

## Attachment 1 – Submissions Summary

Project: MP10\_0101 MOD 3 – Treacy Street Mixed Use Development

Applicant: Wynn Construction Group

Date: 25 September 2020

Issues Raised	Applicant Comments
<p><b>1. <u>Structural Integrity of Adjoining Development</u></b></p> <p>A large proportion of occupants within the adjoining building (Imperial Hurstville) are concerned about the impacts of the development on the structural stability and integrity of their building given that new openings are to be created within the existing structural wall and that a new basement is to be constructed adjoining the existing building structure.</p> <p>The Owner's Corporation has commenced legal action against their original builder under the two years home builders warranty claim on 22/07/20. They commissioned a building and fire defect report which identified has identified significant defects and hold concerns that their claim may be compromised, it may impact on their existing 6 year warranty and that their building may be further impacted by the adjoining construction.</p>	<p>The original concept approval anticipated that there will be new openings within the Central stage building along the eastern and western side of the building. The Central Stage approved (DA2014/1066) plans indicated potential future openings within the wall to cater for vehicular and/or pedestrian access through the central stage development (refer to the approved Basement 1A/1B plan below in Figure 12). The approved strata plan for the Central Stage includes easements for the driveway access through the development and caters for openings within the wall for vehicles to access the basement levels at 33-35 Treacy Street</p>
<p><b>2. <u>Request to indemnify adjoining owners</u></b></p> <p>The Owner's Corporation of Imperial Hurstville are seeking the applicant to indemnify the Owner's Corporation from any damage or loss, including future defects caused by the</p>	<p>The Applicant does not propose to indemnify the Owners' Corporation for any damage or loss associated with the development or any potential disputes relating to their existing builder's warranty arrangements. However, the Applicant is</p>

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<p>development. They have requested a meeting and an independent engineer report to mitigate potential risk of building defects.</p> <p>They have requested a payment bond and a contract/easement in place to protect them.</p>	<p>willing to work with the Owners' Corporation to allay their concerns over the proposed construction.</p> <p>In good faith, the Applicant agrees to meet the costs of a structural design peer review by a structural engineer to be nominated by the Owner's Corporation. The appointment of the structural engineer will be subject to the Applicant's approval of a fair and reasonable market-based fee proposal.</p> <p>The Applicant will be in contact with the Owners' Corporation to progress this review.</p>
<p><b>3. <u>Increased Traffic Congestion</u></b></p> <p>Concern that traffic is already congested and that Treacy street is a thoroughfare. They consider the proposed development will be further impacted as other nearby developments are completed at 1-5 Treacy Street.</p> <p>Concern over traffic congestion near the car park entry point which could impact on pedestrian access and safety.</p> <p>Concern over the original traffic report being outdated.</p>	<p>The proposed increase in density will generate more traffic movements and activity in the streetscape and in the immediate area than what was envisaged at the time the concept approval was assessed and consented to. Given that Treacy Street is located on the periphery of the Hurstville Town Centre, the impacts are not direct but rather secondary. This isn't considered to be significant or create adverse delays or conflicts at key intersections.</p> <p>An updated Traffic Impact Assessment Report dated 20 August 2020 is provided in <b>Attachment 3</b> to address the detail of these concerns.</p> <p>The 2012 Concept Approval always envisaged this higher density in this area and the subsequent approvals of other larger scaled mixed uses in the commercial area have increased traffic and congestion in the area. The cumulative impact of parking and traffic impacts should be considered in a more holistic way as every individual development will find it difficult to correct impacts generated by a series of</p>

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	<p>developments. Town Centres are constantly faced with the challenge of accommodating larger scaled developments and managing the longer-term impacts. By in large Council's policies around parking numbers and generation should assist in providing a longer-term targeted program to ease congestion and manage traffic impacts during certain times. The traffic generated by a residential development of this size is not considered to be significant. It will no doubt create some added pressure on key intersections but this is not considered to be at a level that is unmanageable.</p> <p>The main intersections that will be used by the occupants and visitors are Treacy Street and The Avenue and Treacy Street, The Avenue and Forest Road or Treacy Street and Forest. Traffic will not be able to access Brabham Drive unless coming from the south as part of this road is one way onto Treacy Street so it is unlikely many vehicles will use this as it will only capture cars returning from the south. There are several options for vehicles to use to leave Treacy Street and enter the town centre or travel north. Given the options this will disperse traffic flows rather than have all cars utilise one intersection.</p>
<p><b>4. <u>Increased Safety Concerns</u></b></p> <p>Concerns over increased safety issues due to an increase in population.</p> <p>Request for security cameras to be installed by Council.</p> <p>Request for safety mirrors and boom gate to be installed in the driveway</p>	<p>The proposed development is a well-designed and high quality development which will present well and ensure a safe and crime free environment for the projected population as reflected by the local planning controls.</p> <p>The Applicant does not intend to approach Georges River Council to install security cameras and is satisfied that the Council is effectively managing anti-social behaviour in line with its existing place management strategies, policies and procedures. The Applicant holds no objection to the Owners'</p>

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<p>Concerns over security arrangements for new residents</p>	<p>Corporation making separate representations to the Council in this regard.</p> <p>The Applicant ensures that the detailed car park design will be in accordance with Australian Standards.</p> <p>The proposed development will be managed by a Building Management System that will ensure appropriate security and monitoring measures are available for all residents.</p> <p>Although there will be some more people accessing the basement of the Imperial Hurstville, they are only using the driveway to access the subject site, they will not be parking in the Imperial. The only other shared use is the loading bay which will allow for waste removal and assist with any deliveries to the premises.</p> <p>A proposed condition of consent requires the creation of easements in relation to the use of the driveway and loading bay and a Plan of management will need to be prepared prior to the Construction Certificate being issued to resolve these issues and the management of them moving forward.</p>
<p><b>5. <u>Compensation payable to the Owner's Corporation for the shared driveway rights</u></b></p> <p>Request to clarify how the use of the driveway will impact their adjoining resident's access to the garage and how will they be compensated for the inconvenience caused by the development.</p>	<p>The Applicant has provided a copy of legal advice dated 10 March 2020 in <b>Attachment 3</b> which confirm their legal rights. Georges River Council's Local Planning Panel has accepted this advice and confirmed the arrangement with the Owner's Corporation consistently throughout the assessment process.</p> <p>The Applicant does not propose to have further discussions with the Owner's Corporation in this relation to their legal rights.</p>

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Request to understand the apportionment of costs, rules around common property and liability for damage to each other's property.	The Applicant will develop a Plan of Management to resolve the use of the driveway and loading bay and the management of them moving forward in accordance with development consent conditions.
<p><b>6. <u>Construction management issues</u></b></p> <p>Concerns over noise and dust pollution, hours of work, unfettered pedestrian access, cleaning of balconies, access to basement during construction for car spots adjoining wall and dust on cars.</p>	<p>The Applicant commits to managing the construction of the project in accordance with the conditions of the development consent in relation to pollution control, hours of work, pedestrian and vehicular access.</p> <p>In good faith, the Applicant will work closely with the Owners' Corporation to establish appropriate resident notification procedures and ensure dust management and vehicular access to spaces adjacent to the common wall are appropriately addressed with the individuals directly affected.</p>
<p><b>7. <u>Increased Population and Impact on Local Schools</u></b></p> <p>Higher density developments increase population and impact on the quality and standard of living.</p> <p>Concern over the insufficient capacity to take further enrolments for new students in the area.</p>	The NSW Department of Education is responsible for managing the demand and supply of public school education. It is expected that the Department are aware of the population projections for the area and are taking appropriate steps to ensure equal access to education for all residents. The Applicant has no further comment.
<p><b>8. <u>Inadequate Time to Prepare a Submission</u></b></p> <p>The Owner's Corporation request a 28 day extension for submissions as they received their notification from an owner in early September</p>	The Applicant trusts that the Department of Planning, Industry and Environment has met all statutory responsibilities in relation to the public exhibition of this modification and has no further comment.