

AMENDING A PLANNING PERMIT (including Approved Plans)

A person entitled to use or develop land in accordance with a Planning Permit can request Council to amend the permit. There is no limit to the number of times a permit can be amended.

An amendment can be sought to:

- Change approved plans
- Change conditions of a permit
- Change the use or development for which the permit is issued

Amending Approved Plans

There are 2 methods available for amending plans, depending on the complexities of the changes and whether they are considered to be minor.

- Minor amendments to plans under permits can normally be approved under 'secondary consent' provided by a condition on a permit which reads,
"The development as shown on the endorsed plan must not be altered without written consent of the Responsible Authority."

Minor amendments are ones which would not cause further detriment and would not require notification.

- More significant changes to plans can be considered and approved under Section 72 of the *Planning and Environment Act 1987*, through an Application to Amend a Planning Permit (see heading: Processing an Application for Amendment to a Planning Permit).

Amending a Permit Condition

Amendments to conditions can be considered and approved under Section 72 of the *Planning and Environment Act 1987*, through an Application to Amend a Planning Permit (see heading: Processing an Application for Amendment to a Planning Permit).

Amending the Use or Development (for which the permit is issued)

Significant changes to transform the use or development allowed by a permit can be considered and approved under Section 72 of the *Planning and Environment Act 1987*, through an Application to Amend a Planning Permit (see heading: Processing an Application for Amendment to a Planning Permit).

Statutory Planning Information Sheet

Permits issued by VCAT

A permit issued at the direction of VCAT, including a mediated outcome, cannot be amended under Section 72 of the *Planning and Environment Act 1987*. To amend these permits applicants must either rely on minor plan changes under 'secondary consent' provisions or make an application under Section 87A of the Act to amend the permit through VCAT.

Processing an Application for Amendment to a Planning Permit

An Application to Amend a Planning Permit under Section 72 of the *Planning and Environment Act 1987* must be lodged, together with the information that would normally accompany a new planning application including:

- Application to Amend a Planning Permit form
- Copy of title
- The relevant application fee
- Three sets of any new plans
- A covering letter explaining the changes, use and/or development and providing justification and a description of how it complies with the planning policies outlined in the Manningham Planning Scheme.

An amendment to a permit is considered in the same ways as an application for a permit. The same timeframes also apply.

Council must consider whether:

- Any further information is required.
- Any notification is required. The nature and extent of the advertising should be based only on the nature of changes proposed, however must still include all abutting owners.
- Referral is required by the planning scheme.

Assessment will be limited to the changes proposed. If agreed and there are no objectors, Council can issue an amended permit. Council can also issue a Notice of Decision to Grant the Amendment to a permit if there are objectors, or a Notice of Refusal to Amend a Permit if the outcomes sought are unreasonable.

Given an amendment to a permit is treated in the same way as an application for a permit, the same rights of review to VCAT are available.

Statutory Planning Information Sheet

Issuing an Amended Permit

An amended permit replaces the original permit, which will be stamped superseded.

An amended permit will include all relevant conditions, given the original permit can no longer be acted upon.

An amended permit will include a table at the bottom of the permit indicating the date and the nature of the amendment.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment

The issued date of the amended permit remains the **same** as the original issued date and therefore, the expiry date is also unchanged unless the applicant also requests an extension of time.

The issue date of a Notice of Decision to Amend a Permit and a Notice of Refusal to Amend a Permit will be dated with the **actual** issue date.

If plans are also amended as part of this process it may also result in plans being stamped as 'superseded' but not in all cases.

Even if the amendment only involves changes to the plans, the original permit must be altered to include the table outlining the description of the amendment. Any condition requiring amended plans to be submitted must also be amended to refer to the latest set of plans. This may include the reference number and date of the plans referred to in the condition or other changes to the amended plans that may be required.