

Statement of Compliance – Modified Activity


NSW Land and Housing Corporation

Project No. BGYVZ

Conflict of Interest¹

In this matter:

1. I have declared any possible conflict of interests (real, potential or perceived) to the Executive Director, Portfolio Development, Homes NSW.
2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the Executive Director, Portfolio Development, Homes NSW as soon as I become aware of a possible conflict of interest.

Signed 
Yolanda Gil
Director, Planning and Assessment
Housing Portfolio, Homes NSW

Dated 14 March 2025

SITE IDENTIFICATION

STREET ADDRESS

Unit/Street No

2-10 & 20

Street or property name

Birch Street & Debrincat Avenue

Suburb, town or locality

North St Marys NSW

Postcode

2760

Local Government Area(s)

Penrith

Real property description (Lot and DP)

Lots 346-350 in Deposited Plan 31990 and Lot 305 in Deposited Plan 30223

ACTIVITY DESCRIPTION

Provide a description of the activity

Demolition of existing dwellings and structures, removal of trees, boundary adjustment with 20 Debrincat Avenue, and the construction of 22 independent living seniors housing units comprising 10 x 1 bedroom and 12 x 2 bedroom units, with associated landscaping and fencing, surface parking for 10 cars, creation of a stormwater easement across 20 Debrincat Avenue and consolidation into a single lot.

Second (2nd) edition

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) determined the above **seniors housing** activity under the provisions of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) utilising the provisions under Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). This Statement of Compliance relates to the modified activity and demonstrates that the Review of Additional Environmental Factors for the proposed activity, as modified, has met the requirements of Part 5 of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the Housing SEPP.

The Review of Additional Environmental Factors has identified and considered the following matters:

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

The development, as modified:

- 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 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 Housing Design Guide* and has considered *Good Design for Social Housing* and the *NSW Land and Housing Corporation’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 Penrith City Council to nominate a person or persons who in its opinion be notified of the proposed development.
- Written notification of the intention to undertake the activity was given to Penrith City Council, owners and occupiers of adjoining land, and any other person nominated by the Council, on 09 December 2024.
- Responses to the notification received within 21 days have been taken into account, comprising a submission from Penrith Council and two submissions from adjoining occupiers of land.
- 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 Chapter 3, 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, as modified.
- Although not mandatory, it has been demonstrated that the design of the activity, as modified, meets the general development standards contained in sections 84, 85 and Schedule 4 or will be achieved via Identified Requirements.
- The proposed activity, as modified, 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 *Penrith Local Environmental Plan 2010* (PLEP 2010) is included at Section 3.5 of the REF.

- The design of the project, as modified, has adequately considered applicable provisions of the LEP.

5. Consideration of development control plans

- Consideration of the *Penrith Development Control Plan 2014* (PDCP) is included at Section 3.5 of the REF.
- The design of the development, as modified, 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 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 and the Review of Additional Environmental Factors in determining the likely impact of the proposed activity, as modified, on the environment and measures to mitigate potential singular and cumulative impacts associated with the proposed activity have been identified.
- The proposed activity, as modified, 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, as modified, 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

- The activity, as modified, will not require any further approval, authorisations or notifications under other Acts beyond those considered in the original REF for the activity.

9. Statement of planning merit

- The proposed activity, as modified, 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, as modified, 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.



14 March 2025

Yolanda Gil
Director, Planning and Assessment,
Housing Portfolio, Homes NSW