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# PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF  
THE PLANNING AND ENVIRONMENT ACT  
1987

Permit No.: 14/0287

Planning Scheme: Surf Coast

Responsible Authority: Surf Coast Shire  
Council

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**ADDRESS OF THE LAND:** 305 Great Ocean Road, Jan Juc

**THE PERMIT ALLOWS:** Staged subdivision of the land, removal of native vegetation and subdivision of land adjacent to a Road Zone Category 1 generally in accordance with plans endorsed under this permit.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**Amended plans**

1 Before the plan of subdivision for the first stage can be certified under the *Subdivision Act 1988*:

- (a) 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 drawn to scale with dimensions and three (3) copies must be provided. The plans must be generally in accordance with the plans prepared by St Quentin Consulting [Project Ref. 12486 Rev. 13] but modified to show:
- (i) A master plan for the whole of the land to which this permit applies identifying the various stages and the lots in the first stage;
  - (ii) Realignment of the subdivision boundary in the north-east corner of the site to follow the title boundary;
  - (iii) Retention of Trees 8, 9, 10 and 11 as identified by the Flora and Fauna Assessment and Biodiversity Report, 305 Great Ocean Road, Jan Juc, Victoria prepared by Ecology and Heritage Partners July 2014;
  - (iv) Building envelopes for:
    - Lot 14 to exclude the Tree Protection Zones (TPZ's) of Trees 9, 10 and 11; and
    - Lot 15 to exclude the Tree Protection Zone (TPZ) of Tree 8, provided that Tree 8 is found to be safe to be retained following an assessment by an Arborist

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- (v) The dimensions and setbacks of all building and effluent disposal envelopes in accordance with the recommendations of the Land Capability Assessment undertaken by P.J. Yttrup & Associates Pty Ltd (February 2014, Amended May 2015) and to account for the retention of Trees 8, 9, 10 and 11.
- (b) An amended stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plan prepared by St Quentin Consulting [Ref. 12486E\_v03] but modified to include:
  - (i) Consideration of the impact of storm events greater than the 5 year ARI storm event;
  - (ii) Overland flow paths for the 100 year ARI storm event as per Clause 56.07-4 Standard C25 of the Surf Coast Planning Scheme;
  - (iii) Short and long term maintenance requirements and responsibilities for the reconfigured on-site dam and the swales required to provide the necessary on-site detention, and a strategy that identifies other elements or issues that may occur to assist long-term management of these systems;
  - (iv) Any staging of the delivery of stormwater management infrastructure, including temporary infrastructure;
  - (v) A construction site plan that incorporates the stormwater management measures, including sediment control, to be implemented during the construction phase of the development. The plan should have regard to the EPA Publication No. 960 "Doing it right on Subdivision – temporary environmental protection measures for subdivision construction sites";
  - (vi) Maintenance of the stormwater management infrastructure for 2 years after the certificate of Practical Completion is issued for the final stage of the development, excluding hard civil works (e.g. concrete works, pipes and structures) that will otherwise have a maintenance period of 3 months.
- 2 The plan(s) of subdivision submitted for certification under the *Subdivision Act 1988* must be generally in accordance with the endorsed plans, except for the building and effluent envelopes required under condition 1(a), but modified to show the following to the satisfaction of the responsible authority:
  - (a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements;
  - (b) All easements required by Surf Coast Shire and servicing authorities to the satisfaction of the responsible authority.

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- (c) Naming of new streets in accordance with Surf Coast Shire Place Naming Policy (SCS-004, 2014) and Place Naming Guidelines (MPP-003, 2011).

**Endorsed plans**

- 3 The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**Section 173 agreement**

- 4 Prior to the certification of the plan of subdivision for the first stage, the applicant must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the responsible authority. The agreement must be in a form to the satisfaction of the responsible authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the responsible authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:
  - (a) The payment of a public open space contribution to the responsible authority being 10% of the site value of the land intended to be used for residential purposes. The payment shall be made prior to the issue of a statement of compliance;
  - (b) All dwellings and associated outbuildings must be located within the building envelopes shown on the endorsed plans;
  - (c) All tennis courts and swimming pools must be located within the building envelopes shown on the endorsed plans, unless it can be demonstrated to the satisfaction of the responsible authority via the preparation of a land capability assessment and wastewater management plan as required by Condition 4(f) that the tennis court and/or swimming pool will not encroach onto areas set aside for effluent disposal and/or prevent the treatment and retention of all wastewater within the boundaries of the lot;
  - (d) All dwellings and associated outbuildings must not exceed a height of 7.5 metres above natural ground level;
  - (e) No solid fencing (i.e. less than 75% permeable) shall be erected along a property boundary which abuts or is opposite to Great Ocean Road or Bells Boulevard;
  - (f) A land capability assessment and wastewater management plan shall be prepared by a suitably qualified person for each lot to the satisfaction of the responsible authority prior to the construction of a dwelling;
  - (g) The payment of development contributions in relation to the subject land to the satisfaction of the responsible authority as follows:
    - (i) A Development Infrastructure contribution of \$1,135.58 per additional lot
    - (ii) A Community Infrastructure contribution of \$900 per dwelling to be constructed

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The Development Infrastructure contribution amount is current as at 1 July 2015. It will be adjusted annually to cover inflation by applying the Building Price Index for Melbourne in Rawlinsons Australian Construction Handbook.

The agreement will be registered on Title in accordance with Section 181 of the *Planning and Environment Act 1987*.

### Landscaping and tree protection

- 5 Prior to the certification of the plan of subdivision for the first stage, three (3) copies of a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. The landscape plan should generally accord with the recommendations of the Flora and Fauna Assessment and Biodiversity Assessment Report, 305 Great Ocean Road, Jan Juc, Victoria prepared by Ecology and Heritage Partners dated July 2014, and recommendations of the Addendum to the Flora and Fauna Assessment and Biodiversity Assessment Report, 305 Great Ocean Road, Jan Juc, Victoria prepared by Ecology and Heritage Partners dated March 2016. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and show:
- (a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - (b) Tree Protection Zones (TPZs) for Tree 8, if assessed to be safe in accordance with condition 1(a)(iv), and Trees 9, 10 and 11 as identified by the Flora and Fauna Assessment and Biodiversity Report, 305 Great Ocean Road, Jan Juc, Victoria prepared by Ecology and Heritage Partners July 2014 and any other trees being retained which require Tree Protection Zones (TPZs);
  - (c) Landscaping of the 15 metre wide landscape buffers with a mixture of plant species that will establish an effective visual screen and is congruous to vegetation within the nearby roadsides of Great Ocean Road and Bells Boulevard;
  - (d) Landscaping of the drainage/conservation reserve;
  - (e) Planting of street trees, using indigenous species, within the new road reserves;
  - (f) Bollards to restrict vehicle access into reserves, other than a maintenance access point using removable bollards;
  - (g) Details of surface finishes of any pathways and vehicle crossovers;
  - (h) The location of street lights, signage and fire hydrants;
  - (i) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, installation size, and quantities of each plant;
  - (j) Methods for control and eradication of environmental weeds;

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Species selected must be locally indigenous and to the satisfaction of the responsible authority.

- 6 Prior to the commencement of works, tree protection zones must be established in accordance with the recommendations of the Landscape Plan, where required. These shall be suitably fenced along the alignment of the drip line of the identified trees to the satisfaction of the responsible authority.

Within this zone there must be no vehicular or pedestrian access, trenching or soil excavation, storage of waste all to the satisfaction of the responsible authority. The tree protection zone must be maintained throughout the development phase, to the satisfaction of the responsible authority.

- 7 Before the issue of a statement of compliance for each stage, or at such later date as is approved by the responsible authority in writing, the landscaping as shown on the endorsed Landscape Plan as relevant to the stage must be carried out and completed to the satisfaction of the responsible authority, unless bonding of the works has been agreed to in writing by the responsible authority.
- 8 All landscaping on the subject land must be maintained (including replacement of any dead or diseased planting) for a minimum period of five years to the satisfaction of the responsible authority.
- 9 Before the issue of a statement of compliance for the first stage, a bond to the value of \$10,000 must be paid to the responsible authority to ensure the maintenance of the landscaping along the Great Ocean Road and Bells Boulevard road frontages for a period of five years.
- 10 Declared noxious weeds and pest animals are to be controlled across the development site and during the five year maintenance period as per the responsibilities of the land owner under Section 20 of the Catchment and Land Protection Act 1994, namely that the land owner must take all reasonable steps to: prevent the spread of, and as far as possible, eradicate established pest animals; eradicate regionally prohibited weeds, and prevent the growth and spread of regionally controlled weeds.

**Vegetation offsets**

- 11 In order to offset the removal 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 (DEPI, 2013) and the Native vegetation gain scoring manual (DEPI, 2013).

The offset must:

- (a) Amount to 0.044 general biodiversity equivalence units;
- (b) Be located within the Corangamite Catchment Management Authority boundary;
- (c) Have a strategic biodiversity score of at least 0.354.

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These scores may be revised to the satisfaction of the responsible authority if detailed design of the intersection works required under Condition 39 results in a variation to the extent of native vegetation to be removed.

- 12 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 be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI, 2013) and the Native vegetation gain scoring manual (DEPI, 2013).

**Construction management plan**

- 13 Prior to the commencement of the development, a detailed Construction Management Plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must incorporate, but is not limited to, the following information:
- (a) A staging plan for all construction phases including indicative dates for commencement and completion;
  - (b) Measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
  - (c) Details of the location of access for construction vehicles;
  - (d) The location of all construction equipment, materials and facilities, including delivery points, storerooms, toilets, temporary offices and workers’ facilities, and parking of private vehicles of workers/ tradespersons;
  - (e) Measures to minimise the generation and dispersal of dust, erosion and silt beyond the site during construction;
  - (f) Protection of retained native vegetation on the land and adjoining land;
  - (g) Location of stockpiles;
  - (h) Methods of disposal of excess materials;
  - (i) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
  - (j) Details of actions to be implemented in the event of damage to abutting assets infrastructure;
  - (k) Hours/days of construction (NOTE: these works must be consistent with EPA legislation and guidelines);
  - (l) Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site;

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- (m) Plan to accord with the EPA Publication No. 960 "Doing it right on Subdivision – temporary environmental protection measures for subdivision construction sites" and No. 480 "Best Practice Environmental Guidelines for Major Construction Sites";

The plan must detail measures to ensure:

- (n) Only clean rainwater is discharged to the stormwater drainage system;
- (o) No solid waste, sediment, sand, soil, clay or stones from the site enters the stormwater drainage system or accumulates on abutting roads;
- (p) Waterways and Council assets are protected from adverse impact, and details of action to be undertaken should damage occur;
- (q) All machinery and equipment is cleaned on site, not on adjacent roads or footpaths; and
- (r) All litter is contained on site.

All development and works must be carried out in accordance with the Construction Management Plan to the satisfaction of the responsible authority.

**Road and drainage works**

- 14 Before any road and drainage works associated with the subdivision start, detailed construction 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 drawn to scale with dimensions and three copies must be provided. The plans must include:

- (a) Fully sealed road pavement 6.2 metres wide from shoulder to shoulder;
- (b) Above ground drains including construction of infrastructure required under the endorsed Stormwater Management Plan;
- (c) Modification of the existing dam to increase the capacity to a minimum of 245.7m<sup>3</sup>;
- (d) Energy efficient street lamps;
- (e) Street signs.

All works constructed or carried out must be in accordance with the endorsed construction plans to the satisfaction of the responsible authority.

- 15 Prior to the issue of a statement of compliance under the *Subdivision Act 1988*, the developer must provide:

- (a) Road works;
- (b) Drainage;
- (c) Street lighting and street signs;
- (d) Vehicle crossings where shown on the endorsed plans to be constructed;

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- (e) Asset information in digital format to include drainage data as per “D-Spec” the Consultant/Developer Specifications for the delivery of drainage data to Local Government;

In accordance with the endorsed plans and to the satisfaction of the responsible authority.

**Effluent treatment and disposal**

- 16 All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970, the Public Health and Wellbeing Act 2008, the Code of Practice Onsite Wastewater Management (EPA 2013) and the responsible authority. All effluent shall be disposed of within the curtilage of each lot and shall not drain directly or indirectly onto an adjoining property, street or any watercourse or drain. Sufficient land shall be kept aside and kept available for the purpose of effluent disposal.

**Telecommunication services**

- 17 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; and
  - (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.
- 18 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; and
  - (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.

**BARWON WATER CONDITIONS**

- 19 The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.

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- 20 The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water requirements and Victorian Plumbing Regulations. Note that tappings and services are not to be located under existing or proposed driveways.
- 21 Reticulated water mains are required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.
- 22 Barwon Water records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments,
- 23 The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/or any apartment, unit, or premises within the development that is or can be separately metered for water supply.

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply to the subdivision.

**POWERCOR CONDITIONS**

- 24 The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- 25 The applicant shall 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.
- 26 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. You shall arrange compliance through a Registered Electrical Contractor.
- 27 The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements 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 shall be provided. Such a lease shall 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.

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- 28 The applicant shall 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 Purpose & pursuant to Section 88 of the Electricity Industry Act 2000.
- 29 The applicant shall obtain Powercor Australia Ltd's approval for a lot boundary within any area affected by an easement for a powerline and for the construction of any works in such an area.
- 30 The applicant shall 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.

**COUNTRY FIRE AUTHORITY CONDITIONS**

- 31 Operable hydrants, above or below ground, must be provided to the satisfaction of CFA.
- 32 The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- 33 Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).
- 34 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.
- 35 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than 1 in 8 (12%) (7.1 degree) entry and exit angle.
- 36 Roads must have a minimum trafficable width of:
  - (a) 5.5m if parking is prohibited on one or both sides of the road;
  - (b) 7.3m where parking is allowable on both sides of the road.
- 37 Roads 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.
- 38 Any road with a trafficable width (Kerb to Kerb) less than 7.3 metres, must have 'no Standing' signage and/or appropriate on-road line markings installed to clearly identify that parking is only allowed on one side of the roadway.

**VICROADS CONDITIONS**

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- 39 Prior to the issue of a statement of compliance for the subdivision stage that creates access to Bells Boulevard, the following works at the Subdivisional Road / Bells Boulevard intersection must be completed at no cost to and to the satisfaction of VicRoads:
- (a) A left turn lane;
  - (b) The eastern shoulder of Bells Boulevard widened and sealed (to allow through traffic to pass right turning vehicles);
  - (c) Intersection lighting.
- 40 Prior to commencing any works within the Bells Boulevard road reserve, the applicant must enter into a works agreement with VicRoads, confirming design plans and works approval processes, including the determination of fees and the level of VicRoads service obligations.

**Permit expiry**

- 41 This permit will expire if one of the following circumstances applies:
- (a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
  - (b) The subdivision is not completed within five (5) years of commencement.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires; or

Within six (6) months after the permit expires where the use or development has not yet started; or

Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

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### WHEN DOES THE PERMIT BEGIN?

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The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### WHEN DOES A PERMIT EXPIRE?

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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 a 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 5 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 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 that permit before the expiry.

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### WHAT ABOUT APPEALS?

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- \* Any person affected may apply for a review of -
    - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
    - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
    - the failure of the responsible authority to extend the time within one month after the request for extension is made.
  - \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
  - \* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
  - \* An application for review must state the grounds upon which it is based.
  - \* 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 Victorian Civil and Administrative Tribunal.
-