

<b>Attachment 10 – Shellharbour Development Control Plan Compliance Table</b>		
<b>DCP Provision</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Chapter 6 provision 6.7</b>		
Shell Cove Boat Harbour Precinct. Development of the Boat Harbour Precinct at Shell Cove must accord with the state government concept plan approval (reference MP_0027). The approval provides for residential, commercial, retail, community facilities, hotel, dry boat storage, business park, open space and wetlands.	Food and drinks premises.	The proposed Tavern complies with the State Government Concept Plan Approval, this has been discussed in section 2 of this report.
<b>Chapter 10 Advertising and Signage</b>		
<p>Objectives</p> <p>1. To ensure that signage:</p> <p>a. is compatible with the desired amenity and visual character of a locality</p> <p>b. provides effective communication in suitable locations</p> <p>c. does not threaten the safety of pedestrians or traffic</p> <p>d. is of high quality design and finish which achieves a high level of design quality in terms of its relationship to the architectural design of the buildings and streetscape character of a particular locality</p> <p>e. is in proportion with and does not dominate the host building regarding its size and location.</p> <p>2. To reduce the proliferation of advertising signs and structures through the rationalisation of advertising signs by the</p>	<p>Two (2) 2.8 metres x 1.01 metres with illuminated font to be located on the Northern elevation adjacent to the main entrance and on the Southern elevation adjacent to the discreet entrance.</p> <p>One (1) 0.638 metres x 2.8 metres with illuminated font to be located on the western elevation adjoining the takeaway window.</p>	<p>The proposed signage will comply with the objectives of the chapter in that it is compatible with the desired amenity and visual character of the locality, provides effective communication in suitable locations, does not threaten the safety of pedestrians or traffic .</p> <p>The signage is considered to be in proportion to the building which it is to be located upon and will be of sufficient high quality design.</p> <p>The signage proposed will not have a significant impact on the amenity of the surrounding future residential locality. The signage is considered to allow equal advertising rights as it is wholly within the building footprint.</p>

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<p>use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.</p> <p>3. To ensure that advertising signs do not affect the amenity of any surrounding residential locality from light spillage impacts associated with illuminated signs.</p> <p>4. To ensure that the use of corporate logos, colour and illumination schemes are compatible with the architectural style of the host building and does not cause any significant adverse visual impact upon the surrounding streetscape character of the locality.</p> <p>5. To ensure signage allows equal advertising rights.</p>		
<b>Commercial Zones</b>		
<p>10.3.7 The total sign area on a building must not exceed 8m<sup>2</sup> or 10% of the area of each elevation (including windows), whatever is the greater. Despite this, signs must always relate to the size/dimensions of the building.</p>	<p>The area of the signage has been taken as the maximum width * maximum height to give an indication of area. This is an approximate calculation.</p> <p>Entrance signage (x2) 2.8sqm.</p> <p>Takeaway signage (x1) 1.78sqm.</p>	<p>The signage proposed on the northern elevation will be 2.8sqm this is less than 8sqm and less than 10% of the area of the elevation.</p> <p>The total signage proposed on the southern elevation will be 4.58sqm. This is less than 8sqm and less than 10 of the area of the elevation.</p> <p>Complies</p>

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	The elevation area as follows: Northern elevation area – 334.7sqm. (10% = 33.47sqm) Southern elevation area – 339.1sqm. (10% = 33.91 sqm).	
10.3.8 Where the building is painted in corporate colours, signage is required to be substantially less than 10% of the wall area.	It is not proposed that this building will be painted in corporate colours. Controlled by submitted materials and finishes schedule.	Not applicable
10.3.9 The maximum coverage of any window by a sign attached or painted on is calculated as 20% of each window. No sign or paint may cover the entire face of each singular window. Window signage will be included in the calculation of 10% of the elevation. However, for lifestyle graphic advertising structures greater than 20% of the window area, a merit based assessment will be required on a case by case basis.	No signage on windows proposed.	Not applicable.
10.3.10 Corporate colours are permitted on buildings with the consent of Council when they complement the architecture and do not overpower the building and will be considered as signage. Where corporate colours are used on buildings, signage which	It is not proposed that this building will be painted in corporate colours. Controlled by submitted materials and finishes schedule.	Not applicable

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covers 10% of the elevation will not be accepted. Such signage is required to be substantially less than 10% of the elevation. Strong colours that do not relate to the streetscape (e.g. fluorescent colours) will not be accepted.		
10.3.11 Free standing signs, with the exception of menu board signs are not permitted in outdoor eating areas. The structure must not protrude into the pedestrian path and must be in accordance with the outdoor dining provisions in this DCP.	No free standing signage proposed.	Not applicable
10.3.12 Signs suspended under an awning must be erected in a horizontal position at right angles to the building façade. There must be a minimum clearance of 2.65m between the base of the sign and the footpath.	Signage proposed will be wall mounted and sited vertically adjacent to the entrance which the sign relates.	Complies
10.3.13 Multiple Occupancy Identification Signs	Not proposed	Not applicable
<b>Chapter 15 Waste minimisation and Management</b>		
Objectives  1. To maximise reuse and recycling of demolition and construction materials and materials from subdivision. 2. To ensure storage and collection of waste is designed and managed having appropriate regard to space, location, amenity and ongoing management of waste management facilities.	The Waste Strategy Report has been prepared by Wasteless Consulting in relation to the entire Shell Cove Town Centre. This report details the anticipated waste generation, management and	The proposed waste strategy report shows compliance with the chapter objectives. Council waste services have provided advice supporting the proposal and have recommended suitable conditions.



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<p>3. To ensure waste management systems are compatible with collection services.</p> <p>4. Ensure developments provide adequate space for kerbside collection services.</p> <p>5. To minimise potential adverse impacts relating to the management of waste on the amenity of adjoining properties and within the development.</p> <p>6. To minimise the amount waste being deposited in landfill.</p> <p>7. To provide information to applicants on how to prepare a Waste Management Plan.</p>	<p>collection provisions for the ongoing operation of residential and commercial sites within the town centre. The key waste management features relating to the Waterfront Tavern include:</p> <ul style="list-style-type: none"> <li>• A waste room, which directly adjoins the loading dock;</li> <li>• The provision of 3 x 660L bins for general waste and mixed recycling;</li> <li>• 2 x 660L Paper / Cardboard recycling;</li> <li>• 5 x 240L bins for Organic waste;</li> <li>• Loading dock including garbage storage on the ground floor. The Tavern will be serviced (including waste</li> </ul>	

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	<p>collection) via a loading dock accessed from the at-grade, public car park.</p> <ul style="list-style-type: none"> <li>• Tavern will have a maximum capacity of 800 persons including patrons, staff and security</li> </ul>	
<p>15.1.1 A waste management plan is to be submitted with development applications for demolition, construction and operational works.</p>	<p>The Waste Strategy Report has been prepared by Wasteless Consulting in relation to the entire Shell Cove Town Centre.</p>	Complies
<b>Commercial Developments and Change of Use</b>		
<p>15.1.7 In addition to submitting a WMP, development applications must show/demonstrate:</p> <p>(a) That the location of a designated waste/recycling storage area or room/s have been sized to meet the waste and recycling needs of all future tenants and designed so that the size and layout of the waste/recycling storage room/area is capable of accommodating</p>	<p>The proposed building will include a waste storage room on the ground floor approximately 22 sqm with a roller door adjacent to the loading dock and a access door into the staff area of the Tavern.</p>	<p>(a) Waste storage room will have a floor area of approximately 22 sqm. This is considered a suitable size and layout for the proposed use.</p> <p>(b) The bins detailed in the Waste Strategy Report are considered to be of sufficient volume to contain the quantity of waste generated.</p> <p>(c) The provision of 3 x 660L bins for general waste and mixed recycling; 2 x 660L Paper / Cardboard recycling; 5 x 240L bins for Organic waste; complies.</p> <p>(d) The waste storage room will only be used by one tenancy and will have step free access. Complies.</p>

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<p>reasonable future changes in use of the development.</p> <p>(b) That the waste/recycling storage room/area is able to accommodate bins that are of sufficient volume to contain the quantity of waste generated.</p> <p>(c) That separate containers for the separation of recyclable materials and general waste have been provided in the waste/recycling storage room/area. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.</p> <p>(d) That there is safe and convenient access from each tenancy to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).</p> <p>(e) That arrangements are in place so that the waste/recycling storage area is not accessible to the general public.</p> <p>(f) That depending upon the size and type of the development, whether it is necessary to include a separate waste/recycling storage room/area for each tenancy.</p>		<p>(e) The waste storage room will not be accessed by the public, the access will be from the internal loading dock and staff only areas of the tavern.</p> <p>(f) Not applicable.</p> <p>(g) Collection and emptying of waste will be done from the internal loading dock only. Controlled by condition.</p> <p>(h) Not applicable.</p> <p>(i) The applicant's Traffic and Parking Assessment shows that a truck (8.8m &amp; 10.2m) can enter and exit the loading bay of the tavern in a satisfactory manner. Checking with vehicle templates confirms this.</p> <p>(i) Suitably controlled by Operational Plan of Management.</p> <p>(j) Not applicable.</p> <p>(k) Not applicable.</p> <p>(l) Not applicable.</p>

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<p>(g) The identified collection point for the collection and emptying of waste, recycling and garden waste bins.</p> <p>(h) The path of travel including gradients for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).</p> <p>(i) That where waste collection will occur onsite, access driveways and internal roads must be designed in accordance with Australian Standard 2890.2– 2002 Parking Facilities – Off-Street Commercial Vehicle Facilities.</p> <p>(j) That servicing arrangements for the emptying of bins is compatible with the operation of any other loading/unloading facilities onsite.</p> <p>(k) The location of temporary waste and recycling storage areas within each tenancy. These should be of sufficient size to store a minimum of a single day's waste.</p> <p>(l) That a waste/recycling cupboard has been provided for each and every kitchen area in a development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.</p>		

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(m) Where waste containers are located in public places, they should be clearly visible and located in well-lit areas.		
<b>Chapter 16 Access for people with a disability</b>		
<p><b>Objectives</b> The guiding principles of the Premises Standards are the objects of the Disability Discrimination Act 1992 (DDA) which are:</p> <ol style="list-style-type: none"> <li>1. to eliminate, as far as possible, discrimination against persons on the basis of their disabilities in various areas, and in particular access to premises, work, accommodation and the provision of facilities, services and land.</li> <li>2. to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community</li> <li>3. to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.</li> </ol>	<p>The proposed Tavern will be a single storey premises with a basement area for staff amenities and offices. The Tavern will include lift access for staff only and accessible toilets for customers and staff. The staff and public entrances will be step free.</p>	Complies
<b>Chapter 25 Stormwater management</b>		
<p><b>Objectives</b> 1. To encourage consideration of Ecologically Sustainable Development and Catchment Management while providing requirements for water management when developing a site.</p>	<p>Concept stormwater plan provided. The proposed development drains to a Council pit network of the adjacent car park (DA0385/2017 SRPP ref:</p>	<p>Council engineers have reviewed the submitted concept stormwater plan and have raised no objections. Suitable conditions recommended.</p>

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<p>2. To provide requirements and advice to applicants in regard to stormwater management.</p> <p>3. Maintain and improve water quality within Shellharbour City and to the receiving waters.</p> <p>4. To ensure no increase (and where reasonable a reduction) in the frequency and adversity of flooding.</p> <p>5. To ensure public health and safety is maintained.</p> <p>6. To ensure development is designed having regard to existing or proposed drainage easements. 7. To ensure the structural integrity of existing and proposed structures is maintained.</p> <p>8. To ensure all development is adequately drained and minimises adverse impacts from surface and/or stormwater flows.</p> <p>9. To encourage design that allows some on-site infiltration of water.</p> <p>10. To ensure the risks of flooding are minimised for residential development.</p>	2017STH0025). Part of the stormwater line will run under the proposed building.	
<b>Chapter 29 Social Impact Assessment</b>		
Objectives		
<p>1. Support development within the Shellharbour Local Government Area that is conducive to good health, fosters social cohesion/connectivity and contributes to a safe environment.</p> <p>2. Strengthen Council's ability to promote a range of development options that acknowledge the values of local communities and are reflective of the current and future needs of residents.</p> <p>3. Maximise positive social impacts and minimise negative social impacts on the way of life of our local communities and individuals.</p>		

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<p>4. Enhance consistency, certainty and transparency in Council's assessment of the positive and negative social impacts of proposed development.</p> <p>5. Inform the local community and facilitate their participation in the planning and development assessment process.</p> <p>6. Support the responsibility of developers, Council and the community to contribute towards local areas that are sustainable and liveable.</p> <p>7. Support the delivery of the Shellharbour 2030 community vision: A connected community working together to create a safe, sustainable future that provides opportunities for all to achieve their potential.</p>		
29.1 – Appendix 12 details Council's process for Social Impact Assessments (SIA) and the development that requires this type of environmental assessment. It includes roles and responsibilities for SIA and information to assist applicants in the preparation of a SIA.		<p>The submitted Social Impact Assessment has been assessed by the Council's Community Planning Officer using the assessment criteria included in Appendix 12 of the DCP. The Officers comments highlighted various matters such as;</p> <ul style="list-style-type: none"> <li>i. toilet facilities which include the provision of ambulant toilets and baby change facilities. These are required by the Building Code of Australia and will be dealt with at Construction Certificate stage.</li> <li>ii. Passive smoking – the outdoor gaming area will also allow smoking, it is noted that this area will need to comply with the Smoke Free Environmental Act 2000 No. 69.</li> <li>iii. Noise Pollution – The SIA does not acknowledge that the increased pedestrian traffic may lead to noise pollution for residents of Warrigal. The Tavern is located within the Town Centre. This location is in accordance with the approved Concept Plan and suitable conditions have been put in place to mitigate noise pollution on nearby residents.</li> <li>iv. Public Transport – The Town Centre will be served by a local bus route and a courtesy bus for customers and staff from the Tavern.</li> </ul> <p>The proposed development is considered to comply with the objectives of chapter 29. This is discussed in further detail in section 14.5 of the main report.</p>

Attachment 11 – Submitted Shadow Diagrams



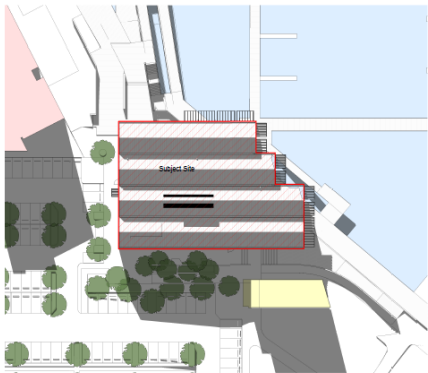




Shadow Plan - 9:00am Winter Solstice (June 21st)  
1:500



Shadow Plan - Noon Winter Solstice (June 21st)  
1:500



Shadow Plan - 3:00pm Winter Solstice (June 21st)  
1:500

**Shadow Analysis Notes**

**General Notes and Abbreviations**  
Refer also to the General Notes and Standard Abbreviations where included with this drawing set.

**Site Plan**  
Refer also to the Site Plan and associated notes

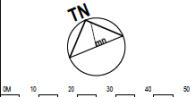
**Shadow generation**  
Shadows shown on these diagrams have been generated from a computer model of the proposed and adjacent existing development. In determination of shadow angles reference is made to 'Sunshine & Shade in Australia' CSIRO Technical Report 62/2.

**Limitations in accuracy**  
Whilst due care has been taken in the preparation of the model from which this diagram has been generated, its accuracy may be limited due to the respective accuracy of existing site information. In this respect these diagrams should only be considered indicative of the extent of shadow. Additionally other site features, such as existing and proposed landscaping and external works not specifically indicated on this diagram will generate shadow that may not be accurately represented by this diagram.

**Details of adjacent properties**  
Some details of adjacent property levels, vegetation, external works elements, window and door sizes and locations, balcony or veranda locations and other features may have been visually estimated. Consequently such information, not specifically translated from the survey drawings, may be limited in accuracy.

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**Rev. Date Amendments**  
A1 18/06/17 Issues for information  
A2 20/06/17 Issues for information  
A3 19/12/17 Development Application Issues



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Nominated Architect - Shell Cove Wharves

**Development Application**

**Project**  
The Waterfront Tavern

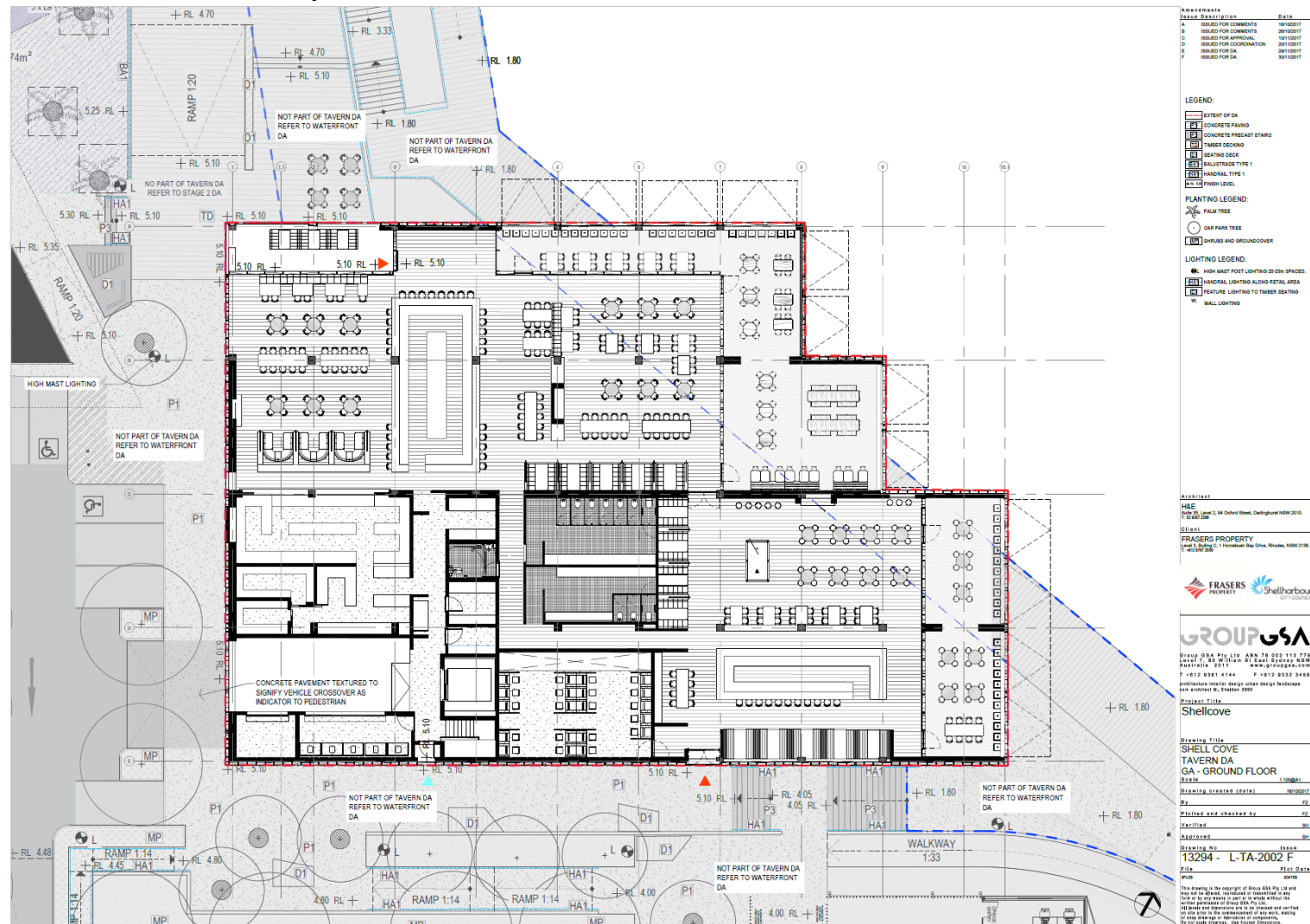
**Location**  
Marina Drive, Shell Cove NSW

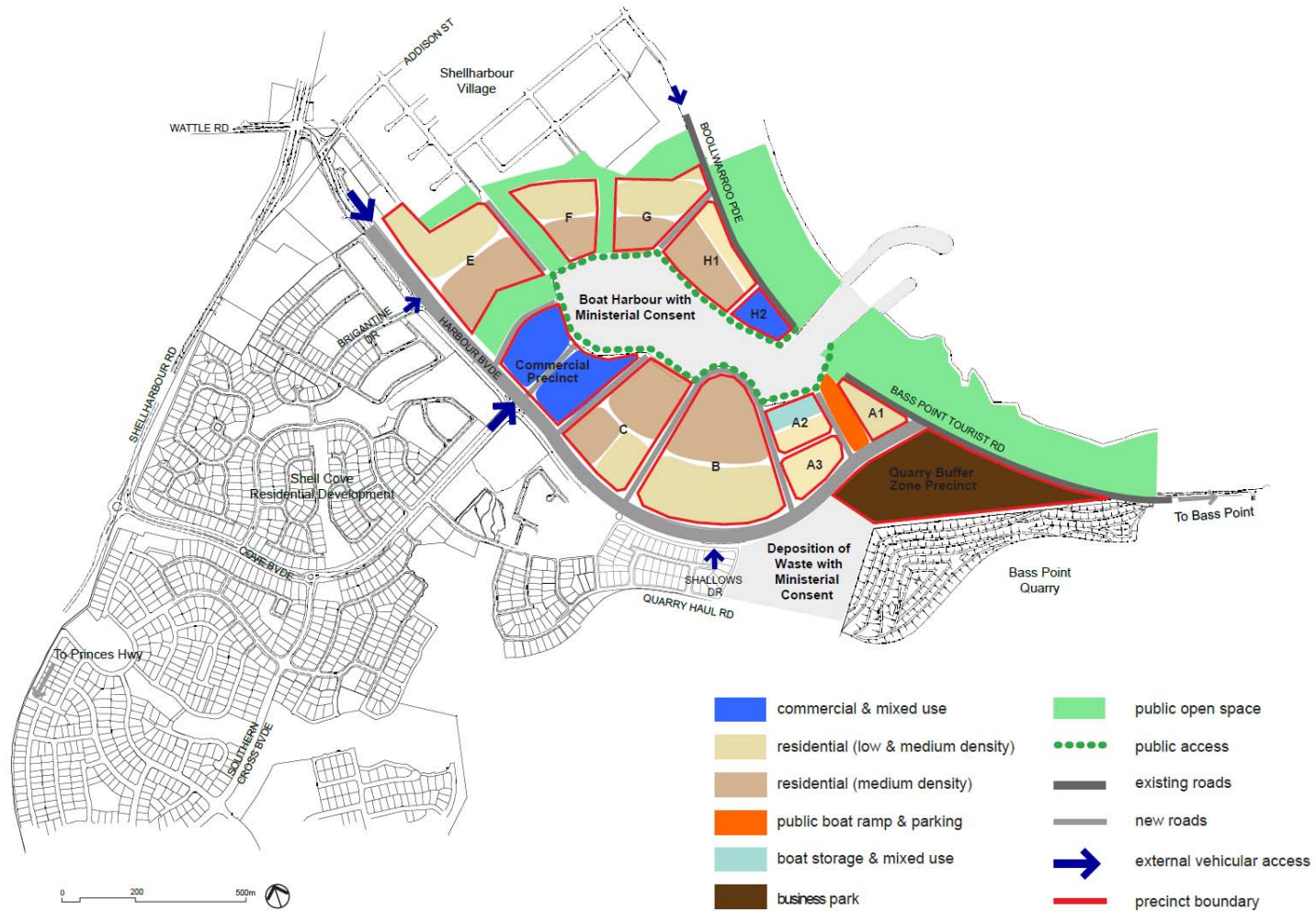
**Client**  
Frasers Property (Australia)

**Drawing**  
Shadow Diagrams - Winter 21st June

Scale @ A1	1:500	Drawn by	Checked by
Scale @ A3	1:1000		
Project Issue Date	Issue Date	Drawn Issue Date	19/12/17
Project Number	Drawing Number	Section	
2392	DA9010	03	

09/000017-03-DA9010





**boat harbour precinct - concept plan**

208-8010  
5th Feb 2010

0 200 500m

shell cove  
shellharbour - nsw





# The Waterfront Tavern

## Marina Drive, Shell Cove NSW

### Fraser's Property (Australia)

## Development Application

#### General Notes

The copyright of this design remains the property of H+E Architects. This design is not to be used, copied or reproduced without the authority of H+E Architects. Do not scale from drawings. Confirm dimensions on site prior to the commencement of works. Where a discrepancy arises 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.

#### Coordination

Where applicable refer to and coordinate information contained in the architectural drawings, and the documentation of other consultants. Notify discrepancies between architectural and/or other consultant's documentation for direction prior to proceeding with the affected part of the works.

#### Specifications and Schedules

Where applicable refer to and coordinate with relevant Specifications and Schedules. Written specifications and schedules take precedence to the extent of any discrepancy. Notify discrepancies between documents for direction prior to proceeding with the affected part of the works.

#### Detail Drawings

Unless noted otherwise, refer to detail drawings for set-out information. Drawings at larger scales take precedence over drawings at smaller scales to the extent of any discrepancy. Notify discrepancies for direction prior to proceeding with the affected part of the works.

#### Execution of the works (Standards)

Execute the works in compliance with the current edition of the Building Code of Australia (as amended), current editions of relevant Australian and other applicable published Standards and the relevant requirements of Local and Statutory Authorities.

#### Units of measurement

Unless noted otherwise:  
- Dimensions are shown in millimetres, and  
- Levels are shown in meters

#### To detail

Where a notation refers to an item as "to detail" the applicable item is to be in accordance with the relevant Architect's detail.

#### Materials handling and storage

Unless noted otherwise material, fixtures and fittings are to be handled, stored and installed in accordance with the Manufacturer's current written instructions.

#### Structure

Foundations, footings, reinforced concrete, slabs, retaining walls, framing, bracing, tie-down and other structural elements are to be designed and constructed in accordance with the Structural Engineer's details and specifications.

#### Hydraulics

Stormwater drainage, waste water drainage, fresh water, gas supply and other hydraulic services are to be designed and constructed in accordance with the Local Authority, Statutory Authority, Hydraulic and/or Civil Works Consultant's requirements.

#### Erosion & Sediment Control

Apply erosion and sediment control measures in accordance with the Local Authority and, where applicable, Hydraulic or Civil Works Consultant's requirements to avoid erosion, sedimentation and/or contamination of the site, surrounds and stormwater drainage system. Apply measures to ensure that the site remains free of water and to prevent water flow over the new work. Erosion & sediment control measures are to be effective from commencement of the works (including demolition) and maintained throughout the course of the works until the site is fully stabilised.

#### Services (existing & proposed)

Confirm location of existing under and above-ground services and coordinate with the relevant service authority to ensure that services are handled in accordance with the relevant authorities instructions prior to commencement of demolition, excavation and/or construction works.

#### Levels

Levels shown are consistent with the datum and benchmarks shown on the associated detail survey. In most instances the surveyed levels will be indicated relative to Australian Height Datum. However the existing site levels and datum are to be confirmed on site with reference to the site survey documents.

#### Falls

Finish surfaces typically to fall as required to facilitate effective drainage.

#### Interpretation

"Provide" means to supply and install.  
"Required" means required by the contract documents or by the Local or Statutory Authorities.  
"Proprietary" means identifiable by naming the manufacturer, supplier, installer, trade name, brand name, catalogue or reference number.

#### Standard Abbreviations

AAP Acoustic access panel  
Acst Acoustic  
Adj Adjustable / adjacent  
AFFL Above finished floor level  
Agmt Arrangement  
Amnd(t) Amend(ed) / Amendment  
AP Access Panel  
Aprv(d) Approved / Approval  
Apx Approximate  
Arc Architrave  
Arch Architect  
AS Australian Standard  
Avg Average  
AW Accordance with  
AWC Accessible water closet  
Awn Awning  
Bal Balustrade  
Bal Battens  
BCA Building Code of Australia  
Bdy (Property) Boundary  
Bhd Bulkhead  
Bldg Building  
CC Construction certificate  
Ceil Ceiling  
CF Core filled  
CF## Ceiling finish ##  
Chg(d) Change / changed  
Chk Check  
Chnl Channel  
CJ Control / construction joint / Ceiling joint  
CL Centre line  
Clr Clear / Clearance / closer  
Cnr Corner  
Col Colour / Column  
Con Consultant(s)  
Con(t) Consultant(s)  
Cont(s) Contractor(s), Building Contractor(s)  
Cor Corrugated / Corncor  
COS Check / confirm on site  
CP Cover plate  
Crs Centres  
Csk Countersink  
CT## Ceiling type (## refer to schedule)  
Ctr Centre / contour  
D.Dr Door  
DA Development Application / Delayed action (door closer)  
Det(s) Detail(s)  
Dia Diameter  
Dim Dimension  
Doc(s) Documentation, documents  
Dp Downpipe  
DPC Damp proof course  
Drw Drawer  
Dwg(s) Drawing / drawings  
EA Equal angle  
EJ Expansion joint  
Elec Electrical  
Elev Elevation  
Eng(s) Engineer(s)  
Eq Equal  
Est Estimated  
Ex From / out of or existing when referring to building elements  
Exist Existing  
Ext External / exterior  
FCL Finished ceiling level  
FE Fire escape / Fire extinguisher  
FF## Floor finish ##  
FFL Finished floor level  
FG Fixed glazing  
FGL Finished ground level  
FH Fire hydrant  
FHR Fire Hose Reel  
Fix Fixing / fixings  
FJ Floor joint  
Fla Flashing  
Flr Floor  
FP Fire Place  
FR Fire rated  
FR Fire rated  
FRm Frame / framing  
FT## Floor type (## refer to schedule)  
Fur Furring (channel)  
Fixd Fixed  
GA General Arrangement  
Gd Grid  
Gd Glass / Glazing  
Grnd Ground  
Hd Head  
Hdl Handle  
Hor Horizontal  
HR Hand Rail  
Ht Height  
Hyd Hydraulic  
Inc Include / included / inclusive  
Ind Indicator  
Ins Insulation / inside / inside of  
Inst Instruction(s)  
Int Internal  
Lev Level  
Lvr Louvre / louvered  
Man(s) Manufacturer(s)  
Max Maximum  
Mech Mechanical

Mech Mechanical  
Mn Minimum  
MR Mirror reverse / moisture resistant  
Mtr Mitre / Mitred  
NA Not applicable  
NOC National Construction Code  
Nom Nominal  
NTS Not to scale  
OA Overall  
Obs Obscure  
OH Overhead  
Ong Original building fabric  
OS Outside / Outside of / On site  
Ow Owner / Proprietor / Principal  
OA Overall  
Obs Obscure  
OH Overhead  
Ong Original building fabric  
OS Outside / Outside of / On site  
Ow Owner / Proprietor / Principal  
PA Project Administration  
Pav Paving  
PCA Principal certifying authority  
PFC Parallel flange channel  
PI Plate  
PM Project Manager  
Prelim Preliminary  
Proj Project  
Prop Proposed  
Prt Part / Partition  
Qty Quantity  
Rad Radius  
Rb Robe  
ROP(s) Reflected Ceiling Plan(s)  
Reb Rebate  
Ref Reference, refer (to...)  
Reo Reinforced / reinforcement  
Rep Replace, UNO to match ext.  
Req(s) Requirement(s)  
Rev Revision  
RHS Rectangular hollow section  
RI Rough in (cap and/or terminate as req for future service connection)  
RL Reduced / relative level  
RL Relative level (to Datum)  
RT## Roof type (## refer to schedule)  
S96 Section 96 Application to amend a Development Consent  
Schd(s) Schedule(s)  
SDr Surface drainage  
Sect Section  
Sel Selected typically referring to a finish to be selected by the arch, client, PA or PM  
Serv Services  
SFL Structural floor level  
SHS Square hollow section  
Sk Sketch  
Skt Skirting  
SI Seal / sealant  
SL Surface level / Shadow-line  
Slid Sliding  
Smk Smoke  
SN Stair nosing  
Sof Soft  
Spec Specification  
Spec(s) Specification(s)  
SR Service(s) riser  
SSD Sub-surface drainage  
SSL Structural slab level  
Std Standard  
Std Standard  
Struc Structure / Structural  
TBA To be advised (unless stated otherwise, generally by the Project Administrator, Architect and/or Owner)  
TBC To be confirmed (unless stated otherwise, generally by the Contractor)  
TBD To be demolished  
TBR To be removed  
TGS Tactile ground surface indicators  
Tmb Timber  
TO Top of  
TOG Top of gutter  
TOK Top of kerb  
Tol Tolerance  
TOW Top of wall  
Tr Tree  
Typ Typical  
UA Unequal angle  
UB Universal beam  
UC Universal column / under cut  
UG Under ground  
UNO Unless noted otherwise  
US Underside  
VB Vapor barrier  
Vert Vertical  
W With  
W/Wn Window  
WF## Wall finish  
WO Without  
WP Water proof  
WPM Water proof membrane  
WR Water resistant  
WT## Wall type (## refer to schedule)



Site Plan Image (www.google.maps.com)

#### Food premises fitout specifications

##### General notes

The following specification is based upon the provisions of AS4674:2004 'Design, construction and fit-out of food premises' and 'The food Standards Code' under the 'Food Act 2003'. It outlines minimum standards required for particular aspects of construction in relation to the food premises facilities. Other relevant authority and statutory requirements may also require consideration. Equipment layouts shown for the purpose of a DA are indicative only, subject to further design development and coordination. In the absence of specific detailed provisions ensure that the requirements of this specification are met. Where a discrepancy arises notify the Project Administrator for instruction prior to proceeding with the related part of the works.

##### Pest proofing

###### General

Ensure that windows, doors, access panels and hatches are enclosed so as to prevent the entry of pests. All pest proofing provisions must be readily accessible for cleaning.

###### Penetrations

Where pipework, drains, cables and ducts penetrate walls, ceilings and roofs, suitably seal and finish the penetration with washable impervious elastomeric sealant to prevent the entry of pests.

###### Cavities and spaces

Spaces between adjoining structures, such as between coolroom walls and premises walls, shall be accessible for inspection and cleaning or sealed with a suitable compound so that they are inaccessible to pests. Spaces between the top surface of equipment or structures such as coolrooms shall be accessible for inspection and cleaning or sealed or boxed in so that they are inaccessible to pests.

###### Seals

In the absence of specific detailed provisions ensure that suitable seals are utilised for doors, windows, vents and the like to exclude, where practicable, the infiltrations of outside contaminants, including, dirt, dust, fumes, and smoke.

##### Water supply

Water used for any activities involved in the preparation of food, personal hygiene, cleaning and sanitizing shall be potable. Pipes carrying non-potable water shall be identified as containing non-potable water in accordance with AS 1345.

Taps in food handling areas discharging non-potable water shall be identified as discharging non-potable water in accordance with AS 1319. The water supply shall be supplied in accordance with the requirements of AS/NZS 3600 1:2.

Heated water shall be supplied in accordance with the requirements of AS/NZS 3600 4:2.

##### Access openings

Do not locate access openings to the sanitary drainage system in areas of the premises where open food is handled.

##### Grease arrestors

Do not locate grease arrestors in areas where food, equipment or packaging materials are handled or stored. Access to grease arrestors for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

##### Garbage and recyclable material

Construct floor from an impervious material, covered at the intersection with the walls with coving integral to the floor, and graded and drained to a floor waste connected to the sewerage system.

##### Wall construction

Construct walls with a smooth, impervious surface.

##### Ventilation

Provide natural and/or mechanical ventilation sufficient to meet the standards required by the BCA, AS/NZS 1668 1 and AS 1668 2.

##### Hose tap

Provide a hose tap connected to the water supply.

##### Ventilation

Provide natural and/or mechanical ventilation sufficient to meet the standards required by the BCA, AS/NZS 1668 1 and AS 1668 2.

##### Dish washer hood

In addition to the requirements of AS/NZS 1668 1 and AS 1668 2, provide an extraction system where there is any dishwasher and/or other washing and sanitizing equipment that vents steam into the area to the extent that there is, or is likely to be, condensation collecting on walls and ceilings.

##### Lighting

Provide natural or artificial lighting in accordance with the requirements of the Building Code of Australia (BCA), with the following exceptions:  
- Where natural lighting is provided the lighting levels shall be equivalent to the levels for artificial lighting.  
- Where artificial lighting is provided the lighting shall also comply with the requirements of AS 1680 1 and AS/NZS 1690 2.4.

Subdued lighting may be provided in dining and drinking areas, provided that there is lighting available that complies with the above requirements during cleaning and inspection operations. The exposed surface of all conduits installed on the surface of walls or ceilings shall be smooth.

##### Light fittings

In areas where open food is handled or stored, light fittings shall be:  
(a) designed and constructed to prevent contamination of food should the globe or tube shatter, and  
(b) free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.

##### Floors

Finish floors in a selected non-slip, non-absorbent, epoxy finish over a sound structural substrate. Areas of a floor draining to a floor waste is to be laid to a minimum fall of 1:100. Design and construct floor to facilitate effective cleaning, such that they do not pond and do not harbour pests.

##### Coving

Provide coving to wall and plinth junctions in such a manner as to form a continuous uninterrupted surface with a min 25mm radius and 75mm height. Use a solid, preformed fillet to support the cove where required.

##### Plinths

Construct plinths to be a minimum of 75mm high and to the same specification as the floor.

##### Walls

Construct substrate walls from solid masonry or vermin-proof fill to ensure that no voids or cavities are provided for the harbourage of vermin. Finish walls with selected stainless steel sheet and/or ceramic tile with epoxy grout. Effectively seal all junctions.

##### Ceilings

Line ceiling with flush set moisture resistant plasterboard and ensure that the ceiling is non-perforated and finished free of open joints, cracks, crevices. Ensure that the intersection of the walls and ceiling is tight jointed, sealed and dustproof. Use only washable impervious sealant.

##### Pipes, conduits and electrical wiring

Service pipes, conduits and electrical wiring shall either be:  
- concealed in floors, plinths, walls or ceilings, or  
- fixed on brackets so as to provide at least 25 mm clearance between the pipe and adjacent vertical surface and 100 mm between the pipe or conduit and adjacent horizontal surfaces. Seal all penetrations with washable elastomeric sealant to maintain the integrity of the finished surface.

#### Drawing List - Development Application

Sheet Number	Revision	Revision Date	Sheet Name
DA0000	08	15/12/17	Title sheet
DA0010	03	15/12/17	Site Analysis
DA0025	03	15/12/17	Site Plan - Proposed
DA0060	02	15/12/17	Perspectives
DA0061	02	15/12/17	Perspectives
DA0062	02	15/12/17	Perspectives
DA1100	08	15/12/17	Basement Plan
DA1101	06	15/12/17	Ground Plan
DA1102	04	15/12/17	Roof Plan
DA3000	06	15/12/17	Section
DA3001	05	15/12/17	Section
DA4000	04	15/12/17	Elevations
DA4001	04	15/12/17	Elevations
DA7500	02	15/12/17	Signage Details
DA8010	03	15/12/17	Area Plans
DA8011	01	15/12/17	Exterior Finishes
DA9010	03	15/12/17	Shadow Diagrams
DA9011	03	15/12/17	Shadow Diagrams



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Humphrey & Edwards Pty Ltd | AEN 00050630227  
Nominated Architect: Glenn Cunningham #6415

#### Development Application

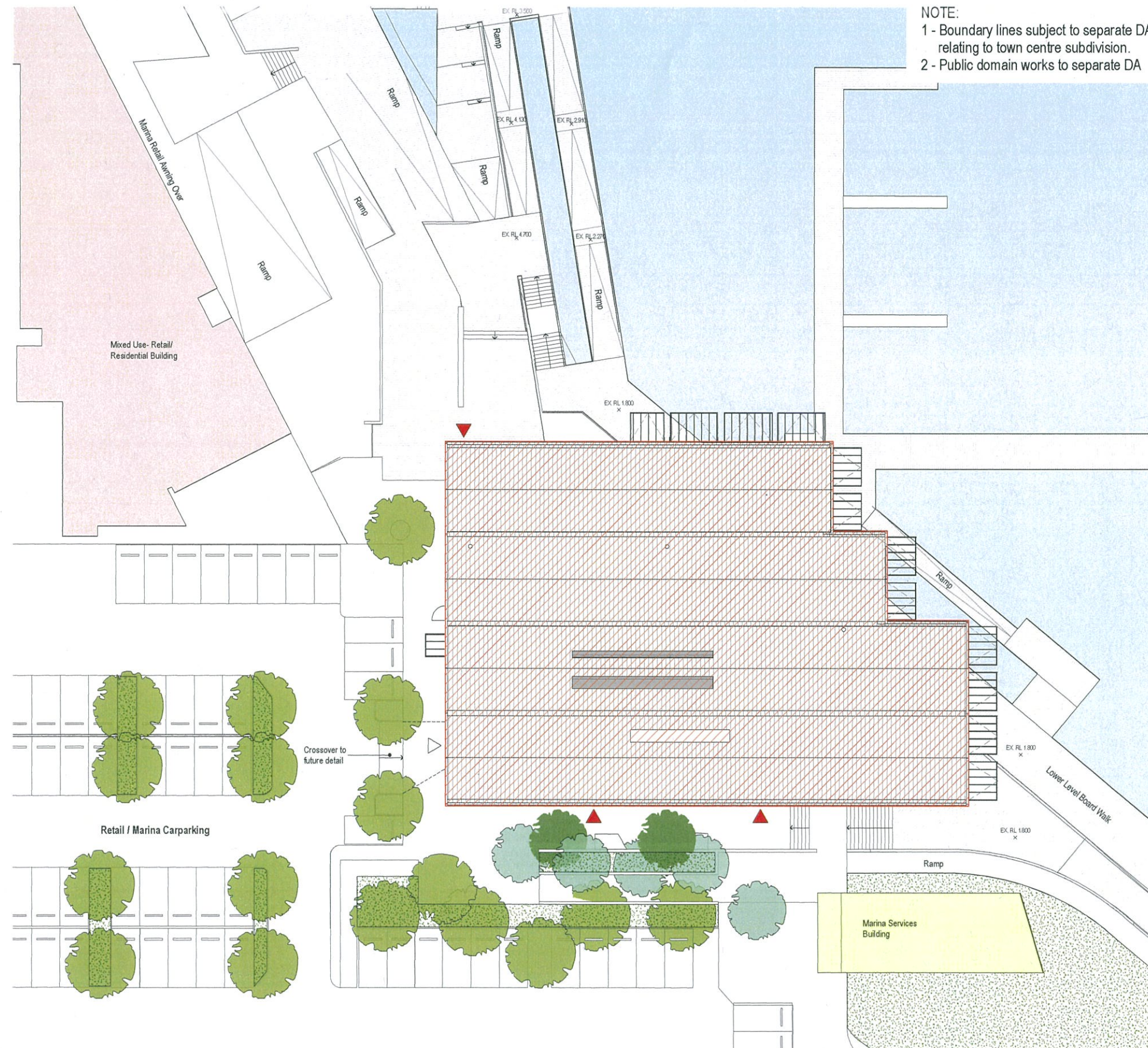
Rev	Date	Amendments
01	08/09/17	Issued for information
02	08/09/17	Issued for information
03	23/09/17	Issued for information
04	29/09/17	Issued for information
05	03/10/17	Issued for information
06	13/10/17	Issued for information
07	25/10/17	Issued for information
08	15/12/17	Development Application Issue

Scale @ A1	Drawn by	Checked by
Scale @ A3	DS	MC
Project Issue Date	Sheet Issue Date	15/12/17
Issue Date		
Project Number	Drawing Number	Revision
2392	DA0000	08









NOTE:  
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2 - Public domain works to separate DA

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Rev	Date	Amendments
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03	15/12/17	Development Application Issue

**Site Analysis Legend**

- Subject Site
- Residential
- Retail/Supermarket
- Retail/Supermarket
- Existing & Potentially Proposed Noise Source
- Existing & Proposed Pedestrian Access
- Existing & Proposed Vehicular Access
- Winds & Breeze
- District view

0M 4 8 12 16 20

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Nominated Architect: Glenn Cunningham #6415

**Development Application**

Project  
**The Waterfront Tavern**

Location  
**Marina Drive, Shell Cove NSW**

Client  
**Frasers Property (Australia)**

Drawing  
**Site Plan - Proposed**

Scale @ A1	1:200	Drawn by	Checked by
Scale @ A3	1:400		
Project Issue Date	Issue Date		
	15/12/17		
Project Number	Drawing Number	Revision	
2392	DA0025	03	



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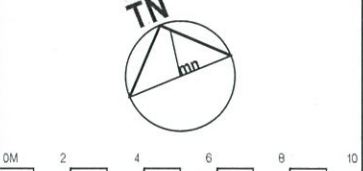
Rev	Date	Amendments
01	08/08/17	Issued for Information
02	08/08/17	Issued for Information
03	22/08/17	Issued for Information
04	29/08/17	Issued for Information
05	03/10/17	Issued for Information
06	13/10/17	Issued for Information
07	15/11/17	Development Application Issue
08	15/12/17	Development Application Issue

**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
- Til Tile
- MR Metal Roof
- Gl Glass
- Con Concrete



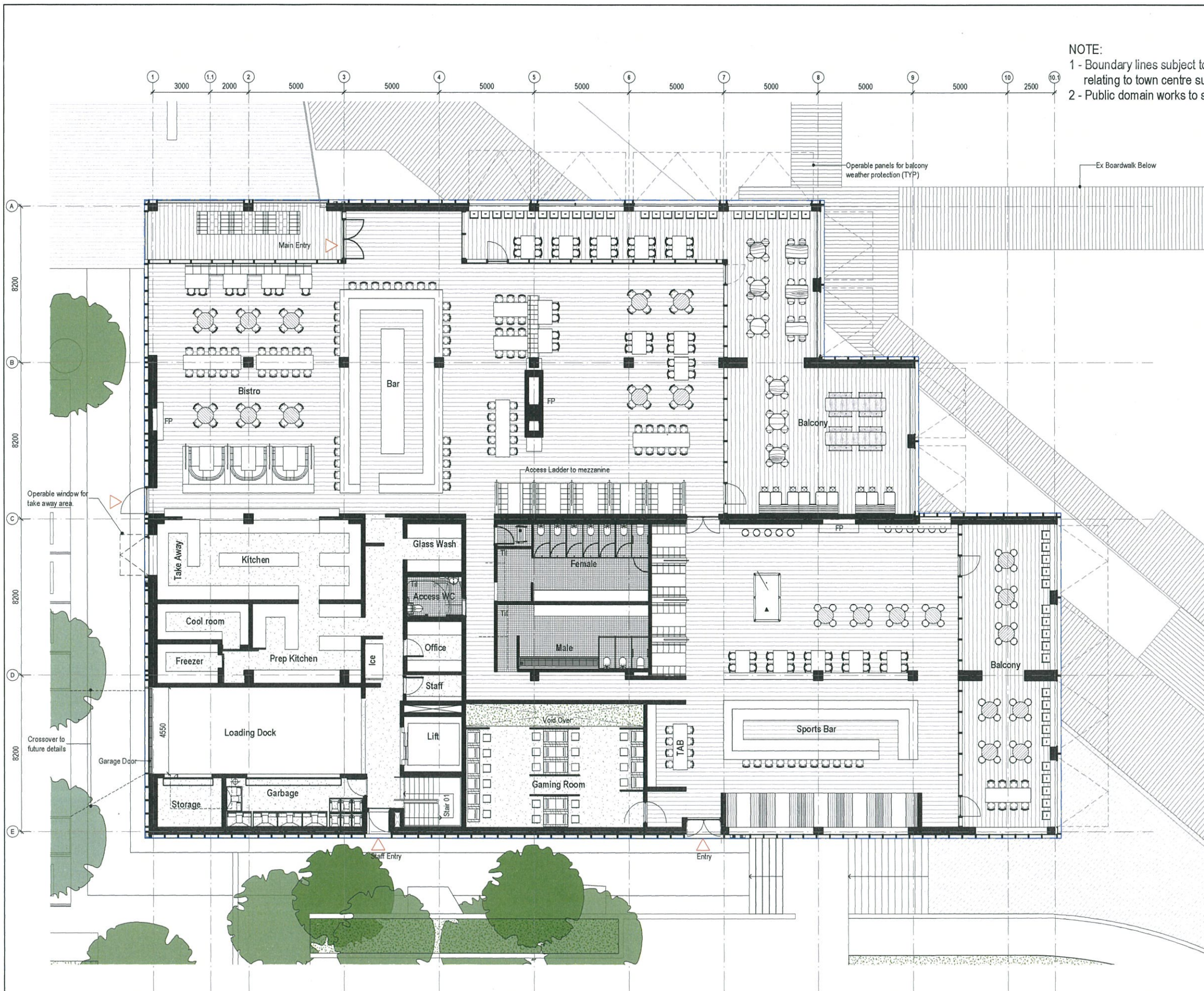
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Nominated Architect: Glenn Cunningham #6415

**Development Application**

Project	The Waterfront Tavern
Location	Marina Drive, Shell Cove NSW
Client	Fraser's Property (Australia)
Drawing	Basement Plan

Scale @ A1	1:100	Drawn by	DS	Checked by	MC
Scale @ A3	1:200	Project Issue Date	15/12/17	Sheet Issue Date	
Project Number	2392	Drawing Number	DA1100	Revision	08





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01	08/09/17	Issued for Information
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03	22/09/17	Issued for Information
04	29/09/17	Issued for Information
05	15/11/17	Development Application Issue
06	15/12/17	Development Application Issue
07	29/11/18	Development Application Issue

**DA Legend**

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- Existing fabric (generally to remain)

**Materials & Finishes Legend**

- Tmb 01 Timber Cladding
- Tmb 02 Timber Cladding to Boardwalk
- Til Tile
- MR Metal Roof
- GI Glass
- Con Concrete

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Nominated Architect: Glenn Cunningham #6415

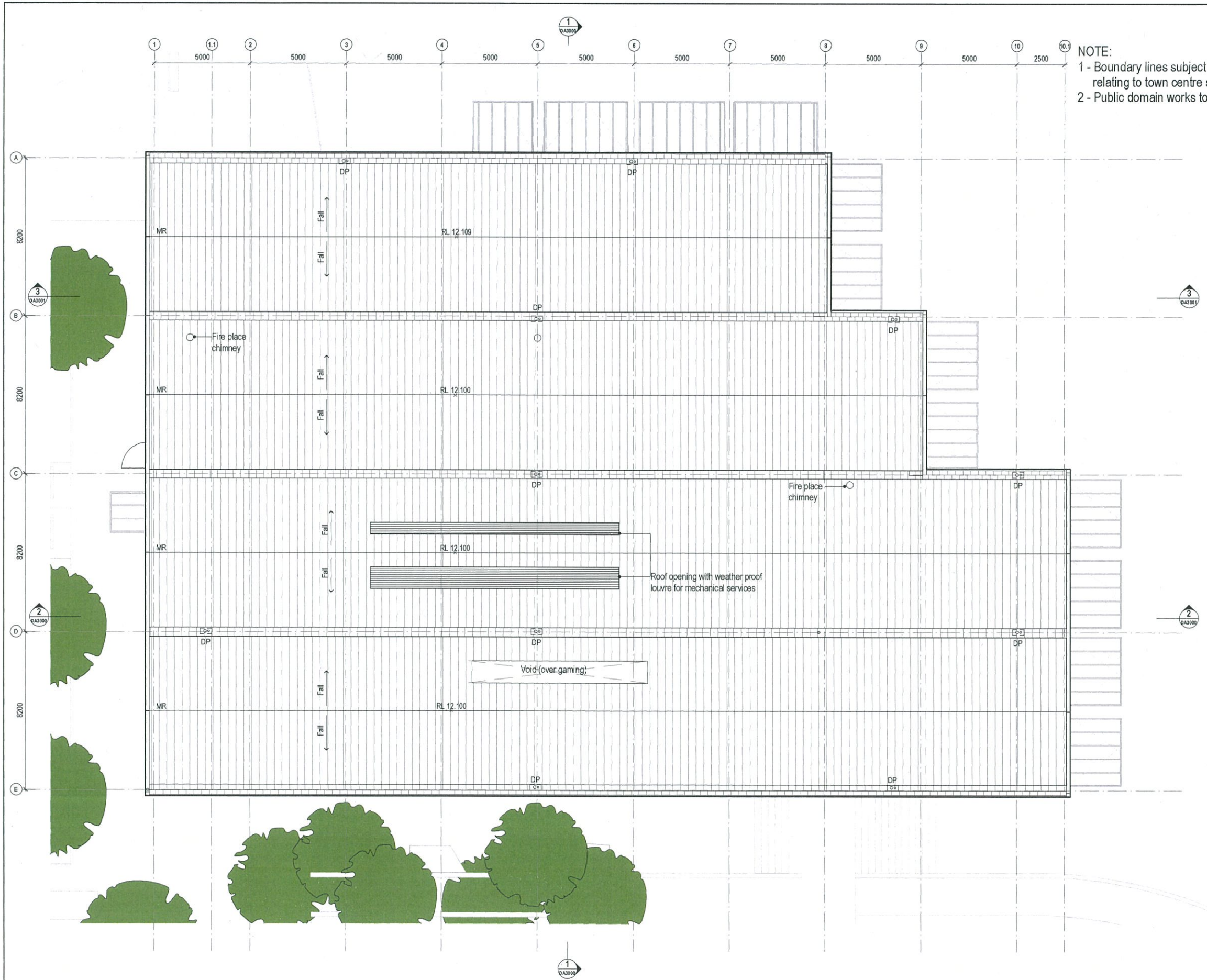
**Development Application**

Project <b>The Waterfront Tavern</b>		
Location <b>Marina Drive, Shell Cove NSW</b>		
Client <b>Frasers Property (Australia)</b>		
Drawing <b>Ground Plan</b>		

Scale @ A1	1:100	Drawn by	DS	Checked by	MC
Scale @ A3	1:200				
Project Issue Date	Issue Date		29/11/18		
Project Number	Drawing Number	Revision			
<b>2392</b>	<b>DA1101</b>	<b>07</b>			

29/11/2018 3:47:50 PM





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03	29/08/17	Issued for Information
04	15/12/17	Development Application Issue

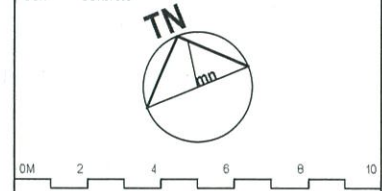
**DA Legend**

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- Existing fabric (generally to remain)

**Materials & Finishes Legend**

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Nominated Architect: Glenn Cunningham #6415

<b>Development Application</b>	
Project <b>The Waterfront Tavern</b>	
Location <b>Marina Drive, Shell Cove NSW</b>	
Client <b>Fraser's Property (Australia)</b>	
Drawing <b>Roof Plan</b>	

Scale @ A1	1:100	Drawn by	Checked by
Scale @ A3	1:200		
Project Issue Date	Issue Date	Sheet Issue Date	15/12/17
Project Number	Drawing Number	Revision	
2392	DA1102	04	



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05	02/10/17	Issued for information
06	15/12/17	Development Application Issue

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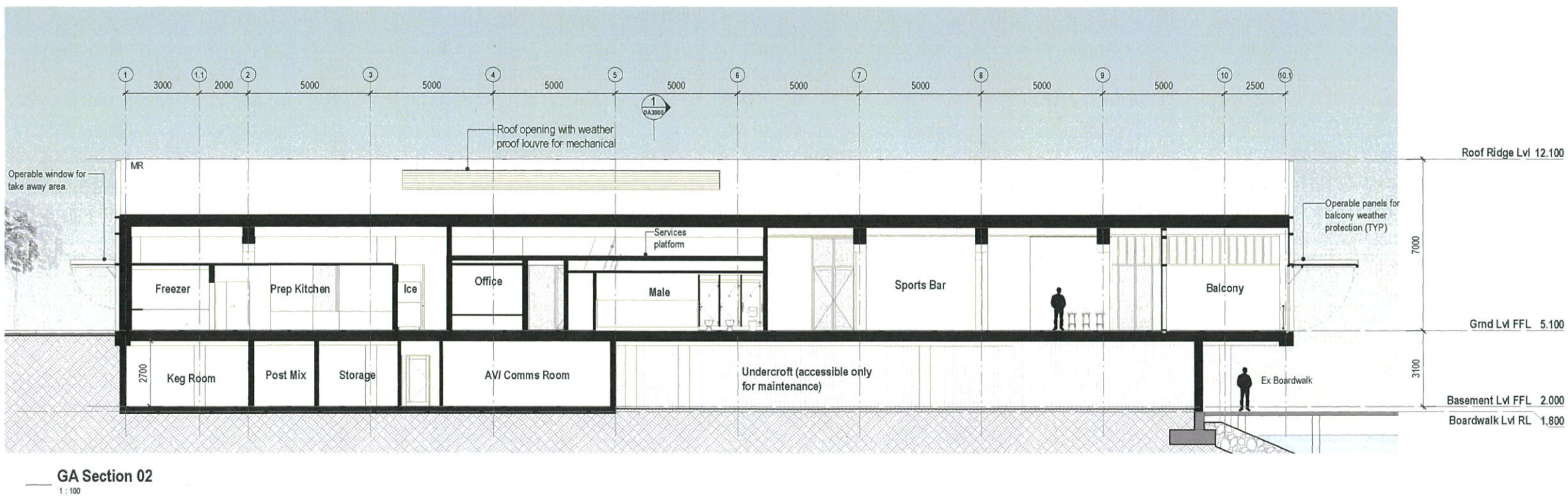
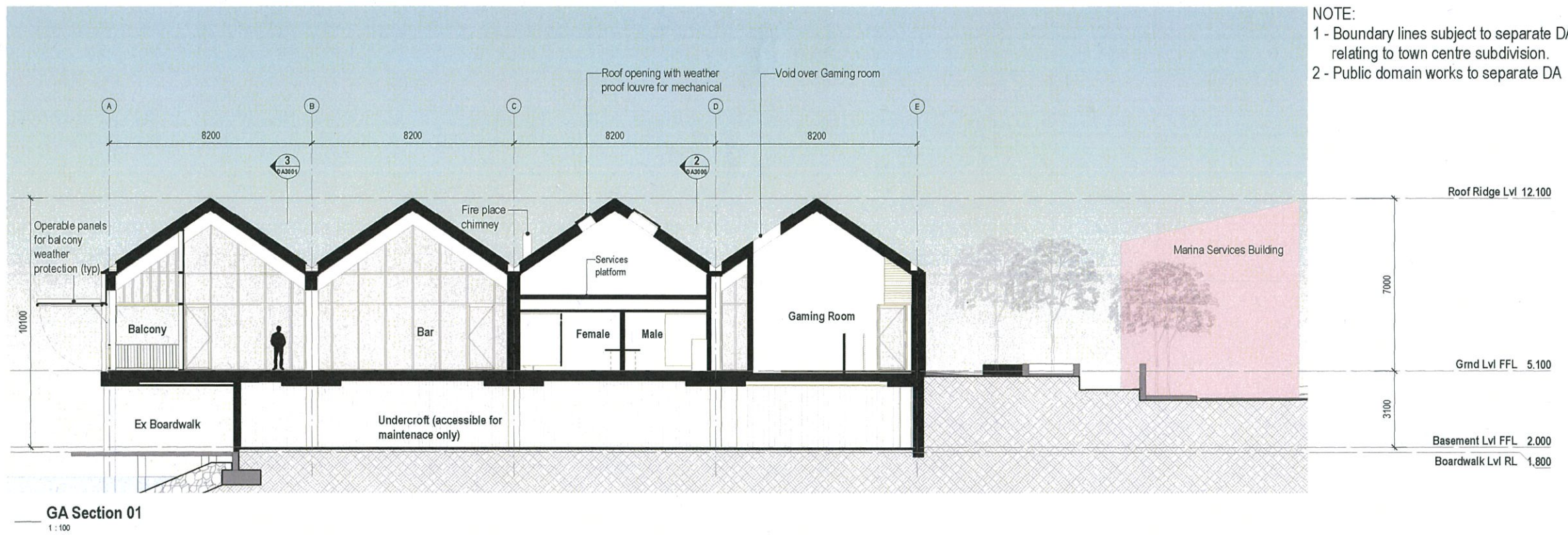
**Development Application**

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

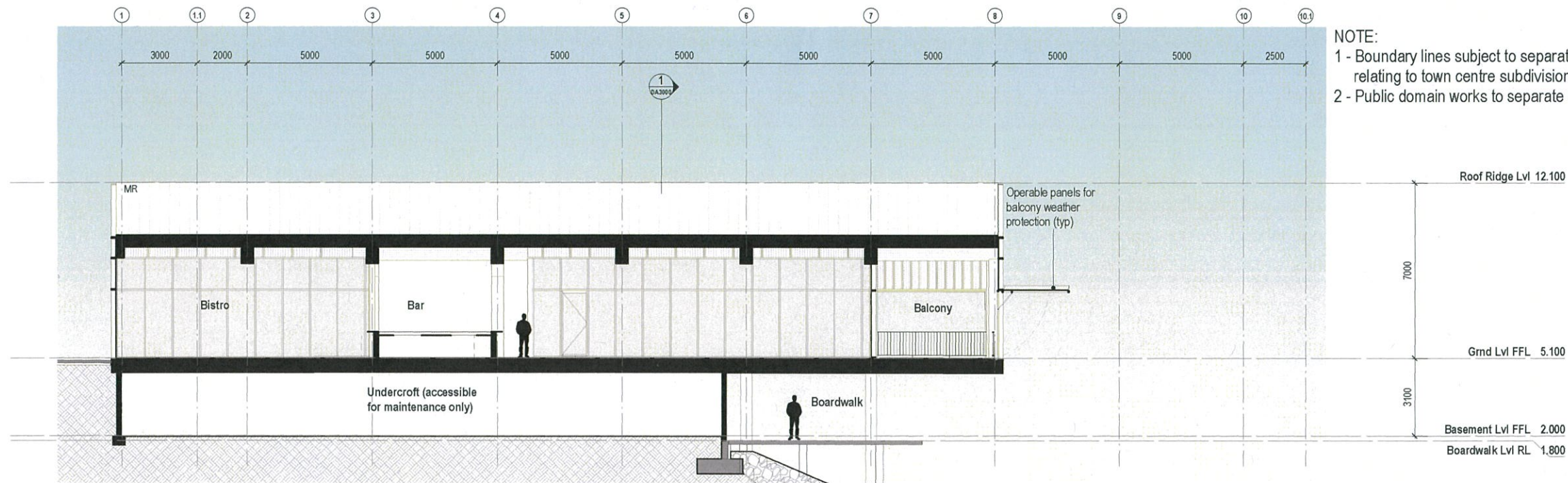
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Scale @ A3	1:200		
Project Issue Date		Sheet Issue Date	
Issue Date		15/12/17	
Project Number	Drawing Number	Revision	
2392	DA3000	06	

15/12/2017 10:05:58 AM

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GA Section 03  
1:100

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03	22/08/17	Issued for Information
04	28/08/17	Issued for Information
05	15/12/17	Development Application Issue

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**Materials & Finishes Legend**

Tmb 01	Timber Cladding
Tmb 02	Timber Cladding to Boardwalk
Til	Tile
MR	Metal Roof
GI	Glass
Con	Concrete



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Humphrey & Edwards Pty Ltd | ABN 8905663227  
Nominated Architect: Glenn Cunningham #6415

<b>Development Application</b>	
Project <b>The Waterfront Tavern</b>	
Location <b>Marina Drive, Shell Cove NSW</b>	
Client <b>Frasers Property (Australia)</b>	
Drawing <b>Section</b>	

Scale @ A1	1:100	Drawn by	Checked by
Scale @ A3	1:200		
Project Issue Date	Issue Date	Sheet Issue Date	15/12/17
Project Number	Drawing Number	Revision	
2392	DA3001	05	



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03	29/09/17	Issued for Information.
04	15/12/17	Development Application Issue

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Tmb 01	Timber Cladding
Tmb 02	Timber Cladding to Boardwalk
Til	Tile
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Gl	Glass
Con	Concrete

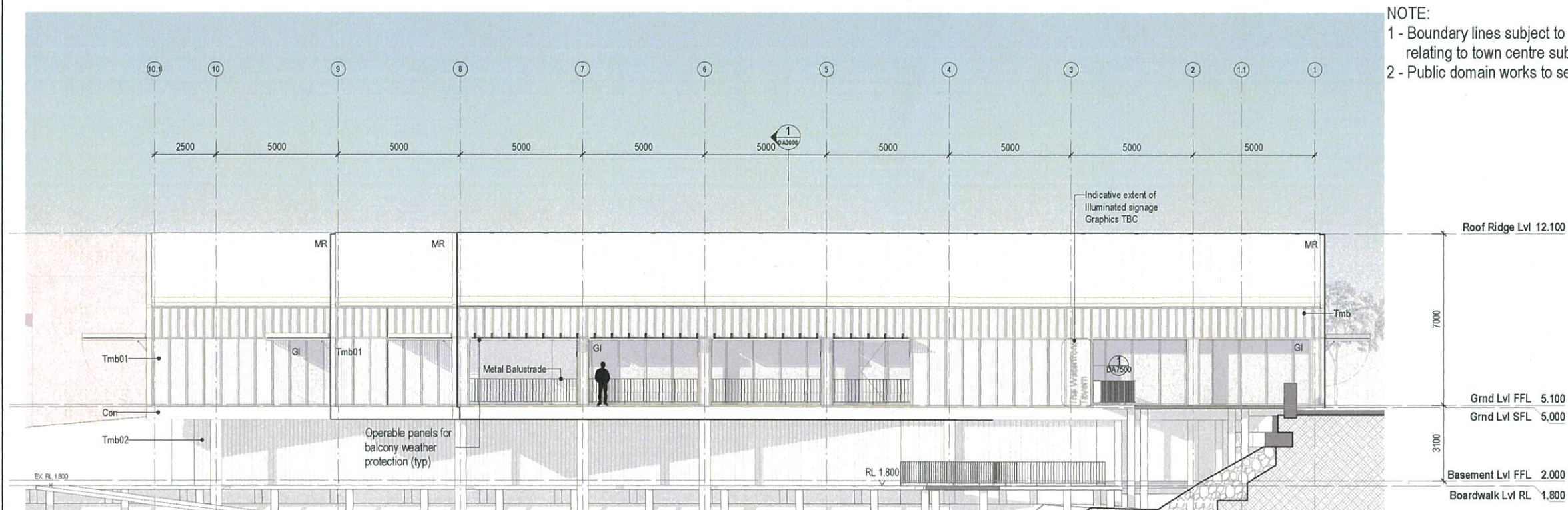
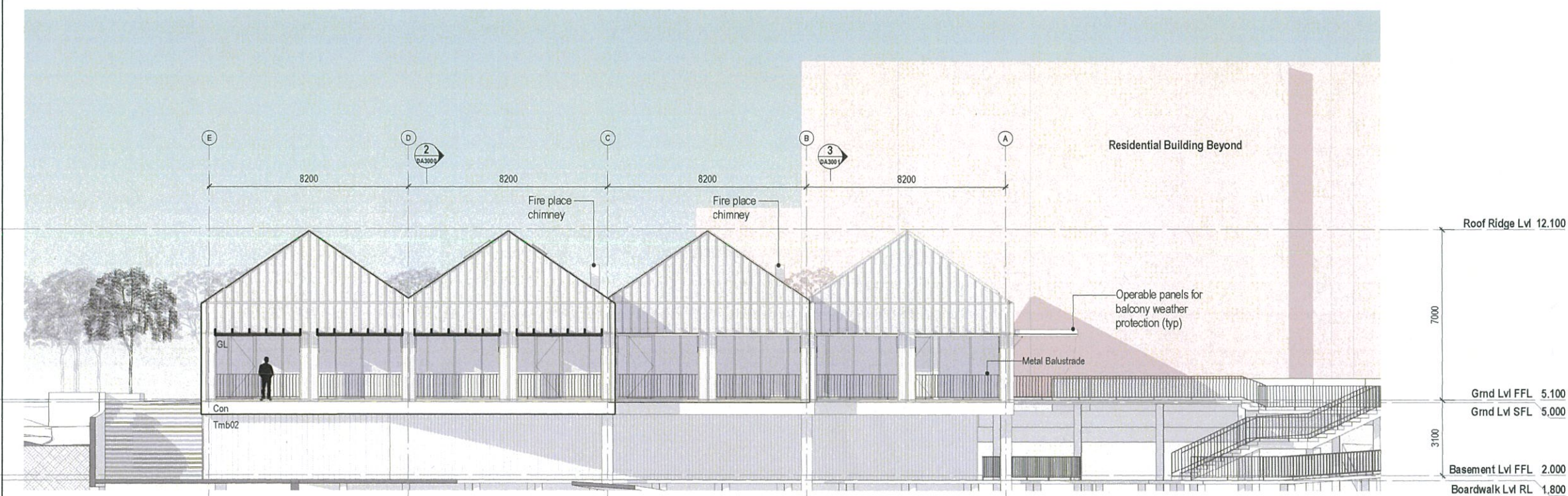


Project	<b>The Waterfront Tavern</b>
Location	<b>Marina Drive, Shell Cove NSW</b>
Client	<b>Frasers Property (Australia)</b>
Drawing	<b>Elevations</b>

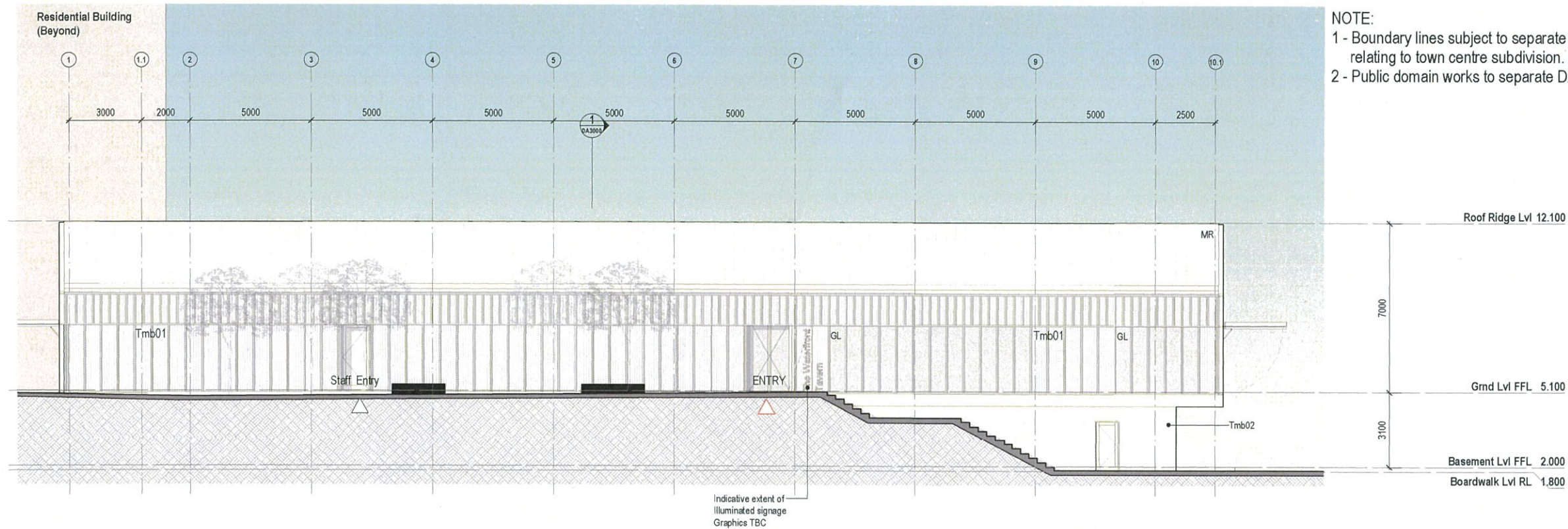
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Project Issue Date	Issue Date	Sheet Issue Date	15/
Project Number	Drawing Number	Revision	
2392	DA4000	04	

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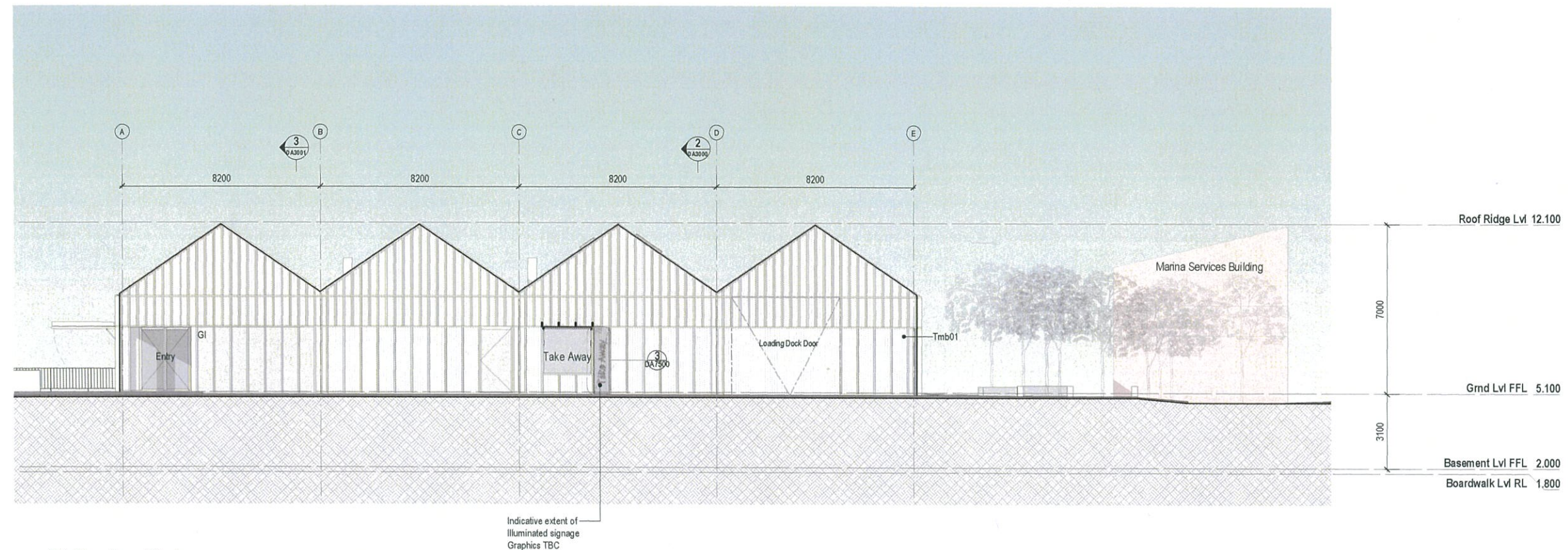
NOTE:  
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GA Elevation - North  
1 : 100GA Elevation - East  
1 : 100





GA Elevation - South  
1:100



GA Elevation - West  
1:100

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#### Materials & Finishes Legend

- Tmb 01 Timber Cladding
- Tmb 02 Timber Cladding to Boardwalk
- Til Tile
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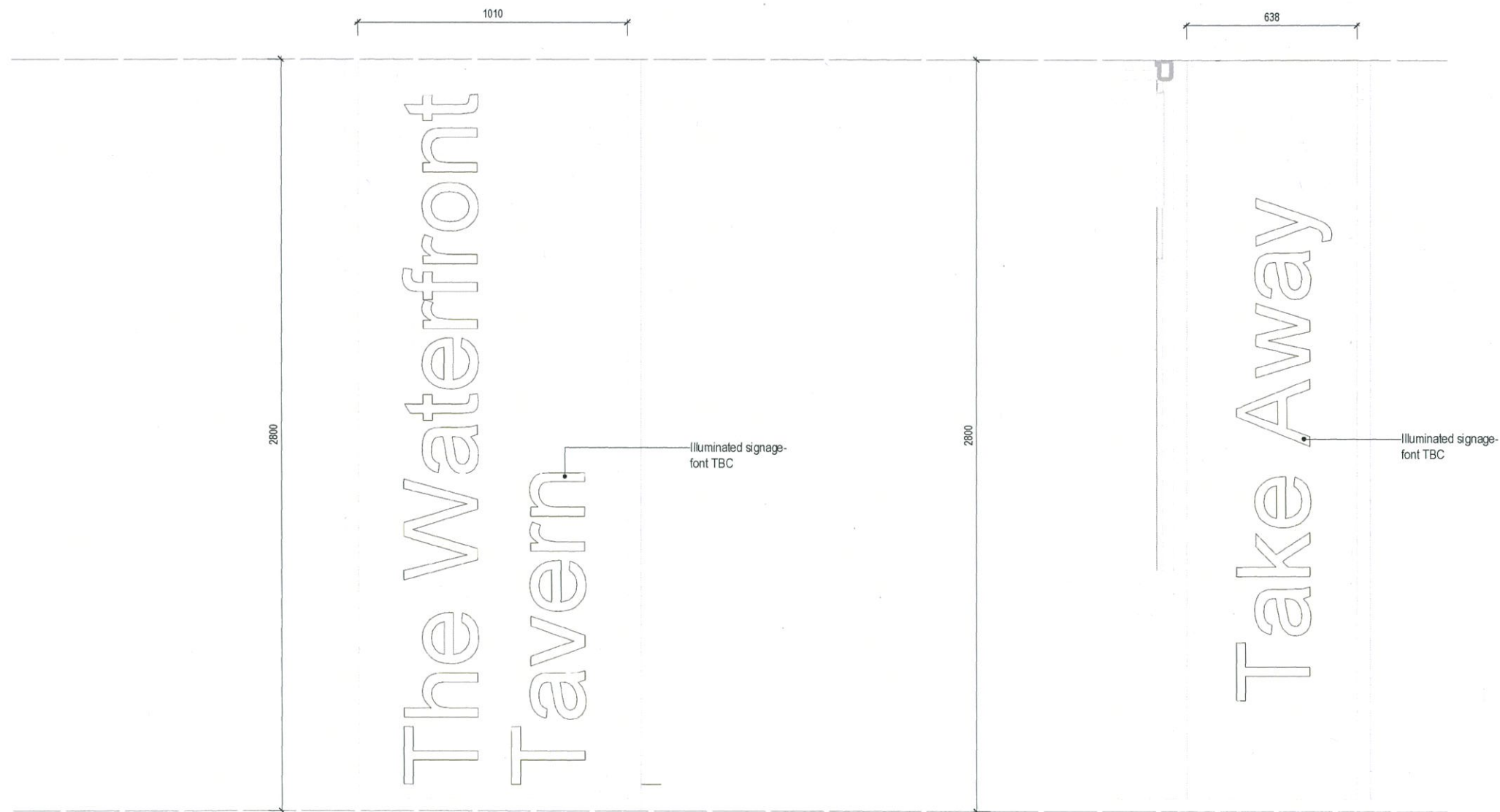
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Nominated Architect: Glenn Cunningham #6415

#### Development Application

Project	The Waterfront Tavern
Location	Marina Drive, Shell Cove NSW
Client	Fraser's Property (Australia)
Drawing	Elevations

Scale @ A1	1:100	Drawn by	Checked by
Scale @ A3	1:200		
Project Issue Date	Issue Date	Sheet Issue Date	15/12/17
Project Number	Drawing Number	Revision	
2392	DA4001	04	





1 Main Entry & Sports Bar Entry Signage  
DA7500 1:10

3 Take Away Signage  
DA7500 1:10

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Rev	Date	Amendments
01	22/11/17	
02	15/12/17	Development Application Issue

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Humphrey & Edwards Pty Ltd | ABN 89066038227  
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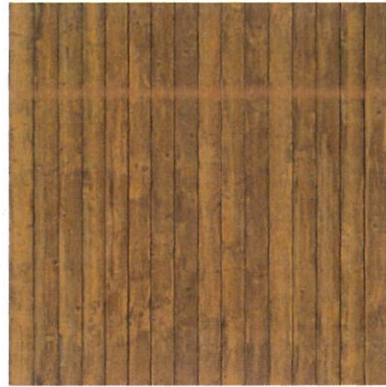
Development Application			
Project The Waterfront Tavern			
Location Marina Drive, Shell Cove NSW			
Client Fraser's Property (Australia)			
Drawing Signage Details			

Scale @ A1	1:10	Drawn by	Checked by
Scale @ A3	1:20		
Project Issue Date	Issue Date		Sheet Issue Date
			15/12/17
Project Number	Drawing Number	Revision	
2392	DA7500	02	

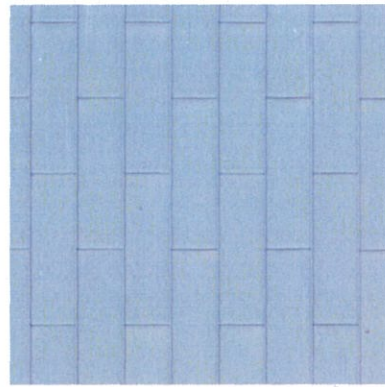




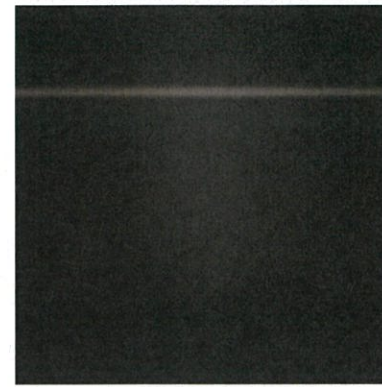
Tmb 02 - Timber cladding on Boardwalk wall



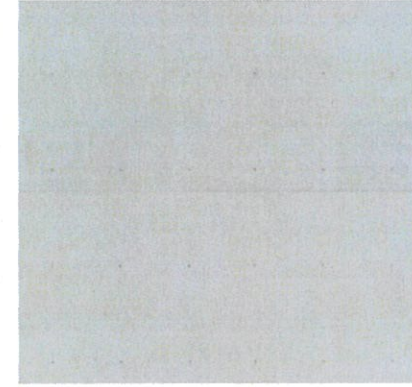
Tmb01 - Timber cladding



MR - Metal roof Sheet



Metal Balustrade



Con - Concrete Columns & Beams



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Rev	Date	Amendments
01	15/12/17	Development Application Issue

**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
- Til Tile
- MR Metal Roof
- Gl Glass
- Con Concrete



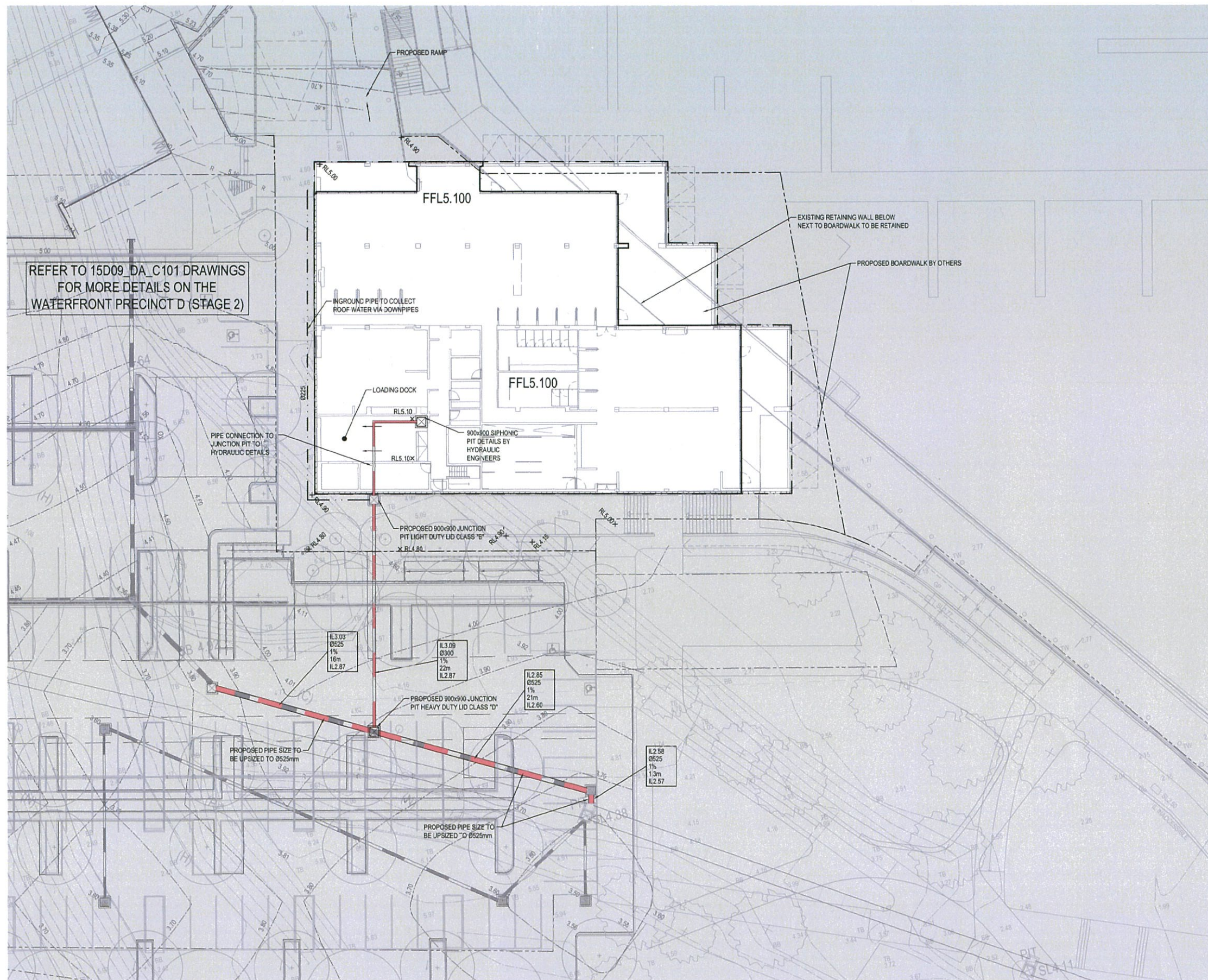
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Nominated Architect: Glenn Cunningham #6415

**Development Application**

Project	The Waterfront Tavern
Location	Marina Drive, Shell Cove NSW
Client	Frasers Property (Australia)
Drawing	Exterior Finishes

Scale @ A1	Drawn by	Checked by
Scale @ A3		
Project Issue Date	Issue Date	15/12/17
Project Number	Drawing Number	Revision
2392	DA8011	01





# LEGEND

- EXISTING BOUNDARY
- PROPOSED JUNCTION PITS
- STORMWATER UPSTREAM INVERT RL
- STORMWATER PIPE DIAMETER & CLASS
- STORMWATER PIPE LENGTH
- STORMWATER PIPE GRADE
- STORMWATER DOWNSTREAM INVERT RL
- PROPOSED STORMWATER PIPE
- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPOSED DOWNPIPE COLLECTION LINE
- EXISTING STORMWATER PIPE
- PROPOSED SPOT LEVEL

GENERAL ARRANGEMENT PLAN


SCALE: 1:200



FOR DA ONLY

SURVEY INFORMATION				Client				Project				Revision			
SURVEYED BY BEVERIDGE WILLIAMS				FRASERS PROPERTY				PROPOSED WATERFRONT TAVERN MARINA DRIVE, SHELL COVE NSW				17A83_DA_C100			
DRAFT: AHD				H&E ARCHITECTS				GENERAL ARRANGEMENT PLAN				03			
ORIGIN OF LEVELS: SSM 103/173 RL13.870				This drawing and design remains the property of Henry & Hymas and may not be copied in whole or in part without the prior written approval of Henry & Hymas.				Drawing number				17A83_DA_C100			
REVISION				DRAWN				DESIGNED				DATE			
01 ISSUED FOR DA ONLY				MC				13.12.2017							
02 ISSUED FOR DA ONLY				IK				24.11.2017							
03 ISSUED FOR DA ONLY				IK				10.11.2017							
AMENDMENT				DRAWN				DESIGNED				DATE			



Assessment of Compliance with Urban Design Guidelines (Precinct D)		
Section 3.5 – Tavern Area	 <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>— PRECINCT "D"</li> <li>- - - LOT BOUNDARY</li> <li>01 TAVERN BUILDING</li> <li>02 PUBLIC OPEN SPACE</li> <li>03 PUBLIC PARKING</li> </ul> <p>NOTE: INDICATIVE BUILDING FOOTPRINTS</p>	
Performance Criteria/ Design Guidelines	Proposed	Compliance
Land use Tavern (food and beverage), car parking and public realm	Tavern (food and drinks premises) proposed.	The proposal is compliant with this land use as a food and drinks premises is proposed. Car parking and public realm areas are not included in this application. These are included in adjacent sites and being dealt with under DA0385/2017/SRPP ref.2017/STH025. Currently under assessment.

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
<p><b>Built Form</b></p> <p>Low rise tavern and marine services building that have a strong architectural outcome adopting a maritime coastal vernacular.</p>	<p>Single storey building with basement. Design includes balconies that open out onto water and 'boathouse' roof design with materials that include timber, metal roof sheeting and concrete columns.</p>	<p>The design of the building cantilevers over the public boardwalk (subject of DA0357/2018, currently under assessment) and utilises the topography of the land to be single storey only with amenities for staff and storage for the premises located within the basement level of the premises. The design connects the building to the water and surrounding public domain by using balconies which run along the entire eastern elevation and part of the northern elevation. These balconies will have large cantilevered windows which will open these sections up to the surrounding area but can be closed during bad weather and after the required time in the evening (satisfied by condition and the approved Plan of Management).</p> <p>The building also includes two double pitched roofs with gable ends on each side, mimicking a traditional boathouse design. With the balconies bringing the building over the water which again mimics the boathouse design.</p> <p>The materials proposed blend in with the coastal theme and are sympathetic to the boathouse design of the building.</p> <p>The built form is considered to comply with the design guidelines.</p>
<p><b>Public Domain</b></p> <p>i. Extensive area of public open space provides continuous waterfront access and north/south links.</p> <p>ii. Public open space to the south of the precinct provides area for community</p>	<p>i. The tavern building will be cantilevered over the boardwalk to allow a continuous walkway around the marina.</p> <p>ii. This area is not included in the application site and therefore is not relevant.</p> <p>iii. The siting of the tavern building will be between the retail/marina parking area and the water.</p> <p>iv. This area is not included in the application site, the landscaping details have</p>	<p>i. The design of the building allows the boardwalk to be a continuous pathway around the marina. This is consistent with the concept plan and the Urban Design Guidelines.</p> <p>ii. Not applicable</p> <p>iii. The Tavern building will suitably screen the parking area from the water and will also maintain water views from the public open space to the north of the application site.</p> <p>iv. Not applicable.</p> <p>The tavern is considered to suitably support and interact with the public domain of the surrounding area in accordance with the design guidelines.</p>

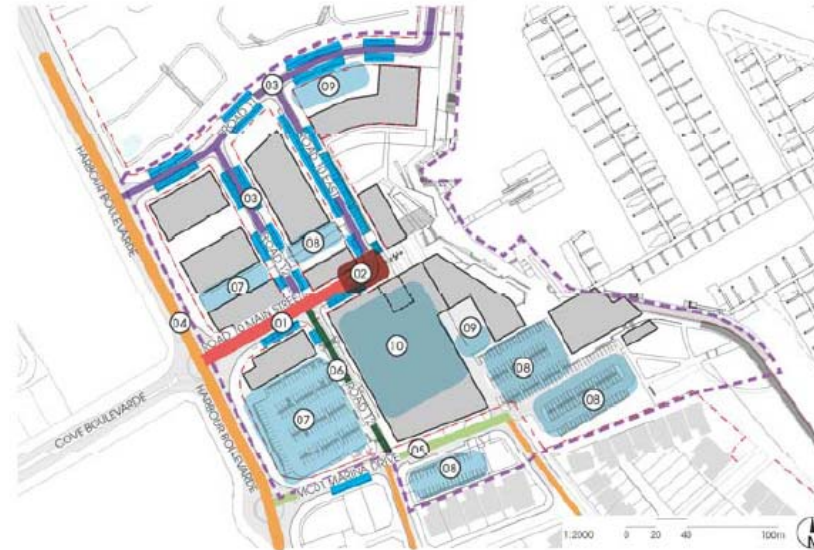
Assessment of Compliance with Urban Design Guidelines (Precinct D)		
<p>recreation and open harbour views</p> <p>iii. The Tavern and public open space to the south screens views from the waterfront towards the car parking area</p> <p>iv. Planting within surface car parking areas soften infrastructure.</p>	<p>been submitted for information as part of this DA. Details included as part of attachment 12 of this report.</p>	
<p>Movement</p> <p>i. A continuous public open space is created along the waterfront which prioritises pedestrian movement.</p> <p>ii. Strong links are created between the Tavern and adjacent areas.</p>	<p>i. The Tavern building will be cantilevered over the boardwalk to allow a continuous walkway around the marina. This is subject to a separate DA (DA0357/2018), currently under assessment by the Council.</p> <p>The Urban Design Guidelines highlight the route around the southern and western elevations of the building as a primary pedestrian</p>	<p>i. The design of the building allows the boardwalk to be a continuous pathway around the marina. This is consistent with the concept plan and the Urban Design Guidelines.</p> <p>The main pedestrian route will run across the proposed loading dock for the Tavern. This interface could create a dangerous situation as the internal loading dock within the premises is not big enough for trucks to turn around therefore delivery trucks will have to reverse in or out of the loading bay. The applicant has recommended an alarm system which alerts pedestrians to the loading bay being in use. It is considered that this will need to be used in addition to a barrier which blocks the pedestrian route whilst the loading bay is in use. This has been secured by condition and is discussed in more detail in the main report.</p> <p>ii. The proposed location of the main entrance, outdoor seating and positioning of the balcony on the northern elevation will ensure that the Tavern has strong links with the public space/retail promenade to the north of the application site.</p>

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
	<p>route. The loading dock will traverse this route on the south western corner of the building. This has been discussed in more detail in the main report.</p> <p>ii. The main entrance to the Tavern premises will be via the public space area to the north of the building, with outdoor seating available along part of this interface at certain times of the day (controlled by condition and Operational Plan of Management). The premises will also include a separate public entrance along the southern façade.</p>	<p>The links between the southern elevation of the building and the car park are not as strong, one secondary pedestrian entrance is proposed, along with a staff entrance and some glazing. The gaming room is sited along this side of the premises, this area will not have windows due to the proposed use of the floor area and the restrictions placed on these uses. The waste storage room is also positioned along this side and windows into this area are not considered appropriate. These areas have been placed away from the main waterfront views, tucked away to the rear of the premises away from the main entrance which is considered reasonable and good design.</p> <p>The proposed Tavern building has been designed to ensure that a continuous pedestrian walkway is maintained around the Marina. The positioning of the loading bay access has not 'prioritised' pedestrian movement along the primary pedestrian route, however it is considered reasonable to condition the construction of a barrier system which can be lowered when the loading bay access is in use and then raised when it is not, leaving the primary pedestrian route clear. The loading bay is of suitable size that delivery trucks can pull into the bay and will not block the primary pedestrian route whilst the trucks are being loaded or un-loaded.</p>
Community Informal community interaction and gathering is facilitated by an attractive, comfortable public domain.	The main entrance to the Tavern premises will be via the public space area to the north of the building, with outdoor seating available along part of this interface at certain times of the day (controlled by condition and Plan of Management).	The orientation of the Tavern with the main entrance and outdoor seating facing into the public areas of the retail promenade is considered to facilitate informal community interaction and gathering. The design of the balconies, which wrap around the eastern and part of the northern elevation, will ensure that there is strong interaction between the water, the marina and the Tavern building.
Waterfront Provides access to the waterfront promenade	The front of house elements of the premises will be directly	The orientation of the building and the design ensures that the premises will have access to the waterfront promenade.

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
which provides active linkages to adjacent precincts.	accessible from the waterfront promenade.	
<b>Public Open Space</b> i. Public art will create a distinctive, coastal character. ii. Informal seating areas contain planting to soften infrastructure.	i. The proposal does not include any public art. ii. The proposal does not include any informal public seating areas, all seating proposed will be for customers of the Tavern only.	i. The public art proposed as part of the Shell Cove Centre is not included in this DA. ii. The proposed informal public seating and associated landscaping is included in DA and DA 0385/2017 SRPP ref: 2017STH025 which is currently under assessment.
<b>Car Parking</b> i. Car parking areas contain planting to soften infrastructure. ii. Car parking is screened from adjacent active uses and road MC01 (Marina Drive) and road MC04 through built form or tree planting.	i. The car parking area is not included in this DA and forms part of DA0385/2017 SRPP ref: 2017STH025. The applicant has submitted the landscaping details for the adjoining car park as part of this DA for information. This has been included in attachment 12 of this report. ii. The Tavern building will screen the car park area from the water and the retail promenade.	i. The car parking area does not form part of this DA and is being assessed under concurrent DA 385/2017 SRPP ref: 2017STH025.. ii. The Tavern building will comply with the Urban Design Guidelines in that it will screen the retail promenade and water/ jetties (active uses) from the main marina/retail car park.
<b>4.0 Urban Design Guidelines</b>		
<b>4.1 – Street Network and Public Domain</b>		

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
<b>Performance Criteria</b>	<b>Proposed</b>	<b>Compliance</b>
PC1 To create a legible street network	The Tavern will be a stand alone building and the submission does not include any streets.	Not applicable
PC2 Parking areas are safe, legible, softened by vegetation and visually concealed when viewed from the street and other public area, as far as reasonably possible.	The application does not include any parking areas, this is included as part of DA which is being assessed alongside this DA.	Whilst this DA does not include any parking the proposal does provide screening of the main parking areas from the retail promenade/public space and the water.
PC3 Road 10 (Main Street is a vibrant Street)	The Tavern is located away from the Main Street in accordance with the Concept Plan.	Not applicable
<b>Design Guidelines</b>	<b>Proposed</b>	<b>Compliance</b>
DG1 Streets and carparks are to be provided generally in accordance with Figure 15 – Indicative Street Network and Parking Plan.	Figure 15 - Precinct D – Indicative Street Network and Parking Plan	The proposed location of the Tavern is compliant with the indicative street network and parking layout included in Figure 15, included below.

### Assessment of Compliance with Urban Design Guidelines (Precinct D)



**Figure 15 – Precinct D - Indicative Street Network and Parking Plan**  
*Source: Group GSA*

- LEGEND**
- PRECINCT "D"
  - LOT BOUNDARY
  - 01 TOWN CENTRE MAIN STREET
  - 02 SHARED ZONE
  - 03 RESIDENTIAL STREET
  - 04 HARBOUR BOULEVARDE
  - 05 ACCESS STREET
  - 06 STREET: PRIVATE TITLE PUBLIC ACCESS
  - 07 CAR PARK: PRIVATE TITLE, PUBLIC USE
  - 08 CAR PARK: PUBLIC
  - 09 CAR PARK: PRIVATE
  - 10 BASEMENT PARK
  - 11 ON STREET PARKING

DG3  
Street design and  
layout is permitted to

Not applicable

Not applicable

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
vary from the Indicative Sections provided Precinct D will function in accordance with and remain generally consistent with the Concept Approval.		
<p>DG4</p> <p>Street and spaces are to prioritise the movement of pedestrians over cars and should be designed to reflect the pedestrian network illustrated in Figure 16 – Indicative Pedestrian Network.</p>	<p>The Tavern building will be cantilevered over the boardwalk to allow a continuous walkway around the marina. This is subject to a separate DA (DA0357/2018), currently under assessment by the Council.</p> <p>The Urban Design Guidelines highlight the route around the southern and western elevations of the building as a primary pedestrian route. The loading dock will traverse this route on the south western corner of the building. This has been discussed in more detail in the main report.</p> <p>The main entrance to the Tavern premises will be via the public space area to the north of the building, with outdoor seating available along part of this interface at certain times of the day (controlled by condition and</p>	<p>The proposed Tavern building has been designed to ensure that a continuous pedestrian walkway is maintained around the Marina as shown in figure 18 below. The positioning of the loading bay access has not ‘prioritised’ pedestrian movement along the primary pedestrian route, however it is considered reasonable to condition the construction of a barrier system which can be lowered when the loading bay access is in use and then raised when it is not, leaving the primary pedestrian route clear. The loading bay is of suitable size that delivery trucks can pull into the bay and will not block the primary pedestrian route whilst the trucks are being loaded or un-loaded.</p>



Assessment of Compliance with Urban Design Guidelines (Precinct D)		
	<p>Operational Plan of Management). The premises will also include a separate public entrance along the southern façade.</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"><li>PRECINCT "D"</li><li>LOT BOUNDARY</li><li>WATERFRONT PEDESTRIAN AREAS</li><li>PRIMARY PEDESTRIAN ROUTE</li><li>SECONDARY PEDESTRIAN ROUTE</li><li>PEDESTRIAN CROSSING</li></ul>

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
DG5 Road 10 (Main Street) is orientated to frame views towards the waterfront.	The Tavern is located away from Road 10 and does not impede water views from this street.	Complies
DG6 Development Applications should include details of pavement treatments, raised thresholds and pedestrian crossings where relevant.	This is not relevant to this DA.	Not applicable.
DG7 The shared zone at the eastern end of Road 10 (Main Street) is to be designed to reduce traffic speeds and create a pedestrian friendly space in accordance with the requirements of NSW Roads and Maritime Services.	The Tavern is located away from Road 10 and will not impact on this road.	Not applicable.
DG8 Public bus circulation routes are to be consistent with Figure 17 – Precinct D – Indicative Bus Route.	The Tavern will be located away from the public bus route.	Not applicable.

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
DG9 Parking areas are well lit and avoid hidden and enclosed areas.	The design of the Tavern includes pedestrian entrances and staff entrances directly from the car park.	The positioning of pedestrian entrances on the south and western elevations allow for the car park to be linked with the proposed building. The design will include interaction on each elevation to help avoid hidden and enclosed areas within the car parking area.
<b>4.1.2 – Public Domain – General</b>		
<b>Performance Criteria</b>	<b>Proposed</b>	<b>Compliance</b>
PC1 To create a public domain that is an integrated part of the proposal for the whole of Shell Cove. The public space and landscape design must provide for a richness of experience and a variety of spaces that are designed to have specific character and functions, not just dressing to the edges of buildings.	The main entrance for the proposed building opens into the main public space area/retail promenade.	The orientation of the Tavern with the main entrance and outdoor seating facing into the public areas of the retail promenade is considered to integrate successfully with the public domain of the Shell Cove development as a whole.
PC2 To create a public open space network that provides a variety of usable spaces for different activities.	No specific proposals for the public open space areas.	The proposal supports the surrounding public open space by the design and orientation of the building.
PC3 The waterfront promenade will be the civic focus of Shell Cove and will be a high	The proposed Tavern will address the waterfront promenade and the design ensures the continuity of the boardwalk.	Complies

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
quality public space accessible to a range of users.		
PC4 Public spaces are designed to be legible and enable people to readily perceive and understand the character of each space, its intended use and its relationship to other spaces within the network.	The proposed DA does not include any public spaces.	Complies The Tavern addresses the public open space and the design and materials proposed continue the maritime theme.
PC5 Create a connected series of high quality public spaces along the waterfront that support a wide range of activities day and night.	The proposed DA does not include any public spaces.	Complies The design of the Tavern building ensures the continuity of the proposed boardwalk around the marina. The proposed use will ensure activity in the area day and night.
<b>Design Guidelines</b>	<b>Proposed</b>	<b>Compliance</b>
DG1 The key public spaces are provided generally in accordance with Figure 18 – Precinct D – Key public spaces.	The proposed DA does not include any public spaces.	Complies The design does not impede on provision of any of the public spaces included in figure 18- Precinct D – Key Public Spaces and supports the activation of this areas by successfully addressing the main waterfront promenade.
DG2 A choice of seating and resting options are designed into each area of public open space.	The proposed DA does not include any public spaces.	Not applicable

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
DG3 Tree planting and structure provide shade and a comfortable environment.	The proposed DA does not include any public spaces.	Not applicable
DG4 50% of key public spaces identified in Figure 18 is to achieve 3 hours direct solar access on 21 June between 9am and 4pm.	Shadow diagrams have been included as attachment 11 of this report.	The proposed Tavern is located to the south of the main waterfront promenade and therefore will not have any overshadowing impact on this area. The public space to the south of the site will be overshadowed by a combination of the Tavern building and the Marina Services Building. This area will still receive a minimum of three hours of direct sunlight mid winter between 9am and 3pm. Figure 18 included below.

### Assessment of Compliance with Urban Design Guidelines (Precinct D)



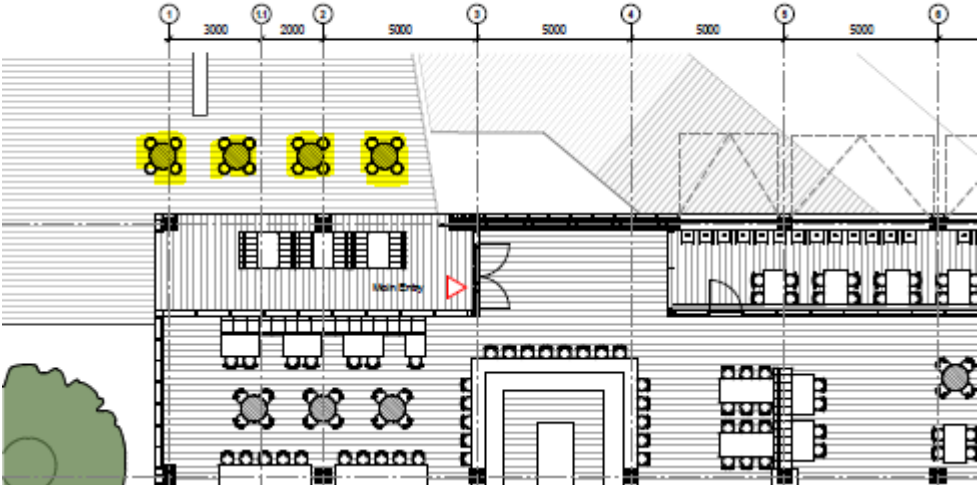
#### LEGEND

- PRECINCT "D"
- - - LOT BOUNDARY
- KEY PUBLIC SPACES

DG5



The proposed DA does not include any public spaces.

The outdoor seating area which extends into the Waterfront promenade will not interfere with the proposed 'pause places' included in the Waterfront Mixed Use Area

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
<p>The public domain along Road 10 (Main Street) and the Waterfront Mixed Use Area should include ‘pause places’ are designed into the public realm to encourage casual interactions.</p>		<p>(DA0385/2017 SRPP ref:2017STH0025). Snip of floor plan below shows where outdoor seating is to be located as part of DA0385/2017 SRPP ref: 2017STH0025.</p> 
<p>DG6 Precinct D should include both formal and informal places with hard and soft landscaping, that will support small to large-scale gatherings. It may include features such as artworks, entertainment spaces, commemorative works, landscape features,</p>	<p>The proposed DA includes a small area of outdoor dining which will be operational for controlled hours of operation of the Tavern.</p>	<p>The proposed outdoor dining area will not compromise the informal and formal public domain proposed as part of DA0385/2017 SRPP Ref: 2017025 and will provide informal and flexible outdoor dining areas.</p>

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
gardens, recreation spaces, play spaces, water features and outdoor dining areas.		
DG7 Streets and spaces are well lit and overlooked and designed using CPTED principles.	The Tavern cantilevers over part of the boardwalk creating a potential problem area which lacks natural light and passive surveillance from the surrounding areas, including the Tavern. A pedestrian entrance has been included on each elevation (except the eastern elevation which looks over the water).	The area of the boardwalk underneath the Tavern will need to be designed to ensure that this area is suitably lit. The elevation of the proposed building that runs along this section of the boardwalk does not include articulation which means there are no blind spots created by the design. The boardwalk structure is currently being assessed under DA0357/2018. It is considered that this area can be suitably managed to avoid significant CPTED issues and the design of the Tavern is suitable. The pedestrian entrance and glazing included on each elevation means that the spaces on each side of the proposed building area suitably overlooked.
DG8 Design spaces with clear lines of sight to enable visibility of hazards and to maintain safety of pedestrians. Design out blind spot opportunities.	The Tavern cantilevers over part of the boardwalk creating a potential problem area which lacks natural light and passive surveillance from the surrounding areas, including the Tavern.	The area of the boardwalk underneath the Tavern will need to be designed to ensure that this area is suitably lit. The elevation of the proposed building that runs along this section of the boardwalk does not include articulation which means there are no blind spots created by the design. The boardwalk structure is currently being assessed under DA0357/2018. It is considered that this area can be suitably managed to avoid significant CPTED issues and the design of the Tavern is suitable.
<b>4.1.3 Materials and Landscaping</b>		
<b>Performance Criteria</b>	<b>Proposed</b>	<b>Compliance</b>
PC1 Materials and landscaping are robust, well detailed and support the local character of the area whilst contributing to architectural diversity.	The proposed materials include timber cladding, metal roof sheeting, metal balustrades and concrete columns and beams. No landscaping has been included in this application this will be included in the concurrent	The mixture of timber cladding and metal is considered to compliment the marina use and the boathouse design of the Tavern building. The exposed beams add interest to the building façade whilst still maintaining the boathouse feel. The building will be located in an extreme coastal environment and therefore the metal materials used need to be corrosion resistant in order to last in this environment. The materials chosen can comply with these requirements. Details of materials included below.



Assessment of Compliance with Urban Design Guidelines (Precinct D)		
	<p>DA 0385/2017 SRPP ref: 2017STH025.</p>	 <p>Tmb 02 - Timber cladding on Boardwalk wall      Tmb01 - Timber cladding      MR - Metal roof Sheeting      Metal Balustrade      Con - Concrete Columns &amp; Beams</p> 
<p>DG1 Materials, planting and design detail celebrate and represent the coastal character.</p>	<p>The proposed building mimics a traditional boathouse design, with pitched roofs with gable ends, large opening windows and a design that cantilevers over the water and boardwalk creating the illusion that a boat could moor underneath. The materials proposed are timber cladding, metal sheeting and</p>	<p>The proposed materials and the design details are considered to celebrate the coastal, marina character of the area and are considered suitable for the use of the building.</p>

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
	balustrades, concrete columns and beams.	
DG2 Provide shade trees and feature trees that are appropriate to the sites coastal location.	No landscaping has been included as part of this DA. Landscaping has been included in the areas surrounding the proposed Tavern as part of DA0385/2017 SRPP ref: 2017STH025.	Not applicable, to be dealt with under DA0385/2017SRPP ref: 2017STH025.
DG3 Landscaping to be provided generally accordance with Figure 19-Precinct D Indicative Landscaping Plan.	No landscaping has been included as part of this DA.	The design and siting of the building will not restrict the provision of landscaping in accordance with Figure 19 as included below.



Figure 19 – Precinct D – Indicative Landscape Plan

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
		<p><b>LEGEND</b></p> <p>== PRECINCT "D"</p> <p>--- LOT BOUNDARY</p> <p>01 ENTRY PLANTING</p> <p>02 MAIN STREET PLANTING</p> <p>03 PLAZA: SEATING AREA AND WATERPLAY</p> <p>04 PARK TREE PLANTING AND TURF OPEN SPACE AREA</p> <p>05 RESIDENTIAL STREET TREE PLANTING</p> <p>06 CAR PARK PLANTING</p> <p>07 BOARDWALK AND MARINA</p> <p>08 DECKING OPEN SPACE AND PLANTING</p>
DG4 Use tree planting to frame important views and screen car parking areas.	No landscaping has been included as part of this DA. Landscaping has been included in the areas surrounding the proposed Tavern as part of DA0385/2017 SRPP ref: 2017025..	Not applicable, to be dealt with under DA0385/2017 SRPP ref: 2017STH025..
DG5 Landscape treatment and street trees should be designed to provide physical and design connection to the surrounding precincts.	No landscaping has been included as part of this DA. Landscaping has been included in the areas surrounding the proposed Tavern as part of DA0385/2017 SRPP ref: 2017STH025..	Not applicable, to be dealt with under DA0385/2017 SRPP ref: 2017STH025..
DG6 Planter boxes may be used to compliment spaces and movement networks, and be of	No landscaping has been included as part of this DA. Landscaping has been included in the areas surrounding the proposed Tavern as part of	Not applicable, to be dealt with under DA0385/2017 SRPP ref: 2017STH025..

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
human scale and proportion.	DA0385/2017 SRPP ref: 2017STH025.	
DG7 Simple designs using high quality materials maintain the character of spaces when activity is absent.	The proposed materials include timber cladding, metal roof sheeting, metal balustrades and concrete columns and beams.	The simple design of the proposed building and the materials chosen give the feel of a traditional boathouse. This effectively maintains the character of the space.
DG8 Robust, unrestrictive designs ensure that the public realm can adapt and respond to the rhythms and patterns of use by time of day, day of week and season.	The proposed building includes covered balconies along the eastern elevation (waterfront) and part of the norther elevation (public domain/waterfront promenade).	These areas can be opened up and closed depending on the weather and the time of day. The size of the windows and the flexibility of the balconies will allow the building to not only be utilised throughout the year but also have a link with the water and the public domain even when the balconies are closed up. The building will be located in an extreme coastal environment and therefore the metal materials used need to be corrosion resistant in order to last in this environment. The materials chosen can comply with these requirements.
DG9 Street furniture is encourages to have multiple functions-fro example using planter walls as seats and to also incorporate signage.	The proposal does not include any street furniture. There is a total of four tables proposed with seating to the north of the main entrance of the Tavern building.	The outdoor seating proposed will be movable. This flexible seating area will not restrict the street furniture propose as part of DA0385/2017 SRPP ref: 2017STH025.
DG10 Street furniture, signage, lighting and other streetscape infrastructure should be simple, elegant and robust and read as a unified design language throughout the precinct.	Signage proposed as follows: i. 2 x Illuminated signs 2.8 metres high and a total of 1.010 metres wide. Signs will be wall mounted adjacent to the main entrance (north elevation) and the secondary pedestrian	The style and design of the signage proposed (snip of signage plans included below) is considered to be simple and robust. The signage design and scale reflects the design language throughout the precinct.

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
	<p>entrance on the south elevation.</p> <p>ii. 1 x illuminated sign 2.8m high and maximum of 0.638 metres wide, to be wall mounted on west elevation for the take away window of the premises.</p> <p>No external lighting details have been provided.</p>	<p>1 Main Entry &amp; Sports Bar Entry Signage DA7900 1:10</p> <p>3 Take Away Signage DA7900 1:10</p>
4.1.4 View Corridors		
Performance Criteria	Proposed	Compliance
PC1 To provide a visual link to the boat harbour from within the Town Centre.	The proposed Tavern building will be sited in the location shown on the indicative land use map.	The location of the Tavern building will not block views from the Town Centre towards the boat harbour.
Design Guidelines	Proposed	Compliance

### Assessment of Compliance with Urban Design Guidelines (Precinct D)

DG1  
New development along Road 10 (Main Street) frames the view to the boat harbour from the intersection of Cove Boulevard and Harbour Boulevard.

The proposed Tavern building will be sited in the location shown on the indicative land use map.


Figure 20 – Precinct D – Indicative Land Use and Active Frontages (as included below) shows the intersection relevant to this design guideline (highlighted). The proposed location of the Tavern building will not impact on these views.






Assessment of Compliance with Urban Design Guidelines (Precinct D)		
		<p><b>LEGEND</b></p> <p>--- PRECINCT "D"</p> <p>--- LOT BOUNDARY</p> <p>*** ACTIVE FRONTAGE ZONE WHERE LEVELS ARE SUITABLE</p> <p>01 RETAIL</p> <p>02 MIXED USE</p> <p>03 COMMUNITY</p> <p>04 TAVERN</p> <p>05 HOTEL / MIX USE (LOCATION AND USE SUBJECT TO FUTURE APPROVAL)</p> <p>06 RESIDENTIAL</p>
4.2 Land Use Mix		
Performance Criteria	Proposed	Compliance
PC1 Provide the range of land uses envisaged under the Concept Approval.	The proposed use is a food and drinks premises.	The proposed use complies with the Concept Approval.
PC2 Land uses should serve to activate the public domain at appropriate locations throughout Precinct D.	The building includes the main entrance on the northern elevation and the outdoor seating area on the northern elevation. Two additional pedestrian entrances on the western and southern elevations and the takeaway kiosk on the western elevation.	The inclusion of the main entrance addressing the waterfront promenade activates the public domain. The additional entrances and uses on the western and southern elevation activate the areas which front the public car park.
PC3 Building fronting the waterfront promenade should have clear addresses and direct	Main entrance for the proposed premises will address the waterfront, with the balcony making up the remaining part of the elevation.	The proposed building successfully addresses the waterfront promenade in terms of the main entrance location and the position of the balconies.



Assessment of Compliance with Urban Design Guidelines (Precinct D)		
access from the public walkway.		
Design Guidelines	Proposed	Compliance
<p>DG1 Land uses should be located generally in accordance with Figure 20 – Precinct D – Indicative Land Use and Active Frontages.</p>	<p>The main active frontages of the proposed building are the northern and western elevations. There is an additional pedestrian entrance on the southern elevation and windows.</p>	<p>The proposed active frontages correspond with the information included in Figure 20 – Precinct D – Indicative Land Uses and Active Frontages. An enlarged snip of this plan has been included.</p>  <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>--- PRECINCT "D"</li> <li>--- LOT BOUNDARY</li> <li>--- ACTIVE FRONTAGE ZONE WHERE LEVELS ARE SUITABLE</li> <li>01 RETAIL</li> <li>02 MIXED USE</li> <li>03 COMMUNITY</li> <li>04 TAVERN</li> <li>05 HOTEL / MIX USE (LOCATION AND USE SUBJECT TO FUTURE APPROVAL)</li> <li>06 RESIDENTIAL</li> </ul>

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
DG2 Development should provide active ground floor uses in accordance with <b>Figure 20 – Precinct D – Indicative Land Use and Active Frontages.</b>	The proposed building includes an active frontage at ground level.	Complies.
<b>4.3 Built Form and Design</b>		
4.3.1 Floor Space and Dwelling Numbers Floor space and dwelling numbers are to be generally consistent with the Concept Approval.	Proposed GFA – 1,085sqm	Included in the floor space total required by the concept plan. Complies
<b>4.3.2 Building Height</b>	<b>Proposed</b>	<b>Compliance</b>
Building heights are not to exceed the maximum height approved under the Concept Approval.	A single storey building with a maximum height of 7 metres above ground level with a basement level included has been proposed.	The Concept Approval indicates a single storey building for the Tavern facility. This is shown in Figure 21-Precinct D – Indicative Building Heights included in the UDGs and snipped below. The proposed building complies.

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
		

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
		<p><b>LEGEND</b></p> <p>-- PRECINCT "D"</p> <p>- - - LOT BOUNDARY</p> <p>PROPOSED BUILDING HEIGHT IN STOREYS</p> <p>1 STOREY</p> <p>3 STOREYS</p> <p>4 STOREYS</p> <p>9 STOREYS</p> <p>NOTE: INDICATIVE BUILDING FOOTPRINTS</p>
4.3.3 Architectural Design		
Performance Criteria	Proposed	Compliance
PC1 Provide architectural diversity complementary to the coastal setting.	The proposal is for a single storey building with hidden basement, including balconies that cantilever over the water and the boardwalk.	The design and materials of the building are unique within the Town Centre. The design is complementary to the coastal setting.
PC2 Precinct D is to be composed of a variety of building types and forms which will together form a coherent town centre.	The building proposed is a unique design with materials and design features that complement the coastal feel of the town centre.	The proposal is for a low rise building which has been designed to compliment the coastal nature of the area. Therefore it is considered that the building will work with the other development within the area to form a coherent town centre.
Design Guidelines	Proposed	Compliance
DG1 Building should be designed using materials suggested under 4.3.7.	Materials proposed are timber cladding, metal sheeting, metal balustrade and concrete columns.	Complies.

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
DG2 Buildings should provide a diversity and variety of form.	The premises proposed is single storey with pitched roofs and large balcony windows that can be raised as a main feature on the elevation.	The design of the building is unique within the town centre but maintains a coherent flow with the use of materials proposed.
DG3 Building frontages are to be articulated into separate building frontages and bays, using shop front separations, attached columns and steps in the façade.	The Tavern is a stand alone building.	Complies
DG4 Excessive lengths or heights of blank walls which are highly visible to any area of public domain (including streets, lanes and car courts) should be avoided.	The northern elevation of the building includes the main entrance, balcony area and outdoor seating. The eastern elevation will include covered balconies with large openable windows. The western elevation will include windows, a pedestrian entrance, take way kiosk and loading dock. The southern elevation will include full height windows, pedestrian entrance and staff entrance.	Each elevation of the proposed building will include a suitable mixture of fenestration, doors and covered balconies. There are sections of the southern and western elevations that are blank, however these are not considered to be excessive lengths (maximum length is 15 metres, 32% of elevation) and the use of the adjoining floor areas inside the building are such that windows are not suitable. These areas of blank walls are not excessively high (3.6 metres) and are sited away from the main active frontages as specified in the Concept Approval.
DG6 Lift tower, stair towers, air conditioning plants etc. are to be	The lift and stairs are integrated into the proposed building. No details are provided for air conditioning plants.	Complies.

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
integrated into the design of the buildings.		
4.3.4 Setbacks		
Performance Criteria	Proposed	Compliance
PC1 Buildings are sited to: <ul style="list-style-type: none"> <li>• Activate and define the town centre streets,</li> <li>• Enable on-site landscaping to soften the visual impact of buildings</li> <li>• Be setback from the boat harbour to provide for a wide, unobstructed publicly accessible pedestrian promenade; and</li> </ul> Provide a high level of amenity on-site and for adjoining properties, including enabling adequate sunlight, daylight access and natural ventilation.		
Design Guidelines	Proposed	Compliance
DG1 The ground floor of buildings fronting Road 10 (Main Street) are built to the street boundary with a 0m setback.	The building does not front Road 10 (Main Street)	Not applicable
DG2 Buildings on the northern side of Road 10 (Main Street) are to be setback above the third storey.	The building is not located on the northern side of Road 10 (Main Street).	Not applicable
DG3 Residential flat buildings fronting Roads 10 (east), 11 and 12 are setback a minimum of 3.5metres from the street	The building is not a residential flat building.	Not applicable

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
boundary. Articulation zones (i.e. balconies) can be setback a minimum of 2m from the street boundary.		
DG4 Side and rear boundary setbacks for residential flat buildings are to be consistent with the requirements of Part 3F of the Apartment Design Guide where relevant.	Not a residential flat building.	Not applicable
DG5 Basement parking may protrude into the front setback provided any visual impacts on the public domain are appropriately addressed.	No basement parking proposed.	Not applicable
DG6 The tavern building can protrude over the boat harbour provided continuous pedestrian access is maintained along the boat harbour waterfront.	The proposed design cantilevers over the water with the boardwalk continuing underneath this area to create a continuous walkway around the marina.	Complies

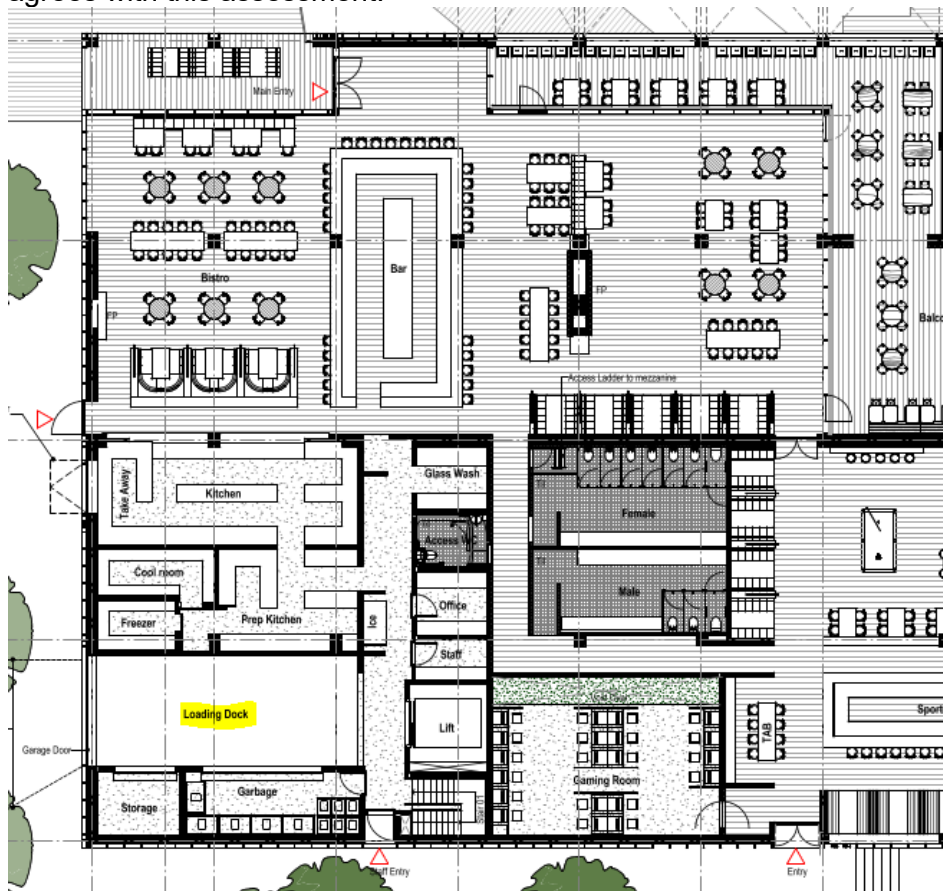
<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
DG7 Buildings (excluding the Tavern, marina services and hotel) are to be setback a minimum of 6 metres from the boardwalk promenade.	Tavern is excluded from this requirement.	Not applicable
DG8 The hotel can be setback a minimum of zero metres to Road 11 and Road 10 (east) to provide definition to the street edge.	Not applicable	Not applicable
DG9 The hotel building is to be orientated east west and should provide an appropriate interface to the public open space; maximize views to the boat harbour and north and south along the coastline.	Not applicable	Not applicable
DG10 The community building can be setback a minimum of zero metres to Road 10 and the civic plaza.	Not applicable	Not applicable
<b>4.3.5 Residential Apartment Design</b>		
This section of the UDGs do not apply to the proposed Tavern and so have not been included.		



Assessment of Compliance with Urban Design Guidelines (Precinct D)		
4.3.6 Parking and Access		
Performance Criteria	Proposed	Compliance
PC1 Parking and access: <ul style="list-style-type: none"> <li>Provides for an adequate amount of car, motorcycle and bicycle parking to service forecast demand.</li> <li>Is provided in suitable locations.</li> <li>Is safe, functional and convenient.</li> <li>Ensures buildings can be adequately serviced.</li> </ul> Provides loading areas in locations that do not visually dominate Road 10 (Main Street).		
PC2 Waterfront buildings address the promenade	Main entrance opens onto the promenade	Complies
PC3 Buildings fronting Road 10 (Main Street) address the street	Not applicable	Not applicable
Design Guidelines	Proposed	Compliance
DG1 Car parking is to be provided with consideration of the following rates: <ul style="list-style-type: none"> <li>Commercial premises – 1 space/40m<sup>2</sup></li> <li>Retail shop – 1 space/35m<sup>2</sup></li> <li>Supermarket – 1 space/20m<sup>2</sup></li> <li>Food and drink Premises – 15</li> </ul>	GFA for food and drink premises – Ground floor – 989.2sqm Basement – 45.6sqm.  Total - 1034.8sqm	Total GFA (as defined under SLEP 2013) = 1085sqm. Number of car parking spaces required – 68.9 spaces required.

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
<p>spaces/100m<sup>2</sup> GFA</p> <ul style="list-style-type: none"> <li>• Hotel – 0.8 spaces/hotel room</li> <li>• Serviced apartments – 0.6 spaces/1 bedroom apartments &amp; 0.9 spaces/2&amp;3 bedroom apartments</li> <li>• Residential apartments – 1 space/1 bedroom &amp; 1.5 spaces/2+ bedrooms</li> <li>• Residential visitors – 0.25 spaces/1 bedroom &amp; 0.5 spaces/2+ bedrooms.</li> </ul> <p><b>Note:</b> alternative rates may be provided where justified. Consideration shall be applied to peak demand analysis where shared trips may occur and where uses have</p>		

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
different peak demands.		
DG2 On-site parking areas comply with the current version of AS2890.1.	The proposal does not include any on-site parking.	The parking for the Tavern premises is located within the main marina car park to the south west which forms part of DA0385/2017 SRPP ref: 2017STH025. Whilst no parking is proposed as part of this DA it is important to ensure that the parking that has been provided in accordance with the required Australian Standards.
DG3 Where possible, car parking is located on site to the rear of buildings and behind the front building line.	The proposal does not include any on-site parking.	
DG4 Entries to basement car parks are to be located above the Probable Maximum Flood (PMF) level and generally in accordance with the locations shown on Figure 22, unless an alternative solution has been agreed with Shellharbour City Council.	The proposal does not include any on-site parking.	Not applicable
DG5 On-site carparking does not directly face the Road 10 (Main Street).	The proposal does not include any on-site parking and is not located on Road 10 (Main Street).	Not applicable

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
<p>DG6</p> <p>Building servicing and loading facilities adequately cater for forecast building demand and are provided in accordance with AS2890. 2:2002.</p>	<p>A loading dock has been included in the ground floor layout of the proposed building.</p>	<p>The applicant's Traffic and Parking Assessment shows that a truck (8.8m &amp; 10.2m) can enter and exit the loading bay of the tavern in a satisfactory manner. This has been assessed by the Council Traffic and Subdivision Engineers and their advice agrees with this assessment.</p>  <p>The floor plan shows a detailed layout of the building. Key areas include a 'Loading Dock' highlighted in yellow at the bottom left, a 'Kitchen' and 'Prep Kitchen' in the center, a 'Bar' and 'Bistro' at the top, and various other rooms like 'Storage', 'Gaming Room', and 'Sports' on the right. Entrances are marked with red triangles and labeled 'Entry'.</p>
<p>DG7</p>	<p>A loading dock has been included in the ground floor</p>	<p>The loading dock will be sited away from the active frontage and the Waterfront Promenade along the northern and part of the western elevation. The loading dock</p>

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
Ensure service areas and facilities do not adversely impact on the visual amenity of the streetscape.	layout of the proposed building. This is accessed from the main car park for the Town Centre. The roller door is located on the western elevation fronting the main car park.	will be entirely within the building with all loading and un-loading done inside the premises.
DG8 Motorcycle and bicycle parking rates are to be provided in accordance with the Shellharbour DCP	The proposal does not include any on-site parking for motorcycles or bicycles. No details provided regarding this parking provision.	
DG9 A right of carriageway for future access must be created over the land identified in Figure 22 – Precinct D – Indicative Basement Entry Locations and Access Easement prior to the at grade supermarket car park commencing operation.	Not applicable to the proposed site.	Not applicable
DG10 Buildings along the waterfront are to provide direct pedestrian access to the waterfront public domain where appropriate.	The proposed building includes direct pedestrian access via the main entrance of the Tavern to the waterfront public domain.	Complies
<b>4.3.7 Materials</b>		

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
<b>Performance Criteria</b>	<b>Proposed</b>	<b>Compliance</b>
PC1 Buildings are to be constructed with materials that reflect the coastal vernacular.	The proposed materials include timber cladding, metal roof sheeting, metal balustrades and concrete columns and beams.	The materials proposed blend in with the coastal theme and are sympathetic to the boathouse design of the building.
<b>Design Guidelines</b>	<b>Proposed</b>	<b>Compliance</b>
DG1 Buildings are to be generally constructed using primary timber, ply, steel and glazing on the external facades. This does not preclude the use of other materials that reflect the coastal vernacular where appropriate.	The proposed materials include timber cladding, metal roof sheeting, metal balustrades and concrete columns and beams.	Complies
<b>4.4 Crime Prevention Through Environmental Design</b>		
<b>Performance Criteria</b>	<b>Proposed</b>	<b>Compliance</b>
PC1 Precinct D provides a safe and welcoming environmental that discourages antisocial behavior.		
<b>Design Guidelines</b>	<b>Proposed</b>	<b>Compliance</b>
DG1 Development Applications are to demonstrate that CPTED principles have been achieved.	A CPTED assessment has been submitted as part of the supporting documents.	Refer to section 14.4 of the main report. Complies
<b>4.5 Environmentally Responsive Design</b>		
<b>Performance Criteria</b>	<b>Proposed</b>	<b>Compliance</b>

<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
<p>PC1 To use environmentally responsive design principles throughout the public realm to achieve:</p> <ul style="list-style-type: none"> <li>• A comfortable and long term cost effective development</li> <li>• Improvements in resident, employee and construction workers' comfort and health</li> <li>• Minimise pollution of air, soil and water</li> <li>• Encourage design for durability and long life.</li> </ul>	<p>Applicant has stated that the works for the tavern will be done in two storages. The initial ground works completed prior to the marina being flooded.</p> <p>Materials are to be treated to resist corrosion in this coastal environment.</p>	<p>Materials will need corrosive resistant treatment in order to last long term. Change of water pollution is reduced if ground works are done prior to flooding of marina.</p> <p>Complies with these criteria.</p>
<b>Design Guidelines</b>	<b>Proposed</b>	<b>Compliance</b>
<p>DG1 Orientate residential buildings to maximise solar access and cross ventilation.</p>	<p>Proposal does not include residential buildings.</p>	<p>Not applicable</p>
<p>DG2 Enhance biodiversity, flora and fauna habitat</p>	<p>Building has been designed to include the opening balcony windows on the eastern and</p>	<p>According to the submitted site analysis plan (snip included below) the summer afternoon breezes will come in from the north east side, where the balconies are located, allowing the breeze to cool the building naturally.</p>

Assessment of Compliance with Urban Design Guidelines (Precinct D)		
value, energy conservation, and microclimate whenever practical and possible.	northern side (towards the water). The north and western side will not have balconies.	The cold winter winds will come from the north west and the building will be protected from these winds. The design of the building appears to enhance the energy conservation requirement.





<b>Assessment of Compliance with Urban Design Guidelines (Precinct D)</b>		
DG4 Recycle building materials are used wherever practical.	A materials schedule has been provided but no details about how these materials have been sourced has been provided. Submission information states 'To be confirmed prior to the Construction Certificate.'	Compliance can be achieved.
DG5 Use energy efficient lighting such as solar lighting and low voltage electrical facilities (e.g. public barbeques etc.)	No information submitted. Submission information states 'To be confirmed prior to the Construction Certificate.'	Compliance can be achieved.

# **The Waterfront Tavern at Shell Cove**

## **Operational Plan of Management**

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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:	Minors Area Authorisation
Business Owner:	TBC
Licensee:	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;
  - Gaming room;
  - Sports bar and TAB;
  - Back of house facilities and WC; and
  - Balconies with operable panels for weather protection.
- Three illuminated signs on the building exterior;
- Basement area of approximately 69m<sup>2</sup> 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;

- 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.

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.



## 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:

<b>Monday – Saturday:</b>	10:00am – Midnight
<b>Sunday:</b>	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

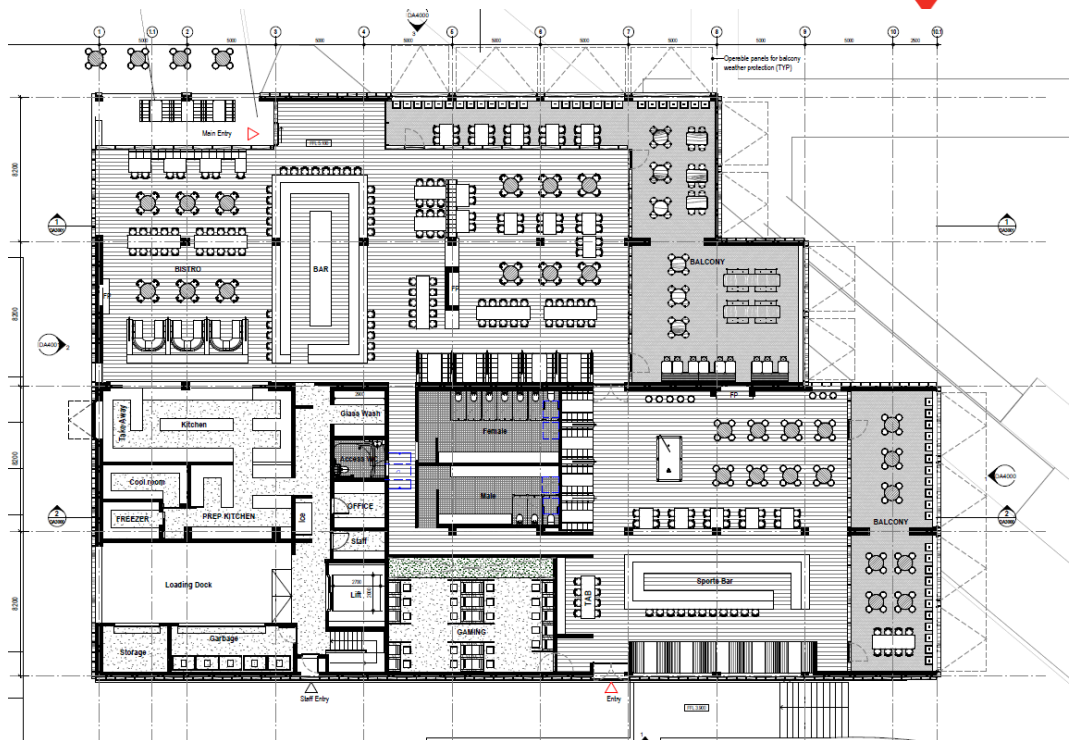
The internal floor space is serviced by two points of entry. This is to service a floor space that with two distinct areas, being the bistro/bar area and the sports and gaming lounge.

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.



**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.

#### 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.

## 5.0 Site Management

### 5.1 General Amenity

- a) 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;
  - 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**.

## 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;
- l) 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.

## 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;
- l) 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;
  - 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**.
- 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.
- l) 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.

## 12.0 Summary of Commitments

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**

Measure	Comments		Timing	Responsibility
<b>Site Management</b>	Hours of Operation	<b>Monday – Saturday:</b> 10:00am – Midnight <b>Sunday:</b> 10:00am – 10:00pm	Ongoing	Licensee
	Noise Controls	<ul style="list-style-type: none"> <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 style="list-style-type: none"> <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 style="list-style-type: none"> <li>Maintenance register to maintain a list of any damage to the tavern or broken facilities that will need rectification.</li> </ul>	Ongoing	Licensee
<b>Daily Venue Operation</b>	Takeaway	<ul style="list-style-type: none"> <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	<ul style="list-style-type: none"> <li>The licensee shall endeavour to ensure that deliveries are to be made between 7am and 7pm.</li> </ul>	During Deliveries	Shift Manager / Key staff
	Operation of the Kitchen	<ul style="list-style-type: none"> <li>All food will be prepared on site within the commercial kitchen.</li> </ul>	Ongoing	Shift Manager
	Alcoholic and Non-Alcoholic Beverages	<ul style="list-style-type: none"> <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	<ul style="list-style-type: none"> <li>Approximately 45 staff will be on site.</li> </ul>	Ongoing	Licensee
	Use of Balconies and Outdoor Areas	<ul style="list-style-type: none"> <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
<b>Policies</b>	Responsible Service of Alcohol	<ul style="list-style-type: none"> <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
	Shellharbour Liquor Accord	<ul style="list-style-type: none"> <li>Maintain an active membership in the local liquor accord.</li> </ul>	Ongoing	Licensee

	Smoking Policy	<ul style="list-style-type: none"> <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
<b>Security</b>	Staff	<ul style="list-style-type: none"> <li>Be readily identifiable and available</li> </ul>	At all times	Head of Security
	CCTV	<ul style="list-style-type: none"> <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
<b>Waste Management</b>	Staff	<ul style="list-style-type: none"> <li>Ensure all waste is deposited into the waste room</li> </ul>	End of Shift	Shift Manager
	Operation	<ul style="list-style-type: none"> <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
<b>Noise Attenuation</b>	Use of Balcony	<ul style="list-style-type: none"> <li>Operable glazed panels adjacent to the bistro area will be closed after 10pm.</li> </ul>	10pm – Midnight	Shift Manager
	Security	<ul style="list-style-type: none"> <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
<b>CPTED</b>	Measures	<ul style="list-style-type: none"> <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
<b>Emergency Evacuation Procedures</b>	Measures	<ul style="list-style-type: none"> <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.





# New South Wales Police Force

## Crime Scene Preservation

### CRIME SCENE PRESERVATION GUIDELINES LICENSED PREMISES

- Immediately contact '000' or local Police Station,
- Render any required first aid,
- Determine the Crime Scene and remove all persons from the area. Cordon off the area with things such as bar stools, tables, tape or consider closing off the area completely for areas such as toilets or hallways. (Remember there may be multiple Crime Scenes),
- Do not allow any persons to enter this area,
- **DO NOT CLEAN UP ANY CRIME SCENE** you may be destroying vital evidence.
- Assign a member of staff to guard all Crime Scenes until the arrival of Police,
- Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints,
- Do not move any items that may have been involved in an offence unless absolutely necessary. (For example they could get wet. Use gloves to stop transference of your DNA or fingerprints),
- Notify Police if any items have been moved or removed from the Crime Scene. (Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts),
- Make notes in relation to the incident. Time, date, location, description of offender(s), vehicle(s) involved, weapons used, last known direction of offender(s), any movement of items involved in the incident,
- Obtain any CCTV footage and the Security Sign on sheets,
- Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. (Try to persuade witnesses from leaving the premises before Police arrive),
- Hand this information to Police on arrival,
- Be prepared to make a statement to Police regarding the incident.

**(Note: Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the premises)**



# LIQUOR PROMOTION GUIDELINES

July 2013



**Trade &  
Investment**  
Office of Liquor, Gaming & Racing

### Disclaimer

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

This publication is intended as a guide only.  
We suggest you seek professional advice when necessary.

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# Liquor promotion guidelines



Trade & Investment  
Office of Liquor, Gaming & Racing

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## Introduction

Licensees and staff are required to have responsible attitudes and practices regarding the promotion and sale of alcohol. The promotion and activities that surround the sale and supply of alcohol can have a significant influence on patrons and the way they consume alcohol and the way they behave.

A range of negative impacts can result from undesirable alcohol promotions or ones which are not appropriately managed. This can include promotions which encourage excessive, rapid or irresponsible drinking, are offensive or indecent, target minors or are out of step with general community standards. These types of promotions can contribute to alcohol-related anti-social behaviour and violence, have negative impacts on the amenity of the local community, and have health impacts for the individual.

It is important that licensees are mindful of and manage the risks and responsibilities associated with running liquor promotions. These Guidelines are not intended to stifle business innovation or healthy competition, but rather assist in the development of a sustainable and responsible liquor industry by defining clear expectations for the conduct of liquor promotions.

## MORE INFORMATION

Phone: (02) 9995 0894  
Email: [info@olgr.nsw.gov.au](mailto:info@olgr.nsw.gov.au)

For information, or to make a complaint,  
about liquor promotions please contact OLGR  
Compliance Branch:

Phone: (02) 9995 0837  
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## The Law

Section 102 of the *Liquor Act 2007* gives the Director General, NSW Trade & Investment, the power to issue a notice to a licensee who is involved in a liquor promotion which is considered undesirable.

### The *Liquor Act 2007*

The Act details the types of promotions that may be restricted or prohibited. The Act states:

The Director General may restrict or prohibit any such activity only if the Director General is of the opinion that:

- a) the promotion is likely to have a special appeal to minors because of the use of designs, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason, or
- b) the promotion is indecent or offensive, or
- c) the promotion involves the provision of liquor in non-standard measures or the use of emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication, or
- d) the promotion involves the provision of free drinks, or extreme discounts or discounts of a limited duration, that creates an incentive for patrons to consume liquor more rapidly than they otherwise might, or
- e) the promotion otherwise encourages irresponsible, rapid or excessive consumption of liquor, or
- f) the restriction or prohibition is otherwise in the public interest.

Before the Director General can exercise this power, publicly available guidelines must be made available that indicate the kinds of activities or promotions that may be

the subject of a notice under section 102. These Guidelines fulfil this requirement.

Examples where the Director General has exercised this power include:

- A nightclub promoted a \$30 door charge which included free house spirits, beer, wine and cider from 9pm til 3am;
- A hotel promoted \$10 cocktail buckets where patrons consumed the cocktail directly from the bucket; and
- A restaurant promoted alcohol served in syringes, cocktails served in oversize novelty vessels and jelly shots.





## The Liquor Promotion Guidelines

These Guidelines are intended to provide guidance as to what issues are considered important in determining whether a liquor promotion is undesirable and may be subject to a notice.

Information is provided on each category listed in the Act. Each category is described in these Guidelines as a principle. **They are not intended to be a definitive list of what can and cannot be done.** Each case must be considered on its merits and against each of the principles.

The Guidelines provide an explanation of each principle and include examples of unacceptable practices. These examples do not include specific detail, such as allowable numbers of free drinks before a promotion becomes unacceptable. Instead the examples provide a description of the types of practices which are clearly contrary to the principle. It is noted that the word 'unacceptable' is used instead of 'undesirable' when listing some of these examples, as this gives clear guidance to industry on those promotional practices that are problematic and that must not be undertaken.

Where relevant, additional information is provided which may assist certain types of licence holders. In some cases there is also information on additional measures which

can be implemented to assist in ensuring that a liquor promotion is appropriately run.

This approach enables licensees to take an informed view of any proposed promotion, as licensees are best placed to assess risk and apply appropriate controls in their own business environment.

The Guidelines aim to be consistent with other codes and guidelines relating to alcohol promotions and advertising, such as the Alcohol Beverages Advertising (and Packaging) Code, the Australian Association of National Advertisers Code of Ethics and the National Health and Medical Research Council Australian Guidelines to Reduce Health Risks for Drinking Alcohol.

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“ *Each case must be considered on its merits and against each of the principles* ”

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## Liquor promotion guidelines

These Guidelines apply to ALL licensed premises under the *Liquor Act 2007* that run liquor promotions, including:

- Hotels (pubs, taverns, small bars)
- Clubs (RSL, community and sporting clubs)
- On-Premises (restaurants, cafés, nightclubs, theatres, boats, caterers, etc)
- Packaged (Bottle shops)
- Producer/Wholesaler
- Limited licences.

It is recognised that the consumption of alcohol occurs in many different contexts and circumstances, and that there may be different risks associated with promotional activities in different licensed premises.

A distinction can be made between promotions offering alcohol to be consumed immediately on a licensed premises and promotions offering alcohol that which may be stored for consumption later away from the premises. As a result, the extent to which each principle in this document applies to different licence types will vary accordingly.

Some principles apply to promotions operated by all licence types, such as Principle 1 which ensures liquor promotions do not have a special appeal to minors. Other principles, such as Principle 3, relating to the use of non-standard measures that encourage irresponsible drinking, would generally apply more to licence types where alcohol is consumed immediately on the licensed premise. These different circumstances would be recognised as part of the consideration of whether a liquor promotion is undesirable and should be subject to a notice.

The determination of whether a promotion is undesirable and may be subject to a notice is made by the Director General, NSW Trade & Investment, or a delegate, such as the Director, Compliance, Office of Liquor, Gaming & Racing. Before a determination is made, a licensee may be given the opportunity to comment or offer an explanation on why the promotion should not be considered undesirable. An application can be made to the Independent Liquor & Gaming Authority to review any decision.

## Harm minimisation methods

While each of the principles and examples provide guidance on liquor promotions that are generally considered undesirable, it is in the interests of venues to ensure that all promotions are conducted with harm minimisation measures in place to prevent unacceptable outcomes.

Even a seemingly harmless or mundane promotion can lead to adverse outcomes if appropriate risk-based measures are not put in place.

Adopting harm minimisation measures can reduce risks of harm associated with liquor promotions. Active consideration of possible risks and ways to reduce them is important in developing and running any promotion.

Employing harm minimisation measures does not automatically negate the possibility of liquor promotions being restricted or prohibited, but appropriate management of all promotions is necessary.

It is up to individual licensees to identify, manage and minimise risk within their own business environment for any liquor promotion undertaken and it is up to each licensee to identify which harm minimisation measures are appropriate to reduce potential harms in each circumstance.

A list of harm minimisation measures that may be appropriate include but are not limited to the following:

- RSA marshals
- Service of free food and water is part of the promotion
- Alcohol Management Plan specific to the promotion
- Drink limits
- Signs prominently disclosing the content of mixed alcoholic drinks served to customers
- Appropriate time frame for conduct of promotion
- Alcohol content is measured and discernable
- Limits on the quantity of alcohol that can be purchased at a reduced price.

**There are no mitigating measures that will enable examples of promotions identified as being ‘unacceptable’ in these guidelines from being undertaken.** For those ‘Examples of promotions which require harm minimisation measures’ identified in this guideline, significant risks are apparent with these types of promotions, and licensees are advised to carefully determine the appropriate harm minimisation measures that should be put in place before this type of promotion is undertaken.

### Section 102A

Section 102A of the *Liquor Act 2007* also allows the Director General to restrict or prohibit activities that are

likely to encourage the misuse and abuse of liquor. It is noted that this section does not just apply to promotions, but applies to any activity within a licensed premises which is likely to encourage the misuse and abuse of liquor.

Section 102A does not require guidelines and can consider issues more broadly than just promotions. However, where consideration is being given to issuing a notice under section 102A for a liquor promotion related issue, the principles in these Guidelines will provide some guidance as to acceptable and unacceptable practices.

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“ *The principles in these Guidelines will provide some guidance as to acceptable and unacceptable practices* ”

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## Principle 1: Appeal to minors

The promotion must not have a special appeal to minors, because of the designs, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason.

### Explanation

It is illegal to sell alcohol to minors or to supply alcohol to minors on licensed premises.

The effects of alcohol on minors can be significant and can be harmful to their health and physical development as well as having social and emotional effects. The National Health and Medical Research Council outlines research which shows that minors are much more likely than older drinkers to undertake risky or antisocial behaviour connected with their drinking. In addition, alcohol may adversely affect brain development and lead to alcohol-related problems later in life.

For most venues, minors are allowed onto parts of the premises in the company of a responsible adult. As such, venues need to be mindful of the presence of minors on licensed premises when conducting liquor promotions.

### Examples of unacceptable promotions

- Promotions which use characters, imagery, motifs, naming or designs which primarily appeal to minors.
- Promotions that include merchandise that primarily appeals to minors.
- Promotions using interactive games or technology predominantly targeted to minors.

### Additional Information

Care should be taken in using celebrities or other role models that have a special appeal to minors as part of the liquor promotion as this may be construed as having a special appeal to minors under the Act.





## Principle 2: Indecent or offensive

The promotion must not be indecent or offensive.

### Explanation

The use of indecent or offensive material in a liquor promotion is in poor taste and is against general community standards. Licensees should also be aware that indecent and offensive promotions may be a catalyst for crime or violence, including sexual violence against women.

Linking the consumption of alcohol with such material or activities is not appropriate for any licensed venue, function or event.

While a determination of what is indecent or offensive is subjective, licensees should be mindful of what would reasonably be considered offensive in the broader community.

### Additional Information

It is acknowledged that some drinks have provocative names. While the sale of these products is acceptable and the use of their names in that context is acceptable, branding a promotion with these names is likely to be considered undesirable, as the provocative names in the promotional material could be considered insulting or offensive. In addition, caution should be taken regarding the way that these products are advertised or promoted within or externally to the venue to make sure these provocative names do not cause offense.

### Examples of unacceptable promotions

- Promotions which use images, including human bodies, that may be considered offensive to a reasonable adult.
- Promotions which offer free or discounted drinks for participating in an activity that may be offensive to a reasonable adult present on the licensed premises, for example, encouraging participants to remove items of clothing.
- The use of insulting or offensive language in the promotional material.
- Promotions that involve any form of discriminatory, demeaning or vilifying language or imagery.

## Principle 3: Non-standard measures

The promotion must not involve the use of non-standard measures that encourages irresponsible drinking and is likely to result in intoxication.

### Explanation

A standard measure is the level of alcohol used to work out safe drinking levels. Standard measures enable individuals to clearly assess their alcohol intake. Where standard measures aren't used the likelihood of irresponsible drinking is increased as the alcohol content of the drink is unknown.

Where a well recognised vessel, such as a schooner glass, wine glass, tumbler, is not used, consideration needs to be given to whether the vessel itself encourages irresponsible consumption of alcohol or limits the ability of the person to judge how much they have consumed, based on the design (such as a water-pistol, test tubes, jam jars or teapots with no cups).

Promotions which involve the serving of alcohol in ways which encourage skolling, repeated quick consumption of alcoholic drinks or free pouring of alcohol are not acceptable and clearly encourage irresponsible drinking. Free pouring is also contrary to national trade measurement laws which require a range of alcoholic products to be sold by volume measure only.

It is important that alcohol is always served with responsible service of alcohol principles in mind. Where a promotion is being undertaken where a particular alcoholic drink is being promoted and being sold in large volume (such as jugs) or 'novelty' drink ware it is appropriate that the following approach is taken:

- Accurate standard measures are used to pour the drink into the vessel.
- If the drink is meant to be shared, then appropriately sized vessels should be provided to pour the drink into.
- Patrons are clearly made aware of the alcohol content of the drink. (This can be established before the promotion using the standard measures that would be used to make up the drink. Details of the number of standard drinks should be included on the drinks menu or other suitable promotional material on the licensed premises, for example, posters promoting the drink.)

### Examples of unacceptable promotions

- A promotion encouraging the consumption of alcohol in a yard glass for skolling.
- A promotion encouraging the consumption of laybacks, slammers, blasters, bombs or consumption from a water pistol.
- A promotion which encourages an individual to purchase and consume on their own an alcoholic drink intended to be shared (that is, a drink containing a significant number of standard drinks).
- A promotion encouraging the consumption of multiple shooters or shots by an individual.

### Examples of promotions which require harm minimisation measures

- Promotions where the service of alcohol is in non-standard measures such as teapots or jam jars, where the alcohol content of the drink is not apparent or easily discernable.

### Additional Information

Where a company wishes to conduct a product promotion involving jugs of mixed spirits, beer, cider or wine, it is important that the company takes responsibility for ensuring that the promotion does not encourage irresponsible drinking. Developing an alcohol management plan for the promotion, can assist in ensuring that the promotion is consistent with the principles in these Guidelines. It is noted that the use of an alcohol management plan is considered best practice.

This principle predominantly focuses on promotions offering alcohol to be consumed immediately on the licensed premises. There are separate requirements that apply to packaged liquor sales to ensure standard drink information is clearly stated on liquor products (Food Standards Australia New Zealand) and to restrict undesirable liquor products which may encourage irresponsible drinking (section 101 of the *Liquor Act 2007*)

## Principle 4: Emotive descriptions or advertising

The promotion should not use emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication.

### Explanation

The aim of this principle is to restrict the use of emotive descriptions in a liquor promotion which encourage irresponsible drinking.

Encouraging or glorifying excessive consumption of alcohol is inappropriate. A promotion which primarily focuses on irresponsible drinking is not in the public interest and goes against all responsible service of alcohol principles.

A promotion which focuses on drinking irresponsibly or uses emotive descriptions to encourage excessive drinking can influence actions of consumers and increase the likelihood of intoxication. This then has ramifications for the health and wellbeing of the patron and can increase the risk of anti-social behaviour and violence.

### Examples of unacceptable promotions

- Promotions or events which focus principally on the excessive consumption of alcohol (e.g. Mad Monday, Round the world).
- Labelling or titling of promotions that suggest irresponsible or excessive consumption of alcohol (e.g. 'Drink like a fish', 'Drink 'til you drop').
- The engagement of a person who, as part of the promotion, enthusiastically talks up excessive consumption of alcoholic beverages, encourages intoxication or irresponsible or illegal behaviour.
- A promotion which encourages consumers to get drunk. This may include the use of language, images or slogans such as 'Drink 'til you drop'.

### Additional Information

Product promotions by producers and distributors often focus on the consumption of alcohol (as a particular alcoholic product is being promoted). However, it is important that this type of promotion does not encourage irresponsible drinking or be likely to result in intoxication. This can be achieved by using an alcohol management plan to address risks and appropriate responsible service of alcohol procedures which all venues running the promotion must follow. Particular care should be taken in determining whether the name of the promotion or any promotional material used contains descriptions which encourage irresponsible drinking. It is noted that the use of an alcohol management plan is considered best practice.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.

## Principle 5: Extreme discounts

The promotion should not involve the provision of free drinks or extreme discounts, or discounts for a limited duration that creates an incentive for patrons to consume liquor more rapidly than they otherwise might.

### Explanation

Discounting alcohol can be used as a marketing tool for licensees to encourage people into the venue and to stay in the venue or to try a new product or to run down stock of a particular product. However, it is important that in running any such promotion consideration is given to whether the promotion will encourage people to consume more rapidly than they may otherwise have, which could lead to irresponsible drinking and intoxication.

In particular, caution should be exercised when undertaking a promotion involving free drinks. Careful management of the number of free drinks provided to each individual is important to reduce the risk of rapid consumption and intoxication.

The term 'extreme discounts' is not specifically defined in this document. The influence of the level of discount on creating an incentive for patrons to rapidly consume alcohol depends on a range of things, including the type of product being discounted. For example a 75% discount on a bottle of wine may have a different effect to a 75% discount on shots. Generally, a promotion involving a discount over 50% should be undertaken with caution and risks should be properly assessed in relation to whether it will encourage rapid consumption of alcohol.

### Examples of unacceptable promotions

- Promotions providing free drinks which encourage rapid consumption of alcohol (e.g. All you can drink in a limited time frame).
- Drink cards, promotional cards, vouchers or 'shopper dockets' which encourage rapid consumption of alcohol over a short period of time (e.g. \$50 voucher redeemable between 9pm and 10pm).
- Happy hours encouraging or facilitating the rapid consumption of alcohol.

### Examples of promotions which require harm minimisation measures

- Promotions linked to unpredictable events (e.g. free drinks until the first points scored).
- Promotions that encourage the purchase of large amounts of alcohol with rewards of free or discounted drinks (e.g. buy six drinks and get 2 free drinks) to be redeemed within the same trading period.
- 'Buy one, get one free' offers promoted through discount vouchers, cards or 'shopper docket' offers without purchase limits or other suitable controls in place.
- Promotions operating for very short periods which create an incentive to consume liquor more rapidly than customers should.
- Promotions where significant discounts are provided over an extended period of time e.g. over two hours.
- All you can drink offers for a set price or excessive periods of free drinks (e.g. \$50 entry and free drinks all night). See additional information section in relation to functions.
- Promotions involving discounts of greater than 50% off the normal retail price.

### Additional Information

Across the hospitality industry, there are a range of businesses which offer function packages that include all drinks for a set price (such as wedding packages, corporate functions etc). The Guidelines do not seek to prevent this type of operation, however, it is the responsibility of the licensee to ensure that any such function is run appropriately and that there is responsible service of alcohol and that patrons do not become intoxicated.

Where product promotions involve the provision of free or discounted drinks, it is important that these promotions do not create an incentive for patrons to consume alcohol more rapidly than they otherwise might. The use of an alcohol management plan to assess the risks in any liquor promotion and provide clear guidance for those undertaking the product promotion is an important tool for ensuring the promotion is undertaken appropriately. It is noted that the use of an alcohol management plan is considered best practice.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.



## Principle 6: Irresponsible, rapid or excessive consumption

The promotion should not otherwise encourage irresponsible, rapid or excessive consumption of liquor.

### Explanation

Licensees should always be mindful that any liquor promotion undertaken does not encourage patrons to drink irresponsibly, rapidly or excessively. Consideration needs to be given to the way alcohol is consumed as part of the promotion (water pistols, yard glasses) or whether it involves competitions or games which involve excessive or rapid consumption of alcohol.

Other more general promotions such as the operation of happy hours can also impact on irresponsible, rapid or excessive consumption of alcohol. A happy hour promotion should not create an incentive to drink in greater amounts than a customer otherwise would. This can include extreme discounts for limited periods where drinks are consumed immediately or can be stockpiled.

Similarly, happy hours which are run near the end of the trading period can encourage patrons to continue drinking where they may otherwise have stopped. This may be particularly problematic if the patrons have already been drinking for a significant period of time.

### Examples of unacceptable promotions

- The promotion involves the use of drinkware which encourages rapid consumption, such as test tubes, water pistols, yard glasses.
- The promotion involves drinking games, competitions, challenges, dares, lotteries or games of chance that involve the rapid or excessive consumption of liquor (such as skolling games, boat races, flip and win, 'around the world', 60 shots in 60 minutes', pub golf).
- A promotion in which a consumer is challenged or dared to drink a particular alcoholic drink because of its higher alcohol content.
- Happy hours occurring late into the trading period (or in the early hours of the morning, for those premise operating 24 hours) which encourage patrons who have been drinking for a significant period of time to continue drinking.
- Promotions that encourage the stockpiling of drinks.

### Additional Information

Competitions and games can be a marketing tool for licensees and can add to the atmosphere of a venue. Licensees are encouraged to operate promotions such as these, but offering prizes other than liquor, such as meals, movie tickets or other products. Where liquor is offered as a prize the process should be conducted in a responsible manner.

Consideration also needs to be given to the appropriateness of any promotion for discounted packaged liquor sales. Licensees should be aware of the risk where the promotion of extreme discounts may encourage irresponsible or excessive consumption of alcohol due to the increase in volume purchased, where it is likely to be consumed within a short time frame. Consideration needs to be given to how discount promotions can be responsibly managed, including purchase limits (e.g. two per customer) or other measures to reduce the risk that the promotion will encourage people to drink alcohol excessively or irresponsibly.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.

## Principle 7: Not in public interest

The promotion should not be otherwise considered to not be in the public interest.

### Explanation

A range of liquor promotions may not necessarily promote rapid or excessive consumption of alcohol, or meet other principles in the Guidelines, but may still be considered undesirable as they are not in the public interest.

Generally, if something is not in the public interest, it goes against general principles of fairness, equity, decency or lawfulness in society. Public interest is linked to the well being of the community or the risk of detriment to the community at large. It is important that licensees be mindful of whether a particular promotion may be discriminatory or demeaning to a group or individual, whether it promotes or encourages unlawfulness, whether it is misleading or if it inappropriately targets vulnerable groups or individuals.

While a determination of what is in the public interest is subjective, licensees should be mindful of what would reasonably be considered inappropriate to the broader community.

### Examples of unacceptable promotions

- Promotions which use images or messages which could be seen to be encouraging or condoning breaking the law or other anti-social behaviour.
- Promotions which use images or messages which link the promotion of alcohol with illicit drugs or allude to drug taking behaviour.
- A promotion which associates liquor consumption with aggressive or violent behaviour towards other people.
- Any discriminatory promotion (e.g. women drink free).

### Additional Information

The examples provided above apply equally to all licence types. Careful consideration of promotions of packaged liquor sales is required to ensure that it is in the public interest and does not encourage excessive consumption of alcohol due to an increase in the volume purchased where it is likely to be consumed within a short timeframe.

GL4003

# Intoxication guidelines

These guidelines are designed to assist you to determine whether or not a person is intoxicated.

## Overview

You must always have due regard to the following objectives of the liquor laws:

- ▲ Need to minimise harm associated with the misuse and abuse of liquor.
- ▲ Encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor.
- ▲ Ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

## What is the law?

Section 5 of the *Liquor Act 2007* states that a person is 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.

Liquor licensees have important obligations to ensure alcohol is served responsibly to help minimise alcohol-related harm.

Supporting responsible consumption practices and preventing intoxication lowers the risk of alcohol-related violence and neighbourhood disturbance, and helps to promote a safe venue for customers and staff.

The NSW liquor laws prohibit the sale and supply of alcohol to intoxicated persons. Licensees also have a legal obligation to prevent intoxication from occurring on their premises. Fines, higher annual licence fees, and possible suspension or cancellation of a licence can apply where alcohol is served to an intoxicated person or intoxication is permitted.

Intoxication offences under the NSW liquor laws are discussed in the GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines. The guidelines outline the obligations of licensees and serving staff. They provide advice on steps that can be taken by licensees and staff to manage the risk of intoxication on licensed premises.

The GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines are issued by the Secretary, NSW Department of Industry, under section 73(5A) of the *Liquor Act 2007* and are available from Liquor & Gaming NSW at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

## What are the noticeable signs of intoxication?

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

### Speech

- ▲ slurring words
- ▲ rambling or unintelligible conversation
- ▲ incoherent or muddled speech
- ▲ loss of train of thought
- ▲ not understanding normal conversation
- ▲ difficulty paying attention.

### Balance

- ▲ unsteady on feet
- ▲ swaying uncontrollably
- ▲ staggering
- ▲ difficulty walking straight
- ▲ cannot stand, or falling down
- ▲ stumbling
- ▲ bumping into or knocking over furniture or people.

### Coordination

- ▲ lack of coordination
- ▲ spilling drinks
- ▲ dropping drinks
- ▲ fumbling change

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- ▲ difficulty counting money or paying
- ▲ difficulty opening or closing doors
- ▲ inability to find one's mouth with a glass.

## Behaviour

- ▲ rude
- ▲ aggressive
- ▲ belligerent
- ▲ argumentative
- ▲ offensive
- ▲ bad tempered
- ▲ physically violent
- ▲ loud / boisterous
- ▲ confused
- ▲ disorderly
- ▲ exuberant
- ▲ using offensive language
- ▲ annoying / pestering others
- ▲ overly friendly
- ▲ loss of inhibition
- ▲ inappropriate sexual advances
- ▲ drowsiness or sleeping at bar or table
- ▲ vomiting
- ▲ drinking rapidly.

## Standard drinks

The concept of a standard drink enables people to keep track of how much alcohol they are consuming. A standard drink contains 10 grams of pure alcohol.

The [Standard drinks guide](#) can be used to help identify how many standard drinks have been consumed and is available from [alcohol.gov.au](http://alcohol.gov.au).



## How else to determine if someone is intoxicated

Make observations:

- ▲ Does the person smell of alcohol?
- ▲ How long has the person been drinking?

- ▲ When did the person enter the premises?
- ▲ Was the person affected by alcohol when they arrived?
- ▲ What type of alcohol has been consumed?
- ▲ How much alcohol have you seen the person drink?

Your observations will help you form a reasonable belief as to whether the person is intoxicated as a result of alcohol consumption.

Talk to the person and their friends to help determine whether the person is intoxicated or becoming intoxicated.

## Reasonable belief that a person is intoxicated

The law requires you to form a reasonable belief that the person is intoxicated as a result of alcohol consumption. It is all right if you refuse service to a person on the basis of this belief, even if you are wrong.

Reasonable grounds for a belief that a person is intoxicated are what a reasonable person would believe in the circumstances, taking into account the relevant knowledge and facts presented.

You should be sure of your reasons for refusal of service and these reasons should not be discriminatory, for example due to race, sex, or disability.

A person has the right to take the matter to the Anti-Discrimination Board if they feel they have been subjected to discrimination.

## Are there conditions that exhibit similar symptoms/signs to intoxication?

Some medical conditions, disabilities or the use of drugs may cause similar behaviours without the person being intoxicated as a result of alcohol consumption.

Prior to refusing service on the basis that a person is intoxicated, you should endeavour to determine whether the person has a medical condition or disability which may cause signs or symptoms similar to intoxication.

If the person has a medical condition or disability, it is likely that their friends will be able to tell you. Be sensitive to a person's right to privacy.

Examples only:

- ▲ acute infections
- ▲ acquired brain injury
- ▲ brain trauma/tumours
- ▲ delirium
- ▲ diabetes/hypoglycaemia



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- ▲ epilepsy
- ▲ head injuries
- ▲ pneumonia
- ▲ seizures and post-seizure states
- ▲ stroke.

Even though a person has a pre-existing condition, if you have observed the person consuming alcohol and the person has been drinking for some time, then it would be reasonable to form a belief that the person is intoxicated as a result of alcohol consumption.

- ▲ Slow service down for the patron
- ▲ Wait for the patron to re-order, don't automatically top up drinks
- ▲ Do not conduct any activity or promotion that will result in patrons engaging in irresponsible, rapid, or excessive consumption of liquor.

## What to do if someone is intoxicated

If there are reasonable grounds for you to form a belief that someone is intoxicated as a result of alcohol consumption, you must refuse service to that person. Under the law the person must also be asked to leave the premises.

Procedures for dealing with intoxication incidents should be in place and staff should be trained in these procedures.

### When refusing service to a person:

- ▲ Introduce yourself to the person. Tell them your name and your role, and ask their name.
- ▲ Approach the person in a friendly and respectful manner. Patronising or authoritarian attitudes can often evoke anger and make the person more aggressive – this is a common response to threats to one's dignity and self-respect. Try not to speak to the person in front of others.
- ▲ When talking to the person: use their name; use slow, distinct speech; use short simple sentences; avoid emotion and involved discussions; use appropriate eye contact (limit for cultural reasons); and adjust speaking pace to match the patron's.
- ▲ Give clear, concrete statement that by law they cannot be served another drink.
- ▲ Notify the manager/licensee/supervisor or security. Also notify other bar staff that you have refused service to the person. If a shift change is nearing, notify the new staff.

- ▲ Give a clear instruction that the person must leave the premises. If necessary, guide them to the exit, ensuring that they have all their personal possessions with them.
- ▲ If the person refuses to leave then you should contact police for assistance in removing the person from the premises.
- ▲ If considered necessary, management may consider imposing a short term ban.

The Liquor & Gaming NSW website has a number of resources which provide further information on refusing entry or removing patrons from a premises.

See the FS3030 'Refusal of entry and patron bans/barring' fact sheet for further information on refusing entry or removing patrons from a premises, or search for 'refusing entry' at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

## Penalties



Supplying alcohol to an intoxicated person can be very expensive. The licensee or staff can be fined up to \$11,000 or be issued with an on-the-spot fine by way of a penalty notice. It is also an offence for other patrons to supply alcohol to an intoxicated person, with a maximum fine of \$1,100 applying.

### For further information

Visit [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au) for more information about the liquor laws. Subscriptions to our e-news service are also available from this site.

Access to the liquor laws – the *Liquor Act 2007* and the Liquor Regulation 2008 – is available from [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

To find out more about the liquor laws, contact L&GNSW:

 [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)  
 1300 024 720  
 [info.lgnsw@justice.nsw.gov.au](mailto:info.lgnsw@justice.nsw.gov.au)

### Publication details

These guidelines are published by the Secretary, NSW Department of Industry, under section 5 of the *Liquor Act 2007*. They are designed to assist you to determine whether or not a person is intoxicated.

These guidelines are subject to periodic review. Please go to [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au) to ensure you are using the latest guidelines.

<b>Attachment 6 – SEPP 71 Compliance Table</b>	
<b>SEPP 71 Matters for Consideration</b>	<b>Comments</b>
Clause 2 – Aims of Policy	
<p>(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</p> <p>(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</p> <p>(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</p> <p>(e) to ensure that the visual amenity of the coast is protected, and</p> <p>(f) to protect and preserve beach environments and beach amenity, and</p> <p>(g) to protect and preserve native coastal vegetation, and</p> <p>(h) to protect and preserve the marine environment of New South Wales, and</p> <p>(i) to protect and preserve rock platforms, and</p> <p>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) to encourage a strategic approach to coastal management.</p>	<p>The proposal will not compromise the Policy aims. The proposed development will protect and enhance the recreational and economic attributes of the NSW coast and the design and location improves the existing public access to the marina development as a whole. The site is not located on the coastal foreshore. The attributes of the coastal foreshore will therefore not be negatively impacted by the proposal.</p> <p>The proposed building will comply with the approved concept plan and which outlines the bulk and scale of the proposed building which is considered appropriate for the location.</p>

<b>Attachment 6 – SEPP 71 Compliance Table</b>	
<b>SEPP 71 Matters for Consideration</b>	<b>Comments</b>
<p>(2) This Policy:</p> <p>(a) (Repealed)</p> <p>(b) requires certain development applications to carry out development in sensitive coastal locations to be referred to the Director-General for comment, and</p> <p>(c) identifies master plan requirements for certain development in the coastal zone.</p> <p>(3) This Policy aims to further the implementation of the Government's coastal policy.</p>	<p>The subject site is located within the coastal zone, however it is not within 100m above a mean high water mark of the sea, a bay or an estuary. It is not within 100m of SEPP 14 wetland or land reserved and dedicated under the National Parks and Wildlife Act 1974. Therefore, the site is not a <i>sensitive location</i> for the purposes of SEPP 71. Therefore there are no master plan requirements for this development.</p> <p>Clauses 18 (1), (b) and (c) are not relevant to this proposal.</p>
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	Public access to the coastal foreshore remains unaffected by the proposal.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	Public access to the coastal foreshore remains unaffected by the proposal.
(d) the suitability of development given its type, location and design and its relationship with the surrounding area.	The proposed development is considered suitable based upon the proposed use is in compliance with the approved concept plan and the zoning permitting the proposed land use.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposed development is located on the coastal foreshore and does not impede views from a public place to the foreshore. Therefore there is no detrimental impact on the amenity of the coastal foreshore.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	By virtue of the distance of the proposed building from the coast (approximately 700 metres). The scenic qualities of the NSW coast are not compromised by the proposal.
(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995 (TSC Act)) and plants (within the meaning of that Act), and their habitats.	No species listed under the TSC Act (or their habitat) will be disturbed by the proposal. There is no record of any species listed under the TSC Act (or their habitat) being located on the disturbed site and therefore no native vegetation is proposed to be removed.

<b>Attachment 6 – SEPP 71 Compliance Table</b>	
<b>SEPP 71 Matters for Consideration</b>	<b>Comments</b>
(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal is located approximately 700m from the coastal foreshore and therefore any waterbodies, fish or marine vegetation will not be impacted by the proposal.
(i) existing wildlife corridors and the impact of development on these corridors.	There are no existing wildlife corridors in the vicinity of the subject site.
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.	The proposal will not compromise coastal processes or impact coastal hazards.
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposal will reduce the potential for conflict between land-based and water-based coastal activities in terms of the location and design of the building, The use as a food and drinks premises will act as a draw for people to visit and utilise the Shell Cove marina.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The proposal does not impact any known cultural places, values, customs, beliefs and traditional knowledge of Aborigines.
(m) likely impacts of development on the water quality of coastal waterbodies.	The proposal does not impact the water quality of coastal waterbodies due to existing and proposed drainage/ run off design measures. Part 4, Clauses 15 & 16 of SEPP 71 are also addressed by the drainage/ run off design measures and are the subject of relevant conditions of consent.
(n) the conservation and preservation of items of heritage, archaeological or historic significance.	The proposal does not impact any known items of heritage, archaeological or historic significance.
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	The proposal increases site density in a location where it is supported by both the Approved Concept Plan and SLEP 2013, the provision of facilities and services in the local area.
(p) only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment; and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	Energy efficiency has been addressed in the submitted Building Code of Australia (BCS) Assessment Report as reviewed by Council Building Officers. It is stated that the Building shall comply with Part J of the BCA. The report gives two options for compliance which will be documented and detailed as part of the Construction Certificate application. This has been suitably conditioned.
Part 4 – clause 15 – Effluent Disposal	The BCA Assessment Report submitted states that the sanitary facilities provided are adequate to cater for the population of 800 people including staff. This report has been reviewed by the Council Building Officer.



Attachment 6 – SEPP 71 Compliance Table	
SEPP 71 Matters for Consideration	Comments
Part 4 – clause 16 - Stormwater	<p>Concept stormwater plan provided.</p> <p>The proposed development drains to a council pit, it will drain into the pit network of the nearby carpark. Part of the stormwater line will run under the proposed building. The depth of the drainage pits in the concept plan are not given. Deep pits are possible since the pipe leading out are 300mm &amp; 525mm wide.</p> <p>Suitable conditions applied to ensure compliance with this clause. .</p>

<b>Attachment 7 SEPP 64 - Schedule 1 Assessment Criteria</b>	
<b>Character of the area</b>	<b>Comments</b>
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is simple and clear. It is compatible with the coastal character of the town centre. Complies
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with other signage proposed within the town centre. Complies
<b>Special Areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will be wall mounted and will appear as a component of the building. It will not detract from the amenity of the adjoining marina.  Complies
<b>Views and Vistas</b>	
Does the proposal obscure or compromise important views?	No. The signage will form part of the proposed building and will not compromise views over the water or dominate views from the water onto the land. Complies
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The signage will be in keeping with the scale of the elevation within which it is to be mounted and will not dominate the skyline or obstruct or compromise any views.
Does the proposal respect the viewing rights of other advertisers?	Yes – The signage will relate to the use of the building within which it is located on and will not obstruct or compromise any other advertising signs.
<b>Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The signage will be of suitable scale in relation to the elevations which it is to be located. The signage will mirror the height of the entrance doors and takeaway window and being located to the side, not be above awning height, will ensure that the signage is not overly prominent or obtrusive whilst still being clear and informative.  Complies

Attachment 7 SEPP 64 - Schedule 1 Assessment Criteria	
Character of the area	Comments
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will be used to identify the Tavern building. The design and layout of the signs is considered to contribute to the visual interest of the town centre area.  Complies
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No. There is no existing advertising.
Does the proposal screen unsightliness?	No. This is a new development within the marina project.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The signage will be wall mounted to the side of the entrances and take away kiosk. The height of the signs will be in line with the top of the doors and fenestration on the proposed building and will not protrude above the building.  Complies.
Does the proposal require ongoing vegetation management?	No.
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The simple design and proportions of the signage will compliment the style and design of the building which they are mounted upon. The signage will be mounted next to the entrances to the building and to the takeaway kiosk. The signs are suitably proportioned in relation to the elevation within which they are located.  Complies.
Does the proposal respect important features of the site or building, or both?	The signage will be mounted next to the entrances to the building and to the takeaway kiosk.  Complies
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes. The proposal provides clear signage for customers whilst reflecting the coastal theme of the area. The signage will not detract from the design and character of the proposed Tavern.

<b>Attachment 7 SEPP 64 - Schedule 1 Assessment Criteria</b>	
<b>Character of the area</b>	<b>Comments</b>
<b>Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage will be internally illuminated. No external lighting devices, platforms etc proposed as part of the signage.
<b>Illumination</b>	
Would illumination result in unacceptable glare?	The applicant has stated that the intensity of illumination will be in accordance with the relevant Australian Standards. No further details have been provided regarding intensity of the illumination. Signage will be sited adjacent to the car park area and the water front promenade and is unlikely to result in unacceptable glare depending on level of intensity of illumination. Applicant has suggested that signage will only be illuminated during operating hours. This is considered acceptable. Complies.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Due to the size and scale of the signage it is not considered that the illumination will affect safety. Considered relevant to condition level of intensity of illumination and that signage is only illuminated during operating hours.
Would illumination detract from the amenity of any residence or other form of accommodation?	The signage will be viewed in the context of the Shell Cove town centre. A mixed use residential and commercial development has been proposed adjacent to the proposed Tavern with residential units above the commercial component on the ground floor. The proposed residential units will have views onto the proposed signage on the western elevation and northern elevation. However due to the scale and design of the signage it is not considered that the illumination will detract from the amenity of the residences. Particularly as it is intended to condition the hours when signs are illuminated and limit the intensity of illumination. The signage will be viewed in the context of the surrounding public domain with other commercial signage within the area and illumination of the waterfront promenade also proposed.
Can the intensity of the illumination be adjusted, if necessary?	The applicant has stated that adjusting the illumination of the signage would not be necessary. The level of illumination has been stated in the supporting documentation as being in accordance with the relevant Australian Standards. Given the context of the area within which the signage will be viewed it is not considered necessary to adjust the intensity of the illumination.
Is the illumination subject to a curfew?	The applicant has stated in the supporting documentation that the signage will be illuminated in accordance with the hours of operation of the Tavern. This will be controlled by condition.



Attachment 7 SEPP 64 - Schedule 1 Assessment Criteria	
Character of the area	Comments
Would the proposal reduce the safety for any public road?	No. The site is located away from public roads.
Would the proposal reduce the safety for pedestrians or bicyclists?	No. The proposed signage is wall mounted and will not protrude onto the pedestrian route adjacent to the site or the waterfront promenade to the north of the site. The signage is of suitable scale that it will not dominate the area where it is to be located and is not considered to reduce the safety for pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The signage proposed is to be wall mounted and will not obscure sightlines from public areas.

## Attachment 8 – Aerial Site Photos



**Figure 7 – Aerial view to the North**

Source: Frasers



**Figure 8 – Aerial View to the South**

Source: Frasers



**Figure 9 – Aerial View to the East**

*Source: Frasers*



**Figure 10 – Aerial View to the West**

*Source: Frasers*

Frasers Property Group  
**Shell Cove Waterfront Tavern**  
Development Application Acoustic  
Report

AC03

Issue 5 | 15 December 2017

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

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# Document Verification

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# Document Verification

Page 2 of 2

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## Appendices

### Appendix A

Glossary

### Appendix B

Shellharbour DCP extracts

### Appendix C

Community noise assessment

### Appendix D

Derivation of criteria

# 1 Introduction

---

Arup has been engaged by Frasers Property Australia to provide an acoustic assessment for the development application stage of the proposed Shell Cove Waterfront Tavern. The Waterfront Tavern is located within the proposed Shell Cove 'The Waterfront' precinct. The proposal is to feature alongside additional development within the precinct including a range of nearby residential, retail and commercial land uses.

The acoustic assessment largely relates to noise emission from operation of the licenced premises, such as patrons, entertainment and mechanical services noise. Given the intent to include future, nearby residential buildings in the area, noise emission has been investigated in the context of both current and future residences. Technical information provided in this report will also be made with the awareness that noise sources that may be introduced in the area such as other retail and noise generating areas.

The approach to assessing current and future impacts has been discussed in Arup Acoustics document *AC02 (v2) Stage 2 DA Acoustic*. The approach seeks to adopt more standardised criteria for existing approved noise sensitive receptors, while an alternative approach is proposed for future development in the precinct. This document should be read in conjunction with the above-mentioned document.



## 2 Development proposal

Figure 1 presents an overview of The Waterfront Masterplan, indicated as Precincts A to H. The subject Tavern is located with Precinct D.

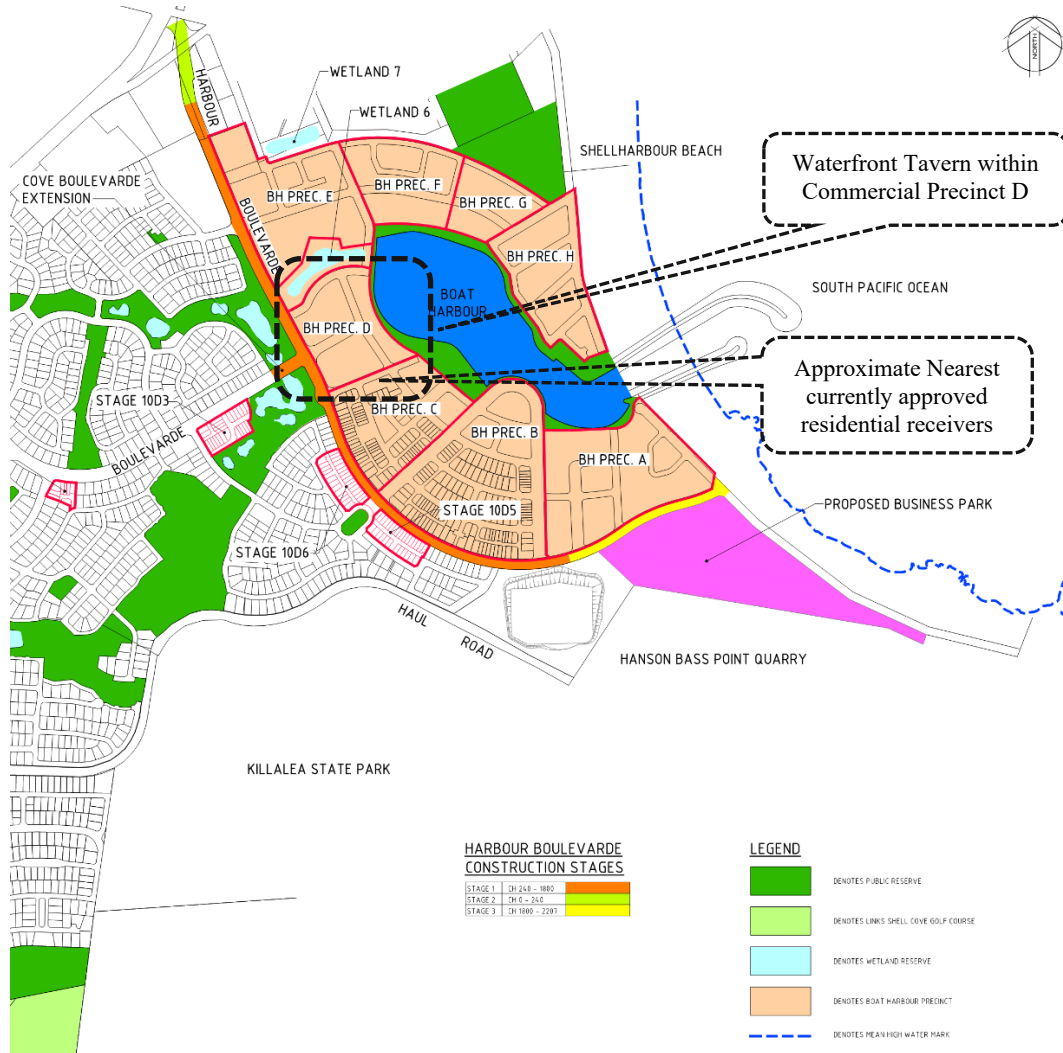


Figure 1: Masterplan – Precinct Subdivisions (Cardno FR112021-001 SK133 rev 5)

Figure 3 presents a more detailed plan of The Waterfront precincts showing the proposed land uses. Figure 3 also indicates the areas which have already been approved for development.

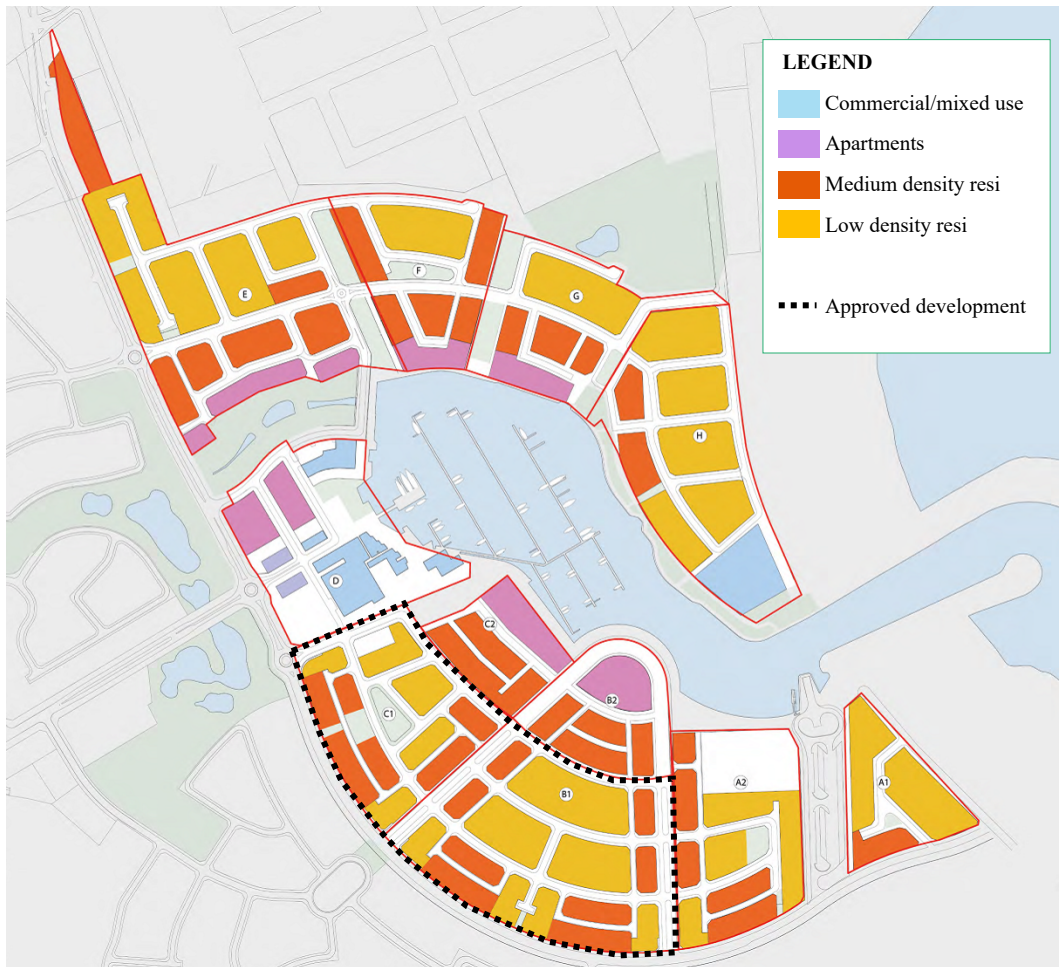


Figure 2: Masterplan – Land use development plan (S75W application to Part 3A approval)

Figure 3 shows the Waterfront Tavern in the context of Precinct D. Proposed residential receivers as part of the Stage 2 DA can be seen nearby.

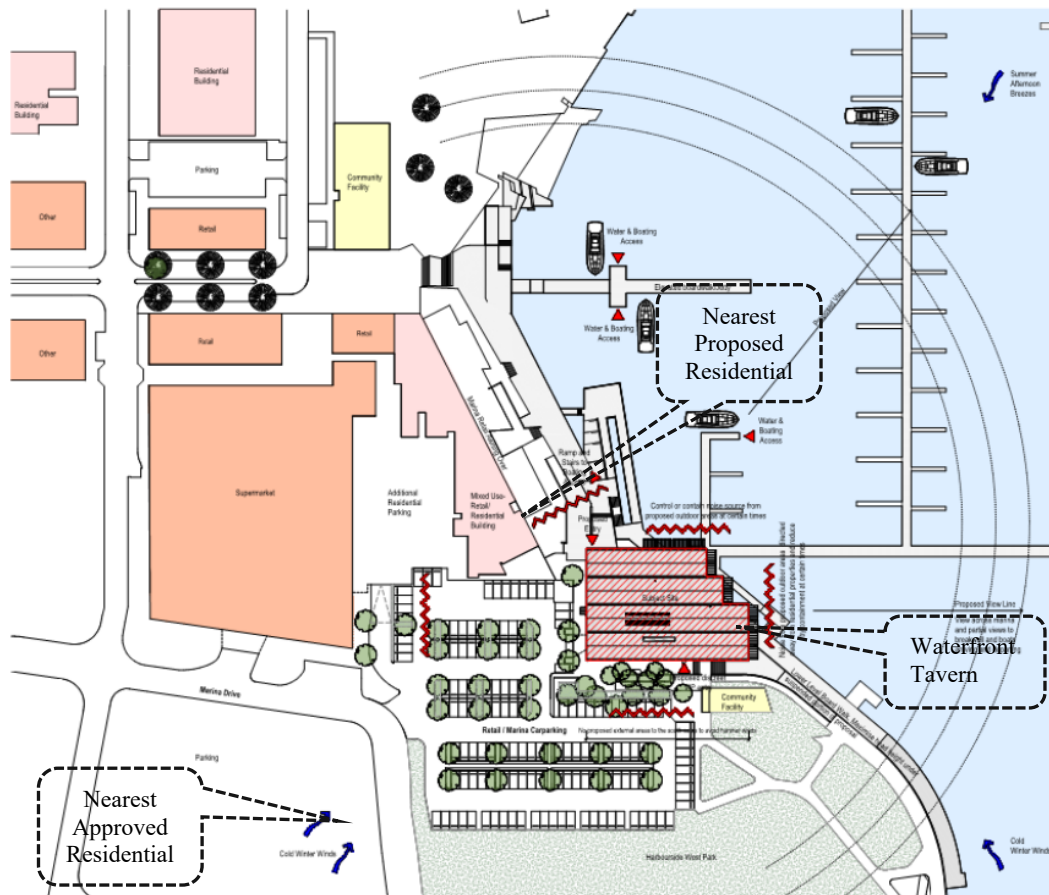


Figure 3: Precinct D – Site Analysis plan (H&E 2392 DA0010 rev 3)

Figure 4 shows the layout within the Waterfront Tavern. Outdoor seating areas can be seen around the northern and eastern boundaries of the property.

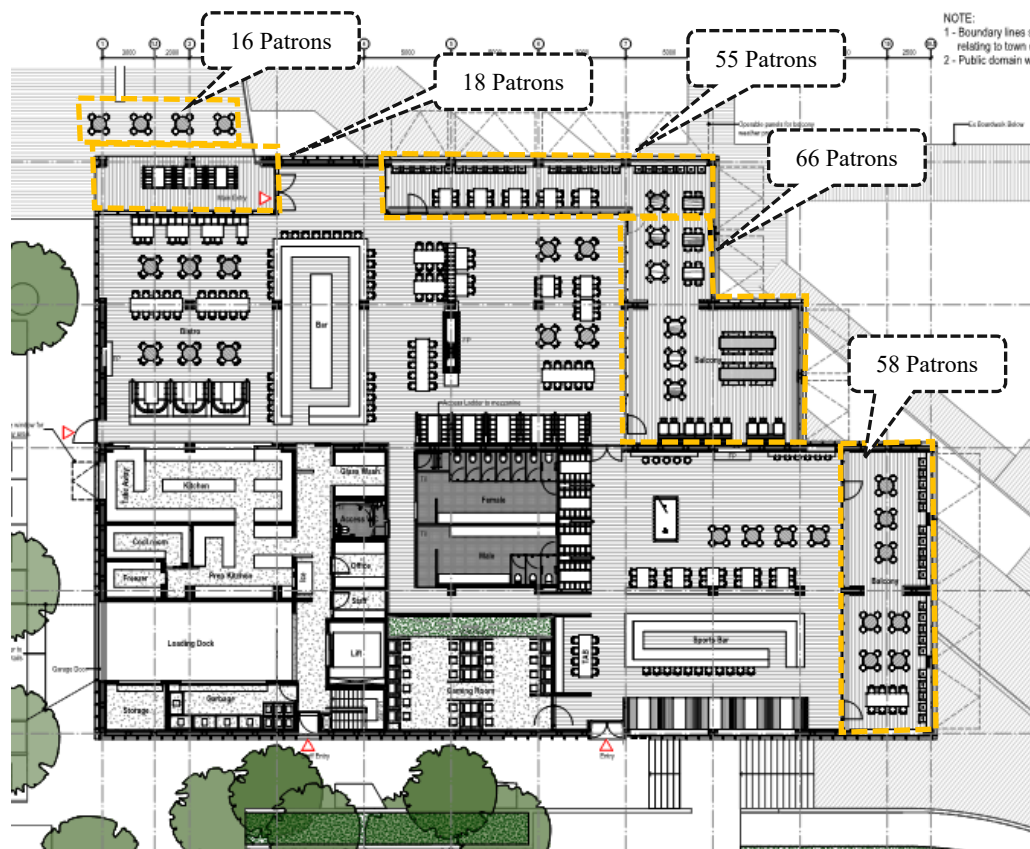


Figure 4: Waterfront Tavern with outdoor patron numbers marked – Ground Level plan (H&E 2392 DA1101 rev 6)



### 3 Acoustic criteria

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As outlined in Arup report *AC02 (v2) Stage 2 DA Acoustic*, new precincts, particularly those of scale of The Waterfront, where a vibrant public realm and range of retail and entertainment uses is desired, present challenges in the context of standard acoustic criteria and planning policy. The current 'polluter-pays' model, where the onus of noise control is solely on venues, can unduly restrict opportunities to incorporate active and vibrant uses in a green field site.

The balance the responsibilities between active uses and noise sensitive development, an alternative approach has been proposed for future development that is yet to be approved. As the approach places some onus on the receptor to provide some of the noise control, it has not been considered appropriate to consider any retrospective requirement for existing approved development. Accordingly, more standardised criteria have been adopted for existing receivers.

The following summarises the criteria established for the project.

#### 3.1 Existing receivers

The nearest residential receivers to the Tavern involves currently approved and yet to be constructed developments where the opportunity to investigate options for noise criteria are limited. In this case, a traditional approach to operational noise from the Tavern will be undertaken.

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

The following has been considered in development of the acoustic criteria:

- Standard 'intrusiveness' criteria (see Appendix D)
- Measured background noise levels
- AS 1055.2:1997 estimated background noise levels (see Appendix D)
- NSW INP amenity goals for suburban residential areas (see Appendix D)

It is noted that sleep disturbance criteria, which is typically in terms of  $L_{A_{Max}}$ , has not been proposed, generally as it is expected that the  $L_{A_{eq}}$  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 1 presents a summary of the criteria options, along with that recommend 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.

Table 1: Existing residential receivers – external design levels

Time period	Criteria, $L_{Aeq\ 15\text{minute}}$ dB			
	Intrusiveness – measured <sup>1</sup>	Intrusiveness – AS1055 – R2 <sup>2</sup>	Suburban Amenity Goals <sup>3</sup>	PROPOSAL
Day	44	50	55	<b>50</b>
Evening	42	45	45	<b>45</b>
Night	38	40	40	<b>40</b>

Notes: 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.

### 3.2 New receivers

To enable activation of the public realm and allow a reasonable usage of outdoor areas by retail premises, it is recommended that criteria apply inside residential dwellings, 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 the residential façade and the sound insulation performance of the residential façade. Therefore, noise limits for noise generating developments are still warranted. The allowable noise level needs to be balanced with the performance, practicality and cost implications of the residential façade design.

Therefore, at a high level, the following approach should be adopted:

1. Define internal noise criteria for residential premises
2. Determine an acceptable maximum sound insulation performance for a residential façade (would apply only at worst case locations)
3. Based on the residential façade performance and dwelling designs, establish maximum cumulative external noise level,
4. Establish individual targets for specific noise generating uses, such that maximum cumulative external level is not exceeded. The noise limits may vary dependant on the number of individual uses and their proximity and relationship to residential receiver locations.
5. Adopt maximum emission for uses, evaluate exposure at nearest existing noise sensitive receivers. If required, reduce maximum allowable emissions from retail uses.

#### 3.2.1 Internal design levels

Table 5 outlines recommended internal design criteria for noise ingress. The criteria are independent of any internal building services noise. Noise levels are to be measured in accordance with the guidance outlined in AS2107:2016.

Table 2: New residential receivers – noise ingress internal design levels

Location	Time period	$L_{Aeq(15\text{minute})}$ [dB(A)]
Bedrooms	7 am – 10 pm	35
	10 pm – 7 am	30
Other habitable rooms	7 am – 10 pm	40
	10 pm – 7 am	35

Achieving the above internal noise levels, is balanced between external activities and receptor building design in the following manner:

- External noise levels:
  - Maximum external noise levels from surrounding venues and public realm to be determined.
  - Establish external noise level targets for each premise at each relevant receptor
- Receptor building design
  - Taking the maximum external noise levels, it shall be the responsibility of the building to assess and design appropriate mitigation to reduce noise ingress in accordance with the internal noise criteria.

**In the first instance, achieving the right balance between external noise levels and building mitigation will be a consultative process to enable reasonable operation of active uses and practical and cost-effective design of receptor buildings.**

### 3.2.2 External design levels

The design sound levels shall be established as an overall  $L_{Aeq(15\text{ minute})}$  noise level, supplemented by 1/1 octave band levels, being required to allow design of the receptor building façade/envelope.

The requirements specific to the subject development are outlined in the recommendations Section 4.3.

### 3.2.3 Receptor mitigation requirements

It is noted that receiver buildings may require sealed building envelopes to mitigate external noise ingress. Opportunities to provide openings for natural ventilation, while still satisfying relevant noise criteria may not be readily achievable in all cases. It is noted in the WHO guidelines<sup>1</sup> consider 10 dB higher noise levels are acceptable with windows open. This may be adopted to define when alternative ventilation is required.

<sup>1</sup>World Health Organisation, “Guidelines for Community Noise,” Geneva, 1999.

## 4 Operational noise assessment

### 4.1 Noise sources

Noise sources generated as a result of usage of the Waterfront Tavern as a licenced premises is to comprise of the following:

- Speech from patrons using the space
- Music noise within internal areas of the building
- Mechanical services noise including the air handling system and exhaust systems

Noise levels at nearby residential receivers is likely to be dominated by patron noise, particularly at outdoor seating locations. This assessment therefore focuses on external patron noise, as internal activities can readily be addressed through design of the building envelope, particularly as only background music is proposed. The acoustic design requirements of the building envelope will dependant on final noise criteria and proposed internal operations.

Noise levels from patrons in outdoor areas have been predicted using formula established in Hayne et al.<sup>2</sup>, being:

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

The empirical formulas assume that people are not adversely affected by alcohol, and have a random orientation. The sound levels have been conservatively adjusted by + 5 dB by reference to Arup measurements of licensed premises. Spectra have been based on Cushing et al.<sup>3</sup> using an energy average of the male and female raised voice spectrum. Due to the size and arrangement of outdoor seating areas, sound power levels have been determined by evaluation of multiple smaller groups. The total patron noise has been distributed along the outdoor areas shown in Figure 4 with respect to the seating density and arrangements as indicated on the plan.

Table 3: Outdoor patron sound power levels for outdoor areas

Outdoor area with 'n' patrons	dB(A)	Octave Band Centre Frequency, Hz, dBZ						
		125	250	500	1 k	2 k	4 k	8 k
16 Patrons	87	69	75	78	75	70	65	58
18 Patrons	88	70	76	79	75	71	66	59
55 Patrons	94	76	82	85	82	77	72	65
58 Patrons	95	77	83	86	83	78	73	66
66 Patrons	96	78	84	87	83	79	74	67

<sup>2</sup> M. Hayne, J. Taylor, R. Rumble and D. Mee, "Prediction of Noise from Small to Medium Sized Crowds," in *Acoustics 2011*, Gold Coast, 2011.

<sup>3</sup> I. R. Cushing, F. F. Li, T. J. Cox, K. Worrall and T. Jackson, "Vocal effort levels in anechoic conditions," *Applied Acoustics*, vol. 72, pp. 695-701, 2011.



## 4.2 Predicted noise levels

Noise levels were predicted in accordance with ISO9613 implemented by SoundPLAN acoustic modelling software. Nearby residences are comprised of currently approved (existing) receivers and nearer (proposed) residences.

The modelling assumes the maximum patron capacities outlined and glazed operable panels to external areas in the open position.

Overall  $L_{Aeq(15\text{minute})}$  dB(A) noise level predictions are shown in Figure 5.

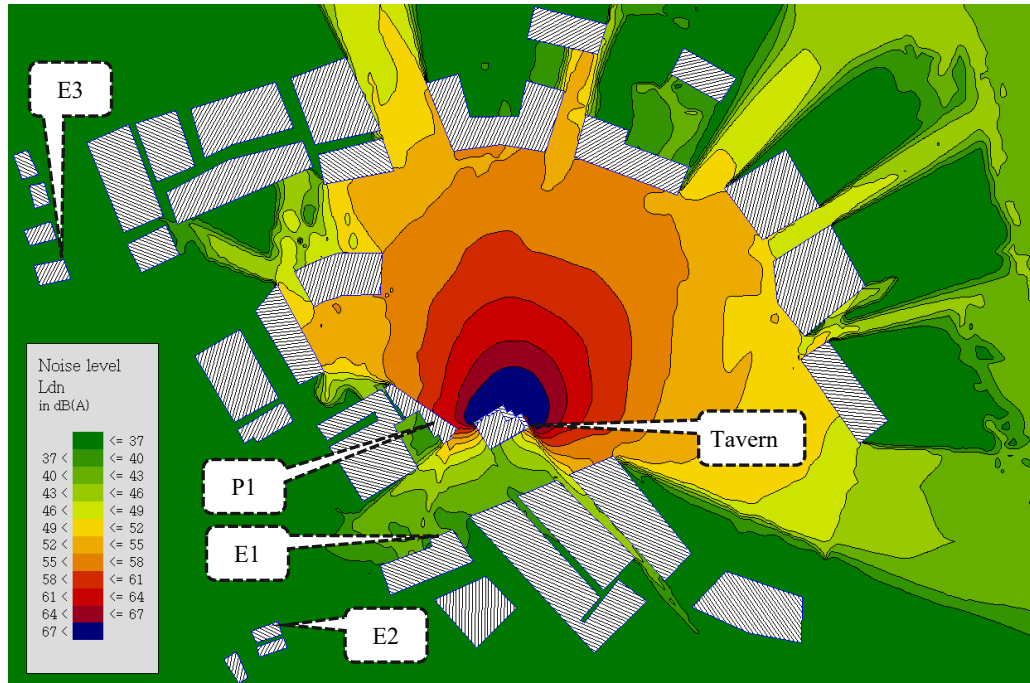


Figure 5: SoundPLAN noise modelling outputs

### 4.2.1 Existing receivers

Noise levels were predicted at the nearest currently approved residences, marked as 'E1' in Figure 5 to the south of the Tavern within the Shell Cove precinct as well as existing residences outside of the precinct, marked as 'E2' and 'E3'. The worst-case predicted level on all facades has been provided below in Table 4.

Table 4: Predicted noise level at nearest approved residential receivers

Receiver	Predicted noise level $L_{Aeq\ 15\text{minute}}$ dB	Criteria, $L_{Aeq\ 15\text{minute}}$ dB		
		Day	Evening	Night
E1	39	50	45	40
E2	34	50	45	40
E3	32	50	45	40

Notes: 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.

A review of Table 4 shows that predicted noise levels comply with the proposed criteria at the nearest existing residential receivers. However, for the night period, only marginal allowance is afforded for contribution from other uses in the Precinct.

Dependent on other proposed uses during the night period, this may warrant a reduction of patrons in the outdoor areas during the night period, potentially at 10 pm. The proposed operable panels to the terrace areas could also be closed to potentially permit usage of the balcony areas into the night period.

#### 4.2.2 Future receivers

Operational noise levels were predicted at the nearest proposed residential receivers, marked as 'P1' in Figure 5, being Precinct D Stage 2 mixed-use building, as indicated in Figure 3. Noise levels were found to be in the order of  $L_{Aeq,15\text{minute}}$  61 dB(A) at the worst-affected façade. Apartments at the northern end of the building exhibited predictions that were 5 dB(A) lower than the worst-affected.

It is noted that these predictions do not include the cumulative noise from other development and the public realm. Noise emission, mitigation and management measures will need to be investigated with respect to the cumulative noise impact of all noise sources in the area that may impact upon the future residential development.

Notwithstanding, in accordance with the proposed acoustic strategy, it is expected that a significant number of the future residential developments will warrant upgraded facades and building envelopes to mitigate noise ingress. The following presents preliminary assessment to provide an indication as to the ability of residential buildings to be design to achieve the recommended internal sound levels.

##### 4.2.2.1 Mitigation at residential buildings

A preliminary assessment for residential facades has been based on an assumed external noise level of  $L_{Aeq(15\text{minute})}$  65 dB(A) at the worst affected facades, being higher than that predicted from the Tavern alone. This cumulative noise level could account for noise emissions from both the ground floor retail zones, the Tavern and any other noise generating uses not produced from internal areas of the residences themselves.

Internal noise level predictions to residential premises have been determined using the following modelling parameters:

- 65 dB(A) of façade noise with a predominantly speech based frequency spectrum.
- Room and façade dimensions based upon the Stage 2 mixed use building drawings DA10 LEVEL 01.PDF and DA16 ELEVATIONS- SHEET 1.PDF issued to Arup acoustics by Fraser's Property.

- An assumed typical internal reverberation time with a mid-frequency (500Hz – 1kHz) of:
  - Bedrooms: 0.5 seconds
  - Living rooms 0.8 seconds

For this scenario, the following indicative façade acoustic performances and constructions to achieve the recommended night criteria is presented in Table 5.

Table 5: Indicative façade acoustic performance requirements for the nearest affected proposed residences to the Waterfront Tavern

Period	Room	Criteria, $L_{Aeq,15min}$ dB	Façade acoustic performance, $R_w$	Indicative constructions
Night	Bedroom	30	38-40	8 mm laminated glass / 16 mm airspace / 8.5 mm acoustic laminated glass Acoustic seals for operable sections.
	Living	35	35-37	12.38 laminated glass Acoustic seals for operable sections.

While the requirements might be achievable, the bedroom glazing is reasonably significant. The living glazing is more practicably achieved and may not represent a substantial difference from standard construction.

The requirements for the building façade could be reduced, if greater constraints were placed on active uses, such as limiting outdoor uses after 10 pm.

The requirement to have windows closed to provide appropriate acoustic amenity inside dwellings may affect the freedoms to open windows for natural ventilation. Typically, a façade with open windows (in the order of 5% of the room floor area) may offer 10 dB(A) of reduction in external noise levels, thus an external noise level of 65 dB(A), might result in an internal noise level of 55 dB(A). As a result, alternative ventilation, or ventilation by an acoustically shielded façade may be required. It is noted that the Stage 2 mixed use development proposes ducted air-conditioning, which can allow for acoustically attenuated, mechanically assisted outside air to be provided.

## 4.3 Recommendations for Tavern

### 4.3.1 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.

While an alternative strategy is presented for patrons and active uses it is recommended that the building services be mitigated to the more standard criteria

as outlined below. This aims to limit building services noise from contributing to other sound sources, and reducing the potential for it to permeate the environment. It is considered reasonable for the targets to apply to individual sites, rather than consider cumulative impacts.

Table 6: Building services noise criteria – all residential receivers

Time period	Criteria, $L_{Aeq\ 15\text{minute}}$ dB
	Intrusiveness – measured <sup>1</sup>
Day	44
Evening	42
Night	38

Notes: 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.

Noise levels from building services shall be assessed with reference to the modifying factors in the NSW INP.

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.

#### 4.3.2 Tavern noise management

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

- Close balcony operable panels where available (generally after 10 pm), with the exception of the sports bar balcony (to allow usage for smoking area).
- Use of the sports bar balcony area between 10 pm and midnight may warrant reduction in patron capacity to the balcony to satisfy acoustic objectives.
- Close patron areas such as north-west corner/main entry after 10 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 external 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. Minimum acoustic performance requirements shall be established following confirmation of the residential interface strategy and the allowable tavern noise contribution. Operational requirements, particularly provision of entertainment will be the primary driver for the building envelope design.

## 5 Conclusion

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This report presents an assessment of the proposed Waterfront Tavern in accordance with the proposed acoustic strategy for the Waterfront Precinct. The proposed acoustic criteria and strategy for The Waterfront, 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 demonstrates that the Tavern, along with mitigation at proposed residential developments within the Precinct, can be designed and managed in accordance with the proposed criteria. Further development of the strategy is however required to finalise design and management requirements for the Tavern and residential development.

With regard to the Tavern responsibilities, this is expected to include:

- Management of patron capacities, and usage of outdoor areas after 10 pm. This may include closure of operable glazed panels to the balconies (where available), reduction of patron capacities or closure of the areas.
- 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.

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## 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  $L_{A90}$  noise levels – i.e. the measured background noise is above the ABL 90% of the time.

### Rating Background Level (RBL / $\min L_{A90,1\text{hour}}$ )

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  $\min L_{A90,1\text{hour}}$  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.

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

## L<sub>1</sub>

The L<sub>1</sub> 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<sub>10</sub> 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.

## $L_{90}$

The  $L_{90}$  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.

## $L_{eq}$

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  $L_{max}$  is often caused by an instantaneous event,  $L_{max}$  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,  $L_i$ .



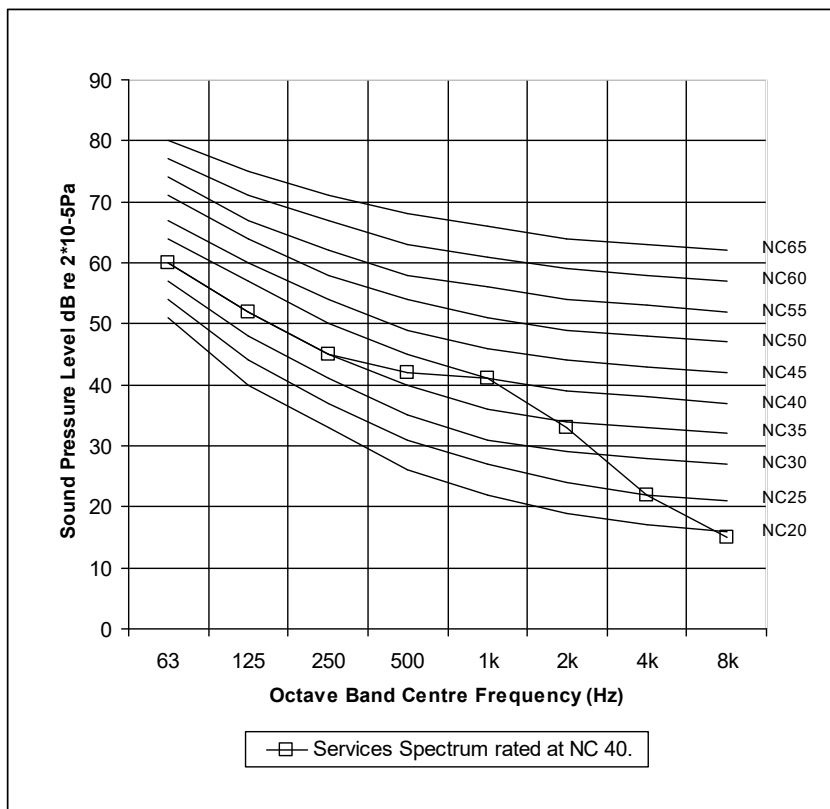
In the laboratory, the weighted normalised impact sound pressure level,  $L_{n,w}$ , is used to represent the impact sound isolation as a single figure.

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.

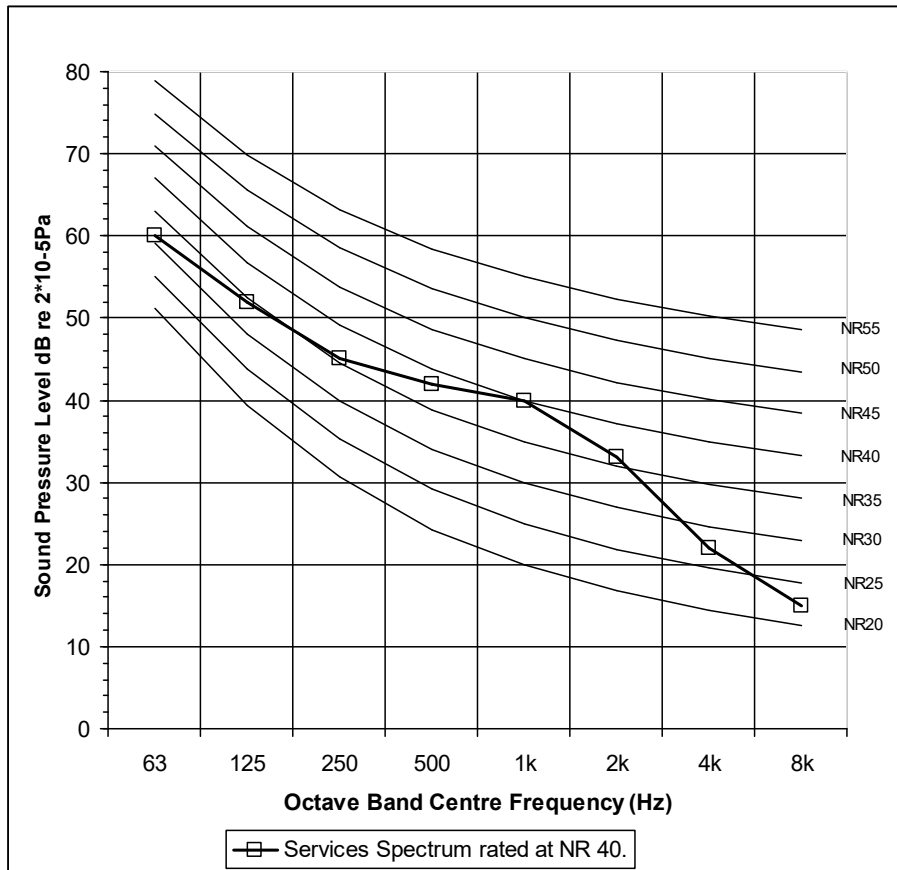
## Noise Criteria (NC) Curves

Noise criteria (NC) curves were originally developed in the USA. The curves are commonly used to define building services noise limits. The NC value of a noise is obtained by plotting the octave band spectrum on the set of standard curves. The highest value curve which is reached by the spectrum is the NC value. Shown below is a plant noise spectrum that is equivalent to NC 40.



## Noise Rating (NR) Curves

Noise rating (NR) curves are a set of internationally-agreed octave band sound pressure level curves, based on the concept of equal loudness. The curves are commonly used to define building services noise limits. The NR value of a noise is obtained by plotting the octave band spectrum on the set of standard curves. The highest value curve which is reached by the spectrum is the NR value. Shown below is a plant noise spectrum that is equivalent to NR 40.



## 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,  $D_w$ , (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.

## Room Criteria (RC) Mark II Curves

Room criteria Mark II (RC-II) curves were developed by the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE), as an improved method of assessing mechanical services noise. RC curves are shaped so as to achieve a bland, neutral sound spectrum, and extend to lower frequencies than NC or NR curves. The RC curves allow the spectral balance of the noise spectrum to be assessed as Neutral (N), Rumble (LF), Roar (MF) or Hiss (HF).

The RC value of a noise spectrum is obtained by averaging the octave band spectra values in the 500 Hz, 1 kHz and 2 kHz octave bands. This number gives the RC-II curve rating of the spectrum.

## 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/s<sup>2</sup>) or else using a decibel scale.

## Appendix B

### Shellharbour DCP extracts



Sections of the Shellharbour Development Control Plan (DCP) [1] considered relevant to this report and assessment are summarised below.

### CHAPTER 3 - RESIDENTIAL DEVELOPMENT

#### *3.5 - Streetscape and design for residential flat buildings and shop top housing in Shellharbour City Centre*

*Objective 3. To provide acoustic privacy.*

*Advice 3.5.19 Incorporate noise attenuation measures, such as double-glazed windows in all development.*

*3.5.22 Minimise the noise impacts associated with restaurants and cafes.*

*3.5.23 Any residential development above entertainment venues must address this potential conflict at conceptualisation stage and lodge a noise report with the development application. Council's conditions of consent may include limited hours for noisy activities and / or requirements for acoustic treatment.*

### CHAPTER 6 – COMMERCIAL DEVELOPMENT

#### *6.6 - Outdoor dining*

*Advice - Noise 6.6.18 Amplification of music, or similar, is not permitted within the outdoor dining areas.*

### CHAPTER 13 - PARKING, TRAFFIC AND TRANSPORT

*Advice - car park design & layout 13.2.30 Vehicle parking must not have an adverse impact on the residents of adjoining sites in terms of noise, odour or run-off. Car parking areas: a. must be screened from nearby sensitive receiving environments*

### CHAPTER 17 - CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

#### *17.2 - Fencing/walls*

*17.2.4 Where noise insulation is necessary, use window double-glazing rather than a solid fence with a height greater than 1 metre.*

### CHAPTER 31 - ACOUSTIC PROTECTION FOR NOISE SENSITIVE USES SUCH AS CHILD CARE CENTRES AND RESIDENTIAL DEVELOPMENT

#### *Objectives*

*1. To ensure that noise impacts from busy roads, rail corridors and other noise-generating land uses (e.g. Airports or industrial land uses) are mitigated where sensitive receivers are within close proximity to the noise: in addition to maintaining the proper functioning of existing noise generating development.*

*2. To ensure that noise intrusion into residential areas is minimised by designing and managing such requirements at the subdivision stage.*

*3. To ensure all noise barriers are acoustically sound and designed to respond to the streetscape.*

*4. To ensure appropriate acoustic levels are achieved within various stages of Shell Cove.*

*31.2 - Developments and subdivision fronting and within proximity to busy roads, rail corridors and other-noise generating land uses*

*Advice 31.2.1 A noise assessment survey and a program of appropriate noise attenuation measures to reduce traffic or other noise that potentially will affect sensitive noise receivers must be prepared by a suitably qualified acoustic consultant in accordance with the NSW Road Noise Policy and/or Industrial Noise Policy issued by the NSW Environment, Climate Change & Water. The assessment shall predict noise levels for a ten year period and any noise attenuation measures shall address these noise levels.*

*31.2.8 Other acoustic attenuation measures may include:*

*a. the provision of noise barriers with mounding, landscaping, additional setbacks or a combination of all these measures*

*b. architectural treatment of buildings will only be considered where it has been demonstrated that noise barriers or mounding is not reasonable or feasible. Such requirements will be included in the development consent conditions or in s88B Instrument where subsequent development will be proposed.*

## Appendix C

### Community noise assessment

## C1.1 Noise rating and quantifying nuisance

To determine whether environmental noise has the potential to cause a nuisance, it is first necessary to evaluate or rate the level of noise. However, fundamentally, there is a difference between the concepts of loudness, noisiness and annoyance between different sound sources, at the same sound pressure level that needs to be resolved [2].

Kosten [3] noted that the subjective response of individuals to noise, and whether noise would result in complaints, was dependant on a wide range of acoustic and non-acoustic variables, including:

- the characteristics of the noise (for example the level, spectral shape, presence of tones, intermittency etc.)
- the characteristics of the ambient environment, and
- the characteristics of the individual and their circumstances.

There was concern that such a wide range of disparate variables that influence the perception of noise “seems to dash all expectations of ever arriving at a scientific establishment of criteria” [3].

In his book *Community Noise Rating*, Schultz [4] notes that there has been a ‘proliferation of noise ratings’ due to the desire that they should ‘in some sense mirror the extraordinarily complex working of the human ear and brain, without being any more complicated than necessary for the immediate problem at hand’.

Schultz also notes that deciding what and how to measure environmental noise is important, since it affects the cost of making the measurements because it is more expensive to make complicated measurements than simple ones. The corollary is that, for a given budget, it is possible to make more extensive surveys with simpler noise measures.

## C1.2 Resident expectations

In terms of resident expectations, high density residential and mixed use development, typically has a negative perception with respect to neighbourhood satisfaction [5, 6]. While research indicates that residential satisfaction may not be directly associated with the objective density of an area, unwanted noise is a major contributor to dissatisfaction [5, 6, 7]. The expectations of residents therefore need to be well understood and presumptions that residents will accept trade-offs in amenity for the convenience and other lifestyle benefits must be avoided.

## C1.3 Objective guidelines for acceptable community noise

In 1999, the World Health Organisation (WHO) published their *Guidelines for Community Noise* [8] and these have become the key reference for acceptable

noise levels in the community (including both noise from industry and music noise), particularly since they are published by the peak world body for health.

The WHO Guidelines begin by ranking potential adverse health effects of noise as:

- hearing impairment (at high levels),
- reduced speech intelligibility,
- sleep disturbance,
- impaired physiological functions and cognitive performance, and
- annoyance.

A summary of the key internal noise limits documented in the Guideline is provided in Table 7 below. Broadly, the Guideline recommends noise levels for bedrooms of 30 dBL<sub>Aeq</sub> for continuous noise and 45 dBL<sub>Amax</sub> for single loud events, to limit sleep disturbance. To protect people from annoyance, outdoor sound levels from 'steady, continuous noise' should not exceed 55 dBL<sub>Aeq</sub> day, and 50 dBL<sub>Aeq</sub> night-time.

Table 7: WHO Guideline - Summary of noise limits [8]

Specific environment	Critical health effect(s)	L <sub>Aeq</sub> [dB(A)]	Time [hours]	L <sub>AFmax</sub> [dB]
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors Inside bedrooms	Speech intelligibility & moderate annoyance, daytime & evening	35	16	
	Sleep disturbance, night-time	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60
School class rooms & pre-schools, indoors	Speech intelligibility, disturbance of information extraction, message communication	35	during class	-
Pre-school bedrooms, indoor	Sleep disturbance	30	Sleeping time	45
School, playground outdoor	Annoyance (external source)	55	during play	-
Hospital, ward rooms, indoors	Sleep disturbance, night-time	30	8	40
	Sleep disturbance, daytime and evenings	30	16	-
Hospitals, treatment rooms, indoors	Interference with rest and recovery	Low as possible		



Specific environment	Critical health effect(s)	$L_{Aeq}$ [dB(A)]	Time [hours]	$L_{AFmax}$ [dB]
Industrial, commercial shopping and traffic areas, indoors and outdoors	Hearing impairment	70	24	110
Ceremonies, festivals and entertainment events	Hearing impairment (patrons:<5 times/year)	100	4	110
Public addresses, indoors and outdoors	Hearing impairment	85	1	110
Music and other sounds through headphones/earphones	Hearing impairment (free-field value)	85 (headphones)	1	110
Impulse sounds from toys, fireworks and firearms	Hearing impairment (adults)	-	-	140 pk
	Hearing impairment (children)	-	-	120 pk
Outdoors in parkland and conservations areas	Disruption of tranquillity	Quiet areas preserved		

It should be noted that the WHO *Guidelines for Community Noise* represent levels that establish the ‘onset of health effects from noise exposure’, and are generally viewed as being aspirational levels, to be achieved where possible – the Guideline calls them ‘intermediary targets’. It is suggested that the cost-effectiveness of achieving these levels should also be considered.

The recommended noise levels are intended to apply to a very wide range of noise sources, including not only industrial and music noise, but noise from transport infrastructure (i.e. roads, railways and airports) and ‘typical neighbourhood noise’<sup>4</sup>.

In terms of the measurement of noise, the Guideline suggests that, in common with most European practice, the  $L_{Aeq,T}$  should generally be used to measure noise, with noise from distinct events measured using  $L_{Amax}$ .

The use of A-weighted average noise levels such as these to quantify noise impacts has been subject to a great deal of research, and the evidence suggests that alternative measurements of ‘loudness’, such as equal-loudness or equal-noisiness contours correlate better with subjective annoyance response [9, 10, 11]. Nevertheless, the WHO Guideline notes that the differences in prediction accuracy of alternative measures are usually smaller than the variability of responses among groups of people.

<sup>4</sup> The guideline defines Community Noise as noise emitted from all sources *except* noise at the industrial workplace.

## Appendix D

### Derivation of criteria

## D1 Australian Standard 1055.2 – 1997

Appendix A of Australian Standard 1055.2 – 1997 '*Acoustics – Description and measurement of Environmental noise*' gives the following estimated background noise levels. It is noted in the Standard that the Appendix may only be used as a guideline and whenever possible background noise levels shall be measured.

Table 8: Estimated average background A-weighted sound pressure levels ( $L_{A90, T}$ ) for different areas containing residences in Australia

Noise area category (Notes 1 and 2)	Description of neighbourhood	Average background A-weighted sound pressure level, $L_{A90}$					
		Monday to Saturday			Sunday and public holidays		
		0700-1800	1800-2200	2200-0700	0900-1800	1800-2200	2200-0900
R1	Areas with negligible transportation	40	35	30	40	35	30
R2	Areas with low density transportation	45	40	35	45	40	35
R3	Areas with medium density transportation or some commerce or industry	50	45	40	50	45	40
R4	Area with dense transportation or some commerce or industry	55	50	45	55	50	45

- Notes:
1. The division into noise area categories is necessary in order to accommodate existing sound levels encountered at residential sites in predominately commercial or industrial districts, or in areas located close to main land transport routes, ie road and rail
  2. The noise area category most appropriate should be selected irrespective of metropolitan or rural zoning and will vary from location to location
  3. The estimated background sound levels given in this Appendix should only be used when existing ambient sound levels are not appropriate for planning purposes e.g. because of changes to land use.

### D1.1 Application of AS 1055.2 – 1997

Where reliable background noise measurements cannot be obtained, noise levels can be determined using AS 1055.2:1997. While noise levels within the standard are provided as estimates, they may be appropriately used for a planning assessment. These background noise levels are then used as a substitution for measured background noise levels for the purposes of determining intrusive noise criteria in accordance with the procedures in the NSW INP

Noise criteria determined as per AS1055.2:1997 are as follows:

Table 9: Background noise levels and intrusive noise criteria from AS1055.2:1997

Noise area category and type	A-weighted level, dB(A)		
	0700-1800	1800-2200	2200-0700
Background noise levels ( $L_{A90}$ ) for noise category – R2.	45	40	35
Intrusive noise criteria based on background noise levels for noise category – R2	50	45	40

## D2 NSW Industrial Noise Policy

The NSW *Industrial Noise Policy* (INP) is primarily concerned with controlling intrusive noise impacts in the short-term for residences, and maintaining long-term noise level amenity for residences and other land uses.

### D2.1 Intrusive noise criteria

The intrusiveness criterion is applicable to residential premises only. The intrusiveness criterion is summarised as follows:

- $L_{Aeq,15\text{minute}} \leq \text{Rating Background Level (RBL) plus 5 dB}$

As the intrusiveness criteria is established from the prevailing background noise levels at the residential receiver locations, the rating background noise level is required to be quantified to establish Project noise goals.

#### D2.1.1 Application of measured levels

Reference has been made to a noise survey conducted by Acoustic Logic Consultancy, which measured existing background and ambient noise levels in the area prior to the development of residential, commercial and public spaces in the Shell Cove precinct. The noise measurement results carried out by Acoustic Logic Consultancy revealed the following rating background noise levels on site.

Table 10: Measured background noise levels and intrusive noise criteria

Data measured at Corner of Road 10 and Road 12	A-weighted level, dB(A)			
	Day	Evening	10 pm - midnight	Night
Background noise levels ( $L_{A90}$ )	39	37	34	33
Intrusive noise criteria based on measured background noise levels	44	42	39	38

Notes: Measurements carried out between 29 May and 5 June 2017  
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.

## D2.2 Amenity noise criteria

The INP amenity criteria are for maintaining noise amenity, for which the INP recommends 'acceptable' and 'recommended maximum' cumulative noise levels for all industrial noise at different receiver types, including residential, commercial, industrial receivers and other sensitive receivers.

Table 11: INP Amenity Criteria - Recommended  $L_{Aeq}$  noise levels from industrial noise sources (NSW INP Table 2.1)

Type of receiver	Indicative Noise Amenity Area	Time of day <sup>1</sup>	Recommended $L_{Aeq}$ (Period) noise level	
			Acceptable	Recommended maximum
Residence	Rural	Day	50	55
		Evening	45	50
		Night	40	45
	Suburban	Day	55	60
		Evening	45	50
		Night	40	45
	Urban	Day	60	65
		Evening	50	55
		Night	45	50
	Urban/Industrial Interface - for existing situations only	Day	65	70
		Evening	55	60
		Night	50	55
School classrooms - internal	All	Noisiest 1 hour period when in use	35	40
Hospital ward - internal - external	All	Noisiest 1 hour period	35 50	40 55
Place of worship - internal	All	When in use	40	45
Area specifically reserved for passive recreation (e.g. National Park)	All	When in use	50	55
Active recreation area (e.g. school playground, golf course)	All	When in use	55	60
Commercial premises	All	When in use	65	70
Industrial premises	All	When in use	70	75



Type of receiver	Indicative Noise Amenity Area	Time of day <sup>1</sup>	Recommended LAeq(Period) noise level	
			Acceptable	Recommended maximum

<sup>1</sup> – Daytime, 7.00am to 6.00pm; Evening 6.00pm to 10.00pm; Night-time 10.00pm to 7.00am

On Sundays and Public Holidays, Daytime 8.00am - 6.00pm; Evening 6.00pm - 10.00pm; Night-time 10.00pm - 8.00 am.

Reference should be made to the INP for full assessment procedures and application, including modifying factor adjustments, background measurement procedures, adverse meteorological effects as well as assessment of sleep disturbance.

### D2.2.1 Determination of amenity noise criteria

Much like the determination of background noise levels in the AS 1055:1997 standard, amenity goals are determined using other environmental descriptors and classifications for a given zone or area.

Amenity criteria for residential receivers in the area are as follows:

Table 12: Amenity noise criteria for residential receivers

Indicative Noise Amenity Area	A-weighted sound pressure level, dB(A)		
	0700-1800	1800-2200	2200-0700
Suburban	55	45	40