



PLANNING PERMIT

Permit No. **DS/188/2016**
 Planning Scheme: **Greater Bendigo Planning Scheme**
 Responsible Authority: **Greater Bendigo City Council**

ADDRESS OF THE LAND: **Lot 2, 60 and 44 Dukes Lane and 428, 434 and 440 Somerset Park Road, STRATHFIELDSAYE 3551 CP 151168, Lot 2 PS 723844N, CA 43 Sec NO, Part CA 41A Sec NO, CP 150758, CA 42 Sec NO**

THE PERMIT ALLOWS: **The staged subdivision of the land into 162 lots; the removal of native vegetation; and the removal of easements, in accordance with the endorsed plans**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Plans must not be altered

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

Development contributions

2. Before a statement of compliance is issued for the first stage of the subdivision, the land owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act*. The agreement must:
 - (a) identify the landowner's liability for payment of development contributions in accordance with the approved Development Plan that applies to the land
 - (b) sets out a proposed methodology for recording payments and/or works-in-kind arrangements on a stage-by-stage basis
 - (c) provide for payment or definition of agreed works-in-kind projects prior to a statement of compliance being issued for the relevant stage of the subdivision
 - (d) where payment is required, any such payment must be made to the Responsible Authority:
 - before a statement of compliance is issued for the relevant stage, or
 - where works-in-kind projects are proposed, the works and credit values must be identified and agreed to before a statement of compliance is issued for the relevant stage
 - (e) specify that infrastructure projects and standards must be generally in accordance with the approved Development Plan that applies to the land unless agreed to by the Responsible Authority and the land owner
 - (f) set out the means by which any outstanding payments or credits will be resolved by the Responsible Authority prior to the final stage of the subdivision, including:
 - where the land owner is required to make a payment to the Responsible Authority, such payment must be received prior to a statement of compliance for the final stage of the subdivision
 - where the land owner is in credit and the Responsible Authority is required to make a payment to the land owner, the terms of the payment, including timing of payment, will be dependent upon receipt of funds from the other land owners within the Development Plan area and may extend beyond the final stage of the subdivision.

Landscaping

Signature for the Responsible Authority

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

3. Before a statement of compliance is issued under the *Subdivision Act* for each stage of the subdivision, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority for the relevant stage. When approved, the plan will be endorsed and then form part of the permit. The plan must show new plantings within all road reserves and municipal reserves associated with the subdivision.
4. Before a statement of compliance is issued under the *Subdivision Act* for each stage of the subdivision, the landscaping works shown on the endorsed landscape plan must be carried out and completed for that stage to the satisfaction of the Responsible Authority.
5. The landscaping works shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 24 months after the works are completed. Any dead, diseased or damaged plants must be replaced during that time.

Detailed drainage

6. Before a plan is certified under the *Subdivision Act* for the subdivision, detailed drainage 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 then will form part of the permit. The plans must include:
 - (a) direction of stormwater runoff
 - (b) a point of discharge for each lot
 - (c) independent drainage for each lot
 - (d) approval from the relevant authority for the point of discharge.

Drainage easements

7. The subdivision must provide easements for drainage within and through the subject land for external outfall drainage to a point of lawful discharge to the satisfaction of the Responsible Authority.

Stormwater detention

8. Before a statement of compliance is issued under the *Subdivision Act* for the subdivision, onsite surface and stormwater detention to pre-development levels must be provided in accordance with plans and specifications to the satisfaction of the Responsible Authority. Allowable discharge $Q_{10} = 42$ l/s per hectare.

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Stormwater quality

9. Before the development starts, a stormwater treatment system must be provided in accordance with the *Best Practice Environmental Management Guidelines* (Victoria Stormwater Committee 1999) and in accordance with plans and specifications to the satisfaction of the Responsible Authority.

Construction of works

10. Road works, drainage and other civil works must be constructed in accordance with the *Infrastructure Design Manual* and plans and specifications approved by the Responsible Authority and must include:
- (a) fully sealed pavement with kerb and channel
 - (b) Dukes Lane and the connector road between Dukes Lane and Somerset Park Road constructed as a public bus route to the satisfaction of Public Transport Victoria, in accordance with the cross sections endorsed under this permit
 - (c) paved footpaths, including on the west side of Somerset Park Road
 - (d) shared paths in accordance with the master plan
 - (e) underground drainage
 - (f) underground conduits for water, gas, electricity and telephone
 - (g) appropriate intersection and traffic measures
 - (h) appropriate street lighting and signage.

Decorative lighting

11. Decorative lighting style must be consistent with any adjacent decorative lighting. The Responsible Authority will determine decorative lighting styles where conflicts arise.
12. The applicant will submit for approval full details of any proposed decorative lighting to the Responsible Authority prior to commencement of works. All decorative lighting must be low energy.
13. Before the issue of the statement of compliance, the applicant must make payment to the Responsible Authority in accordance with Table 15 of the 'Infrastructure Design Manual'.

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Public assets

14. Before the development starts, a written report and photos of any prior damage to public infrastructure must be submitted to the Responsible Authority. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the land and abutting at least two properties either side of the development. Unless identified within the written report, any damage to infrastructure post-construction will be attributed to the development. The land owner must pay for any damage caused to any public infrastructure as a result of the development.

Construction management plan

15. Before the development starts, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. The plan must include:
 (a) a site specific plan showing proposed erosion and sedimentation control works
 (b) techniques and intervention levels to prevent a dust nuisance
 (c) techniques to prevent mud and dirt being transported from the site to nearby streets
 (d) the protection measures taken to preserve any vegetation identified for retention.

16. The protection methods contained in the CMP must be implemented to the satisfaction of the Responsible Authority and the Environment Protection Agency until the development is completed.

Public Transport Victoria conditions

17. Prior to certification of a Plan of Subdivision (or other time agreed in writing with Public Transport Victoria), amended plans including construction engineering plans to the satisfaction of Public Transport Victoria 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 drawn to scale with dimensions and three copies provided. The plans must be generally in accordance with the plans submitted with the application by modified to show:
 (a) The portion of Dukes Lane abutting the subdivision designed to the following dimensions and specifications:
 • A minimum 3.5 metre wide trafficable lane in each direction;
 • A minimum 2.3 metre wide parking lane on the eastern side; and
 • A minimum 2.5 metre wide shared path.

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(b) The east-west road connecting Dukes Lane with Somerset Park Road within the subdivision designed in accordance with the *Public Transport Guidelines for Land Use and Development*.

- 18. Prior to the issue of a Statement of Compliance for any stage of subdivision containing lots with direct access to Dukes Lane, Dukes Lane must be constructed in accordance with the endorsed plans for public transport access to the satisfaction of Public Transport Victoria.
- 19. Prior to the issue of a Statement of Compliance for any stage of subdivision containing any portion of the east-west road connecting Dukes Land with Somerset Park Road, that portion of road must be constructed in accordance with the endorsed plans for public transport access, to the satisfaction of Public Transport Victoria.
- 20. Intersections, slow point, splitter islands and any other Local Area Traffic Management devices must be designed and constructed in accordance with the *Public Transport Guidelines for Land Use and Development*. The use of speed humps, raised platforms, one-way road narrowing and 'weave points' are not acceptable on any portion of a potential bus route.

Country Fire Authority conditions

21. *Hydrants*

Prior to the issue of a statement of compliance under the *Subdivision Act* the following requirements must be met to the satisfaction of the CFA:

- (a) above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120m and the hydrants must be no more than 200m apart. These distances must be measured around lot boundaries
- (b) the hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the CFA.

22. *Roads*

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- 23. Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of the CFA.

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24. Dead end roads and cul-de-sacs more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided); T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Environment, Land, Water & Planning conditions

25. *Notification of permit conditions*
 Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on site of all relevant conditions of this permit.

26. *Protection of vegetation to be retained*
 Before works start, a protection fence must be erected around all native vegetation to be retained within 15m of the works area. This fence must be erected at a minimum of:
 (a) 12 times the diameter of the tree trunk at 130cm above ground level (to a maximum distance of 15m) but no less than 2m from the base of the trunk
 (b) 2m from remnant patches of native vegetation.

27. The protection fence must be constructed of star pickets and paraweb or similar to the satisfaction of the Department of Environment, Land Water and Planning. The protection fence must remain in place at least until all works are completed to the satisfaction of the Department. Except with the written consent of the Department, none of the following may occur within this area:
 (a) vehicular or pedestrian access, trenching or soil excavation
 (b) storage or dumping of tools, materials, equipment, machinery or waste
 (c) construction of entry and exit pits for underground services.

28. In order to offset the removal of 2.602 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. The offset must:
 (a) contribute gain of 0.881 general biodiversity equivalence units
 (b) be located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district
 (c) have a strategic biodiversity score of at least 0.487.

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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- 29. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation - Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:
 - (a) a credit register extract from the Native Vegetation Credit Register
 - (b) a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority. Every year for ten years, after the Responsible Authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs, must be included in this notification.

Coliban Water conditions

- 30. The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision. Services are to be provided in accordance with Coliban Water's specifications.
- 31. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
- 32. All existing dwellings are required to be connected to the Reticulated Water and Sewerage Services.
- 33. All existing wastewater systems (septic) must be decommissioned to the satisfaction of the Responsible Authority.
- 34. The developer is required to reach an agreement with Coliban Water regarding the future of the rural water channel traversing the development area.

Powercor conditions

- 35. The plan of subdivision submitted for certification under the *Subdivision Act* must be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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- 36. The applicant must provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (a payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - 37. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. The applicant shall arrange compliance through a Registered Electrical Contractor.
 - 38. Any buildings must comply with the clearances required by the *Electricity Safety (Installations) Regulations*.
 - 39. Any construction work must comply with Energy Safe Victoria’s ‘No Go Zone’ rules.
 - 40. The applicant must set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements, and/or leases, satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
 Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways must be provided. Such a lease will be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
 - 41. The applicant must provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the *Electricity Industry Act 2000*.
 - 42. The applicant must obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
 - 43. The applicant must adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 44. The applicant must obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- 45. The applicant must provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

AusNet Services (Gas) condition

- 46. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the *Subdivision Act*.

Telecommunications

- 47. The owner of the land must enter into an agreement with:
 - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 48. Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
 - (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Expiry of the permit

49. The permit will expire if:
- (a) a plan for each stage of the approved subdivision is not certified within 2 years from the date of the permit, or
 - (b) any stage of the approved subdivision is not completed within 5 years from the date that a plan for that stage was certified.
- The Responsible Authority may extend the times stated in this condition, in accordance with section 69 of the *Planning and Environment Act*.

Signature for the Responsible Authority

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.
(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning & Environment Act 1987*)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the *Planning & Environment Act 1987*.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
 - (i) the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if –
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of the land expires if –
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under the permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil & Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil & Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.