

Instructions

This form should be used to make an application to modify the consent of an approved State significant development (SSD) in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*.

Modifications to SSDs may be requested in accordance with Sections 4.55 and 4.56 of the Act.

A modification report is required to be uploaded to support your modification application.

Australian phone numbers and addresses are required when completing this form.

Applicant Details

Applicant

Note: Details entered below should be for the person and/or company that is proposing to carry out the development. This should not include the consultant or person(s) acting on behalf of the applicant.

- Title
- First name
- Last name
- Phone
- Email
- Role/Position
- Primary Address

Political Donations

Note: Persons lodging applications are required to declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.

- Do you need to disclose a political donation?
 - (IF YES) Complete and attach a Political Donations Disclosure Statement. A template of this statement can be downloaded [HERE](#).

Modification Details

Project Details

- Project name
- Additional estimated cost of development (excl GST)
- Additional construction jobs
- Additional operational jobs
- Additional dwellings
- Additional in-fill affordable dwellings
- Additional % of in-fill affordable dwellings

- Modification description

If the proposed modification would lead to the development not being substantially the same development as originally approved, then you will need to submit a new application. In the case of a transitioned Part 3A project, the original development is taken to be the development authorised by the consent, as last modified under section 75W.

- How is the modification substantially the same as the original development?

Site Details

- Site name
- Site address or description
- Lot and DP
- Is there additional land included in this modification request?
 - (IF YES)
 - Select local government area

Landowner's Consent

Privacy and Personal Information Protection Notice

Purpose: Your personal information is being collected to enable the Department to exercise its functions and assess your application under the *Environmental Planning and Assessment Act 1979* and other legislation.

Recipients: Department of Planning and Environment, councils, and government agencies for the above-stated purpose

Supply: The evidence of landowner's consent will be published on the NSW planning portal, as required by law. If you do not provide the information (or any part of it) your application may not be accepted

Access/Correction: The Department of Planning and Environment will collect this information. You can access and correct the information by contacting –

- the Information Access & Privacy Unit, 4 Parramatta Square, Locked Bag 5022, Parramatta 2124.
- Phone: (02) 9860 1440.
- Email: gipa@dpie.nsw.gov.au.

Storage: The Department of Planning and Environment will store this information on its records management system in line with its [Privacy Management Plan](#).

- Is the applicant the sole owner of the land?
 - (IF NO) Was landowner's consent required for the original development application for consent to which this modification application relates?
 - (IF YES) Upload any evidence of landowner's consent required.

Note: Please note landowner's consent is required before the modification can be determined. Please ensure you have evidence of all landowners' consent required.

- (IF NO) Reason landowner's consent was not required for the original development application and therefore not required for the modification application?
 - The SSD is proposed to be undertaken by a public authority.
 - The SSD is proposed to be a mining or petroleum (oil and gas) development under Schedule 1 of [State Environmental Planning Policy \(Planning Systems\) 2021](#) and is not in a state conservation area reserved under the *National Parks and Wildlife Act 1974*.
 - The SSD is on land with multiple owners as designated by the Secretary of the Department of Planning and Environment.

Warning! Please note that if landowner's consent is not required, relevant landowners must still be given notice of the application by the applicant by:

- Written notice to the owner of the land, before the application is made; or
- Publishing a notice no later than 14 days after the application is made:
 - in a newspaper circulating in the area in which the development is to be carried out; and
 - in the case of an application made by a public authority, on the public authority's website; or
 - in the case of public notification development, on the NSW planning portal.

Note sections 98(2) and 111 of the Environmental Planning and Assessment Regulation 2021 for when consent of the owner is not required.

- **Note:** In the case of an application for modification of a Penrith Lakes Development Corporation development consent where the proposed modification relates only to part of the land to which the development consent applies, the requirement to include the owner's consent in the application is a requirement to include the consent of the owner of the part of the land to which the modification relates only.
- Penrith Lakes Development Corporation development consent means the development consents DA2, DA3 and DA4 granted to the Penrith Lakes Development Corporation Limited in respect of land to which [Chapter 5 of the State Environmental Planning Policy \(Precincts – Western Parkland City\) 2021](#) applies on 24 February 1987, 27 June 1995 and 9 September 1998 respectively.
- Does the modification application relate to land owned by a Local Aboriginal Land Council?
 - (IF YES) Upload evidence of the consent of the New South Wales Aboriginal Land Council.

Statutory Context

Pathway

- Modification Type (SELECT):
 - Section 4.55(1) – involving minor error, misdescription or miscalculation
 - Section 4.55(1A) – involving minimal environmental impact, where the development as originally approved remains substantially the same

- Section 4.55(2) – other modification, where the development as originally approved remains the substantially the same
- Section 4.56 – modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same

Critical Habitat and Threatened Species

- Is the land, or part of the land, critical habitat?
- Is the development likely to significantly affect threatened species, populations or ecological communities, or their habitats?
 - (IF NO) Is the development biodiversity compliant? (refer to [section 28 of the Environmental Planning and Assessment Regulation 2021](#))
 - Does the application include an indication of the reason why the development is biodiversity compliant development?

Sustainable Buildings SEPP

Note: The State Environmental Planning Policy (Sustainable Buildings) 2022, requires additional documents to be uploaded to support new sustainability measures. If the answers provided below indicate that the SEPP now applies to your development application, you may need to upload the following documents when you reach the Attachments screen:

- A NABERS Embodied Emissions Materials Form
- A Net Zero Statement
- NABERS Agreement(s) to Rate or Commitment Agreement(s) relating to energy and water use

Please consult with your assessing officer to determine which documents will apply to your modified development application and supply the required documents here.

- Is the development exempt from the [State Environmental Planning Policy \(Sustainable Buildings\) 2022 Chapter 3](#), relating to non-residential buildings?
 - The DA was submitted on the NSW Planning Portal before 1st October 2023.
 - The DA was submitted on the NSW Planning Portal on or after 1st October 2023 but was deemed exempt due to the reasons outlined in Chapter 3.1.
 - (IF NO) Have all the requirements of the [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#) been met for the development that is the subject of this Modification Application?

Other Requirements

- Is the modification application accompanied by a biodiversity development assessment report?
 - (IF NO) Has a BDAR waiver been issued?
 - (IF NO, a BDAR waiver must accompany the application)
 - (IF YES) Are different biodiversity credits proposed to be used as offsets in accordance with the variation rules under the [Biodiversity Conservation Act 2016](#)?
 - (IF YES) Does the application include the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values?

- Does the modification application relate to residential apartment development and was the original development application required to be accompanied by a design verification statement from a qualified designer under [section 29\(1\) of the Environmental Planning and Assessment Regulation 2021](#)?
 - (IF YES) Is the modification application accompanied by a statement by a qualified designer that:
 - Verifies that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and
 - Provides an explanation of how:
 - the design quality principles are addressed in the development, and
 - in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and

Note: If the application is also accompanied by a BASIX Certificate with respect to any building, the design quality principles need not be verified to the extent to which they aim to:

 - reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
 - improve the thermal performance of the building.
 - Verifies that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted?
- Does this modification application relate to a development for which the original development application was required to be accompanied (or in the case of BASIX optional development, was accompanied) by a BASIX certificate or BASIX certificates?
 - (IF YES) Is the current BASIX certificate consistent with the proposed development?
 - (IF YES) Is this modification application accompanied by the current BASIX certificate?
 - (IF NO) Is this modification application accompanied by a new BASIX certificate to replace the current BASIX certificate?

Approvals – Part 1

Approvals

- Would the development otherwise, but for Section 4.41 of the Environmental Planning and Assessment Act 1979, require any of the following:
 - A permit under Section 201, 205 or 219 of the *Fisheries Management Act 1994*?
 - An approval under Part 4, or an excavation permit under Section 139, of the *Heritage Act 1977*?
 - An Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act 1974*?
 - A bush fire safety authority under Section 100B of the *Rural Fires Act 1997*?

- A water use approval under Section 89, a water management work approval under Section 90 or an activity approval under Section 91 of the *Water Management Act 2000*?

Approvals – Part 2

Approvals

- Do you require any of the following approvals from Section 4.42 of the Environmental Planning and Assessment Act 1979 in order to carry out the development:
 - An aquaculture permit under Section 144 of the Fisheries Management Act 1994?
 - An approval under Section 15 of the *Mine Subsidence Compensation Act 1961*?
Note: Section 15 of the Mine Subsidence Compensation Act 1961 (MSC Act) is repealed and replaced with the *Coal Mine Subsidence Compensation Act 2017* (CMSC Act). A reference to section 15 of the MSC Act can be read to include an approval under section 22 of the CMSC Act.
 - A mining lease under the *Mining Act 1992*?
 - A petroleum production lease under the *Petroleum (Onshore) Act 1991*?
 - An environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in Section 43 of that Act)?
 - A consent under Section 138 of the *Roads Act 1993*?
 - A licence under the *Pipelines Act 1967*?

Attachments

Please upload a modification report

Note: This report must be prepared in accordance with the department's requirements (if issued) and have regard to the [State Significant Development Guidelines](#) including Appendix E – Preparing a Modification Report.

If your modification includes any changes to the footprint of the development, you should also submit Geographic Information System data that delineates the extent of the modification and any key environmental constraints. This data must meet the Standard Technical Requirements for Spatial Datasets and Maps.

Note: Please add Sustainable Buildings SEPP documents (if applicable).

If the answers you provided on the Statutory Context screen indicate that the [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#), now applies to your modified development application, you may need to upload:

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Confirmation

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