



24 June, 2024

Doroch Architects Pty Ltd
213/61 Marlborough St
SURRY HILLS NSW 2010

Ref No.1984/2017/JP/A
Delegated Authority

Dear Sir/Madam

SECTION 4.56 MODIFICATION OF DEVELOPMENT CONSENT

CONSENT NUMBER: 1984/2017/JP/A

Pursuant to the provisions of Clause 118 of the Environmental Planning and Assessment Regulation 2021, notice is hereby given of the determination by The Hills Shire Council of the Development Application described below:

APPLICANT:	Doroch Architects Pty Ltd
OWNER:	Wiser Capital Pty Ltd
PROPERTY:	Lot 68 DP 11104, Lot 68 DP 655273, Lot 69 DP 655516 17, 19 and 21 Mason Road, Box Hill
DEVELOPMENT:	Section 4.56 Modification to Approved Residential Flat Building Development - The modification seeks to amend condition 29 to enable staged payment of development contributions
DATE OF APPROVAL:	24 June 2024
ENDORSED DATE OF ORIGINAL CONSENT:	27 February 2019

The Section 4.56 application for modification of Development Consent 1984/2017/JP be approved as follows:

CONDITIONS OF CONSENT

- Condition No. 1 and 29 be **deleted** and **replaced** as follows:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the approved plans and details associated with development application 1984/2017/JP (Court Orders 2018/33097) and as further modified by the following plans approved with Development Consent No. 1984/2017/JP/A, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DESCRIPTION	DATE
Staging Plan 1	Submitted 15 May 2024
Staging Plan 2	Submitted 15 May 2024

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

The construction of the development is permitted to occur in a phased / staged manner in accordance with the approved Staging Plans identified in this condition.

Where the conditions of this consent require a Construction Certificate, only matters relevant to the particular stage need to be satisfied prior to the release of the Construction Certificates for that stage. This condition prevails to the extent of any inconsistency with other conditions of this consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

29. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

Stage 1: Not Applicable.

Stage 2: Block A

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 12	No. of 2 Bedroom Units: 44	No. of 3 Bedroom Units: 26	Sum of Units	No. of Credits: 3	Total \$7.11
Open Space - Land	\$ 13,612.29	\$ 14,413.01	\$ 15,030.59	\$ 15,030.59	\$ 163,347.48	\$ 634,172.44	\$ 390,795.34	\$ 1,188,315.26	\$ 45,091.77	\$ 1,143,223.49
Open Space - Capital	\$ 6,602.20	\$ 6,990.56	\$ 7,290.11	\$ 7,290.11	\$ 79,226.40	\$ 307,584.64	\$ 189,542.86	\$ 576,353.90	\$ 21,870.33	\$ 554,483.57
Transport Facilities - Land	\$ 1,048.53	\$ 1,110.21	\$ 1,157.78	\$ 1,157.78	\$ 12,582.36	\$ 48,849.24	\$ 30,102.28	\$ 91,533.88	\$ 3,473.34	\$ 88,060.54
Transport Facilities - Capital	\$ 3,708.92	\$ 3,927.08	\$ 4,095.35	\$ 4,095.35	\$ 44,507.04	\$ 172,791.52	\$ 106,479.10	\$ 323,777.66	\$ 12,286.05	\$ 311,491.61
Administration	\$ 198.78	\$ 210.47	\$ 219.48	\$ 219.48	\$ 2,385.36	\$ 9,260.68	\$ 5,706.48	\$ 17,352.52	\$ 658.44	\$ 16,694.08
Water Management - Land (KCP)	\$ 5,999.58	\$ 6,352.51	\$ 6,624.70	\$ 6,624.70	\$ 71,994.96	\$ 279,510.44	\$ 172,242.20	\$ 523,747.60	\$ 19,874.10	\$ 503,873.50
Water Management - Capital (KCP)	\$ 5,055.27	\$ 5,352.64	\$ 5,581.99	\$ 5,581.99	\$ 60,663.24	\$ 235,516.16	\$ 145,131.74	\$ 441,311.14	\$ 16,745.97	\$ 424,565.17
Total	\$36,225.57	\$38,356.48	\$40,000.00	\$40,000.00	\$ 434,706.84	\$ 1,687,685.12	\$ 1,040,000.00	\$ 3,162,391.96	\$ 120,000.00	\$ 3,042,391.96

Stage 3: Block B

	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	No. of 2 Bedroom Units: 46	No. of 3 Bedroom Units: 2	No. of 4 Bedroom Units: 4	Sum of Units	Total \$7.11
Open Space - Land	\$ 14,413.01	\$ 15,030.59	\$ 15,030.59	\$ 662,998.46	\$ 30,061.18	\$ 60,122.36	\$ 753,182.00	\$ 753,182.00
Open Space - Capital	\$ 6,990.56	\$ 7,290.11	\$ 7,290.11	\$ 321,565.76	\$ 14,580.22	\$ 29,160.44	\$ 365,306.42	\$ 365,306.42
Transport Facilities - Land	\$ 1,110.21	\$ 1,157.78	\$ 1,157.78	\$ 51,069.66	\$ 2,315.56	\$ 4,631.12	\$ 58,016.34	\$ 58,016.34
Transport Facilities - Capital	\$ 3,927.08	\$ 4,095.35	\$ 4,095.35	\$ 180,645.68	\$ 8,190.70	\$ 16,381.40	\$ 205,217.78	\$ 205,217.78
Administration	\$ 210.47	\$ 219.48	\$ 219.48	\$ 6,681.62	\$ 438.96	\$ 877.92	\$ 10,998.50	\$ 10,998.50
Water Management - Land (KCP)	\$ 6,352.51	\$ 6,624.70	\$ 6,624.70	\$ 292,215.46	\$ 13,249.40	\$ 26,498.80	\$ 331,963.66	\$ 331,963.66
Water Management - Capital (KCP)	\$ 5,352.64	\$ 5,581.99	\$ 5,581.99	\$ 246,221.44	\$ 11,163.98	\$ 22,327.96	\$ 279,713.38	\$ 279,713.38
Total	\$38,356.48	\$40,000.00	\$40,000.00	\$ 1,764,398.08	\$ 80,000.00	\$ 160,000.00	\$ 2,004,398.08	\$ 2,004,398.08

Stage 4: Block C

	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 2 Bedroom Units: 24	No. of 3 Bedroom Units: 12	Sum of Units	Total \$7.11
Open Space - Land	\$ 14,413.01	\$ 15,030.59	\$ 345,912.24	\$ 180,367.08	\$ 526,279.32	\$ 526,279.32
Open Space - Capital	\$ 6,990.56	\$ 7,290.11	\$ 167,773.44	\$ 87,481.32	\$ 255,254.76	\$ 255,254.76
Transport Facilities - Land	\$ 1,110.21	\$ 1,157.78	\$ 26,645.04	\$ 13,893.36	\$ 40,538.40	\$ 40,538.40
Transport Facilities - Capital	\$ 3,927.08	\$ 4,095.35	\$ 94,249.92	\$ 49,144.20	\$ 143,394.12	\$ 143,394.12
Administration	\$ 210.47	\$ 219.48	\$ 5,051.28	\$ 2,633.76	\$ 7,685.04	\$ 7,685.04
Water Management - Land (KCP)	\$ 6,352.51	\$ 6,624.70	\$ 152,460.24	\$ 79,496.40	\$ 231,956.64	\$ 231,956.64
Water Management - Capital (KCP)	\$ 5,352.64	\$ 5,581.99	\$ 128,463.36	\$ 66,983.88	\$ 195,447.24	\$ 195,447.24
Total	\$38,356.48	\$40,000.00	\$ 920,555.52	\$ 480,000.00	\$ 1,400,555.52	\$ 1,400,555.52

Stage 5: Block D:

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 17	No. of 2 Bedroom Units: 54	No. of 3 Bedroom Units: 14	Sum of Units	Total \$7.11
Open Space - Land	\$ 13,612.29	\$ 14,413.01	\$ 15,030.59	\$ 231,408.93	\$ 778,302.54	\$ 210,428.26	\$ 1,220,139.73	\$ 1,220,139.73
Open Space - Capital	\$ 6,602.20	\$ 6,990.56	\$ 7,290.11	\$ 112,237.40	\$ 377,490.24	\$ 102,061.54	\$ 591,789.18	\$ 591,789.18
Transport Facilities - Land	\$ 1,048.53	\$ 1,110.21	\$ 1,157.78	\$ 17,825.01	\$ 59,951.34	\$ 16,208.92	\$ 93,985.27	\$ 93,985.27
Transport Facilities - Capital	\$ 3,708.92	\$ 3,927.08	\$ 4,095.35	\$ 63,051.64	\$ 212,062.32	\$ 57,334.90	\$ 332,448.86	\$ 332,448.86
Administration	\$ 198.78	\$ 210.47	\$ 219.48	\$ 3,379.26	\$ 11,365.38	\$ 3,072.72	\$ 17,817.36	\$ 17,817.36
Water Management - Land (KCP)	\$ 5,999.58	\$ 6,352.51	\$ 6,624.70	\$ 101,992.86	\$ 343,035.54	\$ 92,745.80	\$ 537,774.20	\$ 537,774.20
Water Management - Capital (KCP)	\$ 5,055.27	\$ 5,352.64	\$ 5,581.99	\$ 85,939.59	\$ 289,042.56	\$ 78,147.86	\$ 453,130.01	\$ 453,130.01
Total	\$36,225.57	\$38,356.48	\$40,000.00	\$ 615,834.69	\$ 2,071,249.92	\$ 560,000.00	\$ 3,247,084.61	\$ 3,247,084.61

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are periodically indexed and will be updated at the time of payment, in accordance with the provisions of the applicable plan. A reference to the 'applicable plan' within this condition refers to the Contributions Plan in force at the time this consent was issued.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555.

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

This condition has been imposed in accordance with Contributions Plan No 15.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

Pursuant to Clause 118(3) of the Environmental Planning and Assessment Regulation 2021, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected, and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant heads of consideration under Section 4.15 of the Act 1979 are maintained.

Right of Review

Section 8.2 of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within

six (6) months of the determination date and accompanied by a fee as prescribed in Sch 4, Part 7 of the Environmental Planning and Assessment Regulation 2021.

Section 8.2(2) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) A Complying Development Certificate,
- b) Designated Development,
- c) Development referred to in Division 4.6

Right of Appeal

Section 8.9 and 8.10 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months of the endorsed date of determination.

Should you require any further information please contact Robert Buckham on 9843 0267.

Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

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PUBLIC NOTIFICATION OF THE DETERMINATION PURSUANT TO ITEM 20(2) (c) AND (d) OF SCHEDULE 1 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

DECISION:

APPROVAL

DATE OF THE DECISION:

24 JUNE 2024

REASONS FOR THE DECISION:

The Development Application has been assessed against the relevant heads of consideration under the following statutory requirements (keep whichever is relevant):

- Section 4.15 of the Environmental Planning and Assessment Act, 1979
- Section 4.56 of the Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy (Precincts - Central River City) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- Box Hill Growth Centre Precincts Development Control Plan 2018

and is considered satisfactory subject to conditions as outlined in the Notice of Determination.

How community views were taken into account in making the decision:

1. The Development Application was not required to be notified in accordance with the Box Hill Growth Centre Precincts Development Control Plan 2018 which outlines the advertising and notification procedure pathways for various forms of development. No submissions were received.
2. The Development Application has been assessed having regard to Section 4.15(e) of the Act taking into consideration the public interest.