



Warringah Council

# Application to Modify a Consent (Section 96)

Made under the Environmental Planning and Assessment Act 1979 (Section 78A),  
Roads Act 1993 (Section 138), Local Government Act 1993 (Section 68) and  
Privacy and Personal Information Protection Act 1998

## Address the application to:

The General Manager  
Warringah Council  
Civic Centre, 725 Pittwater Rd  
Dee Why NSW 2099

### Or

Customer Service Centre  
Warringah Council  
DX 9118  
Dee Why

## If you need help lodging your application:

Phone our Customer Service Centre on (02) 9942 2111 or come in and talk to us

## Office Use Only

WLEP 2000 Locality:  
 WLEP 2011 Zone:

M O D 2 0

D A 2 0

- |  |  |
|--|--|
| <input type="checkbox"/> Locality LEP 2000 | <input type="checkbox"/> Bushfire Zone |
| <input type="checkbox"/> Category LEP 2000 | <input type="checkbox"/> Heritage      |
| <input type="checkbox"/> Owners Consent    | <input type="checkbox"/> Wave Impact   |
| <input type="checkbox"/> Lot and DP        | <input type="checkbox"/> Slip Zone     |
| <input type="checkbox"/> 40 Metre Buffer   | <input type="checkbox"/> Flood Zone    |
| <input type="checkbox"/> Acid Sulfate      | <input type="checkbox"/> Vegetation    |

**For applicable fees and charges, please refer to Council's website: [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) or contact our Customer Service Centre.**

December 11

## Privacy and Personal Information Protection Notice

The personal information requested in this form is required by or under the Environmental Planning and Assessment Act 1979 and will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, namely, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application, and your application will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is to be regarded as the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on E-Services Online (except as regards to personal particulars). You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect or changes or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager: see s.739 of the Local Government Act 1993 (NSW).

## Part 1 Summary Applicant Details

Applicant(s) name(s)

Owner(s) name(s)

If any owner/applicant of this development application is a current employee or elected representative of Warringah Council.

Warringah Council employee Yes  No  Elected representative Yes  No

Full applicant details to be completed in Part 3 of the application.

## Part 2 Application Details

2.1 Location of the property    Unit no.     House no.     Street

We need this to correctly identify the land. These details are shown on your rates notice, property title etc.

Suburb

Legal property description  Lot:     Sect:     DP/SP:

This information must be supplied.

2.2. Development consent    Development consent no.

Date of determination

Description of consent

2.3. Details of modification    Give details of manner and extent of modification

- |  | YES                      | NO                       |
|--|--------------------------|--------------------------|
| <ul style="list-style-type: none"> <li>Does the modification intend to correct a minor error, misdescription or miscalculation. (section 96(1))</li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>Does the modification propose to modify a consent issued by the Land of Environment Court (section 96AA)</li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>Does the modification involve changes with a minimal environmental impact (section 96 (1A))</li> </ul>              | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> <li>Does the modification involve changes other * than minimal environmental impact (section 96 (2))</li> </ul>         | <input type="checkbox"/> | <input type="checkbox"/> |

\* more than minimal environmental impact

## Part 2 Application Details cont

		YES	NO
2.4. Details of original consent	Was the consent integrated?	<input type="checkbox"/>	<input type="checkbox"/>
	Approval under s68 Local Government Act 1993	<input type="checkbox"/>	<input type="checkbox"/>
	Approval under s138 Roads Act 1993	<input type="checkbox"/>	<input type="checkbox"/>
	Heritage item or within conservation area	<input type="checkbox"/>	<input type="checkbox"/>

		YES	NO
2.5. Trees  Drip line is the outermost edge of the canopy of the tree.	Does the modification involve works within the drip line of a tree? (either on your property or an adjoining site)	<input type="checkbox"/>	<input type="checkbox"/>
	Does this proposal involve removal of tree(s)?	<input type="checkbox"/>	<input type="checkbox"/>

		YES	NO
2.6. BASIX/Nathers Certificate	The proposed modification remains consistent with the current BASIX certificate	<input type="checkbox"/>	<input type="checkbox"/>
	If no, a new BASIX certificate must be submitted with modifications.		

2.7. Disclosure of political donations and gifts  <b>Note:</b> gift means a gift within the meaning of section 84 of the Election Funding & Disclosures Act 1981. Failure to disclose relevant information is considered an offence under Part 6 section 96H of the Election Funding and Disclosures Act 1981.	<p>Under section 147 of the Environmental Planning and Assessment Act 1979 any reportable political donation to an elected representative of Warringah Council (Mayor or Councillor) and/or any gift to an elected representative or Warringah Council employee within a two (2) year period commencing two (2) years before the date of this application and ending when the application is determined must be disclosed.</p> <p>Are you aware of any person with a financial interest in this application who made a reportable donation or gave a gift in the last two (2) years? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, complete the Political Donation Declaration and lodge it with this application. 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 its determination.</p> <p>For further information visit Council's website at: <a href="http://www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx">www.warringah.nsw.gov.au/plan_dev/PoliticalDonationsBill.aspx</a></p>
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		YES	NO
2.8. Collection of determination	Do you seek to collect the determination from Council?	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Note</b> You are advised that if you do not collect the determination from Council, it will be sent via standard post. If the determination is lost/misplaced Council will charge a fee for copying the determination in accordance with Council's adopted fees and charges schedule (this process can take up to 10 working days)		



# Modify a Consent Checklist

REQUIRED	SUPPLIED
<p>Contact Council if you are unsure what details will be required for your modification application.</p>	<p>YES NO - WHY NOT</p>
<p><b>PREPARING YOUR APPLICATION</b></p> <p><input type="checkbox"/> Four (4) copies of all documentation, <u>including the application form</u> are required. Additional copies of documentation may be requested. Highlight in colour all proposed modifications on the plans. OR</p> <p><input type="checkbox"/> Major development: new commercial, industrial and residential flat buildings. Seven (7) copies of all documentation, <u>including the application form</u> are required. Additional copies of documentation may be requested. Highlight in colour all proposed modifications on the plans.</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>
<p><b>A4 PLANS FOR NOTIFICATION PURPOSES (7 copies)</b></p> <p><input type="checkbox"/> <b>Proposed modifications must be highlighted, or otherwise identified.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Provide seven (7) copies of A4 reductions of site plan and elevations (preferably 1 page), to be double-sided (excluding floorplans)</li> <li><input checked="" type="checkbox"/> These plans need not include interior detail which may effect your rights to privacy. However if such plans are provided, then the signature on the Development Application Form acknowledges and accepts that all relevant A4 plans submitted will be used for public notification purposes.</li> </ul>	<p><input type="checkbox"/> <input type="checkbox"/></p>
<p><input type="checkbox"/> <b>Non Notification Checklist</b></p> <p>If this was submitted with the original development application and the proposed modification still meets the criteria on the relevant checklist available from <a href="http://www.warringah.nsw.gov.au/plan_dev/online_forms.aspx">www.warringah.nsw.gov.au/plan_dev/online_forms.aspx</a> Planning and Development /Online forms/Development Applications - Non Notification</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>
<p><input type="checkbox"/> <b>PLANS</b></p> <p>Plans must be drawn to scale (preferably 1:100 or 1:200) Free hand, single line or illegible drawings will not be accepted. The following information should be included on all plans and documents:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Applicant(s) name(s)</li> <li><input checked="" type="checkbox"/> Property address (block/house/shop/flat number)</li> <li><input checked="" type="checkbox"/> Lot number, Section number and Deposited Plan / Strata Plan number.</li> <li><input checked="" type="checkbox"/> Measurements in metric</li> <li><input checked="" type="checkbox"/> The position of true north</li> <li><input checked="" type="checkbox"/> Draftsman/architect name, date, plan name and number, plan version, and revision</li> </ul>	<p><input type="checkbox"/> <input type="checkbox"/></p>
<p><input type="checkbox"/> <b>SURVEY PLAN</b></p> <p>A survey plan will be required if the proposed modification involves changes to the works footprint and the original survey submitted with the development application is more than two (2) years old.</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>
<p><input type="checkbox"/> <b>SITE ANALYSIS PLAN</b></p> <p>An amendment site analysis plan must be submitted if the proposed modification involves external changes to the building.</p> <p>A site plan is a birds-eye view of the existing approved and proposed development on the site and its position in relation to boundaries and neighbouring developments.</p> <p>Please refer to the Development Application Checklist for details to be included in a site analysis plan.</p>	<p><input type="checkbox"/> <input type="checkbox"/></p>

**REQUIRED****SUPPLIED** **FLOOR PLAN**

An amended floor plan must be submitted if the proposed modification involves changes to the internal layout

A floor plan is a birds-eye view of your existing and/or proposed layout of rooms within the development

Please refer to the Development Application Checklist for details to be included in a floor plan.

YES NO - WHY NOT

  **ELEVATION PLAN**

Amended elevations must be submitted if the proposed modification involves external changes to the building.

Elevation plans are a side-on view of your proposal. Include drawings of all affected elevations (north, south, east and west facing) of your development.

Please refer to the Development Application Checklist for details to be included in a elevation plan.

  **SECTION PLAN**

Amended sections must be provided where relevant

A section is a diagram showing a cut through the development at the most typical and critical points.

  **SECOND STOREY**

Amended elevations and sections showing proposed external finishes and heights, side boundaries and relevant side boundary envelope under WLEP 2011/WDCP are to be provided if the proposed modification involves external changes to the building.

  **REVISED STATEMENT OF ENVIRONMENTAL EFFECTS**

This is a written statement which demonstrates the applicant has considered the impact of the proposed modification on the natural and build environments both during and after construction, and the proposed method of mitigating any adverse effects. The revised statement of environmental effects must address how the development responds to the relevant provisions of State Environmental Planning Policies, the relevant Warringah Local Environment Plan and Warringah Development Control Plan as relating to the modification proposal and all existing conditions of consent which will be affected by the modifications.

In addition, indicate that the proposed modification does not substantially alter the original proposal and justify the form of the application (ie, s96 (1), s96 AA, s96 (1A) or s96 (2) )

Please refer to the Development Application Checklist for details to be included in the revised statement of environmental effects.

  **REVISED SHADOW DIAGRAMS**

Amended shadow diagrams must be submitted for proposals that involve external changes to the height, bulk or setbacks of the building.

All shadow diagrams must be accompanied by the Certification of Shadow Diagrams form available from [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au), Planning and Development /Online Forms /Development Applications

  **REVISED SUBDIVISION PLAN** (Torrens or Strata)

If you are planning to amend your approved subdivision you will need to supply a plan showing the approved subdivision and proposed changes, with land title details (including number of lots).

  **REVISED LANDSCAPING PLAN**

An amended landscape plan is to be submitted if the proposed modification results in changes to approved landscape areas.

**REQUIRED****SUPPLIED**

YES NO - WHY NOT

 **REVISED BASIX AND NATHERS CERTIFICATE**

A revised BASIX certificate may be required.

Please refer to [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au) or phone the BASIX Help Line on 1300 650 908  **REVISED ADVERTISING STRUCTURE/SIGN** (Advertising applications only)

If you are planning to modify an advertising structure or sign you will need to supply relevant details as contained in the Development Application checklist for advertising structures

  **REVISED STATEMENT OF HERITAGE IMPACT**

A revised statement of heritage impact is required for all modifications involving heritage items or works to buildings in conservation areas

  **REVISED EROSION AND SEDIMENT CONTROL PLAN**

A revised erosion and sediment control plan is required for all works that require excavation if proposed changes affect the approved erosion and sediment control plan.

  **REVISED WASTE MANAGEMENT PLAN**

A revised waste management plan is required for new multi-unit residential or commercial developments if proposed changes affect the approved waste management program.

  **REVISED CONTAMINATED LAND MANAGEMENT**

A revised contamination report must be submitted if the site was identified under the original application as being a contaminated site, or if previous activities on site indicate a potential for contamination,

  **REVISED ON-SITE STORMWATER DETENTION CHECKLIST/  
STORMWATER PLANS**

If proposed changes will affect stormwater disposal please provide amended stormwater drainage plan in accordance with Council's Stormwater Technical specification (including submission of the On-site Stormwater Detention Checklist). IIsax or drains model are to be supplied on CD in accordance with Council's OSD Technical Specification.

  **REVISED GEOTECHNICAL REPORT - LAND SLIP AREA**

A revised geotechnical report is required for developments located in a slip zone if approved footprint or excavation is proposed to be amended.

  **BUSHFIRE HAZARD ASSESSMENT REPORT**

A revised Bushfire Hazard Assessment report is required to be submitted with all applications.

The Report shall be commensurate to the scope of the modifications and shall address how the development (as modified) responds to the requirements of Planning for Bushfire Protection (most recent version).

  **REVISED ARCHAEOLOGICAL REPORT**

A revised archaeological report is required where the site may be impacted by items of archaeological significance if approved footprint or excavation is proposed to be amended.

  **REVISED FLORA AND FAUNA ASSESSMENT**

A revised flora/fauna impact report under section 5A of Environmental Planning and Assessment Act 1979 as amended is required where proposed changes will further impact on a protected species.

  **REVISED ACID SULPHATE SOIL MANAGEMENT PLAN**

A revised acid sulphate management plan is required for prone sites if approved footprint or excavation is proposed to be amended.

**REQUIRED****SUPPLIED**

YES NO - WHY NOT

 **INTEGRATED DEVELOPMENT**

If the original application was identified as an integrated development

- Two (2) additional copies of documentation as determined by consent authority
- Fee of \$320 made out to each integrating authority

  **FIRE SAFETY MEASURES SCHEDULE (BCA Class 2 TO 9)**

A statement from an accredited certifier is required detailing whether the proposed modification will affect any fire safety measures

  **REVISED FLOOD REPORT**

A revised flood risk assessment is to be provided if the site is flood prone and any proposed changes involve building footprints or floor levels.

  **REVISED HYDROLOGICAL REPORT (WATERTABLE)**

A revised hydrological report is to be provided if proposed changes involve enlarging or deeper excavations.

  **REVISED ARBORIST REPORT**

A revised arborist report is required if proposed changes will impact on any trees.

  **REVISED TREE CONSTRUCTION IMPACT STATEMENT**

A revised tree construction impact statement is required if proposed changes will impact on any trees.

  **REVISED ACCESS REPORT**

A revised access report will be required if proposed changes will impact on access requirements under the Disability Discrimination Act 1992.

  **REVISED TRAFFIC AND PARKING REPORT**

A revised traffic and parking report is required if proposed changes involve: parking layout, number of parking spaces, or traffic generation.

  **REVISED MONTAGE**

A revised montage is required (where originally submitted) if the modification involves significant colour/design changes to the external facade.

  **REVISED COLOURS AND FINISHES SAMPLE BOARD**

A revised colour and finishes sample board is required (where originally submitted) if the modification involves significant colour/design changes to the original facade.

  **REVISED BUILDING CODE OF AUSTRALIA (BCA) REPORT**

A revised BCA report is required where modifications have impacted on the original BCA report submitted.

 

**NOTE: SPECIFIC DETAILS OF INFORMATION TO BE SUBMITTED IN ANY OF THE ABOVE DOCUMENTS CAN BE FOUND IN THE DEVELOPMENT APPLICATION CHECKLIST.**

**OFFICE USE ONLY**

Quality Checking Officer: \_\_\_\_\_

Comments: \_\_\_\_\_  
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Checked by: \_\_\_\_\_

Quality Checking Officer: \_\_\_\_\_ Duty Officer: \_\_\_\_\_

**Part 3 Full Applicant(s) Details**

**3.1 Applicant(s)**

Mr  Mrs  Ms  Other

It is important that we are able to contact you if we need more information.

Please give us as much detail as possible.

Council will deal only with the nominated applicant in the event of any query or communication regarding this application.

**Please note that information provided will be public information.**

Full family name (no initials)

Full given names (no initials)

**Or**

Company name

ACN

Postal address

We will post all correspondence to this address.  Postcode

Phone number  Business number

Mobile number  Facsimile

Contact person

Person who may be contacted to discuss the application during business hours

Email

**3.2. Owner(s) consent**

Council cannot grant consent if owner(s) consent is not provided.

Owner(s)

Address

As owner(s) of the land to which this application relates, I/We consent to this application. I/We also consent for authorised Council officers to enter the land to carry out inspections relating to this application. I/We accept that all communication regarding this application will be through the nominated applicant.

Signature(s)

**Every owner of the land must sign this form.**

**Company / Organisation**

If the owner is a company, owner's consent is to be provided in one of the following ways:

- Execution of owner's consent form (or other document to the same effect) in accordance with s 127 (1) of the Corporations Act 2001.
- Common seal affixed to, and execution of, owner's consent form (or other document to the same effect) in accordance with s 127 (2) of the Corporations Act 2001.

Together with an up to date ASIC Company Extract and other relevant supporting documentation.

**New Owners(s)**

If the property has recently been sold, documentary evidence of the sale must be provided. Please provide one of the following:

- A copy of the Certificate of Title.
- A letter from your solicitor confirming settlement.
- Previous owner(s) to provide owner(s) consent.

**Strata Title / Owner's Corporation**

If the property is a unit under strata title or a lot in a community title, then in addition to the owner(s) signature the following must be provided:

- The common seal of the owner's corporation must be stamped on this form over the signature of the owner(s) and signed by the chairman or secretary of the owner's corporation or the appointed managing agent.
- A letter on strata management letterhead.
- Minutes signed by the Owner's Corporation, clearly stating the words "Support for lodgement of a Development Application".

**Signing on owners behalf**

If you are signing on the owner(s) behalf as the owner(s) legal representative, you must state the nature of your legal authority and attach documentary evidence (e.g. Power of attorney, executor, trustee, company director, etc).

**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 fences).

**Part 3 Full Applicant(s) Details**

3.3. Access to your site

Council officers will need to inspect your site in the assessment of your application

Has construction commenced on site?

Is there a dog on the premises?

Is access readily available?

(ie locked gates, vacant locked premises) If no, please provide your contact details.

Name

Phone number

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

3.4 Declaration

See 3.2 for requirements relating to companies or units under strata or community title..

Council policies available at [www.waringah.nsw.gov.au/publications/policies](http://www.waringah.nsw.gov.au/publications/policies)

I/We apply for approval to carry out the development or works described in this application. I/We declare that all the information in the application and checklist is, to the best of my knowledge, true and correct.

I/We also understand pursuant to clause 51 of the Environmental Planning and Assessment Regulations 2000 that if the information is incomplete, the application may be delayed or rejected or more information may be requested. I/We acknowledge that if the information provided is misleading any approval granted 'may be void'.

I/We acknowledge and accept Council's policy 'Applications for Development' - handling of unclear, non-conforming insufficient and amended applications; (PDS-POL 140) in assessing my application.

I/We agree to the use of the plans provided in support of this application for advertising and notification purposes.

Signature(s)	Date
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**Part 4 Designer Declaration**

I confirm the following:

I/We declare that the information submitted on CD / disc is identical to the details submitted on hard copy plans and documents. I/We accept Council cannot be held responsible for any discrepancies of information provided on the electronic and hard copy plans and documents.

Modification plans are verified by a qualified designer under section 50(1A) Environmental Planning and Assessment Regulation 2000.

Please tick if relevant:

Modification achieves the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 Design Quality of Residential Flat Development

Modification does not diminish or detract from the design quality, or compromise the design intent, of the development of which the development consent was granted.

Signature of person preparing plans	Date
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**Credit Card Details - Council Payment Fax No. (02) 9942 2606**

Please charge my American Express  Master Card  Visa

Card number           Expiry date  /

Card holder's name  Amount \$

Signature  Phone (  )  daytime

**Please note that all credit card payments are subject to a 1% service fee.**