

23 December 2019

City of Greater Bendigo
Bendigo City Council
Planning Department
15 Hopetoun Street
Bendigo VIC 3550

CONFIDENTIAL

Attn: Adele Hayes

Dear Adele

Re: Application for Building Planning Permit

Thank you for taking the time to review the attached planning request. I provide the following information in support of the application.

The Property:

The proposal property is located at 414 Hylands Lane Heathcote Victoria 3523 (previously Lot 2E Hylands Lane) is owned by Mr Jeffrey Leahy and Mr Steven Leahy.

The property details are:

Volume 11934 Folio 383 Plan TP743800J.

Standard Parcel Identifier: 2E-2\PP2750.

Council Property Number: 247113.

Directory Reference: Vicroads 45 D8

The land is 6.367 Hectares in size.

Currently the land is vacant and there are no activities being performed on the land.

JLSL Risk Mitigation Pty Ltd:

JLSL Risk Mitigation Pty Ltd “**JLSL**” is a Licenced Victorian Private Security Business #814-505-40S.

JLSL’s has applied for a Federal Cannabis Licence to Produce and Cultivate Medicinal Cannabis. The Federal Application number is LJQQMJ.

JLSL has both State and Federal Licences for the Distribution of Medicinal Cannabis. A copy of the Federal and Victorian Licences are attached.

Planning Zone:

Farming Zone (FZ)

Schedule to the Farming Zone (FZ)

Planning Overlay:

Bushfire Management Overlay (BMO).

The Proposal:

The proposed use of the site is as a growing facility for medicinal cannabis and low THC cannabis farming activities.

The proposal requires the construction of a single dwelling and large shed.

The costs of proposed works is estimated at \$400,000.

The total gross floor area for the single dwelling is approximately 265.63 m² (8.5m x 31.25m)

The total gross floor area for the shed is approximately 900 m² (20m x 45m x 6m)

The total gross floor area combined is approximately 1,165.63 m²

Previous Meeting Bendigo Council:

Mr Jeffrey Leahy has previously met with Ms Adele Hayes on Monday 9th September 2019. As advised at that meeting, given the nature of the activities that JLSL performs it is critical that the proposed activities are not advertised and preferably not made available to the public (if possible). This would assist the company to conduct its activities in a discreet and secure manner.

Clause 22.02 Rural Dwellings Policy:

The purpose and objective of JLSL is to solely conduct agricultural farming activities on the land. The agricultural farming activities are the production and cultivation of medicinal cannabis and hemp (cannabis). These agricultural activities specifically require that a single dwelling be constructed on the land as well as a shed. This construction requirement is mandatory to provide security and protection to the valuable crop which is being grown on the land. The nature of the crop necessitates 24/7 care, control, maintenance and security. The erection of the dwelling and shed does not prejudice the agricultural use of the land in any way.

Clause 35.07 Farming Zone:

JLSL's purpose and objective of conducting cannabis farming on the land meets the principle objective of utilising the land for agricultural use and to ensure that the agricultural use is productive.

The dwelling and shed due to their size compared to the size of the land being used for agricultural production ensure that the dwellings do not adversely affect the use of land for agricultural purposes.

JLSL also believes that the growing of cannabis will assist in providing sustainable land management practices which ensures that soil is protected via sustainable cropping.

Access to the property is provided via an all weather track namely Hylands Lane. Access to the dwelling will be via an all weather driveway to the dwelling.

The dwelling will have a wastewater system which is conducted in accordance with State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The dwelling will also have its own water supply with adequate storage for domestic use as well as for fire fighting purposes as well as for the agricultural use.

The dwelling will maintain its own alternative energy supply.

Decision Guidelines:

General Issue	Answer
Is the land capable of accommodating the proposed use or development, including the disposal of effluent.	YES
Does the use or development relate to sustainable land management	YES
Is the site suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses	YES
Does the use and development make use of existing infrastructure and services	N/A
Agricultural Issues	Answer
Does the use or development support and enhance agricultural production.	YES
Does the use or development adversely affect soil quality or permanently remove land from agricultural production.	NO
Does the use or development limit the operation and expansion of adjoining and nearby agricultural uses	NO
Does the use enhance the capacity of the site to sustain the agricultural use	YES
Does the use enhance the agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure	YES
Is there any integrated land management plan prepared for the site.	NO
Dwelling Issues	Answer
Will the dwelling result in the loss or fragmentation of productive agricultural land	No
Will the dwelling be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation	NO
Will the dwelling adversely affect the operation and expansion of adjoining and nearby agricultural uses	NO
Will the proposal lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture	NO

Environmental Issues	Answer
Is there an impact on the natural physical features and resources of the area, in particular on soil and water quality.	NO
Is there an impact on the use or development on the flora and fauna on the site and its surrounds	NO
Will the proposal protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area	YES
Will the location of on-site effluent disposal areas minimise the impact of nutrient loads on waterways and native vegetation.	YES
Design and Siting Issues	Answer
Is there a need to locate buildings in one area to avoid any adverse impact on surrounding agricultural uses and to minimise the loss of productive agricultural land	NO
Is there an impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be under taken to minimise any adverse impacts	NO
Is there an impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance	NO
Is there an impact on the location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	NO
Will the use and development require traffic management measures	NO

Summary:

JLSL, Mr Jeffrey Leahy and Mr Steven Leahy believe that the approval of a planning permit for the construction of a single dwelling and shed for the agricultural use of growing cannabis (medicinal and hemp) will benefit the land, the local community and the area of Bendigo.

Confidentiality:

As you can appreciate this planning application requires the utmost confidentiality due to the security risks associated with making the “use” of the land public knowledge.

Should you have any queries please do not hesitate to contact me.

Regards



Jeffrey Leahy
Director