

SECTION 96 MODIFICATION OF A CONSENT APPLICATION FORM

Made under section 78 of the Environmental Planning and Assessment Act 1979



Payment Details – (No Diners)

ATTENTION: An additional 1% Credit Card fee will apply to the dollar amount paid by credit card.

<input type="checkbox"/> EFTPOS	<input type="checkbox"/> C/Card	<input type="checkbox"/> Cheque	<input type="checkbox"/> Cash	Fee Payable	\$
Card No.	/ /			Exp Date:	/
Card Name:	Signature:		Date:		
Office Use:	Fee Paid (Type 337)	\$	Notification fee: (Type 363)	\$	Total:
	Receipt		Date:		
	No				

Fees & Charges (GST Exempt)

Please refer to Fees and Charges listed on page 6

Lodgement Requirements

Please refer to the Checklist on page 5

1. Applicant Details (ALWAYS REQUIRED - no photocopies)

Name(s) (Please Print)	MERITON APARTMENTS PTY LIMITED	
Address:	LEVEL 11, 528 KENT STREET, SYDNEY NSW 2000	
Phone/Fax/ Mobile (Business Hours)	9287 2888	9287 2777
Signature:		

2. Consent of ALL Owner(s) - (ALWAYS REQUIRED - even if owner is applicant) OR write 'As attached' and attach owner's consent - no photocopies

Name(s) (Please Print)	RHODES PENINSULA DEVELOPMENTS PTY LIMITED	
Address:	LEVEL 11, 528 KENT STREET, SYDNEY NSW 2000	
Signature:		
Company Seal : (If applicable)		
Where owner is a company or owner's corp. a Seal and/or ACN & ABN must be provided.	ACN: 095 304 751	

Council will not accept or register the Application if the consent of the owner(s) has not been provided.

3. Property Details

Address: Unit No: House No:
Street:
Suburb: Postcode:
DP No: Lot No: Vol/Folio: Strata Plan: Map(s) Attached:

4. 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

5. DA Consent

DA Number:

Development Description:

Date of Determination:

Construction Certificate No:
(If applicable)

6. Type of Modification

Type of s96:

☐

s96(1) - Error

☒

s96(1A) - Minimal

☐

s96(2) - Other

Description of Modification:
(Provide a brief description)

AMEND CONDITION F1 OF THE
DEVELOPMENT CONSENT.

REFER TO ACCOMPANYING DOCUMENTATION.

Council Details

Address: City of Canada Bay Council Civic Centre
1A Marlborough Street, Drummoyne NSW 2047
Locked Bag 1470, Drummoyne NSW 1470

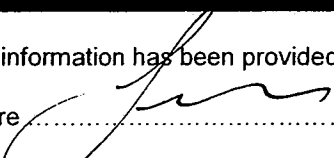
Website: www.canadabay.nsw.gov.au
Email: council@canadabay.nsw.gov.au
Telephone: 02 9911 6555
Fax: 02 9911 6550

SECTION 96 MODIFICATION OF A CONSENT CHECKLIST

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Applicant (Please Tick)	Item	Copies	See DA Appendix Part:	Office Use
Always Required				
<input checked="" type="checkbox"/> NA	Covering letter for Section (Section 96(1) & (1A) only) describing in detail the extent of the modification	4		
<input checked="" type="checkbox"/> NA	Site Plan coloured to show new work and to scale of 1:100 or 1:200	5	B	
<input checked="" type="checkbox"/> NA	Floor plans coloured to show new work and to scale of 1:100 or 1:200	5	D	
<input checked="" type="checkbox"/> NA	Elevations coloured to show new work and to scale of 1:100 or 1:200	5	E	
<input checked="" type="checkbox"/> NA	Sections coloured to show new work and to scale of 1:100 or 1:200	5	F	
<input checked="" type="checkbox"/>	Statement of Environment Effects (Section 96 (2) only) detailing your justification as to why the modification/s will result in substantially the same development	4	G	
<input checked="" type="checkbox"/> NA	Exhibition Plan to scale and at least A3 in size with no internal floor layout	2	J	
<input checked="" type="checkbox"/> NA	A4 Notification Plan – showing the same detail as the exhibition plan (Note: not required if modification involves deletion of condition/s only or internal modifications only that do not alter the external appearance of the development)	6	K	
Required in Certain Circumstances				
	Note: The following are required if your modification/s alters the information contained in these documents/plans from the original version submitted with the development application which you are seeking to modify:-			
	Waste Management Plan on Council form only When: any additional waste material will be produced that requires the existing plan to be updated	2	H	
	Soil and Water Management Plan to scale of 1:100 or 1:200 When: any excavation/digging will be undertaken for footings/laying of slab etc that requires the existing plan to be updated	2	I	
	Schedule of Colours and Materials When: modification/s involves a change to the approved colours/materials	2	M	
	Landscape Plans to scale of 1:100 or 1:200 When: trees covered by the Tree Preservation Order are to be lopped/removed as a result of the modification/s	3	N	
	Shadow Diagram to scale of 1:100 or 1:200 When: modification/s may result in additional overshadowing to adjacent properties, eg., if you are increasing a roof/eaves height, wall height etc.	3	O	
	Heritage Impact Statement When: modification alters previous Heritage Impact Statement lodged with the development application or modification/s requires a new heritage assessment.	2	P	
	Geo-Technical Report When: modification/s involves significant excavation or changes previously approved excavation works and/or the area is prone to slip	1	R	
	View Corridor Analysis When: modification/s will affect views currently enjoyed by adjoining/adjacent properties	1	X	

Applicant (Please Tick)	Item	Copies	See DA Appendix Part:	Office Use
	Streetscape Character Analysis When: modification will impact on streetscape views of an existing dwelling or change/alter the previously approved front elevation of the dwelling.	1	Y	
Applicant Declaration				
I verify the above information has been provided				
Applicant Signature 		Date <u>27 Nov 2008</u>		
Customer Service Officer Declaration				
I verify that the checklist is complete				
Customer Service Officer Signature		Date		

SECTION 96 MODIFICATION OF A CONSENT GUIDELINES

Made under section 78 of the Environmental Planning and Assessment Act 1979



Section 96 of the Environmental Planning and Assessment Act 1979 allows an applicant to make changes to a development after it has been approved by Council. In assessing applications to modify an existing development consent, Council must be satisfied that the development, as modified, relates to substantially the same development as that originally approved by Council. There are three (3) different sub-sections under Section 96 of the Environmental Planning and Assessment Act 1979, and these are as follows:-

Section 96 (1) - Modifications involving minor error, misdescription or miscalculation

An application may be made to modify a development consent granted by Council to correct a minor error, misdescription or miscalculation made by Council during the assessment and/or determination process.

Such modifications could include where Council has incorrectly described a development or applied a condition in error or where additional fees have been applied incorrectly or calculations on floor space, height etc have been made in error. **Note: These modifications generally do not apply to situations where the applicant has made similar errors.**

Section 96 (1A) – Modifications involving minimal environmental impact

An application may be made to Council to modify a development consent granted by it if the proposed modification is of minimal environmental impact and is substantially the same development as the development for which the consent was originally granted before any modifications were made.

Such modifications could include relocation of doors or windows in a dwelling-house or amendments to the approved external materials/colour scheme.

Section 92 (2) – Other Modifications

An application may be made to Council to modify a development consent granted by it if the proposed modification it is substantially the same development as the development for which the consent was originally granted before any modifications were made.

Such modifications would include any modification other than those referred to above under Section 96(1) or (1A).

Note: The above information is a guide only and should not be solely relied upon. If you are in any doubt as to whether your proposed changes would fall within Section 96 of the Environmental Planning and Assessment Act or any of the above sub-sections, you should consult Council's Duty Planner by calling 9911 6555 or attending Council's Administration Office at 1A Marlborough Street, Drummoyne. Alternatively, for more complex matters, you should seek your own independent planning advice from a suitably qualified town planning consultant.

SECTION 96 MODIFICATION OF A CONSENT FEES & CHARGES

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Section 96(1) – Corrections	\$55 (maximum fee)
Section 96(1A) – Minor modifications	50% of original application fee (maximum fee of \$500)
S96(2) of the Act, or under section 96AA(1) of the Act if the fee for the original application was less than \$100	50% of the fee for the original development application
S96(2) of the Act, or under section 96AA(1) of the Act where the fee of the original application was more than \$100 but does not involve the erection of a building, the carrying out of work or the demolition of a work or building	50% of the fee for the original development application
S96(2) of the Act, or under section 96AA(1) of the Act where the original application was for a dwelling house with an estimated cost of construction of \$100,000 or less	\$150
S96(2) of the Act, or under section 96AA(1) of the Act for any other development up to an estimated cost of \$5,000	\$55
S96(2) of the Act, or under section 96AA(1) of the Act for any other development up to an estimated cost of between \$5,001-\$250,000	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of the estimated cost
S96(2) of the Act, or under section 96AA(1) of the Act for any other development up to an estimated cost of between \$250,001-\$500,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000
S96(2) of the Act, or under section 96AA(1) of the Act for any other development up to an estimated cost of between \$500,001-\$1,000,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000
S96(2) of the Act, or under section 96AA(1) of the Act for any other development up to an estimated cost of between \$1,000,001-\$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000
S96(2) of the Act, or under section 96AA(1) of the Act for any other development up to an estimated cost of more than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000
Note – The original application is the application that results in a consent to be modified. These fees do not apply to modification of a development consent granted by the Land and Environment Court on appeal from some other consent authority. Council does not advertise applications under Section 96 but should Regulation require such an application to be advertised, then an additional maximum advertising fee of \$500 shall apply of which any amount not expended shall be refunded.	