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Subject: RE: DA2024/1362 [SEC=OFFICIAL]
Attachments: DA2024_1362.pdf;

Request for Comments from NSW Police - Licencing (Clubs, Hotels, Pubs)

Development Application No: DA2024/1362

Description: Demolition works and construction of mixed use hospitality venue with supporting car parking, servicing and landscaping works

Address: 40 Myoora Road TERREY HILLS

Council requires referral comments on the above application.

Please find the attached response from local police.



Rahul DAHIYA

Licensing Unit

Northern Beaches Police Area Command

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NSW Police Force

Our Reference: D/2024/1362

Attention: Northern Beaches Council

24th October 2024

Dear Team,

RE: Development Application No. DA2024/1362

Address: 40 Myoora Road TERREY HILLS

Proposal: Demolition works and construction of mixed use hospitality venue with supporting car parking, servicing and landscaping works

Applicant: THE FARM BY BOATHOUSE

Proposed Development

The application proposes the **Demolition works and construction of mixed-use hospitality venue with supporting car parking, servicing and landscaping works** at 40 MYOORA ROAD, TERREY HILLS

Disclaimer

NSW Police Court and Legal Services have advised that police providing written crime prevention advice to the community (e.g., Safer by Design Evaluations, SBD Executive Summaries, Security Audits etc) must include the following legal disclaimer:

NSW Police has a vital interest in ensuring the safety of members 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 evaluation/report is a confidential document and is for use by the person/organisation referred to on page one.



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- The contents of this evaluation/report are not to be copied or circulated otherwise than for the purposes of the person/organisation referred to on page one.

NSW Police hopes that by using the recommendations contained within this document, criminal activity will be reduced and the safety of members 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.

Introduction

With reference to the above development application, under the terms of the protocol between Northern Beaches Council and NSW Police Force, the following comments are based on proposed trading conditions, BOCSAR crime statistics statistical download from the NSW Police COPS operating system, and the Development Application DA2024/1362.

Location

The subject site has a total site area of approximately 15,957m². It has an eastern frontage of 60-metres to Mona Vale Road, a western frontage of 60-metres to Myoora Road and is bounded to the north and south by commercial / light industrial developments.

THE FARM BY BOATHOUSE is located within the beachside suburb of Terry Hills in the Northern Beaches Police Area Command (PAC). The location is surrounded by many commercial business which include several licence premises as well. .

It has varied offerings of food and drink with a mixture of licensed restaurants, Hotels, small bars and clubs. There are over **25** licensed premises in the suburb of Terry Hills and all within a 2-kilometre radius

Crime Prevention through Environmental Design (CPTED)

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.



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Offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating social and environmental conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension)
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards), and
- Minimise excuse-making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are Surveillance, Access Control, Territorial Reinforcement and Space/Activity Management.

SURVEILLANCE

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. *Natural surveillance* is a by-product of well-planned, well-designed and well-used space.

Technical/mechanical Surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. Technical/mechanical surveillance is commonly used as a 'patch' to supervise isolated, higher risk locations.

Formal (or Organised) Surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.



Recommendations:

- As the proposed development may be exposed to thefts, steal from persons, malicious damage and assault offences, a closed-circuit television system (CCTV) which complies with the Australian Standard – Closed Circuit Television System AS:4806:2006 should be implemented to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation. It is noted that no provision within the plans for installation of CCTV within the store.
- The CCTV system should consist of surveillance cameras strategically located in and around the new structure to provide maximum surveillance.
- Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access to restrict tampering with the equipment and data. The equipment needs to be checked and maintained on a regular basis.
- It is crucial even in the development stage that these cameras are installed as soon as power is available.
- It is advised that a lighting technician be consulted to ensure that all lighting supports the CCTV images. Signage should be displayed in and around the development to inform persons that CCTV is in use. Ensure that staff be trained in the operation of the system and that the system is checked on a regular basis to ensure that it is working properly. It is recommended that you liaise with police regarding the positioning of the cameras prior to being stalled.
- As the venue intends to trade at night, consideration should also be given to incorporating a duress alarm facility to enable staff to activate the alarm in the event of an emergency such as robberies or assaults on staff. **NB Duress devices should only be used when it is safe to do so.**



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- It is recommended that if the business is large enough, having more than one staff member on duty at any time is a deterrent. A supervisor should be positioned so that they have a clear view of the cash register area and attendant and so that they can be seen by any potential robber. A glass fronted and sealed-off office that can be seen by customers is ideal.
- It is recommended that the position the cash register is placed away from the front door or gated area. Counters should be wide with a raised floor for staff, to maximise the space between staff and customers. Robbers will choose to hold-up a premises where it is easy to rush in and reach over the counter into the cash register and then out again. Slightly raised flooring also allows staff to have clear surveillance throughout the premise. Having a slightly higher level at the counter gives staff a sense of authority and control over patrons as well as allowing them to have a clear view of all patrons.
- It is advised that the swing gate at the front counter is locked during business hours to prevent any persons gaining access behind the counter and gain access to the till.
- It is advised that the back door to the shop is always locked. An open back door is an invitation to having goods and money stolen from the backroom/storeroom and offers a back entrance and exit for a hold-up. Make sure that all other potential access points are secure.
- Cash handling is extremely important with any business, particularly one that is trading late at night. Ensure that there are strict cash handling procedures in place for staff and these are always followed. Ensure that cash is counted out of the view of the public and the premise is locked and secured when doing so. Businesses that do not have strict cash handling procedures in place put themselves at risk of serious offences e.g., armed hold ups, robberies, stealing etc. Should you wish for assistance with cash handling procedures do not hesitate to contact the Crime Prevention Officer.



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- It is recommended that large sums of cash are **NOT** left in the venue overnight. If a safe is purchased, ensure it is of good quality. It is recommended that it be anchored to the ground, out of view and reach of the public.
- Ensure the counter is always kept clear of heavy or sharp objects, knives or glass objects that could be used as weapons.

LIGHTING

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). With this in mind the Australian Standards, Lighting AS: 1158

now requires lighting engineers and designers to factor in crime risk and fear when choosing the type of luminaries/lighting levels.

- Lighting (lux) levels for this development must be commensurate with the crime risks identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS: 1158
- Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on surveillance screens).
- The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within/around the development needs to be checked and maintained on a regular basis.

CAPACITY :

The capacity of the restaurant premises is restricted to 794 patrons.

- a total of 59 people are assumed to occupy the internal area of Restaurant 1;
- a total of 135 people are assumed to occupy the internal area of Restaurant 2;



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- a total of 260 people are assumed to occupy the internal area of Restaurant 3;
- a total of 185 people are assumed to occupy the external Restaurant 1 dining area;
- a total of 55 people are assumed to occupy the external Restaurant 2 dining area;
- a total of 100 people are assumed to occupy the external Restaurant 3 dining area;

ACCESS CONTROL

Access control measures restrict, channel and encourage people, bicycles and motor vehicles into, out of and around targeted sites. Wayfinding, desire lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. Natural access control (NAC) includes the tactical use of landforms and waterways features, design measures including building configuration: formal and informal pathways, landscaping, fencing and gardens. Technical/mechanical access control (TAC) includes the employment of security hardware, and formal (or organised) access control includes on-site guardians such as employed security officers.

Recommendations:

- It is advised that clear signage be erected in and around the development to ensure that all persons do not access restricted areas. This will minimise excuse making opportunities for offenders when trying to gain access to restricted areas. Such as food preparation areas which store potential weapons e.g., knives should have restricted access. Ensure that the signage indicates staff only.
- Ensure that the rear and front door access have lock sets that are designed to the Building Code of Australia.
- Ensure that there is no more than 15% coverage of material on the front door, windows or in the venue as this will restrict surveillance to the external areas.



TERRITORIAL RE-ENFORCEMENT

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

Recommendations:

- Signage should be erected strategically around the external areas of the building to warn persons of any security measures in place.
- It is advised that all emergency contact phone numbers of local emergency services and stations be pre-programmed into any phones/mobile phones used by staff.
- A fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations (1994) Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building.
- Signage needs to be provided to assist occupants to identify fire suppression equipment, e.g., extinguishers, fire blankets etc.

SPACE/ACTIVITY MANAGEMENT



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Popular Space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space activity management ensures that space is appropriately utilised and well cared for

Space/activity management strategies should include maintenance, rapid repair of vandalism and graffiti and replacement of burned-out lighting and the removal or refurbishment of decayed physical elements.

Space/activity management should support and increase the use of the built environment with the intent of increasing the risk of detection of criminals and undesirable activities.

Highly functional areas are susceptible to opportunistic crime when inactive.

Ensure that any damage, graffiti, glass etching etc that may occur to the premises is cleaned/ repaired as soon as practicable. Rapid removal is best practised when completed within 24 hours of the graffiti being done. Ensure that there is some spare paint stored securely within a room in the building for any removal that may need to be done.

Parking

The Farm by Boathouse will provide 223 parking spaces, plus an additional 74 overflow spaces. The venue to ensue a free flow of traffic and provide adequate lighting in the car park. The overflow car park is to be line-marked and signposted in accordance with the signage and line marking plan presented within traffic management plan. Duty manager is to review daily restaurant bookings at the beginning of each shift to anticipate projected patron attendance levels and likely expected parking demand.

Onsite parking demand is to be physically reviewed when the restaurant reaches 50% of capacity (399 patrons or more), with all parking demands to be contained onsite.

The onsite carpark is to be checked each hour once the 50% patron capacity threshold (399 patrons) is reached.



When at least 190 parking spaces or more are occupied (85th percentile design occupancy of the onsite carpark containing 223 spaces), the overflow carpark is to be opened and the digital overflow carpark signage is to be activated, directing new vehicle arrivals to the overflow carpark.

Whilst the space located at the southern end of the premise (Mona Vale Road) primary use will be a landscaped area, it will be utilised for management of overflow parking on high capacity days.

CRIME PREVENTION/RISKS

As previously mentioned, Licensed venues have the potential to act as a magnet for intoxicated persons and rather than leaving the area after departing nearby licensed premises, they remain, causing various anti-social problems and leaving themselves open to victimisation or involvement in other illegal activities. Timely cessation of trading by food outlets on any day is considered essential to encourage intoxicated persons to leave the area.

The premises will operate as per the following: •

7:00am to 12:00 midnight , Monday to Sunday

Service of alcohol will not commence prior to 10:00am on all days of operation without exception. All liquor purchased at the venue must be consumed within the licensed area of the restaurant premises.

The sale and/or supply of liquor must cease 30 minutes prior to the cessation of the respective hours of operation.



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PLAN OF MANAGEMENT:

The venue must operate in accordance with POM provided by the venue. If it becomes evident that modification to the PoM is required for operational and management improvement or compliance, the relevant changes will be made after consultation undertaken with Northern Beaches Licensing Police and Northern Beaches Council (as relevant). The most current version of this PoM must be made available to NSW Police and Liquor & Gaming NSW Inspectors upon their request.

If the application is approved police request the following conditions are considered for inclusions onto the licence for the sole purpose of **Public Safety**:

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.



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- 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 principle entry to the premises. The signage shall state:

Approved patron capacity is limited to 794

- 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.



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- 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 principle 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.**



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- 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. liquor sold or supplied in open containers (including glass) is not to be taken off the licensed premises. The licensee will ensure that adequate practices are implemented to minimise the likelihood of patrons/customers consuming liquor purchased from the premises in the carpark or the immediate vicinity of the premises.
6. Food must be available at all times whilst alcohol is being sold or supplied.



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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.



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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. Live Entertainment - Live music can occur on site from Midday – 10pm. Live music must cease at 10 pm. The venue must take all adequate steps to minimise the noise from live music, such as , close the windows and door to keep the noise to minimum.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.

Noise from licensed premises sources such as patrons and amplified music performance are subject to regulation by Liquor and Gaming NSW (L&GNSW) following the release of the Disturbance Complaint Guidelines. As of 1 July 2024, L&GNSW are the lead regulator for addressing noise complaints under the Liquor Act and the operation of the premises will be in accordance with requirements from L&GNSW.

14. At least one (1) licensed uniformed security personnel is to be engaged to patrol the area in the vicinity of the premises, within a one hundred (100) metre radius to ensure that patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood.

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Such patrols are to commence at 12:00 midnight and to continue until after the last patrons have left the premises and the vicinity.

15. The licensee must arrange for security personnel with ratio of no less than 1 security officer per 100 patrons or part thereof every Thursday to Sunday from 6.00pm until close of business and security are to provide for half an hour after close of business and security personal to patrol the licensed area regularly patrol all licensed areas.

Should you require further information on the subjects mentioned please do not hesitate to contact me at Manly Police Station on 99768060..

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rahul Dahiya'.

Rahul DAHIYA

Constable

Licensing officer

Northern Beaches Police Area Command