

AMENDMENT & EXTENSION OF TIME OF DEVELOPMENT APPROVAL

Information Sheet

Introduction

Often due to unforeseen reasons, a development approval may need to be amended, and/or the duration of the approval extended.

This purpose of this information sheet is to provide:

- Assistance in explaining the Shire's position in relation to development applications that are either amended or seek an extension of validity where the planning framework applied to the original application has either been superseded or amended.
- Guidance for the acceptance of applications to amend and/or extend the term of a development approval.
- Clear criteria for how requests will be assessed.

Definitions

The following terms are defined for the purpose of this Policy:

Deemed Provisions: means the provisions contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Scheme: means the Shire of Ashburton Local Planning Scheme No.8 (LPS8)

All other terms, words and expressions used in this Policy have the same meaning as they have in the Scheme.

What the Shire will consider when assessing applications

Amendment of a development approval

In determining whether to approve an amendment to a development approval, consideration will be given to:

- Whether the nature and extent of the proposed amendments remains in substance the same as the original approval; or
- Whether the proposed amendments change the proposal to such an extent that a new and different use or development is proposed.

In addition to the above, an amendment to a development approval will be considered with the requirements of the Deemed Provisions.

If an application to amend a development approval is refused, nothing in this Policy shall preclude the applicant from making a new application for development approval.

The Shire may authorise an amended proposal to proceed to the building permit stage without requiring an amended development approval where the:

- The nature of the amendment(s) proposed reduce the extent of discretion originally approved; and
- No further variations to the planning framework are introduced due to the amendments being sought.

Extension to the term of development approval

In considering whether to extend the term of a development approval, consideration will be given to:

- Whether or not the planning framework has changed substantially since the development approval to which the extension application relates was granted; and
- Whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and
- Whether the approved development would likely receive approval today; and
- Whether the applicant has actively and relatively conscientiously pursued implementation of the approved development; and
- Whether a material change has occurred to either the subject site or to the surrounding locality since the development approval was granted.

In addition to the above, an application to extend the term of a development approval will be considered with the requirements of the Deemed Provisions.

Where an application to extend the term of a development approval is approved, a period of up to a further two years will be granted, unless otherwise determined.