



# MODIFICATION APPLICATION

To Modify A Development Consent and/or Construction Certificate (S96 & Cl. 148)  
To Modify A Complying Development Certificate (S87)

Use this form to apply for a modification to development consent, and/or Construction Certificate or to modify a Complying Development Certificate. 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).

**PIA DISCLAIMER:** The personal information provided on this form is collected by Bega Valley Shire Council for the purposes of processing this application by Council employees and other authorised persons. This form will be stored within Council's record management system and may be available for public access and/or disclosure under various NSW Government legislation.

Tick applicable box(es) below ↗

- I am modifying a **Development Consent:**
- I am modifying a **Construction Certificate:**
- I am modifying a **Complying Development Certificate:**

## 1 Applicant details

Please tick ...  Mr  Ms  Mrs  Other (specify) \_\_\_\_\_

**Your name** Print name in full

**Mailing Address**  Street

Town  Postcode

**Daytime contact** Phone  Mobile

Fax  Email

## 2 Property details

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 more room, please attach a schedule and/or map with these details.

Attachments

Lot  DP

Section  Parcel

Street

Town  Postcode

## 3 Details of the original development consent

Development consent ... DA No.       •       Date of determination

Describe what the original consent allows

## 4 Original consent authority

Please tick ✓ the one that applies  Bega Valley Shire Council  Land and Environment Court

**OFFICE USE ONLY**

CS initial  Date paid

Receipt No.  Allocation No.

Application fee \$

Contact Building Inspector / Planner for fee quote.

## 5 Describe the modification you propose to make

Please tick ✓ the type of modification you propose to make.

**S96 (1) Modification to correct 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 \_\_\_\_\_

**S96 AA Modification by consent authorities of consents granted by the Court**  
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, please speak to Council's Development Specialist.

No  Yes

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

## 6 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

## 7 Owner's signature

All the owner(s) of the land being developed must sign this application form or provide a separate letter of consent.

If the property is owned by a company, the company's seal (where issued) and ABN number must be provided with at least one executive signature. Any person signing on behalf of the owner must state the authority by which that person acts. In the case of STRATA PLANS, the Body Corporate seal must be provided and the date of resolution authorising owner's consent.

If the land is Crown land, an officer of the Department of Lands must sign the application.

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

Owner's signature X  Print name  Date \_\_ / \_\_ / \_\_  
X  Print name  Date \_\_ / \_\_ / \_\_

## 8 Applicant's signature

### 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 documents supplied with my application can be accessed under the Government Information Public Access (GIPA) Act.

The applicant or the applicant's agent must sign the application.

Applicant's signature X

Date \_\_ / \_\_ / \_\_

Print name (if you are not the applicant)

In what capacity are you signing if you are not the applicant?

# Guidelines for the lodgement of a Modification Application

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.
- S96AA** This relates to a modification by consent authorities of consents granted by the Court.

The Applicant may be required to provide evidence that the modification(s) requested does 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, Complying Development Certificate or Construction Certificate 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.
- Please note that an administration fee and a fee to place your application in the newspaper once determined will also be payable.
- Depending on the type and detail of the modification, the proposal may also need to be re-notified to adjoining and adjacent landowners, and may even need to be advertised in the local newspaper.
- Plans (4 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 (4 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 or modified 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 Customer Service or the Council's Development Specialist on (02) 6499 2222.