



Mr Joe Bell
Patch Planning Pty Ltd
Level 3, 223 Liverpool Street
DARLINGHURST NSW 2010

D252/23
IL2 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 252/23/2 - APPROVAL**

Development Consent Number: 252/23

Land to which this applies: 40 Mount Street, North Sydney
Lot No.: 102, DP: 1076397

Applicant: Patch Planning Pty Ltd

Proposal: S4.55(1) modification application to correct condition being a miscalculation

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **252/23** and registered in Council's records as Application No. **252/23/2** relating to the land described as **40 Mount Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **17 October 2023**, has been determined in the following manner:

A. To amend Condition C6 as follows:

Section 7.12 Development Contributions

C6. A monetary contribution pursuant to the provisions of Section 7.12 of the *Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is **\$4,611.74**.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: to provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

Reasons for Approval:

The application made under section 4.55(1) of *the Environmental Planning and Assessment Act 1979* seeks to correct a miscalculation. Condition C6 is recommended to be amended to correct the misdescription.

On balance, the proposed development is considered reasonable and is recommended for approval.

How community views were taken into account:

The application being a section 4.55(1) application did not require notification in accordance with Council's Community Engagement Protocol.

The conditions attached to the original consent for Development Application No. **252/23** by endorsed date of **17 October 2023** still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Isobella Lucic**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of *the Environmental Planning and Assessment Act 1979* (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the *Act* must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of *the Environmental Planning and Assessment Act 1979* (the '*Act*') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the *Act*.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the *Act*.

- (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the *Act*.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the *Environmental Planning and Assessment Act, 1979* (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the *Environmental Planning and Assessment Act*.

Endorsed for and on behalf of North Sydney Council

6 November 2023

DATE



Signature on behalf of consent authority
ISOBELLA LUCIC
TEAM LEADER (ASSESSMENTS)