

PLANNING PERMIT

Permit No. **AM/652/2022/A**
Planning Scheme: **Greater Bendigo Planning Scheme**
Responsible Authority: **Greater Bendigo City Council**

ADDRESS OF THE LAND: **Lot 1 Reillys Road, NEILBOROUGH 3570**
Lot 1 TP 417413M

THE PERMIT ALLOWS: **Use and development of the land for Poultry Hatchery (Emu)**
with dwelling and associated outbuildings

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. **MODIFIED PLAN REQUIRED**

Before the use and/or development start(s), 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 2 copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Amended dwelling plans, showing elevations, colours and materials proposed.
- (b) Amended Site Plan, showing:
 - i. Designated domestic envelope located around proposed dwelling and wastewater field. This area must be minimised to the greatest extent possible to maximise agricultural use of the land.
 - ii. Relocated wastewater field within the south-eastern corner of the site to achieve EPA setback distances from the proposed enlarged dam.
 - iii. Details of how access across Coliban Water channel is to be achieved.

2. **NO LAYOUT ALTERATION**

The use and/or development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

3. **EVIDENCE OF LEGAL ACCESS ACROSS COLIBAN WATER LAND**

Prior to any works commencing on the site, evidence to the satisfaction of the responsibility authority must be provided that details how formal access arrangements across the Coliban Water channel are provided. This evidence must provide confirmation that access to the proposed market garden area exists to the extent required to affect the development approved under this permit to the satisfaction of the responsible authority.

4. **INFRASTRUCTURE STAGING PLAN**

Before a building permit is issued for any dwelling on the property, an Infrastructure Staging Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The documents must include a clear site plan of the whole site, and be drawn to scale with dimensions, indicating all proposed infrastructure. The infrastructure staging plan must be generally in accordance with the submitted Farm Management Plan and the material submitted as part of the planning permit application outlining the proposed agricultural land use.

Signature for the
Responsible Authority



Date Issued: 22 September, 2023

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The plan must show:

- (a) The property address;
- (b) Owner's details;
- (c) Proposed agricultural land use;
- (d) Details of the proposed infrastructure;
- (e) Details of revegetation works proposed around boundaries of site, including species to be utilised and regularity of plantings;
- (f) Details of the staging in which the proposed infrastructure will be installed; and
- (g) Any other relevant information to support the proposal.

The Infrastructure Staging Plan must indicate to the satisfaction of the Responsible Authority:

- (a) At what stage the proposed dwelling will be constructed. It must also indicate that the proposed agricultural land use has been reasonably established on the site prior to construction of the proposed dwelling commencing. This must include:
 - i. Construction of internal driveway to emu hatchery;
 - ii. Internal agricultural fencing erected;
 - iii. Fencing of domestic envelope;
 - iv. Enlargement of dam
 - v. Soil improvement commenced;
 - vi. Construction/installation of emu hatchery shed, heat shed and emu run; and
 - vii. Introduction of sheep.
- (b) At what stage the proposed dwelling will be occupied. It must also indicate that the agricultural land use has been reasonably established on the site, prior to the occupation of the proposed dwelling. This must include:
 - i. Installation of incubators and heat shed (to provide Certificate of Electrical Safety by a licenced electrician and evidence).
- (c) Any remaining infrastructure in support of the intended agricultural use and the reasonable timeframe for completion of all infrastructure.

When approved, the plan will be endorsed to form part of the permit. Once endorsed the Infrastructure Staging Plan must not be altered without written consent of the Responsible Authority and must be implemented to the satisfaction of the Responsible Authority.

5. SEQUENCING OF THE DEVELOPMENT

Development must occur in the sequence outlined in the approved Infrastructure Staging Plan.

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6. **FARM MANAGEMENT PLAN**

The poultry hatchery (Emu) and chick/juvenile rearing facility must be operated in accordance with the endorsed Farm Management Plan that forms part of this permit to the satisfaction of the responsible authority.

7. **NO WORKS UNTIL AGREEMENT EXECUTED**

No buildings or works are to be commenced until an agreement pursuant to section 173 of the Planning & Environment Act 1987 has been executed between the owner of the subject land and the City of Greater Bendigo to the satisfaction of the responsible authority. This agreement must provide for the following:

- (a) That subdivision of the subject land is prohibited, including dwelling excision;
- (b) That all domestic activities must be undertaken within the designated domestic envelope. This includes the future construction of any outbuildings associated with the dwelling approved for the land;
- (c) That the owner acknowledges and accepts the possibility of nuisance from agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation;
- (d) That the domestic envelope must not be utilised for agricultural purposes, including the running of livestock for grass/weed management; and
- (e) That any dwelling located on the land will be removed should the agricultural activities approved under this permit cease unless with the express written consent of the responsible authority.

The agreement must be prepared and registered by the City's solicitors at the cost of the applicant.

8. **GENERAL DRAINAGE – BUILDINGS & HOUSES**

The proposed building(s) and works must be drained to the satisfaction of the City of Greater Bendigo as the responsible drainage authority.

9. **CONSTRUCT A GRAVEL DRIVEWAY**

Prior to the commencement of works for the house, the owner must construct a gravelled driveway connecting the building envelope to Reillys Road in accordance with the endorsed plans.

10. **ELECTRICITY SUPPLY**

The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

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11. EXPIRY OF PERMIT

This permit will expire if the development permitted by the this permit is not completed within 4 years from the date hereof. 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.

Notes:

Before a building permit is issued for a dwelling at the property, a Permit to Install an Onsite Wastewater Management System is required to be issued by Council.

This permit has been amended as follows:

Date	Description of Amendment	Responsible Authority
19/10/2023	Amend condition 4(b)i. to alter the point in time at which occupation of the dwelling approved under this permit may occur	City of Greater Bendigo

Signature for the
Responsible Authority



Date Issued: 22 September, 2023

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.