

Applicants request to change conditions

- **Condition 119:** Flooding Risk Management plan Site3; Deicorp .It was agreed between Fouad and Joe that will accept the current condition with the last paragraph being modified as follows “**Flood Risk Management Plan must be submitted and approved by Council before the issue of a Occupation Certificate.**”
- **Condition 116 :** Loading dock ,again as discussed with Joe and as noted in my email below ,If Councils comments in this condition specifically item (b) relate to the (**Second attachment**) and Council make reference to this plan and include this plan in the approved set of documents Decicorp have no problem with the condition as written
- **Condition 253:** Signalization of Trafalgar & Regent St : During Fouad conversation with Harjeet this morning, Harjeet even commented that during a meeting on the 8th March 2018 with Deicorp, Council including Councils traffic Engineer George Tsaprounis ,DEP & ,RMS , it was agreed by all that a signalised intersection was not required .As additional confirmation of such (**Please refer to Third attached**) which includes Councils Agenda of this meeting and my email back to Council confirming what was agreed at this meeting ,please refer to Item 1 first dot point .Again we respectfully request this condition be deleted.

The below condition/request was not discussed with either Joe or Harjeet

- **Condition 65:** Building heights. Previously we have requested that this condition be modified to reflect building heights as within our DA submission, but this request was refused under the bases that Council are governed by an Authority directive on this matter .As previously discussed with Thomas the heights shown in the Aviation approval do not reflect what was shown in our DA and most certainly do not reflect the height requested in Deicorps submission to Aviation Australia. Furthermore I have contacted Aviation Australia and requested that this approval be modified to reflect our DA submission (**Please refer to forth attachment**) Unfortunately this modification will take time and will not be approved by 4th June .With this in mind We request that this condition be reworded as follow .”**the building must not exceed a maximum height of 71.7 meters AHD for site 1,62.9 meters AHD for site 2 and 66.4 meters for site 3 ,inclusive of all lift over-runs, vents, chimneys, aerals, antennas, lighting rods and any roof top garden planting ,exhaust flues etc, except with written approval of SACL ,in which case the buildings must not exceed any alternative maximum height nominated by SACL ,inclusive of all lift over-runs ,vents, chimneys, aerals, antennas, lighting rods, any roof top garden planting ,exhaust flues etc.”** . Can you please confirm Councils acceptance of this modification.
- **Deferred Commencement condition 1:** Council have now received RailCorp signed letter of concurrence with standard DA conditions .**So this condition can be deleted.**
- **Deferred Commencement condition 2:** Waste collection area site 2: At the JRPP meeting both JRPP and Thomas Irons agreed that this condition should deleted as a deferred condition .Furthermore following on from our telephone conversation ,it would appear that after Councils review of the proposed alternative location on Regent St ,that the preferred position would be back on Fisher St in accordance with the standalone waste collection position in the original DA documentation .**Please see attached documents that include** .1) original DA plan 2)Revised traffic report supporting original position in Fisher St . 3) Alternative design for waste collection in Regent St and 4) Letter of support from Traffic consultant supporting Regent St position. 5) Letter of support from Waste consultant supporting position on Regent St

.In light of our conversation we request that this condition be deleted and original position on Fisher St be supported and approved. Luke In line with Thomas request final plans and specifications were submitted to Council yesterday (**refer to fifth attachment**) .With this in mind we request that this deferred condition be deleted and no further conditions related to this matter be added to final approval. If a Council believe a condition is necessary we ask that the condition reads as follows “revised waste collection to site 2 be in generally accordance with Candalepas Associates plan DA – 1102-D”

- **Condition 36/37 :** To modify present condition in accordance with **second attachment**(SKM C_3681...2290.pdf) . **Refer to first attachment**
- **Condition 44 :** live music : Modification as follows . “Live music in the registered club is permitted from 10.00am to 1.00am, with the exception of New Year’s Eve / News Years Day being 10.00am to 2.00am.”
- **Condition 45(c):** As discussed and agreed at the JRPP meeting Café operational hours to be 6.00am to 8.30p, Monday to Sunday .
- **Condition 62 & 127: Construction Management Plan** should include & be submitted to Council for approval prior to the issue of a Construction Certificate. All reports requested in this condition have previously been forwarded to Council at DA stage (April 2018) and further updated at Councils request on November 2018. So why should we have to resubmit this document all over again for Councils approval . This condition should read “**All works must be carried out in accordance with the revised Construction Traffic Management plan CTMP prepared by Barker Ryan Stewart dated 20th November 2018**”
- **Condition 116: Loading Dock:** The applicant shall prepare a loading dock management plan for site 3 .The plan shall be submitted to and approved by Council before the issue of a CC . This whole condition centres around the inclusion of a turn table in the loading dock and Councils concerns relating to what happens if the loading dock breaks down. The developer took Councils initial comments on board and has gone to great lengths to provide Council with a power point presentation by the Owner of the company that will actually install and be responsible for the maintenance of the onsite turntable (Australian Turntable Company) .This presentation included statistic on the turntables reliability, noting turntables being installed on construction sites with over 150 movements be day. Whether it be on a construction site or in a commercial building, in case of a breakdown there is a manual over ride that allows the truck to actual be pushed by one person into a position that allows forward access to Fozzard Lane . Furthermore even at the JRPP meeting the panel members confirmed their knowledge of the manual override and could see no problem with the use of a turntable. **We request this condition be deleted.** Refer above
 - Further to the to the above and specifically in relation to item (b) please refer to **third and fourth attachments** that indicates the following
 - SY150139.02 issue A : which indicates that a HRV truck can enter the loading dock and reverse out into Fozzard lane without any disruption to the current design . If this is acceptable and we would request that this plan be added to drawing register
 - SY150139.03 issue A : which indicate that a 3 point turn with the loading dock can NOT be achieved within the current design . Not acceptable.
- **Conditions 117 / 165 / 196:** This condition relates to internal driveways and parking in accordance with AS/NZS standards and will be constructed accordingly and signed off

by the projects Private certifier and relevant consultants .So why is there a need to t resubmitted previously lodged documents to Council all over again for their approval .We request the removal of the wording "" shall be submitted to and approved by Council ""

- **Condition 119: Flooding Risk Management Plan site 3:** During the lengthy Planning Proposal period and as part of the detailed DA submission, 3 separate Flood studies have been provided to Council .1) Ana Civil P/L dated 18th November 2016. 2) Neil Lowry & Associates dated 13th November 2017 and 3) ACOR Consultants dated 5th April 2018, (**see attached**)With all reports indicating that concerns of Council Engineers in regard to possible flooding have been addressed with in their reports. So why are council requesting that a Flood Risk management plan be prepared by a qualified practicing Civil Engineer and be submitted to and approved by Council prior to a CC be issued. Furthermore since our DA submission April 2018 Deicorp have not revived a single email from Councils engineer requesting any further information in relation to the 3 reports submitted. First we hear about flooding was when we revived draft DA conditions on 23rd April 2019. This condition gives us absolutely no certainty in relation to design /costs .**We request this condition be deleted.** Refer above
- **Condition 120: Storm Water Drainage Site 3 :**This condition dose nominate detailed stormwater plans submitted at DA stage but does not nominated the Civil plans submitted at DA stage . This condition requests that another 7 additional sets of documents be submitted and approved by Council prior to a CC . The additional information requested was submitted at DA stage as a part of both Stormwater /Civil designs . Furthermore as is the case with Flooding Risk management plan we have not revived any feedback from Councils Engineers since these documents were submitted in April 2018, until we get draft DA conditions on 23rd April 2019. If we had revived such a request with in a timely manner of submitting our DA our Engineers could have easily discussed and sougheed this matter out .**What we are requesting is that this condition be modified to read that all works are to be constructed in accordance with storm water & civil plans submitted.**
- **Condition 253 : Signalisation of intersection of Trafalgar & Regent :** These works have been discussed time & time again with Council and the bottom line is that all alternative designs revolve around Council proposed Regional Bike Route 7.After months of discussion and Deicorp providing plan & report after plan & report It was agreed at a meeting on 8th March 2018 with Council, RMS DEP & Deicorp that a signalised intersection at Regent & Trafalgar St was not required (**see attached**).So why has this request been included again .**We request this condition be deleted** .Refer above
- **Condition 254: Seek approval for the relocation of the bus shelter :** Council was informed on 14th November that the relocation of this bus shelter is a requirement of Council to accommodate Bicycle route 7 and it is not a requirement of our development .(see attached) .**We request that this condition be deleted . At JRPP meeting Council have agreed to DELETE this condition**