



Internal Ref: EXTERNAL/2024/0020

30 June 2025

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

ATTENTION: Stephen Dobbs

Dear Mr Dobbs,

Inner West Council Response: SSD-76927247 – The Timberyards by RTL Co.

Property: Lots bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Street, Marrickville NSW 2204

Thank you for the opportunity to review and comment on the revised proposal - Timberyards State Significant Development Application (SSDA). This submission is made by council officers, not the elected representatives. Council is acutely aware of the current housing emergency and the contribution this development would make toward addressing this. Further, the redevelopment of the site would be a positive addition to the precinct. However, there remain a number of outstanding issues which require further consideration:

- Building Height
- Site Isolation
- Solar Access/Overshadowing
- Public Domain Works and Intersection Upgrades
- Traffic and parking
- Stormwater and Flood planning – unable to upgrade without upgrade of surrounding systems, other issues appear resolved
- Waste Management – revised WMP provided, appears to resolve concerns.
- VPA and Contributions – ongoing
- Development of 37 Farr Street, Marrickville and impact to Building A

Each of these matters in relation to the revised design are addressed in detail in the following sections:

1. Building Height

- a) The height of Building G has been reduced by 1 to 3 storeys and the upper-level setback has been increased to 9m from Farr Street. Whilst the reductions are welcomed, Building G still constitutes a 117% (15.5m) variation to the Height of building development standard.
- b) A suitable transition between Building G and the surrounding properties has not been provided. In particular, the revised 8-storey building will not provide an adequate transition to the 'corner site' which has an 11m Height of building development standard under the Inner West Local Environmental Plan 2022 (IWLEP 2022) and a 3-storey height control in Part 9.47 of the Marrickville Development Control Plan 2011. Even when the in-fill affordable housing bonus of *SEPP (Housing) 2021* is used, this would only result in a 4-storey building. The resultant transition from an 8-storey building to a 4-storey building is considered a poor outcome.
- c) The height/massing at the south-east end of Building G compromises the amenity of the existing development and any future development on the 'corner site'. Amenity impacts relate to the visual bulk and scale of Building G and additional overshadowing resulting from the variation in height. This is further discussed with regard to building separation in Part 2a) of this letter.
- d) The proposed gabled roof form adds unnecessary visual bulk, particularly when viewed from the eastern and western (side) elevations.
- e) Notwithstanding the comments raised in 2a) below recommending a greater building separation of Building G and the corner site, the upper levels above the IWLEP 2022 height plane (levels 5-8) identified in blue in Figure 11 below, should have a greater side setback to the south-east side boundary similar to that on the Sydenham Road/Farr Street corner. This would result in a centralised upper portion of the building setback from the north-west (Farr Street), south-west (Sydenham Road) and south-east (adjacent to corner site).
- f) The south-west corner of Building G has an applicable Height of building development standard of 11m. The portion of the building within this area (corner of Sydenham Road and Farr Street) should be reduced in height to provide a more suitable transition to the properties to the south-west. This would constitute a greater setback from Farr Street at level 3.

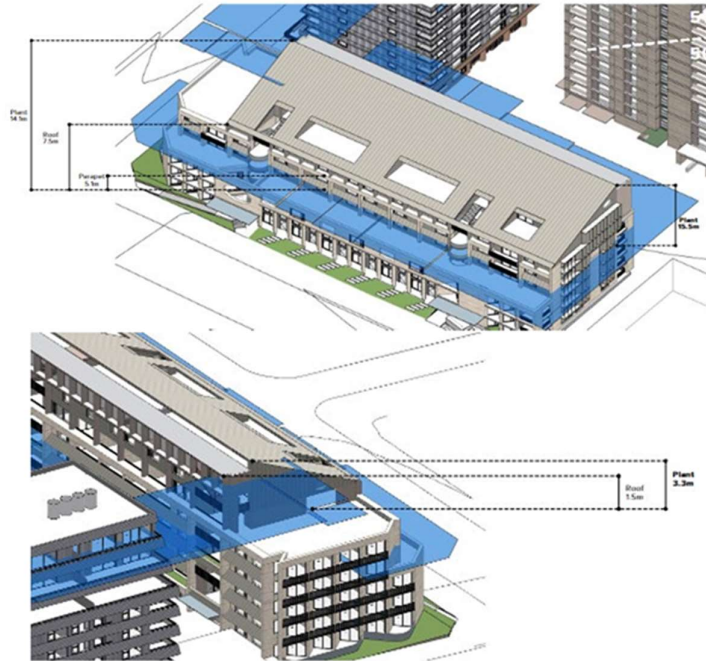


Figure 11 Building G – Extent of variation with the maximum height plane identified in blue
Source: Design Team

Figure 11 from the Clause 4.6 Variation Request

2. Site Isolation

Councils' previous submission raised the issue of site isolation with regard to properties Nos. 109-119 Sydenham Road and Nos. 199-203 Victoria Road (referred to as the Corner Site) which are not included as a part of the current proposal/development site. The submitted documentation does not adequately demonstrate that the proposed development will not result in site isolation in accordance with the Planning Principle outlined in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 (*Karavellas*).

In *Karavellas*, the following questions are raised to determine whether a site will be isolated by a development:

- *Firstly, is amalgamation of the sites feasible?*
- *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

While *Appendix FF – Acquisition offer to adjacent lots* has not been provided to Council, it is understood that the applicant has indicated that efforts which were made to acquire and amalgamate the sites were unfeasible.



To answer the second question, the principles set out by Crown C in *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] are utilised. A revised design report (Appendix F) has been provided, which includes a more detailed conceptual scheme for the Corner Site.

While the conceptual scheme includes detail on the dwelling mixes, communal areas, parking, services and solar access to demonstrate minimum ADG compliance, a number of concerns have arisen from the scheme which reinforces concerns raised in the previous submission. These are discussed as follows:

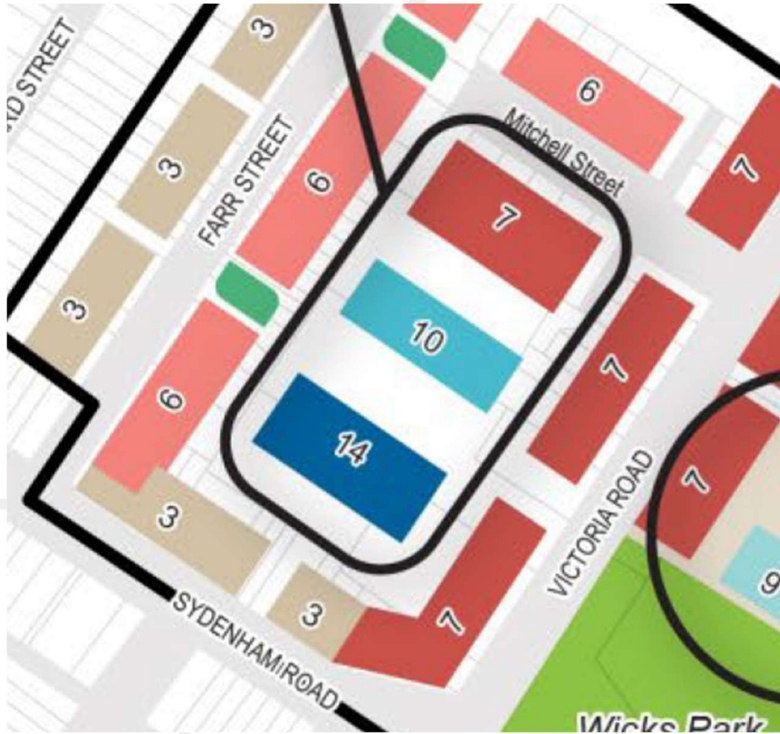
- a) **Building separation** - The corner site is unfairly burdened by Buildings G and D, and is required to provide more than half the building separation requirements of the ADG:

Building D proposes a 2m setback to the Corner Site. The ADG requires a minimum 6m separation between a blank wall and habitable windows. Given Building D is to the north of the Corner Site, it is therefore critical that greater building separation is provided to ensure any future development on the Corner Site can reasonably achieve the minimum solar access requirements of the ADG. As such, it is recommended that Building D be setback a minimum 6m from the Corner Site.

Building G is proposed to provide a 3m setback from the Corner Site. The ADG requires a minimum building separation of 12m from habitable window to habitable window. The conceptual scheme shows a 9m separation, of which 6m is located on the Corner Site. This is neither equitable nor in compliance with the ADG. Or it assumes that the Corner Site will only have non-habitable windows on its western elevation. Given the solar access challenges of the Corner Site created by the subject proposal, it would be highly advantageous to locate private open spaces and living areas on its western elevation, thus requiring a 12m building separation. As such, Building G should be setback a minimum 6m from the Corner Site.

Similar concerns are raised with the separation to Building E. The Masterplan for the Victoria Road Precinct (Part 9.47 of the Marrickville Development Control Plan 2011) envisaged larger separation between Building E and the developments fronting Sydenham Road, as seen in the extract from the Figure 15 of the Masterplan below. The subject proposal has sited Building E much closer to the south-western side of the site which has flow on effects to the resulting building separation and solar access to the corner site which is discussed further below.

INNER WEST



Extract of Figure 15 from the Masterplan (Part 9.47 of the DCP)

In addition to the above, and as outlined in Council's previous submission, the Corner Site is burdened by the SP2 zoning at the south-eastern side, which further reduces the scale of any development once complaint building separation is achieved.

- b) **Floor space ratio (FSR)** - The revised scheme indicates that the Corner Site could achieve an FSR of 2.64:1 while the *IWLEP 2022* allows a maximum of 3:1. It is noted that the conceptual scheme relies on the Infill affordable housing bonus in the *SEPP (Housing) 2021* for height, however the scheme is significantly below the maximum FSR in the *IWLEP 2022* alone (not inclusive of any bonus). This demonstrates that the Corner Site would find it difficult to achieve a yield similar to that on the subject site and that the inequitable building separation unfairly burdens the Corner Site.
- c) **Solar access** – While the schematic analysis and ADG compliance table indicate compliant solar access is achieved for the Corner Site, this relies on a very specific mix and configuration of co-living and market apartments. This is an atypical mix/configuration of uses which unfairly constrains any future development on the Corner Site. It has not been demonstrated that a residential flat building/shop-top housing development (being the most likely and desired form of development on the Corner Site) could achieve the solar access requirements of the ADG.

Further, concerns are raised about the accuracy of the solar analysis. The 2-bedroom, 2-storey apartments and the 3-bedroom units have their private open spaces on the southern side and therefore would not receive solar access in accordance with the ADG which requires sunlight to both a living room window and private open space. It



is unclear how the 1-bedroom, and the 2-storey apartments could achieve 2-hours of solar access as they only have south-facing openings.

Furthermore, solar access to the Corner Site would largely rely on the building separation between Buildings D and E; thus requiring living areas and private open spaces to be orientated towards the subject site, offering poor outlook and amenity.

In addition to the above, the sun-eye diagrams provided indicate that the communal open spaces do not receive compliant solar access, as less than 50% of the area does not achieve at least 2 hours of direct sunlight.

- d) **Access off Sydenham Road** – The proposal has not been amended to include any alternative for future vehicular access to the Corner Site, and as such, all vehicular access would need to occur from Sydenham Road. Given this, the previous concerns raised in relation to access to the Corner Site still remain. The submitted SIDRA analysis shows the Victoria Road and Sydenham Road intersection has a Level F (Fails) on the Right turns on the east and west legs of the intersections during peak periods, with queues of up to 156m long. The west leg of the intersection also fails during the Saturday peak with queues of up to 185m long. The queues are so significant that they impact the Sydenham Road/Farr Street intersection. The intersection works were specifically proposed to resolve these issues, and it is imperative that they become part of the current development proposal and be delivered upon the completion of the first stage of any redevelopment.
- e) **Visual Privacy** – Building E contains two storeys of commercial space within the south-eastern wing. This wing has floor-to-ceiling glazing around its perimeter which faces the Corner Site. The glazing is setback 2m from the boundary shared with the Corner Site, which raises potential privacy concerns for the existing and future residential properties on the Corner Site. Hence, in addition to an increased setback as discussed in point a), it is recommended that the glazing to the commercial premises on the south-western elevation is deleted and this portion of the building setback a minimum 3m from the boundary.
- f) **Parking** – While it is acknowledged that the car parking arrangement shown on the scheme is conceptual, given the narrow configuration of the site, it is considered unlikely that the car parking proposed would meet the off-street car parking design requirements. In addition to this, no bicycle or motorcycle parking has been shown.
- g) **Loading dock vehicle turntable** – The Corner Site analysis from Ason Group shows that the loading dock on this isolated corner site will require a turntable for it to be adequately serviced. This is not acceptable as turntables are prone to failure and will invariably result in vehicles reversing in or out from Sydenham Road.

Given the above, it is considered that the revised schematic analysis proves that while a development could be pursued on the site, it is not considered to be orderly and economic



use of the land with respect to the proposed SSDA. The onus of providing compliant building separation, managing the SP2 zoning and upgrading the surrounding road network in accordance with s6.31(3)(a) of IWLEP 2022, falls on the owner/s of these neighbouring properties as a result of the proposed SSDA, and it is considered that the SSDA has not been designed to reduce or alleviate this burden. The size of the Corner Site with respect the SSDA further exacerbates the constraints. Concerns are also raised with the possibility of any future development on the Corner Site achieving a yield similar to that on the subject site or the requirements of the ADG, particularly in relation to amenity such as solar access.

Council is not satisfied in this regard that the second principle established in *Karavellas* has been adequately demonstrated in the schematic design put forward or the overall design of the development and considers that the SSDA does result in site isolation of these neighbouring properties.

3. Solar Access and Overshadowing

- a) It is noted that the reduction in height of Building G substantially reduces the solar impacts to Nos. 109-119 Sydenham Road.
- b) Only units that obtain 2 hours solar access to living room window and private open space are to be counted as receiving solar access in accordance with the ADG and *SEPP (Housing) 2021*. The solar access diagrams appear to 'count' some units that are nominated as '2 hours minimum solar access (balconies)'. Presumably these units are not receiving the required sunlight to living room windows and therefore should not be counted as receiving 2-hours of solar access in accordance with the ADG. A matrix of all units counted towards the 70% should be provided to demonstrate compliance with the ADG requirements.
- c) The supplied sun eye diagrams (DA-795-101) and solar access diagrams are of a low-quality and faded and are not sufficient to conduct a comprehensive solar impact assessment most notably to the Corner Site. They should highlight which units are being counted as receiving the required 2 hours.

4. Voluntary Planning Agreement (VPA) and Section 7.11 Contributions

Council is in on-going discussions with the applicant in relation to the VPA and Section 7.11 Contributions. It is noted that Council officers responded to and provided comment on an offer regarding a VPA request in late February 2025 and an amended offer was submitted by the applicant on 20 June 2025. This is under consideration.

In the event that a Planning Agreement is not resolved between the 2 parties, then it is recommended that the Department impose a s7.11 contribution in accordance with the contributions plans as follows;

Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Council's Section 7.11 Development Contribution Plan – Inner West Local Infrastructure



Contribution Plan 2023, has been paid to Council. Council must be contacted for calculation of required contributions.

5. Public Domain Works

The following concerns remain regarding the proposed public domain works, and must be addressed in the submission of amended plans and documentation:

- a) As outlined earlier in this letter, the SIDRA analysis shows the Victoria Road Sydenham Road intersection has a Level F (Fails) on the Right turns on the east and west legs of the intersections during peak periods with queues of up to 156m long. The west leg of the intersection also fails during the Saturday peak with queues of up to 185m. The queues are so long that they impact the Sydenham Road/Farr Street intersection. The upgrading of the signalised intersection at the corner of Victoria and Sydenham Roads must be delivered upon the completion of the first stage of any redevelopment to resolve current issues.

Although Traffic volumes have dropped the analysis ignores any potential future growth that will be driven by the up zoning of the Inner West and surrounding LGA's to meet the State Governments housing needs.

- b) The previous comments raised by Council in relation to the Mitchell Street kerb line and exploring angled parking options comments are still valid (please refer to Council's previous submission numbered IWC-Point 4(b) and (c)). The redevelopment of the site provides an opportunity to remove the "kink" in Mitchell Street and the proponent should continue to investigate angle parking options within a widened Mitchell Street to increase opportunities for additional "on street" parking.
- c) The previous comments raised in relation to the adequacy of stormwater infrastructure on surrounding roads are still valid (IWC-4(a)). There is no Stormwater Infrastructure in Mitchell Street, Farr Street or Victoria Road. This results in a considerable depth of stormwater flowing in the gutters even during small ARI storm events. Although the drainage systems may not be able to meet the required 5% AEP capacity the stormwater drainage should still be provided within the road reserve of Victoria Road at approximately 40m intervals (best practice) from the intersection of Mitchell Street to Sydenham Road and in Farr Street for the full frontage of the development at 40m intervals so as to provide local road drainage during minor storm events and reduce the excessive amount of gutter flow.

6. Traffic and Parking

A number of concerns which were identified in Council's previous submission (see IWC-Attachment 1) remain unresolved regarding the proposed traffic and parking impacts, and need to be addressed in the submission of amended plans and documentation:

- a) As previously identified, the current Victoria/Sydenham Road intersection experiences large queues that interfere with adjoining intersections and the redevelopment which includes land zoned for road widening provides an opportunity to improve the intersection (IWC-5(b)).
- b) The previous comments raised in relation to the TAIA being amended is still relevant (IWC-5(c)). The growth projections in the traffic analysis needs to be considered. Although Traffic volumes have reduced, the analysis provided does no account for any potential future growth that will be driven by the up zoning in the precinct and the wider Inner West and surrounding LGA's to meet the State Governments housing needs.
- c) Previous comments provided in relation to the location of new pedestrian signals also remain outstanding (IWC-5(d)). The current intersection analysis shows that the queues on Victoria road would extend 127m which would impact any mid-block signals. Given that it is not proposed to improve the intersection at all, the introduction of mid-block signals could make the flow of traffic along Victoria Road queue even further.

Additionally, from site observation the peak queue on Victoria Road (North) appears to be underestimated as it has been observed during afternoon peak to currently queued past the intersection of Victoria and Mitchell Streets. The queues in the TAIA should be calibrated by site observations so as to confirm the queues in the report.

- d) The provisions under Division 1 In-fill Affordable Housing of the *SEPP (Housing) 2021* are silent on visitor car parking requirements, rather than specifying a rate of zero or specifying no requirements apply. As such, the provisions relating to visitor parking contained in Chapter 4 Design of residential apartment development (Section148(2)(a)) are applicable.

Council considers it unreasonable to assume the surrounding road network could cater for the volume of residential visitor parking this large-scale development will generate.

- e) The Transport and Accessibility Impact Assessment must assess the impacts of the proposed development (IWC-5(i) and (j)). The biggest impact is the lack of off-street parking. To assess the impact of the shortfall in parking, "on street" parking utilisation



surveys must be undertaken.

- f) The previous comments raised in relation to Clause 74 of the *SEPP (Housing) 2021* still remain unresolved (IWC-5(f)). The loading dock should be redesigned to allow for a more generous loading dock area where heavy vehicles are able to access the loading dock in a maximum of 2 manoeuvres.

7. Stormwater Management & Water Sensitive Urban Design

As previously stated, there is no Stormwater Infrastructure in Mitchell Street, Farr Street or Victoria Road. This results in a considerable depth of stormwater flowing in the gutters even during small ARI storm events. Although the drainage systems may not be able to meet the required 5% AEP capacity required by the DCP the stormwater drainage should still be provided within the road reserve of Victoria Road at approximately 40m intervals (best practice) from the intersection of Mitchell Street to Sydenham Road and in Farr Street for the full frontage of the development at 40m intervals so as to provide local road drainage during minor storm events and reduce the excessive amount of gutter flow.

8. Flood Planning

The following concerns remain regarding the proposed flooding impacts and must be addressed in the submission of amended plans and documentation:

- a) Council's previous comments raised in relation to floor levels are unresolved (IWC-7(a)). All floor levels of the proposed development commercial and residential must be set at the Flood Planning Level i.e. 1% AEP storm plus 500mm freeboard. This is consistent with per the recent development in the precinct at 186 Victoria Road, Marrickville. Setting commercial/retail floor space below the Flood Planning Level is not acceptable for new development of this size with no constraints.
- b) The previous comments raised in relation to FIRA have not been sufficiently addressed (refer to 7(b) in attachment). The FIRA shall assess options for improving the level of service (i.e., the intersections are no longer safe for vehicle traffic) of the major intersections of the development. Although a level of service 5% AEP event may not be achievable the FIRA should provide a range of options for improving the current flooding given the intensification of the site and the number of new inhabitants being put at risk. The FIRA shall provide local upgrade options of the stormwater network and assess the improvements in frequent storm events.

9. Waste Management

While the revised documentation addresses commercial waste management satisfactorily, several items in relation to residential waste management as previously raised have not been adequately addressed as follows.

INNER WEST

- a) The amended waste management plan still provides insufficient waste generation rates for the co-living portion of the development, proposing 40L/unit/week of garbage and recycling. Council minimum requirements are to provide 80L landfill per co-living unit at a minimum and retaining the BTR unit waste generation rates of 120L/unit/week for landfill. This will ensure fewer waste issues during transient periods which will be frequent in build-to-rent properties. Bin estimates will need to reflect updated waste generation rates.
- b) Council has not committed to a waste collection schedule of twice a week for garbage and once a week for recycling for this site. Advice was provided in meetings in October and November 2024 that the development should be designed for once-a-week garbage and fortnightly recycling collection. Council unfortunately does not have the resources to design for more frequent collections and as such waste storage areas must be designed to accommodate enough bins to fit Council's collection schedule. Private waste collections are discouraged as Council is required to provide a waste service and levy a charge which will result in double waste fees being paid.

10. 37 Farr Street, Marrickville and relying on borrowed amenity from future pocket park

Building A provides a 3m setback to No. 37 Farr Street. It is noted that No. 37 is identified in the DCP Masterplan as 'publicly accessible open space'.

There is a development consent (DA/2022/1164) for Nos. 37-47 Farr Street for a 6-storey residential flat building and a publicly accessible open space on No. 37 (see Figure below). However, there is also another active development consent (DA/2022/0751) for Nos. 41-47 for a 6-storey residential flat building which does not include a publicly accessible open space on No. 37 (see Figure below).



Ground floor plan of DA/2022/1164 including publicly accessible open space at No. 37

INNER WEST



Ground floor plan of DA/2022/0751 not including No. 37.

No. 37 is yet to be acquired by the owners of Nos. 41-47 and as such it cannot be assumed DA/2022/1164 (which includes the delivery of the open space) will be pursued.

As such, to ensure all opportunities are explored to deliver the publicly accessible open space and ensure that No. 37 is not isolated if DA/2022/0751 is pursued, Council is of the opinion that the proponent should seek to potentially acquire No. 37.

If No. 37 cannot be acquired and incorporated into the subject development and DA/2022/1164 is not pursued, it is likely that the open space would not be delivered, and that potentially a high-density residential development would be pursued at No. 37 in the future. As such, Building A must be designed with consideration to a 6+ storey residential development being erected at No. 37. This would require (but not limited to) a greater setback (6m-9m) to the common boundary of No. 37 to ensure adequate privacy and consideration of any 'borrowed' sunlight that north-facing units of Building A are relying upon.



Finally, I would like to thank you for the opportunity to provide further comment on the subject proposal. As I mentioned earlier the Inner West Council and community is acutely aware of the housing emergency. This proposal represents a significant contribution to a solution for the Inner West community provided the issues identified above are resolved. If you need any further information in relation to the above response, please contact Council's Team Leader, Development Assessment, Tom Irons on (02) 9392 5300 or email tom.iron@innerwest.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Simone Plummer". The signature is fluid and cursive, with a checkmark-like flourish at the end.

Simone Plummer
Director Planning