

Response to Submissions Report

The Timberyards by RTL Co.

Marrickville, NSW

Submitted to the Department of Planning, Housing and Infrastructure
on behalf of RTL Co.

SSD-76927247



Prepared by Ethos Urban, a Colliers Company.

6 June 2025 | 2230814



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

In March 2025, Ethos Urban took a major step toward future growth by partnering with leading professional services firm, Colliers. While our name evolves, our commitment to delivering high-quality solutions remains unchanged—now strengthened by broader access to property and advisory services and expertise.

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C. Revised Architectural Drawings	<i>Turner</i>
D. Revised Sydenham Road Overshadowing Analysis	<i>Ethos Urban</i>
E. Revised Clause 4.6 Variation Request (Height)	<i>Ethos Urban</i>
F. Revised Design Report (including ADG Compliance Table)	<i>Turner</i>
G. Revised Waste Management Plan	<i>MRA</i>
H. Revised Visual Impact Analysis	<i>Ethos Urban</i>
I. Revised Crime Prevention Through Environmental Design Report	<i>Ethos Urban</i>
J. Revised Flood Impact Risk Assessment	<i>Mott MacDonald</i>
K. Community Housing Provider Letter	<i>City West Housing</i>
L. Updated BASIX Certificate	<i>Atelier Ten</i>
M. Revised Social Impact Assessment	<i>Ethos Urban</i>
N. Dewatering Management Plan	<i>Tetra Tech Coffey</i>
O. Revised Heritage Report	<i>Urbis</i>
P. Revised Archaeological Research Design and Excavation Methodology	<i>Urbis</i>
Q. Revised Landscape Plan and RTS Response Report	<i>Arcadia</i>
R. Transport and Accessibility Impact Assessment RTS Response	<i>Ason Group</i>
S. Revised Acoustic Report	<i>Acoustic Logic</i>
T. Aviation Confirmation Letter	<i>Avlaw Aviation Consulting</i>
U. Sampling Analysis and Quality Plan	<i>EDP Consulting</i>
V. Accessibility: letter of support of Design Revisions	<i>Architecture and Access</i>
W. BCA: letter of support of Design Revisions	<i>Jensen Hughes</i>
X. Fire Engineering: letter of support of Design Revisions	<i>Minerva</i>
Y. Corner Site - Flood Technical Memorandum	<i>Mott MacDonald</i>
Z. Corner Site - Traffic Technical Memorandum	<i>Ason Group</i>
AA. Environmental & Water Technical Memorandum	<i>EDP Consulting</i>

Executive Summary

This Submissions Report has been prepared by Ethos Urban on behalf of Varsity Assets Management Pty Ltd (Developer) on behalf of RTL Investments 2 Pty Ltd as trustee for RTL Marrickville Property Trust (RTL Co.) (the Applicant) to address the matters raised during the Public Exhibition of The Timberyards by RTL Co (SSD-76927247) located at multiple lots bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Street in Marrickville NSW.

The State Significant Development Application (SSDA) was publicly exhibited from Tuesday 25 February 2025 until Monday 24 March 2025, with the subsequent request for response to submissions issued on Tuesday 25 March 2025. The SSDA, as exhibited, sought approval for a rental housing precinct development comprising Build to Rent housing (BTR), co-living housing, affordable housing, retail and public and private recreation area.

Overview of Submissions

In relation to the Public Exhibition of the SSDA, a total of 240 submissions were received. These included submissions made by relevant government agencies and organisations, as well as members of the public (noting that non-unique submissions are included in this number, further discussed in this Report).

Specifically, submissions were received from the following:

- Department of Planning, Housing and Infrastructure;
- Inner West Council;
- Transport for NSW;
- NSW State Emergency Service;
- Department of Climate Change, Energy, the Environment and Water (Water);
- Department of Climate Change, Energy, the Environment and Water (Conservation Programs, Heritage and Regulation);
- Ausgrid;
- Civil Aviation Safety Authority;
- Fire and Rescue NSW;
- Sydney Water;
- Heritage Council of NSW;
- Heritage NSW;
- Marrickville Landowners Group;
- Bick & Steele on behalf of John and Laila Hallam;
- Marrickville Chamber of Commerce;
- Centre for Independent Studies; and
- Members of the public.

The submissions related to a range of issues that included:

- Building height and density;
- Traffic and parking;
- Built form and urban design;
- Overshadowing and privacy;
- Housing affordability;
- Infrastructure and services;
- Community consultation;
- Local character;
- Environmental and flood risks;
- Construction impacts;
- Planning compliance;
- Dwelling diversity; and
- Site isolation.

Actions taken since Exhibition

Following the Public Exhibition of the SSDA, the Applicant has undertaken further engagement with the key relevant authorities being DPHI and Inner West Council as well as engaging with community members to obtain feedback on the built form, solar access, site isolation, among other matters, in response to received submissions.

A number of key design refinements and amendments have been made in response to the submissions received. Importantly, these refinements remain consistent with the project description within the exhibited SSDA and do not raise any additional environmental impacts. These refinements do not change what the application is seeking consent for, and therefore an amendment to the proposed development description is not required.

Response to Submissions

In response to the submissions received, key refinements have been made to the scheme including:

- Massing of Building G and Building B;
- Distribution of floor space;
- Dwelling yield and mix;
- Revisions to improve amenity;
- Revisions to open space;
- Operation of Hardware Lane;
- Lighting strategy for Hardware Lane; and
- Amended technical / services infrastructure information.

Updated Project Justification

There are a variety of design changes required arising from the Response to Submissions process. The potential impacts of the development continue to be acceptable, or have been reduced, and are able to be managed as outlined within the existing and additional mitigation measures at **Section 7.0** as well as within appended technical reports. Accordingly, there is no change to the project justification.

1.0 Introduction

This Submissions Report has been prepared by Ethos Urban on behalf of Varsity Assets Management Pty Ltd (Developer) on behalf of RTL Investments 2 Pty Ltd as trustee for RTL Marrickville Property Trust (RTL Co.) (the Applicant) to address the matters raised in during the Public Exhibition of The Timberyards by RTL Co (SSD-76927247) located at multiple lots bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Street in Marrickville NSW.

The State Significant Development Application (SSDA) was publicly exhibited from Tuesday 25 February 2025 until Monday 24 March 2025, with the subsequent request for response to submissions issued on Tuesday 25 March 2025. 240 submissions were received from relevant government agencies, organisations, and from members of the public. Further, a key issues letter was received from DPHI on 7 April 2025.

This Submissions Report provides an analysis of submissions, actions taken since Public Exhibition, the Applicant's response to submissions and provides an updated justification of the proposed development. It is accompanied by supporting information and technical reports (refer to the Table of Contents).

This Submissions Report, as required under Section 59(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), has been prepared in accordance with the DPHI's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report*.

1.1 Exhibited Development

The SSDA, as exhibited, sought approval for a rental housing precinct development comprising Build to Rent housing (BTR), co-living housing, affordable housing, retail and public and private recreation space across multiple lots bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Street in Marrickville NSW.

Specifically, the exhibited development sought consent for the following:

- Demolition and site preparation works (including remediation and tree removal);
- Construction of 7 buildings ranging from 8 to 13 storeys;
- Construction of a basement car park, plant and storage areas;
- Construction of:
 - 484 BTR apartments;
 - 115 affordable apartments;
 - 589 co-living dwellings;
 - 2,394m² of commercial floor space (including a Neighbourhood shop);
- Landscaping, publicly accessible open space, and resident communal open space;
- Works to site frontages;
- Lot amalgamation and stratum subdivision of proposed buildings; and
- Extension and augmentation of infrastructure and services as required.

Figure 1 below illustrates the Proposal as exhibited.

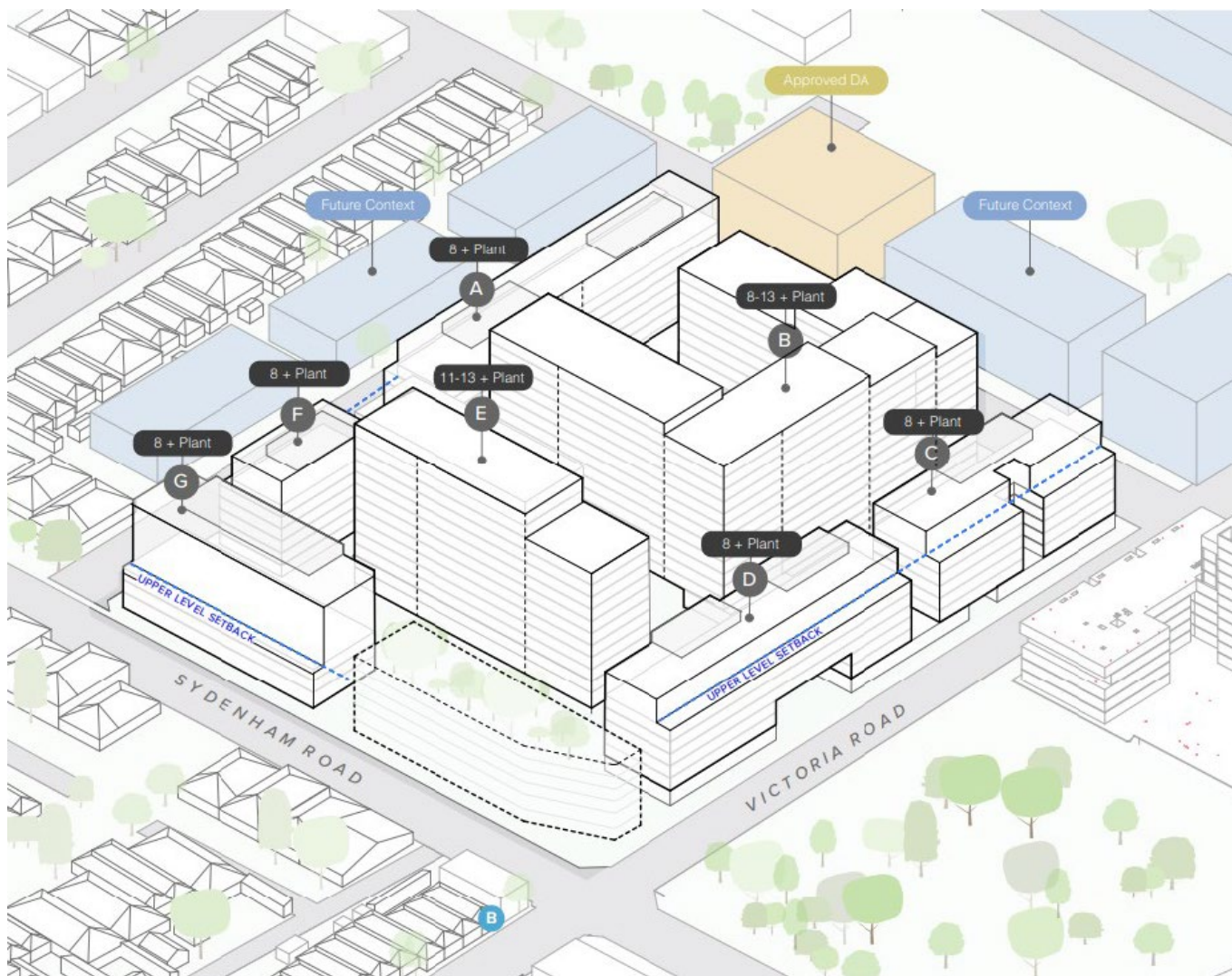


Figure 1 Exhibited Proposal (built form)

Source: Design Team

1.2 Site Overview

The site is known as the 'Timberyards', located in Marrickville within the Inner West Local Government Area (LGA). The site comprises 39 lots with legal identification listed in **Table 1** below and has a site area of 22,770m².

The site is less than 700m walking distance to the newly opened Sydenham Metro Station, with 7-minute travel time to the Sydney CBD.

The site currently comprises primarily industrial and light industrial uses, with residential dwellings to a minor portion of the site on Farr Street (western boundary) and Victoria Road (eastern boundary). The site also has frontage to Sydenham Road to the south and Mitchell Street to the north (and encompassing a small lane off Mitchell Street). **Figure 2** shows the site and its surrounding context.

Table 1 Legal identification of lots included in the subject site

Lot/DP	Property Address	Lot/DP	Property Address	Lot/DP	Property Address
1/724487	119A Sydenham Road	4/252507	21 Farr Street	17/4590	2 Mitchell Street
1/972534	121 Sydenham Road	5/252507	23 Farr Street	3/4590	165 Victoria Road
B/439802	129 Sydenham Road	6/252507	25 Farr Street	2/4590	167 Victoria Road
A/439802	131 Sydenham Road	7/252507	27 Farr Street	1/4590	169 Victoria Road
D/377270	133 Sydenham Road	8/252507	29 Farr Street	A/301985	171 Victoria Road
1/700223	135 Sydenham Road	9/252507	31 Farr Street	B/301985	173 Victoria Road
B/343286	7 Farr Street	1/583801	33 Farr Street	C/301985	175 Victoria Road
A/304426	9 Farr Street	1/572829	35 Farr Street	D/301985	177 Victoria Road

Lot/DP	Property Address	Lot/DP	Property Address	Lot/DP	Property Address
A/304426	11 Farr Street	12/4590	14 Mitchell Street	E/301985	179 Victoria Road
1/78883	13 Farr Street	13/4590	10 Mitchell Street	A/166330	181 Victoria Road
1/252507	15 Farr Street	14/4590	8 Mitchell Street	20/667441	183 Victoria Road
2/252507	17 Farr Street	15/4590	183 Victoria Road	1/315293	185 Victoria Road
3/252507	19 Farr Street	16/4590	4 Mitchell Street	345/587262	187 Victoria Road

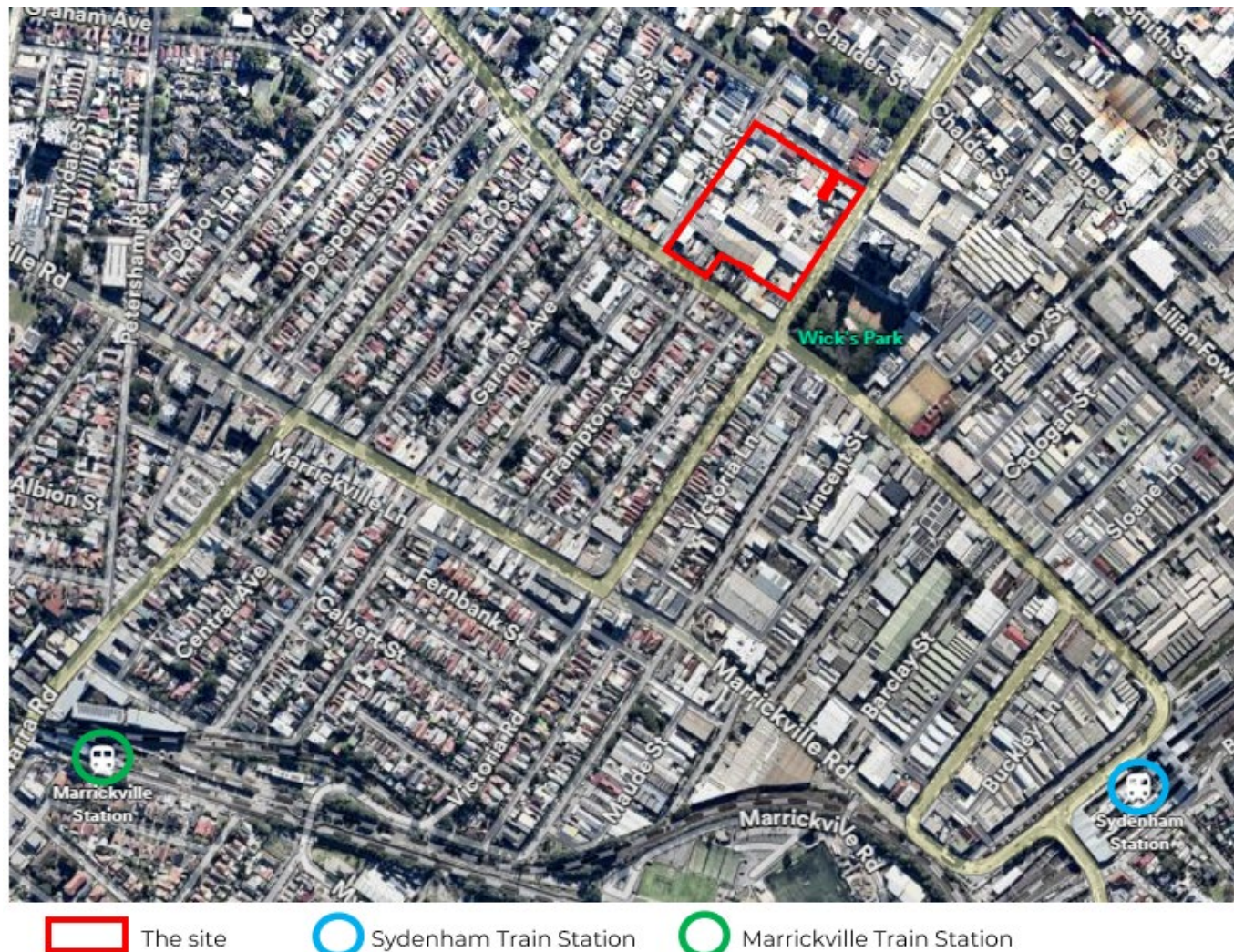


Figure 2 Site Context Map

Source: Nearmap, Ethos Urban

1.3 Project Objectives

The principal objective of the proposed development relates to the provision of additional housing options to respond to a combination of key demographic trends in Sydney, including a well-publicised shortage of appropriate housing options, declining housing affordability, an expanding population of younger renters, as well as a general shift towards higher density living. The proposal therefore seeks to address these growing issues through a significant delivery of housing options that cater towards a broad market, within an integrated mixed-use precinct that also provides complementary employment opportunities as well as generous recreational spaces.

Key objectives of the proposed development are to:

- Facilitate the renewal of an underutilised parcel of land at a critical location in Marrickville as part of the rezoned Precinct 47.
- Contribute to the surrounding neighbourhood by delivering a high-quality, contemporary, activated mixed-use precinct that supports housing affordability and jobs.

- Enhance the streetscape and permeability of the precinct through pedestrian-focused site thoroughfare.
- Integrate the built form and design with the vibrant and diverse urban landscape of the Marrickville precinct, which is transitioning to be a high-density, mixed-use locality.
- Ensure a high level of residential amenity by providing an abundance of both publicly-accessible and resident-focused communal amenities and open space throughout the development.
- Create flexible commercial spaces on the site, to compliment and support the dynamic and vibrant makers and small-business innovators based in Marrickville.

1.3.1 Built-to-Rent Housing

'Build-to-Rent' (BTR) is a growing asset class in Australia that improves housing diversity and quality for both renters and institutional investors. BTR schemes are defined as housing that is purpose designed and built for renting, typically offering longer rental terms and onsite support, with leases centrally and professionally managed by a single entity. It is a major contributor to housing supply globally, with widespread adoption in the US and Europe.

BTR provides increased choice of housing for the growing number of renters in Australia, improving housing diversity by providing a secure rental home for those saving to buy their home or for those who choose to rent long term. Key characteristics of 'build-to-rent' projects typically include the following:

- **Purpose built:** Build-to-rent housing projects are constructed explicitly for providing residential rental accommodation, with a focus on shared communal amenities and services.
- **Scale:** Build-to-rent projects typically contain a minimum of at least 100 dwellings.
- **Centralised ownership:** All the dwellings within a build-to-rent project are held as a whole asset under singular ownership and are not subdivided.
- **On-site management:** Build-to-rent schemes typically include dedicated onsite management staff to support residents and day-to-day site operations.

The *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) sets parameters that define BTR housing and establishes the relevant non-discretionary development standards for designing and assessing BTR housing. Further, the Housing SEPP enables flexible application of certain provisions of the NSW Apartment Design Guide (ADG) to reflect the more communal nature and management of BTR housing.

2.0 Analysis of Submissions

This section analyses the submissions received by providing a breakdown of the type of submissions received and identifies the issues raised.

2.1 Breakdown of Submissions

In relation to the Public Exhibition of the SSDA, a total of 240 submissions were received which included submissions made by relevant government agencies, organisations and members from the public. A breakdown of the government agencies and organisations submissions received is provided in **Table 2** below.

A Submissions Register has been prepared and is provided at **Appendix A**.

Table 2 Summary of Submissions Received

Submissions Received	Position
Government Authorities and Agencies	
NSW Department of Planning, Housing and Infrastructure	Comments for consideration.
Inner West Council	Comments for consideration, additional actions recommended.
Transport for NSW	Comments for consideration.
NSW State Emergency Service	Comments for consideration, additional information and actions recommended.
Department of Climate Change, Energy, the Environment and Water (Water)	Comments for consideration, additional actions recommended.
NSW State Emergency Service	Comments for consideration, additional actions recommended.
Ausgrid	Comments for consideration.
Civil Aviation Safety Authority	Comments for consideration, no additional information required.
Fire and Rescue NSW	No comment.
Sydney Water	Comments for consideration, additional information and actions recommended.
Heritage Council of NSW	Comments for consideration, additional information and actions recommended.
Heritage NSW	Comments for consideration, additional actions recommended.
Public Submissions: Organisations	
Marrickville Landowners Group	Objection.
Bick & Steele	Objection.
Marrickville Chamber of Commerce	Objection.
Centre For Independent Studies	Support.
Public Submissions: Individuals	
Comment	16
Support	33
Object (unique)	156
Object (not unique)	19

As stated in the table above, Ethos Urban has reviewed the public submissions made during the exhibition period to identify those that in our view do not qualify as a unique submission. Submissions made that are not identified as unique may result from:

- a push to increase submission numbers toward the end of the exhibition period (noting a 400% increase in number of submissions from 20 March 2025 (45 objecting submissions) to 24 March 2025 (178 objecting public submissions); and
- use of Artificial intelligence (such as ChatGPT).

The definition of a ‘unique submission’ is found in the Minister's Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents, as follows:

Unique submission means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

Following detailed review, 19 submissions have been identified as not unique, reducing the total number of objecting public submissions (not classified as from an organisation) to 156. The 19 non-unique submissions quite obviously follow the same structure and content, and do not comprise content that is in substance unique, distinctive or unlike any other submission. Therefore, it is our view that these submissions fail to meet the definition of a ‘unique submission’. AI may have been used to make minor sentence structure changes to diversify these submissions, or minor sentence structure changes may have been made by the public to a given proforma.

Further, one submission retains the prompts created by AI to complete the submission, extract below:

“The proposed development will generate a substantial increase in traffic flow along [insert local roads]...” and “This area is home to [mention any known endangered species, green spaces or heritage-listed buildings if applicable]...”.

While this submission may be considered unique, we recommend that DPHI exercise caution in addressing concerns raised in the submission, or to contact the author for clarification. In relation to the non-unique submissions identified, we would be please to provide additional detail of our analysis to assist DPHI understanding upon request.

2.2 Categorising of Issues

A categorical summary of the issues raised in the submissions received is provided in **Table 3** below.

Table 3 Summary of Issues Raised

SSD Guidelines Category	Matter Raised	Overview	Raised by:			
			DPHI	Council	Agencies	Public
The project (e.g. the site, the project area, the physical layout and design, key uses and activities, timing)	Overshadowing and privacy	Concerns regarding overshadowing to surrounding properties and public domain.	●	●		●
	Dwelling diversity	Requests for increased provision of larger units, particularly 3+ bedroom dwellings.	●			●
	Site isolation	Concerns regarding site isolation of Corner Site.	●	●		●
	Infrastructure and services	Request for clarification regarding infrastructure investment provided with proposed development.	●		●	●
		Request for clarification regarding capacity of infrastructure (eg, schools, transport, parking, water and waste management) to service proposed development.		●	●	●
	Traffic and parking	Concerns regarding traffic generation on local infrastructure network.		●	●	●

SSD Guidelines Category	Matter Raised	Overview	Raised by:			
			DPHI	Council	Agencies	Public
		Concerns regarding number of parking spaces proposed.		●		●
	Built form and urban design	Consistency of built form with the site's local context and urban design.	●	●		●
	Local character	Concern that development affects low-rise and industrial site context.		●		●
	Building height and density	Concerns with proposed height and impact to amenity of site's surrounds.	●	●		●
Procedural matters (e.g. level or quality of engagement, compliance with the SEARs, identification of relevant statutory requirements)	Planning compliance	Request for further justification of proposed development in accordance with applicable ADG, LEP and DCP provisions.	●	●		●
		Request for further justification of Clause 4.6 variation request.	●	●		●
		Request that Voluntary Planning Agreement be finalised prior to application determination.		●		
	Community consultation	Concern with level of community engagement.				●
		Concerns regarding consultation with adjacent residents, particularly with negotiation of Corner Site property sales to RTL Co.				●
Economic, environmental and social impacts of the project (e.g. amenity, air, biodiversity, heritage)	Housing affordability	Concerns with duration of affordable housing dedication.				●
		Request for further justification that quantum of affordable housing units is sufficient.				●
	Environmental and flood risks	Concerns with potential environmental and flood implications of proposed development.	●	●	●	●
	Construction impacts	Concerns regarding impact of construction works to local area.	●	●	●	
		Request that mitigation measures be implemented to address impacts of construction works.	●	●	●	●

3.0 Actions taken since Exhibition

This section summarises the further engagement undertaken by the Applicant, describes any refinements or amendments to the Proposal and further impact assessment undertaken.

3.1 Further Engagement Undertaken

Following the Public Exhibition of the SSDA, the Applicant has undertaken further engagement with the key relevant authorities, as described in **Table 4** below.

Table 4 Summary of Further Engagement Undertaken

Stakeholder	Engagement Undertaken
Department of Planning, Housing and Infrastructure	A meeting was held with DPHI on 12 May 2025 to discuss the contents of the RTS letter and preliminary responses to key matters raised, as well as to other agency raised matters, seeking DPHI's view of proposed changes to address submissions.
Inner West Council	A meeting was scheduled between RTL Co. and representatives of Inner West Council on 13 May 2025 with Mayor Darcy Byrne, Director of Planning Simone Plummer and Ruann Midei, Director of Infrastructure. However, this meeting was postponed by Inner West Council. RTL Co. remains available to meet should Council confirm a new meeting date.
Community Members	- RTL Co. continues to respond to ad hoc emails and RFI's from community members following close of public exhibition. Matters raised by the community are consistent with those raised during the exhibition period and are addressed in this RTS. - RTL Co. met with the Summer Hill Electorate and local community members on 27 March 2025 to discuss key community concerns following Public Exhibition. Matters raised in this meeting reiterate those made by the same community members during exhibition and are addressed in this RTS. - RTL Co. provided a development briefing to the Marrickville Public School P&C Committee on 7 April 2025. This briefing was well received by the P&C and school Principal, David Roberts. Opportunities for future collaboration can be facilitated in the proposed scheme. - RTL Co. met with the Summer Hill Electorate and local community member on 30 April 2025 to further discuss next steps in the Response to Submissions process. A further meeting with the same was held on 28 May 2025 to present key design changes made to the development that directly respond to community feedback. - RTL Co. met with local artist group and existing tenant of the site, Sydney Arts & Culture on 29 May 2025 to seek their feedback on performing arts opportunities and to review the proposal's alignment with immediate community needs and interests. - RTL Co. performed door knocking at all premises from 111-119 Sydenham Road to seek further information to inform detailed overshadowing analysis. Details and outcomes of this process are provided in Section 6.4.

3.2 Refinements to the Proposed Development

Following exhibition of the proposed development, a number of design refinements and amendments have been made in response to the submissions received. Importantly, these refinements and changes only result in minor numerical changes to the project summary (refer **Section 5.0**) and as such do not raise any additional environmental impacts. These refinements do not change what the application is seeking consent for, and therefore an amendment to the proposed development is not required.

3.2.1 Built Form

Building G Massing

In response to feedback received from the DPHI, Council, and the community, and following a detailed investigation of massing options, the mass of Building G has been reduced, as shown in **Figure 3**. This greatly reduces impacts to environmental amenity by providing a suitable height transition to the existing dwellings on Sydenham Road and to reduce overshadowing impacts to these dwellings, as well as to generally reduce the bulk and scale of Building G. Notable design changes which have reduced the mass of the building includes:

- A reduction in building height from eight (8) storeys to seven (7) storeys, tapering down to a reduction to five (5) storeys at Sydenham Road frontage. This significantly reduces the exceeding height from 155% to 117%, as discussed in the revised Clause 4.6 Variation Request at **Appendix E**.
- Introduction of a 9m building setback to Farr Street from Level 4. This setback aligns with the expression of upper level setbacks to adjacent proposed Buildings A and F fronting Farr Street, and achieves a cohesive massing expression. It also enables the building to step down to the corner of Farr Street and Sydenham Road, resulting in an improved transition in building height.
- Reduction in street wall height on Farr Street from 8 storeys to 5 storeys.
- The GFA of Building G has been reduced by 1,062m², and the dwelling yield in this building has been reduced by 15 apartments.
- The architectural expression of the building has changed, whereby an inclined roof plane has been incorporated which projects from Sydenham Road towards the central portions of the site. The 'top' of the building is distinguished from the 'base' of the building which is facilitated by the inclined roof and change in materiality. The clear expression of a 'base' and a 'top' assists to moderate the perceived bulk and scale of the mass.
- The inclined roof of Building G conceals the 7th storey, plant and lift overrun. The materiality of the roof form comprises metal cladding, which recalls residential awnings from the surrounding Edwardian and Victorian context. This ensures that this component of the proposal, which exceeds the maximum building height, remains compatible with the character of its locality.
- Introduction of landscaping on the rooftop of Level 4 at the corner of Sydenham Road and Farr Street, further softening the appearance of the built form.

Revised Architectural Drawings have been prepared by the Design Team and are provided at **Appendix C**. the revisions made to Building G are further discussed in the Design Report at **Appendix F**.

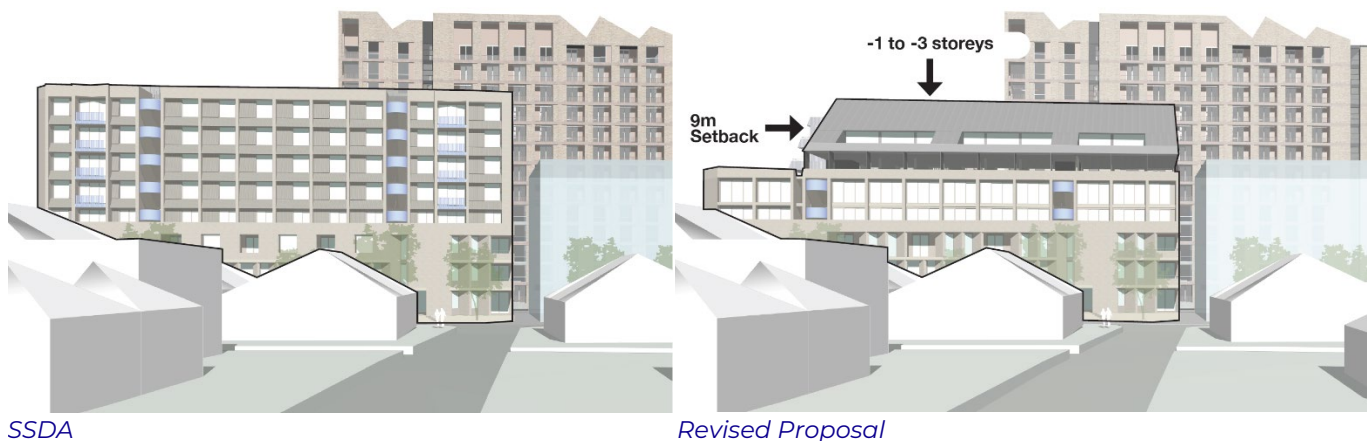


Figure 3 Building G Built Form

Source: Design Team



Original SSDA



Revised Proposal

Figure 4 Building G Built Form

Source: Design Team

Building B Massing

Retention of the proposed quantity of floor space within the Precinct is necessary to achieve the delivery of affordable housing, floor space removed from Building G has therefore been redistributed to Building B via an additional storey to Mitchell Street as shown in **Figure 5**. Importantly, this does not increase the overall number

of storeys to Building B, as the additional floor space is located in a wing that was previously lower than the other wings of Building B.

The site is subject to an Obstacle Limitation Surface (OLS) height restriction. As a result, additional height is unable to be accommodated in the central portion of the site, where the maximum height of buildings prescribed in the Inner West LEP 2022 approximates the OLS. Therefore, notwithstanding the relocated floor space to Building B, it remains both below the OLS and the LEP prescribed maximum height. The aviation consultant has undertaken additional aviation modelling to assess the revised built form with respect to the OLS and confirms that there is no impact in his signed statement at **Appendix T**.

This single storey increase for Building B, will result in a building height of RL 46.24 and will accommodate an additional 1,045m² of GFA, comprising an additional 11 BTR Apartments and two (2) Co-Living Dwellings.

The Design Team has carried out testing of the additional mass, documented in their Design Report at **Appendix F** and drawings at **Appendix C**, to confirm that it does not result in any loss to privacy or solar access to proposed dwellings and open space within the site or to existing dwellings and open space adjacent the site.

Architectural Drawings have been prepared by the Design Team and are provided at **Appendix C**.

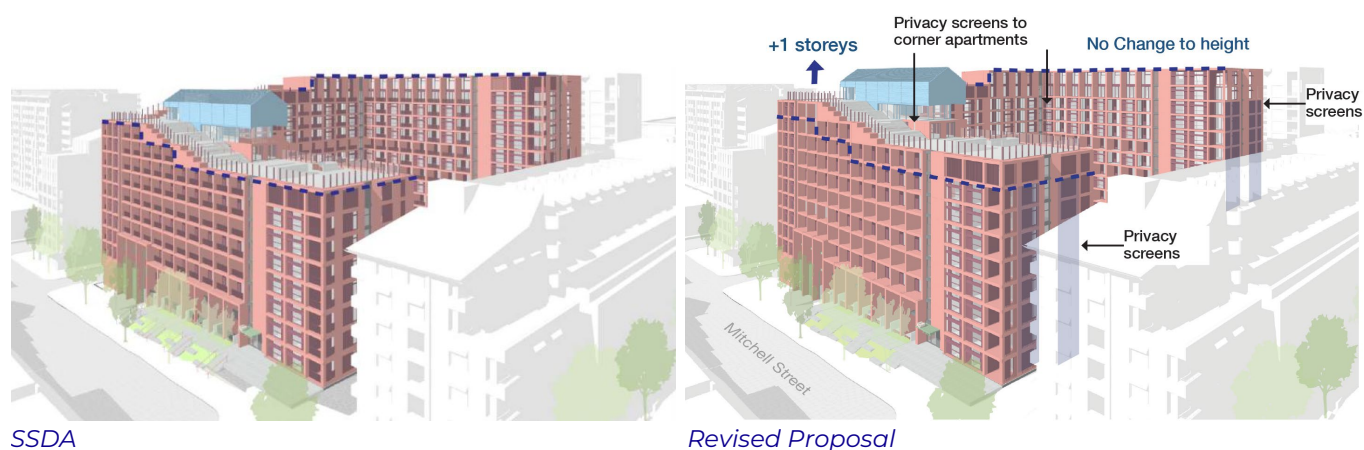


Figure 5 Building B Built Form

Source: Design Team

Building A Lower-level Expression

In addition to the massing revision to Building G and Building B, the architectural expression of the lower levels of Building A has been revised to adopt a terrace-style typology. Previously, the lower façade expressed separate levels of apartments to the street, refer **Figure 6**. This design change further enhances the relationship of Building A to the general character of Marrickville, noting that terraces are a prominent building typology in the locality.



SSDA



Figure 6 Revised Building A Elevation (fronting Farr Street)

Source: Design Team

3.2.2 Floorspace, Mix and Yield

The proposed revised massing discussed above necessitates change to the proposed quantum of floorspace to affected buildings. This is summarised in **Table 5** below. Where revised, the originally proposed floor space is shown in brackets. The updated development scheme has a revised gross floor area (GFA) of 76,777m² or 3.4:1 FSR, representing a minor GFA increase of 143m² compared to the originally proposed 76,634m² or 3.4:1 FSR (noting that the EIS submitted with the SSDA incorrectly stated 3.43:1). This remains entirely compliant with the maximum floor space ratio of 3.6:1 (inclusive of the Affordable Housing additional floor space of 20% for inclusion of affordable floor space).

Pursuant to the Housing SEPP, 10% of the proposed GFA is to be provided as affordable housing. The total affordable housing floorspace proposed is 8,084m², which equates to 10.5% of 76,777m².

Table 5 Breakdown of GFA per building

Use	Building A	Building B	Building C	Building D	Building E	Building F	Building G
Affordable	-	2,502	-	-	2,620	2,962	-
Co-living	-	4,112 (4,054)	5,284	6,665	2,326	-	-
Build to Rent	9,905 (9,886)	23,401 (22,494)	-		7,338 (7,305)	-	4,394 (5,456)
Commercial	-	271	802	684	567	-	-
Communal	142	1,596 (1,613)	362	422	351	-	-
Neigh'hood Shop	-	-	-	-	-	70	-
Total	10,047 (10,028)	31,882 (30,837)	6,448	7,771	13,203 (13,076)	3,018	4,394 (5,456)

In response to feedback received from the DPHI, Council, and the community, the Applicant has revised the unit mix to include a greater proportion of three-bedroom units and has also introduced a four-bedroom unit. The revised mix is detailed in **Table 6**.

Notwithstanding this change, as noted in the original application, residents in a fully managed BTR development have the opportunity to move within the development should their needs change, without compromising their lease agreement. As a long-term owner, RTL Co. is committed to meeting community demand for apartment types, to ensure that the development remains fully tenanted.

The Applicant notes DPHI's request to provide adequate support for the proposed mix of affordable apartments. In response, the Applicant has received confirmation from the nominated Community Housing Provider (CHP), CityWest Housing, that the proposed mix will adequately meet future affordable rental housing demand in Marrickville. CityWest's CHP Letter is provided at **Appendix K**. With respect to the proposed greater proportion of smaller-type apartments, CityWest states:

City West Housing has a 30-year history of developing, owning and operating Affordable Build to Rent apartments in the inner City of Sydney. Consistent with general population trends we have seen a growing shift towards smaller households and a decline in the average household size over many years, resulting in many more one and two person households requiring fewer bedrooms.

Not surprisingly and as reflected through demand, the longest wait times for approved applicants on our wait list are for one-bedroom apartments which currently represent just under half of all apartments in our existing portfolio.

Demographic data for the inner west show a high demand for one-bedroom rental apartments by single-person households as well as young professionals and a growing trend towards smaller families, consistent with the demand profile for City West Housing's affordable apartments.

In summary, ARHC Housing, a division of City West Housing, support the proposed affordable housing mix nominated at the Marrickville Timberyards development and we look forward to seeing this development proceeding to address the affordable housing shortage in the Inner West.

Table 6 Adjustments to the yield/mix of units

Apartment Type	Original Proposal	Revised Proposal	Change
Co-Living Dwellings	589 (50%)	591 (50%)	+2
BTR Apartments (excl. Affordable Housing)	• Studio: 64 • 1 Bed: 140 • 2 Bed: 244 • 3 Bed: 36 Total: 484 (40%)	• Studio: 66 • 1 Bed: 126 • 2 Bed: 235 • 3 Bed: 47 • 4 Bed: 1 Total: 475 (40%)	• Studio: +2 • 1 Bed: -14 • 2 Bed: -9 • 3 Bed: +11 • 4 Bed: +1 Total: -9
Affordable Housing	• Studio: 19 • 1 Bed: 61 • 2 Bed: 31 • 3 Bed: 4 Total: 115 (10%)	• Studio: 19 • 1 Bed: 61 • 2 Bed: 31 • 3 Bed: 4 Total: 115 (10%)	No change
Total	1,188 (100%)	1,181 (100%)	Reduced by 7 units

3.2.3 Mitigation of potential privacy concerns

In response to feedback received from the DPHI, Council, and the community, the Design Team has made minor design refinements to improve amenity and mitigate privacy impacts resulting from proposed building separation. Importantly, this matter relates to storeys 5 to 8 and specific apartments within each building at those storeys (rather than a holistic building separation concern). Generally, apartments are designed with a dual aspect with primary outlook not oriented toward a building opposite within the site, with measures integrated to orient viewing away from adjacent apartments, such as considered balcony and window locations. Refinements have also been made to internal corner apartments within Building B to address privacy. The following refinement has been provided, which are discussed in further detail in the Design Report at **Appendix H**:

- External operable screens have been provided to Building A and Building F living rooms, balconies and bedrooms from Level 4 to Level 7 (5 storeys and above) directly opposite Building B and Building E to enable residents to control views and privacy. Refer to **Figure 7**.
- External screens have been provided to Building B and E corner apartment living room, balcony and bedroom openings directly facing Building A and F from Upper Ground to Level 7 (9 storeys) to limit views, noting that these buildings have a primary outlook away from the adjacent buildings.
- Translucent glass has been introduced to all secondary windows to apartments in Building F facing Building G. At Building G upper levels (above 4 storeys), windows have been provided with operable screens to habitable rooms and spaces facing Building F. Refer to **Figure 8**.

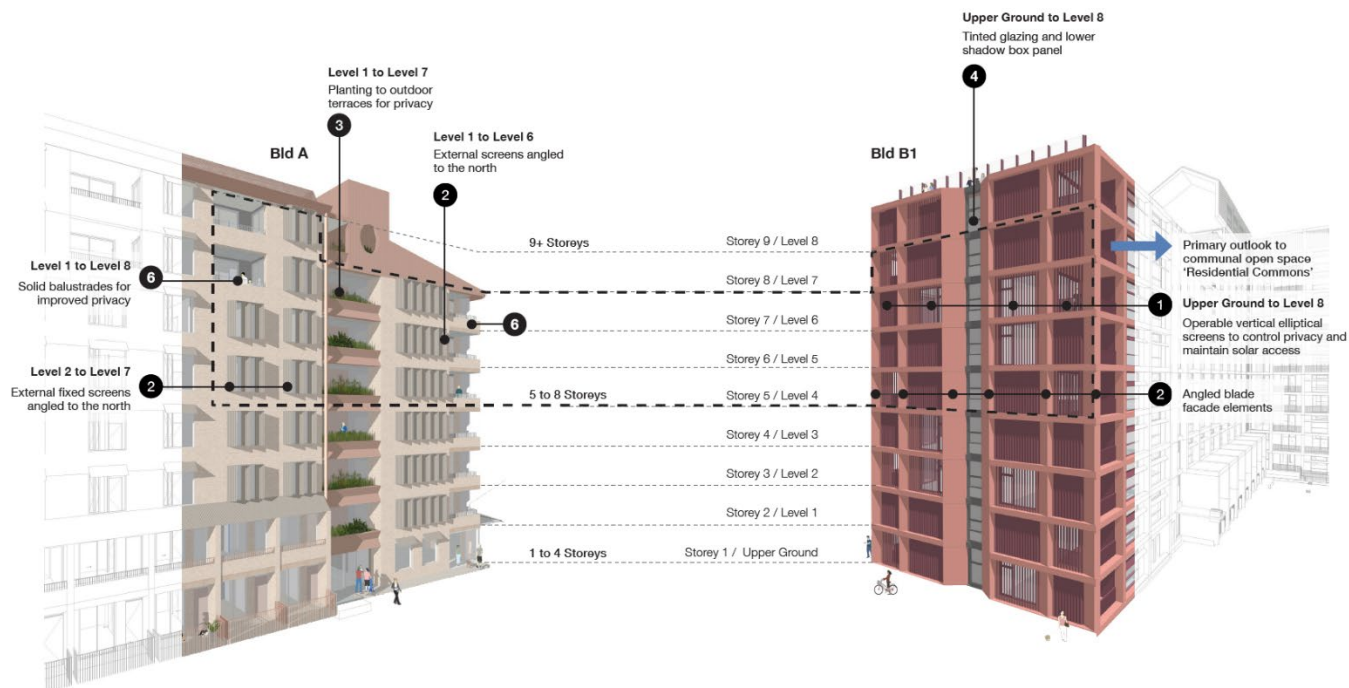


Figure 7 Building A and B1 privacy measures

Source: Design Team

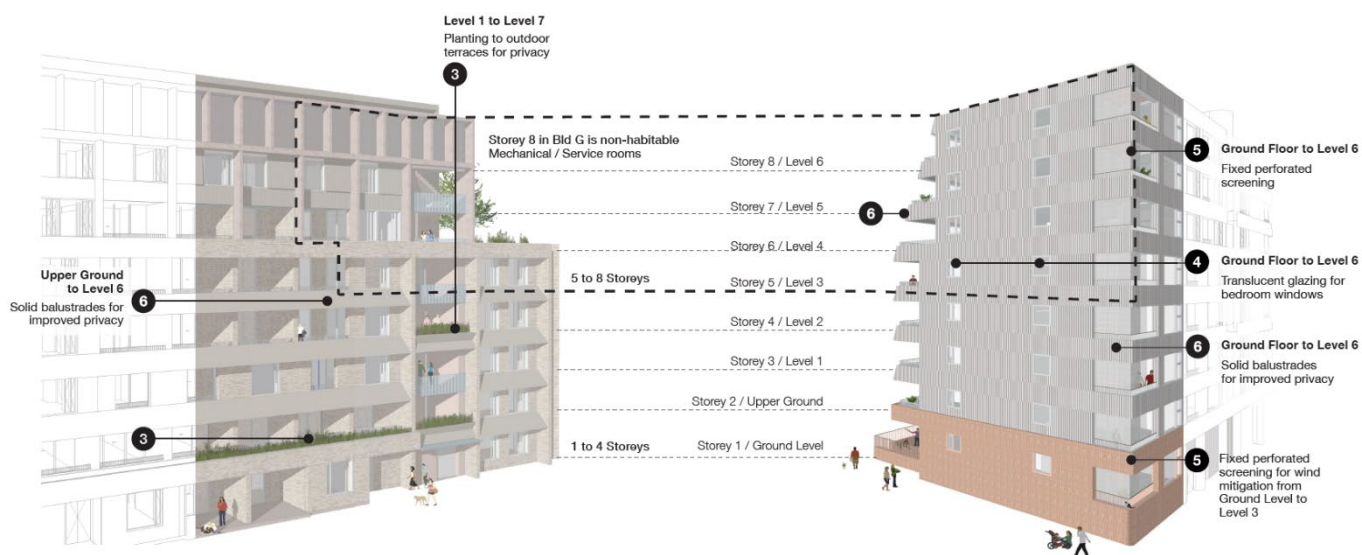


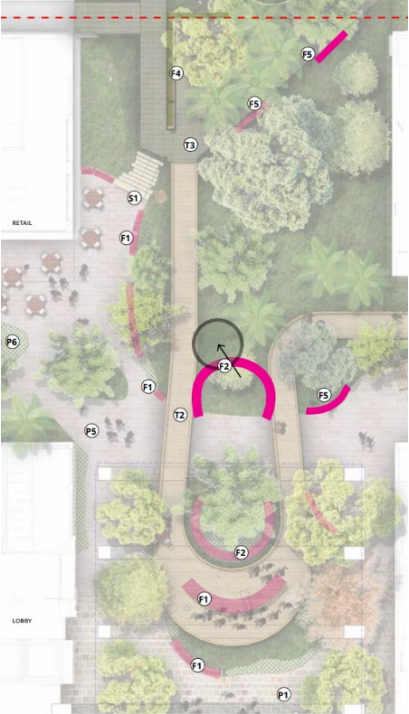
Figure 8 Building G and F privacy measures

Source: Design Team

3.2.4 Public Domain and Communal Open Spaces

In response to feedback received from DPHI, Council, and the community, an RTS Response Report and revised Landscape Plans have been prepared by Arcadia and is provided at **Appendix QQ**, to include the following revisions to the open space:

Table 7 Revisions to landscaped open space

Revision	Illustration
Additional seating is provided to the proposed pocket park, enhancing the opportunity for the public to engage in passive recreation to this space. Tree canopy cover has been retained notwithstanding introduction of seating (minor relocation of one proposed tree). Additional seating shown in bold pink in image at right. Refer revised landscape drawings and RTS Response Report at Appendix Q.	 LEGEND - F1 - CUSTOM FEATURE LONG BENCH SEATING - F2 - 3-4 PEOPLE BOOTH SEATING - F3 - 5-8 PEOPLE BOOTH SEATING - F4 - F&B OUTDOOR SEATING - F5 - LINEAR SEATING BENCH TO EDGE OF GB - F6 - HAMMOCKS - F7 - SEATING DECK - F8 - BEACHER SEATING INTERGRATED WITH STAIRS - F9 - KIDS PLAY SPACE WITH PLAYFUL SEATING - TIMBER SEATING NOOKS / BENCHES

Additional details provided for play spaces. Arcadia have provided additional details for the play spaces at **Appendix Q**. Consistent with the recommendations of the Social Impact Assessment submitted as part of the original application, as well as comments received by the State Design Review Panel (SDRP), playground areas have been provided in direct vicinity of units. The play space located on the roof of Building B provides a secure and private play area exclusively for residents and their families and is accessible via lift to residents across the precinct. The play spaces located in The Commons have direct access from ground floor apartments in buildings adjacent, as well as from across the precinct and is also publicly accessible. Additional details have been provided with respect to the location and proposed equipment to be provided in these play spaces, which includes soft fall mounding, stepping stones, hammocks, inground trampoline, timber balancing logs, timber stepping stones and a main central climbing structure. Refer revised landscape drawings and RTS Response Report at **Appendix Q**.



Older child play space



Younger child play space

Central Play Element



Main central climbing play attraction offering children of older ages a dynamic and engaging structure to explore

Stepping Stone Play



Playful stepping stones scattered around the playground link the different experiences of nature play together. x 3 (10-12 long portions of steppers)

Balancing Poles



Small timber stepping logs around the sides of the main play zones for immersion in nature play. x 2 (10-15 long portions of steppers)

Timber Balancing Logs



The timber balancing logs provide a natural and tactile play element intertwining with the landscapes. x 3 (3-5 logs each)

Softfall



Mounding softfall throughout the play area undulate and breakup the play space for a more immersive play experience. x 3

Scooter Track



The track promotes movement and confidence in a safe, dedicated path providing an inclusive play option for a wide age range. x 1

3.3 Further Assessment Undertaken

In response to the submissions received as well as the design refinements made, further assessment of the impact of the proposed development has been undertaken. A list of further assessment and supporting documents are outlined in **Table 8**.

Table 8 Further Assessments Undertaken

Impact	Summary	Reference
Future Development of the 'Corner Site'	Refer to Section 3.3.1	Appendix F
Solar Access and Overshadowing Analysis	Refer to Section 3.3.2	Appendix C Appendix D
View Impact from Public Domain	Refer to Section 3.3.3	Appendix H
Apartment Design Guide Compliance	Refer to Section 3.3.4	Appendix F
Social Impact Assessment Additional Considerations	Refer to Section 3.3.5	Appendix M Appendix S

3.3.1 Future Development of the 'Corner Site'

In response to feedback received from the DPHI, Council, and the community, the Applicant's Design Team has prepared a further detailed indicative scheme to demonstrate the future developability of the nine lots at Corner of Sydenham and Victoria Roads, referred to as the 'Corner Site' (refer **Appendix F**). The robust scheme addresses the design criteria of the Apartment Design Guide (ADG), the density provisions of the Inner West LEP 2022 and flooding constraints and mitigation measures.

Density of Indicative Scheme

The Land and Environment Court (LEC) has established principles for the consideration of site isolation, as expressed in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 at [17-19]. The decision in *Karavellas* builds on the principles established by the court in *Melissa Grech v Auburn Council* [2004] NSWLEC 40 and *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189.

The Planning Principle asks the following question: *Can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible?*

In answering this question the key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the development will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

Importantly, the Planning Principle initially seeks a schematic envelope that demonstrates consistency with the planning controls, it does not seek a scheme that demonstrates a maximised outcome, to the upper limit of height and floor space, for example. Notwithstanding this, concerns raised with respect to providing a scheme that approximates maximum controls is noted and addressed by the Design Team.

The Inner West LEP 2022 has mapped the subject site, as well as the Corner Site, with a maximum FSR of 3:1. Notwithstanding this, each individual building located on land bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Road is unlikely to achieve an FSR of 3:1 in a standalone manner, as the site is contemplated for redevelopment in a holistic manner. Further, supplementary envelope controls including maximum height and ADG design criteria limit the ability to maximise floor space on the site. This is demonstrated by the Design Team's detailed analysis of a development outcome on both the subject and corner sites that aligns with the massing arrangement illustrated in the Marrickville Development Control Plan 2011 (Marrickville DCP 2011), shown in **Figure 9** below. The analysis finds that the total achievable floor space on the Corner Site would be in the order of 2.16 to 2.33:1 (depending on envelope to floor space efficiency).

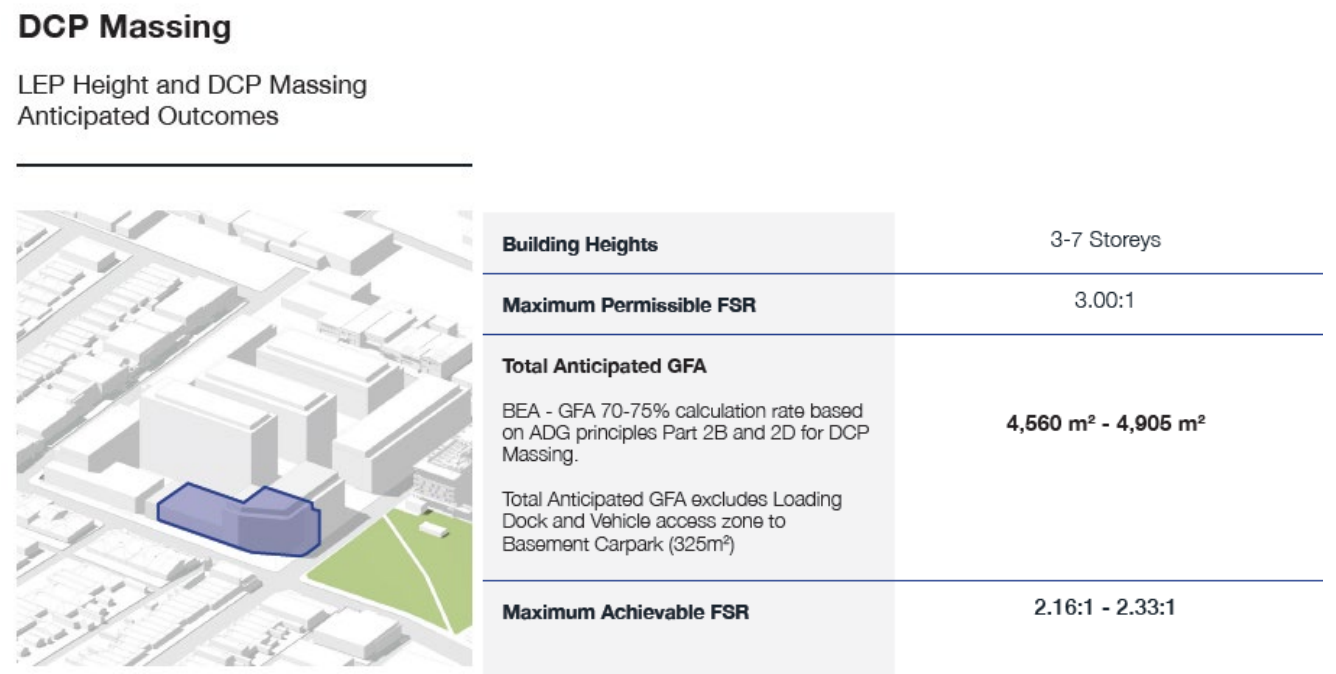


Figure 9 Floor space outcome following analysis of a DCP arrangement of massing

Source: Design Team

The Design Team has prepared a revised indicative scheme that is consistent with the planning controls stipulated in the Inner West LEP 2022, and accounts for the proposed development on the subject site (refer to **Appendix C**). Further, the Design Team contemplates a scheme that applies the additional height and floor space provisions for delivery of 15% affordable housing pursuant to Section 16 of the Housing SEPP. Inclusion of affordable housing seeks to address the Karavellas Planning Principle to demonstrate that both sites are able to achieve a development of appropriate urban form and with acceptable level of amenity.

The 4 to 8 storey mixed use scheme comprises commercial premises to the ground floor at the corner of Sydenham and Victoria Roads with both Co-living housing and Build-to-rent (ADG) apartments above. Setbacks are in accordance with the Marrickville DCP 2011 and consistent with the adjacent Proposal. Two basement levels provide for parking that accords with the relevant use rates (as per the Proposal), loading and vehicular access is provided off Sydenham Road. Vehicular access has been designed to align with the Proposal's 'Commerce Lane', completing what would become a full through site link. The parking, loading and vehicular access arrangements are supported by Ason as discussed in the Transport and Accessibility Impact Assessment RTS Response at **Appendix Z**.

The FSR of the indicative scheme is 2.64:1, which is a significant increase to the FSR anticipated in the indicative scheme submitted with the originally lodged application (2.09:1) and more closely approximates the LEP maximum of 3:1.

Indicative Massing Study

Consistent with Planning Controls Including 30% Infill Affordable Housing Bonus

Retail GFA	390 m ²
Residential GFA	5,170 m ²
Total GFA *	5,560 m ²

The Indicative Massing Study achieves an FSR of 2.64:1 through a context-driven approach that responds to site-specific planning controls. This outcome aligns with the Apartment Design Guide's guidance on establishing appropriate FSR through site-responsive massing. The indicative mix includes ADG apartments, co-living, affordable housing, and active ground floor uses - consistent with emerging renewal patterns in the precinct.

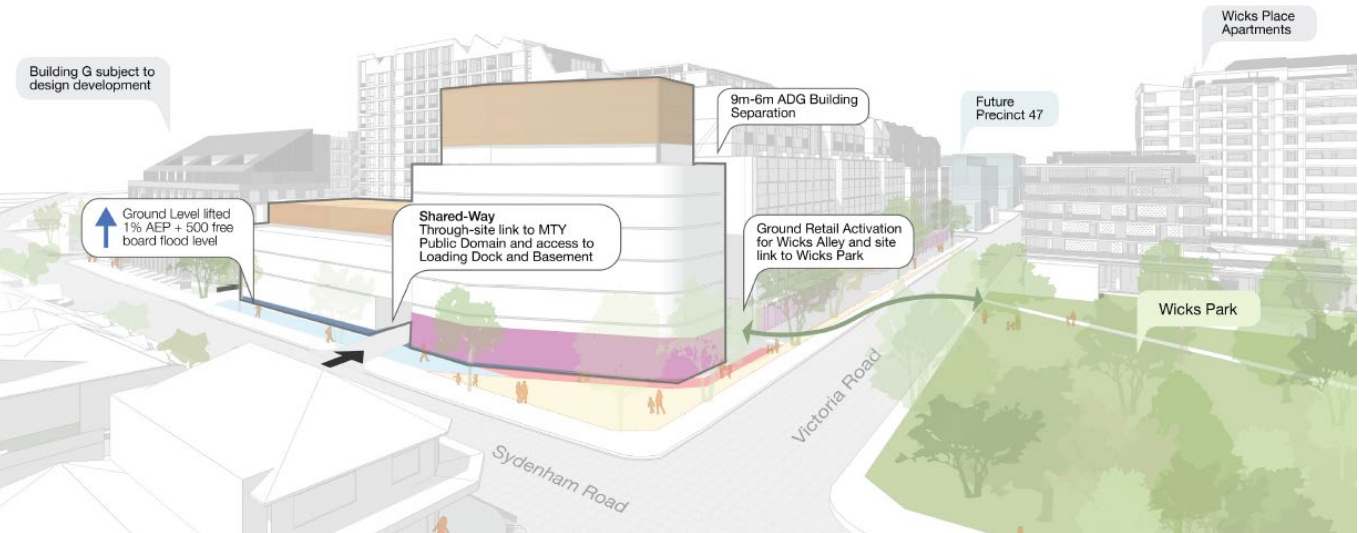
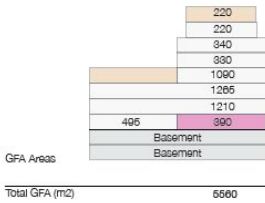


Figure 10 Revised indicative scheme for the Corner Site

Source: Design Team

Compliance with the Design Criteria of the Apartment Design Guide

An ADG compliance table is included at **Appendix F**, which demonstrates that design criteria including building separation, communal open space, deep soil and solar and natural ventilation amenity are achieved. This is supported by a sun-eye view solar analysis.

Flood Risk Impact Assessment of Indicative Scheme

The revised indicative scheme has been informed by a Flood Impact Risk Assessment prepared by Mott MacDonald, refer **Appendix Y**. Specifically, the indicative scheme adopts the habitable floor levels nominated by the flood engineer, a shelter in place strategy commensurate to the proposed SSDA and a basement entry level at 500mm above the 1% AEP flood level.

3.3.2 Solar Access and Overshadowing Analysis

Revised overshadowing diagrams have been prepared by the Design Team and are provided with the revised Architectural Drawings at **Appendix C** and the Design Report at **Appendix F**. Further, a revised detailed analysis of the Sydenham Road properties has been prepared by Ethos Urban at **Appendix D**. The revised overshadowing diagrams include analysis at equinox as well.

Properties south of Sydenham Road

To reduce overshadowing impacts, Building G's built form has been amended to introduce a stepped massing form that better transitions to the low-density dwellings to the southwest. The analysis at **Appendix D** confirms that the amended Building G form does not overshadow properties south of Sydenham Road.

It was found that a height compliant development on the subject site impacts direct solar access (to below 2 hours) to one of two windows to a property on Sydenham Road, however the use of the room behind this window is unknown.

The originally lodged development impacts direct solar access to an additional two windows. One of these windows is also one of two that face Sydenham Road (the other window to this property retains 2 hours solar), and the use of the room behind both windows is also unknown. The breakdown is provided in table below.

Table 9 *Overshadowing to properties south of Sydenham Road – mid winter*

Address	Internal space	Solar access (height compliant)	Solar access (originally proposed)	Net reduction (originally proposed)	Solar access (revised proposal)	Net reduction (revised proposal)
110 Sydenham Road	Window 1: Unknown	1 hour 30 minutes	30 minutes	1 hour	45 minutes	45 minutes (15 minutes more following revision)
112 Sydenham Road	Window 1: Unknown	2 hours and 15 minutes	1 hour	1 hour and 15 minutes	1 hour and 45 minutes	30 minutes (45 minutes more following revision)
114 Sydenham Road	Window 1: Unknown	3 hours 30 minutes	1 hour	2 hours 30 minutes	2 hours 15 minutes	1 hour 15 minutes (1 hour 15 minutes more following revision, now over 2 hours total)

The revised scheme increases the period of direct solar to all three impacted windows. The third window that is impacted by the height compliant scheme, remains impacted, but to a lesser extent. One previously impacted window now has more than two hours direct solar, and the other is now 15 minutes short of two hours (rather than 1 hour). This window is impacted by overshadowing from the Building E mass (rather than Building G). Compliance would further compromise the delivery of affordable housing which is undesirable and contrary to the principles of the Housing SEPP, which seeks to deliver diverse and affordable housing. Building E accommodates 42 affordable dwellings. Notwithstanding this, Building E remains compliant with the maximum height stipulated in the IWLEP 2022.

Notwithstanding the remaining impacted window (in addition to the impacted window from a height compliant scheme), the windows face the property's front yard, and it is more likely that a principal living area would face the property's backyard given the traffic noise of Sydenham Road.

Importantly, 22 windows across 12 properties fronting Sydenham Road retain at least 2 hours solar with the proposed revised development, including all windows that are known to be to a living room. Given the number of Sydenham Road facing properties, the loss of solar (to less than 2 hours) to one window (which is to a property that retains solar to its other Sydenham Road window) resulting from the proposed scheme is considered acceptable.

Properties north of Sydenham Road (within the 'Corner Site')

The original solar analysis at **Appendix D** did not include the existing residential properties within the 'Corner Site' and has now been revised to include analysis of solar impact to these properties. 111 and 113 Sydenham Road, while residential, do not comprise private open space (as built form extends to rear boundary). 113 only has windows facing the street (not affected by the proposed development). While 111 has windows facing its internal driveway as well as to the street, the ground floor windows are overshadowed by 113 (given the two properties being in close proximity) and the two dormer windows in the roof are assumed to be bedroom windows and are therefore not required to have solar access.

Importantly, RTL Co conducted door knocking to each property, however not all residents were home or able to provide access and information (receiving only one response from a resident at 119 Sydenham Road, who reported that their living room was at the front of the property).

A summary of analysis for both a height compliant scheme and the proposed scheme is provided below.

Table 10 *Corner Site existing properties solar analysis – height compliant scheme*

	Location	Autumn Equinox	Winter Solstice	Spring Equinox
115 Sydenham Road	Window 1: Unknown	30 minutes	30 minutes	30 minutes
	Window 2: Unknown	1 hour 15 minutes	30 minutes	1 hour
	Open Space	3 hours	1 hour 45 minutes	3 hours 15 minutes

	Location	Autumn Equinox	Winter Solstice	Spring Equinox
117 Sydenham Road	Window 1: Unknown	45 minutes	15 minutes	45 minutes
	Open Space	3 hours	1 hour	3 hours 15 minutes
119 Sydenham Road	Not a living room	30 minutes	No direct solar	30 minutes
	Open Space	3 hours	1 hour	3 hours 15 minutes

Table 11 *Corner Site existing properties solar analysis – proposed scheme*

	Location	Autumn Equinox	Compliant comparison	Winter Solstice	Compliant comparison	Spring Equinox	Compliant comparison
115 Sydenham Road	Window 1: Unknown	15 minutes	-15 minutes	30 minutes	No change	30 minutes	Nil change
	Window 2: Unknown	45 minutes	-30 minutes	45 minutes	+15 minutes	45 minutes	-15 minutes
	Open Space	2 hours 45 minutes	Remains over 2 hours	45 minutes	-1 hour	3 hours	Remains over 2 hours
117 Sydenham Road	Window 1: Unknown	1 hour 15 minutes	+30 minutes	30 minutes	+15 minutes	1 hour 45 minutes	+1 hour
	Open Space	2 hours 45 minutes	Remains over 2 hours	30 minutes	-30 minutes	3 hours	Remains over 2 hours
119 Sydenham Road	Window 1: Not a living room	1 hour	+30 minutes	30 minutes	+30 minutes	1 hour	+30 minutes
	Open Space	2 hours 45 minutes	Remains over 2 hours	15 minutes	-45 minutes	3 hours 15 minutes	Remains over 2 hours

Overshadowing to these properties within the 'Corner Site' is likely to be a temporary impact given that it can be reasonably expected that these low-density residential properties would be redeveloped in the future as per current planning controls, in a manner similar to the indicative scheme provided at **Appendix F**. These properties are vulnerable to some loss of solar access in the short term, given that they are within a precinct that is undergoing major urban renewal as envisaged by the planning controls that were amended in 2018. It would therefore be counter to the intent of the rezoning to constrain development based on retention of solar to properties also envisaged to be redeveloped in a similar manner.

The Marrickville DCP 2011 acknowledges that amalgamation may not occur precisely in a manner indicated in the Marrickville DCP 2011, and in our view, this implies that as development may occur in a staged manner to realise the overall masterplan, this could result in 'temporary' impacts to undeveloped sites.

Compared to a height compliant scheme, windows and open space to 115, 117 and 119 Sydenham Road receive both increased and decreased solar access because of the proposed scheme, at different times of the year. At the winter solstice, there is no open space or windows that receive 2 or more hours solar, with both the height compliant and proposed schemes. However, given the sculpting of the proposed scheme, 3 receivers experience increased solar access. At the equinox periods, solar access increases to these receivers, with the proposed scheme retaining a period of solar greater than two hours to receivers that experienced this with a height compliant scheme.

Wicks Park

The analysis provided by the Design Team at **Appendix F** confirms that Wicks Park, notwithstanding the proposed revisions, continues to receive more than 3 hours of direct sunlight to more than 50% of the park during the winter solstice (and all other times of the year). Further, the Design Team has considered the

additional overshadowing that would result from development of the Corner Site (by analysis of the indicative scheme prepared) and found that the above minimum collar exposure continues to be retained.

Wicks Place

It is noted that, in addition to the winter solstice, analysis of overshadowing impact to Wicks Place at both equinox periods was included in the Design Report submitted with the original SSDA. The finding was that the proposed development (inclusive of the variation) did not present any change to the existing direct solar to the Victoria Road facing apartments at these times. It is noted that the revised scheme does not involve revision to Building C or Building D facing Wicks Place. The outcome of that previous analysis therefore remains, and is further discussed in the revised Clause 4.6 Variation Request at **Appendix E**.

3.3.3 Additional View Impact Analysis on Sydenham Road

DPHI requested an additional photomontage from the corner of Frampton Avenue and Sydenham Road looking towards Building G to appreciate the height transition between Building G and the low height residential across Sydenham Road. The new photomontage is provided at Viewpoint 7 in the Visual Impact Assessment (VIA) at **Appendix H** and is also shown at **Figure 11**. RTL Co. also commissioned a second viewpoint further to the east to provide a greater context of the height transition, as it was clear that a viewpoint at the corner of the two streets was found to provide insufficient context to meet the intent of the viewpoint. This second viewpoint highlights the design changes to the built form allowing additional solar access to the southern properties on Sydenham Road. The second new photomontage is provided at Viewpoint 8 in the Visual Impact Assessment (VIA) at **Appendix H** and is also shown at **Figure 12**.

This new viewpoint illustrates the result of the revisions made to Building G's height and massing in response to submissions made by DPHI, Council and the public. The updated VIA finds that the revised massing greatly improves upon the originally assessed visual impact of the proposal, and will have an acceptable impact on the public domain for the following reasons:

- Building G has been markedly reduced in scale. The overall height exceedance has been reduced, and a tapered roof form has been introduced that further reduces the scale of the building towards Sydenham Road. This provides a suitable height transition to existing dwellings on Sydenham Road. In addition, facing Farr Street, a 9m setback has been introduced above Level 4, consistent with the upper-level setback proposed to Buildings A and F facing Farr Street.
- Mitigating features have been incorporated that further reduce visual impact. The architectural expression of the building has changed. The 'top' of the building is distinguished from the 'base' of the building which is facilitated by the inclined roof and change in materiality. The upper level setback has been embellished with landscape that incorporates a variety of plant species to soften the appearance of the upper component.
- Building G retains a lower-scale street-wall height and upper-level setback to Sydenham Road, which is enhanced by the additional setback introduced to Farr Street. This feature continues to mitigate the visual perception of the building's upper-level massing from the public domain.

Overall, the revised design of Building G, as seen from Viewpoint 7, enhances the transition in building height toward the low-density residential development across Sydenham Road. This is not evident when comparing the original Viewpoint 3 and the revised Viewpoint 3 (at **Figure 13** below), which clearly illustrates the result of the massing reduction and tapered roof form.



Figure 11 Additional photomontage at Sydenham Road 'Viewpoint 7'

Source: Virtual Ideas



Figure 12 Additional photomontage at Sydenham Road 'Viewpoint 8'

Source: Virtual Ideas



Original SSDA



Revised Proposal

Figure 13 Comparison of 'Viewpoint 3'

Source: Virtual Ideas

3.3.4 Apartment Design Guide

A revised Design Report, including an Apartment Design Guide (ADG) compliance assessment, has been prepared by the Design Team and is provided at **Appendix F**.

The revised proposal is largely entirely consistent with key ADG design criteria, with just a few instances of specific numerical criteria not being met, such as with respect to visual privacy separation discussed in **Section 3.2.3** above. Where this is the case, carefully considered mitigation measures have been incorporated into the proposed development to ensure that it continues to meet the objectives of the ADG.

Notably, Section 75 of the Housing SEPP states that the consent authority should be flexible in applying the design criteria set out in the ADG, particularly the design criteria set out in Part 4, items 4E, 4G and 4K, when determining an SSDA for build-to-rent housing, to reflect the community orientated nature of such developments. Further, Section 147 of the Housing SEPP sets out that compliance with the ADG design criteria is not required.

Notwithstanding this, the proposed development seeks to provide a high standard of residential amenity within each of the dwellings, consistent with RTL Co.'s vision to deliver a high quality BTR living model that embodies a quality residential product. A Design Verification Statement has been prepared by the Design Team at **Appendix F**, confirming that the proposal has been designed by a registered architect and that it meets the design quality principles set out in Chapter 4 of the Housing SEPP.

3.3.5 Additional Social Impact Assessment Considerations

A revised Acoustic Report has been prepared by Acoustic Logic and is provided at **Appendix SS**. The Acoustic Report has been revised to identify the most noise-affected receivers during construction and provide mitigation measures for construction noise. This has then been supported in the revised Social Impact Assessment prepared by Ethos Urban at **Appendix MM**.

The most noise-affected receivers during construction were identified to be R6 and R7 (properties that are located on Sydenham Road). The assessment finds that the construction noise could exceed the high limit (75db) and impact nearby sensitive receivers. Therefore, mitigation measures have been recommended to manage construction noise on nearby sensitive receivers (refer to **Section 7.1.1**).

3.4 Draft proposed amendments to the Inner West LEP 2022

Following lodgement of the SSDA, Inner West Council released their 'Fairer Future for the Inner West' Plan (Plan), May 2025. It is not a 'plan' in the formal sense; it is not itself a Local Environmental Plan and has no force under planning law. It describes a proposal by Inner West Council to create special planning provisions that would apply within the Local Government Area instead of the NSW Government's Transport Oriented Development (TOD) and Low and Mid-Rise Housing (LMR) provisions. In this document, Council states that the plan mirrors DPHI's support for the delivery of diverse housing choice and affordable housing options but recognises an alternative solution that Council suggests better respects the local character and infrastructure needs of the community. The planning control changes outlined in Council's Plan are intended to be delivered through a future amendment to the Inner West LEP 2022 (and corresponding changes to the Housing SEPP).

Outlined below are the reasons why:

- the Plan is not a matter that the consent authority is required to take into account under s 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in determining the SSDA; and
- even if the consent authority did take the Plan into account, the SSDA is consistent with intent of the Plan and the planning controls described in the Plan.

Pursuant to Section 4.15 of the EP&A Act, Council's proposed draft LEP amendments contained in the Plan are not yet a relevant matter for DPHI's consideration as they assess the subject SSDA. Section 4.15(1)(a)(ii) states that a consent authority is to consider *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority*. While Council is currently seeking community feedback on the Plan until 6 July 2025, we note that:

- The Plan does not yet constitute a draft Environmental Planning Instrument (EPI) as it has not yet been prepared for submission to DPHI in the form of a Planning Proposal (Coty Principle);
- Notwithstanding the above point, given the early stage of the Plan (particularly without feedback from the State) the Plan is not certain as to its contents and imminent as to its timing of making, and is thus should not be given weight by a consent authority at this time; and
- The Plan has not yet been notified to the consent authority (DPHI). Following community engagement, Council will finalise their proposed LEP amendments and seek Councillor endorsement to submit to DPHI for review and refinement (and potential robust negotiation of its elements), prior to formal exhibition of the proposed amendments to the LEP. The Applicant anticipates that the subject SSDA will be determined prior to this formal exhibition and any eventual making of the LEP.

Notwithstanding the above, it is noted that the subject site is not included in one of the 'Housing Investigation Areas' identified for greater housing density (as the site has already been the subject of rezoning for dense housing development), and therefore the proposed provisions that relate to these areas (such a delivery of affordable housing and incentives for open space and enhanced sustainability) would not apply to the site. Despite this, there are several proposed LGA-wide changes that would apply to the site, including:

- **Listing Co-living housing as a permitted use in the R4 zone.** The Proposal includes co-living housing within the R4 zone, which is permissible pursuant to the Housing SEPP. Notwithstanding, the proposed inclusion of this use as permitted in the R4 zone is consistent with the proposal.
- **Adoption of standard Clause 5.6 - Architectural Roof Features.** This clause provides allowance for architectural roof features to exceed the prescribed height of buildings development standard. The SSDA is accompanied by a Clause 4.6 Variation Request to support the proposed height exceedance. Council's proposed allowance of architectural roof features to exceed height directly relates to the proposed exceedance of Buildings C, D and E, which present a height exceedance for an articulated roof form only (enclosing plant but not floor space).

Further, Council has proposed the following draft amendments to the Inner West LEP 2022 maps:

- **Rezoning of the land adjacent Farr Street and Sydenham Road from R4 to R3.** Notwithstanding this, Council proposes to add both Co-living housing and Residential Flat Buildings as permitted uses in the R3 zone. The Proposal's Buildings A, F and G are on land that would be rezoned from R4 to R3. The use of these buildings are Residential Flat Buildings (with a Neighbourhood Shop in Building F, which is also a permitted use in the R3 zone). The zoning change, therefore, does not present a material impact to the Proposal.
- **Mapping the site to be a Special Entertainment Precinct (SEP).** The Proposal does not seek consent for an entertainment facility. However, this may serve to support future activities in the publicly accessible domain proposed across the precinct, where entertainment activities, as defined in the *Local Government Act 1993* may be carried out, subject to a precinct management plan. The Applicant is not seeking consent for such activities at this time, and the mapping of the site as a SEP does not impact to the Proposal.

4.0 Response to Submissions

The Detailed Summary of Submissions Tables at **Appendix B** provides a comprehensive overview of the submissions raised by government agencies key stakeholders, organisations, and the community. It includes detailed responses to each of the issues raised during the consultation period.

5.0 Updated Project Summary

Following exhibition of the proposed development, a number of design refinements and amendments have been made in response to the submissions received. Importantly, these refinements and changes only result in minor numerical changes to the project summary and as such do not raise any additional environmental impacts. These refinements do not change what the application is seeking consent for, and therefore an amendment to the proposed development is not required.

The revised development seeks consent for the following. Changes are noted in **bold**:

- Demolition and site preparation works (including remediation and tree removal);
- Construction of 7 buildings ranging from **8 7** to ~~13~~ **14** storeys,*
- Construction of a basement car park, plant and storage areas;
- Construction of:
 - ~~484~~ **475** BTR apartments;
 - 115 affordable apartments;
 - ~~589~~ **591** co-living dwellings;
 - 2,394m² of commercial floor space (including a Neighbourhood shop);
- Landscaping, publicly accessible open space, and resident communal open space;
- Works to site frontages;
- Lot amalgamation and stratum subdivision of proposed buildings; and
- Extension and augmentation of infrastructure and services as required.

*Noting that the change in range of storeys is a result of the reduced height of Building G (now with 7 storey component) and the introduction of two storey apartments in Buildings B and E (despite increase from 13 to 14 storeys, the height of these buildings does not change, it is merely to account for the two storey apartments).

6.0 Updated Project Justification

This section provides an updated justification and evaluation of the project as a whole, incorporating any relevant issues raised in submissions and the Applicant's response to these issues.

Any design changes and assessments undertaken are in response to issues raised in submissions or further design development and have not increased the impact of the development. As such, the justification for the project as previously outlined in the EIS is reiterated and strengthened through the presented responses which comprise meaningful amendments to the Proposal.

6.1 Project Design

Overall, the proposed development continues to deliver a built form outcome that provides a diverse, high-quality rental housing precinct in Marrickville, integrating affordable, BTR and co-living housing and extensive publicly-accessible domain into the distinctive character of Marrickville. The project continues to be supported by complementary retail and substantive recreation spaces.

The Proposal is envisaged to be a global benchmark given its imaginative urbanism, providing a distinctive design that anchors the site as it relates to the broader context whilst also connecting and showcasing the site's industrial history. Refinements to the scheme, particularly in respect of Building G, has been carried out by the same expert design team, with Tribe Studio in particular finessing their design of Building G in response to feedback received from DPHI and the broader local community.

6.2 Strategic Context

The proposed development remains aligned with the strategic framework as detailed in the EIS, given that:

- It will provide 1,181 diverse apartments in a strategic location being in proximity to public transport, including the Sydenham Metro Station;
- It directly responds to the current housing affordability crisis by delivering 115 affordable apartments;
- It includes a generous provision of landscaping and open space, commensurate with the ultimate goal of providing a high amenity and liveable development outcome; and
- It will support 108 FTE jobs on-site across the commercial, retail and food and beverage tenancies, as well as the BTR housing component, and 56 indirect FTE jobs across the wider Sydney region. This is in addition to the 325 direct and indirect FTE construction jobs will be supported throughout the proposal's development.
- It will include activating uses at the Ground level to enhance the vibrancy of the locality in alignment with the intent of the Victoria Road corridor and provide convenience to residents and visitors. Further, it will allow for the enhancement of the precinct's public domain, introducing pedestrian-focused through site links from Wicks Park to a new pocket park fronting Farr Street, as well as recreation spaces within the site.

6.3 Statutory Context

The proposed development has been assessed against the relevant statutory requirements, including matters specified in the issued SEARs dated 12 November 2024 and Sections 190 & 192 of the EP&A Regulation.

The proposed development remains consistent with the relevant land use permissibility and statutory provisions as detailed in the EIS.

6.4 Community Views

Prior to the Public Exhibition, the Applicant consulted with relevant stakeholders to understand the community and stakeholders views. As outlined in **Section 2.1**, design refinements regarding built form massing and development mix and yield, as well as relevant design improvements have been consulted and developed with comments from relevant stakeholders, and as such all feedback has been considered and responded to in this RTS Report.

6.5 Likely Impacts of the Development

6.5.1 Biophysical

The biophysical impacts of the proposed development remain unchanged from the EIS, which are positive for the following reasons:

- The proposal will not have any significant effect on threatened species, populations or ecological communities or their habitat arising from the construction or uses of the proposed development. The Proposal will not have an impact on any matters of national environmental significance under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth), or *Biodiversity Conservation Act 2016* (NSW); and
- The proposal will not result in any undue adverse environmental impacts. Potential sources of risk associated with the construction works and operation of the proposed development can be managed with the appropriate safeguards and mitigation measures as outlined at EIS Appendix E.

6.5.2 Built Environment

The proposed development has undergone key refinements to massing, development yield and mix, and façade. These actions are justified as they seek to provide an appropriate design response to issues raised by the relevant authorities and community. Therefore, the likely built environment impacts are considered acceptable for the following reasons:

- The proposed stepped massing of Building G reduces overshadowing impacts to the Sydenham Road properties and significantly improves the transitioning of the proposed development to adjacent low-density dwellings. The design of Building G has also been amended to now include a base podium, middle component and an angled roof element, which improves the architectural expression and reduces the buildings visual mass;
- The additional storey to Building B results from a redistribution of floorspace from Building G and only represents a minor increase to the originally proposed floorspace (negligible change to FSR, which remains at 3.4:1). The redistribution is necessary to ensure continued delivery of affordable housing and will not result in any changes to privacy or solar access to surrounding dwellings, parks or the site itself;
- Proposed massing changes remain below the OLS height limit on the site;
- Façade changes are a result of implementation of privacy and wind mitigation measures to improve the amenity and well-being of residents;
- The architectural expression of the lower levels of Building A adopts a terrace-style typology enhancing the relationship of Building A to the general character of Marrickville; and
- The proposal maintains residential amenity as well as compliance with ADG objectives.

6.5.3 Social and Economic

The social and economic impacts of the proposed development remain unchanged from the EIS, which are positive for the following reasons:

- The proposal will facilitate the delivery of 1,181 dwellings in a highly accessible and amenity rich location to support the critical shortfall of rental housing options and the requirement to deliver 7,800 new dwellings in the Inner West LGA by 2029. The proposed supply will significantly support the need for additional secure rental housing options within Marrickville;
- The proposal will address the recognised shortage in housing supply across Greater Sydney, which has accentuated the current housing affordability crisis in NSW;
- The proposed RTL Co. model will increase social cohesion, create a sense of community, deliver on key social infrastructure and provide an improved way of life through the enhanced public domain and pedestrian experience on the Site;
- The proposal will support approximately 760 construction jobs and 108 operational jobs (both retail and residential) during sequential phases of the development; and
- The proposal will revitalise a currently underutilised site in a key rezoned precinct nearby to the recently opened Sydenham Metro Station, which will help in furthering the growth of Marrickville with a significant residential living component that demonstrates design excellence.

6.6 Suitability of the Site

Having regard to the characteristics of the site and its location, the proposed development (as refined and amended) remains suitable for the site in that:

- The site has recently been rezoned MU1 and R4, in order to permit and facilitate the proposed uses that are the subject of this development (inclusive of co-living by virtue of the Housing SEPP);
- The site is under single ownership;
- It responds to the strategic vision enunciated by various levels of government regarding the delivery of additional housing supply in key locations, including those with locational proximity to key transport nodes;
- It delivers high quality, diverse rental housing at a key site, improving housing stability and diversity in Sydney's inner-west with well-located (proximity to public transport) build-to-rent, co-living and affordable housing;
- It has been designed to be development in a manner that minimises impacts on its surrounds and has been designed to in some respects improve the natural, historic, and environmental qualities of the site; and
- It will result in only minor environmental impacts that can be appropriately managed and mitigated.

6.7 Public Interest

The proposed development remains in the public interest as it will:

- Facilitate the renewal of a significant underutilised site at a critical location in Marrickville (its recent rezoning not yet acted upon);
- Demonstrate excellence in both design and ecologically sustainable development initiatives;
- Deliver 1,181 dwellings, including 115 affordable dwellings, which will take advantage of this accessible location, proximity to services and existing networks with direct connections to major employment destinations;
- Create a more vibrant and activated precinct that provides a range of day to day services and offerings for employees, visitors, and the local community, tailored to support existing creative and diverse offerings in Marrickville;
- Create new jobs during the construction and operation phases of the development, providing employment and amenities for residents on site and in the greater precinct;
- Deliver 115 affordable dwellings which directly addresses the critical need for affordable housing in the area; and
- Include over one hectare of publicly accessible open space, with a diverse array of landscaped, passive and active recreational spaces.

7.0 Updated Mitigation Measures

Following a review of submissions received, the below mitigation measures are in addendum to the original project-specific mitigation measures as delineated in EIS Appendix E:

7.1.1 Acoustic and Social Impact

The following mitigation measures will be implemented to manage construction noise on sensitive receivers:

- Implementation of a 2m high solid barrier by 18mm plywood or equal along boundaries to Farr Street, Mitchell Street, Victoria Road and southern boundaries.
- A detailed noise management plan will be developed by the main contractor that describes in detail the construction phases, program, processes and equipment used, noise impact assessment and proposed mitigation and management.
- Construction works will be carried out during the Inner West Council allowable work times of 7:00am to 7:00pm Monday to Friday and 7am to 6pm on Saturdays. On Saturdays, between 7am- 8am and 1pm-6pm no noisy activity (such as Piling/Skid/Truck/concrete pump/Concrete agitate/ Saw cut/ Jack Hammer/Welder) will be allowed along Victoria Road and the southern site boundary.
- Regular and clear communication of proposed construction activity, noting progress and work schedules. A clear and effective communication management system is to be established between the nearest receiver and the head contractor throughout construction, including but not limited to the following:
 - Regular meetings with stakeholders to discuss relevant impacts of the project.

7.1.2 Hardware Lane

The Crime Prevention Through Environmental Design Report outlines safety considerations, particularly in relation to Hardware Lane. The following mitigation measures will be implemented accordingly:

- A gate installed at Hardware Lane will automatically lock outside of publicly accessible hours, being 8am and 7pm. Residents will have access at all times with their RFID.
- Provision of lighting in accordance with Australian Standards AS/NZS 1158, which will enable adequate illumination at all hours to ensure safety and visibility.

7.1.3 Flood Emergency Response

A Flood Emergency Response Plan has been prepared in line with the requirements of the Department of Climate Change, Energy, the Environment and Water (DCCEEW). This details mitigation measures including flood response options, evacuation routes and a Shelter in Place strategy.

7.1.4 Dewatering Management

A Dewatering Management Plan has been prepared in response to the advice from DCCEEW. This plan has been prepared recognising that the current basement will be tanked post-construction, and as the excavation for the proposed basement is anticipated to intersect groundwater. As such, the following mitigation measures have been undertaken:

- Development of a hydrogeological conceptual model for the site.
- Preparation of groundwater inflow and drawdown assessments.
- Review of water quality parameters with respect to discharge criteria.
- Assessment of potential impacts of groundwater dewatering during the construction of the basement.
- Obtaining of guidance on construction dewatering management and monitoring.

7.1.5 Heritage

The Heritage Report has been revised to further assess the impact of development on particular heritage items in close proximity to the site. Whilst the assessment concluded that the heritage items are typical of the Marrickville Area, and that none of the heritage items are distinctive nor known to be designed by prominent architects or associated with significant events, the following mitigation measures have been prepared:

- Prior to the issue of a Construction Certificate, a salvage and reuse of materials methodology on the warehouse structure located at 183 Victoria Road, and other early structures will be prepared, including early materials such as bricks, by a suitably qualified and experienced heritage consultant.
- Prior to the issue of a Construction Certificate, documentation on any movable heritage that may exist will be prepared by a suitably qualified and experienced heritage consultant.
- A Heritage Interpretation Strategy will be prepared for the site by a suitably qualified heritage consultant as a condition of the approval. The Heritage Interpretation Strategy will identify significant themes and narratives for interpretation, as well as identifying potential locations, media, and indicative content for interpretation. Interpretation will be developed throughout detailed design and construction phases in conjunction with the project architect and other specialists as required.

7.1.6 Archaeological Methodology

A revised Archaeological Research Design and Excavation Methodology was prepared to include mitigation measures comprising two stages:

- Stage 1: A site-specific staged excavation methodology comprising a program of archaeological test excavation; and
- Stage 2: Archaeological monitoring and salvaging excavation.