

Nick Hibbard Architect  
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D277/15  
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 277/15/5 – APPROVAL**

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**Development Consent Number:** 277/15/5

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**Land to which this applies:** 43 Churchill Crescent, Cammeray  
Lot No.: 81, DP: 19754

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**Applicant:** Nick Hibbard Architect

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**Proposal:** Section 4.55(1A) modification to DA277/15 for the deletion of Condition G11 requiring a new street tree.

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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. **277/15** and registered in Council's records as Application No. **277/15/5** relating to the land described as **43 Churchill Crescent, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 December 2015, has been determined in the following manner: -

- *To delete condition G11 of the consent.*
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**Reason for approval:**

The proposed modification for the retention of an existing street tree would not result in changes to the overall design, bulk, scale and building envelope of the approved development and will have no environmental impacts on the locality and adjoining properties.

The proposed modification for the retention of a street tree would not change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013.

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The proposed modification would be consistent with the reasons for granting approval for the original DA. Council's Landscape Officer has inspected the subject street tree and raised no objection to its retention based on the current health condition of the tree.

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

Notification of the subject application was waived in accordance with Section 3.4.2 of Council's Community Engagement Protocol because the proposed works were internal so there would be no impacts for adjoining properties.

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The conditions attached to the original consent for Development Application No. 277/15 by endorsed date of 2 December 2015 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse**. 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  
ROBYN PEARSON  
TEAM LEADER ASSESSMENTS