

24 March 2025

Stephen Dobbs
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

ATTN: Stephen Dobbs

Dear Stephen,

Re: Objection to The Timberyards Rental Housing Project at multiple lots bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Street, Marrickville – SSD-76927247

This objection has been prepared by Mecone Group (Mecone) on behalf of a landowner group in relation to SSD-76927247 for The Timberyards rental housing project, comprising built to rent housing (BTR), co-living housing, in-fill affordable housing, commercial premises and public and private recreation area at multiple lots bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Street, Marrickville.

The landowner group acknowledges and understands the need for housing in the Inner West and are supportive of a development outcome that is in line with the adopted planning framework. However, the landowner group has significant concern in relation to aspects of the proposed development and the significant departures from the planning framework. In summary, the following concerns are raised:

- **Significant density:** At 1,188 dwellings, this presents a density of 521 dwellings per hectare which is likely one of the densest developments in Australia. Even if adjusted for a standard residential mix, it would be on par with or exceed some of the densest developments in Australia including the CUB site, Chippendale, Green Square and Macquarie Park Midtown.
- **Excessive bulk and scale:** To achieve this density, the proposal exceeds key provisions of the Apartment Design Guide (ADG) and the Marrickville Development Control Plan (MDCP 2011). In particular excessive building heights are proposed for locations that interface with local scale neighbourhoods in contrast to the DCP which provides for a stepping down of building heights towards existing low scale residential areas to the west and south. Furthermore, at an FSR of 3.43:1, the density is significantly higher than the Stage 2 Transit Oriented Development (TOD) Sites. The proposed density and scale are out of context and are excessive for the Marrickville locality and would likely be excessive in other denser localities such as Waterloo, Green Square or Macquarie Park.
- **Excessive building height on Farr Street and Sydenham Road:** The height exceedance and resultant massing, generates undue overshadowing and overlooking impacts on the low density residential properties in the locality, which does not preserve the existing amenity or enhance the amenity of the area. The height exceedances represent up to a 155% variation of the maximum height of building development standard and will set an unacceptable precedent for future development in the area.
- **Non-compliance with Clause 6.31 of the Inner West LEP –** The proposal fails to satisfy Clause 6.31, which prohibits development consent unless a DCP addressing key urban design, infrastructure, and environmental matters has been prepared for the site. The existing DCP does not meet these requirements, and no new DCP has been exhibited that responds to the current proposal.
- **Unjustified Clause 4.6 variation request:** The clause 4.6 variation to the height of building development standard is unjustified and therefore cannot be supported. Given the significant extent of variation to the maximum building height prescribed in the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), it is beyond the scope of a Clause 4.6 variation and should be assessed under a Planning Proposal.



- **Lack of housing diversity:** The proposed dwelling mix primarily comprises one bed units with a minimal amount of two to three bed units. This dwelling mix lack diversity and does not cater to demand for housing in Marrickville which generally encompasses families and larger household sizes. Therefore the proposal is unlikely to support the governments stated goal of improving housing affordability.
- **Traffic and vehicular access:** The proposed vehicular access point on Farr Street is inappropriate as it is the main pedestrian route for children walking to the nearby Marrickville Public School and will likely create further congestion through traffic mixing with the already congested school drop off area.
- **Insufficient carparking:** The proposal does not comply with the minimum requirements for the provision of car parking and will exacerbate on street parking issues in the locality which does not benefit from a residents parking scheme and where the majority of existing residences do not have off street parking.
- **Social infrastructure:** Concern is raised that the proposed development will place undue pressure on existing social infrastructure including Marrickville Public School which we understand is currently operating at capacity.

It is our opinion that the extensive inconsistencies and non-compliances with the planning framework are substantive and cannot be determined within the scope of a State Significant Development Application (SSDA). In its current form and given the scale of variations proposed, a Planning Proposal and new DCP are the only way the proposal could proceed.

Summary of Requested Amendments

In light of the significant departures from the adopted planning framework, the unacceptable amenity impacts on surrounding residents, and the broader precedent this proposal sets for the Victoria Road Precinct, I respectfully request that the Department of Planning, Housing and Infrastructure (DPHI) consider the following amendments to the development proposal:

1. Building Height

That the proposal be amended to comply with the building height development standards, particularly along Sydenham Road and Farr Street, where the applicable height limits are 11 metres and 20 metres respectively. Any additional height should be concentrated along the Victoria Road frontage, where the interface with low-scale residential areas is less sensitive.

2. Bulk and Scale

That the proposal be amended to reduce the overall visual bulk through lower street wall heights, greater upper-level setbacks, and enhanced building articulation, particularly given the continuous length and scale of several proposed buildings. These measures are necessary to reduce visual dominance and ensure a more appropriate built form transition to neighbouring residential areas.

3. Housing Diversity

That the proposal be amended to include a more diverse range of apartment types and sizes, including a significantly increased proportion of two- and three-bedroom dwellings. This is essential to meet the needs of families and longer-term residents, and to better align with the demographic profile of the Marrickville community.

4. Public Domain and Pedestrian Connectivity

That the development incorporates a clearly defined, publicly accessible, open-to-the-sky through-site pedestrian link between Victoria Road and the Farr Street pocket park, as required by the Marrickville Development Control Plan 2011. This connection is vital to improving walkability, permeability, and public benefit within the precinct.

5. Car Parking Provision

That the proposal be amended to meet the minimum car parking requirements under the Inner West DCP. Given the absence of a resident parking scheme in this part of Marrickville and limited availability of off-street parking in existing homes, appropriate on-site provision is essential to avoid overflow parking, congestion, and degraded local amenity.



6. Vehicular Access and Pedestrian Safety

That all vehicular access points currently proposed along Farr Street be relocated. Farr Street is a narrow local road that functions as a key pedestrian route to Marrickville Public School, including for children and families during peak drop-off and pick-up periods. The location of high-volume access points on this street presents unacceptable safety and congestion risks and is inconsistent with the DCP's movement network.

7. Community Engagement on Revised Proposal

That the local community, including surrounding residents and landowners, be provided with the opportunity to review and comment on any revised version of the proposal. Given the scale and precedent of this application, continued community input is vital to ensuring a balanced and contextually appropriate development outcome.

These requested changes are made in the spirit of constructive engagement. The landowners remain supportive of appropriate development that delivers housing, public benefit, and renewal of this precinct in line with the agreed planning framework. However, the current proposal exceeds that framework to an unacceptable degree, and if approved in this form, would undermine the integrity of the planning process and the liveability of the surrounding neighbourhood.

1. BACKGROUND

The site is subject to a Planning Proposal (PP-2021-1813) for the Victoria Road Precinct, known as Precinct 47 in the MDCP 2011. The final Planning Proposal was gazetted in the *Marrickville Local Environmental Plan 2011* (Amendment No. 14) (now *Inner West Local Environmental Plan 2022* (IWLEP 2022)).

A key outcome of the Planning Proposal is to facilitate the precinct's evolution and transformation from an industrial area to a vibrant mixed use precinct through the provision of new housing, increased employment growth and diversity, new creative industries, new and improved public open space and community uses.

The key amendments included:

- Land rezoned from IN1 General Industrial to medium and high density residential zones, mixed use zones and business zones.
- Increase the maximum height of buildings to between 14m and RL50
- Increase floor space ratio (FSR) to between 1:1 and 3.5:1

The precinct specific DCP Amendment was prepared concurrently with the Planning Proposal and was subsequently adopted by Inner West Council on 26 September 2018. The DCP provides detailed development controls for the Victoria Road Precinct.

2. PROPOSED DEVELOPMENT

As indicated in the Environmental Impact Statement (EIS) prepared by Ethos Urban, the proposal involves:

- *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.*

The proposal has a total gross floor area (GFA) of 76,634m² with a FSR of 3.43:1.

A total of 1,188 dwellings will be provided across seven buildings encompassing BTR, co-living and affordable housing units.

The proposal seeks to apply the in-fill affordable housing uplift under the Housing SEPP for an additional floor space of 20% with an affordable housing component of 10.3%.

While the Housing SEPP has provision of a FSR bonus for development of co-living housing, the EIS states that this has not been exercised in the proposed development.

While we supported the Planning Proposal at the time which sought to create additional housing and employment opportunities for the Victoria Road Precinct, the current proposal seeks to provide a development that is significantly beyond the bulk and scale approved in the Planning Proposal. The proposal would create a development that is likely to be the densest development in Australia.

At 1,188 dwellings, this presents a density of 521 dwellings per hectare which is likely the densest development in Australia. **Table 1** below summarises the residential density of the major precinct developments in Sydney based on dwellings per hectare.

Table 1 Density comparison with major precinct wide developments in Sydney

Project	Density	Reference photo
Green Square	111 dw/ha	 <p>Source: Tzannes</p>
Meadowbank	150 dw/ha	 <p>Source: Sasco</p>

Mascot	194 dw/ha	 <p>Source: Meriton</p>
Wolli Creek	217 dw/ha	 <p>Source: Frasers Property</p>
Central Park	313 dw/ha	 <p>Source: Oculus</p>
Macquarie Park Midtown	425 dw/ha	

		Source: Frasers Property
Timberyards	521 dw/ha	 <p>Source: Turner</p>

This exceptionally high density combined with the excessive bulk and scale of the development pose significant concerns on traffic generation, overshadowing, residential amenity and the capacity of infrastructure to support the additional demand generated by the development. These are further discussed in the ensuing sections.

3. INCONSISTENCY WITH NSW GOVERNMENT'S POLICY APPROACH TO URBAN RENEWAL

Low- And Mid-Rise Housing Policy

Stage 2 of the Low and Mid-Rise Housing Policy came into effect on 28 February 2025 and introduced new planning controls to allow a range of housing developments in low and mid-rise housing areas across Greater Sydney, Central Coast, Lower Hunter and Newcastle and Illawarra-Shoalhaven.

Nevertheless, Inner West is essentially excluded from the policy as a significant portion of the land are in the Australian Noise Exposure Forecast (ANEF) 20+ contour. In particular, the DPHI Low and Mid-Rise Housing Policy exclusions webpage states:

*"The 20+ contour is considered a high level of noise exposure and generally affects land under flight landing paths nearing the runways. **Additional housing density is generally discouraged in these areas to ensure the effective operation of the airport and to minimise exposure to hazardous noise levels.**"*

As indicated in the EIS, the site is located between ANEF 25 and 30 contour which is impacted by aircraft noise.

The proposal seeking significant uplifts in building height, beyond the extent permitted by the Housing SEPP is thereby contrary to NSW Government's approach in discouraging housing density to ensure the effective operation of Sydney Airport and minimise exposure of residences to hazardous noise levels.

Transit oriented development

The proposed development at Victoria Road, Marrickville, with a FSR of 3.43:1, exceeds the densities typically permitted in both Stage 1 and Stage 2 TOD precincts in New South Wales. For instance, the TOD Program's second part focuses on precincts within 400 meters of 37 stations, setting a maximum FSR of 2.5:1 and building heights up to 24 meters (approximately six storeys).

Even within Stage 1 TOD accelerated precincts, which are strategically designed to support higher densities around transport hubs, the FSRs of the outer TOD areas often remain at or below 3:1.

Given that the subject site is not located within a designated TOD precinct, the proposed FSR of 3.43:1 represents an intensity of development that surpasses even those areas specifically planned for higher densities associated with significant public transport investments. This approach is inconsistent with the principles of orderly and sustainable planning and fails to align with the strategic intent and careful consideration typically applied to higher-density developments within defined TOD areas.

Apartment Design Guide

Building Length and Depth (ADG 3B-2 & 4B-3)

Previous iterations of the ADG sets a maximum building length of 65m to minimise visual bulk and facilitate



good building separation and cross ventilation. Whilst these no longer apply, they still represent good practice. The proposal contains multiple buildings that significantly exceed this benchmark, with some blocks approaching or exceeding 70m in continuous length without adequate breaks. This results in:

- Poor visual relief and excessive bulk from the public domain.
- Difficulty achieving building separation.
- Undermining of internal amenity and cross-ventilation opportunities.

Similarly, building depths exceed the 18m maximum (measured wall-to-wall) in many instances. This leads to increased reliance on single-aspect, deep-plan apartments with poor daylight access and cross-ventilation—contrary to ADG Objective 4B-3 and 4B-1.

Apartment Distribution and Lift Core Ratios

ADG recommends a maximum of 8 apartments per core per level to support residential amenity, minimise long corridors and improve identity and security. Based on the drawings and EIS material, many buildings exceed this threshold, with up to 12 apartments per level per core in co-living and BTR buildings. This results in:

- Reduced sense of ownership and passive surveillance.
- Poor internal wayfinding and social outcomes.
- Non-compliance with ADG Objective 4F-1.

While the Housing SEPP allows some flexibility for BTR development, the number of apartments per level remains excessive and compromises resident amenity.

Deep Soil and Landscaping (ADG 3E-1, 3B-1)

The design guidance of Objective 3E-1 in the ADG requires 15% of the site to be provided as deep soil over sites with an area of over 1,500m². While the EIS states a 10% deep soil zone is achieved, the proposed 14% deep soil zone total appears to rely heavily on areas that are fragmented or marginal (e.g. front setbacks and edges of internal roads), and not contiguous or functional for canopy trees.

Further, site coverage is excessive, and despite large communal zones at podium levels, the landscaped area at ground level is insufficient and does not achieve the intent of ADG Objective 3B-1.

Site Coverage and Bulk (ADG 3B-1, 4A-1)

With seven buildings ranging from 8 to 13 storeys and a relatively tight internal network of lanes, the site reads as overdeveloped. The overall site coverage far exceeds the typical benchmarks of 40–50% seen in comparable developments. This:

- Limits opportunities for meaningful planting and microclimate control.
- Contributes to overshadowing of communal open space and adjacent properties.
- Results in a visual bulk inconsistent with the character of Marrickville.

Landscaped Area and Usability (ADG 3D-1)

Although the development claims 34.7% to 43% communal open space, much of this is on upper podium levels and rooftops rather than at natural ground level. The usability, accessibility and functionality of these areas is unclear. This compromises:

- Access to equitable open space for families and mobility-impaired residents.
- The ability to meet solar access targets (2 hours sunlight on 50% of communal space).
- The spirit of the ADG's preference for deep soil and open space at ground level.

Design Quality Review and ADG Departure Justifications

While the EIS claims the development meets design quality principles under the Housing SEPP, there is an over-reliance on SEPP flexibility provisions to justify poor design outcomes. The ADG assessment (Table 29) in the EIS often marks criteria as 'met' even where performance is clearly marginal or lacking. The quantitative exceedances of ADG controls on length, depth, lift core ratios, and site coverage are significant, and undermine the intention of the guidelines to promote liveable and sustainable apartments.

4. LACK OF HOUSING DIVERSITY - THE PROPOSAL DOES NOT RESPOND TO THE DEMOGRAPHICS OF THE AREA

According to .id community¹, the average household size is 2.28 persons per dwelling in the Inner West LGA and 2.31 persons per dwelling in Marrickville.

The proposal is dominated by studio and 1 bed units, as well as co-living units, which does not cater to families and larger households. Specifically, 284 out of 599 residential units (excluding co-living units) are studio and 1 bed units, accounting for 47% of the residential units. Further, almost half of total residential units are co-living units (589 out of 1188 units).

The proposal lacks diversity in the dwelling mix and does not respond to the demographic in the area, in which the average household size greater than two persons per dwellings. This presents a mismatch between the residential product being proposed and the housing need of the area, failing to address housing affordability and the need to create more housing choice for people at different stages of life.

In addition to the lack of dwelling diversity, the proposal does not provide affordable housing options for those most in need in the community. The predominance of build-to-rent (BTR), co-living, and one-bedroom units reflects a narrow segment of the rental market and fails to deliver genuine affordability outcomes. These typologies are often targeted at higher-income renters or transient populations and do not address the demand for secure, affordable housing for low- to moderate-income households, key workers, or families seeking longer-term accommodation in the Inner West.

5. APPLICATION OF CLAUSE 4.6

Clause 4.6 of the IWLEP 2022 provides a mechanism for varying development standards where strict compliance would be unreasonable or unnecessary. However, its application is subject to clear limitations. One such limitation is the exclusion of Clause 6.31 of the LEP, meaning Clause 4.6 cannot be lawfully used to vary development standards that apply to this clause. An extract of Clause 4.6 is referenced below.

4.6 Exceptions to development standards

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (caa) clause 5.5,*
- (ca) clause 6.27(4),*
- (cb), (cc) (Repealed)*
- (cd) clause 6.31.***

(our emphasis added)

Clause 6.31 of the LEP relates to land located at Victoria Road, Marrickville and identified within the Key Sites Map. This includes the land subject of this application which is identified as Area 13 of the Key Sites Map. The objective of the clause is to ensure that development on the land occurs in accordance with a development control plan to manage the transition from industrial to residential land uses.

In this respect, we query whether Clause 4.6 explicitly excludes variations to any development standards that apply to land identified under Clause 6.31. The implication of applying Clause 4.6 in this circumstance would constitute a legally invalid consent that could be subject to legal challenge.

¹ Population and dwellings | Inner West Council | Community profile n.d., <https://profile.id.com.au/inner-west/population?WebID=240>.

6. APPLICATION OF CLAUSE 6.31

The proposed development at Victoria Road, Marrickville, is inconsistent with the existing DCP applicable to the site. Clause 6.31 of the IWLEP 2022 explicitly states that development consent must not be granted unless a DCP addressing the comprehensive matters set out in clause 6.31(1) has been prepared.

Given that the proposal has been prepared in a way that is inconsistent with the existing DCP, the specific matters in clause 6.31 cannot be considered to have been addressed. These include specific design principles, employment considerations, active frontages, design excellence, building separation, building heights, floor space ratios, transport impacts, public open space provision, stormwater management, heritage conservation, natural environment protection, appropriate staging, and consistency with state and regional strategies outlined in clause 6.31(1), consent cannot lawfully be granted.

It is critical that a new or updated DCP is prepared for this site that explicitly addresses each requirement stipulated by Clause 6.31 before any consent can be considered. Approval of the development without satisfying this precondition would be inconsistent with the IWLEP 2022 and undermine the strategic planning intentions for Victoria Road, Marrickville.

7. UNREASONABLE VARIATION TO HEIGHT OF BUILDING DEVELOPMENT STANDARD

Notwithstanding the question on whether the mechanism of Clause 4.6 can be applied, the proposal presents a significant variation to height of building development standard. The proposed variation is summarised below.

Location	IWLEP 2022	Housing SEPP (20% uplift)	Proposed under SSDA	Variation
Sydenham Road	11m	13.2m	Part Building F: 27.4m	107.6%
			Part Building G: 30.2m	155%
Farr Street	20m	24m	Building A: 31.2m	30%
			Part Building F: 29.2m	21.7%
			Part Building G: 28.9m	20.4%
Victoria Road	23m	27.6m	Building C: 33.3m	20.7%
			Building D: 31.3m	12.7%
Central part of the site	RL 50m	Uplift not available given restrictions by the Obstacle Limitation Surface (OLS)	Building B: RL 46.24m	N/A - Complies
			Building E: RL 50.8m	1.6%

Note: Buildings F and G extend across two different maximum building height standards and the extent of variation against the corresponding height standard is outlined above.

Based on the table above, only Building B complies with the building height standard, with all other buildings exceeding the maximum building height (inclusive of the uplift available under the Housing SEPP).

In accordance with the Building Heights Map in Section 9.47.11.1 of MDCP 2011, the indicative height for buildings along Sydenham Road is three storeys only. Building G with eight storeys therefore significantly varies from the built form envisaged for the Timber Yards Sub-precinct under MDCP 2011. The proposed



building height of 30.2m for Building G represents a 174% variation to the base building height limit of 11m and a 155% variation against the maximum building height limit including the 20% additional floorspace under the Housing SEPP.

A Clause 4.6 Variation Request was submitted by Ethos Urban and argues that compliance with the standard is unnecessary and unreasonable because:

- The proposed building heights are compatible with the character of Precinct 47.
- The redistribution of building height and floorspace is appropriate with regard to the site-specific constraints, namely the Sydney Airport OLS, adjacent public open space and low-density residential environment.
- The proposed height transition from the centre of the site toward the surrounding lower density areas, which consistent with the principles of Precinct 47.
- Strict compliance would inhibit the delivery of new affordable housing dwellings which would create significant social and economic benefits.
- Adhere with the Sydney Airport OLS is achieved by siting the additional height and floorspace away from Buildings B and E.

These are not adequate grounds to justify the proposed variation, as detailed below.

Consistency with the character of Precinct 47

Section 9.47.2 of MDCP 2011 identifies that the site lies across the Victoria Road Corridor Sub-precinct and the Timber Yards Sub-precinct within Precinct 47.

The development intent of the Victoria Road Corridor Sub-precinct is:

*The Victoria Road Corridor Sub-precinct covers areas fronting Victoria Road. **It is proposed to evolve into a main commercial spine comprising commercial, showroom, retail and other non-residential uses** featuring well-designed built forms that have a sensitive interface with a high-quality public domain featuring new footpaths; additional pedestrian activation areas on private land located adjacent to existing footpaths; street trees; and other street furniture; such as bicycle hoops. This will create a pleasant and inviting environment to foster greater pedestrian and commercial activity along Victoria Road.*

*Areas south of Chalder Street within the sub -precinct will transition into **a new vibrant mix of ground floor non-residential uses, and residential uses on the upper levels where noise affectation from the operation of Sydney Airport is less prevalent.** Active uses such as cafes, studios and small retail opportunities which line the streets and face open spaces will assist in increasing activity levels and pedestrian traffic in the area. That mix of uses will increase opportunities for residents to work locally and use local retail and leisure facilities. **Where noise-generation from existing flight paths across the precinct make it inappropriate for residential uses, non -sensitive uses such as office space, ground floor showrooms will be implemented in order to support activation along the corridor.***

The development intent of the Timber Yards Sub-precinct is:

*The Timber Yards Sub -precinct will be a new residential area that will support the function of the Victoria Road Corridor Sub -precinct, interconnecting with the proposed mixed -use areas along Victoria Road. **Built form will transition in height, being predominantly 3 - 7 storeys along the periphery with opportunities for taller buildings in the central area of the sub -precinct to minimise amenity impacts to adjoining low density residential areas. Siting and design measures will also be required for taller building elements to minimise residential amenity impacts from the operation of Sydney Airport.***

Additional footpaths within the sub -precinct will add to the vibrancy of the area, increasing pedestrian activity and connections to the Victoria Road Corridor Sub - precinct.

The proponent contends that the proposed building heights are compatible with the character of Precinct 47. However, this assertion is inconsistent with the established planning framework and fails to acknowledge the extent to which the proposal deviates from the intended built form outcomes.

The site is subject to a maximum building height of 11 metres, equating to approximately three storeys. Even after applying the 20% height bonus permitted under the Housing SEPP, the maximum height permissible increases to only 13.2 metres along Sydenham Road. The proposed height of Building G is 30.2 metres which



constitutes a 174% increase over the LEP height limit and a 155% increase over the Housing SEPP bonus.

While the Variation Request attempts to justify the height on the basis of higher density development in the Victoria Road Corridor (e.g. Wicks Place), these examples are not directly comparable. Wicks Place is located in a sub-precinct designated for higher built form under both the LEP and DCP, whereas Building G, F and A are directly adjacent a lower density interface intended to serve as a transition to established residential areas.

Further, the MDCP 2011 outlines a clear desired future character for this area, emphasising modest building heights, sensitive urban interfaces, and a built form that reflects the precinct's evolving but balanced character. The eight-storey massing of Buildings G, F and A directly conflicts with these planning objectives which is inconsistent with the desired character of the precinct as outlined by Council's planning framework.

Redistribution of building height and floorspace is appropriate with regard to site specific constraints

The proponent indicates that site-specific constraints justify the height variation, citing the Sydney Airport OLS. The OLS constraints are only applicable to Buildings B and E, resulting in the distribution of mass and height exceedances to Buildings F, G and A which are not directly affected by OLS limitations. The OLS should not be used as a justification for height exceedances particularly to parts of the site that have a sensitive interface to low density residential character.

Transition in Building Height and Built Form

The proponent contends that the building height transitions from the centre of the site down toward lower density areas, aligning with the principles of Precinct 47. However, the proposed height transitions are abrupt and unbalanced, especially along Sydenham Road and Farr Street, where buildings are proposed at more than double the height of established dwellings.

Specifically, Building G steps down only from eight to three storeys along Sydenham Road, yet the predominant height at the interface remains well above the height standard. The transition is further compounded by large, block-like massing, which visually dominates the public domain and nearby residential interfaces.

The MDCP 2011 envisages a sensitive, graduated scale in this precinct. The proposed transition fails to meet this objective and instead imposes a disproportionate visual and amenity impact on surrounding properties.

Strict compliance would inhibit the delivery of new affordable housing

The proponent indicates that strict compliance with the height standard would inhibit the delivery of affordable housing.

This argument misrepresents the role of the Housing SEPP, which provides for a 20% height and floor space bonus to facilitate the inclusion of 10% affordable housing. The proposed exceedance is beyond the Housing SEPP bonus, with Building G exceeding the LEP height standard by 155%. A more considered redistribution of massing should be explored by the proponent which would better reflect the height bonus afforded by the Housing SEPP.

Adherence with the Sydney Airport OLS is achieved by siting the additional height and floorspace away from Buildings B and E

While compliance with the Sydney Airport OLS is acknowledged, the proposed redistribution of massing to perimeter buildings does not warrant departures to the height standards. The OLS constraint is a site limitation that should have informed the scale and feasibility of the overall development and should not be a basis to justify significant height exceedances adjacent to low density residential interfaces.

8. ENVIRONMENTAL IMPACTS

8.1 Residential amenity

8.1.1 Overshadowing

Given the OLS restriction for the central part of the site, the proposal seeks to redistribute additional 20% height and floor space available for the central part of the site under the Housing SEPP to Buildings A, F and G.

The additional height redistributed to Buildings A, F and G results in eight storey buildings fronting Farr Street and Sydenham Road. This creates an imposing built form to the surrounding residential dwellings, which are predominantly single storey dwellings.

The proposed height along Sydenham Road creates overshadowing impacts on the dwellings directly opposite the site and does not comply with the solar access requirements for surrounding buildings in Section 2.7.3 Control C2i of MDCP 2011, which states:

Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must:

i. Not be reduced to less than two hours between 9.00am and 3.00pm on 21 June;

Building G is eight storeys in height and reduces solar access to the principal living area of three dwellings to less than two hours of solar access between 9am and 3pm at midwinter. This results in a significant non-compliance with Section 2.7.3 of MDCP 2011. Based on the analysis, it is evident that the solar non-compliance would be reduced to one dwelling only.

8.1.2 Inadequate building separation

The proposal does not comply with the building separation requirements under Objective 3F-1 of the ADG. Under the ADG, the following separation distances are required:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies

The proposal exhibits non-compliances with the above separation requirements. Specifically, the non-compliances exist between Building B and A, Building F and E and Building G and F (see **Figure 1** below). As these buildings are eight storeys and above, a building separation of at least 18m is required between these buildings. However only 12m separation has been provided in the proposal. These buildings are also located directly adjacent to each other, which poses significant visual privacy concerns. We note this was also raised by the State Design Review Panel (SDRP) during consultation however the insufficient separation has been maintained for these buildings, undermining the residential amenity of the affected apartments.

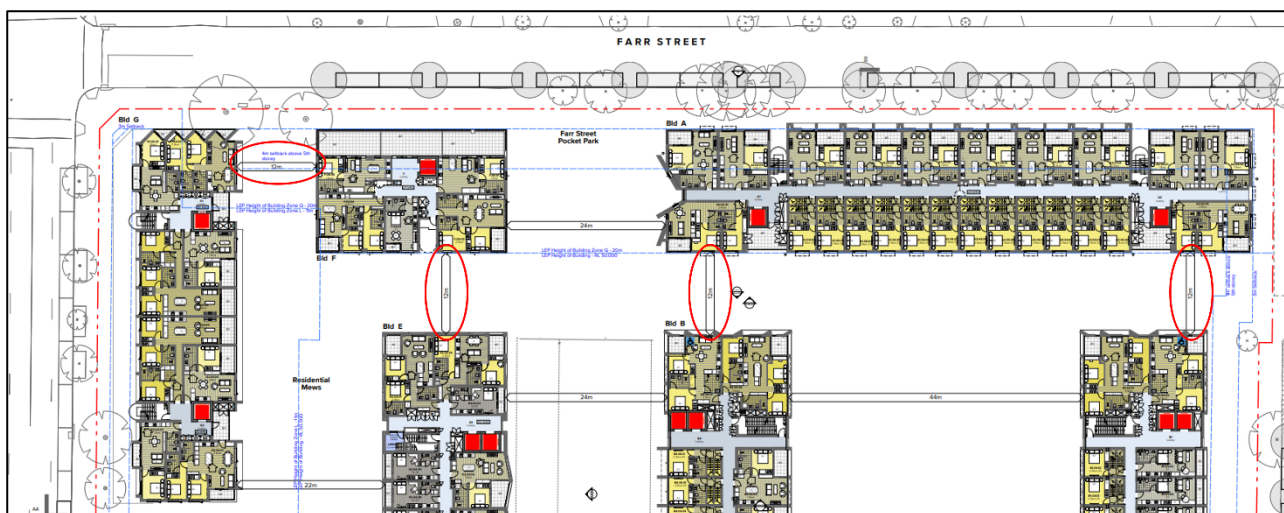


Figure 1 Non-compliant building separation

Source: Turner

8.1.3 Inadequate vertical circulation servicing

The proposal provides inadequate lifts in Buildings A, B, C and E for vertical circulation. Objective 4F-1 of the Apartment Design Guide (ADG) provides the following design criteria:



1. The maximum number of apartments off a circulation core on a single level is eight
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40

Further, the design guidance states “Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level”.

The non-compliances in Buildings A, B, C and E with the above requirements are summarised below.

	Building A	Building B	Building C	Building E
Number of apartments off a circulation core	2 lifts for 4-24 units Non-compliant	8 lifts for 15-56 units	2 lifts for 18-27 units Non-compliant	4 lifts for 6-18 units
Number of apartments sharing a lift for buildings with 10+ storeys	N/A – 7-8 storeys	8-13 storeys 50 units sharing a lift Non-compliant	N/A - 8 storeys	47 units sharing a lift Non-compliant

In order to ensure a high level of amenity, adequate lifts are to be provided in accordance with Objective 4F-1 of the ADG to properly service the proposed apartments.

8.2 Traffic

8.2.1 Vehicular access and traffic generation

The proposal comprises three vehicular access points, being a retail/service access on Mitchell Street and two access points on Farr Street for residential access and a shared area access for small deliveries respectively. The proposed access arrangement is inconsistent with Section 9.47.7 of MDCP 2011.

Specifically, under the Movement Network Map, no vehicular access points are envisaged for Farr Street. Rather, vehicular access is to be facilitated via Mitchell Street and a new two-way shared zone accessed from Victoria Road. Nevertheless, the proposal seeks to utilise Mitchell Street for retail/service vehicle access only and utilise Farr Street for both small deliveries and residential access, in which the basement carpark has capacity for 238 residential parking spaces. This is inconsistent with the indicative movement network for Precinct 47 as well as Control C12 which requires the number of vehicle entry points per block to be minimised and located to maximise visual amenity within the public domain. Given Farr Street is a local road only, the provision of two access points on Farr Street would significantly increase the traffic on the street and worsens the surrounding road network, particularly when the residential access is provided on Farr Street, which is the main generator of traffic from the proposal.

Furthermore, the proposed vehicular access from Farr Street raises safety and congestion concerns. Farr Street is a primary pedestrian route used by children and families walking to and from the nearby Marrickville Public School. Introducing high volumes of traffic associated with this scale of development into this environment risks creating a more dangerous setting for school children, particularly during the peak drop-off and pick-up periods.

The proposal fails to account for the sensitive context of Farr Street, where pedestrian safety should be paramount. The location of the access point adjacent to the already congested school zone will likely result in increased traffic conflict, congestion, and safety risks. The introduction of through traffic mixing with existing school-related movements will compound congestion and further degrade safety and amenity for pedestrians, particularly for young children. This aspect of the proposal is fundamentally inconsistent with good planning and urban design principles which prioritise walkability, safety, and access to schools.

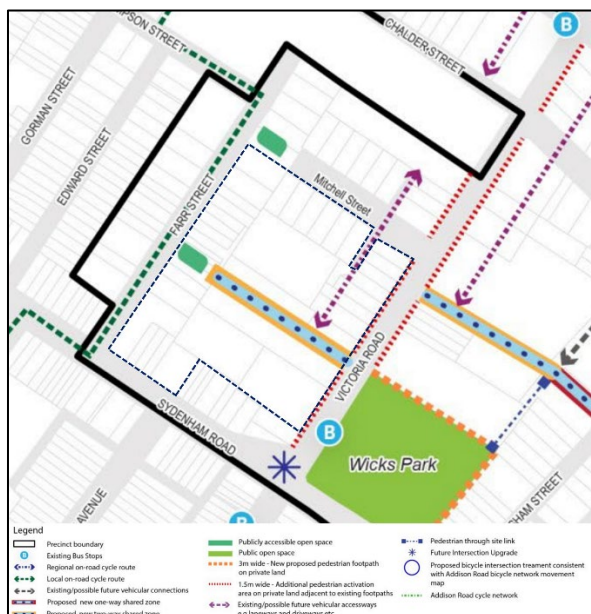


Figure 2 MDCP2011 Movement Network Map

Source: Inner West Council



Figure 3 Proposed vehicular access points

Source: Ason Group

8.2.2 Carparking

The Traffic Report states that the proposal satisfies the Housing SEPP requirements with the provision of 238 residential parking spaces. However, the proposal presents a shortfall in carparking under the non-discretionary development standards for the respective residential use. An assessment against the relevant residential carparking standards under the Housing SEPP is provided below.

Table 2 Residential Carparking Assessment

	Housing requirements	SEPP	Yield	Proposed
Affordable housing under Section 19	1 bed: 0.4 space / unit		25	
	2 bed: 0.5 spaces / unit		16	
	3 bed+: 1 space / unit		4	
Co-living housing under Section 68	Accessible area: 0.2/room		118	
BTR under Section 74	Accessible area: 0.2/dwelling		97	
Residential total			260	238

As shown in **Table 2** above, the proposal presents a shortfall of 22 spaces. While we support the use of public and active transport modes, it is important to ensure adequate carparking is provided to the residents and ensuring the ability of the residents to own a car, which is expected to be predominantly used for recreational purposes outside of peak hours. Further, insufficient on-site carparking is likely to increase pressure on street parking and induce illegal parking on the streets.

While the carparking requirements are non-discretionary development standards under the Housing SEPP, the prescribed parking rates are lower than those in MDCP 2011 which would have otherwise been applicable



to a typical residential development applied under the MLEP 2011. The provision of carparking is to be in accordance with the Housing SEPP requirements in order to minimise the potential traffic and parking implications on the surrounding area.

8.3 Lack of information on the public accessibility of the open space on ground level

The Design Report identifies that the proposal will provide a 'gateless' ground plane. Nevertheless, there is no information on the opening hours of the publicly accessible open space on ground level. The Plan of Management prepared by RTL.Co states that Hardware Lane will be open to public 7 days a week between 8am and 7pm and will be locked outside of public open hours.

It is unclear whether the above opening hours also apply to the remaining public open space including Warehouse Place, The Gateway and the Farr Street pocket park.

The EIS states that easements will be established to provide public access to the open space across ground level. However, no details of the easements have been provided as part of the SSDA.

This therefore raises questions on whether the ground level open space provides a genuine public benefit. We consider that the entire ground level should be completely publicly accessible (not time restricted) to provide meaningful through site link to the community.

8.4 Insufficient infrastructure capacity

The proposal would result in increased pressure on schools, in which the Marrickville Public School and other schools in the locality are already at capacity.

The significant density of the development would also increase demand for community facilities in the LGA, including parks, libraries and the local shops.

8.5 Missing Aboriginal Cultural Heritage Assessment Report

The EIS refers to the Aboriginal Cultural Heritage Assessment Report (ACHAR) as Appendix HH. However this has not been made publicly available on DPHI's website. It is requested that a copy of the ACHAR is made publicly available as part of the community consultation.

RECOMMENDATIONS

The landowner group acknowledges and understands the need for housing in the Inner West and are supportive of a development outcome that is in line with the adopted planning framework. However, the landowner group have significant concern in relation to aspects of the proposed development and the significant departures from the planning framework.

In this regard, the landowner group respectfully requests that the Department of Planning, Housing and Infrastructure review the contents of this submission and address the following:

1. Building Height: That the proposal be amended to comply with the height of building development standard, particularly to the low-density residential interfaces of Sydenham Road and Farr Street where a height limit of 11 and 20 metres apply respectively.
2. Bulk and Scale: That the proposal be amended to adopt lower street wall heights, greater upper level setbacks and introduce building articulation zones to minimise the perception of bulk and scale particularly given the extensive length of the proposed buildings.
3. Housing Diversity: That the proposal be amended to adopt a diversity of apartment types and sizes including a proportion of larger household types that respond to the demographic profile and needs of the area.
4. Public Domain: That the proposal be amended to provide a through site link that is open to the sky between Victoria Road and the Farr Street pocket park as required by the MDGP 2011.
5. Carparking: That the proposal be amended to comply with the car parking provision.
6. That the landowner group is afforded an opportunity to review and provide feedback on further iterations or amendments to the proposed development.

We look forward to your consideration of this submission and your prompt reply. Should you have any queries or would like to meet to discuss, please do not hesitate to contact me on 02 8667 8668.



Kind regards,

ADAM COBURN
MANAGING DIRECTOR