
From: H emsley
Sent: 2/09/2025 10:24:08 PM
To: Council Northernbeaches Mailbox; Anaiis Sarkissian
Cc: Amanda Aldridge; H emsley
Subject: TRIMMED: DA2025/0750 - Lot 1 DP 20983 - 31 Cook Terrace MONA VALE
- Submission to amended documentation
Attachments: DA2025 0750 - 31 Cook Terrace MONA VALE- submission to amended
documentation.pdf;

Dear Anaiis Sarkissian,

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

We appreciate the council's efforts so far with this process.

Thank you for your consideration and we hope to hear back from you soon.

Warm regards,

Simon Hemsley & Amanda Aldridge

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

Re: DA2025/0750

Ppty: 31 Cook Terrace, Mona Vale

Attention: Anaiis Sarkissian, Assessment Officer

We took genuine heart from Council's Request for Further Information (RFI) dated 28 July 2025. It reflected a careful and balanced understanding of the amenity impacts caused by the original proposal, and provided clear, practical design directions intended to deliver a more skilful and equitable planning outcome.

However, having reviewed the amended plans and supporting documents submitted by the Applicant in response, we are disappointed to see that most of Council's key recommendations appear to have been either ignored or addressed with only token gestures. The amended proposal retains the same core issues — excessive bulk, unjustified height, a dominant three-storey presentation, and significant view loss — and fails to reflect the good-faith planning advice given in the RFI.

To be clear, we are not objecting to the applicant's right to redevelop their property — only to the current design and the unreasonable and unnecessary amenity impacts it imposes on our home. We believe a compliant and mutually respectful outcome is entirely achievable. Specifically, we request that:

- The ground floor be set back to a compliant 6.5 metres, as explicitly required by Council in RFI Item 7, which directed that the planter and balcony be deleted or shifted behind the minimum front building line;
- The third (upper) storey, including any associated terrace, be set further back from the front boundary, as required under RFI Item 5, to reduce the visual massing, lower the ridge height, and protect the views currently enjoyed from our master bedroom;
- The floor-to-ceiling heights across all levels be reduced, as recommended in RFI Item 5, to lower the overall building height, improve compliance with the LEP height standard, and significantly minimise view loss and visual bulk;
- The proposal be amended to achieve full compliance with the 60% landscaped area requirement, as identified under RFI Item 9, which remains unresolved in the amended plans.

Each of these changes has already been identified and recommended by Council as necessary to achieve a more skilful and policy-compliant outcome. If adopted, these changes would allow the Applicant to retain expansive views and amenity from their Ground floor and upper floor, while preserving the only view corridor available to our home. We would be supportive of the application should these reasonable and Council-endorsed changes be implemented.

The above requested amendments are not new — they have already been explicitly identified and recommended by Council in the formal Request for Further Information. Despite this, the amended design fails to respond meaningfully to any of the key items raised. We have expanded on our full list of concerns under each relevant RFI item and how the Applicant's response — or lack thereof — has failed to resolve the key concerns relating to view loss, excessive bulk and scale, non-compliant setbacks, and insufficient landscaping. Each point is addressed in turn using the RFI's original numbering and wording for clarity.

RFI Item 4 – View Impact and Skilful Design

"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."

Council directed that the design should achieve a more skilful outcome that does not unreasonably compromise the views from 29 Cook Terrace. This has not occurred. The design remains materially the same, and no substantial amendments have been made to reduce bulk, height, or massing. The Applicant continues to maintain that there is no unreasonable view loss, despite the evident and documented obstruction of our primary view corridor.

Council's RFI requested that the Applicant provide photomontages and/or diagrams showing the existing and proposed views from 29 Cook Terrace, including any proposed tree planting at mature heights. This has not been adequately addressed.

- The landscape plan includes:

Syzygium smithii (18m height, 3m spread)

Banksia integrifolia (12m height, 6m spread)

These trees, when mature, will completely block our views from the living room, dining room and balcony. Additionally, they will most likely result in view loss from our master bedroom & adjoining balcony. However, the Applicant has chosen not to show this in the photomontages, despite this having been requested by council.

- The planter box on the ground floor, which has not been removed despite Council's RFI Point 7 clearly identifying that a minimum 6.5m front setback is required, includes vegetation rising 600mm above the planter. This vegetation is again not shown in the photomontages, despite this being requested by council. Once planted, it will result in the complete loss of views of Mona Vale Rockpool, Mona Vale headland and the ocean horizon from both our dining room and living room, (both in seated and standing positions). The visual impact of this non-compliant encroachment has therefore been understated and inaccurately presented in the Applicant's amended materials.
- DWG A-805 uses a photo taken in February 2025. Since then, the pictured power pole has been removed, and a new power pole has been placed in a different position. Additionally, landscaping has been done at 33 Cook Terrace improving our view corridor. Accordingly, this photo is no longer an accurate representation of our impacted view.
- The amended design now incorporates the upper-level terrace extending into the western corner, directly across the site line previously identified by the Applicant. Any planting or furniture located on this terrace will obliterate any views. This appears to be a step back.

RFI Item 5– Streetscape Presentation and Height Comparison

"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."

Council's RFI raised a clear concern that the proposed dwelling presents as a three-storey building from the street, with a roof ridge height of RL 49.62, while the neighbouring dwelling at 29 Cook Terrace presents as a two-storey form from the streetscape, with a parapet height of RL 47.34. Council acknowledged that the neighbouring dwelling does include a third level, but that this is stepped into the slope and appropriately articulated, resulting in a recessive form that does not dominate the streetscape.

In contrast, the proposed development generally maintains the previous setbacks and massing, rising the full three storeys with minimal to no improvement in step-back or relief, and does not respond to the site's topography. No amendments have been made in response to this issue, despite Council's specific recommendation that the upper level be set further back from the front boundary to:

- Reduce the perceived height and scale of the building;
- Create a more appropriate transition between adjoining properties;
- Assist in preserving the views currently enjoyed from 29 Cook Terrace.

Council further noted that the building height could be reduced through lowering the floor-to-ceiling heights at the ground and upper levels. The floor-to-ceiling heights remain excessive, and the structure continues to rise to RL 49.42. This level of height and vertical massing is not characteristic of the street and creates a visually dominant, bulky form that is inconsistent with both Council's design controls and the surrounding built context.

The amended design has not addressed these concerns, the bulk has not been reduced, and the upper level has not been recessed — all of which were identified by Council as essential to achieving a more skilful design that responds to the streetscape and shares views more reasonably.

We also note that by refusing to reduce the height of the 'ground' floor or setback of the new upper level- despite council's clear direction- the applicant has effectively prioritised retaining expansive, uninterrupted views from their proposed ground and upper (third) floor at the expense of our only view corridor. It is plainly possible to retain these generous views from 31 Cook Terrace even with a more respectful, compliant, and skilful built form. We are not asking for their views to be reduced — only for our views to be retained and shared equitably.

The failure to address this RFI item is one of the clearest indicators that the Applicant's amended proposal does not represent an improved outcome. It continues to dominate the streetscape, worsen the transition between dwellings, and removes our views for the benefit of a taller, bulkier, and ultimately non-compliant upper level.

RFI Item 5- Setback of Upper Floor Level, Reduced Floor to Ceiling and Reduced Visual Bulk

"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."

Council clearly requested that the upper floor level be setback further from the front boundary to reduce height and improve view sharing. The amended design does not reflect any noticeable

setback of the upper level, and the floor-to-ceiling heights of the ground and first floor remain unchanged, further exacerbating the view loss. The photomontages provided (while we are concerned about accuracy) clearly indicate that our iconic views of the Heritage Item of Mona Vale Pool, the land water interface of Mona Vale Beach and water horizon views will all be unreasonably impacted by the current proposed design.

Council specifically noted that the building height could be reduced through lowering the floor-to-ceiling heights. This was a practical and reasonable suggestion intended to mitigate the building's bulk and height and assist in maintaining view sharing from our property. The Applicant's amended plans do not address Council's design recommendation under this item.

The proposal retains excessive floor-to-ceiling heights across all levels:

- The ground floor garage level (basement) includes a floor-to-ceiling height of 2.64m, which appears to be a result of retaining nominal portions of the existing first-floor timber framing;
- The first floor (habitable level) includes ceiling heights ranging from 2.7m up to 3.06m, which are well above standard and unnecessary in this constrained context;
- The second storey (third level) incorporates ceiling heights of 2.68m up to an excessive 3.41m, which is extraordinary and unjustifiable on a site already breaching the 8.5m height limit under Clause 4.3 of the LEP.

These excessive internal dimensions directly contribute to the breach of the height of buildings standard and significantly worsen the visual mass and vertical dominance of the structure. Importantly, the proposed ground floor and uppermost roofline — driven by these ceiling heights — is the primary cause of view loss to our master bedroom and first-floor balcony.

Council offered a practical, low-impact recommendation: reduce internal floor-to-ceiling heights to lower the roofline and minimise visual and amenity impacts. The Applicant has chosen not to pursue this. The outcome is a structure that remains excessively tall and bulky, and which continues to obstruct our only view corridor without proper justification.

We reiterate that there is ample opportunity to reduce the building height through minor architectural refinement — and doing so would not compromise the Applicant's access to ocean views, amenity, or liveability. The failure to act on this straightforward recommendation is a missed opportunity to resolve one of the most significant amenity issues raised in this submission and in Council's RFI.

RFI Item 6 – Building Envelope Non-Compliance

"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."

Council provided a clear and specific solution to address the building envelope breach — that the upper floor should be further set back and that the ground floor should be further setback. This would not only reduce the envelope encroachment, particularly on the north-eastern elevation, but would also achieve a more skilful response to the site's slope, improve view

sharing, and reduce the dominance of the building when viewed from our property and the street.

This advice has been entirely disregarded. No attempt has been made to introduce a recessive upper floor form, despite the fact that:

- It would help reduce the non-compliance with the envelope;
- It would reduce the visual prominence of the third storey;
- It would assist in restoring reasonable view sharing from 29 Cook Terrace.

This failure, especially in light of the straightforward and reasonable nature of Council's recommendation, reinforces that the Applicant has not sought to improve the design outcome, but has instead retained the same massing that caused the original concerns.

RFI Item 7 – Planter and Balcony Setback Compliance

"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."

The planter at the ground floor has not been deleted or relocated behind the 6.5m building line, as required. The planter remains at 5.880m and is now shown with vegetation rising 600mm above the balustrade. This vegetation was not shown in the photomontages but will result in the complete view loss of the Mona Vale Rockpool (iconic view of a Heritage Item), Mona Vale headland, land & water interface and ocean horizon from our living and dining rooms (both seated and standing). This continues to directly contradict the intention of Council's RFI direction.

RFI Item 8 – Stepped Built Form Response to Topography

"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."

Council encouraged a more skilful response to the sloping topography through a stepped built form. This has not occurred. The opportunity to deliver a more skilful response to the sloping topography has been missed, and the revised plans do not demonstrate an improvement in stepped form that would reduce visual bulk, preserve view corridors, or better reflect the desired future character of the Mona Vale locality. Council clearly stated that this design direction was preferred, and yet no attempt has been made to implement it.

RFI Item 9 – Landscape Area Compliance

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

The Applicant's landscaped area figures are confusing, inconsistent, and appear to misrepresent actual compliance. Based on the "Area Calculation" table on Drawing A-020, only 316.5m² of the site is clearly identified as soft landscaped area, which equates to just 48.8% of the site area — well below the required 60%.

The remaining figures — including 75.1m² of “hard” landscaped area (driveway, pool surrounds) and 35.9m² of “pervious” landscaped area (likely paved zones or deck) — appear to inappropriately include impervious or semi-pervious surfaces, which are only permitted up to 6% of site area under Clause D9.11, and only where they satisfy additional design criteria. No such justification has been provided. The inclusion of 17.2m² of “landscaped area under eaves” further distorts the calculation, as this is generally excluded from compliance unless demonstrably contributing to landscaping outcomes.

We reiterate that the existing site currently provides 456.13m² (70.4%) of landscaped area — meaning the proposal represents a reduction in compliance, not a neutral or improved outcome. This is particularly concerning given the site is large and relatively unconstrained, and that the shortfall could be readily addressed through modest design refinements, such as complying with the 6.5m front setback requested in RFI Item 7.

We do not understand how a site that currently easily complies with Council’s 60% Landscaped Area control can be redeveloped to result in a breach of this important requirement. It would appear to indicate that the proposed development represents an overdevelopment of the subject site.

Conclusion

We want to reiterate that we are not seeking to prevent redevelopment of 31 Cook Terrace. We are simply asking for reasonable and proportionate changes that allow our amenity to be protected while still providing the Applicant with high levels of amenity and uninterrupted coastal views.

Specifically, if the following changes were adopted:

- The upper floor is set further back from the front boundary (as already recommended by Council in RFI item 5)
- The ground floor is set back to a compliant 6.5 metres, (as directed in RFI Item 7).
- The proposal is amended to achieve full compliance with the 60% landscaped area requirement under Clause D9.11 of the Pittwater DCP;
- The building height is reduced to a maximum of 8.5 metres, in compliance with Clause 4.3 of the Pittwater LEP 2014. This can be readily achieved by reducing the excessive internal ceiling heights — including those reaching up to 3.06 metres at the ground level — which is unjustified and directly responsible for the resulting view loss;
- The two proposed trees — *Syzygium smithii* and *Banksia integrifolia* — are either removed or relocated to ensure they do not obstruct our primary view corridor. At maturity, these trees will completely obstruct our ocean, rockpool, and horizon views from the living and dining areas of our home.

Should Council choose to permit their retention, we respectfully request that a condition of consent be imposed confirming that any vegetation planted must be maintained to a maximum RL that protects our views. This condition must be clearly drafted and enforceable to ensure our primary view corridor remains unobstructed over time.

These changes are fair, achievable and directly aligned with Council's own assessment of how the proposal could be improved. If adopted, the applicant would still enjoy a high level of amenity and expansive views from their ground floor and upper level, while allowing us to retain the only view corridor available from our home. These amendments would enable reasonable sharing of views and avoid unreasonable and permanent impacts on our home. We would be willing to support the application if these changes are implemented.