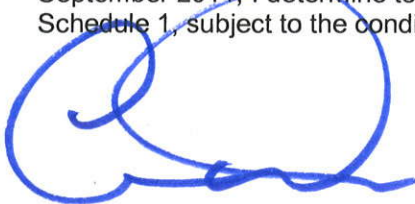


# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I determine to approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson  
**Executive Director**  
**Major Project Assessments**

Sydney

23 November

2011

### SCHEDULE 1

**Project Approval:**

07\_0004 granted by the Minister for Planning on 12 October 2010.

**For the following:**

Redevelopment of the existing Huskisson Hotel site comprising a tourist and residential development, 73-75 Owen Street, Huskisson.

**Modification:**

Modification application No.2 dated 17 August 2011, concerning proposals to:

- refurbish the existing first floor of the hotel for 8 hotel rooms and a manager's flat;
- construct a function room and adjacent terrace;
- construction and usage of an extension of the bistro terrace;
- construct a proposed public bar terrace;
- construct a day spa facility;
- construct a garbage and loading area; and
- amend conditions regarding the design of balustrades, landscape plan and noise control for licensed premises.

## **SCHEDULE 2 CONDITIONS**

### **PART A - ADMINISTRATIVE CONDITIONS**

Condition A1 is modified as follows:

#### **A1      *Staging***

The project is to be constructed in 3 stages as follows:

##### **1) Stage 1**

- a. The demolition of recent additions and structures at the rear of the existing hotel.
- b. Refurbishment of the first floor of the existing hotel for 8 hotel rooms and manager's flat;
- c. Construction of a function room and adjacent terrace;
- d. Construction of a terrace adjacent to the public bar;
- e. Construction and usage of a terrace as an extension to the approved bistro bar terrace;
- f. Construction of a single room spa facility; and
- g. Construction of a garbage and loading area

##### **2) Stage 2**

- a. Excavation for a single level of basement parking (42 spaces and 4 tandem car parking spaces).
- b. Construction of a new 4 to 5 storey 'courtyard' style hotel building at the rear of the existing hotel, kitchen and manager's flat.

##### **3) Stage 3**

- a. Construction of a new 4 to 5 storey courtyard style apartment building at the rear of the existing hotel comprising ground floor café/restaurant and associated basement parking (18 spaces).
- b. Associated landscaping and infrastructure works.

It is noted that interim sub-stages are likely to be completed in phases to facilitate the ongoing hotel operations and that staging of construction may vary in timing according to market forces. Essential infrastructure shall be constructed as specified in the staging listed above.

Condition A2(A) is modified as follows:

#### **A2(A)   *Staging***

- (1) The staging of the development shall be generally in accordance with the plans submitted with the Section 75W Modification Application – Response to Submissions (9 March 2011) prepared by dezignteam Architectural Projects and approved by the Planning Assessment Commission on the 12 August 2011, as amended by the plans submitted with the Section 75W Modification Application (dated 17 August 2011) prepared by dezignteam Architectural Projects. The plans are for the purpose of indicative staging only and are not otherwise approved.
- (2) The hotel's outdoor eating/drinking area defined by Stage 1 of the project and prior to the construction of Stage 2 and Stage 3, shall not exceed 615sqm. The Stage 1 outdoor eating/drinking areas shall comprise of the following 3 spaces - the Bistro Terrace, the Public Bar Terrace and the Function Room Terrace, as

shown on the plan titled. "Proposed additions and Alterations, Ground Floor Plan, Drawing 671.HUS/A/102" dated 16 November 2011, prepared by dezignteam Architectural Projects.

- (3) The hotel's outdoor eating/drinking area defined after the completion of Stages 1 and 2 of the project shall not exceed 502sqm, comprising the Bistro Terrace of 229sqm and a northerly extension to the Bistro Terrace that does not exceed 273sqm, as shown by the on the approved Stage 2 Architectural plan titled "Ground floor plan, Drawing 671.HUS/A/011-04" dated 16 December 2010, prepared by dezignteam Architectural Projects.
- (4) The hotel's outdoor eating/drinking area as defined by the completion of Stages 1, 2 and 3 of the project shall comprise of the Bistro Terrace, not exceed 229sqm and shall be located in the south eastern corner of the site as illustrated on approved plan titled, "Roof/Site Plan", Drawing DA.01E, dated 22/7/10 prepared by Katon Redgen Mathieson.
- (5) Consent is required to use any additional outdoor area for eating/drinking purposes

### **A3 Project in Accordance with Plans**

The project shall be undertaken in accordance with the following drawings and consultant reports:

<b>Architectural Drawings prepared by Katon Redgen Mathieson</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA-01	E	Roof/Site Plan	22 July 2010
DA-02	E	Basement 1	22 July 2010
DA-03	E	Ground Floor	22 July 2010
DA-04	E	Level 1	22 July 2010
DA-05	E	Level 2	22 July 2010
DA-06	E	Level 3	22 July 2010
DA-07	E	Elevations north-south	20 July 2010
DA-08	E	Elevations east-west	20 July 2010
DA-09	E	Sections east-west	20 July 2010

<b>Reports prepared by Consultants</b>		
<b>Name of Report</b>	<b>Author</b>	<b>Date</b>
Environmental Assessment	EMGA Mitchell McLennan	30 March 2010
Statement of Heritage Impact Proposed Alterations and Additions to Huskisson Hotel	Rappoport Pty Ltd Conservation Architects and Heritage Consultants	August 2009
Engineering Report	Sellick Consultants	16 March 2010
Traffic Impact Report	ARUP	Revision A March 2010
Geotechnical Investigation and Environmental Sampling and Testing	Coffey	17 December 2003
Flood Risk and Sea Level Rise Assessment	Lyall & Associates	11 June 2009
Local Catchment Flooding Assessment	Lyall & Associates	1 September 2009
Aboriginal Cultural Heritage Assessment	Scarp	September 2009

	Archaeology	
Safety by Design Report	Burton Katon Halliday	October 2009
Building Management Plan	Mitchell McLennan	16 March 2010
Noise Report	Environmental Management Group Australia	16 March 2010
Preferred Project Report – Huskisson Hotel Redevelopment – Addendum to Environmental Assessment	EMGA Mitchell McLennan	18 August 2010
Response to Huskisson Hotel Traffic Planning Issues in Shoalhaven City Council Submission – Major Project Application reference: MP 07_0004	ARUP	8 July 2010
Revised Landscape Plan	Spackman Mossop Michaels	July 2010
Response to Council Proposed Plant Species	Spackman Mossop Michaels	23 June 2010
Supplementary Traffic Report	ARUP	August 2010
Section 75W Modification Application and Appendices A to I as amended by the EMGA Mitchell McLennan submissions dated 17 Jan 2011 and 9 March 2011	EMGA Mitchell McLennan	3 Dec 2010
Section 75W Modification Application – additional information and justification	EMGA Mitchell McLennan	17 Jan 2011
Section 75W Modification Application – Response to Submissions	EMGA Mitchell McLennan	9 March 2011
Letter to Steve Bartlett, The Doma Group, 'Huskisson Hotel Loading Dock Access' and accompanying Drawing No. SKT004 Issue A dated 03/03/11 titled, 'Huskisson Hotel 10.5m garbage truck Multiple Turns (5 point turn)	ARUP	4 March 2011
Letter to Steve Bartlett, The Doma Group, 'Background Noise Levels at Huskisson' accompanying Appendix A	EMGA Mitchell McLennan	3 Dec 2010
Section 75W Modification Application, as amended by Steve Bartlett on 17 August 2011	The Doma Group	17 August 2011
Section 75W Modification Application - Architectural plans and sections	dezignteam Architectural Projects	26 July 2011
Section 75W Modification Application - "Proposed additions and Alterations, Ground Floor Plan, Drawing 671.HUS/A/102"	dezignteam Architectural Projects	16 November 2011
Section 75W Modification Application plans and sections, as amended by Steve Bartlett on 17 August 2011	The Doma Group	17 August 2011
Section 75W Modification Application, Appendix E - Turning circles for deliveries and garbage	Sellick Consultants	17 August 2011
Stage 1 Landscape DA Plan (LP001)	Spackman Mossop Michaels	August 2011
Stage 1 Landscape DA Plan (LP001), as amended by Steve Bartlett on 17 August 2011	The Doma Group	17 August 2011
Internal Car Park Details, Basement Key Plan and Ground Floor Key Plan	Sellick Consultants	23 August 2011 + 4 October 2011

Response to submissions - Additional information and justification by Steve Bartlett	The Doma Group	22 October 2011
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Condition B1 is modified as follows:

### ***B1 Details of Materials, Colours and Finishes***

In order to ensure the development is compatible with the coastal setting the following matters shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificates for Stages 2 and 3 of the project:

- 1) Details of the proposed external materials and finishes, including schedules and a sample board of materials and colours including glazing treatments. A light (except for the darker upper levels), natural and earthy colour palette suitable for coastal localities shall be used as depicted in the photomontages at Figures 3.1, 3.2 and 3.3 of the Preferred Project Report, prepared by EMGA Mitchell McLennan dated 18 August 2010.
- 2) The external louvers and shutters are to be brushed aluminium in a dark charcoal colour. The timber slatted sliding privacy/sun control screens and entry doors along the eastern elevation can be stained but not painted to maintain a natural timber finish.
- 3) All new windows, door frames, gutters, eaves, verandahs, pergolas and steel columns are to be dark chocolate.
- 4) The cladding to the lift overruns and stairwell external to the building is to be pietra stone finish or other similar material to create visual interest and minimise their bulk.
- 5) The base of the building is to be a sandstone finish to blend in with the foreshore reserve.
- 6) Exterior walls are to be a white rendered finish or other suitable material/finish for a coastal setting except where the darker colour palette is used at the upper levels as depicted in the photomontages at Figures 3.1, 3.2 and 3.3 of the Preferred Project Report, prepared by EMGA Mitchell McLennan dated 18 August 2010.
- 7) All gutter and downpipe treatments will be unobtrusive and complement the building.
- 8) Details of the materials to be used for the pathway along the eastern boundary and the lower ground terrace below the stairs adjacent to the northern boundary. The visual impact of these areas shall be alleviated by the use of materials other than plain concrete or bitumen (e.g. a combination of brick paving, coloured concrete).
- 9) Details of the finished treatment of the southern wall facing the courtyard to avoid a blank expanse of wall and minimise its visual bulk.
- 10) Details of the balustrade along the edge of all the balconies facing the foreshore reserve. Balconies that are adjacent to the existing hotel building in Stage 1 may be glass or metal in a similar form to that of the first floor balustrade on the Owen Street frontage and balustrades to Stage 2 hotel rooms and Stage 3 apartments should be glass either frameless, or framed with stainless steel or with a streamlined stainless steel handrail, to minimise visual effect.

The Certifying Authority must be satisfied that all materials, colours and finishes are consistent with the *Coastal Design Guidelines for New South Wales*.

Condition B20 is modified as follows:

**B20 Landscape Plan**

- i. A detailed Landscape Plan, prepared by a qualified landscape architect shall be submitted to the Certifying Authority before issue of a Construction Certificate for Stage 1 and each subsequent stage.
- ii. The Landscape Plan shall include details of screening along the northern setback of the western wing to soften the impact of the ground level wall (sandstone base); plant local native plant species appropriate to the site on the two areas of road surface proposed within the car park to be replaced with turf, details of all paving, pathway, driveway and retaining wall treatments; and a species list including only local native species as appropriate to the site and circumstances.

Condition B22 is modified as follows:

**B22 Number of Car Spaces**

- (i) The total number of on-site car spaces to be provided part of the project is 64. Of these, 4 spaces in Stage 2 are in a tandem arrangement to be designated for use by a single residential apartment or for staff purposes associated with the hotel.
- (ii) In the event that the number of car spaces changes as a result of the detailed design of the parking basement the Section 94 contribution payable to satisfy the parking deficiency (refer to Condition 38) will need to be adjusted accordingly. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 2 of the project.
- (ii) Compatible plans and details of each staged car park must be submitted to the satisfaction of the Certifying Authority prior to issue of a Construction Certificate for each stage of the project.
- (iii) Twelve (12) temporary Stage 1 parking spaces shall be provided at the location indicated on the Plan shown in Schedule 3. At least nine (9) of these car parking spaces shall be designated as permanent parking spaces for use by the hotel manager and the occupants of Stage 1 hotel accommodation.

Condition B24 is modified as follows:

**B24 Car Park and Service Vehicle Layout**

- 1) The design and construction of the car park and accesses including driveways, ramp grades, aisle widths, aisle lengths parking bay and dimensions shall comply with *Australian Standard AS2890.1- 2004*. All parking spaces are to be line marked. A "stop" sign and "watch for pedestrians" sign shall be provided at the driveway entry/exit at Owen Street
- 2) The layout of the loading dock shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*. It should be capable of accommodating the largest vehicle anticipated to use the premises
- 3) The sweep path of the longest vehicle (including garbage trucks) entering and existing the site, as well as manoeuvrability through the site shall be in accordance with "AUSTROADS' guidelines.

- 4) Vehicular access and gradients of the vehicle driveway within the site is to be in accordance with Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
- 5) To manage uncontrolled sediment runoff into the adjacent public reserve and Currumbene Creek, the finished surface condition of the car park shall be sealed in accordance with Shoalhaven DCP18 and the car parking area provided with a suitable drainage system connected to an approved stormwater disposal system.

Detailed design plans demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of Construction Certificates for Stage 1 and each subsequent stage of the project.

Any changes to the number of spaces in the parking basement (Condition B22) at the detailed design of Stage 2 and Stage 3 must be approved via a modification application to the relevant consent authority and the Section 94 contribution payable to Council is to be adjusted accordingly (refer to Condition B38).

Condition F5 is modified as follows:

**F5 Noise Control – Licensed Premises**

- (i) The LA10 noise level emitted from the licensed premises shall not exceed the background (L90) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz) by more than 5dB between the hours of 7am to 12 midnight Sunday to Thursday and 7am to 1am Friday and Saturday, when assessed at the boundary of the nearest affected residence. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- (ii) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8 KHz) between the hours of 12 midnight to 7am Sunday to Thursday and 1am to 7am Friday and Saturday, when assessed at the nearest affected residential boundary outside the property. The background noise level shall be measured in the absence of noise emitted from the licensed premises.
- (iii) Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight to 7am Sunday to Thursday and 1am to 7am Friday and Saturday.

Condition F11 is inserted 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.