

# MODIFICATION APPLICATION

Under section 96 of the Environmental Planning and Assessment Act 1979

## NORTHERN BEACHES COUNCIL

Village Park, 1 Park Street, MONA VALE  
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### Office Use Only

MOD No.: N0022/16/S96/1

Date Received: 25/11/16

Scanned:

ADDRESS OF PROPOSAL	
Address:	<u>1156 BARRENJOEY ROAD, PALM BEACH</u>
Title Details: (Lot/DP etc)	<u>LOT 5, DP 6746</u>

DETAILED DESCRIPTION OF PROPOSED MODIFICATION	
Development Application to be modified?	NO <u>N0022/16</u>
Has the consent been modified previously?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>MODIFICATION TYPE</b>	
<input type="checkbox"/> S96 (1) - Modifications involving minor error, misdescription or miscalculation	
<input checked="" type="checkbox"/> S96 (1A) - Modifications involving minimal environmental impact.	
<input type="checkbox"/> S96 (2)* - Modifications intended to have some other effect, as specified in the statement	
<input type="checkbox"/> S96 (AA)* - Modifications by consent authorities of consents granted by the Court	
<ul style="list-style-type: none"> <li>• <u>NEW INCLINATOR FROM DRIVEWAY TO HOUSE.</u></li> <li>• <u>REALIGNMENT OF LEVEL 1 WALL TO SOUTH ELEVATION</u></li> <li>• <u>NEW WINDOWS</u></li> </ul>	

**NOTE:** \*Council must be satisfied that the request to modify the consent is substantially the same development as originally granted.  
See s96 (2) of the EP&A Act.

### STATUTORY REFERRAL REQUIREMENTS

The questions under the headings *INTEGRATED DEVELOPMENT*, *DEVELOPMENT REQUIRING CONCURRENCE* and *DESIGNATED DEVELOPMENT* will only apply to a small number of development applications.

The Information in the Statement of Environmental Effects guide will assist in determining if any of the following apply to your application.

### INTEGRATED DEVELOPMENT

Was the original application for Integrated development?  YES  NO

Please tick appropriate boxes.

Fisheries Management Act 1994  s144  s201  s205  s219

Heritage Act 1997  s57  s58

National Parks and Wildlife Act 1974  s90

Protection of the Environment Operations Act 1997  s43(a),47&55  s43(b),48&55  s43(d),55&122

Rural Fires Act 1997  s100B

Water Management Act 2000  s89  s90  s91

### DEVELOPMENT REQUIRING CONCURRENCE

Did the original application require concurrence of Government Authorities  YES  NO

Please tick appropriate boxes

Environmental Planning and Assessment Act 1979 No 203 s79B(3)  YES  NO

SEPP Infrastructure s100  YES  NO

Roads Act 1993 s138  YES  NO

SEPP 64 s18  YES  NO

### DESIGNATED DEVELOPMENT

Was your original proposal Designated Development?

YES

NO

### EXCEPTIONS TO DEVELOPMENT STANDARDS

Is a Clause 4.6 justification required to vary a development standard?

YES

NO

**If YES,** A detailed justification identifying the development standard to be varied and the grounds for your objection needs to accompany the development application.

**Note:** See Clause 4.6 of PLEP 2014 and for more assistance see the NSW Government Planning and Environment website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) under Development/Varying Development Standards.

### PUBLIC INFORMATION AND PRIVACY POLICY

- Details provided on this form and documents provided will be made public both at Councils Office and via Application Tracking on Councils website.
- Details provided with your application are required under the Environmental Planning and Assessment Act and Environmental Planning and Regulation 2000 (see Part 1 of Schedule 1).
- Your information becomes part of a public register related to this purpose.
- The information will be kept by Council and will be disposed of in accordance with the Local Government Disposal Authority.
- You are entitled to review your personal information at any time by contacting Council.

### COPYRIGHT NOTE

The Applicant is advised that Council may make copies (including electronic copies) of the development application and accompanying documents for the purpose of complying with its obligations under the Environmental Planning & Assessment Act 1979, the Local Government Act and the notification requirements of the Development Control Plan. This will include making copies of plans available on Councils website to be accessed by members of the public. The applicant is responsible for obtaining all copyright licenses necessary from the copyright owners for this purpose.

**OWNER'S CONSENT**

(This section must be signed by ALL owners OR provided under separate cover)

I/we consent to the lodgment of this application and permit authorised Council personnel to enter the site for the purpose of inspections.

I/we understand that the applicant of this application will be the main contact for Council and that all correspondence will be made with the above applicant.

Signature(s): Richard N. Benn

Print Name(s): RICHARD ALAN VICKERY BENN

**Note:**

- If the property has recently been purchased, written confirmation from the Purchaser's Solicitor must be provided.
- If contracts have been exchanged for purchase of the land, the current owner is to sign the form.
- If signed on behalf of a Company, the seal must be stamped over the signature where a seal is required OR provided on Company letterhead.
- The consent of the strata body corporate is required for applications affecting common property.
- Final determination will not be provided until all owners consent is received

Does the proposal involve development below mean high water?

YES -written consent of the Crown is required

NO

**APPLICANT/OWNER DISCLOSURE**

Is the applicant or the owner/s of the property a staff member; contractor, or the spouse, partner or relation of someone who is a staff member; contractor, of Northern Beaches Council?

YES

NO

If YES, please name relevant staff member; contractor: \_\_\_\_\_

**DISCLOSURE OF POLITICAL DONATIONS AND GIFTS**

I/we declare that we have made no gifts to any Northern Beaches Council employee in the last two (2) years. I/We also declare that no person with a financial interest in this application has made any such political donation or gift.

I/we declare making a reportable gift to a Northern Beaches Council employee within the last two (2) years. A completed form is attached.

**Note:** For more information about your obligations please refer to the Department of Planning website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) under Development Assessments/Donation and gift disclosure.

Political Donations and Gift Disclosure Statements can be obtained from Customer Service Centres or Council's website [www.pittwater.nsw.gov.au/council/documents/forms](http://www.pittwater.nsw.gov.au/council/documents/forms)

**APPLICANT DETAILS**

Name: ANDREW BENN

Company: BENN V PENNA ARCHITECTS

Postal Address: LEVEL 1, 123 HARRIS ST  
PERMONT  
NSW 2009

E-Mail Address: andrew@bennandpenna.com

Contact Number: 9518 9900 Secondary Number: 0415 712 906

**APPLICANT DECLARATION**

I declare that:

- all of the particulars and information supplied in connection with this application are correct and recognise that the application together with all supporting documents and plans will be made available to the public including availability through Council's internet site.
- the electronic data provided is a true copy of all plans and documents submitted with this application.
- the estimate of cost of the project is the commercial value of the proposed works and is based on a properly prepared cost estimate or actual quote or contract competition price for the work.
- the requirements of all relevant Acts, Regulations and environmental planning instruments have been considered and addressed in the preparation of this application.

I understand that a false declaration may result in the refusal of this application.

Signature: Print Name: ANDREW BENNDate: 23.11.16**ALL DOCUMENTS IN DIGITAL FORMAT**

Have all plans and documents (including the application form and reports) been supplied in PDF format on a USB device. (see "Important information for applicants and Owners" in this form for requirements)

 YES NO - your application may be rejected

## IMPORTANT INFORMATION FOR APPLICANTS AND OWNERS

### Documents and Plans accompanying this application

Documentation will vary depending on the nature of the modification sought.

In all cases a detailed Schedule of Modifications Sought is to be provided clearly outlining all proposed modifications sought.. A revised Statement of Environmental Effects which demonstrates the applicant has considered the impact of the proposed modification and that demonstrates the development to which the modification application relates is substantially the same as that for which the consent was originally granted is to be provided.. Proposed modifications must be clearly highlighted or otherwise identified on any amended plans.

Council requires all plans and documents (including the Application form, any reports etc) to be provided in digital format (PDF) on a USB device. Plans, drawings, documents & reports each require a separate PDF file. See Council's Electronic Lodgement Guidelines for more details and file naming conventions.

In addition to the digital version, as an example, the following numbers of hard copy/printed documents and plans are to be provided where relevant. Any modification to drawings or plans must clearly indicate the proposed changes in colour or clouding.

- One (1) copy of the Modification form
- One (1) copy of the Statement of Modification / schedule of changes sought
- One (1) copy of the amended BASIX certificate ✓
- Amended schedule of finishes
- Four (4) sets of amended drawings, e.g. elevations and sections; floor plans; landscape plans, site plan etc
- Twelve (12) sets of amended notification plans (A4 or A3 only)
- Two (2) copies of all amended supporting reports (eg Bushfire, Geotechnical, Flood) where relevant . A letter signed by the original author of any report may be provided indicating they have reviewed the proposed changes and are of the opinion an amended report is not required.

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### Major Developments

Additional types or copies of plans/documents may be required for major developments. Please Contact Councils Assistant Planner team on 9970 1674 to confirm documentation required.

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### Fees for Modification

Section 258 of the Environmental Planning and Assessment Regulation 2000 sets out the fees payable for applications for modification of consent for local development.

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### Standard Notification

In accordance with Council's Pittwater 21 Development Control Plan, most s96 applications are publicly notified to adjoining neighbours and interested community groups. Fee \$270

### Advertising

In accordance with clause 252 of the Environmental Planning and Assessment Regulation 2000, advertising fees may also apply

- |                                       |            |
|---------------------------------------|------------|
| • Designated Development              | Fee \$2220 |
| • Integrated Development under the :  | Fee \$665  |
| • Development requiring concurrence : | Fee \$665  |
| • Development requiring advertising:  | Fee \$665  |

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### Prior to Lodgement

- Use Council's ePlanning – Planning Enquiry tool to obtain a site specific customised set of controls, checklist and guides
- Talk to your neighbours about your development
- Review the checklist derived from the Planning Enquiry tool to ensure you have all documents required for lodgement
- If you have any questions, please call 9970 1674 and speak to an Assistant Planner.

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### Lodgement of an Application

- Contact Councils Customer Service on 9970 1111 to make an appointment with the Assistant Planner
- Fees are required upon acceptance of an application
- Incomplete applications or illegible information will not be accepted by Council