

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/062296

Mr Tony Schwartz  
BSV Liquor and Gaming Lawyers

4 October 2025

Dear Mr Schwartz

Application No.	SR0001409710
Applicant	Anthony Charles Leybourne Smith
Application for	Change of boundaries
Application date	18 June 2025
Decision date	17 September 2025
Licence name	BWS - Beer Wine Spirits
Licence number	LIQP770018141
Current trading hours	Monday to Saturday 08:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
Proposed trading hours	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Current premises	Corner of Settlers Boulevard Tigerhawk Drive & Heritage Drive Chisholm NSW 2322
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, 53, 94 and 114 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a change of boundaries – BWS - Beer Wine Spirits

We **approve** the application above under sections 48 and 94 of the *Liquor Act 2007* (the Act) – with the condition set out in **Schedule 1**. A revoked condition is set out in **Schedule 2**. The 6-hour closure period overrides any condition of the licence.

## Statement of reasons

We are satisfied that the overall impact of approving the application will be consistent with the objects of the Act and will not be detrimental to the wellbeing of the local or broader community

### Our main findings

The local community for the purposes of this decision is the suburb of Chisholm. The broader community is the Local Government Area (LGA) of Maitland.

The applicant seeks a change of boundaries for the relocation of the licence to a new tenancy within the same shopping centre, which is currently under construction. This relocation represents a threefold increase of the licensed area. In addition, there will be a rebranding of the licence from BWS to Dan Murphy's.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

### *Social impacts*

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- crime rates – the incident rate compared to NSW:
  - alcohol-related domestic assault is higher in the suburb and LGA
  - malicious damage to property rates are higher in the LGA
- increase in licenced boundaries – the proposed premises will increase the retail floor area by approximately 460 square metres
- health statistics – the rate of alcohol-attributed deaths in the LGA is higher than in NSW, although the rate of alcohol-attributed hospitalisations is lower in the LGA than in NSW
- demographic information – the percentage of Aboriginal and Torres Strait Islander (ATSI) population in the suburb and LGA is higher than in NSW.

However, we note that the below factors weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- there were no objections or concerns received from government agencies or the community
- crime hotspots – the premises is not located in any crime hotspots for all categories we considered
- crime rates – the incident rate compared to NSW:
  - alcohol-related non-domestic assault, malicious damage and alcohol-related disorderly conduct are lower in the suburb
  - alcohol-related non-domestic assault and alcohol-related disorderly conduct are lower in the LGA
- licence saturation – the rate of packaged liquor licences is lower in the suburb and LGA than in NSW, and the proposed premises is the only licence in the suburb
- the current trading hours will reduce by eight hours per week

- Socio-Economic Index for Areas (SEIFA) data indicates an above average level of socio-economic advantage and disadvantage in the suburb compared to other communities in NSW<sup>1</sup>
- the harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

### **The material we considered**

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- the legislation
- a Statement of Risks and Potential Effects
- certificate of advertising
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- licence documents
- L&GNSW compliance materials
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely overall impact to the local and broader community.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

### **If you have any questions**

Please contact Liquor & Gaming NSW at: [new.applications@liquorandgaming.nsw.gov.au](mailto:new.applications@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

**NSW Independent Liquor & Gaming Authority**

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<sup>1</sup> Research shows that the association between liquor outlet density and assaults is stronger in areas with higher percentages of ATSI and in areas with lower socio-economic status (Association of liquor outlet density with domestic and non-domestic assault in New South Wales; Jiang, H., Riordan, B., Laslett, A-M., Livingston, M., Lee, K., James, D., Stearne, A., & Room, R. (2024)).

## Schedule 1: Licence conditions to be imposed - BWS - Beer Wine Spirits

No.	Condition to be imposed	Description
1.	Overall impact	The business authorised by this licence must not operate with a greater level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of changing the licensed boundaries to the premises at Corner of Settlers Boulevard, Tigerhawk Drive & Heritage Drive, Chisholm NSW 2322 on 17 September 2025.

## Schedule 2: Licence conditions to be revoked - BWS - Beer Wine Spirits

No.	Condition to be revoked	Reason
1.	<p><b>Condition 3010</b></p> <p>Social impact</p> <p>The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the licence.</p>	Condition superseded – to be replaced with Condition #1.