

## STATEMENT OF COMPLIANCE

Project No. BGZDY

### 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 Executive Director, Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.
2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the Acting Executive Director, Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

Signed  
Peta Baker  
Acting Director, Portfolio Services  
Housing Portfolio, Homes NSW

Dated

### SITE IDENTIFICATION

#### STREET ADDRESS

Unit/Street No.

64-70

Street or property name

Stapleton Avenue

Suburb, town or locality

Casino

Postcode

2470

Local Government Area(s)

Richmond Valley

Real property description (Lot and DP)

Lots 8, 9, 10 & 11 in Deposited Plan 31850

### ACTIVITY DESCRIPTION

Provide a description of the activity

Demolition of 4 existing dwellings and structures, removal of trees, and construction of a residential flat building development comprising 13 dwellings (6 x 2 bedroom and 7 x 3 bedroom units) and a multi dwelling housing development comprising 5 dwellings (3 x 2 bedroom and 2 x 3 bedroom units), with associated landscaping and fencing, surface parking for 23 cars, and consolidation of 4 lots into a single lot.

<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.

NSW Land and Housing Corporation 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.

On 14 December 2023, amendments were made to State Environmental Planning Policy (Housing) 2021 (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as *State Environmental Planning Policy Amendment (Housing) 2023*.

Clause 8(2) of Schedule 7(A) of new Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under 43(1) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for residential housing satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity and this statement of compliance has been prepared on that basis.

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 NSW Land and Housing Corporation; and
- is residential housing of buildings not more than 9m in height and results in not more than 60 dwellings on the site; and
- is located on land in a non-accessible area and provides the required parking (23 car parking spaces for 9 x 2 bedroom and 9 x 3 bedroom units); and
- is located in a prescribed zone 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* LAHC's *Dwelling Design Requirements*.

**2. The notification requirements in Section 43 of the Housing SEPP and LAHC policy have been met.**

- Written notification of the intention to carry out the development was given to Richmond Valley Council and to occupiers of adjoining land (including land owners requested by Council) on 30 November 2023.
- Responses to the notification received within 21 days have been taken into account comprising a submission from Richmond Valley Council and 2 submissions from adjoining and nearby land owners.
- Details of the consideration of the responses are provided in the REF (Section 7).
- Consultation with public authorities in accordance with Section 2.15 and 2.17 of the Transport and Infrastructure SEPP was not required.

**3. Consideration of statutory and environmental planning instruments**

- Consideration of other State Environmental Planning Policies is included in section 6.5 and 6.6 of the REF. No other policies apply.
- Consideration of the relevant provisions of *Richmond Valley Local Environmental Plan 2012* is included at Section 6.7 of the REF.
- No draft LEP provisions apply.
- The design of the project has adequately considered relevant provisions.

**4. Consideration of development control plans**

- Consideration of the *Richmond Valley Development Control Plan 2021* (RVDCP) and *Low Rise Housing Diversity Design Guide* is included at Section 6.7 of the REF.
- The design of the development has adequately taken into account the applicable provisions of the DCP and *Low Rise Housing Diversity Design Guide*.

**5. The requirements of Section 5.5 of the EP&A Act and Section 171 and 171A 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 and 171A 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 in REF) and Section 171 checklist (Section 6.4.1 in REF), 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 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.

**7. 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.

**8. Statement of planning merit**

- The proposed activity can be carried out by, or on behalf of, NSW Land and Housing Corporation 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.

**Peta Baker**  
**Acting Director, Portfolio Services**  
**Housing Portfolio, Homes NSW**