

Submission:

Residential Flat Building, 40–76 William Street, Leichhardt (SSD-119545240)

Date: 27 July 2026

To: Department of Planning, Housing and Infrastructure (via the NSW Planning Portal)

Application: SSD-119545240 — 40–76 William Street, Leichhardt (concurrent rezoning and SSD application)

Position: Objection to the application

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

1. Introduction

I write as a resident of Leichhardt, living a short distance from the site, to object to the above application and to the concurrent rezoning that accompanies it, and to ask that both be refused.

I acknowledge the urgent need for more housing in Sydney and support the objectives of the National Housing Accord. I am not opposed to increased density in well-located places, or to the renewal of this site. My concern is with the scale and form of this proposal, rather than with its redevelopment in principle.

The application is, in substance, an enlarged version of a scheme that was refused by the Inner West Council, by the Sydney Eastern City Planning Panel, and by the Land and Environment Court in December 2023. It intensifies the impacts that led to that refusal, and it proposes to remove several of the planning controls on which the Court's decision relied. The affordable-housing component, which is limited and time-restricted, does not in my view justify that outcome. My specific concerns are set out below.

2. Relationship to the previously refused development

The Land and Environment Court dismissed both appeals for this site on 19 December 2023 (Anprisa Pty Ltd v Inner West Council [2023] NSWLEC 1768), following earlier refusals by the Council and by the Sydney Eastern City Planning Panel. The scheme considered by the Court was smaller than the current proposal in each of the following respects:

Measure	Refused scheme (LEC, Dec 2023)	Current SSD-119545240
Floor space ratio	1.91:1 (existing built form 1.38:1)	3.1:1 — rezoning sought from mapped 0.5:1
Apartments	181	203
Height	Additions to about 6 storeys maximum	Up to 11 storeys (RL 51.4m)
Number of buildings	4 (Buildings A–D)	5 (Buildings A–E)
Deep soil	about 8.1% (found inadequate)	8.8% (612 m ²)

The mapped floor space ratio for the site is 0.5:1. The rezoning would increase this to 3.1:1, which is more than six times the mapped standard (an increase of approximately 520 per cent), and larger again than the scheme the Court refused. It is difficult to identify the planning basis on which a concurrent rezoning, assessed under a different pathway, should deliver an outcome considerably larger than one already refused under three separate approval pathways. The considerations that led to determinations against the earlier, smaller scheme still apply to the present, larger one.

3. Compliance with the Secretary's Environmental Assessment Requirements

The pathway exists so that development of importance to the State is assessed by the State rather than constrained by local development control plans, but it does not remove the obligation to assess the proposal's effect on its neighbourhood and it is not a mechanism for setting neighbourhood amenity aside. The Environmental Planning and Assessment Act requires a full environmental assessment, and the assessment requirements issued for this project require the applicant to address, among other things, the development's built form in its context, its amenity impacts on surrounding residents, and, specifically, the findings of the Land and Environment Court.

The requirements include a direction, additional to the standard industry requirements, to address the findings of the judgment of Commissioner O'Neill in *Anprisa Pty Ltd v Inner West Council* (2023). That judgment refused the earlier scheme in part because a Building C of about five storeys caused unacceptable overshadowing of the North Street dwellings, and because the balance between built form and landscaped area was unsatisfactory. The present proposal increases Building C to ten storeys, and the overall built form to eleven storeys, yet the EIS deals with overshadowing of surrounding properties in a brief and conclusory way, and does not demonstrate that the specific impact the Court identified has been resolved rather than made worse. In my view, the applicant has not addressed the Court's findings in the manner the requirements direct.

In relation to environmental amenity, the requirements provide that a high level of amenity for surrounding residential uses must be demonstrated, and that a solar access analysis of the overshadowing of surrounding properties at the winter solstice be provided, as they have been. What has not been provided is any assessment of the effect on the identified surrounding dwellings — including the North Street dwellings with which the Court was concerned, and others along Francis and William Street — sufficient to demonstrate the high level of amenity the requirements call for. A conclusion that there are no unacceptable impacts, unsupported by a property-specific assessment, does not meet that standard.

The requirements further call for the built form — its height, bulk, scale, separation and setbacks — to be shown to respond to the site's context, streetscape and the existing and future character of the locality, and for a table demonstrating how each dwelling performs against the Apartment Design Guide. For the reasons set out earlier, an eleven-storey form in a predominantly low-scale residential neighbourhood does not respond to the character of the locality, and the justification offered relies substantially on examples drawn from other suburbs.

Finally, the requirements call for a landscape plan expressing canopy cover as a percentage of the site and demonstrating a genuine landscape setting, and, under statutory context, for compliance with the applicable development standards to be identified and any non-compliance justified in a clause 4.6 request. The provision of 8.8 per cent deep soil, much of it above two basement levels, does not demonstrate a setting commensurate with a development of this scale, and the very large departure from the floor space standard is not, for the reasons given earlier, adequately justified.

These are not matters that the State significant development pathway places beyond consideration; they are matters the pathway's own assessment requirements oblige the applicant to address, and on the exhibited material they have not been addressed to the standard those requirements set. I ask that the application not be determined until they have been and, in particular, a genuine response to the findings of the Court is included in the design.

4. Bulk, scale and height

The site lies within the Helsarmel Distinctive Neighbourhood under the Leichhardt Development Control Plan, for which the stated desired future character is to maintain and enhance the predominantly low-scale, single-storey cottage character of the surrounding streets. In the earlier proceedings the Court accepted that the site itself has a distinctive former-warehouse character, and that some floor space above the 0.5:1 standard could be justified by that built form and by the adaptive-reuse policy. I accept both propositions.

A group of buildings rising to eleven storeys and RL 51.4 metres is, however, of a different order. It is not readily characterised as the adaptive reuse of a two-to-four-storey industrial complex, and it would be without precedent in this part of Leichhardt. The Environmental Impact Statement (EIS) supports the proposed scale by reference to case studies in Alexandria, Dulwich Hill, Erskineville, Redfern, Forest Lodge and Five Dock.

These may be useful examples of higher-density infill, but they are drawn from other localities and do not, in my view, establish the character of this neighbourhood, against which the proposal should properly be assessed.

The EIS describes the proposal as consistent with the applicable planning controls. That characterisation depends on the rezoning that the application itself seeks. Measured against the controls presently in force, the proposal represents a more than six-fold exceedance of the floor space standard, on a site that has not previously supported residential built form at this scale.

5. Overshadowing and solar amenity

In the earlier proceedings the Court found that a Building C of approximately five storeys caused unacceptable overshadowing of the North Street dwellings identified as Buildings 2 and 3, which already receive less than two hours of sun at the winter solstice. The Court held that the maintenance of that limited existing solar access should have been a key constraint on the building envelope.

The current proposal increases Building C to ten storeys and introduces further built form of up to eleven storeys on the same site. The EIS addresses overshadowing of neighbouring properties briefly, concluding that the development does not result in any unacceptable shadow impacts on surrounding sites. It does not examine the North Street dwellings identified by the Court, does not compare their existing and proposed solar access, and does not explain why a substantial increase in height would not aggravate an impact that was found to be unacceptable at a lower height.

The properties affected are not limited to those immediately adjoining the site. The rendered image at the front of the Architectural Design Report appears to show shadow extending well beyond the site boundaries, including, across part of my home. My own home is more than 80 metres from the site, and I expect that the height and mass of the proposed buildings will cast shadow across the rear of my property. I would ask that the assessment consider overshadowing of properties at this distance, rather than confining its attention to the immediately adjoining sites.

The exhibited material does not, in my view, allow these impacts to be assessed with any confidence. The shadow study in the Architectural Design Report (Woods Bagot, Section 08.03) provides diagrams for the winter solstice (21 June) only. It does not include a property-by-property comparison of the existing and proposed solar access of the affected dwellings. The accompanying sun eye views (Section 08.04) are difficult to interpret and, so far as I can determine, do not include my home or otherwise convey the effect of the development on neighbouring properties. The design report, including the shadow study, is also

labelled throughout with an incorrect application reference (SSD-80704962) rather than the current SSD-119545240, and it is not clear whether the analysis has been updated for the 203-apartment, eleven-storey scheme now on exhibition.

For these reasons, I have limited confidence in the shadow analysis as exhibited. The applicant's own rendering of the development appears to show more extensive shadowing, particularly in the afternoon, than the technical diagrams indicate. Considering this inconsistency and the limited detail provided, as well as the expected shadow it should generate from a building of this height, the extent of overshadowing shown does not seem to me to be reliable. I would ask that the Department not rely on the applicant's shadow material as exhibited, and that it obtain an independent solar and overshadowing analysis, prepared for the current scheme and extending to all affected properties, before the application is determined.

6. Adaptive reuse and the existing controls

The former Cyclops Toy Factory buildings are a locally valued industrial form. Their sawtooth and curved roof profiles, masonry mass and retained signage contribute to the identity of the site and the street. The Inner West LEP contains a specific provision for the adaptive reuse of such buildings in the R1 zone, which allows their retention and conversion notwithstanding that the site is not a listed heritage item. The adjoining former toy-factory building to the east provides an example of successful adaptive reuse, in which the residential conversion was contained within the former factory envelope and the signage retained and restored.

The present proposal takes a different approach. Retention is largely limited to the industrial façade, behind what is substantially a new development. The rezoning also seeks to remove several controls from applying to the site, namely:

- the adaptive-reuse clause, so that built form and floor space beyond the existing building envelope would become permissible;
- the Key Sites Map and the associated requirement for a development control plan; and
- the landscaped-area control.

These are among the provisions on which the Court's decision relied. The removal of the development control plan requirement is of particular concern, given that the Court refused the earlier concept partly because it did not adequately test lower-density, compliant options or provide the detailed controls the site requires. The appropriate response to that finding is, in my view, the preparation of a site-specific design study, rather than the removal of the obligation to prepare one.

7. Affordable housing and the justification for the uplift

I support the provision of genuine affordable housing. The contribution offered here is, however, limited in relation to the concessions sought. The proposal provides 15 affordable units, being 5 per cent of gross floor area, to be managed as affordable for 15 years, after which they return to the market. The EIS confirms that the affordable housing is not provided under the infill affordable-housing provisions of the Housing SEPP, and that no bonus height or floor space arises from it.

The scale of that contribution is low, both by comparison with the applicable policy benchmarks and by comparison with what similar developments have in fact provided. The State's Infill Affordable Housing Bonus scheme offers a bonus to height and floor space of up to 20 to 30 per cent in return for at least 10 per cent affordable housing, maintained for 15 years. Following its 2026 review, the Housing Delivery

Authority now expects affordable-housing offerings to align with or exceed council and State policies and, for concurrent rezonings, to be proportionate to the development outcome proposed.

Approved State significant developments in comparable settings have delivered materially higher proportions. Rozelle Village, an approved mixed-use development in the Inner West, provides 59 affordable dwellings of 227, or about 26 per cent. An approved residential development at Roseville provides 55 affordable dwellings of 252, or about 22 per cent. The following table sets the present proposal against these benchmarks and examples.

Benchmark / Example	Affordable housing	Basis and duration
State Infill Affordable Housing Bonus	at least 10%	for a 20 to 30% height and floor space bonus; 15 years
Rozelle Village, Inner West (approved 2025)	about 26%	59 of 227 dwellings; 15 years
Roseville residential development (approved 2026)	about 22%	55 of 252 dwellings; 15 years
This proposal (SSD-119545240, FSR 0.5:1 to 3.1:1)	5% of floor space (7.4% of units)	15 of 203 units; 15 years

Two further points should be made. First, these comparison are with in-fill affordable housing developments, a pathway whose purpose is to deliver affordable housing in return for additional density; this proposal seeks a comparable, indeed larger, uplift through a concurrent rezoning, but is expressly outside that pathway, and provides considerably less affordable housing. Second, this proposal expresses its affordable housing as a share of total floor space, whereas the Council's contribution benchmarks apply to the additional floor space created by the uplift, so on a comparable basis the shortfall is greater still. The affordable-housing component is below the levels that comparable schemes and the applicable State and Council policy requirements. In my view it does not provide a sufficient basis for the very large uplift sought, or for setting aside planning controls that have twice been the subject of considered refusal.

8. Landscaping and deep soil

The R1 landscaped-area control requires a minimum of 20 per cent of the site to be provided as landscaped area, which equates to approximately 1,388 square metres on this 6,930 square metre site. The proposal provides 612 square metres of deep soil, or 8.8 per cent of the site. In the earlier proceedings the Court found the landscape and deep-soil provision inadequate, and the balance between built form and landscaped area unsatisfactory, for a considerably smaller scheme. The present proposal increases gross floor area to approximately 2.25 times the existing built form while deep soil remains at around 8 per cent, which does not improve that balance. I would also note the difficulty of achieving substantial deep-soil planting above two basement levels that extend across much of the site.

9. Traffic, parking and access

Access to the site is constrained. North Street is among the narrowest streets in the locality, access from Francis Street is via a right of carriageway, and the William Street and Norton Street intersection and the City West Link approaches carry significant congestion at peak times. Access difficulties formed part of the earlier proceedings. The introduction of 203 apartments, with approximately 237 to 239 parking spaces, would represent a substantial increase in vehicle movements to and from a site with these characteristics.

I also have some concern about the adequacy of the supporting technical material. The exhibited documents contain internal inconsistencies, including a parking count given as both 237 and 239 spaces, and the construction-traffic assessment appears to refer to access via streets that are not in the immediate vicinity of the site. These matters may indicate that parts of the assessment were not prepared specifically for this location, and I would ask that they be verified, and revised if necessary, before the application is determined.

10. Consideration of alternatives

The analysis of alternatives in the EIS discounts lower-scale options principally on the basis that they would deliver less affordable housing and would be commercially compromised. No lower-scale option that respects the existing controls is tested or costed. This is similar to the deficiency the Court identified in the earlier Urban Design Study, which it found had discarded lower-density options in a pre-emptory manner. I would also note that the applicant's amended scheme in the earlier proceedings, of a substantially smaller scale, was itself advanced as a viable project, which sits uneasily with the contention that only a scheme of the present scale is feasible on the site.

11. Cumulative density and the Fairer Future plan

The proposal should also be considered in the context of the additional density already planned for Leichhardt. In September 2025 the Inner West Council adopted its A Fairer Future plan. The plan is intended to enable in the order of 35,000 additional homes across the Inner West over 15 years, and is presently with the Department for review and approval. It directs the taller built forms, of six to eleven storeys, to designated transport-hub and main-street precincts, while retaining the low-scale residential streets and heritage conservation areas, and it was framed as a more even distribution of density across the local government area.

This site does not fall within that framework. It is not a designated centre or transport-hub precinct, but lies within the low-scale Helsarmel neighbourhood, and, as the EIS acknowledges, it is not identified in the Council's strategic plan. The proposal therefore represents additional density beyond the contribution that Leichhardt is already being asked to make through A Fairer Future. To approve a scheme of this scale through a separate State pathway, while the Council's own plan for the same suburb remains before the Department for approval, would be inconsistent with an orderly and coordinated distribution of density that the State should seek to achieve.

The cumulative effect is relevant to the question of scale. Leichhardt is a small suburb with limited open space and no heavy rail or metro service; its light rail and bus services are already heavily used at peak times, and its schools, open space and other services are finite. In online discussions about A Fairer Future, community members have expressed reasonable concerns that the suburb is being asked to accommodate a disproportionate share of the region's growth. Given the contribution that Leichhardt is already making to housing supply through A Fairer Future, I do not consider that there is a sound planning basis for developing this particular site well beyond a scale appropriate to its context. The cumulative impact of growth across the suburb is better addressed through coordinated strategic planning than through individual applications considered in isolation.

12. Exhibition and consultation

The exhibition period of approximately 14 days is, in my view, insufficient for meaningful public consideration of a 176-page environmental impact statement and its numerous technical appendices,

particularly for a proposal of this scale and history. I would ask that the exhibition period be extended or repeated, to allow the community a reasonable opportunity to respond.

13. The record of the developer and builder

I recognise that the assessment of this application is directed to the merits of the development rather than to the identity of the applicant. I raise the following because the standard to which a development of this scale is built and maintained bears directly on the long-term amenity of its future residents and its neighbours, and because the State's own building-quality reforms, including the Building Commission, the Design and Building Practitioners Act 2020 and the iCIRT trustworthiness ratings, recognise that a builder's track record is a relevant consideration.

The applicant, Anprisa Pty Ltd, is associated with Mr Edward Doueihi, the founder and managing director of Ceerose Pty Ltd, and the project has been reported in the industry press as a Ceerose development. Ceerose's record includes matters of public record relevant to build quality. In a 2025 decision, the New South Wales Court of Appeal dismissed an appeal by Ceerose, as builder, and its associated developer, upholding a judgment that they pay the building's owners corporation \$1.95 million (excluding GST), plus costs, for rectifying defects in a Sydney apartment tower they were responsible for (the building known as 'The Eliza', completed 2014). The courts found that the owners had reasonably lost confidence in the builder after it failed to keep them properly informed about the progress of urgent fire-safety rectification work (Ceerose Pty Ltd v The Owners – Strata Plan No 89074 [2025] NSWCA 235). Separately, a building Ceerose developed at Pyrmont (Harbour Mill Apartments, completed in 2015) has been affected by combustible cladding, and, as reported in June 2025, the owners corporation has commenced proceedings in the Supreme Court against Ceerose in relation to the cladding. Those proceedings are at an early stage and, as Ceerose has confirmed, are being defended by the company; no finding has been made, and I do not suggest otherwise.

Ceerose's safety record has also been the subject of prosecution. In 2013, a labour-hire worker was killed at a Sydney site where Ceerose was the principal contractor, when a steel skylight structure weighing about one tonne fell on him from a height of about 11 metres; an exclusion zone beneath the skylight had been removed before it was secured. Ceerose was fined \$300,000, and on the Attorney-General's appeal the New South Wales Court of Criminal Appeal found that penalty manifestly inadequate and increased it to \$600,000, characterising Ceerose's failure as principal contractor as a category 2 offence at the high end (Attorney General for the State of New South Wales v Ceerose Pty Ltd [2019] NSWCCA 35). In a separate prosecution, Ceerose was fined \$300,000 in 2017 after a worker suffered fractures to her spine and pelvis at another of its sites, the sentencing judge noting that this was the third work-safety prosecution the company had faced.

I raise these matters not to pre-judge the applicant, but because they bear on the confidence the community and the Department can reasonably have in the delivery and long-term quality of a development of this scale in an established residential neighbourhood. If the application is approved, I ask that the consent include robust, independently verified quality-assurance conditions, including independent certification of the completed building and appropriate security for the rectification of defects, commensurate with that record.

14. Conclusion

For the reasons set out above, I ask that the application and the associated rezoning be refused. The proposal increases impacts that have already been found unacceptable in earlier development

assessments, and the affordable-housing benefit it offers is limited and does not seem to justify the scale proposed.

Should the Department nonetheless be disposed to support the renewal of the site, I would ask that any consent be confined to a development that:

- constitutes a genuine adaptive reuse contained substantially within the existing building envelopes, and retains the sawtooth and curved roof forms and the industrial character of the buildings;
- retains, rather than removes, the adaptive-reuse provision, the landscaped-area control and the requirement for a site-specific development control plan;
- preserves the existing winter solar access of the North Street and adjoining dwellings identified by the Court and adds reasonable limits to overshadowing to other properties on Francis Street and William Street;
- provides landscaped area and deep soil consistent with the applicable controls; and
- accounts for increased local density that is already being proposed in the Council's A Fairer Future plan, by reducing the scale of the development to

Thank you for considering my submission.

Yours faithfully,

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