

## **Issues raised during public exhibition**

**Issue:** *'Figure 6.2B Plan Diagram proposed the widening of Fozzard Lane from Trafalgar Street and for Fozzard Lane to be extended to intersect with Regent Street.'*

**Response:** The precinct masterplan (Part 9.6 of the DCP) was amended and approved during the Planning Proposal. One notable change was Control C16 which only identifies 'an accessible open space area linking Regent Street and Fozzard Lane'. The masterplan DCP no longer identified a vehicle connection between the lane and road. See full control below:

**Issue:** *'A public domain plan is to be submitted to and approved by Council for public domain improvements in Regent, Trafalgar and Fisher Streets, New Canterbury Road and the publicly accessible open space area linking Regent Street to Fozzard Lane. The plan is to indicate the location and extent of public domain improvements, including replacement trees to compensate for any trees that are to be removed and to add to the existing tree canopy.'*

**Response:** The subject proposal provided an accessible open space area linking Regent Street and Fozzard Lane as required by the site specific DCP.

**Issue:** *'Drawing DA.099G showing the plan level B1 – Ground Floor RSL clearly shows that the termination of Fozzard Lane does not include a cul-de-sac or hammerhead turning bay. This situation is impractical as it would require a vehicle to access either our client's site at 22 Fisher Street or the Petersham RSL Club site in order to perform a turning manoeuvre in order to exit the lane in a forward direction.'*

**Response:** The proposal will not impact upon the vehicles entering or existing 22 Fisher Street in a forward direction, and will not require the need to 'access' the Petersham RSL site.

**Issue:** *'The approved boarding house development at 22 Fisher Street requires all bins to be collected from Fozzard Lane and it is unclear how a garbage truck will be able to turn in Fozzard Lane to collect the bins, not only from 22 Fisher Street but from any future development on 24 or 26 Fisher Street.'*

**Response:** The proposal will not change the way that waste collection trucks currently collect waste from Nos. 24 and 26. Waste collection trucks have the ability to reverse up Fozzard Lane to exit onto Trafalgar Street in a forward direction given the 'T' intersection on Fozzard Lane.

**Issue:** *'The development application relies upon the road widening of Fozzard Lane from both 22 Fisher Street and 24 Fisher Street.'*

**Response:** The proposal does not rely upon the road widening of the portion of Fozzard Lane in front of 24 Fisher Street. Service trucks and waste vehicles only require access as far as the north-south portion of Fozzard Lane (not the east-west portion which both Nos. 22 and 24 adjoin).

**Issue:** *'The development application also relies upon vehicular access across our client's site.'*

**Response:** The proposal does not rely upon access across No. 22.

**Issue:** *'The development application also relies upon vehicular access across our client's site. Condition of Consent No. 7 of the DA for the boarding house at 22 Fisher Street that states that no vehicular access, with the exception of motor bikes and bicycles, are to utilise the basement until such time as the road widening of Fozzard Lane has occurred in accordance with Part 9 of the Marrickville DCP 2011 (Figure 6.2B of the DCP).'*

**Response:** As stated these changes to the site specific DCP were made in the PP. This is not a consideration of the subject development application and the consent for No. 22 may need to be amended accordingly if required.

**Issue:** *'Our client has not yet obtained a construction certificate for the proposed boarding house at 22 Fisher Street as they are awaiting determination of the current development application for the additional floor on the boarding house. Therefore it is not clear what the timing of construction will be of that boarding house development as it is contingent upon the determination of the current DA.'*

**Response:** This was a condition imposed on the consent for 22 Fisher Street in 2017. The subject proposal does not change the requirements/pathway for the applicant to satisfy this condition.

**Issue:** Concerns regarding the widening of Fozzard Lane and the increased chances of intoxicated patrons from the RSL being involved in car accidents

**Issue:** Increase traffic on Fozzard Lane,

**Response:** The proposal will not have any

**Issue:** At least 15% of units should be designated as 'affordable'

**Response:** During the Planning Proposal, a draft public benefit offer which included 6 affordable housing units was prepared by the applicant in conjunction with Council. The proposal includes 6 affordable housing units in accordance with the execute Voluntary Planning Agreement.

**Issue:** An independent traffic study be prepared.

**Response:** An independent traffic study has been prepared and reviewed by Council.

**Issue:** Site 2 should be retained as open space.

**Response:** There are no requirements for Site 2 to be used solely as open space.

**Issue:** The development should install at least 50% solar PV and 50% solar hot water.

**Response:** All buildings to have water efficiency targets equal to BASIX plus 20% and energy efficiency equal to BASIX plus 10%, beyond the energy efficiency requirements outlined by BASIX. The commercial components of the development achieves a 5 star NABERS rating.

**Issue:** Impacts on local traffic network, and public transport network. Concerns regarding the data and conclusions in the supplied traffic and parking impact assessment.

**Response:** The application was supported by a traffic and parking impact assessment report which concludes that there will only a minor increase in traffic generated by the development, that 10-year growth will continue to have an overall satisfactory level of service which does not change significantly from the existing use and that this determination is well evidenced by the marginal increase in overall peak hour traffic. The traffic and parking impact assessment was reviewed by Council's Engineering Unit and Local Traffic

Committee. It was concluded that any additional traffic in the locality would inevitably exuberate congestion already experienced and that upgrade works (most notably at the signalised intersection of Trafalgar Street and Regent Street) are recommended.

Public transport is a service provided by the State Government and is not a determining matter for the assessment of a development application.

**Issue:** The proposal does not provide a public benefit.

**Response:** A VPA was prepared in conjunction with the proposal. The VPA included the following:

1. Transfer of 24 car parking spaces within a stratum lot on ground level of Site 1.
2. Payment of the Monetary Contribution in the amount of \$3,500,000.00.
3. Transfer of 6 Affordable Housing Units (3 x 2 bedroom units and 3 x 1 bedroom units with no car spaces) located on Site 1.

Furthermore, Section 7.11 contributions of approximately \$6,298,410 for the purposes of public facilities are applicable to the proposal

**Issue:** Loss of solar access.

**Response:** The shadows cast by Site 1 will largely fall on the front setbacks of the residential properties on the southern side of Fisher Street between Crystal Street and Regent Street (Nos. 7-21 Fisher Street). The front setbacks of these properties are largely dedicated to hard paved areas, vehicular access/parking and landscaping.

The shadows from Site 2 will largely fall on New Canterbury Road and the infrastructure facility (the water tower) opposite the site on the southern side of New Canterbury Road.

Given the massing of Site 3 is located towards Trafalgar Street and the side of the site, the shadows from development on this site will largely fall within the site and Regent Street. The properties to the south of Building C on the opposite side of Fozzard Lane will retain adequate solar access in the afternoon hours. It is noted that a 6-storey boarding house is currently being developed on No. 22 Fisher Street. The solar access to the principal communal open space and living area of this development will not be significantly affected by the proposal as they are located on the sixth floor which is setback approximately 12m from Fozzard Lane.

The shadows cast by Building A will largely fall on the front setbacks of the residential properties on the southern side of Fisher Street between Regent Street and Audley Street (Nos. 27-33 Fisher Street) for approximately 2 hours during the winter solstice. The front setbacks of these properties are largely dedicated to hard paved areas and landscaping.

The solar impact on nearby properties are what can be expected given the approved building configuration, floor space ratio and building height development standards on the subject sites and the building envelope controls in Part 9.6 of the MDCP 2011.

**Issue:** Reduction in trees and associated wildlife.

**Response:** 71 trees are proposed to be removed, varying in height and size from a 3 metre Callistemon (Bottlebrush) to 18 metre Tallowood tree. 13 trees are to be retained. 25 new street trees, 62 new trees on Site 1, 23 new trees on Site 2 and 87 new trees on Site 3 are proposed. 197 new trees are proposed resulting in 210 trees across all three sites.

Given the location of many of the significant trees (particularly on Site 2) are located at the centre of the site, their removal is considered inevitable for any future development of the site.

The application was referred to Council's Tree Management Officer who raised no objection to the proposed tree removal, retention and new plantings.

**Issue:** Increased noise generated from development when occupied.

**Response:** Given the size of the proposal and the additional people it will bring to the area, there will inevitably be additional noise generation. The registered club portion of the development has been supported by an Acoustic Report which concludes that the acoustic impact on the locality will not exceed the relevant standards.

**Issue:** Disturbances during construction (dust, noise etc.)

**Response:** Suitable conditions of consent relating to demolition, excavation and construction have been imposed to mitigate its impacts on the locality. Given the size of the proposal, some disturbances are unavoidable.

**Issue:** Insufficient on-site car parking.

**Response:** The proposal provides on-site car parking in excess of Council's DCP requirements.

**Issue:** Overdevelopment of site, excessive in height and its impacts on the surrounds.

**Response:** While variations are sought for both floor space ratio and building height, the proposal represents a density generally in line with what can be expected from the sites which was prescribed by the Planning Proposal.