

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**ADMINISTRATIVE DIVISION****PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P2072/2018
PLANNING APPLICATION NO. 1051/2017

APPLICANT	Lintime Pty Ltd and DCF Developing Entity 28 Albert Road South Melbourne Pty Ltd
RESPONSIBLE AUTHORITY	Port Phillip City Council
RESPONDENT	Gail Davis, John Tabart & Others, Owners Corporation No.1 & No.2 PS 638816S, Edgar Doble, Karen Baynes, George and Maureen Swinburne, B. Waren Stooke, & Rail Projects Victoria (RPV)
SUBJECT LAND	28-32 Albert Road SOUTH MELBOURNE VIC 3205
WHERE HELD	Melbourne
BEFORE	Nicholas Hadjigeorgiou, Member
HEARING TYPE	Compulsory Conference
DATE OF HEARING	5 February 2019
DATE OF ORDER	11 February 2019

ORDER**Amend application**

- Pursuant to section 127 and clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act* 1998, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

- Prepared by: Elenberg Fraser
- Drawing numbers: A001_A(B), A010_A, A490_A(D);
A491_A(B); A492_A(C); A494_A(A),
A494_M_A(A), A500_A(F), A501_A(F),
A502_A(E), A506_A(E), A507_A(E),
A508_A(E), A518_A(D), A524_A(C),
A525_A(C), A900_A(E), A901_A(D),
A902_A(E), A903_A(D), A950_A(D),
A951_A(C), A952_A(D), A1100_A(A),
A1101_A(A), A1102_A(C), A1103_A(B)



- 2 The decision of the Responsible Authority is set aside.
- 3 In permit application 1051/2017 a permit is granted and directed to be issued for the land at 28-32 Albert Road, South Melbourne in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:
 - Construction of buildings and works, use of the land for dwellings, reduction in the statutory car parking requirements and variation of easement E-1 in TP948355L
- 4 The hearing scheduled to commence on 1 April 2019 for 7 days is vacated.

Nicholas Hadjigeorgiou
Member

APPEARANCES

For Lintime Pty Ltd and DCF Developing Entity 28 Albert Road South Melbourne Pty Ltd	Mr A. Finanzio, SC, Barrister instructed by: Mr Nick Sutton, solicitor, Planning & Property Partners
For Port Phillip City Council	Mr Scott Parkinson, & Ms Donna D'Allesandro, Town Planners
For Rail Projects Victoria (RPV)	Ms Ellen Tarasenko, solicitor, Herbert Smith Freehills instructed by A. Opie, Town Planner
For Gail Davis & Edgar Doble	Ms Gail Davis, in person
For John Tabart & Others, and George and Maureen Swinburne	Ms Karen Baynes, in person
For Owners Corporation No.1 & No.2 PS 638816S & E Doble	Mr Greg Tobin, solicitor, Harwood Andrews
For Karen Baynes	Ms Karen Baynes, in person
For B.Waren Stooke AM	B.Waren Stooke in person



REASONS

- 1 This order is made at the request of the parties and with their consent as an outcome of a compulsory conference.
- 2 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
 - the responsible authority is of the opinion that the permit or amended permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;
 - the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

Nicholas Hadjigeorgiou
Member





APPENDIX A

VCAT REFERENCE NO:	P2072/2018
PERMIT APPLICATION NO:	1051/2017
LAND:	28-32 Albert Road, South Melbourne
WHAT THE PERMIT ALLOWS: <ul style="list-style-type: none"> Construction of buildings and works, use of the land for dwellings, reduction in the statutory car parking requirements and variation of easement E-1 in TP948355L in accordance with the endorsed plans.	

CONDITIONS

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (identified as project no 17016, plans no's plan no's A001_A(B), A010_A, A490_A(D); A491_A(B); A492_A(C); A494_A(A), A494_M_A(A), A500_A(F), A501_A(F), A502_A(E), A506_A(E), A507_A(E), A508_A(E), A518_A(D), A524_A(C), A525_A(C), A900_A(E), A901_A(D), A902_A(E), A903_A(D), A950_A(D), A951_A(C), A952_A(D), A1100_A(A), A1101_A(A), A1102_A(C), A1103_A(B), prepared by Elenberg Fraser but modified to show:

- a) The changes depicted in plans SK001 to SK006 prepared by Elenberg Fraser and signed at the VCAT Compulsory Conference dated 5 February 2019 and any consequential rearrangement of internal spaces.
- b) The provision of an automated flood barrier(s) at the entry to the western internal (rear) ramp access to the basement and the entry to the western internal (rear) pedestrian arcade, capable of extending 500mm above the ground level at 3.41 AHD in Basement Plan_B1 (Dwg No.A490_A).



- c) The height of any electrical /gas points or switches that are located external to the automated flood barriers on the western elevation must be above the level of 4.12m AHD.
- d) Dimensioned setbacks provided to all floor plans showing that the southern wall of the tower, excluding the basement and podium levels (B5-Level 06), would be setback a minimum 4.5m from the southern boundary.
- e) The southern edge of the rear balconies on levels 7 to 24 setback a minimum 4.5m from the southern boundary with dimensioned setbacks provided on the plans to show the 4.5m setback would be provided.
- f) Details of how the privacy of the bedrooms on level 1 would be protected from views from the wellness spa on the ground floor.
- g) Details of the apartments which comply with Standard D17 - Accessibility including:
 - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
 - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
 - A main bedroom with access to an adaptable bathroom.
 - At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.
- h) The rear balconies on levels 2 to 7 to be redesigned to show a minimum 2m width would be provided along the entire balcony.
- i) Swept path diagrams to demonstrate that there would be adequate clearance from the inner column near the western car lift transfer compartment in (Basement B1).
- j) The provision of a convex mirror or similar be installed to minimise conflict between vehicles egressing from Car Lift 01 and vehicles attempting to enter car lift 02.
- k) Confirmation from the manufacturer of the car lift, the car lift make and model to be installed has the capacity to prop at different levels.
- l) Confirmation of how the shared zone will be managed between functioning as a shared zone and as a loading zone in off-peak periods.

- m) Adequate internal service personnel circulation spaces within the service corridor(s) of Level B1, including any consequential design changes.
- n) The provision of a bollard or similar structure between the accessible parking spaces and residential lobby on basement plan B1.
- o) Details of sightlines at the exit point to Albert Road to improve the visibility of pedestrians waiting on the footpath along Albert Road.
- p) A longitudinal section through the entire length of the vehicle accessway from the entry point at the Right of Way to the exit point on Albert Road (including the loading bay area).

The longitudinal section to show details of ramp grades and head room clearance, with a minimum 2.5m head clearance to be provided throughout the entire vehicle accessway and loading bay area..

- q) A full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.
- r) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally and specify how they will be acoustically treated on the rooftop including details of any such screening.
- s) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels (RL).
- t) Any changes by condition 3 (Sustainable Management Plan).
- u) Any changes by condition 6 (Water Sensitive Urban Design).
- v) Any changes required by condition 10 (Waste Management Plan).
- w) Any changes required by condition 24 (Landscape Plan).
- x) An urban art contribution in accordance with condition 34.
- y) A notation on the plans that plant and equipment (other than solar panels) on the roof is non reflective.

2.No Alterations (use and development)

The layout of the site and the size, levels, design and location of buildings and works and the layout and description of the uses as shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

3.Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainability Management Plan, that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed. The Sustainable Management Plan must be generally in accordance with the plan submitted with the application prepared by Ark Resources dated 16 November 2017 but modified to show:

- Thermal performance improved to meet the 6.6 stars NatHERS rating
- Address heat loss particularly though thermal bridging.
- Details of how the privacy to the level 1 bedrooms would be protected from the wellness spa on the ground floor.

4.Incorporation of Sustainable Design Initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

5.Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Sustainable Management Plan report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

6. Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

7. Incorporation of Water Sensitive Urban Design Initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

8. Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

9. Site Management Water Sensitive Urban Design (larger Multi-Unit Developments)

The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

10. Waste Management Plan for Higher Density Residential Development

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan, must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application (Waste Space Solutions dated 13 November 2017 but modified to address the following:

- Frequency of collection and details of the time required for collection;
- Food and drink waste and recycling estimates are under (should be 535.5 using CoPP guidelines for cafes);
- Waste and recycling signage;
- Charity bins are recommended for a development of this size;
- Hard waste space needs to be drawn into the plans;
- Adequate circulation space and door clearances for the manoeuvring of waste bins; and
- Traffic Management Plan needs to include truck access and egress from site.

11. Loading / Waste Collection

Any onsite loading/unloading or collection of waste must not occur between 7am to 9am and 4pm to 7pm Monday to Friday

12. Car Parking and Bicycle Parking Layout

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- Constructed;
 - Properly formed to such levels that may be used in accordance with the plans;
 - Surfaced with an all weather surface or seal coat (as appropriate);
 - Drained and maintained;
 - Line marked, as appropriate, to indicate each car space, visitor space, bicycle space, loading bay and/or access lane;
 - Clearly marked to show the direction of traffic along access land and driveways
- All to the satisfaction of the Responsible Authority.

13. Parking and Loading Areas must be Available

Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

14. Lighting

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

15. Direction Sign

Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be displayed directing drivers to the area(s) set aside for car parking. The sign must be located and maintained to the satisfaction of the Responsible Authority.

16. Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

17. Applicant to Pay for Reinstatement

Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

18. Public Services

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

19. Car Parking Allocation

Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:

- A minimum of 1 car space for each one and two bedroom apartment
 - A minimum of 2 car spaces for each three or four bedroom apartment
 - A minimum of 6 visitor spaces
 - A minimum 3 spaces for the commercial spaces for staff
 - No car parking spaces are permitted to be leased to anyone not working or living on the premises.
- All to the satisfaction of the Responsible Authority.

20. On-Site Bicycle Parking

Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

21. Car Parking Automated System and Lift Maintenance and Provision

The mechanical car stackers and lift are to be maintained in a good working order for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker/ turntable/ lift system management plan including but not limited to the following:

- a) Details of the operation of the car lift and stacker system when waste would be collected or the loading space is in operation.
- b) Allocation of car parking spaces according to vehicle size and type;
- c) Ongoing maintenance of the car stacker system;
- d) Instructions to owners/occupiers about the operation of the car stacker system;
- e) Communicating to prospective residents about the availability of car stacker spaces and sizes; and
- f) Details of procedure in the event of a mechanical failure.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

22. Pedestrian Arcade

Subject to the consent of the Port Phillip City Council as the relevant land owner, prior to occupation, the permit holder at its cost must deliver a ground floor treatment that delineates the pedestrian path in between the pedestrian links of the subject site and the approved pedestrian link on no 13 - 21 Palmerston Crescent.

23. Public access to Pedestrian Arcade

The pedestrian arcade shown on the ground level plan must be open to the general public for use, except between the hours of 12 midnight and 6am the following day upon completion of the development, unless otherwise approved in writing by the responsible authority.

24. Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- c) Significant trees greater than 1.5m in circumference, 1m above ground;
- d) All street trees and/or other trees on Council land;
- e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- f) Landscaping and planting within all open space areas of the site;
- g) Water sensitive urban design.

All species selected must be to the satisfaction of the Responsible Authority.

25. Completion of Landscaping

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

26. Landscaping Maintenance

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

27. External Finishes

Before the development starts (other than demolition or works to remediate contaminated land), a full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

28. No change to external finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

29. No equipment or services

Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

30. Noise Attenuation for Apartments

Before the use commences, the applicant/owner must ensure that internal noise levels of the sleeping areas of the proposed dwellings must not exceed 35dB(a) with the windows closed; and for all other habitable rooms, levels must not exceed 40dB(A) with windows closed in accordance with relevant Australian Standards for acoustic control (including AS2107-1987 and AS3761 – Road Traffic) to the satisfaction of the Responsible Authority.

A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use.

31. Ongoing Involvement of the Architect

The applicant must retain Elenberg Fraser Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

32. Number of Dwellings

Without the further written consent of the Responsible Authority, no more than 55 dwellings may be constructed on the land.

33. Wind Assessment

Before the development starts, an amended Wind Impact Assessment, based on wind tunnel modelling must be provided for the written endorsement of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.

34. Urban Art Plan

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

35. SEPP N-1

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

36. Light Baffled

All lighting of external areas both during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10pm and 7am.

37. Major Transport Infrastructure Authority Provision of Final Foundation Plans

Prior to occupation, the permit holder must provide Major Transport Infrastructure Authority with a copy of the final foundation designs, loading details and as constructed details of the footings and if piled, the piling records. Plans should be submitted electronically by emailing planningapprovals@railprojects.vic.gov.au quoting reference no. MM2018/005.

38. Major Transport Infrastructure AuthorityGround Anchor/Rock Bolts

Ground anchors or rock bolts used in the development must not intrude into the road reserve of Albert Road unless first agreed in writing by Major Transport Infrastructure Authority.

39. Major Transport Infrastructure AuthorityGround Water Management Plan

Before bulk excavation of the development starts, a Groundwater Management Plan must be submitted to the satisfaction of Major Transport Infrastructure Authority to demonstrate that any change in the groundwater level, either during or post construction, will not have adverse impact on the Metro Tunnel structures.

40. Major Transport Infrastructure AuthorityConstruction Management Plan and Traffic Management Plan

Before development starts, including demolition and bulk excavation, a Construction Management Plan and a Traffic Management Plan must be submitted to the satisfaction of Major Transport Infrastructure Authority.

The Construction Management Plan and Traffic Management Plan may be approved in stages. The Construction Management Plan and Traffic Management Plan must include details of (but not be limited to) management proposals to minimise impacts to Metro Tunnel Infrastructure during construction and must set out objectives and performance and monitoring requirements for:

Construction Management Plan

- a) The demolition and construction program
- b) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services
- c) Describe how the public interfaces between the Melbourne Metro Tunnel project area and the subject site will be managed in respect to public and worker safety and wayfinding
- d) Measures to ensure that all works on the subject site will be carried out in accordance with the Construction Management Plans.

Traffic Management Plan

- a) Preferred arrangement for trucks accessing to the subject site, including delivery and unloading and expected duration and frequency

- b) How traffic management (including traffic controllers) will be delineated from the Melbourne Metro Tunnel project and the subject site to avoid confusion between areas of control.

41. Major Transport Infrastructure Authority

Compliance with Groundwater Management Plan, Construction Management Plan, and Traffic Management Plan

All demolition and construction works must be carried out in accordance with the approved Groundwater Management Plan, Construction Management Plan, and Traffic Management Plan. These must be implemented at no cost to Major Transport Infrastructure Authority.

42. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) The development is not started within four (4) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.
- c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

--- End of Conditions ---