
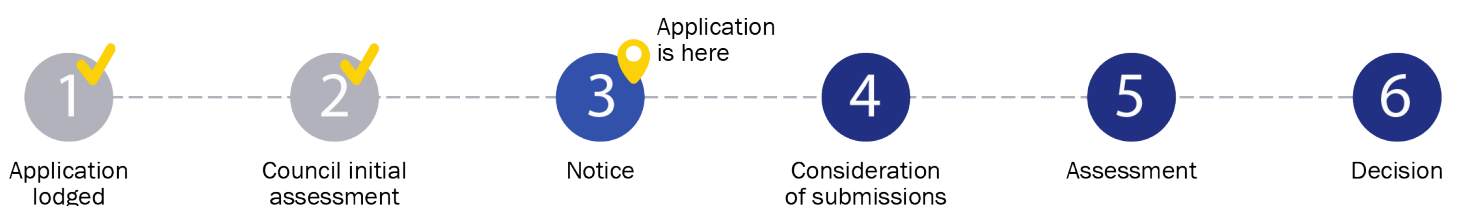


Notice of Application for a Planning Permit

The land affected by the application is located at:	L1 PS730717 V11595 F699 137 Bourkes Creek Road, Pakenham Upper VIC 3810
The application is for a permit to:	Resubdivision of two (2) lots

APPLICATION DETAILS	
The applicant for the permit is:	Nobelius Land Surveyors
Application number:	T240366
You may look at the application and any documents that support the application at the office of the Responsible Authority: Cardinia Shire Council, 20 Siding Avenue, Officer 3809. This can be done during office hours and is free of charge. Documents can also be viewed on Council's website: cardinia.vic.gov.au/advertisedplans or by scanning the QR code.	

HOW CAN I MAKE A SUBMISSION?		
This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:		11 December 2024
WHAT ARE MY OPTIONS? Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.	An objection must: <ul style="list-style-type: none">• be made to the Responsible Authority in writing;• include the reasons for the objection; and• state how the objector would be affected. If you object, the Responsible Authority will notify you of the decision when it is issued.	The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.



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Application Summary

Portal Reference A32431M1


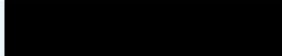

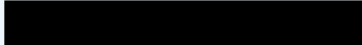
Basic Information

Proposed Use	Resubdivision of two (2) lots
Current Use	137 Bourkes Creek Road is vacant and used for agricultural purposes. 54 Hoyles Road is developed with a single detached dwelling and associated outbuildings and used for agricultural purposes.
Site Address	137 Bourkes Creek Road, Pakenham Upper (Lot 1 PS730717F); & 54 Hoyles Road, Pakenham Upper (Lot 1 LP111804)

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope? Not Applicable, no such encumbrances apply.

Contacts

Type	Name	Address	Contact Details
Applicant	 Nobelius Land Surveyors	20 Henry Street, Pakenham VIC 3810	
Preferred Contact	 Nobelius Land Surveyors	20 Henry Street, Pakenham VIC 3810	

Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 19 To effect a realignment of a common boundary between lots or to consolidate two or more lots	\$1,453.40	100%	\$1,453.40
Total			\$1,453.40

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20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
Purton Road, Pakenham, Victoria

Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VC, 3810

Email: mail@cardinia.vic.gov.au

Monday to Friday 8.30am–
5pm
Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784

Documents Uploaded

Date	Type	Filename
30-07-2024	Subdivision Plan	Copy of Title 137 Bourkes Creek Road.pdf
30-07-2024	Subdivision Plan	Copy of title 54 Hoyles Road.pdf
30-07-2024	Subdivision Plan	Copy of plan 137 Bourkes Creek Road.pdf
30-07-2024	Subdivision Plan	Copy of plan 54 Hoyles Road.pdf
30-07-2024	Explanatory Letter	Town Planning Report - 137 Bourkes Creek Road and 54 Hoyles Road.pdf
30-07-2024	Additional Document	Cover Letter - 137 Bourkes Creek Road and 54 Hoyles Road.pdf
30-07-2024	Additional Document	Sub BN Ver 1.pdf
30-07-2024	Additional Document	Bourkes Creek Road & Hoyles Road F+L Plan.pdf

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

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After Hours: 1300 787 624
Fax: 03 5941 3784

**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 11595 FOLIO 699

Security no : 124116807270E
Produced 22/07/2024 11:14 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 730717F.

PARENT TITLES :

Volume 08884 Folio 370 Volume 10026 Folio 222

Created by instrument PS730717F 03/09/2015

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS730717F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 137 BOURKES CREEK ROAD PAKENHAM UPPER VIC 3810

DOCUMENT END

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

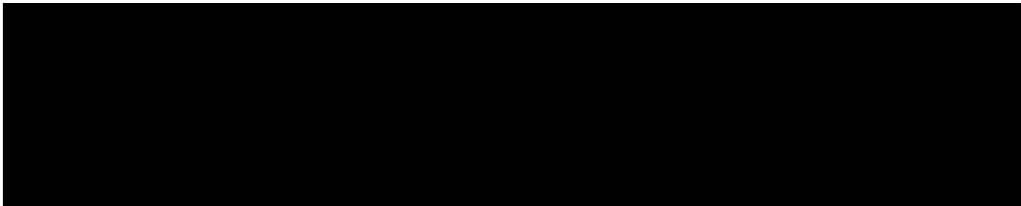
VOLUME 09041 FOLIO 970

Security no : 124116807499F
Produced 22/07/2024 11:18 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 111804.
PARENT TITLE Volume 07961 Folio 065
Created by instrument LP111804 22/08/1974

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP111804 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 54 HOYLES ROAD PAKENHAM UPPER VIC 3810

DOCUMENT END

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PLAN OF SUBDIVISION

EDITION 1

PS 925922 T

LOCATION OF LAND

PARISH: Gembrook

TOWNSHIP: ---

SECTION: ---

CROWN ALLOTMENT: 82A (Pt) & A15 (Pt)

CROWN PORTION: ---

TITLE REFERENCE: Vol. Fol.

LAST PLAN REFERENCE: Lot 1 on PS 730717 F & Lot 1 on LP 111804

POSTAL ADDRESS: 137 Bourkes Creek Road and

54 Hoyles Road, Pakenham Upper 3810

(at time of subdivision)

MGA CO-ORDINATES: E: 368 510 ZONE: 55
 (of approx centre of land in plan) N: 5 792 630 GDA 2020

Council Name: Cardinia Shire Council

EXPLANATORY NOTE:

WARNING: This plan is unregistered. Alterations may be required by Council and the Registrar of Titles prior to Registration, Nobelius Land Surveyors accepts no responsibility whatsoever for any loss or damage suffered.

VESTING OF ROADS AND/OR RESERVES

NOTATIONS

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

Lot 2 is not the subject of this survey. Dimensions are based on Title only.

NOTATIONS

DEPTH LIMITATION: DOES NOT APPLY

SURVEY:

This plan is based on PARTIAL survey.

This survey has been connected to permanent marks No(s).

In Proclaimed Survey Area No. ---

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EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

NOBELIUS LAND SURVEYORS



P.O. BOX 461
 PAKENHAM 3810
 Ph 03 5941 4112
 mail@nobelius.com.au

SURVEYORS FILE REF: 22067

LICENSED SURVEYOR: B. S. NOBELIUS
 VERSION 1

ORIGINAL SHEET
 SIZE: A3

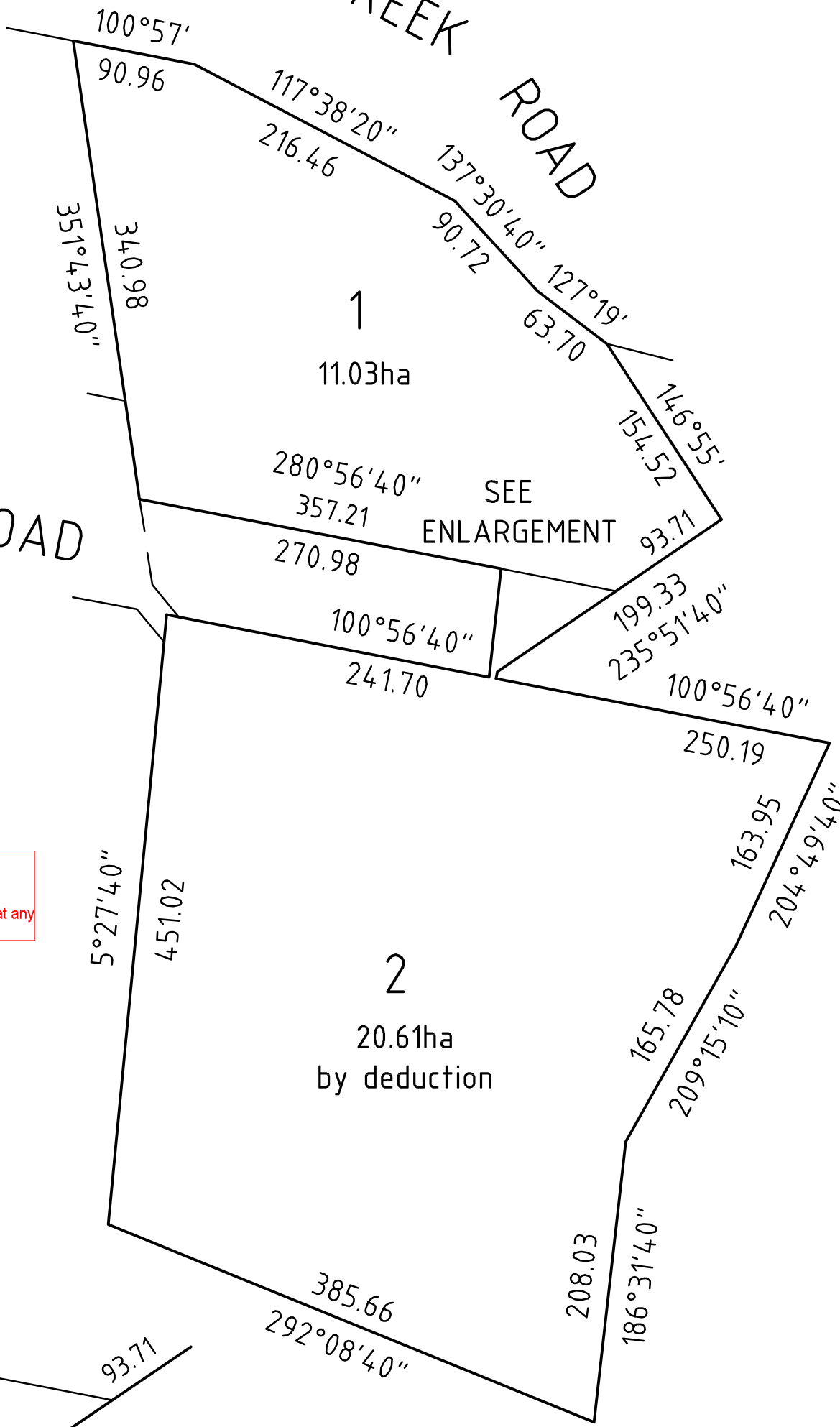
SHEET 1 OF 2

PS 925922 T

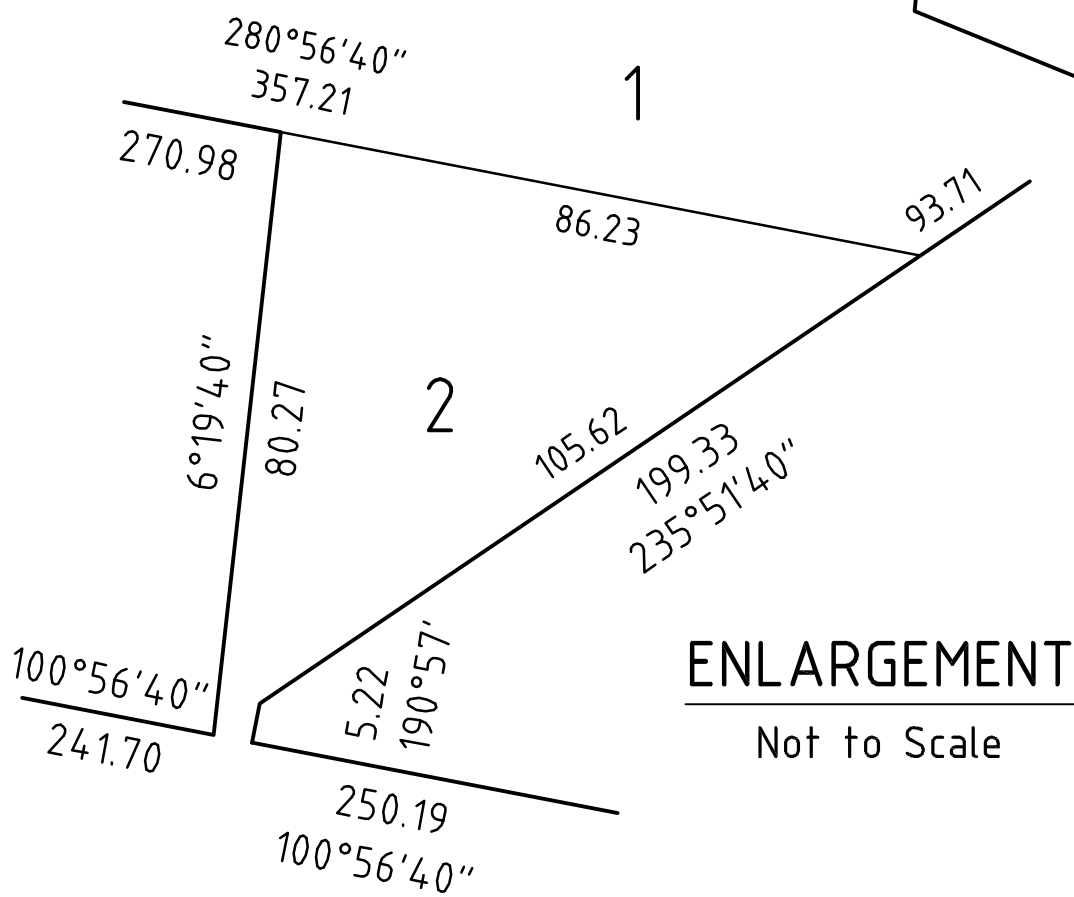


BOURKES CREEK ROAD

HOYLES ROAD



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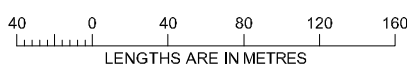
WARNING: This plan is unregistered.
See Sheet 1 for Explanatory Note

NOBELIUS LAND SURVEYORS



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PAKENHAM 3810
Ph 03 5941 4112
mail@nobelius.com.au

SCALE
1:4000



ORIGINAL SHEET
SIZE: A3

SHEET 2

LICENSED SURVEYOR: B. S. NOBELIUS
VERSION 1



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Number of Pages (excluding this cover sheet)	1
Document Assembled	22/07/2024 11:18

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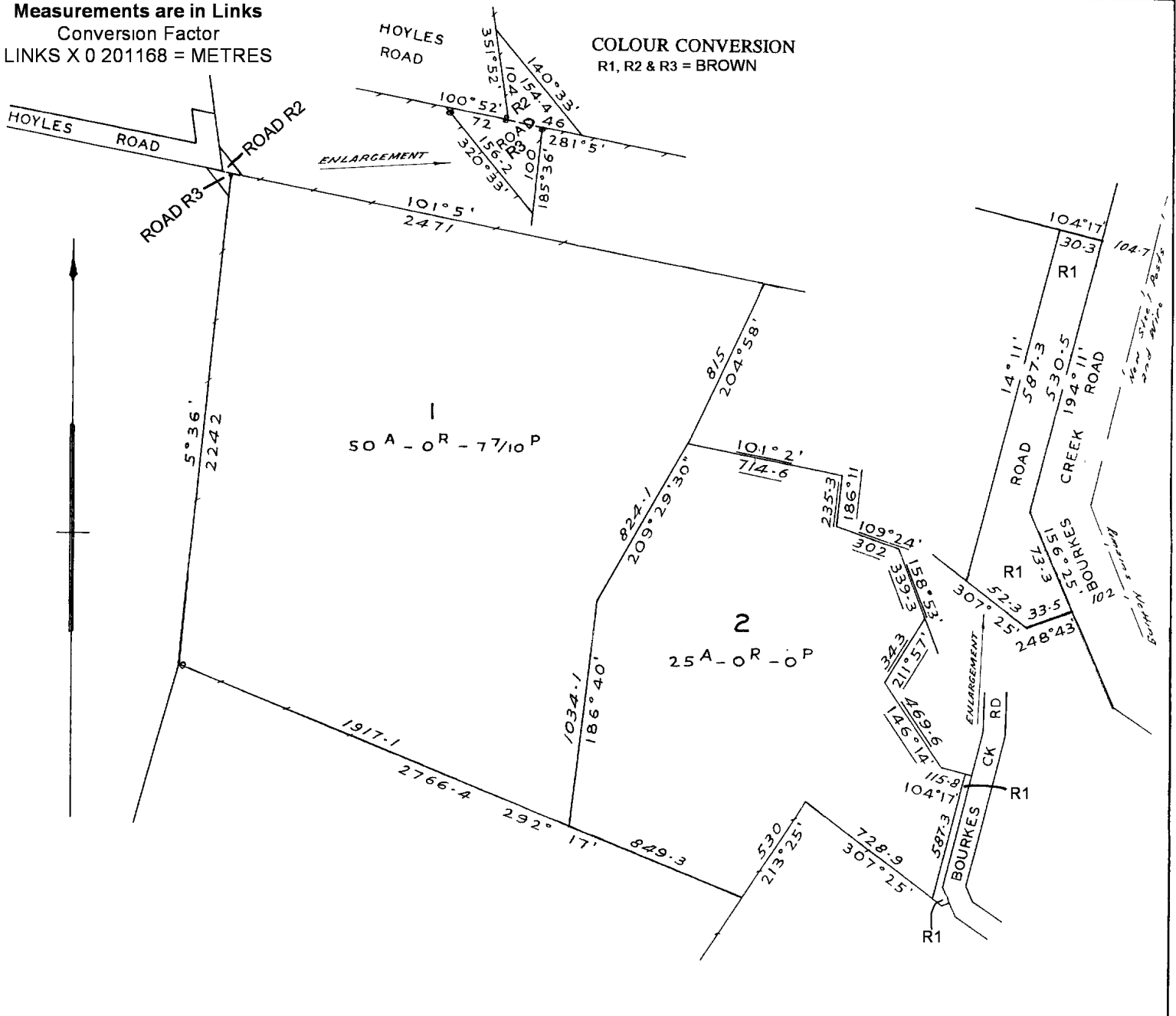
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LP111804
EDITION 1
 APPROVED 5/16/17/4

PLAN OF SUBDIVISION OF PART OF CROWN ALLOTMENTS 82A&A15 PARISH OF GEMBROOK COUNTY OF MORNINGTON VOL. 7961 FOL. 065 VOL. 8929 FOL. 523 VOL. 9018 FOL. 666	APPROPRIATIONS	NOTATIONS
	BROWN - WAY & DRAINAGE	MEASUREMENTS UNDERLINED ARE NOT THE RESULT OF THIS SURVEY

Measurements are in Links
 Conversion Factor
 LINKS X 0.201168 = METRES

COLOUR CONVERSION
 R1, R2 & R3 = BROWN



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Document Identification	PS730717F
Number of Pages (excluding this cover sheet)	2
Document Assembled	22/07/2024 11:14

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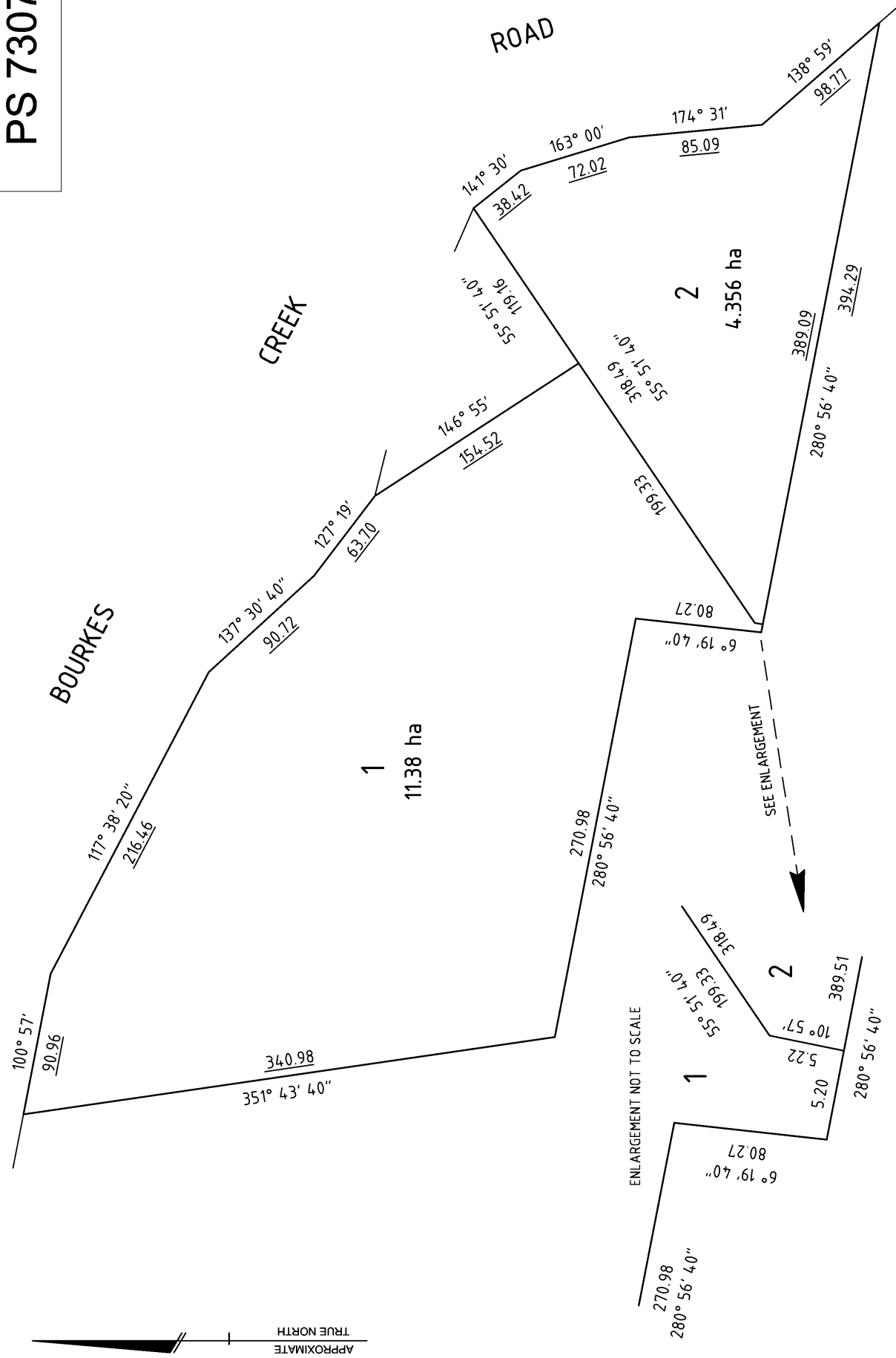
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PLAN OF SUBDIVISION		LV USE ONLY EDITION 1_	PS 730717 F		
LOCATION OF LAND		Council Name: Cardinia Shire Council			
PARISH : Gembrook SECTION : --- CROWN ALLOTMENT : 82 ^A (Part) TITLE REFERENCE : Vol. 10026 Fol. 222 & Vol. 8884 Fol. 370 LAST PLAN REFERENCE : Lot 2 LP 221526S & Lot 1 LP 91773 POSTAL ADDRESS : 109 & 137 Bourkes Creek Road, (At time of subdivision) Pakenham Upper 3810 MGA94 Co-ordinates (of approx centre of land in plan)					
		E 368 600 ZONE: 55 N 5 792 805 GDA 94			
VESTING OF ROADS AND/OR RESERVES		NOTATIONS			
IDENTIFIER	COUNCIL/BODY/PERSON				
Nil	Nil				
NOTATIONS		This is a Spear Plan			
DEPTH LIMITATION: 15.24m Below the Surface		Dimensions shown as <u>xx.xx</u> are not based on survey			
Survey: This plan is based on partial survey. This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. --- STAGING This is not a staged subdivision. Planning Permit No.					
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
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NOBELIUS LAND SURVEYORS		DIGITALLY SIGNED BY LICENSED SURVEYOR: B. S. NOBELIUS		Sheet 1 of 2 Sheets	
 P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 Fax 03 5941 7359 rob@nobelius.com.au		REF: 12,510 VERSION A		ORIGINAL SHEET SIZE A3	
				PLAN REGISTERED	
				TIME: 3:53 PM	
				DATE: 3 / 09 / 2015	
				Rosamond D'Rozario Assistant Registrar of Titles	

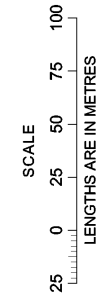
Signed by Council: Cardinia Shire Council, PP Ref: Unknown, Cert Ref: S14/083, Original Certification: 06/08/2014, S.O.C.: 15/01/2015

PS 730717 F

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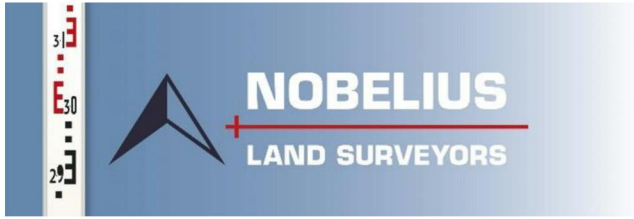


ORIGINAL SCALE 1 : 2500

DIGITALLY SIGNED BY LICENSED SURVEYOR: B. S. NOBELIUS

REF: 12.510 VERSION A

Sheet 2
ORIGINAL SHEET SIZE A3



20 Henry Street
PO Box 461
Pakenham
VIC 3810

ABN: 25 006 181 344
PHONE: 03 5941 4112
EMAIL: mail@nobelius.com.au
WEB: www.nobelius.com.au

30th July, 2024


Nobelius Land Surveyors
renee@nobelius.com.au

Attn: Statutory Planning Department
Cardinia Shire Council
20 Siding Avenue,
Officer VIC 3809

To Whom It May Concern,

RE: NEW PLANNING PERMIT APPLICATION
ADDRESS: 137 BOURKES CREEK ROAD, PAKENHAM UPPER (LOT 1 PS730717F); & 54 HOYLES ROAD, PAKENHAM UPPER (LOT 1 LP111804)
PROPOSAL: THE RESUBDIVISION OF TWO (2) LOTS

This planning permit application has been prepared by Nobelius Land Surveyors on behalf of the landowner and is submitted to Council to support an application to resubdivide two existing lots.

The subject land comprises two green wedge zoned lots being 137 Bourkes Creek Road, Pakenham Upper (Lot 1 PS730717F) and 54 Hoyles Road, Pakenham Upper (Lot 1 LP111804). The BMO & ESO1 apply.

A planning permit is triggered pursuant to:


- Clause 35.04-3 (GWZ) a permit is required to subdivide land.
- Clause 44.06-2 (BMO) a permit is required to subdivide land.
- Clause 42.01-2 (ESO) a permit is required to subdivide land.

Please find attached the following documents to support Council's assessment:

- Current copy of titles and plans
- Feature Survey, Concept Plan and Proposed Plan of Subdivision – *Nobelius Land Surveyors*

Please do not hesitate to contact me should you require any additional information or wish to discuss.

Warm Regards,


Town Planner
Nobelius Land Surveyors

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TOWN PLANNING REPORT

The Resubdivision of Two (2) Lots

137 Bourkes Creek Road & 54 Hoyles Road, Pakenham Upper



PROPOSED BY:
NOBELIUS LAND SURVEYORS
20 Henry Street, Pakenham, VIC 3810

(03) 5941 4112
www.nobelius.com.au



NOBELIUS

LAND SURVEYORS

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1. PRELIMINARY

ADDRESS	137 Bourkes Creek Road, Pakenham Upper Lot 1 PS730717F 54 Hoyles Road, Pakenham Upper Lot 1 LP111804			
RESPONSIBLE AUTHORITY	Cardinia Shire Council			
ZONE	Green Wedge Zone - Schedule 1 (GWZ1)			
OVERLAY	Bushfire Management Overlay (BMO) Environmental Significance Overlay - Schedule 1 (ESO1)			
BUSHFIRE PRONE AREA	Yes			
RESTRICTIONS REGISTERED ON TITLE	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, list below:		
ENCUMBERING EASEMENTS	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, list below:		
RETICULATED SEWER	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes		
NATIVE VEGETATION	Clause 52.17 applies			
PROPOSAL	The resubdivision of two (2) lots			
PRE-APP DETAILS	Not applicable			
PERMIT TRIGGERS	Clause 35.04-3 (GWZ) a permit is required to subdivide land. Clause 44.06-2 (BMO) a permit is required to subdivide land. Clause 42.01-2 (ESO) a permit is required to subdivide land.			
OTHER RELEVANT POLICY CONSIDERATIONS	<i>Metropolitan Green Wedge: Core Planning Provisions</i>			
SUBMITTED DOCUMENTS	<ul style="list-style-type: none"> • Current copy of titles and plans • Feature Survey, Concept Plan and Proposed Plan of Subdivision – <i>Nobelius Land Surveyors</i> 			
NLS QUALITY SYSTEM	AUTHOR	DATE ISSUED	CHECKED BY	REVISION
	RO	30/07/2024	JB	1

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2. INTRODUCTION

This town planning report has been prepared by Nobelius Land Surveyors on behalf of the landowner of the subject land and is submitted to Council to support an application to resubdivide two lots.

The subject land comprises two GWZ1 lots not held in common ownership:

- 137 Bourkes Creek Road, Pakenham Upper (Lot 1 PS730717F); and
- 54 Hoyles Road, Pakenham Upper (Lot 1 LP111804)

Both lots are subject to the BMO & ESO1 which reflect the environmental and landscape qualities of the site and surrounds. 137 Bourkes Creek Road is a vacant lot of 11.38ha, and 54 Hoyles Road has a total area of 20.25ha, and is developed with a single detached dwelling and associated outbuildings.

The proposed resubdivision is sought to consolidate a small area of 137 Bourkes Creek Road into 54 Hoyles Road to increase the agricultural capacity of 54 Hoyles Road and to protect existing viewlines to the north.

A planning permit is triggered pursuant to:

- Clause 35.04-3 (GWZ) a permit is required to subdivide land.
- Clause 44.06-2 (BMO) a permit is required to subdivide land.
- Clause 42.01-2 (ESO) a permit is required to subdivide land.

This report will aim to demonstrate that the proposal is an appropriate planning outcome that helps to give effect to the Municipal Planning Strategy, State and Local Planning Policy Framework and the relevant policies, objectives and standards of the Cardinia Planning Scheme.

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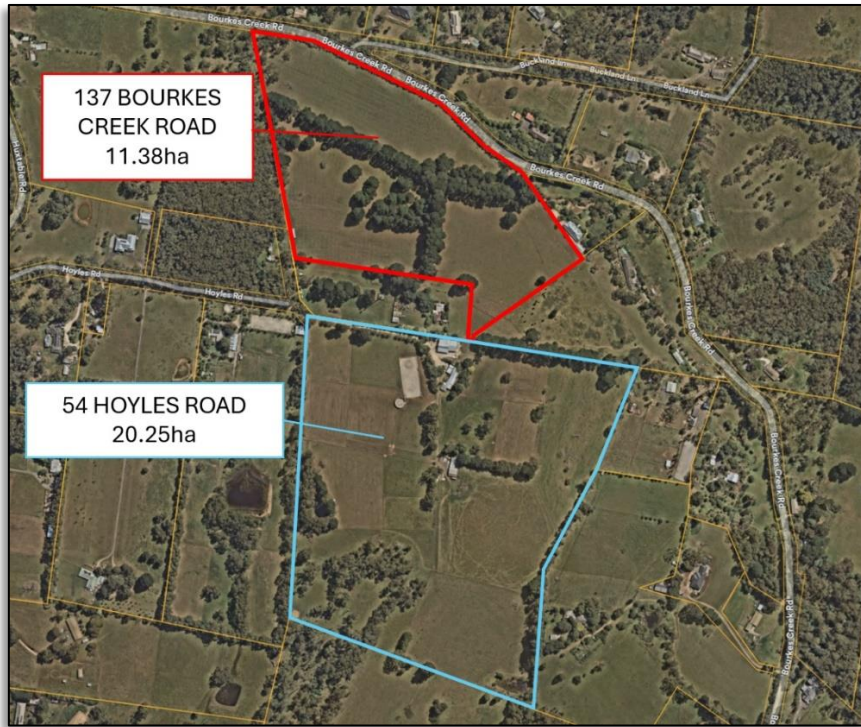
3. SUBJECT SITE AND SURROUNDING LOCALITY

SITE ANALYSIS

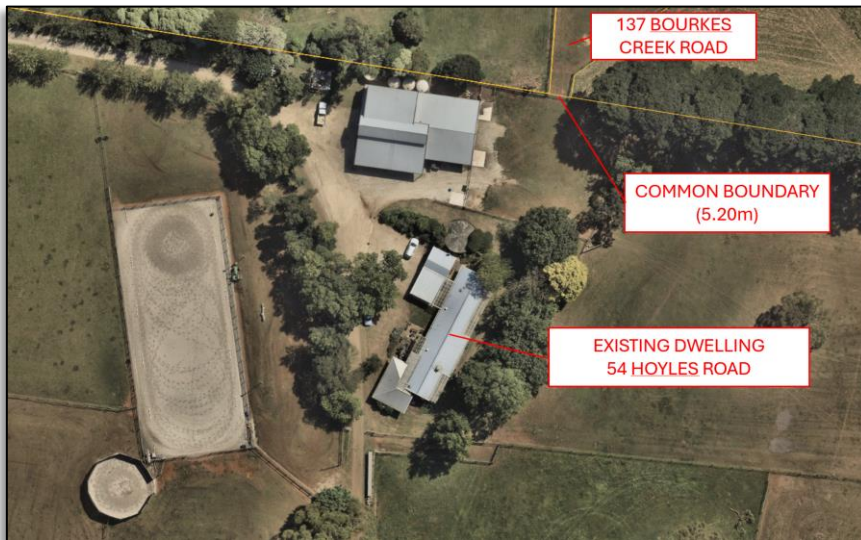
The subject land is comprised of two lots held in separate ownership:

- 137 Bourkes Creek Road, Pakenham Upper (Lot 1 PS730717F); and
- 54 Hoyles Road, Pakenham Upper (Lot 1 LP111804)

A recent aerial image identifying the land to which this planning permit application applies is provided below:



AERIAL IMAGE IDENTIFYING SUBJECT LAND IN WHICH THE PROPOSED RESUBDIVISION APPLIES (NEARMAP FEB 15, 2024)



COMMON BOUNDARY BETWEEN 54 HOYLES ROAD & 137 BOURKES CREEK ROAD (NEARMAP, FEB 15, 2024)

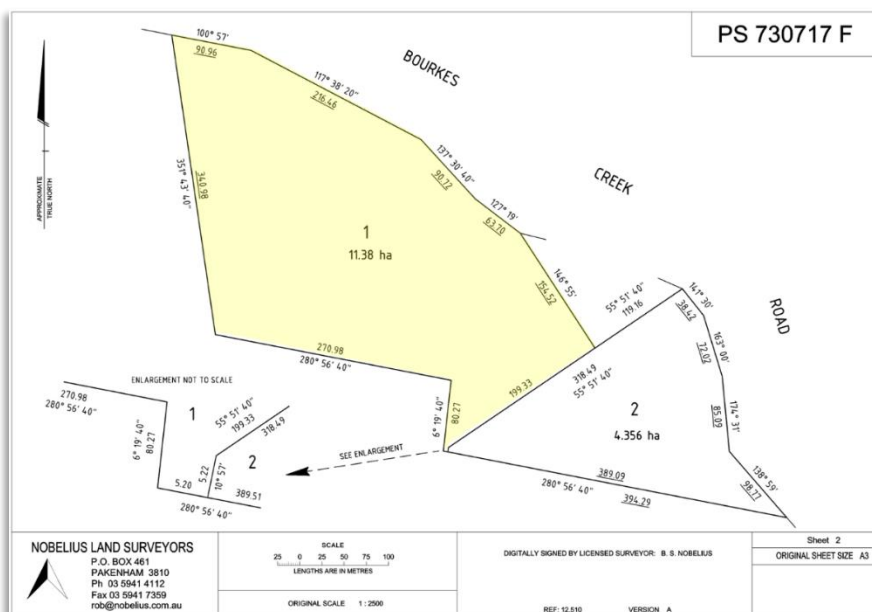
137 BOURKES CREEK ROAD, PAKENHAM UPPER

137 Bourkes Creek Road is formally known as Lot 1 PS 730717F, and is a GWZ1 lot of 11.38ha. The land is vacant and used for the grazing of livestock. The land addresses Bourkes Creek Road along the north and north-eastern boundary and access is via an unmade crossover in the north-west corner of the site. The landscape has been historically modified to enable the agricultural use of the land, and some native vegetation remains in the north-west corner of the site. Large cypress trees form a windbreak along the internal fencelines. The lots shares a common boundary with 54 Hoyles Road to the south for a distance of 5.20m.



AERIAL IMAGE IDENTIFYING 137 BOURKES CREEK ROAD, PAKENHAM UPPER (NEARMAP FEB 15, 2024)

A review of the Certificate of title does not identify any restrictions, covenants, caveats or the like. An extract of PS 730717F is provided below:



EXTRACT OF PS437712B IDENTIFYING 15 SHELTON ROAD (LOT 1



LOOKING SOUTH FROM BOURKES CREEK ROAD TO THE NORTH-WEST CORNER AND ACCESSWAY OF 137 BOURKES CREEK ROAD (GOOGLE MAPS, JULY 2023)

54 HOYLES ROAD, PAKENHAM UPPER

54 Hoyles Road, Pakenham Upper is formally known as Lot 1 LP111804, and is a GWZ1 lot with a total area of 20.25ha. The land is developed with a single detached dwelling and several large outbuildings associated with the agricultural use of the land. A review of the Certificate of Title does not identify any restrictions, covenants, caveats, or encumbering easements.

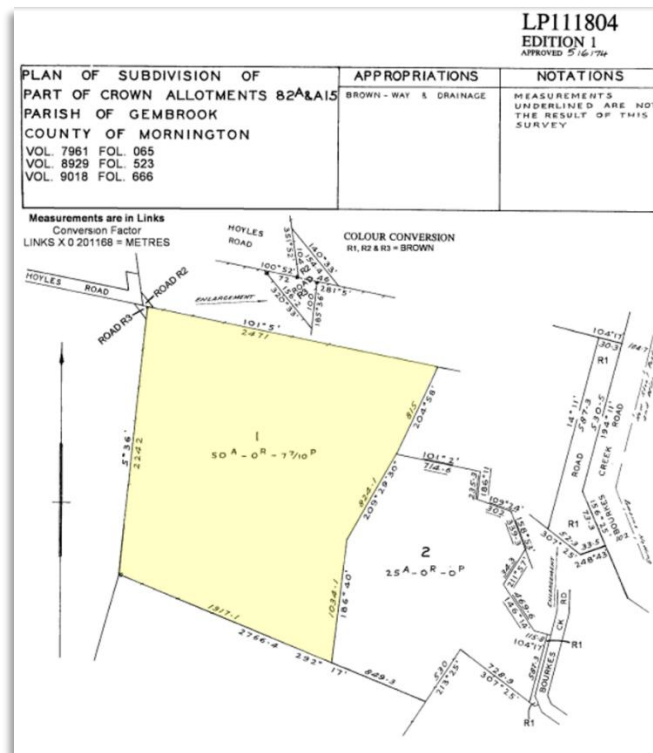


AERIAL IMAGE IDENTIFYING 54 HOYLES ROAD, PAKENHAM UPPER (NEARMAP FEB 15, 2024)

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A review of the Certificate of title does not identify any restrictions, covenants, caveats or the like.

An extract of PS 730717F is provided below:



EXTRACT OF PS437712B IDENTIFYING 54 HOYLES ROAD (LOT 1)



LOOKING SOUTH-EAST FROM HOYLES ROAD TOWARDS ENTRANCE OF 54 HOYLES ROAD (GOOGLE MAPS, JULY 2023)

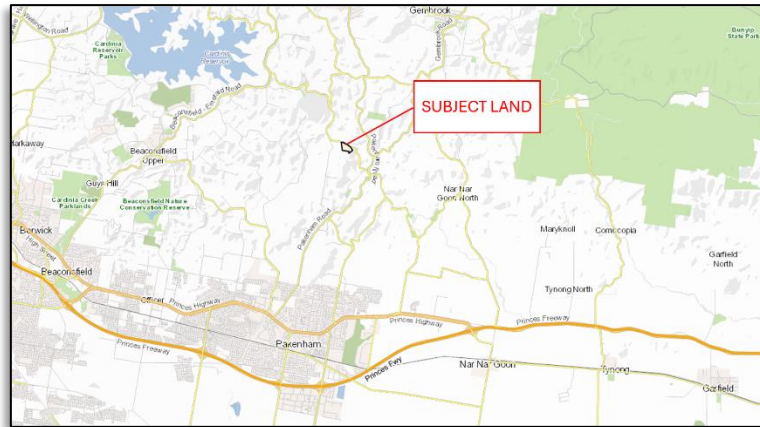
PERMIT HISTORY

Planning Permit T140341 was issued 30/07/20214 to allow a boundary realignment between 109 & 137 Bourkes Creek Road, Pakenham Upper. T140341 resulted in the creation of 137 Bourkes Creek Road (Lot 1 PS730717F) in it's current form.

Planning Permit T130688 was issued 27/03/2014 to allow the development of the land for horse stables at 54 Hoyles Road, Pakenham Upper.

SURROUNDS

The subject land is located in a green wedge fringe area of the Shire to the north of Pakenham:

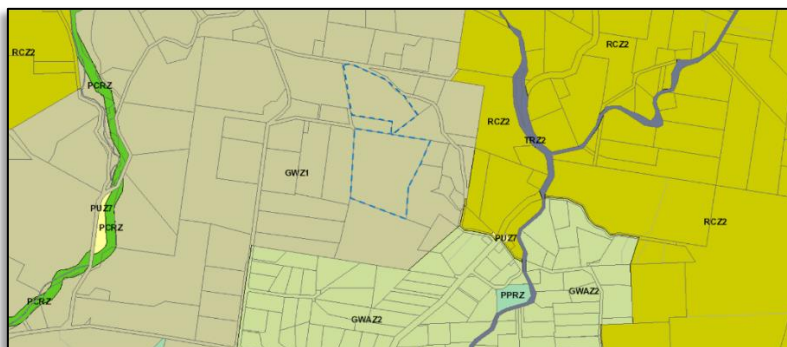


SUBJECT LAND & WIDER CONTEXT (LASSI, 2024)



SUBJECT LAND WITHIN LOCALITY (LASSI, 2024)

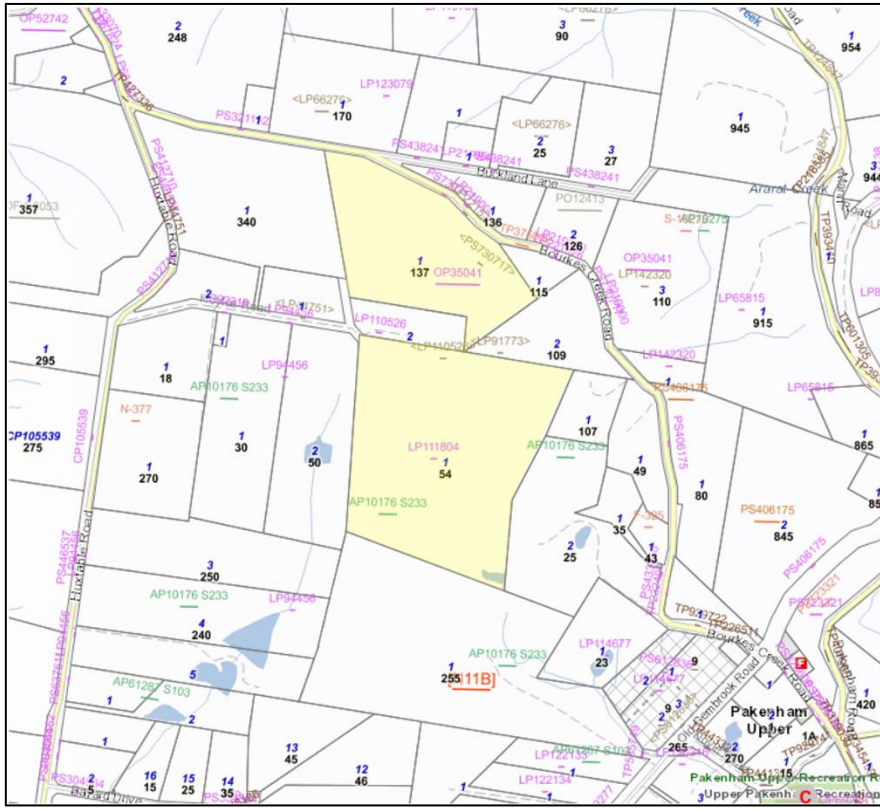
A review of the existing subdivision pattern and zoning map identifies a mix of lot sizes and the prevalence of zoning controls that reflect the environmental and landscape values of the area - Green Wedge, Rural Conservation and Public Conservation and Recreation.



ZONING MAP (VICPLAN, 2024)

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A number of lots of various sizes and shapes immediately adjoin 137 Bourkes Creek Road and 54 Hoyles Road. All lots are developed with a single dwelling and associated outbuildings and used for small-scale agriculture and rural residential purposes as per the objectives of the GWZ1:



CADASTRAL IMAGE OF SUBJECT LAND & IMMEDIATE SURROUNDS (LASSI, 2024)



AERIAL IMAGE OF SUBJECT LAND & IMMEDIATE SURROUNDS (LASSI, 2024)

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4. THE PROPOSAL

Council permission is sought to resubdivide two (2) lots held in common ownership, being 15 Shelton Road & Bourkes Creek Road, Pakenham Upper and to create a restriction on the title.

A permit is required pursuant to:

- Clause 35.04-3 (GWZ) a permit is required to subdivide land.
- Clause 44.06-2 (BMO) a permit is required to subdivide land.
- Clause 42.01-2 (ESO) a permit is required to subdivide land.

LOT PARTICULARS

The proposed resubdivision will consolidate a small area of 137 Bourkes Creek Road with the adjoining land to the south, 54 Hoyles Road. The affected area of land is an approximately 0.35ha and irregular in shape:



AREA OF LAND TO WHICH THE PROPOSED RESUBDIVISION APPLIES (NEARMAP, 2024)

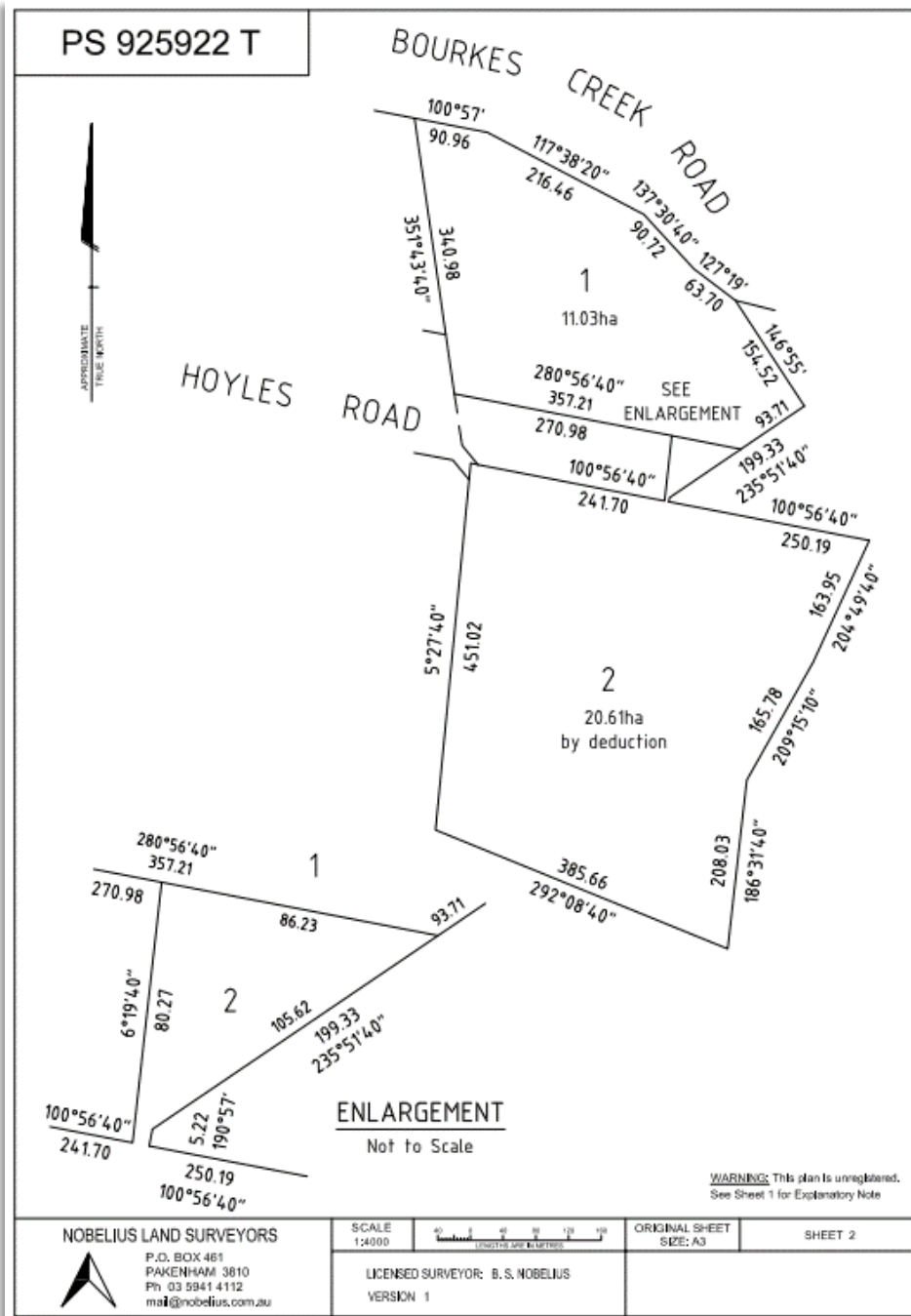
The proposed resubdivision will result in the following lot sizes:

Address	Current Area	Proposed Area
137 Bourkes Creek Road	11.38ha	11.03ha (approx.)
54 Hoyles Road	20.25ha	20.61ha (approx.)

The proposed resubdivision is sought to increase the agricultural capacity of and to protect the existing views to the north enjoyed by 54 Hoyles Road. The proposed resubdivision will provide assurance that no development or use can occur within the area of 137 Bourkes Creek Road (highest point) proposed to be consolidated.

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An extract of proposed Plan of Subdivision PS925922T is provided below:



EXTRACT OF PROPOSED PLAN OF SUBDIVISION PS925922T (NOBELIUS LAND SURVEYORS, JUL 2024)

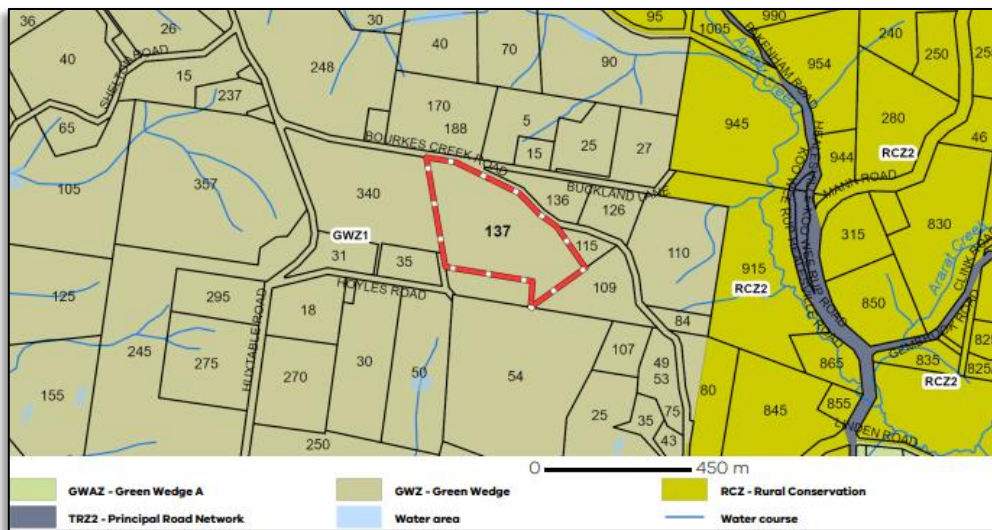
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5. RELEVANT PLANNING CONTROLS

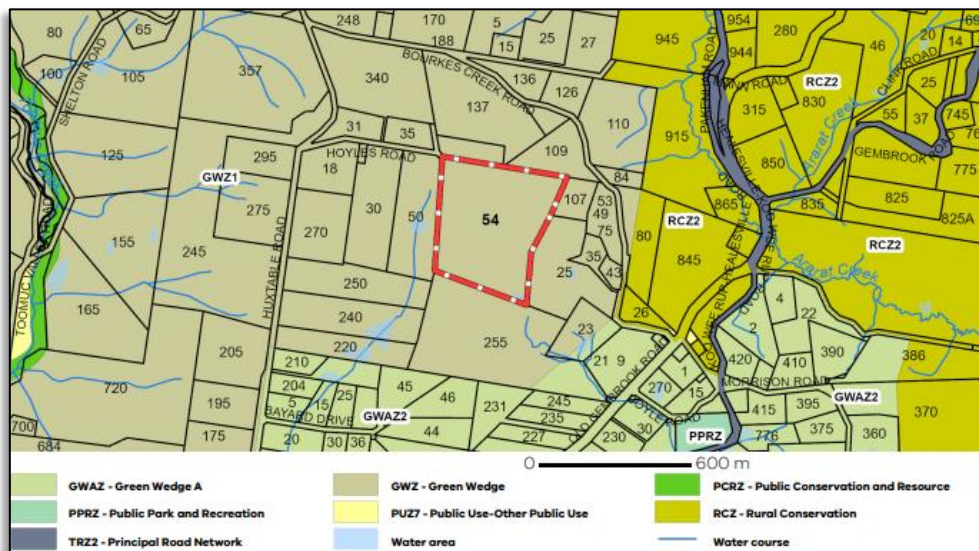
The following section addresses the objectives and requirements of the zoning and overlay controls relevant to the subject site identifying how these planning controls relate to the proposal, trigger an assessment and how we have addressed the requirements of planning provisions.

35.04 GREEN WEDGE ZONE - SCHEDULE 1

Both parcels of land are contained in the Green Wedge Zone – Schedule 1 in the Cardinia Planning Scheme:



137 BOURKES CREEK ROAD - ZONING MAP (VICPLAN)



54 HOYLES ROAD – ZONING MAP (VICPLAN)

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PURPOSE:

The Green Wedge Zone seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

PERMIT REQUIREMENT:

Pursuant to **Clause 35.04-3 Subdivision**, a permit is required to subdivide land. A minimum lot size of 40 hectares applies, however, a permit may be granted to create smaller lots where:

- *The subdivision is the resubdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.*

The proposal contemplates the resubdivision of two existing lots.

DECISION GUIDELINES:

An assessment of the proposal against the relevant decision guidelines (**Clause 35.04-6**) of the Green Wedge Zone is provided below:

General

- *The Municipal Planning Strategy and the Planning Policy Framework*
- *The capability of the land to accommodate the proposed use or development.*
- *How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.*
- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.*

Assessment of proposal against general decision guidelines

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework. The proposed resubdivision does not adversely impact on the existing use of the land, surrounding land uses, or the amenity of existing residents. The proposed resubdivision will not adversely impact on the environmental or landscape values of the wider context.

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Rural Issues

- *The maintenance of agricultural production and the impact on the rural economy.*
- *The environmental capacity of the site to sustain the rural enterprise.*
- *The need to prepare an integrated land management plan.*
- *The impact on the existing and proposed rural infrastructure.*
- *The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.*
- *The protection and retention of land for future sustainable agricultural activities.*

Assessment of proposal against rural issues decision guidelines

The proposed area subject to consolidation will continue to be used for grazing purposes. The proposed resubdivision will not adversely impact adjoining and nearby agriculture or other land uses.

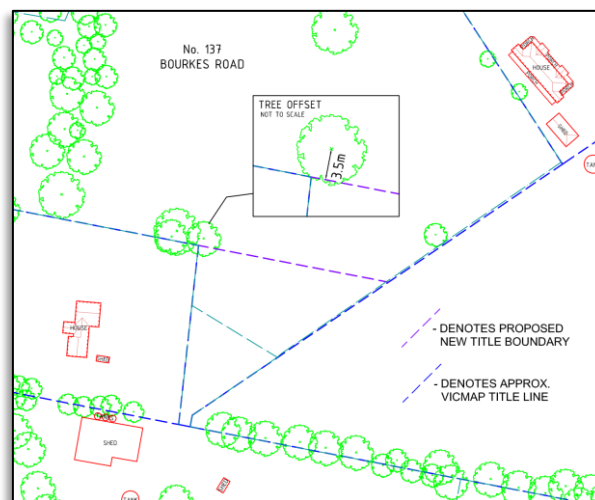
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Environmental Issues

- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to 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.*
- *How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.*
- *The location of on site effluent disposal areas to minimise impact on nutrient loads on waterways and native vegetation.*

Assessment of proposal against environmental issues decision guidelines

The proposed resubdivision does not result in any loss to biodiversity. The proposed common boundary has been sited to prevent any consequential loss of vegetation enabled by the fence exemptions:



EXTRACT OF FEATURE PLAN SHOWING TREE SETBACK FROM PROPOSED COMMON BOUNDARY

(NOBELIUS LAND SURVEYORS, 2024)

Design and Siting Issues

- *The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.*
- *The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.*
- *The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic, or scientific significance or of natural scenic beauty or importance.*

Assessment of proposal against design and siting decision guidelines

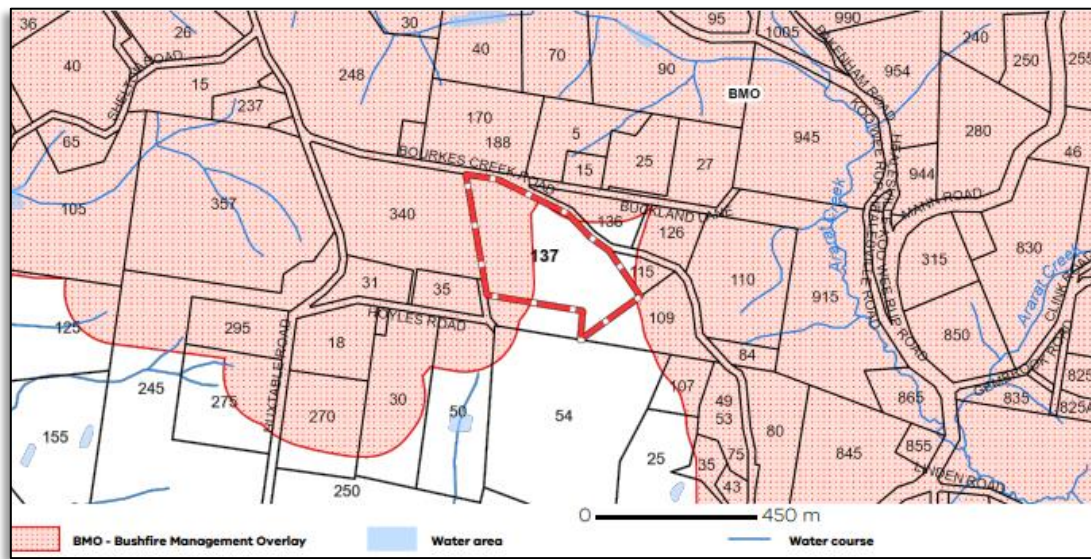
The proposed resubdivision is sought to increase the agricultural capacity of 54 Hoyles Road and to protect an existing viewline to the north over the rural landscape by consolidating the area immediately to the north of the existing dwelling on 54 Hoyles Road. The proposed resubdivision provides assurance to 54 Hoyles Road that any potential future dwelling associated with 137 Bourkes Creek Road will not be proposed within this area (the highest point of the land).

It is submitted that the proposal has adequately addressed the relevant considerations and requirements of the Green Wedge Zone – Schedule 1.

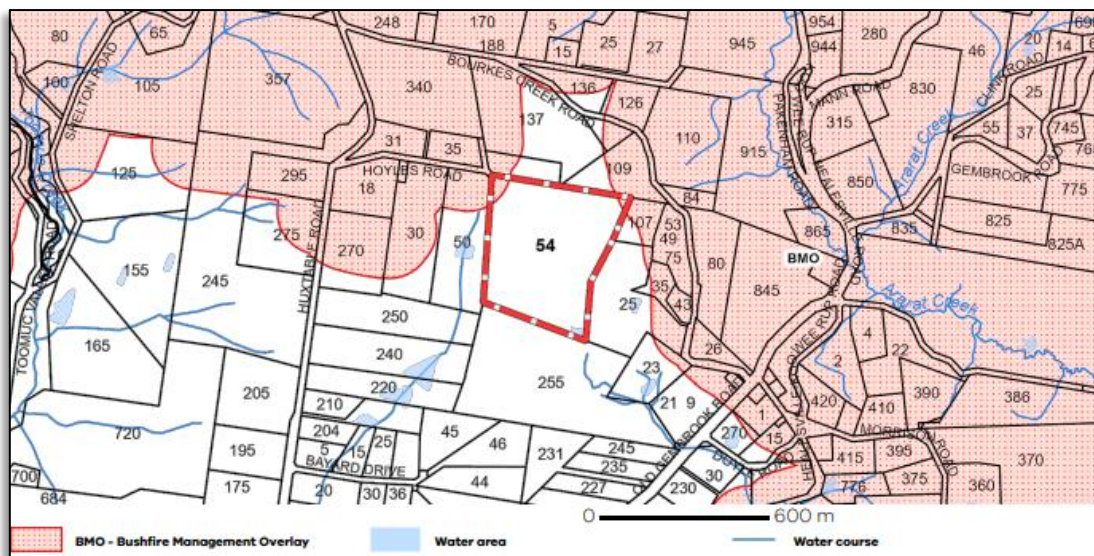
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44.06 BUSHFIRE MANAGEMENT OVERLAY

Both parcels of land are subject to Clause 44.06 Bushfire Management Overlay:



137 BOURKES CREEK ROAD – BMO MAP (VICPLAN, 2024)



54 HOYLES ROAD – BMO MAP (VICPLAN, 2024)

PURPOSE

The BMO seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

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- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

PERMIT REQUIREMENT

Pursuant to **Clause 44.06-2**, a permit is required to subdivide land.

APPLICATION REQUIREMENTS

It is contended that the application requirements are not relevant to the assessment of this application to resubdivide two existing lots. No development or building envelope is proposed, and therefore any risk to human life and property associated with bushfire remains unchanged as a result of this resubdivision.

We anticipate this application will be referred to the CFA under Section 55 of the Act and kindly request they consider waiving the application requirements of **Clause 44.06**.

DECISION GUIDELINES

Pursuant to **Clause 44.06-8 Decision guidelines**, the responsible authority must consider, as appropriate and in addition to the decision guidelines of Clause 65, the following:

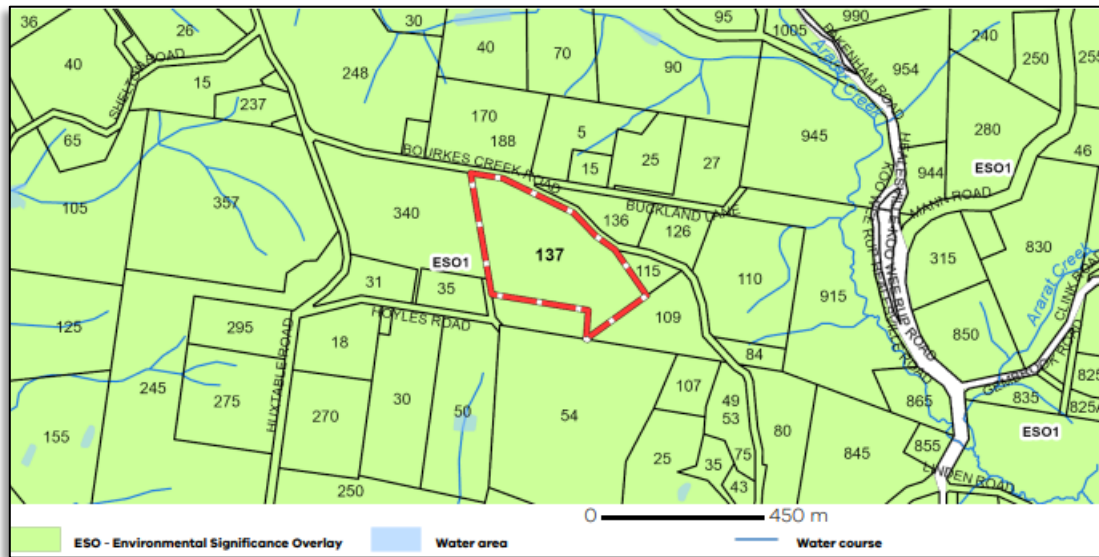
- *The Municipal Planning Strategy and the Planning Policy Framework .*
- *Any other matters specified in a schedule to this overlay.*

The proposal is consistent with the directive to prioritise the protection of human life over all other policy considerations and aligns with all bushfire risk mitigation policy. The existing common boundary and proposed new common boundary are not within an area subject to the BMO.

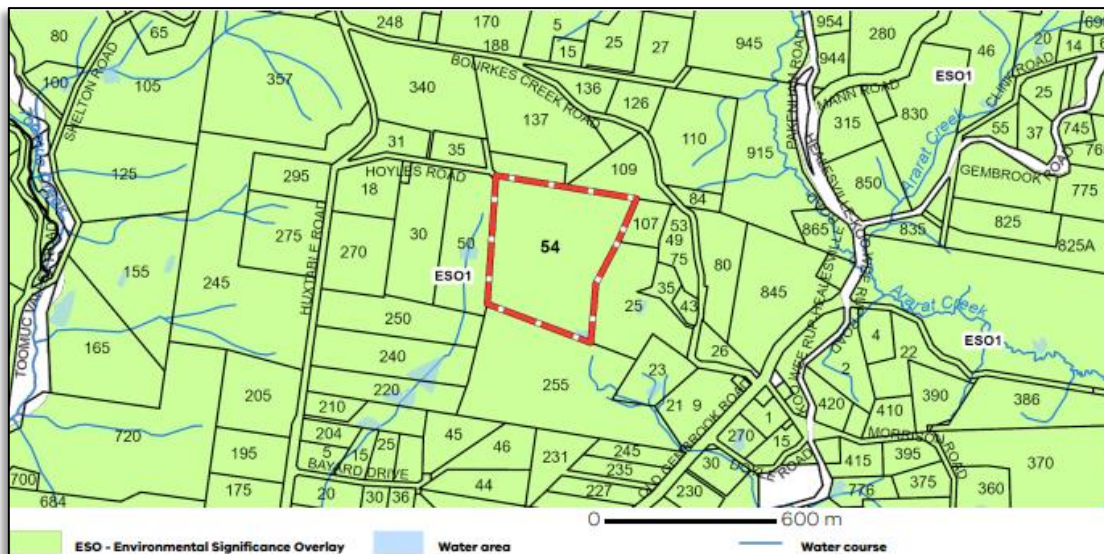
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42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1

Both parcels of land are subject to Clause 42.01 Environmental Significance Overlay – Schedule 1:



137 BOURKES CREEK ROAD – ESO1 (VICPLAN, 2024)



54 HOYLES ROAD – ESO1 (VICPLAN, 2024)

PURPOSE

The Environmental Significance Overlay seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

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ENVIRONMENTAL SIGNIFICANCE AND OBJECTIVES

Schedule 1 to Clause 42.01 Environmental Significance Overlay contains the following statement of environmental significance and environmental objectives to be achieved for the *Northern Hills* areas of the Shire:

Statement of environmental significance

The hills to the northern part of the municipality (generally to the north of the Princes Highway) is an area with significant landscape and environmental values. The area is characterised by a geology of Devonian Granitic and Sulrian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor in terms of environmental hazards including erosion and fire risk.

The vegetation supports the ecological processes and biodiversity of this area by forming core habitat areas within a complex network of biolink wildlife corridors. Sites containing threatened flora and fauna are defined as being of botanical and zoological significance. Development within and around these sites need to be appropriately managed to ensure the long term protection, enhancement and sustainability of these ecological processes and the maintenance of biodiversity.

Environmental objectives to be achieved

- *To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.*
- *To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.*
- *To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.*
- *To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.*

PERMIT REQUIREMENT

Pursuant to **Clause 42.01-2 Permit requirement**, a permit is required:

- to subdivide land.
- to remove, destroy or lop any vegetation, including dead vegetation unless the overlay or table at 42.01-3 specifically state otherwise, a NVPP under 52.16 applies, or a relevant exemption under 52.12 or 52.17 applies.

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Pursuant to the application requirements specified in **Schedule 1 to Clause 42.01**, the details of any vegetation proposed to be removed, destroyed or lopped must be provided as part of the submission, including photographs, arboricultural assessment, location of hollow bearing trees, topographic information, steps taken to avoid and minimise vegetation removal, and whether the removal is required to create defensible space. No vegetation is proposed to be removed directly or indirectly as part of this resubdivision application.

DECISION GUIDELINES

Under **Clause 42.01-5**, the responsible authority must consider the following decision guidelines, as appropriate and in addition to decision guidelines in Clause 65:

- *The Municipal Planning Strategy and Planning Policy Framework.*
- *The statement of environmental significance and the environmental objective contained in a schedule to this overlay.*
- *The need to remove, destroy, or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.*
- *Any other matters specified in a schedule to this overlay.*

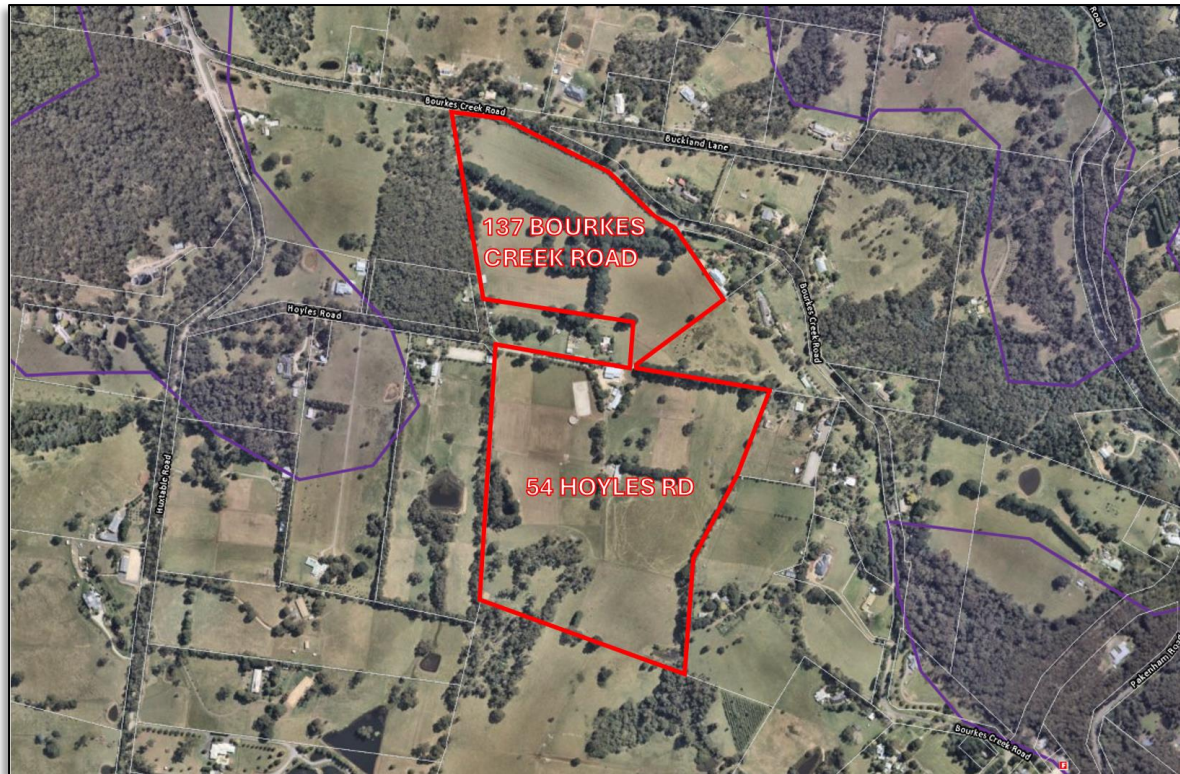
Schedule 1 to Clause 42.01 Environmental Significance Overlay also requires the responsible authority to consider, as appropriate:

- *Whether the removal of any vegetation has been avoided and/or minimised.*
- *The Land Capability Study for the Cardinia Shire (February 1997).*
- *The protection and enhancement of the natural environment and character of the area.*
- *The retention, protection and enhancement of remnant vegetation and habitat, and the need to plant vegetation along waterways, gullies, ridegelines and property boundaries.*
- *The impact of any buildings and works on areas of remnant vegetation, and habitat of botanical and zoological significance and threatened species.*
- *The impact of any buildings and works on the landscape character of the area, including prominent ridgelines and significant views.*
- *Whether the siting, height, scale, materials, colours and form of the proposed buildings and works have been design to have the least visual impact on the environment and landscape.*
- *The availability of other alternative sites, alternative building designs or alternative construction practices for the proposed buildings and works that minimise cut and fill and would better meet the environmental objectives of this schedule, having regard to the size of and topography of the land, retention of vegetation, and the form and nature of the proposed buildings and works.*
- *Measures to address environmental hazards or constraints including slope, erosion, drainage, salinity and fire.*
- *The protection of waterways and water quality through the appropriate management of effluent disposal, erosion and sediment pollution.*

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ASSESSMENT OF PROPOSAL AGAINST THE ESO1 'NORTHERN HILLS':

The proposal is consistent with the objectives of the ESO and the statement of environmental significance and environmental objectives for the 'Northern Hills' area, as per Schedule 1 to Clause 42.01. Neither lot is mapped within an area of botanical or zoological significance:



SUBJECT LAND (RED) AND AREA OF ZOOLOGICAL SIGNIFICANCE (PURPLE) (CARDNIA SC, 2024)

The proposed resubdivision does not require or enable any vegetation removal and will not detrimentally impact on water quality/quantity, biodiversity, or views to the site. The proposed resubdivision is sought to increase the agricultural capacity of 54 Hoyles Road and to protect existing view lines to the north enjoyed by 54 Hoyles Road by excluding this area from any potential future use or development that may occur on 137 Bourkes Creek Road.

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6. MUNICIPAL PLANNING STRATEGY

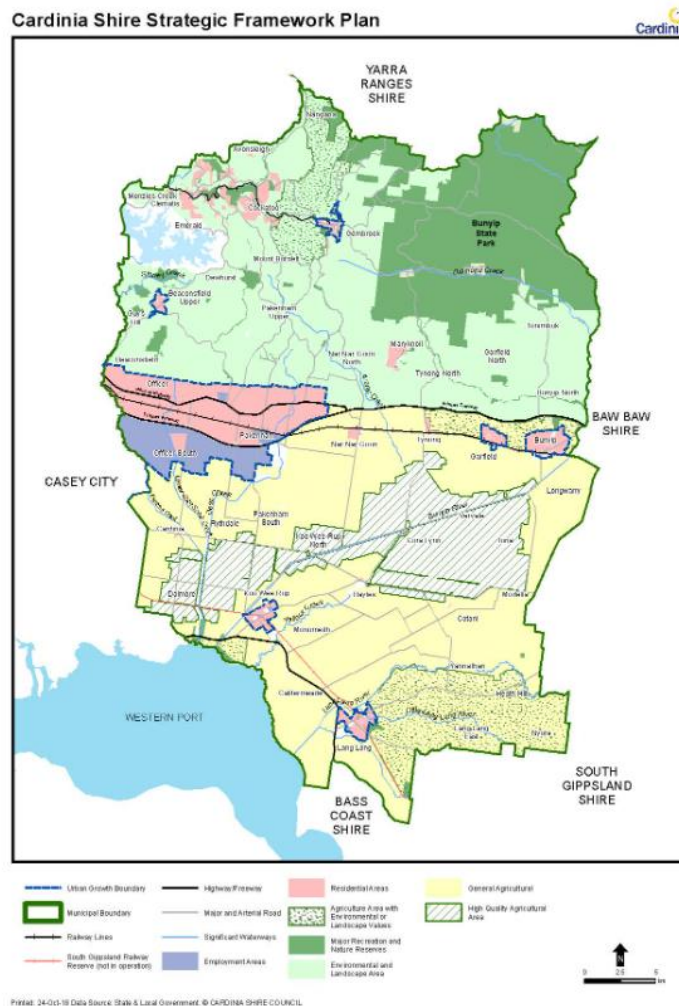
CLAUSE 21.01 CARDINIA SHIRE KEY ISSUES & STRATEGIC VISION

The Cardinia Shire seeks to be recognised as a unique place of environmental significance where residents quality of life and sense of community is balanced by sustainable and sensitive development and population and economic growth. The proposal is sensitive to the key issues facing Cardinia that have regard to the preservation of environmentally significant areas, protection and management of biodiversity, and mitigating risks associated with bushfire, as per **Clause 21.01-3**.

The proposal aligns with the strategic vision for the municipality as contained at **Clause 21.01-4**:

‘Cardinia Shire will be developed in a planned manner to enable present and future generations to live healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the Shire.’

Pakenham Upper is located within an area identified as having strategic environmental or landscape significance in the Cardinia Shire Strategic Framework Plan implemented at **Clause 21.01-5**:



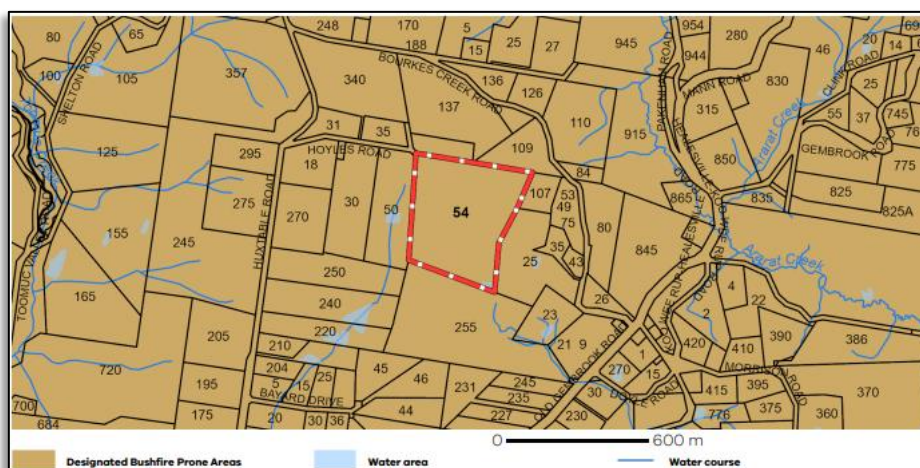
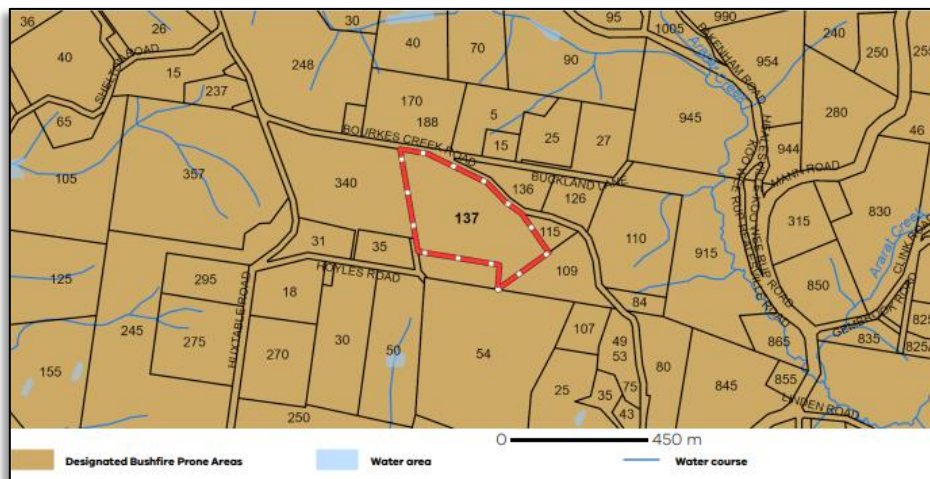
CARDINIA SHIRE STRATEGIC FRAMEWORK PLAN (CL. 21.01-5)

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CLAUSE 21.02 ENVIRONMENT

Clause 21.02 Environment has regard for the management of the Shire's natural resources, landscapes and more broadly speaking, the wider environment. **Clause 21.02-3 Biodiversity** has regarding the diverse environment and native flora and fauna habitats within the Cardinia Shire, describing the loss of biodiversity resulting from the decline and fragmentation of habitats as a key issue. The proposal does not require or enable any removal of vegetation, which aligns with the biodiversity objectives and strategies of **Clause 21.02-3**.

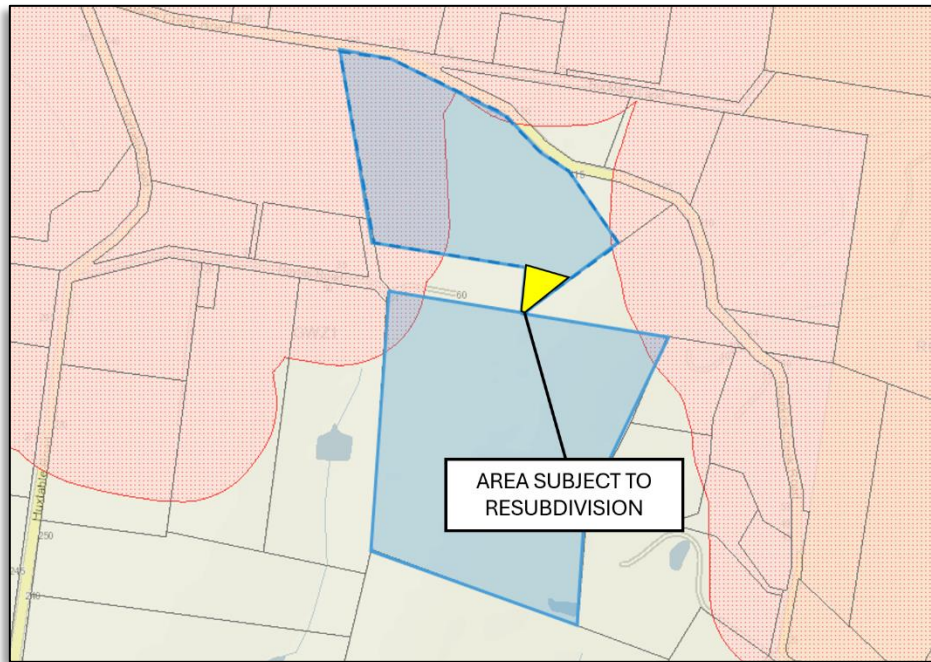
Clause 21.02-4 Bushfire management contains the objective *to recognise that areas in the municipality are prone to bushfire and to minimise the potential risk to life, property and the environment*, and describes how areas north of the Princes Highway are particularly prone to bushfires due to the topography and vegetation, where a significant loss of life and property in the Upper Beaconsfield and Cockatoo areas occurred during the Ash Wednesday fires of 1983. Both lots are mapped entirely within a designated bushfire prone area:



SUBJECT LAND WITHIN DESIGNATED BUSHFIRE PRONE AREA (VICPLAN, 2024)

The factors influencing the risk levels for individual properties include fuel levels, slope, climatic conditions, population, preparedness of landowners, accessibility and the availability of water, and the subdivision strategy outlines the need to *ensure that the siting and design of subdivisions has fully considered the impact of existing slope, aspect and vegetation in terms of risks of bushfire with regard to the location of building envelopes*. The proposed common boundary is not within an area subject

to the BMO (as per image below) and the proposed resubdivision does not increase the risk associated with bushfire to either lot.



*EXTENT OF BUSHFIRE MANAGEMENT OVERLAY IN RELATION TO THE AREA AFFECTED BY THE PROPOSED RESUBDIVISION
(SHOWN IN YELLOW)*

The proposed resubdivision will provide 54 Hoyles Road ownership of the sloping land to the north which further enhances their ability to maintain land proximate to the existing dwelling. Access to both lots is maintained as per the existing conditions.

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7. STATE AND LOCAL PLANNING POLICY FRAMEWORK (PPF)

This part of the report assesses and responds to the legislative and policy requirements for the project outlined in the Cardinia Planning Scheme and in accordance with the Planning and Environment Act 1987. The relevant clauses of the State & Local Planning Policy Framework for subdivisions of the type presented in this report are largely contained in Clauses 11, 12, 13, 14, 15.

An assessment against the relevant clauses of the Cardinia Planning Scheme has been provided below:

CLAUSE 11 SETTLEMENT

Clause 11.01-1S Settlement has regard for the sustainable growth and development of Victoria the proposal is consistent with the regional policy for green wedge land (**Clause 11.01-1R**) which seeks to *protect the green wedges of Metropolitan Melbourne from inappropriate development*. The proposal responds to it's green wedge location by prioritising the protection and enhancement of the environmental, landscape and scenic values of the site and surrounds. This aligns with **Clause 11.03-5S Distinctive areas and landscapes** which seeks to *recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes*. The proposed resubdivision is sought to protect the rural vista enjoyed by 54 Hoyles Road and the proposed common boundary will not impact on the landscape. The proposal aligns with the environmental objectives and planning outcomes sought through the ESO1 and GWZ1.

CLAUSE 12 ENVIRONMENTAL AND LANDSCAPE VALUES

Clause 12.01 Biodiversity, and **Clause 12.01-1S Protection of biodiversity** have the objective of protecting and enhancing the State's biodiversity and this proposal will not result in any cumulative impacts to important areas of biodiversity or the fragmentation of habitat. The proposed resubdivision has prioritised the retention of native vegetation which is consistent with **Clause 12.01-2S Native vegetation management** and the objective to *ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation*. **Clause 12.05-2S Landscapes** seeks to *protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments*. The proposal aligns with the strategies contained within this clause, particularly the need to *ensure development does not detract from the natural qualities of significant landscape areas and ensure important natural features are protected and enhanced*.

CLAUSE 13 ENVIRONMENTAL RISKS AND AMENITY

Clause 13.02-1S Bushfire Planning relates to land within a designated bushfire prone area; subject to the Bushfire Management Overlay; and/or proposed to be used or development in a way that may create a bushfire hazard. The objective of **Clause 13.02-1S** is to *"strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life"* achieved through strategies that prioritise the *protection of human life* over all other policy considerations; *"directing population growth and development to low-risk locations"* and *"ensuring the availability of, and safe access to, areas where human life can be better protected from*

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the effects of bushfire” with low risk location being those that are assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS3959-2018 (Construction of Buildings in Bushfire Prone Areas (Standards Australia, 2020); and reducing community vulnerability to bushfire through the consideration of bushfire risk at all stages of the planning process. The proposed resubdivision does not increase any existing risk to human life or property associated with bushfire risk and enables the efficient management of land proximate to the existing dwelling.

CLAUSE 14 NATURAL RESOURCE MANAGEMENT

Clause 14 relates to planning’s role in ensuring natural resource management supports environmental quality, sustainable development and the sustainable use of agricultural land. The proposed resubdivision does not remove any land from agriculture or impact on surrounding agricultural land uses which is consistent with the objective and strategies of **Clause 14.01-1S Protection of agricultural land** which seeks to *protect the state’s agricultural base by preserving productive farmland* and **Clause 14.01-1R Protection of agricultural land – Metropolitan Melbourne** which has the objective to prevent any permanent loss of agricultural land in the State’s green wedges and peri-urban areas.

CLAUSE 15 BUILT ENVIRONMENT AND HERITAGE

Clause 15 Built Environment and Heritage has the objective to ensure planning delivers built form that is of high quality and efficient, responsive to the surrounding landscape and character including its associated risks, protective of heritage and provides the functionality required by the community. The proposal does not contravene the objective of **Clause 15.01-3S Subdivision design**, which seeks to *ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods*.

Clause 15.01-6S Design for rural areas seeks to *ensure development respects valued areas of rural character*. The proposed resubdivision is consistent with the strategies listed to achieve this objective, and the proposed common boundary is complementary to the surrounding landscape and the prevailing rural character of the wider context. The proposed common boundary is not visible from the public domain and will provide assurance to the landowners of 54 Hoyle Road that no development or use will occur within the area proposed to be consolidated.

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8. PARTICULAR PROVISIONS

The relevant particular provisions/documents that will be addressed are identified below:

- Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 52.17 Native vegetation
- Clause 53.02 Bushfire Planning

CLAUSE 51.02 METROPOLITAN GREEN WEDGE LAND: CORE PLANNING PROVISIONS

Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions is relevant to this application and seeks:

- *To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.*
- *To protect productive agricultural land from incompatible uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of the metropolitan green wedge land.*
- *To encourage the location of urban activities in urban areas.*
- *To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.*
- *To provide deeming provisions for metropolitan green wedge land.*

Pursuant to **Clause 51.02-3 Subdivision**, the re-subdivision of existing lots into lots smaller in area than the minimum area specified for the land in the zone is acceptable providing the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.

The resubdivision does not increase the subdivision or development potential of either lot, nor does it diminish any environmental or landscape values associated with the immediate and/or wider area. The resubdivision will not result in any loss of agricultural land.

CLAUSE 52.17 NATIVE VEGETATION

Clause 52.17 Native vegetation applies the avoid, minimise and offset requirements to native vegetation on land with an area greater than 0.4ha (where native vegetation is defined as vegetation indigenous to Victoria).

PURPOSE

Clause 52.17 Native vegetation seeks:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the guidelines):*
 1. *Avoid the removal, destruction or lopping of native vegetation.*

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2. *Minimise the impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

PERMIT REQUIREMENT

Pursuant to **Clause 52.17**:

- A permit is required to remove, destroy or lop native vegetation unless the removal is in accordance with an incorporated Native Vegetation Precinct Plan (NVPP) under **Clause 52.16** or an exemption tabled at **52.17-7** specifically states that a permit is not required (unless the NVP specifies otherwise).
- A permit may also be required if the responsible authority considers that a proposed use or development is considered likely to involve or result in the consequential loss of native vegetation as a result of issuing a permit or approving a plan.

DESIGN RESPONSE

The retention of native vegetation has been prioritised in the siting of the proposed common boundary. The consequential loss of native vegetation has been avoided by ensuring native vegetation is setback more than 1m from the proposed fenceline to ensure the 'fences' exemption is not enabled. No permit is required under Clause 52.17.

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CLAUSE 53.02 BUSHFIRE PLANNING

Clause 53.02 Bushfire Planning seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design, and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

The proposed resubdivision is not considered to increase any existing risk to human life or property associated with bushfire. The applicant will be guided by the CFA on whether the application requirements of Clause 53.02 and the BMO are appropriate to be waived given no development or building envelope are proposed, the BMO does not apply to the area proposed to be resubdivided, and existing access & built form remain unchanged.

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9. GENERAL PROVISIONS

The relevant general provisions that will be addressed in this section are identified below:

- Clause 65 Decision Guidelines
- Clause 65.01 Approval of an Application or Plan
- Clause 65.02 Approval of an application to subdivide land

CLAUSE 65 DECISION GUIDELINES

Clause 65 states that the Responsible Authority must decide whether the proposal will provide acceptable outcomes in terms of the decision guidelines of this Clause. The decision guidelines of Clause 65.01 and 65.02 relating to the approval of an application or plan and an application to subdivide the land respectfully are relevant to this application.

CLAUSE 65.01 APPROVAL OF AN APPLICATION OR PLAN	
DECISION GUIDELINES	RESPONSE
<i>The matters set out in Section 60 of the Act.</i>	The land is not identified as being contaminated. The site constraints and considerations of the land have been responded to throughout the design process.
<i>Any significant effects the environment, including the contamination of the land, may have on the use or development.</i>	
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	The relevant planning considerations have been adequately addressed within this report in sections 4-6.
<i>The purpose of the zone, overlay or other provision.</i>	
<i>Any matter required to be considered in the zone, overlay or other provision.</i>	
<i>The orderly planning of the area.</i>	The proposal does not pose any foreseeable adverse impacts to the environment, human health or the amenity of the area.
<i>The effect on the environment, human health and amenity of the area.</i>	
<i>The proximity of the land to any public land.</i>	The proposed subdivision does not adversely impact any public land within the vicinity of the site.
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</i>	No foreseeable factors that may cause or contribute to land degradation, salinity or reduced water quality have been identified.
<i>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	The proposed use will not result in any change to the current volume or quality of stormwater within or exiting the site.

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<i>The extent and character of native vegetation and the likelihood of it's destruction.</i>	Not applicable.
<i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	
<i>The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.</i>	The proposed use is not foreseen to increase any natural hazards.
<i>The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.</i>	Not applicable to this application to resubdivide land.
<i>The impact the use or development will have on the current and future development and operation of the transport system.</i>	The proposal does not adversely impact on the current and future development and operation of the transport system.

CLAUSE 65.02 APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

DECISION GUIDELINES	RESPONSE
<i>The suitability of the land for subdivision.</i>	The proposed resubdivision is appropriate for the locality. No further lots are created as a result of the resubdivision.
<i>The existing use and possible future development of the land and nearby land.</i>	
<i>The availability of subdivided land in the locality, and the need for the creation of further lots.</i>	
<i>The effect of development on the use or development of other land which has a common means of drainage.</i>	The proposed resubdivision will not have any effects on nearby land in terms of drainage.
<i>The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.</i>	The proposed common boundary has been informed by the existing conditions on the site, including native vegetation.
<i>The density of the proposed development.</i>	The proposed subdivision does not increase the existing number of lots.
<i>The area and dimensions of each lot in the subdivision.</i>	The proposed lot sizes and dimensions are appropriate for the Green Wedge Zone and will integrate with the existing subdivision pattern.
<i>The layout of roads having regard to their function and relationship to existing roads.</i>	Not applicable.
<i>The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.</i>	Access to both lots is unchanged as a result of the proposal.

<i>The provision and location of reserves for public open space and other community facilities.</i>	Not applicable.
<i>The staging of the subdivision.</i>	Not applicable.
<i>The design and siting of buildings having regard to safety and the risk of spread of fire.</i>	The resubdivision will not increase the risk of fire.
<i>The provision of off-street parking.</i>	Both proposed lots can achieve on-site car parking.
<i>The provision and location of common property.</i>	Not applicable.
<i>The functions of any owners corporation.</i>	Not applicable.
<i>The availability and provision of utility services, including water, sewerage, drainage, electricity, and where the subdivision is not a residential subdivision, gas.</i>	No change to the existing availability and provision of utility services.
<i>If the land is not sewered, and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.</i>	Not applicable.
<i>Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.</i>	No native vegetation is proposed to be removed or is consequentially lost as a result of the resubdivision.
<i>The impact the development will have on current and future development and operation of the transport system.</i>	The proposed subdivision will not have any impact on the current and future development and operation of the transport system.

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10. CONCLUSION

This town planning report has sought to demonstrate that the proposal is an appropriate planning outcome that helps to give effect to the Municipal Planning Strategy, State and Local Planning Policy Framework and the relevant policies, objectives and strategies of the Cardinia Planning Scheme.

The proposal is appropriate for the Green Wedge Zone – Scheduel 1 and warrants Council’s support as it:

- Enhances the agricultural capacity of and protects views to the north from 54 Hoyles Road, Pakenham Upper;
- Represents an appropriate planning outcome that has regard for the key site considerations and constraints;
- Satisfactorily responds to the existing neighbourhood character and prevailing subdivision pattern; and
- Recognises, protects and conserves green wedge land and it’s associated environmental, historic and landscape values and poses no impact to biodiversity within the site (no native vegetation is proposed for removal).

As such, we ask that Council look favourably upon this application.

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AERIAL FEATURE & LEVEL PLAN

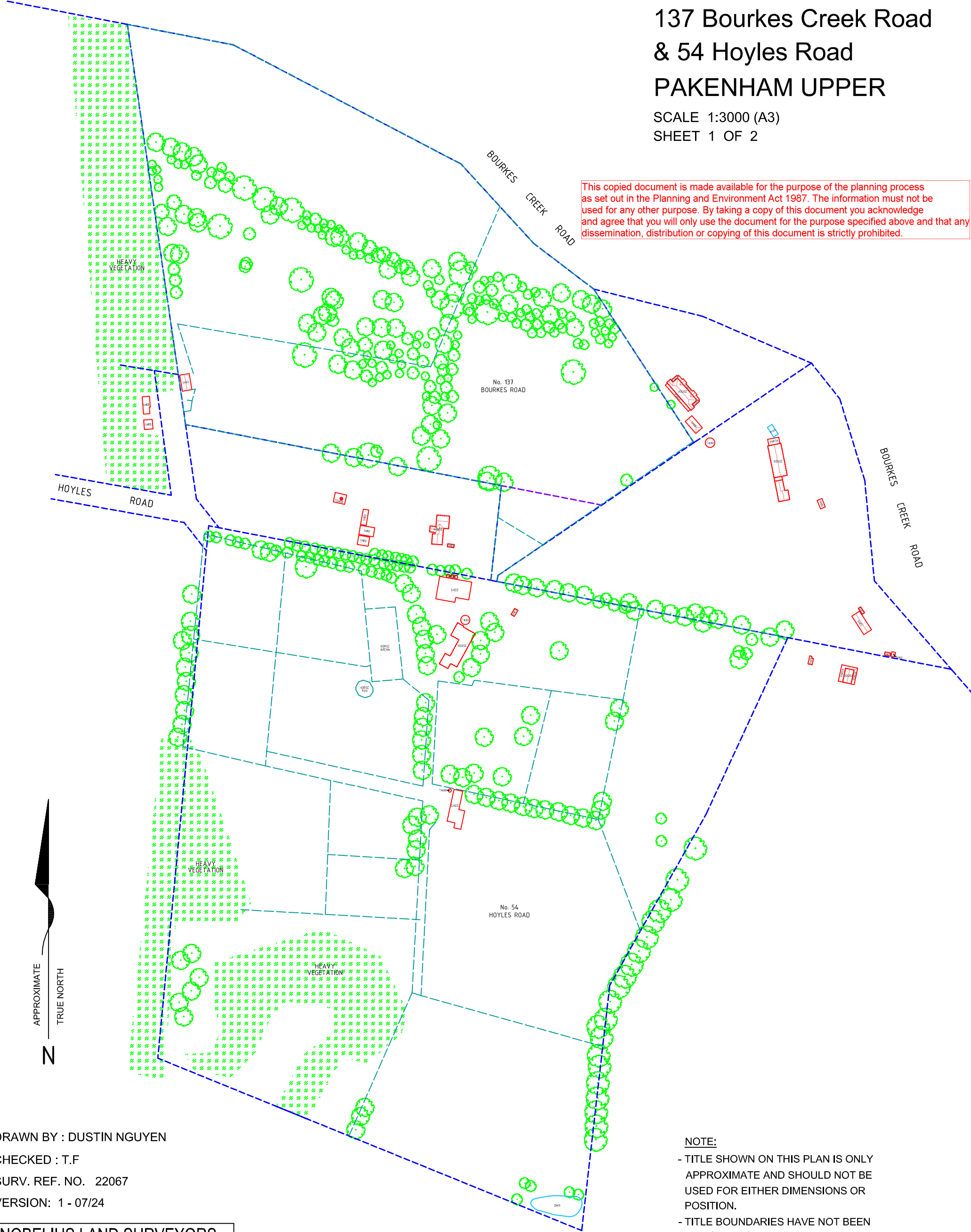
137 Bourkes Creek Road
& 54 Hoyles Road
PAKENHAM UPPER

SCALE 1:3000 (A3)
SHEET 1 OF 2

- DENOTES PROPOSED
NEW TITLE BOUNDARY

- DENOTES APPROX.
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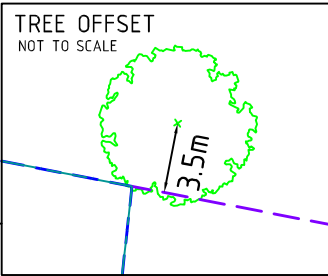
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CHECKED : T.F
SURV. REF. NO. 22067
VERSION: 1 - 07/24

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AERIAL FEATURE & LEVEL PLAN

137 Bourkes Creek Road & 54 Hoyles Road PAKENHAM UPPER

SCALE 1:1500 (A3)
SHEET 2 OF 2

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