



planning consultants

15 December 2025
Our Ref:

The Commissioners
NSW Independent Planning Commission

Dear Commissioners

**Re: Objection to SSD-76927247 - The Timberyards by RTL Co.
Victoria Road, Sydenham Road, Farr Street and Mitchell Street, Marrickville**

DFP Planning Pty Ltd (DFP) was commissioned by Mr and Mrs Hallam (our Clients), owners of 115 Sydenham Road, Marrickville (our Clients' Land), to review the abovementioned development application (DA) and to consider the potential impacts of the proposed development on their home.

Our Clients' Land adjoins the development site to the south and is one of the eight (8) allotments referred to in the application as the "Corner Site".

We reviewed the DA as originally submitted and made a written submission during the public exhibition period for the DA.

We have reviewed the amended application and remain of the opinion that the proposal will have a significant prejudicial outcome for a future development of our Clients' Land.

We are of the opinion that the Department's Assessment Report does not accurately portray the facts regarding the Applicant's attempts to acquire the land in the Corner Site.

We understand that our Clients and their two neighbours at Nos. 117 and 119 Sydenham Road, all accepted the Applicants offers of purchase. Those properties are contiguous and immediately adjoin the development site and should reasonably have been acquired by the Applicant and formed part of this SSDA.

In that context, the decision not to proceed with the purchase of my clients land and the design of the proposal before the IPC, will significantly prejudice our Clients.

Appendix F to the amended application is a Design Report and Section 1.5 of that report details a reference scheme for a potential future development on the Corner Site.

The Design Report suggests that the reference scheme would provide for a development containing 32 saleable apartments and that 71% of those would achieve 2 hours of direct solar access to living rooms and private open spaces at midwinter.

However, only 16 of those 32 apartments would achieve compliance - that is 50%, well less than the 70% required by the ADG.



Other apartments are purported to have clerestory windows to gain some solar access. This in itself demonstrates that the proposed development would result in a situation where a future development on our Clients' Land and the Corner site more broadly, would require acceptance of an inferior amenity outcome, contrary to commonly accepted requirements by the ADG and orderly and economic use of land.

The overshadowing of our Clients' Land and other parts of the Corner Site is a function of height and length of Building E. The building is up to 46m high, over 70m long and has a north-west to south-east orientation. It will be sited 19m from a potential 3-4 storey building on my clients land and completely overshadow, overlook and dominate the Corner Site.

The Application relies on a cl4.6 variation request to permit extra height on other parts of the development site to offset the inability of the applicant to achieve its maximum floorspace potential. Yet the Design Report and the Department's Assessment Report suggest that maximising development potential on neighbouring land should not be an expectation.

In our view, the cl4.6 Variation request is flawed for the following reasons:

1. The proposal does not "*minimise adverse impacts on local amenity*" – an objective of the height of buildings development standard – because it completely overshadows our Clients' Land;
2. The proposal does not "*provide an appropriate transition between buildings of different heights*" – an objective of the height of buildings development standard – because it does not step down to the lower height limit on our Clients' Land. Building E will be up to 46m high directly adjacent to the 11m height limit on our Clients' Land; and
3. The delivery of affordable housing at the expense of the amenity of surrounding land is contrary to the object of the EP&A Act to promote orderly and economic development of land.

If our Clients' Land and other land in the Corner Site were included in the DA, the applicant's rationale for displacing FSR could also have been used to provide for greater height on the Corner Site in lieu of parts of Building E and this would have mitigated some of the adverse impacts.

We suggest that the IPC recommend that Building E not be approved under this DA.

Alternatively, the IPC could recommend that the design be amended to delete the upper four (4) levels of the southern half of Building E so that a future building on our Clients' Land can receive at least some direct solar access at midwinter to enable a higher quality outcome for a future residential development on that land.

The powers for a consent authority to specify certain aspects of the DA that are not to be approved are available under 4.16(4) of the EP&A Act and we request that the IPC recommend that the consent authority use those powers in this instance.

Yours faithfully

DFP PLANNING PTY LTD

**KENDAL MACKAY
MANAGING DIRECTOR**