5.4 2 CABAL COURT MULGRAVE– A SINGLE STOREY DWELLING TO THE REAR OF THE EXISTING DWELLING - EXTENSION OF TIME

(TPA/33297:AL:HM)
Ward: Mulgrave
Responsible Director: Paul Kearsley
Reason for Council Consideration: Fifth Extension of Time
Cost of Development: $150,000
Statutory Processing Date: N/A
Pre-Application Meeting: No

RECOMMENDATION

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to grant the extension of time for Planning Permit 33297 under the provisions of the Monash Planning Scheme in respect of the land known and described as 2 Cabal Court, Mulgrave for a single storey dwelling to the rear of the existing dwelling and issue an extended permit with extension dates as follows:

- The development is not started before 23 February 2013.
- The development is not completed before 23 February 2015.

BACKGROUND

Planning permit 33297 was issued on 23 February 2006 for a single storey dwelling to the rear of the existing dwelling. The permit has been extended on four previous occasions and was due to expire on 23 February 2012.

The reasons provided for the first three requests for extension of time were personal and financial difficulties in commencing works.

Since the granting of the fourth extension of time, the second dwelling has not commenced due to personal reasons which has delayed the tendering process and obtaining relevant building approval for the construction of the proposed dwelling.

There was one objection to the original application from the owners of the abutting property to the west. The objectors still own the affected property.

Locality and Neighbourhood Plans are at Attachment 1.

PROPOSAL

It is proposed to extend the time to commence the development for a period of twelve months.

Plans and elevations of the proposal are at Attachment 2.
**POLICY IMPLICATIONS**

The request for an extension of time is in accordance with the requirements of Section 69 of the Planning and Environment Act 1987.

**ASSESSMENT**

The total elapsed time between the date of issue of the permit and the date of the request to extend the permit is 6 years.

Within that time frame, the land has been in the same ownership. The owner has suffered personal and financial difficulties, recently due to unforeseen personal circumstances, preventing the commencement of the development. As such, it is not considered the owner is seeking to ‘warehouse’ the permit.

Since the issue of the original permit, there have been no changes in town planning policy which would mitigate against the grant of a permit for the proposed development.

Given these circumstances it would be unreasonable that the applicant should be held to the time originally fixed, and an additional 1 year should be granted to commence the development.

**CONCLUSION**

Considering the planning controls relating to the site have not changed, and that the development meets the relevant requirements of the Monash Planning Scheme, it is considered appropriate to allow a further one year extension of time for the commencement of the permit.