

# **PLAN OF MANAGEMENT**

**FOR THE OPERATION OF**

**BUILDING R1  
(name to be advised)**

**BARANGAROO SOUTH  
SYDNEY**

**3 JULY 2015**

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### **Annexure A – Site Plan (s)**

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## **PART 1 - Purpose**

1. The purpose of this Plan of Management is to establish performance criteria for various aspects of the operations of Building R1, Barangaroo, having regard to the relevant matters under the Environmental Planning and Assessment Act, 1979 and the Liquor Act, 2007, and to the accompanying development application.

## **PART 2 – Site Locality**

2. Building R1, Barangaroo, is situated in the Barangaroo South precinct. This Plan of Management encompasses the entire building that is to be licensed under the one General Bar licence. The building is situated on the west side of Lime Street.
3. R1 is in a location that is a mix of commercial and residential premises. Other mixed commercial uses in the area directly blend with the offering of R1 is providing.
4. The attached plans (Annexure A), shows the layout of the venue indicating the following in relation to the management of the venue:
  - Transport pick up and drop off points.
  - Pedestrian routes.
  - Internal and external areas.
  - Staff and service areas.
5. The nearest commercial premises within the Barangaroo South Precinct will be a restaurant precinct proposed under buildings R8 and R9, the closest of which is situated 15 meters to the north of R1.

## **PART 3 – Licensing**

6. The Venue will be governed by a General Bar Hotel Licence. The primary purpose of this licence is the sale and supply of alcohol. Under this licence type the venue will not provide gaming or take away liquor sales.
7. The venue is managed by Solotel Hospitality Management. Solotel has experience in similar venues both within and external of the City of Sydney LGA.

## **PART 4 - Hours of Operation**

8. The maximum hours of trade of the Venue shall be: -
  - i. 7am to Midnight, Monday to Sunday for all levels both internally and externally.
  - ii. The hours of operation may be extended beyond midnight for selected special events for up to 20 days a year. A separate application would need to be

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made for these special events, subject to conditions of consent.

9. The northern balcony on Level 2 will be restricted to a maximum of 58 people, 7 days a week.
10. For level 2 operations after 10pm on any day except Friday or Saturday the northern façade of the internal area is required to be closed.
11. The ground floor northern area will be restricted to a maximum of 78 people, 7 days a week.
12. The northern façade of the ground floor internal bar area is to be closed from 9pm on Sunday to Thursday.
13. On all days that the venue is in Operation, last drinks are to be served no later than 11:45pm, lights are to be turned up any time before 11:55pm and all patrons are not to be permitted to remain on the premises after 12:15pm. On special events nights last drinks are to be no later than 15 minutes before closing, lights are to be turned up no later than 5 minutes prior to closing and all patrons are not to be permitted to remain on the premises after 15 minutes after closing time.
14. R1 will provide an upmarket food and bar concept providing a mix of lunch and dinner trade and bar facilities to cater for the local, international and corporate markets. The venue may also be open for breakfast. The Ground floor bar will include a large alfresco space for drinking and eating with an indoor outdoor feel. The 1st floor restaurant will accommodate a signature "grill" dining concept, and the top level bar will accommodate a high end cocktail and champagne bar with bar and table service of quality food and drinks.

## **PART 5 - Amenity of Neighbourhood**

15. At all times the licensee of the Venue shall consider the amenity of its neighbours and shall take reasonable measures to ensure that the premises does not have an adverse impact on the immediate vicinity of the premises.
16. The licensee will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the Venue do not detrimentally affect the amenity of the neighbourhood. This will involve instruction of security personnel, when on duty after 10pm, to advise patrons to leave the vicinity quickly and quietly and not to loiter in the area.
17. Signs will be placed in clearly visible positions within the venue requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signs



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will be in bold letters not less than 25mm in height on a contrasting background.

18. The Venue shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise (subject to Part 7 below), vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
19. Temporary elements are to be installed to suit liquor licensing and management requirements, removable as required, visually permeable, subject to BDA outdoor licence approval on the northern boundary of the ground level of the venue.
20. Entrance and exit to the first and top floor areas will be via Lime Street, running along the eastern side of the building. This ensures minimal disruption to local residents as there is direct access to transport and current and proposed taxi ranks.
21. From 10pm on Friday and Saturday, entrance to the ground floor will be from one entry point. This will ensure a singular entrance for the purpose of responsible service of alcohol and general crowd control measures.
22. On busy nights, bollards are to be erected to manage queues. Security or management will continually monitor these queues to ensure the efficient movement and general control.
23. Exit from the ground floor will be restricted to one point after 10pm on Friday and Saturday nights. Management and security will direct patrons upon exiting the venue to walk south along the western side of the building and then turn left, heading towards Lime Street. This will encourage patrons away from local residents and towards commercial and other late night trading venues, as well as transport options.
24. Management will call Taxi's for any person at their request. Management and security will be aware of direction and timetables of public transport options to ensure the safe and quick exit for patrons from the vicinity.
25. No smoking signage will be displayed where applicable in the internal and external areas of the venue to ensure with the compliance of the Smoke Free Environment Act 2000. Patrons will be provided ash trays in accordance with the act.
26. The storage of recycled bottles and waste occurs in a dedicated area in the basement of the building.
27. The removal of recycled bottles and glasses from the basement shall be managed as part of the Barangaroo South stage 1A precinct waste

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management regime. The basement operates 24/7 as a managed facility.

28. Any live or other entertainment, or music that may occur within the premises will be restricted by the use of the in house audio system. This system will have noise limiter settings set to the predetermined limit as advised in the Acoustic Group report. Entertainment may be scheduled for all levels of the building at any time during trading hours, depending on business needs.

29. The licensee will detail any complaints that are received in a complaints register with the following information:

- Time and date of complaint.
- Name, address and contact details of the complainant.
- Staff and/or manager name.
- Action taken.
- Follow up information and outcome.

The licensee, depending on the nature of the complaint may carry out the following;

- Consult with the complainant in a sympathetic manner with the aim of an outcome to satisfy all stakeholders.
- Consult with and take advice from authorities including, but not limited to, resident groups, police and council officers.
- Make available the Plan of Management to any stakeholder.
- Review the Plan of Management to ensure its effectiveness and relateness.

## **PART 6 – Stakeholder Engagement**

30. The licensee will be an active member of the local liquor accord and a representative of the venue will attend all accord meetings.

31. The licensee will engage with all community stakeholders and will be actively involved with any community groups that are involved with the good amenity of the neighbourhood.

32. The licensee will regularly liaise with Police and other parties to ensure compliance of the premises with all relevant authorities.

## **PART 7 – Noise – Entertainment and Patrons**

33. The emission of noise associated with entertainment and patrons on the premises but excluding operation of mechanical plant equipment, and air conditioning, shall comply with the following:

- (a) The LA10, 15 minute noise level must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB

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between the hours of 7.00am and 12:00am when assessed at the boundary of any affected residence. For the purpose of assessing the impact on a residence within Residential Buildings R8 and R9 under this part of the condition, the boundary of an affected residence is determined to be the internal area of the residence with all doors and windows closed and mechanical ventilation in operation

(b) The LA10, 15 minute noise level must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12:00am and 7.00am when assessed at the boundary of any affected residence.

(c) Notwithstanding compliance with (a) and (b) above, noise from the premises when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is not to exceed the existing internal LA10, 15 minute (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the LA10, 15 minute noise level is below the threshold of hearing,  $T_f$  at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226: 2003- Normal Equal-Loudness-Level Contours then the value of  $T_f$  corresponding to that Octave Band Centre Frequency shall be used instead.

(d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00am and 7.00am.

(e) The LA10, 15 minute noise level emitted from the premises must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises when in use.

Note: The LA10, 15 minute noise level is as per the definition in the Australian Standard AS1055-1997 Acoustics – Description and measurement of environmental noise. The background noise level LA90, 15 minute is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA90 / rating LA90 methodology in complete accordance with the process listed in the NSW EPA Industrial Noise Policy and relevant requirements of AS1055.1997.

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34. External speakers will be provided on all levels
35. Any external speakers will be located in the ceiling and direct downwards. The permitted level for such speakers is subject to compliance testing where levels for each section can be determined and the limiter set to control each area.
36. The provision of music throughout the internal parts of the venue for the purpose of background music has considered and internal noise level of 95dB(A) at 2 metres from any speakers and that no speakers are to be directed towards building R9. The internal level may be modified subject to compliance testing with respect to noise condition (condition 33 above).
37. The venue will comply with recommendations made by the acoustic report that was produced by The Acoustic Group, as required to be lodged with the Development Application. This will include noise limiting devices, as set out in the report by the Acoustic Group, on all in-house audio systems set to pre-determined limits, where access will be limited to the external AV contractors.

#### **PART 8 - Behaviour of Patrons and Responsible Service of Alcohol**

38. The licensee and staff shall take all reasonable steps to control the behaviour of the patrons of the Hotel as they enter and leave the premises. To affect this, the licensee shall:
- a) erect signs at the exits of the Venue requesting patrons to leave quietly because there are dwellings close to the Venue;
  - b) request patrons to leave the Venue and the vicinity quickly and quietly so as to avoid disturbance of the neighbourhood; and
  - c) assign staff or security persons to ensure that patrons, when leaving the vicinity of the Venue at closing time, do so promptly and as quietly as is reasonably possible.
39. The licensee and staff shall take all reasonable steps to ensure that persons who may have unsuccessfully sought admittance to the Venue, do not loiter in its vicinity.
40. The licensee and staff shall comply with the Office of Liquor, Gaming and Racing (OLGR) Liquor Promotions Guidelines (see Annexure B) and the measures for responsible service of liquor set out hereunder:-
- a) The licensee shall take all reasonable steps to prohibit or restrict activities (such as promotions or discounting) that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).
  - b) All staff engaged in the service of alcohol shall complete a course (approved by the Office of Liquor Gaming and Racing) in the Responsible Service of Alcohol prior to their engagement at the venue.

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- c) The licensee is to maintain a register that is to contain a copy of the certificate of the satisfactory completion of the Responsible Service of Alcohol course by the licensee and for all other staff engaged in the service of alcohol. The register is to be made available for inspection on request by a police officer or special inspector. If the staff member has a competency card, the staff member must have this available at all times when working. The licensee will keep a register with a copy of all competency cards of all staff.
  - d) The licensee must, as a minimum, continually apply the house policy and harm minimisation and responsible service of alcohol practices. A copy of the house policy is to be maintained in the register in which the certificates of completion of the responsible service of alcohol course are filed. The house policy must be updated to reflect legislative requirements or Licensing Court, Office of Liquor, Gaming and Racing or industry recommendations.
  - e) The Liquor Promotions Guidelines (available from the Office of Liquor, Gaming and Racing) must be adopted in respect of the premises. A copy of the Guidelines must be displayed in a position in the premises where it will be readily available to, and noticed by, all staff involved in the sale and supply of liquor.
  - f) Low alcohol beer and non-alcoholic beverages must be available at all times when full strength liquor is available. The pricing structure of low alcohol beverages is to reflect the lower wholesale cost of those beverages.
  - g) Light meals must be available whenever liquor is available for consumption on the licensed premises.
  - h) Alcoholic liquor must not be served to any person who is intoxicated.
  - i) The Venue's management will decline entry to any person who is already intoxicated.
  - j) The Venue's management will advise its patrons of the availability of non-alcoholic beverages and food in the Venue.
  - k) The Venue's management, upon receipt of a request from a patron, will arrange (without charge for the phone call) for a taxi to be available for that patron.
  - l) The Venue's management will not permit intoxication or any indecent, violent or quarrelsome conduct on the premises. Any person causing such disturbance shall be refused service and asked to leave the premises. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the premises for a period to be determined by the licensee.
  - m) No person under the age of 18 years shall be served liquor at the Venue. Production of photographic identification will be required for any person who is assessed to be under the age of 25. The only acceptable proof of age identification shall be:

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- Photo driver's licence;
  - Proof of age card (RTA); or
  - Current passport.
- n) No sales of packaged liquor for consumption off the premises shall be permitted.

## **PART 9 - Deliveries and Waste Removal and Management**

41. All deliveries and waste removal shall occur via goods lift within R1 direct to the basement under R1. Waste removal from the basement will be managed as part of the Barangaroo South stage 1A precinct waste management regime. The basement operates 24/7 as a managed facility. The removal of wastes and recyclable materials shall be made by City of Sydney Council or a recognised contractor.
42. Waste is to be minimised by separation of trade waste and putrescible waste, with bottles, cardboard, paper and aluminium being collected by a recognised contractor.
43. All waste is stored within the venue or in the basement under R1 and will only be accessed by contractors for collection. Collection will occur 7 days per week.
44. All trade and putrescible wastes must be stored on site at all times.
45. The venue will be cleaned both internally and externally every day, the day after any day of trade.

## **PART 10 – Maintenance**

46. The Venue premises shall be kept in a clean and tidy condition. The manager will ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter. The Venue will be regularly maintained both, internally and externally.
47. In addition to the annual certification requirements of Council in relation to essential systems, those systems must be checked by a recognised contractor every six months.

## **PART 11 - House Policy**

48. The Hotel's house policy relating to matters including:-
- the responsible service of alcohol,
  - harm minimisation, and
  - the admission of minors shall be displayed both within the premises and on a suitable plaque outside the premises.

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## **PART 12 – Security Management Plan**

49. At peak periods, ordinarily it is expected that the Venue would have up to 50 staff including security and entertainers (including a minimum of 2 managers) on duty, and at quieter periods the Venue would have greater than 5 staff (including 1 manager) on duty.
50. In addition to the venue management, on Friday and Saturday nights (and Sunday where Monday is a public holiday) from 7pm to Midnight (or until the last patron has left the vicinity of the venue), one licensed security officer per 100 patrons on the ground and second floor bars will be engaged, to enforce the clauses under this Plan of Management and the venue's responsibilities under the Liquor Act. The nature of and the operation of Level 1 as a restaurant does not require security for those patrons, except when leaving the premises after 10pm. Security will be provided at other times when deemed necessary by the venue management so as to comply with its responsibilities under this Plan of Management. The head security officer shall maintain an incident book which shall be available on request to Council officers as required.
51. Security personnel is to be positioned within the venue on the ground and second floor bars as required.
52. Security personnel will monitor the surrounding vicinity when engaged after 10pm, to ensure patrons do not loiter.
53. Security personnel will assist other venue staff with the following activities:-
  - a) checking the ages of those seeking to enter,
  - b) ensuring the persons unduly affected by alcohol or like substances are not permitted to enter,
  - c) general crowd control within the venue,
  - d) monitoring the numbers present on the ground and second floor levels,
  - e) monitoring the behaviour of patrons or potential patrons in the vicinity of the venue,
  - f) weapon detection,
  - g) dress codes will be put into place as required to ensure standards are in line with patron expectations, and
  - h) ensure that when patrons are exiting the venue that no alcoholic drinks are taken off the premises that have been purchased at the venue.
54. The Venue shall make and maintain an arrangement with a recognised provider of security services whereby that provider shall supply additional security persons to the Venue at short notice if requested to do so by the licensee or duty manager.

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55. The licensee shall require any security person to: -

- a) be appropriately licensed;
- b) be dressed in a readily identifiable suitable mode of dress, displaying identification as a security officer;
- c) fill in a time-sheet (showing start and finish times) which is to be initialled by the manager/licensee on duty;
- d) report to manager/licensee to obtain a briefing on any specific duties to be addressed before commencing duty;
- e) prevent any person, detected as intoxicated from entering the premises and bring to the notice of the manager or licensee any person on the premises who might be considered intoxicated;
- f) prevent patrons leaving the venue with glasses, opened cans, bottles or alcohol that has been purchased from the venue;
- g) at the end of each shift, bring any incidents that have occurred and the actions taken to the attention of the manager/licensee who shall record the details of incidents reported in an 'Incidents Book' kept by the venue; and
- h) co-operate with the Police or any other private security personnel operating in the vicinity of the Venue.
- i) ensure that security are trained to appropriate levels and have security and RSA licenses.

56. Any security person assigned to monitor the exterior of the premises shall, in addition to the matters set out above:-

- a) not obstruct or interfere with the flow of pedestrians along the footpaths in front of the Venue;
- b) not act as a "spruiker" for the Venue;
- c) patrol or stand in a position where he (or she) can observe conditions on the footpaths abutting the Venue and in nearby areas both on the footpaths and on the adjoining carriageways;
- d) carry a notebook in which are noted the dates and times when any incident that could cause alarm or concern to members of the public occurs in the area being monitored, together with an observation as to whether or not any persons, identifiable as having been patrons at the Venue immediately prior to the incident, were involved. (Entries are to be made as soon as possible after such incidents and to include notes of the actions taken by the security person.);
- e) monitor the behaviours of patrons in the vicinity of the Venue and encourage them to leave its vicinity in a quiet and orderly way; and
- f) collect any rubbish in the area monitored that may be associated with the Venue's activities.



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57. The licensee shall make copies of the Complaints Book available to Council or the Police at all reasonable times and within 7 days of receipt of a written request from the Council or the Police to do so.
58. The licensee/manager shall record in the Complaints Register, in addition to the matters noted in 46(d) above, any complaints made directly to the management or staff of the Venue by local residents or business people, about the operation of the Venue or the behaviours of its patrons. These will be available to police to review upon request.
59. The Venue will only engage suitably trained and licensed security staff and will ensure that all such staff are familiar with the provisions of this Security Management Plan.
60. All staff shall be briefed on the procedures they should adopt in the event of there being an attempt to rob the premises. In this briefing, the NSW Workcover publication "Armed holdups and cash handling - A guide to protecting people and profits from armed hold-ups" should be utilised.
61. Any contract or arrangement entered into with a security provider shall be in accordance with:-
- AS4421 - 1996 "Guards and Patrols",
  - AS3745 - 1995 "Emergency Control Procedures for Buildings" and
  - AS/N2S 4360 - "Risk Management"
62. To improve security at night, the licensee will engage and have regular meeting with the relevant similar businesses within the precinct. The licensee will endeavour to work with the stakeholders in order to manage the patron movement between venues.
63. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
- (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets); and
  - (iii) staircases in multilevel premises.
64. Suitable and clearly visible signage will be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
65. All CCTV recording equipment and cameras will be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of

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recording a minimum rate of 5 frames per second and at high resolution.

66. CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 24 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
67. All CCTV recording devices and cameras shall be checked regularly to ensure the equipment is operating correctly.
68. All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, continuously for at least 1 hour prior to opening and closing times of the premises.
69. When the premises is operating there will be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
70. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
71. The venue is fitted with a security system for detection of entry after trading hours. This alarm, if triggered will be an internal alarm. This will be monitored by a third party monitoring company who will advise management when this is triggered.
72. All staff will be trained in the emergency procedures of the premises. This will include evacuation plans and how to manage the quick and controlled dispersal of patrons from the venue in the event of an emergency.

### **PART 13 – Capacity of Premises**

73. In accordance with BCA regulations and the Acoustic Report compiled by The Acoustic Group, the maximum number of patron and staff in the Venue at any one time will be 850. This will consist of;
  - Ground Floor 350 patrons (Internal areas 120 patrons, external areas 230 patrons)
  - First Floor 200 patrons (Internal areas 150 patrons, external areas 50 patrons)
  - Second Floor 250 patrons (Internal areas 100 patrons, external areas 150 patrons).
  - Staff throughout (including bars, kitchen, security and entertainment) – 50 persons.

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## **PART 14 - Amendment to this plan**

74. 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 Venue, that modification shall be made to the plan only with the consent of City of Sydney Council or Department of Planning, which approval shall not be unreasonably withheld.

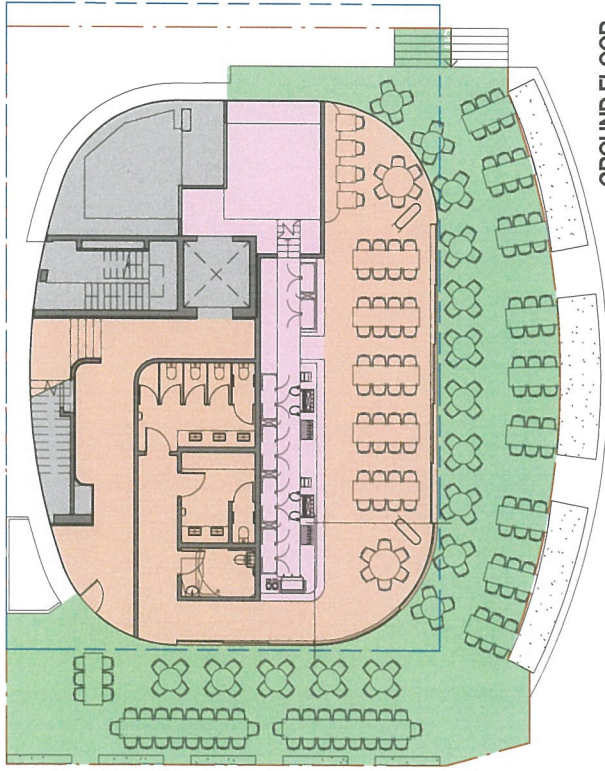
### **Declaration of Licensee**

As licensee of the abovementioned premises I confirm that I have read and understand all requirements that are in the Plan of Management. I also confirm that I have provided this Plan of Management to all management staff at the venue to ensure that all requirements are met.

\_\_\_\_\_  
Signed

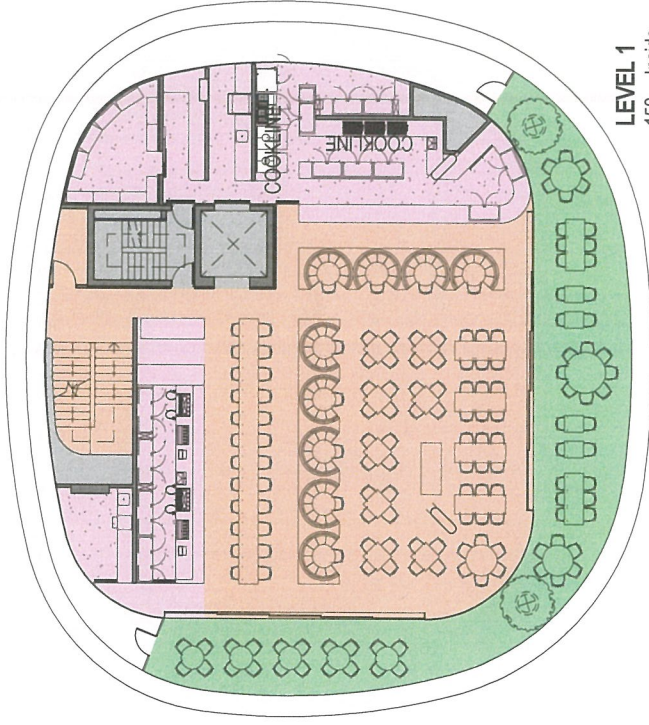
\_\_\_\_\_  
Date

## **Annexure A – Site Plan (s)**



### GROUND FLOOR

120 Inside  
230 Outside ( max. 78  
patrons to northern terrace)

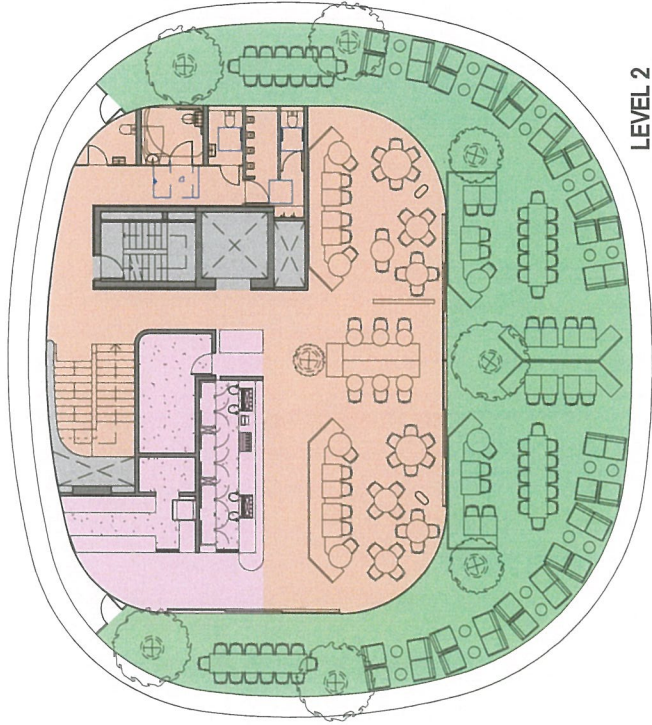


### LEVEL 1

150 Inside  
50 Outside

### ZONING LEGEND

Staff	Internal Patron
Service	External Patron



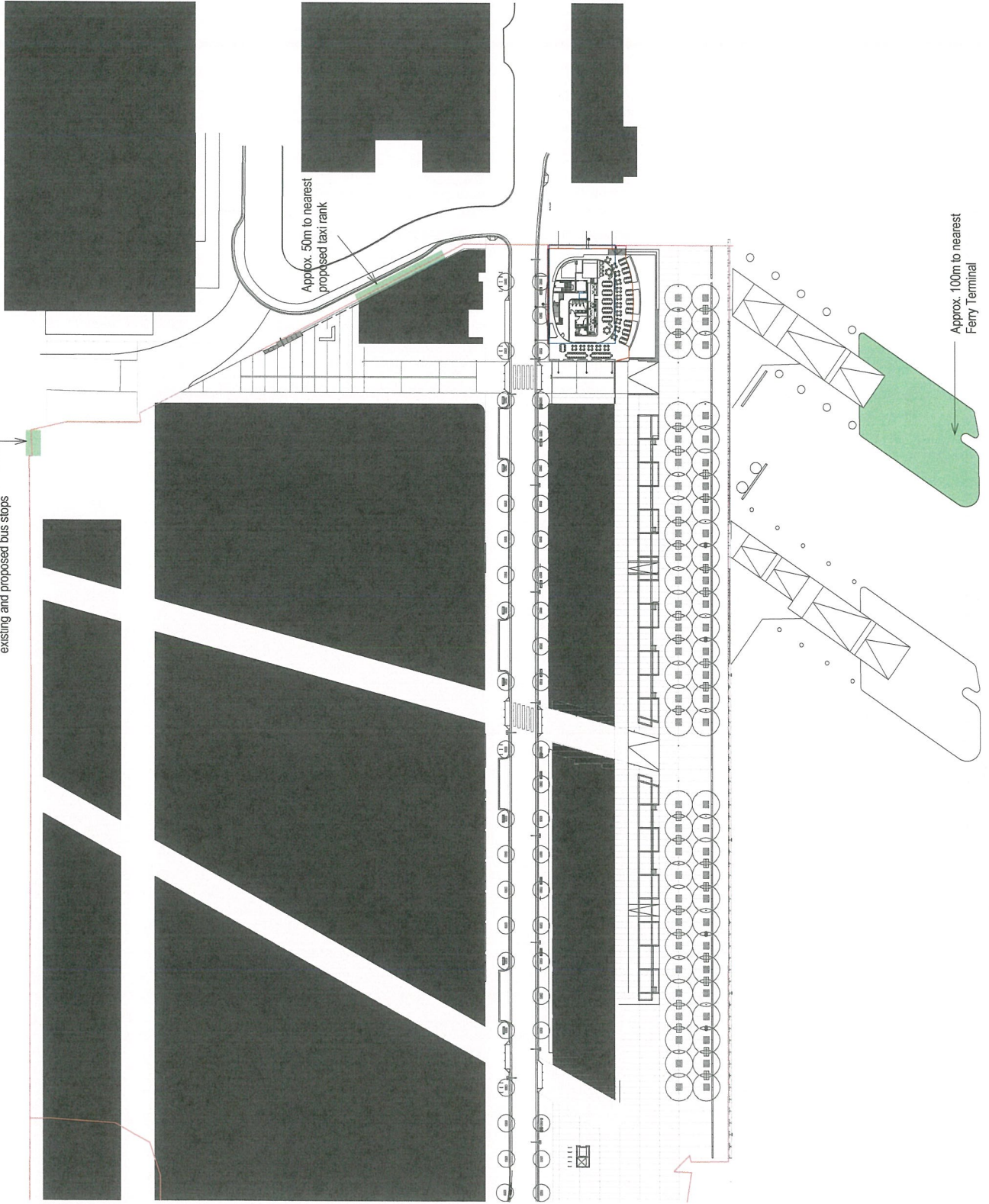
### LEVEL 2

100 Inside  
150 Outside ( max. 58  
patrons to northern terrace)



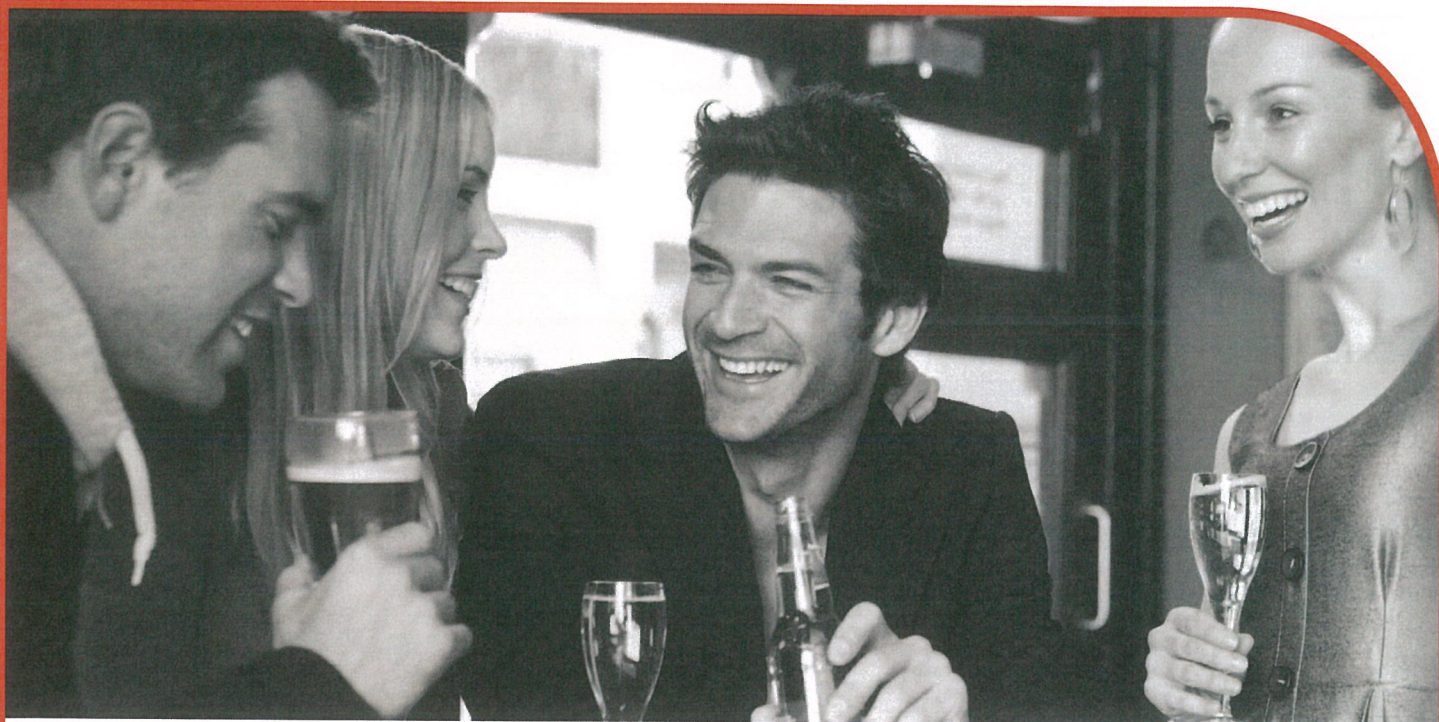
Approx. 150m to beginning of  
Wynyard Walk (pedestrian link  
to Wynyard Station)  
Approx. 150m to nearest  
existing and proposed bus stops

Hickson Road



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## **Annexure B – OLGR Liquor Promotions Guidelines**



# LIQUOR PROMOTION GUIDELINES

July 2013



Trade &  
Investment  
Office of Liquor, Gaming & Racing



## Liquor promotion guidelines

### Disclaimer

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

This publication is intended as a guide only.  
We suggest you seek professional advice when necessary.

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# Liquor promotion guidelines



Trade &  
Investment  
Office of Liquor, Gaming & Racing

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## Introduction

Licensees and staff are required to have responsible attitudes and practices regarding the promotion and sale of alcohol. The promotion and activities that surround the sale and supply of alcohol can have a significant influence on patrons and the way they consume alcohol and the way they behave.

A range of negative impacts can result from undesirable alcohol promotions or ones which are not appropriately managed. This can include promotions which encourage excessive, rapid or irresponsible drinking, are offensive or indecent, target minors or are out of step with general community standards. These types of promotions can contribute to alcohol-related anti-social behaviour and violence, have negative impacts on the amenity of the local community, and have health impacts for the individual.

It is important that licensees are mindful of and manage the risks and responsibilities associated with running liquor promotions. These Guidelines are not intended to stifle business innovation or healthy competition, but rather assist in the development of a sustainable and responsible liquor industry by defining clear expectations for the conduct of liquor promotions.

## MORE INFORMATION

Phone: (02) 9995 0894  
Email: [info@olgr.nsw.gov.au](mailto:info@olgr.nsw.gov.au)

For information, or to make a complaint,  
about liquor promotions please contact OLGR  
Compliance Branch:

Phone: (02) 9995 0837  
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## The Law

Section 102 of the *Liquor Act 2007* gives the Director General, NSW Trade & Investment, the power to issue a notice to a licensee who is involved in a liquor promotion which is considered undesirable.

### The *Liquor Act 2007*

The Act details the types of promotions that may be restricted or prohibited. The Act states:

The Director General may restrict or prohibit any such activity only if the Director General is of the opinion that:

- a) the promotion is likely to have a special appeal to minors because of the use of designs, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason, or
- b) the promotion is indecent or offensive, or
- c) the promotion involves the provision of liquor in non-standard measures or the use of emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication, or
- d) the promotion involves the provision of 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, or
- e) the promotion otherwise encourages irresponsible, rapid or excessive consumption of liquor, or
- f) the restriction or prohibition is otherwise in the public interest.

Before the Director General can exercise this power, publicly available guidelines must be made available that indicate the kinds of activities or promotions that may be

the subject of a notice under section 102. These Guidelines fulfil this requirement.

Examples where the Director General has exercised this power include:

- A nightclub promoted a \$30 door charge which included free house spirits, beer, wine and cider from 9pm til 3am;
- A hotel promoted \$10 cocktail buckets where patrons consumed the cocktail directly from the bucket; and
- A restaurant promoted alcohol served in syringes, cocktails served in oversize novelty vessels and jelly shots.



## The Liquor Promotion Guidelines

These Guidelines are intended to provide guidance as to what issues are considered important in determining whether a liquor promotion is undesirable and may be subject to a notice.

Information is provided on each category listed in the Act. Each category is described in these Guidelines as a principle. **They are not intended to be a definitive list of what can and cannot be done.** Each case must be considered on its merits and against each of the principles.

The Guidelines provide an explanation of each principle and include examples of unacceptable practices. These examples do not include specific detail, such as allowable numbers of free drinks before a promotion becomes unacceptable. Instead the examples provide a description of the types of practices which are clearly contrary to the principle. It is noted that the word 'unacceptable' is used instead of 'undesirable' when listing some of these examples, as this gives clear guidance to industry on those promotional practices that are problematic and that must not be undertaken.

Where relevant, additional information is provided which may assist certain types of licence holders. In some cases there is also information on additional measures which

can be implemented to assist in ensuring that a liquor promotion is appropriately run.

This approach enables licensees to take an informed view of any proposed promotion, as licensees are best placed to assess risk and apply appropriate controls in their own business environment.

The Guidelines aim to be consistent with other codes and guidelines relating to alcohol promotions and advertising, such as the Alcohol Beverages Advertising (and Packaging) Code, the Australian Association of National Advertisers Code of Ethics and the National Health and Medical Research Council Australian Guidelines to Reduce Health Risks for Drinking Alcohol.

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“ *Each case must be considered on its merits and against each of the principles* ”

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## Liquor promotion guidelines

These Guidelines apply to ALL licensed premises under the *Liquor Act 2007* that run liquor promotions, including:

- Hotels (pubs, taverns, small bars)
- Clubs (RSL, community and sporting clubs)
- On-Premises (restaurants, cafés, nightclubs, theatres, boats, caterers, etc)
- Packaged (Bottle shops)
- Producer/Wholesaler
- Limited licences.

It is recognised that the consumption of alcohol occurs in many different contexts and circumstances, and that there may be different risks associated with promotional activities in different licensed premises.

A distinction can be made between promotions offering alcohol to be consumed immediately on a licensed premises and promotions offering alcohol that which may be stored for consumption later away from the premises. As a result, the extent to which each principle in this document applies to different licence types will vary accordingly.

Some principles apply to promotions operated by all licence types, such as Principle 1 which ensures liquor promotions do not have a special appeal to minors. Other principles, such as Principle 3, relating to the use of non-standard measures that encourage irresponsible drinking, would generally apply more to licence types where alcohol is consumed immediately on the licensed premise. These different circumstances would be recognised as part of the consideration of whether a liquor promotion is undesirable and should be subject to a notice.

The determination of whether a promotion is undesirable and may be subject to a notice is made by the Director General, NSW Trade & Investment, or a delegate, such as the Director, Compliance, Office of Liquor, Gaming & Racing. Before a determination is made, a licensee may be given the opportunity to comment or offer an explanation on why the promotion should not be considered undesirable. An application can be made to the Independent Liquor & Gaming Authority to review any decision.

## Harm minimisation methods

While each of the principles and examples provide guidance on liquor promotions that are generally considered undesirable, it is in the interests of venues to ensure that all promotions are conducted with harm minimisation measures in place to prevent unacceptable outcomes.

Even a seemingly harmless or mundane promotion can lead to adverse outcomes if appropriate risk-based measures are not put in place.

Adopting harm minimisation measures can reduce risks of harm associated with liquor promotions. Active consideration of possible risks and ways to reduce them is important in developing and running any promotion.

Employing harm minimisation measures does not automatically negate the possibility of liquor promotions being restricted or prohibited, but appropriate management of all promotions is necessary.

It is up to individual licensees to identify, manage and minimise risk within their own business environment for any liquor promotion undertaken and it is up to each licensee to identify which harm minimisation measures are appropriate to reduce potential harms in each circumstance.

A list of harm minimisation measures that may be appropriate include but are not limited to the following:

- RSA marshals
- Service of free food and water is part of the promotion
- Alcohol Management Plan specific to the promotion
- Drink limits
- Signs prominently disclosing the content of mixed alcoholic drinks served to customers
- Appropriate time frame for conduct of promotion
- Alcohol content is measured and discernable
- Limits on the quantity of alcohol that can be purchased at a reduced price.

**There are no mitigating measures that will enable examples of promotions identified as being 'unacceptable' in these guidelines from being undertaken.** For those 'Examples of promotions which require harm minimisation measures' identified in this guideline, significant risks are apparent with these types of promotions, and licensees are advised to carefully determine the appropriate harm minimisation measures that should be put in place before this type of promotion is undertaken.

likely to encourage the misuse and abuse of liquor. It is noted that this section does not just apply to promotions, but applies to any activity within a licensed premises which is likely to encourage the misuse and abuse of liquor.

Section 102A does not require guidelines and can consider issues more broadly than just promotions. However, where consideration is being given to issuing a notice under section 102A for a liquor promotion related issue, the principles in these Guidelines will provide some guidance as to acceptable and unacceptable practices.

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*“ The principles in these Guidelines will provide some guidance as to acceptable and unacceptable practices ”*

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### Section 102A

Section 102A of the *Liquor Act 2007* also allows the Director General to restrict or prohibit activities that are

## Principle 1: Appeal to minors

The promotion must not have a special appeal to minors, because of the designs, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason.

### Explanation

It is illegal to sell alcohol to minors or to supply alcohol to minors on licensed premises.

The effects of alcohol on minors can be significant and can be harmful to their health and physical development as well as having social and emotional effects. The National Health and Medical Research Council outlines research which shows that minors are much more likely than older drinkers to undertake risky or antisocial behaviour connected with their drinking. In addition, alcohol may adversely affect brain development and lead to alcohol-related problems later in life.

For most venues, minors are allowed onto parts of the premises in the company of a responsible adult. As such, venues need to be mindful of the presence of minors on licensed premises when conducting liquor promotions.

### Examples of unacceptable promotions

- Promotions which use characters, imagery, motifs, naming or designs which primarily appeal to minors.
- Promotions that include merchandise that primarily appeals to minors.
- Promotions using interactive games or technology predominantly targeted to minors.

### Additional Information

Care should be taken in using celebrities or other role models that have a special appeal to minors as part of the liquor promotion as this may be construed as having a special appeal to minors under the Act.



## Principle 2: Indecent or offensive

The promotion must not be indecent or offensive.

### Explanation

The use of indecent or offensive material in a liquor promotion is in poor taste and is against general community standards. Licensees should also be aware that indecent and offensive promotions may be a catalyst for crime or violence, including sexual violence against women.

Linking the consumption of alcohol with such material or activities is not appropriate for any licensed venue, function or event.

While a determination of what is indecent or offensive is subjective, licensees should be mindful of what would reasonably be considered offensive in the broader community.

### Additional Information

It is acknowledged that some drinks have provocative names. While the sale of these products is acceptable and the use of their names in that context is acceptable, branding a promotion with these names is likely to be considered undesirable, as the provocative names in the promotional material could be considered insulting or offensive. In addition, caution should be taken regarding the way that these products are advertised or promoted within or externally to the venue to make sure these provocative names do not cause offense.

### Examples of unacceptable promotions

- Promotions which use images, including human bodies, that may be considered offensive to a reasonable adult.
- Promotions which offer free or discounted drinks for participating in an activity that may be offensive to a reasonable adult present on the licensed premises, for example, encouraging participants to remove items of clothing.
- The use of insulting or offensive language in the promotional material.
- Promotions that involve any form of discriminatory, demeaning or vilifying language or imagery.



## Principle 3: Non-standard measures

The promotion must not involve the use of non-standard measures that encourages irresponsible drinking and is likely to result in intoxication.

### Explanation

A standard measure is the level of alcohol used to work out safe drinking levels. Standard measures enable individuals to clearly assess their alcohol intake. Where standard measures aren't used the likelihood of irresponsible drinking is increased as the alcohol content of the drink is unknown.

Where a well recognised vessel, such as a schooner glass, wine glass, tumbler, is not used, consideration needs to be given to whether the vessel itself encourages irresponsible consumption of alcohol or limits the ability of the person to judge how much they have consumed, based on the design (such as a water-pistol, test tubes, jam jars or teapots with no cups).

Promotions which involve the serving of alcohol in ways which encourage skolling, repeated quick consumption of alcoholic drinks or free pouring of alcohol are not acceptable and clearly encourage irresponsible drinking. Free pouring is also contrary to national trade measurement laws which require a range of alcoholic products to be sold by volume measure only.

It is important that alcohol is always served with responsible service of alcohol principles in mind. Where a promotion is being undertaken where a particular alcoholic drink is being promoted and being sold in large volume (such as jugs) or 'novelty' drink ware it is appropriate that the following approach is taken:

- Accurate standard measures are used to pour the drink into the vessel.
- If the drink is meant to be shared, then appropriately sized vessels should be provided to pour the drink into.
- Patrons are clearly made aware of the alcohol content of the drink. (This can be established before the promotion using the standard measures that would be used to make up the drink. Details of the number of standard drinks should be included on the drinks menu or other suitable promotional material on the licensed premises, for example, posters promoting the drink.)

### Examples of unacceptable promotions

- A promotion encouraging the consumption of alcohol in a yard glass for skolling.
- A promotion encouraging the consumption of laybacks, slammers, blasters, bombs or consumption from a water pistol.
- A promotion which encourages an individual to purchase and consume on their own an alcoholic drink intended to be shared (that is, a drink containing a significant number of standard drinks).
- A promotion encouraging the consumption of multiple shooters or shots by an individual.

### Examples of promotions which require harm minimisation measures

- Promotions where the service of alcohol is in non-standard measures such as teapots or jam jars, where the alcohol content of the drink is not apparent or easily discernable.

### Additional Information

Where a company wishes to conduct a product promotion involving jugs of mixed spirits, beer, cider or wine, it is important that the company takes responsibility for ensuring that the promotion does not encourage irresponsible drinking. Developing an alcohol management plan for the promotion, can assist in ensuring that the promotion is consistent with the principles in these Guidelines. It is noted that the use of an alcohol management plan is considered best practice.

This principle predominantly focuses on promotions offering alcohol to be consumed immediately on the licensed premises. There are separate requirements that apply to packaged liquor sales to ensure standard drink information is clearly stated on liquor products (Food Standards Australia New Zealand) and to restrict undesirable liquor products which may encourage irresponsible drinking (section 101 of the *Liquor Act 2007*)

## Principle 4: Emotive descriptions or advertising

The promotion should not use emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication.

### Explanation

The aim of this principle is to restrict the use of emotive descriptions in a liquor promotion which encourage irresponsible drinking.

Encouraging or glorifying excessive consumption of alcohol is inappropriate. A promotion which primarily focuses on irresponsible drinking is not in the public interest and goes against all responsible service of alcohol principles.

A promotion which focuses on drinking irresponsibly or uses emotive descriptions to encourage excessive drinking can influence actions of consumers and increase the likelihood of intoxication. This then has ramifications for the health and wellbeing of the patron and can increase the risk of anti-social behaviour and violence.

### Examples of unacceptable promotions

- Promotions or events which focus principally on the excessive consumption of alcohol (e.g. Mad Monday, Round the world).
- Labelling or titling of promotions that suggest irresponsible or excessive consumption of alcohol (e.g. 'Drink like a fish', 'Drink 'til you drop').
- The engagement of a person who, as part of the promotion, enthusiastically talks up excessive consumption of alcoholic beverages, encourages intoxication or irresponsible or illegal behaviour.
- A promotion which encourages consumers to get drunk. This may include the use of language, images or slogans such as 'Drink 'til you drop'.

### Additional Information

Product promotions by producers and distributors often focus on the consumption of alcohol (as a particular alcoholic product is being promoted). However, it is important that this type of promotion does not encourage irresponsible drinking or be likely to result in intoxication. This can be achieved by using an alcohol management plan to address risks and appropriate responsible service of alcohol procedures which all venues running the promotion must follow. Particular care should be taken in determining whether the name of the promotion or any promotional material used contains descriptions which encourage irresponsible drinking. It is noted that the use of an alcohol management plan is considered best practice.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.



## Principle 5: Extreme discounts

The promotion should not involve the provision of free drinks or extreme discounts, or discounts for a limited duration that creates an incentive for patrons to consume liquor more rapidly than they otherwise might.

### Explanation

Discounting alcohol can be used as a marketing tool for licensees to encourage people into the venue and to stay in the venue or to try a new product or to run down stock of a particular product. However, it is important that in running any such promotion consideration is given to whether the promotion will encourage people to consume more rapidly than they may otherwise have, which could lead to irresponsible drinking and intoxication.

In particular, caution should be exercised when undertaking a promotion involving free drinks. Careful management of the number of free drinks provided to each individual is important to reduce the risk of rapid consumption and intoxication.

The term 'extreme discounts' is not specifically defined in this document. The influence of the level of discount on creating an incentive for patrons to rapidly consume alcohol depends on a range of things, including the type of product being discounted. For example a 75% discount on a bottle of wine may have a different effect to a 75% discount on shots. Generally, a promotion involving a discount over 50% should be undertaken with caution and risks should be properly assessed in relation to whether it will encourage rapid consumption of alcohol.

### Examples of unacceptable promotions

- Promotions providing free drinks which encourage rapid consumption of alcohol (e.g. All you can drink in a limited time frame).
- Drink cards, promotional cards, vouchers or 'shopper dockets' which encourage rapid consumption of alcohol over a short period of time (e.g. \$50 voucher redeemable between 9pm and 10pm).
- Happy hours encouraging or facilitating the rapid consumption of alcohol.

### Examples of promotions which require harm minimisation measures

- Promotions linked to unpredictable events (e.g. free drinks until the first points scored).
- Promotions that encourage the purchase of large amounts of alcohol with rewards of free or discounted drinks (e.g. buy six drinks and get 2 free drinks) to be redeemed within the same trading period.
- 'Buy one, get one free' offers promoted through discount vouchers, cards or 'shopper docket' offers without purchase limits or other suitable controls in place.
- Promotions operating for very short periods which create an incentive to consume liquor more rapidly than customers should.
- Promotions where significant discounts are provided over an extended period of time e.g. over two hours.
- All you can drink offers for a set price or excessive periods of free drinks (e.g. \$50 entry and free drinks all night). See additional information section in relation to functions.
- Promotions involving discounts of greater than 50% off the normal retail price.

### Additional Information

Across the hospitality industry, there are a range of businesses which offer function packages that include all drinks for a set price (such as wedding packages, corporate functions etc). The Guidelines do not seek to prevent this type of operation, however, it is the responsibility of the licensee to ensure that any such function is run appropriately and that there is responsible service of alcohol and that patrons do not become intoxicated.

Where product promotions involve the provision of free or discounted drinks, it is important that these promotions do not create an incentive for patrons to consume alcohol more rapidly than they otherwise might. The use of an alcohol management plan to assess the risks in any liquor promotion and provide clear guidance for those undertaking the product promotion is an important tool for ensuring the promotion is undertaken appropriately. It is noted that the use of an alcohol management plan is considered best practice.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.

## Principle 6: Irresponsible, rapid or excessive consumption

The promotion should not otherwise encourage irresponsible, rapid or excessive consumption of liquor.

### Explanation

Licensees should always be mindful that any liquor promotion undertaken does not encourage patrons to drink irresponsibly, rapidly or excessively. Consideration needs to be given to the way alcohol is consumed as part of the promotion (water pistols, yard glasses) or whether it involves competitions or games which involve excessive or rapid consumption of alcohol.

Other more general promotions such as the operation of happy hours can also impact on irresponsible, rapid or excessive consumption of alcohol. A happy hour promotion should not create an incentive to drink in greater amounts than a customer otherwise would. This can include extreme discounts for limited periods where drinks are consumed immediately or can be stockpiled.

Similarly, happy hours which are run near the end of the trading period can encourage patrons to continue drinking where they may otherwise have stopped. This may be particularly problematic if the patrons have already been drinking for a significant period of time.

### Examples of unacceptable promotions

- The promotion involves the use of drinkware which encourages rapid consumption, such as test tubes, water pistols, yard glasses.
- The promotion involves drinking games, competitions, challenges, dares, lotteries or games of chance that involve the rapid or excessive consumption of liquor (such as skolling games, boat races, flip and win, 'around the world', 60 shots in 60 minutes', pub golf).
- A promotion in which a consumer is challenged or dared to drink a particular alcoholic drink because of its higher alcohol content.
- Happy hours occurring late into the trading period (or in the early hours of the morning, for those premise operating 24 hours) which encourage patrons who have been drinking for a significant period of time to continue drinking.
- Promotions that encourage the stockpiling of drinks.

### Additional Information

Competitions and games can be a marketing tool for licensees and can add to the atmosphere of a venue. Licensees are encouraged to operate promotions such as these, but offering prizes other than liquor, such as meals, movie tickets or other products. Where liquor is offered as a prize the process should be conducted in a responsible manner.

Consideration also needs to be given to the appropriateness of any promotion for discounted packaged liquor sales. Licensees should be aware of the risk where the promotion of extreme discounts may encourage irresponsible or excessive consumption of alcohol due to the increase in volume purchased, where it is likely to be consumed within a short time frame. Consideration needs to be given to how discount promotions can be responsibly managed, including purchase limits (e.g. two per customer) or other measures to reduce the risk that the promotion will encourage people to drink alcohol excessively or irresponsibly.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.



## Principle 7: Not in public interest

The promotion should not be otherwise considered to not be in the public interest.

### Explanation

A range of liquor promotions may not necessarily promote rapid or excessive consumption of alcohol, or meet other principles in the Guidelines, but may still be considered undesirable as they are not in the public interest.

Generally, if something is not in the public interest, it goes against general principles of fairness, equity, decency or lawfulness in society. Public interest is linked to the well being of the community or the risk of detriment to the community at large. It is important that licensees be mindful of whether a particular promotion may be discriminatory or demeaning to a group or individual, whether it promotes or encourages unlawfulness, whether it is misleading or if it inappropriately targets vulnerable groups or individuals.

While a determination of what is in the public interest is subjective, licensees should be mindful of what would reasonably be considered inappropriate to the broader community.

### Examples of unacceptable promotions

- Promotions which use images or messages which could be seen to be encouraging or condoning breaking the law or other anti-social behaviour.
- Promotions which use images or messages which link the promotion of alcohol with illicit drugs or allude to drug taking behaviour.
- A promotion which associates liquor consumption with aggressive or violent behaviour towards other people.
- Any discriminatory promotion (e.g. women drink free).

### Additional Information

The examples provided above apply equally to all licence types. Careful consideration of promotions of packaged liquor sales is required to ensure that it is in the public interest and does not encourage excessive consumption of alcohol due to an increase in the volume purchased where it is likely to be consumed within a short timeframe.