

# Attachment D

**Submissions**

**From:** Paul Kent [REDACTED]

**Sent on:** Friday, November 3, 2023 10:05:56 AM

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

**Subject:** Development Application: D/2023/902

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Hi

I hope that you are well.

I refer to the above application that takes in 598, 600-602, 604-606, 608 and 610 Crown Street.

Whilst supportive of the improvements to that location that this application is suggesting. I would like to get a better understanding of what adjustments to parking will be made in the area?

It would appear that the application includes retail and commercial space for approx. 176 staff, a number of who will require parking in the immediate vicinity. At this stage I cannot see any account for this in the submitted plans.

As a resident of nearby Nickson Street for nearly 20 years I can categorically state I have never seen the lack of parking available as bad as it currently is.

Over the last few years the combination of the light rail installation permanently removing parking on Devonshire Street along with the council approval of additional residential and commercial space in the immediate vicinity at 276 Devonshire Street and 249 Devonshire Street has only further exacerbated the problem.

It is not uncommon to see multiple cars hovering along Nickson Street searching for parking whilst employees from the recently approved commercial spaces return to check their car tyres for evidence of parking inspectors and then return to their offices.

If the council intends on approving another similar commercial/retail application as per above I would be very keen to hear their plans to alleviate the already challenging parking conditions in the area?

Kind regards

Paul

**From:** Dave Scilly [REDACTED]

**Sent on:** Sunday, November 5, 2023 1:53:32 PM

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

**Subject:** Submission - D/2023/902 - 610 Crown Street SURRY HILLS NSW 2010 - Attention Nick Reid

**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.

To whom it may concern,

My name is Dave Scilly and I am the property owner of 29 Nickson St, whose backyard backs onto Wilshire Lane, and sits directly opposite this proposed development.

I think it is important as an owner who is going to be directly affected by the proposed works that I should provide feedback as I will be significantly impacted by these works. I am also happy to communicate any responses to my comments to my adjoining neighbours and other residents in the block backing onto Wilshire Lane that are also significantly affected.

I wanted to start by saying that I am broadly supportive of this work being done and I like the designs and plans for the space. I am very happy that the jacaranda tree is being preserved. The key concern I do have is how sunlight to our backyard will be impacted by a significantly larger structure. I note that there is shading and shadowing details provided on the plans but there is nothing that would give me an indication of how our backyard will be impacted?

We plan on running solar panels on our roof and growing plants etc in the garden. Further, the sun from the west provides the most significant natural light for our west room living space. We understand that there will likely be an impact, but we would request that the architects or applicants can provide us with this information in haste so the neighbours can consider this. We would also like council to take these changes into consideration when deciding whether or not to approve the project.

Another thing we would like to get some communication on is the work itself and what access to Wilshire Lane is needed and how will we be restricted from using our carpace? We are required by council to park our second car in this space so use it regularly.

If you would like to discuss this further please do not hesitate to contact me on [REDACTED] to discuss.

Kind Regards

Dave Scilly  
29 Nickson ST  
Surry Hills NSW 2010

**From:** Anthony Boskovitz [REDACTED]  
**Sent on:** Saturday, November 11, 2023 1:00:34 PM  
**To:** DASubmissions <dasubmissions@cityofsydney.nsw.gov.au>  
**Subject:** OBJECTION TO DEVELOPMENT APPLICATION DA/2023/902 - PROPERTY: 598-610 CROWN STREET, SURRY HILLS  
**Attachments:** Letter of Objection 11 November 2023.pdf (129.2 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.

Dear General Manager

Please see attached letter of objection.

Regards,

Anthony Boskovitz  
Boskovitz Lawyers  
Suite 110, 203-233 New South Head Road  
EDGECLIFF NSW 2027  
Tel: 8711-0944  
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Mobile: [REDACTED]  
Email: [REDACTED]@boskovitzlawyers.com  
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<https://au.linkedin.com/in/anthony-boskovitz-1679154>



***We have changed our contact details. All mail should be sent to PO Box 305, Edgecliff NSW 2027***

***Check out our new website [www.boskovitzlawyers.com](http://www.boskovitzlawyers.com)***

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## PROPERTY | PLANNING | CONSTRUCTION

11 November 2023

Our Ref: AB:2023/2634

Your Ref:

The Proper Officer  
City of Sydney Council

**BY EMAIL:**

Dear Madam/Sir

**RE: OBJECTION TO DEVELOPMENT APPLICATION DA/2023/902  
PROPERTY: 598-610 CROWN STREET, SURRY HILLS**

We act for the owner of 594-596 Crown Street, Surry Hills. Our client's property is located directly to the North of the subject site.

Our client's property known as St Clair flats is a significant heritage item fronting Crown Street. It includes a largely intact building with what is now, a commercial building at the West of the property and original stables and outbuilding at the rear eastern side of the property.

We are instructed that our client has a number of concerns with the proposed development and these issues are associated with impacts on the boundary between the properties, bulk and scale, impacts on heritage character and loss of amenity to the internal courtyard. Our client is also concerned about acoustic impacts, waste collection, lack of parking associated with the scheme as well as lack of opportunity for loading and unloading and geotechnical matters.

We are instructed to object in the following terms:

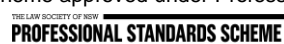
### **1. Boundary fence**

We have reviewed the demolition plans, and we are instructed that our client is significantly concerned about the lack of detail associated with the demolition of the existing structures and what is proposed for boundary walls especially on the shared boundary.

The proposed development seeks to build to boundary adjoining our client and we are instructed our client has concerns about the potential for damage to occur to their property and existing built form that forms part of the rear ancillary building form on their property.

Suite 110, Level 1, 203-233 New South Head Road, Edgecliff NSW 2027  
PO Box 305, Edgecliff NSW 2027  
Tel: (02) 8711 0944 Fax: (02) 8711 0955 Email: [info@boskovitzlawyers.com](mailto:info@boskovitzlawyers.com)

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We are instructed that our client does not consent to the demolition of any structure on their property or on the boundary and seeks to draw the council's attention to this issue before any consent is granted.

We are instructed to objection in the strongest possible terms to the works proposed on the boundary and submit that no detail is provided to satisfy our client that their property will be protected, and their boundary fence retained.

## **2. Bulk and Scale**

Our client is concerned about the form, bulk and scale of the Northern portion of the proposed development.

Whilst it is noted that there is already a building form built to the boundary at the NW corner of the site currently known as 598 Crown Street, the extent and size of the proposed Northern elevation is proposed to extend substantially towards the rear eastern boundary.

Currently the extent of the existing wall is substantially lesser in height but also does not extend significantly to the East and allows for a consistent open space in the area of our client's rear courtyard which is the only substantial open space on their site.

Our client has been undertaking a sympathetic renovation of their property to allow for it to be used again and is planning to use the rear ancillary building as a food and beverage business to take advantage of the large external area. The proposed built form will impact upon the potential use substantially.

We submit that the form and scale of the building is entirely inconsistent with an urban design outcome which would be reasonable in the setting where there are open spaces at the rear of adjoining sites and will have a substantial impact on not just our client's heritage listed item but also all adjoining properties which incorporate multiple different uses.

We submit that the form and scale of the development is not consistent with the requirements for the area, including those principles at clause 2.11.6 of the Sydney DCP (SDCP) which outline principles for Surry Hills South. The principles not complied with include:

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- (b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
- (c) Maintain the experience of 'green streets' created by buildings set back from the street with landscaped private yards.
- (d) Maintain the transition in built form scale from taller, larger footprint buildings in the west, to consistent two storey streets in the east.

In respect of the form and scale, what is most concerning to our client and breaches the abovementioned principles are:

- The lack of consideration for the heritage item including its curtilage and the imposition of an interface for the internal courtyard of our client's property with a domineering 3 storey wall with nil setback and no articulation;
- The provision of an internal courtyard for the subject site in an area to suit the needs of the development with zero consideration for the amenity and other impacts on our client's property; and

- The substantial impact of this structure on the heritage value of our client's property which includes the rear stables.

Whilst it is accepted that the building demonstrates articulation to the front and rear, this is done at the expense of our client with a giant and solid wall built to boundary and over stories high noting the location of the lift over run.

The built form proposed will take away all amenity from the rear of our client's property and whatsmore, if approved and built, will not be capable of being maintained due to its location and limited access and will continue to have a long and substantial impact on our client and their property.

We note the commentary in the Applicant's SEE which talks about the rear courtyard improving the public and private domain. We accept that this is true for the applicant but is most definitely not true for properties to the North and most notably our client for those reasons raised above.

We consider that the monolithic commercial/industrial form of development has a significant impact on the heritage characteristics of the HCA which is exacerbated by the over development of the site and loss of significant contiguous open spaces at the rear of sites in this part of Crown Street.

In respect of other matters arising out of the SDCP, we say as follows:

- (a) Clause 3.9

We will deal with heritage later in the submission.

- (b) Transport and Parking

We will deal with this later in the submission.

- (c) Waste Management

We will deal with this later in the submission.

- (d) Clause 4.2

### Height

The relevant maps identify the maximum number of storeys as 3.

Whilst the development strictly complies, we submit that a compliant number of storeys is inconsistent with the character of the area, which is a heritage conservation area.

The objective of clause 4.2.1.1 states:

'Ensure the height in storeys and street frontage height in storeys reinforces the existing or future neighbourhood character.'

In this regard we note the principle at clause 2.11.6 of the SDCP which states:

'Provide a two-storey frontage wall height along Crown Street to respond to the scale of existing heritage buildings. A third storey that is set back from the street edge may be suitable for new infill development.'



We submit that the form could be deemed to be suitable if there was a more sympathetic approach to our client's heritage listed property. The applicant in this case, seeks to take advantage of each and every control to its maximum potential. In this regard it seeks 3 stories where 2 should be considered and to take advantage of a setback they call consistent with other buildings which only exist in some part.

We submit that the Council must carefully consider the justification for a 3-storey built form with nil setback from our client's heritage listed property.

We also note the provisions of 4.2.1.1 which state:

- (2) The maximum may only be achieved where it can be demonstrated that the proposed development:
  - (a) reinforces the neighbourhood character;
  - (b) is consistent with the scale and form of surrounding buildings in heritage conservation areas; and
  - (c) does not detract from the character and significance of the existing building.

We submit that the proposed development breaches all of the abovementioned requirements.

We submit that the development, in the form proposed is substantially too large in height.

#### Setbacks - side and rear

The development provides for a nil setback to the shared boundary with our client's property. We submit this is a breach of the objectives and controls of clause 4.2.2 of the SDCP.

The objectives of this clause state:

- (a) Ensure development:
  - (i) is generally consistent with existing, adjacent patterns of building setbacks on the street; and
  - (ii) maintains the setting of heritage items and is consistent with building Setbacks in heritage conservation areas.
- (b) Establish the street frontage setback of the upper levels of residential flat buildings, and commercial and retail buildings.
- (c) Encourage new building setbacks where appropriate to reinforce the areas desired future character.

As outlined above, it is critical that consideration be given to the value of the area noting the heritage value of our client's property.

We note that the Applicant's SEE speaks to the provision of a response to adjoining buildings, but our client's building is setback from the boundary but for the rear which has a small addition on the boundary which is a one storey form and only a few metres in length.

We strongly question the assessment of consistency especially on the Northern side of the subject site and call on the Council to consider the need for a setback noting our abovementioned comments.

It is noted that the Applicant's SEE talks to upper-level setbacks. We seek the Council's input as to the location of same.

We also raise concerns as to the rear setback. The proposed development extends substantially beyond the substantive building on our client's property and does not comply with the control which states:

'(3) The rear setback and alignment is to be consistent with adjoining buildings. When the setback or alignment varies, either the adjacent or average rear setback or alignment is to be adopted.'

Whilst it accepted that our client has an ancillary building towards the eastern rear boundary (not to boundary), this is a small structure and the type and form of the development proposed by the Applicant is very different in form and scale than our client. The rear setback should not be set by any ancillary structures on our client's property and consideration must be given to a reason form and scale of development which should include:

- A substantial side setback
- A maximum 1-2 storey rear addition beyond our client's rear building form with greater setbacks.

### Amenity

The SDCP raises numerous amenity issues which we will deal with later in this submission.

### Articulation

The provision of clause 4.2.4 of the SDCP need to be considered when assessing the impact of the Northern elevation on our client.

We note the following controls:

- '(9) Any part of a building less than 35m high and in excess of 40m long must be designed with at least two distinct building components, each of which is to:
- (a) have its own architectural character;
  - (b) not exceed 25m in length with a preferred length of less than 20m;
- (11) Buildings less than or equal to 40m in length, may have a single architectural character provided that the facade elements establish a 'fine grain' articulation.

Whilst we accept that this clause seeks to consider street walls, consideration needs to be given to the nature of the Northern elevation and the solid and unarticulated wall presenting to our client's property and primarily their rear courtyard.

### **3. Heritage Impact**

The proposed development will have a significant impact on the heritage value of the proximate listed items as well as the Bourke Street South HCA.

It is noted that the subject site has some heritage value noting the existence of contributory buildings included in the scheme. We are not instructed to deal with the impacts on the contributory buildings the subject of the development but rather outline how the DA will affect the heritage of our client's property.

We have reviewed the applicant heritage impact statement and do not concur that the proposed development will improve the prominence of our client heritage item in the

streetscape. Whilst we accept the improved presentation of the building form on the subject site, we submit that the building is substantially larger and more domineering.

Further the heritage significance of our client's property is not limited to its street presentation but also includes the curtilage around the site, the rear courtyard and ancillary building and the extension of the building form along the boundary from front to rear most certainly has an impact both in respect of the form of building but also its use.

On this basis we submit that the development does not comply with clause 3.8.2(2).

We also note clause 3.9.5(4) of the SDCP which states:

'(4) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:

- (a) providing an adequate area around the building to allow interpretation of the heritage item;
- (b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item);
- (c) protecting, where possible and allowing the interpretation of archaeological features; and
- (d) Retaining and respecting significant views to and from the heritage Item'

As outlined above we submit that the proposed building which extends substantially close to the side boundary and beyond the rear setback of our client's property will cause substantial damage to the heritage item in respect of an allowance to interpret and understand the building form on our client's property as well as understand its previous use.

We submit that the form and scale of the building will detract from our client's heritage item and it is likely that it will also detract from the contributory items on the subject site although we do ask that council investigate same.

#### **4. Amenity Issues**

Our client's property will suffer numerous amenity impacts associated with the development these include:

##### **(a) Increased Parking Demand**

The proposed development will cause for a substantial increase in demand on local services and infrastructure without the provision of adequate services to support the development.

The proposal seeks to change the development from a range of small local shops to a development with larger shops and a substantial amount of commercial space. This will most definitely add to demand for services. We submit that whilst some of this commercial space will be used by locals, we are concerned that non-local persons who access the property by vehicle and will have nowhere to park.

Whilst we accept that the SDCP calls for a maximum amount of parking, we submit that having nil parking does not fulfill the objectives of clause 3.11.

Further we consider that parking could be made available in a similar way to how parking is made available on our client's property with a reduction in the bulk associated with the development.

The objectives in clause 3.11 do not just facilitate a need for the better use of more environmentally friendly and mass consumer transportation options but do seek to make parking available on a shared basis and for persons who are less abled.

We submit that the development should be considered in this light and parking made available.

It is also noted that there is only a bare minimum of bicycle parking and nil motorbike parking make the demand on public infrastructure even more substantial noting the size and scale of retail and commercial facilities being provided.

We reiterate our earlier comments regarding the provision of suitable services.

#### (b) Loading and Unloading

We are instructed that provision of one loading and unloading bay is entirely insufficient for this type of development.

It would appear that this loading area will be shared between deliveries trucks and waste collection trucks. However, no one can know how this might be utilised because there is no plan of management.

Our client is concerned that the lack of loading, unloading and waste collection space will result in a substantial conflict between vehicles using the rear lane including those cars using our client multiple car parking spaces, other users of the lane including residential uses and the service vehicles associated with the large commercial use.

At the moment the site is broken up into multiple lots with multiple access points which allows multiple parking spots and loading and unloading areas, but this will change with the development and whatsmore the off-street parking and loading areas will not be reinstated because of the bulk and scale of the development.

Our client cannot see how all of the competing uses on the subject site can be managed with the existing demands on the laneway without a more substantive hardstand area being provided on site to manage the conflicting uses and extent of retail and commercial floorspace proposed.

We ask that council consider the impacts associated with this use and require a more substantial and better area for site management, garbage collection and loading and unloading.

#### (c) Acoustic Issues

Our client has significant concerns about acoustic issues associated with the proposed use of the development including the communal area. The concerns of the client relate to the long hours of use which will probably result from the existence of a new facility and this concern is not assisted by the lack of a plan of management.

We have reviewed the acoustic report and note that little or no consideration is given to the impact on our client and its use.

In addition to this, no consideration is given to the potential for noise impacts associated with:

- a. mechanical plant and equipment on the roof;
- b. access arrangement at the rear of the property;
- c. additional traffic generation associated with use; and
- d. waste collection and loading and unloading.

We submit that a much more substantial assessment of noise impacts associated with the proposed development including all matters raised above needs to be undertaken before the Council can be satisfied that the proposed development will not adversely impact on our client's property.

(d) Waste Collection

In addition to the issues raised with unloading and loading and waste collection above, we note that there does not appear to be any temporary waste collections areas on this site which adds to our client's concerns about traffic issues on the rear lane.

We do not think enough consideration has been given to the operation of the subject site especially when considering its configuration and substantial density of use.

We seek for Council's technical team to consider this issue.

(e) Visual Intrusion

We submit that the bulk and scale associated with the building form will have a substantial impact on the outlook from the courtyard at the rear of our client's property. The size and scale of the proposed development as outlined above is unlike any other built form in the area and provides for no setback, no separation, no articulation, no landscape and otherwise does not fit in with the character of the area.

(f) Geotechnical matters

We note there is excavation on the subject site.

We seek assurance that council will require appropriate mitigation measures to ensure the protection of our client's heritage listed property.

We also insist upon pre and post construction dilapidation reports.

## **Conclusion**

We submit that the development is not well thought out when considered against the backdrop of the adjacent heritage item. The building seeks to internalise all amenity including planting, gardens and recreational space at the expense of our client. They do this by imposing a huge wall on the side boundary with little or no setback and with no articulation.

Our client seeks for the Council to consider their objections and ensure their amenity is protected before any approval can be granted.

In this regard we submit that consideration must be given to the following:

- a. a reduction in bulk;
- b. a reduction in height;
- c. the provision of a setback;
- d. a provision of a consistent rear setback;
- e. the provision of articulation on the Northern elevation;
- f. the provision of adequate services on site including some parking, more loading and unloading facilities, areas for waste collection and temporary waste collection areas; and
- g. the implementation of a plan of management which will manage acoustic issues, hours of use and the abovementioned loading and unloading and waste collection.

We invite Council to view our client's property to understand the issues.

Yours faithfully,

**BOSKOVITZ LAWYERS**

A handwritten signature in black ink, appearing to read 'ABL', is positioned below the firm name.

**ANTHONY BOSKOVITZ**

**From:** Daryl McClure [REDACTED]  
[REDACTED]

**Sent on:** Sunday, November 12, 2023 11:13:31 PM

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

**Subject:** Submission - D/2023/902 - 610 Crown Street SURRY HILLS NSW 2010 - Attention Nick Reid

**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.

As a local resident of Nickson Street with small children I hereby wish to register an objection to this proposed development on the following grounds:

1. The envelope of the proposed three storey building will give rise to a loss of winter daylight to our property. This can be clearly seen in PTW's daylight analysis shadow diagrams,
2. Concerns around the noise and health risk from a proposed electrical substation that would be located next to our property.
3. The local impact during demolition and construction:
  - o Removal of hazardous materials during demolition works, e.g. asbestos.
  - o Demolition noise.
  - o Noise and vibration from general construction and in particular from activities such as the proposed piling works.
  - o Further loss of day-time parking on Nickson Street arising from construction contractors on a project of this scale.
  - o Regular loss of access and or circulation along Wilshire Street during the demolition and construction phases

**From:** astra howard [REDACTED]

**Sent on:** Sunday, November 12, 2023 1:28:42 PM

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

**Subject:** Submission - D/2023/902 - 610 Crown Street SURRY HILLS NSW 2010 - Attention Nick Reid

**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.

Village Voices Public Artwork – Wilshire Through Link

Attention Nick Reid,

I make this submission as the artist creator of the Village Voices public artwork located in Wilshire Through Link, Surry Hills. The artwork, commissioned by City of Sydney in 2014, is installed at the Crown Street end of the through link on the southernmost wall of 610 Crown Street being one of the subject properties identified in development application: DA/2023/902.

The artwork is the property and responsibility of City of Sydney and consequently I contacted Kelly Robson from the Public Art Team, Creative City on Wednesday 25 October alerting her to the proposed development and the deadline for submissions. Kelly indicated that she would discuss the matter with the Council's Public Art Team.

The Village Voices artwork is a sculptural text-based wall work that requires bi-monthly changes of texts. The poetic texts are primarily written by locals. I have been contracted on an annual basis by Council to manage the gathering, selecting, and 'publishing'/installing of the texts along with initiating and producing related small-scale cultural activities at the site.

The artwork has now been operating/activated for seven years, and recently I signed a new contract to manage the artwork for another three years, until the end of 2026. It has been widely acclaimed by locals, Sydneysiders, and interstate and international visitors alike. See related comments below:

*I love your piece, I live nearby on Nickson Street so I walk past it almost daily, and also by the people who make their homes in that same alley. It's a wonderful way of creating dialogue in a suburb where people often don't acknowledge one another, and hopefully it can start to change some of that. – Elise*

*I stumbled upon this work in a moment of intense sadness and worry and it reminded me that the world is chaos but chaos is full of beautiful moments and places and people. It's ok to be vulnerable and soft and confused. – Soomin*

*Many thanks for including me in the Village Voices art project. I love the installation and the work you are doing there. It takes a village to raise a child and it takes a Village Voice to raise social consciousness. I'm honoured to be part of a collaboration text on the Village Voices art project. – Stuart*

Village Voices has transformed an otherwise largely inhospitable and sometimes hostile laneway into a pleasant, intriguing and aesthetically enriched space. Locals love it as being a significant part of the renewal and beatification of the southern end of Crown Street. It is also highly valued as a means to give voice to local stories.

Consequently, as the artist/creator and ongoing manager of this public artwork it is my hope and expectation that it will remain in place and operational during and beyond any redevelopment of its site and adjoining buildings.

Indeed, the declared intention of the Development, to enhance the quality and amenity of the buildings would be best served by retention of this highly successful and much appreciated adjoining public artwork.

I would of course wish to be part of discussions about the place and role of the Village Voices public artwork within this Development Application as it progresses, realising that the Council's Public Art Team may be the lead player in this regard.

Thank you for your attention to this submission. I would appreciate being kept informed of developments as they occur.

Village Voices feature on City of Sydney website: <https://www.cityofsydney.com.au/artwork/village-voices/>



Regards,

**Astra Howard**

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Ema : a [REDACTED]

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