



NSW Police Force
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NSW POLICE

NORTHERN BEACHES POLICE AREA COMMAND

Licensing Unit

3 Belgrave Street, Manly NSW 2000

Ph: (02) 9976 8040 Eagle: 68040

Fax: (02) 9976 8090 Eagle: 68090

26 March 2020

Your Ref: DA2019/1535

Penny WOOD
Northern Beaches Council

Proposed Premises: Ground Floor Shop, 11 The Corso, MANLY, NSW 2095

Applicant: N.C. COOMBES & CO on behalf of BRESACT PTY LTD

Police have received notification by way of application for the use and fit out of premises as a retail bookstore and licensed small bar. 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 **Ground Floor Shop, 11 The Corso, MANLY** (hereafter referred to as the 'premise').
- 1.2 The application seeks to establish a new mixed-use venue consisting of a retail bookstore and a licensed small bar with a venue capacity of 52 patrons (32 seated, 20 standing).
- 1.3 The premise is requesting trading hours within the standard trading hours. The requested trading hours are:

Bookstore;

Monday: 9:00am to 5:00pm,
Tuesday – Saturday: 9:00am to 10:00pm,
Sunday and Public Holidays: 9:00am – 10:00pm

Small Bar;

Monday: Closed,
Tuesday – Saturday: 5:00pm to 12:00am,
Sunday and Public Holidays: 5:00pm – 10:00pm

- 1.4 The application does include a Plan of Management.

2. Applicant

- 2.1 Police have conducted a number of checks on the Computerised Operational Policing System (COPS) in relation to the applicant, Bresact Pty Ltd as well as interested parties and have found no relevant adverse incidents recorded against the applicant.

3. Location

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

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- 3.2 The listed address for this application is to be located at the Ground Floor Shop, 11 The Corso, Manly, NSW, 2095.
- 3.3 The site is a two-storey mixed use building consisting of commercial and residential premises. The residential premises are situated at the rear of the first and second floors of the building.
- 3.4 The surrounding neighbourhood largely consists of commercial buildings and licensed premises. There are further residential apartments situated at 38 – 42 and 8 – 28 The Corso, Manly.

4. Saturation of Licensed Premises

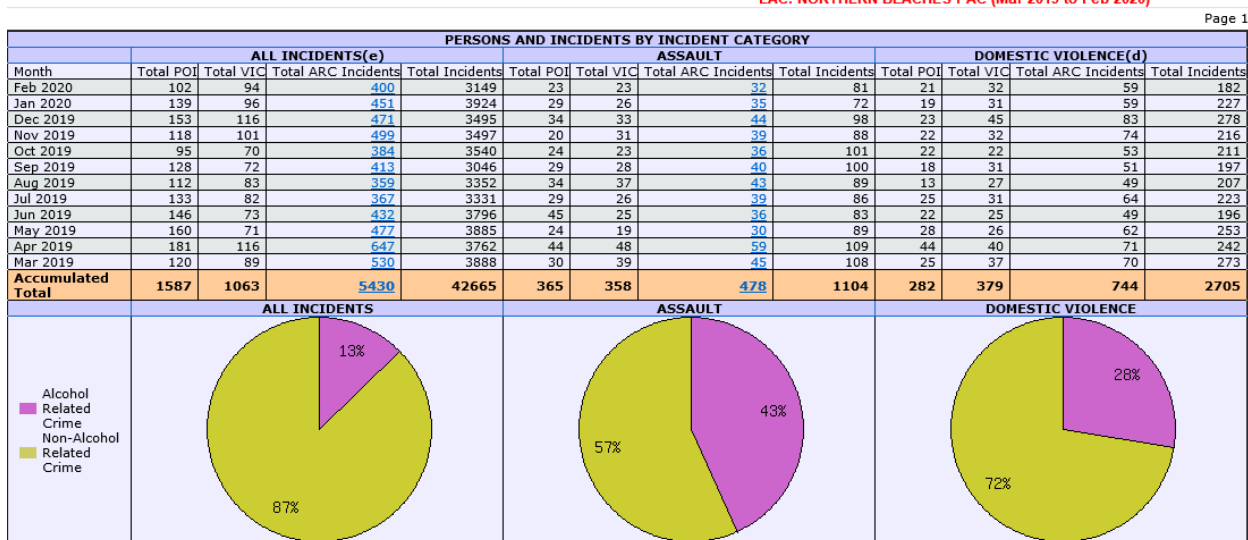
- 4.1 There are a high number of licensed premises on the Northern Beaches, with 616 liquor licences being recorded as current and active at 10 March 2020. There is a particularly high concentration of licensed premises within the suburb of Manly (170, which equates to 27.6% of total licensed venues within the Northern Beaches LGA). These premises include a Small Bar, a Brewery, numerous Restaurants and Cafes, Bottle-shops and a number of late trading Hotels and Registered Clubs.
- 4.2 *'Licensed premises are popular venues for entertainment, the consumption of alcohol and an important location for socialising, particularly among young people (McIlwain & Homel 2009). However, these premises are also a high-risk setting for alcohol-related violence and injury, with a large number of assaults occurring in or within very close proximity to hotels and nightclubs (Fitzgerald, Mason & Borzycki 2010).'*

(<http://www.aic.gov.au/publications/current%20series/tbp/41-60/tbp048/consumption.html>)

5. Crime Data

- 5.1 The Alcohol Related Crime Information Exchange (**ARCIE**) highlights the involvement of alcohol in specific crime types.
- 5.2 Data from March 2019 until February 2020 shows **43% of all Assaults** and **28% of all Domestic Violence incidents** which occurred within the Northern Beaches Police Area Command (PAC) were Alcohol Related, as illustrated below:

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



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5.3 This equates to:

478 Alcohol Related Assaults

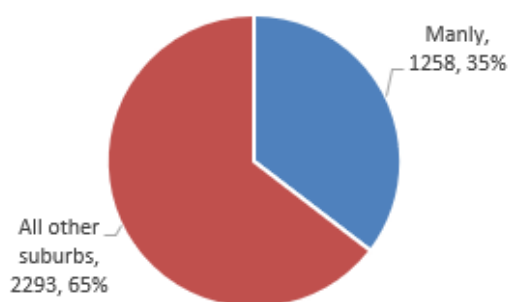
744 Alcohol Related Domestic Violence incidents

5.4 The following figures are taken from the Computerised Operational Policing System (COPS). The data is from selected incident categories which occurred in the suburb of Manly between April 2019 and 26 March 2020. The associated factor 'alcohol related' has also been used. Incident categories counted were assault, drug detection, powers (move on, person searches and vehicle searches), resist/hinder/assault police, robbery, sexual assault, stealing, SMV and street offences.

The statistics highlight the Manly area as a hub for alcohol related crime on the Northern Beaches.

Manly accounts for 35% of all the alcohol related crime within the Northern Beaches PAC. Manly had 1258 alcohol related incidents; the rest of the command had 2293.

Alcohol Related Crime - Manly
V's All Other Suburbs -
(April 2019 to 26 March 2020)



Assaults:

There were 147 alcohol related assaults in Manly. Of these, 83 were common assaults, 55 occasioned Actual Bodily Harm (ABH) and there were 5 Grievous Bodily Harm (GBH) assaults and 4 alleged drink spiking incidents.

Row Labels	Incident
Assault	147
Drug Detection	19
Intoxicated Person	48
Malicious Damage	26
Powers - Move On	601
Powers - Person Search	249
Resist/Hinder/Assault Officer	25
Robbery	6
Sexual Offence - Sexual Assault	2
Stealing	31
Stolen Vehicle/Vessel	1
Street Offence	103
Grand Total	1258

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Row Labels	Incident
Assault	
Actual Bodily Harm	55
Assault Common	83
Grievous Bodily Harm(Incl Mal Wound)	5
Spike Drink/Food	4

Premise Type:

The majority of alcohol related crime incidents occur in public places (860 – these mostly relate to the person searches and move on categories) and a further 251 occurred at Licensed Premises. Below is a list of incidents at Licensed Premises which include 59 assaults and 21 incidents of property theft (stealing).

Licensed Premise	
Assault	59
Drug Detection	4
Intoxicated Person	3
Malicious Damage	6
Powers - Move On	120
Powers - Person Search	25
Resist/Hinder/Assault Officer	1
Robbery	1
Stealing	21
Street Offence	11
Grand Total	251

PCA Offences:

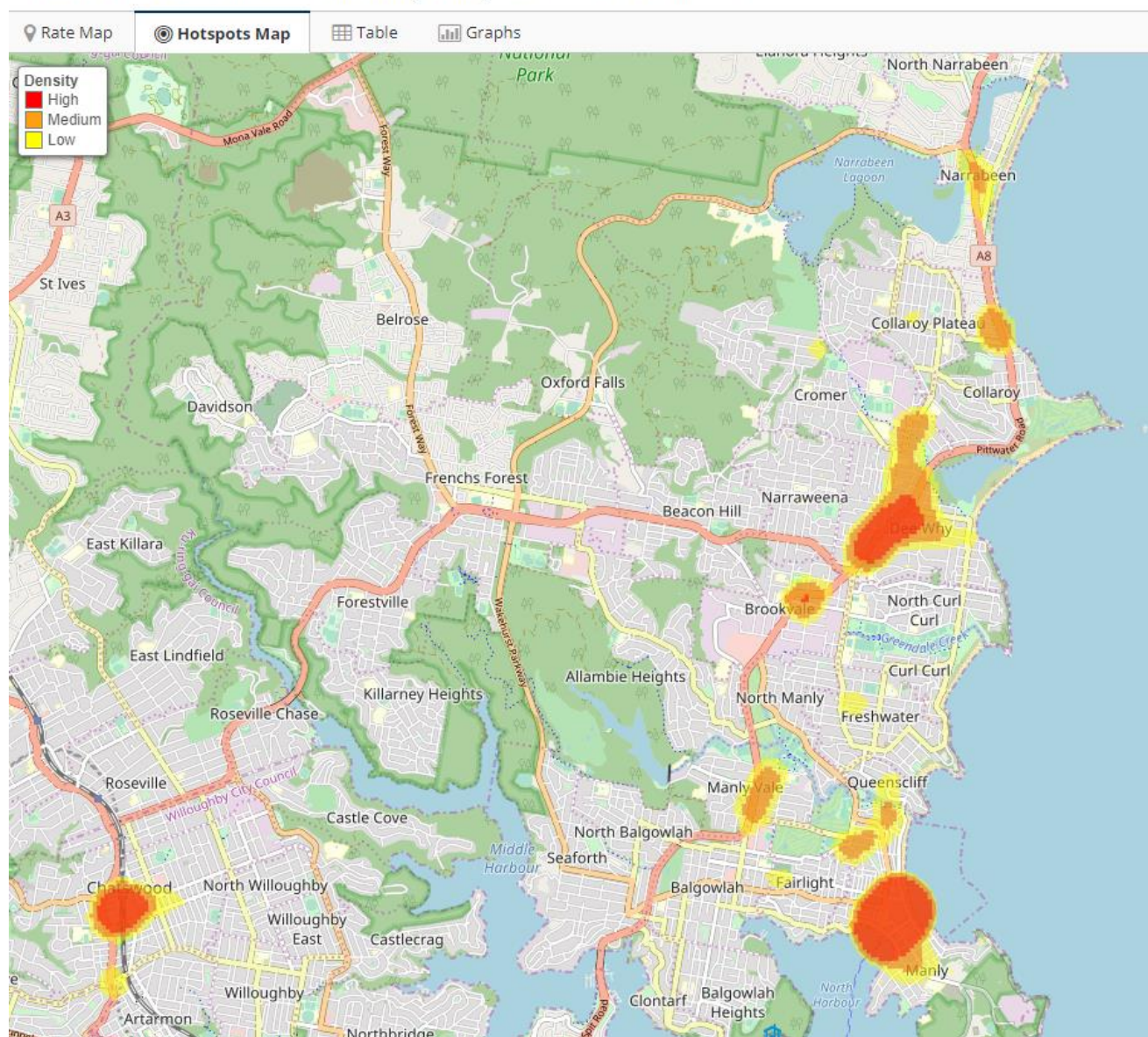
Northern Beaches has historically been the number one location in the State for PCA offences. During the last 12 months there have been 38 PCA offences in Manly. Suburbs shown below with more than 20 offences.

Incident Responsible LAC	Northern Beaches Pac	
ANZSOC Group	Exceed the prescribed content of alcohol or other substance limit	
Legal Action Data To	2020-03-26	
Legal Action Month	(Multiple Items)	
Row Labels	Incidents with LA	
Mona Vale	63	
Brookvale	40	
Manly	38	
Collaroy	37	
Dee Why	34	
Avalon Beach	31	
Warriewood	23	
Seaforth	23	
Newport	22	

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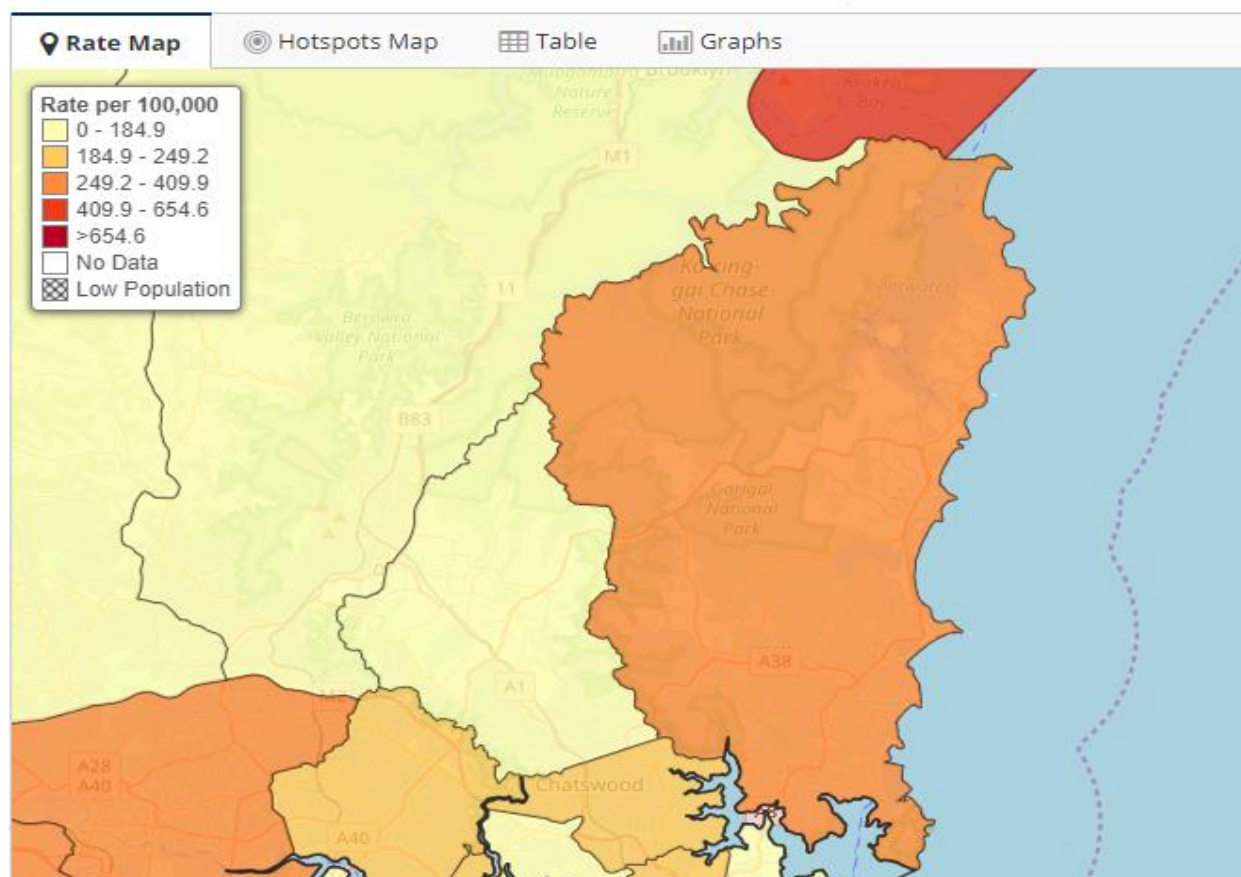
5.5 The following figure, as recorded in the NSW Bureau of Crime Statistics and Research site, illustrates the number of incidents of Alcohol Related Assault recorded within the Northern Beaches PAC from January 2019 to December 2019. As highlighted in the Hot Spot Map, a high concentration of assaults occurs within Manly and the neighbouring area.

Incidents of Alcohol Related Assault from January 2019 to December 2019



5.6 It should be noted that over the past two years the rate of alcohol related assault incidents in the Northern Beaches Local Government Area (LGA) is 192.1 incidents per 100,000 people, In the suburb of Sydney Local Government Area total number of incidents is 448.2 per 100,000 people.

Incidents of Assault (Non-domestic assault) from January 2019 to December 2019



6. Comment

Police are not confident that full consideration has been given to the local impact of operating this type of licensed premises in an already saturated area of licensed venues.

As indicated in the previously cited **Crime Data** analysis, the suburb of Manly contains 27.6% of the total number licensed venues within the Northern Beaches LGA yet accounts for 35% of all alcohol related crime incidents within the same area. In relation to the number of alcohol related assaults which occurred in Manly over the past 12 months (147 in total), 59 of those (40.1%) occurred within Licensed Premises. It is impossible to imagine a scenario where adding another licensed small bar in Manly will contribute to reducing alcohol related crime in the area.

Police hold further concerns in relation to the proposed mixed-use of the venue, specifically in relation to potential risks to minors given that the premises will operate as a retail bookstore during the daytime hours, at which time minors will be permitted on site, before morphing into a licensed small bar selling and supplying liquor in the evening and night. Strict harm minimisation measures and operating practices will need to be implemented in order to address such risk should the Development Consent be granted.

Police also have concerns that the premise does not have a kitchen in which to prepare and store food of a nature and quantity consistent with the responsible sale, supply and service of alcohol. It is a lawful requirement for a venue with a Small Bar Liquor Licence to ensure that food is made available whenever liquor is sold or supplied. Bar snacks, such as chips and nuts do not adequately meet this requirement. Police believe it is also unreasonable for any licensed premises to rely on take away or home delivery food options to provide food to patrons of the said licensed premise.

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Strong consideration must also be given to the amenity of the neighbourhood and how an additional Licensed Small Bar trading until midnight six days a week is likely to impact on the area, particularly the nearby residents.

Police submit the application should be refused for the following reasons;

- This application will increase the availability of alcohol within the Northern Beaches Police Area Command,
- Manly is a high-density hotspot for alcohol related crime,
- The Northern Beaches Police Area Command, and Manly in particular, is already heavily saturated with licensed premises,
- Additional liquor outlets (irrespective of the licence type) do increase alcohol related crime, and this application is no different.
- Additional liquor outlets (irrespective of the licence type) do increase disturbance complaints and negative impacts on neighbourhood amenity (such as litter).

7. Police have reviewed the application and **Object** to the application being granted.

7.1 If the application is approved police request the following conditions are considered for inclusions onto the Development Consent for the purpose of maintaining **Public Safety** and the **Amenity of the Neighbourhood**:

1. **Minors:**

- 1) All minors (and their respective parents or guardians) will be asked to leave the premises at least 30 minutes prior to the commencement of any approved Liquor Trading Hours.
- 2) The Licensee for any liquor licence held at the premises must ensure that no liquor is sold, supplied or consumed at the premises until all minors have exited the premises.

2. **CCTV footage** on premises:

The Licensee for any Liquor Licence held at the premises 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.

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- 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 **thirty frames per second (30fps)**, and
 - c. commence at least 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.

3. Security:

At least one security guard must be employed at the venue on Friday and Saturday evening from 8:00pm until close or when the last patron has left the vicinity (whichever occurs last).

4. Maximum Patron Capacity:

1. 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 52

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2. Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).
3. 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

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

5. Neighbourhood Amenity:

1. 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.
2. An **adequate queuing system** for patrons must be implemented at the main entrance of the licensed restaurant so as to ensure that if patrons are queuing to gain entry they do not obstruct or impede pedestrian traffic flow.

6. Food:

The Licensee for any Liquor Licence held at the premises must ensure that food, that is of a nature and quantity consistent with the responsible service of alcohol, is available at all times whilst liquor is being sold, supplied or consumed on the premises.

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:

1. 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

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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. Incident Register:

- (1) The Licensee for any Liquor Licence held at the premises must maintain a register, in the form approved by the Secretary (Liquor & Gaming NSW), 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.

10. Advertising & Liquor Promotions:

- 1) The Licensee for any Liquor Licence held at the premises must ensure that no advertising or promotional material relating to liquor is to be displayed outside the premises or within the retail bookstore area of the premises outside of any authorised Liquor Trading Hours.
- 2) Any signs or notices which identify the premises as a Licensed Premises and are required to be displayed in accordance with the Liquor Act and/or Liquor Regulations are exempt from subclause (1).

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11. Noise:

- 1) 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.
 - 2) All external doors and/or windows to the premises are to be kept closed after 8:00pm daily.
 - 3) 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 07:00 am and 12:00 midnight and 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. For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.
12. The Licensee for any Liquor Licence held at the premises must join and be an active participant in the **local liquor accord**.
13. The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation.
14. 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 Management must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or Inspector from Liquor and Gaming NSW.

If you wish to discuss this application further, please contact the Northern Beaches Licensing Unit on 9976 8060.

Regards,



Glen Male
Senior Constable
Northern Beaches PAC
Licensing Unit
26/03/2020

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