

FACT SHEET

RELEVANT PERIODS



Integrated Planning Act 1997 (for approvals issued prior to 18 December 2009) *Sustainable Planning Act 2009* (for approvals issued on or after 18 December 2009 and requests to extend relevant periods lodged after 18 December 2009)

What is a 'relevant period'?

A relevant period is the period within which development approved must be completed.

What is a 'master approval'?

A master approval is generally the first or lead approval issued for a development. For example, a Development Permit issued for Reconfiguration of a Lot (subdivision) to create 200 lots in stages would be a master approval.

What is a 'related approval'?

A related approval is an approval that is 'related' to the master approval. Related approvals could, for example, include applications for Operational Works for earthworks, or Operational Works for signage.

When does a relevant period start?

A relevant period starts from the date of the Decision Notice, or Negotiated Decision Notice, for a development. In cases where an Appeal is filed in the Planning & Environment Court in respect to an Application, and a Court Order is issued confirming a development approval, the relevant period starts on the date of that Court Order.

For 'impact assessable' development, an Applicant should not formally 'commence' development as approved until its Appeal Period (20 business days) finishes, and any submitters appeal period (also 20 business days) expires.

How long is a relevant period?

The length of a relevant period depends upon the nature of development approved. In general:

Material Change of Use approvals have a relevant period of 4 years.

Reconfiguration Approvals, if they require Operational Works, have a relevant period of 4 years.

Reconfiguration Approvals, if they do not require Operational Works, have a relevant period of 2 years.

Operational Works Approvals have a relevant period of 2 years.

A different period may be specified in a decision notice.

Relevant periods may be 'extended' depending upon the form of development approved, any staging for that development, and other development approvals that may be required.

In order to comply with the 'extension' provisions, it is necessary to ensure that applications for a 'related approval' (which may include applications for Operational Works (earthworks / services)

and Operational Works (advertising signage) or similar are made every two (2) years. If an application for a related approval is not made every two (2) years, it does not compromise the effectiveness of the 'master' approval; rather, it just means that the use / reconfiguration as approved must be started / survey plan lodged within the original relevant period.

What has to be done before the end of the Relevant Period?

For a Material Change of Use, the use as approved must have 'started' before the end of the relevant period. This would or could involve the issuing of a Certificate of Classification for a building, and / or presentation of a survey plan for titling purposes to the Council for endorsement.

For a Reconfiguration of a Lot, the survey plan to create the lots approved must be lodged with Council for endorsement.

For an Operational Works approval, the works approved must be completed.

What if I have commenced but not completed development before the Relevant Period expires?

Approvals for Material Change of Use and Reconfiguration of a Lot must be completed as described above before the end of the relevant period.

Other approvals, including Operational Works approvals for earthworks, will not lapse if they have been substantially commenced but not completed before the end of the relevant period.

Whether works in accordance with an approval have substantially commenced or not is a matter that is to be determined on the facts and circumstances of a particular development.

Can the Relevant Period be extended?

The Relevant Period may be extended. The Applicant must apply for an extension, to both the local authority and any referral agencies for an application.

How is an application for extension to Relevant Period assessed?

Council must only have regard to the following matters when assessing an application for extension to relevant period:

- consistency of the approval and its conditions with current planning laws and policies applicable to the subject use;
- the community's current awareness of the development approval;
- whether further submission rights would be available if the application for extension were refused, and the likelihood of those submission rights being acted upon by a member of the community;
- the views of any concurrence agency for the application.

Can an Application for Extension be refused?

Yes. An Applicant has rights to appeal such a decision.

Where can I go for more information?

Additional information may be obtained by calling Council's Planners on 07 4044 3044.