

DEVELOPMENT GUIDE NO. 5 - WHAT IS A SECTION 4.55 MODIFICATION?

What is a Section 4.55 modification?

A Section 4.55 modification is an application submitted to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979 to make a modification to an approved development application.

Are there different types of Section 4.55 modifications?

There are 3 different types of Section 4.55 modifications, which include:

- Section 4.55(1) for a minor error, mis-description or miscalculation
- Section 4.55(1A) which involves minimal environmental impact
- Section 4.55(2) for all other modification

How do I make a modification to my Notice of Determination?

In order for Council to modify a Notice of Determination, you are required to complete a Section 4.55 Modification form, pay a fee and provide Council with plans or information supporting the proposed changes as well as providing evidence that the development is substantially the same as that approved. Council will then assess the proposed modification and if Council is happy with the changes, will issue an amended Notice of Determination.

What sort of changes can I make to my development?

A Section 4.55 Modification must be substantially the same development as that previously approved, and you must provide evidence of this.

If the modified development is not substantially the same, a new development application is required to be submitted to Council.

Will the modification be re-notified to the public?

Yes your development application may be re-notified to the public if it was notified previously in accordance with Development Control Plan No. 25 – Public Notification of Development Applications. Council is required to consider any submissions that may be received during the notification period of the modification.