

SUBMISSION TO THE DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE

I acknowledge that I accept the Departments disclaimer and declaration, including confirmation that my submission does not contain offensive, threatening, defamatory or inappropriate content.

Objections to the Residential Falt Building at 40-76 William Street Leichhardt – Application No: SSD-119545240

My objections to the proposal concern:

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

The application is stated as a new one for the site from the Developer aiming to address some of the State Government's objectives and provide affordable housing. However, I have provided some history of the development and its cause for rejection by the Land & Environment Court (LEC) in December 2023.

Il believe that the time allowed to review this application for it to be seriously considered by myself and the community as it is impossible for anyone to read and absorb and respond to 176 pages and all the attachments in 14 days. The letter sent to me was dated July 10 and not received/delivered until July 14. There are also elderly people in the community who have lived here for many years, who do not have access to a computer and therefore are unable to lodge a submission without assistance which requires time to organise.

Much of the material is highly technical and requires technical information necessary to assist myself and other residents to make a detailed and thorough response. It has been prepared and presented with limited times and resources with no access to expert information, or the opportunity to obtain expert advice, which would have been different if the process had been procedurally fair.

I wish to say at the outset that I am not opposed to development, however, what I am opposed to the total lack of adequate communication, lack of review of the impact of current communities living in the area, lack of thorough planning, lack of adequate infrastructure including transport, health care, schools, child-care, open and green space.

I believe the issues of over-development, impact on local residents and amenity 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 LEC, the original DA 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 FSR.

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 the notification was received in my mailbox on July 14 and the first time, I have had an opportunity to view this project design was on receiving notification from your Department on July 14. The Engagement process and outcomes were not taken for this current application and therefore has no relevance to the current application.

History

The applicant had submitted original proposals for the site in 2020 and 2022. In December 2023, the applicants appeal was rejected by the LEC, and the Court dismissed the appeals.

One of the main reasons for the refusal was:

“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 is 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 LEC rejected application – number of buildings to 5, number of floors up to 11 and the number of apartments to 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

- EIS 8.6. SUITABILITY OF THE SITE- 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.

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 and has destroyed the street appearance of the original building and clearly shows that there is no adaptive re-use of the original building.

In addition, the owners of 78 Francis Street has had solar panels installed on their roof, which will now result in very little sun and it is documented that just a little bit of shade starting to go on the panels can drop the

production very quickly and render them completely inefficient.

- According to the experts - appendix 14, 'the view loss from this location is not to elements of significances, with only the sky being affected.'
- I note that there is no mention of The Allen, especially Blocks G (8 units) which sits directly below the proposed Building D & Block F (23 units) which sits alongside Building D & the garden common area. Because of its excessive height and non-compliant upper-level setbacks, proposed Building D will overshadow the living room windows and outdoor private open spaces of several dwellings including Block G within the Allen such that they will not receive 2 hours direct solar access to these spaces at midwinter. The SSD documentation is dismissive of these impacts.

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 203units. 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 & 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 and the statement appears to suggest that all residents will be going to work in the CBD or surrounds and does not make reference to people working out west, or south or north where a private vehicle is essential.

The light rail is and has been for many years, full beyond capacity especially during peak hours from around 6.30- till well after 9.30am. If travelling into the city before or around 8am, you often have to wait for the passing of 2-3 trains before you can safely access a carriage. There are a number of people who drive from out west during the week and park in our local streets and go to the city and beyond via the light rail and the bus from Norton Street.

Parking in our local streets is often at a premium.

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. I would ask that detailed evidence of this be provided.

The intersection of William and Norton Street in peak hours is mostly congested. There is only one lane on Norton Street to access the City West Link (CWL) and often vehicles are stationary on Norton Street beyond the roundabout due to the congestion of traffic on CWL 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.

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

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 high increase of on street parking needs and there appears to be no need for the developer to address the issue of traffic impacts at all.

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.

Noise & Vibration Effect

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 (of note neither of

these streets exist in Leichhardt suggesting this has been uplifted from another proposal). 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 residents in the vicinity of construction will have major effects 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 The Allen & 20-82 Francis Street.

For instance:

"Temporary disruption to way of life, health and wellbeing due to increased noise, dust and general construction activity, which may affect the amenity and comfort of nearby residents and workers including families.

The application states that the construction period will be up to 5 years and would commence within 9 months from approval. I would expect from a financial position, the owner would want to have the building completed and sold within two years.

I refer to the ARA Development of 139 units on the corner of Flood and Allen Streets which came onto the market in 2021, and construction commenced in June 2023 and to date there are still a significant number of units which have yet to be sold.

"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 reaction is that the proposal is an overdevelopment and not consistent with the current built form or density. 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 houses, 3 level apartments and 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 apartment. Option 1 would also be commercially compromised and unlikely to proceed.

In 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".

In 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 ridiculous 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 more than 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. As previously stated, this is also the same for the Number 437 bus to the city where peak hour buses are full.

The huge increased in noise with its significant impact to residents cannot be dismissed.

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 and must respect our heritage and ensure a liveable community.

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