

Katherine Jean Namdari-Zandi  
C/- Miriam Green, Atelier M  
32/82 Myrtle Street  
CHIPPENDALE NSW 2008

D377/19  
DWH (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 377/19/2 – APPROVAL**

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**Development Consent Number:** 377/19/2

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**Land to which this applies:**

39/1 Albany Street, Crows Nest  
Lot No.: 49, DP: 73937

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**Applicant:**

Katherine Jean Namdari-Zandi

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**Proposal:**

Modification of Development Application No. 377/19 to correct reference on Notice of Determination to reference the correct Lot 49 in SP 73937.

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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. **377/19** and registered in Council's records as Application No. **377/19/2** relating to the land described as **39/1 Albany Street, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 27 February 2020, has been determined in the following manner: -

- 1. That the reference to Lot 62 on the Notice of Determination be modified to read Lot 49 in SP 73937 and the Notice of Determination be reissued to correct the Lot reference.*
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**Reason for approval:**

In accordance with the provisions of Section 4.55(1) of the Environmental Planning and Assessment Act 1979 a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation.

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In respect of the Notice of Determination and the legal property descriptors included in the originally submitted development application form and Council's land and property information system, it noted that Council's original Notice of Determination erroneously refers to Lot 62 whereas the appropriate legal allotment was Lot 49 in SP 73937.

Council must be satisfied that the reference in this reference in the Notice of Determination was erroneous and that the Notice of Determination should be reissued to reference the correct allotment.

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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. Therefore no submissions have been received.

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The conditions attached to the original consent for Development Application No. 377/19 by endorsed date of 27 February 2020 still apply.

**ADVISINGS**

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

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DATE

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Signature on behalf of consent authority  
LUKE DONOVAN  
**SENIOR ASSESSMENT OFFICER**