

AMENDING A PLANNING APPLICATION

Applications may be amended at two stages within the planning application process:

- An Applicant (or Council with the agreement of the Applicant) may amend an application before notice is first given under Section 50 of the Planning and Environment Act 1987.
- An Applicant may ask Council to amend an application after notice has been given under Section 57A of the Act.

Amending an application prior to notice of application being given (Section 50 of the Act)

An applicant can ask Council to amend:

- the use or development
- the description of the land
- the plans and other documents forming part of the application

A request for amendment must include:

- A covering letter and any new forms, plans or documents
- Any information required to be provided by the planning scheme

The covering letter should be signed by the owner or include a declaration that the owner has been notified about the request.

Council must amend the applications in accordance with the request, unless it considers that the amendment is so substantial that a new application should be made.

The amended application is to be taken to be **the application**. The statutory clock is reset to 0 from the day the request for amendment was received or, in the case of Council amending the application, from the day the Applicant agreed to the changes.

Council can also make any changes to an application that it thinks are necessary before notice is given. This may be, for example, to clarify information provided with the application. An agreement with the applicant will be sought if this occurs.

Statutory Planning Information Sheet

Amending an application after notice of application has been given (Section 57A of the Act)

An Applicant can ask Council to amend an application after notice is given, under Section 57A of the Act. This may, for example, be in response to objections received or concerns raised by Council Officers.

As with amendments prior to notification, changes can be made to:

- The use or the development
- The description of the land
- The plans and other documents forming part of the application

The request to amend the application must include:

- A covering letter with any new forms, plans or documents that are relevant
- The applicable fee
- Any information required by the planning scheme
- If the Applicant is not the owner, or the owner has not yet signed the request, a declaration that the Applicant has notified the owner

Council must amend the application as requested, unless it again considers the changes warrant the lodging of a new application. The statutory clock resets to 0 from the day the request for amendment was received.

Once a request is accepted, Council must consider whether further notice of the amended application is required. This decision should be based on whether, as a result of the amendment, the grant of a permit would cause material detriment to any person.

It is not necessary to re-notify those persons originally notified unless the changes to the application may cause these persons further material detriment. All previous objections must be treated as objections to the amended application.

Council must also refer the amended application, unless it considers the changes would not adversely affect the interests of the referral authority.