

FUT 57 PLANNING PERMIT APPLICATION 204/2009 – CONSTRUCT A COMMERCIAL BUILDING AND SIGNAGE AND WAIVING OF CAR PARKING REQUIREMENTS, LOTS 2 AND 3 PS317675A, 79 HIGH STREET, MALDON (PA204/2009)

Responsible Officer: Planning Officer

1. Purpose

The purpose of this report is to inform Council of an application submitted for the construction of a commercial building including signage and waiver of car parking requirements at 79 High Street, Maldon.

The application has been referred to Council for a decision because 42 objections are still outstanding. A petition, signed by 492 citizens, was also submitted to Council at the Ordinary Meeting of 23 March 2010.

Refer to Attachment FUT 57 A for a copy of the site plan and elevations of the proposed building, Attachment FUT 57 B for a copy of the signage details (option 2) and Attachment FUT 57 C for an aerial photo of the subject site

2. Background

Subject Site

The subject property is located on High Street in the historic town centre of Maldon. The property constitutes two titles with a total area of 169m² and a 10.22 metre street frontage. Two timber buildings on the site were demolished in 1936 and the site has remained vacant (Maldon Conservation Study). There are no significant trees on the site.

Surrounding Area

The subject site is situated between the former Commercial Hotel to the south and the CFA building to the north. The former Commercial Hotel (now 'Lavender Lace and Living' shop) was constructed in 1867. It is a typical weatherboard 19th century Maldon shop building with a series of gabled roofed additions behind a brick parapeted, verandahed and glass shopfront façade. The verandah over the footpath was added at a later date. The CFA building to the north was built in 1957. The modern, single storied metal clad shed is 'inappropriate in the Historic Interest Zone' (Maldon Conservation Study).

Land at the rear was re-subdivided to accommodate two dwellings. One unit was built which can be accessed via a laneway that is located in between the proposed Maldon Community Bank site and the former Commercial Hotel. The other lot is vacant.

Proposal

Commercial Building

The application was lodged on 22 October 2009 and proposes to develop the site for a commercial building to be occupied by the Maldon Community Bank. A free standing building is proposed which will occupy the whole of the site. Total height will be 6 metres (4.8 metre high building and 1.2 metre high parapet).

Due to the private ownership of the land to the north (CFA), the northern wall must be fire-rated to ceiling height and no windows can occur. Therefore, a long clerestory window feature through the centre of the building has been created to capture the northern light in lieu of windows on the boundary.

Proposed finish to the north wall is oxidised, textured concrete (to give a 'rusted' affect). A parapet (stained ship-lapped boards) will screen the clerestory window from High Street. Proposed finish of the southern wall will also be stained strip-lapped boards. The southern elevation contains a horizontal strip of windows broken up by timber frames.

The proposal includes a 12° angled verandah (second hand corrugated iron) on painted timber posts and beams.

Signage

Two signs are proposed at the front of the building:

- 7.3 metres long by 1.35 metres high sign above the verandah: this sign will contain capital lettering in Bendigo Bank corporate colours (red and gold);
- 600mm by 600mm wall sign to the right side of the front elevation with painted letters in corporate colours.

Parking

On-site parking has not been included in the design of the proposed building due to the limited size of the subject site. The applicant included waiving of car parking requirements in the planning permit application on the following grounds:

- There are three existing car parking spaces immediately in front of the site and ample street parking available throughout town;
- There is also a large overflow parking area in nearby Fountain Street;
- The current Maldon Community Bank (nearby 93 High Street) does not accommodate any off-street parking.

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

A summary of relevant policies and guidelines is followed by an assessment of the proposal against these policies and studies.

State Planning Policy Framework (SPPF)

Clause 15.11 – Heritage

This clause aims to assist in the conservation of places that have natural, environmental, historic, cultural or other social significance as a means of understanding our past and making a contribution to the economic and cultural growth of the State. It states that planning authorities should identify, conserve and protect places of natural and cultural value from inappropriate development including important buildings, structures, parks, gardens, sites, areas and landscapes, towns and other places associated with the historic and cultural development of Victoria.

Clause 17.02 – Business

This clause encourages developments which meet the community's need for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 19.03 – Design and Built Form

The objective of the policy to achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity and amenity.
- Promotes attractiveness of towns and cities within the broader strategic context.

Municipal Strategic Statement (MSS)

Clause 21.01 – Overview of the Mount Alexander Shire

The overview includes retail trade and community services as two of the main employment sectors within the Shire and that the Shire is ideally located within Central Victoria with extensive road and rail transport links to Melbourne and Bendigo. The clause also mentions the recognition of Maldon as Australia's first Notable Town in 1966.

Clause 21.03 – Municipal Vision and Framework Plan

The land use planning and development vision for the Shire will be achieved by places and areas of natural and cultural heritage.

The subject site is included on 'Plan 4: Maldon Framework Plan' and is within the Town Centre (maintain historic and compact town centre).

Clause 21.04-5 – Objectives and Strategies (Built and Cultural Heritage)

This clause refers to the cultural heritage of the Shire. Maldon is mentioned as one of the most intact 19th century towns in Australia.

The relevant objectives of this clause are to:

- Protect the significance, character and appearance of European heritage places, precincts, buildings, streetscapes, places and structures.
- Encourage all heritage places to be restored, recycled and/or renovated in a sympathetic manner that will enhance the heritage value of the place.
- Protect heritage character of towns in the Shire.

Clause 21.05 – Reference Documents

Reference documents relevant to this application are:

- Maldon Conservation Study, Jacob Lewis and Vines, 1977
- Maldon Urban Design Framework, ARUP, 2004
- Maldon Design Guidelines, 1996

A summary is provided later in this report.

Local Planning Policies (LPP)

Clause 22.02 – Maldon

This policy applies to the township of Maldon as defined on the Maldon Framework Plan. The plan recognises the national significance of the heritage of the town of Maldon due to:

- The town being one of the most intact of any 19th century town in Australia.
- The large number of buildings and works of historic significance in the area.

The local significance of Maldon and environs is recognised due to a unique combination of many individual elements which contribute to its integrity as a whole. The combination of the following specific features contributes to Maldon's significance:

- The interest and diversity of the range of buildings and works (including the street form, drainage patterns, exotic planting and mine workings) that relate to gold-mining periods, in particular dating from the period up to the 1930's.
- The mature and attractive post gold-mining quality of the landscape and the township.
- Maldon's outstanding interpretative value in respect of both its general arrangement and detailed elements.

The Maldon township policy establishes guidelines under which development within area of heritage significance in the township are considered.

The subject land is located within Maldon Historic Central (identified on the maps and in the Schedule as HO445) where it is policy that:

- The existing scale, character and appearance of this Victorian commercial streetscape and the attractive nature of the commercial area generally as it has evolved in the post mining periods is preserved and enhanced.
- The street pattern within the town centre is preserved to reinforce its influence on the town's historic character.
- New development is in harmony with the character and appearance of adjacent buildings constructed in the period 1860-1925 inclusive.
- The commercial viability of the town centre is maintained and encouraged by accommodating a range of retail, commercial and public utility land uses.
- The need for the business community to advertise in a manner consistent with the historic significance and character and appearance of the zone is recognised.
- An appreciation of all the individual components of buildings and works within the zone which contribute to make up one of the most intact commercial town centres dating predominantly from the 1850's to 1920's in Australia, and hence the need to respect and retain each of them, is encouraged.
- Development is in accordance with the Maldon Design Guidelines.

Clause 22.11 – Streetscape

This policy applies to the entrances and main streets of all towns and includes the following objectives:

- To ensure that all development has regard to design, siting and landscape issues.
- To ensure that all development enhances the presentation of main road entrances into townships and enhances the immediate environment.

Clause 22.20 – Natural and Cultural Heritage

This policy applies to all buildings and works of cultural significance, including the buildings which are listed in the Schedule to the Heritage Overlay. Objectives of this clause are:

- To ensure that the Shire's local heritage is preserved and maintained.
- To ensure that new uses and developments are of a type which is in harmony with and complements the historic and architectural integrity, character and appearance of surrounding buildings, works, site or landscape.
- To recognise the buildings, works, sites and landscapes which are of local historical and architectural significance and the role they play and the need to ensure their preservation and maintenance.

It is policy that:

- Council will have regard for comments from Council's Heritage Advisor or any other Council appointed Heritage Advisory Board or Committee when considering any application for land use and development of a heritage building, site or area.
- New development will be designed so it will not prejudice the character of a heritage building, site or area.
- In heritage areas building form, design, siting and materials used must be compatible with the traditional form, design, siting and materials of the area.

Clause 22.30 – Building Lines and Height

The objectives of the clause are:

- To ensure that new uses and development of land at or near highways and main roads is not prejudicial to the use, safety or amenity of such transport routes.
- To ensure the development is appropriately located and sites having regard to the streetscape and environmental attributes of residential areas.

- To ensure development is appropriately located in relation to watercourse.

Zones

Clause 34.01 – Business 1 Zone

The primary purpose of the Business 1 Zone is to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

Clause 34.01-4 requires a planning permit for buildings and works in the zone. Decision guidelines to assess the works within the zone include:

- The movement of pedestrians and cyclists and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The interface with adjoining zones, particularly residential interfaces.
- The streetscape, conservation of buildings, design and verandahs.
- Access from street front, protecting active frontages to pedestrian areas, the treatment of fronts and backs of buildings, illumination of buildings and immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and 55.

Overlays

Clause 42.01 – Environmental Significance Overlay (Schedule 6)

The site is included within an Environmental Significance Overlay – Schedule 6 (ESO6). A permit is required to construct a building or construct or carry out works. The purpose of the ESO6 is to ensure that new land uses and development adjacent to highways be carefully planned and regulated to avoid prejudicing the access and safety of vehicular traffic and avoid detriment to surrounding urban and non urban environs.

Clause 43.01 – Heritage Overlay

The land is subject to a Heritage Overlay (HO153) – Shop 75 High Street, Maldon. The purpose of the overlay is to ensure that development does not adversely affect the significance of heritage places. Clause 43.01-1 requires a planning permit to construct a building or construct or carry out works and to construct a display or sign.

The Heritage Overlay contains the following decision guidelines against which development should be assessed:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

Clause 44.01 – Erosion Management Overlay

The purpose of the Erosion Management Overlay is to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development. A permit is required to construct a building or construct or carry out works.

Clause 44.06 – Wildfire Management Overlay

With the new Wildfire Management Overlays coming into effect in February 2010, the subject site is now covered by this overlay. A permit is required to construct a building or carry out works.

Particular Provisions

Clause 52.05 – Advertising Signs

The purpose of this clause is to regulate the display of signs and associated structures and to provide for signs that are compatible with the amenity and visual appearance of the area.

Clause 52.06 – Car Parking

The purpose of the clause is to ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality. A permit may be granted to reduce or waiver the car parking spaces required.

Table 52.06 sets out the car parking requirements for the proposed use. A bank or 'office' requires 3.5 car parking spaces for every 100m² leasable floor area. 'Leasable floor area' is defined as 'that part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs or public conveniences' in the Mount Alexander Planning Scheme.

Clause 52.29 – Land Adjacent to Road Zone, Category 1

This clause applies to land adjacent to a Road Zone Category 1 (High Street) and aims to ensure that appropriate access is provided to Category 1 roads.

Clause 54 – One Dwelling on a Lot

The following Clause 54 (ResCode) standards are considered relevant to the application:

- Neighbourhood character (Clause 54.02): To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character and to ensure that the design responds to the features of the site and the surrounding area.
- Site layout and building massing (Clause 54.03): To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.
- Amenity impacts (Clause 54.04): To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.
- Onsite amenity and facilities (Clause 54.05): To allow adequate daylight into new habitable room windows.
- Detailed design (Clause 54.06): To encourage design detail that respects the existing or preferred neighbourhood character.

Incorporated Documents

Clause 81 – Documents incorporated in this Scheme

Incorporated documents relevant to this application are:

- Maldon Design Guidelines, Mount Alexander Shire, 1996

A summary is provided later in this report.

Studies and Strategies

Maldon Conservation Study

The Maldon Conservation Study is a reference document in the Mount Alexander Planning Scheme. The study was commissioned by the Town and Country Planning Board. The report represents an important stage in the protection of Maldon as an intact 19th century gold mining town. Objectives of the study are:

- The expansion of historical data of the town for the defined period of 1860 to 1900.
- Recommending methods of achieving effective conservation.

Maldon Urban Design Framework

The Maldon Urban Design Framework is also a reference document in the Mount Alexander Planning Scheme. Some of the most important objectives of this study are to:

- Identify appropriate design guidelines for new and infill developments to protect and enhance the town's cultural heritage.
- Consider long-term capacity for individual heritage sites to cater for increased tourism in terms of available space, heritage protection and scenic amenity.

Design guidelines for commercial infill development include:

- Retaining the existing building line.
- The height and proportions of the infill building should reflect the dominant parapet height of heritage buildings in the street.
- Construction of verandahs should respect the height and form of existing heritage verandahs.

Maldon Design Guidelines

The Maldon Design Guidelines is a reference document as well as an incorporated document in the Mount Alexander Planning Scheme. The purpose of these guidelines is to provide detailed design criteria for new buildings and alterations to existing buildings within the heritage areas.

Clause 2.03 applies to the Historic Central Area (New buildings and works on vacant sites) and states that the general design (and materials) of new buildings and works on vacant sites need not comply with former appearance of the site (building), but must be complimentary to its adjacent buildings and the character and appearance of the streetscape generally.

The setback from the street (if any) for new buildings and works will be determined according to the degree to which the proposal complements the existing streetscape character and appearance, yet allows for the maintenance or retention of the mature, post-gold era character.

In all cases the materials, colours and finishes to be used in the new buildings and works must conform with Schedules 1 and 2.

The following requirements for external cladding materials and finishes apply for new buildings.

- Walls:
 - Square edged weatherboard (paint finish or pigmented stain).
 - Second hand local or machine made pressed bricks; flush joints – with lime mortar for handmade bricks and lime and cement mortar for machine made bricks – no colouring additives.
 - Painted brick work.
 - Rendered finish to brick work or other masonry including adobe and pise (painted or unpainted).
 - Corrugated galvanised iron new or second hand (painted or unpainted).
 - New bricks (when criteria are met).

- Roofs:
 - Unpainted or painted corrugated profile galvanised iron or pre-painted (colour bond) conforming to Paint Colour Code for roof colours.
 - Welsh slate grey blue or approved facsimile thereof.
 - Other materials with an historic precedent where they complement the character of the area and not detract from the significance of the area.

- Finishes:
 - Where used, colours of paint or other surface treatment are to be in accordance with the provisions of Schedule 2.

The purpose of Schedule 2 is to provide requirements for paint colours for new buildings within the Historic Central Area. Only the colours named and defined by the Munsell Colour Classification System in Columns 1 and 2 of the table to this Schedule must be used on the external surfaces of buildings within the Historic Central Area.

Where an owner or occupier can show that different paint colours to those indicated in the table to Schedule 2 were used externally on the property at or near the time of its original construction or that the Heritage Advisor is prepared to recommend different colours, such different colours may be used subject to the consent of the Responsible Authority.

Schedule 6 applies to advertising signs. In all cases signs within the Historic Central Area must conform to the materials, letter faces, colours and lighting requirements as outlined in Schedule 6.

Assessment

A. Maldon as First Notable Town

Relevant Clauses: 21.01, 21.03, 21.04-5, 22.02, 22.20

Both the local and national significance of Maldon and its intactness are acknowledged in the Mount Alexander Planning Scheme. Therefore, guidelines have been established for development within the Maldon Historic Central Area (Clause 22.02, 22.20 and Maldon Design Guidelines). The subject proposal has been assessed against these guidelines under Sections B, C, D, E and G.

B. Scale

Relevant Clauses: 15.11, 21.05, 22.02, 22.30, 43.01, 54, 81

It is debatable whether a new building should relate to the appearance of the overall commercial streetscape or to the height of adjacent buildings. Clause 22.02 and the Maldon Design Guidelines mention both; according to Clause 43.01 development should be assessed against the appearance of adjacent buildings.

The proposed development site abuts the former Commercial Hotel to the south (separated by a 4 metre wide driveway) and the CFA building to the north. The former Commercial Hotel (now 'Lavender Lace and Living' shop) contains a low (0.9 metre high) parapet which screens gabled roofs. The proposed building contains a parapet of 2.5 metres high which is similar to the buildings immediately to the south of the former Commercial Hotel (Argyle House and Hornsby's Buildings). These buildings contain parapets of 2.9 metres.

The CFA building to the north was built in 1957. Due to the slope of the land (inclines towards Fountain Street) the height of the proposed bank building will hardly exceed the height of the CFA building. Kangaroo Hotel is located north of the CFA building on the corner of High Street and Fountain Street and dominates the streetscape as it is significantly higher than the adjacent CFA building.

The height of the proposed building does not relate to the height of the former Commercial Hotel immediately to the south of the subject site, it is considered the scale of the proposed building is consistent with the appearance of other buildings in both High Street (Argyle House/Hornsby's Buildings/Kangaroo Hotel) and Main Street. Furthermore, the scale of the building was not identified as an issue by Council's Heritage Advisor. It is noted that the open space in between the proposed building and the Fire Station accentuates the height of the north wall, but the overall height of the

building is considered to be acceptable. The proposed height of 6 metres also complies with the maximum building height of 10 metres in Business 1 Zone.

Whilst Clause 54 does not strictly apply, as per the requirements of the Business 1 Zone, Council must have regard to the objectives and standards contained within Clause 54. The proposal is considered to be compliant with the objectives and standards contained within Clause 54. The proposal will integrate in an appropriate manner with the existing streetscape character (subject to some minor design alterations) and will not result in any amenity impacts.

C. Bulk and Form

Relevant Clauses: 15.11, 21.05, 22.30, 43.01, 81

According to the policies, it is considered important that the bulk and form is in keeping with adjacent buildings. The Maldon Design Guidelines state that the general design of new buildings on vacant sites does not need to comply with former appearance of the site.

The proposed building contains elements of adjacent heritage buildings such as parapet and verandah. The Heritage Advisor notes that 'the form has been kept simple in keeping with the small shops that previously occupied the site with a plain parapet to the street frontage'. In his opinion, 'the building will identify itself as a 'modern' insertion without overtly demanding the attention of the casual observer'.

D. Design

Relevant Clauses: 15.11, 19.03, 21.05, 22.02, 22.11, 22.20, 34.01, 43.01, 81

In pre-application meetings with the Heritage Advisor and planning staff, a high quality design was encouraged that fits in with the attractiveness of Maldon's old town centre. During this time of discussions the design for the proposed building has developed and subsequently modified. The subject site has been vacant for many years and is in a prominent location, so a lot of thought was given to establishing design parameters for the building within the provisions of the Maldon Design Guidelines and best practice sustainable design principles.

The form of the building is considered to be complementary. The façade, with the verandah being restricted to the left ('shopfront') section and a plain wall to the right section, helps to articulate the building frontage. It has a complementary frontage to the former Commercial Hotel, Argyle House and Hornsby's Buildings. The verandah has developed from a simple metal sheet awning which was considered too abstract for the location. The proposed simple form is appropriate and complements its neighbour.

None of the adjacent buildings include clerestory windows. However, the north facing skillion clerestory is considered as a reasonable solution to provide north sun and warmth (decision guideline in Business 1 Zone) in lieu of windows on the north wall. Due to the building regulations windows on the north (boundary) wall are not possible (as the wall is to be fire rated). The higher north wall and parapet result in a reduced impact of the clerestory windows.

Concerns about long horizontal windows on the south elevation were expressed by Council's Heritage Advisor, whilst only viewed down the laneway in between the former Commercial Hotel and the proposed building. As a result of discussions, plans have been amended and now show a series of vertically rectangular windows broken up by timber frames. However, it was never the intention of Council's Heritage Advisor to create alternate fixed glass and louvre sections. This minor change does not alter the character of a long horizontal window. Therefore, a condition will be placed on any permit to be issued that the window section along the south elevation must be replaced by a series of square or vertically-rectangular windows.

A recommendation from Council's Heritage Advisor that was adopted by the architects is the framing of the sliding entry doors. The use of the recessed entry lobby to accommodate the automatic teller machine (ATM) was considered as 'an excellent solution'. No comments were made on the fenestration. However, doors and windows are more expansive than adjacent buildings, it is considered it fits in with the proposed design and the modern design is not contrary the appearance of the streetscape.

Overall, the simple contemporary design does not replicate former or adjacent buildings, but complements the appearance of the streetscape generally. Elements such as clerestory windows and fenestration are not seen regularly in Maldon, however considered to be acceptable because these elements do not compete with adjacent heritage buildings, are screened from road frontage and comply with best practice sustainable design principles.

E. Materials

Relevant Clauses: 21.05, 22.02, 22.20, 43.01, 81

The Planning Scheme refers to the Maldon Design Guidelines in regard to materials and colours to be used. Discretion of materials does not exist according to these Guidelines. Council however, should have regard for comments from Council's Heritage Advisor. Materials used must be compatible with the traditional materials of the area (Clause 22.20).

The textured finish of the concrete side wall is to be a vertical corrugated iron profile with rust streaking. This selection is not included in the Guidelines. Other options were explored in discussions with the Heritage Advisor. It was agreed that 'weatherboard and corrugated steel were not appropriate for the building and that red brick can be extremely harsh when new'. The architects provided an example of the concrete panels with an oxidizing additive which was also used for the Coles building in Gisborne. The proposed wall finish will look like a rusted corrugated iron wall, a material that may be used according to the Guidelines (corrugated galvanised iron new or second hand). Therefore, it is considered that the proposed material for the north wall is acceptable.

Proposed ship-lap weather boards are not mentioned in the Guidelines and are therefore not a permissible material. Square edged weatherboard (paint finish or pigmented stain) can be used according to the Guidelines. Council's Heritage Advisor did not comment on the type of weatherboard to be used. Because the difference between the two can hardly be seen, it is considered that the proposed ship-lap weatherboard is consistent with the Maldon Design Guidelines.

F. Commercial Viability of the Town Centre

Relevant Clauses: 17.02, 22.02, 34.01

It is encouraged to locate new businesses within the town centre of Maldon to maintain the viability of the town. The proposed infill development supports this policy.

G. Signage

Relevant Clauses: 21.05, 22.02, 43.01, 52.05, 81

According to Clause 52.05 in Business Areas (Category 1), the total advertisement area of all signs to each premises must not exceed 8m² (Section 1 use). The total advertisement area of the two signs proposed will be 2.59m². Therefore, no permit is required under Clause 52.05. However, a permit is required for signage under the Heritage Overlay. Applications will be assessed against the Maldon Design Guidelines.

The Maldon Design Guidelines are not discretionary for signage within the Historic Central Area. The applicant agreed the lettering on the parapet to be in upper case to conform with the Guidelines. The signage should be centred and painted directly onto the parapet in heritage colours. Final plans need to be submitted and approved by Council's Heritage Advisor. A condition will be placed on any permit to be issued.

The ATM wall sign to the right (on the plain side wall) is sufficient small in size to be acceptable, but should not be located above the verandah level. The design (colours) is subject to further discussions (conditional).

H. Traffic Management

Relevant Clauses: 22.30, 42.01, 52.29

In accordance with the ESO6 and under the requirements of Clause 52.29, the application was forwarded to VicRoads for comment. VicRoads have no objection to the proposal subject to inclusion of conditions on any permit that may be issued.

One of the requested conditions refers to car parking. Because of safety reasons (intersection High Street/Main Street), all existing angle parking in front of the property must be remarked and signed properly to convert them to parallel parking. Car parking south of the former Commercial Hotel has already been converted to parallel parking. Council is currently undertaking discussions with VicRoads to see if both car parking in front of the property and car parking in front of the former Commercial Hotel can be converted to parallel parking at the same time (last sites remaining: car parking north of the subject site is reserved for CFA vehicles).

I. Car Parking

Relevant Clauses: 52.06

The existing leasable floor area utilised as an office is approximately 165m² which results into 6 car parking spaces to be provided. There is no onsite car parking facilities presently provided, however there is ample on street parking available throughout town (nearby Fountain Street).

The applicant (Maldon and District Financial Services) also confirmed negotiation are currently undertaken to purchase the lot at the rear of the site. At least staff can park their cars on this site and it can also be used by the CFA for meetings during the weekend.

Therefore, car parking is not considered as an issue for the proposed commercial building in the middle of a town centre zoned Business 1.

J. Erosion

Relevant Clauses: 44.01

There are no signs of erosion identified on the site. No vegetation is to be removed. The nature of the building work is such that it is extremely unlikely to promote erosion. Accordingly, the provisions of the Erosion Management Overlay do not have any specific relevance to this proposal.

K. Wildfire

Relevant Clauses: 44.06

The application was referred to Country Fire Authority who requested to include some conditions on any permit to be issued in regard to fire safety.

4. Issues

During the application process, 43 objections were received. One (1) objection was withdrawn as a result of an open day held by the Maldon and District Community Bank. A petition, signed by 492 citizens, was submitted to Council at the Ordinary Meeting of 23 March 2010.

The following is a summary of the issues raised by the objectors related to the application, followed by officer comment.

Commercial Building

General

- *Proposal is not sympathetic to the Maldon historic streetscape.*
It is considered the scale of the proposed building is consistent with the appearance of adjacent buildings and the overall streetscape (refer to Sections B and C under Assessment). Within Heritage Overlays, infill development should not replicate or dominate original buildings. The proposal is of a simple modern design, does not compete with authentic structures in the Maldon streetscape and makes no pretence at being original. Design elements are considered to be appropriately detailed and located (refer to Sections D and E under Assessment).
- *Part of Owners Corporation who should be notified of proposal.*
Lots 1, 2, 3 and 4 were created as part of a subdivision completed in 1993 (Planning Application 52/92). Lots 1 and 4 were further subdivided into Lots 5, 6 and 7 in 2003 (Planning Application 351/2002). Common property south and east of the subject land provides access to Lots 5 and 6. This common property is owned and being looked after by the Owners Corporation.

The Bendigo Bank now owns Lots 2 and 3. Therefore, these lots are in private ownership. Because the current application does not include the use of common property, the Owners Corporation does not need to be notified. However, all adjoining landowners (including owners of Lot 5, 6 and 7) were notified by registered mail.

- *Proposal does not comply with conditions on Planning Permit 52/92.*
A permit was issued in 1992 for a 'four lot subdivision with common property'. The permit included the following conditions:
 - Development on Lots 2 and 3 are to be limited in height to single storey construction.
 - Any proposed development must reflect the character of the original built form without creating reproductions. All development proposals must be subject of prior consultation with the Heritage Advisor, and must conform to the Conservation Study.

Planning Permit 52/92 referred to a four lot subdivision. No development was proposed. The planning permit has now expired (subdivision was completed). No covenants or Section 173 Agreements have been registered on the title. Therefore, no restrictions apply. However, Council's Heritage Advisor was consulted and it is considered that the proposal reflects the heritage character of Maldon (refer to Sections B, C and D under Assessment).

Design

- *Total building design is not a heritage building.*
The architect provided a contemporary design with lots of references to heritage shops in the town centre of Maldon. The modern design does not replicate a Victorian style building but keeps in character with adjacent buildings and streetscape (refer to Section D under Assessment).
- *Volume, bulk, scale and form of the building.*
It is considered the scale, bulk and form of the proposed building are consistent with the appearance of other buildings in the close vicinity of the subject site (refer to Sections B and C under Assessment).
- *Horizontal and vertical slot windows on the south and west elevation.*
A condition will be placed on any permit to be issued to replace the existing window section along the south elevation by a series of windows (refer to Section D under Assessment). The slot window on the west elevation cannot be seen from High Street.
- *Clerestory window has no precedent in Maldon and does not relate well with or add to the significant character of the surrounding area.*
The clerestory window can hardly be seen and provide a reasonable solution to catch the north sun (refer to Section D under Assessment). Windows on the north wall cannot be considered as an option: the small site required a 100% coverage to provide viable facilities for the bank resulting in a fire-rated wall on the north boundary.
- *Frameless entry doors and windows.*
As a result of discussions with Council's Heritage Advisor, amended plans were submitted that show framed entry doors. The applicant was not requested to frame shop front windows.
- *Shopfront windows are too large.*
The proposed modern design is considered to be complementary to the streetscape (refer to Section D under Assessment).
- *The verandah should cover the full width of the front of the building.*
A separation between the shopfront section and the plain wall was encouraged to help articulate the building frontage. The frontage of the proposed building is complementary to the frontage of the former Commercial Hotel (refer to Section D under Assessment).

- *Water tank not in proportion.*
The proposed water tank is located at the rear of the building and cannot be seen from High Street.

Materials and Colours

- *Materials and colours fail to comply with the Maldon Design Guidelines:*
 - *Flat steel verandah roof*
 - *Steel verandah posts*
 - *Window surrounds/frames in rusted steel*

As a result of discussions with Council's Heritage Advisor and the applicant/objector meeting, amended plans were received that show:

- *A second hand corrugated iron verandah roof*
 - *Timber verandah posts and beams*
 - *Timber framed doors*
- *The concrete wall is unacceptable and not in accordance with the Maldon Design Guidelines.*
The concrete side wall will look like a rusted corrugated iron wall, a material that may be used according to the Guidelines (corrugated galvanised iron new or second hand). Therefore, it is considered that the proposed material along the north elevation is acceptable (refer to Section E under Assessment).
 - *Ship-lap weather boards are not allowed under the Maldon Design Guidelines.*
The use of ship-lap weather board will result in a similar appearance to the square edged weatherboard and is therefore considered to be appropriate (refer to Section E under Assessment).

Signage

- *Signage on the parapet is against the Maldon Design Guidelines:*
 - *Individual letters attached to the façade instead of painted signage*
 - *All signage must be in upper case*

The Maldon Design Guidelines are not discretionary for signage within the Historic Central Area. Therefore, the applicant was requested to submit amended plans that comply with the Maldon Design Guidelines. The amended plans show lettering on the parapet in upper case. Conditions will be placed on any permit to be issued requesting the signage to be centred and painted directly onto the parapet in heritage colours.

- *The ATM sign is out of character.*
The corporate logo on the concrete wall is considered to be appropriate in size. Location and colours are subject to further discussions with Council's Heritage Advisor (conditional).

Car Parking/Traffic

- *Shortage of car parking (recent change from angle parking to parallel parking south of the subject site already reduces the number of available car parking spaces).*
The applicant has to provide six (6) car parking spaces (3.5 per 100m²). However, the Planning Scheme provides for the opportunity to apply for a waiver of car parking requirements. The Responsible Authority is satisfied that the reduced amount is justified: the bank building is proposed in the town centre of Maldon which is zoned Business 1. Plenty of car parking is available in the close vicinity of the shopping precinct (refer to Section I under Assessment).
- *All existing car parking used by CFA in times of fire.*
Car parking spaces in front of the CFA building are solely reserved for CFA personnel. At current times, this is considered to be sufficient. For meetings, plenty of car parking is available within walking distance.

- *Disabled car parking.*
At the moment three disabled car parking bays are available in the town centre of Maldon (Dolphin Street and Main Street). For the construction of one new shop, the applicant will not be requested to provide for additional disabled car parking. However, Council acknowledges the need for more disabled car parking in Maldon. Council will consider the issue of disabled car parking at a future date.
- *Traffic management.*
Council acknowledges that safety is currently an issue in the main shopping streets of Maldon. To create a safer Main Street/High Street intersection, VicRoads requested Council to convert all car parking along the western side of High Street to parallel parking. These works have been undertaken south of the former Commercial Hotel. Car parking in front of the former Commercial Hotel and the subject site remained angle parking. VicRoads now requested the existing parallel parking to be extended further north to the CFA building which increases road safety.

Other

- *Issues of concern regarding street tree.*
The proposed building will not be located within the drip line of the tree. However, a condition will be placed on any permit to be issued to protect the existing elm tree during construction works.
- *Archaeological excavation.*
There is no visual evidence of remains from Maldon's gold mining period on site. Archaeological excavation works are not considered to be necessary.
- *The application would set an unfavourable precedent for all future development.*
Every application received by Council will be assessed individually against policies and guidelines in the Mount Alexander Planning Scheme and other relevant studies and strategies.
- *Development will devalue property and decrease tourist numbers.*
Property values are not required to be considered under the Mount Alexander Planning Scheme. Maldon as first Notable Town is recognised in the Planning Scheme (refer to Section A under Assessment). All planning applications are carefully considered.
- *Amendments to the proposal have been made without the public being properly notified.*
The original application as lodged on 22 October 2010 was advertised by registered mail to adjoining landowners, a sign was placed on site and a notice was placed in the local newspaper. As a result of discussions with Council's Heritage Advisor, amended plans were submitted on 26 February 2010 and re-advertised shortly after by a sign on site and a notice in the newspaper. The applicant/objector meeting resulted in two further (minor) alterations of the proposal regarding verandah roof material and signage. This final proposal must now be considered by Council.

5. Financial and Resource Implications

Cost of potential appeal to the Victorian Civil and Administrative Tribunal.

6. Consultation

Public Notice

Notice of the application was given to adjoining property owners/occupiers by registered mail, a sign was placed onsite and a notice was placed in the Tarrangower Times. At the conclusion of the notice period 40 objections were received.

As a result of a meeting with Council's Heritage Advisor and the architects, an amended proposal was received with the following minor alterations:

- Timber verandah posts instead of steel

- Break-up of southern strip window
- Framed sliding entry doors

The amended proposal (including the waiver of car parking requirements) was re-advertised by placing a sign onsite and a notice in the Tarrangower Times. At the conclusion of the notice period three (3) further objections were received.

An Open Day was organised by the Maldon Community Bank on 27 March 2010. As a result one (1) objection was withdrawn.

An applicant/objector meeting was held on 10 May 2010 and attended by 35 objectors. As a result of this meeting, the applicant submitted amended plans showing second hand corrugated iron verandah roofing (instead of rusted steel) and amended signage options. No objections were withdrawn and 42 objections remain outstanding.

External Referrals

The proposal was referred to VicRoads and Country Fire Authority. Comments were sought from Council's Engineering Department in regard to the parking requirements requested by VicRoads. All received conditions are to be included on the planning permit.

Internal Referrals

The proposal was referred to Council's Heritage Advisor who recommended the proposal to be approved subject to the following conditions:

- Confirmation of the finish to the north wall
- Review of the verandah finish to approval
- Modifications to the south strip windows
- Sliding entry doors to be framed

7. Conclusion

Council has received an application for the construction of a commercial building including signage and waiver of car parking requirements at 79 High Street, Maldon. The land is zoned Business 1 and is currently vacant.

Notice of the application has been given and 42 objections remain outstanding. Most of the issues raised by the objectors relate to the design of the proposed building. Prior to submitting a planning application, discussions were held between architects, Council's Heritage Advisor and Council officers. Due to the prominent location in the historic town centre of Maldon, a great deal of thought was given to establishing design parameters for the building within the provisions of the Maldon Design Guidelines. The design for the proposed building underwent some modifications as it was developed and the submitted proposal addresses a number of the issues discussed.

The proposed development meets the requirements of zone and overlay controls and car parking provisions and is considered to be compliant with the objectives and standards of policies contained within the Mount Alexander Planning Scheme. The proposal is an example of an attempt to provide infill design with a contemporary interpretation in an historic environment. It does not replicate a Victorian style building and blends in to the existing environs. The design respects the overall form of existing buildings and most design elements are considered to be appropriately detailed and located.

Elements not compliant with compulsory guidelines include signage and the horizontal window section along the south elevation. Conditions will be placed on any permit to be issued requesting the applicant to submit amended plans that meet the guidelines. Other (design) elements are discretionary and are considered to be appropriate by not affecting the significance of the heritage precinct and the character of the streetscape.

RECOMMENDATION

Having considered the objections and relevant policies and studies, it is considered that the proposal does meet the requirements of the Mount Alexander Planning Scheme and it is recommended that Council issue a Notice of Decision to Grant a Planning Permit for the construction of a commercial building, signage and waiving of car parking requirements at 79 High Street, Maldon generally in accordance with the plans submitted and subject to the following conditions:

1. MODIFIED PLANS REQUIRED

The development allowed by this permit must not be commenced until three (3) copies of amended plans are submitted to and approved by the Responsible Authority in consultation with Council's Heritage Advisor. When approved, the plans will be endorsed and will then form part of this permit. Such plans must be generally in accordance with the plans endorsed but modified to show:

- a. A series of square or vertically-rectangular windows to replace the proposed window section along the south elevation;
- b. Further details of the proposed signage:
 - Signage to be centred and painted directly onto the parapet in heritage colours;
 - Corporate logo to be located under verandah level in heritage colours.

2. LAYOUT ALTERATION

The use and development allowed by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.

3. CONSOLIDATION

All lots comprising the subject land must be consolidated into one (1) lot prior to the commencement of the development and/or use permitted by this permit.

4. TREE PROTECTION

Before the development starts, a tree protection fence must be erected around the existing elm tree on the adjacent road reserve. The fence must be constructed to the satisfaction of the Responsible Authority and must remain in place until construction is completed.

5. VICROADS REQUIREMENTS

- 5.1 The applicant must ensure that the permitted use and occupation is not detrimental to the safety of road users and pedestrians and must ensure that the verandah is adequately maintained at all times to ensure such safety.
- 5.2 The applicant must comply with any requirements to obtain planning permission for any advertising signs proposed to be included in or placed upon the proposed verandah.
- 5.3 The design of the verandah must be to the satisfaction of the Responsible Authority and the verandah must not extend beyond the line of extension of the back of the existing kerb to the south-east and must not be less than 0.6 metres from the vertical extension of this line.
- 5.4 The applicant must comply with the Road Management Act 2004, Road Management (Works and Infrastructure) Regulations 2005 and the Road Management (General) Regulations 2005 with respect to any requirements to notify VicRoads and/or seek consent from VicRoads to undertake "works" (as defined in the Act) in, over or under the road reserve. VicRoads, in requesting the inclusion of this condition on this planning permit, is not deemed to have been notified of, or to have given consent to undertake any works within the road reserve as proposed in this permit.
- 5.5 Prior to the commencement of any use or occupation of the road reserve or works associated with this planning permit, the applicant must fully complete to VicRoads

satisfaction, an 'Agreement to Occupy, Use or Install Infrastructure within, the Road Reserve' (a blank form of the Agreement is attached).

5.6 Prior to the issue of a certificate of occupancy, the applicant shall change the existing angle parking, for a minimum of the property frontage, including marking and signing as appropriate, to parallel parking, to the satisfaction of Council's Infrastructure Unit.

6. COUNTRY FIRE AUTHORITY REQUIREMENT

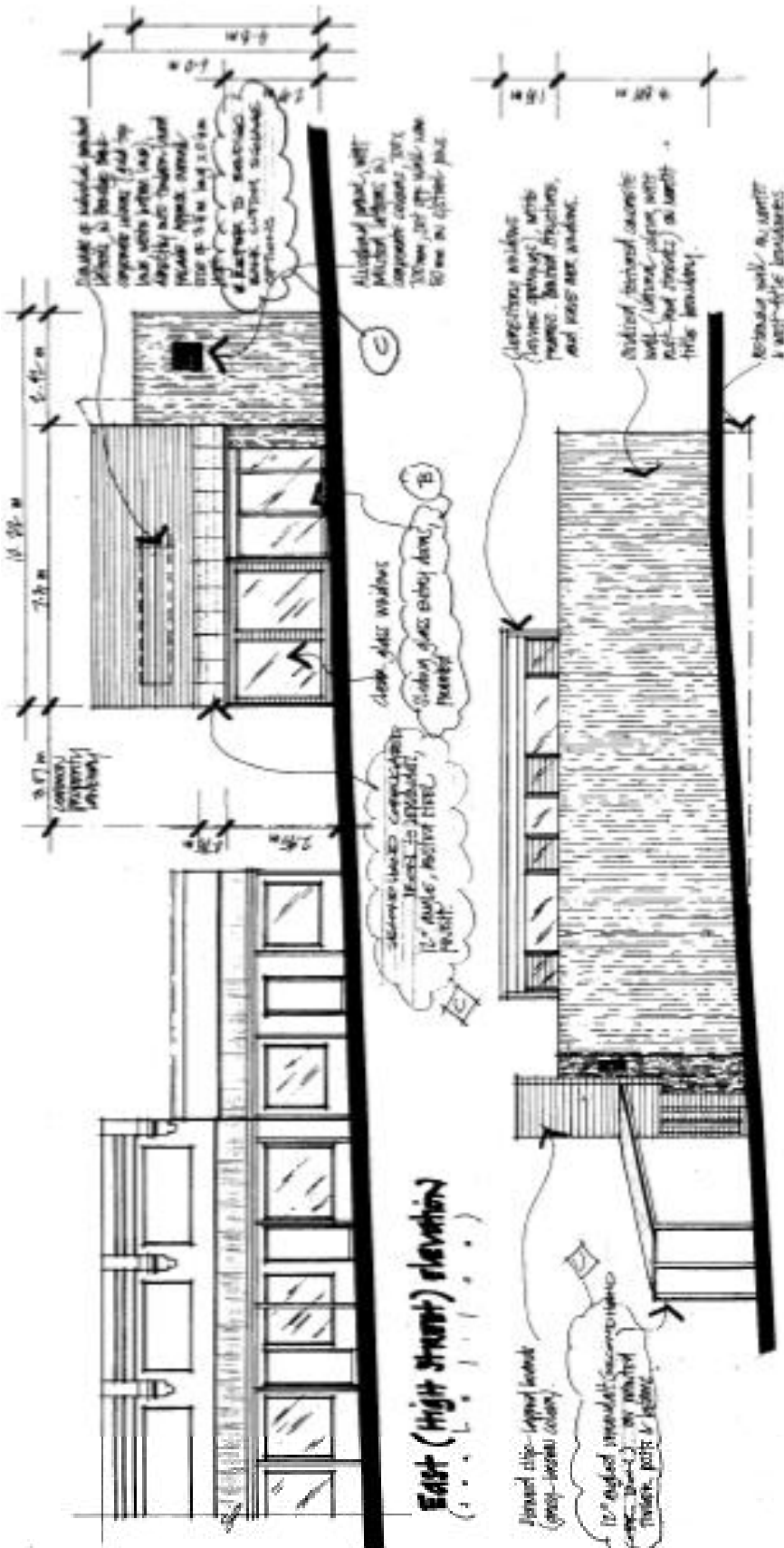
Building construction to a minimum Bushfire Attack Level (BAL) of BAL-LOW in accordance with the relevant sections of AS3959-2009.

NOTE 1: The existing road network will service the development to the satisfaction of CFA.

NOTE 2: The existing water supply will service this development to the satisfaction of CFA.

7. COMPLETION OF DEVELOPMENT

This permit will expire if the development permitted by this permit is not completed within TWO (2) years from the date hereof. The time within which the development must be completed may on written request made before or within three (3) months after the expiry of this permit be extended by the Responsible Authority.



North elevation
(.....)

- REV. A - 25/11/10 Add note re structural steel
- REV. B - 05/12/10 Change structural steel joists to timber joists. Change entry door to internal. Add notes re verandah approval.

Project: MALDEN & DISTRICT FINANCIAL SERVICES - COMMUNITY BANK, 79 HIGH STREET, MALDEN

Client: MALDEN & DISTRICT FINANCIAL SERVICES

Scale: 1:100

Design: LWB

Revision: C

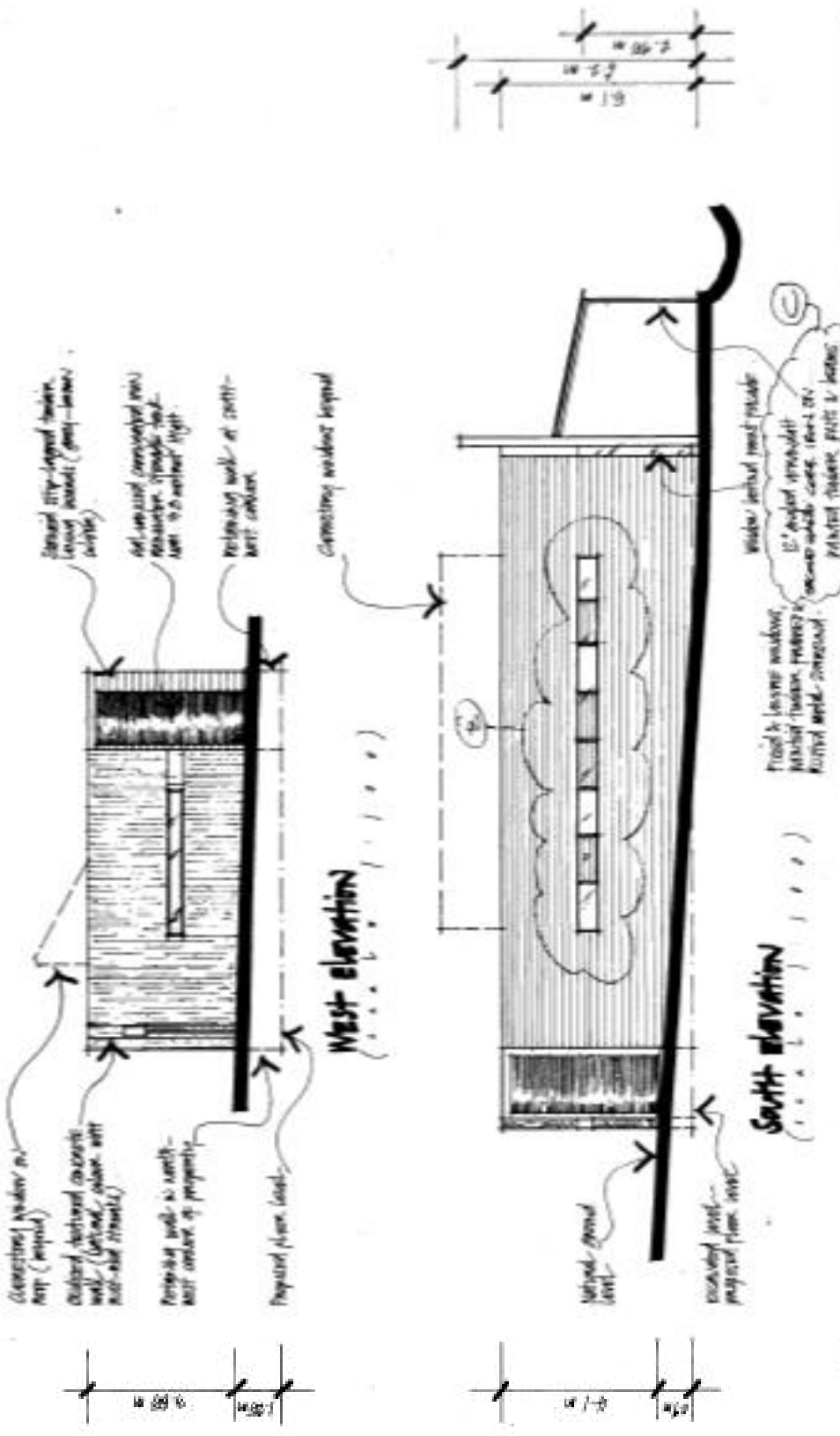
Date: 5/10/08

Drawing No: TP02

Postal Address: PO Box 964
Camden NSW 2455
Telephone: 02 5470 2864
Facsimile: 02 5470 5784
http://www.lwbdesign.com.au
RSP: 08-48 578

LIFEHOUSEDESIGN

15/05/10



SCALE	DESIGN	DRAWING NO.
1/100	LHP	TP03
DATE	REVISION	
5/10	C	

Postal Address: PO Box 943
 Cambridge VIC 3170
 Telephone: 03 9470 5504
 Facsimile: 03 9470 5704
 info@thehousedesign.com.au
 BHP 10-AD 978

DRAWING
PROPOSED ELEVATIONS

PROJECT
**Malden & District Financial
 Services - Community Bank,
 79 High Street, Malden**

REV. B. 03/09/10, Change
 back door detail up to
 ground level.
 REV. C. 15/05/10 change
 floor level - refer to
 specs also completed Rev.1

LIFEHOUSEDESIGN

(525411_2) (08/09)

Signage - Maldon Opt. 2

93 High Street



Original Site

Proposed:

Custom Community Bank Fascia Signage with Pinged Capital Lettering (inc Logo) to be placed along fascia above verandah, also an ATM wall sign with Pinged Capital Lettering (inc Logo), as indicated in example provided.



ATM Wall Sign - Upper case pinged burgundy lettering (inc LOGO)
(w600mm x h600mm)



Custom **Community Bank**® signage - Upper case pinged burgundy lettering (inc Logo)
(w7300mm x h1350mm)

