

## Fact sheet FS3149

# Special licensing option for micro-breweries & small distilleries

This fact sheet provides information about the NSW Government's special licensing option for micro-breweries and small distilleries.

A special drink on-premises authorisation is available for micro-breweries and small distilleries across NSW.

The authorisation is suitable for micro-breweries or small distilleries that want to sell their own products for consumption on their premises like a small bar with a 120-patron limit. It also allows wine produced elsewhere to be sold for consumption on-site.

Producers with the special authorisation are no longer confined to offering *tasting serves only*.

## How do I obtain the special authorisation?

Licensed producers, as well as newly establishing businesses, are welcome to apply.

Newly establishing micro-breweries or distilleries will also need to apply for a producer/wholesaler licence. To simplify the application process, they can apply for both the licence and special authorisation at the same time. Where a combined application is made, the total application fee is more than halved, making the costs of licensing a micro-brewery or small distillery the same as for a small bar.

## What is the special authorisation?

The authorisation is primarily to allow beer, cider and spirits producers with a producer/wholesaler licence to sell their own products to the public in full serves for on-premises consumption, subject to special conditions.

## What conditions apply?

Once your licence is endorsed with the special authorisation, you will need to comply with the below conditions any time you sell or supply liquor for consumption on your premises.

"Licensee's product" sold for consumption:

### Microbreweries

If you run a micro-brewery, you can only sell your own beer and cider for consumption on the licensed premises and must produce it yourself on those premises.

You may also sell wine to complement your product offering, whether or not you have produced it yourself, if permitted under your development consent. The only time spirits can be sold is when you produce them yourself on the premises.

### Small distilleries

If you run a small distillery, you can use the authorisation to sell your own spirit products for consumption on the premises.

Non-spirit products such as wine and beer may also be sold to complement your own offering. However, you must still be carrying on the business as a spirit producer (i.e. not as a wine bar), and should also check this would be consistent with your development consent.

### Patron limit

The number of patrons at your premises must not exceed whichever is the fewer of the following:

- ▲ 120 people, similar to a Small Bar Licence, or
- ▲ the maximum number of the people permitted on the premises under the conditions of development consent.

### Standard trading hours

Liquor can only be sold for consumption on the premises during standard times, including:

- ▲ 5am to midnight on Monday to Saturday
- ▲ 10am to 10pm on Sunday.

However, on New Year's Eve, liquor may be sold until 2am. On Good Friday and Christmas Day, liquor may only be sold from noon to 10pm.

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These hours may also be more limited, depending on your individual licence conditions and development consent.

## Extended trading authorisation

Applicants may apply for an extended trading authorisation to 2am, if council consent permits, by downloading application form 'AM0020W - Extended trading authorisation - producer/wholesaler licence' at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

## Food requirement

You will need to ensure food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is made available when you sell or supply alcohol for consumption on the premises.

While you may opt to run your own food preparation facilities on-site, sometimes this may not be possible (for example, due to council zoning restrictions).

Where there are no such facilities, you will need to implement other practices to ensure you meet the food requirement. Acceptable examples include, but are not limited to:

- ▲ Ensuring customers have ready access to menus with local food delivery options that can be ordered and consumed on the premises (e.g. pizza, burgers).
- ▲ Inviting food trucks on-site (you should first confirm with local council that any food operation is consistent with any site-specific planning restrictions that may apply).

Providing snacks alone, such as peanuts or popcorn, is not considered adequate in nature and quantity to be consistent with the responsible service of alcohol. A more substantial food offering is needed.

## How to apply

If you are an existing producer, you may apply for the special authorisation by downloading application form 'AM0016 - Drink on-premises authorisation – micro-breweries and small distilleries' at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

If you're looking to start a new business, you can apply for the special authorisation at the same time as applying for a new producer/wholesaler licence using form 'APP816 New producer/wholesaler licence - micro-breweries and small distilleries'.

The application fee for the combined application is reduced, and is the same as for a small bar licence. The fee for this application is set out in the [Liquor Fee Schedule](#).

## FAQs

### Will I need to change my development consent?

Venues must have the appropriate development consent and still operate in line with the conditions of consent. If you want to change your conditions, you will need to lodge a development application with your local council.

### Does an annual liquor licence fee apply?

An annual liquor licence fee applies for the producer/wholesaler licence. The fee for this licence is set out in the [Liquor Fee Schedule](#).

### How is the special authorisation different to the drink-on-premises authorisation already available?

The special authorisation is designed to be more tailored to the operating model of micro-breweries and small distilleries. As it comes with special conditions aimed at reducing risk of alcohol-related harm and other impacts from alcohol, it is also more consistent with licensed premises L&GNSW considers to have a lower risk profile and is also cheaper to obtain.

In comparison, a full drink on premises authorisation allows the sale of any liquor product for consumption on the premises, whether or not produced on the premises. Extended trading until 5am may also be granted in relation to this type of authorisation. It therefore has a higher risk profile for licensing purposes.

In many cases, a full drink on premises authorisation may not suit micro-breweries and small distilleries - for example, where planning requirements (e.g. zoning) do not allow liquor products produced off-site to be sold for consumption on the premises.

### Can I still apply for the full drink on-premises authorisation?

Yes, producer/wholesaler licensees can still apply for the full drink on- premises authorisation if it better suits their business needs - for example, where a venue wishes to sell a range of other liquor products produced off-site or have a patron capacity of more than 120. A higher application fee applies.

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### How to apply

↓ Download the form AM0016 'Drink on-premises authorisation – micro-breweries and small distilleries' at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au). Lodgement details are on the form.

### Need more information?

To find out more about the liquor laws, contact L&GNSW:

📄 [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)

@ [Contact us online](#)

☎ 1300 024 720

Access the *Liquor Act 2007* and the Liquor Regulation 2018 at [legislation.nsw.gov.au](http://legislation.nsw.gov.au)