

Attachment E

Amended Plan of Management

PLAN OF MANAGEMENT

For the operation of the Hotel at

Shops T24-T27, Commonwealth Bank Place
1-10 Harbour Street, Darling Quarter

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SYDNEY NSW 2000
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1.0 INTRODUCTION

- 1.1 The purpose of this Plan of Management (“*Plan*”) is to establish performance criteria for the various aspects of the operations of the hotel at Shops T24-T27, Commonwealth Bank Place, Darling Quarter (*the “Hotel”*), having regard to the relevant matters under the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007 and any relevant Regulation under that legislation.
- 1.2 All staff involved with the sale of supply or liquor or security shall be made familiar with this Plan and are to sign a register stating they have been made familiar with this Plan.
- 1.3 A copy of this Plan shall be available on site at all times and immediately produced for inspection, upon request by Police or Council Officers. Copies of the most recent development consents and the Hotel licence will be kept on site and produced upon request by Police or Council Officers.
- 1.4 A copy of the Hotel floor plans of the Hotel relevant to this Plan are attached at **Appendix A**.
- 1.5 The Hotel liquor licence is attached at **Appendix B** and contains the conditions affecting the operation of the licensed premises.
- 1.6 The licensee is currently an active member of the relevant Local Liquor Accord and will continue to maintain that membership.
- 1.7 The management team for the Hotel will meet amongst themselves and with the Licensing Unit of the NSW Police Force, City Central Local Area Command on a monthly basis where possible. Management procedures and this Plan are reviewed regularly to address ongoing matters as they arise and to ensure contingency plans are in place.

1.8 Through the local Liquor Accord the Hotel will attempt to deal with the concerns of the local community in addition to any concerns expressed directly to the Hotel in accordance with the complaints provision of this Plan.

2.0 OPERATIONAL DETAILS

2.1 Operating Hours

2.1.1 Internal areas of the Hotel are permitted to trade from 5AM to 3AM the following day, seven days per week.

2.1.2 External areas of the Hotel are permitted to trade from 9AM to 1AM the following day, seven days per week.

2.1.2 The sale and supply of liquor for consumption away from the Hotel is restricted to between 8AM and 12AM Monday to Saturday; and 8AM and 11PM on Sunday. Notwithstanding the above, if the Liquor Act 2007 or the Liquor Regulation 2018 is amended to extend the period in which the sale and supply of liquor for consumption away from the Hotel can occur; then that extended period shall be taken to apply to this Plan of Management without the need to amend it.

2.2 Capacity of the Hotel

The capacity of the Hotel is restricted to a total of 780 persons including staff.

Notwithstanding the above, the internal areas of the Hotel are restricted to a maximum of 500 customers, and the external areas of the Hotel are restricted to a maximum of 230 customers.

2.3 Noise Controls

- 2.3.1 The surrounding area has a high background noise level, both prior to and after midnight. It is generated by a large amount of vehicular traffic, a large number of pedestrians (who sometimes behave boisterously), plant and other equipment from other surrounding commercial premises, as well as entertainment related noise break out from the licensed premises in the immediate vicinity.
- 2.3.2 Noise likely to result from the operation of the Hotel includes noise from patrons entering and leaving, noise from patrons talking, and background music.
- 2.3.3 The removal of waste will occur primarily during business hours in accordance with section (3.3) of this plan.
- 2.3.5 All amplification equipment used at the Hotel is to be controlled by a noise limiter, calibrated by an acoustic engineer and in accordance with the report of Acoustic Logic dated 23 July 2021. The noise limiter will be a tamper proof Yamaha MTX3 processor controllable only by the acoustic engineer's laptop.
- 2.3.6 The equipment referred to in 2.3.5 must ensure that music sound pressure levels are controlled as follows:
- Up to 75dB(A)_{L10} uniform sound pressure level during all operational hours (indoors); and,
 - External amplified music is played at a background noise level (55dB(A)_{L10}) at 3m from the speakers
- 2.3.7 Prominent notices shall be placed at all exits reminding patrons that a minimum amount of noise is to be generated when leaving the premises.

2.4 The Responsible Service of Alcohol

2.4.1 The licence attached to the Hotel shall be exercised at all times in accordance with the provisions of the Liquor Act 2007 (NSW), the associated Regulations and any succeeding legislation.

The following operational policies for the Responsible Service of Alcohol shall apply:

- i. All staff involved in the sale and supply of liquor or security shall have first completed an approved course in the Responsible Service of Alcohol. All staff are to have on their person whilst working their RSA or RCG competency cards or RSA Certificates, as relevant.
- ii. The licensee shall not engage in any liquor promotion that is likely to promote irresponsible service or consumption of liquor.
- iii. Any person who is showing signs of intoxication shall not be served alcohol.
- iv. Any person who is showing signs of intoxication shall be asked to leave the Hotel.
- v. Any person who is showing signs of intoxication shall be denied entry to the Hotel.
- vi. The licensee will not permit intoxication, violent, quarrelsome or disorderly conduct by patrons of the Hotel. Any person causing such a disturbance shall be refused service and asked to leave the Hotel. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Hotel for a period determined by the licensee.
- vii. No person under the age of 18 years shall be admitted to the Hotel. Production of photographic identification will be required where age is in issue. The only acceptable proof of age identification shall be:
 - a. Photo drivers licence
 - b. International photo drivers licence
 - c. NSW photo card
 - d. Current passport
- viii. Lower alcohol beer and non-alcoholic beverages shall be available at all times when full strength liquor is available.

- ix. Free drinking water shall be available at all times when liquor is available.
- x. Meals shall be available on request whenever alcohol is available for consumption in the Hotel.

2.4.2 A person shall be considered to be showing signs of intoxication if the person's speech, balance, co-ordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

3.0 MANAGEMENT MEASURES

3.1 General Amenity

3.1.1 The licensee shall consider the amenity of neighbours and shall take all reasonable measures to ensure the conduct of the business does not impact adversely on the surrounding areas. These measure shall include:

- i. erecting and maintaining signage in a clear and prominent position adjacent to all points of egress, requesting that patrons depart the Hotel in a manner respectful of the surrounding area, or wording to that effect;
- ii. erecting in a prominent position and maintaining all signage required by the Liquor Act 2007 (NSW), associated regulations and any succeeding legislation;
- iii. erecting and maintaining signage outside the entrance to the Hotel stating the overall capacity of the Hotel;
- iv. erecting and maintaining signage outside the entrance to the Hotel stating the times during which liquor is authorised to be sold or supplied in the Hotel and any other times during which the Hotel is authorised to be open for business;
- v. providing security personnel during peak periods at a ratio of one per 100 persons;
- vi. the security personnel referred to in (v.) above are to be stationed at the main entrance to the Hotel and shall conduct regular patrols of the interior and exterior of the Hotel every 15 – 30 minutes;

- vii. at least hourly between midnight and 30 minutes after the Hotel closes on Friday and Saturday nights, or any night preceding a public holiday, the security personnel referred to in (v.) above are to patrol the exterior boundary of the Hotel. Corrective advice is to be issued to any person who is acting in a manner which may disturb the surrounding area if it is safe to do so. Police should be called if any illegal behaviour is observed; and,
- viii. the Hotel's staff shall collect any rubbish in the vicinity of the Hotel that may be associated with the Hotel's business.

3.1.2 The licensee shall take all reasonable steps to ensure the behaviour of staff and patrons when entering or leaving the Hotel does not detrimentally affect the amenity of the neighbourhood. These measures shall include:

- i. erecting and maintaining signage in a clear and prominent position adjacent to all points of egress, requesting that patrons depart the Hotel in a manner respectful of the surrounding area, or wording to that effect;
- ii. erecting in a prominent position and maintaining all signage required by the Liquor Act 2007 (NSW), the associated Regulations and any succeeding legislation;

3.1.3 The Hotel shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reasons of noise, dust, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

3.1.4 The licensee shall use their best endeavours to ensure the main entry points and the immediate vicinity are kept clean and tidy during the Hotel's hours of operation by cleaning the immediate vicinity of the Hotel at least hourly and within 30 minutes of closure of the Hotel.

3.1.5 The incident register is to be regularly reviewed by the licensee to ensure that complaints, where possible, are being dealt with appropriately.

3.1.6 Any recurring complaints should be dealt with, if attributable to the Hotel, through new management procedures and incorporated into this Plan.

3.2 Signage

3.2.1 Signage should be erected and maintained in a clear and prominent position adjacent to all points of egress, requesting that patrons depart the Hotel in a manner respectful of the surrounding area, or wording to that effect.

3.2.2 All signage required under the Liquor Act 2007 (NSW), the associated Regulations and any succeeding legislation shall be displayed and maintained in a prominent position, in accordance with legislative requirements.

3.2.3 Signage is to be erected and maintained outside the entrance to the Hotel stating the overall capacity of the Hotel.

3.2.4 Signage is to be erected outside the entrance to the Hotel stating the times during which liquor is authorised to be sold or supplied in the Hotel and any other times during which the Hotel is authorised to be open for business.

3.3 Waste Management

3.3.1 The disposal of, collection of and movement of waste and recycling must be in accordance with the Operational Waste Management Plan (OWMP) prepared by Universal Hotels dated 17 August 2021.

3.3.2 The OWMP forms part of and is annexed to this Plan of Management

3.4 Noise Criteria

- 3.4.1 The L_{A10} noise level emitted from the Hotel shall not exceed background noise level (L_{A90}) in any Octave Band Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7AM and 10PM at the boundary of any affected residence.
- 3.4.2 The L_{A10} noise level emitted from the Hotel shall not exceed background noise level (L_{A90}) in any Octave Band Frequency (31.5Hz – 8kHz inclusive) between 10PM and 7AM the following day at the boundary (? or habitable room) of any affected residence.
- 3.4.4 Notwithstanding the above, the Hotel’s operations must not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.

3.5 Complaints and the Incident Register

- 3.5.1 The licensee or manager shall ensure that details of the following are recorded in the Hotel’s Incident Register (see **Appendix C**):
- i. Any incident involving violence or anti-social behaviour occurring at the Hotel;
 - ii. Any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the Hotel and that involves a person who has recently left, or been refused admission to, the Hotel;
 - iii. Any person refused entry to, or turned out of the Hotel:
 - a. for being intoxicated, violent, quarrelsome or disorderly;
 - b. whose presence on the licensed premises renders the licensee liable to a penalty under the Liquor Act 2007, e.g., minors;
 - c. who smokes within an area of the Hotel that is a smoke-free area; or,
 - d. who uses, or has in his or her possession, while in the Hotel any substance suspected of being a prohibited plant or drug.
 - iv. Any incident that results in a patron of the Hotel requiring medical assistance;
 - v. Any incidents that occurred either in the Hotel or in the immediate vicinity, which have involved the commission of a crime, or required the intervention of security;

- vi. Any complaints made directly to the management or staff of the Hotel by local residents of business people, about the operation of the Hotel or the behaviour of its patrons; and,
- vii. Any visits by any NSW Police Officers, Liquor and Gaming NSW Special Inspectors and Council Officers noting their agencies or departments, reasons for the visits and results of the visits.

3.5.2 The licensee shall make the Incident Register available to NSW Police Officers and Liquor and Gaming NSW Special Inspectors on request. If directed, NSW Police Officers and Liquor and Gaming NSW Special Inspectors are to be permitted to make copies or to remove the Incident Register from the Hotel.

3.5.3 The following details of complaints made to the Hotel are to be recorded in the Incident Register:

- i. Date and time of the incident;
- ii. Nature of the complaint;
- iii. Address and contact details of the complainant (if available);
- iv. Any actions proposed to deal with the complainant; and,
- v. The actions taken and the time and date when that was reported to the complainant.

3.5.4 Management is to provide a 24 hour a day contact number that residents can use to contact the Hotel in order to make a complaint. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the resident's call to let them know what has been done to address the concerns/complaints expressed.

3.6 External areas

3.6.1 The external areas of the Hotel are permitted to trade between 9AM and 1AM the following day.

3.6.2 Management and/or security personnel will notify patrons at 12:45AM each night that they need to vacate the area by 1AM.

3.6.3 At 1AM each night management and/or security personnel will instruct patrons to either move to internal areas of the Hotel or to vacate the premises, such that no patrons remain in the area after 1AM. Staff will then:

- stack chairs such that tables can't be used; and,
- use portable bollards to rope off furniture such that it can't be used.

3.6.4 In the period 1AM to 3AM each morning security personnel and staff will continue to supervise the outdoor area to ensure that it is not occupied by any patrons.

3.6.5 At 3AM each morning, when the internal areas of the premises close to patrons, all outdoor furniture will be moved and stored securely within the internal areas of the premises.

4.0 SECURITY

4.1 Security Staff

4.1.1 At peak periods there will be security personnel on duty, provided at a rate of one per 100 patrons. Security personnel are to be stationed at the primary entrance to the Hotel and will conduct regular patrols of the interior and exterior of the Hotel, every 15 to 30 minutes.

4.1.2 Not less than once every hour between midnight and 30 minutes after the Hotel closes on a Friday night, Saturday night or public holiday eve, security are to patrol the exterior boundary of the Hotel. Corrective advice is to be issued to any person who is acting in a manner which may disturb the surrounding area if it is safe to do so. Police should be called if any illegal behaviour is observed.

4.1.3 The responsibilities of any security personnel shall be nominated by the licensee or duty manager, prior to the start of the shift. Security shall also monitor the activity of patrons and persons in the vicinity of the Hotel and act as required, within the scope of their powers in a public place.

4.2 General Security Measures

4.2.1 The licensee shall require security personnel employed at the Hotel to:

- i. Be dressed in readily identifiable uniform so that they may be highly visible to patrons, displaying identification as a security guard and to be appropriately licensed;
- ii. Fill in a time sheet (with start and finish times) which is to be initialled by the manager on duty/licensee;
- iii. Report to the manager/licensee to obtain a briefing on any specific duties to be addressed before commencing duty;
- iv. Ensure that persons entering the Hotel are suitably attired in accordance with the Hotel's dress code, which shall require patrons, at least, to be neatly dressed in casual wear, with footwear and to be clean. No person wearing any clothing, jewellery or accessories indicating association with any gang, including colours, patches, abbreviations, etc., including 1% or 1%er insignia are to be permitted entry;
- v. Prevent any person showing signs of intoxication from entering the Hotel and bring to the notice of the licensee or manager, any person on the Hotel who might be considered to be in, or approaching, a state of intoxication;
- vi. Prevent patrons leaving the Hotel with glasses or other opened drinking containers;
- vii. Prevent patrons entering the Hotel with alcoholic drinks;
- viii. Monitor patron behaviour in, and in the vicinity of, the Hotel until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons;

- ix. Collect any rubbish in the vicinity of the Hotel that may be associated with the Hotel's business. The footpath must be cleaned at least hourly and within 30 minutes of closure of the Hotel;
- x. Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel;
- xi. Patrol all toilets, at random intervals, notifying the licensee or management of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there are no female security personnel on duty, then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male security person;
- xii. In the event of an incident, clearly identify themselves as security belonging to the Hotel and attempt to rectify the problem;
- xiii. Continually apply a "hands off policy". Patrons are only to be asked to leave at the direction of management and forced removal from the Hotel must only occur at the direction of management and with reasonable force only. Immediate hands on action may still be used in self-defence or in the defence of another person;
- xiv. Make a written note with details of any incidents in the Hotel's Incident Register, as required by this Plan. The details should be immediately entered in the Incident Register or, where it is not practical to do this, written in a notebook and copied into the Incident Register at the end of the shift; and,
- xv. Monitor the population of the premises using handheld number clickers to ensure the capacity of the premises is not exceeded.

4.2.2 For the purposes of this Plan, the description, "the vicinity of the premises" shall be the area immediately adjoining the Hotel up to a distance of ten metres beyond the boundary of the Hotel.

4.4 Closed Circuit Television (CCTV)

4.4.1 The licensee shall maintain a CCTV system that meets the following minimum requirements:

- i. The system must record continuously during all hours of operation and until one hour after the Hotel closes;
- ii. Be in digital format and at a minimum rate of 10 frames per second;
- iii. The system must cover all entry and exit points, the footpath immediately adjacent to the premises and all publicly accessible areas (other than toilets);
- iv. The correct time, date and camera identification must be automatically embedded on all recording 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.

4.4.2 Recordings shall 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 records within the 30 day period.

4.4.3 The CCTV system shall be able to reproduce a copy of recordings on compact disc, DVD or USB memory stick within 24 hours of a request from NSW Police.

4.4.4 The system must be accessible by at least one member of staff at all times the Hotel is in operation,

4.4.5 The Hotel is required to conduct a daily check of the CCTV system to ensure it is operating correctly. The check is to be recorded in the Incident Register.

6.0 OTHER RELEVANT MATTERS

6.1 Crime Scene Preservation Guidelines

6.1.1 Immediately after the licensee or duty manager in charge of the Hotel becomes aware of an incident involving an act of violence causing injury to a person on the premises the person must:

- i. Render any required first aid;
- ii. Immediately contact '000' or the Local Area Commander or his/her delegate and advise them of the incident; and,
- iii. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

6.1.2 Unless directed otherwise by the Local Area Commander or his/her delegate the following crime scene preservation guidelines must be observed:

- i. Determine the crime scene and remove all persons from the area. Take all practical steps to preserve and keep intact the area where the act of violence occurred. Cordon off the area utilising bar stools, toilets or tape. Consider closing off the area completely for such areas as toilets, hallways or bars. Remember there may be multiple crime scenes.
- ii. Do not allow any persons to enter this area;
- iii. DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence;
- iv. Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints;
- v. Do not move any items that may have been involved in an offence unless absolutely necessary. Use gloves to stop transference of your DNA or fingerprints;
- vi. Notify police if any items have been moved or removed from the crime scene. Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts;
- vii. Make notes in relation to the incident. Time, date, location, description of offender(s), vehicle(s) involved, weapons used, last known direction of offender(s), any movement of items involved in the incident;
- viii. Secure any CCTV footage and the security sign on sheets
- ix. Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. Try to persuade witnesses from leaving the Hotel before Police arrive;
- xi. Hand this information to Police on arrival; and,

xii. Be prepared to make a statement to Police regarding the incident.

6.1.3 Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the Hotel.

6.2 Drugs and Drink Spiking

6.2.1 If any person is caught dealing, purchasing or consuming drugs within the Hotel, the person (or persons) are to be requested to leave immediately and Hotel management and the Police must be informed of this. This is their first and only warning. If the same person (or persons) are caught again, then the person (or persons) is to be banned for a period determined by the licensee.

6.2.2 Drink spiking is often difficult to detect. Below are some things to look out for and what to do:

- i. Any occurrences of a person (or persons) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected person away, asking for their name, where they are heading to, etc. – contact management about any persons who goes to lengths to remain anonymous.
- ii. An affected person may need medical attention, so ask them. If they are not capable of making that decision, then arrange medical attention.
- iii. Any affected person will need to get to a safe place, which may be theirs or a friend's residence. Ensure people who are showing signs of intoxication are looked after by their friends and not leave them in the company of the person who may have spiked their drink.
- iv. Contact the Police and thoroughly document the incident in the Hotel's Incident Register.
- v. Remember the most common drug used for drink spiking is alcohol. Be aware of strange orders such as beer and a nip of vodka, double shots in short glasses, etc.

6.3 Fire Safety and Essential Services

- 6.3.1 The licensee shall ensure that all essential services installed at the Hotel are certified annually and shall ensure that they remain in good working order at all times.
- 6.3.2 In the event of any malfunctioning of any essential service the licensee shall ensure that it is rectified as quickly as possible.
- 6.3.3 Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones accessible to staff.
- 6.3.4 All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the Hotel.

6.4 Amendment to this Plan

- 6.4.1 If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan, such amendments must only be made following consultation with both the Police and Council and approved in writing by Council. Both the Police and Council shall be provided with a copy of any modified plan.
- 6.4.2 If the requirements of the Liquor Act 2007 and the Liquor Regulation 2018 change, then the Plan of Management will be taken to be updated to reflect those changes.

7.0 STATEMENT OF UNDERSTANDING

The licensee of the Hotel hereby acknowledges that the above provisions have been read and understood.

Sign: _____

Date: _____