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**From:** H emsley  
**Sent:** 14/07/2025 9:20:21 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** Amanda Aldridge  
**Subject:** TRIMMED: DA2025/0750 - Lot 1 DP 20983 - 31 Cook Terrace MONA VALE  
- Submission  
**Attachments:** Submission DA2025 0750 - 31 Cook Terrace, Mona Vale.pdf;

Dear Anaiis Sarkissian,

Please find attached submission for DA2025/0750 - Lot 1 DP 20983 - 31 Cook Terrace MONA VALE.

We hope to have the opportunity to discuss our concerns with you over the coming days.

Thank you for your consideration and we hope to speak to you soon.

Warm regards,

Simon Hemsley & Amanda Aldridge

[REDACTED]  
29 Cook Terrace, Mona Vale, NSW, 2103  
[REDACTED]

## **SUBMISSION IN OPPOSITION TO DEVELOPMENT APPLICATION AT 31 COOK TERRACE, MONA VALE**

**DA Reference:** DA2025/0750

**Subject Property:** 31 Cook Terrace, Mona Vale NSW 2103

**Objectors:** Simon Hemsley and Amanda Aldridge: Owners of 29 Cook Terrace, Mona Vale NSW 2103

To the Assessment Officer,

We are the owners and full-time residents of 29 Cook Terrace, Mona Vale, which directly adjoins the subject site to the south-west. We wish to lodge a formal objection to the proposed alterations and additions at 31 Cook Terrace, on the grounds of unreasonable view loss, excessive bulk and scale, non-compliance with development controls, and deficiencies in the submitted documentation.

### **Personal Context**

We believe it is important to provide some background to our objection, as it directly informs the circumstances surrounding the proposal and our expectations as neighbours.

We purchased 29 Cook Terrace from Mr Tom Cotton (on the 5<sup>th</sup> of June 2024) — the current applicant and now the owner of 31 Cook Terrace. The real estate listing for our property specifically highlighted the ocean views from the master bedroom, which were a key feature in our decision to purchase the home (<https://www.mcgrath.com.au/property/76p3115>). These views include Mona Vale Beach, the northern headland, and heritage features such as the Mona Vale Ocean Pool and the Norfolk Island Pines along Surfview Road on the foreshores of Mona Vale beach — all of which contribute to the value and amenity of the property.

We paid a premium for the property on the basis of these views. Only on the day contracts were exchanged was it disclosed that Mr Cotton's father-in-law owned 31 Cook Terrace, and that it was being transferred to Mr Cotton for redevelopment. Mr Cotton has advised us that he has a professional background in urban planning and he would have been fully aware of both the potential impact of future development on these views and the importance of the view corridor to us as purchasers.

Prior to the lodgement of the current DA, we had been advised that any future development would be fully compliant with Council's controls. We now find that the proposal includes a Clause 4.6 variation to the height standard, fails to comply with landscaped area requirements, and appears to breach the building envelope, among other issues. This is disappointing and undermines the trust we placed in those prior representations.

### **Unreasonable View Loss**

Our home currently enjoys limited but highly valued water views to the north-east from the master bedroom and first-floor terrace, as well as a filtered outlook from the lower level. These views include:

- Mona Vale Beach and Headland
- The Basin and ocean horizon
- Heritage-listed Ocean Rock Pool (Item No. 2270136)
- Heritage listed Norfolk Island Pines along Surfview Road (Item No. 2270059)

The proposed development will obstruct this specific view corridor as a result of excessive height, massing at the upper levels, and a forward projection at ground level. We understand that the *Tenacity* planning principle (*Tenacity Consulting v Warringah Council [2004] NSWLEC 140*) requires Council to assess view loss based on the nature of the view, location of the viewer, extent of impact, and reasonableness of the proposal. In our case:

- The views are of high value and include both water and iconic heritage features;
- The outlook is from a principal living area and terrace;
- The extent of the impact is severe, as the corridor is narrow and the obstruction is substantial;
- The reasonableness of the proposal is questionable given the height breach and design choices that worsen the impact.

We respectfully request that Council require the erection of height poles on the subject site, in consultation with us, to allow for an accurate, on-site assessment of view loss from our property. This is critical to ensuring that the impact is properly understood and not minimised through architectural assumptions or abstract diagrams.

### **Mischaracterisation of the Proposal**

Although the application is described as “alterations and additions,” the plans reveal that the proposed works involve:

- Full demolition of the existing roof;
- Major demolition of external walls and reconfiguration of levels;
- Addition of an entirely new upper storey;
- New lift, terraces, stairs, and extensive landscaping;
- Pool excavation and driveway reconstruction.

In effect, this is a new dwelling. It should be assessed as such under all applicable LEP and DCP controls. The misleading classification appears to have allowed the proposal to sidestep certain planning expectations — particularly around setbacks and the progression of built form from street level upward.

### **Inadequate Front Setback and Encroachment**

The existing ground floor has a front setback of approximately 6.5 metres, which is reduced in the proposal to approximately 5.2 metres via the addition of a projecting terrace and planter bed. These structures increase the prominence of the built form when viewed from both the public domain, and from our own property. This directly impacts the outlook from our lower-level rooms resulting in unreasonable view loss. Further:

- The existing upper roofline is setback 10.13 metres, whereas the new upper level is proposed at only 9.0 metres, despite introducing significantly greater bulk and height.

We strongly urge Council to:

- Require that the existing 6.5m front setback be maintained or increased at ground floor;
- Ensure the proposed third level (labelled First Floor) steps further back in keeping with the street alignment;
- Remove or reduce any projecting terrace structures that obstruct sightlines.

### **Building Envelope Breach and Documentation Deficiency**

Clause D9.9 of the Pittwater DCP requires development to be contained within a 45-degree building envelope, projected from a height of 3.5 metres above natural ground at the side boundaries.

The submitted plans do not show the envelope on the section plans, and the upper level appears to breach this control, particularly when viewed in context with our adjoining property, which sits at a lower elevation.

The absence of a properly annotated section drawing makes it impossible to assess compliance. This omission is misleading and unacceptable. We request that Council:

- Require the applicant to submit revised section drawings showing the building envelope;
- Confirm the extent of any breach;
- Require redesign of any non-compliant elements.

### **Conclusion**

Throughout our discussions with the applicants prior to the DA being lodged, we did our best to engage constructively despite not being experienced in interpreting architectural plans. During the final round of revisions, we were told that the applicants were no longer willing to make any further changes. In light of this advice, we did not respond to the last version of the plans, this should not be interpreted as agreement or endorsement of the final design.

We were also given repeated assurances that the design was fully compliant with Council controls and that any objection we might make would be unlikely to succeed. However, the documentation submitted with the DA clearly demonstrates that the design breaches several key planning controls, including a Clause 4.6 variation to the height standard, non-compliance with landscaped area requirements, and a potential breach of the building envelope. These matters validate our concerns and justify the need for us to make a formal submission.

We wish to make it clear that we are not seeking refusal of the proposed development. We accept that 31 Cook Terrace can and will be redeveloped. However, we are seeking reasonable amendments to the design that ensure the existing views we purchased from the Applicant are maintained.

We believe this is a fair and appropriate request, especially in light of the history of ownership, the representations made to us at the time of purchase, and the reliance we placed on the ongoing availability of those views.

There are a number of simple design changes that could be made — including adjusting the front setback, reducing building height, and reconfiguring certain roof elements — that would preserve the development potential of the site in terms of floor area, amenity, and views for the applicant, while avoiding the unreasonable and permanent impact on our home and outlook.

We appreciate Council's role in balancing competing interests and ask that it give proper consideration to the view sharing principles, the heritage value of the outlook, and the legitimate expectations we held in purchasing our home. We also repeat our request that height poles be erected on site to enable a fair and accurate assessment of view impacts from our property.