

Substantial Commencement and Practical Completion:

Substantial Commencement and Practical completion are considered specifically when determining if an extension should be granted

The Courts have determined that substantial commencement would typically be represented by placement of footings, but is not represented by preparation of the site, commencing excavations for footings or other preparation for laying footings.

Practical completion is typically represented by completion to a habitable standard, ensuring plumbing, waste control and sanitary fixtures are installed and operable.

For some owner builders, practical completion may allow for such things as floor coverings, architraves, skirtings and internal carpentry, painting and other finishing to occur after taking up occupancy, usually referred to as 'lock up stage'.

For Further Information or Advice, Contact Council:

If you have any concern about commencing or completing your development within the prescribed statutory period(s) or are requiring an extension of time to allow for commencement or completion of your approved development, please contact Council's Development & Environmental Services Department.

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Extending a Development Approval

Extending a Development Approval

When Development Approval is granted for a development, work on that development must be substantially commenced within 12 months of the date of approval and reach a stage of practical completion within 3 years of the date of approval as specified by Regulation 48 of the Development Regulations 2008.

The Regulations allow for applications which are approaching the end of their prescribed operative period to be extended (where the relevant authority considers appropriate). to allow the development to commence and be completed.

How to obtain an extension:

The relevant authority (which is generally the Council) may extend the time period for work to occur, the Courts have The relevant authority (which is generally the Council) may extend the time period for work to occur. The Courts have determined that in cases where an extension is requested that the relevant authority should carefully consider the following factors when determining whether to grant applications for extension of development consent.

- Whether the Development Plan for the area has changed since the development was approved, and if so, what impact the extension would have on achieving the applicable objectives and principles of the revised Development Plan.
- Reasons why the development was not 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 within the public interest that the development be completed.

Applicants seeking an extension to their Development Approval are asked to address the above points in writing as part of the application for extension and must pay the appropriate fee prescribed by the Regulations.

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

Applications for extension can be made during the assessment process or should be lodged before the Development Approval is due to lapse (12 months after the date of consent/approval) to avoid circumstances in which development is occurring without approval.

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

