

Liquor Licensing Reform Options – Discussion Paper

Attachments

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Attachment A: How do licensing and planning approvals currently work?

Getting approval to operate a liquor-related business in NSW is a two-step process:

- applying to the local council for the relevant planning approval and obtain development consent (typically by a DA)
- applying to the Independent Liquor & Gaming Authority, via Liquor & Gaming NSW (L&GNSW) for a liquor licence.

Step One: Planning Approval

To be granted a liquor licence, an applicant must have planning approval for the use of the land as a licensed premise, most commonly in the form of development consent.

Development consent is where a consent authority (normally local council, and sometimes state Government) approves a proposed development based on the environmental, economic, and social impacts in the locality, while also considering local planning requirements. To apply for development consent the applicant must lodge a Development Application (DA) on the NSW Planning Portal. In some cases, applicants may be eligible for a Complying Development Certificate (CDC), where Council or a private certifier approves the low impact development under a fast-track process.

Development consent from council is not required when the development is exempt development (ED). The business may still need to seek a permit for the use of the land under other legislation.

Once a DA is lodged, the local council will formally assess the DA and consult the public and key stakeholders. Processing times for DAs vary by council and by the size and type of development.

The consent authority's decision to approve or reject the DA is detailed in a document called a Notice of Determination (NoD). In granting approval, the consent authority may impose a range of operating conditions including the requirement for a Plan of Management (PoM).

A Council PoM is a summary document that outlines how the operations at a venue will be managed and outlines mitigation measures in relation to safety and operational impacts. The Council PoM may be negotiated in consultation with the NSW Police, the applicant and council.

The NoD may specify conditions which ensure that a liquor business upholds relevant laws and which will manage or mitigate impacts on the community. and To amend these conditions, the applicant may need to apply to modify their development consent and go through the DA process again.

More information about the general process to apply for a DA is available at the planning website.

Step Two: Liquor Licence approval

A Liquor licence (LL) is generally required to sell, serve and supply alcohol in NSW. People seeking to obtain a liquor licence must apply to the Independent Liquor & Gaming Authority (ILGA) via L&GNSW. ILGA is the independent assessor of LL applications, and under the Liquor Act 2007 L&GNSW has powers to make certain LL decisions.

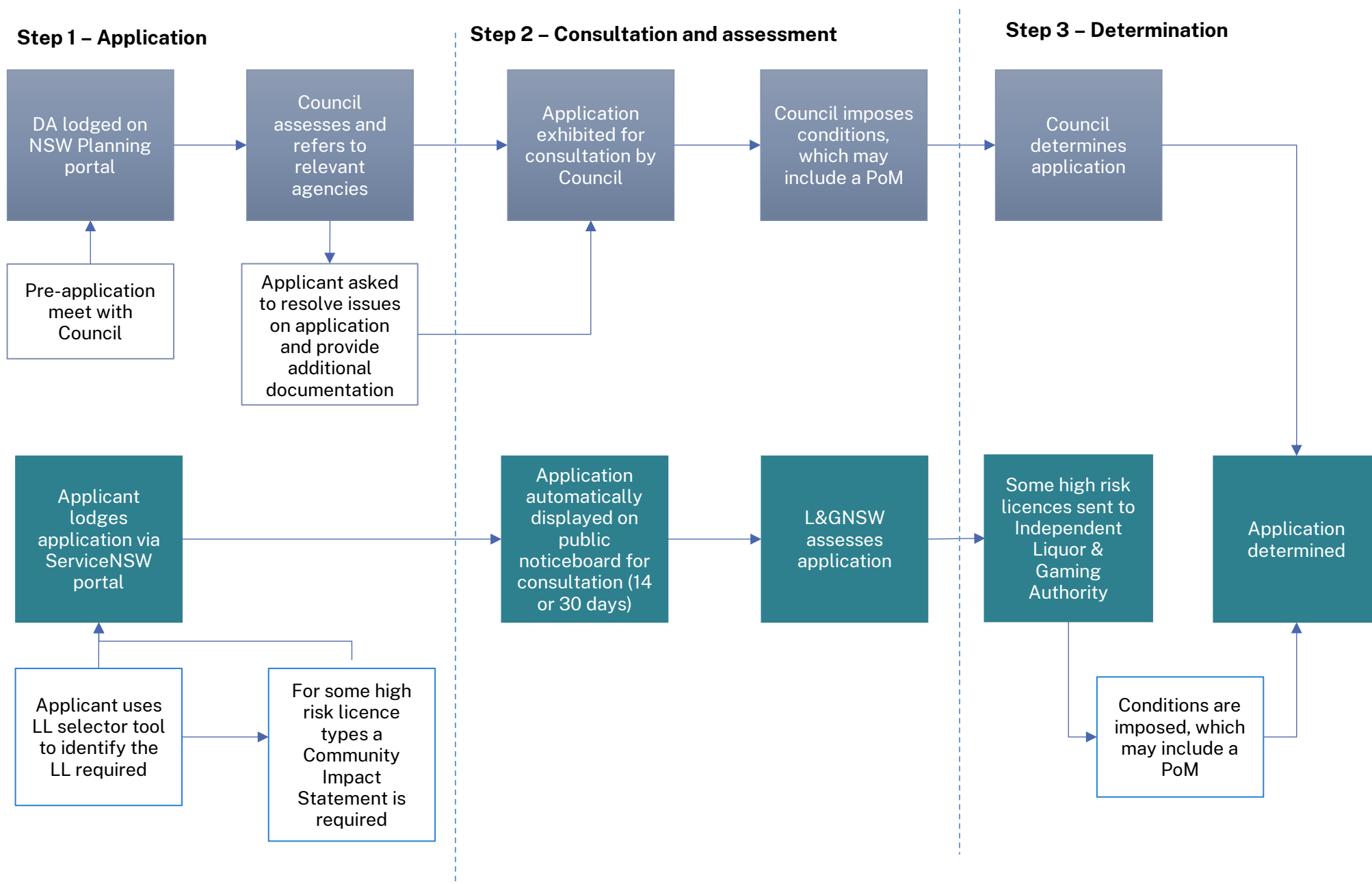
Applicants can apply for a LL on the L&GNSW website using their OneGov or Service NSW for Business account. The application is then automatically exhibited on L&GNSW's 'Public Noticeboard' for 30 days.

Some high-risk licence applications (such as a hotel liquor licence) must also undertake a 30-day consultation prior to lodging their application to inform a Community Impact Statement (CIS).

All licences are approved subject to licence conditions. Conditions may be statutory conditions (required by the Liquor Act) or imposed by ILGA/L&GNSW, such as a requirement for a Plan of Management (PoM) to be developed for the venue. Conditions may also be added to a liquor licence after a serious complaint or incident involving the venue. A liquor PoM provides a framework for both patrons and staff in understanding the responsible service of alcohol principles accepted by the venue.

Under the Liquor Act 2007, a licence cannot be granted until development consent is in force.

Figure 1: Current two-fold customer journey



Attachment B: Extension of new processes

The reforms proposed focus on aligning new LL applications such as on-premises and packaged liquor licences, where a DA is also required. Once the infrastructure to support aligned new LL applications has been established, the new processes could be extended to:

Modifications to liquor licences which also require modification to the existing DA – for example, a change in trading hours.

Modifications to liquor licences which require other types of council consent, or which are subject to expedited LL approvals (e.g. a change to an existing LL boundary). LL boundary changes may require different types of Council approval, including a DA, Roads Act or Local Government Act approval, depending on the type of land to be incorporated. Currently councils may accept these applications directly via their own systems, or via the Planning portal. In addition, some LL boundary change applications are not required to be published on the Application Noticeboard for community consultation.

LL applications or modifications which do not require an amendment to the existing development approval, or which do not need development consent (e.g. due to qualifying as exempt and complying development). These applications could still be lodged via the single entry portal and would still benefit from streamlined consultation requirements and conditions, outlined in sections 5 and 6 of this paper.

Attachment C: What is a CIS and which liquor licences does it apply to?

A Community Impact Statement (CIS) is a written summary of the potential impact of a licensed premise on the local community. It is required under the Liquor Act 2007 when an applicant applies for certain higher-risk types of liquor licences and authorisations.

A CIS provides information on the potential impact that granting an application may have on the local community, by requiring an applicant to consult with the local community for 30 days before deciding to lodge an application. The decision-making authority, ILGA, uses this to assess whether to grant a Liquor Licence.

There are two types of CIS (category A and category B) which are determined by the licence type and expected level of impact. The main difference between the two CIS types is that category B applications must notify a broader group of community and stakeholders.

- **Category A:** Applicant must notify the local consent authority (local council), neighbouring local Government areas (if within 500m of an adjoining boundary) and the local police.
- **Category B:** Applicant must notify the local consent authority (local council), neighbouring local Government areas (LGA), local police, NSW Health, the Department of Communities and Justice, Transport for NSW, the local Aboriginal community, neighbouring premises within 100m of the licensed premise boundaries and special interest groups or individuals (e.g., young people, local schools).

Hotels and Clubs prepared a Category B CIS is also required to consult with GambleAware Help Counselling services in their LGA.

Figure 2: CIS requirements by licence type

	Cat A CIS	Cat B CIS
Liquor licence applications*		
Club		Required
Hotel		Required
On-premises		Required for a public entertainment venue (excluding a cinema and theatre)
Packaged liquor	Required for; <ul style="list-style-type: none"> • limited to the sale or supply of alcohol via phone, fax, mail order online, and; • the removal of the above licence to other premises. 	Required, e.g., bottle shop, retail liquor store
Small bar		Required, except where development consent is required and notice is provided to Police and the Secretary, Department of Justice within two days of the DA

	Cat A CIS	Cat B CIS
Authorisation applications		
Extended trading	Required for extended trading on-premises licence, for sales on Sunday between 5am and 10am or between 10pm and midnight (excludes sales to residents and their guests)	Required for extended trading for the above licences or to remove each of the above licences to other premises Required for on-premises and producer/wholesaler for sales between midnight and 5am (excluding sales to residents and their guests)
Primary service	Required where a restaurant wants to sell liquor without meals	

*A CIS is required for any application to increase the boundaries of a licensed premises where the licence type requires a CIS or when the change of boundaries application is for a substantial increase in the scale of the premises (greater than 50%).

Attachment D: Proposed method of stakeholder notification

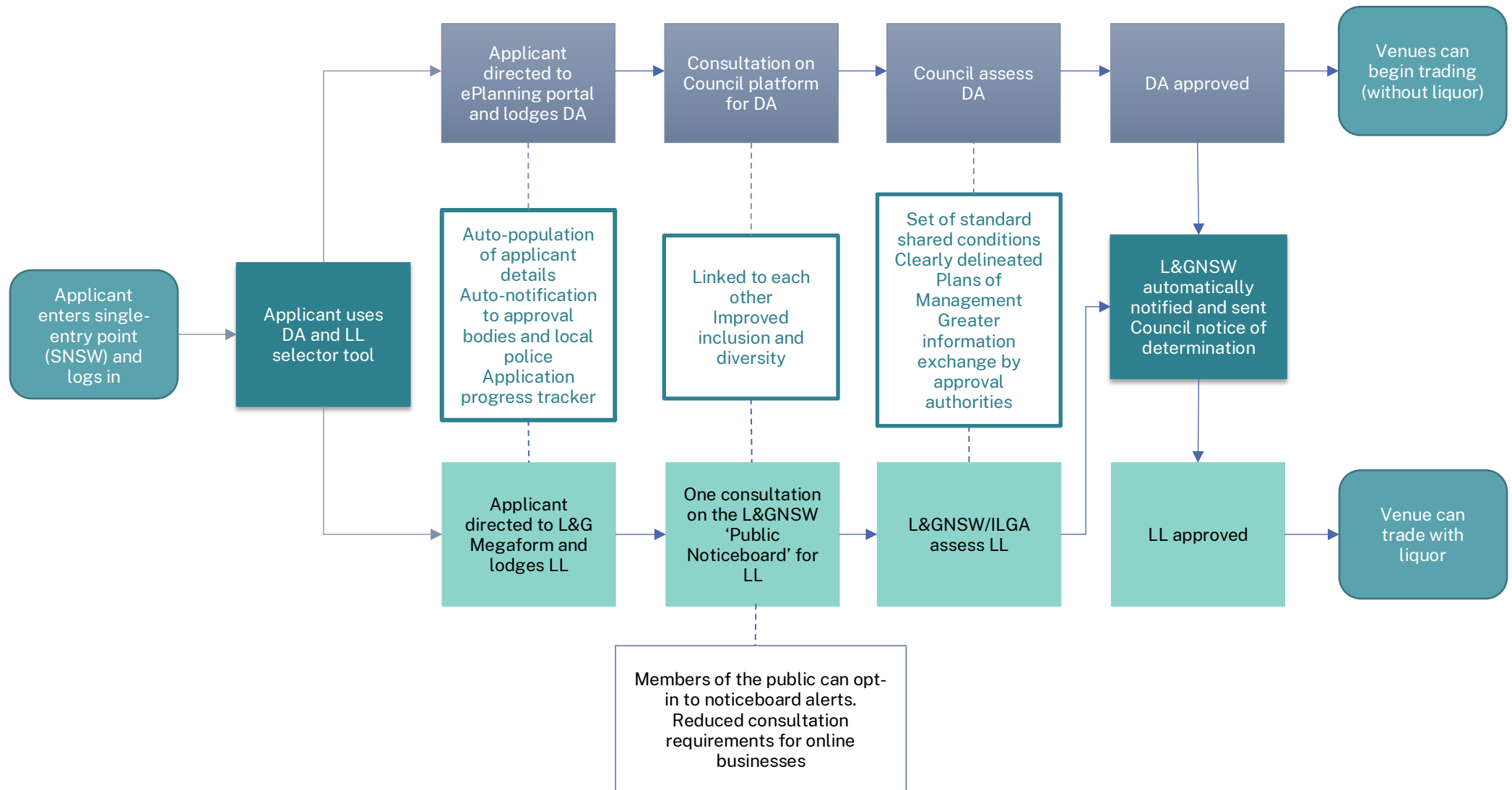
Stakeholder	Low Risk	Medium-High Risk
Local Consent Authority	Auto-notification	Auto-notification
Neighbouring LGA (only if premises is located within 500m of the boundary of another LGA)	Auto-notification	Auto-notification
Local Police	Auto-notification	Auto-notification
NSW Health (Centre for Alcohol and Other Drugs and relevant Local Health District)	n/a	Auto-notification
Department of Communities and Justice	n/a	Auto-notification
Transport for NSW	n/a	Auto-notification
Local Aboriginal Community	n/a	Auto-notification/ applicant
Neighbouring premises	Applicant	Applicant
Special interest groups or individuals (e.g., people from culturally and linguistically diverse backgrounds, young people, local schools)	n/a	Applicant

Attachment E: Conditions commonly imposed by councils and L&GNSW/ILGA

Condition type	In scope for being a shared condition?	Rationale
CCTV	Yes	Conditions in a Council notice of determination and a venue's liquor licence may require different minimum numbers of frames per second and other requirements for CCTV recordings captured at the venue. This causes confusion to business operators who must abide by two sets of conflicting conditions. Shared CCTV conditions applied by councils and L&GNSW/ILGA would resolve this inconsistency.
Security guards (crowd management)	Yes (but only to provide that requirements relating to security guards will be specified in a POM)	Feedback from industry and the community during consultation on the <i>Liquor Amendment (24-hour Economy) Bill 2020</i> indicated that the number of security guards required at a venue imposed under liquor licence conditions or development consent, can be inflexible and difficult to change if the venue's circumstances change. Stakeholders argued that security guard requirements should be outlined in the venue's liquor plan of management and not be included as a liquor licence condition so they can easily be amended if required. A shared condition could be developed which specifies that any requirement relating to security guards will only be outlined in the venue's POM.
Plan of Management	Yes (but only to provide that a council PoM can be amended for discrete matters without requiring a modification of development consent or requiring an amendment to a liquor licence condition)	Plans of management need to be flexible and respond quickly to issues and problems that a venue may experience. Police often work with venues to amend their liquor PoMs following alcohol related incidents at the venue. Liquor licence PoMs are generally quite flexible, but a modification of development consent is generally required to amend a council PoM. To provide flexibility to councils PoMs, Schedule 8 of the EP&A Act could be amended to give councils the power to impose a special condition to enable councils the ability to amend discrete aspects of a PoMs that deal with alcohol management issues without the need for a modification of a development consent. A condition could then be developed for inclusion in DPE's standard conditions for food and drink premises which specifies that PoMs can be amended without requiring a modification of a development consent or requiring a liquor licence condition to be amended.
Noise	No	Since the passing of the <i>Liquor Amendment (24-hour Economy) Act 2020</i> , L&GNSW/ILGA has not generally placed conditions on a liquor licence relating to the management of noise. It is appropriate that noise conditions be generally imposed by councils through the development consent process rather than by L&GNSW/ILGA on the liquor licence going forward.

Condition type	In scope for being a shared condition?	Rationale
Patron capacity	No	Councils may consider a range of factors when imposing conditions on a DA relating to patron capacity, for example the size of the venue, safety and access and egress issues. L&GNSW/ILGA may consider a range of different matters relating to patron capacity particularly in relation to risk profile for venues over 120 patrons and the management of possible alcohol related harms. Some licence types such as small bars have maximum prescribed patron capacity limits. For this reason, it is appropriate that councils and L&GNSW/ILGA retain flexibility over patron capacity conditions to account for local and venue-specific factors and statutory considerations.
Trading hours	No	Trading hours conditions need to remain flexible and allow councils or L&GNSW/ILGA to amend them. Trading hours can impact the amenity of the neighbourhood. Issues associated with trading hours, particularly late-night trading can be complex and can change over time. Councils and L&GNSW/ILGA need to be able to respond to issues that may arise due to trading hours matters, particularly if the venue is experiencing high levels of alcohol related harms/and or complaints, or incidents associated with late night trading hours. The <i>Liquor Act 2008</i> also prescribes trading hours for licence types which also must be taken into consideration by approval bodies. DPE's Codes SEPP standardises trading hours in business and industrial zones which must also be taken into consideration
Neighbourhood amenity	No	Neighbourhood amenity issues can be complex, varied and may change over time. For this reason, they are better dealt with in PoMs rather than through shared conditions so the requirements in a PoM to deal with neighbour amenity issues can be more flexibly applied and changed if required.

Attachment F: Proposed applicant journey - apply for development consent and liquor licence



Attachment G: Out of scope reform options

Following investigation and analysis several potential reforms were deemed not within scope of this Paper. These reforms are discussed below.

Integrated Development and Concurrence

Integrated development and concurrence have previously been suggested by some stakeholders as a possible way of aligning the liquor licence and development consent application process.

Integrated development is an approval pathway requiring a State Government agency to approve certain matters before development consent is provided by council. For integrated development, as part of the development assessment process, the consent authority (e.g. council) must refer the development application to the relevant approval body and incorporate their general terms of approval. It must not approve the development application if the approval body recommends refusal.

The applicant does not need to go to two separate Government bodies for approval and instead completes a single integrated application with associated fees.

If development and liquor licence applications were deemed to be integrated development the applicant would not need to seek a liquor licence through a separate process.

However, significant legislative changes and fundamental operational changes to liquor licensing processes under the *Liquor Act 2017* (including to the role of the ILGA Board) and planning approval processes under the *Environmental Planning and Assessment Act 1979* (EP&A Act) would be required for liquor licence approvals to be integrated into the development consent process, potentially impacting the broader planning and liquor licence systems.

Additionally, the integrated development pathway is not especially suited as a possible reform, because:

- The pathway is primarily for approvals concerning the physical environment. Liquor licences approvals are different to a physical environmental approval.
- The pathway risks additional fragmentation of authority to grant a liquor licence:
 - The Planning Secretary may act on behalf of ILGA if it fails to respond in time with the general terms of approval for the liquor licence.
 - The Land and Environment Court would have jurisdiction over general terms of approval for the liquor licence in an appeal (whereas liquor licence appeals are normally through NCAT).

Integrated development would also not accommodate applicants who wish to delay applying for the liquor licence after they obtain a DA. Given these issues, we consider integrated development to be inappropriate for reform to align the planning and liquor licensing systems.

Under the EP&A Act, 'concurrence' is a term used to describe an agreement made between council and a state Government agency before the development consent is determined. Under concurrence the applicant would only need to seek agreement from regulatory bodies once. Concurrence could enable the Liquor Authority and council to reach agreement on the conditions imposed on the development consent, ensuring they are consistent with the licence conditions put in place when the liquor licence is granted and allowing for greater collaboration in decision-making across Government.

The concurrence pathway is not especially suited as possible reform because:

- The planning system does not generally distinguish between land uses that have or do not have a liquor licence. (i.e. a restaurant can be licenced but is not always required to be).
- Concurrence is a compulsory requirement. ILGA would be required to grant concurrence to a range of land uses, whether or not the applicant intends to make a subsequent application for a liquor licence.

Additionally, DPE is currently streamlining the number of concurrence agencies under the EP&A Act not increasing.

For these reasons, concurrence is not considered an appropriate means for aligning planning and liquor licence applications.

Removing requirement for DA to be determined prior to Liquor Licence

The *Liquor Act 2007* requires development consent to be in place before a liquor licence application is determined by the Authority. Some jurisdictions (for example Victoria) have removed this requirement so that the LL can be granted conditional to the DA being obtained. This enables the DA and LL application to be determined concurrently, potentially reducing approval timeframes. The licensed premises could only begin trading once the planning consent is in place.

However, there are several challenges with this approach. The liquor licence would be provisionally granted with conditions, which may be inconsistent with DA requirements or DA conditions (such as a DA condition limiting trade until 10pm, while the LL permits service of alcohol until 11pm). LL conditions could only be changed in this scenario through a further application process. DA conditions which contradict the LL may also cause confusion for the licensee and inadvertent non-compliance. This may cause increased pressure on councils and L&GNSW to enforce their conditions.

For L&GNSW, additional steps would be required, including proactive follow-up to obtain copies of the final planning consent and further changes to the existing IT system. Overall, it is not clear that the benefits of this proposal would outweigh the costs.

Attachment H: licences and development pathways out of scope

These following licences and development pathways are not within the scope of this work:

- Interim restaurant authorisations and Interim small bar authorisations where businesses can serve liquor once they have lodged a liquor licence application provided a DA is in place and certain conditions are met.
- Temporary liquor licences, for example a limited or a pop-up licence application where there are restrictions on the type or number of events that can be held. Businesses can only apply where there is an existing development approval in place.

Note, Part B of the Paper will propose solutions to simplify systems and streamline notification processes for those applying to sell and supply liquor at a temporary event as part of a new Risk Based Licensing Model. The proposed 'Digital Events Portal' will feature as part of Liquor & Gaming NSW's Application Noticeboard and will leverage improvements to the noticeboard discussed in section 5.1.1.1.

- Complying Development and Exempt Development, as the applicant does not apply direct to council through the NSW Planning Portal. There is therefore less scope to align applications. These applications would benefit from the consultation related reforms in the paper.
- Gaming machine applications that relate to a liquor licence application are not within scope of this paper. This includes hotel and club licences that allow for the operation of gaming machines. Applications for gaming machines involve unique regulatory considerations, and ILGA takes a risk-based approach to each application under select statutory criteria. These types of applications are better suited to case-by-case assessment.

Attachment I: Current NSW licensing framework

Licence Category	<u>Hotel</u>	<u>Club</u>	<u>Packaged Liquor</u>	<u>On-premises</u>	<u>Small Bar</u>	<u>Wholesaler/ Producer</u>	<u>Pop-up</u>	<u>Limited – single</u>	<u>Limited - multiple</u>	<u>Limited – trade fair</u>	<u>Limited – special event</u>
Number of licence sub-classes	2	N/A	N/A	38+, including: <ul style="list-style-type: none">• Restaurant/ cafes• Vessels• Public entertainment venues• Catering• Accommodation• Karaoke	N/A	4	3	N/A	N/A	2	2
Requires Community Impact Statement? ¹	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗
Determining Authority	ILGA	ILGA	ILGA	ILGA (high-risk sub-classes) or L&GNSW Delegate	L&GNSW Delegate	L&GNSW Delegate	L&GNSW Delegate	L&GNSW Delegate	L&GNSW Delegate	L&GNSW Delegate	L&GNSW Delegate
Statutory conditions	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Additionally imposed Standard/ Discretionary conditions?	✓ Imposed by ILGA	✓ Imposed by ILGA	✓ Imposed by ILGA	✓ Imposed by ILGA (high-risk sub-classes) or L&GNSW Delegate	✗ Imposed by L&GNSW Delegate only on rare occasions	✗ Imposed by L&GNSW Delegate only on rare occasions	✓ Imposed by L&GNSW Delegate	✓ Imposed by L&GNSW Delegate	✓ Imposed by L&GNSW Delegate	✓ Imposed by L&GNSW Delegate	✓ Imposed by L&GNSW Delegate
Number of other authorisations they can obtain by further application	6+ relating to serving alcohol outside standard regulatory requirements, being able to serve alcohol away from premises and minors access to premises	6+	N/A	6+ relating to serving alcohol outside standard regulatory requirements, being able to serve alcohol away from premises, minors access to premises, and sub-class specific authorisations	2+ relating to serving alcohol outside standard regulatory requirements, and minors access to premises	2+ relating to serving alcohol outside standard regulatory requirements, and being able to supply alcohol away from premises	N/A	N/A	N/A	N/A	N/A
Minors allowed on premises?	✗ Not in bar areas with limited exceptions. Other areas such as dining areas endorsed with an authorisation.	✗ Not in bar areas with limited exceptions. Other areas such as dining areas endorsed with an authorisation.	✓	✓ Generally endorsed, except for some sub-classes which require an authorisation by application (e.g. public entertainment venue)	✗ Only in company of responsible adult when substantial meals are provided, or with an authorisation.	N/A	✓ In bar area only if in company of responsible adult	✓	✓	✓	✓ In bar area only if in company of responsible adult

¹ Assuming relevant DA obtained and not applying for other authorisations.

Attachment J: List of Primary Business activities

KEY	Standard Endorsement Recommended by Licence Builder	Endorsement Not Typically Available*	Optional Endorsement Licence Builder May Suggest
Risk Level 3 - High	•		•
Risk Level 2 - Medium	•		•
Risk Level 1 - Low	•		•

*Whether an endorsement can be made available in some cases may be subject to ILGA's discretion and depend on individual circumstances surrounding an application.

Bar Service Category A Activities

PRIMARY BUSINESS ACTIVITY	Standard On-Premises	Small On-Premises	Standard Off-Premises	Limited Off-Premises	Producer	Limited Catering	Gaming
BAR (Hotel)	•	•	•		•	•	•
REGISTERED CLUB	Liquor-related authorisations incl. in club licence					•	•
BAR (General)	•				•	•	
PRODUCER* (Brewer/Distiller)	•			• Licensee's product	•	•	
REGISTERED CLUB	Liquor-related authorisations incl. in club licence					•	•
BAR (Small)		•		• House cocktails		•	
PRODUCER* (Brewer/Distiller)		•		• Licensee's product	•	•	
PRODUCER* (Winery)	•	•		• Licensee's product	•	•	

If on-premises trading after midnight, risk level increases to RED

If on-premises trading after 2am, risk level increases to AMBER

Includes primary business activities where the sale and supply of liquor for consumption on all or part of the licensed premises is permitted to be a primary focus. These activities can include:

- **Bar** – the primary activity carried out on the premises is the sale of liquor by retail to the public for consumption on the premises. If you want to sell unlimited take-away liquor or run gaming machines with a public bar, you'll need to have the bar (hotel) primary business activity recognised on your licence.
- **Registered Club** – the primary activity carried out on the premises is that of a 'members only' club that meets the requirements under s. 10 of the Registered Clubs Act 1976 and must comply with registered club laws. Clubs can be established for a range of purposes – including social, literary, political, sporting or athletic purposes; for providing accommodation to members and their guests; or any other lawful purposes. Clubs are operated under a club licence. Note: A key condition of a registered club is that liquor may only be sold to a member of the club (or a guest of a member of the club), except in the case of a limited off-premises endorsement which clubs may use to cater to up to 52 off-site events in a 12-month period.
- **Producer** – the primary activity carried out on the premises is the sale of the licensee's liquor product by retail and wholesale to the public. A Class A producer has approval to serve their own

product in full serves (not just tastings only) and liquor products produced elsewhere for consumption on the premises to complement their products (unlike a Class C producer). All producers that currently have a drink-on-premises authorisation would fall under this primary business activity.

- **Brewer / Distiller** – if the licensee’s product is only or primarily beer, cider, perry, mead, or spirits. Examples include brewpubs, as well as micro-breweries and small distilleries (which are assessed as lower-risk as they typically only need to hold the small on-premises endorsement).
- **Winery** - If the licensee’s product is only or primarily wine.

Ancillary Service – Category B Activities

CLASS B ANCILLARY (SALE / SUPPLY OF LIQUOR ALWAYS ANCILLARY TO ANOTHER PRIMARY ACTIVITY)

PRIMARY BUSINESS ACTIVITY	Standard On-Premises	Small On-Premises	Standard Off-Premises	Limited Off-Premises	Producer	Limited Catering
ENTERTAINMENT (Nightclub)	•	•				•
ENTERTAINMENT (Karaoke)	•	•				•
ENTERTAINMENT (Adult)	•	•				•
VESSEL	•					
ENTERTAINMENT (Live & Creative)	•					•
ENTERTAINMENT (Live & Creative)		•				•
ENTERTAINMENT (All Other)	•	•				•
RESTAURANT	•	•		• Meal orders		• +Standard avail.
CATERING SERVICE		•		• Catering clients		• Unlimited events
ACCOMMODATION	•	•				•
COMMUNITY (Surf Club)	•	•				• + unlimited club social functions
COMMUNITY (Racing Club)	•	•				• + unlimited race day functions
COMMUNITY (Council or public authority)	•	•		• Local tourism		•
COMMUNITY (Other non-proprietary)	•	•				•
TERTIARY INSTITUTION	•	•				
PUBLIC ARENA / EVENTS	•	•				
AIRPORT	•	•				
TOURISM FACILITY	•	•		• Local tourism		•
LIMO / TOUR SERVICE	•	•				
CO-SHARE WORKSPACE	•	•				
HAIRDRESSER / BEAUTY	•	•				
FOOD COURT	•	•				

If standard on-premises trading after midnight, risk level increases to RED

If standard on-premises trading after midnight, or small on-premises after 2am, risk level increases to AMBER

Includes primary business activities where the sale and supply of liquor for consumption on the licensed premises is always ancillary to the primary business activity (unless specific exceptions

apply as referred to in Part B of the Discussion Paper). Some of the major activities in this category include:

- **Entertainment** – the primary business activity carried out on the premises is entertainment such as:
 - **Nightclub** - liquor is sold and supplied ancillary to nightclub entertainment including (but not limited to) dancing or other forms of entertainment provided by persons physically present (e.g. a DJ).
 - **Karaoke** - liquor is primarily sold and supplied ancillary to karaoke entertainment.
 - **Adult** - liquor is primarily sold and supplied ancillary to sexually explicit forms of adult entertainment that may include strip teases, exotic nude dancing, nude wait staffing or other nudity or sex on the premises involving patrons (e.g. strip clubs, adult saunas)
 - **Live & Creative** – liquor is primarily sold and supplied ancillary to live entertainment; the display, projection or production of artwork, craft, design, media, image or immersive technology; and/or rehearsal, teaching or production of artwork, craft, design, media, image or immersive technology. Live entertainment includes events where one or more persons are engaged to play or perform live or pre-recorded music in person, or a performance at which the performers or at least some of them are present (e.g. comedy shows, theatres). These types of premises may also have broader cultural and community uses such as space hire for community functions/events or co-working (but this is not the main focus).
 - **Other entertainment** – liquor is primarily sold and supplied ancillary to other forms of entertainment not mentioned above (e.g. cinemas, bowling alleys, etc.)
- **Restaurant** – the primary business activity carried out on the premises is the preparing and serving meals to the public (e.g. restaurants and cafés). This means that most patrons who attend the venue during a day will consume a meal; most of the premises will be set up for dining; the kitchen will be open within one hour of closing the premises and there will be enough staff at the premises to prepare and serve meals.
- **Catering service** – the primary business activity carried out is a catering service supplying food or liquor (or both) for consumption at a function, occasion or event.
- **Accommodation** – the primary business activity carried out on the premises is providing temporary accommodation to travelers (e.g. hotel, motel, bed and breakfast or farm stay establishment). It cannot be used for a boarding house, lodging house, nursing home, or caravan park.
- **Vessel** – the primary business activity carried out is social events on a vessel, where liquor is often sold and supplied ancillary to entertainment (e.g. dining, cruising, socialising and music). A key condition for vessels is that the licensee can only commence selling liquor within one hour of the commencement of a voyage, and that the sale and supply stops 30 minutes after the voyage is completed (only applicable if no trading hours listed on licence).
- **Community** – the primary business activity carried out on the premises is community activity to promote the objectives of a non-proprietary association that cannot distribute profits to members, such as:
 - **Racing club** – a body (whether incorporated or unincorporated) registered as a racing club by

Racing NSW, Harness Racing NSW or Greyhound Racing NSW.

- **Surf club** – a body (whether incorporated or unincorporated) that provides surf life saving services to members of the public in NSW.
- **Council or other public authority** – a council or public authority within the meaning of the *Local Government Act 1993*.
- **Other non-proprietary associations** – suitable for any other community focused, non-proprietary associations (e.g. school parents and citizens (P&C) groups).
- **Tertiary Institution** – the premises are located on land occupied by a tertiary institution, where the primary business activity is the provision of tertiary education. Tertiary institutions include universities, TAFE establishments (within the meaning of the *Technical and Further Education Commission Act 1990*), and higher education providers (within the meaning of Division 16 of Part 2-1 of the *Higher Education Support Act 2003* of the Commonwealth).
- **Public Arena / Event Facilities** – the primary business activity carried out on the premises is the conduct of public events, such as musical performances or sporting events (e.g. a sports stadium).

Other common primary business activities in this category include Airports; Limo or Tour Services; Co-share Workspaces; Hairdresser / Beauty Services; and Food Courts. Additional Class B primary business activities may be added as appropriate – for example, in response to new and emerging business models. Applicants for an ongoing licence for new business models would be able to discuss the options with Liquor & Gaming NSW’s licensing team.

Off-Premises – Category C Activities

PRIMARY BUSINESS ACTIVITY	Standard On-Premises	Small On-Premises	Standard Off-Premises	Limited Off-Premises	Producer	Limited Catering
PACKAGED LIQUOR			●			
PACKAGED LIQUOR: ONLINE ONLY, SAME DAY DELIVERY				● No walk up sales		
PACKAGED LIQUOR: SPECIALITY (Limited scope/scale of liquor items)				● Significant restrictions apply		
PACKAGED LIQUOR: ONLINE ONLY, NO SAME DAY DELIVERY				● No walk up or SDD		
PRODUCER (No bar, tastings only)				● Licensee's product	●	●
WHOLESALE ONLY				● Wholesale only		

Includes primary business activities where the sale and supply of liquor for consumption away from the licensed premises is always the primary focus, whether by retail and/or wholesale.

- **Packaged liquor** – the primary business activity carried out on the premises is the sale of liquor in sealed containers by retail to the public for consumption away from the licensed premises (wholesale sales may also be offered):
 - **Packaged liquor full service** – suitable for full service packaged liquor retailers with physical premises where patrons can walk up to purchase alcohol from a shopfront, including traditional bricks and mortar liquor retail outlets like bottle shops and

supermarkets with liquor sales areas.

- **Packaged liquor (online only), with same day delivery offered** – suitable for packaged liquor retailers with no walk-up sales that sell liquor by retail over the internet and/or through other communication media and offer same day delivery to customers.
- **Packaged liquor (online only), with no same day delivery** – suitable for packaged liquor retailers with no walk-up sales that sell liquor by retail over the internet and/or through other communication media but do not offer same day delivery to customers (e.g. wine of the month clubs).
- **Packaged liquor speciality** – suitable for small-scale speciality or concept stores where significant restrictions apply that limit the scale and/or scope of liquor products that can be sold or supplied (e.g. a Japanese import store selling Sake products).
- **Producer** – the primary activity carried out on the premises is the sale of the licensee's liquor product by retail and/or wholesale to the public. Class C producers are limited to providing product tastings on their premises only (not full serves as part of a regular bar service).
- **Wholesaler only** - the primary business activity carried out on the licensed premises is the sale of liquor by wholesale to other licensed businesses (for example restaurants, bottle shops, and pubs). Sales to the public are not allowed. This category is suitable for wholesalers who have a business suite within a commercial office, a warehouse venue/industrial unit, or home business.

Attachment K: Digital Events Portal

A digital Events Portal could be established with the Application Noticeboard referred to in Part A of the Discussion Paper. This would provide a quick, simple way for licensees to notify if they are planning to hold:

- catered events/functions using the catering endorsement with an ongoing licence
- producer promotions using the producer endorsement with an ongoing licence
- temporary events, pop-up bars and producer's promotions under a temporary licence
- live music performances and other arts and cultural events for venues where the additional hour of trade under section 12A of the *Liquor Act* will be used. (Note: dedicated live music and performance venues are eligible for an extra hour of trade on the nights live music performances and other arts and cultural events take place, extending their usual trading hours).

The Events Portal would streamline the notification process and provide one place to publicly advertise all these events. It would link to the Application Noticeboard for associated temporary licence applications. Access to detailed licensing information in the Portal such as Plans of Management could be permitted for licensees, L&GNSW, ILGA, NSW Police and local councils. This would help to manage the pre-engagement and information exchange between these parties on the licensing arrangements and supporting management plans for an event.

Applications for the temporary licence, related public advertising, and submissions from the community could also all be managed through the Portal itself. As with the Application Noticeboard, community members could subscribe to the Events Portal to receive automatic notifications when licensees notify of an event or function in their local government area of interest. This would increase visibility and opportunities for community participation in the licensing process. The portal could also harness other functionality of the Application Noticeboard by sending automatic notifications of events to other key stakeholders like L&GNSW, ILGA, NSW Police and local councils.

Potential benefits of moving to an Events Portal include:

- licensees and applicants only need to notify and upload supporting documents (such as Event Plans of Management) once to give visibility to L&GNSW, local police and local councils.
- notice can be provided for multiple events all at once, with details easily adjusted if plans change.
- any temporary conditions that apply to a specific event can be managed in the Portal, with centralised, transparent communication between the licensee and relevant agencies.
- the public has more visibility over proposed events in their local community and can make submissions about impacts using the Portal (for events held under the temporary licence).
- government has more visibility over events being held that support the 24-hour economy, including their type, size, trading hours and locations. This will be helpful to measure progress against key 24-hour economy reforms. It could also be useful to identify opportunities to provide additional government support for diverse events and activations, live music and arts and cultural events.
- live music and performance venues can benefit from having a single location and common template in the Event Portal to keep a register of live music performances and other arts and cultural events, as required under section 12A of the *Liquor Act*.

Notification and application timeframes

The table below sets out the proposed notification and application timeframes for all events and functions managed within the Events Portal. Larger events would typically have longer proposed lead times to allow

enough time for risks to be considered and any pre-engagement between licensing decision-makers, police, council and event organisers on planning for and managing associated risks.

For dedicated live music venues, a new notification requirement of at least 24 hours prior to the scheduled live music performance or other arts and cultural event is proposed.

Proposed notification timeframes for events/functions managed in the Event Portal

Event or function requiring notification	Minimum timeframes for notification/application submission
Catering functions using the catering endorsement on an ongoing licence	Notification required in advance at least: <ul style="list-style-type: none">• 7 days before catered events of less than 300 people• 14 days before catered events between 300 to 1,999 people• 30 days before catered events of 2,000 or more people
Temporary events, pop-up bars and producer's promotions	Application must be submitted in advance at least: <ul style="list-style-type: none">• 14 days for 'small events' with less than 300 people and 'medium events' between 300 to 1,999 people; and for pop-up bars and producer's promotions• 30 days for 'large events' of 2,000 or more people• 60 days for very large events with 5,000 or more people
Dedicated live music or performance venues	Notification required in advance at least 24 hours before the performance - this also acts as a centralised register to meet reporting requirements under section 12A of the Liquor Act

Attachment L: Proposed temporary licence eligibility, requirements, trading hours, examples of conditions and community involvement

Temporary event sub-category	Maximum number of patrons	Proposed Eligibility criteria	Licence is available to?	Sale and supply must be ancillary to event?	Maximum Trading Hours	Community submissions on licence application?	Examples of licence conditions to match risk profile of event
Small event	Less than 300	The sale and supply of liquor must be: <ul style="list-style-type: none"> at a genuine event; ancillary to the event; and in the Authority's view, in the public interest having regard to the objects of the <i>Liquor Act 2007</i>. 	<ul style="list-style-type: none"> Individuals Non-proprietary organisations Proprietary organisations 	Yes	Trading hours align with the duration of the event or may be shorter. Bandwidth for trading hours: <ul style="list-style-type: none"> 5am to midnight for single day events or <ul style="list-style-type: none"> 8am to midnight for multi-day events* *A 'block out period' of no trade will apply from midnight to 6am for all multi-day temporary licences, with 3am to 6am fixed within this period.	Yes	Service of liquor: food and free drinking water available, licensee or nominee with RSA Alcohol Competency Card attends, no more than 4 drinks supplied to a patron/visit to the bar, drinks not removed from licenced area, no minors in bar areas without an adult and any take-away liquor not to be consumed onsite. Security: no entry to intoxicated persons.
Medium event	300 – 1,999						Conditions listed above for small events <u>plus</u> : Plan of Management is needed and security guards.
Large event	2,000 or more						Conditions listed above for small and medium events <u>plus</u> : Service of liquor: sales stop 30 minutes before function ends, no sale and supply of drinks designed to consumed rapidly or with high alcohol by volume content, low-alcohol, and non-alcoholic drinks available and drinks must be supplied in plastic, polycarbonate, or aluminium vessels. Security: Security Management Plan is needed and one RSA Marshall per bar area. Licensee must preserve a violent incident crime scene and notify Police.
Pop-up bar	120	The bar or producer's promotion must: <ul style="list-style-type: none"> activate a local place or space or diversify the activities on offer in the 24-hour economy 	NSW liquor producer Interstate licensed liquor producer Primary production businesses	No – the primary activity can be the sale/supply of liquor	10am to midnight	Yes	As set out above for small events.
Producer's promotion	Not specified			Yes	Trading hours should align with the duration of the event. Bandwidth: 5am to midnight	Yes	Will depend on the expected number of patrons (as set out above) <u>plus</u> : Tastings of the licensee's product are permitted at the event and take-away is permitted. No sale and supply of drinks designed to be consumed rapidly or with high alcohol by volume content

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