



NSW Police Force
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10th November 2021

Your Ref: DA2021/1620

Norther Beaches Council

Description: Alterations and additions to an existing pub (Harbord Hotel)

Application Type: Development Application

Police have received notification by way of application to modify the Development Consent. The application has been reviewed and police would like to provide the following response.

1. Application

1.1 The application relates to proposed licensed premise Harbord Hotel hereafter referred to as the 'premise').

1.2 The application seeks to modify consent for alterations and additions to the existing first floor and attic levels to accommodate bar/ function and recording studio floor space and associated amenities.

2. Location

2.1 The premise is located within the Northern Beaches Police Area Command and the Northern Beaches Local Government Area (LGA).

2.2 The subject site is described as Lots 1 - 5, DP 7022, No 29 Moore Road and Lot 13, DP 7022, No 31 Moore Road, Freshwater. The site is "L" shaped having primary frontage and address to Moore Road of approximately 54 metres, secondary frontage to Charles Street of approximately 56 metres, tertiary frontage to Undercliff Road and a total area of approximately 2641.2 square metres.

2.3 The ground floor level of the premises has recently undergone extensive refurbishment pursuant to development consent DA2020/0468.

2.4 The hotel building is located on the north western corner of the site with at-grade parking adjacent to the Undercliff Road frontage. A drive-thru bottle shop is located on the eastern portion of the site with vehicular access from Charles Street and egress via Moore Road. The main entry to the hotel for patrons is from the Moore Road frontage.

2.5 Immediately surrounding development is residential in nature comprising a mixture of detached dwelling

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houses interspersed by dual occupancy and residential flat development. Freshwater Local Centre and Freshwater beach are located within short walking distance of the site.

2.6 The scope of the works is summarised as follows:

First floor internal alterations:

- Remove the interior walls and ceiling.
- Insertion of 300mm sound insulation between the ceiling of the first floor and the sound studio within the attic space.
- Introduction of a modified first floor plan to include bar, kitchen, office, sanitary facilities.
- Replacement of aluminium windows with timber framed windows detailed to match original windows.
- Introduction of a reflected ceiling plan to interpret former layout of hotel accommodation.
- Termination of existing stairs.
- Reconfirmation and upgrade of the stairs and lift area to the rear to the south east corner of the building.

Proposed attic alterations

- Roof addition to the southern wing of the building to include a recording studio, lounge and bar area within the attic of the building.
- External alteration of the southern wing roof form to raise the roof height and incorporate a dormer window to the western side.

The application also seeks to increase the existing capacity of the premises by 50 patrons, the application also seeks to provide 8 additional off-street car parking spaces and in conjunction with a minibus service which will operate between Manly CBD and the subject premises during peak trading periods to offset potential parking increases.

3. Comment

A significant number of community responses have been made in opposition to the application. These objection related to potential increased noise, traffic and disruption to the community. Police also note some submission are in favour of the application.

The sheer number of submission shows that the community is extremely concerned that the development may infringe on their ability to enjoy the area and serious and careful consideration must be made.

Noise:

The premises is subject to the following noise conditions via the Hotels Liquor License:

LA10 Noise condition

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am 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 07:00 am 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 07:00 am. Interior noise levels which, although restricted in accordance with the above condition, still exceed safe hearings levels are in no way supported or condoned by the Authority.

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Complaint reporting

Staff are to be advised that any complaints received by them are to be brought to the attention of the licensee or the duty manager immediately.

No party to the complaint proceedings is to make known to any other person not being a party, the names or addresses of any other party in the proceedings; in particular, no patron of the premises is to be informed either directly or indirectly of the identity or location of any complainant.

The licensee should respond to any further complaints, made to herself or her employees, by residents in a sympathetic and effective manner. The residents will be asked to notify the licensee or her employees directly of any further complaints. Should any complaint not be resolved to the satisfaction of the complainant, he or she should notify the local Police as soon as practicable.

Security

Three (3) licensed and uniformed security personnel are to be engaged on Friday and Saturday and two (2) on Thursday and Sunday to patrol the area in the vicinity of the premises, to ensure that patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Patrols are to commence at 08:00 pm and continue until one (1) hour after the premises has ceased trading or until the last patron has left the vicinity of the hotel. Security will clean up any glassware left in the vicinity of the premises. At least one (1) mobile phone number will be given to the residents so that they can contact the security officers direct if the need arises.

Closure of windows.

Whenever entertainment is being conducted on the premises the windows on the western side of the hotel are to be key locked at 09:00 pm.

These conditions have been implemented to the liquor licence to ensure that the operation of the venue does not impact upon neighbouring residential premises. Police have previously received noise complaints, these complaints relation to noise generated by patrons leaving the premises and noise generated by entertainment. Police have not received any complaints within the past few months.

The addition to the southern wing of the building to include a recording studio, lounge and bar area within the attic of the building.

Information provided is that the studio will be adequately sound proofed for recording purposes. As such Police do not envisage that the area will increase noise on neighbouring premises.

The lounge and bar area have the potential to impact upon the neighbouring residential premises if not adequately assessed and controlled. The area is expected to be limited to 50 patrons.

Police recommend that all windows be closed and key locked by 9:00pm and any external doors are closed.

Whilst Police do not directly object to the application concerns are raised as to the impact this development will have on neighbouring residential dwellings.

If the application is to be granted Police also recommend that the following conditions be placed upon the consent.

- Venue operator must record all complaints made to the premises within an incident register. The

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register is to record all information provided by the complainant and what actions the venue operators took to address the complaint.

- This register is to be made immediately available to Council, Liquor and Gaming and NSW Police Officers on request.
- All windows on the first floor are to be closed and key locked by 9:00pm
- Any external doors on the first floor are to be closed by 9pm.
- All external entertainment is to cease by 9:00pm.

The premises is to be operated at all times in accordance with the Plan of Management dated Tbc 2021 as may be varied from time to time after consultation with 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.

2. CCTV Condition

(1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements:

(a) the system must record continuously from the opening time until one hour after the premises is required to close,

(b) recordings must be in digital format and at a minimum often (10) frames per second,

(c) any recorded image must specify the time and date of the recorded image,

(d) the system 's cameras must cover the following areas:

all entry and exit points on the premises, and

(ii) all publicly accessible areas (other than toilets within the liquor sales area.

(2) The licensee must also:

(a) keep all recordings made by the CCTV system for at least 30 days,

ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and

(c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

3. 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.

4. 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:

i. Any incident involving violence or anti-social behaviour occurring on the premises,

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- 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
10th of November 2021

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