



Mr John Van der Veen
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25 October 2019

Dear Mr Van der Veen

Application No.	1-7282546551
Applicant	Neil Andrew Hedges
Application for	New extended trading authorisation for an existing full hotel licence
Licence name	Bradford Hotel Pty Limited
Licence number	LIQH400115237
Premises	358 New England Highway Rutherford NSW 2320
Current trading hours	<u>Consumption on premises</u> Monday to Saturday 5:00 am – 12:00 am Sunday 10:00 am – 10:00 pm <u>Takeaway sales</u> Monday to Saturday 5:00 am – 11:00 pm Sunday 10:00 am – 10:00 pm
New trading hours	<u>Consumption on premises: Gaming room, courtyard garden, main bar, lounge bar and TAB</u> Monday to Saturday 10:00 am – 1:00 am Sunday 10:00 am – 10:00 pm <u>Consumption on premises: Other areas</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
Legislation	Sections 3, 11A, 48, 49 and 51 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for an extended trading authorisation – Bradford Hotel, Rutherford**

The Independent Liquor & Gaming Authority considered the above application at its meeting on 19 June 2019. Following further consultation with the Applicant, the Authority has decided to **approve** the Application pursuant to section 49 of the *Liquor Act 2007*, subject to:

- amending the Hotel's opening hours so that the sale and supply of liquor for consumption on the licensed premises cannot commence before 10 am,
- amending the Hotel's take away sales hours to reflect the requirement under section 12 of the Act that the standard trading period during which liquor can be sold for consumption away from the licensed premises must end at 10 pm, noting that take away liquor sales may still take place between 10 pm and 11 pm on days other than Sundays and restricted trading days pursuant to the exemption under clause 117 of the Liquor Regulation 2018, and
- imposing 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 six (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 (liquor can only be served with or ancillary to a meal in a dining area)

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 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.

5. The premises is to be operated at all times in accordance with the Plan of Management dated June 2019 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

6. 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.

7. 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.

8. Trial period for extended hours

If the local consent authority does not approve the continuation of the trial period in the development consent after 15 July 2020 (or as may be extended from time to time), the trading hours of the premises will revert to Monday to Saturday 10:00 AM to midnight.

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.

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

To avoid doubt, the above conditions are taken to be conditions of the hotel licence LIQH400115237, 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 & Gaming Authority**

Statement of reasons

Decision

1. On 27 April 2019 Neil Andrew Hedges (“Applicant”) lodged an application (“Application”) with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”). The Application sought an extended trading authorisation (“Authorisation”) in relation to the Applicant’s hotel licence (LIQH400115237) at 358 New England Highway, Rutherford (“Premises”), trading in the name of Bradford Hotel.
2. The Authority first considered the Application at its meeting on 19 June 2019 and, following further consultation with the Applicant, decided to grant the Authorisation under section 49 of the *Liquor Act 2007* (“Act”).
3. The Authorisation as granted extends the trading hours of the Premises between midnight and 1 am Monday to Saturday in the gaming room, courtyard garden, main bar, lounge bar and TAB area.
4. A preliminary advice letter notifying the Applicant of this decision was issued on 15 July 2019.
5. 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 2018 (“Regulation”).

Material considered by the Authority

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

Legislative framework

10. The Authority has considered the Application in the context of the following 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.
11. An extract of these sections is set out in Schedule 2.

Key findings

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

Validity, procedural and trading requirements

13. The Authority notes that the Applicant had lodged a previous application for an extended trading authorisation for the Premises, which, by reason of the Applicant’s non-compliance with clause 29 of the Liquor Regulation 2018 when preparing the previous CIS, the Authority found to be invalid.

14. On the basis of the consultation that had already been undertaken, the Authority approved a shortened pre-application CIS consultation period from 30 days to 14 working days, and a shortened post-application submission period from 30 days to 14 working days, for the Application that is the subject of this decision.
15. 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

16. 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.
17. 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 of Development Application No. DA18/0064 in respect of the Premises, issued by Maitland City Council on 25 September 2018.

Community impact of gambling activities

18. Clause 10A of the Regulation requires the CIS for an ETA in relation to a hotel licence to address matters relating to gambling activities on the licensed premises during the period that the Authorisation is proposed to be in force.
19. Having regard to the information in the CIS for the Application, the Authority is satisfied that it meets the minimum requirements under clause 10A of the Regulation in addressing the potential social impact of any future gambling activities on the Premises during the extended trading hours sought.

Community impact statement

20. 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.
21. 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 Rutherford, and the relevant "broader community" comprises the Local Government Area ("LGA") of Maitland.

Positive social impacts

22. The Authority notes the Applicant's contention that patrons of the Hotel are migrating to other late trading venues at around 11:00 pm each night. Accordingly, the Authority considers that granting the Authorisation would provide a measure of convenience for those who patronise the Hotel during the later hours of the night, by allowing them to attend and stay at the Premises and enjoy the facilities and services of the Hotel after midnight, Monday to Saturday.
23. The Authority notes that the majority of the facilities offered by the Hotel, such as the gaming room, courtyard garden, main bar, lounge bar and TAB, will be available during the extended trading period.

24. The Authority has had regard to the Applicant's contention that granting the Authorisation will benefit the local community economically, as it will provide increased employment opportunities, however the Authority has given this contention little weight, as the extended trade of one hour per night on Monday to Saturday is unlikely to have any appreciable economic or employment benefits.
25. The Authority notes that, pursuant to the development consent currently in place, the extended trading hours applied for are subject to a trial period; and that the trial is subject to Council consideration of any amenity impacts experienced during the trial.
26. 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.
27. Having regard to the information available, 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.

Negative social impacts

28. The Authority has had regard to the relevant BOCSAR data, which indicates that for the year to December 2018:
 - a) the Premises was located within a low-density hotspot for incidents of domestic assault, and that there is a large high-density hotspot for incidents of domestic assault in Rutherford; and
 - b) both Rutherford and Maitland LGA recorded significantly higher rates of alcohol-related domestic assault and malicious damage to property, and a moderately higher rate of alcohol-related non-domestic assault compared to the NSW state average.
29. Furthermore, the Authority has also had regard to BOCSAR recorded crime statistics for 2018, which indicates that Maitland LGA recorded lower counts of alcohol-related crime incidents during the proposed extended trading period when compared to other time periods.
30. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Maitland LGA was moderately advantaged compared to other LGAs in NSW, ranking in the 6th decile on the Index of Relative Socio-economic Advantage and Disadvantage. Conversely, Rutherford was amongst the most disadvantaged suburbs in NSW, ranking in the 1st decile on the same index, raising concerns in relation to the vulnerability of disadvantaged groups of the community when exposed to alcohol and gambling-related harm.
31. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Maitland LGA recorded a higher than average level of alcohol attributable deaths and a lower than average level of alcohol attributable hospitalisations, in the periods 2015-16 and 2015-17 respectively.
32. The Authority notes that during the consultation for the CIS, the Applicant held a meeting with three local residents residing in the immediate vicinity of the Premises, who raised concerns regarding appropriate privacy screening between the Premises and their dwellings, and noise disturbances caused by patrons vacating the Premises. The Authority notes that, in response to these concerns, the Applicant has agreed to plant hedges at the Premises to maintain the residents' privacy, and to station security personnel in the hotel carpark on Friday and Saturday nights when the Premises closes to ensure that the amenity of the local community is not impacted negatively by the operation of the Premises.
33. The Authority has had regard to the submission from Roads & Maritime Services ("RMS"), which proposed a number of initiatives to help reduce the incidence of road crashes involving drivers and riders impaired by alcohol. The Authority notes that RMS did not object to the Application, and that the Applicant has implemented the suggested initiatives into the Plan of Management for the Premises.

34. The Authority has also had regard to the submission from L&GNSW, which noted two compliance incidents which occurred at the Premises in recent years, however the Authority notes that these incidents occurred before the Applicant became licensee of the Premises. The Authority notes that L&GNSW Compliance submits that there is an increased risk of alcohol-related harm when trading hours are increased, by virtue of the fact that liquor is to be sold or supplied for a longer period.
35. Having regard to the above, the Authority notes that:
- a) there is evidence of alcohol-related harms in the local and broader communities, and
 - b) 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.
36. The Authority is nevertheless satisfied that the risk is sufficiently mitigated by the following:
- a) the small extension to late trading hours (from midnight to 1:00 am Monday to Saturday only),
 - b) the overall net reduction in trading hours by four hours per day, resulting from the Applicant agreeing to amend the opening hours of the premises from 5:00 am to 10:00 am, Monday to Saturday,
 - c) the extended trading hours applied for are subject to a trial period in the development consent for the Premises,
 - d) the good compliance history of the Premises since the Applicant was appointed licensee,
 - e) the employment of security personnel on Friday and Saturday nights,
 - f) the absence of any objections from the stakeholders consulted or any members of the public, and
 - g) measures set out in the Applicant's Plan of Management, and the conditions imposed on the Licence, to minimise alcohol related harms arising from the grant of the Authorisation.

Overall social impact

37. 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 wellbeing of the local and broader communities.
38. The Authority is also satisfied that the other legislative criteria for the granting of the Authorisation have been met.
39. Accordingly, the Authority has decided to grant the Authorisation under section 49 of the Act.



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

Important Information:

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

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

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

Schedule 1 – Material considered by the Authority

Material related to the Application

1. Certification of advertising dated 8 April 2019.
2. Completed application dated 15 April 2019 and the relevant notices of application.
3. Completed Category B CIS dated 15 April 2019.
4. Google map images extracted from the Google website on 30 April 2019, showing the location and photo of the Premises in map view, earth view and street view.
5. L&GNSW Compliance report dated 30 April 2019 in relation to the compliance history of the Premises between 1 January 2008 and 30 April 2019.
6. L&GNSW liquor licensing records as at 1 May 2019, setting out the key liquor licence details for the Premises.
7. Plan of Management for the Premises, dated June 2019.
8. Correspondence between L&GNSW staff and the Applicant between 4 January 2019 and 15 July 2019 in relation to the assessment of the Application.
9. Floor plan for the Premises, setting out the licensed area the subject of the Authorisation.
10. Copy of the application form and Community Impact Statement for the previous invalid application.

Development consent

11. Development consent issued by Maitland City Council on 25 September 2018 in relation to the Premises.
12. Correspondence from Maitland City Council dated 3 June 2019 in relation to the commencement date of the 12-month trial for the revised operating hours of the Premises.

Density data

13. L&GNSW liquor licensing records as at 29 April 2019 listing all liquor licences in Rutherford.
14. L&GNSW liquor licensing records as at 29 April 2019 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, Maitland LGA and Rutherford. The density of full hotel licences was 27.03 in NSW, 31.04 in Maitland LGA and 16.82 in Rutherford.

Submissions

15. Submission from Roads & Maritime Services dated 6 December 2018 in relation to the Application.
16. Emails from L&GNSW to NSW Police dated 30 April 2019 and 13 May 2019 in relation to a police submission. A submission was not received.
17. Submission from L&GNSW Compliance dated 9 May 2019 in relation to the Application.

SEIFA

18. 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. Rutherford ranked in the 1st decile, and
 - b. Maitland LGA ranked in the 6th decile.

Health data

19. HealthStats NSW data showing that the Maitland LGA recorded:
 - a. for the period 2015-16, a spatially adjusted rate of 21.0 per 100,000 of the population for alcohol attributable deaths, compared to the NSW rate of 18.1, and
 - b. for the period 2015-17, a spatially adjusted rate of 469.6 per 100,000 of the population for alcohol attributable hospitalisation, compared to the NSW rate of 580.6.

Crime data

20. NSW crime statistics published by BOCSAR indicating that:
 - a. for the year to December 2017, the rates of:
 - i. alcohol-related domestic assault in Maitland LGA and Rutherford were 132.3 and 188.0 respectively, compared to the NSW average of 114.9,
 - ii. alcohol-related non-domestic assault in Maitland LGA and Rutherford were 107.1 and 155.3 respectively, compared to the NSW average of 131.6,
 - iii. malicious damage to property in Maitland LGA and Rutherford were 1,105.4 and 2,002.6 respectively, compared to the NSW average of 790.6,
 - iv. alcohol-related disorderly conduct (offensive conduct) in Maitland LGA and Rutherford were 40.3 and 8.2 respectively, compared to the NSW average of 43.1,
 - b. for the year to December 2018, the rates of:
 - i. alcohol-related domestic assault in Maitland LGA and Rutherford were 172.7 and 277.9 respectively, compared to the NSW average of 116.5,
 - ii. alcohol-related non-domestic assault in Maitland LGA and Rutherford were 138.6 and 130.8 respectively, compared to the NSW average of 123.9,
 - iii. malicious damage to property in Maitland LGA and Rutherford were 968.0 and 1,487.7 respectively, compared to the NSW average of 755.1, and
 - iv. alcohol-related disorderly conduct (offensive conduct) in Maitland LGA and Rutherford were 34.0 and 0 respectively, compared to the NSW average of 37.9.
21. BOCSAR NSW Recorded Crime Statistics 2018 outlining the number and proportion of selected offences flagged as alcohol related by NSW Police in Maitland LGA compared to NSW.
22. BOCSAR NSW Recorded Crime Statistics 2018 outlining offences by day of week and time of day in Maitland LGA and Rutherford compared to NSW.
23. BOCSAR Crime Hotspot Maps for the year to December 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.

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.