

# Application to Modify Development Consent



Office Use Only

**Application No:** \_\_\_\_\_ **Fee paid:** \_\_\_\_\_

Use this form to apply for a modification to development consent. If the changes you propose mean the development will not be substantially the same as originally approved, you need to submit a new development application. (Please do not use this form.)

To complete the form use black pen only, please place a cross in the boxes  and fill out the remaining sections as appropriate. To minimise delay in receiving a decision about your application, please ensure you submit all relevant information.

You need to submit the application to the consent authority that originally gave its consent. You will receive a notice of determination once this application has been assessed.

## 1. Details of the applicant

 Mr     Ms     Mrs     Other (please specify): \_\_\_\_\_

First name:

Family name:

Street address:

Suburb/Postcode:

Daytime telephone:

Fax:

Mobile:

Email:

## 2. Identify the land

Address:

Lot no:

Section:

DP:

Note: You can find the Lot, Section and DP details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or map with these details.

## 3. Details of the original development consent

Describe what the original consent allows:

What is the development application No of the application you wish to amend?

What is the date of the original consent?

## 4. Original Consent Authority

 Gosford City Council Land & Environment Court

## Privacy policy

The information you provide in this application will enable your application to be assessed by the consent authority and any relevant state agency. If the information is not provided, your application may not be accepted. Your application will be advertised in accordance with Council's Development Control Plan 128 – Public Notification of Development Applications. Under the Privacy and Personal Information Act 1998, Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 all information provided in this development application will be available to the public to view and copy by request. Please contact Council if the information you have provided in your application is incorrect or changes.

**5. Describe the modification you propose to make**

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

- S96 (1) - Modification to correct a minor error, misdescription or miscalculation  
Describe the error, misdescription or miscalculation

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- S96 (1A) - Modification that will have minimal environmental impact  
Describe the modification and its expected impact

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- S96 (2) - Any other modification  
Describe the modification and its expected impact

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

No

Yes  ➤ Please provide evidence that the development will remain substantially the same.  
(If you need to attach additional pages, please list the material attached).

Is another construction certificate required for this modification? (If in doubt speak to Councils assessment officer or the Duty Building Surveyor).

If a construction certificate is required a separate application must be made.

**6. Signatures**

**All the owner(s) of the land being developed must sign this application form or provide a separate letter of consent.** If the land is Crown land, an officer of the Department of Land and Water Conservation must sign the application.

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

Signature:  Name:  Date:	Signature:  Name:  Date:
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**The applicant, or the applicant's agent, must sign the application.**

Signature:    Date:	Name, if you are not the applicant   In what capacity are you signing if you are not the applicant?
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## Guidelines for the lodgement of a Section 96 Application and Application Form

A Section 96 Application to modify consent made under the Environmental Planning and Assessment Act 1979 can be made under various parts:

- S96(1)** This relates to a minor error, misdescription or miscalculation made in the consent which requires correction.
- S96(1A)** This relates to a modification involving **minimal** environmental impact. Council must be satisfied that the development is substantially the same as the original.
- S96(2)** This relates to any other type of modification that Council considers is substantially the same as the original.

The Applicant may 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 may be required.

### Essential Requirements

- ❖ Application must be made on the application form provided by Council.
- ❖ The original consent number that requires modification **MUST** be stated along with the date of the original determination.
- ❖ The applicant must have the consent of all the property owners to lodge the application. Applications cannot be accepted unless the owners consent can be provided in writing, either on the application form or by way of a separate letter.
- ❖ The fee must be paid at the time of lodgement. This can be up to 50% of the original Development Application fee depending upon the type of modification sought. In many cases this fee cannot be determined until the application and plans are received and the full extent of the modification can be assessed.
- ❖ Plans (3 full size sets) need to be provided for any alteration to the original approved configuration. These plans should clearly indicate the modification/alterations requested. Where possible the original approved configuration should also be shown for comparison.
- ❖ Plans (5 reduced A4 sets) need to be provided for any alteration to the external configuration of the approved configuration. These will be sent to the adjoining property owners as part of Councils notification process.
- ❖ If the modification sought relates to conditions of the original consent, the details of these conditions, as well as the condition numbers, must be indicated on the application. This can be done on a separate sheet if necessary.

### IMPORTANT

Any S96 application that involves **any** modification 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 owners consent.

If you have any queries regarding these requirements, please contact Councils Customer Service Unit on (02) 4325 8200 or the Duty Building Surveyor on (02) 4325 8161.