

OFFICE USE ONLY

Application Number

Date Received

Receipt Number



Application to Modify Development Consent

Under sections 4.55 and 4.56 of the *Environmental Planning and Assessment Act 1979*
(Formerly section 96)

Use this form to modify development consent to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved.

Applications to modify development consent must have the consent of all owner(s) of the land.

This form, plus a completed Part B - Application Detail and Owner(s) Consent form, must be submitted in printed format, and also included as a separate document on a USB flash drive (*preferred*) or a CD or DVD containing all application-related documentation in PDF format unless the application is submitted via the Online Lodgement service. Refer to Council's website for further details in relation to Electronic Lodgement Requirements.

1. APPLICANT DETAIL – Only a single contact name can be nominated

Full details of applicant (or company) are required on a Part B - Application Detail and Owner(s) Consent form. Council will communicate only with the nominated applicant during the assessment process and all correspondence will be directed to the applicant. The applicant may be responsible for ensuring compliance with some of the conditions of consent.

Full Name (or Company name)

2. PROPERTY DETAIL

A street address and lot and deposited plan number is required. RMB is not acceptable as the property location.

Unit/Street No.

Lot

Section

DP/SP No.

Street:

Suburb:

3. DEVELOPMENT CONSENT DETAIL

Consent (DA) Number:

Determination Date:

Describe what the original consent allows

4. AMENDMENT REQUIRED

Please indicate the type of modification you propose to make by placing a cross in the appropriate box and describing the modification and its impact in the space provided. If you need to attach documentation, please list the material attached.

- S4.55(1)** Modification to correct a minor error, misdescription or miscalculation made in the consent.

Describe the error, misdescription or miscalculation

- S4.55(1A)** Modification involving minimal environmental impact, and that Council considers will remain substantially the same as the development that was originally approved.

Describe the modification

- S4.55(2)** Other modification, that Council considers will remain substantially the same as the development that was originally approved.

Describe the modification

- S4.56** Modification to a development consent granted by the NSW Land and Environment Court, that Council considers will remain substantially the same as the development that was originally approved.

Describe the modification

Will the modified development be substantially the same as the development that was originally approved?

- No** – A separate development application will need to be lodged for Council's approval.
- Yes** – Provide evidence that the development will remain substantially the same.

Please provide details below. If you need to attach documentation, please list document.

Is another construction certificate application required for this modification?

If unsure, refer to your Accredited Certifier.

- Yes** – It is your responsibility to submit an application with Central Coast Council Building Certification, or with another Accredited Certifier.

Does this modification change the estimated cost of construction?

- No** **Yes** – updated cost of construction \$

5. PRIVACY & PERSONAL INFORMATION

Information on this form is collected by Council for administrative and assessment purposes. It will be used by Council staff and other government agencies for the purpose of assessing the application and will be made available for public access.

To protect the applicant and the owner(s) privacy, personal details are recorded only on the Part B - Application Detail & Owner(s) Consent form which is not published. It is the applicant's responsibility to ensure other documents do not contain any personal or financial information.

6. OWNER(S) CONSENT - Part B Application Form is Required

Have the owner(s) of the property given consent to lodge this application?

- YES** Complete a Part B - Application Detail and Owner(s) Consent form

Your application must be submitted with a completed Part B - Application Detail and Owner(s) Consent form which is available to be downloaded from council's website.

Applications lodged without the required information will be returned or refused. Submission of all required information at lodgement will ensure your application can be processed in a timely manner.

GUIDELINES FOR THE LODGEMENT OF A SECTION 4.55 APPLICATION

Sections 4.55 and 4.56 of the *Environmental Planning and Assessment Act 1979* allow you to apply to modify a development consent that has been granted without the need for a new consent to be issued.

There are a number of types of modification applications that can be made, including:

- ❖ S4.55(1) Modification to correct a minor error, incorrect description or miscalculation made in the consent.
- ❖ S4.55(1A) Modification that will have minimal environmental impact. Council must be satisfied that the development will remain substantially the same as the development that was originally approved.
- ❖ S4.55(2) Modification that will have more than a minimal environmental impact, that Council considers will remain substantially the same as the development that was originally approved.
- ❖ S4.56 Modification to a development consent granted by the NSW Land and Environment Court, that Council considers will remain substantially the same as the development that was originally approved.

To apply to modify a development consent you must be entitled to act on the consent, that is, you must be either the applicant or the owner of the land, or authorised by the owner to act on the consent.

The Applicant or owner will be required to provide evidence that the modification(s) requested do not substantially change the development from the original approval. If this evidence cannot be provided, a new Development Application will be required.

Any section 4.55 application that involves modifications to structures will likely require a new Construction Certificate application to be lodged. This is a separate application that may require new specifications and is subject to a separate fee. This will also require the full owner(s) consent.

There may be specific requirements in relation to Residential Flat Buildings and BASIX affected buildings under the Environmental Planning and Assessment Regulation 2000. For details, refer to NSW Government website at <http://www.legislation.nsw.gov.au/> or contact Council's Customer Service Centre on Tel: (02) 4325 8222.