

Fact sheet FS3134

Industry information - takeaway and home delivery liquor sales until 11 pm

This fact sheet is to assist hotels, clubs, bottle shops and licensed producers in determining how the extending 11pm trading time may apply to their business.

Background

On 8 December 2016, the NSW Government announced its response to the statutory review of the lockout and last drinks laws by the Hon Ian Callinan AC QC. The announcement included extended trading for takeaway and home delivery alcohol sales from 10pm until 11pm across the State.

When will the changes come into effect?

The Government announced on Wednesday 14 December that the extension would commence in time for the festive season with trading until 11pm to begin across the state from Friday 16 December.

What has changed?

Standard trading times on Monday to Saturday have now been extended an additional hour from 10pm until 11pm. Sunday 10pm closure times remain unchanged.

In late 2017, Liquor & Gaming NSW announced that if Christmas Eve or New Year's Eve falls on a Sunday, standard trading times have been extended to 11pm. You will be able to trade until 11pm, provided you are eligible to do so on other days of the week, by meeting the relevant requirements set out in this fact sheet.

Packaged liquor outlets can also trade from 8am when Christmas Eve falls on a Sunday.

Who can start trading until 11pm?

Hotels, clubs, bottle shops and licensed producers who prior to 24 February 2014 were authorised to trade past 10pm, will be able to take advantage of later trading until 11pm from Monday to Saturdays.

If your licence was issued after 24 February 2014 and you have a condition on your licence stating you "are permitted to trade until 10pm", you will be able to trade until 11pm. You do not need to apply to vary anything on your licence. In both instances, your development consent must allow you to trade until 11pm to take advantage of the extended trading.

See below for exceptions for those licences with a specific 10pm condition imposed for a certain reason.

Who is unable to trade until 11pm?

If your licence was issued prior to 24 February 2014 (when the 10pm restrictions were introduced), and you have a standing trading until 10pm or earlier on your licence, you will not be able to trade until 11pm.

If your development consent says that you can trade until 10pm or earlier, then you cannot trade until 11pm. It is likely this closing time was imposed on your licence or development consent for another reason, so you would need to apply to have this condition varied on your licence and/or development consent.

If your licence was issued on or after 24 February 2014, and you have a condition limiting your trading to a specific time up until 10pm, you will need to apply to vary your licence.

Information on how to apply to change trading hours and conditions can be found at liquorandgaming.nsw.gov.au. You need to contact your local council for details on how to apply to change your development consent.

How to check when your licence was issued or conditions imposed

Your Liquor Licence document displays the licence issue date on the first page. You will find the issue date under the heading 'Licence start date'.

Note: You may have had conditions imposed after your licence was issued. The date that a condition was imposed on your licence can be found on your licence document as the 'start date' shown next to that condition. As trading hours are also considered conditions on your licence, you will also need to check the 'Trading Hours' section of your licence document. Look for the trading hours under the heading 'Retail sales'.

Need more information?

Further information about the changes to the takeaway and home delivery liquor sales can be found on the Liquor & Gaming NSW website:

 liquorandgaming.nsw.gov.au

Extension of takeaway liquor sales until 11pm

New trading hours	From 16 December 2016, most takeaway liquor sales permitted until 11pm, Monday to Saturday.
Sunday trading	Takeaway liquor sales on Sundays will continue to be restricted to 10pm. If Christmas Eve or New Year's Eve falls on a Sunday, most takeaway liquor sales permitted until 11pm and packaged liquor outlets can also trade from 8am.
Who is covered	Applies to hotels, clubs, bottle shops, producers and home deliveries.
You can trade until 11pm if...	<ul style="list-style-type: none"> ▲ Your licence was granted before 24 February 2014, and ▲ Trading hours not restricted by development consent (DA) or liquor licence. ▲ Your licence was granted after 24 February 2014, with a 10pm licence condition.
11pm extension does not apply if...	<ul style="list-style-type: none"> ▲ Your trading hours are restricted by condition to cease trading before 10pm (e.g. 9pm). ▲ Your licence was granted before 24 February 2014 with 10pm trading hours or condition.