

Submission to the NSW Department of Planning, Housing and Infrastructure

Application Number: SSD-119545240

Proposal: Residential Flat Building at 40–76 William Street, Leichhardt

Dear Assessment Team,

I write to object to the proposed State Significant Development (SSD-119545240) for the redevelopment of 40–76 William Street, Leichhardt.

My objection is **not to the redevelopment of the site itself**, nor to the provision of additional housing in well-located areas. I acknowledge that the site presents an opportunity for renewal and understand the need to increase housing supply across Sydney.

Rather, my concerns relate to the **scale, intensity and justification of the proposal**, and to what I consider to be significant deficiencies and inconsistencies within the Environmental Impact Statement (EIS) and supporting technical reports. In my opinion, the proposal seeks planning concessions that are disproportionate to the public benefit being delivered and would fundamentally alter the character and amenity of the surrounding residential neighbourhood and suburb of Leichhardt as a whole.

I respectfully request that the Department carefully consider the following matters before determining the application.

1. Scale of Development and Proposed Rezoning

The proposal seeks approval for a development of approximately 203 apartments in buildings ranging from five to eleven storeys, requiring a concurrent rezoning under the Housing Delivery Authority pathway.

While planning controls evolve over time, significant departures from the established planning framework should only occur where there is a compelling strategic justification and a clear public benefit.

The proposal represents a substantial increase in height, density and built form when compared with the surrounding neighbourhood. Existing residents purchased homes in this area with the legitimate expectation that the planning controls in place would provide a degree of certainty regarding future development outcomes.

Although the Housing Delivery Authority pathway provides an alternative approval mechanism, it should not diminish the need to demonstrate why development of this scale is appropriate for this particular site. In my view, the EIS relies heavily on the availability of the HDA pathway rather than adequately demonstrating the planning merit of the proposed built form.

2. Affordable Housing Outcomes Do Not Appear Proportionate

The proposal seeks a significant and permanent increase in height, density and development yield through the concurrent rezoning and Housing Delivery Authority pathway.

The EIS confirms that only 15 of the proposed 203 dwellings will be provided as affordable housing. This represents approximately 7.4% of the dwellings by number and 5% of the total gross floor area.

The EIS also confirms that:

- the affordable housing component is not linked to the in-fill affordable housing bonus provisions under the Housing SEPP 2021
- the affordable dwellings will be managed by Bridge Housing for 15 years;
- the remaining 188 dwellings will be market housing.

I acknowledge that the proposed height and density are not being sought through the Housing SEPP affordable housing bonus provisions. However, the EIS nevertheless relies on the 15 affordable dwellings as an important public benefit and describes them as making a valuable contribution to housing affordability in the Inner West.

In my view, the Department should carefully consider whether a time-limited affordable housing component representing only 5% of the total gross floor area is proportionate to the permanent increase in height, bulk, density and development yield being sought through the concurrent rezoning.

The surrounding community will bear the long-term impacts of the proposal, including increased traffic, visual bulk, construction disturbance, reduced residential amenity and changes to neighbourhood character. Those impacts will remain well beyond the 15-year affordable housing management period. Approval of a development of this scale may also influence expectations for similar rezonings and increased development intensity on nearby sites.

Accordingly, I do not consider the affordable housing outcome, in its current form, provides a sufficient or proportionate public benefit to justify the scale of the planning uplift sought.

3. Visual Impact Assessment Appears to Understate the Proposal's Impacts

I have significant concerns regarding the objectivity, methodology and reliability of the Visual Impact Assessment. The report repeatedly characterises the impact as acceptable because the proposal would primarily affect “sky views”. This significantly understates the actual planning issue.

The principal concern is not simply the loss of sky (to most people this is an important and essential amenity), it is the introduction of buildings ranging from five to eleven storeys into a predominantly low-rise residential setting, resulting in a substantial increase in visual bulk, scale and dominance across William Street and the surrounding neighbourhood.

Importantly, the report itself identifies a number of viewpoints where the visual impact is assessed as moderate-to-severe or severe, or where the proposal would create a significant increase in the scale of the streetscape. Despite these findings, the report repeatedly concludes that the proposal is acceptable because it is within the proposed height framework and will be one of the first developments to “redefine” the area.

This reasoning is circular. The acceptability of the proposed height and scale is one of the matters the concurrent rezoning is seeking to establish and should not be assumed as part of the visual assessment.

I also have concerns that the photomontages do not consistently present the proposal within an accurate and representative existing context.

In particular:

- some visualisations do not show the full width or extent of the proposed buildings within the frame
- several viewpoints rely heavily on existing vegetation to screen the proposal
- the selected framing appears to reduce the apparent bulk and scale of the development
- the assessment relies primarily on selected public viewpoints rather than directly affected private residences including those in the Allen estate and open spaces.

A clear example is **Viewpoint 03 from Hubert Street**. In this photomontage, the rendered building appears to terminate before the full eastern extent of the proposed development is shown. The corresponding cyan “visual impact” overlay also appears to stop at the same point. As presented, the image does not appear to show the complete visible built form from this viewpoint and may therefore understate the proposal’s true width, bulk and streetscape presence.

Where parts of the proposal are cropped, contextual buildings are omitted or altered, or vegetation is relied upon as permanent screening, the resulting images does materially understate the development’s relationship with the surrounding residential area.



The report also states that the visual impact will diminish as other developments of similar scale occur in the future. Future redevelopment cannot reasonably be treated as mitigation for the current proposal. Each development must be assessed on its own merits against the existing and approved urban context, rather than on the assumption that comparable development will later normalise its impacts. The zoning does not currently allow for these types of developments.

In its current form, I do not consider the Visual Impact Assessment provides a sufficiently balanced or reliable basis for concluding that the proposal's visual impacts are acceptable.

4. Traffic Impacts

Traffic is one of my primary concerns with this proposal. Having reviewed the Transport Impact Assessment (TIA), I do not consider its conclusion that the development would have a "negligible" impact on the surrounding road network to be adequately demonstrated.

The proposal would introduce approximately 203 apartments and more than 240 parking spaces into an established residential area that already experiences substantial congestion and limited on-street parking. The impact is not confined to vehicles entering and leaving the site. It includes the permanent addition of resident, visitor, delivery, rideshare, servicing, waste and removalist movements across weekdays, evenings and weekends.

Key downstream intersections have not been assessed

The TIA predicts that 69% of development-generated traffic will travel north via William Street and Norton Street and acknowledges existing queues associated with the City West Link.

Despite this, the SIDRA modelling stops at the William Street–Norton Street roundabout. It does not assess:

- the Norton Street–City West Link signalised intersection

- the City West Link–James Street intersection
- queue interaction between City West Link, Norton Street and William Street
- the broader impacts along Norton Street towards Parramatta Road and surrounding residential roads.

This is a material omission. Most development traffic is directed towards a known downstream constraint, yet that constraint has not been modelled.

The fact that the William Street–Norton Street roundabout may achieve an acceptable average level of service does not demonstrate that the wider route operates acceptably. Norton Street and the City West Link approaches already experience long queues and multiple signal-cycle delays during weekday peaks and busy weekend periods. The Department should not accept a conclusion of negligible impact where the principal downstream intersections have not been assessed.

The survey and modelling do not reflect future conditions

The TIA relies on surveys undertaken on an unidentified weekday in July 2024. It does not clearly identify:

- the survey date or whether it occurred during school holidays;
- whether roadworks, incidents or transport disruptions affected the results;
- whether the selected day reflected typical conditions;
- whether current conditions were validated before lodgement; or
- why no representative weekend assessment was undertaken.

The modelling is also limited to a 2024 base case and a 2024 base case plus development. It does not appear to assess:

- the anticipated year of completion and occupation;
- background traffic growth;
- nearby approved and proposed development;
- cumulative growth across Leichhardt and the Parramatta Road corridor; or
- changes to travel patterns within the broader City West Link and motorway network.

The development will not be completed or occupied under 2024 conditions. The TIA should assess the network conditions reasonably expected when the development is operational.

The stated “net increase” does not reflect the full residential traffic profile

The TIA predicts that the completed development would generate:

- 39 vehicle movements during the AM peak; and
- 30 vehicle movements during the PM peak.

It then deducts theoretical movements associated with the existing self-storage use and presents a net increase of only 24 AM movements and 10 PM movements.

While recognising that existing-site traffic may be considered in traffic modelling, a self-storage facility is not operationally comparable to a high-density residential development. The relevant planning question is whether the road network can accommodate the full and permanent traffic profile of more than 200 apartments.

That profile includes:

- commuter and family travel
- school and childcare trips
- visitors
- parcel and food deliveries
- rideshare and taxis
- tradespeople, carers and maintenance workers
- waste collection
- furniture deliveries and removalists
- evening and weekend movements.

The Department should assess the completed residential use rather than relying heavily on a theoretical net comparison with an entirely different land use.

Reliance on public transport is optimistic and is not mitigation

The TIA adopts low residential trip-generation rates based on the site having high public transport accessibility and relies on proximity to buses and the Inner West Light Rail.

Public transport accessibility is relevant, but it does not eliminate private vehicle ownership or use. This is particularly evident where the proposal itself provides more than 220 residential parking spaces, together with visitor and car-share parking.

There is an obvious tension between:

- assuming low vehicle generation because residents are expected to use public transport; and
- providing approximately one residential parking space per dwelling.

The presence of buses and light rail is not, by itself, a traffic mitigation measure. The applicant should provide clear evidence supporting its assumptions regarding car ownership and travel behaviour, particularly for the substantial number of two, three and four bedroom apartments.

On-street parking impacts have not been adequately assessed

The TIA concludes that neighbourhood amenity will be protected because on-site parking is provided. However, numerical compliance does not establish that there will be no overflow demand on William Street or surrounding residential streets.

Only 17 visitor spaces are proposed for more than 200 apartments – approximately one visitor space for every 12 dwellings. Additional demand may arise from:

- residents with more vehicles than allocated spaces;
- visitors;
- tradespeople and maintenance contractors;
- carers and support workers;
- delivery drivers;
- rideshare activity;
- removalists; and
- servicing vehicles when the on-site loading area is occupied.

William Street, North Street, Allen Street, Hubert Street and surrounding streets already serve existing residents, businesses, schools and other local uses, with limited kerbside capacity.

The application does not appear to include a current and comprehensive parking occupancy and turnover survey covering representative weekday evenings and weekends. Without that evidence, the conclusion that neighbourhood parking amenity will be protected is unsupported.

No meaningful traffic mitigation is proposed

The EIS mitigation schedule does not provide any meaningful measure to avoid or reduce operational traffic impacts. It repeats the conclusion that traffic impacts are minor, refers to a Green Travel Plan and states that no external improvements are required. These are conclusions, not mitigation measures.

The schedule does not identify how the proposal would address:

- congestion at Norton Street and the City West Link;
- additional traffic through surrounding residential streets;
- visitor and service-vehicle demand;
- pressure on local street parking; or
- cumulative future traffic growth.

These impacts cannot realistically be corrected after construction. Once the development is built and occupied, Council and the developer would have very limited ability to widen the surrounding streets, create substantial new intersection capacity or reverse the permanent increase in vehicle movements.

The traffic impacts must therefore be properly assessed and resolved before determination.

Requested action

I respectfully request that the Department obtain:

- an independent TIA using current weekday and weekend survey data;
- modelling of the Norton Street–City West Link and City West Link–James Street intersections;
- network modelling of queue interaction between City West Link, Norton Street and William Street;
- future-year and cumulative-development scenarios;
- a transparent review of trip-generation, household car-ownership and public-transport assumptions;
- assessment of visitor, delivery, rideshare, servicing, waste and removalist movements; and
- a current on-street parking occupancy and turnover survey for William Street and surrounding roads.

If a comprehensive assessment demonstrates that the existing network cannot safely and efficiently accommodate the proposal, the appropriate response is to substantially reduce its scale and density or refuse it in its current form.

The Department should not approve a permanent development based on modelling that excludes the principal downstream constraints and provides no practical solution to the resulting congestion and parking impacts.

5. Construction Noise and Vibration

The Noise and Vibration Impact Assessment predicts construction noise substantially above the applicable Noise Management Levels and, for some activities and receivers, above the Highly Noise Affected Level.

Despite this, the consolidated mitigation schedule records only generic management measures.

Many of the specific recommendations contained within the acoustic assessment do not appear to have been incorporated into the mitigation schedule, including:

- attended noise monitoring;
- vibration monitoring;
- respite periods for high-noise works
- neighbour notification procedures
- trigger levels and corrective actions
- alternative construction methods where exceedances occur
- monitoring during major construction phases.

If these measures are considered necessary by the acoustic consultant, they should form enforceable mitigation commitments rather than simply recommendations contained within a supporting report.

The mitigation schedule also classifies construction noise impacts as "Low", despite predicted exceedances of both the Noise Management Levels and, in some instances, the Highly Noise Affected Level. I request that the Department carefully review the basis for this classification.

6. Stakeholder Engagement

The Stakeholder Engagement Outcomes Report states that Tier 1 stakeholders were consulted through newsletters, engagement activities and direct communication.

Despite being identified as a Tier 1 stakeholder, I did not receive any direct communication regarding the proposal. This raises concerns regarding whether the consultation process has been accurately described and whether the engagement undertaken was as comprehensive as represented within the report.

The report also concludes that relatively little community feedback was received. However, the issues that were raised, including excessive height, bulk, traffic, neighbourhood character and the limited affordable housing component remain largely unresolved, with responses frequently referring readers to technical reports rather than explaining how the proposal was modified in response to community feedback.

The first I heard about the proposal was this exhibition notice to which I am now providing my response.

7. Quality of the Supporting Documentation

Several aspects of the supporting documentation raise questions regarding quality assurance.

For example, the acoustic report refers to construction traffic routes via Atchinson Street and Mitchell Street, which are unrelated to this development site and appear to have been carried over from another project.

Such errors reduce confidence that all technical assessments have been specifically prepared and thoroughly reviewed for this proposal.

8. Mitigation Measures Do Not Adequately Address the Identified Impacts

The Mitigation Measures Table is intended to summarise how the environmental and community impacts of the proposal will be avoided, reduced or managed. However, it does not appear to accurately reflect the findings of the specialist assessments that support the application.

Across multiple disciplines, significant impacts are acknowledged within the technical reports, yet the Mitigation Measures Table consistently classifies these impacts as "Low" and relies largely on generic management practices rather than project-specific mitigation.

For example:

- the Traffic Impact Assessment concludes that no external road improvements are required despite the significant increase in residential density and reliance on assumptions regarding public transport use;
- the Acoustic Assessment identifies construction noise exceeding the relevant criteria, however the mitigation measures largely consist of standard construction management practices;
- the Visual Impact Assessment identifies moderate to severe visual impacts from several viewpoints, yet the mitigation schedule simply concludes that the impacts are acceptable.

The mitigation measures also fail to address several of the proposal's most significant long-term consequences, including increased congestion on surrounding roads, pressure on existing on-street parking, and the cumulative impacts of introducing more than 200 dwellings into a predominantly low-rise residential neighbourhood.

In my view, the Mitigation Measures Table does not provide an objective or balanced summary of the proposal's impacts. Rather than demonstrating how identified impacts will be effectively mitigated, it largely concludes that those impacts are acceptable. This significantly reduces confidence in the overall Environmental Impact Statement and reinforces the need for the Department to independently scrutinise the applicant's conclusions and supporting documents before determining the application.

Conclusion

I acknowledge the need to deliver additional housing across Sydney and recognise that this site has redevelopment potential.

However, this proposal seeks a scale of development that I do not believe has been adequately justified.

The proposed built form is significantly larger than its surrounding context, the affordable housing component appears modest relative to the planning concessions sought, and a number of the supporting reports appear to understate or inadequately address the impacts of the proposal.

In my view, the proposal represents a significant overdevelopment of the site and would result in unacceptable impacts on the surrounding neighbourhood, including traffic, visual amenity, neighbourhood character and residential amenity.

Accordingly, I respectfully request that the Department:

- refuse the application in its current form
- require the applicant to substantially reduce the height, bulk and density of the proposal
- require revised visual impact assessments that accurately represent existing conditions and the full extent of the proposed development
- require the mitigation schedule to fully incorporate the recommendations contained within the acoustic assessment as enforceable commitments
- carefully review the strategic justification for the proposed rezoning and determine whether the extent of planning concessions sought is proportionate to the public benefit delivered

- independently review the supporting technical documentation to ensure it accurately reflects site-specific conditions and provides a reliable basis for assessment. Primarily Traffic.

Like many residents, I purchased my home in reliance on the planning controls that applied to the area at the time. While planning controls may change over time, significant departures from those controls should only occur where there is a compelling strategic justification and a demonstrable public benefit. In this instance, I do not consider the proposal has established that balance.

Thank you for the opportunity to make this submission. I respectfully request that the issues raised above, together with the attached technical planning matters, be given careful consideration during the assessment of this application. I am open to being contacted for future consultation as required.

Kind regards,

Myles O'Keefe
Resident at 135/69 Allen St, Leichhardt
0416624880