



# DESIGN COLLABORATIVE Pty Limited

ABN 36 002 126 954  
ACN 002 126 954

Town Planning and Liquor Licensing Consultants

[www.designcollaborative.com.au](http://www.designcollaborative.com.au)

## **Managing Director**

J Lidis  
BTP (UNSW)  
MPIA

## **Director**

David Rippingill  
BEP (WSU)  
Juris Doctor (UNE)  
RPIA

## **Consultant**

G W Smith  
BSurv (QLD)  
MCP (MIT)  
MPIA (Life Fellow)  
MIS Aust  
MRTPI  
FAPI

# PLAN OF MANAGEMENT

FOR FISH AND LEMONADE

LOCATED AT  
SHOP 15, MANLY WHARF, MANLY

**SEPTEMBER 2019**

**Ref: 191335.3P**

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**Appendix A – Liquor Licence**

**Appendix B – Development Consent**

**Appendix C – Licensed Area Plan**

**PART 1 Purpose**

- 1) The purpose of this Plan of Management is to establish performance criteria for various aspects of the operations of the Restaurant, Fish and Lemonade, located at Shop 15 of Manly Wharf, Manly having regard to the relevant matters under the *Environmental Planning and Assessment Act, 1979*, *Liquor Act, 2007* and relevant Regulations under that legislation.
- 2) A copy of this Plan shall be kept at the Restaurant at all times and immediately produced for inspection upon request by Police or Council Officers. A copy of the Liquor Licence (**Appendix A**), Development Consent (**Appendix B**) and Licensed Boundary Plan (**Appendix C**) will be kept with this Plan and produced upon request by Police or Council Officers.

**PART 2 Use of Plan**

- 3) All staff involved with the sale or supply of liquor shall be made familiar with this Plan of Management.

**PART 3 Hours of Operation & Use of Liquor Licence**

- 4) The hours of operation for the Restaurant are restricted to between 9am and 12 midnight, seven days a week.
- 5) The primary purpose of restaurants under this licence must at all times be the business of preparing and serving meals to the public.
- 6) Except where a Primary Service Authorisation (*PSA*) has been granted, liquor must only be sold to patrons who are intending to or are dining at the Restaurant – that is, as an accompaniment to a meal.
- 7) Only resealed, partly consumed bottles of wine may be removed from the Restaurant.

**PART 4 Capacity of the Premises**

- 8) The capacity of the Restaurant will be limited to a maximum of 56 patrons of which there is a maximum of 20 patrons seated internally and 36 patrons seated externally. Takeaway patrons are not included in this figure.

9) Any patrons seeking to enter when the Restaurant is at full capacity will be turned away and asked to return at a later time after other patrons are due to leave.

10) Whenever the Restaurant is operating there will be at least three (3) members of staff on duty and a maximum of ten (10) staff on duty.

## **PART 5 Signage**

11) The Licensee shall be responsible to ensure signage is erected and maintained in a clear and prominent position adjacent to all points of egress, requesting that patrons depart the Restaurant in a manner respectful of the surrounding area, or wording to that effect.

12) Signage relating to the use of CCTV surveillance will be displayed at the primary entrance.

13) All signage required under the Liquor Act 2007 and all relevant Regulations shall be displayed in the required places.

a) “It is against the law to sell or supply alcohol to, or to obtain alcohol on behalf of, a person under the age of 18 years”. This signage must be purchased from Liquor & Gaming NSW and displayed at each bar and counter.

b) Signage must be displayed at the front of the premises and contain the name of the premises, type of liquor licence and the name of the licensee.

14) Signage stating the capacity of the Restaurant will be displayed at the primary entrance.

## **PART 6 Amenity of Neighbourhood**

15) Staff shall intervene to provide corrective advice to any patron on the premises or in the immediate vicinity that is behaving in a manner that is likely to disturb the amenity of nearby residents. Any patron whose behaviour is extreme or repeatedly objectionable may be refused service, asked to leave and barred for a period determined by the Licensee.

16) The Licensee shall ensure that the entry points and immediate vicinity of the Restaurant is kept clean and tidy.

- 17) If patrons request access to public transit options, they are to be advised that they can use the ferries (To Circular Quay) at Manly Wharf immediately south of the Restaurant, or bus stops (To Chatswood and Warringah Mall) immediately north of the Restaurant.

## **PART 7 Noise**

- 18) The LA<sub>10</sub> noise level emitted from the Restaurant shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12.00 midnight at the boundary of any affected residence.

- 19) The background noise level must be measured in the absence of noise emitted from the Restaurant.

## **PART 8 Behaviour of Patrons and Responsible Service of Alcohol**

- 20) The Licensee shall take all reasonable steps to ensure the Restaurant licence is exercised in accordance with the provisions of the Liquor Act and any relevant Regulations;

The following operational policies for the responsible service of alcohol shall apply:-

- a) All staff involved in the sale and supply of liquor and security personnel shall have completed an approved course in the Responsible Service of Alcohol and hold a NSW Competency Card.
- b) Any member of staff with a NSW Competency Card must ensure they have that card on their person whilst working and produce it on request of NSW Police or Special Inspectors of Liquor & Gaming NSW. Failure to produce may be subject to an on the spot \$550 fine.
- c) The Licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- d) The Licensee shall take all reasonable steps to ensure that alcohol is not served to intoxicated persons.
- e) The Licensee shall take all reasonable steps to ensure that any person who is intoxicated shall be denied entry to the Restaurant.
- f) The Licensee will not permit intoxication or any indecent, violent or quarrelsome conduct by patrons in the Restaurant. Any person causing such a disturbance shall

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

- g) Production of photographic identification will be required at the discretion of the Licensee, and staff. The only acceptable proof of age identification are:
  - i) A driver's or rider's licence or permit (issued by an Australian State or Territory or any foreign country);
  - ii) Australian or foreign passport;
  - iii) Proof of age card issued by a public authority of the Commonwealth or of any Australian State or Territory for the purpose of attesting to a person's identity and age; or
  - iv) Keypass identity card issued by Australia Post.
- h) Low alcohol beer and non-alcoholic beverages (including free water) will be available at all times.
- i) The Licensee will arrange (without charge) for taxis to collect any patron from the Restaurant if requested to do so.

21) The Licensee shall require staff employed at the Restaurant to:-

- a) Ensure that persons entering the Restaurant are suitably attired in accordance with the Restaurant's dress code which shall require patrons, at least, to be neatly dressed in casual wear and to be clean.
- b) Prevent any person, detected as intoxicated, entering the Restaurant and bring to notice of the Licensee, any person in the Restaurant who might be considered to be in, or approaching, a state of intoxication.
- c) Prevent patrons leaving the Restaurant or outdoor area with glass or alcoholic beverages.
- d) Prevent patrons entering the Restaurant with alcoholic drinks.
- e) Monitor patron behaviour in the Restaurant until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.
- f) Collect any rubbish in the vicinity of the Restaurant that may be associated with

the business.

- g) Co-operate with the Police and any private security personnel operating in the vicinity of the Restaurant.
- h) In the event of an incident, clearly identify themselves and attempt to rectify the problem.

## **PART 9 Maintenance and Furniture**

- 22) The Restaurant and all furniture shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of Council.
- 23) All street furniture such as tables and chairs must be stored within the Restaurant outside the permitted hours of operation.

## **PART 10 CCTV**

- 24) For the purpose of the plan, the description, “the vicinity of the premises” shall be the area immediately surrounding the entrance fronting the Manly Plaza.
- 25) The Licensee shall install and maintain closed circuit TV cameras to provide surveillance of the principal entrance and exits to the Restaurant.
- 26) All CCTV equipment shall be of a high grade digital quality, capable of establishing the population and identification of patrons, offenders and incidents within the depth of field of view of the cameras.
- 27) Digital recordings from those cameras shall be kept for 30 days and a copy shall be made available to the Police or special inspector within 24 hours after receipt of a written request for access to them.

## **PART 11 Complaint Handling**

- 28) The following details of complaints made to the Restaurant are to be recorded in a diary:
  - a) Date and time of the incident that led to the complaint;

- b) Nature of the incident that led to the complaint;
- c) Address and contact details of the complainant;
- d) Any actions proposed to deal with the complaint; and
- e) The actions taken and the time and date when that was reported to the complainant.

29) Management is to provide a contact phone number on the Restaurant's website that residents or businesses can use to contact the Restaurant, in order to make a complaint. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the complainant's call to let them know what has been done to address the concerns/complaints expressed.

30) All complaints are to be responded to by management within 24 hours, unless the complaint was originally made to management.

## **PART 12 Delivery and Waste Disposal**

31) All waste shall be stored on site and transferred to the central waste collection room.

32) Glass bottles shall not be transferred from one waste receptacle to another, other than within the internal areas of the Restaurant or the central waste collection room.

## **PART 13 Fire Safety and Safety Measures**

33) The Licensee shall ensure that all essential services installed at the Restaurant and the CCTV system are certified annually and shall ensure that they remain in good working order.

34) 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.

35) A list of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.

36) All staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the Restaurant.



**PART 14      Amendment to this plan**

37) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan such amendments must only be made following consultation with both the NSW Police Service and Council who shall be provided with a copy of any modified Plan once modified consent has been obtained.

**PART 15      Licensee’s Statement of Understanding**

The Licensee of the Restaurant hereby acknowledged that the above provisions have been read and are understood.

Sign:.....

Date:.....









## **APPENDIX A- Liquor Licence**



## **APPENDIX B- Development Consent**

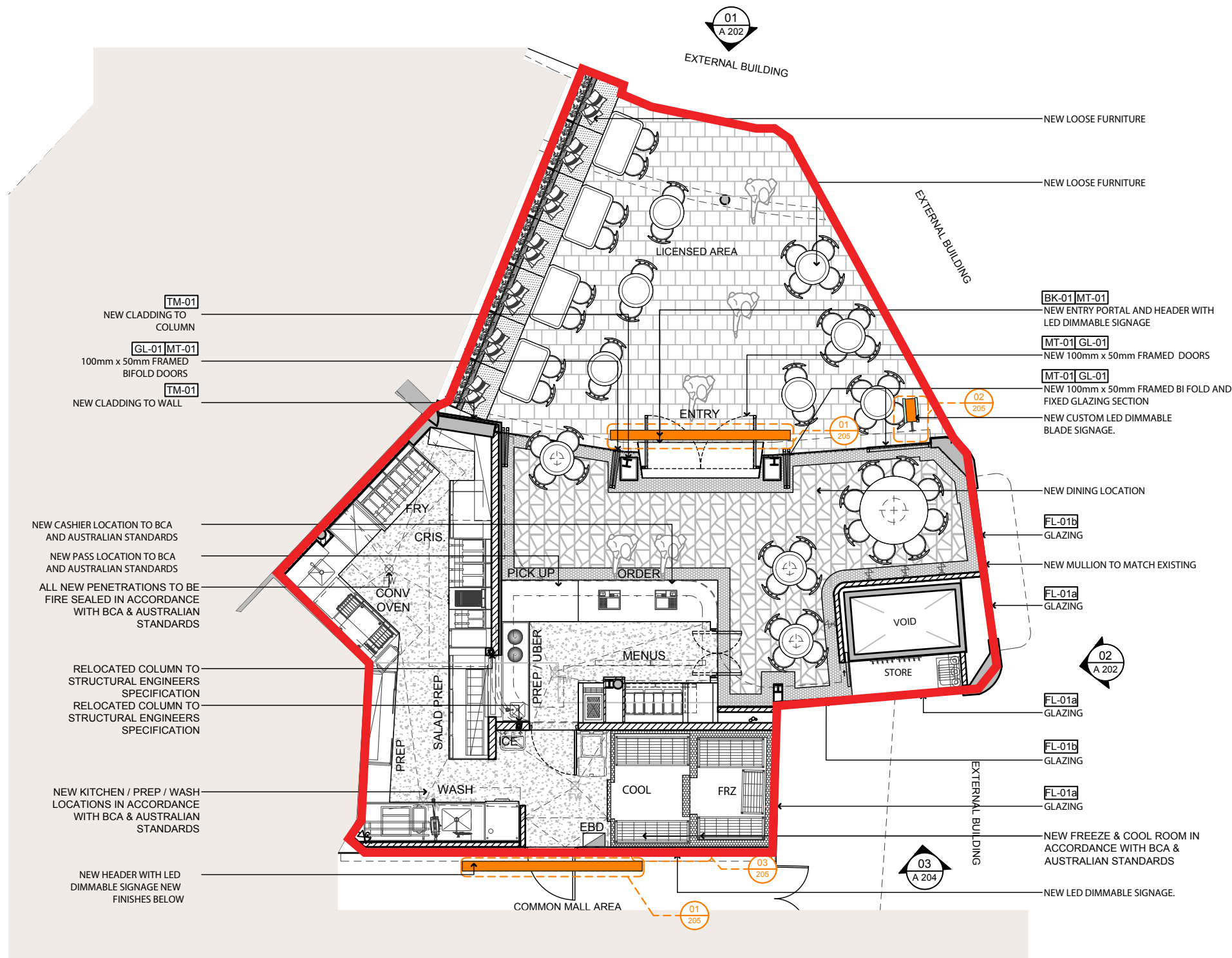
## **APPENDIX C- Licensed Area Plan**

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 All license, expressed or implied, to use this document for any purpose whatsoever is restricted to the terms and agreement or implied agreement between Paul Kelly Design, and the instructing party.

**NOTE**  
 Only use written dimensions. Do not scale. If in doubt, consult with Paul Kelly Design. Check all dimensions on site before fabrication or set out.

- New Colour Scheme (External)**
-  BK-01 WHITE BRICK
  -  FL-01a CUSTOM GRAPHIC FILM WITH WHITE OPAQUE BACKGROUND
  -  FL-01b CUSTOM GRAPHIC FILM WITH CLEAR BACKGROUND
  -  FL-02 CUSTOM GRAPHIC STRIP FILM
  -  GL-01 GLAZING
  -  MT-01 POWDERCOAT BLACK METAL
  -  TL-02 PINK MOSAIC TILE
  -  TM-01 TIMBER V GROOVE CLADDING

- Proposed Legend**
-  EXISTING WALLS TO BE RETAINED
  -  NEW WALLS



**— PROPOSED LICENSED AREA**

**01** Proposed Plan  
 Ground Floor 1:100 @ A3

Rev	Date	Description	PK	Checked
A	28.08.19	DEVELOPMENT APPLICATION	PK	

**Manly Seafood**

SHOP 15, Manly Wharf,  
 Manly, NSW, 2095

**Proposed Plan**

Status DEVELOPMENTAPPLICATION  
 Scale 1:100@A3  
 Drawn KM/YL  
 Project No. 618

Drawing No.  
**DA 00 1 02 A**

Discipline Level Type No. Revision  
 Code Code Code No. Revision

503 / 50 Holt Street  
 Surry Hills NSW 2010  
 phone: 02 9660 8299  
 www.paukellydesign.com.au



**DEVELOPMENT APPLICATION**