

28 July 2025

Thomas W Cotton
C/- Studio Pulp
Shop 2 60-66 Vine Street
DARLINGTON NSW 2008

Dear Sir/Madam,

Development Application No: DA2025/0750 for Alterations and additions to a dwelling house including a swimming pool at 31 Cook Terrace MONA VALE.

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below. Please note that Council is yet to receive comment from Council's Environmental Health Officer regarding the open fireplace. The Applicant will be contacted if any further information is required in relation to this.

- **Insufficient information**

The following information/documentation is required to complete the assessment of the application:

1. Extent of Change

This development application is for alterations and additions to an existing dwelling house. However, the scope of works includes the retention of some walls at the lower ground floor level, a few walls at the ground level and construction of a new upper floor. These are substantial changes that, in form, effectively resemble the construction of a new dwelling house. Accordingly, Council must consider whether the proposal should properly be characterised as alterations and additions or as a new dwelling house, with reference to the principles established in [Coorey v Municipality of Hunters Hill](#). This distinction is critical, as planning controls are applied differently depending on how the development is characterised.

In applying the *Coorey* test, both the quantitative and qualitative extent of change and impact must be considered. The Applicant must demonstrate how the proposed alterations and additions satisfy the *Coorey* test. The proposal must also be supported by further structural details to demonstrate that the existing walls identified for retention can feasibly remain in place. This may include a structural engineer's report, detailed structural/demolition plans showing the proposed retention method and/or construction sequencing. While the structural information is separate from the *Coorey* test, such details are necessary to substantiate the nature of the proposed works. The need for clear characterisation arises in part because there are other merit-based issues that



are intrinsically linked to whether the application is considered alterations and additions. These issues are discussed herein.

2. View Loss Analysis

No photomontages or diagrams have been provided for existing and proposed views from 29 Cook Terrace, and therefore Council cannot undertake a proper assessment of the potential impact to views enjoyed from the neighbouring property.

The Applicant shall provide photomontages and/or diagrams for the existing and proposed views from 29 Cook Terrace, including any proposed tree planting at mature heights.

3. Adjoining Development

The architectural plans are to illustrate the position of adjoining dwellings with respect to the subject site and proposed development, including details of window heights at all levels to enable Council to undertake a proper assessment of potential amenity impact on neighbouring properties.

- **Issues**

The following is a list of the issues and concerns identified in the assessment that cannot be supported:

4. View Impact

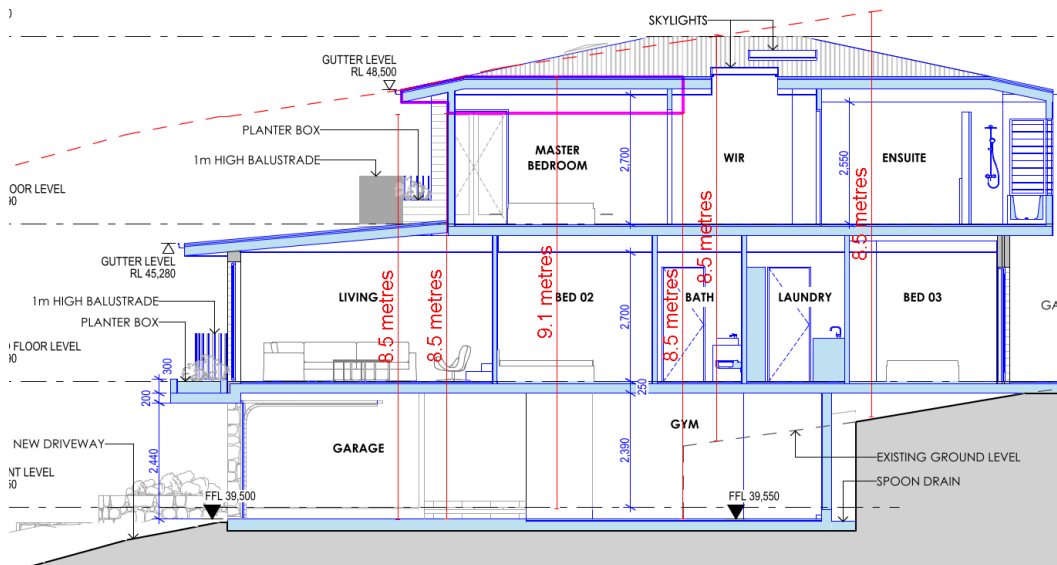
As previously mentioned, this application has not been supported by photomontages, and as such, a full and proper assessment of potential view loss impacts cannot be undertaken. However, based on review of the proposed design and a site visit to the neighbouring property, Council is of the opinion that the proposed development, as currently presented, will result in unacceptable view loss impacts for the property at 29 Cook Terrace. Notwithstanding compliance with development standards, the Applicant is required to revise the design to achieve a more skilful outcome that does not unreasonably compromise the views currently enjoyed by the neighbouring property. Such design advice has been incorporated herein.

5. Building Height, Bulk and Scale

Clause 4.3 of the Pittwater Local Environmental Plan 2014 stipulates that the height of a building on the site is not to exceed 8.5m measured from the existing ground level. The submitted Clause 4.6 request states that the development has a maximum building height of 9m. However, the true maximum building height is unclear given the existing ground level is not shown on the section plan across the entire footprint (refer Figure 1 below). The architectural plans shall therefore be amended to clearly show the existing ground level on all section plans.



Figure 1: Proposed building height



The submitted Clause 4.6 request argues that the proposed development will have a height and scale that is commensurate with the adjoining dwelling at 29 Cook Terrace. However, the proposed dwelling presents as three storeys from the streetscape with a roof ridge height of RL 49.62, while the neighbouring dwelling presents as a two-storey development from the streetscape (albeit having a three-storey stepped built form) with a parapet height of RL 47.34 (refer Figures 2 and 3). As such, the proposed dwelling is not necessarily commensurate with the height and scale of the neighbouring property.

Figure 2: Proposed street elevation

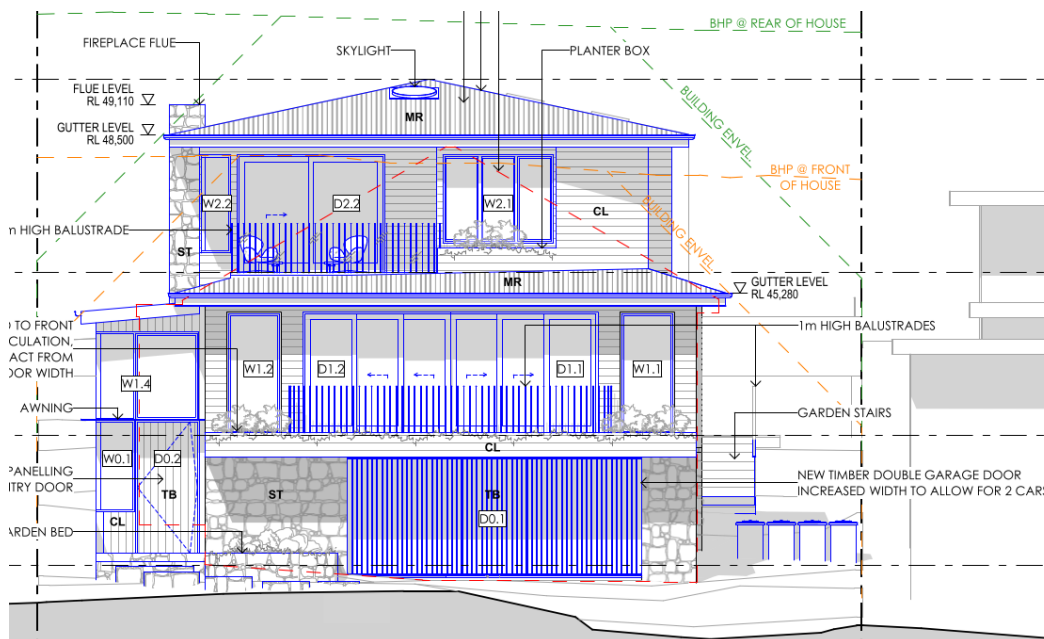




Figure 3: Existing street view (31 & 29 Cook Terrace)



The desired character for existing residential areas within the Mona Vale locality is to remain primarily low-density with dwelling houses a maximum of two storeys in any one place, integrated with the landform and landscape. As previously mentioned, the proposed dwelling is three storeys (one above the other).

While the upper floor level is set back a minimum of 9.1m from the front boundary, the design and siting of the upper level is not supported in the context of the building height breach, view loss concerns and three-storey built form. The proposed upper floor level shall be set further back from the front boundary to maintain views enjoyed by the neighbouring property at 29 Cook Terrace, reduce the maximum building height, and create a more stepped built form to reduce visual bulk and present less as a three-storey building mass. The building height could be reduced further through potentially reducing the floor-to-ceiling heights of the ground and upper levels.

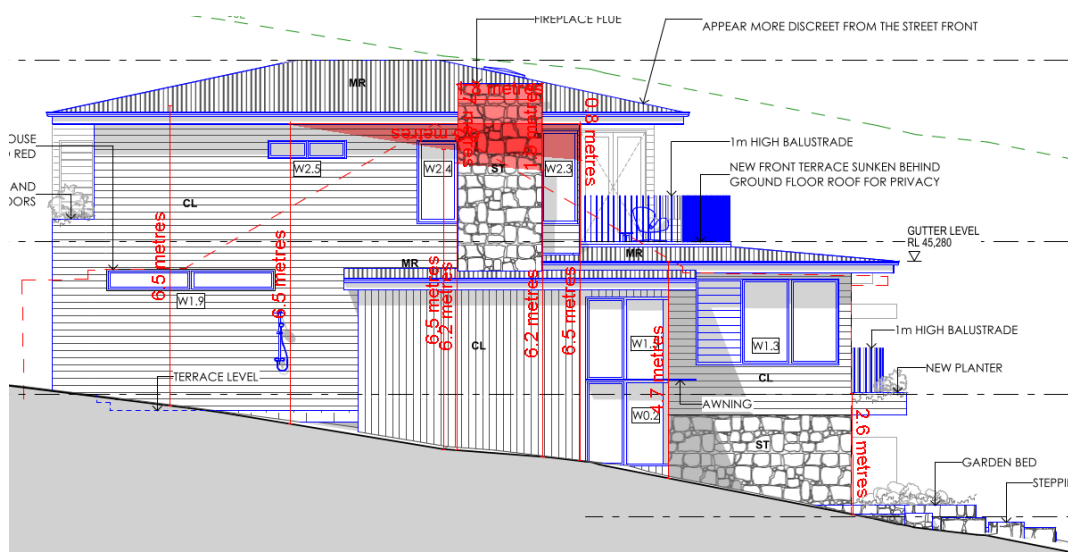
6. Building Envelope

Section D9.9 of the Pittwater 21 Development Control Plan requires the building envelope to sit within a plane to be projected at 45 degrees from a height of 3.5m above ground level (existing) at the side boundaries to the maximum building height.

The proposed building envelope at the north-eastern elevation presents an encroachment of between nil and 0.8m in height for a length of 6.3m, and a second encroachment of between 1.7m and 1.9m in height for a length of 1.8m, resulting in a maximum variation of 30.6% (1.9m), as shown shaded red in Figure 4 below.

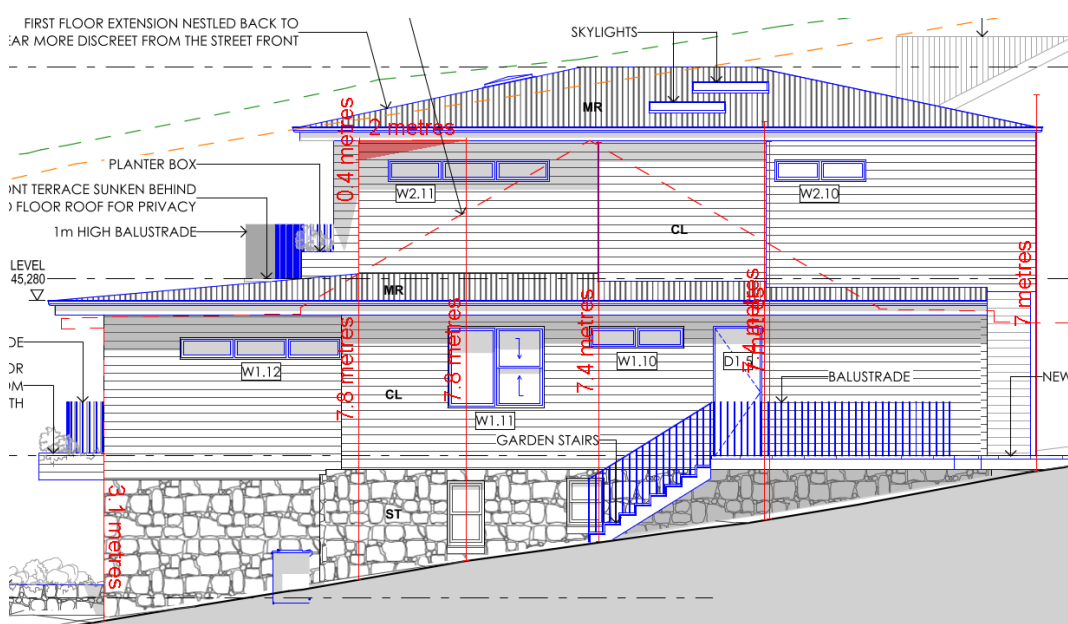


Figure 4: Proposed NE elevation



The proposed building envelope at the south-western elevation presents an encroachment of between nil and 0.4m in height for a length of 2m, resulting in a maximum variation of 5.1% (0.4m), as shown shaded red in Figure 5 below.

Figure 5: Proposed SW elevation



The Applicant shall amend the proposed design to reduce the degree of non-compliance with the building envelope, particularly at the north-eastern elevation. This would be best achieved by setting the upper floor level back further from the front boundary and ground floor level below, as mentioned in item 5 above, notwithstanding compliance with the minimum front setback.



7. Proposed Planter and Balcony

The proposed planter and balcony at the ground floor have front setbacks of 5.3m and 5.7m, respectively, which is not compliant with the minimum requirement of 6.5m. Additionally, these elements pose potential view loss impacts for the neighbouring property at 29 Cook Terrace.

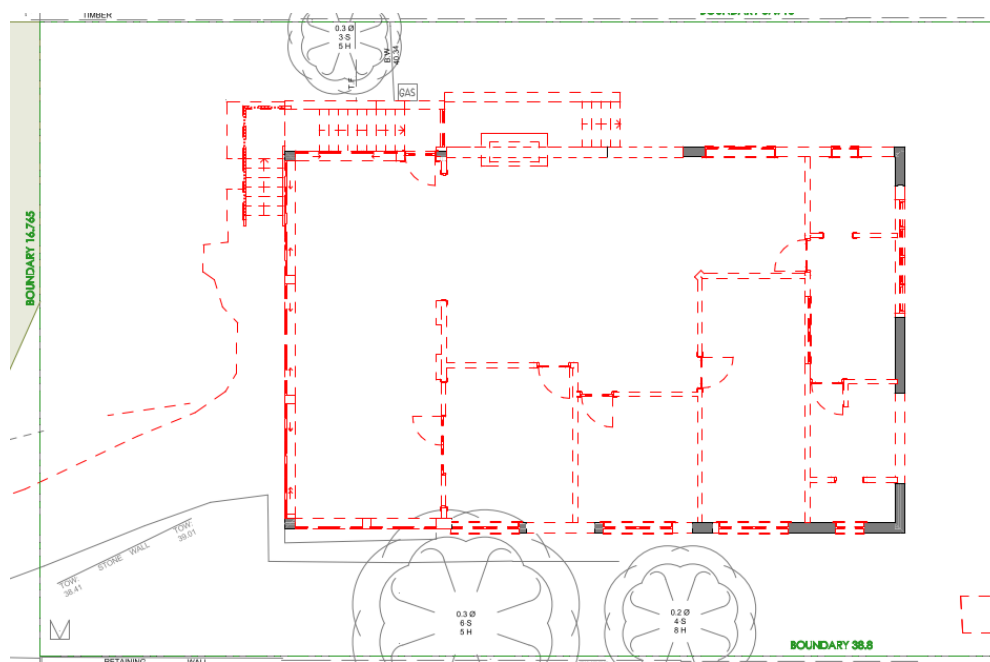
The Applicant shall amend the design to delete the planter and balcony at the ground floor. If the Applicant wishes to retain a planter and balcony at this level, they should consider shifting the front façade of the ground floor further back to ensure that these elements remain behind the 6.5m front building line.

Similarly, the balcony balustrade at the proposed upper floor level is likely to result in a loss of views currently enjoyed from the master bedroom and balcony at the upper floor of the neighbouring dwelling. To mitigate this impact, the proposed upper level shall be set further back from the front boundary, as previously mentioned.

8. Massing

Retaining the existing ground floor level front setback despite no retention of existing walls at this end of the dwelling (refer Figure 6) limits view sharing and the opportunity to reduce the perceived bulk and scale of the development. A more skilful design would involve each floor stepping progressively further back from the front boundary, resulting in a stepped built form that responds to the sloping topography of the site. This approach would better align with the desired character of the Mona Vale locality and assist in preserving views and vistas, given the proposed roof above the ground floor level is likely to obstruct views currently enjoyed by the neighbouring dwelling.

Figure 6: Ground floor demolition plan





9. Landscaped Area

Section D9.11 requires at least 60% of the total site area to be landscaped. The subject site has a total site area of 648m². The proposed alterations and additions result in a total of 312.7m² in landscaped area (including 6% impervious landscape treatments), which represents only 48.3% of the total site area and a 19.5% (76.1m²) variation to the minimum standard.

It is noted that the existing site has a landscaped area of 437.48m² (including 6% impervious landscape treatments), representing 67.5% of the total site area.

The proposal is to demonstrate compliance with the minimum 60% landscaped area requirement.

10. Driveway

Council's Development Engineer has provided the following comments in relation to the proposal:

The applicant is seeking approval for the partial demolition of the existing dwelling to facilitate proposed alterations and additions. The proposal includes a driveway with a gradient steeper than 1:4, which does not comply with AS/NZS 2890.1:2004.

To meet the maximum 1:4 grade requirement, the garage floor level would need to be lowered by approximately 750mm. Council generally does not support steep driveways unless the site is significantly constrained or classified as difficult, which is not the case for this development, as outlined in Section B6.2 – Access and Parking of the Pittwater Development Control Plan (DCP).

The proposal to retain the existing garage level and convert the single garage into a double garage is not supported in this instance. The applicant should be requested to amend the driveway design to achieve compliance with both the relevant Australian Standard and Council's vehicular crossing requirements.

• Objector's concerns

You are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

Options available to the Applicant

Council is providing you with two (2) options to progress your application:



1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Submitting further information/amendments

Council will offer one opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.



As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was lodged on 19 June 2025 and 39 days in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Anaiis Sarkissian on 1300 434 434 during business hours Monday to Friday.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Anaiis Sarkissian', with a horizontal line underneath.

Anaiis Sarkissian
Planner