



12 August 2011

**Section 75W modification to the Huskisson Hotel Redevelopment  
Owen Street, Huskisson**

**Background**

The redevelopment of the Huskisson Hotel was approved under Ministerial delegation by the then Department of Planning on 12 October 2010. The approval included:

- The demolition of recent additions to the existing 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.

**The modification application**

The modification application seeks changes to 35 conditions.

The most significant change is for the re-development of the site to be undertaken in 3 stages instead of the approved 2 stages. The proposal is to stage the development as follows -

- Stage 1 ( the refurbishment of the existing hotel )
- Stage 2 ( a new hotel building plus basement parking).
- Stage 3 ( a new apartment building and associated parking)

Another significant change is a reduction in the section 94 contributions for car parking from \$213,524 to \$4,052.

The application also seeks to amend a range of conditions to defer compliance with requirements in those conditions from the construction certificate stage to the occupation certificate stage.

Table 1 to paragraph 2.1 of the Department's Environmental Assessment Report identifies and summarises each of the requested modifications.

**Delegation to the Commission**

On 28 May 2011 the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, confirmed his delegation to senior departmental staff to determine non-controversial Part 3A applications. However, if the relevant Council objects to the proposal, the application must be referred to the Planning Assessment Commission for determination.

The Commission members nominated to determine the application were Ms Donna Campbell (chair), Ms Janet Thomson, and Mr Garry Payne AM.

## **Commission Meetings**

On 12 July 2011, the Commission met separately with the Department of Planning and Infrastructure, Shoalhaven City Council and the proponent.

As a result of those meetings the Commission sought more information from the Department on 13 July 2011 concerning the size of the beer garden and any outdoor drinking areas on completion of each of stage of the development and the impact that would have on section 94 car parking contributions.

The Department's response was provided to the Commission on 8 August 2011 and the Commission met on 11 August to consider that advice.

### Department of Planning and Infrastructure

The Department was represented by Mr Anthony Witherdin and Mr Ben Lusher. It supported the development proceeding in 3 stages and the reduction in the section 94 contribution for parking.

Table 1 to paragraph 2.1 of its Environmental Assessment Report sets out the Department's assessment of each of the requested modifications.

The Department's assessment is generally consistent with Council's submissions on the modification application, with the exception of the matters discussed in the Commission's comments set out below.

Issues identified by the Department in the assessment report included:

- Aboriginal heritage;
- S94 contribution for general matters and car parking;
- Plan of management for the hotel;
- Noise control;
- Stormwater; and
- Sewerage.

The assessment report rejected some of the requested modifications particularly those relating to materials, finishes, colours and the plan of management. It found that the justification provided by the proponent was insufficient considering the significance of the issues raised in the original application.

The Department generally supported changes to move approval requirements from the construction certificate stage to the occupation certificate stage as it accepted the proponent's justification and considered the request reasonable.

### Shoalhaven City Council

Shoalhaven City Council was represented by Mr Tim Fletcher, Mr John Britton and Mr James Harris. Most of Council's concerns with the modification application were addressed to its satisfaction in the Department's assessment report so the meeting focused on Council's key remaining concerns, namely :

- s 94 contributions and unpaid parking contributions on a previous approval;
- uncertainty about aspects of Stages 2 and 3, in particular, the size of the beer garden and outdoor drinking areas at different stages and the corresponding parking requirements;
- the design and location of the loading area;

- the proposal to defer conditions B24 ( Car Park and Service Vehicle Layout) and B31 ( Design of Food Premises) to the occupation certificate stage .

### The Proponent

The proponent was represented by Mr Steve Bartlett and Mr Paul Mitchell. The Commission was advised that Stage 1 works have already started on site and that the plan was to start stage 2 six months after the completion of stage 1. There is no proposed date for the start of Stage 3.

The meeting focused on Council's remaining concerns listed above.

The Commission sought clarification on the size of the beer garden at the completion of each stage. The proponent advised that following the completion of stage 1, the beer garden will be reduced in size from 428m<sup>2</sup> to 212m<sup>2</sup> and it will remain that size throughout the development stages.

In response to Council's concern about an increase in the outdoor drinking areas beyond the 212m<sup>2</sup> beer garden, the proponent advised that following demolition of existing structures adjacent to the Hotel, the area will be turfed pending the construction of stage 2. If this area were to be used as an outdoor drinking area, this would be additional to the 212m<sup>2</sup> beer garden area.

### **Commission's Comments**

The Commission considers the key issues are:

- staging;
- previous unpaid parking contribution;
- size of the beer garden and any outdoor eating/drinking areas and its impact on parking requirement and s94 contribution;
- temporary parking for stage 1;
- the layout and location of the loading dock; and
- the approval requirements at the construction certificate stage.

### Staging

The Commission considers that the proposal to redevelop the site in 3 stages is reasonable and notes that it is also supported by both the Department and Council. In its letter dated 25 March 2011, Council indicated it was satisfied the revised architectural and landscape plans for each stage have been lodged.

### Previous unpaid parking contribution

Parking contributions under section 94 must be assessed in accordance with Shoalhaven Development Control Plan No. 54.

Under that DCP, credits must be given for parking required for existing hotel facilities. However, Council argues that no credits should be given for parking required under the approval for the existing hotel facilities because the contributions for that parking remain unpaid.

The Commission agrees with the Department's assessment that unpaid contributions on a previous approval are a separate compliance issue. This new approval is not an appropriate mechanism to resolve the matter.

### Beer Garden/outdoor areas

Shoalhaven City Council raised the issue of the size of the beer garden with the Commission at the meeting. The size of the beer garden has significant implications on parking requirements at each stage of the development.

Council advised that the approved beer garden was 352m<sup>2</sup> but that this would vary on completion of each stage. On completion of Stage 1, it will be enlarged to 662m<sup>2</sup> and then reduced to 432m<sup>2</sup> when Stage 2 is completed. The final size of the beer garden will be 212m<sup>2</sup> upon completion of Stage 3.

The Commission raised the issue with the proponent who advised that the proposed beer garden is 212m<sup>2</sup> and that it will remain this size throughout. It will be built as part of Stage 1 and there is no proposal to increase its size during the interim between stages.

On 13 July 2011, the Commission sought clarification from the Department on the size of the beer garden that is proposed for each stage. By letter dated 5 August, the Department advised that the submitted plans show an open terrace to the north and east of the hotel at Stages 1 and 2. With approval, this area could be temporarily used as a beer garden, in addition to the 212m<sup>2</sup> beer garden. However, it is not the Department's intention to permit an increase in the size of the beer garden at any stage of the development. Hence it recommends an additional condition to restrict the size of the beer garden to address Council's concern. The condition is:

*The beer garden shall not exceed 212m<sup>2</sup> at any time 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.*

The Commission considered the condition requires strengthening to ensure that parking issues will be adequately addressed if the outdoor eating/drinking areas were to increase in size. Parking contributions have been calculated on the basis that the 212m<sup>2</sup> beer garden is the only outdoor eating/ drinking area. The Commission has amended the condition to read as follows:

*The outdoor eating/drinking area shall not exceed 212m<sup>2</sup> at any time 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. Consent is required to use any additional outdoor area for eating/drinking purposes.*

### Temporary parking for Stage 1

The Commission raised the issue of temporary parking for Stage 1 with the proponent at the meeting. The proponent by letter dated 12 July 2011 agreed to provide 12 temporary parking spaces in Stage 1 of the project (see Attachment 1). The Commission includes this as a condition of approval.

### Layout and location of the loading dock

The Commission noted the Council's concern and sought further advice from the Department. By letter dated 5 August 2011, the Department advised that there are significant design constraints on the site particularly the retention of the heritage building. However, the proponent's independent traffic report confirmed that the trucks would be able

to enter and exit the site in a forward direction by manoeuvring wholly within the site. The Department considered the proposed loading dock arrangements are satisfactory.

Given the site constraints, the Commission accepts the loading dock arrangements as appropriate.

#### Approval requirements at the Construction Certificate stage

The modification application seeks to move a range of approval requirements from the construction certificate stage to the occupation certificate stage. The Department supports this as it is of the view that it is the responsibility of the proponent to meet relevant legislation and guidelines to avoid costly rectification works. The conditions containing these approval requirements are:

- B2 - signage
- B3 - external and outdoor lighting
- B4 - reflectivity
- B11 - energy star ratings
- B13 - water ratings
- B24 - car park and service vehicle layout
- B31 - design of food premises

The Commission noted Council raised no objection to moving these conditions to Part E, except for conditions B24 and B31. The Commission agrees with Council's concerns that both of those conditions should be satisfied at the construction certificate stage. Retrofitting at the occupation certificate stage would be extremely costly and impractical. Further, the legislation provides the proponent with the flexibility of staging works and applying for the relevant construction certificate at each stage of the works.

#### **Commission's Assessment**

The Commission has considered the DG's Report and associated documents including the submissions on the proposed modification, and recommended conditions of approval. The Commission is satisfied that the application can be approved subject to amendment to the recommended conditions of approval.

The amendments are as follows:

#### **1. Schedule 1**

To avoid confusion, the Commission deleted the listing of "conditions not approved" in Schedule 1. The Commission found the listing of conditions "not approved to be modified" incomplete and some of the requested modification are partially agreed.

#### **2. Condition A1(2) – add the following to the end of the condition:**

“..... and associated landscaping and infrastructure works.”

#### **3. Condition A2 (A) (2) – delete the recommended condition and replace it with the following condition:**

The outdoor eating/drinking area shall not exceed 212m<sup>2</sup> at any time 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. Consent is required to use any additional outdoor area for eating/drinking purposes.

4. **Condition B22** – add a third (3<sup>rd</sup>) paragraph to Condition 22 as follows:

Twelve (12) temporary parking spaces shall be provided at the location indicated on the Plan shown in Attachment 1 of this report. The parking spaces should be available for patrons to the hotel at the completion of Stage 1 until the completion of Stage 2.

5. **Conditions B24 and B31** retained in Part B – prior to the issue of construction certificate.
6. Removal of recommended conditions E19 and E20 and renumber the subsequent conditions.

### **Instrument of Approval**

The Instrument of Approval is attached to this report as Attachment 2.



Donna Campbell  
Commission Member



Janet Thomson  
Commission Member



Garry Payne AM  
Commission Member

# **Attachment 1**

## **Temporary car park for Stage 1**

12 July 2011

Stephen J Bartlett  
Kamsley Pty Limited  
75 Owen St, Huskisson NSW 2540  
p: 02 4441 5001  
f: 0244416754  
e: admin@theluskypub.com.au

Ms Paula Poon  
Director, Panel Secretariat  
Planning Assessment Commission  
GPO Box 3415  
SYDNEY NSW 2001

Dear Ms Poon,

**S75W Modification Application  
Huskisson Hotel**

As discussed yesterday I confirm that Kamsley Pty Limited (the Applicant) will include 12 car parks in Stage 1 of the project. These car parks will be surface car parks located in the North West section of the site. The attached drawing notes the indicative location of the car parks.

Many thanks. Please do not hesitate to contact me if the Commission requires further information or consultation.

Yours sincerely



Stephen J Bartlett  
Director  
Kamsley Pty Limited





# **Attachment 2**

## **Instrument of Approval**

**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 28 May 2011, the Planning Assessment Commission determines to approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



**Donna Campbell  
Commission Member**



**Janet Thomson  
Commission Member**



**Garry Payne AM  
Commission Member**

Sydney 12 August 2011

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**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 dated 17 January 2001 concerning proposed modification of conditions, including Conditions A2, A3, A5, B1 – B4, B6 – B8, B10 – 11, B13 – B16, B18, B20, B24, B26, B28 – B32, B35 – B38, D21, E11, E14 – E15, F5 and F10.

## SCHEDULE 2

### CONDITIONS

#### PART A - ADMINISTRATIVE CONDITIONS

Modify Condition A1 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 existing hotel.
- (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 and associated landscaping and infrastructure works.**
- (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.

Add Condition A2 (A) 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. The plans are for the purpose of indicative staging only and are not otherwise approved.
- (2) **The outdoor eating/drinking area shall not exceed 212m<sup>2</sup> at any time 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. Consent is required to use any additional outdoor area for eating/drinking purposes.**

Modify Condition A3 as follows:

### **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	Lyll & Associates	11 June 2009
Local Catchment Flooding Assessment	Lyll & Associates	1 September 2009
Aboriginal Cultural Heritage Assessment	Scarp Archaeology	September 2009
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	ARUP	4 March 2011

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).		
Letter to Steve Bartlett, The Doma Group, 'Background Noise Levels at Huskisson' accompanying Appendix A	EMGA Mitchell McLennan	3 Dec 2010

Modify Condition A5 as follows:

***A5 Construction Certificates***

A Construction Certificate must be obtained from the Council or Principal Certifying Authority before any work can commence on the site. The proposed development is for construction in ~~two~~ **three** stages as set out in Condition A2. A Construction Certificate can be issued separately for each stage of the development.

***A6 Occupation Certificates***

~~An~~ Occupation Certificates must be obtained from the Council or the Principal Certifying Authority prior to occupation of the development.

**End of Section**

## PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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 Certificate 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. In that regard the balustrade should be glass either frameless or with a streamlined stainless steel handrail, to minimise its visual impact.

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

Condition B2 is deleted.

Condition B3 is deleted.

Condition B4 is deleted.

Condition B5 is modified as follows:

**B5 Detailed Registered Survey**

A detailed survey plan, prepared by a registered surveyor shall be provided before the issue of a Construction Certificate for Stages 2 and 3 of the project. Details shall be submitted to and approved by the certifying authority prior to the issue of a Construction Certificate.

Condition B6 is modified as follows:

**B6 European Heritage**

A photographic archival recording of the original internal fabric of the hotel and an interpretative report and display of the hotel's heritage is to be prepared by a suitably qualified heritage consultant to the satisfaction of the Certifying Authority. ~~This photographic archival record shall be prepared by a suitably qualified heritage consultant in accordance with NSW Heritage Guidelines. The internal layout is to be recorded and interpreted appropriately on the site such as original floor plans are to be displayed. The interpretation of the existing original internal walls including the location of the section of rear wall which is proposed to be removed for access to the new building is to be provided on the site. This would include a photographic display, retention of nib walls and ceilings and floor markings in order to identify the location of an original wall. The central staircase is to be stored on the site or other suitable location for possible reuse in the future.~~

Conditions B7 and B8 are deleted.

Condition B9 is modified as follows:

**B9 Disabled Access**

Access and facilities for people with disabilities, including the provision of car parking spaces on site shall be provided in accordance with Part D3 of the BCA. Prior to the issue of a Construction Certificate for the Stages 1, 2 and 3 of the development, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Condition B10 is modified as follows:

**B10 Adaptable Housing**

Access in accordance with AS4299 – Adaptable Housing shall be provided to at least one permanent apartment in the development. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate for stage 3.

Condition B11 is deleted.

Condition B12 is modified as follows:

**B12 BASIX Certificate Requirements**

Prior to the issue of a construction certificate, details of all amendments and treatments outlined in BASIX Certificate No. 58559147, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the Certifying Authority for Stage 2 3 of the project.



Condition B13 is deleted.

Condition B14 is modified as follows:

**B14 Earthworks**

~~A detailed geotechnical investigation, prepared by a suitably qualified engineer, of the subsurface conditions across the site review of sections 2.1 and 3.3 of the Geotechnical Investigation and Environmental Sampling and Testing report (Coffey, 2003) (Appendix H of the EA) in respect of the presence or absence of groundwater on the site and the likelihood of intersecting ground water during excavation shall be undertaken to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stage 2 below ground works and the outcome of the review shall inform that Construction Certificate. If required, the proponent must apply for a Licence under Part V of the Water Act 1912 prior to the issue of that Construction Certificate. prior to issue of a Construction Certificate for below ground works associated with Stage 2 of the project. The report should also address appropriate excavation methods and techniques and hydrogeological considerations. The results shall inform the Stage 2 Construction Certificate for below ground works and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for each Stage 2 of the project.~~

Condition B15 is modified as follows:

**B15 Pre-construction Dilapidation Reports**

The Proponent is to engage a qualified structural engineer to prepare a pre-Construction Dilapidation report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for stages **2 and 3**.

Condition B16 is modified as follows:

**B16 Structural Details**

Prior to issue of a Construction Certificate for Stages 1, 2 **and 3**, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- (1) The relevant clauses of the BCA;
- (2) The relevant development approval;
- (3) Drawings and specifications comprising the Construction Certificate; and,
- (4) The relevant Australian Standards listed in the BCA (Specification A1.3).

Condition B18 is modified as follows:

**B18 Traffic & Pedestrian Management Plan**

Prior to the issue of Construction Certificates for Stage 2 **and Stage 3** of the project, a Traffic and Pedestrian Management Plan in accordance with AS1742 and RTA publication 'Traffic Control at Works Sites' Version 2 shall be prepared by an RTA accredited person, and shall be submitted to and approved by the Certifying Authority. Safe public access shall be provided at all times. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

Condition B20 is modified as follows:

**B20 Landscape Plan**

A detailed Landscape Plan, prepared by a qualified landscape architect shall be submitted to the Certifying Authority before issue of a Construction Certificate for Stages 2 and 3 of the project. The 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); 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**

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. 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 B40 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.

**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.**

**Twelve (12) temporary parking spaces shall be provided at the location indicated on the Plan shown in Schedule 3. The parking spaces shall be available for the use of hotel patrons' at the completion of Stage 1 until the commencement of Stage 2.**

Condition B23 is deleted.

Condition B24 is retained.

**B24 Car Park and Service Vehicle Layout**

- 1) The design and construction of the basement 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*.

Detailed design plans demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Occupation Certificate for Stage 2 of the project. Any changes to the number of spaces in the parking basement

(Condition B22) at the detailed design of Stage 2 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).

Modify Condition B25 as follows:

**B25 Section 138 Approval**

- (1) Notwithstanding the issue of this project approval, separate consent from Council under section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access) kerb and gutter, stormwater drainage, traffic facilities (median strip and pedestrian refuge) and paved footpaths. Applications for consent under section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and prescribed fee. Receipt of approval is to be obtained prior to the issue of a Construction Certificates for Stages 2 and 3 of the project.
- (2) The Proponent is to provide, at no cost to Council, concrete foot paving on development street frontages. The Owen Street frontage is required to be designed in accordance with AUSPEC and Council requirements. The design plans must be approved by Council pursuant to Section 138 of the Roads Act prior to issue of the Construction Certificates for Stage 2 and 3 of the project.

Modify Condition B26 as follows:

**B26 Vehicular Access**

- (1) A detailed engineering plan showing driveways, parking areas, and the means of access from the road to the proposed development and construction of a median strip in accordance with Council's adopted AUSPEC Design and Construction Guidelines are to be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate for stages 1, 2 and 3 of the development. Plans are to include site conditions affecting the access, pavement levels in relation to floor levels, and should nominate levels in relation to the kerb (or nominated fixed datum) and grades.
- ~~(2) Driveways, access aisles and parking areas shall be constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).~~

Condition B28 is deleted.

Modify Condition B29 as follows:

**B29 Waste Management Plan**

A Waste Management Plan must be prepared in accordance with Council's *Waste Minimisation and Management Guidelines* and approved by Council's Waste Officer or an accredited Certifier with appropriate waste qualifications and experience prior to the issue of a Construction Certificate for each stages 1, 2 and 3 of the development. ~~In that regard a suitably sized waste storage and recycling area separate to the loading dock shall be provided in the basement.~~

Modify Condition B30 as follows:

**B30 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. ~~Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for Stages 1 and 2 of the project.~~

Condition B31 is retained.

**B31 Design of Food Premises**

The construction and operation of the food premises shall comply with all relevant legislation/ regulations and standards, including the *Food Act 2003, Food Regulation 2004*, Australia New Zealand Food Authority - Food Safety Standards 2001, and Shoalhaven City Council's Food Premises Policy. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of an Construction Certificate. The details of the refurbished kitchen and bars in the existing hotel are required as part of the Stage 1 Construction Certificate. The details of the restaurant/café in the new apartment/hotel development are required as part of the Stage 3 Construction Certificate. The movement of food supplies to the restaurant/cafe kitchen via the car park should have a clear pathway within the car park.

The detailed Construction Certificate drawings for the food premises ~~for both stages of the development~~ must demonstrate the following:

1. Floors must be of a material that is impervious, non-slip and non-abrasive and capable of being easily cleaned. Coving must be provided at all wall/floor intersections. Painted concrete floors will not be permitted. The floor must be graded and drained to a central floor waste that incorporates a basket trap in accordance with Shoalhaven Water requirements.
2. Walls must be tiled to a height of 2 metres and where not tiled must be finished off to provide a smooth impervious finish that is capable of being easily cleaned. Open or painted brickwork is not permitted in any food preparation area.
3. Ceilings are to be rigid, smooth faced and made of non-absorbent material finished in a washable, light colored surface. Panel ceiling systems are not permitted above food areas.
4. All fittings are to be 150mm above floor level or located on plinths, wheels or castors. Where plinths are used they must be of solid construction.
5. Equipment washing facilities must be provided that are sufficient for the intended use of the premises. A double bowl sink of a size large enough to accommodate the largest piece of equipment is a minimum requirement.
6. Hand wash basins must be provided in each area that food is handled and provided with warm water mixed from a continuous hot and cold water supply through a common spout. A continuous supply of soap and single use hand towels must be provided adjacent to all hand washing basins.
7. Hand wash basins must be located in a convenient position to enable easy unrestricted access by staff. The installation of hand basins behind doors, under benches or in other areas where access is not convenient is not permitted.

8. Mechanical ventilation must be provided above cooking equipment and is to be designed and installed in accordance with AS1668.2-2002. *The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control.*
9. Provide a cleaner's sink with hot and cold water, in the food processing area to dispose of contaminated liquids and washing of cleansing equipment.
10. All waste water from the shop and the kitchen sink shall be directed through a commercial grease arrestor that is installed in accordance with Shoalhaven Water requirements.
11. A separate area that is not used for the handling or storage of food must be provided for the storage of personal items such as clothing and personal items.
12. All walls around the kitchen must be of solid construction. Cavity timber walls will not be permitted. Examples of acceptable materials can be found in Council's Food Premises Policy or the Australian Standard AS4674-2004 *Design Construction and Fit-out of Food Premises*. In this regard the partition wall located next to the wash up sinks is to be of solid construction.
13. The applicant shall complete an application form to register the food premises with Council's Development & Environmental Services Division for regular inspection by Council's Environmental Health Officer.

Modify Condition B34 as follows:

**B34 Water Authority**

Prior to the issue of a Construction Certificate **for each stage of the development**, satisfactory arrangements are to be made with the Shoalhaven Water Authority for the provision of water and sewer services to the subject site. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.

Modify Condition B36 as follows:

**B36 Water Supply**

- ~~(1) The Proponent is to submit detailed design plans for water supply hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Shoalhaven City Council Policies, to the Certifying Authority prior to the issue of a Construction Certificate for Stage 2 of the project.~~
- ~~(2) Details of rainwater harvesting and reuse are to be provided with the Section 68 application. Connection to Council's reclaimed water supply will be required for use in toilet flushing and irrigation or for rainwater top up.~~
- (3) Final water service sizing for the proposed developments will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and backflow protection requirements. The location, sizing and arrangement of domestic and fire service(s) from connection point to the meter shall be approved by Shoalhaven Water.**

Modify Condition B37 as follows:

**B37 Section 64 Monetary Contributions**

~~A Development Servicing Plan (DSP) enables Council, under Section 64 of the Local Government Act 1993, to levy contributions where the anticipated development will or is likely to increase the demand for water supply and sewerage services.~~

- ~~1. Contributions plans relevant to the development include:
  - a) ~~Development Servicing Plan for Water Supply~~
  - b) ~~Development Servicing Plan for Sewerage~~~~

~~Prior to the issue of a Construction Certificate for the Stage 2 of the project the Proponent must pay the following contributions to Council pursuant to Section 64 of the Local Government Act 1993 (refer Table 2).~~

*Table 1: Section 64 Contributions*

<b>TOTAL CONTRIBUTIONS PAYABLE</b>	
Water Supply	\$ 156,468
Development Servicing Plan for Sewerage	\$ 198,406
<b>TOTAL</b>	<b>\$ 354,874</b>

- ~~2. These charges are applicable in Council's adopted Fees and Charges current at the time of payment.~~
  - ~~3. A copy of the Section 64 contribution plans may be inspected at Shoalhaven City Council.~~
- (a) The proponent must apply under Section 305 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* for a Certificate of Compliance from Shoalhaven Water prior to commencement of any works (including demolition) or issue of a construction certificate.

Where a Construction Certificate is required all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.

- (b) Relevant conditions/requirements, including monetary contributions (where applicable) under the *Water Management Act 2000*, are provided under Section 306 of Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*. A Development Application Notice issued by Shoalhaven Water will outline all conditions/requirements to be adhered to.
- (c) A Certificate of Compliance (CC) under must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate or Subdivision Certificate, as the case may be.

Separate Compliance Certificates must be obtained for each stage of the development.

Developer contributions are applicable for this development in accordance with Council's Management Plan & Development Serving Plan. Current developer contributions figures are \$6,200.00 per ET (10/11) for Water Supply and \$7,860.00 per ET (10/11) for Sewer Services, and current estimates indicate the proposed development will increase demand by 16.7ET's however detailed assessment will be required once a formal application for a Certificate of Compliance is made. Fees and charges applicable are those current at the time of payment and developer contribution may increase greater than CPI.

Modify Condition B38 as follows:

**B38 Section 94 Monetary Contributions**

**Amount of Contributions**

Prior to the issue of a Construction Certificate for **each** Stage 2 of the project, the Proponent must pay the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)* (refer Tables 2 - 3).

*Table 2: Section 94 Contributions*

<b>TOTAL CONTRIBUTIONS PAYABLE</b>	<b>Project</b>	<b>Rate</b>	<b>Qty</b>	<b>Cost incl GST</b>
Planning Area 3 Active Recreation Facility Upgrades	03AREC004		4	\$830
Bay and Basin Leisure Centre	03AREC2003		4	\$248
Huskisson Car Parking	03CARP2002	\$12,560.28	17	\$213,524.76
Bay and Basin District Community Centre and Branch Library	03GFAC0004	\$765.23	4	\$765.23
Sydney/Bowen Streets, Huskisson	03ROAD115	\$332.48	4	\$332.48
Synthetic Hockey Field Facility	CWAREC0004	\$86	4	\$86
Stage 2 Shoalhaven City Arts Centre	CWCFAC0004	\$22.56	4	\$22.56
Stage 3 Shoalhaven Mobile Children's Services	CWCFAC0001	\$8.38	4	\$8.38
Stage 1 Shoalhaven City Library Extensions	CWCFAC0004	\$282.61	4	\$282.61
Stage 4 Shoalhaven Multi-media & Music Centre	CWCFAC0004	\$9.80	4	\$9.80
Shoalhaven Multi-purpose cultural & Convention Centre	CWCFAC0002	\$468.71	4	\$468.71
City wide Fire & Emergency Services	CWFIRE004	\$156.61	4	\$156.61
Shoalhaven Fire Control Centre	CWFIRE0002	\$205.04	4	\$205.04
Section 94 Administration	CWGMGT2004	\$425.47	4	\$425.47
Embellishment of Icon and District Parks and Walking Tracks	CWOREC004	\$163.87	4	\$163.87
Northern Shoalhaven Community Transport and Family Support Services	MACFAC0002	\$13.13	4	\$13.13
Northern Shoalhaven Integrated	MACFAC2004	\$34.61	4	\$34.61

Children's Services				
<b>TOTAL</b>				<b>\$247,577.26</b>

Table 1: Stage 1 Section 94 Contributions

<b>TOTAL CONTRIBUTIONS PAYABLE</b>	<b>Project</b>	<b>Rate</b>	<b>Qty</b>	<b>Cost incl GST</b>
Sydney/Bowen Streets, Huskisson	03ROAD0115	\$353.17	4.4	\$1,553.95
Citywide Fire & Emergency Services	CWFIRE0001	\$166.36	4.4	\$731.98
Shoalhaven Fire Control Centre	CWFIRE0002	\$217.80	4.4	\$958.32
Section 94 Administration	CWMGMT2001	\$451.95	4.4	\$324.43
<b>TOTAL STAGE 1</b>				<b>\$3,568.68</b>

Table 2: Stage 2 Section 94 Contributions

<b>TOTAL CONTRIBUTIONS PAYABLE</b>	<b>Project</b>	<b>Rate</b>	<b>Qty</b>	<b>Cost incl GST</b>
Planning Area 3 Active Recreation Facility Upgrades	03AREC0004	\$881.66	0.4	\$352.66
Bay and Basin Leisure Centre	03AREC2003	\$263.43	0.4	\$105.37
Bay and Basin District Community Centre and Branch Library	03CFAC0001	\$812.86	0.4	\$325.14
Sydney/Bowen Streets, Huskisson	03ROAD0115	\$353.17	15.6	\$5,509.45
Synthetic Hockey Field Facility	CWAREC0004	\$91.36	0.4	\$36.54
Stage 1 Shoalhaven City Library Extensions	CWCFAC0001	\$300.20	0.4	\$120.08
Stage 2 Shoalhaven City Arts Centre	CWCFAC0001	\$27.15	0.4	\$10.86
Stage 3 Shoalhaven Mobile Children's Services	CWCFAC0001	\$8.90	0.4	\$3.56
Stage 4 Shoalhaven Multimedia & Music Centre	CWCFAC0001	\$10.41	0.4	\$4.16
Shoalhaven Multipurpose Cultural & Convention Centre	CWCFAC0002	\$497.88	0.4	\$199.15
Citywide Fire & Emergency Services	CWFIRE0001	\$166.36	15.6	\$2,595.22
Shoalhaven Fire Control Centre	CWFIRE0002	\$217.80	15.6	\$3,397.68
Section 94 Administration	CWMGMT2001	\$451.95	15.6	\$1,274.98
Embellishment of Icon and District Parks and Walking Tracks	CWOREC0001	\$174.07	0.4	\$69.63
Northern Shoalhaven Community Transport and Family Support Services	MACFAC0002	\$13.95	0.4	\$5.58
Northern Shoalhaven Integrated Children's Services	MACFAC2001	\$36.76	0.4	\$14.70
<b>TOTAL STAGE 2</b>				<b>\$14,024.78</b>



Table 3: Stage 3 Section 94 Contributions

<b>TOTAL CONTRIBUTIONS PAYABLE</b>	<b>Project</b>	<b>Rate</b>	<b>Qty</b>	<b>Cost incl GST</b>
Planning Area 3 Active Recreation Facility Upgrades	03AREC0004	\$881.66	8.8	\$7,758.61
Bay and Basin Leisure Centre	03AREC2003	\$263.43	8.8	\$2,318.18
Bay and Basin District Community Centre and Branch Library	03CFAC0001	\$812.86	8.8	\$7,153.17
Sydney/Bowen Streets, Huskisson	03ROAD0115	\$353.17	16.3	\$5,756.67
Synthetic Hockey Field Facility	CWAREC0004	\$91.36	8.8	\$803.97
Stage 1 Shoalhaven City Library Extensions	CWCFAC0001	\$300.20	8.8	\$2,641.76
Stage 2 Shoalhaven City Arts Centre	CWCFAC0001	\$27.15	8.8	\$238.92
Stage 3 Shoalhaven Mobile Children's Services	CWCFAC0001	\$8.90	8.8	\$78.32
Stage 4 Shoalhaven Multimedia & Music Centre	CWCFAC0001	\$10.41	8.8	\$91.61
Shoalhaven Multipurpose Cultural & Convention Centre	CWCFAC0002	\$497.88	8.8	\$4,381.34
Citywide Fire & Emergency Services	CWFIRE001	\$166.36	16.3	\$2,711.67
Shoalhaven Fire Control Centre	CWFIRE0002	\$217.80	16.3	\$3,550.14
Section 94 Administration	CWGMGT2001	\$451.95	16.3	\$3,946.24
Embellishment of Icon and District Parks and Walking Tracks	CWOREC0001	\$174.07	8.8	\$1,531.82
Northern Shoalhaven Community Transport and Family Support Services	MACFAC0002	\$13.95	8.8	\$122.76
Northern Shoalhaven Integrated Children's Services	MACFAC2001	\$36.76	8.8	\$323.49
<b>TOTAL STAGE 3</b>				<b>\$43,408.66</b>

### 1) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Shoalhaven City Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council, shall be submitted to the certifying authority prior to the issue of the Construction Certificate for each Stage 2 of the project.

### 2) Section 94 Plans

A copy of the Section 94 contribution plans may be inspected at Shoalhaven City Council.

### 3) ~~Huskisson Car Parking – 03CARP2002~~

~~The parking basement is required to be designed in accordance with Australian Standard 2890.1 Parking Facilities – Off Street Car Parking – refer to Conditions B19 B22 and E20. If the number of car spaces provided on the site changes at the detailed design stage the Section 94 contribution must be adjusted accordingly via a modification application lodged with the relevant consent authority.~~

**End of Section**

## PART D - DURING CONSTRUCTION

Modify Condition D21 as follows:

### ***D21 Anti Graffiti***

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours **or within a reasonable period if graffiti removal is required on weekends or during public holidays.**

**End of Section**

## PART E - PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Modify Condition E2 as follows:

### **E2 Mechanical Ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificates, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The project approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

Modify Condition E7 as follows:

### **E7 Water**

- (1) A Certificate of Compliance under the provisions of Section 305 of the *Water Management Act 2000* must be obtained prior to the issue of any Occupation Certificate for Stages 1, 2 and 3 of the project.
- (2) Prior to the issue of any Occupation Certificate for Stages 1, 2 and 3 of the project, submission of relevant documentation including receipt of any monetary contributions in accordance with the requirements from Shoalhaven Water.

Modify Condition E10 as follows:

### **E10 Car Parks**

Vehicle ramps, driveways, turning circles and parking spaces must be paved, sealed and line marked prior to the issue of the Occupation Certificate for Stages 2 and 3 of the project.

Modify Condition E11 as follows:

### **E11 Road Damage**

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the project, is to be met in full by the Proponent prior to the issue of any Occupation Certificate.

**Note:** Should the repair costs exceed the bond amount, a separate invoice will be issued to the Proponent.

Modify Condition E13 as follows:

### **E13 Aboriginal Commemorative Feature**

The detailed design and location of an Aboriginal commemorative feature recognising past Aboriginal occupation of the general area must be provided to the Certifying Authority before the issue of an Occupation Certificate for Stage 2 of the project. The design and location of the feature must be prepared by a suitably qualified heritage design expert in consultation with the Local Aboriginal Land Council (LALC) and the relevant Aboriginal community. The Aboriginal commemorative feature is to be made available for public viewing in the new development prior to issue of an Occupation Certificate for Stage 2-3 of the project.

Modify Condition E14 as follows:

**E14 Post Construction Dilapidation Report**

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Certifying Authority and a copy to the Council and the owners of any private properties which have been considered.
- ~~(2) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
  - ~~(a) Compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B20; and,~~
  - ~~(b) Have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.~~~~
- ~~(3) A copy of this report is to be forwarded to the Council.~~

Modify Condition E15 as follows:

**E15 Plan of Management: On site Activities and uses**

The Proponent shall prepare a Plan of Management for the control and monitoring of land use activities on site in relation to the proposed hotel. The Plan of Management shall detail an appropriate regime for the management of amenity impacts on permanent residential apartments within the site, control of noise emissions, patron behaviour, hours of operation, and detail any security measures required to maintain safety and security for the neighbourhood. **The Plan of Management shall also detail how the use of 10.5m or larger service vehicles on the site will be restricted to a maximum of three weekly visits and occur only during periods when the driveway is not regularly used.**

The Plan of Management shall include the establishment of a Complaints Register to be maintained on site at all times and a Complaints Handling Procedure. The Plan of Management and Complaints Register must be held on site at all times and the Complaints Register is to be made available to Council upon request. The Plan of Management is to be approved by the Certifying Authority prior to the issue of the Occupation Certificate for Stage 2 3 of the project and a copy is to be issued to the Council.

Condition E16 is added as follows:

**E16 Energy Star Ratings**

All classes of appliances to be installed within the premises that are available with an energy label or a Minimum Energy Performance standard are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of 2.5 stars or more). The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition for Stage 2 3 of the development.

Condition E17 is added as follows:

**E17 Water Ratings**

All water fixtures installed within the premises are to have a AAA water rating or more. The proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition for each stage of the development.

Condition E18 is added as follows:

**E18 Number of Bicycle Spaces**

A total of 8 bicycle spaces are to be provided in accordance with Council's Development DCP No. 18 and *AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles*. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the basement car park. Such bicycle storage lockers or bicycle racks shall be designed in accordance with the applicable Australian Standards. Details of design shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Occupation Certificate for Stage 2 of the project.

Condition E19 is ADDED as follows:

**E19 Signage**

The proposed signs at the western elevation of the existing hotel and at the Owen Street boundary adjacent to the outdoor courtyard are to be designed in accordance with Shoalhaven City Council *Development Control Plan No. 82 – A Signage Strategy* and submitted to the satisfaction of the Certifying Authority prior to issue of a Occupation Certificate at the relevant stage of the project. No third party advertising is allowed and any new signs will require separate consent from Shoalhaven Council.

Condition E20 is ADDED as follows:

**E20 External and Outdoor Lighting**

All external and outdoor lighting shall comply with, where relevant, *AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details from an independent qualified practitioner demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to issue of the relevant Occupation Certificate.

Condition E21 is ADDED as follows:

**E21 Reflectivity**

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to issue of a Occupation Certificates for Stage 2 and Stage 3 of the Project.

**End of Section**

## PART F—DURING OCCUPATION

Modify Condition F2 as follows:

### ***F2 Loading and Unloading***

All loading and unloading of service vehicles in connection with the project shall be carried out wholly within the site at all times. **The use of 10.5m or larger service vehicles on the site must be restricted to a maximum of three weekly visits and occur only during periods when the driveway is not regularly used.**

Delete Condition F10.

**End of Section**

## ADVISORY NOTES

Add Advisory Note AN14 as follows:

***AN1 Aboriginal Employment Opportunities***

The NSW Government is committed to increasing Aboriginal employment. The proponent is strongly encouraged to consider engaging Aboriginal people during the construction and operation of the project. There are a number of supports in place for businesses employing Aboriginal people, including apprenticeships, traineeships and wage subsidies. Further information is provided in the fact sheet, 'Employing Aboriginal people in your business', a copy of which is attached to this approval.

**End of Section**

