

11 February 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

Dear Andre,

RE **MOD24/1140 – Alterations and Refurbishment to the Existing Maltings Site - 2 Colo St Mittagong, NSW 2575, Lot: 21 DP: 1029384 – Section 4.56 Modification – Draft Conditions**

In reference to MOD24/1140, for the proposed alterations and refurbishment of the Maltings site 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 Section 4.456 Modification dated the 5 February 2025 that were issued via the Planning Portal [website](#) and provide the following correspondence below for Council's consideration based on our review.

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

No	Condition	Comments
2	Asbestos Management Plan	<ul style="list-style-type: none">It is our understanding that the surface clearance certificate issued by SafeWork NSW does not require further assessment by Council, it should be for Council's record only.
4	Section B5 Site Audit Statement or Interim Audit Advice	<ul style="list-style-type: none">It is the role of the Accredited Auditor to audit the RAP and to determine whether the site can be made suitable for the intended use. It is our understanding that the Interim Audit Advice or Section B5 Site Audit Statement is for Council's record and not for their further assessment or approval.
6	Validation Report	<ul style="list-style-type: none">It is our understanding that the Validation Report does not require further assessment or approval by Council, the Report should be for Council's record only.
7	Site Audit Report and Site Audit Statement	<ul style="list-style-type: none">It is our understanding that the Site Audit Report and Site Audit Statement do not require further assessment or approval by Council, they should be for Council's record only.
8A and 8B	Prior Notice of Category 2 Remediation Works / Notice of Completion of Category 2 Remediation Works	<ul style="list-style-type: none">These two conditions do not appear to be relevant, as approval of the remediation works are sought in the original DA.
11	Development in Accordance with Plans and Documents	<ul style="list-style-type: none">Drawing number M1/2 000 (Cover Sheet + Drawing Index) should be Revision G.The version number for the Access Report should be Revision 05.

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22C	Retention of cast iron columns to Malthouse No. 1	<ul style="list-style-type: none"> The condition requires the first two full rows of cast iron columns (comprising eight in total) within the ground floor of M1 to be retained in-situ. The condition should allow for circumstances where the deterioration of particular columns may not warrant retention. It is suggested that wordings be included to address the above, for example "where the condition and integrity of the columns are suitable and safe for retention based on advice from a qualified structural engineer".
40	Off-Street Parking Provision - General	<ul style="list-style-type: none"> The condition should refer to the correct date of the current site plan, number 0100, M1/M2 Site Plan, Revision E, dated 12.02.2024, prepared by Snohetta.
48	Interpretation of the Maltster's Cottage	<p>Condition 48 currently reads as follows:</p> <p>48. Interpretation of the Maltster's Cottage</p> <p>Remnants of the 1907 Maltster's Cottage and garden shall be retained and integrated into the new Exhibition Building and its immediate setting to interpret the historical significance and use of the building as part of the former Maltings industrial complex. As the building is severely damaged and unstable, elements to be retained shall be capable of interpretation without reconstruction. Details are to be provided to Wingecarribee Council for approval prior to the release of the construction</p> <p>Reason: <i>To ensure that the historical significance of the site is recognised and preserved for future generations.</i></p> <p>The proposed modification includes a design that addresses the requirements of Condition 48. This condition is also superseded by requirements in the newly inserted Condition 22D, which reads as follows:</p> <p>22D. Maltster's Cottage interpretation works (inserted by 24/1140)</p> <p>Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council demonstrating the following:</p> <ol style="list-style-type: none"> The trees within the footprint of the retained footings of the Maltster's Cottage are to be deleted. No landscaped plantings are to be introduced within the footprint of the former dwelling. Details are to be provided of the nominated fill material. The fill material is to be separated by a geotextile fabric membrane to provide protection to retained heritage fabric. <p>Reason: <i>Heritage conservation.</i></p> <ul style="list-style-type: none"> Condition 48 should be deleted.
56B	Microbat Management Plan	<p>The second dot point states, in relation to the provision of additional habitat, that "The use of plywood boxes is generally discouraged for this project":</p> <ul style="list-style-type: none"> If microbats are recorded, additional habitat must be installed within the Study Area. Additional habitat must be specific to the species recorded. Where suitable, this may be incorporated into the refurbishment of the buildings. Council must provide approval of all proposed habitat and should be consulted in the design process. Consideration must be given around the longevity of additional habitat, thermal stability and likelihood of uptake. The use of plywood boxes is generally discouraged for this project. Installation of replacement habitat must occur three months prior to construction works commencing. <p>However, the existing Condition 55 provides for the provision of hollows or nest boxes for any natural hollow removed by the development.</p>

No	Condition	Comments
		<p>Condition 55 reads as follows:</p> <p>55. Erection of Nesting Boxes</p> <p>Hollows or nest boxes are to be installed on a one for one basis for any natural hollow removed by the development. Nest boxes are to be constructed of appropriate durable materials (e.g. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. All nest boxes are to be erected prior to any clearing occurring on the development site.</p> <p>The Consulting Ecologist must identify suitable locations to erect hollows/nest boxes to minimise the risk of vandalism and maximise the likelihood of occupation by native fauna. To replace nest hollows lost, at least 1 large nest box per tree removed shall be erected at least 10 metres high within retained vegetation at the rear of the property within the retained native trees.</p> <p>Reason: To provide an equivalent replacement for any natural hollow to be removed.</p> <ul style="list-style-type: none"> The suitability of providing nesting boxes and/or hollows should be subject to the project ecologist's advice depending on the specific location, species and conditions of trees and environmental conditions. As such, Condition 56B should be revised to allow flexibility rather than having a presumption against the use of nesting boxes, through deleting the wordings "The use of plywood boxes is generally discouraged for this project".
73A	Habitat Bearing Tree Survey	<p>Condition 73A currently reads as follows.</p> <p>73A. Habitat Bearing Tree Survey (inserted by 24/1140)</p> <p>A Habitat Bearing Tree survey must be undertaken prior to construction commencing. The ecologist must inspect all trees (native and exotic) proposed for removal, aiming to identify hollows, nests, dreys or other fauna habitat. Of note, the Pines contain possum dreys and hollows which must be suitably managed to ensure harm to fauna is minimised as much as possible. Where habitat is being removed, a commensurate habitat replacement must be introduced with a preference for hollows drilled into retained trees rather than only nest boxes.</p> <ul style="list-style-type: none"> Same issue as above, flexibility for using nest boxes or hollows should be allowed, depending on the advice of the project ecologist.
110G	Koala Corridor	<p>Council's assessment states that: "the proposed VMP works will enhance the corridor and are supported by Council. Ensuring Koala friendly fencing is used is key" (p. 23).</p> <p>The proposal will rehabilitate the riparian zone of Nattai River within the site. The design scheme seeks to maintain an open landscape around the buildings. The condition should clarify that should any fencing be installed, then it needs to be koala friendly. The title to the condition and the reference to "Koala Corridor" may imply other works to establish a Koala Corridor (depending on how it is defined) that are out of scope.</p>
N/A	S7.11 Contributions Sheets Follow:-	<p>The Notice of Payment - Developer Charges currently reads as follows:</p>

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		<p><u>Notice of Payment – Developer Charges</u></p> <p>4 February 2025</p> <p>ELTON CONSULTING C/- HALCYON HOTELS LEVEL 6 332-342 OXFORD ST BONDI JUNCTION NSW 2022</p> <p>Re: 24/1140 Lot 21 DP 1029384 2 COLO STREET MITTAGONG NSW 2575</p> <p>Development Description: Deletion of the approved swimming pool, terrace and bar on level 1 of M1. Demolition of the first floor slab to the machine room of M1 and conversion to an outdoor gallery / exhibition space with water features. Provision of a café and ticket office within Southern Shed 1. Minor revision to the design of the Northern Shed. Various amendments to the interior layout within the M1/M2 complex and adjustments to the back-of-house facilities and plant rooms. Amendment to the design for the Maltsters House.</p> <p>Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plans.</p> <table><tr><th>Contributions Levy</th><th>Units</th><th>Rate</th><th>Amount Payable</th></tr><tr><td>S64 Sewer Compliance Certificate</td><td>1.00</td><td>\$255.00</td><td>\$255.00</td></tr><tr><td>S64 Sewerage (Shirewide)</td><td>33.14</td><td>\$12,962.98</td><td>\$429,619.12</td></tr><tr><td>S64 Water Compliance Certificate</td><td>1.00</td><td>\$255.00</td><td>\$255.00</td></tr><tr><td>S64 Water (Shirewide)</td><td>33.14</td><td>\$13,371.28</td><td>\$443,151.09</td></tr><tr><td>Total</td><td></td><td></td><td>\$873,280.21</td></tr></table> <p>Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. <u>Amax and Diners not accepted</u>).</p> <p>IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will be indexed in accordance with the relevant Plan.</p> <p>DATE CHARGES ARE VALID TO – 30th April 2025</p> <p>The title “S7.11 Contributions Sheets Follows” should be revised as the Notice of Payment relate to Section 64 levies.</p> <p>The notice should be addressed to: Colliers on behalf of Maltings Holdings Pty Ltd.</p>	Contributions Levy	Units	Rate	Amount Payable	S64 Sewer Compliance Certificate	1.00	\$255.00	\$255.00	S64 Sewerage (Shirewide)	33.14	\$12,962.98	\$429,619.12	S64 Water Compliance Certificate	1.00	\$255.00	\$255.00	S64 Water (Shirewide)	33.14	\$13,371.28	\$443,151.09	Total			\$873,280.21
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73	Traffic Control Plan	This existing condition is not proposed by Council for amendment. However, it is a duplicate of Condition 63 and should be removed.																								
Water NSW – Concurrence																										
1	General	<p>Reference to the following drawings and documents should be updated to reflect the current version:</p> <p><u>Drawings</u></p> <ul style="list-style-type: none">1100 – M1/2 Plan Ground (L00), Revision G, dated 25.10.20241101 – M1/2 Plan L02-03, Revision F, dated 13.09.20241102 – M1/2 Plan Roof, Revision F, dated 13.09.20241801 – M1/2 GFA Plans, Revision E, dated 12.02.20242000 – M1/2 Elevations (Exterior), Revision G, dated 25.10.20243000 – M1/2 Sections, Revision G, dated 25.10.2024																								

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		<u>Documents</u> <ul style="list-style-type: none">Stormwater & Flood Management Strategy, Issue D, dated 24/10/2024 (note: the figures within the Stormwater & Flood Management Strategy currently referred to in the condition should also be updated). Utilities Servicing Assessment, Issue E , dated 28/08/2024
Department of Planning and Environment – Water – General Terms of Approval		
N/A	Schedule 1	The condition has included reference to the following documents that are unrelated to the project and should be removed or superseded with the application documents: <ul style="list-style-type: none">Statement of Environmental Effects, prepared by Calibre, dated 1/07/2029Station St Menangle – Stage 2, Road and Drainage Design Plan

We recommend this correspondence be reviewed with a view to have the draft Conditions amended.

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

Yours sincerely,

Colliers Project Management Pty Ltd



Phillipa Aiken

National Director

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