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APPLICATION FOR MODIFICATION OF CONSENT

Section 4.55 of Environmental Planning & Assessment Act 1979

1. Person completing this form – name and address details etc:	Applicant's Name: <input type="text"/> Postal Address: <input type="text"/> Postcode <input type="text"/> <i>Your reply will be posted to the above address</i> Phone: <input type="text"/> Company Contact Person (below): <input type="text"/> Mobile: <input type="text"/> <input type="text"/> Fax: <input type="text"/> Email: <input type="text"/>
2. Location of the land to be developed and the title description of the property	Unit No: <input type="text"/> Street No: <input type="text"/> Street: <input type="text"/> Town: <input type="text"/> Site Area m ² : <input type="text"/> Lot(s) <input type="text"/> Section <input type="text"/> DP/SP <input type="text"/> Assessment No: <input type="text"/> <i>The above information is available from your rate notice, property deeds, or from Council's property maps.</i>
3. Details of the Original Development	Description: <input type="text"/> Development Consent No: <input type="text"/> Date of Determination: <input type="text"/>
4. Describe the Modification you propose to make	Give details of manner and extent of the proposed modification (provide evidence that the modification does not substantially alter the development). Plans should be attached where appropriate and any other supporting material. Modification is sought under: <input type="checkbox"/> S4.55 (1) A modification to correct minor error, misdescription or miscalculation only. <input type="checkbox"/> S4.55 1(A) A modification that will have minimal environmental impact <input type="checkbox"/> S4.55 (2) Any other modification (including all integrated development consents). <input type="checkbox"/> S4.56 Modification of consent granted by the Land & Environment Court. Please describe in what way is the consent to be modified and how does it comply with relevant requirements: <input type="text"/> Will the modified development be substantially the same as the development that was originally approved? <input type="checkbox"/> NO - New Development Application to be submitted. <input type="checkbox"/> YES - Please provide evidence that the development will remain substantially the same.
5. Integrated Development	• Is this application for Integrated Development YES <input type="checkbox"/> NO <input type="checkbox"/>

<p>6. Owner's Consent</p> <p>Must be completed by the owner of the land. If the owner is a company or strata title body corporate, the application must be signed by a director or an authorised person and delegated under common seal.</p>	<p>Owner's Name: <input type="text"/></p> <p>Owner's Address: <input type="text"/> <input type="text"/> <input type="text"/></p> <p>Phone number: <input type="text"/> Postcode <input type="text"/></p> <p>As the owner/s of the land to which this application relates, I/we consent to this application. I also give consent for authorised Council Officers to enter the land to carry out inspections.</p> <p>Signature/s: <input type="text"/></p> <p>Sign here if you are signing on the owner's behalf as the owner's legal representative</p> <input type="text"/>
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<p>7. Strata Property</p> <p>Works affecting common property – Section 108 Strata Schemes Management Act</p>	<p>For works that affect common property, the owners corporation consent is required. Section 108 of the Strata Schemes Management Act allows changes to common property if applicants ensure the owners corporation has given a valid consent by seeking a copy of the resolution/minutes of a general meeting authorising the works or confirmation that the requirements of the Strata Schemes Management Act have been met.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Strata/Body Corporate Name</td> <td style="width: 50%;">Position</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Signature</td> <td>Date</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <p>Note: For works that affect common property, the owner's corporation's consent is required. Section 108 of the Strata Schemes Management Act allows for changes to common property if the owner's corporation has passed a special resolution authorising the works. The applicant must ensure that the owner's corporation has given a valid consent. The applicant should seek a copy of the minutes/resolution of a general meeting authorising the change to common property or letter on strata management letter head stating that the requirements of the Strata Schemes Management Act 2015 have been met.</p>	Strata/Body Corporate Name	Position	<input type="text"/>	<input type="text"/>	Signature	Date	<input type="text"/>	<input type="text"/>
Strata/Body Corporate Name	Position								
<input type="text"/>	<input type="text"/>								
Signature	Date								
<input type="text"/>	<input type="text"/>								

<p>8. Applicant's Declaration</p>	<p>I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct.</p> <p>I also certify that the development proposal submitted with this form and as detailed on the attached plans will comply with all covenants, caveats and restrictions to user however described or recorded on this title.</p> <p>I also understand that if incomplete, the application may be delayed, rejected or more information may be requested.</p> <p>Signature: <input type="text"/></p> <p>Date: <input type="text"/></p>
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<p>9. Disclosure of Political Donations and Gifts</p>	<p>Under Section 10.4 of the Environment 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.</p> <p>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?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If yes – Complete the Political Donations and Gifts Disclosure Statement and lodge with this application (see Note 1(9) at the back of this form.</p> <p>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.</p> <p>Note: Failure to disclose relevant information is an offence under the Act. It is also an offence to make a false disclosure statement.</p> <p>Conflict of Interest</p> <p>To ensure transparency in Council's decision making process and to avoid potential conflicts of interest applicant are</p>
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	<p>to make a declaration as to whether they are a Council employee or Councillor or area related to a Council employee or Councillor.</p> <p>I am an employee/Councillor or relative of an employee/Councillor of Carrathool Shire Council</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If yes, state name and relationship <input style="width: 300px; height: 20px;" type="text"/></p>
<p>10. Privacy Policy</p>	<p>The information you provide in this application will enable your application to be assessed by the certifying authority under the <i>Environmental Planning and Assessment Act 1979</i>. If the information is not provided, your application may not be accepted. The application can potentially be viewed by members of the public. Please contact the Council if the information you have provided in your application is incorrect or changes.</p>
<p>11. Notes for completing Application to Modify a Development Consent</p>	<p>Note 1</p> <ol style="list-style-type: none"> 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 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 there 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: <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> • 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. <p>Further information, including a "Political Donation and Gifts Disclosure Statement" form is available online on the Council's website, or any Council's office locations.</p> <p>Note 2</p> <p>An application under section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> (EPA Act), is an application to modify a development consent.</p> <ul style="list-style-type: none"> • 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 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).

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 Carrathool Shire Council 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
- Change of use to residential dwelling
- Alterations & additions to residential
- Swimming pool over 40,000 litres
- buildings (cost over \$50,000)

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? YES NO

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

12. How to lodge your application

Applications should be addressed to:

General Manager
Carrathool Shire Council

How to contact us:

Phone: (02) 69651900
Fax: (02) 69651379
Email: council@carrathool.nsw.gov.au

Mail:

PO Box 12
GOOLGOWI NSW 2652

Personal Delivery:

9-11 Cobram Street
GOOLGOWI NSW 2652

If you wish to discuss a proposal, it is essential that you arrange an appointment. We recommend that you consult with a Council officer before submitting this application.

Note:

In addition to this application form and relevant lodgement fees, please provide 3 sets of plans, specifications and any other relevant documents relating to the proposed modifications.