

PART 1 – POLICY OPERATION

Owner	Planning and Sustainability
Implementation	2 June 2020
Next Review	June 2024

Policy Development and Purpose

This Local Planning Policy (Policy) has been prepared under Schedule 2, Part 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This purpose of this policy is to provide guidance on what constitutes substantial commencement of development in order to determine whether or not a development approval has been activated within the stipulated timeframe.

Policy Objectives

The objectives of this policy are:

- To provide a clear description of what constitutes substantial commencement of development approval;
- To provide certainty about the validity of a development approval;
- To provide a clear and consistent manner of determining whether a development approval has been activated within the prescribed timeframe.

Relationship to Other Policies, Guidelines and Documents

This policy is to be read in conjunction with the development standards and requirements of District Planning Scheme No. 2 and its associated policies.

PART 2 – POLICY PROVISIONS

1. Definitions

For the purposes of this policy, the following definitions apply. For other definitions the District Planning Scheme No. 2 definitions apply.

Substantial commencement means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed;

Development approval means development approval of the local government obtained under District Planning Scheme No. 2.

Substantial Commencement of Development

- Works** in relation to land, means —
- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; and
 - (b) the carrying out on the land of any excavation or other works; and
 - (c) in the case of a place to which a Conservation Order made under the *Heritage of Western Australia Act 1990* section 59 applies, any act or thing that —
 - (i) is likely to damage the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration to the fabric of any building;

2. General policy provisions

Commencement of Development

Where development approval has been granted under clause 68 of District Planning Scheme No. 2:

- (a) the development must be substantially commenced —
 - (i) if no period is specified in the approval — within the period of 2 years commencing on the date on which the determination is made; or
 - (ii) if a period is specified in the approval — within that period; or
 - (iii) in either case — within a longer period approved by the local government on an application made under clause 77(1)(a); and
- (b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

Where approval has lapsed, no development or works can be commenced until such time that further approval has been sought and obtained.

For the purpose of determining that substantial commencement of a development approval has been undertaken and in order to determine that the approval is valid and has been activated, the following shall be considered to be substantial commencement:

Works considered to be Substantial Commencement of Development

Type of Development	Extent of Works
Development involving construction or works	Earthworks and the laying of the whole slab or flooring of the ground or basement level
Development involving use of land or building	Carrying out the fitting out of premises, where required, and the approved activity has commenced

Works not considered to be Substantial Commencement

Type of Works/Action	Comment
Demolition of existing structures	Not consistent with the definition of substantial commencement
Demolition of structure where the development approval involves partial demolition and/or alteration of an existing building	Not consistent with the definition of substantial commencement
Preparatory works such as surveys, investigations and reports	Considered as preparatory works in relation to a development approval but not actual works
Lodgement or granting of Building Permit	Considered as documentation process and not construction