

## Relevant Information for Local Planning Panel

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**FILE:** D/2020/1453 **DATE:** 19 May 2021

**TO:** Local Planning Panel Members

**FROM:** Andrew Thomas, Executive Manager Planning and Development

**SUBJECT:** Information Relevant To Item 3 – Development Application: 43 Avona Avenue, Glebe – D/2020/1453

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### Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2020/1453, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 19 May 2021, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

#### (2) DESIGN MODIFICATIONS

The design of the development must be modified as follows:

- (a) The roof terrace and staircase leading to the rooftop are not approved and are to be deleted. Amended Level 2 and rooftop plans are to be submitted depicting removal of terrace and staircase, and relocation of herb garden, air conditioning units and solar panels;
- (b) The eastern elevation balcony at Level 1 is to be modified so that it does not extend beyond the side blade walls, removing approximately 1.4sqm width of the balcony;
- (c) The eastern elevation balcony at Level 2 is to be deleted. Floor to ceiling height glazed windows may remain, with a balustrade installed flush to the glass line. Balcony projection is to be blocked off and replaced with roofing.
- (d) ~~All~~ ***The*** balcony glass balustrades ***to Avona Avenue is*** (~~Avona Avenue, all levels at the eastern elevation~~) are to be replaced with a contemporary metal balustrade with vertical balusters. Materiality and colours are to be specified.

- (e) Window 'G W05-01' at level 2 northern elevation (to the corridor) is to either be replaced with a highlight window at least 1.6m above finished floor level, or be fitted with either louvres/screening angled to limit overlooking of Cook Street properties to the north, or treated with obscure glazing to the entire opening.

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

### (3) DESIGN MODIFICATIONS – DEEP SOIL

The landscape plans are not approved and are to be modified as follows:

- (a) A deep soil depth of at least 1000mm ~~is to be provided~~ in areas above sandstone, **or planters with sufficient soil volumes and depth are to be provided within the site** ~~The increased soil depth is~~ to allow for planting of two small trees and one medium tree, consistent with the Sydney Landscape Code. These trees must be afforded sufficient spacing from each other to allow them to grow to maturity.
- (b) Two of the tree species, when mature, must attain a minimum height of no less than five metres and minimum canopy spread of five metres. One of the tree species, when mature, must attain a minimum height of no less than eight metres and minimum canopy spread of eight metres. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement
- (c) Deep soil is to be provided that is equal to 15% of the site area.

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

## Background

An additional submission from the applicant has been received following the publication of the subject LPP report on the City's website. The submission seeks amendments to two of the recommended conditions (the full submission can be found in Attachment A). The conditions the applicant is seeking to have amended are:

- Condition 2(c) and (d) – Design Modifications
- Condition 3(a) – Design Modifications – Deep Soil

The requested alterations to the conditions are discussed below.

### Condition 2(c) and (d) – Design Modifications

Condition 2(c) requires the eastern elevation balcony at level 2 to be deleted and the balcony projection be replaced with roofing due to overlooking impacts to surrounding residential properties.

Condition 2(d) specifies that all balcony glass balustrades (level 1 balcony to Avona Avenue and all levels at the eastern elevation) be replaced with a contemporary metal balustrade with vertical balusters.

The applicant is seeking to amend part (c) and (d) of Condition 2 to provide:

- (a) a 700mm deep balcony at level 2 eastern elevation, recessed behind the proposed blade walls (rather than remove the balcony completely); and
- (b) retain the proposed glass balustrades to the eastern elevation to the balconies at levels 1 and 2 and provide a horizontal railing to the Avona Avenue balcony.

The applicant submits the following in support of the amendments:

- The modification of the design to a 700mm deep balcony, which is recessed behind the existing blade walls would not present additional privacy impacts beyond that of a Juliette style balcony but will improve the amenity of the master bedroom. See Figure 1 below.

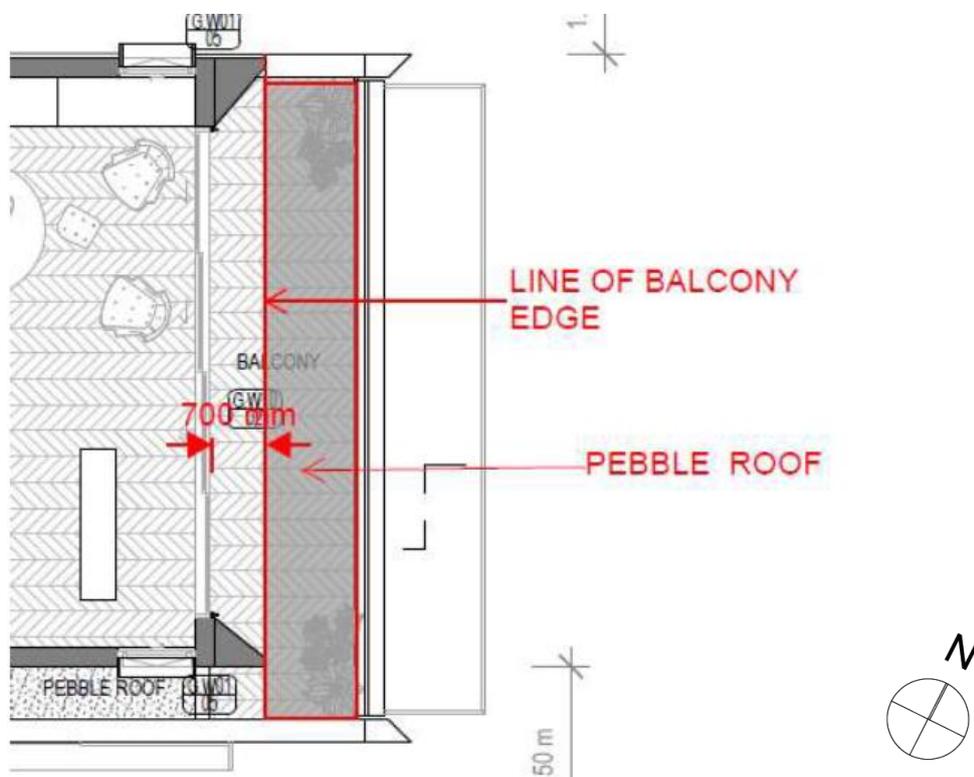


Figure 1: Excerpt of proposed level 2 floor plan, depicting applicant's requested modification to the eastern elevation balcony.

- The eastern oriented balconies will not be visible from the Avona Avenue streetscape, noting the projecting balcony at level 1 will be amended so that it sits flush with the proposed blade walls. The design change is negligible and will allow for views of the city skyline from internal areas. The balustrade of the level 1 balcony fronting Avona Avenue will be amended to be horizontal.

#### *Balcony at Level 2*

The suggested balcony design modification at Level 2 is not supported.

Section 4.1.8.1 of the Sydney DCP 2012 states that balconies and decks above ground floor are to be located and designed to minimise overlooking of surrounding buildings and be avoided at the rear and side of a dwelling.

The level 2 balcony is located at the rear of the dwelling and will sit above surrounding properties. Extending the balcony to the edge of the blade walls will still result in overlooking of 11-15 Cook Street and 41 Avona Avenue, creating adverse privacy impacts.

### *Balustrades*

The original recommendation for contemporary, vertically placed metal balustrades intended to provide a design that related more appropriately to the heritage conservation area and streetscape. Additionally, a more solid balcony would give the occupants some privacy and avoid any balcony clutter being visible from the public domain.

The proposed modification of the balustrades to the eastern elevation are supported in this instance as the level 1 balcony has been conditioned so that it no longer projects beyond the blade walls and will not be visible from Avona Avenue. The level 2 balcony is to remain a Juliette balcony in accordance with Condition 2(c), with the balustrade sitting flush against the floor to ceiling window.

The change to the level 1 balcony to Avona Avenue, however, is not supported as horizontal railings are not in keeping with the heritage streetscape.

The amendment of the condition is provided under 'Alternative Recommendation' above.

### Condition 3(a) – Design Modifications - Deep Soil

Condition 3(a) requests a deep soil depth of at least 1000mm be provided in areas above sandstone, in order to allow for the planting of two small trees and one medium tree required by part (b).

The applicant seeks to amend Condition 3(a) as follows:

### **(3) DESIGN MODIFICATIONS – DEEP SOIL**

The landscape plans are not approved and are to be modified as follows:

- (a) ~~A deep soil depth of at least 1000mm is to be provided in areas above sandstone. The increased soil depth is to allow for~~ **Amended landscape plans shall be submitted to Council which accommodate** planting of two small trees and one medium tree, consistent with the Sydney Landscape Code. These trees must be afforded sufficient spacing from each other to allow them to grow to maturity.

The applicant submits that any additional depth to deep soil areas will be required to be cut out of the rock shelf or be accommodated through additional fill. Additional tree plantings can be provided within the western setback area which already provides a 1000mm depth above sandstone or within a built up planter at the Avona Avenue frontage.

The modification proposed by the applicant is partially supported. It is recommended that Condition 3(a) be amended to allow for planters with sufficient soil volume, or deep soil to a depth of 1000mm over sandstone be provided for the planting of the required two small trees and medium tree within the site. This will provide the applicant with some flexibility with regard to the location of the trees.

The amendment of the condition is provided under 'Alternative Recommendation' above.

Prepared by: Jessica Symons, Senior Planner

## **Attachments**

**Attachment A.** Additional Submission

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Approved

Handwritten signature of Andrew Thomas, consisting of the letters 'A', 'J', and 'T' in a stylized, cursive font.

**ANDREW THOMAS**

Executive Manager Planning and  
Development