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# PLAN OF MANAGEMENT

FOR THE OPERATION OF IVANHOE HOTEL

LOCATED AT THE CORSO, MANLY

**Prepared for Hilrok Properties Pty Ltd**

**APRIL 2019**  
**Ref: 181121.5P**

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## 1.0 INTRODUCTION

- 1) The purpose of this Plan of Management (*The Plan*) is to establish performance criteria for the various aspects of the operations of a pub located at part 19-23, 25, 27, part 31 The Corso, Manly (*the Hotel*), having regard to the relevant matters under the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007 and any relevant Regulation under that legislation.
- 2) Prior to commencing work at the Hotel all staff deployed during licensed trading hours including management, floor staff, bar staff and security shall be made familiar with this Plan, including the Secretary's Guidelines, the Intoxication Identification Guidelines (**Appendix B**) and the Liquor Promotion Guidelines (**Appendix C**) and how the Guidelines are to be complied with during day-to-day tasks.
- 3) All staff must be made familiar with this Plan and received instruction on how this Plan is to be enforced. Any changes made to the Plan are required to be notified to staff.
- 4) A copy of this Plan shall be available on site at all times and immediately produced for inspection, upon request by Police, Council Officers or Special Inspectors of Liquor & Gaming NSW. Copies of the development consent– **Appendix D**) and the Hotel Licence (LIQH400103174 – **Appendix A**) will be kept on site and produced upon a request.
- 5) 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 employment review.
- 6) Reference in this Plan to the Duty Manager is a reference to the most senior Hotel management person on duty, unless the role of Duty Manager has been delegated by the Licensee. Reference in this Plan to the Security Manager is a reference to the most senior security person on duty or as designated by the Duty Manager.
- 7) An obligation or responsibility under this Plan assigned to a Duty or Security Manager may be undertaken by another member of staff, as delegated by the relevant manager.

## 2.0 OPERATIONAL DETAILS

### 2.1 THE POLICE AND THE COMMUNITY

- 8) The Licensee is an active member of the Northern Beaches Liquor Accord and will continue to maintain that membership. The Licensee will promote all liquor related

programs by the Northern Beaches Liquor Accord regarding the responsible consumption of liquor.

- 9) The management team for the Hotel will meet monthly amongst themselves and at the request of the Licensing Unit of the NSW Police Force, Northern Beaches Local Area Command. These meetings are to be recorded in the Incident Register. Matters that will be discussed will range from the management of upcoming events, any recent incidents and where improvements could be made with respect to security and management procedures. Management procedures and this Plan are to be reviewed regularly in this context to address on-going matters as they arise and to ensure contingency plans are in place.

## 2.2 OPERATING HOURS AND USE OF THE HOTEL

10) The hours of operation of the Hotel are as follows:

- a) Monday to Saturday: 5am – 5am the following day
- b) Sunday: 5am – 12 midnight

11) The bottle shop shall be closed at 12 midnight.

12) The first floor bar and outdoor areas shall be closed between the following hours except for egress by patrons to and from the upper level:

- a) Tuesday to Sunday: 3am – 7am
- b) Monday: midnight (Sunday) – 7am

13) Doors and windows of the TAB must be closed and locked between 11pm and 9am.

14) No person under the age of 18 years shall be admitted to the Hotel unless in the company of a responsible adult<sup>1</sup>. Patrons under the age of 18 years are not permitted to access the gaming room.

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

### 3.0 RESPONSIBLE SERVICE AND CONSUMPTION OF ALCOHOL

#### 3.1 WHAT IS THE LAW?

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

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

17) A person is considered to be intoxicated if:

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

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

#### 3.2 HARM MINIMISATION MEASURES

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

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

- a) All staff involved in the sale and supply of liquor or security, shall have first completed an approved course in the Responsible Service of Alcohol;
- b) All staff who hold a competency card are required to have this card on their person at all times when working. Failure to produce RSA Certification at the request of Police or Inspector. It is an offence under the Liquor Act 2007 to fail to produce with a maximum penalty of \$550;
- c) The Licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- d) Any person who is intoxicated shall be denied entry to the Hotel.
- e) The Licensee will not permit intoxication or any indecent, violent or quarrelsome

conduct by patrons in the Hotel. Any person causing such a disturbance shall be refused service and asked to leave the Hotel. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Hotel for a period determined by the Licensee.

- f) Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
- i) A driver's or rider's licence or permit (issued by an Australian State or Territory or any foreign country).
  - ii) Valid Australian or Foreign Passport.
  - iii) Proof of age card issued by the Commonwealth or Australian State or Territory for the purpose of attesting to a person's identity and age; or
  - iv) Keypass identify card issued by Australia Post.
- g) Low alcohol beer and non-alcoholic beverages shall be available at all times when full strength liquor is available.
- h) Free drinking water shall be available at all times when liquor is available.
- i) Meals shall be available at all times whenever liquor is available for consumption in the Hotel.
- j) The Licensee will arrange (without charge) for taxis to collect any patron from the Hotel if requested to do so.

20) Off-premises liquor sales shall cease at 12 midnight.

21) Food equivalent in quality and portions will be provided to ensure that meals are available at all times whenever liquor is available for consumption in the Hotel.

22) A person is to be considered intoxicated if the person's speech, balance, co-ordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor. **Appendix B** contains a copy of the Liquor and Gaming NSW guidelines for detection of intoxication. Bring to the attention of management any person displaying signs of intoxication.

## **4.0 MANAGEMENT MEASURES**

### **4.1 GENERAL AMENITY**

- 23) Staff shall intervene to provide corrective advice to any patron on the premises or immediate vicinity that is behaving in a manner that is likely to disturb the amenity of nearby residents of businesses. Any patron whose behaviour is extreme or repeatedly objectionable may be refused service or entry, asked to leave and barred for a period of time determined by the Licensee.
- 24) The Licensee shall ensure that the entry points and immediate vicinity are kept clean and tidy during the Hotel's hours of operation.
- 25) All staff shall adhere to the complaints management system under Section 4.2 of this Plan. Any recurring complaints should be dealt with, if attributable to the Hotel, through new management procedures and incorporated into this Plan.
- 26) Any person who has been refused entry or any patron who has been removed from the Hotel is required under the Liquor Act not to seek or be permitted re-entry for a 24 hour period and is not permitted to be within 50 metres of the premises for a period of 6 hours. Any such person who is causing a disturbance to the area is to be advised that the Police may be called, at which time, the Police may issue them with an on-the-spot infringement notice of \$550. Staff should refer the person to the 'Failure to Quit' signage erected. The Police are to be called if the person continues to disturb the area or refuses to leave the Hotel.

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

- 27) The Licensee or manager shall ensure that details of the following are recorded in the Hotel's Incident Register:
- a) Any incident involving violence or anti-social behaviour occurring on the Hotel;
  - b) Any incident of which the Licensee or management is aware, that involves violence or anti-social behaviour occurring in the immediate vicinity of the Hotel and that involves a person who has recently left, or been refused admission to, the Hotel;
  - c) Any incident that results in a person being turned out of the Hotel under Section 77 of Liquor Act 2007; viz:

- i) for being intoxicated, violent, quarrelsome or disorderly;
  - ii) whose presence on the licensed premises renders the Licensee liable to a penalty under the Liquor Act, e.g., minors within a non-authorised area such as the gaming room; or
  - iii) who smokes within an area of the Hotel that is a smoke-free area; or
  - iv) who uses, or has in his or her possession, while in the Hotel any substance suspected of being a prohibited plant or prohibited drug.
- d) Any incident that results in a patron of the Hotel requiring medical assistance;
- e) Any incidents that occurred either in the Hotel or in the immediate vicinity, which involved the committing of a crime or required the intervention of security;
- f) Any complaints made directly to the management or staff of the Hotel by local residents or business people, about the operation of the Hotel or the behaviour of its patrons; and
- g) Any visit by any NSW Police Officer, Liquor and Gaming NSW Special Inspector or Council Officer noting their agency or department, reason for the visit and result of the visit.
- 28) The Licensee shall make the Incident Register available to any NSW Police Officer or Special Inspector on request and permit a Police Officer or Special Inspector to remove the Incident Register.
- 29) Persons who wish to make a complaint about the premises to management should contact (02) 9976 3955. Calls to this number must be answered whenever possible during trading hours and for at least 10 minutes after the last patron has left immediate vicinity. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. Any missed calls must be returned promptly.
- Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the complainant's call to let them know what has been done to address the concerns/complaints expressed. All complaints are to be responded to by Hotel management within 48 hours of a complaint being made.
- 30) The following details of complaints made to the Hotel are to be recorded in the Incident Register:
- a) Date and time of the incident that led to the complaint;



- b) Nature of the complaint;
  - c) Address and contact details of the complainant;
  - d) Any actions proposed to deal with the complaint; and
  - e) The actions taken and the time and date when that was reported to the complainant.
- 31) Any recurring complaints should be dealt with, if attributable to the Hotel, through new management procedures and incorporated into this Plan in accordance with the process detailed under Clause 7.3.

### **4.3 TECHNICAL NOISE CRITERIA**

- 32) The LA<sub>10</sub> noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12.00 midnight at the boundary of any affected residence.
- 33) The LA<sub>10</sub> noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7:00am at the boundary of any affected residence.
- 34) Notwithstanding compliance with the above, noise from the Hotel shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7:00am.
- 35) Notwithstanding the above, the Hotel's operations must not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act 1997. Here, offensive noise means noise:
- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
    - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
    - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
  - (b) that is of a level, nature, character or quality prescribed by the regulations of the Protection of the Environment Operations Act 1997 or that is made at a time, or in other circumstances, prescribed by the regulations under that Act.

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

#### **4.4 SIGNAGE**

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

38) Signage must be erected at the Hotel promoting the availability of free drinking water and low alcohol beverage options.

39) All signage required under the Liquor Act 2007 and the Regulation, shall be displayed and maintained in a prominent position, in accordance with those legislative requirements; including:

- a) Signage at the entrance stating the licence name, type of licence number and the name of the Licensee.
- b) Signage at the entrance stating the times during which liquor is authorised to be sold or supplied on the premises and any other times during which the premises are authorised to be open for business.
- c) Signage at the entrance purchased from the Office of Liquor and Gaming stating: PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW.
- d) Signage at the entrance to the gaming room, purchased from the Office of Liquor and Gaming stating: PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW.
- e) Signage at any bar area, purchased from the Office of Liquor and Gaming stating: IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.
- f) Signage at any bar area and entrance to the Hotel stating the requirements of patrons under the Fail to Quit laws.

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

40) All waste shall be stored internally until the collection day.

41) The collection of waste and deliveries must only occur between 8:30am and 6pm seven days a week.

42) The Hotel shall be cleaned daily after close or more frequently as the need arises.

## **5.0 SECURITY MEASURES**

### **5.1 SECURITY STAFF**

43) Security guards will be engaged as follows:

a) Sunday to Thursday

i) One (1) security guard from 8pm.

b) Friday to Saturday

i) One (1) security guard from 6pm,

ii) One (1) additional security guard from 8pm,

iii) Four (4) additional security guards from 10pm,

iv) Two (2) additional security guards from 11pm on Saturdays.

44) Security guards are to be positioned on The Corso and remain on duty until 15 minutes after closing time.

45) Routine patrols are to be conducted within the Hotel and the vicinity every 15 to 30 minutes.

46) Any patron who is asked to leave the Hotel for being intoxicated (or any other reason in relation to s. 77 of the Liquor Act) and refuses to do so, is to be warned that NSW Police will be called for persons who refuse to leave the premises and may be issued with a Failure to Quit Infringement which carries an on the spot fine of \$550.

47)

### **5.2 SECURITY DUTIES**

48) The Licensee shall require any security personnel employed at the Hotel to:

a) Be dressed in readily identifiable uniform so that they may be highly visible to patrons, displaying identification as a security guard and to be appropriately

- licensed.
- b) Fill in a time sheet (with start and finish times) which is to be initialled by the Duty Manager.
  - c) Report to the Duty Manager to obtain a briefing on any specific duties to be addressed before commencing duty.
  - d) Ensure that persons entering the Hotel are suitably attired in accordance with the Hotel's dress code, which shall require patrons, at least, to be neatly dressed in casual wear, with footwear and to be clean.
  - e) Prevent any person, detected as intoxicated, entering the Hotel and bring to notice of the Duty Manager, any person on the Hotel who might be considered to be in, or approaching, a state of intoxication.
  - f) Prevent patrons leaving the Hotel with glasses or other opened containers of liquor.
  - g) Prevent patrons entering the Hotel with alcoholic drinks.
  - h) Monitor patron behaviour in, and in the vicinity of, the Hotel until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.
  - i) Collect any rubbish in the vicinity of the Hotel that may be associated with the Hotel's business.
  - j) Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel.
  - k) Patrol all toilets, at random intervals, notifying the Duty Manager or management of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there are no female security personnel on duty, then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male security person.
  - l) In the event of an incident, clearly identify themselves as security belonging to the Hotel and attempt to rectify the problem.
  - m) Continually apply a "Hands Off Policy". Patrons are only to be asked to leave at the direction of management and forced removal from the Hotel must only occur at the direction of the Duty Manager and with reasonable force only. Immediate hands on action may still be used in self-defence or in the defence of another patron.

- n) Make a written note with details of any incidents in the Hotel's Incident Register, as required by this Plan of Management. The details should be immediately entered in the Incident Register or, where it is not practical to do this, written in a notebook and copied into the Incident Register at the end of the shift.
- 49) For the purpose of this Plan of Management, the description, "the vicinity of the premises" shall be the footpath immediately adjoining the Hotel to The Corso and Market Place to a distance of 10 metres.

### **5.3 CLOSED CIRCUIT TELEVISION (CCTV)**

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

- 51) Recordings shall be retained for a period of 14 days before being reused or destroyed. The Licensee shall ensure that no person is able to delete or alter any recordings within the 14 day period.
- 52) Signage must be erected at the entrance to the Hotel and each level advising patrons of the use of CCTV throughout the premises.

## **6.0 RESPONDING TO INCIDENTS**

### **6.1 NOTIFY POLICE**

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

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

- 54) Unless directed otherwise by the Local Area Commander or his/her delegate upon notification, the following crime scene preservation guidelines must be observed:
- a) Determine the crime scene and remove all persons from the area. Take all practical steps to preserve and keep intact the area where the act of violence occurred. Cordon off the area utilising bar stools, tables or tape. Consider closing off the area completely for such areas such as toilets, hallways or bars. Remember there may be multiple crime scenes.
  - b) Do not allow any persons to enter this area;
  - c) DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence;
  - d) Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints;
  - e) Do not move any items that may have been involved in an offence unless absolutely necessary. Use gloves to stop transference of your DNA or fingerprints;

- f) Notify Police if any items have been moved or removed from the crime scene. Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts;
  - g) Make notes in relation to the incident. Time, date, location, description of offender(s), vehicle(s) involved, weapons used, last known direction of offender(s), any movement of items involved in the incident;
  - h) Secure any CCTV footage and the security sign on sheets;
  - i) Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. Try to persuade witnesses from leaving the premises before Police arrive;
  - j) Hand this information to Police on arrival; and
  - k) Be prepared to make a statement to Police regarding the incident.
- 55) Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the Hotel.
- 56) Details of the incident are to be recorded in the Hotel's Incident Register.

## **7.0 OTHER RELEVANT MATTERS**

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

- 57) If any person is caught dealing, purchasing or consuming drugs within the Hotel, the person (or persons) are to be requested to leave immediately and Hotel management and the Police must be informed of this and CCTV footage provided.
- 58) Drink spiking is often difficult to detect. Below are some things to look out for and what to do:
- a) Any occurrences of a person (or persons) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected patron away, asking for their name, where they are heading to, etc – contact management about any person who goes to length to remain anonymous.
  - b) An affected person may need medical attention, so ask them. If they are not capable of making that decision – then arrange that medical attention.
  - c) Any affected person will need to get to a safe place, which may be theirs or a friends place. Ensure people who are showing signs of intoxication are looked after

- by their friends and not leave them in the company of the person who may have spiked their drink.
- d) Contact the Police and thoroughly document the incident in the Hotel's Incident Register.
  - e) Remember the most common drug used for drink spiking is alcohol. Be aware of strange drink orders such as beer and a nip of vodka, double shots in short glasses, etc.

## **7.2 FIRE SAFETY AND ESSENTIAL SERVICES**

- 59) The Licensee shall ensure that all essential services installed at the Hotel are certified annually and shall ensure that they remain in good working order at all times.
- 60) In the event of any malfunctioning of any essential service the Licensee shall ensure that it is rectified as quickly as soon as possible.
- 61) Lists of the telephone numbers of all relevant emergency agencies shall be kept in the office.
- 62) All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the Hotel.

## **7.3 AMENDMENT TO THIS PLAN**

- 63) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan such amendments can be made, following consultation with both the Police and Council who shall agree to those changes in writing and be provided with a copy of any modified Plan.
- 64) This Plan and its attachments are also subject to legislative changes to the Liquor Act, 2007 and Liquor Regulation 2008. Where publications of the Department of Justice are revised or withdrawn from its website or where legislative changes occur from time to time, the Plan is to be taken to reflect those changes and those changes may be made to the Plan without consultation with or approval from NSW Police or Council.
- 65) Once any changes are made to the Plan of Management a final version of the Plan shall be issued to Council and the NSW Police Local Area Commander.



- 66) Hotel staff are required to be notified of changes to the Plan of Management and to update the register confirming their review of the revised Plan prior to commencement of their next shift.

## **APPENDIX A – HOTEL LICENCE**

## **APPENDIX B – IDENTIFICATION OF INTOXICATION GUIDELINES**

## **APPENDIX C – PROMOTION OF LIQUOR GUIDELINES**

## **APPENDIX D – DEVELOPMENT CONSENT**