

# Modification of Consent / Certificate

Environmental Planning & Assessment Act 1979 - Section 4.55 or Section 4.30  
Environmental Planning and Assessment regulation 2000 – Clause 148

## Select the type of consent you are proposing to modify:

- Development Consent (under Section 4.55)
- Complying Development Certificate (under Section 4.30)
- Construction Certificate (under Clause 148)

**Note:** 1. All details must be legibly printed or type written in ink  
2. Failure to complete the form & supply the required information will result in delays

**Privacy and personal information protection Notice:** The personal information provided is collected for the purpose of processing this application. The development Application lodged by you or information contained therein may be provided to members of the public in accordance with the provisions of the Government Information (Public Access) Act 2009. Supply of personal information is legally required and failure to supply could cause delay in your application.

## OFFICE USE ONLY

App No:

Date:

Receipt:

Fee:

Officer:

## APPLICANT

Title  Name  Surname

Company

Postal Address  Postcode

Phone  Mobile  Fax

Email

Do you consent to Council emailing you all documentation relating to the subject application(s) including notice of determination, plans and all other related correspondence? By ticking yes, you consent to no hard copy paper based documentation being provided to you.  Yes  No

By signing below, I advise that the application form is completed and the information (eg. Number and type of plans, etc) required by Council is attached.

Signature \_\_\_\_\_ Date

## SITE DETAILS

Address  Suburb

Full Legal Description (LOT & DP)

## CONSENT OR CERTIFICATE TO BE MODIFIED

Application Number  Date of issue of consent/certificate

Type of modification  s4.55(1) – Minor  s4.55(1A) – Minimal  s4.55(2) – Other  s4.30 – CDC  Cl.148 - CC

Does the modification alter the estimated value of the development?  Yes  No

If yes, what is the estimated value of the development with the modification?

Provide brief details of the manner & extent of the proposed modification

**CONSENT OF ALL OWNER(S) OF THE SUBJECT PROPERTY**

As the owner(s) of the property(s) to which this application relates, I/we consent to this application being made and also given authority for Council officers to enter the site to carry out inspections in relation to this application.

Name  Signature \_\_\_\_\_

Company and position (if applic.)

Name  Signature \_\_\_\_\_

Company and position (if applic.)

Name  Signature \_\_\_\_\_

Company and position (if applic.)

**ASIC register search provided for company ownership providing proof of company officers (visit <http://asic.gov.au>**

**Notes:**

- If there is more than one landowner, every owner must sign.
- For company ownership, the following company officers must sign and must be accompanied by ASIC register search providing proof of company officers (visit <http://asic.gov.au>):
  - a) two (2) directors of the company; or
  - b) a director and a company secretary of the company; or
  - c) for a proprietary company that has a sole director who is also the sole company secretary – that director.
- Owners Corporation (Strata plan) – refer to requirements detailed on Pages 12 & 13 of DA guide.
- Refer to requirements detailed on Pages 12 & 13 of the DA guide for other forms of ownership or where the site is in the process of changing hands or has changed hands in the past six months.
- If the proposed works affect a joint wall or fence, consent of both property owners is required.

**NOTES**

**Section 4.30 - Modification of complying development**

- (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.

**Section 4.55 (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.

**Section 4.55 (1A) – Modification 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 originally granted was modified (if at all), and
- c) It has notified the application in accordance with:
  - The regulations, if the regulations so require, or
  - A development control plan, if the consent authority is a council that has made 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.

**Section 4.55 (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 related 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 5) 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:
  - The regulations, if the regulations so require, or
  - 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.