

NOTICE OF AN APPLICATION FOR PLANNING PERMIT



The land affected by the application is located at:
**9 Arundel Street, Benalla, Lot 1, TP584285
Parish of Benalla**

The application is for a permit to:
Ground floor and first floor extension to an existing dwelling

The applicant for the permit is:
**Ms Lisa DeFazio
PHOLD Pty Ltd**

The application reference number is:
**P0112/24
DA2503**

You may look at the application and any documents that support the application online at the following link:

<https://www.benalla.vic.gov.au/Your-Property/Building-Planning/Planning/Advertised-Planning-Permit-Applications>

If you cannot access the link, please contact Benalla Rural City Council on 5760 2600 for an alternative arrangement.

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.

The Responsible Authority will not decide on the application before:

2 December 2024

If you object, the Responsible Authority will tell you its decision.

Planning and Environment Regulations 2015 - Form 2 – Section 52(1)


Clear Form


Office Use Only


Application No.: _____ Date Lodged: / /


Application for a **Planning Permit**

If you need help to complete this form, read MORE INFORMATION at the end 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 questions, 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.

The Land


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

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

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 Lodged Plan Title Plan Plan of Subdivision


OR


B


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? ***

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

Existing Conditions i

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.

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

Title Information i

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 i

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

Applicant *

The person who wants the permit.

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:

Please provide at least one contact phone number *

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

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

Contact person's details*		Same as applicant <input type="checkbox"/>
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:

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.

Owner *		Same as applicant <input type="checkbox"/>
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:
Owner's Signature (Optional):		Date: day / month / year

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.

Signature:

Date:

day / month / year

Privacy consent

I give consent to my personal information disclosed in the application to be made available for public inspection, including on Council's public website, whilst the application is being determined, in accordance with Section 51 of the Planning and Environment Act 1987.

Yes No

Signature:

Date:

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

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

No Yes

If 'Yes', with whom?:

Date:


day / month / year

Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

Completed the relevant council planning permit checklist?

Signed the declaration above?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Benalla Rural City Council
PO Box 227
Benalla VIC 3671

Customer Service Centre
1 Bridge Street East
Benalla VIC 3671

Contact information:

Phone (03) 5760 2600
Email: council@benalla.vic.gov.au
DX: 32230

Deliver application in person, by post or by electronic lodgement.

Our Ref: GBCMA-F-2024-00765
 Linked Ref: GBCMA-F-2024-00483
 Contact Officer: Guy Tierney
 Date: 4 July 2024

Ms Kim Collings
 9 Arundel Street
 Benalla Vic 3672

kpcollings@outlook.com

Dear Ms Collings

Updated Referral Response

Floodplain Management Advice for Proposed Renovation and Extension to an Existing Dwelling Lot 1 TP584285, Parish of Benalla 9 Arundel Street Benalla Vic 3672

Thank you for your application dated 26 April 2024, received by the Goulburn Broken CMA on 26 April 2024, regarding the above matter.

The Goulburn Broken CMA's assessment of the above information has determined that the proposed development location is covered by the General Residential Zone - Schedule 1 and Design And Development Overlay - Schedule 2, Land Subject to Inundation Overlay in the Benalla Planning Scheme.

The estimated 100-year ARI flood level for the location described above is 170.17 metres AHD, which was obtained from Broken River - Benalla - Declaration of Flood Levels (2001) Plan No. 540214.

During a repeat of a 1 in 100 type flood, depths of flooding would be greater than 1.0 metre deep.

The current floor level of the dwelling is some 240 millimetres below the 1 in 100 AEP flood level meaning under floodplain management guidelines (refer to [Self-Assessment Guide](#) on the website) the maximum floor level extension is limited to 40 square metres in size.

It is noted that you wish to have two separate extensions (1) a 15.20m² on the north side of the dwelling and (2) a 20.70m² on the south side of the dwelling totally less than 40 square metres.

The Goulburn Broken CMA **does not object** to the proposal, **subject to the following condition:**

1. The finished floor level of the proposed extensions must no lower than the existing floor level of the dwelling.
2. All building materials used for the extensions must be water resistant to at least to the nominal flood protection level of 170.47 metres AHD.

www.gbcma.vic.gov.au

SHEPPARTON Head Office

168 Welsford Street
 PO Box 1752
 Shepparton VIC 3632
 Tel: (03) 5822 7700
 Fax: (03) 5831 6254

BENALLA

89 Sydney Road
 PO Box 124
 Benalla VIC 3672
 Tel: (03) 5822 7700

YEA

5/10 High Street
 Yea VIC 3717
 Tel: (03) 5822 7700

Please Note:

- The Goulburn Broken CMA has no objections to Consent and Report – Regulation 153 of the *Building Regulations 2018* being issued by the Municipal Building Surveyor.
- The Authority advises that the “flow rate velocity” for this site is less than 1.5 metres per second.
- This document contains floodplain management advice only. It does not constitute approval from any other statutory body. It is your responsibility to obtain any other required approvals.
- The 1 in 100 AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1 in 100 AEP flood, may occur in the future.

If you have any queries, please contact Guy Tierney on **(03) 5822 7700**. To assist in handling any enquiries please quote **GBCMA-F-2024-00483** in your correspondence. Please note that all electronic correspondence should be directed to planning@gbcma.vic.gov.au.

Yours sincerely



Guy Tierney

**Statutory Planning and
Floodplain Manager**

Information contained in this correspondence is subject to the definitions and disclaimers below.

Definitions and Disclaimers

1. The area referred to in this letter as the ‘proposed development location’ is the land parcel(s) that, according to the Authority’s assessment, represent(s) the location identified by the applicant. The identification of the ‘proposed development location’ on the Authority’s GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring No two floods are the same and can vary depending on the quantity, duration and location of rain falling on the catchment.
4. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. **NFPL** as Nominal Flood Protection Level – is 300 millimetres above the applicable 1 in 100 AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for a proposed **Extension to Dwelling(s) or Outbuilding(s)** and is for the use only of the party to whom it is addressed and no responsibility is accepted to any third party for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority’s written approval of the form and context in which it will appear.

OFFICIAL

9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. ***The responsible authority may use this information within 90 days of this letter.***

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Hi Lisa,

It is difficult to elaborate on the guidelines outlined below. It is possible to build double storey in this area which is evidenced by existing double storey dwellings in the immediate surrounds. The addition should be provided with a level of articulation that reduces any potential built form prominence to the surrounding environs.

Kind regards,

Joel Ingham - Planning Coordinator

Benalla Rural City Council

PO Box 227

BENALLA VIC 3671

t: 03 5760 2637 | e:Joel.Ingham@benalla.vic.gov.au

www.benalla.vic.gov.au



We acknowledge the traditional custodians of the land on which we live and work and pay our respect to their Elders past and present.

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11.10.2024

Revisions

SD-01	19.07.2024
SD-02	01.08.2024
SD-03	17.09.2024
SD-04	20.09.2024
SD-05	25.09.2024
SD-06	02.10.2024
TP-01	11.10.2024

Project North

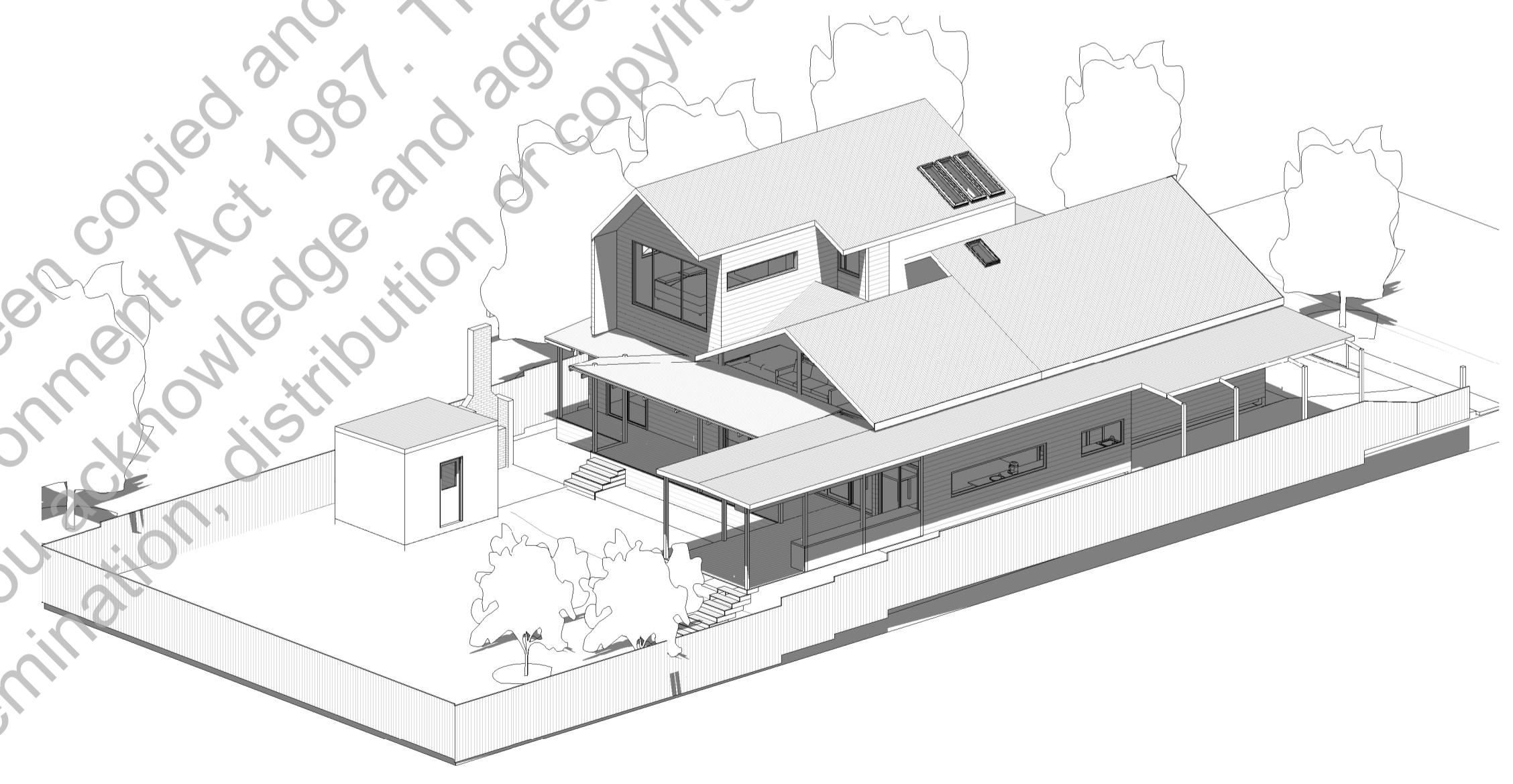
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COVER SHEET
A000

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REPORT ANY DISCREPANCIES TO THIS OFFICE IMMEDIATELY

COLLINGS

9 ARUNDEL STREET BENALLA VIC 3672

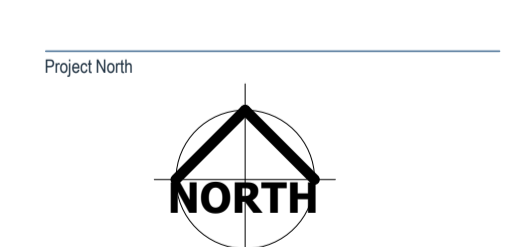


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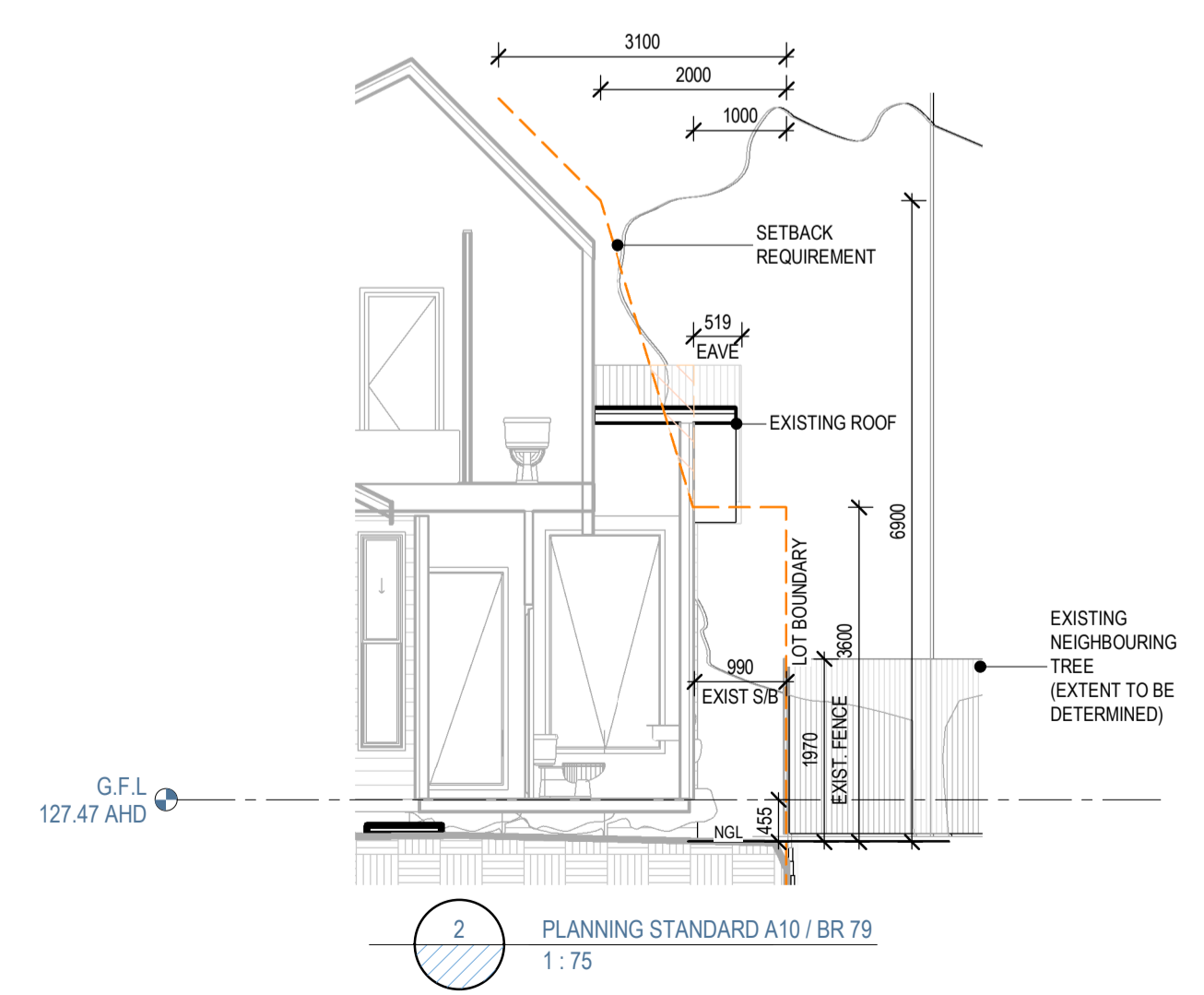
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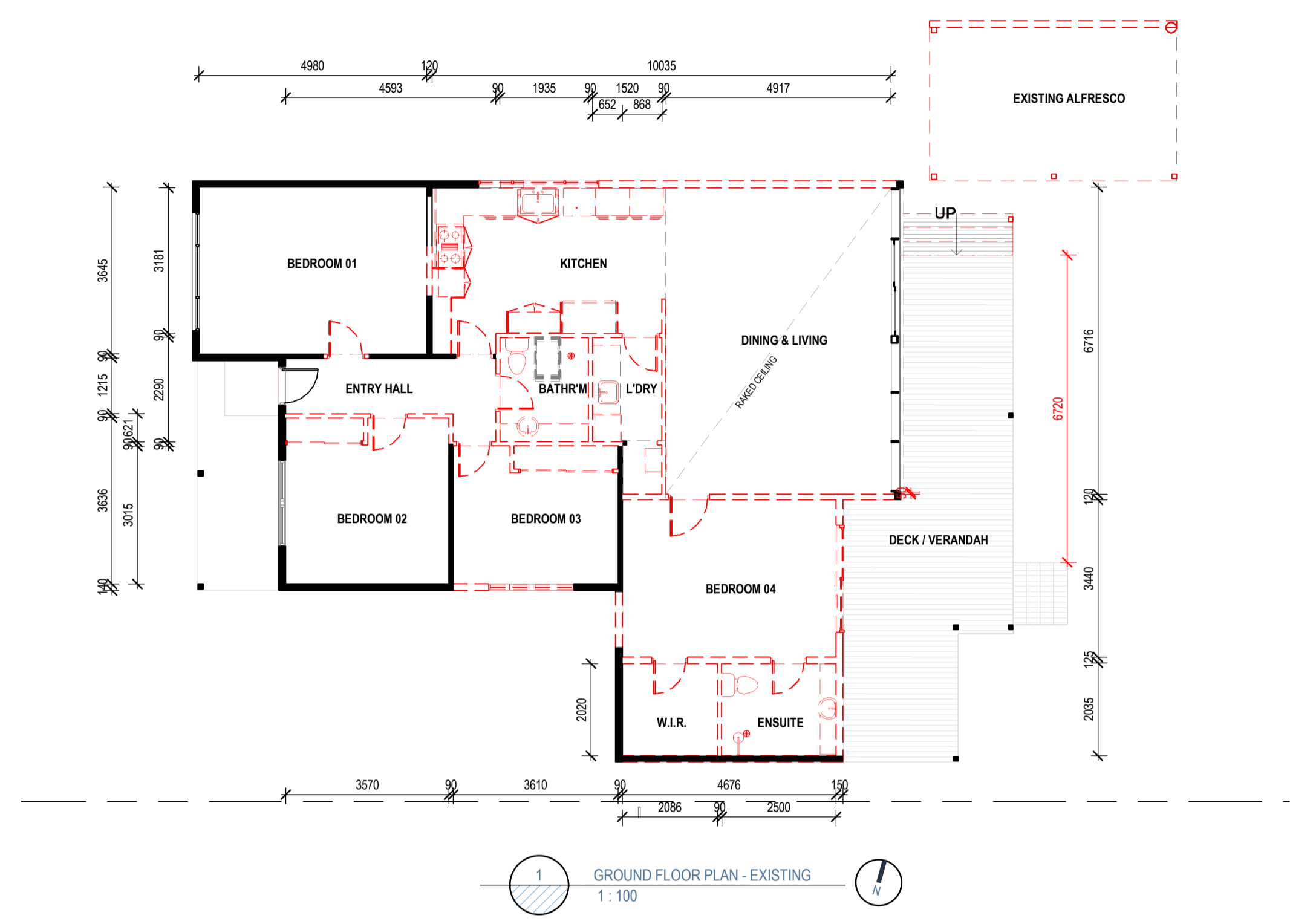
EXISTING ROOF FOOTPRINT

G.F.L. 127.47 AHD

11.10.2024

Revisions

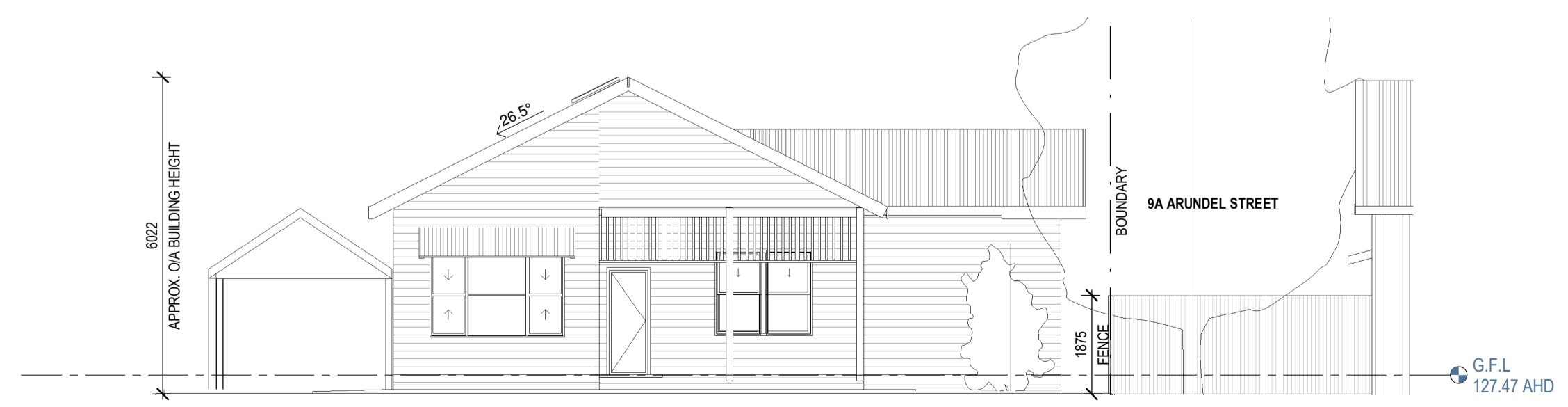
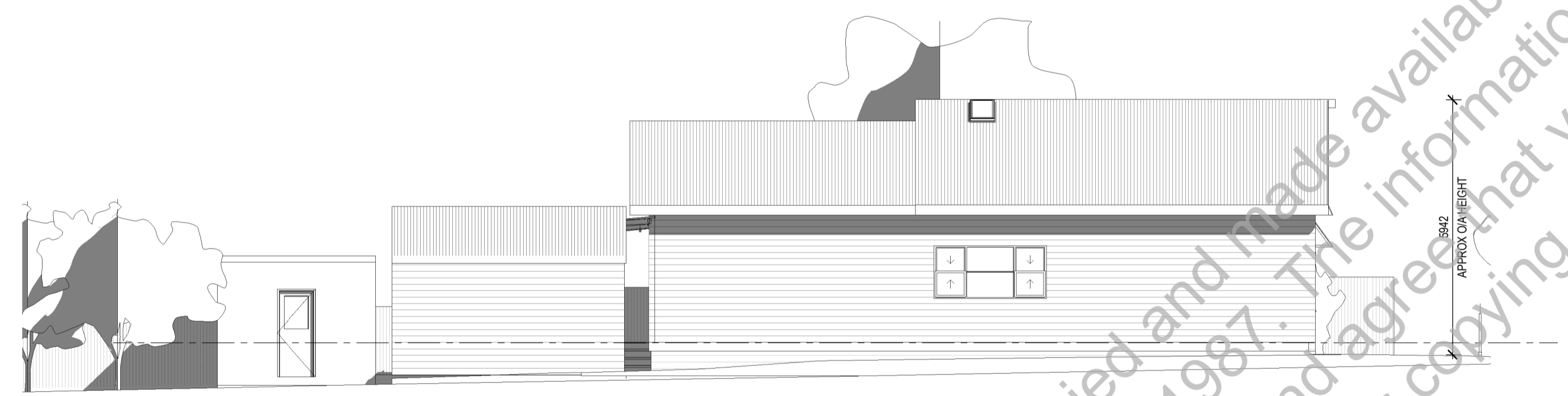
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SD-03	17.09.2024
SD-04	20.09.2024
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SD-06	02.10.2024
TP-01	11.10.2024



AERIAL IMAGE OF EXISTING VEGETATION & SHADOWING - 9 ARUNDEL STREET & 9A ARUNDEL STREET



9A ARUNDEL STREET BENALLA: EXISTING VEGETATION & VIEW OF NORTH FACE



Project North

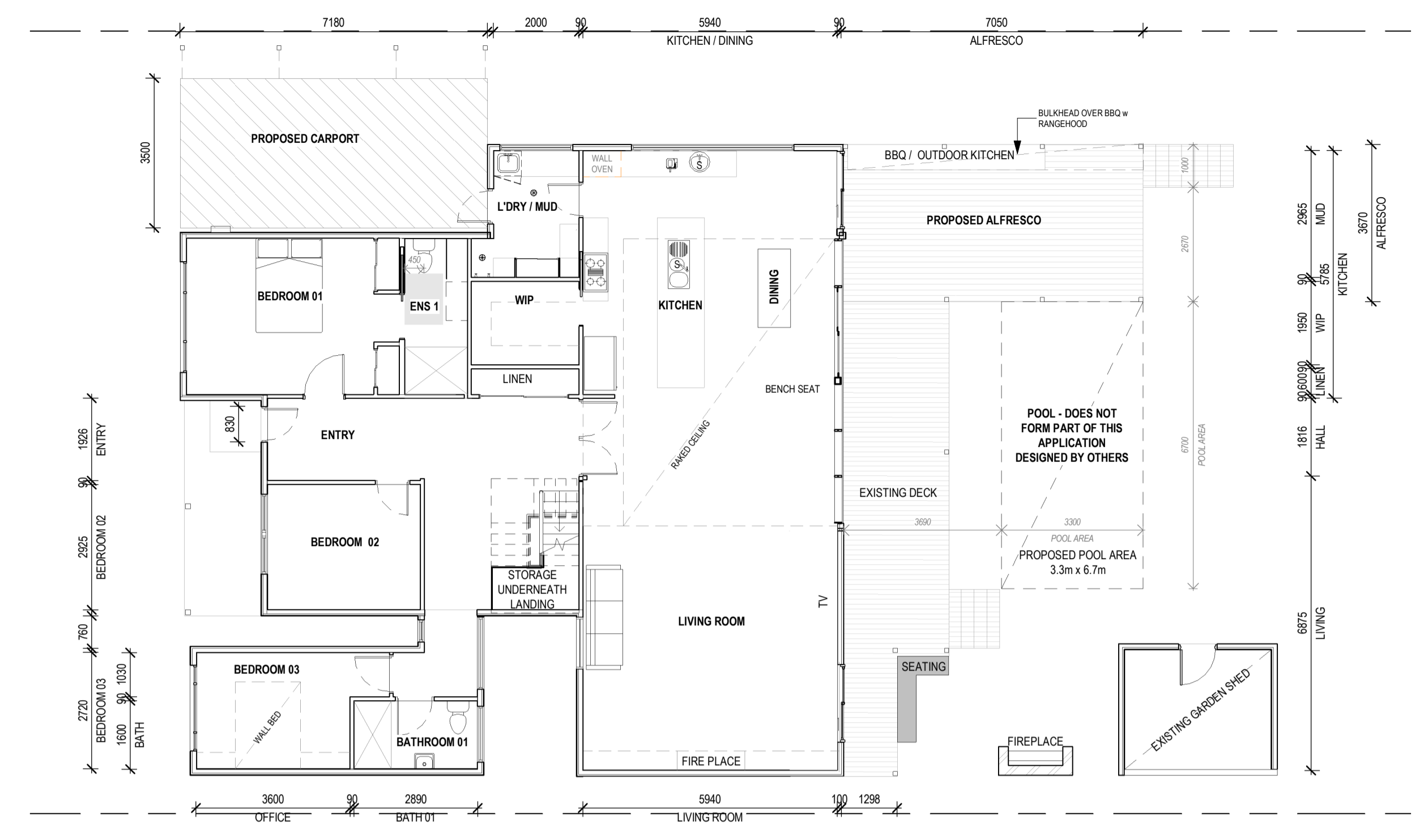
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EXISTING DWELLING
A300

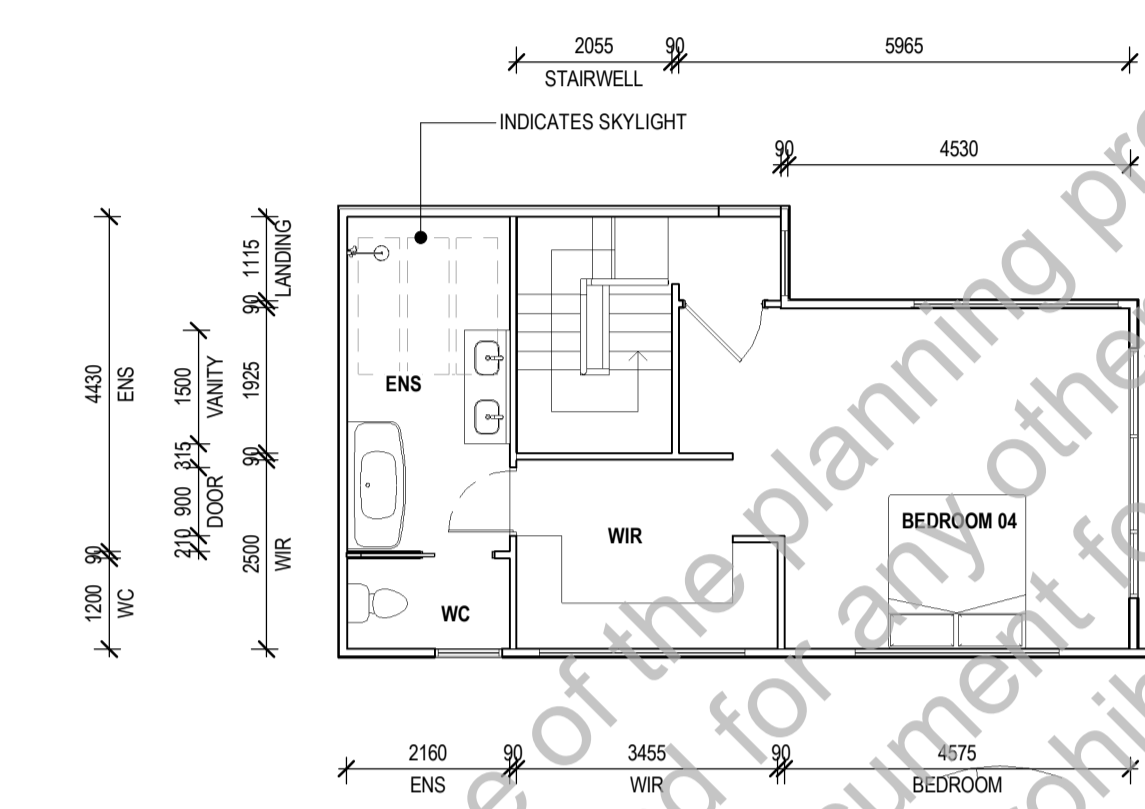
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EXTERNAL COLOURS & MATERIALS	
	CORRUGATED IRON ROOF CLADDING: COLORBOND MONUMENT
	WEATHERBOARD WALL CLADDING: DULUX WINTER TERRACE
	TRIMS: DULUX NATURAL WHITE

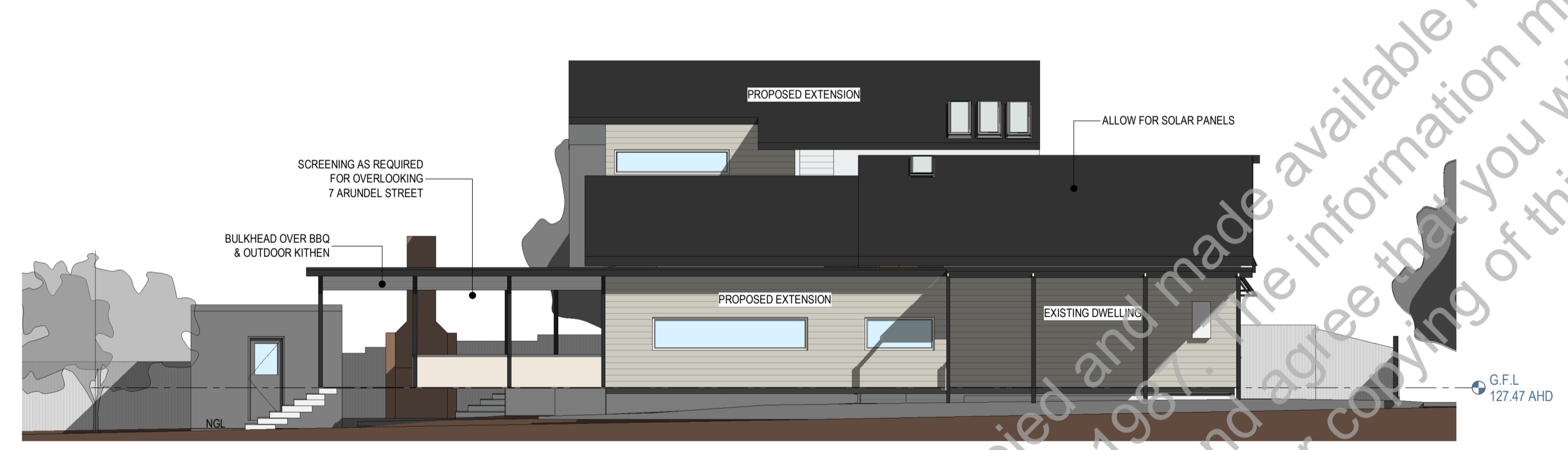
NB: COLOURS NOTED MAY APPEAR DIFFERENT WHEN PRINTED. REFER TO MANUFACTURERS COLOUR SWATCHES



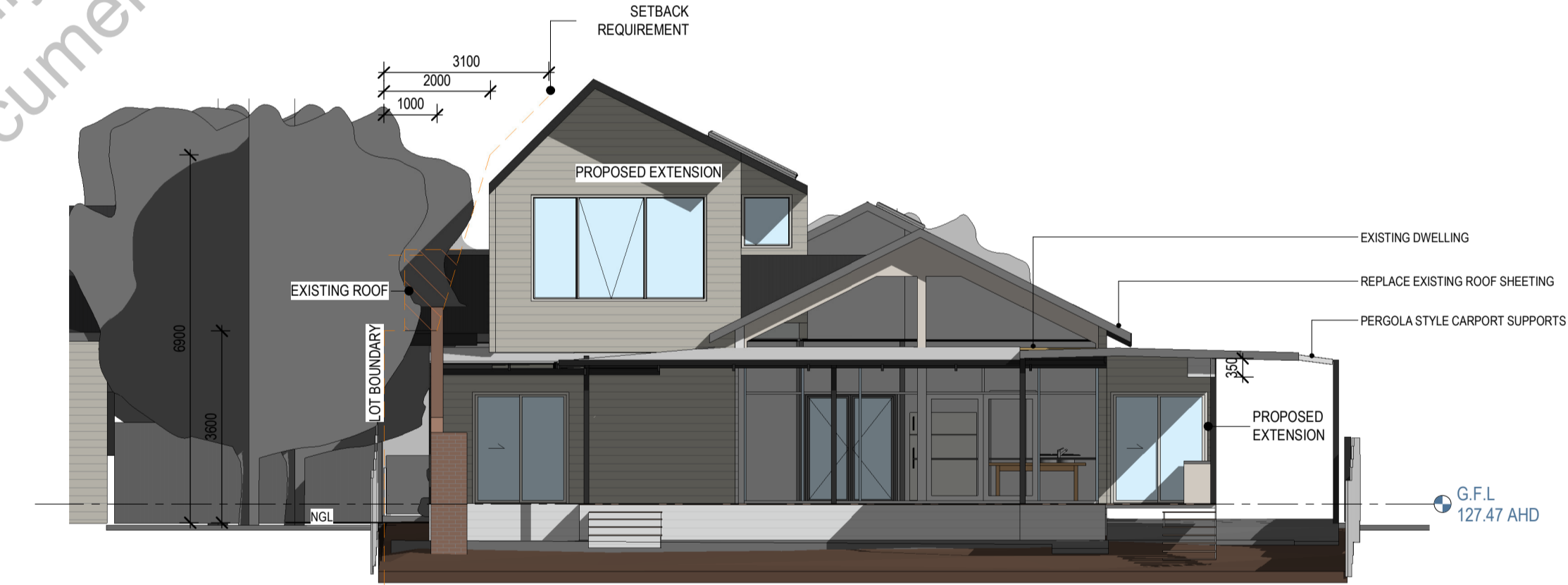
1 GROUND FLOOR PLAN - PROPOSED
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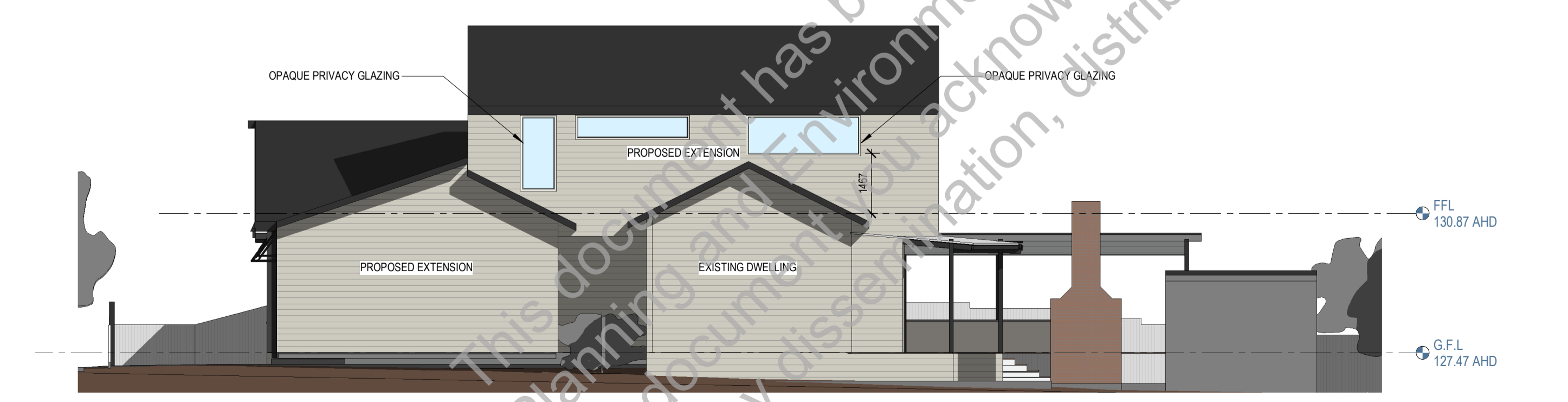
3 F1 1:100



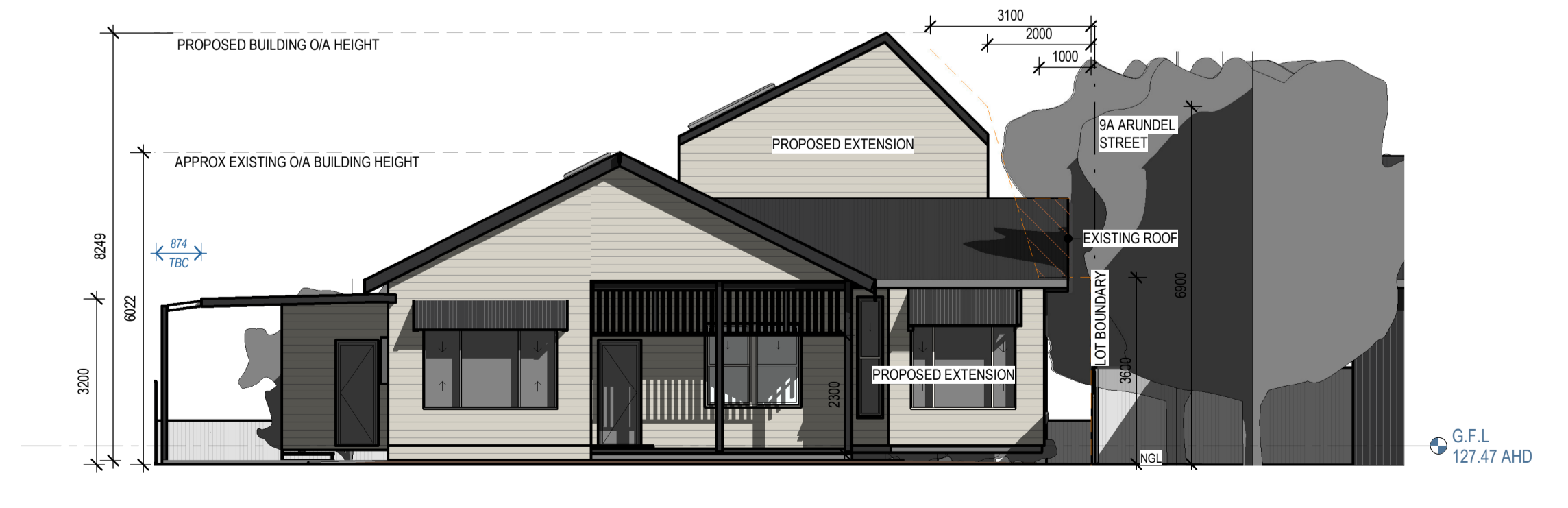
5 PROPOSED ELEVATION - NORTH
 1:100



4 PROPOSED ELEVATION - EAST
 1:100



6 PROPOSED ELEVATION - SOUTH
 1:100



7 PROPOSED ELEVATION - WEST
 1:100

Project No. Q24-145 RX

11.10.2024

Revisions

SD-01	19.07.2024
SD-02	01.08.2024
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TP-01	11.10.2024

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PROPOSED DWELLING EXTENSION
A400

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Sheet No. PHOLD Pty Ltd © 2024

Revisions

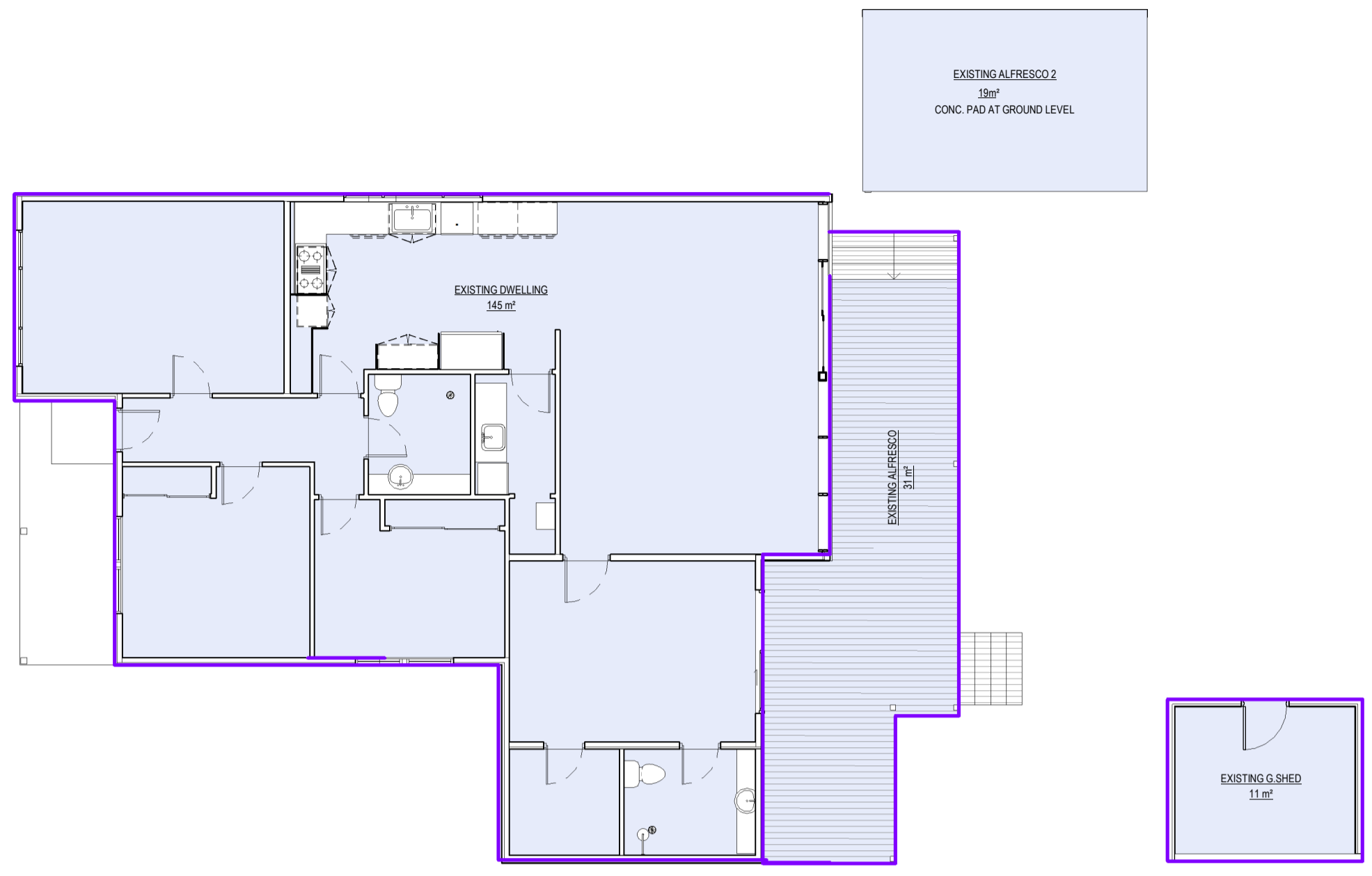
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AREA SCHEDULE - EXISTING	
LOCATION	FLOOR AREA
EXISTING ALFRESCO	31.25 m ²
EXISTING ALFRESCO 2	18.74 m ²
EXISTING DWELLING	144.96 m ²
EXISTING G SHED	11.36 m ²
TOTAL EXISTING FLOOR AREA	206.30 m ²

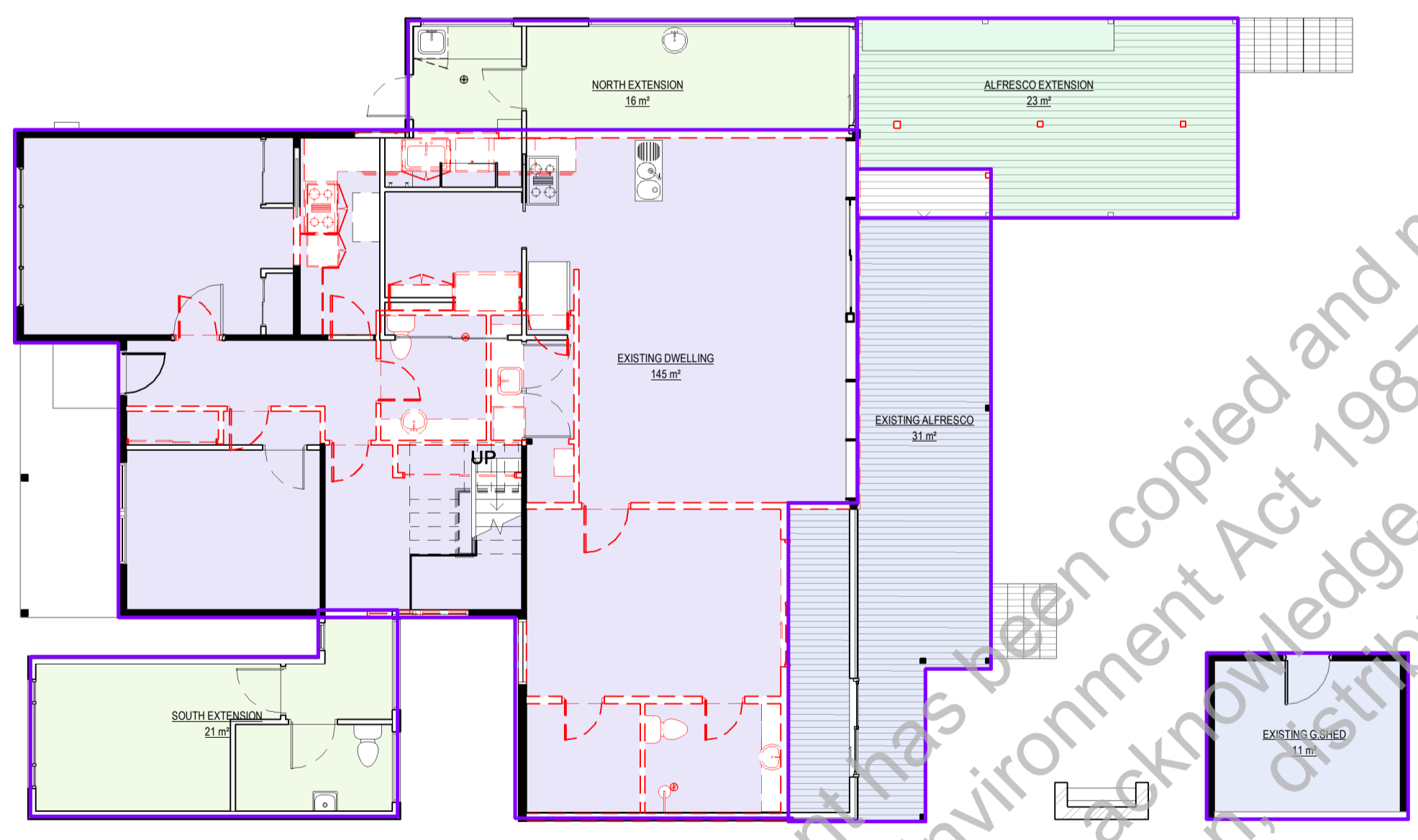
AREA SCHEDULE - GF ADDITIONS	
LOCATION	FLOOR AREA
ALFRESCO EXTENSION	23.48 m ²
NORTH EXTENSION	16.50 m ²
SOUTH EXTENSION	20.96 m ²
TOTAL ADDITIONAL FLOOR AREA	60.94 m ²

AREA SCHEDULE - FF ADDITIONS	
LOCATION	FLOOR AREA
FF BEDROOM 01	27.05 m ²
FF ENSUITE	10.23 m ²
FF STAIR	6.87 m ²
FF WIR	8.50 m ²
TOTAL ADDITIONAL FLOOR AREA	52.66 m ²

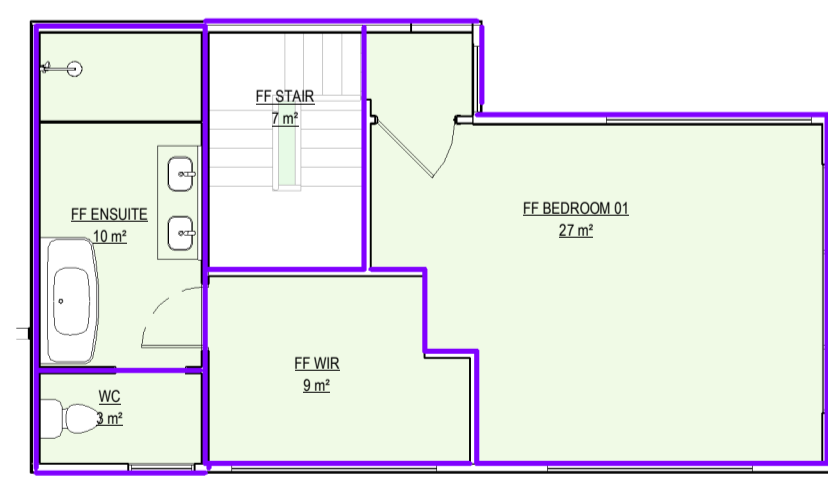
AREA SCHEDULE - COMPLETED	
LOCATION	FLOOR AREA
PROPOSED ALFRESCO	56.80 m ²
PROPOSED DWELLING	183.34 m ²
PROPOSED FFL	56.87 m ²
TOTAL COMPLETED FLOOR AREA	297.01 m ²



1 EXISTING AREA PLAN
 A200 1:100



2 PROPOSED AREA PLAN
 A200 1:100



3 FFL
 A400 1:100

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Project North



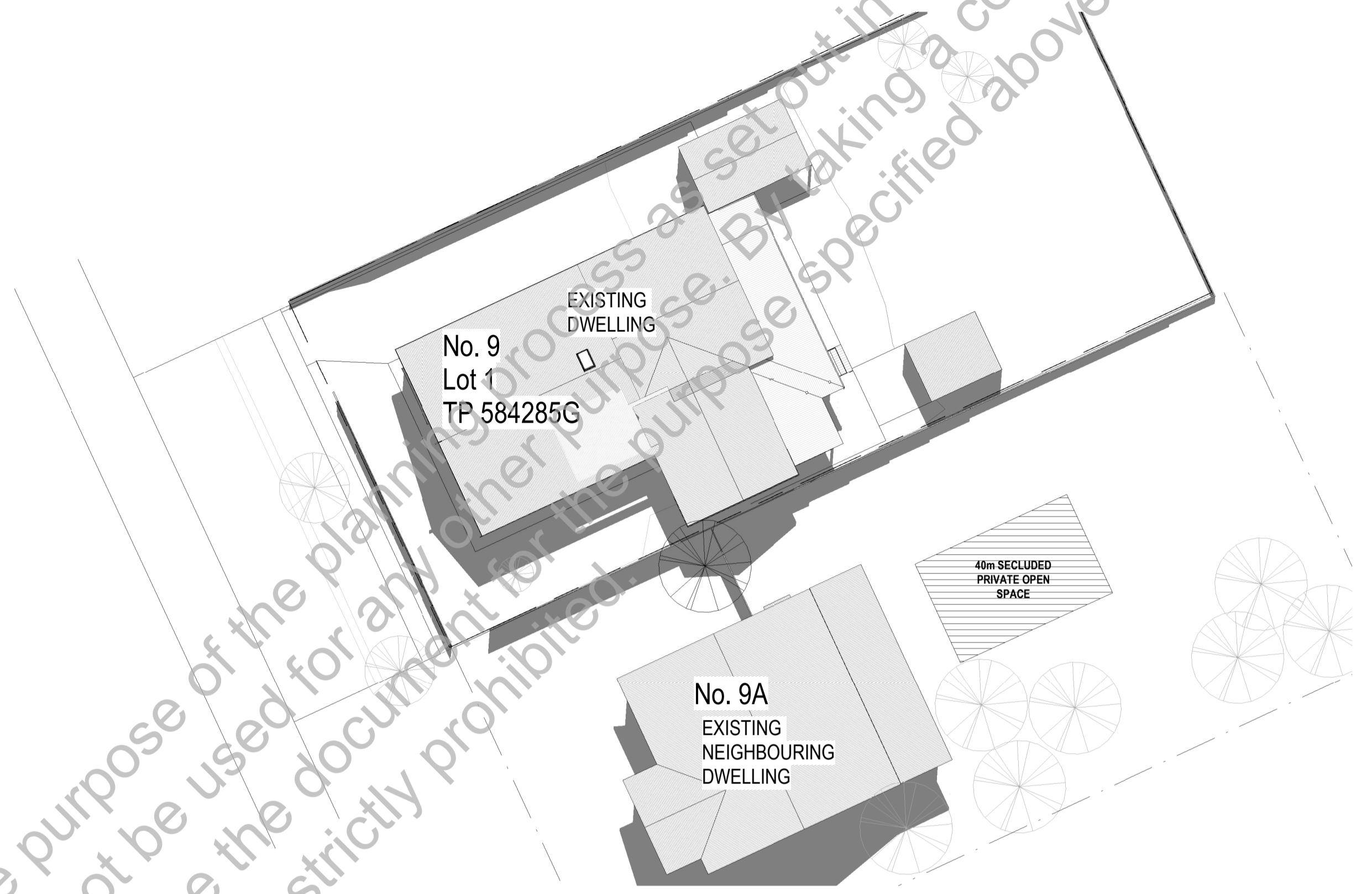
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EXISTING SHADOW DIAGRAM
A500

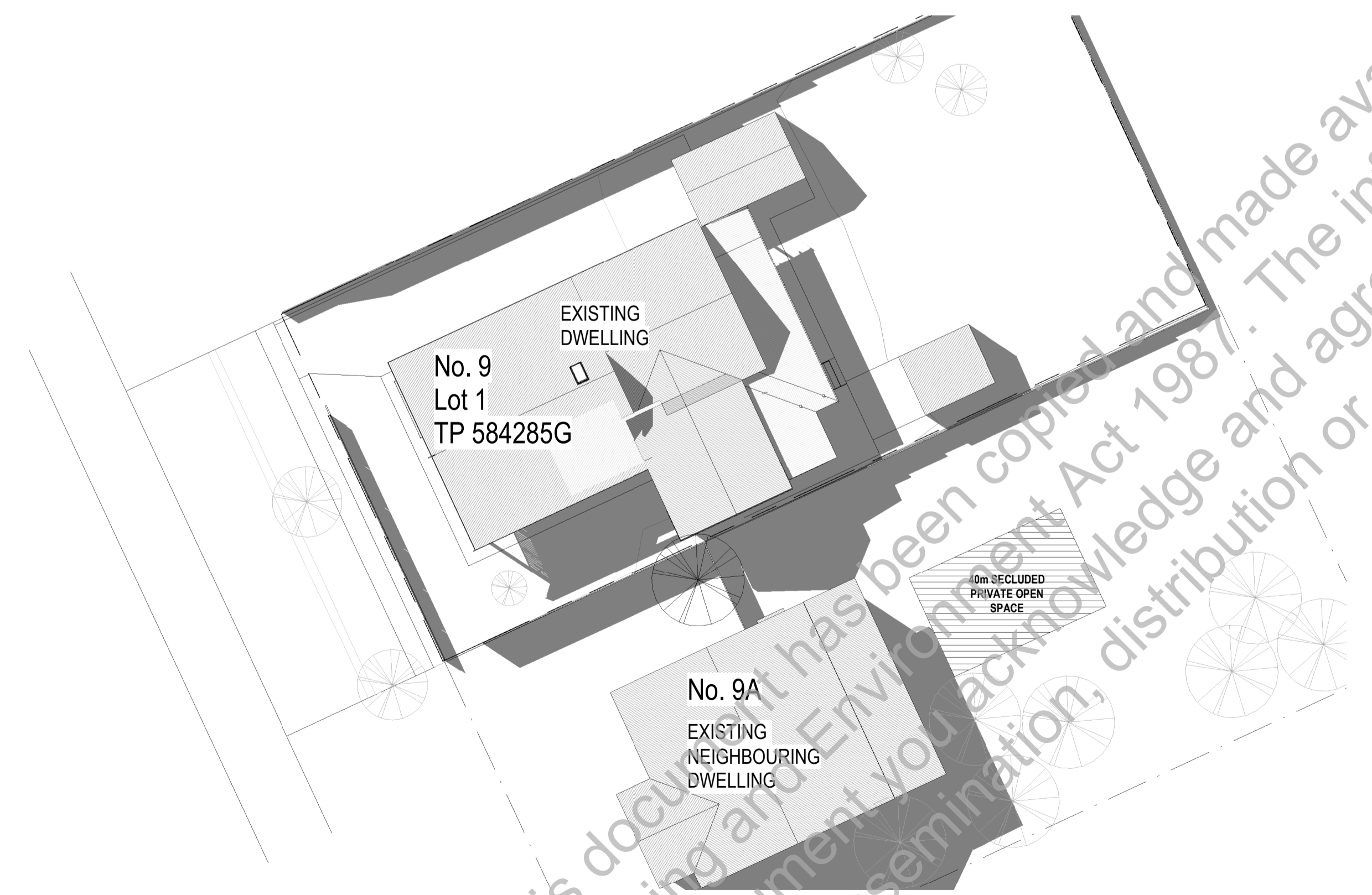
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1 SHADOW DIAGRAM - SEPT 21st - 9.00am
 1:200



3 SHADOW DIAGRAM - SEPT 21st - 12.00pm
 1:200



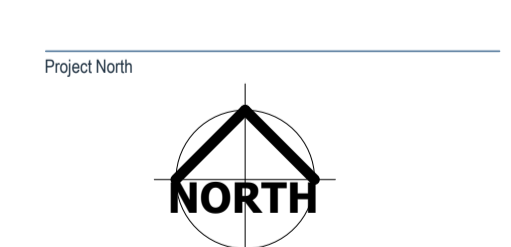
2 SHADOW DIAGRAM - SEPT 21st - 3.00pm
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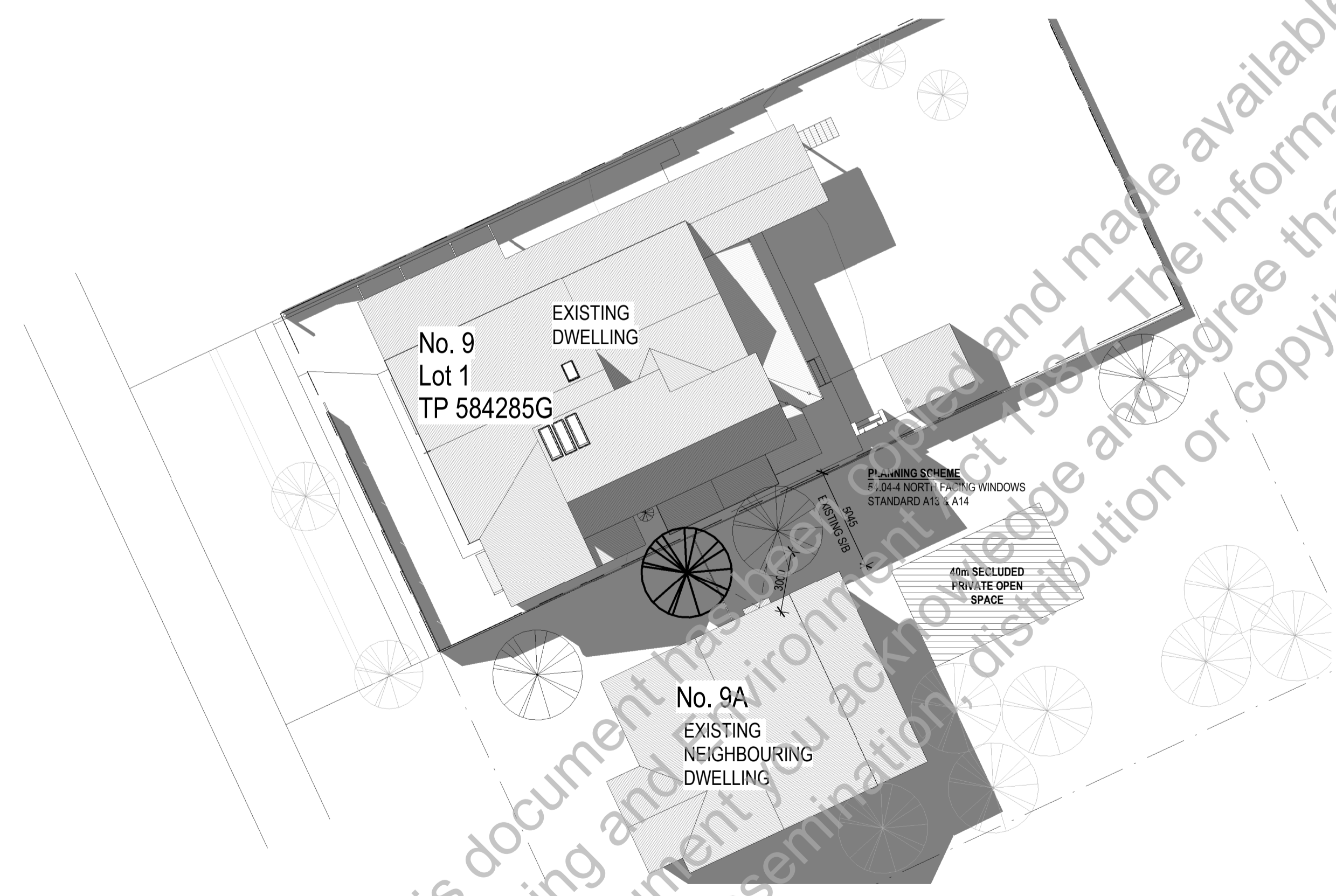
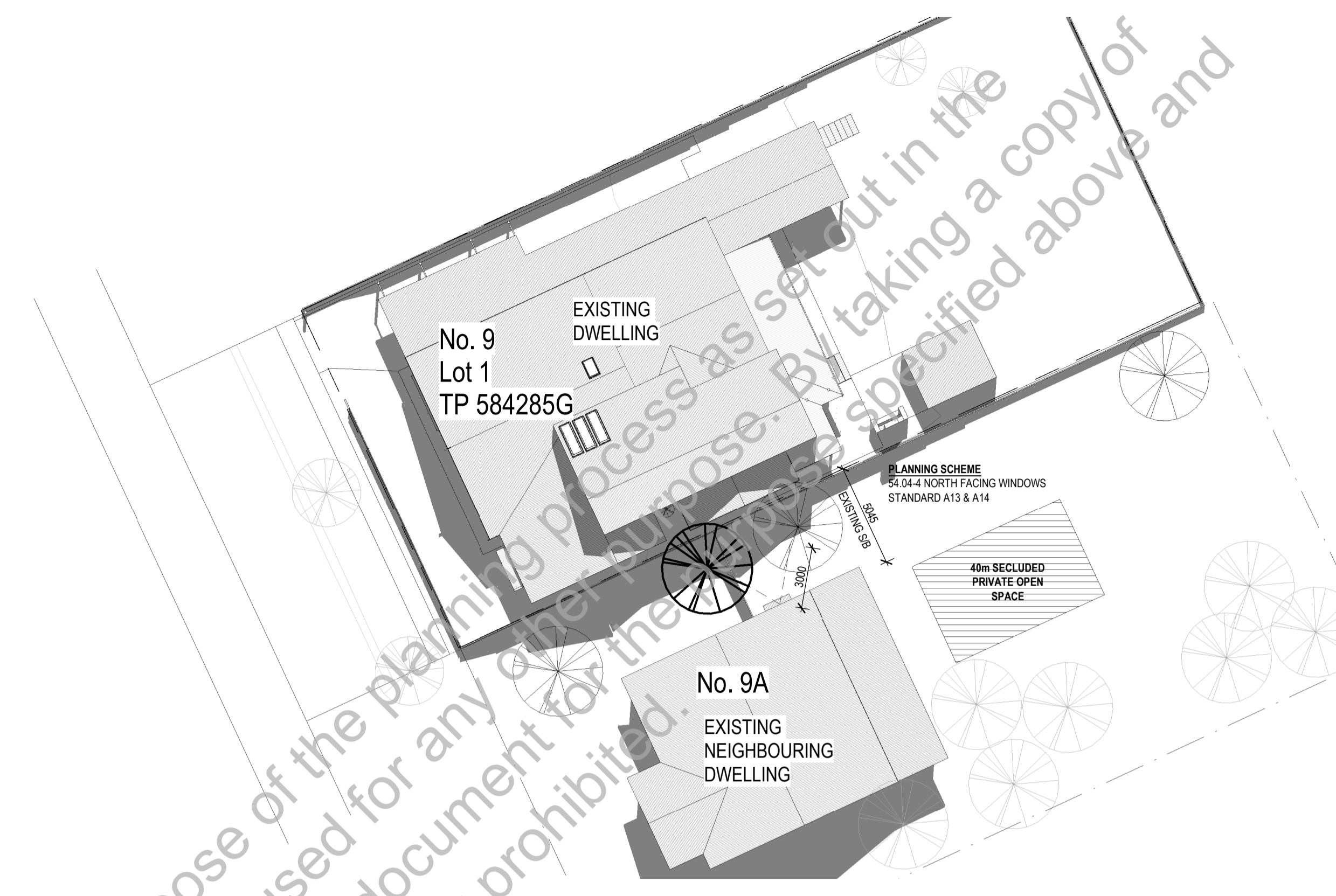
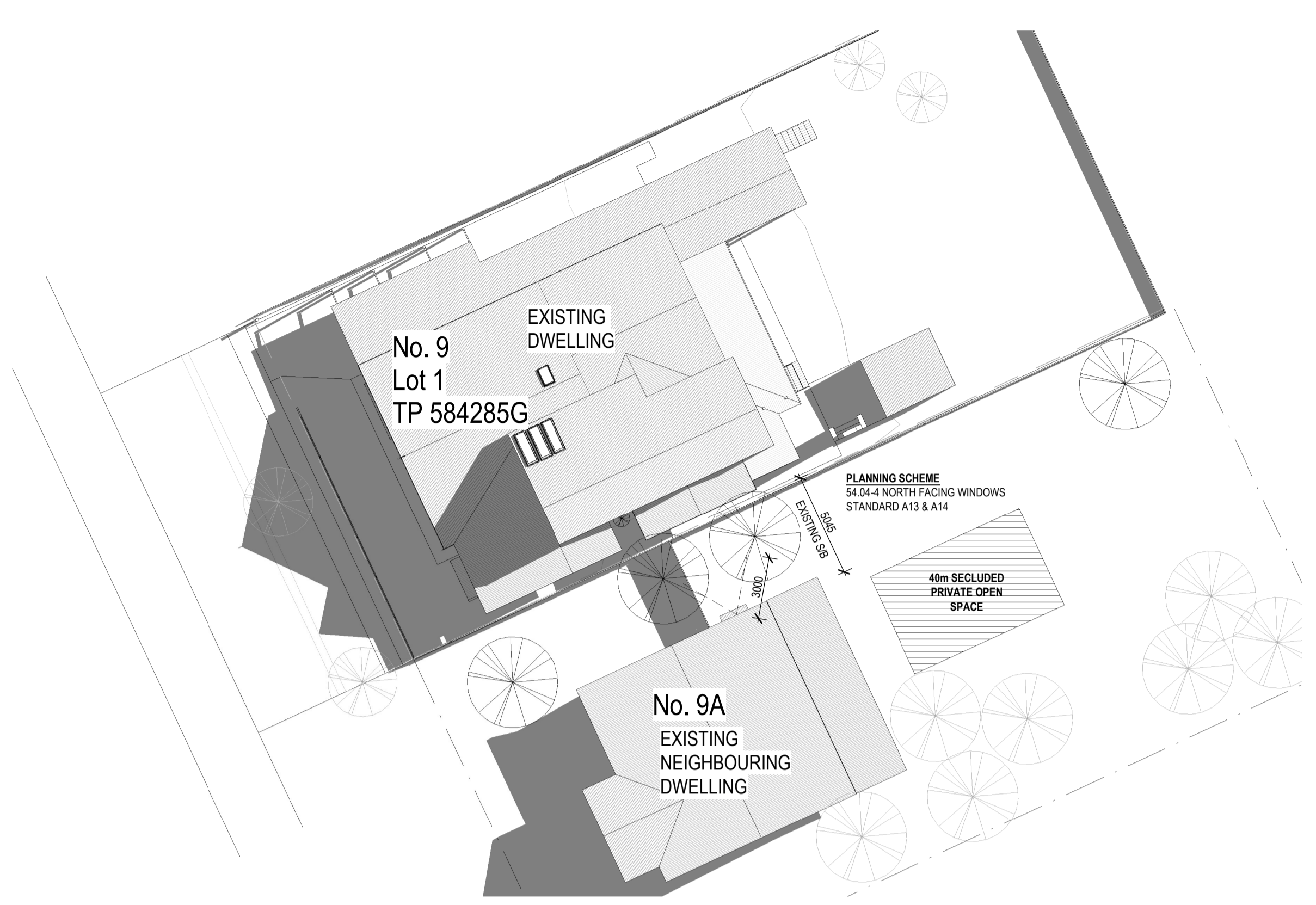
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PROPOSED SHADOW DIAGRAM
A510

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TITLE PLAN	EDITION 1	TP 584285G
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<p>Location of Land</p> <p>Parish: BENALLA Township: BENALLA Section: V Crown Allotment: 2(PT) Crown Portion:</p> <p>Last Plan Reference: LP 7843 Derived From: VOL 5636 FOL 030 Depth Limitation: NIL</p>	<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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Description of Land / Easement Information	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 27/07/2000 VERIFIED: G.B.</p>
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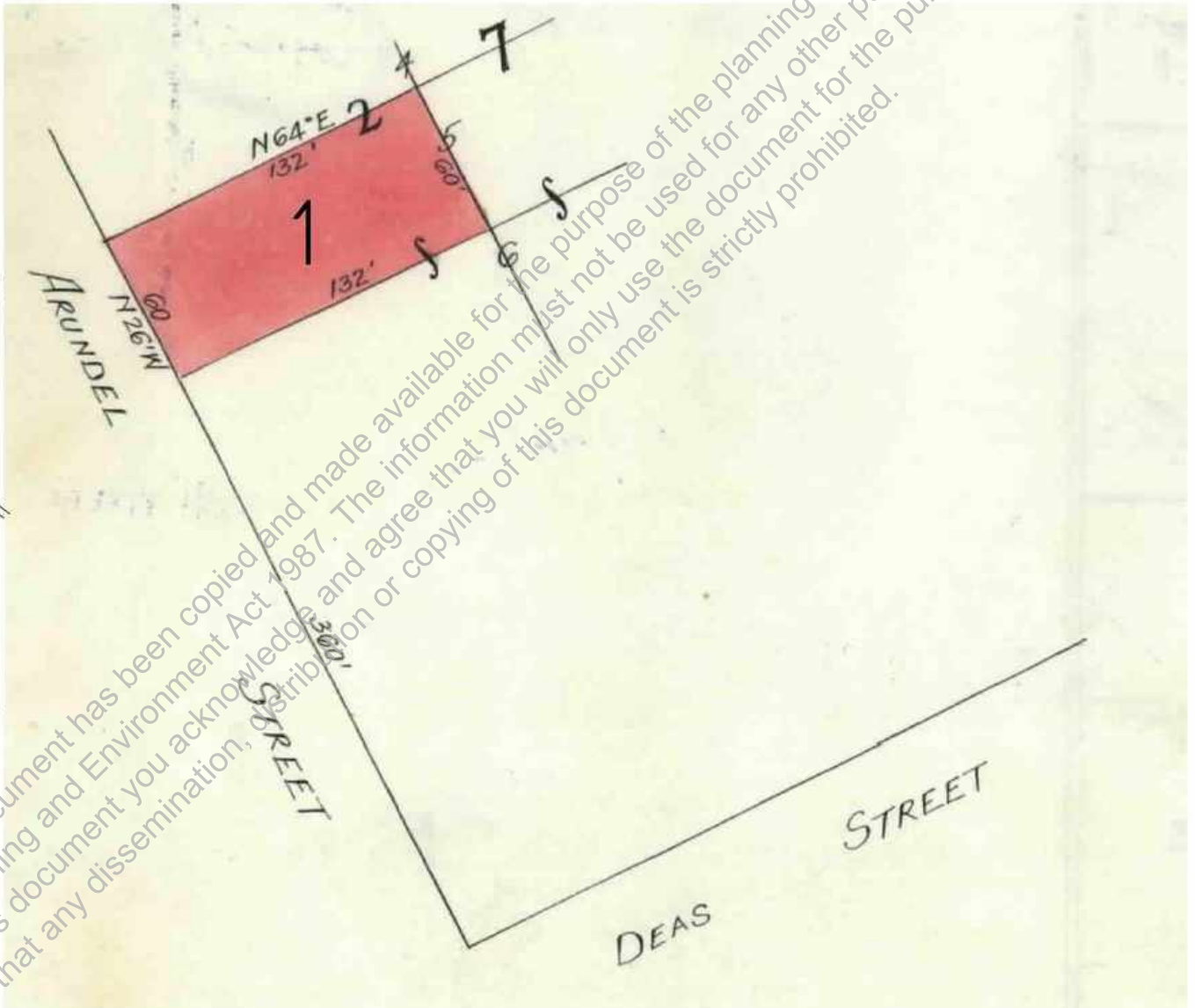


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = LOT 5 (PT) ON LP 7843	

LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets
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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 05636 FOLIO 030

Security no : 124118950487V
Produced 11/10/2024 11:57 AM

LAND DESCRIPTION

Lot 1 on Title Plan 584285G.
PARENT TITLE Volume 04488 Folio 494
Created by instrument 1449209 07/03/1930

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
PAUL COLLINGS
KIM GAYLENE COLLINGS both of 9 ARUNDEL STREET BENALLA VIC 3672
AX144240D 11/08/2023

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 TP584285G 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: 9 ARUNDEL STREET BENALLA VIC 3672

ADMINISTRATIVE NOTICES

NIL

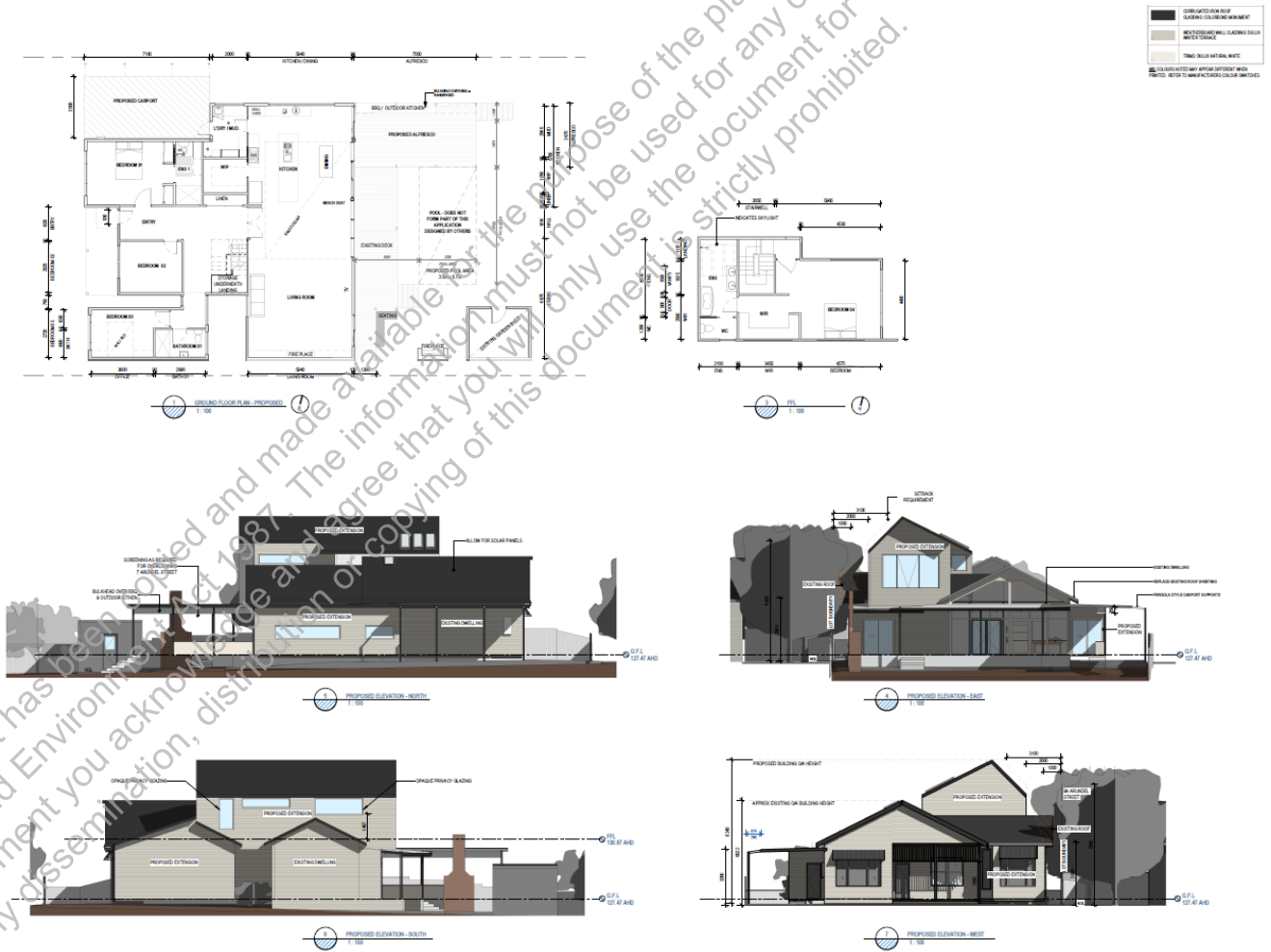
ect Control 21131P ROBERTS BECKWITH PARTNERS
Effective from 11/08/2023

DOCUMENT END

Design and Development Overlay (Schedule 2) Assessment for an Extension to an Existing Dwelling at 9 Arundel Street, Benalla

Proposal

The proposal is for an extension to the existing dwelling. It involves extension at the ground level and addition of first floor with the following details:



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Planning Scheme Consideration

15 Built Environment and Heritage

Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Objectives

- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- To improve community safety and encourage neighbourhood design that makes people feel safe.
- To achieve neighbourhoods that foster healthy and active living and community wellbeing.

15.01-1S Urban Design

Objective

- To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

43.02 Design and Development Overlay

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Below are the design objectives and decision guidelines under the overlay with associated assessment in relation to the proposal.

Schedule 2 – Lake Benalla Environs Residential Interface: Mitchell and Arundel Streets

Design Objectives and Assessment

- *Encourage siting and design of new residential development that protects views and the integrity of Lake Benalla and environs.*

The proposal involves extension to the existing dwelling at ground and first floor levels. The siting and design of the proposed extension is typical of such development in a residential zone. The proposal will have no unreasonable impact on the views and integrity of the Lake Benalla and environs as it will be reasonably setback from the boundary to the lake. The extension will be within the existing footprint of the building without any unreasonable encroachment to the rear of the lot. The existing vegetation to the rear of the land will provide reasonable screening for the proposal when viewed from Lake Benalla.

- *Encourage low scale development which is unobtrusive and will not have a detrimental impact visually or physically on the environs of Lake Benalla.*

It is acknowledged that the proposal involves an addition of first floor however the scale of the development at first floor is small. It only involves construction of a bedroom, wardrobe and an ensuite at first floor level. The first-floor level will be recessed behind the main building line when viewed from the street, therefore it will not create any bulk. It will also be recessed to the rear behind the outdoor area and therefore it will not result in any visual or physical impact on the environs of Lake Benalla. The first-floor level will have a window towards the lake which will create some articulation rather than having a sheer blank wall.

- *Improve provision of walking trail access and viewpoints around Lake Benalla.*

Not applicable as the proposal only involves extension to an existing dwelling.

- *Ensure protection and enhancement of views and vistas to Benalla Art Gallery, Benalla Botanical Gardens and road and rail bridges.*

Not applicable. The views and vistas to Benalla Art Gallery, Benalla Botanical Gardens and road and rail bridges will not be impacted by the proposal as it will be reasonably setback from these landmarks.

- *Ensure landscaping and tree planting within passive recreation areas protect views of Lake Benalla and significant buildings in the lake environs such as Benalla Art Galley.*

Not applicable as no landscaping has been proposed.

Decision Guidelines and Assessment

- *The Municipal Planning Strategy and the Planning Policy Framework.*

Complies. The proposal will represent an appropriate design for the site and will respond to the context of site in terms of character and surrounding landscape. Clause 15:01-1S relates to urban design and specifies design principles. The objective is “*to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*” The development will represent an appropriate design for the site and will respond to the context of site in terms of character and surrounding landscape. From a streetscape perspective, the siting has been designed to respect and respond to the existing streetscape character.

The design whilst modest in scale is considered acceptable in considering the mix of existing neighbourhood character prevailing in the neighbourhood. The proposal complies with policy and will be consistent with the character of the area.

The proposal applies appropriate architectural detailing and character within the context of the street. Façade detailing and roof form have been designed to reflect contemporary residential design expectations. The materials, form and building design all acknowledge the immediate and surrounds. The scale and setbacks proposed will contribute to ensure that the development sits comfortable in its context.

- *The design objectives of the relevant schedule to this overlay.*

Complies as discussed above.

- *The provisions of any relevant policies and urban design guidelines.*

Complies as such development is anticipated within residential zone.

- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

The proposal will be consistent with the overall character of the area and the streetscape. The surrounding area displays residential character comprising single dwellings. The scale and bulk of the proposal will be proportional to the size of the land and to the existing dwelling on the land. The proposal does include a first-floor extension however it will not be out of character for the area as there are examples of double storey dwellings in the area (5A and 7 Arundel Street Benalla). It is important to mention that keeping in with the character does not mean replicating what currently exists and this has been an established principle at VCAT. In *McLachlan v Greater Geelong CC* [2016] VCAT 946, Member Harty made following comments in relation to neighbourhood character:

“Respecting neighbourhood character is not about replicating what exists. An area of incremental change means change is foreseen, and that contemporary design adds contrast to designs that have been applied in the past...”

- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*

The design, form, layout, proportion and scale of the proposal will be compatible with the surrounding dwellings in the area. It is noted that the dwellings in the area are not affected by Heritage Overlay.

- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

Not applicable as no vegetation removal has been proposed.

- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*

Not applicable as the proposal involves extension to an existing dwelling.

- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

Not applicable as the proposal does not involve subdivision.

- *Whether the building design, mass, form and height is consistent with adjacent urban character and the landscape character and environmental integrity of the lake and its environs.*

As discussed above, the proposal will be consistent with the character of the area. It will have no impact on the environmental integrity of the lake and its environs as the scale of the development is small.

- *Whether the proposal has regard to protection of important viewlines and vistas.*

As discussed above the proposal will have no impact on the important viewlines and vistas. The overall wall height will be 6.9m which is considered reasonable and will not result in any impact on the views or vistas.

- *Whether the proposal is consistent with the findings and recommendations of the Lake Benalla Environs Study, 2007.*

Complies. The proposal in general complies with all the findings and recommendations of the Lake Benalla Environs Study, 2007 which is referenced document within the scheme.

- *Comments of the Goulburn Broken Catchment Management Authority and Department of Sustainability and Environment, as appropriate.*

The application was referred to Goulburn Broken Catchment Management Authority and no objection has been raised from Goulburn Broken Catchment Management Authority for the proposal.

- *Comments of Benalla Rural City Council's Heritage Advisor in relation to development proposals adjacent to Heritage Overlay sites and areas.*

Not applicable. The proposal will be setback reasonably from the Lake Environs Heritage Overlay.

While it is agreed that the Design and Development Overlay provisions 'raise the bar' in terms of an assessment of whether the proposal represents an acceptable design outcome, the Design and Development Overlay does not require the built form to be an award-winning design or world's best

practice. In 736-742 Hampton Street Developments Pty Ltd v Bayside CC [2019] VCAT, Presiding Member Paterson and Member Nervegna made following comments in relation to Design and Development Overlay:

“In making a finding as to whether the proposal meets a threshold of a ‘high standard of architectural design’ we take into consideration a number of factors. Firstly, this is not an assessment of architecture as might be undertaken in a purely peer reviewed context, nor is it one based on taste. This is an assessment made against various objectives and requirements in the planning scheme and how the proposal addresses them in a design response.”

Overall, it is deemed that the proposal will meet the outlined objectives and decision guidelines under the overlay. The proposal will not result in any unreasonable impacts on the views and vistas and on the lake environs.

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