Fact Sheet

Land Use Planning and Approvals Amendment (Supporting Development) Bill 2024

The Land Use Planning and Approvals Amendment (Supporting Development) Bill 2024 (the Bill) proposes to amend the *Land Use and Planning Approvals Act 1993* (LUPA) by inserting additional provisions at sections 42C and 53 of LUPA to allow the Minister to grant an additional two-year extension of time for an applicant to substantially commence a use or development in accordance with a planning permit. This covers planning permits issued in combination with a Local Provisions Schedule (LPS) amendment along with those normally issued by councils acting as planning authorities under Part 4, Division 2 of LUPA.

The additional time granted by the Minister is subject to being satisfied that the project is of a technical or complex nature that warrants an additional period of time in which to demonstrate substantial commencement of the use and development.

An applicant typically has two years to substantially commence a use or development in accordance with a permit for it to remain valid. However, the provisions of sections 42C and 53 of LUPA allow for two lots of two-year extensions of time to be granted by the planning authority. The draft Bill allows the Minister the discretion to provide an additional two years, bringing the total timeframe for demonstrating substantial commencement to eight years. This is comparable with permits issued through the Major Projects pathway under Part 4 Division 2A of LUPA, which provides for extensions of time up to eight years.

The justification for this is that complex or technical projects often take a long time to meet the necessary permit conditions and obtain other necessary approvals that allow a proponent to commence the use or development. Often this involves seeking additional approvals through other Acts.

In recent times, COVID has also impacted supply chains and general workforce availability resulting in delays with the ability to demonstrate substantial commencement within the existing timeframes.