

NSW Independent Liquor & Gaming Authority

Our ref: DF26/037187

Ms Nicole Beath

JDK legal

7 August 2026

Dear Ms Beath

Application No.	1-9777132592
Applicant	SB GOROACEN PTY LIMITED
Application for	New primary service authorisation
Application date	7 April 2026
Decision date	15 July 2026
Licence name	The Boathouse Shelly Beach
Licence No.	LIQO600498310
Current trading hours	<u>Consumption on premises</u> Monday to Saturday 7:00 AM – 12:00 AM Sunday 7:00 AM – 10:00 PM <u>Take away</u> Monday to Sunday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	1 Marine Parade Manly NSW 2095
Legislation	Sections 3, 24, 25, 40, 44, 45 and 72I of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new primary service authorisation – The Boathouse Shelly Beach

We **refuse** the application above under sections 24(3) and 72I(3) of the *Liquor Act 2007* (the **Act**).

Statement of reasons

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

Our main findings

The local community for the purposes of this decision is the suburb of Manly. The broader community is the Northern Beaches Local Government Area (**LGA**).

The applicant sought approval for a primary service authorisation (**PSA**) for an existing restaurant to facilitate the service of alcohol within the preferred operating model.

We considered the significant number and diversity of community submissions opposing the application, which raised concerns, among other things, that approving a PSA for this venue could facilitate a shift away from a restaurant-focused business model and generate increased liquor-related harm as a result.

While the Authority acknowledged that there was some community support for the application, concerns remained regarding the suitability of the location for a new PSA.

On balance, we were not satisfied that the proposal was in the public interest and refused the application.

Social impacts

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

- incidence of alcohol-related domestic assault, alcohol-related non-domestic assault and alcohol-related disorderly conduct being higher in the suburb than the rate for NSW¹
- incidence of alcohol-attributed hospitalisations in the LGA being higher than the rate for NSW
- saturation of packaged liquor licences and total outlet density in the suburb and LGA being higher than the rate for NSW²
- saturation of full hotel licences in the suburb being higher than the rate for NSW³.

We considered the 114 public objections, which primarily raised concerns about the potential social, amenity, safety and environmental impacts of a PSA.

The objections focused on concerns that the proposal would:

- increase alcohol consumption, intoxication, binge drinking, and late-night antisocial behaviour
- change the venue's character from a café/restaurant to a bar-like late-night venue

¹ High levels of outlet-density have been shown to be positively associated with higher levels of alcohol-related harm, including alcohol-related domestic and non-domestic assaults (Livingston et al., 2016; Jiang et al., 2023).

² High levels of packaged liquor outlet-density have been shown to be positively associated with higher rates of alcohol-attributable morbidity and mortality (Morrison et al., 2016), and, High levels of hotel and packaged liquor outlet density have been shown to be positively associated with higher rates of domestic and non-domestic assault rates (Donnelly et al., 2023).

³ High levels of hotel outlet-density, and highly concentrated clusters of hotels in an area, have been shown to be positively associated with higher rates of alcohol-related non-domestic assault (Livingston, 2008a, 2008b; Jiang et al., 2023).

- generate additional noise and disturb nearby residents
- create parking, access, and public safety issues around the beach area
- provide little net community benefit
- alleged non-compliance with existing licence conditions, although this appears to be contradicted by the venue's positive compliance history
- be inconsistent with the family-oriented character of Shelly Beach
- adversely impact the nearby Cabbage Tree Bay Aquatic Reserve and surrounding natural environment through increased activity and potential pollution.

The National Parks Association of NSW (**NPA**) further submitted that the proposal is inconsistent with the objectives of the *Liquor Act* and raised concerns about the sensitive coastal and environmental setting. They raised further concerns that granting of the PSA may adversely affect public safety and transport, and could change the character of the venue from a low-key café/restaurant to a more alcohol-focused destination.

We had regard to the applicant's response to the objections, which submitted that:

- the venue has a strong compliance history with no breaches
- many objections were based on misunderstandings and misinformation
- the proposal will not increase trading hours, capacity, entertainment, patronage, or traffic
- the PSA is sought solely for operational flexibility
- the venue will remain food and dining focused, not a bar or nightclub
- all notification and community consultation requirements were met
- community and media misinformation contributed to the concerns raised
- no evidence links the PSA to environmental impacts
- NSW Police do not object to the application.

We also considered the following factors, which weigh in favour of the application and may partially mitigate some of the risks identified above.

- no objections were received from NSW Police or Northern Beaches Council
- 14 submissions in support of the application highlighted the venue's positive contribution to local tourism and economic activity, its strong management and compliance record, and the value of providing a quality dining and social destination. Supporters noted that no additional trading hours are proposed, the venue does not operate as a nightclub, and that concerns regarding access and parking are matters for local council. Some submissions also stated that community opposition had been influenced by information distributed by the Marine Parade Action Alliance
- no enforcement action has been undertaken, and no demerit points have been incurred, during the past five years
- the venue is not in any crime hotspot for all categories considered
- the incidence of all crime categories examined is lower in the LGA than the rate for 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, indicating that the suburb and the LGA exhibit an above-average level of socio-economic status compared with other

communities across New South Wales and that potentially vulnerable community groups are not overrepresented in the community ⁴

- the incidence of alcohol-attributed deaths being lower in the LGA than the rate for NSW.

However, on balance, these factors do not outweigh the community concerns identified in this decision.

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
- harm minimisation and community impact data report
- 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.

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

⁴ 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)).