

Dear Stephen

**RE: Objection to SSD-76927247 knowns as the Timberyards by RTL Co. Marrickville**

I am a local resident that believes in the need for housing supply as one of the many 'levers' available to Government to 'fix' the current housing crisis... However, this \$770M proposal does so many things poorly, including the 'community consultation', that it is beyond belief that it could be considered for development approval. It is my hope that the 'Timberyards' precinct is developed in a manner suitable for the pressing housing needs and in a form that is appropriate to the existing surrounding land uses based on the master planned controls (Precinct 47).

In providing this objection, I share the concerns of many of my neighbours and community members and outline the deficiencies that demonstrate the proposal does not meet the statutory thresholds required for approval. Many question need to answered before assessment can even take place.

**A. Community engagement and consultation – please do not allow this to be the accepted format by the Department, especially for developments of this scale.**

- 1. The engagement outcomes report fails to note the reduction in the proposed consultation period of almost 2 weeks** – initially it was proposed to close on 20 November 2024, however a subsequent letter was provided that ended the consultation on 8 November 2024. This allowed only one day for providing meaningful feedback by those who attended the 7<sup>th</sup> November 2025 session. (Refer to ATTACHMENT A)
- 2. The letter (mentioned above) failed to disclose any details of scale, size, yield of the development which I presume is deliberate and intentional by the Applicant/Consultant.** This information was available at the community drop in session in refined drawings and high quality printed material so why was it not included in the letters? Furthermore it is questioned whether the Applicant intentionally did not brand the flyers, was it to draw less attention to the proposal?

Every other component of the development is highly marketable and yet the letter was produced on basic paper in a fashion that looked homemade.

**3. The consultation material was not made publicly available and was inaccurate.**

Even following several requests in order to obtain a copy, the Applicant/Consultant did not want to share the material. In my interactions at the community drop in session, there were plans and diagrams that were visually inaccurate that were used for the purpose of consultation. When I asked the project team, they acknowledged it was an inaccurate depiction of the development and the design had progressed since then/the printing cut off the part of the development in question.

**4. The consultation phone line and email were not functioning/responded to during the consultation period.**

The report states that only 2 phone calls and 4 emails were made to the Applicant. The report fails to acknowledge that the phone line was not active – no one answered, and the voice mailbox was full so no message could be left. Nor does the report acknowledge that no response was being provided from the project email address. In my experience (which I provide as ATTACHMENT B), I had to email the Department of Planning in order to request a response from the Applicant after 8 days of no response during the consultation period. Where is this included in the engagement report? Why wasn't the consultation period extended?

**5. The website lacked any substantive details of the development.** Refer to the screen shots provided in the engagement outcomes report. This website has since been updated post community consultation.

**6. The conclusions are factually incorrect and contradict the results provided within the report – this report cannot and should not be relied upon as an appropriate means of documenting community consultation.**

For one of the many examples, refer page 6, the report notes:

*In general, people were supportive of the precinct vision and proposed design.*

vs page 34:

*Support for the proposal: Support of the proposal varied across respondents, with 47 respondents supporting the development and 85 opposing the development. 14 respondents were neutral towards the development.*

## **How can this statement be made when the clear majority oppose the development?**

**Request:** The Department to require the Applicant to undertake a community consultation or alternatively the Department to undertake the community consultation in order that actual community consultation can occur.

### **B. OBJECTION to the proposal because there is no housing affordability**

1. In order to demonstrate that the proposal is not in the Public Interest, my wife and I stood on Sydenham Rd for one afternoon and asked all persons walking by whether they believed the development is in the interest of housing affordability. In just one afternoon, we were able to collect close to 150 individually signed letters addressed to Planning Minister Scully that this development will not solve housing affordability issues. Many individuals were disappointed at the lack of diverse housing (more 2 and 3 bedroom units required), lack of affordable housing in the proposal, unaffordable pricing of similar rental product managed by the Developer and breaking of the local planning controls. These letters will be sent to Minister Scully directly. An example letter is provided in ATTACHMENT C.
2. I am confident that the Department will have received more than 50 unique and duly made submissions objecting to the proposal. One of the key reasons for opposition is the lack of appropriate affordable housing. The economics is accepted that an increase in supply will reduce the price of a good. However, the build to rent product (especially of this scale) requires one owner for all rental stock (1,188 units). In the sense of Marrickville's local economy, this is a monopoly of rental stock in which the landlord will be able to set prices – similar to coles/woolworths recently in the price of groceries (duopoly). Current rental prices by the developer's student housing rental stock (a 15sqm studio) is priced at over \$800 per week which is not affordable in any sense of the word. It is also possible that the landlord will hold rental prices and allow high vacancy in order to protect market rental rates. **This is not good for housing affordability.**

3. Housing affordability should come with secure tenure. Even though the social impact statement recommends a 3 year tenure for rental agreements, the proposal does not commit to this as the minimum tenure afforded to renters.

**Request:** Applicant to review the scheme and proposed unit mix. Preference (as noted in the BTR guidelines) is that suitable housing is available within the same BTR development if circumstances change (e.g. move in with partner, have children etc) – the current development is lacking in this area. Commitment to longer term tenure in rental agreements.

### **C. Invalid use of clause 4.6 variation to development standards.**

1. The Inner West LEP includes clause 4.6 (8) (cd) in order that Area 13 of the Key Sites Map (the land subject of this DA) is developed in accordance with the intentions of the original rezoning (PP-2021-1813). Only very rarely do sub clauses receive department support and so caution should be taken in the interpretation and application in this instance.

4.6 (8) states:

*This clause (being clause 4.6 – variations to development standards) does not allow development consent to be granted for development that would contravene any of the following— ...*

*(cd) clause 6.31.*

Thus the proposal must not contravene clause 6.31. Should any part of the clause be contravened, **development consent cannot be provided** by the consent authority.

Clause 6.31 (1) states:

*The objective of this clause is to ensure that development on land at Victoria Road, Marrickville occurs in accordance with a development control plan to manage the transition from industrial land uses to residential and commercial land uses.*

Marrickville DCP 2011 9.47 is the relevant DCP. Thus the proposal must be assessed to be in accordance with MDCP 2011 9.47, **lest development consent not be granted.**

It is clear from reading the objectives of the MDCP 2011 9.47 in relation to the proposal documentation, that the proposal is not in accordance and **development consent must not be granted** (e.g. masterplan, building heights, setbacks etc.)

**Conclusion:** The proposals use of clause 4.6 to vary the height of building standard is invalid. The clause cannot be used as the proposal contravenes cl 6.31. The proposal can be reworked in order to be in accordance with MDCP2011 9.47 or an alternate DCP can be supplied.

Additionally, the breaching of the height controls on Sydenham Rd and Farr St is unwarranted. In what way can a breach of control by over 150% ever be considered reasonable? And why is it placed in the location where it leads to the most impact to existing residential (single and two storey) homes when there are other suitable location well below the OLS of RL51? Attention should be given to SEARs 6 Environmental Amenity which notes that a **high level of environmental amenity for any surrounding residential** or other sensitive land uses **must be demonstrated**. The proposal leads to significant visual impact ('irreversibly dominant' as per the assessment), and overshadowing to the extent that surrounding residential households will end up with half an hour of sun. This is below the NSW guidelines for residential dwellings for solar access. Furthermore, it will leave a scar on the character of Sydenham Rd where an 8 storey building will be interfaced with a single storey house – this will be the legacy should the development be approved.

**Other notable concerns:**

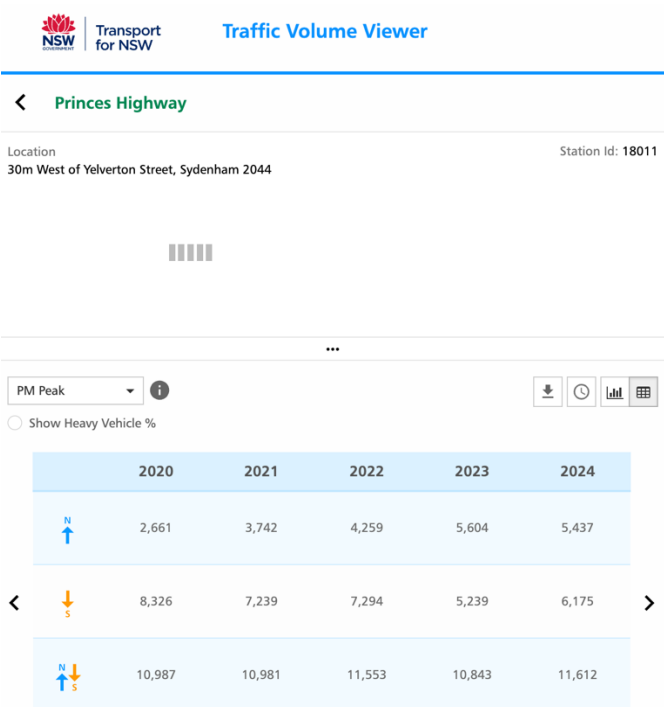
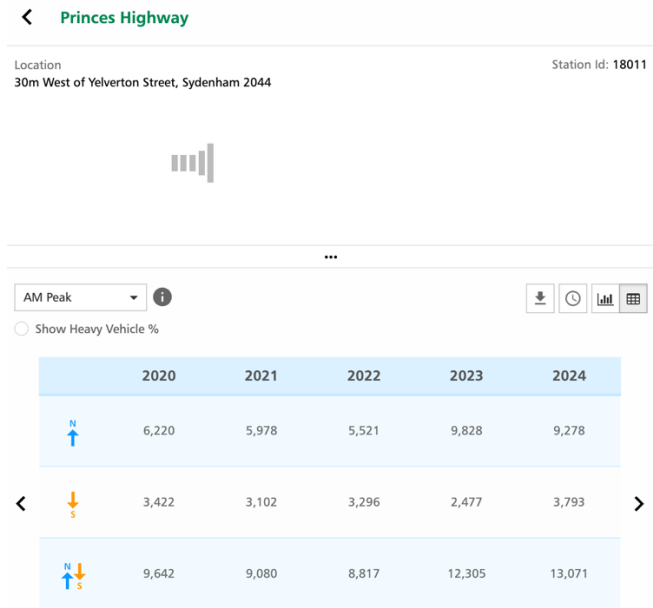
- Generally the applicant has not included the prescribed requirement of the SEARs – e.g. the visual impact and solar diagrams for existing and no bonus applied schemes.
- Construction hours should be limited to week days only as Marrickville is a popular destination on the weekends. Truck movements and noise will reduce the appeal of Marrickville as one of the top 10 suburbs in the world.

- Acoustics for proposed rooftop areas are questionable as the planes and noise would be louder. Construction of the dwellings should be done in accordance with relevant standards to ensure habitable areas are suitable.

## **Traffic**

1. Additional operational trip generation has not been included in the modelling
  - a. 108 FTE identified in the economic analysis
  - b. Garbage truck movements proposed c. 3-4 times per week (different pick up material)
2. The trips per carspace adopted rates have no empirical evidence supporting. It is questioned whether the adopted data point was taken from the 'Pymont' case which is high density residential with high accessibility to public transport. The co-living product is more similar to boarding houses with individual occupants and shared communal space – did the applicant consider using this as a trip generation rate?
3. The reliance on previous traffic reports is not accurate – these reports modelled the additional streets to be provided by Precinct 47 and hence traffic was able to be reduced at the intersections significantly.
4. Page 23 of the traffic assessment – the report states that a single car share vehicle can replace 7-10 private vehicles – this trip generation should be used on the 22 car shares provided as part of the development, i.e. trip generation should be multiplied by 7-10 times.
5. There is a lack of FTE end of trip showers – only one shower? Please commit to more in order to support the active transport culture noted in the proposal.
6. The SEARs requires traffic modelling to show impacts during construction – please provide
  - a. The site has a minimum removal of 37,000 cum of cut (in addition to demolition and top soil removal) – please show traffic modelling impacts including this bulk earthworks
  - b. It is suggested that trades will use public transport in order to reduce the traffic impact – how will this be effectively managed in order that parking and traffic are mitigated during construction?

7. Turning templates have not been resolved for:
  - a. Bump in bump out area (proposed for small truck deliveries)
  - b. Car park access (B99 vehicle)
  - c. AV movements onto Sydenham Rd
8. Construction access
  - a. Contingent on the acquisition of 119 Sydenham Rd and this has not been confirmed. Alternate routes must be provided for exhibition and comment.
  - b. Mitchell St HRV turning circle is dangerous to pedestrians and relies on no hoarding
  - c. Farr St will become dangerous as the road width is narrow and it is highly frequented by school children. Alternate entry/exit points should be used on Victoria Rd to minimise risks to children walking on Farr St and Sydenham Rd
9. It is concluded that there has generally been a decrease in traffic over time since covid, however this is not the case with traffic volume flows (e.g. Princes highway AM and PM peak below). The 2018 Cardno traffic Count for Sydenham Rd and Victoria Rd is actually less than the subsequent year data from PTC, GTA and Stantec reports at 2186 in AM peak and 2537 PM peak, leading to the conclusion that traffic has increased since 2018 and is now steady. Is that correct?  
(Note that the traffic counts in the Anson report do not include the train replacement buses which started in September, final residents from Wicks Place on Victoria Rd or employment traffic associated with Made Marrickville)
  - a. Best practice traffic counts are done over a 3 day consecutive period to minimise the chance for variability that can misrepresent the data. This can be supplemented with 7 day tube counts. Why were either or both of these not included in the traffic report to get the most up to date and accurate data? Why wasn't the April count included in the appendix?
10. Heavy downpours lead to localised flooding in the area and there is unlikely to be the same modal uptake of cycling and walking, how will the development affect traffic in these instances noting that climate change is increasing the likelihood of these events?



11. Are the 'mid block pedestrian signals' proposed as part of the development incorporated in the traffic modelling? What are the results?

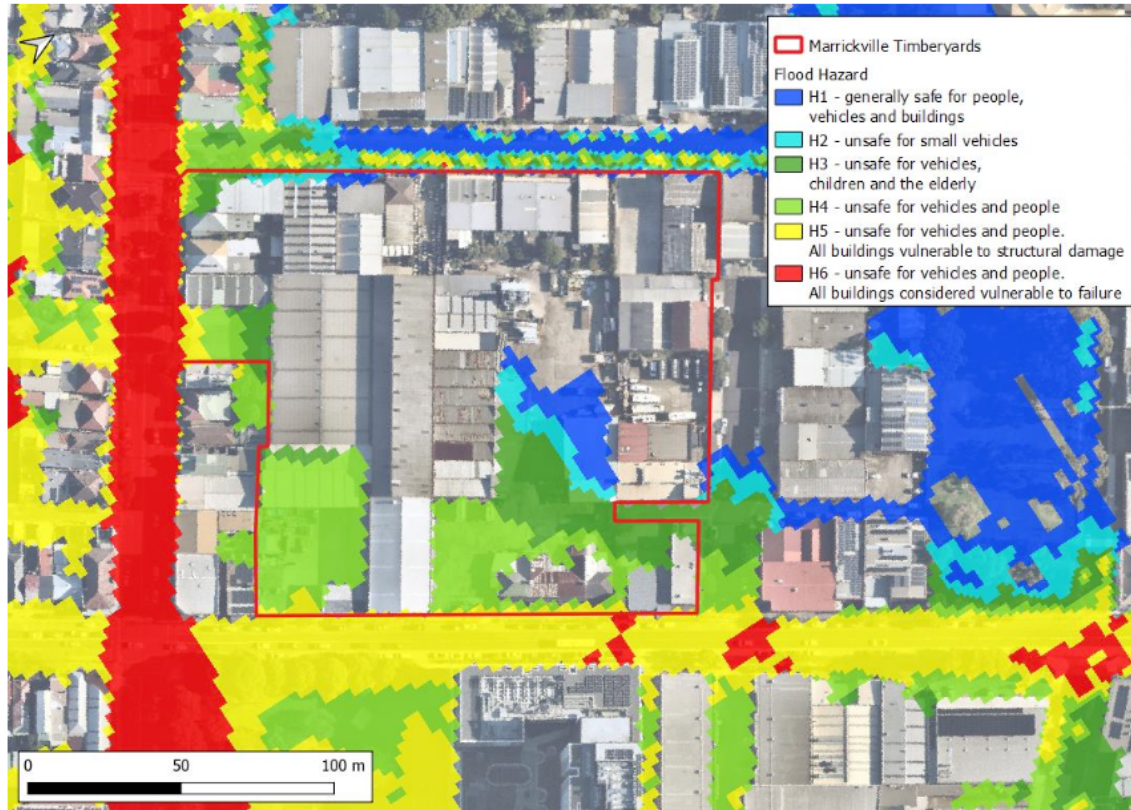
## Flood Impacts

- Assessment is flawed as it does not acknowledge the fact that the site is within the FPA.
  - Innerwest LEP 2022 clauses 5.21 and 5.22 apply and require the assessment of the proposal
- As shown in the 1% AEP and PMF - several buildings are situated in H3 and H4 - Building D, Gateway, Building G, Commerce Lane, Building B



- a. This has severe potential impacts to properties and life downstream as the proposed design does not take into account the 'actual' flooding and will accelerate flooding through surface runoff and unknown impacts to stormwater drainage infrastructure.

**Figure 4.8: PMF Hazard**



3. Assessment is missing key details as it does not consider 0.5% AEP or 0.2% AEP or the 5% AEP (as required in the SEARs). Reasons in the report stating that Council do not have the data is not appropriate for a development of this scale and capital investment value (c. \$700M)
4. Section 4.4 acknowledges that the eastern portion of the proposal will flood during a PMF event and proposes a flood liable solution of 1% AEP + freeboard.
  - a. The Applicant asserts that Council is supportive of this solution. Please provide evidence as this is a significant risk to life and damage to property that can be avoided but has been progressed in the proposal.
  - b. The proposal acknowledges that flood water will run into carparks
5. A detailed assessment as per LU01 is reasonable for a proposal of this scale and in a location where there is significant urbanisation and existing residential homes.
  - a. Impacts of climate change to the proposed development are not provided
6. The report states that  
*the Upper Ground level interfacing Farr Street is entirely above the level of the PMF and it is expected that all storeys above the ground floor on the Lower Ground level interfacing Victoria Road would be above the PMF level. The ground floor units on this side of the development will all be retail.*

- a. However the Ground floor levels of building F (housing affordable housing units) are at FFL of 4.050 and FFL 5.540 - Below the FPL proposed of 5.71
- 7. Table 5.1 shows multiple building FPLs below the PMF - this should not be accepted as the overall intent is to create housing supply, however, these units will be at risk during flood events and there is increased severity and likelihood through climate change and will not act as housing supply.
- 8. Flood Storage maps not provided - assessment regarding the reduction of flood storage is not possible.
  - a. M DCP 9.47 C32 states - Any proposed development must not result in a net loss of existing flood storage within the development site. Please confirm with supporting maps.
- 9. No maps are provided in the Report appendix - LEP flood maps and Marrickville flood liable land.
  - a. The M DCP 9.47 reference is not the only controls to be assessed against - flood related DCP controls were updated as part of the IWLEP 2022 as 22 Flood Management and 4 2 Multi Dwelling Housing and RFBs and the proposed design should be assessed against.

## **Waste Management**

- 1. As per the SEARs, the WMP needs to be in accordance with Council waste management requirements (Marrickville DCP 2011 – 2 21 Site Facilities Waste Management
  - a. The turning circle radius for garbage trucks does not meet council specifications.
  - b. The truck size tested does not meet council specifications
- 2. No details are provided regarding the manner in which waste will be removed from buildings that do not have direct access to the carpark. Please provide.
  - a. Should additional collection points be proposed, it is requested that the associated turning templates will also be provided

## **Aboricultural Assessment**

- 1. There are trees present on site that have not been surveyed and identified.



**REQUEST:** That I and the community will be afforded an opportunity to review and provide feedback on further iterations or amendments to the proposed development.

Sincerely

Rachmat