

# Timberyards SSDA Review

Marrickville  
Landowner Group

# Exec Summary (1) – Position & Main Planning Issues

## **Support for the appropriate redevelopment of the site**

- The rezoning, IWLEP Clause 6.31 key-site provisions and the 2018 DCP framework for a mixed-use, housing-led precinct are supported. The concern is that the current SSD moves materially beyond that agreed framework and Housing SEPP bonus in scale, form and delivery. (Slides 1, 4 and 5.)
- At 500+ dwellings per Ha, this development will likely best the densest development in Sydney.

## **Housing outcomes not aligned with local need**

- The scheme relies heavily on co-living and smaller units, provides limited family housing, and does not replace the 10 existing affordable rentals on Farr Street, despite Housing SEPP requirements to consider displacement. (Slides 2 and 10.)

## **Through site access and public domain unresolved**

Key “public benefit” elements remain poorly resolved or changed late in the process:

- main vehicle access retained on Farr Street opposite the school (slide 6);
- the signalised pedestrian crossing on Victoria Road from the exhibited scheme has been removed, rather than relocated further north-west at Mitchell Street (slide 6);
- the through-site link and building layout lend themselves to a semi-private or gated outcome (slides 7a and 7b);
- above-ground parking inflates built form and weakens active frontage (slide 3,4).

## **Amenity, ADG and character issues remain**

Solar access, deep soil, cross-ventilation and separation fall short of ADG benchmarks; SRDP concerns are not fully resolved and Schedule 9 / “future character” is not genuinely reflected in the massing. (Slides 4 and 5.)

## **A height variation of this scale would typically require a rezoning**

DPHIE requires SSDA’s via the Housing Delivery authority to be accompanied by a rezoning application for proposals exceeding 20%. The proposal seeks very large height variations, including +117% for Building G, +108% for Building F and +30% for Building A, all above the already increased Housing SEPP bonus height. \*slide 3)

# Exec Summary (2) – Height Bonus, Legal Risk & Path Forward

## Overshadowing

Applicants June 21 analysis shows the proposal throws more winter shadow onto Sydenham Road and Farr Street than the LEP envelope, with specific impact of building seeking variation not documented (slides 8a and 8b).

## Clause 4.6 – two-prong test (Wehbe)

The height control still limits bulk, overshadowing and transition to Sydenham Road and Farr Street, yet the largest breaches – about +117% (G), +108% (F) and +30% (A) – are on those edges. The 4.6 relies on broad themes and does not show that strict compliance is unnecessary or provide specific planning grounds for this level and location of exceedance, so it does not satisfy the two-prong test in cl 4.6(3) (slide 9)

## Existing affordable housing & SEPP bonus

There are at least 10 on-site dwellings in Farr Street that were recently used as affordable rentals and are now vacant, but this loss is not addressed in the SSD. Given those were larger homes than the new “affordable” apartments, the net affordable housing outcome is unknown, so **the IPC cannot be confident the claimed 10% is genuinely additional**; using it to justify the SEPP bonus and extra height carries a real jurisdictional risk. (slide 10)

## Recommended path forward for the IPC

Support redevelopment of the site, but require a better-resolved and lawful scheme by:

- Validating **10% new affordable housing** increase netting out existing affordable housing on site.
- capping height consistently with the 14.4% FSR bonus;
- relocating vehicular access away from Farr Street and reinstating a signalised pedestrian crossing further north-west on Victoria Road at Mitchell Street;
- requiring a genuine public through-site link co-designed with Council input;
- re-balancing the mix (less co-living/small units, more family apartments, replacement of the 10 lost affordable dwellings); and
- reducing bulk, overshadowing and character impacts to align with the LEP/DCP masterplan.

# 1. Background & Controls

---

- 2018 precinct rezoning (LEP Amend. 14)
  - Multi year process to develop controls
  - Clause 6.31 in place to ensure outcomes consistent with masterplan
  - MU1 zoning; FSR 3 : 1; height 30 m.
  - Precinct-specific DCP (Sept 2018) to manage transition to Farr St & Sydenham Rd.
- Current SSDA (SSD-76927247) Exhibition period: 25 Feb 2025 – 24 Mar 2025
- 156 unique objections raised – 4/5 submissions object



## 2. Does the mix match local affordable-housing need?

### **Post-exhibition dwelling mix**

- 1,181 dwellings in total: 475 BTR (40%), 115 affordable (10%), 591 co-living (50%).
- Affordable housing product
- 115 affordable dwellings: 19 studios, 61 x 1-bed, 31 x 2-bed, 4 x 3-bed – around 70% are studios or 1-beds.

### **BTR product**

- 475 BTR apartments: 66 studios, 126 x 1-bed, 235 x 2-bed, 47 x 3-bed, 1 x 4-bed – still weighted to smaller units.
- Dominance of small formats & co-living
- 591 co-living rooms plus 192 BTR studios/1-beds versus 318 larger BTR/affordable 2-, 3- and 4-beds – half the scheme is co-living and much of the rest is small units.

### **Mismatch with local need**

- In Marrickville, around 41% of renters are families needing 2–3 bedrooms, while lone-person renters are about 24%; the scheme continues to over-serve singles/co-living and under-serve family households most in need.
- Housing SEPP aims at “very-low to moderate-income” households — family demand unmet.

# 3. Density

Council view (30 Jun 2025): proposal “misapplies the infill-affordable-housing bonus by also relying on a Clause 4.6 variation for additional height.”

## **Mapped vs proposed:**

- Height: 30 m → 36 m (>20%) – includes a 1-storey increase from the exhibited scheme.
- FSR: 3:1 → 3.40:1 (+14.4% variance claimed under Housing SEPP bonus).

Photomontage issue: independent check finds CGIs do not follow LEC PN 29 – camera data & survey grids missing, scale not understood.

## **DPHI requires rezonings for HDA proposals that exceed standards by >20%**

Allowing for variation of this magnitude is inconsistent with current Departmental practice for SSDA's.

## **Density benchmark (dwellings/ha):**

- Green Square ≈ 111
- Mascot ≈ 194
- Central Park ≈ 313
- → Timberr yards ≈ 520 (highest yet)



## 4. ADG / Local Character Non-Compliance

- Council assessment (30 Jun 2025):
  - Solar access: <70 % of units achieve 2 hr mid-winter sun (ADG Obj 4A-1).
  - Deep soil: Only 6 % of site; ADG minimum 7 % (Obj 3E-1).
  - Cross-ventilation: 47 % of habitable rooms; ADG target  $\geq 60$  %.
- Mecone review highlights:
  - Building separation drops to 12 m where 18 m required (Obj 3F-1).
  - Above-ground podium parking breaches “active street frontage” intent (Obj 4J-1).
  - Schedule 9 “future character” test ignored—mass markedly higher than DCP vision.
- Visual evidence: Photomontages omit height markers; elevations show up to 155 % breach relative to LEP + DCP stepping (Mecone pp 10-12).
- Ask: Independent ADG compliance audit before determination; enforce Schedule 9 character test or scale back height/FSR.

# 5. SRDP Advice – Not Genuinely Implemented

## **Over-density and height strategy unchanged**

- SRDP flagged that the scheme “pushes the limits of density” with a perimeter block relying on bonuses and 4.6. The built form strategy is essentially intact – impacts are described, not reduced.
- Overshadowing of Wicks Park and Sydenham Road dwellings remains
- Additional modelling has been done, but there are no meaningful height reductions along the most sensitive edges. The extra height from bonuses and 4.6 still drives overshadowing.

## **Poor amenity for internal lower-level apartments**

- Minor façade tweaks and privacy screens do not fix the fundamental issue of low-level, internal, court-facing units with compromised solar access and outlook in a very dense courtyard.

## **Residents’ communal space remains inadequate**

- SRDP called out the very low proportion of residents-only open space. A single new rooftop play area is not commensurate with the scale and intensity of the development.

## **Deep soil and landscape fall short of the site’s potential**

- Deep soil is better quantified, but still below the opportunity the Panel identified to provide a genuine green buffer and canopy, especially to the south.

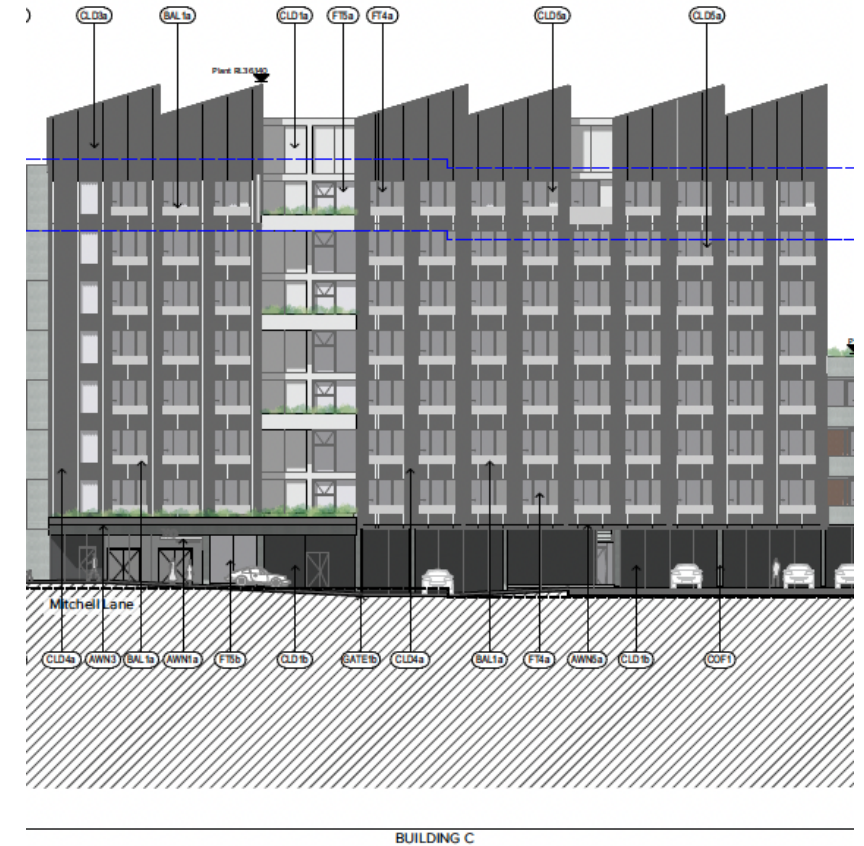
## **Process concern – SRDP not reconvened**

- The Panel recommended the project return during assessment. Instead, the Department has “self-certified” alignment with SRDP advice despite these substantive issues remaining unresolved.



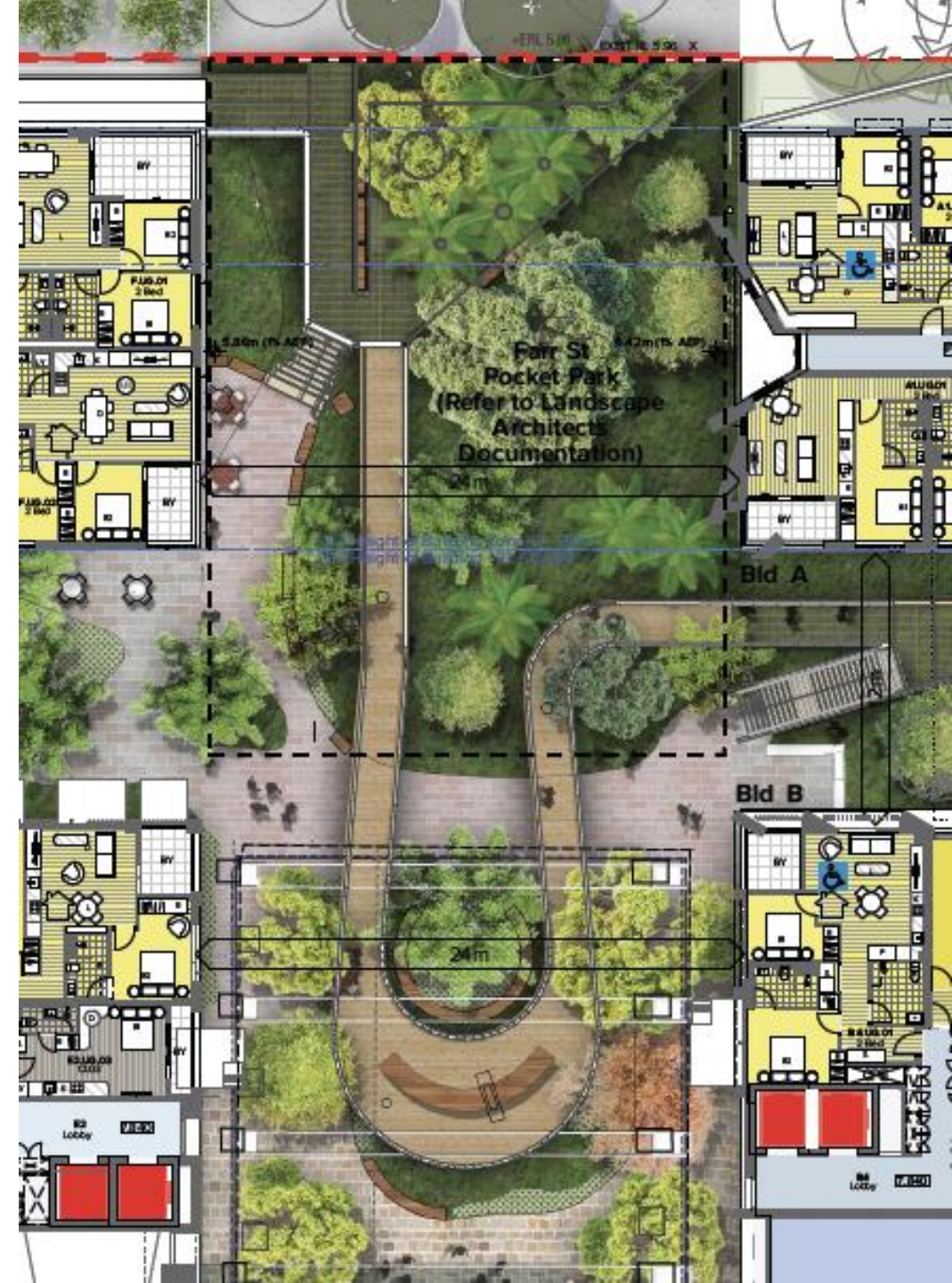
# 6. Traffic, access + parking

- Main vehicle access on Farr St (school frontage) – concentrates movements on a narrow residential street opposite a school; all vehicular access should be relocated to Victoria Rd / Mitchell St.
- Above-ground parking inflates built form and weakens active frontage along both Victoria Rd and Farr St.
- Victoria Rd signalised pedestrian crossing (exhibited then removed)
  - Exhibited scheme included a signalised pedestrian (red) crossing on Victoria Rd near the site access.
  - This was removed at TfNSW's request on the basis it was too close to the Sydenham Rd intersection.
  - The appropriate response is not to abandon the crossing, but to relocate a signalised pedestrian crossing further west at Victoria Rd / Mitchell St and require this as a condition.
- Pedestrian / through-site link – the alignment and building edges lend themselves to gating or control, rather than a clear, legible public link as envisaged in the DCP.
- Parking assumptions – low on-site parking and a “pay-per-space” model rely on optimistic mode share for BTR and co-living, with a real risk of overspill parking into surrounding streets.



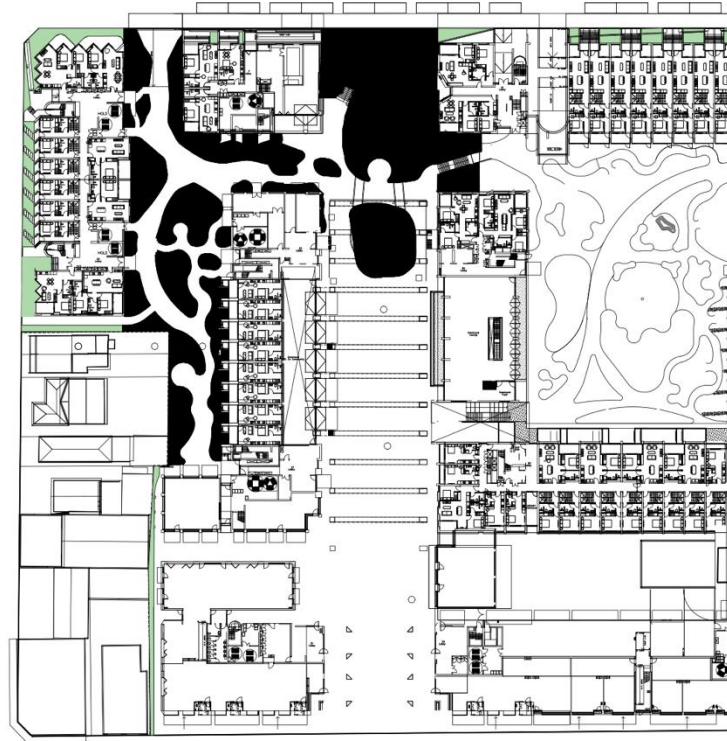
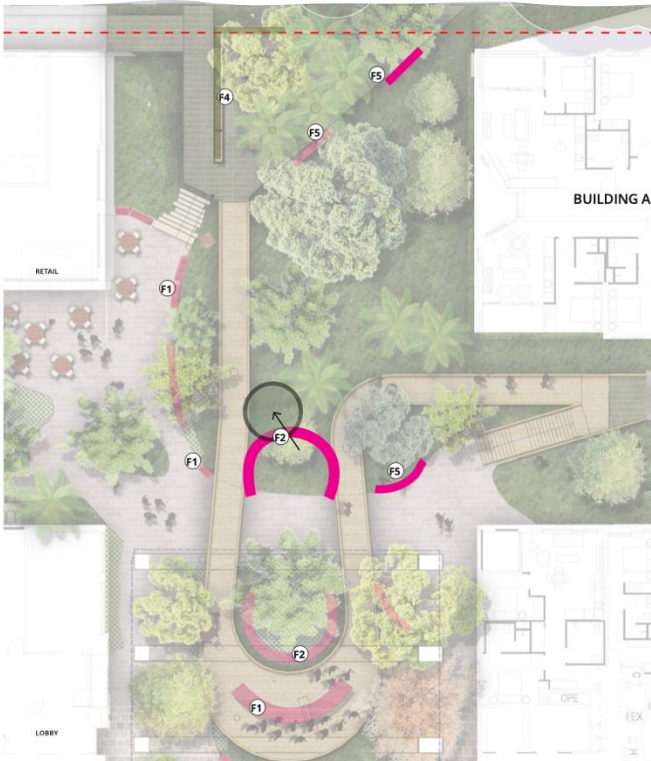
## 7a. Through-Site Link – Design and Connectivity Issues

- Through site link key public benefit of sites rezoning
- Farr St “Link” is an internal, elevated boardwalk through private open space – not a direct, street-like path.
- Split levels, ramps and stairs make movement slow and inconvenient for everyday users.
- Dense planting, seating and level changes read as a semi-private garden, not an open public corridor.
- Narrow pinch-points create obvious locations for future fencing/doors – easy to close off.
- Outcome falls well short of the intended clear public connection between Farr Street/Wicks Park and Mitchell Street.





# 7b. Through-Site Link – Design and Connectivity Issues



## 8a. Overshadowing Impact

- Inner West DCP. 2.7.3 C – “Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must not be reduced to less than two hours between 9.00am and 3.00pm on 21 June”;
- The applicant’s June 21 diagrams show the proposal compared with the applicant’s “20% bonus” envelope, the proposal still increases overshadowing, including:
  - extra shadow on Farr Street footpath, and
  - Sydenham Road properties, mid-winter sun to the main window dropping from about 2h15 to 1h45.
- There is no specific analysis of build G and therefore its direct impact is unknown.

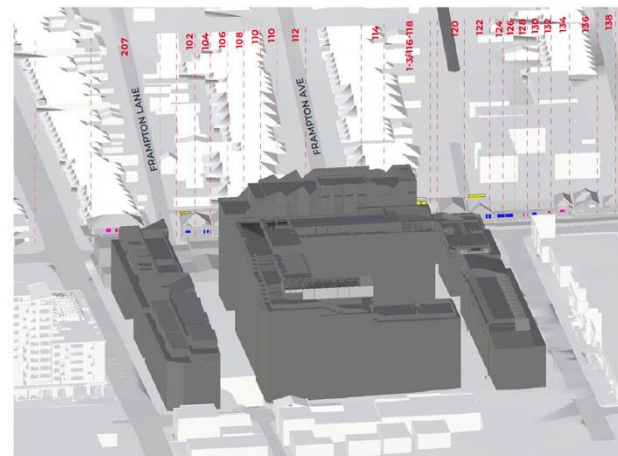
21 June  
09.00am

# 8b. Overshadowing Impact

Proposed Design



Compliant Height Scheme

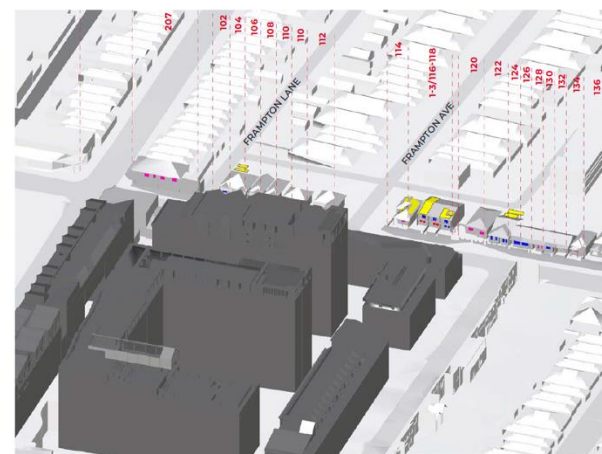


21 June  
11.00am

Proposed Design

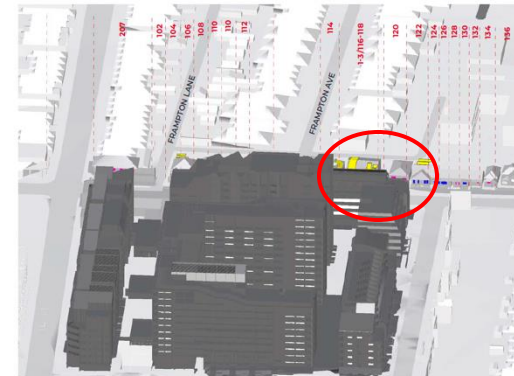


Compliant Height Scheme

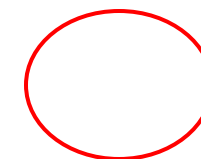
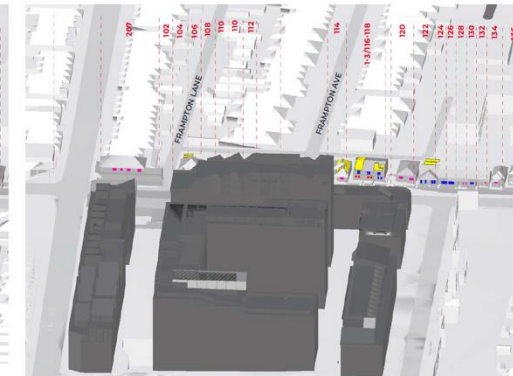


21 June  
10.00am

Proposed Design



Compliant Height Scheme



Areas of impact of building seeking variation (G, F and A)



## 9. Legal Exposure – Clause 4.6

- The height control (including the SEPP bonus cap) must limit bulk, overshadowing and manage transition to Sydenham Rd and Farr St. The largest breaches – about +117% (Building G), +108% (F) and +30% (A) – all occur on those sensitive edges, so the underlying purpose of the control is not being achieved.
- The variation largely treats the delivery of affordable housing as enough to render the height control “unreasonable”, but under Wehbe a standard cannot be said to be unnecessary where its core objective (protecting neighbours’ amenity/solar access and transition) is still being frustrated by the non-compliance.
- For the second limb, the 4.6 reasons are broad and general – density near a station, design quality, strategic consistency – and do not provide concrete, exceedance-specific environmental planning grounds for putting this much extra height on the Sydenham Rd and Farr St interfaces, nor do they test alternatives within the bonus cap elsewhere on the site.
- On that analysis, the variation does not satisfy either limb of the two-prong test in cl 4.6(3), as understood in Wehbe: it neither shows that strict compliance is unnecessary in light of the control’s purpose, nor identifies robust planning grounds for the scale and location of the exceedance.



# 10. Legal Exposure – Existing Affordable Housing & SEPP Bonus

- Division 1 of the Housing SEPP requires **new in-fill affordable housing** – in this context, the 10% requirement is intended to represent **additional** affordable housing on the site.
- There are **10 existing dwellings on Farr Street** within the site that were very recently used as affordable rentals but vacated by the owner in 2025.
- Therefore, the net **new** affordable housing outcome is unknown.
- Those dwellings are likely relatively larger homes than the small affordable apartments now proposed, and would therefore represent a larger proportion of floor space than their number
- If the IPC cannot be confident that the claimed 10% is genuinely additional **new affordable housing**, any approval that relies on that figure to justify the bonus and extra height is built on an uncertain factual basis and carries a risk of jurisdictional error.

# 11. What We're Asking IPC Today

*We support housing. We support the redevelopment of this site. We do not support a process that bypasses the local and state planning framework.*

