



STATEMENT OF COMPLIANCE

Minister administering the Housing Act 2001

Project No. BH2CY

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, 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 Executive Director, Portfolio Development, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

Signed

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

Dated 24 June 2025

SITE IDENTIFICATION

STREET ADDRESS

Unit/Street No

310-314 & 984-988

Street or property name

Swan Street & Corella Street

Suburb, town or locality

North Albury

Postcode

2640

Local Government Area(s)

Albury

Real property description (Lot and DP)

Lots 90, 91, 92 & 93 in DP 36535

ACTIVITY DESCRIPTION

Provide a description of the activity

Demolition of existing dwellings and structures, removal of trees, and construction of a 3 storey residential flat building comprising 17 x 1 bedroom and 10 x 2 bedroom units, with associated landscaping and fencing, surface parking for 19 vehicles, and consolidation into a single lot.

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 "close relative of a person" as defined in section 49(6) of the Property and Stock Agents Act 2002.

The land the subject of this “activity” was transferred to the Minister administering the *Housing Act 2001* (Minister) pursuant to an order made by the Minister on 12 May 2025 under section 35G of the *Housing Act 2001* with an effective transfer date of 9 June 2025. The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register had not been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*). In addition, under section 2(e) of Schedule 2A of the *Housing Act 2001*, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by LAHC is taken to have been done or omitted by, to or in relation to, the Minister administering the *Housing Act 2001*.

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW Land and Housing Corporation (LAHC) under relevant legislation, which includes the *Environmental Planning and Assessment Act 1979* and any regulations or subordinate instruments made under that Act.

The Minister 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.

The REF has identified the following matters:

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

The development:

- is by, or on behalf of, the Minister; and
- is permissible with consent under an applicable environmental planning instrument; and
- is residential development of buildings not more than 11 metres in height, or the maximum permissible building height for the land; and
- is residential development of buildings providing a floor space ratio not exceeding the greater of 0.65:1, or the maximum permissible floor space ratio for the land; and
- results in not more than 75 dwellings on the site; and
- is located on land in a ‘non-accessible area’ and provides the required parking (19 car parking spaces for 17 x 1-bedroom and 10 x 2-bedroom units); 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 the site into a single lot; and
- the design of the housing has considered the *Good Design for Social Housing* and *LAHC’s Design Requirements*; and
- the design of the housing has considered the quality of the design of apartment, evaluated in accordance with the design principles for residential development set out in Schedule 9 and the Apartment Design Guide.

2. The notification requirements in Section 43A of the Housing SEPP and the Minister’s policy have been met

- Written notification of the intention to carry out the development was given to Council and to occupiers of adjoining land (including landowners requested by Council) on 28 February 2025 and 4 March 2025 respectively.
- Responses to the notification received within 21 days have been taken into account comprising a submission from the Council and 3 submissions from adjoining and nearby landowners/occupiers. Details of the consideration of the responses are provided in the REF (Section 7).
- Consultation with public authorities in accordance with sections 2.15 and 2.17 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* was not required.

3. Consideration of statutory and environmental planning instruments

- Consideration of other State Environmental Planning Policies is included in Section 6.6 of the REF. No other policies apply.
- Consideration of the relevant provisions of *Albury Local Environmental Plan 2010* is included at Section 6.7 of the REF.

- The design of the project has adequately considered the relevant provisions.

4. Consideration of development control plans

- Consideration of the *Albury Development Control Plan 2010* is included at Section 6.8 of the REF.
- The design of the development has adequately taken into account the relevant provisions of the DCP.

5. The requirements of Section 5.5 of the EP&A Act and Sections 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 Sections 171 and 171A of the EP&A Regulation 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 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 can be carried out by, or on behalf of, the Minister as 'development permitted 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.

Signed



Dated 24 June 2025

Yolanda Gil

Director, Planning and Assessment
Portfolio Development
Housing Portfolio, Homes NSW