

# Modification of Consent Application

Granted under Section 4.30 or 4.55 of the Environmental Planning and Assessment Act 1979

Lismore City Council, PO Box 23A, Lismore 2480  
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## Office use only – please print clearly

Register/File Number <input type="text"/>	AF Number <input type="text"/>	Application Fee <input type="text"/>
Property Number <input type="text"/>	NAR Number <input type="text"/>	Receipt Number <input type="text"/>

## Before you lodge

### About this form

This form is required to apply for a Part 4 development approval under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, for proposals that require consent.

### How to complete this form

1. Ensure that all fields have been filled out correctly.
2. Please refer to the Lodgement Details section in Part 11 for further information regarding submitting the application and payment.

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to us.

Have you spoken to a Council Officer prior to lodging your application? Yes  No

Was it a:  pre- lodgement meeting  or a counter enquiry  or a phone enquiry

If you have, who was it?

## What modification are you applying for ? (must be completed)

Complying Development Certificate

Section 4.30

Development Consent (Section 4.55)

Section 4.55(1)

Section 4.55(1A)

Section 4.55(2)

Section 4.55(8)

See notes section for explanations.

### Part 1: Applicant and contact details

Given Name/s

Family Name/s

Organisation/Company Name

Postal Address

Contact Number/s (including mobile)

Email Address

### Part 2: Details of property for development

Lot

DP

Section

Number

Street Name

Suburb

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the Department of Lands for updated details.

### Part 3: Description of development

What is the Development Application Number?

What date was the Consent Issued?

Briefly what the original approval allows (as described under proposed development on the original approval):

## Part 4: Describe the modification you propose to make

Will the modified development be substantially the same development that was originally approved.

No  > If the applicant cannot satisfy Council that the modifications result in substantially the same development as the development as the development for which the consent was originally granted, a new development application will be required to be submitted to Council for assessment.

Yes  > Please provide evidence that the development will remain substantially the same.

Briefly describe the modification you propose to make:

## Part 5: Political donation disclosure statement

Persons lodging a development application are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. It is an offence to fail to make any necessary declaration.

Are you required to complete a disclosure statement to this application?

Yes - **complete a “Political Donation and Gifts Disclosure Statement” form and attached to application.**

No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to Council’s website [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au) Forms A-Z or [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

## Part 6: Privacy information

1) The information you provide in this application is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 which will enable Council staff (or any appointed agent), and any relevant state agency, and the community to consider/assess your application under the Environmental Planning and Assessment Act 1979 and other applicable State legislation. The supply of the information by you is voluntary, however, if you cannot provide or do not wish to provide the information sought, your application may not be accepted. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise council of any changes. Address enquiries concerning this matter to Council’s Public Officer.

2) The Government Information (Public Access) Act and Regulation 2009 states that it does not apply to so much of the information as consists of:

(a) *the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or*

(b) *commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.*

Council considers that persons inspecting the plans of a proposed development that may impact on their amenity cannot effectively do so without knowledge of the basic internal layout e.g. Living rooms, bedrooms etc where privacy from overlooking may be a problem. Accordingly, applicants and owners are requested, as part of signing this application, to give permission for persons, as part of the Notification Process, to inspect the internal plans accompanying the application. Council will not permit copies to be taken or extracts made of internal plans. Internal plans of residential premises will not be published on Council’s website. As Council is unlikely to be aware of sensitive commercial information, it is the applicant’s responsibility to ensure that such information is clearly identified and separate from other application documentation, and any requirements relating to disclosure of the information specified, or the information will otherwise be made publicly available by Council. Certain contact information details provided on this application will be published and available online.

3) Online DA tracking is a software product that allows all customers to view plans, details and to track the progress of a Development Application throughout the assessment process. It represents key milestones in the Development Application process, however, it is not a detailed history. Persons wishing to confirm information in detail should contact Council via either the email facility at the bottom of the Development Application tracking window, or in writing in order to obtain a written response. The information that can be viewed online is clearly labelled in the relevant application checklists. Please refer to the Development Application Checklist at the back of this form. All items labelled ‘**Online DA Information**’ in red will be publicly accessible through the internet. Please also refer to the **Copyright note**.

4) Development applications will be publicly notified/advertised in accordance with Council’s Notification Policy. The policy is available on Council’s website within Council’s Development Control Plan (DCP).

## Part 7: BASIX statement

The proposed amendments will/will not impact on the undertakings made in the grant of the original consent.

Note: Where changes are made which affect the BASIX undertakings, a new BASIX certificate is required.

## Part 8: Owner's consent

**Every owner of the land must sign this form. When works affect a joint wall, consent of both property owners is required (e.g semi-attached or units). If the owner is a company, the form must be signed by an authorised director. If the property is a unit under strata title or a lot in a community title, then In addition to the owners signature the common seal of the body corporate must be stamped on this form over the signature of the owner and signed by the chairman or secretary of the Body Corporate or the appointed managing agent.**

As owner/s of the land to which this application relates, I consent to this application. I also consent for authorised council officers to enter the land to carry out inspections relating to this application. I accept that all communication regarding this application will be through the nominated applicant, and I understand the information that will be made publicly available in accordance with Council's Development Application form.

Signature

Signature

Name

Name

Signature

Signature

Name

Name

Date

Date

If applicable the nature of your legal authority

*Without the owner's consent, we will not accept the application. This is a very strict requirement for all applications.*

*If you are signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach documentary evidence (e.g. power of attorney, executor, trustee, company director, etc.). If the land is Crown land, an authorised officer of the Department of Lands (or Trustee) must sign the application. **An original signature must be provided.***

## Part 9: Applicant's declaration and signature

- I apply to modify the consent as described above, I accept that any consent will be limited to the modification described above. Any variations to the consent not applied for by this application will no approval regardless of the outcome of this application.*
- I have read and understood the information within this form and I give my consent to Council to make this application (including all supporting documents, plans and specifications for any part of this application) available for public view at Council offices and through Council's Internet site, and I have obtained all copyright licences necessary from the copyright owners for this purpose in accordance with Section 10 of this form.*
- I also understand Pursuant to the EP and A Regulations 2000 that if information is incomplete the application may be delayed or rejected or more information may be requested. I acknowledge that if the information provided is misleading any approval granted 'may be void', and accept that Council cannot be held liable for delays in processing arising out of inadequacies in the material submitted in support of this application. I acknowledge that where the applicant is not the owner of the land, the owner will be copied in on all correspondence relating to this application. Where dedicated A4 plans (deleting internal details) are not provided, I agree to the use of A4 plans provided in support of this application for notification/advertising purposes.*

Signature

Print Name

Capacity

Date

**The applicant must sign the application.**

## Part 10: Copyright note

The Applicant is advised that Council will make copies (including electronic copies) of the development application and accompanying documents for the purpose of complying with its obligations under the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and Notification Policy. In addition, the Council may make such further copies as, in its opinion, are necessary to facilitate a thorough consideration of the development application by Council and public participation in the development assessment process. This will include making copies of the advertised plans, supporting documentation and the determination available on Council's website to be viewed by members of the public. Online documents will be removed at the end of the development assessment process. The Applicant is responsible for obtaining all copyright licences necessary from the copyright owners for this purpose.

### About this form

This form is required to apply for a Part 4 development approval under Section 4.55 of the Environmental Planning and Assessment Act 1979, for proposals that require consent.

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to us.

This form is to be lodged electronically on Council's Electronic Lodgement portal at [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au). Once all relevant information is received an invoice will be issued to the email address provided at lodgement.

## Notes

### Modification of complying development

#### Section 4.30 Modification of complying development (cf previous s 87)

- (1) A person who has made an application to carry out complying development and a person having the benefit of a complying development certificate may apply to modify the development the subject of the application or certificate.
- (2) This Division applies to an application to modify development in the same way as it applies to the original application.

### Modification of consents - generally

#### Section 4.55 Modification of consent - generally (cf previous s 96)

- (1) Modifications involving minor error, misdescription or miscalculation A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.

**Note :** Section 380AA of the *Mining Act 1992* provides that an application for modification of development consent to mine for coal can only be made by or with the consent of the holder of an authority under that Act in respect of coal and the land concerned.

- (1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

- (2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.
- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.
- (8) Modifications by the Court The provisions of this section extend, subject to the regulations, to enable the Court to modify a consent granted by it but, in the extension of those provisions, the functions imposed on a consent authority under subsection (1A)(c) or subsection (2)(b) and (c) are to be exercised by the relevant consent authority and not the Court.

# LISMORE CITY COUNCIL

## MODIFICATION OF CONSENT APPLICATION CHECKLIST

Electronic lodgement of all material in PDF format is required in the Electronic Lodgement Portal. PDF files shall be in files that have names that are consistent with the relevant items in the schedule below.

**Please note:**

This checklist must be completed. Incomplete or illegible applications will be rejected. All documentation, including plans and shadow diagrams must be prepared to a scale which will enable easy assessment and will be able to be reviewed by the public during the advertising period. A scale of 1:100 is preferred.

**Note: If you are applying for Integrated Development Consent an additional set of documentation together with a cheque for \$320 are required for each integrated approval sought.**

Plans must be drawn to scale (preferably 1:100) in ink. **Free hand, single line or illegible drawings will not be accepted.**

The following information should be included on all plans and documents:

- Applicants name, block/house/shop/flat number, street/road name, town or locality;
- Lot Number, section number, DP number. (Found on rate notice or land title);
- Measurements in metric;
- The position of true north;
- Building, or parts of building to be demolished to be indicated in outline;
- Draftsman/Architect name and date of plan;
- BASIX undertakings (if applicable).

**CHECKLIST: A List of documents accompanying the application and naming conventions for pdf documents:**

REQUIRED	SUPPLIED
<b>S4.55 Amendment Application Form</b>	
Signed and completed application form and any supporting documentation (ie letter) and Owner's Consent Form.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Modified Plans/Elevations/Sections</b>	
Full drawings showing modified development drawn to a nominated scale. <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Elevations/Sections</li> <li>• Floor Plans</li> </ul> Where the proposed modification involves alteration to previously approved plans, the plans must be coloured, highlighted or otherwise marked to the satisfaction of Council to adequately distinguish the modified works.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Statement of Environmental Effects</b>	
Detailed description of the modification proposed. Must provide sufficient detail to satisfy Council that modified development is substantially the same development as that approved by Council.  Should include assessment of potential environmental impacts of the proposal against relevant Local Environmental Plan and Development Control Plans.	<input type="checkbox"/> Yes <input type="checkbox"/> No