



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

3 Columbia Court, Norwest NSW 2153

PO Box 7064, Norwest 2153

ABN 25 034 494 656 | DX 9966 Norwest

13 December 2024

Universal Property Group Pty Limited
137 Gilba Rd
GIRRAWEE NSW 2145

Ref No.680/2013/JP/F
Delegated Authority

Dear Sir/Madam

SECTION 4.56 MODIFICATION OF DEVELOPMENT APPLICATION

CONSENT NUMBER: 680/2013/JP/F

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:	Universal Property Group Pty Limited
OWNER:	UPG 316 Pty Ltd
PROPERTY:	Lot 6 DP 1203920 91 Balmoral Road, Bella Vista
DEVELOPMENT:	Section 4.56 Modification to an Approved Residential Flat Building Development
DATE OF APPROVAL:	13 December 2024
ENDORSED DATE OF ORIGINAL CONSENT:	30 October 2013

The Section 4.56 application for modification of Development Consent 680/2013/JP be approved as follows:

1. Condition No.2 to be **deleted** and **replaced** as follows:

2. Compliance with Office of Water Requirements

Compliance with the requirements of the Office of Water attached as Appendix (A) to this consent and dated 15 August 2013 and advice dated 24 October 2024 attached as Appendix (B).

Clause 42 of the Water Management (General) Regulation 2018, identifies exemptions from Section 91E(1) in relation to controlled activities in, on or under waterfront land done by persons other than public authorities. The requirements for those exemptions are listed in Schedule 4 of the Regulation.

2. Condition No.44 to be **deleted** and **replaced** as follows:

44. Engineering Matters to be incorporated into Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must ensure that:

- Retaining walls do not divert, impede or concentrate flood waters
- The building and basement footprints are not permitted to encroach any further into the flood zone other than what was previously approved under the original application 680/2013/JP. The building and basement footprints shall reflect what was modelled in the submitted stormwater management report prepared by Mott MacDonald, rev C, dated 07 Jun 13.
- Any basement pump out system or associated drainage is to meet Clause 42 of the Water Management (General) Regulation 2018, which identifies exemptions from Section 91E(1) in relation to controlled activities in, on or under waterfront land done by persons other than public authorities. The requirements for those exemptions are listed in Schedule 4 of the Regulation.
- A turning bay must be provided at the end of the middle aisle. This will require the shared area relocating to the southern side of the accessible space to enable the turning bay.

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 are maintained.

Right of Review

Division 8.2 of the Environmental Planning and Assessment Act 1979 allows an applicant the right to review a determination subject to such a request being made within six months of the determination date. Division 8.2 does not permit a review of determination in respect of designated development or Crown development (referred to in Division 4.6).

Right of Appeal

Division 8.3 of the Environmental Planning and Assessment Act 1979 allows an applicant who is dissatisfied with the determination of an application by the consent authority the right to appeal to the NSW Land and Environment Court within six months after receipt of this 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:

13 December 2024

REASONS FOR THE DECISION:

The Development Application has been assessed against the relevant heads of consideration under the following statutory requirements:

- Section 4.15 of the Environmental Planning and Assessment Act, 1979
- Section 4.56 of the Environmental Planning and Assessment Act, 1979
- The Hills Local Environmental Plan 2019
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- The Hills Development Control Plan 2012

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 Modification Application was notified in accordance with The Hills Shire Development Control Plan 2012 Part A Introduction which outlines the advertising and notification procedure pathways for various forms of development. One submission was received during the notification period.
2. The submission received during the notification period has been considered in the assessment of the Modification Application pursuant to Section 4.15(d) of the Act and issues raised do not warrant refusal of the application.
3. The Modification Application has been assessed having regard to Section 4.15(e) of the Act taking into consideration the public interest.