

# Application for Modification of Development Consent

*made under Section 4.55 of the Environmental Planning & Assessment Act 1979*

**Under the Government Information (Public Access) Act 2009 we may be required to publicly release any correspondence or information we have on this matter, which means your personal information may not be confidential and may appear on Council's website.**

**Political Donations and Gifts Disclosure Statement forms will be kept in a public register held at Council's Administration Building and may also be available on our website.**

Use this form to apply for development consent ONLY. Once Council has assessed your application, you will receive a notice of the determination.

Have you attended a prelodgement meeting?

Yes  No

Please note that this application will only be received between the hours of 8.30am and 4.30pm on working days. Any applications received after this time will be processed the following working day.

## OFFICE USE ONLY

DA No: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Fees DA (044): \_\_\_\_\_

Fees Adv (045): \_\_\_\_\_

Date Received: \_\_\_\_\_

Parcel No: \_\_\_\_\_

## IMPORTANT NOTICE

**PLEASE READ EACH PAGE CAREFULLY AND ANSWER EVERY QUESTION THAT APPLIES TO YOUR DEVELOPMENT**

**Note:** If you need to modify a **Construction Certificate**, you may need to lodge a separate application for an amended Construction Certificate. **This applies only where the work has not yet been carried out as an amended construction certificate cannot be issued where the work has already been carried out.**

### 1. Details of the applicant (person signing this form – see page 4)

Mr  Ms  Mrs  Other

Given name (or A.C.N)

Family name (or Company Name)

Unit/street no.

Street name

Suburb

State

Postcode

Daytime telephone

Fax

Mobile

Email

Contact Person (person who may be contacted to discuss the application during business hours)

### 2. Identify the land subject of the approval to be modified

Unit/street no.

Street name

Suburb

Postcode

Lot No.

Section, DP No.

You can find the details on your rates notice from Council or on title documents for the land.

**3. Describe the Development Consent that has been granted**

Description on original approval

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the Development Application No?

\_\_\_\_\_

What date was the consent approved?

\_\_\_\_\_

**4. Describe the modifications you propose to make**

Have the works that are subject of this application already been carried out?

No

Yes  ➤ If Yes please provide a statement why the works have been carried out without the prior consent of the Council (or Land & Environment Court) and give justification to why Council should favourably consider your application.

Please also provide evidence that the development will remain substantially the same.

Details of the modification (separate pages may be attached if there is insufficient space below). Plans should clearly show the proposed changes by colour 'bubbles' or 'clouds' around each change.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What are the expected impacts of the modification?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate the type of modification you propose to make by placing a cross in the appropriate box eg

- (s4.55 (1)) – See Note 1, Page 4**  
A modification to correct a minor error, misdescription or miscalculation  
Describe the error, misdescription or miscalculation in the space above
- (s4.55 (1A)) – See Note 2, Page 4**  
A modification that will have minimal environmental impact  
Describe the modification and its expected impact in the space above
- (s4.55 (2)) – See Note 3, Page 4**  
Any other modification  
Describe the modification in the space above.
- (s4.56) – See Note 4, Page 4**  
Modification to a development consent issued by the Land and Environment Court

## 5. Required Information with this application

### **HAS THE FOLLOWING REQUIRED INFORMATION BEEN SUBMITTED?**

Note: Your application will not be accepted if it is incomplete.

**Required**

- A completed application form and three sets of plans showing the new work subject to this application. **The work proposed in this application must be either coloured or otherwise clearly highlighted on all sets of submitted plans.** All levels, both existing and proposed should be to Australian Height Datum (AHD).

**May Be Required**

- A4 size copy of building plans and site plan for Neighbour Notification indicating heights and external configuration may be required. Please check with Council's Customer Service staff.
- An amended BASIX Certificate. (see [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au))

#### **Required for a residential flat building (as defined in SEPP 65)**

- A revised design verification may be required if it was required with the original Development Application. This must be prepared by a qualified designer (a qualified designer is defined as a person registered as an architect under the *Architects Act 2003*).

## 6. Application fee

Fees are payable for any modification application. These fees are regulated by legislation.

If your development needs to be neighbour notified and/or advertised to the public, an advertising fee is payable.

Council's Customer Service staff will help you calculate the fee of your application.

If your development application was originally referred to an external approval body as an 'Integrated Development', then additional referral fees may be payable.

## 7. Political donations & gifts disclosure statement (Effective from 1 October 2008)

Have you, or are you aware of any person having a financial interest in the application, made a 'reportable political donation' or 'gift' to a Councillor or Council employee in the past two years?

Yes – (Fill out the disclosure form)                      No

Note: Any 'reportable political donation' or 'gift' made after lodgement of the application and prior to its determination, must also be disclosed within seven days of the making of the donation/gift. *Environmental Planning & Assessment Act 1979, Section 10.4*

## 8. Signatures required from all owners for all applications

(In the case of Strata buildings, the consent of the Owner's Corporation (formerly the 'Body Corporate') is required)

### **The owner(s) of the land to be developed must sign the application**

If you are not the owner of the land, you must have all the owners sign the application.

As the owner(s) of the above property, I/we consent to this application:

**Owner's Signature**

**Owner's Signature**

**Name**

**Name**

**Date**

**Date**

**The applicant must sign the application (this signature MUST be of the person/s nominated on page 1 of this form as applicant).**

I hereby apply for the proposal described in Section 4 and I consent to Council copying this application and any supporting material for the purpose of obtaining public comment.

I also understand that if the information is incomplete, the application may be delayed or rejected, or more information may be requested.

I accept that Council cannot be held liable for delays in processing arising out of inadequacies in the material submitted in support of this application.

**Applicant's Signature**

**Name**

**Date**

**9. Privacy policy**

The information you provide in this application will enable your application to be assessed by the Council and any relevant state agency. If the information is not provided, your application may not be accepted. Your application will be advertised to the public for comment if the development is designated development, advertised development or is required to be advertised by a development control plan or if Council determines advertising is required. The application will also be kept in a register by the council that can be viewed by the public at any time. Please contact the Council if the information you have provided in your application is incorrect or changes.

**10. Information notes regarding what type of modification you need to lodge**

**Note 1 – Section 4.55 (1)**

These are modifications involving minor error, misdescription or miscalculation. Typically but are not limited to:

- a change to a condition of consent where Council has made an error
- wrong plan numbers
- typing mistakes

**Note 2 – Section 4.55 (1A)**

Used for minor amendments and may require notification in some instances. Typically but are not limited to:

- internal design changes
- amended site landscaping details
- minor changes to levels
- changes to external materials
- changes where there is no impact on privacy, height, overshadowing, and the like

**Note 3 – Section 4.55 (2)**

Used for all other modifications where environmental impacts are potentially possible. S4.55 (2) applications generally require notification Typical changes include but are not limited to

- increased number of windows
- increase in floor levels
- heights
- car parking generation
- roof forms
- changes to building position

**Note 4 – Section 4.56**

- Used for **all** modifications to any Land and Environment Court approved development consent.

## **ELECTRONIC COPIES FOR DEVELOPMENT APPLICATIONS - FACT SHEET**

Please note that Council now requires all application forms, plans and associated documentation required for Development Applications, Section 4.55 Modifications and Amended Plans to be lodged with Council in an electronic format. The number of hard copies listed on the relevant DA Checklist will also still be required to be submitted but in addition to this, all such documents and plans will also need to be submitted as an electronic version on a CD/USB.

All electronic documents submitted will need to satisfy the following criteria:

1. **PDF Format** - All documents, plans, application forms etc must be submitted as separate PDF files for each document or plan or application form (**PDF documents can consist of numerous pages**), in accordance with Council's file naming protocol (see next page).
2. **Security settings must not be applied** to electronic documents, this includes passwords.
3. **Documents** - must be A4 formatted and optimised for minimum size (on-line publishing). Files larger than 4mb should be broken up into logical parts and supplied as separate files.
4. **Plans** - must be to scale and rotated to landscape.
5. **File names** - file naming conventions will apply to all electronic documents, including plans and application forms. File names are to adhere to the File Naming Protocol on the reverse side of this Fact Sheet.
6. **Accuracy** - electronic documents must be exact reproductions of the original hard copy documents or plans.

Please note: If electronic copies of documents do not meet the requirements listed above your application will not be accepted.

### **File Naming Protocol (Example Only):**

**Please be aware if CD/USB format isn't as described below your Application will be rejected.**

- A – Application Form & Checklist - 1 Lamerton Crescent, Shellharbour City Centre  
(If letter of consent is separate please attach to the Application form and scan together)
- B – Suite of Plans (Site, Floor, Elevations, Landscape etc) - 1 Lamerton Crescent, Shellharbour City Centre
- C - A4 Notification Plan - 1 Lamerton Crescent, Shellharbour City Centre
- D - Waste Management Plan - 1 Lamerton Crescent, Shellharbour City Centre
- E - Statement of Environmental Effects - 1 Lamerton Crescent, Shellharbour City Centre
- F - BASIX Certificate - 1 Lamerton Crescent, Shellharbour City Centre
- G - Bushfire Assessment Report - 1 Lamerton Crescent, Shellharbour City Centre
- H - Commercial and Industrial Development Information - 1 Lamerton Crescent, Shellharbour City Centre
- I - Details of Site Security during Construction/Demolition - 1 Lamerton Crescent, Shellharbour City Centre
- J - Signage Details - 1 Lamerton Crescent, Shellharbour City Centre
- K - Subdivision Information - 1 Lamerton Crescent, Shellharbour City Centre