotel:

- (a) situated in the area constituting the City of Sydney (as at 1 July 1994), or
- (b) situated in the Kings Cross precinct, or
- (b1) situated in the area including and bounded by the parts of streets specified in Schedule 3 (Oxford Street–Darlinghurst precinct) or that fronts or backs onto, or abuts, any such specified part, or
- (c) situated in the Kosciuszko National Park,

authorise the licensee, on application by the licensee, to sell or supply liquor, for consumption on the licensed premises only, during a specified period between midnight on a Sunday and 5 am on a Monday.

(4) Extended trading authorisation for take-away sales on Sundays

In the case of a relevant licence (including a packaged liquor licence) that authorises the sale or supply of liquor for consumption away from the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption away from the licensed premises only, during either or both of the following:

- (a) a specified period between 5 am and 10 am on a Sunday,
- (b) (Repealed)

(5) Nature of extended trading authorisation

An extended trading authorisation operates to authorise the sale or supply of liquor on the licensed premises:

- (a) on a regular basis (until such time as the authorisation is varied or revoked by the Authority), or
- (b) if the authorisation so provides—on a special occasion that takes place on a specified date, or
- (c) if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.

(5A) Despite subsection (2) (a), the Authority may, in the case of a hotel licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during a specified period between midnight on a Sunday and 5 am on a Monday, but only on or in connection with a special occasion that takes place on a specified date.

(6) Extended trading period to be specified In granting an extended trading authorisation, the Authority is to specify:

- (a) the extended trading hours during which the licensee is authorised to sell or supply liquor, and
- (b) the part or parts of the licensed premises to which the authorisation applies.

(7) Extended trading not permitted on or in relation to restricted trading days—hotels and licensed public entertainment venues

Despite any other provision of this section, an extended trading authorisation cannot, in the case of a hotel licence or an on-premises licence that relates to a public entertainment venue (other than a cinema or a theatre), be granted to authorise the sale or supply of liquor for consumption on the licensed premises during any of the following periods:

- (a) between 5 am and noon on a restricted trading day,
- (b) between 10 pm and midnight on a restricted trading day,

(c) between midnight and 5 am on any day immediately following a restricted trading day.

(8) Restrictions on granting extended trading authorisation

The Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:

- (a) practices are in place, and will remain in place, at the licensed premises that ensure as far as reasonably practicable that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
- (b) the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.

(9) For the purposes of this section, a special occasion means the occasion of a unique or infrequent event of local, State or national significance that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark on the licensed premises concerned.

51 General provisions relating to licence-related authorisations

(1) This section applies to the following authorisations granted by the Authority under this Act:

- (a) an extended trading authorisation,
- (b) a drink on-premises authorisation,
- (c) any other authorisation that may be granted by the Authority under Part 3 (other than a licence),
- (d) a minors area authorisation,
- (e) a minors functions authorisation.

(2) An application for an authorisation to which this section applies must:

- (a) be in the form and manner approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary), and
- (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
- (c) if required by the regulations to be advertised—be advertised in accordance with the regulations, and
- (d) comply with such other requirements as may be approved by the Authority (or, in the case of an application for an extended trading authorisation for a small bar, by the Secretary) or prescribed by the regulations.

(3) In determining an application for an authorisation, the Authority has the same powers in relation to the application as the Authority has in relation to an application for a licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.

(4) If, before an application for an authorisation is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection), the applicant must immediately notify the Authority of the particulars of the change.

(5) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for an authorisation.

(6) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the authorisation.

(7) The regulations may prescribe, or provide for the determination of, a fee in respect of the granting of an authorisation. If any such fee is prescribed or determined, the authorisation does not take effect unless the fee has been paid.

(8) The Authority may, in granting an authorisation, specify requirements that are to be complied with before the authorisation takes effect. The authorisation does not take effect until such time as any such requirements have been complied with.

(9) An authorisation:

- (a) is subject to such conditions:
 - (i) as are imposed by the Authority (whether at the time the authorisation is granted or at a later time), or
 - (ii) as are imposed by or under this Act or as are prescribed by the regulations, and
- (b) may be varied or revoked by the Authority on the Authority's own initiative or on application by the licensee, the Secretary or the Commissioner of Police.

(10) Any such application by a licensee to vary or revoke an authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by the fee prescribed by the regulations.

(11) For the purposes of this Act, any condition to which an authorisation is subject is taken to be a condition of the licence to which the authorisation relates.

(12) An authorisation has effect only while all the conditions to which it is subject are being complied with.

(13) The Authority must not impose a condition on an authorisation, or revoke or vary an authorisation, other than a variation made on application by a licensee, unless the Authority has:

- (a) given the licensee to whom the authorisation relates a reasonable opportunity to make submissions in relation to the proposed decision, and
- (b) taken any such submissions into consideration before making the decision.

- (14) This section does not authorise the revocation or variation of a condition to which an authorisation is subject if the condition is imposed by this Act or is prescribed by the regulations.