

## MODIFICATION APPLICATION

Under section 96 of the Environmental Planning and Assessment Act 1979



Village Park, 1 Park Street, MONA VALE  
PO Box 882, MONA VALE NSW 1660  
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Website: [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

## Office Use Only

MOD No.: N0565/09/596/1

Date Received: ~~23/5/16~~Scanned: ~~23/5/16~~

## ADDRESS OF PROPOSAL

Address: 61 Dolphin Crescent, Avalon Beach, NSW, 2107

Title Details :  
(Lot/DP etc)

LOT 2 In DP28663

## DETAILED DESCRIPTION OF PROPOSED MODIFICATION

Proposal is to add a secondary dwelling beneath our primary dwelling, converting an existing garage and under house storage in to a one bedroom dwelling with a kitchen, lounge and study. This proposal is an amendment to existing DA approval which we acquired when we purchased the property in 2013, we are simply making some minor changes to the original secondary dwelling design. Essentially it is the same development, with the style on the exteriors will be in keeping with the existing property.

Development Application to be modified?

NO 565/09

Has the consent been modified previously?

☐ YES

☒ NO

**MODIFICATION TYPE**

☐ S96 (1) - Modifications involving minor error, misdescription or miscalculation

☒ S96 (1A) – Modifications involving minimal environmental impact.

☐ S96 (2)\* – Modifications intended to have some other effect, as specified in the statement ☐

S96 (AA)\* – Modifications by consent authorities of consents granted by the Court

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**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):

MS see next page →

Print Name(s): Matthew Dent

### 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; councillor; contractor, or the spouse, partner or relation of someone who is a staff member; councillor; contractor, of Pittwater Council?

☐ YES

☒ NO

If YES, please name relevant staff member; councillor; contractor: #N/A

## DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

# OWNER'S CONSENT

11 April 2016

Matt & Zoe Dent  
61 Dolphin Crescent  
AVALON BEACH NSW 2107

General Manager  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

Dear Sir/Madam,

**RE: SECTION 96 APPLICATION – 61 Dolphin Crescent, AVALON BEACH**

Please find attached documents for a Section 96 Application to DA N0565/09 of a secondary dwelling at the above property.

The works comprise the re-configuration of the secondary dwelling layout and the associated timber deck. The application is accompanied by the Development Application Form, Architectural Drawings and BASIX Report.

We look forward to a positive reply.

Yours sincerely,



Matt & Zoe Dent



Z. DENT

M. DENT

☒ I/we declare that we have made no reportable political donations to a Pittwater Councillor and have provided no gifts to any Pittwater Councillor or 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 political donation to a Pittwater Councillor or gift to a Councillor or 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:

\_Matthew Dent\_

Company:

\_\_\_\_\_

Postal Address:

\_61 Dolphin Crescent, Avalon Beach, NSW, 2107\_

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E-Mail Address:

\_matthew.l.dent@gmail.com\_

Contact Number:

\_0408363193\_ Secondary Number: \_0414804958\_

#### 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: Matthew Dent

Date: 18/07/2016

#### 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

### **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