

STATEMENT OF COMPLIANCE

Project No. BGJF2

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 
Executive Director, Delivery South

Dated 15 August 2022

SITE IDENTIFICATION**STREET ADDRESS**

Unit/Street No.

21-23
5

Street or property name

Phillips Avenue
Richardson Avenue

Suburb, town or locality

Regents Park

Postcode

2143

Local Government Area(s)

Cumberland City Council

Real property description (Lot and DP)

Lots 53, 54 and 55 in DP 35559

ACTIVITY DESCRIPTION

Provide a description of the activity

Demolition of an existing dwelling house and associated structures, removal of trees and the construction of a seniors housing development comprising 6 x 1 bedroom and 6 x 2 bedroom dwellings, associated landscaping and fencing, parking for 6 cars and consolidation of 3 existing lots 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 (Affordable Rental Housing) 2029* (ARH 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 ARH SEPP.

The REF has identified 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
- is not exempt or complying development, and
- has taken into account the *Seniors Living Policy: Urban Design Guidelines for Infill Development*, and
- has considered the *Good Design for Social Housing* and 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 an ‘accessible area’ and provides 6 car parking spaces for 6 x 1 bedroom units and 6 x 2 bedroom units, and
- involves 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 ARH SEPP and LAHC’s policy have been met.

- Written notification of the intention to carry out the development was given to Cumberland City Council and to occupiers of adjoining land on 14 December 2020.
- Responses to the notification received within 21 days have been taken into account, comprising one submission from Cumberland City Council. One submission was received from occupiers of adjoining land.
- Details of the consideration of the responses are provided in the REF (Section 7).
- Consultation with public authorities in accordance with Clause 16 of the then Infrastructure SEPP was not required.

3. The requirements of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP):

- The proposed development is considered to be acceptable in terms of Clause 26 of the Seniors SEPP, which relates to the accessibility of the site to services and facilities.
- The site compatibility requirements of Clause 29 have been taken into account and the activity is considered to be compatible with surrounding land uses.
- A site analysis was undertaken in accordance with Clause 30, with the analysis taken into account in the design of the activity.
- The design principles contained within Clauses 33-39 have been considered and taken into account in the design of the activity.
- Compliance with the development standards contained with Clauses 40, 41 and Schedule 3 has been achieved – or will be achieved via identified requirements.
- The activity is generally consistent with Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings.

4. 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 Cumberland City Council and adjoining neighbours on 14 December 2020 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.

5. Consideration of other environmental planning instruments

- Consideration of the relevant provisions of *Cumberland Local Environmental Plan 2021* is included at Section 6.2 of the REF.
- The design of the project has adequately considered relevant provisions.

6. Consideration of development control plans

- Consideration of *Cumberland Development Control Plan 2021* is included at Section 6.2 of the REF.
- The design of the development has adequately taken into account the DCP.

7. 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 (Section 6.1.1) and Clause 171 checklist (Section 6.1.3), 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.

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

- The activity will not have any impacts on matters of national 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.

9. 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.

10. 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 ARH SEPP.
- Having regard to the matters addressed in the REF, I consider that the activity has planning merit.

11. 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