

Our Ref: Project 730  
Your Ref: MP\_10\_0101 (MOD 3)



1 October 2020

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Attention: Marcus Jennejohn  
Senior Planning Officer, Key Sites Assessments  
Planning and Assessment

Email: [marcus.jennejohn@planning.nsw.gov.au](mailto:marcus.jennejohn@planning.nsw.gov.au)

Dear Mr Jennejohn,

**Re: Responses to Submissions - MP\_10\_0101 (MOD 3) - 21-35 Treacy Street, Hurstville**  
**Property: 21-35 Treacy Street, Hurstville**

## 1.0 INTRODUCTION

This Submissions Report has been prepared for the Department of Planning and Infrastructure in accordance with clause 85A(2) of the *Environmental Planning and Assessment Regulation 2000*.

Submissions have been received following public exhibition of the proposed Modification 3 to Concept Approval MP 10\_0101 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979*.

Concept Approval MP 10\_0101 permits a mixed-use residential and retail development at 21 – 35 Treacy Street, Hurstville. Daintry Associates Pty Ltd has prepared the application to modify Concept Approval MP 10\_0101 along with the project team and this is the Response to Submissions on behalf of Wynn Constructions Pty Ltd.

This Response to Submissions has been prepared following a detailed review of individual submissions, identification of the core issues and consideration of mitigation measures to resolve concerns.

The project team established by Wynn Constructions Pty Ltd to prepare this Response includes:

Urban Planning  
Architecture & Urban Design  
Traffic and Parking  
Property Advisory  
Engineering

Daintry Associates Pty Ltd  
Stanisic Associates  
The Transport Planning Partnership  
Wilson Property Solutions Pty Ltd  
Australian Consulting Engineers Pty Ltd

## 2.0 BACKGROUND

On 22 July 2020, Wynn Constructions Pty Ltd submitted a modification application for 21-35 Treacy Street Mixed Use Development (MP10\_0101 MOD 3) in the Georges River Local Government Area.

The modification application seeks to modify the Concept Approval as follows:

- Increase the maximum gross floor area from 26,775m<sup>2</sup> to 29,274m<sup>2</sup>;
- Reduction in the extent of basement and changes to car parking provision;
- Reduction of the western setback to 37 Treacy Street from 1m to provide a 0m boundary setback; and
- Associated changes to the building envelope, layout and internal configuration

The modification application was publicly exhibited from Friday 28 August, 2020 until Thursday 10 September 2020 and documents could be viewed on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10608](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10608)

A total of seven (7) submissions were received. Three (3) separate submissions were received from the adjoining Owners' Corporation and are all fundamentally consistent. Two (2) submissions were received from government authorities and 2 submissions were received from adjoining residents.

A Submissions Summary can be found in **Attachment 1** and a Register of Submitters can be found in **Attachment 2**.

## 3.0 ISSUES SUMMARY

The issues raised by the submitters cover the following areas:

1. Concern that the structural integrity of the adjoining development's building wall will be compromised by the proposed access arrangements and new openings
2. A request for Wynn Constructions to indemnify the Owners Corporation of the adjoining development from any damage or loss, including future defects caused by the subject development
3. Increased Traffic Congestion
4. Increased Safety Concerns
5. A request for Wynn Constructions to compensate the Owners Corporation for the use of the shared driveway despite existing legal rights
6. Construction management issues
7. Increased Population and Impact on Local Schools
8. Inadequate time to provide comments during exhibition period

The issues have been addressed in detail in **Attachment 1** by the Applicant and where appropriate, supporting documentation has been provided in **Attachment 3**.

## 4.0 MITIGATION MEASURES

Wynn Constructions is committed to achieving a development that maintains the architectural integrity of the concept plan and adequately addresses the concerns of adjoining owners.

We wish to reiterate that the PAC in its determination report dated 1 July 2011 signed by Garry Payne AM and Richard Thorp as the presiding PAC members stated:

“As to architectural design the Commission agreed that it is of critical importance that the architectural integrity of the concept plan should be maintained in future applications.” [p.4].

What is critical to note is that the plans now submitted to the DPIE ensure the architectural integrity of the concept plan and the changes to the conditions reflect these plans. The impacts of the proposal are the direct consequence of maintaining the architectural integrity of the concept plans.

### To address the concerns of the adjoining owners:

Wynn Constructions commits to working directly with the Owners Corporation and will:

- a) provide the Owners Corporation with a design certification from Australian Consulting Engineers Pty Ltd **Attachment 3**
- b) agree to meet the costs of a structural design peer review by a structural engineer to be nominated by the Owner's Corporation
- c) undertake excavation works in accordance with recommendations from a registered geotechnical engineer and Sydney Trains
- d) agree to meet the costs of a pre and post Dilapidation Report by a registered structural engineer and to make that Report available to the Owners Corporation
- e) ensure the detailed car park design is in accordance with relevant Australian Standards to ensure safety for vehicles and pedestrians
- f) will establish appropriate resident notification procedures with the Owners Corporation and ensure dust management and vehicular access to spaces adjacent to the common wall are managed effectively
- g) develop a Plan of Management to resolve the use of the driveway and loading bay and the management of them moving forward

### To address the traffic issues:

Wynn Constructions has provided an updated Traffic Impact Assessment Report dated 21 August 2020 prepared by The Transport Planning Partnership in **Attachment 3**.

### To address the issue of legal rights:

Wynn Constructions has provided a copy of legal advice dated 10 March 2020 in **Attachment 3** 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 throughout the assessment process. Wynn Constructions does not propose to have further discussions with the Owner's Corporation in this regard.

## 5.0 CONCLUSION

The Wynn Construction Group was established in 1980 and has over 40 years of combined experience in residential and commercial development. Finished to industry standards, each of their projects is conducted with a tireless work ethic and attention to detail that makes them proud to take into the future.

Wynn is committed to working with the adjoining Owner's Corporation to manage their concerns throughout the construction process to deliver a highly regarded addition to the Hurstville residential market.

Should the Department of Planning, Industry & Environment require any additional information, we are happy to provide it as soon as possible.

Please don't hesitate to contact me on 0408 463 714 or by email [brett@daintry.com.au](mailto:brett@daintry.com.au).  
Yours faithfully,



Brett Daintry, MPIA, MAIBS, MEHA, MEPLA  
Director

### Attachments

1. Submission Summary & Responses
2. Register of Submitter
3. Supporting Documents
  - Australian Consulting Engineers\_design certification\_Treacy
  - Easement Letter Foteades Freeman Cohen 10 March 2020
  - Traffic Impact Assessment August 2020