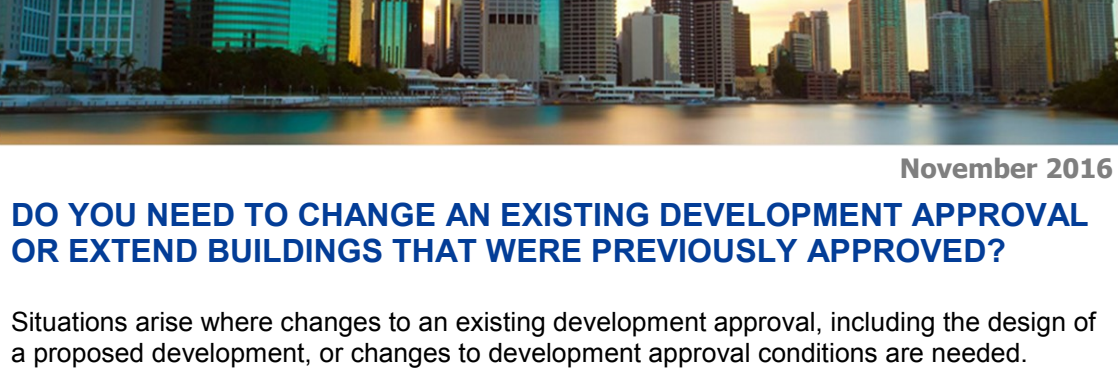


CHANGING DEVELOPMENT APPLICATIONS OR APPROVALS



November 2016

DO YOU NEED TO CHANGE AN EXISTING DEVELOPMENT APPROVAL OR EXTEND BUILDINGS THAT WERE PREVIOUSLY APPROVED?

Situations arise where changes to an existing development approval, including the design of a proposed development, or changes to development approval conditions are needed.

Increasingly we are asked to now extend buildings, obtain approvals or make other changes to improve the design of a development. Ideally this can be done without lodging a whole new application or having to redo reports that were originally required, saving considerable costs.

The nature and extent of changes effects the type of approval that may be required including:

1. Permissible Change to an existing approval;
2. Generally in Accordance approval; or
3. Lodge a new development application.

If you require changes to an existing approval, consider which of the above options apply, as there can be significant differences in timeframes, reporting and costs.

PERMISSIBLE CHANGES

Under section 369 of the *Sustainable Planning Act 2009* applicants can apply to make changes to development approvals provided the changes comply with certain criteria. This is known as a 'Permissible Change' to a development approval.

A permissible change is one that would not, because of the change:

- Result in a substantially different development. Although this is assessed on a case -by-case basis, an example of substantially different development is one that involves a new use with different or additional impacts; or
- Require referral to additional concurrence agencies; or
- Change the level of assessment to Impact Assessment; or
- For approvals that previously required Impact Assessment, be likely to cause a person to make a properly made submission objecting to the proposed change; or
- Cause the development to include any prohibited development.

It is also important to consider if public submissions were previously made on the original development approval as this may determine the extent of changes that the council will accept.

GENERALLY IN ACCORDANCE

Development approvals are often accompanied by a condition requiring the development to be carried out 'generally in accordance' with the approved plans. The intent is to allow some limited flexibility in design changes resulting from more detailed design or site planning following development approval at the building stage.

There are no statutory processes or regulations that help to determine what constitutes 'generally in accordance' but increasingly Councils, Delegates of Councils and Private Certifiers are wary of allowing changes to plans. Where changes are not considered to be 'generally in accordance', a permissible change application or new development application will be required.

NEW DEVELOPMENT APPLICATION

If a change to the development approval does not meet the criteria for a permissible change, a new development application is required. For example, changes to land use or significant changes to development design including increases in GFA or building heights, and reduced setbacks are likely to require a new application.

Please contact our office if you need help to change an existing development approval or to determine the type of approval required.

DID YOU KNOW?

The Brisbane City Council has recently announced proposed amendments to various aspects of the *Brisbane City Planning Scheme 2014*, to be adopted in mid-late 2017. Public consultation is currently running until 25th November 2016 and there is the opportunity to have your say and make a submission. If you require any further assistance with lodging a submission or require further information please contact us on (07) 3876 0533 or email doug@kenryanassoc.com.au.

For more information on the draft proposed amendments click [here](#).

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Ken Ryan & Associates Pty Ltd—November 2016