

## Instructions

This form should be used to request a modification to your project. You will be asked to enter indicative information about your proposal to inform the Department of Planning, Industry and Environment.

A site map must be uploaded with your request, showing an indicative layout of your proposal and the local and regional context.

Australia 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

### Invoicee Details

- Is the invoicee different from the applicant?
  - (IF YES) Is the invoicee a company/business?
    - (IF YES)
      - ABN
      - Position in Company
      - Title
      - First Name
      - Last Name
      - Email
      - Invoicee Mailing Address
    - (IF NO)
      - Position in Company
      - Title
      - First Name
      - Last Name
      - Email

## Project Details

### Modification Details

- Modification Name
- Description of Modification
- Intended Community and Public Benefits
- Indicative Additional Capital Investment Value (excl GST)
- Indicative Additional Construction Jobs
- Indicative Additional Operational Jobs

## Site Details

- Is there likely to be additional land included in this modification request?
  - Yes
    - (IF YES) Add Local Government Area
  - No
  - Unsure

## Statutory Context

- Is the modification likely to require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*?
  - Yes
  - No
  - Unsure
- Indicative Modification Type
  - 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 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
  - Unsure

## Attachments

- Add Attachments

## Instructions

This form should be used to lodge a request 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 request.

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

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) Please complete and attach a Political Donations Disclosure Statement. A template of this statement can be downloaded [HERE](#)

## Modification Details

### Project Details

- Project Name
- Additional Capital Investment Value (excl GST)
- Additional Construction Jobs
- Additional Operational Jobs
- 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)
    - Local Government Area
    - Additional Lot & DP

## 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, Industry and Environment, councils, and government agencies for the above-stated purpose

**Supply:** The landowner's consent form 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, Industry 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](mailto:gipa@dpie.nsw.gov.au)

**Storage:** The Department of Planning, Industry 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) Please upload any evidence of landowner's consent.

**Note:** Please note landowner's consent is required before the modification application can be determined. Please ensure you have evidence of all landowner's 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 the SRD SEPP 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, Industry 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:

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 *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* 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) Please upload evidence of the consent of the New South Wales Aboriginal Land Council.

## Statutory Context

- 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
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## 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 Schedule 1, Part 1(2) of the Environmental Planning and Assessment Regulation)
    - Does the application include an indication of the reason why the development is biodiversity compliant development?

## Other Requirements

- Is the modification application accompanied by a biodiversity development assessment report?
    - (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 clause 50(1A) of the *Environmental Planning and Assessment Regulation*?
    - (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 EP&A Act, 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 EP&A Act 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 *Coal Mine Subsidence Compensation Act 1961*?
  - 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*?

## Attach Modification Reports

### Please upload a Modification Report

This report must be prepared in accordance with the Department's requirements (if issued).

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.

## Confirmation

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  - Email: [gipa@dpie.nsw.gov.au](mailto:gipa@dpie.nsw.gov.au)
- **Storage:** The Department of Planning, Industry and Environment will store this information on its records management system in line with its Privacy Management Plan.