

## When can I amend an application?

An amendment to an application is able to be made any time up until an application has been determined. However, to make an amendment it must be within the scope of Council's jurisdiction otherwise a new consent application is required. The scope is defined by the original application and any documents incorporated by reference to it (e.g. technical reports).

## What will be looked at to determine if an amendment is in scope?

We will be giving consideration to the following when determining whether an amendment is within scope:

- Whether the application is significantly different from what was originally applied for.
- Whether the amendment results in a change in the scale and intensity of the proposed activity.
- Whether the amendment results in altered character or effects from the original proposal.
- Whether the notification decision has been made.

We note that whether an amendment of the application is within scope will have to be determined on a **case by case** basis. Council will give consideration to an 'in the round' assessment. For example, in relation to a water take, any reduction in environmental enhancement or mitigation measures proposed will be considered against reductions to consent duration, irrigation area and rates/volumes that form part of the amendment proposal (provided these address the same effects).

## What if a notification decision has been made?

There is greater ability to consider if changes to the application remain in scope if a notification decision has not been made as there are fewer parties that are likely to be prejudiced by the change. Once a notification decision has been made the scope and scale has largely been 'locked in' and effects on parties has already been considered.

## What do I need to do to amend my application?

You can make changes along the way to address concerns of any potentially affected parties, changes you may want to make to your proposal or to address comments from technical experts. These changes may include additional mitigation measures, reducing the scope or scale of the activity or offering consent conditions. If such changes are proposed, you will need to:

- Advise the Council in writing of the specific changes to the application
- Outline and advise why the changes have been made and how they remain in scope of the activity as lodged (as outlined above) e.g. does the amendment change the scale of the activity or the character or effects of the original proposal?
- Update all relevant sections of your Application e.g. AEE, statutory assessment, as they relate to the changes

# Practice Note:

## Amendments to applications

- If s124 continuation rights apply to the Application outline whether the amendment means that the activity is substantially the same as the currently authorised activity (see practice note on this).

## What will Council do when an amendment has been received?

The Council will review the amendment and confirm whether the amendment is considered to be within scope. If the amendment is within scope, then processing of the Application will continue.

If the Application is not considered to be within scope, then the current application will need to be withdrawn and a new application lodged. This may affect s124 continuation rights.