

# **Attachment C**

<h2><b>Plan of Management</b></h2>
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## **Operational Plan of Management**

**Operated by: Mr. Manthos Papadopoulos C/o Hotel 42/ Asteri Holdings Pty Ltd.**

**Site address: 42 Darlinghurst Road, Potts Point.**

**Use of the premises as a restricted premises for the purposes of adult entertainment.**

**Dated: 16 July 2024**

Reviewing this plan of management

This Plan must be regularly reviewed to ensure it remains up to date, consistent with legislation and reflective of the business being operated. Such reviews are to be conducted at least once every two years.

Version	Date	Reference
1	16 July 2024	In accordance with DA: <b>D/2023/987</b>

## General Information

This Plan of management has been prepared in accordance with Section 3.15.5 (*Plans of management requirements*) and Section 4.4.6.6 (*Management of operations*) of the Sydney Development Control Plans (SDCP) 2012 respectively.

This operational plan of management remains strictly enforceable by The City of Sydney Council and NSW police. The operation of the premises will remain in accordance with the particulars of the plan of management and will adhere to full compliance with NSW police requirements, as well as the conditional consent imposed by the City of Sydney Council.

This Plan of Management provides guidelines and management practices for the day-to-day operation of the premises.

The Plan aims to ensure that the premises:

- a) Operates in a manner consistent with good management;
- b) Operates with regard to the surrounding commercial and mixed use precinct;
- c) Takes a proactive role in being a responsible neighbour/land owner with the Potts Point commercial precinct;
- d) Operates in a manner so as not to disturb the immediate surrounding precinct.

In achieving compliance with the matters of this plan of management, the operators will preserve the neighbourhood amenity via the following:

## Neighbourhood Amenity

Management shall consistently prioritize the amenity of surrounding neighbours and implement all reasonable measures to ensure there is no adverse impact on the surrounding area. This includes, but is not limited to:

- Liaising with patrons upon entry and exit from designated access points to minimize noise levels and complaints.
- Security personnel will patrol the perimeter of the venue including Darlinghurst Road and Kellett way. Refer to figure 1 of this document.
- Providing a 24/7 contact phone number and email address to any neighbours upon request.
- Keeping a detailed record of and promptly addressing any complaints related to noise or other matters in a sympathetic manner.
- An incident log book which records the date, time and the nature of all complaints, the name and address of the complainant together with details of all communications between management and complainant, the actions proposed to address the complaint and the date and time of action as undertaken will be maintained on the premises.
- Management and security staff will ensure that the behavior of staff and patrons, upon

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entering, leaving and around the premises, do not negatively impact the neighborhood's amenity. To minimize the impact on the surrounding area, signs will be erected at the entrance and exit areas of the establishment, informing patrons to exit quietly and orderly.

- The premises shall be operated in a manner that does not interfere with or materially affect the neighborhood's amenity due to noise, vibration, smell, fumes, vapor, steam, soot, ash, dust, wastewater, waste products, grit, oil, or any other causes.

If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for enhanced management of the premises, that modification shall be served to Kings Cross Police Station and Liquor and Gaming within fourteen (14) days.

### 1. Premises Owner, Business Proprietors (managers) and Personnel Details

#### 1.1 Premises Owner/Business Proprietors (manager/s)

**Owner: Mr. Manthos Papadopoulos C/o Asteri Holdings Pty Ltd**

**Operator: Hotel 42**

**Site Address: 42 Darlinghurst Road, Potts Point**

The subject site is 42 Darlinghurst Road, Potts Point is used as a licensed restricted premises for the purposes of adult entertainment. The liquor license will be held by a corporate entity (i.e. a company) or by an individual in compliance with sections 65 to 72 of the *Liquor Act 2007*.

The directors of the proprietor company (hereinafter referred to as “the managers” have overall responsibility for ensuring that the premises achieves the planning and design objectives of the City of Sydney planning controls and that the premises is operated in accordance with conditions of consent and approved plan of management and strategies included therein.

Furthermore, that the premises and business conducted therein is operated in accordance with all relevant government legislation and best practice guidelines including:

- Health and Safety Guidelines for Brothels in NSW: WorkCover NSW and NSW Health 2001
- Equal Employment Opportunities
- Crime Prevention through Environmental Design
- All other relevant legislation

The managers are also responsible for the day to day operations of the business. The roles and responsibilities of the managers include:

- Implementation and oversight of all health, safety, security and conduct policies and procedures
- Implementation of EEO requirements, NSW Health and WorkCover NSW Health and Safety Guidelines for Brothels and all other requirements and regulations of the NSW Health Department and the WorkCover Authority NSW including:
  - Provision and maintenance of equipment and systems of work that are safe and without risk to health.
  - In consultation with all personnel for the purpose of risk assessment, the

- identification of any hazard (including work practices or procedures) that has the potential to harm the health or safety of personnel, clients and visitors
- Use of appropriate control measures to eliminate or reduce any identified risk
- Monitor and review the control measures to ensure continual safety
- Oversight of all cleaning and infection control practices and procedures
- Oversight of all waste management practices and procedures
- Induction and supervision of all personnel
- Oversight of education and training of all personnel in all policies, procedures and practices, legislative requirements and best practice standards and guidelines
- Duty rosters for all personnel including contract cleaners. Rosters will ensure adequate time is taken between shifts and that which allows for self-care, rest and rejuvenation. The number of shifts worked in any given week being determined by workers in consultation with the manager.
- Arrange for and attend monthly team meetings which provide for workplace consultation to enable all personnel to contribute to the decision making process which may effect their health, safety and welfare in the work place
- Resolving any issues of conflict between personnel and between personnel and clients
- Monitor and review safety and security precautions and cleaning and infection control practices to ensure the continued safety of the workplace
- Ongoing evaluation of the premises for maintenance, repairs, replacement, supplies and waste management / collection.
- Maintaining the premises accident/injury and incident registers. In the case of serious accident or injury or other emergency situation, the WorkCover Authority of NSW will be advised
- Oversee the evacuation of the premises in the case of fire or other emergency
- Ensuring all fire safety equipment is in place and regularly serviced and provide an annual fire safety statement to the consent authority.
- Contacting police and other emergency services if and when required. The incident register will be provided to police in such an event occurring requiring the attendance of police or other emergency services.
- Maintaining appropriate public liability, fire and general and workers compensation insurance.
- Attending health, safety, security and related meetings and seminars convened by Sex workers Outreach Project (SWOP) or other relevant authority
- Providing information and direction on professional development opportunities and training for all personnel

## 1.2 Manager

- The business engages the services of a Manager on site at all times per 8 hour shift. The Manager report directly to the Director and, in the absence of the managers are responsible for the day to day operations of the business
- The Manager is required to comply with all office of liquor and gaming requirements
- The Manager is required to hold High risk accreditation in accordance office of liquor and gaming

The role and responsibilities of the Manager include:

- Working in conjunction with all staff including security staff to ensure that all policies and procedures including health, hygiene, safety and security and conduct standards and requirements are met and maintained including EEO requirements, NSW Health and WorkCover NSW Health and Safety.
- Guidelines for requirements and regulations of the NSW Health Department and the WorkCover Authority.
- Demonstrated knowledge of infection control and cleaning procedures and practices including:
  - Maintenance and use of cleaning equipment and products
  - Cleaning and maintenance standards
  - Maintenance of cleaning schedules
  - Maintenance of incident and accident/injury registers and reporting requirements as per WorkCover NSW requirements
- Ensure all safety and security policies and procedures are met prior to allowing access to the premises of any potential client or other visitor. This includes verifying identification of all people presenting at the premises purporting to be from a utilities service or government department including energy services (gas and electricity), telephone, fire protection, police or other government representative)
- Refuse entry to any person that appears to be intoxicated or under the age of 18 years.
- Contact police, security and other emergency services if required. In the absence of the managers, oversee emergency procedures for the evacuation of the premises in case of fire or other emergency.
- Ensuring the monitoring of CCTV and the service rooms, entrance and emergency exit are carried out by suitably trained staff.
- Oversee all daily and other regular cleaning procedures and practices and where and when necessary, attend to daily maintenance and spot cleaning requirements to ensure the entire premise remains in a safe, clean, hygienic and presentable manner.
- Maintenance and oversight of cleaning schedules.
- Maintenance and oversight of maintenance schedule and supplies checklist.
- Maintenance and oversight of garbage disposal systems.
- Assist with induction and orientation of all new personnel and share knowledge and experience
- Answer telephones, accurately record messages and maintain office records.
- Electronic funds transfer manned terminal system, managed by staff and manager
- Allocation of private rooms
- Recording time of commencement of service, room allocation and expected time of completion.
- Initially address any disagreements or problems between workers and clients
- Honor the duty roster and shift obligations and if unable to attend wherever possible, telephone the managers in advance to arrange for a suitable replacement.
- Attend periodic team meetings.
- Pursue professional development opportunities to enhance knowledge and skills and keep abreast of any changes and requirements in relation to safe work practices, work place practices, safety and security precautions and cleaning and infection control practices relevant to the operations of the premises.

Where knowledge or experience is limited or non-existent, training will be provided by the managers or their appointed designee together with direction for professional development and other training opportunities.

### 1.3 Contract Cleaner

- The business will engage the services of a contract cleaner on a daily basis. The managers, staff and workers attend to all other daily cleaning and maintenance and spot cleaning requirements.

The role and responsibilities of the contract cleaner includes:

- Demonstrated knowledge of cleaning and infection control procedures and practices including:
  - Maintenance and use of cleaning equipment and products
  - Maintenance of cleaning schedules (full daily cleaning and other daily cleaning and maintenance activities)
- Demonstrated knowledge of transmission and prevention of infective pathogens including:
  - Personal protective hygiene practices (wearing of gloves and hand washing)
  - Safe disposal of sharps and sharps safes
  - First aid in case of sharps injury and/or blood or body fluids/substance exposure
  - Blood borne or body fluid/substance viruses and bacterial infections including hepatitis A, B and C, shigella and giardia
  - HIV Post Exposure Prophylactic (PEP) treatment
  - Immunization against hepatitis A & B and tetanus
- Maintain the cleanliness of the premises and all fixtures, fittings and equipment within a structured program of routine and non-routine cleaning
- Report any damage to premises including furniture, fittings, fixtures and equipment to the manager.
- Observe safe manual handling and handling of potentially hazardous waste and cleaning chemicals at all times.
- Maintenance, storage and replacement of cleaning products and equipment.
- Dusting, vacuuming and mopping all floors.
- Cleaning all surfaces, furniture, fittings, fixtures and equipment in all rooms including sanitary facilities.
- Use of cleaning products as per manufactures instructions.
- Removal of any waste from rooms and oversight of waste disposal systems ensuring appropriate storage and collection of waste
- Placement of warning signs where areas may be damp or slippery following cleaning
- Bactericidal liquid soap is to be used in the pump action soap dispenses at hand basins.
- Completion of cleaning schedules and oversight checklist for all other daily cleaning and maintenance activities.
- Pursue professional development opportunities to enhance knowledge and skills and keep abreast of all changes and requirements in relation to cleaning and infection control practices and safety precautions relevant to the commercial nature of the



business.

- Honor service contract agreement and if unable to attend, telephone the manager in advance to advise of replacement personnel

## 2. Description of Premises

### 2.1 The Site

The site has a legal description of Lot 1 DP 176623, Lot 1 DP 183086, known as 42 Darlinghurst Road, Potts Point. It is irregular in shape with area of approximately 335.1sqm. It has a primary street frontage of approximately 11.37m to Darlinghurst Road and a secondary street frontage of 18.39m to Kellett Way. The site contains an existing two storey building with basement level. The site consists of an existing 18m high feature tower at the front of the site. A clearly visible street number denoting the entrance is located on the building façade.



Figure 1 – Site and surrounds



Figure 2 – Aerial image of subject site and surrounds.

## 2.2 Services and Facilities

The business provides the services of a commercial private room catering to an adult clientèle. The main service offering is an adult entertainment facility as defined by the Sydney Development Control Plan 2012 below. The proposal strictly does not involve any sex services, on the premises:

*Adult entertainment premises means a premises that:*

- (a) provides entertainment involving nude or semi-nude performers; or*
- (b) sells or shows restricted material but at which sex services or sexual activity between people does not occur.*

In addition, the premises will offer private rooms for an exclusive private experience. These rooms will have strictly no audience participation and no sexual services. The rooms will have CCTV surveillance that will be constantly monitored by trained security personnel known as *controllers*. Each room will be uniquely themed to tribute kings cross in its bygone era. The services will include private experiences involving artistic performances of a visual and auditory nature.

### Basement level:

- o Managers office and security station
- o Performers amenity and change room areas
- o Kitchen and associated food preparation areas
- o General staff amenity and rest area
- o General staff and meals area

- o Cool room/ storage room

**Ground floor (No change proposed):**

- o Entrance with associated internal queuing area
- o Ground floor Bar area
- o General lounge area
- o Storeroom
- o Water closet
- o Waste storage area accessed via Kellet Way
- o General dance area
- o Portable/ non fixed moveable podium stage
- o Lift

**First floor (No change proposed):**

- o First floor bar area
- o Female and male toilets respectively
- o Existing general booth seating area
- o 7 x private rooms
- o General dance area
- o Existing first floor smoking room
- o Portable/ non fixed moveable podium stage
- o Lift

**2.2 Hours of Operation**

The premises operates per the following hours, in accordance with the existing approved liquor license:

- Monday: 7am to 5am (following day)
- Tuesday: 7am to 5am (following day)
- Wednesday: 7am to 5am (following day)
- Thursday: 7am to 5am (following day)
- Friday: 7am to 5am (following day)
- Saturday: 7am to 5am (following day)
- Sunday: 7am to 5am (following day)
- Public holidays: 7am to 5am (following day)

### 2.2.1 Late night trading

In accordance Schedule 3, of the Sydney DCP 2012 – *Late Night Trading, Specifically Chapter 3.2 - Plan of management requirements* the following requirements are made:

- The ratio of security staff to patrons is at a ratio of 2:100. Additional security staff will include the employment of *controllers*, who will monitor the private room areas in accordance with Section 3.0.1 of this plan of management.
- The physical extent of the area patrolled outside of the premises will include the main entry fronting Darlinghurst Road, as well as the rear entry where required. All areas of the building will be monitored via CCTV and reviewed within the management office within the basement.
- The operation of the premises must be carried out in accordance with the safety requirements of Schedule 3, Section 3.2 of the Sydney Development Control Plan 2012 pertaining to *Late Night Trading*, and *Plan of management requirements*, and as outlined within this operational plan of management.

### 2.3 Number of Workers

There shall be a maximum number of Twelve (12) staff members including 2 qualified RSA staff members, seven (7) security staff members, and Ten (10) performers engaged in the performance of their duties at any one time.

The premises will be serviced by trained and qualified security staff at the entry of the venue to ensure appropriate crowd control measures and patron safety is preserved. The security staff will be responsible for screening patrons prior to entry and will be required to carry portable telecommunication devices to ensure contact with police is possible where required.

#### **Performers: 10**

#### **Rest/ Breaks**

- 15 mins minutes – podium show.
- Performers are entitled to take breaks as required or needed.
- 1-hour maximum private shows booking in private rooms.
- Performers are entitled to a 1-hour break after each performance.

#### **General staff Capacity: 12**

- General staff includes onsite management, bar attendant staff: 5
- Security staff: 7

#### **Maximum Patron Capacity: 380**

- A maximum of 380 seated or standing patrons (inclusive of staff, workers, and performers) are permitted on site at any given time.

### 2.6 Access and Mobility for People with a Disability

The managers seek to cater to all members of the community and to meet wherever possible and within the constraints of the existing building, the objectives of the *Disability Discrimination Act, 1992*. With that noted, the premises is equipped with a lift and internal ramps to ensure access.

## **2.7 Access to the Premises and Active Areas.**

The subject site must ensure that all active areas are maintained enclosed within the premises. No out seating is offered on the premises.

### **2.7.1 Access and Entry Queue Management**

The premises will manage queued patrons along the public domain shared footpath in an orderly manner. The management of queues will be controlled and monitored by security staff. The management of queues will be in accordance with online ticket sales and bookings, which will involve staggered entry times to ensure an even flow of patrons to the site and minimize excessive numbers of patrons in the internal queuing area, and to ensure minimal queuing on the public domain. The queue will be marked with highly visible bollards to ensure that adjoining adjacent commercial land uses are not impacted by the queue via blockage of shop entries. Patrons will then be directed through to the internal queuing area prior to being granted entry into the premises. Where patrons in the (internal, or external) queue are noncompliant with the instruction of the security staff, the patron will be refused entry and instructed to vacate the premises and surrounding area.

## **3.0 Safety, Security and Conduct**

The premises will have a comprehensive security plan to ensure the safety and well-being of all patrons and staff. The premises will employ 7 security staff members and 2 RSA (Responsible Service of Alcohol) officers, appropriate for a venue with a capacity of 380.

The allocation of security resources will be as follows:

**Monday to Sunday:** Minimum of 2x licensed security guards per 100 patrons.

- 2x RSA Marshalls
- Extra security will be used outside these guidelines at the discretion of management.
- Security guards shall remain at the premises for at least 60 minutes after closing the venue.

All security personnel prior to commencing work at the premises will be instructed of the layout of the premises, the method operation and any special requirements by the manager on duty.

All security personnel will record all relevant details of any incidents involving the physical contact, restraint or ejection of patrons occurring within or immediately outside the premises into the appropriate incident register. The incident register is to be made available on request to the police.

Security will remove any patrons who are intoxicated, showing signs of intoxication or exhibiting unacceptable/antisocial behavior and when ejected or refused are asked to leave the vicinity (50m).

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Patrols of the bathrooms and private rooms will be conducted on a regular basis, which will all occur at 30-minute intervals and will commence at the start of business trading hours to close of business. These patrols will be recorded in the security incident register.

Security personnel will collect any rubbish or litter immediately outside the premises.

Anyone approaching a venue in the must not be allowed entry if they are seen drinking or with open alcohol containers in an alcohol-free zone or an alcohol prohibited area.

Safety and security policies and procedures and practices are only as good as the instructions and training provided and the systems in place. A cohesive team approach is essential and this necessarily requires the development of trust and respect and support between management and personnel. To this end, all the training and refresher training programs are to ensure that each individual on site is made aware of and understands the practical application of all relevant safety and security policies and procedures and that it is the responsibility of each individual to maintain all safety and security precautions to prevent any one person or the whole business being put in jeopardy.

Together with an induction process and individual supervision, the managers will conduct periodic team meetings. These meetings are to be used to develop a team approach to maintaining a safe and secure environment for all. Team building strategies are to be based on a peer education and support model and one that reinforces the need for a collective approach in that individuals are not only responsible for themselves but they understand how their actions may affect others. This requires the development of trust and respect and while respecting the individual's privacy, understanding the importance of sharing work related skills and related information and identifying hazardous work practices and procedures which equates generally, for the need to support each other in order that no one is put at risk.

Additionally, all personnel are to be instructed in how to deal with difficult clients, refusing service to a client with an obvious sign of aggression or anti-social conduct and how to summons assistance if and when required. Once again, prevention of difficult situations is the first course of action. To this end, training and instruction is to be provided to all workers and other personnel in the need to vet all visitors as per policies and procedures before being granted entry and to fully negotiate the services to be provided in a pre-session agreement. The information provided should include prices, time constraints, the policy of non-refundable service fees, personal limitations including physical and psychological limits, safety precautions such as the need for checking clients at all times, time requirements and constraints and special needs (if any) of the client.

It is acknowledged by the managers that where problems arise, it is most likely to occur through a misunderstanding or misrepresentation of the services to be provided and/or the intoxication of a client. Intoxication problems can be associated with alcohol or other drug consumption and/or psycho or physical impairment and the client may then demand additional time outside of the original time-frame and/or demand a refund of his/her money. While all necessary precautions are undertaken to restrict unauthorized and/or intoxicated persons from gaining entry to the premises, it is acknowledged by the managers that it does not always require excessive and obvious alcohol or other substance use for sober functioning to be impaired.

The strategies for preventing entry to unauthorized and/or intoxicated persons and the pre-session agreement that all workers are required to enter into with the support of the managers and, will eliminate many of the problems which might generate client displeasure and/or result in violent or anti-social behaviour.

In the unlikely event of an incident occurring within the premises, the manager move away from the area, not to in any way escalate the situation and engage on site security staff to deescalate the matter.

For security purposes, the premises has only one public entry/ exit point from Darlinghurst Road (excluding emergency exits). The positioning of the ground floor entry area will ensure that all guests that enter the premises are clearly visible.

Additional to and in support of the above, the following strategies are to be implemented to further ensure the safety and security of all personnel, clients and visitors to the premises and external to the premises:

- Management and monitoring of all people entering and leaving the premises.
- Duress buzzers are strategically placed in each service, personnel private room and at the managers desk. It is important to note that duress buzzers should only be used when it is safe to do so and relevant training will be provided. This system will activate a buzzer/pager on security and/or management and security will immediately respond to a duress alarm.
- A safe designed and installed to Australian Standards is currently in place at the premises, Notwithstanding, the premises will not accept forms of cash payment.
- Installation of intruder alarm system designed and installed to the Australian Standard – Domestic and Commercial Alarm System
- Electronic Intercom system in each service room
- Pre-coded speed dial to emergency services
- CCTV cameras to monitor the premises, Including private rooms. With footage accessible to NSW Police upon request where required.
- Fire and other emergency evacuation plan. All personnel are to be trained in emergency evacuation procedures, including the use of the emergency services number coded into the telephone for easy access to emergency services.
- Fire safety. Fire extinguishers, exit signs/emergency lighting and smoke detectors are to be located throughout the premises as required by the Building Code of Australia. All fire safety equipment is to be serviced regularly and all personnel are to be trained in the use and operation of fire extinguishers. An annual fire safety statement is to be submitted to the consent authority.
- A street number identifying the location of the entrance to the premises is located at the front of the building and is clearly visible from the street.
- The premises will be equipped with remote door release mechanisms and there will be no internal locking devices on service room doors, the proposed doors to the private rooms will be translucent to enable passive surveillance by trained staff.
- Prior to entry, all visitors to the premises are to be vetted firstly through the security cameras and then via physical vetting at the entry door prior to being able to gain access into the facility.
- Adequate lighting for security purposes is to be located at the entrance.
- Maintenance of community liaison/incident and accident/injury registers
- Any breach of security or accident or injury is to be entered into the requisite registers. The community liaison/incident book is to be provided to police if and when necessary. Any serious accident, injury or emergency situation will be reported to WorkCover NSW

- Where circumstances warrant, the managers will contact police or other emergency services and all assistance will be given to them in their investigations
- Service time and wherever possible, special needs of clients are to be monitored and all workers advised to notify the managers if they are extending the original session time.

### **3.0.1 Safety, security and crowd management**

CCTV will be installed in every private room, monitored continuously by security, bar staff, controllers (Refer to Section 3.1.1 for roles of *controllers*), and management. The private rooms will feature translucent glass doors, enhancing visibility and safety. Our unique audience participation recognition technology will be state-of-the-art, unlike any other venue. This technology will detect audience participation, triggering the lights in the rooms to turn up and the music to lower, while alerting management and security. To ensure the performers' safety, cameras will be monitored from the bar, office, and staff rooms. Emergency duress buttons will be installed in every private room for the dancers' immediate assistance.

We will manage extended trading hours in accordance with our alcohol management plan. All staff will be trained to recognize signs of intoxication and comply with current RSA laws. We will offer cheap, low-alcohol, and non-alcoholic options, with drinking water always available at the end of the bar and bar snacks on offer.

To prevent money laundering, our venue will strive towards being cashless by, utilizing EFTPOS, QR codes, and RDIF systems.

To combat drug use on-site, we will display strict drug policy signage in private rooms and bathrooms. Security staff will patrol the venue continuously, supported by advanced CCTV surveillance. All staff will be trained to recognize signs of drug use or intoxication, with managers and security staff consistently monitoring the CCTV footage each day. CCTV Footage will be stored for a period of 40 days and will be made available for inspection by Police upon request.

All security staff will be required to undergo a thorough induction and training to ensure they acknowledge all criteria set out by the licensee. This is to ensure all security staff have the proper training and competence to complete all security tasks as required, including weapons detection, and other security response methods. Metal detectors will be used by the trained security personnel and will be actively available at all times.

Furthermore, all guards, controllers, and security staff will be required to obtain a current NSW Security License subclass 1a & 1c, as well as hold a current First Aid and current NSW RSA Competency Card.

- a. A registered security company will be engaged to provide the necessary security guarding requirements.
- b. The licensee shall ensure the appropriate numbers of security guards are engaged at a rate of 2:100.



- c. The Licensee shall direct the required security personnel engaged to:
  - i. Accurately record their start and finish times in a register that is available or via digital electronic timesheets, available upon request.
  - ii. Security guards are to display their security licenses clearly and readily available upon request.
  - iii. Patrolling all internal areas of the venue, ingress and egress points, as well as the exterior of the premises along Darlinghurst Road, and Kellet Way in 30 minute intervals during business operating hours.

### **3.0.1.1 CCTV**

High resolution CCTV surveillance will cover all areas of the venue open to the public and the front and back of the premises (except bathrooms) including private rooms. Locations will be well lit or infrared used to pick up clear images to identify patrons and staff where necessary. Cameras will be motion detecting and operating 24 hours a day.

Audience recognition CCTV camera technology will be in use at all times private shows are in use. This technology will detect audience participation, triggering the lights to brighten and the music to lower. It will alert management, security and controllers to respond.

Clear signs that state “Closed circuit television in use on these premises” will be on display in the primary entry. The signage will be in lettering in no less than 50mm.

All CCTV footage will be kept for at least 40 days for viewing by the police if requested and will contain an accurate date and time.

CCTV will be checked daily if operational, recording and unobstructed. Any issues with cameras will be reported to Kings Cross LAC and reported in the incident register.

There will be a staff member on the premises at all times the venue is open that is trained in accessing the footage.

Monitors displaying live camera views will be in all staff rooms and behind all bars.

### **3.0.2 Patron Management**

Patrons will be guided to leave the venue in staggered groups to prevent congestion. The bar will close at 3:30 AM, and the music will be gradually altered to pacify patrons for a smoother dispersal. Security staff will patrol the footpath directly outside the venue and will be trained in crowd management.

To ensure smooth operations and minimize congestion on Darlinghurst Road, we have developed a meticulous strategy for managing the entry and exit of patrons at our venue. Our approach involves gradually closing sections of the venue, accompanied by a deliberate shift in music and atmosphere to encourage a steady dispersal of patrons. This methodical process aims to prevent overcrowding and maintain a safe environment for everyone.

In terms of security, we prioritize the safety and well-being of both patrons and staff with a comprehensive security plan. For every 100 patrons, we deploy three trained security guards who are adept in crowd control tactics and skilled in de-escalating potential conflicts. Additionally, we employ two RSA (Responsible Service of Alcohol) officers, ensuring responsible alcohol service is maintained throughout our venue.

To bolster our security measures, we maintain constant vigilance through CCTV monitoring. Our security team is in continuous communication, allowing for swift responses to any incidents or disruptions that may arise. This proactive monitoring system enables us to identify and address issues promptly, further enhancing the safety and comfort of our guests.

Moreover, all our staff members undergo rigorous training. They are equipped with the necessary skills to recognize early signs of intoxication and are trained in effective techniques to defuse situations involving aggressive behaviour. By fostering a proactive and well-prepared team, we create an environment where patrons can enjoy themselves with peace of mind, knowing their safety is our top priority.

We have been the sole owners and operators of showgirls since 1996. Showgirls has thrived by implementing these time-tested practices that have been instrumental to its renowned success. With a capacity of 200, *Showgirls* has consistently validated the efficacy of these methods over its impressive 28-year history.

In summary, our venue's operational strategies, coupled with our robust security measures and proactive staff training, ensure that we not only provide a memorable experience for our patrons but also maintain a safe and enjoyable environment for all. We are committed to upholding these standards to uphold our reputation as a responsible and customer-focused establishment.

### **3.0.3 Crowd control**

Staff and security will be informed of the capacity. The number of patrons will be continuously monitored by the following methods:

- Patron identification scanners will be in use in accordance to agreement with Kings Cross LAC (Police).
- The capacity of 380 patrons will be displayed at the entry of the venue as required.
- In the event that the premises are at capacity, patrons wishing to enter will be requested to queue behind bollards in an orderly manner on the footpath outside the premises. Security staff will supervise the queue to ensure local businesses and pedestrian traffic is not unduly or impeded.
- Patrons will be guided to leave the venue in staggered groups to prevent congestion. The bar will close at 3:30 AM, and the music will be gradually changed to pacify the patrons for a smoother dispersal. Security will direct patrons to the taxi rank and night rider service on Bayswater Road, via the shortest and most direct route via Darlinghurst Road. Security staff will patrol the footpath directly outside the venue and immediate areas. They will also be trained in crowd management.

- Security personnel will be trained to identify inappropriate behavior and report to management and local enforcement agencies.
- Risk assessments will be used to identify potential risks and hazards when a large crowd is expected, noting compliance with the maximum patronage of 380.

**Distinctive security attire, internal and external security patrols;**

- Distinctive attire is to be worn with SECURITY clearly visible. Security will be wearing an identifying number that can be easily seen. The name of the security personnel allocated a particular number will be entered into a security sign on sheet at the start of every shift and checked by the manager on duty. Each entry is to record the start and finish times of the associated security personnel. The security sign on sheet will be made available to police on request.
- Patrols of the bathrooms and private rooms will be conducted on a regular basis, which will all occur at 30 minute intervals and will commence at the start of business trading hours to close of business. These patrols will be recorded in the security incident register.
- Security personnel will patrol the external the premises including Darlinghurst road and rear of the venue on kellett way. Security will be instructed to report any inappropriate behavior they observed in their patrols to Kings Cross LAC police.

**Measures to prevent glass being carried from the premises by patrons;**

- Entries and exits will be closely monitored by guards to ensure alcohol and glass will not exit the premises.

**Measures to ensure safe capacities (eg. electronic counting of patrons, occupancy limits, signage);**

- Security personnel will be equipped with manual counting devices that they will click when people enter and exit the venue.
- Manual head counts will be conducted by security in 30 minute intervals starting at 9:00 pm to close of business and be recorded to the security incident register.

**Actions to be taken during ‘wind down’ periods prior to closing time:**

- Patrons will be guided to leave the venue in staggered groups to prevent congestion. The bar will close at 3:30 AM, and the music will be gradually altered to pacify patrons for a smoother dispersal. Security staff will patrol the footpath directly outside the venue and will be trained in crowd management.
- Security guards shall remain at the premises for at least 60 minutes after closure of the venue.

### 3.0.4 Security patrol areas:

The extent of the security patrol areas outside of the premises are highlighted in the following floor plan (Figure 3).

The abovementioned security patrols will occur at 30-minute intervals and will commence at commencement of business to close of business. These patrols will be recorded in the security incident register.

Security guards shall remain at the premises for at least 60 minutes after closing the venue.

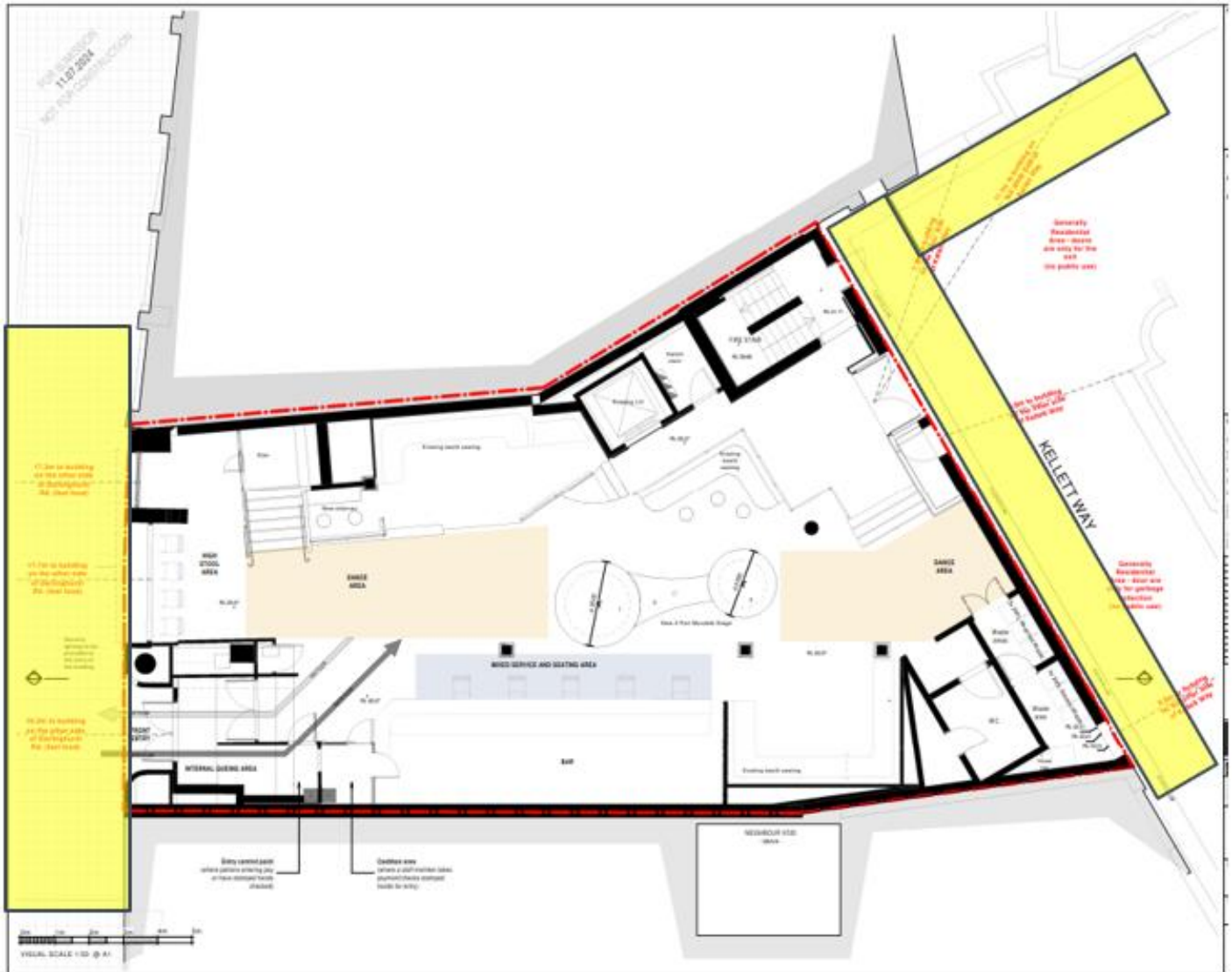
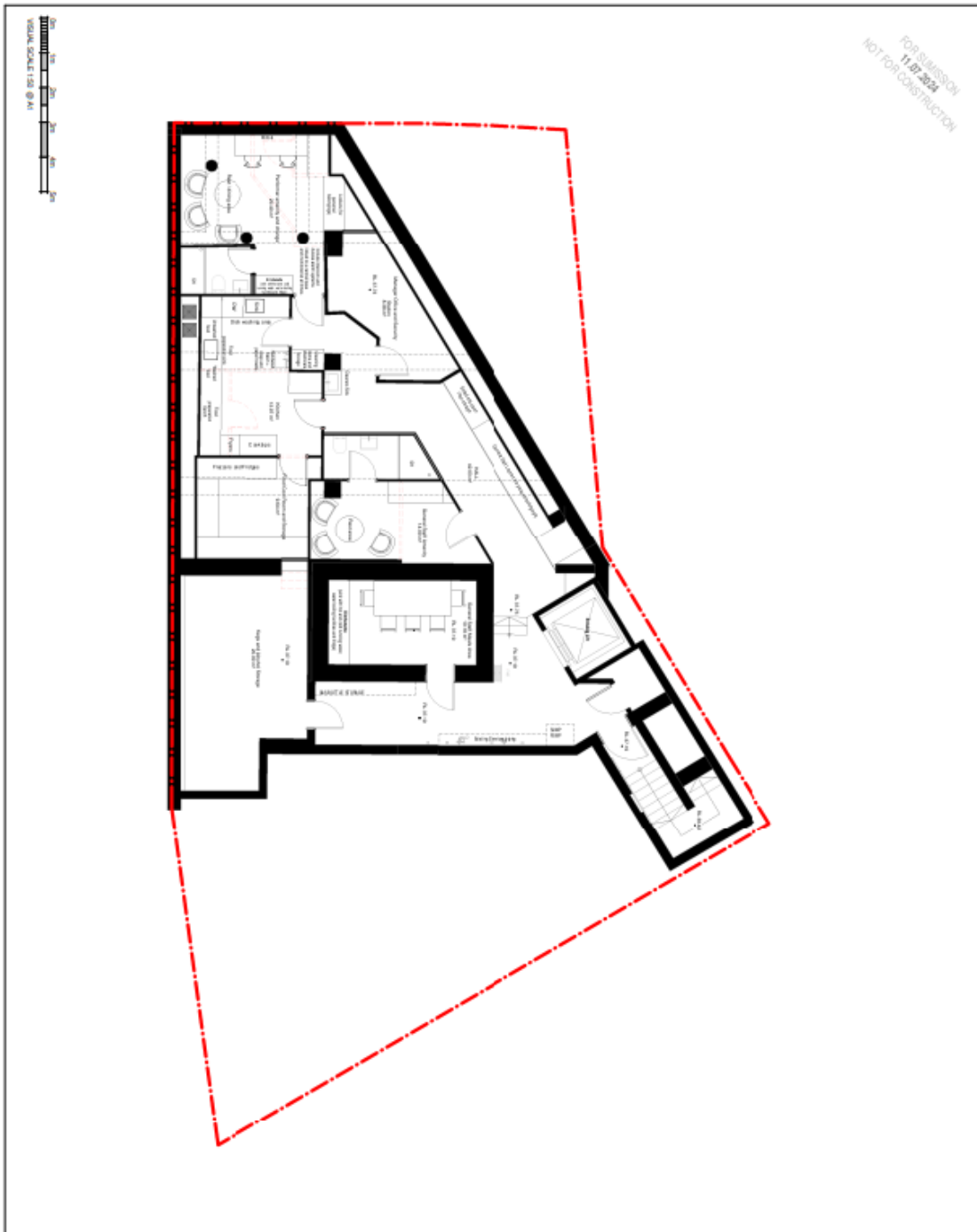


Figure 3: External security patrol areas

### Floor plans

The following figures 4, 5, and 6 of the operational plan of management illustrate the floor plan of the premises and illustrates the following:

- The proximity of external doors, windows and other openings to residential and other sensitive land uses (Figure 5).
- The layout of all areas of the premises, such as internal queuing areas, seating, and dance areas inter alia (Figures 4, 5, and 6).







### 3.1.1 No Audience Participation

- Audience participation is prohibited. By implementing these measures, the venue aims to ensure a safe and compliant environment for both staff and patrons, which also adheres to the legal requirements set out by the department of Liquor and gaming, and any relevant government agency.
- **Controllers:** The licensee will always have a Controller present while private shows are occurring inside the venue. The controller's responsibility is to monitor the private shows when they are occurring to ensure they are completely in compliance with the law and relevant liquor licenses as well as identifying intoxication and unacceptable behavior in order for security and management to respond promptly.
- **Performer compliance:** All performers employed at the venue are required to sign a drug and compliance acknowledgement form upon starting their employment. This form outlines specific rules and prohibitions, including no sexual activity, no touching of genitals (either of the dancers or the customers), and no audience participation.
- **Disciplinary action:** Any performer who violates the conditions of the relevant liquor license or the venues rules will face disciplinary action. This may include written warning, termination of employment, or other forms of punishment as deemed appropriate.

### 3.1.2 Restricting Access

The management policy on restricting access is to be prominently displayed at the entrance area and personnel private rooms. This Policy is to apply to underage access and unauthorized and unidentified entry to the premises of persons purporting to be from utilities services (gas and electricity), government departments/agencies (fire equipment maintenance, police, council or health authority) and other service providers.

The Policy contains the following information:

**Restricted Access Policy**

**Persons under 18 years of age may not enter  
Photo ID may be requested.**

**All service providers, including government officers must provide  
identification.**

**Signed Management**

The standard identification procedure used for restricting underage access, when the age of the person is questionable includes the following:

- Potential clientele will be screened prior entry at the main access point to the facility.
- Requesting photo ID or other acceptable identification.



## Operational Plan of Management – 42 Darlinghurst Road, Potts Point

- If age is verified and is acceptable, the individual is permitted entry.
- If age is verified to be under 18, the individual will be denied access and escorted off the premises.
- If in any doubt about the age, even with photo ID, the individual will be refused entry.
- If an individual is denied entry, they will be requested to leave the premise in a quiet and orderly manner. And the incident is to be reported to the manager and entered into the premise incident book.

The same process is to be used to determine the age of potential personnel including staff, workers and visitors to the premises.

The standard procedure for checking the credentials of persons purporting to be from a utilities service (gas and electricity), government departments/agencies (fire equipment maintenance, police, council and health authority) and other service providers includes:

- Requesting identification and where possible photo ID.
- If identification is acceptable, the individual or individuals are permitted entry but are to be supervised at all times while on the premises.
- If in doubt about the identification, the individual/individuals will be refused entry and advised the house policy does not permit entry to service providers without appropriate identification. If the manager is not on the premises at the time, they will be provided with the manager's mobile number and advised to phone the manager to make an appointment.
- In the case of an individual/individuals being denied entry, they will be requested to leave the premises in a quiet and orderly manner and advised to phone the manager at a later time.
- Any unidentified and unauthorized attempted access will be reported to the manager and entered into the incident book

### **3.2 Conduct Policy**

In order to minimize any potential amenity impacts on the surrounding land owners or occupiers by the arrival or departure of clients, visitors and personnel, the management policy on conduct is provided in personnel and staff training and is prominently placed in the main entry area and back of house staff amenity rooms.

This policy reflects the need to maintain a quiet and peaceful presence in the street and surrounds and for the discrete and orderly operation of the business. To this end, all personnel, clients and other visitors are made aware of noise restrictions and are instructed to enter and exit the premises in a quiet and orderly manner. Staff are instructed in telephone procedures in which all callers are provided with location details, business hours, session booking and other appointment requirements, car parking and public transport access information.

The conduct policy contains the following information:

#### **CONDUCT POLICY**

Access to our premises is from front of No. 42 Darlinghurst Street, Potts Point. The location is denoted by the number 42 located at the front of the building which is clearly visible from the street. The preferred method of access is to phone in advance to make an appointment, entry from passersby.

Unfortunately we are unable to provide on-site parking. There are limited metered on

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street public parking within proximity to the facility. Off site parking can be accessed at *Secure Parking – Kings Cross* at 9A Elizabeth Bay Road, Elizabeth Bay NSW 2011. A pre-booked appointment will advise of restrictions.

Additionally, a number of public transport nodes service the area from the Sydney CBD and surrounds including government bus services. The premises is within a 3 minute walk of Kings Cross railway station.

### **HOURS OF OPERATION**

The premises operates per the following hours:

- Monday: 7am to 5am (following day)
- Tuesday: 7am to 5am (following day)
- Wednesday: 7am to 5am (following day)
- Thursday: 7am to 5am (following day)
- Friday: 7am to 5am (following day)
- Saturday: 7am to 5am (following day)
- Sunday: 7am to 5am (following day)
- Public holidays: 7am to 5am (following day)

Please ensure that when arriving and leaving our premises that you consider our neighbours and conduct yourself in a quiet and orderly manner.

**Signed Management**

### **3.3 Illegal Activities on the Premises**

The Management Policy on illegal activities including the sale, use and supply of illicit drugs and/or intoxicated behavior on the premises is to be prominently displayed in the entry area and private rooms.

The Policy contains the following:

#### **ILLEGAL ACTIVITIES POLICY**

Illegal activities including the sale, supply and/or use of illicit drugs on the premise is strictly prohibited.

Anyone visibly affected by alcohol or drugs is not permitted entry. The Management may report any illegal activity to the Police.

**Signed Management**

Any personnel found involved in any illegal activity will be dismissed immediately and referred where applicable to relevant health and welfare services.

### **3.4 Responsible Service of Alcohol (RSA) Policy**

At Hotel 42, our unwavering dedication to compliance with the Responsible Service of Alcohol obligations, as outlined in the Liquor Act 2007, underscores our commitment to fostering a safe and enjoyable environment for all patrons. Our comprehensive policy not only serves to provide clear guidelines for our staff but also serves as a cornerstone for our operations, complementing

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the rigorous Responsible Service of Alcohol training that each staff member undergoes before joining our esteemed team.

The purpose of the RSA policy is to provide staff with guidelines referring to the service, supply, consumption and dealing with intoxicated patrons.

### **3.4.1 DEFINITION**

Responsible Service of Alcohol is a multifaceted approach aimed at achieving several key objectives:

- Mitigating the occurrence of alcohol-related problems, including anti-social behavior and violence, within our premises.
- Implementing and upholding best practices in the sale and supply of alcohol, thereby ensuring the safety and well-being of our patrons.
- Proactively addressing and preventing disturbances within the local neighborhood that may be associated with alcohol consumption, thus fostering positive community relations and enhancing our social responsibility.

### **3.4.2 EMPLOYEE RESPONSIBILITIES**

Our valued staff members are entrusted with the following pivotal responsibilities:

- Wholeheartedly embracing and adhering to the policies outlined in this document to maintain the highest standards of responsible alcohol service.
- Remaining vigilant and promptly notifying management upon observing any patron who may be approaching or exhibiting signs of intoxication.
- Demonstrating care and concern for patron well-being by offering water when deemed necessary to counteract the effects of alcohol consumption.
- Ensuring the possession of their RSA competency card on-site, ready to be presented to law enforcement or liquor and gaming authorities upon request, as a testament to their commitment to responsible service.
- Comply with the RSA policy.
- Notify management if a patron is approaching or is intoxicated.
- Provide water when necessary.

### **3.4.3 MANAGEMENT RESPONSIBILITIES**

The management team plays a crucial role in upholding the integrity of our alcohol service through the following proactive measures:

- Conducting thorough verification of prospective employees' competency cards before employment, retaining copies for meticulous record-keeping and compliance purposes.

- Regularly monitoring and assessing staff members to ensure ongoing competency and adherence to responsible service standards, thereby maintaining the credibility and reputation of our establishment.
- Prior to employment check competency card obtained, take a copy for the business records and file in the register file.
- Do regular checks to see if staff have their competency card/digital license.
- Note and file calendar expiry dates to ensure refresher course is completed.

### **3.4.4 PROCEDURES**

#### Signs of Intoxication

Staff members are encouraged to rely on their keen observations to identify potential signs of intoxication, which may include but are not limited to:

- Slurred speech.
- Impaired balance and coordination.
- Inappropriate behavior, such as aggression or hostility.
- The smell of alcohol.
- The amount of alcohol they have consumed since arrival.
- Lack of coordination.
- Rude aggressive or unusually loud behavior.

#### Preventing Intoxication:

To mitigate the risk of patrons becoming intoxicated, our dedicated staff members are empowered to take proactive measures, including but not limited to:

- Ensuring that free water is readily available and accessible to patrons at all times throughout their visit, promoting responsible hydration and mitigating the effects of alcohol consumption.
- Offering a diverse range of food options upon request, not only providing sustenance but also helping to slow the absorption of alcohol into the bloodstream, thereby reducing the risk of intoxication.
- Promoting non-alcoholic or low-alcohol beverage alternatives to patrons, providing them with viable options to enjoy their time responsibly while minimizing the risk of overconsumption.
- To further enhance our commitment to responsible alcohol service and patron safety, RSA Marshals will be stationed onsite at all times. These dedicated individuals will play a vital role in monitoring patron behavior, intervening when necessary to prevent overconsumption of alcohol, and ensuring the safety of all patrons within our establishment.

### **3.4.5 Refusing Service**

Employees must not serve any patron, or supply alcohol to any person who is affected by alcohol or who is approaching intoxication. Security staff must not grant entry to any person who is drinking alcohol on approach to the venue. They must also refuse anyone who is showing signs of intoxication. If a patron is asked to leave due to being intoxicated, they must:

- Leave the venue immediately.
- Leave the vicinity of the premises by being at least 50m away.
- Not to re-enter the venue within 24 hours
- Management to call police for failure to comply with any of the above

By steadfastly adhering to the principles outlined in this policy and working collaboratively as a team, we endeavor to uphold the highest standards of responsible alcohol service and ensure the safety and well-being of all patrons at hotel 42.

### **3.4.5 Incident Register**

It is the responsibility of the Licensee/Manager on duty to complete the Incident Register for anyone who is asked to leave the premises due to intoxication or registered noise complaints. Details must include:

- Time and date of incident.
- Brief description of patron (gender, ethnicity, height, age, clothing, hair colour etc.)
- Description of incident and how it was dealt with.
- Signed by manager/licensee.
- complaint date and time;
- name, contact, and contact and address details of person(s) making the complaint;
- Action taken by premises to resolve the complaints;
- Incident date and time;
- Nature of incident;
- Staff member responding to incident;
- Action taken to resolve or rectify.

Incidents must be reported and recorded within the NSW Liquor and Gaming Incidents register black book in accordance with the referenced at: <https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/licensees-and-approved-managers/incident-registers>

### **3.4.6 Complaints Register**

Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:

- Complaint date and time;
- Name, contact and address details of person(s) making the complaint;
- Nature of complaint;
- Name of staff on duty;
- Action taken by premises to resolve the complaint;
- Follow-up; and
- Outcome.

### **3.5 Control of Anti Social Behavior**

As stated previously in this document, prevention of anti-social behaviour is the first course of action. To this end, all visitors are vetted before being allowed into the premises. The system for vetting clients and other visitors occurs firstly through the security cameras monitoring the entrance to the premises.

The managers or trained staff then assesses whether to permit entry to the person first, having conversed with them at the security door. Any visitor that appears aggressive, severely affected by alcohol, under the affects of drugs or otherwise suspicious will be politely refused entry and requested to leave the premises. The managers are to attend to the matter in as diplomatic a manner as possible. In the event a person refuses to leave the premises, the police will be called immediately.

#### **3.5.1 Crime Scene preservation**

If a violent incident occurs in the venue and someone is injured, staff must:

- Take all reasonable steps to preserve the scene
- Retain anything that was used in the incident (eg weapon, glass etc..).
- Follow the procedures in the NSW Police Crime Scene Preservation Guidelines (see below).
- Ensure the Sydney District Police Commander is advised of the incident.
- Follow any instructions or directions given by the Police Commander.



## Crime Scene Preservation Guidelines **LICENSED PREMISES**

### Responsibilities of licensees, managers and staff

- Immediately contact '000' or local police station.
- Render any required first aid.
- Determine the crime location scene and remove all persons from the area. Cordon off the area with things such as bar stools, tables, tape or consider closing off the area completely for areas such as toilets or hallways. (Remember there may be multiple crime scenes).
- Do not allow any persons to enter this area.
- **DO NOT CLEAN UP ANY CRIME SCENE.** You may be destroying vital evidence.
- Assign a member of staff to guard all crime scenes until the arrival of police.
- Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints.
- Do not move any items that may have been involved in an offence unless absolutely necessary or someone's safety is at risk (for example, evidentiary items may be contaminated or destroyed due to getting wet. Use disposable gloves to stop transference of your DNA or fingerprints).
- 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).
- 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.
- Obtain any CCTV footage and the security sign on sheets.
- Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. (Try to dissuade witnesses from leaving the premises before police arrive).
- Hand this information to police on arrival.
- Be prepared to make a statement to police regarding the incident.

**Deliberate interference with evidence may constitute an offence. You may be liable to prosecution or disciplinary action and this may result in the closure of the premises.**

The information provided in this fact sheet is for general guidance only. Local police are available to provide further guidance.



NSW POLICE FORCE

**Figure 7: Crime Scene Preservation guideline**

### **3.6 Emergency procedures**

All personnel are to be trained in emergency procedures as part of ongoing personnel training including familiarity with evacuation procedures, fire exits and position and use of fire extinguishers throughout the premises. In the event of fire or other emergency requiring evacuation of the premises, the manager will implement evacuation procedures. All persons are to be removed from the premises immediately. The manager will report the fire or other emergency immediately to the appropriate emergency service via the pre-coded entry in the telephone

In the event of a situation occurring where medical assistance is required, the manager will call emergency services for an ambulance and all assistance and necessary information will be provided.

### **3.7 Maintenance, Services and Supplies**

The premises is to be kept in a satisfactory state of repair at all times and is to be evaluated periodically to determine the state of repair or supply of goods and services.

### **3.8 Cleaning of Premises**

The premises is to be kept in a clean, hygienic and tidy condition ranging from full daily cleaning by a contract cleaner to daily maintenance and spot cleaning which, is to be attended to by the manager and/or staff. The manager will provide appropriate training, cleaning products and equipment including gloves to provide a clean and safe environment.

All sanitary facilities are to be cleaned daily. They are to be cleaned first with neutral detergents and any bleach or disinfectants are to be used strictly in accordance with the manufactures instructions.

All equipment used for mopping including mop and bucket are cleaned with warm water and detergent after use and the equipment is then stored to dry with buckets placed upside down and mop heads supported off the ground. Cloths used for cleaning sanitary facilities and surfaces are to be disposed of after use.

All personnel including workers and the contract cleaner are required to wear gloves when performing any cleaning duties and are advised to wash hands firstly with gloves on and again after removing gloves. Other occupational health and safety issues in respect to cleaning are provided for in the occupational health and safety training program.

### **3.9 Health and Safety**

The health and safety of workers, clients, other personnel and visitors is of paramount concern to the managers together with the overall safe, secure and hygienic operations of the premises. To this end, the following strategies have been developed and are to be implemented as part of the workplace occupational health and safety training:

- Promotion and support of safe work practices.
- Safe handling policy and procedure for disposal of sharps and sharps safes
- An accident/ injury register is to be kept on the premises and maintained by the manager. Any serious accident, injury or other emergency is reported to WorkCover NSW
- The managers are to liaise regularly with health and related authorities to ensure that best practice health and safety procedures are adhered to. Up to date information in the form of advice and print material is to be accessed through the NSW Health



Department. This information is to be available in a variety of most frequently spoken languages.

- CPR procedures are to be placed on the back of all client private rooms, bathrooms and staff personnel amenities.
- The trained staff team are to carry out regular spot cleaning of the premises.
- Liquid soap and paper towels are provided in all sanitary facilities and personnel private facilities. Bactericidal liquid soap is to be used in the pump action soap dispenses at hand basins.
- All personnel are to be given ample time to attend meetings and other information gathering opportunities relevant to workplace occupational health and safety issues.
- Smoking is only permitted within the designated smoking room within the building.

### **3.10 Management policies and procedures**

The induction and refresher training program for all personnel shall include the practical application of the following management policies and procedures:

- Service of alcohol plan
- Restricted Access Policy
- Illegal Activities Policy
- Conduct Policy
- Dealing with difficult/anti-social and/or violent behavior including process for and content of pre-session agreements
- Emergency procedures including how to summons emergency service assistance, location and use of fire extinguishers and emergency exits and evacuation procedures
- Use and maintenance of security mechanisms including back to base alarm system, intercom and duress buzzers. It is important to note that duress buzzers should only be used when it is safe to do so.
- Use and maintenance of community liaison/incident register including reporting requirements
- Use and maintenance of accident/injury register including reporting requirements
- Implications of Section 13 of the Public Health Act 1991.

### **3.11 Occupational Health and Safety Policies and Procedures**

The induction and refresher training program for all personnel shall include the practical application of the following occupational health and safety procedure:  
Hygiene, cleaning and maintenance requirements and processes (To provide for the appropriate cleaning and the health and safety of contract cleaning personnel and others engaged in any cleaning duties, information is to be provided on infection control requirements and safety precautions.

### **3.12 Waste Management**

A trade waste contractor will be contracted on a daily basis, including the removal of trade waste. In addition, staff will be required to carry out spot cleaning requirements during shifts. The frequency of trade waste collections will be regularly reviewed and additional collections will be implemented as needed.

The following arrangements provide for the requisite storage, handling and disposal of waste:

- A secure garbage storage area is located at the premises and will accommodate both putrescible waste and recycling bins.
- Service room waste bins are to be lined with waterproof liners and are to be emptied following each incident of room use. Waterproof liners are then to be replaced in the waste bins. Waste is then placed in the main garbage receptacles awaiting collection.

The licensee shall take all reasonable steps to ensure deliveries to the premises are made at a reasonable time to maintain the quiet and good order of the neighborhood so as to mitigate and avoid any negative amenity impact to adjoining landuses.

### **3.13 Car Parking**

There is no provision for on site parking. Clients and others are to be advised of the location of the nearest public parking station as identified in the premises Conduct Policy along with location and means of other modes of public transport.

### **3.14 Signage**

The only signage the premises will display includes:

- a clearly visible street number which is to be located above the entrance to denote the entry point
- notation of the business hours is located on the entrance door to the premises

### **3.15 Noise and Acoustic Management**

As per Clause 3.2 Conduct Policy, all personnel, visitors and clients are made aware of noise restrictions and are instructed to enter and exit the premises in a quiet and orderly manner.

The premises must comply with all relevant and applicable noise and vibration standards, guidelines and legislation (eg. Australian Standards, Protection of the Environment Operations Act 1997, EPA Industrial Noise Guidelines).

In accordance with Section A7 of the City of Sydney “Adult Entertainment and Sex Industry Premises Development Control Plan (2006),”:

The use of the premises will not give rise to:

- (i) The emission of an “Offensive Noise”; or
- (ii) Transmission of vibration to any place of different occupancy; or
- (iii) An indoor sound pressure level in any place of different occupancy greater than 3dB(A) above the L90 background level of any affected property between the hours of 7am to midnight daily and 0dB(A) above the L90 background between midnight and 7am.

An “Offensive Noise” is defined in the *Protection of the Environment Operations Act 1997*.

### **Acoustic Management**

The operation of the premises will remain compliant with the operational recommendations of the accompanying acoustic statement by *Acoustic Logic* dated 29/09/2023 as revised, which includes:

- All entry doors within the development should remain closed at all times, exclusive of patron ingress and egress.
- Where appropriate, acoustic seals on entry doors from the bounding roads (Darlinghurst Road and Kellett Way) should be installed to reduce overall noise spill from internal activity to external areas. Indicatively, this would be through Raven RP10 seals installed to the door perimeter, RP38si to the bottom and RP16si to the door meeting stile.
- Any required amplified music systems supplementary to the existing speaker system should be appropriately vibration isolated as to not induce structure borne noise.
- In the event of recurring complaint with respect to the noise levels generated by amplified music from surrounding noise sensitive receivers, noise levels may be able to be controlled through use of a noise limiting system to ensure compliance with relevant consent conditions. If a noise limiter were to be required, this should be installed as per a suitably qualified acoustic consultant’s advice with respect to maximum internal noise levels for external compliance.

The use of the premises shall not result in the LA10 noise level being emitted from the licensed premises exceeding the background noise level in any octave band (from 31.5 Hz to 8KHz centre frequencies inclusive) by more than 5dB between 7.00am and 12.00 midnight at the boundary of any affected residential property.

Between 12.00 midnight and 7.00am, the use of the premises shall not result in LA10 noise level in any octave band exceeding the background noise level at the boundary of any affected residential property.

The LA10 noise level shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

Noise sources include public entertainment and patrons entering or leaving the Premises.

The premises will not transmit any vibrations to any place of a different occupancy or any offensive noise as defined in the noise control act, 1975.

When using amplified equipment loudspeaker or loudspeaker system will be placed in accordance with Environmental Protection Authority Manual Noise from shops p.551.

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Speakers will be located entirely inside the premises and not situated less than 3m from any public entrance to the premises.

Speakers when in use will not be directed towards any wall which contains an external window or entrance to the premises.

Sound and vibration measuring devices will be permanently fixed to the front, rear and roof of the building to alarm us when sound could be disturbing to neighbors notifying us when to improve measures.

**3.16 Ventilation and Lighting**

The premises is to be ventilated in accordance with the requirements of the Building Code of Australia. Additionally, the premises shall be provided with adequate lighting in accordance with Australian Standards AS 1680.

**Dated: 16 July 2024**

**SIGNED by the Directors of Hotel 42/ Asteri Holdings Pty Ltd.**

..... **Signed Management**

**Mr. Manthos  
Papadopoulos**

..... **Signed Management**

**[Name of director]**