



## STATEMENT OF COMPLIANCE

Project No. BGYFH

### Conflict of Interest<sup>1</sup>

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...

Director, Portfolio Services

Dated...24/8/2023

### SITE IDENTIFICATION

#### STREET ADDRESS

Unit/Street No.

26-30

Street or property name

Cutler Drive

Suburb, town or locality

Wyong, NSW

Postcode

2259

Local Government Area(s)

Central Coast Council

Real property description (Lot and DP)

Lots 23, 24 & 25 in DP 234632

### ACTIVITY DESCRIPTION

Provide a description of the activity

Demolition of 3 existing dwellings, associated structures, removal of trees and the construction of 12 independent seniors living units comprising 7 x two bedroom and 5 x one bedroom units, with 8 at-grade car parking spaces, associated landscaping and fencing, consolidation into single lot and creation of an easement to drain water.

<sup>1</sup>. 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 **seniors housing** 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 and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulations) and the *Housing SEPP*.

The REF has identified and considered 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 seniors housing of buildings not more than 9.5 metres in height and results in not more than 40 dwellings on the site; and
- is located in a prescribed zone or permissible with consent under an applicable environmental planning instrument; 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 site into a single lot but no subdivision of the dwellings; and
- a restriction will be placed on the type of occupants; 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 *Design Requirements*.

**2. The notification requirements in Section 108C of the Housing SEPP and LAHC’s policy have been met.**

A written request was made to Council to nominate a person or person who in its opinion be notified of the proposed development;

- Written notification of the intention to undertake the activity was given to Central Coast Council and to occupiers of adjoining land, and any other person nominated by the Council, on 10 March 2023.
- Responses to the notification received within 21 days have been taken into account, comprising a submission from the Central Coast Council and one submission from occupier of adjoining property.
- Details of consideration of the responses are provided in the REF (Sections 7.1 & 7.2, respectively).
- Consultation with public authorities in accordance with *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17 was not required.

**3. The requirements of Part 5, Division 8 of the Housing SEPP:**

- The design principles contained within sections 99-105 have been considered and taken into account in the design of the proposed activity.
- Although not mandatory, it has been demonstrated that the design of the activity meets the general development standards contained in sections 84, 85 and Schedule 4 or will be achieved via Identified Requirements.
- The proposed activity is generally consistent with section 108 non-discretionary development standards for independent living units.

**4. Consideration of other environmental planning instruments**

- Consideration of the applicable provisions of the *Central Coast Local Environmental Plan 2022* (CLEP) is included at Section 6.8 of the REF.
- The design of the project has adequately considered applicable provisions of the *Central Coast LEP 2022*.

**5. Consideration of development control plans**

- Consideration of the *Central Coast Development Control Plan 2022* (CDCP) is included at Section 6.8.1 of the REF.
- The design of the development has adequately taken into account the applicable provisions of the DCP.

**6. The requirements of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulations 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 *Environmental Planning & Assessment Regulation 2021* 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 6.1.1) and Section 171 checklist (Section 6.4.1), 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.

**7. 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/areas, or Ramsar wetlands of international importance. An approval under the EPBC Act is therefore not required.

**8. Approvals, authorisations and notifications under other Acts**

- As detailed in the REF, any approvals, authorisations or notifications that are required under other Acts before the activity can proceed have been obtained, or where applicable, have been included in the identified requirements.

**9. 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.

**10. 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.



Yolanda Gil  
Director, Portfolio Services  
Land & Housing Corporation