



Mr Brett Tobin  
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6 December 2019

Dear Mr Tobin,

<b>Application No.</b>	1-7025705013
<b>Applicant</b>	Mr Troy Higgins
<b>Application for</b>	Extended trading authorisation in relation to a full hotel licence
<b>Licence name</b>	Moorebank Hotel
<b>Current Trading Hours</b>	<u>Consumption on premises</u> Monday to Saturday 5:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM  <u>Take away sales</u> Monday to Saturday 5:00 AM – 11:00 PM Sunday 10:00 AM – 10:00 PM
<b>Proposed Trading Hours</b>	<u>Consumption on premises: Ground floor excluding bottleshop</u> Monday to Saturday 10:00 AM – 2:00 AM Sunday 10:00 AM – 12:00 Midnight  <u>Consumption on premises: First Floor</u> Monday to Saturday 10:00 AM – 12:00 Midnight Sunday 10:00 AM – 10:00 PM  <u>Take away sales</u> Monday to Sunday 10:00 AM – 10:00 PM
<b>Premises</b>	Stockton Avenue Moorebank NSW 2170
<b>Legislation</b>	Sections 3, 11A, 12, 14, 15, 15A, 16, 17, 40, 45, 48, 49 and 51 of the <i>Liquor Act 2007</i> (NSW)

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

The Independent Liquor and Gaming Authority (“Authority”) considered at its meetings on 13 March and 17 April 2019 an application for an extended trading authorisation (“ETA”) in relation to a full hotel licence (“Application”). Following further consultation with the applicant, the Authority decided on 28 May 2019 to approve the Application pursuant to section 49(2) of the *Liquor Act 2007* (NSW) (“Act”), subject to the following conditions:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 3:00 AM and 9:00 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 31<sup>st</sup> 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. Takeaway sales

Good Friday Not permitted

Christmas Day Not permitted

December 31<sup>st</sup> 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. 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.

6. 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.

7. The premises is to be operated at all times in accordance with the Plan of Management dated April 2019 as may be varied from time to time after consultation with NSW Police. A copy 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.
8. No entertainment other than background music will be provided after 12:00 midnight.
9. Neighbourhood amenity signage

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

To avoid doubt, the above conditions are taken to be conditions of the hotel licence LIQH400100027, and are imposed in addition to the existing conditions on that licence.

### **Trading between 10 pm and 11 pm, Monday to Saturday**

Pursuant to section 12 of the Act, the standard trading period during which liquor can be sold for consumption away from the licensed premises must end at 10 pm on all trading days. Nevertheless, the exemption provision under clause 117 of the *Liquor Regulation 2018* (NSW) permits takeaway liquor sales between 10 pm and 11 pm on days other than Sundays and restricted trading days.

A preliminary advice letter notifying this decision was sent on 28 May 2019. The enclosed statement of reasons has been prepared for the purposes of section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions, please contact [lucas.ho@liquorandgaming.nsw.gov.au](mailto:lucas.ho@liquorandgaming.nsw.gov.au).

Yours faithfully



Murray Smith  
Deputy Chairperson  
For and on behalf of the Independent Liquor and Gaming Authority

## Statement of reasons

### Decision

1. On 8 October 2018 the Independent Liquor and Gaming Authority (“the Authority”) received from Mr Troy Higgins (“the Applicant”), through Liquor and Gaming New South Wales (“LGNSW”), an application for an extended trading authorisation (“ETA”) in respect of a full hotel licensed premises (LIQH400100027) at Stockton Avenue Moorebank New South Wales (“NSW”) 2170 (“Premises”), trading in the name of *Moorebank Hotel* (“Application”). Mr Higgins is the licensee of the hotel.
2. After considering the Application at its meetings on 13 March and 17 April 2019 and following further consultation, the Authority decided on 28 May 2019, to grant the ETA pursuant to section 49(2) of the *Liquor Act 2007* (NSW) (“Act”). A preliminary advice letter notifying the decision was sent to the Applicant on that date.
3. The Authority notes, for the purpose of section 49(6) of the Act, that the ETA will extend to the ground floor of the hotel only (excluding the bottle shop) authorising the licensee to sell or supply liquor for consumption on the Premises between midnight and 2:00 am Monday to Saturday and between 10:00 pm and 12:00 midnight on Sunday.
4. In determining the Application, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 12, 14, 15, 15A, 16, 17, 40, 45, 48, 49 and 51 of the Act and relevant provisions of the *Liquor Regulation 2018* (NSW) (“Regulation”).

### Material considered by the Authority

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

### Legislative framework

9. 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) Sections 14-17: Specific provisions in respect of a hotel licence.
  - (e) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
  - (f) Section 45: Criteria for granting a liquor licence
  - (g) Section 48: Requirements in respect of a CIS.
  - (h) Section 49: General provisions in respect of an ETA.
  - (i) Section 51: General provisions relating to licence-related authorisations.

10. An extract of these sections is set out in Schedule 2.

### **Key findings**

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

#### Validity, procedural and trading hour requirements

12. On the basis of the Application, CIS material and Certificates of Advertising signed by Mr Brendan Hood and the Applicant's legal representative dated 24 September 2018, the Authority is satisfied that the Application and CIS have been validly made and meet the minimum procedural requirements under sections 48(4) and 51(2) of the Act and clauses 20 through 29 of the Regulation.

13. The Authority is also satisfied that the extended hours sought by the Applicant in the Application meet the requirements specified by sections 11A, 12, 14 and 49 of the Act regarding a daily 6 - hour liquor sales cessation period and the period of extended hours during which a hotel may potentially operate. Upon granting the ETA, the hotel will be subject to a liquor cessation period from 3:00 am to 9:00 am.

#### 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 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.
- (b) For the purposes of section 45(3)(b) and section 49(8)(a) of the Act, practices will be in place on the premises from the commencement of the extended licensed trading period to ensure the responsible serving of alcohol and prevent intoxication. This finding is made on the basis of the Applicant's business planning document – the *Plan of Management* dated April 2019.
- (c) For the purposes of section 45(3)(c) of the Act, the requisite development consent permitting the operation of a hotel business with the proposed extended trading hours is in force. A determination on an application for development approval number 132/99 ("DA") was issued by Liverpool City Council ("Council") on 22 December 1998 permitting construction of an entry atrium, covered walkway, disabled access ramp, landscaping and the relocation of an existing pole sign and the installation of new signage for the purpose of advertising a hotel. Condition 6 of the DA specifies the hours of operation as between 10.00 am until 2.00 am seven days per week.

#### Further restrictions on granting an ETA

15. The Authority notes for the purpose of section 49(8)(b) of the Act that section 5 of the Plan of Management dated April 2019 contains provisions managing the protection of local amenity, including planning for neighbourhood amenity and safety, minimising adverse local amenity impacts, complaints register and response procedure, actions in response to complaints, cleaning and servicing and liaison with other operators. Other provisions of the plan concern public transport, staffing, security guards, CCTV,

procedures for the removal of patrons from the venue and refusal of entry, responsible service of alcohol, entry and exit procedures and the car park. While there is adverse Police information (discussed below) regarding numerous events linked to the venue over previous years, in the absence of further specificity regarding those events the Authority is satisfied that granting the ETA will not result in the *frequent* undue disturbance to the quiet and good order of the neighbourhood.

#### CIS and Gambling Activities

16. The Authority is satisfied that the CIS meets the minimum requirements of clause 28 of the Regulation in that it addresses matters relating to the proposed gambling activities to be conducted on the Premises during the period in which the ETA will be in force.

#### Community impact statement

17. 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 Moorebank, and the relevant “broader community” comprises the local government area (“LGA”) of the Liverpool City Council (“Liverpool LGA”).

#### Positive social impacts

18. The Authority notes the Applicant’s contention in its 25 January 2019 submission that granting the Application will cater for the growing public demands for access to quality late-night facilities in the context of the local population. The Applicant further contends that enabling the hotel to remain open during the extended trading hours will allow residents of Moorebank longer access to the “high-quality” facilities of the hotel and will afford a “substantial convenience” to those patrons who wish to stay within their local hotel rather than having to travel in excess of 2 kilometres to other late trading hotels.
19. The Authority notes a LGNSW list of licensed premises as at 21 January 2019 indicates that the suburb of Moorebank has a total of thirteen licensed premises with only one full hotel licensed venue (the subject of this Application) and 1 registered club licensed premises. None of the licensed premises in Moorebank have extended trading hours.
20. While this Application has encountered some opposition from the community (discussed below), opposition to the proposal was limited. While Police have provided some relevant information about crime linked to the Hotel, Police do not oppose the Application and neither do other agencies with a law enforcement capacity, such as Council or LGNSW Compliance.
21. The Authority is satisfied that granting the ETA will provide some increased choice and convenience to members of the local community who wish to engage the late night licensed entertainment services offered by this hotel. Noting that this will be the only licensed premises in the local community permitted to trade pursuant to extended trading hours, the Authority can give some weight to the proposition that granting the ETA will advance the expectations, needs and aspirations of the communities for the purposes of section 3(1)(a) of the Act, and develop the liquor industry serving the local community, for the purposes of section 3(1)(b) of the Act.

### Negative social impacts

22. This Application concerns a full hotel liquor licensed premises, whose primary purpose is the sale of liquor by retail, both on premises and off premises – although *off premises* sales will not be impacted by the grant of the ETA. The facilities on offer at the hotel include the sale and supply of alcoholic and non-alcoholic beverages, food, the use of gaming machines and TAB.
23. Noting that the ground floor of the hotel comprises some 1,500 sqm (most of which is covered by the ETA) the Authority considers the scale of the area covered by the ETA to be a factor that may contribute to the scope of the venue to attract and generate adverse social impacts upon the local and broader communities during the extended trading hours.
24. The late extended trading hours sought - between 12:00 midnight and 2:00 am Monday to Saturday and between 10:00 pm and 12:00 midnight Sunday - provide increased scope for the hotel to contribute to adverse social impacts over time.
25. Although licence density will not be impacted by granting the ETA Application, the venue will operate during higher risk times than is presently the case. The late trading hours sought by this Application pose an adverse risk factor when assessing the overall social impact upon the local and broader communities. As noted above, there are currently no late trading premises within the suburb.
26. The local community is exposed to some localised concentrations of crime. BOCSAR hotspot maps for Moorebank between October 2017 to September 2018 indicate that the hotel is located on the edge of a low-density hotspot for incidents of domestic assault and in close proximity to a small low-density hotspot for incidents of malicious damage to property. However, there are no hotspots in close proximity to the hotel for incidents of alcohol-related assault and alcohol related non-domestic assault.
27. The Authority finds further reassurance in a comparison of the rates of crime against Statewide rates. BOCSAR crime data for the year to September 2018 recorded:
  - A rate of **89.7** for incidents of *alcohol related domestic assault* per 100,000 persons for the suburb, a rate of **68.8** for the LGA and a rate of **115.4** for NSW.
  - A rate of **39.9** for incidents of *alcohol related non-domestic assault* per 100,000 persons for the suburb, a rate **46.6** for the LGA and a rate of **126.3** for NSW.
  - A rate of **498.2** for incidents of *malicious damage to property* per 100,000 persons for the suburb, a rate of **624.3** for the LGA and a rate of **765.8** for NSW.
  - A rate of **0.0** for incidents of *alcohol related disorderly conduct (offensive conduct)* per 100,000 persons for the suburb, a rate of **6.1** for the LGA and with a rate of **39.0** for NSW.
28. The 2016 ABS Socio-Economic Index For Areas data records that the suburb ranked in the 8<sup>th</sup> decile and the LGA in the 7<sup>th</sup> decile on the Index of Relative Socio-Economic Advantage and Disadvantage compared to other suburbs and LGAs within the State. That is, socio-economic disadvantage does not present as an additional risk factor when assessing these communities on the whole.
29. The Authority also considers that alcohol attributable deaths and hospitalisations are not at concerning levels in the LGA. NSW Healthstats data indicates that the LGA, for alcohol attributable hospitalisations, recorded a spatially adjusted rate per 100,000

population of 433.4 compared to the NSW rate of 580.6 (2015 to 2017) and for alcohol attributable deaths, a spatially adjusted rate per 100,000 population of 17.7 compared to the NSW rate of 18.1 (2015 to 2016).

30. The Authority has considered three written submissions opposing the Application (two of which are from residents of Moorebank) raising concerns about previous anti-social behaviour caused by drunk youths in the car park after closing, the location of the hotel in a residential area, the impact to residents as a result of additional noise and patron migration and the demographic of the local community which includes the high percentage of aged/elderly people who may not be able to articulate their position clearly. The Authority further notes information in the CIS that the Applicant's legal representative received a telephone call from a local resident who advised that she was not in favour of the extra trading hours.
31. The Authority accepts, on the basis of the Google maps aerial view of the location of the Premises and the Google maps street view image sourced by staff on 29 January 2019, that the hotel is located near residential housing and has a relatively large outdoor car parking area.
32. The Authority accepts that concerns held by residents in regards to anti-social behaviour, noise and patron migration are genuinely held and credible. Extending the hours increases the risk of adverse impact upon local amenity and the consumption of liquor by patrons over an extended period.
33. However, the Authority is reassured by the measures in the Applicant's Plan of Management (which will be enforceable through a licence condition) dated April 2019. In particular, after consultation with licensing staff on behalf of the Authority, the Applicant has amended the Plan of Management to require the following additional controls that will target the specific amenity concerns raised by residents:

*On nights the Hotel trades after 12.00midnight and security personnel are present at the Hotel, the Hotel's front car park is to be regularly patrolled by security staff during the night. On patrons leaving the premises at the cessation of trade, security will patrol the Hotel's exterior and the car park and ensure patrons leave the area quietly and respect the neighbourhood. On nights when the Hotel's back car park is open for use, security patrols will also include this area.*
34. The Authority notes that the Premises will be subject to further licence conditions requiring no live entertainment after 12:00 midnight and signage requirements.
35. With regard to the contention that elderly residents in the local community may not be able to articulate their position, the Authority notes that 2016 ABS Quickstats data for Moorebank provided with the Applicant's 25 January 2019 submission indicates that 13% of the population of the suburb comprises residents aged 65 years and over. There is insufficient evidence to indicate that this substantial portion of the community did not have the opportunity to make any amenity concerns known to the Applicant or the Authority either online, by letter, by telephoning the Applicant's representative (as one local resident did) or making a submission though a third party.
36. The Authority has investigated a submission from Police that during 2012 and 2018 there were a total of 1616 events linked to the hotel with the following *alcohol-related* incidents of violence recorded: 4 assault/resists/hinder police; 5 malicious damage of

property; 15 assaults with some events including more than one victim; 2 sexual assaults and 3 riot/affray.

37. Notably, Police do not oppose the Application, but make the submission that the venue has “had its share of issues” in the past and seek the imposition of licence conditions should the ETA be granted.
38. The Authority requested Police to provide greater clarity surrounding these 1616 incidents but Police simply responded that this number represented the “total number of police reports” on their system.
39. The Authority has imposed a number of conditions regulating the Premises and an enforceable requirement in the Plan of Management for security staff to patrol the venue and its car park after midnight. However, without further more specific information from Police the Authority was not moved to impose conditions preventing patrons from taking liquor off the premises or consuming alcohol on the footpath outside, or not permitting patrons who are wearing specific clothing/jewellery/ accessories of a “prescribed group” and requiring the licensee to attend the Liverpool City Liquor Accord. The Authority has determined to impose its standard licence conditions regarding crime scene preservation and the operation of CCTV on the Premises.

#### Overall social impact

40. Having considered the positive and negative impacts that are likely to flow from granting the ETA, the Authority is satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting extended trading would not be detrimental to the well-being of the local community.
41. The ETA Application is granted pursuant to section 49(2) 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. Two-page submission letter (accompanied by the official Liquor and Gaming New South Wales (“LGNSW”) submission form) from residents of Moorebank who wish to remain anonymous, dated 30 August 2018 objecting to the Application.
2. Application Form for an extended trading authorisation (“ETA”) in relation to the Moorebank Hotel and Category B Community Impact Statement (“CIS”) both signed by Troy Higgins (“the Applicant”) and dated 13 September 2018 (“Application”). The Application and CIS were lodged with LGNSW on 8 October 2018 and were accompanied by the following material:
  - (a) The public consultation site notice, police notice and local consent authority notice.
  - (b) List of stakeholders and special interest groups notified of the Application.
  - (c) Map depicting the area in which neighbouring premises were notified of the Application.
  - (d) A ten-page document titled *Additional Information* providing an assessment of the Application.
  - (e) *Plan of Management* dated August 2018.
  - (f) Email submission from Ms Eather, local resident of Moorebank, dated 30 July 2018 objecting to the Application.
  - (g) Email submission from Mr and Mrs McCullough (address unknown) dated 27 July 2018 objecting to the Application.
  - (h) Submission letter from Family and Community Services (“FACS”) dated 9 August 2018 advising that FACS has no legitimate grounds for concern.
  - (i) Submission letter from NSW Roads and Maritime Services (“RMS”) dated 6 August 2018 in which RMS provide road crash statistics and make recommendations.
  - (j) Email submission from Aboriginal Affairs dated 16 August 2018 advising that Aboriginal Affairs has no objection provided the New South Wales (“NSW”) Aboriginal Land Council and the Local Aboriginal Land Council have been notified of the Application.
  - (k) Development consent 132/99 (“DA”) issued by Liverpool City Council on 22 December 1998.
  - (l) Plan/diagram of the hotel depicting the licensed area in yellow, the area covered by the minors area authorisation in blue and the area proposed to be covered by the ETA in pink.
3. Bureau of Crime Statistics and Research (“BOCSAR”) data on the number of alcohol related incidents by offence type, day of week and time of day for NSW, Moorebank and the Liverpool Local Government Area (“Liverpool LGA”) for July 2017 to June 2018, sourced on 16 November 2018.
4. Email submission from Sergeant Paul McEvoy, Licensing Supervisor, Liverpool City Police Area Command of NSW Police (“Police”) dated 22 November 2018 advising that Police have no objection and requesting conditions be imposed on the licence record.
5. Email submission from the Applicant’s legal representative dated 12 December 2018 in response to an email from staff dated 7 December 2018 regarding the DA.
6. Email submission from the Applicant’s legal representative dated 12 December 2018 providing the certificates of advertising signed by Brendan Hood and the Applicant’s legal representative, Mr Brett Tobin of Hatzis Cusack Lawyers, both dated 24 September 2018.
7. Licence density calculated by licensing staff using 2016 Australian Bureau of Statistics (“ABS”) population and LGNSW licensed premises information as at 21 January 2019.
8. LGNSW List of Licensed Premises in Moorebank as at 21 January 2019.
9. A twenty-one page letter from the Applicant’s legal representative dated 25 January 2018 [which the Authority assumes should be 2019] (sent via email dated 25 January 2019) responding to requisitions in an email from licensing staff dated 17 November 2018. The following material accompanied this submission:

- (a) Gambling tax invoices for October 2015 to 30 September 2018 in relation to the operation of gaming machines at the hotel.
  - (b) ABS Quickstats data based on the 2016 Census for the suburb of Moorebank.
  - (c) ABS Quickstats data based on the 2016 Census for the Liverpool LGA.
  - (d) The hotel's income from March 2017 to September 2018 comparing income sourced from bar and bottle shop sales, the bistro and gaming.
10. Email submission from the Applicant's legal representative dated 29 January 2019 responding to an email from licensing staff of the same date regarding licence conditions.
  11. OneGov licence record for the hotel as at 29 January 2019, sourced by licensing staff.
  12. Google geographical maps and street view image of the premises, sourced by licensing staff on 29 January 2019.
  13. BOCSAR Crime data sourced by licensing staff on 29 January 2019, regarding:
    - (a) Hotspot maps for the suburb from October 2017 to September 2018 for alcohol related assault, domestic assault, non-domestic assault and malicious damage to property,
    - (b) 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, Moorebank and the Liverpool LGA between October 2016 and September 2018.
    - (c) Number and proportion of selected offences flagged as alcohol related by NSW Police for the Liverpool LGA and NSW from 2017.
  14. ABS Socio-Economic Indexes For Areas data based on the 2016 Census for Moorebank and the Liverpool LGA, sourced by licensing staff on 29 January 2019.
  15. LGNSW Licence Details Report for the hotel between 1 July 2008 and 8 February 2019, sourced by staff on 8 February 2019.
  16. Email submissions from Police dated 28 February 2019 in response to an email from licensing staff dated 27 February 2019. In these submissions, Police provide reasons as to why conditions 1, 2 and 3 (as requested and set out in their 22 November 2018 submission) are required and set out the number of events/incidents of violence attached to the hotel between 2012 and 2018.
  17. Email from the Applicant's legal representative dated 28 February 2019 advising licensing staff that a response to the 28 February Police submissions will be provided shortly.
  18. Email from the Applicant's legal representative dated 28 February 2019 responding to the Police submissions dated 28 February 2019.
  19. Email submission from Police dated 21 March 2019 responding to an email from licensing staff dated 20 March 2019 and clarifying that the 1616 incidents between 2012 and 2018 was total number of police reports.
  20. Email from the Applicant's legal representative dated 22 March 2019 responding to an email from licensing staff dated 20 March 2019 and attaching an amended Plan of Management dated March 2019.
  21. Healthstats NSW data on alcohol attributable hospitalisations in Liverpool LGA and NSW between 2001 and 2017 and alcohol attributable deaths in Liverpool LGA and NSW between 2001 and 2016, sourced by staff on 5 March 2019.
  22. Google geographical aerial view maps depicting the location of the premises, sourced by staff on 5 March 2019.
  23. Email from the Applicant's legal representative dated 5 April 2019 providing:

- (a) A two-page letter dated 5 April 2019 responding to an email from licensing staff dated 2 April 2019 regarding updating the plan of management and the plan/diagram of the licensed premises.
  - (b) Updated *Plan of Management* dated April 2019
24. Updated plan/diagram depicting the licensed area in yellow, the minors area authorisation in blue and the ETA in pink, provided by the Applicant on 30 April 2019.
25. Email (post-dating the decision) from the Applicant's legal representative dated 28 October 2019 accepting corrections to the preliminary advice letter.

## 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).

## **14 Authorisation conferred by hotel licence**

- (1) A hotel licence authorises the licensee to sell liquor by retail on the licensed premises for consumption on or away from the licensed premises.
- (2) **Trading hours for consumption on premises**

The times when liquor may be sold for consumption on the licensed premises are as follows:

  - (a) during the standard trading period or at such other times as may be authorised by an extended trading authorisation,
  - (b) on 31 December in any year (but without limiting the operation of any extended trading authorisation)—from the start of the standard trading period for that day until 2 am on the next succeeding day,
  - (c) at any time on any day (including a restricted trading day) to a resident of the licensed premises or to a guest of such a resident while the guest is in the resident's company.
- (3) **Restricted trading days**

Despite subsection (2) (a), the times when liquor may be sold for consumption on the licensed

premises on a restricted trading day are as follows:

- (a) between midnight and 5 am on that day (but only if authorised by an extended trading authorisation),
  - (b) between noon and 10 pm on that day.
- (3A) In the case of Christmas Day, liquor must not be sold for consumption on the licensed premises between noon and 10 pm unless it is sold with or ancillary to a meal served in a dining area on the licensed premises.
- (4) **Trading hours for consumption away from premises**  
Liquor may be sold for consumption away from the licensed premises during the standard trading period or at such other times as may be authorised by an extended trading authorisation.
- (4A) An extended trading authorisation must not authorise the sale after 10 pm on any day of liquor for consumption away from the licensed premises.
- (5) **No take-away sales on restricted trading days**  
However, the sale of liquor for consumption away from the licensed premises is not authorised on a restricted trading day.
- (6) **Functions on other premises**  
A hotel licence also authorises the licensee to sell liquor by retail for the purposes of a function to be held on such other premises as the Authority may, on application by the licensee, authorise, but only for consumption on those premises and at such times as may be specified by the Authority in the licence.
- Note.** Section 51 applies to an authorisation referred to in this subsection.

## 15 Hotel licence—general provisions

- (1) The following provisions apply in relation to a hotel licence (***the hotel primary purpose test***):
- (a) except as provided by section 15A, the primary purpose of the business carried out on the licensed premises must at all times be the sale of liquor by retail,
  - (b) the keeping or operation of gaming machines (as authorised under the [Gaming Machines Act 2001](#)) on the licensed premises must not detract unduly from the character of the hotel or from the enjoyment of persons using the hotel otherwise than for the purposes of gambling.
- (2) The authorisation conferred by a hotel licence does not apply unless the hotel primary purpose test is complied with in relation to the licensed premises.
- (3) Any premises (other than the actual hotel) that are authorised by the Authority for the sale of liquor under a hotel licence are, for the purposes of this Act, taken to be part of the licensed premises to which the licence relates.

### 15A Cessation of liquor sales during trading hours

#### (1) Extended trading periods

A hotelier may, at any time during the period that an extended trading authorisation is in force in relation to the licensed premises:

- (a) cease to sell or supply liquor on the licensed premises, and
- (b) continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises).

#### (2) Authority may approve of cessation of liquor sales during standard trading period

A hotelier may, at any time during the standard trading period:

- (a) cease to sell or supply liquor on the licensed premises, and
- (b) continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises),

but only with the approval of the Authority.

- (3) An application for the approval of the Authority under subsection (2) may be made by the hotelier concerned. Any such application must be accompanied by the fee prescribed by the regulations.
- (4) The Authority may give its approval only if it is satisfied that:
  - (a) the operation of gaming machines on the licensed premises during the period to which the approval relates will not detract unduly from the character of the hotel, and
  - (b) gambling activities on the licensed premises will be conducted in a responsible manner.
- (5) **Cessation of liquor sales during standard trading period without gambling activities**

A hotelier may, at any time during the standard trading period:

- (a) cease to sell or supply liquor on the licensed premises, and
- (b) continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings).

However, it is a condition of the licence that the licensed premises must not be used for the purposes of any gambling activities during any such time that liquor is not being sold or supplied unless an approval is in force under subsection (2) in relation to the licensed premises.

#### **16 Hotel licence may be designated as a general bar licence**

- (1) The Authority may, in granting a hotel licence, designate the licence as a general bar licence and specify in the licence that it is a general bar licence.
- (2) The designation of a hotel licence as a general bar licence cannot be changed.
- (3) It is not lawful to keep or operate gaming machines on the premises to which a general bar licence relates. Accordingly, the keeping or operation of gaming machines on any such premises cannot be authorised under the [Gaming Machines Act 2001](#).
- (4) Despite section 14, a general bar licence does not authorise the sale or supply of liquor for consumption away from the licensed premises at any time.

#### **17 Hotel licence—miscellaneous conditions**

##### **(1) Cash advances prohibited**

A hotelier must not:

- (a) provide a cash advance in the hotel, or
- (b) permit a cash advance to be provided in the hotel on behalf of the hotelier, except as a prize or bonus won as a direct or indirect consequence of participating in a form of gambling that may lawfully be conducted on the licensed premises.

##### **(2) Hotels must be open to general public**

The business carried out under a hotel licence must not be, or include, a business that is limited to the sale or supply of liquor only:

- (a) to persons who have been invited to use or attend the hotel, or
- (b) to a particular class, or particular classes, of persons using or attending the hotel.

- (3) Subsection (2) is subject to such exceptions as may be approved by the Authority on a temporary basis in relation to any particular hotel or to such other exceptions as may be prescribed by the regulations. Also, subsection (2) does not apply to the extent that is necessary to comply with any other provision of this Act or with any other law.

##### **(4) Food must be made available**

Liquor may only be sold or supplied in a hotel if food of a nature consistent with the responsible sale, supply and service of alcohol is made available whenever liquor is sold or supplied on the premises for consumption on the premises. If any requirements are prescribed by the regulations in relation to the nature of any such food, those requirements must be complied with.

##### **(5) Prohibition on residents and employees drinking liquor in bar area outside trading hours**

Liquor may not be sold or supplied to, or consumed by, a resident or an employee of the licensee in a bar area of the hotel except at the time when liquor is authorised to be sold or

supplied to other persons in that or any other bar area of the hotel. This subsection has effect despite any other provision of this Act, but is subject to subsection (6).

- (6) The Authority may, on application by a hotelier, authorise the use of a bar area of the hotel for the sale, supply or consumption of liquor exclusively to, or by, residents at a time when liquor may not otherwise be sold or supplied in a bar area of the hotel.

**Note.** Section 51 applies to an authorisation referred to in this subsection.

#### **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.

#### **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:

- (c) a specified period between 5 am and 10 am on a Sunday,
- (d) (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.