

Requested changes to the proposed conditions of consent for the Riversdale Masterplan

Draft Condition 1 - Deferred Commencement – Requested rewording as follows:

“Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this development application has been determined by granting of “Deferred Commencement” Consent, subject to the following matter(s) being resolved:

- a) Legal rights of access existing over Lot 7314 DP 1166766, Illaroo Road, Illaroo that benefit the whole of the development site (i.e. land as described on Page 1);*
- b) Additional rights of access having been granted over Lot 71 DP 714894 (No.439 Koloona Drive, Watersleigh), ~~Lot 7315 DP 1166783, Bundanon Road, Illaroo~~ and Lot 3 DP 622014 Riversdale Road, Tapitallee to benefit the whole of the development site (i.e. land as described on Page 1); and*
- c) Development consent, if required, has been granted to the use of the Lot 7314 DP 1166766, Illaroo Road, Illaroo, Lot 71 DP 714894 (No.439 Koloona Drive), Watersleigh and Lot 3 DP 622014 Riversdale Road, Tapitallee for the purposes of ~~the approved development~~ **accessing the approved development”.***

*An operational consent cannot be issued until survey plans of the subject easement as required by points 1a) and b) have been registered with the NSW Land and Property Information (LPI) Office and a copy of the registered plans submitted to Council and associated development consent as required by 1c) submitted to Council, **or documentation is submitted that is otherwise acceptable to Council”***

Reason:

The reference to Lot 7315 DP 1166783 is not required as draft Condition 8(b) requires the access for an APZ on this land to be created at a later stage in the development process (if needed). The Trust does not want this to delay the issuing of an operational consent.

Condition 1(c) relates to properties that are required for access purposes only, so should development consent be required we request this relates to access only, appreciating that the level of possible intensification can't be quantified at master plan stage.

And, the additional text in the note provides options for moving forward with how an operational consent can be obtained, whilst leaving the onus for acceptability with Council.

Draft Condition 13 - Delete the condition

The condition 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”.

Reason:

Whilst the intent is noted and understood, 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 therefore request that this condition be deleted.

Draft Condition 33 – Reword condition for clarity

Reword to state: *“The accommodation component of the development (i.e. Stage 3) is to be used in conjunction with the other buildings, facilities and activities consistent with the Trust’s objectives (i.e. is to be used by people associated with the Riversdale or Bundanon site and cannot be used independently as a building that provides short term accommodation)”*.

Reason:

The condition currently 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 make up the Riversdale site and the Bundanon Trust operations.

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.

Whilst acknowledging and understanding the intent, the above wording is suggested for this condition to avoid doubt about how the accommodation would be utilised.

On behalf of our client, we therefore request that the revised wording of Condition 33 be adopted.