



PLAN OF MANAGEMENT

Tothy Brothers Deli & Company

(Toth Brothers Group PTY LTD)

Shop 4 180 South Creek Road, Wheeler Heights NSW 2097

Approved Manager/Licensee: Sean Toth

LIQXA911025136

Licence Number LIQO660036158

Version History

Version Control	Prepared By	Date
Version 1.0	Sean Toth & Lara Ferrazzano	07 July 2021
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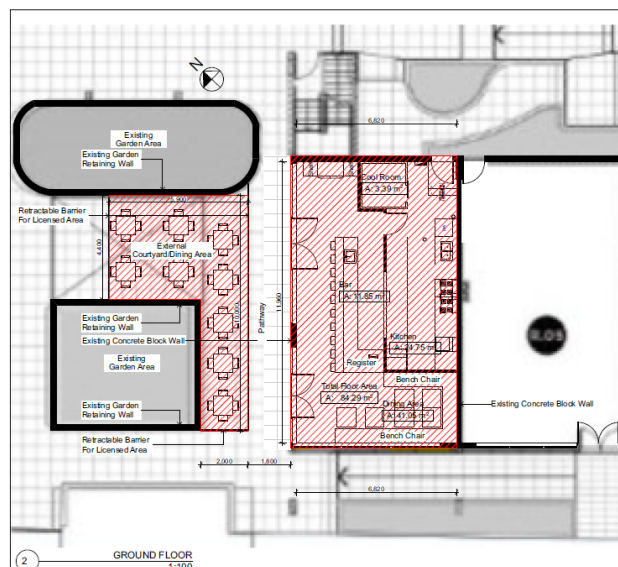
1. INTRODUCTION AND OBJECTIVES OF THIS PLAN

1.1 This Plan of Management relates to the proposed licensed premises to be situated at Shop 4 180 South Creek Road, Wheeler Heights NSW 2097 (The restaurant). It is proposed that the Restaurant operate pursuant to an on-premises licence (the Licence) and is in compliance with the law including the NSW Liquor Act 2007 (the Act) and the Liquor Regulation 2008 (the Regulation).

1.2 This Plan has been prepared to ensure the Restaurant whilst open to the public operates in compliance with the management requirements of the **Northern Beaches Council** and **Northern Beaches Police**.

1.3 The Restaurant is located within an area surrounded by commercial, retail and residential development and is serviced by frequent public transport with regular bus and taxi services.

1.4 The Restaurant consists of internal and outdoor seating areas with a combined seating for approximately 50 people. The below plan of premise indicates (in red) where alcohol can be served.



1.5 The objectives of the Plan are to ensure that:

- (a) The Restaurant is managed and operated so as to provide a venue where patrons can enjoy a unique dining experience consisting of reasonably affordable meals and beverages in an atmosphere of safety and comfort;
- (b) Alcohol is served responsibly at all times when the Restaurant is open for trade; and
- (c) The operation of the Restaurant does not impact detrimentally upon or detract from the amenity of the surrounding residents and the neighbourhood.

1.6 Where there is any conflict between the provisions of this Plan and the Objectives, the conflict will be resolved in such a way so as to best achieve the objectives.

1.7 A copy of this Plan will be kept in a readily accessible place at the Restaurant and will be made available to all persons involved in the operation and management of the Restaurant. It will be made available for inspection by the Police, Inspectors of the Office of Liquor & Gaming NSW (L&GNSW) or Council, upon receipt of a request.



1.8 All team members involved in the supply of alcohol at the Restaurant must, on commencing employment and prior to their first shift:

- Ensure all staff are RSA certified.
- Review this Plan;
- Review the Prevention of Intoxication on Licensed Premises Guidelines issued by the Liquor & Gaming NSW;
- Review the Intoxication Guidelines Fact Sheet issued by the Liquor & Gaming NSW;
- Review the Liquor Promotion Guidelines issued by the Liquor & Gaming NSW;
- Review the Key Liquor Licence Details relevant to the licensed premises in particular the conditions of the licence.

2. HOURS OF OPERATION; OPERATION OF THE RESTAURANT AND LICENCE

2.1 The hours of operation of the Restaurant when **liquor** is proposed to be supplied, are as follows:

- 10:00 am to 10.00pm seven days per week. (As approved by Liquor and Gaming - Licence Number is LIQO660036158)

Requested hours of trade as per DA2021/1207:

- Monday: 6.00am – 10.00pm
- Tuesday: 6.00am – 10.00pm
- Wednesday: 6.00am – 10.00pm
- Thursday: 6.00am – 10.00pm
- Friday: 6.00am - 10.00pm
- Saturday: 6.00am - 10.00pm
- Sunday: 6.00am -10.00pm

Intended operational trading hours are as follows:

- Monday: 6.00am - 3.30pm
- Tuesday: 6.00am - 3.30pm
- Wednesday: 6.00am - 3.30pm
- Thursday: 6.00am - 10.00pm
- Friday: 6.00am - 10.00pm
- Saturday: 6.00am - 10.00pm
- Sunday: 7.00am - 9.00pm

2.2 The trading hours are not inconsistent with the trading hours of other restaurants in the vicinity of the Restaurant, including those listed below:

- Wheeler Gardens Chinese Restaurant, 180 South Creek Rd, Wheeler Heights NSW 2097
- Shop 2 – Café (same requested hours were approved as part of DA2020/1110 by NBC)



2.3 The obligation to ensure alcohol is served responsibly pursuant to the published L&GNSW Guidelines along with the conditions of Development Consent will be adhered to at the Restaurant at all times.

2.4 The Licence permits the sale and/or supply of liquor for consumption on the premises in association with the provision of a meal. The primary purpose and business of the Licence must remain as a restaurant serving meals to guests.

2.5 The patron capacity of the Restaurant will be carefully monitored. Queuing will not be permitted outside the Restaurant. When the maximum capacity of the Restaurant is reached further patrons wishing to dine will give their contact details and be contacted once seating is made available.

2.6 All persons involved in the operation of the Restaurant must familiarise themselves with the conditions of this Plan and the Licence to ensure those terms are understood and complied with at all times.

3. AMENITY OF NEIGHBOURHOOD

3.1 At all times staff and the Licensee/Approved Manager of the Restaurant shall consider the amenity of the Restaurant's neighbours and take all reasonable measures to eliminate the potential for adverse impact on surrounding areas.

3.2 Matters to be considered include generation of noise, vibration and waste products.

3.3 Management/employees shall take all reasonable measures to ensure that the behaviour of staff and patrons, upon entering and leaving the Restaurant do not adversely affect the amenity of the neighbourhood.

3.4 Patrons of the restaurant have access to sanitary facilities located within the building complex. Staff will provide directions to guests (if requested). The cleaning of the sanitary facilities of the Restaurant is managed by the building complex (Strata).

3.5 Waste removal will occur as follows:-

- Cardboard: to be flattened and placed in a dedicated area
- Used cooking oil: to be stored in approved receptacle and collected once a week by a licensed recycler;
- Food waste: to be placed in sealed garbage bags and placed in sealed garbage containers and removed by a recognised waste contractor at least weekly; and
- Glass bottles: To be stored within the Restaurant and removed on at least a weekly basis. All rubbish (general waste and recyclables) will be stored in the dedicated bin room

3.6 The Restaurant has a no smoking policy. The Licensee will ensure the following:

- No smoking signs will be posted at the entrance to the restaurant.
- Staff will be trained on the relevant laws so that they immediately and adequately know how to deal with non-compliance.
- Non-sale of tobacco on the premises.
- Report non-compliant staff to a manager.
- Have policies in place for non-compliant guests.



- Where guests are non-compliant direct them to stop smoking and inform them they are breaking the law.
- Immediately cease food and beverage service to a guest if they are non-compliant.
- Involve the manager if a situation is not resolved adequately and keep a record book of such situations.

4. BEHAVIOUR OF PATRONS

4.1 The Licensee will take all reasonable steps to control the behaviour of patrons whilst on the licensed premises and when entering and leaving the Restaurant. Staff shall encourage patrons to leave the vicinity of the Restaurant promptly and quietly to minimise possible noise impacts on the local community.

4.2 The Licensee/Approved Manager and staff shall take all reasonable steps to ensure that persons do not loiter in the vicinity of the Restaurant if they have been refused admittance or after leaving the Restaurant.

4.3 Staff are to encourage patrons to drink responsibly. Patrons will be required to leave the Restaurant if they become intoxicated, violent or quarrelsome. Non-alcohol beverages will be available at all times the Restaurant is open for trade. Free water will be made available to any patron that is suspected of being intoxicated.

5. HOUSE POLICY

5.1 The below outlines the House Policy of Totby Brothers Deli & Company

TOTBY BROTHERS DELI & CO – HOUSE POLICY

RESPONSIBLE SERVICE OF ALCOHOL

- All staff are trained in RSA
- A register and copy of staff RSA certificates are kept by management
- Management support staff who practice and enforce RSA.

MINORS

- Minors will not be served alcohol
- Individuals procuring drinks for minors will be removed from the premises
- All patrons are required to provide acceptable evidence of age where there is any doubt they are under 18.

UNDULY INTOXICATED & DISORDERLY PATRONS

- All staff are trained in identifying signs of undue intoxication
- Unduly intoxicated patrons will not be served
- Management support staff who do not serve unduly intoxicated patrons
- Unduly intoxicated patrons will be asked to leave the premises



- A taxi can be called for unduly intoxicated patrons, to take them home safely
- All staff actively monitor levels of undue intoxication of all patrons
- Management seeks to meet its duty of care obligations to all patrons

STAFF TRAINING

- Management encourage staff to be trained efficiently and effectively for their job.
- Management ensure all staff are Responsible Service of Alcohol trained
- All staff have signed off and agree to work according to this published House Policy
- Regular staff meetings are held to ensure staff are kept informed of changes in the industry.

PROMOTIONS

- Free liquor and multiple quantities of liquor are not promoted off the premises
- Management do not heavily discount or offer free alcohol to encourage drinking for drinking's sake.

RESPONSIBLE HOSPITALITY PRACTICES

- Free water will be provided to all patrons
- We provide non-alcoholic
- We encourage you to monitor and control consumption of liquor
- We will deter from rapidly and excessively consuming liquor
- We will supply liquor in standardized quantities that can be recognized

6. RESPONSIBLE SERVICE OF ALCOHOL

6.1 The Restaurant's Licensee/Approved Manager (the Licensee) will ensure that at all times alcohol is served responsibly and in accordance with the Act, the L&GNSW published Prevention of Intoxication on Licensed Premises Guidelines and this Plan.

6.2 The Licensee/Approved Manager will ensure that all staff involved in the sale, service and supply of liquor have completed an approved Responsible Service of Alcohol (RSA) course.

6.3 The Licensee/Approved Manager will ensure that copies of Competency Cards and/or RSA certificates for the Licensee and all staff members engaged in the sale, supply or service of alcohol are kept at the Restaurant at all times and to be made available for inspection by request from Police officers, Council Inspectors or OLGR inspectors. Staff must carry their Competency Card with them at all times during restaurant service and will produce it when requested to do so by the relevant authorities.

6.4 Restaurant staff will ensure that the service of alcohol is monitored in such a way as to minimise inappropriate behaviour of patrons at and when leaving the Restaurant.



6.5 Staff will refuse entry to any person deemed intoxicated, quarrelsome or unruly by taking the following steps:-

- (a) Tell the person that the law does not allow them into the premises.
- (b) Tell the person that the law requires them to move more than 50 metres away from the premises and observe or supervise that person's removal to that point.
- (c) If the person fails to comply the Police are to be called.

6.6 Staff will refuse service to any patron approaching intoxication or displaying unruly and/or quarrelsome behaviour by taking the following steps:-

- (a) Tell the patron that the law does not allow them to continue to be served alcohol.
- (b) Tell the patron that the law requires them to leave the premises.
- (c) If the person fails to comply the Police are to be called.

6.7 The Licensee/Approved Manager will ensure that all statutory signage required by the Act and/or Regulation is prominently displayed within the Restaurant.

6.8 All staff will receive appropriate training on how to prevent intoxication on the licensed premises;

6.9 The Licensee/Approved Manager will become an active member of the Northern Beaches local Liquor Accord.

7. PREVENTING UNDERAGE DRINKING

7.1 It is the responsibility of every staff member to ensure that alcohol is not supplied to a minor. Any patron suspected of being under the age of 25 years is to be asked to provide approved documentary proof of age before being supplied with liquor. Accepted forms of identification are:-

- (a) A current driver's licence;
- (b) A NSW Roads and Maritime Services Photo Card;
- (c) Passport.

7.2 Failure by a person to provide suitable identification to a staff member upon being requested will result in alcohol not being served to that person.

7.3 If in any doubt as to the age, check. If the patron objects to providing identification, explain that it is a requirement of the Act.

8. PREVENTING INTOXICATION AND DISRUPTIVE OR ANTI-SOCIAL BEHAVIOUR

8.1 It is an offence to sell or supply liquor to any person who is in a state of intoxication. A "state of intoxication" is where that person's behaviour, balance, speech and coordination are noticeably affected through the consumption of intoxicating liquor.

8.2 The Licensee/Approved Manager and staff are to ensure that intoxication is prevented from occurring on the Restaurant's licensed premises by compliance with the Restaurant's House Policy including:-



- (a) Non-alcoholic beverages being available at the Restaurant at all times;
- (b) Refusal of service to patrons showing signs of intoxication; and
- (c) Not allowing intoxicated persons to enter or remain on the licensed premises.

8.3 Free drinking water will be available to patrons at all times the Restaurant is open for trade.

8.4 Any patron exhibiting signs of intoxication are to be refused service and requested to leave the licensed premises. Failure to comply with the request to leave by a staff member will result in the Police being called to remove the patron from the Restaurant.

8.5 Patrons exhibiting signs of approaching a state of intoxication are to be advised by staff and offered an alternative to drinking further liquor, such as soft drinks or water. Any person who exhibits signs of approaching intoxication will be monitored and requested to leave the Restaurant if signs of intoxication are subsequently exhibited.

8.6 The Licensee/Approved Manager and staff are not to allow disruptive, violent or anti-social behaviour to occur on or in the vicinity of the Restaurant by patrons who are or have been in attendance at the Restaurant. Staff are to ensure that this is prevented by:-

- (a) Not tolerating any conduct or behaviour which a reasonable person would consider undesirable; and
- (b) Identifying potential problems and take steps to prevent this behaviour from escalating.

9. DRINK PROMOTIONS AND DRINKING PRACTICES

9.1 Drink promotions such as 'happy hours' will not be banned at the Restaurant however any advertisement of this nature must be conducted appropriately and should not encourage rapid or excessive consumption of alcohol.

9.2 Management and staff will ensure that the following drinking practices are not conducted at the Restaurant:-

- (a) A competition or game in which contestants or players consume liquor on the premises or receive free/discounted liquor as a prize for consumption on the Premises; or
- (b) The supply of any discounted or free drinks that may encourage the rapid or excessive consumption of liquor or intoxication.

10. ILLICIT DRUGS

10.1 No illicit drug is permitted in the Restaurant at any time.

10.2 Any person found using, supplying or possessing an illicit drug shall be immediately removed from the Restaurant and if necessary, the Police called to escort the offender from the Restaurant.

10.3 For the purposes of this Plan, "illicit drug" includes any drugs made illegal by the laws of the State of New South Wales or the Commonwealth of Australia.

11. TRANSPORT

11.1 The Licensee/Approved Manager and management shall endeavour to promote the use of alternate forms of transport to the Restaurant as follows:



(a) Staff shall arrange for taxis to collect any patron from the Restaurant if requested to do so.

(b) If further specific information is requested regarding public transport, for example, bus time tables, the patron is to be advised of the number for Transport Info Line.

12. CCTV CONDITIONS

12.1 The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (the premises) in accordance with the following requirements:

(a) The system must record continuously from the opening time until one hour after the premises is required to close,

(b) Recordings must be in digital format and at a minimum often (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, and

(ii) All publicly accessible areas (other than toilets within the liquor sales area.

12.2 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 I(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.

13. CRIME SCENE PRESERVATION

13.1 Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

(a) Take all practical steps to preserve and keep intact the area where the act of violence occurred,

(b) Retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website,

(c) Make direct and personal contact with NSW Police to advise it of the incident, and

(d) Comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.



13.2 In this condition, 'staff member' means any person employed by, or acting on behalf of the licensee of the premises and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.

14. INCIDENT REGISTER

14.1 The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in respect to any such incident:

- (a) Any incident involving violence or anti-social behaviour occurring on the premises,
- (b) Any incident Q/ which the licensee is aware that involves violence or antisocial behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises,
- (c) Any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007,
- (d) Any incident that results in a patron of the premises requiring medical assistance.

14.2 The licensee must, if requested to do so by a police officer or inspector:

- (a) Make any such incident register immediately available for inspection by a police officer or inspector, and
- (b) Allow a police officer or inspector to take copies q/ the register or to remove the register from the premises.

14.3 The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.

15. MODIFICATION AND MAINTENANCE OF THE TERMS OF THIS PLAN

15.1 The Licensee/Approved Manager will review and update this Plan when it is deemed warranted. At the time of updating this Plan, the Licensee/Approved Manager will arrange for a copy of the updated Plan to be provided to the local Licensing Police.



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