

# Application to Modify a Development Consent

Under Environmental Planning and Assessment Act 1979



## This form

Use this form to apply to modify the terms of development consent (i.e. the plans or the conditions). The application can only be made if the development to which the consent as proposed to be modified will remain substantially the same as the development for which the consent was originally granted. **Failure to complete all relevant sections or provide sufficient information/detail in your application may result in your application being returned or its assessment delayed.**

## Part 1: Applicant and site details

### 1. Applicant details

All correspondence will be sent to the email address provided unless 'care of' email address is specified

Leave blank if not required

Name (or company) .....  
ABN (required if company) .....  
Postal address.....  
Suburb.....Postcode.....  
Phone.....Email.....  
Contact person (if company) .....

Will your correspondence be 'care of' another company?

- Yes
- No

Care of name or company.....  
ABN (required if company) ..... Contact person .....  
Postal Address.....  
Phone..... E-mail .....

### 2. Location and title description of the property

This information is available on rates notices.

Unit No .....House No .....Street.....  
Locality.....  
Lot(s).....Section.....  
Deposited Plan(s)..... Strata plan.....

### 3. Who owns the land?

Give the name of every owner and their postal address. (It is not to be marked 'Care Of' the company submitting the application) If insufficient space is available please attach a separate list.

**Name 1** .....  
Address.....Postcode.....  
Phone.....  
**Name 2** .....  
Address.....Postcode.....  
Phone.....

**Part 2: Development details**

**4. What consent is to be modified?**

Development Application No. ....  
Date Consent issued .....  
Description of approved development  
.....  
.....  
.....

**5. Description of the proposed modification**

Please tick the appropriate box and if unsure please confirm with the assessing officer or the City of Newcastle (CN)'s duty officer.

Attach a detailed submission if the space is insufficient.

- Minor modification -the modification is intended to correct a minor error, misdescription or miscalculation
- Modification involving minimal environmental impact
- Other modification to development applications
- Modification of consents granted by the Court
  - a) Describe the proposed modification/s and expected impacts of the modification/s.  
.....  
.....  
.....  
.....  
.....
  - b) Are any conditions of the development consent proposed to be amended? If so, please list the numbers and required changes.  
.....  
.....  
.....  
.....  
.....
  - c) In case of a development involving the use of a building as an entertainment venue, function centre, pub, registered club or restaurant, please specify the maximum number of persons proposed to occupy, at anyone time, that part of the building being used for the specified use.  
.....  
.....
  - d) How many dwellings are proposed or to be demolished?
    - i. presently at this address? .....dwellings
    - ii. proposed to be demolished? .....dwellings
    - iii. proposed to be constructed? .....dwellings

**6. Required documents**

You should liaise with Hunter Water as to their requirements for the amended plan to be re-stamped. CN requests all documents use the following naming convention:

\* How to name your documents - Amended 'Name of the document' - Property Address

- A pdf copy of the amended plans, including floor plans, elevations and site plan.** The plans must **highlight** all proposed changes to the development proposal.
- A pdf copy of a notification plan.** If the application has been notified previously a modification to application is likely to be notified as part of the assessment of the modification, unless the change is considered to be minor by the assessing officer.
- A pdf copy of the amended Statement of Environmental Impacts.** All proposed modifications are to be clearly identified and their impacts are to be discussed in the amended statement.
- A pdf copy of the application form.**

All documents and plans contained in the application submitted by post or lodged over the counter are to be copied onto a non-returnable CD or USB stick. The pdf copies should be prepared in accordance with the specification detailed in the document titled [Plan Standards](#) available on our website\*.

Other documents provided (please specify).....  
.....

Plan reference numbers

.....  
.....

Other document reference number.....  
.....

**7. Cost of the development**

See our [A Guide to Estimating Costs of Works](#) for more information

Does the modified application increase 'the cost of development'?

- Yes Revised cost of development (inc. GST)\$.....  
Additional cost (as a result of the modification) \$.....
- No

**The cost of the development** is the genuine estimate of: (a) the cost associated with the construction of the building, and (b) the cost associated with the preparation of the building for the purpose for which it is to be used (such as the cost of installing plant, fittings, fixtures and equipment). Owner builders will need to include a full cost of labour.

**8. Details of previous interactions with CN Officers**

a) Have you spoken about this application with a CN Officer?

- Yes, whom did you speak to?  
.....
- No

b) Is this application the subject of enforcement action by CN?

- Yes, details.....
- No

**Part 3: Owner's consent and applicant's declaration**

**9. Owner's consent**

Who signs the form?

- All owners of the subject property.
- If the owner is a company - a director, secretary or authorised delegate.
- If the property is strata titled and relates to the entire strata – the authorised delegate of the Owner's Corporation.
- If the property is strata titled and relates only to a single lot in the strata - all owner/s of the particular lot.
- If Crown land - an authorised officer of the relevant government authority must sign the application.
- If signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach any available evidence (e.g. power of attorney, executor, trustee, company director).

**Owner's consent**

As the owner/s, or legal representative of the owner of the land to which this application relates, I/we consent to this application. I/we also give consent for authorised CN officers to enter the land to carry out inspections.

**Name 1** .....

Signature .....

Company and legal authority  
(if applicable) .....

**Name 2** .....

Signature .....

Company and legal authority  
(if applicable) .....

**Name 3** .....

Signature .....

**Name 4** .....

Signature .....

**10. Conflicts of Interest**

Parties include owners, applicants, developers and companies.

a) Are there parties associated to this application, with pecuniary or non-pecuniary interest that include: a staff member, councillor, contractor or related to someone who is a staff member, councillor, contractor of CN or,

b) a State or Federal Member of Parliament?

Yes, please state the relationship and person

.....

No

## 11. Political Donations and Gifts

The [Environmental Planning and Assessment Act 1979](#) requires a person to disclose reportable political donations and gifts made by any person with a financial interest in the application within the period commencing two years before the application is made and ending when the application is determined.

The following information is to be included on the statement:

- (a) all reportable political donations made to any local Councillor of Council; and
- (b) all gifts made to any local councillor or employee of that council.

CN has prepared a [Political Donations and Gifts Disclosure Statement](#), incorporating explanatory information, which is available on our website or at our Customer Contact Centre.

**Note: Failure to disclose relevant information or make a false disclosure statement is an offence under the Act. The maximum penalty for the offence is currently \$22,000.**

### Reportable political donations declaration

Have you, or are you aware of any person having a financial interest in the application, made a 'reportable donation' or 'gift' to a Councillor or CN employee within a two-year period before the date of this application?

- Yes. If yes, the statement must be attached. All disclosure statements of reportable donations and gifts will be made publicly available on our website.
- No, but in signing this application I undertake to disclose to CN in writing, within seven days, any reportable political donation or gift made after the lodgement of the application and prior to its determination).

## 12. Applicant's declaration

- I apply for consent to carry out the development described in this application.
- I declare that all the information given is true and correct.
- I declare that the electronic data has been named correctly and there are no security settings applied.
- I understand that if incomplete, the application may be delayed, rejected or returned.
- I understand that the information supplied on this form and any related document may be made available to the public for inspection both at CN and on CN's website, and will be available for copying at CN. I indemnify all persons using the development application and documents in accordance with the [Environmental Planning and Assessment Act, 1979](#) against any claim or action in respect of breach of copyright.

Signature.....Date.....

\* Under the *Government Information (Public Access) Act 2009 (NSW) (GIPA Act)*, objections to the future disclosure of floorplans, after the application has been determined, may be lodged on the basis that there is an overriding public interest against disclosure.

## Protecting your privacy

The City of Newcastle (CN) is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and CN's Privacy Management Plan.

<b>Purpose of collection:</b>	To enable CN as the consent authority to assess your proposal
<b>Intended recipients:</b>	CN staff and other government agencies that may be required to assess the proposal
<b>Supply:</b>	The information is a statutory requirement related to the assessment of the application.
<b>Consequence of non-provision:</b>	Your application may not be accepted or processed due to a lack of information.
<b>Storage and Security:</b>	The City of Newcastle, 12 Stewart Avenue Newcastle West NSW 2302 will store details of the application. Individuals can access the details of the application under the Government Information (Public Access) Act 2009.
<b>Access:</b>	Your information can be checked for accuracy by calling (02)4974 2000.

## How to lodge your application

Applications can be lodged:

**1. By email meeting the following criteria:**

- Enter the address of the property and the type of application (i.e. DA, Mod) in the subject line of the email.
- Documents are to be named in accordance with the document titled "[Plan Standards - Guidelines for Lodging Electronic Documents](#)".
- Emails are to be sent to [applications@ncc.nsw.gov.au](mailto:applications@ncc.nsw.gov.au)

More information is available on the information sheet titled "[How to submit an application via email](#)".

**2. In person, at the Customer Contact Centre, located at 12 Stewart Avenue, Newcastle West NSW 2302.**

Call (02) 4974 2000 to book a lodgement appointment with the Duty Officer.

**3. By mail:**

The City of Newcastle  
PO Box 489  
Newcastle NSW 2300

### Fees

Fees are calculated on a scale based on the contract value of the work or number of lots. Fee estimates can be obtained by contacting CN on (02) 4974 2000.

Your application is not considered lodged until the required fees have been paid. If the application does not include payment, we will contact you when payment is required. Payments need to be made within 24 hours of contact.

### Payment Methods

You can pay by cash, cheque, Credit Card or EFTPOS.

Please note a merchant fee is payable on all credit card transactions.

Cheques are to be made payable to the City of Newcastle

### Acknowledgement

We will acknowledge that we have received your application. You will receive a letter and receipt specifying the amount of fees paid, and the registered number of the application.

### How to contact us:

Phone: (02) 4974 2000

E-mail: [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au)

In Person: 12 Stewart Avenue Newcastle West NSW 2302