

STATEMENT OF COMPLIANCE

Project No. **BGXUP****Conflict of Interest**^{1.}

In this matter:

1. I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy & 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 A/Head of Policy & Innovation, Land & Housing Corporation as soon as I become aware of a possible conflict of interest.

Signed.....
Executive Director, Delivery South26 May 2022
Dated.....**SITE IDENTIFICATION****STREET ADDRESS**

Unit/Street No.

1 & 50

Street or property name

Waratah Avenue & Frost Street

Suburb, town or locality

Orange

Postcode

2800

Local Government Area(s)

Orange

Real property description (Lot and DP)

Lots 5 & 6 in DP 36132

ACTIVITY DESCRIPTION

Provide a description of the activity

Demolition of 2 single dwellings and removal of 4 trees to construct a 6 dwelling (4 x 1 bedrooms & 2 x 2 bedrooms) General Housing Development with 4 on grade car parking spaces, associated landscaping and lot consolidation

^{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 Land & Housing Corporation (LAHC) is proposing to undertake the above activity under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP) which requires determination under Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). This Statement of Compliance relates to the Review of Environmental Factors (REF) for the above activity prepared under Part 5 of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021*.

The REF has identified and considered the following matters:

1. The activity is “development without consent” under *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP).

The development:

- is by or on behalf of the NSW Land & Housing Corporation, and
- is permissible with consent under an applicable environmental planning instrument, and
- has taken into account the *Seniors Living Policy: Urban Design Guidelines for Infill Development, Good Design for Social Housing, Low Rise Housing Diversity Code*, the *Land and Housing Corporation Dwelling Requirements*, and
- is residential development of buildings not more than 8.5 metres in height and results in not more than 60 dwellings on the site, and
- is located within a ‘non accessible area’ and provides the required parking (4 car parking spaces for 4 x one bedroom and 2 x two bedroom units), and
- is 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
- involves consolidation of land.

2. The notification requirements in Division 6 of Housing SEPP and LAHC’s policy have been met.

- Written notification of the intention to carry out the development was given to Orange City Council and to occupiers of adjoining land on 26 November 2021.
- Responses to the notification received within 21 days have been taken into account, comprising one submission from Orange City Council. One submission was received from occupiers of adjoining land.
- Details of the consideration of the response from Council is provided in the REF (Section 7).
- Consultation with other public authorities in accordance with the Transport and Infrastructure SEPP was not required (Section 7).

3. Consideration of other environmental planning instruments

- Consideration of the relevant provisions of the *Orange Local Environmental Plan 2011* is included at Section 6.2 of the REF.
- The design of the project has adequately considered the relevant provisions.

3A. The requirements of Schedule 7A—Savings and transitional provisions of State Environmental Planning Policy (Housing) 2021 have been met:

- The proposed development was notified to Orange City Council on 26 November 2021 in accordance with Clause 40A(2) of the repealed ARH SEPP, prior to the commencement date of the Housing SEPP.
- LAHC intends to obtain approval for the proposed development before 26 November 2022.

4. Consideration of development control plans

- Consideration of Council’s *Orange Development Control Plan 2004* is included at Section 6.3 of the REF.
- The design of the development has adequately taken into account the DCP.

5. The requirements of Section 5.5 and Section 5.7 of the EP&A Act 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 activity.
- The factors to be taken into account pursuant to Clause 171 of the Environmental Planning & Assessment Regulation 2021 have been fully considered in the REF in determining the likely impact of the activity on the environment and measures to mitigate potential impacts and cumulative impacts associated with the activity have been identified.
- As demonstrated in the completed Section 5.5 checklist and Part 8 checklist (Section 6), the activity will not have significant effects on the environment or threatened species and as a result, an Environmental Impact Statement is not required before the activity can be determined.

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 is development that can be carried out by or on behalf of Land & Housing Corporation as 'development without consent' under the provisions of the ARH SEPP.
- Having regard to the matters addressed in the REF, I consider that the activity has planning merit.

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

- I certify that the assessment complies with the requirements of Part 5 of the EP&A Act.



Peter Brackenreg
Executive Director, Delivery South
Land & Housing Corporation