

NSW Independent Liquor & Gaming Authority

Our ref: DF26/018521

Mr Tony Schwartz

BSV Liquor and Gaming Lawyers

19 May 2026

Dear Mr Schwartz

Application No.	APP-0015360276
Applicant	Anthony Smith
Application for	New packaged liquor licence
Application date	16 December 2025
Decision date	22 April 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	1-3 Careel Head Road Avalon Beach NSW 2107
Legislation	Sections 3, 11A, 12, 29, 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 – Dan Murphy's

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 Avalon Beach. The broader community is the Local Government Area (**LGA**) of Northern Beaches.

The applicant sought approval to operate a standalone packaged liquor licence (**PLL**) under the Dan Murphy's banner at Avalon Beach as part of a broader mixed-use redevelopment. There are 8 existing PLLs in the suburb with comparable trading hours. Same-day liquor delivery would form part of the business model, with a plan of management submitted to address all statutory requirements.

Having taken careful account of the significant community opposition to the proposal, as well as the community consultation and Land & Environment Court proceedings that have taken place, we are satisfied on balance 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:

- medium-density crime hotspots in the suburb for domestic assault
- saturation of PLLs and total outlet density in the suburb and LGA being higher than the rate for NSW¹²
- alcohol-attributed hospitalisations in the LGA being higher than the rate for NSW.

We also considered the following objections:

- 34 public submissions strongly opposed the proposal, citing its location beneath a childcare centre and near schools, sporting fields, and youth areas as inappropriate and likely to normalise alcohol consumption and expose children to alcohol marketing. Submissions point to already high outlet density and existing alcohol-related harm in the Northern Beaches, arguing there is no demonstrated community need and increased risks of violence, drink-driving, and health impacts. Concerns were also raised about traffic congestion and safety on unsuitable local roads, flood-risk at the site, negative impacts on neighbourhood amenity, and the incompatibility of a large corporate liquor outlet with Avalon's village character and small local businesses.
- Northern Beaches Council (**Council**) objected on procedural and technical grounds. Council advised the issues had since been addressed through the provision of a compliant plan and the applicant's commitment to obtain the required occupation certificate
- NSW Health opposed the proposed Dan Murphy's at Avalon Beach, arguing it would unacceptably increase alcohol availability in an area with already high alcohol-related harm, outlet density, and hospitalisation rates. NSW Health cited strong community

¹ High levels of packaged liquor outlet-density have been shown to be positively associated with higher rates of alcohol-attributable morbidity and mortality (Morrison et al., 2016).

² Both the suburb and LGA are tourist destinations, with local, state, national and international visitation, increasing the population of the area compared to the local residential population. This additional visitation above the residential population may skew licence saturation statistics.

opposition, misleading claims that the store is 'small' or 'boutique,' risks from its location beneath a childcare centre, and evidence that affluent Northern Beaches communities experience elevated harmful drinking and substantial social and economic impacts

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

- the proposal has already been comprehensively assessed and approved by the Land and Environment Court (**L&EC**) following expert evidence, conciliation, and resolution of planning, amenity, and impact issues
- that community objections were considered through both the development consent and licensing processes, noting duplication of submissions and that objectors represent a very small proportion of the local population
- that many community objections seek to re-litigate planning matters that fall outside the liquor licensing framework and were already determined acceptable by the L&EC
- a corrected licence boundary plan fully consistent with the L&EC approval and confirmed the licensed area is smaller than previously stated
- strict compliance with statutory requirements, including no construction without a construction certificate and no trading without an occupation certificate, with all council conditions to be met
- the reliance on broad or non-local health and harm data, arguing local demographic, crime, traffic, and health indicators show low alcohol-related risk in Avalon Beach
- concerns about outlet size, density, proximity to a childcare centre, and trading hours are unsupported by contemporary evidence and inconsistent with licensed retail practice
- that the childcare centre is not classified as a sensitive facility under the relevant guidelines, with separate access, different operating levels, and limited overlap in peak times
- traffic, parking, flooding, and amenity impacts have been independently assessed as acceptable, with no new evidence to contradict prior findings
- a commitment to responsible operation, including participation in the local Liquor Accord and displaying public education materials on drink-driving, alternative transport, and alcohol-related harm
- Endeavour's strong compliance record and experience operating similar stores at approved hours without undue amenity or safety impacts
- no outstanding issues remain with council or regulatory agencies, and that refusal of the licence would not address concerns already resolved through development approval.

We had regard to the submission from Transport for NSW which highlighted alcohol-related crashes as a significant road-safety risk and recommends in-store education on drink-driving prevention, alternative transport options, and the consequences of driving under the influence.

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

- no objections were received from NSW Police
- no crime hotspots in the suburb for alcohol-related non-domestic assault, malicious damage to property and alcohol-related disorderly conduct
- the incidence of all offences we considered being lower in the suburb and LGA than the rate for NSW

- Socio-Economic Indexes for Areas (**SEIFA**) data indicate that the suburb and the LGA exhibit an above-average level of socio-economic advantage and disadvantage compared with other communities across NSW³
- the incidence of alcohol-attributed deaths in the LGA is lower than the rate for New South Wales
- 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
- 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.

³ 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)).

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 - Dan Murphy's

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 3:00 AM and 09:00 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	1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("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, 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: 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:

No.	Condition to be imposed	Description
		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.