



Mr Grant Cusack
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24 July 2019

Dear Mr Cusack,

Application No.	APP-0004977613
Applicant	Bucket Boys Craft Beer Co Pty Ltd
Application for	Packaged Liquor Licence
Licence name	Bucket Boys Craft Beer Co
Trading hours	Monday to Sunday 10:00 AM – 10:00 PM
Premises	Tenancy T11, The Exchange Food Hall Ground Floor, The Exchange 1 Little Pier Street Darling Square Haymarket NSW 2000
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the <i>Liquor Act 2007</i> (NSW)

**Decision of the Independent Liquor and Gaming Authority
Application for a Packaged Liquor Licence – Bucket Boys Craft Beer Co, Haymarket**

The Independent Liquor and Gaming Authority (“Authority”) considered the above application at its meeting on 19 June 2019 and following the receipt of further information has decided, pursuant to section 45 of the *Liquor Act 2007* (NSW), to **grant** the application subject to the following conditions being imposed upon the licence:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between **4:00 AM and 10:00 AM** during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2. **Retail sales**

Good Friday	Not permitted
December 24 th	Normal trading Monday to Saturday, 8:00 AM to 10:00 PM Sunday
Christmas Day	Not permitted
December 31 st	Normal Trading
3. 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.
4. The premises is to be operated at all times in accordance with the Plan of Management dated October 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.

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

6. Closed-Circuit Television

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 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, 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 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. Incident Register

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 Act,
- (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 inspector:

- (a) make any such incident register immediately available for inspection by a police officer or inspector, and
- (b) allow a police officer or 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.

8. The sale or supply of liquor must cease 15 minutes prior to closing the Ground Floor Food Hall at 1 Little Pier Street Darling Square.

The exemption provision under clause 117 of the *Liquor Regulation 2018* (NSW) permits takeaway liquor sales between 10:00 pm and 11:00 pm on days other than Sundays and restricted trading days.

Finally, the Authority requires that the licence not be exercised until the Authority is notified in writing of the appointment of an approved manager with an appropriate RSA competency card.

If you have any questions, please contact kieran.mcsherry@liquorandgaming.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', enclosed in a thin black rectangular border.

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

Statement of reasons

Decision

1. On 5 November 2018 the Independent Liquor and Gaming Authority (“the Authority”) received from Bucket Boys Craft Beer Co Pty Ltd (“the Applicant”), through Liquor and Gaming New South Wales (“LGNSW”), an application for a new packaged liquor licence (“Application”) in respect of premises located at Tenancy T11, The Exchange Food Hall, Ground Floor, The Exchange, 1 Little Pier Street, Darling Square, Haymarket New South Wales (“NSW”) 2000 (“Premises”) to be known as *Bucket Boys Craft Beer Co.*
2. The Authority has considered the matter at its meeting on 19 June 2019 and following the receipt of further information the Authority has decided to **grant** the Application pursuant to section 45(1) of the *Liquor Act 2007* (NSW) (“Act”).
3. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 12, 29, 30, 31, 40, 45 and 48 of the Act and relevant provisions of the *Liquor Regulation 2018* (NSW) (“Regulation”).

Material considered by the Authority

4. The Authority has considered the Application, accompanying Community Impact Statement (“CIS”), and all submissions received in relation to this Application.
5. 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.
6. In accordance with its *Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health and Australian Bureau of Statistics (“ABS”).
7. A list of the material considered by the Authority is set out in Schedule 1.

Legislative framework

8. The Authority has considered the Application in accordance with the following provisions of the Act:
 - (a) Section 3: Statutory objects of the Act and relevant considerations.
 - (b) Section 11A: 6-hour closure period.
 - (c) Section 12: Standard trading period.
 - (d) Section 29: Authorisation conferred by packaged liquor licence.
 - (e) Section 30: Liquor sales area required if bottle shop is part of another business activity.
 - (f) Section 31: Restrictions on granting packaged liquor licences.
 - (g) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
 - (h) Section 45: Criteria for granting a liquor licence.
 - (i) Section 48: Requirements in respect of a CIS.
9. An extract of these sections are set out in Schedule 2.

Key findings

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

Validity, procedural and trading hour requirements

11. On the basis of the Application, CIS material and Certificate of Advertising dated 27 March 2019 the Authority is satisfied that the Application and accompanying CIS have been validly made and meet the minimum procedural requirements under sections 40 and 48(4) of the Act and clauses 20 through 29 of the Regulation.
12. The Authority is satisfied that the trading hours sought by the Applicant in the Application form and granted by the Authority meet the requirements specified by sections 11A, 12 and 29 of the Act in respect of a daily 6 - hour liquor sales cessation period and standard trading hours for packaged liquor licensed premises.
13. The Authority is satisfied, on the information provided about the scale and layout of the proposed liquor business, that the restrictions in sections 30 and 31 of the Act do not arise, as the licensed business is a standalone packaged liquor business.

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

14. The Authority is satisfied that:
 - (a) For the purposes of section 45(3)(a) of the Act, the corporate Applicant is a fit and proper person to carry on the business to which the proposed licence relates, on the basis that no issues of concern were raised regarding the Applicant's probity following consultation with relevant law enforcement agencies, including NSW Police ("Police") and the compliance section of LGNSW ("LGNSW Compliance").
 - (b) For the purposes of section 45(3)(b) of the Act, practices will be in place from the commencement of licensed trading on the Premises to ensure the responsible serving of alcohol and prevention of intoxication. This finding is made on the basis of the Applicant's business policy documents, namely the *Plan of Management* dated October 2018 and undated *House Policy* provided to licensing staff on 2 May 2019.
 - (c) For the purposes of section 45(3)(c) of the Act, the requisite development consent permitting the conduct of a packaged liquor licensed business on the Premises is in force. This finding is made on the basis of development consent D/2017/1580/A that was determined by City of Sydney Council ("Council") on 3 May 2018 and complying development certificate 19/124747-1 that was approved by McKenzie Group on 8 March 2019 for "Fitout and use as Liquor Store".

Community impact statement

15. For the purposes of this decision and consistent with Authority *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the State suburb of Haymarket, and the relevant "broader community" comprises the local government area ("LGA") of City of Sydney Council ("Sydney LGA").

Positive social impacts

16. The Authority is satisfied, on the information provided in the CIS material, that this packaged liquor licence will be situated within a substantial new development, “The Exchange” building in a new commercial and residential area known as the Darling Square Precinct. The Premises is a small liquor store within a ground floor food hall alongside dine-in and take-away food outlets. The Authority is satisfied that this new licensed business will form part of a significant mixed-use development, in a major tourism location, having the potential to service residents and workers in the local and broader communities plus domestic and international tourists.
17. A LGNSW list of licensed premises dated 29 April 2019 indicates that the suburb of Haymarket has a total of 4 packaged liquor licences, 6 full hotel licences, 3 producer wholesaler licences, 65 on-premises licences and 1 small bar licence.
18. Although this information indicates that packaged liquor is already available within the local community, the Authority accepts the Complainant’s submission within the CIS material that this licensed business will be the only facility within the Darling Square Precinct that will sell packaged liquor.
19. The Authority finds that the new licensed business will provide increased convenience and choice to the residents, workers and visitors to the Darling Square Precinct and meet the needs of customers of the food hall seeking liquor with their meals.
20. The Authority notes that submissions were received from Police, LGNSW Compliance, Council, Family and Community Services, Roads and Maritime Services. No objections were received from these agencies nor members of the relevant communities. A submission from a commercial competitor, Red Bottle, is discussed below. On the material before it, the Authority is satisfied that granting this licence will advance the statutory object of regulating liquor in a manner consistent with the “expectations, needs and aspirations” of the local and broader community, for the purposes of section 3(1)(a) of the Act.
21. Without further evidence or specification, the Authority is unable to give great weight to the Applicant’s contention that liquor sold from the business will include a range of craft liquors not presently available in the existing packaged liquor facilities. Notwithstanding this, the location of this new store in a recent new development area will provide a degree of increased choice and convenience while providing a modest contribution to the development of the liquor industry serving the communities, for the purposes of section 3(1)(b) of the Act.

Negative social impacts

22. The Application concerns a packaged liquor licence type that, aside from product tastings, authorises the sale of liquor for consumption away from the Premises only.
23. The scale of the Premises is a mitigating factor at only 20 square metres, whereas the licensed trading hours are quite extensive, between 10:00 am to 10:00 pm Monday to Saturday and between 10:00 am and 10:00 pm Sunday.
24. The Authority finds that licence density in the communities will increase with the grant of this licence and that the rate per 100,000 persons for packaged liquor licences is already elevated in the suburb and LGA. Calculations performed by licensing staff using the 2016 Census data and the LGNSW list of licensed premises as at 29 April 2019

indicate that the rate per 100,000 persons for packaged liquor licences in the suburb is 54.40 compared to 82.54 for the LGA and 34.91 for NSW. However, the Authority notes that the location forms part of the Sydney LGA which services a great many visitors and workers in the communities. The Authority accepts the Applicant's submission dated 27 March 2019, based on Destination NSW information for the 12 months ending September 2018, that Sydney LGA received 10.7 million domestic overnight visitors and nearly 4.1 million international overnight visitors.

25. In assessing the suitability of the proposed location, the Authority has considered BOCSAR crime maps between January 2018 and December 2018 which indicate that the Premises is located within extensive concentrations of crime. The BOCSAR hotspot maps indicate that the Premises *is located* within large high-density hotspots of *alcohol related assault, domestic assault, non-domestic assault and malicious damage to property*.
26. Further to these concentrations, the local and broader communities are experiencing elevated crime rates with the BOCSAR data for the year to December 2018 recording:
 - A rate of **360.5** for incidents of *alcohol related domestic assault* per 100,000 persons for the suburb, a rate of **185.5** for the LGA and a rate of **116.5** for NSW.
 - A rate of **1,516.5** for incidents of *alcohol related non-domestic assault* per 100,000 persons for the suburb, a rate **649.8** for the LGA and a rate of **123.9** for NSW.
 - A rate of **2,411.4** for incidents of *malicious damage to property* per 100,000 persons for the suburb, a rate of **1,211.8** for the LGA and a rate of **755.1** for NSW.
 - A rate of **683.7** for incidents of *alcohol related disorderly conduct (offensive conduct)* per 100,000 persons for the suburb, a rate of **301.9** for the LGA and a rate of **37.9** for NSW.
27. These elevated crime rates and concentrations of crime are adverse factors, although the Authority accepts that the rates and concentrations of crime across the Sydney LGA is a function of the numerous hotels, bars and on-premises venues serving the great many city residents, workers and visitors in the Sydney LGA.
28. 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 9th 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.
29. Some further cause for concern arises from NSW Department of Health *HealthStats* data on alcohol attributable deaths and hospitalisations. The Sydney LGA recorded a spatially adjusted rate per 100,000 population for alcohol attributable deaths of 20.8 compared to the NSW rate of 18.1 for 2015 to 2016 and a spatially adjusted rate per 100,000 population of alcohol attributable hospitalisations of 819.3 compared to the NSW rate of 580.6 for 2015 to 2017.
30. Notwithstanding the crime data, the Authority has given some weight to the fact that agencies with a law enforcement capacity - including Police, LGNSW and Council - have not made any objections to this proposal. The Authority further notes that the liquor outlet will not be street facing but will operate within the context of a food court in a substantial new commercial development, providing increased scope for passive and

active surveillance of patron conduct given the availability of security resources provided by building management.

31. The Authority has considered the submission lodged by JDK Legal dated 11 January 2019 on behalf of Mr Scott Towers, Director Red Bottle Pty Limited, a commercial competitor. Mr Towers does not object to the Application but provides a submission in support of a proposition that the licence be restricted to the sale of “boutique” and “craft” liquor products. The Authority is not satisfied that it should impose this condition, noting that the Applicant did not propose a business model based on the sale of only boutique or craft liquor in the application documentation and noting the position taken by law enforcement agencies in this matter.
32. The Authority has also considered the conditions recommended by NSW Police. Having regard to the small scale and trading environment of the Premises, the Authority is satisfied that its standard form conditions (requiring the scope of the business not to exceed the proposal in the CIS, involvement in the local liquor accord, CCTV requirements) plus additional requirements for use of an Incident Register and cessation of liquor sales 15 minutes before closing the food hall, present a sufficient suite of harm reduction measures on the information before the Authority at this time.

Overall social impact

33. Having considered the positive benefits and negative impacts that are likely to flow from granting the Application, the Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting this new packaged liquor licence would not be detrimental to the well-being of the local community or broader community.
34. The Application is granted pursuant to section 45(1) of the Act.



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* (NSW) 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 the New South Wales Civil and Administrative Tribunal (“NCAT”) for an administrative review under the *Administrative Decisions Review Act 1997* (NSW).

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/independent-liquor-and-gaming-authority/ilga-and-l-and-gnsw-decisions> 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 before the Authority

1. Application Form for a packaged liquor licence (“Application”) and accompanying Community Impact Statement (“CIS”) lodged by Bucket Boys Craft Beer Co Pty Ltd (the “Applicant”) on 5 November 2018 accompanied by the following documents:
 - (a) Public consultation site notice and local consent authority notice.
 - (b) Australian Securities and Investments Commission (“ASIC”) Current Organisation Extract for Bucket Boys Craft Beer Co Pty Ltd as at 2 October 2018.
 - (c) ASIC Current Organisation Extract for Lendlease (Haymarket) Pty Limited as at 12 October 2018.
 - (d) ASIC Current Organisation Extract for Lendlease Property Management (Australia) Pty Limited as at 8 October 2018.
 - (e) List of stakeholders and special interest groups notified of the Application.
 - (f) A map depicting the area in which notification of the Application was distributed.
 - (g) A 15-page document prepared by the Applicant’s legal representative, Hatzis Cusack Lawyers (“Hatzis Cusack”) providing additional information on the CIS.
 - (h) Plan of Management dated October 2018.
 - (i) Letter from City of Sydney Council (“Council”) dated 11 July 2018 advising that the Application should not be approved until a Complying Development Certificate (“CDC”) is issued.
 - (j) Letter from Roads and Maritime Services dated 13 July 2018 providing alcohol related road crash statistics and recommendations.
 - (k) Letter from Family and Community Services dated 7 August 2018 advising they do not have a response.
 - (l) Development Approval D/2017/1580/A issued by Council on 5 February 2018.
 - (m) A copy of the signed and dated LGNSW form titled *Declaration: liquor licence application by proposed licensee*, held on the LGNSW file.
2. Email from Compliance branch of Liquor and Gaming New South Wales (“LGNSW”) dated 27 November 2018 advising no intention to make a submission.
3. Eight-page letter from Constable Matthew Anderton, Sydney City Licensing, Sydney City Police Area Command of New South Wales Police (“Police”) dated 18 December 2018 providing information about the Applicant, the location, saturation of licensed premises, the effect of lockout and last drinks laws in Sydney, crime data and the association between alcohol outlet density and assaults on and around licensed premises. Police advise that they do not object to the Application.
4. Email from JDK Legal dated 11 January 2019 attaching a four page submission from Mr Scott Towers, Director Red Bottle Pty Limited. Mr Towers expresses concern with this Application being for an unrestricted licence with extensive trading in a location characterised by high rates of crime and high outlet density. Mr Towers discusses crime, outlet density, proximity to other packaged liquor licensed premises, the Sydney CBD Entertainment Precinct and the mode of operation of the business. Mr Towers submits that the licence should be limited by a condition restricting the types of liquor that may be sold.
5. Email from Hatzis Cusack dated 19 March 2019 providing information about development consent.
6. Email from Hatzis Cusack dated 27 March 2019 attaching a 25-page submission titled *Submission in Response to Assessment of Application*. The following documents accompany this submission:
 - (a) An amended plan/diagram of the premises.

- (b) CDC 19/124747-1 approved by McKenzie Group on 8 March 2019.
 - (c) Certificate of advertising signed by Mr Grant Cusack of Hatzis Cusack dated 27 March 2019.
 - (d) Floor plans relating to the David Jones Food Hall in Bondi Junction and Sydney City.
 - (e) Two-page letter from Council dated 20 November 2018 advising no concerns.
7. Email from Council dated 21 May 2019 advising that the correct address is 1 Little Pier Street Haymarket.
 8. Email from Hatzis Cusack dated 9 April 2019 attaching a two-page letter in response to enquiries from licensing staff dated 8 April 2019.
 9. Three-page letter from Hatzis Cusack dated 17 April 2019 seeking that the Application be expedited.
 10. NSW *Healthstats* data on alcohol attributable deaths in NSW between 1997 to 2016, alcohol attributable deaths in City of Sydney Local Government Area ("Sydney LGA") and NSW between 2001 and 2016, alcohol attributable hospitalisations in NSW between 2001 and 2017, alcohol attributable hospitalisations in Sydney LGA and NSW between 2001 and 2017, sourced by licensing staff on 23 April 2019.
 11. Licence density calculated by licensing staff using 2016 Australian Bureau of Statistics ("ABS") population and LGNSW licensed premises information as at 29 April 2019.
 12. LGNSW list of licensed premises in Haymarket at 29 April 2019.
 13. Email from Hatzis Cusack dated 2 May 2019 including a five-page letter of the same date attaching:
 - (a) House Policy for the responsible service of liquor.
 - (b) ASIC Business Name Summary for Bucket Boys Craft Beer Co as at 2 May 2019.
 - (c) ASIC Record of Registration for Business Name Bucket Boys Craft Beer Co issued on 15 August 2016.
 14. Three-page letter from Hatzis Cusack dated 3 May 2019 seeking expedition accompanied by a letter from Lendlease dated 2 May 2019.
 15. Bureau of Crime Statistics and Research ("BOCSAR") hotspot maps regarding Haymarket from January 2018 to December 2018 for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property, sourced by licensing staff on 10 May 2019.
 16. Google geographical maps and street view image of the premises, sourced by licensing staff on 10 May 2019.
 17. BOCSAR Crime data sourced by licensing staff on 10 May 2019, regarding:
 - (a) Count and rate per 100,000 persons for alcohol related domestic assault, alcohol related non-domestic assault, malicious damage and alcohol related disorderly conduct (offensive conduct) for NSW, Haymarket and Sydney LGA between January 2017 and December 2018.
 - (b) Number and proportion of selected offences flagged as alcohol related by NSW Police for Sydney LGA and NSW from 2018.
 - (c) Number of selected offences flagged as alcohol related by NSW Police by day and week and time of day for NSW, Sydney LGA and Haymarket from January 2018 to December 2018.
 18. ABS Socio-Economic Indexes For Areas data based on the 2016 Census for Haymarket and Sydney LGA, sourced by licensing staff on 10 May 2019.

19. Five-page letter from Hatzis Cusack dated 14 June 2019 in response to a letter from licensing staff dated 6 June 2019 *inter alia* the delineation from the related application for an on-premises licence and how patrons/regulators/law enforcement will know when liquor is being sold using this packaged liquor licence versus the related on-premises licence. The following documents are attached:
 - (a) A consolidated plan/diagram depicting on the one plan the boundaries of the licensed area to apply to both this Application and a related application for an on-premises licence.
 - (b) A plan/diagram of the area to comprise the licensed area for the packaged liquor licence which depicts the manner of definition of that area.
20. Email from Council dated 27 June 2019 confirming that condition 3 of D/2017/1580/A applies to Tenancy T11 insofar as it is also considered in relation to approval D/2018/735 and Condition 2 and 3 (similar condition) of that consent. Accompanying this submission is a copy of Development Consent D/2018/735 issued by Council on 4 September 2018 (in relation to Tenancy 10).
21. Information on The Darling Exchange by Lendlease and Information on Darling Square.
22. Licensing records (including OneGov licence records, plans/diagrams of the premises) held in relation to the David Jones Wollongong store David Jones Pty Limited (LIQP770017112); David Jones Foodhall (LIQO660033883); David Jones at Westfield Sydney CBD (LIQP700352957 & LIQO600702917) and David Jones at Westfield Bondi Junction (LIQP700383321 & LIQO624012143), sourced by licensing staff.

Schedule 2

Relevant extracts from the *Liquor Act 2007* (NSW)

3 Objects of Act

- (1) The objects of this Act are as follows:
 - (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
 - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
 - (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
 - (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
 - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
 - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

11A Special licence condition—6-hour closure period for licensed premises

- (1) This section applies in relation to:
 - (a) any licence granted on or after 30 October 2008, and
 - (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.
- (2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (***the 6-hour closure period***).
- (3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.
- (4) In the case of a licence:
 - (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the *Liquor Legislation Amendment Act 2008*) commenced, or
 - (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.
- (5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than:
 - (a) the period as last approved by the Authority, or
 - (b) the period specified in subsection (4).
- (6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.
- (7) To avoid doubt, during the 6-hour closure period for any licensed premises:
 - (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
 - (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.
- (8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).

- (9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.
- (10) The regulations may also create exceptions to this section.

12 Standard trading period for certain licensed premises

- (1) For the purposes of this Act, the **standard trading period** means:
 - (a) for any day of the week other than a Sunday:
 - (i) the period from 5 am to midnight, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
 - (b) for a Sunday:
 - (i) the period from 10 am to 10 pm, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed.
- (1A) Despite subsection (1), the **standard trading period** for a small bar is the period from noon to midnight on any day of the week.

Note. Small bars are subject to the 6-hour closure period under section 11A.
- (1B) Despite subsection (1) (a), the **standard trading period** for premises to which this subsection applies ends at 10 pm.
- (1C) Subsection (1B) applies to the following premises or part of premises:
 - (a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,
 - (b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
 - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may:
 - (a) apply to a specified class of licensed premises, and
 - (b) apply in relation to a specified day or days, and
 - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2) (a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

29 Authorisation conferred by packaged liquor licence

- (1) **Retail sales**

A packaged liquor licence authorises the licensee to sell liquor by retail in sealed containers on the licensed premises, for consumption away from the licensed premises only:

 - (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or
 - (b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.
- (2) **No retail trading on restricted trading days**

Despite subsection (1), a packaged liquor licence does not authorise the licensee to sell liquor by retail on a restricted trading day.

(3) **Selling liquor by wholesale or to employees**

A packaged liquor licence also authorises the licensee:

- (a) to sell liquor by wholesale, at any time on the licensed premises, to persons authorised to sell liquor (whether by wholesale or by retail), and
- (b) to sell or supply liquor, at any time on the licensed premises, to the employees of the licensee or of a related corporation of the licensee.

(3A) An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.

(4) **Tastings**

A packaged liquor licence also authorises the licensee to sell or supply liquor, on the licensed premises and during the trading hours permitted by subsection (1), otherwise than in sealed containers to customers and intending customers for consumption while on the licensed premises, but only for the purposes of tasting.

30 Liquor sales area required if bottle shop is part of another business activity

- (1) If the primary purpose of the business carried out on the premises to which a packaged liquor licence relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises (**the liquor sales area**) that is adequately separated from those parts of the premises in which other activities are carried out.
- (2) The principal activity carried out in any such liquor sales area must be the sale or supply of liquor for consumption away from the licensed premises.

31 Restrictions on granting packaged liquor licences

- (1) A packaged liquor licence must not be granted for premises that comprise a general store unless the Authority is satisfied that:
 - (a) in the neighbourhood of the premises concerned, no other take-away liquor service is reasonably available to the public, and
 - (b) the grant of the licence would not encourage drink-driving or other liquor-related harm.
- (2) A packaged liquor licence must not be granted for premises comprising a service station or take-away food shop.
- (3) In this section:

general store means a convenience store, mixed business shop, corner shop or milk bar that has a retail floor area of not more than 240 square metres and that is used primarily for the retail sale of groceries or associated small items.

service station means premises that are used primarily for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products.

take-away food shop means premises that are used primarily for the preparation and sale of food for immediate consumption away from the premises (whether or not food is also consumed on the premises).

40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by:
 - (a) an individual, or
 - (b) a corporation, or
 - (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10 (1) of the *Registered Clubs Act 1976*.
- (3) An application for a licence may not be made by:
 - (a) an individual who is under the age of 18 years, or
 - (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
 - (c) an individual who is a controlled member of a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*.

Note. Controlled members are prohibited from applying for licences—see section 27 of the *Crimes (Criminal Organisations Control) Act 2012*.

- (4) An application for a licence must:
- (a) be in the form and manner approved by the Authority, 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) be advertised in accordance with the regulations, and
 - (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

Note. See also section 48 which requires a community impact statement to be provided with certain licence applications.

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

45 Decision of Authority in relation to licence applications

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that:
 - (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
 - (b) practices will be in place at the licensed premises as soon as the licence is granted 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 that those practices will remain in place, and
 - (c) if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.

Note. Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person:
 - (a) that the person:
 - (i) is a member of, or
 - (ii) is a close associate of, or
 - (iii) regularly associates with one or more members of, a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*, and
 - (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper

person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:

- (a) is of good repute, having regard to character, honesty and integrity, and
 - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

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.