

By Hand 29/1/2019

25 January 2019

Ms Julie Edwards  
Planner  
Northern Beaches Council  
1 Park Street  
Mona Vale NSW 2103



Re: DA2018/2060 – Construction of a dwelling house at 43 Herbert Ave Newport

Dear Ms Edwards

Thank you for the opportunity to comment on the above proposal.

**1. House Footprint:**

The width of this design by Ezy Homes dated 15/08/18 does not comply with minimum DCP Side Boundary requirements (2.5m on one side, and 1.0m on the other) leading to the bulk of the structure exceeding the allowable building envelope as shown on the plans North Elevation.

The front boundary NIL setback (unavoidable for a carport site) is being conflated with 1.08m side setbacks noted as “not complying” but nevertheless requested to be allowed as “Minor Variations” {Statement of Environmental Effects p28}.

**2. Carport:**

My major concern is the excavation proposed for the double carport undermining the N.E. corner of House No 41 and the Tree marked T1.

These same concerns have been detailed in my submissions for two previous DAs, No271/16 (withdrawn) and No.111/17 (Garage determined “Not Approved”).

By enlarging the existing cut & fill site to accommodate two vehicles, a 3.5m deep cut below a 9m single brick wall (house No 41) @ RL70 is proposed.

The S.W. corner of the cut approximates the location marked DCP-2 on the Geotech Report J0673A although the carport diagram appears out-dated (3/5/18). Cover page J0673B (26/06/18) mentions “Minor Changes” – “Carport has been widened”.

The site plans by Ezy Homes show two different locations for the carport, a smaller one 18/04/18, and the “widened” one 15/08/18.

This latter drawing appears similar to one submitted for DA271/16 (withdrawn) { Refer attachment A.}

1/7

My worry is that the carport excavation is likely to undermine my house whose N.E. corner is adjacent to DCP-2. It is founded on a floater (I was advised) which is visible (can be inspected) above ground at that point and which is possibly the same floater inferred @ 0.5m ( DCP-2)

Any rock breaking/cutting may produce movement affecting the foundation of house No 41 and any vibration would likely be transferred to the brickwork of the house. A dilapidation report would be required to determine this.

The Geotech Report rates the risk of vibrations at this point as "Moderate" and the Consequences to Property as "Medium 15%" (Hazard 4 Page 6). The vibrations risk for the proposed house footings above may well be Moderate but, in my opinion, this carport corner site(DCP-2) carries a greater potential for damage owing to it not being bedrock.

### 3. Tree T1

Downhill from this corner is the tree marked T1 (with a 3.7m SRZ - Arborist M Blues) meaning the excavation proposed would be a MAJOR INCURSION (over 10% of SRZ).

A cut for the West side of the carport 1.81m below T1 base (RL 68.36 – RL66.55) and allowing for planned drainage would realistically mean excavation to the boundary, centimetres from T1 base.

One look at the exposed roots of adjacent tree T2 shows the expected root structure to also support such a huge tree as T1. (Refer Photo Attachment B.)

### Conclusion:


It is my belief that it would be better to avoid risks of collapse to both house and trees by redesigning the carport site requiring less excavation.

Both Arborists, M Blues and Kyle Hill, have recommended at different times the carport could be modified/relocated.  
(Refer Attachments C & D).

### Attachments:

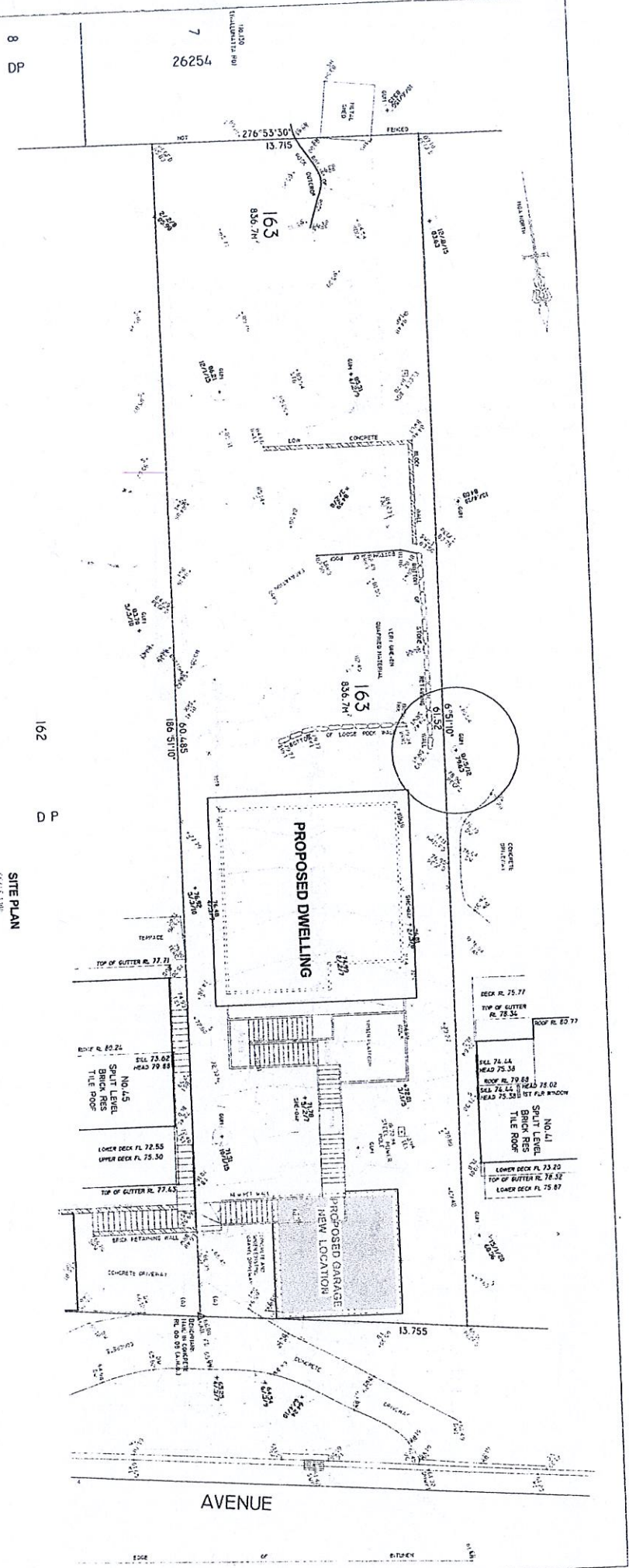
- A. 2 Site Plans of garage locations Nov 2015 & May 2017
- B. Exposed Roots Tree T2 2018 – M Blues
- C. Arborist Report – M Blues 7 March 2016
- D. Arborist Report - Kyle Hills 9 September 2016

Yours sincerely,

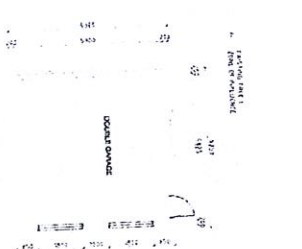


Michael C Edwards  
41 Herbert Avenue  
Newport NSW 2106.

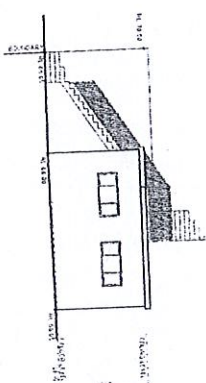
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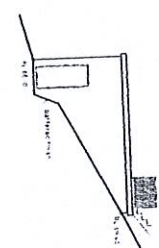
# SITE PLAN



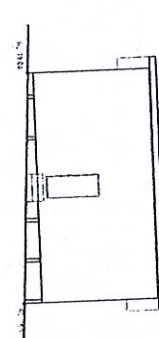
**GARAGE FLOOR PLAN**  
SCALE 1:100



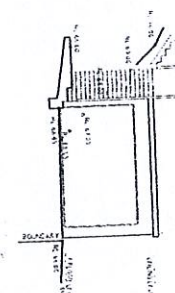
**NORTH ELEVATION**  
SCALE 1:500



**WEST ELEVATION**  
1000



**SOUTH ELEVATION**  
SCALE 1"=10'

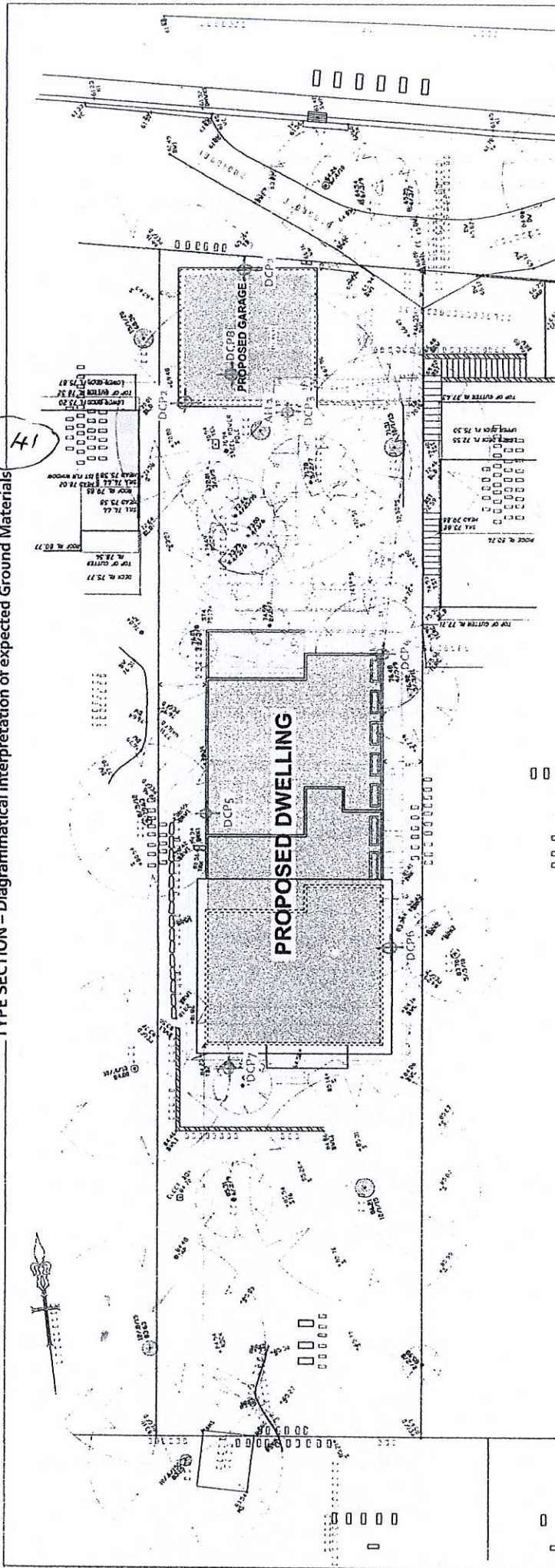


**EAST ELEVATION**  
SCALE 1:50

**HIGH DESIGN** - ANS is an architectural design and drafting service  
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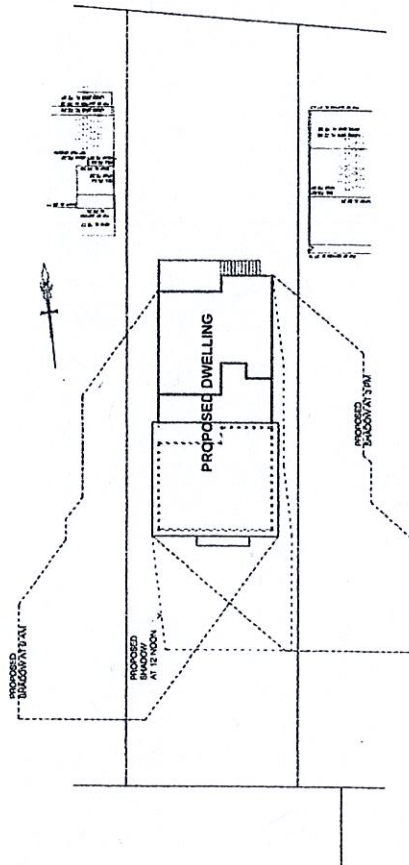
# TYPE SECTION - Diagrammatical Interpretation of expected Ground Materials

NO 41

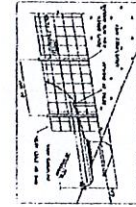


SITE PLAN  
SCALE 1:100

SHADOW DIAGRAM - JUNE 21			
TYPE	DEPTH	ANGLE	HEIGHT
8.0m	0° 14.3' NE	18°	37°
12.0m			
3.0m	4.3° NW	18°	



SHADOW DIAGRAM  
SCALE 1:200



SITE AREA 836.7 sqm  
LANDSCAPE AREA 506.5 sqm OR 60.5 %

NOV 2015

PROJECT: JONES  
CLIENT: JONES  
DESIGNER: JONES  
DATE: 2015  
SCALE: 1:100  
SHEET: 1 OF 1

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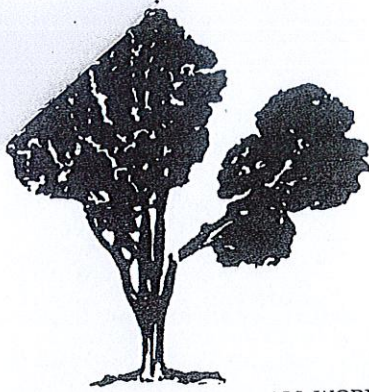
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ATTACHMENT



# "GROWING MY WAY" TREE CONSULTANCY

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6008

kyle  
CONSULTANT

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Email kyleahill@optusnet.com.au

ABN 97 965 355 200

ALL WORKS TO AUSTRALIAN STANDARD 4373-2007 / 4970-2009

DATE

9.7.2016 DAY SAT

PROP/CONS

REFERRED BY

RL

NAME

MICHAEL EDWARDS

SITE

41 Herbert Avenue  
Newport Beach

POSTAL ADDRESS

PHONE

EMAIL

## PROPOSAL/REPORT

Corymbia maculata (Spotted gum)

> 23m tall < 7.17m average canopy  
x 0.83m - MEASURED

TPZ radial distance = 10.10m by  
SRZ radial distance = 3.10m 3.35m tree  
TPZ surface area = 320.00m<sup>2</sup> tree

Proposed excavation 1.10m from  
common boundary

- realistically excavation will be significantly closer to #41 discussed tree
- line of excavation (realistic line) breaches SRZ radial distance

Suggestion made the proposed garage location can be modified to impact less on the #41 discussed tree

ACCEPTANCE

INVESTMENT \$

GST \$

TOTAL \$



TREE WORK - will be performed by arborists, who, through related training and on-the-job experience, are familiar with the techniques and hazards of this work. The work will be undertaken only by trained personnel or under the supervision of trained personnel, all of whom are covered with unlimited workers compensation, and \$10,000,000 public liability insurance.





## 4 Results and Observations

### 4.1 The Site

The steep site sloped downwards south to north. The block was largely vegetated and undeveloped. Quarrying had occurred on the site in the distant past.

At the time of inspection, temporary wooden stairs had been constructed to assist in accessing the block.

### 4.2 The Development

The proposed dwelling consists of three levels. The building will be accessed via stairs leading from the front of the block. A double garage is proposed at the front of the property.

The house is to be constructed above grade supported by piers.

### 4.3 The Trees

A number of large and significant Eucalypts were present within the block and on neighbouring properties close to the boundary. The majority of vegetation was classified as "understorey" or shrubbery. See appendix 1 for detailed analysis on each tree.

### 4.4 Construction impact to each tree

The following table lists the perceived construction impact to each tree.

Tree Id	Botanical Name	Data Summarised	Retention Value	Recommendation
T1*	<i>Corymbia maculata</i>	A large significant gum located within neighbouring property. Currently a dry packed stone wall is approximately 2 metres from trunk perimeter. Construction requiring excavation is under 0.5 metre. Assumption made Concrete floor. Garage finished floor level is RL 66.65 requiring a minimum excavation of 0.5 metre. (Contour 67.00 less FFL 66.65 less concrete floor min requirement of 200mm).	High	Retain. Reduce footprint of garage. Consider elevating floor avoiding excavation requirement.
T2	<i>Corymbia maculata</i> (Spotted Gum)	A large significant gum located immediately south of the proposed garage. 2 x large exposed roots fall within the proposed garage footprint i.e zone of excavation. Additional excavation will be required for proposed garage. SRZ of tree id 3.6 metre (radius) proposed garage (including excavation) is 0.78cm of trunk centre.	High	Retain Reduce width of garage. If not tree will require removal.
T3	<i>Eucalyptus punctata</i> Grey Gum	A large significant gum located very close to the neighbouring property. Tree has a large area of decay @ 8 metres. Upper canopy branching are heavy with large angle of attachments to the trunk. Scientific investigation for the decay is required however the large angles of branch attachment pose a very high level of risk and hazard to the neighbouring property. Irrespective of the development, removal is recommended.	Moderate	Removal  Allows opportunity for a second garage.

Slight modification to the building design would allow for the retention of this tree or a shift the entire building to the west.

Staircase Eastern side of dwelling.

Redesign (reduction) of the garage floor space should be considered which will lessen the soil disturbance/impact of T1 and T2. Additional excavation at the front of the property within the proximity of T3 would allow for a second garage.

### Garage

Retention of five (5) trees, T1, T2, T6, T7 & T19 is supported. Of these trees T1, T2, 7 T19 were assigned a high retention value, appeared to be in excellent health and vigour and rated as being viable for many years. Trees T 6 & T7 were assigned a retention value of moderate and should be viable for many years.

Tree 19: Tree retention is not possible given the current design. This is a high valued tree and retention should be considered.

The building will necessitate the removal of thirteen (13) T4, T5, T9, T10, T11, T12, T13, T14, T15, T16, T17, T19 T20 & T21 as they either fall within the footprint of the building or are in very poor health or structure.

Unaffected by the development - T18 (neighbouring tree)

## 6 Recommendations

It is recommended the following trees be removed irrespective of the development:-

T8 Jacaranda mimosifolia did not exist.

T4, T5, T9, T10 & T11

• Low Retention Value (Five trees)

• Moderate Retention Value (Twelve trees)  
T3, T6, T7, T12, T13, T14, T15, T16, T17, T18, T20 & T21

• High Retention Value (three trees)  
T1 (neighbouring property), T2 and T19

Assigned retention values to each tree were:-

Twenty one trees have been inspected in accordance with the scope of works.

## 5 Conclusion