



The purpose of this fact sheet is to assist applicants in navigating the regulations and process of modifying an existing development consent.

What is a 4.55 modification?

Section 4.55 of the *Environmental Planning and Assessment Act 1979* allows modifications to be made to an existing development consent. However, no matter what changes are proposed, the proposal must remain substantially the same.

Types of s4.55 modification applications

There are 3 different types of modification application:

1. s.4.55 (1) Minor Modifications involving minor errors, misdescription or miscalculation. This means there would be no physical change to the approved built form of the development and notification would not be required. Examples include:
 - Incorrect description
 - Incorrect referencing of plan numbers
 - Incorrect calculation such as contributions
 - Minor amendments or correction to the wording of a condition.
2. s.4.55 (1A) Minor Modifications involving minimal environmental impact such as:
 - Internal reconfiguration of approved floor plans
 - Amendments to landscaping or stormwater drainage design
 - Minor external changes to materials, window location etc.

These amendments should have no greater impact in terms of privacy, height, overshadowing etc., than what was already considered under the original development's assessment.

Notification may be required for such an application.

3. s.4.55 (2) Other Modifications.
Typically, these changes involve:
 - Additions of decks etc. or changes to window schedules that may result in privacy impacts
 - Amendments to floor levels, building heights or floor space ratios that do not result in a non-compliance with a development standard
 - Amendments that result in an increase to car parking requirements
 - Amendments to roof design
 - Alteration to the number of allotments approved
 - Staging of development.

A s.4.55 (2) may be requested for modifications to the approved plans, conditions of consent or description of consent.

Variation to Council's LEP standards

A request to vary a development standard under Clause 4.5 of the Council's Local Environmental Plan must not accompany any application for a modification.

If the proposed modifications are not substantially the same as originally approved, a new development application will be required to be lodged for assessment.

Supporting documents that you need to submit

- The original Notice of Determination.
- An amended Statement of Environmental Effects.
- Amended architectural plans.
- Updated BASIX Certificates.
- Supporting reports.

Amended Statement of Environmental Effects

The Statement of Environment Effects required for a modification application is different to that lodged under the original application.

As per Clause 115 of the *Environmental Planning and Assessment Regulations 2000*, a modification statement must:

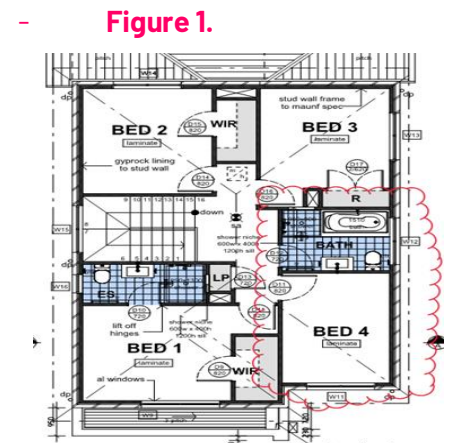
- Identify the type of modification sought (if it's s4.55(1), (1A) or (2)) Describe the expected impacts of the modification
- Demonstrate that the development is substantially the same as the development that was originally given consent (and before any other modification was granted, if at all).
- Clearly describe the changes to any descriptions or conditions that are sought, how they read at present and how they should read if we were to approve the proposed amendments
- Address any additional impacts or potential non-compliance with relevant development controls and any mitigation measures.

Amended architectural plans

Any architectural drawings that are to be amended must provide 'red clouds' around the portions of the development that are proposed for amendment. (Figure 1).

We can only accept amended architectural plans that do not include Council endorsed stamps.

Hand drawn amendments to the original approved plans cannot be accepted.



BASIX Certificates

Amendments that impact on the development's compliance with the [BASIX SEPP](#) (Building Sustainability Index) will also require an amended and valid BASIX Certificate.

Supporting reports

Depending on the nature of the modification, we may require additional supporting documentation.

For further information on what must accompany an s4.55 modification application, please refer to the Requirements for Development Application Guide available on our website.

You may also contact our City Development team on 02 4645 4608 to discuss the specifics of the modification.

How to format the application

Modification applications must be lodged via the NSW Planning Portal. All documents must be submitted as a PDF with all security settings disabled.

All the information needs to be in the one document as separate folders can't be accepted through the Planning Portal.

Who can apply for a s4.55 application?

- The original applicant
- The owner of the land
- Any person who is entitled to act upon the consent or construction certificate.

Fees

Modification applications are subject to an assessment fee as per our [Schedule of Fees and Charges](#). These fees are subject to annual review and may change over time.

You can also contact our Technical Support Officers on (02) 4645 4608 to request a fee quote.