



How to complete the Application to Amend a Planning Permit form

The information needed on the Application to Amend a Planning Permit form is required under Section 72 of the *Planning and Environment Act 1987* and Regulation 16 of the *Planning and Environment Regulations 2005*.

'Council' means the local council or any other body that is the designated responsible authority for the land or proposal.

Council help with applications

How do you work out whether an amendment to a planning permit is appropriate and what information to provide?

i There are several ways to work out whether you need an amendment to a planning permit before you fill out the form. Council's planners can explain to you if an amendment to a permit is appropriate. You can obtain this information in three ways.

Initial enquiries: telephone or visit the council to discuss your proposal. Initial enquiries are generally informal and unrecorded. Council contact details appear in the Lodgement section at the end of the form.

Formal meeting: by arranging a formal meeting with a council planning officer, you can obtain advice on whether an amendment to a permit is appropriate, matters to consider and information to be submitted with the application.

Checklists: most councils have checklists identifying information required to be submitted with specific applications that may also be relevant to the amendment to a permit, e.g. multi-dwelling development, advertising signage, removal of native vegetation.

① Has there been a pre-application meeting with a council officer?

If you have attended a pre-application meeting with a council planner, fill in the name of the planner and the date, so that this person can be consulted about the application once it has been lodged.

① Has there been a pre-application meeting with a council officer?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, with whom?: <input type="text" value="BRIAN SMITHERS"/> Date: <input type="text" value="10/10/2004"/>

The land

② Address of the land

This is the land referenced on the permit being amended. Make sure that the address of the land is correct and remains the same and is relevant to the permit and the proposed amendment.

② Address of the land	Street No: <input type="text" value="26"/>	Street Name: <input type="text" value="PLANMORE AVE"/>
	Lot No. <input type="text" value="27"/>	on Lodged Plan / Plan of Subdivision No. <input type="text" value="LP 4976"/>
	Suburb/Locality: <input type="text" value="HAWTHORN"/>	Postcode: <input type="text" value="3122"/>

3 Title information

Why is title information required?

Title information confirms the location and dimensions of the land and any restrictions affecting what can be done on or with the land. Make sure you attach full and current title information for each individual parcel of land. The title information should include the Register Search Statement (title) and the title diagram or plan. These are available from Land Registry, Land Victoria. (These comments do not apply to titles not available in electronic format).

3 Title information Attach a full, current copy of title information for each individual parcel of land.

What does 'current' mean?

'Current' title information accurately provides all relevant and up-to-date information.

Some councils require that title information must have been searched within a specified time frame, e.g. not less than three months. Contact the council for advice.

Why is title information important?

The title information ensures that the planning application relates to the same parcel of land. The title information will also identify:

- Any easements on the land. Easements may give rights to other parties or provide for services or access on, under or above the surface of the land.
- Any registered restrictive covenants or section 173 agreements. These can limit or even prevent some kinds of proposal. (See 6 for more information.)

i Copies of the Register Search Statement (title) and the title diagram or plan may be obtained by visiting www.land.vic.gov.au or by attending Land Registry at Level 10, 570 Bourke Street, Melbourne.

4 Describe how the land is used or developed now

How should the use or development of land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant land).

i The more complete the information you provide with your application, the sooner council will be able to make a decision.

4 Describe how the land is used and developed now
eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.
A plan and photos of the existing conditions are helpful.

Single dwelling with 2 outbuildings at rear, 1.8m brick fence along frontage, 3 large canopy trees (eucalypts) in front garden.

i Planning schemes use specific definitions for different types of use and development. Contact the council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide required details.

The amendment proposal

5 Provide details of the permit being amended and the amendment being applied for.

a. What permit is being amended?

Include permit number and what the permit allows.

You must clearly identify the permit being amended. You must include the Permit number and what the permit allows. These are found at the beginning of the Permit. A copy of the Permit, plans and other documents where relevant should be provided where these are available.

a. What permit is being amended?
Include the permit number and what the permit allows.

Permit No 2004/29. This permit allows the use and development of the land for a bed and breakfast premises.

b. What is the amendment being applied for?

Describe the changes proposed to the permit including any changes to the plans or to any other documents included in the permit.

You must clearly set out the changes to the permit being applied for. These may include:

- an amendment to the use and/or development allowed by the permit.
- an amendment to any plans, drawings or other document approved by the permit.
- an amendment to any conditions of the permit.

b. What is the amendment being applied for?
Describe the changes proposed to the permit including any changes to the plans or to any other documents included in the permit.

To amend the permit to allow "tea rooms" in addition to the "Use and development of the land for bed and breakfast premises". The endorsed plan referenced in Condition 1 to be amended from "plan No G104 dated 10 May 2004" to "plan No G105" with new date. To amend Condition 2 to allow a maximum of 8 instead of 6 patrons.

c. Why is the amendment required?

State reasons for the change.

To assist the council in processing the application, background information as to why the amendment is being sought should be provided.

c. Why is the amendment required?
State the reasons for the change.

The amendment is required because there is a customer demand for a small tea rooms and the ability to allow up to 8 patrons. This small expansion can be accommodated easily within the existing building with a minor extension of car parking as shown on the new plan G105.

The Proposal (continued)

6 Covenants and other restrictions on title

What happens if there are restrictions on title?

Registered restrictive covenants, Section 173 agreements and other restrictions on title (e.g. easements and limits on the location of buildings) are identified on the register Search Statement (title) and other title documents. These can affect or limit your proposal or prevent it from proceeding. A number of procedures exist to remove these types of restriction.

If the proposal breaches a registered covenant, Section 173 agreement or other restriction on title, contact the council for advice on how to proceed. Council's planners may undertake their own assessment of the effects of any restrictions that apply to the title.

Attach a copy of the required documents.

<p>6 Covenants and other restrictions on title?</p> <p>Check on title information:</p> <p>Covenants, section 173 agreements and other restrictions are identified on the certificate of title.</p>	<p>Is the land affected by a registered covenant, section 173 agreement or restriction on title eg easement or building envelope?</p> <p><input type="checkbox"/> No, go to 7.</p> <p><input checked="" type="checkbox"/> Yes, <input checked="" type="checkbox"/> Attach a copy of the registered covenant or section 173 agreement.</p> <p>Does the proposal breach, in any way, the registered covenant, section 173 agreement or restriction on title?</p> <p><input checked="" type="checkbox"/> No, go to 7.</p> <p><input type="checkbox"/> Yes, contact council for advice on how to proceed before continuing with this application.</p>	<p>Note</p> <p>Council must not grant an amendment to a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the <i>Planning and Environment Act 1987</i>).</p> <p>Contact council for advice</p>
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i You can obtain a copy of the title documents and any registered restrictive covenants by contacting the Land Titles Office on (03) 8636 2010 or by visiting www.land.vic.gov.au. Contact council to inspect a copy of any section 173 agreement.

What if there is a restrictive covenant on the land or other restrictions?

Documents to check for restrictions

Most restrictions on title are identified on the Register Search Statement (title). The exception may be with earlier types of title.

If there are no restrictions affecting the land, no further information relating to the restrictions is required.

If there is a registered restrictive covenant, section 47(1)(d) of the *Planning and Environment (Restrictive Covenants) Act 2000* requires you to submit a copy of the covenant.

i You should seek the advice of an appropriately qualified person (e.g. solicitor) if you need to interpret the effect of a restriction or agreement.

Restrictions can be removed or modified:

- By obtaining a planning permit
- By application to the Supreme Court of Victoria
- By amendment to the planning scheme
- By simultaneous planning scheme amendment and planning permit application.

6 Covenants and other restrictions on title (continued)

How do covenants affect the approval of a planning permit?

Section 61(4) of the *Planning and Environment (Restrictive Covenants) Act 2000* prevents a council from granting an amendment to a permit if this would result in a breach of a registered restrictive covenant. The only exception is if a separate permit has already been issued, or a decision is made to grant a permit, that would allow the removal or variation of the covenant to accommodate the requirements of a proposal.

If there are restrictions on the title (e.g. easements or building envelopes) these can be amended by the grant of a permit. You might need to investigate the effects of any changes, particularly with the other parties in whose favour the restrictions were granted.

You may be able to amend or remove a Section 173 agreement that constrains your intended use or development of the land. Details of how this may be done are outlined in Part 9, Division 2 of the *Planning and Environment Act 1987*. It requires either the approval of the Minister for Planning and the support of all other parties to the agreement, or a successful application to the Victorian Civil and Administrative Tribunal.

i You should seek the advice of an appropriately qualified person (e.g. solicitor) if you need to interpret the effect of a restriction or agreement.

7 Additional information about the proposal

What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the council to make a decision. Supporting information should explain the kinds of social and physical effects the proposal would have on its surroundings, including the items in the checklist on the application form.

<p>7 Additional information about the proposal.</p>	<p>Attach additional information providing details of the proposal, including:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist. <input checked="" type="checkbox"/> Plans showing the layout and details of the proposal. Contact council or refer to council planning permit checklists for the quantity to be supplied, scale, level of detail etc. <input checked="" type="checkbox"/> If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).
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Supporting information (attachments – plans, drawings/reports)

8 List the documents you are attaching to support this permit application

This list will provide you with a useful record if, at any stage, you substitute later versions of these documents.

8 List the documents you are attaching to support this amendment to the permit application including the title, plans, etc.

	Quantity	Document	Document date
a)	1	Title	09 / 12 / 2004
b)	1	Site analysis TPA01	09 / 12 / 2004
c)	1	Design response TPA02	09 / 12 / 2004
d)	3	Ground floor plan TPA03	09 / 12 / 2004
e)	3	First floor plan TPA04	09 / 12 / 2004
f)	3	Elevations TPA05	09 / 12 / 2004
g)	1	Shadow diagram TPA06	10 / 12 / 2004
h)	1	Land survey B,S 97Z	08 / 08 / 2004
i)	1	Traffic report	09 / 10 / 2004
j)			D D / M M / Y Y Y Y
k)			D D / M M / Y Y Y Y
l)			D D / M M / Y Y Y Y

Permit application fees and cost estimation

9 Estimated cost of the development

If the permit allows development, you must state the difference in estimated cost between the development allowed by the permit and the development to be allowed by the permit as amended.

i Costs for different types of development can be obtained from specialist publications such as *Cordell Housing: Building Cost Guide* or *Rawlinsons: Australian Construction Handbook*.

9 If the permit allows development, state the estimated cost difference between the development allowed by the permit and the development to be allowed by the permit as amended.

i You may be required to verify this estimate.

Cost \$

Write 'NIL' if the cost difference is \$0.00
Write 'N/A' if the permit does not allow development

i Contact the council to determine the appropriate fee or alternatively visit www.dse.vic.gov.au/planning to view a summary of fees in the *Planning and Environment (Fees) Regulations 2000*.

10 Do you require a tax receipt for the application to amend a permit fee?

Indicate if you require a tax receipt, because many councils do not issue a tax receipt unless requested.

10 Do you require a tax receipt for the application to amend a permit fee?

Yes No

Contact, applicant and owner details

- 11 Provide details of the contact, applicant and owner of the land

This section provides information about the applicant, the owner of the land and the person who should be contacted about any matters concerning the application.

The contact: in order to avoid any confusion, the council will communicate only with this person, who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect, planner) engaged to prepare or manage the application. To ensure prompt communications, contact details and the preferred method of communication should be given.

Example response to 11: Contact

11 Provide details of the contact, applicant and owner of the land.

Contact The person you want council to communicate with about the application.	Name: <i>Andrew Hoage</i>	
	Organisation (if applicable): <i>Town Planning Consultants</i>	
	Postal address: <i>PO BOX 111</i>	
	<i>Parkdale</i>	Postcode: <i>3 1 9 4</i>
	Contact phone: <i>9123 4567</i>	<input type="checkbox"/>
	Mobile phone: <i>0412 345 678</i>	<input checked="" type="checkbox"/>
	Email: <i>tpcpl@bigpond.net.au</i>	<input type="checkbox"/>
	Fax: <i>9123 4567</i>	<input type="checkbox"/>

Indicate preferred contact method

The applicant is the person or organisation that wants the amendment to the permit. The applicant can, but need not, be the contact person.

Example response to 11: Applicant

Applicant The person or organisation who wants the permit.	<input type="checkbox"/> Same as contact, if not complete details below.
	Name: <i>Len Browning</i>
	Organisation (if applicable): <i>Responsible Developers P/L</i>
	Postal address: <i>12A Ardour Lane</i>
	<i>Wycheproof</i>

Postcode: *3 5 2 7*

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

Example response to Question 11: Owner

Owner The person or organisation who owns the land.	<input type="checkbox"/> Same as contact	<input checked="" type="checkbox"/> Same as applicant
	Where the owner is different from the applicant or contact provide the name of the person or organisation who owns the land.	
	Name: (if applicable)	
	Organisation (if applicable):	

Information checklist

12 Have you

What is the checklist for?

The checklist is to make sure that you have:

- provided all the required information on the form
- included the application fee (if prescribed)
- attached all necessary supporting information and documents.

12 Have you	<input checked="" type="checkbox"/> Filled in the form completely?
	<input checked="" type="checkbox"/> Paid or included the application fee? (Contact council to determine the appropriate fee).
	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Attached all necessary supporting information and documents?

Declaration

13 This form must be signed

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by any one of the parties previously identified (applicant, contact person or owner) or an agent acting on behalf of one of them. If the declaration is not signed by the owner, the owner must be notified of the application and this must be acknowledged.

The person signing this declaration should check the appropriate boxes to indicate the capacity in which they are acting.

If a person signs the declaration as an agent for the applicant or owner, the agent's address must be provided.

13 This form must be signed ! Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.	I declare that all the information in this application is true and correct and the owner (if not myself) has been advised of the permit application.
	Name: <i>P Agentis</i>
Agent If you are an agent for the applicant or owner and not the contact as well, please provide your details.	I am the: (tick all that apply)
	<input type="checkbox"/> Owner <input type="checkbox"/> Applicant <input type="checkbox"/> Contact <input checked="" type="checkbox"/> Agent for the applicant or owner (provide details in the Agent section below if you are not the contact)
	Signature: <i>P. Agentis</i>
	Date: 17/11/2004
	Organisation (if applicable): <i>Brown & Smith Lawyers</i>
	Postal address: <i>PO BOX 248E</i>
	<i>Melbourne</i> Postcode: 3001

! Obtaining or attempting to obtain a permit by wilfully making or causing to be made any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and / or cancellation of the permit.

Lodgement

Send the completed and signed form and all documents to council

The application must be lodged with the council responsible for the planning scheme in which the land affected by the application is located.

Contact details are listed in the lodgement section on the last page of the form.