

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/087476

Mr Tony Schwartz

18 February 2026

Dear Mr Schwartz

Application No.	APP-0013687458
Applicant	UPPER HUNTER MOTORS PTY LTD
Application for	New packaged liquor licence
Application date	18 June 2025
Decision date	28 January 2026
Proposed licence name	BWS – Beer Wine Spirits
Proposed trading hours	Monday to Saturday 9:00 AM – 9:00 PM Sunday 10:00 AM – 8:00 PM
Proposed premises	36 Sydney Street Muswellbrook NSW 2333
Legislation	Sections 3, 11A, 12, 29, 30, 31, 40, 44, 45, 47B, 72I, 114 and 123 of the <i>Liquor Act 2007</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a new packaged liquor licence – BWS – Beer Wine Spirits

We **approve** the application above under section 45 and 72I of the *Liquor Act 2007* (the Act) – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

#### Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or manager is a suitable and qualified person.

#### 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 Muswellbrook. The broader community is the Local Government Area (LGA) of Muswellbrook.

The applicant sought a new packaged liquor licence which will be located at the same premises as the Prince of Wales Hotel. The hotel licence currently operates a bottle shop, known as 'Bottle Mart' and the proposal is for the incoming 'BWS' licence to take over the space of the bottle-shop, with the hotel's licensed boundaries reduced, and transferred to an unusable 'closet' area.

### *Social impacts*

We accept that to the extent that approval will result in increased consumption of liquor in the community, it could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- high-density crime hotspots in the suburb for all categories we considered
- incidence of alcohol related domestic and non-domestic assault as well as for malicious damage to property being higher in the suburb and LGA than in NSW
- demographic information:
  - Socio-Economic Index for Areas (SEIFA) data indicating a below average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW<sup>1</sup>
  - the percentage of Aboriginal and Torres Strait Islanders (ATSI) population in the suburb and LGA being higher than average in NSW<sup>1</sup>
- the rate of alcohol attributed deaths in the LGA being higher than in NSW.

We also considered an objection from a local competitor.

We note that the factors below weigh in favour of approval of the application, because they may partially or fully mitigate some of the risk factors identified above:

- there were no objections from government agencies
- the proposed premises will have reduced operating hours
- the incidence of alcohol related disorderly conduct is lower in the suburb and LGA than in NSW
- the rate of alcohol-attributed hospitalisations is lower in the LGA than in NSW
- the associated hotel licence is currently operating as a packaged liquor outlet. As a result, approval will not result in increasing availability of liquor in the community.
- 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:

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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)).

- the application material — including evidence that stakeholders and the community were notified about the application
- the legislation
- certificate of advertising
- a Statement of Risks and Potential Effects
- 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
- 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*.

### **Opportunity for review**

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after the decision is published on the website. There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

### **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**

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

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between <b>03:00 AM and 09:00 AM</b> during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2.	Retail sales	Good Friday: Not permitted December 24 <sup>th</sup> : Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day: Not permitted December 31 <sup>st</sup> : Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday.
3.	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 obtaining the licence.
4.	Restricted trading on public holidays	The licensed premises must not commence trading before 09:00 AM on public holidays.
5.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	Liquor plan of management	The premises is to be operated at all times in accordance with the policies and procedures of the Endeavour Group Limited, as submitted to the Independent Liquor and Gaming Authority (“the Authority”) in support of the licence application and as may be varied from time to time after consultation with the Authority. A copy of these documents is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
7.	CCTV	<ol style="list-style-type: none"> <li>1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements: <ol style="list-style-type: none"> <li>a. the system must record continuously from opening time until one hour after the premises is required to close,</li> <li>b. recordings must be in digital format and at a minimum of ten (10) frames per second,</li> <li>c. any recorded image must specify the time and date of the recorded image,</li> <li>d. the system’s cameras must cover the following areas: <ol style="list-style-type: none"> <li>i. all entry and exit points on the premises, and</li> <li>ii. all publicly accessible areas (other than toilets) within the premises.</li> </ol> </li> </ol> </li> </ol>

No.	Condition to be imposed	Description
		<p>2. The licensee must also:</p> <ul style="list-style-type: none"> <li>a. keep all recordings made by the CCTV system for at least 30 days,</li> <li>b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and</li> <li>c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.</li> </ul>