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Modification of Development Consent (Section 4.55)

Supporting Information

NOTE: It is a requirement that this form is submitted with all modification applications under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Please complete this supporting information document, and include this with your application documents when submitting your modification application via the Planning Portal.

Council cannot accept modification applications that relate to building works that have been finalised through the issue of an Occupation certificate.

Please Council's Duty Planner if you require assistance.

Privacy

The personal information that Council is collecting from you on this application is personal information for the purposes of the Privacy and Personal Information Protection Act, 1998 (PPIPA). Council will use the information and materials provided for notification and advertising purposes, and materials provided with this development proposal will be made available to the public for inspection and copying at Council's Customer Service Centre's and on the website at: www.pmhc.nsw.gov.au/applicationtracker.

Copyright

The Government Information (Public Access) Act (GIPA) provides that anyone may inspect certain documents held by a council, including (among others) development applications and associated documents. It follows that anyone has a statutory right to inspect development application and associated documents, subject to GIPA, and to take away copies. A council complying with its obligation under GIPA does not breach copyright law.

However, a person who through this process obtains a copy of survey or other plans subject to copyright would be in breach of copyright law if those plans were later used in a way adverse to the interest of the holder of the copyright. For example, a person who obtains a copy of the plans and specifications for a building the subject of a development application would breach copyright law if those plans and specifications were used without the copyright holder's consent as the basis for another development proposal on a different parcel of land. Liability in such a case would rest with the person who committed the breach.

If you do copy, reproduce, republish, upload to a third party, transmit or distribute in any way plans, building specifications or other documents subject to copyright, contrary to the provisions of the Copyright Act 1968 (Cth) you will be taken to have indemnified Port Macquarie-Hastings Council against any claim or action in respect to breach of copyright.

1. PLANNING PORTAL APPLICATION INFORMATION

Please provide the planning portal application reference number:

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2. PLEASE CONFIRM THE PROPERTY DETAILS FOR THE PROPOSED DEVELOPMENT

Lot:		DP/SP:		Section:	
Property Address					

DP = Deposited Plan
 SP = Strata Plan

3. PLEASE PROVIDE JUSTIFICATION FOR THE TYPE OF MODIFICATION APPLICATION THAT HAS BEEN REQUESTED VIA THE PLANNING PORTAL (APPLICATION NUMBER REFERENCED ABOVE)

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NOTE: It is a requirement that all proposed modifications are clearly indicated on the plans (E.g. highlighted or overlaid).

Do the modifications relate to works that have been commenced or completed?

<p>Yes</p> <p>An application for a Building Information Certificate may also be required.</p> <p>We recommend that you contact Council's Duty Planner prior to submitting your modification application.</p>	<p>No</p>
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4. SUBSTANTIALLY THE SAME TEST

Section 4.55 of the Environmental Planning and Assessment Act 1979 states that the consent authority must be satisfied that the development to which the consent as modified relates, 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).

Will the modifications result in substantially the same development as approved?

If yes, please describe:

Yes

No

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If you answered no, Council cannot accept your application as a modification and a new development application is required. If you are unsure, you should discuss your proposal with the Duty Planner before lodging your modification application.

5. BASIX

A new BASIX certificate must be submitted if the current BASIX certificate is no longer consistent with the proposed development.

Is a new BASIX certificate attached?

Yes

No

Comments

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6. BUSHFIRE

An amended Bushfire Risk Assessment must be submitted if the current Bushfire Risk Assessment is no longer consistent with the proposed development.

Is a new Bushfire Risk Assessment attached?

Yes

No

Comments

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7. OTHER INFORMATION REQUIREMENTS

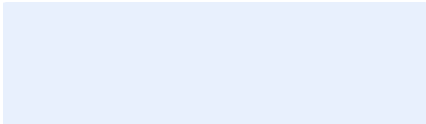
- If a Construction Certificate has already been issued, you will be required to modify your construction certificate also.
- An amended Statement of Environmental Effects or other specialist reports, such as Flora Fauna, Noise or Wastewater, may also be required.
- If you proposed any variations to development controls, other than those previously approved, you will be required to submit a written justification demonstrating that the proposal will meet the objectives of the DCP.
- Prior to submitting your modification application, please ensure you consider the requirements of Clause 115 of the *Environmental Planning and Assessment Regulation 2000*
- Please contact Council's Duty Planner prior to submitting your application if you require assistance.

8. OWNER'S CONSENT

If the applicant is not the owner of the land, all registered owners of the property must sign this form below, or provide a signed statement to the effect that the owner(s) consent to the making of the application.

Signature of Owner 1

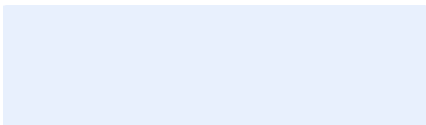
Date Signed



Print Name

Signature of Owner 2

Date Signed



Print Name
