

S96 – Application to Modify Development Consent

S96 (1), (1A), (2) and - AA of the Environmental Planning and Assessment Act 1979



About this form	Use this form for a minor modification to the approved use on your Consent, or to vary/delete a condition of your Consent, or for minor amendments to the approved design which will not substantially alter the approved use.
Lodgement & fees	<p>Minor amendments to your design must be shown on plans to be submitted with this form. Amendments should be fully coloured and six (6) copies of the plan and statement will be required. Fees will be charged in accordance with our Statement of Fees and Charges and these applications are GST free. Applications made due to a minor error, misdescription or miscalculation do not incur a fee.</p> <p>You must detail each modification sought and provide evidence that the modified development is substantially the same as the development originally consented to. In the case of modified building design, identify each submitted plan or document subject to this application, including Architect's Name, Job No., Drawing No., Date.</p>

Application to Modify Development Consent (S96)	Checklist	
	Applicant	Staff
<p>1. Documentation – All relevant sections of the Modification form completed along with all standard accompanying documentation for submission (Statement of Environmental Effects, 6 copies of plans with sufficient detail, CD with electronic files named in accordance with Council’s File Naming Convention)</p>		
<p>2. Applicant’s name, address and contact details –</p> <p>Title Mr Mrs. Miss Ms Surname (or Company) Given Name..... Postal address..... Post Code..... Phone (Bus) (Home) Fax (Mobile) Email.....</p>		
<p>3. Owners Consent – Owner's names must match those recorded on Council's rates system. If names differ, then proof of change of ownership MUST be provided. (If more than one owner, every owner must sign).</p> <p>Name(s) Signature(s)Date.....</p> <ul style="list-style-type: none"> ▪ The consent of all owners have been provided (Company letterhead or seal, Strata Corporation letterhead/seal where applicable). ▪ If the DA is signed on behalf of a company without a common seal, the DA must be signed by 2 directors of the company or a director and a company secretary of the company (on letterhead) in accordance with Section 127 of the Corporations Act (Section 127(1) - Execution of Documents). ▪ If you are signing on the owners behalf as their legal representative, please state your legal authority under and attach documentary evidence (e.g. Power of Attorney, Executor, Trustee). 		
<p>4. Location and title description of the property – This is required to</p>		

<p>correctly identify the land Unit/shop/suite.....Street No..... Street..... Suburb.....Site Area Lot Number(s)Section..... Deposited Plan(s)Strata Plan(s) Other.....</p>		
<p>5. Details of determination to be modified – Application/Consent No Determination Date.....</p>		
<p>6. Type of Modification – If there is insufficient room, please attach separate sheet. Please note that a statement of environmental effects is required for most section 96 applications</p> <p>Modification/s under Section 96 (2) <input type="checkbox"/></p> <p>Variation to condition/s and/or amendment to design etc. (Note: this section should be used if you are dissatisfied with a condition/s of consent or if you wish to amend your proposal)</p> <p>..... </p> <p>Modification/s under Section 96 (1A) <input type="checkbox"/></p> <p>(Note: Sec.96(1A) relates to modifications which have minimal environmental impact- you are required to include a brief statement which demonstrates this)</p> <p>..... </p> <p>Modification/s under Section 96 (1) <input type="checkbox"/></p> <p>For minor error, misdescription, miscalculation etc. (Note: this section can only be used for minor errors in the description of the original proposal, or miscalculation etc.)</p> <p>Modification/s under Section 96 (AA) <input type="checkbox"/></p> <p>(Note: This section should be used if the original approval was granted by the Land and Environment Court)</p>		
<p>7. Reasons for requesting modification - Briefly explain your reasons for requesting the modification to the Consent. (a separate statement of environmental effects is generally required)</p> <p>..... </p>		

Your Declaration	<p align="center">Applicants should be aware that if all the required information is not provided, the development application WILL NOT be accepted at the Customer Service Centre.</p> <p align="center">Further information will be requested if not initially provided.</p>
	<p>I hereby make the Modification applicaiton outlined above and accept that his form is a public record and may be made available on Council’s Website.</p> <p>Applicant's Name(s): <i>(Please Print)</i></p> <p>.....</p> <p>Applicant's Signature(s):</p>
Your Privacy	<p>The information collected on this form will be used and disclosed by our staff and contractors, for the purpose of exercising Council’s functions under the Environmental Planning & Assessment Act 1979, we may not be able to process your application without it. The information in this form will be published on Council’s website and may be available for public access or disclosure under the Government Information (Public Access) Act 2009. Our Privacy Management Plan sets out how you can access or correct your personal information. Please visit www.blacktown.nsw.gov.au for a copy of the plan.</p>
Office Use	<p>Customer Service Officer to check contents of the application and sign:</p> <p>Name:</p> <p>Signature:.....Date:.....</p>

Checklist for Section 96 Applications	Checklist			
	Applicant		Staff	
	Yes	No	Yes	No
1. Will the development with amendments be substantially the same to that originally approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have all matters mentioned in the general section of this form been provided or addressed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have all amendments been adequately coloured on the submitted plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Have all amendments been adequately described in the additional (6) copies Statement of Environmental Effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Have 6 sets of plans been submitted including a notification plan? (3 coloured copies are required to show alterations or additions to the existing.) Note: Plans are to be folded to A4 size sheets and two (2) A3 size reductions of your plan clearly indicating the changes proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Revised BASIX Certificate/s will be required if the original Development Application was required to be accompanied by BASIX Certificate/s	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Checked by: Duty Officer:
(PRINT NAME) (SIGNATURE)

Date:

INFORMATION ABOUT MAKING A SECTION 96 MODIFICATION

What is a 'Section 96 Modification'?

Section 96 of the Environmental Planning and Assessment Act 1979 as amended enables a further application to be made to Council for minor changes to a Development Consent which has already been issued.

If the Council is satisfied that the modification proposed is minor and will not substantially alter the nature of the original approval, and if the modification has been notified to surrounding property owners and occupiers, it **may** grant the modification.

When can a Modification be made?

You can only make a modification under Section 96 to an existing Development Consent. The Modification can be applied for at any time after the Consent has been issued as long as the Consent is still valid (Consents are valid for five (5) years after they have been issued. They also remain valid once the approved use has been commenced in compliance with the conditions of the Consent).

What must be included in a Modification?

Your Section 96 Modification must clearly explain the amendments you wish to make and if such involves design amendments, the plans must show the changes in colour so that we can clearly identify the amendment proposed. In addition, you must provide all relevant supporting documentation to substantiate your amendments.

Discuss your Modification with us

We recommend that you discuss your proposed amendments with one of our professional officers before lodging this form. Please contact us on (02) 9839 6000 to arrange an appointment.

How to lodge this Modification

<p>Post</p> <p>The General Manager PO Box 63 Blacktown NSW 2148</p> <p>Customer Service</p> <p>62 Flushcombe Road Blacktown NSW 2148 Monday to Friday 8:30am - 4:30pm</p> <p>How to contact us</p> <p>Phone: (02) 9839 6000 Fax: (02) 9831 1961 Email: council@blacktown.nsw.gov.au</p>	<p>Fees</p> <p>A fee will be charged for most Modifications. A separate fee for advertising may also be charged where the application for a Review involves amendments to the development described in the original application. Please contact Council for appropriate fee.</p> <p>Payment Methods</p> <p>You can pay by cash, cheque, Bankcard, MasterCard, Visa and EFTPOS. Cheques should be made payable to Blacktown City Council. Do not send cash in the mail.</p> <div data-bbox="651 1731 1086 1960" style="border: 2px solid black; padding: 5px;"><p style="text-align: center;">OFFICE USE ONLY</p><p>Application Review Fee \$</p><p>Notification Fee: \$</p><p>Advertising Fee: \$</p><p>Receipt No: </p><p>Date: </p></div>
--	--