

27 January 2025

**Northern Beaches Council**

Brittany Harrison

Via Council Website Submission Form

**OBJECTION TO DEVELOPMENT APPLICATION DA2024/1707**

18 HILLCREST AVE MONA VALE - DWELLING [24\_066]

Dear Brittany,

I act for the owners of 16 Hillcrest Avenue Mona Vale.

We are aware of a development application that has been submitted for the demolition of the existing dwelling house and construction of a new dwelling house and swimming pool at 18 Hillcrest Avenue, Mona Vale. (DA2024/1707)

The subject property is immediately adjacent and to the east of my client's property at 16 Hillcrest Avenue.

We have reviewed the drawings and reports that form part of the application.

The application fails to properly address clause C1.3 of the DCP in that it does not demonstrate that view sharing has been achieved through the application of the Land and Environment Court planning principles.

My client requests that the following amendments be made to the application to reduce the impact on views to the ocean from my clients property and to preserve the health of the Norfolk Island Pine.

Further height poles should be erected to demonstrate the location of the dwelling so that a proper analysis can be carried out of the true impact of any view loss.

The views up the beach have already been significantly compromised with the construction of the secondary dwelling to the north. While the impacts each proposal on their own is not significant – the cumulative impact results in a change from a dwelling that felt as if it was on a headland, to one that is now surrounded by development. The combined development is not consistent with the low impact intent of development in the C4 Environmental Living Zone.

**VIEW LOSS FROM UPPER LEVEL LIVING ROOM.**

The dwelling at 16 Hillcrest Avenue, has large living room windows facing north and east that currently provide views to the Pacific Ocean. The views include view to the Norfolk Island Pine and filtered views through vegetation and the horizon line above the existing vegetation.

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**ARCHITECTURE  
URBAN STRATEGY**

Smith and Tzannes Pty Ltd  
ABN 96 142 020 693

M1/147 McEvoy Street  
Alexandria NSW 2015

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email@smithtzannes.com.au  
smithtzannes.com.au

DIRECTORS:  
Peter Smith  
Andrew Tzannes  
Andrew Nicolle

Nominated Architect:  
Peter Smith NSW ARB 7024  
Andrew Nicolle ARB 10856

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The proposed development appears to completely obstruct view from these windows. There has been no analysis undertaken within the application to demonstrate what the views are, the extent to which these views would be obstructed, or how the views have been shared.

The views to the ocean are considered to be iconic views from this upper-level living room. The primary obstruction to views include the proposed ensuite and privacy screen that surrounds the upper level balcony



FIGURE 1: VIEWS TO OCEAN FROM LIVING ROOM WINDOWS. ORANGE LINE INDICATES POST AT END OF EXISTING DECK

The pole at the end of the existing deck and the roof of the dwelling house provide useful indicators that have been marked up on the attached plans.

Views to the ocean are also currently available from the upper level balcony. It is anticipated that these eastern views will be completely obstructed by the proposed development.

#### RECOMMENDATION

We request that the development be amended so that a view corridor is provided from the living room windows to the southern side of the Norfolk Island Pine. This will require:

- Deletion of the privacy screen and habitable balcony adjacent the ensuite
- Amendment to the ensuite and walk in robe, and master bedroom
- Reduction in the extent of ground floor structures

The suggested view corridor to be retained is to see the ocean to the north of the existing pole at the end of the deck and Norfolk Island Pine.



FIGURE 2: VIEWS TO OCEAN FROM UPPER LEVEL TERRACE

### **VIEW LOSS FROM REAR GARDEN**

The development proposes a hedge along the eastern boundary comprising *Syzygium Australe* 'Bush Christmas' that has a mature height of 3m (according to the landscape plans that form part of the application).

There is currently an open fence located on the common boundary that provides views from the pool and rear garden to the ocean. The proposed hedge would completely obstruct these views.

The 3m hedge will also block views to the ocean (particularly when looking north east) from the upper living room of the dwelling.

The Land and Environment Court typically considers that hedges which obstruct significant views should be trimmed or removed such that the view from the neighbouring property is retained.

### **RECOMMENDATION**

We request that the development be amended so that when measured along the common boundary:

- Species changed to one that grows to a lower mature height.
- Maximum height of hedge is 2m, and does not extend closer than 14m from the rear boundary
- Any remaining hedge along the boundary to have a mature height of no more than 1m high, except that
- The most northern most 6m retains the open fence and planting is no higher than 0.6m

### **EXTENT OF BUILDING WITHIN THE TPZ OF THE NORFOLK ISLAND PINE**

Norfolk Island pines are culturally significant to the coastal area of the Northern Beaches.

The proposed sunroom and covered roof terraces extend significantly into the tree protection zone and the canopy of the Norfolk Island Pine. This includes construction of concrete strip footings to support the stone walls (shown on the north elevation) and concrete stairs shown on the southern elevation.

The tree provides significant visual amenity for my client as it is viewed from their living areas and also the back garden.

We have sought advice from a horticulturist, whose advice is enclosed.

The area of building that is considered to impact the tree is also the same area of building that obstructs views from our property. The amendments proposed in this letter will both enable views to be retained and also ensure long term health of the tree.

#### RECOMMENDATION

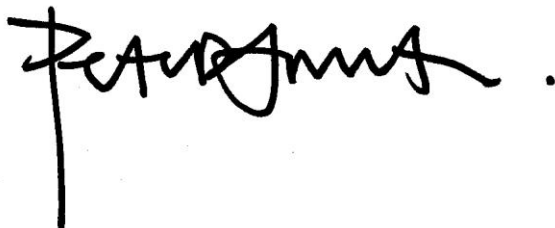
The proposed development should be amended to set back further from the Norfolk Island Pine mostly outside the tree protection zone.

The structures should be reduced so that the canopy of the tree does not need to be reduced.

We trust that the above will facilitate the assessment of the application

We will be happy to facilitate access to the property to enable view analysis to be carried out, both by yourself and the applicants architect and planner.

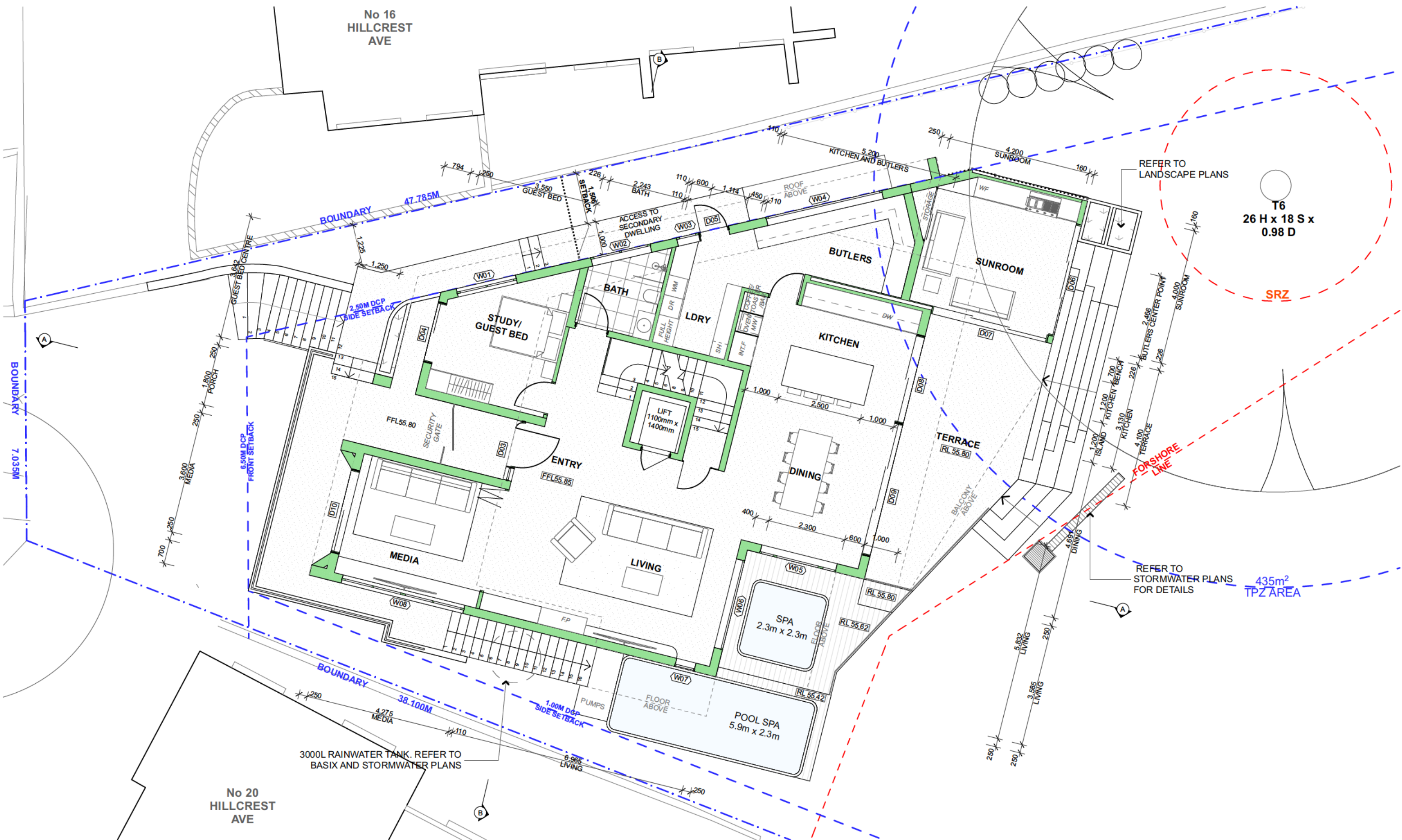
Yours Faithfully  
SMITH & TZANNES,

A handwritten signature in black ink, appearing to read 'Peter Smith', followed by a period.


Peter Smith  
Director  
Registered Architect NSW 7024

Enclosures:  
Marked up Architectural Plans  
Advice from horticulturalist.





1 PROPOSED GROUND FLOOR PLAN 1:100



progressive plans


0400 699 850  
16 BOWLING GREEN LANE  
AVALON, NSW, 2107  
HELLO@PROGRESSIVEPLANS.COM.AU  
WWW.PROGRESSIVEPLANS.COM.AU


NOTES


THE BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS AND VERIFY ALL ERRORS AND OMISSIONS TO THE DRAFTING OFFICE. DO NOT SCALE THE DRAWING. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE DRAFTING OFFICE FOR CONSTRUCTION AND NOTED ON THE TITLE BLOCK. THE WORK MUST BE VERIFIED BY STRUCTURAL ENGINEER BEFORE WORK COMMENCES.

REV.	NOTES.	INITIAL	DATE
A	DA DOCUMENTATION	SB	09.09.24
B	DOOR&WINDOW SCHEDULE	SB	11.09.24

LEGEND

 EXISTING

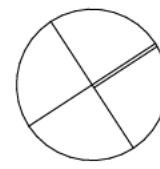
 DEMOLISHED

 PROPOSED

ABBREVIATIONS

CPD: CUPBOARD  
DP: DOWNPIPE  
DPS: DOWN PIPE SPITTER  
DPRH: DOWN PIPE RAIN HEAD  
FFL: FINISHED FLOOR LEVEL  
FW: FLOOR WASTE  
HWS: HOT WATER SYSTEM  
RL: REDUCED LEVEL  
SA: SMOKE ALARM

NORTH POINT



CLIENTS:

NEIL BURNARD

SITE ADDRESS:

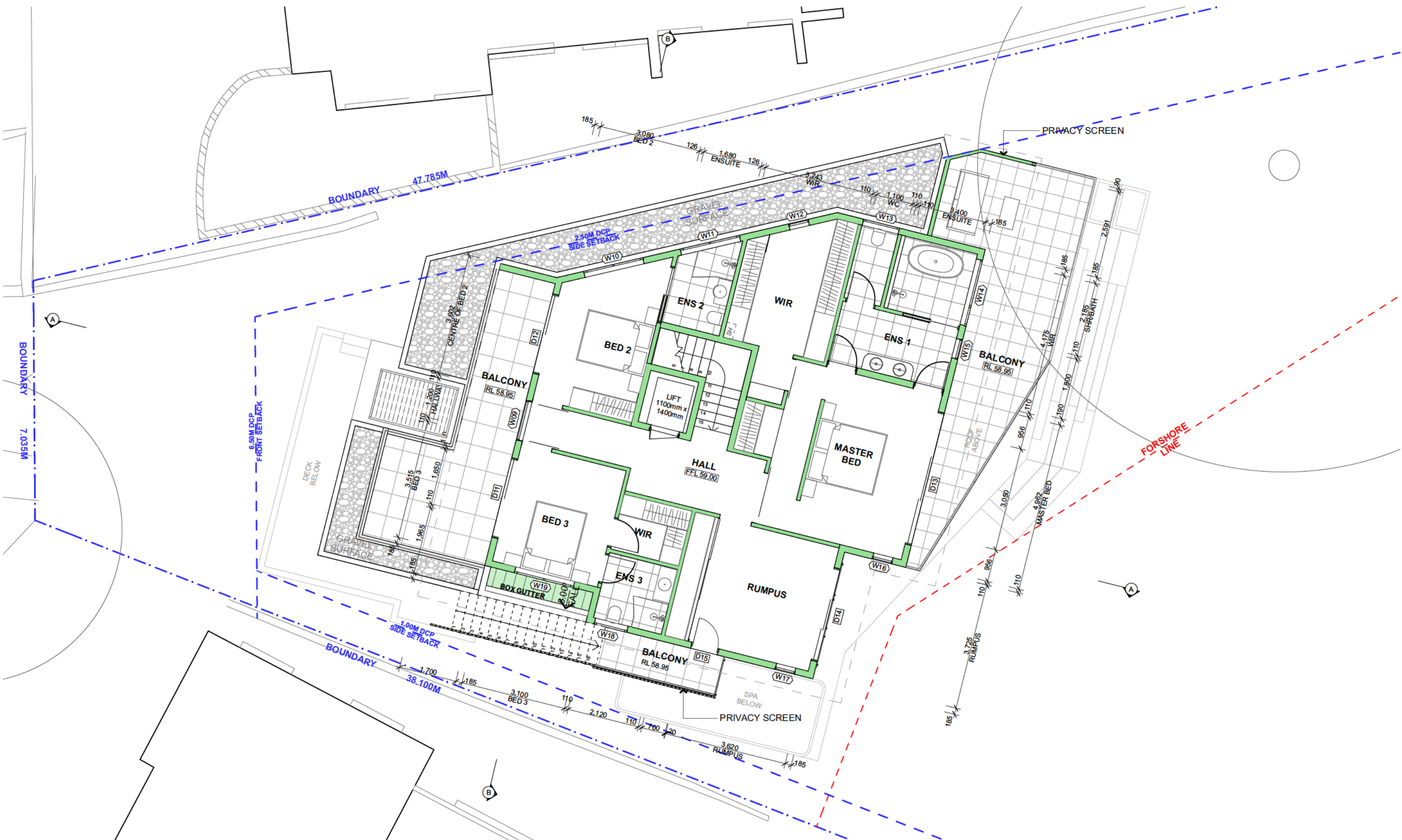
18 HILLCREST AVE  
MONA VALE, NSW, 2103

DRAWING TITLE:

PROPOSED GROUND FLOOR PLAN

SCALE:	DATE:
1:100 @A3	4/12/2024
PROJECT NO:	DRAWING NO:
1084	DA10





1 PROPOSED FIRST FLOOR PLAN 1:100



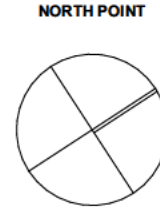
progressive plans  
0400 699 850  
16 BOWLING GREEN LANE  
AVALON, NSW, 2107  
HELLO@PROGRESSIVEPLANS.COM.AU  
WWW.PROGRESSIVEPLANS.COM.AU

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LEGEND
EXISTING
DEMOLISHED
PROPOSED

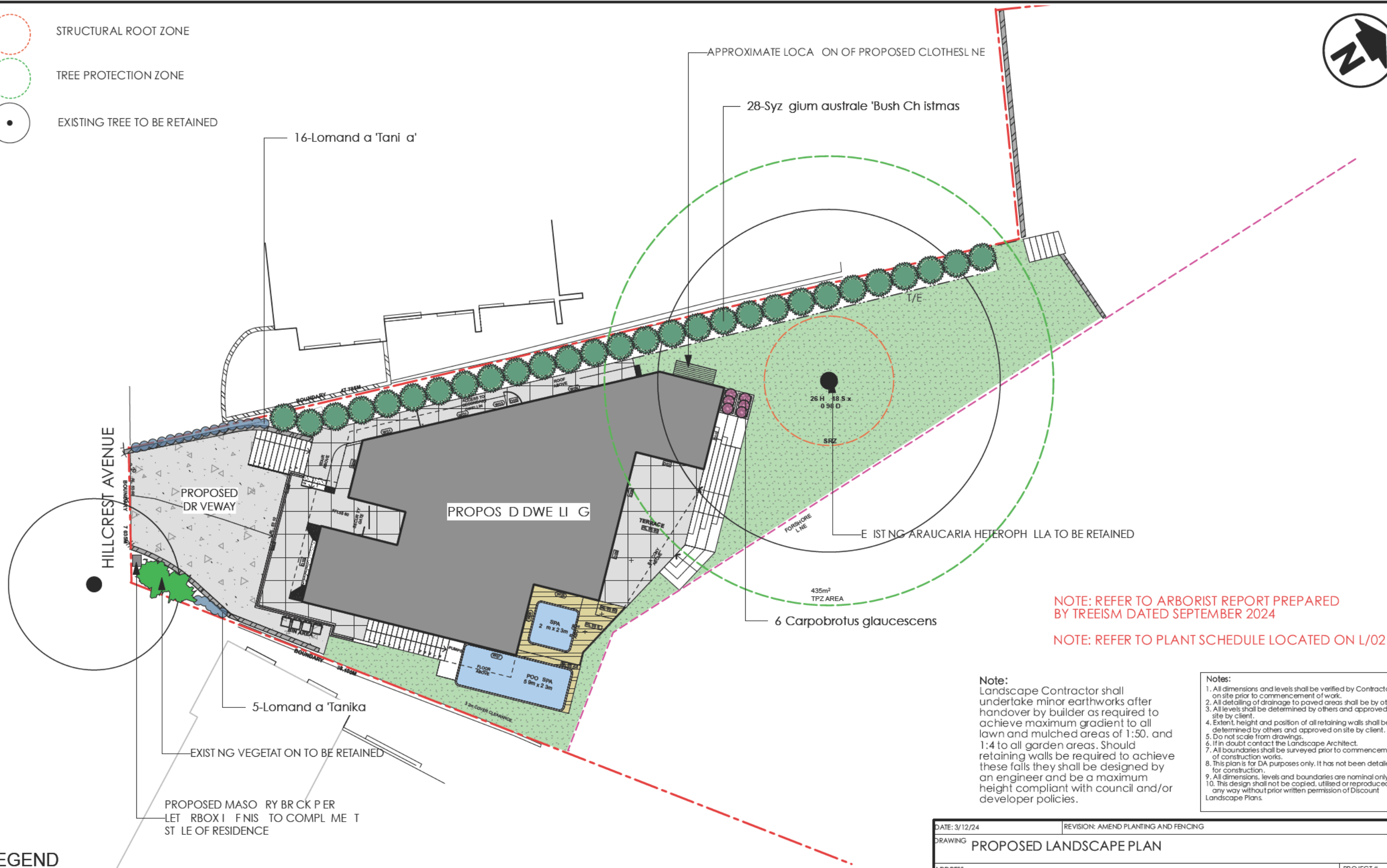
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SA: SMOKE ALARM



**CLIENTS:**  
NEIL BURNARD  
  
**SITE ADDRESS:**  
18 HILLCREST AVE  
MONA VALE, NSW, 2103

DRAWING TITLE:	
PROPOSED FIRST FLOOR PLAN	
<b>SCALE:</b> 1:100 @A3	<b>DATE:</b> 4/12/2024
<b>PROJECT NO:</b> 1084	<b>DRAWING NO:</b> DA11

- STRUCTURAL ROOT ZONE
- TREE PROTECTION ZONE
- EXISTING TREE TO BE RETAINED




NOTE: REFER TO ARBORIST REPORT PREPARED BY TREEISM DATED SEPTEMBER 2024

NOTE: REFER TO PLANT SCHEDULE LOCATED ON L/02

- Note:**  
Landscape Contractor shall undertake minor earthworks after handover by builder as required to achieve maximum gradient to all lawn and mulched areas of 1:50, and 1:4 to all garden areas. Should retaining walls be required to achieve these falls they shall be designed by an engineer and be a maximum height compliant with council and/or developer policies.
- Notes:**  
1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.  
2. All detailing of drainage to paved areas shall be by others.  
3. All levels shall be determined by others and approved on site by client.  
4. Extent, height and position of all retaining walls shall be determined by others and approved on site by client.  
5. Do not scale from drawings.  
6. If in doubt contact the Landscape Architect.  
7. All boundaries shall be surveyed prior to commencement of construction works.  
8. This plan is for DA purposes only. It has not been detailed for construction.  
9. All dimensions, levels and boundaries are nominal only.  
10. This design shall not be copied, utilised or reproduced in any way without prior written permission of Discount Landscape Plans.

LEGEND

- PROPOSED PAVED AREA
- PROPOSED COLOURED CONCRETE DRIVEWAY
- LAWN AREA
- T/E
- TIMBER LAWN EDGING
- PROPOSED RETAINING WALL REFER ARCHITECTURAL PLANS
- PROPOSED DECKING AREA

DATE: 3/12/24		REVISION: AMEND PLANTING AND FENCING	
DRAWING: PROPOSED LANDSCAPE PLAN			
ADDRESS: 18 HILLCREST AVENUE, MONA VALE		PROJECT #: BURNARD	
CLIENT: NEIL BURNARD		DATE #: 01/11/24	DWG #: L/01
		SCALE @ A3: 1:200	
		DRAWN: AW	
		CHKD: JS	
<b>Discount Landscape Plans</b> 65 West Street, North Sydney NSW 2060 Tel: (02) 9959 4055			
 discount landscape plans quick - guaranteed - affordable			

SACRED SPACES  
Arboriculture Horticulture  
Landscape Design and Construction

Christopher Booth BA (Comm) Hort Cert Landscape Cert  
6 Plateau Rd  
Avalon 2107  
Ph. [REDACTED]  
E. [REDACTED]

Re: Building impact on Norfolk Pine at  
No. 18 Hillcrest Ave Mona Vale 2103

To whom it may concern

I am a qualified horticulturist and landscaper in design and construction and have been in business for 40 years. I have been asked by the owner of 16 Hillcrest Ave, Mona Vale to provide my professional comment on the arborist report submitted as part of DA application # DA2024/1707 prepared by Treeism Arboricultural Services.

In particular my client has asked me to provide comment this DA will have on the Norfolk Pine (*Araucaria heterophylla*) located at the rear of the proposed development site (18 Hillcrest Ave).

I believe that the subject tree will be impacted by the construction of the proposed dwelling, specifically the sunroom and terrace with concrete stairs attached to the house, as these elements are currently proposed to be built within 7 metres of the trunk of said Norfolk Pine. The arborist report page 6 has categorised the encroachment on the TPZ of the proposed building as major and visually demonstrated this in figure 1.

The report has characterised the tree as mature and presumably the recommendations made in the report would be based on this age class. I do not believe this is the correct age class for this tree. The arborist report states the current tree size as 26 meters high with a spread of 18m (appendix 3 page 16). It's my understanding that mature specimens of Norfolk Pines growing on Sydney coastlines grow on average to a height of between 50 to 65 metres. Based on this, I would say the age class in the report is a gross underestimation of the actual age classification of the tree; it is not mature. This revised classification would mean the tree is still actively growing and therefore the recommendations given in the report may not be applicable in regard to the area required in the future for root growth and canopy expansion. If adequate space is not provided between the tree and the new house as the tree continues to grow it may affect the following:-

- The root system may start to affect the house, by pulling up house foundations



- The branches of the tree will grow into the terrace and sunroom, pruning of which may affect the form and integrity of the tree
- The new building may restrict rainwater from reaching the future tree roots of the tree affecting the health and integrity of the tree
- By limiting the area of future root growth, it may affect the structural integrity of the tree

**Additional Points For Council to Consider in their Determination:-**

- The report is requesting minor to moderate tree pruning to clear branches for the proposed new roofline and to allow room for scaffolding during construction. When pruning Norfolk Pines, normally they would be removed back to the trunk as when lateral branches are pruned any further along branches, they do not grow back at the tips which will impact on the form and integrity of the tree.
- Norfolk Pine has a surface root system, if distributed for the construction of the foundations and/or stairs of the building it could result in the tree becoming unstable and being uprooted in a storm.
- This shallow root system also means that as the tree grows it needs more space to spread out and grow comfortably. Having the building within or near the TPZ zone will constrict the future growth of the tree and its root system.
- The leaching of the lime from the cement stairs and footings may create higher alkaline levels in the soil and disrupt the acidic soil preferred by the Pine (ideal pH level of 6-6.5) and therefore affect the tree health.
- Norfolk pines drop a lot of debris, having the house close to the tree may clog the roof and gutters of the house
- The root system's health is essential for the overall vitality of the Norfolk Pine

**Why Keep the Tree**

The tree provides a timeless 'sense of place' that only trees of this age and size can impart and which is not possible to achieve with new or establishing trees

The tree makes a unique contribution to the landscape with its height and landscape dominance and visibility from the surrounding area.

The tree is a unique contribution to the landscape.

**Recommendation**

The arborist report has identified this tree to have high retention value. I agree with this classification and think that the proposed design needs to be amended to ensure the development does not affect the health of the tree and therefore its long term viability. For this reason, I would suggest the following amendments be made to the proposed design:-

- The sunroom be removed
- The terrace and stairs be scaled back

Chris Booth  
January 2025