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**DAC 20/04/21 – 13 & 15 STEEL STREET, NEWCASTLE WEST –
DA2020/00766 – CHANGE OF USE, INCLUDING ALTERATIONS TO
THE EXISTING BUILDING AND INTERNAL FITOUT**

PAGE 3	ITEM-6	Attachment A:	Submitted Plans
PAGE 7	ITEM-6	Attachment B:	Plan of Management
PAGE 46	ITEM-6	Attachment C:	NSW Police Submission and Applicant Response to NSW Police Submission
PAGE 74	ITEM-6	Attachment D:	Draft Schedule of Conditions
PAGE 86	ITEM-6	Attachment E:	Processing Chronology

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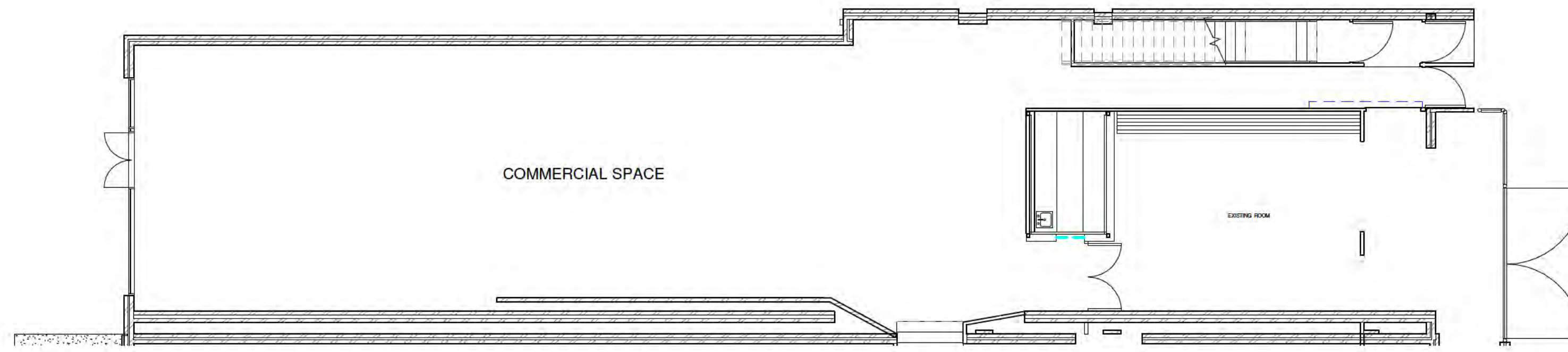
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ITEM-6 Attachment A: Submitted Plans

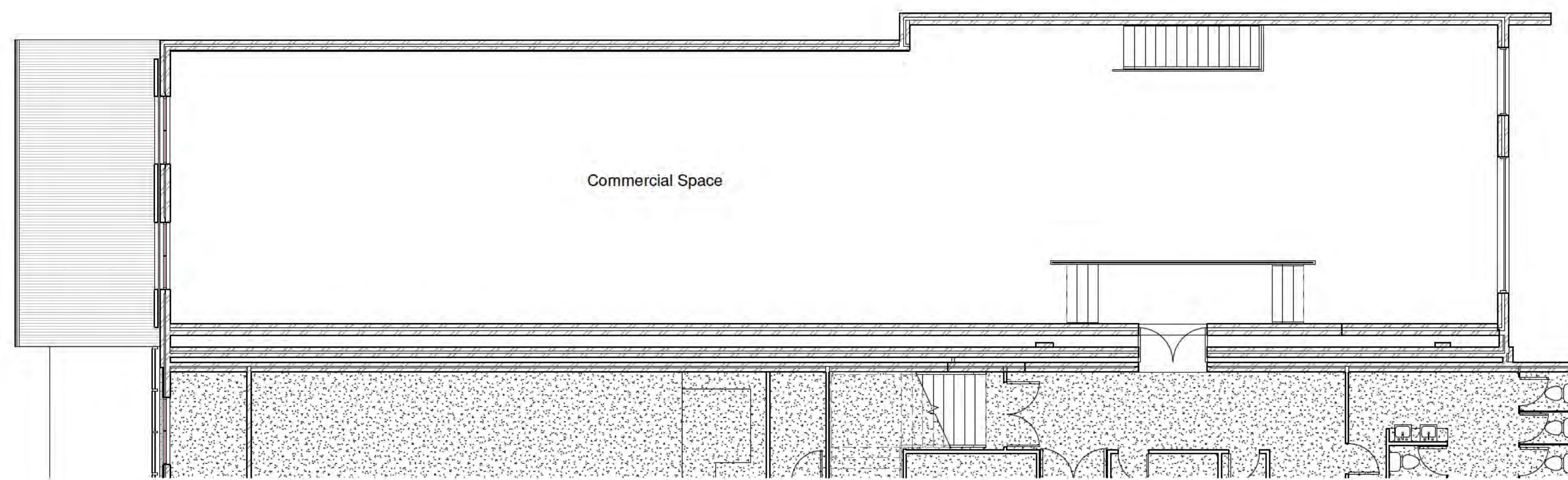
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Existing Plan



1 0 DOM - Ground Floor - Commercial Space
1 : 100



2 1 DOM - First Floor - Commercial Space
1 : 100

AFTER DARK.
www.afterdarkdesign.com.au

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Hamilton NSW 2303
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PROJECT
Internal Alterations

PROJECT ADDRESS:
13 Steel St Newcastle West NSW 2304

PROJECT NO # 200226
DATE 26/04/2020
CLIENT NAME Russel Richardson

REVISION		
No.	Description	Date

NOTES:
1. ALL DIMENSIONS SHOWN ARE TO BE CHECKED ONSITE PRIOR TO ANY CONSTRUCTION

Floor Plan

DRAWN BY: Author
CHECKED BY: Checker

A-105

A2 SCALE: 1 : 100

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**DAC 20/04/21 – 13 & 15 STEEL STREET NEWCASTLE WEST–
DA2020/00766 - CHANGE OF USE, INCLUDING ALTERATIONS TO
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ITEM-6 **Attachment B:** Plan of Management

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KING STREET HOTEL

ALCOHOL MANAGEMENT PLAN

VERSION – 13.0

April 2021

Distribution:

King Street Hotel
Newcastle City Council
NSW Police
Liquor and Gaming NSW

The first version of this Alcohol Management Plan (AMP) was drafted in 2008.

This is a living document, which is regularly updated to ensure King Street Hotel remains compliant with changing legislation and remains at the fore front of best practice for late trading venues.

This version of the Alcohol Management Plan will accompany a development application for renovations. On approval, this management plan will replace all previous versions.

REVISION REGISTER

VERSION	DATE	DISTRIBUTION	AMENDMENTS
10.0	Feb 2021	King Street Hotel Newcastle City Council Submitted with DA Liquor and Gaming Solutions	As per proposed DA for 13 Steel Street, Newcastle West
11.0	March 2021	King Street Hotel Newcastle City Council Liquor and Gaming Solutions	update to points 5, 6, 10, 12, 14, 15, 16
12.0	March 2021	King Street Hotel Newcastle City Council Liquor and Gaming Solutions	Update to 3.1, 10, 10.6, 14.1, 18 Deletion of point 15 – Function on other premises
13.0	April 2021	King Street Hotel Newcastle City Council Liquor and gaming solutions	Update to 10, 11.1, 18

Table of Contents

REVISION REGISTER.....	2
1 BACKGROUND.....	5
1.1 History of this document.....	5
1.2 History of the Venue.....	5
2 VENUE DETAILS.....	6
2.1 Venue Detail.....	6
2.2 Key Contacts.....	6
2.3 Liquor Licence.....	6
3 HOURS OF OPERATION.....	6
3.1 Approved Trading hours.....	6
3.2 Proposed Trading hours.....	7
3.3 Gaming shut down period.....	7
3.4 Take away sales.....	7
4 COMPLIANCE WITH THE LIQUOR LICENCE.....	8
4.1 Meeting the requirements of our licence conditions.....	8
4.2 Statutory Licence conditions.....	10
4.3 Authorisations under the licence.....	11
5. RESPONSIBLE SERVICE OF ALCOHOL (RSA).....	11
6. STAFF PROCEDURES.....	14
7. RESPONSIBLE CONDUCT OF GAMBLING.....	17
Harm Minimisation Strategies.....	17
8. MANAGEMENT OF MINORS.....	18
9. SIGNAGE.....	19
10. MINIMISING DISTURBANCE TO THE NEIGHBOURHOOD.....	20
10.1 Noise.....	21
10.2 Amenity of the Neighbourhood.....	22
10.4 Complaints Handling Procedure.....	22
10.5 Banning Policy.....	23
10.6 Entry and Exit.....	24
11. EFFECTIVE MANAGEMENT AND DEPLOYMENT OF STAFF.....	27
11.1 Security Contractors.....	27

11.2 RSA Marshals	28
11.3 Induction and Training	28
12. SAFE SPACE INITIATIVE.....	29
13. CLOSED CIRCUIT TELEVISION (CCTV)	29
14. OPERATING PROCEDURES- TRADING GUIDE 13/15	30
15. WORKING WITH POLICE AND RESIDENTS	35
16. LIQUOR ACCORD	36
17. FIRE EVACUATION.....	36
18. FUTURE AMENDMENTS TO THIS PLAN	37

1 BACKGROUND

1.1 History of this document.

This Plan of Management was originally developed to address the concerns highlighted in the Decision of the Liquor Administration Board (LAB) dated 14 March 2008 in section 104 Complaint Proceedings brought against 15 licenced premises located within the Newcastle CBD.

The Plan has been designed to ensure that the Premises are managed and operated in a manner that provides a licensed venue that does not unreasonably impact upon or detract from the quiet good order of the neighbourhood.

The Plan also aims to reduce, and where possible eliminate, the impacts of antisocial behaviour by patrons both within the Premises and within the vicinity of the Premises.

The Plan includes complaint management procedures so that any complaints regarding the operations of the Hotel can be recorded and appropriate action taken to address the complaint.

This is a living document, where necessary the operational procedures can be amended to prevent the same sorts of complaints happening in the future. The Plan is also regularly updated to ensure King Street Hotel remains compliant with changing legislation and remains at the fore front of best practice for late trading venues.

1.2 History of the Venue.

King Street Hotel was purchased by the current owners in 2002.

At that time the building was operating as a run-down nightclub known as 'The Castle'. After an extensive renovation and facelift, the Hotel re-opened in April 2003 with the new name, King Street Hotel. The Hotel has been a mainstay in Newcastle's often ever-changing night life landscape since that time.

King Street Hotel contributes to the development of related industries such as live music and entertainment, and played host to many national and international DJs and events.

King Street Hotel is a late trading venue and has been providing entertainment for young adults past midnight since 1975. The Hotel meets the needs of the young adult population, and attracts visitors from other locations to the City of Newcastle.

The venue has made an application for a new development consent at 13 Steel Street, Newcastle West, the addition of this floor space to this hotel is required to meet the demands of the growing population.

If Development Consent is granted, a separate application will be made through the Independent Liquor and Gaming Authority for the liquor licence to be extended from the King Street Hotel into this space. The Authority will consider this application on its merits at that time.

2 VENUE DETAILS

2.1 Venue Detail

Venue Name	King Street Hotel
Address	13 – 15 Steel Street, Newcastle West
Liquor Licence	LIQH400474117
Licence Type	Full Hotel Licence
Licensee	Russell Trent Richardson

2.2 Key Contacts

Licensee	Russell Richardson	(02) 49 278 855
General Manager	David Hudson	0449 694 520
Venue	King Street Hotel	(02) 49 278 855
Security Contractor	Holistic Security	(02)49278855
Complaints and Reports	Sarah Campion	(02) 49278855

2.3 Liquor Licence

King Street Hotel is subject to a Hotel Liquor Licence (LIQH400117434). The licence is endorsed with a Minors Area Authorisation and Extended Trading Authorisation.

Russell Richardson is the licensee of the venue and has over 20 years' experience as an owner and publican.

3 HOURS OF OPERATION

3.1 Approved Trading hours.

The Independent Liquor and Gaming Authority have endorsed the current Hotel Liquor with the following approved trading hours.

Consumption on Premises- Whole of licensed premises

Day	Start Time	End Time
Monday	05:00am	03:30am
Tuesday	05:00am	03:30am
Wednesday	05:00am	03:30am
Thursday	05:00am	03:30am
Friday	05:00am	03:30am
Saturday	05:00am	03:30am
Sunday	10:00am	12:00 mid

The Hotel does not currently trade the entire approved trading hours, and the actual trading hours of the business reflect the needs and aspiration of the young adult population. The current trading times include Wednesday to Saturday evenings and post-midnight, and until midnight on Sundays.

Patrons of the venue shall not be permitted to remain on the premises for more than 30 minutes after the approved liquor licence trading hours.

3.2 Proposed Trading hours.

On the successful grant of the Development Consent, and extension of liquor licence into 13 Steel Street, the applicant proposed to reduce the approved trading hours of the Hotel.

The proposed trading hours of the liquor licence would be from 10:00am to 3:30am (Mon to Sat) and 10:00am to 12 midnight (Sun). This would be subject to change based on decisions by NSW independent Liquor and Gaming Authority.

This is a reduction of 5 hours in the approved trading hours of the venue per day.

3.3 Gaming shut down period.

King Street Hotel has a six-hour gaming shutdown period between 4:00am to 10:00am, seven days a week, including Public Holidays.

3.4 Take away sales.

The sale of take away liquor is permitted at the following times.

Monday to Saturday	05:00 AM - 11:00 PM
Sunday	10:00 AM - 10:00 PM
Good Friday	Not permitted
Christmas Day	Not permitted
December 31st	Normal trading

4 COMPLIANCE WITH THE LIQUOR LICENCE

4.1 Meeting the requirements of our licence conditions

All staff working in the Hotel are RSA trained, with digital accreditation or valid interim certificates. All staff are aware of these licence conditions, and new staff have a copy of the liquor licence included with their induction material.

A copy of the liquor licence is maintained in the compliance folder, which is accessible by all staff working in the Hotel, the licence is kept in the cloak room of the venue.

Condition 101 (28/10/2009)

Consumption on premises Good Friday 12:00 noon - 10:00 PM Christmas Day 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.

Condition 210 (01/07/2008)

No party to the compliant proceedings is to make known to any other person not being a party, the names or address of any other party in the proceedings: in particular, no patron of the premises is to be informed either directly or indirectly of the identity or location of any complainant

Condition 220 (01/07/2008)

CONDITIONS IMPOSED ON 19 DEC 2005 PURSUANT TO POLICE IMPOSITION OF CONDITIONS APPLICATION 250091.00: The licensee shall, within two (2) months of the imposition of these Conditions, file with the Court and serve on the Police a Plan of Management designed to prevent the possession, use and supply of prohibited drugs on the Premises (the Plan). The licensee shall consult with the Police in the preparation of the Plan, in particular as to the Cameras and security at the Premises.

The Licensee is to ensure compliance with the Plan. A copy of the Plan will be kept on the premises and upon reasonable request shall be made available to members of the New South Wales Police and duly appointed Licensing Inspectors of the Office of Liquor, Gaming and Racing.

Any amendment to the Plan shall be notified to the Police within seven (7) days of such amendment.

Condition 500 (01/07/2008)

No persons are to be admitted to the premises after 01:30 am.

Condition 2200 (08/09/2010)

The licensee must participate in the precinct liquor accord that applies to the Newcastle/Hamilton precinct designated by the Director-General of Communities NSW under section 136B of the Liquor Act 2007.

Condition 3020 (29/08/2018)

1) The licensee must file with the Independent Liquor and Gaming Authority (“the Authority”), by not later than two (2) months after 30 August 2018, a revised version of the Plan of Management for the premises that has been reviewed in consultation with NSW Police. This plan shall be marked on its front page as “Revised plan of 2018”. 2) The premises is to be operated at all times in accordance with the Plan of Management as revised pursuant to clause 1 above, and as may be varied from time to time after consultation with NSW Police. 3) A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming NSW Inspector, or any other person authorised by the Authority.

Condition 3030 (29/08/2018)

If the premises trades after 12:00 midnight, from 11:00 pm until closure the licensee will retain an employee whose sole function shall be that of a supervisor of responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the premises.

Condition 3040 (29/08/2018)

The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm: a) No drinks commonly known as shots, shooters, slammers or bombs or any other drinks that are designed to be consumed rapidly; b) No mixed drinks with more than 30 mls of alcohol; c) No RTD drinks with an alcohol by volume greater than 5%; d) No more than four (4) drinks, or one bottle of wine, may be served to any patron at one time.

Condition 3050 (29/08/2018)

The sale and supply of alcohol shall cease thirty (30) minutes prior to closing time.)

Condition 3060 (29/08/2018)

The licensee shall ensure, by adequate supervision methods throughout the premises, that no patrons is stockpiling drinks. For this purpose stockpiling shall mean that any one patron has more than two (2) unconsumed drinks at any one time (a patron may purchase up to four (4) drinks at the one time).

Condition 3070 (29/08/2018)

Within 14 days of revising the Plan of Management the licensee shall cause every current member of staff (including employees and contractors) to be notified in writing of that Plan along with a current licence record maintained by Liquor and Gaming NSW. In the case of new staff, notification of the most recently updated version of the Revised Plan and the licence record shall be provided within 14 days of the commencement of employment or engagement, as the case may be.

Condition 61010 (11/10/2019)

Six (6) GMEs leased to LIQH400123248. Lease start date: 11/10/2019. Lease expiry: 11/10/2024

4.2 Statutory Licence conditions

The *Liquor Act 2007*, and *Regulations* make provisions for certain requirements to be met as a condition of the Hotel licence. Even though these conditions are not displayed on the liquor licence, it is a requirement by law that the venue abide by the following conditions.

Incident Register

If the Hotel regularly trades past midnight at least once a week, the Hotel must maintain an incident register in the form approved by the Independent Liquor & Gaming Authority. The register must record details of any incidents that occur between midnight and 5am the following day Monday to Friday, between midnight Saturday and 10am Sunday, and between 10pm Sunday and 5am Monday:

The incident register is maintained by the Security Contractor, and is available for regulatory authorities to view at the premises. The records are maintained offsite for a minimum of 3 years.

Hotel must make liquor licence available

A copy of the licence and any licence related authorisations must be available at all times for the information of the members of staff of the licensed premises.

This information must be available to any member of staff, crowd controller or bouncer.

King Street Hotel have a compliance folder located in the cloak room which contains a copy of the liquor licence.

Free drinking water must be available

Drinking water is available free of charge at all times while liquor is sold or supplied for consumption on the licensed premises.

Water is readily available at each bar or can be requested from staff free of charge.

Food

Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is available whenever alcohol is sold or supplied for consumption on the premises. Hot food is available for purchase from the bar.

Cash Advances

Hoteliers are prohibited from providing cash advances to patrons, and King Street Hotel does not provide cash advances to its patrons.

RSA & RCG training for staff

All staff who serve alcohol have completed an approved responsible service of alcohol (RSA) course.

All staff who working with the gaming machines have completed an approved responsible conduct of gambling (RCG) course.

4.3 Authorisations under the licence

Minors Authorised Area

A minors Authorised area allows minors to attend the hotel in the company of a responsible adult.

As general practice of the venue- Minors are only allowed to enter the venue for private functions- with a parent or guardian, hosts of functions must have approval pre-event that minors may be present. An RSA Marshal will be deployed for any function that has minors in attendance. Minors will be asked to leave the venue by 10pm and will be wrist banded on arrival.

The Minors Area Authorisation applies to the whole of the licensed premises excluding the ground floor gaming room, lounge and smoking area.

It is proposed that this will extend through the extension into 13 Steel Street.

It is a house policy, that Minors must be removed from the venue by 10pm.

Late Trade Authorisation

A late trade authorisation permits the sale and supply liquor, and the operation of gaming machines, past midnight.

The Whole of the Hotel is subject to the late trade authorisation. There is a 1.30am curfew in place at the venue.

It is proposed that the redefined liquor licence will include late trade authorisation for 13 steel, and that the current conditions such as the 1:30am lockout will also apply.

Gaming Machines

King Street Hotel is authorised to own and operate up to nine (9) Gaming machines.

The gaming machines must be located in restricted area of the Hotel, being a room that persons under the age of 18 years are not permitted by law.

5. RESPONSIBLE SERVICE OF ALCOHOL (RSA)

The Licensee will ensure that all staff involved in the sale and supply of liquor has completed an approved NSW Responsible Service of Alcohol Course and holds a valid NSW Competency Card and/or interim certificate.

Staff and Security will provide patrons information about transport options and there is a managed taxi rank located directly in front of the Hotel.

An incident register approved by Liquor and Gaming NSW will be utilise to record any incidents including:

- Refusal of service/Asked to Leave
- Minor/No ID
- Violence
- Intoxication
- First aid

Drink Limits

- No shots, bombs, or slammers, or any drink designed to be consumed rapidly.
- No RTD Drinks with an alcohol by volume greater than 5%
- The bar shall cease trading 30 minutes prior to the allotted closing time to allow patrons time to consume their drinks without rapid consumption.
- Plastic or aluminium vessels for all beverages are used after 9pm in all cases.

Behaviour of Patrons

Management and staff will take all reasonable steps to manage the behaviour of patrons whilst at, and when they enter and leave the premises. This includes there is no loitering of persons in the immediately vicinity of the premises who have been refused entry or asked to leave the premises.

Signs will be on display at exits requesting patrons to leave quietly and orderly.

At the close of the venue Security employees will be deployed to three prominent points outside of the venue to ensure patrons are aware of the venues place in the community and to respect our neighbours.

Identifying and Preventing Intoxication

Management and staff will endeavour to prevent intoxication through the following methods:

- Ensuring patrons already showing signs of intoxication or approaching intoxication will not be permitted entry to the venue. Process of how refused patrons are handled is found in [point 9.6](#) of this document.
- Ensuring patrons showing signs of intoxication or approaching intoxication will not be served by the bar staff.
- Food commensurate to the responsible service of alcohol is available at all times that alcohol is served.
- Ensuring that low alcohol, non-alcoholic drinks and free drinking water is available whenever alcohol is served.

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

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

Food

Food of substantial nature and in line with the guidelines for responsible service of alcohol will always be available whenever liquor is sold or supplied.

With the proposed renovations at 13 Steel Street, a restaurant may open within the new area, increasing the availability of food within the venue.

The Plan of management will be updated with additional food options, when available.

RSA Marshals and Security

RSA Marshals and Security will be deployed from 9pm or when the Nightclub is trading, please refer to chapter 10 on Staff deployments.

6. STAFF PROCEDURES

Refusal of Service

- Identify signs of intoxication. If you are unsure, ask for a second opinion.
- Refuse service to intoxicated patron and inform relevant management and staff
- Respectfully and politely ask patron to leave
- Tell them they are welcome to return another time
- Stay with patron until they leave and walk them out the door
- Offer assistance for transport- If transport is not available a guard or manager will monitor situation.
- Details of the removal are listed in the incident register

Removal/Fail To Quit

- If a patron is continuously quarrelsome, unreasonable, or confrontational notify management. Police will be contacted if required.
- Any person that is asked to leave or refused entry to the premises are required by law to move 50m or more away from the premises and are not permitted to re-enter the vicinity for 6 hours.

Difficult RSA removal

If there is an unwillingness by a patron to leave security must follow direction of their company policy of dealing with difficult RSA removal. Annexure attached.

When at front door the patron will be politely asked to use transport to immediately leave the area or move 50 metres away from front entrance. Staff have a responsibility to request that patron does this quietly and quickly to respect the hotels role to neighbouring properties.

Verifying Proof of Age

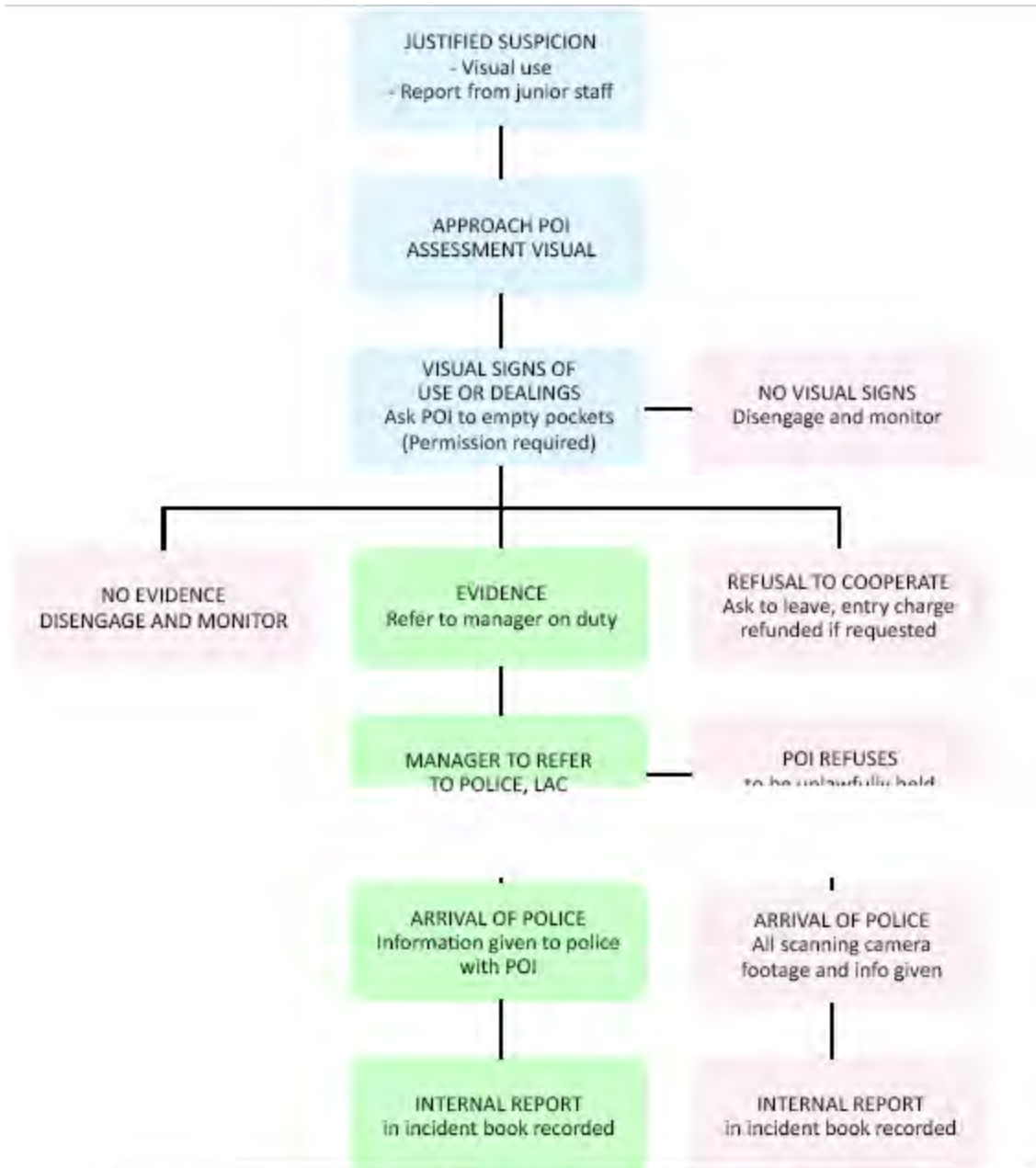
- If a patron looks under the age of 25, ask for a suitable form of ID to be provided prior to service.
- Check authenticity, date of birth, compare photograph.
- If no suitable ID can be produced, politely ask patron to leave and inform other staff members and management
- After 9pm or at any time the Nightclub is operating patrons will have their ID scanned. The ID scanner is managed by <https://circlesolutions.com.au/>. If patron refuses to scan personal ID they will not be permitted to the venue.

Secondary Supply

- If a minor or patron that has been refused service gains access to alcohol while on premise confiscate the beverage.
- Inform other staff and management.
- Ask the relevant patrons to leave.

Drug detection

King Street Hotel has a zero tolerance approach to prohibited drugs within the venue. The below flowchart is to be followed in regards to any drug activity within the venue.



7. RESPONSIBLE CONDUCT OF GAMBLING.

King Street Hotel is authorised to own and operate up to nine (9) Gaming machines.

The gaming machines must be located in restricted area of the Hotel, being a room that persons under the age of 18 years are not permitted by law.

All staff who working with the gaming machines have completed an approved responsible conduct of gambling (RCG) course.

Harm Minimisation Strategies

- The Gaming Room is monitored by CCTV, and gaming attendant employees.
- patrons are not be compelled to pass through the gaming room in order to enter or leave the hotel or in order to gain access to another part of the hotel.
- The gaming machines are situated so that they cannot be seen from any place outside the hotel that is used by the public or to which the public has access.
- The Venue provides a self-exclusion scheme to patrons. The self- exclusion scheme is offered through GameCare — the name and contact details of a gambling help counselling service is available to all patrons of the hotel
- Signage is displayed including display of information concerning chances of winning, the dangers of gambling and counselling services.
- Brochures are displayed, including in community languages, informing patrons of the potential dangers of gambling, the availability of counselling and self-exclusion scheme.
- No ATM is located in the gaming room and patrons are not permitted to make withdrawals on credit.
- The Venue does not advise or promote the availability of gaming machines at the Venue.
- The Venue does not accept third party cheques nor permits the cashing of cheques.
- The Venue limits cash payment of winnings to \$5,000.

- All gaming machines kept at the Venue are approved gaming machines and are connected to an authorized CMS
- No inducements are offered for the use of gaming machines at the Venue

8. MANAGEMENT OF MINORS.

Minors Authorised Area

A minors Authorised area allows minors to attend the hotel in the company of a responsible adult.

As general practice of the venue- Minors are only allowed to enter the venue for private functions- with a parent or guardian, hosts of functions must have approval pre-event that minors may be present. An RSA Marshal will be deployed for any function that has minors in attendance. Minors will be asked to leave the venue by 10pm and will be wrist banded on arrival.

Supervision of Minors

The Hotel is vigilant in ensuring that a person under the age of 18 years are not permitted to;

- a) enter the Hotel unaccompanied,
- b) be served alcohol at the bar,
- c) Gain access to alcohol through secondary supply from another person.
- d) Enter the gaming room, or play gaming machines.

ID Scanners

King Street Hotel employs security and/or a management team who are trained to identify minors.

We also have the scanning system with Circle solutions in place which adds another layer of security and checks to our procedures. Scanning starts at 9pm or when the Nightclub is in operation. <https://circlesolutions.com.au/>

If a person queuing to enter the venue is less than 18 years of age, or refuses to produce identification, staff will refuse them entry. An incident book is maintained to record all instances of underage entry or attempted entry.

Checking ID at the bars.

If a staff member believes that a person, who is ordering or being supplied alcohol, is less than 18 years of age, they will politely request proof of age (current Passport, RTA Photo Card or Drivers Licence, or Key Pass ID).

If the person is less than 18 years of age, or refuses to produce identification, staff will refuse service and request the Manager on duty to ask the person to leave the premises.

An incident book is maintained to record all instances of underage entry or attempted entry.

Responsible Promotion of Alcohol Products

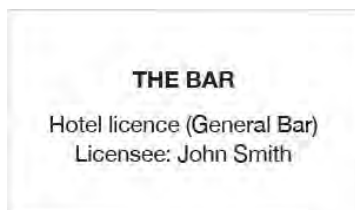
Management and staff shall not engage in activities promotions, have a special appeal to minors, may be considered indecent or offensive, encourages the rapid, excessive and/or irresponsible consumption of alcohol

9. SIGNAGE

All signs required by Liquor & Gaming NSW will be installed, and checked on weekly basis.



(3L) Entrance to hotel where minors authorisation is in place



Front door



(1G) Main entrance, point of sale for Keno or public lottery, conduct totalizator betting



(2L) Gaming room entry or restricted bar areas



(1L) Each Bar



(2G) Each bank of gaming machines



(3G) Gaming Room machines

Help is close at hand

GAMBLEAWARE
gambleaware.nsw.gov.au
1800 858 858

(4G) Each Gaming Machine and ATM or cash back terminal.



Player Information Brochures

Are available in each area where gaming machines are located, displayed

In hotels that operate Keno, display the brochure "Info About the Odds: Betting on Lotto, Lotteries or Keno."

Additional Voluntary signage

Additional external signage is placed on street level walls of buildings advising patrons to please ensure minimal noise and littering occur during arriving and leaving the hotel.

10. MINIMISING DISTURBANCE TO THE NEIGHBOURHOOD

The King Street Hotel has historically managed the external environment of the Hotel in a responsible manner, to facilitate minimal impact on any other local residents or businesses.

The hotel current uses tensile barriers to assist with queue management, and engages licenced security staff to assist with crowd control

After consultation with neighbours and noting their submissions- King Street Hotel will be introducing the following strategies to further improve the management of the dispersal of patrons.

- Guard positioning on McDonalds Corner from 12 midnight to half an hour after close, this guard will have complaints / issues phone to readily address issues that may arise.
- Trial Guard position from 2 till 3.30am on King Street Hotel corner positioned to help facilitate respectful co operation of patrons and encourage walking to station via Steel Street – Hunter street
- Greater amount of crowd control bollards (30 metres) to help control queuing outside venue and disturbance to neighbour on Steel Street side.
- Line cut off sign (mentioned) to be placed at new exit doors on Steel Street side

- Addition of greater lighting on Steel Street and Laneway exits to ensure greater visual surveillance of patrons prior and post venue operation
- External CCTV added in laneway and Steel Street exits to aid NSW police and the venue in resolving and identifying anti social behaviour
- 12 month Saturday night of Trial Courtesy bus from 2am – 3.30am, consultation with Police in regards to extension at completion of trial

Availability of hotel phone for stranded patrons with no communication means to contact transport

- Taxi Marshalls to extend employment from 12pm until 3.30am
- Trial Uber / Parent pick up area on King Street north.
- Body Cameras for guard use when dealing with possible problems
- Ratio of 1 ; 100 patron external staff / security attending queueing area at king st entrance to end of line when extending past furthest door on king st frontage to ensure loud and / or unruly behaviour is minimised.

nb - In regards to trial courtesy bus service

Venue to supply driver and bus to take willing patrons to newcastle interchange for use of city train network. The service will be a loop only dropping patrons off in designated drop off zone and returning back to hotel. This will be a TRIAL.

Trains for newcastle - central @2.46am, 3.48am, 4.53am

Trains for Newcastle - maitland @2.27am, 3.55am, 4.59am

10.1 Noise

A separate Noise Management Policy has been developed to ensure that appropriate noise control measures are implemented in order to protect the amenity of the neighbourhood.

As part of the Management Policy King Street Hotel will ensure yearly acoustic reports by an independent expert are undertaken.

A Monthly management log will be taken with DB readings, Locations and Times to be recorded.

All staff and contractors are aware of the importance of our local residents and strive to ensure that street noise is kept to a minimum.

Regular street patrols by staff and security are implemented.

10.2 Amenity of the Neighbourhood

At all times the licensee of the venue shall consider the amenity of its neighbours, taking all reasonable measures to ensure that impacts, adverse to the surrounding environment, do not occur.

The licensee will take all reasonable measures to ensure that the behaviour of staff and patrons, when entering or departing the premises does not detrimentally affect the amenity of the neighbourhood.

Neighbourhood walks are conducted within 30 minutes of closing time each night to ensure all rubbish is removed from the streets.

The licensee will take all reasonable steps to ensure a pro-active response to recognised issues associated with licensed premises within the area such as:-

- Loud and unruly behaviour of persons approaching and departing licensed premises;
- Noise emanating from Licensed Premises (amplified and crowd noise);
- Persons urinating in the streets, car parks or private residential premises;
- Liquor bottles and other rubbish being strewn about the area; and
- Property theft and vandalism.

The venue operations shall be conducted in such a manner as not to interfere with, or materially affect the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

10.3 Community Consultation

The Hotel strives to have an open and honest line of communication with all stakeholders.

King Street Hotel have an email contact (info@kingstreet.club) accessible to all stakeholders for day to day feedback that will be addressed in a timely manner.

King Street Hotel will propose to host six monthly mediated meetings between a representative of the NewWest community group, Police, Council, McDonalds and other stakeholders to discuss issues and possible strategies. The possibility of Precinct safety plan will be discussed.

10.4 Complaints Handling Procedure

Two (2) mobile phones have been set up for the purpose of enabling residents to contact the Hotel in the event that they feel the noise emitted from the licensed venue is loud or that there is antisocial behaviour in the street.

The first phone is carried by a member of the management team, and the second phone is carried by a Security Guard working on the external of the premises in the event that the first phone is unanswered.

A letterbox drop to local residents will include the phone numbers and encouraged neighbours to contact the venue if they have disturbance issues. In the case of the road issue phones, residents are encouraged to TEXT the issue to the below numbers and await a response. The phones will be held by two different guards both with direct radio communication with manager on Duty.

Persons lodging a complaint are to be dealt with in a professional manner and such manner should demonstrate that the venue cares about any impact their operation may have on others and appreciates the notification.

Any complaints made to the venue are to be recorded, and such records are to include the complainant's details, nature of the complaint and action taken by the venue.

The published number(s) for Complaints and Reports is:-

0497 790 420

0403 483 401

The email for complaints or feedback is – info@kingstreet.club

10.5 Banning Policy

Patrons that have been identified as having failed to comply with the venues behavioural requirements and have been issued with corrective advice, or are involved in anti-social incidents requiring ejection from the venue, will be excluded (barred) from attending the venue for a period of time.

If continued issues arise the hotel with their ongoing relationship with Newcastle police will call police to issue a fail to quit notice if needed at the cost to the patron of \$550.

King Street Hotel is part of the Newcastle Entertainment Precinct (NEP), a shared barring system,

As part of the NEP barring system, patrons may be banned from all venues. All barrings will include a file with the name, date and details of incident.

The below table serves as a guide to incidents that will lead to banning from NEP

OFFENCE	BAN MONTHS
QUARRELSOME: PUSHING, SHOVING, OFFENSIVE LANGUAGE	3
UNACCEPTABLE BEHAVIOUR	3

DISTURBING RESIDENT'S PEACE AND QUIET	3
CREATING UNWANTED ATTENTION – CAUSING A SCENE	3
THE MISUSE OR SUPPLY OF FAKE IDs	3
AGGRESSIVE BEHAVIOUR	6
HARRASSING OTHERS	6
FAIL TO FOLLOW DIRECTION FROM STAFF OR POLICE. FAIL TO QUIT	6
THEFT – RECONSIDERED COSTS OF ITEM	6
UNLAWFULLY RE-ENTERING A VENUE DURING A BAN PERIOD	12
DAMAGE OR VANDALISM TO PROPERTY	12
VERBAL THREATS OTHERS	12
COMMITTING THE SAME OFFENCE TWICE	12
ALTERCATION AT THIS OR ANOTHER VENUE	12
THEFT – NO RECONCILIATION OF COSTS	12
SPITTING ON OTHERS	INDEF
ALTERCATION CAUSING INJURY AT ANY VENUE	INDEF
GLASSING AT ANY VENUE	INDEF

10.6 Entry and Exit

To maintain effective control of the venue, security will assist in manoeuvring patrons into the venue in an orderly and controlled manner. During peak times, when queuing builds, queuing of patrons will be managed so as not to impede any external pedestrian traffic.

The venue has one entry/ exit point located on King Street

Hosts and Security staff will move through the line reminding patrons of noise levels. A proposed 1 security / staff member per 100 persons in queue will be in effect on the external line from king street entrance to the hotel.

On egress patrons will be encouraged by security personnel to disperse quickly and quietly. Any patron congregation or "milling" around the venue will be discouraged.

During queueing period hosts and security guards will be required to attend to excessive noisy patrons to remind them of our position in the community and to keep voices at conversational tone. Failure to adhering to this request will result in removal from line and request to leave the area.

Managing of refused and ejected patrons

All exits whilst if absolutely needed can be used for ejecting patrons but house management policy insists when available that all ejected patrons are processed through front door on the right hand side, have their details and reason for ejection given to door host to record in incident book.

Upon leaving the patrons whilst using duty of care and taking potential noise (yelling etc) into account they are asked to leave the immediate area (50 metres).

Failing to adhere to this instruction will result to a call to the police whereas patron can be given \$550 fine as a fail to quit under the liquor act 2007.

Managing unruly and noisy refused non - patrons

Using scanning methods used at the hotel, patrons coming up in scanning systems as banned are given flyers to contact NEP for reason and length of NEP ban. Quarrelsome and loud refused patrons are taken to the right hand side of door under camera footage and reasons and consequences will be discussed including failure to quit ramifications. Patron then is asked to leave the immediate area and /or take provided taxi/ uber away from premises.

Signage is located around the outside of the building asking patrons to leave the area quietly and respect the neighbourhood.

In regards to public amenity, the hotel will hose footpath and laneway on Monday morning as a standard cleaning practice.

Dispersal of Patrons

The venue acknowledges that the dispersal of patrons is a concern of the neighbours, as mentioned in Noise, the venue will have two phones in operation for any issues from residents. A guard located at McDonalds will act as a reminder to patrons to leave the area quietly and with respect to the neighbourhood. A manned taxi rank is in operation on Friday and Saturday nights till close of business.

RMS NSW aid in facilitating the taxi rank service in which a ticketed system is in place to protect the driver and patron from misuse. It is located directly in front of venue entrance / exit.

Staff will also assist with calling Taxis for patrons if requested using one of the hotel phones.

Trial Courtesy Bus Route – 2 – 3.30 am



The NightOwl bus run after midnight throughout the early hours of the morning in Newcastle on weekends. <https://transportsw.info/travel-info/using-public-transport/late-night-services>





11. EFFECTIVE MANAGEMENT AND DEPLOYMENT OF STAFF

11.1 Security Contractors

King Street Hotel employs a security contractor, their security plan of management is implemented for their staff. The venue expects security presentation will reflect the standards portrayed by the venue.

Security staffing levels for the internal operations associated with the Hotel shall be no less than the industry accepted standard of one (1) security manager plus one (1) additional security officer per one hundred (100) patrons (1 + 1:100).

The deployment levels nominated below are for general operations and such levels are subject to variation. Deployment variations could be as a result of a change in crowd numbers, crowd profiles and identified special events.

Security will be expected to record any incidents that may involve violence or anti-social behaviour at the venue or the immediate vicinity. If anyone is refused entry or asked to leave under [section 77 of the Liquor Act](#) or if in someone needing medical assistance.

Additional Security measures include

Guard positioning of mcdonalds corner from 12 till half an hour after close

Guard positioning on Travelodge / king st corner from 2 – 3.30am

Ratio of 1 ; 100 external staff/ security attending queuing line

Guard positioning at end of line when line gets past furthest exit door on king street frontage.

Industry standard 1 ; 100 guards internal whilst business is in operation

Two security guards at entrance.

11.2 RSA Marshals

The Liquor Regulation 2008 defines an RSA Marshal as, "A person who is employed for the purposes of carrying out RSA Supervisor Duties on subject premises".

RSA supervisory duties means the following:

- (a) monitoring responsible service of alcohol practices by staff members who are selling, supplying or serving liquor,
- (b) engaging with those staff, and with patrons on the premises, for the purposes of encouraging responsible attitudes and practices in relation to the promotion, sale, supply, service and consumption of liquor,
- (c) monitoring alcohol consumption by patrons and their behaviour for signs of irresponsible, rapid or excessive consumption of alcohol and for signs of intoxication,
- (d) intervening at any early stage to assist in the prevention of intoxication and anti-social behaviour (such intervention may include suggesting that patrons moderate their alcohol consumption by consuming food or non-alcoholic beverages).

11.3 Induction and Training

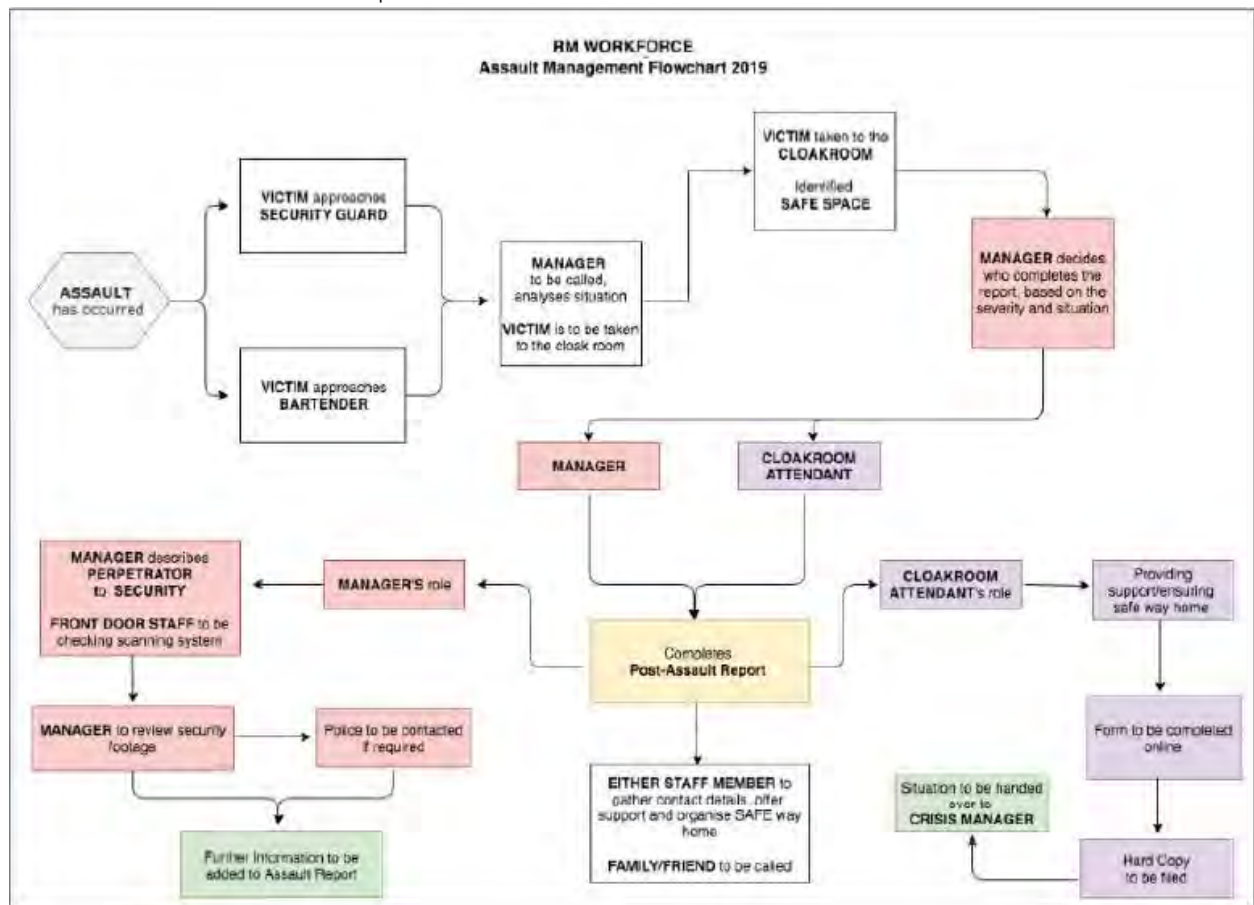
All staff employed at the venue must undergo an induction prior to commencing work with the venue. The induction covers a broad range of topics including workplace health and safety, evacuation procedures, and managements expectations for staff to uphold the best practice RSA measures.

New employees of the Hotel are made aware of this Alcohol Management Plan during their induction, and a copy of the plan is always available for staff in the Cloak Room.

12. SAFE SPACE INITIATIVE

King Street Hotel takes the safety and rights of all our patrons seriously and has self designed 'safe space' initiative to attend to and action any unwanted approaches or abuse of any kind between patrons.

Below is a flowchart of action procedures



13. CLOSED CIRCUIT TELEVISION (CCTV)

King Street Hotel operates a Close-Circuit Television System (CCTV) in accordance with regulatory legislation and licensing obligations; and to ensure as far as possible, the safety and protection of staff patrons, visitors, and members of the public and the property of the Hotel. Currently there are 28 cameras throughout the hotel, with the

addition of 13 Steel Street the camera level would rise to 36.

King Street Hotel recognises that the CCTV system is a valuable resource which deters anti-social behaviour and crime on and near the venue.

1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and (iii) all publicly accessible areas (other than toilets) within the premises.

2) The licensee must also: (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

Please find CCTV Management Plan Annexure A

14. OPERATING PROCEDURES- TRADING GUIDE 13/15

At the time of writing this Management Plan, there are no plans to open 13 Steel Street for trade during the day; however, if it is felt that there is a viable business opportunity to service the needs of the ever-growing West End at a later date, this Plan will be updated accordingly.

14.1 Proposed CCTV positions and static Security positions

The below three diagrams represent proposed CCTV positions and static security positions that will be commonplace when full trading commences

Image 4 shows external proposed security positions, external CCTV positions, Rubbish walk perimeter, proposed ride sharing area, taxi rank, additional lighting to be added and distance to McDonalds.

Image 1 - Ground floor

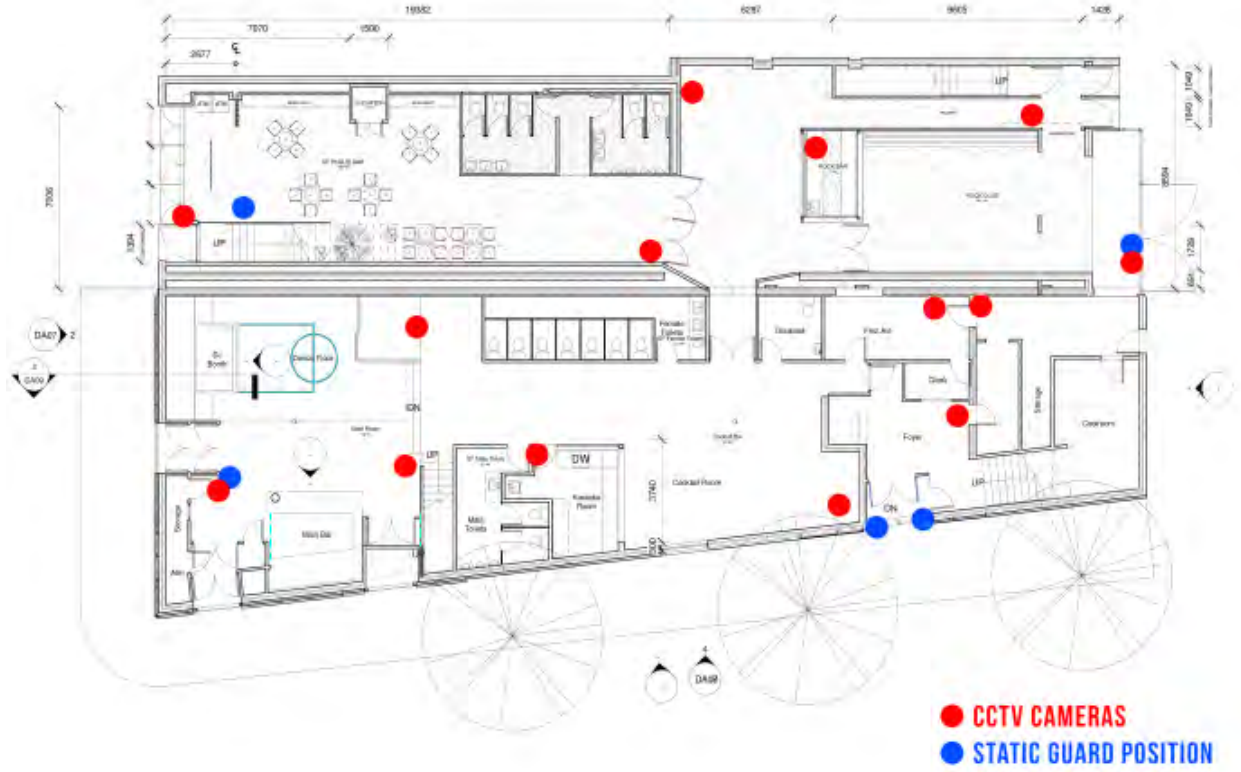


Image 2 - 1st Floor

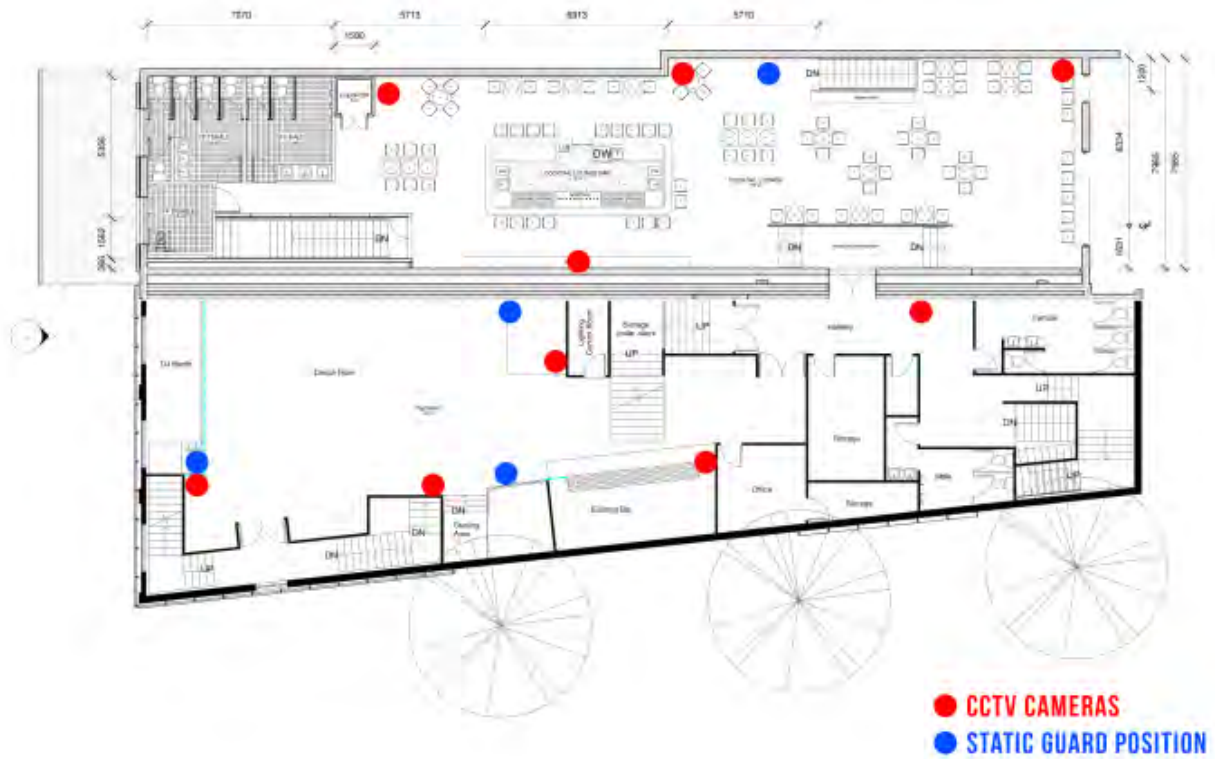


Image 3 - 2nd Floor

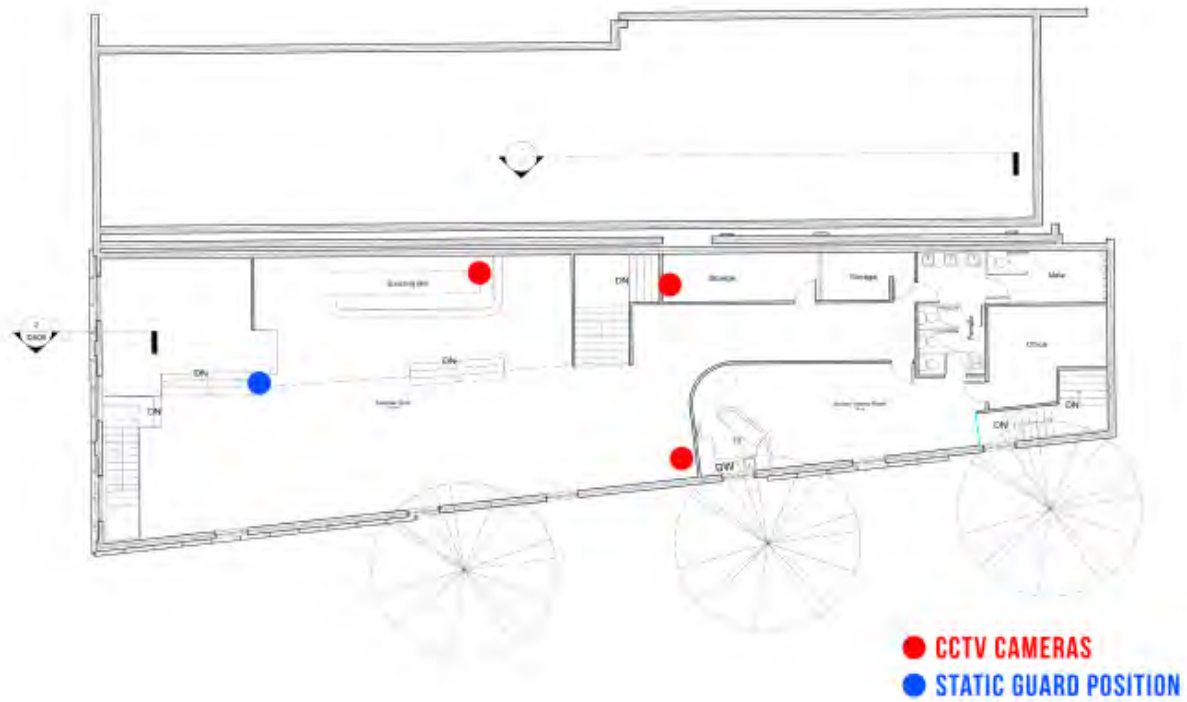


Image 4 - External Operations



14.2 Entry/ Exit

All entry and exit for the night-time operation past 9pm will be from the King Street Main entry. This entry has been used for past 18 years as King Street Hotel and the previous ten years as the castle nightclub. It has two way area for patrons to simultaneously enter and exit at same time. It will serve as the focal point for crowd control.

Currently and moving forward the King Street entry has a minimum of two security guards, 2 scanner personnel and a door host to facilitate various needs that occur outside a nightclub operation. On the occasions where there are excess numbers the staff levels will increase to cater for this at a ratio of 1 staff member per 100 persons in queue.

14.3 Hours of Operation

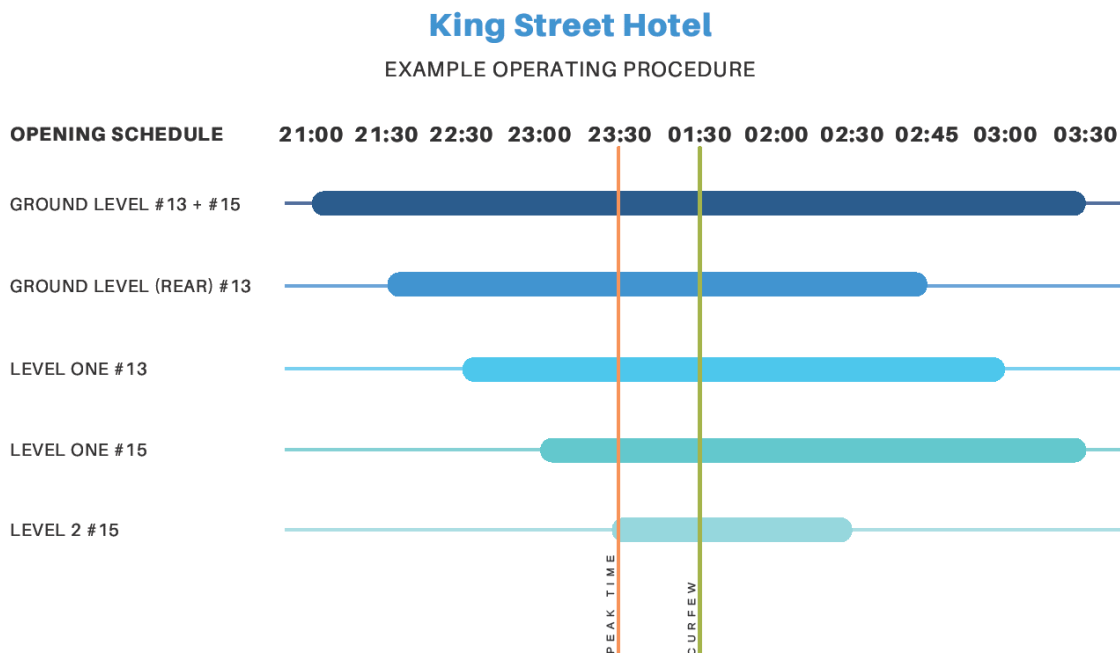
King Street Hotel has always run the venue as a staggered process as the number of patrons change over the evening.

The new and existing buildings have been designed for the ability to expand and decrease the rooms as the night progresses which greatly assists with the dispersal of patrons through out the night.

Please see an example of a standard Saturday night of trading- this is an example only. At 1.30 lockout, there are no patrons entering the venue so as the night progresses and patrons exit the venue the crowd numbers reduce. This is a normal trading occurrence. As the patrons leave various rooms the rooms will close in a staggered manner by security

and staff. This works both for business and community as crowd is better maintained, noise reduced and handling of exit is better managed.

It is estimated after 20 years in nightclubs that at close the venue will have 10 – 20% of the crowd capacity physically within the venue.



14.4 Capacity

The Hotel proposed a capacity of 1300 patrons. As mentioned above the numbers vary throughout the night but inevitably decline as the night progresses into morning.

14.5 Gaming

Gaming Machine entitlements are not anticipate to rise from the current 9 machines authorised for the venue. See Gaming Harm Minimisation

15. WORKING WITH POLICE AND RESIDENTS

The licensee has always had an open line of communication for neighbours, police and other stakeholders and will continue to build that relationship.

Where possible the venue would like to arrange Bi-Monthly meetings with police to assess and gauge how the venue is operating- both with patron and resident needs, with the addition of 13 Steel Street to the current licensed area.

A larger Annual meeting with all stakeholders is proposed as per Point 9.3.

Current meetings with McDonalds (pre DA march 2021) have identified a number of strategies that will aid patron service and movement and improve the amenity of neighbourhood. These strategies will be added to a Precinct Management Plan to be produced with input from McDonalds, NewWest group and Police mediation.

16. LIQUOR ACCORD

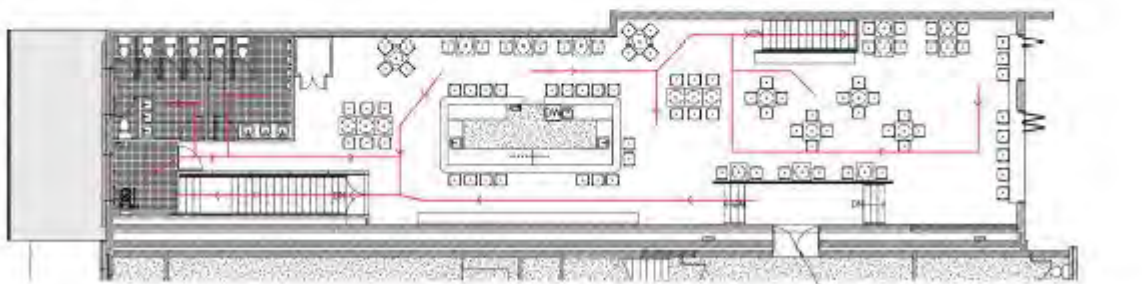
King Street Hotel is an active member of the Newcastle Liquor Accord.
Licensee Russell Richardson has been chairman of the accord for the past decade.

17. FIRE EVACUATION

The King Street Hotel will adhere to the Fire Engineering Report (FER) provided by both Connel Wagner and YGL. Six monthly fire evacuation training to occur with staff training and fire panels and sprinklers to be serviced regularly. All managers to be trained with Fire panel and able to fully assist and manage all fire and non fire event alarms. FER to be located in cloak room and submitted to NCC.
Evac plan below



① 0 DOM - Ground Floor - Fire Exits
1:100



② 1 DOM - First Floor - Fire Exits
1:100

18. FUTURE AMENDMENTS TO THIS PLAN

If in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the venue, that modification shall be made to the plan without further notice. Any amendments to the Liquor and Gaming legislation by the Authority can be implemented into this plan of management without further approval. Restrictions placed on licence as a result of 2008 'newcastle solution' will be removed from this and all previous documents in line with proposed trial beginning May 2021.

A copy of the plan is maintained on the premises at all times, and is available to regulatory authorities on request.

This Alcohol Management Plan replaces all previous versions.

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 20/04/21 – 13 & 15 STEEL STREET NEWCASTLE WEST –
DA2020/00766 - CHANGE OF USE, INCLUDING ALTERATIONS TO
THE EXISTING BUILDING AND INTERNAL FITOUT**

ITEM-6 **Attachment C:** NSW Police Submission and Applicant Response
to NSW Police Submission

DISTRIBUTED UNDER SEPARATE COVER



NEW SOUTH WALES POLICE FORCE

Newcastle City Police District

Licensing Unit

30 Harriet Street
Waratah N.S.W. 2289



Thomas HOWELL
Development Officer
Newcastle City Council
mail@ncc.nsw.gov.au

Development Application Number DA2020/00766, 13 Steel Street, Newcastle West NSW 2302.

Police have reviewed Development Application relating to the proposed Pub – Change of Use at 13 Steel Street, Newcastle West. The site will form part of the already established 15 Steel Street Newcastle West trading as King Street Hotel. These plans also include the Statement of Environmental Effects, acoustic report, crime risk assessment and a plan of management.

Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place-management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

It does not appear that any CPTED strategies have been covered throughout the application. Instead the applicant has made the following statements:

Crime and Public Safety

Positives – The proposed late-night trading will create an increase of pedestrian movement and casual surveillance within the vicinity of the site, therefore reducing potential crime within the area. Moreover, the proposed development will incorporate surveillance cameras at the entrance to the premises, providing an additional surveillance along Steel Street.

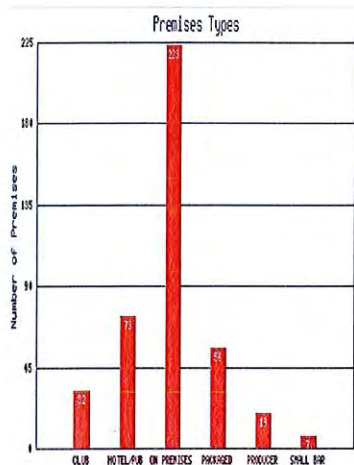
Negatives – The proposal will sell alcohol however; the proposed development will implement measures such as refusing to serve alcohol to patrons that are clearly intoxicated. An incident register will also be maintained on site, documenting, and reporting to Police any incidents that occur.

Police believe the proposed venue being another Hotel will significantly impact on crime and will outweigh the above mentioned positives. The applicant has failed to cover any strategies in relation to what will occur when the patrons are refused service. With the Hotel capacity possibly as high as 1630 patrons at any one time, there is a high likelihood of patrons to be wandering the streets intoxicated. This creates crime opportunities including antisocial behaviour, malicious damage and assault.

The suburb of Newcastle is already overwhelmed with a large number of licensed premises which is outlined in the below graph which shows there are 410 licensed premises within the Newcastle City Police District.



Licensed Premises LAC - NEWCASTLE CITY



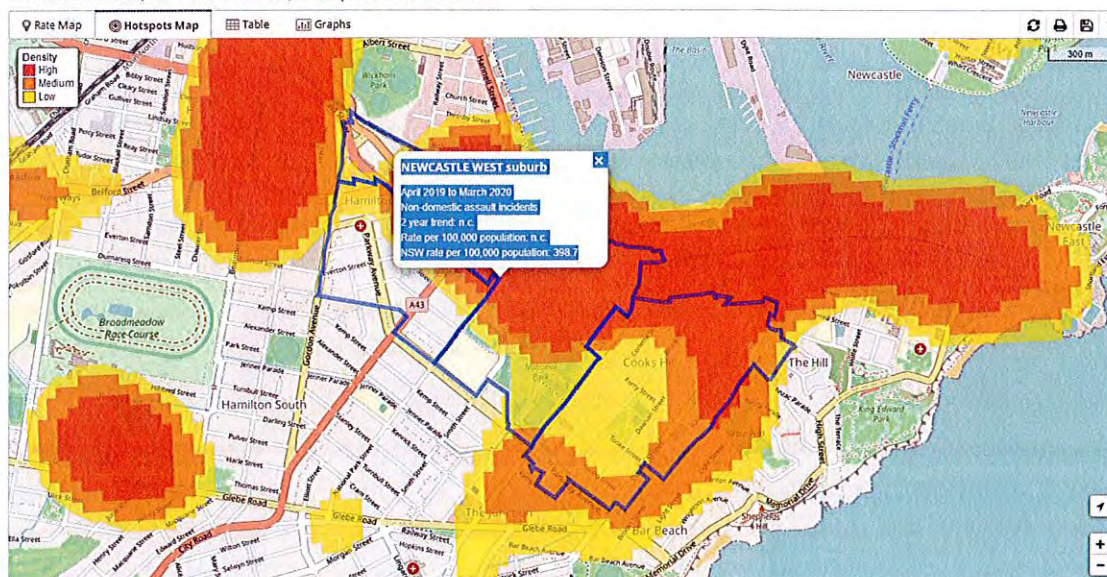
Premises Types	Total Number
CLUB	32
HOTEL/PUB	73
ON PREMISES	223
PACKAGED	56
PRODUCER	19
SMALL BAR	7

Show All Late Traders Only

Data up to 01/12/2020 23:59

The proposed venue is also located in a medium to high density location for non domestic assaults which is far higher than the NSW State average.

Incidents of Assault (Non-domestic assault) from April 2019 to March 2020





The applicant has stated that crime for robbery, theft, malicious damage and assaults are stable however the graphs provided by the applicant also show that they are still far greater than the NSW State average. The approval of another Hotel with such a large patron number will only increase the risk of these categories of crime rising even higher.

Local Economic Effects

Positives – The proposed development will result in a positive economic impact as the proposed change of use will result in a more appropriate and usable use for the public, it is acknowledged that the restaurant will sell alcoholic beverages. Acknowledging the significant population growth currently undergoing in the Newcastle LGA, and the high demand such a use, the proposal is expected to positively contribute to the local Newcastle economy.

Negatives – There are no anticipated negative impacts to the local economy.

As has been outlined above the number of Hotels, restaurants and small bars within the Newcastle CBD is sufficient to cater for the current population within Newcastle. Police feel it more prudent that the number of residents now residing in the inner CBD would be negatively impacted. The negative impact this could have on the community and possible crime in the area would far outweigh any positives.

The applicant has failed to mention the economic burden that assaults and other victim related crimes has. "Alcohol consumption is a worldwide public health concern due to the potential harm and cost associated with it's abuse. For example, in Canada, the estimated costs of alcohol misuse in terms of health, legal and social problems were estimated at 14.6 billion in 2002." (Sanchez-Ramiez, Voaklander: 2002: The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review.

Population Change

Positives – The proposed use responds to the demand generated by the significantly increased population growth within the Newcastle LGA. The proposal is consistent with the future vision of the Newcastle CBD and the Newcastle After Dark Strategy.

Negatives – There are no anticipated negative impacts.

Overall, the proposal is expected to cause minimal adverse impacts on the environment or amenity of the surrounding developments. The site is located in the Mixed-Use zone and is not within close proximity to residential areas that may be affected by the change of use to a Hotel. Therefore, the proposed change of use will have a minimal effect on the amenity of the surrounding area.

The proposed Hotel is located directly across the road from a large Hotel/Motel style complex and is on the same street as another large residential complex. There are multistorey units being erected in the near vicinity of the venue. For the applicant to state there will be minimal effects on the amenity of the surrounding area is a gross inaccuracy. They are also surrounded by numerous other Hotels and restaurants as has been outlined above. Density is a major issue.

In 'Newcastle After Dark 2018-2022' report of January 2018 Newcastle City Council stated, "The Newcastle city centre is experiencing regeneration as a place to live, work, invest and visit. In 2016-17 private investment development pushed through the \$1 billion milestone. 2017-18 is likely to see development exceed \$1.5 billion. A considerable proportion of this is investment into new residential living, particularly in the East End and West End/Wickham areas. This has coincided with



the growing pace of urban renewal projects transforming the city to result in a rapidly increasing city centre residential population (5,888 at the 2016 census; an increase of 1930 people from 2006).

The number of public submissions received in relation to this application shows that there has been a population change in the inner city and it is becoming increasingly hard for the residents already residing there to live a 'normal' life within close proximity to the already established King Street Hotel. To approve another establishment would only have a further detrimental effect on the neighbourhood.

Current research states, "Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm" shows that alcohol-related intoxication and harm increases by between 15 and 20 percent every hour of trading after midnight (Chikritzhs & Stockwell, 2002, 2006; Chikritzhs & Stockwell, 2007; Pennay et al., In press). This review has also found that the most evidence-based approach to reducing intoxication levels is through closing all venues earlier (Kypri et al., 2011; Kypri et al., 2014; Miller et al., 2012c).

This proposal not only wishes to trade until 3.30am it will also have nearly double the number of patrons which would only increase the risks associated to the Hotel.

The applicant has not discussed any real strategies to manage the ongoing problems that will arise if this application is approved. The only mention of a strategy is that the manager's phone number will be provided to residents if issues occur. As has been discussed by the residents in their submissions, the phone is not always answered and the problems appear to be ongoing.

Trading hours

The trading hours of the current Hotel at 15 Steel Street are:
10am – 3.30pm Monday to Saturday and 10am – 12 midnight Sunday.

In the plan of management the applicant states the usual hours of trade are:
Friday and Saturday 9pm – 3.30am with a 1.30am curfew in place (No entry)
Public Holidays and other event based days, the hotel reverts to approved Gaming and Racing Hours. They may also open on other days or varied times for special events throughout the year, licence allows week through trading at hours above minus Sundays which is 10am to 10pm.

A newly revised plan of management includes the proposed trading hours for 13 Street Street as the same as the current Hotel at 15 Street Street Newcastle which are currently 10am – 3.30pm Monday to Saturday and 10am – 12 midnight Sunday.

In contradiction to that statement further down in the plan of management document the applicant states,

Daytime operation – 13 Steel St, ground level Steel St entry – the hotel will be looking at commencing day trade to cater for the needs of the ever growing west end, residentially and commercially. An eventual full hotel style operation in this section of the building is aimed for including light meals.

The proposal states the Hotel intends to run the newly developed 13 Steel Street ground level as a Hotel with light meals. Entry prior to 9pm will be through the Steel Street entry doors but will only be to the new area labelled as front lounge.

Prepared by SGT CUPPLES



There is no mention in any of the supplied documents of proposed hours of trade for the development at 13 Street Street for daytime trade.

Essentially if this proposal was approved the Hotel could house patrons from 10am – 3.30am. There is no mention in the plan of management how the Hotel will manage patrons over such an extended period of time. However, they state that King St Hotel is not responsible for individuals' actions, such as vandalising and graffitiing private property.

In a study by *Wilkinson, Livingston and Room in 2017, Impacts of changes to trading hours of liquor licenses on alcohol-related harm: a systematic review 2005-2015*, it states 'previous reviews generally find that alcohol availability is a key driver of alcohol-related harm, with increased rates of alcohol-related harm in communities with higher densities of alcohol outlets....'

Patron Capacity

Patron capacity is discussed under Operational Detail in the Statement of Environment Effects. The patron capacity states the first floor capacity is 253 persons and the ground floor capacity is 293 persons. Again, the wording of this is not clear as to whether that number incorporates both 13 and 15 Steel Street or if it is the capacity of only one of the venues. They further state the capacity of the whole of both venues will be 1330 persons.

Within the document titled, 'Request for further information for the Development Application DA2020/00766 - Change of Use of 13 Steel Street, Newcastle West' the following patron numbers are listed:

The application for 13 Steel Street proposes a capacity of 550 persons. The existing operation of King St Hotel under DA08/1094 has a capacity of 780 patrons. Therefore, the maximum capacity of the venue on a regular night is 1330 patrons. Under DA2013/0703 approval from Council was granted for King St Hotel to utilise and cater for temporary events, at a maximum of 10 times a year, in the adjoining laneway. Approval under this consent provide a maximum capacity for the laneway for 300 patrons, therefore, during laneway events the maximum number of patrons are 1,630.

If this application is approved the Hotel will be able to have an exorbitant number of patrons at any one time. Police do not feel that the crime risk assessment has provided enough information to mitigate the number of risks that would be associated with this Hotel.

Recommendations

Police **DO NOT RECOMMEND** this application being granted. The reasons behind this decision have been outlined.

- In the document written by KDC titled, 'Response to submissions for the Development Application DA2020/00766 - Change of use at 13 Street Street Newcastle West, they state, "Since the start of the NEP King St Hotel has recorded 8 assaults since 2013, with over 100,000 patrons utilising the venue each year. Although only 8 assaults per year during the extended timeframe is considered minor, the premises continues to target zero assaults."

This is a gross inaccuracy. The NSW Government operates a Violent Venues Scheme to regulate licensed premises with high levels of assault and other violent incidents. The

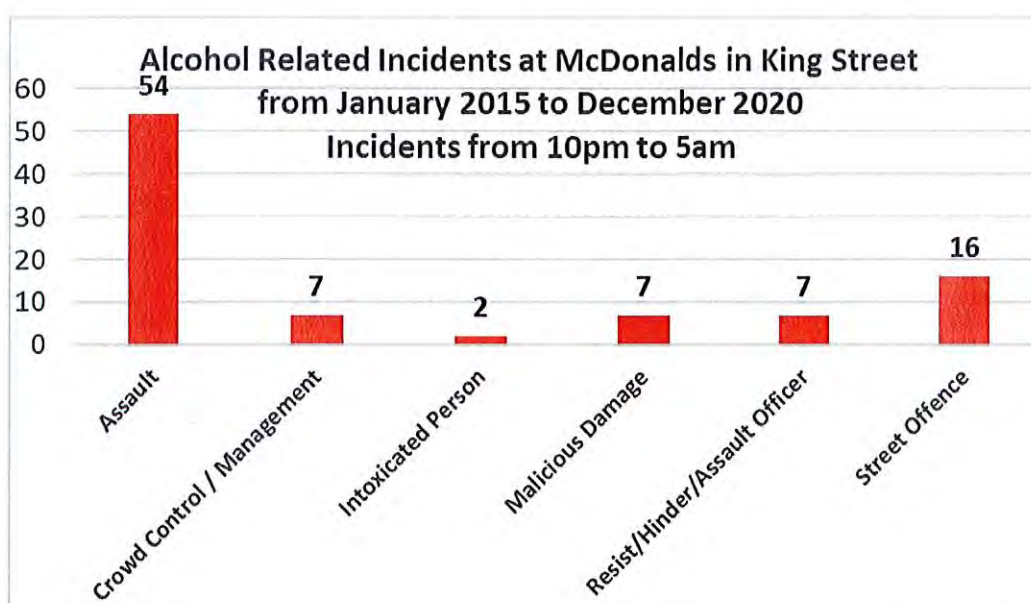


Scheme aims to reduce alcohol related violence and focuses on acts of violence associated with a venue and considered offences under the Crimes Act. A venue is categorised on the number and type of alcohol-related violent incidents that occur on its premises over a specified period.

- Level 1 – 19 or more incidents
- Level 2 – 12 to 18 incidents
- Level 3 – 8-11 incidents

Certain types of events contribute to the tally of incidents that may place a venue on a Level 1, Level 2, or Level 3 violence venues list. The circumstances of these events vary greatly, and each incident is investigated on an individual basis. An incident may be considered violent and contribute to your venue's tally, if it:

- Meets the definition of a criminal incident
 - Falls within one of the categories of violent criminal incidents
 - Is alcohol-related
 - Has occurred on the licensed premises or in the immediate vicinity.
- The King St Hotel has been on the declared premises list nearly every year since 2010 up until 2019 with between 12 and 22 incidents being recorded for each round. This equates to them being a level one, level two and level three Hotel on the violence venues list over these years.
 - The addition of another Hotel directly connected to the King St Hotel and run under the same liquor licence would ensure the violence in and around this venue would increase. The review by Sanchez-Ramirez, Voaklander: 2002: The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review states, 'Evidence has shown that when alcohol is available, consumption and associated problems increase. Based on the premise that drinking and drinking problems can be reduced by reducing the opportunity to obtain alcohol, one way to prevent alcohol problems is through policies that limit the availability of alcohol.
 - The Hotel has stated they are not responsible for the incidents at King St McDonalds. This statement is untrue. The Hotels' patronage does attend the McDonalds restaurant located in King Street, Newcastle. Although they are not responsible for all of the antisocial behaviour and crime in general their clientele is part of the problem.
 - The below graph is a representation of crime that has occurred between 10pm and 5am that is alcohol related at McDonalds King Street Newcastle between 2015 and 2020.



- A further breakdown of these statistics reveals that 26 of the incidents were linked to The King Street Hotel i.e. patrons involved in these incidents had been at King St Hotel prior to them occurring. 18 Assaults; 3 Crowd Control/Management; 3 Resist/Hinder/Assault Police; and 2 Street Offences. That's a total of 28% of all incidents.
- King St Hotel has been closed since March 2020 so the statistics really only apply to a period of four years, making the statistics even more damning.
- The applicant has failed to discuss any strategies in relation to patron dispersal. McDonalds is located within 50 metres of the Hotel. If patrons are refused service at a licensed premises they are required under the Liquor Act to move more than 50 metres from the licensed premises. This issue has not been covered.
- There is no mention of how the applicant will disperse up to 1630 patrons who will all be leaving within a short time frame. With this number of patrons in one vicinity it will make patron dispersal a major problem. There will be issues in relation to noise disturbance, antisocial behaviour, the ability to utilise transport and opportunistic crime.
- An acoustic report was completed by Reverb Acoustics. The recommendations throughout that report relate to the requirements in the general running of the Hotel when entertainment is utilised and ensuring the right glazing is attached windows and doors. They have not conducted any noise assessments in relation to patrons leaving the venue and the



general noise disturbances caused by intoxicated persons being removed from the venue. As alluded to within most of the residents complaints this was one of the main issues raised.

- No matter how responsible the behaviour of the licensee and their staff, the sale of hard alcohol by the hotel with the increased patronage will lead to an increase in intoxicated persons gathering on the street and moving between venues. Previous experience has shown that this is very likely to lead to an increase in street assaults, robberies and other alcohol related crime. Alcohol related assaults are more vicious than non-alcohol related assaults. Over the past five years (across the State) 32.5% of all alcohol related assaults resulted in Actual Bodily Harm or Grievous Bodily Harm while only 25.5% of assaults where alcohol was not involved fell into these more damaging sub-categories

If the application is approved police request the following conditions are considered for inclusions onto the Development Approval for the sole purpose of **Public Safety**:

Both interior and external areas.

Police believe that Technical Surveillance (TS) and lighting should be installed due to the nature of the business being proposed.

It is highly recommended that the premises ensure it has installed good quality CCTV that meets the following minimum criteria:

- 1) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
 - a. the person represents not less than 100% of the screen height, and
 - b. there is an unobstructed view of the person's face.
- 2) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - a. all other public entrances and exits, whether or not in use at the time,
 - b. staircases,
 - c. all portions of the floor area accessible to the public where entertainment is provided,
 - d. toilet external entrances,
 - e. all public accessible areas within the premise excluding toilets,
 - f. the footpath area directly adjacent to the premises, and
 - g. any courtyard and smoking areas.
- 3) The CCTV recordings of the cameras referred to in sub condition (2) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
 - a. the person represents not less than 50% of screen height, and
 - b. there is an unobstructed view of the person's face.
- 4) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

Prepared by SGT CUPPLES



- 5) Camera recordings must meet the standards set in sub condition (1) and (3) at all times, either by way of camera positioning, camera shades or other environmental factors.
- 6) Recordings must:
 - a. be in digital format,
 - b. record at a minimum of ten (10) frames per second, and
 - c. commence one hour prior to opening, and operate continuously until at least one hour after closing.
- 7) 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.
- 8) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
- 9) When the venue is open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- 10) Immediate access to the CCTV system and the ability to review recordings is to be granted to NSW Police, L&G Inspectors or other regulatory officers upon request.
- 11) The CCTV system shall be able to reproduce a copy of the recordings on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, L&G Inspectors or other regulatory officers.
- 12) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

External front and rear boundary of premises.

The outside of the premises should be well lit and covered by CCTV. This is to prevent anti-social behaviour from occurring in these areas and for investigative purposes should anything adverse occur at the location.

Police believe that technical surveillance and lighting should be installed due to the nature of the business being carried out and due to the premise's location being within the Newcastle CBD.

Police would also suggest Newcastle City Council consider conditions in respect to the following;

- 1) A security intruder system is utilised throughout the physical buildings which has 24-hour off-site monitoring which covers the whole premises with no less than three internal movement/motion detectors and separate multiple programmable zones, each single zone



having a separate alarm trigger with separate external and internal sirens of not less than 100 dB and an external strobe security light.

Trading Hours

10am to 12.00am (midnight)

Maximum Patron Capacity

- 1) A maximum patron capacity of the premise to be.
First floor 253 patrons
Ground floor 293 patrons
- 2) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause 1).
- 3) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principle entry to the premises; in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving please respect local residents by minimising noise

Neighbourhood Amenity

- 1) The management of the premises:
 - a. Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
 - b. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
 - c. Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
 - d. Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.
- 2) An adequate queuing system for patrons must be implemented at the main entrance of the licensed premise as to ensure that if patrons are queuing to gain entry they do not obstruct or impede pedestrian traffic flow.



Noise Management

Police would also request that the following noise conditions be placed on the venue's development approval,

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8Khz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

Notwithstanding the above conditions:

'During trade the noise from the premises shall not be audible within any habitable room in any residential premises.'

We would also recommend installing an electronic Noise Limiter.

Plan of Management

- 1) The premise is to operate in accordance with a Plan of Management suitable for a premise of this size and style. A copy of this plan must be submitted to local police prior to the premise being open to the public.
- 2) Any proposed changes to the agreed plan must be submitted to local police for review at least 28 days prior to those changes being implemented. If changes must be implemented within the 28-day period local police must be consulted at the earliest opportunity.

If you wish to discuss this response further, please feel free to contact the Newcastle Licensing Unit on (02) 4926 6579.

A handwritten signature in red ink, appearing to read 'S Parker'.

Scott PARKER
Detective Chief Inspector
Crime Manager
Newcastle City Police District
10 December 2020

10 March 2021

Ref : DA2020/00766, 13 Steel Street, Newcastle West NSW 2302.

Development Officer Thomas Howell,

My name is John Van der Veen, I am the Managing Director of Liquor and Gaming Solutions. We have been engaged to assist with the liquor licence application that will follow the development application for a change of building use at 13 Steel Street Newcastle West.

We are also assisting with the development of management plans, and other documents which are relevant to the Development Application.

The Police have provided a statement of reasons why they do not support the application being approved, and we offer the following information in reply

Police Point 1

The Police are critical of the statistical information provided by King Street Hotel Specifically, that the venue has recorded 8 assaults per year since 2013, with over 100,000 patrons utilizing the venue each year.

Police allege this is a "gross inaccuracy", sighting the Hotel's inclusion in the Violent Venue's Scheme as evidence to the contrary.

Violent Venues Scheme.

The Violent Venues Scheme is regulated by Liquor and Gaming NSW, with NSW Police being the major stakeholder in managing the statistical data.

The Violent Venue scheme is categorized on the number and type of alcohol-related violent incidents that occur on its premises over a 12 month period.

- If a venue records 19 or more incidents – Level 1.
- If a venue records 12 to 18 incidents – Level 2
- If a venue records 8 – 11 incidents – Level3
- Less than 8 incidents - not included on the Violent venues scheme.

Please refer to the attached fact sheet for Violent Venue's Scheme for further information on how this scheme works.

The Violent Venues Scheme fact sheet is attached and marked as ANNEXURE A

Reply to point 1.

Liquor and Gaming NSW publish the list of the venues every 6 months, based on the data for the previous 12 months. The list only names the venues which have been declared Level 1 or Level 2 premises.

Venues which are level 3 are not “named and shamed”, but are subject to regulatory intervention by Liquor and Gaming NSW to prevent the venue escalating further.

A copy of the Liquor and Gaming – Violent Venues Scheme publications are attached and marked **ANNEXURE B**

Based on these publications, we offer the following report -

Level 1 and level 2 license for the purpose of Schedule 4 of the Liquor Act 2007, including assault incident numbers			
Round	Date Period	Number of Assault Incidents	Level
1	July 2007 to June 2008		Not included
2	1 July 2008 to 30 June 2009	14	Level 2
3	1 Jan 2009 to 31 December 2009	17	Level 2
4	1 July 2009 to 30 June 2010	13	Level 2
5	1 Jan 2010 to 31 Dec 2010	15	Level 2
6	1 July 2010 to 30 June 2011	15	Level 2
7	1 Jan 2011 to 31 December 2011	16	Level 2
8	1 July 2011 to 30 June 2012	16	Level 2
9	1 Jan 2012 to 31 Dec 2012	11	Removed from list
10	1 July 2012 to 30 June 2013		Not Listed
11	1 Jan 2013 to 31 Dec 2013		Not Listed
12	1 July 2013 to 30 June 2014		Not Listed
13	1 Jan 2014 to 31 Dec 2014		Not Listed
14	1 July 2014 to 30 June 2014		Not Listed
15	1 Jan 2015 to 31 Dec 2015		Not Listed
16	1 July 2015 to 30 June 2015		Not Listed
17	1 Jan 2016 to 31 Dec 2016		Not Listed
18	1 July 2016 to 30 June 2017		Not Listed
19	1 Jan 2017 to 31 Dec 2017	13	Level 2
20	1 July 2017 to 30 June 2018	13	Level 2
21	1 Jan 2018 to 31 Dec 2018	8	Removed from list
22	July 2018		Not Listed

The King Street Hotel can only comment on the assault data which has been presented in the Violent Venues scheme, as this is the only published information on the topic.

King Street Hotel was not on the Violent Venues Scheme between 1 July 2012 and 1 July 2017 (5 years) because the number of incidents were below the threshold for inclusion on the Violent Venues Scheme (level 1 or level 2).

We accept that there would be some incidents in that timeframe, and for the purpose of these calculations we propose an average of 7 incidents per calendar year (even though we don't have that information and it could be less). If the Hotel had eight (8) or more incidents, it would have been notified that it was a level 3.

Based on those (very fair and reasonable) assumptions, the average number of alcohol related assaults since January 2013 is 8.08 incidents per year.

It is noted that the Police have access to statistical information, but have not relied on that evidence to oppose the development application.

The Police have opposed the development application based on the fact that the Hotel has been included on the Violent Venues Scheme for a 12 month period in the space of 5 years.

Whilst reviewing the table above it is worth noting that the scanning system pushed and founded by the king street hotel began in December 2011. After a year of gaining a database of individuals who re offend and getting message to the patrons that anti social behavior has real world consequences the Hotel has rarely figured in any list.

This is not a fair or reasonable measure, when Police have provided crime data for a McDonalds restaurant across the road.

Police Point 2.

The King St Hotel has been on the declared premises list nearly every year since 2010 up until 2019 with between 12 and 22 incidents being recorded for each round. This equates to them being a level one, level two and level three Hotel on the violent venues list over these years.

Reply to point 2.

As per the violent venues list published by Liquor and Gaming NSW, the statements by Police are factually incorrect.

Between January 2010 and December 2019 (9 years), King Street Hotel was included in the violent venues scheme for a period of three and a half (3.5) years. This is not consistent with the police assertion of almost every year.

Between January 2010 and December 2019, the King Street Hotel has never been a Level 1 declared premises. This is not consistent with the police assertion the Hotel was a level one premises over these years.

On 1 January 2021, the Liquor and Gaming abandoned the Violent Venues Scheme because it was not considered to be a fair or reasonable assessment of licensed venues in NSW.

The scheme did not take into account the size of the venue, the trading hours of each venue, capacity for number of patrons, or geographical location.

The Violent Venues Scheme bench marked small regional pubs against large city venues in a manner which was statistically flawed.

The IVY Hotel in Sydney for example was consistently a level 1 declared premises, however statistically speaking this Sydney based Hotel served more customers per annum than every pub in the city of Newcastle combined.

The IVY was being measured against with every other pub in NSW for the number of assaults which occur in the venue, which has since been proven to be an unreasonable measure.

On January 2021, Liquor and Gaming introduced a demerit point system for liquor licenses in NSW. The system works in similar fashion to NSW drivers licences.

King Street Hotel has not incurred any loss of points since the introduction of the incentives and demerit point system.

Police Point 3.

The addition of another Hotel directly connected to King St Hotel and run under the same liquor licence would ensure the violence in and around this venue would increase. The review by Sanchez-Ramirez, Voaklander : 2002: The impacts of policies regulating alcohol trading hours and days on specific alcohol related harms: a systematic review states, "Evidence has shown that when alcohol is available, consumption and associated problems increase. Based on the premises that drinking and drinking problems can be reduced by reducing the opportunity to obtain alcohol, one way to prevent alcohol problems is through policies that limit the availability of alcohol.

Reply to point 3.

The Police provide a quote from the medical journal of Doctor Diana C Sanchez-Ramirez published in 2002, to support their opinion.

The quote is from Doctor Sanchez-Ramirez 2002 paper, and basically suggests that "the way to prevent alcohol problems is through policies that limit the availability of alcohol."

The research of Doctor Sanchez-Ramirez is ongoing, and updates to her medical journal have been published as recently as October 2016.

The more recent outcomes of her research reference more progressive ideology than simply not making alcohol available.

Doctor Sanchez-Ramirez's (October 2016) - *Although the impact of alcohol trading policies on assault/violence and motor vehicle crashes/fatalities is also positive, these associations seem to be more complex and require further study.*

Conclusion : The impact of these alcohol trading policies in assault/violence and motor vehicle crashes/fatalities is less compelling.

Doctor Sanchez-Ramirez's recent medical journals (2016) acknowledge that this is complex problem that is not simply solved by reducing the availability of alcohol.

The same Doctor whom Police quote from 2002, also published a paper of the same name in 2016 showing her research does not support that the reduction in the "availability of alcohol" reduces assault/violence or motor vehicle crashes/fatalities.

The police have quoted the 2002 medical journal of Doctor Sanchez-Ramirez to support their assertion that the "**addition of another Hotel directly connected to King St Hotel and run under the same liquor licence would ensure the violence in and around this venue would increase**"

If we are to rely on this particular expert medical opinion, we believe we should rely on the most recent data and findings.

13 Steel Street has historically operated the first floor tenancy as a Brothel. The proposed change of use for this building is more likely to reduce local crime, than increase it. Brothels are widely known to be frequented by elements of the criminal

underworld, and the closure of this premises would ensure that the violence in and around this venue would decrease.

Point 4.

The hotel has stated they are not responsible for the incidents at King Street McDonalds. This statement is untrue. The Hotel patronage does attend the McDonalds restaurant located in King Street, Newcastle. Although they are not responsible for all of the antisocial behavior and crime in general their clientele is part of the problem.

Reply to Point 4.

We partially agree with this statement, in that King Street Hotel contributes to the overall patronage of the 24 hour McDonalds restaurant located directly opposite the King Street Hotel.

Both businesses are part of the night time economy of Newcastle, and have been such for decades.

King Street Hotel is prepared to work with McDonalds to assist in reducing the overall level of anti-social behavior and crime which occurs at the restaurant and car park.

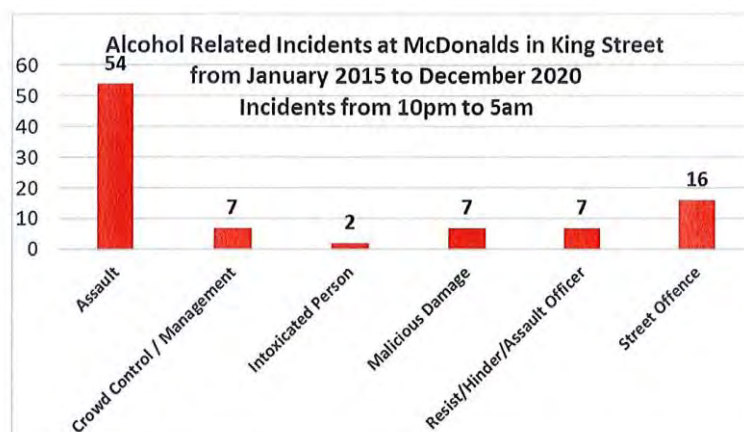
The Police statistics identify that 28% of the overall incidents which occur at McDonalds between 10pm and 5am are linked to persons who have been patrons of the King Street Hotel. Considering these businesses are neighbors, that means 72% of the other people involved in alcohol related crime have come from other venues in the Newcastle CBD and made a conscious choice to visit the McDonalds restaurant independent of the presence of the King Street Hotel.

If the development consent is approved, the Hotel is prepared to commit to providing a security guard to work on the corner opposite the King Street Hotel to encourage persons to reduce noise, and antisocial behavior. The guard will be in radio communication with the Security Team from the venue, if additional resources are required.

It is also important to acknowledge that the McDonalds restaurant has a high presence of young persons under the age of 18 who are not patrons of King Street Hotel, and that 72% of the persons who have been charged with an offence at McDonalds between 10pm and 5am came from another licensed venue.

Point 5.

The graph below is a representation of crime that has occurred between 10pm and 5am that is alcohol related at McDonalds King Street Newcastle between 2015 and 2020.



Reply to Point 5.

King Street Hotel welcomes the introduction of statistical information by the Police into this report.

If the Police can produce statistical information on alcohol related crime at a takeaway food restaurant, why have they not produced these statistics for the King Street Hotel.

The Police data shows that in the past five (5) years, there have only been two (2) intoxicated persons dealt with by Police at McDonalds between 10pm and 5am. This does not support the police comments that there are issues with intoxication on the street outside the venue.

The Police data shows seven (7) incidents of malicious damage over a five (5) year period.

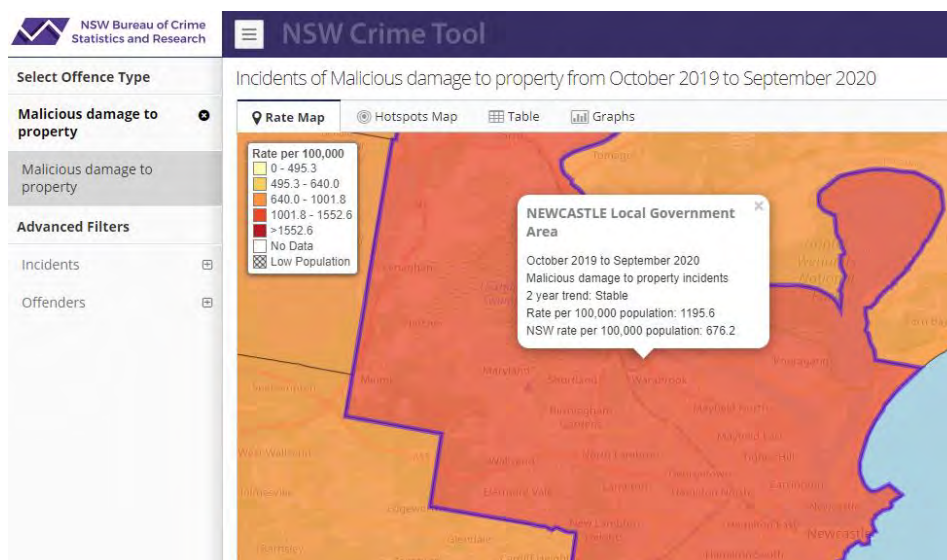
The NSW bureau of Crime Statistics and Research (BOCSAR) shown below, indicates that Newcastle Local Government Area is a hotspot for malicious damage.

There were 1195.6 incident of malicious damage per 100,000 people between October 2019 and September 2020 in the Newcastle Local Government Area.

Based on the available census data, Newcastle LGA has a population of 155,411 people.

Therefore, 1853 incidents of malicious damage occur in the Newcastle LGA per year. That is five (5) per day.

The seven (7) incidents of malicious damage which occur at McDonalds over a five (5) year period demonstrates that the malicious damage rate of McDonalds is probably lower than the average for the local government area (We would need the statistics for daytime time malicious damage at McDonalds before we could say for certain).



Point 6.

A further breakdown of these statistics reveals that 26 of the incidents were linked to The King Street Hotel i.e. patrons involved in these incidents had been at King St Hotel prior to them occurring. 18 Assaults; 3 Crowd Control/Management; 3 Resist/Hinder/Assault Police; and 2 Street Offences. That's a total of 28% of all incidents.

Reply to Point 6.

At present, 72% of all persons involved in any form of alcohol related crime at McDonalds do not identify that they have come from King Street Hotel. This is despite both venues being immediate neighbors.

72% of all persons affected by alcohol (who are involved in an incident) at McDonalds come from the other licensed premises in Newcastle to McDonalds for food.

The problems and statistics presented by Police with this report relate to the McDonalds restaurant - and this is a matter police should be addressing with the property owners for McDonalds directly.

King Street Hotel is prepared to provide an external security guard on the McDonalds side of the road to assist with resolving this problem if the development application is approved.

King Street Hotel is also prepared to work with McDonalds to develop a late night precinct management plan to assist in the better deployment of security resources of both parties.

Point 7

King Street Hotel has been closed since March 2020 so the statistics really only apply to a period of four years, making the statistics even more damning.

Reply to Point 7

The Police have provided statistical information on alcohol related crime at the McDonalds restaurant, but not the King Street Hotel.

The Police speak about the King Street Hotel being closed affecting the crime statistics for the restaurant across the road, without acknowledging that all restaurants in NSW were also closed for a period of time during the pandemic.

Point 8

The applicant has failed to discuss any strategies in relation to patron dispersal. McDonalds is located within 50 meters of the Hotel. If patrons are refused service at a licensed premises they are required under the Liquor Act to move more than 50 meters from the licenced premises. This issue has not been covered.

Reply to Point 8

This statement by Police is factually incorrect. The applicant has provided a Management Plan, and Chapter 10 is titled *minimizing disturbance to the neighborhood*.

The plan already covered a number of strategies to assist with patron dispersal, such as the managed cab-rank located directly in front of the Hotel.

We have recently updated this Plan of Management to Version 11, and included further strategies to help with the management of patrons on egress.

- Trial Courtesy bus from 2am – 3.30am to assist to move patrons away from the area quickly.
- Supervision of the managed Cab-rank will be extended until 3.30am
- Trial Uber / Parent pick up area on King Street north.
- Guard positioning on McDonalds Corner from 12 midnight to half an hour after close, this guard will have complaints / issues phone to readily address issues that may arise.
- Trial Guard position from 2 till 3.30am on King Street Hotel corner positioned to help facilitate directing persons walking to public transport interchange to walk down Steel Street – Hunter street (away from the residential premises).
- Increased use of crowd control barriers to assist with queuing outside venue
- Line cut off sign will occur at new exit doors on Steel Street side of the building, and security will ask patrons to move on.
- Increased lighting on Steel Street and Laneway exits to ensure greater visual surveillance of patrons prior and post venue operation.
- External CCTV added in laneway and Steel Street exits to aid NSW police and the venue in resolving and identifying anti social behavior.
- Body Cameras for guard use when dealing with possible problems
- Availability of hotel phone for stranded patrons with no communication means to contact transport

The McDonalds restaurant is located 56 meters from King Street Hotel, so it does not offend the requirements of the Liquor Act for a person to move more than 50 meters from the Hotel.



The proposed use of a security guard on the McDonalds side of King street will assist to supervise any persons required to move on in this area.

As discussed previously, if the development consent for 13 steel street is approved, King Street Hotel propose to work with McDonalds to develop a West End night time economy precinct management plan.

The plan will seek to address issues such as pedestrian migration between venues and food outlets, as well as transport options to get people safely home.

King Street Hotel will engage an independent consultant to assist in the development of the precinct management plan, and will invite the participation of NSW Police and Newcastle city Council.

Preliminary discussions are already taking place between McDonalds and King Street Hotel, however for the strategy to be successful it would need to involve other late trade venues such as The Family Hotel, and the Cambridge Hotel, etc.

King Street Hotel was at the fore-front of developing the Newcastle Entertainment Precinct (NEP) strategy which included the use of ID Scanners to exclude persons from all licenced premises within the NEP for acts of violence or assault.

The King Street Hotel has a proven ability to partner with likeminded businesses to effect change for the public good.

Point 9

There is no mention of how the applicant will disperse up to 1630 patrons who will all be leaving within a short time frame. With this number of patrons in one vicinity it will make patron dispersal a major problem. There will be issues related to noise disturbance, antisocial behavior, the ability to use public transport and opportunistic crime.

Reply to Point 9

The maximum capacity proposed in the development consent is 1300 people.

The Police statement that the Hotel will accommodate 1630 people is incorrect.

As per Chapter 14.3 of the Management Plan, the Hotel already adopts a staggered closure plan, which involves closing down certain parts of the Hotel towards closing time to reduce the patron capacity.

Very rarely, if ever has the Hotel operated at capacity until close.

With the increased capacity, King Street Hotel proposes to trial the use of a courtesy bus to assist with dispersing patrons quickly.

The Hotel already has a managed taxi-Rank, which is the taxi operators preferred pick up point. This taxi rank is located right at the front door of the Hotel.

King Street Hotel is hoping to connect with UBER, to establish an UBER Pick up point just north of the Hotel.

The Newcastle transport interchange is located only 520 meters to the north west of King Street Hotel. The Transport interchange has bus, light rail, and inter-urban trains available to take people home.

There are established transport options in very close proximity to the Hotel.

The Hotel has a separate noise management plan, and has provided all residential neighbors with the contact details of how to contact the hotel if they are disturbed.

The likelihood of patrons being disturbed has been minimized by providing additional security on the street at closing time, and assisting patrons to move quickly towards the transport interchange, courtesy bus or taxi.

Point 10

An Acoustic report was completed by Reverb Acoustics. The recommendations throughout that report relate to the requirements in the general running of the Hotel when entertainment is utilized and ensuring the right glazing is attached to windows and doors. They have not conducted any noise assessments in relation to patrons leaving the venue and the general noise disturbances caused by intoxicated persons being removed from the venue.

As alluded to within most of the residents complaints this was one of the main issues raised.

Reply to Point 10

It is not the usual practice of the acoustic report to consider the environment external to the premises which they are preparing an acoustic report for.

Acoustic engineers from Reverb Acoustics have considered the built environment of the Hotel, and the noise generated from the operation of sound amplification, as well as plant and equipment.

This is the environment in which the acoustic engineers can recommend acoustic treatment to reduce the impact of noise.

The street outside the venue is not an environment that the acoustic engineer can provide treatments for, and it is unreasonable of Police to be critical of the acoustic report in this regard.

The applicant has provided a Management Plan, and Chapter 10 is titled *minimizing disturbance to the neighborhood*.

The control measures suitable for the management of the identified risks have been addressed in this chapter.

Point 11

No matter how responsible the behavior of the licensee and their staff, the sale of hard alcohol by the hotel with the increased patronage will lead to an increase in intoxicated persons gathering on the street and moving between venues. Previous experience has shown that this is very likely to lead to an increase in street assaults, robberies, and other alcohol related crime. Alcohol related assaults are more vicious than non-alcohol related assaults. Over the past five years (across the state) 32.5% of all alcohol related assaults resulted in Actual Bodily Harm, or Grievous Bodily Harm while only 25.5% of assaults where alcohol was not involved fell into these more damaging sub-categories.

Reply to Point 11

The Police have offered a completely unquantified statement about the impact this Development consent will have on the local environment.

Police State - *Previous experience has shown that this is very likely to lead to an increase in street assaults, robberies, and other alcohol related crime.*

What previous experience are police relying on to make this assumption, there has not been another hotel within the Newcastle CBD which has undertaken renovations or extensions of this nature in living memory.

The Police have not provided any specific crime data for the existing King Street Hotel, and again rely of more generic BOCSAR data for alcohol related assaults on a statewide level to qualify this opinion.

Based on the limited statistical information Police have provided it has already been demonstrated that the only 2 persons have been spoken with by Police at McDonalds in the past 5 years for intoxication. This is not consistent with the police allegations of intoxicated persons gathering on the street.

Proposed conditions by Police.

If the application is approved police request the following conditions are considered for inclusion onto the development approval for the sole purpose of public safety.

Proposed Police Condition 1 – CCTV.

It is highly recommend that the premises ensure that it has installed good quality CCTV that meets the following minimum criteria.

- 1) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
 - a. the person represents not less than 100% of the screen height, and
 - b. there is an unobstructed view of the person's face.
- 2) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
 - a. all other public entrances and exits, whether or not in use at the time,
 - b. staircases,
 - c. all portions of the floor area accessible to the public where entertainment is provided,
 - d. toilet external entrances,
 - e. all public accessible areas within the premise excluding toilets and accommodation rooms,
 - f. the footpath area directly adjacent to the premises, and
 - g. courtyard and smoking areas.
- 3) The CCTV recordings of the cameras referred to in sub condition (2) must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before, when:
 - a. the person represents not less than 50% of screen height, and
 - b. there is an unobstructed view of the person's face.
- 4) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- 5) Camera recordings must always meet the standards set in sub condition (1) and (3), either by way of camera positioning, camera shades or other environmental factors.
- 6) Recordings must:
 - a. be in digital format,
 - b. record at a minimum of ten (10) frames per second, and
 - c. commence one hour prior to opening and operate continuously until at least one hour after closing
- 7) 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.
- 8) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30-day period.
- 9) When the venue is open and trading, at least one person shall be at the venue who can access the CCTV system and is able to immediately review recordings and produce copies.
- 10) Immediate access to the CCTV system and the ability to review recordings is to be

granted to NSW Police, OLGR Inspectors or other regulatory officers upon request.

- 11) The CCTV system shall be able to reproduce a copy of the recordings, in the same quality as stated under point 6), on Compact Disc, DVD or USB memory stick and must, upon request, be provided within one working day to NSW Police, OLGR Inspectors or other regulatory officers.
- 12) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

Comment on Proposed Condition.

King Street Hotel already has a robust CCTV system in place, and the Hotel has a long history of assisting NSW Police with investigations.

The technical specifications proposed by police in this condition will very quickly be outdated, rendering this condition invalid. In most cases the proposed condition is already out of date.

Requirements for the system to record one hour before the start of trade, and one hour after trade have been superseded by the introduction of motion sensor camera's which record at anytime there is a person in the room.

The requirement for 10 frames per second is well below the industry standard for CCTV which recommends a minimum of 30 frames per second any camera which is recording persons moving at a walking pace.

The Management Plan already addresses CCTV under chapter 13, and the location of all CCTV cameras are shown on plans in Chapter 14.

There is no evidence from Police to suggest that the CCTV system already installed at King Street Hotel is inadequate.

If Council are of a mind to impose a condition in relation to the CCTV, we request Council consider the following wording.

The Hotel must operate a CCTV system at all times the premises is trading. The minimum technical specifications of the system must be included in a CCTV management plan, which may be updated from time to time as require.

Proposed Police Condition 2 – Alarm.

The Police have proposed that the venue install an security intruder alarm system, with 24 hour off site monitoring. They system should be broken into zones, and have separate internal and external sirens of not less than 100dB and external strobe lighting.

Comment on Police Condition 2 – Alarm.

There is nothing in the police submission that supports the Hotel has any previous issue with the premises being burgled.

This condition requires the installation of a 100dB siren to be installed external to the building. In circumstances where the alarm false triggers, there is potential for this alarm to disturb the quiet and good order of the neighborhood.

There is an ongoing financial cost with the monitoring of this alarm.

There is no evidence to support that this condition will do anything to improve Public Safety.

The applicant opposes this condition being placed on the DA.

Proposed Police Condition 3 – Trading Hours.

10am to 12:00am (midnight)

Comment on Police Condition 3 – Trading Hours.

This is not consistent with the development consent which has already been lodged.

The applicant has demonstrated that they have previously operated the King Street Hotel until 3:30am with minimal issues.

Comment on Police Condition 4 – Maximum Patron Capacity.

The proposed maximum capacity of the venue has been described in the application, and Police have not adequately demonstrated reasons why this should be reduced.

The proposed capacity is based on the expert reports attached to the application.

Comment on Police Condition 5 – Neighborhood Amenity.

The Applicant would like to propose alternate conditions which we believe will be achievable and meet the same outcome;

- a) *The Management of the premises shall use all reasonable measures to ensure that persons queuing to enter the premises do not obstruct pedestrian movement.*
- b) *This condition is opposed on the ground that it is not reasonable to hold a business owner lawfully responsible for the individual actions of private citizens standing on public property outside their venue.*

- c) *This condition is already addressed in the noise management plan, and is un-necessary red tape.*
- d) *This condition is already addressed in the noise management plan, and is un-necessary red tape.*
- 2) *The applicant does not oppose this condition which relates to providing an adequate queuing system at the entrance to the venue.*

Comment on Police Condition 6 – Noise Management.

The applicant does not oppose the LA10 Condition being placed on the development consent.

The applicant does oppose the additional caveat proposed by Police that *During trade the noise from the premises shall not be audible within any habitable room in any residential premises.*

The additional condition proposed by Police is in excess of the noise conditions placed on any other venue in the Newcastle Local Government Area.

Comment on Police Condition 7 – Plan of Management.

The applicant has provided an updated copy of the Management Plan Version 11, and does not oppose this condition.

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 20/04/21 – 13 & 15 STEEL STREET NEWCASTLE WEST –
DA2020/00766 - CHANGE OF USE, INCLUDING ALTERATIONS TO
THE EXISTING BUILDING AND INTERNAL FITOUT**

ITEM-6 Attachment D: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER





Application No:	DA2020/00766
Land:	Lot 1 DP 1127526 Lot 1 DP 798860
Property Address:	13 Steel Street Newcastle West NSW 2302 15 Steel Street Newcastle West NSW 2302
Proposed Development:	Pub - change of use, including alterations to the existing building and internal fit out

SCHEDULE 1

APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Proposed Floor Plans	Project No: 200226	After Dark	26/04/2020
Alcohol Management Plan	Version 13.0	King Street Hotel	April 2021
Fire Engineering Report	Rev 03 No 2020j0321	YGL Consulting	March 2021
Noise Impact Assessment	Report No: 20- 2494-R3	Reverb Acoustics Pty Ltd	February 2021
CCTV Policy	Version 1.0	King Street Hotel	March 2021

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. A total monetary contribution of \$9,000 is to be paid to the City of Newcastle, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of the City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019.

- b) The City of Newcastle's Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement.
- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and, as a guide, these approximate dates are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact City of Newcastle's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

3. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer Section 50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.
4. Lighting is to be provided to all entrances and exits of the premises and is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties. All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'. Full details are to be included in the documentation for a Construction Certificate application.
5. Western ground level entry doors from Steel Street are to be minimum 30-40mm solid core, with glazed sections being a minimum 6mm safety glass. Full details are to be included in the documentation for a Construction Certificate application.
6. The first floor window glazing within Cocktail Lounge at the eastern elevation must be minimum 6mm safety glass. Full details are to be included in the documentation for a Construction Certificate application.
7. The ceiling and roof construction is to comply with the acoustic attenuation requirements of section 8.5 of the Noise Impact Assessment report and include at a minimum the following attenuation design elements;
 - Metaldeck roof (or equivalent product).
 - 30-40mm anticon blanket (or equivalent product).
 - Purlins/trusses.
 - R3/S3 cavity insulation
 - 1 sheet 13mm plasterboard.

Full details are to be included in the documentation for a Construction Certificate application.

8. The building is to be provided with adequate means of access and facilities for persons with disabilities, to the extent necessary to comply with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 as amended. Full details are to be included in the application for a construction certificate.
9. The dividing wall and any openings between No.13 Steel Street (Lot 1 DP1127526) and No.15 Steel Street (Lot 1 DP798860) are to be upgraded so as to achieve an FRL of 120 minutes, except where modified by the fire engineer in a modified fire engineering report as part of the assessment of the construction certificate. Full details are to be included in the application for a construction certificate.
10. Any openings in the wall between No.11 Steel Street (Lot 1 DP337220) and No.13 Steel Street (Lot 1 DP1127526) are to be infilled with construction having an FRL of 120/120/120 so as to meet the Performance Requirements of Section CP1 and CP2 of Volume One of the Building Code of Australia. Full details are to be included in the application for a Construction Certificate.
11. The building at No.13 Steel Street (Lot 1 DP1127526) is to be upgraded so the floor and columns meet the Performance Requirements of CP1 of Volume One of the Building Code of Australia. Full Details are to be included in the application for any construction certificate.
12. The building at No.13 Steel Street (Lot 1 DP1127526) is to be upgraded so as to comply with the Performance Requirements of Parts DP1, DP2, DP3, DP4, DP6, EP1.1, EP1.2, EP1.3, EP4.1, EP4.2, FP2.1, FP2.5, FP4.1, FP4.2 and FP4.3. Full details are to be included in the application for a Construction Certificate.
13. Doors, gates and windows are not to encroach over the allotment boundary during their opening procedure.
14. The applicant must surrender the consent relating to Development Application No. DA2013/0703 & DA2013/0703/02 for temporary use of laneway as beer garden at 440A King Street, Newcastle West NSW 2302 by submitting an application for 'Surrender of a Consent' to City of Newcastle in accordance with Clause 97 of the *Environmental Planning & Assessment Regulation 2000*.
15. A final signed copy of Fire Engineering Report Rev 03, No.2020j0321 by YGL Consulting, dated March 2021, is to be submitted with any application for a Construction Certificate.
16. Prior to the issue of a Construction Certificate, a detailed Operational Waste Management Plan is to be submitted to the written satisfaction of Council.

A copy Council's written correspondence confirming the satisfactory provision of an Operational Waste Management Plan is to be provided to the principal certifier

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

17. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
 - b) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c) Be a temporary chemical closet approved under the Local Government Act 1993.
18. Demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
- a) Demolition works are to be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan is to be kept on site for the duration of the proposed development;
 - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the required class of Asbestos Licence, issued by SafeWork NSW;
 - c) A copy of all waste disposal receipts are to be kept on site for the duration of the proposed development and made available to authorised City of Newcastle officers upon request;
 - d) Seven working days' notice in writing is to be given to the City of Newcastle and the owners/occupiers of neighbouring premises prior to the commencement of any demolition work. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises is also to include City of Newcastle's contact telephone number (4974 2000) and the SafeWork NSW telephone number (4921 2900); and
 - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
19. Waste management is to be implemented. At a minimum, the following measures are to be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
 - c) Provision is to be made to prevent windblown rubbish leaving the site; and
 - d) Footpaths, road reserves and public reserves, laneways are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997.

20. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
21. An application is to be made to and approved by the City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011 and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.
22. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
- a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

23. All building work is to be carried out in accordance with the provisions of the National Construction Code.
24. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on City of Newcastle reserves, including the road reserve, is not permitted.
25. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
- Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

26. City of Newcastle's 'Prevent Pollution' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public, or at other locations on the site as otherwise directed by the City of Newcastle, for the duration of demolition and construction work.

The sign can be obtained by presenting your development application receipt at City of Newcastle's Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle.

27. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

28. Prior to the issue of an Occupation Certificate, Lot 1 DP 1127526 and Lot 1 DP798860 shall be consolidated and registered at the Land and Property Information and a copy of the registered plan shall be provided to Council.
29. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
30. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principal entry to the premises. The signage shall state:

Approved patron capacity is limited to 1300

31. Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principal entry to the premises; in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving please respect local residents by minimising noise

32. Acoustic treatment is to be implemented in accordance with the recommendations set out in the Noise Impact Assessment report prepared by Reverb Acoustics Pty Ltd, dated February 2021. Written final certification verifying that the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifier and the City of Newcastle prior to the issue of an Occupation Certificate.

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

33. The Hotel operators shall install, operate and maintain in good working order an electronic sound monitor / limiter ("the limiter") or equivalent system that records and limits sound pressure levels from amplified sound equipment operated within the Hotel.

The limiter shall be installed in accordance with manufactures instructions and commissioned by an appropriately qualified Acoustic Engineer.

The limiter settings shall be determined by the Acoustic Engineer to help ensure appropriate noise criteria are not exceeded at nearby residential receivers.

Written certification confirming the limiter has been installed is to be submitted to the Council prior to issuing an Occupation Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

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

DAY	START	FINISH	
Monday	10am	3:30am	Following day
Tuesday	10am	3:30am	Following day
Wednesday	10am	3:30am	Following day
Thursday	10am	3:30am	Following day
Friday	10am	3:30am	Following day
Saturday	10am	3:30am	Following day
Sunday	10am	12am	Following day

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

35. The maximum number of persons permitted in the whole premises, being 13 & 15 Steel Street, Newcastle West, (Lot 1 DP1127526 and Lot 1 DP798860) is to be restricted to a total of 1300 persons or as determined in accordance with the *Building Code of Australia* whichever is the lesser. A sign is to be displayed in a prominent position in the building, stating the maximum number of persons that are permitted in the building.
36. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the Protection of the Environment Operations Act 1997. Should City of Newcastle consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant, verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to City of Newcastle prior to the expiration of the nominated period.
37. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the Protection of the Environment Operations Act 1997, that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

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

38. The eastern first floor windows within the Cocktail Lounge are to be closed at 10pm and remain closed for the remaining night-time period of trade.

39. The premise is to operate at all times in accordance with the Plan of Management (Version 13.0) dated April 2021. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of NSW Police, City of Newcastle Officer, Liquor and Gaming NSW Inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

The Plan of Management may be varied from time to time after consultation with the NSW Police and the City of Newcastle. Any amended Plan of Management needs to be approved by City of Newcastle, and copies provided to NSW Police and City of Newcastle (NB: the version number may be subsequently updated and will supersede the above reference).

40. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.
41. CCTV cameras are to operate at all times in accordance with the CCTV Policy dated March 2021 as may be varied from time to time in accordance with NSW Office of Liquor and Gaming and NSW Police.
42. The following patron queuing measures are to be in place during operation:
- Portable crowd control bollards are to be set up along the King and Steel Street frontages to help control queuing outside the venue.
 - The queuing operations and bollards are to be erected in a way to retain clear pedestrian access to the footway along King and Steel Streets. NB: The fire exits shall not be blocked or restricted by the queuing.
 - The entrance queuing is to cease at the boundary line of 15 Steel Street, Newcastle West (Lot 1 DP 798860). At no time is the queue to restrict access to the fire door at 13 Steel Street Newcastle West (Lot 1 DP 1127526).
 - The external queues are to be appropriately staffed at all time in accordance with the Plan of Management (Version 13.0) dated April 2021 or as amended with approval.

ADVISORY MATTERS

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Part 6 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and the City of Newcastle is to be notified of the appointment; and
 - c) The City of Newcastle is to be given at least two days notice of the date intended for commencement of building works.

- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to a building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate is to contain the information set out in Clause 149 of the Environmental Planning and Assessment Regulation 2000.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- An annual Fire Safety Statement in the form described in Clause 175 of the Environmental Planning and Assessment Regulation 2000 is to be submitted to the City of Newcastle and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- The operators of the venue must make themselves available for bi-annual meetings with relevant adjoining landowners and / or operators, community groups and the like.
- A Precinct Management Plan to be implemented in consultation with but not limited to: NSW Police, City of Newcastle Council, King Street Hotel, McDonalds, the Family Hotel and adjacent resident groups, to manage the night-time impacts of this precinct.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

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

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 20/04/21 – 13 & 15 STEEL STREET NEWCASTLE WEST –
DA2020/00766 - CHANGE OF USE, INCLUDING ALTERATIONS TO
THE EXISTING BUILDING AND INTERNAL FITOUT**

ITEM-6 **Attachment E:** Processing Chronology

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PROCESSING CHRONOLOGY

DA2020/00766 – 13 & 15 Steele Street, Newcastle West

- | | | |
|-----------------------------------|---|--|
| 22 July 2020 | - | Application lodged |
| 30 July 2020 – 13 August 2020 | - | Public notification |
| 15 October 2020 & 27 October 2020 | - | Additional information requested regarding social impact and fire safety |
| 23 November 2020 | - | Updated Statement of Environmental Effects (SoEE), Plan of Management (PoM) and Crime Risk Assessment received |
| 18 December 2020 | - | Fire Engineering Report received |
| 16 February 2021 | - | Public Voice Committee Meeting |
| 10 March 2021 | - | Updated PoM and response to NSW Police submission received |
| 12 April 2021 | - | Final PoM received |
| 20 April 2021 | - | Development Applications Committee Meeting |