**Planning Permit Guidance for applicants**

This document helps planning permit holders understand their permit and the steps needed to start an approved use or development.

# What is a planning permit?

Planning permits give permission to use or develop land in a particular way. A planning permit is typically issued by a local council, however the Minister for Planning may issue planning permits in certain situations.

**A planning permit is different to a building permit. Building permits relate to building construction – a building permit might be needed before starting the use or development approved by the planning permit.**

# What are planning permit conditions?

A planning permit is typically issued with conditions. Conditions are requirements placed on a permit to guide an approved use or development. This can include changes to the proposal that council or referral authority requires to approve the permit .

There are two types of conditions:

* endorsement conditions
* compliance conditions.

## Endorsement Conditions

Endorsement conditions require plans, reports or other documents to be assessed and endorsed by council or a referral authority.

This may include:

* Resubmitting plans or reports with changes
* Preparing and submitting new plans or reports

These documents must be reviewed by council or referral authority to ensure they comply with the conditions. This can include referring the document to another department in the council. For example, a traffic report may be referred to the traffic department for approval.

## Compliance Conditions

Compliance conditions require a permit holder to comply with a requirement. These conditions could require the permit holder to undertake a specific action. Alternatively, compliance conditions could stop a permit holder from using or developing a site in a certain way.

Examples of compliance conditions include:

* Paying a development levy before construction starts
* Concealing building services from public view
* Reinstating a footpath after a building is constructed
* Operating a business during specified opening hours
* Maintaining the landscaping on an ongoing basis

Compliance conditions may require the permit holder to provide evidence to council or referral authority that the condition has been complied with.

# When do I need to action permit conditions?

A condition may require a permit holder to do something before or during a specified timeframe. This may include:

* before the approved development begins
* before the approved land use begins
* before the building is occupied
* before a building permit is issued
* another specified timeframe

# When does my permit start?

A permit starts either:

* On the date stated on the permit
* On the date on which it was issued (if no date is identified on the permit)

# When does my permit expire?

All permits have commencement and completion dates, which are usually identified in a condition at the end of the planning permit.

A permit may expire for several reasons:

* If the permit is not acted on before the expiry date
* If the land use that was approved in the permit stops for a period of two years
* If a permit condition limits a use to a specified time
* If a permit condition states that works must be removed after a certain time

If the permit does not include an expiry date, speak to council to confirm when the permit will expire.

# Can I extend my planning permit?

The permit holder may ask the council for an extension of time to act on their planning permit within:

* six (6) months of the permit’s expiration date if the approved use or development hasn’t started
* 12 months of the permit expiring if development has started

**The council may choose not to extend the planning permit. Council considers things like changes to planning policy, whether a permit holder has actioned the permit and how long it has been since the permit was issued.**

# Can I appeal the conditions on my planning permit?

You can appeal to the Victorian Civil and Administrative Tribunal (VCAT) to review planning permit conditions. You must lodge this appeal within 60 days of the notice of decision or permit being issued. Information about appeals can be found on VCAT’s website.

# Can I amend my planning permit or endorsed documents?

You can apply to amend a planning permit or conditions. There are two amendment pathways:

## Secondary Consent Amendments

Permit holders can apply to make minor changes to endorsed plans and documents as ‘secondary consent amendments’.

A proposed change can only be approved under secondary consent if it:

* Does not transform the proposal
* Is consistent with the permit conditions
* Does not require additional planning approval
* Does not negatively impact on the amenity of adjoining properties

Permit conditions cannot be changed via secondary consent.

Some common examples of secondary consent applications include:

* Changes to an approved building’s internal layout that do not impact window locations
* Minor changes to materials that do not change the overall appearance of the approved building.

**Secondary consent applications do not go through the public notification process. Secondary consent application fees are listed on council’s website.**

## Section 72 Amendments

More substantial changes to the planning permit are called Section 72 Amendments and are considered under Section 72 of the Planning and Environment Act 1987.

These amendments may make considerable changes to the permit and amend permit conditions. This stream might also be appropriate when changes might impact a neighbour’s amenity.

Section 72 applications may be subject to public notification the same as a regular planning application. This will be at the discretion of the Council.

The application fee for a Section 72 application is consistent across the state. The details of this can be found at [planning.vic.gov.au](https://www.planning.vic.gov.au/).

# Still have questions?

If you have any questions regarding this information or other planning matters, please reach out to council for further assistance.