

# D&A Markakis Pty Ltd

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Friday, 13<sup>th</sup> December 2019

The Minister for Planning – NSW Government Planning and Environment

Via Email Submission to [andy.nixey@planning.nsw.gov.au](mailto:andy.nixey@planning.nsw.gov.au)

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

Dear Sir/Madam,

**Re: Continued objection and unaddressed issues 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 original submission on Friday, 22<sup>nd</sup> February 2019 in relation to the above application, as the owners of the heritage property 118 Regent St, Redfern, known as the former St Lukes Presbyterian Church building ('St Luke's Church'), we are writing to notify the Department of our continued objection and unaddressed issues regarding the proposed construction of an 18 storey student accommodation development now amended to comprise of 419 rooms.

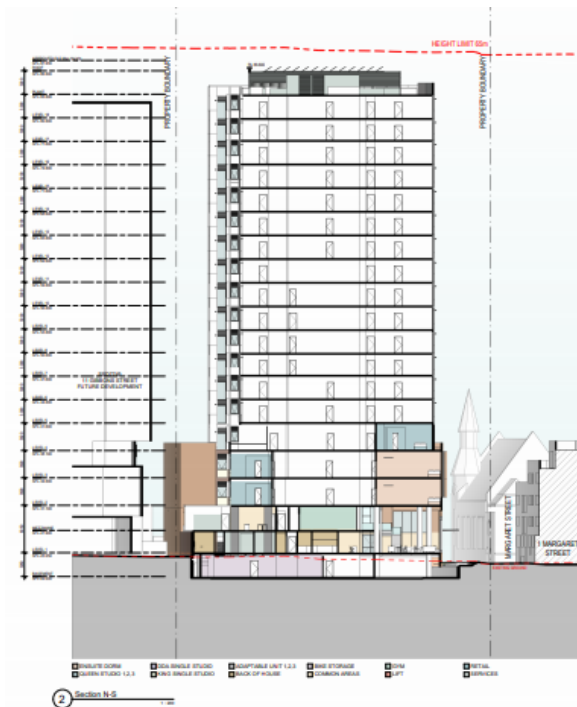
We also note that our original submission has not received a response from the Applicant in contrast to all of the other public submissions in their Appendix B document detailing the applicant's 'Response to Public Submissions'.

Our grounds of objection in relation to the proposed developments remain as follows:

- The development is too large in scale, bulk and size given its context and the immediate low scale surroundings of the site to its east and south and especially in consideration of its proximity to the heritage property St Luke's Church. Please refer to the **Issues with Scale, Bulk and Size of Proposed Development given the Site and Locality** section of our original submission for more information in this regard. In relation to the overall scale, bulk and size of the development, we submit that these factors of the development remain substantially the same in its revised form and that, even in its incrementally reduced form, the proposed development retains almost all of the same issues noted in our original submission (with the exception of the somewhat improved revised design of the building façade and the necessary removal of the arched 'feature window'). In relation to the overall scale, bulk and size of the development however, a sensible and reasonable planning outcome should consider an appropriate lesser building massing, further setbacks from Margaret St and a

reduction in the height of the proposed development to bridge the impacts between the southern low scale development and northern high scale developments.

- The visual impact of the revised proposed development is substantially detrimental to the heritage of St Luke's Church due to the development's proposed use, bulk and scale. Please refer to the **Visual Impact of on Church** section of our original submission for more information in this regard. Please also see the extract below from the Applicant's 'Response to Submission' Architectural Drawings demonstrating the immense incompatibility in bulk and scale to as well as visual impact on heritage item St Luke's Church and the proposed development.



- In response to s 3.11 of the Applicant's 'Response to Submissions' Report, we query if the proposed development still encroaches into the 3 storey height control area (if the applicant could please clarify this to the Department and to those who have made public/organisation submissions concerned about setbacks, bulk and scale). From reviewing the placement and size of the floor plates for the proposed building and the revised setbacks, the building is clearly of unreasonably enormous bulk and scale to the detriment of the surrounding properties, specifically in relation to its close proximity to the buildings along the Southern side of Margaret Street, and is especially detrimental to the visual prominence required and impact on the heritage significance of the church building for its occupants and the community. The above extract reflects a proposed development that is clearly too large with its massing imposing on St Luke's Church and the properties along the Southern side of Margaret St. We also note that in the Applicant's 'Response to Submissions' Report, Figure 21 is clearly a closer photograph of the existing building at 13-23 Gibbons St Redfern than of the rendered photograph of the proposed development in Figure 22 and therefore the comparison between Figure 21 and Figure 22 is not a fair and reasonable comparison of the overall visual impact and reasonable reflection of the proposed development's impact. Figure 22 also crops the top of the proposed development which negates the visual impact from its increased height. In consideration of all of the above, we arduously advocate that the proposed development should be considerably

further set back, with a reduced height and a reduction in massing set as far away from Margaret St as possible to result in an improved planning outcome.

- A significant increase in overshadowing would occur as a result of the proposal development over St Luke's Church which requires sunlight to be enjoyed by the community and for its occupants, being a heritage property and given its prominent history in the surrounding area. Please refer to the **Overshadowing** section of our original submission for more information in this regard.

- In response to s 3.7.2 of the Applicant's 'Response to Submissions' Report, we submit that the impacts of the proposed development on St Luke's Church cannot be mitigated by considering the potential overshadowing of alternative 'compliant' developments (as whilst they may be by definition compliant, they are still not necessarily approved, well planned, well considered or result in a good planning outcome – this is why developments go through an approval process). Furthermore, 'future' adjoining buildings are speculative, not approved and cannot be relied upon in overshadowing analysis in reaching a fair and reasonable planning outcome. The fact is that the current development proposal is proposing immense and detrimental overshadowing to St Luke's Church which remains unchanged in its revisions and which undermines the visual impact, solar access to and heritage status of the property. We would also note that the church building, although no longer functioning as a church, from its low intensity current use as a kitchen supply store is even more inclusive and open to the community through set trading hours open for all to enter and appreciate the heritage architecture and features. Resultantly, the existing solar access 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 use of student accommodation results in a considerable decrease in amenity to the surrounding area through the increase in congestion and impact on heritage. Please refer to the **Decrease in amenity to Surrounding Area** section of our original submission for more information in this regard. In relation to our original concerns and issues raised, they remain unaddressed in the Applicant's response to submissions.

- Concerns over the construction and vibration impact on the heritage former church property. Please refer to the **Construction and Vibration Impacts on St Luke's Church** section of our original submission for more information in this regard. In relation to our original concerns and issues raised, they remain unaddressed in the Applicant's response to submissions.

As affirmed in our original submission, the applicant's Heritage Impact Statement recommends on page v that...

*"The cumulative impact of ongoing development in the area, as designated for the Redfern Waterloo Growth Centre, should be considered in future assessments in the area to ensure impacts to heritage items are minimised where possible."*

In response to the above recommendation and given the lack of necessary reduction in bulk, scale, size, visual impact, overshadowing, construction and the overarching heritage concerns in the revised development proposal and in the Applicant's response to submissions, we urge that the development proposal in its revised form be refused by the Minister of Planning due to the development application's many detrimental impacts which would be created on the southern

boundary of the Redfern-Waterloo sites area and which would be specifically and immensely detrimental to St Lukes Church.

I welcome the opportunity to meet with you onsite to further explain our concerns. Please do not hesitate to contact me on 02 8596 2799 or via email to [jm@rwnewtown.com.au](mailto:jm@rwnewtown.com.au) to discuss further.

Yours sincerely,

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