

Licence conditions approved by the Independent Liquor & Gaming Authority

8 December 2021

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Adequate separation (for PLL in a supermarket/general store larger than 240m²)

Adequate separation

The liquor sales area must be adequately defined from the rest of the supermarket in accordance with the premises plan as approved by the Independent Liquor and Gaming Authority on <insert date> or any premises plan subsequently approved by the Authority.

Specialty business model (for PLL in a specialty store with a retail floor area of less than 240m²)

Specialty business model

The information submitted in the process of obtaining this licence presented the business model as primarily <insert description of business model>.

The licence cannot be exercised if the primary purpose of the business does not remain a specialised <insert description of business model>.

Closed-circuit television (CCTV)

CCTV 1 (PLL in a supermarket/specialty store)

- 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket/specialty store in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the supermarket/specialty store is required to close,
 - (b) recordings must be in digital format and at a minimum of ten (10) 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 to the supermarket/specialty store, and
 - (ii) all publicly accessible areas (other than toilets) within the liquor sales area.
- 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 sub-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.

CCTV 2 (PLL in an existing ALDI supermarket) – only if applicant requests this version

- 1) The licensee must maintain a closed-circuit television (CCTV) system at the supermarket in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the supermarket is required to close,
 - (b) recordings must be in digital format and at a minimum of ten (10) 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 to the supermarket, and
 - (ii) all publicly accessible areas (other than toilets) within the liquor sales area.
- 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 14 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-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.
- 3) In the event that the CCTV system is upgraded or a new CCTV system installed, the licensee must also:
 - (a) from the time of such upgrade or installation, thereafter keep all recordings made by the CCTV for at least 30 days, and
 - (b) within seven days after the upgrade or installation, notify the Independent Liquor and Gaming Authority in writing that such an upgrade or installation has been effected.

CCTV 3 (standalone PLL)

- 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the premises is required to close,
 - (b) recordings must be in digital format and at a minimum of ten (10) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises, and
 - (ii) all publicly accessible areas (other than toilets) within the premises.
- 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-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.

CCTV 4 (licence other than PLL)

- 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 ten (10) 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 sub-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.

Crime scene preservation

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.
- 5) 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.

Gambling activities in a hotel

No gambling activities at all (if this is what the applicant contended)

No TAB or Keno facilities may be operated on the licensed premises.

No gambling activities during ETA hours (if this is what the applicant contended)

No TAB or Keno facility may be operated on the licensed premises during the period the extended trading authorisation is in force ('ETA period'), being <proposed ETA hours> as at <date of grant>, and as may be varied from time to time.

If the licensee seeks to change or revoke this condition, a full community impact statement ('CIS') must be undertaken to include matters relating to gambling activities on the licensed premises during the ETA period.

Incident register

Requirement to maintain an incident register (for hotels that trade beyond midnight)

- 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident:
 - a. any incident involving violence or anti-social behaviour occurring on the premises,
 - b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
 - c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,
 - d. any incident that results in a patron of the premises requiring medical assistance.
- 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:
 - a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and
 - b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises.
- 3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.

Liquor accord

Participation in the local liquor accord

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

Liquor Plan of Management

POM 1 (general)

The premises is to be operated at all times in accordance with the Liquor Plan of Management dated <insert date> 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.

POM 2 (ALDI)

The premises is to be operated at all times in accordance with the ALDI Management Policies and Strategies and House Policy documents, as submitted to the Independent Liquor and Gaming Authority ("the Authority") in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents 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 Authority.

POM 3 (BWS/Dan Murphy's/Woolworths)

The premises is to be operated at all times in accordance with the policies and procedures of the Endeavour Group Limited, as submitted to the Independent Liquor and Gaming Authority ("the Authority") in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents 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.

POM 4 (Liquorland/First Choice Liquor)

The premises is to be operated at all times in accordance with the Coles Liquor NSW Management Strategies and House Policy for the Responsible Service of Alcohol documents, as submitted to the Independent Liquor and Gaming Authority ("the Authority") in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents 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 Authority.

Gaming Plan of Management

Gaming Plan of Management

The premises is to be operated at all times in accordance with the Gaming Plan of Management dated <insert date> as may be varied from time to time after consultation with the Independent Liquor & Gaming Authority. 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 & Gaming Authority.

Restricted/trial hours as per development consent

Restricted trading on public holidays (PLL in a supermarket/general store)*

The sale and supply of liquor at the licensed premises must not commence before **<opening time>** and must cease by **<closing time>** on public holidays, and customers must not be permitted to access the liquor sales area outside those hours.

* Where the DA opening or closing hours are less restrictive than the licensed trading hours, the condition should be amended accordingly to avoid confusion. For example, if DA permits opening from 7 am on public holidays, and the licensed trading hours start at 8 am, there is no need to refer to 'must no commence before x' in this condition.

Restricted trading on public holidays (all other licences)*

The licensed premises must not commence trading before **<opening time>**, and must cease to trade by **<closing time >**, on public holidays.

* Where the DA opening or closing hours are less restrictive than the licensed trading hours, the condition should be amended accordingly to avoid confusion. For example, if DA permits opening from 7 am on public holidays, and the licensed trading hours start at 8 am, there is no need to refer to 'must no commence trading before x' in this condition.

Trial period for extended hours (default trial period condition)

If the local consent authority does not approve the continuation of the trial period in the development consent after **<date>** (or as may be extended from time to time), the trading hours of the premises will revert to **<original hours>**.

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.

Trial period for full set of hours (ie. no trading period to revert to if trial is not extended)

The licensee must provide satisfactory evidence to Liquor & Gaming NSW that the licensed trading hours continue to be authorised by the local consent authority after the trial period specified in the relevant development consent ends on **<date>** (or as may be extended from time to time).

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.

Social impact

Social impact 1 (new licence application)

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 licence.

Social impact 2 (ETA application for an existing licence)

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 <date of grant>.

Social impact 3 (licence removal)

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 removing this licence to the premises at <address of the proposed premises>.

Social impact 4 (multiple applications)

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:

- 1) obtaining the licence on <date of grant>
- 2) obtaining the extended trading authorisation on <date of grant> (application number <1-xxxxxx>) *[delete if not applicable/available]*
- 3) varying the extended trading authorisation on <date of grant> *[delete if not applicable]*

Specialised liquor products

Products that may be sold by the licensed business

1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by sub-clause 2:

[Choose from the following as appropriate to reflect what the applicant has proposed]

- (a) craft beer
- (b) craft cider
- (c) craft spirits
- (d) boutique wines (including sparkling wines and champagne)
- (e) organic and natural liquor products
- (f) liquor products packaged under labels owned by the Business
- (g) wine produced in the [name of wine region] in which the premises is located
- (h) liquor products produced in [list of countries].

2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds.

[Note: This sub-clause (and reference to it in sub-clause 1) is usually omitted where only products covered by sub-clause 1(h) are sold, but may be included at the discretion of the decision-maker]

3) The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

4) For every liquor product (except products packaged under labels owned by the Business *[delete if not applicable]*) that is available for sale under sub-clause 1, the licensee must maintain and make available for inspection on the premises documentation from the supplier confirming the location of production, and/or that the product meets the relevant definition specified in this condition.

[Note: This sub-clause is usually omitted where only products covered by sub-clause 1(h) are sold, but may be included at the discretion of the decision-maker]

[Choose from the following if craft beer, craft cider, craft spirits and/or boutique wines are proposed to be sold by the Business]

Definitions

For the purposes of this condition:

- 1) Craft beer is defined as beer that is not generally considered to be mainstream beer, and is produced by a craft brewer:
 - (a) which is located in Australia and produces less than 40 million litres of beer per annum, or located overseas and produces less than 6 million barrels of beer per annum;
 - (b) where not more than 25 percent of the brewery is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft brewer; and
 - (c) which will certify that the majority of its total beverage alcohol volume is in beers whose flavour derives from traditional or innovative brewing ingredients and their fermentation (flavoured malt beverages are not considered beers).
- 2) Craft cider is defined as cider that is not generally considered to be mainstream cider, and is produced by a craft producer:
 - (a) which is located in Australia and produces less than 40 million litres of cider per annum, or located overseas and produces less than 6 million barrels of cider per annum;
 - (b) where not more than 25 percent of the producer is owned or controlled (or equivalent economic interest) by an industry participant that is not itself a craft cider producer; and
 - (c) which will certify that the cider is made from liquid consisting only of juice (no concentrates).

- 3) Craft spirits are defined as spirits that are not generally considered to be mainstream spirits and are:
 - (a) the product of a distillery that has maximum annual sales of less than 100,000 proof gallons or 52,000 cases, or in the case of blended spirits, the product of an independently owned and operated facility that uses any combination of traditional and innovative techniques such as fermenting, distilling, re-distilling, blending, infusing or warehousing to create products with a unique flavour profile; and
 - (b) distilled at a distillery where the spirit has either been run through a still by a craft distiller, or in the case of a blended spirit, the spirit has been distilled originally by a craft distiller.
- 4) Boutique wine is defined as wine (other than sparkling wine or champagne) that is manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently owned (i.e. not owned by a larger wine company at the time wine is supplied to the Business).
- 5) Boutique champagne and sparkling wine is defined as champagne or sparkling wine that is not generally considered to be mainstream champagne or sparkling wine, that is, champagne or sparkling wine that is not commonly sold by major liquor retailers.
- 6) Organic and natural liquor products are defined as:
 - (a) Organic liquors (including organic wines) that bear a recognised organic certification logo;
 - (b) Wine that is labelled or marketed as organic wine, and is produced from vineyards and farms that are farmed organically or to organic standards, typically with little or no additions in wine-making (whether or not the wine is certified as organic);
 - (c) Wine that is labelled or marketed as natural wine, and is produced from vineyards that are farmed organically or bio-dynamically, and then produced with no additions (additives) in wine-making, including MegaPurple, tartaric acid, enzymes, malabugs, and bottled with lower levels of sulphur or without sulphur (preservative 220); and
 - (d) Boutique wines that are marketed as organic, bio-dynamic or natural wines (including sparkling wine), and manufactured by or on behalf of a boutique wine company which crushes and bottles 250 tonnes or less annually under its own label and is independently-owned (ie not owned by a larger wine company at the time the licensee purchases wine wholesale from the supplier).

Liquor products produced in China, South Korea, and Japan, and sake

- 1) The licensee must ensure that only the following liquor products are sold or supplied by the licensed business ("Business"), except as provided by sub-clause 2:
[Choose from the following as appropriate to reflect what the applicant has proposed]
 - (a) liquor products produced in China, South Korea and Japan
 - (b) sake.
- 2) Other complementary liquor products, provided that those other products do not exceed more than 10% of the total product lines or 10% of the total products stocked on the premises at any one time, are also permitted. For liquor products available for sale under this sub-clause, the licensee must maintain documentation that stock levels do not exceed either of the specified 10% thresholds.
- 3) The licensee must ensure that a list of the product lines and products stocked by the Business at any one time is kept at the premises and made available for inspection on the request of a police officer, Liquor & Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

Gambling Incident Register and Responsible Gambling Officer (Gambling Contact Officer)

Gambling Incident Register

Gambling Incident Register

- 1) The licensee must keep and maintain a gambling incident register.
- 2) The gambling incident register must record:
 - (a) any incident in which a patron of the venue displays or engages in problematic gambling behaviour of the kind specified in the 'Signs of risky and problem gambling behaviour: Know the signs and how to act' factsheet published on the L&GNSW website as amended from time to time.
 - (b) the time, location and machine number(s) and brief description (or identity, if known) of any gaming machine player identified displaying or engaging in that behaviour
 - (c) any proposed or implemented self or third-party exclusions of gaming machine players (specifying the player's name (where provided or known), membership number (if applicable) and duration of any exclusion) and the patron's response to the same.
 - (d) Any breach or attempted breach of a self or third party exclusion
- 3) The gambling incident register must also record details of the action taken in response to the incidents, applications and other matters recorded in the register.
- 4) The licensee must review the gambling incident register at least on a monthly basis and must consider whether an exclusion order is appropriate for any person who has been asked to self-exclude but has declined to do so.
- 5) The information recorded in a gambling incident register must be retained for at least 3 years from when the record was made.
- 6) The licensee must, at the request of a police officer or L&GNSW inspector, make any gambling incident register available for inspection.

Responsible Gambling Officer (Gambling Contact Officer)

Responsible Gambling Officer (Gambling Contact Officer)

- 1) The Licensee shall ensure that one Responsible Gambling Officer (Gambling Contact Officer), being a dedicated staff member who holds a current RCG certificate, is on duty and monitoring the gaming machines of the venue [**Choose one of the following options as appropriate**] whenever gaming machines are operating [**or**] from midnight whenever gaming machines are operating.
- 2) The Responsible Gambling Officer (Gambling Contact Officer)'s primary duties are to:
 - (a) maintain the gambling incident register;
 - (b) make reasonable efforts to identify gaming machine players who display or engage in problematic gambling behaviour;
 - (c) if any gaming machine player displays or engages in multiple problematic gambling behaviour as outlined in the Authority's Guideline, during a single trading day, then the Responsible Gambling Officer/Gambling Contact Officer must (at least once during that trading day):
 - (i) request that the player take a break from gaming machine play until the close of trade on that day or night (noting that a player who complies with a request to take a break may remain on the premises and consume other goods and services);
 - (ii) provide information about the self-exclusion scheme offered at the premises (being the scheme available pursuant to s. 49 of the *Gaming Machines Act 2001*) and ask whether the player wishes to participate in that scheme;
 - (iii) provide information about and access to problem gambling counselling.

- 3) This condition is not breached by:
 - (a) a Responsible Gambling Officer (Gambling Contact Officer) undertaking minor additional gaming duties, so long as such duties do not detract from the Responsible Gambling Officer (Gambling Contact Officer)'s primary duties; or
 - (b) the temporary absence of a Responsible Gambling Officer (Gambling Contact Officer) from the gaming machine areas, where such absence occurs in the ordinary course of their primary duties (for example, to engage with a gaming machine player in a private space) or is by way of a routine break from work (such as a meal break or a bathroom break).
- 4) At all times, the Duty Manager or other senior manager responsible for gaming machine operations will assist the Responsible Gambling Officer (Gambling Contact Officer) in carrying out the duties described in this condition.