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## **NEW SOUTH WALES POLICE**

**Northern Beaches Local Area Command**

Licensing Unit

3 – 10 Belgrave St

Manly NSW 2095

Ph: (02) 9976-8099

19/03/2020

Development Application - 2020/0160

**LOC: Bucketty's Brewery**

**ADD: 26 Orchard Street, Brookvale, 2100, NSW**

Northern Beaches Licensing Police have received a Development Application (number: 2020/0160) in relation to the use of premise at 26 Orchard Street, Brookvale to operate as a Brewery. In addition to the brewery they plan to have a taproom with a capacity for 120 patrons to sample beer produced on site with the ability for take away sales via packaged liquor.

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 met with the applicant on Tuesday 24<sup>th</sup> March 2020.

### **Trading hours**

The premise wishes to operate under the following hours:

- Industrial (brewery): 6:00am to 4:00pm.
- Take away sales: 11:00am to 12:00am Monday to Sunday and
- Taproom: 4:00pm to 12:00am Monday to Friday and  
11:00am to 12:00am Saturday and Sunday.

Police note that the above hours are not in line with standard trading hours for a producer/ wholesaler's/Micro-Breweries liquor licence and would only be in support of standard trading hours.

Standard trading hours for a producer/ wholesaler is:

- Monday to Saturday: **5:00am to 11:00pm**
- Sundays: **10:00am to 10:00pm**

Takeaway sales should not exceed the hours of 11:00pm Monday to Saturday and 10:00pm on Sundays.

#### Micro-Breweries:

- Monday to Saturday: **5:00am to 12:00am (midnight)**
- Sundays: **10:00am to 10:00pm**

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, take away sales and especially the taproom by clearly outlining what each area is and how each area will operate.

The applicant refers to the use of acoustic un-amplified bands and a provision for amplified music on Friday, Saturday and Sunday nights. Police are of the belief the 'taproom' will be used and operated as a small bar which has been confirmed by the applicant, however, police highlight that in the Plan of Management and Statement of Environmental Effects, page 1, 1.2, the applicant refers to 'tastings' only and that this development is for tastings and sale of takeaway elements at the site. 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**".

The applicant then makes mention in the plan of management that they are in the process of applying for an On-Premises wholesale/producer licence and that when serving non pre-packaged alcohol, standard drink measures will be served at all time. This is inconsistent with their development application as tastings is the only mention. They do not make mention of selling liquor by retail for consumption on premise as full serves. This is another reason police request a comprehensive break down of how each method of operation will run and what they mean by standard drinks. Are they serving standard 375ml schooners etc?

#### **Location**

The suburb of Brookvale in which Bucketty's Brewery 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 26 Orchard 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.

Data from March 2019 until February 2020 shows **43% of all Assaults** and **28% of all Domestic Violence incidents** were alcohol related and occurred within the Northern Beaches, as illustrated below:

**Alcohol Linking Monthly Report**  
LAC: NORTHERN BEACHES PAC (Mar 2019 to Feb 2020)

Page 1

PERSONS AND INCIDENTS BY INCIDENT CATEGORY												
Month	ALL INCIDENTS(a)				ASSAULT				DOMESTIC VIOLENCE(d)			
	Total POI	Total VIC	Total ARC Incidents	Total Incidents	Total POI	Total VIC	Total ARC Incidents	Total Incidents	Total POI	Total VIC	Total ARC Incidents	Total Incidents
Feb 2020	102	94	400	3149	23	23	32	81	21	32	59	182
Jan 2020	139	96	451	3924	29	26	35	72	19	31	59	227
Dec 2019	153	116	471	3495	34	33	44	98	23	45	83	278
Nov 2019	118	101	499	3497	20	31	39	88	22	32	74	216
Oct 2019	95	70	384	3540	24	23	36	101	22	22	53	211
Sep 2019	128	72	413	3046	29	28	40	100	18	31	51	197
Aug 2019	112	83	359	3352	34	37	42	89	13	27	49	207
Jul 2019	133	82	367	3331	29	26	39	86	25	31	64	223
Jun 2019	146	73	432	3796	45	25	36	83	22	25	49	196
May 2019	160	71	477	3885	24	19	30	89	28	26	62	253
Apr 2019	181	116	647	3762	44	48	59	109	44	40	71	242
Mar 2019	120	89	530	3888	30	39	45	108	25	37	70	273
<b>Accumulated Total</b>	<b>1587</b>	<b>1063</b>	<b>5430</b>	<b>42665</b>	<b>365</b>	<b>388</b>	<b>478</b>	<b>1104</b>	<b>287</b>	<b>379</b>	<b>744</b>	<b>2705</b>

	ALL INCIDENTS		ASSAULT		DOMESTIC VIOLENCE	
	Alcohol Related Crime	Non-Alcohol Related Crime	Alcohol Related Crime	Non-Alcohol Related Crime	Alcohol Related Crime	Non-Alcohol Related Crime
	13%	87%	57%	43%	28%	72%

NOTES

- (a) "Total POI" and "Total VIC" measure the number of Persons (by involvement type) who responded YES to Q1 (had they consumed alcohol prior to the incident).  
 (b) "Total ARC Incidents" measures the total number of Incidents where alcohol had been consumed prior.  
 (c) "Total Incidents" shows all incidents for each month, with or without alcohol consumption. Therefore Total ARC Incidents/Total Incidents \* 100 = % of Crime that is Alcohol Related.  
 (d) "Domestic Violence" is any Incident Category with an associated factor of Domestic Violence Related.  
 (e) "All Incidents" counts all incidents excluding "Traffic", "Business Inspection" and "Traffic Offence".

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 between April 2019 to 08/03/2020. 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(Ind 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 120. The premise itself appears large enough to cater for 120 patrons however police question whether it is reasonable for the premise to cater for 120 patrons and only supply three parking spaces.

Orchard Road does have street parking however this is generally already occupied by the current surrounding businesses. Police attended the address mid-week and the whole street was full either side of the road with parked vehicles. The applicant stated this would be more staff parking and the fence across the driveway would be shut during taproom hours. The applicant mentioned this fence could be locked however police see this then be a fire safety issue.

The applicant wishes to utilise the outdoor areas at the front of the premise and the rear of the premise near the proposed car park for seating. Having 120 patrons spread throughout the premise from the front to the rear, police would think it impossible for the staff to monitor and control patron safety and patron intoxication.

There are solid brick wall dividing the front area, inside and the rear area. With a maximum of only five staff to work on Friday, Saturday and Sunday nights police would find it impossible for five staff members to manage 120 patrons ensuring no open liquor/tastings are take/removed from the licenced premise.

The applicant states food will be available via a food truck that will be parked on site during tap room hours. Police question where this food truck will be parked and if parked at the rear of the premise in a parking space, this will reduce the car spaces to two with one of them being a disabled spot. Police would request a clear floor plan indicating where the food truck will be positioned. Police have spoken with the applicant about this and they plan to have a permanent food truck, they are still unsure of where this will be position or what type of food will be served.

Legislation requires any premise/business proposing to sell liquor for consumption on premise ensure food is available at all times whilst liquor is consumed. Police note there is no provisions on the plans for food prep.

### **Security/ Safety**

26 Orchard Road Brookvale is positioned between several industrial businesses. As outlined in the POM, on Friday and Saturday nights where anticipated number are over eighty (80) they will plan for a minimum of one security. Police are in support of these numbers and security.

Police are only in support of three (3) tables with 18 chairs in the outdoor rear proposed seating area rather than five 5 tables and thirty (30) chairs as it is directly next to the proposed car park.

Police would request Bucketty's clarify where the food truck will be parked on site during tap room hours. If the food truck is parked in the rear carpark, any patron wishing to purchase food will have to walk outside the licensed area to do so. Police find this concerning as patrons are likely to walk outside the licensed area with opened alcohol into the car park to purchase food. The applicant stated they could then park it in the proposed rear outdoor area. If this is the case, police don't see there to be enough space for the five tables.

If the food truck is parked at the rear, all patrons seated inside will be unaware food is available unless staff actively promote menus. Again, police find this will not be possible for five (5) staff to ensure food is consumed by 120 patrons.

To access the rear car park area, there is a driveway from Mitchell Road. The driveway does not appear to have any lighting or CCTV footage leading up to the rear of the premise. Police would see this as a security risk as some patrons would enter or exit via the rear driveway. Although the applicant mentioned they will intend for all patrons to enter via the front off Orchard Road police believe patrons will still enter/ leave via the driveway.

## Comment

Police have outlined certain concerns above and:

- Police are in support of three (3) tables with 18 chairs in the front and rear outdoor areas.
- Police request the clarification 'tastings' within the POM and DA application.
- Police request they further state how they will provide a smoke and drug free environment at the premise. They propose to have a smoke and drug free environment but to not elaborate on how they will implement this or where they direct people who want to have a cigarette?
- Police request that the applicant update their floor plan to clearly outline entry and exit points as some tables appear to be positioned in front of roller doors and the front main entry doors (fire exits). Police also request the applicant clearly indicate where the food truck will be situated to better understand outdoor seating arrangements.

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.
- 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 120**

- 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 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.
  - 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. Only liquor comprising packaged liquor in sealed containers is to be sold to be taken away from the premises. Any 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.

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).

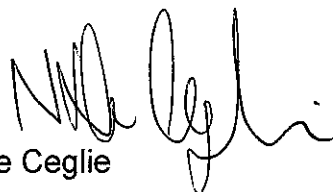
8. **Crime Scene Preservation**

- 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.

Kind regards,  
Senior Constable Natalie De Ceglie

 25.3.20