

Further to our telephone conversation on 9 March 2016, and further discussion with our client, I make the following comments on the proposed draft conditions of consent in the Section 79C assessment report for RA15/1002 and associated legal advice received by Council (Lindsay Taylor Lawyers Ref: SHO16010, dated 8 March 2016):

- Draft Condition 13 states “The catering building proposed as part of Stage 2 must be positioned to the western side within the approved building envelope so as to ensure maximum separation is provided between this building and the existing Boyd studio building”. This draft condition seems premature when final design and location of the building within the envelope is subject to a future DA. Further, the architect designed masterplan has positioned the building footprints to ensure a strong courtyard focus in this area, based around public use buildings all having a frontage to this space – including the catering building which contains the café. On behalf of our client, we will therefore request at Monday’s Regional Development Committee (RDC) meeting that this condition be deleted.
- Draft Condition 33 states “The accommodation component of the development (i.e. Stage 3) is to be used in conjunction with the creative learning centre (i.e. is to be used by people using the creative learning centre and cannot be used independently as a building that provides short term accommodation)”. This draft condition references just one of the buildings and associated uses that makes up the Riversdale site. It is also noted that many activities that make up the charter of Riversdale and Bundanon Trust take part outside of the existing and proposed buildings, as well as within them. Therefore it is suggested that this condition could be re-worded as follows: *“The accommodation component of the development (i.e. Stage 3) is to be used in conjunction with the other buildings, facilities and activities associated with the site (i.e. is to be used by people using the Riversdale site and cannot be used independently as a building that provides short term accommodation)”*. On behalf of our client, we will therefore suggest the proposed rewording of Condition 33 as outlined in this dot point, at Monday’s RDC meeting.
- In terms of the draft Deferred Commencement Condition (DCC) (Condition 1), we make the following comments:
 - a) We are wondering why there is reference to Lot 7315 as the legal advice only deals with the private lots – could you please clarify?
 - b) In part c), we suggest this should read “for the purposes of accessing the approved development” as the land is not part of the proposed development.
 - c) The comment beneath the conditions should also enable submission of other appropriate documentation to satisfy the condition (i.e. if Crown issues a licence rather than granting an easement).

Your response to the above point would be appreciated so it can be determined if the comments on the draft DCC should also be raised at Monday’s RDC meeting.



Locale Consulting Pty Ltd