

# 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.

⚠ This form cannot be used to amend a permit issued:

- at the direction of the Victorian Civil and Administrative Tribunal (VCAT). Instead, an application should be made to VCAT under section 87 of the Act. [Go to [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for a copy of the appropriate form].
- by the Minister under Division 6 of the Act. These applications should be addressed to the Minister under section 97I of the Act.

The form and this guide refer to 'Council' as the responsible authority. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling considering and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

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## Obtaining a copy of the Application to AMEND a Planning Permit form

You can obtain a paper copy from your local council, or access an electronic copy of the form from [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning) or your local council website.

**i** Access to the electronic files on these websites requires installation of the free Adobe Acrobat Reader – Version 7.05 software. A link to download the software is available on the DPCD website.

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## How to use the application form

After accessing the on-line version of the form, you can choose to complete the form either by hand or electronically:

**By hand:** Select the 'print form' option. Complete the form in pen. Please print clearly.

**Electronically:** You can complete the form by typing into the response fields on the form. Fields marked with an asterisk (\*) must be completed.

A draft can be saved to your own computer at any stage by selecting 'Save form to your computer' at the end of the form. If you are a registered member of the Business Victoria website, you can save a draft of your application to this website by selecting 'Save form to Business Victoria Account' at the end of the form.

Once the form is completed, print and deliver the application to council with all relevant supporting documents.

**i** The Application to Amend a Planning Permit form will shortly be enhanced to provide for electronic lodgement, including on-line signature and payment features. This will mean a hard copy of the form will not be required to be submitted to your local council. More information about this upgrade will be available soon.

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## Need help with the application?

How do you work out whether you need to apply for an amendment to a planning permit and what information to provide?

**Initial enquiries:** telephone or visit the council to discuss your proposal. Initial enquiries are generally informal and unrecorded.

**Pre-application meeting:** by arranging a formal pre-application meeting with a council planning officer, you can obtain advice on whether and why you need a permit, 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 be relevant to an amendment to permit. Checklists are usually available on council websites or from their planning department.

Council contact details are given at the end of the application form.

## The Land

### ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.\*

It is important that your application to amend a planning permit includes details of the land consistent with the Planning Permit. Refer to a copy of your Planning Permit, when completing the street address section of the form.

Also ensure you provide up-to-date details for the formal land description, using the current copy of title.

The Land		
① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.		
Street Address*	Unit No.:	St. No.: 26
		St. Name: PLANMORE AVENUE
	Suburb/Locality: GUMNUT	Postcode: 3333
Formal Land Description* Complete either A or B.	A Lot No.: 2 <input checked="" type="checkbox"/> Lodged Plan <input type="checkbox"/> Title Plan <input type="checkbox"/> Plan of Subdivision No.: LP93562	
<b>▲</b> This information can be found on the certificate of title.	OR	
	B Crown Allotment No.:	Section No.:
	Parish/Township Name:	

## Planning Permit Details

### ② What permit is being amended?\*

You must identify the permit being amended by specifying the permit number. This can be found at the beginning of the permit.

Planning Permit Details	
② What permit is being amended?*	Planning Permit No.: P2004/29

## The Amended Proposal

### ③ What is the amendment being applied for?\*

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.

*If the space provided is insufficient, attach a separate sheet.*

First select the type of amendment being applied for. This may include an amendment to:

- the use and/or development allowed by the permit
- conditions of the permit
- plans approved by the permit
- any other documents approved by the permit.

Then describe the changes proposed to the permit, including any changes to the plans or other documents included in the permit.

The Amended Proposal	
<b>▲</b> You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.	
③ What is the amendment being applied for?*	This application seeks to amend:
<ul style="list-style-type: none"><li>• Indicate the type of changes proposed to the permit.</li><li>• List details of the proposed changes.</li></ul> <p><i>If the space provided is insufficient, attach a separate sheet.</i></p>	<input type="checkbox"/> what the permit allows <input type="checkbox"/> plans endorsed under the permit
	<input type="checkbox"/> current conditions of the permit <input type="checkbox"/> other documents endorsed under the permit
	Details:..... ..... .....
	<b>▲</b> Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

### What additional information should you provide to support the proposal?

Where plans are being changed, the amended plans are required to be lodged. Check with the local council for the quantity, scale and level of detail required. It is essential that ALL amendments shown in the plans are also listed in writing as part of the application, so that the proposed amended plans and the written application are entirely consistent. It is recommended that you highlight all changes in the plans in order to draw attention to the changes.

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the council to make a decision. Background information on the reason for the amendment is also useful to assist council in processing the application. It is important that copies of all plans and information submitted with the application are legible.

## Development Cost

**4 If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit\***

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help council calculate the application fee, you must provide an accurate cost estimate of the proposed development to be allowed by the amended permit and the difference between the development allowed by the permit.

Council may ask you to justify your cost estimates. Costs are required solely to allow council to calculate the application fee.

Fees are exempt from GST.

The cost difference is calculated as follows:

If the estimated cost of the proposed amended development is less than the estimated cost of the development allowed by the permit, show it as a negative number.

### Example 1

Where the cost of the development to be allowed by the amended permit is lower than the cost of the development allowed by the permit:

	i.e. THIS APPLICATION		i.e. WHAT HAS BEEN APPROVED		
<b>Development Cost</b>					
<p>4 Estimate cost of development*</p> <p>If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.</p>	Cost of proposed amended development:		Cost of the permitted development:		Cost difference (+ or -):
	\$ 180,000	-	\$ 195,000	=	\$ - 15,000
<small>Insert 'NA' if no development is proposed by the permit (eg. change of use, subdivision, removal of covenant).</small> <small>⚠ You may be required to verify this estimate.</small>					

### Example 2

Where the cost of the development to be allowed by the amended permit is higher than the cost of the development allowed by the permit:

<b>Development Cost</b>					
<p>4 Estimate cost of development*</p> <p>If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.</p>	Cost of proposed amended development:		Cost of the permitted development:		Cost difference (+ or -):
	\$ 250,000	-	\$ 195,000	=	\$ 55,000
<small>Insert 'NA' if no development is proposed by the permit (eg. change of use, subdivision, removal of covenant).</small> <small>⚠ You may be required to verify this estimate.</small>					

**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*.

**i** Contact the council to determine the appropriate fee. Go to [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning) to view a summary of fees in the Planning and Environment (Fees) Regulations 2000.

## Existing Conditions

**5 Describe how the land is used and developed now\***

### How should the land be described?

If the conditions of the land have changed since the time of the original permit application, 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).

<b>Existing Conditions</b>	
<p>5 Describe how the land is used and developed now*</p> <p>eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.</p>	Have the conditions of the land changed since the time of the original permit application? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details of the existing conditions.
	<p><b>SINGLE DWELLING</b></p> <hr/> <hr/>
<input checked="" type="checkbox"/> Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.	

Please attach to your application a plan of the existing conditions of the land, if the conditions have changed since the time of the original permit application. Check with the local council for the quantity, scale and level of detail required.

It is also helpful to include photographs of the existing conditions.

# Title Information

## 6 Encumbrances on title\*

### What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

### What documents should I check to find encumbrances?

Encumbrances are identified on the title (also described as a register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

### What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

### What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the Planning and Environment Act 1987 for example, prevents a council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

**I** You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

### Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

### What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title. In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

**I** Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

### Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. '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. Contact the council for advice on their requirements.

**I** Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; (03) 8636 2010; <http://www.land.vic.gov.au> - go direct to 'titles & property certificates'.

## Title Information

### 6 Encumbrances on title\*

If you need help about the title, read:  
[How to Complete the Application to Amend a Planning Permit Form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (If 'yes' contact council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)



## Pre-Application Meeting

9 **Has there been a pre-application meeting with a council planning 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 the person can be consulted about the application once it has been lodged. This will help speed up the processing of your application.

**Need help with the Application?**

If you need help to complete this form, read [How to complete the Application to Amend a Planning Permit form](#) or contact Council's planning department. General information about the planning process is available at <http://www.dpcd.vic.gov.au/planning>

Contact council's planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.

9 **Has there been a pre-application meeting with a council planning officer?**

No  Yes

Date:  day / month / year

## Checklist

10 **Have you checked your application?**

**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. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met. The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed any relevant council checklist
- signed the declaration on the last page of the application form

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

**Checklist**

10 **Have you:**

- Filled in the form completely?
- Paid or included the application fee? **!** Most applications require a fee to be paid. Contact council to determine the appropriate fee.
- Provided all necessary supporting information and documents?
  - A Full, current copy of title information for each individual parcel of land, forming the subject site.
  - A plan of the existing conditions.
  - Plans clearly identifying all proposed changes.
  - Any information required by the planning scheme, requested by council or outlined in a council checklist.
- Completed the relevant council planning permit checklist?
- Signed the declaration (section 8)?

## Lodgement

Lodge the completed and signed form and all documents with:

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.

**i Approval from other authorities:** In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.