



12 November 2019

General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655



Attention: Catriona Shirley

Dear Ms Shirley,

Re: 11 Moore Street, Clontarf – DA 2019/1149

I have been engaged by Joe Kremer of 13 Moore Street, Clontarf, to provide town planning advice in relation to this development application. I am a town planner with over 30 years' experience in local government and private practice and an experience expert town planning witness in the Land and Environment Court.

Having reviewed the material published on Council's web site I have reached the considered conclusion that the proposal will result in an unreasonable **loss of privacy** to Mr Kremer and his family and that it does not satisfy the requirements of the *Warringah Development Control Plan 2011* ("WDCP 2011") in this regard.

The first objective of Part D8 Privacy of the WDCP 2011 is:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

The relevant controls in Part D8 Privacy of WDCP 2011 are:

1. *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*

Comment: The building layout does not provide for privacy between the occupants of the neighbouring dwellings. The elements of the proposal that result in overlooking are the large areas of glazing on the western façade of the proposed upper level and the proposed upper terrace.

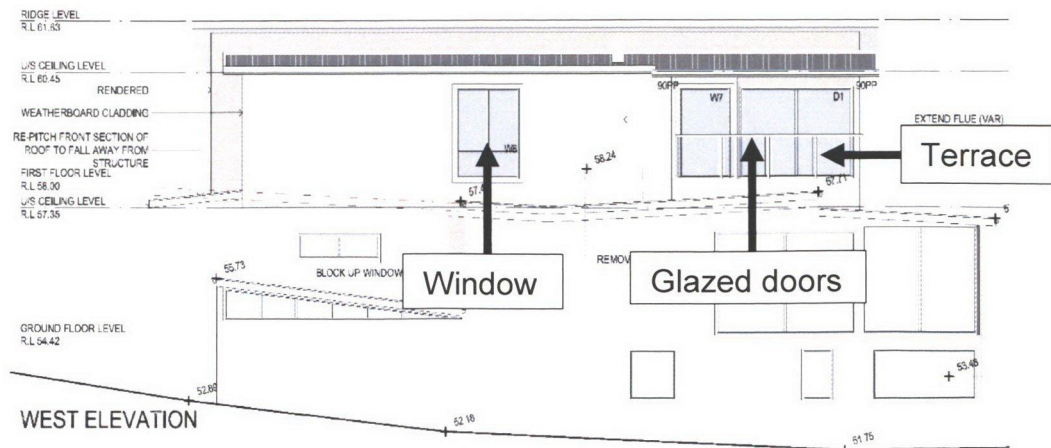
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These elements are not designed to maximise privacy, but are designed to maximise views from the subject dwelling house. However, they provide direct views into the principal private open space and master bedroom of the neighbouring property owned by Mr Kremer.

2. *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*

Comment: The proposed additions do not orient the west facing glazing and upper level terrace to limit overlooking. Instead they are oriented towards the neighbouring property, as shown in the following photographs:



Photograph 1: View from master bedroom of 13 Moore Street to location of proposed terrace and glazing of 11 Moore Street.



Photograph 1: View from principal private open space of 13 Moore Street to location of proposed terrace and glazing of 11 Moore Street.

3. *The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*

Comment: The proposal has not utilised the effective location of doors, windows and balconies to avoid overlooking. However, in the circumstances of this case, such privacy measures may be employed effectively to provide reasonable privacy.

4. *The windows of one dwelling are to be located so they do not provide direct or close views (ie: from less than 9 metres away) into the windows of other dwellings.*

Comment: The proposed windows, doors and terrace are separated by 5.5m from the principal private open space of 13 Moore street and 7.0m from the master bedroom window of 13 Moore Street. The separation distance is not sufficient to mitigate overlooking impacts.

Maintaining privacy

The proposal will quite clearly result in unreasonable overlooking of the master bedroom and principal private open space of 13 Moore Street.

The impact may be mitigated through the installation of a 1.6m high privacy screen along the entire western side of the proposed upper level terrace and obscure glazing to a height of 1.6m above floor level for the window that is proposed within the centre of the upper level western façade.

It would be possible to design a suitable screen for the terrace constructed of angled vertical louvres that direct views to the south and away from 13 Moore Street. This would need to be the subject of a detailed design drawing.

In the absence of a detailed design drawing as discussed above, reasonable privacy could be achieved through the imposition of an appropriate and carefully worded conditions of consent, such as:

1. *A privacy screen is to be provided along the entire western side of the proposed upper level terrace. Such screen is to:*

- *Be a minimum of 1.6m in height; and*
- *Have no individual opening more than 30mm wide; and*
- *Have a total area of all openings that is no more than 30% of the surface area of the screen or barrier.*

Such screen to be installed prior to the issue of any interim or final Occupation Certificate.

Reason: To maintain reasonable privacy between dwellings.

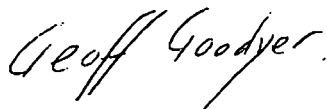
2. *The upper level window on the western façade of the building located nearest to the northern end of that façade is to be provided with frosted glazing to a minimum height of 1.6m above the finished floor level of the building.*

Reason: To maintain reasonable privacy between dwellings.

Conclusion

Thank you for providing Mr Kremer with the opportunity to comment upon the proposal and I trust that his concerns will be given due weight in your assessment of the development application. If you have any questions please feel free to contact me.

Yours sincerely,



Geoff Goodyer
Symons Goodyer Pty Ltd