

Notice of an Application for an Amendment to a Planning Permit

The land affected by the application is located at:	L2 PS712083 V12282 F847 91 Old Gembrook Road, Pakenham Upper VIC 3810
The application is to:	S72 Amendment: Use and development of the land for a dwelling, construction of 2 outbuildings and associated earthworks

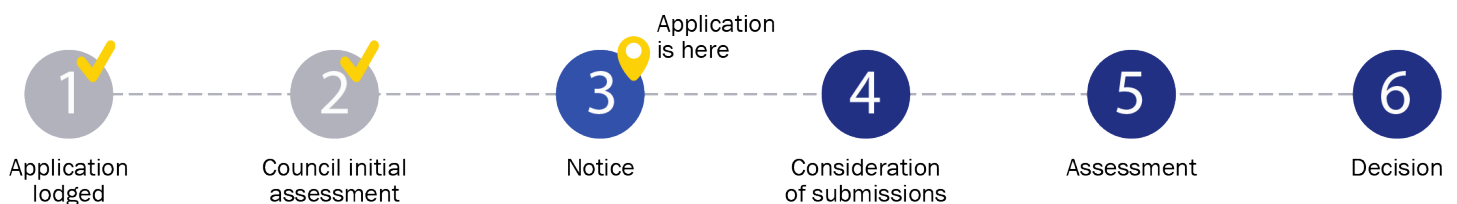
APPLICATION DETAILS

The applicant for the amendment to the permit is:	Drake Design
Application number:	T230527 - 1
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 at 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:		14 November 2025
WHAT ARE MY OPTIONS? Any person who may be affected by the proposed amendment to permit may object or make other submissions to the responsible authority. If you object, the Responsible Authority will notify you of the decision when it is issued.	An objection must: - be made to the Responsible Authority in writing; - include the reasons for the objection; and - state how the objector would be affected.	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.



Amendment Summary

Portal Reference	M32564Y9
Reference No	T230527

Basic Information

Proposal Type	Single Dwelling, Advertising Has Occurred
Proposed Use	Use and development of the land for a dwelling, construction of 2 outbuildings, associated earthworks and pool.
Current Use	open pastures, including a shed
Cost of Works	\$1,150,000
Amended Cost of Works	\$0
Amendments	What the permit Allows Changed Permit Conditions Plans Changed
Proposed Changes	- Proposing to simplify the dwelling to a single level under continuous roof line. - New Shed 1 next to the house - New Pool Design - Changes to cut and fill. - Change to condition 1, 5
Site Address	91 Old Gembrook Road Pakenham Upper VIC 3810


Cardinia
ADVERTISED MATERIAL
Planning Application: T230527 -1
Date Prepared: 30 October 2025

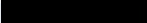
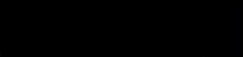
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Covenant Disclaimer

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? **No such encumbrances are breached**

☐ Note: During the application process you may be required to provide more information in relation to any encumbrances.

Contacts

Type	Name	Address	Contact Details
Applicant	 Drake Design	Suite 2 - Level 1/2 Beaconsfield-Emerald Rd, Beaconsfield VIC 3807	 
	 Drake Design	Suite 2 - Level 1/2 Beaconsfield-Emerald Rd, Beaconsfield VIC 3807	

Fees

Regulation Fee Condition	Amount	Modifier	Payable
11 - Class 3 Amendment to a class 2, 3, 4, 5 or 6 permit (change in cost of \$10, 000 or less)	\$226.90	100%	\$226.90
Total			\$226.90



Civic Centre
20 Siding Avenue, Officer, Victoria

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

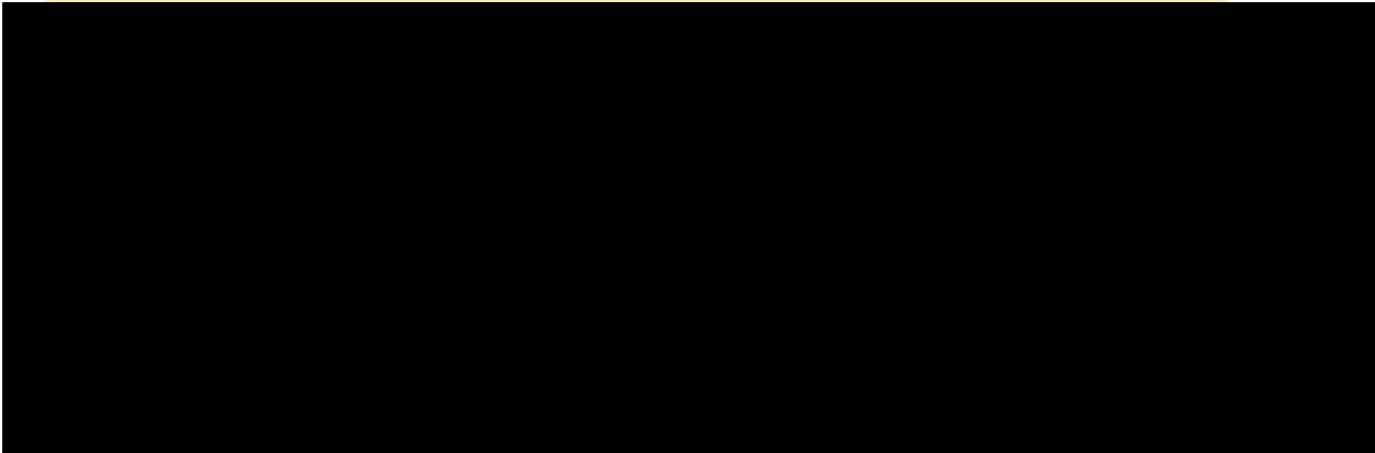
Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VIC, 3810

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
04-08-2025	Site Plan	25057 91 Old Gembrook Road Pakenham Upper - 202500730 - TP Issue.pdf
04-08-2025	Additional Document	Section 72 Amendment - 91 Old Gembrook Road Pakenham Upper.pdf
04-08-2025	Additional Document	26017 BMO 91 OLD GEMBROOK ROAD PAKENHAM UPPER V1.0.pdf
04-08-2025	Additional Document	26017 BMP 91 OLD GEMBROOK ROAD PAKENHAM UPPER V1.0stamp.pdf
04-08-2025	Additional Document	Copy of Plan.pdf
04-08-2025	Additional Document	Copy of Title.pdf



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Planning Application: T230527 -1
Date Prepared: 30 October 2025

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NO. 89
OLD GEMBROOK
ROAD

NO. 95
OLD GEMBROOK
ROAD

NO. 90
OLD GEMBROOK
ROAD

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SUBJECT SITE
91 OLD GEMBROOK
ROAD

NEIGHBOURHOOD SITE DESCRIPTION:



1. NO. 95 OLD GEMBROOK ROAD

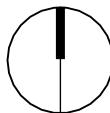


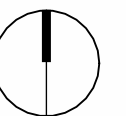
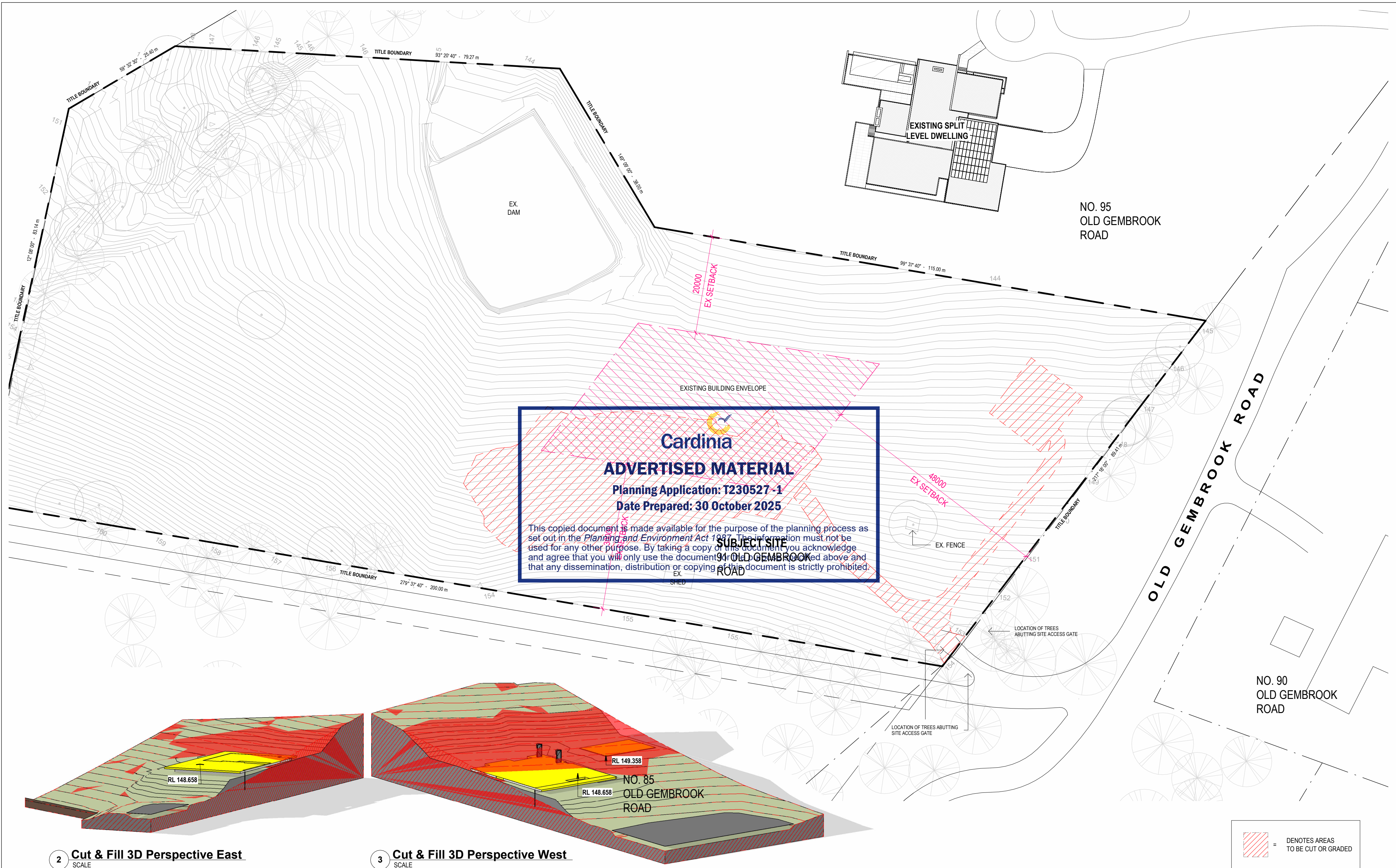
2. NO. 91 OLD GEMBROOK ROAD
(SUBJECT SITE)



3. NO. 85 OLD GEMBROOK ROAD

NO. 85
OLD GEMBROOK
ROAD



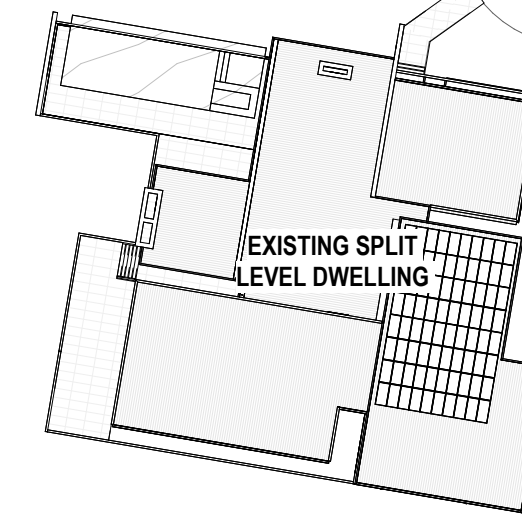


NO. 89
OLD GEMBROOK
ROAD

NO. 95
OLD GEMBROOK
ROAD

NO. 90
OLD GEMBROOK
ROAD

NO. 85
OLD GEMBROOK
ROAD



EXISTING SPLIT
LEVEL DWELLING

Cardinia

ADVERTISED MATERIAL

Planning Application: T2305271

Date Prepared: 30 October 2025

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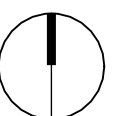
SUBJECT SITE
91 OLD GEMBROOK
ROAD

EX.
SHED

EX. FENCE

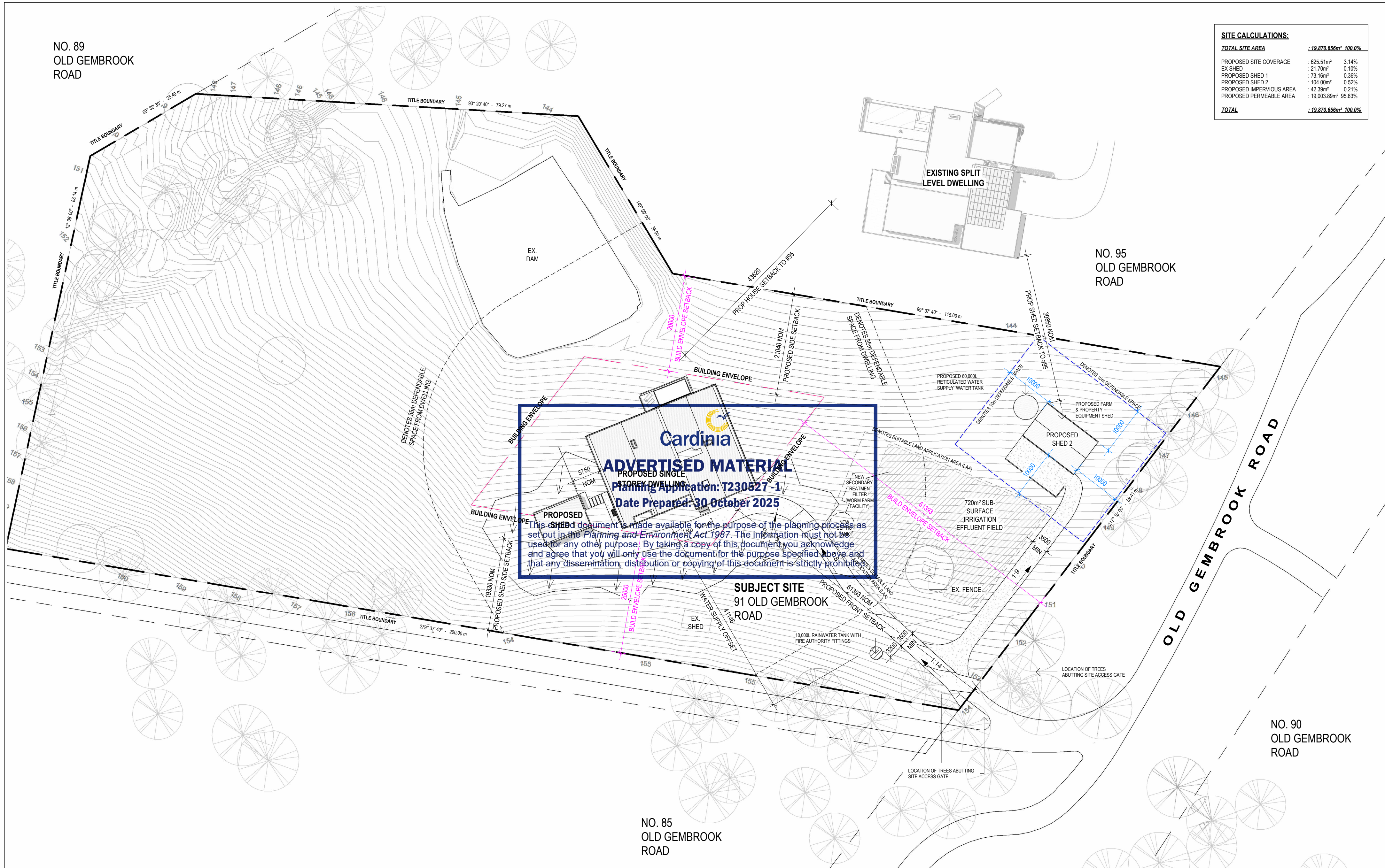
LOCATION OF TREES
ABUTTING SITE ACCESS GATE

LOCATION OF TREES
ABUTTING
SITE ACCESS GATE



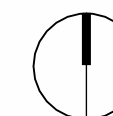
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OLD GEMBROOK
ROAD

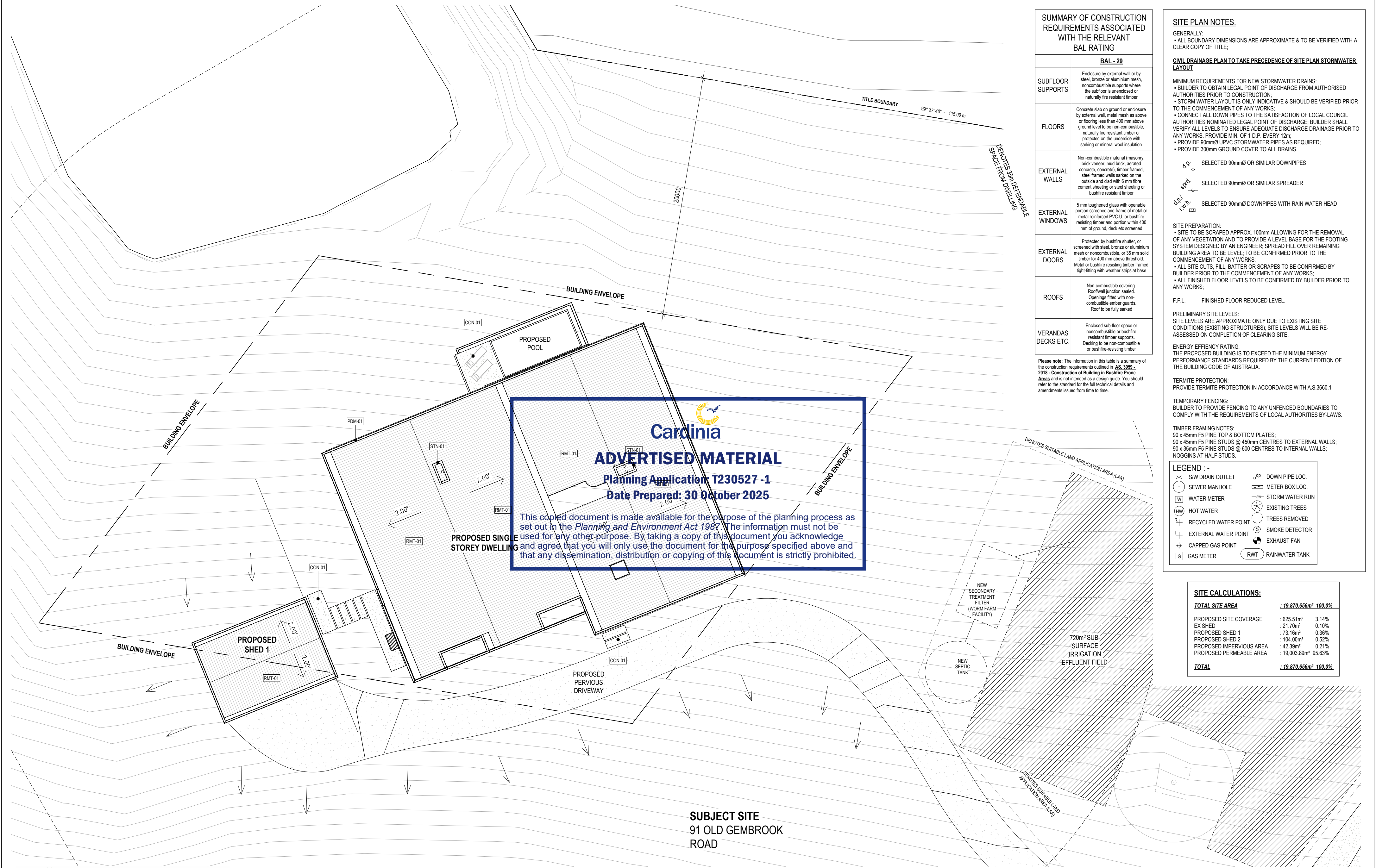
<u>SITE CALCULATIONS:</u>		
<u>TOTAL SITE AREA</u>	<u>: 19,870.656m² 100.0%</u>	
PROPOSED SITE COVERAGE	: 625.51m ²	3.14%
EX SHED	: 21,70m ²	0.10%
PROPOSED SHED 1	: 73.16m ²	0.36%
PROPOSED SHED 2	: 104.00m ²	0.52%
PROPOSED IMPERVIOUS AREA	: 42.39m ²	0.21%
PROPOSED PERMEABLE AREA	: 19,003.89m ²	95.63%
<u>TOTAL</u>	<u>: 19,870.656m² 100.0%</u>	



PROPOSED NEW DWELLING
91 Old Gembrook Road, Pakenham Upper, VIC 3810
 GPC Construction 2 Pty Ltd

Job No:25057 Proposed Overall Site Plan		TP202	1
Date: JULY, 2025 Scale: 1:500 @ A2		Drawn by: CAE	
Rev No. 1.	Description TP Issue	Date 30-07-2025	





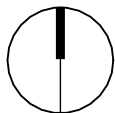
SUMMARY OF CONSTRUCTION REQUIREMENTS ASSOCIATED WITH THE RELEVANT BAL RATING	
BAL - 29	
SUBFLOOR SUPPORTS	Enclosure by external wall or by steel, bronze or aluminium mesh, noncombustible supports where the subfloor is unenclosed or naturally fire resistant timber
FLOORS	Concrete slab on ground or enclosure by external wall, metal mesh as above or flooring less than 400 mm above ground level to be non-combustible, naturally fire resistant timber or protected on the underside with sarking or mineral wool insulation
EXTERNAL WALLS	Non-combustible material (masonry, brick veneer, mud brick, aerated concrete, concrete), timber framed, steel framed walls sarked on the outside and clad with 6 mm fibre cement sheeting or steel sheeting or bushfire resistant timber
EXTERNAL WINDOWS	5 mm toughened glass with operable portion screened and frame of metal or metal reinforced PVC-U, or bushfire resisting timber and portion within 400 mm of ground, deck etc screened
EXTERNAL DOORS	Protected by bushfire shutter, or screened with steel, bronze or aluminium mesh or noncombustible, or 35 mm solid timber for 400 mm above threshold. Metal or bushfire resisting timber framed tight-fitting with weather strips at base
ROOFS	Non-combustible covering. Roofwall junction sealed. Openings fitted with non-combustible ember guards. Roof to be fully sarked
VERANDAS DECKS ETC.	Enclosed sub-floor space or noncombustible or bushfire resistant timber supports. Decking to be non-combustible or bushfire-resisting timber

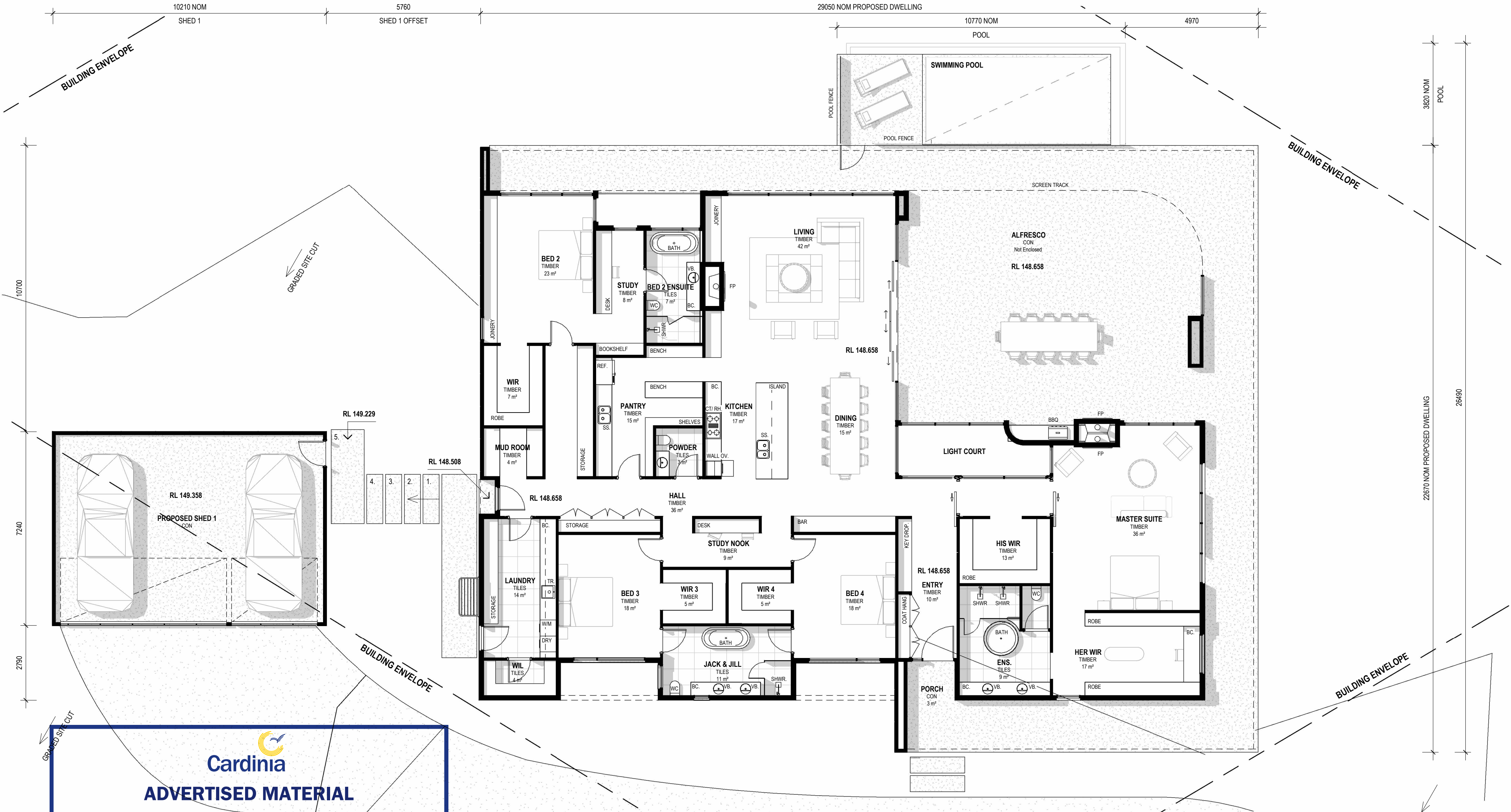
Please note: The information in this table is a summary of the construction requirements outlined in **AS 3959 - 2018 - Construction of Building in Bushfire Prone Areas** and is not intended as a design guide. You should refer to the standard for the full technical details and amendments issued from time to time.

- SITE PLAN NOTES.**
- GENERALLY:
- ALL BOUNDARY DIMENSIONS ARE APPROXIMATE & TO BE VERIFIED WITH A CLEAR COPY OF TITLE;
- CIVIL DRAINAGE PLAN TO TAKE PRECEDENCE OF SITE PLAN STORMWATER LAYOUT**
- MINIMUM REQUIREMENTS FOR NEW STORMWATER DRAINS:
- BUILDER TO OBTAIN LEGAL POINT OF DISCHARGE FROM AUTHORISED AUTHORITIES PRIOR TO CONSTRUCTION;
 - STORM WATER LAYOUT IS ONLY INDICATIVE & SHOULD BE VERIFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS;
 - CONNECT ALL DOWN PIPES TO THE SATISFACTION OF LOCAL COUNCIL AUTHORITIES NOMINATED LEGAL POINT OF DISCHARGE; BUILDER SHALL VERIFY ALL LEVELS TO ENSURE ADEQUATE DISCHARGE DRAINAGE PRIOR TO ANY WORKS. PROVIDE MIN. OF 1 D.P. EVERY 12m;
 - PROVIDE 90mmØ UPVC STORMWATER PIPES AS REQUIRED;
 - PROVIDE 300mm GROUND COVER TO ALL DRAINS.
- o.p. SELECTED 90mmØ OR SIMILAR DOWNPIPES
- sp.d. SELECTED 90mmØ OR SIMILAR SPREADER
- o.p. / r.w.h. SELECTED 90mmØ DOWNPIPES WITH RAIN WATER HEAD
- SITE PREPARATION:**
- SITE TO BE SCRAPED APPROX. 100mm ALLOWING FOR THE REMOVAL OF ANY VEGETATION AND TO PROVIDE A LEVEL BASE FOR THE FOOTING SYSTEM DESIGNED BY AN ENGINEER; SPREAD FILL OVER REMAINING BUILDING AREA TO BE LEVEL; TO BE CONFIRMED PRIOR TO THE COMMENCEMENT OF ANY WORKS;
 - ALL SITE CUTS, FILL, BATTER OR SCRAPES TO BE CONFIRMED BY BUILDER PRIOR TO THE COMMENCEMENT OF ANY WORKS;
 - ALL FINISHED FLOOR LEVELS TO BE CONFIRMED BY BUILDER PRIOR TO ANY WORKS;
- F.F.L. FINISHED FLOOR REDUCED LEVEL.
- PRELIMINARY SITE LEVELS:**
- SITE LEVELS ARE APPROXIMATE ONLY DUE TO EXISTING SITE CONDITIONS (EXISTING STRUCTURES); SITE LEVELS WILL BE RE-ASSESSED ON COMPLETION OF CLEARING SITE.
- ENERGY EFFICIENCY RATING:**
- THE PROPOSED BUILDING IS TO EXCEED THE MINIMUM ENERGY PERFORMANCE STANDARDS REQUIRED BY THE CURRENT EDITION OF THE BUILDING CODE OF AUSTRALIA.
- TERMITE PROTECTION:**
- PROVIDE TERMITE PROTECTION IN ACCORDANCE WITH A.S.3660.1
- TEMPORARY FENCING:**
- BUILDER TO PROVIDE FENCING TO ANY UNFENCED BOUNDARIES TO COMPLY WITH THE REQUIREMENTS OF LOCAL AUTHORITIES BY-LAWS.
- TIMBER FRAMING NOTES:**
- 90 x 45mm F5 PINE TOP & BOTTOM PLATES;
90 x 45mm F5 PINE STUDS @ 450mm CENTRES TO EXTERNAL WALLS;
90 x 35mm F5 PINE STUDS @ 600 CENTRES TO INTERNAL WALLS;
NOGGINNS AT HALF STUDS.

LEGEND :-	
* SW DRAIN OUTLET	dp DOWN PIPE LOC.
⊕ SEWER MANHOLE	MB METER BOX LOC.
W WATER METER	SW STORM WATER RUN
HW HOT WATER	ET EXISTING TREES
RW RECYCLED WATER POINT	TR TREES REMOVED
EW EXTERNAL WATER POINT	SD SMOKE DETECTOR
CG CAPPED GAS POINT	EF EXHAUST FAN
G GAS METER	RWT RAINWATER TANK

SITE CALCULATIONS:		
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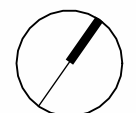
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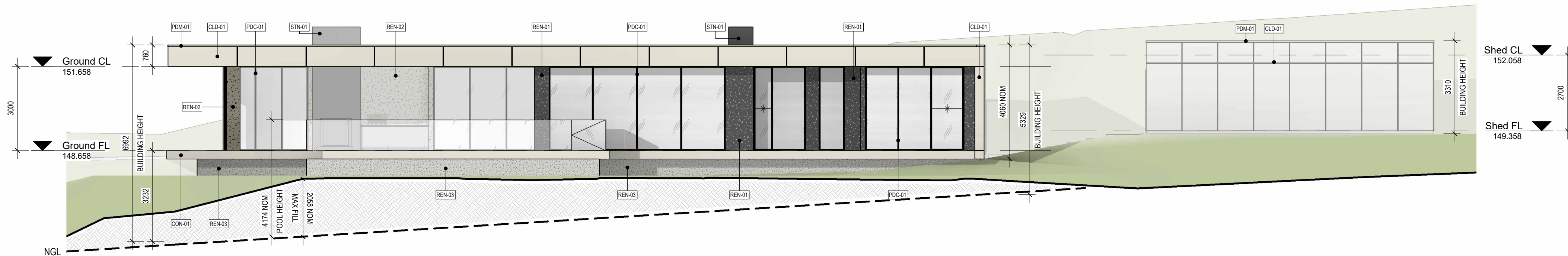
Proposed Area Schedule		
Name	Area	Squares
Proposed Porch and Alfresco	193 m ²	21
Proposed Pool Area	35 m ²	4
Proposed Ground Floor Area	397 m ²	43
Proposed Shed Area	77 m ²	8
	702 m ²	76



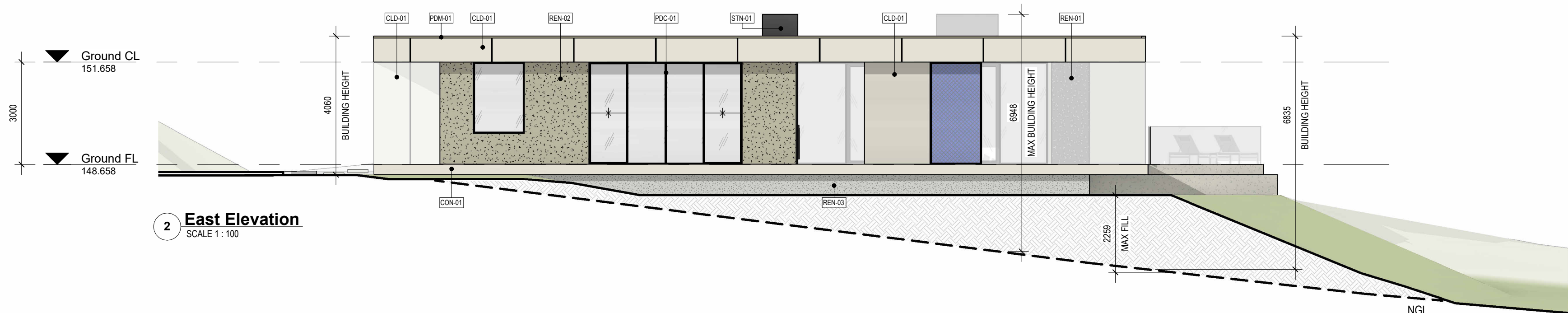
PROPOSED NEW DWELLING
91 Old Gembrook Road, Pakenham Upper, VIC 3810
GPC Construction 2 Pty Ltd

Job No: 25057
Proposed Floor Plan TP204 1
Date: JULY. 2025 Scale: 1:100 @ A2 Drawn by: RFM
Rev No. 1 Description TP Issue Date 30-07-2025





1 North Elevation
SCALE 1 : 100



2 East Elevation
SCALE 1 : 100



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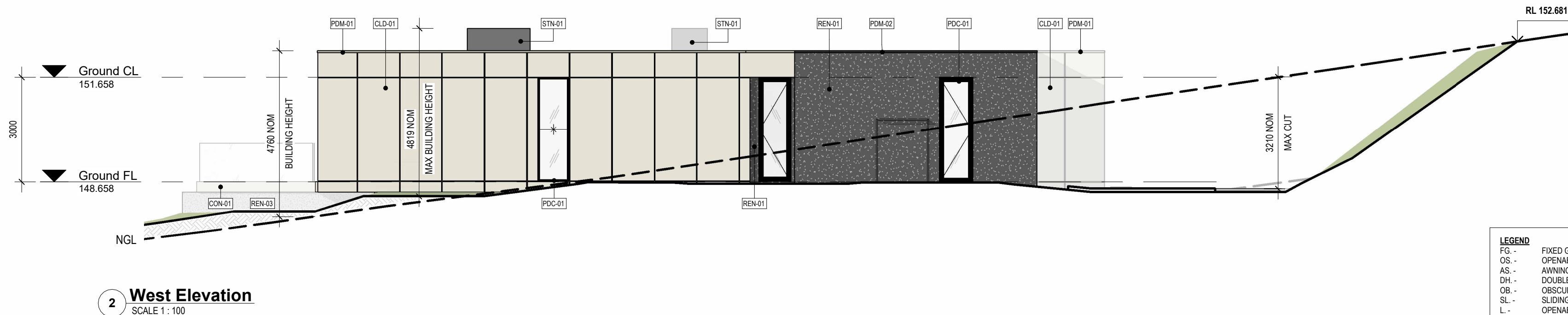
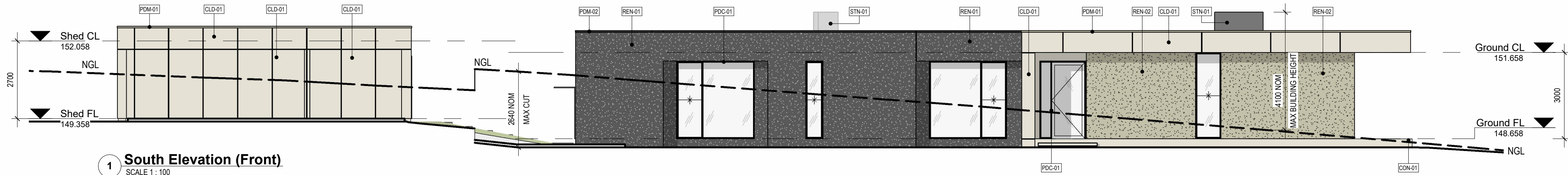
LEGEND	
FG -	FIXED GLAZING
OS -	OPENABLE SASH
AS -	AWNING SASH
DH -	DOUBLE HUNG
OB -	OBSOLETE GLAZING
SL -	SLIDING
L -	OPENABLE LOUVRES
ALL WINDOWS TO BE POWDERCOATED ALUMINIUM FRAMING UNLESS OTHERWISE NOTED.	
ENERGY EFFICIENCY NOTES	
DRAWINGS TO BE READ IN CONJUNCTION WITH ANY RELEVANT ENERGY RATING REPORT.	
NEW CONSTRUCTION:	
Refer to the minimum requirements:	
- GROUND FLOOR R2.25 ADDED THERMAL INSULATION	
- WALLS R2.8 ADDED THERMAL INSULATION PLUS SIALATION	
- CEILING MINIMUM R5.1 ADDED THERMAL INSULATION PLUS SARKING	
- DOOR SEALS BRUSH SEALS TO UTILITY ROOM DOORS. SILL SEALS TO EXTERNAL HINGED DOORS.	
- DRAFT EXCLUSION WEATHER SEAL WITH TAPED HORIZONTAL AND VERTICAL JOINTS. SEALED GAPS AROUND WINDOWS AND EXTERNAL DOORS.	
- EXHAUST FANS DRAFT PREVENTION	
GENERAL NOTES	
ALL GROUND LINES & LEVELS ARE TO BE VERIFIED ON SITE BY BUILDER.	
400mm CLEARANCE TO UNDERSIDE OF BEARER IN ACCORDANCE WITH AS-3660.1 TERMITE MANAGEMENT.	
EAVES TO BE CONSTRUCTED OF NON-COMBUSTIBLE MATERIAL WHERE WITHIN 900mm OF THE BOUNDARY	

NOTE: WINDOW CONFIGURATION AND DIMENSIONS TO BE CONFIRMED BETWEEN CLIENT AND THE MANUFACTURER PRIOR TO THE COMMENCEMENT OF WORKS.

SUMMARY OF CONSTRUCTION REQUIREMENTS ASSOCIATED WITH THE RELEVANT BAL RATING

	BAL - 29
SUBFLOOR SUPPORTS	Enclosure by external wall or by steel, bronze or aluminium mesh, noncombustible supports where the subfloor is unenclosed or naturally fire resistant timber
FLOORS	Concrete slab on ground or enclosure by external wall, metal mesh as above or flooring less than 400 mm above ground level to be non-combustible, naturally fire resistant timber or protected on the underside with sarking or mineral wool insulation
EXTERNAL WALLS	Non-combustible material (masonry, brick veneer, mud brick, aerated concrete, concrete), timber framed, steel framed walls sarked on the outside and clad with 6 mm fibre cement sheeting or steel sheeting or bushfire resistant timber
EXTERNAL WINDOWS	5 mm toughened glass with operable portion screened and frame of metal or metal reinforced PVC-U, or bushfire resisting timber and portion within 400 mm of ground, deck etc screened
EXTERNAL DOORS	Protected by bushfire shutter, or screened with steel, bronze or aluminium mesh or noncombustible, or 35 mm solid timber for 400 mm above threshold. Metal or bushfire resisting timber framed tight-fitting with weather strips at base
ROOFS	Non-combustible covering. Roof/wall junction sealed. Openings fitted with non-combustible ember guards. Roof to be fully sarked
VERANDAS DECKS ETC.	Enclosed sub-floor space or noncombustible or bushfire resistant timber supports. Decking to be non-combustible or bushfire-resisting timber

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ENERGY EFFICIENCY NOTES

DRAWINGS TO BE READ INCONJUNCTION WITH ANY RELEVANT ENERGY RATING REPORT.

NEW CONSTRUCTION:

Refer to the minimum requirements:

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- WALLS ADDED THERMAL INSULATION PLUS SISALATION
- CEILING MINIMUM ADDED THERMAL INSULATION PLUS SARKING
- DOOR SEALS BRUSH SEALS TO UTILITY ROOM DOORS. SILL SEALS TO EXTERNAL HINGED DOORS.
- DRAFT EXCLUSION WEATHER SEAL WITH TAPED HORIZONTAL AND VERTICAL JOINTS. SEALED GAPS AROUND WINDOWS AND EXTERNAL DOORS.
- EXHAUST FANS DRAFT PREVENTION

NOTE:
WINDOW CONFIGURATION AND DIMENSIONS TO BE CONFIRMED BETWEEN CLIENT AND THE MANUFACTURER PRIOR TO THE COMMENCEMENT OF WORKS.

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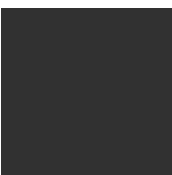
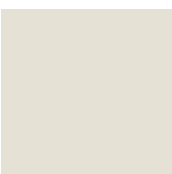
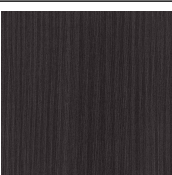
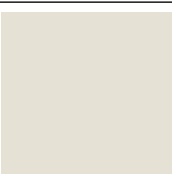
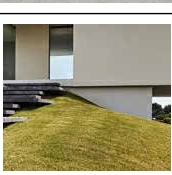


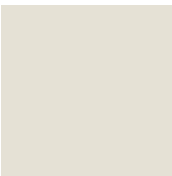
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Schedule - External Material			
Code	Description	Manufacturer	Image
CLD-01	MATRIX CLADDING PAINT FINISH TO MATCH 'SURFMIST' OR SIMILAR	JAMES HARDIE	
CLM-01	PRESSED METAL CLADDING IN COLORBOND 'SURFMIST' OR SIMILAR	LYSAGHT	
CON-01	CONCRETE SLAB	BY BUILDER	
PDC-01	ALUMINIUM WINDOWS IN POWDERCOAT FINISH 'MONUMENT'	BY MANUFACTURER	
PDM-01	PRESSED METAL FLASHING IN 'SURFMIST'	LYSAGHT	
PDM-02	PRESSED METAL FLASHING IN 'MONUMENT'	LYSAGHT	
PT-01	PAINT FINISH TO MATCH COLORBOND 'SURFMIST'	DULUX	
REN-01	UNITEX BASEBOARD CLADDING SYSTEM RENDERED TO MATCH CHARCOAL COLOUR OR SIMILAR	UNITEX	
REN-02	UNITEX BASEBOARD CLADDING SYSTEM RENDERED TO MATCH SURFMIST COLOUR OR SIMILAR	UNITEX	
REN-03	BLOCK RETAINING WALL RENDERED TO MATCH CONCRETE COLOUR	BY BUILDER	
REV-01	PRESSED METAL GUTTER IN COLORBOND 'SURFMIST' OR SIMILAR	LYSAGHT	
RFA-01	PRESSED METAL FASCIA IN COLORBOND 'SURFMIST' OR SIMILAR	LYSAGHT	

Schedule - External Material			
Code	Description	Manufacturer	Image
RMT-01	PRESSED METAL ROOF SHEETING IN COLORBOND 'MONUMENT' OR SIMILAR	LYSAGHT	
RMT-02	PRESSED METAL ROOF SHEETING IN COLORBOND 'SURFMIST' OR SIMILAR	LYSAGHT	
STN-01	RIVER STONE FEATURE WALL	BY BUILDER	

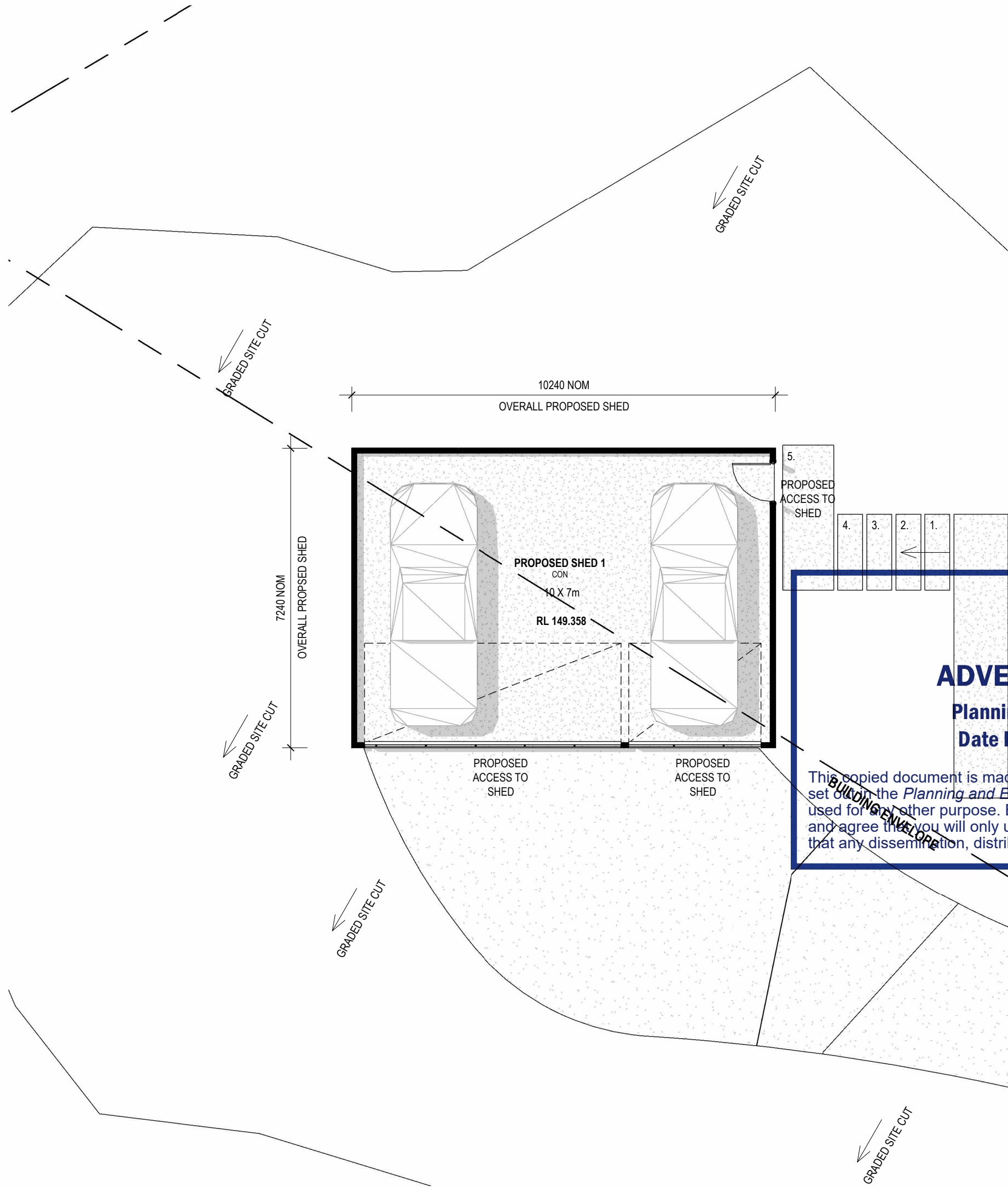
Cardinia

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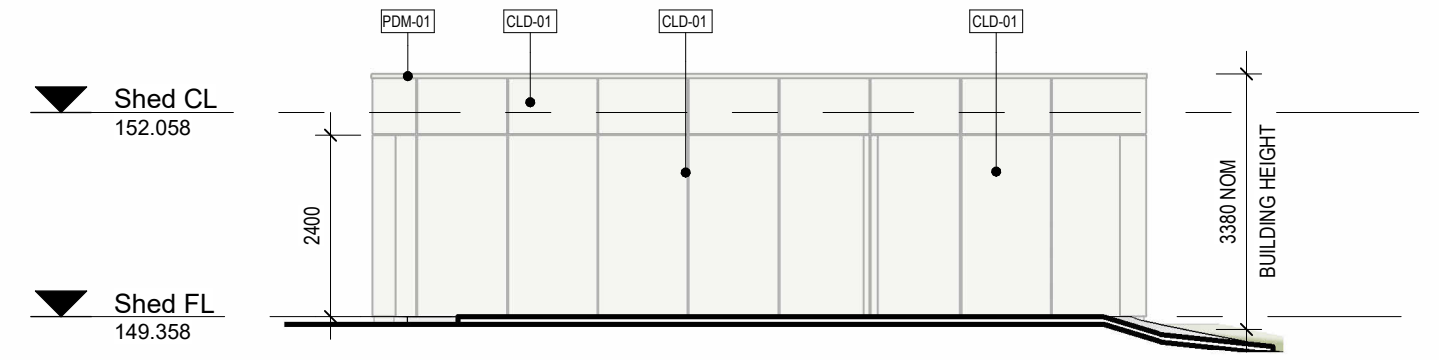
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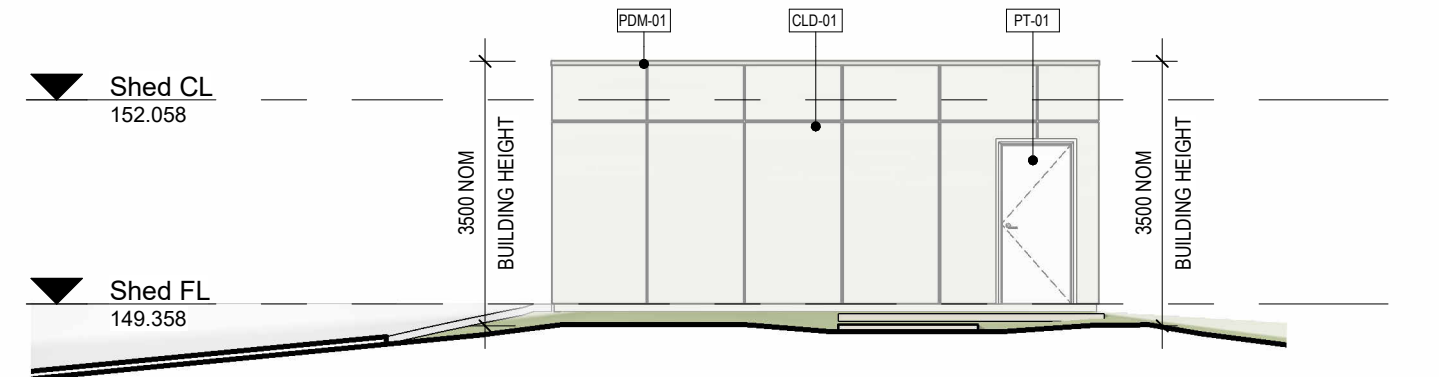
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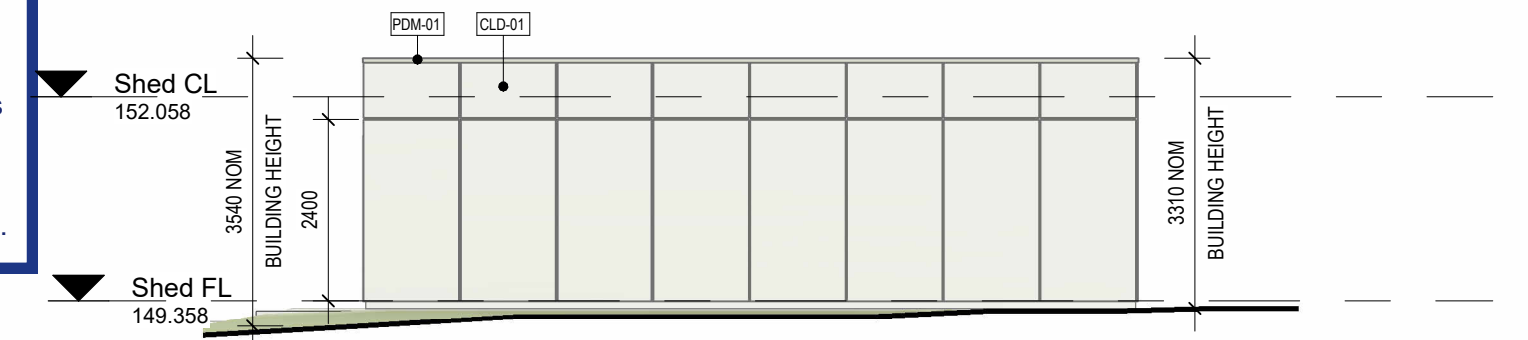
5 **Shed 1 Floor Plan**
SCALE 1 : 100



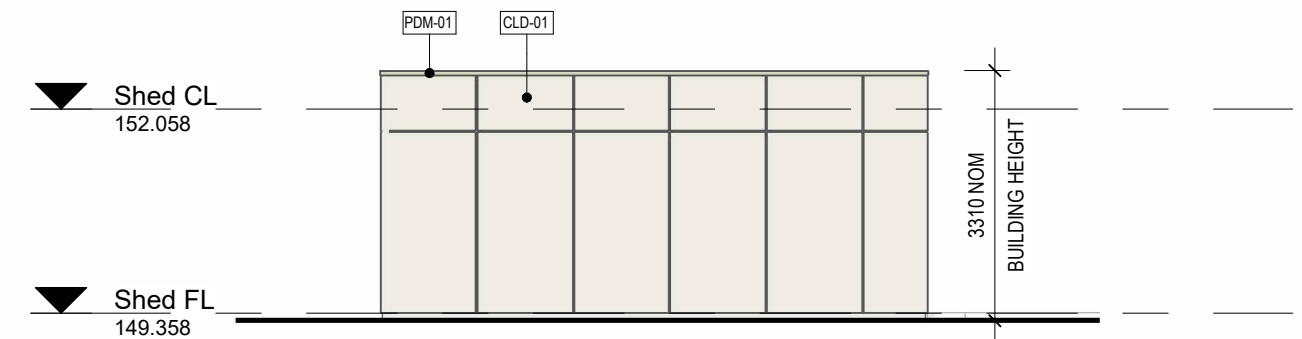
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SCALE 1 : 100



2 **Shed 1 Elevation East**
SCALE 1 : 100



3 **Shed 1 Elevation North**
SCALE 1 : 100

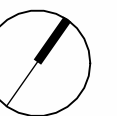


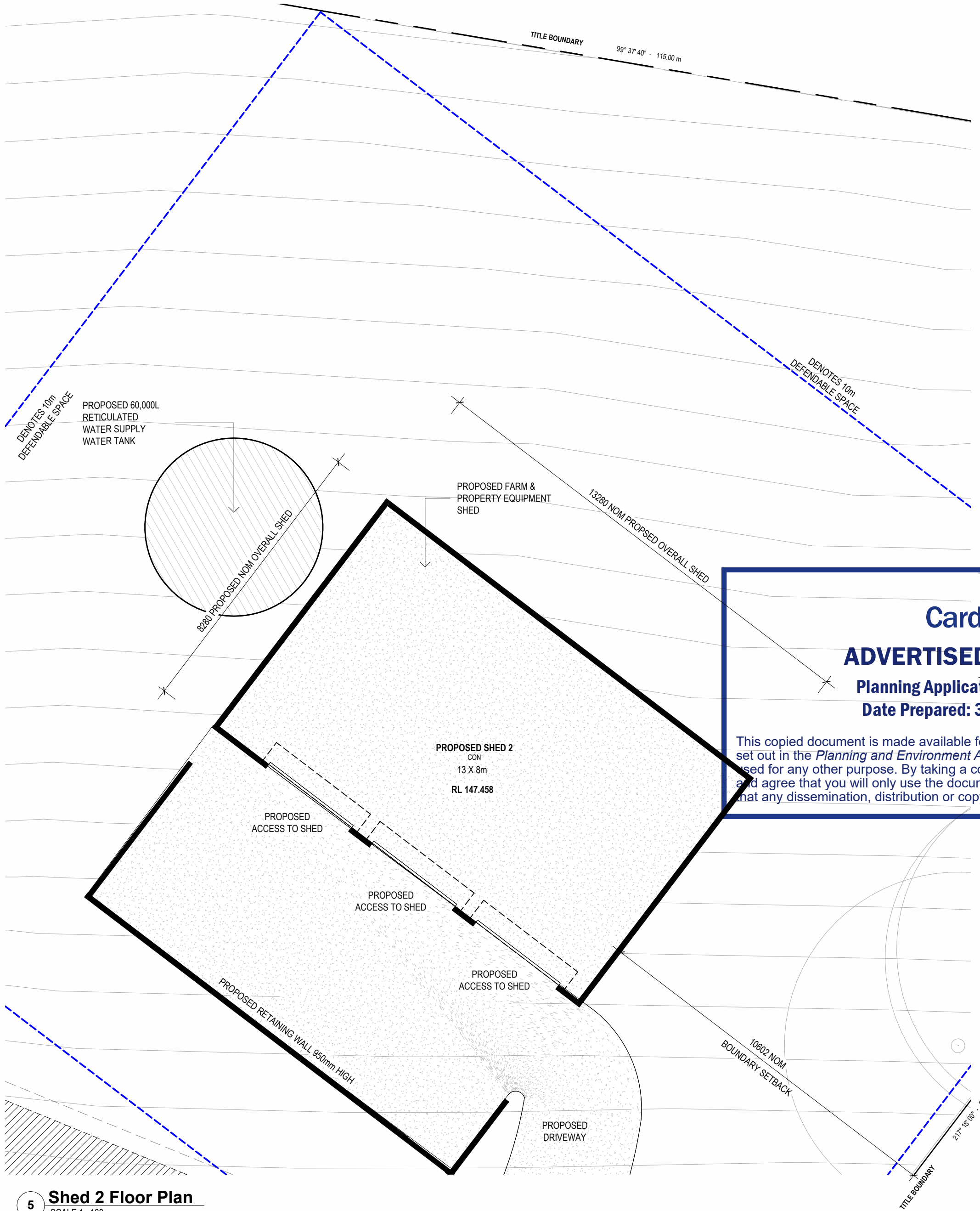
4 **Shed 1 Elevation West**
SCALE 1 : 100



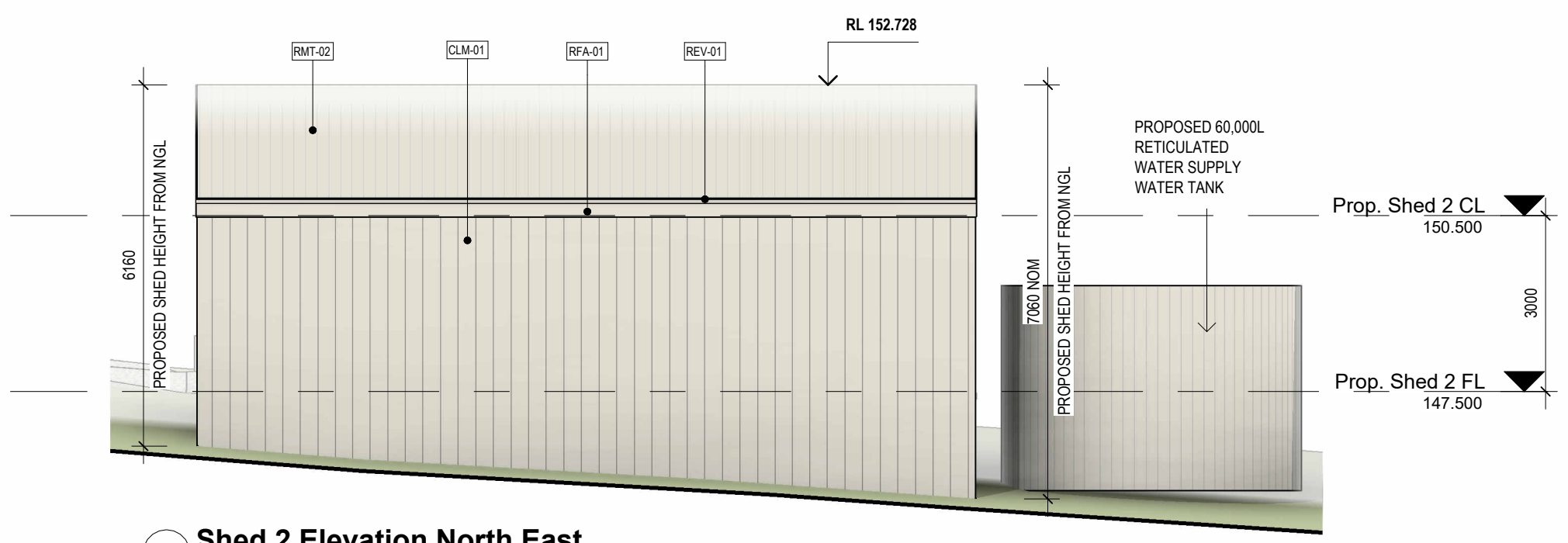
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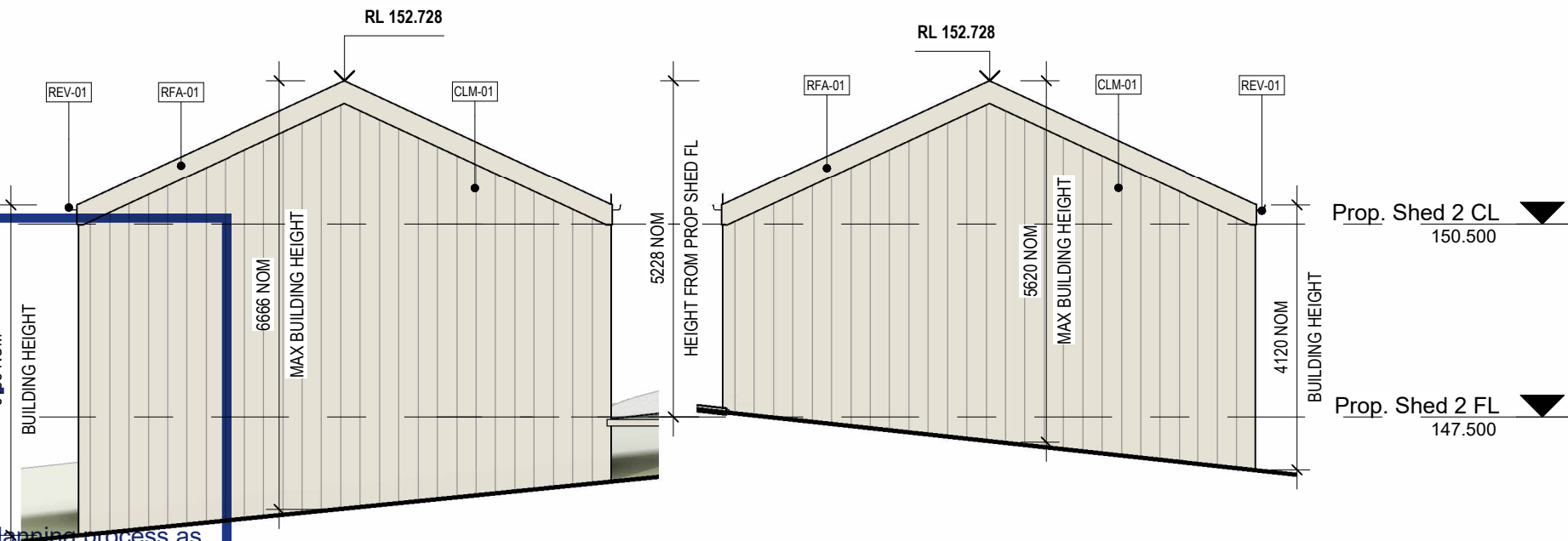




5 Shed 2 Floor Plan
SCALE 1 : 100

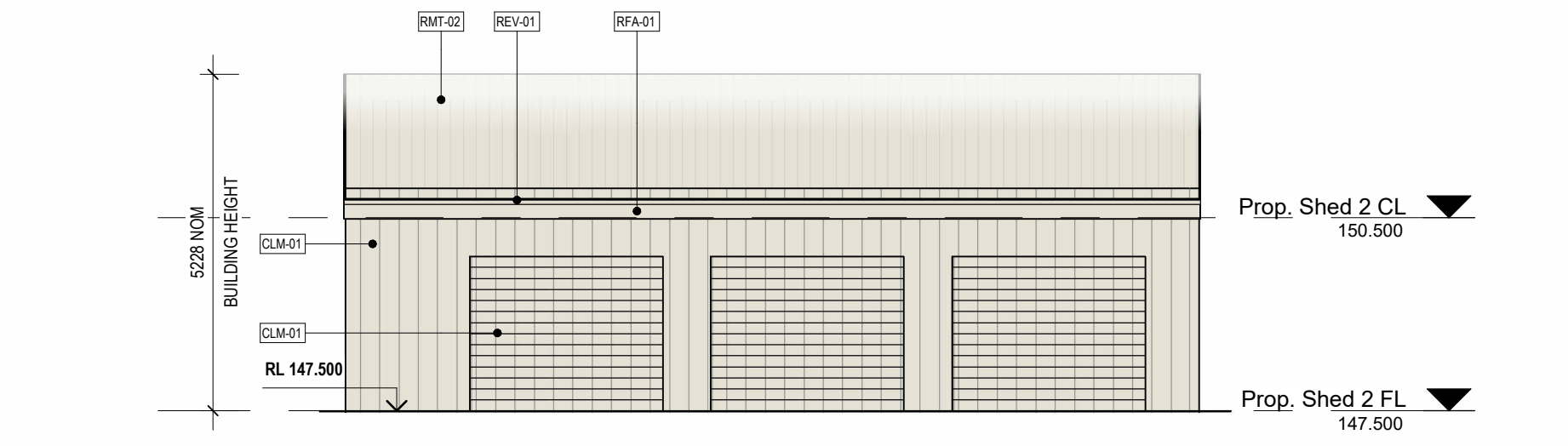


1 Shed 2 Elevation North East
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2 Shed 2 Elevation North West
SCALE 1 : 100

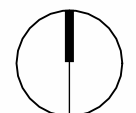
3 Shed 2 Elevation South East
SCALE 1 : 100

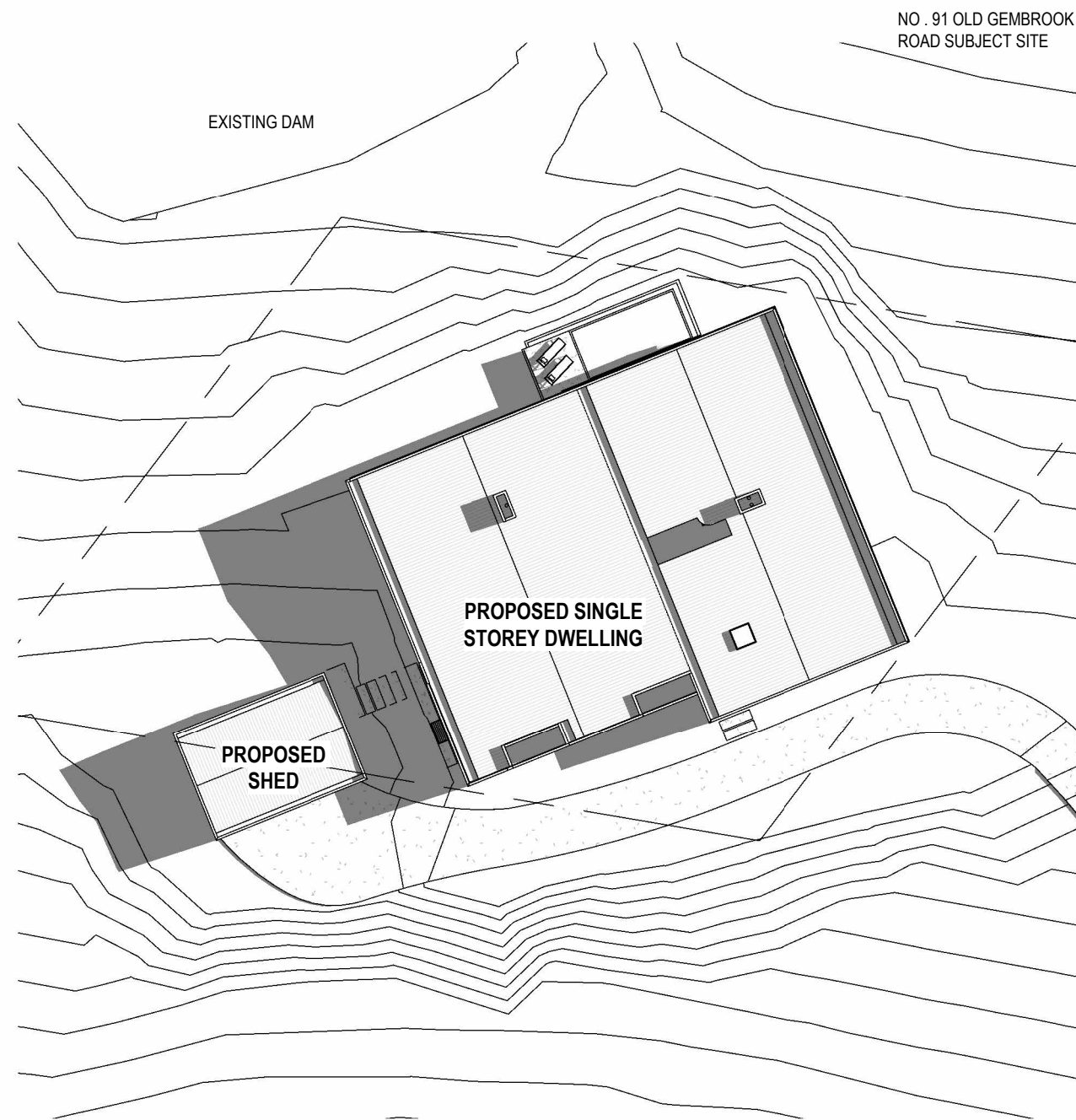


4 Shed 2 Elevation South West
SCALE 1 : 100

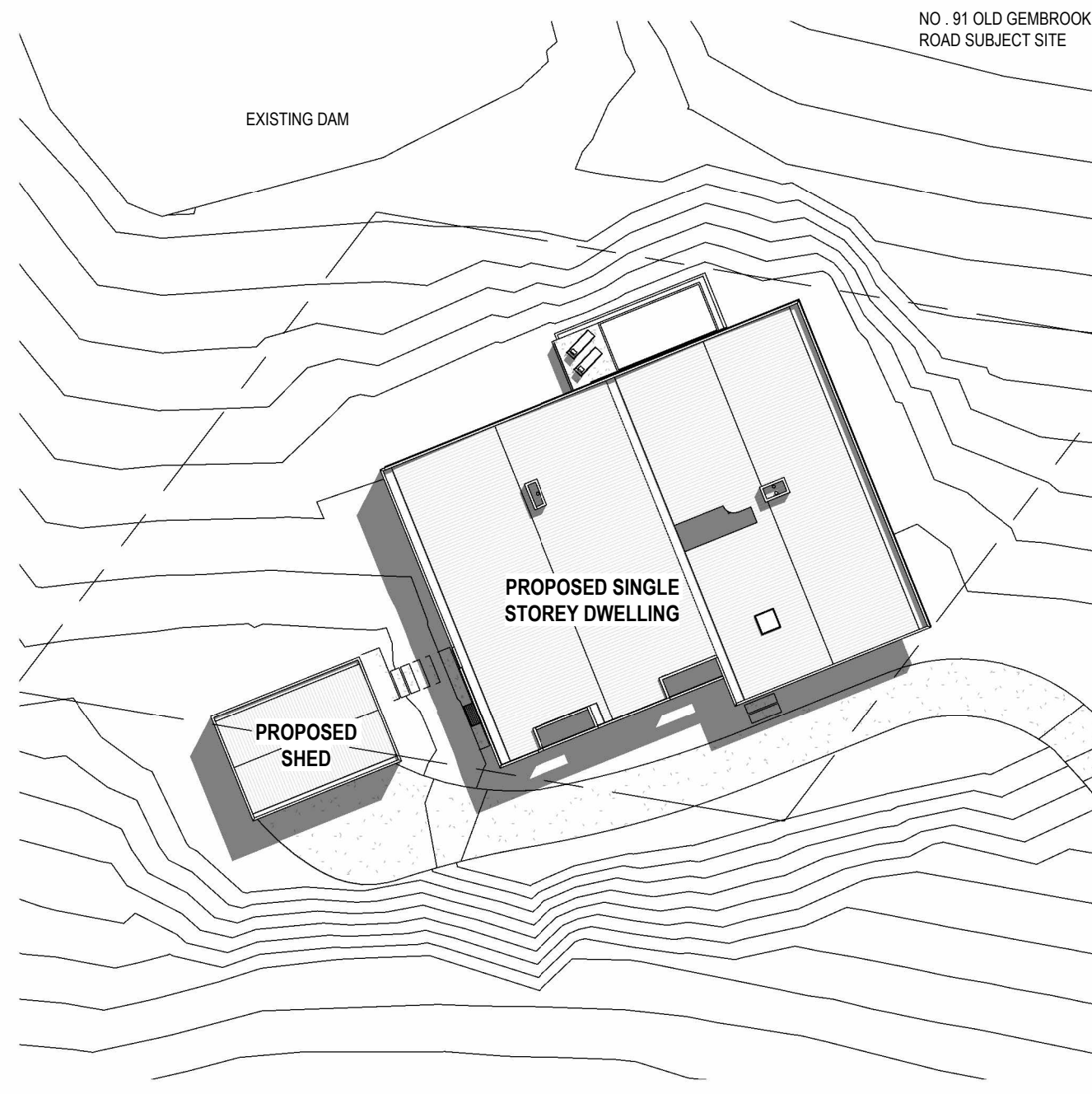
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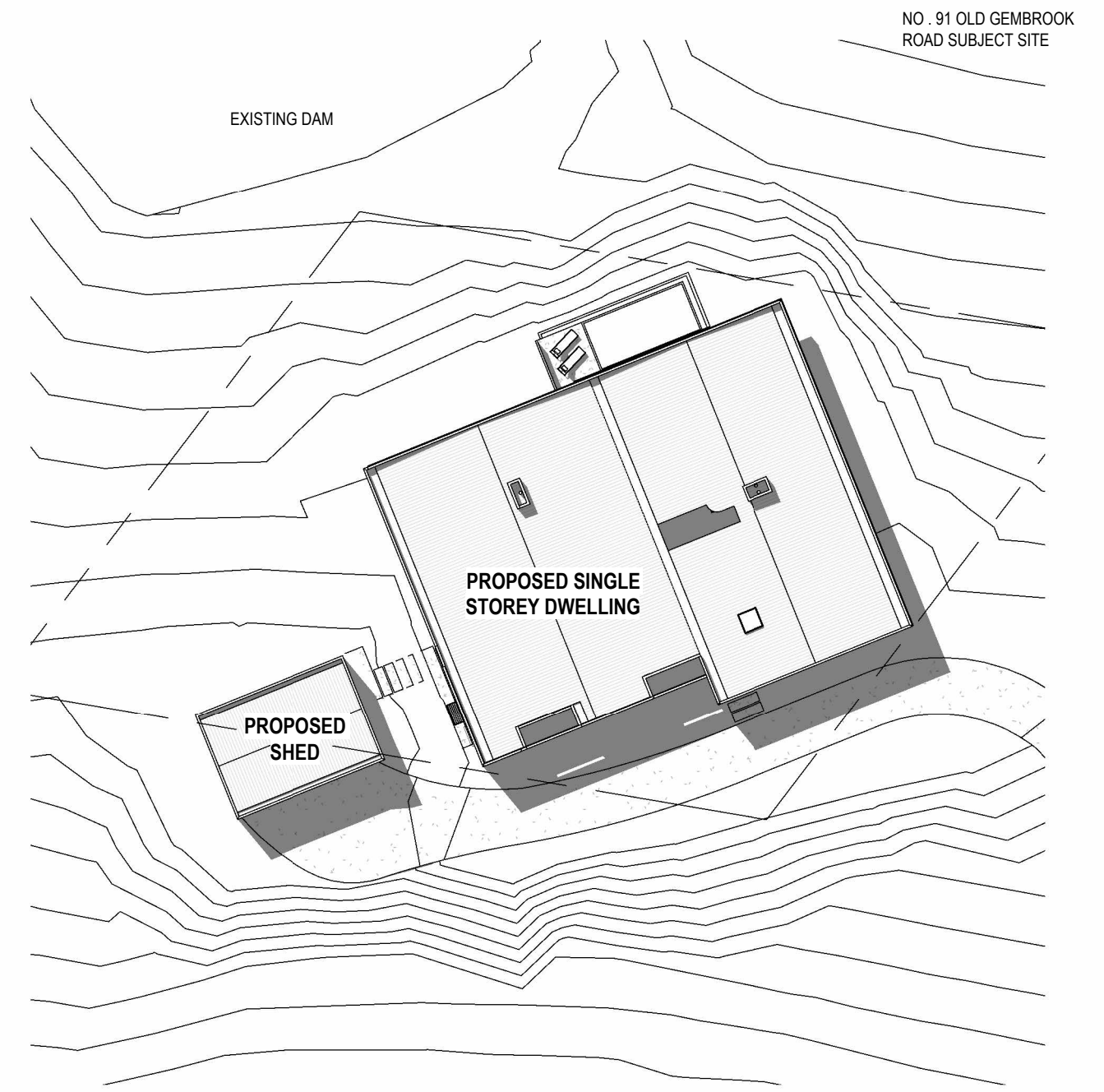




1 **Prop Shadow @ 9am / 22 Sep**
SCALE1 : 400



2 **Prop Shadow @ 12pm / 22 Sep**
SCALE1 : 400



3 **Prop Shadow @ 3pm / 22 Sep**
SCALE1 : 400

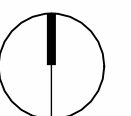


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Bushfire Management Statement Pathway 2



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Property Address:

**91 Old Gembrook Road
Pakenham Upper 3810**



Date: July 2025

Ref# 26017/1.0



1 Executive Summary

The property was assessed in **January 24** to determine the bushfire attack level (BAL).

The site is a **residential** lot in a **Green Wedge A Zone** of **Cardinia Shire**

The parcel to be developed has a total area of approximately **1.987 Ha**.

We are seeking development approval to **construct buildings (dwelling)**.

On-site and surrounding area vegetation within the 150m assessment area is classified as **forest**.

Classified vegetation **forest** on a **0° slope or upslope** constructing with a BAL19 defendable space around the building is **25m or to the property boundary, whichever is lesser**, but due to landscape assessment construction will comply with a **BAL 29**.

The area close to the site has no bushfire history, and in the event of a bushfire, the impact to the dwelling will be from **ember attack and radiant heat**.

There are several designated NSP in **Cardinia Shire** the **Gembrook Community Centre Carpark** is the closest one.

A **10,000** -litre water tank will be required for firefighting purposes,

Access can meet BMO's access requirements (Appendix 4).

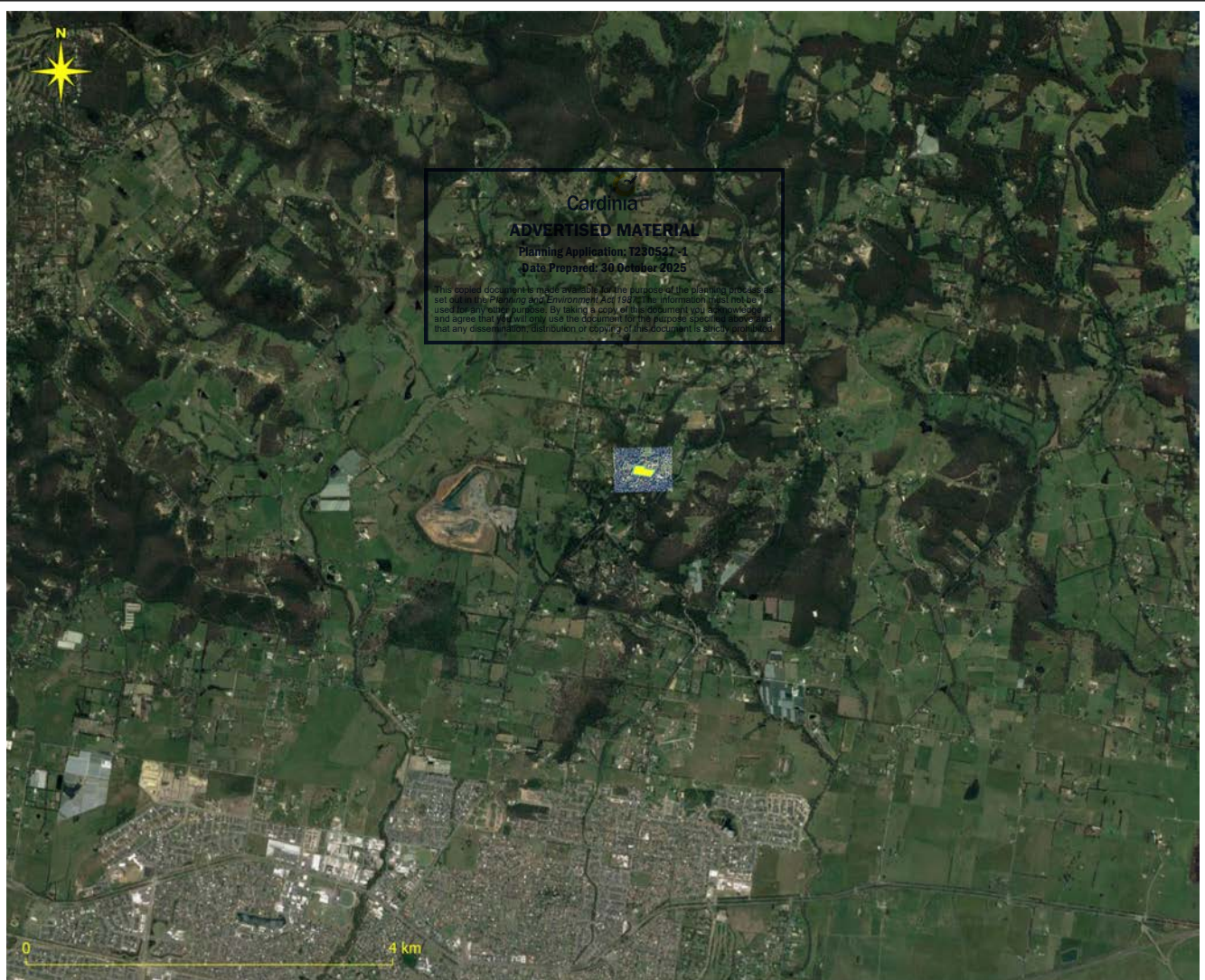


Figure 1 Aerial view of site highlighted parcel to be developed QGIS, data.vic.gov.au, google maps & nearmap

2 Introduction

The proposal seeks development approval to **construct buildings (dwelling)** on the land known as; **91 Old Gembrook Road Pakenham Upper 3810**. The property comprises of one parcel as seen in *Figure 1& Figure 2*

Keystone Alliance Bushfire Assessments has been engaged by; **Proprietor** to provide a Bushfire Management Statement in accordance with Clause 44.06 Bushfire Management Overlay and 53.02 Bushfire Planning Requirements at which is to accompany the planning permit application lodged with **Cardinia Shire**.

This assessment describes the subject site and surrounding area in relation to the risk associated with the Bushfire Attack Level (BAL), together with the relevant planning controls, namely, Australian Standard 3959-2009, "Construction of buildings in bushfire-prone areas."

The parcel to be developed has **an irregular** shape and an area of approx. **1.987 Ha** it is located approximately **6.5 km** via road, **north-east from Pakenham's township** in one of **Cardinia Shire** semi-rural areas. The property's static water supply will be from water tanks, it is provided with telecommunication services, and is connected to the sealed road network. Vehicular access to the land is via **Old Gembrook Road**. (*as in Figures1&2*)

The purpose of the report is to assist in a decision of issuing a planning permit for the construction of the proposed development in a Bushfire Management Overlay.



3 Site Description

3.1 Site shape, dimensions, size and planning controls

Local government:	Cardinia Shire
Lot and Plan Number:	Lot 2 PS712083
The shape of the site is:	irregular
The dimensions of the site are:	Please refer to <i>Image 2</i> Site area
The site has a total area of:	Approximately 1.987 Ha
The zoning of the site is:	GREEN WEDGE A ZONE (GWAZ) GREEN WEDGE A ZONE - SCHEDULE 2 (GWAZ2)
The overlays that apply to the site are: Effected:	BMO & ESO
Assessed by: Paul Apostolos Oikonomidis	



Figure 2 Property's area

QGIS data.vic.gov.au, google maps & nearmap

4 Bushfire hazard site assessment

A vegetation hazard assessment was carried out within a 150m radius from the proposed



Figure 3 Site assessment 150m radius



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4.1 Hazard Assessment

The proposed development has been assessed under Victoria's Planning Provisions Clause 44.06, 53.02 and AS 3959 – 2018 "Construction of buildings in bushfire prone areas."

Plot	Vegetation Classification	Effective Slope (degrees)		Separation (m)	BAL	Defendable Space (m)
1	Excludable – Clause 2.2.3.2(f)	N/A	N/A	N/A	BAL – LOW	25m or PB
2	Class A - Forest	N/A	flat/upslope	61.5	BAL – 29	25
3	Class A - Forest	N/A	flat/upslope	35	BAL – 29	25
4	Class B Woodland	N/A	flat/upslope	69	BAL – 29	16

PB= property boundary

An assessment of the site conditions has categorized this site as BAL19 fire risk but due to landscape assessment construction will comply with a **BAL-29** and defendable space around the building of **25m or to the property boundary, whichever is lesser.**

4.2 Vegetation

Low Threat Vegetation

Excluded vegetation and non-vegetated areas

Areas of low threat vegetation and non-vegetated areas have been excluded under one or more of the following AS 3959-2018 exclusion criteria (Standards Australia, 2018):

- Vegetation more than 150m from the site
- Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.
- Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks.

Woodland

Heathland ecosystems are characterised by a dense layer of small-leaved shrubs, usually 1-2 m tall, over a ground layer of sedges, coarse lilies, rope-rushes, prostrate shrubs and herbs. In most places there are occasional small, short-trunked, spreading trees, to 15m tall, which may form a sparse canopy on deeper soils. The commonest tree species is *Eucalyptus viminalis* subsp. *pryoriana* (Coast Manna Gum) in the eastern part of the range, *Eucalyptus baxteri* (Brown Stringybark), *Eucalyptus arenacea* (Wimmera Scentbark) and *Eucalyptus willisii* (Shining Peppermint) in the west and south-east, and *Eucalyptus pauciflora* (Snow Gum) along the margins in the high country. Where the soils are relatively dry the dominant shrubs are usually tea-trees (*Leptospermum*) and stunted she-oaks (*Allocasuarina*); where the soils are waterlogged, paperbarks (*Melaleuca*) and large sedges (*Gahnia*, *Lepidosperma*) form dense thickets with occasional small trees such as *Eucalyptus cephalocarpa* (Mealy Stringybark) and *Eucalyptus conspicua* (Silver Swamp Stringybark). In the high country wet heathlands are dominated by a range of heaths (*Epacris*) and rope rushes (*Restionaceae*).

Forest

Trees 10–30 metres high with foliage cover in the range of 30 per cent to 70 per cent at maturity, predominantly dominated by Eucalypts. Sclerophyllous understorey (vegetation that has hard leaves and short internodes [the distance between leaves along the stem]), small trees, tall scrubs or tall shrubs. Forests generally have several layers of tiered vegetation arranged vertically extending from the surface to the canopy including a pronounced shrubby middle layer in addition to a taller canopy and an underlying layer of grasses, herbs or sedges. AS 3959 Method 1 cannot differentiate between open, closed, tall or short forest. It should all be classified as Class A Forest. Includes plantations, which are classified as Class A Forest.



4.3 Photos of Assessment Area



PLOT1 *Northern vegetation*

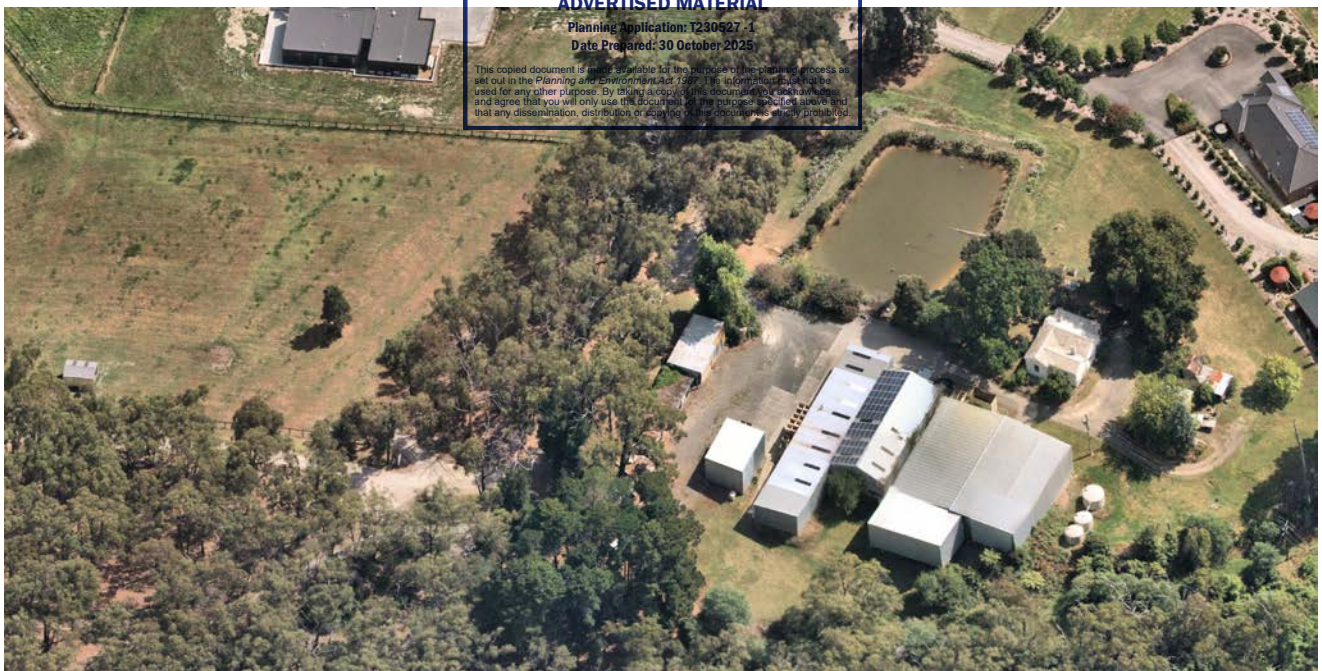
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PLOT2 *Eastern vegetation*



PLOT3 Southern vegetation

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PLOT4 Western vegetation.

5 Bushfire Hazard Landscape Assessment

5.1 Location description

The area surrounding the subject site is known for its rural and semi-rural character, characterized by a mix of residential properties, farmland, and natural landscapes is located in an area of Victoria, known for its lush forests and natural beauty. The region experiences a temperate climate, with warm summers and cool winters. During the summer months, the area can be prone to bushfires, especially if dry conditions and strong winds are present.

When assessing the bushfire risk at any given time, it is important to consider factors such as weather conditions, topography, and the types of vegetation in the vicinity. From a bushfire perspective, the site is situated in an area that may be susceptible to bushfire risk due to its surroundings and the vegetation present in the region. It is known for its diverse landscapes, including farmland and bushland. Bushland regions contain a significant amount of fuel for fires, including trees, undergrowth, and leaf litter. The region experiences a climate with hot, dry summers and cool, wet winters, which can contribute to the potential for bushfires during the summer months.

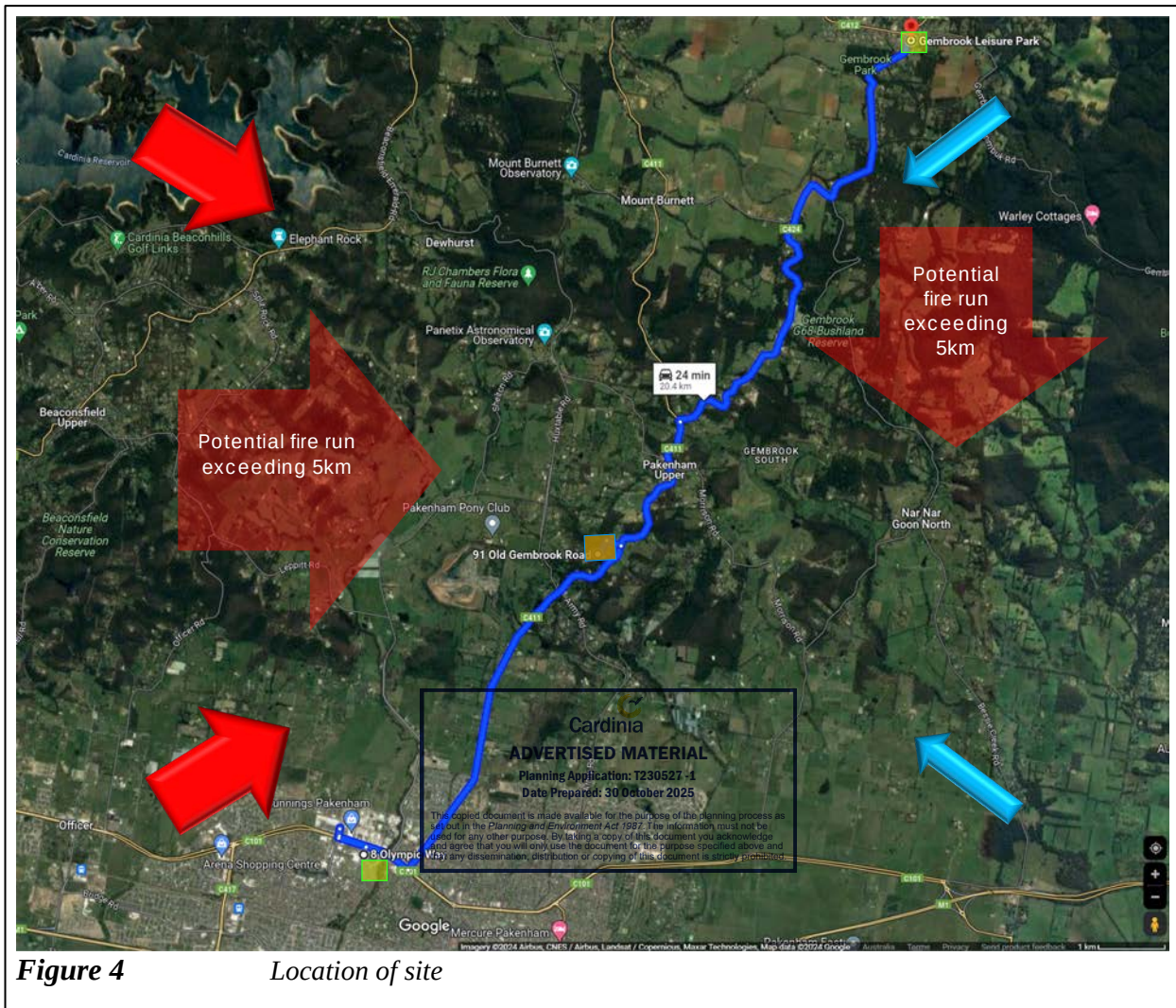
Considering the siting of the proposal within the landscape, likelihood of a bushfire event is considered **possible**; signifying the threat could take place sometime in the future. The consequences from a bushfire event are indicated as **insignificant**, no injuries, little or no damage, little or no financial loss.

Due to the type & extent of vegetation surrounding the proposal a potential fire run can take place in extreme weather conditions. A landscape fire is possible approaching from the north or the south.

The main driveway access into the site is from **Old Gembrook Road**. This is a dual carriageway, linking **Pakenham Upper's** closest CFA Fire Station located **1.5 km** via road on **2 Bourkes Creek Road** north of the entrance driveway.



Location & Landscape Assessment



Wind Directions	Proposal	Root to NSP	NSP
 			

Cardinia Shire has **several** designated Neighbourhood Safe Places (NSP). The Gembrook Community Centre Carpark or Toomuc Recreation Reserve are the closest NSP at approx. 11km and 9km respectively as you can see in *Figure 4* above.

5.1.1 Landscape risk

Clause 13.05 stipulates that new development is only permitted where 'the risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level'. To assist in defining the risk, four 'broader landscape types', representing different risk levels are described in "Planning Permit Applications Bushfire Management Overlay Technical Guide Sep. 2017".

The four types range from low risk landscapes where there is little hazardous vegetation beyond 150m of the site and extreme bushfire behaviour is not credible, to extreme risk landscapes with limited or no evacuation options.

The Technical Guide outlines four Landscape Types. The local landscape character surrounding the property is most attributable to Landscape **Type 2**;

Table 1- Landscape risk

Broader Landscape Type 1	Broader Landscape Type 2	Broader Landscape Type 3	Broader Landscape Type 4
• There is little vegetation beyond 150m of the site (except grasslands and low-threat vegetation). • Extreme bushfire behaviour is not possible. • The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property. • Immediate access is available to a place that provides shelter from bushfire.	• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. • Bushfire can only approach from one aspect and the site is located in a suburban, township or urban m area managed in a minimum fuel condition. • Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.	• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site. • Bushfire can approach from more than one aspect. • The site is in an area that is not managed in a minimum fuel condition. • Access to an appropriate place that provides shelter from bushfire is not certain.	• The broader landscape presents an extreme risk. • Evacuation options are limited or not available.

5.2 Bushfire History

Cardinia Shire areas are prone to bushfires, the area has been impacted by bushfires in the recent history, bushfires have been recorded in the wider area and in the immediate area surrounding the subject site.

Controlled burns have taken place and a wildfire history has been recorded in the wider areas surrounding the proposal as you can see on Map 2. The immediate area has a fire history, and the publicly available database indicates that the site itself has experienced bushfire in 1939.

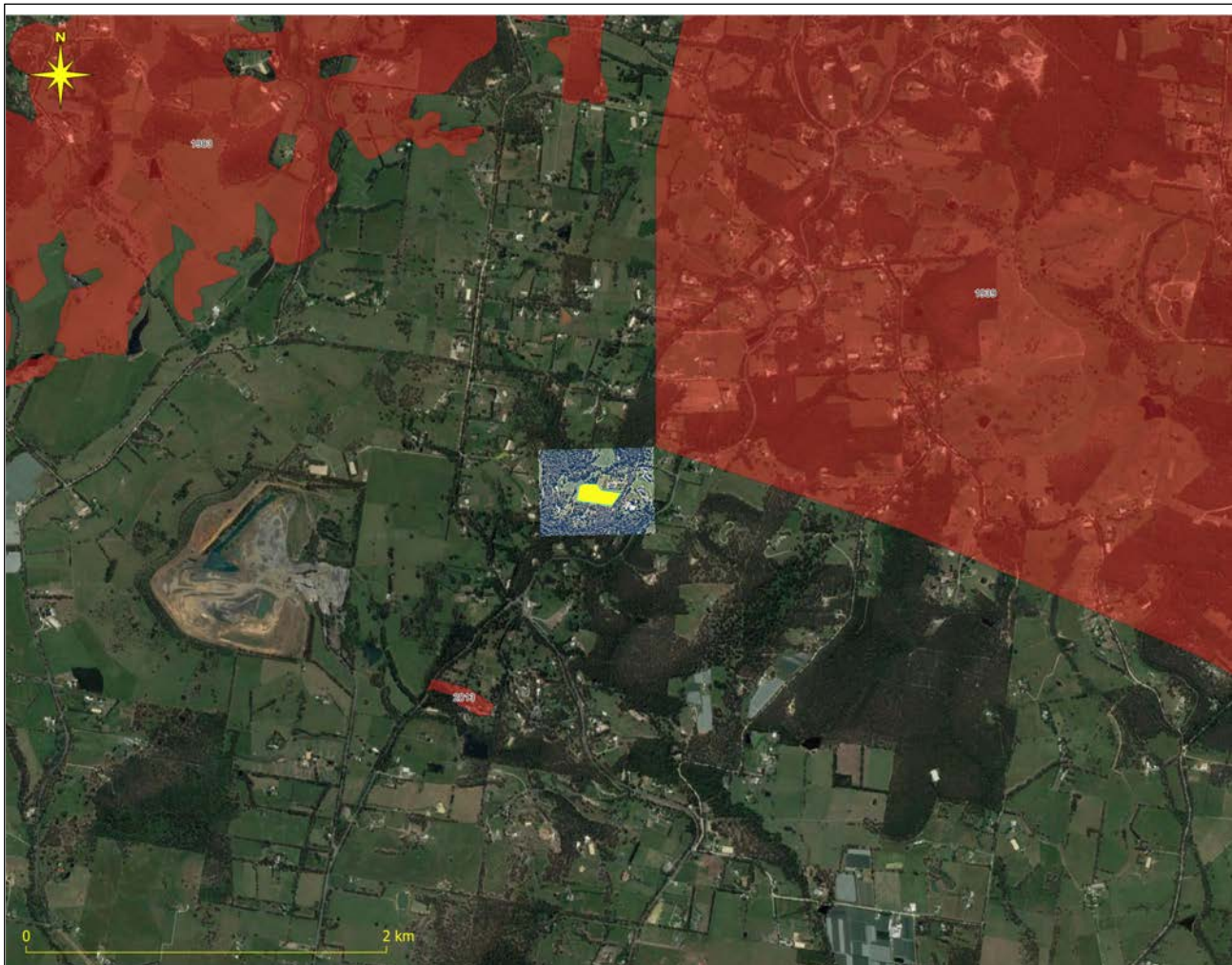


Figure 5 Bushfire history & planned burns around the proposal

QGIS data.vic.gov.au, google maps & nearmap

2009 Year of Fire Planned Burns CFA Station Site

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5.3 Bushfire Scenario

The most likely bushfire scenarios are those typically associated with the direction of the wind on severe or higher, fire danger days i.e. approach of bushfire from the north, northwest, west or southwest.

Hazard vegetation in this occasion is located **north & south** from the proposal, the development site will be impacted upon by a **local low-moderate** fire approaching from the **north, northwest, or south**. A fire from these directions would approach through the **forested** areas of driven by hot, dry **north, north-western** winds commonly experienced during summer or after a wind change from the south.

Whilst the **north & south forested** areas may intemperately the speed and intensity of the fire before it impacted the site, under the BMO conditions of low humidity, elevated temperatures and fierce winds, the development could be subjected to significant ember attack and possibly radiant heat. The cleared areas around the development are a considerable asset in this scenario and substantially reduce the threat of radiant heat and flame impacts.

The **forested** areas to the **north & south** of the site are a potential hazard to the development and could result in a fire approaching from the **north & south**, generating significant ember attack and radiant heat.

Whilst the **forested** area, can cause substantial amounts of embers and burning material to be blown long distances, the development site is sufficiently setback from the **hazard** such that it will be able to provide appropriate defensible space, commensurate with the risk and proposed construction standard of the building.



6 Bushfire Management Statement

6.1 Landscape, siting and design objectives

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.
- Development is sited to minimise the risk from bushfire.
- Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack.

Compliance with these objectives at Clause 53.02-4.1 is proposed via the following Approved measures.

6.1.1 Approved measure 2.1 Landscape

'The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level'.

As identified in Section 5 the landscape is **not one** of extreme bushfire risk. Whilst a landscape scale bushfire could impact the site, the speed and intensity of a fire approaching from the **north**, will be somewhat moderated by residential land managed to low fuel levels surroundings of the proposal and of areas of low threat and/or non-vegetated areas.

To the **north at a distance** there are large contiguous **forested** areas and the possibility of a potential fire run in extreme weather conditions of high temperatures and low humidity is feasible.

It is proposed that the risk can be mitigated to an acceptable level by implementing bushfire protection measures in compliance with the BMO requirements including BAL construction standard, commensurate defensible space, provision of a water supply for firefighting, ensuring good access and egress are available for occupants and emergency services and, most importantly, management planning in the form of a Bushfire Emergency Management Plan.

6.1.2 Approved measure 2.2 Siting

A building is sited to ensure the site best achieves the following:

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

The proposed development is sited to have maximum distance from hazard vegetation from all aspects. Sufficiently distant to achieve **BAL-29** defensible space.

The building will be sufficiently distant from hazardous vegetation such that 'Table 2' to Clause 53.02-5 setbacks are achieved (please refer to Defensible Space Map 3).

The proposed development is close to a main public road enabling access and egress in compliance with BMO requirements for emergency vehicles and occupants/visitors.



6.1.3 Approved measure 2.3 Design

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

All BAL standards above BAL-Low are deemed to satisfy the building code requirement that buildings be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the:

- (a) 'potential for ignition caused by embers, radiant heat or flame generated by a bushfire; and
- (b) intensity of the bushfire attack on the building' (Building Code of Australia 2016).

The design of the buildings will aim to facilitate wind flow over the building and easy maintenance (e.g. cleaning of gutters) and avoid complex roof lines which may allow build-up of debris (e.g. accumulation of leaves and bark) and trap embers. Walls and eaves should similarly avoid or minimise re-entrant corners and other features that may trap debris and embers.

The proposal will be constructed with a **BAL-29**.

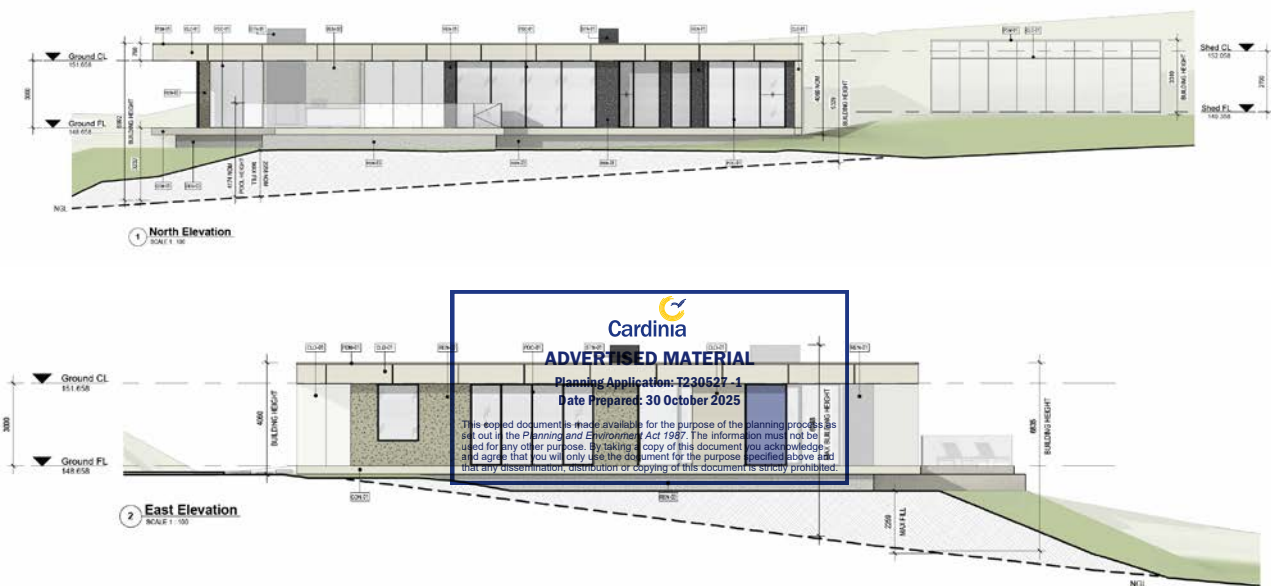


Figure 6 Elevation of proposed dwelling

6.2 Defendable space and construction objectives

'Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings'.

Compliance with this objective is proposed via the following Approved and Alternative measures.

Approved measure 3.1 (AM 3.1) requires that: 'A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:

- Column A, B or C of Table 2 to Clause 53.02-5 wholly within the title boundaries of the land; or If there are significant siting constraints,
- Column D of Table 2 to Clause 53.02-5.

The building is constructed with a **BAL-29** the bushfire attack level that corresponds to the defendable space of **25m or to the property boundary, whichever is lesser** provided in accordance with Clause 53.02-5 Table 2.

6.2.1 Building defensible space

The habitable building will be constructed with a **BAL-29** vegetation classified as **forest** on an effective slope of flat/upslope, required defensible space from classified vegetation is **25m or to the property boundary, whichever is lesser** from the edges of the proposal as shown in *Figure 7* corresponding to Clause 53.02-5 Table 2.



Figure 7 Defensible Space is within **adjacent** property complying with Table 6 standards.

6.2.2 Adjoining property defensible space

Alternative measures 3.3 (AltM 3.3)

Adjoining land may be included as defensible space where there is a **reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.**

Required vegetation setback of **25m or to the property boundary, whichever is lesser** are achieved within **adjacent** property where vegetation is maintained to low fuel levels as in Clause 53.02-5 Table 6 standards.

Cardina
ADVERTISED MATERIAL
Planning Application: T230527 -1
Date Prepared: 30 October 2025

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6.3 Water supply and access objectives

'A static water supply is provided to assist in protecting the property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire'.

These objectives can be achieved via Approved measures 4.1 (AM 4.1):

'A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:

- A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 53.02-5.*
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5'.*

The water supply may be in the same tank as other water supplies if a separate outlet is reserved for firefighting water supplies.

It is proposed that a minimum total capacity of **10,000**-litres be provided as a dedicated static water supply for bushfire firefighting only.

Access

Internal roads will provide access in accordance with the vehicle access design and construction specifications in Table 5 to Clause 53.02-5 (detail provided as Appendix 4).



7 Clause 13.02-1S Bushfire

Clause 13.02-1S Bushfire has the objective to “*strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life*”. This clause applies to land within the Bushfire Prone Area (BPA), BMO or proposed to be used or developed in a way that may create a bushfire hazard. Clause 13.02-1S contains five strategies to meet the objective, being:

- Protection of human life.
- Bushfire hazard identification and assessment.
- Settlement planning.
- Areas of high biodiversity conservation value; and
- Use and development control in a BPA.

This development addresses the requirements of Clause 13.02-1S in several ways. It is considered that the development can appropriately prioritise the protection of human life by ensuring that the proposed building within the development will not be exposed to a radiant heat flux of more than **29** kilowatts/square metre, which is commensurate to a BAL **29** construction standard.

The lot is **1.987 Ha** and is required to provide a minimum static water supply of **10,000** - litres as per Table 4 to Clause 53.02-5. Vehicles can easily access the development since it is on a main public road.

This report identifies the bushfire hazard and applies the standard site assessment methodology used in AS3959-2018 and Clause 53.02, which is applied to developments in the BMO and is based on the best available science. The bushfire modelling inputs that form the basis for this methodology factor in vegetation type (e.g., Woodland, Grassland), potential fuel-loads in a long-unburnt vegetation community, weather conditions on higher bushfire risk days (e.g. wind speed, fuel moisture content, days since last rainfall) and the effect of slope gradient on the way fire travels through unmanaged vegetation. The site assessment process and desktop assessment using GIS software has determined the most appropriate vegetation type and commensurate slope category for each section/aspect of unmanaged vegetation.

Non-vegetated areas such as dwellings, roads, driveways and footpaths are considered part of a landscape in which a building would be rated as BAL-LOW (AS3959- 2018). Occupants will be able to move towards areas rated as BAL-LOW by travelling in a generally **southern** direction into a highly urbanised area, or at the more localised scale, directly **north or south** on **Old Gembrook Road** respectively leading to the closest NSP in **Gembrook Community Centre Carpark** or Toomuc Recreation Reserve.

The CFA specify that areas where development should not proceed could include:

- Isolated settlements where the size and/or configuration of the settlements will be insufficient to modify fire behaviour and provide protection from a bushfire.
- Where bushfire protection measures will not reduce the risk to an acceptable level.
- Where evacuation (access) is severely restricted.
- Where the extent and potential impact of required bushfire protection measures may be incompatible with other environmental objectives or issues, e.g., vegetation protection, land subject to erosion or landslip’ (CFA, 2015).

None of these criteria or characteristics are applicable to the area of the proposed.

8 Overall Conclusion

The proposed development has been assessed under Clause 53.02 & AS 3959 – 2018.

An assessment of the site conditions & adjoining property has categorised this site as **“BAL 29”** fire risk, with Sections 3 & 7 utilised for the building construction under AS3959 and is subject to the recommendations outlined above.

The proposed development has been sited and designed to avoid on and off-site constraints. AS3959 2018 'Construction of buildings in a bushfire prone area' describes **risk category for:**

- BAL – 12.5 as: “Ember Attack”
- BAL – 19 as: “Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 12.5-19KW”
- **BAL – 29 as: “Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 19-29KW”**
- BAL – 40 as: “Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux with the increased likelihood of exposure to flames.
- BAL – FZ as: Direct exposure to flames from fire front in addition to heat flux and ember attack.

The final categorization of this site is subject to the relevant fire authority (CFA/MFB) review and approval.

Overall, the proposed development meets the requirements of the BMO and Clause 53.02– Bushfire Protection: Planning requirements.



Appendix 1: BMO vegetation management standards

Clause 53.02.5 Table 6 Vegetation management requirement

Vegetation management requirement

Defendable space is provided and is managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.



Appendix 2: BMO static water supply requirements

Table 4 from Clause 53.02-5

Table 4 Water supply

Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

**Water
tank**

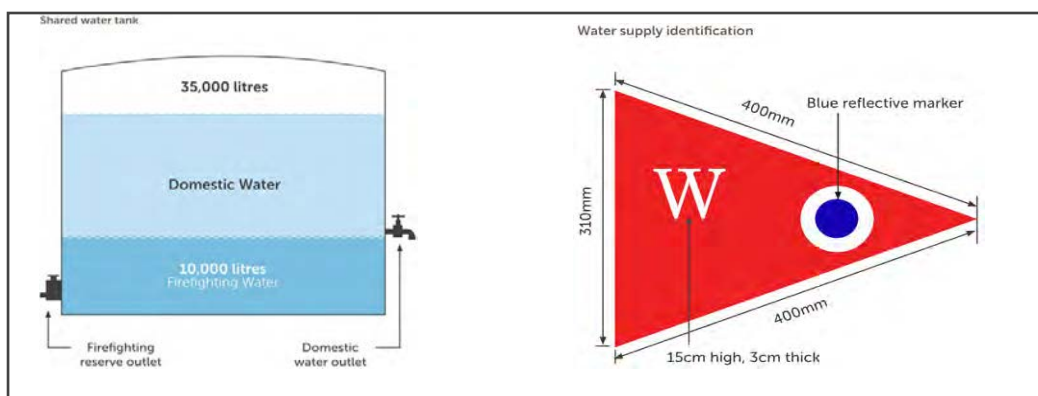
Note 1: A hydrant is available if it is located within 120 metres of the rear of the building

Note 2: Fittings must be in accordance with the published requirements of the relevant fire authority.

requirements

'The water
supply should

be stored in an above ground water tank constructed of concrete, steel or corrugated iron. The water supply should be identified. The water supply may be provided in the same water tank as other water supplies



provided they are separated with different outlets'.

CFA Fittings (CFA, 2014b)

'If specified within Table 4 to Clause 53.02-5 (if fire brigade access to your water supply is required), CFA's standard BMO permit conditions require the pipe work, fittings and tank outlet to be a minimum size of 64 mm.

65 mm BSP (British Standard Pipe) is the most common size available. A 65mm fitting is equivalent to the old 2 1/2 inch. A 65 mm BSP (2 1/2 inch) fitting exceeds CFA's requirements and will therefore comply with CFA's standard permit conditions for the BMO.

Diagram1 below shows some common tank fittings available at most plumbing suppliers which meet the connection requirements. It includes a 65mm tank outlet, two 65 mm ball or gate valves with a 65mm male to 64 mm CFA 3 threads per inch male coupling. This is a special fitting which allows the CFA fire truck to connect to the water supply. An additional ball or gate valve will provide access to the water supply for the resident of the dwelling'

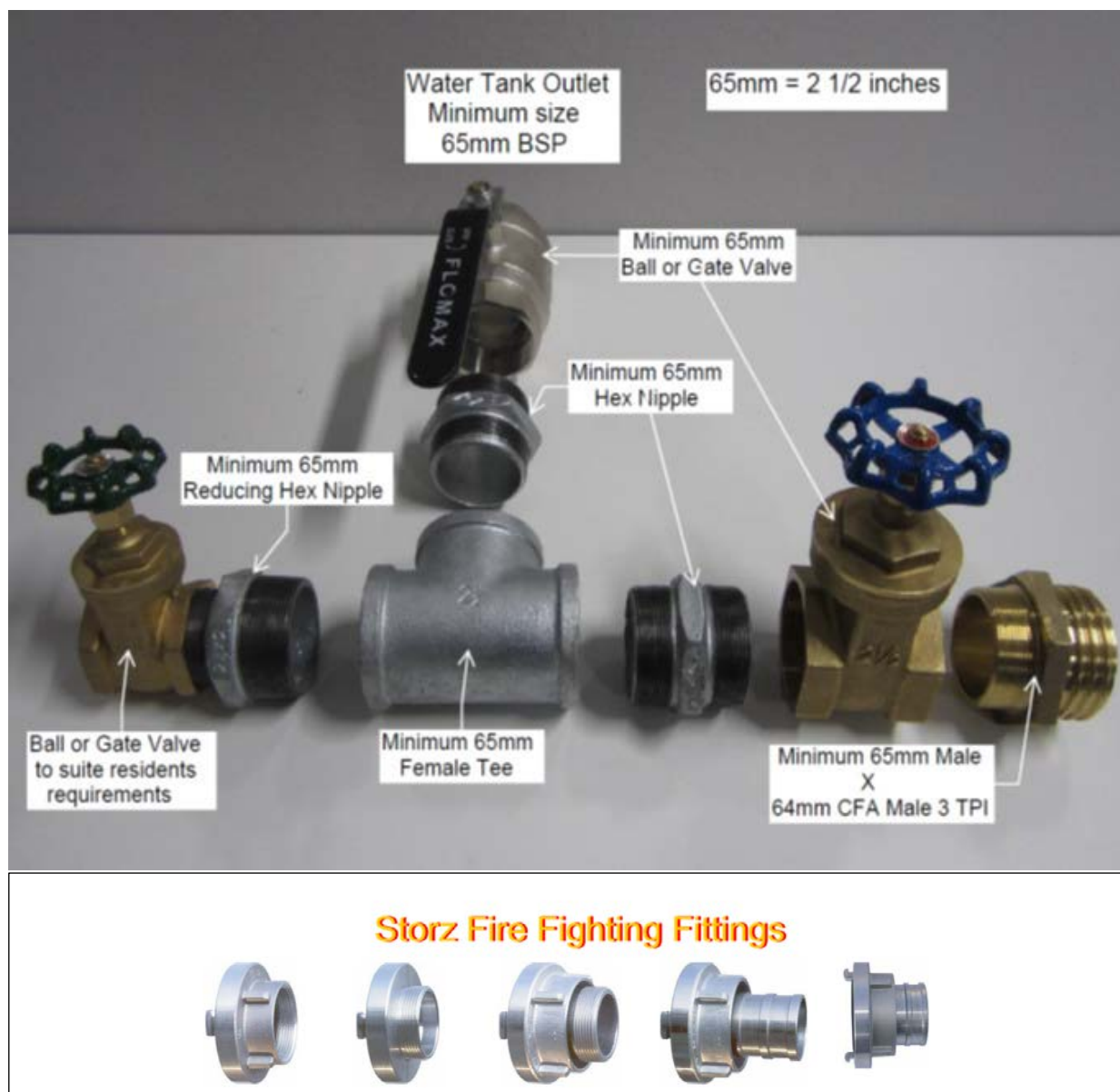


Diagram 1 CFA Standard permit conditions for water supply, in FRV areas pls check if they use same fittings or Storz Fitting apply.

Conditions required for all applications

'Show [xx litres] of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal'.

Additional conditions to apply if CFA fittings and access is required

'The water supply must also –

- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling)'.

Appendix 3: BMO access requirements

Where the length of access is greater than 30 metres the following design and construction requirements apply:

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A load limit of at least 15 tonnes and be of all-weather construction.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- A cleared area of 0.5 metres is required to allow for the opening of vehicle doors along driveways.

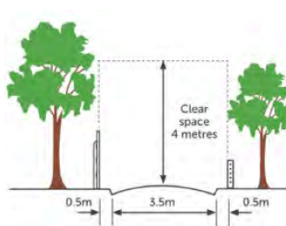
With



Dips and gradients



Encroachments



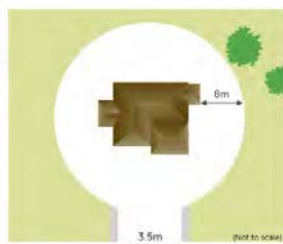
Practice Note 65 | Preparing and Assessing a Planning Application Under the Bushfire Provisions in Planning Schemes

Access between 100 metres to 200 metres in length

In addition to the above:

A turning area for fire fighting vehicles must be provided close to the building by one of the following:

- a driveway encircling the dwelling
- other vehicle turning heads such as a T or Y head which meet the specification of Austroad Design for an 8.8 metre service vehicle.
- a turning circle with a minimum radius of 8 metres





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Planning Application: T230527 -1

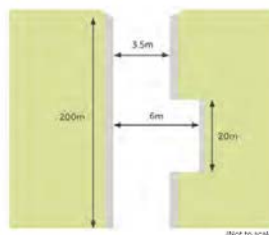
Date Prepared: 30 October 2025

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Access greater than 200 metres in length

In addition to the above, passing bays are required at least every 200 metres that are:

- a minimum of 20 metres long
- with a minimum trafficable width of 6 metres.



development.



Bushfire Protection Measures

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

a) Construction Standard

Building designed and constructed to a minimum Bushfire Attack Level of BAL 29

b) Defendable Space

Defendable space is provided for a distance around the building of 25m or to the property boundary, whichever is lesser and managed in accordance with the following:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

c) Water Supply

The following requirements apply:

- An effective capacity of **10,000 litres**
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

d) Access

Access Required: Yes

The following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of nom more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.10) entry and exit angle.

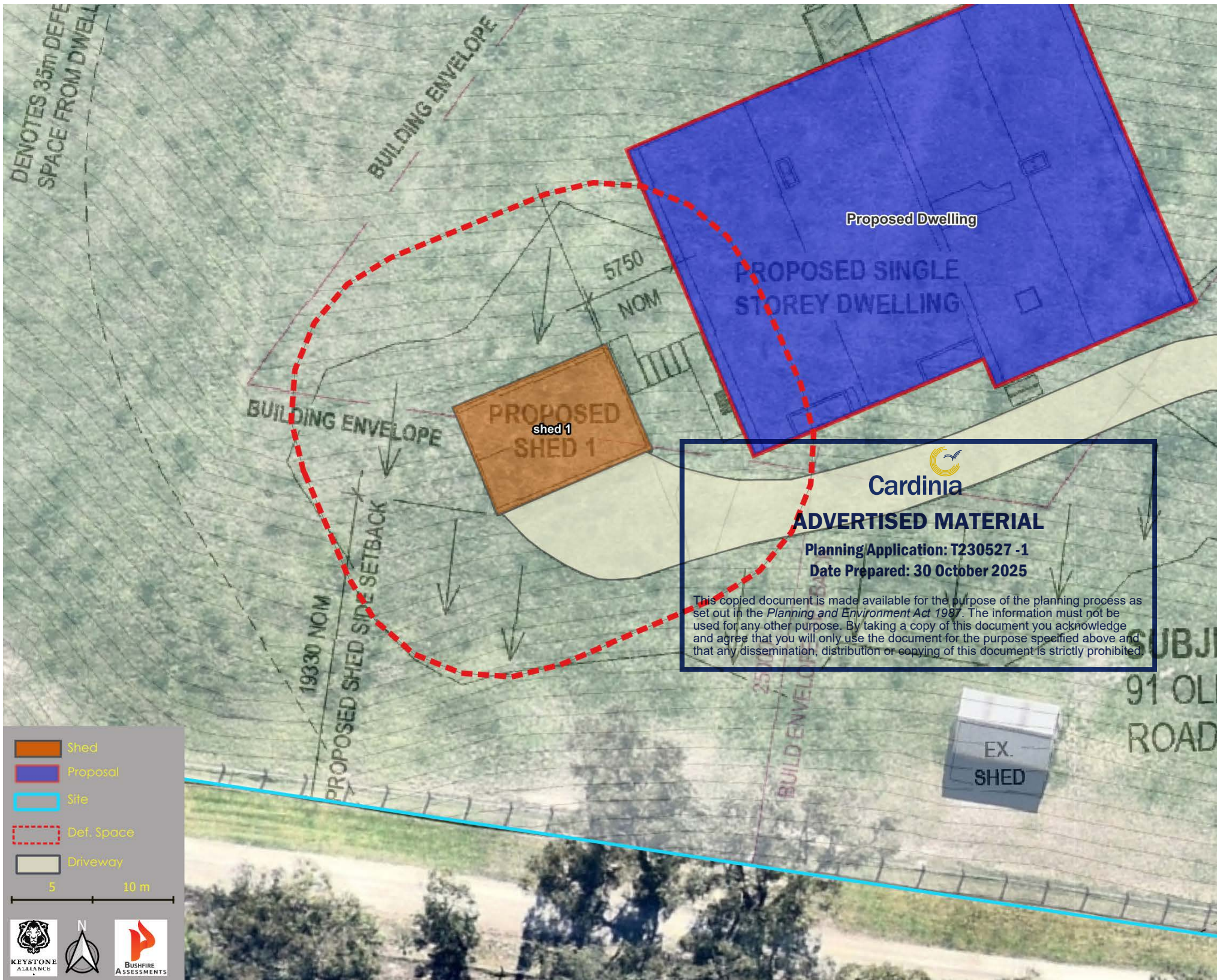
Length of access is greater 100 metres: No

- A turning circle with a minimum radius of eight metres, or
- A driveway encircling the building, or
- The provision of other vehicle turning heads – such as a T or Y Head-which meet the specification of Austroad Design for an 8.8 metre service vehicle.

Length of driveway is greater than 200 metres: No

Where length of access is greater than 100 metres the following design and construction requirements apply:

- Passing bays are required at least every 200 metres that are a minimum 20 metres long and a minimum trafficable width of 6 metres.



Bushfire Protection Measures

- a) Defendable Space
Defendable space is provided for a distance around the building of 10m or to the property boundary, whichever is lesser and managed in accordance with the following:
- Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 2 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b) Construction Standard
- ☐ Non habitable building ancillary to a dwelling is more than 10m from a dwelling has no construction requirements.
 - ☒ Non habitable building ancillary to a dwelling is less than 10m from a dwelling must meet the construction requirements of Table 7.

Table 7 Outbuilding construction requirement

Building construction condition
The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:
- has a FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-load bearing walls when tested from the attached structure side, or - is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.
Any openings in the wall shall be protected in accordance with the following:
- Doorways – by FRL -/60/30 self-closing fire doors - Windows – by FRL -/60/- fire windows permanently fixed in the closed position - Other openings – by construction with a FRL of not less than -/60/-
Note: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with Item iii.

Mandatory Condition
The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed



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

Page 1 of 1

VOLUME 12282 FOLIO 847

Security no : 124126672684D
Produced 30/07/2025 11:39 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 712083Y.
PARENT TITLE Volume 06648 Folio 566
Created by instrument PS712083Y 02/02/2021



REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AZ002437K 28/03/2025
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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.

AGREEMENT Section 173 Planning and Environment Act 1987
AT820383V 01/12/2020

DIAGRAM LOCATION

SEE PS712083Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AZ002435P (E)	DISCHARGE OF MORTGAGE	Registered	28/03/2025
AZ002436M (E)	TRANSFER	Registered	28/03/2025
AZ002437K (E)	MORTGAGE	Registered	28/03/2025

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

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

Street Address: 91 OLD GEMBROOK ROAD PAKENHAM UPPER VIC 3810

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
Effective from 28/03/2025

DOCUMENT END

AT820383V

**Application by a responsible authority for the
making of a recording of an agreement**
Section 181 Planning and Environment Act 1987

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Lodged by

Name: DUFFY & SIMON

Phone: 0359455220

Address: DX81001 Pakenham

Reference: DDTP207190

Customer code: 18030P

The responsible authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land:(volume and folio)

CERTIFICATE OF TITLE VOLUME 6648 FOLIO 566

Responsible authority:(full name and address, including postcode)

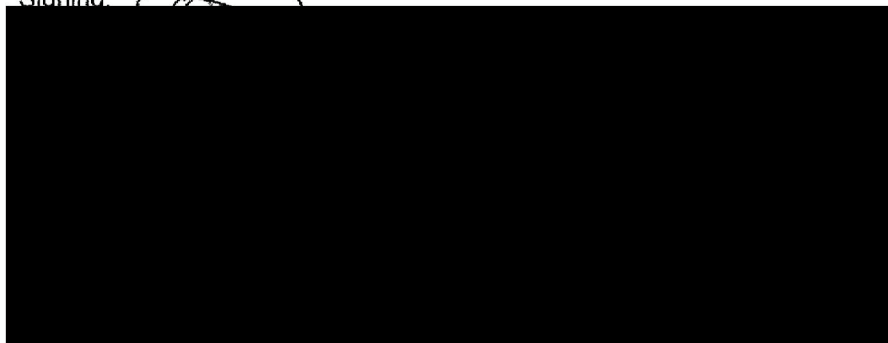
CARDINIA SHIRE COUNCIL, MUNICIPAL OFFICES, 20 SIDING AVENUE, OFFICER VIC 3809

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

A copy of the agreement is attached to this application:

Signing:



35271702A

181PEA

Page 1 of 2

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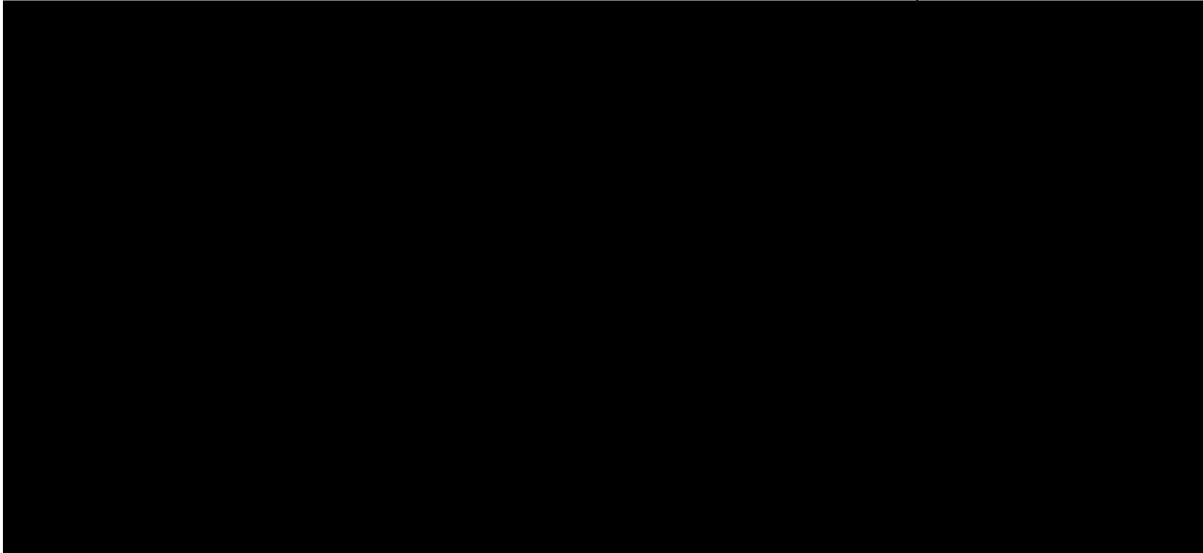
Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

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Section 181 Planning and Environment Act 1987**

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ADVERTISED MATERIAL

Planning Application: T230527 -1

Date Prepared: 30 October 2025

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181PEA

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Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AT820383V

This Agreement is made on the

day of

2020

Between

Cardinia Shire Council of 20 Siding Avenue, Officer, Victoria 3809
("the Council")

and

Recitals

- A. The Owners are registered as owners of the land in Certificate of Title **Volume 6648 Folio 566**, being **Crown Allotment 80F, Parish of Nar Nar Goon** and known as **89 Old Gembrook Road, Pakenham Upper**. ("the Land").
- B. The Council is the Responsible Authority under the Planning and Environment Act 1987.
- C. Nobelius Land Surveyors on behalf of the Owners, made application to the Responsible Authority for a permit to undertake a three lot subdivision.
- D. The Responsible Authority granted **Planning Permit No. T120695** ("the Permit") on **15 December 2015** for the **Land to be realigned subject to a condition**.
- E. Condition 8 of the Permit provides that before a Statement of Compliance is issued under the Subdivision Act 1988, the owners must enter into an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987 and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. To the effect that:
- It has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of this planning scheme for the construction of a dwelling/dependant persons unit on proposed lots 1 & 2 only.
 - Specify that any new dwelling or dependent person's unit constructed on proposed lots 1 & 2 in the subdivision must be constructed:
 - Inside the building envelope designated on the BUSHFIREMANAGEMENT PLAN endorsed under this permit and attached to this agreement.
 - To the Bushfire Attack Level (BAL) specified under this permit and in accordance with the relevant sections of AS3959-2009.
 - Specify that all land shown as 'Defendable Space' on the BUSHFIRE MANAGEMENT PLAN endorsed under this permit and attached to this Agreement must at all times, and regardless of whether a dwelling is located on the land, be maintained to the defendable space requirements of this permit.

AT820383V

- d) Specify that before the occupation of a dwelling starts on Lot 1 or Lot 2 a static water supply must be provided on the lot which complies with the requirements of this permit.
- e) Include the BUSHFIRE MANAGEMENT PLAN endorsed under this permit as an annexure to the agreement.
- f) Specify that the bushfire protection measures in the Bushfire Management Plan which form part of the section 173 agreement and the planning permit and endorsed plans, including those relating to construction standards (BAL), defendable space, water supply and access must be maintained to the satisfaction of the Responsible Authority on a continuing basis.
- g) The construction of any new dwelling or dependent person's unit on Lots 1 & 2 in the subdivision must be to a Bushfire Attack Level (BAL) of **BAL-29** in accordance with the relevant sections to AS3959-2009.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

The Agreement

1. Agreement to be binding on owners and their successors

- (1) The parties acknowledge and agree that this Agreement is made under Section 173 of the Planning and Environment Act 1987.
- (2) The obligations imposed on the Owners are binding on the successors, purchasers, transferees, mortgagees and assigns of the Owners and on any person obtaining possession of the Land or any part of the Land as if each of those persons had individually executed this Agreement.
- (3) The Owners must not sell, transfer, dispose of or part with possession of the Land or any part of it without first disclosing the existence and nature of this Agreement.

2. Covenants

The Owners covenant and agree with the Council that:

- o That it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of this planning scheme for the construction of a dwelling/dependant persons unit on proposed lots 1 & 2 only.
- o Specify that any new dwelling or dependent person's unit constructed on proposed lots 1 & 2 in the subdivision must be constructed:
 - Inside the building envelope designated on the BUSHFIREMANAGEMENT PLAN endorsed under this permit and attached to this agreement.
 - To the Bushfire Attack Level (BAL) specified under this permit and in accordance with the relevant sections of AS3959-2009.
- o Specify that all land shown as 'Defendable Space' on the BUSHFIRE MANAGEMENT PLAN endorsed under this permit and attached to this Agreement must at all times, and

AT820383V

regardless of whether a dwelling is located on the land, be maintained to the defensible space requirements of this permit.

- Specify that before the occupation of a dwelling starts on Lot 1 or Lot 2 a static water supply must be provided on the lot which complies with the requirements of this permit.
- Include the BUSHFIRE MANAGEMENT PLAN endorsed under this permit as an annexure to the agreement.
- Specify that the bushfire protection measures in the Bushfire Management Plan which form part of the section 173 agreement and the planning permit and endorsed plans, including those relating to construction standards (BAL), defensible space, water supply and access must be maintained to the satisfaction of the Responsible Authority on a continuing basis.
- The construction of any new dwelling or dependent person's unit on Lots 1 & 2 in the subdivision must be to a Bushfire Attack Level (BAL) of **BAL-29** in accordance with the relevant sections to AS3959-2009.

As required in Condition 6 of Planning Permit T120695.

3. Terms and registration of this Agreement

- (1) The terms of this Agreement come into force immediately on execution, and runs with the Land.
- (2) The Owner/s must use their best endeavours to have a memorandum of this Agreement registered on the title to the Land by the Registrar of Titles in accordance with Section 181 of the Planning and Environment Act 1987.

4. Cost

The Owner/s must bear the cost of and incidental to the making and the registration of this Agreement.

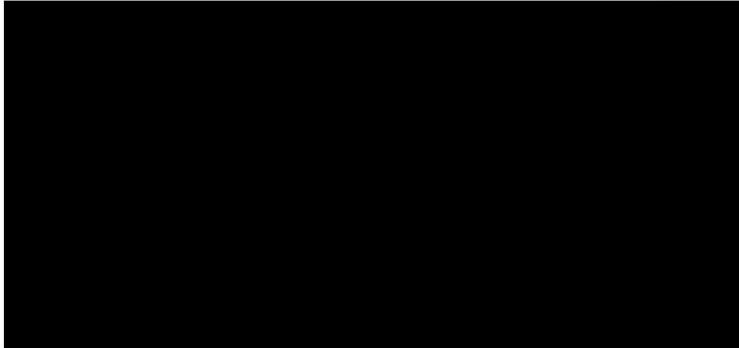


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In witness whereof the parties have set their hands and seals the day and year set out above

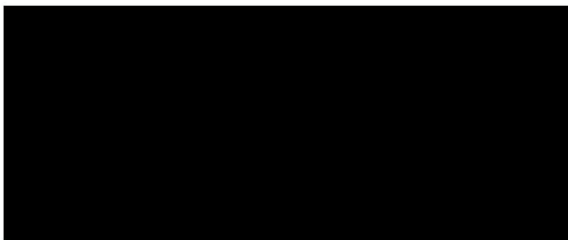
Signed, sealed and delivered

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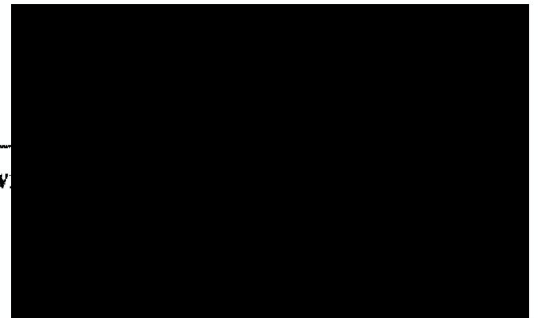


Signed, sealed and delivered

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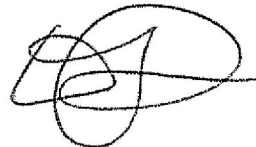
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Signed by and on behalf, and with)
the authority of the **Cardinia Shire**)
Council by the **Manager of**)
Development and Compliance)
Services, in the exercise of power)
conferred by an Instrument of)
Delegation dated **17 August 2020**.)

In the presence of:




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ddJ 6/5/2020

Appendix 1. Bushfire Management Plan

