

Mr. Shane St Reynolds
Level 1/457-459 Elizabeth Street
Surry Hills, NSW 2010
sreyno24@postoffice.csu.edu.au

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NSW Government

Dear Colleagues,

Re: Objection to State Significant Development Application – St Paul’s Anglican Church, Bankstown (Submission SUB-89663956, SSDA-4/2025)

I write as a concerned member of the community and a committed Anglican to formally object to the above State Government project, which proposes the demolition of St Paul’s Anglican Church—a site of profound historical, spiritual, and community significance.

Historical and Heritage Significance

St Paul’s, established on land purchased in 1914 and consecrated in 1968, stands as a living testament to Bankstown’s rich cultural and spiritual heritage. Multiple independent heritage assessments—including those by Sue Rosen & Associates, Dr Roy Lumby, and GML Heritage—have consistently affirmed the church’s local heritage significance and recommended its protection. The church’s architectural integrity, memorials, and the interment of parishioners and war veterans on site underscore its irreplaceable value.

Despite this, and despite clear expert advice and strong community sentiment, the Canterbury Bankstown Council has repeatedly declined to list St Paul’s as a heritage site, influenced by the Anglican Diocese’s redevelopment interests. The State Government now has the responsibility to ensure that these failures at the local level are not compounded at the state level.

Legal Grounds for Objection

The 1968 consecration document legally dedicates the property “for ever hereafter” to God and Divine Worship, establishing a trust for the benefit of the local congregation. This trust imposes binding obligations on both the Diocese and public authorities to preserve the church’s religious and community purpose. The Queensland Supreme Court case *Corporation of the Synod of the Diocese of Brisbane* [1995] QSC 334 is directly relevant. In that case, the Court held that church property held on trust for a local congregation cannot be sold or repurposed unless it is genuinely impossible to fulfill the original trust purpose. The Diocese has not provided sufficient evidence that maintaining St Paul’s for its original purpose is truly impossible, nor have alternative solutions proposed by the community and heritage experts been adequately considered. Financial inconvenience or diocesan priorities do not justify demolition or redevelopment.

The trust is specifically for the congregation “for the time being,” meaning the property must continue to serve the religious and spiritual needs of the current congregation, not be diverted to other uses or parishes without proper legal authority.

In light of these concerns, I have written to Archbishop Kanishka Raffel, urging him to seek directions from the NSW Supreme Court regarding the Diocese’s authority to proceed with

demolition or redevelopment. It is now incumbent upon the State Government to ensure that any decision regarding St Paul's is fully compliant with trust law and the public interest.

Further, the *Flower & Samios Pty Ltd v Mosman Municipal Council* [1993] NSWLEC 92 decision affirms that heritage value can override development interests, even when the property owner is a church. The Court can impose conditions to protect heritage assets, demonstrating that heritage listing does not “sterilize” a site but ensures respectful development. The *Save Little Manly Beach Foreshore Inc v Manly Council (No 2)* [2013] NSWLEC 1564 case reinforces community rights to protect land held in trust for public or community purposes—a principle that should extend to St Paul's. The *Millers Point Community Assoc. Inc v Property NSW* [2017] NSWLEC 925 (“Sirius case”) clarifies that claims of “undue financial hardship” must be substantiated with detailed evidence. The Diocese's claims of unaffordable repairs must be rigorously scrutinized, especially given its substantial assets.

The State Government, as the consent authority for this State Significant Development, has a legal and ethical duty to act impartially and to properly consider all relevant information, including heritage assessments, community submissions, and legal advice. If the Government is perceived to have disregarded expert advice or community concerns, it could be challenged for failing to fulfill this duty.

Statutory and Planning Considerations

The Canterbury-Bankstown Local Environmental Plan (LEP) 2023 provides a framework for managing potential heritage. While St Paul's is not currently a listed heritage item, Clause 5.10 requires consideration of the impact of any proposed development, including demolition, on the heritage significance of the site. Clause 2.7 states that “Demolition requires development consent,” and Clause 5.10(2)(a) requires consent for demolishing a heritage item or a building within a heritage conservation area. As St Paul's possesses potential heritage significance, the State Government is obligated to ensure a comprehensive and independent assessment under Clause 5.10 before any demolition is considered. Demolition is irreversible; once St Paul's is gone, its heritage value is lost forever.

Legal precedents such as *Bowen v Woollahra Council* [2008] NSWLEC 1320 and *Williams v Ku-ring-gai Council* [2007] NSWLEC 378 emphasize the need for thorough assessment of heritage significance and exploration of all alternatives to demolition. The absence of a new, independent expert assessment constitutes a potential breach of Clause 5.10 of the LEP. The 2024 GML Heritage report does not satisfy the requirement for a comprehensive and up-to-date evaluation.

Should the State Government approve this project, it could be subject to judicial review in the NSW Land and Environment Court or Supreme Court on grounds including breach of trust, failure to properly consider heritage significance, and procedural unfairness.

Council's Previous Recognition of Heritage Significance

It is important to note that in 2015, Bankstown City Council commissioned a detailed heritage assessment of St Paul's, which concluded the site is locally significant and recommended immediate protection. The church met all seven NSW Heritage Office criteria, including historical, aesthetic, social, and rarity values. In April 2016, Council considered a motion to heritage list St Paul's, which was narrowly defeated. The Bankstown Heritage Committee also supported the proposed listing. The current demolition proposal starkly

contradicts this earlier expert advice and Council position, raising serious questions about consistency and due process.

The community's strong opposition is evidenced by petitions, public submissions, and ongoing advocacy. Preserving St Paul's is about sustaining the social fabric and identity of Bankstown. Heritage conservation also aligns with environmental sustainability by reducing demolition waste and preserving embodied energy.

Call to Action

I urge the State Government to:

- Reject SSDA-4/2025.
- Initiate or support a heritage listing process consistent with expert recommendations and community sentiment.
- Ensure full transparency and engagement with the community and heritage bodies.
- Recognize and uphold the binding legal trust established by the 1968 consecration.
- Give due weight to the legal precedents and statutory obligations that strongly support preservation.

Failure to act responsibly may compel community members or the action group Save St Pauls Banks Town Incorporated to seek judicial review or injunctions to protect St Paul's, on the basis that demolition would violate trust, heritage laws, and community rights.

The fight to save St Paul's is not merely about bricks and mortar; it is about honouring our history, respecting sacred trusts, and upholding justice. I trust the State Government will act with wisdom, integrity, and respect for the community it serves.

Yours sincerely,



Shane St Reynolds
Direct: 0411 178 214

Author of:

Revitalizing Christianity: The Theology of Peter Lewis (2024), with a foreword by the Honourable Michael Kirby AC CMG

Faithfulness in Service: The Evolution of Anglican Doctrine and Civil Rights in Australia: A Legal and Theological Analysis of the Faithfulness in Service Code (2025)