

David Tuxford
General Manager
Georges River Council
PO Box 205
Hurstville BC NSW 1481

Re: Notice of proposed residential housing - 10-14 Munmurra Road & 5 Bernadotte Street, Riverwood

Dear David,

This letter is to notify Council of a proposal by Homes NSW to redevelop an existing social housing development, and invite Council's written comments on the development proposal:

Property: 10-14 Munmurra Road & 5 Bernadotte Street, Riverwood NSW 2210

Lots 57, 58, 59 & 60 in DP 35818

Proposal: Demolition of existing dwellings and associated structures, tree removal and the construction of a new 2-storey development containing 8 x 1-bedroom and 8 x 2-bedroom independent living units, parking for 12 vehicles, associated site works and landscaping, and consolidation into a single lot.

The proposal is considered 'development without consent' under the *State Environmental Planning Policy (Housing) 2021*. Homes NSW is seeking feedback from Council and neighbours for consideration before deciding whether the development should proceed.

The following plans and documents are enclosed for Council's review and comments:

- Survey plan
- Site analysis plan
- Architectural plans
- Demolition plan
- Block analysis plan
- Landscape plan
- Stormwater plans
- Erosion and sediment control plan
- BASIX & NatHERS Certificates
- Building Code of Australia Report
- Access Report
- Arborist Report
- Geotechnical Report
- Traffic Report
- Waste Management Plan

Please email Council's comments to Howard Taylor, Senior Planner, Homes NSW at howard.taylor1@homes.nsw.gov.au by 19 April 2024.

For general enquiries our Community Engagement team can be contacted on 1800 738 718 (voicemail) or by email at CommunityEngagement@homes.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Lynne Welch".

Lynne Welch
Community Engagement Manager
Homes NSW

Howard Taylor

Subject: FW: Statutory Notification - 10-14 Munmurra Road and 5 Bernadotte Street, Riverwood (BGZEE), Homes NSW

From: Linley Love <LLove@georgesriver.nsw.gov.au>

Sent: Wednesday, May 8, 2024 9:30 AM

To: Howard Taylor <Howard.Taylor1@homes.nsw.gov.au>

Cc: Ned Harper <Ned.Harper@homes.nsw.gov.au>; CommunityEngagement <Communityengagement@homes.nsw.gov.au>; Deborah Gilbert <Deborah.Gilbert@homes.nsw.gov.au>

Subject: Statutory Notification - 10-14 Munmurra Road and 5 Bernadotte Street, Riverwood (BGZEE), Homes NSW

This Message Is From an External Sender

This message came from outside your organization.

Good morning Howard,

Our engineer and landscape officer have reviewed the notified proposal and provided the following comments:

Engineering

With reference to the submitted public file, following plans and reports have been assessed/viewed.

1. *Overland Flow Report reference number NO221293 – CRPT.02D, dated 5 February 2024 prepared by JN responsive Engineering.*
2. *Detail & Level Survey issue 'C' dated 5/12/23 prepared by Norton Survey Partners.*
3. *Stormwater drainage plans and WSUD plan reference NO221293CSK01 F dated 21/12/2023 JN responsive Engineering.*

The submitted Overland Flow Report and stormwater drainage plans are satisfactory conceptually.

Following conditions are to be included in any development consent.

1. Compliance with Flood Study (CC9.39)

*The development shall be designed to conform to the recommendations and conclusions of the submitted flood study prepared by **JN responsive Engineering**.*

This shall include, but not be limited to, any recommendations for the following:

- (a) *Minimum floor levels*
- (b) *Fencing*
- (c) *Site regrading*
- (d) *Overland flow path construction*

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

2. Road Opening Permit (CON11.15)

A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.

3. Restriction to User and Positive Covenant for On-Site Detention Facility (OCC12.17)

A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. The registered proprietor of the lot(s) hereby burdened will in respect of the system:

a) keep the system clean and free from silt, rubbish and debris

b) maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner

c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant

d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above

b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:

i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

4. Maintenance Schedule – On-site Stormwater Management (OCC12.18)

A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

5. Stormwater drainage works – Works As Executed (OCC12.32)

Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;

A copy of the works as executed plan must be submitted to the Council for record keeping purposes.

Trees & Landscaping

A site inspection from the street was undertaken on 1 May 2024. The submitted Arboricultural Impact Assessment (AIA) has been reviewed against the above listed documents. The AIA is outdated and has not assessed the proposed stormwater plans or the latest revised architectural and Landscape Plans.

The AIA states that 15 existing trees within and surrounding the site will be impacted by the proposed development. This is made up of ten (10) site trees, one (1) neighboring tree and four (4) Council owned street trees.

The AIA discloses that one (1) site tree and one (1) street tree have been recently poisoned and are now dead. A site inspection confirmed drill holes present around the base of the large mature street tree on Bernadette Street. The tree poisoning has been referred to Councils Compliance Team for investigation.

Site Trees

The AIA has assessed the retention value of trees within the site as:

- four (4) low retention valued,
- four (4) medium retention valued and
- two (2) high retention valued.

Noting that poisoned tree has been allocated a low retention value because it now dead, if the tree was still alive it would likely be high retention valued.

Only three (3) of the trees onsite are proposed for retention. This includes two (2) low retention valued trees and one (1) high retention valued tree.

Neighbouring Trees

One (1) *Ligustrum lucidum* (Broad-leaf Privet) is located in the front yard of 16 Mona Road, growing flush against the boundary of the subject site. The tree is an exempt species however, because it is located on the neighboring property it must be protected.

Council Street Trees

There are three (3) large mature high landscape and high retention valued street trees on Munmurra Road and one (1) large mature poisoned street tree on Bernadette Street.

The AIA recommends the removal of the poisoned street tree. I have liaised with Kieran O'Neill who manages Councils Public Trees, and the tree will be retained as a habitat asset.

To protect the structural integrity of the street tree, no excavation works are to occur within the Structural Root Zone (SRZ). The SRZ is the root area required to keep the tree stable within the ground. Damage or removal of roots within the SRZ can cause whole tree failure (immediately or in the future).

The three (3) street trees on Munmurra Road form part of an established avenue planting of Eucalyptus microcorys (Tallowwood) trees. The large mature trees greatly contribute to the streetscape, local environment and character of the area. This is reiterated in Councils Locality Statement for Riverwood;

“The streets, although inconsistent in width throughout the locality, are generally tree-lined and present as a ‘green corridor’ through the provision of generous landscaping within the front setback space. The prevailing leafy character of the streets has heightened the consistency and quality of streetscapes throughout this locality. However, the larger building footprints occupied by the more recent residential flat buildings, multi dwelling housing and dual occupancy developments are accompanied by a significant reduction in the amount of landscaped area provided compared to the post-war dwelling houses. This has led to a gradual erosion of the leafy character of the locality.”

As previously stated, the AIA has not assessed the most current plans being reviewed Council and states that the street trees will be subjected to minor development impacts. However, this assessment is incorrect as the AIA states that it has not considered the following design impacts:

- subsurface utilities that have not been included in the design,*
- Work methods related to subsurface utilities, for example concrete encasing or replacement of existing lines or work methods related to construction (stockpiling, site sheds, scaffolding) unless otherwise specified.*
- Public infrastructure including footpaths, new kerb/guttering, subsurface utilities on Munmurra and Bernadotte Street.*

These may also increase the encroachment and tree impact and therefore the opportunity for tree retention.”

The proposed development will have a major Tree Protection Zone (TPZ) of greater than 10% encroachment with infrastructure proposed within the SRZ.

In accordance with Australian Standards ‘Protection of trees on development sites’ AS4970-2009 a TPZ incursion of 10% or greater or within the SRZ is considered a ‘Major’ encroachment. The TPZ is the theoretical area of root zone area required for keeping the tree healthy and vigorous. Major incursions within the TPZ impacts tree health, vitality and reduces life expectancy. The SRZ is the root area required to keep the tree stable within the ground. Damage or removal of roots within the SRZ can cause whole tree failure (immediately or in the future).

It is likely that the Tallowwood street trees will require pruning to facilitate the current design. A pruning specification has not been provided nor has the AIA addressed impacts to the trees canopies.

From an Arboricultural perspective, the proposed design will result in major impacts to the high valued street trees and therefore cannot be supported.

Recommendations

The following design modifications and further information are recommended to ensure that high retention valued trees including Councils mature street trees remain viable into the future:

- 1) The proposed design has not fully considered the major impacts to the existing high retention valued and high landscape significance trees including Council’s street trees.*
- 2) The proposed footpath, boundary fence and stormwater within the Structural Root Zone (SRZ) of the large mature street trees will significantly impact the health and structural integrity of the trees and is not supported.*
- 3) That removal of the poisoned street tree on Bernadette Street is not supported. Council intends on maintaining the tree as a habitat asset.*
- 4) That an Arboricultural Impact Assessment (AIA) prepared by an AQF Level 5 Arborist assesses all development plans that will impact trees e.g., subsurface utilities, public infrastructure and landscape plans. The AIA must be based on the most current plans and revisions to fully assess impacts to trees. The AIA must be written in accordance with Australian Standards ‘Trees on development sites’ AS4970-2009 and the Georges River Tree Management Policy.*
- 5) The impacts to tree canopies i.e. pruning specification should be included within a AIA report. No more than 10% canopy removal will be supported in accordance with Australian Standards “Pruning of amenity trees”.*

- 6) *It is recommended that a suitably qualified and experienced AQF Level 5 Arborist liaises with the engineers and designers to create a design that minimises impacts to high landscape and high retention valued trees including Council's street trees.*
- 7) *It is recommended that the Landscape Plan be amended to include new street trees along Bernadette Street with the species to be determined by. Council must be appointed to plant the new trees on public land. All costs associated with the tree planting shall be met by the applicant. Fees and charges for street tree planting are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.*

Ref: SUB24/52825
26 March 2024

«First_Name»
«Company»
«Address_Line_1»
«Address»

Re: Seniors Housing Development - 10-14 Munmurra Road & 5 Bernadotte Street, Riverwood

Dear «First_Name»

I am writing to you from Homes NSW to update you about our plans to redevelop the housing site at 10-14 Munmurra Road & 5 Bernadotte Street, Riverwood and seek your feedback on our detailed design.

What we are proposing

We are proposing to replace the existing aged properties with a new 2-storey seniors housing development which will include:

- 16 homes in total — 8 x 1 bedroom units and 8 x 2 bedroom units
- 12 on-site car parking spaces
- landscaping and fencing across the site

What we have done so far

In July 2023 we invited the community to provide preliminary feedback about the proposal. The key themes raised in feedback received related to privacy, traffic and parking, local character, solar access and noise and traffic management during construction.

In response to this feedback, I can confirm:

- Our new developments are well designed modern homes with landscaped gardens that make a positive contribution to the existing streetscape.
- The proposed development has been designed to maximise privacy and minimise overlooking onto neighbouring yards, through careful window placement and landscaping, including screen plantings at the side and rear boundaries.
- The proposal provides 12 on-site car parking spaces is consistent with the requirements in *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) for this type of development.
- A traffic and parking assessment has been completed and finds that the new development is not expected to have any significant impacts on the local street network or parking.
- Shadow diagrams indicate that the living and principal private open space areas of adjoining properties maintain a reasonable level of solar access.

- During construction, traffic flow, construction noise, road access and street parking would be carefully managed to ensure neighbours experience minimal disruption.

What is happening now?

We have recently completed a detailed design process for 10-14 Munmurra Road & 5 Bernadotte Street, Riverwood. We invite your feedback, which will be carefully considered by our design and planning team as part of the assessment of this project and where possible we will incorporate your feedback in the designs.

Please find enclosed:

- an artist's impression of the proposed property to give you an idea of what it will look like
- site and landscape plan
- building elevations
- proposed materials and colour finishes
- shadow diagrams.

How you can submit your feedback

After reading through the enclosed materials, we invite you to have your say by contacting the Community Engagement Team via email: CommunityEngagement@homes.nsw.gov.au or phone: 1800 738 718 (voicemail).

All feedback should be received **by 19 April 2024** to give us enough time to consider it and you will receive confirmation that your feedback has been received.

We look forward to hearing from you.

Yours sincerely,



Lynne Welch

Community Engagement Manager
Homes NSW

About Homes NSW

The NSW Government is determined to make NSW a place where everyone has access to safe and secure housing, and where experiences of homelessness are rare, brief and non-recurring.

Homes NSW leads work to deliver more social and affordable housing, end the cycle of homelessness and deliver quality public housing to our 262,000 tenants across NSW. Access to safe housing assists people to pursue health, education and employment opportunities, which helps to strengthen the communities where we all live.

Homes NSW brings together the housing and homelessness services of the NSW Department of Communities and Justice (DCJ) with NSW Land and Housing Corporation (LAHC), NSW Aboriginal Housing Office (AHO) and key worker housing. To find out more, scan the QR code or visit our website at www.nsw.gov.au/homes-nsw.

