

D&A Markakis Pty Ltd

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Friday 14th August 2020

The Minister for Planning – NSW Government Planning and Environment

Via Email Submission to andy.nixey@planning.nsw.gov.au

Attention: Director – Key Sites Assessments, Minister for Planning, Andy Nixey

Dear Sir/Madam,

Re: Continued objection in relation to Application SSD 9194 at 13-23 Gibbons Street (SP 60485) proposing the construction of an 18 storey student accommodation development comprising of 419 rooms

Further to our submissions on Friday, 22nd February 2019 and Friday, 13th December 2019 in relation to the above application, as the owners of the heritage property at 118 Regent St, Redfern (former St Lukes Presbyterian Church building – ‘St Lukes’), we are writing to notify the Department of our continued objection in relation to the above development (SSD 9194).

Acknowledging that the applicant has made incremental concessions in relation to responding to our concerns, further to our previous submissions our grounds of objection remain as follows:

- **Scale, Bulk, Size of Proposed Development** – This remains too large and results in detrimental heritage impacts on the church taking into account the bulk and scale of the proposal development, especially impacting the view of the heritage church in the context of the Regent St streetscape. We would urge that more can be done to bridge the impacts between the southern low scale development and northern high scale developments for a positive planning outcome and that significant consideration should be given to this by the applicant, rather than incremental concessions which do not result in adequate improvements to the planning merits of the applicant’s proposal.
- **Excessive FSR** - Revised FSR of 7.7:1 also appears excessive given that the site is located in the Business Zone –Commercial Core zone. We do not see how the site is an ‘equivalent’ zone to those listed under Clause 26 of SEPP (Affordable Housing) 2009.
- **Inadequate setbacks to southern low scale development including the heritage church** - The revised SRTS scheme has revised the podium design so that the tower is setback further from the podium edge, however comparing Section N-S of the Architectural Drawings to its

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previous iteration, the setback of the tower does not represent any material change and the building's podium appears to encroach further towards the heritage church building.

- **Material Increase in Overshadowing** - We maintain that the proposal would result in a significantly detrimental and material increase in overshadowing. Further to our previous submissions, and even taking into the future impacts of overshadowing from the not yet constructed development at 11 Gibbons St, the heritage church building will still be not considerably overshadowed until approximately 12pm – 1pm whereas the proposed development at 13-23 Gibbons St will materially overshadow the building from approximately 1pm to 3pm onwards (in addition to the overshadowing from 11 Gibbons St commencing from approximately 12pm). Therefore, contrary to the applicant's response to our submission, the proposed development would materially and detrimentally add to the overshadowing of the church beyond that created by the approved and existing buildings. As per our previous submission, solar access for the heritage property is vital to be retained and preserved for the former church building, its occupants and for the reasonable enjoyment of the locality and community.
- The proposed student accommodation use would result in a decrease in the amenity to the surrounding area as per our previous submissions through the increase in congestion and impact on heritage. Even with an operational management plan to mitigate the impacts of antisocial behaviour, it is still believed that the net effect would still be detrimental to the surrounding area and heritage church building.
- Given the age, character and architecture of the heritage church, concerns remain over potential construction and vibration impacts as per our previous submissions.

In consideration of the lack of material concessions by the applicant to appropriately mitigate the detrimental impacts of the proposal development to achieve a better planning outcome, our position remains that we urge the development proposal in its revised form be refused by the Minister of Planning, especially in consideration of the detrimental impacts arising from bulk, scale, size, overshadowing, use, and overarching heritage impact concerns.

We welcome the opportunity to further explain our concerns. Please do not hesitate to contact us on 02 8596 2799 or email jm@rwnewtown.com.au to discuss further.

Yours Sincerely,

Dimitrios, Anastasia, Anthony and Matthew Markakis
Directors of D & A Markakis Pty Ltd