



Mr Tony Schwartz
Back Schwartz Vaughan
by email: tschwartz@bsv.com.au

15 December 2021

Dear Mr Schwartz

Application No.	1-7760911801
Applicant	Hayley Kathleen Sellers
Application for	Change of licence boundaries
Licence name	BWS - Beer Wine Spirits
Licence No.	LIQP770010204
Trading hours	Monday to Saturday 8:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Current Premises	Stockland Bay Village Shop M04 The Entrance Rd BATEAU BAY NSW 2261
Proposed Premises	Stockland Bay Village Shop M05 The Entrance Rd BATEAU BAY NSW 2261
Legislation	Sections 3, 48, 53, and 94 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a change of licence boundaries – BWS - Beer Wine Spirits**

The Independent Liquor & Gaming Authority first considered the application above at its meeting on 17 February 2021 and, following the receipt and consideration of further requested information, and pursuant to sections 53, and 94 of the *Liquor Act 2007*, decided on 17 March 2021 to **approve** the application subject to imposing conditions as set out in Schedule 1.

Statement of reasons

A statement of reasons for this decision is attached at the end of this letter. If you have any questions, please contact the case manager, Trudy Tafea, at trudy.tafea@liquorandgaming.nsw.gov.au.

Yours faithfully

Philip Crawford

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

DECISION

1. On 30 June 2020, Ms Hayley Sellers (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application for a change of licence boundary (“Application”) for the premises at Stockland Bay Village, The Entrance Road, Bateau Bay (“Premises”).
2. The Authority first considered the Application at its meeting on 17 February 2021 and, following the receipt and consideration of further requested information, decided on 17 March 2021 to approve the Application under section 94 of the *Liquor Act 2007* (“Act”).
3. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the Act and the Liquor Regulation 2018.
4. A preliminary notification of this decision was sent to the Applicant on 13 April 2021, together with the licence document for the Premises.

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 L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
8. A list of the material considered by the Authority is set out in Schedule 2.

LEGISLATIVE FRAMEWORK

9. The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:
 - a) Section 3: Statutory objects of the Act and relevant considerations.
 - b) Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
 - c) Sections 29-31: Specific provisions in respect of a packaged liquor licence.
 - d) Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
 - e) Section 53: power of the Authority to impose or vary licence conditions
 - f) Section 94: Boundaries of licensed premises.
10. An extract of these sections is set out in Schedule 3.
11. The Authority has also had regard to its *Guidelines 6* and *14* in considering community consultation and the overall social impact of approving the Application pursuant to sections 48 and 94 of the Act.

KEY FINDINGS

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

Validity, procedural and trading hour requirements

13. The Authority is satisfied on the material before it that:

- a) the Application has been validly made and meets the procedural and trading period requirements under sections 11A, 12 and 94 of the Act, in particular that, given the new “Dan Murphy’s” branded premises (‘Proposed Premises’) remains in the confines of the shopping centre, a removal application is not required
- b) if the Application were to be granted, liquor would be sold in accordance with the Act, and
- c) sections 30 and 31 of the Act do not apply to the Application, as the Premises is not intended to operate as is contemplated by those sections.

14. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements.

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

15. The Authority is also satisfied that:

- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant’s probity were raised upon consultation with relevant law enforcement agencies,
- b) practices would be in place from the commencement of licensed trading at the Premises to facilitate the responsible serving of alcohol, having regard to the document titled “Policies and Procedures for Endeavour Group Limited (effective February 2020)” and the conditions to be imposed on the licence, and
- c) the requisite development consent is in force, based on the Complying Development Certificate NW20/5311 in respect of the Premises, issued by Newland Wood Certification Pty Ltd on 22 May 2020.

Community impact

Local and broader communities

16. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant “local community” is the community within the suburb of Bateau Bay, and the relevant “broader community” comprises the Local Government Area (“LGA”) of the Central Coast.

Licence density

17. The Authority notes that, compared to the NSW state average:

- a) Bateau Bay has a **higher** saturation of packaged liquor licences, and the Central Coast has a **comparable** saturation of packaged liquor licences
- b) Bateau Bay and the Central Coast have a **lower** saturation of licences authorised to sell packaged liquor (this includes packaged liquor, club and hotel licences)
- c) Bateau Bay and the Central Coast have a **lower** clustering of packaged liquor licences
- a) Bateau Bay and the Central Coast have a **lower** clustering of licences authorised to sell packaged liquor (this includes packaged liquor, club and hotel licences).

Crime data

18. The relevant BOCSAR data indicates that, in the two years to September 2020:

- a) the Premises was located within hotspots for incidents of malicious damage to property.
- b) the Premises was located in close proximity to hotspots for incidents of alcohol related domestic violence, in areas that are likely to be serviced by the licence
- c) Bateau Bay recorded **higher** rates of malicious damage to property and **lower** rates of alcohol-related domestic assault, alcohol-related non-domestic assault, late night alcohol-related non-domestic assault, alcohol-related non-domestic serious assault, alcohol-related offensive conduct, compared to the NSW state average.
- d) the Central Coast recorded **higher** rates of alcohol-related domestic assault, alcohol-related non-domestic assault, late night alcohol-related non-domestic assault, alcohol-related non-domestic serious assault and malicious damage to property, and **lower** rates of alcohol-related offensive conduct compared to the NSW state average.

Alcohol-related health data

19. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that the Central Coast recorded a **higher** than average level of alcohol-attributable deaths for the period 2017 - 2018, and a **higher** than average level of alcohol-attributable hospitalisations for the period 2017/2018 – 2018/2019.

SEIFA

20. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that Bateau Bay was relatively disadvantaged compared to other suburbs in NSW and the Central Coast was relatively advantaged compared to other LGAs in NSW.

Business model

21. The Authority notes that the proposed business model involves a large packaged liquor store of 908sqm.

Purported benefits

22. The Authority has had regard to the Applicant's purported benefits, including that:

- a) the business model is a "destination style" retail outlet offering an upgraded presentation of products and the benefit of a modern, purposely designed fit-out
- b) the increased level of stock – the current "BWS" branded premises ('Current Premises') carries approximately 1,500 different product lines whereas the Proposed Premises will carry about 4,000 – providing greater consumer choice
- c) the convenient location, customer access and convenience of the Proposed Premises, although the Authority notes that this benefit was already available at the Current Premises
- d) the trained staff on hand to offer product knowledge – the Current Premises employs seven staff (three full time staff assisted by four permanent part-time/casual staff) whereas the Proposed Premises will employ approximately 15 full and part-time staff assisted by 20 casual staff, and
- e) the increased safety and crime prevention measures, and the experience of the operator in anti-theft and crime prevention, for example, the Current Premises has seven CCTV cameras, whereas the Proposed Premises will have at least 24 CCTV cameras and three internal approximately one-metre-wide monitors so that customers are able to observe themselves on CCTV.

Stakeholder submissions

23. The Authority has had regard to the submissions from:

- a) **NSW Police Force**, which does not object to the Application
- b) **L&GNSW Compliance**, which does not object to the Application
- c) **Central Coast Council**, which does not object to the Application
- d) **the Foundation for Alcohol Research and Education ('FARE')**, which objects to the Application on the basis that the location is:
 - i. unacceptably close to a high school, and students may even see advertisements for liquor from school grounds
 - ii. across the road from:
 1. the skate park where there are already reports of underage drinking, and
 2. a large playing field that hosts a variety of sporting clubs and junior games including soccer, cricket, tennis and rugby league,
 - iii. within 250 metres of organisations that serve the community members who may be at risk of alcohol-related harm, including:
 1. Samaritans Foundation office
 2. a PCYC
 3. Nareen Gardens Uniting Church
 4. The Entrance Baptist Church
 5. Thrive Church Central Coast and
 6. the Smith Family Thrift store,
 - iv. close to a number of aged care facilities and retirement villages, where research indicates that 17% of Australians over 60 are consuming more than the recommended maximum of 14 standard drinks per week or no more than five standard drinks in a single drinking occasion
 - v. near a number of domestic violence hotspots, and
 - vi. unacceptably close to a number of fast food outlets which may make public drunkenness more likely, creating a risk factor for street violence, and potentially impacting on local amenity, and
- e) **NSW Health**, which objects to the Application on the basis that:
 - i. the location is unacceptably close to a number of schools, community venues such as skate parks and sporting fields, and organisations that serve the community members who may be at risk of alcohol-related harm
 - ii. the location is highly visible on a busy road
 - iii. the location is unacceptably close to a number of low-income households (many of whom reside in social housing), who already spend a larger proportion of income on alcohol compared to the rest of the population
 - iv. the density of packaged liquor licences is already higher in Bateau Bay compared to NSW and, while the Proposed Premises will not increase density, the larger store with an aggressive "lowest price guarantee" will increase the physical and economic availability of liquor

- v. research, including research published in 2015 and funded by FARE, indicates that traumatic injuries occur more commonly in areas with greater concentrations of packaged liquor outlets, and that chain outlets such as the Proposed Premises contribute most substantially to risk of these injuries, and, as a result
- vi. the greater physical and economic availability of liquor is likely to increase alcohol consumption and alcohol harms in the local community, and particularly,
- vii. there are many alcohol-related domestic violence hotspots around the Proposed Premises and likely increased alcohol consumption may increase domestic violence in the local community.

24. The Authority has also had regard to the Applicant's submission in response, including:

- a) that the Proposed Premises has no independent entrance other than its main entrance from inside the shopping centre
- b) that none of the sporting fields, skate park, schools, community venues or organisations or churches are visible from any part of the Proposed Premises due to the location of other pad sites and landscaping mounds that prevent direct view
- c) the contention that the Current Premises and Proposed Premises are both in an area that has the lowest percentage of people in Australia who drink more than two standard drinks per day or more than four standard drinks at least once a month,
- d) the contention that alcohol consumption by young people is continuing to decrease
- e) research papers provided by the Applicant further exploring the relationship between packaged liquor outlets and alcohol-related harm, including a research paper critiquing the 2015 FARE research, and
- f) that there is no increase to licence density or clustering since the Current Premises will cease trading.

Findings of concern

25. Having regard to the relevant statistics and the submissions received, including the Applicant's reply submissions, the Authority finds that Bateau Bay has a packaged liquor licence density that is above state average and that there are some alcohol-related health issues and crime issues (for example, alcohol-related domestic assault) in the broader community.
26. The Authority considers that, if the Application is approved, there is a risk that the liquor sold from the Premises could exacerbate the existing alcohol-related problems in the community and, over time, contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities.

Mitigating factors

27. The Authority is nevertheless satisfied that the risk is sufficiently mitigated by the:

- a) experience of the applicant as an operator of multiple licensed premises (including the Current Premises and other premises similar to the Proposed Premises) with sound compliance records
- b) lower than average density of outlets authorised to sell packaged liquor in the local and broader community
- c) harm minimisation measures set out in licence conditions and The Policies and Procedures of the Endeavour Group Limited, as set out in Schedule 1

- d) lower than average clustering of outlets authorised to sell packaged liquor in the local and broader community, and
- e) fact that crime rates in the local community for all offences normally considered by the Authority (except malicious property damage) are lower than comparable NSW averages.

CONCLUSION

- 28. Having considered the positive and negative social impacts that are likely to flow from approving the Application, the Authority is satisfied that the overall social impact of approval would not be detrimental to the well-being of the local and broader communities.
- 29. The Authority is also satisfied that the other legislative criteria for the approving the Application have been met.
- 30. Accordingly, the Authority has decided to approve the Application under section 94 of the Act, subject to imposing the conditions set out in Schedule 1.



Philip Crawford

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed BWS – Beer Wine Spirits

1. Closed-circuit television system
 - 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 (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of ten (10) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system’s cameras must cover the following areas:
 - (i) all entry and exit points on the premises
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to 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.
2. The premises is to be operated at all times in accordance with the policies and procedures of the Endeavour Group Limited, as submitted to the Independent Liquor and Gaming Authority (“the Authority”) in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
3. 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 *Liquor Act 2007*,
 - d. any incident that results in a patron of the premises requiring medical assistance.
 - 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:
 - a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and
 - b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises.
 - 3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.
4. The licence is not to be exercised at M05, Bateau Bay Square, The Entrance Road, Bateau Bay, unless and until Liquor & Gaming NSW has been provided with evidence that the Proposed Licensed Premises is complete and ready to trade.
5. The licence remains at the Existing Licensed Premises, subject to the same conditions and trading hours that were in force immediately before the approval of the Change of Boundaries Application, until such time as Liquor & Gaming NSW is notified that the licence has been moved.

6. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing 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 change of licence boundaries applications.
7. The licensed premises must not commence trading before 8am and must cease to trade by 8pm on public holidays.

Schedule 2 – Material considered by the Authority BWS – Beer Wine Spirits

Application material

1. Plan of Management documents for the Premises, titled Policies and Procedures of Endeavour Group Limited, effective February 2020.
2. Floor plan for the Premises, dated 26 May 2020, indicating the proposed licensed area.
3. Completed application form dated 29 June 2020.
4. Completed Category B Community Impact Statement dated 5 November 2020.
5. Completed certifications of advertising dated 3 February 2021.

Development consent

6. Complying Development Certificate NW20/5311 in respect of the Premises, issued by Newland Wood Certification Pty Ltd on 22 May 2020.

Liquor & Gaming LiveData Report

7. L&GNSW Liquor & Gaming LiveData Report for the suburb of Bateau Bay, generated on 20 January 2021, which sets out that:

Outlet diversification

- a. There are 10 authorised liquor licenses in Bateau Bay. Of these, eight are authorised to sell packaged liquor. This includes five packaged liquor licences, one hotel licence, and two registered club licences.

Outlet density (annual rate per 100,000 residents)

- b. saturation of packaged liquor licences in Bateau Bay (**41.2**) is **higher** compared to the Central Coast LGA (**29.3**), and **higher** compared to NSW (**29.4**)
- c. saturation of licences authorised to sell packaged liquor in Bateau Bay (**65.9**) is **higher** compared to the Central Coast LGA (**55.2**), and **higher** compared to NSW (**75**)
- d. clustering of packaged liquor licences in Bateau Bay (**0.8**) is **lower** compared to the Central Coast LGA (**1.4**), and **lower** compared to NSW (**2.8**)
- e. clustering licences authorised to sell packaged liquor in Bateau Bay (**0.9**) is **lower** compared to the Central Coast LGA (**1.1**), and **lower** compared to NSW (**7.2**).

Offence data (annual rate per 100,000 residents)

In the two years to September 2020:

- f. alcohol-related domestic assault in Bateau Bay (**104.8**) was lower compared to the Central Coast (**153.2**), and lower compared to all NSW (**113.8**)
- g. alcohol-related non-domestic assault in Bateau Bay (**56.4**) was lower compared to the Central Coast (**117.2**), and lower compared to all NSW (**93.4**)
- h. late-night alcohol-related non-domestic assault in Bateau Bay (**8.1**) was lower compared to the Central Coast (**30.7**), and lower compared to all NSW (**27.6**)
- i. alcohol-related non-domestic serious assault in Bateau Bay (**24.2**) was lower compared to the Central Coast (**48.2**), and lower compared to all NSW (**34.5**)
- j. alcohol-related offensive conduct in Bateau Bay (**8.1**) was lower compared to the Central Coast (**19.3**), and lower compared to all NSW (**26.2**)
- k. malicious damage to property in Bateau Bay (**693.2**) was lower compared to the Central Coast (**787**), but higher compared to all NSW (**675.4**)

Alcohol-attributable hospitalisations & deaths (per 100,000 residents)

- l. In the period 2017/2018 the alcohol-attributable death rate on the Central Coast (**25.8**) was higher compared to the average across all of NSW (**20**)

- m. In the period 2017/2018 – 2018/2019 the alcohol-attributable hospitalisation rate on the Central Coast (**652.9**) was higher compared to the NSW average (**542.1**).

SEIFA

- n. According to the SEIFA Index of Relative Economic Advantage & Disadvantage, households in Bateau Bay and Central Coast are socio-economically disadvantaged and advantaged respectively (**bottom 37%** and **top 35%** of NSW households, in terms of household income and residents in skilled occupations).

Stakeholder submissions

8. Submission from Central Coast Council submission dated 20 July 2020
9. Submission from Mr Timothy Peel dated 23 July 2020
10. Submission from Foundation for Alcohol Research and Education dated 29 July 2020
11. Submission from Steven Koteczky dated 29 July 2020
12. Submission from David James Rumpler dated 30 July 2020
13. Submission from Kate Neale dated 1 August 2020
14. Submission from NSW Police dated 6 August 2020
15. Submission from L&GNSW Compliance dated 2 September 2020
16. Submission from Aboriginal Affairs dated 15 September 2020
17. On-line survey from Chanelle Day (Bateau Bay Boost Juice) dated 15 September 2020
18. On-line survey from Nihal Yapa (possibly KFC Bateau Bay) dated 8 October 2020
19. On-line survey from Tina Baverstock (Silk Laser Bateau Bay) dated 8 October 2020
20. On-line survey from Kris Heke (Helloworld Bateau Bay) dated 9 October 2020
21. Letter from Monica Morlin (Bateau Bay Square Centre Manager) dated 9 October 2020
22. On-line survey from Tanya Funnell (Chop Butchery) dated 9 October 2020
23. Submission from NSW Health (undated) received 8 December 2020

Other relevant information

24. Correspondence between L&GNSW staff and the Applicant between 24 June and 16 December 2020 in relation to the assessment of the Application.
25. Google map images extracted from the Google website on 24 June 2020 (contained in a Schedule to correspondence from the Applicant dated 30 June 2020), showing the location and photos of the Premises in map view.
26. Data from the Bureau of Crime Statistics and Research for suburbs and local government areas surrounding Bateau Bay showing incidences of alcohol-related domestic and non-domestic assault, malicious property damage and alcohol-related offensive conduct over five years from 2016 – 2020.

Schedule 3 – Relevant extracts from the *Liquor Act 2007*

BWS – Beer Wine Spirits

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.

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
 - (a1) any published cumulative impact assessment that applies to the area in which the premises the subject of the application are located, 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.

53 Authority may impose, vary or revoke licence conditions

(1) Without limiting any other provision of this Act, the Authority may at any time—

- (a) on application by the Secretary or the Commissioner of Police, or
- (b) on the Authority's own initiative,

impose conditions on a licence.

(1A) The conditions that may be imposed by the Authority on a licence under this section include, but are not limited to, conditions—

- (a) prohibiting the sale or supply of liquor on the licensed premises before 10 am or after 11 pm (or both), and
- (b) restricting the trading hours of, and public access to, the licensed premises.

(2) The Authority may at any time—

- (a) on application by the licensee, the Secretary or the Commissioner of Police, or
- (b) on the Authority's own initiative,

vary or revoke a condition of a licence that has been imposed (or taken to have been imposed) by the Authority under this Act.

(3) An application under subsection (1) or (2) must—

- (a) be in the form and manner approved by the Authority, and
- (b) in the case of an application by a licensee—be accompanied by the fee prescribed by the regulations, and
- (c) be accompanied by such information and particulars as may be prescribed by the regulations, and
- (d) if required by the regulations to be advertised—be advertised in accordance with the regulations, and
- (e) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

(4) The Authority must not impose a condition on a licence after it has been granted, or vary or revoke a condition that has been imposed (or taken to have been imposed) by the Authority, unless the Authority has—

- (a) given the licensee a reasonable opportunity to make submissions in relation to the proposed decision, and

- (b) taken any such submissions into consideration before making the decision.
- (5) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application under this section to vary or revoke a condition to which a licence is subject.
- (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 vary or revoke the licence condition.

94 Boundaries of licensed premises

- (1) The boundaries of licensed premises are to be specified by the Authority when the licence is granted.
- (2) The specified boundaries of any licensed premises may be changed by the Authority on the Authority's own initiative or on the application of—
 - (a) the owner of the premises, or
 - (b) the licensee.
- (3) Before changing the boundaries of any licensed premises (whether on application or otherwise), the Authority is—
 - (a) to give the licensee, the Secretary and the Commissioner of Police a reasonable opportunity to make submissions in relation to the proposed change, and
 - (b) to take any such submissions into consideration before deciding whether to make the change.
- (4) Any change in the specified boundaries of licensed premises under this section does not take effect until such fee as may be prescribed by the regulations has been paid.
- (5) The Authority must not specify or change the boundaries of any licensed premises unless the Authority is of the opinion that any primary purpose requirement under this Act in relation to the licensed premises is or will be complied with.