



NSW Police Force
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NSW POLICE

THE ROCKS LOCAL AREA COMMAND

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20 May 2013

Your Ref: N/A

Director
Metropolitan & Regional Projects North
Planning & Infrastructure

RE: Notification of section 96(2) application for Bar 100, 100 George Street, The Rocks (DA 083-05-08 MOD 2)

Police wish to **object** to the application seeking to permit the continuation of the extended trading hours stipulated in Condition A4 until October 2014. Condition A4 permits extended trading hours for the indoor areas between 1.00am to 3.00am, and the Level 2 outdoor terrace between 1.00am and 2.30am, Monday to Saturday, inclusive.

Police **object** on the grounds that it is not in the best interests of the public for the premises to be trading to 3.00am.

The Rocks Local Area Command covers approximately 4 square kilometres and the area in which Bar 100 is located is known as The Rocks precinct. The Rocks precinct is located at the northern part of The Rocks Local Area Command (LAC) occupying the peninsula between Circular Quay and the Sydney Harbour Bridge.

Within The Rocks LAC there are over 400 licensed premises, including over 100 Hotels, and within the Rocks Precinct there is a high density of licensed premises for such a small area. The licensed premises Bar 100 is located at 100 George Street, The Rocks and was once the heritage listed Mariners Church established in 1856. The heritage building has now been created into a licensed premise with the business model of being a "Night Club" on Friday and Saturday nights which does not congeal with all other businesses within The Rocks Precinct

Within a 100 metre radius of Bar 100 there are approximately 10 premises that trade with Hoteliers licences and many more premises that have on premises licences associated with them. The 10 hotels within the 100 metre radius have a significant history associated with The Rocks and the clients are generally more mature and have been attending The Rocks for an extended period of time. The capacities of these hotels are considerably small, with exception of The Argyle Tavern, compared to the capacity of Bar 100.

Police hold concerns due to the fact that Bar 100 has a short history as a licensed premise, and within this short period Bar 100 has had a significant number of incidents reported.

An analysis of incidents reported on the Computerised Operational Policing Systems (COPS) relating to Bar 100 is as follows:

Incidents for 2013

- E50647076 – At 1140pm on 13/01/2013, a **melee** occurred on the dance floor area inside Bar 100. A male patron has **thrown a glass bottle** at the victim. Owner denied the throwing of any glass but

CCTV shows glass bottle being thrown.

- E50881467 – At 1215am on 13/01/2013, there was an **assault** inside the premises. The victim was unwilling to provide a statement. All persons were removed and given a move on direction from the area.
- E193704395 – At 12.20am on 13/01/2013, a number of patrons have left Bar 100. A patron was walking away from Bar 100 when another patron has run across and **punched** the victim in the back of the head. A **melee** has occurred.
- E48347914- At 1130pm on 28/07/2013, a **melee** occurred inside the premises where an unknown patron has picked up a **glass and thrown** it at another patron. The glass has hit the patron in the head causing serious injury. Owner denied to police that any glass was thrown although footage shows a glass being thrown. A off duty police informed investigating police a cleaner had swept up the broken glass off the floor prior to police arrival
- E52876889 – At 1.30am on 12/02/2013, Police were dealing with a patron from Bar 100 when another intoxicated patron intervened and became disruptive with Police. The patron was requested to leave the area but continued to be disruptive and whilst doing so **disposed of a smoke butt onto the ground**. The patron was issued infringement notice for littering.
- E177820396 – At 12.40pm on 17/02/2013, the victim was inside the premises and attempted to calm a possible confrontation. The victim was **punched by a number of persons** and has then moved outside when spoken to by Police.
- E52987889 – At 7.30pm on 10/03/2013, the victim and male patron have left Bar 100 and became involved in a **domestic incident at the rear of the premises**.
- E53575681 – At 11.40pm on 23/03/2013, male and female patron have left Bar 100 and become **involved in a domestic incident in George Street, The Rocks**.
- E50484709 – At 3.30am on 31/03/2013, patrons from Bar 100 have left and walked along George Street. A number of males have **attacked another male**.
- E 53203382 – At 3.00am on 12 May 2013, two groups of patrons from the Bar 100 have exited the premises and walked down George Street when both groups become **involved in a melee**. Police were attended to disperse the groups.

Incidents for 2012

- E 412277391 - At 1240am on 28/04/2012, number of male and female patrons were dancing inside the premises when one male took offence to how another male was looking at his girlfriend. The male patron looking at the female took offence to the female's boyfriend objecting verbally and the male **punched** the boyfriend.
- E50091185 - At 2.00am on 17/06/2012, patrons from bar 100 causing a disturbance down George Street after leaving Bar 100. Patrons **throwing a number of wheelie bins** onto George Street **causing a disturbance**.
- E47568060 - At 2.00am on 07/07/2012, intoxicated patron removed from Bar 100 and whilst outside the premises was **assaulted** by the security guard.
- E50223287 – At 1.15am on 08/07/2012, unrecorded incident occurred inside Bar 100 where two separate groups were removed from premises. Outside premises the groups become involved in a **melee** on George Street.

- E424860791 - At 3.30am on 21/10/2012, patron from Bar 100 has stopped and was observed **urinating** on the door at the Police Station.
- E49997369 – At 2.10am on 28/10/2012, number of persons have left Bar 100 and become involved in a **disturbance**. Police attend and spoke with the persons. One of the males becomes involved in **altercation with Police becoming very aggressive and abusive**. Male is charged with **Offensive language**.
- E49272037 – At 10.00pm on 10/11/2012, It is alleged the Host has denied the Security Supervisor to allow a number of his guest to jump the queue. The Bar 100 Host is **assaulted** by the Security Supervisor.
- E 51750080 – At 11.35pm on 04/12/2012, patron from Bar 100 has left after work function at the premises and a short distance away has **urinated** on the Police Station wall.
- E97080502 – At 1130pm on 21/12/2012, Police attended the premises in relation to a glassing but upon arrival no glassing had occurred. Police observed 2 male patrons with injuries to there face as result of being **assaulted**. Both male patrons were aggressive and uncooperative with police. One male patron stated **"I don't know I was just knocked out and people were fighting everywhere, Cooper was jumped from behind."**
- E50912165 – At 2.00am on 22/12/2012, Police were patrolling George Street opposite Bar 100 when Police observed a male patron behaving in a **very aggressive and irate** manner. Police attended to assist and the male patron continued to be aggressive and abusive towards Police. After a short time of interacting with the aggressive and abusive male police recorded the details of the male before allowing him to leave. The manager of Bar 100 then informed Police that the **male patron was involved in an assault and the victim was inside seeking to report the incident**.

The short regulatory history of Bar 100 has highlighted in the discrepancies regarding processes and procedures in relation to the operational aspects of the hotel. The following are examples of this:

- On 12/08/2012, Bar 100 Management was breached by City of Sydney Council in relation to non-compliance with their Development Application (DA) for conditions relating to the use of the Restaurant area located on level 2. Bar 100 Management have been using the Restaurant area as a DJ and dance area (resembling a nightclub). This is being disputed by the Management of Bar 100.
- On 9/12/2012, Police were conducting an inspection of Bar 100 and warned Bar 100 owner regarding non compliance of conditions of their DA and particularly conditions relating to the patron capacity on level 2, Terrace area and the Sunroom area, the use of the front entrance of the premise after 9.00pm and the use of the Restaurant area on level 2 (as highlighted in the previous bullet point). On this particular evening there was over crowding on the Sunroom and the Terrance area.
- On 15/11/2012, Police detected the following breaches regarding the incorrect recording of incidents which have taken place after midnight within the Incident Register, as per the Liquor Act 2007. Police believe that this was a case of not understanding Section 56 of the Liquor Act 2007. As a result of a number of breaches being detected the licensee was issued infringement notice and training was provided by Police to Bar 100 Management and staff..
- Early December 2012, The Licensee submitted an application to the Independent Liquor and Gaming Authority in relation to a "POP UP BAR" for the Village Festival at the Rocks and the Licensee (Abraham KAZAL) submitted Part 8 of the application stating that the document was provided to the local consent authority and the local police station. The Rocks Police was not provided with a copy. Police become aware of the "Pop Up Bar" via Sydney Harbour foreshore Authority. Police outlined the importance of complying with the Liquor Act 2007 and a warning was issued.
- On 26/01/2013, Police issued a compliance notice in relation to the Licensee not displaying notice in the bar.
- On 25/04/2013, Police issued a breach notice to the Licensee of Bar 100 in relation to non compliance of displaying notice in the bar area. Compliance Notice was issued to the licensee.

- On 26/04/2013, Police issued another breach notice to the Licensee of Bar 100 in relation to non compliance of failing to display notice on ATM or cash back terminal. The Licensee was issued an infringement notice.

Police are concerned with the non-conformance identified by Police and Council thus far within a short period of time, Police believe the extended trading hours will add to the issues identified so far.

Police are continually working with the Bar 100 Management in relation to the management and practises of the hotel. Police believe that the business model of Bar 100 is not the typically of the business operating in The Rocks Precinct.

Police have concerns of the trend that Bar 100 have shown since it's commencement of trade in late 2011 **Figure 2**, which depicts information from the Alcohol Related Crime Information Exchange (ARCIE), show the first quarter of it's trading period whilst **Figure 1** shows the same period 12 months into its trade.

Figure 2, for the first period of trade December 2011 to February 2012, shows minimal number of incident and no Assaults for the premises. Incidents recorded against the premises in this period were Licensing Legislation and Power – move on.

In contrast, **Figure 1** which covers the periods between December 2012 to February 2013, shows a significant increase in incidents recorded against the premises. The Top 3 incidents recorded include Assaults (x 5), Stealing (x 3) and Powers – Move on (x 3). Additionally, the majority of these incidents have occurred past midnight, in particular, between midnight and 3am.

Licensed Premises Overview

Bar 100 (Dec 2012 - Feb 2013)

(Incidents that Occurred Within the Licensed Premises)

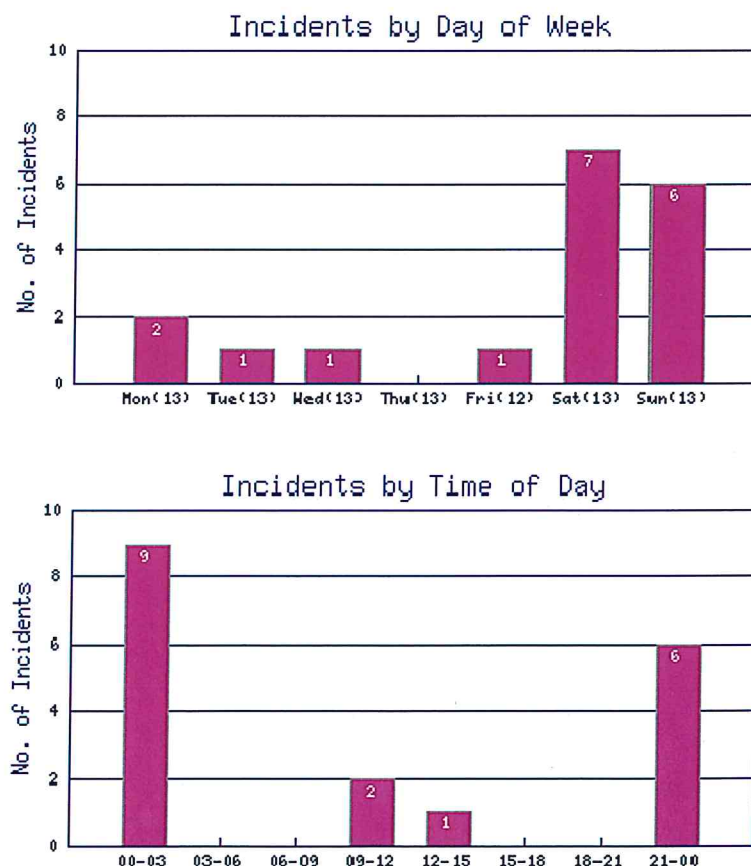


Figure 1

Licensed Premises Overview

Bar 100 (Dec 2011 - Feb 2012)

(Incidents that Occurred Within the Licensed Premises)

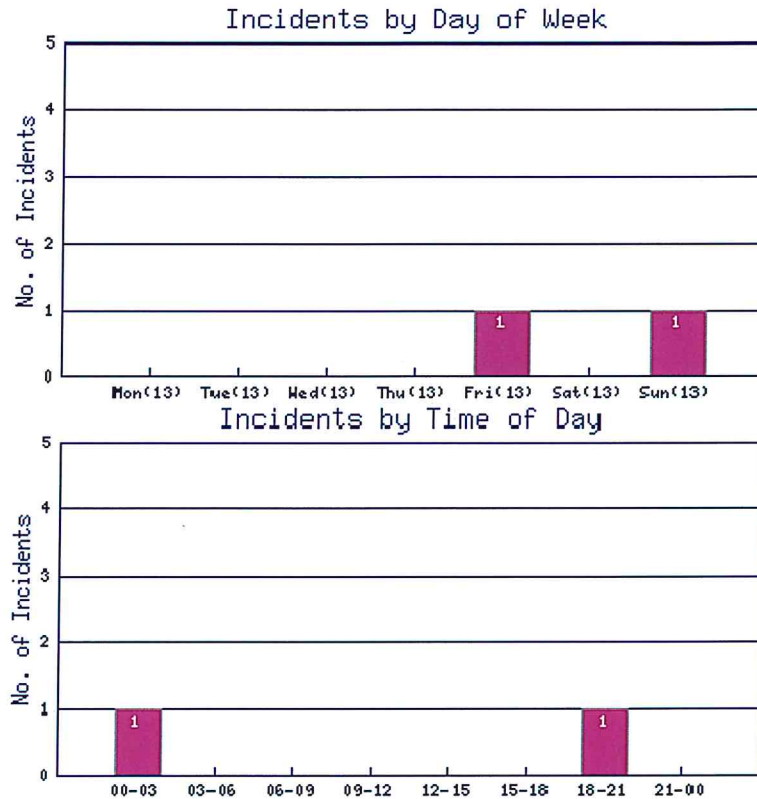


Figure 2

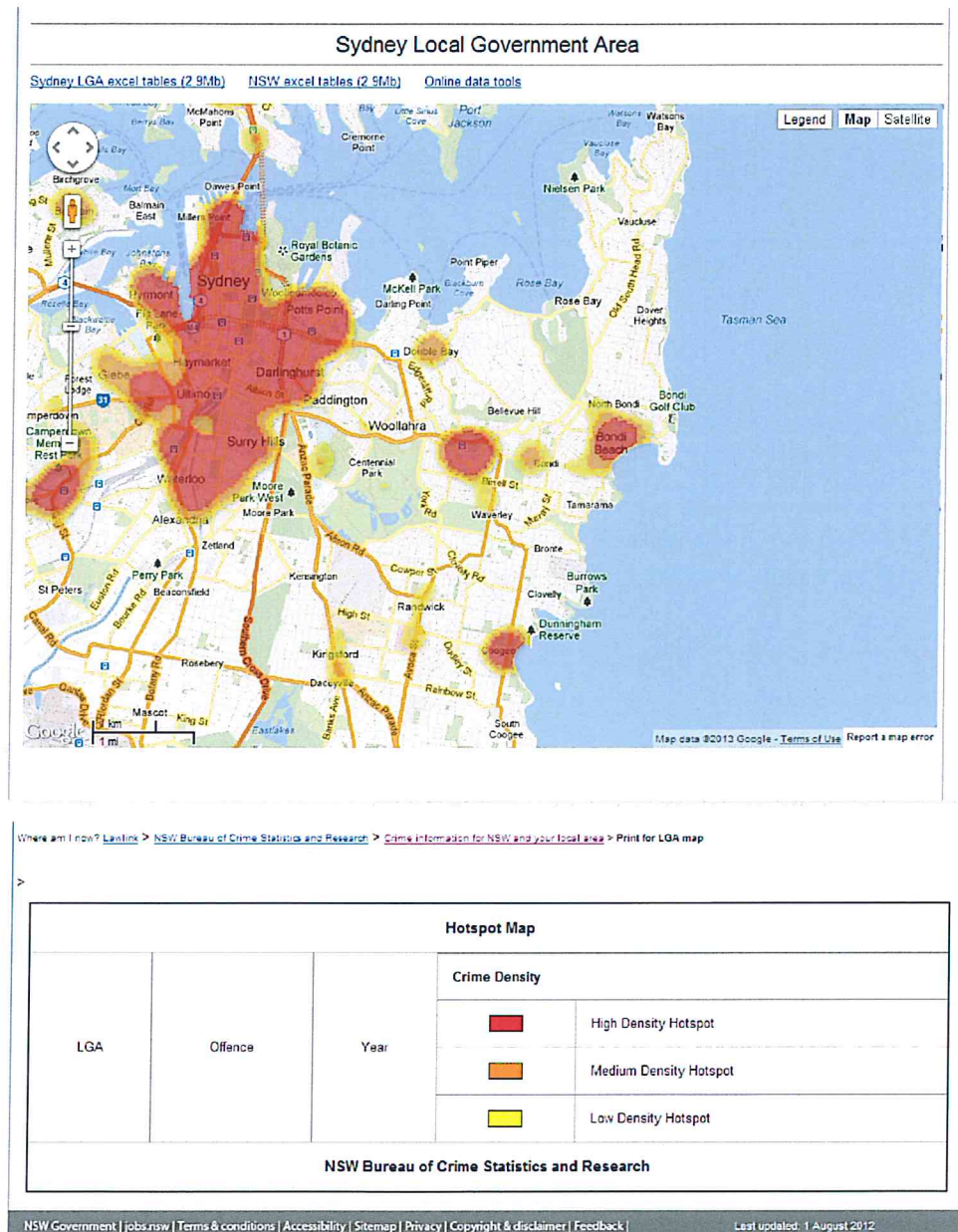
In April 2013, the Round 9 of the Declared Premises review was conducted. Bar 100 was identified as a Level 3 of the Declared Premises Schedule as a result of recorded incidents of violence which may have been attributed back to the Licensed Premises. Given this trend, Police believe the premises may trend towards Level 2 of the schedule by 4th Quarter 2013. .

There are a number of other concerns Police having that impact on the premises and they are as follows:

- Lack of public transport in the precinct
- Dispersal of the patrons directly outside of the Holiday Inn.
- Capacity of the premises is greater than 200 patrons thus poses a greater risk of alcohol-related incidents.

Data from the New South Wales Bureau of Crime Statistics and Research (BOCSAR) clearly indicates the Sydney CBD (which includes The Rocks precinct) is a High Density Hotspot for alcohol related assaults.

Police believe with the granting of Bar 100's extended trading hours within The Rocks Precinct will contribute further to the number of intoxicated persons attending the Rocks Precinct, during the high risk period where the incidents of anti-social behaviour and alcohol related crime is likely. Thus, placing further strain on an already identified hot spot (The Rocks Precinct) as defined in **Figure 3**.



(http://www.bocsar.nsw.gov.au/Lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_lga_crimemaps)

Figure 3

If the application was successful the Police would be seeking the additional conditions to be placed on the Development Application and the additional conditions are as follows:

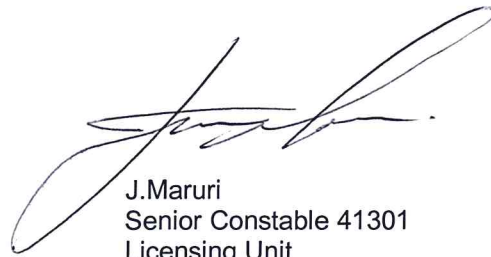
- No person permitted to enter after 1.00am. (Lockout).
- Identification Scanner must be used from 9.00pm for all persons entering the premises on Thursday, Friday, Saturday, any day proceeding a public holiday or any promotion events.
- All plastic drinking vessels to be used as of 11.00pm on level 2 and 3 on Thursday, Friday, Saturday, any day proceeding a public holiday or any promotion events.
- All personnel performing security duties must wear reflective vests from 9.00pm everyday.
- Security guards must remain 30 minutes after the premises has ceased trading and monitor the departure of all patrons on George Street, THE ROCKS.

If you wish to discuss this matter further please do not hesitate to contact me on 82206375.

Kind Regards



J. Russell
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Licensing Unit
The Rocks Police Station
20 May 2013



J. Maruri
Senior Constable 41301
Licensing Unit
The Rocks Police Station
20 May 2013