



3rd September 2019

Director
NSW Department of Planning & Environment
PO Box 39
SYDNEY NSW 2001
information@planning.nsw.gov.au

Attention: Anthony Witherdin

Dear Sir

Huskisson Hotel Development (PMA-300+ Modification 3 – Car Parking Calculation

I refer to the above matter and to the attached documents which include:

1. Modification MP07_0004 MOD 3 Application Form;
2. Owners consent form;
3. Assessment of Patronage and Parking Demand by Existing Hotel prepared by Lyle Marsh & Partners Pty Ltd.

Introduction

MP07_0004, determined 12 October 2010, gave consent to redevelop the existing Huskisson Hotel site at 73-75 Owen Street, Huskisson in three stages. The consent has since been modified pursuant to MP07_0004 MOD 1 and MP07_0004 MOD 2.

Background Information

The redevelopment of the Huskisson Hotel was approved by the Department of Planning on 12 October 2010. In summary, the approval approved the following development:

- The demolition of additions to the hotel;
- Alterations and additions to the hotel to provide a new courtyard at ground level, and use of the first floor as a day spa and function room with an adjoining terrace;
- Excavation of a basement car park for 64 cars; and
- Construction of a 4/5 storey building at the rear of the existing hotel to provide 14 residential apartment units, 38 hotel rooms, manager's residence and associated facilities.

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The reason for the making of this application relates to the terms of Condition F11 which reads as follows:

F11 Parking Contribution

A Section 94 contribution for 14 car parking spaces must be paid in accordance with the requirements of Shoalhaven City Council's Section 94 plan, should construction of stages 2 and 3 of the development not be commenced within 5 years of the date of this modification approval.

The condition of consent was imposed following the Department's determination of MOD 2.

The 5-year commencement period has now lapsed and rather than paying the car parking contributions for 14 spaces, the proponent hereby makes application for Condition F11 to be deleted.

The current consent conditions relating to car parking have been drafted on the basis that parking requirements for the project are 192 spaces for stage 1 of the development only.

It has been established and accepted that the existing hotel has parking credits equal to 166 spaces.

12 parking spaces are currently required to be provided on site.

The parking shortfall is therefore 14 spaces (for stage 1).

Proposed modification:

The type of modification sought is a Section 4.55 (1A). In this regard, the modification is of minimal environmental impact. No physical changes to the development are proposed. The application submitted simply deals with matters of a technical nature involving car parking credits and the parking demands of the development.

The development as a result of the proposed modification (if approved) will remain substantially the same as that originally approved.

It is proposed to delete condition F11.

~~*F11 Parking Contribution*~~

~~*A Section 94 contribution for 14 car parking spaces must be paid in accordance with the requirements of Shoalhaven City Council's Section 94 plan, should construction of stages 2 and 3 of the development not be commenced within 5 years of the date of this modification approval.*~~

Reason:

The parking requirements of the current consent have been calculated based on the amount of licensed floor area within the hotel. Chapter G21 of the Shoalhaven DCP states in relation to parking provision for Pubs and Registered Clubs, instead of calculating parking provision on licensed floor area:

"..... car parking requirements may be determined by Council following the completion and submission of a parking impact and needs study by an independent suitably qualified professional."

The proponent has engaged **Lyle Marshall & Partners Pty Ltd** who have prepared a report which assesses patronage and parking demand by the existing hotel (with stage 1 being completed and in operation). The study has concluded that the estimated peak parking demand on the 85th percentile Saturday night by hotel patrons, guests in the 8 hotel rooms and hotel staff was 117.3 parking spaces (118 rounded). The hotel has a credit of 166 spaces and 14 spaces in the existing hotel car park yielding a total of 180 spaces.

It is on this basis and on the basis of all other conclusions reached within the parking demand study that the request to delete Condition F11 is made.

Assessment of Modification against applicable Legislation:

Environmental Planning and Assessment Act 1979

The application made to modify the consent has been submitted pursuant to Section 4.55 (1A) of the EPA Act 1979.

State Environmental Planning Policies

Coastal Management – The proposed modifications have no impact on the provisions of the Coastal Management SEPP.

Infrastructure – The proposed modifications have no impact on the Infrastructure SEPP. There are no requirements to refer the modification to the RMS for concurrence.

Local Environmental Plans

Shoalhaven Local Environmental Plan – The proposed modification involving car parking provision has no impact on any of the provisions of the Shoalhaven Local Environmental Plan 2014. The development remains permissible within the B4 zone and as no physical changes to any part of the proposed buildings are proposed, no other LEP provisions including height of buildings, FSR and the like are affected.

Development Control Plans

Shoalhaven Development Control Plan 2014 – the provisions of the Shoalhaven Development Control Plan have been examined and Chapter G21 is relevant to this application. Chapter G21 sets out Shoalhaven Council's local development controls for car parking, traffic and access. In particular, the Chapter G21 sets out car parking provision rates for different land uses, including pubs, clubs and hotels. The application made herewith is accompanied by a comprehensive car parking demand survey and report prepared by a suitably qualified car parking and traffic consultant. Chapter G21 states that in relation to car parking for pubs, clubs and hotel developments, either car parking is provided in accordance with the rates specified within the DCP, or alternatively *car parking requirements may be determined by Council following the completion and submission of a parking impact and needs study by an independent suitably qualified professional.*

No other chapters of the Shoalhaven Development Control Plan 2014 are impacted upon by the proposal.

Conclusion:

The request made to delete Condition F11 from the subject development consent is reasonable and well founded. The circumstances of the case are such that the proponent is in the fortunate position of being able to accurately assess and survey real parking demand for the approved development. Unlike most proposals for new development where issues such as parking demand can at best be estimated based on other similar developments, the current circumstances are that the stage 1 hotel redevelopment is complete and fully operational. In this regard, parking demands for it can be accurately determined using accepted reporting and survey methods which is precisely what the proponent has done.

The report as submitted provides an accurate and reliable representation of car parking demands based on real data which reflects peak car parking demand.

In accordance with Chapter G21 of the *Shoalhaven Development Control Plan 2014* a shortfall of 14 spaces was calculated for the development. It is expected that this shortfall would be apparent given



that Stage 1 of the development is complete and fully operational. However, the expert analysis undertaken indicates no such shortfall being observed, even on the busiest nights at the hotel.

I trust the Department will concur with the conclusions reached here and agree to modify the consent by deleting Condition F11.

A copy of the parking demand report is enclosed.

Please contact us should you wish to discuss this matter further.

Sincerely
Lee Carmichael
Director