



BRIEFING NOTE

To:	All Councillors
From:	Simone Plummer, Director Planning
Date:	4 August 2026
Subject:	Development Assessment Update - State Significant Developments & Planning Reform Matters

Dear Councillors,

As part of the Planning Reforms announced at the end of 2025 the following provisions have been exhibited for review and feedback:

- [Improving Development Assessment Discussion Paper | Planning Portal - Department of Planning and Environment](#)
- [Standard and Model Conditions of Consent: Explanation of Intended Effect | Planning Portal - Department of Planning and Environment](#)

This briefing note seeks to provide an update on the implications of the plans, provide a copy of the Council officers submissions as well as seek any additional feedback for inclusion in the submissions. Additionally, the briefing note also provides an update on two state significant development applications as outlined below.

Planning Reforms

The planning reforms proposed seek to improve development application quality, consistency, certainty about lodgement requirements and assessment efficiency as well as provide consistency in conditions in the event of an approval. The reforms are supported but require further refinement to avoid unintended administrative impacts for councils and the community. The reforms include the introduction of an online tool to assist applicants understand the lodgement requirements as well as provide information on what needs to be included in the documentation. By requiring a set standard across the state will assist with streamlining and simplifying the lodgement process.

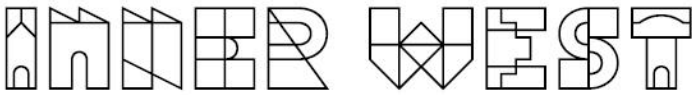
Furthermore, the reforms seek to introduce standard conditions which would be applicable in various circumstances and the requirement to consult on draft conditions for certain development types. This will assist in ensuring conditions are fit for purpose and that further applications to modify problem conditions are not required.

State Significant Development

A State Significant Development Application for development of 40-76 William Street, Leichhardt as well as a modification application for the already approved Timberyards by RTL Co development at Victoria, Farr & Mitchell Street Marrickville have been lodged with the Department of Planning, Housing and Infrastructure. The applications were subject to exhibition and Council officers have reviewed the proposed developments and made submissions as outlined below.

40-76 William Street, Leichhardt (SSD-119545240)

Application link: <https://www.planningportal.nsw.gov.au/major-projects/projects/residential-flat-building-40-76-william-street-leichhardt>



Description of proposal

Redevelopment for residential flat buildings, including 203 dwellings, basement car parking, communal open space, public domain works, landscaping and associated servicing infrastructure.

The proposal includes partial retention and adaptive reuse of the existing industrial façade, with new built form up to 11 storeys. It also proposes 15 affordable dwellings for 15 years, representing approximately 5% of total gross floor area.

The application is accompanied by a concurrent rezoning to increase the maximum FSR from 0.5:1 to 3.1:1 and amending related key site and adaptive reuse controls.

A copy of Council officers' submission is included as *Attachment 2 A*.

Timberyards

Application link: [The Timberyards by RTL Co - Mod 1 | Planning Portal - Department of Planning and Environment](#)

The modification includes proposed amendments to the retail and activation strategy, decentralisation of the mail, adjustments to building services, design amendments to buildings D& G, relocation of two storey annex from building d to e, revision to dwelling mix, amendments to the face and materiality, landscaping and public domain as well as conditions of consent.

Should you have any comments you wish to have raised in the submissions, please email these through to me by 5pm 7 August 2026.

Regards,

Simone Plummer
Director Planning

Attachments

1. **Improving Development Assessment**
2. **Explanation of Intended Effect – Standard and Model Conditions of Consent**
3. **40-76 William Street, Leichhardt – Council submission**
4. **Timberyards – Council submission**



30 July 2026

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Dear Sir/ Madam

Inner West Council Response: Improving Development Assessment

Thank you for the opportunity to comment on the exhibited discussion paper for Improving Development Assessment (July 2026). This submission focuses on the proposed online tool, and changes to the lodgement requirements and process.

This submission is made by Council officers, not elected representatives.

The intent of the proposed reforms is supported, particularly measures aimed at improving application quality, consistency, and assessment efficiency. However, further clarification and refinement are required to ensure the proposed framework does not create adverse administrative or operational impacts for local government and that the framework remains proportionate to the scale and complexity of the applications. Further details are also requested to enable Council to be well prepared to implement the framework. Detailed comments are provided in Attachment A, with the key issues summarised below.

- Seamless integration between the proposed online tool and the NSW Planning Portal is needed to reduce duplication and improve the applicant experience.
- Mandatory documentation requirements should be expanded for new development applications, with clear triggers, while remaining proportionate for minor modification applications.
- Further clarification is required on pre-lodgement requests for information, assessment timeframes, stop-the-clock provisions and how rejected applications will be managed.
- The proposed fee collection process through the NSW Planning Portal requires further detail, including how discrepancies between Portal-generated fees and Council-calculated fees, refunds, notification fees and remittance to councils will be managed.
- Operational impacts for councils should be considered, including implementation timeframes, resourcing, system integration and the proposed 7-day rejection timeframe, which should be based on business days to ensure there is sufficient time for review of applications so that they are assessment ready.



Thank you again for the opportunity to provide feedback. These comments are intended to assist the Department in refining the proposed changes before their implementation.

If you need any further information in relation to this submission, please contact Senior Manager Development Assessments, Rachel Josey on 9392 5707 or Rachel.josey@innerwest.nsw.gov.au

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Simone Plummer'.

Simone Plummer

Director Planning

Enclosed

Attachment A: Inner West Council comments: Improving Development Assessment Process

1. Online Tool – Integration with NSW Planning Portal

The development of the online tool is strongly encouraged as it has the potential to improve the consistency and quality of development applications by providing applicants with tailored guidance prior to lodgement. This will significantly improve the user experience prior to lodging an application.

Consolidating lodgement requirements for applications in one location will have a positive effect for anyone seeking to lodge a development application and should be implemented as a priority.

To maximise the effectiveness of the tool, we encourage consideration of greater integration with the NSW Planning Portal, beyond that of using the spatial mapping for guiding information requirements. The discussion paper indicates that the tool will operate independently of the Portal; however, a more seamless integration between the tool and the NSW Planning Portal, including the direct transfer of applicant/application information into the development application form, would reduce duplication, streamline the lodgement process, improve the applicant experience, and encourage greater uptake.

2. Online Tool – Prompts

The tool incorporates questions to assist in informing applicants on their documentation requirements. Given that many applicants may have limited experience with the planning system, it will be important that questions and prompts within the tool are clear and written in plain language. This will help ensure applicants provide accurate information and reduce the risk of incorrect responses leading to inappropriate or incomplete information requirements being generated.

It is noted that the current NSW Planning Portal lodgement process contains numerous development types and sub-categories that can be difficult for applicants, particularly first-time users, to understand and differentiate. When the incorrect development type is selected, this could lead to incorrect advice from the online tool, and applicants may not submit the required documentation for their application. A reduced and streamlined set of development classifications/ types should be adopted within both the online tool and the NSW Planning Portal. This would improve consistency, reduce user confusion, minimise incorrect selections, and increase the likelihood of applicants receiving accurate guidance regarding development application requirements at the outset of the process. This would also improve the accuracy of data within the NSW Planning Portal.

3. Online Tool – Collation of Data

The proposed use of existing property and planning data sources to pre-populate information within the tool is strongly encouraged. However, further clarity regarding the data sources to be utilised, and update process would be beneficial. Ensuring that property, planning, and Council-related datasets remain current and are updated in a timely manner



will be critical to maintaining the accuracy and reliability of the information generated by the tool. For example the figures indicate that 'property area' would be prefilled in the tool, as this data is critical to determine various planning pathways it is critical that data be accurate.

4. Online Tool – Information to Assist Applicants

It is recommended that the tool incorporates direct links to relevant legislation, planning controls, policies, and guidance documents that inform the identified information requirements. This would assist applicants in understanding the basis for those requirements and support the preparation of higher-quality application material.

Consideration should also be given to providing standardised templates and forms. For example, an owner's consent form, that can be downloaded directly from the tool. This would promote greater consistency in the format and content of information submitted by applicants and assist in reducing common documentation deficiencies. It will also reduce the number of platforms an applicant is required to visit, to collate the required documentation.

In addition, the inclusion of examples of well-prepared supporting documentation would be valuable. For example, exemplar Statements of Environmental Effects and other commonly required reports or plans could assist applicants in understanding the expected standard, level of detail, and content requirements, ultimately improving the quality of applications received by consent authorities.

5. Requirements for Development Applications and Modifications

The improvements include an expansion of the application requirements for drawings and site plans for Development Applications (DAs). These changes are supported for new DAs, as they will improve the quality and consistency of information provided at lodgement and assist consent authorities in undertaking a more efficient and informed assessment. More detailed plans will reduce uncertainty, minimise requests for additional information, and support better planning outcomes.

The discussion paper requests feedback as to whether the expansion of requirements should also apply to Modification Applications. While this will ensure a more consistent application of documents, we believe these expanded requirements should not apply to modification applications that propose minor changes, specifically Section 4.55(1), and 4.55(1A) modifications. Modifications are often limited in scope and may only involve minor amendments or corrections to an already approved development. Requiring new plans to meet the expanded requirements would create additional costs and time implications for applicants, particularly where existing approved plans already provide sufficient information to assess the proposed change. It may also adversely affect projects that are already under construction.

6. Requirements v standards

The discussion paper seeks feedback on whether standards should be mandatory requirements. Making the standards mandatory would significantly improve the quality of applications at lodgement, support assessment readiness, reduce rework and minimise additional costs. Therefore, the recommendation is that the standards be set as mandatory to improve the quality of lodgements and minimise undue costs to applicants. Unless they are mandatory the information or detail is unlikely to be provided at lodgement stage. Currently there is significant time spent reviewing documentation submitted at lodgement and requesting additional information, requiring the information to be mandatory will set the standard and is likely to reduce the lodgement timeframes and the Council resources to implement lodgement.

It is however noted that there will be variances in terms of relativity between Council areas due to the context and likely impacts of development. As such there needs to be the flexibility for councils to indicate that some data is not necessary to minimise costs to applicants.

7. Mandatory Documents, Return function and Requests for further information

The discussion paper seeks feedback on whether additional documentation should be incorporated into the mandatory documentation requirements. This matter is particularly important given the proposal to remove the NSW Planning Portal's current "return" function and limit councils' ability to only reject applications in circumstances where mandatory documentation has not been provided.

Considering the above, the quality and completeness of information submitted with lodged applications may therefore be reduced, which may result in consent authorities undertaking additional assessment and issuing more requests for further information to obtain the details necessary to properly assess a proposal. Consequently, this could increase assessment timeframes and impact the ability to meet the Minister's Expectation on determination timeframes. Furthermore, this has the potential to result in additional costs to applicants.

While it is acknowledged that requiring all potential supporting documentation at lodgement may be disproportionate for some applications, particularly those involving minor or low-impact development, consideration should be given to expanding the list of mandatory documents to ensure applications contain sufficient information to enable an efficient assessment. In addition, clearer guidance should be provided regarding the triggers and circumstances in which the expanded mandatory documents are required, to improve consistency, reduce uncertainty for applicants, and support the submission of higher-quality development applications. Specifically, it is recommended the mandatory documentation be updated to include the following documents and triggers:

Report / Document	When Required	Qualification
Acoustic Report / Noise Impact Assessment	When works are adjacent to railway corridors, State/Regional Roads, noise-generating uses ie childcare, licensed premise etc or residential building work where ANEF exceeds 25 (E.g. from aircraft noise).	Acoustic Consultant
Arborist Report	When works are located within 3 metres of a prescribed tree and/or involve the removal of a prescribed tree that is healthy and viable.	AQF Level 5 Diploma in Arboriculture (or equivalent)
Contamination	Where a site is known or suspected to be contaminated by past or current land uses, commencing with a Preliminary Site Investigation (PSI) prepared by a suitably qualified consultant. Where contamination is identified and remediation is necessary, a Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) must be prepared and submitted with the Development Application.	Environmental Consultant
Flood Risk Management Report	Where a development site is located within a Flood Planning Area unless an exemption applies for minor works under the relevant Development Control Plan	Qualified Civil Engineer experienced in floodplain management with Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered

		Professional Engineer qualifications with Professionals Australia (RPEng)
Geotechnical Report	Where excavation 2m or more below existing ground level is occurring.	Qualified and practicing Geotechnical Engineer
Heritage Impact Statement	Where a development application is proposed on a site identified as a heritage item.	Recommended to be prepared by a Heritage Consultant
Landscape Plan	Required for new dwellings, semi-detached dwellings, residential flat buildings, townhouses, and new commercial/industrial developments. Must identify trees to be retained and removed and nominate replacement planting where prescribed trees are proposed for removal.	Landscaped Architect /Landscape Designer qualified Architect / Draftsperson
NCC Report	Change of building use or major alterations.	Building Code Consultant or Accredited Certifier
Plan of Management	Required for mixed-use developments and commercial or industrial premises, including new developments and change of use applications.	Recommended to be prepared by a qualified Planning Consultant
Plumber Report	Required where it is claimed that tree roots have damaged a plumbing or drainage system. It must be demonstrated that root intrusion has caused damage.	Licensed NSW Plumber

Root Mapping Report	Where proposed development involves greater than 10% encroachment into a tree's Notional Root Zone (NRZ) where the tree is to be retained.	AQF Level 5 Diploma in Arboriculture (or equivalent)
Social Impact Assessment	Over 50 dwellings/rooms, new pubs or new clubs.	Qualified Social Planner or qualified Planning Consultant
Structural Engineer Report	Where it is claimed a tree is causing structural damage to a building.	Qualified Structural Engineer
Tree Assessment and Pruning Specification	Where canopy pruning exceeds 10% of a prescribed tree.	AQF Level 5 Diploma in Arboriculture (or equivalent).
Tree Protection Plan and Specification (TPP)	Project-specific tree protection measures for all trees on a development site and for trees on adjoining land where development encroaches into the Notional Root Zone (NRZ). Often incorporated into the AIA report.	AQF Level 5 Diploma in Arboriculture (or equivalent)
Tree Risk Assessment Report	Required where the applicant claims a tree presents an unacceptable risk to people or property and seeks justification for management actions, including removal.	Person qualified in recognised tree risk assessment methodology

8. Mandatory Document Requirements for Modifications

As previously discussed, we believe the expanded requirements should not apply to Section 4.55(1), and 4.55(1A) modifications, given they are applications for existing approved developments, and likely involve minor amendments. Despite this, it is recommended that a clearer set of general lodgement requirements be established for Section 4.55(1) and 4.55(1A) Modification Applications. These requirements should ensure that all modification applications contain the following information and that lodgement not occur in the absence of the required documentation:

- Covering Letter / Statement of Environmental Effects (SEE) that Addresses the requirements of the relevant type of modification under Section 4.55 of the *Environmental Planning and Assessment Act 1979*;
- Includes a table detailing the schedule of changes (plans and conditions);
- Specify/detailed conditions to be modified and how to be deleted; and
- Clearly distinguish between the existing (to be retained components – if relevant) approved components and proposed changes on all relevant plans, sections, and elevations. This should be documented using different colours/hatching and a legend to indicate what they represent.

9. Lodgement process

The discussion paper indicates that where further information is required, payment will still be processed, the application lodged, and an RFI subsequently issued. Clarification is sought as to whether information requested by Council during the completeness review prior to lodgement will also then need to be once again sent to the applicant as a separate request for information. This would result in unnecessary duplication and impacts on resources.

Concern is raised that applications will be lodged regardless of having the necessary information to enable assessment. This is likely to impact Council's ability to determine applications in accordance with the Ministers Expectations, particularly if applications are being lodged having poor quality documents and not being assessment ready.

Council encourages the exploration of tools that utilise technology to review plans and documents to ensure they meet the mandatory requirements. This could be integrated into the NSW Planning Portal and have significant impacts on lodgement timeframes, particularly for those councils that have limited resources.

10. "Copy over to new application" Function for Rejected Applications

The proposed changes to the lodgement process, together with the expansion of mandatory documentation requirements, may increase in the number of applications that are rejected at the submission stage. The current "return" function (proposed for removal) within the NSW Planning Portal provides a valuable user benefit by allowing applicants to retain and transfer previously entered information into a new Portal Application Number (PAN). To support a positive user experience and minimise unnecessary duplication of effort, it is recommended that the Portal be enhanced to enable applicants to transfer or replicate previously entered application data where an application has been rejected and a new PAN is required. This would improve efficiency, reduce administrative burden for applicants, and support the timely resubmission of applications.

11. Resourcing, Fees and Operational Impacts

The discussion paper proposes that all fees will be generated and collected via the NSW Planning Portal. While the collection of application fees through the NSW Planning Portal can provide a consistent, streamlined and transparent payment process for applicants while



reducing administrative handling by Councils, it may create operational challenges for Councils to amend existing technology and business processes. To support a smooth transition and effective implementation, it is requested that advance notice of any proposed changes, including implementation timeframes and system requirements be provided. This will enable councils to appropriately plan for and integrate the necessary changes within their own systems, processes and financial management frameworks before the new arrangements come into effect. It is also recommended that an API between the NSW Planning Portal and Council's systems be built prior to these changes being implemented.

The proposed approach may create inefficiencies where there are fee discrepancies, amendments or refunds. Further consultation with local government is recommended to ensure the new process can be implemented effectively and does not result in complicated administrative impacts for Councils which has the potential to unnecessarily impact resources. Information on the timing and process for remitting collected fees to Councils is also requested to enable Council to be planning reform ready.

12. Indicative Fees

Previous feedback has been provided regarding the proposed changes to development application notification procedures as part of the statewide Community Participation Plan. Further clarification is sought as to whether public notification costs and other bespoke Council fees will be included within the fees collected through the Portal, and noting that these fees vary from Council to Council.

Council also encourages the use of technology to verify applicant payment details and prevent lodgement where there are insufficient funds to pay the relevant fees.

Council encourages the Department to investigate expanding the online tool to review Estimated Development Costs (EDC), including the accuracy and reliability of amounts entered into the NSW Planning Portal.

13. Variations in fee quote vs. pre-lodgement fee confirmation by Council

Clarification is sought regarding how fee discrepancies will be managed where the indicative fee generated through the NSW Planning Portal differs from the fee ultimately calculated by Council during the pre-lodgement check. As the indicative fee is reliant on information provided by the applicant at lodgement, there is potential for inaccuracies that may result in additional fees being payable, risking increased disputes and confusion for applicants, as well as additional administrative processes for Councils.

14. "Minor" amendments Clarification

The proposed guidance that is to be provided to define a "minor" amendment is strongly encouraged. Providing additional clarification around the factors that may be considered when determining whether an amendment is minor will promote greater consistency across consent authorities and provide increased certainty for applicants.

15. Clarification on timeframe for amendment request

Clarification is sought regarding the proposed requirement that a consent authority “respond” to a request to amend a development application within 14 days. While the introduction of a timeframe is supported, further guidance is required as to what constitutes a “response” for the purposes of this provision. It is unclear whether a response is intended to mean acceptance of the amendment request, or simply, an acknowledgement that the request has been received. Clearer guidance will assist in administering the provision consistently and ensure that applicant expectations are appropriately managed.

16. 7-day Rejection Timeframe

The discussion paper proposes reducing the timeframe for rejecting an application from 14 days to 7 days. While Council supports measures that provide greater certainty and timeliness for applicants, consideration should be given to applying this timeframe as 7-business days rather than 7-calendar days.

On occasion, an application may successfully pass the pre-lodgement review process, however a more detailed assessment following lodgement may identify that the application should have been rejected due to the incorrect approval pathway or other missing mandatory information that was not apparent during the initial review. In circumstances such as these, 7-business days, rather than 7-calendar days, is appropriate to undertake the necessary assessment in deciding whether an application is rejected.

17. Conclusion

The intent of the proposed reforms is encouraging, particularly the objectives of improving application quality, providing greater consistency and clarity across NSW, and streamlining the development assessment process through clearer requirements and improved digital tools.

To ensure the successful implementation of the proposed reforms, further clarification and refinement is required to ensure the framework remains practical, proportionate, and operationally effective for both applicants and local government.

We welcome the opportunity to continue engaging with the Department and other stakeholders throughout the development and implementation of these reforms. Council is committed to a collaborative approach to ensure the proposed changes are practical, effective, and achieve their intended outcomes.



30 July 2026

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Dear Sir/ Madam

Re: Explanation of Intended Effect – Standard and Model Conditions of Consent

Thank you for the opportunity to comment on the exhibited Explanation of Intended Effect (EIE) – Standard and Model Conditions of Consent (July 2026).

This submission is made by Council officers, not elected representatives.

The intent of the reforms is generally supported. However, further clarification is needed to ensure the pathway is procedurally clear and appropriately resourced. Key comments are provided in Attachment A and summarised below.

- The Standard and Model Conditions are encouraged, subject to being able to impose them beyond set requirements and the ability to impose bespoke conditions;
- Confirmation is sought regarding the applicability of standard model conditions to *co-living housing and boarding houses*;
- The 20 or more dwelling threshold to require draft condition consultation is welcomed. However, consultation for more development applications would place significant additional burden on Council resources and impact the timely determination of development applications;
- Regarding the applicability of draft condition consultation to development applications determined by Local Planning Panels, Council suggests that for such applications the consultation should be incorporated into the agenda publication to avoid duplication and time delay; and
- Clarification on the requirements for the consultation process, particularly what 'consideration' entails.

Thank you again for the opportunity to provide feedback. These comments are intended to assist the Department in refining the proposed framework before implementation.

If you need any further information in relation to this submission, please contact Senior Manager Development Assessments, Rachel Josey on 9392 5707 or Rachel.josey@innerwest.nsw.gov.au



Yours faithfully,

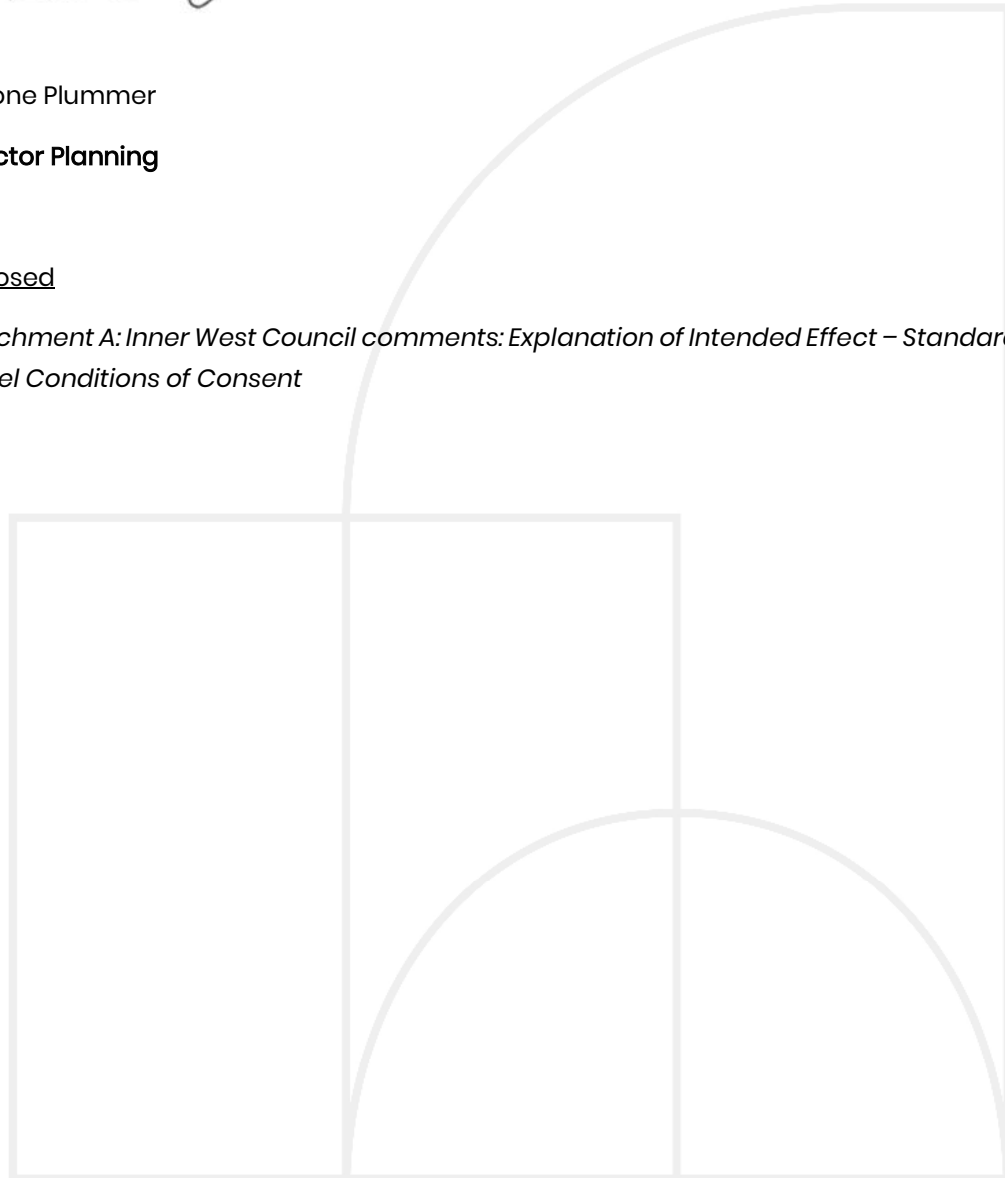
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Simone Plummer

Director Planning

Enclosed

Attachment A: Inner West Council comments: Explanation of Intended Effect – Standard and Model Conditions of Consent





Attachment A –Comments in response to Explanation of Intended Effect – Standard and Model Conditions

1. Standard and Model Conditions

Inner West Council encourages and supports the introduction of Standard and Model Conditions for residential development. The separate set of conditions applying to low rise and mid to high rise development is considered appropriate.

Of note, Council has substantially adopted the sample residential standard conditions published by the Department, dated November 2024, which overlap to a large degree with the Standard and Model Conditions.

Consistent with existing arrangements, Council supports maintaining the flexibility to impose bespoke conditions (to the extent they do not conflict with a Standard and Model Condition). This is important in the Inner West where site specific conditions relating to aircraft noise, party walls, protection of neighbouring buildings, heritage and contamination are commonly required.

Similarly, Council supports explicitly providing the flexibility to impose Standard and Model Conditions even in circumstances where directions circumstances/criteria are not expressly satisfied. This would incorporate flexibility to include conditions where they are suitable to the circumstances of an application, even where the relevant direction criteria are not expressly met. For example, the draft wall dilapidation condition must be imposed if *“development involves the construction of a wall built to a property boundary and there is an existing wall on the adjoining property located less than 0.9 metres from that boundary.”*

There are circumstances where a wall dilapidation report, or general dilapidation report, would be required even if a wall is not built to the property boundary to prevent environmental impact. This may be where the adjoining property has a wall on the property boundary and the proposed development is setback 0.9 metres.

2. Standard and Model Conditions – Co-living Housing and Boarding Houses

Clarification is requested regarding the applicability of the Standard and Model Conditions to *boarding houses* and *co-living housing*. Whether or not *boarding houses* and *co-living housing* was intentionally excluded from this reform, and if so the reasons for doing so.

3. Draft Conditions Consultation Requirements

The reforms propose a mandatory, seven (7) day consultation period for draft conditions for development satisfying the following criteria, prior to determination:

- State Significant Development;
- Designated Development; and
- Any other residential development including 20 or more dwellings.



Inner West Council notes that any buildings four storeys or greater and subject to the Apartment Design Guide must be determined by the Local Planning Panel (LPP). Inner West Council publishes the assessment of such applications and recommendations to the LPP, including conditions of consent, on Council's webpage as part of the meeting agenda prior to the meeting and formally advises the Applicants of this information. It is recommended that where such occurs this is considered as part of the consultation process and that separate consultation not be required so as to not result in duplication and unnecessarily impact timeframe for determinations.

Further, during the Webinar: DA Requirements and Standard and Model Conditions Exhibition hosted by the Department on 13 July 2026, the following was advised:

- The consultation period would be included within the counted days for the Minister of Planning and Public Spaces Statement of Expectations Order 2026's average determination timelines (Minister's Expectations);
- Consultation for draft conditions would not be required for modification applications; and
- Consideration of any applicant responses was wholly within the discretion of the consent authority.

The exclusion of modifications applications is supported. Council envisions the potential benefits of this consultation to identify conditions which are not feasible to implement, duplicative, require unnecessary verification and reduce the number of future Section 4.55(1) modifications applications.

However, Council notes that Section 4.55(1) modification applications are now subject to deemed approval. Further, in Council's experience, Section 4.55(1A) and (2) design change applications are relatively common for larger scale residential development. These modification applications also provide the opportunity for Applicants to seek to update conditions of consent.

On the above basis, draft condition consultation requirements, should be carefully implemented. Both potential public and private sector resourcing requirements should be considered against potential benefits to ensure efficiencies and net times savings are genuinely created and minimise delays or inefficiencies.

Council recommends that the scope of development applications which require consultation of draft conditions is not expanded. Any potential savings would be outweighed by the additional resourcing required at DA stage and would be contrary to the aims of this EIE, Minister's Expectations, and the delivery of housing in a timely manner.

Overall, Council supports in principle the concept of draft conditions consultation process but requests clarification as follows.



A. Interactions with the Assessment Process

Inner West Council's current assessment workflow finalises conditions of consent at final stage of assessment. In addition, conditions are provided by internal and external referral bodies, which are often amongst the final items required for determination. After draft assessment is complete, it is subject to peer review.

To ensure the comprehensiveness and robustness of assessment and conditions, it is recommended that consultation of draft conditions occurs after peer review. This will ensure that the consultation is based on the final recommended conditions which would not be subject to change by Council and would fit within the ICAC anti corruption safeguards 2012. However, the additional seven (7) day span will impact the timely determination of development applications and potentially impact Council's ability to meet the Minister's Expectations.

It is understood that there is some expectation that consultation on conditions could occur alongside the assessment process and therefore would not impact the timeframes for determination. This is unlikely to be feasible in practice as applications progress straight to determination once the assessment is completed which includes a set of draft conditions. The drafting of these conditions progresses throughout the assessment process. Consulting on a set of conditions prior to the finalisation would not achieve the desired outcome as set out in the EIE.

B. Consultation Requirements and Restrictions

The EIE proposes that Inner West Council must 'consider' applicant responses to draft conditions.

As noted above, it is suggested that 'consideration' is entirely within the discretion of the consent authority. To reduce assessment times in accordance with the Minister's Expectations and aims of the EIE, Council recommends the creation of a new stage of assessment should be avoided. This might include requirements or guidelines which limit the response so that it does not include new material / amendments to the proposal to address draft conditions. That is not to say Council will not consider additional material where appropriate. To this effect, Council envisions a potential draft condition consultation process to be subject to the following restrictions/disclaimers:

- The draft conditions are not final and are without prejudice. Nothing restricts Council from adding or amending conditions with the formal determination. Council is not obligated to provide the updated set of draft conditions prior to determination. This disclaimer is particularly important given the ability of a Local Planning Panel to impose and modify conditions.
- Council will generally only consider one (1) written submission. Multiple submissions should be discouraged to avoid further delay.
- Council will consider the Applicant's submission at its discretion, including whether requests are adopted, or to provide a response.



C. Implementation of the Consultation Process

The EIE does not specify how the consultation is envisaged to be implemented. For example, whether consultation will be implemented via the NSW Planning Portal.

Council suggests that the existing NSW Planning Portal request for additional information functionality or contacting the applicant via email is sufficient. The format and content any covering letters or email templates, including any disclaimers (discussed above), can be left to the discretion of individual consent authorities.

4. Conclusion

The intent of the proposed reforms is supported in principle.

To support the successful implementation of the proposed adoption of standard model conditions and draft condition consultation process, further clarification and refinement is sought. This refinement will ensure draft condition consultation delivers benefits commensurate with the resourcing required for implementation and supports timely determination and housing delivery.



Internal Ref: EXTERNAL/2025/0005

28 July 2026

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

ATTENTION: Caitlin Hopper

Dear Ms Hopper,

Re: SSD-119545240 40-76 William Street, Leichhardt

Council would like to extend thanks to the Department of Planning, Housing and Infrastructure (DPHI) for providing Inner West Council (Council) with the opportunity to provide comments on the proposed State Significant Development Application (SSDA) at 40-76 William Street, Leichhardt.

This advice is made by Council officers, not elected representatives. This includes specific commentary regarding design from Council's recently appointed City Architect.

Council is aware of the current housing emergency and the contribution that this site can make to address this. Inner West seeks housing growth balanced by suitable amenity and high-quality design outcomes that respect and enhance the character of the existing neighbourhood. To support the best possible outcome for the site and surrounding community, Council officers recommend further refinement of the proposal. Key comments are provided in Attachment A and summarised below.

- Operational and technical matters - including flooding, stormwater management, traffic and servicing, waste management, acoustic impacts, contamination and remediation, urban forest outcomes, site opportunities and additional information required to support the assessment



- Public benefit – including the proposed affordable housing contribution, public domain improvements and opportunities to strengthen long-term community benefit.
- Residential amenity – including building separation, bulk and scale, natural ventilation, private open space, solar access, overshadowing, communal open space and interface amenity.
- Local character – design excellence and heritage, including the extent of demolition, retention of contributory industrial fabric, built form transition and the relationship of new development to the site's warehouse character.
- Planning controls – including the concurrent rezoning, proposed FSR uplift, key site map amendments, height and zoning considerations, and adaptive reuse provisions.

Thank you again for the opportunity to provide feedback. Should you require any further information in relation to this submission please do not hesitate to contact, Conor Wilson, Acting Development Assessment Manager on +61 2 9392 5997 or email conor.wilson@innerwest.nsw.gov.au

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Simone Plummer', with a checkmark at the end.

Simone Plummer

Director Planning

Enclosed

Attachment A: Inner West Council Officer comments

Attachment B: Recommended Conditions in the event of approval

Attachment C: Draft Inner West Council Affordable Housing Policy

1. Flooding

Council has reviewed the flooding information provided and notes inconsistencies throughout the documentation. Accordingly, it is recommended that the following matters be addressed to support a robust assessment of flood behaviour, site safety and building protection.

- The proposed buildings were represented in the hydraulic model as deactivated areas through which floodwater cannot enter or flow. Accordingly, the absence of flooding shown within the building footprints, particularly within the park area, does not demonstrate that the proposed thresholds and openings are flood-free. The model must include all external areas and the proposed contours of the park area so that the actual development flood flow regime is modelled.
- Further detail should be provided to properly assess the interaction between the park area and the adjoining buildings. The park area is approximately 1 metre higher than the adjacent Building D and at approximately the same level as Buildings A, B, C, and E. It is therefore unclear how runoff from the park will be prevented from flooding the adjoining buildings during rainfall events, particularly where there is little or no level difference, or a level difference of up to approximately 1 metre in the case of Building D.
- Flood protection appears to rely on barriers. However, it is unclear whether these barriers are intended to provide protection to the 1% AEP flood level plus 500 mm freeboard or to events more severe than the 1% AEP event. No details of the type, location or operation of the flood barriers have been provided.
- The submitted architectural and flood documents are not adequately coordinated. The plans contain general “flood barrier” annotations but do not clearly identify the required barrier level at each location or demonstrate a continuous line of flood protection around all building and basement openings.
- Insufficient detail has been provided to properly assess the overland-flow path along the southern and western boundaries of the site. Overland flows appear to be contained by a retaining wall below the park; however, no wall heights or crest levels have been provided to demonstrate its hydraulic adequacy.
- Where the retaining wall, flood barriers, overland-flow paths, culvert openings or other critical infrastructure form part of the flood-protection

measures, their function and required levels must be clearly documented. This is necessary to enable a thorough assessment of the adequacy of such infrastructure to ensure it is adequate to provide the required protection for residents and buildings. Restrictions on the use of land and positive covenants will also need to be registered on title to ensure that measures are retained, maintained and not altered or obstructed. However, raising floor levels above the applicable Flood Planning Level remains the best practice and more reliable design response, rather than relying on multiple physical flood-protection measures such as flood walls and associated positive covenants that remain dependent on ongoing maintenance and may be susceptible to failure.

- The basement driveway appears to crest at approximately RL 9.35 AHD, which is below the RL 9.45 AHD protection level specified in the flood report. Details of flood protection of the basement to the PMF level have not been provided.
- Further detail is required to confirm that all basement entrances, lift shafts, stairwells, ventilation openings and other potential basement water entry points are protected to the higher of the 1% AEP flood level plus 500 mm or the PMF level.
- The loading dock appears to be subject to flooding and represents a potential flood-entry point to the goods lift and basement.
- The conclusion that the climate-change increase is adequately accommodated because it is no greater than the standard 500 mm freeboard is not supported based on the information provided. The standard freeboard also provides an allowance for modelling uncertainty, local hydraulic effects and other factors and cannot be treated as a dedicated climate change allowance

2. Stormwater and WSUD

Council has reviewed the stormwater information provided and requests that the following matters be addressed.

- The level of detail in the information provided is not sufficient to properly assess the stormwater management of the park area. Detailed plans and sections demonstrating how runoff from the elevated park and landscaped areas will be collected and directed away from the adjoining buildings, with

sufficient freeboard to prevent flooding in case of blockage or failure of the stormwater system, are needed.

- It is unclear how the PMF relief culvert beneath the open space area operates and if the design is safe and will not cause an unacceptable hazard to residents.
- It is unclear whether the setback along the eastern boundary, which contains the new 525 mm-diameter pipe, has been designed to function as an overland flow path. This setback should be designed to safely convey overland flow in the event of failure or blockage of the pipe.
- The stormwater treatment train should incorporate soft landscaped WSUD measures, including rain gardens, biofiltration systems or equivalent treatments.
- Water reuse is encouraged to reduce the potable water demand of the development.

3. Affordable Housing

The proposal seeks to provide 203 dwelling units in total, of which 15 dwellings are to be managed as affordable housing for 15 years, representing 5% of the total GFA proposed. The plans identify a number of units with an “A” notation and blue shading. However, in the absence of a legend or accompanying explanation, additional clarification would assist in confirming whether these units are intended to represent the proposed affordable housing dwellings. For the purposes of this commentary, it has been assumed that these are the nominated affordable dwelling units.

Of the fifteen affordable dwelling units proposed, the submitted material indicates limited solar access and natural ventilation outcomes, with two units receiving solar access (C.01.04 and C.01.05) and one unit being naturally ventilated (C.01.05). Some private open space areas also appear to have constrained locations, as they abut external stairwells, the basement car park entrance or the right of carriageway. Further consideration should be given to the design of the affordable housing units to ensure residents are afforded a comparable standard of amenity to that achieved by other dwellings within the development.

While the proposed affordable housing contribution is supported in principle, the scale of residential uplift sought provides an opportunity to deliver a more



substantial and enduring affordable housing outcome. Further economic feasibility testing or planning justification should be provided to support the proposed quantum. Currently no economic feasibility testing or planning justification has been provided to explain how this figure was determined.

It is considered the site has the capacity to deliver a more meaningful contribution, either through in perpetuity on-site affordable housing or equivalent cash contributions which are preferred. Refer to the exhibited draft Inner West Affordable Housing Policy, which is being reported August 2026 Council Meeting, details of this can be found in Attachment C.

This site presents an opportunity to deliver long-term affordable housing in the Inner West. Further exploration of this opportunity would assist in securing a stronger long-term community benefit. The draft Inner West Affordable Housing Policy identifies the provision of up to 10% affordable housing in perpetuity for proponent-led rezonings seeking additional residential GFA, which should be further considered as part of the proposal.

4. Contamination and Remediation

Council has reviewed the Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) and requests that the following matters be addressed.

Outstanding Data Gaps

The DSI and RAP identify several matters requiring further investigation or clarification, including:

- The quality of soils beneath existing buildings and inaccessible storage areas;
- The source and extent of groundwater hydrocarbon contamination; and
- The potential influence of historical industrial activities on adjoining land, including the former industrial site at 69 Allen Street.

Additional investigation is proposed following demolition, indicating that contamination conditions would benefit from further characterisation. Clarification should be provided to confirm that sufficient site characterisation will be

undertaken to adequately assess contamination risks associated with the proposed development.

Groundwater Contamination

The DSI identified hydrocarbon impacts, benzo(a)pyrene exceedances and elevated metals within groundwater. The source of the groundwater contamination requires further clarification, and further groundwater assessment is proposed.

Given the proposed two-level basement excavation and residential land use, further information should be provided regarding groundwater contamination risks, proposed management measures during excavation and confirmation that groundwater impacts can be appropriately managed to support the proposed development.

Vapour Intrusion Assessment

The DSI identifies hydrocarbon contamination and recognises vapour intrusion as a potential exposure pathway. However, the DSI also notes that soil vapour assessment does not appear to have been included in the submitted assessment.

Given the proposed residential use and basement construction, further justification that potential vapour intrusion risks have been adequately assessed and can be appropriately managed.

Acid Sulfate Soils

The DSI and RAP identify the site as being located within an Acid Sulfate Soil Class 5 area under the Inner West LEP. Further assessment would assist in confirming whether acid sulfate soil management is required.

Given the proposed deep excavation and two-level basement, there should be a consideration into further Acid Sulfate Soil assessment.

Long-Term Management of Contamination

The RAP provides for potential containment, encapsulation and ongoing management of contamination where required. Clarification would assist in confirming whether long-term containment of contaminated material is proposed as part of the remediation strategy.



Clarification should be provided regarding any proposed long-term containment measures, Environmental Management Plan requirements, restrictions on land use and ongoing management obligations.

Inconsistencies within the documentation provided regarding contamination and remediation matters

The following matters would benefit from clarification to ensure consistency across the supporting documentation for the proposal:

- Site address clarification
 - Multiple figures within the RAP refer to “40-76 William Street, Mosman NSW” rather than “40-76 William Street, Leichhardt NSW” and should be corrected.
 - The report be reviewed and amended to ensure all project-specific details are accurate and relevant to the subject site.
- SSD Classification Inconsistency
 - The RAP states that the remediation works are not associated with State Significant Development; however, the report has been prepared in support of SSD-119545240.
 - Clarification and any necessary amendment should be provided to resolve this inconsistency.
- Reliance on Historic Investigation Data
 - The contamination assessment relies on field investigations undertaken between 2019 and 2021, with no additional site investigation reported since that time.
 - Confirmation that the historical investigation findings remain representative of current site conditions and suitable for assessment of the proposed SSD.

These matters should be addressed prior to determination to demonstrate that the contamination and remediation is resolved, that the submitted documentation is reliable and site-specific, and that the land can be made suitable for the proposed residential development.

5. Traffic Management

A number of traffic management matters have been identified, and it is recommended that these matters are addressed to support safe and efficient vehicular movement within and around the site and the surrounding street network. These matters are as follows:

Public domain improvements:

- Opportunities to widen the footpath along North Street frontage should be investigated as part of the public domain improvements, including a splay that follows the alignment of the existing building along North Street. This will assist in promoting pedestrianisation of the area and active transport modes of travel.
- It should be noted that William Street experiences higher traffic volumes during peak periods, as it is commonly used by motorists as an alternative route to Darley Road and James Street. Additionally, the site is located on the westbound downward slope section of William Street, and local feedback indicates an opportunity to consider vehicle speed management. Given these factors, consideration should be given to traffic-calming measures in the vicinity of the proposed basement car park access to improve safety and manage potential conflicts between entering and exiting vehicles and through traffic.
- All public domain works adjacent to the site should be designed in accordance with the Inner West Public Domain Design Guide and developed in consultation with Council's Public Domain Team to ensure consistency within the public domain.

Car parking area:

- The turn analysis for residents entering and exiting the basement appears constrained at the corner of the basement car park ramp. Swept path analysis in accordance with the relevant Australian Standard should be provided to demonstrate that standard vehicles can pass and to confirm the functionality of the car parking area. (See figure 1 below)

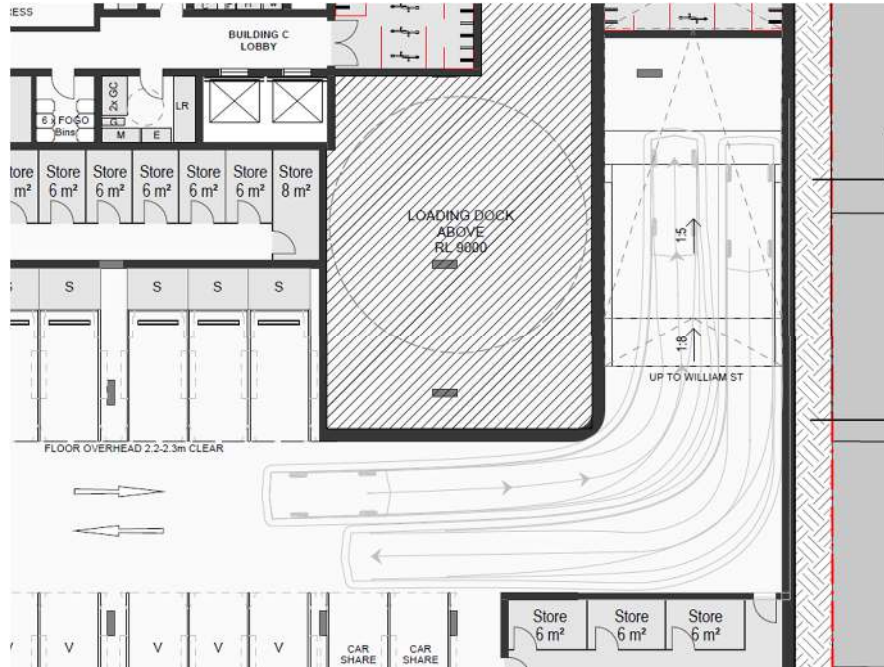


Figure 1: Extract of the tight turn within the basement

- The servicing arrangement relies on the turntable to achieve forward entry and exit, which is not recommended. An alternative swept path or operational contingency should be provided for circumstances where the turntable is unavailable due to mechanical failure, electrical failure, maintenance or obstruction. Amendments to the plans are needed to demonstrate servicing by a Council waste vehicle without reliance on a turntable.
- The driveways servicing the loading dock and basement car park are to be constructed as two separate driveways separated by a continuous section of kerb and footpath, rather than one single layback. Having one single (large) driveway encourages opportunities for vehicles to undertake illegal U-turns and illegal parking which subsequently compromises pedestrian safety.
- Further clarification would assist in confirming whether a secure gate is proposed for the basement car park. If proposed, the design should demonstrate that sufficient vehicle queuing can be accommodated on-site to support efficient internal circulation and avoid queuing within the street network.
- It should be noted that William Street has an on-road cycle route. To promote the use of active transport, it is recommended to provide safe and separate cyclist connectivity from the road level to the development. This should be clearly indicated on amended plans.

- It is recommended that the basement car park considers adopting traffic calming measures to ensure safe speed management within the carpark. For instance, the inclusion of speed hump or similar treatment as vehicles exit the car park and approach the pedestrian interface.

6. Residential Amenity

Building separation, bulk and scale

The Apartment Design Guide (ADG) establishes minimum setback requirements to ensure that the scale and bulk of new development is appropriate within its surrounding context, while also supporting residential amenity through considerations such as visual privacy, solar access, view retention, and bulk/scale management.

The current proposal involves extensive demolition, with the exception of the northern and western façade at the interface of North and William Street and a portion of the western wall that abuts 41-59 North Street properties. Given the extent of demolition, the proposal has greater flexibility to achieve improved building separation and amenity outcomes and should be capable of aligning with the building separation controls set out in the ADG.

The ADG requires buildings up to four storeys to have a minimum setback distance of 12m between habitable rooms/balconies; and buildings with five to eight storeys to have a minimum setback distance of 18m between habitable rooms/balconies, with an additional 3m required where a development adjoins a lower-density residential zone to facilitate a more sensitive transition in scale and bulk.

In this context, Building E proposes approximately 500mm setback on all floors along the southern boundary adjoining low-density dwellings on North Street. The limited southern setback combined with the proposed five-storey built form, results in a scale and presentation that would benefit from further refinement to provide a more sensitive transition to the low-density residential context of William and North Streets.

Within the site, there is an opportunity to further improve building separation between the proposed buildings to better align with the Apartment Design Guide and support higher levels of residential amenity. Most notably, the eastern wall of

building A and the western wall of building C both have a nil setback to the respective adjoining walls of building B on the upper levels, with 6.2m between buildings A and E; 11.5m between buildings A and B; 8.3m between buildings E and B; and 5.6m between buildings C and D1. These variations are addressed through the reduction of windows on the northern elevation of buildings D and E, the eastern elevation of buildings A and B, and the western elevation of buildings B and C. While this may reduce direct overlooking, it also limits the internal amenity of affected dwellings, particularly in relation to natural light, ventilation and outlook.

Greater separation distances would support improved natural ventilation, daylight access, visual privacy and acoustic outcomes, while also providing greater flexibility in the design of windows and openings. This would assist in achieving a higher standard of amenity for future residents and better align with the intent of the ADG design guidance.

Further consideration should therefore be given to incorporating varied upper-level setbacks, together with façade articulation including north-facing windows, to support improved amenity for future residents while delivering a sensitive transition in bulk and scale to the adjoining low-density residential context of William and North Streets.

Natural ventilation

The Apartment Design Guide (ADG) requires that at least 60% of units within a development achieve natural cross ventilation, with appropriately sized inlets and outlets to ensure effective air movement. This standard is intended to minimise reliance on mechanical ventilation, improve internal amenity, and support long-term sustainable living outcome.

The supporting documentation provided with the application states that 63 % of the development is naturally ventilated. To support a robust assessment and confirm the quality of this outcome, additional clarification is requested for the following units, particularly in relation to the size, location and effectiveness of the proposed inlets and outlets:

Ground Level: B.01.01; C.01.07; D1.01.03	Level 6: A.05.03; B.06.01; C.06.06
Level 1: A.01.03; B.01.01; C.01.07; D1.01.03; D2.01.03; E.01.02; E.01.01	Level 7: A.06.03; B.07.01; C.07.06

Level 2: A.02.03; B.02.01; C.02.06; D1.02.03, D2.02.03; E.02.01; E.02.02	Level 8: A.07.03; B.08.01;
Level 3: B.03.01; C.03.06; D1.03.03, D2.03.03; E.03.01; E.03.02	Level 9: A.08.03
Level 4: A.03.03; B.04.01; C.04.06; D1.04.03, D2.04.03; E.04.01; E.04.02	Level 10: A.09.03
Level 5: A.04.03; B.05.01; C.05.06; D1.05.03, D2.05.03	

As discussed in the building separation section above, the proposed separation distances appear to be below the ADG minimum guidance and would benefit from further refinement. Further refinement of the building separation distances would support improved natural cross ventilation outcomes for the units identified above and assist in achieving a higher standard of residential amenity.

Private Open Space and Balconies

The Apartment Design Guide (ADG) requires balconies for all units to ensure an appropriate level of outdoor amenity while also providing architectural interest and articulation to reduce perceived building bulk. Under the ADG, 1 bedroom units must provide a minimum area of 8sqm with a depth of 2m, 2 bedroom apartments must provide a minimum area of 10sqm with a depth of 2m, and 3+ bedroom apartments must provide a minimum area of 12sqm and a depth of 2.4m.

The purpose of private open space under the ADG is to provide residents with functional, usable outdoor areas that extend their living rooms and contribute to long-term housing quality.

It is noted that some balconies would benefit from amendments to the design to enable consistency with the ADG minimum area and depth requirements, including C.01.04, which has an area of 7sqm, and D.1.01.05, which provides 9sqm.

Accordingly, it is recommended that private open space for each dwelling be designed to meet the minimum ADG requirements in both area and depth, ensuring that balconies function as genuine extensions of internal living areas and provide acceptable levels of amenity for long-term residential use.



Solar Access

The Apartment Design Guide (ADG) sets minimum solar access requirements to ensure habitable rooms receive adequate daylight, thereby enhancing internal amenity and supporting the usability of private open spaces. Together with apartment size and layout, the orientation of units is critical to achieving these standards.

There is scope for the overall bulk of the development to be redistributed to encourage an improved solar access outcome for the overall development, in particular for the dwelling units located within buildings D1 and D2.

Overshadowing to neighbours:

It is noted that the shadow diagrams provided with the application indicate reduced solar access to neighbouring dwellings, particularly those located along North Street. The dwellings located closest to the site are shown as receiving no direct solar access during the assessed period on 21 June between 9am and 3pm.

Given the extent of demolition proposed, the site has greater flexibility to support improved solar access outcomes for neighbouring dwellings, consistent with the Leichhardt Development Control Plan 2013 requirements and the access to sunlight planning principle in *The Benevolent Society v Waverley Council*. This includes supporting two hours of solar access to 50% of private open space and two hours of solar access to principal living room windows during the winter solstice.

Additional articulation to improve the solar access retained to the neighbouring properties may include the introduction of increased setbacks, and the overall reduction in height of the development.

Furthermore, it is recommended that shadow diagrams illustrating the March and September equinoxes are provided to capture the full extent of the overshadowing impacts and solar access received to surrounding properties throughout the year.

Communal Open Space

Solar access:

The Apartment Design Guide (ADG) sets minimum solar access requirements to ensure that the communal open space areas within the development receives adequate solar access to be enjoyed by residents of the building. The communal



open space area is required to receive a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9 am and 3pm.

While view-from-the-sun and shadow diagrams have been provided as part of the application package, they do not appear to depict the pergola structure proposed to occupy the majority of the communal open space area. This structure may influence the amount of direct sunlight received by the principal usable communal open space area. Updated view-from-the-sun and shadow diagrams should therefore be provided to depict all proposed works.

While the pergola structure may provide a valuable shaded and weather-protected communal space, any updated solar analysis should demonstrate that the principal usable area continues to receive adequate sunlight. Where this is not achieved, design refinements to the pergola should be considered to improve solar access while retaining its intended amenity benefits.

Interface amenity:

Further information would assist in confirming the interface amenity between the ground-floor units that abut the communal open space area, particularly in relation to visual and acoustic privacy.

Acoustic and visual privacy mitigation measures should be considered to support appropriate amenity outcomes for adjoining ground-floor units, particularly D2.GR.02, in relation to the use of the communal BBQ area.

7. Local Character and Design Excellence

Given the scope of the works and uplift proposed, it is requested that the application be reviewed by the State Design Review Panel for an independent design assessment. This accords with the planning proposal Inner West Council recently submitted to DPHI to amend clause 6.9 of the Inner West LEP2022 in this regard.

Notwithstanding this, the proposal has the potential to achieve a high-quality design outcome, particularly through the retention and adaptive reuse of existing industrial façade elements, the quality of proposed materials and detailing, and the

opportunity to improve the public domain. These aspects are supported in principle and would assist in reinforcing the site's industrial character at street level, provided the retained fabric is sensitively conserved and the new built form is appropriately integrated with the existing streetscape. Further detailed consideration should also be given to the treatment of street frontages, landscaping, pedestrian amenity, active transport connections and the relationship between the development and the public domain.

The current height, density, bulk and scale of the proposal raise concerns regarding its relationship with the surrounding low-density residential context, particularly to properties on North Street and Francis Street. The proposal would benefit from further refinement to reduce visual bulk, improve building transitions, increase upper-level setbacks, address overshadowing and amenity impacts, and strengthen the relationship between new work and the retained industrial fabric. On this basis, the proposal should be further reviewed and amended to demonstrate that it is capable of achieving design excellence, with particular regard to residential amenity, neighbourhood character, built form transition, solar access, public domain quality and heritage-responsive design.

SEPP 65 Mandatory Design Principles for Residential Apartment Buildings	
1. Context and Neighbourhood Character: Good design responds to and enhances its surrounding environment, establishing a clear relationship between the new building and the existing or desired future streetscape	The proposal represents a significant jump in scale from neighbouring properties. Visual and amenity impacts are significant, particularly on immediate neighbours to the south. Retention and reuse of existing façade elements will contribute positively to neighbourhood character at street level if handled sensitively during construction to preserve facade
2. Built Form and Scale: Buildings must have a scale, bulk, and height that is appropriate to the street and surrounding buildings, creating a cohesive visual appearance	FSR 3.10:1 is high relative to context and more than 5 times the permissible under current controls Overshadowing, overlooking, visual bulk and sharp transition from low scale to 11 storeys in Building A are key consideration.
3. Density: Density should be appropriate for the site, resulting in a high level of amenity for residents without overtaxing local	Density impacts are excessive on neighbouring properties to the south east (Francis St) and south west (North St) of the site

SEPP 65 Mandatory Design Principles for Residential Apartment Buildings	
infrastructure or the immediate environment	Drawings provided do not include neighbouring properties in sections and elevations making contextual analysis impossible in drawings. More detailed analysis of overlooking and view impacts on neighbours is needed to enable comment
4. Sustainability: Developments should optimise positive environmental and economic outcomes. This is primarily achieved through passive solar design, natural cross-ventilation, energy and water efficiency, and the use of sustainable materials	A review of the plans has highlighted concerns about fixed windows to bedrooms. More information needed to confirm the proposals compliance with cross ventilation.
5. Landscape: Buildings and landscapes should operate as an integrated system. Good landscape design maximises usability, enhances the streetscape, creates pleasant common spaces, and supports local microclimates	
6. Amenity: Developments must provide high-quality living environments by ensuring proper room layouts, access to sunlight, natural ventilation, visual and acoustic privacy, and ample storage	See planning comments
7. Safety: Good design optimises security and safety within both the development and the public domain by clearly delineating private and public spaces and maximising natural surveillance	See planning comments
8. Housing Diversity and Social Interaction: Developments should provide a mix of apartment sizes and types to cater to diverse demographics, budgets, and living	See planning comments

SEPP 65 Mandatory Design Principles for Residential Apartment Buildings	
needs, while encouraging community engagement	
9. Aesthetics: The building's design—including textures, materials, and colours—should appropriately reflect its internal structure, use, and surrounding environment, contributing positively to the neighbourhood character	Can comply
CONSIDERATIONS FOR DESIGN EXCELLENCE – IWLEP 2022 Cl. 6.9	
(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:	
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Can comply subject to larger scale considerations being addressed. Proposed facade treatments, materials and details are of high quality and well resolved.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain	Retention and adaptive reuse of existing industrial facades is supported and contributes to a richer overall effect in terms of materiality and character at street level. Some setback to new work should be considered above the existing retained facades. Massing and scale of the proposed buildings will have significant visual and amenity impacts on the neighbouring streets and public domain including increased overshadowing and loss of sky views and spatial character – not achieving design excellence in current form
(c) whether the development detrimentally impacts on view corridors and landmarks	Can comply
(d) whether the development detrimentally impacts on land protected by solar access controls established in the relevant development control plan	Refer to planning comments

SEPP 65 Mandatory Design Principles for Residential Apartment Buildings	
(e) the requirements of the relevant development control plan	Refer to planning comments
(f) how the development addresses the following matters—	
(i) the suitability of the land for development	The land is suitable for a high quality residential development providing the matters identified in this submission are satisfactorily resolved.
(ii) existing and proposed uses and use mix	Refer to planning comments
(iii) heritage issues and streetscape constraints	Can comply
(iv) the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	Proposed height and bulk is leading to excessive amenity impacts on neighbouring properties, particularly on North Street. Not capable of design excellence in current configuration.
(v) bulk, massing and modulation of buildings	Bulk and massing are not capable of achieving design excellence in proposed form. Modulation and articulation of facades and building elements within the proposal is well resolved
(vi) street frontage heights	Height is excessive. Setbacks to new work above retained facades may be considered to address this. Refer to above comments and planning comments
(vii) environmental impacts, including sustainable design, overshadowing, wind and reflectivity and visual and acoustic privacy	Overshadowing impacts to neighbours are not supportable and are not consistent with expected outcomes for design excellence.
(viii) the achievement of the principles of ecologically sustainable development	Can comply

SEPP 65 Mandatory Design Principles for Residential Apartment Buildings	
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements, including the permeability of any pedestrian network	Refer to planning comments
(x) the impact on, and proposed improvements to, the public domain, including landscape design	Can comply subject to further design development and resolution of larger scale considerations of density and height impacts
(xi) the relationship of the development with the street and building frontage	William Street (Northern) frontage includes long sections of inactive street wall and vehicular crossings. Detail treatment of street frontage to improve the public domain, including integrated landscaping and seating should be considered.

8. Heritage Considerations

The subject site forms part of the Helmsarmel Distinctive Neighbourhood and contributes significantly to the historically industrial precinct. The existing buildings demonstrate the area's industrial history, create a distinctive industrial streetscape and contribute to the character of the locality.

The proposal retains only part of the existing buildings at the William/North Street corner and proposes the removal of a substantial portion of the remaining warehouse buildings and contributory fabric across the site. This would reduce the physical evidence of the site's industrial evolution and has the potential to weaken the industrial character of the William Street streetscape. In particular, the removal of the William Street warehouse elements would alter the established warehouse presentation that contributes to the identity and character of the precinct.

The proposal includes development of up to 11 storeys, which is significantly taller than the prevailing scale of the existing warehouse buildings and the surrounding locality. Further refinement is needed to ensure that the bulk, scale and height allow the retained fabric to remain visually prominent and clearly legible within the streetscape.



The existing buildings contribute to the streetscape through their warehouse form, parapets and sawtooth roof profiles. Appendix B: Building Typologies, Section 12, of the Leichhardt DCP 2013 acknowledges that vertical additions can be contemplated where they are recessed behind the parapet and maintain a simple horizontal profile consistent with the original building form. While the proposed additions are distinguishable from the historic fabric, consistent with accepted conservation principles, there is an opportunity to further refine their scale, bulk and setbacks to better preserve the visual prominence of the retained buildings and reinforce their contribution to the public domain.

Accordingly, the following amendments are recommended:

- Substantially greater retention of the site's contributory industrial buildings and fabric, including the William Street warehouse elements. Existing external walls, parapets, original openings and sawtooth roof forms should be retained and incorporated into the redevelopment.
- Reduction in the height, bulk and scale of the development, with increased upper-level setbacks along the William Street frontage, to ensure the retained warehouse buildings read as dominant elements in the streetscape
- Retention of the continuous presentation of the historic warehouse facades and the strong horizontal parapet line to William Street.

9. Concurrent rezoning and proposed changes to IWLEP 2022 relating to the increase in FSR

The State Significant Development application is accompanied with a concurrent rezoning application which seeks to amend the Inner West Local Environmental Plan (IWLEP) 2022 as follows:

- Amend the floor space ratio map under Clause 4.4 to increase the maximum FSR from 0.5:1 to 3.1:1. Amend the Key Sites map to remove site from Area 1 so the following do not apply:
 - Clause 4.3C – Landscaped area for residential accommodation in Zone R1
 - Clause 6.14 – Diverse Housing
 - Clause 6.15 – Development Control Plan for sites over 3,000sqm

- Remove application of Clause 6.12 Adaptive reuse of existing buildings for dwellings in residential zones

Proposed FSR Controls

Further urban design advice should inform whether the proposed FSR is appropriate, having regard to built form, amenity and character outcomes.

Consideration should be given that proposed base FSR could be further increased to 4.03:1 with a 30% bonus under in-fill affordable housing if 15% of total GFA was provided as affordable housing under the Housing SEPP. It is unclear if the 5% affordable housing provision proposed would count towards any future potential bonus for infill affordable housing.

Proposed amendment to the Key Sites Map

Landscaped area:

Given the extent of uplift proposed, the landscaped area requirements within the RI General Residential Zone would no longer be appropriate for the site. This amendment is supported subject to the development demonstrating the ADG design guidance of 15% deep soil as the site is greater than 1,500sqm. A greater proportion of the site should be utilised for deep soil planting given the substantive uplift being requested.

Diverse Housing:

The proposed dwelling mix is generally consistent with the intended planning outcomes for the site. Although it differs from the current requirements, no objection is raised given the anticipated changes to the planning framework, and the proposed approach is therefore supported.

Development Control Plan:

In the absence of a site specific DCP being prepared for the site, given the scope of works proposed it is requested that the application be reviewed by the State Design Review Panel to ensure design excellence and that all design matters are properly and independently assessed.

Height of Building Map

The application does not include a proposed Height of Buildings (HOB) map, on the basis that it is not considered necessary. However, given the significant uplift sought as part of the proposal, it is considered appropriate and requested that a HOB map be included. This would be consistent with the approach adopted for other applications involving concurrent rezoning and redevelopment.

Zone

The application does not seek to change the existing zoning of the site, this being R1 General Residential. However, given the extent of uplift sought it is recommended that the zoning of the site be amended to R4 High Density Residential. This would better align the proposal with Council's strategic planning framework under the Our Fairer Future Policy. This policy envisages sites accommodating buildings greater than six storeys being located within the R4 High Density Residential zone.

10. Acoustic Matters

Behavioural Noise from Communal Areas

The Noise and Vibration Impact Assessment does not assess behavioural noise associated with resident use of these areas, including social gatherings, conversations, outdoor dining and BBQ activities. Further assessment should be provided to demonstrate that communal recreation activities can be managed to maintain appropriate acoustic amenity for neighbouring residential receivers, particularly the existing internal and private open space areas for the dwellings located along North Street that back onto the development site as well as the acoustic amenity for dwellings within the development.

Mechanical Plant and Exhaust Systems

The architectural plans identify substantial mechanical infrastructure including AC plant, hot water plant, condensers, rooftop fans, car park ventilation systems, loading dock exhaust and waste exhaust systems.

The acoustic report does not yet provide a detailed assessment of these identified plant and exhaust systems and largely defers assessment to a later design stage.

Further information should be provided demonstrating that the proposed plant and ventilation systems can achieve compliance with the applicable acoustic criteria without resulting in amendments to the bulk and scale of the development.

Inconsistencies within the documentation provided regarding acoustic matters

The following matters would benefit from clarification to ensure consistency across the documentation and to support appropriate interface amenity between residential areas and building services.

- Exhaust Discharge Locations
 - Plans identify loading dock exhaust, waste exhaust, car park ventilation systems, condensers and substantial rooftop mechanical plant throughout the development.
 - Additional information should be provided to demonstrate the suitability of these discharge locations and assess any potential impacts on nearby residential receivers or communal open space areas.
- Report Quality Assurance and Inconsistencies
 - The Noise and Vibration Impact Assessment refers to assessment of a “training centre”, despite the proposal relating to a residential flat building. This appears to be non-project-specific text and should be reviewed to ensure the assessment accurately reflects the proposed development.
 - The report also references construction traffic access via Atchinson Street and Mitchell Street, which do not appear to relate to the subject site and are inconsistent with the site context.
 - The applicant should review and amend the report to ensure all project-specific information, assumptions and assessment findings accurately relate to the proposed development.

11. Urban Forest

Trees in the Public Domain

A key element of the site’s redevelopment is the opportunity to positively contribute to upgrades to the public domain to both the William Street and North Street frontages. As such it is recommended that appropriate street trees be incorporated as part of any approved public domain plans.

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Currently there is an *Angophora floribunda* (Rough Barked Apple – numbered as G9 in the AIA and incorrectly identified as a *Eucalyptus tereticornis*), a *Eucalyptus tereticornis* (Forest Red Gum – identified as G9 in the AIA) and a *Lophostemon confertus* (Brush Box – identified as G8 in the AIA) located along the William Street frontage. These trees are not correctly shown on any plans.

For clarity, and to enable an assessment of the species and locations of future street trees, the three existing trees on the William Street frontage should be correctly located and identified on all plans, particularly on the Landscape Plans. Correct locations and species will assist in determining how many additional trees are required, where they will be most appropriately located and what species are to be nominated.

Landscape Plans (Trees/Deep Soil)

Given the substantial size of the site, the suburban context of the site and the significant streetscape impact the proposal will have the ADG design guidance of 15% deep soil for sites greater than 1,500sqm is sought as the minimum requirement for deep soil on this site of 6,930sqm. This minimum requirement is not achieved.

The proposed tree planting that runs through the central area of the development is located on a podium/slab. To ensure that trees will have a reasonable prospect of attaining a reasonable proportion of the mature dimensions expected in deep soil, sufficient soil volumes should be provided. Where trees are proposed, a minimum soil depth excluding drainage cells of 1 metre should be specified for podium planters and adequate soil volume should be provided. It is recommended that the soil volume provided for each tree be developed in liaison with the Project Arborist to ensure minimum industry standards are met.

12. Site Opportunities

The ground floor of the proposal includes a 'wellness amenity' and 'residence workshop'. The submitted plans show these spaces without detailed fit-out, fixtures or supporting amenities such as a bathroom. Furthermore, as no survey information has been provided, further information would assist in confirming whether the 'residence workshop' is located wholly or partially below street level, and whether

this space will receive adequate natural light and ventilation to support its intended use.

Given the extensive redevelopment of the site, clarity regarding the functionality of these spaces and their integration with the rest of the development should be requested.

13. Other matters

Survey Information/Missing information

Survey information does not appear to have been included in the application package and, as such, an accurate representation of the surrounding context has not been depicted. Notwithstanding this, Council has reviewed a copy of the survey provided under DA/2021/0437 and notes that there are a number of windows and encroachments at the eastern boundary of the site, shared with the respective western boundaries of 38 William Street and 84-80 Francis Street.

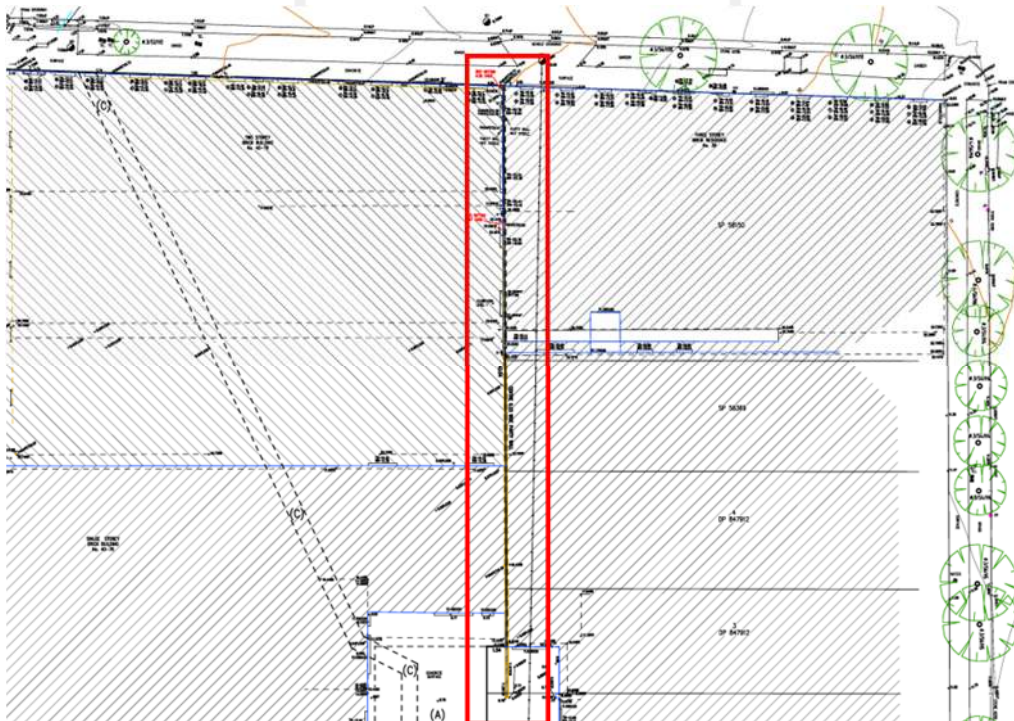


Figure 2: Survey extract from DA/2021/0437 depicting the encroachments and windows on the boundary (outlined in red)

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Figure 3: Aerial context of the western facing boundary windows of 38 William Street

It is therefore recommended that survey information for neighbouring sites be provided to confirm that demolition works are clearly confined to land within the scope of the application.

Encroachment over Council land

The photomontages provided with the application indicate that the Crittall windows to the warehouse façade in Building A are to open outside the boundaries of the site and may project into Council's airspace. Further clarification is requested to confirm whether this is an existing condition or a proposed arrangement. Where there is an existing or proposed projection over Council-owned footpaths or land, owner's consent is required from Council.

Additional details on the plans

Additional details are recommended to clarify the relationship of the proposed works within the site and their relationship to neighbouring properties. It is recommended the following details should be depicted on any revised plans:

- Dimensioned setback distances on all the plans, including distances between the buildings within the site, between the proposed buildings and site boundaries, and between the proposed buildings and the habitable

room windows and private open space areas of the adjoining residential properties.

- The proposed finished floor levels (FFLs) for all aspects of the site on the floor plans, this includes but is not limited to the levels of the residential dwellings (both internal and external areas); ancillary structures such as the pergola within the communal open space area, the substation, fire booster and pedestrian entry; and all roof structures including the lift overrun, hot water plant and fans.
- A detailed 1:20 section plan showing the relationship between the residential dwellings and the communal open space areas (this includes the central pergola).
- A detailed 1:20 section plan showing how the flood barriers within the communal open space areas function.

14. Conclusion

The site presents a significant opportunity to deliver additional housing, affordable housing, public domain improvements and the renewal of an important former industrial precinct. Further refinement would assist in ensuring the proposal achieves an appropriate balance between housing delivery, design excellence, residential amenity, heritage conservation, traffic and servicing outcomes, urban forest objectives and the amenity of neighbouring properties. Council officers recommend that the matters outlined above be addressed through amended plans and additional supporting information to assist DPHI in its assessment of the application.

Attachment B: Recommended Conditions in the Event of Approval

The application should be further refined to resolve the above matters and Council requests an opportunity to review the amended application, to provide suggestions on conditions.

The following conditions should be included in any consent, as these reflect the substantial re-development/uplift of the site and capture required public domain improvements:

1. Existing overhead power cables adjacent to the site should be relocated underground, with the existing poles replaced with steel standard poles in accordance with Ausgrid's requirements.
2. The street lighting should be designed in accordance with the AS/NZS 1158 Road Lighting series and relevant Ausgrid Network Standards. With any pillars, electrical kiosks or similar power-authority infrastructure be located wholly within the property boundary, with appropriate easements created to permit access, operation and maintenance.
3. A damage deposit must be provided in accordance with Council's adopted Fees and Charges, this is to ensure the protection of Council's assets during demolition and construction.
4. If the pipe within the easement is found to be redundant, the drainage easement in favour of 69 Allen Street, identified as (C) on the plans must be lawfully extinguished so that it does not encumber the area of the proposed building works.
5. The intersection of William Street and North Street is to be reconstructed to improve its operation by removing the existing stormwater culvert structures and installing standard kerb returns with kerb inlet pits to collect stormwater. The pits must be connected via a suitably sized pipe, with capacity for the 1-in-20-year storm event, to the existing kerb inlet pit at the low point in William Street.

6. The full width of the North Street road pavement, from the William Street intersection to 5 metres beyond the southern boundary of the site, should be upgraded using a 50 mm mill-and-fill treatment. Any failed pavement sections must be boxed out and reconstructed using deep-lift asphalt before the mill-and-fill treatment is undertaken.
7. The loading dock is also to function as a service bay for removalists, bulky goods couriers and grocery deliveries. This is to avoid conflict on local surrounding roads. A plan of management is to be prepared, including a booking system to avoid queuing in the street, prior to the issue of any occupation certificate.
8. To ensure that the development is capable of achieving compliance with the relevant Australian Standards a the aircraft noise assessment methodology is to be completed prior to issue of a construction certificate to confirm and ensure that the façade treatments proposed are suitable across all building elevations and levels.
9. The following trees have been identified on the site, which have been assessed as having low retention value and may be suitable for removal:
 - T1, T2 – *Archontophoenix cunninghamiana* (Bangalow Palms)
 - T3 – *Celtis sinensis* (Chinese Hackberry)

The following trees are located on adjacent sites to the south and west –

- T4 – *Fraxinus* sp. (Ash)
- T5 – *Casuarina glauca* (Swamp She Oak)
- T6 – *Eucalyptus microcorys* (Tallowwood)

It is noted that trees T4 and T5 are located on the top of a retaining wall and it is highly likely that this structure and / or the footing of the existing wall of the building on the boundary will have constrained roots into the site. During the demolition and construction phase of the development, the canopies of trees T4 and T5 may need to be carefully pushed back outside the scaffold mesh to protect them. This action must be undertaken as directed by, and under the supervision of, a Project Arborist to ensure that there are no adverse impacts to the neighbouring trees.

It has also been noted that T6 is sufficiently setback from the common boundary and in addition the existing wall on the boundary is likely to have constrained roots. Whilst the canopy of T6 overhangs the site (by approx. 4-5 metres), this area is located over the nominated deep soil landscaped area and therefore no pruning would likely be required.

10. As noted in the AIA the footings of the existing boundary walls and buildings are likely to have acted as a barrier to roots entering the site. Notwithstanding this, as it is not certain that this is the case, a Project Arborist is to supervise excavation within the Notional Root Zone (NRZ) of the existing street trees.
11. Prior to any demolition or any other work commencing the canopies of G8 and G9 (x2) will need to be carefully pushed back outside the scaffold mesh/hoarding to protect them. This action must be undertaken as directed by, and under the supervision of, a Project Arborist. The canopy of the *Eucalyptus tereticornis* (1 x G9) may require pruning as the two lowest first order branches that will conflict with scaffolding/hoarding are too thick to manipulate to be outside the scaffolding mesh/hoarding. All pruning must be limited to only those branches that cannot be pushed clear and must be undertaken as directed by, and under the supervision of, a Project Arborist.
12. To ensure that works to neighbouring trees is protected during the demolition and construction process a Project Arborist (minimum AQF Level 5 in Arboriculture) be engaged prior to any work commencing and for the duration of any development. At a minimum the Project Arborist must supervise and or certify that:
 - Tree protection (street trees and trees on adjacent sites) has been installed correctly and is in accordance with AS4970 - Protection of trees on development sites.
 - Supervise all tree pruning (roots and canopy pruning if required) and the installation of hoardings and or scaffolding that will impact tree canopies. Consent from Council is required for the pruning of trees in the public domain.

- Supervise the demolition of all subterranean structures or excavation within the Notional Root Zone (NRZ) of any tree. Certify that the work has been undertaken as specified by the Project Arborist.
 - Certify that adequate soil volumes are being provided for trees to be planted on podium/slab.
13. The plans identify a loading dock, waste handling facilities, loading dock exhaust systems, waste exhaust systems and servicing areas associated with a 203-dwelling development. Prior to the issue of a Construction Certificate additional assessment should be provided for the operational noise associated with:
- Loading dock activities;
 - Servicing and delivery vehicles;
 - Waste handling operations;
 - Vehicle manoeuvring;
 - Roller doors; or
 - Associated operational activities.
- It must be demonstrated that these activities can be managed to maintain appropriate acoustic amenity for surrounding residential receivers and proposed residential dwellings, particularly those located within Building C.
14. Prior to the issue of a construction certificate further detail must be provided regarding proposed mitigation measures, respite strategies, community consultation procedures and construction noise management commitments to be utilised during construction.
15. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Council's Section 7.11 Development Contribution Plan – Inner West Local Infrastructure Contribution Plan 2023, has been paid to Council. Council must be contacted for calculation of required contributions.



Internal Ref: EXTERNAL/2024/0020

31 July 2026

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

ATTENTION: Stephen Dobbs

Dear Mr Dobbs,

Inner West Council Response: SSD-76927247-Mod-1 – The Timberyards by RTL Co.

Property: Lots bound by Victoria Road, Sydenham Road, Farr Street and Mitchell Street, Marrickville NSW 2204

Thank you for the opportunity to comment on the proposed 'Timberyards' State Significant Development Modification Application (SSD-76927247-Mod-1).

This submission is made by council officers, not the elected representatives.

Council has undertaken a review of the submitted modification proposal, including the Modification Report and accompanying architectural plans, and provides the following matters for consideration by the Department:

- Communal living areas
- Commercial spaces
- Retail car parking area
- Construction Traffic Management Plan
- Public domain works
- Stormwater management

Further detail in relation to each of these matters is provided in the following sections.

1. Communal living areas

As approved the Timberyards development provided communal living area for the co-living units in excess of the minimum 1,200sqm required under the *State Environmental Planning Policy (Housing) 2021*. The approved scheme also included a series of substantial communal living areas at ground level within Buildings A, B, C and E.

Under the proposed modification, the quantum of communal areas at ground and upper ground floor have been reduced, with some having indicative uses included (e.g., Vinyl Bar, Dog Wash, Active Gym / Wellness Centre). It is also noted that Buildings A and E now have



no communal living area that meets the minimum size requirements within the building. As outlined elsewhere in this report, the proposal has also removed a significant portion of communal living area from Buildings B2 & C to facilitate retail car parking.

These changes have raised concerns regarding the indicative uses identified for the ground and upper ground floor communal areas. While it is acknowledged that these uses may, in principle, make a positive contribution to the wider precinct, it is unclear whether the spaces would be managed as communal living areas for residents of the Timberyards precinct, including co-living residents, or whether they would be tenanted or operated privately and made available to the wider public, potentially on a membership or commercial basis. This is particularly relevant to the proposed gym and wellness uses. In this regard, the proposed uses appear to blur the distinction between communal living areas required to support the residential and co-living components of the development, and public or commercial spaces intended to serve the wider community. To satisfy the minimum communal living area requirements under the *SEPP (Housing) 2021*, these spaces must be genuinely available for the use of residents of the Timberyards precinct, rather than being available to the wider public.

If these spaces (Active Gym, Vinyl Bar, Quite Gym & Wellness and the Community (Public) space on the ground level of Building E) are intended to be accessible by the wider community then they are more akin to commercial uses and should be assessed accordingly, including attracting the relevant contributions. If these spaces are to be genuinely 'community facilities' as per the definition of the Standard Instrument LEP, this needs to be specified in conditions of consent to ensure they are not used for commercial purposes. Furthermore, if these are 'community facilities' they cannot also be designated as communal living areas.

In addition to the above, the proposed amendments to Building E would result in the building having no communal living areas for residents that satisfy the minimum dimension requirements. The public area on the lower ground level proposed for market-related activity should not be relied upon as communal living area for the purposes of the co-living component. As Building E contains 76 co-living rooms, a minimum of 170sqm of communal living area, with minimum dimensions of 3 metres, should be provided within the building. Council considers that the removal of the ground level communal living areas would result in a poor amenity outcome for future occupants of Building E, as residents would be required to travel to adjoining buildings to access other communal facilities.

Although Building A does not contain co-living units, the proposed conversion of its ground floor communal living area to retail space would result in the building having no genuine communal living areas. In relation to Building B1, the quantum of communal living area appears insufficient having regard to the number of co-living units within that building. This concern is further compounded by the proposed modification to Level 9, involving the introduction of studio units, which would further reduce the extent of approved communal living space at that level.

Having regard to the above, the proposed modifications to the communal living areas indicate a reduced level of amenity for future occupants. To satisfy the minimum communal living area requirements under the *SEPP (Housing) 2021*, these spaces must be genuinely available for



the use of residents of the Timberyards precinct, rather than functioning as publicly accessible or commercial spaces for the wider public.

2. Commercial spaces

The refinements to the retail and activation strategy which aim to strengthen *“the functionality, diversity and character of the Timberyards precinct”* are generally supported. The following comments are provided for the resulting modifications to the commercial spaces:

- With regard to the neighbourhood shop now located in Building A, consideration should be given to the layout and pathway design for the adjoining pocket park to provide for an integrated interface and connection.
- While the strategy to provide a mix of smaller commercial tenancies in buildings C and D may help provide greater street activation along Victoria road, it is strongly recommended that the built form and structural design allow for flexibility for tenancies to be enlarged/ amalgamated in the future if required.
- Clarification is required for the use of the communal spaces nominated as Active Gym, Vinyl Bar, Quite Gym & Wellness and whether they will be shared commercial spaces for use by the general public.

3. Retail car parking area

- The proposed parking between Buildings A and C/D supports the revised retail strategy and has merit. However, this outcome is at the cost of sacrificing a substantial area of conveniently located communal space at ground level.
- Page 43 of the Design Report prepared under section 4.55 states that the parking area *“has been reconsidered as a landscaped courtyard space centred around a large tree and open-to-sky oculus, creating a softer and more integrated public domain outcome.”* To ensure this objective is achieved, consideration should be given to increasing the size of the planting area around the tree and providing additional landscape treatment within, or around the perimeter of, the parking area. It is acknowledged that this may require the deletion of one or more car spaces to facilitate this.

4. Construction Traffic Management Plan

Council is unable to support the submitted CTMP in its current form without further information and amendments. The matters outlined below need to be addressed to enable Council to complete its assessment of the proposal.

Construction vehicle route and site access

- Council’s preferred construction traffic arrangement is for all construction vehicles to enter the site via Mitchell Street and depart via Farr Street.
- Council’s preference is for only one access gate to be used on Farr Street, being the gate closest to Sydenham Road and therefore closest to the State road network.
- Minimising the number of access points on Farr Street would reduce vehicle conflict points and provide a safer outcome, particularly for school children and other pedestrians.

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- Traffic controllers must be in attendance at all times during school hours on school days, having regard to the proximity of Marrickville Public School and associated pedestrian activity.
- Construction vehicle movements and site operations are to be managed so as to avoid conflict with school drop-off and pick-up periods, being 8.00 am to 9.30 am and 2.30 pm to 4.00 pm on school days.
- Sight line distances into and out of the proposed gate or gates on Farr Street are to be provided.
- All construction vehicles must enter and leave the site in a forward direction.

Swept paths

- Swept path assessments have been provided for the relevant site access points. However, swept path assessments have not been provided for the surrounding intersections.
- The absence of intersection swept path assessments may limit the size of vehicle that can safely access the site via the proposed routes.
- Any swept path assessment affecting a State Road or State Road intersections is to be referred to TfNSW for review and concurrence.

Construction vehicle movements and staging

- While the CTMP identifies broad stage durations and average daily truck movements, it does not satisfy Condition C2(e), as it does not sufficiently quantify predicted number and timing of light and heavy construction vehicle movements and vehicle types.

Work zones and road occupation

- Detailed diagrams are required showing the location and dimensions of each proposed work zone.
- Farr Street is not considered suitable for a work zone, as associated vehicle access would likely occur via Thompson Street, which is constrained by school-related traffic activity, including the Marrickville Public School drop-off and pick-up zone.
- Separate Council approval is required for any occupation (including work zones) or use of Council-controlled roads, including Victoria Road, Farr Street, Mitchell Street and Mitchell Lane.
- Sydenham Road is a State Road under the jurisdiction of TfNSW. Any proposed work zone, and/or occupation within that road reserve must be referred to TfNSW.
- Victoria Road is subject to clearway restrictions and is therefore not considered suitable for a work zone unless those clearway restrictions can be fully maintained.
- Any proposed change to existing on-street parking restrictions must be detailed in the document and referred to Council's Local Traffic Forum for consideration and approval.

Construction worker parking and Green Travel Plan

- Given the size of the site, the scale of the development and the duration of the construction program, Council expects construction-related parking to be accommodated on site to a substantial degree.
- The CTMP and Green Travel Plan must nominate the number of on-site spaces to be provided for construction-related parking, the stages of works during which those spaces will be available, and the proposed management arrangements for those spaces.



- Surveys shall be undertaken bi-monthly (every two months) to assess/monitor how successful the green travel plan and provide active measures on any improvements. A copy shall be provided to Council's Traffic Section.
- Measures such as encouraging workers to use public transport, carpool or be dropped off may supplement on-site parking provision, however, will not be accepted as a substitute for the provision of adequate on-site construction-related parking on a site of this scale.
- Loss of on-street parking is to be minimised. An assessment is to be provided identifying the number and location of all on-street parking spaces affected by the proposed works, work zones, loading zones and access arrangements.

Ongoing review and monitoring

- The CTMP must include a section acknowledging that Council may require a review of the CTMP and Green Travel Plan should complaints be received regarding noise, parking, traffic congestion or other impacts arising from construction activities.
- Any mitigation measures or other actions requested by Council as a result of that review are to be implemented within three weeks of the request.

5. Dilapidation and security deposit

- Dilapidation reporting is required for all relevant public infrastructure affected by the works, including all footpaths, kerb and gutter, and road pavement in Mitchell Street, Mitchell Lane, Victoria Road, Sydenham Road and Farr Street.
- As works appear to have already commenced, this must be clearly acknowledged in the dilapidation report, and this will be taken into account by Council when assessing any damage identified during or following completion of the works.
- A security deposit bond in the amount of \$600,000 will be required to protect Council's infrastructure against damage arising from the works.
- The requirement for the security deposit bond does not remove the applicant's responsibility to make good any damage to Council infrastructure caused by the development.

6. Mitchell Lane

It appears Mitchell Lane is proposed to be absorbed into the site which is not supported. If any occupation, enclosure or restriction of access is proposed in relation to Mitchell Lane, the applicant must obtain a separate road occupation approval from Council. Furthermore, the surface levels and physical form of Mitchell Lane must not be altered without Council's prior approval under section 138 of the Roads Act 1993.

7. Stormwater Management

Whilst changes to the approved On-Site Detention (OSD) are mentioned in the documentation, no technical stormwater or OSD plans, prepared by suitably qualified stormwater engineers, were provided in the package.



8. Section 7.11 Contributions

The additional 246sqm of retail and 645sqm of commercial gross floor area will attract additional Section 7.11 contributions as follows. It is to be noted that the contribution may change subject to the points raised in Point 1 of this letter relating to the communal spaces.

Open space and outdoor recreation	\$23,037.00
Community facilities	\$0.00
Transport	\$60,583.00
Drainage	\$15,871.00
Plan administration	\$2,974.00
Total	\$102,464.00

For further information in relation to the above response, please contact Council's Team Leader, Development Assessment, Tom Irons on (02) 9392 5300 or email tom.irons@innerwest.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Simone Plummer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Simone Plummer

Director- Planning