

Introduction

This Policy establishes 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or seek an extension of validity where the planning framework applied to the original application has either been superseded or amended.

This Policy provides matters to be considered by a decision maker in determining applications made under clause 77 of the Deemed Provisions for an amendment to, or the extension of a development approval.

Purpose

The objectives of this Policy are to:

1. To provide guidance for the acceptance of applications to amend and/or extend the term of a development approval.
2. To provide guidance on the jurisdiction for determining applications to amend and/or extend the term of a development approval.
3. To provide clear criteria for the assessment of applications to amend and/or extend the term of a development approval.

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 Shire of Capel Local Planning Scheme No. 8 (LPS8).

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

Application

This Policy applies to applications to amend an existing development approval and/or to extend the period within which an approved development is to commence.

1. Amendment of a development approval

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

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

In addition to clause 1(a), 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.

2. Extension to the term of development approval

- (a) In considering whether to extend the term of a development approval, consideration will be given to:
 - i. Whether or not the planning framework has changed substantially since the development approval to which the extension application relates was granted; and
 - ii. Whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and
 - iii. Whether the approved development would likely receive approval today; and
 - iv. Whether the applicant has actively and relatively conscientiously pursued implementation of the approved development; and
 - v. 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 clause 2(a), 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.

Department:	Development Services	Next review:	
Reviewer:	Manager Development Services	Legislation:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Adopted:		Delegation:	166
Amended:		Risk:	
Policy ref #:	LPP 6.23	Version:	1.0