



New South Wales

# Liquor Amendment (Vibrancy Reforms) Regulation 2024

under the  
Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Liquor Act 2007*.

DAVID HARRIS, MP  
Minister for Gaming and Racing

## Explanatory note

This regulation amends the *Liquor Regulation 2018* with the following objects—

- (a) to clarify notification requirements for certain applications made under the *Liquor Act 2007*,
- (b) to make it an offence for a licensee to do the following—
  - (i) permit business to be conducted at a licensed premises in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood,
  - (ii) fail to display a notice in certain areas of a licensed premises informing a person entering the area that persons under the age of 18 years must be in the company of a responsible adult,
- (c) to exempt a licensed premises located in a special entertainment precinct from certain licence conditions that limit noise levels from the premises if the condition is inconsistent with a special entertainment precinct plan prepared under the *Local Government Act 1993*, section 202 that applies to the premises.

## **Liquor Amendment (Vibrancy Reforms) Regulation 2024**

under the

Liquor Act 2007

### **1 Name of regulation**

This regulation is the *Liquor Amendment (Vibrancy Reforms) Regulation 2024*.

### **2 Commencement**

This regulation commences immediately after the commencement of the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*, Schedule 3[9]–[15], [17] and [21].

## Schedule 1 Amendment of Liquor Regulation 2018

### [1] Clause 20 Definitions

Omit the definition of *neighbouring premises*. Insert instead—

*neighbouring premises*, in relation to an application, means the following—

- (a) for an application for which a statement of risks and potential effects is required to be submitted—a building situated on land within 100m of the proposed or current licensed premises to which the application applies,
- (b) a building situated on land adjoining the boundary of the land on which the premises to which the application relates are or will be situated, or that would be land adjoining that boundary if it were not for a road separating the land,
- (c) a building situated on land within 50m of the proposed or current licensed premises to which the application applies.

### [2] Clause 21 Notification requirements for limited and full notification applications—the Act, s 48(5)

Omit clause 21(1)(b)(ii)–(iv). Insert instead—

- (ii) the recognised leaders or representatives of the local Aboriginal community in the local government area, if any,
- (iii) local Aboriginal community, medical, health and social service organisations, if any,
- (iv) for an application for an extended trading authorisation in relation to a hotel licence—any organisation located in the local government area in which the hotel is situated that receives funding from the Responsible Gambling Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services, and
- (v) the stakeholders determined by the Authority.

### [3] Clause 21(4)

Insert “, or for the removal of a packaged liquor licence,” after “packaged liquor licence”.

### [4] Clause 22

Omit the clause. Insert instead—

#### **22 Notification requirements for other applications—the Act, s 40(4)(c), 51(2)(c)**

- (1) This clause applies to the following—
  - (a) an application by a licensee for the revocation or variation of a condition of the licence or a condition of a licence-related authorisation, other than a revocation or variation that would result in reduced trading hours,
  - (b) an application to vary the business or activity, or the kind of premises, specified in an on-premises licence,
  - (c) an application to carry on business on temporary premises,
  - (d) an application for a producer/wholesaler licence,
  - (e) an application for a pop-up licence,
  - (f) an application for a limited licence,

- (g) an application for an extended trading authorisation, that is not a special occasion extended trading authorisation,
  - (h) an application for a drink on-premises authorisation,
  - (i) an application for a special drink on-premises authorisation,
  - (j) an application for an authorisation under the Act, section 24(3),
  - (k) an application for an on-premises licence that is not a full notification application,
  - (l) an application to remove an on-premises licence that is not a full notification application.
- (2) The applicant must notify the occupier of neighbouring premises of the making of an application to which this clause applies.
- (3) The Secretary must notify the following government stakeholders, if relevant, of the making of an application to which this clause applies—
- (a) the local consent authority,
  - (b) the local police,
  - (c) if the premises to which the application relates are, or will be, situated on Crown land within the meaning of the *Crown Land Management Act 2016*—the Minister administering that Act,
  - (d) if the premises to which the application relates are, or will be, situated within 500m of the boundary of another local government area—the local consent authority for that other area.

**[5] Clause 22A**

Omit the clause. Insert instead—

**22A Applications and authorisations that do not require notification to neighbouring premises**

Despite clause 21 or 22, the requirement to notify the occupier of neighbouring premises of an application does not apply in relation to an application for—

- (a) a producer/wholesaler licence, unless the application is made in conjunction with an application for the following—
  - (i) a special drink on-premises authorisation, or
  - (ii) a drink on-premises authorisation, or
- (b) a pop-up licence, or
- (c) a limited licence, or
- (d) an authorisation, unless the authorisation is—
  - (i) an extended trading authorisation that is not a special occasion extended trading authorisation, or
  - (ii) a special drink on-premises authorisation, or
  - (iii) a drink on-premises authorisation, or
  - (iv) made under the Act, section 24(3).

**[6] Clause 24 Exemption for small bar applications**

Omit clause 24(2). Insert instead—

- (2) However, the Secretary must notify the local police of the making of a small bar application no later than 2 working days after the application is made.
- (2A) A notice under subclause (2) must—

- (a) include a link to the NSW Government website where the application documents are located and public submissions may be made, and
- (b) be in the form, and given in the way, approved by the Authority.

**[7] Clause 27 Relevant applications for statements of risks and potential effects—the Act, s48(7)**

Omit “, except for the limited notification applications referred to in clause 22” from clause 27(a).

**[8] Clause 27(c)**

Insert after clause 27(b)—

- (c) an application, or one of a class of applications, required by the Authority to be accompanied by a statement of risks and potential effects.

**[9] Clause 28A Statements of risks and other potential effects not required for certain applications—the Act, s 48(7)(b)**

Insert “for a small bar” after “an application” where firstly occurring in clause 28A(3), definition of *excluded application*, paragraph (a).

**[10] Clause 28A(3), definition of “excluded application”, paragraph (c)**

Insert “for a multi-occasion extended trading authorisation under the Act, section 49B,” after “an application” in clause 28A(3)(c).

**[11] Clause 28A(3), definition of “excluded application”, paragraph (d)**

Insert “for a multi-occasion extended trading authorisation” after “an application” in clause 28A(3)(d).

**[12] Clause 44C**

Insert after clause 44B—

**44C Licensee’s duty to preserve the quiet and good order of the neighbourhood**

A licensee must not permit business to be conducted at a licensed premises in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood.

Maximum penalty—50 penalty units.

**[13] Clause 55A**

Insert after clause 55—

**55A Minors to be accompanied by adult in areas related to packaged liquor licences and areas dedicated to the sale of liquor**

- (1) This clause applies to the following areas of licensed premises—
  - (a) an area related to a packaged liquor licence,
  - (b) an area dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises.
- (2) A licensee must display a notice, in accordance with this clause, in an area to which this clause applies.  
Maximum penalty—20 penalty units.

- (3) The notice must inform a person entering the area in which the notice is displayed that persons under the age of 18 years in the area must, by law, be in the company of a responsible adult.

**[14] Clause 90 Liquor sales cessation period**

Omit clause 90(1)(b).

**[15] Clause 108 “Evidence of age document”**

Insert after clause 108(c)—

- (d) a digital driver licence issued by a State or Territory, but only if the licence indicates, by reference to the person’s date of birth or otherwise, that the holder of the digital driver licence has attained a particular age.

**[16] Clause 130B Exemption for certain temporary boundary changes—the Act, s 159(4)**

Omit “indefinitely” from clause 130B(1)(c).

Insert instead “while the temporary boundary approval remains in force”.

**[17] Clause 130C**

Insert after clause 130B—

**130C Exemption from certain noise conditions in special entertainment precincts**

- (1) This clause applies to licensed premises to which a special entertainment precinct plan applies.
- (2) A condition imposed under the Act limiting noise levels from the licensed premises, that is inconsistent with the special entertainment precinct plan ceases to have effect to the extent of the inconsistency.
- (3) In this clause—

*special entertainment precinct* has the same meaning as in the *Local Government Act 1993*, section 202.

*special entertainment precinct plan* means a plan prepared under the *Local Government Act 1993*, section 202(5).