

6.1.2 Amended Report Planning Permit Amendment T120062-1 400 Mountain Road, Gembrook

File Reference: T120662-1
Responsible GM: Peter Benazic
Author: Owen Hardidge

Recommendation(s)

That Council:

1. Note the contents of this report, and
2. Endorse the below Compliance Plan for Mountain Harvest Foods at 400 Mountain Road, Gembrook:
 - a. Until 31 December 2021 any enforcement decisions made in respect of the property (including any arising from new complaints made after the date of this resolution) will be reviewed by the Manager, Development and Compliance Services to ensure appropriate enforcement is undertaken of the land.
 - b. Within 3 months of full operations resuming on the site, Council engage an independent expert to report on noise levels from the site to assess compliance with Condition 6 of the permit (the applicable EPA noise standard).
 - c. Residents and the business will be provided with the results of noise testing.
 - d. Within 3 months Mountain Harvest Foods resuming full operation, Council undertake and audit of the facility against the permit conditions of T120662-1, including the land use permissions.
 - e. Within 3 months of the completion of building works, the Municipal Building Surveyor will review building and occupancy permits filed with the Council in respect of works.
 - f. Commencing within 3 months of full operations resuming on the site (and thereafter to a total of no more than 4 times in the following 12 month period) Compliance Officers attend the vicinity (outside of business hours, if necessary) to make preliminary observations of odour impacts on the amenity of the area.

Attachments

1. Signed Planning Permit and Endorsed Plans (2013 Permit) [6.1.2.1 - 7 pages]
2. Amended Planning Permit and Plans (2020 Amended Permit) [6.1.2.2 - 10 pages]

Executive Summary

Council resolution 18 May 2020

At the general Council meeting held 18 May 2020, Council resolved as follows:

That a report be prepared for the Council meeting to be held on 15 June relating to the planning permit issued for the conduct of a rural industry at 400 Mountain Road in Gembrook.

This report is prepared in response to that resolution.

This report has been amended prior to the Council meeting of 20 July 2020, to take account of feedback provided by interested residents. The previous version is included in the agenda for the 15 June meeting.

Part A – Planning permit issued for the conduct of rural industry at 400 Mountain Rd, Gembrook

The land

400 Mountain Rd, Gembrook is a 24.77 hectare parcel of land. A dammed watercourse runs from the centre of the parcel to the western boundary. In the north eastern corner of the property are a house and buildings used in connection with the Mountain Harvest Foods, including two sheds that are used for packing and processing of products, and for storage of machinery and goods.

The land is zoned “Green Wedge Zone 2” and is subject to the Environmental Significance Overlay, Bushfire Management Overlay, and Significant Landscape Overlays.

In the Green Wedge Zone, rural industry is a Section 2 use, meaning that rural industrial uses may be permitted.

Permit issued 2013 – T120662

On 16 April 2013, Cardinia Shire Council granted a permit pursuant to section 61 of the Planning and Environment Act in respect of the 400 Mountain Rd, Gembrook. This permit was ref. T120662 (Attachment 1). The permit authorised the use of the land for “Rural Industry (manufacturing of potato products)”. The permit included 7 conditions, footnotes and 3 pages of documents which are annotated as “approved” plans.

Page 1 of 3 and marked “approved plan” is a letter (referred to as the “2012 letter” which sets out the intentions of the business as at the date of the letter, including “proposed days and hours of operation”, “number of people likely to be present on the site” and “what is involved in manufacturing of the potatoes”.

Resident complaints 2015 - 2020

Commencing in 2015, Council began receiving reports from members of the community regarding the business operated on the land. The reports were investigated by Council and other agencies. In some instances, non-compliances were detected. In general terms, the residents complained that the operation of the business was impacting their amenity in a variety of ways. (The nature of these reports is discussed in more detail below)

What conditions could be enforced?

During the course of investigating complaints, Council planning enforcement officers reviewed the existing permits. During 2015 to 2017, Council officers advised the residents that the permit did not prohibit hours of operation, and advised the residents that the only enforceable aspects of the permit were the 7 conditions in the body of the permit. It appears that the “2012 letter” was present in the physical file held in Council archives, but not on the digital versions.

In approx. 2017, the “2012 letter” came to the attention of Council enforcement officers and planning staff. From 2017 to early 2020, Council officers took the view that the “2012 letter” could be relied upon to regulate hours of operation, and formed part of the conditions of permit T120662. During this period, Council officers advised Councillors and the residents of the hours of operation and indicated a willingness to enforce those hours of operations, as though they formed, for all intents and purposes, conditions on permit T120662.

Late in 2019, Council received reports that the business was operating outside of the hours referred to in the “2012 letter”. Prior to commencing enforcement proceedings, Council officers sought advice on the enforceability of hours of operations referred to in the “2012 letter”. In Feb 2020, based on the advice, Council officers formed the view that the permit could not be interpreted as including hours of operation, and that the permit effectively authorised the use of the land for “rural industry” without restriction on the hours in which the use could occur. This remains the view of Council officers.

This change of position, reached in Feb 2020, was not communicated to the residents who had complained since 2015. This was because, in the same month, a fire destroyed one of the sheds used by Mountain Harvest Food. This substantially halted the operation of the business, and (by extension) the investigation into any open resident complaints. At that point it was not clear what or how the business would seek to re-establish itself, and whether or not this would be subject to further planning approvals.

To express this another way, as at Feb 2020, Council, the business and affected residents had a common belief that hours of operations were part of the conditions of permit T120662. By March 2020, the Council officers had adopted a different view, as had the business, and the application to amend T120662 proceeded based on this new common understanding. Council officers remain of the view that the current position is the correct and preferable interpretation of the T120662 permit (prior to the amendment). However, the affected residents were not advised of this change in position, due to the intervening fire and the effective conclusion of open complaint investigations.

Application to amend T120662, and correct T080382 and T100189

In the course of preparing to rebuild the shed and recommence operations, the business reviewed the existing planning permits that apply to the land. In doing so, they rightly identified various inconsistencies with the existing permits, and applied to amend permit T120662, by:

- a) Removing a document previously stamped as endorsed (the “2012 letter”), and
- b) Inserting hours of operation clauses directly into the permit conditions, and
- c) Replacing the endorsed plans with more accurate plans, that generally accord with the plans previously endorsed.

Council officers were required to assess whether the application to amend T120662 was required to be “advertised” – that is, whether adjoining neighbours or affected parties were to be given “notice” of the application, as defined by Section 52 of the Planning and Environment Act 1987. The circumstances in which applications are required to give notice are set out in Section 52 of the Act and require an assessment of whether affected persons may suffer “material detriment” by the amendment.

In making this assessment, officers started from the position that the current permit contained no limitation in hours of operation. From that starting point, the application to insert hours of operation conditions could not be seen as a “material detriment” to affected residents. Council officers remain of the view that this assessment of the Section 52 test is correct, but recognise that for the residents who had previously been advised that there were hours of operation that were enforceable, this assessment seems incongruous.

The application was considered by a delegate in accordance with the delegation made by Council. (This is a delegation of power directed to specified officers, and not a delegation to the CEO, which is then sub-delegated). The delegate making the decision was the Team Leader of Statutory Planning, Ms Frances Stipkovic, who sought peer review of the decision. It can be observed that approx. 97.5% of decisions in respect of permits are made under delegation.

The applicant considered the amendments that were sought and considered that the granting of the amendment was consistent with the applicable planning principles, including the

objectives of the Green Wedge Zone. (A more detailed discussion of the planning considerations is contained below.)

On 8 May 2020, Council amended T120662 (the amended permit is referred to as T120662-1) in accordance with Section 72 of the Act. (Attachment 2)

During April 2020, the same officer also corrected two planning permits issued in respect of the development of each shed (T080382 and T100189). These corrections were desirable as the permits contained inappropriate “use” conditions (both T080382 and T100189 are both “development” permits). The corrections were also desirable, as T120662 supersedes both permits, and created inconsistency.

Residents have commented that the corrections to T080382 and T100189 have changed the way that the business may use both sheds. While the changes have removed text about shed use, there has been no change in the lawful right of the business to use both sheds as they choose, or the activities that can lawfully occur in the sheds, in light of Planning Permit T120662. The business has not increased the building footprint from which their business can occur.

The application to amend T120662 was included in the public permit applications register for the period between the complete application was received, and the amended permit being issued. During this period, residents observed the application on the register, and were understandably surprised to learn that Council has issued the permit without advertising the permit. This is particularly so, because the change of opinion about the enforcement of hours of operations had not been communicated to them, and it was therefore difficult to understand the decision of the Council officers that the amendment application would not require advertising.

The affected residents complained that the process taken in issuing the amendment to T120662 had denied them the possibility of objecting to the amendment, or to otherwise “have their voice heard” before the permit was amended.

The residents expressed suspicion regarding the speed at which the application was decided. It can be observed that during the month of May 2020, 7 applications were decided under delegation within 15 days, and the time taken to consider this application is not uncommon.

It must be observed that the business did not require the amendment be made. The business could have re-constructed their buildings in accordance with the plans, and recommenced operation without any express limitation on their hours of operation.

Conclusion regarding the amendment and communication with the residents

It is considered that the process followed, and the decision reached in respect of T120662-1 was lawful, consistent, and represents an appropriate planning outcome for this site.

However, Council officers recognise that the failure to advise the residents (in Feb 2020) that Council officers no longer viewed the hours of operation clause as enforceable, after several years of advising them that they were, was a failure that has disappointed the residents who have been interested in the affairs of the business for several years. The failure to advise the residents has also meant that the amendment to T120662 has come as a complete shock and appears to provide Mountain Harvest Foods with a permission that they did not previously have. This is further exacerbated because the amendment was not advertised.

In the future, when Mountain Harvest Foods is operational again, it is possible that residents will have no further cause to complain. It is hoped that the business operations will strictly comply with the conditions of T120662-1, including the “general amenity” condition (condition 2). The residents who have raised issues are not optimistic regarding future compliance.

Part B of this report includes a Compliance Plan, which outlines measures that Council enforcement staff may take to monitor compliance with specific concerns regarding this site.

Below is more detailed discussion of some of the matters referred to in this summary.

Background

Planning considerations in respect of the proposed amendment

The delegate's decision on the amendment application had, as its starting point, a permit that authorised a land use without any limitation on the hours of operation.

The delegate considered that it was appropriate to limit hours of operation for the Rural Industry component, noting that the refurbished buildings will enable the business to operate more efficiently, thereby reducing the total of hours of processing per day.

This amendment is a significant enhancement from an amenity perspective as there were no enforceable hours of operation under T120662, prior to the amendment. Clear hours of operation have now been put in place, but without compromising the capacity of the agricultural business to process produce grown on the site (which directly aligns with the purpose of the Green Wedge Zone).

The inclusion of the interim hours of operation condition up to 10:00pm will allow the business to continue operating whilst refurbishments are being carried out in Shed 2. This is vital from a local employment as well as a food production perspective. As detailed above, as there are currently no hours of operation forming part of this Permit, a temporary limit to 10:00pm is considered reasonable in this context. All processing is to occur indoors in Shed 1 during this period with this building being located a substantial distance from dwellings on adjoining land, and the shed immediately adjoins the primary shed to be used for processing once construction is complete.

A limit of 6 months has been set for the interim hours of operation which is an adequate time frame to re-establish the damaged building. With respect to the on-going hours of operation, which now includes Sundays (up to 7:00pm), all required EPA legislation relating to noise and odour must be complied with, as well as the requirements of Condition 2 (the "general amenity" clause).

Although there is a history of non-compliance with some regulations, when carrying out a planning assessment, it cannot be assumed that conditions or other related legislation outside the Planning Permit will automatically be breached.

Having regard to this, the site context and planning controls affecting the land, the hours of operation were considered appropriate. The decision is consistent with analogous decisions in respect of Rural Industry uses and/or complimentary uses in Green Wedge Zones.

Why have some dimensions on the plans changed?

The residents have expressed concern that some dimensions appear different on the various sets of plans, and that the proposed colour of the shed has changed. While endorsed plans form part of the permit, it is common to provide for minor variations "with the written consent of the Responsible Authority". This process is known as obtaining "secondary consent", and it allows minor changes to the plan designs to be approved.

The changes noted by residents (such as an increase in roof height, and increase in staff room size, and use of a less conspicuous colour) are sufficiently minor that they do not impact the assessment of the land use, and would readily have been approved under secondary consent.

Why application was not referred to other agencies?

Applications for planning permits are referred to external agencies when it is required by law (for example, if a planning scheme overlay provision requires it).

In short, the fact that there has been non-compliance in the past involving the EPA, does not automatically mean that the EPA are referred applications to consider. The same is true for Melbourne Water and Agriculture Victoria.

Resident complaints regarding the operations at Mountain Harvest

Commencing in 2015, Council has received numerous reports from several members of the community regarding the business operating on the land.

The complaints related to the amenity impacts of the business and general regulatory compliance. The subject matter of the complaints included:

- Odour
- Operating noise from machinery
- Impact on visual amenity caused by storage of materials outside and around the factory
- Operating outside the advised hours of operation
- Trucks leaving the premise after the stipulated time
- Exposed water pipes in nature strip
- Skip bins being placed on roadside
- Amount of cars parking at the factory
- Burning of agricultural products outside the requirements of the Local Law
- Placement of signs indicating direct-to-public sales
- Non-compliance with endorsed plans in relation to car parking, screen planting and factory layout.

It is understood that various complaints had also been referred to the EPA, including

- contamination of watercourses by processing by-products, and
- dumping of waste food product along roadways and in paddocks, attracting vermin and flies.

Those reports have been investigated by Council and other agencies. In some instances, non-compliances were detected. In some instances, infringements and warnings have been issued. In some instances, non-compliance was detected but officers exercised their discretion to take no action. Residents have generally been reluctant to make statements of their observations to enforcement officers, and in many cases the lack of evidence has effectively meant that investigations have been taken no further. Council officers have declined to investigate some complaints.

The residents have become increasingly frustrated with the approach adopted by the Council.

Residents have said that they believe others in the community share their concerns, but that the others are unwilling to express their concerns publicly. It is, by definition, impossible to confirm or refute that assertion.

Request for environmental impact report as precondition of resuming operations

Residents have requested that the business be required to obtain an Environmental Impact report, and that they be prevented from resuming operations until that occurs.

Council has no legal mechanism to require an environmental impact report. Environmental impacts will need to be addressed going forward, in accordance with existing laws.

Part B - Proposed compliance plan

Residents have expressed concerns about the business returning to operation in the terms allowed in the amended Permit T120662-1.

In particular, they have expressed concerns that:

- a) The business operations will create unreasonable noise, interfering with the enjoyment of their land
- b) Business operations will cause odour to unreasonably interfere with the enjoyment of land by residents and others (including tourists and visitors)
- c) Buildings may not be built or occupied without strict compliance with the requirements of the Building Act and Regulations
- d) That large trucks (eg B-doubles) may continue to use unmade dirt roads in the vicinity of the land.
- e) That the business may engage process seafood products, beyond the scope of “potato products” referred to in the Permit preamble.
- f) That waste products may be disposed of by dumping on other properties
- g) That business operations may result in pollution of waterways.

It should be noted that the Council does not have any capacity to create additional enforcement options in respect of this business. If the business breaches relevant laws, it (like any person or company) may be subject to criminal prosecution, or enforcement action under the Planning and Environment Act.

It is not possible to anticipate all possible allegations, and all possible scenarios. It is therefore impossible to say exactly what steps Council should take in every hypothetical scenario. It is also not possible to know what, if any, evidence of non-compliance will be available to officers.

Any enforcement decisions relating to the land will be made based on the information available at the time, and this Compliance Plan is not intended to restrict the discretion of officers as and when complaints are investigated.

However, the following approaches are recommended, if residents allege non-compliance by the business in the future.

Pollution of waterways

Any further concerns of this nature should continue to be reported to the EPA for investigation.

The Environment Protection Act 2018 will commence on 1 July 2021. The Act creates a general environmental duty (GED) that applies to all Victorians. Any entity that conducts activities that pose a risk to human health and the environment must understand those risks. They must also take reasonably practicable steps to eliminate or minimise them. Failures to meet the general environmental duty are criminally enforceable.

Dumping of waste in roads or land

Any further concerns of this nature should be reported to the EPA and to Council for investigation.

Council may have jurisdiction to investigate if the dumping:

- a) Occurs without the consent of the landowner, or
- b) Creates a risk to public health, or
- c) Creates a haven for vermin and pests.

The EPA may have jurisdiction to investigate that overlaps, or complements, the Council role.

Given the nature of this allegation, it is unlikely that Council or EPA officers will directly witness the conduct. Council and EPA may start investigations based on anonymous reports, but both agencies will be required to assess the strength of admissible evidence before taking enforcement actions. It is likely that the willingness of witnesses to make statements will be a significant factor (if not determinative) when evidence of potential offences is assessed.

Building permit and Occupancy permit

The re-built structures on the land will require Building Permits and Occupancy Permits, issued by private building surveyor, in accordance with the Building Act. These permits are filed with Council.

The Municipal Building Surveyor should audit Building and Occupancy Permits issued in respect of the buildings on the site, to ensure that they are complete, and accurately reflect the use and design proposed. Any concerns noted by the Municipal Building Surveyor will be addressed through the relevant private building surveyor.

Unreasonable noise

Condition 2 of permit T120662-1 requires that the use and development of the land must not “detrimentally affect the amenity of the area, though the... emission of noise...” as well as other common causes of amenity impact.

Condition 6 of permit T120662-1 also expressly prohibits noise emanating from the subject land in excess of the noise restrictions outlined in the Environment Protection Authority’s Information Bulletin No. 3/89 Interim Guidelines for Control of Noise from Industry (sic.) in Country Victoria. Despite the age of this standard, it continues to provide all parties with clear guidance as to acceptable levels of noise from the business.

It is not certain what level of noise will emit from the land once the business resumes. It is understood that the buildings and machinery will reflect current standards in noise suppressing technology. The following approach is recommended:

1. Within 3 months of full operations resuming on the site, Council engage an independent expert to report on noise levels from the site to assess compliance with Condition 6 of the permit (the applicable EPA noise standard).
2. Residents and the business should be provided with the results of noise testing.
3. The business and residents should decide for themselves whether they wish to obtain their own expert assessments.

If the report reveals noise emissions in breach of Condition 6, Council and residents will both have to consider what enforcement steps they wish to take.

The findings of the report will also inform Council and residents whether they believe noise emissions are “detrimental to the amenity of the area”.

It must be recognised that residents are not entitled to hear “no noise” coming from their neighbours’ properties (including nearby businesses). Residents are entitled to not have to endure “unreasonable” levels of noise, or to endure noise that breaches the relevant EPA standard.

This is inherently ambiguous to assess. The assessment of “reasonableness” of the noise will have to consider the prevailing amenity of the area, and (in a planning enforcement hearing)

would take into account the applicable planning controls, including a general support for rural industry occurring in Green Wedge Zones.

Odour complaints

Condition 2 of permit T120662-1 requires that the use and development of the land must not detrimentally affect the amenity of the area, though the... emission of... smell...”.

Residents have complained of odour that was believed to relate to cooking in oil. The EPA have advised that they are currently involved with the business in selecting appropriate technology to limit odour emissions, as they rebuild.

The following approach is recommended:

- a) Commencing within 3 months of full operations resuming on the site (and thereafter to a total of no more than 4 times in the following 12 month period) Compliance Officers attend the vicinity (outside of business hours, if necessary) to make preliminary observations of odour impacts on the amenity of the area, and
- b) If these Compliance Officers observe odour from the land that might be considered detrimental to the amenity of the area, they will co-operate with the EPA to review the emissions of the business.

The EPA will make its own determinations in respect of any findings.

The Council would be required to assess the results of any investigation and determine whether there is sufficient evidence to allege a breach of Condition 2 of the permit.

Odour complaints may be transient, or only occur in very specific circumstances. It will greatly assist Council if affected residents provide Compliance Services with full particulars of their observations, including:

- a) Date and time
- b) Location where detected
- c) Description of odour
- d) Duration, and
- e) Any other matter or observation that might help to identify or isolate the causes or origins of odours.

Proactive planning permit audit

It is recommended that Council officers proactively audit T120662-1 within 3 months of both sheds becoming operational.

Other land uses

The Residents have expressed concern that the processing facilities have also been used to process seafood.

The processing of seafood products may be subject to any number of regulatory controls, which is not within the power of the Council.

However, the use of the land is controlled by the planning scheme, and Council may enforce that.

The concept of a “land use” is well known to planning law. The planning scheme allows and prohibits “land uses” and allows other “land uses” when a permit is issued.

A “land use” is defined as “the real and substantial purpose of the use”. (Shire of Perth v O’Keefe, [1964] HCA 37). Other “uses” of the land may be “ancillary” to the predominant land

use, if they are subservient to, or less than, the “real and substantial purpose” for which the land is used.

While T120662-1 permits the use of the land for “rural industry (processing potato products)”, it does not automatically follow that processing other agricultural produce would be a “land use” that can be regulated by the planning scheme.

In order to access this, it will be necessary to observe the scale and volume of seafood production, in the context of the rest of the activities occurring on the land.

In any event, whatever produce is being processed, this must be subject to the noted controls regarding noise, odour and general amenity.

It is recommended that Council officers make enquiries within 3 months of the business returning to full operation as to the scale and intensity of the seafood production. It is not desirable to be more prescriptive about Council activities in this regard, due to the complexity of the issue, and what (if any) evidence is available to Council officers at the time.

Enforcement decisions

Until the end of 2021, it is recommended that enforcement decisions made in respect of the property should be reviewed by the Manager, Development and Compliance Services.

“Enforcement decisions” includes:

- Deciding what steps to take to investigate and allegation
- Deciding whether to progress or close an investigation
- Deciding whether to issue a notice, infringement or any other compliance document
- Deciding whether to commence any enforcement proceeding.

If residents are dissatisfied with the enforcement decisions that Council officers make, complaints will be dealt with in accordance with the Compliance and Enforcement Policy 2019.

Use of roads by B-Double trucks

The use of roads by heavy vehicles is predominantly regulated through the National Heavy Vehicle Regulator. Heavy vehicles are authorised to utilise these roads.

There is currently no justification to institute further load limits on these roads, as they are in a rural area (and trucks are to be expected), and some higher productivity trucks are specifically permitted through the NHVR to utilise the roads.

Any impacts from trucks entering or operating in the land will have to be assessed in accordance with the requirements of the planning permit, or under Victorian traffic laws.

Council does not have any specific mechanism to compel the owner to change their point of access to Gembrook Rd to avoid the use of these roads.

Conclusion

It is recommended that Council endorse the below Compliance Plan for Mountain Harvest Foods as 400 Mountain Road, Gembrook:

- a) Until the date of 31 December 2021 any enforcement decisions made in respect of the property will be reviewed by the Manager, Development and Compliance Services to ensure appropriate enforcement is undertaken of the site.

- b) Within 3 months of full operations resuming on the site, Council engage an independent expert to report on noise levels from the site to assess compliance with Condition 6 of the permit (the applicable EPA noise standard).
- c) Residents and the business will be provided with the results of noise testing.
- d) Within 3 months Mountain Harvest Foods resuming full operation, Council undertake an audit of the facility against the permit conditions of T120662-1, including the land use permissions.
- e) Within 3 months of the completion of building works, the Municipal Building Surveyor will review building and occupancy permits filed with the Council in respect of works.
- f) Commencing within 3 months of full operations resuming on the site (and thereafter to a total of no more than 4 times in the following 12 month period) Compliance Officers attend the vicinity (outside of business hours, if necessary) to make preliminary observations of odour impacts on the amenity of the area.

PLANNING PERMIT

Planning Scheme:
Cardinia Planning Scheme
Responsible Authority: Cardinia
Shire Council



FORM 4

PLANNING PERMIT NUMBER: T120662

ADDRESS OF THE LAND: CA 126A SEC G, 400 Mountain Road, Gembrook

THIS PERMIT ALLOWS: Use of the land for Rural Industry (Manufacturing of Potato Products) generally in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The use and development must not detrimentally affect the amenity of the area, 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, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
3. Except with the written consent of the Responsible Authority, deliveries to and from the subject land (including waste collection) may only take place between:
 - a. 8am and 5pm Monday to Friday
4. The loading and unloading of goods from vehicles must only be carried out on the subject land and must not disrupt the circulation and parking of vehicles on the subject land.
5. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.
6. Noise levels emanating from the subject land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.
7. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend this period if a request is made in writing before the permit expires or within three months afterwards.

Date Issued: 16 April 2013

Signature for the
Responsible Authority:

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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 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- (a) from the date specified in the permit, or
- (b) 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:
 - (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the not certified within two (2) years of the issue of the permit, unless the permit contains a different provision, or
 - (c) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within years after the issue of the permit or in case of a subdivision or consolidation within five (5) years of the certification of the subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if:
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two (2) years of the issue of the
 - OR
 - (b) the use is discontinued for a period of two (2) years
3. A permit for the development and use of the land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified within years after the issue of the permit.
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two (2) years of the completion of development, or
 - (d) the use is discontinued for a period of two (2) years.
4. If a permit for the use of the land or the development and use of land or relating to any of the circumstances mentioned in section 6A(1) of the Planning and Environment Act 1987, or to any combination of use, development or any of these circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision:
 - (a) the use or development of any stage is to be taken to have started when the plan is certified, and
 - (b) the permit expires if the plan is not certified within two (2) 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 APPEALS?

The person who applied for the permit may appeal against 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 appeal exists.

An appeal must be lodged within sixty (60) days after the permit was issued, unless a Notice of Decision to grant a permit has been previously issued, in which case the appeal must be lodged within sixty (60) days after the giving of that notice.

An appeal is lodged with the Victorian Civil and Administrative Tribunal.

An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal accompanied by the applicable fee.

An appeal must state the grounds upon which it is based.

An appeal must also be served on the responsible authority.

Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Victorian Civil and Administrative Tribunal

Planning List

55 King Street

MELBOURNE VIC 3000

Ph: (03) 9628 9777

Fax: (03) 9628 9789

**PLANNING
PERMIT**

Planning Scheme:
Cardinia Planning Scheme
Responsible Authority: Cardinia
Shire Council

FORM 4

CARDINIA

PLANNING PERMIT NUMBER: T120662

ADDRESS OF THE LAND: CA 126A SEC G, 400 Mountain Road, Gembrook

THIS PERMIT ALLOWS: Use of the land for Rural Industry (Manufacturing of Potato Products) generally in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

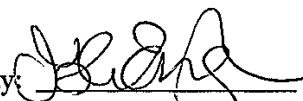
Footnotes

Permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Health, Food or Tobacco Acts.

In view of the potential for noise generation and traffic movements affecting nearby residential lots compliance with EPA requirements relating to noise generation from this commercial/industrial premise are necessary.

Date Issued: 16 April 2013

**Signature for the
Responsible Authority:**



Page 2 of 2

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 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- (a) from the date specified in the permit, or
- (b) 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:
 - (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the not certified within two (2) years of the issue of the permit, unless the permit contains a different provision, or
 - (c) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within years after the issue of the permit or in case of a subdivision or consolidation within five (5) years of the certification of the subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if:
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two (2) years of the issue of the
 - or
 - (b) the use is discontinued for a period of two (2) years
3. A permit for the development and use of the land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified within years after the issue of the permit.
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two (2) years of the completion of development, or
 - (d) the use is discontinued for a period of two (2) years.
4. If a permit for the use of the land or the development and use of land or relating to any of the circumstances mentioned in section 6A(1) of the Planning and Environment Act 1987, or to any combination of use, development or any of these circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision:
 - (a) the use or development of any stage is to be taken to have started when the plan is certified, and
 - (b) the permit expires if the plan is not certified within two (2) 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 APPEALS?

The person who applied for the permit may appeal against 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 appeal exists.

An appeal must be lodged within sixty (60) days after the permit was issued, unless a Notice of Decision to grant a permit has been previously issued in which case the appeal must be lodged within sixty (60) days after the giving of that notice.

An appeal is lodged with the Victorian Civil and Administrative Tribunal.

An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal accompanied by the applicable fee.

An appeal must state the grounds upon which it is based.

An appeal must also be served on the responsible authority.

Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Victorian Civil and Administrative Tribunal
 Planning List
 55 King Street
 MELBOURNE VIC 3000
 Ph: (03) 9628 9777
 Fax: (03) 9628 9789

APPROVED PLAN
 PLANNING AND ENVIRONMENT ACT 1987
 CARDINIA PLANNING SCHEME
 PERMIT No. T120662
 SHEET 1 OF 3
 SIGNED *[Signature]*
 CARDINIA SHIRE
 DATE 16/11/2013

22 October 2012

Town Planning
 Cardinia Shire Council
 PO Box 7
 Pakenham VIC 3810

CARDINIA COUNCIL
 REC 23 OCT 2012
 5 YEARS
 10 YEARS
 15 YEARS
 20 YEARS
 25 YEARS
 30 YEARS
 35 YEARS
 40 YEARS
 45 YEARS
 50 YEARS
 PERMANENT

To Whom this may concern,

Re: Change of Use to App No T100189 Prop No.: 2601253000

Please find the following Application for *Change of Use* to the above noted planning permit.

The current intention is to use the building for manufacturing of potato products such as potato-cakes, hash-browns and potato-chips.

Proposed days and hours of operation: Monday to Saturday 7am to 7pm (if overtime is required, occasionally 5am to 9am may be necessary)

Number of People likely to be present on the site: 8

How many staff work within the manufacturing business: 10

What is involved in manufacturing of the potatoes: Progression of potatoes along a production line for peeling, slicing, blanching, drying, battering, deep frying, freezing and packing.

Are there sales occurring on site: No

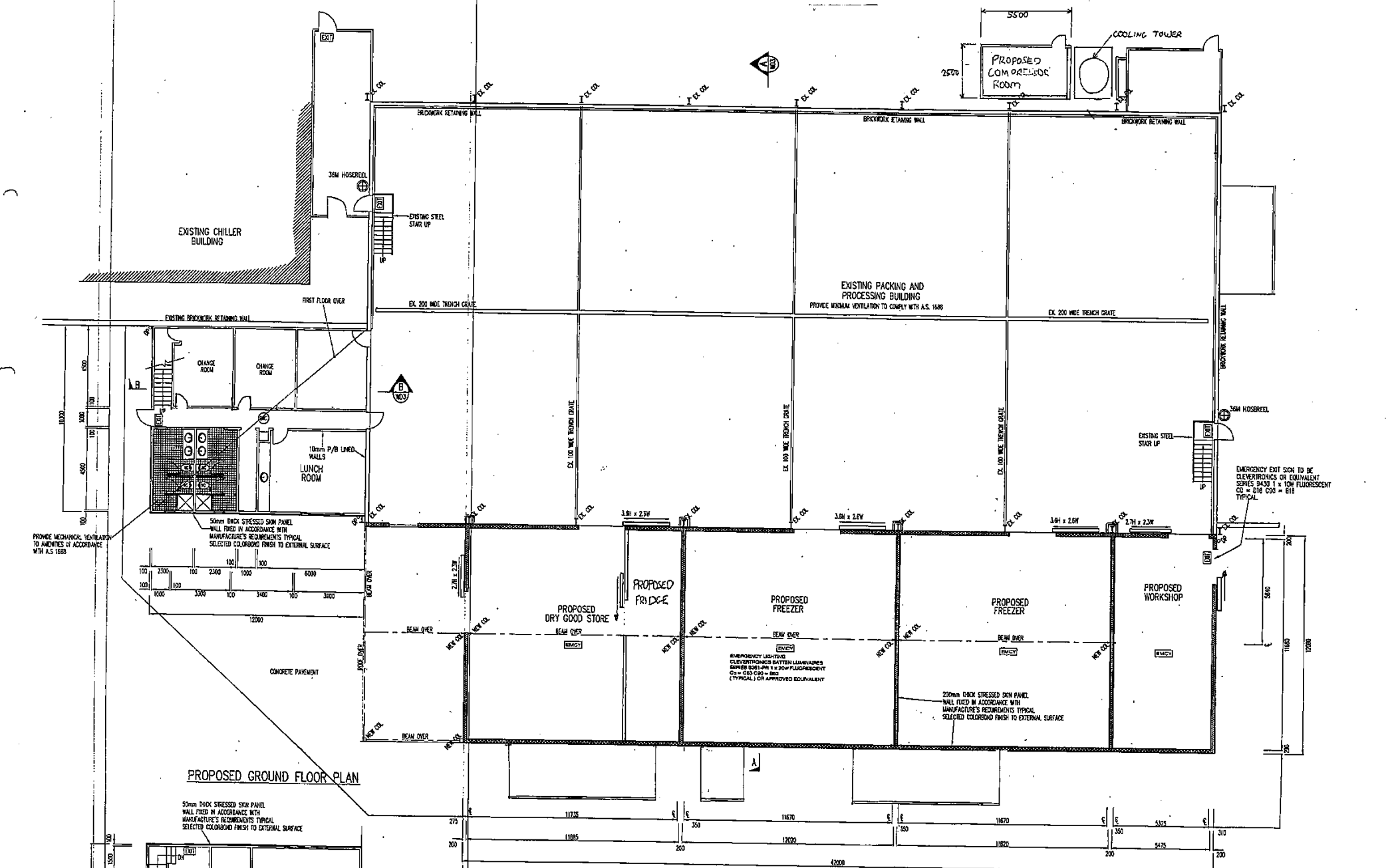
Please note, our local potato farming community have experienced significant difficulties over many years in the trade of their fresh potatoes. Gembrook has suffered from trade restrictions with the sales of brushed potatoes because of soil borne diseases within the area. The proposed use of the building is for manufacturing sales. This use is an innovative means to allow free trade within Australia.

Yours Sincerely,

[Signature]
 Christina de Sousa

GENERAL NOTES:
 THE BUILDER IS TO TAKE ALL STEPS NECESSARY TO PROVIDE STABILITY AND WATER-TIGHTNESS OF ALL NEW AND / OR EXISTING STRUCTURES DURING ALL WORKS.
 BUILDER TO OBTAIN AND PROVIDE NOTICES AND PAY FOR ALL FEES IN CONNECTION WITH WORKS.
 ALL MATERIALS & WORK PRACTICES SHALL COMPLY WITH BUT NOT LIMITED TO THE BUILDING CODE OF AUSTRALIA 2006 (BCA) AND ALL RELEVANT CURRENT AUSTRALIAN STANDARDS (AS ANNOTATED) REFERRED TO THEREIN.
 THESE DRAWINGS TO BE READ IN CONNECTION WITH ALL RELEVANT STRUCTURAL, AND ALL OTHER CONSULTANT'S DRAWINGS / DETAILS AND WITH ANY OTHER WRITTEN INSTRUCTIONS ISSUED IN THE COURSE OF THE CONTRACT.
 DO NOT SCALE DRAWINGS.
 CONTRACTOR TO VERIFY ALL DIMENSIONS, CONDITIONS AND LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.
 ALL DOORS TO COMPLY WITH BCA 3.8.3.1 - DOORS TO BE HUNG SO THEY ARE REMOVABLE FROM THE OUTSIDE.
 WINDOW SIZES NOMINAL ONLY.
 ACTUAL SIZES VARY ACCORDING TO MANUFACTURER. WINDOWS TO BE FLASHED ALL ROUND.
 THE BUILDER AND SUBCONTRACTOR SHALL ENSURE THAT ALL STORMWATER DRAINS, SEWER PIPES AND THE LAKE ARE LOCATED AT A SUFFICIENT DISTANCE FROM ANY BUILDING'S FOOTING AND / OR SLAB EDGE BEAMS SO AS TO PREVENT GENERAL MOISTURE PENETRATION, RAFTERS, BRACKETS AND UNDERPINNING OF ANY STRUCTURE AND ITS FOOTING SYSTEM.
CARPENTRY:
 TIMBER FRAMING TO BE IN ACCORDANCE WITH AS 1604 TIMBER FRAMING CODE AND TO BE APPROVED BY ENGINEERING OFFICER. ALL TIMBER TO BE STRESS GRADED AS SPECIFIED ON ARCHITECTURAL AND STRUCTURAL DRAWINGS.
 ALL TIMBER TO BE SEASONED UNLESS NOTED OTHERWISE. ALL SUBFLOOR, WALL AND ROOF BRIDGES TO COMPLY WITH AS 1584 & B.C.A. B.C.A. TREATED PINE DOCKING BOARDS & HANDRAILS ARE NOT PERMITTED.
 CARPENTER TO USE TIMBER APPROPRIATE FOR USE AND TO COMPLY WITH AS 1584.
SITE LEVELS:
 ALL LEVELS SHOWN ARE APPROXIMATELY ONLY AND ARE TO BE CONFIRMED ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF WORKS.
 ANY DISCREPANCIES SHOULD BE REPORTED IMMEDIATELY TO BUILDING DESIGNER, BUILDING SURVEYOR & ENGINEER.
TERMITES:
 BUILDER TO APPLY CHEMICAL TERMITICIDE / ANTICAP / OTHER APPROVED TERMITICIDE BARRIER METHOD TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS.
GLAZING:
 GLASS TYPE AND FINISHES TO BE IN ACCORDANCE WITH AS 1288 & B.C.A.
 SAFETY GLAZING TO BE USED IN THE FOLLOWING CASES & IN ACCORDANCE WITH B.C.A.:
 - ALL ROOMS - WITHIN 500mm VERTICAL OF FLOOR LEVEL.
 - BATHROOMS - WITHIN 500mm VERTICAL OF FLOOR LEVEL.
 - COORINAT - WITHIN 300mm HORIZONTAL FROM ALL DOORS.
HYDRAULICS:
 ADAPT TO 50 COMPASSES. SELECTED COLOURS OR TO SUIT ROOF DRAINING MORE APPROPRIATE AND TO MATCH EXISTING UNLESS OTHERWISE NOTED ON DRAWINGS.
 THE NEW UNDERGROUND STORMWATER SYSTEM TO CONNECT INTO EXISTING SYSTEM. LAMPED POINT OF DISCHARGE AS NOTED BY CONSULTANT.
 SUB-SOIL DRAINS SHALL BE GALV. SENDER GRADE U.P.V.C. PIPES AND FITTINGS COMPLYING WITH CURRENT AUSTRALIAN STANDARDS.
 UNLESS DOCUMENTED OTHERWISE ON CIVIL DOCUMENTATION, THE NEW UNDERGROUND STORMWATER SYSTEM TO CONNECT INTO EXISTING SYSTEM. LAMPED POINT OF DISCHARGE AS NOTED BY CONSULTANT OR CIVIL DRAWINGS (IF APPLICABLE).
 SUB-SOIL DRAINS SHALL BE SLOTTED U.P.V.C. PIPES AND FITTINGS.
 SENDER GRADE U.P.V.C. PIPES AND FITTINGS COMPLYING WITH CURRENT AUSTRALIAN STANDARDS.
 REFER TO WRITTEN SPECIFICATION FOR REQUIREMENTS IN RELATION TO HOT AND COLD WATER INSTALLATION.
VENTILATION:
 VENTILATION TO BE IN ACCORDANCE WITH RELEVANT REQUIREMENTS OF BCA'S AND AUSTRALIAN STANDARDS. ADDITION TO COMPLY WITH AS 1588 PARTS 1 & 2 (AIR AND VENTILATION).
WATERPROOFING OF WET AREAS:
 WATERPROOFING OF WET AREAS (BATH, BATHROOM, SHOWER, SINK, TOILET, LAUNDRY, SHOWER COMPARTMENT) AND THE USE SHALL BE PERFORMED IN ACCORDANCE WITH AS 2710-2004. WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGS.
DOORS TO ALL CHILLERS, FREEZERS TO BE FITTED WITH A SUITABLE ALARMS CHIRPS LOCATED OUTSIDE BUT CONTROLLED ONLY FROM WITHIN THE CHILLER. PROVIDE APPROVED PERMITS TO BE MOUNTED TO OUTSIDE WALL OF CHILLER IN ACCORDANCE WITH AUSTRALIAN STANDARDS. LIGHTING TO BE SUCH THAT IT IS TURNED ON FROM WITHIN AND A SAFETY LIGHT MOUNTED OUTSIDE THE DOOR OPENING SHOWING THAT THE ROOM IS OCCUPIED.

LEGEND:
 SHOWN DEVIATIONS TO COMPLY WITH AS 1588 AND BCA'S - TO BE HUNG TO ELECTRICAL SUPPLY WITHIN 200mm UP.
 MEDICAL VENTILATION - 250mm DIA. EXHAUST FAN. EXHAUST AIR MUST BE EXHAUSTED BUT NOT LIMITED TO THE BUILDING CODE OF AUSTRALIA 2006 (BCA) AND ALL RELEVANT CURRENT AUSTRALIAN STANDARDS (AS ANNOTATED) REFERRED TO THEREIN.
SITE PREPARATION:
 EXISTING FOR REMOVAL, STORMWATER DRAINAGE SERVICES FOR CUTTING AND FOOTINGS AS INDICATED ON ENGINEER'S DRAWINGS (IF APPLICABLE) AND IN ACCORDANCE WITH RELEVANT AUTHORITIES REQUIREMENTS.
 WHERE REQUIRED, BACKFILL WITH EXCAVATED MATERIAL FREE FROM VEGETABLE MATTER WELL RAMPED IN LAYERS NOT EXCEEDING 75mm.
STRUCTURAL STEEL:
 THE MATERIALS, METHOD, TECHNIQUES AND WORKMANSHIP USED IN THE SUPPLY, FABRICATION AND ERECTION OF STRUCTURAL STEEL WORK SHALL CONFORM WITH THE APPLICABLE REQUIREMENTS OF CURRENT EDITIONS OF AUSTRALIAN STANDARDS SPECIFICATIONS AND CODES. REFER TO ENGINEER'S DOCUMENTATION FOR ALL INFORMATION REGARDING CONSTRUCTION REQUIREMENTS, FINISH AND INSTALLATION.
 ALL WELDING AND PREPARATION OF JOINTS SHALL CONFORM WITH THE APPLICABLE REQUIREMENTS OF RELEVANT S.A.A. CODES. ALL STEEL MEMBERS IN EXTERNAL WALLS TO BE HOT DIPPED GALVANIZED.
CERAMIC & PAVING TILES:
 EXTENT OF WALL AND FLOOR TILES SHALL BE AS INDICATED OR NOTED ON ARCHITECTURAL DOCUMENTATION.
 UNLESS OTHERWISE SPECIFIED, BUILDER TO SUPPLY AND INSTALL A COMPLETE INSTALLATION OF TILES AS SELECTED OR SPECIFIED.
 METHODS OF INSTALLATION OF WALL AND FLOOR TILES SHALL COMPLY WITH RELEVANT REQUIREMENTS OF RELEVANT AUSTRALIAN STANDARDS. ALL SURFACES TO BE TILED SHALL BE THOROUGHLY CLEANED AND PREPARED BEFORE LAYING.
 LAY TILES TRUE AND EVEN WITH STRAIGHT JOINTS COMPARED IN BOTH DIRECTIONS.
 ACCURATELY SCORE, CUT AND TOE TILES AGAINST WALLS AND MAINTAIN EQUAL BORDER WIDTHS.
 GROUT TILES ONLY AFTER ADHESIVE OR SMOOTHENED. HAS FULLY CURED.
 EXTERNAL FLOWERS TO BE Laid ON CONCRETE SLOTTED WITHIN 200mm OF EXTERIOR.
 REFER TO ENGINEER'S DOCUMENTATION IF APPLICABLE.
INSULATION:
 ROOF / CEILING:
 - 1. COMPOSITE IRON ROOF
 - 2. 50mm ROCK WOOL BATTEN INSTALLED BETWEEN ROOF BATTENS
 - 3. U.L. AS A VAPOUR BARRIER (FLAMMABLE INDEX < 5)
 - CEILING LINING
 EXTERNAL WALLS:
 - BRICK MASSIVE MASONRY
 - 2. 50mm ROCK WOOL BATTEN BETWEEN STUDS
 - 3. 15mm POLYURETHANE FOAM UNLESS NOTED OTHERWISE
 - LINED INTERNALLY
 CAVITY BRICK:
 - 4. 50mm ROCK WOOL IN CAVITY
 OR IN ACCORDANCE WITH B.C.A.
 REFER TO ENGINEER'S DRAWINGS FOR ADDITIONAL REQUIREMENTS, TYPICAL THERMOCLAD PROJECT.
PLASTERBOARD:
 SUPPLY AND INSTALL A COMPLETE INSTALLATION OF PLASTERBOARD AS FOLLOWS:
 - LAMPED WITH 10mm THICK PLASTERBOARD TO ALL INTERNAL WALLS AND 10mm THICK PLASTERBOARD TO CEILING UNLESS APPROVED OTHERWISE.
 IN NET AREAS ADAPT 10mm THICK M.B. BOARD TO WALLS AND 10mm THICK M.B. BOARD TO CEILING. WALL SHEETS TO BE USED AS SUBSTRATE FOR TILING.
 COMPLY WITH ALL RELEVANT REQUIREMENTS OF APPLICABLE AUSTRALIAN STANDARDS & BCA'S.
STAIRS:
 STAIR DIMENSIONS TO BE AS FOLLOWS:
 - MAX. RISES 190mm
 - MIN. TREAD 220mm
 BALUSTRADE HEIGHT:
 - MIN. 850mm ABOVE STAIR nosING
 - MAX. 1000mm ABOVE LANDING BALUSTRADE.
 - MAXIMUM 125mm SPACING BETWEEN BALUSTRADES AND / OR MIRRORS.



**APPROVED PLAN
 PLANNING AND ENVIRONMENT ACT 1987
 CARDINA PLANNING SCHEME**

PERMIT No. **T120667**

SHEET **2** OF **3**

SIGNED *[Signature]*
CARDINA SHIRE

DATE **16/4/2013**

- GENERAL NOTES**
- MATERIALS AND WORKMANSHIP IS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND THE RELEVANT CURRENT SAA CODES.
 - ALL DIMENSIONS ARE TO BE CHECKED ON SITE AND COMPROMISED AGAINST TILE DIMENSIONS.
 - EMERGENCY LIGHTING SYSTEM TO BE INSTALLED IN ACCORDANCE WITH AS 2293 PART 1.
 - ALL STORM WATER DRAINAGE PIPES TO BE U.P.V.C. PIPES INSTALLED TO MANUFACTURERS RECOMMENDATIONS OR CLASS X R.C.P. WHERE SHOWN.
 - BUILDER TO TAKE PARTICULAR CARE NOT TO UNDERMINE FOOTING OF EXISTING WALLS, TO ADJACENT BUILDINGS.
 - SUBGRADE TO R.C. PAVEMENT SLABS TO BE COMPACTED TO 95% MAXIMUM COMPACTION TEST BA AND SHALL BE PROOF ROLLED TO ENGINEERS SATISFACTION.
 - FASTENING TO ALL "DOIT" DOORS TO BE SUCH THAT THEY CAN BE OPENED READILY WITHOUT THE USE OF A KEY HANDLES TO BE LEVER TYPE AND MOUNTED 1.0m MAX ABOVE FINISHED FLOOR LEVEL AND OPERABLE IN A DOWNWARD DIRECTION.
 - SPECIAL RISK EXTINGUISHER CONTAINING NOT LESS THAN 2.5kg OF EXTINGUISHER AGENT WILL BE PLACED NEXT TO EACH ELECTRICAL SWITCHBOARD.
 - 2A-400V DRY CHEMICAL AT SWITCHBOARDS
 - 4A-100V DRY CHEMICAL AT LANDING BAYS
 - ESSENTIAL SERVICES SHALL BE MAINTAINED IN ACCORDANCE WITH PART 8 OF THE BUILDING REGULATIONS 2006.
 - ALL UNDERGROUND FIRE AND WATER SERVICES SHALL BE CONSTRUCTED FROM COPPER TUBE TYPE B IN COMPLIANCE WITH AS 1432 UNLESS SHOWN DIFFERENTLY ON DRAWINGS.
 - ALL EXPOSED INTERNAL FIRE SERVICES SHALL BE CONSTRUCTED FROM MEDIUM GRADE GALVANIZED STEEL PIPES AND FITTINGS.
 - BUILDING TO BE PROVIDED WITH A COMPLETE SYSTEM OF EMERGENCY LIGHTING & EXIT SIGNS IN ACCORDANCE WITH THE REQUIREMENTS OF ASIST STANDARDS AS 2292 PART 1 IN LOCATIONS SHOWN AND VERIFYING THAT THE EMERGENCY LIGHTS AND EXITS HAVE BEEN INSTALLED IN ACCORDANCE WITH AS 2292-1-1987 AND THE BUILDING CODE OF AUSTRALIA.
 - ALL WALLS TO TOILETS AND AIR LOCKS TO BE FINISHED WITH FULLY COMPRESSED FORT-CEMENT RENDER, CERAMIC TILES AS 2710-2004. WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGS.
 - ALL MATERIALS USED ARE TO COMPLY WITH PART C1-10 OF THE BCA 2006 FOR FIRE HAZARD PROPERTIES THROUGHOUT THE DEVELOPMENT.
 - ALL DOWN PIPES TO BE 150mm x 150mm Q.L. UNLESS OTHERWISE SHOWN, (OR 150 x P.V.C.).
 - FLOOR WASTE (D. P.W.) TO ADHERES TO BE IN ACCORDANCE WITH F17, BCA.
 - ALL PROPOSED LIGHTING TO PROPOSED INTERNAL FITTING IS TO COMPLY WITH PART J8 & E4.2 OF THE B.C.A. ELECTRICAL CONTRACTOR TO PROVIDE NECESSARY CERTIFICATES TO SHOW COMPLIANCE WITH THESE CODES.

RECEIVED
 08 JUN 2012
 PLANNING DEPARTMENT

REV	DATE	DESCRIPTION

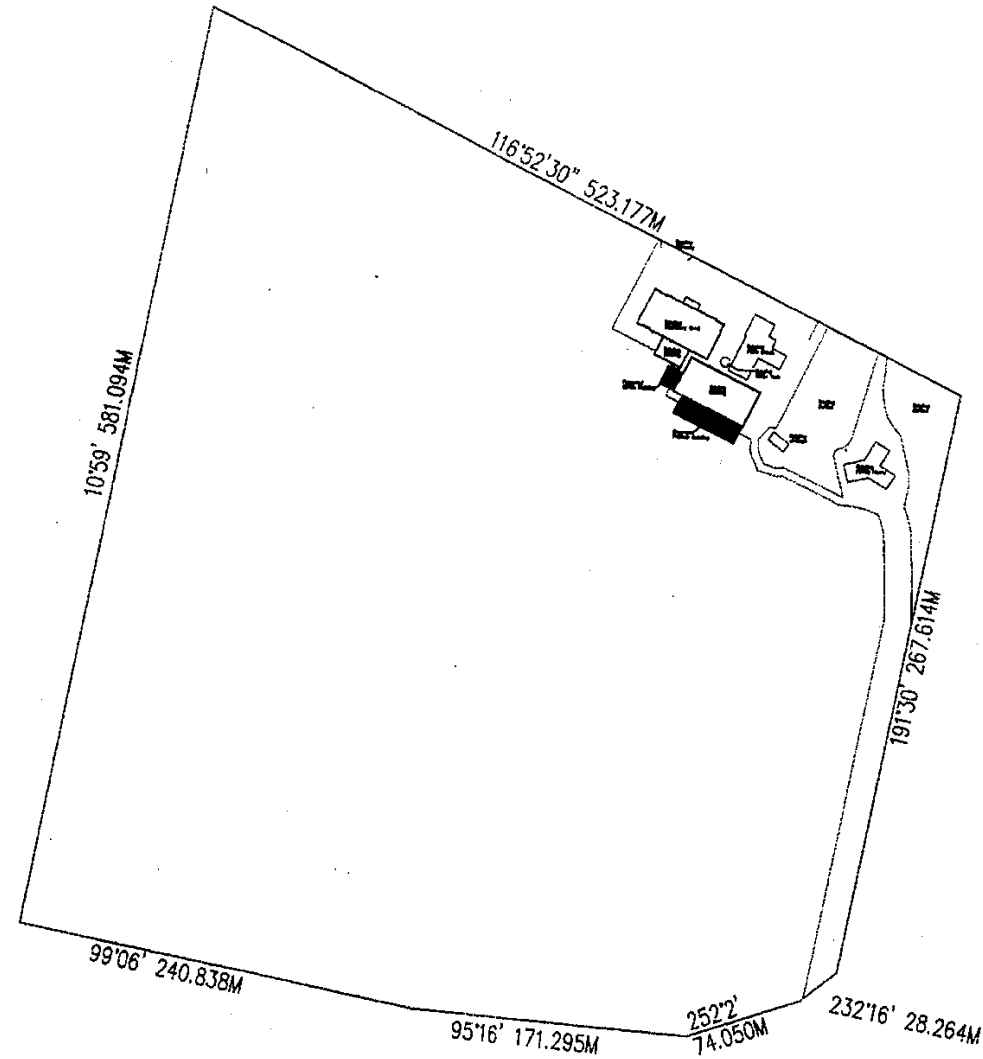
JAC JOE ARCARO & ASSOCIATES PTY LTD
 ARCHITECTS & ENGINEERS

483 SPENCER STREET
 MELB. VIC 3002
 Ph: (03) 9238 1717 Fax: (03) 9238 1899
 Email: joe@jac.com.au

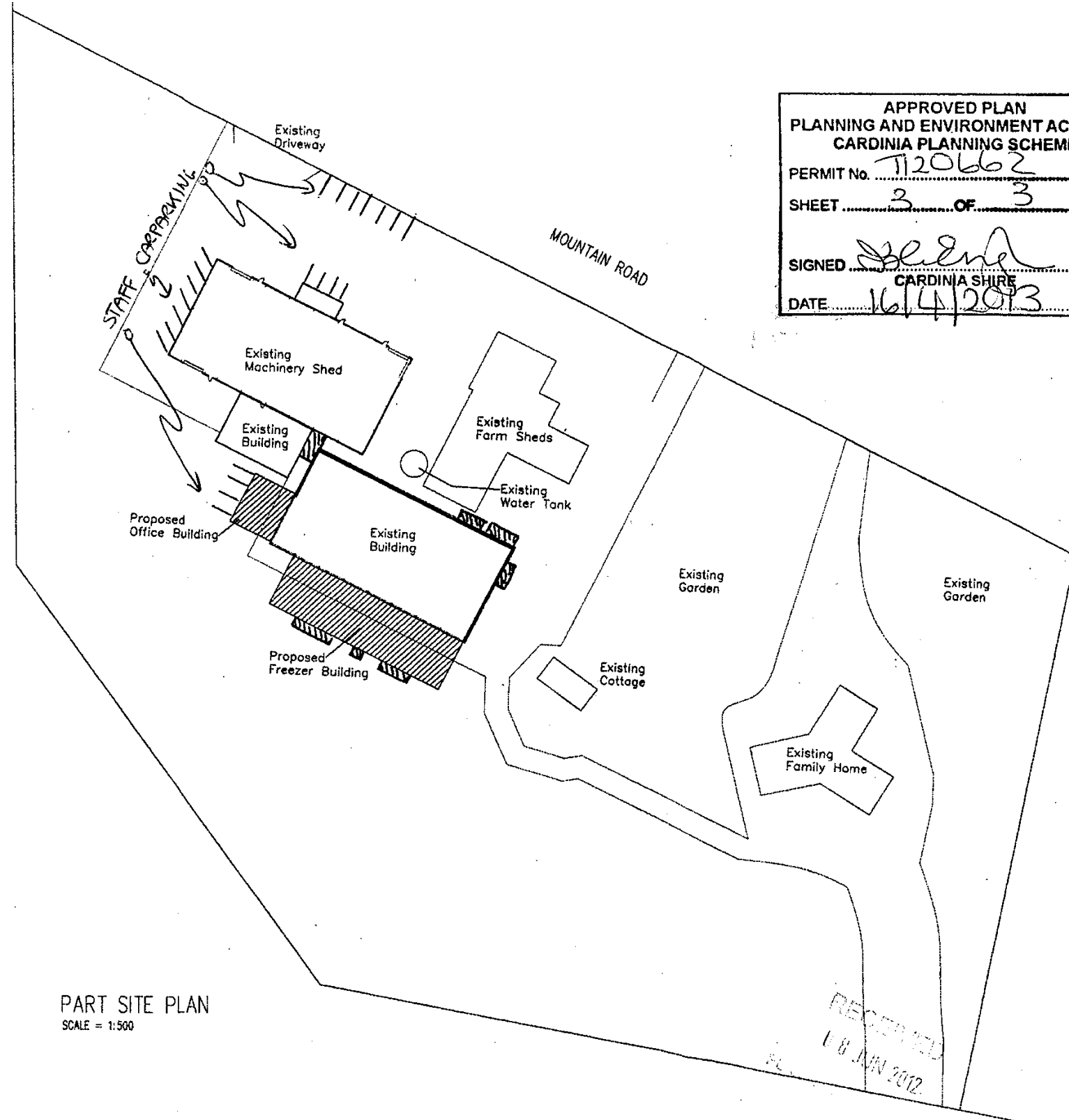
**PROPOSED AMENITIES/OFFICE
 BUILDING AND ALTERATIONS TO
 EXISTING BUILDING AT
 400 MOUNTAIN ROAD
 GEMBROOK**

**PROPOSED GROUND AND FIRST
 FLOOR PLANS**

DESIGNED J.A.A.	JOB No. 11-05
DRAWN J.A.A.	
SCALE 1:100	DRG No. WD2
DATE JULY 2011	REV



SITE PLAN
SCALE = 1:2000

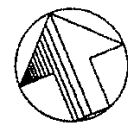


PART SITE PLAN
SCALE = 1:500

APPROVED PLAN
PLANNING AND ENVIRONMENT ACT 1987
CARDINIA PLANNING SCHEME
PERMIT No. T120662
SHEET 3 OF 3
SIGNED *[Signature]*
CARDINIA SHIRE
DATE 16/4/2013

RECEIVED
18 JAN 2012

REV	DATE	DESCRIPTION



Jaa JOE ARCARO & ASSOCIATES PTY LTD
ARCHITECTS & ENGINEERS
453 SPENCER STREET,
WEST MELBOURNE, VIC. 3003
TEL: 03 9388 1777 FAX: 03 9388 9888
www.jaa.com.au

PROPOSED AMENITIES/OFFICE
BUILDING AND ALTERATIONS TO
EXISTING BUILDING AT
400 MOUNTAIN ROAD
GEMBROOK

SITE PLAN AND PART SITE PLAN

DESIGNED J.A.A.	JOB No. 11-05
DRAWN J.A.A.	
SCALE 1:500, 1:2000	DWG No.
DATE JAN 2011	REV A1

8 May 2020



Matthew Buckmaster
PO BOX 30
GREENSBOROUGH VIC 3088

info@buckmastertp.com.au

Dear Sir/Madam,

Application No.: T120662 – 1 APP
Property No.: 2601253000
Address: CA 126A SEC G, 400 Mountain Road, Gembrook Victoria 3783
Proposal: Use of the land for Rural Industry (Manufacturing of Potato Products) generally in accordance with the approved plans.

I wish to advise that your application to amend the planning permit has been approved.

Please find enclosed your copy of the amended permit and endorsed plans. This permit now supersedes the previously issued permit.

Your attention is drawn to the conditions of the permit. Please read these conditions carefully and check as to whether there are any steps which you need to take prior to commencing the use or the development, including submission of additional plans.

Please be aware that it is your responsibility to ensure that all of the conditions on the permit are complied with and that the permit remains valid. Council does not advise you when the permit will expire.

This permit should be kept in a safe place for future reference.

If you have any further queries regarding this matter, please contact Council's Development Services department on **03-5943-4470** or mail@cardinia.vic.gov.au.

Yours faithfully,

Frances Stipkovic
Team Leader - Statutory Planning

Cardinia Shire Council
ABN: 32 210 906 807
20 Siding Ave, Officer

PO Box 7
Pakenham 3810
(DX 81006)

Phone: 1300 787 624
Email: mail@cardinia.vic.gov.au
Web: cardinia.vic.gov.au



**AMENDED
PERMIT**

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T120662 - 1

ADDRESS OF THE LAND: CA 126A SEC G, 400 Mountain Road, Gembrook Victoria 3783
 THIS PERMIT ALLOWS: Use of the land for Rural Industry (Manufacturing of Potato Products) generally in accordance with the approved plans., generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

Date amended:	Pursuant to Section 72-76B of the <i>Planning and Environment Act 1987</i> the permit has been amended as follows:	Responsible Authority
8 May 2020	<ul style="list-style-type: none"> • Amend Condition 3 to include hours of operation. • Inclusion of Condition 4 to allow interim hours of operation. • Subsequent renumbering of conditions. • Minor adjustment to the endorsed plans. 	Cardinia Shire Council

1. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The use and development must not detrimentally affect the amenity of the area through:
 - a. The transport of materials, goods and commodities to and 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, wastewater, waste products, grit or oil.
3. Except with the written consent of the Responsible Authority (and with the exception of Condition 4),
 - a. The use hereby approved may only operate between the hours of:
 7:00am to 9:00pm Monday to Saturday; and
 10:00am – 7:00pm Sundays.
 - b. Deliveries associated with the use hereby permitted (including waste collection) may only occur between the hours of 8:00am to 5:00pm Monday to Friday.
 To the satisfaction of the Responsible Authority.

Date Issued: 16 April 2013
 Date Amended: 8 May 2020

Signature for the Responsible Authority:



Frances Stipkovic – Team Leader Statutory Planning
 Page 1 of 3

Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

AMENDED PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T120662 - 1

ADDRESS OF THE LAND: CA 126A SEC G, 400 Mountain Road, Gembrook Victoria 3783
 THIS PERMIT ALLOWS: Use of the land for Rural Industry (Manufacturing of Potato Products) generally in accordance with the approved plans., generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

4. Except with the written consent of the Responsible Authority, for a maximum of six (6) months from the amendment date of this permit, the use hereby approved may only operate between the hours of 7:00am to 10:00pm seven days a week to the satisfaction of the Responsible Authority.
5. The loading and unloading of goods from vehicles must only be carried out on the subject land and must not disrupt the circulation and parking of vehicles on the subject land.
6. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the responsible authority.
7. Noise levels emanating from the subject land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.
8. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend this period if a request is made in writing before the permit expires or within three months afterwards.

Notes:

- i. Permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Health, Food or Tobacco Acts.
- ii. In view of the potential for noise generation and traffic movements affecting nearby residential lots compliance with EPA requirements relating to noise generation from this commercial/industrial premise are necessary.

Please note the timeframes detailed in the 'Expiry of Permit' relate to the Date Issued, not the Date Amended.

Date Issued: 16 April 2013

Date Amended: 8 May 2020

Signature for the Responsible Authority:



Frances Stipkovic – Team Leader Statutory Planning

Page 2 of 3

Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

IMPORTANT INFORMATION ABOUT THIS NOTICE**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A PERMIT OPERATES:

- a) From the date specified in the permit, or
- b) 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?

A PERMIT FOR THE DEVELOPMENT OF LAND EXPIRES IF:

- a) The development or any stage of it does not start within the time specified in the permit, or
- b) 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 (2) years of the issue of the permit, unless the permit contains a different provision, or
- c) 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 in case of a subdivision or consolidation within five (5) years of the certification of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.

A PERMIT FOR THE USE OF LAND EXPIRES IF:

- a) The use does not start within the time specified in the permit, or if no time is specified, within two (2) years of the issue of within two years after the issue of the permit; or
- b) The use is discontinued for a period of two (2) years.

A PERMIT FOR THE DEVELOPMENT AND USE OF THE LAND EXPIRES IF:

- a) The development or any stage of it does not start within the time specified in the permit, or
- b) 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.
- c) 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
- d) The use is discontinued for a period of two (2) years.

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:

- a) The use or development of any stage is to be taken to have started when the
- b) Plan is certified; and
- c) The permit expires if the plan is not certified within two years of the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

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.

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

Victoria Civil and Administrative Tribunal, Planning List
55 King Street, MELBOURNE VIC 3000
Ph (03) 9628 9777 Fax: (03) 9628 9789

