



MODIFICATION TO APPROVAL APPLICATION FORM

For use when lodging an application to modify Development Approval, Construction Certificate or Complying Development Certificate

Revision No. 21-03-2018

OFFICE USE ONLY

DA No:
 CC No:
 CDC No:
 Parcel No:
 Receipt No:
 Date:

INFORMATION FOR APPLICANT

Note: Please complete all sections applicable to your application as outlined hereafter

	Part 1 – Development Consent	Part 2 – Complying Development or Construction Certificate	Part 3 – Application Details	Part 4 – Declaration	Part 5 – Lodgement Information
Development Consent modification	✓		✓	✓	✓
Complying Development Certificate		✓	✓	✓	✓
Construction Certificate modification		✓	✓	✓	✓

Note: If the modification requires public exhibition, additional plans/details are required to be submitted to Council.

PART 1 – DEVELOPMENT CONSENT

Made under the Environmental Planning and Assessment Act 1979, Section 96(1), (1A), (2) or 96(AA)

NOTES

Prior to lodging a Section 4.55 (cf previous s96) Application, please refer to Council's Fact Sheet No. 2 'Understanding Section 4.55 Applications' which outlines the information required to be submitted with a Section 4.55 Application. Failure to submit all necessary information may result in a delay to the processing of your application. Fees must be paid at the time of lodgement. The number of copies of plans required is as per the original application.

TYPE OF MODIFICATION Please indicate by 'X'

<input type="checkbox"/> Section 4.55 (1)	– Modification to correct minor error, misdescription or miscalculation
<input type="checkbox"/> Section 4.55 (1A)	– Modification of minor environmental impact
<input type="checkbox"/> Section 4.56 (AA)	– Modification of a consent granted by the NSW Land and Environment Court
<input type="checkbox"/> Section 4.55 (2)	– Other modification

PART 2 – COMPLYING DEVELOPMENT or CONSTRUCTION CERTIFICATE

Made under the Environmental Planning and Assessment Act 1979, Section 87 and Regulations 2000, Section 148

TYPE OF MODIFICATION Please indicate by 'X'

<input type="checkbox"/> Section 87	– Modification to Complying Development Certificate
<input type="checkbox"/> Section 148	– Modification to Construction Certificate

PART 3 – APPLICATION DETAILS

DETAILS OF CURRENT DEVELOPMENT APPROVAL

Development Consent Number	8 / ___ / ___ / ___ (e.g 8 / 2000 / 100 / 1)	Date Determined	__ / __ / __
Complying Development Certificate Number	9 / ___ / ___ / ___ (e.g 9 / 2000 / 100 / 1)	Date Issued	__ / __ / __
Construction Certificate Number	10 / ___ / ___ / ___ (e.g 10 / 2000 / 100 / 1)	Date Issued	__ / __ / __

Details of Approval

PROPERTY DETAILS

Unit No	House No	Street
Suburb		Site Area m ²
Lot(s)	Section	Deposited Plan (DP)
Other		Strata Plan (SP)

APPLICANT DETAILS Please indicate by 'X'

INDIVIDUAL LODGEMENT <input type="checkbox"/>		COMPANY LODGEMENT <input type="checkbox"/>	
Surname		Company	
First Name		Company Contact	
Postal Address		PO Box	Telephone
Suburb	State	Postcode	Mobile

Email	Customer Reference		
DETAILS OF MODIFICATION			
<i>Please detail the proposed modification</i>			
Details			
DETAILS OF ESTIMATED COST OF DEVELOPMENT <i>Please indicate by 'X'</i>			
Do the proposed modifications result in an increase to the estimated cost of development? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, please specify the new estimated cost of development			\$
PART 4 – DECLARATION			
OWNER(S) DETAILS AND CONSENT			
Name(s)		Company	
		Position Title	
Postal Address		PO Box	Telephone
Suburb	State	Postcode	Mobile
<i>I/We the undersigned are the owner(s) of the property described in this application and consent to its lodgement. I/We hereby permit a duly authorised officer of Cessnock City Council to enter the land or premises to carry out inspections and undertake work as required for the administration of the Act(s), Regulations or Planning Instrument.</i>			
Signature(s)			
Name of Person(s) signing <i>(Please print)</i>			
<i>Please indicate by 'X'</i> <input type="checkbox"/> Private Land Owner <input type="checkbox"/> Sole Director <input type="checkbox"/> Director, Secretary & Company Seal			
Note: All owner(s) of the land, the subject of this application, must sign this form. <i>If you are not the owner of the land, you must have all the owners sign the application.</i>			
Note: <i>If signing on the owner's behalf, please state your legal authority and provide documentary evidence (e.g., copy of power of attorney, trust deed etc).</i>			
Note: <i>In the case of land that is the subject of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986, the owners corporation for that scheme must be constituted under the Strata Schemes Management Act 1996. A development application for a lot in a strata plan does not require the consent of the Body Corporate when that work does not affect any common property.</i>			
Note: <i>In the case of land that is a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989, the association for the parcel must provide consent.</i>			
Note: <i>If signing on behalf of a corporate body or company, the application should be signed by an authorised person under common seal and the position of that person in the corporate body or company must be stated on the form. Alternatively, the Common Seal is not required if two Directors or authorised persons sign the application form, or if you are a sole Director.</i>			
APPLICANT DECLARATION			
<i>I/We apply for approval to carry out the development or works described in this application. I/We declare that all the information in the application and checklist is, to the best of my/our knowledge, true and correct.</i>			
<i>I/We also understand, pursuant to Clause 51 of the Environmental Planning and Assessment Regulations 2000, that if the information is incomplete, the application may be delayed, rejected, or refused without notice.</i>			
<i>I/We give consent to Cessnock City Council to use the application, plans and documents, including designs, provided in support of this application for advertising and notification purposes.</i>			
Applicant(s) Name			Date
Applicant(s) Signature			
PRIVACY NOTIFICATION			

Personal and private information supplied to Council is managed in compliance with the Privacy and Personal Information Protection Act 1998. The supply of this information is not voluntary, as it is required by law in order to process your application/request. The intended recipients of the personal information are Officers within the Council, agents/contractor of the Council, and other statutory authorities. You may apply for access or amendment to your personal information held by Council. You may also request that Council suppresses your personal information from a public register. If you have any further enquiries concerning this matter, contact Council on (02) 4993 4100, or the Information and Privacy Commission 1800 472679 or email <mailto:ipcinfo@ipc.nsw.gov.au> or the website www.ipc.nsw.gov.au.

PART 5 – LODGEMENT INFORMATION

HOW TO LODGE YOUR APPLICATION

<p>Address the application to</p> <p>General Manager Cessnock City Council PO Box 152 CESSNOCK NSW 2325</p> <p>OR</p> <p>General Manager Cessnock City Council DX 21502 CESSNOCK</p> <p>Payment Method By mail - Cheque, Money Order or Credit Card (<i>complete the section below</i>)</p>	<p>Lodge in person (between 9am – 4.30pm) at Council’s Administration Building</p> <p>Cessnock City Council 62-78 Vincent Street CESSNOCK NSW</p> <p><i>You will need to spend some time with a Customer Service Officer when lodging your application. Typically you will require 30 minutes, however this may vary depending on the complexity of your application</i></p> <p>Payment Method In person - Cash, Cheque, Money Order, Bankcard, Mastercard, Visa, and/or EFTPOS.</p>	<p>How to Contact Us Phone: (02) 4993 4100 Fax: (02) 4993 2500 Email: council@cessnock.nsw.gov.au www.cessnock.nsw.gov.au</p> <p>Office Hours 9am to 5pm Monday to Friday <i>*Payments are accepted until 4.30pm</i></p> <p>Duty Officers are available weekdays: Planning - 9am to 5pm Building - 9 to 10am & 1 to 5pm</p> <p>Fees Fees are calculated in accordance with Council’s adopted fees and charges.</p>
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If you require further information regarding this request, please contact Council’s Customer Service Centre on (02) 4993 4100.

Cessnock City Council takes the privacy and security of personal information very seriously. To eliminate the risk associated with Credit Cards, Council does not collect or store Credit Card information.

Credit Card payments are processed by Council’s Call Centre using a call in or call back facility. Customers are able to select their preferred option.

If you wish to make payment via Credit Card, please nominate your preferred telephone contact number for our Customer Service Team to contact you on.

<p>Payment Contact Name:</p>	<p>Payment Contact Phone Number:</p>
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What is a Section 96 Application?

After a Development Consent has been issued, the original applicant or anyone entitled to act on the applicant's behalf can apply to Council for approval to modify that Development Consent. An application to modify a Development Consent is made under Section 96 of the Environmental Planning & Assessment Act 1979.

When can a Section 96 Application be made?

A Section 96 Application can only be made if a valid Development Consent has been issued by Council or The Land and Environment Court of NSW. Cessnock City Council issues development consents with a validity period of 5 years. A development consent remains valid once building, engineering or construction work relating to the development consent is physically commenced on the land to which the consent applies

What types of Section 96 Applications can be made?

There are a number of different types of Section 96 applications that can be made under the Act, as outlined in the following table:

Type	Application	Example
Section 96(1) modification involving a minor error, misdescription or miscalculation	Can be lodged in cases where an error, misdescription or miscalculation needs to be corrected	The approved plans may be incorrectly referenced, or there is a discrepancy in respect of the page numbering etc.
Section 96(1A) modification involving minimal environmental impact	Can be lodged for minor amendments that involve minimal environmental impact	Changes to an approved landscape plan, minor changes to the design and/or pitch of a roof, or changes to operational conditions that will only result in minimal impact.
Section 96(AA) modification to a development consent issued by The Land and Environment Court of NSW	Is lodged in cases where The Land and Environment Court of NSW issued the development consent	An application made to Council which proposes modifications to a development consent which was originally granted by The Land and Environment Court of NSW.
Section 96(2) other modifications	Can be lodged for all other types of modifications which are not covered by the above 3 circumstances, and where environmental impact is possible	Changes to the design and/or layout of a building, or changes to operational conditions such as trading hours.

Are there any 'rules' in respect to lodging a Section 96 Application?

Council can only modify a Development Consent if it is satisfied that the resulting development would be 'substantially the same' as the original development that was approved, before that consent was modified (if at all). In other words, the proposed development must not be radically different to the original development that was approved.

If a modified development will not be 'substantially the same' as the development that was originally approved, Council cannot approve the Section 96 Application. In these circumstances, a new Development Application must be lodged.

What does Council need to consider when determining a Section 96 application?

Council is required to take into consideration the matters referred to in Section 79C(1) of the Act, as are of relevance to the development, the subject of the Section 96 application.

Will a Section 96 application be publicly exhibited?

Certain Section 96 applications must be publicly exhibited in accordance with the Environmental Planning and Assessment Regulation 2000, and Cessnock Development Control Plan 2010.

What information do I need to lodge with a Section 96 application?

Clause 115 of the Environmental Planning and Assessment Regulation 2000 prescribes the information that must be lodged with a Section 96 application. As a minimum, the following information must be contained in a Section 96 application:

- (a) a completed application form which is to be obtained from Council, and includes the following:
 - the name and address of the applicant;
 - owner's consent from all registered owners of the subject site/s;
 - a description of the development to be carried out under the consent (as previously modified);
 - the address, and formal particulars of title, of the land on which the development is to be carried out; and
 - a description of the proposed modification to the Development Consent.
- (b) a statement that indicates either:
 - that the modification is merely intended to correct a minor error, misdescription or miscalculation, or
 - that the modification is intended to have some other effect, as specified in the statement.
- (c) a description of the expected impacts of the modification.
- (d) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved.
- (e) A Statement of Environmental Effects which clearly addresses Points (b), (c) and (d), above.

In certain circumstances, additional information must be submitted with a Section 96 application. It is therefore recommended that you speak with Council's Duty Planner to ascertain whether additional requirements are relevant to the Section 96 application you are seeking to lodge.

Are fees payable for a Section 96 application?

Fees are payable for all Section 96 applications and are stipulated under the Environmental Planning and Assessment Regulation 2000. In this regard, fees will be determined by Council in accordance with Council's adopted Fees and Charges.

A fee quote can be provided by Council's Customer Service staff prior to lodgement of a Section 96 application.

Is it necessary to discuss a Section 96 application with Council staff?

It is highly recommended that you consult with Council's Duty Planner early in the process, and prior to formally lodging a Section 96 application. This will ensure that the type of Section 96 application has been correctly nominated, and advice can also be provided as to whether Council can formally consider the Section 96 application.

'The advice provided in this Fact Sheet in no way fetters the discretion of Council in the provision of any site-specific advice and/or the assessment and determination of any future Development Application for the site. In particular, other issues not identified in this Fact Sheet may emerge during a detailed assessment of matters relevant to the site, and in the case of a development application, public consultation, submission and consideration of specialist studies/reports, detailed assessment of planning-related matters, and consideration of a complete application'.