



Glenn McLachlan  
Director, Finance and Property  
Sydney Catholic Schools Limited  
SYDNEY NSW 2000

D306/22  
RW (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 306/22/2 - APPROVAL**

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**Development Consent Number:** 306/22

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**Land to which this applies:** Suite 1, Level 1/65 Berry Street, North Sydney  
Lot No.: 2, DP: 1230458

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**Applicant:** Sydney Catholic Schools Limited

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**Proposal:** To modify a consent to correct consent lapse date

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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. **306/22** and registered in Council's records as Application No. **306/22/2** relating to the land described as **Suite 1 and Level 1/65 Berry Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated **10 January 2023**, has been determined in the following manner:

**1. To correct the consent lapse date so as to read as follows:**

**Consent will lapse on:** 10 January 2028

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The proposal involves the modification of a consent to correct the consent lapse date to five years from the date of consent operation in accordance with s4.53(1a) *Lapsing of Consent* in the EP&A Act (as amended).

**Reasons for Approval:**

Council is satisfied that the approved lapse date shown on the consent notice to DA306/22 was applied in error.

Accordingly, it is recommended that the lapse date is corrected in the consent.

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

In accordance with the provisions of Section 3.4.1 of Council's Community Engagement Protocol, the subject application was not required to be notified. No submissions were received.

The conditions attached to the original consent for Development Application No. **306/22** by endorsed date of **10 January 2023** still apply.

**ADVISINGS**


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

**22 May 2023**

DATE

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