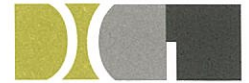


17 August 2011



Director General
 Department of Planning
 23-33 Bridge Street
 Sydney, NSW 2000

Re: S.75W modification of application 07_0004

Attn: Mark Schofield

Dear Sir,

Introduction

Kamsley Pty Ltd now seeks to modify the conditions of application 07_0004 for the Huskisson Hotel Redevelopment approved on 12 October 2010 and modified on 12 August 2011. This modification request specifically relates to area of the development included in Stage 1 and also the noise condition F5.

It is proposed to modify the conditions of consent under Section 75W of the *Environmental Planning Assessment Act 1979*. The conditions that we will be seeking to modify and the justification for each modification are provided below with a marked up version presented in Appendix A of this letter.

Proposed Modifications

A2 Staging

Modification

The proponent seeks a wording change to amend the condition relating to Stage 1 in accordance with the drawings attached, as follows:

Stage 1:

- (a) demolition of recent additions and structures at the rear of the existing hotel;
- (b) refurbishment of existing hotel *including the 8 hotel rooms and managers flat (level 1);*
- (c) *Construction of a single treatment room spa facility (basement);*
- (d) *Construction of a terrace adjacent to Public Bar, a function room and adjacent terrace (the terrace to be demolished when Stage 3 is constructed). (This is all at Ground floor level).*
- (e) *Construction of garbage and loading area (to be demolished when Stage 2 is constructed). This is at basement level and is described in the drawings as "waste enclosure";*

Development
 Construction
 Commercial Property
 Residential Property
 Doma Hotels

Justification

The additional items included in stage 1 are to facilitate effective hotel operations and to support the development of the business to support Stage 2 of the development (develop a function business).

The implications of these Stage 1 structures are as follows:

- The proposed bistro terrace and function room are necessary to provide an area similar to the current bistro and beer garden of the hotel. This is necessary to provide sufficient seating capacity during the critical summer months when the town struggles to accommodate the services required by the influx of tourists.
- The function room is to bring forward the provision of function services into Stage 1 of the hotel. The former foyer area of the approved project will now be operated as a function room. The hotel reception area is now proposed to be incorporated into an office in the corridor through the hotel. This is a more efficient use of space.
- There are not enough function facilities in the Jervis Bay area and this function room will attract greater numbers of people to the area for the benefit of the whole community; particularly as the hotel will only have 8 accommodation rooms until Stage 2 is constructed.
- The proposed bar/bistro/beer garden area covers a smaller footprint than the current bistro and beer garden. The former customer service area was 874m² and the proposed customer service area is 775m² plus a function room of 213m² (refer Appendix 1).
- It is proposed in Stage 1 to refurbish the first floor of the hotel to upgrade the current 8 accommodation rooms with a share bathroom to 8 rooms with ensuites. The spa will be incorporated into the basement in Stage 1. The building will revert to the currently approved design in Stage 2.
- The retention of the accommodation rooms does not impact the car parking requirements for Stage 1 as it is covered by existing use entitlements.
- The terrace to the rear of the public bar is to accommodate smokers and other public bar customers. This has the benefit of keeping smokers off the street and also ensuring that public bar customers (which are a major part of the heritage significance of the property) can be retained. This terrace will be removed for Stage 2 of the project.
- The garbage area adjacent to the basement is considered more convenient for stage 1 of the project.
- The existing use entitlement is 196 car parks. The car park requirements for the proposed Stage 1 are 192 car parks. Therefore no further car parks are required. However, the applicant as an indicator of good faith proposes to incorporate 12 car parks into the development plus a disabled car park.

Drawings highlighting these changes are at Appendix 2 of this letter. There is no southern elevation as no change is sought to the currently approved southern elevation.

B1 – 10 - Balustrades

Modification

The proponent seeks a minor wording change to amend the condition to allow Balustrades to be either glass (must now be framed under the BCA) or metal in a similar form to the current balustrade on the 1st floor balcony.

Justification

The use of glass will be problematic in some areas because of the salt spray and the difficulties keeping it clean. Therefore in some areas the balustrade will be steel and similar to the current hotel balustrades.

B20 Landscape Plan

Modification

The proponent has attached a modified landscape plan having regard to the proposed changes to Stage 1.

Justification

The plan must change to accommodate the additions to Stage1.

F5 Noise Control Licensed Premises

Modification

The proponent seeks rewording of this condition to reflect the trading hours of a 1am close. The only change is to limit the noise to 50db(A) from 7am to **1am**. Recommendation iii is also incorrect as it conflicts with recommendation i. It should read that no noise should be audible in any habitable room of any residential property outside the property between the hours **1am** to 7am. This corresponds with current operations and the current liquor licence.

Justification

The hotel currently operates until 1am and has no noise complaints and has never had any noise complaints.

Comment on Car Parking

Attached at Appendix A is a table of the car park allowance and requirements for each stage of the project. As can be seen with Stage 1b which is the currently modified DA the hotel has a car park requirement of 127 car parks as compared to current usage of 196 car parks. The addition of terraces and the function room increases the requirement to 192 car parks. This is still within the existing use allowance.

For stage 2 and 3 of the project the shortfall is 26 car parks and 11 car parks respectively compared to the current deemed existing use entitlement. However, car parking as required under the approved DA will be

made available on site to cater for this shortfall being 49 car parks in Stage 2 and a further 15 car parks in stage 3.

From a holistic perspective the applicant notes that the hotel caters to people already accommodated in the surrounding area. It only has 8 accommodation rooms. The hotel can only attract people to the local area if they can be accommodated in the area. Hence the car park requirements make sense in that the hotel does not create any more traffic than is currently in the area. The effect of the hotel's development will be to attract people to the area outside of the holiday periods when accommodation is available in the area.

Regardless, the hotel is proposing to include at least 12 surface car parks and a disabled car park in the Stage 1 of the project. The egress from the site will be by the driveway with signage "left turn only" and the current double yellow line. Further traffic control is not considered to be warranted at this stage of the project. The further traffic controls will be relevant for Stage 2 of the project.

As per the DA modification already approved the design for the median strip will be lodged with the certifying authority before construction certificate is issued.

Comment on Egress

Attached at Appendix E has the turning circles for trucks access to the basement. As can be seen both forward entry and rear entry to the basement are acceptable. In all cases trucks enter the site frontwards and exit frontwards. The truck size used is the maximum size for a front loader garbage truck from Cleanaway and a beer truck.

Conclusion

In conclusion, I trust that the above is clear but if you require any further information please contact the undersigned on (02) 0418 270 495.

Yours sincerely,



Steve Bartlett
Director Kamsley Pty Limited
sbartlett@domagroup.com.au

Appendix B

Stage 1 Plans

Figure 1. Stage 1 – Site Plan (affected area shaded and noted)

Figure 2. Stage 1 – Ground Floor Plan (affected area noted)

Figure 3. . Stage 1 – First Floor (affected area noted)

Figure 4. Stage 1 – Basement Car Park (affected area noted)

Figure 5. Stage 1 – Elevations (affected area is noted. There is no southern elevation as there is no change sought)

Figure 6. Stage 1 – Sections (affected area noted)