

NSW Independent Liquor & Gaming Authority

Our ref: DF26/023080

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

16 June 2026

Dear Mr Schwartz

Application No.	APP-0015223744
Applicant	Anthony Charles Leybourne Smith
Application for	New packaged liquor licence
Application date	18 February 2026
Decision date	20 May 2026
Proposed licence name	BWS - Beer Wine Spirits
Proposed trading hours	Monday to Saturday 9:00 AM – 10:00 PM Sunday 10:00 AM – 8:00 PM
Proposed premises	144 Munibung Road, Boolaroo NSW 2284
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45 and 72I 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 **refuse** the application above under section 45 and 72I of the *Liquor Act 2007* (the **Act**).

Statement of reasons

We are not 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 Boolaroo. The broader community is the Local Government Area (**LGA**) of Lake Macquarie City Council.

The applicant sought approval for a standalone packaged liquor licence (**PLL**) to be operated under the 'BWS' banner. Same-day delivery and a drive-through facility were proposed to form part of the business model, with the proposed premises (which is currently under construction) located within a mixed-use development.

In assessing the application, the Authority considered the following factors:

- the relatively small population of Boolaroo (1,636)
- objections from the Biraban Local Aboriginal Land Council and the Awabakal Medical Service raising concerns about a potential increase of alcohol-related harm within the community
- the relatively long trading hours and large size (272 m²) of the proposed premises
- higher saturation of packaged liquor licences in the suburb than the NSW average
- health and crime statistics for the suburb and LGA.

We note there are compelling objections from indigenous stakeholders which detail their concerns about potential impacts on the community if the application were to be approved. They highlighted the high Aboriginal and Torres Strait Islanders (**ATSI**) population, the sufficiency of existing liquor outlets and the potential for increased alcohol-related harm within the community.

The Act requires the Authority to have regard to the need for harm minimisation and the balanced development, in the public interest, of the liquor industry. Having regard to all factors, we are not satisfied that the overall impact of the licence would not be detrimental to the wellbeing of the local or broader community. Accordingly, we refuse the application.

Social impacts

Several factors weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks:

- there are no recorded crime hotspots in the suburb for alcohol-related assault,
- there were no incidents of alcohol-related non-domestic assault or alcohol-related disorderly conduct in the suburb over the last two years
- the rate of alcohol-attributed hospitalisations in the LGA is lower than in NSW
- there were no objections from NSW Police, the Local Council or Transport for NSW.

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

- there are multiple crime hotspots in the suburb, including a high-density crime hotspot for domestic assault and medium-density crime hotspots for non-domestic assault and malicious damage to property, despite the small size of the community.
- saturation rate of packaged liquor licences in the suburb are higher than the corresponding LGA rate for Lake Macquarie and statewide rate for New South Wales (**NSW**)
- Socio-Economic Indexes for Areas (**SEIFA**) data, which combines Census data such as income, education, employment, occupation, housing and family structure to summarise the socio-economic characteristics of an area, indicate that the suburb and the LGA exhibit a below average level of socio-economic advantage (and disadvantage) compared with other communities across New South Wales¹

¹ 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. (2023)).

- rate of alcohol attributed deaths in the LGA is higher than in NSW
- the percentage of ATSI population in the suburb and LGA is higher than average in NSW.

We were influenced by two objections from the local Aboriginal community raising concerns about the cumulative impact of existing licensed premises, and community efforts to address the impacts of alcohol use. The potential increase of alcohol-related harm if this application were approved is evidently a matter of concern to those most likely to be affected by increased availability of alcohol.

We had regard to the applicant's response to these concerns, which noted:

- there are only two existing packaged liquor outlets in the suburb and that there is nothing in the available data which indicates a heightened risk for alcohol related crime or harm
- the applicant runs many licensed venues and adheres to strict compliance standards with strong training for all employees.

However we were not persuaded that these considerations outweighed our concerns.

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
- the certificate of advertising
- the Statement of Risks and Potential Effects
- the plan of the licensed premises and any authorisations
- the plan of management for the licensed business
- the 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
- the 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 if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

NSW Independent Liquor & Gaming Authority