



The Palm Beach & Whale Beach Association Inc.

www.pbwba.org.au | PO Box 2 Palm Beach NSW 2108

SUBMISSION - OBJECTION

DAN MURPHY'S APP-0015360276 : New licence - packaged liquor - bottle shop 1-3 Careel Head Road Avalon Beach 2107

Northern Beaches Council: DA 2024/1091 1-3 Careel Head Rd Avalon Beach 2107 - Construction of a mixed use development with basement parking comprising of retail uses and a childcare centre

The Palm Beach & Whale Beach Association Inc, (PBWBA) founded in 1918, is Pittwater's oldest Community organisation. Our objective is to preserve and enhance the natural beauty of the area and to protect the amenity of the residents and local businesses by advocating for proper planning of all developments and by expressing positively, in appropriate quarters, the views of residents. PBWBA is a not-for-profit, non-political organisation of residents, ratepayers and other interested parties who are passionate about keeping our area unique. We have more than 460 members.

We have read and considered the Notice, Plan and SoRPE submitted with this Application for a new licence for packaged liquor/bottle shop and we believe it is **NOT** in the best interests of the Community and should be refused.

We note that over 200 submissions from the Community were lodged with Northern Beaches Council opposing the 2024 DA for the construction of this mixed use development and we have read and considered all of them so that we can understand the Community's, as well as those of our members', concerns and thoughts. Almost all of them cited the co-location of a child care centre and a liquor store as objectionable and inappropriate.

1. In particular we note and agree with the issues and concerns raised by Northern Sydney Local District Health (NSLDH) in their submission dated 14/10/24 and Member for Pittwater Jacqui Scruby's submission dated 18/11/24 regarding the health and social impacts this development would have on the local Community. We believe this application to be completely inappropriate.

Northern Beaches LGA has a significantly higher rate of alcohol attributable hospitalisations compared to the rest of the state. This is 65% higher than the NSW rate. Furthermore, the most recent Northern Beaches Hospital Emergency Department data released in 2022 shows that unplanned alcohol visits per 1,000 to ED were 47% higher than the rest of NSW. The rate of late-night unplanned alcohol visits per 1,000 to ED was 36% higher than the rest of NSW.

The Northern Beaches is an area where unfortunately there is already a high incidence of alcohol, drug and mental health problems, particularly in young people, which have proven to be interrelated. Domestic violence is a tragic correlation to this.

Additionally the northern beaches already has one of the highest drink driving records in NSW - another alcohol outlet is likely to exacerbate alcohol consumption in the area. The Northern Beaches had the second highest proportion of domestic violence assaults involving alcohol in NSW at 42%.

In addition, the statistics on alcohol-related violence provided by the Applicant (p.42 of the Application) show a sharp lift in the rate of alcohol-related violence in 2025 compared to 2022 and earlier. Providing an additional large provider of alcohol into this local market is totally unwise and unjustified.

Clearly the addition of a large packaged liquor retail outlet development is not in the public interest.

2. Within a 5 km radius of the site there are already eight smaller, well established retail alcohol outlets namely Winona Wine, Chambers Cellars, Mr Liquor & Liquorland all in Avalon Beach, Clareville Cellars (Le Pont Wines), IGA Local Grocer and Bilgola Cellars both at Bilgola Plateau and Palm Beach Cellars and we do not believe a Dan Murphy's outlet designed for high volume sales of alcohol together with its heavy marketing presence is needed or appropriate in this residential environment. Mr Liquor is located within 750 metres of the site at North Avalon and that business will be decimated if this Application is approved because it is relatively small and not conspicuously placed. There is a substantial Dan Murphy's store 9 kilometres away in Mona Vale (in conjunction with a full-scale Woolworths supermarket) and no evidence that any of these stores are unable to satisfy the current level of demand - they are rarely very busy.

3. Due to zoning restrictions there is almost no possibility of population increase north of this site and very little possibility south therefore no evidence of future demand for yet another liquor store.

4. Barrenjoey High School is within walking distance and there are 2 primary schools and 3 preschools nearby. There are large, popular playing fields, tennis courts and clubhouses across the road where children and young adults frequently play and practice football, soccer and cricket. This compounds the traffic problems and is in itself an undesirable positioning for a liquor store (we refer to Liquor & Gaming NSW Guidelines).

5. The site is located in a predominantly low density residential area with a seaside village feel.

A Dan Murphy's outlet is completely out of character. It will change the nature of the area which is currently served by two small groups of family & Community friendly shops such as cafes, takeaways food, a very popular pie shop, a small fitness centre, a surf shop and a mini mart.

6. This mixed development is situated on Careel Head Rd, fronting Barrenjoey Rd. The intersections of Careel Head Rd and Whale Beach Rd (a little further north) with Barrenjoey Rd are already congested, dangerous and flood prone. Barrenjoey Rd is a two lane State Rd with a 50km speed limit and is the main access road north to Palm Beach (where the road ends) and south to Avalon Beach and beyond. Barrenjoey Rd

has been closed, both partially and completely, because of flooding from time to time. With popular playing fields opposite, two bus stops, very limited on-street parking, turning school buses and traffic congestion particularly in summer, at weekends, holidays and weekday afternoons (school pick up and tradie finish time) we believe traffic/access changes will exacerbate this congestion, negatively impact the residential amenity of the surrounding streets and cause disruption and inconvenience to the Community. In addition it will make an already difficult intersection more dangerous. With our local knowledge we contend that access and egress from the site will be neither easy nor convenient and in fact confusing. We also believe that there will be far more additional trips along Burrawong Rd and Careel Head Rd than suggested. In particular, we are concerned that the residential amenity of Burrawong Rd (which has no footpaths) and pedestrian safety will be adversely impacted.

7. We are disappointed to note that there has been no attempt by the Applicant to engage with the Community in making this application (see also submission dated 8/10/24 from Boaden on behalf of Avalon Preservation Society). The Applicant has not made any contact with this Association or with any other local community associations and has not used any public or social media avenues of communication to explain its application. It has not responded to any of the criticisms of its proposal put forward by the Community. In other words, the Community's views are not considered of any importance by Dan Murphy's (see Section 72I(3) of the Liquor Act).

8. The definition of the Broader Community in the Application is misleading - there is no possibility that the Community south of Mona Vale would have the slightest interest in driving past the existing Dan Murphy store in Elanora Heights and the major Dan Murphy store in Mona Vale to shop at the proposed site in North Avalon and no evidence quoted to justify it. The BC and the LC will be virtually the same, comprising Avalon Beach, North Avalon, Clareville, Whale Beach and Palm Beach and possibly Bilgola and Bilgola Plateau.

9. The size of the proposed premises, at approx 500 sq metres, compares to the existing Dan Murphy store in Mona Vale with 1444 sq. metres; by comparison, the Liquorland store in Avalon Beach Village (formerly Vintage Cellars) is 220 sq. metres and the Chambers Cellars store is 170 sq. metres. The other six stores are smaller and cater for local or specialised markets. So the proposed Dan Murphy's store is substantially larger than any of the other liquor stores in the area and almost the same size as all of them combined.

10. The Application in fact makes it clear that Dan Murphy's motives in lodging this application are not to grow the market or to meet increased demand. Their aim is to drive the competing businesses out of business - to "cannibalise" their businesses to quote the Applicant's language in the Application. There is no interest for the Authority or the Northern Beaches Council that needs to be met by allowing another participant into this market with the stated aim of damaging other existing local businesses and no evidence that there are market distortions justifying an additional participant.

11. In the Application (para.6.3 of The Assessment), there is a statement that "the Council has issued the Development Consent cognisant of the approval of co-location of the childcare centre with the DM store". This statement is misleading - the LEC approval was that "the demolition and construction of a mixed use development with basement parking comprising retail uses and childcare centre at 1-3 Careel Head Road,

Avalon Beach is determined by the grant of consent subject to the conditions at Annexure A". Annexure A makes plain that "Nothing in this consent shall authorise the use of the site/onsite structures as detailed on the attached plans for any land use beyond the definitions of retail premises". Use of the premises for the sale of packaged liquor is not part of the definition of retail uses.

12. Section 72(3) of the Liquor Act requires the Authority to be satisfied that the overall impact of approval of the authorisation application will not be detrimental to the well-being of the local or broader community. The statement of risks and potential effects provided by the Applicant is necessarily a self-serving document which, the Authority should note, has been prepared without any consultation with the Community and obviously, in the face of the objections to the development lodged with the Council, does not deal with the detriment to the Community and should be rejected.

13. There is nothing otherwise in the Application which spells out a basis for the authorisation of an application clearly designed to damage other local licensed businesses which would be entitled to expect fair treatment of their businesses by both the Authority and the Council. There is no demonstrated need for it; its purpose is not in the interests of local businesses or the community; its co-location with a childcare centre is totally inappropriate in the interests of the children and the Community.

14. Approval of the Application would be a decision favouring large corporate commercial interests and against the well-stated interests and concerns of the Community.

We ask Liquor & Gaming NSW to consider the strongly held views of our Community when making a decision on this Application. The mix of Dan Murphy's alcohol retail and a childcare centre in the same building together with the proposed traffic changes and for all the other reasons listed above make this Application for a New licence - packaged liquor - bottle shop unacceptable and not in the best interest of the Community.

The Application should be refused.

Frank Bush AM
President
Palm Beach & Whale Beach Association, Inc.

13 January 2026