

**Original signed by: Kim Rothe Dated: 13/10/2020**

Anna Ciliberto  
Ciliberto Architecture Pty Ltd  
113 Carabella Street  
KIRRIBILLI NSW 2061

D245/19  
KRR(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 245/19/2 – APPROVAL**

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**Development Consent Number:** 245/19/2

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**Land to which this applies:** 10-12 Miller Street, North Sydney  
Lot No.: 6, DP: 37896

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**Applicant:** Anna Ciliberto

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**Proposal:** Section 4.55(1) to delete Condition C6

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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. **245/19** and registered in Council's records as Application No. **245/19/2** relating to the land described as **10-12 Miller Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 February 2020, has been determined in the following manner: -

1. To delete Condition C6 from the consent notice.
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**Reason for approval:**

The proposed change has resulted from a minor error made during the course of the assessment in 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.

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

Given the minor nature of the application, the proposal was not notified in accordance with Council Policy. Accordingly, no submissions have been received in relation to the proposal.

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The conditions attached to the original consent for Development Application No. 245/19 by endorsed date of 21 February 2020 still apply.

**ADVISINGS**

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

**Endorsed for and on behalf of North Sydney Council**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
DAVID HOY  
**A/MANAGER DEVELOPMENT SERVICES**