



Ms Annabel Turner  
Minto Planning Services Pty Ltd  
PO Box 424  
BEROWRA NSW 2081

D256/23  
KRR (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 256/23/2 - APPROVAL**

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**Development Consent Number:** 256/23

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**Land to which this applies:** 16 Milray Avenue, Wollstonecraft  
Lot No.: 21, DP: 27417

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**Applicant:** Annabel Turner of Minto Planning Services Pty Ltd

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**Proposal:** Modification to correct a minor error, misdescription, is required as the Contribution condition c7 refers to the incorrect amount

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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. **256/23** and registered in Council's records as Application No. **256/23/2** relating to the land described as **16 Milray Avenue, Wollstonecraft**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **27 November 2023**, has been determined in the following manner:

**1. To modify condition C7 of the consent so as to read as follows:**

**Section 7.12 Contributions**

*C7. 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 **\$3,500.00**.*

**Indexation**

*The monetary contribution required under this consent will be indexed at 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](http://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 proposed change has resulted from a minor error made during the course of the assessment in this instance and are generally supported in this regard. The mechanism of Section 4.55(1) for the correction of this error is appropriate in its usage in this instance. The modification is supported in this regard.

**How community views were taken into account:**

The subject application was notified to adjoining properties and the Wollstonecraft Precinct for 14 days. In response to the notification Council received no submissions to the proposal. All likely impacts of the proposal have been addressed in this report where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and/or the character of the streetscape/conservation area.

The conditions attached to the original consent for Development Application No. **256/23** by endorsed date of **27 November 2023** still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and, in this regard, please do not hesitate to contact **Mr Kim Rothe**. 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**

**2 February 2024**

DATE

  
Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER (ASSESSMENTS)**