



24 January, 2025

Vigor Master Pty Ltd  
201A/24 Thomas St  
CHATSWOOD NSW 2067

Ref No.1035/2019/JP/D

Dear Sir/Madam

**SECTION 4.56 MODIFICATION OF DEVELOPMENT APPLICATION**

**CONSENT NUMBER: 1035/2019/JP/D**

---

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:

<b>APPLICANT:</b>	Vigor Master Pty Ltd
<b>OWNER:</b>	9 Dural Investment Pty Ltd
<b>PROPERTY:</b>	Lot 1 and 2 DP 560912, Lot 1 DP 534265 9 Wirrabara Road, 3 and 5 Pellitt Lane, Dural
<b>DEVELOPMENT:</b>	Section 4.56 Modification to an Approved Seniors Living Development – Changes to the Community Facilities
<b>DATE OF APPROVAL:</b>	24 January 2025
<b>ENDORSED DATE OF ORIGINAL CONSENT:</b>	14 February 2020

The Section 4.56 application for modification of Development Consent 1035/2019/JP be approved as follows:

1. Condition No. 1 be deleted and replaced as follows:

**1. Development in Accordance with Submitted Plans**

The development being carried out in accordance with the approved plans and details associated with development application 1035/2019/JP (Proceedings 104980 of 2019), 1035/2019/JP/A, 1035/2019/JP/B and 1035/2019/JP/D except where amended by other conditions of consent.

**REFERENCED PLANS AND DOCUMENTS – 1035/2019/JP/D**

<b>Architectural Plans prepared by Marchese Partners</b>			
DRAWING	TITLE	REVISION	DATE
DA0.03	Drawing List	E	13/09/2024
DA0.04	Development Data	C	13/09/2024
MP1.01	Masterplan	K	13/09/2024
MP1.02	Dwelling Variety	G	13/09/2024
MP3.02	Lavender & Hippeastrum Street Elevation	F	13/09/2024
MP3.03	Salix Street Elevations	E	13/09/2024
MP3.04	Maple Boulevard & Ironbark Way Elevations	E	13/09/2024
MP3.05	North Boundary Elevation	C	13/09/2024
C2.00	Community Building – Ground Floor Plan	F	13/09/2024
C2.01	Community Building – Roof Plan	F	13/09/2024
C3.00	Community Building Elevations	D	13/09/2024
C3.01	Community Building Elevations	F	13/09/2024
C3.02	Community Building Sections	D	13/09/2024
DA8.01	Community Centre – Floor Plans 01	B	13/09/2024
DA8.02	Community Centre – Floor Plans 02	A	13/09/2024
DA8.10	Community Centre – Elevations	B	13/09/2024
DA8.11	Community Centre – Sections	B	13/09/2024
DA10.00	Materials Schedule	B	13/09/2024

2. Condition No. 40 be deleted and replaced as follows:

**40. Section 7.12 Contribution**

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$395,437.80** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

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.

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

A handwritten signature in black ink, appearing to read 'P. Osborne', written in a cursive style.

Paul Osborne

**MANAGER-DEVELOPMENT ASSESSMENT**

**ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION**

## **ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION**

### **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 JANUARY 2025

#### **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 (Housing for Seniors or People with a Disability) 2004
- The Hills Local Environmental Plan 2019
- The Hills Development Control Plan 2012
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

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 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 Development Application has been assessed having regard to Section 4.15(e) of the Act taking into consideration the public interest.