



NSW Police Force
Northern Beaches Local Area Command
Licensing Unit

**Response to Application – DA2020/0498
Internal fit out for Packaged Liquor Outlet**

The Stowaway– 18. 1-3 Moore Road, Freshwater

NSW Police has a crucial interest in the ensuring the safety of the community and their property. By using recommendations contained within this document, any person who does so acknowledges that:

- It is not possible to make areas evaluated by NSW Police absolutely safe for the community and their property
- Recommendations are based upon information provided to, and observations made by NSW Police at the time the document was prepared.
- The contents of the evaluation are not to be copied or circulated otherwise than for the purposes of Northern Beaches Council.

NSW Police hope that by using the recommendations contained within this document, criminal activity will be reduced and the safety of the community and their property will be increased. However, it does not guarantee that all risks have been identified or that the area evaluated will be free from criminal activity if its recommendations are followed.

The proposed business is located within a complex known as “Freshwater Village” .

Specifically this “unit” is located within an existing business which trades as a “food/drink premises” / restaurant/ bar called The Stowaway.

The applicant owns the business, The Stowaway along with neighbouring business, Marilynas Pizza , 1-3 Moore Road, Freshwater.

The Stowaway operates with an on-premises liquor licence permitting alcohol to be sold/ supplied for consumption on the premises. **LIQO600405932**

The license has a primary service authorisation permitting alcohol to be sold/ consumed without a meal on the premises.

The liquor licence and business changed ownership and operations in 2015 to the current style of trade.

With this change saw a number of compliance complaints and breach detections. Police also received ongoing complaints from residents regarding noise from entertainment and patrons on the premises.

Compliance Concerns:

Police have attended the site subject to this application and have spoken with the operator/ business owners as to their plans for this additional business function. Of note both Stowaway, Marilynas and the “packaged liquor” business will be owned and operated by the same staff/ employees.

January 2018 Police responded to complaints from residents regarding noise from bands and DJs at the site of the proposed packaged liquor outlet.

Police detected 4 offences, 1 breach of Development Consent, use of balcony by patrons after permitted hours, 1 x Liquor Act, employee without RSA Competency, 1 x Liquor Act fail to comply with condition of plan of management. All incidents recorded on the COPS system.

In March 2017 Police attended the premises and detected the business operating not in compliance with their DA conditions specifically in regards to capacity. The premises was over capacity having 120 patrons onsite. The breaches were also recorded on the COPS system.

Police have observed the business/ premises being operated more as a bar style venue where food is available.

The proposed Packaged Liquor/ bottle shop subject to the current application before Northern Beaches Council places this business to be fitted out in a very small alcove within the current “Stowaway Freshwater” site.

Police have reviewed the plans submitted to council and are not able to determine the exact space as the dimensions were not included on plans submitted to Council

Police submit that this area is extremely narrow and small and once shelving and a point of sale terminal is placed in the area, there is no room for patrons/ customers. This would require customers to line up in a stairwell/ inside the licensed restaurant/ Stowaway.

Police note that Section 30 of the Liquor Act 2007 requires Liquor Sales Area if the bottle shop is part of another business activity. This section states that if the primary purpose of the business carried out on the premises to which a packaged liquor license relates is not the sale of liquor for consumption away from the licensed premises, liquor may only be sold under the licence in an area of the licensed premises that is adequately separated from those parts of the premises in which other activities are carried out.

It appears as shown on the plans that access to this space will be via stairs to the “first floor” of the Village complex next to the entry of “Stowaway Freshwater”.

Police have concern as to whether there is a clear delineation of businesses and business activity.

Marilyn's Pizza has a street address of 18/ 1-3 Moore Road, Freshwater, this business is owned and operated by those who own and operate Stowaway and is also the applicant to this current DA .

Marilyn's provides the food for the Stowaway and patrons can walk from Marilyn's to the Stowaway via an internal doorway.

Marilyn's however also has a registered packaged liquor licence to this business. This packaged liquor license is physically registered to a home office not the 1-3 Moore Road, Freshwater. The liquor licence **LIQP770016907** permits the sale and supply of liquor online/ phone order only to the home business and the liquor is delivered to the customers home address. The address attached to this licence is 5/48 Carlton Street, Freshwater. However the contact number is that of the Pizza business at 18/1-3 Moore Road, Freshwater.

The website for the business also permits online ordering of alcohol.

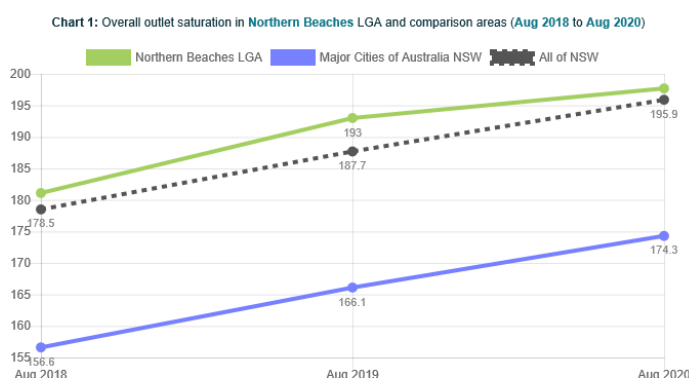
Police have made a number of enquiries with the operators as late as 2019 regarding this operation as it is apparent the business owners are storing liquor for the businesses in another storage address within the "Freshwater Village" Complex.

Police submit that the business owners have the capacity currently to sell liquor for consumption off the premises from their business at Marilyn's. The business owners operate the On-premise / Restaurant with a Primary Service Authorisation at the same site , first floor 1-3 Moore Road, Freshwater.

Site/ Area Assessment:

The proposed business is located within the Northern Beaches Local Government Area. As shown on the graph below, the outlet density for licensed premises is higher than that of the State and any city within Australia.

Outlet Saturation in the **Northern Beaches** LGA (**197.7**) is **higher** compared to NSW (**195.9**) and **higher** compared to Major Cities of Australia (**174.3**) averages. Between **Aug 2018** and **Aug 2020**, Outlet Saturation in **Northern Beaches** LGA **increased** (**181.1** to **197.7**).

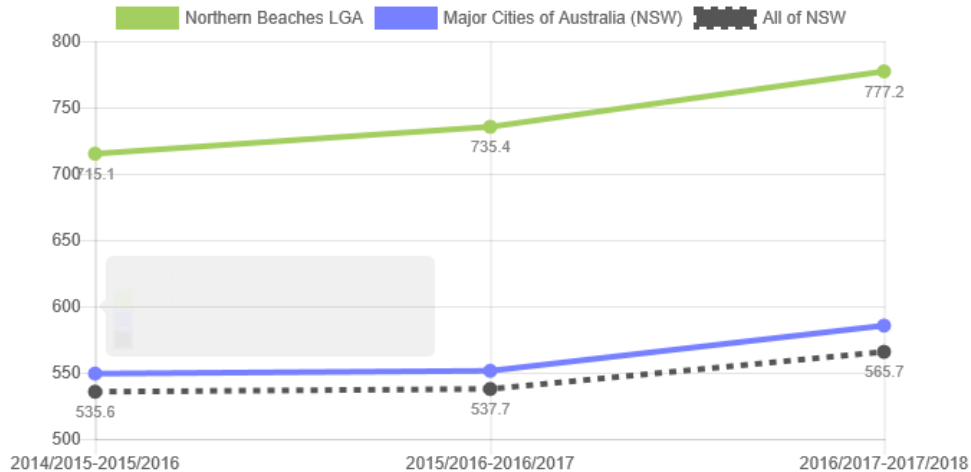


Thus Northern Beaches residents have greater access to purchase alcohol than anywhere else in Australia.

Of note and concern also is the rate of hospitalisation of persons on the Northern Beaches with alcohol as a contributing factor is also significantly higher than that of the State and major cities in Australia.

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Chart 10: Rate (per 100,000 residents) of alcohol-attributable hospitalisation in Northern Beaches LGA (2014-2015 to 2017-2018)



The Freshwater area already has several packaged liquor outlets within a relatively small radius to the proposed business which includes, Vintage Cellars and Captains Tobacco Plus Liquor. Harbord Beach Hotel has a designated bottle shop/ packaged liquor outlet and Harbord Diggers also has the ability to sell liquor for consumption off the premises.

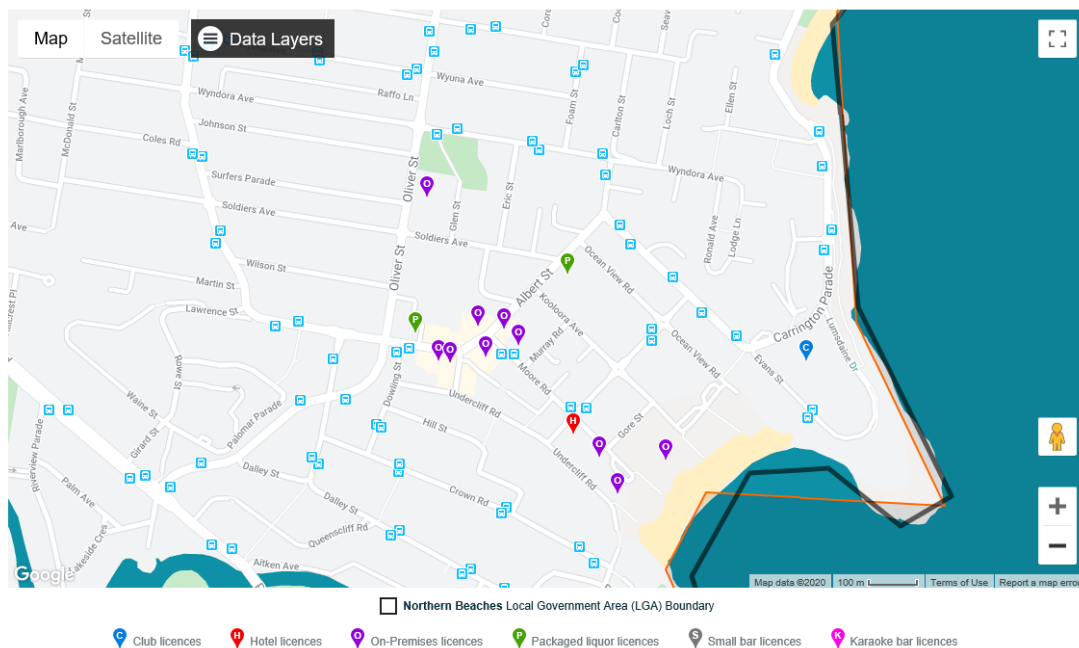
Freshwater has limited access to transport options other than State transit bus services and privately operated ride share or taxi services.

Freshwater has had documented incidents of alcohol related public order incidents, street drinking and consumption of alcohol in alcohol free zones.

The emergence of online liquor businesses has also been significant in the past 2 years with home delivery services being conducted by large liquor retail chains including BWS, Dan Murphys and Coles liquor .

The map below supplied by Liquor and Gaming NSW by their Live Data search depicts the liquor outlets however due to inaccurate address records some have not been recorded correctly. Police can confirm there are additional premises in the Freshwater Village complex which operate with liquor licences.

Figure 1: Map of the Northern Beaches Local Government Area (LGA) *The map is for suggestive purposes only



Police also have seen a considerable increase in theft of liquor from packaged outlets on the Northern Beaches.

These incidents occur at different times of day with an ongoing trend of minors, young people aged under the age of 18, stealing alcohol from stores who have limited staff, over stocked and inadequate security measures.

Police continue to have significant concerns as to the impact of alcohol related crime and violence not only on the Northern Beaches Community but specifically upon the youth of the Northern Beaches.

Recommendations:

Overall Police do not support the use of the proposed site as a “packaged liquor outlet” due to impact of Crime/ violence/ health and safety.

Police submit that further information is required as to the size and layout of the proposed business.

It is a legal requirement that the business must be operated separately to that of the “Stowaway”. Police recommend that the Plan of Management which has been prepared for this application be revised to include specifically how this business will be operated to ensure that it is distinctly separate, how patrons will be managed considering the extremely limited physical space of the proposed premises.

Of note, no security measures have been included or proposed specific to this business operation other than that of legal statutory requirement, or very generalised statements being, “liquor must be secured when not in use to prevent members of the public accessing the area”. Page 4.

Police recommend the Plan of management include security measures regarding theft and illegal access to the premises where alcohol is to be kept. Conditions should be included:

- CCTV cameras to be installed to capture all areas accessible to the public. These cameras must record 1 hour before opening and 1 hour after closure. The CCTV must be of a minimum 10 frames per second.

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- The footage must be retained for a minimum 30 days.
- CCTV must be accessible by staff of the premises at all times and recorded and provided to Police, Council of Liquor and Gaming Inspectors upon request within 24 hours.

Should you require clarification regarding information raised within this submission , please do not hesitate to contact Northern Beaches Licensing on 9976 8019

Regards,

A handwritten signature in black ink, appearing to read 'S Orrock', written in a cursive style.

Sergeant Sascha ORROCK
Northern Beaches Licensing