

# APPLICATION FOR AN EXTENSION OF TIME TO A PLANNING PERMIT



## At what stage can I request an extension of time to a planning permit?

Section 69 of the *Planning and Environment Act 1987* sets out the legislative framework in which an application can be made to extend a planning permit. It provides that:

*A permit holder can request an extension of time:*

- *before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and*
- *within 12 months after the permit expiry date, where the development (or a stage of the development) allowed by the permit lawfully started before the permit expired.*

If a request is made outside of these timeframes, the Council cannot approve an extension of time to the planning permit and there are no rights to review the decision to the Victorian Civil and Administrative Tribunal. It is therefore important that Council receive the request within the timeframes.

## What does Council consider when determining whether to approve and extension of time?

The matters that Council will consider when it assesses a request for an extension of time to a planning permit are drawn from the planning precedent set down in the cases of *Best and Zygier v City of Malvern (1975)* and *Kantor v Murrindindi Shire Council (1997)* as well as the general principles of planning practice notes. The types of considerations that are typically consider include:

- *The particular reason or material provided by the permit holder in support of the grant of an extension*
- *Whether there has been a change of planning policy*
- *Whether the landowner is seeking to “warehouse” the permit*
- *What the intervening circumstances have been since the issue of the permit*
- *The length of time that has passed since the permit issued*
- *Whether the limit originally imposed was adequate*
- *The economic burden imposed on the landowner by the permit*
- *The probability of a permit issuing should a fresh application be made*

In your request to Council you should address these considerations and provide as much information to substantiate why your planning permit should be extended.

## Planning Permit

Permit number: \_\_\_\_\_

Address of the Land: \_\_\_\_\_

Describe what works have commenced on the site (attach supporting documents):  
 .....  
 .....  
 .....

Date works commenced: (attach supporting documents) .....

## The Applicant

Name: \_\_\_\_\_ Organisation: \_\_\_\_\_

Postal Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone no (Business hours): \_\_\_\_\_ Mobile phone no: \_\_\_\_\_

Email address: \_\_\_\_\_ Fax no: \_\_\_\_\_

## Extension sought

Commencement date 1 year <input type="checkbox"/>	Commencement date 2 years <input type="checkbox"/>	Commencement date other (please specify)
Completion date 1 year <input type="checkbox"/>	Completion date 2 years <input type="checkbox"/>	Completion date other (please specify)

