
PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: 16/0172

Planning scheme: Surf Coast

Responsible authority: Surf Coast Shire Council

ADDRESS OF THE LAND: 180 ERSKINE FALLS ROAD, LORNE

THE PERMIT ALLOWS: Use and development of the land for an outdoor recreation facility (tree top adventure park) and removal of native vegetation in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the use and development starts, 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 copies must be provided. The plans must be generally in accordance with the plans prepared by Vibe Design Group dated 31/03/16 and submitted with the application but modified to show:
 - a) Details of each constructed recreational activity not already documented on the plans, including start and landing platforms and any supporting structures;
 - b) A detailed plan of the car parking spaces, accessways and site access point, including:
 - i. Widening of the vehicle access from Erskine Falls Road to 6 metres;
 - ii. The sealing of the access from the edge of seal on Erskine Falls Road to the confluence of the in and out lanes of the accessway;
 - iii. Demonstration through 12D modelling that gradients for the vehicle parking spaces, access lanes and site access point can be provided that minimise potential for vehicular scraping and bottoming out. These gradients should be designed to comply with Clause 52.06-8 of the Surf Coast Planning Scheme and/or Australian Standard AS2890.1-2004 as close as practicable, or otherwise alternate appropriate gradients, to the satisfaction of the responsible authority;
 - iv. Dimensions of all car parking spaces and adjacent aisle widths in accordance with Clause 52.06-8 of the Surf Coast Planning Scheme and/or Australian Standard AS2890.1:2004, or otherwise alternate appropriate dimensions, to the satisfaction of the responsible authority;
 - v. Measures to protect people alighting from cars in the parallel car spaces, including sections through the access lane and parking bay to show the clearance from the edge of the parking to the slope batters in accordance with the requirements of Clause

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52.06-8 of the Surf Coast Planning Scheme;

- vi. Car parking spaces located and/or designed to safeguard the protection of trees and their Structural Root Zone;
- c) A schedule of external materials, finishes and colours of all buildings incorporating colour samples. External colours should be neutral and muted in grey, green or brown tones to assist in visually blending the building with the surrounding natural landscape;
- d) Defined tracks to the landings and platforms, which may either be regularly slashed tracks or more formally constructed pathways.

Landscaping Plans

- 2. Before the development starts, a landscape plan 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 drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the tree protection measures recommended in the Arboricultural Assessment Report and Tree Management Plan prepared by Otto Leenstra and Associates, dated 14 December 2015 and Addendum 1 to Arboricultural Assessment Report prepared by Otto Leenstra and Associates, dated 25 October 2016 and with the Biodiversity Assessment prepared by Ecology and Heritage Partners, dated November 2016 and show:
 - a) The location of all buildings, stations, ropes courses, zip lines, pedestrian pathways, accessways and car parking spaces;
 - b) The identification of a range of zones across the site that are managed according to defined purposes – comprising conservation areas, revegetation areas, firebreaks, pedestrian tracks, defendable space, and Tree Protection Zones;
 - c) A detailed Planting Schedule of all proposed trees, shrubs, grasses and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) The Planting Schedule based on species selected from EVC 45: Shrubby Foothill Forest;
 - e) Details of any fencing proposed along property and internal boundaries. Any fencing must be visually permeable (e.g. post and wire) and enable the movement of small native fauna;
 - f) Construction details of proposed pathways. Pathways should be permeable or elevated where sited within the Structural Root Zone of trees, or regularly slashed tracks;
 - g) Measures for the protection and ongoing management of all trees impacted by the use and development permitted by this permit, including trees used for the ropes courses and zip lines, and trees within and adjacent to areas set aside for vehicle access, car parking, pedestrian pathways/tracks, buildings, water tank and solar panels (this may be by reference to the aforementioned Arboricultural assessment reports).

All species and construction materials selected must be to the satisfaction of the responsible authority. Planted vegetation must not increase fuel loads beyond what is allowed under an endorsed Bushfire Management Plan.

Endorsed Plans

- 3. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Stormwater Management Plan

- 4. Before the development starts a stormwater management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.

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When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) and must include:

- a) A construction site plan that incorporates the stormwater management measures to be implemented during the construction phase of the development and outlines in detail how stormwater is to be managed, including sediment controls, during both the land development phase and the building phase. The plan should have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The management controls are to be regularly monitored and maintained;
- b) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques to reduce pollutant export and peak discharge from the site to pre-development levels.

Construction Management Plan

- 5. Before the development starts, a 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 address the following matters:
 - a) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
 - b) measures to accommodate the private vehicles of workers/ tradespersons;
 - c) a prohibition of non-native animals such as dogs on the site;
 - d) details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;
 - e) measures to minimise the generation and dispersal of dust;
 - f) measures to avoid or minimise impacts to native vegetation and fauna habitat;
 - g) measures to avoid or minimise soil disturbance;
 - h) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
 - i) arrangements for waste collection and other services to be provided during construction;
 - j) measures to ensure that during construction, vehicles, machinery and equipment, and construction materials including fill brought to the site are free of weeds and pathogens to prevent the introduction and spread of weeds and pathogens, in particular Cinnamon Fungus (*Phytophthora cinnamomi*).
- 6. Before any road and drainage works associated with the development 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. All works constructed or carried out must be in accordance with those plans.

Access and Parking

- 7. Adequate car spaces must at all times be provided on the land for the use by patrons of the use and staff members to the satisfaction of the responsible authority. The number, design, layout and construction of the spaces must be to the satisfaction of the responsible authority.

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8. The bus parking area must be provided on the land in accordance with the requirements of the Cardno report, dated 12 April 2016, or otherwise an appropriate alternate design, to the satisfaction of the responsible authority.
9. Before the use starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather seal coat for the section of the accessway from the edge of seal on Erskine Falls Road to the confluence of the in and out lanes of the access;
 - d) Surfaced with gravel or crushed rock or other suitable trafficable surface for the remainder of the accessway and the vehicle parking spaces;
 - e) Drained;
 - f) Marked to indicate each car space and all access lanes;
 - g) Clearly marked to show the direction of traffic along the internal access lane;
 - h) Provided with protective measures such as railing, wheel stops or other barriers where required to ensure the safety of motorists and passengers and to protect errant vehicles;

to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be maintained and kept available for these purposes at all times to the satisfaction of the responsible authority.

10. The following requirements shall apply to site access and driveways that shall be constructed to the satisfaction of the responsible authority:
 - a) The vehicle access from Erskine Falls Road must be widened to 6 metres;
 - b) Entrance culverts with driveable endwalls and suitable pavement material must be constructed to suit the proposed driveway to the satisfaction of the responsible authority;
 - c) The growth of plants in the verge at the front of the site should be managed to ensure that it does not impede on driver sight lines;
 - d) A "Non-Utility - Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.
11. At peak operational times the business operated shuttle bus shall collect and return customers from areas in Lorne (such as the Mantra and Cumberland Resorts), with collections and drop-offs to occur every 30 minutes or as otherwise agreed in writing with the responsible authority. The operation of this bus service must be advertised on the website at the time of booking.
12. At all operational times a staff member shall direct customers to the car parking or as otherwise agreed in writing to the responsible authority.

Tree Protection and Biodiversity

13. Before any construction and earthworks start, tree protection measures must be carried out in accordance with the Arboricultural Assessment Report and Tree Management Plan prepared by Otto Leenstra and Associates, dated 14 December 2015 and Addendum 1 to Arboricultural Assessment Report prepared by Otto Leenstra and Associates, dated 25 October 2016.
14. During construction works:
 - a) the areas within the tree protection zones must not be used for any other purpose,

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- including storage of building materials or machinery, except as provided for in this permit;
- b) all contractors and sub-contractors engaged to undertake construction work on the site must have included in their contract a reference to the retention of trees and these planning permit requirements for their protection;
 - c) signs to the same effect must be displayed at all times on any tree protection zone fences.
15. Following completion of all installation and construction works a re-inspection of affected trees must be undertaken by a qualified arborist before the use commences and thereafter an annual tree health and risk management inspection must be undertaken. Any identified health and structural problems must be addressed as they become apparent.
16. Vegetation removal and disposal must not cause damage to vegetation stands to be retained.
17. Non-native animals such as dogs and cats are not allowed to be taken onto the site at any time (except guide and assistance dogs recognised under relevant legislation).

Completion of Landscaping

18. Before the use starts, or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Completion of External Ropes Course

19. Before the use starts, or by such later date as is approved by the responsible authority in writing, the external ropes course, including all stations and ancillary structures and connecting pathways, as shown on the endorsed plans, must be completed to the satisfaction of the responsible authority.

Hours of Operation

20. The leisure and recreation use may only be open to the public between the following hours:
- a) Between the 1st December and the day preceding the 1st March inclusive, except Christmas Day: 8.30am – 8.30pm daily.
 - b) On any other day, except Christmas day: 8.30am – 7.00pm daily, or until sunset whichever comes first.
 - c) Notwithstanding parts a) and b) the use must be closed to the public on days of declared Extreme and Code Red fire danger.
 - d) The use must be closed on Christmas Day.
21. The hours of operation shall be clearly displayed at the entrance to the site to the satisfaction of the responsible authority.
22. Emergency maintenance may be undertaken at any time.

Amenity

23. The use must be conducted to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

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- d) Presence of vermin.
- 24. All rubbish bins must have self-closing lids and/or be designed to withstand the effects of wind and access by birds, vermin and foxes.
- 25. External lighting must be designed, baffled and located, so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
- 26. Noise levels emanating from the premises must comply with the requirements of the *Guidelines: Noise from Industry in Regional Victoria*, EPA Publication 1411.
- 27. Sound amplification equipment or loud speakers must not be used in outside areas. Any music noise must comply with SEPP No. N-2 (Control of Music Noise from Public Premises) to the satisfaction of the responsible authority.

Barbeques and fireplaces

- 28. No barbeques or fireplaces are to be installed and used at the land in association with the outdoor recreation facility.

Environmental Weeds

- 29. No environmental weeds as identified in "Environmental weeds: Invaders of the Surf Coast" booklet shall be planted on the site or allowed to invade the site and the site managed and maintained to exclude weeds.

On Site Wastewater Management

- 30. Before the use commences, waterless composting toilet systems must be installed on the site to meet the specifications outlined in the installation manual for Clivus Multrum zero-discharge system and to a capacity that is capable of accommodating the projected visitation numbers to the satisfaction of the responsible authority.

Cultural Heritage Management

- 31. The use and development of the site must operate in accordance with the Cultural Heritage Management Plan approved for the site.

Country Fire Authority conditions

Bushfire Emergency Management Plan

- 32. Before the use starts, a Bushfire Emergency Management Plan (BEMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in consultation with CFA. The BEMP must address the following matters as outlined in the Bushfire Management Statement prepared by Terramatrix, dated 28 April 2016:
 - a) Management actions during the declared Fire Danger Period
 - b) Management actions on Extreme and Code Red days
 - c) Actions in the event of a bushfire threatening or impacting on the site
 - d) Measures to reduce the risk of fire starting on the site
 - e) Identification of an emergency access

Construction

- 33. The Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2 must be designed and constructed to a minimum Bushfire Attack Level of BAL-29 in accordance with AS3959-2009.

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Defendable space management

34. Defendable space generally in accordance with the dimensions identified at Map 3 of the Bushfire Management Statement by Terramatrix dated 28 April 2016 must be managed to the following standards during the declared fire danger period:
- a) Grass must be short cropped and maintained.
 - b) As far as practicable, all leaves and vegetation debris must be removed at regular intervals.
 - c) Within 10 metres of the Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2, flammable objects must not be located close to vulnerable parts of the building.
 - d) Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - e) Trees must not touch any elements of the Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2.
 - f) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
 - g) Branches overhanging the Administration & Gear Building 1 and Amenities, Maintenance & Gear Building 2 are to be either removed or if any overhanging tree branches are proposed to be retained, the trees with overhanging branches must be subject to an annual inspection and report by a suitably qualified arborist to ensure their structural integrity and minimise the risk of failure in the event of strong winds associated with a bushfire and the possibility of damage from branches falling on the buildings.

Water supply

35. At least 10,000 litres of effective water supply for firefighting purposes must be provided which meets the following requirements:
- a) Is stored in an above ground water tank constructed of concrete or metal.
 - b) The outlet of the water tank will be located remotely from the tank and within 4m of the accessway and be unobstructed.
 - c) All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
 - d) Incorporate a ball or gate valve (British Standard Pipe (BSP)) at least 65mm and coupling (64mm CFA 3 thread per inch male fitting).
 - e) Piping between the tank and the outlet will be minimum class 16 with a minimum internal diameter of 100mm.
 - f) The tank outlet/riser shall be suitably supported for any stresses, loads, sway imposed on the system. The riser support/s and components shall be corrosive resistant metal (no combustible materials).
 - g) Be readily identifiable from the building or appropriate identification signage to the satisfaction of the CFA.
 - h) The area around the tank outlet/riser shall be maintained clear of vegetation up to a distance of 1 metre all around.
 - i) The applicant will need to provide evidence (e.g. hydraulic calculations) showing that their particular installation will provide at least equivalent water delivery to the appliance pump as if the appliance was connected to the tank outlet itself.

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All to the satisfaction of the CFA and responsible authority.

Access

36. Where the length of access is greater than 30 metres the following design and construction requirements apply:
- a) Curves must have a minimum inner radius of 10 metres;
 - b) The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50 metres;
 - c) Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle;
 - d) A load limit of at least 15 tonnes and be of all-weather construction;
 - e) Provide a minimum trafficable width of 3.5 metres; and
 - f) Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.

These requirements may be varied to the satisfaction of the CFA and the responsible authority.

37. Where the length of access is between 100 metres and 200 metres, a turning area for fire fighting vehicles must be provided in the form of a turning circle with a minimum radius of 8 metres, or an otherwise alternate outcome to the satisfaction of the CFA and the responsible authority
38. Where the length of access is greater than 200 metres, passing bays must be provided at least every 200 metres, or an otherwise alternate outcome to the satisfaction of the CFA and the responsible authority.
39. Passing bays must be a minimum of 20 metres long and have a minimum trafficable width of 6 metres, or an otherwise alternate outcome to the satisfaction of the CFA and the responsible authority.

Mandatory condition

40. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Department of Environment, Land, Water and Planning conditions

41. Before works start, a native vegetation protection fence must be erected around all remnant patches and trees to be retained on site. This fence must be erected around the remnant patch at a minimum distance of 5 metres from retained native vegetation or at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of any tree. The fence must be constructed of chain mesh or similar to the satisfaction of the responsible authority.
42. The fence must remain in place until all works are completed to the satisfaction of the responsible authority.
43. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) vehicular or pedestrian access
 - b) trenching or soil excavation

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- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d) entry and exit pits for underground services
 - e) any other actions or activities that may result in adverse impacts to retained native vegetation.
44. To offset the removal of 1.302 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013) as specified below:
- a) have a general offset of 0.264 general biodiversity equivalence units;
 - b) be located within the Corangamite Catchment Management Authority boundary or Surf Coast municipal district; and
 - c) have a strategic biodiversity score of at least 0.263.
45. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority.
46. The offset evidence can be:
- a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
 - b) an allocated credit extract from the Native Vegetation Credit Register.
47. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
48. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. At the conclusion of the project, offset requirements can be reconciled with agreement by the responsible authority.
49. In the event that a security agreement is entered into as per the preceding conditions, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
50. Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning, offsets must not be located within the 150 metre BMO assessment area in accordance with the *Planning for Bushfire Victoria, Guidelines for Meeting Victoria’s Bushfire Planning Requirements* (CFA 2012).

Expiry of Permit

51. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit
 - b) The development is not completed within four years of the date of this permit
 - c) The use is not started within two years after the completion of the development
 - d) The use is discontinued for a period of two years.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

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The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C116 to the Surf Coast Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

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.

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 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 REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.