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8 October 2022

The Planning Officer
Northern Beaches Council
PO Box 82
MANLY NSW 2095

Dear Sir/Madam

RE: DA2019/1535

** Application for Modification

PREMISES: SHOP 11 THE CORSO MANLY

We act for Bresact Pty Limited in respect to an application for modification of DA2019/1535.

The applicants DA2019/1535 was submitted prior to commencement of the COVID-19 pandemic in 2020 and since that time the landscape for small bars and small businesses in general has changed significantly and become increasingly challenging. In the view of this, the applicant requests the following conditions in the approval be amended to ensure the viability of the business and enable the applicant to build a sustainable and successful long term business on the Manly Corso, where in recent times the turnover of businesses has increased exponentially.

1. Condition 22 - Hours of Operation

The hours of operation be restricted to:

	Bookstore	Bar
Monday - Saturday	9.00am - 12.00am	12.00pm - 12.00am
Sunday and Public Holidays	9.00am - 10.00pm	12.00pm - 10.00pm

The first amendment is that the bookstore be permitted to trade to close of the bars trading hours. Given the layout of the premises it is not feasible for the bookstore to cease trading at 10.00pm as it forms part of the same area as the bar.

The second amendment is the bars trading hours be restricted to 12.00pm - 12.00am Monday to Saturday and 12.00pm - 10.00pm on Sunday/Public Holidays with a minors authorisation from 12.00pm - 9.00pm daily (6.00pm - 9.00pm only in the company of a responsible adult). The NSW State Government recently introduced changes to liquor licensing laws for small bars to:

- encourage "diverse business models beyond bar services, such as small arts venues, galleries, bookshops and record stores."
- offer diverse services and use small bars more flexibly to provide a mix of activities and entertainment that cater to a range of ages, lifestyles and cultures;
- specifically permit small bars to apply for and obtain a minors authorisation if they offer services for families and or minors in a wider array of circumstances.

(Liquor Amendment (24-Hour Economy Bill 2020) - Second Reading Speech Mr Victor Dominello, 16 September 2020).

The reforms by the NSW State Government have been designed and introduced to help small bars prosper as an essential part of the states 24 hour economy. The proposed changes requested by our client are not only consistent with the recent legislative reforms for small bars but are actively supported by them.

Notwithstanding the hours of operation referred to herein, the actual trading hours of the bar will be dictated by staff availability to ensure statutory compliance and harm minimisation and also engagement with the local community and more broadly visitors to the area. The request however is to enable the applicant flexibility moving forward in determining the most appropriate combination between the two uses of the premises for the success of the business.

2. Condition 28 - Minors

From 6.00pm minors, unless with a responsible adult, will not be permitted on the premises and such minors on the premises at 5.30pm will be requested to leave by 6.00pm. Prior to 6.00pm minors not in the company of an adult will only be permitted at the front of the premises where books are located. Minors with a responsible adult will be permitted on the premises until 9pm and be requested at 8.30pm to leave by 9pm. The required statutory signage will be erected in a prominent location on the premises. The foregoing is subject to approval by the Independent Liquor and Gaming Authority.
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3. Condition 30 - Security

The applicant requests the requirement for a security guard be removed on the following basis:

- a) independent bars and in particular smaller bars such as this are lower risk venues, offer higher staff to patron ratios allowing for closer monitoring of customer behaviour thereby enabling greater capacity to intervene to prevent intoxication and anti-social behaviour - the layout of the premises permits staff to view all patrons in the premises from one location;
- b) the premises will not be a late night venue and is offering an alternative business model beyond merely bar services that further lowers its risk profile;
- c) as a new licensee with no compliance history the applicant requests, as a minimum, that it be afforded the opportunity to operate and assess the risk profile and develop an understanding of its patronage before a security guard is required.

4. Condition 26 - Plan of Management

An amended Plan of Management is enclosed.

Please contact our office if you wish to discuss any of the above.

Yours faithfully,
N.C. COOMBES & CO.

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