

The Executive Director
Housing Delivery Assessments
Department of Planning, Housing and Infrastructure

27 July 2026

Re: Objection to State Significant Development Application SSD-119545240 – Residential Flat Buildings at 40-76 William Street, Leichhardt

Dear Executive Director,

I am writing to object to the above application, and I ask that it be refused.

I live directly opposite the site, in one of the small one and two storey Victorian terraces that line William Street. I have read the application, the Environmental Impact Statement and the concurrent rezoning proposal, and the more I read the more concerned I became. This is not a case of a resident who opposes all change. I accept that Sydney needs more housing, and I would support a sensible, well designed building on this site. What is proposed is neither. It is far too big for the street, it strips away the heritage character that makes this part of Leichhardt beautiful, it takes away the privacy of the homes around it, it gives nothing back to the neighbourhood at street level, and it only works because the applicant is asking the government to tear up the planning rules that apply to the land today.

My reasons are set out below.

1. The proposal breaks the current rules, so the applicant wants the rules changed

The clearest sign of how out of place this building is comes from the application itself. It can only go ahead if the land is rezoned at the same time. The rezoning would lift the floor space ratio from 0.5:1 up to 3.1:1, which is more than six times what is allowed on the site now. It would also strip out a number of controls that currently protect this area, including the clause on adaptive reuse of existing buildings (clause 6.12) and, by changing the Key Sites Map, the clauses dealing with landscaping, diverse housing and development control plans (clauses 4.3C, 6.14 and 6.15).

When a building cannot fit the rules, the sensible answer is to change the building, not to delete the rules and start again. That is all the more so here because the applicant has been down this road before. As set out below, the Land and Environment Court has already refused development of this site at a smaller scale, including because its floor space and height were excessive. Rather than accept that and build within the limits, the applicant now seeks to abolish the very floor space limit it could not satisfy, and to switch off the other controls that stand in its way. The matters the consent authority must weigh are set out in section 4.15 of the Environmental Planning and Assessment Act 1979: the planning instruments that apply to the land, the likely impacts on the neighbourhood, whether the site is suitable, and the public interest. On every one of those points this application falls short.

2. More homes is a good aim, but not homes like these

I know the state government wants to see more housing built, and I do not argue with that. But the aim is good housing, not simply the largest possible number of units. The government's own rules, the Housing SEPP and the Apartment Design Guide, exist precisely to make sure new apartments are liveable. This scheme fails them (I come to that next), so it does not actually serve

the housing goal, it works against it. The Act itself, in section 1.3(g), lists good design and amenity as one of its objects, alongside the orderly use of land.

Delivering housing is one objective, but it is not the only one, and it should not be met by stripping away the things that make Sydney worth living in. So much of what makes this city beautiful is that every neighbourhood has its own feel. The CBD, the beaches, the old inner suburbs and the newer centres are all different, and that variety is the point. Leichhardt is not a growth corridor and it should not be made to look like one. Homes can be added here in a way that keeps the character of the place. This proposal does the opposite, trading away what is distinctive about the area for the sake of the biggest possible number of units.

It is also worth being honest about what the community is being offered in return for such a large building. Only 15 of the 203 apartments are affordable, that is about five per cent, and they stay affordable for just 15 years before reverting. That is a very small public benefit for such an enormous departure from the controls. Housing can be delivered on this site at a size that fits the area. It does not have to be this.

3. Even the applicant's own documents admit the site cannot take this much

The applicant's Design Statement concedes that the proposal fails the Apartment Design Guide on sunlight. The Guide says that no more than 15 per cent of apartments should receive no direct sun in the middle of winter. The applicant admits that 47 apartments, almost a quarter of the building, get no direct winter sun at all. That is not a small miss. It is the applicant telling you, in their own report, that they have packed so many apartments onto this site that a quarter of the residents would live in homes that never see the winter sun.

The same documents also admit that the buildings do not meet the minimum separation distances in places, and that privacy has to be dealt with by putting screens between the balconies. A building that has to be squeezed in so tightly that it cannot meet its own separation rules, and then patched up with screening, is simply too much for the site.

4. It is far too big, and it erodes the heritage character that makes the area beautiful

William Street and the streets around it are a consistent run of one and two storey Victorian terraces. The applicant's own stamped plans show the tallest building, Building A, sitting on the William Street frontage and rising to a roof level of RL 45.7, which is about 35 metres above the ground floor. That is more than four times the height of the two storey terraces directly across the road. Dropping something of that scale into this street would overshadow neighbours, tower over the terraces, and open the door to more of the same across a low rise neighbourhood.

This part of Leichhardt is made up of beautiful heritage style terraces on small blocks of around 200 square metres. That fine grain, rows of little Victorian houses one after another, is exactly what gives the area its charm and its worth, and it is part of what makes Sydney as a whole such a beautiful city, one where each neighbourhood has kept its own feel. An eleven storey tower dropped into the middle of it does not just affect the homes next door. It chips away at something that took more than a century to build up and that cannot be recovered once it is gone. Once you allow one building to break the scale of a heritage street like this, the reason to refuse the next one is gone too.

This is also why the site is the wrong place for a building of this scale. Sydney has no shortage of locations far better suited to large apartment buildings. What the city cannot do is make another neighbourhood like this one. You can put a tower up almost anywhere, but you cannot recreate a street of intact nineteenth century terraces. Once an area like this is overwhelmed, that piece of old Sydney is gone for good, and no amount of new building anywhere else brings it back. Refusing this proposal would not cost Sydney its housing. It would simply send that housing to the many places that are far better able to take it. **I also note this site can still deliver over 100 apartments if it kept within the existing envelope of the building that is already sitting there.**

This site has been here before. The applicant brought two applications for it, a concept plan (DA/2021/0437) and a detailed scheme (DA/2020/0501), each for 181 apartments, and both were refused. Those refusals were upheld by the Land and Environment Court of NSW on 19 December 2023 (*Anprisa Pty Ltd v Inner West Council* [2023] NSWLEC 1768). The Court found, among other things, that the scheme's floor space was contrary to the objectives of the floor space standard, and that the excessive height of its buildings caused unacceptable overshadowing of homes in North Street. That refused scheme had a floor space ratio of about 1.9 to 1 and rose to about five or six storeys. Rather than come back smaller and within the rules, the applicant has come back bigger: 203 apartments of up to eleven storeys at a floor space ratio of 3 to 1, taken down a state pathway that keeps the decision away from both the council and the Court, with a rezoning that removes the very controls the Court applied. When a specialist court has already found a smaller building did not belong here, that should count for a great deal against a larger one. In deciding whether a development suits its surroundings, the Land and Environment Court has long asked whether it is compatible with the character of the area (*Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191). An eleven storey wall opposite two storey terraces plainly is not.

The scale is also flatly at odds with the planning vision for this neighbourhood. The terraces along William Street, including the homes immediately next to and opposite the site, sit within the Wetherill Estate Heritage Conservation Area. The Council's controls for this precinct set out to maintain its predominant low scale cottage character, with a maximum building wall height of 3.6 metres on its residential streets. The objectives of the R1 zone, which the consent authority must consider, call for housing that is compatible with the character, style and pattern of the surrounding buildings and streetscapes. Set against a 3.6 metre wall height, an eleven storey, thirty five metre tower is roughly ten times the scale the controls envisage for this area. Nothing could be less compatible with the character those controls exist to protect.

I also note that based on the Applicant's previous DA, over 180 units could fit in the envelope of the building that sits on the site now. It is a tragedy to go from four to eleven storeys in this conservation area to provide only twenty something more units. By all means the planning authority should allow units on this site but only within the current envelope of the building that already sits on the site.

5. The drawings do not show the real thing, so please come and look

The elevations and photomontages in the application make the building look smaller and further away than it will be. They are drawn from a distance and shown against the sky, not against the

little terraces it will loom over. They do not show what it will actually feel like to stand in William Street and look up at it.

There is also a clear sign that these documents were not really prepared for this site. In the Design Statement, the section on adaptable housing assesses the proposal against “Kur-ring-gai Council”, which is a completely different council on the North Shore, about 20 kilometres from here. This site is in the Inner West. That is the kind of mistake that only happens when paperwork is copied from another project, and it makes me doubt how carefully the rest of the assessment reflects our actual street. For all these reasons I ask that the assessment officer, and whoever ultimately decides this application, come and inspect the site in person, from William Street and, if residents are willing, from inside the terraces that back onto it.

6. We would lose our privacy completely

Because Building A sits right on the William Street and Francis Street frontage and climbs to eleven storeys, its upper windows and balconies would look straight down into the living rooms, bedrooms, courtyards and back gardens of the terraces opposite, including ours. A small terrace has nowhere to hide from a building that tall. The applicant more or less admits the problem when they rely on screens between their own balconies to manage overlooking. If they need screening between apartments within their own building, the effect on the low homes across the road will be far worse.

7. The car and truck access belongs on North Street, not William Street

A building of 203 apartments with 239 car spaces over two basement levels will bring a lot of traffic. The stamped plans put both the residential driveway and the loading dock on the William Street frontage. That means cars, delivery vans, removalist trucks and garbage trucks all coming and going on a street that families use to walk to the church, the primary school and the special needs school next door. It will mean queuing, noise, and headlights sweeping into the front rooms opposite. Even the Apartment Design Guide says car park access should go on a secondary street and should not shine headlights into people's homes. If this goes ahead in any form, the driveway and the loading dock should be moved to North Street, where they belong, and taken off William Street.

8. Give something back: shops, a cafe and a small supermarket at street level

This is a large site with two full street frontages, a short walk from the light rail and the Norton Street buses, and the applicant is asking to more than six times the floor space allowed on it. A development of that size should give something back to the neighbourhood at street level, not just wall it off with 203 private apartments.

The ground floor along William Street should be given over to uses the neighbourhood can actually use: a small supermarket or grocer, a cafe or two, a bakery, a chemist, and some community space. Shops like these would serve the new residents and the people already here, the terraces on William, North and Francis Streets, the Allen Estate, and the families walking to the church and schools. We do not have those things within easy walking distance now. They would also cut down on car trips, because people could pick up what they need on foot, they would put eyes on the street through the day and evening, and they would give the place some life.

This is really the only way the applicant can make good on their own promise. They say in their documents that the building “activates” both street frontages. But a row of apartment lobbies and windows does not activate a street. Shops, cafes and a corner supermarket do. If a building of this size is going to be justified here at all, then proper mixed use at ground level is the least the neighbourhood should get in return. To me this is not a minor detail. Mixed use is the difference between a development that only takes from the area and one that also gives something back to it, and I would ask that it be treated as essential rather than optional.

Access to the apartment block should be moved to North Street to allow for the ground floor of William Street to be activated.

If the application is approved despite these objections

I still say it should be refused. But if it is going to proceed in some form, then at the very least I ask that the following be required as conditions:

- A real reduction in the height and number of storeys, down to a scale that sits with the terraces on William Street and this incredibly important conservation area, and enough to meet the sunlight and separation rules without relying on screens. The development should fit within the current envelope of the building that already sits on the site.
- All car and loading access moved to North Street, off William Street.
- Proper mixed use along William Street, including a small supermarket or grocer, cafes, a bakery, a chemist and community space, rather than a blank residential frontage.
- Fixed privacy screening and hoods on every window and opening that faces Francis Street and the terraces, so people are not looked down into.
- No balconies on the faces of the building that look towards Francis Street and the terraces, since balconies are where the overlooking happens. All other balconies to be deeper with planter boxes.

What I am asking for

In summary, I ask the Department to:

- hold a public meeting on this application, so that residents can be heard before it is decided. Given the level of concern, the size of the departure from the rules, and the fact that a smaller version was already refused by the Land and Environment Court, this application warrants that scrutiny.
- refuse the application, as a gross overdevelopment that does not fit the area and cannot meet the Apartment Design Guide on the applicant's own admission.
- inspect the site in person before any decision is made.
- if it is not refused, impose the conditions listed above.
- write to me with the outcome, and let me know of any meeting or hearing so that I can attend.

Thank you for taking the time to consider my objection.