



South Gippsland
Shire Council

Our Ref: 2022/296
Your Ref: 21-2226

26 March 2024

David Trease Design & Drafting Solutions
765 Ruby-Arawata Road
Ruby VIC 3951

Dear David,

Re Application No: 2022/296
Proposed: Use and development of the land for Rural Industry (olive oil and wine production)
Location: 2130 Yarragon-Leongatha Road Hallston VIC 3953 Being L2 TP83332T

Council is pleased to advise that your Planning Permit application has been approved. A copy of the permit is enclosed.

You are advised to read and understand the conditions contained in the Permit. It is the owner's responsibility to ensure all conditions are complied with. It is an offence under the Planning and Environment Act 1987 to carry out any use or development in contravention of a planning permit.

It is also the owner's responsibility to ensure all other relevant permits, including Building, Septic, Health, Road reserve and Local Laws are obtained (if required), prior to the commencement of any use or development. Council's Planning Department has not assessed your application against any other legislation and this approval does not constitute approval under any other legislation.

Should you have any questions or need further information, please do not hesitate to contact me on 5662 9200 or council@southgippsland.vic.gov.au

Yours faithfully,

J. Edmondson

Jacob Edmondson
Statutory Planning Officer
Planning Department



PLANNING PERMIT

Permit Number	2022/296
Planning Scheme	South Gippsland
Responsible Authority	South Gippsland Shire Council

ADDRESS OF THE LAND:

Land Title: L2 TP83332T

Land Address: 2130 Yarragon-Leongatha Road Hallston VIC 3953

THE PERMIT ALLOWS:

Use and Development of the land for Rural Industry (olive oil and wine production), in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. **Landscape plans required for endorsement**

Before plans are endorsed for the hereby approved use and development, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must show:

- a) Areas of visual screening around the two shed structures from nearby vantage points along Yarragon-Leongatha Road;
- b) Location and proposed boundaries for both olive and vine growing areas;
- c) 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.

All species selected must be to the satisfaction of the responsible authority.

When approved, the plan will be endorsed and will then form part of the permit.

The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

2. The use of the land allowed under this permit, and the building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.
3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,

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Signature of Responsible Authority

Date of Issue



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- soot, ash, dust, waste water, waste products, grit or oil
d) presence of vermin
4. The proposed development is not to be used for any form of accommodation, unless otherwise approved in writing by the Responsible Authority.
 5. Any products manufactured or grown on the land is to be sold off site, unless otherwise approved in writing by the Responsible Authority.
 6. The external finishes of the sheds, including walls and roof materials, must be colour treated and maintained in muted non-reflective tones to the satisfaction of the Responsible Authority.
 7. Downpipe water from the sheds must be suitably directed into water tank(s), soakwell(s), or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority.
 8. Any access road, clearings and banks resulting from excavation must be stabilised by the use of retaining walls, terracing, revegetation and other means of slope stabilisation due to the steepness of the block and must be to the satisfaction of the Responsible Authority.
 9. **South Gippsland Water Conditions**
 - a) The owner shall install a secondary wastewater treatment system with preferred Secondary Treatment SAND FILTER with disinfection to sub-surface pressure actuated drip irrigation in accordance with the Land Capability Assessment Report by Geo core Pty Ltd dated October 14, 2022, Ref No. PER-2249 or otherwise to the satisfaction of the Responsible Authority.

Note: Given the risk profile of the lot our assessment is based on intermittent usage. This approval does not infer that future development of any accommodation and/or dwelling will be allowed on the site.
 - b) The management, operation, and monitoring of the secondary treatment system shall be carried out in accordance with the manufacturer's recommendations and the Geo core Pty Ltd dated October 14, 2022, Ref No. PER-2249
 - c) All other waste management from the operation of the industry must be managed in a way so as not to adversely impact groundwater, runoff to surface water, or any wastewater system and effluent disposal area.

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- d) The on-site wastewater system is to be reported on under the requirements of the endorsed South Gippsland Shire Council DWMP
- e) Building construction must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority.

10. Country Fire Authority Conditions

- a) Before the development starts, the Bushfire Management Plan prepared by Euca Planning, Version 2 dated 17/01/2024, must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

11. Environmental Health Conditions

- a) Waste water associated with the development of two sheds on the land must be treated and retained on-site in accordance with the Environment Protection Act 2017, and the installation of any Septic Tank System must comply with the Septic Tank Code of Practice 2008 and Council's Domestic Wastewater Management Plan 2022-2026, to the satisfaction of the Responsible Authority. The appropriate wastewater system and associated effluent field will be determined once a wastewater application has been made to Council (the Responsible Authority).
- b) The premises (sheds) built to produce/package olive oil must comply with requirements of the Food Act 1984 and Food Standards Code Australia New Zealand (FSANZ), requiring registration with the local council. Establishment of Food Premises Application to council prior to construction will ensure compliant fit-out/plans for food production.

12. Engineering Conditions

- a) Prior to commencement of use, the proposed access track as shown on the endorsed plans must be constructed to a minimum width of 4.5m and constructed of a suitable "all weather" pavement to the satisfaction of the Responsible Authority.
- b) The access track is to be maintained at all times to an "all weather" standard.
- c) The proposed entry gate must be located entirely within the property boundary.

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13. This permit will expire if either of the following applies:
- The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) years of the date of this permit.
 - The use does not start within two (2) years after the completion of the development.
- The Responsible Authority may extend the periods referred to in accordance with Section 69 of the *Planning and Environment Act 1987*, if a request is made in writing.

NOTES:

- This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
- A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover.
- The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**; unless, the Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority under Division 1A of Part 4 of the Planning and Environment Act 1987, or the Victorian Civil and Administrative Tribunal directed that the following specified part(s) of this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**:

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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 and 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 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?

- 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 and 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 and Administrative Tribunal.
- An application for review must be made on the relevant 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.
- 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 and Administrative Tribunal.