



D03

Operative Time Associated with a Consent or Development Approval

The operative time relates to the timeframe in which a consent or approval remains valid.

How long after receiving Development Plan Consent do I have to get Building Rules Consent and Development Approval?

The Building Rules Consent and full Development Approval must be issued within twelve (12) months of the Development Plan Consent. If Development Approval is not granted during this time, the Development Plan Consent will lapse.

How long is my Development Approval valid for?

When Development Approval is given for a development, work on that development must be substantially commenced within twelve (12) months of the date of the approval and be fully completed within three (3) years of the date of approval.

What happens if my Development Plan Consent or Development Approval lapses?

Once a consent or Development Approval has lapsed no further work can occur on that application. This includes lodgement of the final building rules consent documents.

An applicant may request an extension of time for a consent or approval if it is either still current or recently lapsed (i.e. within the last three (3) months).

How do I request an extension of time?

Requests for extension of time should be lodged before the relevant consent or approval is due to lapse (12 months after the date of consent/approval) to avoid circumstances in which development is occurring without approval.

Applicants seeking an extension to their Consent or Development Approval should outline their reasons for requiring an extension of time and how long they are seeking, in writing, and must pay the associated fee.

Can I request an extension of time after the consent/approval has lapsed?

If the application for extension of time is made after the date of consent/approval has expired then the authority may still extend the decision. However, in addition to the items identified above, the authority will have regard to the length of time that has passed since the decision has lapsed - ideally no more than three (3) months.

What will affect my extension of time request?

In those instances where a request is made after a decision, the Courts have determined that planning authorities need to consider the following factors when considering applications for extension of a consent/approval:

- Whether the Development Plan for the area has changed since the development was approved and, if so, what impact the extension of time would have on achieving the applicable objectives and principles of the revised Development Plan
- Reasons why the development was not commenced or completed within the period
- The extent of progress made towards completion and the extent of works remaining to be done to enable the development to be completed
- Whether anybody will suffer prejudice if the extension is granted
- Whether it is in the public interest that the development be completed
- Ability to complete the development if an extension of time is granted and the length of time required for the extension.

In addressing the first point, if the Development Plan has been amended it is requested that a table, which outlines how the proposal responds to each new relevant Objective and Principle of Development Control, be included.

In the case of more complex or significant applications, it may be in the applicant's interest to have these factors addressed by a qualified planning or legal advisor.

What if my request for an extension of time is refused?

Applicants who are aggrieved by a decision to refuse to extend the consent/approval are entitled to appeal to the Environment Resources and Development Court within two months of the date of the refusal. The Court will review the decision of the planning authority.

Environment Resources and Development Court

Web: <http://www.courts.sa.gov.au/OurCourts/ERDCourt/Pages/default.aspx>

Phone: 8204 0300

For further information or to discuss your application, contact City of Charles Sturt Planning and Development staff on 8408 1111 or email council@charlessturt.sa.gov.au.