

NSW Independent Liquor & Gaming Authority

Our ref: DF25/047131

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

25 August 2025

Dear Mr Schwartz

Application No.	APP-0014095282
Applicant	James A Scott-Mackenzie
Application for	New packaged liquor licence
Application date	10 February 2025
Decision date	16 July 2025
Proposed licence name	BWS – Beer Wine Spirits
Proposed trading hours	Sunday to Thursday 10:00 AM – 08:00 PM Friday and Saturday 10:00 AM – 09:00 PM
Proposed premises	86-96 Sturt Street Howlong NSW 2643
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, 48, 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 **refuse** the application above under section 45 of the *Liquor Act 2007* (the Act).

Statement of reasons

Having considered all the objects of the Act (s3(1)) and the importance of the matters to be considered in securing those objects (s3(2)), we are not satisfied that the overall impact of approving the application would facilitate the balanced development, in the public interest, of the liquor industry, or that it would contribute to, and not detract from, the amenity of community life.

Our main findings

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

The applicant is seeking to operate a packaged liquor licence with an adjoining drive-thru under the BWS banner in Howlong.

We considered the following factors which might tend to support the grant

- there was no objection from the local council
- crime hotspot – the proposed premises is not located in crime hotspots for non-domestic assault, malicious damage and alcohol-related assault
- crime rates – the incident rate for some crimes, namely malicious damage and alcohol-related disorderly conduct are lower in the suburb than in the LGA & NSW
- the applicant proposed reduced trading hours
- five submissions of support, suggesting the licence would benefit the community by fostering competition among existing packaged liquor licences.

However, we were concerned that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities and detract from the amenity of community life because of the:

- crime rates – the incident rate for crimes of assault is high. Alcohol related domestic assault is higher in the suburb than in the LGA and NSW, and the incidence of non-domestic assault is higher in the suburb than the NSW average.
- health statistics – the rate of alcohol-attributed deaths and hospitalisations in the LGA are both higher than in NSW
- Socio-Economic Index for Areas (SEIFA) data indicates a low level of socio-economic advantage and disadvantage in the suburb and average level of socio-economic advantage and disadvantage LGA compared to other communities in NSW¹
- compelling concerns raised by both NSW Police and 128 objections from the local community as outlined below.

We considered objections from:

- NSW Police who raised concerns about the presence of four existing packaged liquor licences within a 2.1km radius of the proposed location. Furthermore, it was highlighted that the suburb is situated approximately half an hour from Albury Central Business District (CBD) and Corowa, both larger major towns with ample liquor outlets. Police fear that an additional alcohol outlet in the area, given the existing number, could contribute to an increase in crime
- the local community – there were 128 objections from the local community citing traffic and safety concerns, an oversupply of liquor outlets, social impact, economic impact aesthetic concerns and procedural issues.

The applicant raises the following points in mitigation:

- packaged liquor sales are minimal in the area

¹Research 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))

- a new packaged liquor outlet will increase price competition between existing packaged liquor outlets
- contends that the proposed premises being located close to the two larger towns (Albury and Corowa) should not be a deciding factor as to why the suburb of Howlong cannot have a BWS
- no evidence to show that the proposal could have an impact on young persons or that wait time for police to respond would be lesser than in any other location
- no evidence links the proposal to increased littering or disruption to religious services (store opens at 10am) and the noise levels from the carpark comply with relevant regulations
- outlet density appears high due to the suburb's small population, not actual saturation. The applicant asserts that SEIFA data may not accurately reflect the suburb of Howlong's socioeconomic status and should carry minimal negative weight

On balance, we are concerned that approval of the application may increase alcohol-related harm and detract from the amenity of community life. The significant volume of objections from the community reflect that the application does not facilitate the balanced development of the liquor industry in the public interest, nor is consistent with the expectations of the community. Accordingly, 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.

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
- premises plan
- 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 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 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

Independent Liquor & Gaming Authority