

SECTION 4.55 OR 4.56 MODIFICATION OF A DEVELOPMENT CONSENT APPLICATION FORM

Made under section 4.12 of the Environmental Planning and Assessment Act 1979



LODGEMENT AND PAYMENT OF APPLICATION: You can lodge and pay for your application via:



Council: City of Canada Bay Civic Centre, 1A Marlborough Street, Drummoyne
8.30am-4pm, Monday-Friday – **Payment by CASH, CHEQUE OR CARD**



Mail: City of Canada Bay, Locked Bag 1470, Drummoyne NSW 1470 – **Payment by CHEQUE ONLY**

Please note: Your application will **NOT** be processed until **FULL** payment has been received.
If paying by CREDIT CARD, an additional 1.0% processing fee will apply.
If paying by AMEX CARD, an additional 1.0% processing fee will apply.

Office Use	<i>Fee Paid:</i>	<input type="text" value="\$"/>	<i>Notification fee:</i>	<input type="text" value="\$"/>	<i>Total:</i>	<input type="text" value="\$"/>
	<i>Receipt No:</i>	<input type="text"/>	<i>Date:</i>	<input type="text"/>	<i>CSO:</i>	<input type="text"/>
	Application Number: <input style="width: 250px;" type="text"/>					

Fees & Charges

Please refer to Fees and Charges listed on page 6 for application fees. A notification fee may also apply.
Please contact Customer Service to calculate the relevant fees.

Lodgement Requirements

Refer to the Checklist on page 3 and Council's DA Appendix. Note: plans must not have any Council or private certifier approval stamps.

1. Applicant Details

Name(s):	<input style="width: 100%;" type="text"/>			
Email:	<input style="width: 100%;" type="text"/>			
Contact Number:	<input style="width: 100%;" type="text"/>			
Address:	Unit no:	<input style="width: 95%;" type="text"/>	House no:	<input style="width: 95%;" type="text"/>
	Street:	<input style="width: 100%;" type="text"/>		
	Suburb:	<input style="width: 95%;" type="text"/>	Postcode:	<input style="width: 95%;" type="text"/>

2. Consent of ALL Owner(s)

	Owner 1	Owner 2
Company name: (if applicable)	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
ABN/ACN: (if applicable)	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Name:	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Position: (must be Director of Company listed as owner)	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Phone:	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Signature:	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

The written consent (originals only - no photocopies) of all owners **MUST** be provided. If above space is insufficient, attach a separate document/s to this form with each additional owner's consent stating they are a registered owner of the property and that they grant their consent to the lodgement of the development application.

NOTE 1: Works to properties within a Strata Plan also require the written consent of the Owners' Corporation under the Strata Seal.
NOTE 2: Proposed works to properties located within Community Title Estates (e.g. Liberty Grove and Cape Cabarita) are affected by Community Management Schemes which may require the written consent of the Executive Committee of the relevant Community Association. This includes Torrens Title, Strata Title and neighbourhood lots within a community Title Estate You should refer to the Community Management Scheme Statement for further details and contact your Community Association.

3. Property Details

Address: Unit No: House No:
Street:
Suburb: Postcode:
Lot: DP: SP: Sec:

4. Political Donations and Gifts Disclosure Statement

Have you or any person with a financial interest in this development application made a political donation or gift within the last 2 years? Yes No

If yes, have you completed and attached a Political Donations and Gifts Disclosure Statement? Yes No

5. DA Consent

DA Number:
Development Description:

Date of Determination:
Construction Certificate No:
(If applicable)

6. Type of Modification

Type of s4.55: S4.55(1)-Error S4.55(1A)-Minimal
 S4.55(2)-Other S4.56(AA)-Modification to Court

Description of Modification: (Provide a brief description)

7. Public Exhibition of this Proposal

I understand that plans showing internal floor layouts will be used for public exhibition/ notification of my application.

I also understand that Council will publish details of my application on its website under Council's DA Tracking facility and that documents supplied with my application can be accessed under the Government Information Public Access (GIPA) Act.

I have completed and complied with the attached checklist(s) and all required information is attached to this application.

Applicant Signature: Date:

8. Cost of Works

Will this modification/amendments alter the cost of works as stated in the original Development Application?

Yes

No

If 'yes', what will the new cost of works be?

\$

(Note: you may need to complete a new Cost Summary Report of Detailed Cost Report – see checklist for further information)

SECTION 4.55 OR 4.56 MODIFICATION OF A CONSENT CHECKLIST

Made under section 4.12 of the Environmental Planning and Assessment Act 1979



INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. NOTE: PLANS MUST NOT HAVE ANY COUNCIL OR PRIVATE CERTIFIER APPROVAL STAMPS

Applicant (please tick)	Item	Copies	Appendix part	CSO	Planning Assistant
ALWAYS REQUIRED					
	Statement of Modification (Section 4.55(1), s4.55(1A) & s4.56 only) including compliance table and describing in detail the extent of the modification assessed against all relevant	5			
	Site Plan coloured to show new s4.55 & s4.56 modifications and to scale of 1:100 (preferred) or	5	B		
	Floor plans coloured to show new s4.55 & s4.56 modifications and to scale of 1:50/1:100 (preferred) or 1:200	5	D		
	Elevations coloured to show new s4.55 & s.4.56 modifications and to scale of 1:50/1:100 (preferred) or 1:200	5	E		
	Sections coloured to show new s4.55 & s4.56 modifications and to scale of 1:50/1:100 (preferred) or 1:200	5	F		
	Statement of Environmental Effects (Section 4.55 (2) & s4.56 only) including compliance table and detailing your justification as to why the modification/s will result in substantially the same development	5	G		
	A4 Notification Plan showing Site Plan, Floor Plan and Elevations (Note: not required if modification involves deletion of condition/s only or internal modifications only that do not alter the external appearance of the development)	2	J		
	Electronic device containing all plans and documents	1	I		
REQUIRED IN CERTAIN CIRCUMSTANCES					
	Note: The following are required if your modification/s alters the information contained in these documents/plans from the original version submitted with the development application which you are seeking to modify:				
	Waste Management Plan on Council form only When: any additional waste material will be produced that requires the existing plan to be updated	2	H		
	Soil and Water Management Plan to scale of 1:100 (preferred) or 1:200 When: any excavation/digging will be undertaken for footings/laying of slab etc that requires the existing plan to be updated	2	I		
	BASIX Certificate When: an amended Certificate is required when commitments made by a previous Certificate will be affected by the proposed Section 4.55 & s4.56 modifications	1	K		
	Schedule of Colours and Materials including colour swatches When: modification/s involves a change to the approved colours/materials	2	L		
	Landscape Plans to scale of 1:100 (preferred) or 1:200 When: trees covered by the Tree Preservation Order are to be lopped/removed as a result of the modification/s	3	M		
	Shadow Diagram to scale of 1:100 (preferred) or 1:200 When: modification/s may result in additional overshadowing to adjacent properties, e.g., if you are increasing a roof/eaves height, wall height etc.	3	N		
	Statement of Heritage Impact When: modification alters previous Heritage Impact Statement lodged with the development application or modification/s requires a new heritage assessment.	3	O		

Applicant (please tick)	Item	Copies	Appendix part	CSO	Planning Assistant
REQUIRED IN CERTAIN CIRCUMSTANCES					
	Stormwater Drainage Plan When: modification alters previous design lodged with the development application or modification/s requires a new stormwater design	3	P		
	Geo-Technical Report When: modification/s involves significant excavation or changes previously approved excavation works and/or the area is prone to slip	1	Q		
	View Corridor Analysis When: modification/s will affect views currently enjoyed by adjoining/adjacent properties	1	W		
	Streetscape Character Analysis to scale of 1:200 When: modification will impact on streetscape views of an existing dwelling or change/alter the previously approved front elevation of the dwelling.	1	X		
	Cost Summary Report When: cost of works is altered to between \$100,001-\$2,000,000	1			
	Detailed Cost Report When: cost of works is altered to greater than \$2,000,000	1			

APPLICANT DECLARATION

I verify the above information has been provided.

Applicant signature: Date:

CUSTOMER SERVICE/PLANNING ADMINISTRATION OFFICER DECLARATION

I verify that the checklist is complete.

CSO signature: Date:

Planning Admin signature: Date:

IMPORTANT NOTICE: Electronic Lodgement Requirements

Commencing on 5 November 2012, Council will not accept Section 4.55 or s4.56 Modifications unless they are accompanied by electronic copies of all supporting documents, including plans and completed application forms. Hard copies will continue to be required as per this Checklist together with a CD or USB or similar device containing electronic copies.

All electronic documents submitted with your application must satisfy the following criteria:

- PDF Format** - All documents, plans, application forms etc must be submitted as separate PDF files for each document or plan or application form e.g. **site plans must be on one pdf document, elevations must be on another separate pdf document. Pdf documents can consist of numerous pages**, in accordance with Council's file naming protocol. Security settings must not be applied to electronic documents, this includes passwords.
- 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.
- Plans** - must be to scale and rotated to landscape. **PLEASE ENSURE YOUR COLOURED PLANS SHOWING ALL MODIFICATIONS ARE INCLUDED ON YOUR ELECTRONIC DEVICE.**
- File Names** - file naming conventions will apply to all electronic documents, including plans and application forms. File names are to match the document requirements listed in this DA Checklist, for example: Appendix A - Survey Plan, Appendix B - Site Plan etc.
- Accuracy** - electronic documents must be exact reproductions of the original hard copy documents or plans.

NOTE: Electronic Documents lodged with Council will be published on Council's DA Tracking Tool on our web page. Please ensure you read and complete Question 7 on the Section 4.55 & 4.56 Modification application form.
Your electronic device will be returned to you once your application has been determined by Council.

SECTION 4.55 MODIFICATION OF A CONSENT GUIDELINES

Made under section 4.12 of the Environmental Planning and Assessment Act 1979



Section 4.55 of the Environmental Planning and Assessment Act 1979 allows an applicant to make changes to a development after it has been approved by Council. In assessing applications to modify an existing development consent, Council must be satisfied that the development, as modified, relates to substantially the same development as that originally approved by Council. There are four (4) different sub-sections under Section 4.55 & s4.56 of the Environmental Planning and Assessment Act 1979, and these are as follows:-

Section 4.55 (1) - Modifications involving minor error, misdescription or miscalculation

An application may be made to modify a development consent granted by Council to correct a minor error, misdescription or miscalculation made by Council during the assessment and/or determination process.

Such modifications could include where Council has incorrectly described a development or applied a condition in error or where additional fees have been applied incorrectly or calculations on floor space, height etc. have been made in error. **Note: These modifications generally do not apply to situations where the applicant has made similar errors.**

Section 4.55 (1A) – Modifications involving minimal environmental impact

An application may be made to Council to modify a development consent granted by it if the proposed modification is of minimal environmental impact and is substantially the same development as the development for which the consent was originally granted before any modifications were made.

Such modifications could include relocation of doors or windows in a dwelling-house or amendments to the approved external materials/colour scheme.

Section 4.55 (2) – Other Modifications

An application may be made to Council to modify a development consent granted by it if the proposed modification is substantially the same development as the development for which the consent was originally granted before any modifications were made.

Such modifications would include any modification other than those referred to above under Section 4.55(1) or (1A).

Section 4.56 – Modification by consent authority consents granted by the court.

An application may be made to council to modify a development consent granted by the court if the proposed modification is subsequently the same development or the development for which the consent was originally granted before any modifications were made.

Note: The above information is a guide only and should not be solely relied upon. If you are in any doubt as to whether your proposed changes would fall within Section 4.55 or s4.56 of the Environmental Planning and Assessment Act or any of the above sub-sections, you should access Council's Duty Planner Service by booking an appointment through our on-line booking system. Alternatively, for more complex matters, you should seek your own independent planning advice from a suitably qualified town planning consultant.

SECTION 4.55 MODIFICATION OF A CONSENT FEES & CHARGES

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Section 4.55(1) – Corrections	\$71 (maximum fee)
Section 4.55(1A) – Minor modifications	50% of original application fee (maximum fee of \$645)
S4.55(2) of the Act, or under section 4.55AA(1) of the Act if the fee for the original application was less than \$100	50% of the fee for the original development application
S4.55(2) of the Act, or under section 4.55AA(1) of the Act where the fee of the original application was more than \$100 but does not involve the erection of a building, the carrying out of work or the demolition of a work or building	50% of the fee for the original development application
S4.55(2) of the Act, or under section 96AA(1) of the Act where the original application was for a dwelling house with an estimated cost of construction of \$100,000 or less	\$190
S4.55(2) of the Act, or under section 4.55AA(1) of the Act for any other development up to an estimated cost of \$5,000	\$55
S4.55(2) of the Act, or under section 4.55AA(1) of the Act for any other development up to an estimated cost of between \$5,001-\$250,000	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of the estimated cost
S4.55(2) of the Act, or under section 4.55AA(1) of the Act for any other development up to an estimated cost of between \$250,001-\$500,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000
S4.55(2) of the Act, or under section 4.55AA(1) of the Act for any other development up to an estimated cost of between \$500,001-\$1,000,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000
S4.55(2) of the Act, or under section 4.55AA(1) of the Act for any other development up to an estimated cost of between \$1,000,001-\$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000
S4.55(2) of the Act, or under section 4.55AA(1) of the Act for any other development up to an estimated cost of more than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000
<p>Note – The original application is the application that results in a consent to be modified. These fees do not apply to modification of a development consent granted by the Land and Environment Court on appeal from some other consent authority. Council does not advertise applications under Section 4.55 but should Regulations require such an application to be advertised, then an additional maximum advertising fee of \$500 shall apply of which any amount not expended shall be refunded.</p>	