

NSW Independent Liquor & Gaming Authority

Our ref: DF26/031988

Mr Justin Sammut

LAS Lawyers

9 July 2026

Dear Mr Sammut

Application No.	APP-0015922997
Applicant	WATERFRONT TAVERN FREEHOLD PTY LTD
Application for	New hotel (full) licence
Application date	19 February 2026
Decision date	17 June 2026
Proposed licence name	Tap House Hotel
Proposed trading hours	<u>Consumption on premises</u> Monday to Sunday 10:00 AM – 11:00 PM <u>Takeaway</u> Monday to Saturday 10:00 AM – 11:00 PM Sunday 10:00 AM – 10:00 PM
Proposed premises	Shop 5, 9 Marina Drive Shell Cove NSW 2529
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 47B and 72I of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new hotel (full) licence – Tap House Hotel

We **approve** the application above under sections 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

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- 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 Shell Cove. The broader community is the Local Government Area (**LGA**) of the City of Shellharbour.

The applicant sought approval for a new full hotel licence, to be known as the Tap House Hotel in Shell Cove. The venue will operate with reduced on-premises trading hours and offer takeaway sales, both to 11pm, with no gaming machines. Located within a mixed-use waterfront precinct, the hotel will primarily operate as an indoor venue and focus on showcasing local brewers and artisanal producers. The site forms part of a significant redevelopment area comprising residential and commercial uses, with an existing nearby hotel, the Waterfront Hotel, owned by the same business. Transport options are available.

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:

- low-density crime hotspot in the suburb for domestic assault
- higher saturation of hotel (full) licences in the suburb than the rate for NSW¹
- incidence of alcohol-attributed deaths being higher in the LGA than the rate for NSW.

We considered the following objections:

- Two public submissions objected to the proposal, primarily highlighting that no consultation or approval was sought from the Owners Corporation despite the premises being directly beneath residential apartments, raising concerns about noise, amenity, and statutory obligations. A further objection cited that the area is already well-served by hotels and that a restaurant would better support community amenity.
- NSW Police objected on the grounds that the proposal would increase liquor outlet density and takeaway alcohol availability, elevating risks of public drinking, patron migration, and anti-social behaviour in the waterfront area. They also cited higher local assault rates and sought additional conditions to mitigate harm and protect community amenity.
- The Community Planning Team did not object to the land use, confirming it was approved under an existing development consent, but raised concerns about late trading hours and proximity to other licensed venues increasing risks of alcohol-related harm. They recommended additional conditions to mitigate potential impacts.

The applicant has responded to the concerns raised, and their points have been considered.

¹ 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).

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

- there are no crime hotspots in the suburb for non-domestic assault, malicious damage to property, and alcohol-related assault
- the incidence of all crime categories we considered is lower in the suburb and LGA than the rate for NSW
- the saturation rate of hotel (full) licences in the LGA is lower 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, indicate that the suburb exhibits an above average level of socio-economic advantage (and disadvantage) compared with other communities across NSW²
- the incidence of alcohol-attributed hospitalisations is lower in the LGA than the rate for NSW
- no gaming machines will be operated on the proposed premises
- the harm minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1, which may mitigate the risk of alcohol-related harm.

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
- 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

² 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)).

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 - Tap House Hotel

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 04:00 AM and 10:00 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.	Consumption on premises	Good Friday: 12:00 noon - 10:00 PM Christmas Day: 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31st: Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
3.	Take away sales	December 24th: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday Christmas Day: Not permitted December 31st: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday.
4.	Overall impact	The business authorised by this licence must not operate with a greater overall 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.
5.	Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated February 2026 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management 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	1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), 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,

No.	Condition to be imposed	Description
		d. the system's cameras must cover the following areas: i. all entry and exit points on the premises, ii. the footpath immediately adjacent to the premises, and iii. all publicly accessible areas (other than toilets) within the premises. 2. The licensee must also: 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.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
8.	Crime scene preservation	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: 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. 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 (e.g. crowd controller or bouncer) on or about the premises.
9.	Incident Register	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: 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 involves a

No.	Condition to be imposed	Description
		person who has recently left, or been refused admission to, the premises, c. any incident that results in a person being turned out of the premises under section 77 of the Act, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or inspector: a. make any such incident register immediately available for inspection by a police officer or inspector, and b. allow a police officer or inspector to take copies of the register or to remove the register from the premises. 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.
10.	Complaints register	1. A complaints register is to be maintained at the premises at all times which records the following: a. the name and number of the complainant b. the time and date on which the complaint was received c. the nature of the complaint, and d. the measures taken to resolve the complaint. 2. Details of complaints received, either in person or over the phone, must be: a. recorded in the complaints register, and b. reported to the duty manager. 3. A mobile or dedicated contact number for the duty manager is to be published on the hotel's website, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended.
11.	Sale of Liquor	a. The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation. b. No patron is permitted to take glasses or open containers of liquor off the premises.
12.	No gaming activities	No gaming machines may be operated on the licensed premises.
13.	Maximum Capacity	The total number of patrons on the premises at any time must not exceed 80 patrons.