The tests contained within the Victorian Civil and Administrative Tribunal (VCAT) decision of *Westpoint Corporation Pty Ltd v Moreland CC [2005] VCAT 1049,* known as the Westpoint criteria,are widely regarded as those which should be applied when deciding if the use of secondary consent is appropriate. These Westpoint criteria tests have been assessed as follows:

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| **Test** | **Considerations** | **Assessment** |
| *It does not result in a transformation of the proposal* | If the nature of use or development will be substantially changed, a new planning permit application or a Section 72 Amendment should be lodged. | Guidance for the use of this template: detail how the tests have been met. If the tests are not able to be met, a Section 72 Amendment is required |
| *It does not authorise something for which primary consent is required under the planning scheme* | Is not suitable where the request will result in additional permit triggers not previously considered in the initial application. | New permit triggers could include reduced side setbacks in NCO areas, an increase in height which would trigger a Planning Permit, removal of native vegetation, changes to vehicle crossings which abut a Road Zone, a reduction in car parking etc |
| *It is of no consequence having regard to the purpose of the planning control under which the permit was granted.* | Regard must be given to the purposes of the control that lead to the granting of the initial permit. For example where a planning control was concerned with parking, heritage, etc., a change to an internal building layout may be dealt with under secondary consent on the basis that it was of “no consequence” having regard to the primary factor in the original permit considerations. | Changes which result in material detriment and a need for public notification should be pursued via a Section 72 amendment, eg new habitable room windows, reduced side setbacks, changes to walls on boundaries, deletion of screening, changes to siting which might impact on views |
| *It is not contrary to a specific requirement as distinct from an authorisation within the permit which itself cannot be altered by consent.* | It is not suitable where the changes will conflict with other permit conditions which cannot be altered under secondary consent. For example conditions which require changes to plans prior to endorsement. | If an amended plans condition requires a particular change to be made to plans, the plans cannot be changed under Secondary Consent. The amended plans condition is not spent when plans are endorsed under the condition. |