

4 April 2025

Wingecarribee Shire Council
68 Elizabeth St
Moss Vale NSW 2577

ATT: Andre Vernez

via the Planning Portal and Email - andre.vernez@wsc.nsw.gov.au

cc The Southern Regional Planning Panel
enquiry@planningpanels.nsw.gov.au
nswportal@colliers.com

Dear Andre,

RE **DA24/1138 – Alterations and Refurbishment to the Existing Maltings Site - 2 Colo St Mittagong, NSW 2575, Lot: 21 DP: 1029384 – Development Application – Draft Conditions**

In reference to DA24/1138, for the proposed alterations and refurbishment to the existing Maltings 3 (M3) and construction of new Maltings 4 (M4) located at 2 Colo St, Mittagong NSW 2575, on behalf of the owner, The Trustee for the Maltings Property Trust. Colliers acknowledges the draft Conditions of Consent for the Development Application and Council's Assessment Report dated the 28 March 2025 that were issued via the Planning Portal [website](#) and email, and provide the following correspondence below for Wingecarribee Shire Council's and the Southern Regional Planning Panel's consideration based on our review.

Table 1 Comments and recommended changes to draft conditions of consent.

No	Condition	Comments
Title Page	Applicant: T Chung	This should be updated to the Applicant "The Trustee for the Maltings Property Trust c/- Colliers Project Management Pty Ltd"
Title Page	Proposed Development	<p>The draft Notice of Determination describes the use as follows:</p> <p><i>Alterations and refurbishment to existing Maltings 3 (M3) and construction of new Maltings 4 (M4) to create unified building for use as a hotel with restaurant, exhibition and ancillary purposes.</i></p> <p>The Land and Environment Court judgment approved the following range of uses:</p> <p>Judgment</p> <p>1. COMMISSIONER: Halcyon Hotels Pty Ltd (93 124 421 199) (the Applicant) has appealed the refusal by Southern Regional Planning Panel under delegation from Wingecarribee Shire Council (the Respondent) of its development application DA20/1400, made with owner's consent, seeking consent for a proposed mixed use development (the Proposed Development) at The Maltings, 2 Colo Street, Mittagong (the Subject Site).</p>

		<p>2. <i>Specifically, the Application sought development consent for the following:</i></p> <p>1. <i>detailed development consent for buildings M1 to M4 to accommodate a range of uses in multi-purpose spaces suitable for a range of cultural uses including art, exhibitions, functions, recreation activities and performances as well as a hotel with associated ancillary uses and ground improvements including landscaping, parking and vehicular access;</i></p> <p>The original approval contemplated that the premises could be used for a range of cultural uses ... 'as well as' a hotel with associated ancillary uses.</p> <p>The draft Notice of Determination approves the use of the premises as a hotel with restaurant, exhibition and ancillary purposes, as part of the hotel use.</p> <p>This is a narrower permitted use than under the existing approval and wording should be amended to be consistent with the original approval.</p>
2	Development in Accordance with Plans and Documents	<p>The following reference is incorrect and should be updated to:</p> <p>"0100 – Overview Precinct M1/2 M3/4 Site/Structure Plan"</p>
19	Prior to Notice of Category 2 Remediation Works	<p>Category 2 remediation works are not proposed, and this condition should be deleted.</p>
30	Section B5 Site Audit Statement or Interim Audit Advice	<p>The Interim Audit Advice or Section B5 Site Audit Statement should be submitted to Council for its reference only. Council does not have a statutory role to review or approve these documents. As such, the following changes are requested:</p> <p>"The Interim Audit Advice or Section B5 Site Audit Statement should be submitted to the satisfaction of Council's Environmental Health Officer prior to ..."</p>
31	Validation Report	<p>The Validation Report should be submitted to Council for its reference only. Council does not have a statutory role to review or approve the Validation Report. As such, the following changes are requested:</p> <p>"The Validation Report should be submitted to the satisfaction of Council's Environmental Health Officer prior to ..."</p>
32	Site Audit Report and Site Audit Statement	<p>The Site Audit Report and Site Audit Statement should be submitted to Council for its reference only. Council does not have a statutory role to review or approve these documents. As such, the following changes are requested:</p>

		<p>"The Site Audit Report and Site Audit Statement Section A1 or Section A2 (whichever is applicable) should be submitted to the satisfaction of Council's Environmental Health Officer prior to ..."</p>
47	Off Street Parking	<p>It is unclear whether the four car parking spaces required in the condition are those proposed in the basement of M4. If so, this condition would be superfluous and unnecessary as the plans to be approved already clearly show off-street car parking.</p> <p>A total of 140 car spaces are provided in the development as a whole. SLR has advised that the parking provision would be adequate for the proposals (consistent with Condition 40 of the original consent).</p> <p>This condition should be removed to avoid confusion.</p>
53	Microbat Management Plan	<p>The following changes are proposed for the second dot point to clarify the details on the proposed replacement habitat for microbats. As described in the Microbat Management Plan approval is required by Council, and that the proposed works involved in providing or installing the replacement habitat do not in itself require separate approval by Council. As such, the following additions in red are requested:</p> <p>"Council must provide approval of details on all proposed habitat as described in the Microbat Management Plan and should be consulted in the design process."</p>
58	Interpretation of the Maltster's Cottage	<p>Design changes relating to the redevelopment of the Maltster's Cottage are contained in the Section 4.56 modification application (24/1140, Condition 22 and 48), which have been approved by the Planning Panel.</p> <p>Works associated with the Maltster's Cottage are outside the scope of the DA and Condition 58 should be deleted.</p>
60	Structural Engineering Assessment	<p>The DA proposes various changes to M3 due to the deteriorated and poor condition of the existing building. It would be unreasonable to require the structural design for the new works to involve no material affectation, such as new penetrations and the like.</p> <p>It should be noted that wordings in other related conditions provide for more flexibility for the structural design, such as:</p> <ul style="list-style-type: none"> Condition 90 – "All conservation works..., including the approved demolition of fabric and new additions, shall be undertaken: ... d) In a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item..." Condition 91 – "(a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item..." <p>To maintain consistency between conditions and to facilitate appropriate new structural works to stabilise the retained fabric, the wordings in part (b) should be revised as follows:</p>

		"b) Demonstrate that the heritage item can be retained in a safe manner that will not require minimise material affectation (such as deconstruction, new penetrations or the like) to otherwise...."
63	Notice of Completion of Category 2 Remediation Works	This condition should be deleted as it is not relevant to the DA.
68	Earthworks, retaining walls and structural support	<p>Part (c) of this condition requires any fill brought to the site to contain only virgin excavated natural material. This contradicts with Condition 65, which allows the use of other waste-derived material provided specific requirements are met.</p> <p>Part (c) of the condition should be deleted or amended to align with Condition 65.</p>
87	Reduction of rising damp and salt attack in buildings constructed prior to 1930	<p>The project heritage consultant has advised that the building already has ground slabs built to walls and the site is subject to flooding. Any issue of potential rising damp should be managed through the design of the internal and external pavements and floors.</p> <p>The condition should be amended with respect to the above.</p>
106	Flooding – Finished Surface Level Work as Executed	<p>This condition refers to the creation of restriction as to user on the title of any allotment created. The proposal does not involve a subdivision.</p> <p>This condition is not relevant and should be deleted.</p>
Notice of Payment – Developer Charges	Addressed to Timothy Chung	This should be updated to address the Applicant "The Trustee for the Maltings Property Trust c/- Colliers Project Management Pty Ltd"
DPE - Water	General Terms of Approval – Schedule 1	<p>The reference to drawing "Overview Precinct M1/M2 Site Plan/Structure Plan dated 20/12/2023" is not correct.</p> <p>It should be "Overview Precinct M3/M4 Site/Structure Plan".</p> <p>Council should either liaise with DPE-Water to have the above reference updated, or if this matter is deemed to be minor and administrative in nature by Council, then an advisory should be inserted in the consent to confirm this.</p>

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We request Council to reconsider amending above Conditions outlined in Table 1, based on our comments and for the Planning Panel to take these comments into consideration when making their decision on the Development Application 24/1138.

Please do not hesitate to contact the undersigned for additional information.

Yours sincerely,

Colliers Project Management Pty Ltd

A handwritten signature in black ink, appearing to read "P. Aiken", written over a light blue horizontal line.

Phillipa Aiken

National Director

0414 248 005

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