

RELEVANT INFORMATION FOR COUNCIL

FILE: D/2015/1875 **DATE:** 13 May 2016
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.5 – Development Application: 18 Oxley Street, Glebe - At Council - 16 May 2016

Alternative Recommendation

It is resolved that:

- (A) the variation sought to Clause 4.3 (Building Height) of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No D/2015/1875 subject to the conditions as detailed in the subject report to the Planning and Development Committee on 10 May 2016, amended as follows (with additions shown in **bold italics** and deletions shown in ~~**bold italics strikethrough**~~ text):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) ~~**The balustrading is to be relocated to provide an 800mm setback from the inside face of the parapet of the building.**~~
- (b) ~~**Planter boxes to be installed within the setback area with appropriate drainage and support structures.**~~
- (a) **The southern planting area beyond the glass balustrade enclosure is to be deleted. This area is not to be publicly accessible.**
- (b) **The southern line of balustrading and new roof deck is to be set back a minimum of one metre from the southern building line of the existing winged structure at the rooftop level.**
- (c) **The plans and elevations are to be amended to include all details of the dimensions and locations of perimeter planters or similar structures.**

All structures are to be consistent with the approved dimensions of similar planter beds and structures as approved at Unit 7 of Building A of Bridgewater under D/2015/615.

Details of the modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate.

Background

This application is for a rooftop garden located on Building B of Bridgewater residential complex at 18 Oxley Street, Glebe. A previous approval (D/2015/615) was granted at the meeting of Council on 26 October 2015, for a similar rooftop deck to Unit 7 of Building A.

The previous approval was designed with balustrading located at the inside face of the existing parapet. The Council supported a design modification condition requiring the southern line of glazing to be moved to 1m north of the rear building line of the existing butterfly-roofed access way to reduce the visibility of the balustrading when viewed from Oxley Street.

During the assessment of the subject site at Unit 18 of Building B, it was considered that the location of the balustrading against the inside face of the existing parapet would create safety and privacy concerns for the buildings on the site.

A design modification condition was recommended requiring the proposed glass balustrading to be set back 800mm from the inside face of the parapet, with a raised planter bed located between the balustrading and parapet. The purpose of the condition was to enhance safety for the subject site, and preserve privacy to the adjoining properties.

At the meeting of the Planning and Development Committee on 10 May 2016, issues were raised by the applicant with regard to the recommended design modification condition.

The applicant submits that the design modification does not increase safety or provide adequate separation to adjoining properties, would create safety risks because of the access to planter beds for maintenance, and would not be consistent with the previous approval for D/2015/615 for Building A on the site.

The planning assessments unit does not support the applicant's arguments regarding the safety of the amended design, and maintains that the design modification provides a design solution that enhances safety for users of the deck, and can allow for adequate and safe access for maintenance to the planter beds from within the approved deck area.

However, to maintain consistency with the previous approval for Building A, the design modification condition is recommended to be amended to allow for the glazed balustrading to be located adjacent to the inside face of the parapet, in line with the approved design of Building A.

In order to further maintain consistency with the previous approval, the trafficable southern planting area is to be deleted, and the southern balustrading line located 1m from the southern building line of the butterfly-roofed access structure. The amended rooftop deck plan is to be submitted with details demonstrating that all planter boxes are consistent with the dimensions of the planter boxes on Building A.

The modified plans are required to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of a Construction Certificate to ensure consistency of the designs between the two buildings.

Prepared by: Rohan Johnston - Planner

TRIM Document Number: 2016/254133

Attachments

Attachment A - Amended Architectural Plans

Attachment B - Excerpt from Consent for D/2015/615 – Building A - Bridgewater

Approved

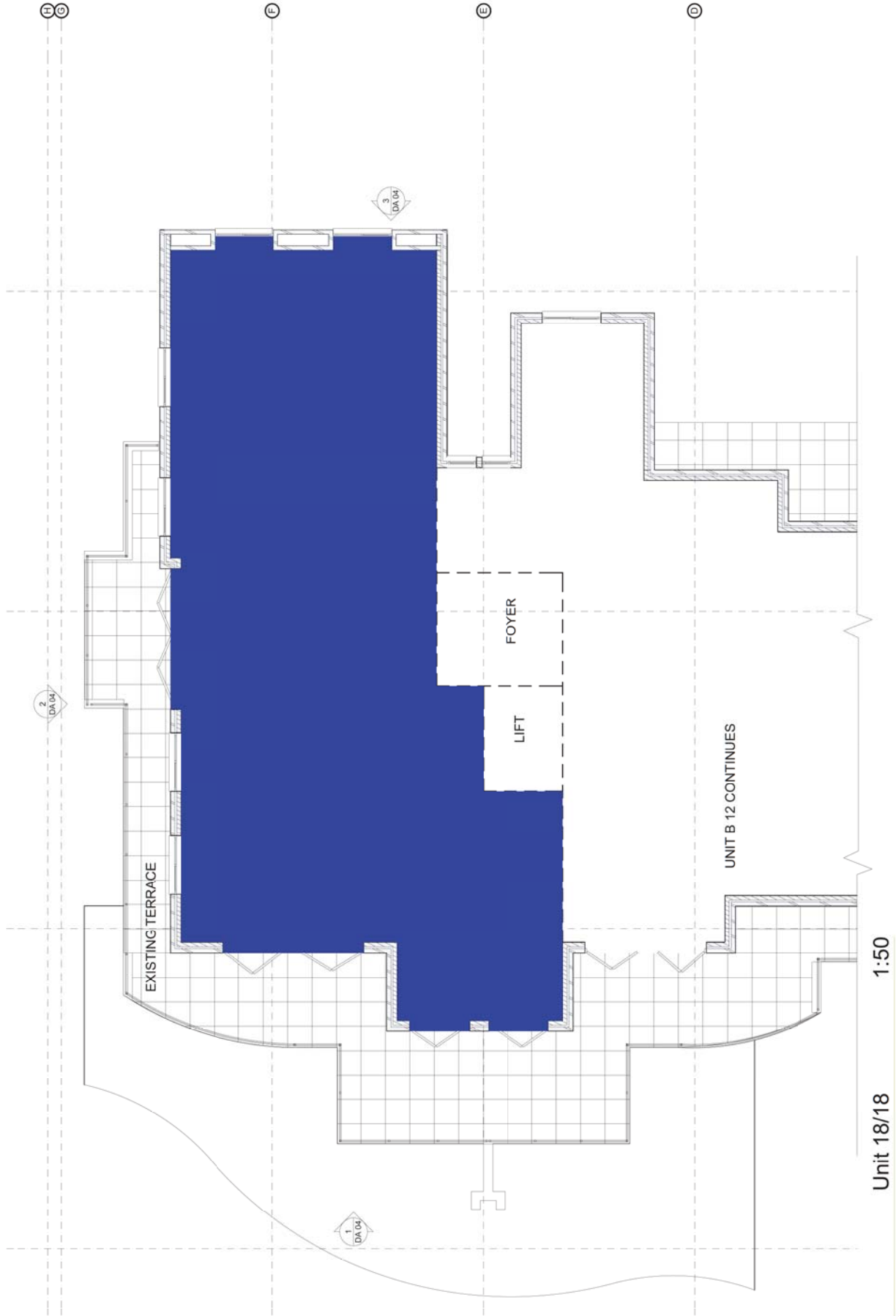
A handwritten signature in black ink, appearing to read 'G. Jahn', written over a vertical line.

**Graham Jahn, Director City Planning,
Development and Transport**

ATTACHMENT A

ARCHITECTURAL PLANS

**18 OXLEY STREET GLEBE
(BRIDGEWATER)**



Unit 18/18 1:50

This plan is to be used in accordance with the provisions and any other conditions of the Development Application. It is not to be used for construction purposes until issued by the Authority for construction.

Drawing Title: Proposed Plans - Unit 18/18 Unit 18/18	Scale: as noted @A1 Date:
Client: Mr Walters	Checked By:
Project Name: ALTERATIONS HOME UNIT	Project No.: 15 Wat
Project No.: UNIT 18/18 OXLEY ST GLEBE 2000	Drawing No.: DA 01
PG 01 of 01	

ROBERT WALTERS & Associates Pty Ltd
 architects
 271 ALFRED STREET NTH
 NORTH SYDNEY NSW 2060
 9 SUN VALLEY PLACE
 CARLINGFORD NSW 2118





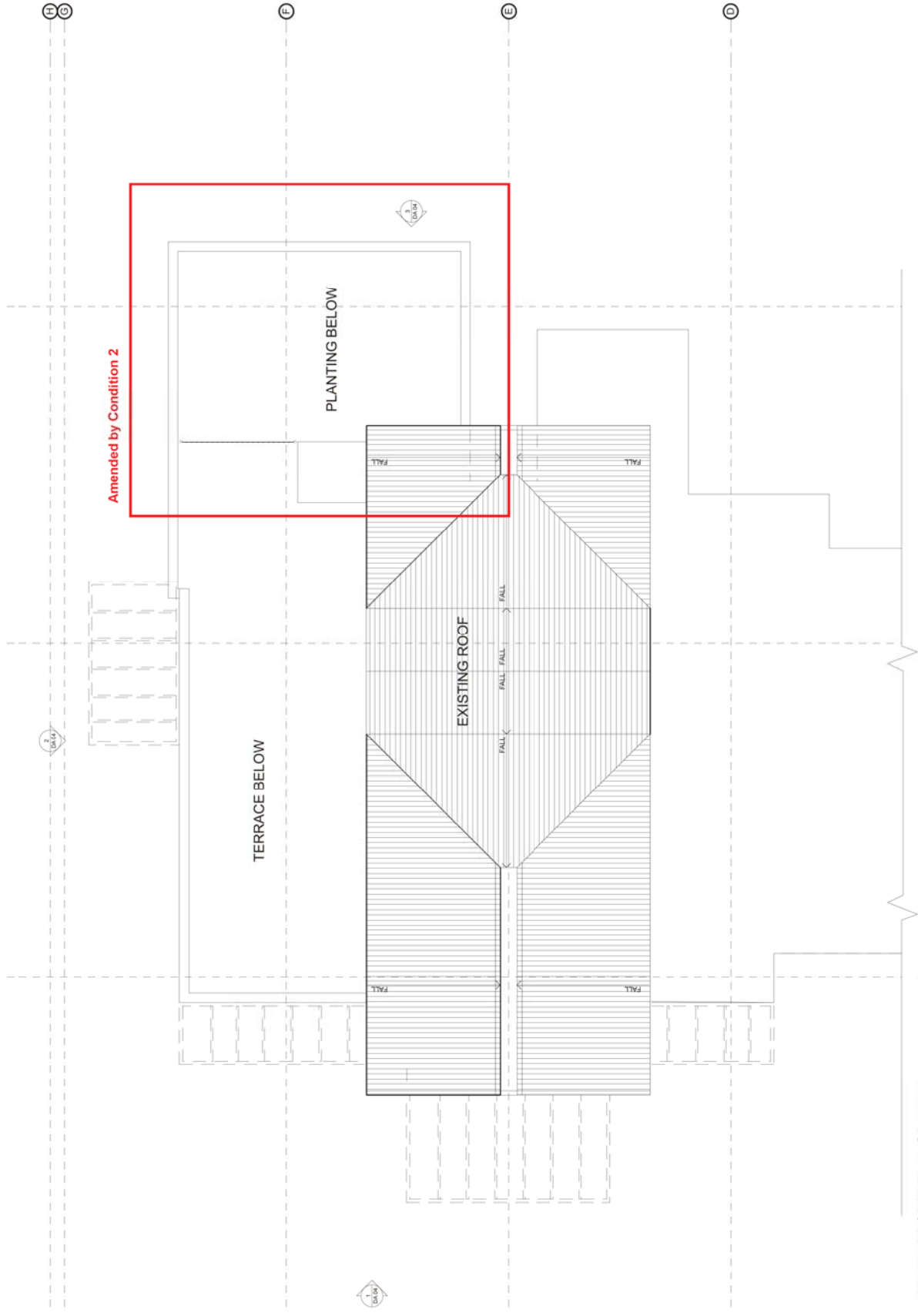
Unit 18/18 Terrace Level 1:50

<p>The Author, its officers, employees, agents, subcontractors and any other persons who are involved in the preparation of this document warrant that the information and data contained herein are true and correct to the best of their knowledge and belief and that they have not been falsified or otherwise rendered misleading or deceptive in any way.</p>	
<p>Client: Mr Walters</p>	<p>Scale: As noted @A1</p>
<p>Project Name: ALTERATIONS HOME UNIT</p>	<p>State: D.A.</p>
<p>Project No: UNIT 18/18 OXLEY ST GLEBE 2000</p>	<p>Project No: 15 Wat</p>
<p>Drawn By: [Blank]</p>	<p>Date: [Blank]</p>
<p>Checked By: [Blank]</p>	<p>Checked By: [Blank]</p>
<p>DA 02</p>	<p>DA 02</p>

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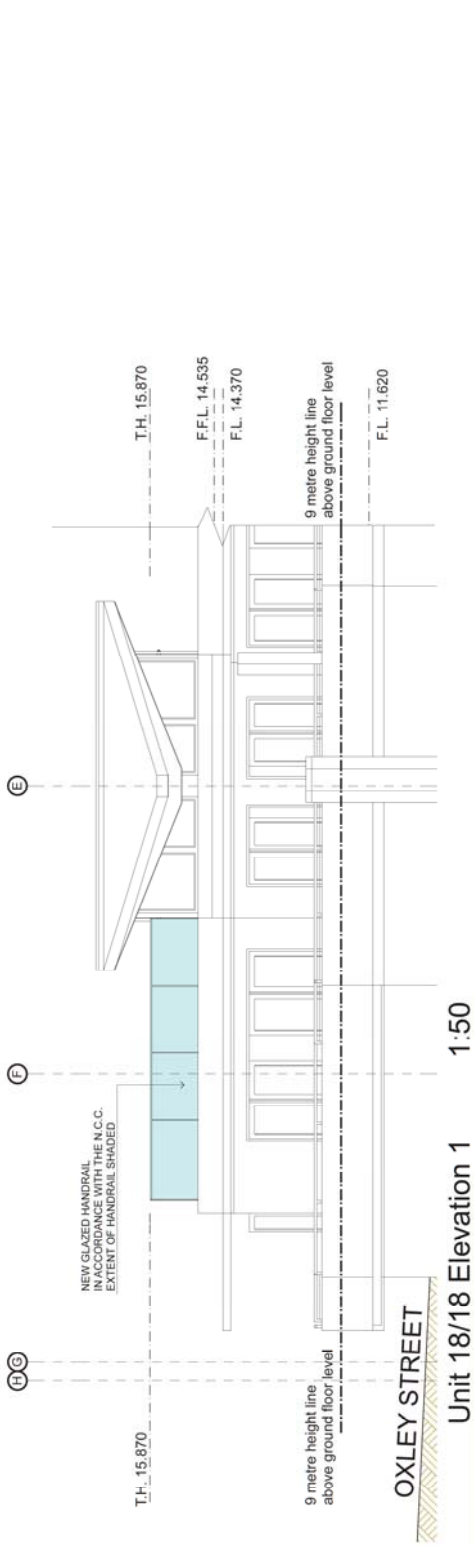


Unit 18/18 Roof Level 1:50

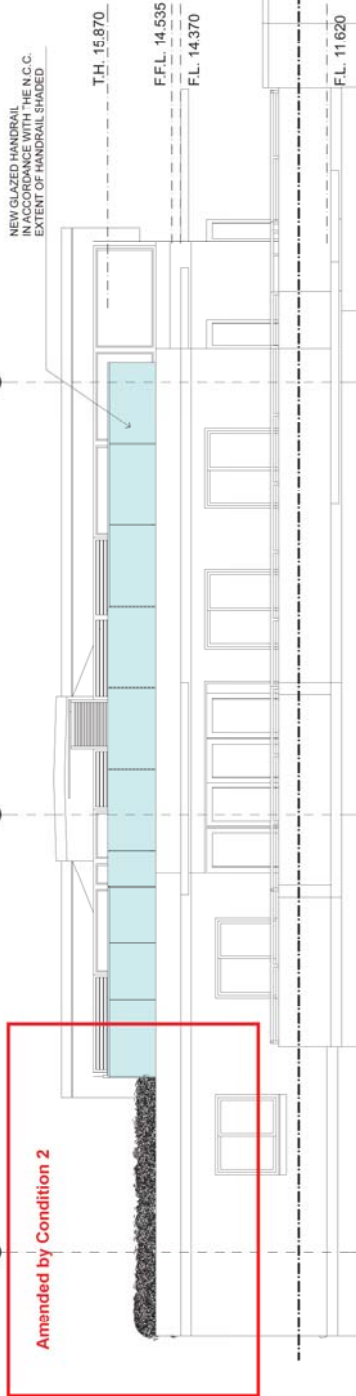
<p>The Client, architect, engineer, contractor, and other professionals, and any other persons, are advised that this document is not to be used for construction purposes until it is approved by the relevant authority for construction.</p>	<p>Drawing Title: Proposed Plans - Unit 18/18 Roof Unit 18/18 Roof Level</p>
	<p>Scale: as noted @/A1 Date:</p>
<p>Client: Mr Walters</p>	<p>State: D.A. Project No: 15 Wat</p>
<p>Project Name: ALTERATIONS HOME UNIT UNIT 18/18 OXLEY ST GLEBE 2000</p>	<p>Checked By: Drawing No: DA 03</p>
<p>PG 10 of 10 28/01/16</p>	

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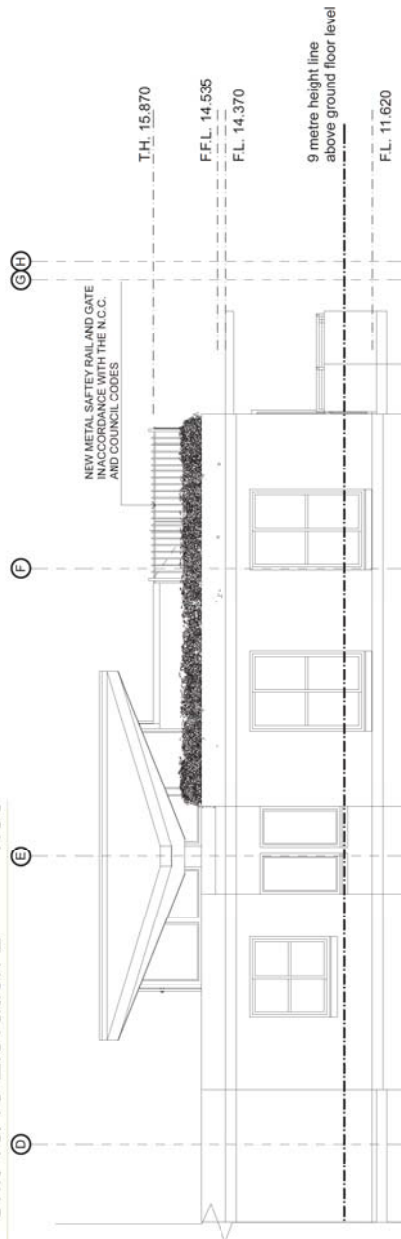




Unit 18/18 Elevation 1 1:50



Unit 18/18 Elevation 2 1:50



Unit 18/18 Elevation 3 1:50

Amended by Condition 2

This plan shall be used only for the purposes and site specific conditions to the site and shall not be used for construction purposes without the consent of the Council.

Proposed Plans - Unit 18/18 Elevations
Unit 18/18 Elevation 1, Unit 18/18 Elevation 2, Unit 18/18 Elevation 3, Unit 18/18 Heights

Client Mr Walters	Scale as noted (N/A)	Checked By	Drawn No. 15 Wat
Project Name ALTERATIONS HOME UNIT	Project No. UNIT 18/18 OXLEY ST GLEBE 2000	Checked By	DA 04
Site 271 ALFRED STREET NTH NORTH SYDNEY NSW 2060	Site 2 SUN VALLEY PLACE CARLINGFORD NSW 2118	Scale	Proj Date 26/07/16

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Member
Australian
Institute of
Architects



North East View

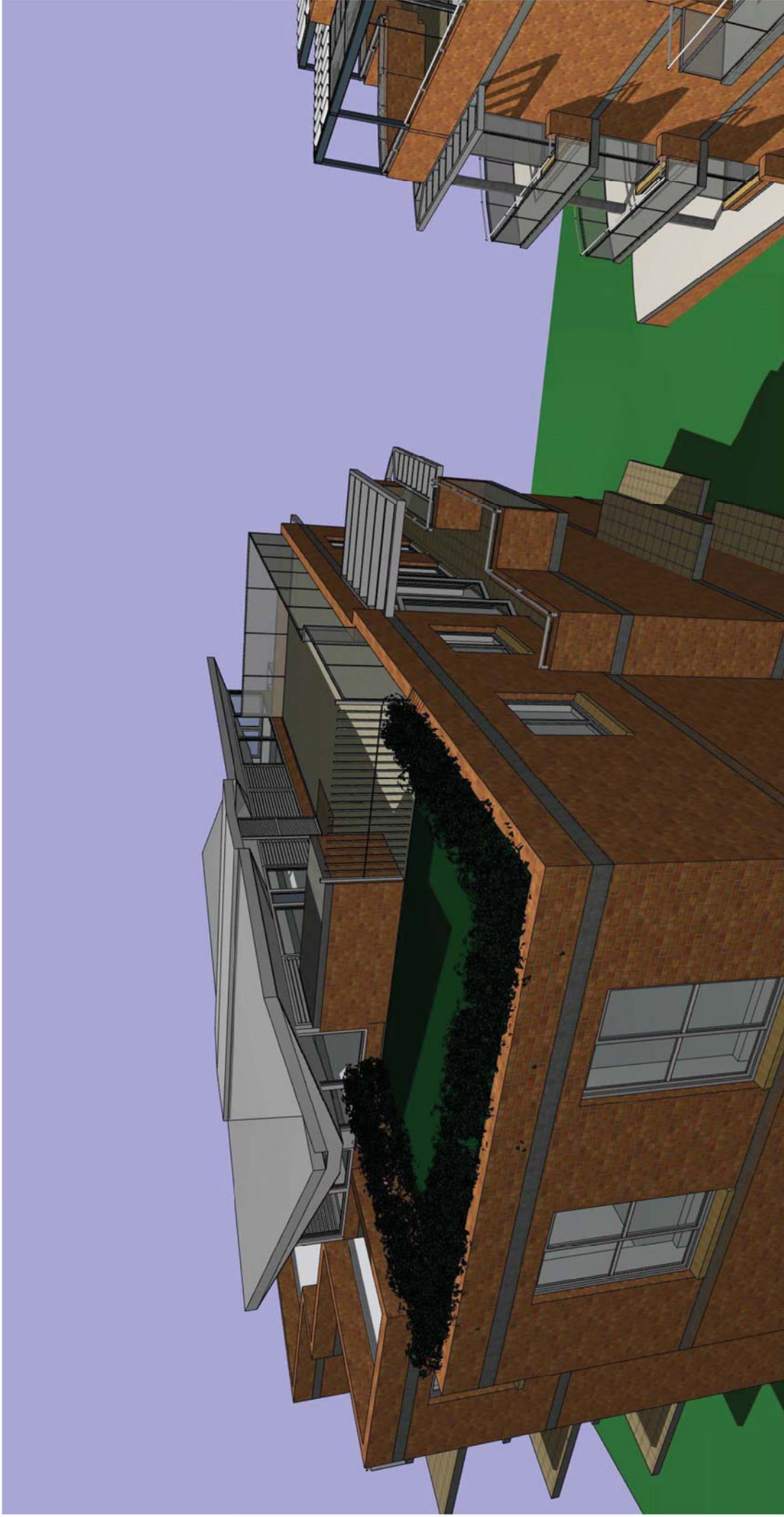
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 9 SUN VALLEY PLACE
 CARLINGFORD NSW 2118



This plan, and all other drawings, are the property of Robert Walters & Associates Pty Ltd and are to be used only for the purposes intended and are not to be used for construction purposes without the written consent of the architect.

Client Mr Walters	Scale As noted @A1	Date
Project Name ALTERATIONS HOME UNIT	State: D.A.	Checked By
Project No. UNIT 1818 OXLEY ST GLEBE	Project No. 15 Wat	Drawing No. DA 05
Year 2000	Proj. Title	2001/16



South East View

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 NORTH SYDNEY NSW 2060
 9 SUN VALLEY PLACE
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This plan, which is a copy of the original, is shown as a true and correct representation of the design and construction of the building and is not to be used for construction purposes without the approval of the architect.

Client Mr Walters	Scale As noted @A1	Date
Project Name ALTERATIONS HOME UNIT	Project No. 15 Wat	Checked By
Project No. UNIT 1818 OXLEY ST GLEBE	Project No. 15 Wat	Checked By DA 06
Project No. 2000	Project No. 15 Wat	Project No. DA 06
Project No. 2000	Project No. 15 Wat	Project No. DA 06



Southern View

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 CARLINGFORD NSW 2118



This plan, and any views, sections, elevations, dimensions, and notes are subject to the conditions of the contract and shall not be used for construction purposes without the written consent of the architect.

Drawing Title: Proposed Plans - 3D Views Southern View	Scale: as noted @A1 Date:
Client: Mr Walters	Checked By:
Project Name: ALTERATIONS HOME UNIT	Drawing No.: DA 07
Project No.: 15 Wat	Date: 2021/16
State: D.A.	Project No.: 15 Wat
Project No.: 15 Wat	Drawing No.: DA 07
Project No.: 15 Wat	Drawing No.: DA 07

ATTACHMENT B

**EXCERPT FROM CONSENT FOR D/2015/615 -
BUILDING A - BRIDGEWATER**

**18 OXLEY STREET GLEBE
(BRIDGEWATER)**

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
Fax +61 2 9265 9222
council@cityofsydney.nsw.gov.au
GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au



Notice of Determination - Approval issued under Section 80(1)(a) of the
Environmental Planning and Assessment Act 1979

Development Application No.	D/2015/615
Applicant	Mr P Connelly PO BOX 69 GLEBE NSW 2037
Land to be developed	18 OXLEY STREET , GLEBE NSW 2037 LOT 1 DP 1040319, LOTS 1-27 SP 67631
Approved development	Alterations and additions to the roof top level of Block A of "Bridgewater" for private roof top terrace to Unit 7 only.
Cost of development	\$88,000.00
Determination	The application was determined by Council and was granted consent subject to the conditions in Schedules 1 and 2.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifying Authority for any <i>subdivision work</i> under the Act.
Consent is to operate from	26 October 2015
Consent will lapse on	26 October 2020

Sydney2030/Green/Global/Connected

Reasons for conditions

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined within six (6) months of the date in which you received this notice.

Note: To enable the section 82A review to be considered within the six (6) month time frame prescribed under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 82A as soon as possible (within 4 months) to facilitate the statutory timeframes.

Section 82A does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4 in respect of Crown applications. For further information please contact **Rohan Johnston on ph. 92659897**.

GRAHAM JAHN AM

Director - City Planning, Development & Transport

CONDITIONS OF CONSENT

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2015/615 dated 11 May 2015 and the following drawings:

Drawing Number	Drawing Title	Architect	Date
DA01	Roof Deck Proposed	Robert Walter and Associates	19/05/2015
DA04	South West Elevation, Southern Section	Robert Walter and Associates	05/05/15
DA05	North East Elevation Northern Section	Robert Walter and Associates	26/05/2015
DA06	North West Elevation	Robert Walter and Associates	26/05/2015
DA07	South East Elevation	Robert Walter and Associates	26/05/2015
14-665-2	Landscape Planting Plan	Site Design Studios	07/05/2015

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The southern line of balustrading and new roof deck for the eastern and western deck is to be set back a minimum of one metre from the southern building line of the existing winged structure at the rooftop level.
- (b) The planting of the *Coprosma repens* is to be deleted and replaced with an alternative species of shrub.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(3) MATERIALS AND SAMPLES BOARD

Details of the treatment of the planter boxes, balustrading, and a materials sample board detailing all proposed finishes for must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

(4) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or roof deck of the building.