

**PROPOSED
VENUE MANAGEMENT PLAN**

FOR THE OPERATION OF

**“DOLTONE HOUSE – JONES BAY WHARF”
AT
PIER 19 SOUTH
26-32 PIRRAMA ROAD, PYRMONT**

PREPARED FOR

DOLTONE HOUSE WHARF PTY LTD

BY

HIGHGATE MANAGEMENT PTY LTD

**18 March 2013
119771 48VMP**

CONTENTS

PART 1 – Purpose	1
PART 2 - Use of Plan	1
PART 3 – Hours of Operation.....	1
PART 4 – Entertainment	2
PART 5 - Noise	2
PART 6 – Capacity of the Premises.....	3
PART 7 – Access.....	3
PART 8 – Signage	5
PART 9 – Amenity of Neighbourhood	5
PART 10 – Behaviour of Patrons and Responsible Service of Alcohol.....	5
PART 11 – Security Staff.....	8
PART 12 – CCTV Cameras	10
PART 13 – Deliveries and Waste Removal.....	11
PART 14 – Maintenance	12
PART 15 – Fire Safety Measures	12
PART 16 – Amendment to this plan	13

PART 1 – Purpose

1. a) The purpose of this Venue Management Plan (VMP) is to establish performance criteria for various aspects of the operations of the business known as “Doltone House Jones Bay Wharf” (*DHJBW*) which occupies premises at Lot 19 in SP 69951 and Lots 50 and 54 SP 70641 in the Jones Bay Wharf, Pier 19, 26-32 Pirrama Road, Pyrmont (*the premises*) having regard to the relevant matters under the Environmental Planning and Assessment Act, 1979 and the Liquor Act, 2007. **Plan A** attached shows the extent of the premises and its division into various components.
- b) This VMP should be read in conjunction with Development Consent No. MOD52-03-05(3) and the Noise and Security Management Plan (*NSMP*) for DHJBW (**Annexure 1**).
- c) The terms and abbreviations used in this VMP have the same meanings as those used in development consent MOD52-03-05(3) and the NSMP

PART 2 - Use of Plan`

2. All staff having contact with guests shall be made familiar with this VMP.

PART 3 – Hours of Operation

3. a) The hours of operation of the premises shall be restricted as follows:

Monday to Saturday	7.30am to midnight
Sunday	9.00am to midnight.
 - b) Notwithstanding (a) above, the hours of operation of the premises may be extended until 2am on New Year’s Day.
4. Staff or other authorised persons may be on the premises at any time.

PART 4 – Entertainment

5. a) DHJBW may provide background music, sourced from pre-recorded media and broadcast through its in-house sound system, to any internal part of the premises at any time during its hours of trade.
- b) Live entertainment may be provided in the internal part of the premises at any time up until 30 minutes prior to the time of the scheduled end of any event.
- c) Live acoustic entertainment or background music may be provided on the Upper Deck only between 9am and 8pm on any day.

PART 5 - Noise

6. a) The LA10 noise level emitted from the premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence. The background noise level must be measured in the absence of noise emitted from the premises.
- b) The LA10 noise level emitted from the premises must not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of the nearest affected dwelling. The background noise level must be measured in the absence of noise emitted from the premises.
- c) Notwithstanding compliance with (a) and (b) above, the noise from the use of the premises must not be audible within any habitable room in any dwelling between the hours of 12.00 midnight and 7.00am.
- d) For the purpose of (b) and (c) above, the LA10 is taken as the average maximum deflection on a sound level meter.

PART 6 – Capacity of the Premises

7. a) The maximum number of guests (other than staff, entertainers or security personnel) permitted in the premises at any one time shall not exceed 650.
- b) The licensee shall ensure that there are no more than 650 persons on the premises at any one time through its booking of events.

PART 7 – Access

8. There are four means of ingress to, or egress from, the premises. They are:-
- i) via the bridge over Pirrama Road from Bayview Street which leads to the central laneway of the upper level of Jones Bay Wharf;
 - ii) via the internal laneway on the lower level of Jones Bay Wharf (at the level of Pirrama Road), which leads to a point of ingress to, and egress from, the premises through the room known as the Heritage Museum;
 - iii) via an external public staircase from the lower level of Jones Bay Wharf near the southern corner of the premises; and
 - iv) via a public lift adjacent to that staircase.

The following controls shall apply to the use of those four means of access:-

- a. access to the premises via the central laneway of the upper level shall be limited to:-
 - i. staff;
 - ii. deliveries by vehicles greater than 6.6 metres in length between 7.30am and 6pm, Monday to Saturday, and 9am to 5pm, Sunday and public holidays;
 - iii. deliveries by vehicles less than 6.6 metres long or by such vehicles collecting items from the premises at any time;

- iv. vehicles conveying VIPs, bridal parties or the like to or from the premises; and.
- v. DHJBW's mini-buses conveying departing guests to the Star Casino taxi rank.

Visits by vehicles of the kinds listed in (iii) or (iv) after 6pm shall only be permitted if prior arrangements have been made with DHJBW;

- b. access to the premises via the central laneway of the lower level shall be limited to:-
 - i. staff;
 - ii. deliveries by vehicles greater than 6.6 metres in length between 7.30am and 6pm, Monday to Saturday, and 9am to 5pm, Sunday and public holidays;
 - iii. vehicles less than 6.6 metres long making deliveries to the premises before 9pm;
 - iv. guests departing from the premises if permitted to do so by the licensee or venue manager; and
 - v. by prior arrangements with DHJBW, authorised vehicles delivering guests to, or taking guests away from, the premises;
- c. the external staircase from Pirrama Road:-
 - i. guests may use the external staircase to reach the premises at any time;
 - ii. guests may use the external staircase to leave the premises at any time before 9pm but, after that time, may do so only if permitted by the licensee or venue manager; and
- d. the external lift may be used by guests at any time to enter or leave the premises.

PART 8 – Signage

9. No signs, including banners, shall be displayed on the premises without prior consent from the responsible authority.

PART 9 – Amenity of Neighbourhood

- 10(a). At all times the licensee shall consider the amenity of its neighbours and shall take all reasonable measures to ensure that impacts adverse to the amenity of the surrounding area do not occur by:-

- i. taking measures to ensure that the behaviours of staff and guests when arriving at or leaving the premises are managed; and
- ii. implementing the measures set out in this VMP and in the NSMP which forms **Annexure 1** to this VMP.

- 10(b). An email address shall be created called neighbourfeedback@doltonehouse.com.au. Any complaints or issues sent to this email address shall be read daily, acknowledged and saved for future reference. The email address should be advertised on the Doltone House website. ”

11. DHJBW and the licensee shall not conduct events in the premises in such a manner as to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

PART 10 – Behaviour of Patrons and Responsible Service of Alcohol

12. The licensee shall erect a sign inside each exit from the interior of the premises requesting patrons to leave quietly and promptly and to respect the amenity of neighbours while doing so.
13. a) The licensee shall take all reasonable steps to ensure that there is no loitering, either by persons seeking admittance to the premises or by persons who have attended it, in the vicinity of the premises.
- b) For the purposes of this VMP, “*the vicinity of the premises*” shall be deemed to be:

- i. each side of that section of Pirrama Road extending for 90 metres on either side of the centreline of the central internal laneway on the lower level of Jones Bay Wharf and along that laneway to the security gate; and
 - ii. that part of the central laneway on the upper level of Jones Bay Wharf abutting the premises together with that part of Bayview Street, east of Mill Street.
- 14. The licensee and staff shall comply with the measures for responsible service of liquor set out hereunder:-
 - a) The licensee shall observe the “*Liquor Promotion Guidelines*” and the “*Intoxication Guidelines*” issued by the NSW Office of Liquor, Gaming and Racing, copies of which are annexed to this VMP as **Annexures 2 and 3**.
 - b) The licensee and all managers employed by DHJBW shall complete an approved course in the responsible service of alcohol unless they have already completed one within the last 5 years.
 - c) The licensee will not engage in any liquor promotion that is likely to promote the irresponsible consumption of alcohol.
 - d) The licensee shall decline entry or service to any person who is intoxicated.
 - e) No person who is intoxicated shall be served alcohol.
 - f) The licensee will promote the service of non-alcoholic beverages.
 - g) Low alcohol beers and non-alcoholic beverages will be available at all times when full strength beverages are available.
 - h) The licensee shall not permit any indecent, violent or quarrelsome conduct at the premises. Any person causing such disturbance shall be asked to leave and arrangements shall be made to ensure any such person leaves the vicinity of the premises.
 - i) No person under the age of 18 years shall be served liquor by DHJBW. Production of photographic identification will be required where age is an

issue. The only acceptable proof of age identifications shall be:-

- Photo driver's licence;
- Proof of age card (RTA); or
- Current passport.

- j) The licensee shall ensure that guests have drinking water available to them at no cost at all times.
- k) The premises shall be conducted at all times in accordance with the relevant provisions of the Liquor Act 2007, the Liquor Regulation 2008 and on-premises licence No. LIQO624012585.
- l)
 - i) The licensee shall engage responsible service of alcohol monitors (*RSA monitors*) at the premises for any event commencing after 6pm. The number of RSA monitors on duty shall be, at least, one for the first 200 guests, two when there are between 201 and 400 guests and three if more than 401 guests are expected to attend the premises at any one time;
 - ii) An RSA monitor may be either an employee of DHJBW or a person supplied to it by a contractor;
 - iii) An RSA monitor shall hold, as a minimum, a certificate in the Responsible Service of Alcohol and, preferably, have had training specific to the role of an RSA monitor;
 - iv) RSA monitors:-
 - a. should mix with guests in order to identify any considered to be consuming alcohol irresponsibly and/or approaching being intoxicated;
 - b. should identify any guest exhibiting the signs of intoxication as listed in the Intoxication Guidelines (**Annexure 3**), and advise the licensee or venue manager on duty of that identification;

- c. may offer advice to such guests with the objective of preventing their becoming intoxicated; and
- d. may offer to provide the guest with free bottled water or non-alcoholic beverage when giving advice on intoxication;
- v) RSA monitors are not to participate in the involuntary removal of patrons from the premises unless needed to inhibit physical danger but they may accompany patrons who leave voluntarily to assist with their orderly departures; and
- vi) Security officers referred to in Part 11 are not to be engaged as RSA monitors but concierges may be.

PART 11 – Security Staff

15. a) Doltone House Wharf Pty Ltd still holds a master security licence issued under the Security Industry Act and shall be responsible for the provision of security at DHJBW.
- b) In accordance with Condition B4(ii)(b) of DA MOD52-03-05(3), on any day when an event is hosted (or to be hosted) in the premises and that event is scheduled to finish after 6pm, a venue manager or a concierge shall be on duty from, at least, 5pm and shall remain on duty until, at least, 60 minutes after the time that event is scheduled to end..
- c) If an event of the kind referred to in (b) above is scheduled to be attended by between 201 and 350 guests, one security person (in addition to the venue manager or concierge) shall be on duty from 6pm until, at least, 30 minutes after the time that event is scheduled to end.
- d) If an event of the kind referred to in (b) above is scheduled to be attended by between 351 and 500 guests, two security persons (in addition to the venue manager or concierge) shall be on duty from 6pm until, at least, 30 minutes

after the time that event is scheduled to end.

- e) If an event of the kind referred to in (b) above is scheduled to be attended by over 501 guests, three security persons (in addition to the venue manager or concierge) shall be on duty from 6pm until, at least, 30 minutes after the time that event is scheduled to end
 - f) The duties to be undertaken by security personnel shall be determined by the licensee or venue manager but will include the duties set out under 3 and 4 in the NSMP.
16. The licensee shall require any venue manager, concierge or security person employed at the premises to:-
- a) Display identification as a security agent and be appropriately licensed.
 - b) Fill in a time sheet (start and finish times) which is to be initialled by the licensee or a venue manager on duty.
 - c) Before commencing duty obtain a briefing on any specific duties to be addressed while on duty.
 - d) Carry a notebook in which are to be noted any and all incidents that the person observes in the vicinity of the premises and considers could cause alarm or disturbance to residents or to persons passing the premises, with an observation as to whether or not any person identifiable as having been a guest of DHJBW immediately prior to the incident, was involved. (Entries are to be made as soon as possible after incidents and to include notes of any action taken by the security person.)
 - e) Request any person, recognised as a guest of DHJBW in its vicinity, to behave in a quiet and orderly manner and to have regard to the quiet and good order of the area, if that action is considered necessary or appropriate.
 - f) Take all reasonable measures to prevent any person, considered to be intoxicated, entering the premises and to bring to notice of the licensee or

venue manager on duty, any guest in the premises who might be considered intoxicated.

- g) As events end, monitor guest behaviour in the vicinity of the premises until all guests have left its vicinity, taking all practical steps to ensure their quiet and orderly departure.
 - h) At the end of each shift, bring any incidents which may have disturbed the amenity of the locality or caused affront to any guest or member of the public, that he or she may have seen or been involved in together with any action taken, to the attention of the licensee or a venue manager on duty. Details of the incidents reported shall be recorded in an 'Incident Book' kept by the licensee. This shall include any disturbance the source of which may not have been a Doltone related activity or guest.
 - i) Co-operate with the Police and any other private security personnel operating in the area around Jones Bay Wharf.
17. The licensee shall exhibit, on an appropriately-located sign on the exterior of the building, a telephone number to which any complaints about the operation of DHJBW or the behaviours of its patrons should be directed.
18. The licensee or a venue manager shall record in the Incident Register and Complaints Book any complaints made directly to the management or staff of DHJBW about the operation of DHJBW or the behaviours of its guests or others not related to Doltone.
19. The licensee shall make the Incident Book available to the Police or any authorised person within 24 hours of receipt of a written request to do so.

PART 12 – CCTV Cameras

20. a) Except where they would duplicate the coverage already provided by the management of Jones Bay Wharf, the licensee shall install, at appropriate locations within or near the premises, closed circuit television cameras which will provide coverage of, at least:-

- the Upper Deck
 - the internal areas where events are held
 - the central laneway on the upper level adjoining the premises
 - the external stair to Pirrama Road and the area around the bottom of that stair
 - the internal central laneway on the lower level from the security gate to Pirrama Road.
 - The Pirrama Road footpath adjacent to the Jones Bay Wharf building.
- b) Those cameras shall be connected to both monitoring screens and a digital recording device.
- c) The monitoring screens shall be placed where the licensee or venue manager can observe them while undertaking their normal duties.
- d) The records of the digital recording device shall be kept for a minimum of 21 days and shall be made available to the Police upon receipt of a written request to do so.
- e) The quality of the system installed shall be such that the images produced are satisfactory to the Commander, Central Area Local Command of the NSW Police Service.
- f) The system shall be maintained in good working order at all times. In the event of any malfunction, the licensee shall use every reasonable endeavour to have it rectified as quickly as possible.
- g) The system shall operate at all times that DHJBW trades.
- h) Signs shall be displayed to notify guests and the public at large of the presence of CCTV surveillance.

PART 13 – Deliveries and Waste Removal

21. a) The licensee shall, as far as is reasonably possible, ensure that deliveries of food and beverages to, and the removal of wastes from, the premises are made

between 7.30am and 6pm Monday to Saturday or between 9am and 5pm on Sundays and public holidays.

- b) Notwithstanding a), vehicles not more than 6.6 metres long may make deliveries to, or remove items from, the premises at any via the central laneways of the upper or lower levels but, if between 9pm and 7am, only by prior arrangement with DHJBW.
- c) The removal of wastes and recyclable material shall be made by the Council of the City of Sydney or a recognised contractor. Apart from crushed glass all waste is removed via the central waste arrangements put in place by the Building Management Committee of the Wharves strata bodies. As far as reasonably possible, removals of waste and recyclable materials shall only be made between 7.30am and 6pm on weekdays or Saturdays.

PART 14 – Maintenance

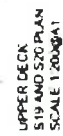
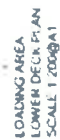
- 22. The premises shall be kept in a clean and tidy condition and regularly maintained both internally and externally.

PART 15 – Fire Safety Measures

- 23. a) The licensee shall ensure that all essential services installed at the premises are certified annually and shall ensure – as far as is reasonably possible – that they remain in good working order.
- b) In the event of any malfunctioning of any essential service, the licensee shall ensure that it is rectified as quickly as is reasonably possible.
- c) Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.
- d) 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 premises.

PART 16 – Amendment to this plan

24. If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, that modification shall be made to the plan only with the consent of a person with the delegated authority of the Minister for Planning and Infrastructure, which consent shall not be unreasonably withheld.



Plan 19771/3

[illegible]

LIQUOR PROMOTION GUIDELINES

This guideline is published by the Director of Liquor and Gaming under section 102 of the Liquor Act 2007, and indicates the kinds of activities or promotions that the Director would restrict or prohibit.

You must always have due regard to the following objectives of the liquor laws:

- Need to minimise harm associated with the misuse and abuse of liquor
- Encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor
- Ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

PURPOSE

To ensure that licensees sell and supply liquor responsibly, the Director of Liquor and Gaming has developed this guideline for the responsible promotion of liquor.

This guide describes the circumstances upon which the Director may, by notice in writing given to a licensee, restrict or prohibit the licensee carrying on, or being involved in, activities or promotions involving the sale or supply of liquor.

This guideline applies to all liquor licensed premises. All the matters mentioned in this guide are of high relevance to hotels, clubs and restaurants; lesser relevance to package liquor premises (takeaway sales through a bottleshop or home delivery); and lower relevance to producer wholesalers (winemakers / brewers).

All licensees should have a good understanding of this guideline. Using this guide will help you determine the risks associated with a proposed activity or promotion involving the sale and supply of liquor. If any unacceptable risks are associated with the activity or promotion, it should not be conducted.

WHAT IS THE LAW?

The *Liquor Act 2007* (section 102) requires the Director of Liquor and Gaming to issue publicly available guidelines that indicate the kinds of activities or promotions that the Director would restrict or prohibit.

What are the circumstances for the issue of a notice that would restrict or prohibit activities or promotions?

The Director of Liquor and Gaming may restrict or prohibit an activity or promotion in a specific venue if the Director believes that the activity or promotion:

- uses designs, names, motifs and characters that have special appeal to minors
- is indecent or offensive
- involves the provision of liquor in non-standard measures that encourages irresponsible drinking and is likely to result in intoxication
- uses emotive descriptions that encourages irresponsible drinking and is likely to result in intoxication
- involves free drinks, or extreme discounts or discounts of a limited duration, that creates an incentive for patrons to consume liquor more rapidly than they otherwise might
- encourages irresponsible, rapid or excessive consumption of liquor
- is not in the public interest.

The table on page 3 lists unacceptable liquor activities and promotions that will be subject to the issue of a notice. Whether or not other activities or promotions will be subject to the issue of a notice will depend on how the promotion is conducted, whether the risks have been satisfactorily controlled, and the response of patrons.

Failure to comply with the notice may result in fines of up to \$5,500.

Are there any other actions that the Director can initiate?

Yes, if problems have arisen with the conduct of liquor activities and promotions, the Director may:

- give a written direction, which can take effect immediately or on a later date stopping the activity or promotion (section 75). Failure to comply with the direction may result in fines of up to \$5,500
- make a complaint to the Authority to take disciplinary action (section 139) — this would be on the grounds that the licensee or manager has engaged in conduct or activities that are likely to encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).

MORE INFORMATION

Phone: (02) 9995 0333 Email: info@olgr.nsw.gov.au

Complaints about inappropriate liquor promotions should be made to the complaints manager:
telephone: 9995 0776 email: robert.hanns@olgr.nsw.gov.au

These guidelines are subject to periodic review. Please go to www.olgr.nsw.gov.au to ensure you are using the latest guidelines.

LIQUOR ACTIVITY OR PROMOTION RISK ASSESSMENT GUIDE

The following is a useful tool to help you determine whether the activity or promotion is acceptable.

1. Assess the risk	Assess the risk in accordance with the risk assessment table below before commencing the activity or promotion
2. Develop a management plan	If the risk assessment indicates that the promotion is a medium risk – identify whether the risks can be properly managed
3. Do not conduct the promotion	Do not conduct the promotion if the risk assessment identifies the proposed promotion: <ul style="list-style-type: none"> • is an unacceptable risk • is a medium risk and you are unable to properly manage the risk
4. Immediately cease	Immediately cease an activity or promotion when you identify that patrons are engaging in irresponsible, rapid or excessive consumption of liquor or unsafe activities

	Unacceptable Risk	Medium Risk	Low Risk
Service and consumption	<ul style="list-style-type: none"> • Competitions, games of skill, challenges, lotteries, games of chance, promotions and similar which involve the following attributes: <ul style="list-style-type: none"> ◦ entry, participation or outcome is dependent on the consumption of more than one alcoholic beverage¹ on the premises², and/or ◦ prizes of alcoholic beverages are awarded and which involve their consumption on the premises • Labelling or titling that is likely to promote irresponsible consumption • Non-standard containers that are likely to result in rapid intoxication • Holding a person's financial institution card³ • Providing alcohol on credit / pay later basis⁴ • Undercover (stealth) and viral marketing⁵ 	<ul style="list-style-type: none"> • Bulk pre-mix • Multiple drinks • Non-standard measures • Mid-strength alcoholic (not greater than 3.5%) promotions 	<ul style="list-style-type: none"> • Standard measures • Half-measures • Low alcoholic drink (not greater than 3%) promotions • Liquor prizes not consumed on the premises • Traditional tasting measures in connection with brewers, winemakers, retailers
Price	<ul style="list-style-type: none"> • 50% or higher discount for consumption on the premises • Potential for patrons to stockpile drinks to take advantage of offer • All you can drink offers for a set price • Two for the price of one offers • More than one free drink⁶ • A meal deal with more than one drink included in the price or a dinner for two people deal with more than one bottle of wine • Promotional cards, vouchers or incentives providing free or discounted drinks for consumption on the premises which are distributed away from the premises⁷ 	<ul style="list-style-type: none"> • 25% to 49% discount for consumption on the premises • Mid-strength alcoholic drinks (not greater than 3.5%) 	<ul style="list-style-type: none"> • Less than 25% discount for consumption on the premise • One free drink • Low alcoholic drinks (not greater than 3%)
Time frame⁸	<ul style="list-style-type: none"> • More than 2 hours • Anytime after 9 pm⁹ if it involves alcoholic beverages with an alcoholic content greater than 3.5% • Separation between events is less than 4 hours 	<ul style="list-style-type: none"> • 1 to 2 hours • Anytime after 9 pm if it involves mid-strength alcoholic drinks (alcoholic content not greater than 3.5%) 	<ul style="list-style-type: none"> • Less than 1 hour • Anytime after midnight if it involves low alcoholic drinks (alcoholic content not greater than 3%)
Patron safety and amenity	<ul style="list-style-type: none"> • Dangerous or unsafe behaviour • Sexually provocative • Lewd and indecent behaviour 	<ul style="list-style-type: none"> • Slip / trip / fall risks 	<ul style="list-style-type: none"> • Non-threatening • Reasonable physical activity
Legality	<ul style="list-style-type: none"> • Any promotion or activity that promotes an illegal / unlawful activity 		

¹ A method must be adopted to ensure a person does not acquire any more than one alcoholic beverage

² This does not stop promotions or activities where consumption will occur at private homes, etc.

³ Does not apply to the holding of a person's corporate / business card for a corporate function. Does not apply to a person's card if the account is settled before the conclusion of trade in which the consumption occurred

⁴ Does not apply to an account held on behalf by a corporation for a corporate function. Does not apply to the holding of a person's corporate, business or person financial institution card if the account is settled before the conclusion of trade in which the consumption occurred. Does not apply to guests staying in-house.

⁵ Note. For the purposes of clarification, this does not apply to persons employed to promote a brand, who are clearly identified as promoting a brand and who have undergone RSA training

⁶ One free drink is acceptable – a distribution method must be adopted to ensure a person does not acquire any more than one free drink. This does not apply to non-commercial activities such as where free drink(s) are provided in conjunction with bona fide meetings - annual general meetings of members of a registered club, attendance at regular meetings of a community group (eg. RSL sub-branch)

⁷ Drink cards, promotional cards, vouchers or incentives distributed on the premises are acceptable, however, they must only entitle the person to one free drink per person per day – a distribution method must be adopted to ensure a person does not acquire any more than one free drink or more than one drink card

⁸ Applies to 'happy hour' and similar time-based activities and promotions conducted over a lengthy period of time

⁹ From 9pm until closing time or 5am which ever comes sooner

LIQUOR ACTIVITIES AND PROMOTIONS SUBJECT TO A NOTICE UNDER SECTION 102

Activity or promotion	Indicative examples
<ul style="list-style-type: none"> Any activity or promotion likely to cause people to drink excessively 	<ul style="list-style-type: none"> promotional cards, vouchers or incentives providing free or discounted drinks which are distributed away from the licensed premises and which involves consumption on the premises¹⁰ external advertising of a complimentary drink unless drink is provided ancillary to another service – accommodation, food promotions, events or festivals which focus principally upon the consumption of alcohol, e.g. Mad Monday only selling liquor in a container of one size (e.g. schooner glasses only available – patron not able to order a middy)
<ul style="list-style-type: none"> Competitions, games of skill, challenges, lotteries, games of chance, promotions and similar which involve the following attributes: <ul style="list-style-type: none"> entry, participation or outcome is dependent on the consumption of more than one alcoholic beverage¹¹ on the premises¹², and/or prizes of alcoholic beverages are awarded and which involve their consumption on the premises¹³ 	<ul style="list-style-type: none"> skolling games, boat races consumption of liquor from a water pistol 'beer pong' toss the boss competitions flip and win schooner draws joker poker 'Around the world' '60 shots in 60 seconds' pub golf
<ul style="list-style-type: none"> Labelling or titling of promotions that suggest irresponsible or excessive consumption of liquor 	<ul style="list-style-type: none"> laybacks, slammers, blasters, bombs and similar 'Beat the clock', 'Drink like a fish'
<ul style="list-style-type: none"> Drink cards and similar that cause people to drink excessively¹⁴ 	<ul style="list-style-type: none"> drinks cards that provide multiple free drinks¹⁵, extreme discounts or discounts of limited duration on a given day or night and / or have the capacity to be stockpiled by patrons or given to other patrons
<ul style="list-style-type: none"> Non-standard containers that are likely to result in rapid intoxication 	<ul style="list-style-type: none"> serving liquor in a yard glass for skolling multiple supply of shooters to a person vodka served in a schooner glass consumption of liquor from a water pistol laybacks, slammers, blasters, bombs and similar jugs of mixed spirits
<ul style="list-style-type: none"> 'Happy hour' and similar time-based activities and promotions conducted over a lengthy period of time 	<ul style="list-style-type: none"> time frame for the promotion is more than 2 hours time frame for promotion occurs after 9 pm¹⁶ and it involves alcoholic beverages with an alcoholic content greater than 3.5% separation between each 'happy hour' less than 4 hours
<ul style="list-style-type: none"> Extreme discounted drinks involving the consumption of alcohol on the licensed premises 	<ul style="list-style-type: none"> discounts of more than 50% all you can drink offers for a set price - 'all you can drink for \$10' 'buy one get one free'
<ul style="list-style-type: none"> More than one free drink¹⁷ A meal deal with more than one drink included in the price or a dinner for two people deal with more than one bottle of wine 	<ul style="list-style-type: none"> 'free drinks until first point scored' (e.g. in conjunction with televised sport event) gender based discounts - 'free drinks for women' 'free drinks for 2 hours' Meal deals with 5 drinks included in the price
<ul style="list-style-type: none"> Undercover (stealth) marketing (marketing where patrons do not realise they are being marketed to)¹⁸ Viral marketing 	<ul style="list-style-type: none"> persons engaged to talk up alcoholic beverage to patrons they befriend, even buying alcoholic beverages for the patron (handing out samples) - a consumer will not only begin using that product themselves, but will also tell their friends about it, inciting a viral

¹⁰ Does not include invitations to members of a club / reward system via a mailing list where persons have acknowledged their willingness to receive such invitations provided the list has not been compiled through a competition or similar activity

¹¹ A method must be adopted to ensure a person does not acquire any more than one alcoholic beverage

¹² This does not stop promotions or activities where consumption will occur at private homes, etc.

¹³ Liquor prizes not consumed on the premises are acceptable

¹⁴ Drink cards, promotional cards, vouchers or incentives distributed on the premises are acceptable provided they only entitle the person to one free drink per person per day – a distribution method must be adopted to ensure a person does not acquire any more than one free drink or more than one drink card

¹⁵ One free drink is acceptable – a distribution method must be adopted to ensure a person does not acquire any more than one free drink

¹⁶ From 9pm until closing time or 5am whichever comes sooner

¹⁷ One free drink is acceptable – a distribution method must be adopted to ensure a person does not acquire any more than one free drink. This does not apply to non-commercial activities such as where free drink(s) are provided in conjunction with bona fide meetings - annual general meetings of members of a registered club, attendance at regular meetings of a community group (eg. RSL sub-branch)

¹⁸ Note. For the purposes of clarification, this does not apply to persons employed to promote a brand, who are clearly identified as promoting a brand and who have undergone RSA training

**LIQUOR ACTIVITIES AND PROMOTIONS
SUBJECT TO A NOTICE UNDER SECTION 102**

Activity or promotion	Indicative examples
	marketing campaign <ul style="list-style-type: none"> persons engaged to spontaneously and enthusiastically talk up consumption of alcoholic beverages
<ul style="list-style-type: none"> Holding a patron's financial-institution card¹⁹ Providing alcohol on a credit / pay later basis ²⁰ 	<ul style="list-style-type: none"> holding a patron's financial-institution card and selling liquor to the patron over several days pending payment when the patron receives their social security benefit
<ul style="list-style-type: none"> Liquor activities or promotions in conjunction with competitions that could potentially result in harassment of patrons and staff 	<ul style="list-style-type: none"> sexually provocative activities dangerous or unsafe behaviour lewd and indecent behaviour

¹⁹ Does not apply to an account held on behalf by a corporation for a corporate function. Does not apply to the holding of a person's corporate, business or person financial institution card if the account is settled before the conclusion of trade in which the consumption occurred. Does not apply to guests staying in-house.

²⁰ Does not apply to an account held for or on behalf by a corporation / business for a corporate function. Does not apply if the account is settled before the conclusion of trade in which the consumption occurred

Intoxication guidelines

These guidelines are published by the Director of Liquor and Gaming under section 5 of the *Liquor Act 2007*. They are designed to assist you to determine whether or not a person is intoxicated.

You must always have due regard to the following objectives of the liquor laws:

- Need to minimise harm associated with the misuse and abuse of liquor
- Encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor
- Ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

What is the law?

The NSW *Liquor Act 2007* (section 5) states that a person is 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.*

Under the NSW liquor laws licensees and staff must ensure that patrons do not become intoxicated. Intoxicated persons are to be removed from the premises immediately or refused entry onto the licensed premises.

A licensee is liable for permitting intoxication if an intoxicated person is detected by authorised officers (police officer, OLGR inspector) on the premises. This offence applies regardless of whether the intoxicated person is still drinking on the licensed premises.

What are the noticeable signs of intoxication?

These symptoms or signs are not exhaustive, and not necessarily conclusive of intoxication

Speech	Balance	Co-ordination	Behaviour
<ul style="list-style-type: none"> • slurring words • rambling or unintelligible conversation • incoherent or muddled speech • loss of train of thought • not understanding normal conversation • difficulty in paying attention 	<ul style="list-style-type: none"> • unsteady on feet • swaying uncontrollably • staggering • difficulty walking straight • cannot stand or falling down • stumbling • bumping into or knocking over furniture and people 	<ul style="list-style-type: none"> • lack of coordination • spilling drinks • dropping drinks • fumbling change • difficulty counting money or paying • difficulty opening or closing doors • inability to find one's mouth with a glass 	<ul style="list-style-type: none"> • rudeness • aggression • belligerent • argumentative • offensive • bad tempered • physically violent • loud /boisterous • confused • disorderly • exuberance • using offensive language • annoying / pestering others • overly friendly • loss of inhibition • inappropriate sexual advances • drowsiness or sleeping at a bar or table • vomiting • drinking rapidly

Licensees are deemed to have permitted intoxication unless they prove:

- They took the following steps:
 - asked the intoxicated person to leave the premises
 - contacted, or attempted to contact, police for assistance in removing the person from the premises
 - refused to serve the intoxicated person any more alcohol.
- They took other reasonable steps to prevent intoxication on the licensed premises.
- The intoxicated person did not consume alcohol on the licensed premises.

Anyone, including staff and other patrons, can be prosecuted if they are found supplying liquor to an intoxicated patron. Fines of up to \$11,000 apply.

Standard drink

The concept of a standard drink enables people to keep track of how much alcohol they are consuming. A standard drink contains 10 grams of pure alcohol.

The Standard Drink Guide can be used to help identify how many standard drinks have been consumed.

The Standard Drink Guide is available from: <http://www.alcohol.gov.au>

How else to determine if someone is intoxicated

Make observations:

- Does the person smell of alcohol?
- How long has the person been drinking?
- When did the person enter the premises?
- Was the person affected by alcohol when they arrived?
- What type of alcohol has been consumed?
- How much alcohol have you seen the person drink?

Your observations will help you form a reasonable belief as to whether the person is intoxicated as a result of alcohol consumption.

Talk to the person and their friends to help determine whether the person is intoxicated or becoming intoxicated.

Reasonable belief that a person is intoxicated

The law requires you to form a reasonable belief that the person is intoxicated as a result of alcohol consumption. It is all right if you refuse service to a person on the basis of this belief, even if you are wrong.

Reasonable grounds for a belief that a person is intoxicated are what a reasonable person would believe in the circumstances, taking into account the relevant knowledge and facts presented.

You should be sure of your reasons for refusal of service and these reasons should not be discriminatory, for example race, sex, disability.

A person has the right to take the matter to the Anti-Discrimination Board if they feel they have been subjected to discrimination.

Are there conditions that exhibit similar symptoms/signs to intoxication?

Some medical conditions, disabilities or the use of drugs may cause similar behaviours without the person being intoxicated as a result of alcohol consumption.

Prior to refusing service on the basis that a person is intoxicated, you should endeavour to determine whether the person has a medical condition or disability which may cause signs or symptoms similar to intoxication.

If the person has a medical condition or disability, it is likely that their friends will be able to tell you. Be sensitive to a person's right to privacy.

Examples only:

- acute infections
- Acquired Brain Injury
- brain trauma / tumours
- delirium
- diabetes / hypoglycaemia
- epilepsy
- head injuries
- pneumonia
- seizures and post seizure states
- stroke.

Even though a person has a pre-existing condition, if you have observed the person consuming alcohol and the person has been drinking for some time, then it would be reasonable to form a belief that the person is intoxicated as a result of alcohol consumption.

How to prevent intoxication

It is your responsibility to prevent patrons from becoming intoxicated. There are things you can do including:

- Talk to your patrons and get to know their drinking patterns and intentions.
- Alert other staff.
- Serve free water and keep water available.
- Promote low or mid-strength alcoholic drinks, non-alcoholic drinks and food.
- Provide free snack food.
- Slow service down for the patron.
- Wait for the patron to re-order, don't automatically top up drinks.
- Do not conduct an activity or promotion that will result in patrons engaging in irresponsible, rapid or excessive consumption of liquor or unsafe activities.

What to do if someone is intoxicated

If you have reasonable grounds for the belief that someone is intoxicated as a result of alcohol consumption you must refuse service to that person. Under the law the person must also be asked to leave the premises.

Procedures for dealing with intoxication incidents should be in place and your staff should be trained in these procedures. The OLGR's *Alcohol Management Operations Register* (AMOR) is a tool that could be used for this purpose. For more information about AMOR: http://www.olgr.nsw.gov.au/gaming_info_compliance_tools.asp

When refusing service to a person:

- Introduce yourself to the person and tell them your name and your role, and ask their name.
- Approach the person in a friendly and respectful manner. Patronising or authoritarian attitudes can often evoke anger and make the person aggressive – this is a common response to threats to one's dignity and self-respect. Try not to speak to the person in front of others.
- When talking to the person: use their name; use slow, distinct speech; use short, simple sentences; avoid emotion and involved discussions; use appropriate eye contact (limit for cultural reasons); and adjust speaking pace to match the patron's.
- Give a clear, concrete statement that by law they cannot be served another drink.
- Notify the manager/licensee/supervisor or security. Also notify other bar staff that you have refused service to the person. If a shift change is nearing, notify the new staff.

- Give a clear instruction that the person must leave the premises. If necessary, guide them to the exit, ensuring that they have all their personal possessions with them.
- If considered necessary, management may consider imposing a short term ban.

Penalties

Supplying alcohol to an intoxicated person can be very expensive. The licensee or staff can be fined up to \$11,000 or be issued with an on-the-spot fine by way of a penalty notice. It is also an offence for other patrons to supply alcohol to an intoxicated person, with a maximum fine of \$1,100 applying.

More information

Phone: (02) 9995 0776

Email: info@olgr.nsw.gov.au

These guidelines are published by the Director of Liquor and Gaming under section 5 of the *Liquor Act 2007* and are subject to periodic review. Please go to www.olgr.nsw.gov.au to ensure you are using the latest guidelines.

Published 1 July 2008

APPENDIX 3

VENUE MANAGEMENT PLAN, MARCH 2013

“Abbreviations and Definitions: In this determination and any ancillary documents,, the following terms have the meanings set out below:

“a person with a concierge, a security person or an usher guest control duties”

“BMC” the Building Management Committee appointed by the owners’ corporation of SP69951 and SP70641 to manage Jones Bay Wharf

“CSL” The combined complaints and security log kept by Doltone House

“concierge” a person who holds a Class 1C licence issued under the Security Industry Act and a certificate on the Responsible Service of Alcohol and who has been specifically trained to deal appropriately and discreetly with guests both inside and outside the premises and to manage and to supervise others with similar tasks

“Council” Council of the City of Sydney

“DHJBW” Doltone House Jones Bay Wharf, the business operated in the premises, and any successor in that role

“event” any event, function or the like hosted by DHJBW in the premises pursuant to this consent

“guest” any person attending an event hosted by DHJBW in the premises. The term excludes staff, entertainers and security persons.

“NSMP” Noise and Security Management Plan

“patron” guest

“security person” a person who, as a minimum, holds a Class 1C licence issued under the Security Industry Act and a certificate on the Responsible Service of Alcohol.

“SHFA” Sydney Harbour Foreshore Authority

<i>"the business"</i>	<i>a business use (as defined in the former SREP No. 26) viz restaurant / function / private dining with ancillary restaurant,(ie the use approved by DA52-03-05)</i>
<i>"the premises"</i>	<i>Lot 19, SP69951; Lot 54, SP70641; and that part of the common property of SP69951 known as "The Heritage Museum"</i>
<i>"the Upper Deck"</i>	<i>that part of the premises which is in the open air</i>
<i>"usher"</i>	<i>an employee (either full-time or permanent part-time) of DHJBW who is not a security person, who holds a certificate on the Responsible Service of Alcohol and who has received relevant instructions on his or her duties from the venue manager of DHJBW</i>
<i>"venue manager"</i>	<i>a person who is a member of the management of the business who shall hold a certificate on the Responsible Service of Alcohol and a Class 1C licence or better under the Security Industry Act and who is a person appointed by the licensee to undertake duties including being responsible for the conduct of guests and/or staff of DHJBW</i>
<i>"vicinity of the remises"</i>	<p><i>i. each side of that section of Pirrama Road extending for 90 metres on either side of the centreline of the central internal laneway on the lower level of Jones Bay Wharf and along that laneway to the security gate; and</i></p> <p><i>ii. that part of the central laneway on the upper level of Jones Bay Wharf abutting the premises together with that part of Bayview Street, east of Mill Street</i></p>
<i>VMP</i>	<i>Venue Management Plan."</i>