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**From:** [REDACTED]  
**Sent:** 7/02/2022 3:11:41 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** [REDACTED] 'Jude Billingham'  
**Subject:** Submission - DA2022/005 - 21 Moore Street Clontarf NSW 2093  
**Attachments:** DA2022-005.pdf;

Dear Sirs,  
Please find attached submission in respect of DA2022/005.  
Regards  
Paul Billingham  
MBA FCA RITF FGIA GAICD  
Managing Director  
Restructuring Advisory Partners  
[REDACTED]

Mrs J Billingham  
24 Moore Street  
Clontarf NSW 2093

6 February 2022

Dear Sirs

**Submission in respect of DA2022/0005 - 21 Moore Street Clontarf NSW 2093**

I write with regard to the above Development Application - I am the owner of 24 Moore Street Clontarf NSW 2093 which is situated directly across from the subject property.

I submit that the proposed changes to the roof line of the subject property will materially and unreasonably impact the views from my own property by significantly removing, almost in their entirety, my views of Balmoral Beach from the living areas.

**Defective report**

Noting the guidance in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 at 26-29, I submit that the Report as to the Statement Of Environmental Effects prepared by Messrs Watermark is both defective and misleading as to its conclusions on the reasonableness of the impact of the proposed development on the views from my property.

Pages 27 to 29 of that Report refer to my property from which I relevantly note:

- On Page 28 it mentions that access to my property was not possible. At no stage was I ever approached for access which would have been freely given.

I have since reached out to the applicants directly who have now visited my property. Why Watermark did not make the effort to contact me is frustrating.

- Also on Page 28, the Report concludes that there will be negligible impact on the views from my property and produces a photo extracted from Realestate.com as Figure 15 in support of this. Figure 15 is a photo taken from the bedroom upper level of my house, not the living room level.

The same website from which the Figure 15 photo was extracted shows the view from the living room (reproduced below) and so I can only assume Figure 15 was selected to support the argument as opposed to fairly representing the impact of the proposed roof line change.

As can be seen from the photo below that Watermark could have accessed, by filling in the roof line of 21 Moore Street (the roof is to be "squared off" as they describe it) up to 50% of the views of Balmoral Beach will be lost from a standing position in my living room.

How this can be termed as negligible is difficult to understand.



View from living room as extracted from Realestate.com on 6 February 2022 showing the true view which will be impacted

- Page 29 refers to the guidance of Step 4 in the Tenacity case but fails to take into account that the subject property is already 8.8m high at its peak (Page 16 of the Report) and the application includes a material increase in the floor space ratio. It would seem that the need to square off the roof is entirely caused by the applicants plans to significantly increase the site density beyond current planning guidelines. Watermark should have taken this into account in its report.

### Requested changes

The subject property is already higher than either of the neighbouring properties and is, prima facie, above the current 8.5m standard building height. Squaring off the roof will exacerbate this and will materially impact on the views from the living areas of my house.

Applying the guidance of the Tenacity case:

**Step 1** – Balmoral Beach is an iconic view. At present, I have a direct line of view of (in both a seated and standing position) from my lounge, dining room, kitchen and main front balcony of Balmoral Beach, Balmoral Boatshed, my daughters school and the yacht moorings. This view will be essentially lost.

**Step 2** – Standing, not just seated, views will be lost from the entirety of the ground floor of my property as per the photos below, taken on 6 February 2022.

**Step 3** – The views are impacted from the ground floor (living area) of my property. The recent approval and construction of a dwelling at 19 Moore Street (DA 2019/0506) respected those views of my own property and of my neighbours. The current DA before Council does not and indeed will exacerbate what is already a roof line that is higher than the properties on either side and Council guidelines.

**Step 4** - there are a number of planning controls that are being "stretched" by the application due to the desire to build a three story house of considerable bulk for a small plot. Whilst appreciative of the applicants desire to optimise their site, this should not be at the expense of neighbours. I question (using the wording in the Tenacity decision) whether "a more skilful design might achieve" the applicants objectives.

#### **Installation of solar panels.**

Finally, the application includes the installation of solar panels on the northern elevation of the property. These panels will be in full sun throughout the day and angled directly at my house (the roofline angle of 21 Moore Street is at circa 45 degrees) and as such may lead to constant glare, further impacting on the view from my house from both lower and upper levels.

I request that as a condition of any approval, solar panels must be non-reflective with low glint and glare properties to minimise their impact.

#### **Summary**

In summary, the roof line of 21 Moore Street is already higher than the houses either side and seems to be above current acceptable levels. I recognise that this has been the situation for some time and, while I do not expect the current roof to be lowered, assert that it is unreasonable to worsen the situation by squaring off the roof as proposed. The roof line should be, at worst, maintained.

I also restate that the Report issued by Messrs Watermark is at best inaccurate and at worst intentionally misleading and should be rejected by Council.

Yours faithfully

Judith Billingham

Owner



Current standing view from my dining room - water, foreshore and beach view of Balmoral





Current standing view in my living room





Current standing view from my main front balcony showing relative height of subject property compared to neighbours and lost views of Balmoral boatshed and foreshore.



View of area to be "squared off" under the current DA