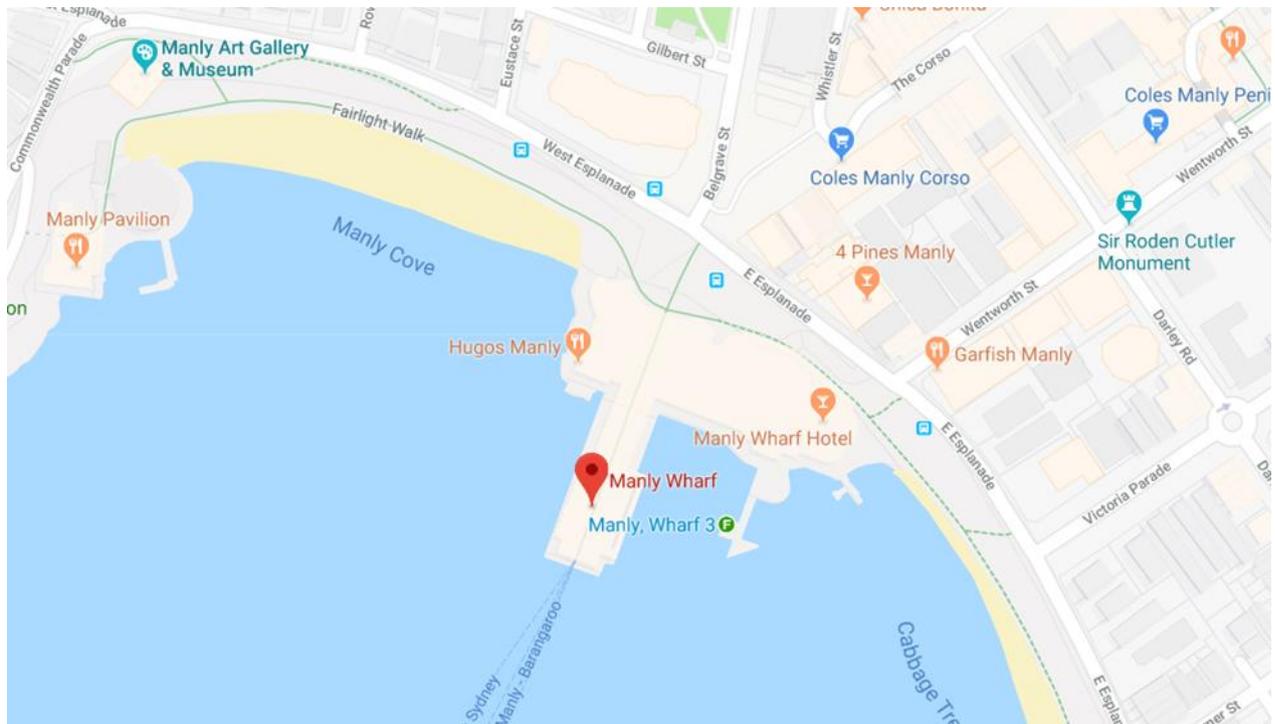


# SAKE & EL CAMINO

## PLAN OF MANAGEMENT

FOR THE OPERATION OF SAKE RESTAURANT AT TENANCY 1 AND EL CAMINO  
AT TENANCY 2 WITHIN MANLY WHARF, EAST ESPLANADE, MANLY



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## Part 1 – Purpose

The purpose of this Plan of Management is to establish performance criteria for various aspects of the operations of 'Sake' which operates as a restaurant located at Tenancy 1 and 'El Camino' which operates as a restaurant located at Tenancy 2 at Manly Wharf, East Esplanade, Manly. This Plan of Management addresses the relevant matters under the Environmental Planning and Assessment Act 1979, the Liquor Act 2007 and the Liquor Regulation 2008.

## Part 2 – Use of the Plan

- 1) All staff shall be made familiar with this Plan of Management.
- 2) A copy of the Plan of Management is to be kept available on the premises at all times.

## Part 3 – Hours of Operation

- 1) The hours of operation are to be consistent with the current development consent.
- 2) The indoor hours of operation are 8am to 11pm Monday to Thursday, 8am to 1am on Friday and Saturday and 8am to 12am (midnight) on Sundays.
- 3) Notwithstanding the above, the outdoor dining areas are not permitted to operate later than 10pm on any day. Any customer still seated outdoors is to be moved indoors by 10pm by staff and the doors to the outdoor seating are to be closed.

## Part 4 – The Site

- 1) Sake is located at Tenancy 1 and El Camino is located in Tenancy 2 at Manly Wharf, East Esplanade, Manly. The primary entrances are from East Esplanade. The use of the tenancies is as restaurants. The seating and maximum occupancy is as follows:

Location	SAKE	EL CAMINO
Bar	48 seats	32 seats
Private Dining Rooms	42 Seats	NA
Dining Room	NA	64 seats
Kitchen Bar	20 Seats	NA
General Dining	142 Seats	66 seats
Outdoor Balcony	48 Seats	45 seats
Outdoor terrace	164 seats	193 seats
Total	464 seats	400 seats

## Part 5 – The locality

There are several late night premises in the immediate area. Venues with closing times later than 10pm are detailed in the table below:

Venue	Approximate Distance	Use	Late closing hours
The Bavarian	30m	Restaurant and bar	Closes 12am Thursday to Sunday
Manly Wharf Hotel	30m	Pub	Closes 1am on Saturdays, 12am on all other days
Maestro & Co	100m	Restaurant	11pm Tuesday – Thursday, 12am Friday to Saturday
4 Pines Manly	100m	Pub	11am-12am, daily
Criniti's	100m	Restaurant	Closes 11pm on Friday, 11:30pm on Saturday and 10:30pm on Sunday
The Ivanhoe Hotel Manly	200m	Restaurant and bar	Open "till late", daily

## Part 6 – Signage

- 1) Signage will clearly state the Licensee's name and licence number.
- 2) The Licensee will ensure that all legally required signage is displayed at all times. This will include signage regarding dress code, responsible service of alcohol and harm minimisation.
- 3) Signage will be displayed prominently at all exit points requesting patrons to respect the neighbourhood by leaving in a respectful and quiet manner.
- 4) Signage will be displayed on the outdoor dining terrace requesting patrons to respect the neighbourhood by avoiding the creation of unnecessary noise.

## Part 7 – Amenity of the Neighbourhood

- 1) Management will take all reasonable actions to ensure that the conduct of the business does not have a negative impact on the neighbourhood.
- 2) Management will take all reasonable measures to prevent patrons leaving the premises from disturbing the neighbourhood by the use of professionally trained personnel at exits.
- 3) The business shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by the emission of noise, vibration, smell, fumes, vapour, steam, smoke, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

- 4) Management shall ensure that the immediate vicinity in front of the premises is kept clean and tidy during operational hours.

## Part 8 – Complaints

- 1) Any complaints received will be referred to the Licensee or Duty Manager. The Licensee is designated to handle all complaints. If they are absent then the Duty Manager will take their place in dealing with such matters.
- 2) A phone number will be displayed on the front of the restaurant for the purposes of making noise complaints. All noise complaints should be investigated. The Licensee or Duty Manager will be available for local residents to contact immediately regarding any sound issues.
- 3) Should a complaint be received from an adjacent resident or business then the matter is to be referred to the Licensee/Duty Manager and recorded in a noise complaint register held on site. If they are unable to attend to the issue then a time is to be arranged as to when the call will be returned. The complaint is to be dealt with in a sensitive and respectable manner, and the Licensee to inform the resident of the most effective way to deal with the complaint. The Licensee/Duty Manager is to be proactive in asking residents or business if solutions can be met.
- 4) When it is considered necessary for follow up procedures, residents or local business are to be contacted to ascertain whether the solution to the complaint has been successful. If it is deemed that the complaint's solution has not been successful, then the Licensee/Duty Manager is to seek an alternative solution.

## Part 9 – Noise

- 1) The use of the premises shall be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- 2) Sound pressure levels of ambient background music is to be restricted to 70dB(A)L10 or less within indoor areas.
- 3) No music is permitted outdoors.
- 4) The outdoor dining areas are to be closed, with all patrons vacated, no later than 10pm (midnight). The doors and windows to the outdoor dining area are to remain closed after 10pm.
- 5) Windows along the eastern façade are to remain closed at all times.
- 6) All doors and windows facing towards residential dwellings are to be closed no later than 10pm.
- 7) Except in emergencies, customers should only leave the premises via the front entrance on East Esplanade.
- 8) Disposal of bottles/waste should be done prior to 10pm and no earlier than 7am. Bottles shall not be transferred from one receptacle into another in the open.

## Part 10 – Behaviour of Patrons and the Responsible Service of Alcohol

- 1) The Licensee and staff shall take all reasonable steps to control the behaviour of the patrons as they enter and leave by:
  - a) erecting signs at the exits of the bar requesting patrons to leave quietly;
  - b) from about 30 minutes before it closes on any night at regular intervals instruct the staff to request patrons to leave the premises and the vicinity quickly and quietly so as to avoid disturbance of the neighbourhood; and
  - c) assign professionally trained staff to ensure that patrons, in leaving the vicinity of the premises do so promptly and as quietly as is reasonably possible.
- 2) The Licensee and staff shall take all reasonable steps to ensure that there is no loitering by persons seeking admittance to the premises in the vicinity of its entrance.
- 3) The Licensee and staff shall take all reasonable steps to ensure that there is no patron(s) on the outdoor dining terrace area being loud or acting with unruly behaviour.
- 4) The Liquor Licence granted in respect of the premises shall be exercised – at all times – in accordance with the provisions of the Liquor Act 2007.
- 5) The following operational policies for the responsible service of alcohol shall apply with the “liquor Promotion Guidelines”:
  - a) The Licensee will maintain a register containing copies of the certificates showing the satisfactory completion of the Responsible Service of Alcohol course undertaken by the Licensee and all staff required to complete that course. That register shall be made available for inspection on request by a NSW Police officer or special inspector.
  - b) The Licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
  - c) The Licensee shall not serve alcohol to any person who is intoxicated.
  - d) Any person who is intoxicated shall be denied entry to the premises.
  - e) No person under the age of 18 years is to consume alcohol on the premises. Where a patron appears to be under 25 years of age, valid photo identification is to be checked by staff before service. Identification is to be requested in the form of a valid:
    - i) Passport,
    - ii) Driver’s License; or,
    - iii) Proof of Age card.
  - f) The Licensee will not permit intoxication or any indecent, violent or quarrelsome conduct by patrons on the premises. Any person causing such a disturbance shall be refused service and asked to leave the premises. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the premises for a period determined by the Licensee.
  - g) Low alcohol beer and non-alcoholic beverages (including water) will be available at all times when full strength liquor is available.

- h) Food will be available from the premises or other nearby outlets on request whenever alcohol is available for consumption in the premises.
- i) The Licensee will ensure all required legislative signage are prominently displayed throughout the premises.
- j) The Licensee will arrange (without charge) for taxis to collect any patron from Bridge Street in front of the premises if requested to do so.

## Part 11 – Security and Safety

- 1) A copy of the current development consent with the latest hours of operation shall be kept in the premises and shall be produced on demand for inspection by any member of the Police Service, a Council Officer, or a Special Investigator with the Office of Liquor Gaming & Racing.
- 2) No patron is to be ejected/escorted off the licensed premise except via the main/primary entrance.

## Part 12 – Incident Book

- 1) The Licensee and Management shall maintain and record in the Incident Book, in addition to any matters noted elsewhere in this plan of Management, the following:
  - a) Any complaints made directly to management or staff of the premises by local residents or business people about the operation of the premises or the behaviours of its patrons, and
  - b) Any visits by any law enforcement personnel noting their agencies, departments, badge numbers, reasons for the visits and results of the visits.
- 2) The Licensee/Duty Manager shall make the Incident Book available for inspection by the Council's officers or the Police at all reasonable times and provide a copy within seven (7) days of receipt of a written request to do so.
- 3) Complaints in the incident register shall include the following;
  - a) Complaint time and date;
  - b) Name, contact and address details of person(s) making the complaint;
  - c) Nature of the complaint;
  - d) Name of Staff on duty; and
  - e) Action to be taken by premises to resolve the complaint.

## Part 13 – Closed Circuit Television

- 1) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - a) All principal entrance/s and exits (including fire doors);

- b) All areas within the premises occupied by the public (excluding toilets);
  - c) All footpaths and laneways adjacent to the premises are to be monitored by CCTV;
- 2) Suitable and clearly visible signage shall be displayed at the principal entries to the premises (in lettering not less than 50mm high) with words “Closed Circuit Television in use on these premises”. The same signage is to be displayed in a prominent position on each respective level of the premises.
  - 3) CCTV recording equipment discs and or hard drive recordings shall be retained for 30 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. Discs or hard drives must be handed to Council, Police or special inspectors upon request. Recordings onto disc or hard drive must include the premise’s CCTV software.
  - 4) All video equipment and cameras are to be of high-grade digital quality so as to facilitate identification and adjudication of patrons, offenders and incidents occurring within the subject premise.
  - 5) CCTV recording equipment shall be able to immediately reproduce a CD or hard drive copy of recorded footage upon the demand of council, Police Officers or Special Investigators. Council, Police Officers or Special Inspectors shall have immediate access to viewings of these recordings.
  - 6) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee/Duty Manager shall record this daily activity in the premises incident register or a book that meets the standards by Police and Council.
  - 7) All CCTV recording devices and cameras shall be operated during all trading hours and (30) thirty minutes after the closure of the premise.
  - 8) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage.

## Part 14 – Deliveries and Waste Disposal

- 1) All waste shall be stored in approved containers placed inside the premises before being removed for disposal by appropriate contractors.
- 2) Garbage is to be removed from the premises prior to 10pm and not before 7am.

## Part 15 – Maintenance

- 1) The premises shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of Council both internally and externally.
- 2) The Owner of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.
- 3) The Licensee/Duty Manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.

## Part 16 – Fire Safety Measures

- 1) The Licensee shall ensure that all essential services installed at the premises and the CCTV system are certified annually and shall ensure that they remain in good working order.
- 2) In the event of any malfunctioning of any essential service or the CCTV system, the Licensee shall ensure that it is rectified as quickly as is reasonably possible.
- 3) Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.
- 4) All staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the premises.

## Part 17 – Crime Scene Standard Operating Procedures

- 1) Immediately after the Licensee or Duty Manager becomes aware of an incident involving an act of violence causing injury to a person on the premises, that person must undertake the following actions:
  - a) IMMEDIATELY contact Police – “TRIPLE 000” and/or Day Street Police Station PH:9265 6499
  - b) Determine the size of the scene,
  - c) Remove all persons from within that scene detaining offenders where appropriate, request witnesses remain within the licensed premises until police arrival if not record witnesses’ particulars where practical.
  - d) Leave items (weapons, broken glass, blood, etc) in place.
  - e) DO NOT under any circumstances clean up or interfere with crime scenes. Interfering with evidence may constitute an offence, leaving you liable to prosecution and/or result in the closure of the premises.
  - f) Continue to guard and prevent persons entering the crime scene.
  - g) Record all information into notebooks/incident registers ensuring names, specific tasks and/or the involvement of each person are recorded.
  - h) Provide all records in notebook/incident registers to Police.
  - i) If any person is injured as the result of a criminal act within the premises and/or an ambulance is summoned to the premises, police must be notified within thirty (30) minutes of the injury occurring, or the ambulance being summoned.

## Part 18 – Operation of the Premises

- 1) Intoxicated, disruptive, violent or anti-social behaviour is not permitted within, or directly outside, of the premises. The Licensee/Duty Manager will ensure that this type of behaviour is prevented by:
  - a) Not allowing any intoxicated person to enter or remain upon the premises.

- b) Refusing service to patrons considered to be intoxicated because of legal, safety or security issues.
  - c) Zero tolerance for behaviour which the management considers undesirable both inside and outside of the premises.
  - d) Maintaining that patrons leave the premises in a quiet and orderly manner taking due regard to the local residents and businesses to ensure the quiet and good order of the neighbourhood is upheld.
  - e) Identifying problems and taking action to prevent them from escalating.
- 2) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise and within 3 metres of the premises.
  - 3) Management will at all times monitor the number of persons within the premises to ensure that the maximum number of patrons is not exceeded.
  - 4) The method of checking the number of persons permitted in the premises will be determined by ensuring that no patron is admitted who is not assigned a seat as the maximum occupancy is equal to provided seating.
  - 5) The maximum number of patrons permitted within Tenancy 1 (Sake) at any one time is 464 patrons.
  - 6) The maximum number of patrons permitted within Tenancy 2 (El Camino) at any one time is 400 patrons.
  - 7) The management will at all times ensure that all people entering and leaving the premises do so in a manner that respects the nature of the surrounding locality. When the premises is cleared at the end of service, the Duty Manager will ensure this is undertaken in a safe and orderly manner through direction of and the provision of assistance to patrons.
  - 8) Management and will ensure that all fire escapes and stairways are kept clear of person(s) and/or objects at all times.
  - 9) All staff will actively participate in communicating with management to ensure an early detection of any problems arising.
  - 10) If required, management and staff will communicate via two-way radios.

## Part 19 – Amendment to this plan

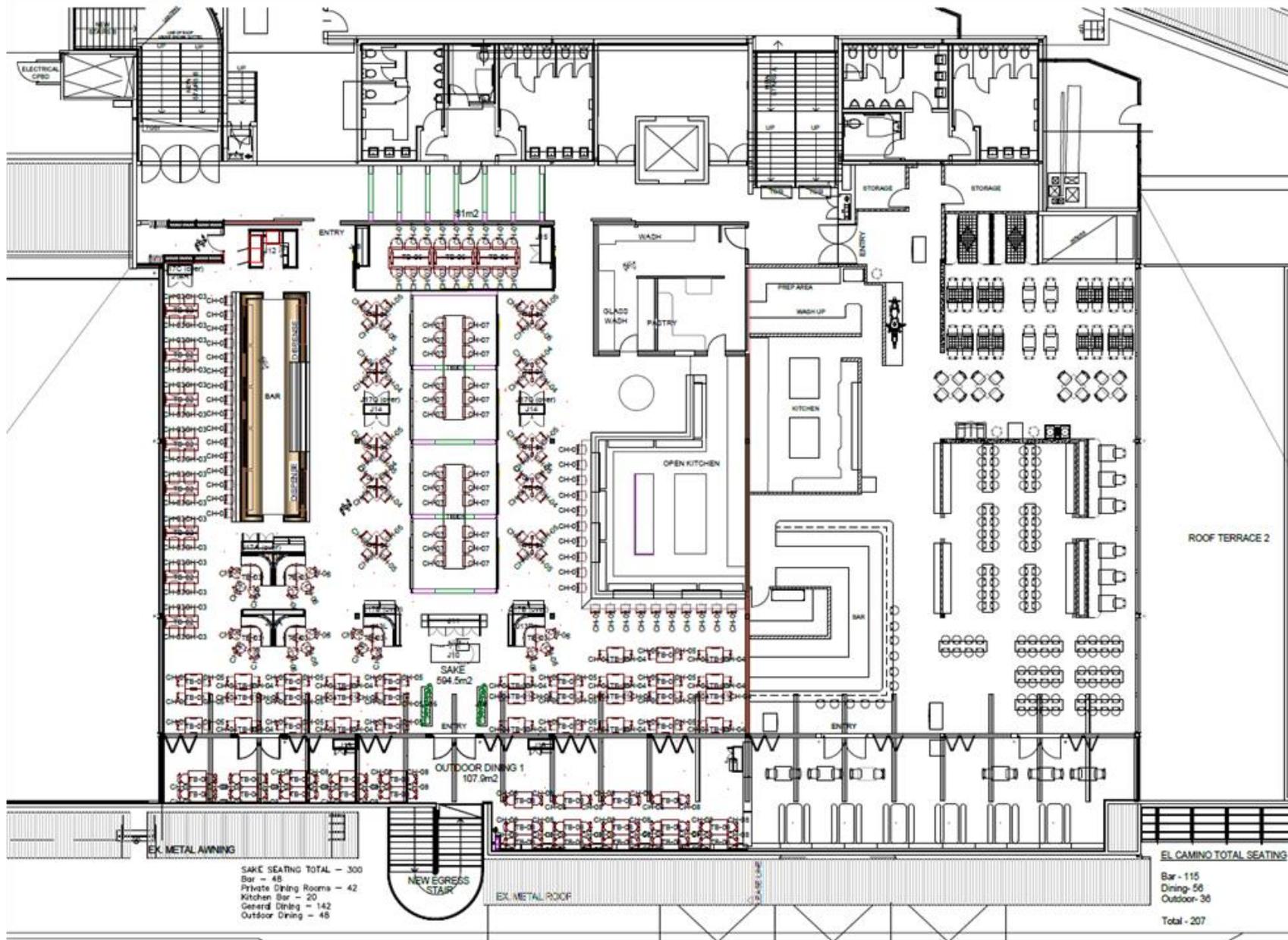
- 1) If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, that modification may be made to the plan subject to the agreement of the Council.

- 2) If amendment to this plan is only required to maintain compliance with statutory regulations, it may be made without Council agreement. Council is to be provided with a new copy of the plan immediately.

## Part 20 – This PoM and Development Consent

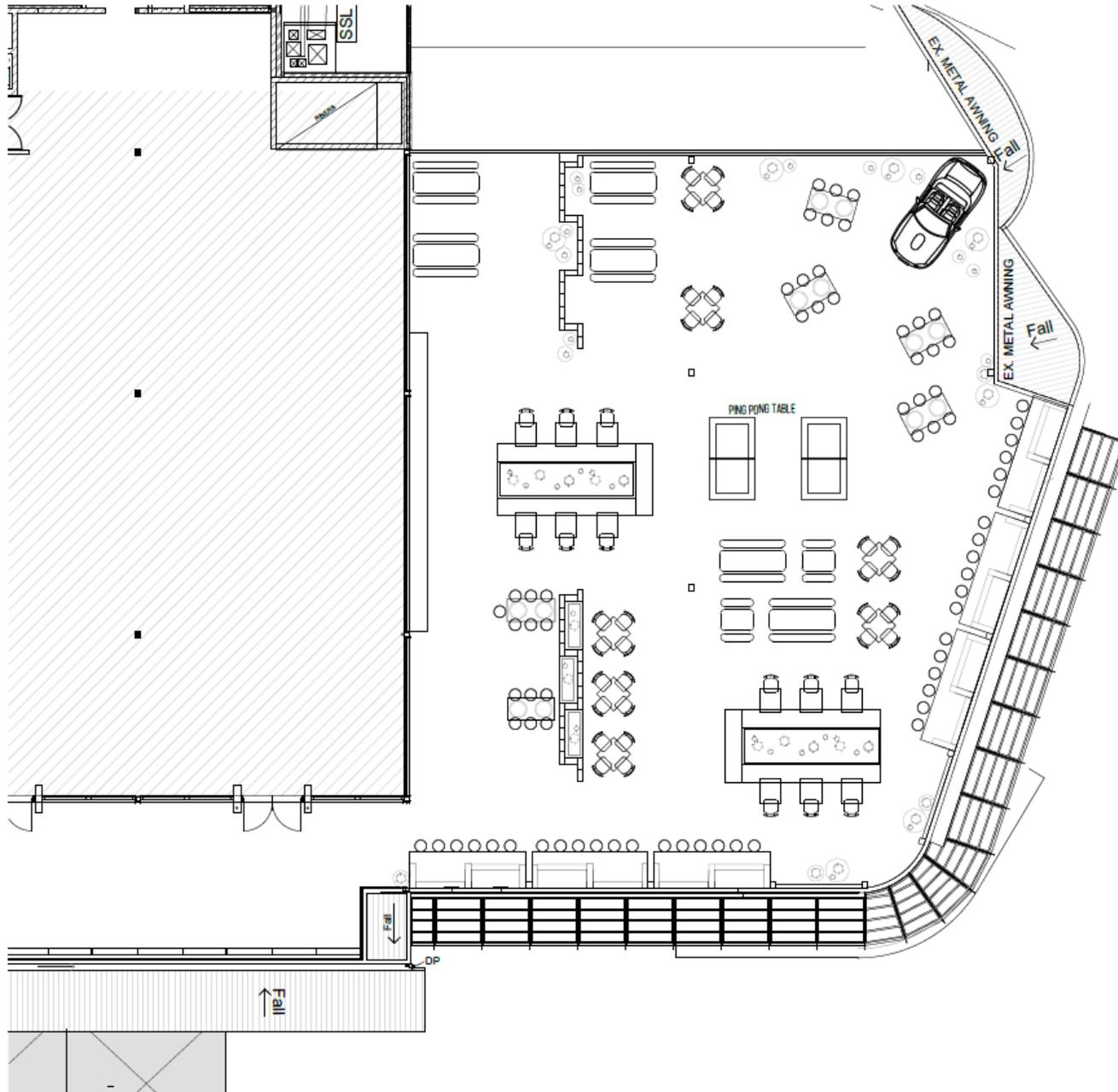
- 1) This Plan of Management (POM) is subject to the terms of the active development consent. In the event that there is any inconsistency between this PoM and the active development consent, the development consent is to prevail.

# Appendix 1 – Internal Floor Plan



Plan of Management | Tenancies 1 & 2, Manly Wharf, East Esplanade, Manly

## Appendix 2 – El Camino Floor Plan



# Appendix 3 – Sake Floor Plan

