

Building and Plumbing Newsflash 592

COVID-19 emergency applicable event – Six-month extension to timeframes for undertaking approved development

Purpose

To advise industry about extended timeframes for undertaking approved development under the *Planning Act 2016* which influence the timeframes for particular building development approvals.

Background

Under the *Planning Act 2016* (Planning Act) the Planning Minister has the power to declare an applicable event to ensure the state government can make advanced preparations or respond to emerging circumstances related to events such as a public health pandemic or natural disaster. The declaration of the applicable event enables the Planning Minister to extend the timeframe requirements for undertaking approved development under the Planning Act by extending the 'currency period' under the Act.

As the Planning Act and *Building Act 1975* (Building Act) are to be read together particularly for a development approval and a development application, an extension to the 'currency period' under the Planning Act needs to be considered by an assessment manager under the Building Act. Although the extension does not impact the timeframe for undertaking approved demolition/removal and/or rebuilding work under section 71 of the Building Act.

On 20 March 2020, the Minister for Planning declared the COVID-19 applicable event. On 8 July 2020, during the applicable event, the Minister for Planning published an extension notice providing additional time for undertaking approved development by six months. The extension notice applied to development approvals and compliance permits that were either in effect on 8 July 2020, or that came into effect between 8 July 2020 and 31 October 2020. These extensions were granted to assist local governments, business, industry and the state government to manage the impacts of COVID-19 on their operations.

New arrangements

On 1 September 2021, the Honourable Dr Steven Miles MP, Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning approved an extension notice which extended timeframes for undertaking approved development by six months. This applies under the COVID-19 applicable event notice declared on 29 June 2021.

The extension notice applies to particular development approvals that were in effect on 1 September 2021, or that come into effect between 1 September 2021 and 30 September 2021.

The extension notice will, among other things, extend by a period of six months a development approval 'currency period' referred to in section 85 of the Planning Act and the period required under a 'development condition' for a development to be completed as referred to in section 88 of the Planning Act.

This extension will also extend the ‘*condition time*’ for the completion of a development under a building development approval (refer section 94 of the Building Act). However, it does not apply to timeframes for building development approvals relating to demolition/removal and/or rebuilding work under section 71 of the Building Act.

Where a building development approval was extended as a result of the six-month extension notice given by the Planning Minister in July 2020 and was still in effect on 1 September 2021, this extension applies in addition to the six months already provided.

For example:

- a building development approval that would have ordinarily lapsed on 1 September 2021 will not lapse until 1 March 2022
- a building development approval that came into effect on 1 September 2021 that would have ordinarily lapsed on 2 September 2023 would now not lapse until 2 March 2024.

The extension notice does not:

- revive development approvals that had lapsed before 1 September 2021
- apply to development approvals given between 1 September 2021 to 30 September that only took effect after 30 September 2021
- apply to building development approvals for building works to undertake demolition, removal and rebuilding work under section 71 of the Building Act 1975.

When do the changes take effect?

These amendments took effect on 1 September 2021.

More information

For more information regarding the extension, including a copy of the extension notice please visit the Department of State Development, Infrastructure, Local Government and Planning’s [Fact sheet - An overview of how the Minister's extension notice under the Planning Act 2016 applies to undertaking approved development](#)

Contact us

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