



Office Use Only

VicSmart?

☐ YES☐ NO

Specify class of VicSmart application:

Application No.:Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

Any material submitted with this application, 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*. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (*) must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Click for further information.

Application Type

Is this a VicSmart application?*

☒ No☐ Yes

If yes, please specify which VicSmart class or classes:.....

Classes of VicSmart application are listed in zones, overlays , particular provisions and the schedule to Clause 59.15

Pre-application Meeting

Has there been a pre-application meeting with a Council planning officer?

☐ No☒ Yes

If 'Yes', with whom?: Emma Leech

Date: August 2026

day / month / year

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:

St. No.: 55

St. Name: O'Sullivan's Road

Suburb/Locality: Purnim

Postcode: 3278

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A

Lot No.: 1

☐ Lodged Plan☒ Title Plan☐ Plan of Subdivision

No.: 841898Q

OR

B

Crown Allotment No.:

Section No.:

Parish/Township Name:

The Proposal



You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.



For what use, development or other matter do you require a permit? *

2 lot subdivision (dwelling excision). Refer to planning report.



Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.



Estimated cost of any development for which the permit is required *

Cost \$ 0



You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

2 Dwellings, outbuildings and 51 ha.



Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☒ No
- ☐ Not applicable (no such encumbrance applies).



Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:	
Organisation (if applicable): Lifestyle Town Planning	
Postal Address:	If it is a P.O. Box, enter the details here:
Unit No.:	

Contact information for applicant OR contact person below	
Business phone:	
	Fax:

Contact person's details*		Same as applicant ☒
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Name:		Same as applicant ☐
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:		
Owner's Signature (Optional):		Date: day / month / year

Information requirements

Is the required information provided?

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

☒ Yes ☐ No

Declaration

This form must be signed by the applicant *

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

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

day / month / year

Lifestyle



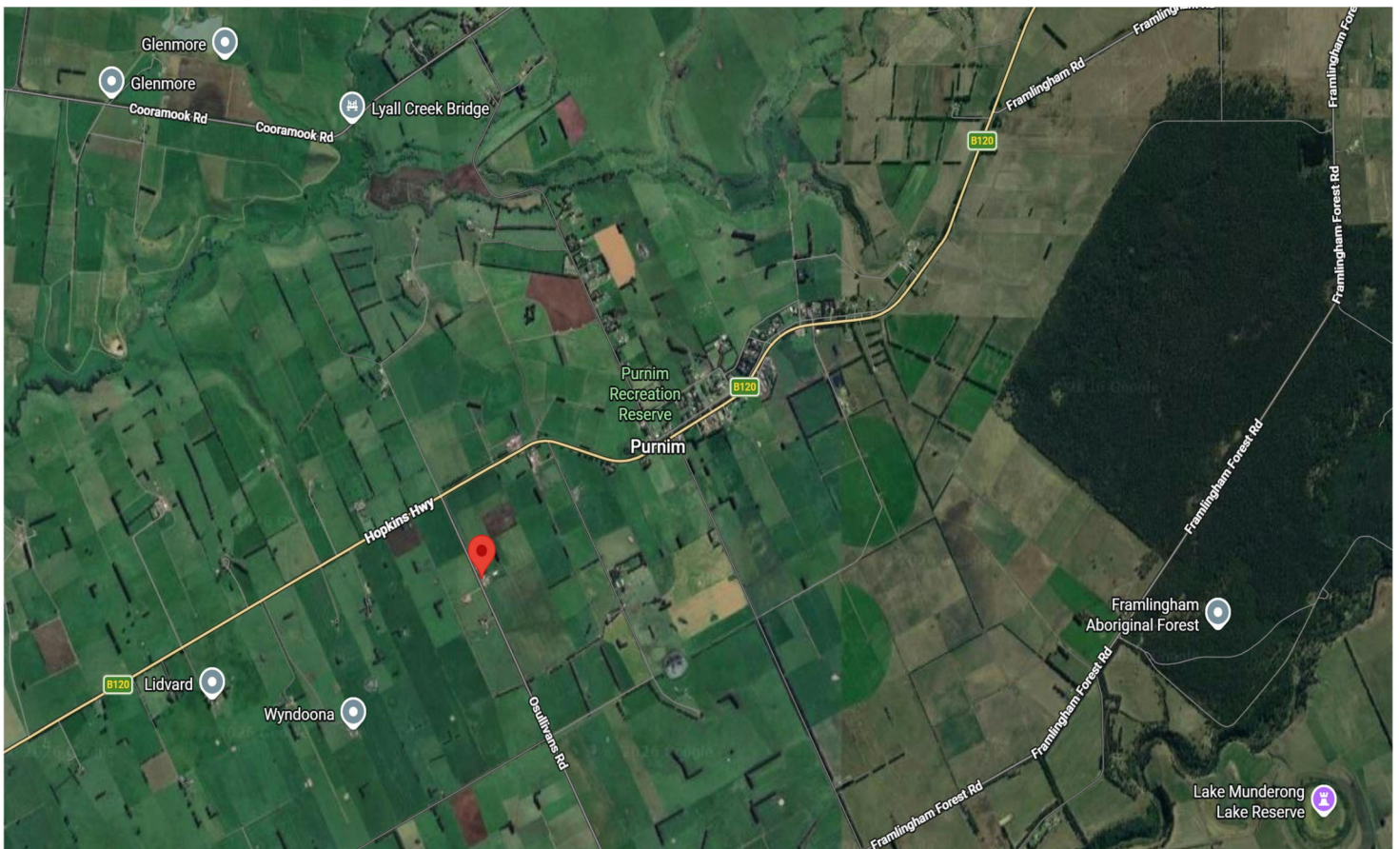
Town Planning & Services

Planning Report

Subdivision of land (dwelling excision) into 2 lots.

Lot 1 TP841898Q – 55
O'Sullivan's Road Purnim 3278

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1. INTRODUCTION AND BACKGROUND

The subject land has been in the same family ownership [REDACTED] family since 1848 and is from a time when “100 acres” was the norm for a viable family farm. There have been 2 houses on the farm for over 50 years to house family members who operated the dairy farm at the time.

The original farmhouse burnt down in the 1990's and was replaced, whilst the second dwelling was built in the 1960's. To this day the original family still live in the two houses on the property although the dairy has become redundant and the land is used for rearing young stock for milk production.

The subdivision is part of the succession plan for the farm which is intended to allow the land to continue to be farmed, but operated independently of one of the dwellings which is occupied by an elderly parent who has lived in the property for over 50 years and now has no involvement in operating the farm.

It is proposed to subdivide the existing single 51.89 ha title containing 2 dwellings into 2 lots.

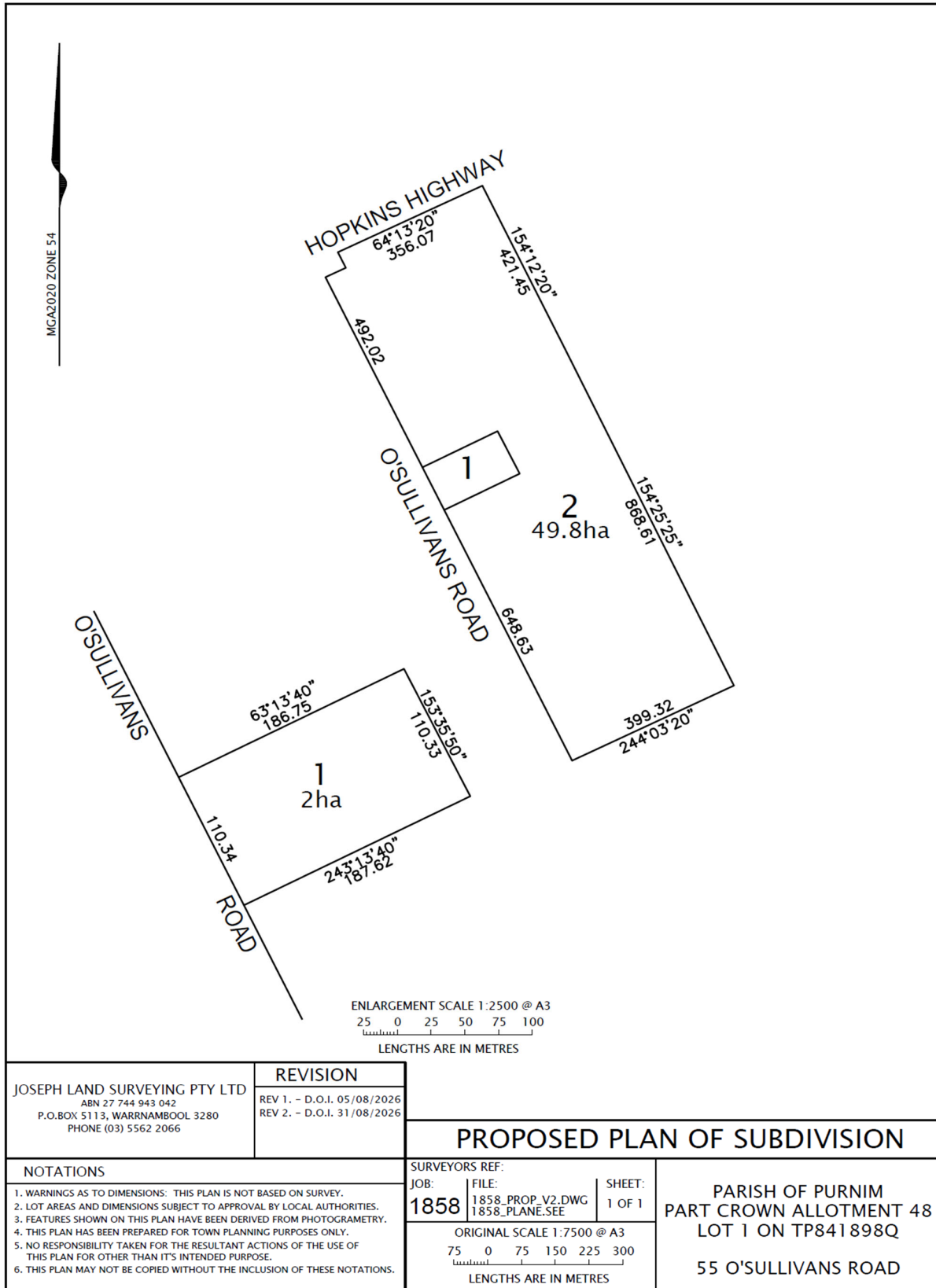
Proposed lot 1 will contain a dwelling in 2 ha, with proposed lot 2, the balance lot also with a dwelling will have an area of 49.8 ha.



Existing title plan

TITLE PLAN		EDITION 2		TP 841898Q	
Location of Land Parish: Purnim Township: -- Section: -- Crown Allotment: 48(P) Crown Portion: -- Last Plan Reference: -- Derived From: VOL. 10813 FOL. 363 & VOL. 10288 FOL. 385 Depth Limitation: Nil			Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN		
Description of Land / Easement Information				THIS PLAN HAS BEEN PREPARED BY THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: VERIFIED: CP	
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets	

Proposed plan of subdivision



MGA2020 ZONE 54



ENLARGEMENT SCALE 1:2500 @ A3
25 0 25 50 75 100
LENGTHS ARE IN METRES

JOSEPH LAND SURVEYING PTY LTD
ABN 27 744 943 042
P.O.BOX 5113, WARRNAMBOOL 3280
PHONE (03) 5562 2066

REVISION

REV 1. - D.O.I. 05/08/2026
REV 2. - D.O.I. 31/08/2026

PROPOSED PLAN OF SUBDIVISION

NOTATIONS

1. WARNINGS AS TO DIMENSIONS: THIS PLAN IS NOT BASED ON SURVEY.
2. LOT AREAS AND DIMENSIONS SUBJECT TO APPROVAL BY LOCAL AUTHORITIES.
3. FEATURES SHOWN ON THIS PLAN HAVE BEEN DERIVED FROM PHOTOGRAMMETRY.
4. THIS PLAN HAS BEEN PREPARED FOR TOWN PLANNING PURPOSES ONLY.
5. NO RESPONSIBILITY TAKEN FOR THE RESULTANT ACTIONS OF THE USE OF THIS PLAN FOR OTHER THAN ITS INTENDED PURPOSE.
6. THIS PLAN MAY NOT BE COPIED WITHOUT THE INCLUSION OF THESE NOTATIONS.

SURVEYORS REF:

JOB:
1858

FILE:
1858_PROP_V2.DWG
1858_PLANE.SEE

SHEET:
1 OF 1

ORIGINAL SCALE 1:7500 @ A3

75 0 75 150 225 300

LENGTHS ARE IN METRES

PARISH OF PURNIM
PART CROWN ALLOTMENT 48
LOT 1 ON TP841898Q

55 O'SULLIVANS ROAD

PROPOSAL CONTINUED

The dwelling on the balance lot is unaffected and will continue to be occupied by a family member [REDACTED]. The farm has been let on an agricultural agreement for approximately 10 years which will continue as it does now for the immediate future with plans to have the land back under the day to day management of the current owners who are now responsible for the upkeep of fencing, irrigation and other farm equipment.

The farm is used for cattle grazing for around 100 head of dairy cattle and young stock calves which is expected to continue once the dwelling is excised.

The configuration of proposed boundaries has been developed to allow the septic tank system, rainwater tanks and electricity supply to remain with the dwelling and to leave a reasonable buffer from the farming activities on Lot 2.

The common boundary between proposed Lots 1 and 2 is not fenced however can be fenced without the removal of vegetation.

Subject dwelling.



2. SITE ANALYSIS

The subject site is situated on the western outskirts of Purnim just off the Hopkins Highway, approximately 18 km from Warrnambool and 34km from Mortlake.

The site is occupied a by two dwellings a 1960's brick veneer dwelling under a tiled roof and a timber clad dwelling with corrugated iron roof constructed in the 1990's after an earlier dwelling on the site burnt down.

The dwelling excision concerns the 1960's dwelling which is has mains electricity connected with potable water supply via 150,000l capacity rainwater tank and has a septic tank waste water system which will be contained within the excised lot along with a range of outbuildings which are no longer required to operate the farm and are used for storage.

The site is within a cluster of dwellings as shown on the aerial images.

The house and shed are surrounded by mature gardens with direct frontage to [REDACTED] [REDACTED] with the land around highly productive grassland used to rear young dairy stock.

Subject dwelling aerial image



Dwelling for excision



Redundant dairy and outbuildings with the excised dwelling



Second dwelling remaining with the balance lot



Looking east along O'Sullivan's Road



Farmland





3. RESTRICTIONS ON TITLE

None

4. PLANNING CONTROLS

Zone

Farming Zone (FZ).



Overlays

None

Other

The land is designated as bushfire prone.

Permit requirements

A permit is required under the Farming Zone at Clause **35.07-3** to subdivide land.

Clause 35.07 -3

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*

- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

5. PLANNING ASSESSMENT

Clause 35.07 Farming Zone

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Clause 35.07-6

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

The Municipal Planning Strategy and the Planning Policy Framework.

Any Regional Catchment Strategy and associated plan applying to the land.

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

How the use or development relates to sustainable land management.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

How the use and development makes use of existing infrastructure and services.

ASSESSMENT

An assessment has been provided below against the MPS and PPF with the proposal considered to meet the relevant objectives. Refer to assessment below.

An existing effluent disposal system is in place for the dwelling.

The dwelling site has coexisted with the farm since the 1960's and is not required to run the farm.

The dwelling has existing road frontage and existing infrastructure including shed and car port.

Agricultural issues and the impacts from non-agricultural uses.

Whether the use or development will support and enhance agricultural production.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The capacity of the site to sustain the agricultural use.

The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Any integrated land management plan prepared for the site.

Whether Rural worker accommodation is necessary having regard to:

The nature and scale of the agricultural use.

The accessibility to residential areas and existing accommodation, and the remoteness of the location. The duration of the use of the land for Rural worker accommodation.

ASSESSMENT

As discussed the dwelling is not required to operate the farm and has not been for many years.

There are no adverse impacts on soil quality or removal of agricultural land from production as the dwelling is existing.

The dwelling is within close proximity to the urban edge of Purnim and sufficiently distanced from adjoining farming uses so as to not be unreasonably impacted or to adversely impact agriculture.

Accommodation issues

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:

A permit for a wind energy facility; or

An application for a permit for a wind energy facility; or

An incorporated document approving a wind energy facility; or

A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.

The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

ASSESSMENT

The dwelling is existing and has coexisted with the farmland and its surrounding uses for 60 years. There is no loss or fragmentation of farmland.

The dwelling has been detached from the operation of the farm for around 10 years and is not required to run the farm.

Environmental issues

The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

The impact of the use or development on the flora and fauna on the site and its surrounds.

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

ASSESSMENT

The dwelling site is on the urban fringe of Purnim and is within a cluster of rural dwellings. There is no loss or fragmentation of farmland as the land will continue to be farmed as it is now.

The buffer distance between the dwelling and the farmland to the north and south is considered sufficient to protect the reasonable amenity of a dwelling within the farming zone. The land is already well screened as shown in the photos supplied in this report.

There are no additional environmental or visual impacts applicable as the dwelling is existing, and no wind facilities or extractive industries existing or proposed as far as the applicant is aware.

In putting together the proposal, potential amenity impacts of legally excising the dwelling with the proximity to the farm have been considered and are considered manageable with the curtilage of the dwelling site proposed and a site area of 2 Ha.

Design and siting issues

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Whether the use and development will require traffic management measures.

The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:

A permit for a wind energy facility; or

An application for a permit for a wind energy facility; or

An incorporated document approving a wind energy facility; or

A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.

The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

ASSESSMENT

There are no new buildings proposed.

Clause 53.02

BUSHFIRE PLANNING

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.

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

To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

Clause 53.02-6

16/06/2026

VC312

Bushfire prone area decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.*
- *The risk of bushfire to people, property and community infrastructure.*
- *Whether the risk arising from the broader landscape can be mitigated to an acceptable level.*

- *Whether bushfire protection measures to address the identified bushfire risk are required and can be practically implemented, including any measure set out in clause 53.02-4.*
- *Whether bushfire protection measures can be implemented without unacceptable biodiversity impacts.*

Proposed vegetation

- If vegetation is proposed, whether it will cause or contribute to the bushfire hazard or increase the risk to life, property, or community infrastructure.

Dwellings and Small Second Dwellings

- *Whether a static water supply for bushfire firefighting is required having regard to the size of the lot, proximity to a hydrant and connection to reticulated water.*
- *If a vehicle accessway is greater than 30 metres in length or the relevant fire authority requires access to the static water supply on the land, whether the access design and construction requirements set out in Table 3 to clause 53.02-5 should be met.*

ASSESSMENT

There are no new dwellings proposed. The subject dwelling has main road frontage with a driveway less than 30m. There is 150,000l of static water supply. No new vegetation is proposed.

The bushfire risk is not altered by the proposal.

MPS ASSESSMENT

02.03-4

03/11/2023

C70moyn

Natural resource management

Agriculture

Rural land in the municipality forms part of the highly productive Western District. A mild climate, high and well distributed rainfall, a diverse range of soil types and access to markets have combined to make the Shire a significant agricultural area. Intensive dairying and crop production are significant land uses in the coastal hinterland, while extensive cropping and grazing enterprises, including beef cattle and sheep for wool and meat, are major activities in the northern part of the Shire.

Agricultural areas along the coast, between settlements and on the edge of townships are under pressure from other forms of development, particularly housing on existing small lots interspersed with farming land. The construction of dwellings on many or all such lots would not be consistent with responsible management of rural land. Such areas include:

- Extensive areas where the size of lots is less than half the minimum lot size specified under the Farming Zone; and*
- Areas of open farming land which are comprised of comparatively small lots that are distant and isolated from townships with appropriate infrastructure and services.*

Demand for rural lifestyle properties on small lots has increased mainly in the south of the Shire, and the proliferation of dwellings for lifestyle or hobby farm purposes in rural areas can compromise the long-term viability of farming. Dwellings or small lot subdivisions can sometimes genuinely be required to support agricultural production, however the development of isolated dwellings and housing clusters of small lots that are not associated with agriculture can result in land use conflicts, the loss of productive agricultural land and inefficient demand for social and physical infrastructure services. Council seeks to direct the demand for rural lifestyle living to land zoned for such purposes. A 'Lifestyle Farming' area at Bushfield, Grassmere and Wangoom is intended to accommodate demand for lifestyle farming and small-scale farming enterprises which can make productive use of agricultural land.

The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill Wildlife Reserve comprises high quality fertile volcanic soils that have traditionally been the focus for potato farming. The area is characterised by a large number of small land holdings that are predominantly managed as conglomerations.

Sustainable timber production and the development of timber industries to process product are supported where they are undertaken with minimal adverse impacts.

Water

Areas along the coast and to the west of the municipality have been identified as high potential groundwater recharge areas. Development with the potential to impact upon the water table must be designed to respond to this constraint.

Earth resources

The mining of basalt, limestone and sand occurs near Port Fairy. Mining of red scoria occurs near Mortlake.

Strategic directions

- Encourage sustainable farming practices to protect water supply, manage salinity and pests, and maintain the long-term viability of agriculture in the Shire.*
- Protect the natural and physical resources upon which agricultural industries rely.*
- Prevent land use conflicts between agricultural uses and sensitive uses.*

- *Limit the use of productive agricultural land for non-productive agricultural purposes.*
- *Restrict the rural residential use of productive agricultural land.*
- *Avoid industrial activities in rural zones unless they are directly related to agricultural production.*
- *Encourage farming and primary production uses on the high quality fertile volcanic soils around Koroit and Killarney.*
- *Encourage the consolidation of titles and discourage the further subdivision of land in the Belfast Rural area.*
- *Ensure development in high potential groundwater recharge areas is compatible with site capability and retains native vegetation.*
- *Ensure the growth and management of forests for timber production is balanced with environmental, landscape and social values.*
- *Support the extraction of basalt, sand, limestone and scoria in appropriate locations.*

ASSESSMENT

As farming practices change over time planning must also be sufficiently flexible to adapt to change to ensure agriculture is protected. The proposed dwelling excision is supported by the policy as the farmland will continue as it does now to ensure its longer term economic contribution to agriculture whilst ensuring future land use conflicts are avoided by establishing a reasonable buffer distance from surrounding uses.

The proposal is consistent with the policy as it is merely moving lines on a map and does not fragment or propose additional development.

It could be argued that the subdivision of titles may lead to a further “as of right” use of land for a dwelling however this possibility already exists throughout the wider landholding and is not what the owners are seeking to achieve, as they are seeking to protect the viability of the farm to enable it to continue as it does now. In developing the plan of subdivision it would have been possible realign boundaries to leave a balance lot of less than 40ha thus removing the as of right use entitlement for a dwelling. In consideration of this aspect it was considered that this would be a pointless exercise as the intention is not to create quasi dwelling sites.

02.03-7

03/10/2024

C69moyn

Economic development

The economy of the Shire is based on agriculture, manufacturing, tourism and commerce.

Agriculture

Agriculture is the most important sector of the local and regional economy and a major source of local employment. The Shire is within Australia's largest dairy production region that contributes around a quarter of the nation's milk production.

The Western Victoria Livestock Exchange at Mortlake has a key role in supporting the regional agricultural sector.

There are opportunities for economic diversification through the development of aquaculture, horticulture and intensive agricultural enterprises, and agriculturally linked value adding industries. Value adding onsite or closer to the source of the product provide opportunities to expand the local economy.

The preservation of agricultural land in large holdings is necessary to maintain the economy of the Shire, including the service and processing industries that support agriculture.

Strategic directions

- *Promote agriculture as the primary industry of the economy.*
- *Protect agricultural land from non-productive use and development.*
- *Encourage consolidation of rural land holdings to increase the viability and sustainability of agriculture.*
- *Ensure that the use and development of land does not prejudice agricultural industries or the productive capacity of the land.*
- *Protect and promote the dairy industry to ensure its long term growth.*
- *Support the growth, diversification and value-adding of primary industry, including agriculture, aquaculture and agroforestry, and processing of agricultural products grown within the municipality or harvested offshore.*
- *Encourage enterprises that add value to primary production at or near the source, in appropriate locations.*
- *Encourage industries servicing local communities and primary producers to locate in existing settlements.*
- *Encourage tourism development in settlements and in appropriate locations near natural, cultural or historic features.*
- *Support tourism development that is associated with or compatible with agricultural enterprises.*
- *Support the role of tourism and events within Port Fairy as a driver of the regional economy.*

- *Encourage industrial uses to establish on existing industrially-zoned land.*

ASSESSMENT

The excision does not remove valuable agricultural land from production, it simply formalises what is already been happening for many years where the occupant of the dwelling is not involved in the running of the land.

PPF ASSESSMENT

Clause 13.02

BUSHFIRE

Clause 13.02-1S

Bushfire planning

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

ASSESSMENT

There is no Bushfire Management Overlay on the subject land however the site is within an area designated as “Bushfire Prone” which is considered a lesser risk. The proposed subdivision does not increase the bushfire risk as the dwelling is existing and has road frontage, good visibility and accessibility and adequate water for firefighting. The proposal is merely moving lines on a map and does not increase the fire risk.

14.01-1S

20/03/2023

VC229

Protection of agricultural land

Objective

To protect the state’s agricultural base by preserving productive farmland.

Strategies

Identify areas of productive agricultural land, including land for primary production and intensive agriculture.

Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Protect productive farmland that is of strategic significance in the local or regional context.

Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Prevent inappropriately dispersed urban activities in rural areas.

Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

ASSESSMENT

The proposal is supported by the Clause as the dwelling is compatible with surrounding land uses as it has coexisted harmoniously for in excess of 30 years and is well distanced from the dairy and land to the east which is not in the ownership of the applicants.

In formulating the proposed lot size for lot 1 (2 ha), consideration has been made of this clause to ensure there is sufficient separation as discussed above, with excellent screening in place and with the opportunity of additional screening/landscaping if ever required to further screen the dwelling from agricultural impacts such as noise, vibration, spray drift etc and to maintain the rural amenity of residents of the dwelling.

14.01-1L

03/11/2023

C70moyn

Agricultural production

Policy application

This policy applies to land in the Farming Zone and Rural Living Zone.

Objective

To ensure that subdivision, including the creation of small lots for existing dwellings, and the use and development of dwellings minimises the loss or fragmentation of productive agricultural land and does not prejudice activities associated with agricultural production.

Strategies

Establish buffers around uses that may conflict with agricultural land use to limit land use conflicts.

Avoid non-agricultural land use and development in rural areas that prejudices the productive use of agricultural land.

Discourage the construction of dwellings on productive agricultural land, unless it can be demonstrated that the dwelling is required to support the productive agricultural use of the land.

Locate and site dwellings so that they do not compromise surrounding farming activities.

Discourage dwellings on lots where wastewater cannot be retained and treated within the lot.

Discourage the construction of more than one dwelling on a lot unless:

- *It is demonstrated to be necessary to support a viable agricultural enterprise.*
- *The agricultural use it is associated with has commenced.*
- *It is located to avoid restricting agricultural use of the land.*

Discourage small lot subdivisions (including dwelling excisions and boundary re-alignments) unless:

- *The subdivision supports the consolidation of productive agricultural land.*
- *The proposed land uses (including dwellings) do not negatively impact on the ability to farm and avoid the loss of productive agricultural land.*
- *Impacts on significant environmental and landscape features such as remnant vegetation and waterways are avoided or minimised.*
- *The subdivision seeks to make minor adjustments to take account of topographical or public infrastructure features.*
- *Adequate distance is provided around an existing dwelling to lot boundaries to limit any impacts of adjacent agricultural activity.*
- *The subdivision does not result in a concentration of dwellings or small lots that could change the general use and character of the rural area.*

Avoid further subdivision to excise additional dwellings where a dwelling has already been excised from the parent lot.

Discourage boundary realignments and re-subdivisions between existing lots where the lots proposed to be created:

- *Are less than the minimum lot size specified in the schedule to the Farming Zone;*
- *Create an opportunity for a dwelling where none previously existed; or*
- *Rely on land which was previously a road reserve, utility lot or Crown land, or was of insufficient size to support a dwelling.*

Policy guidelines

Consider as relevant:

- *Ensuring lots subdivided to excise an existing dwelling have a maximum size of 2 hectares and the balance (remaining) lot is greater than the minimum lot size specified in the schedule to the zone.*
- *Ensuring that land capability and land suitability are considered in the assessment of use and development proposals.*
- *Discouraging the construction of dwellings on lots greater than 2 hectares and less than the minimum lot size specified in the schedule to the Farming Zone.*
- *Ensuring dwellings excised under the provisions of Clause 35.07-3 are in a habitable condition and comply with the Building Code of Australia.*
- *Discouraging the excision of dwellings that did not exist at the date of approval of this scheme (6 January 2000).*
- *Requiring the planting of vegetation within an excised lot to reduce any potential impacts of adjacent agricultural activity.*

ASSESSMENT

The dwelling excision meets the Clause in the following ways:

- The dwelling is not required to operate the farm and has not been for many years.
- The dwelling is in excellent condition and is lived in by a long term resident.
- The dwelling is at the front of the property.
- The dwelling is serviced by a road.
- The dwelling is sufficiently buffered.
- The balance lot exceeds the minimum lot size of 40ha.
- The dwelling predates the planning scheme.

Clause 65.02

APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*

- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*
- *The impact the development will have on the current and future development and operation of the transport system.*

This clause does not apply to a VicSmart application.

ASSESSMENT

The application meets the decision guidelines of Clause 65 as the land is suitable for subdivision, does not affect surrounding land uses or the production of agriculture on the subject land or surrounding properties, has detrimental environmental impacts and represents orderly planning.

6. CONCLUSION

In conclusion the proposed subdivision does not compromise productive farmland or remove it from production.

The subject dwelling has been lived in by the current owners for around 60 years who no longer operate the farm and haven't for many years. The proposed lines of subdivision contain the necessary infrastructure and services for the dwelling including the sheds and outbuildings provide an adequate buffer distance around the dwelling which is surplus to requirement and does not lead to loss or fragmentation of farmland.

The dwelling is situated on the urban fringe of Purnim in an existing cluster of dwellings. It can easily be detached from the balance lot without interfering with the productivity of the land or creating land use conflicts.

The proposal meets the mandatory dwelling excision criteria at Clause 14.01-1L and has been assessed against the provisions of the Farming Zone, MPS and PPF together with Clause 65 and found to meet the required objectives and Clauses, it is therefore respectfully suggested that this proposal is a positive planning outcome to agriculture to allow small scale farming enterprises to continue in the Shire.



JOSEPH LAND SURVEYING PTY LTD ABN 27 744 943 042 P.O.BOX 5113, WARRNAMBOOL 3280 PHONE (03) 5562 2066		REVISION REV 1. – D.O.I. 05/08/2026 REV 2. – D.O.I. 31/08/2026		PROPOSED PLAN OF SUBDIVISION	
NOTATIONS 1. WARNINGS AS TO DIMENSIONS: THIS PLAN IS NOT BASED ON SURVEY. 2. LOT AREAS AND DIMENSIONS SUBJECT TO APPROVAL BY LOCAL AUTHORITIES. 3. FEATURES SHOWN ON THIS PLAN HAVE BEEN DERIVED FROM PHOTOGRAMETRY. 4. THIS PLAN HAS BEEN PREPARED FOR TOWN PLANNING PURPOSES ONLY. 5. NO RESPONSIBILITY TAKEN FOR THE RESULTANT ACTIONS OF THE USE OF THIS PLAN FOR OTHER THAN IT'S INTENDED PURPOSE. 6. THIS PLAN MAY NOT BE COPIED WITHOUT THE INCLUSION OF THESE NOTATIONS.		SURVEYORS REF: JOB: 1858 FILE: 1858_PROP_V2.DWG 1858_PLAN.ESEE SHEET: 1 OF 1 ORIGINAL SCALE 1:7500 @ A3 75 0 75 150 225 300 LENGTHS ARE IN METRES		PARISH OF PURNIM PART CROWN ALLOTMENT 48 LOT 1 ON TP841898Q 55 O'SULLIVANS ROAD	

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TITLE PLAN		EDITION 2	TP 841898Q
Location of Land Parish: Purnim Township: -- Section: -- Crown Allotment: 48(Pt) Crown Portion: -- Last Plan Reference: -- Derived From: VOL. 10813 FOL. 363 & VOL. 10288 FOL. 385 Depth Limitation: Nil		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information			THIS PLAN HAS BEEN PREPARED BY THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: VERIFIED: CP
Diagram of Lot 1, 51.89ha, showing boundaries and bearings. The lot is a quadrilateral with bearings and distances: Top-left boundary: 55°51' 356.07m; Top-right boundary: 145°50' 421.45m; Bottom-right boundary: 146°03' 868.7m; Bottom-left boundary: 399.52m 235°41'. Internal angles: Top-left corner 55°51' 50.29m; Top-right corner 325°40' 40.23m; Bottom-left corner 1251 325°40'. The lot is labeled 'LOT 1 51.89ha'. Roads are labeled 'GOVT. ROAD' on the top and bottom boundaries. A north arrow is shown on the left.			
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

WARNING: THE IMAGE OF THIS PLAN/DOCUMENT HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN/DOCUMENT.

PLAN NUMBER
TP841898Q

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT 1		AMENDMENT OF AREA	AC967791F	07/07/04		2	KMP