

PLANNING PERMIT

Permit No.: : TPA/
 Planning Scheme: **Monash Planning Scheme**
 Responsible Authority: **Monash Council**

ADDRESS OF THE LAND

Expiry of permit:
 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The development and use are not started before date.
- The development is not completed before date.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Date issued: (insert permit date)

Signature for the Responsible Authority:

In accordance with section 68 of the *Planning and Environment Act 1987*, a permit may be extended if a request is made in writing before the permit expires, or within three months afterwards.

Page of

EXTENSION OF TIME FOR PLANNING PERMIT.

A Guide to Extension of Time - Permits In Monash

Adopted:- June 2008

This guideline has been prepared to detail the issues and procedures relevant to an application to extend the time for either, the commencement, or the completion of a use, and/or development permitted by a Planning Permit.

When does a permit begin?

Section 67 of the Planning and Environment Act states, (in part), that a permit operates from a date specified in the permit, or the day on which it is issued.

The Date Of Issue is usually printed at the bottom left corner of the Planning Permit document.

When does a permit expire?

Section 68 of the Planning and Environment Act states:-

- (1) *A permit for the development of land expires if—*
 - (a) *the development or any stage of it does not start within the time specified in the permit; or*
 - (aa) *the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or*
 - (b) *the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.*
- (2) *A permit for the use of land expires if—*
 - (a) *the use does not start within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or*
 - (b) *the use is discontinued for a period of two years.*
- (3) *A permit for the development and use of land expires if—*
 - (a) *the development or any stage of it does not start within the time specified in the permit; or*
 - (b) *the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or*
 - (c) *the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or*
 - (d) *the use is discontinued for a period of two years.*
- (3A) *If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2), or to any combination of use, development or any of those circumstances, requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—*
 - (a) *the use or development of any stage is to be taken to have started when the plan is certified; and*

- (b) *the permit expires if the plan is not certified within two years of the issue of the permit.*
- (4) *The expiry of a permit does not affect the validity of anything done under that permit before the expiry.*

Permit requirement for Commencement and Completion

The dates concerning the commencement and or expiry of a planning permit are specified on the last page of a Planning Permit. Usually it states:-

Expiry of permit:

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The use and/or development is not started before XXXXXX.
- The use and/or development is not completed before YYYYYY.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

The permit for use, development, or use and development, expires if the approval is not commenced before the specified date, XXXXXX. This is usually two years from the date of issue of the permit.

The permit expires if the development is not completed before the specified date, YYYYYY. This is usually four years from the date of issue of the permit.

NOTE:- A planning permit for use (or the use component of a development and use permit) expires if the use is discontinued for a period of two years. The expiry of use permits is complex and beyond the scope of these guidelines. Advice should be sought to determine whether or not use rights under a planning permit have expired.

Extension of time

Section 69 of the Planning and Environment Act states:-

- (1) *Before the permit expires or within three months afterwards, the owner or the occupier of the land to which it applies may ask the responsible authority for an extension of time.*
- (2) *The responsible authority 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 within which a plan under the Subdivision Act 1988 is to be certified.*
- (3) *If the time is extended after the permit has lapsed the extension operates from the day the permit expired.*

NOTE:- Council **MAY** extend the time for the commencement or completion of a Planning Permit.

Council does **NOT** have to approve an application to extend the time for commencement or completion of a Planning Permit.

Matters for consideration

Council will consider each application for an extension of time on its merits.

The Council may, where appropriate, take into account:

- whether the original time limit was in all the circumstances reasonable and adequate, taking into account the steps which would be necessary before the development could actually commence;
- whether any intervening circumstances have rendered it unreasonable that the owner/applicant should be held to the time originally fixed;
- whether since the issue of the original permit there have been any changes in Town Planning policy or controls which would militate against the grant of a permit for the proposed development at the time the request for extension of time is considered;
- whether the owner of the land is seeking to “warehouse” the permit;
- the total elapse of time between the date of issue of the permit and the date of the request to extend the permit;
- any other relevant matter.

The weight and relevance of each of the above considerations will depend on the circumstances of the case.

Application for extension of time

All applications for an extension of time under a planning permit must be in writing and should contain all of the required information. The provision of this information will assist Council to make a timely and informed decision on the application.

That information is:-

- a written request for an extension of time, signed by the owner or occupier of the site, that includes:-
 - an explanation why the use and/or development has not commenced or been completed within the timeframe specified by the Planning Permit, and
 - when the use and/or development will be started or completed.
 - payment of the relevant fee.
 - any other matter relevant to the consideration of the application

NOTE:- For the third and all subsequent requests for an extension of time, documented proof, in support of the above explanation and timeframe, MUST be provided.

Failure to provide this proof may be considered as evidence that the owner of the land is seeking to “warehouse” the permit which may result in Council’s refusal to grant an extension of time.

All applications for an extension will be considered on their merits having regard to the information submitted in support of the application.

Decision on applications of the extension of time

Council has delegated the power to consider applications to extend time to the Coordinator, Statutory Planning for the first, second and third requests for an extension of time.

The Coordinator Statutory Planning can approve a request for an extension for one year, provided that adequate information has been submitted to allow proper consideration of the request.

All requests for an extension of time, beyond the third request, must be reported to Council for its determination.

Approval of a request to extend a permit will take the form of the Planning Permit document, re-issued with a citation detailing the approval of the extension of time.

Unanswered Questions?

Who should I ask?

Should you have any questions regarding this Guide, Monash Planning Scheme or about development in Monash, you should contact Council's Town Planning Section.

Phone: **9518 3555**

or

Call into the Town Planning Section during normal office hours at

293 Springvale Road, Glen Waverley

如你想和蒙納殊市議會的人談，但在使用英語溝通上有困難，請致電 131 450 口筆譯服務處，你祇需付撥一次本地電話的費用。

Αν θέλετε να μιλήσετε με κάποιον στο Δήμο Monash και έχετε δυσκολία με τα Αγγλικά, τηλεφωνήστε παρακαλώ στην Τηλεφωνική Υπηρεσία Διερμηνέων στο 131 450, το κόστος είναι το ίδιο με τα τοπικά τηλεφωνήματα.

Se volete parlare con qualcuno dal Comune di Monash e non parlate bene l'inglese telefonate al Servizio di traduzione e d'interpretariato, 131 450 per il costo di una chiamata locale.

If you wish to speak to someone at the City of Monash and you have difficulty speaking English, Please contact the telephone Interpreter Service on 131 450. The cost is the same as a local call.

Nếu muốn nói chuyện với người nào ở Hội Đồng Monash nhưng gặp khó khăn trong việc nói tiếng Anh, xin quý vị vui lòng gọi điện thoại cho Sở Thông Ngôn và Phiên Dịch số 131450, chỉ trả chi phí của mỗi lần gọi điện thoại địa phương