

# Local Planning Policy 1.4: Amendment and Extension to the Term of Development Approval

**ADOPTION DATE:** 28 August 2018 (DV18.117)

**AUTHORITY:** *Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Town of Cambridge Town Planning Scheme No. 1*

## **POLICY PURPOSE**

This policy provides matters to be considered by the Town of Cambridge and/or a decision maker in determining applications made under Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for an amendment to, or the extension of a development approval.

## **POLICY**

### **1.0 Amendment of a Development Approval**

- 1.1 In determining whether to approve an amendment to a development approval, consideration will be given to whether the nature and extent of the proposed amendment is such that the use or development the subject of the development approval:
  - a) Remains, in substance, the same; or
  - b) Is changed to such an extent that a new and different use or development is proposed.
- 1.2 Notwithstanding clause 1.1, an amendment to a development approval will be considered against the relevant requirements of Parts 8 and 9 of the Deemed Provisions, as required by clause 77(2) of the Deemed Provisions
- 1.3 If the nature and extent of the proposed amendment is such that there is a new and different use or development to that which was the subject of the original development approval, the amendment to the development approval may be refused to be accepted, or may be refused.
- 1.4 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 for the use or development the subject of the amendment application.

### **2.0 Extension to the Term of Development Approval**

- 2.1 In considering an application to extend the term of a development approval, the decision maker will have regard to the following factors:

- a) Whether or not the planning framework has changed substantially since the development approval to which the extension application was granted; and
  - b) Whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and
  - c) Whether the applicant has actively and relatively conscientiously pursued implementation of the approved development; and
  - d) Whether a material change has occurred to either the site to which the development approval relates or the surrounding locality since the development approval was granted.
- 2.2 Notwithstanding clause 2.1, an application to extend the term of a development approval will be considered against the relevant requirements of Parts 8 and 9 of the Deemed Provisions, as required by clause 77(2) of the Deemed Provisions.
- 2.3 Where an application to extend the term of development approval is approved, a period of up to a further two years will be granted, unless otherwise determined by the decision maker.

### **3.0 Fees**

An application fee will be charged for an application to amend and/or extend the term of a development approval. This fee will be in accordance with the Town of Cambridge Schedule of Fees and Charges.

In the event that an application is made to amend a development approval and it is considered that the proposal has changed to the extent that it must be considered as a new application, the applicant may withdraw the application for an amendment and resubmit a new application. In this circumstance, the application fee paid to amend a development approval may be refunded, depending on the degree of assessment undertaken and costs incurred by the Town, and the applicant only required to pay the fee for the new application.

Amended: 26 March 2019 (DV19.29)