



City of **HOBART**

**MEMORANDUM: LORD MAYOR  
DEPUTY LORD MAYOR  
ELECTED MEMBERS**

## **DEVELOPMENT APPLICATION - CASE LAW**

**Meeting: City Planning Committee**

**Meeting date: 15 November  
2021**

**Raised by:** Councillor Dutta

### **Question:**

Can the Director advise if there is any case law which refers to amending an application for planning approval after it is lodged and if that DA can be re-advertised and public can have a say again?

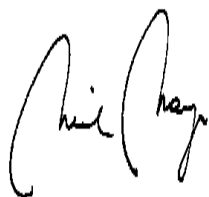
### **Response:**

In October 2020 the Supreme Court determined the decision of *Tomaszewski v Hobart City Council (2020) TASSC 48* which concerned the process for amending an application for planning approval after it is lodged with a Council which has been publicly advertised but not yet determined by the planning authority.

Blow CJ held:

- The legislation only allows for one statutory advertisement period.
- The planning authority may grant approval to revised plans after an application has been advertised by imposing conditions requiring the use and/or development to be undertaken substantially in accordance with revised plans. However the revised plans cannot change the proposal in question such that the revised proposal is substantially different from that which was originally applied for.

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

A handwritten signature in black ink, appearing to read "Neil Noye". The signature is fluid and cursive, with the first name "Neil" and the last name "Noye" clearly distinguishable.

Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 29 November 2021  
File Reference: F21/117044; 13-1-10