

**Date**

Friday 8 December 2017

**To**

Adam Crupi  
Manager  
Development Approvals & Urban Design

**Address**

Department of Environment, Land, Water & Planning  
Level 8, 8 Nicholson Street  
East Melbourne VIC 3002

**Sent**

Via Post and Email to: [development.approvals@delwp.vic.gov.au](mailto:development.approvals@delwp.vic.gov.au)

Dear Adam,

**Application for an Extension of Time  
Planning Permit No MPA14/0003-1  
60-82 Johnson Street, South Melbourne**

We act for Salvo Property Group in relation to the above site, and pursuant to Section 69 of the *Planning and Environment Act 1987*, our client requests an extension of time for the commencement and completion of works allowed by Planning Permit No: MPA14/0003-1.

In support of this application for an extension of time we enclose:

- A completed Extension of Time to a Planning Permit form; and
- A copy of Planning Permit No: MPA14/0003-1;

Payment of the requisite application fee of \$385 will be made upon submission of this request.

By way of background, Planning Permit No: MPA14/0003 was issued on 20 May 2015 and amended on 17 October 2016. The current permit allows:

*'Demolition of existing building; construction of four residential towers; and use of the land for dwellings and home occupation in accordance with the endorsed plans'*

The planning permit states that

*'In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*

- *The development is not started within three (3) years of the date of this permit.*
- *The development is not completed or the use is not started within six (6) years of the date of this permit.*

*In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.'*



Accordingly, the proposal must:

- Commence by 20 May 2018; and
- Be completed by 20 May 2021.

Our client requires an extension of time of two (2) years to the commencement and four (4) years to the completion dates of the planning permit to allow sufficient time to complete the necessary pre-development work, including documentation of the project, marketing of the project, appointment of a builder and delivery of the project in stages.

You are also aware that we have engaged with your office (and the City of Port Phillip) in relation to amendments to the approved development, and this submission will be lodged shortly.

In summary, the amendment proposes:

- A reduction in the number of apartments;
- Amendments to the ground floor layout to provide increased street activation;
- Introduction of additional office floorspace;
- Introduction of a childcare centre;
- Introduction of additional retail floorspace;
- Revisions to apartment layouts to provide larger and more functional apartments, which are largely compliant with BADS requirements (noting that the existing permit was issued prior to the introduction of Clause 58 to the Port Phillip Planning Scheme); and
- An increase in and improvements to resident amenity areas.

With regard to the accepted 'tests' associated with determining whether an extension should be granted we provide the following justification:

→ *Has there been a change in planning policy?*

The main changes to the applicable statutory planning framework since the issue of the planning permit have been the introduction of a new local policy at Clause 22.15 (Fishermans Bend Urban Renewal Area) and Schedule 30 to the Design and Development Overlay as part of Amendment GC50 to the Port Phillip Planning Scheme, and the introduction of Clause 58 (Apartment Developments) under Amendment VC136.

While the current Planning Scheme provisions vary from those that were in place at the time the permit was issued, the provisions introduced via GC50 were done so on an interim basis only while further review of the planning controls and the strategic framework was undertaken.

This review is ongoing and the interim planning controls introduced by Amendment GC50 remain in place.

→ *Is the owner seeking to warehouse the permit?*

There is no evidence to suggest that the applicant is intending to warehouse the permit, noting that the site was purchased by our client in 2016, subsequent to the issue of the planning permit.

Instead, the owner is able to demonstrate that they have been actively working on various pre-development processes, including clearing of the site, and detailed environmental studies.



Furthermore, and as noted above, extensive discussions throughout this year have taken place with your office and City of Port Phillip officers relating to an application to amend the existing permit, and the client group have invested more than \$400,000 in consultant fees to date.

→ *Are there any intervening circumstances which bear on the grant or refusal of the extension request?*

There are no intervening circumstances which bear on the request to extend the permit.

→ *The total elapse of time when a request to extend is being considered.*

There have been no previous requests for an extension of time request and this application for an extension of time has been made well in advance of the current expiry of the permit.

→ *Whether the time limit originally imposed was adequate in the circumstances*

The originally allowed times were insufficient given the likely need to stage the project, and this application for an extension of time is sought to enable sufficient time for our client to complete the necessary pre-development work and commence and complete construction.

→ *The economic burden cast by a permit on the owner of the land*

The applicant has invested substantial resources in association with purchase of the site and the pre-development work.

We trust the material submitted is to Council's satisfaction. Should you have any questions or require anything further please do not hesitate to contact me (Ph: 9347 6100 / E: [pbrennan@contour.net.au](mailto:pbrennan@contour.net.au)).

Yours sincerely,

A handwritten signature in black ink that reads 'Patrick Brennan'.

**Patrick Brennan**  
Associate

Cc: Salvo Property Group Pty Ltd