

Thomas Cox
Wellington St
Waterloo
NSW 2017

25th April 2026

To: Department of Planning, Housing and Infrastructure

Re: State Significant Development Application SSD-95997711 at 903–921 Bourke Street and 3 McEvoy Street, Waterloo NSW 2017

I am a resident of the east end of Wellington Street, Waterloo, located approximately 25 metres from the boundary of the proposed development and 200 metres from the centre of the site. The western extent of the proposed development, which reaches to Morehead Street, is immediately adjacent to my property. I am directly and materially affected by this application.

I submit this objection to the proposed amendments to development consent D/2021/1415, as sought under SSD-95997711. My objection is not to the principle of housing development on this site. An approved consent for 376 apartments, reaching a maximum height of 65 metres, already exists and construction has commenced. My objection is to the specific modifications now proposed, which I consider to be excessive in scale, inadequately assessed, and contrary to the planning framework applicable to this precinct.

I respectfully request that the Department refuse the amended application SSD-95997711, allow development consent D/2021/1415 to proceed as approved. In the absence of this, I request that the Minister for Planning direct that a public hearing be held by the Independent Planning Commission, having regard to the significance and contentious nature of the proposed modifications and the volume of community objection.

My objections are as follows:

Scale, Bulk and Built Form

The proposed amendments represent a near-doubling of approved height and more than doubling of floor space ratio, without adequate planning justification.

The concurrent rezoning seeks the following amendments to the Sydney Local Environmental Plan 2012 (SLEP 2012):

Parameter	Approved (D/2021/1415)	Proposed (SSD-95997711)	Increase
Maximum height (tower)	65m	126m	+94%
Bourke Street North tower	40m (approx. 12 storeys)	105m (31 storeys)	+163%
Young Street tower	~65m (21 storeys)	126m (38 storeys)	+94%

Floor Space Ratio	1.5:1	3.2:1	+113%
Total dwellings	376	580	+54%
Resource provision per dwelling			
Car parking space per dwelling	0.92 spaces	0.65 spaces	–29%
Communal open space per dwelling	19.1 m ²	12.8 m ²	–33%
Community infrastructure (VPA) per dwelling	Negotiated for 376 dwellings	Unchanged	–35%

The per-dwelling resource figures are drawn directly from the applicant's own EIS and Transport Impact Assessment. They demonstrate that the proposed uplift does not proportionately increase the resources available to residents, it simply concentrates more people onto the same physical footprint, with meaningfully less parking, open space, and community infrastructure per household. This is a transfer of density pressure onto the existing neighbourhood and its infrastructure rather a balanced planning outcome.

Under Clause 4.3 of the SLEP 2012, the Height of Buildings Map sets a maximum of 65 metres for the principal tower on this site. That control was established through careful strategic planning for the Green Square and Waterloo precinct, intended to balance density with neighbourhood character, infrastructure capacity, and residential amenity.

The proposed amendments do not represent a minor or incremental adjustment. A 38-storey residential tower at 126 metres, alongside a 31-storey element at 105 metres at Bourke Street North, would represent built form of a scale and character more consistent with the Sydney CBD than the Waterloo/Zetland context. The immediately surrounding urban fabric comprises predominantly two- to eight-storey residential and mixed-use development. No adequate urban design analysis is provided to justify why this scale of uplift is appropriate in this particular location.

The applicant invokes the Eastern City District Plan (March 2018) and City Plan 2036 as strategic justification for the proposal. However, both plans contain priorities that the proposal materially fails to meet, and the applicant's selective reliance on their housing supply objectives should not be accepted uncritically by the Department.

The Eastern City District Plan's liveability priorities expressly require "*providing services and social infrastructure to meet people's changing needs*" and "*creating and renewing great places and local centres, and respecting the District's heritage.*" The proposed concurrent exemption from Clause 6.14, which funds precisely the schools, childcare and open space that an additional 204 households will require, directly contradicts the first priority. The proposed 126 metre tower immediately adjacent to a State Heritage Register listed pumping station directly contradicts the second.

City Plan 2036, the City of Sydney's own Local Strategic Planning Statement, is equally instructive. It explicitly acknowledges that "*increasing the supply of market housing is not the only answer*" to

Sydney's affordability crisis, and that solutions must "*directly target every group*" including lower income households. The proposal delivers 580 apartments at reported starting prices of \$985,000 for a one-bedroom unit. This is not the housing that City Plan 2036 identifies as being needed. A proposal that overrides established planning controls while failing to deliver genuine affordability outcomes cannot claim full strategic alignment with these plans.

Furthermore, the Department should not be satisfied that the proposed development demonstrates design excellence within the meaning of the SLEP 2012 when the scale has increased so substantially from the approved consent. Indeed, the State Design Review Panel itself noted that the additional height had created "*intensified uncomfortable spatial relationships within the precinct, particularly between the Young Street Tower and the Plaza Building.*" That finding, made by the Panel in the context of assessing the current proposal, is a significant indicator that the design as submitted has not resolved fundamental bulk and scale issues.

Local Heritage Impact

The dramatic increase in height and bulk adjacent to State and locally listed heritage items has not been adequately assessed.

The site contains and is immediately adjacent to heritage items of considerable significance including:

- The former nineteenth-century Sydney Water Pumping Station and Valve House, Heritage Item I2073, Schedule 5 of the SLEP 2012 (local significance)
- Pressure Tunnel and Shafts, State Heritage Register No. 01630 under the Heritage Act 1977 (NSW)

The Heritage Impact Statement (Weir Phillips Heritage and Planning, Appendix 26) was prepared primarily in the context of the original consent D/2021/1415. It does not appear to adequately assess the impact of buildings rising to 31 storeys (Bourke Street North) and 38 storeys (Young Street) on the setting, significance, curtilage, and visual appreciation of these heritage items.

Critically, even the State Design Review Panel identified unresolved heritage concerns, specifically recommending that the design team lower the podium of the Bourke Street South building "*to provide visual relief to the Pump House and ensure the podium addresses the heritage form.*" The Panel also directed that the design team "*improve the relationship between the proposed built form and the heritage Pump House.*" These requests reflect a fundamental conflict between the proposed scale of development and the heritage sensitivity of the setting.

A development of this height, rising immediately adjacent to a nineteenth-century pumping station of State Heritage Register significance, requires independent heritage assessment at a level commensurate with the scale of impact. Self-assessment by the applicant's own heritage consultants is not adequate for a proposal of this nature and scale. I submit that the concurrent exemption from the Competitive Design Process compounds this concern, as it removes the independent design scrutiny that would otherwise apply.

I further note that the State Design Review Panel itself directed the design team to provide detailed overshadowing studies for all affected adjacent residential buildings. The design team's response was that massing had been '*calibrated to minimise overshadowing*,' which is a self-assessment by the applicant's own consultants rather than independent verification, and is insufficient for a proposal of this scale and proximity to existing residents. For a property 25 metres from the site boundary, this is a material omission that must be rectified before any consent is granted.

Transport and Traffic

There is a proposed 54% increase in dwellings which is only accompanied by an 8% increase in parking, with no upgrade to public transport infrastructure and no cumulative transport assessment.

The Transport Impact Assessment (JMT Consulting, February 2026, Appendix 15) confirms the following:

- Dwellings increase from 376 to 580 (+54%)
- Car parking increases from 346 to 376 spaces (+8%)
- The maximum permissible parking under the SLEP 2012 for 580 dwellings is 548 spaces with the proposal providing only 376, representing 68% of the permissible maximum

The TIA's conclusion that this generates only 4 additional vehicle movements in the AM peak hour (Table 8, p.27, Appendix 15) is a product of methodology rather than reality. That figure is calculated from the number of new parking spaces, not new dwellings or occupants, effectively making 204 additional households invisible to the traffic model. The same document's own Table 7 reveals that the full development is forecast to generate 407 total person trips in the AM peak hour alone, including 93 additional bus trips and 111 additional train/metro trips. The assertion that existing services can absorb this demand is unsubstantiated and directly contradicts the applicant's Social Impact Assessment, which acknowledges that local bus services are already operating at capacity.

The applicant's justification for constraining parking is that future residents will rely on public transport. However, the applicant's own Social Impact Assessment (Sarah George Consulting, Appendix 17) expressly acknowledges that community members noted "*buses were already at capacity*", which as a local resident I can attest to, especially during morning and evening peak hours. Transferring the transport burden of 204 additional households to an already-congested public transport network, without any committed infrastructure upgrade, should not constitute an acceptable planning outcome.

A further and direct consequence of the parking shortfall is the displacement of vehicle demand onto surrounding residential streets. With 580 dwellings served by only 376 spaces, a significant proportion of residents without allocated parking will rely on unrestricted kerbside parking in neighbouring streets including Wellington Street, Morehead Street, Young Street, Phillip Street and Danks Street. These streets already operate under significant parking pressure and have little-to-no capacity to absorb the overflow from a development of this scale. As a nearby resident, I am directly exposed to this impact. The Transport Impact Assessment does not assess on-street parking displacement at all and this is a material omission that must be addressed and mitigation measures developed before any consent is granted.

More significantly, no cumulative transport assessment has been undertaken for the Waterloo/Green Square precinct as a whole. The concurrent Coronation development at 881–885 Bourke Street (SSD-80441462), the Barings development on O'Dea Avenue, and the Waterloo Metro Quarter are each being assessed in isolation. The traffic and public transport system impacts of this scale of growth cannot be adequately assessed on a project-by-project basis.

Finally, Bourke Street, the primary north-south arterial through the precinct, has no dedicated bus priority lanes. No road network improvements are proposed. No commitments to public transport service frequency upgrades are made. In the absence of a cumulative transport assessment, the Department cannot be satisfied that the transport impact of SSD-95997711 is acceptable, nor sustainable in the long term.

Loss of Community Infrastructure Protections

The concurrent rezoning seeks to exclude this site from two community protections expressly designed for the Green Square and Waterloo precinct. I strongly oppose this.

Clause 6.14(4) of the SLEP 2012 provides for an additional 0.5:1 FSR above the base 1.5:1 in exchange for the provision of additional community infrastructure within the Green Square locality. This mechanism ensures that increases in population density are matched by contributions to schools, childcare, libraries, open space, and other community facilities.

The applicant proposes to exclude the site from Clause 6.14 on the basis that a Voluntary Planning Agreement (VPA) is already registered on title. However, that VPA was negotiated for a development of 347–376 apartments. The community infrastructure secured under that VPA, the heritage plaza, footpath widenings, and public domain works, remains unchanged while the dwelling yield grows by 54%. The local community (not only future occupants of the development, but also existing neighbouring residents) receive identical infrastructure for a substantially larger development.

I submit that the existing VPA must be renegotiated to reflect the actual scale of what is proposed, and that the exclusion of Clause 6.14(4) should be refused unless equivalent community infrastructure is secured through a binding and proportionate replacement mechanism.

Clause 6.21D(3) of the SLEP 2012 requires a competitive design process for development exceeding 25 metres in height and \$100 million in value, both of which are clearly met here. The applicant has obtained a waiver from the Government Architect on the basis that a previous design competition was held and some incumbent architects remain involved. This reasoning should not be sufficient. The proposed development is not a minor alteration to the previously competed design, it is a substantially different building, nearly double the approved height, with an increased footprint and a materially different relationship to heritage items and the public domain. The competitive design process exists precisely to ensure independent scrutiny of design excellence for projects of this scale and sensitivity. A State Design Review Panel process, while valuable, is an iterative advisory function and does not replicate the rigour and independence of a full design competition.

I submit that the exemption from Clause 6.21D should be refused, or alternatively, that the Department require a full, independent design review at a level commensurate with the scale of the proposed uplift before any consent is granted.

Incomplete Evidence Base

The application should not be determined while the following technical assessments remain materially incomplete.

The contamination assessment (EI Australia, Appendix 13) explicitly acknowledges that the Bourke Street South basement floor level was not available at the time of report preparation, and that full vapour intrusion assessment for this structure was therefore not completed. The Young Street North basement sits in an area where the applicant's own consultant identified historical soil vapour contamination from the former Lawrence Dry Cleaners on the site. Two new basement structures are proposed that were not part of the original consent. Granting development consent without complete contamination data for both new basements would be contrary to sound practice and would leave a material risk unresolved. The Department should require finalised floor levels and completed vapour intrusion modelling before granting of any consent is considered.

The wind assessment (MEL Consultants, Report 25153A, Appendix 33) models wind conditions with reference to the Coronation development at 881–885 Bourke Street (SSD-80441462) as a shielding structure. The Coronation project is currently under exhibition and has not been approved. If that development does not proceed, or is approved in a different form, the wind assessment underpinning this application is unreliable. The Department should require a revised wind assessment based solely on existing approved development, consistent with standard assessment practice.

No assessment has been provided of the cumulative construction amenity impact on immediately neighbouring residents. Construction under D/2021/1415 has already commenced and is programmed through to July 2028. The amended proposal introduces a further 38-month construction program (Appendix 15, TIA), including up to 40 heavy vehicle movements per day during excavation. As a resident 25 metres from the site boundary, I will be directly exposed to construction noise, vibration, dust and traffic disruption for a period potentially extending to 2030 or beyond. This cumulative construction impact on existing residents has not been assessed and must be addressed before consent is granted.

The Noise and Vibration Impact Assessment (Stantec, Appendix 16) assesses acoustic impacts on future residents inside the proposed buildings only. This assessment does not assess the operational noise impact of 580 dwellings, including mechanical plant, loading dock activity and significantly increased ground-level activity, on existing neighbouring residents.

Finally, I wish to draw the Department's attention to the precedent implications of this decision. The Waterloo and Green Square precinct is already subject to extraordinary development pressure, with the concurrent Coronation proposal at 881–885 Bourke Street (SSD-80441462) seeking a further 38-storey tower immediately to the north of this site. Approving a 94% increase in tower height through the Housing Delivery Authority pathway, with concurrent exemptions from design competition requirements, community infrastructure obligations, and established SLEP height and FSR controls, would signal that no planning control in this precinct is secure from override. Each future applicant in this precinct will point to this decision as justification for seeking equivalent or greater uplift. The cumulative consequence for neighbourhood character, infrastructure capacity, and residential amenity across

Waterloo and Green Square would be severe and irreversible. The Department should weigh not only the merits of this individual application, but the planning framework it would dismantle if approved.

I respectfully request that the Department:

1. Refuse application SSD-95997711 in its entirety, and allow the approved consent D/2021/1415 to proceed as the operative consent for this site.
2. If the Department is not minded to refuse outright, require the applicant to:
 - Provide a full cumulative transport assessment for the Waterloo/Green Square precinct;
 - Provide completed contamination assessments (including vapour intrusion modelling) for both new basement structures with finalised floor levels;
 - Provide a revised wind assessment that does not rely on the unapproved Coronation development;
 - Submit to an independent competitive design process or equivalent independent design excellence review commensurate with the scale of the proposed uplift;
 - Renegotiate the VPA to reflect the 55% increase in dwelling yield before any consent is issued.
 - Provide an operational noise impact assessment addressing the effects on existing neighbouring residents, not only future occupants of the development.
3. Refuse the concurrent rezoning amendments to the SLEP 2012, in particular the exclusion of Clause 6.14 and Clause 6.21D, unless binding equivalent community benefit is secured through a new or substantially revised VPA.
4. In the absence of refusal, direct that a public hearing be held by the Independent Planning Commission, having regard to the significance and contentious nature of the proposed modifications and the volume of community objection.

Yours faithfully,

Thomas Cox

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