

Wednesday, February 28, 2024
City of Sydney Council

Dear Mr. Mackay and Ms. Thompson,

We, [REDACTED] and [REDACTED] (respective owner and occupants) of [REDACTED] are writing to you to raise our concerns and objections relating to, **DA: D/2022/673/A, 43 Toxteth Road Glebe.**

- **Change of Roofing Material**

We object to the change of roofing material of the rear two storey structure addition, to metal sheeting.

The original roof design submitted and rejected, had modern material proposed that was incompatible with the surrounding build form and streetscape. We feel the proposed metal sheeting is reverting to a modern material which is highly visible in a prominently positioned structure, that presents on two street fronts, and not a sympathetic transition.

Metal sheeting creates glare and heat, which we feel is undesirable, where shingles absorb both, and there are many examples of shingle tiled rooves in the area.

The examples given of similar homes at 11 Toxteth Road and 23 Alexandra St, are not prominent builds or properties. 17 Northcote is hidden behind a large tree and blends in with its natural environment.

- **Reinstating Non Compliant Demolition Study and Bathroom**

We are aware of the non compliant demolition and raised it with the PCA and Council at the time. We observe that 43 has already begun rebuilding the former study and bathroom, without approval from City of Sydney Council. We assume action will be taken by Council. We ask that when and if, approval is given, the rebuild doesn't deviate from what's approved on the plans.

Additional Non Compliant Construction Comments

- **Excavation and Construction of Basement Room**

We object to the newly excavated and constructed basement room beneath the area of the former study and bathroom, without approval or prior geotechnical inspection. We had deep concerns for damage that may have been caused during the excavation process with vibrations being felt throughout our home.

The approximate 3 metre deep excavations took place in very close vicinity to our house. The geotechnical reports had stated concerns of unacceptably high risk of unsupported excavations conducted near our building line. This excavation is in breach of Condition 10 and 11 by LEC.

The architectural drawings, still depict the undercroft as 'existing undercroft'. This is false. It was demolished with the study and bathroom.

What is the intended use of the basement room, and its relationship to the rest of the building? How will it be accessed? Where are the pool pumps and mechanical ventilation equipment to be housed, now the undercroft is demolished? We have a habitable room very close by and are concerned about noise. What are the consequences of building a non compliant basement room?

- **Construction of 2.8m High Wall Structure Western Boundary**

A wall structure was built on the western boundary late December 2023, without approval.

The retaining wall built exceeds 600mm and block wall is 2.8metres height. This breaches LEC Condition 3. The fence height is in breach of the 1991 Fencing Act of 1.8metres. Besser block wall construction is not the usual standard of paling boundary fences in the area. There are no shadow diagrams which show the impact of a 2.8metre wall on our property in the DA submissions.

The wall presents as a structure. It has a bin bay, planters atop, stairs and conduit attached. Incased in the wall will be steel posts connecting the main building, to support the electric awnings over the patio. Structures should be set back 900mm.

We object to the placement of steel awning posts on the boundary. The water overflow from the awning will enter and damage our property. The awning and steel posts need to be placed entirely within 43's property. Any storm water should be collected by 43. What are the plans for collecting awning overflow?

- **Construction of Privacy Screen**

The privacy screen appears to be constructed on the wall, and is in breach of LEC Conditions 2, 3 and 46. The owner of 45 hasn't approved of these changes to the boundary line. The privacy screen will negatively impact our home, by blocking light and air to our windows.

The condition is for a screen of 1.8metre height to be placed abutting the patio. Not a 2.8metre high combined wall, privacy screen structure on the boundary. The screen's purpose was to remedy the privacy issues created by 43's construction of the patio, which views directly into our home. The patio needs to be screened, not my windows, and darkening my living area.

- **Pool Fencing Boundary Wall**

The approval of a pool doesn't automatically give approval to build a boundary fence.

The wall breaches Condition 14; where the proposed pool is to minimise the impact on adjoining properties. A 2.8metre high block wall has adverse impacts to our solar access and blocks three of our windows. The wall is almost the height of our rear roofline. This is not a minimal impact.

The pool fence to be used to comply for the Pool Act, is not specified by the LEC. It's not necessary to use a boundary fence as a pool fence.

We request the removal of the boundary wall structure.

In conclusion we object to the change in material for the rear roofing to metal, for the reasons mentioned.

We request that the breaches of LEC conditions and noncompliance of DA approved plans, are remedied immediately, and action is taken to prevent and cease further non compliant developments.

Regards,



From: [REDACTED] n behalf of [REDACTED]
Sent on: Friday, March 1, 2024 7:26:28 PM
To: dasubmissions@cityofsydney.nsw.gov. [REDACTED]
CC: Ian Stephenson [REDACTED]
Subject: Re: D/2022/673/A 43 Toxteth Road Glebe
Attachments: Submission D 2022 627 43 A Toxteth Rd 2024 03 01.pdf (830.87 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.

Attention Ms. Chelsea Thompson
Please find the Glebe Society's submission attached.
Regards
Duncan Leys
President

1 March 2024

Ms Chelsea Thompson
City of Sydney Council
dasubmissions@cityofsydney.nsw.gov.au

Dear Ms Thompson

Re: D/2022/673/A 43 Toxteth Road Glebe

Section 4.56 modification to a development consent granted by the NSW Land and Environment Court. Proposed amendments involve the reinstatement of the external wall and roof of the western rear wing, and a change in roof material for the addition.

The Society has a number of concerns about the application. These are set out below.

1. Change in Roof Material

A shingle roof was approved by the Court for the large new wing which will be a prominent element of the Maxwell Road frontage.

The original Heritage Impact Statement said a shingle roof was selected *to reflect the materiality and colour of the common roof materials in the area*. Numbers 62 and 64 Toxteth Road are shingled (see fig 1 below) and the use of shingles on the wall and roof of the new addition was, as stated in the original HIS, chosen to reflect common roofing materials in the area.



Figure 1 Numbers 62 and 64 Toxteth Road (left of image) are late 19th century shingle style houses. They form part of the architectural context of number 43 Toxteth Road right of the image. Shingles were chosen for the roof of the new wing in order to reflect his context.

The proposed modification is for a seamed metal roof (see fig 2 below).



Figure 2 The proposed seamed metal roof

Whilst the Court approved application sought to reflect the roofing materials in the street elevations in the heritage conservation area the materials proposed in the variation do not. They will look incongruous in this visually prominent site with its primary elevation to Maxwell Street. This roofing form cannot be seen in any of the streets around the subject site. One example does exist in a discreet location near the western end of Arcadia Lane, at the rear of 55 Arcadia Road. It's appearance (re figure 3 below) confirms that it is not an appropriate roofing material for the new wing of number 43 Toxteth Road.



Figure 3 The seamed metal roof in Arcadia Lane.

Council's deliberations on the choice of roofing material for this large addition in a heritage conservation area also need to consider the development application approved for 41 Toxteth Road (D/2022/1337) in June 2023.

Like 43 Toxteth Road this is a corner site with a long elevation facing Maxwell Road. The new wing is to be roofed with traditional Marseilles tiles (re Figure 4).

The materials used for the roof of the new wing should be informed by the materials that contribute to the character of the conservation area

The Society does not accept the statement in the revised heritage impact statement *that the change to standing seam metal will have little impact on overall presentation of the additions*. As stated above it will be an obtrusive element in the heritage conservation area. We recommend that the roof cladding approved by the Court be retained or if, as claimed, the materials cannot be made watertight, that more sympathetic materials, which reference the context of the property such as traditional corrugated iron, be used.

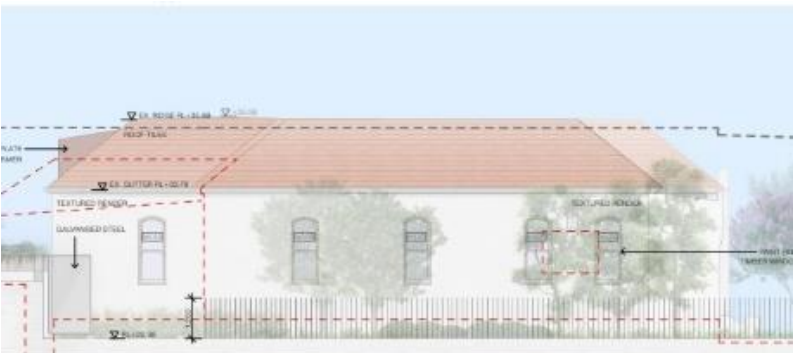


Figure 4 The new wing of the western elevation of 41 Toxteth Road will be roofed with traditional Marseilles tiles.

2. Detailing of the eastern Verandah



Figure 5 Original verandah frieze and posts to be reinstated

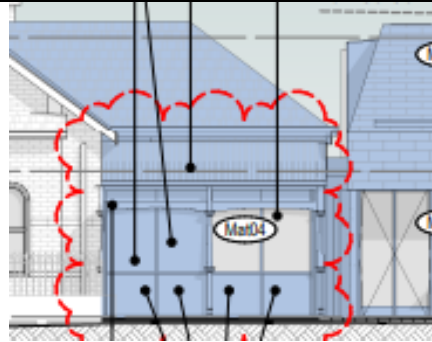


Figure 6 Approved plans for the northern verandah.

The plans approved by the Court include retaining the extant posts and frieze of the northern verandah and replicating the missing elements (see figures 5 and 6 above). Drawing DA1-3101 does not make it clear where the original fabric will be reinstated and where new fabric will replicate the missing elements.

3. The Maxwell Street Boundary Wall

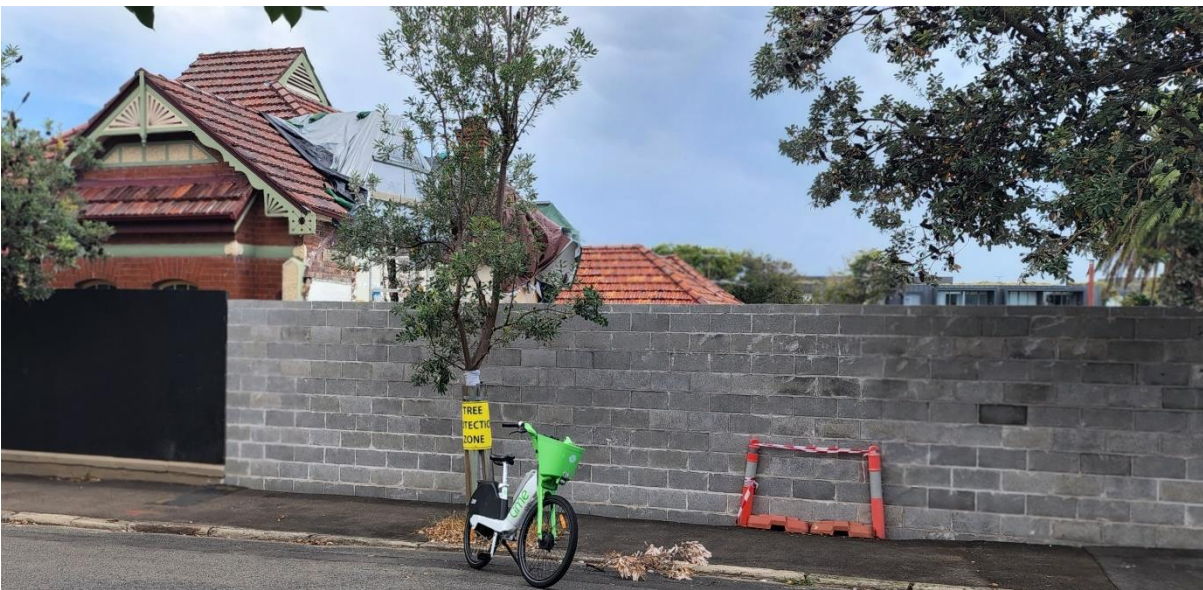


Figure 7 The recently constructed wall on Maxwell Street

The Society would like Council to check that the height of the wall complies with what the Court approved.

We are also concerned that the break in the wall (see figure 8 below), in the Court approved scheme which denoted the end of the original house and to some degree made the wall look less forbidding appears to have been deleted and request that it be reinstated.



Figure 8 The break in the boundary wall on the eastern elevation appears to have been deleted.

4. Reinstatement of the of the western wing and the undercroft excavation

It is of concern to the Society that the western rear wing, which in the Court approved scheme was to be retained, has been demolished. The application states that the *demolished fabric* which was to be retained *is to be reinstated* which suggests the demolished fabric is to be put back as it was. However the reference to *Capital Red Bricks* and the northern window being replaced by a wall belie this. We ask Council to assess whether this is an appropriate response to putting back the wing which the Court determined should be retained.

The undercroft to be used as a plant room seems to be a new element in the scheme. No detail is provided as to the size of the plant room, whether an excavation is proposed and if a geotechnical report is needed. We feel that the information in the application is insufficient.

Conclusion

The Society recommends that:

1. The change in the approved roofing materials be rejected.
2. The applicant provide more detailed drawings of the eastern verandah showing where the original posts and frieze material will be reinstated and where they will be replicated.
3. The applicant provides more detailed drawings of the plant room be provided.

Yours sincerely



Duncan Leys
President