



Jason Corporation Pty Ltd  
Attention: John Vigours  
51 Holdsworth Street  
NEUTRAL BAY NSW 2089

D394/15  
KRR (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 394/15/4 - APPROVAL**

<b>Development Consent Number:</b>	<b>394/15</b>
<b>Land to which this applies:</b>	1 Cassins Avenue, North Sydney Lot No.: 0, DP: 79877
<b>Applicant:</b>	John Vigours, Jason Corporation Pty Ltd
<b>Proposal:</b>	Modification of DA394/15 for minor changes to windows on South and West elevation; relocate the West elevation entrance door and sidelight into the building to create a new entrance porch; balustrade added to Courtyard to Unit GU1; new partition walls added to Offices GO4 and GO5.

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. **394/15** and registered in Council's records as Application No. **394/15/4** relating to the land described as **1 Cassins Avenue, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 July 2016, has been determined in the following manner:

**1. To amend Conditions A1 and C26 as follows:-**

**Development in Accordance with Plans (Section 4.55 Amendments)**

A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended by the following conditions of this consent:

DA394/15 Approved Plan List

Plan No.	Issue	Title	Drawn by	Received
DA 2.02	D	Level 1 Plan Basement Car Park	Design Studio Group	15/02/2016
DA 2.03	C	Proposed Level 2 Floor Plan	Design Studio Group	12/02/2016
DA 2.05	C	Proposed Level 3 Floor Plan	Design Studio Group	12/02/2016
DA 3.01	D	North Elevation	Design Studio Group	12/02/2016
DA 3.02	D	West Elevation	Design Studio Group	12/02/2016
DA 3.03	D	South Elevation	Design Studio Group	12/02/2016
DA 4.01	C	Section A-A	Design Studio Group	12/02/2016

DA394/15/4 Approved Plan List

Plan No.	Issue	Dated	Title	Drawn by	Received
4.55 2.02	A	23 March 2021	Ground Floor Plan	Design Studio Group	5 April 2022
4.55 2.03	A	21 February 2021	Level 1 Plan	Design Studio Group	5 April 2022
4.55 2.05	A	23 March 2021	South Elevation	Design Studio Group	5 April 2022
4.55 3.01	A	23 March 2021	West Elevation	Design Studio Group	5 April 2022
4.55 4.01	A	23 March 2021	Section A-A	Design Studio Group	5 April 2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

(Condition Modified by DA394/15/4 approved on 7 November 2022)

**BASIX Certificate**

C26. Under Clause 75 of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate **No. 673986M\_03** for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

(Condition Modified by DA394/15/4 approved on 7 November 2022)

**Reasons for Approval:**

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP&A Act 1979. Furthermore, the modifications do not result in any new material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

Having regard to the provisions of section 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposed development as modified is substantially the same development as originally consented to. The application is therefore, recommended for **approval** subject to modification via conditions.

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

The owners of adjoining properties and the Hayberry Precinct were notified of the proposed development for a 14-day

---

period, between 22 April to 6 May 2022, in accordance with Section A4 of NSDCP 2013. No submissions have been received in relation to the proposal.

---

The conditions attached to the original consent for Development Application No. **394/15** by endorsed date of 6 July 2016 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**

**7 November 2022**

DATE



---

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