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# ***Local Impact Assessment Class 1 Application***

***Burwood Social House***

***21-23 Belmore Street***

***BURWOOD NSW 2134***

**November 2019**

PREPARED BY:  
HATZIS CUSACK LAWYERS  
*Liquor & Gaming Specialists*

## EXECUTIVE SUMMARY

### 1. INTRODUCTION

This document is a Local Impact Assessment Class 1 to accompany a threshold increase application made for the approval of a 'low range' gaming machine threshold increase of 20 in relation to Burwood Social House (the "Venue"), situated at 21-23 Belmore Street, Burwood NSW 2134.

The Venue is approved to operate between 9.00 am until 12.00 midnight, Monday to Saturday, and 10.00 am until 10.00 pm Sunday.

The Venue is in the Burwood-Croydon SA2, which had a population of 24,649 at the 2016 census.

### 2. RESPONSIBLE GAMBLING MEASURES

Chapter 2 of this Report details the mandatory and any additional responsible conduct of gambling measures to be put in place by the Applicant at the Venue.

### 3. LOCAL COMMUNITY

The local community is the Burwood-Croydon SA2. Chapter 3 to 5 provides a demographic description of the area and local community. **Attachment "A"** is a copy of a map of the SA2.

It is expected that the majority of patrons of the Venue will be local residents particularly as there are many new residential developments in and around Burwood CBD, particularly within the southern section of Burwood CBD.

### 4. POSITIVE CONTRIBUTION

Chapter 6 of this Report details the benefits that the Venue will provide to the local community if the application be approved.

### 5. CONCLUSION

Given the satisfaction of the requirements of the Gaming Machines Act 2001 (the "Act"), and the associated Gaming Machines Regulation 2019 (the "Regulation") through the proposed conduct of gaming machine operation at the Venue in a responsible manner, along with the evidence of a positive contribution to the local community, it is the Applicant's belief that this LIA meets the requirements of the legislation.

## 1. DETAILS OF THE VENUE

- 1.1. The Venue is situated at 21-23 Belmore Street, Burwood. The Venue is located in a mixed residential and commercial area of the suburb with surrounding uses predominantly comprising of a commercial nature.
- 1.2. The Venue will be refurbished and fitted out as a modern hotel offering the usual and expected facilities associated with a hotel licence.
- 1.3. The Venue will be family-friendly venue. A minors area authorisation is also being applied for.
- 1.4. The Venue has a patron capacity of 239 persons. However, it is expected that with furniture provided, the maximum patron capacity at most times the Venue is trading would be below that capacity.
- 1.5. The gross floor area of the Venue exceeds 400 square metres. The area to be set aside for gaming is shown on a plan (**Attachment "B"**). Gaming facilities will be ancillary to the other services to be on offer at the Venue.
- 1.6. The facilities to be provided at the Venue consist of the following:-
  - Dining
  - Lounge/bar spaces
  - Sports bar
  - TAB
  - Gaming room
  - Packaged Liquor (over the bar) – no separate designated bottle shop area
  - Commercial kitchen, cool room and storages areas, sanitary facilities, together with back of house areas.
- 1.7. The Venue will offer a range of meals at reasonable prices. It is proposed that meals will be available up until a short time prior to closing time. A bar menu will be available at those times when the kitchen is closed. Accordingly, food that is commensurate with the responsible consumption of liquor will be available at all times the Venue is open for trading.
- 1.8. The Venue's current gaming machine threshold is zero. This LIA and associated threshold increase application seeks a gaming machine threshold of 20.
- 1.9. The approved trading hours are 9.00 am until 12.00 midnight the following day, Monday to Saturday; and 10.00 am until 10.00 pm on Sunday. It is proposed that the Venue will open from 9.00 am to allow a breakfast service. As there will be no sale and supply of liquor prior to 10.00 am, no change to the 6-hour closure period is proposed.
- 1.10. It is not proposed that live entertainment will be provided at the Venue and any music provided will be limited to low-level background music only.
- 1.11. In accordance with clause 33 of the Regulation, **Attachment "C"** is a copy of a map showing the location of the Venue in relation to the location of any school, place of worship or hospital within a 200 metre radius of the Venue.

- 1.12. The Venue is located on the northern side of Belmore Street. The nearest place of public worship, hospital or school is the Burwood Presbyterian Church located at 44-48 Belmore Street, on the southern side of Belmore Street. At its nearest point from the Venue, the Presbyterian Church is a distance of 152 metres (measured in a straight line).
- 1.13. The Presbyterian Church comprises two (2) separate and distinct buildings. The Church building nearer to the Venue has signage referring to this building as the "Chinese Presbyterian Church". Adjacent to that building (and approximately 15 to 20 metres further west) is the main Church building. Signage outside the western building refers to that building as Burwood Presbyterian Church. The western building is a distance of 175 metres from the Venue.
- 1.14. The Venue and the Presbyterian Church are not considered to be in the "immediate vicinity" of one to the other.
- 1.15. In terms of *function*, the Venue is located to the east of a roundabout at the intersection of Belmore Street and Wynne Avenue. The Church is located to the west of that intersection.
- 1.16. The area to the west of the Wynne Avenue roundabout is the traditional religious/civic/educational precinct for Burwood. This area comprises the Presbyterian Church, a Baptist church (at the western end of Belmore Street on Conder Street), and the former Masonic Temple, which has been re-developed as residential tower buildings. To the immediate north of this block is the Burwood Council Chamber and library together with the Burwood Civic Centre. Opposite the Council Chambers, on the west boundary of Conder Street is Burwood Public School.
- 1.17. By contrast, the area to the east of the Wynne Avenue roundabout is the traditional professional service centre for Burwood. This area houses many doctors, accountants and other professional services. Both areas (east and west of the Wynne Avenue roundabout) are interspersed with multi-level residential housing, of varying ages.
- 1.18. The *character* of the development east and west of the Wynne Avenue roundabout is a very different, consistent with the differing functions of the two different precincts. East of the roundabout, development is much denser and there is a greater preponderance of multi-storey development.
- 1.19. In terms of zoning, the northern part of the Belmore Street, including the Venue, is zoned as a "middle ring" area of the town centre, under Burwood Council's Burwood Development Control Plan (DCP). The southern part of Belmore Street (including the church) is regarded as a "perimeter area". The maximum building height permitted south of Belmore Street is 15 metres, whereas on the northern side, a building height of 70 metres is permissible. These zoning differences serve to emphasise the differences in the nature, character and function of the different precincts in which the church and the Venue are situated.
- 1.20. Worshippers leaving the Church and looking east towards the Venue would have difficulty distinguishing the Venue from other commercial developments on Belmore Street.
- 1.21. In summary, the Venue is not in the "immediately vicinity" of the Burwood Presbyterian Church. This is due to the distance, lack of any direct line of sight, the unlikelihood of any detrimental impacts being caused to worshippers from the presence of the Venue and the contrasts in the character, nature, style and function of development east and west of the roundabout at Wynne Avenue.

- 1.22. The Burwood Church of Christ is located approximately 200 metres to the south-east of the Venue at 18 Clarence Street, Burwood. That location is 2 blocks away from the Venue and approximately 50 metres from the intersection of Burwood Road. There is no line of sight between the Venue and the Burwood Church of Christ due to the commercial and double storey residential premises located on both sides of Burwood Road between the two locations.

## **2. HARM MINIMISATION AND RESPONSIBLE GAMBLING MEASURES**

- 2.1. The harm minimisation strategies which the Venue intends to implement include all those required by legislation.
- 2.2. Gaming will be provided within a designated gaming room within the Venue.
- 2.3. The gaming room will comply with Clause 8 of the Regulation in that:-
- (a) It will be located in a “bar area” of the Venue (and will not be located in an area in which a minor’s area authorisation or minors functions authorisation is in force);
  - (b) The gaming room will be physically separated from the general bar area by permanent opaque walls;
  - (c) Patrons will not be compelled to pass through the gaming room in order to enter or leave the Venue or to gain access to another part of the Venue;
  - (d) Entry will be provided free of charge;
  - (e) The gaming machines will be situated so that they cannot be seen from any place outside the Venue;
  - (f) All machines will be suitably spaced to facilitate access;
  - (g) The gaming room will be monitored by a gaming room supervisor, as well as by electronic means (CCTV) at all times;
  - (h) There will be a door way or space that provides reasonable access to at least one operating bar and one toilet for each gender, without the need for patrons to go out onto the street or outside the Venue; and
  - (i) The gaming room cannot be accessed directly from a public street.
- 2.4. Other requirements of the Act and Regulation will be complied with, in that:-
- (a) All staff involved in gaming duties will hold a current and approved responsible conduct of gaming (RCG) competency card (or interim certificates). Copies of competency cards (or interim certificates) are kept by each staff member when working at the Venue and will be available for inspection;
  - (b) The Venue will make arrangements through AHA for the provision of gambling counselling;
  - (c) The Venue will participate in the GameCare AHA Gaming self-exclusion scheme and policy;

- (d) Staff will be trained in the requirements of the self-exclusion scheme and associated referral process;
  - (e) All statutory signage will be prominently displayed throughout the gaming room;
  - (f) Pamphlets informing patrons of the dangers of problem gambling and of the availability of counselling and the self-exclusion scheme will be displayed within the Venue in a number of community languages;
  - (g) The Venue's automatic telling machine (ATM) is located outside the gaming room. Patrons not permitted to make withdrawals on credit;
  - (h) There will be no advertising or promotions of the availability of gaming machines conducted at the Venue;
  - (i) A clock will be present and visible to all patrons within the gaming room;
  - (j) The Venue will not accept third party cheques or the cashing of cheques by patrons;
  - (k) There will be a limit of \$5,000 on cash payment for winnings;
  - (l) Minors will not be permitted entry to the gaming room;
  - (m) Consumer information on the chance of winning maximum prizes and jackpots will be made available in the gaming area;
  - (n) The Venue will not publish any gaming machine advertising;
  - (o) All gambling-related signs will be situated within the Venue and are not visible from the exterior of the Venue; and
  - (p) Inducements will not be offered at the Venue for the use of the gaming machines.
- 2.5. Additional harm minimisation measures will be implemented at the Venue in respect of responsible conduct of gambling by the Venue's licensee and all staff involved in the operation of the gaming machines. These staff members will be undertaking an online training course conducted by Victorian Responsible Gambling Foundation. This course includes reference to a 30-item checklist for use by staff members to recognize patrons exhibiting problem gambling tendencies.
- 2.6. At all times the gaming room is operated, the Venue will engage a Gaming Room Attendant who is present to provide direct supervision of this area. The presence of the Gaming Room Attendant will allow management to make early detection of any possible signs of problem gambling being experienced at the Venue.
- 2.7. It is proposed that the Venue will be operated in accordance with a detailed Venue Plan of Management. **Attachment "D"** is a copy of the same.

- 2.8. The Venue's gaming machines will not operate past midnight Monday to Saturday and will not operate past 10.00 pm on Sunday. These hours are two hours fewer than the recommended gaming shutdown hours contained in the "Blue Moon" report.<sup>1</sup> The Blue Moon report recommended that gaming machine shutdown should take effect from 2.00 am.

### 3. LOCAL COMMUNITY

- 3.1. The local community is the Burwood-Croydon SA2.
- 3.2. Burwood is a suburb in the Inner West of Sydney, approximately 12km west of the Sydney CBD.
- 3.3. It is expected that patrons of the Venue will be residents of Burwood, including residents of the many new developments in and around Burwood CBD and employees of the many businesses in Burwood together with other visitors to Burwood CBD. The Venue will be a family-friendly venue that welcomes and caters to the needs of the local community's families.
- 3.4. Burwood is the administrative centre for Burwood LGA, and acts as the main shopping and commercial precinct for a much wider area. The suburb houses two shopping centres being Westfield Burwood Shopping Centre in the northern section of the CBD, and Burwood Plaza Shopping Centre in the southern section of the CBD. Westfield's website refers to the Shopping Centre as having a trade area population of some 436,000 persons (primary trade area population of 232,000 persons), with 13,800,000 annual customer visits.

#### *Growth and development in Burwood and Burwood LGA*

- 3.5. Both Burwood suburb and Burwood LGA have been the subject of exponential development and population growth, which will continue into the future. Burwood is one of 15 new priority precincts earmarked for fast-track growth and revitalisation. The suburb is also one of eight urban activation precincts that have been set aside for a special investment in infrastructure and funding by the NSW Government due to being zoned for medium to high density residential and commercial development.
- 3.6. The population of Burwood LGA increased from 29,381 persons at the 2001 Census to 36,809 persons at the 2016 Census. For the same period the population of Burwood suburb increased from 11,130 persons to 16,030 persons. Most notably, of the increase of 7,428 persons in the LGA, 4,900 persons were located in the suburb of Burwood.
- 3.7. According to the Mayor of Burwood LGA, the population of the LGA is forecast to increase to some 55,000 persons by 2021, an increase of some 67% from the 2016 census population of 36,809 persons<sup>2</sup>.
- 3.8. Much of that growth is taking place in Burwood; in particular within the CBD of Burwood, and specifically within the southern section of the CBD, where the proposed licensed premises will be located. The population of Burwood suburb increased from 11,130 persons as at the 2011 census to 16,030 persons at the 2016 census. That represents 44% growth over 5 years.
- 3.9. Further, between 2015 and 2018, there were 1701 dwellings approved in Burwood LGA, mostly in the suburb of Burwood.<sup>3</sup>

<sup>1</sup> "Evaluation of the 6-Hour Shutdown of Electronic Gaming Machines in NSW" prepared for Office of Liquor Gaming and Racing by Blue Moon Research Pty Ltd, April 2008.

<sup>2</sup> Financial Review Article – 3 October 2018.

<sup>3</sup> <https://profile.id.com.au/burwood/building-approvals> accessed 10 April 2018.

3.10. The most significant developments that have recently been completed, are under construction, or are proposed are located within the southern section of Burwood CBD. These include:

(i) B1 Square/Emerald Square: 27-31 Belmore Street

- The development comprises three residential towers housing 210 apartments.
- The development provides a retail component operating as Emerald Square over three levels.
- There are 580 carparking spaces in the basement levels, 200 of which are for visitors.
- The development was completed in 2016.

(ii) Burwood Central: 1-3 Railway Parade

- Development consent was previously approved for a mixed commercial and residential development consisting of a podium and three towers with commercial units and 233 residential units, with 4-level basement carparking for 307 cars at premises at 1-3 Railway Parade, facing the rail line.
- That development was completed a number of years ago.

(iii) Burwood Grand: 39-47 Belmore Street, 6-14 Conder Street and 11/19 Wynne Avenue

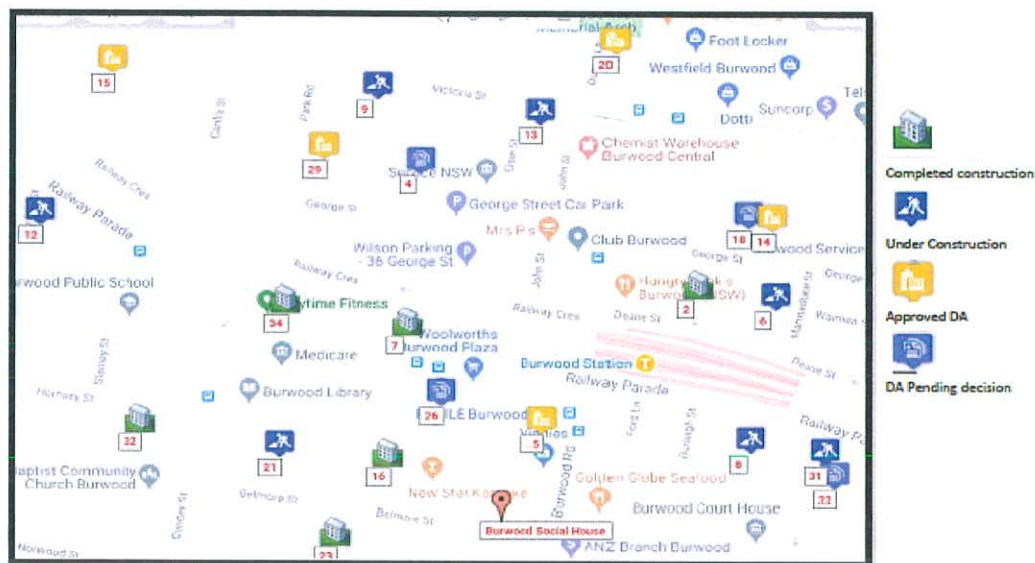
- The Burwood Grand development is presently under construction.
- The development will contain the following:
  - Three levels of parking for residents, visitors and retail.
  - Three multi-storey residential buildings (1 x 11 storey, 1 x 22 storey and 1 x 19 storey).
  - 490 apartments with space for 530 cars.

(iv) Burwood Place: 42-50 & 52-60 Railway Parade

- A planning proposal has previously been approved by Council and submitted for a gateway determination. An amended proposal has also been lodged. The amended proposal is understood to contain:
  - Five towers that will be between 20 to 42 storeys high.
  - 1,000 new apartments which will be spread across 4 of the proposed residential towers.
- The development is projected to create up to 3150 new office and retail jobs.

- 3.11. Indeed, some indication of the extent of future development can be seen in the summary that is set out below (that was prepared by the applicant) of the development activity in Burwood CBD area. According to this summary, a total of 2,894 dwelling units have recently been completed, DA approved, are under construction or DA pending.

#### Burwood Town Centre Construction & Development Activity



PINPOINT	address	Construction	UNITS	STATUS	DA File number
1	10-12 Burwood Rd	9 storey Building	27	COMPLETE	10.2014.121.1
2	11-13 Deane st	Mixed Development	112	COMPLETE	11 Deane st
3	11-13 Burwood Rd	9 Storey mid rise building	37	COMPLETE	10.2014.98.3
4	12 Gloucester Ave	17 Floor Mixed development	44	pending	10.2018.137.1
5	127-133 Burwood Rd	19 Storey development	45	NOT STARTED	10.2014.149.1
6	1-3 Marmaduke St	Mixed Development	154	UNDER CONSTRUCTION	10.2012.136.1
7	1-2 Railway Parade	17 Storey Mixed use Development	319	COMPLETE	10.2016.52.1
8	16 Railway Parade	7 Storey Mixed Development/part 20 Storey story	54	UNDER CONSTRUCTION	10.2016.45.1
9	1-7 Gloucester Ave	4 BUILDINGS 5 & 8 Floor residential apartments	113	UNDER CONSTRUCTION	10.2016.54.1
10	180-186 Burwood rd	Mixed development- 20 Storey	57	UNDER CONSTRUCTION	10.2016.103.1
11	199-197 Burwood Rd	Mixed development/4 floors	15	NOT STARTED	10.2016.21.1
12	2-10 Oxford St	Mixed development/ 8 Floor residential	87	UNDER CONSTRUCTION	10.2017.124.1
13	2-14 Elsie st	Mixed Development - 18 Floors	75	UNDER CONSTRUCTION	10.2015.36.1
14	23 George e St	20 Floor Mixed development	58	NOT STARTED	10.2016.179.1
15	27 Gordon st	3 Storey resi building	16		10.2016.113.1
16	27-31 Belmore st	3 Building - Emeral Square	210	COMPLETE	Emeral Square
17	2-8 Burwood Rd	Mixed Development	20	UNDER CONSTRUCTION	10.2014.205.1
18	29-33 George e St	Mixed development	20	pending	10.2018.125.1
19	32-34 Burwood Rd	Mixed development	20	pending	10.2017.39.1
20	35a Burwood Rd	7 Storey mix use development	20	NOT STARTED	10.2016.75.1
21	39-47 Belmore st	Mixed development - 19 stories/ 2 Buildings	20	UNDER CONSTRUCTION	10.2015.193.1
22	4 Railway Parade	Mixed Development 14 Storey/2 buildings	20	pending	10.2019.60.1
23	44 Belmore st	Mixed development	28	COMPLETE	10.2013.59.1
24	44 Meryla St	5 Storey Mixed development	35	COMPLETE	10.2014.75.1
25	48 Burwood Rd	8 storey building	19	NOT STARTED	10.2014.118.1
26	50 Railway Parade	40 storey planning proposal	1000	PENDING	Burwood plaza 40 Storey
27	50-52 Burwood Rd	9 Storey Mixed Development	40	NOT STARTED	10.2016.4.1
29	52-54 Park Rd	6 Floor resi	24		10.2016.142.1
30	56-60 Burwood RD	Mixed Development	46	UNDER CONSTRUCTION	10.2015.92.10
31	6 Railway Parade	17 Storey Mixed Development - 2 Buildings	47	UNDER CONSTRUCTION	10.2016.52.1
32	7-15 Conder st	2 buildings	90	COMPLETE	7 Conder
33	84-86 Burwood Rd	8 Levels of Resi on top of Club	22	UNDER CONSTRUCTION	10.2018.47.1
	Burwood Social House	21 Belmore st			

Total Units: 2894  
Estimated population: 7235

- 3.12. Expressed in terms of dwellings, the number of LGA dwellings in 2016 (14,750) is projected to increase to 17,000 in 2021 and to 18,650 in 2026.
- 3.13. The projected annual population growth rate for the LGA is presently 2.9% per annum (2016 – 21) moderating to 1.8% per annum (2021 – 2026). Those rates of growth are well in excess of the equivalent State wide population projections made by NSW Planning and Environment. State-wide population growth is projected to be 1.37% per annum in 2016 – 21, moderating to

1.28% per annum in 2021 – 2026.

- 3.14. Burwood is the administrative centre for Burwood LGA, and acts as the main shopping and commercial precinct for a much wider area. Westfield Burwood enjoys some 13,800,000 annual customer visits.<sup>4</sup> Burwood Council states that 19,738 people work in its Council area including 3,789 registered businesses with a gross regional product of \$1.924 billion.<sup>5</sup>

#### 4. DEMOGRAPHY

- 4.1. In 2016, the Burwood-Croydon SA2 had a population of 24,649<sup>6</sup>.
- 4.2. The relevant demographic information is set out below:
- 47.9% of the population is male.
  - 52.1% of the population is female.
  - The median age is 32.
  - Only 0.3% of the population is of Aboriginal and/or Torres Strait Islander descent. This is low when compared to the State average of 2.9%.
- 4.3. It is evident from the SA2 ABS statistics 2016 that the residents of this area are well educated with 36.8% of the population achieving a bachelor degree level and above. This is higher than the State average of 23.4%.
- 4.4. The most common occupations in the Burwood-Croydon SA2 included professionals at 30.3%. This number is higher than the State average of 23.6% and the national average of 22.2%.
- 4.5. 34.5% of the population were born in Australia compared to 65.5% in NSW. It had a high percentage of persons where both parents were born overseas (73.9%) compared to that of NSW (37%).
- 4.6. The median weekly personal income in the SA2 was \$532 compared to \$664 in NSW, although the median weekly household income was \$1,545 compared to \$1,486 in NSW.
- 4.7. In the SA2, 55.7% of the labour force over the age of 15 reported working full-time and 31.1% part-time. The comparable figures for NSW were 59.2% and 29.7% respectively.
- 4.8. The Socio-Economic Indexes for Areas (SEIFA) scores for the SA2 from the 2016 Census are:

INDICATOR	BURWOOD-CROYDON SA2 SCORE	BURWOOD-CROYDON SA2 DECILE
IRSEAD	1044	7
IRSED	991	5
IER	926	2
IEO	1074	8

<sup>4</sup> Source: Website Westfield Burwood

<sup>5</sup> Source: [Burwood.nsw.gov.au/business/economic\\_profile.html](http://Burwood.nsw.gov.au/business/economic_profile.html)

<sup>6</sup> 2016 Census QuickStats: Burwood-Croydon SA2.

- 4.9. Overall, the demographic profile that emerges of the local community is a population that is well-educated and with a higher proportion in professional occupations.

## **5. POSITIVE CONTRIBUTION**

- 5.1. Clause 33 of the Regulation requires this LIA to include details of the benefits the Venue will provide to the local community if the Application is approved.
- 5.2. A positive contribution shall be made by way of a financial contribution of \$3,375,000 (over five years) if this Application is approved. The proposed contribution will be made to the Secretary of the Responsible Gambling Fund pursuant to sec.36A of the *Gaming Machines Act 2001* and sec.115B of the *Casino Control Act 1992*.

### ***Calculation of Amount of Financial Contribution***

- 5.3. The amount of the financial contribution was calculated in accordance with the formula detailed in the latest version of the Class 1 Local Impact Assessment Process Guidelines published by the Authority for new hotels. That formula provides for a 'positive contribution' being 15% of the average annual profit of existing gaming machines before tax of existing hotels in the LGA, multiplied by the number of GMEs to be added by the GMT increase, per year over five years.
- 5.4. The Liquor & Gaming NSW website combines Burwood LGA with Strathfield LGA for the gaming machine performance data for all hotels located in these two LGA areas.
- 5.5. Liquor & Gaming NSW was requested to provide details on Burwood LGA gaming machine performance data only. As a result, it was advised that the profit per gaming machine in the Burwood LGA was \$225,000, calculated for a 12 month period from 1 January 2018 to 31 December 2018.
- 5.6. The Venue will provide substantial public benefits to the residents and business owners of Burwood. Those benefits include, but are not limited to, the following:-
- (i) Provide a modern, stylish, sophisticated and family-friendly hotel to meet the needs, demands and expectations of the growing population of Burwood and those persons who work in, or resort to that suburb.
  - (ii) Despite Burwood being the subject of significant population growth in recent years, which is expected to continue into the future, there has been no new hotel facility for Burwood CBD for many decades. The only hotel licence granted since the start of the decade apply to premises outside of the CBD and is currently operated as a Dan Murphy's Store packaged liquor store.
  - (iii) The Venue will comprise of a hotel providing a range of facilities including bar area, dining, TAB and sporting facilities, designated gaming room and other associated facilities to meet the needs and demands of the local community.
  - (iv) Provide a family-friendly venue to meet the needs and demands of families in Burwood and Burwood LGA.
  - (v) Provide a new hotel facility in the southern section of Burwood CBD conveniently located where a number of large new residential developments are being constructed and conveniently located for residents of those developments.

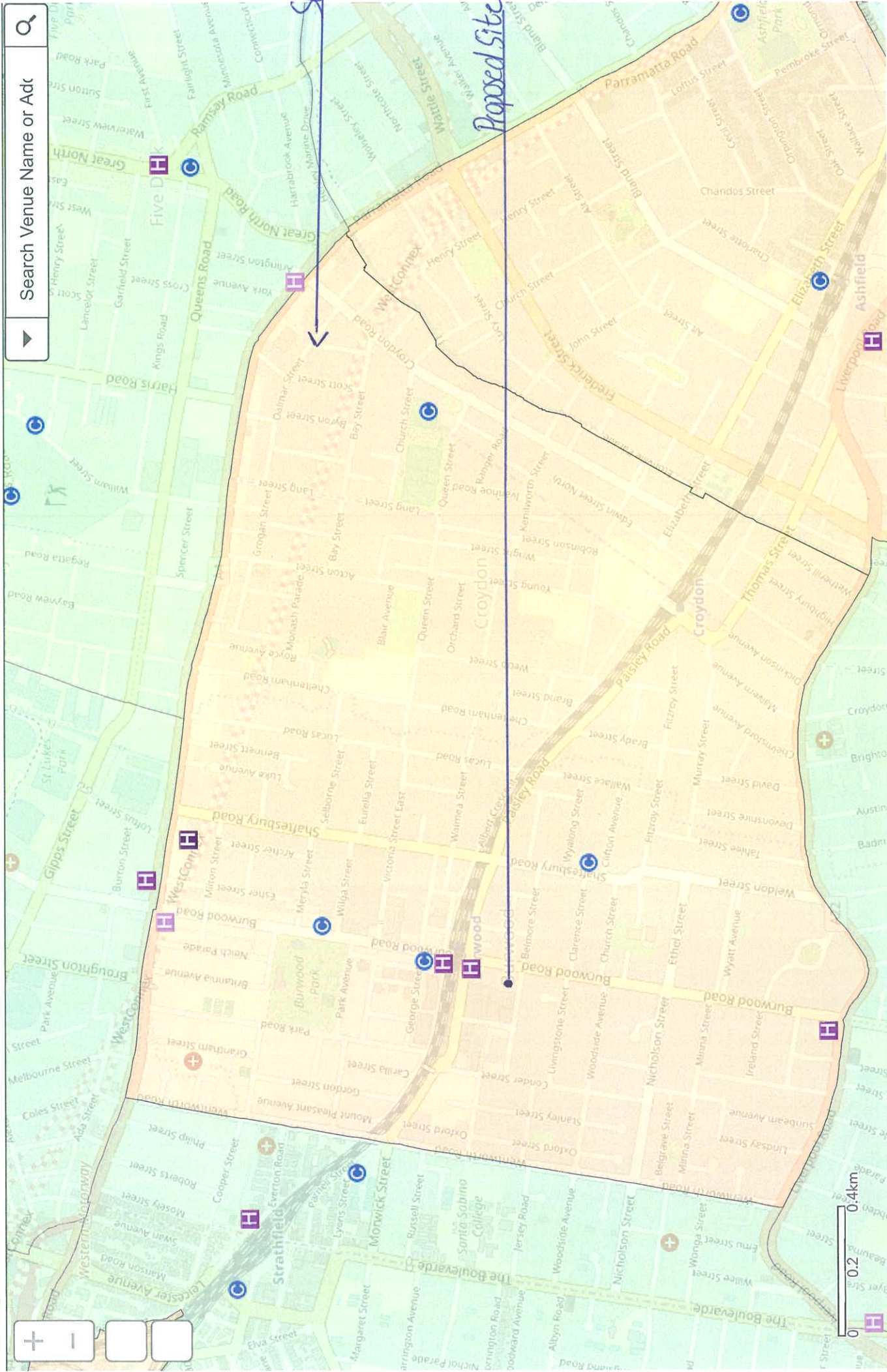
- (vi) Provide an additional choice for residents of Burwood and those persons resorting to the suburb. At present, there are only 2 hotels operating in Burwood CBD. Further, within the CBD there are no premises the subject of a small bar licence and only one licensed restaurant the subject of a PSA which applies to premises in the Westfield Shopping Centre, located north of the railway line and some distance from the Proposed Hotel.
- (vii) Provide a licensed premises that will operate in accordance with a detailed and comprehensive Plan of Management with various measures to minimise the potential for adverse impacts to the amenity of the area.

## **6. CONCLUSION**

- 6.1. This LIA, pursuant to Clause 37 of the Gaming Machines Amendment Regulation 2009, defines the Applicant's local community, details the positive contribution that the Applicant will provide to the local community if the application is approved and details the harm minimisation and responsible gambling measures that will be put in place at the Venue.
- 6.2. The Applicant will operate gaming machines at the Venue in compliance with mandated legislative requirements and will operate a best-practice style of interventions and procedures.
- 6.3. The Applicant submits that this LIA complies with the requirements of the Act, Regulation and Guidelines, has demonstrated that gambling activities will be conducted in a responsible manner and confirms the proposed increase in the GMT from zero to 20 will result in a positive contribution being made for the benefit of the local community.

# **ATTACHMENT 'A'**

"A"



## **ATTACHMENT 'B'**



1'B"

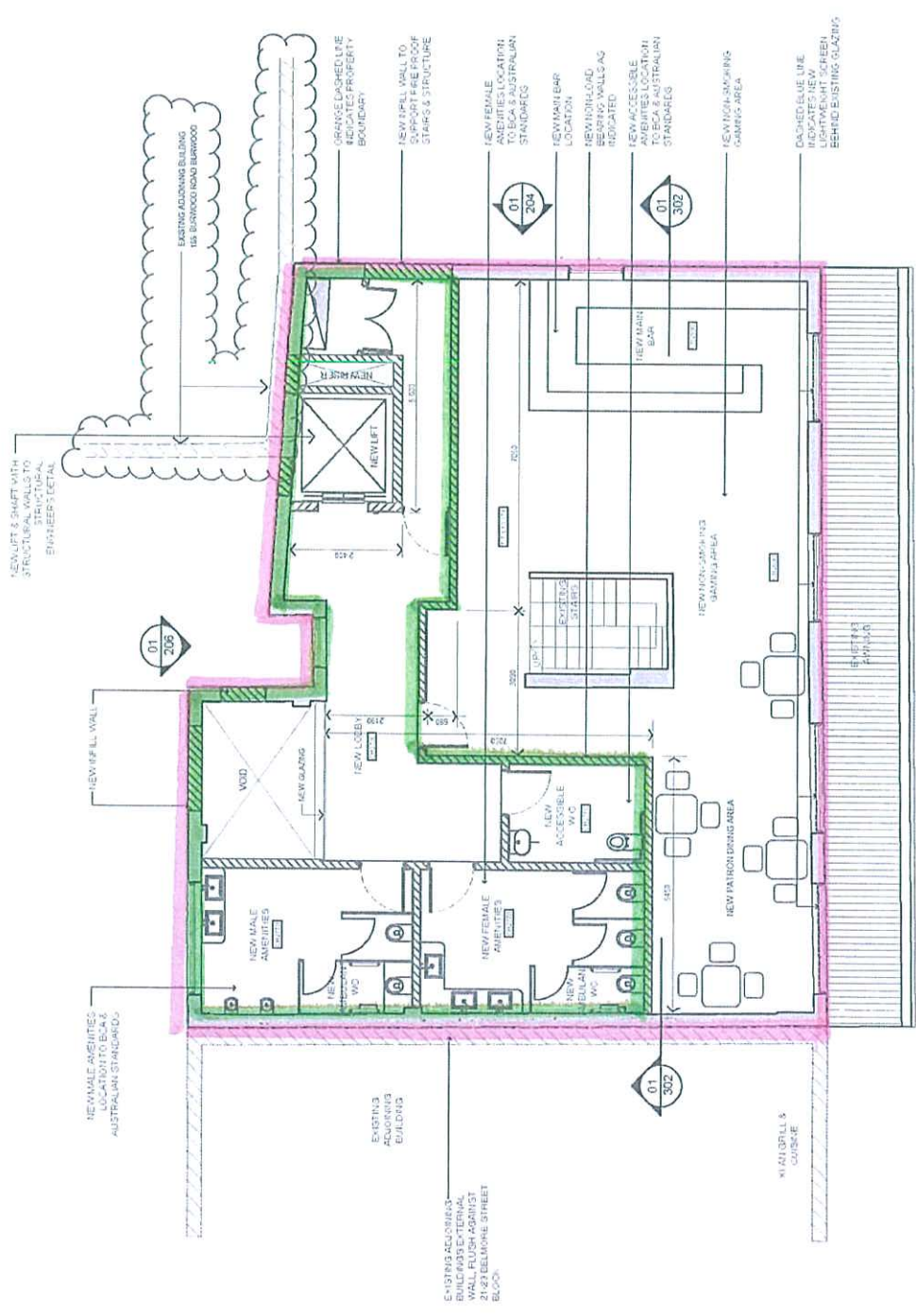
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Burwood NSW 1513  
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NOTE  
Check all dimensions to include 100mm wall width unless stated otherwise.

REPRESENTS CEILING HEIGHTS/LEVELS  
REPRESENTS NEW WORKS IN JOINTERY WALLS  
REPRESENTS FINISHES  
REPRESENTS FLOOR LEVEL



PROPOSED LICENSED AREAS  
MINERS AUTHORIZATION AREAS

01 PROPOSED PLAN  
LEVEL 1  
1:100@A3

PROPOSED LICENSED AREAS  
MINERS AUTHORIZATION AREAS

DEVELOPMENT APPLICATION

BURWOOD HOTEL 02  
21-23 BELMORE STREET, BURWOOD

PROPOSED PLAN  
LEVEL 1

Drawn	DEVELOPMENT APPLICATION
Check	AS SHOWN
Drawn	DS
Project No	402

01 DA 1 04 E  
Code  
17 New Street  
Burwood NSW 1513  
Tel: 02 9339 0271  
www.paulkellydesign.com.au

PAUL  
KELLY  
DESIGN

118

3 of 3

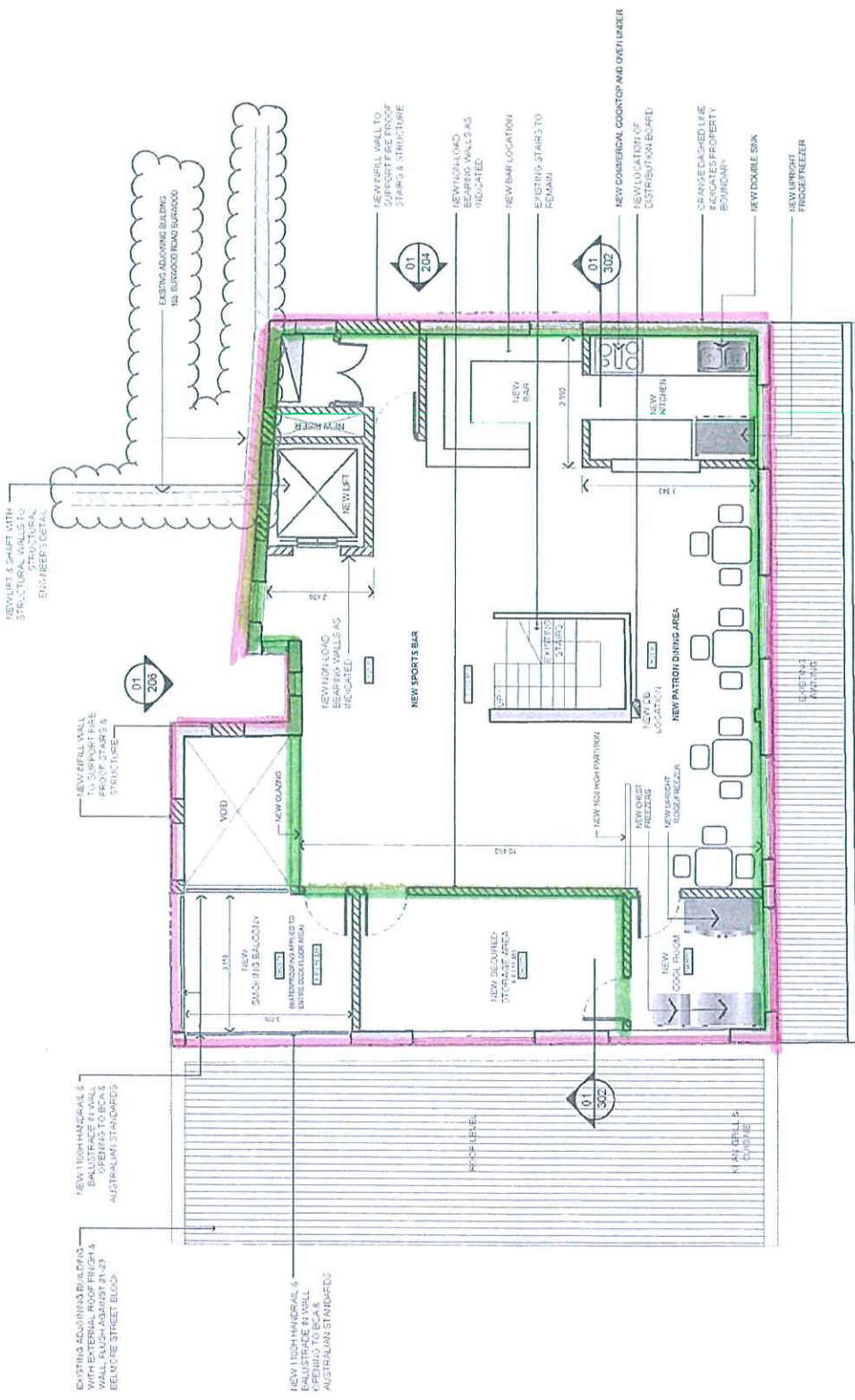
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- REPRESENTS CEILING HEIGHTS/LEVELS
- REPRESENTS NEW WORKS IN JOINTLY WALLS
- REPRESENTS FINISH FLOOR LEVEL

SINKING AREA CALCULATION	
CEILING AREA	377.3117
PERIMETER AREA	377.3117 x 2.311 x 2.581 x 2.311
PERIMETER AREA	5338.1865
TOTAL AREA	5715.4982
FULL COVERING AREA	377.3117 x 2.311 x 2.581
FULL COVERING AREA	141.1337
RESIDUAL OPEN POSITION	5574.3645
PERCENT	34.62%



BELMORE STREET

Proposed licensed area  
Minors authorisation area

01 PROPOSED PLAN  
LEVEL 2

1:100@A3

BURWOOD HOTEL 02  
21-23 BELMORE STREET, BURWOOD

PROPOSED PLAN  
LEVEL 2

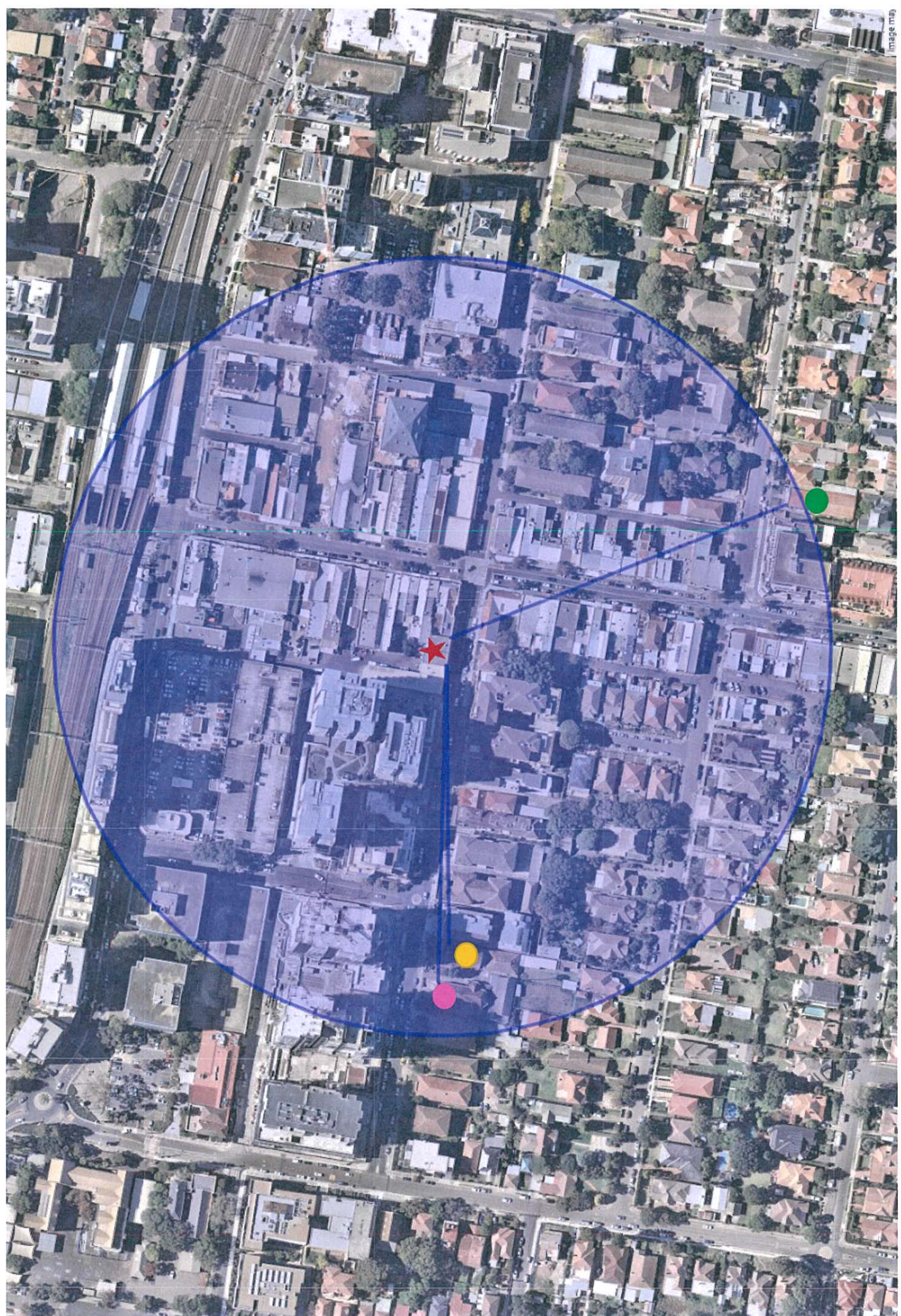
Client	DEVELOPMENT APPLICATION
Design	AS SHOWN
Drawn	DS
Project No.	402

01 DA 1 06 F

PAUL KELLY DESIGN  
17 Day Street  
Burwood NSW 1513  
Phone: 02 9555 6499  
Email: paul@paulkellydesign.com.au

DEVELOPMENT APPLICATION

## **ATTACHMENT 'C'**



Burwood Social House



Chinese Presbyterian Church  
Burwood (approx. 155m)

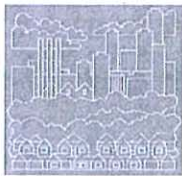


Burwood Presbyterian Church  
(approx. 175m)



Burwood Church of Christ  
(approx. 200m)

# **ATTACHMENT 'D'**



**DESIGN COLLABORATIVE**  
**Pty Limited**

ABN 36 002 126 954  
ACN 002 126 954

Planning and Development Consultants

[www.designcollaborative.com.au](http://www.designcollaborative.com.au)

**Director**  
J Lidis  
BTP (UNSW)  
MPIA CPP

**Associate Director**  
David Rippingill  
BEP (WSU)  
Juris Doctor (UNE)  
RPIA

**Consultant**  
G W Smith BSurv(QLD)  
MCP(MIT)  
FPIA MRTPI FAPI  
MIS Aust

# PLAN OF MANAGEMENT

FOR THE OPERATION OF A PROPOSED PUB

LOCATED AT 21-23 BELMORE STREET, BURWOOD

**Prepared for Blairgrove Pty Limited**

OCTOBER 2018  
Ref: 170986.10P

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Appendix B – Identification of Intoxication Guidelines issued by the Department of  
Justice

Appendix C – Promotion of Liquor Guidelines issued by the Department of Justice

Appendix D – Development Consent

Appendix E – Hotel Licence

## 1.0 INTRODUCTION

- 1) The purpose of this Plan of Management (the 'Plan') is to establish performance criteria for the various aspects of the operations of a pub located at 21-23 Belmore Street, Burwood (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.
- 2) This Plan also establishes performance criteria to demonstrate compliance with the Prevention of Intoxication on Licensed Premises Guidelines, dated March 2015 issued by the Secretary of the Department of Justice (*the Secretary's Guidelines* – see **Appendix A**).
- 3) Prior to commencing work at the Hotel all staff deployed during licensed trading hours including management, floor staff, bar staff and security shall be made familiar with this Plan, including the Secretary's Guidelines, the Intoxication Identification Guidelines (**Appendix B**) and the Liquor Promotion Guidelines (**Appendix C**) and how the Guidelines are to be complied with during day-to-day tasks.
- 4) All staff made familiar with this Plan are to sign a register stating they have been made familiar with this Plan and its Guidelines and received instruction on how this Plan is to be enforced. That register is to be kept with this Plan. Any changes made to the Plan are required to be notified to staff and the register updated prior to commencement of their next shift.
- 5) 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 development consent 2017.41 – **Appendix D**) and the Hotel Licence (LIQHXXXXXXXXXX – **Appendix E**) will be kept on site and produced upon a request by Police or Council Officers.
- 6) The provisions of this Plan must be adhered to at all times during the execution of the duty of all members of staff and security. Disregarding the provisions of this Plan may lead to on-the-spot dismissal.
- 7) Reference in this Plan to the Duty Manager is a reference to the most senior Hotel management person on duty, unless the role of Duty Manager has been delegated by the Licensee. Reference in this Plan to the Security Manager is a reference to the most senior security person on duty or as designated by the Duty Manager.

- 8) An obligation or responsibility under this Plan assigned to a Duty or Security Manager may be undertaken by another member of staff, as delegated by the relevant manager.

## **2.0 OPERATIONAL DETAILS**

### **2.1 THE POLICE AND THE COMMUNITY**

- 9) The Licensee will be an active member of the Burwood/Canada Bay Liquor Accord and will continue to maintain that membership. The Licensee will promote all liquor related programs by the Burwood/Canada Bay Liquor Accord regarding the responsible consumption of liquor.
- 10) The management team for the Hotel will meet monthly amongst themselves and at the request of the Licensing Unit of the NSW Police Force, Burwood Local Area Command. These meetings are to be recorded in the Incident Register. Matters that will be discussed will range from the management of upcoming events, any recent incidents and where improvements could be made with respect to security and management procedures. Management procedures and this Plan are to be reviewed regularly in this context to address on-going matters as they arise and to ensure contingency plans are in place.
- 11) This Plan incorporates a community complaint section to deal with any complaints as to noise or the behaviour of patrons or staff. See Section 4.2 of this Plan for more information.

### **2.2 OPERATING HOURS AND USE OF THE HOTEL**

- 12) The hours of operation of the Hotel are as follows:
- a) 9am until 10.00pm Monday to Thursday;
  - b) 9 am until 12.00 midnight Friday and Saturday; and
  - c) 10am until 10.00pm Sunday.
- 12.A Notwithstanding clause 12 above, the premises may operate for a trial period of 12 months from the date of issue of an occupation certificate during the following hours:
- Monday to Thursday – 9am until 12.00 midnight.

That trial period may be further extended by Council following a merits assessment made after an application by the Hotel owner to extend the trial period.

- 13) All doors to smoking areas are to have functioning self-closing doors.

- 14) The maximum capacity and hours of operation for the smoking areas is as follows.
- a) Ground floor: Maximum 12 patrons.
  - b) Level Two: Maximum 9 patrons and to be closed at midnight.
- 15) From 10pm all entry and egress to the Hotel is to be via the ground floor airlock entry.
- 16) Takeaway packaged liquor sold for consumption off the premises may only be sold over the bar from the ground floor and between the hours of 10am and 11pm, daily.
- 17) The Licensee must be present at the Hotel during all trading hours unless a manager who has completed an approved Licensee/managers course is on duty.
- 18) Prior to the closure of the Hotel, the following pre-closure procedures must occur:
- a) 30 minutes before close:
    - i) Lighting shall be turned up;
    - ii) Any background music shall be turned down or off; and
  - b) 15 minutes before close
    - i) Liquor sales must cease;
    - iii) Announcements made to patrons through a PA system or staff that the Hotel is preparing to close and that patrons should leave quietly, safely and respect the needs of nearby residents not to be disturbed.
- 19) All patrons are required to be off the premises no later than 10 minutes after the cessation of operating hours.
- 20) Entertainment provided at the Hotel will be limited to TAB, racing, sports, gaming, televised events and background music. There will be no live music or DJs including for events or functions.
- 21) No music played can be at a volume greater than 70db(A) LA 10, being background music only. No music to be played in the TAB or outdoor areas.
- 22) No person under the age of 18 years shall be admitted to the Hotel unless in the company of a responsible adult<sup>1</sup>. Patrons under the age of 18 years are not permitted to access the gaming room.

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<sup>1</sup> **Responsible adult** in relation to a minor, means an adult who is:  
(a) a parent, step-parent or guardian of the minor, or  
(b) the minor's spouse or de facto partner, or  
(c) for the time being standing in as the parent of the minor.

## 2.3 CAPACITY

23) The maximum capacity of the Hotel is **250 persons** comprising a maximum of **239 patrons** at any one time plus staff. Each floor is to be subject to the following capacity:

- a) Ground floor: **80 patrons**
- b) First floor: **72 patrons**
- c) Second floor: **87 patrons**

24) The capacity of each floor is to be monitored by the Duty Manager on a regular basis by undertaking a headcount of patrons, no less than every 30 minutes. Once the capacity is reached, the staff member is to notify the Duty Manager and Security Manager.

## 3.0 RESPONSIBLE SERVICE AND CONSUMPTION OF ALCOHOL

### 3.1 WHAT IS THE LAW?

25) It is unlawful to sell or supply liquor to a person who is intoxicated on licensed premises.

26) It is unlawful to permit intoxication on licensed premises.

27) A person is considered to be intoxicated if:

- a) The person's speech, balance, co-ordination or behaviour is noticeably affected, and
- b) 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.

28) The Office of Liquor and Gaming NSW has issued Guidelines to assist in the identification of intoxicated persons which are provided at **Appendix B**. Bring to the attention of the Duty Manager any person considered to be in, or approaching a state of intoxication.

### 3.2 HARM MINIMISATION MEASURES

29) The licence attached to the Hotel shall be exercised – at all times – in accordance with the provisions of the Liquor Act and Regulation and the Hotel Licence (**Appendix E**);

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

- a) 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;
- b) All staff who hold a competency card are required to have this card on their person at all times when working. Failure to produce RSA Certification at the request of Police or Inspector. It is an offence under the Liquor Act 2007 to fail to produce with a maximum penalty of \$550;
- c) The Licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- d) Any person who is intoxicated shall be denied entry to the Hotel.
- e) The Licensee will not permit intoxication or any indecent, violent or quarrelsome conduct by patrons in 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.
- f) Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
  - i) A driver's or rider's licence or permit (issued by an Australian State or Territory or any foreign country).
  - ii) Valid Australian or Foreign Passport.
  - iii) Proof of age card issued by the Commonwealth or Australian State or Territory for the purpose of attesting to a person's identity and age; or
  - iv) Keypass identify card issued by Australia Post.
- g) Low alcohol beer and non-alcoholic beverages shall be available at all times when full strength liquor is available.
- h) Free drinking water shall be available at all times when liquor is available.
- i) Meals shall be available at all times whenever liquor is available for consumption in the Hotel.
- j) The Licensee will arrange (without charge) for taxis to collect any patron from the Hotel if requested to do so.

k) Air conditioning will be provided to ensure the comfort of patrons.

30) In addition to the above, the following drinks shall not be sold or supplied in the Hotel after midnight:

- a) Shots, bombs or any other alcoholic drink designed to be consumed rapidly.
- b) Any ready to drink beverage (such as a bottle or can) containing more than 5% alcohol by volume of content.
- c) Any drink containing more than 50% spirits or liquor.
- d) Any drink prepared on the premises that contains more than one 30ml nip of spirits or liquor.

31) Off-premises liquor sales will be available only over the bar at the ground floor and shall cease from 11pm.

32) A person is to be considered intoxicated 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. **Appendix B** contains a copy of the Liquor and Gaming NSW guidelines for detection of intoxication. Bring to the attention of management any person displaying signs of intoxication.

### 3.3 MONITORING RESPONSIBLE CONSUMPTION AND PATRON BEHAVIOUR

33) No person seen consuming liquor on approach to the Hotel will be permitted entry.

34) The Hotel must operate under the direct supervision of the Licensee or appropriately experienced management staff. That requires management staff to have at least 6 months experience in a supervisory position in licensed premises with similar operating hours and patron numbers.

35) Whenever the Hotel is operating, the following RSA monitoring obligations will be undertaken:

- a) All staff and security are expected during the carrying out of their duties to conduct RSA monitoring. Staff are required to monitor all patrons for their levels of intoxication, consumption patterns and secondary supply having regard to how many drinks patrons have consumed and for how long patrons have been in the Hotel.

- b) At least one senior member of staff will be designated to undertake a compliance role for monitoring, among other things, compliance with Section 4 of this Plan. The name of the member of staff who has been designated this duty, the date and the duration of their shift is to be recorded in a register and kept with this Plan for a period of two (2) weeks.
- 36) If a patron is identified by staff as consuming liquor irresponsibly and in a manner that is likely to result in intoxication or is considered to be showing signs of approaching intoxication, intervention from staff is required to provide advice to the patron. That advice should be as follows:
- a) That further risky consumption or further consumption may lead to intoxication. If the person is considered to be intoxicated, they will immediately be asked to leave. If that occurs, they will be required to move 50 metres from the Hotel and are prohibited by law from re-entering that area or the Hotel for 24 hours.
  - b) The patron should be offered and encouraged to consume non-alcoholic beverages such as water or soft-drinks and food.
  - c) If the patron is in a group, their friends should be advised that the patron needs to moderate their alcohol intake.
- 37) If a patron is identified by staff as being intoxicated the following steps must be taken:
- a) Any requests for further service of liquor must be refused;
  - b) The patron is prevented from consuming liquor and the patron is requested to leave the premises;
  - c) If the person refuses to leave the premises, the Police are to be contacted to assist with the removal of the patron from the premises; and
  - d) The event must be recorded in the Incident Register.
- 38) The Hotel will promote any campaign that is conducted by the NSW Police Force, or Liquor and Gaming NSW about patron or customer responsibility in relation to alcohol.
- 39) Any patron who is asked to leave the Hotel for being intoxicated (or any other reason in relation to s. 77 of the Liquor Act) and refuses to do so, is to be warned that NSW Police will be called for persons who refuse to leave the premises and may be issued with a Failure to Quit Infringement which carries an on the spot fine of \$550.

## 4.0 MANAGEMENT MEASURES

### 4.1 GENERAL AMENITY

- 40) Staff shall intervene to provide corrective advice to any patron on the premises or immediate vicinity that is behaving in a manner that is likely to disturb the amenity of nearby residents of businesses. Any patron whose behaviour is extreme or repeatedly objectionable may be refused service or entry, asked to leave and barred for a period of time determined by the Licensee.
- 41) The Licensee shall ensure that the entry points and immediate vicinity are kept clean and tidy during the Hotel's hours of operation.
- 42) All staff shall adhere to the complaints management system under Section 4.2 of this Plan. Any recurring complaints should be dealt with, if attributable to the Hotel, through new management procedures and incorporated into this Plan.
- 43) In addition to a Duty Manager, minimum staffing levels for the Hotel are as follows:
- a) Between 10am and 6pm, a minimum of one (1) floor staff deployed primarily to any floor in operation; and
  - b) 6pm and close, the above Duty Manager, two floor staff plus a minimum of one staff member deployed on each of the first or second floor any time that part of the Hotel operates (that is, five staff plus security).
- 44) Any graffiti shall be removed within 24 hours.
- 45) The Duty Manager shall ensure regular patrols are undertaken of all levels of the Hotel whenever they are open, no less than every 30 minutes. If the capacity of any floor is reached or there are issues that may result in non-compliance with the provisions of this Plan, the Duty Manager and Security Manager are to be advised accordingly.
- 46) Any person who has been refused entry or any patron who has been removed from the Hotel is required under the Liquor Act not to seek or be permitted re-entry for a 24 hour period and is not permitted to be within 50 metres of the premises for a period of 6 hours. Any such person who is causing a disturbance to the area is to be advised that the Police may be called, at which time, the Police may issue them with an on-the-spot infringement notice of \$550. Staff should refer the person to the 'Failure to Quit' signage

erected. The Police are to be called if the person continues to disturb the area or refuses to leave the Hotel.

#### **4.2 COMPLAINTS AND THE INCIDENT REGISTER**

47) The Licensee or manager shall ensure that details of the following are recorded in the Hotel's Incident Register:

- a) Any incident involving violence or anti-social behaviour occurring on the Hotel;
- b) Any incident of which the Licensee or management 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;
- c) Any incident that results in a person being turned out of the Hotel under Section 77 of Liquor Act 2007; viz:
  - i) for being intoxicated, violent, quarrelsome or disorderly;
  - ii) whose presence on the licensed premises renders the Licensee liable to a penalty under the Liquor Act, e.g., minors within a non-authorised area such as the gaming room;
  - iii) who smokes within an area of the Hotel that is a smoke-free area; or
  - iv) who uses, or has in his or her possession, while in the Hotel any substance suspected of being a prohibited plant or prohibited drug.
- d) Any incident that results in a patron of the Hotel requiring medical assistance;
- e) Any incidents that occurred either in the Hotel or in the immediate vicinity, which involved the committing of a crime or required the intervention of security;
- f) Any complaints made directly to the management or staff of the Hotel by local residents or business people, about the operation of the Hotel or the behaviour of its patrons; and
- g) Any visit by any NSW Police Officer, Liquor and Gaming NSW Special Inspector or Council Officer noting their agency or department, reason for the visit and result of the visit.

48) The Licensee shall make the Incident Register available to any NSW Police Officer or Special Inspector on request and permit a Police Officer or Special Inspector to remove the Incident Register.

49) Persons who wish to make a complaint about the premises to management should contact (02) XXXX XXXX. Calls to this number must be answered at all times when the premises are trading and for at least 30 minutes after closing time. 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 complainant's call to let them know what has been done to address the concerns/complaints expressed. All complaints are to be responded to by Hotel management within 48 hours of a complaint being made.

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

- a) Date and time of the incident that led to the complaint;
- b) Nature of the complaint;
- c) Address and contact details of the complainant;
- d) Any actions proposed to deal with the complaint; and
- e) The actions taken and the time and date when that was reported to the complainant.

51) Any recurring complaints should be dealt with, if attributable to the Hotel, through new management procedures and incorporated into this Plan in accordance with the process detailed under Clause 7.3.

51.A Prominent notices shall be placed at the entry and exit to the outdoor smoking areas and near the Hotel's exits to remind patrons that a minimum amount of noise is to be generated whilst in the outdoor areas and upon leaving the premises. Patrons should be managed by the Hotel to ensure that patrons leave in an orderly manner and ensure that noise generation is minimised.

51.B Maximum 12 patrons in Level 2 smoking area and maximum 9 patrons in ground floor outdoor smoking area at any one time.

51.C External door to patron dining area (from street) to be closed at 10pm and patrons must enter/exit via the main entrance (air lock).

51.D Music in the hotel is to be background music only and only used in internal areas (reverberant sound pressure level not to exceed 70dB  $L_{A10}$ ). No music to be played within the TAB area or outdoors.

### 4.3 TECHNICAL NOISE CRITERIA

52) The  $LA_{10}$  noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12.00 midnight at the boundary of any affected residence.

53) The  $LA_{10}$  noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7:00am at the boundary of any affected residence.

54) Notwithstanding compliance with the above, noise from the Hotel shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7:00am.

54.A For the purposes of condition 55, the  $LA_{10}$  level emitted from the licensed premises shall not exceed the following levels in each Octave Band Centre Frequency during the hours specified in the table below:

**TABLE 1: PATRON/MUSIC NOISE EMISSION CRITERIA (dB L<sub>10</sub>)**

Period	Octave Band Centre Frequency									Overall A weighted
	31.5	63	125	250	500	1000	2000	4000	8000	
Late Evening (10pm-12am) (46BG+5dB)	57	59	56	50	48	46	42	33	28	51

55) 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. Here, offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations of the Protection of the Environment Operations Act 1997 or that is made at a time, or in other circumstances, prescribed by the regulations under that Act.

56) The existing noise mitigation measures and noise limiting devices must not be altered or modified unless on the advice of or by a qualified acoustic consultant and Council must promptly receive written notification from Hotel management, of any such changes.

#### **4.4 SIGNAGE**

57) Signage shall be erected and maintained in a clear and prominent position adjacent to all points of egress, in English, Chinese and Korean requesting that patrons depart the Hotel in a manner respectful of the surrounding area, or wording to that effect.

- 58) Signage must be erected at every point of sale and throughout the Hotel promoting the availability of free drinking water and low alcohol beverage options.
- 59) Prominent signage shall be placed at the entry and exit to the outdoor smoking areas to remind patrons that a minimum amount of noise is to be generated whilst in the outdoor areas.
- 60) The maximum capacity of the smoking areas and their operating hours is to be installed at the entry to the smoking areas.
- 61) All signage required under the Liquor Act 2007 and the Regulation, shall be displayed and maintained in a prominent position, in accordance with those legislative requirements; including:
- a) Signage at the entrance stating the licence name, type of licence number and the name of the Licensee.
  - b) Signage at the entrance stating the times during which liquor is authorised to be sold or supplied on the premises and any other times during which the premises are authorised to be open for business.
  - c) Signage at the entrance purchased from the Office of Liquor and Gaming stating: PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW.
  - d) Signage at the entrance to the gaming room, purchased from the Office of Liquor and Gaming stating: PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW.
  - e) Signage at any bar area, purchased from the Office of Liquor and Gaming stating: IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.
  - f) Signage at any bar area and entrance to the Hotel stating the requirements of patrons under the Fail to Quit laws.

#### **4.5 WASTE MANAGEMENT AND DELIVERIES**

- 62) All deliveries are to be made via the rear lane at Clarendon Place.
- 63) All waste shall be stored internally until the collection day.

- 64) The collection of waste and deliveries must only occur between 7am and 6pm Monday to Saturday and between 8am to 6pm Sundays and public holidays.
- 65) Adequate bins are to be provided outside the Hotel 4 metres from doorways for patrons to properly dispose of cigarette butts.
- 66) The Hotel shall be cleaned daily after close or more frequently as the need arises.

## **5.0 SECURITY MEASURES**

### **5.1 SECURITY STAFF**

- 67) Between Monday and Thursday from 10pm, until 30 minutes after the close of the Hotel, security shall be provided at a minimum ratio of one (1) security person per 100 patrons. At least one (1) security person shall be stationed primarily at the entry to the Hotel on the Belmore Street footpath.
- 68) On Friday and Saturday from 8pm until 30 minutes after the close of the Hotel, security shall be provided at a ratio of one security person per 100 patrons with a minimum of two (2) security persons. At least one (1) security person shall be stationed primarily at the entry to the Hotel on the Belmore Street footpath.

### **5.2 SECURITY DUTIES**

- 69) The Licensee shall require any security personnel employed at the Hotel to:
- a) 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.
  - b) Fill in a time sheet (with start and finish times) which is to be initialled by the Duty Manager.
  - c) Report to the Duty Manager to obtain a briefing on any specific duties to be addressed before commencing duty.
  - d) 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.
  - e) Prevent any person, detected as intoxicated, entering the Hotel and bring to notice of the Duty Manager, any person on the Hotel who might be considered to be in,

or approaching, a state of intoxication.

- f) Prevent patrons leaving the Hotel with glasses or other opened containers of liquor.
  - g) Prevent patrons entering the Hotel with alcoholic drinks.
  - h) 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.
  - i) Monitor patrons smoking outside after 10pm, encourage those smoking outside to use the internal smoking areas and ask any loitering patrons to depart the area.
  - j) Collect any rubbish in the vicinity of the Hotel that may be associated with the Hotel's business.
  - k) Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel.
  - l) Patrol all toilets, at random intervals, notifying the Duty Manager 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.
  - m) In the event of an incident, clearly identify themselves as security belonging to the Hotel and attempt to rectify the problem.
  - n) 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 the Duty Manager and with reasonable force only. Immediate hands on action may still be used in self-defence or in the defence of another patron.
  - o) Make a written note with details of any incidents in the Hotel's Incident Register, as required by this Plan of Management. 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.
- 70) For the purpose of this Plan of Management, the description, "the vicinity of the premises" shall be the footpath immediately adjoining the Hotel to Belmore Street to a distance of 25 metres.

### 5.3 CLOSED CIRCUIT TELEVISION (CCTV)

71) The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- a) A camera must be located at all entrances to the Hotel and positioned to record any person entering through this entrance.
- b) In addition, CCTV camera must be maintained throughout the Hotel with camera coverage to specifically record images of the following areas:
  - i) all other public entrances and exits, whether or not in use at the time;
  - ii) all publicly accessible areas including entertainment areas but excluding toilets;
  - iii) toilet external entrances;
  - iv) all public accessible areas within the Hotel excluding toilets;
  - v) the footpath area directly adjacent to the Hotel; and
  - vi) stairwells; and
  - vii) smoking areas.
- c) Recordings must:
  - i) be in digital format;
  - ii) be recorded at a minimum of six frames per second
  - iii) commence one (1) hour prior to opening and operate continuously until at least one (1) hour after closure.
- d) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

72) Recordings shall be retained for a period of 14 days before being reused or destroyed. The Licensee shall ensure that no person is able to delete or alter any recordings within the 14 day period.

73) When the Hotel is open and trading, at least one person shall be at the Hotel who is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.

- 74) Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to the NSW Police, OLGR Inspectors or other regulator officers upon request.
- 75) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the Licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.
- 76) Signage must be erected at the entrance to the Hotel, each level and in the elevator advising patrons of the use of CCTV throughout the premises.

## **6.0 RESPONDING TO INCIDENTS**

### **6.1 NOTIFY POLICE**

- 77) Immediately after the Duty Manager becomes aware of an incident involving an act of violence causing injury to a person on the premises or patron in the immediate vicinity of the Hotel that requires immediate professional medical assistance, the person must:
- a) Render any required first aid;
  - b) Immediately contact '000' or the Local Area Commander or his/her delegate and advise them of the incident;
  - c) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

### **6.2 CRIME SCENE PRESERVATION GUIDELINES**

- 78) Unless directed otherwise by the Local Area Commander or his/her delegate upon notification, the following crime scene preservation guidelines must be observed:
- a) 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, tables or tape. Consider closing off the area completely for such areas such as toilets, hallways or bars. Remember there may be multiple crime scenes.
  - b) Do not allow any persons to enter this area;
  - c) DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence;

- d) Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints;
- e) 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;
- f) 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;
- g) 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;
- h) Secure any CCTV footage and the security sign on sheets;
- i) 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 premises before Police arrive;
- j) Hand this information to Police on arrival; and
- k) Be prepared to make a statement to Police regarding the incident.

79) 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.

80) Details of the incident are to be recorded in the Hotel's Incident Register.

## **7.0 OTHER RELEVANT MATTERS**

### **7.1 DRUGS AND DRINK SPIKING**

81) 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 and CCTV footage provided.

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

- a) 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 patron away, asking for their name, where they are heading to, etc – contact management about any person who goes to length to remain anonymous.

- b) An affected person may need medical attention, so ask them. If they are not capable of making that decision – then arrange that medical attention.
- c) Any affected person will need to get to a safe place, which may be theirs or a friends place. 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.
- d) Contact the Police and thoroughly document the incident in the Hotel's Incident Register.
- e) Remember the most common drug used for drink spiking is alcohol. Be aware of strange drink orders such as beer and a nip of vodka, double shots in short glasses, etc.

## 7.2 FIRE SAFETY AND ESSENTIAL SERVICES

- 83) 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.
- 84) In the event of any malfunctioning of any essential service the Licensee shall ensure that it is rectified as quickly as soon as possible.
- 85) Lists of the telephone numbers of all relevant emergency agencies shall be kept in the office.
- 86) 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.

## 7.3 AMENDMENT TO THIS PLAN

- 87) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan such amendments can be made, following consultation with both the Police and Council who shall agree to those changes in writing and be provided with a copy of any modified Plan.
- 88) This Plan and its attachments are also subject to legislative changes to the Liquor Act, 2007 and Liquor Regulation 2008. Where publications of the Department of Justice are revised or withdrawn from its website or where legislative changes occur from time to time, the Plan is to be taken to reflect those changes and those changes

may be made to the Plan without consultation with or approval from NSW Police or Council.

- 89) Once any changes are made to the Plan of Management a final version of the Plan shall be issued to Council and the NSW Police Local Area Commander.
- 90) Hotel staff are required to be notified of changes to the Plan of Management and to update the register confirming their review of the revised Plan prior to commencement of their next shift.

## APPENDIX A – SECRETARY'S GUIDELINES

## APPENDIX B – IDENTIFICATION OF INTOXICATION GUIDELINES

## APPENDIX C – PROMOTION OF LIQUOR GUIDELINES

## APPENDIX D – DEVELOPMENT CONSENT

## APPENDIX E – HOTEL LICENCE