

PLANNING PERMIT

Permit No.	AM/337/2017/C
Planning Scheme	Greater Bendigo Planning Scheme
Responsible Authority	City of Greater Bendigo
Address of the Land	29 Emu Creek Road, STRATHFIELDSAYE 3551 Lot 1-29 & A PS 903665, Pts CA's 5 Sec 1 & 10 Sec 8, Lot 2 LP 124638, Lot 1 PS 723636V

THE PERMIT ALLOWS:

The staged subdivision of land into not more than 120 lots; construction of a dwelling on each lot in the Land Subject to Inundation Overlay; removal of native vegetation and removal of easement

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- PLAN REQUIRED - SUBDIVISION**
Before the subdivision is certified, 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 and must not be altered without the prior written consent of the responsible authority. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must show:
 - Changes to the plan of subdivision accord with the approved Development Plan; and
 - Changes to the Bushfire Management Plan (referred to in condition 21 (b)) to accord with the approved Development Plan.
- PLANS REQUIRED - DWELLINGS (WITHIN THE LAND SUBJECT TO INNUNDATION OVERLAY)**
Prior to the commencement of each dwelling, plans 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 endorsed plans must not then be altered, except with the prior written consent of the Responsible Authority. The plans must include a full set of dwellings plans (site, floor and elevation plans) showing:
 - Compliance with North Central Catchment Management Authority conditions 16 (a) & (b)
- LAYOUT MUST NOT BE ALTERED**
The layout of the subdivision or dwelling as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- STAGING PLAN**
Before a statement of compliance is issued for the first stage of the subdivision a staging plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.
- ORDER OF STAGES**
The subdivision of the land must proceed in the order of stages as shown on the endorsed plan except with the written consent of the responsible authority.

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6. DESIGN GUIDELINES

Prior to the certification of the plan of subdivision, design guidelines to the satisfaction of the Responsible Authority for all lots that adjoin or have an abuttal the drainage/open space reserve must be submitted to and approved by the Responsible Authority. The guidelines must include (but not be limited) to provide for the following:

- (a) no or low/ transparent fencing; and
- (b) a primary dwelling frontage orientated towards the reserve.

When approved, the design guidelines are an endorsed document under the Planning Permit and must be registered on title in either the form of Memorandum of Common Provisions pursuant to Section 91A of the Transfer of Land Act, 1958; or an alternate restriction registered on title to the satisfaction of the Responsible Authority.

7. LANDSCAPE PLAN

Before a statement of compliance is issued for each stage of the subdivision a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority for the relevant stage. When approved, the plan will be endorsed and then form part of the permit.

8. COMPLETION OF LANDSCAPING

Before a statement of compliance is issued for each stage of the subdivision the landscaping works shown on the endorsed must be carried out and completed for that stage to the satisfaction of the responsible authority.

9. LANDSCAPING MAINTENANCE

The landscaping works shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 24 months after the works are completed, including that any dead, diseased, or damaged plants are to be replaced.

10. PUBLIC OPEN SPACE CONTRIBUTION

- (a) Before a statement of compliance is issued for stage 2; the applicant or owner must pay to the responsible authority a sum equivalent to a maximum of 5% of the site value of all the land in the subdivision.
- (b) The 5% sum includes a contribution-in-kind/credit for the unencumbered additional open space provided as well as the developer funded works related to the dual-purpose drainage and open space reserve.

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11. DETAILED DRAINAGE

Prior to the certification of the plan of subdivision under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include:

- (a) Direction of stormwater run off
- (b) A point of discharge for each lot;
- (c) Independent drainage for each lot.
- (d) Documentation must be provided demonstrating approval from the relevant authority for the point of discharge.
- (e) Stormwater quality
- (f) Stormwater detention
- (g) Drainage easements

12. CONSTRUCTION OF WORKS

Road works, drainage and other civil works must be constructed in accordance with the Infrastructure Design Manual and plans and specifications approved by the responsible authority and must include:

- (a) Fully sealed pavement with kerb and channel;
- (b) Paved footpaths;
- (c) Underground drainage;
- (d) Underground conduits for water, gas, electricity and telephone;
- (e) Appropriate intersection and traffication measures; and
- (f) Appropriate street lighting and signage.

Emu Creek Road

- (a) Construct eastern carriageway to collector street level 1 standard;
- (b) 1.5m on-road bike lane on eastern carriageway;
- (c) 1.5m concrete shared footpath;
- (d) Type BAR right turn treatment in Emu Creek Road at the entrance to the subdivision in accordance with Clause 7.7.1, Austroads Guide to Road Design Part 4A.
- (e) Type BAL left turn treatment in Emu Creek Road at the entrance to the subdivision in accordance with Clause 8.3.1, Austroads Guide to Road Design Part 4A.
- (f) underground drainage; and
- (g) Appropriate street lighting and signage.

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13. DECORATIVE LIGHTING

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

14. PUBLIC ASSETS

Before the subdivision starts the developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to any public infrastructure caused because of the development or use permitted by this permit.

15. CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of works the owner or applicant must submit a Construction Management Plan (CMP) for approval by the responsible authority. The plan must include:

- (a) A site-specific plan showing proposed erosion and sedimentation control works.
- (b) Techniques and intervention levels to prevent a dust nuisance.
- (c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- (d) The protection measures taken to preserve any vegetation identified for retention.

During construction of works associated with the subdivision, the owner or applicant must employ and provide the protection methods contained in the CMP to the satisfaction of the responsible authority.

16. NORTH CENTRAL CATCHMENT MANAGEMENT AUTHORITY

- (a) Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, all new allotments must be filled to at least 0.3 metres above the applicable 1% AEP flood level(s). Prior to issuing a statement of compliance a certified survey plan of the finished surface levels prepared by a licensed surveyor must be submitted to and approved by the Responsible Authority and North Central CMA.

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- (b) The construction of a dwelling must not undertake a site cut which results in the surface level being lower than 0.3 metres above the applicable 1% AEP flood level unless the plans are approved by North Central CMA.
- (c) Prior to the commencement of any works, appropriate silt control measures must be installed to prevent sediment laden runoff from entering the waterway. The silt control measures must be maintained throughout the construction period.

17. COLIBAN WATER

- (a) The owner is required to provide reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
- (b) All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
- (c) The developers appointed consultant must liaise with Coliban Water prior to a submission for the provision of piping the Emu Valley 2 Channel
- (d) The developer will be responsible to meet the costs of connecting the property on Bakers Lane to the Eppalock Pipeline; this is a result of the channel being piped outside of the property boundary.

18. POWERCOR

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- (f) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

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- (g) 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.
- (h) 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 "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- (i) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- (j) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- (k) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- (l) 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.

19. DOWNER UTILITIES

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

20. TELECOMMUNICATIONS

- (a) The owner of the land must enter into an agreement with:
 - (i) 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.
 - (ii) 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.

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- (b) 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:
- (i) 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.
 - (ii) 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.

21. COUNTRY FIRE AUTHORITY

Mandatory Condition - Subdivision

- (a) Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
- (i) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Greater Bendigo Planning Scheme.

Bushfire Management Plan

- (a) The Bushfire Management Plan (Drawing No: 304122-BMP-V11A, dated 19/02/2025, Sheet 2 of 2 contained at Appendix 2 of the Bushfire Management Statement) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the responsible authority.

22. DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION

Notification of permit conditions

- (a) Before works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.

Protection of vegetation to be retained

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

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

Native vegetation offsets

- (h) In order to offset the removal of 6.351 hectares of native vegetation (including 1 scattered tree) approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual.
- (i) The offset must:
 - (i) Contribute gain of 2.460 general biodiversity equivalence units;
 - (ii) Be located within the North Central Catchment Management Authority boundary or Greater Bendigo municipal district; and
 - (iii) Have a strategic biodiversity score of at least 0.565.
 - (iv) The offset or offsets must contribute gain of:
 - 1.510 specific biodiversity equivalence units of suitable habitat for Dark Wire-grass (503630- *Aristida calycina* var. *calycina*)

Offset evidence

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

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23. EXPIRY OF THE PERMIT - STAGED SUBDIVISION

This permit will expire unless:

- (a) All stages of the approved subdivision have been certified within five years of the date of the amendment of this permit (23 July 2025) this permit;
- (b) Any stage of the approved subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988; or

The responsible authority may extend the time for certification of a plan of any stage of the subdivision if a request is made in writing before the permit expires, or thereafter, within the period allowed by section 69 of the Planning and Environment Act 1987.

24. EXPIRY OF THE PERMIT (DWELLINGS (WITHIN THE LAND SUBJECT TO INNUNDATION OVERLAY)

This permit will expire if the development (dwellings) permitted by this permit is not completed within 10 years from the date of the amendment of this permit (23 July 2025). The time within which the development must be completed may be extended, on written request to the responsible authority, before or within 6 months after the expiry of this permit where the development has not yet started or 12 months where the development has commenced.

City of Greater Bendigo – Note

The submission of plans under condition 2 must be accompanied by the requisite 'satisfaction' fee payable to the City. This amount will be invoiced at such time that plans are submitted for endorsement under this permit.

Department of Energy, Environment and Climate Action Note:

To assist applicants in meeting their permit condition requirements, the 'Meeting permit conditions – third party offsets' (2015) fact sheet and the 'First party general offset kit (ver1.1)' are available. Please visit <https://www.environment.vic.gov.au/nativevegetation/native-vegetation> for further information.

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THE PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
19/09/2023	(a) The permit now allows the required subdivision permission under clause 44.04-6 (Land Subject to Inundation Overlay) resulting from amendment C221 which applied the Overlay to parts of the land following the grant of the permit in 2018. (b) Reference to the Department of Environment, Land, Water and Planning have been updated to reflect machinery of Government changes resulting in that agency now known as the Department of Energy, Environment and Climate Action.	City of Greater Bendigo	Section 74
30/10/2023	(a) The staging plan has been amended so that the sediment basin will be delivered in Stage 2. (b) Condition 9 (Public Open Space Contribution) has been amended to specify that it will also be satisfied prior to the issue of a Statement of Compliance for Stage 2. (c) The First Party Offset Management Plan has been updated and re-endorsed.	City of Greater Bendigo	Section 74
23/07/2025	The statement of what the permit allows amended to increase the number of lots permitted from 119 to 120; and to allow dwellings on lots within the Land Subject to Inundation Overlay. The preamble now reads: <i>The staged subdivision of land into not more than 120 lots; construction of a dwelling on each lot in the Land Subject to Inundation Overlay; removal of native vegetation and removal of easement</i>	City of Greater Bendigo	Section 74

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23/07/2025	New conditions (at conditions 2, 16 and 24) have been included to give effect to the above changes – subsequent conditions have been renumbered.	City of Greater Bendigo	Section 74
23/07/2025	Inclusion of a new expiry condition (newly numbered condition 24) to expressly state that the new expiry date applies <i>from the date of the amendment of the permit</i> .	City of Greater Bendigo	Sections 68(1)(a) and 76B(a)

THE PERMIT HAS BEEN EXTENDED AS FOLLOWS:

Date of extension	Brief description of the extension	Duration of the extension
29 May 2025	An extension of time to certify the plan of subdivision has been granted	5 years New expiry date: 12 April, 2030.
23/07/2025	The amendment to this permit has the effect meaning the permit is valid for a longer period than the extension granted.	5 years for certification of the Plan of Subdivision New expiry date: 22/07/2030 10 years for the construction of a dwelling on each lot within the Land Subject to Inundation Overlay New expiry date: 22/07/2035

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

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

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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