



27 June 2025

Mr H Jagdale
44 Centenary Ave
NORTHMEAD NSW 2152

Ref No.1032/2019/JP/B
Delegated Authority: 27 June 2025

Dear Mr Jagdale,

SECTION 4.56 MODIFICATION OF DEVELOPMENT CONSENT

CONSENT NUMBER: 1032/2019/JP/B

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:	Mr H Jagdale
OWNER:	Tanmay Development 2 Pty Ltd
PROPERTY:	Lot 19 DP 207079, Lot 130 DP 730778 70 Old Northern Road, BAULKHAM HILLS NSW 2153, 72 Old Northern Road, BAULKHAM HILLS NSW 2153
DEVELOPMENT:	Section 4.56 Modification to the Approved Demolition of Existing Dwellings and Construction of a Multi Dwelling Housing Development containing 15 Dwellings under the Provisions of SEPP Affordable Rental Housing 2009
DATE OF APPROVAL:	27 June 2025
ENDORSED DATE OF ORIGINAL CONSENT:	16 September 2020

The Section 4.56 application for modification of Development Consent Number 1032/2019/JP be approved as follows:

CONDITIONS OF CONSENT

1. Condition No. 88 is to be deleted.
2. Condition No. 94 is to be deleted and replaced as follows:

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

94. Final Plan and Section 88B Instrument

Before an Occupation Certificate is issued the following easement, restrictions and positive covenants must be registered on the title of the subject site via Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms. The final plan and Section 88B Instrument must provide for the following.

a) Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

Where the existing drainage easement is proposed to be extinguished, the newly created drainage easement must preserve the same rights and obligations as the easement being extinguished (e.g., in accordance with dealing L100152), subject to any amendments required by the benefited owner.

b) Restriction – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

c) Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

d) Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

e) Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive covenant using the "basement stormwater pump system" terms included in the standard recitals.

f) Restriction – Affordable Rental Housing

Dwelling Nos. 12, 13, 14 & 15 on the subject site must be burdened with a restriction requiring that the dwelling be used for affordable housing for 10 years from the date of the issue of an occupation certificate. The covenant must be in the term required by the "SEPP Affordable Rental Housing 2009.

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 James Pace on 9843 0529.

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:

Approved

Date of the decision:

27 June 2025

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
- 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 Section 3.2 of The Hills Shire Development Control Plan 2012 Part A Introduction and The Hills Shire Council Community Participation Plan which outlines the advertising and notification procedure pathways for various forms of development. One (1) submission was received during the notification period.
2. The submission received during the notification period has been considered in the assessment of the Development 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.