Application to Modify a Development Consent

Under the Environmental Planning and Assessment Act 1979 as per sections 4.55(1), 4.55(1A), 4.55(2) or 4.56(1) (formerly section 96)

About this form
You can use this form to modify an approved development consent. This form is a public record and will be made available on the City’s website.

How to complete this form
1: Ensure that Part A & B have been filled out correctly, and are stored separately on the USB.
2: All fields on this form are mandatory and must be completed before submitting the application.
3: Once completed, you can submit this form by mail or in person. Please refer to the Lodgement details section for further information.

NOTE: Information provided on the USB (excluding Part A of the Application form and non-exhibition plans) will be publicly available, personal information such as credit card details and any other personal information must NOT be copied onto the USB.

Part A

Site Details
Address Number
Street Name

Suburb
Lot Number
DP/SP

Applicant Details
Title
Given Name/s
Family Name

Organisation/Company Name (if applicable)

Email Address

Note: Please provide an email & postal address, correspondence will be via e-mail when possible

Address

Home Number
Business Number
Mobile Number

Applicant Name (please print)
Applicant Signature
Date

Capacity Within Company

Note: If you are signing on behalf of a company please state capacity.

Note: It is important that we are able to contact you if we need more information. Please give us as much detail as necessary. Council will deal only with the nominated applicant in the event of any query or communication regarding this application.
As the registered owner(s) of the above property, I/We give consent to this application.

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**Registered Owner(s) Signature(s) - (see Note 1 at the back of application form)**

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**NOTE:**
Every owner must sign this form. Please read Note 1 at the back of this application form carefully.

Incomplete or inaccurate information on this section may result in rejection of the application.
Applicant Declaration

A Section 4.55 or 4.56 application should include the completed form, supporting documents and plans annotated to show the proposed changes (see note 3). Fee calculations should be checked with Council Customer Service staff prior to lodgement.

Plans and accompanying documents - All plans and documents must be submitted in digital format and comply with the “Digital Requirements” document.

NOTE: Digital file requirements must be virus free. Each plan and document must be supplied as a PDF file no larger than 20MB in size and optimised for publishing to the Web (see Digital Requirements on the City’s website). As information provided on the USB (excluding Part A of the Application form and non-exhibition plans) will be publicly available, personal information such as credit card details and any other personal information must NOT be copied onto the USB.

Failure to provide the required documentation of an acceptable standard will result in your application being returned.

What you need for lodgement (please tick applicable box/s below)

- 4.55/4.56 Modification form
- BASIX Certificate (if applicable see note 6)
- All associated plans and documents
- Fees

Residential Floor Plans

Do the plans and/or specifications show residential parts of a building? Yes □  No □

If yes, may Council exhibit, allow inspection of and provide copies of plans that show residential parts of the building (other than height or exterior configuration)? Yes □  No □

Important Note: If the applicant has requested that the interior of residential parts of the building are not to be exhibited, separate plans (named with the prefix ‘Exhibition’ e.g. Exhibition - Floor Plans) must be provided on the USB for exhibition purposes, showing all details excluding the internal residential parts of the building.

I am operating or intend to operate a licensed premises? Yes □  No □

If yes, what is the type of license? □ □ □
Disclosure of Political Donations and Gifts

Under Section 10.4 of the Environmental Planning and Assessment Act 1979, any reportable political donation to a Councillor and/or any gift to a Councillor or Council employee within a two (2) year period before the date of this application must be publicly disclosed.

Are you aware of any person with a financial interest in this application who made a reportable donation or gift in the last two (2) years?

☐ No  ☐ Yes

If yes - complete the Political Donation and Gifts Disclosure Statement and lodge with this application (see Note 1(9) at the back of this form).

If no - in signing this application I undertake to advise the Council in writing if I become aware of any person with a financial interest in this application who has made a political donation or has given a gift in the period from the date of lodgement of this application and the date of determination.

Note: Failure to disclose relevant information is an offence under the Act. It is also an offence to make a false disclosure statement.

Conflict of Interest

To ensure transparency in Council’s decision making process and to avoid potential conflicts of interest, you must make a declaration as to whether you, the landowner and/or anyone with a financial interest in the application is a Council employee or Councillor or is related to a Council employee or Councillor. You MUST tick at least one of the boxes below:

☐ Neither I, the landowner or any other person with a financial interest in the application is an employee/Councillor or relative of an employee/Councillor of City of Sydney Council.

☐ I am an employee/Councillor or relative of an employee/Councillor of City of Sydney Council. I have stated the relationship below.

☐ The landowner is an employee/Councillor or relative of an employee/Councillor of City of Sydney Council. I have stated the relationship below.

☐ Another person with a financial interest in the application is an employee/Councillor or relative of an employee/Councillor of City of Sydney Council. I have stated the relationship below.

Name and relationship: __________________________

Important Notice

• Council will not process applications that are incomplete or non-complying with lodgement requirements. These will be returned to applicants within 14 days (see note 4 at the back of this form). Check fee calculation with Council staff prior to lodgement. Building work will be valued independently by using the latest building cost indicators.

• I apply for approval to carry out the development or work described in parts A & B of this application. I declare that all information in the application and checklist is to the best of my knowledge, true and correct.

• I also understand that if the information is incomplete, the application may be delayed, rejected or more information may be requested. I acknowledge that if the information provided is misleading, any approval granted may be void.

• I accept delays in processing will arise out of any inadequacies in the material submitted in support of the application.

• I declare that the electronic data provided is a true copy of all plans and associated documents submitted with this development application and the data is not corrupted or does not contain any viruses. Each document is a PDF no bigger than 20MB and is named in accordance with Council’s Digital Requirements document. I have stored Part A and B of this form separately on the USB.

• I understand that the City of Sydney Council will use the information and materials provided for notification and advertising purposes (see Note 5 at the back of this form) and that material provided will be made available to the public for inspection and copying at Council’s Customer Service areas and on Council’s website.

Applicant Name: __________________________

Applicant Signature: __________________________

Date: __________________________

Note: Please print full applicable name/s in name text fields above (not initials)
Application to Modify a Development Consent

Under the Environmental Planning and Assessment Act 1979 as per sections 4.55(1), 4.55(1A), 4.55(2) or 4.56(1) (all formerly section 96)

Please note:
- information provided will be public information and will be placed on the City’s website.
- all fields of this form are mandatory and must be completed before submitting the application

Part B

Site Details

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Applicant Details

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Original Development Consent Details

Original Development application number

Description of Approved Development

Date of Determination

Type of Modification (see Note 2) (please tick applicable box below)

S4.55 (1) involving minor error, error in description or miscalculation only

S4.55 1(A) minimal environmental impact

Other S4.55 (2)

S4.56(1) Modification of consent granted by the Land & Environment Court

Nature of Modification and condition numbers to be modified. Include all of the changes and attach separate sheets if necessary. (see Note 4)

1.  
2.  
3.  
4.  
**Original Development Consent Details...continued**

In the case of S4.55(1) applications, indicate nature of minor error, error in description or miscalculation (in box below)

For S4.55(1A), S4.55(2) and S4.56(1) applications, describe the impact of the modification (in box below)

Total cost of development

**Licenced Premises**

Are you intending to operate as a licenced premise?  
[ ] No  [ ] Yes

Do you currently hold a liquor licence?  
(Liquor Act 2007)

[ ] No  [ ] Yes  [ ]

If yes, please submit a copy of your current liquor licence, including a plan of your liquor licence boundaries.

Please specify which type of liquor licence you are currently operating under or intend to operate under:

- [ ] Hotel
- [ ] General Bar hotel licence
- [ ] On-premises licence
- [ ] Club licence
- [ ] Small Bar
- [ ] On premises with a primary service authority
- [ ] Other, please specify

**Notes for completing Application to Modify a Development Consent**

**Note 1**

1) **The EP& A Act** requires that all owners consent to the lodging of an application.

2) It is the applicant’s responsibility to clearly demonstrate that all owners have consented to the lodging of the application. The Council will not accept an application without the correct owners consent.

3) **Owner(s)** - all owners are to sign (please note additional requirements for other types of ownership below).

4) **Company/Organisation** - If the owner is a company, the owners consent must be signed in accordance with the Corporations Act 2001 by: (a) one company director and company secretary; or (b) two company directors or (c) if a sole director/secretary company, the sole director.

The applicant must provide the ABN or ACN numbers, the names and positions of those signing the consent, an up to date (dated the day of lodgement or the day before) ASIC company extract (www.asic.gov.au) and any other required supporting documentation. This is the responsibility of the applicant to provide upon lodgement.

5) **Joint wall/fence** - when works affect a joint wall or fence, consent of all property owners is required (e.g. Semi-detached or terrace dwelling and boundary fence).
6) **Strata title / body corporate** - if the property is a unit under strata title, then in addition to the owner(s) signature the following must be provided if any works or proposed use affect the common property.
- The common seal of the owners corporation must be stamped on this form and witnessed by two members of the executive committee (where these is a determination by the owner’s corporation), the secretary of the owner’s corporation and another member of the executive committee, or the appointed strata managing agent; and
- One of the following:
  1. A letter on strata management letterhead stating that the requirements of the Strata Schemes Management Act 2015 have been met; or
  2. Copy of resolution or minutes showing that the special resolution has been passed at a general meeting or the owners corporation that specifically authorises the change to common property.

7) **Signing on owners behalf** - if you are signing on the owner’s behalf as the owner’s representative, you must state the nature of your legal authority and attach documentary evidence of your authority (a full copy is required). Depending on the nature of your authority, the following evidence may be accepted: Power of Attorney, Trust Deed, Probate, Letters of Administration, Delegation Schedule, Letter (with organisation’s letterhead) confirming your authority.

8) **New owners** - if the property has recently been sold, documentary evidence of the sale must be provided. Please provide one (1) of the following:
- A copy of the Certificate of Title
- Previous owner’s consent to the application.

9) Under Section 10.4 of the Environmental Planning and Assessment Act 1979, any reportable political donation to a councillor and/or a Council employee within a two (2) year period before the date of this application must be publicly disclosed.

Further information, including a “Political Donation and Gifts Disclosure Statement” form and a glossary of terms, is available online at the City's website, [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au) under any Council’s office locations.

**Note 2**
An application under section 4.55 of the Environmental Planning and Assessment Act 1979 (EPA Act), is an application to modify a development consent.
> A section 4.55(1) application is to correct a minor error, error in description or miscalculation.
> A section 4.55(1A) modification is one involving minimal environmental impact.
> A section 4.55(2) application is to modify the consent in other ways, as a result of changes to a design for example. The development as modified must be substantially the same development. You must provide evidence that the development is substantially the same.
> A section 4.56(1) application is a modification of a consent granted by the Land and Environment Court.

**Note 3**
To enable your application to be assessed promptly please ensure that all the proposed changes are clearly stated and shown on the plans, if applicable. If amended plans are to be lodged you must lodge a complete set of the current drawings, highlighting the proposed modification(s).

Plans and accompanying documents - All plans and documents must be submitted in digital format and comply with the "Digital Requirements" document.

**NOTE:** Digital file requirements must be virus free. Each plan and document must be supplied as a PDF file no larger than 20Mb in size, named descriptively and optimised for publishing to the Web (see Development Application Guide on the City of Sydney public website). As all information provided on the USB (excluding Part A of the Application form and non-exhibition plans) will be publicly available, personal information such as credit card details and any other personal information must NOT be copied onto the USB.

**Sample Board & Specification of Finishes**
Specifications and photographs of the external finishing materials to be used in the construction of the development shall be indicated on the plans and in the supporting information.

Please Note: Council may request a physical sample board which must be no larger than A3 size and not weigh more than 5kgs (multiple boards can be submitted if necessary).

**Note 4**
- a) The consent authority may, within 14 days of receiving a development application, reject that application if it is illegible or unclear as to the development consent sought or if the application does not contain sufficient information as required by this form.
- b) The consent authority may, within 21 days of receiving the development application, ask for additional information on the development if that information is necessary for the determination of the application or if that information is required by a concurrence authority.
- c) The consent authority may, within 25 days after the lodgement of a development application for integrated development, ask for additional information concerning the development if the information is necessary for the determination of the application or if the information is required by an approved body.
Note 5
In accordance with the current City of Sydney Advertising and Notification DCP, your application may require notification and/or advertising in the newspaper to enable interested persons to comment on the proposal. The notification period inviting comment from surrounding residents and the public can vary depending on the type of development. If notification/advertising is required, a separate fee will be payable.

Note 6
A Basix Certificate is required if the development is one of the following:

- New residential building
- Alterations & additions to residential buildings (cost over $50,000)
- Change of use to residential dwelling
- Swimming pool over 40,000 litres

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated showerheads and taps, native landscaping heat pump or solar water heaters, gas space heaters, roof eaves / awnings and wall / ceiling insulation.

Information on obtaining and generating a certificate can be found on the NSW Department of Planning BASIX website: www.basix.nsw.gov.au or the Basix Help Line on 1300 650 908 or Email: basix@planning.nsw.gov.au

Is a BASIX Certificate attached to this application?  No ☐  Yes ☐

NOTE: The certificate must be no older than 3 months at lodgement.

Lodgement Details

You can book an appointment to lodge your application at one of our centres here: https://appointment.booking.cityofsydney.nsw.gov.au/#/map.

This form can be submitted to Council as follows:

IN PERSON: Town Hall House - Level 2, 456 Kent Street, Sydney
See our website for details of all customer service centres and opening hours: http://www.cityofsydney.nsw.gov.au/customer-service

NOTE: Courier deliveries can only be accepted at our CBD Concierge desk on Level 1, 456 Kent St Sydney.

MAIL: City of Sydney, GPO Box 1591, Sydney NSW 2001  DX Address: 1251 Sydney

WHAT NOW: Once your application is received a Council Officer will advise you in writing within 14 working days to advise you of the assessment officer dealing with your application.

For further information regarding your application please contact us on:

TELEPHONE: (02) 9265 9333  Alternatively you can track your development application on our website at:
WEBSITE: www.cityofsydney.nsw.gov.au Main menu - Development / Application Tracking

Privacy & Personal Information Protection Notice

Purpose of Collection & Intended recipients:
The information in this form will be used and disclosed for the purposes of communicating with you, Council exercising its functions under Environmental Planning and Assessment Act and as required by law.

Supply:
The application will be placed on public exhibition and published on the Council's website. If you do not provide the information (or any part of it) your application may not be accepted.

Access / Correction & Storage:
The Council of the City of Sydney will collect and store the information. You can access and correct the information by contacting the Customer Service Team at 456 Kent Street, Sydney NSW 2000