A summary of the principles to be applied in determining on whether or not to grant an extension of time under a planning permit are found in the case of Kantor v Murrindindi Shire Council (1997) 18AATR285 and these have been addressed as follows:

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| --- | --- |
| **The test** | **Comment** |
| *As a factor in favour of an extension, that there has been no change in planning policy (including relevant legislation and the planning scheme). However, the absence of such change does not mean that an extension should normally be granted.* | Have the zone and overlay provisions changed since the permit was issued?Check the zone and overlay controls applying to the land <http://planning-schemes.delwp.vic.gov.au/schemes/surfcoast>  |
| *As a factor tending against the grant of an extension, any material which suggests that the owner of the land is seeking to “warehouse” a permit.* | Is the permit being warehoused? |
| *Intervening circumstances as bearing upon grant or refusal of an extension. So, as for example, an owner’s indication of intention to proceed with development, a fortiori his taking steps to develop land in accordance with the permit, could be expected to tend in favour of grant of extension.* | Are there intervening circumstances? |
| *The total elapse of time when a request to extend is being considered. So, for example, if a permit had been long-held and not acted upon, its extension would be unlikely to facilitate the “fair, orderly, economic and sustainable development” of land.* | Will the extension result in a fair and orderly planning outcome? |
| *As a corollary of the previous matter, whether the time limit for use or development originally imposed (and, if it be the case, as thereafter extended) was adequate in all the circumstances.* | Was the original time limit adequate? |
| *The economic burden cast by a permit upon the owner of land can not be ignored. If the burden appeared to be considerable, it might provide a reason why the owner of land would hasten slowly, whilst always intending to proceed with development. There could be little advantage to the owner or the community in a development commencing promptly but stalling midway for economic reasons.* | Was there any economic burden? |
| *The probability, if it be the case, that if a request to extend time was refused and a fresh application for a permit was then made, it would be granted.* | Would a new permit likely be issued for the application? |

**Note: Pursuant to Section 69(2) of the *Planning and Environment Act 1987* approval cannot be given to extend the time to certify a Plan of Subdivision if the plan has already been certified.**