

Dear Sir/Madam,

RE: Residential Flat Building at 40-76 William Street, Leichhardt

I object to the development proposed at the above address for the following reasons:

1. The Land and Environment Court refused a substantially smaller development on this site in 2023. In *Anprisa Pty Ltd v Inner West Council* [2023] NSWLEC 1768, Commissioner O'Neill dismissed appeals against the refusal of a Stage 1 concept plan and Stage 2 development application by the same applicant for the same land, for 181 apartments at a floor space ratio of 1.91:1. The present proposal is for 203 apartments at 3.1:1: approximately 1.6 times the floor space of the scheme the Court refused, and 2.25 times the existing built form on the site, which the planning experts in those proceedings agreed has a floor space ratio of 1.38:1.

I do not contend that strict compliance with the 0.5:1 standard is required. The Commissioner accepted at [60] that the existing built form, combined with the adaptive reuse policy under clause 6.11, provides a sufficient environmental planning ground to justify exceeding it. She nevertheless refused the application because the proposal was contrary to the objectives of the standard. The applicant now seeks substantially more than the Court declined to approve, through a pathway that removes the standard rather than justifying a departure from it.

2. The proposal repeats the overshadowing impact the Court found unacceptable, at more than twice the height. At [82]-[83] and [86], the Commissioner found that the refused scheme's Building C would reduce solar access to the rear living rooms and courtyards of the North Street terraces by approximately fifteen minutes on the winter solstice, and held that impact unacceptable because those dwellings already receive less than two hours of winter sun. She held that maintaining that existing solar access "should have been a key constraint to defining an appropriate building envelope," noting that this was particularly so given the substantial increase in gross floor area and the absence of any height of buildings development standard for the site.

Building C in the refused scheme was five storeys. The present proposal reaches eleven. I ask the Department to require winter solstice shadow modelling, in fifteen minute increments between 9:00am and 3:00pm, for the rear living rooms and private open space of every affected dwelling fronting North Street, compared against existing conditions, and to treat the Commissioner's finding as the applicable benchmark.

3. The proposal is not supported by the strategic planning framework, and the applicant's statement to the contrary is incorrect. The applicant's Social Impact Assessment tells the community that the proposal "reflects the desired outcomes of the area's strategic planning objectives." At [59], the Commissioner accepted that the Inner West Housing Strategy **does not include this site**, because the Strategy identifies the area north of William Street for potential additional dwellings in medium density development and the site lies to the south. She held the Strategy was not an environmental planning ground justifying the floor space exceedance.

4. North Street access requires the removal of existing residents' on-street parking, and the exhibited material does not disclose this. At [38], the Commissioner accepted the agreed evidence of both traffic experts that resident vehicular access via North Street was acceptable **subject to parking changes at the northern end of North Street**, involving the loss of four on-street spaces to be relocated to William Street. That was for 181 apartments and approximately 13,250 square metres of floor space.

The present proposal is significantly larger. The exhibited material does not state how many on-street spaces would be lost. It also states, at Appendix 1B clause C1.11, that vehicular access is located on William Street, that the new crossover replaces an existing one, and that no additional crossover is proposed, which cannot be reconciled with a two-level basement of approximately 240 spaces, with the 2023 evidence, or with the Social Impact Assessment's own record of access from both William and North Streets.

I note further that at [39] the Commissioner rejected Council's contention that access via William Street opposite Hubert Street was optimal, finding that the roundabout required would detrimentally affect the local heritage item at 2 Hubert Street, and that altering the opening in Building B to accommodate it would adversely affect the ability to interpret that façade.

I ask the Department to require: the location and dimensions of every proposed vehicular access point; the number of existing on-street parking spaces that would be removed, and where replacements would be provided; measured carriageway widths on North Street with parked vehicles in situ; and swept path analysis for service and waste vehicles under those conditions. I object to any arrangement that reduces kerbside parking available to existing North Street residents, who have no off-street alternative.

5. The parking and traffic material is internally inconsistent. The parking provision is stated as 237 spaces in the DCP compliance table, 241 in the Social Impact Assessment and 239 in the exhibition summary. The Social Impact Assessment states at section 7.4 that SIDRA modelling on a 2024 base case found all six assessed intersections operate at Level of Service A and will continue to do so, describing the impact as negligible. The risk table in the same document rates increased traffic impact on the surrounding network as Likely and Major, giving a High rating, and retains a High rating after all proposed mitigation. Both cannot be correct.

Queuing at the William Street and Norton Street roundabout during peak periods is a known existing condition. I ask that the assessment be supported by surveyed peak queue lengths and delays, a current base year, and a future-year cumulative scenario. I also ask that the Department require the applicant to disclose the traffic evidence exchanged in the 2023 proceedings, which included three joint expert reports.

6. The gross floor area calculation requires independent verification. At [74] the Commissioner found that the applicant's numerical calculations "disregard proposed GFA that under the definition contributes to the proposed FSR." The matters in dispute in 2023 included the exclusion of garbage storage areas outside the basement, internal walls and balconies, and the reclassification of a community gym as plant. Given that history, the stated figure of 21,489 square metres should not be accepted without independent verification.

7. Retention of the existing buildings is materially less than in the refused scheme. I accept that the site is not a listed heritage item and that the Commissioner declined at [66]-[69] to apply heritage conservation principles to it. She did, however, apply Section 12 of Appendix B to the Leichhardt DCP and section 4R of the Apartment Design Guide, holding at [79] that the relevant objective is to facilitate development compatible with the retained buildings.

The refused scheme retained Buildings A and B substantially. The present proposal retains a brick façade to four storeys on Building A alone, with the balance demolished. On the measure the Commissioner treated as relevant, the current proposal retains materially less while being substantially larger. Section 12 control C10 provides that sawtooth roof profiles must not be

altered, and C6 requires retention of existing painted signs that contribute to significance and streetscape character.

I also note that the conclusion in the Social Impact Assessment that heritage impact is acceptable rests on a Historical Archaeological Assessment addressing sub-surface archaeological potential from phases ending in 1904. That assessment cannot establish anything about the standing twentieth century buildings. I ask that any consent be conditioned to retain the principal external form, the sawtooth roofline and the Cyclops signage.

8. Clause 6.11 and the function of the rezoning. Clause 6.11(3)(c) of the Leichhardt LEP 2013 required any increase in floor space ratio to be "generally contained within the envelope of the existing building." As Council submitted in the 2023 proceedings, Inner West LEP 2022 removed the word "generally," confirming that additional storeys and additional buildings cannot satisfy the criterion. A proposal of five to eleven storeys on a site of one to four storey warehouses plainly cannot. I ask the Department to consider whether the concurrent rezoning operates to remove a clause the applicant has previously been unable to satisfy, and if so, to weigh that accordingly.

9. Landscaped area. Clause 4.3A requires a minimum landscaped area of 20% of the site in the R1 zone, being approximately 1,386 square metres. At [65] and [77]-[78] the Commissioner found the refused scheme confined landscaping to boundary setbacks and narrow corridors between buildings and did not achieve a suitable balance between landscaped area and built form. The exhibited material states a 25% tree canopy target but does not state the landscaped area or deep soil provision. The DCP compliance table refers to a required landscaped area of 55.66 square metres, which bears no relationship to this site. I ask that the landscaped area and deep soil area be stated and assessed against clause 4.3A and section 3E of the Apartment Design Guide.

10. Solar access to future residents. At [63], applying objective 4A-1 of the Apartment Design Guide, the Commissioner found the refused scheme's Building C achieved 56.1% and Building D 25% against the 70% criterion, with 21.2% and 25% of apartments respectively receiving no direct sunlight at all on the winter solstice. The DCP compliance table for the present proposal asserts that more than 70% of units receive three hours of direct sunlight and marks the control compliant, without supporting figures. I ask that the modelling be produced.

11. The affordable housing offer is below the statutory floor and disproportionate to the uplift. The proposal offers 5% of gross floor area, approximately 1,074 square metres, for the minimum 15 years, against additional floor space of roughly 18,000 square metres. That is approximately 6% of the uplift.

- Chapter 2, Part 2, Division 1 of the Housing SEPP requires a minimum of 10% of gross floor area to access any bonus floor space or height, and 15% for the maximum 30% bonus. The applicant's own community housing provider letter expressly invokes that Division. The offer is half the entry threshold of a mechanism the applicant relies on, while the uplift taken by rezoning is more than six times the base control.
- The HDA criteria require an applicant seeking uplift by concurrent rezoning to demonstrate why the in-fill affordable housing bonus provisions were not used. I ask the Department to test that explanation, because the apparent answer is that those provisions would have required more affordable housing than is offered.
- Following the HDA's twelve-month review, affordable housing must align with or exceed council or State policy and, for concurrent rezonings, be proportionate to the development

outcome. Inner West Council's settings range from 10% of additional residential floor space under its draft policy to 20% under Our Fairer Future for a private proposal seeking additional floor space. The offer meets none of them.

- Fifteen dwellings is 7.4% of 203 but only 5% of gross floor area, so the affordable dwellings are materially smaller than the development average. I ask that the floor area of each be stated.
- The applicant's own supporting letter from Bridge Housing records that the Inner West requires 600 to 700 affordable homes per year. Fifteen homes, secured for fifteen years, does not justify a rezoning of this magnitude. That letter records preliminary discussions and is not a commitment.

If uplift is granted it should be conditioned on a minimum 15% of gross floor area as affordable housing, held in perpetuity and managed by a registered community housing provider.

12. The exhibited material does not accurately describe the development. I raise this because the Department is asked to rely on these documents and the community is asked to respond to them.

- The Social Impact Assessment's author declaration, in which the author certifies that no information in the report is false or misleading, describes a mixed use development of "03 residential apartments" and separately of 154 dwellings. The proposal is 203 dwellings in a residential flat building.
- The report's conclusion describes a 16 storey shop top housing development.
- The version lodged, Final V2 of 13 May 2026, records no reviewer, and the report's own disclaimer states it is for discussion purposes only unless finalised and approved by a Principal.
- The Secretary's Environmental Assessment Requirements were issued on 6 May 2026, after the report was finalised in November 2025.
- In the community feedback table, the response to concerns about air circulation addresses road safety, and the response to concerns about zoning and height permissibility addresses pedestrian wind. The permissibility objection is not answered anywhere in the document.
- The table states that the proposal "is consistent with the applicable planning controls for the area." It is accompanied by a rezoning request. Both cannot be true.
- The DCP compliance table at Appendix 1B refers throughout to demolition of an existing dwelling, to proposed semi-detached dwellings, to private open space for "both proposed units," and states that the development lies within the ANEF 25-30 aircraft noise contour. It states both that subdivision is proposed and that no subdivision is proposed, and both that no fence is proposed and that proposed fencing will assist sight lines.
- The site area is stated as 6,930 square metres, where the Court recorded 6,938 square metres.

Development control plans do not apply to State significant development under clause 2.10 of the Planning Systems SEPP. That does not explain why a document describing a different development was lodged as Appendix 1B and cross-referenced in the applicant's statutory compliance table under section 4.15(1)(a)(iii).

13. Relief sought. Refusal. In the alternative, that the application not be determined until the shadow impact on the North Street dwellings is modelled against the benchmark the Court applied, the access arrangements and parking losses are disclosed and tested, the gross floor area is independently verified, the landscaped area and solar access modelling are produced, the affordable housing contribution is brought to a level proportionate to the uplift, and the exhibited material is corrected and re-exhibited.

Thank you for your consideration.

Leichhardt Resident