

STATEMENT OF COMPLIANCE

Project No. BGV9A

Conflict of Interest¹.

In this matter:

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

Signed.....
Peter Brackenreg
Executive Director, Delivery South

Dated 20/02/2023

SITE IDENTIFICATION

STREET ADDRESS

Unit/Street No.

47-49

Street or property name

Curry Street

Suburb, town or locality

Wallsend

Postcode

2287

Local Government Area(s)

City of Newcastle

Real property description (Lot and DP)

Lots 141 and 142 in DP 35087

ACTIVITY DESCRIPTION

Provide a description of the activity

Demolition of 2 existing dwellings and associated structures, and the construction of a residential flat building containing 4 x 1-bedroom and 5 x 2-bedroom dwellings, with associated landscaping and fencing, surface car parking for 5 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 NSW Land & Housing Corporation (LAHC) is proposing the above **residential** activity under the provisions of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) which requires determination under Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). This Statement of Compliance demonstrates that the Review of Environmental Factors (REF) for the proposed activity has met the requirements of Part 5 of the EP&A Act, Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the Housing SEPP.

The REF has identified the following matters:

1. The activity is 'development without consent' under the Housing SEPP

The development:

- is by, or on behalf of, the LAHC; and
- is permissible with consent under an applicable environmental planning instrument; and
- is residential development of buildings not more than nine metres in height and results in not more than 60 dwellings on the site; and
- is located within an 'accessible area' and provides five car parking spaces for 4 x 1 bedroom units and 5 x 2 bedroom units; and
- includes demolition and any dwellings or structures to be demolished are not heritage items or within a heritage conservation area or listed as State heritage items; and
- will result in consolidation of the site into a single lot; and
- the design of the housing has taken into account the Seniors Living Policy: Urban Design Guidelines for Infill Development and has considered the Good Design for Social Housing and LAHC's Dwelling Requirements.

2. The notification requirements in section 43 of the Housing SEPP and LAHC's policy have been met

- Written notification of the intention to carry out the development was given to Council and to occupiers of adjoining land (including land owners requested by Council) on 16 September 2022.
- Responses to the notification received within 21 days have been taken into account comprising a submission from the Council and four submissions from adjoining and nearby land owners/occupiers. Details of the consideration of the responses are provided in the REF (Section 6).
- In accordance with sections 2.15 and 2.17 of the Transport and Infrastructure SEPP, as the site is located in a proclaimed mine subsidence district, Subsidence Advisory NSW were consulted by email dated 25 January 2023. In an email dated 27 January 2023, Subsidence Advisory NSW approved the development as proposed.

3. Consideration of statutory and environmental planning instruments

- Consideration of other State Environmental Planning Policies is included in Section 5.2.5.
- Consideration of the relevant provisions of Newcastle Local Environmental Plan 2012 is included at Section 5.3.1 of the REF.
- The design of the project has adequately considered relevant provisions.

4. Consideration of development control plans

- Consideration of Council's Newcastle Development Control Plan 2012 is included at Section 5.3.2 of the REF.
- The design of the development has adequately taken into account the relevant provisions of the DCP.

5. The requirements of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation have been met

- Pursuant to Section 5.5(1) of the EP&A Act, the REF has examined and taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed activity.
- The factors to be taken into account under Section 171 of the EP&A Regulation have been fully considered in the REF in determining the likely impact of the proposed activity on the environment and measures to mitigate potential singular and cumulative impacts associated with the proposed activity have been identified.
- As demonstrated in the completed Section 5.5 checklist (Section 5.1.1) and Section 171 checklist (Section 5.1.4), the proposed activity will not have significant effects on the environment or threatened species and as a result an Environmental Impact Statement is not required before a decision is made whether or not the proposed activity can proceed.

6. Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

- The activity will not have any significant impacts on matters of national environmental significance including impacts on Commonwealth land, listed threatened species, migratory species protected under international agreements, national heritage places, world heritage properties, or Ramsar wetlands of international importance, and an approval under the EPBC Act is not required.

7. Approvals, authorisations and notifications under other Acts

- As detailed in the REF any approvals, authorisations or notifications which are required under other Acts before the development can be carried out have been obtained or, where applicable, have been included in the recommended identified requirements.

8. Statement of planning merit

- The proposed activity can be carried out by, or on behalf of, LAHC as 'development without consent' under the provisions of the Housing SEPP.
- Having regard to the matters addressed in the REF and the accompanying identified requirements, I consider that the proposed activity has planning merit.

9. Certification of Compliance with Part 5 of the EP&A Act.

- I certify that the assessment undertaken in the REF complies with, and satisfies, the requirements of Part 5 of the EP&A Act and Section 171 of EP&A Regulation.



Peter Brackenreg

**Executive Director, Delivery South
NSW Land & Housing Corporation**