

APPLICATION TO AMEND A PLANNING PERMIT



PERMIT NUMBER:

DATE RECEIVED:

Planning and Environment Act 1987 Section 47(1)(a)
Planning and Environment Regulations, Regulation 14

**NOTE: Council's preferred lodgement method is paperless via our online portal www.stonnington.vic.gov.au/eplanning
If lodging in paper, please print clearly and read the notes on the back before completing this form.**

Privacy notice:

All information collected as part of this permit application will be available for public inspection in accordance with Section 51 of the Planning and Environment Act 1987.

see Fee Schedule for applicable fee(s).

S72 AMENDMENT

Please use this form to also assist with the lodgement of the following

SECONDARY CONSENT REQUEST

EXTENSION OF TIME

PLANS TO COMPLY

NOTE: a fee is applicable for plans to comply if the first submission to Council was unsatisfactory. Subsequent lodgements will incur a fee of \$336.40 per condition, as per Reg 18 of the Planning & Environment (Fees) Regulations 2016

BACKGROUND

DID YOU HAVE A PRE APPLICATION MEETING? IF SO WITH WHOM?

YES

NO

IS THIS APPLICATION A RESULT OF AN ENFORCEMENT ISSUE ?

YES

NO

PERMIT AND CONTACT DETAILS:

THE LAND AND PERMIT No: Permit number and site address of land affected by application.

PLANNING PERMIT NO.	
SITE ADDRESS:	

PREFERRED CONTACT: the person you want council to communicate with about the application

NAME OF CONTACT:	
COMPANY (IF APPLICABLE)	
CONTACT ADDRESS	
	Post Code
PHONE NO (BH):	
MOBILE PHONE:	
FAX NO.:	
EMAIL:	

OWNER: the person or organisation who owns the land - tick if same as preferred contact

NAME (IF APPLICABLE):	
COMPANY (IF APPLICABLE)	

THE PROPOSAL: provide details of the matter being applied for

<p>What is the amendment being applied for?</p> <p>Describe the changes proposed to the permit included any changes to the plans or to any other documents included in the permit.</p>	<p>Or permit conditions that require amended plans to be lodged:</p>
<p>Why is the amendment required?</p> <p>State the reasons for the change.</p>	

<p>Extension of Time</p> <ul style="list-style-type: none"> • Have works commenced? • Extending the COMMENCEMENT date? COMPLETION date or BOTH? • What works have occurred to date? • What works proposed in the next 3, 6 and 12 months. 	
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Cost of buildings and works: If the permit allows development, confirm the estimated cost of any additional development to be permitted by the amendment:

Cost increase	\$
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<p>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 title</p>	<p>Is the land affected by a registered covenant, section 173 agreement or restriction on the title eg easement or building envelope?</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES, attach a copy of the registered covenant or section 173 agreement</p> <p>Please Note: Council must not grant an amendment to a permit that authorises anything that would result in a breach of the registered restrictive covenant (sections 61(4) and 62 of the <i>Planning and Environment Act 1987</i>) Contact Council for advice</p>
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DECLARATION

<p>This form must be signed</p> <p>Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit</p>	<p>I declare that all the information in this application is true and correct and the owner (if not myself) has been advised of the application.</p> <p><i>In accordance with the Planning and Environment Act 1987, for the purpose of enabling consideration and review as part of a planning process, I consent to any material submitted, including plans and personal information, being made available for public viewing and copying (including electronically) to any interested parties – see over for privacy collection notice.</i></p> <p>Name: _____</p> <p>I am the (tick all that apply)</p> <p><input type="checkbox"/> Owner</p> <p><input type="checkbox"/> Applicant</p> <p>Signature: _____ Date: _____</p>
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INFORMATION ON APPLYING FOR S72 PLANNING PERMIT AMENDMENTS

What Amendments can Council as the Responsible Authority consider?

Section 72 of the Planning the Environment Act 1987 provides that "A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the Permit". **This section does not apply to a permit issued at the direction of the Tribunal.**

Requests in Writing

Pursuant to Section 72 any request for an amendment to a permit must be made in writing to the Responsible Authority. You must complete the Application to Amend a Permit form. You must also ensure that all amendments are clearly highlighted on any new plans submitted, as failure to do so is likely to result in delays. Highlight changes by using different colours, highlighter pens or bubbles around amendments, etc.

When submitting plans highlighting the amendments, ensure that the plans are of the same scale and type as those originally submitted for the Planning Application. This will help to minimise delays in processing your application. Council requires four (4) copies of plans to be submitted with your application form.

An application to amend a permit, which includes plans, drawings or other documents approved under a permit, follows the same process as an application for a permit including the requirements for giving notice to affected parties and referral of the amendment to the relevant authorities (Sections 47 to 62).

Fees

Fees are based on Cost of Works paid for the original application class, plus any increase to a new class and are payable upon submission of an application to amend a permit. Please use the attached fee schedule to calculate the appropriate fee.

Amendment applications will not be considered until all fees have been paid. Please consider your changes carefully so that you minimise the need for further amendment applications.

If your application requires notice to affected parties, this fee will need to be paid before Council will give notice. The fee varies depending on the number of notices to be issued. You will be advised of the applicable fee (if required).

Notice of Application I Advertising

This is likely to involve a notice being erected on the subject site for a period of 14 continuous days. A copy of the notice will also be sent by the Council (at the applicant's expense) to potentially affected neighbours.

Neighbours and other interested parties may view the application, plans and other documents held by Council. Objections can only be made in relation to the amendments.

Is there a timeframe for the consideration of an amendment to a permit?

The same statutory timeframes that apply to any new application for a permit also apply to an application to amend a permit. This includes the timeframes relating to notification, referral and appeal. Council has 60 statutory days in which to make a decision.

Requests for further information on Amendments

If requested by Council to supply further information to support your application please ensure that you supply information that is clearly marked as a response to the request, including your Planning Permit number and the site address. This will help minimise unnecessary delays.

When a responsible authority requests further information under section 54 of the Planning and Environment Act 1987 within the prescribed time of 28 days, it must also specify a date by which the information must be received. An application lapses if the requested information is not provided by the date specified by the responsible authority. An application that has lapsed cannot be recommenced and a fresh application will need to be lodged. The lapse date must be 30 days or more after the date of the notice requesting the information.

If the responsible authority requests more information after the prescribed time, no application lapse date can be set.

An applicant may, under section 54A, apply for an extension of time to give the required information. If a request to extend the time specified is refused by the responsible authority, the applicant has 14 days from the refusal to supply the information. An applicant also has a right of review to the Victorian Civil and Administrative Tribunal (VCAT). An application for review must be

made before the lapse date of the application. VCAT will determine whether to uphold the responsible authority's decision or to extend the time. The application does not lapse until the request for extension is determined.

What matters can be considered by Council as the Responsible Authority in consideration of any request for amendments to the Planning Permit?

The following matters are considered by Council as the Responsible Authority in consideration of any request for amendments to the Planning Permit or supporting plans;

- What were the issues raised by the objectors, Council planning policy and the Stonnington Planning Scheme in relation to the original permit? Do the amendments undermine any of the issues raised?
- Are all permit conditions, particularly those requiring amended plans still complied with? Do the amended plans undermine the intent of the conditions and endorsed plans issued with the original permit?
- Have the wall height and overall heights changed? If so, what are the implications?
- Any changes to site levels? If so, what are the implications?
- Any changes to floor levels? If so, what are the implications?
- Are there any variations to the site levels? If so, what are the implications? Any increase in height of the proposed structure when compared to original plans or advertised plans?
- Have setbacks from any boundaries, including frontage changed? If so, what are the implications?
- Slope of land and implications for overlooking both within and beyond the site.
- Check for changes to location and size including sill heights of all windows particularly for the first floor or from other elevated positions on the site.
- Have trees been deleted from the plans that are required to be retained?
- Car parking areas (dimensions, number of spaces, layout, driveways). Have dimensions or the layout changed in a fashion that makes the layout unworkable?
- Any changes to construction materials, finishes and paint colours?
- Any restriction of access to car parking areas (eg. Boom gates, roller shutter doors etc)

<p>Information</p> <p>Checklist</p> <p>Have you attached all the required plans, fees and other documents?</p>	<p><input type="checkbox"/> Filled in the form correctly?</p> <p><input type="checkbox"/> Paid or included the application fee (see attached Schedule of Fees)</p> <p><u>1 COPY OF EACH OF THE FOLLOWING PLANS (WITH ALL CHANGES CLEARLY HIGHLIGHTED): ENSURE THAT THE AMENDED PLANS ARE TO THE SAME SCALE AS THOSE SUBMITTED FOR THE ORIGINAL PERMIT</u></p> <p><input type="checkbox"/> Site Plans (birds-eye view) of the existing site and all amendments (highlighted) which are proposed</p> <p><input type="checkbox"/> Floor Plans showing all amendments (highlighted) which are proposed</p> <p><input type="checkbox"/> Elevation Plans (side-on views) showing all amendments (highlighted) which are proposed</p> <p><input type="checkbox"/> Attached all necessary supporting documentation</p>
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PRIVACY COLLECTION NOTICE:

In accordance with the Planning & Environment Act 1987, for the purpose of enabling consideration and review as part of a planning process, Council collects your name, contact details and signature (**Personal Information**), including any material submitted such as plans and other documents.

The information you provide will be used for the following purposes:

- correspond with you about your permit application
- be made available for public viewing and copying (including electronically) to any interested parties - this may be a notice onsite, in a newspaper, online via ePlanning and/or by post
- if necessary, forward your application to a Statutory Referral Authority, to other Council departments and report on it or applications more generally
- be recorded in the permit register (no name or personal details are visible in the online register).

If you do not provide your Personal Information your application will be deemed invalid.

If you wish to access or alter any of the Personal Information that you have supplied to Stonnington City Council, please contact Council's Privacy Officer by telephoning 03 8290 1333 or emailing council@stonnington.vic.gov.au. For more information about how Council handles Personal Information, please refer to our [Privacy Policy](#).

Send the completed form and all the documents to the Responsible Authority:

STONNINGTON CITY COUNCIL – STATUTORY PLANNING UNIT

Po Box 58 MALVERN 3144

311 GLENFERRIE ROAD, MALVERN VIC 3144

COUNCIL@STONNINGTON.VIC.GOV.AU

WWW.STONNINGTON.VIC.GOV.AU/PLANNING

PLANNING SCHEDULE OF S72 & SECONDARY CONSENT AMENDMENT FEES

Fees as of 1 July 2022

(In accordance with the Monetary Units Act 2004, the fee unit for the 2022-23 financial year is: \$15.29 and rounded to nearest .10c)

The fee for an amendment application for any combination of the classes of amendment outlined below is the sum of the highest of the fees which would have applied, if separate applications were made and 50% of each of the other fees which would have applied if separate applications were made

Reg 11	Type of Amendment Application (S72 only)	Fee
Class 1	Amendment to a permit to change the use of the land allowed by the permit or allow a new use of the land	\$1,360.80
Class 2	Application to amend a permit (other than a permit to develop land for a single dwelling per lot, use & develop land for a single dwelling per lot, or to undertake development ancillary to the use of land for a single dwelling per lot) to: To change the statement of what the permit allows or To change any or all of the conditions	\$1,360.80
Reg 11	SINGLE DWELLINGS (S72 & Secondary Consent) If the estimated cost of any additional development to be permitted by the amendment is:	Fee
Class 3	\$10 000 or less	\$206.40
Class 4	More than \$10 000 and not more than \$100 000	\$649.80
Class 5	More than \$100 000 and not more than \$500 000	\$1,330.20
Class 6	\$500 000 and above	\$1,437.30
Reg 11	VICSMART (S72 & Secondary Consent) Amendments to applications which meet the VicSmart criteria	Fee
Class 7	Estimated cost of any additional development is \$10 000 or less	\$206.40
Class 8	Estimated cost of any additional development is more than \$10 000	\$443.40
Class 9	Amendment to a VicSmart class 9 permit (subdivide or consolidate land)	\$206.40
Class 10	Amendment to a VicSmart class 10 permit (other than a class 7, class 8 or class 9 permit)	\$206.40
Reg 11	OTHER DEVELOPMENT (S72 & Secondary Consent) If the estimated cost of any additional development to be permitted by the amendment is:	Fee
Class 11	\$100 000 or less	\$1,185.00
Class 12	More than \$100 000 and not more than \$1 000 000	\$1,597.80
Class 13	\$1 000 000 and above	\$3,524.30
Reg 11	SUBDIVISION (S72 & Secondary Consent)	Fee
Class 14	Amendment to a class 17 permit (to subdivide an existing building (other than a class 9 permit)	\$1,360.80
Class 15	Amendment to a class 18 permit (to subdivide land into two lots (other than a class 9 or class 17 permit)	\$1,360.80
Class 16	Amendment to a class 19 permit (realignment of a common boundary or consolidate two or more lots other than a class 9 permit)	\$1,360.80
Class 17	Amendment to a class 20 permit (subdivide land other than a class 9, class 17, class 18 or class 19 permit) per 100 lots created	\$1,360.80
Class 18	Amendment to a class 21 permit (create, vary or remove a restriction, create or remove a right of way, create, vary or remove an easement other than a right of way; or vary or remove a condition in the nature of an easement (other than right of way) in a Crown grant.	\$1,360.80
Reg 8	RECERTIFICATION	Fee
Reg 8	Recertification of a plan of subdivision	\$145.30
	OTHER APPLICABLE STATUTORY FEES	Fee
Reg 9 Class 18	Amendment to a class 22 permit - A permit not otherwise provided for in the regulation	\$1,360.80
Reg 16	For an agreement to a proposal to amend or end an agreement under S173 of the Act	\$680.40
Reg 18	Where a planning scheme specifies that a matter must be done to the satisfaction of a responsible authority, Minister, public authority or municipal council Including lodging plans to comply if the first submission to Council was unsatisfactory	\$336.40
	EXTENSION OF TIME TO A PLANNING PERMIT	Fee
	Extension of time to a class 7, 8, 9 or 10 permit (VicSmart)	\$102.50
	Extension of time to a class 2, 3, 4, 5 or 6 permit (Single Residential)	\$307.50
	Extension of time to a class 17, 18, 19, 20 or 21 permit (Subdivision)	\$512.50
	Extension of time to a class 11, 12 or 13 permit (Other Development less than \$5m)	\$615.00
	Extension of time to a class 14, 15 or 16 permit (Other Development more than \$5m)	\$870.00