

SUBMISSION TO THE DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE

I accept the Department's disclaimer and declaration, including that my submission does not contain offensive, threatening, defamatory or inappropriate content.

I object to the proposed residential flat building at 40-76 William Street Leichhardt – Application No: SSD-119545240.

I live on North Street and the proposed development is on the corner of my street.

My objections relate to:

- Lack of Stakeholder engagement
- The Bulk & Scale of the development
- Traffic and Parking Impact
- Construction Impact
- Visual Impact
- Lack of adequate local infrastructure
- Social Impact
- Amenity
- Lack of supporting evidence and documentation

I understand this is a new application for the site by the Developer, intended to address some of the State Government's objectives and provide affordable housing. However, a materially smaller version of the development proposed by the same developer was rejected by the Land & Environment Court in December 2023.

I believe that residents have been denied procedural fairness in relation to this application, including because:

- It is not reasonably possible for anyone to read and respond to 176 pages and all of the attachments in 14 days. The letter to residents was dated July 10 but was not delivered until July 14. It is also possible or even likely that residents could be away and completely miss the opportunity to respond within such a short window of time.
- The application is highly technical. A detailed and informed response requires a technical understanding yet residents have been given limited time and have limited resources, no access to expert information, and no real opportunity to obtain expert advice.

I am not against development. I understand that we need more housing, but I am opposed to the lack of communication and consultation, the lack of thorough planning and the lack of adequate infrastructure for the significant development proposed for Leichhardt and the Inner West more broadly including transport, health care, schools, child-care, open and green space.

I believe the issues of over-development, impact on local residents and amenity that were the basis of the rejection of the smaller development on the same site by the Land & Environment Court in 2023 still apply to this current application and are even exacerbated as this proposal is greater in mass and size than the one rejected by the Land & Environment Court. The original DA the subject of the Land & Environment Court proceedings was also refused twice by the Inner West Council and also by the Sydney Eastern City Planning Panel. The applicant's provision of 15 affordable units, 7.4% of total build (which does not meet the National Housing Accord) should not be a reason to allow re-zoning, increases in building height and substantial increase in the floor space ratio.

Stakeholder Engagement

The EIS provides a number of pages on methodology and outcomes on Stakeholder Engagement undertaken by the applicant.

I can confirm that I was completely unaware of this new proposal until I received the notice in the mail on 14 July and the first time I have had an opportunity to view this project design was on receiving that notice. The Engagement process and outcomes were not completed for this current application and therefore have no relevance to the current application.

HISTORY

The applicant previously lodged proposals for the site in 2020 and 2022. In December 2023, the applicant's appeal was rejected by the Land & Environment Court and the Court dismissed the appeals.

One of the main reasons for the refusal was that the proposed density was considered out of character for the area, with the application failing to justify the breach of the maximum permitted Floor Space Ratio (FSR). The Urban Design Study ignores the generally low scale density character of the area, proposing a density of development that is well in excess of any development in the area, providing a FSR that is 290% in breach of the maximum permitted FSR on the Site pursuant to Clause 4.4 of the LLEP. The breach of the maximum FSR in relation to the Site is not justified and nor are the introduction of two new buildings, one to North Street and one located within the footprint of the southern warehouse, given the FSR restrictions and the extent of FSR already available within the existing warehouse envelopes.

The original building which became the Cyclops Toy Factory in 1930, was built in 1913 and the photos of the design clearly show that the proposed re-development of the site is in no way in keeping with the building and the housing in the suburb and the surrounding streets. The Cyclops Toy Factory is an iconic and historical building which attracts architectural groups on a regular basis and the architectural design of the building will be significantly lost with this huge overshadowing and modern building.

The picture of the original Cyclops Toy Factory and the proposed modern development in View 3, appears to be AI generated as it is not a true reflection of the building. There are no CCTV cameras which have been there for many years, there is no street numbering and does not show the special paint on the lower part of the building which was done more than 15 years ago and the overall colour of the building is inaccurate.

This latest application has increased in size & number from the 2023 rejected application – number of buildings to 5, the number of floors up to 11 and the number of apartments -203.

This proposed development is

- denser
- breaches the maximum permitted FSR
- inconsistent with the low scale character of the area and the photo of the proposed development clearly demonstrates this.

VISUAL IMPACT

The applicant's document states: "The proposed development for the subject site is highly suitable for the following reasons. The architectural design responds adequately to the site conditions. There will be no overshadowing impacts beyond minimal on the surrounds and **will not have any unreasonable impacts to neighbouring properties.**" (Emphasis added)

The above statement is completely incorrect. The drawing of the building as it will be attached to 22-38 William Street clearly shows the overshadowing of the building and the loss of solar, privacy and light on the western side of the building, has destroyed the street appearance of the original building and clearly shows that there is no adaptive re-use of the original building.

According to the experts - appendix 14, 'the view loss from this location is not to elements of significances, with only the sky being affected.' It is interesting that applicant is of the opinion **that removal of the sky is insignificant?**

BUILDING MASS

The allowable FSR is 0.5:1. This proposal is requesting an FSR 3.1:1 This an excess of 600 % increase in the prescribed FSR.

According to the National Housing Accord, bonus height and increase in FSR provision is available to projects which have between 10% -15% affordable housing

This development has allocated 15 units for affordable housing– which equates to 7.4%, but is only 5% of the floor space of the total 203 units. This does not make it eligible for any building concessions or changes to building standards.

Established planning decisions should not be over run, simply for the sake of building more apartments.

The mass and size of this development is intrusive and excessive.

TRAFFIC AND TRANSPORT

The applicant states that increasing housing within the proximity to existing public transport networks encourages the sustainable growth of the city reducing the needs of car-dependent travels.

It is clear from this statement that the applicant is not at all familiar with the current transport infrastructure in Leichhardt.

The light rail is and has been for many years, full beyond capacity especially during peak hours from around 6.30 until well after 9.30am.

Parking in our local streets is often at a premium and already I routinely have cars parked across my driveway on North Street for extended periods of time due to the lack of available on street parking.

In respect of adequate on-site parking, the application states that it will provide parking that can meet the needs of the building or facility users for all modes of transport. This is totally contrary to what has been stated in that it is suggested that if they do not provide adequate parking, it will discourage residents from having a motor vehicle. It also states that the impact of car parking areas on the urban fabric of the neighbourhood should be minimised but there is no evidence to support this claim.

The intersection of William and Norton Street in peak hours is congested. There is only one lane on Norton Street to access the City West Link (**CWL**) and there is no arrow to allow traffic to turn right onto the CWL at any time and often vehicles are stationary on Norton Street beyond the roundabout due to the congestion of traffic on the CWL Link preventing traffic on Norton Street from entering, often for several changes of traffic lights. In addition, there are also a number of buses from the bus depot attempting to access the CWL and completely prevent traffic in either direction from moving through the roundabout as they are often blocking the intersection in an endeavour to access the Norton Street access to the CWL. In addition, during peak hours, it is almost impossible for emergency vehicles to travel along Norton Street often in either direction due to the congestion in the roundabout.

It is more than likely that some two, three and four bedroom units could have two to three vehicles which will have to be parked on our local streets and prevent existing and long term residents from accessing parking near their homes, and there is no reference at all to the highly likely issue of additional on street parking requirements and the changes needed in the area due to the significant increase of on street parking needs arising out of this development

and there appears to be no need for the developer to address the issue of traffic impacts at all.

In addition, the application states that there are only around 4 vehicles accessing the building from 7am currently when the storage facility does not open until 8.30am and there is absolutely no correlation between the traffic entering and leaving the storage facility, when many of the people using the facility would often not go there for weeks or months, and the reference to the storage facility in comparison to 203 residential units is completely irrelevant.

The applicant also makes reference to the 50km speed limit which is correct, however, excessive speeding up and down William Street has been an issue for many years, and the Police are often stationed in the street to catch speeding vehicles. The local community has for about 5 years been campaigning for a level crossing at the intersection of William and Elswick Street so that school children can cross safely, and hopefully it would deter speeding. It was only installed this year, however, unfortunately, it has not had the desired effect.

Darley Road is very congested in peak hour traffic and motorists often sped up Charles or Hubert Street in an attempt to access the CWL quicker, however, without success due to the volume of traffic on Norton Street attempting to access the CWL.

NOISE & VIBRATION IMPACT

According to the EIS document :

9.7 Construction Traffic Noise Assessment

"It is proposed that the construction traffic would access the site on Atchinson Street and Mitchell Street. It is noted that vehicle numbers on surrounding roads would need to increase by around 60% from existing traffic flows, for a 2 dB increase in road traffic noise to occur. As noted previously, a 2 dB increase in road traffic noise is not considered to be noticeable. projected over each of the phases, it is concluded that noise impacts from construction traffic is unlikely to have an impact at the nearest affected properties. As a result, no further assessment is required."

This is not credible. Heavy equipment and trucks must increase noise in quiet suburban streets and much more than is stated. The reference to noise seems to be written for a completely different project.

The above statement is also **INCORRECT** - there is no Atchison and Mitchell Streets in Leichhardt.

Secondly residents in the vicinity of construction will have **MAJOR** affects from heavy construction trucks, loss of parking and other excessive traffic noise as is currently experienced by local residents with the construction sites at 16-18 William Street and 59 Francis Street which are far smaller than the proposed development at 40-76 William Street.

In addition, the construction waste management plan is completely generic. A site with lots of asbestos and contaminated soil and lead paint, needs comprehensive and targeted waste management plan which is not mentioned in the application.

Could the applicant please advise which entry /exit points will be used for construction vehicles so that we can assess impact? As you will be aware, North Street Leichhardt is the narrowest Street in Leichhardt and there are frequent traffic jams as only one vehicle can move along the street in either direction and when the garbage trucks are in the street, then no vehicle can enter or leave the street at either end for at least 10 minutes.

SOCIAL IMPACTS

From the EIS:

The document lists a number of negative impacts. However the negative statements are underplayed or made to be light , or minor negatives when in fact the actual level of impact is high to many residents at 20-82 Francis Street and The Allen Estate.

For instance:

“Environmental Impact Statement (Rev F) 40-76 William Street, Leichhardt PAGE 156 - Increased traffic volumes on local roads (during both construction and operation) could impact accessibility and way of life for surrounding residents, workers, and visitors, however the required parking is accommodated on site.”

“Short-term visual and amenity impacts associated with construction activity, including temporary hoardings, machinery, and reduced walkability around the site, which may affect the experience of nearby residents and visitors. Perceived or actual impacts on privacy, solar access, and visual amenity for surrounding residents due to the proposed building’s greater height and scale compared to existing development on the site and within the immediate locality.”

My response is, it will not be ‘perceived’ impacts. It will be **actual impacts** to privacy, social access and visual amenity to my self, neighbours and those residents in the site vicinity due to the building’s greater height & scale.

“Concerns regarding overdevelopment and changes to local character, particularly if the development is viewed as being inconsistent with the prevailing built form or density of the area. These perceptions can influence community satisfaction, sense of place and local identity. Changes to neighbourhood views or outlook that could alter how people experience their homes and community environment.”

My response is that the proposal is an **overdevelopment and NOT consistent with the current built form or density. These are not perceived inconsistency.**

I am not against progress or development provided it is done mindfully. The actual proposed development aerial photo shows how inconsistent this development is with the existing character of the area. It overpowers its neighbours - primarily cottages or low-rise homes, apartments and 3 level townhouses.

To reference other developments 2-3 kilometres from this site cannot be used to show that this 11-storey development is consistent with my neighbourhood.

I also wish to comment on **Options** provided in the EIS

2.5. ANALYSIS OF FEASIBLE ALTERNATIVES.

Option 1 – Alternate Design Option 1 would likely incorporate a lower scale typical apartments. Option 1 would also be commercially compromised and unlikely to proceed.

My response: The applicant submitted an amended DA in 2023 in response to the LEC . This proposal had 138 apartments and 5 levels. I can only assume that this proposal was deemed commercially viable. So, how can the applicant profess that a lower scale plan is not commercially viable?

Option 3 – “Alternate Architectural Design This would incorporate a lower scale form in line with the existing planning controls resulting in less affordable housing being developed”.

My response: It is disappointing that the applicant cannot consider lower scale form nor can meet existing planning controls because their proposal would lessen the number of 15 Affordable Housing units – 7.4% of the total build.

It is claimed in the documents that this is making a “substantial contribution to the NSW State” which is interesting as 15 units represent 0.236% of the Inner West Council’s Affordable Housing target of 6342 houses/units.

AMENITY

The proposed amenity will house in excess of 400 people. If as stated, the majority will use public transport which is highly doubted, then urgent action will be required to expand and extend the light rail system between Dulwich Hill and Central as it cannot accommodate the users of this facility now and it has been like this for quite some time. This is also the same for the 437 bus to the city where peak hour buses are full to capacity.

The increased noise from a huge increase in residents cannot be dismissed and there will also be a significant impact on the school students and the childcare centre which are just meters away.

As stated at the beginning of this submission, I am not opposed to the development of additional housing and accommodation, however, strongly believe that quality of construction is fundamental which has not necessary been the case in a number of buildings over the years, for example Mascot Towers and the Olympic village and the construction must respect our heritage and ensures a liveable community.

The previous considered and detailed refusal of the previous application by the Inner West Council and the Land & Environment Court over more than 3 years has to be considered.

A resident
North Street
Leichhardt 2040

July 28, 2026