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1 6 MAY 2019

Australand Holdings Ltd PO Box 3307 RHODES NSW 2138

#### NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under the Environmental Planning and Assessment Act 1979 Section 81(1)(a)

Being the applicant of Development Application No. DA0005/2018 for consent to the following development:

# SINGLE STOREY TAVERN WITH ASSOCIATED BASEMENT, LOADING DOCK AND SIGNAGE (FOOD AND DRINKS PREMISES)

LOT 4003 DP1235539

#### OLD BASS POINT ROAD SHELLHARBOUR NSW 2529

**Determination date of consent:** 

1 4 MAY 2019

Note:

This Approval will lapse 5 years from the date of consent.

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. conditions may be appropriate to more than one part. All conditions must be complied with.

Grant Meredith

**Group Manager City Development** 

On behalf of Carey McIntyre, General Manager

# **PART A - ADMINISTRATIVE CONDITIONS**

# 1. Construction Certificate & PCA Notification Environmental Planning & Assessment Act 1979 Section 81A

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- b. Appoint a Principal Certifying Authority.

#### 2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*. The prescribed conditions include compliance with the *Building Code of Australia*.

# 3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp except as modified by conditions of this consent.

Name of Plan/Document	Prepared By	Drawing/Document No./Revision	Drawing/ Document Date
Site analysis	H & E Architects	DA0010 03	15/12/2017
Site Plan	H & E Architects	DA0025 03	15/12/2017
Basement Plan	H & E Architects	DA1100 08	15/12/2017
Ground Plan	H & E Architects	DA1101 07	29/11/2018
Roof Plan	H & E Architects	DA1102 04	15/12/2017
Section	H & E Architects	DA3000 06 & DA3001 05	15/12/2017
Elevations	H & E Architects	DA4000 04 & DA4001 04	15/12/2017
Exterior Finishes	H & E Architects	DA8011 01	15/12/2017
Signage Details	H & E Architects	DA7500 02	15/12/2017
Operational Plan of Management	Frasers Property Australia	The Waterfront Tavern at Shell Cove version 2	Un-dated
Acoustic Strategy	ARUP	Frasers Property Group Shell Cove Waterfront – Tavern DA – Supplement Acoustic report AC11 Issue 2	21/05/2018
Stormwater Management Plan	Henry & Hymas	17A83_DA_C100	Oct 2017
Waste Strategy Report	Wasteless Consulting	Shell Cove Town Centre Waste Strategy Report	10/11/2016

#### 4. Relevant Leases, Licences and Easements

Prior to issue of the Occupation Certificate the necessary leases, licences or easements as relevant need to be obtained from the appropriate authorities including Shellharbour City Council. This includes but is not limited to the undercroft area and the use of the airspace above Council Operational Land (I.e. Boardwalk).

#### PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

#### 5. Section 94 Contributions

A contribution of \$1,879.53, subject to annual indexation, must be paid to Council towards the provision of public amenities and public services prior to the issue of the Construction Certificate. This amount has been calculated in accordance with Shellharbour City Council's Section 94 Contributions Plan 2016 Amendment 1 dated 8 March 2017 in the following manner:

Non-residential contribution – \$1,879.53

The contribution amount contained in this condition is the base rate indexed to the date the consent is issued. The contribution amount will be adjusted in accordance with the indexation methods detailed in the *Contributions Plan*. Current indexed rates are available from Council.

The Contributions Plan may be inspected, or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

# 6. Initial Geotechnical Report

A geotechnical report prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- extent and stability of proposed embankments including those acting as retarding basins, recommended Geotechnical testing requirements,
- b. level of geotechnical supervision for each part of the works as defined under AS 3798 Guidelines on Earthworks for Commercial and Residential Developments,
- c. an analysis of the level of risk to existing adjacent structures/buildings including the scenario of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent structures/buildings, high risk areas must be identified on a plan and indicate that no vibratory rollers shall be used within that zone,
- d. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- e. the recommended treatment of any unstable areas within privately owned allotments;
- f. requirement for subsurface drainage lines, and
- g. overall assessment of the engineering plans for the proposed development and their suitability in relation to the site's geotechnical characteristics.

# 7. Pedestrian Barrier and Alarm System

A detailed plan including operating details of the proposed barrier and alarm system to be used during vehicle entry and exit of the loading dock must be submitted for approval to the Principal

Certifying Authority prior to issue of the Construction Certificate. The barriers must ensure that pedestrians cannot walk in front of the loading bay access point when a vehicle is entering or exiting.

# 8. Detailed Drainage Design

A detailed drainage design of the site must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with Stormwater Management Plan 17A83\_DA\_C100 prepared by Henry & Hyams, October 2017,
- b. drain to the council pit,
- indicate the method of disposal of all stormwater and must include rainwater tanks, existing
  ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels
  and sizes of all pipelines,
- d. be to the satisfaction of the Certifying Authority,
- e. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- f. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year. Average Recurrence Interval storm event,
- g. comply with Council's Shellharbour Development Control Plan (Chapter 25 & Appendix 10) unless variation is specifically noted and approved on DA concept drainage plan, and
- h. evidence must be provided to demonstrate that all stormwater run-off from the site will be captured and treated in accordance with Water Sensitive Urban Design principles.

The treatment goals for removal of pollutants and nutrients are: Gross Pollutants – 90%; Total Suspended Solids - 80%; Total Phosphorus – 45%; Total Nitrogen – 45%.

# 9. Structural Capacity of Stormwater Pipes

Pipes under buildings shall be structurally designed to withstand all applied forces. Pipes with a grade of greater than 12% require anchor blocks at the top and bottom of the inclined section and at a maximum interval of 3 metres. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the certifying authority for the Construction Certificate.

# 10. Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) must be prepared and submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate. The CEMP must include but not be limited to:

- a. sediment and erosion controls.
- b. management of fuels and chemicals,
- c. construction noise controls,
- d. dust control measures,
- e. cultural Heritage stop work protocol,
- f. native fauna protection measures,
- g. acid sulfate soil unexpected finds protocol, and
- h. contaminated lands unexpected finds protocol.

#### 11. Flooding Commercial Development

The Flood Planning Level (FPL)(100yr ARI + 500mm Freeboard) for this site is RL 2.8m AHD. The 100yr Average Recurrence Interval (ARI) flood level for this site is RL 2.3m AHD. The Probable Maximum Flood (PMF) Level for this site is RL 2.4m AHD.

The development shall comply with the following restrictions:

- a. floor levels: All floor levels (with the exception of the basement level which will be waterproofed up to the FPL) shall be equal to or greater than the FPL,
- b. building components and method: All structures to have flood compatible components up to and including the FPL in accordance with Appendix 9 of Shellharbour City Councils Development Control Plan, and
- c. structural soundness and engineer's certificate: An engineer's certificate certifying that structures are designed to withstand forces of floodwaters, debris and buoyancy up to and including the FPL is to be submitted with the Construction Certificate Application.

# 12. Kitchen Exhaust Design

The kitchen exhaust and any mechanical ventilation must discharge through the roof of the building. The kitchen exhaust and any mechanical ventilation and associated ductwork must not discharge through, or be attached to, the outside wall or outside face of the building. Detailed plans showing the location, ducting, pipework of the proposed exhaust system, manufacturers details of the proposed exhaust system and documentation verifying the proposed exhaust system will comply with AS 1668.2 - Part 2 (Ventilation Design for Indoor Air Contaminant Control) must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

# 13. Sydney Water Trade Waste Agreement

Provide written approval from Sydney Water that indicates that a trade waste agreement has been entered into for the grease trap that will be utilised for the food business operations. This information must be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

#### 14. Floor Waste

Plans showing the location of the floor waste(s) must be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

# 15. Health - Food Premises - Plans & Specifications

Details of the construction and fit out of food premises (including associated store rooms) must be submitted to Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

The plans and specifications must demonstrate compliance with the:

- a. food Act 2003 (as amended),
- b. food Regulation 2015 (as amended),
- c. food Standards Code as published by Food Standards Australia,
   New Zealand and Australian Standard AS4674:2004 Design, Construction and fit out of food
- d. Sydney Water trade Waste Section.

premises (as amended), and

# 16. Health - Food Premises - Waste Facility

Details of the construction and fit out of the waste facility of the food premises must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. Such details must demonstrate compliance with the *Food Act 2003* (as amended), Food Regulation 2010 (as amended); the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674:2004 Design, construction and fit out of food premises (as amended.) and must be:

- a. provided with a hose tap connected to the water supply,
- b. paved with impervious floor materials,
- c. coved at the intersection of the floor and the walls,
- d. graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water), and
- e. adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act, 1997.

# 17. Fire Resistance

The *Type of Construction* proposed for the building must comply with Section C of the *Building Code of Australia*. Details of the proposed *Type of Construction* for the building must be submitted with the Construction Certificate for assessment.

# 18. Noise Mitigation Treatments

Plans detailing the noise mitigation treatments to be included within the construction of the Tavern must be submitted to and approved by the Principal Certifying Authority prior to issue of a Construction Certificate.

These treatments must include:

- a. lockable imperforate shutters / panels along the northern perimeter of the Tavern that can be opened and closed to adequately control noise emission to the nearby receivers.
- b. acoustically absorptive finishes incorporated in the underside of external roof areas and internal finishes,
- c. noise monitors and/or limiters to sound systems used throughout the venue, and
- d. noise mitigation treatments for building services considering recommended measures from 4.3.3 of ARUP Shell Cove Waterfront Tavern Development Application Supplement Acoustic Report (2018).

These plans must be accompanied by a verification report from a suitably qualified acoustic consultant to certify that the noise criteria detailed in *Table 4: Predicted noise levels in report Fraser Property Group Shell Cove Waterfront Tavern DA — Supplementary acoustic report, Issue 2, Ref: AC11, dated 21 May 2018 by ARUP* will be achieved.

#### 19. Noise Management Plan

A Noise Management Plan is required to be prepared and submitted for approval to Council prior to issue of a Construction Certificate. The plan must ensure the operation of the Tavern meets the noise criteria detailed in *Table 4: Predicted noise levels in report Fraser Property Group Shell Cove* 

Waterfront Tavern DA – Supplementary acoustic report, Issue 2, Ref: AC11, dated 21 May 2018 by ARUP.

The management plan must reflect the recommendations detailed in section 4.3.2 of the Fraser Property Group Shell Cove Waterfront Tavern DA – Supplementary acoustic report, Issue 2, Ref: AC11, dated 21 May 2018 by ARUP, unless it is otherwise demonstrated that the noise criteria can be met.

# 20. Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate for work exceeding a value of \$25,000.00.

#### PART C - PRIOR TO COMMENCEMENT OF WORKS

# 21. Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work:

- a. structural engineer's design for all reinforced concrete footings and slabs,
- b. structural engineers design for all structural steel beams, framing and connections,
- c. roof truss and bracing details, and
- d. manufacturer's specifications for any patented construction systems.

Council records indicate that fill may be present in this area. The engineer's design must make specific reference to fill as a consideration.

# 22. Building Plan Approval - Sydney Water

The approved plans must be submitted to a Sydney Water TapIn™ to determine whether the development will affect Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Sydney Water's <u>Tap in™</u> online service is available at:

https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm

The Certifier must ensure that Sydney Water TapIn<sup>™</sup> has issued appropriate electronic approval prior to the commencement of any works.

# 23. Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like.
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site,
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period,

- d. sediment and erosion control measures as per Landcom's publication 'Managing Urban Stormwater Soils and Construction (2004)' also known as the 'Blue Book' or subsequent revisions.
- e. how it is proposed to ensure that soil/excavated materials is not transported on wheels or tracks of vehicles or plant and deposited on the roadway, and
- f. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an appropriately qualified and experienced engineer.

# 24. Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

# 25. Public Liability

Prior to the commencement of works, the owner or contractor must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy is to note Council as an interested party.

#### 26. Erosion and Sediment Control

Erosion and sediment control measures must be installed prior to the commencement of any demolition, excavation or construction works upon the site. These measures must be maintained throughout the entire excavation and construction phases of the development.

#### PART D - DURING & CONSTRUCTION WORKS

# 27. Hours of Work During Construction Work

Noise generating activities, including excavation, construction and delivery of equipment and materials, must only be carried out between:

- 7am to 6pm Mondays to Fridays, and
- 8am to 1pm Saturdays

Work must not be carried out on Sundays or public holidays.

# 28. Construction Environmental Management Plan

The approved Construction Environmental Management Plan required by Condition 10 of this consent must be adhered to at all times during construction.

# 29. Construction Noise

Construction noise levels must be managed according to the EPA Interim Construction Noise Guidelines.

#### 30. Sediment and Erosion Controls

Sediment and erosion controls must be maintained at all times and checked for adequacy daily. The controls must remain until the construction phase of the proposal is completed and disturbed areas have been stabilised.

# 31. Management of Fuels and Chemicals

Fuels and chemicals must be stored safely onsite. Refuelling and mixing chemicals must be conducted in a designated bunded areas specified in the Construction Environmental Management Plan.

#### 32. Dust Control

Protocols to control dust leaving the site during construction must be implemented and must include but not be limited to: monitoring and regular water carters wetting any dry areas of exposed ground.

# 33. Cultural Heritage

A stop work protocol must be included in the Construction Environmental Management Plan and implemented for any potential heritage items found during excavation including ceasing work immediately if any Aboriginal objects are found/uncovered, secure the site and inform Office of Environment and Heritage and Shellharbour Council's Aboriginal Liaison Officer immediately.

# 34. Aboriginal Heritage Induction

The applicant must ensure that the construction/project supervisors are fully informed and briefed with respect to the consent and Aboriginal Heritage Permit (AHIP) No. 2534.

Prior to any works commencing on the land all staff, contractors and sub-contractors working on site must be inducted on Aboriginal Heritage implications and must sign acknowledgement of having received and understood this induction. This induction record must be retained on site for the duration of the construction works.

#### 35. Protection of Native Fauna

Measures to minimise risk of harm to native fauna must include:

- a. Inspect in an around all vehicles and machines to ensure no native fauna is present prior to turning on or recommencing work,
- b. Cover trenches when possible to avoid trapping native fauna such as frogs and reptiles,
- c. Inspect trenches prior to filling, and
- d. Contact WIRES or South Coast Wildlife Rescue on 0418 427 214 immediately in the event of injury to native fauna.

# 36. Acid Sulphate Soil Unexpected Finds Protocol

Stockpiles and excavations must be observed for obvious signs of Acid Sulphate Soil (ASS) oxidation, such as rotten egg smell or jarosite staining. If signs are evident, works must cease, and a suitably qualified consultant engaged to prepare an Acid Sulphate Soils Management Plan to guide the management of ASS onsite.

# 37. Contaminated Land Unexpected Finds Protocol

Should any contamination or suspect material be encountered during site preparation, earth works, construction or any other stage of the development, works must cease immediately, and a suitably qualified consultant engaged to conduct a thorough contamination assessment and provide recommended management actions to guide the management of any contamination onsite. Council must be notified if this protocol is required to be enacted.

# 38. Earthworks Cut, Fill and Grading

The maximum grading of cut or fill shall be 45 degrees (1:1) where there is no retaining wall or no other method of stabilising cut or fill during construction. The maximum depth of fill on any portion of the allotment shall be 1.0 metres. The maximum depth of cut on any portion of the allotment shall be 1.0 metres. Cut areas may exceed 1.0 metre provided the retained sections are located within the confines of the external walls of the buildings.

# 39. Flooding Survey Certification

A survey certificate, signed by a Registered Surveyor, shall be submitted for approval when the formwork for the main floor area is completed. This certificate shall certify that the main floor and any habitable floor levels shall be constructed at or above the Flood Planning Level R.L 2.8m AHD.

#### 40. Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained (refer Part E). Any variations to the Waste Management Plan must have prior written approval of Council.

# 41. Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

# 42. Survey Certification

A report from a registered surveyor must be provided to the Certifying Authority prior to external walls being raised above ground floor level OR on completion of the ground floor slab formwork prior to the concrete being poured.

The report must certify all of the following:

- a. the distance of the structure to all boundaries of the allotment are in accordance with the approved plans,
- b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plans, and
- c. the garage floor level complies with the garage floor level shown on the approved plans and grades comply with Council's gradient standards.

#### PART E - PRIOR TO OCCUPATION

# 43. Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. The buildings must not be occupied until the Principal Certifying Authority issues an Occupation Certificate.

# 44. Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act, 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

# 45. Noise from Mechanical Plant & Equipment

Noise from the operation of mechanical, equipment, ancillary fittings, machinery, mechanical ventilation system and / or refrigeration systems should comply with the noise criteria detailed in Table 5: Tavern noise emission criteria at new residential premises in report Fraser Property Group Shell Cove Waterfront Tavern DA-Supplementary acoustic report, Issue 2, Ref: AC11, dates 21 May 2018 by ARUP.

A professional acoustic engineer shall be engaged to certify that the design and construction of all sound producing plants and equipment associated with the building complies with the above requirements. Certification shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

#### 46. Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifying Authority.

#### 47. Subdivision Certificate

Prior to the release of the Occupation Certificate, evidence of the registration of the relevant subdivision is to be provided to Council.

#### 48. Operational Car Park

Prior to issue of the Occupation Certificate, documentation certifying:

- an Occupation Certificate has been issued for the car park included within the adjoining mixed use development DA0385/2017, and
- b. any required right of way is in place to allow suitable servicing of the Tavern premises,

must be provided to the Principal Certifying Authority.

#### 49. Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report

(refer Part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

#### 50. Food Premises - Inspection & Registration

Prior to the issue of any Occupation Certificate or occupation or use of any food premises:

- a. satisfactory final inspection must have been undertaken by the Principal Certifying Authority certifying that the use of the premises for the preparation, display and storage of food has been carried out in accordance with the development consent, and
- b. the food premises must submit to Shellharbour City Council a *'Food Business Registration Form'*. The form can be found on Council's website by visiting:

http://www.shellharbour.nsw.gov.au/Documents/Forms-and-Application/Compliance/Foodbusiness-registration-form.aspx

# 51. Sydney Water Requirements

Written approval from Sydney Water that indicates that a trade waste agreement has been entered into for the grease trap that will be utilised for the food business operations must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

#### 52. Litter Control

A Plan of Management for litter control must be produced and implemented for the operation of the premises. In particular, the plan must identify how litter will be controlled and managed in and around the building and property.

This section of the plan must address:

- a. the scheduling for the litter management, and
- b. a map illustrating the area that will be managed. In this regard, the area must include areas outside of the property boundary (including areas adjacent to the boundary and public footpath areas).

# 53. Operational Plan of Management to be Submitted and Approved

The Operational Plan of Management approved as part of this consent must be amended to include the following:

- a. removal of graffiti the operator of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application,
- b. removal of glass Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises,
- c. litter Management Control requirements as required in condition 52,
- d. lockers must be provided for employees to lock away their valuables during the time they are working.
- access and security access control should be set in place to exclude unauthorised access to restricted areas. Signage should be placed in areas that are restricted to employees only,
- f. delivery times included in the plan are to reflect those specified in condition 58 of the consent,

- g. the required barriers and alarm system as specified in condition 7 of the consent are to be used when a vehicle is entering or exiting the loading dock,
- h. off premises sales of alcohol are to be over the bar only, no alcohol is to be sold via the kiosk window,
- all loading and unloading including glass and other waste collection shall take place wholly within the premises, and
- j. operational Noise Management Plan as required by condition 19.

The amended plan signed by the premise's operator/licensee must be submitted to and approved by Council prior to an Occupation Certificate being issued.

### 54. Food premises - Garbage Odour

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the *Protection of the Environment Operations Act*, 1997 (as amended).

# 55. Food Premises - Storage of Waste - Used Cooking Oil

Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.

# 56. Noise Mitigation Treatments

Prior to issue of an Occupation Certificate written certification must be provided to the Principal Certifying Authority by a suitably qualified acoustic consultant detailing that the noise mitigation treatments required as per condition 18 of this consent have been achieved.

# 57. Health - Lighting - General Nuisance

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads. The design must ensure no adverse impact on the amenity of the surrounding area by light overspill.

#### PART F - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

# 58. Hours of Operation and Delivery times

The hours of operation are restricted to:

- a. for the food and drink (Tavern) premises between 10am and midnight Monday to Saturday and 10am and 10pm on Sundays,
- Kiosk (takeaway food) operating hours are to be restricted to between 7am to 8pm Monday
   Sunday, and
- c. All commercial vehicles movements including deliveries and waste collection are restricted to the hours between 7am and 10pm Monday to Friday.

# 59. On Site Loading Areas and Operation

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site with the loading dock doors closed, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

# 60. Operational Management Plan Implementation

The Tavern must be operated in compliance with the approved Operational and Noise Management Plan.

# 61. Maximum Number of Persons Signage

The maximum number of people (including staff and customers) in the premises shall be no more than 800 people at any one time.

### 62. Prescribed Condition for Maximum Patronage Signage

A sign must be displayed at the main entry point to the building in a prominent position stating the maximum number of persons, as specified in condition 61 of this consent, that are permitted in the building.

Note: Clause 98D of the Environmental Planning and Assessment Regulation 2000 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- I. Entertainment venue,
- II. Function centre,
- III. Pub,
- IV. Registered club, and
- V. Restaurant

#### 63. Acoustic Testing

The operator of the premises is required to undertake relevant acoustic testing to demonstrate that the noise criteria is being achieved as required by *Table 4: Predicted noise levels in report Fraser Property Group Shell Cove Waterfront Tavern DA – Supplementary acoustic report, Issue 2, Ref: AC11, dated 21 May 2018* prepared by *ARUP*. The testing must occur during the first 12 months of the operation of the premises and based on the following:

- at least 5 times during the 12 month period, with two samples taken during the summer period, and,
- at peak times, including Saturday mid-afternoon and evening.

Where the testing has shown non-compliances with noise criteria detailed in *Table 4: Predicted noise levels in report Fraser Property Group Shell Cove Waterfront Tavern DA – Supplementary acoustic report, Issue 2, Ref: AC11, dated 21 May 2018* prepared by *ARUP*, appropriate operational mitigation measures must be implemented in the plan of management and noise management plan for the site. Such mitigation strategies must be implemented immediately.

Documentary evidence must be provided to Shellharbour City Council. The evidence must demonstrate the above and lodged with Council not more than 3 months after the testing period. This must include any revised operational and noise management plans.

# 64. Copies of Consents and Management Plans

A full and current copy of all current development consents for the operation of the premises and the approved Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

The use must always be operated / managed in accordance with the Plan of Management, signed and dated by the premise's operator.

# 65. Neighbourhood Amenity

- a. Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- b. The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council and the Licensing Authority.

# 66. Flooding Storage of Materials

The Probable Maximum Flood (PMF) for this site is RL 2.4m Australian Height Datum. At no time during occupation shall materials be stored which may cause pollution or be potentially hazardous during a Probable Maximum Flood event.

#### 67. Waste Streams

In accordance with Wasteless Consulting, Shell Cove Town Centre, Waste Strategy Report dated 10 November 2016, the following waste streams shall be collected and disposed at a suitable licensed facility:

- a. General Waste.
- b. Paper and Cardboard,
- c. Mixed recycling (plastics, glass, steel and aluminium),
- d. Organic Waste, and
- e. Oil and grease trap service to food retailers.

# 68. Waste Receipts

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such records to be made available to Council's Officers upon request.

### 69. Waste Management Plan

The development shall adhere to the design elements and operational functions in accordance with the Wasteless Consulting, Shell Cove Town Centre, Waste Strategy Report, 10 November 2016.

# 70. Signage - Illumination

The approved signs must only be illuminated during the approved business hours of operation.

The intensity of illumination of the signage must not cause objectionable glare, affect the safety for motorists or detract from the amenity of the neighbourhood.

# 71. Separate Consent Required for Additional Signage

Additional signage, including window signage, must not be erected or displayed without first gaining development consent from Shellharbour City Council unless the sign is in accordance with the requirements of *State Environmental Planning Policy (Exempt & Complying Development Codes)* 2008).

**Note:** Window signage includes paint, vinyl strips and the like.

#### **END OF RECOMMENDED CONDITIONS**

#### REASONS FOR THE IMPOSITION OF CONDITIONS

- To minimise any possible adverse environmental impacts of the proposed development.
- 2. To ensure that the amenity and character of the surrounding area is protected.
- 3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- To ensure that the development does not conflict with the public interest.

#### Advisory Notes - General

#### **Food Premises Inspections**

Council's Health and Building Assessment Officer will visit your food business to undertake regulatory health premises inspections in accordance with our responsibilities under the *Food Regulation Partnership*. The number of yearly inspections required is determined using a risk based priority classification system as outlined in the NSW Food Authority's *Priority Classification System* Guidelines. The fee for this service will be invoiced directly to the Proprietor of the business once all required financial year inspections have been completed. For information on the costs involved with food premises inspections please see Council's fees and charges document on our website:

<a href="http://www.shellharbour.nsw.gov.au/Documents/Council/Your-Council/Fees-charges-2015-2016.aspx">http://www.shellharbour.nsw.gov.au/Documents/Council/Your-Council/Fees-charges-2015-2016.aspx</a>

# **Grease Arrester Installation**

A grease arrestor may be required. Please contact Sydney Water for approval and installation advice.

### **Critical Stage Mandatory Inspections**

Mandatory inspections of the building work must be carried out by the Principal Certifying Authority at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000.* 

It is recommended that you discuss with your Principal Certifying Authority the occasions when the building work is to be inspected prior to work commencing.

### **Erection of Signs**

The principal contractor and the Principal Certifying Authority will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifying Authority can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifying Authority identification.

#### SafeWork NSW

The requirements of SafeWork NSW must be satisfied at all times.

#### Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non-compliance. **Lapsing of Development Consent** 

In accordance with Part 4, Division 4.9, section 4.53 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

#### Right to Appeal

If you are dissatisfied with this decision, Part 8, Division 8.3, section 8.7 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within six months after the date on which you receive this notice.

#### **Review of Determination**

If you are dissatisfied with this decision, Part 8, Division 8.2 of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

Division 8.2 of the Environmental Planning & Assessment Act 1979 does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development
- c. a determination in respect of integrated development
- d. a determination made by the Council under Division 4 in respect of an application made by the Crown.

#### To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon application to Council under section 4.55 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.

### Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at <a href="www.1100.com.au">www.1100.com.au</a> or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

#### Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800810443.

#### Development within Vicinity of a High Pressure Gas Main

Contact Dial Before You Dig on 1100 or <a href="www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a> <a href="http://www.dialbeforeyoudig.com.au">http://www.dialbeforeyoudig.com.au</a> <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a> <a href="http://www.dialbeforeyoudig.com.au">http://www.dialbeforeyoudig.com.au</a> <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a> <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a

Jemena Asset Management Pty Ltd PO Box 6507 SILVERWATER NSW 2128

Attention: Land Services Department

# Compliance with Building Code of Australia

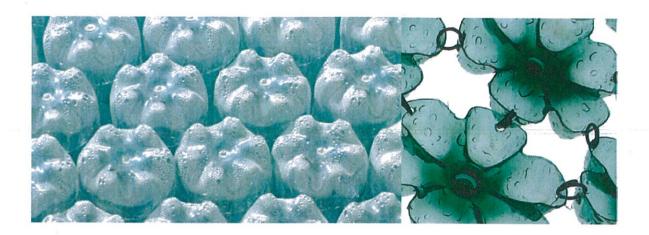
The development must comply with the Building Code of Australia and all related standards and legislation.

#### **Prescribed Payment System Tax Obligations**

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.

# **END OF NOTICE**







# SHELLHARBOUR CITY COUNCIL DEVELOPMENT CONSENT

DANO. 0005,2018 Dated 1.4 MAY 2019

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying the particular particul

These plans maybe modified by conditions of consent. Please reter to consent documents for details.

Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed.



Carey McIntyre General Manager

Shell Cove Town Centre Waste Strategy Report 10 November 2016

Wasteless Consulting

ABN 99 210 232 826 www.wasteress.com.au T 03 9530 5882

PO Box 9067, Brighton Victoria 3°86 info hiwasteless comiau.

REDUC

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RECYCLE

# Site Provisions for Waste Management Systems

#### Objectives

This report details the criteria and guiding principles in the delivery of waste management services across the Shell Cove Development. It includes commentary on the design elements and operational functions of waste management across the various uses.

# **Development Overview**

The development consists of a mix of uses that includes multi-story residential apartments, retail, leisure, commercial, and community uses. The development includes a shopping centre, which is currently under a separate development application, which includes a separate waste management report. The development precinct includes fifteen stand-alone uses that may in the future be in separate ownership. There is a road network which will provides access and amenity to each of the individual use.

Due to the nature and scale of the various uses across the development including the public place recycling are most appropriately serviced by a private waste contractor. The intention is to implement a holistic waste management strategy and to have a single private waste contractor service the entire development, which will maximise the cost benefits. This will also provide greater efficiencies by having reduced traffic from waste vehicles and increase amenity for the residential uses.

The provision of a separate waste contract will not negate or reduce the liability for each uses ratable municipal charge. However, it is our understanding from Council that the ratable charges relating to the residential uses would be reduced and Council would only levy a small amenity charge on each of the apartments.

# Site Provision - Design Elements for Waste Management

- Dedicated waste room facilities are located at grade level.
- Waste Room facility to be located within close proximity to collection points by waste vehicles, ideally no more than 20 metres, providing for direct waste collection from the waste room.
- Waste room location will be within easy access for waste deposits by stakeholders, in particular for the residential apartments the waste rooms will be located in a service area close to the lifts.
- · Integrated bin washing facilities.



The waste streams that will be collected from site are as follows:

#### Residential Uses

- 1. General Waste
- 2. Mixed recycling (plastics, glass, steel and aluminum)
- 3. Organic Waste

#### Retail and Commercial Uses

- 1. General Waste
- 2. Paper and Cardboard
- 3. Mixed recycling (plastics, glass, steel and aluminum)
- 4. Organic Waste
- 5. Oil (grease interceptor trap to service the food retailers)

The attached summary table "Shell Cove – Waste Management Strategy for each Individual Use" is to be read in conjunction with the attached site plan.

- The table summaries:
- Waste bin numbers.
- Bin capacity.
- Bin collection frequency.
- Waste room storage dimensions for each use across the proposed development.
- Proposed locations for services trucks to stop whilst bins are wheeled to the truck by the private waste contractor for emptying.

This table is provided for the purpose of guidance, as waste generated and collection services can be impacted on by numerous factors not limited to the list below:

- Bins will be provided under the waste contract (may vary depending on tenancy mix).
- Levels of occupancy of the particular use.
- Stakeholder participation in the recycling program.



# Bin Types

As detailed on the attached table each designated use has a specified bin size. The selection of bin size is based on criteria that provides for ease of manual handling. The smaller bin size assists with lower contamination as visibility is improved. The bin types are plastic.

Capacity (Litres)	Height (mm)	Width (Front mm)	Depth (Side mm)	Empty Weight (Kg)
1,100	1,470	1,240	1,070	65.0
660	1,180	1,260	770	45.0
240	1,140	570	740	15.5

#### **Bin Lid Colour**

The bins will meet Australian Standards for lid colour and be clearly labeled for the specific waste stream.

Waste Stream	General Waste	Mixed Recycling	Paper/	Organic
			Cardboard	
Lid	Red	Yellow	Blue	Green
Body	Green	Green	Green	Green

Note: Some private waste contractors may use different colour coding and labeling system. The bin colour coding and labeling will need to be specified as a requirement under the waste contract.



# Users' Interface with waste storage and collection services

#### Access to waste services

Tenants and residents will be required to dispose of their waste into the bins located in the waste storage room, which will provided in each building. The waste rooms need to be in a convenient location with external access. Direct access is required for the pick up of bins directly from the waste room by waste vehicles. In particular, it is important for the residential apartment waste rooms to be close to the lift lobby areas for user interface.

Consideration also needs to be given to adequate internal corridor widths, ramps, and level surfaces leading to the waste storage room. The waste storage room facilities need sufficient circulation space to allow for bins to be moved and rotated within the room.

#### Collection of Waste from Site

- Waste bins to be collected directly from the waste storage room by the waste contractor.
- The width of the single road network servicing the development ranges between 3.2 m and 3.5 m. This is sufficient for the common fleet of commercial waste vehicles that require a width of at least 2.4 m.
- The development is to be serviced by smaller waste vehicles not exceeding 8.8 metres
  in length. Smaller waste vehicles are commonly used for waste collection in other
  town centre developments. The road network has been designed to enable trucks of
  this length to complete turning movements at all intersections.
- The manual handling risks related to the movement of bins has been minimized, with the collection of bins being directly from the waste storage room.



REDUCE REUSE

RECYCLE

# Provision of maintaining the local amenity and environment

#### **Noise Factors**

- · Bins will have plastic lids and be on rubber wheels.
- · Loading dock activities will be in accordance with all approvals.
- All local laws will be adhered to.
- Specified within the private waste provider's contract will be the requirement to meet all legislation and regulation requirements relating to noise control. This will ensure that amenity within the surrounding area is maintained in accordance with the legislation and regulations.

#### **Environmental Factors**

- Centre / Body Corporate Management will provide adequate bins to avoid dumping of waste.
- · Monitor and mange access to the waste storage area.
- Provide adequate bins to avoid waste bins being over filled and maintain waste bins in good repair to avoid leaks of liquid material.
- Provide for adequate frequency of the waste services.
- Bill washing facilities within the waste storage rooms to maintain cleanliness of bins
- No waste incineration devices will be permitted at the site.
- Recycling material will not be placed in plastic bags and all cardboard will be flattened for disposal.
- No hazardous waste will be stored
- Install adequate bins internal and external to manage litter control.

# Ventilation, Washing and Vermin Control

- Waste storage rooms shall be ventilated in accordance with the required approvals.
- The waste storage rooms will be an enclosed structure with a tightly fitted door.
- The floor will be impervious, level, smooth, slip-resistant and have adequate drainage, including a floor waste.
- Bin washing facility will be provided to maintain the cleanliness of the bins and the waste storage room.
- Management of the bin storage room will include a regular routine of washing down the facilities.
- Pest control measures will be put in place at the site.



#### Design and safety of the Waste Storage Areas

- · Waste bins will be stored in the waste storage room.
- Waste bins will be returned to this room after collection.
- The material used in the construction of the room will be durable and fit for purpose to provide for the cleanliness of the room and maintain the aesthetic appeal of the waste storage room.
- There will be adequate lighting in the room and along the paths of travel to the room.

# Public Place Recycling

- Bins will be placed at entry points to the harbour boardwalk. The collection services for the public place waste will be incorporated and facilitated within existing waste collection services across the development.
- A summary of proposed bin locations -
  - 1. Entry point at the end of the main promenade with waste collection facilitated by "Area 11"
  - 2. The public park land between "Areas 9 and 10" with waste collection facilitated by "Area 10"
  - 3. Harbour boardwalk near parkland adjacent to "Area 15" with waste collection facilitated by "Area 15"
  - 4. The entry points across the retail "Area 6" of the shopping centre (refer to attached development plan).
- The bins will be dual bins, with the ability to take 240 litre bins.
- It is recommended that the public place recycling program across the development be included within the private waste contract, with costs for this collection borne by Council. This will allow Council to realise cost efficiencies by collection of these public place bins as part of a much larger waste servicing contract.

# Stakeholder Engagement and Education

- Sustainable waste contract will be entered into with a service provider.
- Centre / Body Corporate Management will be responsible to ensure all users of the waste services are fully aware of the operational requirement for each site.
- The sites will display clear signage within each waste storage rooms, with bins clearly labeled and identifiable via the bin colour system.
- Centre / Body Corporate Management of the various uses will maintain a cleaning routine that will limit slip and trip hazards from spillages within the waste storage room, loading docks and along the paths of travel.





- All collection of bins will occur from the designated area for collection and not placed in other location around the site.
- Centre / Body Corporate Management will continue to support and provide services on site to encourage the diversion of waste from landfill.
- Centre / Body Corporate Management will work and support the local Council and the community programs for waste avoidance and minimisation.

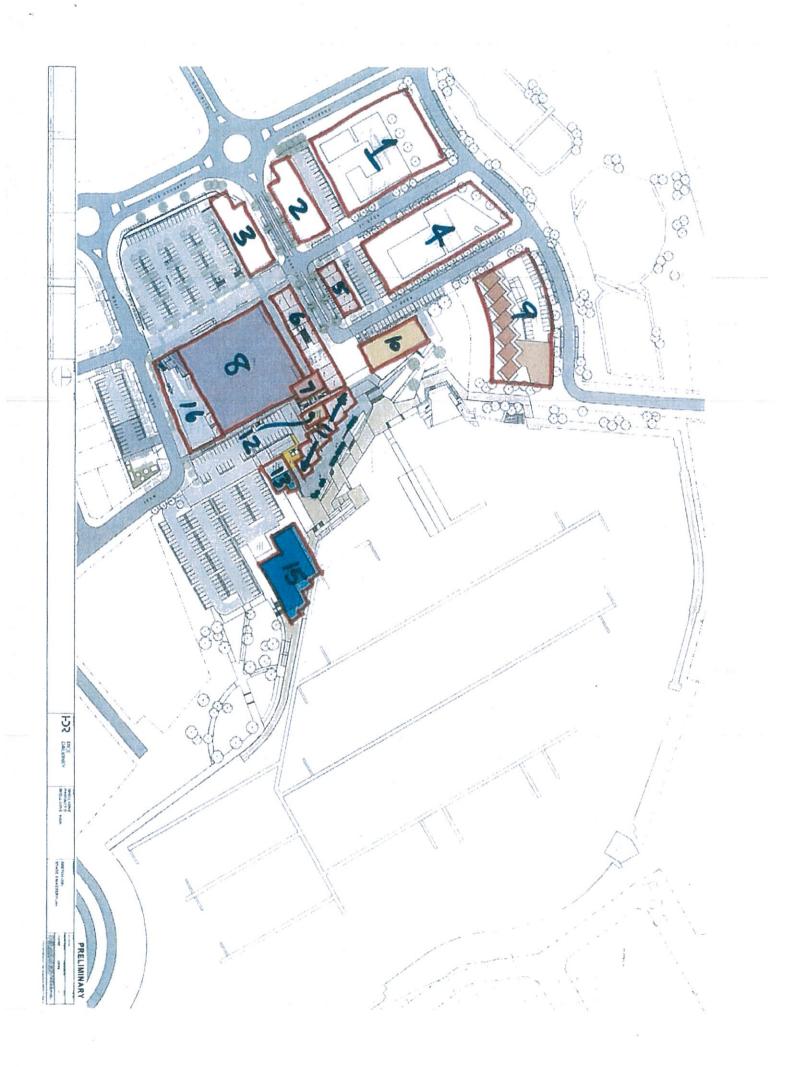
# **Report Limitation**

The purpose of this report is to document a Waste Management Plan, as part of a Town Planning Development Application (DA).

The report is based on the following conditions:

- Operational use of the development (excludes demolition/construction stages).
- Drawings provided and supplied by the project architect and developer.
- The figures requested in the report are estimates only. The amount of waste generated at the site will depend on such factors as occupancy, level of diversion from landfill, and tenancy mix. Management shall make adjustments to bin numbers and frequency of collection based on actual volume of waste.
- This report should not be used to calculate or forecast future operational costs for waste management at the site or to be solely relied on to document or highlight legislation or regulations that need to be adhered to.





Shell Cove Town Centre- Waste Management Strategy for Each Identified Use

Site	Proposed Use	GFA	Number of	Waste Room Sizing	Bin Sizing	Frequency of	Comments
Number			Apartments			Pick-Ups	
184	Residential		80	5m in width and 5m in	240 Lt Bins	Twice weekly	The waste room needs to be no more than 20m from
				length provide space to		pick-up of all bins.	the collection point. The waste collection point will be
				line the bins along the	Total 30		via trucks stopped within parking bays on the adjacent
				wall and provide a	bins –		public road (Road 12). Parking bays to be designated
				walkway of 1.5m for	equal split		"No Parking" during the specified times for waste
				circulation space.	of the		collections. The waste room at grade, to the rear
					bins.		development, with connection directly off the lift lobby.
							Roller door on the waste room for ease of removing the
							bins. Use of 240 Lt bins assists with manual handling of
							the bins. It also assists with managing contamination
							issues particularly the organic waste as the contents of
							the bins are more visible compared to larger bins.
2&3	Commercial /	300	18	Two separate bin areas	240 Lt Bins	Twice weekly	The waste room needs to be no more than 20m from
	Retail /	sqm		for the commercial /		pick-up of all bins.	the collection point. The waste collection point will be
	Residential			retail component and	Total 8		via trucks stopped within parking bays on the adjacent
				the residential	bīns -		public road (Road 12 for site 2 and Private Road for site
				component. These	equal split		3). Parking bays to be designated "No Parking" during
				rooms would be	of the		the specified times for waste collections. The waste
				approximately 3m in	bins.		room at grade, to the rear development, with
				width and 3m in			connection directly off the lift lobby. Roller door on the
				length. Depending of			waste room for ease of removing the bins. Use of 240
				the nature of the			Lt bins assists with manual handling of the bins. It also
				commercial / retail			assists with managing contamination issues particularly
				bins, storage could be			the organic waste as the contents of the bins are more
				built into the tenancy			visible compared to larger bins.
				fitout.			

Shell Cove Town Centre - Waste Management Strategy for Each Identified Use

th the tenancy 240 Lt Weekly pick- non-food retail bins. up of both torage area to each ese units should ese units should in length.  In length.  In length.  In corporated in incorporated incorpo	Proposed GFA Nu		nN	Number of	Waste Room Sizing	Bin Sizing	Frequency of	Comments
240 Lt Weekly pickbins. up of both bins bins	Use Apartments	Apartments	Apartments				Pick-Ups	the state of the s
bins. up of both	Specialty 460 Incorporated w		Incorporated w	Incorporated w	ith the tenancy	240 Lt	Weekly pick-	Provision for a central collection point for the
in te bins	Retail sqm fitouts for thes		fitouts for thes	fitouts for thes	e non-food retail	bins.	up of both	bins serviced by trucks stopped in parking bays
चे के वि चे दि चे दि च च च च च च च च च च च च च च च च च च च			units. The bin	units. The bin	storage area to		bins	on adjacent public roads (Road 12 and Road 10
i fe ii fe	be located to 1	be located to 1	be located to t	be located to	the rear of each		•	east). Parking bays to be designated "No Parking"
a a a a	of the units.	of the units.	of the units.	of the units.	These units should			during the specified times for waste collections.
i fi ii fi	provide for 2	provide for 2	provide for 2	provide for 2	x 240 Lt bins. The			
a i a i	bins would se	bins would se	bins would se	bins would se	rvice mixed			The individual retailers would be responsible for
क हि के ह	recycling and	recycling and	recycling and	recycling and	general waste.			the placement and removal of the bins from the
ज <b>क</b> ंट	The enclosed	The enclosed	The enclosed	The enclosed	bin unit would			collection point.
i te ii te	need to be 1.	need to be 1.	need to be 1.	need to be 1.	3m in length.			
i ii ii ii	Specialty 763 Serviced by S		Serviced by S	Serviced by SI	hopping Centre			Waste collected from supermarket loading dock
	Retail sqm Waste Mana		Waste Mana	Waste Mana	gement Services.			TERMINISTER THE PROPERTY OF TH
	Liquor (Excluded)	(Excluded) P	(Excluded) n	(Excluded)	Major Tenant waste			Waste collected from supermarket loading dock
	Tenancy provisions t	provisions t	provisions t	provisions t	o be incorporated in			
	Tenancy Fitout.	Tenancy Fite	Tenancy Fite	Tenancy Fit	out.			мент — — — — — — — — — — — — — — — — — — —
be incorporated in ut.	Supermarket (Excluded)	(Excluded)	(Excluded)	(Excluded)	Major Tenant waste			Waste collected from supermarket loading dock
out.	provisions	provisions t	provisions t	provisions t	o be incorporated in			
	Tenancy Fitout.	Tenancy Fi	Tenancy Fi	Tenancy Fi	tout.			

Shell Cove Town Centre - Waste Management Strategy for Each Identified Use

Site	Proposed	GFA	Number of	Waste Room Sizing	Bin Sizing	Frequency of	Comments
Number	Use		Apartments			Pick-Ups	Annual Control of the
o	Hotel	1500	150	5m in width x 5 m length.	3 x 660 Lt	Daily pick-up	One waste room no more than 20m from the
	(services	sdm			bins -	of General	collection point. Waste vehicles will directly
	apartments				General	Waste &	enter the car park to gain access to waste
	and				Waste &	Organic	room. Enabling the waste to be picked-up
	Conference				Mixed	Waste.	directly from the waste room, avoiding the
	Centre				Recycling.		situation of having to provide a secondary
					2 x 660 Lt	Twice weekly	collection point for the bins. The ideal
					Paper /	pick-up of	solution would be to have the waste room at
					Cardboard	Mixed	grade, to the rear development. Roller door
-					Recycling.	Recycling &	on the waste room for ease of removing the
					4 x 240 Lt	Paper/	bins. Use of 660 Lt bins assists with manual
			•		bins for	Cardboard	handling of the bins.
					Organic	Recycling.	
					Waste.		
10	Community Centre / Library	630 sqm		Incorporate a bin storage area within the fitout.	3X240 Lt	Twice weekly Pick-up of Mixed Recycling, General & Organic Waste.	Provision for a central collection point for the bins serviced by trucks stopped within parking bays on the adjacent public road way (Road 10 east). Parking bays to be designated "No Parking" during the specified times for waste collections.

Shell Cove Town Centre - Waste Management Strategy for Each Identified Use

Site	Proposed	GFA	Number of	Waste Room Sizing	Bin Sizing	Frequency of	Comments
Number	Use		Apartments			Pick- Ups	
11	Food &	900		3m width x 3 m length.	2 x 660 Lt	Twice weekly	One waste room no more than 20m from
	Beverage	sdm			bins -	Pick-up of	the collection point. Waste vehicles will
					General	Mixed	directly enter the car park at the rear to gain
					Waste &	Recycling,	access to waste room. Enabling the waste to
· · · · ·				•	Mixed	General &	be picked-up directly from the waste room,
					Recycling.	Organic	avoiding the situation of having to provide a
					2 x 660 Lt	Waste.	secondary collection point for the bins. The
					Paper/		ideal solution would be to have the waste
					Cardboard		room at grade, to the rear development.
					Recycling,		Roller door on the waste room for ease of
					4 × 240 Lt		removing the bins. Use of 660 Lt bins assists
					bins for		with manual handling of the bins.
	•				Organic		
					Waste.		
12	Centre	142		Serviced by Shopping Centre			Waste collected from supermarket loading
	Management	sdm		Waste Management Services.			dock
13	Marina Services	301		Incorporated with the tenancy	2 x 240 Lt	Weekly Pick-	Collection for waste could be incorporated
		sdm		fitout. Bin storage area to the	Bins.	up of both	with the amenities servicing "Area 11".
				rear of each of the units. The		bins.	
				enclosed bin unit would need			
				to be 1.3m in length.			

Shell Cove Town Centre - Waste Management Strategy for Each Identified Use

Site	Proposed	GFA	Number of	Waste Room Sizing	Bin Sizing	Frequency of	Comments
Number	Use		Apartments			Pick-Ups	
14	Apartments		30	The residential component.	240 Lt Bins	Twice weekly	The waste room needs to be no more than
	Above(11,12,13)			The room would be		pick-up of all	20m from the collection point. Waste
				approximately 4m in width and	Total 8 bins	bins.	vehicles will directly enter the car park to
				4m in length.	- equal split		gain access to waste room. This will enable
					of the bins.		to waste to be picked-up directly from the
							room. The ideal solution would be to have
							the waste room at grade, to the rear
							development, with connection directly off
							the lift lobby. Roller door on the waste
							room for ease of removing the bins. Use of
							240 Lt bins assists with manual handling of
						•	the bins. It also assists with managing
							contamination issues particularly the
<del></del>							organic waste as the contents of the bins are
							more visible compared to larger bins.
15	Tavern	1400		4m width x 4m length.	3 x 660 Lt	Daily pick-up	One waste room no more than 20m from
	************				bins -	of General	the collection point. Waste vehicles would
	~				General	Waste &	directly enter the adjacent car park to gain
					Waste &	Organic	access to waste room. Enabling the waste
					Mixed	Waste.	to be picked-up directly from the waste
					Recycling.		room, avoiding the situation of having to
					2 x 660 Lt	Twice weekly	provide a secondary collection point for the
					Paper/	pick-up of	bins. The ideal solution would be to have
					Cardboard	Mixed	the waste room at grade, to the rear
					Recycling.	Recycling &	development. Roller door on the waste
					5 x 240 Lt	Paper/	room for ease of removing the bins. Use of
···········					bins for	Cardboard	660 Lt bins assists with manual handling of
					Organic	Recycling.	the bins.
					Waste.		

# **Frasers Property Australia Pty Limited**

A member of the Frasers Centrepoint Group



# The Waterfront Tavern at Shell Cove

**Operational Plan of Management** 



DANO. 0005, 2018 Dated 1.4. MAY. 2019...

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plate.

These plans maybe modified by conditions of consent. Please refer to consent documents for details.

Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed.

Carey McIntyre General Manager

# Frasers Property Australia Pty Limited A member of the Frasers Centrepoint Group



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#### 1.0 Introduction

The purpose of this Operational Plan of Management is to establish performance criteria for the various aspects informing the operation of the Waterfront Tavern at Shell Cove. This Operational Plan of Management has been prepared having regard to the relevant matters under the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Liquor Act 2007* and any relevant Regulation under that legislation.

Name of licensed premises:

Waterfront Tavern

Liquor Licence No:

TBC

Address of Premises:

Marina Drive, Shell Cove, NSW

Type of Liquor Licence:

Hotel Licence

Licence Authorisations: Business Owner: Minors Area Authorisation

Licensee:

TBC TBC

Licensee Contact No.:

TBC

#### 1.1 Background

The Shell Cove Boat Harbour Precinct is a master planned estate surrounding the Shell Cove Boat Harbour and Marina comprising the development of residential, commercial, community, retail, hotel, business park, marina services, open space and wetlands. The tavern will be located within Shell Cove Town Centre. It is envisaged as an activated town centre with a range of uses that will ensure year round activity during the day and evening.

The Waterfront Tavern can be described as being:

- A single storey tavern with a gross floor area of approximately 1,016m<sup>2</sup>, accommodating:
  - Bar and bistro areas;
  - o Gaming room;
  - Sports bar and TAB;
  - o Back of house facilities and WC; and
  - o Balconies with operable panels for weather protection.
- Three illuminated signs on the building exterior;
- Basement area of approximately 69m² for staff and storage areas with an external undercroft adjoining the boardwalk; and
- A Loading Dock located along the western elevation, directly adjoining the retail/marina car park.

#### 1.2 Future Operator

Frasers Property Australia (Frasers) are seeking consent for the Waterfront Tavern, which will then be sold to a future owner and/or operator. They will be bound by the provisions of the Operational Plan of Management and development consent.

# 1.3 Implementation

The Waterfront Tavern has and will follow the following rules of operation at all times:

- a) Comply with all regulatory approvals (Development Consent and Liquor Licensing);
- b) Comply with its House Policies (Emergency and Evacuation Procedures, RSA, Cash Handling and the like); and
- c) Ensure compliance with this Operational Plan of Management.

#### 1.4 Objectives of Plan of Management

The objectives of the Operational Plan of Management are to assist the operator's aims to:

a) Establish the performance criteria for the operation of the Waterfront Tavern;

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- b) Provide a familiar guide to all staff involved with the sale of liquor at the Waterfront Tavern;
- c) To ensure that the future operator of the Tavern complies with the operational requirements of the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007; and
- d) To ensure that the future operator of the Tavern has regards to the rest of the Shell Cove Boat Harbour precinct.

All Tavern staff shall be made familiar with this plan.

A copy of this Operational Plan of Management, Development Consent and Liquor Licence shall be available on site at all times and immediately produced for inspection, upon request by NSW Police, Liquor and Gaming NSW or Council Officers.

#### 2.0 Site Details

#### 2.1 Site Location & Description

The site is located within the Shell Cove Boat Harbour Precinct. The Waterfront Tavern site is located at the south-eastern end of the Shell Cove Town Centre, overhanging the Shell Cove Marina.

Access to the site is via Marina Drive, with 146 public car parking spaces proposed to the south-west.

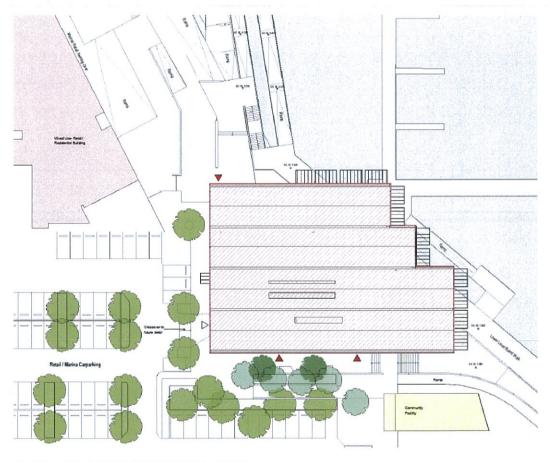


Figure 1 - Site Analysis showing the Subject Site

Source: H&E Architects

The Waterfront Tavern will be located within the town centre of the developing Shell Cove Boat Harbour Precinct. The town centre is envisaged as the cultural and commercial heart of the Boat Harbour Precinct; being an area with a range of uses including supermarket retail, tourist, commercial, hotel, community facilities and residential components.

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The Shell Cove Town Centre will include a public bus route in a manner illustrated below. It is likely that routes 52 and 53 will be re-routed via Harbour Boulevard, rather than using Shellharbour Road, when Harbour Boulevard is completed through to Shellharbour Road. This will allow for a connection for patrons of the Tavern with other areas within Shellharbour LGA including the Shellharbour Junction Railway Station, Shellharbour Village and Shellharbour City Centre.

It is likely that taxi and Uber services will be available within the Shell Cove Town Centre.



**Figure 2** – Shell Cove Town Centre Public Bus Stop (Tavern outlined) Source: Group GSA

There are a number of existing pubs and clubs within the locality including:

- The Shellharbour Club 1km
- Ocean Beach Hotel 1.2km
- The Tavern at Shell Cove (The Links Shell Cove Golf Course) 2km
- Central Hotel Shellharbour 4km

In compliance with the Liquor Act and the Miscellaneous Hotel Licence Conditions, food consistent with the responsible service of alcohol will be available at the Waterfront Tavern whenever liquor is sold for consumption on the premises. The retail premises within the Shell Cove Town Centre will likely include a range of food options.

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#### 3.0 Proposed Operation

The following operational policies will be applicable for the operation of the Tavern:

#### 3.1 Hours of Operation

The tavern is permitted to trade between the following times:

Monday - Saturday:

10:00am - Midnight

Sunday:

10:00am - 10:00pm

The licensee may seek extended trading hours for special events if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation.

Fifteen minutes prior to the closure of outlets during trading hours, the following pre-closure must occur:

- a) Liquor sales must cease;
- b) Music shall be turned down;
- c) Lighting will be turned on as a way of indicating shutdown; and
- d) Announcements made to patrons through staff that the Tavern is preparing to close and that patrons should leave quietly, safely and respect the needs of nearby residents not to be disturbed.

#### 3.2 Capacity

The capacity of the Tavern is limited to 800 persons including patrons, staff and security.

#### 4.0 Daily Venue Operation

#### 4.1 Patron Access / Egress

The internal floor space is serviced by two points of entry. This is to service a floor space that with two distinct areas, being the bistro/bar area and the sports and gaming lounge.

The main entry is located on the north-west corner of the premises, opposite the bistro and bar.

Secondary entry is located on the southern face of the premises. This secondary access point can also be used as a main exit point from the premises in the evenings to minimise noise.

A third egress point is located on the western face of the premises. This door will provide emergency exit only to patrons and staff. No entry will be allowed through this door.

Separate secure staff entry is located on the southern face of the premises providing direct access to the back of house areas and the kitchen.

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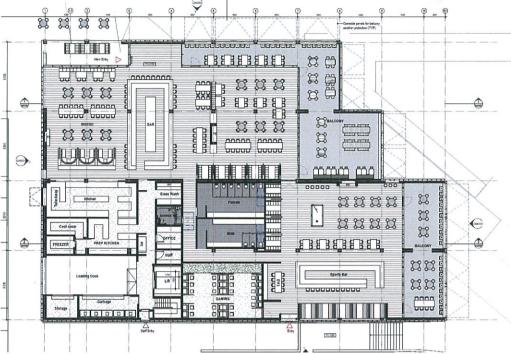


Figure 3 - Ground Floor Plan

Source: H&E Architects

#### 4.2 Air-Conditioning

The licensee will operate air-conditioning within the Tavern, when necessary, in order to maintain an optimum temperature for patron comfort.

#### 4.3 Deliveries and Loading / Unloading

The licensee shall endeavour to ensure that deliveries are to be made between 7am and 7pm wherever possible.

All deliveries are to occur via the dedicated loading dock. The loading dock doors will remain closed when not in use. An alarm will be incorporated into the loading dock to alert pedestrians when vehicles are moving out of the loading dock area.

#### 4.4 Type of Alcoholic Beverages

The Waterfront Tavern will serve a variety of alcoholic and non-alcoholic beverages including beer, cider, wine and spirits. Light beer and non-alcoholic beverages shall be available at all times when full strength liquor is available.

Free drinking water shall be provided at all times when liquor is available.

### 4.5 Food Preparation and Processes

Preparation of food as part of the operation of the bistro will occur in the commercial kitchen space.

#### 4.6 Take Away

Take away food will be offered from the window on the western façade, offering a service to the passers-by. This takeaway will be dependent on the type of food offered and the future operator of The Waterfront Tavern.

The takeaway sale of alcohol will also be offered at the Waterfront Tavern.

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#### 4.7 Number of Staff

Approximately 45 staff will be onsite at any given time.

#### 4.8 Use of Balconies & Outdoor Areas

The Waterfront Tavern incorporates two separate balcony spaces, overhanging the marina. The two balconies will operate in accordance with the permitted hours of operation (as set out in **Section 3.1**). The glazed operable panels on the balcony adjacent to the bistro area (Bistro Balcony) will close at 10:00pm every night to mitigate any potential noise impacts.

The outdoor dining area, adjacent to the main entry, will incorporate tables and chairs outside of the tavern. This area will be closed at 8pm; with patrons being moved inside by 8:00pm at the latest.

#### 4.9 Bathrooms

Patrons will be provided access to centrally located sanitary facilities on the ground floor of the Tavern. They are located in the centre of the floor area, allowing access without passing through sports bar for patrons of the bistro, and vice versa.

Staff bathroom facilities are provided back of house in the basement area.

#### 4.10 Staff Facilities

Staff will be provided with changing rooms, toilets and a laundry in the basement of the building.

#### 4.11 Waste

All waste generated on site will be disposed of appropriately within the waste room. The waste room, which adjoins the loading dock, allows for easy of access for the private contractor to collect the waste via the loading dock. Specifically, the contractor and licensee will ensure that waste is collected in accordance with the development consent and the Waste Management Plan.

#### 4.12 Shuttle Bus

Within the first 24 months of operation the tavern operator will begin running a shuttle bus. This will transport patrons to and from the tavern. It will be available, at a minimum, during peak hours from midday onwards on both Saturday and Sunday.

A dedicated space for the shuttle bus will be provided within the Stage 2 Retail Car Park.

### 5.0 Site Management

#### 5.1 General Amenity

- At all times, the licensee of the Waterfront Tavern shall consider the amenity of its neighbours and shall take all reasonable measures to ensure that any adverse impacts on the amenity of the surrounding area are mitigated.
- b) The Tavern shall be operated in such a manner as not to adversely interfere with, or materially affect the operation of nearby businesses and/or residents.

#### 5.2 Incidents & Complaints Register

Details of any incidents listed below that occur on site, or complaints made by patrons of the venue must be recorded in the venues complaints and incidents register. This includes details of the following:

- a) Any incident involving violence or anti-social behaviour occurring in the Tavern;
- b) Any incident of which the licensee or manager is aware, that involve violence or anti-social behaviour occurring in the immediate vicinity of the Tavern and that involves a person who has recently left, or has been refused admission to the Tavern:
- c) Any incident where security makes forcible physical contact with, or physically restrains, a member of the public;
- d) Any person who is restrained by security or, refused entry to the premises:
  - For being intoxicated, indecent, violent, quarrelsome or disorderly;

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- Whose presence on the licensed premises renders the licensee liable to a penalty under the Liquor Act;
- Who smokes within an area of the Tavern that is a smoke-free area; or
- Who uses, or has in his or her possession, while in the Tavern any substance suspected of being a prohibited drug.
- e) Any person who is turned out of the premises:
  - For approaching intoxication, being violent, indecent, quarrelsome or disorderly;
  - Whose presence on the licensed premises renders the licensee liable to a penalty under the Liquor Act;
  - Who smokes within an area of the Tavern that is a smoke-free area; or
  - Who uses, or has in his or her possession, while in the Tavern any substance suspected of being a prohibited drug.
- f) Any incident that results in a patron of the Tavern requiring medical attention;
- g) Any incident that occurred whether in the Tavern or in the immediate vicinity, which have involved the committing of a crime, or required the intervention of security;
- h) Any complaints made directly to the management or staff of the Tavern by patrons, local residents or business people, about the operation of the Tavern or the behaviour of its patrons; and
- i) Any visits by any NSW Police Officers, Liquor and Gaming NSW Special Inspectors and Council Officers noting their agencies or departments, reasons for the visits and results of the visits.

The following details of complaints made to the Tavern are to be recorded in the incident register:

- a) Date and time of the incident;
- b) Nature of the complaint;
- c) Address and contact details of the complainant;
- d) Any actions proposed to deal with the complaint;
- e) The actions taken and the time and date when that was reported to the complainant; and
- f) Any follow up actions undertaken by the licensee and/or management.

The Incident Register will be made available for inspection by the Council, NSW Police and Liquor and Gaming NSW at all times.

#### 5.3 Signage

The licensee shall ensure that:

- a) All signage required under the Liquor Act 2007 and Regulation, shall be displayed and maintained in a prominent position, in accordance with those legislative requirements including:
- b) Signage notifying patrons that CCTV is used on premises will be located at the entrance of the tavern.
- c) Signage requesting patrons to depart the Tavern having regard to the amenity of nearby residents.

#### 5.4 General Maintenance

A maintenance schedule will be developed by the licensee of the Waterfront Tavern. This will ensure that the premises is kept in a clean and tidy condition and regularly maintained.

A maintenance register should be kept to ensure that any issue is rectified as quickly as is reasonably possible. This maintenance register will be available to all staff, to note any new or ongoing maintenance issues. Incorporated within the register will be the documentation of action and responsible persons tasked with rectifying maintenance issues. A prompt response to maintenance issues will be prioritised.

#### 5.5 Crime Scene Preservation

The licensee shall, immediately after becoming aware of an incident involving an act of violence causing an injury to a person in the Waterfront Tavern, must implement the crime scene preservation as per the attached Crime Scene Preservation Guidelines attached at **Appendix A**.

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#### 6.0 Policies

#### 6.1 Responsible Service of Alcohol (RSA)

All staff involved in the sale and/or service of alcohol must have completed an accredited Responsible Service of Alcohol (RSA) Course.

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

- a) All staff involved in the sale and supply of liquor or security shall have first completed an approved course in the Responsible Service of Alcohol NSW (RSA);
- b) All staff are required to have on their person at all times while they are working, their RSA Competency Card. Failing to produce your RSA Competency Card if request by the Police or Liquor and Gaming NSW Special Inspector may result in a fine;
- c) All staff are to undertake an active approach to reducing intoxication before it occurs;
- d) The licensee shall not engage in any liquor promotion that is likely to promote the irresponsible service of liquor;
- e) Any person who is intoxicated shall not be served alcohol;
- f) Any person who is intoxicated shall be denied entry to the Tavern;
- g) The licensee will not permit intoxication, indecent, violent, quarrelsome or disorderly conduct by patrons in the tavern. 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 tavern for a period determined by the licensee;
- h) No person under the age of 18 shall be permitted to the tavern, unless it is to a designated dining area or an area the subject of a minors area authorisation. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age are:
  - A driver's licence;
  - Keypass Identity Card issued by Australia Post;
  - RMS photo ID card;
  - A proof of age card; or
  - Current passport.
- i) Low alcohol beer and non-alcoholic beverages shall be available at all times when full strength liquor is available.
- j) Free drinking water shall be available at all times when liquor is available;
- k) Food consistent with the responsible service of alcohol shall be available at all times whenever alcohol is available for consumption in the Tavern;
- I) The licensee will arrange for taxis to collect any patron from the Tavern, if requested;
- m) All liquor promotions provided at the Tavern shall be in accordance with the Liquor Promotion Guidelines (Appendix B) as issued by Liquor and Gaming NSW.
- n) Staff are not permitted to consume alcohol during work hours.

Note: A person is to be considered intoxicated if the person's speech, balance, co-ordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor. Refer to the attached Identification of Intoxication Guidelines (**Appendix C**).

#### 6.2 Shellharbour Liquor Accord

The Licensee will maintain an active membership in the local liquor accord. This may include promoting liquor related programs developed by the Shellharbour Liquor Accord.

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#### 6.3 Smoking Policy

Smoking is not permitted in any internal areas of the Waterfront Tavern, other than the smoking gaming room (which complies with the provisions of the Smoke Free Environment Act, 2001).

Smoking is not permitted in any outdoor area where food is permitted to be consumed. Likewise, the consumption of food is not to be permitted in any area designated as a smoking area.

#### 7.0 Security

#### 7.1 Security Staff

The licensee will ensure that security staff conduct themselves in following manner:

- a) Be dressed in a readily identifiable manner with a batch and lettering displaying 'SECURITY' on the front of their clothing so that they are visible to patrons;
- b) Security must display security licensing identification on their person;
- c) The licensee will maintain at least one security officer at, or near, the main entrance of the premises at all times when the Waterfront Tavern provides entertainment;
- d) All security staff shall be deployed with two-way radios;
- e) They are to prevent any person, detected as intoxicated, entering the tavern and bring notice of the licensee or manager, any person on the Tavern who might be considered to be in, or approaching, a state of intoxication;
- f) Prevent patrons leaving the Tavern with glasses or any alcoholic drinks;
- g) Monitor patrons behaviour in, and in the vicinity of, the Tavern until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons;
- h) Collect any rubbish in the vicinity of the Tavern that may be associated with the Tavern;
- i) Co-operate with the NSW Police during site inspections;
- j) Patrol the interior of the Tavern;
- k) Patrol the exterior (immediate surrounds) of the Tavern;
- Patrol all toilets, at random intervals, notifying the licensee or management of any suspected illegal activity, or if the toilets need attention in regard to cleanliness;
- m) In the event of an incident, clearly identify themselves as security belonging to the Tavern and attempt to rectify the problem;
- n) Apply a 'hands off' policy. Patrons are only to be asked to leave at the direction of management and forced removal must only occur at the direction of management and with reasonable force;
- o) Make a written note with details of any incidents in the taverns Incidents and Complaints Register, as required by this Operational Plan of Management, which is to be transcribed to the Incident Register as soon as practicable.
- p) Fill in a time sheet (with start and finish times). Access to the sign on sheet shall be provided to NSW Police Officers on request.

#### 7.2 CCTV

The Licensee shall maintain a CCTV system that meets the following minimum requirements:

- a) A camera must be located at all public entrances to the Tavern and positioned to record any person entering.
- b) In addition, CCTV camera must be maintained throughout the Tavern with camera coverage to specifically record images of the following areas:
  - All other public entrances and exits, whether or not in use at the time;
  - Toilet external entrances;

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- All public accessible areas within the Tavern excluding toilets;
- Outdoor areas;
- Cash handling areas; and
- Towards the car park from the perimeter of the Tavern.
- c) Recordings must:
  - be in digital format;
  - be recorded at a minimum of six frames per second
  - commence one (1) hour prior to opening and operate continuously until at least one (1) hour after closure.
- d) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

Recordings shall 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.

When the Tavern is open and trading, the Duty Manager shall be capable of accessing the CCTV system to immediately review recordings.

Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to the NSW Police, Liquor and Gaming NSW Inspectors or other regulator officers upon request to investigate an offence or alleged offence. Copies of CCTV footage shall be produced on request or within a reasonable time of such a request.

#### 8.0 Noise Attenuation

The Waterfront Tavern will be managed to minimise the potential of causing a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997* to adjoining properties or the public. The licensee and/or shift manager will be aware of the acoustic responsibilities of the Waterfront Tavern, including:

- a) Management of patron capacities (in accordance with Section 3.3);
- b) Closure of outdoor dining area, adjacent to the main entry at 8:00pm;
- c) Closure of the operable panels on the bistro balcony at 10:00pm every night to mitigate any potential noise impacts; and
- d) Limiting of music noise levels by electronic means; and
- e) Signage located near exits making patrons aware of the close proximity to residences and the need to keep noise to a minimum.

#### 9.0 Crime Prevention Measures

The Operational Plan of Management seeks to implement key management and maintenance provisions that reinforce the recommendations of the Crime Prevention through Environmental Design (CPTED) report as prepared by Ethos Urban, including:

#### Lighting and Technical Supervision

- a) CCTV coverage will continually operate in a manner outlined in Section 7.2;
- b) CCTV footage should be stored for a minimum of 30 days.
- c) Signage, furniture and equipment will be located to ensure that they do not interfere with CCTV coverage.
- d) As much as possible, lighting will remain consistent in specific areas, such as entrances, key thoroughfares, back-of-house areas, within the bars and point-of-sale (POS) areas, stock and gaming rooms.

#### Territorial Reinforcement

e) The physical display of relevant licences at the building's primary entry to ensure clarity of ownership.

#### **Environmental Maintenance**

f) Maintenance procedures must be implemented in accordance with Section 5.4.

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g) Ensure that a thorough and prompt response to environmental maintenance is prioritised in future reviews of the Operational Plan of Management.

#### Activity and Space Management

- h) This Operational Plan of Management is to be reviewed and updated as deemed necessary by the licensee, with the approval of Shellharbour City Council, from whom consent shall not be unreasonably withheld. Copies of the updated Operational Plan of Management are to be sent to Shellharbour City Council and NSW Police.
- i) Ensure public access to the Waterfront Tavern is in-line with the approved operating hours.
- j) Ensure appropriate security personnel are engaged at all times during times of operation.

#### Access Control

- k) Roller doors to the loading dock should not remain open without reason. Access to the loading dock should only be provided at times of loading.
- Physical access control, by way of standard locking mechanisms is considered appropriate in securing the public entries to the tavern.

#### Design, Definition and Designation

m) The operator should endeavour to ensure that patrons do not cause conflict within the immediate surrounds, by operating within the conditions of the liquor and gaming licenses required for operation.

#### 10.0 Fire Safety Measures

The following fire safety measures shall be put in place and maintained by the licensee:

- a) The licensee shall ensure that all essential fire safety services are certified annually and remain in good working order at all times.
- b) All staff will be made aware of the fire safety systems that exist within the Waterfront Tavern, and will be given training on the procedures to be followed in the event of a fire.
- c) The Annual Fire Safety Statement (AFSS) will be displayed to the public in a prominent location within the tavern;
- d) The licensee will conduct an internal monthly fire services audit to ensure that all essential services remain in working order.
- e) In the event of any malfunctioning fire safety service, the licensee will ensure that it is rectified as soon as possible.

#### 11.0 Emergency Evacuation Procedures

In the case of any emergency, the following procedure will be undertaken to ensure the safe evacuation of the premises:

- a) Shift managers will act as fire wardens;
- b) If the incident cannot be contained then the Wardens are to call the fire brigade;
- c) Wardens will then order an evacuation of the Waterfront Tavern;
- d) Staff will be trained to ensure all patrons exit the premises in an orderly manner;
- e) Evacuation of the building will occur via the designated fire/emergency exits;
- f) Patrons will be directed towards the public car park, being the designated assembly area, to move safely away from any incident in the tavern;
- g) At the assembly area; the fire warden will account for people from the building (as best as possible); and
- h) In the event of an evacuation, patrons and staff will be advised to take only what is necessary.

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#### **Summary of Commitments** 12.0

The Commitments of this Operational Plan of Management and the relevant responsible officer can be summarised in the following manner:

Table 1 - List of Commitments

Site Management	Hours of Operation	Monday – Saturday: 10:00am – Midnight Sunday: 10:00am – 10:00pm	Ongoing	Licensee
	Noise Controls	<ul> <li>The glazed operable panels on the balconies will close at 10:00pm every night, to mitigate noise impacts.</li> <li>Patrons sitting in the outdoor dining area, adjacent to the main entry, are to be moved inside after 8pm</li> </ul>	Ongoing	Shift Manager
	Complaints & Incidents Register	<ul> <li>Note the date, time and nature of the complaint;</li> <li>Address and contact details of the complainant; and</li> <li>Any actions necessary to deal with the complaint.</li> </ul>	Ongoing	Licensee & Shift Manager
	Maintenance	<ul> <li>Maintenance register to maintain a list of any damage to the tavern or broken facilities that will need rectification.</li> </ul>	Ongoing	Licensee
Daily Venue Operation	Takeaway	<ul> <li>Takeaway sale of alcohol is to occur from the premises.</li> <li>Takeaway sale of food will occur from the southern window adjoining the car park and pedestrian.</li> </ul>	Ongoing	Shift Manager
	Loading / Unloading	The licensee shall endeavour to ensure that deliveries are to be made between 7am and 7pm.	During Deliveries	Shift Manager / Key staff
	Operation of the Kitchen	All food will be prepared on site within the commercial kitchen.	Ongoing	Shift Manager
	Alcoholic and Non- Alcoholic Beverages	<ul> <li>The Waterfront Tavern will serve a variety of alcoholic and non-alcoholic beverages including beer, cider, wine and spirits.</li> <li>Free drinking water will be available at all times.</li> </ul>	Ongoing	Shift Manager
	Number of Staff	Approximately 45 staff will be on site.	Ongoing	Licensee
	Use of Balconies and Outdoor Areas	<ul> <li>The outdoor dining area adjacent to the main entry is to be closed at 8:00pm with patrons to be moved inside before that time.</li> <li>The glazed operable panels on the balconies will close at 10:00pm every night, to mitigate noise impacts.</li> </ul>	Ongoing	Shift Manager
Policies	Responsible Service of Alcohol	<ul> <li>All staff involved in the sale and supply of liquor or security shall have first completed an approved course in the Responsible Service of Alcohol NSW (RSA).</li> </ul>	Ongoing	Licensee & Shift Manager

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			<b>V</b>	
	Shellharbour Liquor Accord	<ul> <li>Maintain an active membership in the local liquor accord.</li> </ul>	Ongoing	Licensee
	Smoking Policy	<ul> <li>Smoking is not permitted in any internal areas of the Waterfront Tavern, with the exception of the gaming room;</li> <li>Smoking is not permitted in any outdoor area where food is permitted.</li> </ul>	Ongoing	Shift Manager
Security	Staff	Be readily identifiable and available	At all times	Head of Security
	ссту	<ul> <li>CCTV is to be located at each entrance to the tavern.</li> <li>Recordings are to be kept for 30 days</li> </ul>	Ongoing	Licensee
Waste Management	Staff	Ensure all waste is deposited into the waste room	End of Shift	Shift Manager
	Operation	<ul> <li>A private contractor will be employed to dispose of waste.</li> <li>This will be collected from the waste room, via the loading dock.</li> </ul>	Ongoing	Licensee / Shift Manager
Noise Attenuation	Use of Balcony	Operable glazed panels adjacent to the bistro area will be closed after 10pm.	10pm – Midnight	Shift Manager
	Security	<ul> <li>Will manage patrons capacity.</li> <li>Will ensure the closure of the outdoor dining area adjacent the main entry occurs at 8:00pm.</li> <li>Will manage patron exiting the premises at closing time.</li> </ul>	All Day	Head of Security
СРТЕО	Measures	<ul> <li>A number of the key provisions from the CPTED report are to be managed during the ongoing operation of the Waterfront Tavern. This includes:</li> <li>CCTV;</li> <li>Lighting;</li> <li>Signage; and</li> <li>Access Control.</li> </ul>	Maintained in an ongoing manner	Licensee / Shift Manager
Emergency Evacuation Procedures	Measures	<ul> <li>Shift managers will act as fire wardens.</li> <li>Staff will be trained to ensure all patrons exit the premises and are directed towards the assembly area, being the public car park.</li> <li>At the assembly area, the fire warden will account for people from the building.</li> </ul>	Ongoing	Shift Manager

Note: The timing of recommendations is preliminary only and is subject to further refinement following the conclusion of the Development Application process.

### 13.0 Amendments to this Plan

If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this Operational Plan of Management for the better management of the Waterfront Tavern, that modification shall be made to the plan only with the approval of Shellharbour City Council, from who consent shall not be unreasonably withheld.

### Frasers Property Australia

### **Shell Cove Waterfront - Tavern**

DA – Supplement acoustic report

AC11

Issue 2 | 21 May 2018



# SHELLHARBOUR CITY COUNCIL DEVELOPMENT CONSENT

DANO. 0005,2018 Dated 1.4 MAY 2019

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan.

These plans maybe modified by conditions of consent. Please refer to consent documents for details.

Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed.

Carey McIntyre General Manager

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 256688-00

Arup Pty Ltd ABN 18 000 966 165



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# **Document Verification**



Job title		Shell Cove Waterfront – Tavern			Job number			
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		Signature	Control of the Contro	Marky	Mary			
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### **Appendices**

### Appendix A

Glossary

### 1 Introduction

This report has been prepared following additional acoustic study and assessment for the Waterfront Precinct, further to the strategy outlined in the Development Application acoustic report (Arup ACO3 v5 WFTavern DA Acoustic, 15 December 2017). The additional study focused on establishing upper limit design criteria for the Precinct, and involved preparation of auralisations, listening studies in Arup SoundLab, and consultation with Frasers Property and Shellharbour City Council.

In addition to the above, The Supplementary DA Report for the Stage 2 Mixed-Use building (Arup AC09 v2 Stage 2 DA Acoustic supplement, 8 April 2018) has investigated the impact of precinct-wide noise generating land uses on residential facades. Existing noise levels in the precinct do not presently reflect the level of noise that will be generated once the precinct has been fully developed. Hence this report recommended that internal noise criteria be adopted for proposed residential dwellings to incorporate active and vibrant uses within the greenfield site.

The approach for the Waterfront Precinct is to provide a more balanced approach between operators and receivers. Conceptually, this involves noise sensitive development around the vibrant centre to incorporate a level of acoustic mitigation to respond to the future environment, and enable greater flexibility and opportunities for venues. It is critical however to determine the appropriate balance between the operation of venues and the mitigation requirements and amenity outcomes for noise sensitive development. This report confirms the proposed acoustic criteria, which has been informed by auralisations in Arup SoundLab.

It is noted that any existing or approved development surrounding the Shell Cove Waterfront Tavern site will likely require adoption of more standard policy, which has therefore also been discussed.

# 2 Development proposal

Figure 1 shows the Waterfront Tavern in the context of Precinct D. Proposed residential receivers as part of the Stage 2 mixed-use DA can be seen nearby.

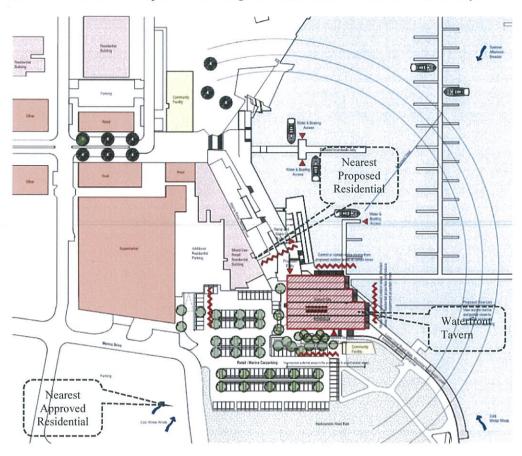


Figure 1: Precinct D – Site Analysis plan (H&E 2392 DA0010 rev 3)

Figure 2 shows the layout within the Waterfront Tavern. Outdoor seating areas can be seen around the northern and eastern boundaries of the property.

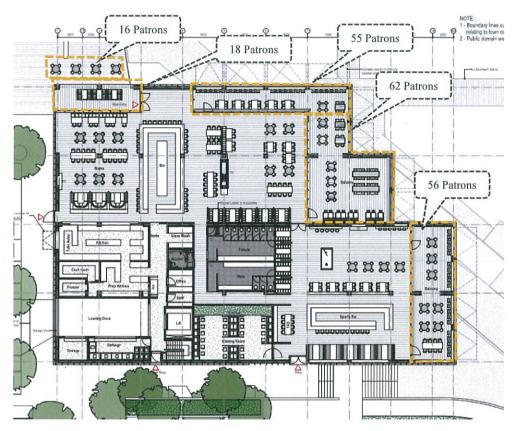


Figure 2: Waterfront Tavern with outdoor patron numbers marked – Ground Level plan (H&E 2392 DA1101 rev 6)

### Acoustic criteria

#### 3.1 Overview

To enable activation of the public realm and allow a reasonable usage of outdoor areas of the Tavern, it is recommended that criteria apply inside residential dwellings for proposed buildings in the nearby vicinity such as the Stage 2 Mixed-Use development, due to the limitations on mitigating noise to external areas. As acknowledged in the Shellharbour DCP, residential premises around the town centre may require mitigation, and thus, internal criteria, rather than external criteria are appropriate.

Achieving the internal noise criteria will primarily be dependent on the external noise exposure at nearby residential facades and the sound insulation performance of the residential facade. Therefore, noise limits for noise generating developments are still warranted.

The overall approach has given consideration to:

- Desired internal acoustic amenity for new residential premises
- External acoustic amenity for new residential premises, despite focus on internal acoustic criteria
- External acoustic criteria at existing residential development.
- Operational opportunities and flexibility for noise generating development
- Performance, practicality and feasibility of the residential façade design.

Further to modelling of the proposed Tavern, auralisation and stakeholder consultation, the following has been established.

- Internal noise criteria for new residential premises as per Arup Acoustics 1. document AC09 (v2) Stage 2 DA Acoustic Supplement
- Noise emission criteria, including patron, music and building services noise 2.

#### Noise emission criteria 3.2

The following criteria relates to noise emission from the Tayern development, including patron noise as well as building services noise. Noise emission criteria is split into two types of residential receivers:

- New proposed residences within precinct D Noise emission criteria is to be met internally within dwellings with resulting 'at façade' criteria present in Section 3.2.1
- Existing or currently approved residences Noise emission criteria is to be met at the building's façade as per Section 3.2.2.

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#### 3.2.1 New receivers

As outlined in AC09 (v1) Stage 2 DA Acoustic Supplement, the ultimate amenity criteria for residential premises is to apply inside the dwelling, which has been reproduced in Table 1 for reference.

Table 1: New residential receivers – noise ingress internal design levels

Time period	$L_{Aeq(15minute)} [dB(A)]^1$		
	Bedrooms	Living Rooms	
7 am – 10 pm	35	40	
10 pm – 7 am	30	35	

#### Notes:

1 - Noise levels are to be achieved with windows and doors closed. Where the internal noise levels are exceeded by more than 10 dB with windows open, alternative ventilation shall be provided

While it will be the responsibility of the residential buildings to be designed to meet the required internal levels, relevant external criteria have been defined for noise generating uses.

Table 2 outlines the cumulative acoustic criteria for noise emission at new receivers within the Precinct. It is noted that an acoustic masterplan report is to be developed to assign targets to each proposed retail use, as well as defining the expected external noise levels at each new receiver.

As the alternative criteria are generally intended for activating the public realm, noise sources would primarily relate to patron noise and building services. It was determined during consultation that music noise should be well below patron noise emissions, and thus lower targets have been set.

Table 2: Noise emission criteria at new residential premises

Assessment location	Naisasauusa	Time period, L <sub>Aeq(15minute)</sub> (L <sub>Ceq(15minute)</sub> )					
	Noise source	7 am – 6 pm	6 pm – 8 pm	8 pm – 10 pm	10 pm - 7am		
Façade – (free field)	Patrons	60	60	55	50		
	Music	50 (60)	50 (60)	45 (55)	40 (50)		
	Mechanical <sup>1</sup>	50	45	45	40		
Internal <sup>2</sup>	Patrons	5 dB below criteria in Table 1					
	Music	10 dB below criteria in Table 1					
	Mechanical plant	10 dB below criteria Table 1					

#### Notes

- 1- Shall take into account the modifying factors outlined in the NSW Noise Policy for Industry
- 2 Low frequency noise shall  $L_{Ceq} L_{Aeq} \le 20 \text{ dB}$

### 3.2.2 Existing receivers

It is proposed that existing receivers are assessed to an external location, given that they would not necessarily have incorporated specific mitigation measures.

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It is considered reasonable that the criteria factor in the overall change in acoustic environment that is expected under full development of the precinct, rather than be based upon the existing ambient environment.

As presented in the DA acoustic report, Table 3 presents a summary of the criteria options, along with that proposed for adoption. These criteria would be considered the cumulative requirement for patron and mechanical plant noise impacts. The proposed criteria are also considered minimum targets for initial planning purposes, such that if future background noise levels after development are notably higher than estimated, they may be revised according to standard noise policy.

It is noted that sleep disturbance criteria, which is typically in terms of  $L_{\text{AMax}}$ , has not been proposed, generally as it is expected that the  $L_{\text{Aeq}}$  criteria will appropriately address the assessment of precinct noise. Given the distance between the 'City Centre' where activity is proposed and existing residential areas, sound levels are expected to be characterised by more steady-state or quasi-steady-state noise, rather than intermittent discrete events.

Table 3: Existing residential receivers – external design levels

	Time Period <sup>1</sup> , L <sub>Aeq 15 minute</sub> dB			
Criteria,	Day	Evening	Night	
Intrusiveness – measured [1]	44	42	38	
Intrusiveness – AS1055 – R2	50	45	40	
Suburban Amenity Goals (NSW NPI)	55	45	40	
PROJECT CRITERIA <sup>2</sup>	50	45	40	

#### Notes:

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<sup>1 -</sup> Daytime: 7.00am to 6.00pm Monday to Saturday, 8.00am - 6.00pm on Sundays and Public Holidays; Evening: 6.00pm to 10.00pm; Night-time: 10.00pm to 7.00am, 10.00pm - 8.00 am on Sundays and Public Holidays.

<sup>2 -</sup> Assessment shall take into account the modifying factors outlined in the NSW Noise Policy for Industry

### 4 Noise emission assessment

### 4.1 Tayern noise emissions

Noise emissions from the Tavern are primarily dictated by outdoor seating / dining areas. Modelling parameters and predictions of patron noise levels are based upon the following temporal plan:

- 7am 8pm, normal operation of outdoor areas
- 8pm 10 pm, zone 1 and 2 patrons removed, zone 3 shutters closed
- 10pm onwards, zone 1 and 2 patrons removed, zone 3 and 4 shutters closed

Outdoor zones are defined in Figure 3.

### 4.2 Source noise levels

Noise emission from all outdoor areas has been factored into the model based upon the seating counts shown in Figure 3.

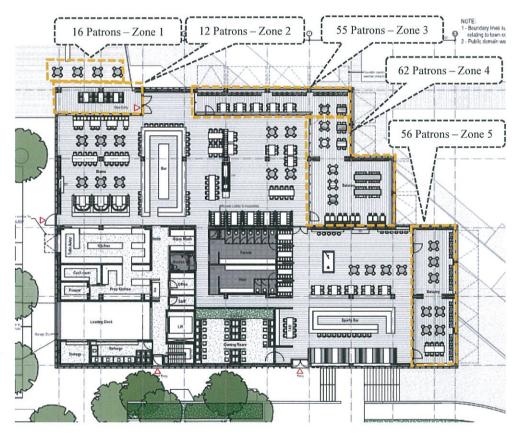


Figure 3 – Waterfront Tavern with outdoor patron numbers marked – Ground Level plan (H&E 2392 DA1101 rev 6)

Noise levels from patrons in outdoor areas have been predicted using formula established in Hayne et al. [2] being:

•  $L_{WAeq} = 15 \times log(Crowd size) + 64 dB(A)$ 

Spectra have been based on Cushing et al. [3] using an energy average of the male and female raised voice spectrum. Predictions are based on full capacity of the outdoor areas, and also include a + 5 dB correction.

#### 4.2.1 Predicted noise levels

Predicted noise levels are presented in Table 4 for the nearest new and existing residential receiver to the Tavern.

The following assessment also considers the cumulative impact of the Tavern and retail tenancies in the ground floor of the Stage 2 mixed-use development. Predictions for the retail tenancies have been taken from Arup Acoustic document AC09 (v1) Stage 2 DA Acoustic Supplement. The predictions have subsequently been used to establish project specific criteria for the Tavern.

Table 4: Predicted noise levels

	Onoutina	Predicted	noise level, L	Aeq(15minute)	Cuitouio
Receiver location	Operating period	Tavern	Stage 2 Retail	Combined	Criteria, L <sub>Aeq(15minute)</sub>
New Residential	7 am – 6 pm	56	51	57	60
Stage 2, L1 – southern	6 pm – 8 pm	56		57	60
end of east façade – Room 106	8 pm – 10 pm	43		52	55
	10 pm onwards	43		52	50
New Residential	7 am – 6 pm	46	41	47	60
Nearest proposed	6 pm – 8 pm	46		47	60
residential receivers across the marina in	8 pm – 10 pm	44		46	55
Precinct G	10 pm onwards	41		44	50
Existing Residential	7 am – 6 pm	38	39	42	50
External boundary	6 pm – 8 pm	38		42	45
South of Stage 2 development	8 pm – 10 pm	33	1	40	45
	10 pm onwards	32		40	40

The predictions indicate compliance at all locations during all time periods, except for Room 106 after 10 pm. However, the predicted marginal exceedance is not related to noise from the Tavern and is to be address by the Stage 2 retail uses, as outlined the corresponding report. The predicted noise levels also provide some allowance for noise from other sources, albeit less so after 10 pm.

### 4.3 Recommendations

### 4.3.1 Project specific criteria

Based on the assessment and consideration of potential cumulative impacts, the following project specific criteria has been established for the Tavern. Table 5 relates to new residential, while Table 6 relates to existing residential receivers in Precinct C

Table 5: Tavern noise emission criteria at new residential premises

Assessment location	Naisa sayusa	Time period,	$ m L_{Aeq(15minute)}(L_{Ceq})$	(15minute)	
	Noise source	7 am - 6 pm	6 pm – 8 pm	8 pm – 10 pm	10 pm - 7am
Precinct D Stage 2 mixed use - Façade – free field	Patrons	56	56	46	43
	Music	46 (56)	46 (56)	36 (46)	33 (43)
	Building services/ Mechanical <sup>1</sup>	45	40	40	35
Precinct G	Patrons	48	48	46	43
Residential - Façade – free field	Music	38 (48)	38 (48)	36 (46)	33 (43)
	Building services/ Mechanical <sup>1</sup>	35	35	35	30

#### Notes

- 1- Shall take into account the modifying factors outlined in the NSW Noise Policy for Industry
- 2 Low frequency noise shall  $L_{Ceq} L_{Aeq} \le 20 \text{ dB}$

Table 6: Tavern noise emission criteria – Existing<sup>1</sup> residential receivers

Criteria,	Time Period <sup>2</sup> , L <sub>Aeq 15minute</sub> dB				
	Day	Evening	Night		
Total noise emission <sup>3</sup>	45	40	33		

#### Notes:

- 1 Existing residential receivers refers to development approved prior to the date of the subject approval.
- 2 Daytime: 7.00am to 6.00pm Monday to Saturday, 8.00am 6.00pm on Sundays and Public Holidays; Evening: 6.00pm to 10.00pm; Night-time: 10.00pm to 7.00am, 10.00pm 8.00 am on Sundays and Public Holidays.
- 3 Assessment shall take into account the modifying factors outlined in the NSW Noise Policy for Industry

### 4.3.2 Tavern noise management

The following outlines in-principle mitigation and management measures for the Tavern design and operation:

- Provide lockable imperforate shutters / panels along the northern perimeter of the Tavern to adequately control noise emission to the nearby receivers.
  - Shutters recommended to be closed after 8 pm on the northern perimeter (zone 3).

- Shutters should be closed after 10 pm on the north-eastern perimeter (zone 4).
- Vacate outdoor areas at the north-west of the Tavern (zones 1 and 2) after 8 pm
- Close the northern entrance to the Tavern while directing the customers to enter/exit via the west and south after 8 pm.
- Limited background music in external areas, to reduce noise build-up and subsequently the need for patrons to further raise voices in conversation
- Provide acoustically absorptive finishes to the underside of outdoor roof areas
- Utilise furniture and seating that promotes smaller groups sitting close to one another.
- Signage may be implemented to make patrons aware of the close proximity to residences and the need to keep noise to a minimum.
- Operate within the approved patron capacity numbers.
- Install noise monitors and/or limiters to sound systems used throughout the venue. In-house sound systems should incorporate limiters, while monitoring systems will be required for entertainment being provided through other equipment or acoustic instrumentation (i.e. drums).
- The building envelope design will need to consider all emission paths, such as walls, roof, mechanical ductwork and floor (for raised areas). Acoustically absorptive finishes should also be incorporated into the interior design of the Tavern, particularly as windows and doors are likely to be open at most times. Operational requirements, particularly provision of entertainment will be the primary driver for the building envelope design.

### 4.3.3 Building services equipment

Building service equipment (e.g. mechanical, hydraulic and electrical equipment) for the development has not been selected at this stage of design. During ongoing design of the development, building services equipment will be selected and provided with noise and vibration attenuation measures as required to meet the Project goals.

Noise mitigation treatment is likely to be required, which should give consideration to:

- Specification of maximum sound power levels for all items of plant as part of the project documentation.
- Use of attenuators to control fan noise as required
- Acoustic louvres to control noise from plantroom ventilation openings
- Vibration isolators to reduce vibration input to the building structure
- Acoustic screens around external plant, where required
- Incorporation of sound absorptive treatments in plantroom spaces.

### 5 Conclusion

This report confirms the proposed acoustic criteria and strategy for The Waterfront development, following consultation with Frasers Property and Shellharbour City Council. The approach seeks to address the planning objectives for a vibrant and active public realm, while also addressing the acoustic amenity of noise sensitive development.

This report also presents assessment against the established criteria and provides recommendations where required.

Regarding the Tavern responsibilities, this is expected to include:

- Management of patron capacities, and usage of outdoor areas after 8 pm. Specific measures are outlined in Section 4.3.2.
- Acoustically absorptive finishes to reduce noise build up in internal and external areas
- Limiting of music noise levels by electronic means
- Appropriate detailing and design of the building envelope to mitigate noise from internal activities
- Design and mitigation of building services noise, having regard to equipment selection and standard attenuation measures.

It would be expected that further detailed design and acoustic certification would be required for the development prior to issue of the Construction Certificate.

### References

- [1] NSW Environment Protection Authority, "Noise Guide for Local Government," NSW Environment Protection Authority, 2013.
- [2] M. Hayne, J. Taylor, R. Rumble and D. Mee, "Prediction of Noise from Small to Medium Sized Crowds," in *Acoustics 2011*, Gold Coast, 2011.
- [3] I. R. Cushing, F. F. Li, T. J. Cox, K. Worral and T. Jackson, "Vocal effort levels in anechoic conditions," *Applied Acoustics*, vol. 72, pp. 695-701, 2011.
- [4] Standards Australia, "AS/NZS 2107:2016 Acoustics Recommended design sound levels and reverberation times for building interiors," SAI Global Limited, 2016.
- [5] World Health Organisation, "Guidelines for Community Noise," Geneva, 1999.

# Appendix A

Glossary

### **Ambient Noise Level**

The ambient noise level is the overall noise level measured at a location from multiple noise sources. When assessing noise from a particular development, the ambient noise level is defined as the remaining noise level in the absence of the specific noise source being investigated. For example, if a fan located on a city building is being investigated, the ambient noise level is the noise level from all other sources without the fan running. This would include sources such as traffic, birds, people talking and other nearby fans on other buildings.

### **Background Noise Level**

The background noise level is the noise level that is generally present at a location at all or most times. Although the background noise may change over the course of a day, over shorter time periods (e.g. 15 minutes) the background noise is almost-constant. Examples of background noise sources include steady traffic (e.g. motorways or arterial roads), constant mechanical or electrical plant and some natural noise sources such as wind, foliage, water and insects.

### Assessment Background Level (ABL)

A single-number figure used to characterise the background noise levels from a single day of a noise survey. ABL is derived from the measured noise levels for the day, evening or night time period of a single day of background measurements. The ABL is calculated to be the tenth percentile of the background  $L_{\rm A90}$  noise levels – i.e. the measured background noise is above the ABL 90% of the time.

### Rating Background Level (RBL / minL<sub>A90,1hour</sub>)

A single-number figure used to characterise the background noise levels from a complete noise survey. The RBL for a day, evening or night time period for the overall survey is calculated from the individual Assessment Background Levels (ABL) for each day of the measurement period, and is numerically equal to the median (middle value) of the ABL values for the days in the noise survey. This parameter is denoted RBL in NSW, and  $\min_{A90.1 \text{hour}}$  in QLD.

#### Decibel

The decibel scale is a logarithmic scale which is used to measure sound and vibration levels. Human hearing is not linear and involves hearing over a large range of sound pressure levels, which would be unwieldy if presented on a linear scale. Therefore a logarithmic scale, the decibel (dB) scale, is used to describe sound levels.

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An increase of approximately 10 dB corresponds to a subjective doubling of the loudness of a noise. The minimum increase or decrease in noise level that can be noticed is typically 2 to 3 dB.

### dB(A)

dB(A) denotes a single-number sound pressure level that includes a frequency weighting ("A-weighting") to reflect the subjective loudness of the sound level.

The frequency of a sound affects its perceived loudness. Human hearing is less sensitive at low and very high frequencies, and so the A-weighting is used to account for this effect. An A-weighted decibel level is written as dB(A).

Some typical dB(A) levels are shown below.

Sound Pressure Level dB(A)	Example			
130	Human threshold of pain			
120	Jet aircraft take-off at 100 m			
110	Chain saw at 1 m			
100	Inside nightclub			
90	Heavy trucks at 5 m			
80	Kerbside of busy street			
70	Loud stereo in living room			
60	Office or restaurant with people present			
50	Domestic fan heater at 1m			
40	Living room (without TV, stereo, etc)			
30	Background noise in a theatre			
20	Remote rural area on still night			
10	Acoustic laboratory test chamber			
0	Threshold of hearing			

### STATE OF THE PARTY OF THE PARTY

The  $L_1$  statistical level is often used to represent the maximum level of a sound level that varies with time.

Mathematically, the L<sub>1</sub> level is the sound level exceeded for 1% of the measurement duration. As an example, 87 dB L<sub>A1,15min</sub> is a sound level of 87 dB(A) or higher for 1% of the 15 minute measurement period.

### L<sub>10</sub>

The  $L_{10}$  statistical level is often used as the "average maximum" level of a sound level that varies with time.

Mathematically, the  $L_{10}$  level is the sound level exceeded for 10% of the measurement duration.  $L_{10}$  is often used for road traffic noise assessment. As an example, 63 dB  $L_{A10,18hr}$  is a sound level of 63 dB(A) or higher for 10% of the 18 hour measurement period.

### L90

The L<sub>90</sub> statistical level is often used as the "average minimum" or "background" level of a sound level that varies with time.

Mathematically,  $L_{90}$  is the sound level exceeded for 90% of the measurement duration. As an example, 45 dB  $L_{A90,15min}$  is a sound level of 45 dB(A) or higher for 90% of the 15 minute measurement period.

### Leq

The 'equivalent continuous sound level',  $L_{eq}$ , is used to describe the level of a time-varying sound or vibration measurement.

 $L_{eq}$  is often used as the "average" level for a measurement where the level is fluctuating over time. Mathematically, it is the energy-average level over a period of time (i.e. the constant sound level that contains the same sound energy as the measured level). When the dB(A) weighting is applied, the level is denoted dB  $L_{Aeq.}$  Often the measurement duration is quoted, thus  $L_{Aeq,15\;min}$  represents the dB(A) weighted energy-average level of a 15 minute measurement.

### $L_{max}$

The  $L_{max}$  statistical level can be used to describe the "absolute maximum" level of a sound or vibration level that varies with time.

Mathematically,  $L_{max}$  is the highest value recorded during the measurement period. As an example, 94 dB  $L_{Amax}$  is a highest value of 94 dB(A) during the measurement period.

Since  $L_{\text{max}}$  is often caused by an instantaneous event,  $L_{\text{max}}$  levels often vary significantly between measurements.

### Frequency

Frequency is the number of cycles per second of a sound or vibration wave. In musical terms, frequency is described as "pitch". Sounds towards the lower end of the human hearing frequency range are perceived as "bass" or "low-pitched" and sounds with a higher frequency are perceived as "treble" or "high pitched".

### **Impact Sound Pressure Level**

The technical parameter used to determine impact sound isolation of floors is the impact sound pressure level,  $L_i$ .

In the laboratory, the weighted normalised impact sound pressure level,  $L_{n,w}$ , is used to represent the impact sound isolation as a single figure.

On site, the weighted normalised apparent impact sound pressure level,  $L'_{n,w}$ , and the weighted standardised apparent impact sound pressure level,  $L'_{n,Tw}$ , are used to represent the impact sound isolation of a floor as a single figure.

These single weighted values are determined by comparing the spectral impact sound pressure levels (as defined in ISO 140-6 & ISO 140-7) with reference values outlined in AS/NZS ISO 717.2.

### **Sound Exposure Level (SEL)**

The Sound Exposure Level or Single Event Noise Exposure Level, denoted SEL or  $L_{AE}$ , is a measure of the total amount of acoustic energy contained in an acoustic event. The SEL is the constant sound pressure level that would produce in a period of one second the same amount of acoustic energy contained in the acoustic event. SEL is commonly used to quantify the total acoustic energy contained in transient events such as a vehicle pass-by.

### **Sound Level Difference (D)**

Sound level difference is used to quantify the sound insulation between two spaces, and is equal to the difference in sound level between the two rooms at a particular frequency (e.g. if the sound level in the source room is 100 dB and the sound level in the adjacent room is 75 dB, the sound level difference is 25 dB). The weighted sound level difference,  $D_{\rm w}$ , (as defined in AS/NZS ISO 717.1) is commonly used to provide a single-number descriptor to describe the overall performance of a partition across a wider frequency range.

The terms used to describe the airborne sound insulation rating of a building element when tested on-site are the weighted normalised level difference ( $D_{n,w}$ ), which corrects the measured sound level difference to a reference absorption area in the receiving room, or the weighted standardized level difference ( $D_{nT,w}$ ), which corrects the measurements to a reference reverberation time in the receiving room. These single numbers are determined by comparing the spectral sound insulation test results (as defined in ISO 140-4) with reference values, as outlined in AS/NZS ISO 717.1.

### **Sound Power and Sound Pressure**

The sound power level  $(L_w)$  of a source is a measure of the total acoustic power radiated by a source. The sound pressure level  $(L_p)$  varies as a function of distance from a source. However, the sound power level is an intrinsic characteristic of a source (analogous to its mass), which is not affected by the environment within which the source is located.

### Sound Reduction Index (R)

The sound reduction index (or transmission loss) of a building element is a measure of the loss of sound through the material, i.e. its sound attenuation properties. It is a property of the component, unlike the sound level difference, which is affected by the common area between the rooms and the acoustics of the receiving room. R is the ratio (expressed in decibels) of the sound energy transmitted through the building element to the sound energy incident on the building element for a particular frequency.

The weighted sound reduction index,  $R_w$ , is a single figure description of sound reduction index across a wider frequency range and is defined in BS EN ISO 717-1: 1997.  $R_w$  values are calculated from measurements in an acoustic laboratory. Sound insulation ratings derived from site measurements (which are invariably lower than the laboratory figures) are referred to as apparent sound reduction index  $(R'_w)$  ratings.

### Structureborne Noise

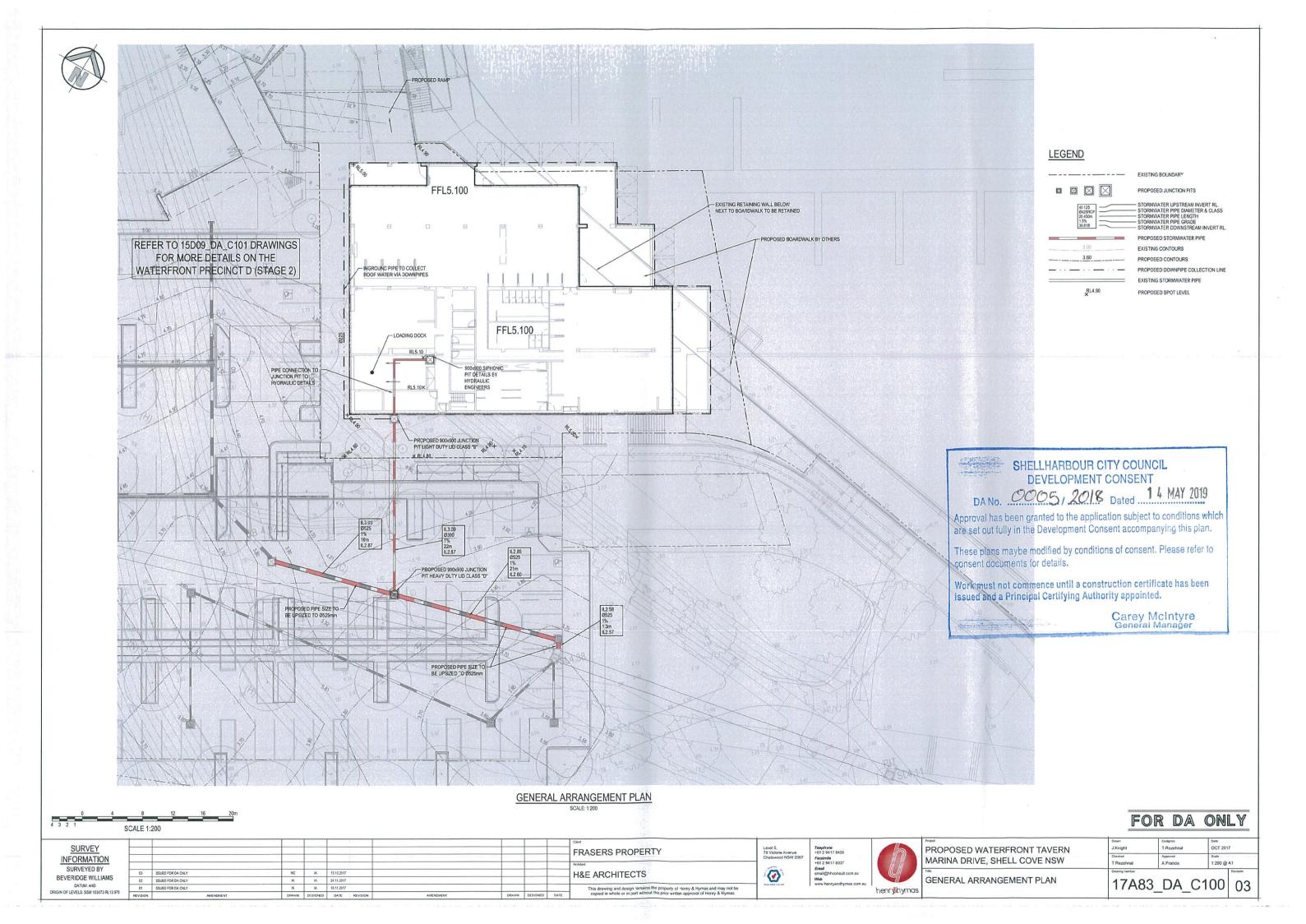
The transmission of noise energy as vibration of building elements. The energy may then be re-radiated as airborne noise. Structureborne noise is controlled by structural discontinuities, i.e. expansion joints and floating floors.

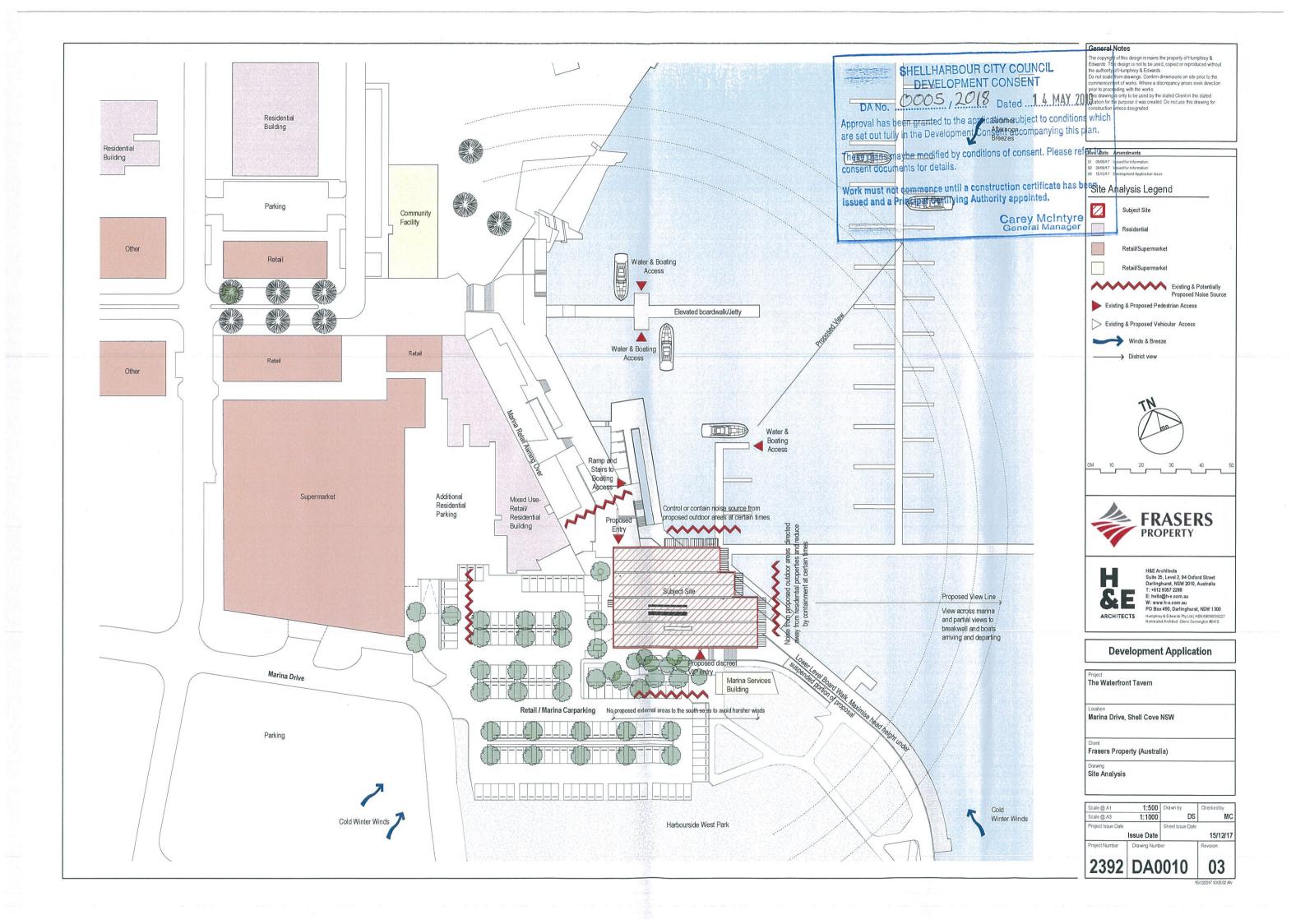
### Vibration

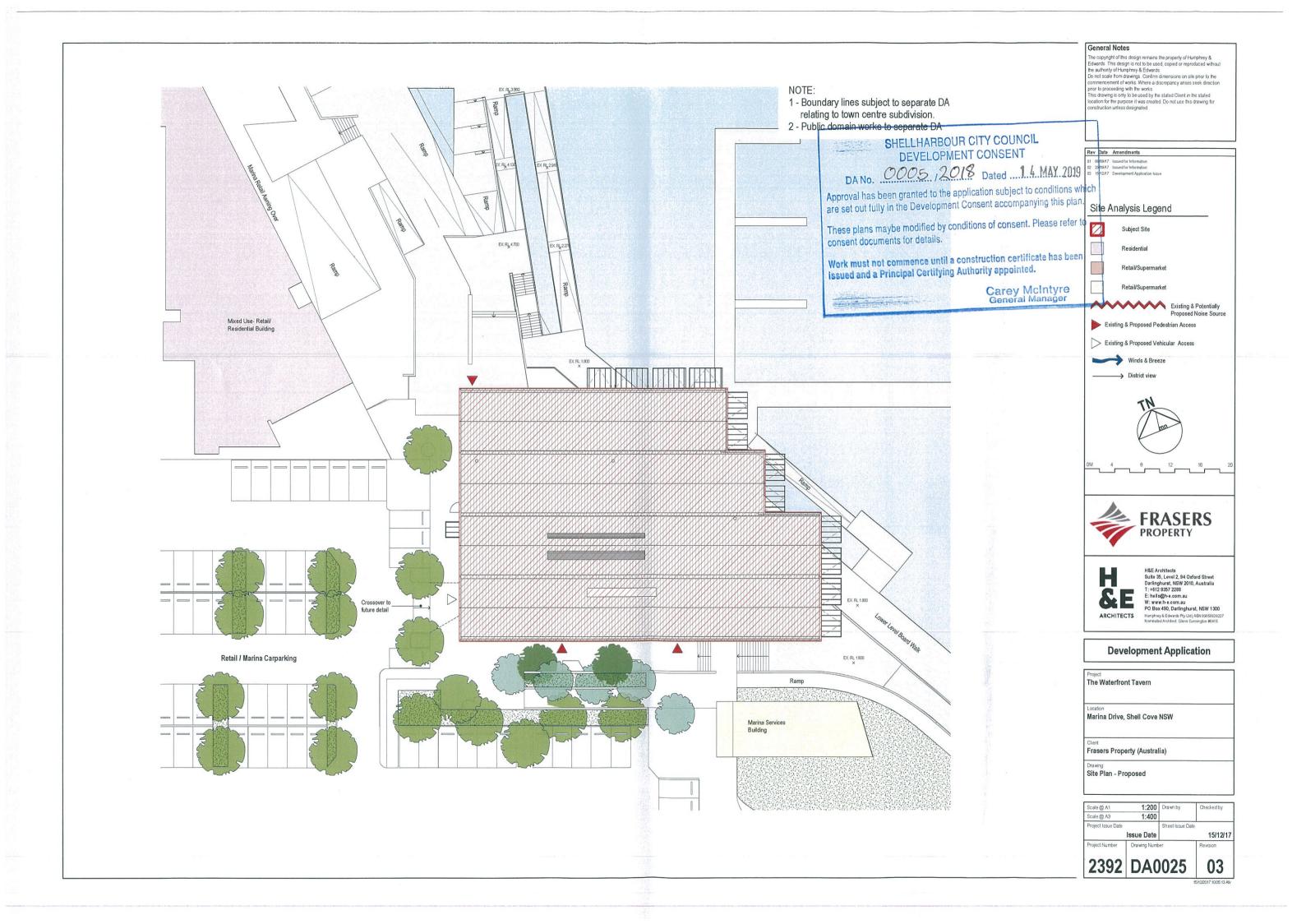
Waves in a solid material are called "vibration", as opposed to similar waves in air, which are called "sound" or "noise". If vibration levels are high enough, they can be felt; usually vibration levels must be much higher to cause structural damage.

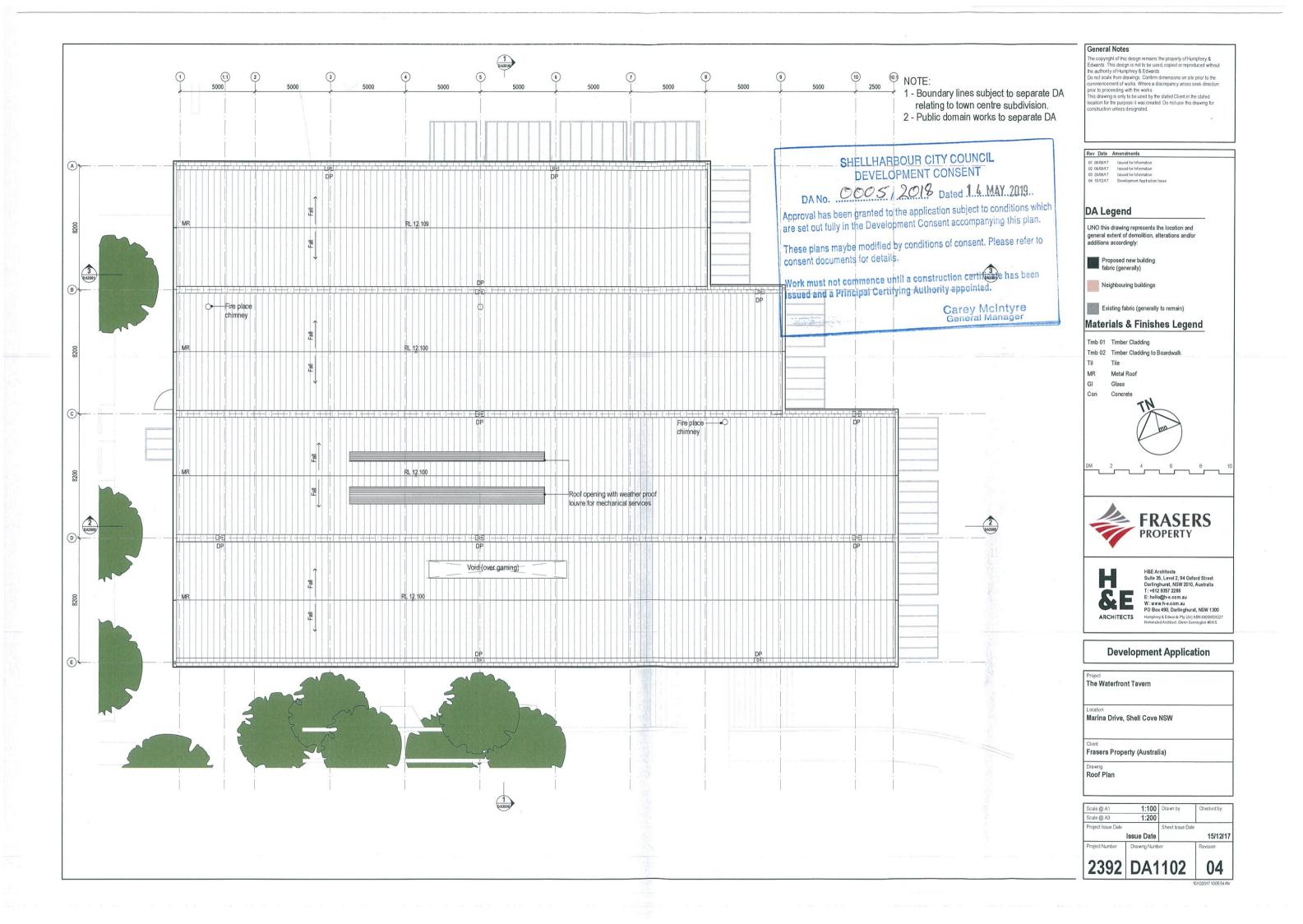
A vibrating structure (eg a wall) can cause airborne noise to be radiated, even if the vibration itself is too low to be felt. Structureborne vibration limits are sometimes set to control the noise level in a space.

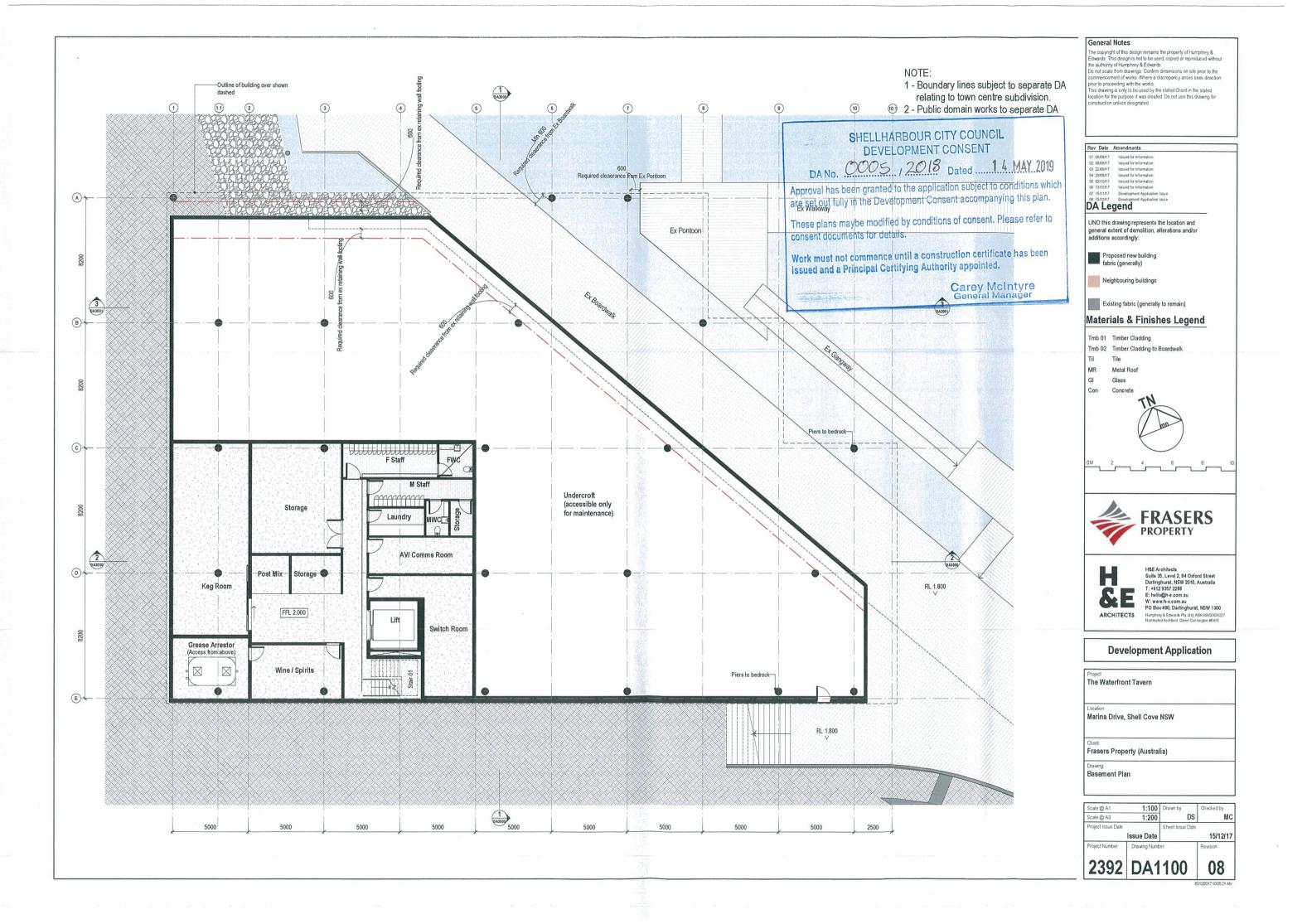
Vibration levels can be described using measurements of displacement, velocity and acceleration. Velocity and acceleration are commonly used for structureborne noise and human comfort. Vibration is described using either metric units (such as mm, mm/s and mm/s²) or else using a decibel scale.

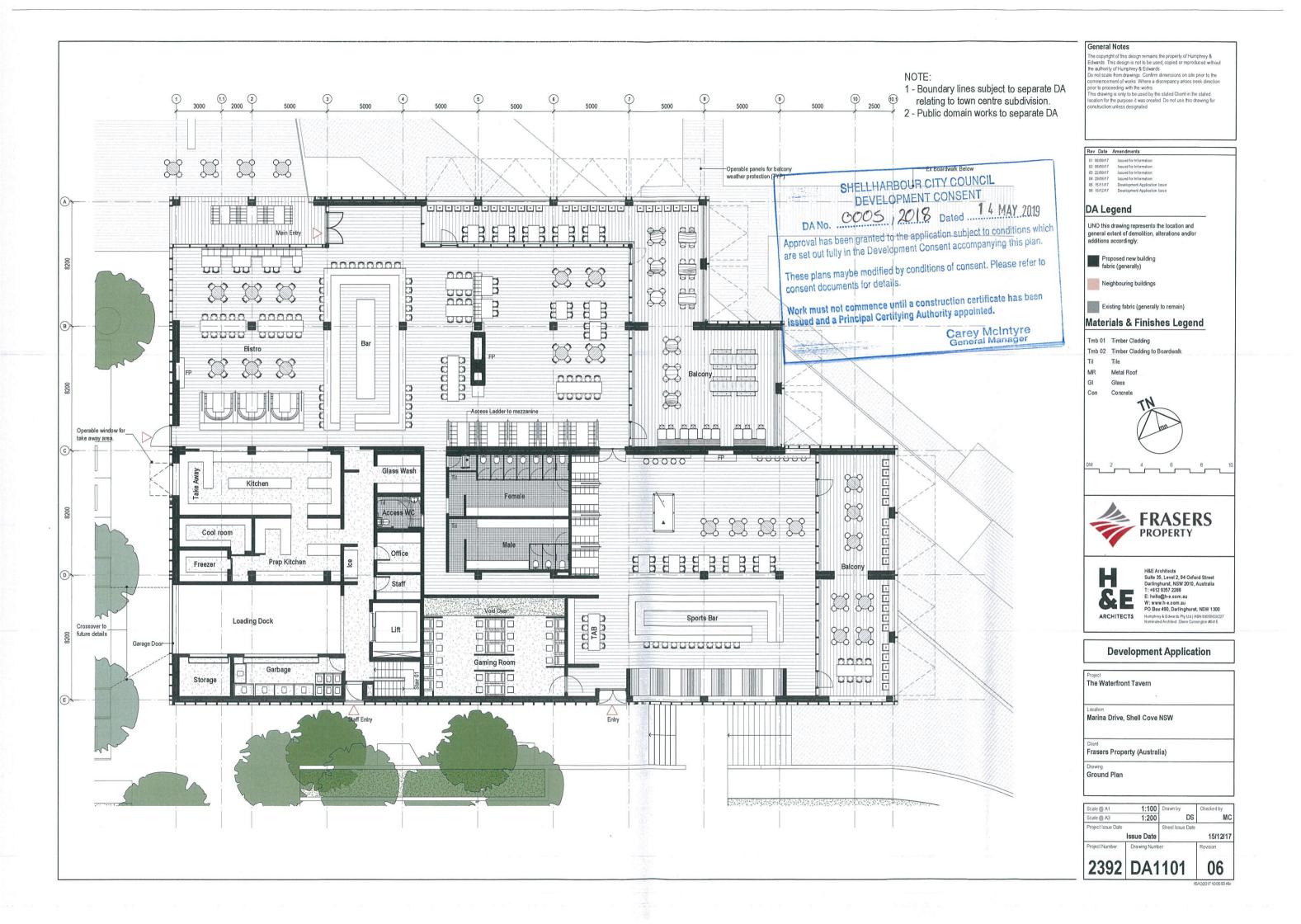


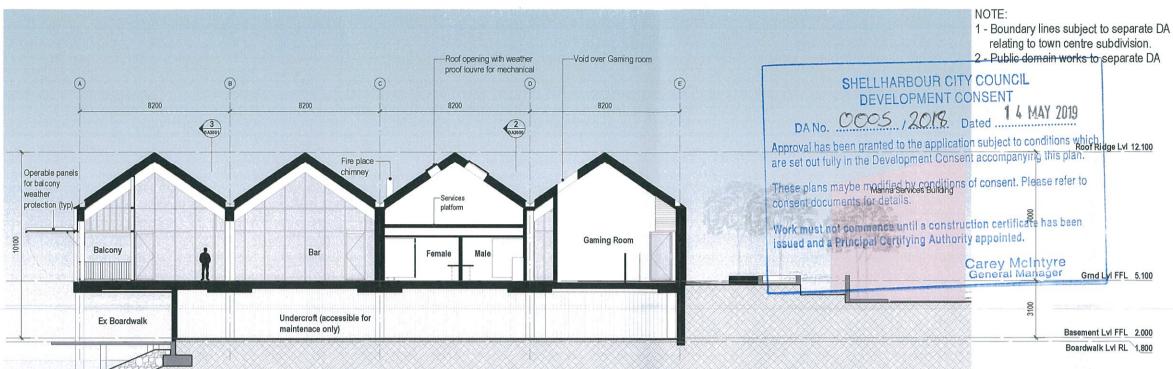


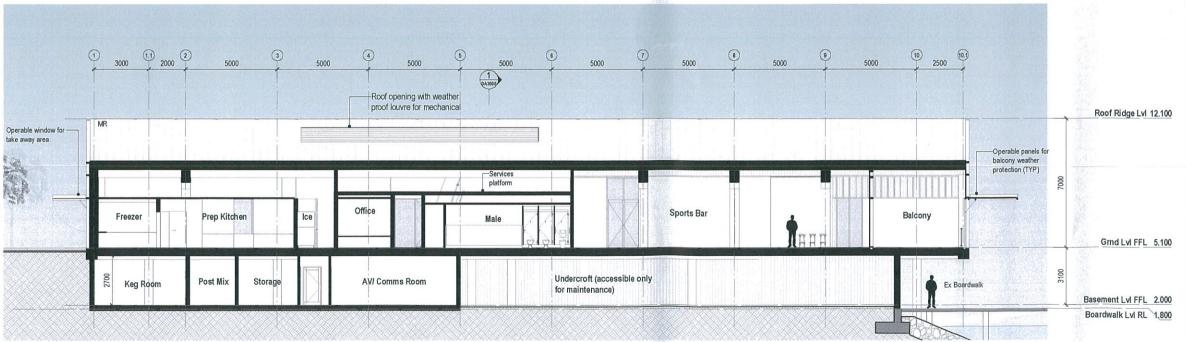












**GA Section 02** 

**GA Section 01** 

#### General Notes

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Rev Date Amendments

#### DA Legend

UNO this drawing represents the location and general extent of demolition, alterations and/or additions accordingly:

Proposed new building fabric (generally)

Neighbouring buildings

Existing fabric (generally to remain)

#### Materials & Finishes Legend

Tmb 01 Timber Cladding

Tmb 02 Timber Cladding to Boardwalk

Tile MR Metal Roof

Glass



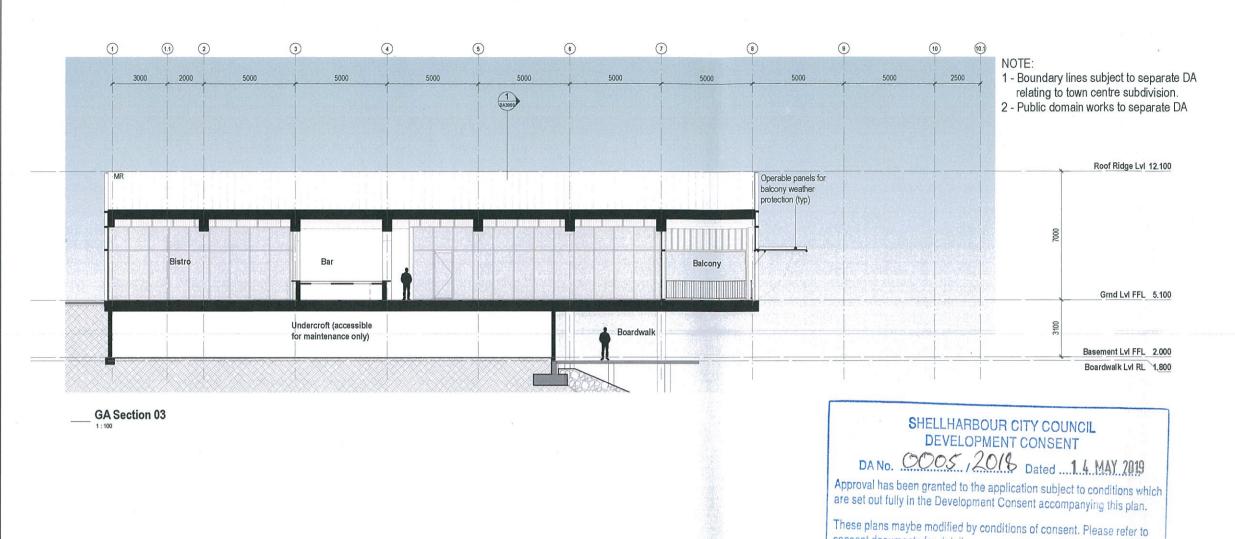


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V: www.h-e.com.au
PO Box 490, Darlinghurst, NSW 1300 Humphrey & Edwards Pty Ltd | ABN 8905663822 Nominated Architect: Glenn Cunnington #6415

#### **Development Application**

The Waterfront Tavern Marina Drive, Shell Cove NSW Frasers Property (Australia) Drawing Section

Scale @ A1	1:100	Drawn by	Checked by
Scale @ A3	1:200		
Project Issue Date		Sheet Issue Da	ate
	Issue Date		15/12/17
Project Number	Drawing Numb	er	Revision
2392	DA3	000	06



consent documents for details.

Work must not commence until a construction certificate has been

Carey McIntyre General Manager

issued and a Principal Certifying Authority appointed.

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construction unless designated.

Rev Date Amendments

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Neighbouring buildings

Existing fabric (generally to remain)

#### Materials & Finishes Legend

Tmb 01 Timber Cladding

Tmb 02 Timber Cladding to Boardwalk

Til Tile MR Metal Roof

Con Concrete



ARCHITECTS

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#### **Development Application**

The Waterfront Tavern

Marina Drive, Shell Cove NSW

Frasers Property (Australia)

Drawing Section

Scale @ A1 1:100 Drawn by cale @ A3 1:200 15/12/17 2392 DA3001

05

# SHELLHARBOUR CITY COUNCIL DEVELOPMENT CONSENT

DANO. 0005, 2018 Dated 14 MAY 2019

Basement Lvl FFL 2.000 Boardwalk Lvl RL 1,800 Neighbouring buildings

General Notes

Rev Date Amendments

DA Legend

01 08/09/17 Issued for Information: 02 08/09/17 Issued for Information: 03 29/09/17 Issued for Information: 04 15/12/17 Development Application Issue

General Notes

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Existing fabric (generally to remain) Materials & Finishes Legend

UNO this drawing represents the location and general extent of demolition, alterations and/or additions accordingly:

Tmb 01 Timber Cladding

Proposed new building fabric (generally)

Tmb 02 Timber Cladding to Boardwalk Tile

MR Metal Roof Glass

Con Concrete



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PO Box 490, Darlinghpurst, NSW 1300
Humphrey & Edward Phy Lid J ABN 80056030227
Normale/Architect Geno Duringion 8415

#### **Development Application**

The Waterfront Tavern Marina Drive, Shell Cove NSW Frasers Property (Australia) Drawing Elevations

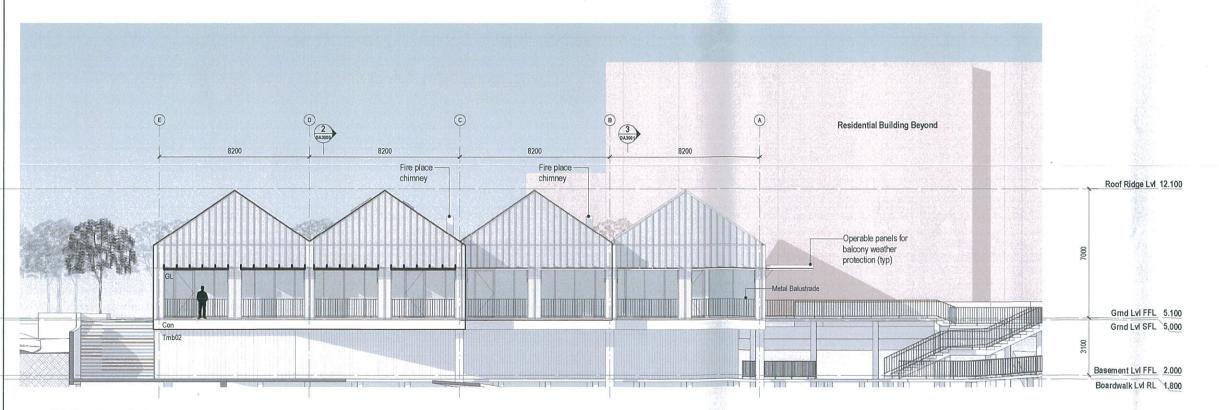
Scale @ A1	1:100	Drawn by	Checked by
Scale @ A3	1:200		
Project Issue Date		Sheet Issue Date	
	Issue Date		15/12/
Project Number	Drawing Number		Revision
0000	BA	1000	0.4
7347	$\square \Delta \Delta$	LIMIN	()4

Approval has been granted to the application subject to conditions which are set out fully in the Development NOTEent accompanying this plan. 1 - Boundary lines subject to separate DA These plans maybe modified by conditionally lines support to separate D, consent documents for details.

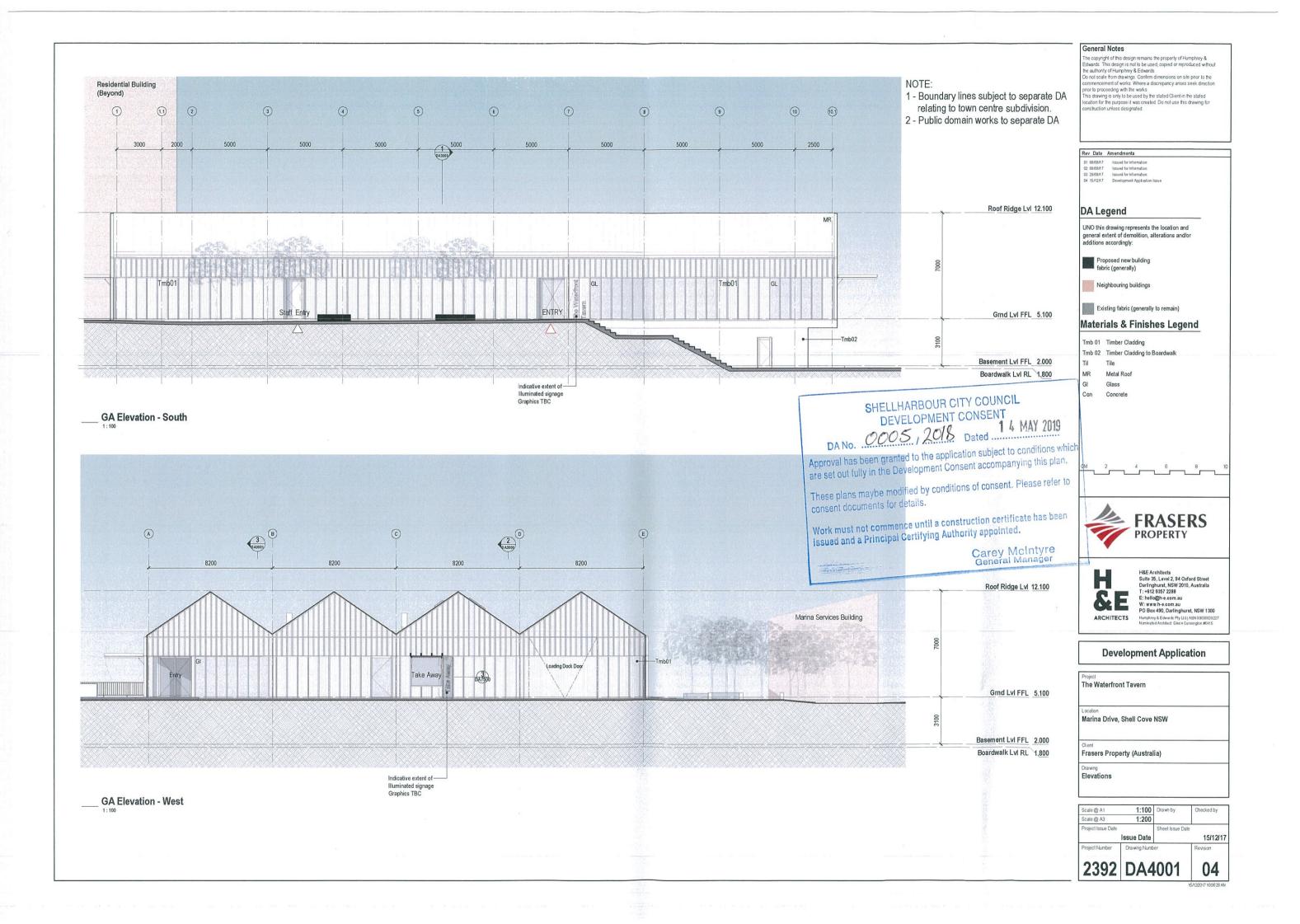
2 - Public domain works to separate DA 6 (3) Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed. Carey McIntyre General Manager 5000 5000 Indicative extent of Illuminated signage Graphics TBC Roof Ridge Lvl 12.100 Grnd Lvl FFL 5.100 Grnd Lvl SFL 5,000 Operable panels for Tmb02-

GA Elevation - North

protection (typ)



**GA Elevation - East** 



# General Notes General Notes The copyright of this design remains the property of Humphrey & Edwards. This design is not to be used, copied or reproduced without the authornly of Humphrey & Edwards. Do not scale from dravings. Confirm dimensions on site prior to the commencement of works. Where a discrepancy asses seek direction prior to proceeding with the works. This drawing is only to be used by the stated Client in the stated location for the purpose it was created. Do not use this drawing for construction unless designated. SHELLHARBOUR CITY COUNCIL DEVELOPMENT CONSENT DA No. CCOS , 2018 Dated ... 1.4 MAY 2019 Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan. Rev Date Amendments These plans maybe modified by conditions of consent. Please refer to consent documents for details. Work must not commence until a construction certificate has been issued and a Principal Certifying Authority appointed. Carey McIntyre General Manager -Illuminated signage--Illuminated signagefont TBC font TBC The Waterfront Tavern 1 Main Entry & Sports Bar Entry Signage 3 Take Away Signange Location Marina Drive, Shell Cove NSW Frasers Property (Australia) Drawing Signage Details



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#### **Development Application**

Scale @ A1	1:10	Drawn by	Checked by
Scale @ A3	1:20		
Project Issue Date		Sheet Issue Date	
	Issue Date		15/12/1
Project Number	Drawing Number		Revision
2202	DAZ	EOO	00

2392 DA/500 | 02







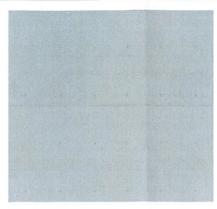
Tmb01 - Timber cladding-



MR - Metal roof Sheeting-



Metal Balustrade



Con - Concrete Columns & Beams



### SHELLHARBOUR CITY COUNCIL DEVELOPMENT CONSENT

DA No. COOS 12018 Dated 14 MAY 2019

Approval has been granted to the application subject to conditions which are set out fully in the Development Consent accompanying this plan.

These plans maybe modified by conditions of consent, Please refer to consent documents for details.

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Carey McIntyre General Manager

#### General Notes

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Rev Date Amendments

15/12/17 Development Application Issue

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Tmb 01 Timber Cladding

Tmb 02 Timber Cladding to Boardwalk Tile

Metal Roof

Glass

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Nomealed Architect Gleen Cannegion 8415

### **Development Application**

The Waterfront Tavern

Marina Drive, Shell Cove NSW

Frasers Property (Australia)

Exterior Finishes

Scale @ A1 Scale @ A3 Issue Date 15/12/17

2392 DA8011

01