

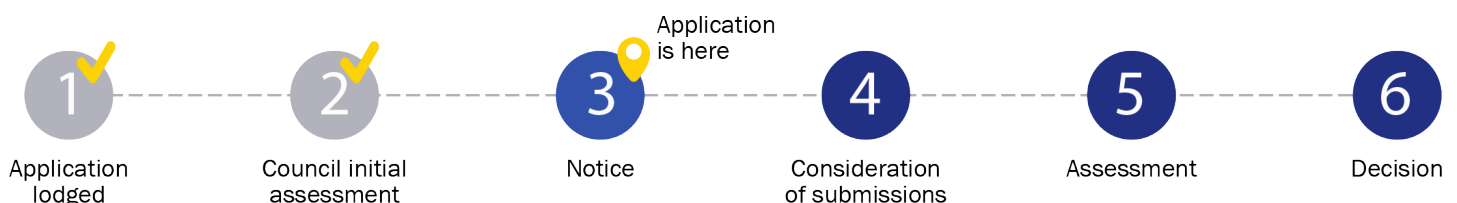


Notice of Application for a Planning Permit

The land affected by the application is located at:	CP105539 V9184 F166 275 Huxtable Road, Pakenham Upper VIC 3810	
The application is for a permit to:	Use of land for a Camping and Caravan Park	
A permit is required under the following clauses of the planning scheme:		
35.04-1	Use of the land for a camping and Caravan park	 ADVERTISED MATERIAL Planning Application: T260032 Date Prepared: 06 May 2026 <small>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</small>
APPLICATION DETAILS		
The applicant for the permit is:	Paul McMurray	
Application number:	T260032	
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:		22 May 2026
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. If you object, the Responsible Authority will notify you of the decision when it is issued.	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. 	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.



Application Summary

Portal Reference: A1263CU

Basic Information

Proposed Use: Use of land as a Camping and caravan park
 Current Use: Hobby farm with a single dwelling
 Site Address: 275 Huxtable Road Pakenham Upper 3810



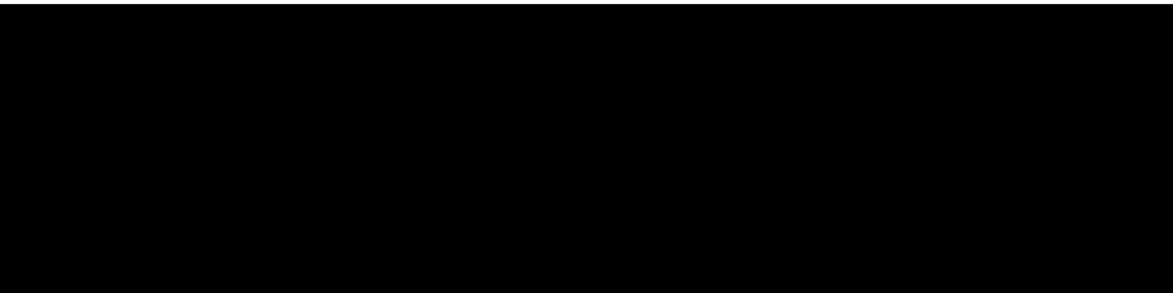
ADVERTISED MATERIAL
 Planning Application: T260032
 Date Prepared: 06 May 2026

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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? **Not Applicable, no such encumbrances apply.**

Contacts



Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 1 Change of use only	\$1,496.10	100%	\$1,496.10
Total			\$1,496.10

Meetings

Meeting Type	Officer Name	Date of Meeting
Enforcement	[Redacted]	14 Oct 2025

Documents Uploaded

Date	Type	Filename
22-01-2026	A Copy of Title	Title.pdf
22-01-2026	Site plans	Site Plan.pdf
22-01-2026	Site plans	BusPlan.pdf
22-01-2026	Written Explanation	275 Huxtable Road Pakenham Upper-Cover letter.pdf
22-01-2026	Additional Document	275 Huxtable Road Pakenham Upper-Planning report.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

Lodged By

Site User	[REDACTED]
Submission Date	[REDACTED]

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

P.O. Box 7, Pakenham VIC, 3810
Email: mail@cardinia.vic.gov.au

Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784



ADVERTISED MATERIAL

Planning Application: T260032
Date Prepared: 06 May 2026

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Request to amend a current planning permit application

Cardinia
Cardinia

ADVERTISED MATERIAL
Planning Application: T260032
Date Prepared: 06 May 2026

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This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

Application No.:	T260032
Address of the Land:	275 Huxtable Road, Pakenham Upper

APPLICANT DETAILS

Name:	[REDACTED]
Organisation:	[REDACTED]
Address:	275 Huxtable Road. Pakenham Upper
Phone:	[REDACTED]
Email:	[REDACTED]

AMENDMENT TYPE

Under which section of the Act is this amendment being made? (select one)	
Section 50 - Amendment to application at request of applicant before notice:	<input checked="" type="checkbox"/>
Section 50A - Amendment to application at request of responsible authority before notice:	<input type="checkbox"/>
Section 57A - Amendment to application after notice is given:	<input type="checkbox"/>

AMENDMENT DETAILS

What is being amended? (select all that apply)		
What is being applied for <input checked="" type="checkbox"/>	Plans / other documents <input checked="" type="checkbox"/>	Applicant / owner details <input type="checkbox"/>
Land affected <input type="checkbox"/>	Other <input type="checkbox"/>	

Describe the changes. If you need more space, please attach a separate page.

This amendment clarifies that the existing outbuilding on the land is to be used solely for ancillary amenities associated with the proposed camping use. The outbuilding is pre-existing and lawfully established, and no building works, alterations, or expansion are proposed. It will provide only basic facilities, including a bathroom and a simple recreation space. It will not be used for accommodation, contains no sleeping facilities, no kitchen, and is not self-contained.

The amendment does not alter the fundamental nature or scale of the proposal. The use remains limited to one movable bus and one tent site, accommodating a maximum of six guests. The proposal is small-scale, low intensity, and confined to a defined portion of the site.

Specify the estimated cost of any development for which the permit is required:

Not applicable

Unchanged

New amount \$

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.

Name:

Signature:

Date:


Cardinia

ADVERTISED MATERIAL

Planning Application: T260032
Date Prepared: 06 May 2026

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LODGEMENT

Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au

You can also make amendments to your application via the Cardinia ePlanning Portal at <https://eplanning.cardinia.vic.gov.au/>

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

IMPORTANT INFORMATION

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

Any material submitted with this request, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*.

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

VOLUME 09184 FOLIO 166

Security no : 124131536075R
Produced 22/01/2026 09:38 AM

Page 1 of 1
Cardina
ADVERTISED MATERIAL
Planning Application: T260032
Created: 22/01/2026 09:38 AM
Approved: 06 May 2026
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LAND DESCRIPTION

Land in Plan of Consolidation 105539.

PARENT TITLES :

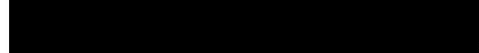
Volume 09134 Folio 274 Volume 09176 Folio 618

Created by instrument CP105539 18/01/1977

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors



of 275 HUXTABLE ROAD PAKENHAM UPPER VIC 3810

AU655066T 04/08/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU655067R 04/08/2021

COMMONWEALTH BANK OF AUSTRALIA

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 CP105539 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: 275 HUXTABLE ROAD PAKENHAM UPPER VIC 3810

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA
Effective from 04/08/2021

DOCUMENT END



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	CP105539
Number of Pages (excluding this cover sheet)	1
Document Assembled	22/01/2026 10:36

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CP 105539

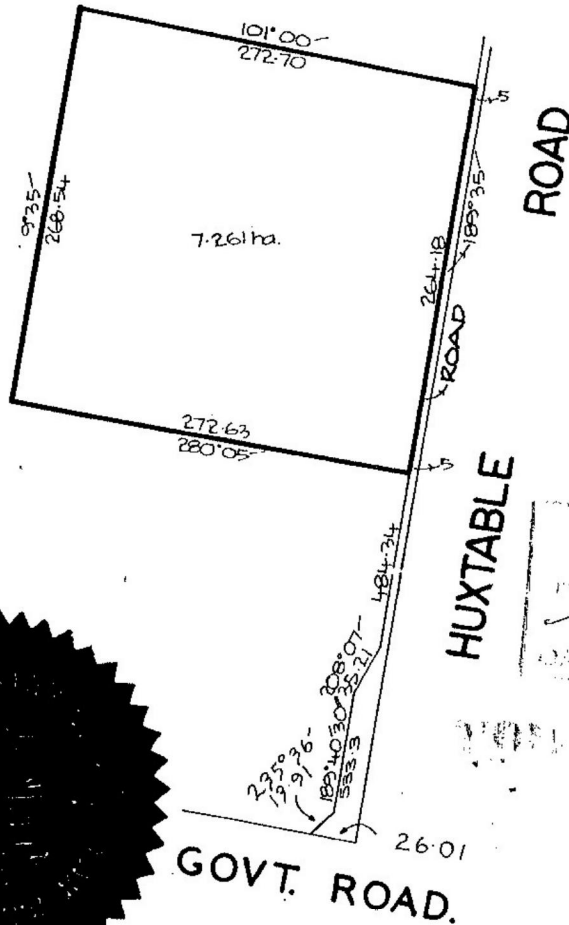
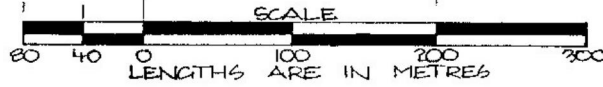
PLAN OF CONSOLIDATION OF PART OF CROWN ALLOTMENT A16 PARISH OF GEMBROOK COUNTY OF MORNINGTON

CP 105539



ADVERTISED MATERIAL
Planning Application: T260032
Date Prepared: 06 May 2026

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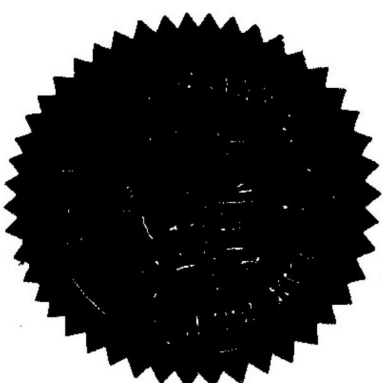


ACCEPT
\$20
CP IN
G332329/30
25/10/76

APPROVED
13.1.77 TIME 8.55

9184 166

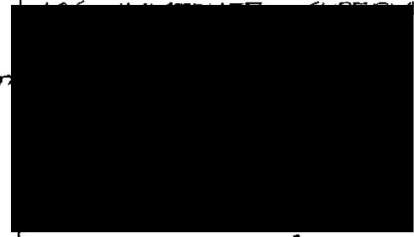
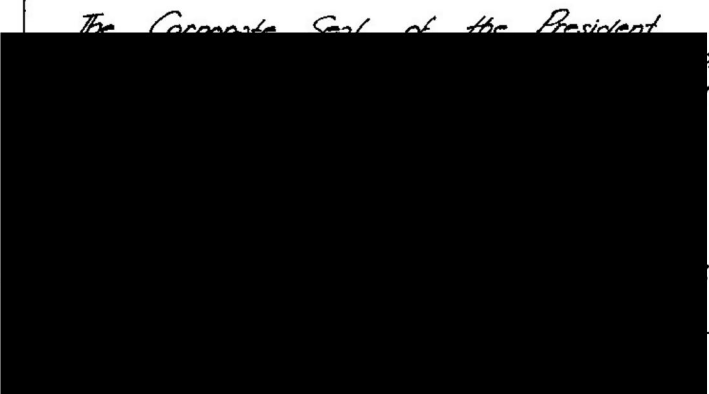
2781 C



SEAL & ENDORSEMENT OF MUNICIPALITY SURVEYORS CERTIFICATION

THIS PLAN IS SEALED PURSUANT TO SECTION 569 AB OF THE LOCAL GOVERNMENT ACT 1958.

I, CERTIFY THAT THIS PLAN HAS BEEN MADE BY ME OR UNDER MY SUPERVISION AND



HILL & DAWSON
LAND SURVEYORS
254 LONSDALE ST.
DANDENONG TEL. 792 4131
REF. 2753/5

**ADVERTISED MATERIAL**

Planning Application: T260032

Date Prepared: 06 May 2026

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**ePlanning****Application Summary**

Portal Reference	D12667ZC
Reference No	T260032

Basic Information

Cost of Works	\$0
Site Address	275 Huxtable Road Pakenham Upper VIC 3810

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.
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Documents Uploaded

Date	Type	Filename
11-03-2026	Additional Document	275 Huxtable Road Pakenham Upper-RFI response letter.pdf
11-03-2026	Additional Document	Huxtable_Site_Plan.pdf
11-03-2026	Additional Document	Outbuilding.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

Lodged By

Site User	[Redacted]
Submission Date	11 March 2026 - 11:30:AM

Declaration

By ticking this checkbox, [Redacted] declares that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been consulted.



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
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5pm
Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784

**By Email To: t.rawat@cardinia.vic.gov.au
planning@cardinia.vic.gov.au**

11 March 2026

[REDACTED]
Senior Statutory Planner
Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

Planning Application No. T260032
275 Huxtable Road, Pakenham Upper
Response to a Request for Further Information

We continue to act for Paul McMurray, the Permit Applicant, in relation to the above matter and refer to your letter of 19 February 2026 requesting further information (RFI).

Below, we provide a response to the matters raised, in the order as they appear in the RFI letter.

1. Details of the existing land use, including use of all buildings on the subject site.

The subject site at 275 Huxtable Road Pakenham Upper yields a total site area of 7.3 ha and is primarily used for rural residential and agricultural purposes.

The land comprises:

- The primary residence of the landowners.
- A hobby farm/agriculture comprising grazing paddocks with livestock including horses, cattle, alpacas and poultry.
- Farm infrastructure including storage sheds, fencing and tracks supporting agricultural operations.

Agricultural use remains the dominant and primary use of the land.

The proposed Camping and caravan park occupies only 0.3 ha (approx. 4% of the site) and is a minor, low-intensity tourism use.

No other commercial uses occur on the property and the balance of the land continues to be used exclusively for rural residential and farming purposes.

The proposal is clearly subordinate to the primary agricultural use and will not affect the ongoing rural character or operations of the site.

(a) Details of proposed Camping and caravan park use, including:

(i) Are any communal or shared areas proposed for the proposed camping and caravan use?

The proposed Camping and caravan park will include communal or shared facilities, all of which are existing and require no new buildings and works or earthworks.

These include:

- Outdoor BBQ Area - A small, existing outdoor barbeque area for use by guests.
- Games/Recreation Room - Located within the existing outbuilding providing a covered space for recreational activities.
- Bathroom Facilities - Existing toilet, shower and basin facilities within the existing outbuilding.

These communal facilities are already constructed and no additional buildings and works are required for these facilities.

These facilities are located approximately:

- 20 m from the bus accommodation site.
- 50 m from the tent site.

The scale and nature of these shared areas are consistent with the operational characteristics of a small, low-intensity Camping and caravan park.

Their limited size and existing location ensure that they do not alter the rural character of the site and do not introduce any additional visual, noise or traffic impacts.

The communal areas are modest, existing and fully integrated within the existing hobby farm supporting the operation of the two proposed short-term accommodation sites while maintaining the low-impact and rural nature of the use.

(ii) Will any spaces within the existing buildings (dwelling or shed) be used for the purpose of the Camping and caravan park, including Amenities (Toilet, Shower, Kitchen area)?

A portion of the existing outbuilding contains a bathroom and a small recreation area which will be made available for guest use as part of the Camping and caravan park.

These facilities are fully contained within the existing structure and no structural changes, extensions or new buildings are proposed.

The outbuilding provides minor indoor amenities that complement the self-contained accommodation provided by the converted bus, without altering the rural character of the site or increasing the intensity of the use.

The converted bus is fully self-contained with internal sleeping, cooking and bathroom facilities.

Guests therefore have access to:

- Self-contained facilities within the bus including toilet, shower, cooking and sleeping areas; and

- Optional communal amenities within the outbuilding including a bathroom and small recreation space, providing additional convenience without increasing the scale or intensity of the operation.

(iii) Clarify whether the bus is movable/operational or how it will be moved?

The bus proposed to be used for short-term accommodation remains a vehicle and does not constitute a permanent structure or building.

Specifically:

- The bus retains its original chassis and wheels.
- It is not fixed to the land by footings, slab, piers or any other structural anchoring system.
- It is not permanently connected to services in a manner that would prevent removal.
- It remains capable of being relocated by towing.

While the bus is not currently registered or operational as a vehicle, this does not affect its status as a movable vehicle.

Relocation can readily occur via towing.

Indeed, the bus was originally towed to the subject site which clearly demonstrates its continued capability for removal in the same manner.

No structural works have been undertaken that would prevent or restrict its physical removal from the site.

Importantly, the bus is not permanently affixed to the land and does not rely on structural supports that would convert it into a building.

It remains wholly detachable and capable of being removed without demolition works or alteration to the land.

To provide further certainty, the applicant is agreeable to the inclusion of a permit condition to the effect that:

'The bus must remain capable of removal and must not be permanently affixed to the land.'

Such a condition ensures that the bus maintains its status as a movable vehicle and removes any risk of it being construed as a building.

In summary, the bus remains a movable vehicle capable of being towed from the site and is not a permanent structure.

(iv) If the bus is a registered road vehicle, provide any evidence that it is registered.

The bus is not currently registered, as it is not being driven or operated on public roads.

Registration is only required where a vehicle is used on a public road network.

As the bus is stationary and used solely for on-site accommodation purposes, registration is not necessary.

Importantly, whether the vehicle is registered or not should not affect how it is classified for planning purposes.

The relevant planning consideration is whether the bus constitutes a permanent building or structure affixed to the land or whether it remains a movable vehicle.

In this case, the bus clearly retains the characteristics of a vehicle as:

- It retains its original chassis and wheels.
- It is not fixed to the land by footings, slab or piers.
- It is not permanently affixed to the land in any manner.
- It remains capable of being relocated via towing.
- It was originally towed to the site, demonstrating that it can be easily moved.

The absence of current registration does not alter these physical attributes.

Registration relates to compliance with road transport legislation and lawful operation on public roads, it does not determine whether something becomes a 'building' for planning purposes.

All the important planning factors are met. It can be moved; it isn't permanently attached and can be removed without altering or damaging the land.

(c) Detailed operational plan for the proposed camping and caravan park, including:

(i) Frequency of bookings.

The camping and caravan park will operate 7 days per week and cater exclusively to short-term stays.

It will be open all year round.

Check-in is set at 2pm and check-out at 11am with no seasonal closures.

These arrangements confirm that the facility is intended for short-stay tourist accommodation rather than long-term residential use.

(ii) If the use is seasonal, the proposed hours and days of operation.

As above, the use is not seasonal and will operate year-round, seven days a week.

(iii) The total area proposed for the camping and caravan park.

The camping and caravan park occupies only a small portion of the total property, leaving the vast majority of the land available for ongoing agricultural use.

Agriculture remains the dominant land use ensuring that the rural character and primary productive function of the site are maintained while the short-stay accommodation represents a complementary, low-impact activity.

- Camping/caravan area: Approximately 0.3 hectares.



- Total site area: 7.3 hectares.
- Proportion of site: Approximately 4%.



(iv) How this will be managed (on-site manager or any staff requirements)

- Owners reside permanently on-site.
- Direct supervision at all times.
- No off-site management.
- No additional staff required.

Having the owners permanently on-site ensures continuous oversight of the camping and caravan operations.

This allows immediate response to any issues or emergencies that may arise.

(v) Details of waste management for the proposed use.

The bus is connected to the existing on-site septic system.

The precise location of the septic system can be shown on the plans to demonstrate compliance with all relevant requirements.

Potable water for the use is supplied via the existing water tank, ensuring safe and reliable access.

The bus is connected to the existing electricity supply on-site.

Waste is currently collected through the domestic waste service. The applicant is willing to provide additional dedicated bins to accommodate waste generated by the use, ensuring no impact on existing services.

The applicant is amenable to a condition requiring that the use complies with all relevant Environmental Health requirements, providing assurance that sanitation, waste and public health matters are properly managed.

These measures demonstrate that the proposed use is well-served, sustainable and capable of being managed responsibly.

(d) How the proposed use relates to sustainable land management practices.

The Proposal:

- Requires no removal of vegetation, preserving the natural landscape.
- Involves no earthworks, maintaining the existing topography of the land.
- Introduces no permanent structures, ensuring the rural character of the site is maintained.
- Occupies only 4% of the total land area, leaving most of the property available for agricultural use.
- Supports the financial viability of the hobby farm, providing supplementary income without compromising primary agricultural activities.

Consequently, the proposal:

- Encourages the ongoing use of the land for agriculture, reinforcing its primary purpose.
- Reduces pressure for subdivision, helping to retain the integrity and scale of the rural landholding.

- Prevents urban encroachment, protecting the area's rural and scenic values.
- Minimises land disturbance, limiting environmental impacts and maintaining the site's natural and productive qualities.

Overall, the proposal is fully consistent with the purposes of the Green Wedge Zone, which seek to protect rural land, support agriculture and prevent inappropriate urban development.

It demonstrates a careful balance between small-scale tourism and the ongoing productive use of the land.

(e) How does the proposed use relate to rural land, and what potential impact would it (and any future expansion) have on adjoining and nearby agriculture and other land uses?

- The use is agro-tourism in nature, providing visitors with opportunities to engage with and learn about farming activities.
- It supports farm engagement and education, offering an experience that complements the ongoing agricultural use of the land.
- The proposal does not, in any way, conflict with neighbouring farms and won't impact their activities.
- It generates minimal traffic, typically only 1–2 vehicles at any one time, which will not impact local road safety or congestion.
- The use produces no off-site amenity impacts, preserving the tranquillity and rural character of the surrounding area.
- There is no intention for future expansion.
- To ensure future impacts remain negligible, the applicant is willing to accept a condition limiting the operation to:
 - A maximum of two accommodation sites.
 - A maximum of six guests at any one time.
 - No future expansion without further planning permission.

These measures fully address all concerns about combined effects, showing that the proposal is small, of a low-impact and fits in with the rural and farming setting.

(f) A response to Clause 13.02-1S Use and development control in a Bushfire Prone Area.

A response to Clause 13.02-1S follows:

- The proposed camping and caravan area is located outside the Bushfire Management Overlay (BMO).
- No permanent buildings and works are proposed.
- The use includes:
 - A maximum of six guests at any one time.
 - Permanent on-site management.
 - Direct evacuation capability.

Since the site is outside the Bushfire Management Overlay and no permanent

buildings or works are proposed, a bushfire management plan is not required.

However, to mitigate any potential risk, the applicant is willing to accept permit conditions requiring:

- Closure of the park on Catastrophic (Code Red) Fire Danger days.
- Clearly documented evacuation procedures.
- Display of emergency information on-site.
- Immediate evacuation capability at all times.
- Compliance with any advice from by the CFA.

With only six guests at most and a manager always on site, the bushfire risk is low compared to many other rural tourism activities making the proposed use safe for the area.

2. Site Plan

A fully dimensioned site plan is addressing all requested technical items including:

- Title boundaries.
- Setbacks.
- Bus and tent location.
- Septic location.
- Driveways.
- Vegetation (no removal proposed).
- Services.
- Signage location.
- North point.
- Corner splay compliance.

The camping area is clearly defined and limited.

No earthworks or vegetation removal are proposed.

Response to Preliminary Concerns

A. Land Use Classification Concern

Clause 73.03 of the Planning Scheme defines Camping and caravan park as:

Land used to allow accommodation in caravans, cabins, tents or the like.

This definition is clear and deliberately broad.

Importantly, the definition:

- Prescribes no minimum number of sites.
- Imposes no minimum scale requirement.
- Does not require a mix of accommodation types.
- Does not mandate communal facilities.
- Does not require permanent infrastructure.

The question to be determined therefore is:

Is the land used to allow accommodation in caravans, tents or the like?

In this case, the answer is unequivocally 'yes' and the definition is clearly satisfied.



Application of the Definition to the Proposal

The proposal comprises:

- One converted bus providing short-term accommodation; and
- One unpowered tent-based camping site.

The land is being used to provide accommodation in a tent and in a movable structure similar to a caravan.

Accordingly, on a plain reading of Clause 73.03, the proposal meets the definition of a Camping and caravan park.

'Tents or the Like'

The phrase 'tents or the like' is clearly flexible.

It includes accommodation similar in purpose and impact to caravans, cabins or tents including newer or unusual types of movable units.

Converted Bus

The converted bus:

- Retains wheels and engine.
- Is not fixed to the land.
- Can be removed within 24–48 hours.
- Is occupied intermittently.
- Is used for short-stay purposes only.
- Provides compact, self-contained accommodation.

In both form and function, it operates in the same way as:

- A large caravan.
- A motorhome.
- A relocatable cabin.

In planning terms, it is indistinguishable from these commonly accepted caravan park accommodation forms.

Registration is not relevant to the land use classification.

The critical issue is one of permanency and, in this case, there is none.

As such, the converted bus comfortably falls within the 'or the like' component of the definition.

Scale Is Not a Defining Characteristic

Council has expressed concern regarding the limited scale of the proposal.

However:

- The planning scheme definition does not include scale.
- There is no minimum number of sites specified.
- A small caravan park is still a caravan park.



The definition is qualitative, not quantitative.

In fact, in a Green Wedge context:

- Smaller scale fits better with surrounding uses.
- Low intensity activity suits the rural character.
- Small tourism uses are encouraged in the area.
- A small footprint reduces amenity impacts.



If size/scale were the deciding factor, the Scheme would set a limit. It doesn't.

The absence of communal facilities or commercial scale infrastructure would not necessarily disqualify the land use from meeting the definition.

In this case however, communal facilities such as toilets, showers, sitting and recreational facilities are provided in the existing outbuilding.

If the use isn't correctly considered a Camping and caravan park, the other categories aren't appropriate or do not logically apply.

It is not:

- Accommodation as it is not permanent residential occupation and involves no building.
- Dwelling as it is not fixed to the land and does not function as a primary place of residence.
- Residential building as no building is constructed.

Based on the Planning Scheme, the most accurate land use category for the proposal is Camping and caravan park.

Operational Characteristics Confirm Camping and Caravan Park Use

The proposal:

- Is short-stay only.
- Limits occupation to a maximum of six guests.
- Includes on-site management.
- Provides intermittent tourist-style occupation.
- Includes both a movable accommodation unit and a tent site.

The inclusion of an unpowered tent site further reinforces the genuine camping character of the proposal.

With the converted bus forming one of two short-term accommodation options, the primary use of this part of the land is clearly:

Land used to allow accommodation in caravans, cabins, tents or the like.

The camping and caravan use is also:

- Secondary and incidental to the ongoing agricultural use of the land; and
- Limited in scale and intensity.

It does not exhibit the permanency, intensity or residential function characteristic of Accommodation uses under Clause 73.03.

Condition to Reinforce Movability

To avoid any doubt about permanency, the applicant agrees to a permit condition that requires:

'The converted bus must remain movable at all times and must not be affixed to the land.'

This condition would ensure that the structure cannot become a dwelling or permanent building.

The planning scheme does not prescribe a minimum scale for a Camping and caravan park.

The key issue is whether the land is used to allow accommodation in caravans, tents or the like.

The proposal satisfies this definition.

The converted bus is equivalent to a caravan or motorhome. It is movable, non-permanent and used for short-stay purposes only.

The inclusion of a tent site further confirms the camping character of the use.

The modest scale strengthens compliance with the Green Wedge Zone purposes by:

- Maintaining agriculture as the main use of the land.
- Minimising amenity impacts.
- Avoiding built form expansion.
- Preserving rural character.

Having regard to Clause 73.03, the proposal clearly falls within the ambit of Camping and caravan park and should be assessed and supported as such.

B. Lack of Access to Basic Services

Council's concern appears to arise from a misunderstanding of the actual servicing arrangements.

The proposal is fully serviced:

- The bus is connected to potable water.
- It is connected to the existing septic system.
- It is connected to the existing power supply.
- Shared bathroom facilities are available on site.
- Waste is managed through the existing collection service, with additional bins able to be provided, if required.

The tent site, by its nature, does not require individual service connections. This is standard for camping within caravan parks.

There is no environmental risk. No new discharge, infrastructure expansion or land disturbance is proposed.

The scale is extremely limited (maximum six guests) and the use relies on established, lawful infrastructure already servicing the dwelling.

The applicant is agreeable to a condition requiring compliance with Environmental Health requirements.

Accordingly, the site is appropriately serviced and there is no servicing basis for refusal under the Green Wedge Zone.

C. Implications of the Proposed Use Applying to the Entire Site

Council has raised concerns that the proposed Camping and caravan park applies to the entire site particularly due to the Bushfire Management Overlay (BMO) and Erosion Management Overlay (EMO).

In response, we advise of the following:

1. Limited Use Area

- The camping area is only 0.3 hectares (4% of the 7.3-hectare site).
- The remainder of the land continues as agriculture.
- A permit condition can limit the use to the designated area, addressing whole-site concerns.

2. Bushfire and Erosion Risk

- The camping area is outside the BMO and on stable, low-slope land.
- On-site owners provide direct supervision, managing risk and ensuring safety.
- The applicant will accept conditions including:
 - Closure on Catastrophic (Code Red) Fire Danger days.
 - Display of emergency and evacuation information.
 - Immediate evacuation capability and compliance with CFA advice.

3. Low-Impact Use

- Maximum six guests at one time; short-term stays only.
- No permanent structures, minimal land disturbance and no new earthworks.
- Risk is lower than typical rural visitor activities allowed as-of-right.

The proposed use is strictly confined, well-managed and of a low-risk nature.

All safety and environmental concerns are addressed through location, scale and potential permit conditions.

Conclusion

In conclusion, the proposed use clearly falls within the definition of a Camping and caravan park under Clause 73.03 of the Scheme.

The accommodation offered, a movable bus and a tent site, is like caravans or cabins and is intended for short stays.

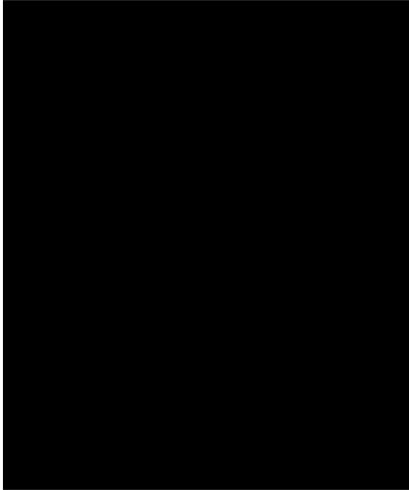
Further, the proposal's small-scale nature ensures that it is entirely compatible with the Green Wedge A Zone.

The use occupies only 0.3 hectares of a 7.3-hectare site, is managed on-site and introduces no environmental, amenity or traffic impacts beyond what would reasonably be expected from a low-intensity rural tourism use.

On this basis, the proposal will not result in unreasonable off-site amenity impacts and is an appropriate, low-impact use within the zone.

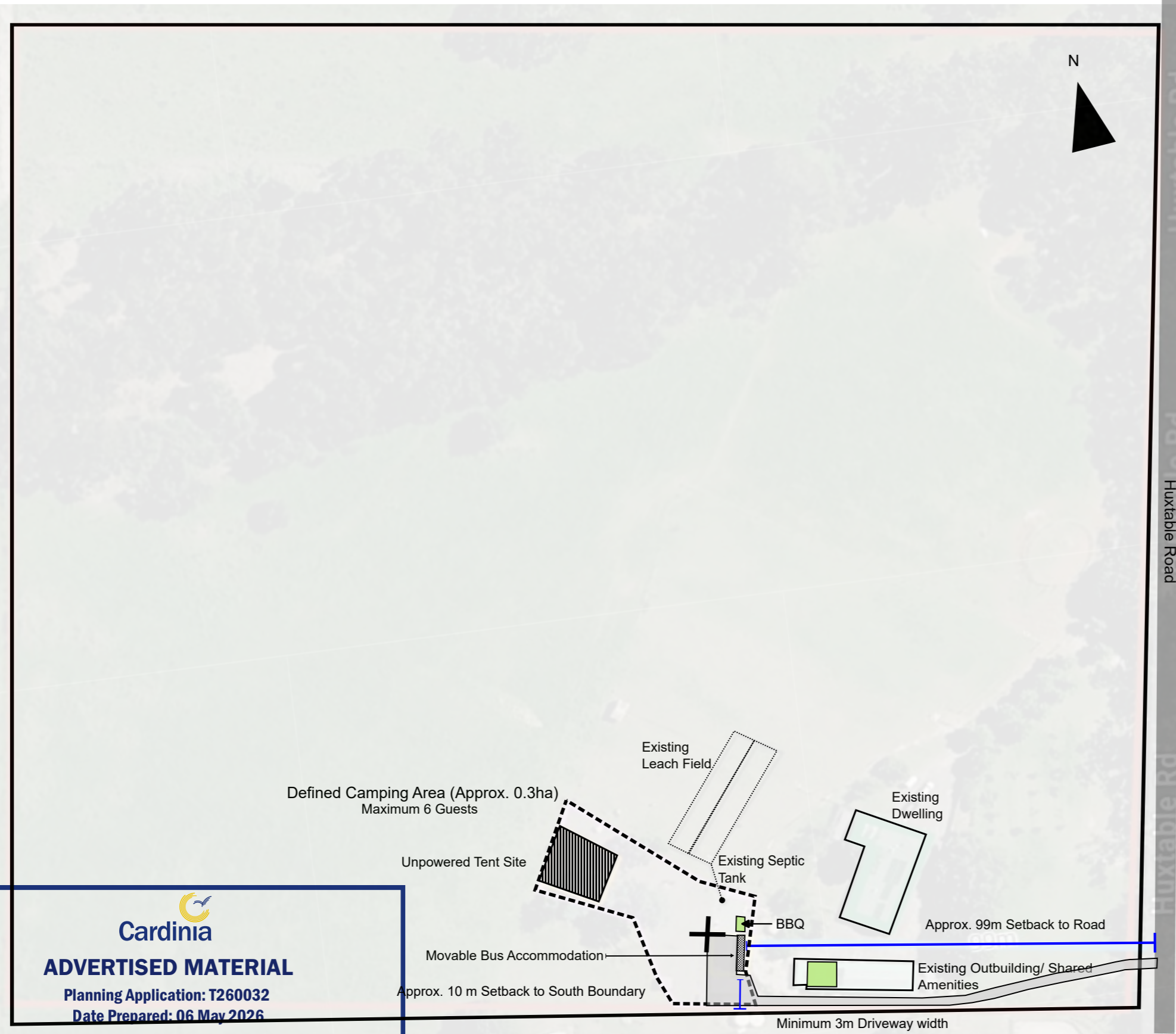
We submit that Council now has all the information required to finalise a decision on the application, which, as above, is relatively modest and benign as to its impacts.

Should you have any further questions or wish to discuss any aspect of this response, please do not hesitate to contact this office.




Cardinia
ADVERTISED MATERIAL
Planning Application: T260032
Date Prepared: 06 May 2026

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PROJECT SUMMARY / SITE NOTES

Defined Camping Area

- The dashed outline identifies the defined Camping and Caravan Park area.
- The defined area comprises approximately 0.3 hectares (approx. 4%) of the total 7.3 hectare site.
- Of this 0.3 hectare area, approximately 0.03 hectares is occupied by the tent site and movable bus accommodation footprint.
- The defined camping area is located outside the Bushfire Management Overlay (BMO) affecting other parts to the north of the property.
- The balance of the land remains in rural / agricultural use.

Shared / Common Areas (Existing)

The following existing facilities are available for guest use:

- An existing outdoor BBQ area located adjacent to the bus site.
- An existing indoor games / activities room within the western portion of the outbuilding.
- Existing bathroom facilities (shower, toilet and basin) located within the outbuilding.

The bathroom facilities are pre-existing and were approved under a previous building permit.

No alterations or extensions are proposed.

Driveway & Vehicle Access

- Access is provided via the existing all-weather gravel driveway from Huxtable Road.
- The driveway has a minimum width of approximately 3 metres.
- Approximately 130m² of informal parking area is available on site.
- The proposal is limited to two accommodation sites and is expected to generate no more than one vehicle per site at any time.
- Unobstructed vehicle egress is maintained at all times.

Wastewater Management

- The dotted rectangle identifies the existing septic tank and associated leach field.
- The proposal utilises the existing wastewater system.
- No expansion of the septic system is proposed.

Nature of the Proposal

The proposal is limited to the use of land for a small-scale Camping and Caravan Park and does not involve built development.

Specifically:

- Camping area limited to that shown on the endorsed plan
- No new buildings are proposed.
- No extensions to existing buildings are proposed.
- No demolition of existing buildings is proposed.
- No vegetation removal is proposed.

Agriculture and rural land use remain the dominant land use on the site.

Legend

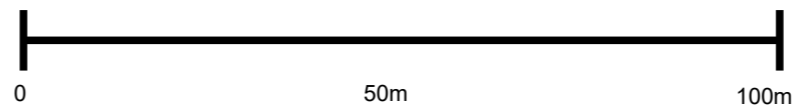
- Solid Line - Property Boundary
- - - Dashed Line - Camping Area
- ▭ Outlined Rectangle - Structures
- ⋯ Dashed Rectangle - Existing Septic Tank & Leach Field
- Blue Line - Bus Setback
- ▭ Shared/common areas
- ▨ Movable bus accommodation
- ▨ Unpowered tent site area
- ▭ Driveway and carparking area

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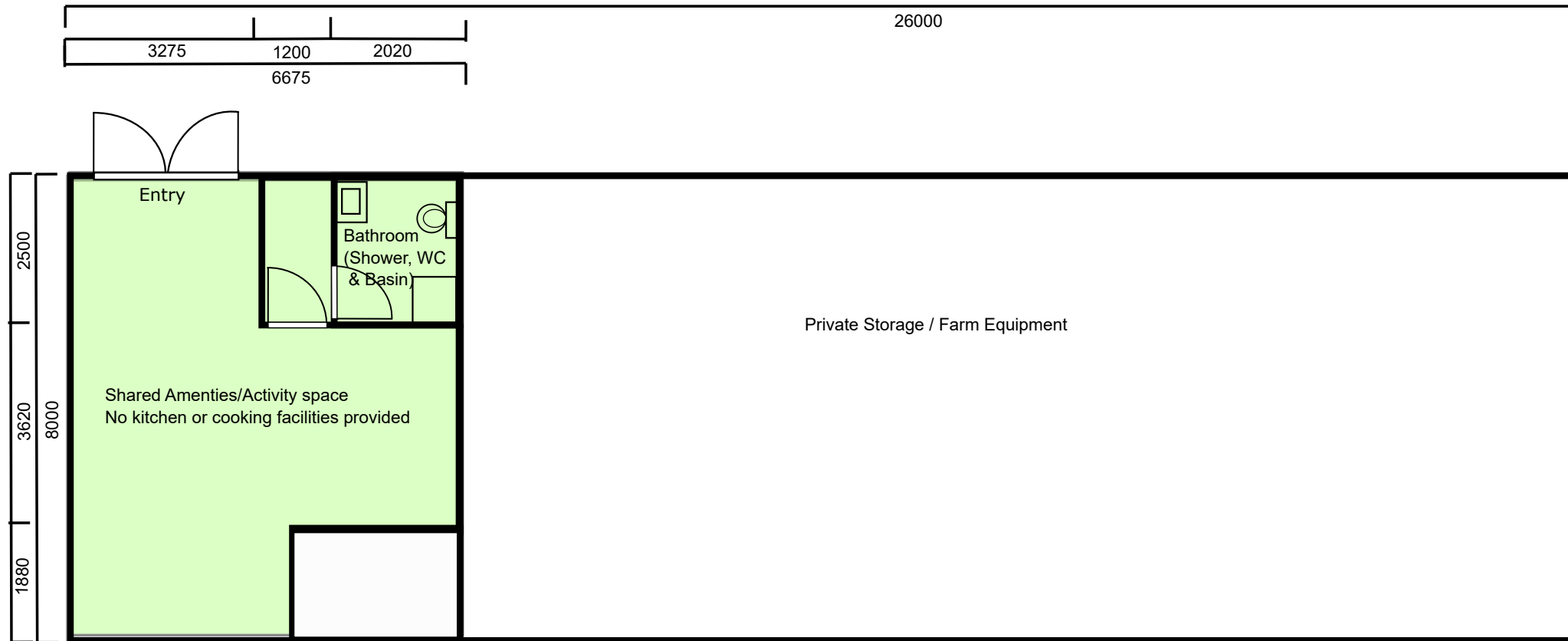
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Nearest neighbouring dwelling located approx. 100m from bus site and approx. 6m lower in elevation.

South Boundary 272.63m (Total Site Area = 7.3 hectares)



PROJECT: Proposed Camping and Caravan Park DATE: 2/3/2026
 ADDRESS: 275 Huxtable Road, Pakenham Upper
 VOLUME: 09184 FOLIO: 166
 COUNCIL PROPERTY NO: 14122014001
 DRAWING TITLE: Site Plan SCALE: 1:1000 @ A3



NOTES

Shared Amenities / Activity Space

The shared space:

- occupies approximately one quarter of the existing outbuilding
- is pre-existing and fully lined and insulated
- includes bathroom facilities comprising shower, toilet and wash basin

No kitchen or cooking facilities are provided.

The shared amenities are accessible to guests and are located approximately:

- 20 m from the bus accommodation site
- 50 m from the tent site

No new buildings or works are proposed.



The shared amenities are located within the existing outbuilding.



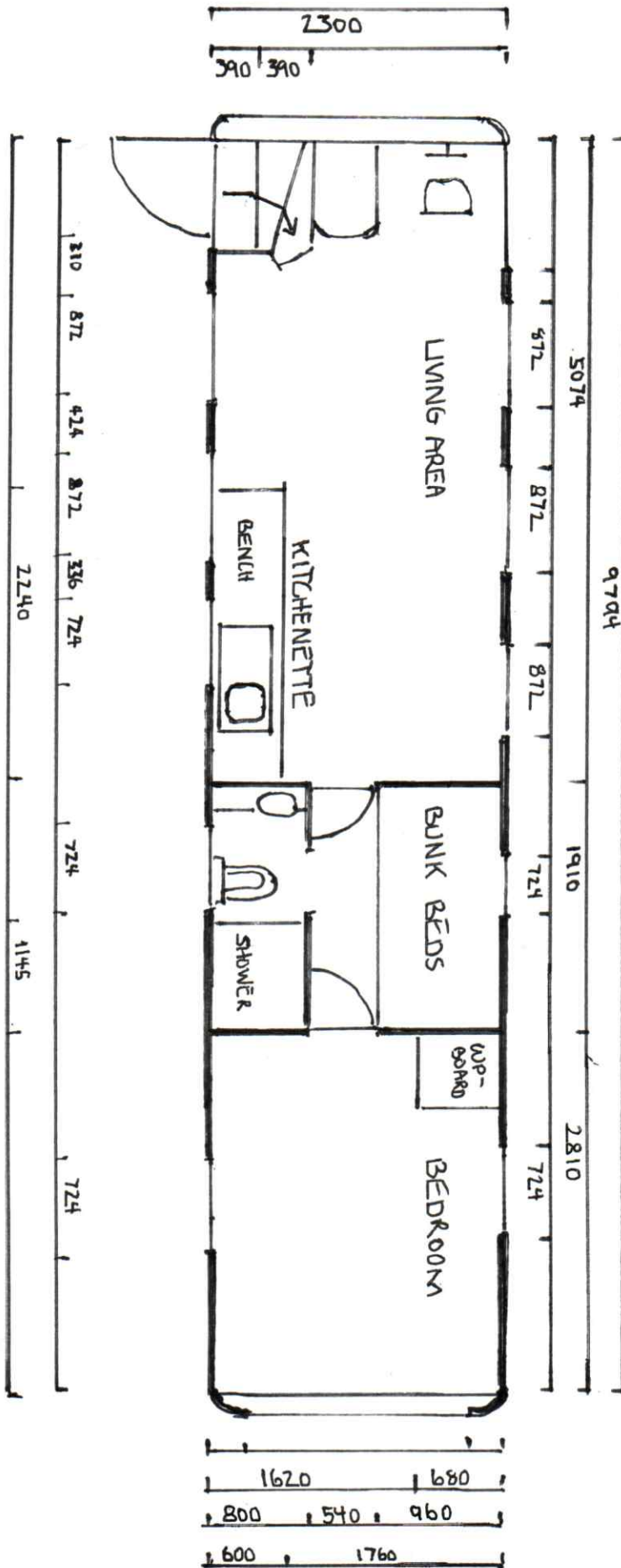

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Legend

 Private farm storage
 Shared/common areas

PROJECT: Proposed Camping and Caravan Park DATE: 2/3/2026
 ADDRESS: 275 Huxtable Road, Pakenham Upper
 VOLUME: 09184 FOLIO: 166
 COUNCIL PROPERTY NO: 14122014001
 DRAWING TITLE: Outbuilding / Shared Amenitis
 SCALE: Diagramatic NOT TO SCALE











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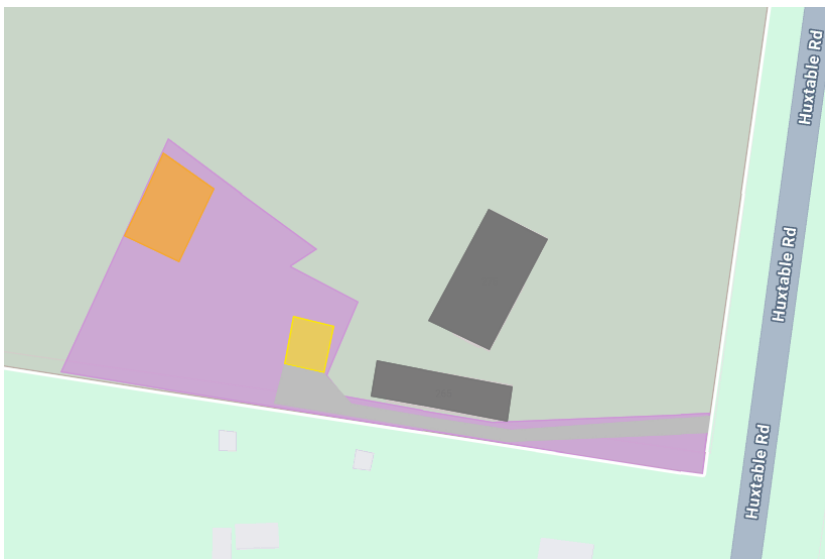
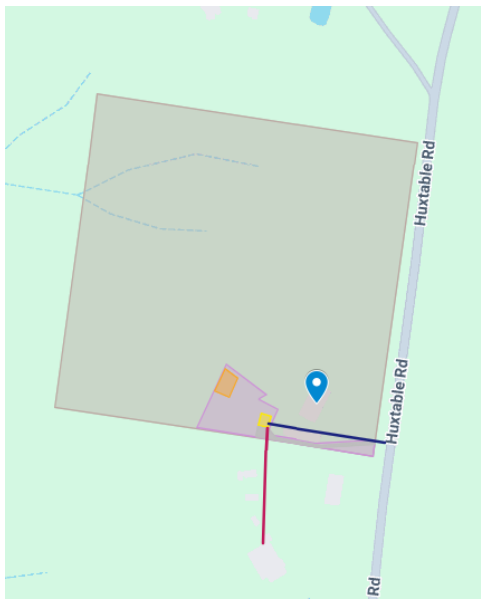
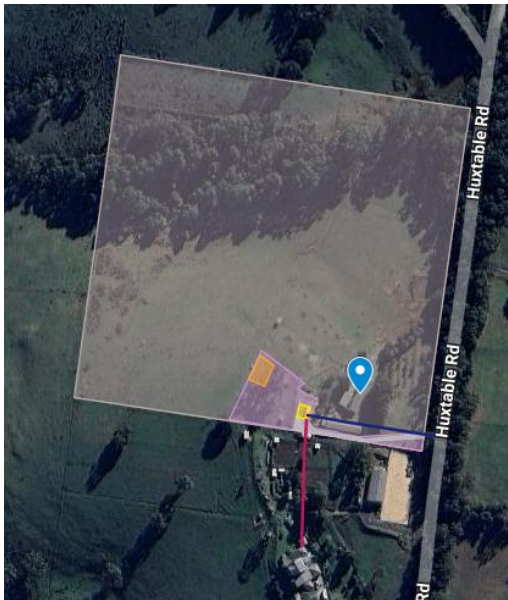
Site Plan

Legend

-  Nearest neighbour residence
-  Setback from street (100m)
-  Whole Property (7.3ha)
-  Total camp ground area (0.3...)
-  Short term powered site
-  Unpowered camp site
-  Driveway and carpark


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275 Huxtable Road, Pakenham Upper - Camping and Caravan Park



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Prepared in support of Application T260032

Submitted to Cardinia Shire Council

Land Use Definition – Camping and Caravan Park

Council has indicated that the proposal does not align with the “traditional or accepted understanding” of a camping and caravan park and has suggested that the use may instead be more appropriately characterised as an accommodation use.

With respect, the relevant test is not whether the proposal aligns with a traditional or typical example of a camping and caravan park, but whether it meets the definition of that use under the planning scheme.

1. Statutory Definition is the Relevant Test

The planning scheme defines a Camping and Caravan Park (Clause 73.03) as:

Land used to accommodate persons in tents or caravans.

This definition:

- does not prescribe a minimum number of sites
- does not require a minimum scale or intensity
- does not require communal facilities
- does not require formal infrastructure
- does not distinguish between “traditional” or “non-traditional” formats

Accordingly, the definition is deliberately broad and inclusive.

The assessment of land use must be based on this statutory definition, rather than a subjective or conventional understanding of how such a use might typically present.

2. The Proposal Meets the Definition

The proposal involves:

- accommodation of persons in a **tent**; and
- accommodation of persons in a **movable bus**, which is functionally analogous to a caravan or “or the like”.

The presence of a tent site alone satisfies the definition.

The inclusion of the bus strengthens, rather than weakens, the classification, as it represents a form of non-permanent, movable accommodation consistent with the intent of the definition.

The proposal therefore clearly falls within the scope of:

Land used to accommodate persons in tents or caravans.

3. Scale is Not a Determining Factor

Council has raised concern that the proposal does not align with a “traditional” caravan park, which may imply a larger or more intensive form of development.

However, the planning scheme does not impose any minimum scale.

A use does not cease to be a camping and caravan park simply because it is small in scale.

To apply a minimum scale threshold would introduce a requirement that is not contained within the planning scheme.

4. Distinction from Accommodation Use

An accommodation use is generally characterised by:

- permanent or semi-permanent buildings;
- self-contained units;
- built form as the primary component of the use.

In contrast, the proposed use:

- relies on **non-permanent, movable accommodation**;
- does not involve the construction of buildings;
- does not introduce new built form;
- is consistent with camping-style occupation.

The existing outbuilding does not alter this classification, as it is:

- pre-existing;
- not constructed for the purposes of the use;
- used only to provide incidental amenities (bathroom and recreation space);
- clearly ancillary to the primary camping use.



It does not function as accommodation.

5. Role of the Outbuilding

To clarify, the outbuilding:

- is not proposed as accommodation;
- is not the primary use of the land;
- is not essential to the definition of the use;
- is ancillary and incidental only.

The primary use remains the accommodation of persons in tents and caravan-like structures.

The presence of ancillary amenities does not change the fundamental character of the land use.

6. Planning Outcome

The proposal:

- meets the statutory definition of a camping and caravan park;
- is modest in scale and intensity;
- is spatially confined;
- retains agriculture as the dominant use of the land;
- does not introduce permanent built form;
- can be appropriately managed through permit conditions.

7. Conclusion

The proposal should be properly characterised as a Camping and Caravan Park under Clause 73.03.

The suggestion that it does not align with a “traditional” example of that use is not a relevant planning test and should not override the statutory definition.