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**DAC 16/08/2022 – 142 DARBY STREET COOKS HILL –
DA2021/00962 – PUB – EXTENSION OF TRADING HOURS**

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**DAC 16/08/2022 – 142 DARBY STREET COOKS HILL –
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ITEM-11 Attachment A: Staged shutdown Plan

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Staged Shutdown Plan for Hotel Delany

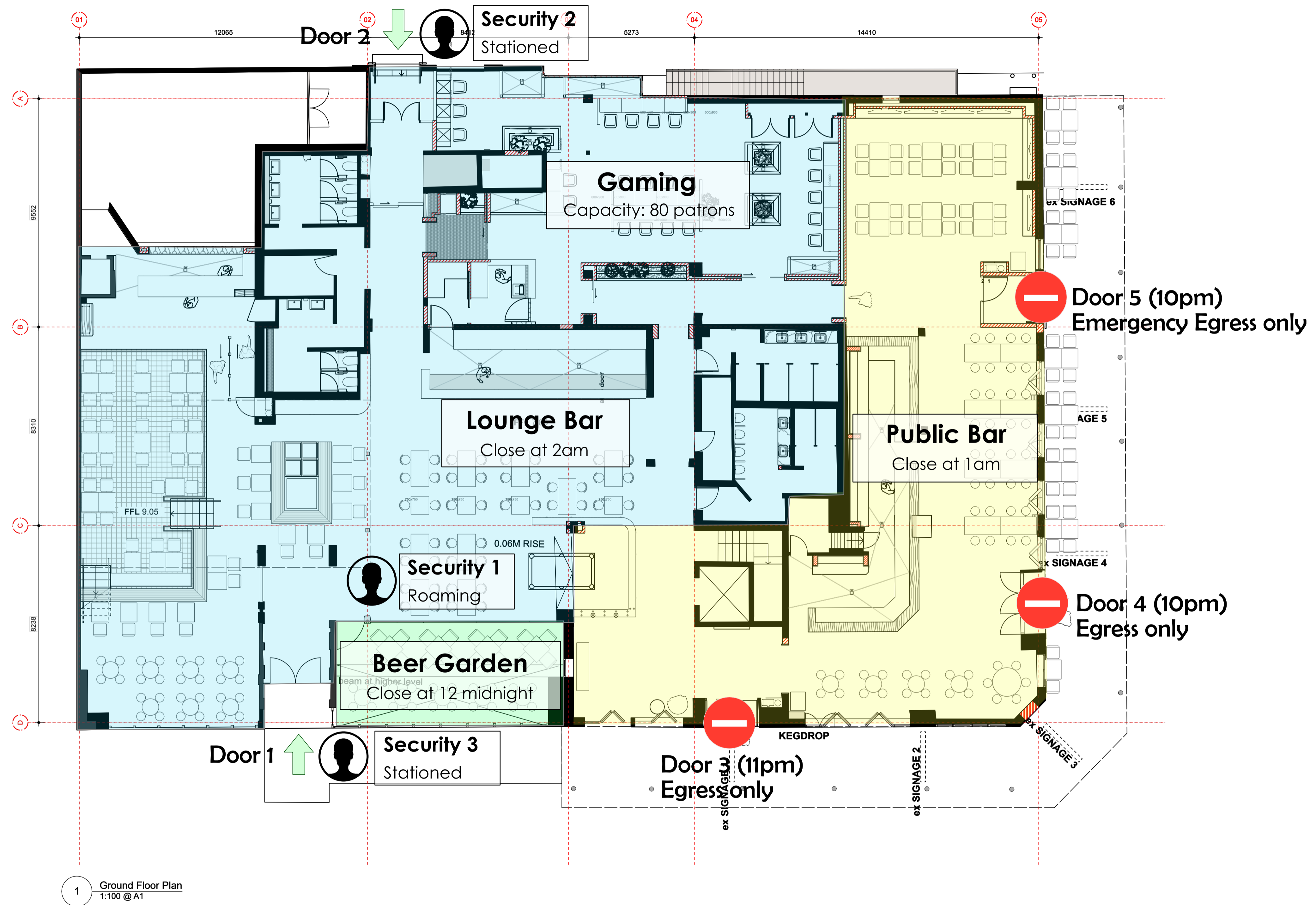
10pm to 2am Monday to Saturday

KEY

- Close at 12 midnight
- Close at 1am
- Close at 2am
- SG Security Guard
- Entrance
- Closed

CAPACITY

- Prior Midnight - 990 patrons
- Midnight to 1am - 300 patrons
- 1am to 2am - 120 patrons
- Gaming Room - 80 patrons



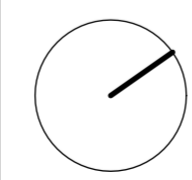
1 Ground Floor Plan
1:100 @A1

PRELIMINARY

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Rev	Description	Date
A	Issue for PCA Review	2/10/20



Delany Hotel
20021
134 Darby St
Cooks Hill
Newcastle NSW 2300
Tilley & Wills

Overall Plan - Ground Floor
Date: 30.09.2020
Scale: 1:100 @A1
Drawn: SK

DRAWING NO.
D.100
REVISION
A

Scale 1:100@A1 metres



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**DAC 16/08/2022 – 142 DARBY STREET COOKS HILL –
DA2021/00962 – PUB – EXTENSION OF TRADING HOURS**

ITEM-11 **Attachment B:** Plan of Management – 142 Darby Street, Cooks Hill

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THE DELANY HOTEL

PLAN OF MANAGEMENT

FOR HOTEL DELANY
134 DARBY STREET, COOKS HILL NSW





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Plan of Management

Hotel Delany

134-142 Darby Street, Cooks Hill NSW



Prepared By

Design Collaborative Pty Ltd.

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Revisions				
Issue	Date	Issue	Prepared	Checked
181261.12P2	December 2021	First Revision	DT	DR
181261.12P2	January 2022	Client Review	DT	DR
181261.12P2	June 2022	Revised	DT	DR

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Appendices			
Appendix	Title	Prepared / Issued	Date
A	Prevention of Intoxication on Licensed Premises Guidelines (GL4002)	Liquor & Gaming NSW	18 November 2020
B	Identification of Intoxication Guidelines	Liquor & Gaming NSW	25 March 2020
C	Promotion of Liquor Guidelines	Liquor & Gaming NSW	26 March 2019
D	Development Consent		
E	Liquor Licence LIQH400117426	Liquor & Gaming NSW	19 January 2021
F	Acoustic Report	Acoustic Logic	10 June 2021
G.	Staged Shutdown Plan, Crowd Management at 12 midnight, Crowd Management at 1am	Design Collaborative	June 2022

Abbreviations

DC – Designates requirement of specific Development Consent

LL – Designates requirement of Liquor Licence

AR – Designates requirement of an Acoustic Report approved by Council

DCP – Designates requirement of a Council Development Control Plan

LR – Designates requirement of the *Liquor Regulation 2018*

**Number behind abbreviations indicates the number of the clause, section, or condition*



1. Introduction

- 1) The purpose of this Plan of Management (*the Plan*) is to establish performance criteria for the operation of Hotel Delany (*the Premises*) at 134 Darby Street, Cooks Hill, having regard to the relevant matters under the *Environmental Planning and Assessment Act 1979*, the *Liquor Act 2007* and any relevant Regulation under that legislation.
- 2) The Plan also establishes performance criteria to demonstrate compliance with the Prevention of Intoxication on Licensed Premises Guidelines, dated April 2017 issued by Liquor and Gaming New South Wales (**Appendix A**).
- 3) Prior to commencing work at the Premises, all staff involved with the sale and supply of liquor including management, floor staff, bar staff and security shall be made familiar with this Plan, including the Prevention of Intoxication on Licensed Premises Guidelines, the Intoxication Identification Guidelines (**Appendix B**) and the Liquor Promotion Guidelines (**Appendix C**) and how the guidelines are to be complied with during day-to-day tasks.
- 4) All staff made familiar with this Plan are to sign a register stating they have been made familiar with this Plan and its Guidelines and received instruction on how this Plan is to be enforced. That register is to be kept with this Plan.
- 5) A copy of this Plan shall be available on site at all times and immediately produced for inspection, upon request by Police or Council Officers or Special Inspectors. Copies of the Development Consent (**Appendix D**) and Liquor Licence (**Appendix E**) will be kept on site and produced upon request by Police or Council Officers or Special Inspectors. Staff shall be advised of the acoustic guideline required for trade past 12 midnight in (**Appendix F**).
- 6) **Appendix G** is a floor plan which displays the staged shutdown areas of the Premises and changes to capacity.
- 7) The provisions of this Plan must be adhered to at all times during the execution of the duty of all members of staff and security. Disregarding the provisions of this Plan may lead to on-the-spot dismissal.
- 8) Reference in this Plan to the Duty Manager is a reference to the most senior management person on duty at the Premises unless the role of Duty Manager has been delegated by the Licensee.



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

2. Operational Details

2.1 The Premises

- 10) The Premises comprises the building titled 'Hotel Delany' at 134 Darby Street, Cooks Hill. It is a two-storey pub, located at the corner of Darby and Council Streets. The ground floor provides typical hotel facilities including a beer garden to Darby Street, restaurant areas, kitchen, public bar and gaming facilities.
- 11) The first floor of the Hotel provides a further bar / function space which benefits from its own outdoor area. The remainder of the first floor provides the Hotel's back of house and office facilities and storage.
- 12) A Council owned carpark is located to the rear of the Hotel. It is used by patrons of the Hotel and nearby retail shops along Darby Street. Residential houses also back toward the carpark. Access to the Hotel is provided by a door to the car park. Entrances are also provided to the Hotel on both Council and Darby Street.

2.2 The Police and the Community

- 13) The Licensee is a member of the Newcastle Liquor Accord and will continue to maintain that membership.
- 14) The Licensee of the Premises will meet with the Licensing Unit of the NSW Police Force, Newcastle City Police District from time to time. Matters that will be discussed will range from the management of upcoming events, any recent incidents and where improvements could be made with respect to security and management procedures. Management procedures and this Plan are to be reviewed at those meetings to address on-going matters as they arise and to ensure contingency plans are in place.
- 15) This Plan incorporates a community complaint section to deal with any complaints as to noise or the behaviour of patrons or staff. See Section 3.2 of this Plan for more information.

2.3 Hours of operation

16) The use of the Premises as a pub may operate under the following hours of operation.

- a) 10am to 2am the following morning Mondays to Saturdays;
- b) 10am to 12 midnight for Sundays;
- c) Public Holidays: (LL 101)
 - i) Good Friday: 12 noon to 10pm
 - ii) Christmas Day: 12 noon to 10pm (Liquor can only be served with or ancillary to a meal in a dining area)
 - iii) New Year's Eve/New Year's Day: normal closing time or 2am on New Year's Day, whichever is later.

17) Notwithstanding the above, staff may undertake pre-works and clean-up of the Premises up to one hour before and after trading hours have commenced/ceased.

2.4 Capacity

18) The maximum capacity of the Premises is 990 patrons.

19) After midnight, the maximum capacity of the Premises will be reduced to:

- a) 300 patrons between midnight and 1am; and
- b) 120 patrons between 1am and 2am.

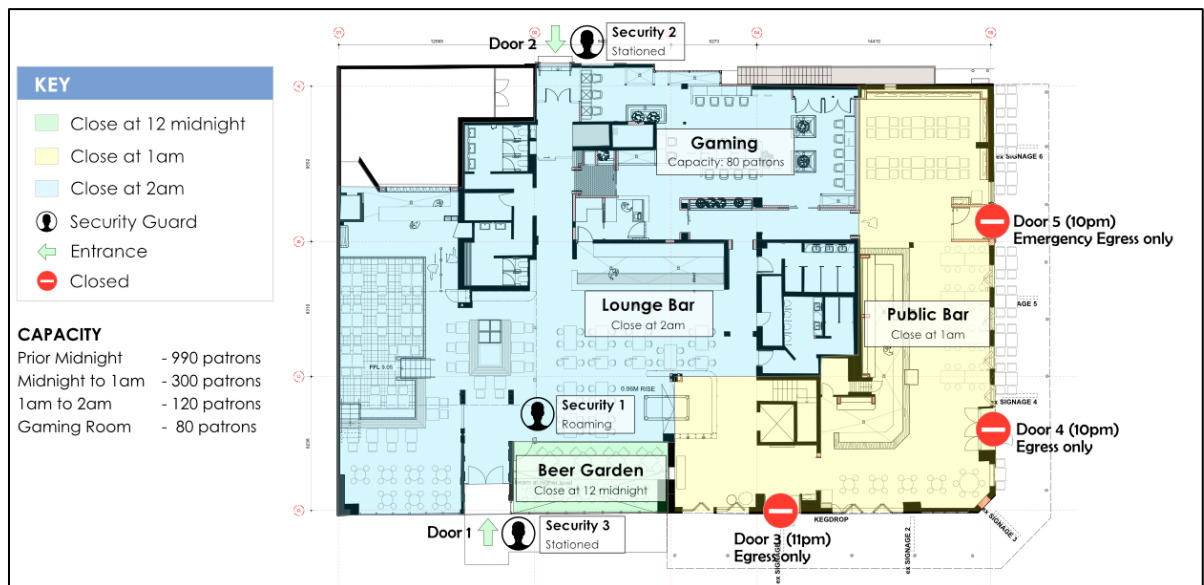
Of which, no more than 80 patrons may be present within the gaming room. (AR)

20) By using a mechanical/electronic counter, having established a base population level, an entry/exit count will be initiated to maintain an accurate patron total at the Premises.

21) At a time, dictated by patron number or observation of the Duty Manager an assessment of the bar areas will take place and if necessary, a controlled migration will be implemented.

2.5 Staged Shutdown

- 22) If there is more than 300 patrons between 11pm and 12 midnight, security will be deployed as follows, or otherwise at discretion of the Duty Manager.
- 23) This subsection is to be read in unison with **Appendix G - Staged Shutdown** extracted in the images below. It details how the Premises will prepare for, and shutdown, key areas of the Premises at various times in order to reduce patronage to meet capacity requirements from Mondays to Saturdays. These actions are as follows:



- 24) Between 11pm and 12 midnight, the following actions are required:
- By 11pm, the secondary entrance on Darby Street (Door 3) is to be closed but may remain operational for egress only. Patrons will be directed to use Door 1 or Door 2.
 - At 11pm, security will perform a head count of the patrons within the ground floor.
 - Based on the headcount, security will monitor and allow or restrict entry to the Hotel to meet post-midnight capacity targets of 300 listed in Section 2.4.
 - At 11:30pm, an announcement will be made at the first floor notifying patrons that this level will close at midnight and the maximum capacity of the Hotel will be reduced to 300 patrons within the ground floor.

- e) At 11:45pm,
 - i) The first floor will commence pre-closure procedure. Lighting is to be turned up and music turned off. Staff will cease serving customers, announce to patrons the area is closing and for patrons to leave.
 - ii) Security will perform a head count of the patrons within the ground floor.
 - iii) If the capacity exceeds 300 patrons, security will be stationed at the base of the stairs (see **Figure 2**) to direct patrons to exit via Door 3 (see **Figure 2**).
 - iv) All patrons on the first floor will be directed to leave by staff via the stairs/lift and any patrons in excess of the 300 patron capacity must exit the Premises using Door 3 (see **Figure 2**) and join the Door 1 queue on Darby Street if they wish to re-enter the Premises.

25) **Figure 2** below illustrates the above crowd management provisions if there are more than 300 patrons at 12 midnight. The figure marks the location of security and staff, entry and exit points, and also highlights closed areas in grey and queuing area in dark blue.

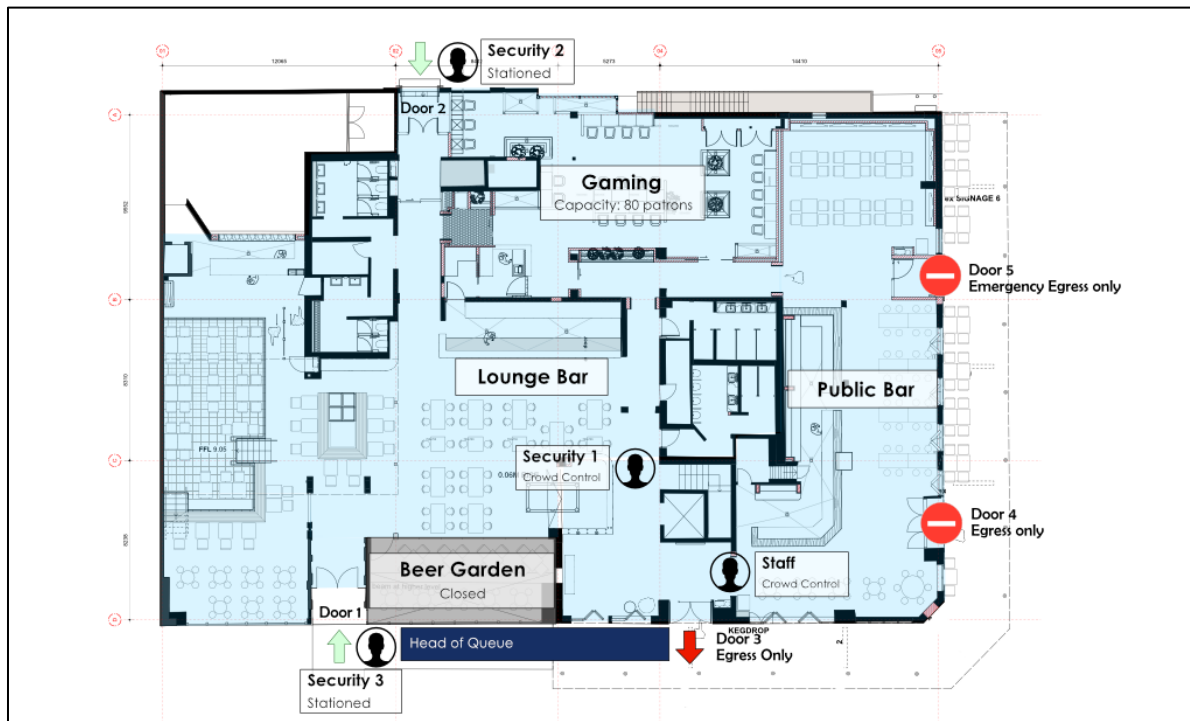


Figure 2 – Crowd Management at 12 midnight

26) Between 12 midnight and 1am, the following actions are required:

- a) At 12 midnight,
 - i) The Duty Manager must monitor and assist the departure of patrons until at least 12:15am.
 - ii) The Beer Garden area facing Darby Street (identified in grey in figure above) is to be cleared of patrons.

 - b) At 12:45pm,
 - i) The Public Bar will commence pre-closure procedure. Lighting is to be turned up and music turned off. Staff will cease serving customers, announce to patrons the area is closing and for patrons to leave the venue.
 - ii) Security will perform a head count of the patrons within the Lounge Bar and Gaming Room.
 - iii) If the patron capacity is in excess of 120 patrons, security and staff will be stationed at the access point to the gaming room and at the base of the stairs (see **Figure 3**) to direct patrons outside to queue for re-entry or depart to alternate location. Patrons can only move to Lounge Bar area if the Hotel is under the capacity of 120 patrons on head count.
 - iv) All patrons within the public bar in excess of the 120 patron capacity will be directed to leave by staff via Door 3. All patrons must join the Door 1 queue on Darby Street if they wish to re-enter the Premises.
- 27) **Figure 3** below illustrates the above crowd management provisions if there are more than 120 patrons at 1am. The figure marks the location of security and staff, entry and exit points, and also highlights closed areas in grey and queuing area in dark blue.

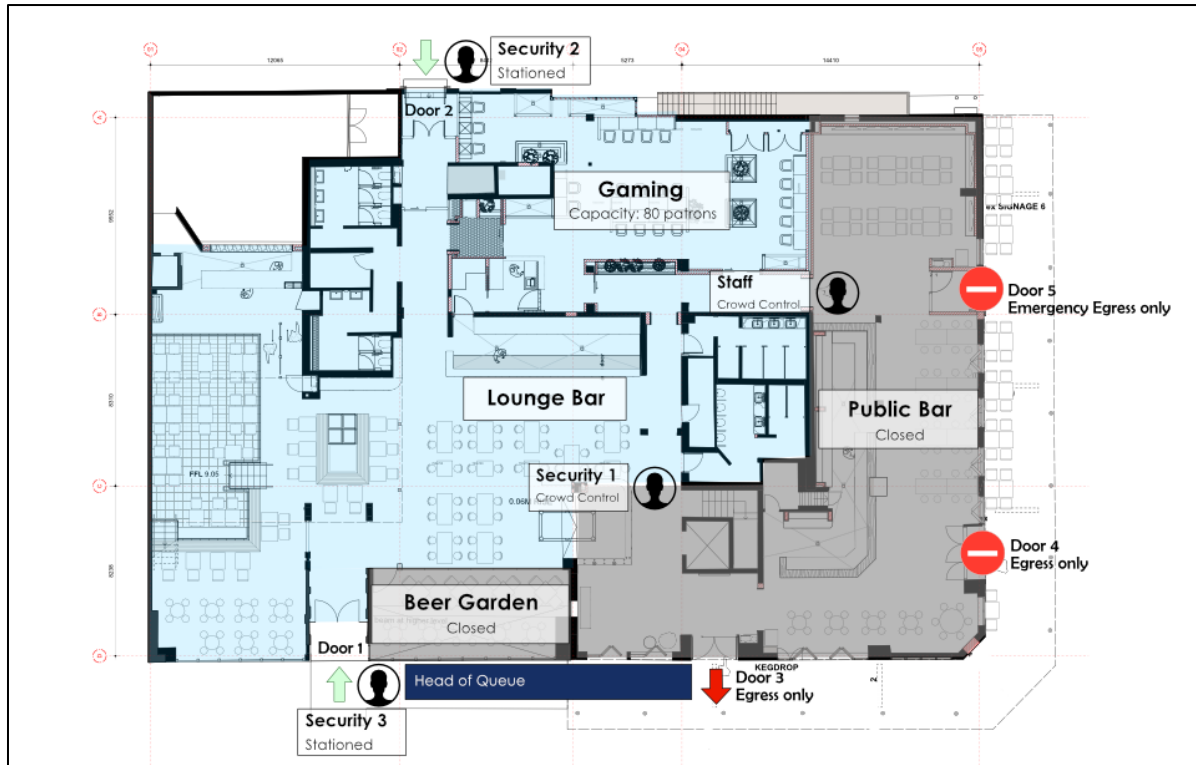


Figure 3 – Crowd Management at 1am

- 28) Between 1am and 2am, the follow actions are required:
- At 1:45am, the Hotel will commence pre-closure procedure. Staff will cease serving liquor, lights will be turned on and announcements will be made of the closure of the Hotel at 2am. All patrons will be reminded to leave the neighbourhood in a quiet and orderly manner.
 - At 2am, the Hotel will close and any remaining patrons must vacate the Hotel by 2:15am.
 - The Duty Manager will monitor and assist departure of patrons in the public domain.

3. Management Measures

3.1 General Amenity

- 29) Staff shall intervene to provide corrective advice to any patron at the Premises or its immediate vicinity that is behaving in a manner likely to disturb the amenity of nearby

residents. Any patron whose behaviour is extreme or repeatedly objectionable may be refused service, asked to leave and barred for a period determined by the Licensee.

- 30) The Duty Manager shall ensure that the entry points and immediate vicinity are kept clean and tidy during the Premises' hours of operation.
- 31) Following the close of the Premises, the Duty Manager shall ensure that the entry points and immediate vicinity of the Premises are cleaned with all signs of rubbish or waste removed.
- 32) When patrons are leaving, if requested, they are to be advised of the transport options from the Premises including bus routes along Darby Street.
- 33) The Duty Manager shall:
 - a) Ensure that persons entering the Premises are suitably attired in accordance with the Premises' dress code, which shall require patrons, at least, to be neatly dressed in casual wear, with footwear and to be clean. No person wearing clothing, jewellery or accessories of an outlaw motorcycle organisation is to be permitted entry.
 - b) Prevent any person, detected as intoxicated, entering the Premises. Any person at the Premises who might be considered to be in, or approaching a state of intoxication will be notified that they are required to leave.
 - c) Prevent patrons removing glass or open containers of alcohol from the Premises. Bottles of wine purchased to be consumed with a meal may be removed if they are re-sealed.
 - d) Monitor patron behaviour in, and in the vicinity of the Premises until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.
 - e) Collect any rubbish in the vicinity of the Premises that may be associated with the Premises' business.
 - f) Co-operate with Police and any private security personnel operating in the vicinity of the Premises.
- 34) For the purpose of this Plan of Management, the description, "the vicinity of the Premises" or the "immediate vicinity" shall be the publicly accessible walkways and parking areas adjoining the Premises.



- 35) The capacity of the Premises shall be monitored by the Duty Manager having regard to the number of chairs that are available.
- 36) At the cessation of trade, staff should actively discourage loitering near the bar to minimise any potential impacts on the surrounding amenity.

3.2 Complaints and the Incident Register

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

Special Inspector on request. Copies of the Incident Register will be provided to NSW Police Officers and L&G NSW Special inspectors within seven (7) days of receipt of a written request for copies.

- 39) The Incident Register is to be reviewed regularly by the Licensee to ensure that complaints, where possible, are being dealt with appropriately.
- 40) Persons who wish to make a complaint about the Premises to management should contact (02) 4929 1627. Calls to this number must be answered when feasible during trading hours and for at least 30 minutes after closing time. Any missed calls are to be promptly returned. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the complainant's call to let them know what has been done to address the concerns/complaints expressed. All complaints are to be responded to by the Premises management within 48 hours of a complaint being made.
- 41) The following details of complaints made to the Premises are to be recorded in the Incident Register:
 - a) Date and time of the incident that led to the complaint;
 - b) Nature of the complaint;
 - c) Address and contact details of the complainant;
 - d) Any actions proposed to deal with the complaint; and
 - e) The actions taken and the time and date when that was reported to the complainant.
- 42) Management is to provide a contact phone number that residents can use to contact the Premises, in order to make a complaint whilst it is operating. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. The Duty Manager is to be informed immediately of any complaint. Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the resident's call to let them know what has been done to address the concerns/complaints expressed.
- 43) Any recurring complaints should be dealt with, if attributable to the Premises, through new management procedures and incorporated into this Plan.

3.3 Technical Noise Criteria

- 44) The LA₁₀ noise level emitted from the Premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12.00 midnight and 0dB past midnight at the boundary of any affected residence.
- 45) Between 12.00 midnight and 7am, noise from the operation of the Hotel is required to be inaudible in habitable rooms of residential dwellings.
- 46) Notwithstanding the above, the Premises' operations must not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*. Here, offensive noise means noise.
- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i) is harmful to (or is likely to be harmful to) a person who is outside the Premises from which it is emitted, or,
 - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the Premises from which it is emitted, or,
 - iii) that is of a level, nature, character or quality prescribed by the regulations of the *Protection of the Environment Operations Act 1997* or that is made at a time, or in other circumstances, prescribed by the regulations under that Act.
- 47) The existing noise mitigation measures and any noise limiting devices must not be altered or modified unless on the advice of or by a qualified acoustic consultant. Council must promptly receive written notification from the Premises' management of any such changes.

3.4 Acoustic Recommendations

- 48) From 10pm, the following actions are required:
- a) All windows, operable facades, Door 4 and 5 are to be kept closed. Door 4 will remain operational and patrons will be reminded to use Door 1 or Door 2.
 - b) All windows and doors and operable facades in the beer garden will close. (DC, DA 2019/01000, 29)

- 49) The following are to be implemented by the management of the Premises in order to maintain acoustic compliance from 12 midnight until 2am (as recommended in **Appendix F**)
- a) All doors and windows into the Premises are to be kept closed. Doors may be opened to allow patron ingress and egress and should be closed after.
 - i) Doors accessing internal and external areas should be fitted with a closing mechanism and an acoustic seal.
 - b) Notices should be placed at the entry and exit to the **Level 1 Outdoor Dining Area** to remind patrons that no excessive noise should occur in this area. This should be monitored by management.
 - c) Gaming machine volume is limited to a maximum of 65 dB(A) at 1 metre from the machine.
 - d) No coin payout for gaming machines.
 - e) Louvred windows surrounding the development are to be Breezeway 6mm toughened glass and 6mm aluminium extension.
 - f) Void openings are to be acoustically lined with two layers of 50mm thick echosoft with perforated timber and metal facing.

3.5 Signage

- 50) The Licensee shall be responsible to ensure all signage required under this part is erected and maintained in a clear and prominent position.
- 51) Signage adjacent to all points of egress, requesting that patrons depart the Premises in a manner respectful of the surrounding area (or wording to that effect) must be erected.
- 52) Signage on points of egress (Door 3, Door 4 and Door 5) to remind patrons to refrain using these exits after 10pm (Door 4 and 5) and 11pm (Door 3).
- 53) Signage and promotion of non-alcoholic and low strength alcoholic beverage options is to be provided at the point of purchase of alcohol beverages.

- 54) The Licensee shall be responsible to ensure all signage required under the *Liquor Act 2007* and the Regulation, is displayed and maintained in a prominent position, in accordance with those legislative requirements; including:
- a) Signage at the entrance stating the licence name, type of licence number and the name of the Licensee.
 - b) Signage at the entrance stating the times during which liquor is authorised to be sold or supplied at the Premises and any other times during which the Premises is authorised to be open for business.
 - c) Signage obtained from Liquor and Gaming NSW erected at any bar area stating: NO ALCOHOL CAN BE SOLD OR SUPPLIED TO ANYONE UNDER 18. ITS AGAINST THE LAW.

3.6 Waste Management and Deliveries

- 55) Deliveries to the Premises are to occur between the hours of 6.30am and 7pm Monday to Sunday.
- 56) Waste collection is to occur between the hours of 7am and 7pm Monday to Saturday and 8am to 7pm Sunday.
- 57) Waste receptacles are to be left at the designated collection point up to 30 minutes prior to the scheduled waste collection time. Upon collection, bins are to be washed and returned to the waste storage area by a member of staff.
- 58) Recyclable waste is to be sorted and stored in appropriate waste receptacles within the waste storage area of the Premises.
- 59) Staff shall keep the waste storage area clean and wash bins frequently
- 60) The duty manager will monitor bins and adjust collection frequencies as required.

3.7 Post Midnight Drink Restrictions

- 61) The following restrictions in relation to the service of alcohol will be enforced after midnight
- a) No shots, bombs or any other alcoholic drinks designed for the rapid consumption of alcohol.

- b) Cocktails containing more than 2 standard drinks.
- c) Any ready to drink beverage (such as a bottle or can) containing more than 5% alcohol by volume of content.
- d) Any drink containing more than 50% spirits or liquor.

4. Responsible Service of Alcohol

62) All provisions within this Section 4.0 'Responsible Service of Alcohol' are subject to change at the discretion of Licensee or following legislative change. If any of the following operational restrictions are amended, removed or withdrawn from the Liquor Act, Liquor Regulation 2018 or Guidelines from Liquor and Gaming NSW or at the discretion of the Licensee, they will no longer be required to be observed and may be taken to have been amended or deleted (as the case may be) from this Plan of Management without the need for further development consent.

4.1 What is the Law?

- 63) It is unlawful for a licensee or staff member to sell or supply liquor to a person who is intoxicated on a licensed premise.
- 64) It is unlawful for a licensee to permit intoxication on licensed premises.
- 65) A person is considered to be intoxicated if:
 - a) The person's speech, balance, co-ordination or behaviour is noticeably affected, and
 - b) It is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.
- 66) The law requires the licensee or staff to form a reasonable belief that the person is intoxicated as a result of alcohol. Refusal of service to a person on the basis of this belief is acceptable, even if the licensee or staff member refusing service is incorrect.
- 67) Reasonable grounds for a belief that a person is intoxicated are what a reasonable person would believe in the circumstances, considering the relevant knowledge and facts presented. The licensee and/or staff member should be sure of their reasons for refusal of service and these reasons should not be discriminatory, for example due to race, sex or disability.

- 68) A licensee is deemed to have permitted intoxication if an intoxicated person is on the licensed premises, unless the licensee can prove that the licensee or staff:
- a) Asked the intoxicated person to leave the Premises, and
 - b) Contacted or attempted to contact, the police for assistance in removing the person from the Premises, and
 - c) The person was refused further service of liquor, or
 - d) The licensee or a staff member had taken the steps set out in guidelines issued by the Secretary of the Department of Industry under section 73(5A) of the *Liquor Act 2007*, or
 - e) The intoxicated person did not consume liquor on the licensed premises.
- 69) Liquor and Gaming New South Wales has issued Guidelines to assist in the identification of intoxicated persons which are provided at **Appendix B**. Bring to the attention of the Duty Manager any person considered to be in, or approaching, a state of intoxication.

4.2 Harm Minimisation Measures

- 70) The licence attached to the Premises shall be exercised – at all times – in accordance with the provisions of the *Liquor Act 2007* and *Liquor Regulation 2018* and the Licence (**Appendix E**). The following operational policies for the Responsible Service of Alcohol shall apply;
- a) All staff involved in the sale and supply of liquor, security or RSA supervisory duties shall have first completed an approved course in the Responsible Service of Alcohol;
 - b) All staff who hold an RSA Competency Card are required to have that readily available at all times when working. Failure to produce RSA Certification at the request of Police or Inspector is an offence under the *Liquor Act 2007* with a maximum penalty of \$550 for any staff member that fails to produce.
 - c) The Licensee shall not permit the Premises to engage in any liquor promotion that is likely to promote irresponsible service of liquor. Liquor must not be sold or supplied in a manner that is inconsistent with the Liquor Promotion Guidelines at **Appendix C**.
 - d) Alcohol shall not be served to any person who is intoxicated.
 - e) Any person who is intoxicated shall be denied entry to the Premises.

- f) All staff and security are responsible to ensure that intoxication or any indecent, violent or quarrelsome conduct by patrons in the Premises is brought to the attention of the Duty Manager. Any person causing such a 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 determined by the Licensee.
- g) No person under the age of 18 years shall be served liquor. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
 - i) Australian or Foreign Government Driver or Rider's licence
 - ii) NSW Digital Driver Licence;
 - iii) Australian or Foreign Government Passport;
 - iv) NSW Photo card;
 - v) Australian State issued proof of age card; or
 - vi) Australian Post issued Keypass Identity Card.
- h) Low alcohol beer and non-alcoholic beverages shall be available at all times when full strength liquor is available. Patrons are to be made aware by staff of non-alcoholic options offered at the Premises.
- i) Free drinking water must be made available to patrons in the same method that alcohol is sold or supplied.

4.3 Monitoring Liquor Consumption and Patron Behaviour

- 71) the Premises must operate under the direct supervision of the Licensee or appropriately experienced management staff. That requires management staff to have at least 6 months experience in a supervisory position in the Premises with similar operating hours and patron numbers.
- 72) Whenever the Premises is operating, the following RSA monitoring obligations will be undertaken:

- a) All staff and security are expected during the carrying out of their duties to conduct RSA monitoring. Staff are required to monitor all patrons for their levels of intoxication, consumption patterns and secondary supply having regard to how many drinks patrons have consumed and for how long patrons have been in the Premises.
 - b) At least one senior member of staff will be designated to undertake a compliance role for monitoring, among other things, compliance with Section 4 of this Plan. The name of the member of staff who has been designated this duty, the date and the duration of their shift is to be recorded in a register and kept with this Plan for a period of two (2) weeks.
- 73) If a patron is identified by staff as consuming liquor irresponsibly and in a manner that is likely to result in intoxication or is considered to be showing signs of approaching intoxication, intervention from staff is required to provide advice to the patron. That advice should be as follows:
- a) That further risky consumption or further consumption may lead to intoxication. If the person is considered to be intoxicated, he/she will immediately be asked to leave. If that occurs, they will be required to move 50 metres from the Premises and not be permitted re-entry to that area or the Premises for 24 hours.
 - b) The patron should be offered and encouraged to consume non-alcoholic beverages such as water or soft-drinks and food.
 - c) If the patron is in a group, his/her friends should be advised that the patron needs to moderate their alcohol intake.
- 74) If a patron is identified by staff as being intoxicated the following steps must be taken:
- a) Any requests for further service of liquor must be refused;
 - b) Any alcohol presently being consumed is to be removed from the patron to prevent further consumption;
 - c) The patron is to be requested to leave the Premises;
 - d) If the person refuses to leave the Premises, the Police are to be contacted or sought to be contacted to assist with the removal of the patron from the Premises; and

- 75) The following steps should be taken when refusing service to a person:
- a) Introduce yourself to the patron by telling them your name and your role and by asking them for their name;
 - b) Approach the person in a friendly and respectful manner. Patronising or authoritarian attitudes can often evoke anger and make the person more 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.
 - c) 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.
 - d) Give a clear, concrete statement that by law they cannot be served another drink.
 - e) Notify the Duty Manager. Also notify other bar staff that you have refused service to the person. If a shift change is nearing, notify the new staff.
 - f) 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 on them.
 - g) If the person refuses to leave, then you should contact police for assistance in removing the person from The Premise.
 - h) If considered necessary, the Licensee may consider imposing a short-term ban.
- 76) Any person seen consuming liquor on approach to the Premises is to be refused entry.

4.4 Liquor Promotion

- 77) Any promotion and activities that surround the sale and supply of alcohol at the Premises must be conducted in accordance with the Liquor Promotion Guidelines issued by Liquor and Gaming NSW (**Appendix C**).

5. Security

5.1 Security Staff

- 78) Licensed security personnel are employed by the Premises. Security will be strategically positioned by the Duty Manager based on the needs of the Premises. This includes the exterior and interior of the Premises.
- 79) One security guard will be deployed between the hours of 6 pm until 30 minutes after closing Thursdays to Saturdays. This security guard will roam the Premises throughout the night.
- 80) One additional security guard per 100 patrons on Friday and Saturdays from 8pm until 30 minutes after closing.
- 81) One security guard will be stationed at the carpark entry (Door 2) and the other stationed at the Darby Street entrance (Door 1).
- 82) Security will be deployed as per detailed in Section 2.5 during staged shutdown.

5.2 Role and Responsibilities of Security

- 83) Security duties will be delegated by the Duty Manager at the beginning of the security personnel's shift.
- 84) Security must possess a current security licence, RSA and be in clearly identifiable uniforms.
- 85) Security may, if required request patron identification upon entry to the Premises if that patron looks to be under the age of 21. Identification may be requested during security sweeps of the Premises if a patron is consuming alcohol and appears to be under 21.
- 86) Security will:
 - a) Conduct themselves professionally and in accordance with the industry code of practice;
 - b) Note details of any incidents within the licensed premises or immediately outside in the incident register and to the Duty Manager;

- c) Ensure patrons awaiting admission to not cause disturbance or impede the pedestrian footway on Darby Street;
 - d) Monitor patrons indenting to enter for signs of intoxication. Those identified as intoxicated will be refused entry; and
 - e) Quickly and discretely remove patrons displaying unacceptable and/or antisocial behaviour.
- 87) Security personnel appointed to monitor the exterior and interior of the Premises will prevent loitering from patrons, limit noise/antisocial behaviour and collect rubbish when possible.
- 88) A security log is to be kept and maintained which details:
- a) Name, date, start and end time of shift for all security personnel each day they are employed; and
 - b) Any visits from law enforcement with the date, time and reason for the visit.

5.3 Closed-Circuit Television (CCTV)

- 89) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the Premises with particular coverage to:
- a) Principal entrances and exits;
 - b) all areas within the Premises occupied by the public (excluding toilets); and
 - c) areas within a 10m radius external to the public entrance(s) to the Premises.
- 90) All CCTV recording equipment and cameras shall 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 recording a minimum rate of 10 frames per second and at high resolution.
- 91) CCTV recording discs or hard drive recordings shall be retained for 30 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 copy of recorded footage on demand of Council or Police Officers either immediately or within 24 hours of the request being made.

- 92) All CCTV recording devices and cameras shall be operated a minimum of all trading hours of the Premises and for at least 1 hour after the closing time.
- 93) The CCTV recording device shall be secured within the Premises and only be accessible to senior management. There shall be at least one member of staff on duty at all times that can access the CCTV system.

6. Other relevant matters

6.1 Crime Scene Preservation Guidelines

- 85) Immediately after the Duty Manager in charge of the Hotel becomes aware of an incident involving an act of violence causing injury to a person on the Premises requiring immediate professional medical assistance, the person must:
 - a) Render any required first aid;
 - b) Immediately contact '000' or the Local Area Commander or his/her delegate and advise them of the incident;
 - c) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
- 86) Unless directed otherwise by the Local Area Commander or his/her delegate the following crime scene preservation guidelines must be observed:
 - a) Determine the crime scene and remove all persons from the area. Take all practical steps to preserve and keep intact the area where the act of violence occurred. Cordon off the area utilising bar stools, tables or tape. Consider closing off the area completely for such areas such as toilets, hallways or bars. Remember there may be multiple crime scenes.
 - b) Do not allow any persons to enter this area;
 - c) DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence;
 - d) Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints;

- e) Do not move any items that may have been involved in an offence unless absolutely necessary. Use gloves to stop transference of your DNA or fingerprints;
- f) Notify Police if any items have been moved or removed from the crime scene. Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts;
- g) Make notes in relation to the incident. Time, date, location, description of offender(s), vehicle(s) involved, weapons used, last known direction of offender(s), any movement of items involved in the incident;
- h) Secure any CCTV footage and the security sign on sheets;
- i) Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. Try to persuade witnesses from leaving the Premises before Police arrive;
- j) Hand this information to Police on arrival; and
- k) Be prepared to make a statement to Police regarding the incident.

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

6.2 Drugs and Drink Spiking

88) If any person(s) is caught dealing, purchasing or consuming drugs within the Hotel, they are to be requested to leave immediately and Hotel management and the Police must be informed of this. If the same person(s) is caught again, then they are to be barred.

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

- a) Any occurrences of a person(s) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected patron away, asking for their name, where they are heading to, etc. – contact management about any person who goes to length to remain anonymous.
- b) An affected person may need medical attention, so ask them. If they are not capable of making that decision – then arrange that medical attention.



- c) Any affected person will need to get to a safe place, which may be theirs or a friends place. Ensure people who are showing signs of intoxication are looked after by their friends and not leave them in the company of the person who may have spiked their drink.
- d) Contact the Police and thoroughly document the incident in the Hotel's Incident Register.
- e) Remember the most common drug used for drink spiking is alcohol. Be aware of strange drink orders such as beer and a nip of vodka, double shots in short glasses, etc.

6.3 Fire safety and essential services

- 90) The Licensee shall ensure that all essential services installed at the Hotel are certified and shall ensure that they remain in good working order at all times.
- 91) In the event of any malfunctioning of any essential service the Licensee shall ensure that it is rectified as soon as possible.
- 92) Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.
- 93) All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the Hotel. In the event of an emergency, staff and security are to direct patrons to the exits and away from the Hotel. The Duty Manager is to engage with the supervisor for each level progressively from the top to the bottom, ensuring the Hotel is vacated.

7. Review of Plan

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

to be taken to reflect those changes and those changes may be made to the Plan without consultation with or approval from NSW Police or City of Sydney Council.

96) Part 4 of this Plan is for compliance with the Prevention of Intoxication Guidelines and Responsible Service of Alcohol requirements of the Liquor Act and is for internal purposes only. Provisions of this plan required to meet the relevant section of the Liquor Act will be varied from time to time to reflect industry best practice, or to reflect published changes to the Guidelines or legislation and may be varied or abandoned at the discretion of the Licensee without consultation with the Police or Council.

8. Licensee Statement of Understanding

The Licensee hereby acknowledges that the above provisions have been read and are understood.

Sign:

Date:



Appendix A – Prevention of Intoxication Guidelines



Appendix B – Identification of Intoxication Guidelines



Appendix C – Liquor Promotion Guidelines by Liquor & Gaming NSW (GL4001)

Appendix D – Development Consent



Appendix E – Liquor Licence LIQH400117426



Appendix F – Acoustic Report (26 February 2021)



Appendix G – Staged Shutdown Plan





ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 16/08/2022 – 142 DARBY STREET COOKS HILL –
DA2021/00962 – PUB – EXTENSION OF TRADING HOURS**

ITEM-11 Attachment C: Draft Schedule of Conditions

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Application No:	DA2021/00962
Land:	Lot 13 DP 1009613 Lot 15 DP 1009613 Lot 20 DP 1038322
Property Address:	142 Darby Street Cooks Hill NSW 2300
Proposed Development:	Pub - extension of trading hours

SCHEDULE 1

APPROVED DOCUMENTATION AND ADMINISTRATIVE CONDITIONS

- The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Staged Shutdown Plan for Hotel Delaney	D100 Revision A	Luchetti Krelle	02/10/2020
Plan of Management	181261.12P2	Design Collaborative Pty. Ltd.	(as amended by conditions of consent DA 2021/00962) - June 2022
Social Impact Assessment	181261.15SIA	Design Collaborative Pty. Ltd.	April 2022
Noise Impact Assessment	20210217.1/2602A/R0/AZ	Acoustic Logic	26/02/2021

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- This consent is issued for a period of 12 months from the determination date of this consent. A further application may be lodged at least 3-months prior to the expiration of trial period for Council's consideration of the continuation of the extended hours of operation. Alternatively, where an application is not lodged and approved, the extended hours subject to the trial period will cease and this consent will lapse.

Note: Any further application seeking extension of the trial period or formalisation of the extended hours will be subject to an assessment by Council and will consider; the performance of the operator in relation to compliance with the approved Plan of Management and these conditions of consent, outcomes of acoustic monitoring required under this consent, any complaints received, and any views expressed by the NSW Police.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

3. The hours of operation or trading of the premises are to be not more than from:

DAY	START	FINISH
Monday	10am	2am
Tuesday	10am	2am
Wednesday	10am	2am
Thursday	10am	2am
Friday	10am	2am
Saturday	10am	2am
Sunday	10am	12 Midnight

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

4. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

5. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

6. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Acoustic Logic Pty Ltd, dated 26/07/2021. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to Council prior to the commencement of extended operational hours subject to this consent.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

7. The maximum number of persons permitted in the premises is to be restricted to the following:
- i) A total of 990 persons at maximum capacity;
 - i) A total of 300 persons between 12 midnight and 1am;

- ii) A total of 120 persons between 1am and 2am;
8. The following amendments are to occur to the Plan of Management prepared by Design Collaborative Pty. Ltd dated June 2022:
- 24 e) - The pre-closure procedure is to be amended to commence at 11:30pm;
 - 79) – Paragraph is to be amended to require three security guards deployed between the hours of 6 pm until 30 minutes after closing Thursday to Saturdays;
 - 80) – Paragraph to be amended to require two additional security guards per 100 patrons on Friday and Saturdays from 8pm until 30 minutes after closing.
 - 94) – Paragraph to be amended to require approval from City of Newcastle for amendments to the approved PoM.
 - 95) – Paragraph to be amended to require approval from City of Newcastle for amendments to the approved PoM as a result of legislative changes. In addition, reference to City of Sydney Council to be removed and replaced by City of Newcastle.
 - 96) – Paragraph to be amended to require approval from City of Newcastle for amendments to the approved PoM.

The amended Plan of Management is to be issued to Council for approval prior to the commencement of the amended operating hours. The premises is to be operated at all times in accordance with this approved Plan of Management.

Note: Any further amendments or proposed variation to the approved Plan of Management require approval from Council through the submission of a s.4.55 modification application.

9. A copy of the approved Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, or Liquor & Gaming NSW inspector.
10. The Licensee shall maintain a CCTV system that meets the following minimum requirements:
- a) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
 - i) the person represents not less than 100% of the screen height, and
 - ii) there is an unobstructed view of the person's face.
 - b) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - i) all other public entrances and exits, whether or not in use at the time,
 - ii) staircases,
 - iii) all portions of the floor area accessible to the public where entertainment is provided,
 - iv) toilet external entrances,

- iv) all public accessible areas within the premise excluding toilets and accommodation rooms,
 - v) the footpath area directly adjacent to the premises, and
 - vii) courtyard and smoking areas.
- c) The CCTV recordings of the cameras referred to in sub condition (2) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
- i) the person represents not less than 50% of screen height, and
 - ii) there is an unobstructed view of the person's face.
- d) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- e) Camera recordings must always meet the standards set in sub condition (1) and (3), either by way of camera positioning, camera shades or other environmental factors.
- f) Recordings must:
- i) be in digital format,
 - ii) record at a minimum of ten (10) frames per second, and
 - iii) commence one hour prior to opening and operate continuously until at least one hour after closing.
- g) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- h) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
- i) When the venue is open and trading, at least one person shall be at the venue who can access the CCTV system and is able to immediately review recordings and produce copies.
- j) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, OLGR Inspectors or other regulatory officers upon request.
- k) The CCTV system shall be able to reproduce a copy of the recordings, in the same quality as stated under point 6), on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, OLGR Inspectors or other regulatory officers.
- l) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

11. An appropriately qualified acoustic consultant shall be engaged by the Applicant, to undertake independent monitoring and assessment of the noise emissions during periods of extended trade, within 3-months of this determination and every three months thereafter until the end of the trial period (i.e. quarterly). The assessment shall include conducting measurements from the nearby residential receivers. A report is to be prepared and submitted to Council within 14-days of the monitoring and must include recommendations should the assessment identify an exceedance of the noise levels predicted under this consent.

Note: Should such recommendations involve any alterations to the building, approval from Council may be required through the submission of a s.4.55 modification application.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- The issues raised within the submissions have been satisfactorily addressed.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.



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**DAC 16/08/2022 – 142 DARBY STREET COOKS HILL –
DA2021/00962 – PUB – EXTENSION OF TRADING HOURS**

ITEM-11 Attachment D: Processing Chronology

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PROCESSING CHRONOLOGY

DA2021/00962- 142 Darby Street Cooks Hill

23 July 2021	-	Application lodged
27 July 2021	-	Internal referrals undertaken; Social Planner, Environment
27 July 2021	-	External referral undertaken; NSW Police
29 July – 12 August 2021	-	Application notified in accordance with CN's Public Participation Policy
7 September 2021	-	Proposal considered at the LPRG
21 April 2022	-	Additional Information received from applicant
23 June 2022	-	Further external referral undertaken; NSW Police
17 May 2022	-	Public Voice Committee Meeting
16 August 2022	-	Development Applications Committee meeting