



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

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

DEPARTMENT MEETING

PANEL: MICHAEL CHILCOTT (CHAIR)
JULIET GRANT
SUELLEN FITZGERALD

OFFICE OF THE IPC: JANE ANDERSON
TAHLIA HUTCHINSON

DEPARTMENT OF
PLANNING, HOUSING
& INFRASTRUCTURE: PAULINA WYTHES
STEPHEN DOBBS

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 1:30PM – 2:30PM
WEDNESDAY, 3rd DECEMBER 2025

<THE MEETING COMMENCED

MR MICHAEL CHILCOTT: I've got a short statement as you'd expect, to run through, so if you just bear with me while I do that and then we'll move on with the substance of the meeting.

Good afternoon, everybody, and welcome to this meeting to discuss the Timberyards by RTL Co. state significant development application (case reference SSD-76927247), which is currently before the Commission for determination.

My name is Michael Chilcott. I am the Panel Chair for this matter, and I am joined today by my fellow Commissioners, Juliet Grant and Suellen Fitzgerald. We're also joined by Jane Anderson, in the room with me, and Tahlia Hutchinson from the Office of the Independent Planning Commission.

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

The meeting is one part of the Commission's consideration of this matter and will assist us in clarifying issues. It's also – so, I've mentioned it's being recorded. It's one of several sources of information that we use to base our determination.

It's important that we ask questions, obviously, during this session. If you are asked questions and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which will then be put up onto the Commission's website.

I request that all participants here please 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.

We can now commence. Thank you. So, thanks for your attendance again. You've got the agenda which was, I think, agreed between the Commission and the Department for the meeting. Is there any changes you wish to suggest?

MS PAULINA WYTHES: No, we're happy to proceed as per the agenda and kick off with a bit of an overview, if you'd like.

MR CHILCOTT: Yes, will it be you or Mr Dobbs taking the lead in that?

MS WYTHES: I will start and then pass over to Stephen to run through the agenda items. And we're happy to take questions as we go along.

MR CHILCOTT: Great. Thank you.

MS WYTHES: Great. Afternoon, commissioners. I'm Paulina Wythes, Director of the Social and Diverse Housing Assessments Team at the Department of Planning,

Housing and Infrastructure. With me today is Stephen Dobbs, Team Leader from the Social and Diverse Housing Assessments Team. Thanks for inviting us here today to brief you on the Timberyards by RTL Co. development, which is a mix of rental housing, it's a pre-sink style development located in Marrickville in the Inner West local government area.

We will go through a brief introduction of the project and overview of the sites and then go to the key matters as per your agenda. And happy to take questions, as I mentioned.

In terms of this referral to the IPC, I just wanted to make you aware initially that recent changes were made to the Planning System SEPP, so the Independent Planning Commission is no longer the consent authority for build-to-rent proposals where there are more than 50 public objections or an objection from the relevant council. The Minister for Planning and Public Spaces is now the consent authority under the Act due to these recent changes. However, as this project was completed before exhibition, sorry, completed exhibition before the changes and would have typically been referred to the Independent Planning Commission for determination due to the number of public objections, the project has been referred to the Commission under the Minister's delegation. So, I just sort of wanted to highlight that initially.

In terms of our Assessment Report, we've referred that to the Commission for your consideration, and we've carefully considered all the issues raised in submissions and the Applicant's response to issues. Based on our current assessment, we've concluded that the proposal is acceptable and recommends the proposal is approvable subject to conditions that we have included, including a number of design amendments.

We believe that the project is approvable due to a number of factors, being it supports the government's priority to deliver well-located, diverse and affordable housing in a very highly accessible location in Marrickville. It provides a multi-use development, as I mentioned before, a mixed-use development but includes a number of housing types, rental housing types, as well as retail shops. All of which are permissible with consent within the relevant zones, the mixed-use zone and the R4 high-density zone.

We believe the actual built form is consistent with the strategic vision which Steve will highlight, in terms of the future character that's envisaged for this particular precinct, the Victoria Road precinct. And it will deliver improved public domains through the delivery of a publicly accessible plaza, through-site links, pocket park, retail uses.

Through our assessment, we consider there are no unreasonable overshadowing, view or privacy impacts on adjoining development, or adverse traffic impacts to the local network. And overall, our assessment of the internal and external amenity for future residents, we deem as acceptable.

So, on that note, I'll pass to Steve who will cover off on each of the individual items, and happy to stop for the commissioners after each particular topic.

MR CHILCOTT: Thank you.

MS WYTHES: Thanks. Over to you, Steve.

5 **MR STEPHEN DOBBS:** Thank you, Paulina. Good afternoon, Commissioners. My name is Stephen Dobbs and a Team Leader in the Social and Diverse Housing Assessments Team. And as Paulina highlighted, I'm going to run through the presentation. So, if you don't mind, I'll share my screen. Are you able to let me know when you can see that?

10 **MR CHILCOTT:** We can see that.

MR DOBBS: Great. I thought I'd just give a quick overview of the surrounding context and the site itself as it is quite mixed and going through a transitional period. Throughout our assessment, we've really broken the context of the site down into
15 different frontages that the site faces, being Victoria Road, Farr Street and Sydenham Road. As you can see, Victoria Road, surrounding Victoria Road to the east, it contains a mix of older industrial buildings, a public park (Wicks Park) and some newer higher-density development such as Wicks Place.

20 Farr Street to the north and west is predominantly larger lot industrial blocks with some low-rise residential towards the southern end near Sydenham Road. Note the Marrickville Public School is located a bit further up Farr Street. Sydenham Road to the south is the most sensitive interface and that adjoins an existing low-density residential area.

25 And I'd just like to highlight as well that the site was rezoned in 2017 as part of a Victoria Road Precinct Strategy, and that rezoning aimed to transition the area from an industrial site to a vibrant mixed-use precinct supporting higher-density housing types, active street frontages with retail uses, publicly accessible open space, and through-site links to improve pedestrian connectivity.
30

I might move onto the next slide as we do have limited time. From a statutory context, it is split zone. So, it's split between R4 high-density residential and MU1 mixed use. There's a small portion of SP2 infrastructure zone on Victoria Road. No development
35 is proposed in that portion of the site.

The site is subject to multiple height limits, depending upon which area of the site it is, and generally is around 13.2 to 57 metres if you include the 20% infill affordable housing bonus under the Housing SEPP. But it's important to note the site is subject to
40 airspace height limits across the site from 47.6 to 51 metres AHD.

To give an overview of the project, it seeks approval for demolition, site remediation, and construction of seven buildings generally between 5 and 14 storeys for build-to-rent, affordable housing, co-living, retail, public open space. Key features include
45 1,181 dwellings, retail spaces and a publicly accessible park, through-site links and 263 car parking spaces.

So, I'll move onto the agenda, if that's okay with everyone. Does anyone have any questions for now?

MR CHILCOTT: No, that's fine, thank you.

5

MR DOBBS: Great. So, in terms of height, the Department has assessed the appropriateness of building heights by considering each significant building but also each significant street frontage, being Victoria Road, Farr Street and Sydenham Road, and its specific impacts. Each has a distinct character and sensitivity.

10

The site is subject to multiple height controls and an airport limitation which required redistributing floor space from the centre of the centre to the edges of the site in order to accommodate bonus floor space under the Housing SEPP, providing 115 affordable dwellings. With the exception of Building G, variations are mostly confined to upper level and roof forms, and impacts have been reduced through upper level setbacks, articulation and variation to reduce visual bulk.

15

We examined overshadowing, privacy and amenity impacts for each building and frontage and found them to be reasonable, with additional setbacks recommended as conditions for Buildings D and G. The Department considers that the design aligns with the Strategic Vision for the Victoria Road precinct, provides appropriate transitions to surrounding development, and enables the delivery of affordable housing.

20

On balance, the proposed heights were considered acceptable on their merits having regards to site constraints, design quality and planning objectives.

25

I'll briefly run through Victoria Road, Farr Street and Sydenham Road frontages. Victoria Road would have Buildings C and D fronting them, which are both proposed as 8 storeys. The planning framework for this site, for this area, anticipates a mixed-use corridor with active ground floor retail and high-density residential above.

30

The height exceedances in this portion of the site are limited to the upper level sawtooth roof forms and rooftop plant, not the main street wall. Both buildings would maintain a 6-storey wall height, which is consistent with the base LEP height, and upper levels would be recessed by approximately 4 metres.

35

Architectural treatments, including the serrated roof line and articulation aim to visual bulk and reflect the precinct's industrial heritage. And overshadowing to Wicks Park and of Wicks Place remain within acceptable limits.

40

From a visual impact perspective, the Department considers that the buildings align with the intended future character of Victoria Road, which anticipates taller, mixed-use forms, activated frontage. And the design introduces a variation to the skyline and avoids a continuously bulky form.

45

I'll move onto Farr Street which is on the northern side of the site. Buildings A, F and G would front Farr Street, and they vary in height from 5 to 8 storeys. The streetscape

is intended to transition from an industrial to a medium and high-density residential, supported by public domain improvements. And the application proposes this through a pocket park and 24-metre-wide pedestrian link.

5 Building A exceeds the height control by about 7 metres, however, it's generally limited to one additional storey and plant. Upper levels are recessed to maintain a consistent wall height.

10 Building F, I note, has a large numerical variation; it's 14.2 metres, but that's confined to a very small area in its rear. A majority would exceed the height limit by about one storey, and upper level setbacks and angled façades assist in reducing the perceived scale. Building G has a small frontage to Farr Street and the building was redesigned post lodgement and now includes a 12-metre upper level setback from Farr Street to soften its transition.

15 From a visual impact perspective, these buildings introduce articulation, varied forms that break down bulk and provide a clear transition to the emerging medium-density character and vision for Farr Street, and the higher density and taller buildings within the centre of the site.

20 Sydenham Road would have Building G fronting it, which is low density on the southern side, and it's considered probably the most sensitive interface to the site, as that area was not subject to rezoning in 2017. Building G incorporates a 3-storey street wall height with terraced housing, recessed upper levels and a sloping roof form to
25 reduce visual bulk and maximise solar access.

In addition to the 12-metre setback above the fifth floor on Farr Street, the Department have recommended conditions requiring a 9-metre southern setback to upper levels to improve transition and protect amenity to the future development on site on the corner
30 site, which is not included in part of this application.

35 From a visual impact perspective, the design approach provides a reasonable transition to the adjoining R2 zone and the taller buildings within the centre of the site by reducing perceived height, introducing landscaping, and avoiding a continuous wall.

MS WYTHES: Yes, I think on that note, commissioners, the agenda was height and density, but we have covered height first, and wanted to know if you had any questions or would you like us to cover density as well, which is only one slide?

40 **MR CHILCOTT:** I mean, happy to take your slide on density. I think in overall terms, height is the matter requiring more attention in some ways.

MS WYTHES: Okay.

45 **MR CHILCOTT:** But if we receive your advice on density as well.

MR DOBBS: No worries.

5 **MS SUELLEN FITZGERALD:** Michael, can I just get Stephen to just reiterate. The last thing you said there, Stephen, was you consider this to be a reasonable transition to the single storey on the other side of the road, and you mentioned the setback. I'm just looking at that rendering, bottom right-hand corner. You also mentioned landscape – are you referring to that sort of greenery on the setback verandas or terraces or something?

10 **MR DOBBS:** Yes, I apologise that the rendering that you're looking at is not the most ...

MS FITZGERALD: That's fine ...

15 **MR DOBBS:** It is the right one, apologies, I, for a second I thought it wasn't. In terms of landscaping, I'm talking of the ability to provide landscaping between the what's called the corner site and Building G. But also there are podiums which provide landscaping as well.

20 **MS FITZGERALD:** Okay. So, yes, I can see those podiums and the street tree planting. And there's some planting in between the southern end of that building and the adjoining lot, is there?

25 **MR DOBBS:** The original proposal provided a 3-metre building separation from Building G to the external boundary. Through the assessment process, we've increased this to 6, and included an additional condition to increase this to 9. The intent is to be able to provide the through-site connection that can include landscaping within that corridor.

30 **MS FITZGERALD:** Ah, a through-site connection, to be able to go from Sydenham Road into the ...

MR DOBBS: Into the site, correct.

35 **MS FITZGERALD:** Into the site. Okay. Okay, that's interesting. Thank you for that, Stephen. And you mentioned a list of other things that you thought constituted the reasonable transition.

MR DOBBS: Mm-hm, yes.

40 **MS FITZGERALD:** Like the landscaping. And what were the other factors that you mentioned there?

MR DOBBS: So, we talked about providing a 3-metre street wall height.

45 **MS FITZGERALD:** Yes, mm-hm.

MR DOBBS: We talked about upper level setbacks and a sloping roof form.

MS FITZGERALD: Mm-hm.

MR DOBBS: And – I’m just going back to my notes, apologies.

MS FITZGERALD: Yes, no ...

5

MS WYTHES: You also mentioned landscaping, so I think you’ve ... Yes.

MS FITZGERALD: Landscape. Mm-hm.

10

MR DOBBS: And activated frontage through terrace-style housing fronting Sydenham Road.

MS FITZGERALD: Ah, so that’s – right, okay, so that’s terrace-style housing on the ground floor, yes?

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MR DOBBS: Correct, yes.

MR CHILCOTT: I’m not sure that illustration supports that as clearly as you would hope.

20

MR DOBBS: Okay.

MS FITZGERALD: Thanks.

25

MR CHILCOTT: We’re trying to discern the terrace style there is not immediately clear, but perhaps ...

MS FITZGERALD: Yes, great, I can have a close look at that in the plans in the submission, just to reflect that. But that’s useful. Thank you, Stephen.

30

MR DOBBS: Thanks. I’ll continue onto density. So, the Department have assessed density against the applicable planning controls and as well as the site’s strategic context. The proposal achieves an FSR of 3.39:1, which is within the permissible limit of 3.6:1 when accounting for the affordable housing bonus under the Housing SEPP.

35

Concerns about overdevelopment were considered carefully. And the design manages bulk and scale through varied building heights, upper level setbacks and articulation, and 94% of the building volume would actually sit below the mapped heights or the heights plus the 20% bonus.

40

It’s important to note that the proposal provides about 10,000 square metres of open space, which is close to 50% of the site area, and includes those publicly accessible areas as mentioned. And this would typically exceed expectations for a dense urban site.

45

The proposed density supports the precinct’s vision for a higher-density, mixed-use development in a well-serviced location, and enables the delivery of diverse housing,

including affordable housing. On balance, the Department considers the density to be appropriate and consistent with strategic planning objectives.

Happy to answer any further question about height and density.

5

MR CHILCOTT: I'll just check. Juliet or Suellen, any further questions re height?

MS FITZGERALD: No.

10

MS JULIET GRANT: No, thank you.

MR CHILCOTT: Can I just observe in relation to, you've made mention of the conditions that the Department's proposed, in particular B1 and B2, which seek some amendments to setbacks and things. We've had a meeting with the Applicant who have indicated they are likely to come forward with an alternate conditions that provide a different response to the outcome that's being sought by the Department and, in their view, is a superior result. That'll obviously need to come through and be referred to you for your view in relation to that as well.

15

MS WYTHES: Thanks for letting us know, Commissioner Chilcott. Happy to look at that. I think we would just reiterate just the outcomes we were trying to achieve through the amended conditions.

20

MR CHILCOTT: No, absolutely. And the response to the outcomes will be basis for your assessment and advice to us in due course.

25

MS WYTHES: Thank you.

MR CHILCOTT: Thank you.

30

MR DOBBS: The next item on the agenda was site isolation or potential site isolation. So, concerns were raised by the public and in Council's original submission about the potential of site isolation, because eight properties on Sydenham Road and on Victoria Road were not part of this application.

35

The Department have assessed this issue against the LEC Court Karavellas planning principle which sets a two-part test. The Department is satisfied that reasonable attempts were made to acquire the land and that the adjoining corner site could be developed independently.

40

To address amenity concerns, we have recommended increased building setbacks for Building D and G to improve the privacy and solar access. Notwithstanding we've also considered overshadowing and the many impacts and found them to be reasonable on the corner site, given the site's future strategic vision and land use zoning.

45

Happy to move on if anyone else doesn't have any questions.

MR CHILCOTT: That's fine, thank you.

5 **MR DOBBS:** The next item was construction impacts. The construction is expected as part the Applicant's information to take approximately two-and-a-half to three years, if approval was granted, starting early in 2026 and finishing by mid-2029. And the Department have recommended specific conditions of consent to mitigate or reduce the impacts of construction to nearby landowners.

10 These include limits on hours of construction and high-noise activities, construction management plans, dust suppression and vibration measures, pre-impost construction dilapidation reports for adjoining reports, and waste management strategies for demolition and excavation phases.

15 I can also touch on vehicle movements, construction access or noise and vibration if the IPC wishes.

MR CHILCOTT: If you could, I'd certainly value it.

MR DOBBS: Yes, sure.

20 **MR CHILCOTT:** We're still in reasonable time, so.

25 **MR DOBBS.** Yes. So, vehicle movements were predicted by the Applicant to peak, heavy vehicle movements, I apologise, during excavation and construction pours with up to 50 to 60 trucks per day during excavation and 35 to 40 trucks per day concrete pours.

30 Construction access is proposed via Mitchell Street, Sydenham Road and Farr Street, depending upon the stage and the building itself that's being constructed. And unloading areas are located internally.

35 In terms of noise and vibration, the Department assessed construction noise against the Interim Construction Noise Guideline and found that the most significant noise impacts would occur during demolition and excavation, and that temporary exceedances of the noise management levels may be expected at nearby receivers. And to manage this, we've recommended conditions requiring detailed construction and noise and vibration management plans, acoustic barriers surrounding the site at 2 metres high, restrictions on high-noise activities including respite periods, advanced notice of high-noise activities, and no out-of-hours deliveries.

40 And we have recommended the Interim Construction Noise Guideline hours of construction of 7 a.m. to 6 p.m. Monday to Friday and 8 a.m. to 1 p.m. on Saturdays, with no works on Sundays or public holidays. I note this is more restrictive than what Council had recommended in their conditions of consent, which was 7 a.m. to 5 p.m. Monday to Saturday inclusive, with no limits on high-noise activities.

45 In order to management traffic and safety, conditions require a detailed Construction Pedestrian Management and Traffic Plan to manage truck movements and pedestrian

safety, and this includes hoardings and pedestrian safety signage, and management plans to ensure that equal movements occur safely with respect to pedestrian safety.

I'm happy to move onto construction car parking.

5

MR CHILCOTT: Thank you.

MR DOBBS: So, as the site is within a highly urbanised context, no on-site parking for workers has been proposed by the Applicant. To manage parking and transport impacts, the Department have recommended conditions that require a workers-specific Green Travel Plan detailing measures to encourage public transport, cycling or walking, clear communication during site inductions about transport options and restrictions on private vehicle use, provisions of secure bike parking and end-of-trip facilities for workers on site.

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15

And then we get to operational car parking. I'm happy to stop there if there's any questions, or keep going.

MS GRANT: On the construction traffic, Council did raise with us that the way that the condition's worded is that that CTP&P goes to Transport for NSW for approval rather than Council. And they made the point that given that they are the local roads authority for at least two out of those four roads, that they should have a role in that. I presume there's a way of adjusting the condition that would accommodate their input and oversight as well.

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25

MR DOBBS: We would be open to any changes to those conditions. I will note that Transport in their recommended conditions of consent did want to review it as well.

MS GRANT: Yes.

30

MR CHILCOTT: No, I understand. They requested, I think, not unreasonably, that given their role in terms of local roads, they ought to have at least the opportunity to review the plan and make comment.

35

MR DOBBS: Yes.

MS WYTHES: We can definitely consider an amended condition and provide feedback on any workability and enforcement.

40

MR CHILCOTT: Thank you. Can I just touch on the Green Travel Plan, which is obviously a good initiative, if one level. But is it your view that the site won't require tradesmen to be turning up in vehicles and therefore occupying large volumes of parking in the area?

45

MR DOBBS: That's a difficult question for me to answer.

MR CHILCOTT: There seems to be a reliance and expectation that tradesmen will come via public transport or some non-vehicular means to the site.

MR DOBBS: I certainly think we can take this to ...

MR CHILCOTT: Certain tradesmen have tools and kit that travel with them often.

5

MR DOBBS: So, the expectation is to encourage alternative transport modes, and part of the Green Travel Plan may include provisions of tool drop-offs where a worker may be on site for multiple days or weeks or months at a time. And I'm happy to elaborate on that further or the condition further, if required.

10

MR CHILCOTT: No, I was keen to hear those sorts of details. Just so that the expectation is understood that there will be not to be daily transport of tradesmen's materials and tools. But the expectation is the plan would include requirements along the lines that you've described of drop-off for extended trades works by tradesmen on the site rather than needing to come and go everyday with a vehicle. Thank you for that.

15

MR DOBBS: Thank you. In terms of operational car parking, the Housing SEPP sets a non-discretionary development standard of 0.2 spaces per dwelling for development and where build-to-rent is proposed within Sydney. For 1,181 dwellings, this equates to 236 car parking spaces, and the proposal provides 238 residential car parking spaces, meeting this requirement.

20

I'm happy to elaborate on why we think this is acceptable or take any questions on car parking.

25

MR CHILCOTT: Yes, I'd like some commentary in relation to that, and particularly in relation to why the – I'll try and get wording right here, I'll look to my colleague, Jane, beside me. There's a sort of 0.2 generic level requirement placed on the development. But is it build-to-rent or ...

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MS JANE ANDERSON: So, the infill affordable housing.

MR CHILCOTT: The infill affordable housing requires somewhere between 0.4 and 1 per dwelling. So, how is it that it comes to be uniformly 0.2?

35

MR DOBBS: I'm happy to comment on that. So, the development, we believe the development fulfils the definition of BTR housing under the Housing SEPP because at least 50 dwellings under residential tenancy agreements are proposed on one lot.

40

Section 74 of the Housing SEPP sets non-discretionary development standards for BTR housing and refers to the development as a whole, not individual dwelling types or bedroom numbers. In contrast, section 19 which you referred to for infill affordable housing, provides car parking rates for both affordable and non-affordable dwellings at the individual dwelling level and bedroom level.

45

We consider that the applicable non-discretionary development standard that can be applied is 0.2 spaces per dwelling across the development, in line with the BTR

provisions. And as this application is lodged under the BTR provisions and SSD pathway and delivers a single integrated rental precinct, and there are no build-to-sell units, and we believe that this pathway is designed to treat the project as one cohesive development, not as separate dwelling types with the different rules.

5

Applying section 74 reflects that intent and provides consistency for the development, and the Department considers that this is the most accurate provision to apply because its wording governs the development and aligns with the policy objectives of build-to-rent.

10

MR CHILCOTT: Although the description of the project does include quite specific separate elements for build-to-rent, co-living, affordable housing in discrete locations and discrete buildings.

15

MR DOBBS: The development does include different housing types, typologies under the Housing SEPP. I will reiterate our point that section 74 applies to the development rather than an individual development, rather than an individual unit. So, we've taken the fact that it meets the definition of build-to-rent with at least 50 dwellings occupied under a residential tenancy agreement, and apply that rate to development as a whole.

20

And considered the way that the discretionary development standards are worded, that this is the most applicable standard that would in effect overrule the other discretionary development standard under the infill affordable housing section.

25

MR CHILCOTT: And is this an approach which has been – which is consistent with the application of the parking requirements under the SEPP for different types of housing that has been applied in other developments?

30

MS WYTHES: Commissioner Chilcott, this one's quite a unique example of a mixed housing type approach. Other applications that we've had before the Independent Planning Commission have been purely build-to-rent or purely affordable. This one is a unique mix of build-to-rent, co-living, affordable. But in terms of our interpretation and the applicability of the non-discretionary standard, we've taken this development, as Steve has mentioned, as a whole precinct, and so we've applied the 0.2 minimum NDDS to this site as it applies as a whole.

35

So, we are of a view that based on the proposed car parking arrangements, the non-discretionary development standard as it applies to car parking has been met. And that has been sort of our approach to this particular application. But it is quite different to other applications, but maybe something that we will need to be looking at in the future as developers are doing quite mixed types of developments. They're very different to some of the other projects that we've put forward to the IPC.

40

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MR CHILCOTT: Look, that's helpful, because it indicates that whatever approach is adopted here, sets potentially a precedent, at least in the assessment process. And this is a first, is what you are telling me. So, hence some particular attention to it is warranted along the way.

And can I just ask, in the assessment process from the Department's side, did the Department engage with the Department's legal team to confirm that that interpretation was in fact the preferred one?

5 **MR DOBBS:** Not on car parking rates.

MR CHILCOTT: Okay. So, it hasn't been subject to legal review at this point by the Department.

10 **MS WYTHES:** Not this particular application, but the view of non-discretionary development standards as they apply to multiple housing types has. And based on sort of that advice, our interpretation for this particular application has been that this particular NDDS for build-to-rent applies.

15 I think we've also turned our mind to where there could be other sort of car parking rates that apply under DCPs or other environmental planning instruments, and that's where it gets a little bit complicated. But from our view, based on our general sort of advice from legal in terms of this particular issue, we've interpreted the non-discretionary development standard to be the build-to-rent standard at this stage.

20 **MR CHILCOTT:** I understand that you've taken that approach. Look, thanks for at least giving us the background so we understand how this has come forward in the way it has and for the reasons you've assessed and in the circumstances that you've outlined, and we take note of all of that. Thank you.

25 **MS GRANT:** Can I also just ask where you're talking about this being the first one of these mixed sort of tenure approaches compared to some of the others. Is there a difference in the thinking as to whether if it's for 15 years or in perpetuity? Because some of the purely BTR developments that are being proposed are coming across as BTR for the full life in perpetuity rather than for the shorter time period. Does that play any part?

30 **MS WYTHES:** Yes. Not necessarily to the car parking, because I suppose in perpetuity versus the 15 years requirements are dictated by the underlining zoning. But Stephen can correct me if that still isn't right.

35 **MR DOBBS:** That's right, yes. So, in a business zone, BTRs, well, BTR has to remain in perpetuity, whereas in this particular zone it's for at least 15 years. But I certainly note that that may play a role if variations were sought to that car parking rate, of that

40 0.2.

MS GRANT: Thank you.

45 **MR CHILCOTT:** And I appreciate the extra information there, and we'll take that on board in our considerations.

MR DOBBS: Thank you. Any further questions on car parking?

MS FITZGERALD: No.

MR CHILCOTT: Not from me, thank you.

5 **MR DOBBS:** In terms of the next point on the agenda, site access and safety considerations. The proposal provides three main vehicular access points, designed to separate residential, retail and servicing movements, and minimise conflicts with pedestrians.

10 The residential basement is accessed via Farr Street. Retail parking and the loading dock is accessed via Mitchell Street. And the secondary shared zone (shared being pedestrians and vehicles) is located on Farr Street to accommodate short-term deliveries and furniture unloading.

15 To maintain a safe pedestrian environment, the design consolidates multiple existing driveways into three well-located access points, positioned away from Victoria Road and Sydenham Road and the intersection of them. And we've also recommended conditions that require pedestrian safety signage at vehicle egress points, hoardings and clearway defined during constructions, and a CT or Construction Pedestrian
20 Traffic Management Plan to manage temporary risks during construction.

I'll move onto internal building separation, if there's no questions about site access.

MR CHILCOTT: Thank you.

25 **MR DOBBS:** So, the Department notes that the Housing SEPP requires the consent authority to apply the ADG flexibly for build-to-rent developments, and this reflects that these housing types, they often prioritise communal spaces and shared amenities over strict compliance.

30 The proposal reflects this intent by offsetting some portions of internal non-compliance with high-quality communal areas, extensive open space and architectural privacy treatments. But notwithstanding that, the design achieves the intent of the privacy section of the ADG by incorporating privacy measures such as angular façades,
35 recessed balconies, and screening to limit direct overlooking.

40 Most impacted apartments are dual aspect, allowing primary outlooks towards compliance separations or public domain areas rather than adjoining buildings. The reduced separation only occurs between levels 5 and 8 and does not reflect the substantial majority of dwellings within those buildings. And solar access and cross-ventilation objectives are still met for applicable apartments. Articulation and varied roof forms further break down perceived bulk and maintain visual amenity when viewed externally.

45 Are there any questions on internal building separation?

MS FITZGERALD: No.

MR CHILCOTT: I'll check with my colleagues. No, I don't think so. Thank you.

MR DOBBS: So, in terms of external building separation, the Department assessed it by considering the specific building context, the desired future character of that particular area, the existing character of that area, and the objectives of the ADG.

The proposal generally achieves appropriate setbacks, but we've identified sensitive interfaces along Sydenham Road where reduced separation could affect privacy and future development on the corner site. To address this, we've recommended increased setbacks for Building D and upper level building setbacks for G to improve amenity and solar access.

These changes, combined with design measures such as screening, recessed façades as part of the response to submissions, we believe will ensure that the development responds appropriately to its context and maintains visual and acoustic privacy.

So, we have recommended an increase to the ground level of Building D where it adjoins the corner site in the bottom left-hand side of the site. We've recommended that the ground floor be increased to 3 metres, it's at currently around 2 to 2.4, and above that to 6 metres. And Building G, which is highlighted in red, is proposed at 6 metres for the whole building. We have recommended it to be 9 metres for levels 5 and above, to be compliant with the ADG and not put the onus on the adjoining site when developed to meet that building separation requirements.

MS GRANT: Can I just ask before you go off that slide. So, the green square, Building D.

MR DOBBS: Yes.

MS GRANT: So, that's a minor increase in width there from, what, did you say about two-and-a-half to 3 at ground level.

MR DOBBS: Yes.

MS GRANT: The Proponent was talking about leaving the ground floor as it was but setting back the higher, the top floors 9 metres more substantially, with the view to providing a better solar access to the park opposite. So, the objective that you've got from setting it back at ground level, is that related to protecting the design of the future corner site or was there a different imperative there?

MR DOBBS: We note that the intent of the DCP Structure Plan is for a continuous building form along there. However, as the site is not consolidated into a single development, having a continuous building form is not going to happen. So, we believe providing some level of building separation will aid the future potential of that site to develop in the future.

And also, they proposed a small through-site link in between those two buildings. We feel as if having the slightly bigger separation will aid in terms of SEPP guidance.

5 **MS WYTHES:** To elaborate on Steve's comment and to also answer your question, Commissioner Grant. The imperative or objective was for the future development potential of the corner site and not necessarily solar access to the park. So, note your comments from the Proponent on their design changes, but the objective that we were achieving through the design amendments in the conditions were different.

MS GRANT: Okay.

10 **MR CHILCOTT:** That's helpful, and as we flagged, it's likely that the Applicant will provide some commentary and propose an alternate couple of conditions for consideration in due course, and you'll make your assessment and provide your advice to us. Thank you.

15 **MS FITZGERALD:** Yes. Michael, I might also just ask about the yellow box up on Farr Street and again, what was the Department's intent in suggesting a change there? I notice the discussion in the papers about whether that Pocket Park, you know, that it's been approved, I think, through a DA, is actually going to go ahead. So, again, to mirror Juliet's question, what was your thinking in making that request?

20 **MR DOBBS:** My understanding is that that is preceding, which is why we have accepted the proposed 3 metre building separation.

MS FITZGERALD: Mm-hm.

25 **MR DOBBS:** In the event that the park doesn't get delivered, we believe that's the intent of the ADG was met through privacy treatments. So, the intent of the privacy section. So, all the apartments in Building A which adjoin the adjacent site are dual aspect, meaning that the balconies and private open space are either oriented internally to the site or externally towards Farr Street, reducing any perceived or any overlooking adjoining it. That's our assessment and take on that.

30 **MS FITZGERALD:** Okay, Stephen. So, that yellow box isn't a proposal for an additional setback?

35 **MS WYTHES:** Yes, no, that was not part of the design amendments, Commissioner Fitzgerald.

40 **MS FITZGERALD:** Okay, great, thank you.

MR CHILCOTT: Thank you.

45 **MR DOBBS:** I'll move onto overshadowing. And the Department does acknowledge that this is a key consideration for this precinct, and particularly the interface with existing residential area on the southern side of Sydenham Road and the corner site itself.

5 The Sydenham Road low-density residential area forms an established neighbourhood and we assess potential impacts carefully against ADG and the precinct-specific DCP controls. We also compared the shadow impacts against the height compliance scheme, and were satisfied that the analysis showed that the impact of the additional height was minor in context of the development as a whole. And we were satisfied that overshadowing impacts were reasonable and consistent with what would be expected under planning controls.

10 We broke down our assessment into four different areas, being Wicks Place, Wicks Park, the corner site and Sydenham Road. In terms of Sydenham Road to the south, which is orange in the presentation, the original scheme did have some level of overshadowing impact to those properties. And through the response to submissions and reduced height of Building G, those solar impacts have improved significantly.

15 Two individual windows – one at 112 Sydenham Road and one at 110 Sydenham Road would not receive 2 hours of sunlight. Every other window, all private open spaces would receive sunlight for at least 2 hours. And all solar access to rooftop solar panels would be maintained from 11 a.m. onwards and we believe this is considered acceptable, consistent with the ADG objectives.

20 In regards to the corner site. We acknowledge that mid-winter overshadowing would affect the five existing residential properties on Victoria Road and would have reductions in their sunlight access to living rooms and private open space. However, we do acknowledge that these properties are identified for future development under the precinct plan, and that the impacts are similar to what would occur under compliant height scheme.

25 And we do note that solar access would improve significantly during the spring and autumn equinox periods, with unobstructed sunlight to their backyards and private open spaces from approximately 12:15 p.m. onwards.

30 In terms of Wicks Park to the south, we've assessed this against the precinct-specific DCP, which requires 3 hours to at least 50% of the open space, which it achieves. And in terms of Wicks Place to the south as well, the proposal would result in approximately four additional apartments receiving slightly less than the 2 hours of sunlight compared to a compliant height scheme. This would only affect the balconies – sorry, this would only affect their windows and not their balconies. And the shadow from the development would only reach Wicks Place between 12 p.m. and 1 p.m. mid-winter, and none of the affected apartments would be without sunlight at all.

35 And overall, we have assessed this compared to it and put a lot of assessment into it versus a height-complaint scheme, and we found that the difference is minimal and acceptable.

40 Any questions on overshadowing?

MS FITZGERALD: No.

MR CHILCOTT: No, thank you.

MR DOBBS: I believe that comes to the end of the agenda. Happy to take any further questions.

5

MR CHILCOTT: Just in relation to conditions of consent, are there any matters you wanted to bring to our attention?

MS WYTHES: Commissioner, not necessarily. I think we were just sort of prepared if you had any questions, just in terms of the key changes as we mentioned throughout the discussion, the design amendments were something that we wanted to canvas and mention to you, which I think we've covered. We've also covered traffic and parking.

10

We did impose flooding and stormwater conditions, but that was really in response to setting minimum floor levels and requiring an Emergency Response Plan, which is not unusual, and we had consulted with Council, taking all Council's feedback on this particular site.

15

We've already also touched on the noise and construction conditions, so nothing additional to add there. And I think through the course of the presentation, we have mentioned the through-site links, and we also discussed the Pocket Park. So, there are a number of conditions relating to public domain, which we have taken on board Council's recommended conditions and incorporated where relevant

20

MR CHILCOTT: No, thank you. A couple of points, just going back to the design changes in B1 and B2, and we mentioned the fact that the Applicant may have an alternate suggestion for your consideration and comment, and our consideration as well.

25

One matter which flows from any condition that requires a design change is what that does to the mix in terms of units and how that's scoped and what implications that has for the description and other matters that flow from the description of the project. It may be that should at some point that condition outcome be settled, that the preparation of some plans to fully understand the implications of that, in terms of the apartment mix and so forth, may be of assistance to us all and aid in the clarity of a consent, should that be where the matter ends. So, I'll just flag that up so it's on your radar at least.

30

35

In relation to stormwater and flooding, Council had indicated they had included a proposed condition requiring the installation at 40-metre intervals along Victoria Road, pits to assist the drainage of the road, which did not, in their view, seem to come across into the draft conditions as recommended by the Department. I wonder whether you're able to give us any insights into why that was the case. From their perspective, it seemed like a reasonable suggestion, consistent with other things they'd requested for other developments.

40

45

So, I'll stop there and then I've got one other point to move to after that.

MR DOBBS: So, we did consider that as part of our Assessment Report. And I do acknowledge that they requested that stormwater be redesigned surrounding the site at 40-metre intervals.

5 **MR CHILCOTT:** I think they included it as a condition for insertion, which has not been picked up.

MR DOBBS: Yes, that's right. We did get advice from the Applicant regarding that condition and the advice from the Applicant's stormwater consultant as part of the response to submissions, they did highlight this originally in their response.

10
15 And we did note that in that response, the Applicant did acknowledge that the existing legal point of discharge is located within the southeast corner of the site and that on-site detention is sufficient to maintain existing flowrates. And the addition of the drainage surrounding the site could actually exacerbate existing flood concerns. That was the view that was submitted to the Department.

MR CHILCOTT: Is that view within the documentation we have?

20 **MR DOBBS:** It should be, yes.

MS WYTHES: I think it's in the Assessment Report under the stormwater section.

MR DOBBS: It's also in the Applicant's response to submissions.

25 **MR CHILCOTT:** I know that it says that it referred to the Applicant's response but I wasn't sure that I picked up, and maybe I should have, so apologies, that level of detail in the argument against. So, the Council were of the view that it would have worth.

30 **MR DOBBS:** We were not convinced that it was appropriate to condition infrastructure works on those roads, noting that the development site did not drain to those roads, particularly along Farr Street and Mitchell Street.

MR CHILCOTT: And Victoria?

35 **MR DOBBS:** It's in the southwest corner of the site, it does drain to Victoria Road. In the Applicant's technical documents, it did mention that those, the required upgrade works to achieve a 5% AEP level would require substantial roadworks in consultation with Transport for NSW and Council. And there's existing underground infrastructure under those roads that would be required to be reopened. It's a technical document, you can have a read and I'm more than happy to elaborate on that further as a question on notice.

40
45 **MR CHILCOTT:** Thank you. If we need more, we'll get back to you. But I wanted to at least enquire as to your initial reasoning for how that has come about.

MR DOBBS: Yes.

5 **MR CHILCOTT:** The other question was just in relation to the benefit of a link across for pedestrians on an alignment from the main through-site passageway across to the other side towards the Harris Farm establishment in particular. There's obviously going to be a draw of humans, there's sort of a desire line you can envisage might actually mean people will want to move through there.

10 There's not any requirement as part of either the application or as part of a requirement in the conditions to insert a link there. Can you just take us through your perspective on that?

15 **MR DOBBS:** The Applicant originally did propose a pedestrian crossing on Victoria Road from the site through to Wicks Park. That was put forward to Transport for NSW, who did not necessarily agree with that, given it was located approximately 100 metres away from the intersection of Sydenham and Victoria Road. Their internal design guidance required 130 metres of separation between the signalisation of the pedestrian crossing and the intersection.

20 The Applicant explored pushing this 130 metres back, which would put the pedestrian crossing a bit further towards Mitchell Street as opposed to adjacent to Wicks Park.

25 **MR CHILCOTT:** It's sort of Wicks places where people are going to need to go or will be drawn to go. I mean, just looking at that area, there's a natural thing, if you pop out of that development, you're going to be looking directly across Harris Farm, which is your local supermarket.

30 **MR DOBBS:** Yes.

MR CHILCOTT: Anyway. Keen to understand ...

35 **MR DOBBS:** To put it simply, the Applicant put the idea of that with the 130-metre separation from the traffic lights back to Transport for NSW, who advised that there wasn't enough demand to put the signalised pedestrian crossing in. And based upon that, the Applicant withdrew it from their application. Happy to ...

40 **MR CHILCOTT:** What's the resident population envisaged to be for the development?

MR DOBBS: This particular site is 1,181 dwellings.

45 **MR CHILCOTT:** Okay. And they don't think 1,181+ people would be enough demand to justify ... I'm just intrigued. To be frank, it's an obvious thing where you can see at some point, people will be popping out of there, they'll be looking at Harris Farm straight across the road, and that's going to be a point of traversing Victoria Road.

MS GRANT: Is there a difference between just having a crossing versus a signalised crossing?

MR DOBBS: I would have to take that on notice in regard to Transport for NSW policy and Roads policies on that.

5 **MS WYTHES:** And I think we would need to consult further with Transport on this issue.

10 **MR CHILCOTT:** I understand. It's been a matter of discussion, obviously, in opposition. It's been decided against at this point. I suspect when we go out on site, we'll look at it and it'll confirm what ought to be a pretty evident view, I suspect, that you're going to have a large number of people exiting the site onto Victoria Road to go to the local supermarket which is directly across that road. Anyway. Have a think about it, if you would.

15 **MS WYTHES:** Mm.

MR DOBBS: Yes.

MS WYTHES: Happy to explore that further.

20 **MS FITZGERALD:** And Michael, the other part of that was something I raised with the Proponent too, or with Council, is that if they're not crossing at the sort of obvious spot to Harris Farm, they're going to be crossing at Sydenham, the intersection of Sydenham Road and Victoria Road, which under certain peak conditions part of that intersection is failing. And if there is a stream of pedestrians crossing in addition to the
25 vehicles, I just think that that adds to the question mark around the capacity of that intersection in the future. You know ...

30 **MS WYTHES:** Yes, that's a valid comment, Commissioner Fitzgerald. This was an item that we did explore. We did sort of consult with and take on the advice of our Transport agency in terms of impacts on traffic flows. That has been our recommendation, but based on your considerations, we're happy to continue exploring that particular item and have further conversations with Transport for NSW.

35 **MS FITZGERALD:** I think it'll be useful just to get complete clarity about it. Because the failure was turning left onto Victoria Road, which is exactly where all the pedestrians are being directed towards, which, you know, would change the flow of traffic considerably, I think. Anyway, that'll be good to get some further detail from them on that one.

40 **MR CHILCOTT:** Yes, I think trying to get it as right as we can and relying on the best advice that we can receive from the experts, would be of long-term benefit. So, say it's an area there where you can just see how that's likely to operate based on the plans. So, if we can minimise the risk of people interacting adversely with traffic, we should at least understand fully and take a very careful decision, I think.

45 **MR DOBBS:** Noted, thank you.

5 **MS GRANT:** There were a couple of other little things that Council raised in terms of the conditions, which we can probably follow up separately with the Department. But maybe just to give you a heads up on the sorts of things that they raised. One was about the timing of some of the management plans that needed to be delivered and whether they could be slightly more nuanced rather than prior to any works, could they be a bit tailored to the actual stages of work that they were related to.

10 And also, that construction hours could there also be a kind of a bit more tailoring and if you needed out-of-hours deliveries or out-of-hours concrete pours or whatever elements, that there was an ability to perhaps slightly adjust the wording in that condition to allow Council to accommodate those kind of changes, which I don't think is uncommon in construction programs.

15 **MR CHILCOTT:** If it's subject to Council looking at it and granting a permit on a one-off basis from time to time. I think was the sort of thing they were saying.

MS WYTHES: We're happy to take those ones on notice and have further consideration of potential amendments.

20 **MR CHILCOTT:** Thank you. We'll make sure they're in a follow-up communication with the development. Thank you. Juliet or Suellen, any further questions from you?

MS FITZGERALD: No, no, I haven't. Thank you, Richard – Michael.

25 **MR CHILCOTT:** Thank you. I'll just check with Jane and Tahlia. Any points you want to clarify or bring forward?

MS ANDERSON: No, thank you.

30 **MS TAHLIA HUTCHINSON:** Nothing from me, thanks Michael.

MR CHILCOTT: All right. In which case, thank you both for your attendance this afternoon. We got slightly over, but also helpfully, I think, we covered off the bullet points, so we very much appreciate your participation today. Thank you.

35 **MS WYTHES:** Thank you very much for your time.

MR DOBBS: Thank you, Commissioners.

40 **MS WYTHES:** Bye.

MR DOBBS: Bye.

>THE MEETING CONCLUDED