

Mr Chris Eldred
Senior Planning Officer
Department of Planning and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

By email: christopher.eldred@planning.nsw.gov.au

28 April 2026

Dear Mr Eldred

RE: Objection to Application: SSD-95997711 Site: 903–921 Bourke Street, Waterloo

I object to the proposed modification. Due to technical difficulties explained in my email I was unable to lodge the submission online. Please accept the submission by email.

1. Introduction and context

This submission addresses the proposed modification to the approved mixed-use development at 903–921 Bourke Street, Waterloo. The modification seeks a substantial uplift in the scale and intensity of the approved development, including a significant increase in floor space ratio, building height and residential yield. These changes materially alter the planning outcome that was previously assessed and approved and should not be treated as a minor adjustment.

2. Statutory framework

The application must be assessed under the *Environmental Planning and Assessment Act 1979* (NSW), including the modification provisions and section 4.15(1), which requires consideration of likely impacts, the suitability of the site and the public interest. A key threshold question is whether the modified development remains “substantially the same development” as the approved scheme. That requirement operates as a substantive safeguard and is not merely procedural.

3. Nature and scale of the proposed changes

The proposal includes a near doubling of floor space ratio from approximately 1.5:1 to 3.2:1, an increase in building height to approximately 126 metres and an uplift in residential yield to approximately 580 dwellings. Each of these changes is significant in its own right. Taken together, they represent a substantial intensification of the site. The modified scheme is not a refinement of what was approved. It presents a materially different development outcome.

4. Threshold issue – substantially the same development

The magnitude of the proposed changes raises a serious question as to whether the development remains “substantially the same” as that originally approved. A near doubling of FSR, combined with a substantial increase in height and population, is indicative of a different development in planning terms. The modification pathway is intended to accommodate changes within the scope of what was

approved. It is not designed to facilitate a fundamental re-scaling of a project. In the absence of a clear and compelling justification, the application should not be approved under the modification provisions.

5. Failure to demonstrate the comparative impact

A central difficulty with the exhibited material is the absence of a clear comparison between the approved development and the modified scheme. Without that comparison, it is not possible to properly assess the extent of additional impacts or whether those impacts remain acceptable. This is particularly relevant to overshadowing, visual bulk and infrastructure demand. The absence of a transparent “before and after” analysis is a material deficiency and should weigh against approval.

6. Built form, scale and urban design

The proposed increase in FSR and height results in a built form that is substantially larger and more dominant than the approved scheme. This raises concerns regarding compatibility with surrounding development, the visual impact on the streetscape and the ability to maintain a human-scale urban environment. At this level of intensity, a clear and coherent urban design rationale is required. It is not apparent that such a justification has been adequately provided.

7. Overshadowing, solar access and public domain impacts

The increase in building height to approximately 126 metres will inevitably alter shadow patterns across surrounding properties and the public domain. Solar access is a fundamental component of residential amenity and is typically assessed by reference to the winter solstice, when overshadowing impacts are most pronounced.

In addition to residential impacts, there is concern that increased building height and bulk will result in additional overshadowing of nearby public spaces, including the park on Morehead Street. Public open space plays a critical role in supporting high-density communities, and reduced sunlight can materially affect usability, comfort and amenity, particularly in winter.

It is not apparent from the exhibited material that the extent of any additional overshadowing of this public space has been clearly quantified or compared against the approved scheme. In the absence of that analysis, the impact on the public domain cannot be properly assessed.

8. Wind and microclimate

Buildings of this scale commonly give rise to changes in wind conditions at ground level. While wind assessments may have been prepared, it is important that they reflect realistic conditions, demonstrate compliance across all public areas and rely on mitigation measures that are practical and enforceable. Given the increase in height and bulk, the potential for adverse wind conditions warrants careful scrutiny.

9. Traffic, transport and safety

The increase in residential yield will result in a corresponding increase in vehicle movements and pedestrian activity. This has implications not only for congestion but also for safety.

The surrounding area includes community facilities such as a local school and library. Increased traffic volumes, particularly during peak periods, are likely to increase conflict between vehicles and pedestrians, including children and families accessing these facilities.

It is not clear from the exhibited material whether these safety implications have been specifically assessed or whether mitigation measures are sufficient. In a high-density urban environment, these risks should be carefully evaluated and given appropriate weight.

10. Infrastructure and services

The proposed increase in population must be supported by adequate infrastructure, including open space, community facilities and local services. It is not evident that additional infrastructure capacity has been secured to accommodate the increased demand arising from the modification. This raises concerns regarding long-term liveability and service provision.

11. Public interest and planning integrity

The Act requires consideration of the public interest. Allowing a substantial increase in height and density through a modification process risks undermining the integrity of the planning framework, reducing transparency in decision-making and enabling significant uplifts without the level of scrutiny ordinarily expected. These considerations weigh against approval.

12. Site-specific impact – loss of morning sunlight

I occupy an apartment located to the west of the site, with primary living areas facing directly toward the proposed development. My apartment currently receives direct morning sunlight, which is an important component of its amenity, particularly during winter months.

The proposed increase in height and bulk, with the site positioned to the east of my apartment, is likely to result in increased overshadowing during the morning period. This is likely to reduce the duration of direct morning sunlight, extend shadowing into primary living areas and materially diminish natural light compared to the approved scheme.

These impacts are most significant during winter, when solar access is already limited. It is not apparent from the exhibited material that the extent of this additional overshadowing has been clearly quantified or compared to the approved development.

This represents a direct and tangible loss of residential amenity and should be given significant weight in the assessment.

13. Conclusion

The proposed modification represents a substantial intensification of the approved development. It raises unresolved concerns regarding whether it is properly characterised as a modification, whether the additional impacts have been adequately assessed and whether the proposal is supported by sufficient infrastructure. It will also directly reduce residential amenity and may adversely affect nearby public spaces and pedestrian safety.

In these circumstances, the application should be refused.

Yours sincerely

Jacob Smit

3/140 Morehead Street Waterloo

jacob.hans.smit@gmail.com