

NSW Independent Liquor & Gaming Authority

Our ref: DF25/087463

Mr Tony Schwartz

18 February 2026

Dear Mr Schwartz

Application No.	APP-0014035350
Applicant	Anthony Charles Leybourne Smith
Application for	New packaged liquor licence
Application date	2 October 2025
Decision date	28 January 2026
Proposed licence name	BWS – Beer Wine Spirits
Proposed trading hours	Monday to Saturday 8:00 AM – 10:00 PM Sunday 10:00 AM – 10:00 PM
Proposed premises	42 Fullerton Cove Road Fullerton Cove NSW 2318
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 approved 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 Fullerton Cove. The broader community is the Local Government Area (LGA) of Port Stephens.

The applicant sought a new packaged liquor licence (bottle-shop) at a new under construction neighbourhood shopping centre to the known as Fullerton Cove Village Centre. The centre will feature a Woolworths supermarket, along with six other speciality shops. The proposed 170m² bottle shop will be adjoining a 3,700m² Woolworths supermarket but with its own separate entry and exit.

We noted that the age demographic and higher percentage of retirement villages than the state average in this location supported the proposed early opening time.

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

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:

- incident rates for alcohol-related domestic and non-domestic assault as well as for malicious damage to property being higher in the LGA than in NSW¹
- rate of alcohol attributed deaths being higher in the LGA than in NSW¹.

However, we note that the below factors weighed in favour of approval of the application, and may also partially or fully mitigate some of the risks identified above:

- there were no objections from government agencies or the community
- there are no crime hotspots in the suburb for any category we considered
- the incident rate for alcohol-related disorderly conduct being lower in the LGA than in NSW¹
- there are currently no other licensed premises in the suburb
- the rate of alcohol attributed hospitalisations is lower in the LGA than in NSW
- the proposed premises will have no street frontage
- 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:

- 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

¹ Crime rates in the suburb are 'not calculated', because either no incidents of that crime type were recorded, or the population for that region is too small to reliably calculate rates. Of the four categories there has been one incident of alcohol-related domestic assault and malicious damage to property in the past 12 months in the suburb.

- 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 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 02:00 AM and 08:00 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.	Retail sales	Good Friday: Not permitted December 24 th : Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day: Not permitted December 31 st : 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.	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: <ol 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. 2. The licensee must also: <ol style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days,

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> <li data-bbox="619 280 1378 432">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 data-bbox="619 450 1378 568">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.