

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1631/2022
PERMIT APPLICATION NO.TPA/53728

CATCHWORDS

Section 77 of the *Planning & Environment Act 1987*; Monash Planning Scheme; Two dwellings: Neighbourhood Character – GRZ2; VPO1; Clause 22.01 (Garden City Suburbs - Northern Area)

APPLICANT	A.Z Signature Pty Ltd
RESPONSIBLE AUTHORITY	Monash City Council
SUBJECT LAND	9 Clifford Street GLEN WAVERLEY VIC 3150
HEARING TYPE	Hearing
DATE OF HEARING	9 June 2023
DATE OF ORDER	14 July 2023
CITATION	A.Z Signature Pty Ltd v Monash CC [2023] VCAT 793

ORDER

Permit granted

- 1 In application P1631/2022 the decision of the Responsible Authority is set aside.
- 2 In planning permit application TPA/53728 a permit is granted and directed to be issued for the land at 9 Clifford Street Glen Waverley VIC 3150 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
 - Construction of two dwellings on a lot.

Tracy Watson
Member



APPEARANCES

For applicant	How Ng, town planner. Mr Ng called expert evidence from Michael Smith, landscape architect.
For responsible authority	Adrienne Kellock, town planner.

INFORMATION

Description of Proposal	It is proposed to construct two, double storey dwellings on the subject site.
Nature of Proceeding	Application under Section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning Scheme	Monash.
Zone and Overlay	Clause 32.08 – General Residential Zone, Schedule 2 (GRZ2). Clause 42.02 – Vegetation Protection Overlay, Schedule 1 (VPO1).
Permit Requirements	Clause 32.08-6 – To construct two or more dwellings on a lot. There are no permit triggers under the VPO1 provisions.
Relevant Scheme, policies and provisions	Includes Clauses 11, 15, 16, 21.01, 21.04, 21.06, 22.01, 22.04, 22.05, 22.14, 32.08, 52.06, 55, 65 and 71.02.
Land Description	The subject site is located on the northern side of Clifford Street, has a frontage of 23.83 metres and a maximum depth of 30.53 metres, yielding a site area of 725m ² . The subject site falls approximately 2 metres from the front to the rear, and is currently developed with two, single storey dwellings in a side-by-side configuration.
Tribunal Inspection	14 June 2023.



REASONS¹

What is this proceeding about?

- 1 The Monash City Council issued a Notice of Decision to Refuse to Grant a Permit for the proposed development in October 2022, on a number of grounds. The permit applicant has requested that the Council's decision be reviewed by the Tribunal.
- 2 Based on the hearing process and all the relevant associated documentation, I consider that the key issue for determination relates to whether the proposal respects the neighbourhood character of the area.
- 3 The Tribunal must decide whether a permit should be granted and, if so, what conditions should be applied. Having considered all submissions, the expert evidence, together with the applicable policies and provisions of the Monash Planning Scheme, I have decided to set aside the decision of the Responsible Authority. My reasons follow.

Is the proposal respectful of neighbourhood character?

- 4 The subject site is located within the Glen Waverley Activity Centre under Clauses 21.04, 21.06 and 22.14 of the planning scheme, and in this regard the Council acknowledged that the site is very well located, and is proximate to land located on the eastern side of Springvale Road which has been identified for built form intensification comprising buildings of 3 to 4 storeys in height. Clause 22.14 (Glen Waverley Major Activity Centre Structure Plan) of the planning scheme identifies the subject site as being within Area 8 (Housing Diversity) and Precinct 7 (Surrounding Residential) of the Activity Centre, where a diverse range of contemporary-style housing is encouraged. However, Clause 22.14 does not contain any specific design and development guidance regarding preferred built form outcomes within Area 8 and Precinct 7. There is a strategy at Clause 21.04-3 that relates to all activity centres, which is to "Direct more intensive, higher scale development to neighbourhood and activity centres that are well serviced by public transport, commercial, recreational, community and educational facilities."
- 5 The Council also acknowledged that Clifford Street itself has undergone a high level of redevelopment, with the majority of these developments being in a side-by-side layout. For these reasons, the Council accepted that a two-storey high, two-dwelling, side-by-side redevelopment on the subject site is appropriate. There are also two existing crossovers accessing the subject site, so the Council did not take issue with the provision of two vehicular access points. The Council's key concern regarding the proposal was that

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statement of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.



its design response does not adequately respond to the existing and preferred neighbourhood character of the area due to: an inadequate landscaping outcome at the front, sides and rear of the site; the massing of the proposed dwellings (including the front porch elements, and the internal and rear elevations); and the presentation of the Dwelling 2 vehicular accessway and garage.

- 6 Despite the subject site being within the Glen Waverley Major Activity Centre where development intensification is anticipated, it is also located within the Garden City Suburbs (Northern) area, pursuant to Clause 22.01 of the planning scheme.
- 7 Policy under Clause 22.01 of the planning scheme is that the proposed development should respond to the preferred future character of the applicable Garden City Suburbs (Northern) area, with this preferred character articulated in the statement reproduced below (with my underlining of particular statements):

Although there will be changes to some of the houses within this area, including the development of well-designed and sensitive unit development and, on suitable sites, some apartment development, these will take place within a pleasant leafy framework of well-vegetated front and rear gardens and large canopy trees.

Setbacks will be generous and consistent within individual streets. Building heights will vary between neighbourhoods. Neighbourhoods with diverse topography and a well-developed mature tree canopy will have a larger proportion of two storey buildings. In the lower, less wooded areas, buildings will be mainly low rise unless existing vegetation or a gradation in height softens the scale contrast between buildings. New development will complement the established buildings through consistent siting, articulated facades and use of materials. New development will consider energy efficiency and sustainability principles. Long expanses of blank wall will be avoided, particularly when adjacent to public parks, reserves and other open space areas, where the building should address the public area.

Architecture, including new buildings and extensions, will usually be secondary in visual significance to the landscape of the area when viewed from the street. New development will be screened from the street and neighbouring properties by well planted gardens that will ensure the soft leafy nature of the street is retained.

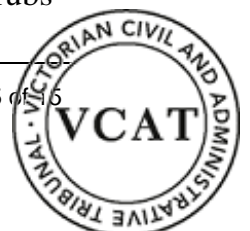
Gardens will consist of open lawns, planted with a mix of native and exotic vegetation and trees. Existing mature trees and shrubs will be retained and additional tree planting within streets and private gardens will add to the tree canopy of the area.

Buildings will be clearly visible through these low garden settings, and nonexistent or transparent front fences. Additional vehicle crossovers will be discouraged.

The built-form will be visually unified by well-planted front gardens that contain large trees and shrubs and street tree planting. Trees within lots to be redeveloped will be retained wherever possible to maintain the established leafy character.

Landscape elements such as remnant indigenous vegetation and the large old coniferous wind-rows will be retained until trees are no longer healthy or safe.

- 8 The Clause 22.01 policy also includes a range of policy statements that apply to all residential land relating to a number of matters, such as street setback, side and rear setbacks, landscaping and vehicle crossovers. These general Clause 22.01 policies emphasize providing canopy tree planting in front and rear setback areas, minimising hard paving throughout the site and preserving backyard character, whilst also stating that additional crossovers are discouraged.
- 9 As can be seen in Map 1, forming part of Clause 22.01, the Garden City Suburbs (Northern) area, covers a substantial proportion of the municipality. My site inspection confirmed that Clifford Street and the surrounding residential streets feature a very diverse range of housing, in terms of the detailed design/ architectural style and the siting of the many examples of two-storey side-by-side housing. This is also certainly not a case where built form is secondary to landscaping, rather it is landscaping which is secondary to the built form. It is also noteworthy that the above preferred neighbourhood character statement calls for new development to respond to existing character. Given the highly diverse nature of the existing character of Clifford Street, I think that the proposed buildings will sit comfortably within this area and will not be visually dominant or bulky as viewed from the street or from the abutting properties.
- 10 I do not share Council's concern regarding the siting of the new dwellings (with the internal 2.0 metres gap at ground level), and the resulting internal wall presentation which has minimal or no upper level recession. I take this position because the views to these internal side walls will be fleeting and they will be viewed in the context of the articulated front façade presentation and the front garden landscaping. The proposed upper level of each dwelling has generous front, side and rear setbacks relative to the site boundaries. Unlike the Council, I do not think that the proposed dwellings have a 'box like presentation'.
- 11 I accept the expert evidence of Mr Smith and agree that his proposed landscape plan has appropriately retained existing vegetation where possible (including the existing large shrubs along the rear boundary, and the Rowan tree located within the front garden of Dwelling 1). The front garden areas will also be planted with two new medium canopy trees (being a Wallandarra White Gum and a Blueberry Ash), along with four small canopy trees (being Crab Apple trees). A number of additional large shrubs will also be planted, including along the eastern edge of the Dwelling 2



accessway and these will grow to a height of 4 to 5 metres. This edge planting will suitably soften the presentation of the accessway to Dwelling 2. Overall, I consider that the proposed landscaping will result in the ‘pleasant leafy framework of well-vegetated front and rear gardens’ desired for the Garden City Suburbs (Northern) area. Given the existing landscape character of Clifford Street (which was also taken into account by Mr Smith), I do not consider that there is a need for the planting of new large canopy trees. Rather, the proposed medium sized canopy trees, along with the retained vegetation, and other new planting result in an outcome that respects the landscape character of this neighbourhood.

- 12 Schedule 2 to the GRZ does not contain a local variation to Standard B13, nor does it contain any neighbourhood character objectives. It does contain location variations to the street setback (where 7.6 metres is specified), private open space provision, and front fence heights. The only argument put by the Council in relation to the GRZ2 local variations was that the front porch elements encroach into the 7.6 metres setback and are visually dominant. Conversely, I am satisfied that the front porch elements are an integrated part of the architectural style of these dwellings, and in this diverse neighbourhood within the Glen Waverley Activity Centre, their 5.2 metres height and their 7.5 metres setback are acceptable. I am therefore satisfied that the street setback objective at Clause 55.03-1 of the planning scheme is met.
- 13 The Council also argued that the proposal presents as visually bulky to the neighbouring properties to the north (a result of the topography of the site in this location), and that there is insufficient landscaping provided along this interface to soften the built form. Given the high level of redevelopment in this neighbourhood, combined with the fact that these neighbouring properties (which front Fairhills Parade) are also located within the Glen Waverley Activity Centre, I can see no reason why the built form outcome of this development needs to be further reduced, notwithstanding the elevated nature of the rear presentation. I also note that the proposal already complies with Standard B17, and that existing large shrubs along this interface are to be retained as detailed in Mr Smith’s expert evidence. I do not agree with the Council that the largely above ground rear alfresco areas unduly constrain the landscaping outcome in the proposed rear gardens, having regard to the existing landscape character of this area.
- 14 In summary, I find that the proposal meets all of the Clause 55 objectives of the planning scheme. I am satisfied that the new dwellings and their associated landscaping will be of a high quality and will make a positive contribution to this neighbourhood.

What conditions are appropriate?

- 15 The draft conditions were discussed at the hearing, and Mr Ng advised that all of the Council's suggested conditions are accepted.

Conclusion

- 16 For the reasons explained above, the decision of the Responsible Authority is set aside. A permit is issued subject to conditions.

Tracy Watson
Member



APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/53728
LAND	9 Clifford Street GLEN WAVERLEY VIC 3150

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of two dwellings on a lot.

CONDITIONS

Amended Plans

- 1 Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council, prepared by Zai Pty Ltd Building and Urban Design, Revision B and dated 24.06.2022), but modified to show:
 - (a) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at or behind the setback alignment of buildings on the site, or in compliance with Council’s “Guide to Electricity Supply Meter Boxes in Monash”.
 - (b) Modifications to the western crossover so that it aligns with the Dwelling 1 driveway, whilst maintaining a minimum setback of 2 metres from the trunk of the existing street tree.
 - (c) Modifications to the eastern crossover so that it aligns with the Dwelling 2 driveway.
 - (d) Dimensions of 2.6 x 4.9 metres for the Dwelling 1 tandem car space with a 500mm gap between the car space and the front of the garage.
 - (e) An extension to the turning area provided within the garage 2 basement so that all vehicles can easily manoeuvre and exit the site in a forward direction, which must be achieved without increasing the size of the basement. Turning circle diagram/s must also be provided to satisfactorily demonstrate vehicle access.
 - (f) A notation that the section of the Dwelling 2 driveway that is within the TPZ of Tree No. 5 (on the adjoining land to the east) must be constructed above-grade using porous concrete paving, in accordance



with the arborist report prepared by PSY Inv Pty Ltd Arboricultural report and dated 13 May 2022.

- (g) The driveway ramp to Dwelling 2 modified to:
- Incorporate any grade changes (if required) to satisfy Condition 1(f) of this permit.
 - Satisfy the relevant requirements of Design Standard 3 (gradients) of Clause 52.06-9 of the Monash Planning Scheme, including:
 - i A maximum grade of 1 in 4.
 - ii Provision of minimum 2.0 metre grade transitions between different sections of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).

Any changes required to achieve the above must not increase the FFL of the double garage within the basement or necessitate any reduction in its rear setback.

- (h) The gradients of the car space in the Dwelling 1 driveway. The maximum grade within a parking module, measured parallel to the angle of parking, should be 1 in 20. Measured in any other direction, should be 1 in 16.
- (i) The new 1.1 metre high timber paling fence on the boundary between the site and 1/11 Clifford Street and the site and 7 Clifford Street to be specifically shown.
- (j) Front fencing/vehicle gates to be semi-permeable and constructed of black metal pickets or similar, with a maximum height of 1.2 metres.
- (k) Dividing fencing located forward of the dwellings within the front setback to be semi-permeable and constructed of black metal pickets or similar, with a maximum height of 1.2 metres.
- (l) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides or from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
- (m) The obscure glass windows treatment provided to various ground and first floor habitable windows (labelled OBS on the plans) notated as being fixed to a height of 1.7m above FFL.

- (n) The aluminium louvered privacy screens provided to various habitable room windows and parts of the rear alfresco area notated as being no more than 25 per cent transparent.
- (o) The entire external perimeter of each alfresco area screened to a height of 1.7m above FFL, including the sections that connect to the external stairway (with pedestrian access gates provided in these areas, which must also be screened to a height of 1.7 metres above FFL). All screens must have a maximum transparency (if any) of 25%.
- (p) The external side of the stairwells that serve the alfresco areas screened to a height of 1.7m above the finished level of the relevant steps (i.e. screen height will angle down with the steps). All screens must have a maximum transparency (if any) of 25 percent and be of the same materials as the screens provided to the alfresco area.
- (q) A reduction in the FFL of the lower section of the outdoor entertaining area of Dwelling 2 (i.e. section labelled as having a FFL of 114.48 and being enclosed by a 1 metre high glass balustrade) in order to maintain the privacy of neighbouring rear yards, unless it can be satisfactorily demonstrated (e.g. by cross section or other diagrams) that no screening is required to satisfy Standard B22 to the satisfaction of the Responsible Authority.
- (r) Fixed obscure glazing to the entire northern edge of the balcony provided to Master Bedroom 3 of Dwelling 1, as well as to the western edge of the balcony to the extent required (if any) to address overlooking within 9m at a 45 degree angle into the habitable room windows of 7 Clifford Street.
- (s) Fixed obscure glazing to the entire northern edge of the balcony provided to Master Bedroom 2 of Dwelling 2, as well as to the eastern edge of the balcony (if required) to the extent required to address overlooking within 9m at a 45 degree angle into the habitable room windows of 1/11 Clifford Street.
- (t) The maximum height of the eastern garage wall of Dwelling 2 above natural ground level.
- (u) A schedule of construction materials, external finishes and colours (including swatch samples).
- (v) A Tree Management Plan in accordance with condition 3 of this Permit.
- (w) A Landscape Plan in accordance with condition 8 of this Permit.



Layout not to be Altered

- 2 The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Tree Management Plan

- 3 Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of all trees to be retained on site/adjoining land (Tree Nos. 1, 2, 3, 5, 6, 7, 8 & 10 in the Arborist Report submitted with the application, prepared by PSY Inv Pty Ltd and dated 13 May 2022).

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- (a) Tree Protection Plan drawn to scale that shows:
- (b) Tree protection zones and structural root zones of all trees to be retained,
- (c) All tree protection fenced off areas and areas where ground protection systems will be used;
- (d) The section of the Dwelling 2 driveway that is within the TPZ of Tree No. 5 must be constructed above-grade using porous concrete paving (as required in the PSY Inv Pty Arborist Report).
- (e) The type of footings within any tree protection zones including any retaining walls;
- (f) Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
- (g) A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones including any specific landscaping construction requirements.
- (h) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.

- (i) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
 - (j) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- 4 The recommendations contained in the approved TMP must be implemented to the satisfaction of the Responsible Authority.

Contractors to be advised of trees to be protected

- 5 The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of protected trees/large shrubs on abutting land and be advised of any obligations in relation to the protection of the trees.

Tree Protection

- 6 Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
- 7 No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

Landscape Plan

- 8 Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must show:
- (a) Any changes required by Condition 1 of this permit;
 - (b) A survey and location of all existing trees, using botanical names to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;



- (c) A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;
- (d) A minimum of 4 canopy trees (minimum 1.5 metres tall when planted) in the following areas: one within each front setback and one within each rear yard. The canopy trees must have a minimum height of 8 metres and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;
- (e) The location of any fencing internal to the site;
- (f) Planting to soften the appearance of hard surface areas such as driveways, retaining walls, masonry elements and paved areas;
- (g) Canopy Trees / significant planting on adjoining properties within 3 metres of the site;
- (h) The location, height and materials of any retaining walls associated with the landscape treatment of the site;
- (i) Details of all proposed surface finishes including pathways, accessways, patio or decked areas;
- (j) The location of Tree Protection Zones and Tree Protection Fencing as outlined within the Tree Management Plan required by Condition 3 of this permit.
- (k) Recognition in the landscape design of any construction requirements arising from condition 3.
- (l) An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority;
- (m) The location of external lighting (if any);
- (n) The location of electricity supply meter boxes. The electricity supply meter boxes must be located at or behind the setback alignment of buildings on the site, or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash"

When approved the plan will be endorsed and will then form part of the permit.

- 9 Before the occupation of any of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.

Drainage

- 10 The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.
- 11 A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works for approval. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au.
- 12 Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing; or any alternate system.
- 13 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- 14 The full cost of reinstatement of any Council assets affected by the demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.

Vehicle Crossovers

- 15 All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
- 16 Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
- 17 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Privacy Screens

- 18 Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Boundary Walls

- 19 The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

Satisfactory Continuation and Completion

- 20 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time for Starting and Completion

- 21 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not started before 2 years from the date of issue.
 - (b) The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

- i within six (6) months afterwards if the development has not commenced; or
- ii within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

– End of conditions –