



NSW Police Force
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NSW POLICE

NORTHERN BEACHES POLICE AREA COMMAND

Licensing Unit

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23 September 2021

Your Ref: DA2021/1207

Northern Beaches Council

Location: Shop 4 180 South Creek Road Wheeler Heights

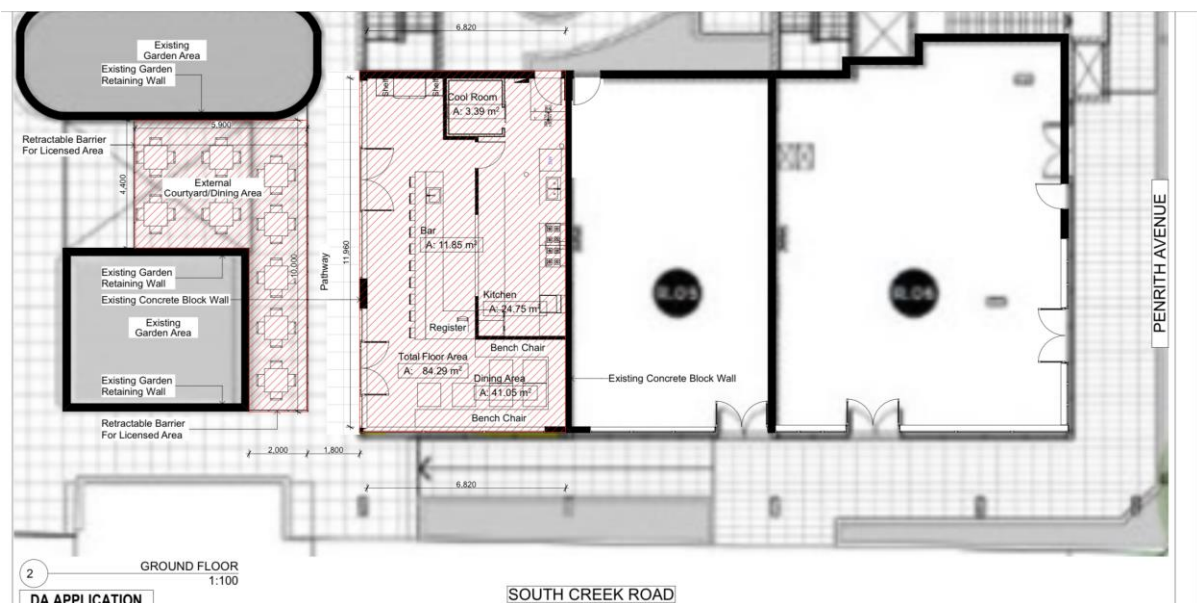
Police have received notification by way of application for a Packaged Liquor Licence. The application has been reviewed and police would like to provide the following response.

1. Application

1.1 Northern Beaches Police Area Command have reviewed Application Number: DA2021/1207 for the alterations and additions - Extension of approved trading hours for a food and drink premises and outdoor seating.

2. Location

2.1 Shop 4 180 South Creek Road Wheeler Heights is approved for a Food and Drink Premises under CDC2100224/1. This was lodged through Modern Building Certifiers and has been submitted to Northern Beaches Council.



3. Saturation of Licensed Premises

3.1 There are a high number of licensed Restaurants, Cafes, Hotels, Packaged Liquor outlets,

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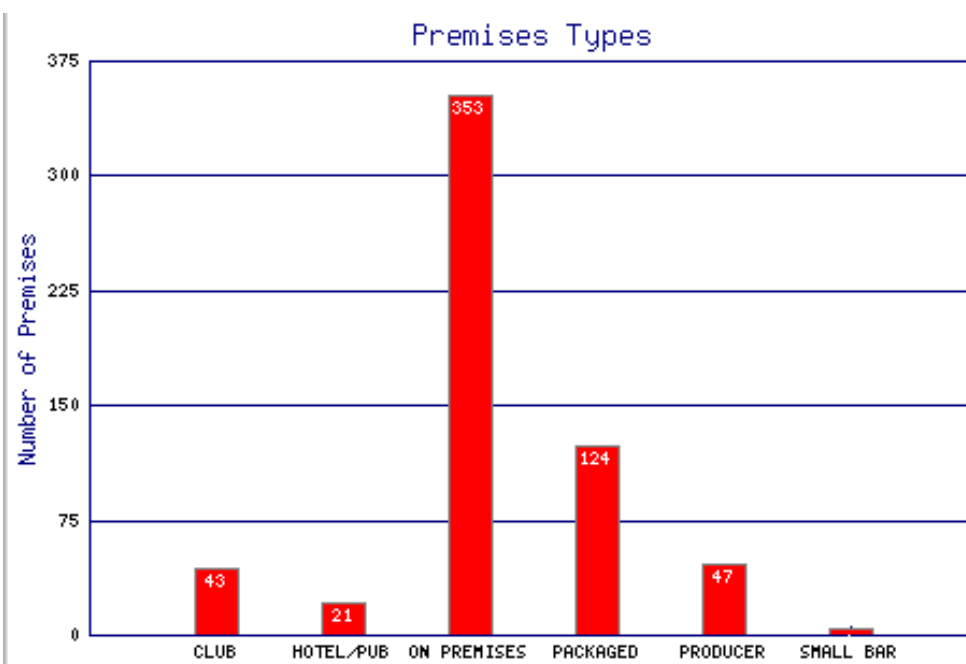
Distilleries and Breweries on the Northern Beaches and surrounding suburbs. The premises include several late trading venues and 24-hour businesses.

The Northern Beaches Police Area Command currently has 592 approved liquor licences including 43 clubs, 21 Hotel/pub, 353 on premises, 124 packaged, 47 producer and 4 small bars.

The availability of alcohol on the Northern Beaches is plentiful with an average of 11.38 licensed premises per suburb in the Northern Beaches LGA. Alcohol is readily available via means of take away from Packaged liquor outlets, Hotels, Clubs and online deliveries. Additionally, the Statement of Regulatory Intent also allows a licensed premises, such as a restaurant, café that does not have authorisation for the sale or supply of liquor for consumption away from the premises to sell alcohol for consumption off the premises ie take away sales.

Licensed Premises LAC : NORTHERN BEACHES PAC

Premises Types	Total Number
CLUB	43
HOTEL/PUB	21
ON PREMISES	353
PACKAGED	124
PRODUCER	47
SMALL BAR	4



OUTLET DENSITY

Outlet density refers to the concentration of licensed premises in a local area. It is a known environmental risk that can lead to excessive drinking and alcohol-related harm. Outlet density can be assessed by measuring outlet saturation (number of licensed premises in an area as a proportion of a population) and outlet clustering (proximity of licensed premises in a local area to one another).

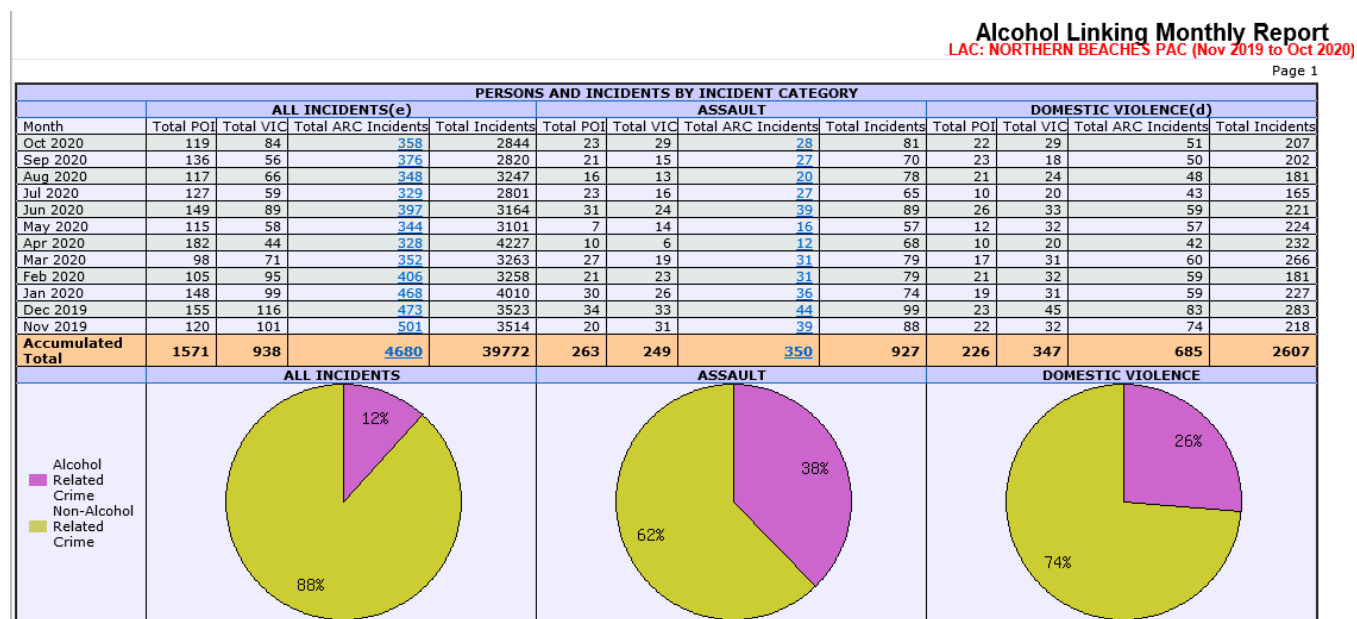
Outlet Saturation in the Northern Beaches LGA (204.8) is higher compared to NSW (201.6) and higher compared to Major Cities of Australia (179.8) averages. Between Mar 2019 and Mar 2021, Outlet Saturation in Northern Beaches LGA increased (189.8 to 204.8).

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4. Crime Data

4.1 The Alcohol Related Crime Information Exchange (**ARCIE**) highlights the involvement of alcohol in specific crime types.

4.2 Data from November 2019 until October 2020 shows **38% of all Assaults** and **26% of all Domestic Violence incidents** were alcohol related, occurred within the Northern Beaches, as illustrated below:



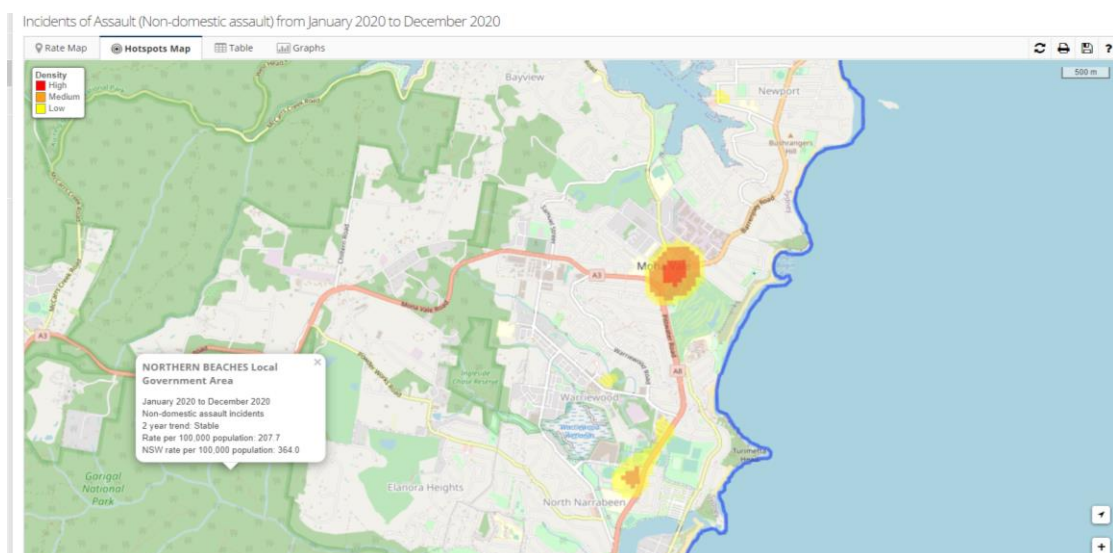
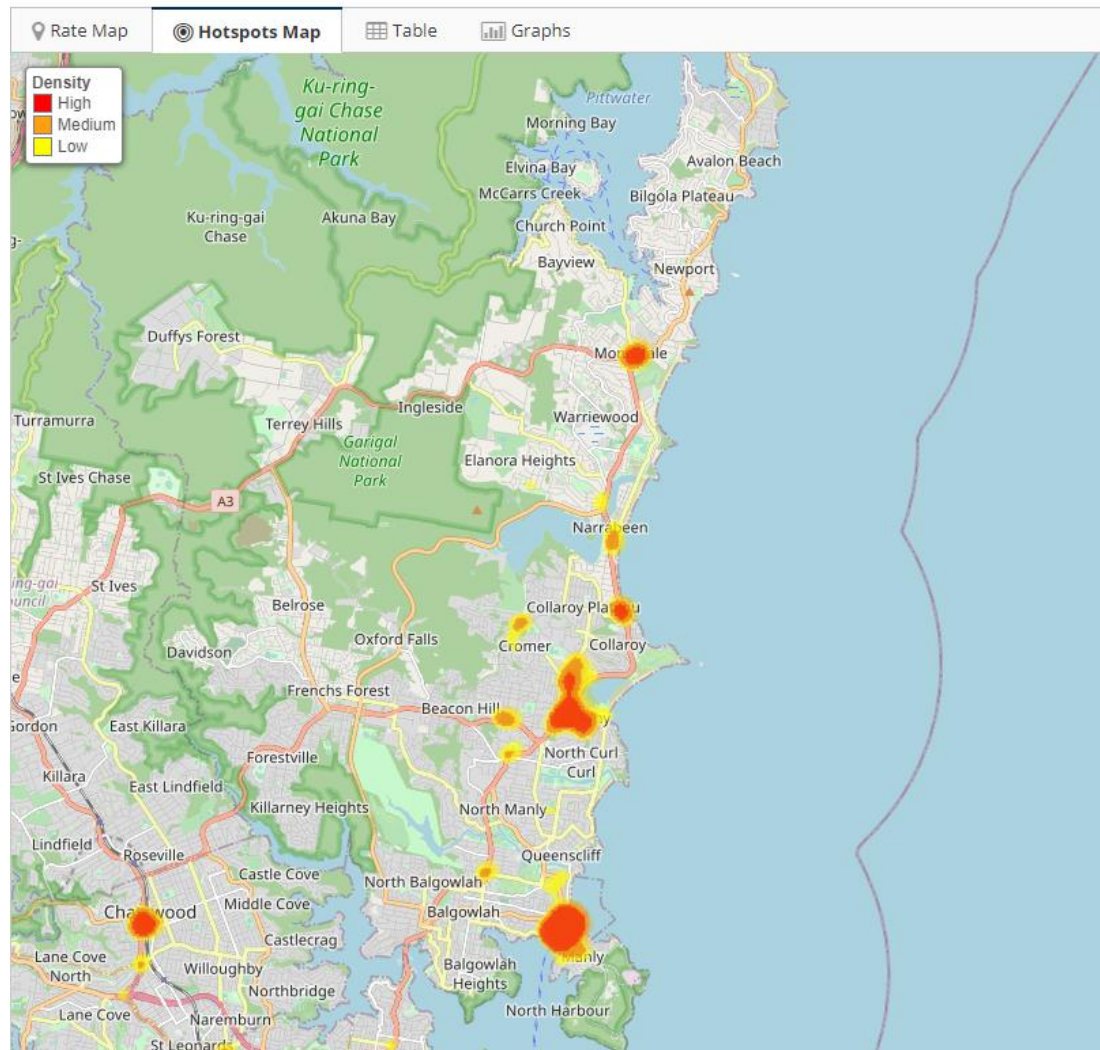
4.3 This equates to:

478 Alcohol Related Assaults
744 Alcohol Related Domestic Violence incidents

4.4 The following figure, as recorded in the NSW Bureau of Crime Statistics and Research site, illustrates the number of incidents of assaults recorded within the Northern Beaches PAC from July 2019 to June 2020. As highlighted in the Hot Spot Map, a high concentration of assaults occurs within vicinity of the proposed licensed premises and neighbouring area.

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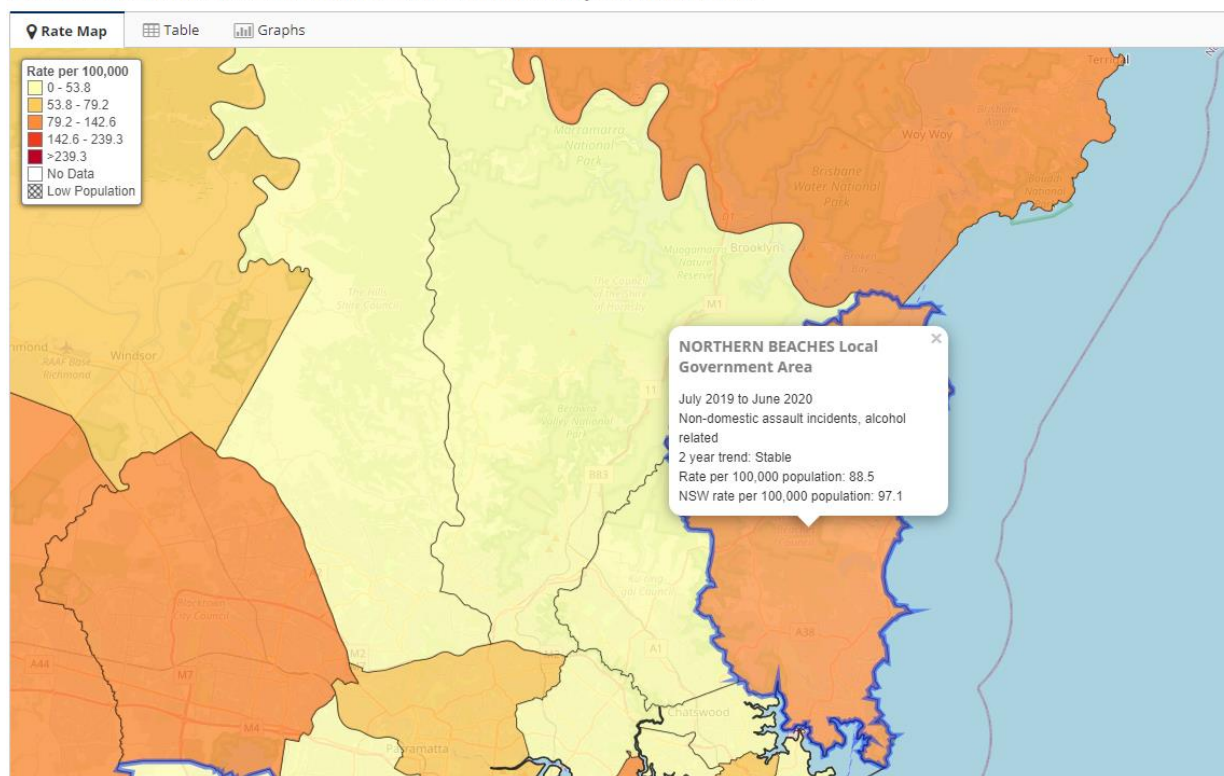
Incidents of Alcohol Related Assault from July 2019 to June 2020



4.5 It should be noted that over the past two years the rate of alcohol related assault incidents in the Northern Beaches LGA is 154.1 incidents per 100,000 people, In the suburbs of Northern Beaches Local Government Area total number of incidents is 734.9 per 100,000 people.

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Incidents of Alcohol Related Assault (Non-domestic assault) from July 2019 to June 2020



5. Comment

As outlined in the Complying Development Certificate operational hours were approved from 7.00am – 10.00pm Monday to Saturday & 7.00am – 8.00pm on Sunday. However, as there is an existing condition on the original development consent (DA2016/0792) applying to the hours of operation, the premises are limited to trading hours of 7.00am – 7.00pm Monday to Sunday.

Shop 4 is requesting approval to operate and require an extension to the original approved hours.

Extension of operational hours as follows:

- Monday: 6.00am – 10.00pm
- Tuesday: 6.00am – 10.00pm
- Wednesday: 6.00am – 10.00pm
- Thursday: 6.00am – 10.00pm
- Friday: 6.00am - 10.00pm
- Saturday: 6.00am - 10.00pm
- Sunday: 6.00am -10.00pm

The applicant is also seeking an outdoor dining area on private strata owned land.

This space is within private strata owned land and is not on council property, a DA is required for use of this space for outdoor seating purposes. The Strata By-Laws are in support of exclusive use of the outdoor space for Shop 4.

In reviewing the application police offer the following comments.

The use of the outdoor area provides additional dining options for patrons and provides further capacity for the venue. Outdoor dining areas have the potential to disrupt the neighbourhood and surrounding premises and are required to be properly managed to operate without disturbance.

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Police are mindful of the noise impact of outdoor areas and noise generated by Patrons and entertainment.

Due to the potential for noise to pose an undue disturbance Police would recommend that conditions be placed on the use of the area and extension of trading hours. Police would suggest a trial period of 12 months be implemented to allow the venue to operate on a trial basis and that if the area caused undue disturbance that the approval would not be granted.

Conditions

1. No amplified music within the outdoor dining area.
2. Outdoor area to be limited to 36 patrons.
3. Suitable signage to be displayed at the front of the premises indicating the capacity within the premises and outdoor areas.
4. The premises is to be operated at all times in accordance with the Plan of Management dated September 2021 as may be varied from time to time after consultation with Northern Beaches Council and NSW Police. A copy of the Plan of Management 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.
5. The licensee or its representative must join and be an active participant in the local liquor accord.

6. Crime Scene Preservation

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- (a) take all practical steps to preserve and keep intact the area where the act of violence occurred,
- (b) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,
- (c) make direct and personal contact with NSW Police to advise it of the incident, and
- (d) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.

7. Incident register

- a. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in respect to any such incident:

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- i. Any incident involving violence or anti-social behaviour occurring on the premises,
 - ii. Any incident Q/ which the licensee is aware that involves violence or antisocial behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
 - iii. Any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,
 - iv. Any incident that results in a patron of the premises requiring medical assistance.
- b. The licensee must, if requested to do so by a police officer or inspector:
- i. Make any such incident register immediately available for inspection by a police officer or inspector, and
 - ii. Allow a police officer or inspector to take copies q/ the register or to remove the register from the premises.
- c. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.

If you wish to discuss this application further, please contact the Northern Beaches Licensing Unit on 9976 8075.

Regards



Bradley DUKE
Acting Sergeant
Northern Beaches PAC
Licensing Unit
23rd of September 2021

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