

Model local clauses for Standard Instrument LEPs

General Information

If a Standard Instrument LEP provides for savings relating to development applications that have been made, the settled model clause below should be used and inserted as clause 1.8A. The Department's policy is that this clause should generally be included.

Following discussions with a number of councils the Department is currently revising the savings provision model clause to also provide an exception to the general rule that DAs lodged before the new LEP is made are determined in accordance with the provisions that applied when they are lodged. This will only apply when Councils have accepted a DA for prohibited development and propose to use the comprehensive standard instrument to rezone the land to enable the DA to be determined after the new LEP is made. This will only apply when the DA is processed under the current Division 4B of Part 3 of the Act. If this is an issue for you please contact the Department for details.

1.8A Savings provision relating to development applications [local]

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.