



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: THE TIMBERYARDS BY RTL CO. (SSD-76927247)

COUNCIL MEETING

PANEL: MICHAEL CHILCOTT (CHAIR)

JUIET GRANT

SUELLEN FITZGERALD

OFFICE OF THE IPC: JANE ANDERSON

TAHLIA HUTCHINSON

INNER WEST COUNCIL: SIMONE PLUMMER

RACHEL JOSEY

RUBA OSMAN

TOM IRONS

JOE BERTACCO

FELICITY HANNAN

ZOE VAN DRUTEN

VICTOR MACRI (Councillor)

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 12:00PM – 1:00PM

WEDNESDAY, 3rd DECEMBER 2025

<THE MEETING COMMENCED

5 **MR MICHAEL CHILCOTT:** So, we have everybody from Council present. That's fantastic. Thank you very much. In which case, I have an opening statement that is part of our formalities to go through, so I'll run through that and then we'll proceed.

10 So, good morning, everybody, in fact we're now afternoon, aren't we, 5 past 12. Welcome to this meeting to discuss the Timberyards by RTL Co. state significant development application, the reference for the case is SSD-76927247, an application currently before the Commission for determination.

15 My name is Michael Chilcott and I'm the Chair of this Commission Panel. I am joined today by my two fellow commissioners, Juliet Grant and Suellen Fitzgerald. I'm also assisted today by our colleagues from the Commission Secretariat, Jane Anderson in the room with me, and Tahlia Hutchinson.

20 I'd like to acknowledge that I'm speaking to you from Gadigal country and I acknowledge the traditional owners of all the lands from which we virtually meet today and pay my respects to their Elders past and present.

25 In the interests of openness and transparency and to ensure the full capture of information during this session, today's meeting is being recorded, and a complete transcript of that recording will be produced and made available on the Commission's website.

30 The meeting is one part of the Commission's considerations of this application, and it will form one of the sources of information upon which the Commission will base its determination.

35 It important, obviously, for commissioners to ask questions, have the opportunity to ask questions to clarify issues during this meeting. And if you are asked a question and you're not in a position to respond to it today, please feel free to take the question on notice and provide any additional information in writing, which we will then place on our website.

40 I request that all participants here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over the top of each other, to ensure accuracy of the transcript.

45 Can I also ask for each member joining from the Council to introduce themselves and, if applicable, provide a verbal declaration of any actual or potential personal interest that you may have in the project.

Thank you. Let's commence. Can I just check whether there are any declarations of interest to be placed on the record before we formally start discussions?

MR JOE BERTACCO: No.

MR CHILCOTT: Great. Thank you very much. There's an agenda which has been prepared and which I hope you all have copies of. Can I just ask if firstly your comfortable moving with that, or whether there's anything further you wish to add?

5 **MR TOM IRONS:** Yes, we're comfortable with that. We do have a little presentation too, which overlaps some of the issues that you've raised as well.

10 **MR CHILCOTT:** All right, fine. Can I just ask perhaps it's worthwhile just from our point of view to understand which of you is doing which particular job in relation to the application. So, can I just invite you to quickly introduce yourselves onto the record.

15 **MS SIMONE PLUMMER:** Thanks very much, Commissioner, I'll start. I'm Simone Plummer. I'm the Director of Planning for Inner West Council. Could I pass to my colleague, Rachel Josey.

MS RACHEL JOSEY: Morning, Commissioner. My name's Rachel Josey. I'm the Senior Manager of Development Assessments. And I'll hand to Ruba.

20 **MR CHILCOTT:** Thank you. And next voice.

MS PLUMMER: Ruba?

25 **MR CHILCOTT:** Thanks, Ms Osman. She's looking for the 'on' button for the microphone.

MS SUELLEN FITZGERALD: Left-hand corner down the bottom.

30 **MR CHILCOTT:** That's fine. We'll leave you to, to come back to, Ms Osman.

MR IRONS: I'll jump in. Yes, I'm Tom Irons. I'm a Team Leader in Development Assessment and I helped coordinate Council's responses to date. I'll hand over to Joe.

35 **MR BERTACCO:** Hi, I'm Joe Bertacco. I'm the Coordinator Development Engineering.

MR CHILCOTT: Thank you.

40 **MS FELICITY HANNAN:** Hi, I'm Felicity Hannan. I'm an Acting Senior Planner and I was helping look at the response.

MR CHILCOTT: Thank you.

45 **MS PLUMMER:** And Commissioner, that, I think, is all of the Inner West. But could I also introduce Councillor Macri, who is a Ward Councillor for Marrickville. Councillor Macri.

CR VICTOR MACRI: Yes.

MR CHILCOTT: Thank you, Councillor Macri. I also have – I'll just recognise Ms Osman is having trouble getting her microphone on, and Ms Van Druten as well.

5 **MS ZOE VAN DRUTEN:** Yes, hi. I'm Zoe Van Druten. I'm an Assessment Planner at Council. I help prepare the responses.

10 **MR CHILCOTT:** All right. Thank you. And Ms Osman, hopefully at some point you get your microphone on and, if you have something to contribute, we'll hear from you in due course. Thank you.

Mr Irons, you were going to take us through a presentation.

15 **MR IRONS:** Yes, I'll ...

20 **MS PLUMMER:** If I may while Tom is preparing that. Commissioner, I could just say just a couple of opening sentences in regard to this application. In the context of our Fairer Future Plan, which is Council's response to both the transport-oriented and low to mid-rise development, and to say that largely we would acknowledge that the 25 Timberyards application sits neatly and appropriately within that framework. And accordingly, its response to the housing crisis and therefore Inner West Council's response to the housing crisis is welcomed.

30 Notwithstanding that, Tom will, however, take you through a small number of issues that remain of concern, that require some form of resolution, we think, beyond that represented by the Assessment Report provided by the Department and the response provided by the Applicant, in order to ensure that this application makes a strong, positive contribution to our community in the future, given the context of our Fairer Future Plan.

35 Thank you for indulging me, and I'll hand to Tom.

MR CHILCOTT: No indulgence, all fine. And I'll just note that we do have of course before us your comments, most recently I think the 5th of September. And we've had the opportunity to review those, so just by way of background. Thank you.

MS PLUMMER: Thank you.

40 **MR IRONS:** Thank you. I'll try and share my screen. Just let me know when you can see that.

MR CHILCOTT: That's up now our end, I think, Mr Irons. Thank you.

45 **MR IRONS:** Thank you. Look, I'll just start with that acknowledgement of country. We acknowledge the Gadigal and Wangal peoples of the Eora nation who are the traditional custodians of this land on which we're speaking from. We also pay respect to Aboriginal Elders past and present and acknowledge their young people who will be our future leaders.

Look, I think Simone did touch on some of the benefits. Obviously, there are many benefits from this proposal, and we don't want to gloss over those. It's providing a lot of housing, a lot of which is affordable housing and build-to-rent housing, so we're definitely supportive of that. There's a lot of public accessibility to the site as well and through site links. And there's contributions to canopy cover going from industrial to a more mixed-use environment. And there's some commercial spaces too. So, there's some great benefits from this proposal that we acknowledge and support.

There are some issues that we did raise throughout the submission periods, which you've probably read in our submissions. And our most recent one to date probably honed down on the big-ticket ones that we felt still hadn't been addressed, despite being raised a number of times before.

So, we'll just run through those and as I said, there's a bit of overlap in some of the topics that you as the Commission wanted to discuss as well. So, feel free to hop in at any time and ask any questions.

Waste and recycling. So, there'd been ongoing discussions with the Applicant about, obviously Council has to service this site, it's a residential development so we're ordinarily the body that collects residential waste, we don't collect commercial. The Applicant was relying on a twice-a-week general waste collection and once-a-week recycling collection. We don't have the resources to facilitate that.

So, after numerous discussions and requests for them to expand their waste collection areas to be able to facilitate enough bins for collection schedule. Also, we note no changes to the waste storage area were incorporated, instead the Applicant requested that the site be serviced by a private waste contractor for the residential component.

Ultimately, we had to relent on that point in the end because the application was going forward and we're not the determining authority, so we really just had to accept that and then recommend some conditions to address that, which the Department has incorporated, which is that, of note there's a positive covenant on the site which requires the residential waste to be collected by a private contractor.

The issue we have with that is although that will be on title and that will be the agreement between Council and the site operator, our experience is at any point in the future the operator of the site could, for whatever reason, wish Council to begin servicing the site or extinguish its current private contracts. We have had the experience before where through our advocacy and pressure applied on the organisation, we have to relent sometimes and service these sites.

So, we're just a little concerned that the site is not future-proofed. So, if that scenario does arise in the future and Council is compelled to service the site for any number of reasons, in terms of collecting the waste, there won't be enough – the facilities aren't adequate for us to service it with the resources we have. So, we can only facilitate, as I said, once-a-week general waste collection, whereas the site in itself can only hold bins enough for twice-a-week collection.

5 So, it's a less-than-perfect solution to something that we have raised throughout the assessment process. A solution to this would be to increase the holding areas in the basement and the temporary holding area on the ground level, so the site is future proofed if down the line there is a need for Council to service the site.

10 The development, even though there's private collection that they've opted in for, there still will be a double dip, almost a double application of charges. We won't charge the site for the full waste collection service, there'll still be an availability charge which, sorry, it says on the screen, which is pretty much everything other than the three-bin service.

15 So, there will be a doubling up of charges which is, in our experience, sometimes the instigator or the reason why an operator/a landowner would come back to us and want Council to site-collect because they aren't too favourable on paying double charges for the waste collection.

20 Look, so that's that issue. The main issue, to summarise, is the future proofing of the site. We're just concerned that down the line, which has been our experience, we might have to service this site. Not saying we will, but it's been our experience before that when pressure is applied either politically or through other means, we have to relent and service sites. And this is a very, very large, probably on the larger scale.

25 I'll move on, unless you have any questions on that one.

30 **MR CHILCOTT:** Just to be clear about the constraint. It's the amount of resources rather than the design of the building per se. I understand the issue about the issue about the volume of waste, but it's not a matter from Council's perspective of whether trucks can get in and out and so forth and collect waste; it's about the availability of resources to do it at the frequency that's required, given the volume of waste storage capacity that's provided within the building design.

35 **MR IRONS:** That is correct. I believe our trucks can still service the site; it's just the holding area's not sufficient for us to service it once a week for general waste. The bins would be full; they need to be collected twice a week. We can only collect them once a week because of the resourcing we have and the available amount of waste vehicle trucks.

40 **MR CHILCOTT:** Thank you.

45 **MR IRONS:** Okay. I'll move on. Traffic is the next issue, and this is something that I know the Commission wants to talk about as well. We have Joe here, just a brief overview, obviously, the Sydenham and Victoria Road intersection is failing at a number of points throughout the week, with long queues.

There was a VPA on the site which required the intersection upgraded, Victoria Road and Sydenham Road. That has now been, our understanding is that Transport for NSW has revoked that or are in the process of revoking that, and have replaced it with a

monetary contribution in lieu of that, in the form of a VPA. That's the issue in a nutshell. And then, Joe, I might handover to you, if you want to explain in a little bit more detail the nuances of that issue.

5 **MR BERTACCO:** Yes. Essentially, like we said previously, there was the availability for road widening in the upgrading of that intersection to allow an additional right-turn bay from Victoria Road into Sydenham, and another left-turn bay from Sydenham into Victoria Road. That was mainly because of the length of queues that were being experienced, and they still are, on Victoria Road and Sydenham Road. During peak hours on Sydenham Road, the queue in morning peak goes back 150 metres, almost to where Farr Street is. And on the Saturday peak, the queue even goes past Farr Street.

10 So, we think that the signalised intersection should have been part of this development. And yes, we still hold by that. Essentially, that's the – our main issue with the traffic, is that the signalised upgrade is not part of this development, and those corner sites have been left off.

15 **MR CHILCOTT:** All right, thank you. The conceptual design for the upgrade, you mentioned road widening, part road widening of Victoria Road, part on Sydenham.

20 **MR BERTACCO:** That's correct.

25 **MR CHILCOTT:** And the installation of dedicated turning lanes right from Victoria into Sydenham and left from Sydenham into Victoria. Is that what you said?

MR BERTACCO: That's correct, yes.

30 **MR CHILCOTT:** Thank you. Does the road corridor have the capacity to provide for the road widening, or is it a property acquisition matter as well as a ...

35 **MR BERTACCO:** Yes, the road widening is part of the LEP on that site.

MR CHILCOTT: Are the corridors in place?

40 **MR BERTACCO:** They're not in place. It'd have to be dedicated as part of redevelopment.

MR CHILCOTT: Okay. Thank you. Thanks, Mr Irons.

45 **MR IRONS:** Okay. Just a few more matters in relation to traffic and parking and it probably overlaps with the conditions a little bit. As mentioned, so they've replaced the VPA which included that land dedication and splay on the corner of Sydenham Road and Victoria Road to a monetary contribution for VPA for, I believe it's our infrastructure upgrades, regional upgrades, we're not quite sure.

But we thought it would be very beneficial and logical if that money could be channelled into the upgrades of the surrounding infrastructure of this development. We're not sure of the mechanisms of how that money is funnelled. Our understanding

is it's going to be contributed to a larger pool for regional infrastructure upgrades, not necessarily that are going to benefit this site. So, we just feel like the VPA has been changed from a site-specific benefit facilitating a larger development, to something that's going to be dispersed more widely.

5

And I just note also that the Applicant's and the Department's rationale for perhaps not requiring the upgrade partly relies on the fact that a Green Travel Plan will be prepared, a robust one that will reduce the need and dependency of car travel. Well, the first thing is that Green Travel Plan is a condition of consent, so we haven't seen that.

10

And it relies on a number of things that we're not sure that would be guaranteed, one of which is a car-share scheme. So, they're proposing 22 car-share spaces in the basement. There's very little detail on that, it's meant to be self-managed, which raises concerns about how that is going to be managed and how that's going to be – its ongoing operation is going to be policed, if you will. And also, there's no condition actually requiring 22 car-share spaces to be provided within the basement. It just nominates the number of car parking spaces in its entirety.

15

So, I think that requirement for the car sharing is not reflected in the conditions. It might appear in the Green Travel Plan, but again the Green Travel Plan is a condition of consent. So, yes, just a little bit of concerns about how those are actually going to be implemented and maintained going forward in the future.

20

We also note that the Green Travel Plan – sorry, another justification that the Department's put forward as to why the intersection upgrade doesn't need to be implemented is that the Victoria Road ... Sorry, a signalised pedestrian crossing is going to be included on Victoria Road, but later in the report it said that Transport for NSW don't in fact support a signalised pedestrian crossing on Victoria Road for traffic reasons. So, it's used as a justification in one instance but then Transport for NSW are not in fact supporting that signalised pedestrian crossing.

25

MR CHILCOTT: Mr Irons, is there not a signalised pedestrian crossing at that intersection of Victoria Road and Sydenham Road already?

30

MR IRONS: Oh sorry, I think it's a mid-road signalised crossing, if I'm correct.

MR CHILCOTT: Oh sorry, my apologies. Thank you.

35

MR IRONS: Yes, I think it's meant to line up with the through-site link through the site. Yes.

MR CHILCOTT: Thank you. No, that's helpful. Thank you.

MR IRONS: That's all right.

40

MS FITZGERALD: But Michael, if I could just follow on from that point.

MR CHILCOTT: Yes, Suellen.

MS FITZGERALD: Tom, there is an existing pedestrian signalised crossing point at the intersection of Sydenham and Victoria, yes, there is currently, yes?

5 **MR IRONS:** Yes, that's right.

10 **MS FITZGERALD:** Yes. This is a heavily pedestrianised development; the Applicant describes it as such. In your experience, are you anticipating any further pressure from just pedestrian traffic at Sydenham and Victoria intersection? Because there'll be a fair bit of pull factor, won't there, down to the Metro Station and potentially to the Marrickville Shopping Centre. Is that something that Council has any thoughts about?

15 **MR IRONS:** Yes, I definitely think that's true. Joe, is that something that they've put their mind to, or we've considered in our submissions to date? Oh, you're on mute, Joe.

20 **MR BERCATTO:** Yes, there definitely are other pull factors, not only this development, down to Sydenham Station and to the Marrickville Metro. We are improving some of the pedestrian paths and links from Marrickville Metro down to Sydenham Station also. Yes, so we do recognise that there'll be large pedestrian activity.

25 **MS FITZGERALD:** Mm-hm. Okay, great. Thank you. Thank you, Joe. Thanks, Michael.

MR CHILCOTT: That's okay. Just in relation to the mid-link proposition. Is that to connect the central pedestrian corridor through to the development on the other side with the Harris Farms? Is that the proposed location of it?

30 **MR IRONS:** Yes. I believe it's about where it says Victoria on the map that you can see there. So, I think ...

MR CHILCOTT: Yes, through there.

35 **MR IRONS:** Which aligns with the through-site link of the subject site. So, yes, that will connect through to Wicks Park, essentially, and the properties to the south.

MR CHILCOTT: Thank you.

40 **MR IRONS:** Okay. So, another issue that was raised in our most recent submission was the height of Building G. So, Building G, you can see, it's probably most instructive to look at the bottom-right image. The red line is the height plane. So, and you can see the top right is our Master Plan in the DCP which anticipated three-storey buildings on Sydenham Road. Granted, the infill affordable housing clause in the 45 Housing SEPP has effectively – permits probably more like a four-storey building on the site if somebody opted in for that.

5 What's proposed is an eight-storey building, Building G. We have concerns that the corner site, which is the group of sites that aren't being included in the subject proposal, there isn't going to be an adequate transition in height from the eight storeys that is proposed to effectively the three or potentially four-storeyed building that will be anticipated to be developed on that site.

10 As you see, Building G has a variation of 117%, which is 15 metres, which is about four to five storeys more than was anticipated in the master planning. There's also the issue of on the other side of Sydenham Road and you've got one and two-storey houses. So, that three-storeyed built form was really meant to provide a transition from that denser core of up to 14 storeys down to the low-density residential zone and provide a more, less hard-edged street presence on Sydenham Road.

15 So, our main concerns are about future transitions, and this is really in accordance with the desired future character of the area, which was outlined in our Master Plan in the DCP.

MR CHILCOTT: Thank you.

20 **MR IRONS:** The other issue is, which kind of ties into what we were just talking about, is the site isolation of the corner site. You're probably across this. There were a lot of discussions about – there was a lot of desire from Council for the Proponent to acquire these corner sites to make it, which for a number of logical reasons, to ensure this whole block would be developed at once.

25 We have been in some ways been left in the dark a little bit about the information and the offers that have been made by the Applicant to those landowners. It's important to know that we've had discussions with the landowners, obviously, as we're in a way representing them in this application, that the offers that were made to them – we've been hearing a number of things, ranging from the offers that were made to them were, initial offers were well below market value.

30 35 We heard in one instance they were given the offer, the monetary offer that was made was the land tax value of the site, that communication with the Applicant was very poor, in that when an offer was made, the number that they were told to call, no one would ever pick up the phone and it was very, very hard to communicate. And then there were a bunch of caveats on the actual agreements, like the sale would only go forward if all the blocks on that, sorry, all the sites in that little corner would be acquired.

40 45 So, obviously for privacy reasons, we weren't given any of the offers or the evidence that those offers were made to those sites. Nevertheless, the Department considered that they were adequate, so the offers were adequate and the offers weren't accepted. I think the report states that only four of the landowners accepted. I think that was an evolving – sorry, I should take a step back.

Towards the end of the assessment process, it seemed like almost all landowners were actually on board to sell. But I think that the Applicant and the Department's position

5 was “the ship has sailed on that,” it’s perhaps too late to go back and revisit that. So, notwithstanding that, obviously the second test of the site isolation principle is to then assess will the site be isolated. We still think it would be isolated. The schematic that the Applicant put forward, which is shown in the bottom-right there, they provided obviously detailed floor plans, is highly constrained.

10 It's obviously sited to the south of the Timberyards development, so solar access was a massive issue that we picked up. The schematic that the Applicant put forward was a very specific mix of uses and configurations to try and tick as many boxes as possible. So, it was a mix of co-living and market units in such a configuration to try to maximise solar access to the units that needed it.

15 So, we just – we’re really not convinced that this corner site will be able to achieve a compliant development in accordance with the ADG. Number one, we anticipate most likely that a shop-top housing development would be desired and the most economically advantageous development for the owners and any prospective property developer for the site.

20 What the Proponent has put forward is not a shop-top housing development, rather a mix of co-living and market units. And that a shop-top housing development wouldn’t comply with the ADG requirements such as solar access, communal open space, other big-ticket controls like that.

25 So, the schematic they’ve put forward, we’re not convinced that it does demonstrate that the site can and will develop in the future. It also relies on a number of elements that, from a planning point of view, if an application comes to Council, we would unlikely support. For example, it relies on a mechanical turntable in the basement for any waste collection or loading and unloading, which is something that we do not support because of our experience in that they generally do at some point fail, and then 30 you’ve got an issue of, well, waste trucks can’t get down there if they do fail. And it’s our experience that they do fail quite regularly.

35 So, yes, look, in essence, we’re not convinced with the schematic that they put forward that the site can be developed in the future, and that it’s a realistic representation of what any prospective developer would want to do on the site, or make it feasible for them to acquire the several sites to turn it over. So, we do think these sites will just sit there languishing. And this was a really great opportunity for these sites to be incorporated into a large development.

40 We did note that these were perhaps conveniently the sites that the Timberyards, the owners didn’t own themselves. So, we were just a little bit – we had our reservations about the earnestness and the commitment to actually acquiring these sites during the process. But again, we weren’t privy to all the information that was available to the Department. So, we hope that the Commission is privy to that information and can review that and make sure that the tests that they’re required to go through had been 45 met.

MR CHILCOTT: Thank you.

5

MR IRONS: Yes. And look, I know you wanted to have a quick chat about the voluntary planning agreement. So, there were discussions with the Proponent and Council about a voluntary planning agreement being entered into to offset or receive a concession for some of the 7.11 contributions. Those negotiations have effectively never really got off the ground.

10

We weren't really of a mind of – what was being offered by the Applicant wasn't really what we would ordinarily accept as a voluntary planning agreement, in that they were things that, as it says here, things the Council is required to provide, not own, so we couldn't manage them directly. So, they're offering some community spaces that we wouldn't actually own and operate. And some other community facilities.

15

So, effectively, there's no voluntary planning agreement, nothing's been discussed, and what we are anticipating is that the full 7.11 contribution, just talking about \$22 million, will be paid and a condition of consent has been imposed by the Department in line with that.

20

MR CHILCOTT: So, just to clarify, you said that the condition as you drafted has been opposed by the Department.

25

MR IRONS: The Department has their own wording for a 7.11 contribution condition, and that is the one that's being opposed. Effectively, it just says, "Before the first CC is issued, pay contribution in accordance to Council in accordance with Council's contribution plan." So, it just sends them to us, at which point we will calculate and take the payment of that 7.11 contribution.

30

MR CHILCOTT: And is that consistent with the way other SSD conditions of consent have been crafted?

35

MR IRONS: Yes, we did look at a couple of others, and it's been – they seem to have a standard wording for that, which is in line with what we see here.

40

MR CHILCOTT: Okay, thank you.

MR IRONS: Yes. And look, and just some comments on some of the conditions that have been imposed. You might have seen the design amendment condition which requires both Building G and Building D to have greater setbacks to that corner site. So, that was one of the issues we had with that corner site in that the buildings that were – the proposed buildings that were adjacent to it weren't equitably providing enough setback for ADG compliance if that corner site was to develop in the future.

45

So, the Department has heard those concerns and have imposed conditions to ensure that those buildings are setback, so that any future development on the corner site would only have to provide an equitable setback on their site in accordance with the ADG.

5 The only thing – we welcome that. The issue we have is that it's a pretty heavy-handed condition to impose on these buildings. And you can see here, so Building – I think that's Building G on the left. That blue line is roughly where an additional 3 metre setback will be setting the building. So, that's obviously going to have a dramatic knock-on effect for the floor planning of the development itself. And same for Building D.

10 So, you're effectively losing units. It's just we're not really sure what it's going to look at in the end. Is this going to be a wholesale reconfiguration? It was just a very large condition which kind of took us a little bit by surprise to see it placed so late in the game. We probably would have liked to see how this would have been played out in a revised design prior to determination. But I think time pressure has probably forced the Department's hand to impose a condition.

15 So, yes, again, there might be units lost, we don't know, we just don't know how this is going to affect the service clause to the lifts, presumably they're going to have to be relocated. It's a pretty big redesign. We welcome the setbacks, we're just concerned about the knock-on effects of it.

20 **MR CHILCOTT:** Thank you, we appreciate that.

25 **MR IRONS:** That's okay. So, look, and just one more condition that we really thought we'd like to see put in. Probably falling under the hours of construction subheading. Just that, sorry, the second dot-point is what we'd like to see. "Any standing plant or special out-of-hours works may only be carried out outside the permitted hours of construction if the relevant permit has been attained by Council."

30 It's just not very clear in the conditions how the mechanism and who the Applicant and the builder goes to if out-of-hours construction is wanted. And it's just informing them that you go to Council to receive the relevant permit. I think our experience is that a lot of big builds want to do their pouring out of hours, which we may permit. But we just wanted to make it clear that that's the mechanism that they would use to go about that.

35 **MR CHILCOTT:** Thank you. And does that read correctly, is it "has been obtained by Council" or "has been obtained from Council."

MR IRONS: I'm happy to say "from", yes.

40 **MR CHILCOTT:** It's just – Council isn't the one who's got to obtain the certificate, is it, it's the ...

MR IRONS: Yes, true, yes, good pick up, yes.

45 **MR CHILCOTT:** Thanks.

MR IRONS: So, we can, sorry, you said earlier that you can reach out to us or we can provide this in writing or in updated wording if that's beneficial for the meeting, yes.

MR CHILCOTT: I think that will be useful just to have on the record anyway.

MR IRONS: Sure.

5 **MR CHILCOTT:** Thank you.

MR IRONS: Look, that's the end of the presentation. So, I'll ...

10 **MR BERTACCO:** While we're here, can I mention another condition that I don't think is on there. It's on ...

MR CHILCOTT: That's you, Mr Bertacco.

15 **MR BERTACCO:** Yes, it is. It's damage bond for against our infrastructure. Most SSDs that I've seen do require some sort of bond be paid to Council. On this, I didn't see any condition requiring a bond.

MR CHILCOTT: And do you propose a condition?

20 **MR BERTACCO:** We had, we did propose a condition in accordance with our fees and charges, but it was left off.

25 **MR CHILCOTT:** So, you think it's been either in some form perhaps inadvertently omitted by Planning in framing their conditions that have been put forward?

MR BERTACCO: Yes, they required them to provide a DLAP and then repair any damage. But there's no bond requirement, so it'll be – it's very hard to get them to repair when there's no bond.

30 **MR CHILCOTT:** Right, thank you. We'll enquire into that. Thank you.

MS JANE ANDERSON: Still sharing your screen, Tom.

35 **MR CHILCOTT:** We can see all your directory and files that you're otherwise working on.

MR IRONS: Yes, it's all to do with this project, so that's relevant. All good.

40 **MR CHILCOTT:** All right, thank you very much. No, thanks for that. I'll just pause and see whether my colleagues, Juliet or Suellen have any other questions they wish to ask in relation to the presentation materials that we didn't address on the way through?

45 **MS GRANT:** Not from me, thank you. That was very helpful and quite a number of those matters that I think the Council's picked up were also matters that we had also queried and picked up. So, there's a fair bit of consistency with the thinking there.

MS FITZGERALD: Mm.

5 **MR CHILCOTT:** Thank you. If we move through it, it may be useful – yes, if we just go through the discussion points as they're listed. The first one of the matters for discussion is Council's submission to the Department. And you addressed a number of matters in your presentation, but one that you didn't touch on was stormwater management.

MR IRONS: Yes. Joe, I'll probably handover to you for that one.

10 **MR BERTACCO:** Yes, stormwater management we were pretty happy with, except just the public stormwater infrastructure. We requested that the public stormwater infrastructure be upgraded there, because there's a lot of ponding in the streets along all of Victoria Road and Farr Street. There's really only one drainage point at the end of both of those streets. And it's very flat and so the water does buildup in the gutters there. And so, when vehicles drive past, it'll just be splashing pedestrians walking on 15 the footpath.

20 And we suggested that, given the size of this development, it'll be a good opportunity to upgrade the infrastructure so that the water is managed in the road and doesn't sit in the gutter. But that was – we proposed a condition that they provide a stormwater pit every 40 metres on both Farr Street and Victoria Road for the development site, but no, that wasn't picked up.

25 **MR CHILCOTT:** That wasn't taken forward by the Department in its proposed conditions?

MR BERTACCO: No.

30 **MR CHILCOTT:** Thank. We'll enquire into that. So, delivery of that would be a burden placed on the developer if we imposed the condition. Is that correct?

MR BERTACCO: That's correct, yes.

35 **MR CHILCOTT:** Thank you. But there is a draft condition you've forwarded. Thank you.

MR BERTACCO: Yes.

40 **MR CHILCOTT:** Anything else you wanted to touch on in relation to Council's submissions. As I said, I think we've dealt with most of the points in it along the way through the presentation. I don't have anything further.

45 **MR BERTACCO:** I did propose a condition, it's Joe Bertacco again, regarding a pre and post parking survey. We were a bit concerned about the impact this development will have on street parking in the surrounding area. So, we suggested a condition that they do a parking survey before the development commences and then do another one within three to six months after the development to see what the impact of on-street parking would be.

MR CHILCOTT: And just in terms of what one would do with that, Mr Bertacco. It's one thing to have that information, are you suggesting there's some obligation also being imposed on the Applicant should the development ...

5 **MR BERTACCO:** Whether resident parking could be implemented in certain areas where there's a great impact on street parking.

MR CHILCOTT: So, this would be to provide information for Council too.

10 **MR BERTACCO:** That's correct.

MR CHILCOTT: In its traffic committee considerations.

15 **MR BERTACCO:** That's correct.

MR CHILCOTT: Thank you. No, thanks for that. Anything further?

MR IRONS: Nothing further unless anyone else wants to raise anything further?

20 **MR CHILCOTT:** All right, thanks. I'll tick off these others. The Department's Assessment Report, there's obviously matters that we've dealt with along the way again through the discussion on the Department's assessment and the way it sort of flowed through into conditions of consent. Any further comments that Council wishes to bring forward in relation to either the report or the conditions, beyond those already discussed?

MR IRONS: Nothing further on what we've already discussed, yes.

30 **MR CHILCOTT:** All right. Thank you. Construction impacts is obviously, as most of the Inner West, you deal with all the time, a constrained site. And we have information from the Applicant before us in relation to construction impacts and proposals for manage, and we have information in the Assessment Report from the Department. Anything you wish to add to that in any particular way?

35 **MS PLUMMER:** If I may, Commissioner. Just to reiterate the importance of that condition that we've proposed noting the amended wording. Because it does talk about standing plant, special out-of-hours, which means it will cover off issues around work zone and the opportunity for some control over the use of works or standing plant in the public way. And this will be really important around traffic management but also for pedestrian safety.

40 And there have been times when we've had consents go out that have not leaned heavily enough on a condition like that, which has created quite a degree of difficulty around managing safety when we run into problems with working with the developer or building site staff who are less concerned with those extraneous safety matters.

MR CHILCOTT: Thank you. And just for the record, can you just give us the condition number that you're commenting on there.

5 **MS PLUMMER:** So, we might have to take that on notice, Tom, because it was the condition that we put up on the slide that we'll be correcting, and we'll give you perhaps a more fulsome set of words, if that's all right.

10 **MR CHILCOTT:** No, that's great, very welcome, thank you very much. Traffic and parking. Again, we've talked about intersection functionality. We've talked about desires for other crossings and so forth. Anything further you wish to add on traffic and parking beyond what we've already talked about?

15 **MR IRONS:** Joe, have you covered everything?

20 **MR BERTACCO:** Yes, I've covered everything I wanted to say on traffic and parking. The only other thing I want to mention is their Traffic Report did not take into account any growth in traffic whatsoever, even though we know the population is increasing and development within the Inner West is increasing pretty dramatically.

25 **MR CHILCOTT:** All right. Thank you. Stormwater and flooding we just touched on that. I presume there's nothing further to add in relation to that matter at this point.

30 **MR BERTACCO:** No, nothing further.

35 **MR CHILCOTT:** So, the VPA matters we've again touched on that on the way through. And the discussions around the 7.11 contributions. And so, I'm anticipating nothing further really to add at this point.

40 **MR IRONS:** No, nothing further.

45 **MR CHILCOTT:** Thank you. Can I ask whether there are any other matters you want to bring to our attention in relation to the development for our consideration?

50 **MS PLUMMER:** Chair, Simone Plummer again from Inner West Council. Just in respect of the design change condition. If the Panel was of a mind to impose the design change condition, which we have, Tom has run through our concerns about what the impact of the design change condition might be.

55 We'll have the City Architect, which we're recruiting for at the moment, on board – the City Architect for Inner West Council, and we would be, if the Panel Secretary was not of a mind to refer it to the Government Architect for review, we would be very – we would very much like to support the Planning Secretary in view of the amended plans that might arise, with the assistance of our City Architect. Because the knock-on effect of such a significant change being managed by a design change condition is of significant concern to us.

60 **MR CHILCOTT:** No, thank you, we've noted that expression of concern and taken it on board. Thank you.

MR BERTACCO: I've just got one more matter to discuss about condition C2, the Construction Traffic Management Plan.

MR CHILCOTT: Thanks, Mr Bertacco. Just bear with us while we pull that up.
5 Thank you. I've got that, Mr Bertacco. I hope my colleagues have got that as well – Juliet and Suellen, you're right? Thank you.

MR BERTACCO: Yes, it only requires it to be endorsed by Traffic for NSW, it
10 doesn't need to be referred to Council. So, that's a bit of a concern, if we don't get to see it.

MR CHILCOTT: So, you're suggesting the consideration we should have is Council should at least have a view and the opportunity to comment on it on the way through.

MR BERTACCO: That's correct, yes. Because we are the roads authority, essentially, for Farr Street and Mitchell Street, and really also Sydenham Road and Victoria Road, even though Transport for NSW does control traffic.
15

MR CHILCOTT: They're classified roads there.

MR BERTACCO: That's correct, yes.
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MR CHILCOTT: Thank you, noted, thank you very much, Mr Bertacco. Anything further, ladies and gentlemen? All right, look, if that's the case, I'll just double check with my colleagues if they have any further questions. Juliet and Suellen?
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MS FITZGERALD: No.

MS GRANT: None from me, thank you.
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MR CHILCOTT: Jane and Tahlia? All right. Thanks, everybody, I appreciate your time. It's obviously a particularly interesting development and of significant scale, so important to spend the time. So, very grateful for hearing today. Thank you very much.
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MR IRONS: Thank you very much.

[Multiple people say thank you and bye]

>THE MEETING CONCLUDED