



## STATEMENT OF COMPLIANCE

### the Minister administering the Housing Act 2001

Project No. BH2AQ

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

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 14 July 2025

#### **SITE IDENTIFICATION**

##### STREET ADDRESS

Unit/Street No

10-16

Street or property name

Birdwood Avenue

Suburb, town or locality

Cabramatta West

Postcode

2166

Local Government Area(s)

Fairfield

Real property description (Lot and DP)

Lots 64, 65, 66 and 67 in Deposited Plan 32233

#### **ACTIVITY DESCRIPTION**

Provide a description of the activity

Demolition of existing dwellings and structures, removal of trees, construction of a 2 storey seniors housing development containing 18 units comprising 10 x 1 bedroom and 8 x 2 bedroom dwellings, with associated landscaping and fencing, surface parking for 8 vehicles (including 4 accessible spaces), 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 REF was transferred to the Minister administering the Housing Act 2001 (the 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 has not been updated (Schedule 2A, section 2(a) of the Housing Act 2001). In addition, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by NSW Land and Housing Corporation (NSW LAHC) is taken to have been done or omitted by, to or in relation to, the Minister (section 2(e) of Schedule 2A of the *Housing Act 2001*).

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW 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 **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, 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 seniors housing of buildings not more than 9.5 metres with servicing equipment that is not more than 11.5m 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
- will result in consolidation of the 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 considered the *Seniors Housing Design Guide*, the design principles for seniors housing set out in Schedule 8 of the Housing SEPP, *Good Design for Social Housing* and the *NSW Land and Housing Corporation’s Design Requirements*.

**2. The notification requirements in sections 108C and 43 of the Housing SEPP and NSW Land & Housing Corporation’s policy have been met**

- A written request was made to Fairfield City Council to nominate a person or person who must, in its opinion, be notified of the proposed development.
- Written notification of the intention to undertake the activity was given to Council and to occupiers of adjoining land (including landowners requested by Council) on 23 April 2025 and 29 April 2025 respectively.
- Responses to the notification received within 21 days have been taken into account comprising a submission from the Council. No submissions from landowners/occupiers of adjoining land were received.
- Details of the consideration of the Council response is provided in the REF (Section 7.1).
- 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 Schedule 8 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 *Fairfield Local Environmental Plan 2013 (FLEP 2013)* is included at Section 6.7 of the REF.
- The design of the project has adequately considered applicable provisions of the FLEP 2013.

**5. Consideration of development control plans**

- Consideration of *Fairfield Development Control Plan 2024* 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.

**6. 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.

**7. 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.

**8. 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.

**9. 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.

**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.

Signed



Dated 14 July 2025

**Yolanda Gil**

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