

At-a-glance

A quick internal reference when assessing commencement risk across Victoria, New South Wales and Queensland.

What does ‘commencement’ mean in a development context?

Victoria, New South Wales & Queensland comparison

Key issue Approvals can lapse if development rights are not exercised in time.	Best evidence Tangible physical works on the land are usually strongest.	Watch conditions Conditions precedent may prevent reliance on works.	Sequencing matters Ancillary approvals and certificates must be timed carefully.
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Jurisdiction	Statutory language	When approval is preserved	Default lapsing period	Practical notes
Victoria	‘start’ <i>P&E Act 1987 (Vic), ss 68-69</i>	Development starts within the time specified, or within three years if no time is specified. For relevant subdivision permits, certification of the plan can deem commencement.	Usually three years to start if no time stated. Extension may be sought before expiry or within six months afterwards.	No precise statutory definition of ‘start’. Physical works are strongest. Check conditions precedent carefully.
New South Wales	‘physically commenced’ <i>EP&A Act 1979 (NSW), s 4.53</i>	Consent is preserved if building, engineering or construction work is physically commenced on the land before lapsing. Use-only consents require actual commencement of the use.	Generally five years after the date from which the consent operates.	Works must relate to the approved development and occur on the land. Construction certificate sequencing is critical.
Queensland	‘substantially started’ <i>Planning Act 2016 (Qld), ss 85-87</i>	Approval is preserved if the development is substantially started before the end of the currency period.	Generally six years for material change of use and four years for other development.	Extension applications must be made before lapsing. Assessment manager decision period is 20 business days.

What counts as commencement? Practical traffic light guide for works on site

■ GREEN Strong evidence

Excavation; piling; footings; foundations; drainage or stormwater works; roads; service infrastructure; geotechnical boreholes or survey set-out linked to the approved development.

■ AMBER Depends on context

Demolition; vegetation removal; temporary works; site fencing; service disconnections or connections; minor preparatory works. Link to approval and conditions will matter.

■ RED Generally weak alone

Preparing plans; appointing consultants; paying contributions; signing contracts; obtaining finance; ordering materials; installing a project signboard; general site clean-up.

Key takeaway: Tangible, timely, approval-linked physical activity on the land is the safest commencement evidence. Always check conditions and approval sequencing before relying on works.

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