

NSW Independent Liquor & Gaming Authority

Our ref: DF26/018522

Mr Lindsay Cornish
Pyramid Liquor Licensing

6 May 2026

Dear Mr Cornish

Application No.	APP-0015613281
Applicant	Jason Stanley McCurry
Application for	New packaged liquor licence
Application date	21 November 2025
Decision date	22 April 2026
Proposed licence name	Jason McCurry
Proposed trading hours	Monday to Sunday 10:00 AM – 10:00 PM
Proposed premises	4.2/166 Tongarra Road Albion Park NSW 2527
Legislation	Sections 3, 11A, 12, 29, 31, 40, 44, 45 and 72I of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new packaged liquor licence – Jason McCurry

We **refuse** the application above under section 45 and 72I 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. In addition, we are not satisfied that approval 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 Albion Park. The broader community is the Local Government Area (**LGA**) of Shellharbour.

The applicant sought approval to operate a standalone packaged liquor licence (**PLL**) in Albion Park. The proposed premises are located on a separate lot adjacent to a BP service station within a detached building separated from the service station by a service yard. The applicant contended the proposal satisfied section 31(2) of the Act, as the proposed premises would not be located within the service station, and the licensee and business owner had no affiliation with the service station operator. We considered that it may be arguable that the application could not be approved due to section 31(2) of the Act, however that was not the basis of our decision.

The Act requires the Authority to have regard to the need for harm minimisation and the balanced development, in the public interest, of the liquor industry. We do not accept that approving an application for a new packaged liquor licence is in the public interest unless it can be demonstrated that a new licence will contribute to and not detract from the amenity of community life. The information before the Authority, including in respect of the crime statistics, location factors and community objections, is that the grant of this application will be detrimental to the local and broader community and may increase alcohol-related harm.

Social impacts

We concluded that approval of the application would likely contribute to an increase in alcohol-related harm in the local and broader communities because the:

- suburb contains high-density crime hotspots for alcohol-related domestic assault
- rate of alcohol-attributed deaths in the LGA is higher than the rate for New South Wales
- proportion of residents who identify as Aboriginal and Torres Strait Islander (**ATSI**) in both the suburb and the LGA is higher than the corresponding proportion across New South Wales¹.

We also considered the following objections:

- NSW Police objected to the application on the basis that the proposed premises are located within a newly developed retail allotment on a main suburban road, in close proximity to several parks, reserves, sports fields and designated alcohol-free zones. The area currently contains three packaged liquor licences, one hotel licence, and two club licences with takeaway authorisations, indicating a relatively low density of licensed premises. Crime rates in the suburb are also below the NSW average, although higher rates are recorded in the adjoining suburb of Albion Park Rail. Despite this, NSW Police consider the application to present a high level of risk. This assessment is primarily due to the location's proximity to areas known to police where people gather to consume liquor in public, and the nature of the licence sought. NSW Police have also raised concerns regarding thefts in bottle shops.
- NSW Health objected to the application raising concerns about the established link between alcohol consumption and alcohol-related disease and injury, and the

¹ 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. (2024)).

cumulative harm associated with the saturation of licenced premises within the suburb and the broader LGA.

NSW Health noted that the estimated cost of alcohol-related harm in the LGA was \$95.9 million in 2018–19 and highlighted the relatively high ATSI population in the suburb as a vulnerable group potentially at increased risk.

Additional concerns were raised regarding the negative impacts of alcohol on children, including underage drinking and increased exposure to alcohol advertising for those living near liquor outlets, noting the proposed premises are located within 800 metres of four schools.

NSW Health also referenced higher rates of domestic assault in the nearby suburb of Albion Park Rail.

- A public objection from a competitor asserted that the proposed liquor store and service station form the same ‘premises’ on SP109394, and that the Authority therefore lacks power to grant the application under section 31(2) of the Act. The objection was supported by two petitions totaling 47 signatures from nearby competitors, citing concerns about increased alcohol availability.

The submitter also raised issues relating to socio-economic vulnerability in the suburb. Further concerns were noted regarding the proximity of the Albion Park Rail Youth Centre and the Albion Park Men’s Shed, which were described as serving individuals vulnerable to alcohol-related harm.

We had regard to the applicant’s response to the objections, which submit:

- the store is set back from the roadway, with frontage parallel to Tongarra Road, limiting visibility to passing pedestrians and vehicles
- crime rates in the suburb are below the NSW average, and crime data from Albion Park Rail is not considered relevant
- lower PLL saturation than the NSW average and the applicant’s submission that reliance on NSW Police data may not accurately reflect local conditions
- while theft is acknowledged as a statewide issue, LGA theft rates are relatively low. The applicant is implementing appropriate theft-prevention measures, including the *Safe to Serve* toolkit and NSW Police *Business Safety: Bottle Shop* guidance
- there are lower alcohol-related hospitalisation rates in the LGA than in NSW
- that the alcohol-related harm cost data relied upon by NSW Health is dated (2018–19) and lacks contextualisation, and that the proposed small-format store is not expected to materially contribute to these costs
- while acknowledging the vulnerability of ATSI communities, the applicant contended that effective responses extend beyond supply reduction to include demand and harm-reduction strategies
- that the suggested link to mental health disorders is speculative and not supported by reliable evidence
- that the proposed premises merely happen to be adjacent to or on the same land title as a service station and the legislative intent of Section 31 of the Act is to prohibit the sale of alcohol at a service station, not at a premises that are occupying the same land as the service station
- the number of petitions does not make a compelling argument for the local and broader community concerns and the petitions from competitors are for the purpose of minimising competition.

We also considered the following concerns of Shellharbour City Council:

- Shellharbour City Council (**Council**) raised concerns in submissions dated 17 and 18 December 2025, objecting to the application on the basis that the premises are wholly

within the E1 zoning and that Development Consent DA0240/2025 permits Unit 4.2 only as a takeaway food and drink premises.

Council further expressed concern that the grant of an additional PLL would increase alcohol availability and outlet density, potentially contributing to alcohol-related harm, particularly for vulnerable community groups including socio-economically disadvantaged persons, ATSI peoples, and children, noting higher alcohol harm rates in the LGA compared to NSW.

In a revised submission dated 20 February 2026, Council withdrew its objection, advising it was satisfied with the Complying Development Certificate permitting a liquor store with the proposed trading hours.

We considered that these factors below may partially or fully mitigate some of the concerns and risks highlighted above:

- the rates for all offences we considered are lower in the suburb and LGA than in NSW
- there are no crime hotspots in the suburb for alcohol-related non-domestic assault, malicious damage or alcohol-related assault
- the saturation rate of PLLs in both the suburb and the LGA is lower than the rate for NSW
- the rate of alcohol-attributed hospitalisations in the LGA is lower than the rate for NSW
- the licence will not be offering a delivery service
- the applicant has not objected to additional police conditions that were requested.

On balance, we could not be satisfied that approving the proposal would facilitate the balanced development of the industry in the public interest, or that the overall impact of the licence would 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
- certificate of advertising
- 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
- 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