

NSW Independent Liquor & Gaming Authority

Our ref: DF25/009898

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

13 February 2025

Dear Mr Schwartz

Application No.	APP-0013706746
Applicant	Anthony Charles Leybourne Smith
Application for	New packaged liquor licence
Application date	21 October 2024
Decision date	22 January 2025
Licence name	BWS - Beer Wine Spirits
Requested trading hours	Monday to Saturday 08:00 AM – 09:00 PM Sunday 10:00 AM – 08:00 PM
Approved trading hours	Monday to Saturday 09:00 AM – 09:00 PM Sunday 10:00 AM – 08:00 PM
Premises	Shop 1A, Watagan Park Town Centre 66 Jeremiah Drive Cooranbong NSW 2265
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, 53, 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 **partially approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

The partial approval relates to the request to trade from 08:00 AM. We approve trading from 09:00 AM to align with the likely opening hours of most retail tenancies in the town centre.

Statement of reasons

We are satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our main findings

The local community for the purposes of this decision is Cooranbong. The broader community is the Local Government Area (LGA) of Lake Macquarie.

Positive social impacts

The application seeks to operate a standalone packaged liquor licence adjacent to a Woolworths Supermarket.

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

Negative 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:

- high-density crime hotspots in the suburb for malicious damage to property
- medium-density crime hotspot for domestic assault offences
- crime rate for alcohol-related domestic assault in the suburb, and the crime rate for malicious damage to property offences in the LGA being higher than the NSW average
- Aboriginal and Torres Strait Islander population in the suburb and LGA being higher than the NSW average
- rate of alcohol-attributable deaths in the LGA being higher than the NSW average.

However, we are satisfied that these risk factors are reduced by the:

- absence of crime hotspots in the suburb for non-domestic assault or alcohol-related assault
- crime rates in the suburb for alcohol-related non-domestic assault, malicious damage to property and alcohol-related offensive conduct being lower than the NSW average
- crime rates in the LGA for the offences of alcohol-related non-domestic assault and alcohol-related offensive conduct being lower than the NSW average
- saturation of packaged liquor licences and of liquor licences of all types being lower than NSW (there is only one liquor licence of any type in operation within the suburb)
- rate of alcohol-attributable hospitalisations in the LGA being lower than the NSW average
- 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

- 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
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) to assess the likely social 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 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 the case manager, Andrew Whitehead, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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 six (6) hours between 03:00 AM and 09:00 AM 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.	Restricted trading & NYE	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Good Friday</td> <td style="width: 50%;">Not permitted</td> </tr> <tr> <td>December 24th</td> <td>Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday</td> </tr> <tr> <td>Christmas Day</td> <td>Not permitted</td> </tr> <tr> <td>December 31st</td> <td>Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday</td> </tr> </table>	Good Friday	Not permitted	December 24th	Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday	Christmas Day	Not permitted	December 31st	Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday
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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.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.								
5.	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.								
6.	CCTV	<ol style="list-style-type: none"> 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"> a. the system must record continuously from opening time until one hour after the premises is required to close, b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system's cameras must cover the following areas: 								

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> i. all entry and exit points on the premises, and ii. all publicly accessible areas (other than toilets) within the premises. <p>2. The licensee must also:</p> <ul style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days, 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 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.
7.	Restricted trading on public holidays	The licensed premises must not commence trading before 10:00 AM , and must cease to trade by 08:00 PM , on public holidays.
8.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ul style="list-style-type: none"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.</p>
9.	Requirement to maintain an incident register	<ul style="list-style-type: none"> 1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ul style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that

No.	Condition to be imposed	Description
		<p>involves a person who has recently left, or been refused admission to, the premises,</p> <ul style="list-style-type: none"> c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. <p>2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:</p> <ul style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. <p>3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p>