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Wednesday, 31st March 2021

The Minister for Planning – NSW Government Planning and Environment
Via Email Submission to rodger.roppolo@planning.nsw.gov.au

Attention: Director – Key Sites Assessments, Minister for Planning, Rodger Roppolo

Dear Sir/Madam,

Re: The Applicant has not demonstrated any genuine attempt to mitigate any of the issues raised by our objection in their response to our submission in relation to SSD10382 at 90-102 Regent Street (SP 57425, Lots 1-3 Section 2 in DP 3954, Lot 1 in DP 184335) proposing the construction of an 18 storey student accommodation development.

Further to our original submission on Friday, 10th December 2020 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.

We also query if our original submission of objection to the Applicant has been genuinely considered, given the lack of any enhancement in their application to address the issues our objection raised in their response to our submission. The Applicant has simply not demonstrated any good faith in trying to truly serve the best interests of the community and Redfern township as well as to mitigate the many numerous substantially detrimental impacts on St Luke's Church. We do not believe that our objection has received much more than lip-service and the applicant attempting to evade and significantly understate the full severity of the issues instead of attempting to genuinely address our concerns by proposing architectural and design improvements to mitigate the many detrimental impacts of the proposed development.

Our grounds of objection in relation to the proposed developments remain as outlined in our previous correspondence, as follows:

1. Detrimental Impacts of Proposal on the Heritage of 118 Regent St, Redfern
2. Significant Material Overshadowing given St Luke's Church's proximity to the Proposal

3. Visual Impact Issues and the Proposal's undermining of the Regent St Streetscape
4. Issues with scale, bulk and size given the close proximity of site and locality to St Luke's Church
5. Oversaturation of Student Accommodation in the Locality and Resultant Decrease in Amenity to the Locality and Surrounding Area from the Proposed Use
6. Construction and Vibration Impacts on St Luke's Church

As mentioned, all of these concerns are outlined clearly and extensively in our previous response, a copy of which accompanies this letter as an attachment.

Overview of the Scope of and Detriment caused by the many and various Issues in the applicant's Proposal:

- It is evident that 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, Regent St, and southwards of Margaret St. The detrimental effect of this disparity is particularly evident when viewed in the context of the developer's own Artist's impressions showing the heritage property St Luke's Church in proximity to the proposed development. Please refer to the **Issues with Scale, Bulk and Size of Proposed Development given the Site and Locality to St Luke's Church** 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 essentially unchanged and that the proposed development retains almost all of the same issues noted in our original sub. 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 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 Issues and the Proposal's undermining of the Regent St Streetscape** section of our original submission for more information in this regard. Please also see the image above from the Applicant's proposal materials, 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. Whereas previous developments are located behind St Lukes, this current development is located on the rapidly and detrimentally overdeveloped street-scape of northern Regent Street, with little or no account taken in relation to the history and importance of 118 Regent St, Redfern and the historical Regent St landscape. The response from the developer (item 1) is disingenuous and does not even attempt to address the issue in any way whatsoever; it claims without providing any evidence or substantiation that the primary views of the church from the North would not be affected by the development which is simply an untruth. The photograph below actually shows the corner and old shopfronts where the development is to be located and diminishment of view and prominence of the heritage item can be seen plain and simply.



Furthermore they continue, almost contradicting themselves, saying that the proposal “does have the potential to diminish the prominence of the church” (item 1) but then seek to place such blame on other previous developments. Some of which they are developing as they were also the applicant for such developments as 13-23 Gibbons St, Redfern.

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 Eastern side of Regent 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 reflects a proposed development that is clearly too large with its mass imposing on St Luke’s Church and the properties along the southern side of Regent St. We also note that in the Applicant’s initial proposal that the image (on page 2 of this submission for your reference) showing the size of development in relation to its neighbours had contemptuously disregarded the historical significance

and visual prominence of the heritage church building. The diagram is presented in full and unedited above. It was not a fair and reasonable comparison of the overall visual impact and reasonable reflection of the proposed development's impact. In consideration of all of the above, we arduously advocate that the proposed development should undergo a reduction in height and massing to improve the significantly detrimental impacts on the heritage church building (especially overshadowing).

- A significant increase in overshadowing would occur as a result of the proposed 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. This is a building that was designed before power and electric lighting was available. It was designed to make full use of natural light and this is an inseparable design requirement and component when viewing the building as a whole. Item 3 from 'Response to D&A Markakis Submission' Report does not actually in any way attempt to mitigate the loss of solar access but seeks to distract by referring to shadow diagrams and stating a belief that four hours of solar access during mid-winter is only a small reduction of one hour. This does not take into account all the other solar hours lost at other times of the year and as a result of previous development application for the site at 13-23 Gibbons St, Redfern. If solar access continues to be incrementally and considerably eroded with each development the overall impact will be completely devastating. Mid-winter is the shortest day and a loss of one hour here percentage wise is vastly different than taking into account solar hours lost during the rest of the year. We should also note that the 'pre-development scenario' already includes solar hours lost due to their other Development on Gibbons St. A comparison of solar hours lost using a pre-development scenario prior to the Gibbons St approval may be a more honest evaluation of the loss of solar access to the heritage church. Please refer to the **Significant Material Overshadowing given St Luke's Church's proximity to the Proposal** section of our original submission for more information in this regard.

- The fact is that the current development proposal is proposing additional and detrimental overshadowing to St Luke's Church which remains unchanged and completely inadequately addressed by the applicant's response to submission 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 **Oversaturation of Student Accommodation in the Locality and Resultant Decrease in Amenity to the Locality and Surrounding Area from the Proposed Use** 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. One simply has to look at the current rental market, gutted by a lack of foreign students to see that the promises by the developer (item 6) of activation of the street landscape, increased spending and economic growth are no more than lip service to advocate for the applicant's financial interests. Covid -19 has highlighted the weak nature

of this argument and we note that the move to online learning by all the major institutions of learning might very well mean that those students will never return.

- 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. They obviously seek to mitigate any future responsibility by trying to link potential impacts from the Sydney Metro tunnel in their comment (item 7) which is again very disingenuous and makes no attempt for or demonstration towards genuine mitigation considerations and measures by the Applicant.

As affirmed in our original submission, the applicant's initial Heritage Impact Statement recommended 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 and devastating to St Lukes Church. The applicant needs to live up to their own words from their heritage statement and the Applicant's response to our submission demonstrates no intention of any genuine attempt towards a fair and reasonable mitigation of significantly detrimental impacts on St Luke's Church to achieve a good planning outcome.

We welcome the opportunity to meet with you or your representative onsite to further explain our concerns and also welcome any necessary involvement in the process to further clarify these valid concerns. Please do not hesitate to contact me on 02 8596 2799 or via email to jm@rwnewtown.com.au to discuss further.

Yours sincerely,

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