

SUTHERLANDSHIRE

**ADMINISTRATIVE  
PROVISIONS**  
DCP 2015 CHAPTER 42



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## 1. Duration of Development Consent

Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, allows Council to determine the length of time before a development consent will lapse. This chapter explains Council's policy for the duration of development consents.

### 1.1 Objectives

1. The objectives of the duration of the time period for the lapsing of development consents are to:
  - a. achieve greater certainty in the development process
  - b. quantify and comprehend the cumulative impacts of a development
  - c. reduce the likelihood in a change in ownership of neighbouring properties to the site, subject to the development consent
  - d. reduce the occurrence of dormant sites around the Shire.

### 1.2 Duration of Development Consent

1. In accordance with the provisions of Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, all development consents shall lapse five years after the date from which it operates, where the estimated cost of development is up to \$500,000, or three years from the date from which it operates, where the estimated cost of development is greater than \$500,000, unless there are special circumstances and the consent authority imposes a period less than this as a trial period due to such special circumstances.
2. In accordance with the provisions of Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, where a period of less than five years has been imposed due to special circumstances, Council may consent to an extension of a period of consent, for a period of one year, subject to receipt of an application in writing seeking such an extension more than one month before the date of the consent lapsing.
3. In any application for a one year extension, Council will consider whether planning controls have significantly changed in the interim and/or the characteristics of the local area have changed since consent was issued.

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#### Note:

*Recent amendments have been made to the Environmental Planning and Assessment Act as part of the COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Act 2020.*

*For:*

*Consents issued during the prescribed period,  
Consents operable after the prescribed date, and  
Consents lapsing during the prescribed period  
The legislation may provide for extended consent provisions.*

*Please refer to the Environmental Planning and Assessment Act for more current information.*

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