



Mr Jim Adams  
Adams Hospitality Solutions

By email to: [jim@adamshospitality.com.au](mailto:jim@adamshospitality.com.au)

1 February 2023

Dear Mr Adams

<b>Application No.</b>	APP-0010001106
<b>Applicant</b>	SANGHA PARTNERS PTY LTD
<b>Application for</b>	New – packaged liquor licence
<b>Licence name</b>	FoodWorks NABIAC
<b>Trading hours</b>	<u>Retail</u> Monday to Sunday 10:00 AM – 07:00 PM
<b>Premises</b>	Shop 4,1 NABIAC Street, NABIAC NSW 2312
<b>Legislation</b>	Sections 3, 11, 12, 29, 30, 31, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for a packaged liquor licence – FoodWorks NABIAC**

The Independent Liquor & Gaming Authority first considered the application above at its meeting on 19 September 2022 and, following the receipt and consideration of further requested information, and pursuant to section 48 of the *Liquor Act 2007*, decided out of session on 5 December 2022 to **refuse** the application.

**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, Leonie Jennings, at [leonie.jennings@liquorandgaming.nsw.gov.au](mailto:leonie.jennings@liquorandgaming.nsw.gov.au)

Yours faithfully

Murray Smith  
Deputy Chairperson

## STATEMENT OF REASONS

### DECISION

1. On 2 May 2022, SANGHA PARTNERS PTY LTD (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application (“Application”) for a packaged liquor licence (“Licence”) for the premises at Shop 4,1 Nabiac Street, Nabiac NSW 2312 (“Premises”).
2. The Authority considered the Application at its out of session meeting on 5 December 2022 and decided to refuse to grant the Licence under section 45 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 (“Regulation”).

### MATERIAL CONSIDERED BY THE AUTHORITY

4. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. In accordance with its *Guideline 6*, the Authority has also had regard to relevant 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”).
7. A list of the material considered by the Authority is set out in Schedule 1.

### LEGISLATIVE FRAMEWORK

8. The Authority has considered the application in 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 6hour period during which liquor cannot be sold.
  - c) Sections 29-31: Specific provisions in respect of a packaged liquor licence.
  - d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
  - e) Section 44: Submissions to Authority in relation to licence applications.
  - f) Section 45: Criteria for granting a liquor licence.
  - g) 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.
9. An extract of these sections is set out in Schedule 2.

10. The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

## **KEY FINDINGS**

11. 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**

12. 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 40 of the Act,
- b) if the Licence were to be granted, liquor would be sold and supplied in a separate liquor sales area at the Premises, and in accordance with the authorisation conferred by a packaged liquor licence, as required by sections 29 and 30 of the Act, and
- c) section 31 of the Act does not apply to the Application as the Premises is not intended to operate as is contemplated by the section.

13. 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**

14. Pursuant to section 45 of the Act, 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 plan of management documentation for the Premises and the conditions to be imposed on the licence, and
- c) the requisite development consent is in force, based on the DA349/96 in respect of the Premises, issued by Great Lakes Council on 17 June 1996.

## **Community impact**

### ***Local and broader communities***

15. 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 Nabiac, and the relevant "broader community" comprises the Local Government Area ("LGA") of the Mid Coast.

### ***Licence density***

16. The Authority notes that suburb of Nabiac and the Mid Coast LGA have a higher density of packaged liquor licences compared to the state average.

### ***Crime data***

17. The relevant BOCSAR data indicates that, for the year to March 2022:

- a) the Premises was not located within hotspots for incidents of alcohol-related assault, domestic and non-domestic assault or malicious damage to property.

- b) The Mid Coast LGA recorded **higher** rates for incidents of alcohol-related assault, domestic and non-domestic assault or malicious damage to property, compared to the NSW state average.

### ***Alcohol-related health data***

18. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that the Mid Coast LGA recorded a **higher** than average level of alcohol-attributable deaths for the period 2018-2020, and a **lower** than average level of alcohol-attributable hospitalisations for the period 2018-2020.

### ***SEIFA***

19. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2022 indicates that Nabiac and the Mid Coast LGA have a below average level of relative socioeconomic advantage and disadvantage compared to other suburbs and LGAs in NSW.

### ***Business model***

20. The Authority notes that the proposed business model involves a liquor sales area that sits wholly within an existing supermarket, for the sale of alcohol to be consumed away from the premises.

### ***Purported benefits***

21. The Authority has had regard to the Applicant's purported benefits, including that:
- Nabiac is a small regional community, with a small population. The FoodWorks supermarket is located within a larger shopping complex called 'The Village Green' which also accommodates a bank, chemist, and real estate agency; there are 15 parking spaces available for customers to use.
  - 'One stop shop' convenience would benefit consumers who wish to purchase packaged liquor while shopping at the supermarket/shopping centre.
  - The applicant has noted in their plan of management that no same-day liquor delivery service will be provided and that they will consult with police and update the plan of management if they plan to provide same-day delivery in the future.

### ***Stakeholder submissions***

22. The Authority has had regard to the submissions from -

- a) **NSW Police Force**, which notes that a new packaged liquor licence in the suburb is likely to contribute to further alcohol-related harms and negative outcomes for the community, citing the closest response Police station and hospital is approximately 2025 minutes driving distance from the premises. Police note the close proximity of the proposed premises to a licensed hotel and existing packaged liquor store in the suburb, where liquor is already easily accessible to the community, may put pressure on emergency services and Police to respond.

Police are concerned the new packaged liquor outlet may offer alcohol at more competitive prices and might contribute to the current alcohol related problems and are concerned alcohol can only be managed at the point of sale. Police further submit there is a high Aboriginal and Torres Strait Islander population and high unemployment rate in the community submitting that alcohol currently contributes to high rates of alcohol related crime and drink-driving in the region.

- b) **Mid Coast Council**, which notes the current development approval for the premises is silent on the approved trading hours.
- c) **L&GNSW Compliance**, which notes there were no adverse findings against the proposed licensee and no recorded instances of non-compliance at the premises. Compliance recommends that the CCTV (10FPS) and liquor plan of management conditions are imposed on the licence.
- d) **Local Aboriginal Community**, which notes two submissions from Mr Isaac Simon, CEO of Tobwabba Aboriginal Medical Services. Mr Simon submits there are high levels of alcohol abuse in the region and cites concerns with the potential for problems resulting in the availability of more competitively priced alcohol and the negative effect this may have on current alcohol-related health issues for members of the community.

In his updated submission, Mr Simon provided data extracts that detail 794 drinkers from the vulnerable community aged 12 and up would be able to access the proposed packaged liquor premises, and this accounts for over 52% of the total patient cohort over 12 years of age. Mr Simon also submitted the community has only one drug and alcohol worker currently to cater for this demographic.

- e) **Public submissions**, which notes nine submissions in support of the application were received as part of the community impact engagement. The submissions cited increased convenience and improved availability of a variety of products for purchase.

23. The Authority has regard to the Applicant's response to the Police submission which notes the business is operated by the proposed manager, his wife and a small team of staff and contends it will not undertake next day or same day deliveries. The Applicant submits alcohol-related incident numbers in the suburb are low with no evidence to support the grant of a new packaged liquor licence would increase levels of alcohol-related violence.

The Applicant reiterates the business is owned privately and not by a larger commercial enterprise, with the proposals seeking to improve the current supermarket offering for customers by providing more convenience and access to a wider range of liquor products than is currently offered in the suburb.

The Applicant notes the submission from Council and cites consent to the recommended conditions proposed by Compliance. The Applicant submits the initial submission from Mr Simon does not specify what region the high levels of alcohol-related incidents refer to and submits this submission provided by the medical service does not provide any data to support the issues of concern.

### ***Findings of concern***

24. Having regard to the relevant statistics and the submissions received, including the Applicant's reply submissions, the Authority finds that the Mid Coast LGA has a licence density that is above state average and is subject to a high levels of alcohol-related domestic assault, and that there are some alcohol-related health issues in the broader community. The Authority considers that, if the Licence is granted, there is a risk that the liquor sold from the Premises would 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.

## CONCLUSION

25. Having regard to the relevant statistics and the submissions received, including the Applicant's reply submissions, the Authority finds that the Mid Coast LGA has a licence density that is above the state average and is subject to a relatively high level of alcohol-related domestic crime, including assault, and that there are some alcohol-related health issues in the broader community.
26. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is not satisfied that the overall social impact of granting the Licence would not be detrimental to the well-being of the local and broader communities.
27. Accordingly, the Authority has decided to refuse to grant the Licence under section 45 of the Act.

Yours faithfully



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

### Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* 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 NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the [Liquor & Gaming NSW website](#) 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](#).

**Schedule 1 – Material considered by the Authority**  
**FoodWorks Nabiac**

**Application material**

1. Completed application generated on 2 May 2022.
2. Completed certification of advertising dated 19 May 2022.
3. ASIC business records in relation to the Applicant and SANGHA PARTNERS PTY LTD dated 19 May 2022.
4. Completed Category B Community Impact Statement dated 25 May 2022.
5. Plan of Management documents for the Premises, titled Liquor Plan of Management and House Policy and dated September 2022.
6. Floor plan for the Premises, dated 25 October 2021, indicating where the proposed liquor sales area will apply.

**Development consent**

7. Notice of determination issued by Great Lakes Council on 17 June 1996, approving the development consent DA349/96 for the Premises.

**Harm minimisation and community impact data**

8. L&GNSW Liquor & Gaming LiveData Report for the suburb of Nabiac, generated on 16 August 2022, noting the BOSCAR crime rates in the suburb are not calculated because the population is less than 2,000 therefore crime rates refer to the Mid Coast LGA, which sets out that:

Outlet diversification

- a. There are 4 authorised liquor licenses in Nabiac. Of these, 2 are authorised to sell packaged liquor. This includes 1 packaged liquor licence and 1 hotel licence.

Outlet density (annual rate per 100,000 residents)

- b. saturation of packaged liquor licences in Nabiac (**77.28**) is **higher** compared to Mid Coast LGA (**45.56**), and **higher** compared to NSW (**41.35**) Offence data (annual rate per 100,000 residents) In the year to March 2022:
- c. alcohol-related domestic assault in the Mid Coast LGA (**219.3**), and **higher** compared to all NSW (**112.6**)
- d. alcohol-related non-domestic assault in the Mid Coast LGA (**109.1**), and **higher** compared to all NSW (**85.7**)
- e. alcohol-related offensive conduct in the Mid Coast LGA (**212**), and **higher** compared to all NSW (**22.2**)
- f. malicious damage to property in the Mid Coast LGA (**936.5**), and **higher** compared to all NSW (**590.8**)

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

- g. In the period 2018-2020 the alcohol-attributable death rate in Mid Coast LGA (**22.6**) was **higher** compared to the average across all of NSW (**19.7**)
- h. In the period 2018-2020 the alcohol-attributable hospitalisation rate in Mid Coast LGA (**413**) was **lower** compared to the NSW average (**513.2**).

SEIFA

- i. According to the SEIFA Index of Relative Economic Advantage & Disadvantage, households in Nabiac and the Mid Coast LGA are socio-economically disadvantaged and

disadvantaged respectively (**Bottom 2%** and **Bottom 3%** of NSW households, in terms of household income and residents in skilled occupations).

**Stakeholder submissions**

9. Submission from NSW Police, dated 13 May and 31 May 2022.
10. Submission from L&GNSW Compliance, dated 25 May 2022.
11. Submission from Mid Coast Council, dated 24 June 2022.
12. Tobwabba Aboriginal Medical Services, dated 10 August and 8 November 2022.
13. 9 community submissions received during CIS period, date range from 25 November 2021 to 29 April 2022.

**Other relevant information**

14. Correspondence between L&GNSW staff and the Applicant between 5 May 2022 and 19 December 2022 in relation to the assessment of the Application.
15. Google map images extracted from the Google website compiled on 5 August 2022, showing the location and photos of the Premises in map view.
16. Annexure A detailing proposed hours and conditions compiled on 8 September 2022.



## Schedule 2 – Relevant extracts from the *Liquor Act 2007*

### FoodWorks Nabiac

#### 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 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 licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
  - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may:
  - (a) apply to a specified class of licensed premises, and
  - (b) apply in relation to a specified day or days, and
  - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2) (a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

## **29 Authorisation conferred by packaged liquor licence**

### **(1) Retail sales**

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

- (a) during the standard trading period or such other period as may be authorised by an extended trading authorisation, or

(b) in the case of any Sunday that falls on 24 December—from 8 am (or such earlier time as may be authorised by an extended trading authorisation) to 10 pm on that day.

(2) **No retail trading on restricted trading days**

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

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

A packaged liquor licence also authorises the licensee:

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

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

(4) **Tastings**

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

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

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

**31 Restrictions on granting packaged liquor licences**

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

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

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

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

**40 Licence applications**

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by:
  - (a) an individual, or

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

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

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

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

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

#### **45 Decision of Authority in relation to licence applications**

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

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

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3) (a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable

grounds to believe from information provided by the Commissioner of Police in relation to the person:

(a) that the person:

(i) is a member of, or

(ii) is a close associate of, or

(iii) regularly associates with one or more members of, a declared organisation within the meaning of the Crimes (Criminal Organisations Control) Act 2012, and

(b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.

(5A) Without limiting subsection (3) (a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant:

(a) is of good repute, having regard to character, honesty and integrity, and

(b) is competent to carry on that business or activity.

(6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

#### **48 Community impact**

(1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of:

(a) the views of the local community, and

(b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.

(2) In this section:

**relevant application** means any of the following:

(a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,

(b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,

(c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,

(d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),

(e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),

(f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,

(g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49 (5) (b) or (5A) or 49A (3) (b)).

(3) A relevant application must be accompanied by a community impact statement.

- (3A) However, a small bar application is not required to be accompanied by a community impact statement if:
- (a) development consent is required under the Environmental Planning and Assessment Act 1979 to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
  - (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following:
- (a) an application for a small bar licence,
  - (b) an application for approval to remove a small bar licence to other premises,
  - (c) an application for an extended trading authorisation for a small bar,
  - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if:
- (a) the application relates to the same premises as the premises to which a general bar licence relates, and
  - (b) development consent has been obtained under the Environmental Planning and Assessment Act 1979 to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if:
- (a) an extended trading authorisation of the kind referred to in section 49 (5) (a) is in force in respect of the licensed premises concerned, or
  - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the Registered Clubs Act 1976.
- (4) The community impact statement must:
- (a) be prepared in accordance with the regulations and any requirements of the Authority, and
  - (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:
- (a) the community impact statement provided with the application, and
  - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),
- that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following:
- (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
  - (b) the matters to be addressed by a community impact statement,
  - (c) the information to be provided in a community impact statement,
  - (d) the criteria for determining the local and broader community for the purposes of a relevant application,

- (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.