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

Permit No.: 1234/2014

**Planning scheme: Greater Geelong Planning
Scheme**

**Responsible authority: Greater Geelong City
Council**

ADDRESS OF THE LAND: 30 – 32 GEELONG ROAD, PORTARLINGTON

THE PERMIT ALLOWS: COMBINED REZONING TO MIXED USE ZONE AND PERMIT FOR USE AND DEVELOPMENT OF LAND FOR ACCOMMODATION (APARTMENT DWELLINGS) AND RETAIL PREMISES, MULTI-LOT SUBDIVISION, DISPLAY OF ADVERTISING SIGNS, REDUCTION OF CAR PARKING REQUIREMENTS, WAIVER OF LOADING BAY AND BICYCLE PARKING REQUIREMENTS AND CREATION OF ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of works, three (3) copies of 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 must be generally in accordance with the plans date stamped 25 September 2014, but modified to show:
 - a) A proposed subdivision plan.
 - b) A minimum of 63 fully accessible car spaces in the basement carpark. This may be achieved by deleting the basement level café. If the café is deleted then the amended plans must include details of the materials and finishes of the north-western elevation façade to ensure an appropriate façade treatment.
 - c) The provision of at least one on-site disabled car space.
 - d) The driveway ramp with a width of at least 6.0 metres for a length of at least 6.0 metres inside the front property and at a grade no steeper than 5% (1 in 20), before tapering to a width of 4.0 metres - 5.5 metres on the remainder of the ramp.
 - e) A distance of at least 1.0 metre between the driveway ramp and the north-eastern property boundary.
 - f) A longitudinal section of the driveway ramp showing all relevant design levels, grades, transition and main ramp lengths, vertical curve lengths and headroom clearance.

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- g) Swept path diagrams for the 85th percentile vehicle (and any larger vehicle expected to enter the basement carpark) that shows the ingress and egress travel paths along the ramp and entering/exiting the basement carpark, including ingress/egress from relevant car spaces. The swept path diagrams must be prepared by a qualified traffic engineering consultant.
- h) Details and drawings of the basement carpark traffic signal system demonstrating how the system will operate, including (but not limited to) vehicle holding points, traffic signal locations, locations of inductive loops, specifications and maintenance schedules.
- i) Allocation of each on-site car space to a particular dwelling or retail tenancy.
- j) A Parking Design and Allocation Plan in accordance with Condition 47.
- k) A linemarked edge line in the Portarlington-bound carriageway, between the intersections with Hereford St and Sproat St, to depict a minimum 3.3 metre traffic lane and a maximum 2.5 metre parking lane.
- l) Provision of 18 bicycle spaces, including 5 accessible to the public.
- m) The basement 'stores' designed so that there is clear pedestrian access.
- n) The location of mailboxes.

Prior to the commencement of use or Statement of Compliance, all buildings and works must be completed in accordance with the endorsed plans unless otherwise approved in writing by the Responsible Authority.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

Environmental Construction Management Plan

- 4. Prior to commencement of any works, a detailed Environmental Construction Management Plan must be submitted to and approved by the Responsible Authority. This plan must incorporate, but is not limited to, the following information:
 - a) Details of how off-site drainage during construction will be carefully managed to ensure appropriate protection of the adjacent wetland reserve.

Construction Management Plan

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5. Prior to commencement of any works, a detailed Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. This 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) Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact;
 - c) Details of actions to be implemented in the event of damage to abutting assets infrastructure;
 - d) Proposed access to the site for all construction stages;
 - e) Location of site huts and amenities for all construction stages;
 - f) Proposed materials hauling route;
 - g) Swept path diagrams for the longest vehicle expected to access the site;
 - h) Size, type and numbers of vehicles expected to be requiring access to the site during the different construction stages;
 - i) Location of parking facilities for construction vehicles.
 - j) Details of site cleanliness and clean up regimes;
 - k) Material storage;
 - l) Dust suppression;
 - m) Phone numbers of on-site personnel or other supervisory staff to be contactable in Details of how the CMP accords 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";

When approved this Construction Management Plan will form part of this permit. All development and works must be carried out in accordance with the Construction Management Plan, to the satisfaction of the Responsible Authority.

(Note: where a conflict arises with the construction management plan and any legislation, the relevant legislation will take precedence).

Engineering Plans

6. Prior to the commencement of works, engineer designed drainage plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. These plans must show, but are not limited to:
 - a) Pits and pipe sizes;
 - b) Finished surface and existing surface levels;

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- c) Creation of appropriate easements, including creation of new easements as required to the Legal Point of Discharge (LPOD) via the northern boundary of adjoining properties;
- d) Connection to the existing Council drainage network (LPOD), being the 600mm diameter drain running along the western boundary of No. 34 Geelong Road, via a newly constructed junction pit. The capacity of the outlet from the newly constructed junction pit will need to be assessed and upgraded by the developer if required;
- e) Vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong;
- f) Removal of any redundant vehicular crossings, and reinstatement with kerb and channel, footpath and nature strip to match existing construction in the street.

all to the satisfaction of the Responsible Authority.

Stormwater Quality/Management

7. The site stormwater system must be designed and installed such that:
- a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required; which is recommended to incorporate re-use tanks for toilet flushing and irrigation purposes;
 - b) Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

all to the satisfaction of the Responsible Authority.

Completion of Engineering Works

8. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of use or Statement of Compliance, the developer must:
- a) construct the site stormwater system in accordance with the endorsed drainage plans;
 - b) construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong;
 - c) remove any redundant vehicular crossings and reinstate with kerb and channel, footpath and nature strip area reinstated to match existing construction in the street;

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- d) construct the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans;

all to the satisfaction of the Responsible Authority.

Landscaping

- 9. Prior to the commencement of development, 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 plans must be drawn to scale and show:

- a) Details of surface finishes of pathways and driveways;
- b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
- c) Landscaping and planting within all open areas of the site.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

Completion and Maintenance of Landscape Works

- 10. Prior to commencement of use or Statement of Compliance, the landscaping works as 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.

Waste Management Plan

- 11. Prior to the commencement of development, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must provide details of a regular garbage collection service to each of the uses on the subject land, including information regarding the type of refuse bins, type/size of trucks, means of accessing bins and frequency of refuse collection, to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority.

- 12. Upon commencement of use, the approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

- 13. Prior to commencement of use or Statement of Compliance, the developer must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with

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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) That rubbish collection for the site will be via a private collection arrangement which will be paid for by individual property owners, rather than by Council.
- b) Acknowledgement that a Residential Waste Charge is a mandatory charge applied to all residential properties which cannot be waived even if a private contractor is engaged to provide recycling and waste services.

Prior to commencement of use of the dwellings, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land.

Section 173 Agreement – Public Access to Reserve

14. Prior to the occupation of the development, 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) That public access through the site from Geelong Road to the Portarlington Recreation Reserve will be available at all times, in the form of the pedestrian path shown on the endorsed plans.
 - b) That the path will be maintained in a safe and traversable state, including the installation of signage indicating access through to the Recreation Reserve and provision of lighting.

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

Screening Plan

15. Prior to the commencement of development, a Screening Plan must be submitted to and approved by the Responsible Authority. The plan must provide details (location, size, height) of screening devices to be constructed to protect surrounding properties from unreasonable overlooking, to the satisfaction of the Responsible Authority. Once

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approved, the plan must be implemented to the satisfaction of the Responsible Authority.

Maintenance of Screening Devices

- 16. Screening devices shown on the endorsed plans that limit overlooking to adjoining properties must be maintained to the satisfaction of the Responsible Authority.

Development at Lockup Stage prior to Statement of Compliance

- 17. Unless otherwise approved in writing by the Responsible Authority, prior to the issue of the Statement of Compliance the development approved by Planning Permit 1234/2014 must be substantially completed (eg. lockup stage as a minimum) in accordance with the endorsed plans forming part of that Planning Permit (or any amendment to that permit) to the satisfaction of the Responsible Authority. Evidence must be submitted which demonstrates that the development is substantially completed to the satisfaction of the Responsible Authority;

Creation of Easements

- 18. The Plan of Subdivision submitted for certification must include all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.

Telecommunications

- 19. 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.
- 20. 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

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- 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

General

21. The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.
22. 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.
23. The creation of an Owners Corporation to encumber all lots within the subdivision.
24. Trade Waste Agreements are to be entered into where applicable. The developer is to apply to the Barwon Water Trade Department for approval.

Water

25. The provision and installation of individual water services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations.
26. The provision of a master meter and sub meters are required to service to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. An 'Application to fit meters' is required to be completed and submitted by the licensed plumber who will be undertaking these works. This application must include a dimensioned plan indicating the location of all meters relative to existing and proposed allotment boundaries. These sub-meters will be installed by Barwon Water after the plumber has advised of completion of these preparatory plumbing works and that the meters can be installed. This application form can be downloaded via www.barwonwater.vic.gov.au – Business Customers- Property Connections. Work must not commence until written approval has been issued and all fees paid.
27. The payment of New Customer Contributions for each additional lot created and/or each additional metered connection for water supply within the subdivision.
28. An additional tapping(s) is to be supplied to service the proposed development. Note that tapplings and services are not to be located under existing or proposed driveways. The tapping size is to be determined by the developer.
29. The existing water main is a cracked asbestos water pipe. Please contact Barwon Water for specific requirements at least 5 business days prior to undertaking any works in its vicinity.

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30. Barwon Water's 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.
31. The two existing 20mm diameter tapplings located onsite are to be cut and sealed at the water main as they are no longer required for use.

Sewer

32. The provision of sewerage services to all lots in the subdivision in accordance with Barwon Water's requirements and Victorian Plumbing Regulations. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owners.
33. The payment of New Customer Contributions for sewer for each additional lot created and/or each additional metered connection within the subdivision.
34. The provision of a separate sewer connection branch to all lots within the subdivision. Due to the size of the existing sewer main (300mm in diameter) a manhole will be required to be constructed with the connection point extending from this in accordance with Barwon Water's requirements, Victorian Plumbing Regulations, and all relative statutory regulations. Note that sewer connection branches are to be provided by a Barwon Water approved confined space plumber and the manhole constructed by an approved Barwon Water plumbing services contractor. A list of both approved plumbers/ contractors can be provided upon request.
35. The two existing sewer points are to be decommissioned in accordance with Barwon Water policy as they are no longer required for use.

DOWNER CONDITIONS

36. The plan of subdivision submitted for certification must be referred to AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.

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POWERCOR CONDITIONS

- 37. 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.
- 38. 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.
- 39. The applicant shall, 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.
- 40. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- 41. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- 42. 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.
- 43. 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 Purposes' pursuant to Section 88 of the Electricity Industry Act 2000.
- 44. The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- 45. The applicant shall 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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46. The applicant shall obtain Powercor Australia Ltd's approval for a lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
47. 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.

VICROADS CONDITIONS

48. Before the commencement of works, a parking design and allocation plan must be submitted to the satisfaction of VicRoads. Amended plans must be submitted to and approved by VicRoads. When approved by VicRoads, the plans may be endorsed by the Responsible Authority and will form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped 25 September 2015 and annotated (as but modified) to show:
 - a) Depict line marking and a no standing zone to demonstrate safe access and egress to and from the development site to the Geelong Portarlington Road.
 - b) Undertake road widening to accommodate a right turn lane on the Geelong Portarlington Road at the entrance of the proposed development.
49. The applicant must enter a formal agreement with VicRoads regarding processes and fees associated with all works within the declared road reserve of the Geelong Road.

Expiry

50. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:
 - a) The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.
 - b) The development of the building(s) hereby approved is not completed within four (4) years of the date of this permit.

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

- a) Within six (6) months after the permit expires where the use or development has not yet started; or
- b) 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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51. This permit as it relates to subdivision 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) A statement of compliance is not issued within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to at (a) if a request is made in writing before the permit expires or within six (6) months afterwards.

Notes

- 1. Construction of the site stormwater connection/s is to be inspected by Council Representative at various stages. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
- 2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
- 3. A Vehicle Crossing Permit must be obtained prior to commencement of works.

Barwon Water

- 4. The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision.

It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L012545.

Downer

- 5. Should gas be required to be either connected or disconnected to the existing or future properties please contact your local gas retailer.

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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. C321 to the Greater Geelong 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.

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.