

APPLICATION TO EXTEND TIME SECTION 69 OF THE PLANNING & ENVIRONMENT ACT

THE APPLICANT

Name

Address

Postcode

Phone during business hours

Email

PLANNING PERMIT NO.: PP

DATE ISSUED:

LAND AFFECTED BY THIS APPLICATION

Address:

Lot Number(s):

Plan of Subdivision:

Title Details: Volume:

Folio:

THE OWNER

Name

Address

Postcode

Phone during business hours

EXTENSION OF TIME REQUESTS

Pursuant to Section 69 of the *Planning and Environment Act 1987*, I wish to apply for an extension of time for the following:

To commence the use or the development

Has the request been made within 6 months from the date of expiry? Yes No

To complete the development or a stage of development.

If the project has commenced, what date did it commence?

Please be aware, that Council may request evidence that the works commenced by the stated date.

Has the request been made within 12 months from the date of expiry? Yes No

TIMEFRAME BEING SOUGHT:

I wish to apply for an extension of time for _____ months/
years.

REASONS FOR EXTENSION OF TIME ARE AS FOLLOWS:

WHAT EVIDENCE CAN BE PROVIDED THAT THE PROJECT HAS PROGRESSED SINCE THE PERMIT ISSUE OR PREVIOUS EXTENSION OF TIME?

Please be aware, that Council may request evidence that there has been some progression of the project to commence. Examples may include (but not limited to):

- *Photographs*
- *Issue of building permit;*
- *Builder's contract entered;*
- *Endorsed plans finalised;*
- *Site preparation works undertaken;*
- *Site vacated.*

ANY OTHER MATTERS WOULD YOU LIKE COUNCIL TO CONSIDER FOR YOUR EXTENSION OF TIME REQUEST?

I am the:

- Owner of the land; or
- Occupier of the land; or
- An authorised representative of the owner or occupier of the land.

Declaration I declare that all of the information contained in this application is true.

Signature:

Name (print): _____ **Date:** _____

PRIVACY STATEMENT

The personal information requested on this form is being collected by Council to assist in the registration and processing of your application.

The personal information will be used solely by Council for that primary purpose or directly related purposes. Council must make this information available to comply with the Freedom of Information Act 1982.

If this information is not collected, Council will be unable to process your application.

The applicant understands that the personal information provided is for the registration, processing and assessment of the application and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and or correction should be made to Council's Privacy Officer.

INFORMATION ABOUT MAKING A REQUEST FOR AN EXTENSION OF TIME

Requests for Extension of Time

The owner or occupier of the land to which the permit applies may ask Council for an extension of time, to extend the life of the permit. A request must be made either:

- Before the planning permit expires; or
- Within six (6) months afterwards to allow commencement of the planning permit; or
- Within twelve (12) months afterwards to allow completion of development.

Council and the Victorian Civil and Administrative Tribunal are unable to consider requests outside of the relevant time frame.

Council may extend the time within which the use or development or any stage of it is to be started, or the development or any stage of it is to be completed, or the time within which a plan is to be certified (under the Subdivision Act).

A fee of **\$556.00** is payable with a request for an extension of time to a permit pursuant to **Section 69** of the Act.

Requests in Writing

Pursuant to Section 16 of the Planning and Environment Regulations 2005 the request must be made in writing.

Council has prepared a form to be completed to assist you in making such a request in accordance with the above Section of the Regulations.

What does Council consider?

When considering the issue of extending the life of a planning permit, several tests have previously been applied by the Victorian Civil and Administrative Tribunal. The established tests include:

- (a) Whether there has been a change in planning policy or zoning;
- (b) Whether the owner of the land is seeking to "warehouse" the permit;
- (c) Whether or not the time originally limited was in all circumstances reasonable and adequate taking into account the steps which would be necessary before the development could actually commence;
- (d) Any intervening circumstances which may have rendered it unreasonable that the applicant should be held to the time originally fixed;
- (e) Whether or not since the issue of the original planning permit there have been any changes in planning policy which would mitigate against the grant of the permit;
- (f) The economic burden cast by a permit on the land owner; and
- (g) The probability that a fresh application, if made, would be granted.

How long will the permit be extended for?

Council has discretion with respect to the length of time that a planning permit will be extended for. Council reserves the right to extend the permit for an alternative timeframe than the timeframe requested.

Council will take into account the extent of the time delay, the reasons for the extension and the scale of the development when considering what length of time is appropriate for the permit to be extended.

