

Attachment H

**Applicant Response to DAPRS –
2 February 2022**

28 January 2022

Your ref. D/2020/993
Our ref: 2190997

Ms Monica Barone
Chief Executive Officer
City of Sydney
456 Kent Street
Sydney NSW 2000

Attention: Shannon Rickersey, Senior Planning Officer

**RE: D/2020/993 Response to Design Advisory Panel Residential Subcommittee advice sheet 21/2021
422-424 Cleveland Street, Surry Hills**

Dear Shannon,

This letter is prepared on behalf Gretel Pinniger, of Pyrafount No.6 Pty Ltd, in relation to the Development Application (DA) at 422-424 Cleveland Street, Surry Hills which was lodged on 22 September 2020 (D/2020/993). The amended DA seeks development consent for the construction of a mixed-use development and 26-bedroom boarding house. The proposal includes the adaptive re-use of the existing church building as a non-for-profit, flexible, community arts space.

This letter responds to the Design Advisory Panel Residential Subcommittee (DAPRS) meeting held on 7 December 2021 and subsequent advice sheet 21/2021. It also responds to email correspondence from 20 December 2021. The proponent has considered all matters raised and has prepared a detailed response in this letter. We believe the advice received from DAPRS can be appropriately addressed as described in **Table 1**.

We respectfully request that this letter be provided to LPP, and read in conjunction with the following documents previously submitted to Council:

- DA documentation dated 17 September 2020.
- DAPRS response and associated documentation dated 1 February 2020.
- Council and DAPRS Response Matrix dated 16 March 2021.
- Letter dated 21 May 2021.
- Amended submission documents dated 10 August 2021.

1.0 Application Overview

The existing deconsecrated church building known as 'The Kirk' has been long-term vacant, and heritage advice has been received noting that without intervention, the existing Church will become dilapidated beyond repair within the next 10 years. Given its social and cultural history, retention of the church is a priority for the site, and the knowing dilapidation of this building is considered inappropriate.

A mixed-use DA for a community hall, 30-bedroom boarding house, and café was lodged on 22 September 2020. The boarding house element is proposed to fund the ongoing delivery and long-term future sustainability of the community space, with a café included at ground floor level in order to improve the suitability of the site for a variety of events and uses. The building is to be managed holistically in a joint venture by UKO Co-living and 107 Projects.

The joint venture between UKO Co-living and 107 Projects is intended to provide a development that delivers housing diversity, caters for artists-in-residence, and is in in-keeping with the eclectic nature of Surry Hills.

1.1 DA Lodgement and Assessment

The application was first presented to Council's Design Advisory Panel Residential Subcommittee (DAPRS) on 7 December 2020. Following DAPRS feedback the scheme was amended as follows:

- Reduction in height.
- Increased setback to Cleveland Street.
- Retention of the north-most timber arch and removal of piers within the church building.
- Additional views and photo montages from Goodlet Lane.
- Improved internal circulation and amenities throughout.
- Reduction in number of rooms from 30 in the original DA to 26 in the amended DA.

The submission amended the detailed design and increased the setback to the cantilevered component of the new addition from Cleveland Street to be a total setback of 14.2m. The overall height of the building was reduced such that the functional bulk of the building was below the 15m height limit.

On balance, the amendments ensured the proposal would be more recessive, less dominant to the church, and less visible from the site surrounds, consistent with feedback from both the DAPRS and Council staff. Additional draft photomontages were produced to verify this and submitted on 16 February 2021.

The application was presented to LPP on 3 November 2021 with an officer recommendation for approval. The determination was deferred to allow for the amended application to be considered by DAPRS, with particular regard to:

- Height.
- Relationship between new additions and the existing structure.
- Scale of the proposed additions.
- Compatibility with the character and road pattern of the local area.
- Impact on adjoining properties, including privacy and overshadowing.

Over the course of assessment, the applicant has submitted extensive supporting information in accordance with Council and DAPRS advice and has demonstrated that the proposal is appropriate to the site and its wider context. Further amendments to the scheme would result in an unviable proposal (as previously highlighted in our letter dated 21 May 2021) and would hinder the applicant's intentions to deliver creative community housing solutions on the site with significant community benefit.

2.0 Response to DAPRS

This section summarises, and provides a response to, the following matters raised by DAPRS in their advice letter (ref. 21/2021):


#	DAPRS Matter	Response
1	The Panel appreciates the applicant's aspiration to provide a cultural entertainment venue and the desire to for the commercial aspects of the development to contribute to viability. The proposed changes to the design have increased the retention of heritage fabric which is supported by the Panel.	Noted. Support from DAPRS is welcomed.
2	The reduced height and overall scale of the additions can now be considered acceptable, however, any impacts on neighbours due to additional shadowing need to be clarified. Although there is a distinct jump in building height from High Holborn Street and Goodlet Lane to development controls along Cleveland Street the proposal has improved to include landscape and terrace to step down in scale on the north of the upper level.	<p>The submitted drawing set includes an overshadowing analysis that clearly demonstrates the impact on neighbouring properties. The analysis has been subject of ongoing discussion with council and demonstrates that the reduction in height of the building will not serve to reduce overshadowing.</p> <p>View from the sun diagrams were previously provided to Council in March 2021, for midday onwards on 21 June. Prior to midday there is no overshadowing impact beyond that which is existing shadowing. The analysis demonstrates that:</p> <ul style="list-style-type: none"> • 426 Cleveland Street existing west facing living areas with 2 hours sunlight = 8. • Where a 15m envelope on the Kirk is project, west facing units with 2 hours sun = 6 • DA as submitted, west facing units with 2 hours sun = 7 • DA as amended through assessment period, west facing units with 2 hours sun = 8. <p>The analysis demonstrates no net reduction in units achieving 2 hours sunlight. Further, that an additional setback to the east boundary achieves little in the way of reducing overshadowing, however the cutback to the north boundary, introduced in the DA assessment period, has reduced overall overshadowing.</p> <p>The officer recommendation for approval at LPP on 3 November 2021 found the overshadowing impacts to be acceptable on the basis of this analysis.</p>
3	Spatial requirements for risers from the basement workshop and amenities should be clarified. The fire hydrant booster assembly needs to be sized correctly, access to plant rooms shown and comms risers included, etc. Air intakes are shown however the all the exhausts are not clear. Vents for the hall's AC plantroom in the existing roof is also unclear.	<p>All risers are shown on the submitted plans. A description of mechanical systems is provided in a supporting statement from Warwick Meadows of ACOR consultants which was provided on 11 May 2021 as Attachment E to the RFI response letter.</p> <p>We request that Council condition detailed drawings of the fire hydrant booster assembly to be submitted prior to CC as would ordinarily be required.</p>

#	DAPRS Matter	Response
4	Two lifts have now been provided which improves the amenity for building occupants. Is there a need for both lifts to be large or could one be smaller if more service riser area is required?	Both lifts have been designed to accommodate wheelchair access. As mentioned in item 3 of this table, no additional service risers are required.
5	Zero setback on east boundary leads to difficulty with privacy screening and results in poor outlook from the rooms and compromised amenity. A larger scale louvre or some shaping to the wall could help direct views to the northeast while providing better outlook and amenity. Visual privacy of the neighbouring properties appears to have been achieved. The solar access to 426 Cleveland Street appears to comply with the requirements of the ADG and the City's Draft Overshadowing Documentation Guide.	<p>We highlight that this advice needs to be clarified as per what is actually proposed, as outlined below. The east boundary wall is setback 200mm from the boundary.</p> <p>The size of the vertical glass louvres can be increased if required. We advise that increasing the louvre width from 200mm to 300mm (any wider and it would be out of scale) would result in approximately 1/3 reduction in the total number of louvers. If council would prefer wider privacy louvres on the east façade, we request that council include a condition to require detailed drawings of the louvers to be submitted to the satisfaction of Council's Area Planning Manager prior to CC.</p>
6	For the top two floors, it may be possible to introduce some upwards looking clear glass windows above eye height.	<p>We highlight that clear glass above eye level on level three of the east façade would result in loss of privacy to future occupants of the development as it would allow neighbours on the east side of High Holborn Street to look down into the proposed rooms.</p> <p>We also highlight that level 4 of the east façade contains one private room only, which already benefits from a clear view in a north-east direction through the fixed vertical frosted glass louvers. Therefore, it appears that there is little utility in clear glass to the top portion of this room's privacy louvres, as it does not add to the amenity of the room.</p> <p>If Council maintain that the privacy louvres should be clear at the top, then we request a condition of consent to require clear glass to the privacy louvres for the top floor east room above a height of 1.6m (or as Council sees fit).</p>
7	Moving the stair is a good move as it locates non-habitable uses in the most sensitive location to neighbouring backyards. To the south of this, would a more solid scooped wall to the accessible room be a better solution (similar to that in a previous version of the scheme)?	We note that this DAPRS comment was framed as a question. It is important to recognise that the scooped wall in the previous iteration of the design was because of BCA/NCC issues, NOT because of privacy. Privacy for the neighbour to the west is already effectively dealt with by a privacy shelf. It is not considered that a scooped wall would result in any improved privacy. However, if council would prefer this window to be entirely frosted (for 'psychological' rather than actual privacy, we request that a condition be included with the consent.
8	The amount of wardrobe space and kitchen area in each room needs to be clarified.	Adequate floorspace to accommodate these features has been provided for, and the room sizes accord with the minimum room sizes in the Affordable Rental Housing SEPP (being 12m ² for a single lodger boarding room, and 16m ² in any other case). We request that if Council require the layout of the wardrobe and kitchenettes, a condition of consent be included for detailed drawings prior to CC.

#	DAPRS Matter	Response
9	<p>The relationship between new additions and existing structure has improved with the retention of all timber support arches, the deletion of new columns through the space and a reduced basement area, however, still needs further resolution (refer Section D on DA 5.02). The overhang remains excessive creating a poor relationship with the heritage item. The overlap of the church ridge and the cantilever needs structural clarification. The scale of the overhang could be further reduced without a reduction in room numbers. The geometric and material resolution of the underside of the overhang may benefit from further modelling studies.</p>	<p>We highlight that this advice has been formed with reference to the Kirk being a heritage item. The existing church building is <u>not</u> a heritage item. It is a contributory building within the heritage conservation area.</p> <p>A further reduction in the cantilever element would result in a loss of amenity to the artist-in-residence rooms which are a core component of the housing diversity offered on site. The submitted visuals have demonstrated that this portion of the proposal is not readily perceived from the surrounding public realm, and it follows that there would be no visual benefit from additional setback.</p> <p>Clarification on the structural solution for the cantilever prepared by a structural engineers SDA Structures was submitted to council on 3 December 2021, prior to DAPRS, although we are not aware if DAPRS have reviewed it (re-submitted with this correspondence at Attachment A). The applicant is happy to accept a condition of consent requiring detailed structural drawings prior to the issue of a construction certificate.</p>
10	<p>The unconventional design and appearance can generally be considered compatible (or not incompatible) with the character of the local area on the basis of the uniqueness of the site and existing building, the varied existing context and the proposed intended cultural uses. SDCP 2.13.1(h) notes to 'encourage a mix of building types to reflect existing diversity of form and massing'. SDCP 2.13.1(i) notes to 'protect the curtilage of special building types along Cleveland Street, notably church building, to enable visual appreciation of the buildings' which is achieved. SDCP 2.13.1(k) is to 'encourage active uses on ground floor... Above ground uses should be diverse such as... residential' which is achieved. SDCP 2.13.1(j) 'notes to encourage cafes... (to offer outdoor dining to activate and enliven the street where footpath width permits)' which is enabled.</p>	<p>We welcome DAPRS support of the design.</p>

#	DAPRS Matter	Response
11	Whilst developing the proposal further the Panel recommends a reduction in the number of materials and styles, in particular, reconsideration of the use of heat-treated stainless steel. Although the design has improved the compatibility with the local character and relationship to the dwellings in High Holborn Street needs to be considered.	<p>It should be noted that there are only three external materials to the upper floors of the new building;</p> <ul style="list-style-type: none"> - Copper - Stainless steel - Glazing <p>The ground floor is proposed to be masonry in order to relate to the ground floors of adjacent buildings. We advise that simplification of this materials palette would diminish the design quality.</p> <p>The architecture is an expression of the central idea being the adaptive re-use of the existing church building in a manner that reflects its rich cultural history.</p>
12	Window operation should be indicated on the elevations.	The opening parts of the windows will be louvres. An A4 sketch SK9.50 is provided for a typical set of windows indicating the opening portions and fixed panels (Attachment B).
13	The area of communal living may not be sufficient for the number of people served.	The ARH SEPP does not mandate a minimum common room size. It should be noted that the development will be operated as a joint venture between 107 projects and UKO co-living, in a manner that allows residents to benefit from access to the basement workshop and the community hall (when not in use for events). Both of these spaces contribute to the availability of common indoor space.
14	Private outdoor space needs to be provided to 30% of the rooms.	The private open space requirements of Division 3, (29)(2)(d) of the ARH SEPP have been met. The ARH SEPP sets out that a consent authority cannot refuse consent for a development on the grounds of private open space if the requirements of this clause have been met.

#	DAPRS Matter	Response
15	<p>There is no landscape package with the DA that adequately describes the landscape proposal and no demonstration that canopy cover requirements are met. The ac units in the western garden should be reconsidered.</p>	<p>The site is heavily constrained and the desire to retain the existing church building limits opportunities for viable additional planting in an urbanised setting.</p> <p>The amended scheme provides for an increased number of planters and landscape area, providing multiple greening opportunities in the form of planter boxes to all levels and landscaped shrub to common open spaces. The two existing palm trees within the Cleveland Street frontage will be maintained.</p> <p>A detailed landscape plan has been provided by the landscape Architect Craig Burton. This was provided on 11 August 2021. Additionally, an Arboricultural Impact Assessment and addendum have been provided also on 11 August 2021. The arborist Andrew Morton has stated in 11.1.1 of that report that the canopy cover requirements will be met.</p> <p>We highlight that DAPRS interpretation of the ‘western garden’ needs to be clarified as per this response. It does not have adequate width to be a trafficable area and is for service access only. It was determined that this was the most appropriate location for the AC condenser units with minimal impact to residents of both the Kirk and neighbouring properties.</p>
16	<p>The landscape proposals are limited to the provision of a communal roof top space, and green wall to the western frontage. Detailed annotated plans and sections should be further developed for these spaces. A maintenance plan should also be developed showing requirements and responsibilities for the building manager. Irrigation should be incorporated into the DA landscape package.</p>	<p>Further landscaping opportunities on the site are limited by virtue of retention of the existing church building and the size of the site in a dense urban environment.</p> <p>The landscape architect has selected species that require little maintenance, and it is unlikely that irrigation will be required anywhere other than the climbers on the level 1 west facing planter, thereby minimising water use and contributing to the sustainability of the development. Details of this irrigation system can be secured by way of condition.</p>

#	DAPRS Matter	Response
17	<p>The front courtyard nominates no landscape change with retention of the two palms in planters. Paving in this area appears to be in poor condition. Further consideration should be given to this zone.</p>	<p>The site has been revisited and it is considered that the sandstone paving in this area is in good condition. The stairs and sandstone paving were done a number of years ago by Tonkin Zulaikha. The paving is in good condition, although it needs a clean (the shady south location means that there is some algal and fungal growth patches). The comment from DAPRS that the paving “appears to be in poor condition” does not accord with our assessment based on this recent revisit to the site. The paving is in good condition with no movement, spalling, or other deterioration beyond normal wear and tear. Removal of weeds and cleaning will be part of general refurbishment.</p> <p>The applicant is happy to accept a condition of consent requiring modification to the ground cover in the existing planters on Cleveland Street.</p> 
18	<p>The communal laundry unfortunately has no natural light or ventilation. However, the upper common drying room could have a ventilating skylight.</p>	<p>The window on the western façade can connect to the drying room on level 4 for both light and ventilation if required. Details can be provided by way of a condition of consent.</p>

3.0 Conclusion

Greta Pinniger of Pyrafount No.6 Pty Ltd and their consultant project team have considered DAPRS advice in relation to the proposed DA for the land at 422-424 Cleveland Street, Surry Hills. A considered and detailed response to all comments has been provided within this letter, and we trust that the minor amendments that have been recommended to the proposals can be adequately addressed by way of conditions of consent.

It should be noted that to-date, the proponent has submitted extensive supporting information on multiple occasions – in accordance with Council’s feedback and advice, to demonstrate that the proposal is appropriate to the site, and its wider context.

It has been demonstrated that the impacts of the proposed development remain generally consistent with the assumptions made in the SEE. The proposal remains a high-quality mixed-use development that will on balance,

provide significant benefits for the community particularly noting the flexibility of the future church hall space. The proposal will deliver a significant asset for community and residential purposes.

The proposed development, as amended, warrants approval for the following reasons:

- The proposal is compliant with the relevant planning controls under the Sydney LEP 2012 and Sydney DCP 2012, with only a minor variation proposed to the maximum height of buildings development standard.
- The proposal would enable the retention and refurbishment of the historic Kirk building and its continued and viable use as an accessible cultural facility.
- The new boarding house extension will provide additional housing affordability and dedicated artist-in-residence accommodation through a modern boarding house in a culturally vibrant area of Sydney.
- The works will generate of employment opportunities in the construction, fit-out and operational phases of the cultural facility, boarding house accommodation and café space.
- The works will revitalise and activate an opportunity site that is currently unused and neglected.
- The proposal is considered to be suitable for the site and in the public interest.

Given the planning merits described above, we invite Council staff to include additional conditions of consent in their support for the amended proposal. If you have any further questions please contact Gemma Bassett, Senior Urbanist on gbassett@ethosurban.com

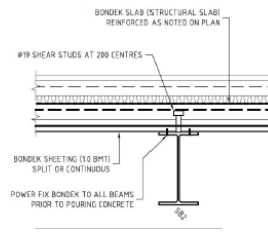
Yours sincerely



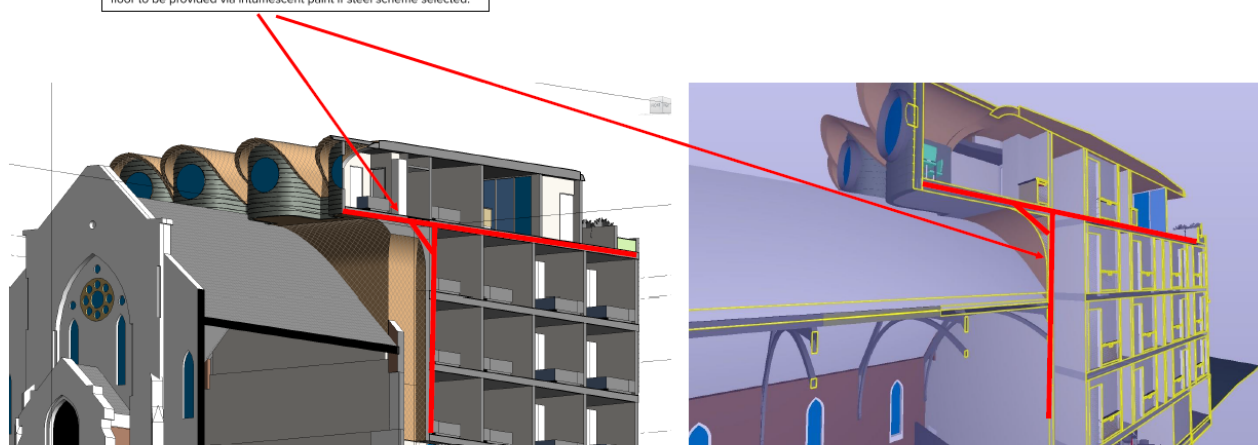
Clare Swan
Director, Planning
cswan@ethosurban.com
0409 811 433

ATTACHMENT A – STRUCTURAL DETAIL PROVIDED DECEMBER 2021

Floor to be constructed from Steel or Precast concrete strut and cantilever beam system with;
 Bondek metal sheet formed concrete slab floor which can be unpropped over the church building and does not require formwork or temporary support over church. Concrete is placed safely using strut and beam system for temporary stability and composite construction in the final completed structure. Fire protection to entire floor to be provided via intumescent paint if steel scheme selected.



Typical bondek formed floor detail with steel composite beam and strut system



3D – Structural Schematic Diagram of buildability of Level 4 over existing building roof

SDA
STRUCTURES
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ARCHITECT
JSA Studio
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PROJECT
The Kirk, Surry Hills
 DRAWING TITLE

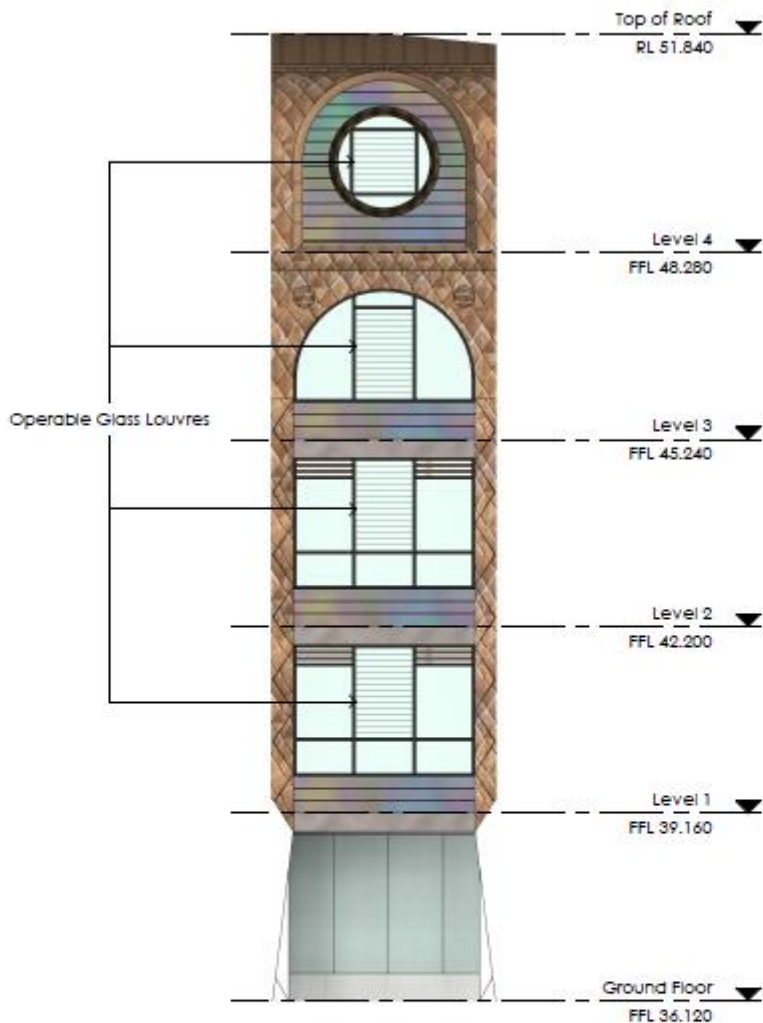
PROJECT NO.
20113
 ENGINEER
KM

CHECKED

SKETCH
Sk-Scheme 1.0
 DATE
 Dec 2021

REVISION
 SCALE

ATTACHMENT B – TYPICAL WINDOW OPENINGS SKETCH



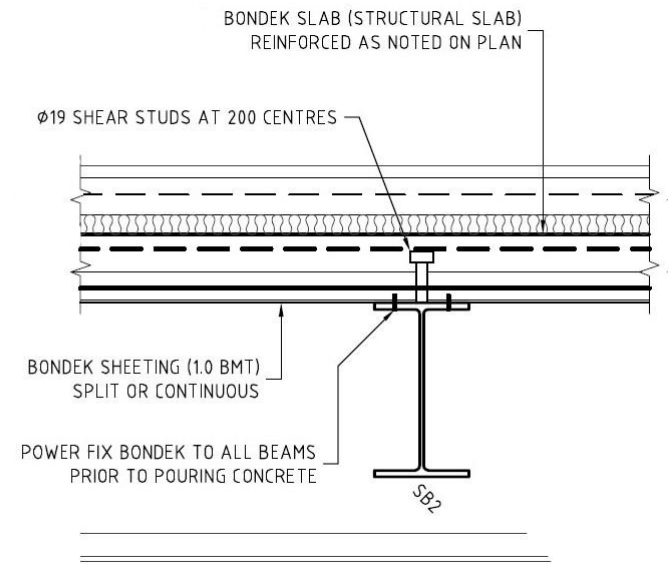
① East Elevation - Typical Window Operation Levels 1-4
1 : 100



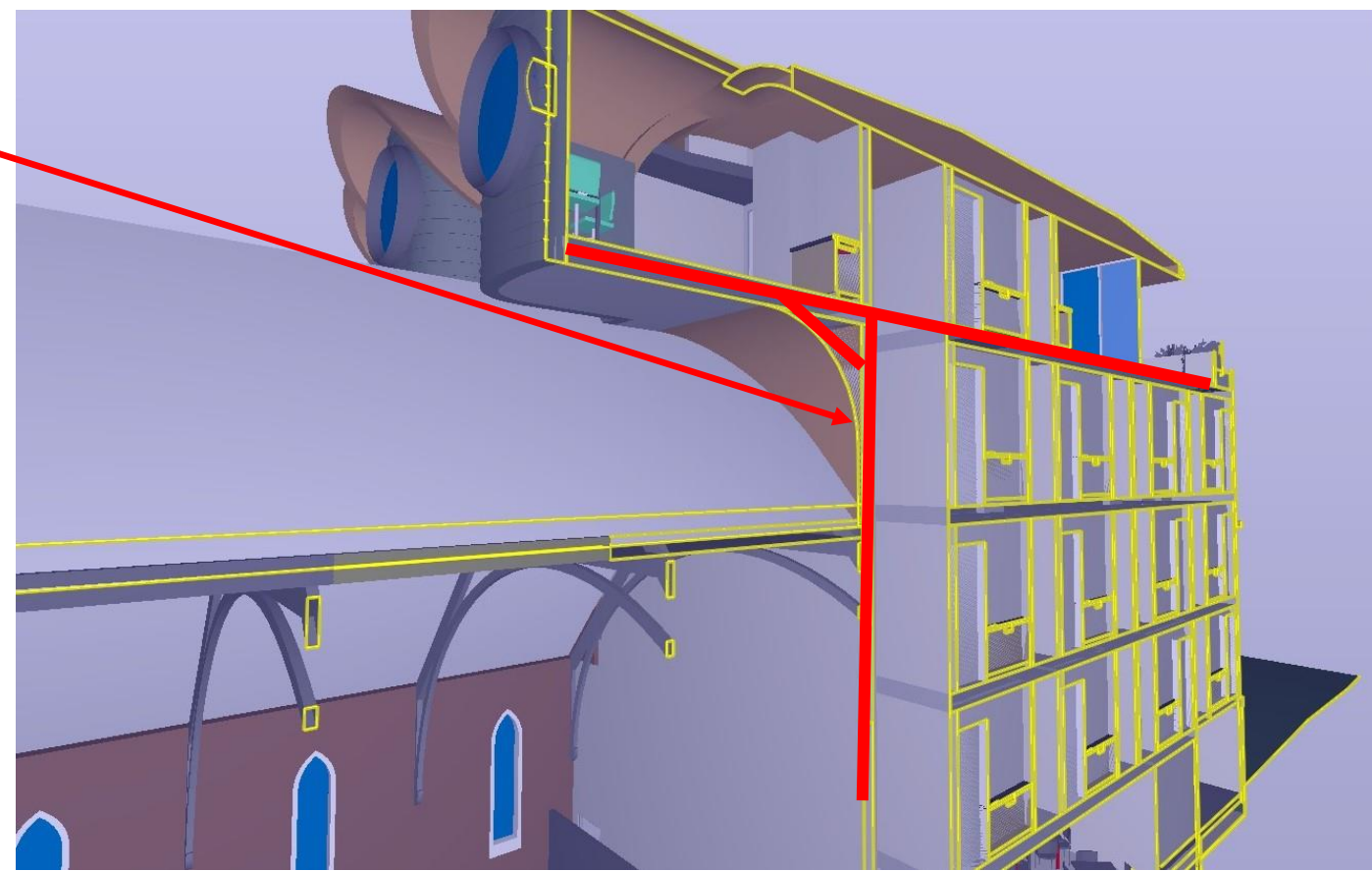
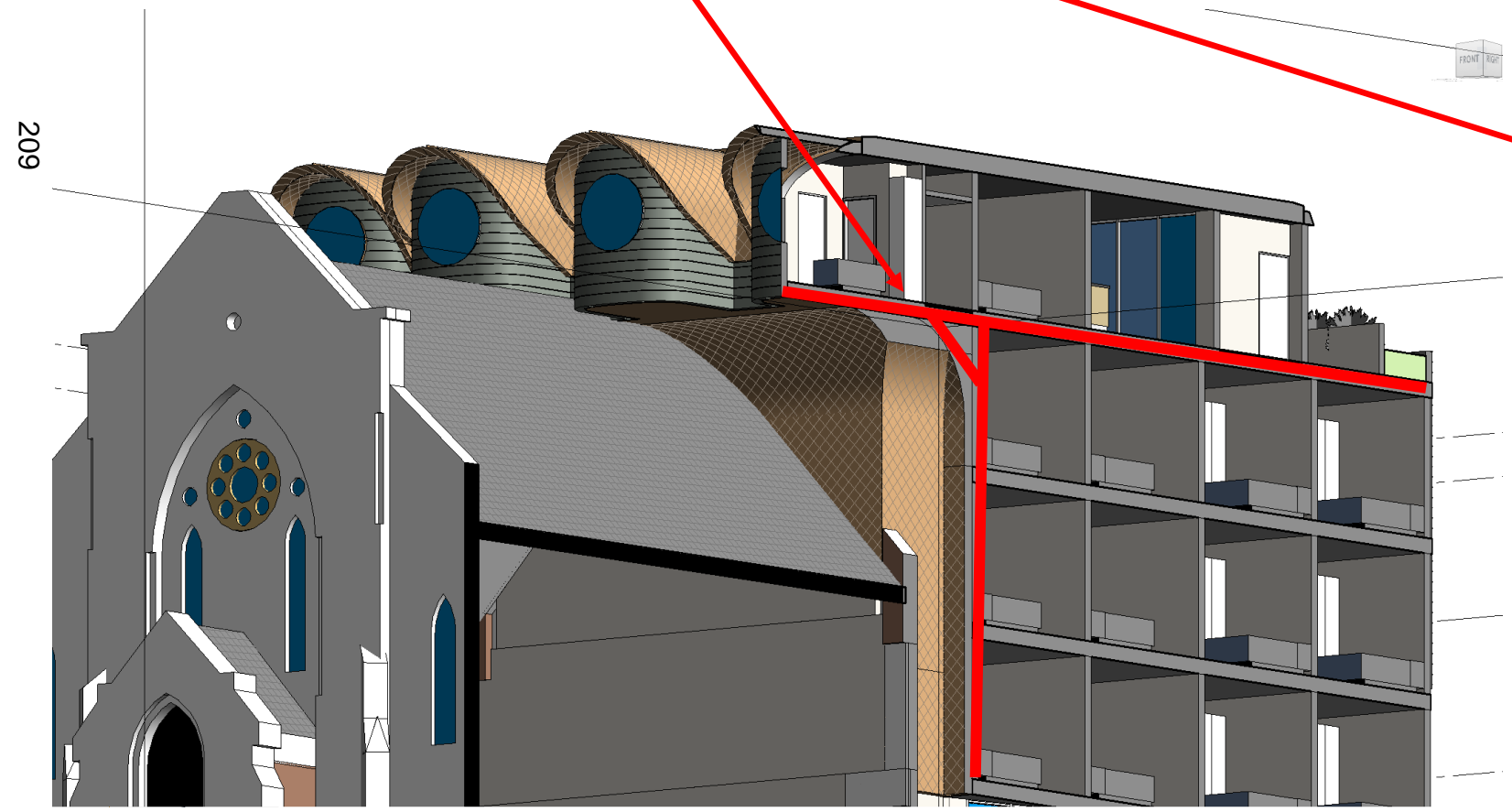
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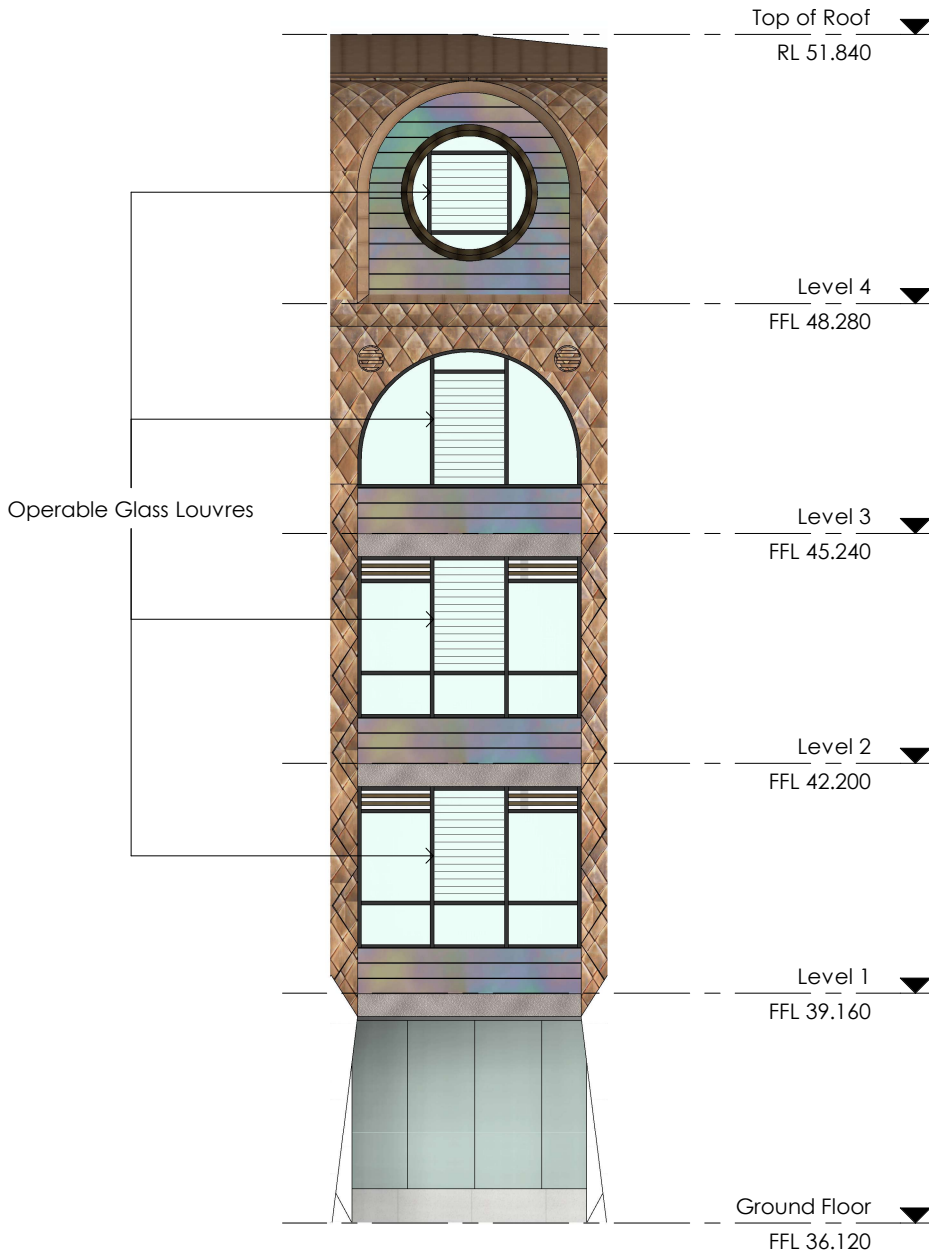
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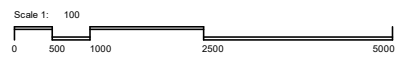
Typical bondek formed floor detail with steel composite beam and strut system



3D – Structural Schematic Diagram of buildability of Level 4 over existing building roof



1 East Elevation - Typical Window Operation Levels 1-4
1 : 100



Rev	Revision Description	Chk	Date	Project	Title		Scales	Drawn
A	Issue for Information		27.01.2022	The Kirk 422 - 424 Cleveland Street, Surry Hills For Pyrafount No 6 Pty Ltd	JSA STUDIO Suite 2 Level 1 505 Balmain Rd Lilyfield NSW PO Box 483 Rozelle NSW 2039 phone: 02 9555 7464 mail @ jsastudio.com.au	Typical Window Configuration Showing Operable Windows	1 : 100 @ A4	RJ
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						190702	KJ	
						Drawing No.	Approved	
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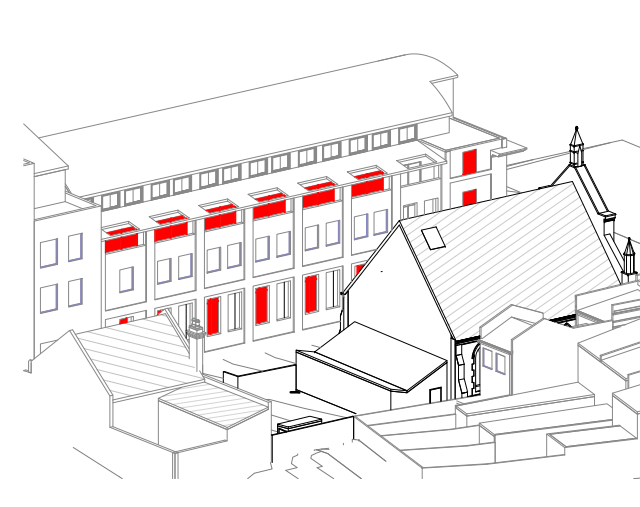
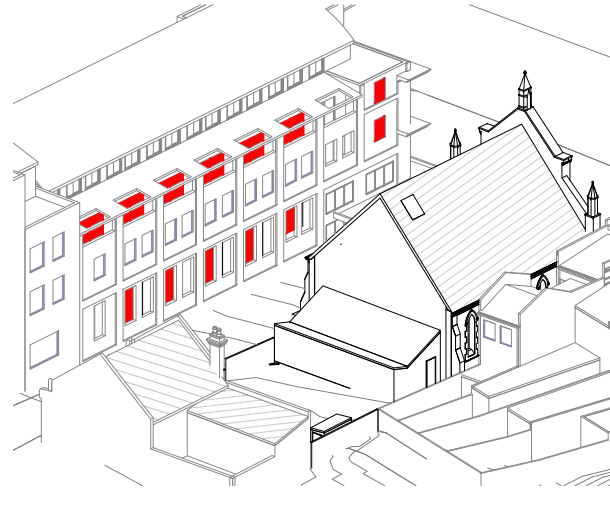
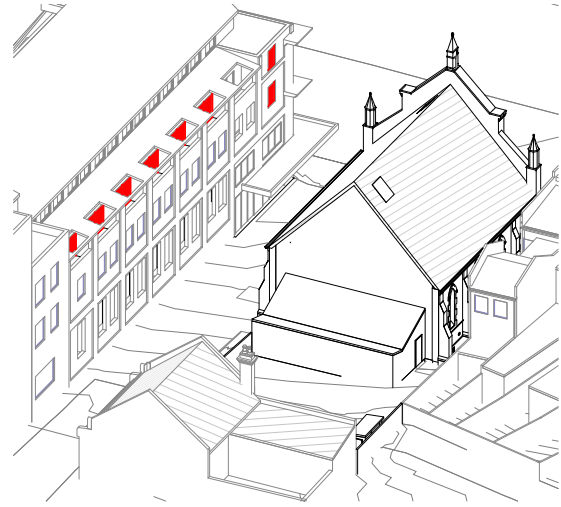
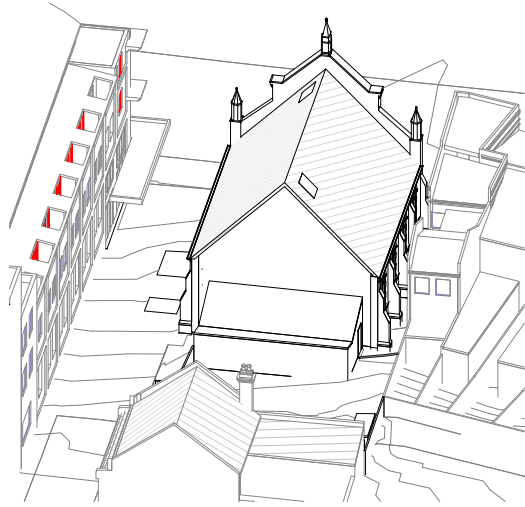
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JSA0222 Registration No. 6460

21 JUNE
12PM

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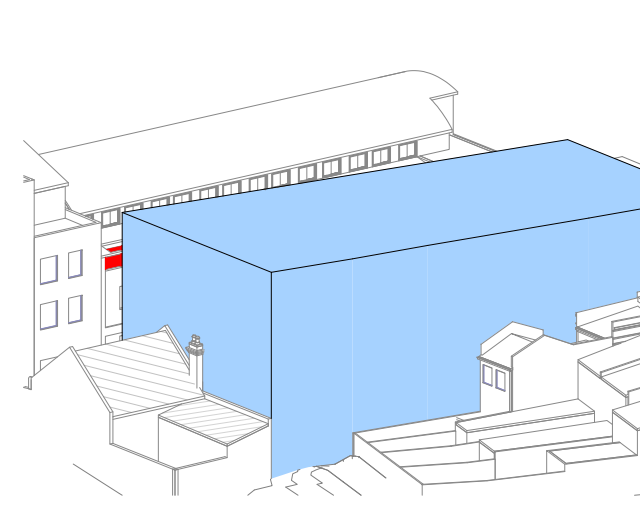
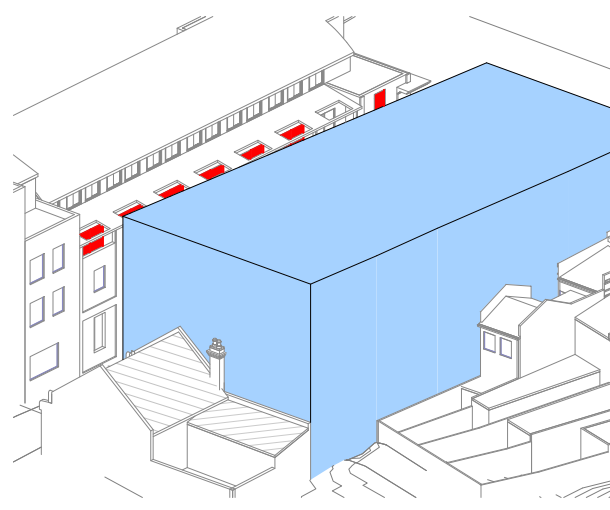
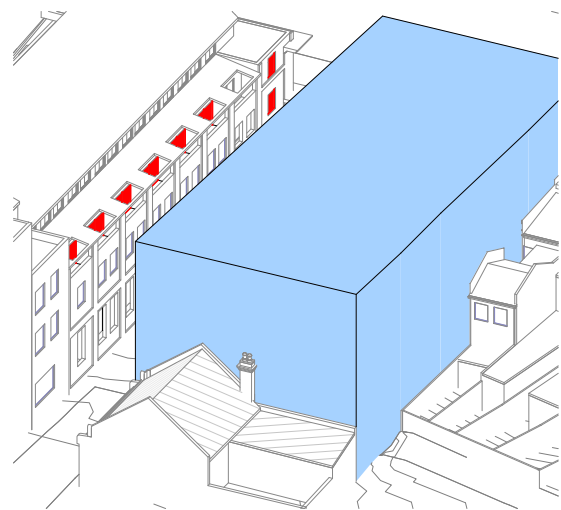
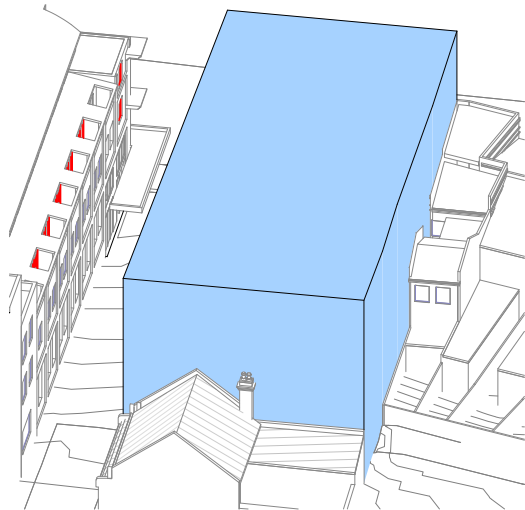
3PM



Existing

426 Cleveland Street west-facing living areas with 2 hours sun = 8 (57% of west-facing)

211



15m Height Plane Envelope


426 Cleveland Street west-facing living areas with 2 hours sun = 6 (43% of west-facing)

NOTE:

Total units at 426 Cleveland St = 25

Total units with living areas that present to western side = 14

LEGEND

 426 Cleveland St principle living area west-facing windows

PRELIMINARY

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Rev.	Revision Description	Chk.	Date
A	Issue for Information		02.02.2021

Project
The Kirk
422 - 424 Cleveland Street, Surry Hills
For
Pyrafount No 6 Pty Ltd

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Title
Views from the Sun
Comparison of Massing Envelopes
21 June

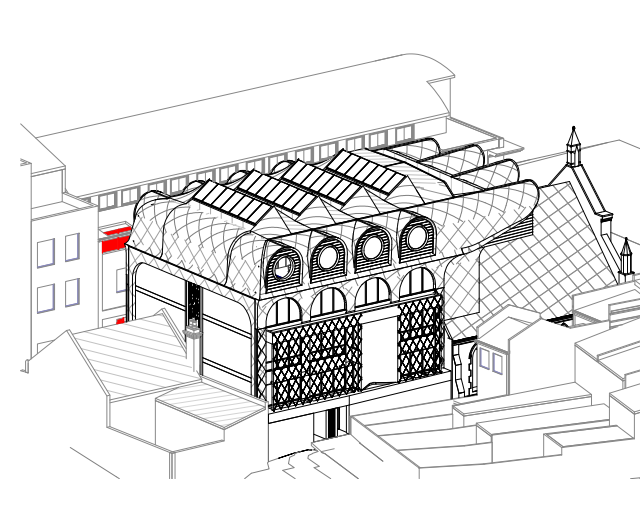
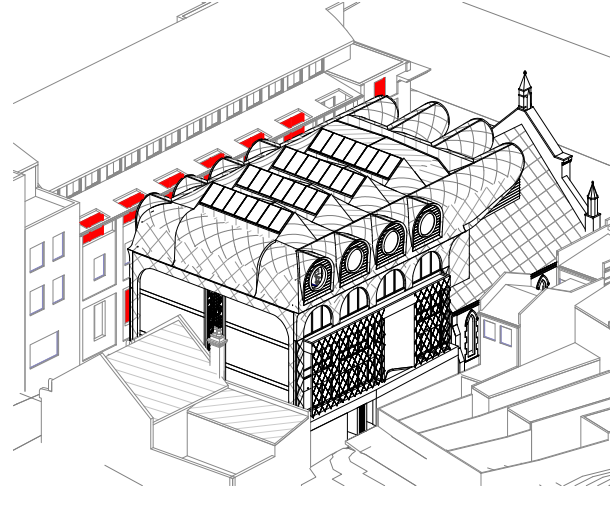
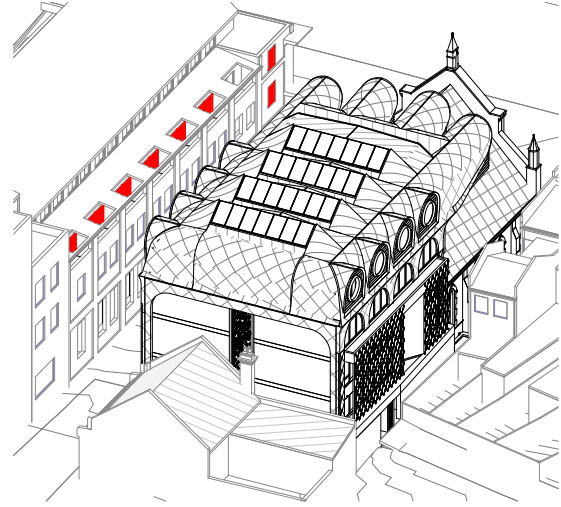
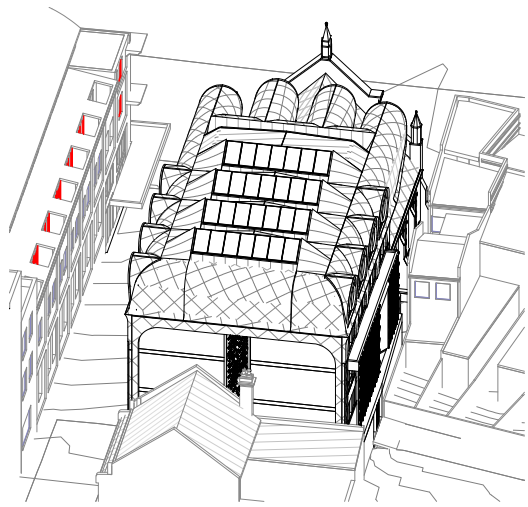
Scales As indicated @ A3	Drawn JSA
Project No. 190702	Checked KJ
Approved KJ 6460	Revision A
Drawing No. SK9.29-A	
Plot Date: 2/02/2021 4:40:10 PM	

21 JUNE
12PM

1PM

2PM

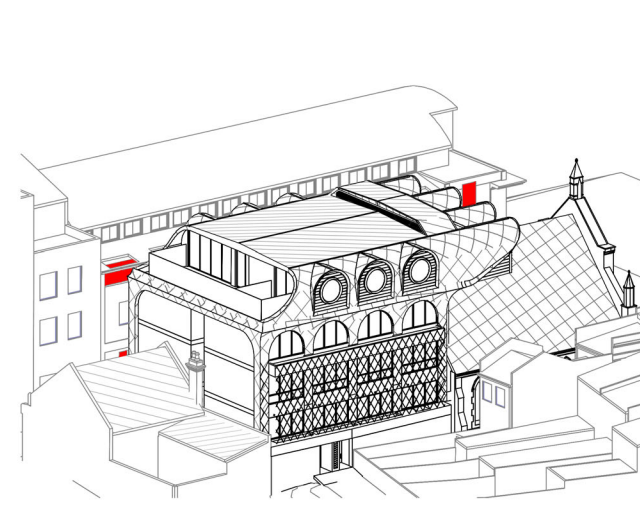
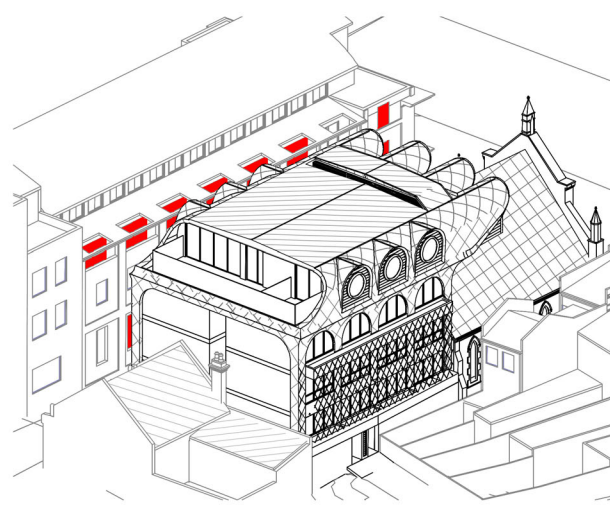
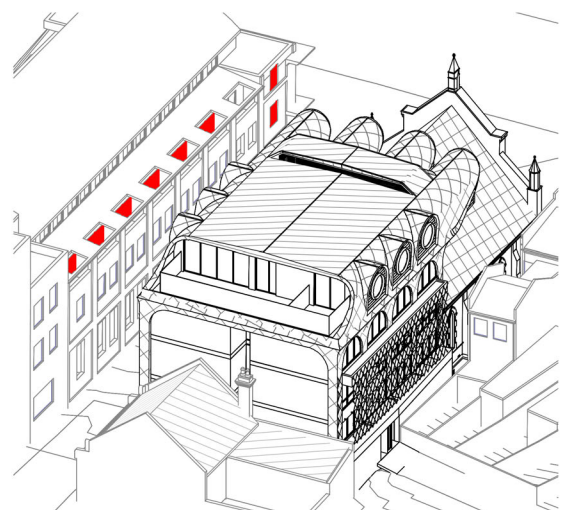
3PM



DA

426 Cleveland Street west-facing living areas with 2 hours sun = 7 (50% of west-facing)

212



Reduced Envelope


426 Cleveland Street west-facing living areas with 2 hours sun = 8 (57% of west-facing)

NOTE:

Total units at 426 Cleveland St = 25

Total units with living areas that present to western side = 14

LEGEND

 426 Cleveland St principle living area west-facing windows

PRELIMINARY

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Rev.	Revision Description	Chk.	Date
A	Issue for Information		02.02.2021

Project
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