

## Form 2

**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

<b>The land affected by the application is located at:</b>	<b>2 Marlo Road MARLO 3888 Lot: 1 TP: 537364</b>
<b>The application is for a permit to:</b>	<b>Two Lot Subdivision</b>
<b>The applicant for the permit is:</b>	<b>Crowther &amp; Sadler Pty Ltd</b>
<b>The application reference number is:</b>	<b>5.2023.505.1</b>

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

**An objection must**

- ♦ **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.

<b>The Responsible Authority will not decide on the application before:</b>	<b>Subject to applicant giving notice</b>
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If you object, the Responsible Authority will tell you its decision.

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

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VOLUME 07277 FOLIO 391

Security no : 124111218715V

Produced 12/12/2023 02:06 PM

**LAND DESCRIPTION**

Lot 1 on Title Plan 537364C (formerly known as part of Lot 2 on Plan of Subdivision 015993).

PARENT TITLE Volume 02482 Folio 246

Created by instrument 2224811 24/06/1949

**REGISTERED PROPRIETOR**

Estate Fee Simple

Sole Proprietor

**ENCUMBRANCES, CAVEATS AND NOTICES**

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

**DIAGRAM LOCATION**

SEE TP537364C 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)

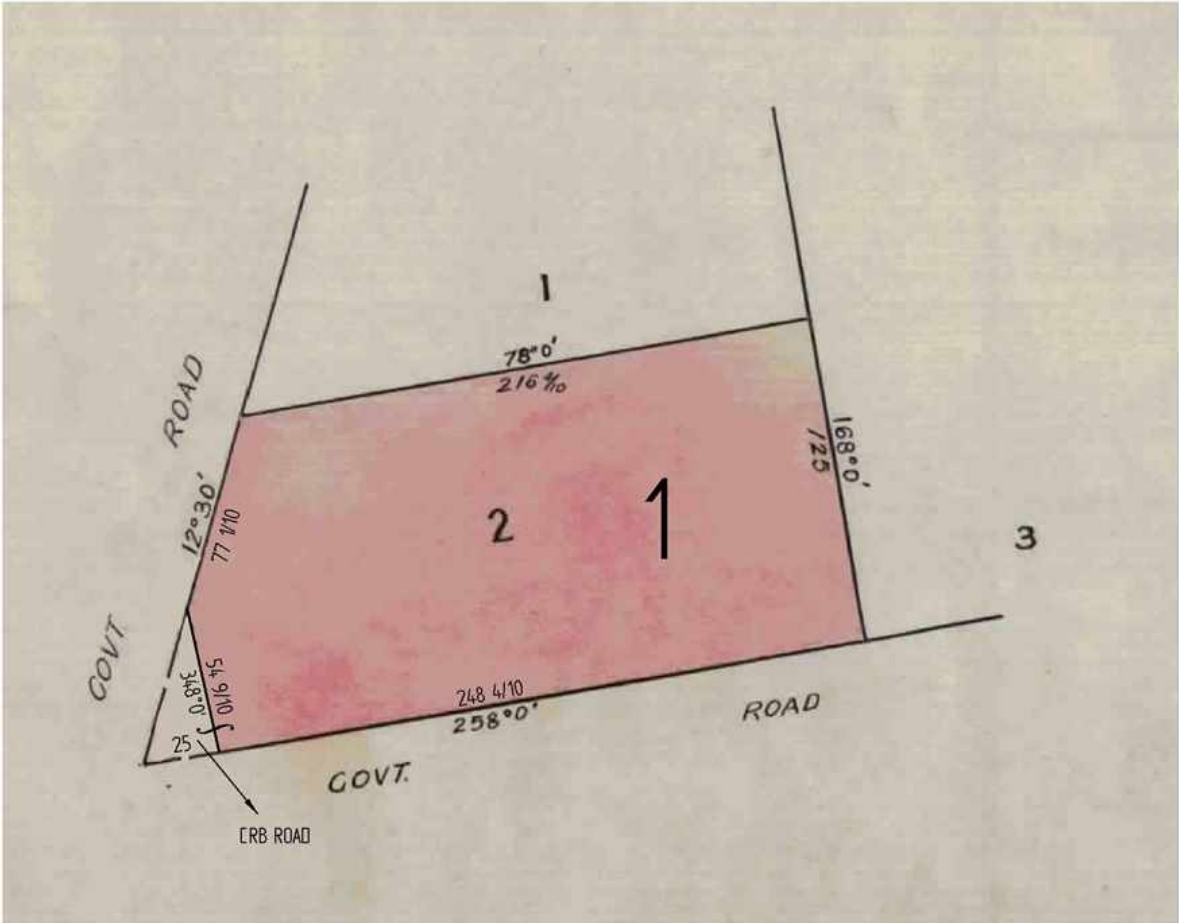
Street Address: 2 MARLO ROAD MARLO VIC 3888

**ADMINISTRATIVE NOTICES**

NIL

DOCUMENT END

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TITLE PLAN		EDITION 1	TP 5373640						
<b>Location of Land</b>  Parish: ORBOST EAST Township: MARLO Section: 8 Crown Allotment: 2 (PT) Crown Portion:  Last Plan Reference: LP 15993 Derived From: VOL 7277 FOL 391 Depth Limitation: NIL		<b>Notations</b>  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
<b>Description of Land / Easement Information</b>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 20/06/2000 VERIFIED: EWA							
									
<table border="1"><thead><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr></thead><tbody><tr><td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td></tr><tr><td colspan="2">PARCEL 1 = LOT 2 (PT) ON LP 15993</td></tr></tbody></table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = LOT 2 (PT) ON LP 15993	
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PARCEL 1 = LOT 2 (PT) ON LP 15993									
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Printed 9/01/2024 Page 3 of 21 Sheet 1 of 1 sheets							

## Planning Report

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Two Lot Subdivision  
2 Marlo Road, Marlo

Our reference – 20747

December 2023



FS 520900



## Contents

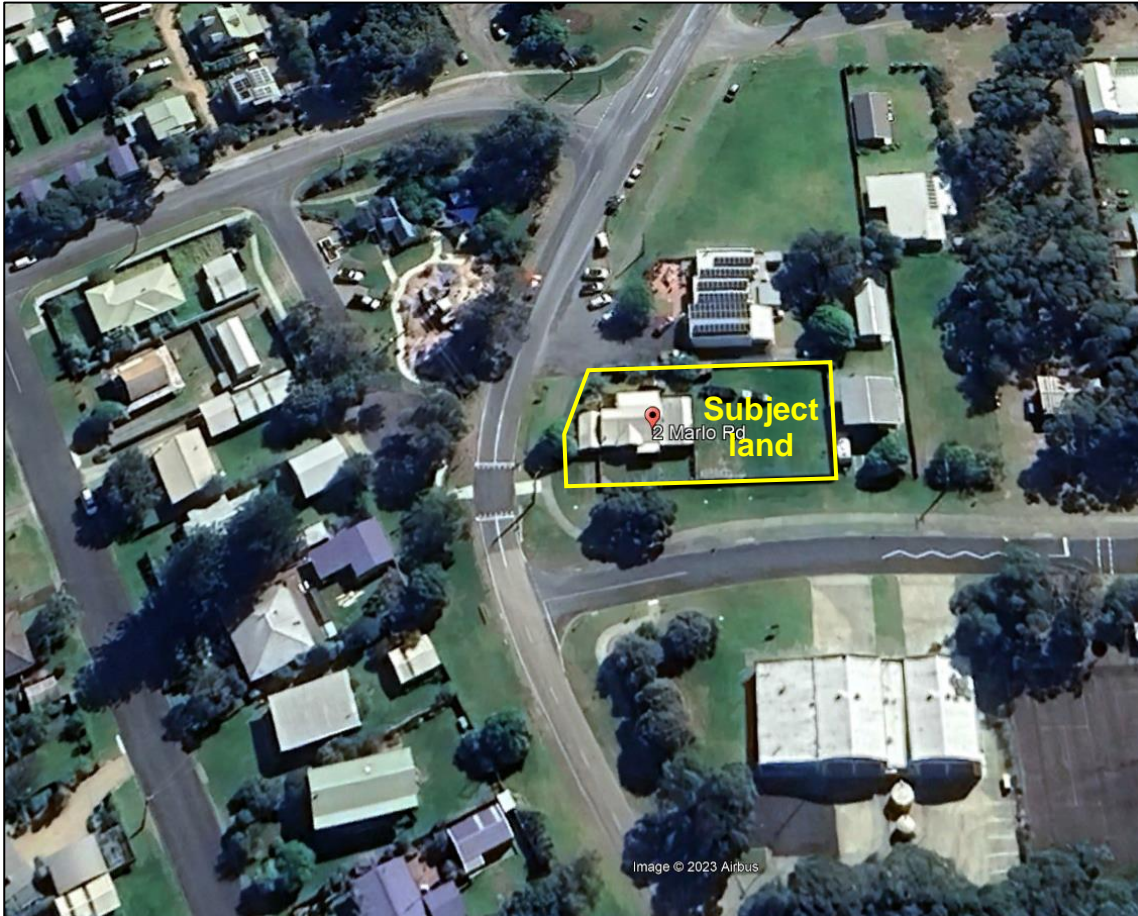
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	Application Form	
	Proposed Subdivision Plan (Version 1)	
	Proposed Design Response (Version 1)	
	Copy of Title (Lot 1 on TP537364C)	

*Note: Applicable Planning Application fee is \$1415.10*



## 1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision at 2 Marlo Road, Marlo. The Report addresses the provisions of the General Residential Zone, Design and Development Overlay 11 and Clause 52.29 Land Adjacent to the Principal Road Network as contained within the East Gippsland Planning Scheme.

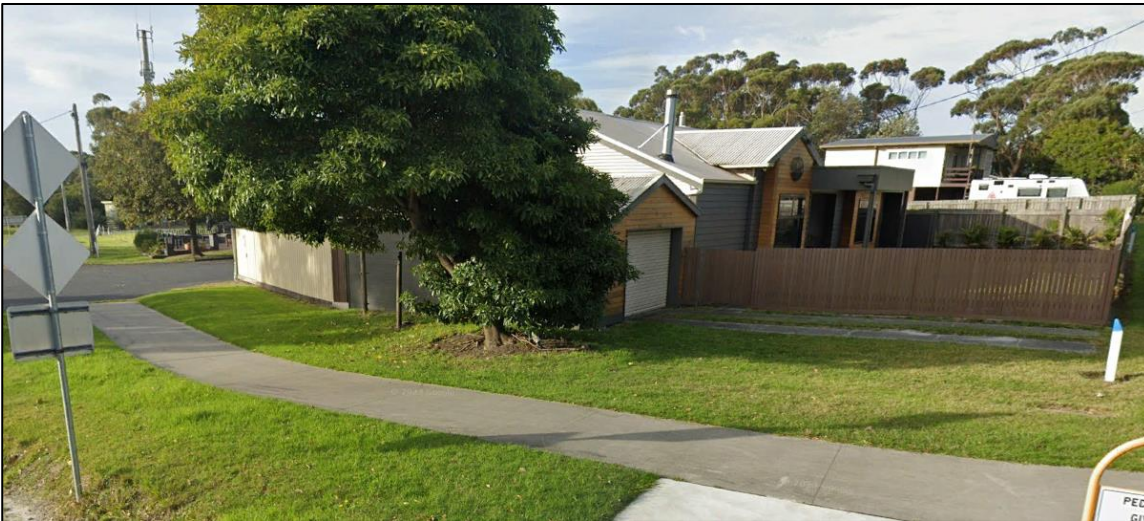


*Aerial image of the subject land and immediate surrounds (Source: Google Earth)*

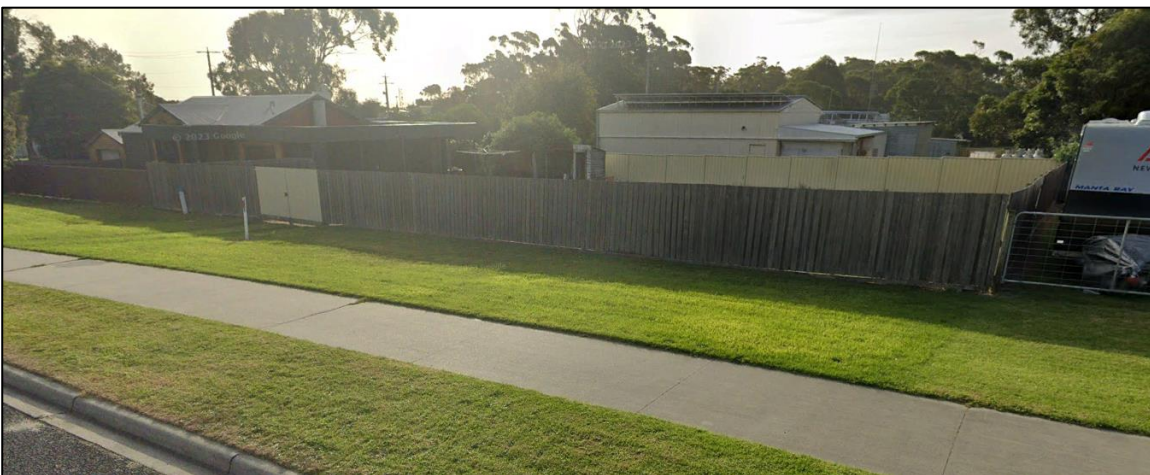
## 2. Subject Land & Surrounding Context

Formally known as Lot 1 on TP537364C or more commonly known as 2 Marlo Road, Marlo, the subject land is an irregular shaped allotment developed with a single storey weatherboard dwelling within the western part of the property.

The subject land is located on the north eastern corner of Marlo Road and Jorgensen Street and enjoys a significant backyard within the eastern part of the property accessed from Jorgensen Street. The dwelling is accessed from Marlo Road.



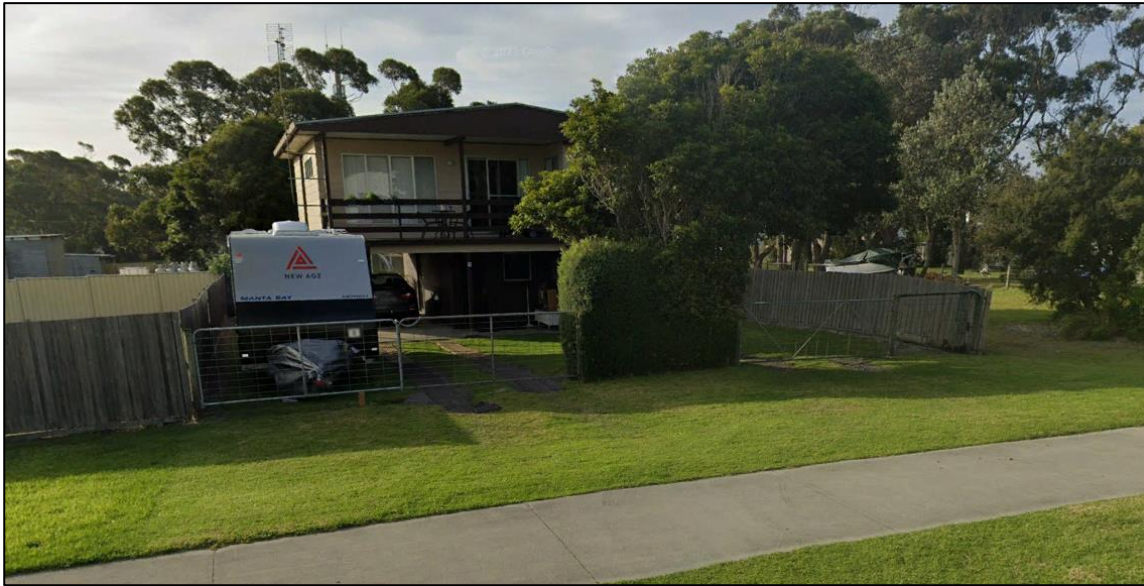
*Image of the subject land looking east from Marlo Road*



*Image of the subject land looking north from Jorgensen Street*

East of the subject land is a double storey brick and weatherboard dwelling that fronts Jorgensen Street.





*Image of the eastern neighbouring property at 1 Jorgensen Street looking north*

South of the subject land across Jorgensen Street is the Marlo Country Fire Authority and Marlo Coastguard Facility.



*Image of the Marlo Country Fire Authority and Marlo Coastguard Facility at 2-4 Jorgensen Street looking south*

West of the property across Marlo Road are residential properties and a public reserve known as Triangle Park which is developed with a playground.

North of the subject land is the Marlo convenience store and associate car park accessed from Marlo Road.

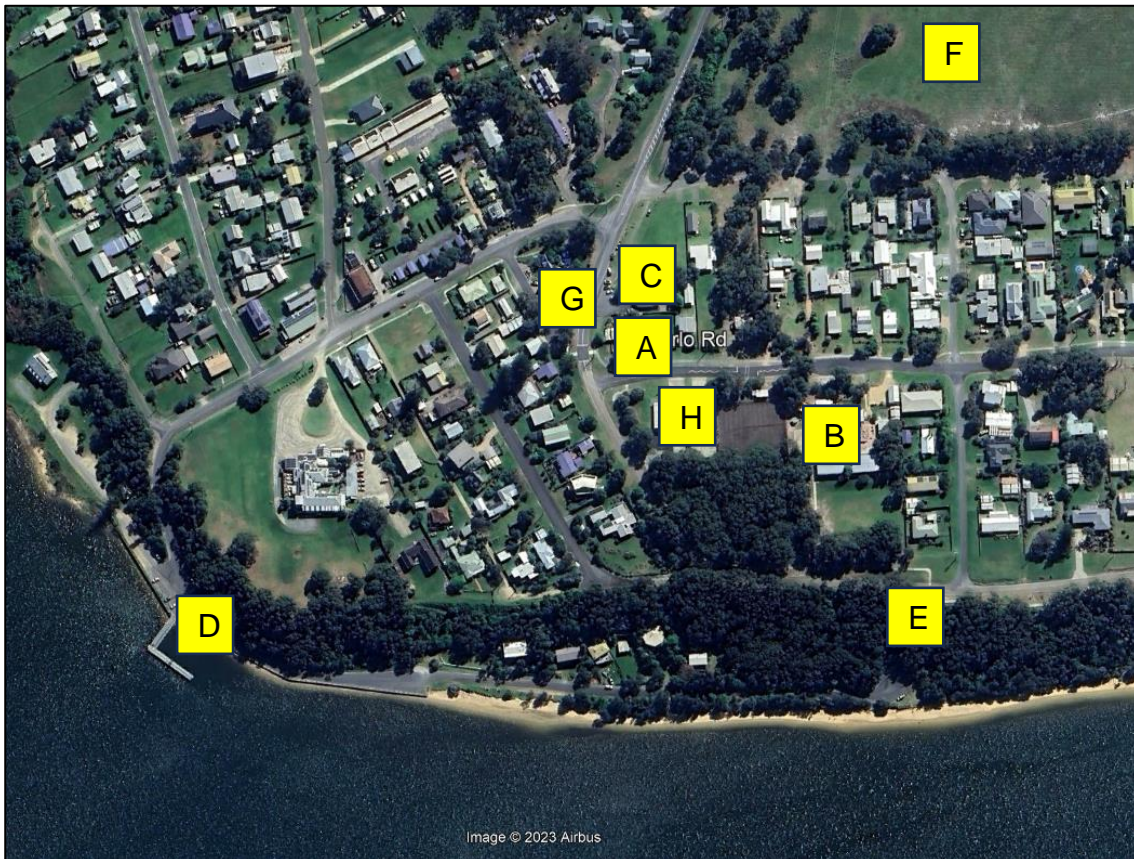




Image of the northern neighbouring property at 4 Marlo Road looking south-east.

The property is well located being within close proximity of the Marlo Primary School, Marlo Foreshore Walking Paths and public boat ramp and jetty.

### Site Context Plan



Site context plan (Source: Google Earth)

A – Subject land

B – Marlo Primary School

C – Marlo Convenience Store

D – Marlo Boat Ramp

E – Foreshore Walking Paths

F – Residential Growth Area

G – Triangle Park

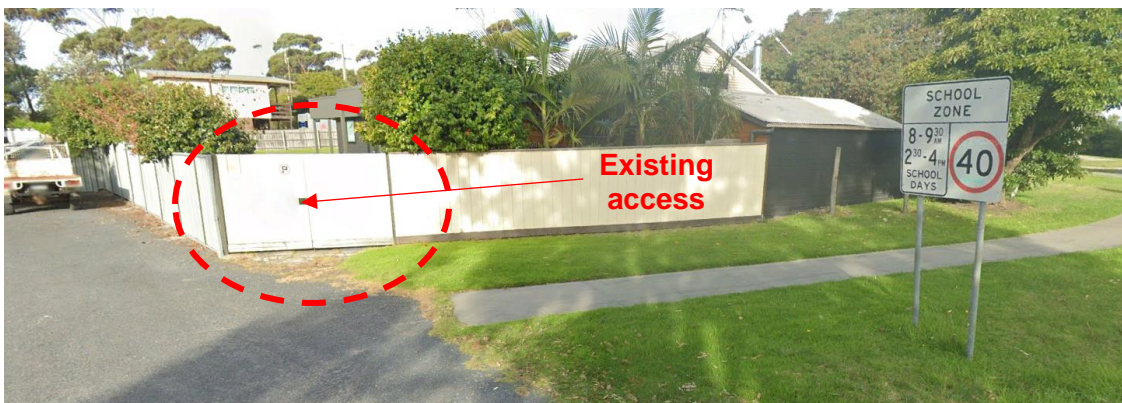
H – CFA facility

### 3. The Application & Proposal

It is proposed to subdivide the subject land into two lots.

The subdivision proposes to create lot 1 which will contain the existing dwelling at 658 square metres, and lot 2 which is proposed to be vacant of 553 square metres.

Proposed lot 1 will continue to obtain access from Marlo Road and proposed lot 2 will continue to obtain vehicle access from the existing kerb layback within Jorgensen Street.

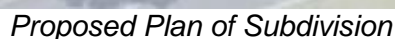


*Image of the subject land looking east and existing access to the subject land*

The orientation of the subject land is advantageous providing the opportunity for the existing dwelling and private open space to achieve good northern exposure, and allows the vacant allotment to be developed with a dwelling and private open space with good solar access.

The location of the subject land, within walking distance of the facilities and services the town has to offer, provides the ability to create a vacant allotment within the more developed part of Marlo.





Planning Scheme Clause No.	Description of proposal
32.08-3 General Residential Zone	Subdivision
43.02-3 Design and Development Overlay	Subdivision
52.29 Land Adjacent to Principal Road Network	Subdivision

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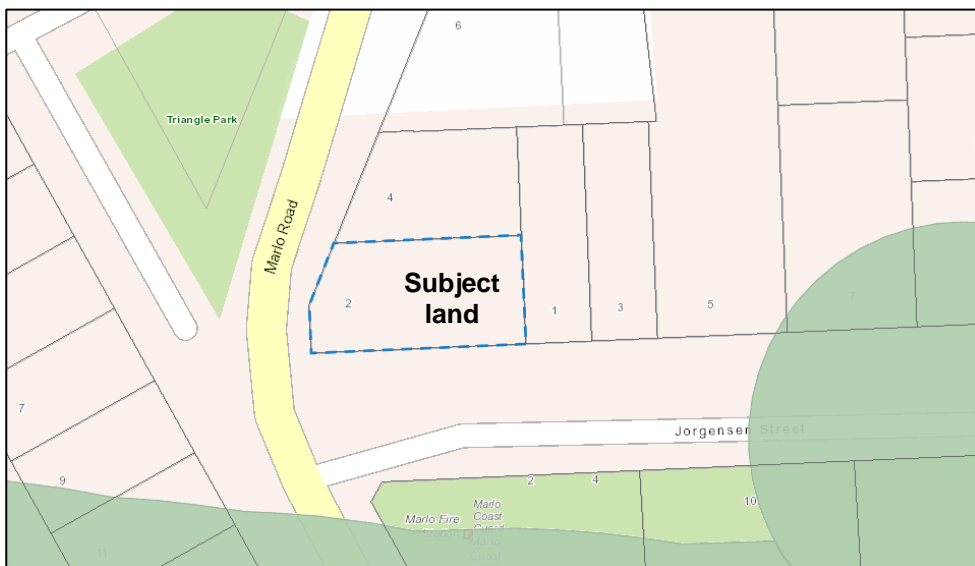


#### 4. Cultural Heritage

The proposal does not trigger any mandatory requirements to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



*Cultural Heritage Sensitivity Mapping – darker green areas (Source: VicPlan)*

The subject land is not within an area of cultural heritage sensitivity, nor is the proposed subdivision a high impact activity. Therefore, there is no mandatory requirement to provide a CHMP in support of the application.

## 5. Planning Policy

### 5.1 Planning Policy Framework

Support for the proposed subdivision is found within Clause 11.01 Settlement. The subdivision is located within the residentially zoned and serviced area of Marlo and within the settlement boundary of the township. The subdivision will allow for a vacant allotment within a well located part of Marlo that better utilises the land provides for population growth within the coastal town and reduces pressure for urban sprawl.

Clause 11.03-4 Coastal settlement is respected by the proposed subdivision as the land is well elevated and setback from the coast, diminishing the potential for detrimental impacts to the subject land from future coastal climate change and erosion. Coastal inundation and erosion at Clause 13.01-2S is highly unlikely to have a future impact on the subject land given the elevated position within Marlo and the setback from the foreshore areas.

The proposed subdivision is consistent with Clause 11.03-4L-08 Marlo as it will provide a vacant allotment south of Healeys Road, achieving a denser form of development around the Argyle Parade precinct, in the central part of the township, which is identified for future commercial development into the future.

The subject land is well placed to support a two lot subdivision as the property is not identified as having environmental and landscape values as referenced within Clause 12.

To ensure the design of subdivisions achieves attractive, safe, diverse and sustainable neighbourhoods is the objective of Clause 15.01-3S Subdivision design. The proposed subdivision is considered to be appropriate for the subject land and a good use of limited residentially zoned and serviced land. The subdivision will maintain the integrity of the Jorgensen streetscape providing a lot that respects the orientation of the existing dwelling and creating a vacant lot that will have a frontage to Jorgensen Street. The use of the existing vehicle layback to Jorgensen Street is considered a safe and appropriate design response.

The subdivision will promote Healthy Neighbourhoods at Clause 15.01-4S as the lots are very walkable to recreation reserves, retail premises and the Marlo Primary School.

Creating a vacant allotment and as a consequence providing a housing development opportunity in Marlo reduces for urban sprawl and provides housing within the existing township, reducing pressure on greenfield areas as sought by Clause 16.01-1S Housing.

## 5.2 Municipal Planning Strategy

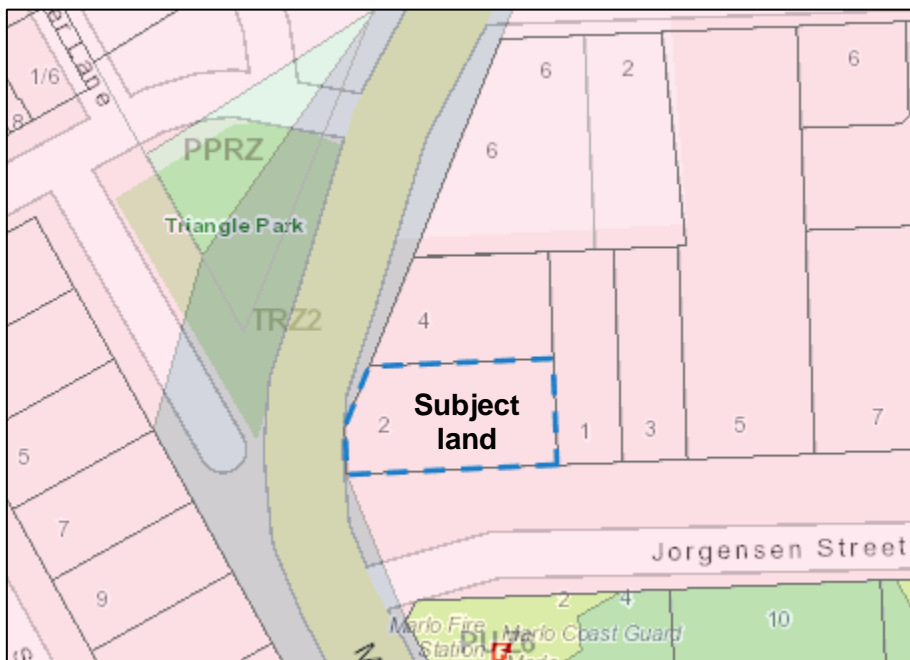
The relevant strategic directions within Clause 02.03-1 Settlement and housing – Coastal Settlements is assisted by the proposed subdivision, allowing for infill development of the existing settlement and reducing pressure for further urban growth.

Environmental risks at Clause 02.03-3 associated with future coastal inundation and erosion is minimised as the subject land is elevated and setback from the shoreline.

## 6. Planning Elements

### 6.1 General Residential Zone

The subject land at 2 Marlo Road, Marlo is zoned General Residential Zone in accordance with the East Gippsland Planning scheme.



Planning scheme zone mapping (Source: VicPlan)

The subdivision supports and assists to achieve the zone purposes as it will implement State and local planning policy, respects the character of the area through the creation of two lots with good streetscape presentation and will encourage a diversity of housing close to many of the facilities within the Marlo township.

The subject land has an area of 1211 square metres, and the proposed lots are both above 400 square metres ensuring the lots are capable of providing garden area as required by Clause 32.08-3.



The proposed subdivision is consistent with Clause 56 Residential subdivision relevant to a two lot subdivision. Commentary against the objectives and standards relevant to a two lot subdivision is provided.

Objective	Comment
<b>56.03-5</b> <b>Neighbourhood Character</b>	<b>Complies</b> <p>The proposal is in keeping with the neighbourhood character of the area, which is varied, having different lot sizes, shapes and areas. Properties are generally larger than traditional General Residential Zoned properties in other locations.</p> <p>The proposed subdivision will maintain the Jorgensen Street streetscape. Both proposed lots will have a direct interface with Jorgensen Street, have property widths similar to many in the street and will utilise the existing vehicle crossover layback.</p> <p>The proposed lots are of sufficient size and dimensions allowing the existing dwelling and future dwelling to be provided with space around the built form.</p> <p>A new dwelling on proposed lot 2 fronting Jorgensen Street will provide a positive addition within the streetscape.</p>
<b>56.04-2</b> <b>Lot area and building envelopes</b>	<b>Complies</b> <p>Both of the allotments are between above 500m<sup>2</sup> in area and can accommodate a 10x15m rectangle. Proposed lot 1 will contain and respect the orientation and private open space of the existing dwelling.</p> <p>The subdivision layout provides area for anticipated future development on lot 2 to enjoy solar access, private open space, garden area and safe vehicle movements within allotment boundaries.</p>
<b>56.04-3</b> <b>Solar orientation of lots</b>	<b>Complies</b> <p>The subject land is advantageous having a strong northern orientation. Lot 2 contains sufficient area to provide appropriate solar orientation for the establishment of a future dwelling and private open space.</p>
<b>56.04-5</b> <b>Common Areas</b>	<b>N/A</b> <p>There are no areas of Common Property proposed.</p>
<b>56.06-8</b> <b>Lot access</b>	<b>Complies</b> <p>Access to the subject land will continue to be provided from both Marlo Road and Jorgensen Street and will utilise the existing access/vehicle crossovers.</p>
<b>56.07-1</b> <b>Drinking water supply</b>	<b>Complies</b> <p>Reticulated water is provided to the land and both allotments will need to be connected separately to reticulated water.</p>
<b>56.07-2</b> <b>Reused and recycled water</b>	<b>Complies</b> <p>Reused and recycled water will be dependent upon future owners and future development of the vacant proposed allotment.</p>

Objective	Comment
56.07-3 Wastewater management	<b>Complies</b> Reticulated sewer is already established within the precinct. Both proposed allotments will need to be connected to sewer consistent with Standard C24.
56.07-4 Urban run-off management	<b>Complies</b> Drainage will be provided to the satisfaction of the responsible authority. It would appear that the legal points of discharge will be to Jorgensen Street.
56.08-1 Site management	<b>Complies</b> The proposed subdivision is minor in nature and may only require some minor utility service connections to be connected, as such site management is considered unnecessary.
56.09-1 Shared trenching	<b>Complies</b> Services will be provided in shared trenching in accordance with service providers requirements.
56.09-2 Electricity, telecommunications and gas	<b>Complies</b> The proposal will make good use of a full range of existing services as available within the precinct. Both proposed allotments will be connected to reticulated power and telecommunications. Gas connection is not proposed.

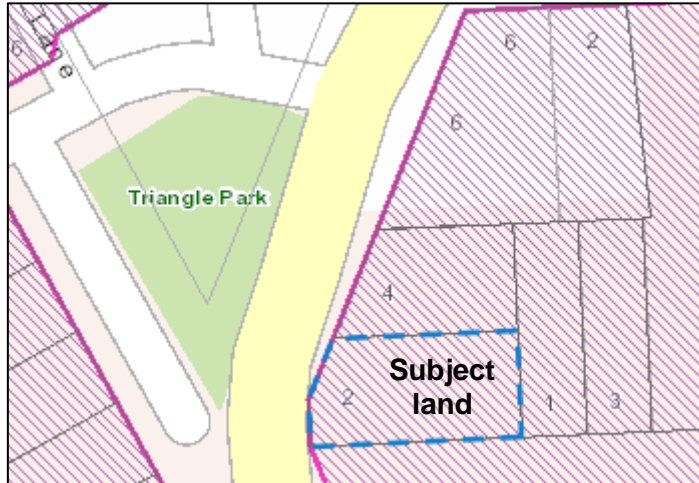
### Decision Guidelines

It is considered that the proposed subdivision positively responds to the decision guidelines:

- As outlined in Section 5 of this report, the subdivision positively addresses the Planning Policy Framework and Municipal Planning Strategy.
- The proposal respects the neighbourhood character of the area and provides an opportunity for a diversity of housing types and housing growth in a well serviced and located area, meeting the relevant purposes of the zone.
- The proposed lots will provide the opportunity for appropriate spacing of buildings and respects the orientation of adjoining properties and dwellings.
- A high level of compliance with Clause 56 is achieved.
- Both lots exceed 500 square metres and easily provide required garden area.

## 6.2 Design and Development Overlay 11

The subject land is contained within the Design and Development Overlay 11.



Planning scheme overlay mapping (Source: VicPlan)

Schedule 11 to the Design and Development Overlay is Residential Development in Coastal Settlements.

### Decision Guidelines

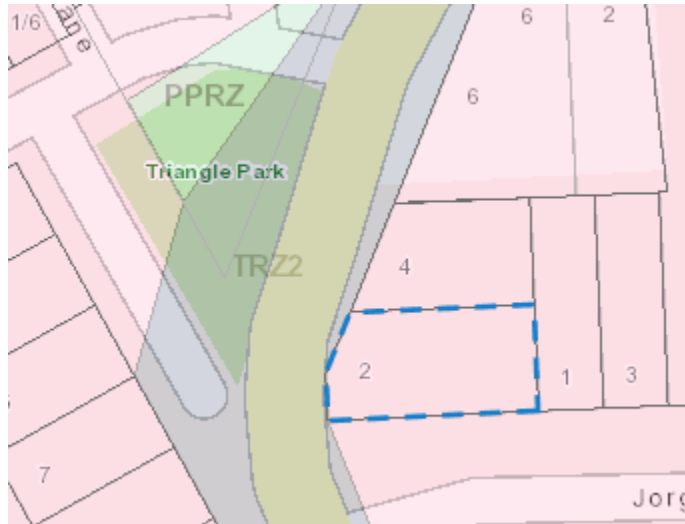
The proposed subdivision is considered to positively address the objectives and decision guidelines of Schedule 11:

- The proposed subdivision will provide for the creation of a large, easily serviced vacant allotment within the residential area of Marlo. The size of the allotment will allow future landowners to develop the lot with dwelling types and styles that will not detract from the coastal character of the township.
- Treed foreshore areas, a backdrop of vegetation and rising landform to the north enables the new lot to be developed with a new dwelling that will physically integrate with the township character.
- No native vegetation removal is required to create the proposed vacant allotment and the subject site is not located within an area of environmental sensitivity.
- The proposed allotment width in Jorgensen Street will replicate the allotment widths to the east of the subject land.



### 6.3 Clause 52.29 Land Adjacent to the Principal Road Network

The subject site is located on the corner of Marlo Road and Jorgensen Street. Marlo Road is zoned Transport Zone 2 and as such is a principal road.



*Planning scheme zone mapping (Source: VicPlan)*

In accordance with Clause 52.29-2 a planning permit is required to subdivide land adjacent to a Transport Zone 2.

The proposed subdivision creating two lots both fronting Jorgensen Street, which is a local road, and utilisation of the existing vehicle access to Marlo Road and Jorgensen Street will not impact the safety of Marlo Road nor the operation of Marlo Road and is considered an appropriate design response.

## 7. Conclusion

The proposed two lot subdivision at 2 Marlo Road, Marlo is considered to accord with all relevant provisions of the General Residential Zone, Design and Development Overlay 11 and Clause 52.29 Land Adjacent to the Principal Road Network of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy and has been designed to complement the adjoining properties.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

PROPOSED SUBDIVISION

PARISH OF ORBOST EAST  
TOWNSHIP OF MARLO  
SECTION 8  
CROWN ALLOTMENT 2 (PART)  
  
LOT ON TP537364C

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2 MARLO ROAD, MARLO

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NOTATIONS

AREAS ARE APPROXIMATE ONLY  
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 400

SURVEYORS REF.

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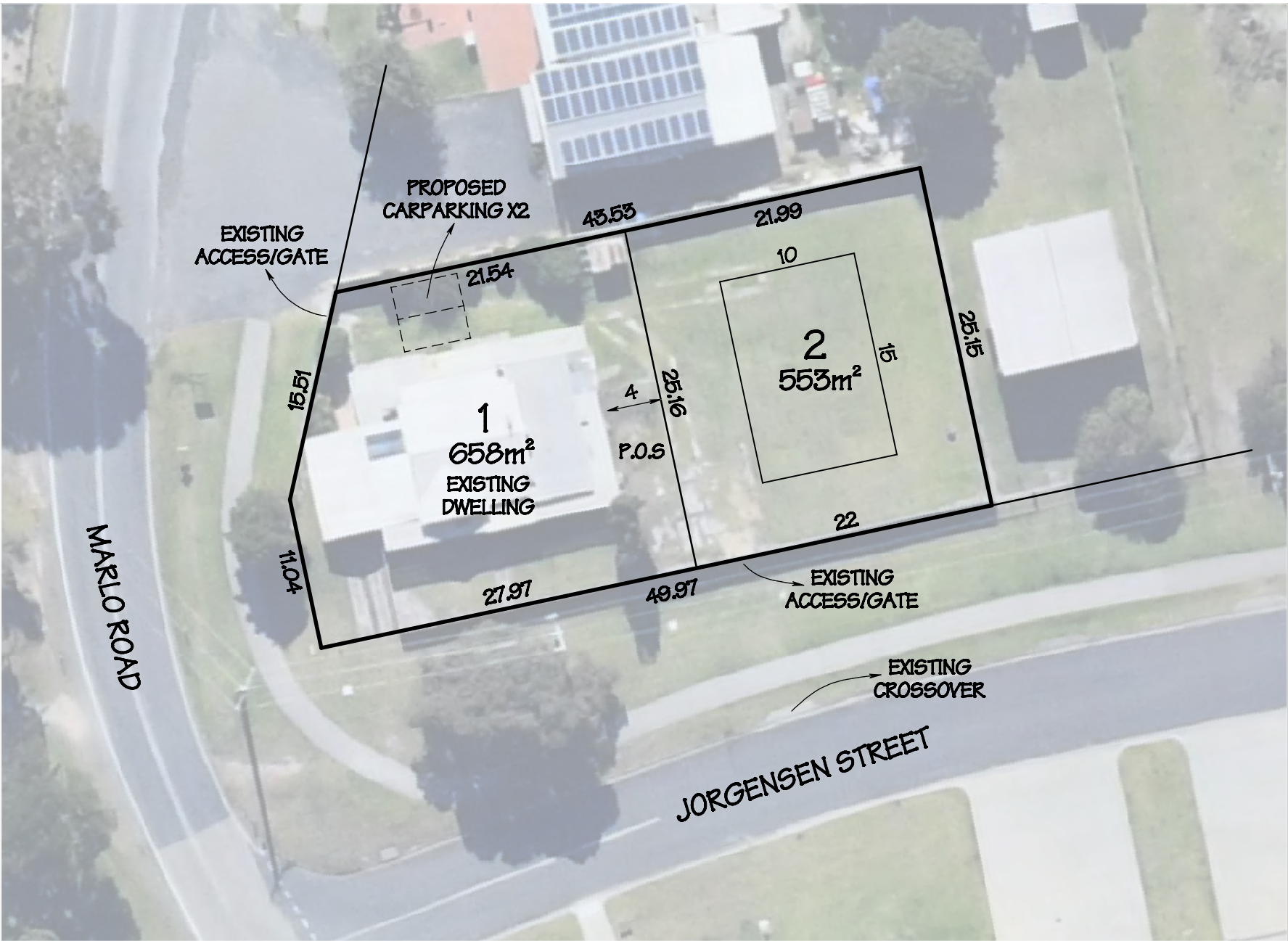
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DESIGN RESPONSE PLAN

PARISH OF ORBOST EAST  
TOWNSHIP OF MARLO  
SECTION 8  
CROWN ALLOTMENT 2 (PART)  
  
LOT ON TP537364C

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