

# Extension of time to planning permits

## Information sheet



Merri-bek  
City Council

### Why do I need an extension of time to my planning permit?

Most permits for use and development will include a condition that requires the use or development to commence or to be completed within a prescribed time (usually 2 and 4 years respectively).

The permit will expire after these timeframes if an extension is not sought.

### When do I need to apply for an extension?

Section 69 of the *Planning and Environment Act 1987* (the Act) allows an applicant to make an application to Council for an extension of time for either commencement or completion.

This section of the Act allows the owner or occupier of the land to which the permit applies to request an extension of time from Council:

- Before the permit expires or within 6 months afterwards, or
- Within 12 months after the permit expires if the development has lawfully commenced.

Note: If applying for an extension within 12 months after the permit expires, Council will require evidence that the development commenced before the expiry date of the permit and that all relevant permit conditions were satisfied.

### How do I apply for an extension?

A request (including a reason for the request) must be made in writing to Council via Council's website, along with the correct fee. A request for extension of time to a planning permit online form has been prepared to assist applicants.

### How does Council consider requests for extensions of time?

There is no automatic approval in relation to an extension of a permit.

Council considers an application for an extension of time under the following set of criteria established in

a Supreme Court Decision "Kantor v Murrindindi Shire Council (1997) 18 AATR 285":

1. Whether there has been a change of planning policy;
2. Whether the land owner is seeking to "warehouse" the permit;
3. Intervening circumstances bearing on the grant or refusal of the extension;
4. The total elapse of time;
5. Whether the time limit originally imposed was adequate;
6. The economic burden imposed on the land owner by the permit; and
7. The probability of a permit issuing should a fresh application be made.

### When will my extension of time start to apply?

If Council approves a request for an extension of time, a letter or email will be sent to the applicant. The extension will operate from the day the permit expired.

### What if Council refuses my request?

An applicant may apply for a review of Council's decision by the Victorian Civil and Administrative Tribunal (VCAT).

## To find out more

Visit our website

[www.merri-bek.vic.gov.au](http://www.merri-bek.vic.gov.au)

Call us

Merri-bek City Council 9240 1111

Visit us at

Merri-bek Civic Centre, 90 Bell St, Coburg, 3058

An application for review cannot be made if the request to Council for the extension of time was made more than 6 months after the permit expired or more than 12 months after the permit expired if the development lawfully commenced before the expiry.

## **What if I forget to apply within the required time?**

Neither Council nor VCAT has the authority to extend permits outside of the time specified in Section 69 of the Act. A fresh planning permit application must be applied for.

### **Merri-bek Language Link**

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