



2011 CHAPTER 25

PART 4

ADDITIONAL PLANNING CONTROL

CHAPTER 1

LISTED BUILDINGS AND CONSERVATION AREAS

Power to decline to determine application for listed building consent

Power to decline to determine overlapping application for listed building consent

93.—(1) A council may decline to determine an application for listed building consent which is—

- (a) made on the same day as a similar application; or
 - (b) made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.
- (2) The condition is that a similar application is under consideration by the council and the determination period for that application has not expired.
- (3) The condition is that a similar application is under consideration—
- (a) by the Department under section 88 and the Department has not issued its decision; or
 - (b) by the planning appeals commission on an appeal under section 96 or 97 and the commission has not issued its decision.
- (4) The condition is that a similar application—
- (a) has been granted by the council;

(b) has been refused by the council; or

(c) has not been determined by the council within the determination period, and the time within which an appeal could be made to the planning appeals commission under section 96 or 97 has not expired.

(5) If a council exercises its power under subsection (1)(a) to decline to determine an application made on the same day as a similar application, it may not also exercise that power to decline to determine the similar application.

(6) An application for listed building consent is similar to another application if (and only if) the council thinks that the building and works to which the applications relate are the same or substantially the same.

(7) The determination period is—

(a) the period prescribed for the determination of the application; or

(b) such longer period as the applicant and the council have agreed for the determination of the application.