



Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Date: 28 April 2023

Attention: Megan Surtees

Re: DA2022/2230 – Justification Letter

Dear Megan,

We act on behalf of Tesserarch Pty Ltd (the Applicant) and have been instructed to provide a justification letter in response to Council's concerns relating to the proposed use of walls forward of the building line as addressed in Council's request for further information dated 31 March 2023.

The concerns raised by Council are as follows:

*"B7 Front Boundary Setbacks and D9 Building Bulk*

*The objectives of B7 Front Boundary Setbacks control require development to create a sense of openness, maintain visual continuity and pattern of buildings, protect, and enhance the visual quality of streetscapes, and to achieve a reasonable sharing of views. Further, the requirements of this control stipulate that the front setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letterboxes, garbage storage areas and fences.*

*The objectives of the D9 Building Bulk control require good design and innovative architecture to improve the urban environment, and to minimise the visual impact of the development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. One of the requirements of this control is to orientate development to address the street frontage.*

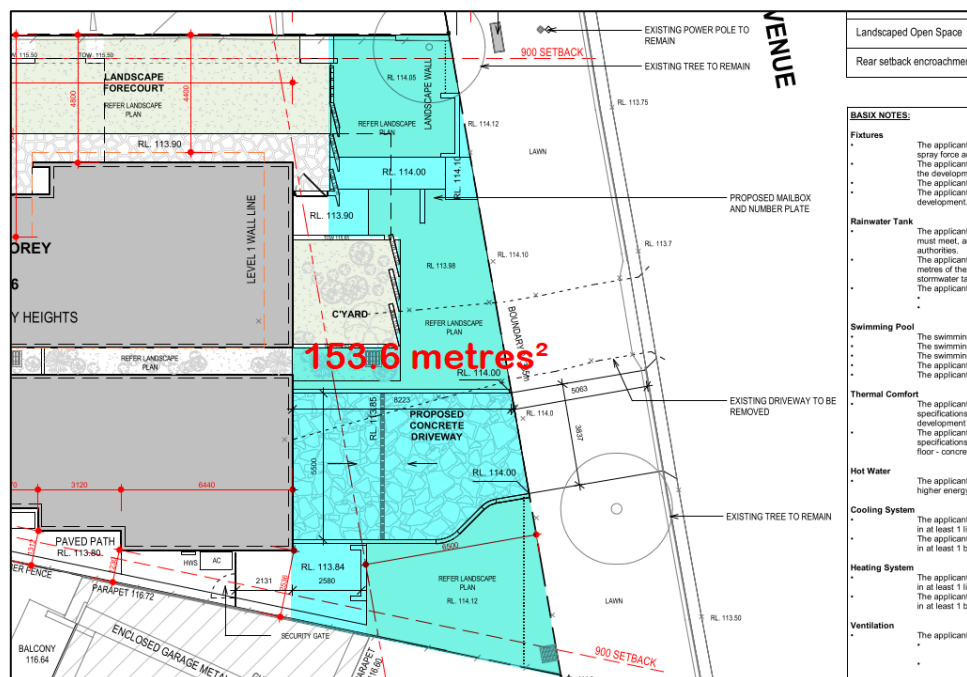
*Based on the above, the proposed brick screen, walls and courtyard walls (located off the master bedroom) within the front setback area range in height from 2.0 metres to 2.4 metres. These structures result in an unreasonable bulk and scale with an adverse impact upon the streetscape. Further, these walls and screens do not facilitate the orientation of the new dwelling toward the streetscape. Rather, these walls and screens create an unreasonable separation between the dwelling and street frontage that restricts the dwelling's ability to orientate toward the street."*

To first address the issues raised by Council the Architectural Plans have been amended removing the walls as continuous solid elements and breaking them into a series of overlapping and stacked walls to reduce the visual impact. The walls forward of the building line are permissible elements as identified in Section D13 of WDCP 2011 and are consistent with those provisions for the reasons:



- The walls are compatible and complement the existing streetscape character. This is evident as dwelling houses within the immediate streetscape namely, Nos. 11, 26, 28 Landford Avenue, 76, 78, 84 & 86 Ballyshannon Road consist of solid fencing with wall heights similar to the wall heights proposed with the dwelling house.
- The amended fencing has been amended removing the walls as continuous solid elements and articulating the walls into a series of overlapping and stacked walls with suitable landscaping to soften and screen the appearance of the walls.
- The fencing does not adversely impede on passive surveillance to the street. Passive surveillance is achieved from the first floor habitable room.
- The walls are designed to complement the proposed modern contemporary architectural design of the building.

As it has been established that the walls are permissible and are consistent with the controls for walls forward of the building line, further consideration is given to the objectives of B7. Firstly, the development allows for a sense of openness within the front setback. The site is unique in that it is wider than longer which allows for approximately 153.6m<sup>2</sup> of open space within the front setback.



**Figure 1:** Measurement of open space within front setback. Note: Measurements taken with Objective Trapezoid.

The removal of the walls will not contribute to an substantive increase to the amount of open space proposed under the current scheme. Therefore, despite the presence of the walls, the development achieves the first objective.

As identified above, the walls are consistent with the provisions of D13 of the DCP. Considering this section of the DCP allows for walls forward of the building line, there is no perceivable adverse impact arising visual continuity and pattern of buildings



along Lanford Avenue as the predominant front setback of the building is designed to match the street alignment of other buildings within the streetscape.

The visual quality of the streetscape is neither considered to be adversely impacted. As addressed above, the walls have been modified from continuous solid elements to being visually broken into a series of overlapping and stacked walls which ultimately reduces the visual impact. The area forward of the building line is also appropriately landscaped in scale with the development to reduce the visual perceived bulk.

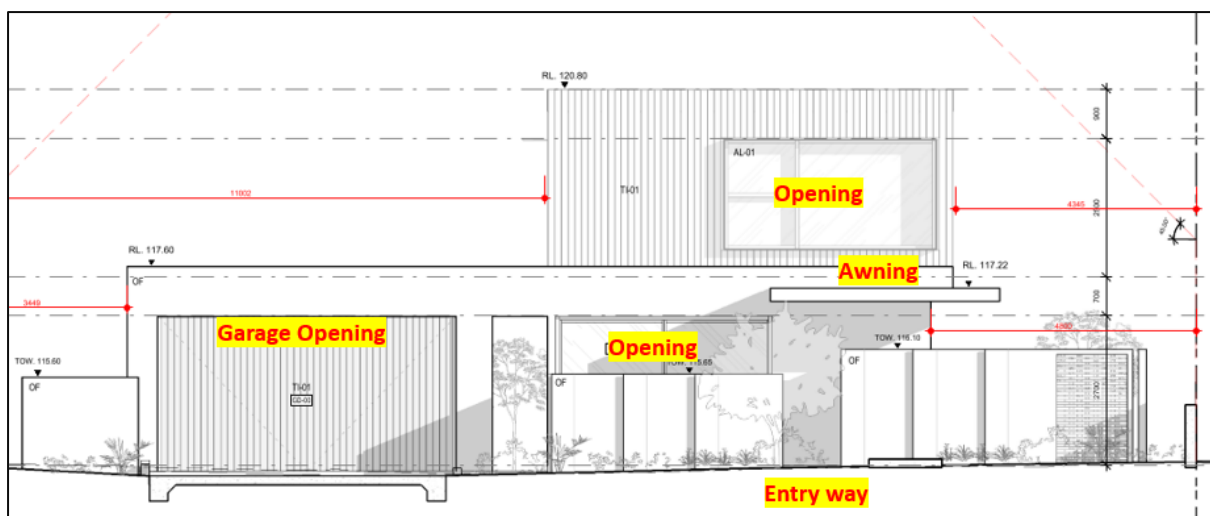
The proposed walls are ancillary structures which provides for visual interest to the development and modulates the built form as presented to Lanford Avenue. The applicant has also allowed for a sufficient landscape setting moderating the built form of the walls and positively responds to the streetscape setting within Lanford Avenue.

Finally, the walls do not result in any adverse impact upon view sharing. In light of the above, it is considered that the development meets the relevant objectives of B7 and can be considered acceptable on merit.

Council's letter further references the objectives of D9 Building Bulk. Council's predominant concern is that the walls create an unreasonable separation between the dwelling and street frontage that restricts the dwelling's ability to orientate toward the street.

However, the building has been orientated to present to Lanford Avenue, this is evident as the facade of the dwelling incorporates the main point of vehicular access in combination with primary openings and the use of an awning which result in the development to be apparent to the street.

Additional features also define the dwelling's ability to orientate to Lanford Avenue, these include the use of a pedestrian pathway and entry way into the property. Overall the cumulative affect these features define the front face of the buildings orientation toward Lanford Avenue and at no point do the proposed walls segregate the dwelling's ability to orientate toward the street.



**Figure 2:** Features which identify elements that allow the development to be apparent to the street.





The development complies with the provisions of D9 and compliance with these provisions ultimately satisfies those objectives. It appears that the opinion surrounding the inconsistency is merely subjective.

Nevertheless, the applicant has also provided with the amended plans a comparative analysis of with a permissible floor plan and elevation on the subject site which in comparison to the proposed development to demonstrate that the proposed “bulk and scale” of the development is satisfactory.

Overall, as demonstrated in this justification letter, the proposed development is considered to be consistent with the relevant controls and objectives of the DCP and capable of being supported. Should you have any further questions, please do not hesitate to contact **Hussein Bazzi, Director of Polaris Planning and Development** on **0455 550 369**.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "Hussein Bazzi", written over a light blue horizontal line.

**Hussein Bazzi**  
**Director – Polaris Planning and Development**

*B. Planning*  
*M. Urban Management & Planning*

