



## NEW SOUTH WALES POLICE

### Northern Beaches Local Area Command

Licensing Unit  
3 – 10 Belgrave St  
Manly NSW 2095  
Ph: (02) 9976-8099

02/02/2023

Development Application – 2022/2141

**LOC: Nobel Craft Distillery**

**ADD: 39 Sydenham Rd, Brookvale, 2100, NSW**

**Contact person: Amir HALPERT 0401273080**

Northern Beaches Licensing Police have received a Development Application (number: 2022/2141) in relation to the use of premise at 39 Sydenham Rd, Brookvale, the DA application is for alteration and additions to an existing industrial building and change of use to artisan food and drink industry (distillery).

The proposed craft distillery will be operated by Noble Craft Distillery. It aims to specialise in the production of Australian ingredients-based spirits. NCD will operate with 2 stills and will produce a range of spirits from Vodka, Gin and fruit Brandies to Whisky and Rum. NCD will be the producer of small quantity, high quality premium spirits that will be a demonstration of Australian local, slow, artisan-ale, handmade small batch distilling. The distillery will operate a hospitality venue at which food and beverages will be available.

#### **History of the location:**

39 Sydenham Road Brookvale was for many years the club house for firstly the Finks Outlaw Motorcycle Gang (OMCG) before being “patched” over by the Mongols OMCG. For several years the club house was operated and frequented by club members. There was one instance of the location being “firebombed” possibly by a rival OMCG club.

Police have spoken to HALPERT in relation to the history of the location and have stressed that under no circumstances should the venue reflect, pay tribute to or reference the history of the premises by either OMCG or “bikie” memorabilia inside or outside the venue.

Police also raised concerns as to the patronage of the venue once it has opened ensuring that all patrons are there for the food and beverages and not as a “shrine” to the history of the place. Police requested with the approval of HALPERT that for the first months of opening trade that the venue employ a security guard regardless

of venue numbers and that police are called if any undesirable types are sighted in the venue.

After reviewing the development application police have found nothing recorded that would raise doubt as to the integrity of the applicant or financially interested persons associated with the subject application. Police have no information to suggest that the purchase of the building was directly related to the history of OMCG ownership.

### **Trading hours**

Hours of Operational  
Distillery: 6am-4pm Monday to Friday  
Hospitality venue:  
5pm-12am Weekdays  
12pm -12am Saturday  
12pm- 10pm Sunday

Police note that the above hours are an extension of the current trading hours and as such will need to be closely monitored if approved.

Microbrewery elements for the consumption of liquor on premise should not exceed 12:00am (midnight) Monday to Saturday and 10:00pm on Sundays.

A 6-hour closure period applies to all liquor licenses, including those with extended trading hours. It usually starts at 4:00am and ends at 10:00am each day.

### **Intended use/operation**

Police would request that the applicant further state their method of operation in relation to the Industrial use, by clearly outlining what each area is and how each area will operate.

Police highlight that in the Plan of Management and Statement of Environmental Effects, page 1, 1.2, the applicant refers to the consumption of alcohol on premise along with takeaway sales and tastings. Police note the definition of 'tastings' under the Liquor Act 2007 is:

**"Tastings:** in relation to liquor, means sampling a small amount of a particular product (including such an amount as may be prescribed by the regulations) usually for the first time or for the purpose of deciding whether to purchase a larger quantity of the product (or both), but does not include sampling to the extent that it is no longer ancillary to the primary purpose for which customers or intending customers are being supplied with the product, namely purchasing the product for consumption **away from the licensed premises concerned**".

## Location

The suburb of Brookvale in which Nobel Craft Distillery plan to operate has fifty-seven (57) licensed premises with current liquor licences. These premises are made up from a mixture of Restaurants, Cafes, Hotels and Breweries. In close proximity of 39 Sydenham Road Brookvale there are four (4) breweries and one (1) distillery.

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

This equates to:

- **478** Alcohol Related Assaults
- **744** Alcohol Related Domestic Violence incidents

The following figures are taken from the Computerised Operational Policing System (COPS). The data is from selected incident categories which occurred in Brookvale over the last couple of years. The statistics highlight the Brookvale area as a hub for crime on the Northern Beaches.

Incident Category	Incident Further Classification	Incident
Assault	Actual Bodily Harm	9
	Assault Common	40
	Grievous Bodily Harm(Incl Mal Wound)	1
Crowd Control / Management	Riot And Affray	4
	Sporting Event	6
Drug Detection	Other Drug Detection/Seizure Offence	7
	Possess Drug Utensil	2
	Possess Drug/Plant	40
	Supply Drug/Plant	4
	Use Or Administer Drug	1
Intoxicated Person	Intoxicated Person (No F/C)	7
Licensing Legislation	Offence Against Reg Club (Pty)	1
	Offence By Customer Not Minor	4
	Offence By Licensee/Employee/Secr	2
Malicious Damage	Graffiti	17
	Malicious Damage To Property	50
Powers - Move On	Comply Direction	233
Powers - Person Search	Item/Object Found	112
	Item/Object Not Found	478
Resist/Hinder/Assault Officer	Assault Officer	1
	Resist/Hinder Officer	2
Robbery	Robbery With Aggravation	4
Stealing	Other Steal	68
	Steal From Dwelling	1
	Steal From Marine Vessel	3
	Steal From Motor Vehicle	22
	Steal From Person	10
	Steal From Retail Store	224
Street Offence	Consume/Poss Alcohol In Public By Minor	1
	Offensive Behaviour	4
	Offensive Language	2
	Other Street Offence	3
	Possess Explosive/Dangerous Article	1
		1364

Police would take concern in adding an additional licenced premise to the area that already has Fifty-Seven without certain conditions placed on the DA.

## **Capacity**

After reviewing the POM and floor plan for the proposed premise, police also question the patron capacity of 100. The premise itself appears large enough to cater for 100 patrons however police question whether it is reasonable for the premise to cater for 100 patrons and only limited parking spaces.

Sydenham Road does have street parking however this is generally already occupied by the current surrounding businesses. Police note in the application that the venue is relying on spaces “being” available once the surrounding business have closed for the day. Police do not accept the venue relying on available car spaces as this may not always be the case that certain parking spaces will be available for use of patrons at the venue.

## **Food:**

The venue will have a fully equipped kitchen serving substantial and high-end food throughout the service of alcohol hours, HALPERT is a chef by trade and has a substantial background in the hospitality industry.

## **Security/ Safety**

Police have requested that the venue employ the industry standard of one to hundred; 1 security guard per 100 patrons but also request for the initial opening period that a security guard be employed due to the history of the premises. It was recommended by police that once capacity has been met a further guard be employed to “roam” the venue.

## **Comment**

Police have outlined certain concerns above and request the following condition be enforced.

### **1. CCTV footage on premises:**

The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- 1) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
  - a. the person represents not less than 100% of the screen height, and
  - b. there is an unobstructed view of the person's face.
- 2) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:

- a. all other public entrances and exits, whether or not in use at the time,
  - b. staircases,
  - c. all portions of the floor area accessible to the public where entertainment is provided,
  - d. toilet external entrances,
  - e. all public accessible areas within the premise excluding toilets
  - f. the footpath area directly adjacent to the premises, and
  - g. courtyard and smoking areas.
- 3) The CCTV recordings of the cameras referred to in sub condition (2) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
  - a. the person represents not less than 50% of screen height, and
  - b. there is an unobstructed view of the person's face.
- 4) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- 5) Camera recordings must meet the standards set in sub condition (1) and (3) at all times, either by way of camera positioning, camera shades or other environmental factors.
- 6) Recordings must:
  - a. be in digital format,
  - b. record at a minimum of ten (10) frames per second, and
  - c. commence one hour prior to opening and operate continuously until at least one hour after closing.
- 7) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- 8) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
- 9) When the venue is open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- 10) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, NSW Liquor & Gaming Inspectors or other regulatory officers upon request.
- 11) The CCTV system shall be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be

provided within one working day to NSW Police, NSW Liquor & Gaming Inspectors or other regulatory officers.

- 12) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

## **2. Maximum Patron Capacity**

- a. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principal entry to the premises. The signage shall state:

**Approved patron capacity is limited to 100**

- b. A comfortable seating position must be available for each patron upon the premises. This will include a seat and access to table/bench space generally in accordance with the approved plans.
- c. The seating plan as set out in accordance with the approved plans are not to be re-arranged while the drink on-premises authorisation is being utilised.
- d. Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).
- e. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principal entry to the premises; in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

**Upon leaving please respect local residents by minimising noise**

- f. Signage specified in sub clause (a) and (d) is to be erected prior to the commencement of operations.

## **3. Neighbourhood Amenity**

- a. The management of the premises:
- i. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.

- ii. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations.
- iii. Shall record in an Incident Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- iv. Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in an Incident Register.

4. The licensee must join and be an active participant in the **local liquor accord**.

5. The Responsible Service of Alcohol guidelines must be adhered to at all times, at the first signs of a patron being intoxicated, that patron must be asked to leave. Due to the location of the premises, suitable arrangements need to be made to ensure said patrons have options in relation to transport from the venue.

6. Food must be available at all times whilst alcohol is being sold or supplied.

**7. Smoke-Free Environment Legislation**

The use and operation of the premises is to comply with the Smoke-Free Environment Act 2000 and the Smoke-Free Environment Regulation 2000. Guidance may also be obtained from the NSW Health Department (to ensure that smoking is not permitted on premise).

**8. Crime Scene Preservation**

- a. Immediately after the person in charge of the Licensed Premises become aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
  - i. Take all practical steps to preserve and keep intact the area where the act of violence occurred
  - ii. Retain all materials and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police
  - iii. Make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of

the incident and

- iv. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
- 9. A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required, and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or inspector from the Liquor and Gaming NSW.
- 10. The licensee must maintain a register, in the form approved by the Secretary, in which the licensee is to record, in the manner approved by the Secretary, the details of any of the following incidents and any action taken in response to any such incident:
  - (a) any incident involving violence or anti-social behaviour occurring on the premises,
  - (b) any incident of which the licensee is aware that involves violence or anti-social 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,
  - (c) any incident that results in a person being turned out of the premises under section 77 of the Act,
  - (d) any incident that results in a patron of the premises requiring medical assistance,
  - (e) any incident that involves the possession or use on the premises of any substance that the licensee suspects of being a prohibited plant or a prohibited drug.
- (2) The licensee must, if requested to do so by a police officer or inspector
  - (a) make any such incident register immediately available for inspection by a police officer or inspector, and
  - (b) allow a police officer or inspector to take copies of the register or to remove the register from the premises.
- (3) The licensee of subject premises must ensure that the information recorded in an incident register under this clause is retained for at least 3 years from when the record was made.
- 11. Should outdoor seating be granted a defined boundary must be erected clearly defining the licensed premise.
- 12. The Licensed Premises are not to be themed or operated as a Nightclub. No



DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.

13. The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Kind regards,  
Senior Constable David HINSHELWOOD  
Northern Beaches Licensing