

# Planning Act 2016 – Change representation provisions

The following provisions are the **change representation provisions** as defined in the Planning Act 2016, section 75.

## Chapter 3 Development Assessment

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### Division 2 Changing development approvals

#### Subdivision 1 Changes during appeal period

##### 75 Making change representations

- 1) The applicant may make representations (**change representations**) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - i. a matter stated because of a referral agency's response; or
    - ii. a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
  - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- 2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- 3) Only 1 notice may be given.
- 4) If a notice is given, the appeal period is suspended—
  - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
    - i. the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - ii. the applicant receives notice that the assessment manager does not agree with the change representations; or
    - iii. the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.

- 5) (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## 76 Deciding change representations

- 1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.
- 2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
  - (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - i. each principal submitter; and
    - ii. each referral agency; and
    - iii. if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - iv. if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - v. another person prescribed by regulation.
- 3) A decision notice (**a negotiated decision notice**) that states the assessment manager agrees with a change representation must—
  - (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- 4) A negotiated decision notice replaces the decision notice for the development application.
- 5) Only 1 negotiated decision notice may be given.
- 6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.