

NSW Independent Liquor & Gaming Authority

Our ref: DF26/009891

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

16 April 2026

Dear Mr Schwartz

Application No.	APP-0015119732
Applicant	Anthony Smith
Application for	New packaged liquor licence
Application date	3 October 2025
Decision date	18 March 2026
Proposed licence name	Dan Murphy's
Proposed trading hours	Monday to Saturday 9:00 AM – 9:00 PM Sunday 10:00 AM – 9:00 PM
Proposed premises	Unit 3B 61-79 Henry Street Penrith NSW 2750
Legislation	Sections 3, 40, 44, 45 and 72I, 114 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a new packaged liquor licence – Dan Murphy's

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 Penrith. The broader community is the Local Government Area (**LGA**) of Penrith.

The applicant sought to operate a standalone Dan Murphy's packaged liquor store spanning 1,101 square metres in Penrith, located in the Henry Lawson Centre near the train station and Westfield.

We acknowledged the applicant is a capable and experienced operator. However, in a community burdened with the very high crime rates and additional factors referred to below, the positive aspects of the proposal could not outweigh the potential for increased alcohol related harms in the community.

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 outlet density and the crime statistics, 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:

- proposed premises are situated within a designated high-density crime hotspot for all categories we examined
- incidence of all offence categories examined, being alcohol-related domestic assault, alcohol-related non-domestic assault, malicious damage to property and alcohol-related disorderly conduct, are significantly higher in the suburb than the average rates for New South Wales
- incidence of alcohol-related domestic assault and malicious damage to property is higher in the LGA than the corresponding statewide rates for New South Wales¹
- saturation rate of packaged liquor licences (**PLLs**) and total outlet density in the suburb is higher than the corresponding statewide rate for New South Wales
- Socio-Economic Indexes for Areas (**SEIFA**) data indicating that the suburb exhibits a below average level of socio-economic advantage and disadvantage compared with other communities across New South Wales²
- rate of alcohol-attributed deaths in the LGA being higher than the rate for New South Wales
- proportion of residents who identify as Aboriginal and Torres Strait Islander in both the suburb and the LGA is higher than the corresponding proportion across New South Wales.

We considered the following public objections which submit:

- Penrith already experiences disproportionately high levels of alcohol-related harm, with domestic assault higher than the NSW average levels and alcohol-related domestic violence is rising

¹ Both the suburb and LGA are significant tourist destinations, with local, state, national and international visitation. This additional visitation above the residential population may skew both crime and licence saturation statistics

² Research shows that the association between liquor outlet density and assaults is stronger in areas with higher percentages of Aboriginal and Torres Strait Islander (**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)).

- Bureau of Crime Statistics and Research (**BOCSAR**) data shows crime rates have remained above the NSW average for at least two years and are currently at a peak, continuing a decade-long trend of increasing harm
- the establishment of another PLL, such as the proposed Dan Murphy's, is likely to further exacerbate alcohol-related violence and crime, particularly given uncertainties about the effectiveness of measures to mitigate these impacts
- the proposal also raises concerns about market oversaturation. and the applicant's own acknowledgment that the store would 'cannibalise' existing trade, potentially leading to job losses at other local businesses.

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

- Penrith is a highly transient area, BOCSAR cautions against interpreting hotspot maps without population-exposure context, and assaults rarely occur at bottle shops compared with late-night venues. Long-term data is said to show alcohol-related assaults in Penrith declining over the past decade, faster than the NSW average, with recent BOCSAR figures indicating alcohol-related domestic assault has at times fallen below the state rate and is trending downward
- Research referred to in Authority Guideline 6³ suggesting that packaged liquor outlets do not have a direct correlation with incident rates.
- The applicant highlights extensive harm-minimisation measures proposed for the store, including CCTV, alarms, controlled access, trained staff, and strict licence compliance
- Concerns about outlet density are countered by claims that current local offerings are limited or specialised, that Dan Murphy's would redistribute rather than increase alcohol consumption, and that population and infrastructure growth support additional retail capacity
- There is no evidence new liquor outlets displace employment and that the proposal would create up to 35 new local jobs, likely resulting in a net employment benefit.

We considered the following concerns from government agencies:

- while NSW Police did not object to the application, it however requested that the Authority give due consideration to the existing density of PLL outlets within the Penrith Central Business District. In response, the applicant acknowledged the police concerns regarding the density of packaged liquor outlets. The applicant submitted that they rely on the comprehensive assessment and conclusions set out in the Statement of Risks and Potential Effects (**SoRPE**), which demonstrate that density impacts have been appropriately addressed
- Penrith City Council did not object to the application, subject to lawful land use consent being obtained for the premises. The proposed hours of operation appear compliant with these provisions, which allow trading between 6:00am and 10:00pm in applicable zones
- Transport for NSW did not object to the application but recommended that consideration be given to measures addressing alcohol-related road safety risks.

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

- no objections were received from government agencies
- the proposed premises would operate with reduced trading hours

³ Consideration of overall impact under section 48(3) of the Liquor Act 2007

- the incidence of alcohol-related non-domestic assault and alcohol-related disorderly conduct are lower in the LGA than the corresponding statewide rates for New South Wales⁴
- despite the high saturation of PLLs in the suburb, the saturation rate of PLLs and the total outlet density in the LGA is lower than the rate for New South Wales
- the rate of alcohol-attributed hospitalisations in the LGA is lower than the corresponding statewide rate for New South Wales.

We were assisted by a comprehensive SoRPE and we acknowledge the attractive convenience and diversity of the consumer offering proposed. Nevertheless, we were concerned by the existence of high-density crime hotspots in the suburb across all offence categories, and exceptionally high rates of violent offences in the suburb and LGA. The rate of alcohol related domestic assault is more than four times the State average. We were conscious that the rate of reported domestic assault is indicative of more widespread and profound psychological and social harms. The large number of PLLs (being 9) in the suburb and the suburb's total outlet density (including on premises) is more than double the state average, although the outlet density in the LGA as a whole is lower than average. We considered these factors in the context of the increasing national and international research which shows a positive correlation between liquor outlet density and alcohol-related harm, including but by no means limited to alcohol-related domestic and non-domestic assaults.⁵

Our concerns were heightened by the large liquor sales area and the premises being in close proximity to a hospital, school and a vulnerable community organisation.

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 and 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

⁴ Both the suburb and LGA are significant tourist destinations, with local, state, national and international visitation. This additional visitation above the residential population may skew both crime and licence saturation statistics

⁵ High levels of outlet-density have been shown to be positively associated with higher levels of alcohol-related harm, including alcohol-related domestic and non-domestic assaults (Livingston, M., Wilkinson, C., & Room, R. (2016).

Community impact of liquor licences: An Evidence Check rapid review brokered by the Sax Institute for the NSW Ministry of Health. <https://www.saxinstitute.org.au/wp-content/uploads/Community-impact-of-liquor-licences-1.pdf>

Jiang, H., Riordan, B., Laslett, A., Livingston, M., Lee, K., James, D., Stearne, A., & Room, R. (2023). Association of liquor outlet density with domestic and non-domestic assault in New South Wales. NSW Government Independent Liquor & Gaming Authority, Sydney, NSW.

Buykx, P., Cooper, J., Nickson, R. (2026) Review 2: Comprehensive Literature Review: Liquor Outlet Density

- 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 crime 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 Independent Liquor and Gaming Authority 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