

# **Attachment E**

**Submissions**

**From:** Jake Lynch [redacted] u> on behalf of Jake Lynch [redacted] u> <Jake Lynch <[redacted]>>

**Sent on:** Friday, November 17, 2023 3:19:38 PM

**To:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Submission - D/2023/997 - 422-424 Cleveland Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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The proposed commercial building must not have side access via Goodlet Lane, which is presently a cul-de-sac (with a mature tree at the end).

It is imperative that this proposal does not result in Goodlet Lane being opened up at the High Holborn end. Users of the new building must use High Holborn itself to get into and out of the building.

Jake Lynch  
6 Goodlet Lane

**From:** [REDACTED] > on behalf of [REDACTED] > [REDACTED]  
<[REDACTED]>>

**Sent on:** Sunday, November 19, 2023 9:50:49 AM

**To:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Submission - D/2023/997 - 422-424 Cleveland Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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Good day Adrian,

Regarding the proposed DA, I would like council to be very mindful that Goodlet and High Holborn Streets are already under considerable strain for parking, there simply isn't enough street parking to accommodate the needs of existing residents, area 18 permit holders or visitors to the area. This is compounded by Marlborough House commercial premises which sees staff and visitors hijacking parking, without consequence.

I note a response from Toga in the body of documents, regarding the question of parking was raised, the response is nonsense, among other things; encouraging staff to use public transport does not address the obvious & inevitable consequence of this development, both during construction and upon completion the impact on Goodlet and High Holborn Streets is detrimental.

Some accommodation for off-street parking should be a condition of the DA. & while the redevelopment of the site is a welcome proposal save for what seems to be a complete disregard for the already strained infrastructure available to support vehicle traffic to the area. This development application does not sit with the ethos of listening to the people.

I urge you to take the time to think about this, and revisit with the applicants.

[REDACTED]

Toga  
The Kirk  
Outcomes Report



wsp

File Download  
PDF Document · 1.1 MB

**From:** Christian McIntyre <[REDACTED]> on behalf of Christian McIntyre  
<[REDACTED]> <Christian McIntyre [REDACTED]>>

**Sent on:** Wednesday, November 22, 2023 11:07:11 AM

**To:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Submission - D/2023/997 - 422-424 Cleveland Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear City of Sydney & Adrian McKeown,

**Re: Submission D/2023/997 - The Kirk - 422-424 Cleveland St, Surry Hills NSW 2010**

I'm writing to you as a resident of the Mezzanine Apartments, located on 426 Eve and St, Surry Hills. This building sits immediately next to the planned development (The Kirk), sharing the end of High Hoborn St, prior to ending at Eve and St.

I have a few concerns regarding this application, that I would hope are easily resolved and considered as part of this DA.

### **Parking/Accessibility Issues**

Mezzanine Apartments is bounded by Eve and Ave, Eve and St, and High Hoborn St. As Eve and St is a carway immediately in front of the building, residents have a problem with parking, particularly for removalists and large deliveries. The apartment building itself - approved by City of Sydney (COS) Council, many years ago - is such that we only have four car park spaces inside the building and no internal loading/unloading zone. This means, when moving into or out of the building, we face a battle trying to park anything larger than a car to complete the task due to lack of any availability or prior consideration. This is also the case for any residents preparing for a large/bulky delivery (eg. furniture.)

Currently, the only viable options for a d-truck to reverse down High Hoborn St (from Goodlet St), and park at the dead-end area next to The Kirk, which finishes prior to Eve and St.

My concern regarding the DA for The Kirk is how the construction, and its day-to-day operation will affect what is essentially the last remaining space for residents to access the building for removalists/deliveries. Very little - if any - thought has been given to how residents may reasonably perform such tasks when these apartments were re-developed; the DA for The Kirk may remove the last viable option for performing these tasks safely, particularly when you consider the parking-time restrictions that *also* co-exist on both Eve and Ave & High Hoborn St.

If we could maintain a designated, timed loading zone, for the use of residents and deliveries at the end of High Hoborn St (adjacent to Mezzanine Apartments), it would help alleviate the issue of building and large vehicle access. It wouldn't completely solve the problem, but if this were at least considered in the redevelopment of how The Kirk co-exists with its neighbours, it would mean less headaches for everyone.

### **Noise & additional traffic**

As residents sitting in front of Eve and St, I think it's safe to say we are used to noise, particularly given the construction of the TOGA apartment complex across the road, at the old Surry Hills Shopping Village site. Where I live, the Kirk is on the opposite side of my apartment.

My concern for myself, and especially my neighbours on the side adjacent to High Hoborn St, is how the proposed restaurant and pedestrian/commercial traffic noise will affect what little peace and quiet we might be able to receive. The operating hours - particularly to midnight - are concerning, given the varied nature of shift-work, for example.

I'm hopeful that the proposed restaurant is planned to perhaps be fully-enclosed within the building design, using materials that mitigate noise. During busy periods and/or special events, the likelihood of additional traffic would reasonably equate increased patronage, into a street that is otherwise on a residential and quiet most of the time.

### **Commercial Operations**

With regard to the building's use for commercial operations, are there any considerations for future tenants of the The Kirk and noise/traffic restrictions? My concerns is that we may find tenants of the building include those whose business may result in additional noise (e.g. music rehearsal spaces, additional bar/venue entertainment venues), *beyond* those created by the restaurant noted in the DA.

I'm also writing in favour of developing The Kirk into a functional, thriving business member of the community. In saying that, I would like to see its development consider how it co-exists in a largely residential area of Surry Hills that is immediately bounded by businesses that are 9-5, and relatively small in comparison. The Kirk shares its footprint with residents of High Hoborn St, and

two apartment blocks either side. For it to succeed and receive the support of the community, and its neighbours particularly, it would be good to see the above concerns addressed in the future.

Kind regards,

Christian McIntyre  
Unit 8/426 Eve and St,  
Surry Hills NSW 2010

**From:** Darren Simpson <[REDACTED]> on behalf of Darren Simpson <[REDACTED]> <Darren Simpson <[REDACTED]>>  
**Sent on:** Tuesday, November 21, 2023 9:15:30 AM  
**To:** City of Sydney <council@cityofsydney.nsw.gov.au>  
**Subject:** D/2023/997  
**Attachments:** Darre simpson D2023-977.pdf (40.97 KB)

**Caution:** This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Council!

Please see my letter of support for Development Proposal D/2023/997 The Kirk, Surry Hills.

With thanks,

Darren



**Darren Simpson**  
Head of IT, BridgeClimb Sydney

[REDACTED]  
[bridgeclimb.com](https://bridgeclimb.com) | Eora Country | 5 Cumberland Street, The Rocks, 2000

[f](#) [@](#) [t](#) [in](#) #BridgeClimb [JOIN OUR TEAM](#)



**ACKNOWLEDGEMENT OF COUNTRY**

BridgeClimb acknowledges the Gadigal people of the Eora Nation the Traditional Owners of the land on which BridgeClimb operates

We pay our respects to Elders past present and emerging and recognise their continuing connection to lands waters and communities

20 November 2023

The General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

**Development Proposal D/2023/997**  
**The Kirk - 422-424 Cleveland Street Surry Hills NSW 2010**

Dear Sir / Madam,

I hereby provide my support to the DA proposed at The Kirk located at 422-424 Cleveland Street, Surry Hills (D/2023/997).

I am a resident on Cleveland Street, Surry Hills, and have been concerned about the redevelopment of this deteriorating site, and the previous DA for boarding house accommodation that was approved by Council.

I support the current DA for the following reasons:

- The current development proposal has carefully considered the neighbours in Goodlet Lane, and the request to accommodate a small community garden at the end of the laneway.
- The design of the 5-storey commercial building and the pitched roof is sympathetic to the heritage significance of the Church.
- The controversial shape of the previous DA approved 'dragon' structure caused more overshadowing and visual impacts to neighbours when compared to the current design proposal.

I would like Council to approve this DA as it will be a positive outcome for the local community.

Yours sincerely,



Darren Simpson  
410 Cleveland Street  
Surry Hills NSW 2010

**From:** Colin Polwarth <[REDACTED]> on behalf of Colin Polwarth  
<[REDACTED]> <Colin Polwarth <[REDACTED]>>  
**Sent on:** Friday, December 1, 2023 9:57:49 AM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Reference Number D/2023/997, 422-424 Cleveland Street, Surry Hills, 2021  
**Attachments:** 231201 DA 2023 977 Response from SCP HH community to COS.pdf (476.88 KB)

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Hi Adrian

Attached, please find our comments on the application to CoS D/2023/997.

Please let me know if you require any more information.

Many thanks

**Colin Polwarth** RA A

director studio colin polwarth pl nominated architect

[M.Arch](#) (Excellence) UNSW M.Arch (Research) UND B.Arch UCT DipBM

PhD Candidate Royal College of Art London

NSW Architect 6465 A+A+A Urban Design Group Recognised Practitioner + Practice Member Affiliate AIA Environmental Research Association Member (EDRA)

Member of Academy of Neurosciences for Architecture (ANFA)

**2021 Australian Institute of Landscape Architects National Excellence in Infrastructure Award**

**2022 AILA Landscape Award for Koa Habitat Establishment**

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certified integrated management SO9001 2015 SO14001 2015 and SO45001 2018

[www.studio.colinpolwarth.com.au](http://www.studio.colinpolwarth.com.au)

e

Physical 137 Goodlet Street Surry Hills 2010 NSW

Postal 28 / 185 Campbell Street Surry Hills 2010 NSW



25 November 2023  
Adrian McKeown  
City of Sydney  
Town Hall,  
Sydney

[dasubmissions@cityofsydney.nsw.gov.au](mailto:dasubmissions@cityofsydney.nsw.gov.au)

Dear Sir

Reference Number D/2023/997, 422-424 Cleveland Street, Surry Hills, 2021

I represent Mr Nauredine Kourta property owner of 137 Goodlet Street, Surry Hills, 2010. Studio Colin Polwarth PL is a tenant at 137 Goodlet Street. I am writing to you as a tenant in the area and on behalf of the property owner. We have reviewed the DA on exhibition, application D/2023/997, 422-424 Cleveland Street, Surry Hills, 2021 by Cirillo Planning Trust for Toga and wish to congratulate them and their team, especially their architects EMBECE on a comprehensive and well-considered proposal. We hope that this application is approved and welcome Toga to this community. We wish to make the following comments on the application:

1. We appreciate Toga's effort in pre-DA consultation with the local community; they listened to our concerns, consulted widely and responded accordingly in the proposal.
2. Overall, D/2023/997 (the proposal) is a welcome addition to the neighbourhood; the form and architectural response of the proposal are sympathetic to the area, the neighbouring residential buildings, terraces and the historic Kirk form.
3. The uses as a restaurant and office spaces will suit the area and appropriately activate the precinct.
4. We note D/2023/997 is a significant and charming improvement over the DA that was approved against the request of most of the local community in March 2022. We are hopeful this proposal will permanently archive the March 2022 DA!
5. The form of the proposed building allows appropriate solar penetration, while the flying trusses 'open portals' complete an aesthetic response to the Kirk, this allows for 'open sky views' for the residents at 426 Cleveland St. We congratulate the architects for turning the blunt form of planning controls into a sympathetic response. We, therefore, strongly support the additional height and related flying beam forms as they have a sculptural response.
6. The cascading plants on the upper eastern façade will moderate the façade and create interest.
7. We support the initiative to have site deliveries/access predominantly from Cleveland Street, with limited use of High Holborn St, which is notoriously narrow, uneven, height restricted by powerlines and overused as a traffic 'rat route' since the light rail has opened.
8. The public realm improvements at High Holborn St between the proposed building and 428 Cleveland Street are much appreciated.

Studio Colin Polwarth ABN 25158401426, ACN 158401426 Director: Colin Polwarth, NSW Nominated Architect, PhD Candidate, Royal College of Art London.

M.Art (Excellence) UNSW, M.Arch (Research) UND, BArch UCT, DipBM, AIA. A+ Member of Australian Institute of Architects. Affiliate Australian Institute of Landscape Architects. Recognised Practitioner Urban Design Group. Member of Urban Design Forum. Member Environmental Design Research Association.

Office: 137 Goodlet Street Surry Hills 2010 NSW Australia. Postal: 28/185 Campbell Street Surry Hills 2010 NSW Australia

[www.studiocolpol.com.au](http://www.studiocolpol.com.au)

Related to this submission, we wish the City of Sydney to consider the following comments:

9. Parking in High Holborn and Goodlet Streets is extremely challenging, especially in the early mornings and evenings. Marlborough and Crown Streets office workers and commuters on the light rail oversubscribe parking. We often call Council to send rangers as the tree-shaded parking is highly desirable in the area and favoured for illegal long-term parking. Non-residents park in the streets for the entire day. Council should consider alternative parking strategies in these streets to ease the spatial burden on residents. The additional 11 parking permits for D/2023/997 will increase impacts on this contested and overparked area. Losing three parking bays in High Holborn in the early morning will increase stress on an already stressful set of circumstances.
10. Patrons leaving the restaurant late at night will require management to limit anti-social behaviour.
11. Council should consider streetscape improvements to High Holborn St, including underground powerlines, as the current system of large timber poles supporting electrical cables restricts west footpath movement, forcing pedestrians onto the road space, especially on garbage collection days, resulting in unsafe conditions.
12. Council should consider parts of Goodlet and High Holborn Streets being designated 'shared zones' and further reduce the speed environment and related 'rat running' to improve the overall amenity and safety of the area.

Concerning D/2023/997, we look forward to EMBECE realising their design vision, which draws on the distinctive Kirk form, extending the pitched roof into the new design. We welcome TOGA's ambition of creating a welcoming community destination, and we wish them all the best in realising their proposal.

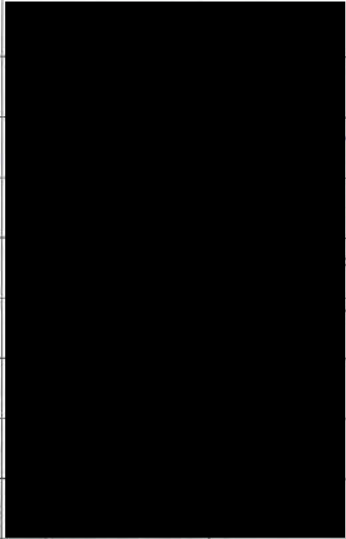



Colin Polwarth Director, Studio Colin Polwarth

The following local residents have sighted this letter

DATE	PRINT NAME	LOCATION	SIGNED
25/11/23	Daniel Zanella	[REDACTED]	[REDACTED]
25/11/23	SHEA CHEW	[REDACTED]	[REDACTED]
25/11/23	HAMISH RATHUELL	[REDACTED]	[REDACTED]
25/11/23	David Blaizen	[REDACTED]	[REDACTED]
25/11/23	Renata Grossi	[REDACTED]	[REDACTED]
25/11/23	PETER MURPHY	[REDACTED]	[REDACTED]
25/11/23	PATRIKIA KANAHI	[REDACTED]	[REDACTED]

DATE	PRINT NAME	LOCATION	SIGNED
26.11/23	AUDREY TAMBURINI		
26/11/23	N. KOURTA		
26/11/20	LAUREN JAGEK		
26/11/23	V. ROSE.		
26/11/23	TAMIKA CULLEN LEE HUTCHENSON		
26/11/23	PAUL WOODHADO		
26/11/23	Kathleen Moulton		
26/11/23	MARIELA ASPROPOTAMAKIS		
26/11/23	Joni Martin		
26-11-23	Liesel Berling		
24/11	SUZIE MATTHEWS		
26/11	JO PIPER.		
26/11	Robert Morris		
26/11	DANIEL KENNEDY		
26/11	Patrick Ward		
26/11/23	David Murphy		

DATE	PRINT NAME	LOCATION	SIGNED
27/11/23	DARREN LITTLE		
27/11/23	Rebecca Bowring		
27/11/23	Quinten Watson		
27/11/23	Britt Crimmins		
27/11/23	Alex Heard		
27/11/23	Yu Zhai		
27/11/23	Alex Davis		
27/11/23	Jessica Davis		
27/11/23	Jordan Bamford		

DATE	PRINT NAME	LOCATION	SIGNED
27/11	Fina McGoldrick-Lynch	[Redacted]	[Redacted]
27/11	Robert Manley	[Redacted]	[Redacted]
27/11	Darren Simpson	[Redacted]	[Redacted]
30-11	ANDREW BENGARDOS.	[Redacted]	[Redacted]

**From:** Romain Rouet <[REDACTED]> on behalf of Romain Rouet  
<[REDACTED]> <Romain Rouet [REDACTED]>>

**Sent on:** Sunday, December 3, 2023 3:33:27 PM

**To:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Submission - D/2023/997 - 422-424 Cleveland Street SURRY HILLS NSW 2010 - Attention Adrian McKeown

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Dear Adrian McKeown,

My name is Romain Rouet and I am the owner of unit 18 at 426 Cleveland Street.

I would like to express my immense disappointment in the council of Sydney for first approving the previous DA submission for the Kirk alteration, which was an architectural monstrosity, and then still considering this new application.

My main concern is the same as for the previous submission:

- 1) The extension is too tall and will create shadowing onto the apartments located at 426 Cleveland Street. As a result, there will not be enough natural light to the west side of apartments of the 422-424 Cleveland street.
- 2) Invasion of privacy: The new development will be looking into the west side of apartments of 422-424 Cleveland street, since there is very little distance in between the two buildings.
- 3) Increased traffic into an already congested part of Cleveland street and Crown street.
- 4) Noise pollution on Cleveland street and High Holborn Street to the local residents.

I have several questions: why is it necessary to have an extension to the Kirk which will be taller than the existing church? Why not try to blend this extension with the current building and leave it at the same height? What will be the use of the commercial buildings?

There are actually several commercial buildings and restaurants currently vacant in Surry Hills. Why not fill these buildings instead of creating new ones? Alexandria is developing immensely and several huge buildings are currently being built for commercial use. So why approve more commercial buildings which will sit empty and only be a sore eye for residents who used to enjoy a tiny bit of view from their balconies.

There is an obvious lack of housing at the moment in Australia, so why not ask the developer to create new housing units instead of commercial buildings?

Regards,  
Romain

**From:** PlanningAlerts [REDACTED] > on behalf of PlanningAlerts  
[REDACTED] <PlanningAlerts@cityofsydney.nsw.gov.au>

**Sent on:** Wednesday, December 6, 2023 7:52:18 PM

**To:** dasubmissions@cityofsydney.nsw.gov.au

**Subject:** Comment on application D/2023/997

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For the attention of the General Manager / Planning Manager / Planning Department

**Application:** D/2023/997

**Address:** 422-424 Cleveland Street Surry Hills NSW 2010

**Description:** Alterations, additions and adaptive reuse of The Kirk (former church), to contain a licensed restaurant. Works to construct a new five storey attached commercial building containing a licensed restaurant and commercial uses. The proposal involves restoration of heritage fabric, excavation for a basement containing end of journey facilities, plant and a dark kitchen. External landscaping works are proposed, as are works within the shared zone at the end of High Holborn Street. Proposed hours of operation for the new licensed restaurant are between 7:00am and 10:00pm, Sundays to Wednesdays and between 7:00am and 12:00 midnight Thursdays, Fridays and Saturdays. The application is lodged as integrated development, per the Water Management Act 2000.

**Name of commenter:** [REDACTED]

**Address of commenter:** [REDACTED]

**Email of commenter:** [REDACTED]

## Comment

I am an owner in the Mezzanine Apartments - I have a three level apartment that looks directly over the backyard of the Kirk building. I have lived here since the building was developed for apartments in May 2000.

Presently I have a quite lovely leafy outlook from my loft over the Surry Hills neighbourhood - terrace houses, their roofs, trees, and notably the very attractive gingko tree. I have noticed over the past few years how appealing this tree is to birdlife at certain times in spring - and sometimes I am awoken by vast numbers of birds singing in this tree. It's always early - 5.30am - but it is a particularly lovely way to wake up in the big city - to loud birdsong. So I will certainly miss looking out at this tree and the birdlife that it attracts when it is removed. I believe its fate is sealed - as it was agreed at the last DA meeting that it would be removed by the City of Sydney committee that approved the previous DA.

So I will be sad to lose my attractive view, however, I am just one person and this development will seemingly bring many benefits and advantages to the neighbourhood. But if myself and some of my neighbours are to lose our attractive outlooks, then I think it is vitally important that what is built in that backyard is aesthetically pleasing to look at - and if the tree is to be removed then it is of paramount importance that the greening of the building facade is not merely green washing but an aspect of the development that is fixed and non-negotiable. Developments often face financial pressures where desirable aspects of a development get lost along the way due to cost overruns. So I would like to see some sort of guarantee that this green facade is integral and cannot be discarded later.

I believe the building breaches a height cap but this is compensated for by a design that is sympathetic to the church and also a design that tries to maximise light for residents in this apartment building. This seems a fair enough compromise provided that is what is actually done. So I would happily agree with this provided further down the track the design isn't changed and suddenly the office building has an additional floor. So if this height increase is to be approved then there needs to be strict regulation over what ~~2.24~~ additional height can be used for. What is proposed

seems good - but it must be adhered to.

It is also of vital importance that light to the street level apartments in this building are afforded the best possible outcome in terms of light. Those apartments are already dark and are reliant on that western aspect light. So whatever can be done to maximise light for those residents - and all western-facing residents in this building is of vital importance.

However, I am generally happy with the prospect of a boutique office building. It has many advantages over other options - the workers will largely not be there at night or on the weekends. Some residents of this building will likely be off at their own places of employment Monday to Friday daytime. I think this is the best possible outcome that the residents of this building could hope for really.

I would also like to say that I was vehemently opposed to the previous DA that was approved by council for a boarding house and entertainment venue. It was an extremely undesirable addition to the neighbourhood that no one wanted. This Toga development by comparison is absolutely superior in every way. I have met with representatives of Toga twice and was shown the plans. They have been very proactive in reaching out to neighbours and seeking feedback - something the previous developer never did. We can also see their work across Cleveland St at the Surry Hills Village site and the development looks impressive. They are a quality up-market developer.

So in summary although I will be directly impacted and negatively with the loss of an attractive view, loss of light and loss of privacy, I am in favour of the development. As a lot of money was spent to acquire the site - so something will be built there. I commend the developer on retaining the Kirk building and redeveloping it which will not be simple or cheap - however it is a building with character and also has an impressive history and I am glad that it is going to be repurposed.

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We specifically confirm that any consent given in any form (including pursuant to your privacy policy) to disclose personal information to third parties is withdrawn.



18 November 2023

The General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001  
Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)



**RE: Development Application D/2023/997 – 422-424 Cleveland Street Surry Hills NSW 2010**

To the General Manager,

I support the DA proposal D/2023/997 at 422-424 Cleveland Street, Surry Hills.

I am a resident in Goodlet Street, Surry Hills, adjacent to the site, and have been concerned about the site's redevelopment for some time.

The former church called "The Kirk" has been in a dilapidated state for over 10 years, and the current development proposal is far superior to the previous DA that was approved for boarding house accommodation for the following reasons:

- The current development proposal provides boutique commercial offices and the architectural and landscaped design is more sympathetic to the site's context. This includes the architectural roof feature which enhances the shape of the church, in contrast to the intrusive 'dragon-shape' of the previous DA approval.
- The adaptive reuse of the church space for a sophisticated restaurant with the proposed operating hours provides better amenity for surrounding residents, and visitors, subject to a management plan.
- The developer has engaged with the community and has demonstrated how the proposal mitigates overshadowing impacts to neighbouring buildings to the east.

I look forward to Council approving this current DA, so that the former Church can be restored and enjoyed by the wider community.

Yours sincerely,



Michael Steele  
145 Goodlet Street, Surry Hills NSW 2010

**From:** PlanningAlerts <[REDACTED]> on behalf of PlanningAlerts  
<[REDACTED]> <PlanningAlerts <[REDACTED]>>  
**Sent on:** Sunday, December 10, 2023 11:57:58 AM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Comment on application D/2023/997

**Caution:** This email came from outside the organization. Don't click links or open attachments unless you know the sender, and were expecting this email.

For the attention of the General Manager / Planning Manager / Planning Department

**Application:** D/2023/997

**Address:** 422-424 Cleveland Street Surry Hills NSW 2010

**Description:** Alterations, additions and adaptive reuse of The Kirk (former church), to contain a licensed restaurant. Works to construct a new five storey attached commercial building containing a licensed restaurant and commercial uses. The proposal involves restoration of heritage fabric, excavation for a basement containing end of journey facilities, plant and a dark kitchen. External landscaping works are proposed, as are works within the shared zone at the end of High Holborn Street. Proposed hours of operation for the new licensed restaurant are between 7:00am and 10:00pm, Sundays to Wednesdays and between 7:00am and 12:00 midnight Thursdays, Fridays and Saturdays. The application is lodged as integrated development, per the Water Management Act 2000.

**Name of  
commenter:** [REDACTED]

**Address of  
commenter:** [REDACTED]

**Email of  
commenter:** [REDACTED]

## Comment

I am the owner of a ground level apartment in the Mezzanine building. My apartment runs from Cleveland Avenue to High Holborn Street. The apartment is fairly dark even during the daytime, and I rely completely on the light from the western windows overlooking High Holborn Street to illuminate the interior. One of the windows looks directly onto the Kirk, with a sliver of sky above, and the other looks onto the backyard of the Kirk and provides dappled daylight. The new building will block out this already-filtered light-source. I believe that the roofline of the new building should be no higher than the roofline of the Kirk. If the DA is to go ahead with the planned five storeys, the roof will hopefully be clad in a light-reflective, light-coloured material, and the exterior of the building will exhibit the hanging gardens proposed in the DA, although the new view will not compensate for the near-total loss of light.

I also have concerns regarding privacy, as occupants of the proposed building will be able to look directly across High Holborn Street into my living area. I am hopeful that the project will incorporate louvred windows on the HHS side or other measures to provide ongoing privacy.

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We specifically confirm that any consent given in any form (including pursuant to your privacy policy) to disclose personal information to third parties is withdrawn.

**From:** Penelope Little <[REDACTED]> on behalf of Penelope Little  
<[REDACTED]> <Penelope Little <[REDACTED]>>  
**Sent on:** Wednesday, December 13, 2023 3:30:53 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Submission - D/2023/997 - 422-424 Cleveland Street SURRY HILLS NSW 2010 - Attention Adrian McKeown  
**Attachments:** Kirk DA objection 13.12.23docx.docx (20.62 KB)

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To whom it may concern .  
Please find attached my submission of objections to the above DA proposal.  
Thank you for the opportunity to submit this response.  
regards,  
Penelope Little  
73 High Holborn Street  
Surry Hills 2010  
mobile [REDACTED]

13 December 2023

RE D/2023/997- 422-424 CLEVELAND STREET SURRY HILLS NSW 2010

APPLICANT -THE TRUSTEE FOR CIRILLO PLANNING TRUST ACTING FOR TOGA

PROPOSAL (As described in application)

I am the owner of the adjacent property, 73 High Holborn Street and have owned the property since 1999. The property is a single storey miner's cottage built around 1910. The southern wall of our property is on the northern boundary of this proposed development.

I welcome this proposal as a significant improvement on the previous DA of 2020 as an appropriate development of the site that has sat abandoned since 2008 and left in disrepair including the area immediately adjoining our wall. The design is sympathetic to the church and surrounds and the intended use as a high- end restaurant and commercial office space is also far more suitable to the already heavily populated area. I also appreciated the community consultation with the Developer's representatives, meeting with them twice.

However, I do have some remaining concerns following the submission of the plans on the impact of structural and environmental issues on my property.

#### Objections

I have serious concerns for my building and its occupants in relation to the following:

- Potential for structural damage to my house and foundations
- An Increase in and the type of traffic servicing the development.
- Waste management and collection
- Increased noise
- Proposed hanging garden

#### **1. Potential for structural damage to my property.**

1. The development proposal acknowledges that the southern wall of our property is on the boundary. The foundations of our house are typical of the period build, in that they have minimal footing support. It has also been noted in the proposal that our wall currently has a significant crack that may be exacerbated by any activity in the vicinity of the wall.

I have concerns that the shoring will not support the load of my house and foundations.

The proposed construction will excavate a hole at least 4 meters deep adjacent to our wall and has the potential to create instability and possible footings failure leading to wall movement. The contiguous pile shoring wall will be 125mm off our wall.

While I will be obtaining an independent dilapidation report to ensure that Developer is made responsible for any damage caused by the excavation and construction works to my property, I would expect that the Developer will undertake their own dilapidation reports. .



1.2 As the proposed construction results in the complete loss of external access to my wall, post excavation and prior to construction, provision must be made to carry out removal of services and to undertake waterproofing.

1.3 I also have concerns relating to the possible damage to my roof structure due to falling materials during construction.

## **2. An increase in, and the type of traffic, servicing the development**

### **2.1 During construction**

If it eventuates that all construction machinery and vehicles is via High Holborn Street, specifically the section south of Goodlet Street, I anticipate damage to existing curbs as this section of High Holborn Street is very narrow (6.1 meters wide with pavement width 4.4 meters) accommodating parking on one side only (as in the one-way section to the north) and requires normal cars to reverse down the street, because turning is not possible at the closed end.

The submission fails to account for larger construction delivery vehicles and construction waste collection vehicles will negotiate the turning path required to comply with Council's requirement that vehicles must **drive into and out** of the site. In fact, it proposes that they reverse into the site or loading.

Construction vehicles will inevitably damage the kerbs and footpath and properties as witnessed previously.

### **2.2 Post construction**

The proposal indicates the **ONLY** vehicular access is via this section of High Holborn Street. Currently this section of High Holborn Street is used by significant numbers of pedestrians at all times of the day and night to access the Cleveland/ Crown Street precinct. The footpaths in this section are insufficient and uneven and require persons to use the roadway as a shared access.

The proposal claims that "the vehicle movement in and out of the loading dock is anticipated to be minimal; limited to the delivery activities to the restaurant and waste collection 2-3 times a week". However, the proposed restaurant will demand constant deliveries by trucks to service their requirements. Being familiar with living above a restaurant, there are daily requirements of fresh food and drink supplies. As pointed out above the proposal indicates that a "minimal number of smaller (6.4 metre SRV vehicles) requiring access will reverse into the loading bay again contravening the compliance requirement to drive in and out of the loading zone.

The additional vehicular traffic will impact on the already significant pedestrian traffic which will also be increased by the proposed operations of the restaurant.

In addition, as the restaurant is proposed to accommodate 200 persons, many patrons will access the event via car as currently occurs with other activities such as the Belvoir theatre due to limited mobility of some patrons and concerns regarding safety of public transport at night. Parking is extremely limited in the surrounding area and will be exacerbated by these activities.

### **3, Waste Management and collection**

The development proposes garbage collection two or three times weekly by smaller contract vehicles. The height restriction in the loading zone indicates that all waste loading of the larger bins proposed to be in the loading area for pickup, will have to be done in the pedestrian area.

### **4. Increase in noise - particularly in the evening till 12am on 3 nights and 10pm on 4 nights**

4.1 There is a potential for noise from the activity of the restaurant, particularly at closing time. Patron behaviour will need to be managed.

As my property is the only cottage that faces into this section of the street, the occupants will potentially be subject to ongoing noise disturbance due to this increase pedestrian traffic.

### **4.2 Construction noise**

I am particularly concerned about the damaging effect of construction noise on the occupants of my property not only during excavation but throughout the entire construction period, given the proximity of my property to these works.

### **5. Proposed hanging garden**

While I appreciate the designers' efforts to lessen the impact of the visual effect of the northern wall adjacent to our building by inclusion of a hanging garden, the practical consequences of cascading planting are the potential for the continuous dropping of plant material my roof which is a galvanised iron roof.

Thanking you for the opportunity to present my concerns,

Regards,

Penelope Little

73 High Holborn Street

Surry Hills

Phone: [REDACTED]

**From:** [REDACTED] on behalf of [REDACTED] <[REDACTED]>  
<[REDACTED]>

**Sent on:** Wednesday, December 13, 2023 7:36:38 PM

**To:** City of Sydney <council@cityofsydney.nsw.gov.au>

**Subject:** feedback re D/2023/997 422-424 Cleveland St Surry Hills

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I do think that the structure is too high so I would like to protest about that.  
It would also be far preferable if the entrance/exit on Cleveland St particularly late at night would be mandated

There are some errors in the transport impact assessment that are worrying.  
Page 4 of the transport impact assessment describes High Holborn St as a 2 way rd, when it is in fact a one way Rd between Cleveland St and Miles st. There is a small section at the end between Miles and Devonshire that is 2 way. Also there are parking restrictions [NO STANDING] on the eastern side between Cleveland and Lansdowne Streets because you can't park there at all without completely blocking the street. There are parking restrictions on the eastern side High Holborn st between Lansdowne and Devonshire Streets Re Goodlet st - There are no 4P parking spots in Goodlet st between Wilton and High Holborn st.

I have heard that the new development will be allowed 11 parking permits. However Page 15 of the City of Sydney Neighbourhood parking policy says "Occupants of new multi-suite commercial premises approved on or after 12 May 2014 are excluded from participation in the permit parking scheme. A multi-suite commercial premises is one which is strata-subdivided, or which can be divided into five or more separate business, office or retail premises."

In addition this area of Surry Hills is very congested and it can be extremely difficult for residents with current parking permits to find a spot. The development is already taking away the 3 spots closest to the development in the early morning, meaning residents will find it difficult to park there overnight unless they are able to get up at 6.30 to move their cars! IF parking is needed for the occupants it should be provided by the TOGA development on Cleveland St opposite the KIRK.

Because of the narrowness of High Holborn St, the access for pedestrians is mostly on the street as power poles and rubbish bins block the footpaths. As there is likely to be an increase in pedestrian traffic along High Holborn street It would be best to have some traffic calming installed and the speed limit reduced, for example making the area dual pedestrian and car/ bicycle with subsequent reduction in speed limit.

Thanks you and regards,  
[REDACTED]



**From:** PlanningAlerts <[REDACTED]> on behalf of PlanningAlerts <[REDACTED]>  
<[REDACTED]> <[REDACTED]>  
**Sent on:** Thursday, December 14, 2023 5:42:10 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Comment on application D/2023/997

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For the attention of the General Manager / Planning Manager / Planning Department

**Application:** D/2023/997

**Address:** 422-424 Cleveland Street Surry Hills NSW 2010

**Description:** Alterations, additions and adaptive reuse of The Kirk (former church), to contain a licensed restaurant. Works to construct a new five storey attached commercial building containing a licensed restaurant and commercial uses. The proposal involves restoration of heritage fabric, excavation for a basement containing end of journey facilities, plant and a dark kitchen. External landscaping works are proposed, as are works within the shared zone at the end of High Holborn Street. Proposed hours of operation for the new licensed restaurant are between 7:00am and 10:00pm, Sundays to Wednesdays and between 7:00am and 12:00 midnight Thursdays, Fridays and Saturdays. The application is lodged as integrated development, per the Water Management Act 2000.

**Name of commenter:** [REDACTED]

**Address of commenter:** [REDACTED]

**Email of commenter:** [REDACTED]

## Comment

Overall, I am much happier with this design than the previous submission

However, in relation to 4.1 Car Parking

The development should provide some on-site parking. The commercial use and restaurant will bring people to the premises. The Traffic Impact Assessment has made an assumption that most people will come by public transport. This is a false assumption

The surrounding streets are very constrained in the amount of parking that is available and, as a resident, I can attest that a lot of people who visit restaurants and hospitality venues in the area, do drive in and park in the surrounding streets (Crown, Cleveland Ave, Goodlet, High Holborn etc) and parking in the evenings, while these premises are trading, is tight

This is even more important considering that there is a proposal by the developer to remove 3 existing parking spaces, on a part time basis, to enable easier access for service vehicles

Also, as an important point of correction, there is misinformation in 2.2 Road Network 2.2.1 Adjoining Roads of the Transport Management Plan:

This clause states that High Holborn Street is a

"Two-way road that runs in a north- south direction between Devonshire Street in the north and Cleveland Street in the

south.

- Approximately 4-metre-wide carriageway with one lane used by cars travelling in both directions.
- No Parking restrictions on the eastern side of the road while 1P parking restrictions apply to the western side.
- Assumed 50km/h residential speed limit"

High Holborn Street is the only access street leading from the development. It is a one way lane (running south to north) with restricted 1P parking on the west side of the lane and no parking on the eastern side. When you take into account the parking on the west side, the access is only one car width wide (even council use small garbage removal trucks as standard trucks would not fit)

Speed limit is 40km/h but the reality is that people drive at 20km/h as it is a very narrow lane to negotiate

I hope that this correct information is taken into consideration

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**From:** PlanningAlerts <[REDACTED]> on behalf of PlanningAlerts  
<[REDACTED]> <PlanningAlerts [REDACTED]>>  
**Sent on:** Thursday, December 14, 2023 5:42:04 PM  
**To:** dasubmissions@cityofsydney.nsw.gov.au  
**Subject:** Comment on application D/2023/997

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**Name of  
commenter:** [REDACTED]

**Address of  
commenter:** [REDACTED]

**Email of  
commenter:** [REDACTED]

## Comment

I am the owner of an apartment on the opposite side of the street from the proposed Kirk development. My main concern has to do with traffic, pedestrian safety and the already dire situation with parking in High Holborn St as well as the surrounding streets

As a pedestrian and a public transport commuter, I rely on High Holborn Street as a regular thoroughfare as do many other residents in the vicinity. As the footpaths along High Holborn are extraordinarily narrow, everyone walks mid street, particularly when you're in the company of one or more other person.

Bearing in mind there will inevitably be more traffic in view of delivery vans to the restaurant/cafe and such, my concern is regarding the safety of local foot traffic.

This is particularly the case on waste collection days when the footpaths are congested with the household bins. There is no option at these times but to use the street as a thoroughfare

I might point out too, that High Holborn St is a one way street only, not two way as mentioned in the Transport Impact Assessment document

With regards to parking, it is totally unrealistic to assume patrons of the restaurant will be using public transport to commute to and from this destination.

I have lived in the area for 26 years and the surrounding streets have never been so challenging to find a park as it is now. This is largely due to the increased visitors to Crown street restaurants, cafes and entertainment venues and while this is heartening to see, parking of some sort needs to be provided. Hopefully they'll be able to park at the Toga shopping center across Cleveland St

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