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PLAN OF MANAGEMENT

FOR 'THE RANGE HOTEL' AND HEARTLAND MOTORS

LOCATED AT 1 PACKARD AVENUE CASTLE HILL

April 2022 Ref: 201451.19P

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Appendix A – Secretary's Guidelines – Prevention of Intoxication on Licensed Premises Guidelines

Appendix B – Intoxication Guidelines issued by L&G NSW

Appendix C Liquor Promotion Guidelines issued by L&G NSW

Appendix D – Liquor Licence LIQH XXXXXX

Appendix E – Development Consent D/2020/XXXX

Appendix F – Operational Traffic Management Plan prepared by Ason

1.0 INTRODUCTION

- 1) The purpose of this Plan of Management (the Plan) is to establish performance criteria for the various aspects of the operation of the pub known as 'The Range Hotel' (the Pub) and Heartland Motors situated at 1 Packard Avenue, Castle Hill having regard to the relevant matters under the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007 and any relevant Regulation under that legislation.
- 2) All staff involved with the sale or supply of liquor or security at the Pub, shall receive instruction and training on the contents of this Plan, including the Secretary's Guidelines (Appendix A), the Intoxication Guidelines (Appendix B) and the Liquor Promotion Guidelines (Appendix C) and how the Guidelines are to be complied with during day-to-day tasks.
- 3) All staff of Heartland Motors shall receive instruction and training on the contents of this Plan, in particular Section 3.7 Vehicle Access and Car Parking Management and the Operational Traffic Management Plan (Appendix F).
- 4) A copy of this Plan shall be available on site at all times and immediately produced for inspection, upon request by Police or Hills Shire Council Officers or Special Inspectors. Copies of the liquor licence (Appendix D) and development consent (Appendix E) will also be kept on site and produced upon a request by Police or Council Officers.
- 5) All staff involved with the sale or supply of liquor or security 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.
- 6) This Plan and its attachments are also subject to legislative changes to reflect the Liquor Act 2007 and Liquor Regulation 2008. Where the publications of L&G NSW are revised or withdrawn from its website or where legislative changes occur from time to time, the Plan is to be taken to reflect those changes and those changes may be made to the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 further approvals or consultation with the Police or Hills Shire Council (Council).
- 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.

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- 8) The day-to-day management of the Pub and adherence to this Plan is the responsibility of the Licensee (holder of the hotelier's licence for the Pub issued under the *Liquor Act* 2007). The Licensee may delegate roles and responsibilities to staff of the Pub as required by this Plan.
- 9) The day-to-day management of Heartland Motors and adherence to this Plan is the responsibility of the General Manager. The General Manager may delegate roles and responsibilities to staff of Heartland Motors as required by this Plan.
- 10) Reference in this Plan to the Duty Manager is a reference to the most senior Pub management person on duty.
- 11) Reference in this Plan to the Security Manager is a reference to the most senior security person on duty at the Pub, unless the role of Security Manager has been delegated by the Duty Manager.
- 12) An obligation or responsibility under this Plan assigned to a Duty or Security Manager may be undertaken by another member of staff, as delegated by the relevant manager.

2.0 OPERATIONAL DETAILS - THE PUB AND HEARTLAND MOTORS

2.1 THE PUB

- 13) The Pub is located at 1 Packard Avenue, Castle Hill.
- 14) The site of the Pub also contains motor showrooms and servicing facilities known as 'Heartland Motors'
- 15) The Pub comprises a bistro and lounge bar (with associated outdoor dining and terrace), public/sports bar (with associated beer garden), kids room, gaming room and back-of-house facilities at the ground floor and back-of-house/storage facilities and parking at the basement level. An at-grade car park is situated to the east of the Pub.
- 16) Pub staff are typically rostered for day and night shifts and include:
 - a. Duty Manager responsible for overseeing day-to-day operations in all areas of the Pub;

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- Bar and Front-of-House staff lounge bar, sports bar, gaming, bistro responsible for serving food and drinks to customers, cleaning, clearing glasses, cleaning/clearing tables etc;
- c. Kitchen and Back-of-house staff responsible for preparing food for customers, cleaning, re-stocking, waste management activities etc.
- 17) Typical staff numbers at the Pub vary between 15 for an early week day shift up to 30 on busy Friday and Saturday nights.
- 18) The Pub is located some 800m (1.3km walking distance) from Hills Showground Metro Station, to the north and east along Victoria Avenue and Carrington Road.
- 19) Public buses service Victoria Avenue and Windsor Road travelling to Castle Hill, Rouse Hill, Parramatta, Blacktown, Norwest. Bus stops are located opposite and to the north of the site in Victoria Avenue and on the Windsor Road frontage opposite and to the west of the site.
- 20) The main pedestrian routes to the Pub are via footpaths on Victoria Avenue and Packard Avenue.

2.2 HEARTLAND MOTORS

- 21) Heartland Motors is located at 1 Packard Avenue, Castle Hill.
- 22) The site of Heartland Motors also contains the Pub.
- 23) Heartland Motors comprises four vehicle sales showrooms and service centre /workshop facilities, together with customer, service and display parking. The main workshop contains 18 hoists.
- 24) Heartland Motors has some 42 staff, typically comprising:

a.	New car sales	11
b.	Used car sales	2
c.	Finance	2
d.	Service	7
e.	Mechanics	16
f.	Parts	2
а	Administration	2

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2.3 HOURS OF OPERATION / USE OF PREMISES

2.3.1 The Pub

- 25) The trading hours of The Pub are as follows:
 - (a) Monday-Saturday: 10am-12 midnight.
 - (b) Sunday and Public Holidays: 10am-10pm.
- 26) Between 10am and 5.30pm Monday to Saturday, the maximum capacity of the Pub is 550 patrons.
- 27) Between 5.30pm and 12 midnight Monday to Saturday and between 10am and 10pm Sunday and Public Holidays, the maximum capacity of the Pub is 880 persons, inclusive of patrons, staff and security, subject to the other provisions of this Plan.
- 28) The capacity of the Pub will be ascertained by the Duty Manager or Security Manager using a hand-held counter at hourly intervals from 12 noon daily until close and recorded in the Duty Manager's diary. Such book is to be available for inspection by Police, Liquor & Gaming and Council inspectors upon request.
- 29) Notwithstanding the above, whenever the Pub has reached 800 patrons and is nearing the total capacity of 880 persons, one staff member is to monitor the Pub's entrance to monitor patron ingress and egress and ensure compliance with the capacity stipulated for the Pub.

2.3.2 Heartland Motors

- 30) The trading hours of Heartland Motors are as follows:
 - (a) Sales Monday-Saturday: 8.30am-5.30pm.
 - (b) Servicing Monday-Friday: 7.30am- 5.30pm.

2.4 PARKING - PUB AND HEARTLAND MOTORS

- 31) The Pub has 165 parking spaces, including 35 basement spaces for patrons and 130 at-grade spaces for patrons (123) and staff (7). At-grade patron parking is located in an at-grade car park situated to the east of the Pub.
- 32) Heartland Motors has parking for 167 cars, including 66 spaces for customers, 42 spaces for staff, 5 spaces for used car display and 54 spaces for servicing/workshop.

- 33) In addition, the Pub and Heartland Motors share 108 parking spaces which are for the use of Heartland Motors during its operating hours and for the use of patrons and staff of the Pub outside these hours.
- 34) Parking allocation between the Pub and Heartland Motors and related procedures are discussed further in Section 3.7, below and detailed in the Operational Traffic Management Plan (see **Appendix F**).

2.5 THE POLICE AND THE COMMUNITY

- 35) The Licensee is to maintain membership of the Hills Shire Precinct Liquor Accord.
- 36) The Pub will have deployed at any one time, between approximately one (1) and 30 members of staff.
- 37) The management team for The Pub will meet amongst themselves and as required with the Commander or his delegate of the NSW Police Local Area Command. 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.
- 38) This Plan incorporates a community complaint section to deal with any complaints as to noise or the behaviour of patrons or staff.

3.0 MANAGEMENT MEASURES

3.1 GENERAL AMENITY

- 39) Staff shall intervene to provide corrective advice to any patron on the premises or immediate vicinity that is behaving in a manner that is likely to disturb the amenity of nearby residents or businesses. 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.
- 40) The Duty Manager is to be present at the hour of closing to supervise the departure of patrons and to ensure that they leave The Pub quickly and quietly.

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- 41) The Duty Manager shall ensure that the entry points and immediate vicinity are kept clean and tidy during The Pub's hours of operation.
- 42) Following the close of The Pub the Duty Manager shall ensure that the entry points and immediate vicinity of The Pub are cleaned with all signs of waste removed.
- 43) At least one security person, when employed, shall actively monitor the footpaths adjacent to The Pub to minimise disruption to residential neighbours.
- 44) When patrons are leaving, if requested, they are to be advised of the public transport options from the Pub. That includes:
 - a) Hills Showground Metro Station, located 800m to the north-east of the Pub;
 - Taxis, Uber or You Drive We Drive (which the Pub can call on behalf of the patron);
 - c) Buses available on Victoria Avenue and Windsor Road.
- 45) The Duty Manager shall require the following during the operation of The Pub:
 - a) Ensure that persons entering The Pub are suitably attired in accordance with The Pub's dress code, which shall require patrons, at least, to be neatly dressed in casual wear, with footwear and to be clean.
 - b) Prevent any person, detected as intoxicated, entering The Pub and bring to notice of the Duty Manager, any person in The Pub who might be considered to be in, or approaching, a state of intoxication.
 - c) Prevent patrons removing glasses, open cans, bottles or alcohol from The Pub.
 - d) Prevent patrons entering The Pub with alcoholic drinks.
 - e) Monitor patron behaviour in, and in the vicinity of, The Pub until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.
 - f) Collect any rubbish in the vicinity of The Pub that may be associated with The Pub's business.
 - g) Co-operate with the Police and any other private security personnel operating in the vicinity of The Pub.
 - h) Patrol all toilets, at random intervals but not less than once an hour from 9pm, notifying the Duty Manager of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there are no female security personnel on duty,

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then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male security person.

- i) Patrol The Pub's parking at regular intervals from 6pm each day.
- p) Patrol the Heartland Motors site, including the shared parking and motor showroom parking, at regular intervals from 6pm each day.
- 46) For the purposes of this Plan, the description, "the vicinity of The Pub" shall be the remainder of the site and footpaths immediately adjoining the Pub and Heartland Motors to Packard Avenue and Victoria Avenue to a distance of 20 metres.

3.2 COMPLAINTS AND THE INCIDENT REGISTER

- 47) The Duty Manager shall ensure that details of the following are recorded in The Pub's Incident Register:
 - a) Any incident involving violence or anti-social behaviour occurring in The Pub;
 - b) Any incident of which the Duty Manager is aware, that involves violence or antisocial behaviour occurring in the immediate vicinity of The Pub and that involves a person who has recently left, or been refused admission to, The Pub;
 - Any incident that results in a person being turned out of, or refused entry to, The Pub under Section 77 of Liquor Act 2007; viz:
 - for being intoxicated, violent, quarrelsome or disorderly;
 - whose presence on the licensed premises renders the Licensee liable to a penalty under the Liquor Act, e.g., unaccompanied minors;
 - iii) who smokes within an area of The Pub that is a smoke-free area; or
 - iv) who, while in The Pub, uses, or has in his or her possession, any substance suspected of being a prohibited plant or prohibited drug.
 - d) Any incident that results in a patron of The Pub requiring medical assistance;
 - e) Any incident that occurs either in The Pub or in the immediate vicinity, which involves the committing of a crime or requires the intervention of security; and
 - f) Any complaints made directly to the management or staff of the Pub by local residents or business people, about the operation of the Pub or the behaviour of its patrons; and

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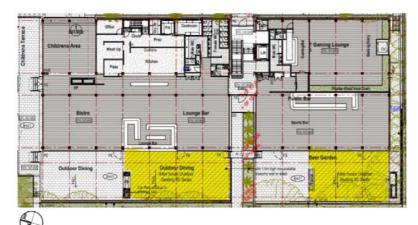
- g) Any visit by any NSW Police Officer, Liquor and Gaming NSW (L&G NSW) Special Inspector or Council Officer noting their agency or department, reason for the visit and result of the visit.
- 48) The Licensee shall make the Incident Registers available to any NSW Police Officer or L&G NSW Special Inspector on request. NSW Police and L&G NSW Special Inspectors must be permitted to make copies or to remove the Incident Register from The Pub if so directed.
- 49) The Incident Registers are to be reviewed regularly by the Licensee to ensure that complaints, where possible, are being dealt with appropriately.
- 50) Persons who wish to make a complaint should contact The Pub on XXXX or the Duty Manager on XXXX which shall be displayed on The Pub's website. Complaints may also be made by email (XXXX) or via the contact form on the Pub's web site (XXXX). Calls to these numbers must be answered at all times when the Pub is trading and for at least 30 minutes after closing time. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner.
- 51) Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the complainant's call or responding to the email or online submission, to let them know what has been done to address the concerns/complaints expressed. All complaints are to be responded to by Pub management within 48 hours of a complaint being made.
- 52) The following details of complaints made to The Pub are to be recorded in the Incident Registers:
 - a) Date and time of the incident that led to the complaint;
 - b) The name of the member of staff on duty taking the complaint;
 - c) Nature of the complaint;
 - d) Address and contact details of the complainant;
 - e) Any actions proposed to deal with the complaint; and
 - f) The actions taken and the time and date when that was reported to the complainant.

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3.3 NOISE CONTROLS AND CRITERIA

- 53) Noise likely to result from the operation of The Pub includes vocal noise from patrons as well as any amplified music. Any noise complaints need to be recorded as directed in this Plan and brought to the attention of management so noise controls can be checked and confirmed they are working.
- 54) All mechanical ventilation is to be maintained in accordance with relevant standards.
- 55) All glass windows, doors and skylights are to be no less than 6mm thick glass in aluminium frames and be fitted with appropriate acoustic seals.
- 56) From 10pm until close, the doors and windows on the north (Packard Avenue) and west (Victoria Avenue) sides of the Bistro and Lounge Bar and the west (Victoria Avenue) side of the Sports Bar shall be closed.
- 57) From 10pm until close, a maximum of 170 patrons is permitted in the outdoor areas of the Pub; comprising:
 - a. a maximum of 85 patrons in the part of the Beer Garden highlighted in the Plan below (between the planter and fireplace); and
 - a maximum of 85 patrons in the part of the Outdoor Dining Area highlighted in the Plan below (between the fireplace and the entry path).



Plan of the Pub showing location of Outdoor areas referred to in Paragraph 57, above

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- 58) In order to ensure compliance with Paragraph 57, above, from 9.30pm each night, the Duty Manager will assist in relocating patrons to ensure the number of patrons are limited to 85 in each of the areas shown in the above Plan by 10pm.
- 59) A maximum of 85 seats shall be placed in each of the areas highlighted in the above Plan to ensure staff can adequately assess the total patron numbers after 10pm. Other furniture shall be removed or stacked. Bollards or similar barriers shall be placed around the unused areas to prevent access and the lights within these areas turned off by 10pm.

3.3.1 Noise Criteria

- 60) The noise generated by The Pub shall not exceed 5dB(A) above the background noise levels, where measured at any boundary adjoining or adjacent to a residential property.
- 61) Notwithstanding the above, The Pub's operations must not give rise to "offensive noise" as defined under the *Protection of the Environment Operations Act 1997*. Here, offensive noise means noise:
 - (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
 - (b) that is of a level, nature, character or quality prescribed by the regulations of the Protection of the Environment Operations Act 1997 or that is made at a time, or in other circumstances, prescribed by any Regulation under that Act.

3.4 DISABLED ACCESS

62) The access points shall remain unobstructed at all times that The Pub is in operation to allow for disabled access.

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3.5 SIGNAGE

- 63) The Licensee shall be responsible to ensure signage is erected and maintained in a clear and prominent position adjacent to all points of egress, requesting that patrons depart The Pub in a manner respectful of the surrounding area, or wording to that effect.
- 64) 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, licence number and the name of the Licensee.
 - b) Signage at the entrance stating the times during which liquor is authorised to be sold or supplied on the premises and any other times during which the premises are authorised to be open for business.
 - c) Signage at any bar area stating: IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.
 - d) Signage at any bar area stating: PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW.
 - e) Signage at the entry to the gaming room stating: PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW.
- 65) The Licensee shall be responsible to ensure signage is erected at the entrance and in The Pub available from L&G NSW explaining the "Failure to Quit" provisions of the Liquor Act 2007.
- 66) Signage notifying patrons that CCTV is used on premises must be located at the entrance to The Pub.
- 67) Signs must be located within The Pub advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises.

3.6 WASTE MANAGEMENT AND DELIVERIES

68) Collection of waste and recycling will occur between 7am and 6pm from the loading bay within the basement of the Pub.

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- 69) Glass is not to be transferred from one receptacle to another outside the Pub except for delivery to the waste vehicle.
- 70) Adequate bins are provided within dedicated smoking areas of the Pub to properly dispose of cigarette butts.
- 71) The Pub will be cleaned daily after close or more frequently as the need arises.
- 72) All windows and doors of the premises shall be closed while the interior of the premises is being cleaned at any time prior to 7am.
- 73) All waste and waste receptacles shall be stored in the waste storage area for the building until the collection day.

3.7 VEHICLE ACCESS AND CAR PARKING MANAGEMENT

- 74) The vehicle access and car parking arrangements and procedures for the Pub and Heartland Motors are contained in the Operational Traffic Management Plan in Appendix F.
- 75) The Operational Traffic Management Plan contains parking layouts and allocations for the following operations on the site:
 - a. Weekday daytime operations;
 - b. Saturday daytime operations; and
 - c. Weeknight, Saturday night and Sunday operations.
- 76) Vehicle access and parking management at the Pub and Heartland Motors is to be in accordance with the Operational Traffic Management Plan in **Appendix F.**
- 77) In accordance with Section 3.1 of the Operational Traffic Management Plan, the Licensee and the General Manager shall each appoint a Traffic Warden to manage and ensure that the access and parking arrangements set out in the Operational Traffic Management Plan are adhered to. The Traffic Wardens will be responsible for the following:

The Pub

 Managing and ensuring patrons and staff only park in the assigned parking areas at the relevant times.

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- Ensuring all gates relevant to the entire Site are locked at the conclusion of the operating day.
- Managing both access gates inclusive of the operation hours mentioned above.

Heartland Motors

- Managing and ensuring patrons and staff only park in the assigned parking areas at the relevant times.
- Ensuring all gates relevant to the entire Site are open at the start of the business day.
- Managing both access gates inclusive of the operation hours mentioned above.

4.0 RESPONSIBLE SERVICE OF ALCOHOL

78) All provisions with this Section 4.0 'Responsible Service of Alcohol' are subject to change at the discretion of Licensee, following legislative change or changes to the liquor licence. If any of the following operational restrictions are amended, removed or withdrawn from the Liquor Act, Liquor Regulation 2008 or Guidelines from L&G 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 consultation or approval from any statutory authority.

4.1 WHAT IS THE LAW?

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

- 80) It is unlawful to permit intoxication on licensed premises.
- 81) A person is considered to be intoxicated if:
 - 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.
- 82) L&G NSW has issued Guidelines to assist in the identification of intoxicated persons which are provided at **Appendix B.** Bring to the attention of the Duty Manager any person considered to be in, or approaching, a state of intoxication.

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4.2 HARM MINIMISATION MEASURES

83) The licence attached to The Pub shall be exercised – at all times – in accordance with the provisions of the Liquor Act and Regulation and The Pub Licence (Appendix D);

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

- a) All staff involved in the sale and supply of liquor or security, shall have first completed an approved course in the Responsible Service of Alcohol.
- b) All staff are required to have their RSA Competency Card readily available at all times when working. Failure to produce an RSA Competency Card at the request of Police or Inspector is an offence under the Liquor Act with a maximum penalty of \$550 for any staff member that fails to produce.
- c) The Licensee shall not permit The Pub to engage in any liquor promotion that is likely to promote irresponsible service of liquor (see 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 Pub.
- f) All staff and security are responsible to ensure that intoxication or any indecent, violent or quarrelsome conduct by patrons in The Pub is brought to the attention of the Duty Manager. Any person causing such a disturbance shall be refused service and asked to leave The Pub. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering The Pub for a period determined by the Licensee.
- g) Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
 - Australian State or other Government issued photo identification card, such as a driver's or riders licence or proof of age card; or
 - ii) Current passport; or
 - ii) Keypass Identity Card issued by Australia Post.
- h) Security Officers shall check identification to verify its authenticity, including:
 - Evidence of tampering including scratches to modify the date of birth or attempts to peel the identification apart;
 - ii) A clear laminate cover to modify the date of birth;
 - iii) Using an ultra violet light to check for hidden insignia; and

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- iv) That the person providing the identification is the person to which the identification belongs.
- i) No person under the age of 18 years shall be admitted to The Pub unless in the company of a responsible adult1. Production of photographic identification will be required where age is an issue.
- j) If a minor is found attempting to intentionally mislead staff via falsified documents in order the gain entry to The Pub, the minor is to be held and their identification is to be confiscated and handed over to the NSW Police Service.
- k) Low alcohol beer and non-alcoholic beverages shall be available at all times.
- I) Free drinking water shall be available at all times from all bars.
- m) Light meals shall be available on request whenever liquor is available for consumption in The Pub. Signage and/or menus shall be provided to notify patrons of their reasonable expectations of available food.
- n) Staff are not permitted to consume alcohol whilst on duty in The Pub.
- o) Signage and promotion of non-alcoholic and low strength alcohol beverage options is to be provided at the point of purchase of alcohol beverages.
- p) Signage is to be provided throughout The Pub noting that free drinking water is available at all bars.

4.3 MONITORING LIQUOR CONSUMPTION AND PATRON BEHAVIOUR

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

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¹ Responsible adult in relation to a minor, means an adult who is:

⁽a) a parent, step-parent or guardian of the minor, or(b) the minor's spouse or de facto partner, or

⁽c) for the time being standing in as the parent of the minor.

many drinks patrons have consumed and for how long patrons have been in the Pub.

- 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 at each level of the Pub. The name of the member of staff who has been designated this duty shall be recorded in the staff roster.
- 86) If a patron is identified by staff or security as consuming liquor 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 the premises. If that occurs, they will be required to move 50 metres from The Pub and not be permitted re-entry to that area or The Pub 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.
- 87) If a patron is identified by staff or security as showing signs of intoxication the following steps must be taken:
 - a) Any requests for further service of liquor must be refused;
 - b) Intervene to prevent the patron from consuming alcohol;
 - 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

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e) The event must be recorded in the Incident Register.

5.0 SECURITY MEASURES

5.1 SECURITY STAFF

- 88) The responsibilities of any security person shall be nominated by the Duty Manager and/or Security Manager, prior to the start of the shift. Security shall also monitor the activity of patrons and persons in the vicinity of The Pub and act as required, within the scope of their powers in a public place.
- 89) Security is to be provided at the Pub on Thursday Saturday and the day preceding Public Holidays between 7pm and 30 minutes after close at a ratio of 1 security to 100 patrons.

5.2 GENERAL MEASURES

90) The Security Manager shall require all security personnel employed at The Pub to:

- Be licensed under the Security Industry Act 1997 (or the equivalent Act applicable at the time).
- Be dressed in readily identifiable uniform so that they may be highly visible to patrons and displaying identification as a security officer.
- c) Fill in a time sheet (with start and finish times) which is to be initialled by the Duty Manager. Access to the sign on sheet shall be provided to NSW Police on request.
- Report to the Security Manager and Duty Manager to obtain a briefing on any specific duties to be addressed before commencing duty.
- e) Ensure that persons entering The Pub are suitably attired in accordance with The Pub's dress code, which shall require patrons, at least, to be neatly dressed in casual wear, with footwear and to be clean.
- f) Prevent any person, detected as intoxicated, entering The Pub and bring to notice of the Duty Manager, any person in The Pub who might be considered to be in, or approaching, a state of intoxication.
- g) Prevent patrons removing glasses, open cans, bottles or alcohol from The Pub.
- h) Prevent patrons entering The Pub with alcoholic drinks.
- Monitor patron behaviour in, and in the vicinity of, The Pub until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.

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- Collect any rubbish in the vicinity of The Pub that may be associated with The Pub's business.
- Co-operate with the Police and any other private security personnel operating in the vicinity of The Pub.
- Patrol all toilets, at random intervals but not less than once an hour from 9pm, notifying the Duty Manager of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there are no female security personnel on duty, then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male security person.
- In the event of an incident, clearly identify themselves as security belonging to The Pub and attempt to rectify the problem.
- n) Continually apply a "Hands Off Policy". Patrons are only to be asked to leave at the direction of management and forced removal from The Pub must only occur at the direction of the Duty Manager and with reasonable force only. Immediate hands on action may still be used in self-defence or in the defence of another patron or member of staff.
- o) Make a written note with details of any incidents in The Pub's Incident Register, as required by this Plan of Management. The details should be immediately entered in the Incident Register or, where it is not practical to do this, written in a notebook and copied into the Incident Register as soon as practicable.
- p) Patrol The Pub's parking at regular intervals from 6pm each day.
- Patrol the Heartland Motors site, including the shared parking and motor showroom parking, at hourly intervals from 6pm each day.
- 91) Security are to actively engage patrons as they enter The Pub to determine if they may be intoxicated. Patrons are to be engaged through conversation and asking of at least one question, such as how their night is, where they have been, what their plans are for the evening, asking for their identification, etc.
- 92) For the purposes of this Plan, the description, "the vicinity of The Pub" shall be the remainder of the site and footpaths immediately adjoining the Pub and Heartland Motors to Packard Avenue and Victoria Avenue to a distance of 20 metres.

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5.3 CLOSED CIRCUIT TELEVISION (CCTV)

- 93) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the Pub and Heartland Motors with particular coverage to:
 - a) principal entrance/s and exits;
 - b) areas within the premise occupied by the public (excluding toilets); and
 - c) all parking areas.
- 94) 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 6 frames per second and at high resolution.
- 95) 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.
- 96) All CCTV recording devices and cameras shall be operated 24 hours per day and 7 days per week or all trading hours of the Pub or for at least 1 hour after the closing time if the relevant area of the Pub does not trade 24 hours per day.
- 97) The CCTV recording device shall be secured within the Pub 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.
- 98) The CCTV system shall be checked daily and a record of that check is to be noted in the Incident Register.

6.0 RESPONDING TO INCIDENTS

6.1 NOTIFY POLICE

99) Immediately after the Duty Manager becomes aware of an incident involving an act of violence causing injury to a person in the Pub that requires professional medical assistance, the Duty Manager must:

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- a) Provide or arrange for any required first aid;
- Immediately contact '000' or the Local Area Commander or his/her delegate and advise them of the incident:
- c) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

6.2 CRIME SCENE PRESERVATION GUIDELINES

- 100) Unless directed otherwise by the Local Area Commander or his/her delegate upon notification, the following crime scene preservations 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;
 - 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;
 - 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 Pub before Police arrive;
 - j) Hand this information to Police on arrival; and
 - k) Be prepared to make a statement to Police regarding the incident.

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- 101) Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of The Pub.
- 102) Details of the incident are to be recorded in The Pub's Incident Register.

7.0 OTHER RELEVANT MATTERS

7.1 DRUGS AND DRINK SPIKING

- 103) If any person is caught dealing, purchasing or consuming drugs within The Pub, the person (or persons) are to be requested to leave immediately and the Duty Manager informed. This is their first and only warning. If the same person is caught again, then the person (or persons) are to be banned for a period determined by the Licensee and the Police notified.
- 104) The incident is to be recorded in the Incident Register.
- 105) Drink spiking is often difficult to detect. Below are some things to look out for and what to do:
 - a) Any occurrences of a person (or persons) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected patron away, asking for their name, where they are heading to, etc – contact the Duty Manager 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 Pub's Incident Register.
 - 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.

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7.2 FIRE SAFETY AND ESSENTIAL SERVICES

- 106) The Licensee shall ensure that all essential services installed at The Pub are certified annually and shall ensure that they remain in good working order at all times.
- 107) In the event of any malfunctioning of any essential service the Duty Manager shall ensure that it is rectified as quickly as soon as possible.
- 108) The Licensee shall ensure that lists of the telephone numbers of all relevant emergency agencies shall be kept in the office.
- 109) 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 Pub.

7.3 AMENDMENT TO AND REVIEW OF THIS PLAN

- 110) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan in response to legislative changes, unforeseen operational changes complaints or other such matters, such amendments can be made, following consultation with both the Police and Council who shall agree to those changes in writing and be provided with a copy of any modified Plan.
- 111) This Plan and its attachments are also subject to legislative changes to the Liquor Act, 2007 and Liquor Regulation 2008. Where publications of the Department of Justice are revised or withdrawn from its website or where legislative changes occur from time to time, the Plan is to be taken to reflect those changes and those changes may be made to the Plan without consultation with or approval of the Police or Council.
- 112) Part 4 of this Plan is for compliance with the Secretary's Prevention of Intoxication

 Guidelines, Responsible Service of Alcohol requirements of the Liquor Act and liquor
 licence conditions and is for internal purposes only. Provisions of this plan required
 to meet the relevant sections of the Liquor Act will be varied from time to time to
 reflect industry best practice, or to reflect published changes to the Secretary's
 Guidelines, legislation or the liquor licence and may be varied or abandoned at the
 discretion of the Licensee without consultation with the Police or Council.

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113) This Plan shall be reviewed annually by the Licensee and the General Manager and an audit of the review submitted to Council.

8.0 LICENSEE'S STATEMENT OF UNDERSTANDING

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

Name:	Date:

Sign:....

APPENDIX A - SECRETARY'S GUIDELINES - PREVENTION OF INTOXICATION ON LICENSED PREMISES GUIDELINES



GI 4002

Prevention of intoxication on licensed premises guidelines

Introduction

Liquor licensees have important obligations to ensure alcohol is served responsibly to help minimise alcohol-related harm. Supporting responsible consumption practices and preventing intoxication lowers the risk of alcohol-related violence and neighbourhood disturbance, and helps to promote a safe venue for customers and staff.

The NSW liquor laws prohibit the sale and supply of alcohol to intoxicated persons. Licensees also have a legal obligation to prevent intoxication from occurring on their premises. Significant penalties – including fines, higher annual licence fees, and possible suspension or cancellation of a licence – apply where alcohol is served to an intoxicated person or intoxication is permitted.

These guidelines include practical steps that licensees can take to manage the risk of intoxication on their premises. They will assist licensees to comply with the liquor laws and the conditions of their liquor licence.

While implementing these steps is not a licence requirement, it is recommended, as the steps provide evidence of what a licensee has done to minimise the risk of intoxication in the event of a prosecution under the liquor laws.

Because liquor is sold in a diverse range of circumstances, licensees and staff should also consider whether other measures – in addition to the steps outlined in these guidelines – are needed to minimise the risk of intoxication.

What is the law?

It is unlawful for a licensee or staff member to sell or supply liquor to an intoxicated person on licensed premises (section 73(2) of the *Liquor Act 2007*). The maximum penalty is \$11,000.

A person is intoxicated if:

- a. the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- b. Separate guidelines have been issued by the Secretary, of the Department of Industry, to assist licensees and staff in determining whether a person is intoxicated. Please refer to GL4003 'Intoxication guidelines' at <u>liquorandgaming.nsw.gov.au</u>.

It is unlawful for a licensee to permit intoxication on licensed premises (section 73(1)(a) of the *Liquor Act* 2007). The maximum penalty is \$11,000.

A licensee is deemed to have permitted intoxication if an intoxicated person is on the licensed premises (section 73(4) of the *Liquor Act 2007*), unless the licensee can prove:

- a. The licensee or staff:
 - i. asked the intoxicated person to leave the premises, and
 - ii. contacted, or attempted to contact, the police for assistance in removing the person from the premises, and
 - iii. the person was refused further service of liquor, or
- The licensee or a staff member had taken the steps set out in guidelines issued by the Secretary of the Department of Customer Service, under section 73(5A) of the *Liquor Act 2007*, or
- The intoxicated person did not consume liquor on the licensed premises.

Prevention of intoxication on licensed premises guidelines

There are other requirements in the case of on premises licenses for vessels.

- The licensee of an on premises licence for a vessel will need to prove that:
 - the person was not intoxicated when the person boarded the vessel, and
 - ii. the licensee, and the licensee's employees and agents, refused to serve the person liquor after becoming aware the person was intoxicated, and
 - the licensee, or the licensee's employee or agent, contacted, or attempted to contact, a police officer for help in removing the person from the vessel, and
 - iv. if the licensee, or the licensee's employee or agent, contacted a police officer, the licensee and the licensee's employees and agents followed the police officer's instructions, or
- b. the licensee proves that the licensee, and the licensee's employees and agents, took the steps set out in the guidelines issued under Section 73(5A) of the *Liquor Act 2007* to prevent intoxication on the vessel. or
- the licensee proves that the intoxicated person did not consume liquor on the vessel.

What is the purpose of these guidelines?

The Secretary of the Department of Customer Service, is required to issue these guidelines under section 73(5A) of the *Liquor Act 2007*. Their purpose is to describe the steps that licensees and their staff must take where a licensee wishes to be able to rely upon the defence in section 73(4)(a1) to establish that intoxication was not permitted on their licensed premises.

Where a licensee seeks to rely upon this defence, it will be necessary to demonstrate that **each of the steps** in these guidelines at the time that the offence of permitting intoxication was alleged to have occurred.

As an alternative to implementing the steps in these guidelines, licensees also have the option of relying upon sections 73(4)(a) or 73(4)(b) of the *Liquor Act* 2007 to defend an allegation that intoxication has been permitted on the licensed premises.

References

Any reference to a licensee in these guidelines includes a reference to a manager as defined in section 4 of the *Liquor Act 2007*.

Any reference to staff or a staff member in these guidelines includes a reference to any person undertaking duties related to the sale and supply of alcohol on the licensed premises, including security personnel and RSA marshals.

Steps to prevent intoxication on licensed premises

Selling, supplying and promoting liquor responsibly

The steps are:

- a. the requirement to not sell or supply liquor to an intoxicated person (under section 73(2) of the Liquor Act 2007) is complied with,
- b. obligations relating to responsible service of alcohol training and the availability of free water (under the Liquor Regulation 2018) are complied with,
- any conditions imposed on the liquor licence or any requirements under the *Liquor Act 2007* which restricts the times, type or quantity of alcohol sold or supplied on the licensed premises are complied with, and
- d. liquor is not sold, supplied or promoted in a manner that is inconsistent with the Liquor Promotion Guidelines issued by the Secretary, of the Department of Industry, under section 102(4) of the Liquor Act 2007.

Please refer to GL4001 'Liquor Promotion Guidelines' at <u>liquorandgaming.nsw.gov.au</u>.

2. Monitoring liquor consumption and patron behaviour

The steps are:

- a. the licensed premises is operating under the direct supervision of the licensee or appropriately experienced supervisory staff whenever liquor is being sold and supplied,
- liquor consumption by all patrons is actively monitored by the licensee or staff,
- intervention occurs when the licensee or a staff member becomes aware that a patron is consuming liquor irresponsibly and in a manner likely to result in intoxication,
- d. intervention occurs when the licensee or a staff member becomes aware that a patron is intoxicated to prevent the person from consuming liquor and to request that person to leave the premises,

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Prevention of intoxication on licensed premises guidelines

- e. patrons entering the licensed premises between midnight and 5am are actively monitored and assessed for intoxication at the time of entry, and
- f. any conditions imposed on the liquor licence, requirements under the Liquor Act 2007, or requirements of a development consent or approval under the Environmental Planning and Assessment Act 1979, relating to the engagement and duties of security personnel and/or RSA marshals are complied with.

3. Implementing harm minimisation measures The steps are:

- a. the availability of free drinking water is actively promoted to patrons throughout the licensed premises.
- action is taken to make patrons aware of the availability of non-alcoholic and low strength alcoholic beverages in the licensed premises,
- any requirements under the Liquor Act 2007 relating to the provision of food on the licensed premises are complied with in a manner consistent with the reasonable requirements, expectations and demands of the patrons of the premises, and
- d. the following drinks are not sold or supplied between midnight and 5am:
 - i. any drink (commonly referred to as a 'shot', a 'shooter' or a 'bomb') that is designed to be consumed rapidly,
 - ii. any ready to drink beverage with an alcohol by volume content of more than 5%, and
 - iii. any drink prepared on the premises that contains more than 30 ml of spirits or liqueur, other than a cocktail that contains spirits or liqueur (or both) mixed with other ingredients and that is not designed to be consumed rapidly.

4. Planning to prevent intoxication on the licensed premises

The steps are:

- a. written document (such as a plan or house policy) is prepared which:
 - details the measures in place to prevent intoxication on the licensed premises (including the method of complying with the steps set out in these guidelines),
 - ii. describes how staff are instructed and trained to prevent intoxication on the licensed premises, and
 - iii. is provided to police and inspectors upon request.
- all staff receive instructions and training on the contents of the document referred to in step 4(a) above before they commence working on the licensed premises.

APPENDIX B - INTOXICATION GUIDELINES

GL4003

Intoxication guidelines

These guidelines are designed to assist you to determine whether or not a person is intoxicated.

Overview

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

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

What is the law?

Section 5 of the *Liquor Act 2007* states that a person is intoxicated if:

- the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Liquor licensees have important obligations to ensure alcohol is served responsibly to help minimise alcohol-related harm.

Supporting responsible consumption practices and preventing intoxication lowers the risk of alcohol-related violence and neighbourhood disturbance, and helps to promote a safe venue for customers and staff.

The NSW liquor laws prohibit the sale and supply of alcohol to intoxicated persons. Licensees also have a legal obligation to prevent intoxication from occurring on their premises. Fines, higher annual licence fees, and possible suspension or cancellation of a licence can apply where alcohol is served to an intoxicated person or intoxication is permitted.

Intoxication offences under the NSW liquor laws are discussed in the GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines. The guidelines outline the obligations of licensees and serving staff. They provide advice on steps that can be taken by licensees and staff to manage the risk of intoxication on licensed premises.

The GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines are issued by the Secretary, NSW Department of Industry, under section 73(5A) of the *Liquor Act 2007* and are available from Liquor & Gaming NSW at liquorandgaming.nsw.gov.au.

What are the noticeable signs of intoxication?

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

Speech

- slurring words
- rambling or unintelligible conversation
- loss of train of thought
- not understanding normal conversation
- difficulty paying attention.

Balance

- unsteady on feet
- swaying uncontrollably
- staggering
- difficulty walking straight

- bumping into or knocking over furniture or people.

Coordination

- lack of coordination
- spilling drinks
- dropping drinks
- ▲ fumbling change

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Intoxication guidelines

- difficulty counting money or paying
- difficulty opening or closing doors
- inability to find one's mouth with a glass.

Behaviour

- aggressive
- belligerent
- argumentative
- bad tempered
- physically violent
- loud / boisterous
- confused
- disorderly
- exuberant
- using offensive language
- annoying / pestering others
- overly friendly
- loss of inhibition
- inappropriate sexual advances
- drowsiness or sleeping at bar or table
- vomiting
- drinking rapidly.

Standard drinks

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

The <u>Standard drinks guide</u> can be used to help identify how many standard drinks have been consumed and is available from <u>alcohol.gov.au</u>.



How else to determine if someone is intoxicated

Make observations

- Does the person smell of alcohol?
- ▲ How long has the person been drinking?

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

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

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

Reasonable belief that a person is intoxicated

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

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

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

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

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

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

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

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

Examples only:

- acute infections
- acquired brain injury
- ▲ brain trauma/tumours
- ▲ delirium
- diabetes/hypoglycaemia

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Intoxication guidelines

- epilepsy
- head injuries
- pneumonia
- seizures and post-seizure states

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

- Slow service down for the patron
- Wait for the patron to re-order, don't automatically top up drinks
- Do not conduct any activity or promotion that will result in patrons engaging in irresponsible, rapid, or excessive consumption of liquor.

What to do if someone is intoxicated

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

Procedures for dealing with intoxication incidents should be in place and staff should be trained in these procedures.

When refusing service to a person:

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

- Give a clear instruction that the person must leave the premises. If necessary, guide them to the exit, ensuring that they have all their personal possessions with them.
- ▲ If the person refuses to leave then you should. contact police for assistance in removing the person from the premises.
- ▲ If considered necessary, management may consider imposing a short term ban.

The Liquor & Gaming NSW website has a number of resources which provide further information on refusing entry or removing patrons from a premises.

See the FS3030 'Refusal of entry and patron bans/ barring' fact sheet for further information on refusing entry or removing patrons from a premises, or search for 'refusing entry' at liquorandgaming.nsw.gov.au.

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

For further information

Visit liquorandgaming.nsw.gov.au for more information about the liquor laws. Subscriptions to our e-news service are also available from this site.

Access to the liquor laws - the Liquor Act 2007 and the Liquor Regulation 2018 - is available from liquorandgaming.nsw.gov.au.

To find out more about the liquor laws, contact L&GNSW:

liquorandgaming.nsw.gov.au

1300 024 720

@ Contact us online

Publication details

These guidelines are published by the Secretary, NSW Department of Industry, under section 5 of the Liquor Act 2007. They are designed to assist you to determine whether or not a person is intoxicated.

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

APPENDIX C - PROMOTION OF LIQUOR GUIDELINES



GL4001

Liquor Promotion Guidelines

Introduction

Promotions and activities that surround the sale and supply of alcohol can have a significant influence on patrons and the way they behave.

Undesirable or poorly managed liquor promotions can encourage people to drink irresponsibly and excessively, and lead to alcohol-related violence and anti-social behaviour and adverse health impacts.

Promotions that appeal to minors, are indecent, offensive, or are generally out of step with community standards can also encourage risky drinking and may lead to behaviours which harm or offend others.

Ensuring liquor promotions are run responsibly helps to minimise the harms that can arise. It also makes good business sense, and supports the sustainability and responsible development of the industry in NSW.

The Secretary, Department of Industry, has the power to ban or restrict 'undesirable' liquor promotions run by licensed venues in NSW by issuing a notice under section 102 of the *Liquor Act 2007* (the Act).

Before the Secretary can exercise this power, publicly available guidelines must be released under section 102(4) of the Act. These Guidelines fulfil this requirement and indicate the kinds of promotions or activities that the Secretary would consider being the subject of a notice.

The Secretary is also able to ban or restrict any activities at licensed venues that are likely to encourage the misuse and abuse of liquor under section 102A of the Act. This does not require guidelines and can be relevant for promotional activities as well as broader activities run on licensed premises.

The Secretary may also ban or restrict licensees from selling or supplying specific liquor products where they are considered 'undesirable' under section 101 of the Act.

Running promotions responsibly in NSW - The Law

What are my obligations as a licensee?

All licensees and staff have obligations under the *Liquor Act 2007* (the Act) to maintain responsible attitudes and practices towards promoting and selling alcohol.

These Guidelines convey principles for running promotions responsibly in NSW, and help to set standards for licensees to follow by providing examples of unacceptable practices.

If a licensee runs a promotion that is inconsistent with any of the principles or related standards set out in the Guidelines, they may be subject to regulatory scrutiny and intervention.

Liquor & Gaming NSW actively monitors liquor promotions run by licensed venues and also assesses complaints raised by the public.

What makes a promotion undesirable?

A promotional activity can be 'undesirable' and subject to a ban or restriction if the Secretary considers it contravenes one of seven principles in section 102 of the Act. These include that a promotion:

- Must not have a special appeal to minors, because of the design, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors, or for any other reason.
- 2. Must not be indecent or offensive.
- Must not involve the use of non-standard measures that encourage irresponsible drinking and is likely to result in intoxication.
- Should not use emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication.
- Should not involve 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.

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- Should not otherwise encourage irresponsible, rapid or excessive consumption of liquor.
- Should not otherwise be considered to not be in the public interest.

What can I do to ensure a promotion complies?

When running promotions licensees should always consider how the principles apply, as well as what actions they can take to minimise any risk of harm.

Examples of unacceptable promotions that are clearly inconsistent with the principles and must not be undertaken are provided in these Guidelines to help demonstrate relevant standards in relation to each principle. However, they are not intended to be a definitive list of what can and cannot be done.

The Guidelines also include information about some of the practical steps that can be taken by licensees to help manage any associated risks.

What happens if my promotion doesn't comply?

If a licensee runs a liquor promotion that may be considered 'undesirable' it can be actively investigated by Liquor & Gaming NSW.

Typically, Liquor & Gaming NSW will first contact the licensee to seek an explanation when there are concerns that standards are not being met, and may request changes or withdrawal of the promotion.

If any concerns are not addressed then the Secretary, or a Liquor & Gaming NSW delegate, can ban or restrict any promotion considered to be undesirable by issuing a written notice under section 102 of the Act.

Section 102A can also be used to restrict or prohibit any activities likely to encourage the misuse or abuse of liquor.

If a licensee does not comply with a ban or restriction, they face fines of up to \$5,500.

What promotions do the Guidelines apply to?

All NSW licensees should be mindful that the Guidelines apply to all types of promotional activities - whether they are run using more traditional channels like flyers or posters or over the Internet, social media or SMS.

They extend to promotions that use social media influencers or other third parties, including any promoters engaged by a licensee.

The Guidelines also apply across different licensed environments where risks can differ and alcohol is being promoted:

- ▲ for consumption on premises; and
- for take-away or home delivery.

Past examples of promotions investigated by Liquor & Gaming NSW are included in the Guidelines to help demonstrate how each of the principles apply in these different contexts.

Principle 1 - Appeal to Minors

Promotions must not have a special appeal to minors, because of the design, 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.

Promotions that hold particular appeal to minors can pose a significant risk as they may lead to increased levels of alcohol-related harm in a vulnerable group.

The National Health and Medical Research Council Guidelines refer to the increased risks of harm from alcohol for minors. Early drinking is related to increased alcohol consumption in adolescence and young adulthood. These drinking patterns are also related to the possibility of damage to the developing brain and development of alcohol-related harms in adulthood.

Examples of unacceptable promotions

- Using characters, imagery, motifs, naming or designs that would appeal to minors.
- Including merchandise that primarily appeals to minors.
- Using interactive games or technology that would appeal to minors.
- Using images of people that look under 18 years of age that suggests they are or have been consuming liquor or may be about to.

Managing related risks

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

Licensees should also exercise extra caution if running any promotions in environments where young people are more likely to be present.

For example, minors can readily be exposed to promotional material published over digital and social media platforms.

Placing promotional material at or close to primary or secondary schools, or other areas mostly used by minors, is likely to be 'unacceptable' in all cases.

Minors can also access most licensed premises in the company of a responsible adult, so licensees also need to be aware of their presence when running any promotions on-site.

Past examples of promotions that have been investigated

On-premises environment

 Cartoon animal characters that would appeal to minors were depicted on a hotel's Facebook page promoting a liquor activity.

Take-away environment

- A take-away liquor store packaged bottles of vodka with a box of Skittles and included instruction on how to mix Skittle bombs.
- Images on a licensee's Facebook page depicted young people in a heavily drunken state.
- An image on a licensee's Facebook and Instagram account paired an image of a large crowd of young people at a concert with a large-sized bottle of liquor on stage with the provocative title 'Raise your hand if you have been personally victimized by vodka'.

Principle 2 - Indecent or Offensive

Promotions must not be indecent or offensive.

Explanation

The use of indecent or offensive material in a liquor promotion is of poor taste and is against general community standards.

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

Indecent and offensive promotions may be a catalyst for crime or violence, including sexual crime against women.

Examples of unacceptable promotions

- Using images, including of human bodies, that may be considered offensive to a reasonable adult.
- Offering free or discounted drinks for participating in an activity that may be offensive to a reasonable adult present on the premises, for example, encouraging participants to remove items of clothing.
- Using insulting or offensive language.
- Using any form of discriminatory, demeaning or vilifying language or imagery.
- Using sexual, degrading or sexist images, symbols, figures or innuendo.

Managing related risks

Some drink brands and cocktails have provocative language in their names. While the sale of these products is largely accepted in society, care should be taken not to use language that may be insulting or offensive as a key part of the branding of any related liquor promotions. Branding a promotion with this language is likely to be considered 'undesirable'.

Caution should be exercised in promoting these products within or externally to a venue to limit the potential to cause offence.

Past examples of promotions that have been investigated

On-premises environment

A hotel's Facebook post promoted ANZAC Day celebrations using sexual imagery with the title 'Let's re-enact Gallipoli;' 'Screw battle, we're getting drunk;' and 'Terrible shape for Dawn Service.'

Take-away environment

- A producer/wholesaler posted a promotion for a liquor product on its Facebook and Instagram pages depicting the consumption of liquor with sexual acts.
- A producer/wholesaler shared a video on its Facebook page created by another account user which promoted cheap liquor and excessive drinking using obscene language. The video was tagged 'Like watch and share'.

Principle 3 - Non-Standard Measures

Promotions must not involve the use of nonstandard measures that encourage 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 patrons to make informed decisions about their alcohol intake. In Australia, a standard measure contains 10 grams of pure alcohol. Licensees may refer to the National Guidelines for Alcohol Consumption on the Australian Department of Health website for further details on standard measures.

Where standard measures aren't used the likelihood of irresponsible drinking is increased as the alcohol content of the drink is unknown.

This principle, and the use of standard measures, is most relevant for promotions that offer liquor for consumption on licensed premises.

Separate requirements apply to packaged liquor sales to ensure standard drink information is clearly stated on liquor products (Food Standards Australia New Zealand) and to restrict the sale or supply of undesirable liquor products that may encourage irresponsible drinking (section 101 of the Act).

Examples of unacceptable promotions

- Encouraging the consumption of liquor in a yard glass for skolling.
- Encouraging the consumption of laybacks, slammers, blasters, bombs or consumption from a water pistol or test tubes with no stand.
- Encouraging 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).
- Encouraging the consumption of multiple shooters or shots by an individual.

Managing related risks

Care needs to be taken where liquor is being served in vessels that are not well recognised (e.g. schooner or wine glass) to ensure patrons have the ability to judge how much they consume.

If a promotion is being undertaken where an alcoholic drink is being sold in a large volume (such as jugs) or 'novelty' drinkware (such as teapots or jam jars) the following approach should be taken:

- Accurate standard measures should be used to pour the drink into the vessel.
- If the drink is meant to be shared, standard sized drinking vessels should be provided.
- Patrons should be made clearly aware of the alcohol content of the drink. For example, details of the number of standard drinks should be available on the drinks menu or on other suitable promotional material for the drink such as posters.

Past examples of promotions that have been investigated

On-premises environment

- A hotel supplied liquor in three litre cocktail balloons and two litre towers. Large vessels such as these can make it difficult for patrons to monitor their rate of alcohol consumption.
- A registered club promoted 'Mid-week Fishbowl Cravings' offering cocktails served in fishbowls with a straw.
- A hotel promoted \$10 cocktail buckets where patrons consumed the cocktail directly from the bucket with straws.

Principle 4 – Emotive Description or Advertising

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

Explanation

The use of emotive descriptions in a liquor promotion can encourage irresponsible drinking.

A promotion that focuses on drinking irresponsibly or uses emotive descriptions to encourage excessive or rapid drinking can influence the actions of consumers and increase the likelihood of drinking to excess, intoxication and other alcohol related-harm.

Examples of unacceptable promotions

- Promoting events which focus primarily on the excessive consumption of alcohol e.g. 'Mad Monday'.
- Using language, labelling or titling that suggest irresponsible or excessive consumption of alcohol (e.g. 'Drink like a fish', 'beat the clock' and challenges to drink within certain timeframes).
- Engaging a person who, as part of the promotion, enthusiastically talks up excessive consumption of alcoholic beverages, encourages intoxication or irresponsible or illegal behaviour.
- Encouraging consumers to get drunk. This may involve the use of language images or slogans such as 'drink till you drop' or 'drink your money's worth'.
- Encouraging patrons to post pictures on social media of themselves in an intoxicated state.

Managing related risks

Licensees should take particular care in determining whether the name of a promotion or any promotional material used contains descriptions that may encourage irresponsible drinking.

Past examples of promotions that have been investigated

On-premises environment

- A hotel promoted a challenge to drink 30 tequila shots in 10 minutes. The challenge encouraged excessive drinking and posed significant risk to patron health and safety.
- A restaurant promoted a five-litre beer stein challenge for Oktoberfest.
- A bar promoted frozen cocktails with the tag line 'let's get slushie sloshed.' Emotive tag lines may encourage people to drink irresponsibly.
- A hotel challenged patrons to drink six beers in 60 minutes

Take-away environment

A takeaway liquor store promotion used the words 'stock up, party and don't risk running out of drinks.'

Principle 5 - Extreme Discounts

Promotions should not involve the provision of free drinks or extreme discounts, or discounts for a limited duration that create 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 business. However, discounts should not be excessive to the point where the promotion could encourage irresponsible drinking and intoxication.

Examples of unacceptable promotions

- Providing free drinks which encourage rapid consumption of alcohol (e.g. all you can drink in a limited time frame).
- Using 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).
- Promoting happy hours encouraging or facilitating the rapid consumption of alcohol.
- Promotions that link the consumption of alcohol to unpredictable events (e.g. free drinks until the first points scored).

Managing related risks

It is important for licensees to consider implementing harm minimisation measures to reduce any risk of irresponsible drinking and intoxication that can arise from discounting practices. Licensees need to be aware that some discount promotions pose higher risks and are likely to be 'unacceptable' unless these risks are managed appropriately.

Examples of promotions likely to be 'unacceptable' without appropriate measures include those that:

- Encourage the purchase of large amounts of alcohol with rewards of free or discounted drinks (e.g. buy six drinks and get two free drinks) to be redeemed within the same trading period.
- Offer 'buy one, get one free' deals through discount vouchers, cards or 'shopper docket' offers without purchase limits or other suitable controls in place.
- Run for very short periods, creating incentive for patrons to stockpile or consume liquor rapidly.

- Run for extended periods over two hours, where patrons may drink more than they otherwise would.
- Offer 'all you can drink' for a set price or long periods of free drinks (e.g. \$50 entry and free drinks all night).
- Involve discounts of greater than 50% off the normal retail price.

There are a range of measures licensees can adopt to reduce the risk from discount liquor promotions, such as controls on the timing, drinks limits, promoting lower strength drinks, and close monitoring of patron behaviour on the premises during and after discount promotions.

Licensees should be cautious in offering discounts on drinks associated with rapid alcohol consumption (e.g. shots). Extreme discounting of any product designed for rapid consumption, whether for consumption onpremises or for take-away, is likely to be unacceptable.

Additional Information

Across the hospitality industry, there are a range of businesses that offer functions packages inclusive of all drinks for a set price (such as wedding packages, corporate events, etc). The Guidelines do not seek to prevent this type of activity. However, it is the responsibility of licensees to ensure the function is run safely and alcohol is served responsibly.

Past examples of promotions that have been investigated

On-premises environment

- A hotel promoted \$2 beers, this being at significant discount from the hotel's regular sale price.
- A restaurant promoted unlimited sake for two hours for \$17.90 per person.
- A night club promoted a \$30 door charge which included free house spirits, beer, wine and cider from 9pm till 3am.
- A hotel State of Origin promotion offered free middles until the first points scored.

Take-away environment

A takeaway liquor store promoted packaged single shots for 50c each. Extreme discounts on products designed for rapid consumption are likely to encourage irresponsible consumption.

Principle 6 – Irresponsible, Rapid or Excessive Consumption

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

Explanation

Licensees should always be mindful that liquor promotions they run do not encourage people to drink irresponsibly, rapidly or excessively.

It is important to consider how and when any alcohol will be consumed as a result of any promotion, and what related measures could help manage the risk of people drinking irresponsibly.

While promotions such as happy hours, competitions and games can enliven the environment on licensed premises, if not well managed they may incentivise irresponsible or excessive consumption.

Licensees should take care to ensure these types of promotions do not encourage people to drink in greater amounts or faster than they otherwise would.

Examples of unacceptable promotions

- Using drinkware which encourages rapid consumption, such as test tubes, water pistols or yard glasses.
- Drinking games, competitions, challenges, dares, scoreboards, lotteries or games of chance that involve the rapid or excessive consumption of liquor (e.g. beer pong, skolling games, flip and win, 'around the world', '60 shots in 60 minutes', pub golf).
- Challenging or daring patrons to drink a particular drink because of its higher alcohol content.
- Happy hours occurring late into the trading period or early hours of the morning.
- Encourage the stockpiling of drinks.

Managing related risks

While some competitions and games involving alcohol consumption are 'unacceptable', others can help to create enjoyable and safe environments in venues if run responsibly. Licensees should ensure that consuming alcohol is not required to take part in any competition or game. If there is a prize on offer, licensees are also encouraged to offer prizes other than liquor, such as meals, movie tickets or other products.

It is common for licensees to run happy hours to promote their business. When run responsibly, with suitable limits on duration, timing and frequency, this poses limited risk of irresponsible drinking.

There are many different harm minimisation measures licensees can adopt to manage risks relating to irresponsible, rapid or excessive consumption of alcohol from broader liquor promotions. A detailed summary of practical steps licensees can take is included at page 10 of these Guidelines.

Past examples of promotions that have been investigated

On-premises environment

- A restaurant promoted a Soju Bomb challenge on its Facebook page encouraging diners to create a new record for the number of bombs consumed in a sitting.
- A hotel promoted drinking games linked to scissor, paper, rock and toss the boss on its Facebook page. These and similar games, are unacceptable as they encourage patrons to drink more and in a shorter timeframe than they otherwise would.
- A karaoke venue's house policy instructed staff to 'make customers drink more.' Staff should never encourage patrons to drink more. This is an unacceptable practice.

Take-away environment

- A hotel promotion offered the chance to win 100 cans of beer when patrons download a mobile phone app.
- A hotel promoted a competition to win your height in a canned premixed alcoholic drink.

Principle 7 - Not in Public Interest

Promotions should not otherwise be 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 the other principles in the Guidelines, but may be considered undesirable as they are not in the public interest.

Generally, if something is not in the public interest it goes against principles of fairness, equity, decency or lawfulness in society. Public interest is linked to the wellbeing of the community or risk of detriment to the community at large.

Licensees need to ensure promotions do not contain discriminatory or demeaning content, or promote unlawfulness.

Examples of unacceptable promotions

- Using images or messages that could be seen to be encouraging or condoning breaking the law or other anti-social behaviour.
- Using images or messages which link the promotion of alcohol with illicit drugs or allude to drug taking behaviour.
- Associating liquor consumption with aggressive or violent behaviour towards other people.
- Including discriminatory elements into a promotion such as a gender-based free drinks or discounts (e.g., 'women drink free').

Past examples of promotions that have been investigated

On-premises environment

- ▲ A hotel promoted a jelly wrestling event to raise money for a charity. VIP tickets were on sale that included unlimited drinks for three hours. The event schedule also included boat race drinking games. The promotion was not consistent with a number of Principles in the Guidelines. It was therefore considered to not be in the public interest.
- A club promotion alluded to drug usage with the consumption of shots. The promotion was titled 'Shots or Lines'.

Take-away environment

A social media account associated with a producer/ wholesaler shared a video of two males jumping off letter boxes with the caption 'Sink a couple and you too will become a gymnastics gold medalist #undertheinfluence.' Promoting any inappropriate activity while under the influence of alcohol is against the public interest.

Harm Minimisation Measures

What additional steps can licensees take to ensure their promotions are run responsibly?

Licensees should never run promotions identified in these Guidelines as being 'unacceptable'.

Beyond that, licensees also need to actively consider the risk of harm from any other liquor promotion activities.

There can often be risks that need to be managed through appropriate harm minimisation measures. It's up to individual licensees to manage and minimise these risks within their own business environment.

Adopting harm minimisation measures can help ensure liquor is consumed responsibly, and allows patrons to enjoy safer environments together with the benefits of a promotion. This makes good sense for the business and supports responsible industry development. It also reduces the potential for serious liquor law breaches.

On-premises environment

For venues selling liquor for consumption on the premises, it is particularly important to plan for, control and monitor how promotions could impact patrons and ensure it does not encourage excessive drinking and intoxication on the premises. Some suggested steps licensees can take to reduce risk with running liquor promotions include, but are not limited to:

Consider the timing of a promotion

Time of day – Licensees should be mindful of the times they run promotions and consider doing so at a time that poses lower risk. Running a promotion during certain times of the day can pose higher risks of irresponsible consumption. Promotions run before 10pm typically pose less risk than during the later trading period, as patrons are less likely to have consumed as much and more likely to have eaten.

Duration – Where the duration of a promotion is either too short or too long it can elevate the risk. Short promotions may encourage patrons to consume alcohol rapidly (e.g. discounted drinks for the first 10 minutes of each hour). Promotions that run for too long can pose a risk of patrons drinking excessively over an extended period, especially where they have been at the same venue for a number of hours. Licensees should appropriately time the duration of promotions to reduce the risk of irresponsible drinking. For example, happy hours should not exceed one to two hours.

Frequency – Running multiple promotions during a single trading period can increase the likelihood of patrons drinking excessively, especially if patrons have been at a particular venue for a long time, and can take advantage of multiple promotions. Licensees should consider restricting the number of promotions run over a single trading period.

■ Consider placing limits on volume and strength

Drink limits – A drink limit on the number of drinks a

person can purchase during a promotion, or each

visit to the bar, provides an opportunity for patrons

to enjoy the benefit of a promotion while facilitating

responsible service of alcohol. For example,

maximum two drinks per person.

Liquor strength – Drinks containing high alcohol content can lead to patrons to become intoxicated quickly. Offering drinks containing lower alcohol content in a promotion is an easy way to reduce the likelihood of intoxication.

Monitor and manage patrons during promotions

Drink stockpiling – Bar staff should always keep a look out for patrons who try to stockpile several unconsumed drinks. Stockpiling drinks poses a significant risk of excessive or rapid intoxication. Where bar staff see a patron attempting to do so, they should cease any further service.

RSA marshals – Employing RSA marshals during the course of a promotion can help venues monitor consumption of alcohol. It also makes it easier to identify and respond early to patrons who may be at risk of becoming intoxicated.

Take-away environment

For venues selling liquor for take-away it is important to consider and apply appropriate harm minimisation measures that are suitable for the take-away business environment.

Consider placing limits on coupons

Discount promotions such as discount vouchers, cards or 'shopper docket' without purchase limits or other suitable controls in place can pose a risk of irresponsible drinking. If using coupons, licensees should consider applying limits on the volume of alcohol that can be purchased and/or restricting their use to one per person.

All licensed environments

- Apply common sense in discounting liquor Discounts on alcohol designed for rapid consumption, such as shots, may pose significant risk of irresponsible drinking. Licensees should limit discounts on these products to ensure they are not excessive. It is also important to consider the normal retail price in determining the discount size. A 75% discount on an expensive bottle of wine may have a different effect to 75% off pre-packaged shots or cask wine.
- ▲ Apply strict controls on what promoters do for you When a licensee engages any third party to run a promotion on their behalf, it is important to ensure it still complies with principles and standards set by the Guidelines. A notice may be issued to the licensee where a third party runs a promotion on their behalf that is considered undesirable.
- Be cautious in offering liquor as a prize Licensees are encouraged to consider offering prizes other than liquor, particularly where the liquor can only be consumed on the licensed premises and there is increased risk of patrons consuming more than they otherwise would. If liquor is being offered as a prize in a trade promotion lottery, restrictions apply on how much liquor can be included. Licensees should refer to the NSW Fair Trading website for more details.
- Consider broader national advertising standards Licensees should understand how their promotions operate within the broader national regulatory frameworks for alcohol advertising. This includes available national codes and guidelines relating to responsible advertising and marketing of alcohol. Codes such as the ABAC Responsible Alcohol Marketing Code and Outdoor Media Association Policies include standards relating to content and placement that span state and territory boundaries and are relevant for liquor promotions and broader forms of advertising.

For further information

For more information about liquor promotions contact us:

⊕ liquorandgaming.nsw.gov.au

**** 1300 024 720

@ Contact us online

To make a complaint about liquor promotions please contact the Compliance Unit:

02 9995 0837

@ Contact us online

Disclaimer

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

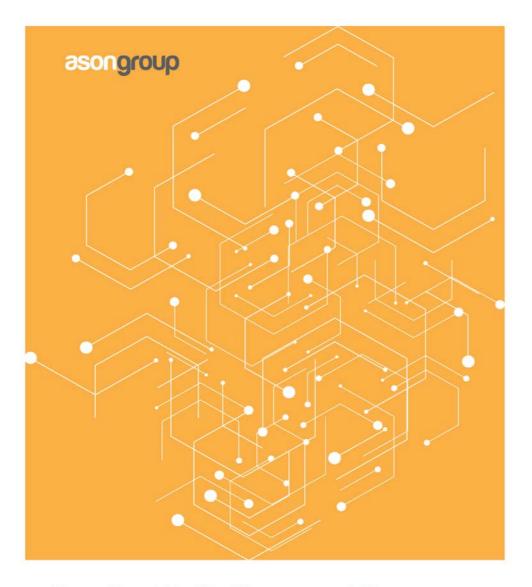
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APPENDIX D - LIQUOR LICENCE

APPENDIX E - DEVELOPMENT CONSENT

APPENDIX F - OPERATIONAL TRAFFIC MANAGEMENT PLAN



Operational Traffic Management Plan

Heartland Motors, Castle Hill 24/05/2022 1367r03v05



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1 Introduction

1.1 Overview

Ason Group has been engaged by Heartland Motors to prepare a Operational Traffic Management Plan (OTMP) relating to the partial redevelopment of the existing Heartland Motors (the Dealership) site at 1 Packard Avenue, Castle Hill (the Site). The Site consists of frontages to Packard Avenue, Windsor Road and Victoria Avenue. The existing Heartlands Motors has a total site area of 22,740 square metres.

It is proposed to incorporate a pub to be known as The Range Hotel (the Pub) at the north-western corner of the Site, which currently consists of a sealed car park and is used as a vehicle display area fronting onto Packard Avenue and Victoria Avenue.

As a result of the introduction of the Pub, the site area associated with motor vehicle sales and servicing will be reduced to a total of 14,982 square metres.

1.2 Exclusions

This OTMP does not cover the following:

- Traffic and pedestrian management associated with construction activities. Reference should be made to relevant Construction Traffic Management Plans (CTMP) or Traffic Guidance Schemes (TGSs) specific to those works, as required.
- Transport of Dangerous Goods is not covered by this OTMP. A Transport Emergency Response Plan (TERP) is required prior to transport of any Dangerous Goods. It is expected that such plans will be prepared by contractors / building tenants involved in the transport of Dangerous Goods to/from the individual businesses within the Site.



2 Site Details

2.1 Site overview

The Site is located at 1 Packard Avenue, Castle Hill NSW 2154. The Site has three (3) street frontages to Packard Avenue, Windsor Road and Victoria Avenue.

The Site is shown in its local context in **Figure 1**, and in the broader context of the Showground Precinct in **Figure 2**.



Figure 1: Site Overview

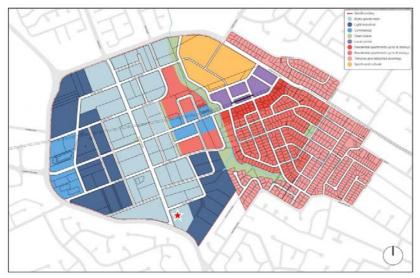


Figure 2: The Site and Showground Station Precinct

2.2 Motor Vehicle Sales and Servicing - Operational Hours

The hours of operations for motor vehicle sales and servicing are as follows:

- Motor vehicle sales Monday to Saturday, between 8:30am 5:30pm
- Motor vehicle servicing Monday to Friday, between 7:30am 5:30pm

2.3 Proposed Pub - Operational Hours and Capacity

The proposed hours of operations and patron capacity for the Pub is as follows:

- $\bullet \quad \text{Pub Hours of Operations} \text{Monday to Saturday: 10am to 12 midnight, Sunday: 10am} \text{10pm} \\$
- Maximum Patron Capacity:
- Monday Saturday, 550 patrons between 10am 5:30pm
- Monday Saturday, 850 patrons between 5:30pm 12 midnight
- Sunday 850 patrons between 10am 10pm



2.4 Motor Vehicle Sales and Servicing Operations - General

The existing motor vehicle sales operations comprise of:

- New Vehicles Sales and Display
- Used Vehicles Sales and Display
- Customer Parking
- · Vehicle Servicing Parking (inside and outside of workshop buildings), and valet service arrangement
- On-site vehicle storage

The existing site provide 18 hoists within the main workshop. The smaller workshop is for parking and washing of vehicles, ancillary to the vehicle sales and servicing functions of the site

Coinciding with the proposed Pub Development is modifications to the Motor Vehicle Sales operations on-site, comprising:

- Reduction in used vehicle sales operations and associated vehicle display from the existing display of approximately 100 vehicles to 5 vehicles outside of the dealership buildings;
- Reduction in on-site storage of new vehicles. New vehicle storage will rely on the storage yard of
 Heartland Motors at 18 20 Chicago Avenue, Blacktown and other sites for unsold or extra vehicles that
 require off-site storage. Heartland Motors' Blacktown site has current approvals and the capacity to store
 vehicle stock;
- Reduction in motor vehicle sales and servicing site area to 14,982 square metres.

2.5 Motor Vehicle Servicing

The site provides for a total of 18 hoists in the main workshop, with an additional smaller workshop building used for parking and washing of vehicles, ancillary to the vehicle sales and servicing functions of the site.

Records provided by Heartland Motors found that the site services an average of 33 vehicles per day with the 18 hoists on-site over a three-month period between December 2021 to February 2022.

Further records provided by Heartland Motors for the period between January 2018 to December 2019 (refer to Appendix A for details) found:

- In the 2018 calendar year, an average of 37.5 vehicles per day were serviced;
- In the 2019 calendar year, an average of 29.9 vehicles per day were serviced.

A total of 7 loan cars are available for motor vehicle servicing customers.



Heartland Motors also provide a shuttle service from the dealership to selected key destinations.

Details of Vehicle Servicing Operations are outlined in Section 3.1.2 of this report.

2.6 Site Access

Proposed site access arrangements comprise of two access driveways, with both providing access and egress along the Packard Avenue frontage of the Site, on the eastern and western sides respectively.

2.6.1 Light Vehicle Access and Circulation

Light vehicle access to each of the tenancies is provided below.

The Pub

 Ingress and egress to the Pub will be provided via the western driveway along the Packard Avenue frontage of the Site.

The Dealership

 Ingress and egress to the Dealership will be provided via the eastern driveway along the Packard Avenue frontage of the Site.

Site access and circulation arrangements based on different times are outlined in the following Figures 3 to 9.

- Figure 3: Motor Vehicle Sales & Servicing Operations, between 7:30am 10:00am, Monday to Friday
- Figure 4: Motor Vehicle Sales & Servicing Operations plus Hotel, between 10:00am 5:30pm, Monday to Friday
- Figure 5: Hotel Operations, between 5:30pm Midnight, Monday to Friday
- Figure 6: Motor Vehicle Sales, between 8:30am 10:00am, Saturday
- Figure 7: Motor Vehicle Sales plus Hotel, between 10:00am 5:30pm, Saturday
- Figure 8: Hotel Operations, between 5:30pm Midnight, Saturday
- Figure 9: Hotel Operations, between 10am Midnight, Sunday



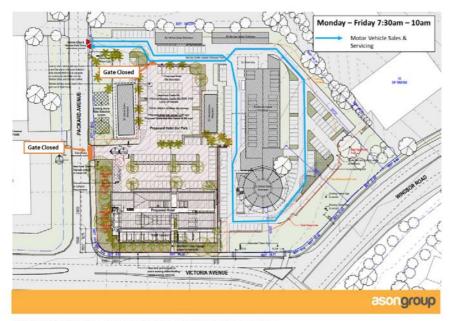


Figure 3: Light Vehicle Access - Monday to Friday, 7:30am to 10am

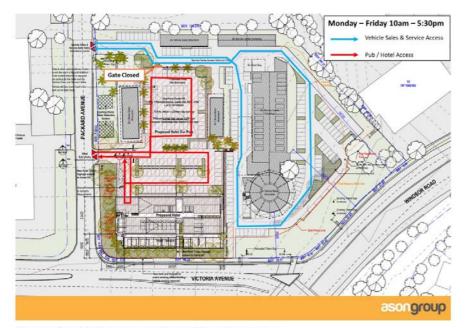


Figure 4: Light Vehicle Access - Monday to Friday, 10am to 5:30pm

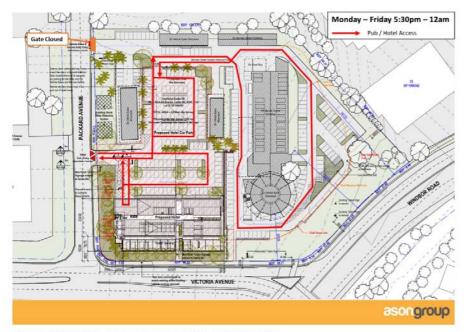


Figure 5: Light Vehicle Access - Monday to Friday, 5:30pm to 12am



Figure 6: Light Vehicle Access - Saturday, 8:30am to 10am

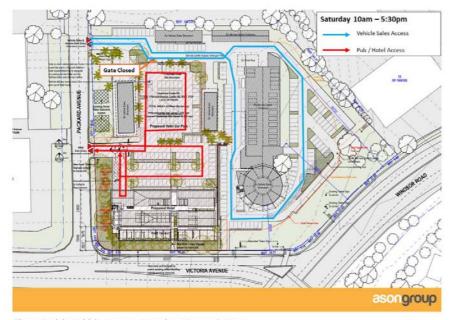


Figure 7: Light Vehicle Access - Saturday, 10am to 5:30pm



Figure 8: Light Vehicle Access - Saturday, 5:30 to 12am



Figure 9: Light Vehicle Access - Sunday, 10am to 10pm

Heavy vehicles making deliveries to the Dealership will enter via the western access driveway on Packard Avenue. The heavy vehicle access and circulation are for delivery of vehicle stock using car transport trucks up to the dimension of a 20m Articulated Vehicle.

Typical delivery of vehicles are undertaken by tray trucks up to the dimension of a 12.5m Heavy Rigid Vehicle.

Vehicle deliveries will take place outside of the operational hours of the proposed Pub. Heartland Motor shall notify the Pub of the vehicle deliveries prior to the scheduled delivery. Staff from Heartland Motor will be responsible for opening and closing the gate at western access driveway on Packard Avenue as well as the gate between the Pub and Heartland Motor on the day of vehicle delivery.

Deliveries to the Pub has been designed for vehicles up to 8.8m Medium Rigid Vehicle as per the Transport Assessment report.

Figure 10 highlights the proposed access and internal circulation for heavy vehicles for vehicle deliveries.

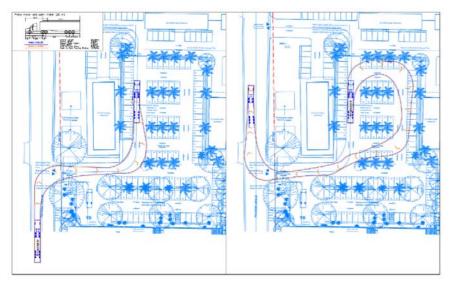


Figure 10: Heavy Vehicle Access - Based on 20m Articulated Vehicles for Vehicle Delivery





Figure 11: Heavy Vehicle Access - Based on 12.5m Heavy Rigid Vehicles for Vehicle Delivery

2.6.3 Pedestrian and Cycling Access

Footpaths are provided along Victoria Avenue (2500mm width) and Packard Avenue (1300mm width) and meet the pedestrian footpath width as per Table 5.1 of *Austroads Guide to Road Design Part 6A Paths for Walking and Cycling*.

There are currently no dedicated cycle paths in the vicinity of the Site.

The proposed Pub's main pedestrian entry is via the Victoria Avenue frontage of the site.

2.7 Parking

2.7.1 Site Car Parking

The site provides a maximum of 332 on-site parking and vehicle servicing spaces, comprise of::

- · Vehicle Sales 113 parking spaces (including 5 spaces occupied by used cars), plus
- Vehicle Repair 54 parking spaces (including 18 hoists and 7 workshop spaces).
- Hotel Parking (550 patrons) 165 parking spaces
- Hotel Parking (850 patrons) 273 parking spaces

The only vehicles for sale that will be stored outside will be the five (5) cars.

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The breakdown of parking allocation based on different times of operations are represented in Figure 12.

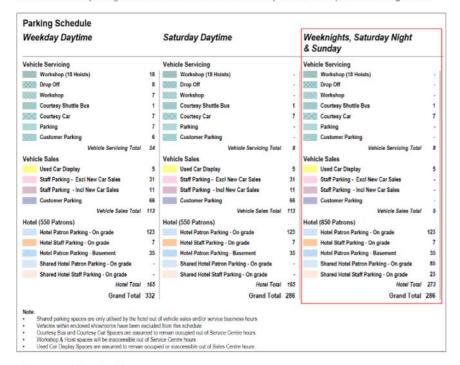


Figure 12: Parking Schedule

Refer to Appendix A, Appendix B and Appendix C for corresponding site plan which details the parking allocation based on the three different operating times to meet the expected demand associated with both the Pub and the Heartland Dealership parking requirements.

3 Operational Traffic Management Plan

3.1 Parking Management

3.1.1 General Arrangement

Parking areas will be provided with increased way-finding signage and pavement marking at each of the two site accesses to differentiate the pub parking access and car dealership access.

Each of the two access driveways will be provided with new signage, clearly identifying that the western access driveway is for the Pub, and the eastern access driveway is for Heartland Motors Group.

In addition to signage, pavement marking shall be provided as follows:

- Paint text "PUB CAR PARK" on the western access driveway
- · Paint text "HEARTLAND MOTORS" on the eastern access driveway

Pub parking will be signed to reinforce the area is for pub patrons only

Dealership parking areas will be signed to differentiate the parking arrangements, with daytime use for the Heartland Dealerships customers, and pub patron parking during the evening period.

A parking diagram will be included on the Heartland Dealership website to clearly outline the changes to parking and access arrangement to provide customers intending to visit the dealership with guidance information.

Each tenancy shall assign a 'traffic warden' to manage and ensure their respective access and parking areas adhere to the access and parking arrangements mentioned in Section 2.6.1. The traffic wardens will be responsible for the following.

The Pub

- Managing and ensuring patrons and staff only park in the assigned parking areas at the relevant times.
- . Ensuring all gates relevant to the entire Site are locked at the conclusion of the operating day.
- Managing both access gates inclusive of the operation hours mentioned in Section 2.6.1, in accordance with the access diagrams (Figures 3 – 9) applicable to different operational hours.
- The traffic warden shall be responsible for monitoring parking on-site and patrol the parking area at least once every 2 hours.

The Dealership

- Managing and ensuring patrons and staff only park in the assigned parking areas at the relevant times.
- Ensuring the eastern access gate along Packard Avenue is open at the start of the business day.
- Managing both access gates inclusive of the operation hours mentioned above.

3.1.2 Peak Vehicle Servicing Operations

Vehicle servicing is offered between 7:30am to 5:30pm, Monday to Friday.

The following general management arrangement will be in place:



- Customers that intend to bring vehicles in for servicing typically make a booking either via the Heartlands website or by phone;
- Customers are provided with half hour time slots for vehicles to be dropped off on-site;
- Customers that are new to Heartland Motors Servicing at Castle Hill, or if they have not attended the site
 post completion of the Pub will be notified of changed access arrangement and be provided with a
 diagram, similar to Figure 3, to guide the customer to the servicing drop off area on-site;
- When customers make a booking for servicing, they will be asked to confirm if they will require a
 courtesy vehicle, the shuttle bus, or stay on-site to wait for the vehicle;
- Estimated time of servicing will be provided at the time of booking to ensure the peak PM load of vehicle pick-up is spread over a number of hours.

Specific arrangement for vehicle servicing parking management during peak drop off period will be as follows:

- Customers will access the servicing drop off area and be greeted by a Servicing Consultant;
- Customer typically will spend between 3 minutes to 5 minutes at the drop off area with the Servicing Consultant to confirm the servicing needs and associated paperwork;
- Customer that have a pre-arranged service vehicle, shuttle bus, or wait on-site will be directed into the Servicing Reception area by the service consultant;
- The Servicing Consultant will arrange for one of the mechanics to move the vehicle from the drop off area into the Main Servicing Building.

Specific arrangement for vehicle servicing pick up will be as follows:

- Once servicing is complete, the vehicle will be stored either within the Main Servicing Building, or the servicing parking area;
- The Servicing Consultant will make contact with the customer to advise that servicing is complete, and request likely pick-up time of the vehicle;
- If the customer express that they are likely to attend the site late (i.e., between 4:30pm 5:30pm), the
 vehicle will be stored within the Servicing Building;
- Vehicles that are likely to be picked up the earliest will be moved to parking areas closest to the Servicing Reception Area.

3.1.3 Peak Pub Operations

The pub may experience known peak patronage due to special events (e.g., NRL Grand Final, AFL Grand Final, Premier League Finals, major booking of the venue). During these peak periods, it is recommended that the following parking management arrangement be implemented:

- Additional traffic warden be rostered on before the known peak date and time period to assist with management of traffic within the site;
- Traffic warden shall prioritize the usage of Pub basement parking and parking closest to the hotel until 90% parking capacity is reached, before directing vehicles to the pub parking area to the east of the main access aisle;



Once the parking area to the east of the access aisle reach capacity, temporary traffic cones will be
placed to prevent vehicles from accessing and circulating through the eastern parking area with the
traffic warden directing traffic to the Dealership shared parking area.

3.2 Speed Limit

The Site access driveways and external hardstand area has been designed for use by vehicles up to and including 20.0 metre Articulated Vehicles.

All vehicles on-site, including loading areas, and internal and external car parks will be subject to a general speed limit of 10km/h via sign posting and installation of repeater signs.

3.3 Pedestrian Management

Footpaths and pedestrian crossings shall be provided within the car park to facilitate safe pedestrian movement.

3.4 Loading and Unloading of Materials

All loading and unloading of materials will occur within the Site boundary. At no stage are vehicles to queue on internal or external roads.

All deliveries and servicing associated with Heartland Motors will be managed as follows:

- Deliveries to site shall be coordinated by the Dealer Principal and Servicing Manager to ensure deliveries are staggered. A centralised run sheet shall be maintained to ensure deliveries are scheduled to minimise multiple deliveries arriving on-site at the same time;
- Scheduled deliveries shall occur during daytime hours, Monday to Friday, between 7:30am 10:00am;
- Smaller deliveries by car shall occur outside peak Vehicle Servicing drop off, which typically occurs between 7:30am – 9:30am.
- Waste collection from site to be scheduled with the Private Waste Collection Contractor to take place outside scheduled delivery times as well as the Pub opening hours.

All deliveries and servicing associated with the Hotel will be managed as follows:

- Deliveries to site shall be coordinated by the Hotel Manager;
- A delivery schedule shall be maintained, with each regular supplier to the hotel provided with a timeslot to minimise multiple deliveries occurring at the same time;
- The Hotel Manager is to ensure that the gates at the hotel access driveway be opened at least 30 minutes prior to scheduled deliveries;
- No deliveries to take place between 5:30pm and 12midnight, Monday to Saturday, and between 10am 12 midnight on Sunday;
- Waste collection from site to be scheduled with the Private Waste Collection Contractor to take place outside scheduled regular delivery times.

"Regular Deliveries" refers to suppliers where a fixed / semi-fixed frequency of deliveries can be anticipated. In the context of the hotel operations, this will include:



- Beverage deliveries
- Meat, vegetables, typical food products deliveries
- Cleaning product deliveries



4 Plan Administration

4.1 Plan Maintenance

This Plan shall be subject to ongoing review and will be updated as necessary in response to changing requirements or in response to any documented WHS issues. A review of this Plan may be required where a new business occupies a tenancy and has different operational requirements to that envisaged under this Plan. Where a change of businesses does not alter the underlying characteristics of the operation, no change to this plan itself would be required.

Any changes to the Plan of Management are to be endorsed by Council.

4.2 Key Responsibilities

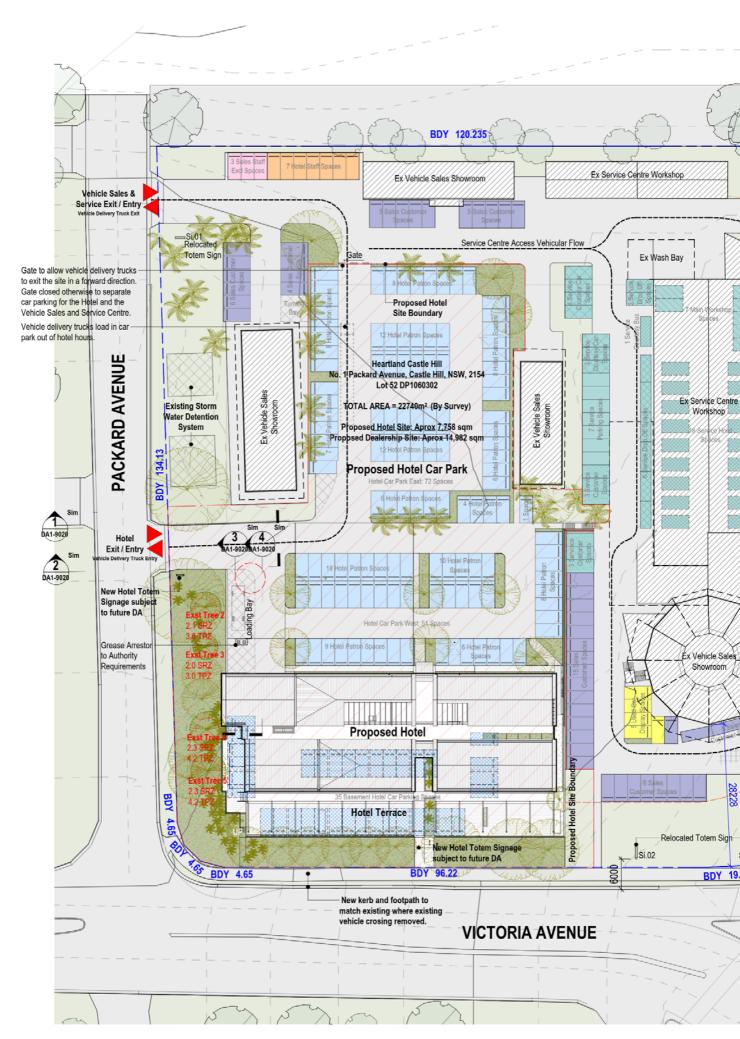
4.2.1 Management

Management of each respective business unit on-site shall:

- Appoint a staff member within the Heartland Motors Group as being responsible for the implementation
 of this OTMP relevant to the Motor Vehicle Sales and Servicing elements of the OTMP.
- Appoint a staff member within the Hotel as being responsible for the implementation of this OTMP relevant to the Hotel operations elements of the OTMP.
- Ensure all staff and sub-contractors are provided with sufficient training to undertake the required tasks.
 This includes responsibility for measures to ensure that all staff and visitors are familiar with site-specific rules through appropriate site induction procedures, including being inducted into this OTMP.
- Conduct all business in a safe, professional and legal manner
- Be familiar with and address their respective duty of care requirements in accordance with the applicable state's Work Health and Safety (WHS) legislation.
- Ensure WHS Incident logbooks are maintained and undertake necessary action(s) in relation to any reported issues.
- Ensure a regular coordination meeting, initially on a weekly basis within the first 3 months of Hotel
 operations take place between the representatives of Heartland Motors Group and the Hotel to ensure
 any identified operational traffic and parking management matters are discussed and resolved.
- Ensure all traffic wardens are appropriately trained in accordance with traffic management requirement outlined in this OTMP prior to assignment of any traffic management duties.



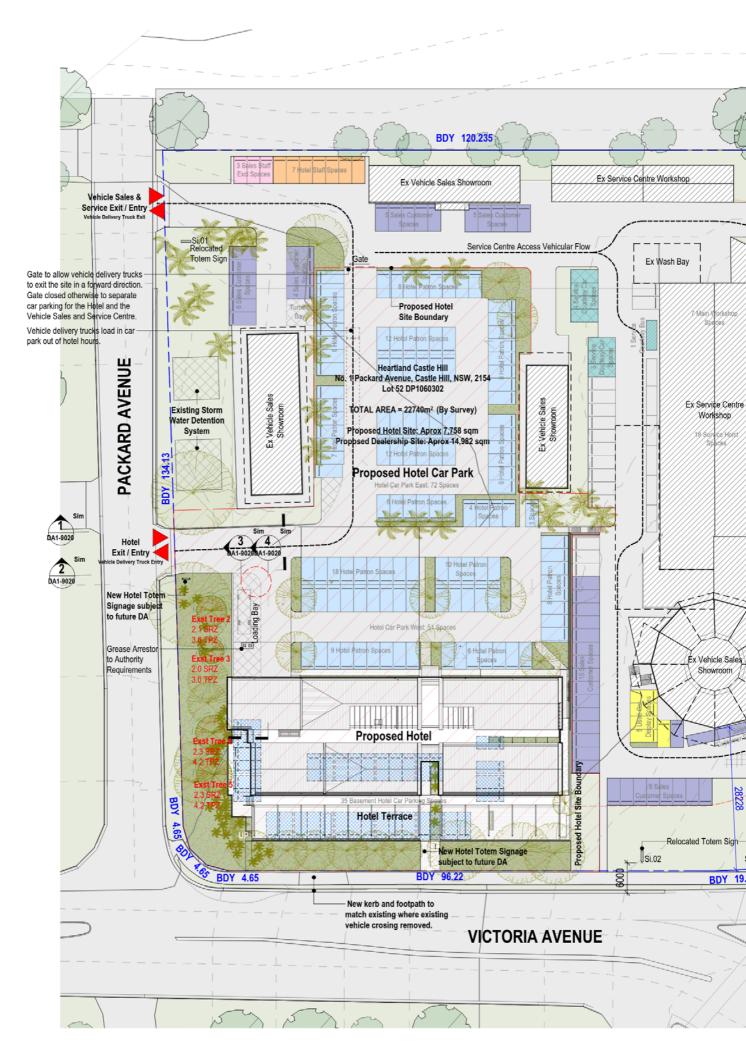
Appendix A. On-Site Parking – Weekday Daytime



1 Site Plan - Proposed Car Parking Designation - Weekday Daytime

Appendix B. On-Site Parking – Saturday Daytime

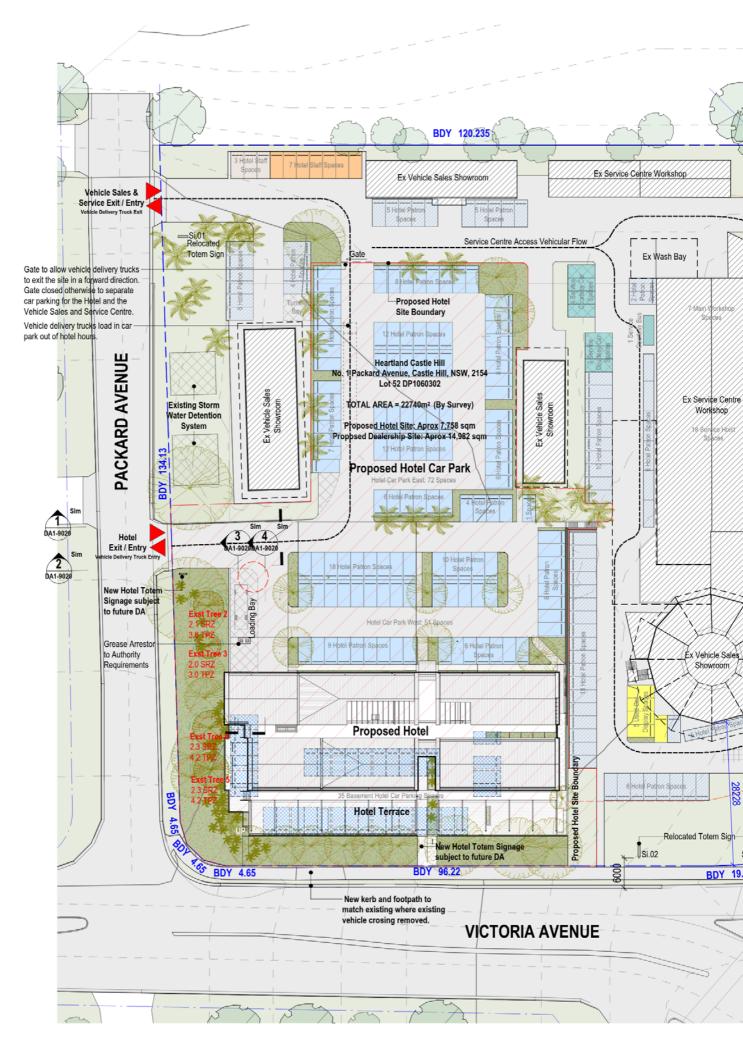
	Rev	Date	Amendment
ion Issue (Preliminary): Incorporating S.34 Conference			
ion Issue: Incorporating S.34 Conference			
ion Issue: Incorporating S.34 Conference			
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1 Site Plan - Proposed Car Parking Designation - Saturday Daytime

Appendix C. On-Site Parking – Week Nights, Saturday Night & Sunday

	Rev	Date	Amendment
ion Issue (Preliminary): Incorporating S.34 Conference			
ion Issue: Incorporating S.34 Conference			
ion Issue: Incorporating S.34 Conference			
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1 Site Plan - Proposed Car Parking Designation - Week Nights, Saturday Night & Sunday

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Rev	Date	Amendments	Rev	Date	Amendment
01	28/03/22	Development Application Issue (Preliminary): Incorporating S.34 Conference amendments			
02	29/03/22	Development Application Issue: Incorporating S.34 Conference amendments			
03	29/03/22	Development Application Issue: Incorporating S.34 Conference amendments			