

POLICY NO: 7.5.4

SUBSTANTIAL COMMENCEMENT OF DEVELOPMENT

INTRODUCTION

The purpose of this policy is to provide guidance on what constitutes "Substantial Commencement of Development" for purpose of determining whether or not a Planning Approval has been activated within the stipulated approved time frame.

OBJECTIVE

To provide:

1. a clear description of what constitutes "substantial commencement" of planning approval.
2. a clear, equitable and standardised manner in determining whether a planning approval has been activated within the prescribed time frame.
3. certainty about the validity of a planning approval.

POLICY STATEMENT

1. DEFINITIONS

"Substantial Commencement of Development" means that work or development the subject of the planning approval has begun by the performance of some substantial part of that work or development, resulting in the planning approval being valid/activated.

"Total Project Cost" means the approximate total cost of the proposed development, as indicated on the Application for Approval to Commence Development.

2. BACKGROUND

Generally Development Applications have a two year planning approval period, unless the City has imposed an alternative time period, and if development is not significantly completed/built within the above time frame, the approval lapses.

3. GENERAL

"Substantial Commencement" is considered as per the following tables:

Works Considered as "Substantial Commencement"	Comments
Complete excavation of a site and laying of the whole slab, for the basement.	Must have a valid Building Permit for proposed works.
Complete laying of the slab of the whole ground floor, in accordance with the planning approval plans, and not part thereof.	Must have a valid Building Permit for proposed works.
For developments where the Total Project Cost exceeds \$20,000,000: laying of fifty percent (50%) of the basement slab or ground floor slab.	Must have a valid Building Permit for proposed works.

Works Not Considered as "Substantial Commencement"	Comments
Demolition of a major structure such a whole house or building.	Consistent with the change in definition of substantial commencement in draft City of Vincent TPS No 2 requested by the Western Australian Planning Commission and relevant Court decisions as above.
In the case where the planning approval involves partial demolition and alteration of an existing building.	As above.
Demolition of a shed, car port, patio, fence and the like.	Considered as minor actions, in the context of overall works proposed for the site.
Preparatory work such as surveys, geotechnical investigations/reports, Traffic Impact assessments, dewatering and the like.	Considered as preparatory works and not actual works carried out in relation to the Planning Approval.
Lodgement/granting of a Building Permit with the City for consideration.	Considered as documentation process and not construction works.

Date Initially Adopted:	27 August 2013
Date Amended:	-
Date of Next Review:	August 2018