



Determination Recommendation Report

Project No. BGXWY

Conflict of Interest¹

In this matter:

1. I have declared any possible conflict of interests (real, potential or perceived) to the Chief Executive, Land & Housing Corporation.
2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the Chief Executive, Land & Housing Corporation as soon as I become aware of a possible conflict of interest.

Signed.....

Dated.....20/04/2023

Name.....David Ryan.....

Site Identification

STREET ADDRESS

Unit/Street No.

1-5

Street or property name

Brown Street

Suburb, town or locality

North Parramatta

Postcode

2151

Local Government Area(s)

Parramatta

Real property description (Lot and DP)

Lots 45, 46, 47 in DP 35290 & Lot 67 in DP 1214846

Activity Description

Provide a description of the Activity

Demolition of 3 existing dwellings and structures, removal of trees, and the construction of 12 independent living seniors housing units comprising 6 x one bedroom and 6 two bedroom units, with associated landscaping and fencing, surface parking for 9 cars, and consolidation into a single lot.

¹ Conflict of interest includes actual and potential. A conflict of interest includes pecuniary i.e. financial interests to you or a related party or non-pecuniary i.e. benefits to relatives, friends, business associates and personal causes, etc. This includes "related persons" as defined in the Property, Stock and Business Agency Act 2002.

The above activity is submitted for determination by the Head of Policy and Innovation, Land and Housing Corporation. Plans of the activity are at **Appendix E**.

The activity is “development without consent” under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Assessment and determination under Part 5 of the *Environmental Planning & Assessment Act 1979* (the Act) is therefore required.

The activity has been developed and reviewed in accordance with the relevant legislative requirements of Part 5 of the Environmental Planning & Assessment Act 1979 and the procedures set out in the Land and Housing Corporation’s Assessment Guide for Development without Consent.

Review of Environmental Factors assessment

A Review of Environmental Factors (REF) under Part 5 of the Act has been prepared (**Document 3**).

Notification

In accordance with the requirements of the Housing SEPP:

- Written notification of the intention to carry out the development was given to the council and occupiers of adjoining land.
- Responses to the notification received were considered and the project modified, where appropriate, to address the issues raised.

A summary of responses received and details of the consideration of the responses is provided in the REF (**at Section 6**).

Statement of Compliance

A Statement of Compliance certifies that the activity complies with the requirements of Part 5 of the Act and that the activity has planning merit (**Document 2**). Further, the Statement of Compliance certifies that the effects on the environment of the activity have been taken into account to the fullest extent possible and that the activity if carried out will not have a significant effect on the environment and hence no Environmental Impact Statement is required.

RECOMMENDATION

Considering the above and arising from my review it is considered that:

- The effects on the environment of the activity have been taken into account to the fullest extent possible.
- The activity if carried out will not significantly affect the environment and hence no Environmental Impact Statement is required.
- The additional conditions proposed in the REF in response to submissions received have adequately and appropriately addressed the issues raised.
- The site is located within the Jeffrey Avenue Special Character Area, the objective of which is stated as being that “Development within each Special Character Area is to be compatible with the identified character and is to reinforce the special attributes and qualities of the area.” Council has raised concern about the project’s compatibility with the existing character of the area.
- The REF concludes, supported by the project architect’s opinion at Appendix P, that the development is compatible with the Jeffrey Avenue Special Character Area.
- Whilst there are certainly some elements of the development that could be said to be compatible, when taken holistically, there are clear differences between

the proposed and prevailing building typology and subdivision pattern, setbacks, roof form and materials.

- I accept, however, that despite the expressed desire of the DCP to retain and reinforce the existing distinctive characteristics, more recent development, including the LAHC proposed development in Bourke Street, is progressively departing from these characteristics.
- Consequently, whilst accepting Council's concern, I nonetheless conclude that the resultant development activity has planning merit for the reasons outlined in the REF and for the following specific reasons:
 - That the design to be well considered and of good quality, providing good internal amenity and limiting impacts to its neighbours.
 - The existing character of the Jeffrey Avenue Special Character Area is gradually transforming from that described in the DCP.
 - The proposed design reflects this transformation but also seeks to reflect some of the existing distinctive elements described in the DCP.
 - I give weight to the public benefit associated with the provision of public housing and its optimisation on land in LAHC ownership.
 - I accept the REF's conclusions that its impacts are minimal and acceptable.
 - On these bases, I conclude that, on balance, the approval of this project is in the public interest, notwithstanding Council's concerns about its contextual compatibility.

Accordingly, it is recommended that the Head of Policy and Innovation:

- approve the activity; and
- sign the attached Project Determination.



David Ryan
Executive Director
Gyde Consulting