

[REDACTED]

Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

10/02/2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant, and the Planning Application PLN/2019/571 for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1 at Lot 1 Edgecombe Road, Kyneton. [REDACTED] the impact of such a development on the township and its surrounds.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state “Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.” (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three petrol stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by pre-existing service stations.

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton’s distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business. Kyneton is full of locally owned cafes, restaurants and bars, supporting families from the area. This development will directly affect the livelihoods of small business owners who contribute so much to Kyneton's vibrant cultural centre.

5. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

"A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks."

It is Council's responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

6. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective '[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance' and provides that planning should consider as relevant, "the findings and recommendations of the Aboriginal Heritage Council".

Given the concentration of items of cultural heritage significance in the area, I would urge council not only to reject the application but also to begin in-depth and meaningful consultation with the traditional owners of this land, to ensure the ongoing recognition, protection and conservation of these artifacts.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely

██████████

[REDACTED]

From: [REDACTED]
Sent: Thursday, 4 February 2021 8:39 PM
To: Macedon Ranges Shire Council
Subject: Planning objection Kyneton PLN/2019/572 and PLN/2019/571

I am writing [REDACTED] to object to the proposed development which include the following proposals PLN/2019/572 and PLN/2019/571. [REDACTED]

[REDACTED] One of the most appealing things about moving back to Kyneton was that it hadn't been taken over by big business. It had a "Local feel" to it and gave the feeling that you could make it your own, both socially and commercially. This is an amazingly desirable quality for a town to have, it attracts creative people who want to put their heart, soul and energy into town. This energy and the time locals are putting into the community should not be underestimated. There is a new generation of people who have decided to make Kyneton the place they want to live, raise a family and operate their businesses from. This makes Kyneton unique, isolated enough from all the endless sprawl of Melbourne, Sunbury and Gisborne and all the all the multinational companies that come with it. Kyneton's biggest asset is NOT having these businesses here!

If Macedon Ranges Shire Council are here to look after the communities within its care, bringing in multinationals such as Mc Donald's and Bunnings is a disgrace. What do they bring to the community? Nothing..... they actually take away what makes this place special. The local hardware will be the first to go, people will stop driving through Kyneton to get Breakfast, Lunch or Dinner. Instead they will just fill up with petrol and grab a burger from the servo. We have all the things that this new development is offering in the town already, Petrol Stations, Hardware, and Food. All owned by people who keep and spend their money in Kyneton.

The last thing Kyneton needs is quick and easy access to fast food, 63% of Australians over the age of 15 are considered overweight or obese and rank 9th in the OECD Nations for obesity. Why would you knowingly bring this Multinational Fast food to a community?

Bunnings is owned by Wesfarmers, a huge conglomerate that owns Kmart, Target and Office Works. Undercutting local businesses until they have the monopoly on the hardware, closing the family owned businesses that these towns were built on. Again, we do not need this in our town!

I am objecting to the development and inclusion of McDonalds PLN/2019/572 and Bunnings PLN/2019/571 [REDACTED] There is no going back once this kind of development begins.....

Application Number	PLN/2019/572
Lodgement Date	3/01/2020 2:03:13 PM
Application Location	Edgecombe Road, KYNETON VIC 3444
Town/Locality	KYNETON

Objection to PLN/2019/572

From: [REDACTED]

Address: [REDACTED]

Reasons for Objection:

1. Retail Impact:

We believe that this development (and the subsequent proposals at 83 Edgecombe Rd) will definitely impact the Kyneton retail town centre. We are staggered that the Town Planning Report would conclude that "this development does not undermine the role of the Kyneton Town Centre".

The development is heavily oriented to bring traffic off the Calder Freeway for a fuel and food stops (eg, 70% of the traffic is expected to derive from Edgecombe Rd, effectively the Calder off-ramp). This will encourage Northbound Calder motorists to turn right at the Edgecombe roundabout, rather than progress into the town centre for fuel, food or a sight-see. Exiting Southbound Calder motorists will just "cross" Edgecombe Rd, re-fuel and exit back onto the Calder, totally avoiding the town centre completely.

We support commercial development in this area, as per the MRSC plans, but it should be predominantly commercial, not retail, leveraging the logistical advantage of the nearby freeway to both Melbourne and Bendigo. But this fuel station + McDonalds proposal is inappropriate, being heavily retail oriented. We saw during the COVID lockdown in Melbourne how much the Kyneton town centre, especially Piper St, depends on passing Calder traffic. The difference in on-street and retail activity when restrictions were lifted was astounding. If the MRSC is serious about keeping Kyneton (and Piper St.) viable, we need this off-Calder traffic passing through the centre of town.

Kyneton is well served by fuel stations (3 already) and a wide variety of food outlets; we do not need a McDonalds, and definitely not on the outskirts of town, taking custom from existing businesses. If McDonalds want to be in Kyneton, let them and the fuel station compete in the town centre, where everybody benefits by increased activity, and good businesses will survive.

I should add that we have no commercial interest in any businesses in Kyneton, but care strongly about Kyneton's role as a stopover / daytrip destination. The strong "tourist" traffic through town makes more businesses viable, and provides a better variety of life for us residents. [REDACTED]

This proposal we believe will seriously impact in-town retail viability. We don't want or need it, and it's part of MRSC's own responsibility (Industry Services Uses) to assess and protect the Kyneton Town Centre.

2. Traffic:

When this development (and the subsequent 83 Edgecombe Rd) are completed, the Traffic Report predicts a staggering increase in traffic on Saleyards Rd (more than doubling to 2,400 / day) and Edgecombe Rd from 5,600 to 7,700 /day.

As any local will tell you, that intersection is already risky, especially if crossing from Saleyards Rd over Edgecombe Rd to Pipers Creek Rd or the reverse. The offset makes it very difficult to check all sides, as the Edgecombe traffic heading Sth. has just hit the 60 kph zone (from 80) , and there are often large trailer trucks at this intersection, taking considerable time to get up to speed. We don't believe that with the traffic increases estimated, and only road signage/lane changes, that this Give Way intersection will not need further changes in the future, either traffic lights or a large roundabout. This development is deferring the cost of traffic/road change down the road into the future.

Notable is that the plans typically don't show the Calder on/off ramps in detail, being just slightly further South on Edgecombe Rd from the development. So between Pipers Creek and the Calder roundabout, Edgecombe Rd will have multiple sets of traffic turning left / right , or straight through, in a very short stretch of road. With the increased traffic, especially wanting to turn right across traffic into the McDonalds or fuel station, the chances of accidents are greatly increased. It will become an extremely busy (and potentially dangerous) stretch of road, which don't forget is a main arterial to the two primary schools (and pending kindergarten) further along Edgecombe St. We think the traffic study confuses with science and underestimates the potential impact on safety.

Impact on us Personally:

Not much directly. We don't eat at McDonalds, and we support the two town centre service stations. However, we are greatly concerned that the town centre, esp. fuel and food outlets, but also other "browsing" retail / tourist sites, will be severely impacted, which may force businesses to close or greatly reduce hours, thereby reducing the amenities for Kyneton residents. Piper St. took years to recover when the Calder freeway first diverted from Kyneton. The town heavily depends on passing traffic as its reason for being (plus supporting the local hinterland), and it would be a massive shame to see this undermined by this RETAIL development on the edge of town.

Objection to planned development of service station and McDonalds; planning application number PLN/2019/572

I strongly object to the planed development as do so many residents of Kyneton. As there has been a strong and articulate document produced by some concerned local residents I have used this document to summarise my own objections.

In short the proposed development seems extremely at odds with what Kyneton and the Macedon Ranges in general should be focussing on to promote a healthy lifestyle for residents, environmental sustainability and strong tourism sector.



Kyneton has a unique goldfields heritage:

- *Land developments should "continue to build on and enhance Kyneton as a key local and regional township.*

The introduction of a service station and fast food/convenience outlets is directly contrary to the Kyneton Structure Plan's key Retail and Commercial recommendation.

- *The existing Business 3 Zone land on Edgcombe Road north of the Freeway needs to be carefully managed to avoid undermining the town centre with the preferred land uses to be trade and industry based to support the adjoining industrial area.*

Increase to traffic and for traffic safety

- *The increase to traffic and for traffic safety on and around Edgcombe Road and the roundabout, particularly with an increase in large trucks using the entry, exit and turning points.*

Close proximity of two primary schools and two high schools

- *This development will be within approximately 1km of Kyneton's primary schools and within 2km of Kyneton's secondary schools, likely attracting school children away from the town centre, along road without pathways.*

This type of development damages the Macedon Ranges brand standing as an area that values and protects its natural attractions and country town character.

- *As advertised under the "Visit Macedon Ranges" banner and presents a potentially significant threat to Kyneton's tourism and businesses.*
- *Positioning a McDonald's (and likely other major fast food outlets) at both a major gateway to the town and access point to local wineries and landscapes would significantly undermine Kyneton's tourism appeal.*

The proposed development is in an area found to have high aboriginal cultural significance

- *The proposed development is in an area found to have high aboriginal cultural significance and sensitivity and presents inevitable risk that appears to undermine Council's statements of respect for indigenous culture.*

McDonalds provides minimal nutritional value


- *The proposed introduction of a McDonalds/fastfood provides minimal nutritional value to the residents of Kyneton and the Macedon Ranges, completely contrary to Council's 'Healthy eating' priority stated in its own Health and Wellbeing Plan (2017-2027).*

Threat to aquatic habitat along the Post Office Creek.

- *I have deep concerns over environmental degradation and the loss of flora and fauna, in particular the threat to aquatic habitat along the Post Office Creek.*

Impacts Livability

- *Victoria has seen many country towns damaged by over development and a move away from what makes them attractive places to live and visit Kyneton already has two petrol stations and two vacant sites where petrol station once were but have since closed.*



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8 February 2021

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I wish to make my objection on the following grounds:

A. There is no need for a Service Station at this location

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This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

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Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

B. Breaches in the Commercial 2 Zone land planning

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The C2Z goes further to stipulate *the use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration,*

smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network which is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

C. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

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5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

D. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

This proposal in designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition wit the Kyneton town centre and will have an adverse economic impact on Kyneton business.

E. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road which will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

F. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

"A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks."

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Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,



From: [REDACTED]
Sent: Wednesday, 10 February 2021 11:16 AM
To: Macedon Ranges Shire Council
Subject: Objection of PLN/2019/572 and PLN/2019/571

I would like to register my objection to the Planning proposal **PLN/2019/572 and PLN/2019/571 due to the following items :**

≤ **Kyneton has a unique goldfields heritage:**

- Land developments should "continue to build on and enhance Kyneton as a key local and regional township.

≤ **The introduction of a service station and fast food/convenience outlets is directly contrary to the Kyneton Structure Plan's key Retail and Commercial recommendation.**

- The existing Business 3 Zone land on Edgcombe Road north of the Freeway needs to be carefully managed to avoid undermining the town centre with the preferred land uses to be trade and industry based to support the adjoining industrial area.

Increase to traffic and for traffic safety

- The increase to traffic and for traffic safety on and around Edgcombe Road and the roundabout, particularly with an increase in large trucks using the entry, exit and turning points.

Close proximity of two primary schools and two high schools

- This development will be within approximately 1km of Kyneton's primary schools and within 2km of Kyneton's secondary schools, likely attracting school children away from the town centre, along road without pathways.

This type of development damages the Macedon Ranges brand standing as an area that values and protects its natural attractions and country town character.

- As advertised under the "Visit Macedon Ranges" banner and presents a potentially significant threat to Kyneton's tourism and businesses.
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- I have deep concerns over environmental degradation and the loss of flora and fauna, in particular the threat to aquatic habitat along the Post Office Creek.

Impacts Livability

- Victoria has seen many country towns damaged by over development and a move away from what makes them attractive places to live and visit Kyneton already has two petrol stations and two vacant sites where petrol station once were but have since closed.

Loss of access to potential fertile farming land

- Climate change, population growth and even potential future pandemics are expected to have an increasingly profound impact on secure food production and demand in regional and metropolitan Victoria.
- Positioning of a petrol station adjacent to a rural living zone – petroleum products need to be a minimum distance from a rural living zone.
- Full details of the proposed McDonalds signage have not been confirmed in this application, but there are restrictions on visibility, with indications of their big pylon sign illustrated in the planning application.

Regards

[REDACTED]

Awa s Sad q and Dam en Hodgk ns
 Co-ord nator Statutory P ann ng and Sen or Statutory P ann ng Off cer
 Macedon Ranges Sh re Council
 PO Box 151 KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

8/2/2021

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5. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

"A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways to allow for movement of wildlife and cross-pollination with indigenous plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roads, vegetation, streams, vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems and plantings of native vegetation especially in the form of strategic riparian buffers."

It is Council's responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

6. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artefacts, the largest of which is in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochres, as well as social interaction and trade between Aboriginal groups took place (CHMP p. 104).

Cause 15 03-2 of the Victorian Planning Provisions (VPP) sets out as an objective [t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance and provides that planning should consider as relevant "the findings and recommendations of the Aboriginal Heritage Council."

Given the concentration of items of cultural heritage significance in the area, I would urge Council not only to reject the application but also to begin in-depth and meaningful consultation with the traditional owners of this land to ensure the ongoing recognition, protection and conservation of these artefacts.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines and the various Strategies, I believe the ony viable choice for MRSC is to refuse this planning application.

Regards

██████████

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 January 2021 10:42 AM
To: Macedon Ranges Shire Council
Cc: [REDACTED]
Subject: Objection to MacDonalds/Bunnings/BP development

Categories: Planning

Dear Macedon Ranges

I strongly object to the proposed development on the corner Edgecomb and Piper St Kyneton.

[REDACTED]

I ask that the Council reject this development.

I base my objection on the following grounds;

It is inappropriate in relation to the character of the town and in particular the historic/cultural aspects of the site on Piper St.

The implications on the local traffic of a drive thru on this site would damage the atmosphere of the town

There is no need for another fuel station in Kyneton, in fact i would argue 2 stations in town and Carlsrue are more than enough for a small town

I object to the introduction of a junk food outlet to our town. I strongly object to the message this sends our children.

The Bunnings should be located in the industrial estate like other businesses of this kind.

I have joined the newly formed local group that will campaign for the rejection of this development.

I request you respond to my objection and include my objection in the formal process in relation to this project.

Kind regards

[REDACTED]

--

[REDACTED]

MACEDON RANGES SC
RECEIVED

28 AUG 2020

CRM..... REG.....

ES.....

DEAR COUNCILLERS

ON READING THE ARTICLE IN ONE OF THE LOCAL NEWSPAPERS ABOUT THE PROPOSED SERVICE STATION, HARDWARE OUTLET AND SHOPS PLANNED FOR KYNETON ON EDGECOMBE ROAD, I COULD NOT HELP TO THINK WHAT A GREEDY LAND DEVELOPER HAS IN MIND FOR OUR TOWN.

WHAT WE DONT NEED AS A HUNGERY HARDWARE STORE LIKE BUNNINGS TO COME IN AND DESTROY THE TWO HARDWARE STORES AND ALSO THE HARDWARE STORES IN THE OUTLYING AREAS, IM SURE WE DONT NEED ANOTHER FUEL OUTLET WE ALREADY HAVE THREE IN KYNETON NOW.

THERE WAS MENTION OF A 24 HOUR FOOD OUTLET PROSUMEABLY MACDONALDS WHICH MEANS THERE WILL BE ALL OF THEIR RUBBISH TO BLOW AROUND THE STREETS JUST LIKE SUNBURY AND ALL OTHERS TOWNS THAT THEY HAVE STORES IN, WHAT ABOUT THE TRAFFIC NIGHTMARE?

ALL THESE NEW OUTLETS WILL WIPE OUT WHATEVER IS LEFT AFTER THE COVID BUG MOVES ON THERE WILL BE MORE VAKANT SHOPS IN THE TOWN,

PLEASE STUDY ALL THIS CAREFULLY BEFORE YOU DECIDE ON ALLOWING THIS TO HAPPEN.



Objection to Grant a Planning Permit

Objection Enquiries:
Phone: (03) 5421 9699
Web: www.mrsc.vic.gov.au

This form is to assist in making an objection as outlined in the *Planning and Environment Act 1987*.

Privacy notice

Council is collecting the information on this form so that it may consider your objection in accordance with its legislative powers and functions. Council can only disclose any information collected in accordance with these powers and functions. Please be aware that Council may provide copies of this objection to interested parties. Visit Council's website to view our Privacy Policy.

Objector details

Provide details of the objector
The person you want Council to communicate with about your objection

Name:	[REDACTED]
Organisation:	
Postal Address:	[REDACTED]
Postcode:	[REDACTED]
Contact phone:	Mobile phone: [REDACTED]
Email:	[REDACTED]

Planning Application details

Provide the Planning Application Number

PLN/2019/572 and PLN/2019/571

The land

Address of the land

Street No:	Street Name: Edgecombe Road,
Lot No:	Title details (CA, LP, PS, CP, TP) no.:
Township: Kyneton	Postcode: 3444

Reason for your Objection

Prior to lodging an objection please make sure you clearly understand what is proposed. You can inspect the application at the Macedon Ranges Shire Council's Office or on mrsc.vic.gov.au/Build-Plan/Planning-Permits-Approvals-Forms/Object-to-an-application. Under the *Planning and Environment Act 1987*, an objection can be dismissed if it is evident the objection has been made to secure or maintain a direct or indirect commercial advantage.

Attach additional page/s if there is insufficient room.

Kyneton has a unique goldfields heritage:

• Land developments should "continue to build on and enhance Kyneton as a key local and regional township.

Increase to traffic and for traffic safety

- The increase to traffic and for traffic safety on and around Edgecombe Road and the roundabout, particularly with an increase in large trucks using the entry, exit and turning points.

Close proximity of two primary schools and two high schools

- This development will be within approximately 1km of Kyneton's primary schools and within 2km of Kyneton's secondary schools, likely attracting school children away from the town centre, along road without pathways.

This type of development damages the Macedon Ranges brand standing, an area that values and protects its natural attractions and country town character.

- As advertised under the "Visit Macedon Ranges" banner and presents a potentially significant threat to Kyneton's tourism and businesses.
- Positioning a McDonald's (and likely other major fast food outlets) at both a major gateway to the town and access point to local wineries and landscapes would significantly undermine Kyneton's tourism appeal.

The proposed development is in an area found to have high aboriginal cultural significance

- The proposed development is in an area found to have high aboriginal cultural significance and sensitivity and presents inevitable risk that appears to undermine Council's statements of respect for indigenous culture.

Appropriate advertising has NOT been undertaken as all published materials in the local newspaper were illegible.

How will you be affected by the granting of a Planning Permit

Attach additional page/s if there is insufficient room.

I will be impacted in many ways but most importantly my faith that the council is working towards their stated Vision will be lost altogether— Vision "Partnership with the community, protect and enhance life across the Macedon Ranges' I believe that the theme of liveability will be severely impacted by NOT protecting our natural environment, heritage and rural character'. I also do NOT see how this development 'respect the needs of current or future generations'.

Objectors Signature

This form must be signed

Signature: [REDACTED]

Date: 16 / 2 / 2021

[REDACTED]

From: [REDACTED]
Sent: Friday, 29 January 2021 10:06 AM
To: Macedon Ranges Shire Council
Subject: Macdonalds,Bunnings proposal

Categories: Planning

I would like to say Kyneton must let this go ahead,we cannot stand still and miss out on all the employment this will bring.

Regards

[REDACTED]

[REDACTED]



Awais Sediq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

8 February, 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state *“Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.”* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

Increased adoption of electric vehicles will soon render fossil fuel outlets obsolete. Rehabilitating contaminated land used by fuel stations can require years of remedial work and cost millions of dollars. Many sites are simply abandoned to avoid rehabilitation costs. Kyneton already two abandoned petrol station sites, the risk of Kyneton being saddled with yet another eyesore at one of its gateways is unacceptable when there are already enough fuel outlets available. The costs associated with rehabilitating yet another soon-to-be-obsolete service station should not be borne by rate paying residents.

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgcombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network which is not appropriate for such traffic movements. If they were to use Edgcombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

If this business identification is permitted, Kyneton will become the only town where McDonalds particularly dominant signage will be impossible to ignore while travelling on the freeway between Melbourne and Bendigo. As a result, Kyneton will be strongly associated with the branding of McDonalds and the other businesses in the proposed development. This is incompatible with the town's quality restaurants and B&B businesses. Having McDonalds powerful signage, a service station, and a Bunnings outlet visible from the Calder freeway will create the impression that Kyneton is no different from Sunbury or Taylors Lakes. Whilst serving a purpose as Melbourne

suburbs these areas are not the types of places that people choose to visit for tourism purposes. The development may be the only thing people see associated with Kyneton. The high visibility from the Calder freeway will have a negative impact on the tourism industry here.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and brand-oriented design of the buildings are created only to draw in customers not to positively contribute to the atmosphere of a historic town.

This proposal in designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

5. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road which will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgecombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgecombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgecombe Road and Pipers Creek Road.

7. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

8. Traffic Impacts

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic.

9. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective '[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance' and provides that planning should consider as relevant, "the findings and recommendations of the Aboriginal Heritage Council".

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- 'Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP's position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.'
- 'The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.' (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

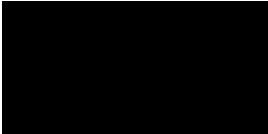
The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,



From: [REDACTED]
Sent: Wednesday, 10 February 2021 1:17 PM
To: Macedon Ranges Shire Council
Cc: [REDACTED]
Subject: PLANNING OBJECTION: PLN/2019/572 and PLN/201971

Dear Council Members

I am writing to object to the proposed service station and associated developments which are under consideration.

My objection is based on the following:

NEED

- *Does our district need another service station?* I would think the service station at Carlsruhe is adequate to provide for freeway traffic coming from Melbourne or Bendigo. Putting another off-ramp service station a few kilometers up the road just doesn't make sense. Perhaps if it was situated half-way between Bendigo and Carlsruhe it would better service travellers.

WANT

- *Has the Council uncovered a desire from the community for additional service station facilities?* I personally have not experienced any problems in filling up my vehicle, be it price point or availability. I have not heard any comments from neighbours or read any opinion pieces/complaints about the lack facilities in this regard.

BENEFIT

- *Does the Council believe there will be significant benefit to the community by having an additional petrol station?* I can see that further employment opportunities is an advantage and perhaps additional tourism if people can be attracted to explore our town but I do wonder if a service station is the best way to achieve this. Perhaps a project which invited people to linger might reap more rewards in this regard. Conceivably a camping ground with various amenities would attract tourists, sports enthusiasts and adventurers and better suit the area which is the entrance to regional townships, sports clubs, cultural and natural attractions.

APPROPRIATENESS

- *How does this development fit with Council's vision of Kyneton?* Having recently moved to Kyneton I was pleased to receive a flyer asking the community to "Have your say" in relation to the Urban Design Framework. Whilst this study does not go beyond the town centre, I am assuming the Council would like all interrelated developments to compliment these established aesthetic values for Kyneton. Whilst progress is essential, I do question whether a service station in particular meets with these overarching objectives for the town.

AFTEREFFECT

- *What effect would a project of this nature have on our community?* It is my assumption that an additional service station would have little positive effect on our community as the current supply of service stations is adequate. Perhaps there are studies that can measure the potential revenue Kyneton could expect due to the increased volume of vehicles attracted off the freeway, but again, I would think that facilities more suited to having people linger longer would boost this potential. Some areas that I think require more thought are: permanent loss of land so close to the Kyneton township; suitability of a service station versus more community based projects; bright lighting 24/7 neighbouring residential areas; potential increased traffic flow leading to the site along existing

residential corridors and around schools; loss of opportunity to embark on further community projects and/or beautification of a major gateway into Kyneton.

Thank you for taking my thoughts into consideration and trust careful examination of these developments will take place ... as once the land is gone we can't change our minds!

Kind regards

A large black rectangular redaction box covering the signature and name of the sender.

From: [REDACTED]
Sent: Saturday, 30 January 2021 8:31 PM
To: Macedon Ranges Shire Council
Subject: Objection. PLN/2019/572 and/or PLN/2019/571.

Categories: Planning

Objection to Grant a Planning Permit

To whom it may concern,

I am writing to lodge my formal Objection to Grant a Planning Permit for PLN/2019/572 and/or PLN/2019/571 (proposed McDonalds and Bunnings). [REDACTED] I would like to raise the following concerns:

Kyneton has a unique goldfields heritage

Land developments should “continue to build on and enhance Kyneton as a key local and regional township.

We had The Lost Trades Fair and the Kyneton Music festival because they were not adequately supported by Council. They will be replaced by a McDonalds and a Bunnings. That is an embarrassment.

The introduction of a service station and fast food/convenience outlets is directly contrary to the Kyneton Structure Plan’s key Retail and Commercial recommendation.

The existing Business 3 Zone land on Edgecombe Road north of the Freeway needs to be carefully managed to avoid undermining the town centre with the preferred land uses to be trade and industry based to support the adjoining industrial area.

I worry about the longevity of local business such as the Kyneton sand and soil yard, plumbing supplies, Betta Electrical etc. With Bunnings just around the corner, I cannot imagine many people will choose to shop there. The development would surely impact local business negatively. We would lose the 'High Street vibe' which attracted us (and many others) to Kyneton in the first place.

Increase to traffic and for traffic safety

The increase to traffic and for traffic safety on and around Edgecombe Road and the roundabout, particularly with an increase in large trucks using the entry, exit and turning points.

Close proximity of two primary schools and two high schools

This development will be within approximately 1km of Kyneton’s primary schools and within 2km of Kyneton’s secondary schools, likely attracting school children away from the town centre, along road without pathways. This is meant to be the education 'hub, the pride of the town.

This type of development damages the Macedon Ranges brand standing as an area that values and protects its natural attractions and country town character.

As advertised under the “Visit Macedon Ranges” banner and presents a potentially significant threat to Kyneton’s tourism and businesses.

Positioning a McDonald’s (and likely other major fast food outlets) at both a major gateway to the town and access point to local wineries and landscapes would significantly undermine Kyneton’s tourism appeal.

The proposed development is in an area found to have high aboriginal cultural significance and sensitivity and presents inevitable risk that appears to undermine Council's statements of respect for indigenous culture.

McDonalds provides minimal nutritional value

The proposed introduction of a McDonalds/fastfood provides minimal nutritional value to the residents of Kyneton and the Macedon Ranges, completely contrary to Council's 'Healthy eating' priority stated in its own Health and Wellbeing Plan (2017-2027).

Threat to aquatic habitat along the Post Office Creek.

I have deep concerns over environmental degradation and the loss of flora and fauna, in particular the threat to aquatic habitat along the Post Office Creek.

Impacts Livability

Victoria has seen many country towns damaged by over development and a move away from what makes them attractive places to live and visit Kyneton already has two petrol stations and two vacant sites where petrol station once were but have since closed.

Loss of access to potential fertile farming land

Climate change, population growth and even potential future pandemics are expected to have an increasingly profound impact on secure food production and demand in regional and metropolitan Victoria.

Positioning of a petrol station adjacent to a rural living zone – petroleum products need to be a minimum distance from a rural living zone.

Thank you very much for hearing our concerns. If this email is not enough (ie you need a signed objection, please let us know and we will organise.

Kind regards

[Redacted signature]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 2 February 2021 5:34 PM
To: Macedon Ranges Shire Council
Subject: Edgecombe Rd Development

Good Afternoon I write to today in support of the proposed development in Edgecombe Road.

[REDACTED]

[REDACTED]

This is the first time I have ever written to Councillors but I felt there was a need for me to make Councilors aware of my thoughts.

I see the proposed development a must for Kyneton as we continue to grow in size and population and will continue to do so in the future.

The new development will offer excellent employment opportunities for our young and both Companies provide excellent training to their employees which is well regarded in the greater work force.

[REDACTED] I have seen many times young people leaving our Town to obtain work and this is not unique to Kyneton, these two businesses as well the other businesses at the development will provide excellent employment opportunities for the local community.

[REDACTED] I cannot see ourselves visiting McDonalds we will still support those local businesses. Having said that McDonalds would provide a place for families with young children to take the kids out for food at a reasonable price of which there is really nowhere in Kyneton other than the RSL, where families can go for a reasonably priced meal .

With regards to Bunnings, Kyneton have always had at least two hardware stores until recent times when Turner Bros closed, I believe business competition is desirable for our community.

I think it is a plus that Bunnings have considered our Town worthy of them locating a store here.

Both the businesses will bring people to our Town from neighbouring areas and these people while here may visit other businesses in our Town.

I have chosen not to argue against other people's opinions that are on facebook and on flyers put in peoples' letterboxes I have concentrated on my thoughts only.

Thank you all for your time and I hope the above gives you something to consider when you finally get to make a decision on the development

--
Kind Regards,

Awas Sadq and Damien Hodgkns
 Co-ordinator Statutory Planning and Senior Statutory Planning Officer
 Macedon Ranges Shire Council
 PO Box 151 KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

8/2/2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awas and Damien

I am writing to you both regarding the Planning Application PLN/2019/572 for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant, and the Planning Application PLN/2019/571 for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone Category 1 at Lot 1 Edgecombe Road Kyneton

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state "Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre" (p 17)

This proposal is within 10 km of the Carlsruhe service station and within 50 km of the Ravenswood service centre

Kyneton already has three petrol stations: two in the town centre on High Street and one just outside of town on Burton Avenue

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well served by pre-existing service stations

2. Breaches in the Commercial 2 Zone land planning

Service Stations should not keep in with the C2Z which permits and reserved for uses including an art gallery, informal outdoor recreation and food and drink premises under 100 m². It does not specify the use of Service Stations in other zones

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil* (Clause 34 02-2). This application requires the transport of petroleum products, retail vehicles, food and drink deliveries to this site, increasing the level of impact on the roads and residents living on Edgecombe Street Kyneton and those using the road for commuting and travelling

Under Clause 34 02-1 C2Z specifies the easable area for Food and drink must not exceed 100 square metres. This proposal has a stand alone restaurant McDonalds at 377 square metres and has a Service Station that has a retail shop at 250 square metres and a restaurant at 165 square metres in total. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme

3. Impacts on Kyneton Town Centre

Clause 21 13-2 states as its Objective 4 to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station and a Bunnings does not constitute high quality design and the landscaping plans such that the visual impact on Kyneton will be immense

Cause 21 13-2 states at its Objective 5 to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned causes to consolidate and strengthen Kyneton.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design through the implementation of the Kyneton Urban Design Framework. This proposal at the northern Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business. Kyneton's food and locally owned cafes, restaurants and bars support families from the area. This development will directly affect the livelihoods of small business owners who contribute so much to Kyneton's vibrant cultural centre.

5. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

"A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways to allow for movement of wildlife and cross-pollination with indigenous plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roads, vegetation, streams, vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems and plantings of native vegetation especially in the form of strategic riparian buffers."

It is Council's responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

6. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artefacts, the largest of which in the region suggest this was a location of substantial occupation and a place where social activities involving ochres, as well as social interaction and trade between Aboriginal groups took place (CHMP p 104).

Cause 15 03-2 of the Victorian Planning Provisions (VPP) sets out as an objective [t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance and provides that planning should consider as relevant "the findings and recommendations of the Aboriginal Heritage Council."

Given the concentration of items of cultural heritage significance in the area, I would urge Council not only to reject the application but also to begin in-depth and meaningful consultation with the traditional owners of this land to ensure the ongoing recognition, protection and conservation of these artefacts.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Regards

██████████

From: [REDACTED]
Sent: Monday, 8 February 2021 10:22 AM
To: Macedon Ranges Shire Council
Subject: [Sender Unverified] FAO Awais Sadiq OBJECTION PLN/2019/571

Categories: Planning

Date 8th February 2021

Re: Edgcombe Road Planning Application PLN/2019/571
Planning Dept
[REDACTED]

Dear Mr Sadiq
Re: Edgcombe Road Planning Application PLN/2019/571

I'm write in relation to the above planning application and to submit my objection against it. I request formal acknowledgement of this objection and should this application proceed to a council submitters meeting, I wish to be included as an objector.

Please find outlined below my objections to this proposal:

- I believe this kind of development will affect many businesses in our town. I'm sure many would like a Bunnings in principle, but their arrival would have a massive impact (probably resulting in closure) of the many small businesses operation in Kyneton: the hardware, timber, paint and plumbing supply stores, plant nurseries and garden suppliers. It's not just Kyneton that Bunnings will affect, but neighbouring towns as close as Woodend and probably as far as Castlemaine. I just don't believe that this kind of planning has the best interests of our small town or its residents at it's core.
- Secondly, the increased traffic along Edgcombe Rd and the Piper Street turn off will be exponential and will create a bottleneck into town. It is concerning to me that the two primary schools along Edgcombe Road would need to navigate such an influx of traffic and I can only think it will make the school run a dangerous one.
- This increase in traffic would include many heavy vehicles which will impact not only the school end of town but all the residents who live in the other direction on Edgcombe Road. The noise and pollution will affect their quality of life.
- The proposed development is likely to change the retail centre of the town and take people away from the heart: where many small businesses are. A development such as this would have people bypass the town once again and the knock on effects would be felt by many. Especially when you factor in the combination of Bunnings, proposed petrol stations and McDonalds being built here, there will just not be the need to drop into town in the same way.
- Finally, whilst I know this objection is in relation specifically to the Bunnings application, it's clear what that this is just the beginning, and with a Bunnings will attract other big box retailers from the Good Guys to Kmart and everything in between. Do you really think all the day tripper tourists coming up from Melbourne want to visit another Melbourne suburb? It will kill the green shoots of tourism in the area just like that. Piper street restaurants will relocate to Trentham / Woodend etc and Kyneton will start to resemble Sunbury.

Thank you for your time in reading through my concerns and objections.

Yours Sincerely

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Macedon Ranges Shire Council,
PO Box 151
Kyneton
Victoria 3444

To Whom It May Concern:

I am writing today to lodge my objection to the planned site development at the junction of Edgcombe Road and Pipers Creek Road (PLN/2019/572).

I wasn't all that surprised that something was coming, having seen the explosion of development in the area. However, it was really disheartening to see the scale of development proposed for Kyneton and the risk this development will have on the character of the town.

I have two personal concerns:

1. On the negative impact this will have for the character of the town
2. On the negative impact this will have on small businesses that operate in Kyneton

[REDACTED] precisely because we were looking for a country town that still retained its sense of place and character and hadn't become cookie-cuttered by the arrival of big box retailers and rampant over-development of housing. This new planning submission is just that, with McDonalds, a 24hr fuel station, a multi-lot housing development and the potential arrival of major hardware store, will slowly erase what makes Kyneton unique. It will (I'm absolutely positive) pave the way to the introduction of more big box retailers and soon Kyneton will be another Gisborne, or Sunbury.

I'm staggered there are no controls on this. Macedon Ranges Shire, seems beholden to developers and not other businesses types such as Tourism. Why do you think day trippers come up from Melbourne? So they can visit a suburb like the one they live in, or so they can something they don't have? I talked about character at the beginning and this is exactly what this site will do, change the character. Daylesford has managed to maintain and build on its feel, precisely because it's focussed on the tourism side. Why can't you take the same approach and protect our small country towns in the same way?

I'm also concerned about the impact that this development could have on the various retailers and restaurants in Kyneton. What do you think a McDonalds will do to the unique Major Toms on Piper St? Take business away of course. People who might have planned for a short pit-stop before continuing their journey north or south, will now have no need to drive into town, they can refuel their car and their bellies without ever needing to come in. This will affect so many small businesses who have been struggling to make it through after the horror year of 2020.

Beyond my own personal objections, I understand the planned site development is in breach of a number of planning conditions:

1. The construction of a service station is not appropriate for the current land zoning
2. The application exceeds the allowable leasable area dedicated to food and drink

[REDACTED]

3. The petrol station and therefore the petroleum products, need to be a minimum distance from a rural living zone

I hope you take my objections to heart, but even if my personal concerns (don't stack up), I hope the planning breaches will do. Sadly though, I suspect this will not happen, because as history shows Goliath's wins and David's do not. * I hope just this once, you look out for the David's.

Sincerely,

[REDACTED]

From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Planning Objection (PLN/2019/572)
Date: Saturday, 6 February 2021 10:37:49 AM

D21-13716

To whom it may concern,

I am objecting to planning notice PLN/2019/572 and PLN/2019/571 [REDACTED]
[REDACTED]

My objection is on the following grounds:

- There is no need for an additional service station. In Kyneton, there are already three service stations and less than 10km is the Karlsruhe BP service station. Another service station is not required for such a small country town?
- The visual and economic impact to Kyneton with the build of a service station, McDonalds and Bunnings will be significant;
- Increased noise and air pollution through the area;
- Failure to recognise, protect, or even conserve an area that has Aboriginal cultural heritage significance.

Kind regards,
[REDACTED]
[REDACTED]

MACEDON RANGES SC
RECEIVED
10 FEB 2021
CRM REG
BOX

Submission 69



Objection to Grant a Planning Permit

Objection Enquiries:
Phone: (03) 5421 9699
Web: www.mrsc.vic.gov.au

This form is to assist in making an objection as outlined in the *Planning and Environment Act 1987*.

Privacy notice
Council is collecting the information on this form so that it may consider your objection in accordance with its legislative powers and functions. Council can only disclose any information collected in accordance with these powers and functions. Please be aware that Council may provide copies of this objection to interested parties. Visit Council's website to view our Privacy Policy.

Objector details
Provide details of the objector
The person you want Council to communicate with about your objection

Name:	[REDACTED]
Organisation:	[REDACTED]
Postal Address:	[REDACTED]
Postcode:	[REDACTED]
Contact phone:	[REDACTED]
Mobile phone:	[REDACTED]
Email:	[REDACTED]

Planning Application details
Provide the Planning Application Number

PLN/2019/572	PLN/2019/571
--------------	--------------

The land
Address of the land

Street No:	Street Name: Edgcombe Road,
Lot No:	Title details (CA, LP, PS, CP, TP) no.:
Township: Kyneton	Postcode: 3444

Reason for your Objection

Prior to lodging an objection please make sure you clearly understand what is proposed. You can inspect the application at the Macedon Ranges Shire Council's Office or on mrsc.vic.gov.au/Build-Plan/Planning-Permits-Approvals-Forms/Object-to-an-application. Under the *Planning and Environment Act 1987*, an objection can be dismissed if it is evident the objection has been made to secure or maintain a direct or indirect commercial advantage.

Attach additional page/s if there is insufficient room.

Too much commercial development and puts habitats under stress unnecessary development for our town, the waste, noise pollution not wanted here.

Macedon Ranges Shire Council
Item received at Kyn Office
On 9.2.21 Signed Re

How will you be affected by the granting of a Planning Permit

Attach additional page/s if there is insufficient room.

[Redacted]
[Redacted]
I want to make of a rural lifestyle for them not urban sprawl.
I also support local businesses and want them to succeed.

Objectors Signature

This form must be signed

Signature: [Redacted]
Date: 9/2/21

Lodgement

To ensure Macedon Ranges Shire Council considers your objection, ensure the Council receives your objection by the due date on the notice. Council will send you an acknowledgement letter upon receipt of your objection.

Lodge the completed and signed form by:

Mail:
Macedon Ranges Shire Council
PO Box 151
Kyneton Vic 3444

In Person:
Any Council Office

Email: mrsc@mrsc.vic.gov.au

Further important information:

If you object prior to the Responsible Authority determining the application, the Responsible Authority will notify you of its decision.
If the application is to be determined at a Council Meeting, a copy of your objection will form part of the report which is available for public viewing.
If, despite your objection, the Responsible Authority decides to Grant a Permit, you can appeal against the decision. Details of appeal procedures are set out on the back of a Notice of Decision which you will receive provided you have lodged the objection prior to the determination of the application.
If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal to Grant a Planning Permit which will be issued at that time.

For help or more information

Telephone: Planning (03) 54 21 9699
Website: www.mrsc.vic.gov.au



Awais Sediq and Damien Hodgkins
 Co-ordinator Statutory Planning and Senior Statutory Planning Officer
 Macedon Ranges Shire Council
 PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

11/02/21

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1 at Lot 1 Edgcombe Road, Kyneton.*

I wish to make my objection on the following grounds:

- 1. The proposal is inconsistent with the Macedon Ranges Community Vision and MRSC Council Plan 2017-2021**

Section of Council Plan	The McDonald's / Bunnings development will not:
Vision	Be "In partnership with the community, protect and enhance life across the Macedon Ranges."
Themes	
Liveability	"strengthen community resilience, inclusion, safety, accessibility and connectivity, protect our natural environment, heritage and rural character."
Efficiency:	Represent "smart service delivery, asset management and resource allocation."
Sustainability	"respect the needs of current and future generations in all we do"
Priorities	
1. Promote Health and Wellbeing	<ul style="list-style-type: none"> Promote and provide healthy food and drink options across the shire Improve infrastructure for walking and cycling across the shire

Section of Council Plan	The McDonald's / Bunnings development will not:
	<p>The McDonald's / fast food outlet will not help deliver outcomes for the Healthy Heart of Victoria initiative</p> <p>MRSS is part of the Healthy Heart of Victoria initiative, which commits to invest in “infrastructure, facilities or programs that get more people, more active, more often”. Healthy Heart of Victoria aims to improve health outcomes for the community living in Central Victoria. The initiative is a joint initiative of the Loddon-Campaspe Regional Partnership and involves the shires of Macedon Ranges, Greater Bendigo, Loddon, Mount Alexander, Central Goldfields and Campaspe.</p> <p>MRSC has committed to “fund updates to existing spaces, facilities and programs that help more Macedon Ranges residents to be active, healthy and well.”</p> <p>According to the MRSC Healthy Heart of Victoria website, “there is a clear need to find local and regional solutions that increase healthy eating and physical activity. According to the 2014 Victorian Population Health Survey, in the Macedon Ranges:</p> <ul style="list-style-type: none"> • 10% of adults meet vegetable consumption guidelines. • 37% of adults meet fruit consumption guidelines. • 40% of adults meet physical activity guidelines.” • Almost two thirds of residents (61 per cent) are overweight or obese. Overweight and obesity is higher among males (67 per cent) than females (55 per cent). • About one in every six people (16 per cent) rate their health as fair or poor. Similarly, about one in every six people (17 per cent) do not feel valued by society. These are important indicators of wellbeing. • One in 15 households (6.4 per cent) are considered to be food insecure, as they have run out of food in the last year and could not afford to buy more.
<p>2. Protect the natural environment</p>	<ul style="list-style-type: none"> • Address climate change mitigation, resilience and adaptation • Protect biodiversity • Enhance waterways and water catchment quality • Manage waste as a resource • Demonstrate proactive environmental planning and policy • Embed environmental sustainability principles across all Council operations
<p>3. Improve the built environment</p>	<ul style="list-style-type: none"> • Foster township character and care for resources of historical significance • Advocate for better access to public transport • Increase walking and cycling connectivity • Improve access to our spaces and streetscapes
<p>4. Enhance the social and economic environment</p>	<ul style="list-style-type: none"> • Encourage economic vitality (tourism, agribusiness, buy local) • Promote housing diversity • Consider socio-economic disadvantage • Attract strategic investment that is consistent with Council's vision

Section of Council Plan	The McDonald's / Bunnings development will not:
	<ul style="list-style-type: none"> • Support local industry sectors that align with our vision and principles • Promote positive community attitudes and behaviours
5. Deliver strong and reliable government	<ul style="list-style-type: none"> • Make responsible and evidence-based decisions • Demonstrate accessible and responsive customer service • Enable the community <i>"to have confidence in the way we govern and make decisions."</i>

2. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state *"Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre."* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

3. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgcombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network which is not appropriate for such traffic movements. If they were to use Edgcombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

4. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

5. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

6. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road which will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that “Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43).” Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgecombe Road and the 12 m pylon sign on Edgecombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

7. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgecombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgecombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgecombe Road and Pipers Creek Road.

8. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the

adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

9. Traffic Impacts

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic.

10. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective ‘[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance’ and provides that planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.’
- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSPP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,



From: [REDACTED]
 To: [Macedon Ranges Shire Council](mailto:info@mrsc.vic.gov.au)
 Cc: [REDACTED]
 Subject: No McDonalds in Kyneton. OBJECTION
 Date: Tuesday, 9 February 2021 5:54:36 PM

D21-14959

Awais Sediq and Damien Hodgkins
 Co-ordinator Statutory Planning and Senior Statutory Planning Officer
 Macedon Ranges Shire Council
 PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

9.2.2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state *“Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.”* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network which is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the ‘Gateway’ to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres,

and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

5. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road which will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should

be setback at least 20 metres from Edgecombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgecombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgecombe Road and Pipers Creek Road.

7. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

8. Traffic Impacts

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic.

9. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective ‘[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance’ and provides that planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.’
- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,

[Redacted Signature]

IMPORTANT - This email and any attachments may be confidential. If received in error, please contact us and delete all copies. Before opening or using attachments check them for viruses and defects. Regardless of any loss, damage or consequence, whether caused by the negligence of the sender or not, resulting directly or indirectly from the use of any attached files our liability is limited to resupplying any affected attachments. Any representations or opinions expressed are those of the individual sender, and not necessarily those of [Redacted]

From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Planning objection PLN/2019/572
Date: Wednesday, 10 February 2021 3:13:47 PM

To whom it may concern,

I am writing this email to voice my opinion and strongly object to the McDonalds and Bunnings development planned in Kyneton.

[REDACTED] my reason for doing so was that it is a country town focusing on history, nature and community.

The introduction of these massive corporations will detract from the heart and soul of Kyneton as a community and destroy locally owned family businesses.

Do not destroy a wonderful town of the Macedon Rangers shire with this commercial, money hungry mind set.

Put the community first!

[REDACTED]

Awais Sediq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

10/02/2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

[REDACTED]
[REDACTED] I feel this development will create a congested intersection resulting in more people driving down Batters Lane to avoid the intersection. This will result in more dust inundation into the hoses along the unsealed section of Batters Lane. There will also be an increase in truck noise at night as well as light pollution, along with the unpleasant smells of a fast food restaurant.

1. There is no need for a Service Station at this location

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“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

8. Traffic Impacts

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic.

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planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

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- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

As per MRSC Tourism strategies and plans <https://www.mrsc.vic.gov.au/.../Tourism-strategies-and-plans>

How would gigantic McDonald's signs, fast food drive-thru and big-box sprawling retail possibly deliver a set of 'authentic experiences'? It sets a very bad precedent.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,

[Redacted signature block]



16/2/21

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

To whom it may concern,

I am writing to you regarding the Planning Application PLN/2019/572 for the use and development Of land for a Service Station (including a Convenience Shop and a Convenience Restaurant), and the Planning Application PLN/2019/571 for the development of land for Trade/supplies/ Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone - Category 1 at Lot 1 Edgecombe Road Kyneton.

My objection to this is that I feel that it will be detrimental to our town. The small businesses - cafes, restaurants, nurseries, garden suppliers, timber and hardware, service stations will be affected by the proposed development, these small businesses have significantly contributed to our town and have employed local people of all age groups. Although it is proposed that this development will bring many new jobs, how many jobs will be lost? How many of our small businesses will end up closing, because it will not be viable for them to remain open.

Due to Covid these businesses have suffered, and now there is the burden of this development to contend with as well, causing increase in mental health issues.

Kyneton has 2 Service Stations within the town and one independently family owned Service Station just outside of town on Burton Avenue. There are also Service Stations nearby which are being revamped (Woodend and Carlsruhe) and one proposed on the Calder Freeway Woodend. Do we really need another Service Station? I believe that Kyneton and the Calder Freeway are well serviced by these Service Stations.

People are drawn to our town for its beauty and its lifestyle, hence the reason why many people have come to settle here from Melbourne. People are wanting to escape the rat race and experience a new lifestyle with their families.

Yours sincerely,

A black rectangular redaction box covering the signature area.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 10 February 2021 5:41 PM
To: Awais Sadiq
Subject: OBJECTION TO PLANNING APPLICATIONS PLN/2019/572 AND PLN/2019/571

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]

10 Feb 2021

Macedon Ranges Shire Council
Planning Dept
Attn: Awais Sadiq
129 Mollison St
Kyneton VIC 3444

[REDACTED]

Dear Mr Sadiq

Re: Edgecombe Road Planning Application PLN/2019/572 and PLN/2019/571

I write in regard to the above planning applications for Edgecombe Road Kyneton, submitted to the MRSC, which includes a 24-hour service station, McDonalds fast food outlet and Bunnings, and wish to formally lodge my objections.

I request formal acknowledgment of this objection and should this application proceed to a council submitters meeting, I wish to be included as an objector.

I have outlined below, some of my objections to this proposal.

Kyneton has a unique goldfields heritage and deserves to be developed in a manner that upholds its historic background.

Positioning two large scale developments such as PLN/2019/572 and PLN/2019/571 at both a major gateway to the town, and access point to local wineries will significantly detract from the natural attractions of the Macedon Ranges and the historic country town "brand" of Kyneton, threatening tourism revenue into the area.

This is an area of high significance for aboriginal cultural heritage.

I have concerns regarding the loss of valuation and fertile farming land.

I have deep concerns over environmental degradation and the loss of flora and fauna, in particular the threat to aquatic habitat along Post Office Creek.

I have concerns about the proximity of a petrol station so close to a rural living zone.

I have concerns about the increased traffic, bottlenecks and traffic safety on Edgecombe Road and the small local roads feeding into this road, which are not designed to cope with the additional load, particularly with an increase in large trucks using the entry, exit and turning points.

The existing Business 3 Zone land on Edgecombe Rd north of the freeway needs to be carefully managed to avoid undermining the town centre with the preferred lands uses to be trade and industry based to support the adjoining industrial area.

Local restaurants, cafes and bar owned by local families, already experiencing hardship due to COVID-19, will face further hardship with the addition of a large "convenience" restaurant in such close proximity to the township.

The application exceeds the allowable leasable area dedicated to food and drink.

McDonalds provides minimal nutritional value to the residents of Kyneton and the Macedon Ranges, completely contrary to Council's "Healthy eating" priority stated in its own Health and Wellbeing Plan (2017-2027).

I hope that the above detail is sufficient for your records but should you require further information, please contact me via return email.

Your sincerely

██████████

Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
15 February 2021

Re: Objection to Planning Applications PLN/2019/572 and PLN/2019/571

To the Co-ordinators, Statutory Planning,

I am writing to you both regarding the Planning Application **PLN/2019/572** for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant), and the Planning Application **PLN/2019/571** for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1 at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state “Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.” (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

2. Breaches in the Commercial 2 Zone land planning

Under Clause 32.02-1 Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

Clause 34.02-2 further stipulates the use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil. This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the

roads and residents living on Edgecombe Street and Pipers Creek Rd, Kyneton, and those using the road for commuting and travelling. [REDACTED] have to access this rd and intersection to access Kyneton. We would be directly affected by the increase in traffic, noise, fumes at this site.

Development does not support the valued characteristics of the area:

Victorian Regional Planning – Strategies to protect and enhance the valued attributes of identified distinctive areas and landscapes: -

1/Protect the identified key values and activities of these areas.

2/ Recognise the important role these areas play in the state as tourist destinations.

3/Support use and development where it enhances the valued characteristics of these areas.

The applications suggest that the surrounding areas adjacent to these sites are industrial. This is not the case: Post Office Creek runs along the proposed site. There has recently been the approval of adjoining land for residential land. To the North and East of the proposed sites, there are residential lots on acreage and the Kyneton Golf course. This is also one of the entrances to the winery region including: Kyneton Ridge Estate, Paramoor, Hunter-Gatherer, Granite Hills and Cobaw Ridge Estate, all accessed from this site. This is also the entrance to agricultural land, Olive Groves and natural areas including: Bald Hill Reserve, Black Hill Reserve, Turpins Falls and the Cobaw Ranges.

The proposed applications do not protect or enhance these distinctive areas, characteristics or landscapes, nor support tourist visitation to these attractions as it has been shown (below) that tourists to these regions are drawn for the high quality, natural attractions.

Development is at odds with Council's Visitor Economy Strategy and Plan and the Macedon Ranges Planning Scheme (- protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values)

Directly taken from the Macedon Ranges Visitor Economy Strategy:

“The high landscape, environmental and cultural values were officially recognised when the Macedon Ranges was declared a distinctive area and landscape under state planning policy in 2018. The corresponding Draft Macedon Ranges Statement of Planning Policy (SPP) provides a framework to guide implementation of the legislation to ensure these values are protected and conserved. Specific to the visitor economy the SPP includes in its vision that, ‘Macedon Ranges has a flourishing and environmentally sustainable visitor economy that respects the area’s environmental and cultural values, providing locals and visitors with a variety of high-quality natural attractions and experiences...

The key target market is the ‘Lifestyle Leader’ market segment, as they are inclined to stay longer and spend more and have a particular desire to escape city life and embrace nature/outdoors and new discoveries...

In 2016 Macedon Ranges attracted 1.67 million visitors, with over 1 million daytrip visitors and 654,000 overnight visitors. Visitation is concentrated predominantly to Kyneton and Woodend sub regions, which together attract 68% of total visitation to Macedon Ranges.

The visitor economy in Macedon Ranges contributes \$456 million in output and 2,355 jobs, making it one of the most important industry sectors for the region.

Importantly the visitor economy contributes significantly to the lifestyle of residents by providing local employment opportunities and a greater quantity and mix of retail businesses, quality cafes and restaurants, and experiences throughout the region.

The Daylesford and Macedon Ranges tourism region promotes its brand of ‘wellness’. The potential and strength of the Macedon Ranges within the region is in the broader interpretation of wellness as health and relaxation, creativity, and the strong connection with nature and people”.

Situating a service station, fast food outlets and major retailer at this gateway entrance to the region’s food, wine and natural recreation areas, would diminish their value, does not promote ‘wellness’ and offers a questionable number of jobs for locals, given kioks at McDonalds have replaced jobs etc. Visitation to Kyneton is not attracted through fast food outlets, but the ‘artisan producers, local produce and natural attractions. [REDACTED] would be impacted by having this development at the end of the road where the majority of [REDACTED] visitation passes through.

Signs not compatible with visual appearance of the area

Under Clause 52.05-2, the development proposes to install signs and the Council must ensure the signs are *compatible* with the amenity and visual appearance of an area, including the existing or desired future character. There is a 6 m McDonalds Pylon Sign proposed for Pipers Creek Road, and there is an undetermined height on the McDonalds Pylon Sign on Edgecombe Road.

The proposed signage is not compatible with the visual appearance of the area, where bushland, is the backdrop directly bordering the site for this application (seen below, taken from Pipers Creek Rd, facing north).



Inappropriate Location, not protecting places of Aboriginal Cultural Heritage Significance

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective '*[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance*' and provides that planning should consider as relevant, '*the findings and recommendations of the Aboriginal Heritage Council*'.

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSPP), which sets out the following binding objective for Responsible Public Entities (i.e. Council):

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

A Cultural Heritage Management Plan (CHMP) was prepared for the application due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artefacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

The proposed applications does not protect or conserve this identified area of Aboriginal cultural heritage significance.

Bushfire Planning – Macedon Ranges Planning Scheme – Ensure planning controls allow for risk mitigation, site & design development to minimise risk to life, property, the natural environment from natural hazards.

The proposed location of the service station close to the Calder Freeway presents a risk from freeway fires. In the last 3 years, there have been several fires ignited near this site from faulty truck brakes. There are significant roadside plantings along the side of the freeway through Kyneton.

Jan 23rd 2018 – There were several ignition points along the Calder Freeway near Post Office Creek. Photo courtesy of Kyneton CFA



[Kyneton Fire Brigade \(CFA\)](#)

FIRES ON CALDER FWY NOT SUSPICIOUS

At approximately 2:30pm Firefighters from 18 Brigades around the district responded to reports of multiple grass fires on the Calder Fwy around Post Office Creek.

On arrival firefighters were presented with half a dozen fires up to 500m long on both sides of the the Calder between Edgecombe St & Burton Avenue.

The fires were brought under control in 40mins and crews worked frantically to get the fire completely extinguished and the freeway reopened by 6pm.

Incident controller Rohan Taylor said "A fire investigator was called in to confirm the cause of the fire. It was determined to be caused by a trucks brake drum disintegrating starting multiple fires northbound"



Calder Freeway fire Jan 2018 - Kyneton Overpass.

More recently in Jan 2020, there was another freeway fire ignited by faulty truck brakes.

The proposed location of a service station so close to the Calder Freeway presents a risk if there was another freeway fire ignited nearby. Service stations in Woodend, Macedon and Gisborne are all located away from the side of the 110km/hr freeway.



Jan 2021 Calder Freeway fire, Kyneton.

Kyneton CFA: Despite recent rainfall, yesterday's fire at Kyneton was a stark reminder that our surrounds are certainly already dry enough to ignite and burn with ease.

Just before 4:00pm our volunteers were called to join more than twenty

[CFA \(Country Fire Authority\)](#)

and

[Forest Fire Management Victoria](#)

appliances in response to a fast-moving grass and scrub fire on the Calder Freeway at Kyneton.

The fire spread quickly through long grass and bushland from the freeway before running up the hill at Cobb and Co Road to threaten several properties in Fairbairn Place.



March 23rd, 2019: Edgecombe Rd fire to the north of proposed site – due to lightning strike.

[Midland Express](#)

As a storm front swept across the Ranges yesterday, two large ground lightning strikes set alight a large area of gorse in a paddock along Edgecombe Road North Kyneton.

The fire burned rapidly, fuelled by the noxious weed, with flames leaping 12 metres into the air creating a blanket of thick black smoke.

CFA Brigades from Kyneton, Malmesbury, Karlsruhe, Tylden and Langley worked to knock down the flames and prevent long grass in the surrounding paddock from catching fire.

Photos ietsystems.com.au

Although the proposed sites have been zoned for commercial use, the surrounding landscape to the north and east contain grassland, bushland, farming and housing. There are fire risks surrounding the proposed site, from burn offs to lightning strikes, along with fire risk from the close proximity to the Calder Freeway.

Situating a petrol station at the main evacuation point for residents north of the town is not suitable. Our family have used this exit to evacuate from fires at Black Hill (when we lived in Langley) and more recently in January 2020 when there were fires in the Cobaw Ranges. Our road recently became the detour when there was the freeway fire two months ago.

Situating a service station at this location presents a risk to life and property due to the risk of fires from either direction: freeway fires and paddock fires, approaching a service station, right at one of the points that residents use to evacuate from the north.

Summary

On the basis of the examples of this application not being consistent with state and local planning regulations and the Freeway Service Centre Design Guidelines (1997), not protecting a place of Aboriginal Cultural Heritage Significance and the location of the service station being at risk of fires from multiple directions, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,

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████████████████████

██████████████████

██████████

The following are direct passages from the current Visitor Economy Strategy for MRSC 2019-2029

1.2. THIS VISITOR ECONOMY STRATEGY VISION

The Macedon Ranges will be a favoured destination for escape and rejuvenation that is highly regarded for its quality nature-based attractions, artisan products, makers' culture and authentic experiences.

The strategy intends to set the long-term vision and strategic directions to support and grow the future visitor economy of the Macedon Ranges. Considered key to its success, the strategy aims to:

- Ensure growth of the visitor economy is appropriately managed to conserve the significant landscape, environmental and cultural values of the Macedon Ranges.
- Identify and prioritise opportunities that increase weekday visitation, length of stay, and encourage dispersal throughout the shire.
- Increase local employment and contribute to inclusive, healthy and vibrant communities.
- Build and grow the identity of the Macedon Ranges brand.
- Develop industry professionalism and achieve high level visitor satisfaction.

OTHER RELEVANT EXCERPTS FROM MRSC VES (Visitor Economy Strategy)

4.4. ARTISAN VILLAGES The Macedon Ranges is defined by the many small artisan villages connected by their heritage values and strong focus on the handmade, arts, craft, and market foods. There is a significant number of professional artists working and living in the Macedon Ranges and the villages play an important role to collaborate, congregate and exhibit their works. The artistic sector is supported by a Council run arts and culture program that promotes cultural development in the region. The cultural and heritage significance of the villages contributes to the unique character of the region. The villages each have a distinct past, and the heritage values and buildings contribute greatly to the visitor appeal.

4.5. FOOD, WINE AND FERMENTS Food and beverage is a growing strength of the region, with an abundance of quality providers, producers, farm gates, farmers markets, fine dining restaurants, distilleries and wineries. Macedon Ranges is the coolest wine region on the Australian mainland and the Macedon Ranges Wines brand has a growing reputation for high quality, small-batch wines being driven by a passionate group of established and new-age vignerons. The quality wines are matched by highly authentic cellar door experiences, where it is more often than not the wine maker providing the tasting. The established landmark of Holgate Brewery, one of Victoria's pioneering microbreweries, is now being complemented by a number of small distilleries producing unique and award-winning gins. The number of quality food producers is also growing rapidly, and the Macedon Ranges is on the cusp of being a widely-recognised foodie brand.

4.8. ABORIGINAL CULTURAL HERITAGE EXPERIENCES Aboriginal people have lived in the Macedon Ranges area for at least 26,000 years. The Wurundjeri, Dja Dja Wurrung and Taungurung communities are still active and indications of indigenous heritage can be found in the form of scarred trees, artifact scatters, shell middens, quarries, grinding stones, ceremonial grounds and ochre pits throughout the Macedon Ranges. Wil-im-ee Mooring (Mount William), north of Lancefield, is one of the most important cultural sites of the Wurundjeri people, famous throughout south-eastern Australia as the source of the highly-valued greenstone hatchet heads. In 1917 the site was described in the Victorian Parliament as, 'the greatest historic landmark of Australia,' for its significance as proof that the land had been inhabited pre European settlement. It was recently added to the National Heritage List in recognition of its national significance. The site is currently not serviced for large visitor numbers and is currently not open to the general public. Other identified places of particular Aboriginal cultural heritage significance include Hanging Rock, Black Hill and Malmsbury, which have been recognised by local communities for their sacred significance.

4.11. AGRITOURISM Agritourism is strongly aligned with the Macedon Ranges brand and growing reputation for ethical agribusiness. It is supported in the Council Plan and Draft Statement of Planning Policy as an area of sustainable and responsible tourism that contributes to the Shire's economic vitality. The Macedon Ranges has an increasing number of 'new generation' farmers bringing innovation to the farming sector, including artisan flower farming and hemp production. These artisanal producers are seeking to diversify and connect to the visitor economy with tourism experiences that improve the economic viability of these small enterprises and build resilience into the agricultural sector into the future. There exist many opportunities for innovative growth

of this sector including tourism experiences such as open days, workshops, farm gate sales, experiential and immersive getaways, accommodation and weddings.

4.12. FACILITATING INVESTMENT The Macedon Ranges has one of the more complex planning systems to ensure the protection of the unique environment and attributes of the region. This was noted as a key issue facing businesses wishing to develop tourism product. There are a number of product opportunities that are identified in this report that require both private and public sector investment to be realised.

APPENDICES APPENDIX A LITERATURE REVIEW VICTORIA'S 2020 TOURISM STRATEGY, 2013- 2016

PROTECTING VICTORIA'S ENVIRONMENT – BIODIVERSITY 2037 The Plan recognises that while Victoria's nature-based tourism industry is thriving and should be further promoted, it is also highly vulnerable to the future impacts of biodiversity loss. Tourism needs to be managed to ensure that sensitive areas do not receive too many visitors, and that such areas are well managed and resilient. In regard to tourism, the Plan identifies the following relevant key points: • By protecting and building the state's natural capital, we can enhance Victoria's ability to generate wealth and to compete on the world stage. • Victoria will increasingly need to protect and utilise its environmental assets, including its world-class tourism attractions, to deliver co-benefits for the economy and environment, and to help communities become more liveable, resilient and climate adapted . Point 5.3 of the Plan emphasises the economic importance of nature-based tourism, highlighting that the furthering of Victoria's reputation as a national leader in native wildlife and habitat recovery will be a beacon to interstate and international visitors keen to experience an abundance of unique Australian animals and plants.

I am very concerned about the lack of concern for the environmental impact of this development From what I can ascertain it is well within significant boundaries of the Cobaw Biolink which effects the migration and reproduction of may threatened species

Even The Macedon Ranges Environment Strategy 2019: 9 refers to :

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

I could also cut and paste swathes from the MRSC Biodiversity Strategy 2018 but so much of it is relevant to this particular area I will just include the link here

<https://www.mrsc.vic.gov.au/About-Council/Our-Council/Strategies-Plans/Biodiversity-Strategy>

And Finally – please read all the excerpts from the **Macedon Ranges Statement of Planning Policy** that are there to protect our beautiful communities from this type of development

Even in the pre amble to the– you can see the contradiction to what the planning says and what the planning will actually allow

The Macedon Ranges has long been recognised as having a number of distinctive attributes and dominant features in our landscape.

The [Statement of Planning Policy\(PDF, 11MB\)](#) provides a framework to ensure the outstanding and valuable landscapes, layers of settlement history, impressive landforms, diverse natural environment, catchments and biodiversity of the Macedon Ranges are protected, conserved and enhanced and continue to be of special significance to the people of Victoria. It reaffirms and builds on the legacy of the Statement of Planning Policy No. 8 (Macedon Ranges and Surrounds) introduced in 1975.

...

The statement sets a long term vision for the iconic Macedon Ranges and has been prepared with input from the Victorian Government, Council, Traditional Owners (Dja Dja Wurrung, Taungurung and Wurundjeri) and the local community. We will

now work to integrate the objectives and strategies into our future decision making, reflecting the intentions of this statement. Council is looking forward to working with all levels of government, responsible public entities and the community to ensure future decision making embraces the statement and reflects the community's desire to protect and conserve this special place in Victoria.

And this from the Hon Richard Wynne – Planning Minister

This is the first area to be afforded the maximum protection possible under the Distinctive Areas and Landscapes provisions of the Planning and Environment Act 1987. Other areas will follow. But it is only fitting that Macedon Ranges with its native forests, iconic Hanging Rock, and craggy mountains is the first to receive protection under this landmark legislation. The new rules will lock down the treasured natural landscapes that should never be encroached on – and put in place a framework to guide future land use and prevent over-development. We pay our respects to the Traditional Owners who nurtured the ranges for thousands of years. We are building on this care with this Statement of Planning Policy, which will ensure the unique beauty and character of the Macedon Ranges will remain unspoiled for all time. The significance of the area is extensive: it provides drinking water for not only locals but regional and metropolitan Melbourne and has flourishing arts, wine and food industries.

And from the Vision Statement of the Macedon Ranges Statement of Planning Policy

This statement sets a long-term vision for the iconic Macedon Ranges declared area that governments and communities can work together to achieve. The vision for the Macedon Ranges policy area for the next 50 years to 2068 is: Macedon Ranges is an iconic region of Victoria that is well-understood, appreciated and celebrated for its importance to our First Peoples and valued for its outstanding natural beauty, ecological significance, rural landscape setting and cultural heritage values. Its diverse natural environment and impressive landforms, combined with the unique rural character of townships comprising heritage architecture and long-established public and private gardens, underscore its special significance to the people of Victoria, making it a popular place to live, work and visit. Hanging Rock, Mt Macedon, Camels Hump, the Jim Jim and Brock Monument are rocky outcrops of special scientific and educational value, all of which help us understand Victoria's geological history. The Macedon Regional Park, Wombat State Forest, Lerderderg State Park and Cobaw State Forest contain rare concentrations of biodiversity including endangered plant and animal species. Native plants and animals flourish throughout the area with biolinks connecting valued habitats. Strategic water resources flow from the many mountainous and forested areas of the declared area. These form impressive riparian landscapes and biodiversity corridors, and they also provide drinking water for local people, regional and metropolitan Melbourne use. Agriculture contributes to the declared area's economic vitality, helping to sustain its valued rural character and highly productive landscapes. The area's Aboriginal cultural heritage is well understood and celebrated, and the continuing contribution and connection of Traditional Owners and custodians in caring for Country is acknowledged and supported. Macedon Ranges has a flourishing and environmentally sustainable visitor economy that respects the area's environmental and cultural values, providing locals and visitors with a variety of high-quality natural attractions and experiences. Its parks and reserves are well managed, giving active and passive recreation experiences for all to enjoy and improve their health and wellbeing. Settlements within the declared area are well connected to local jobs and services, resilient to natural hazards and the effects of climate change and fit in with the most prized rural character and environmental and cultural attributes of the area making Macedon Ranges one of the most liveable and sustainable places to be in Victoria.

PAGE 21 POLICY DOMAINS -Macedon Ranges Statement of Planning Policy

Landscape

The landscapes of the Macedon Ranges Shire reveal layers of history, reflecting how the land was formed, how people have cared for the land over thousands of years, and how the area's unique natural and cultural landscapes have evolved. The landscape comprises the natural and built environments that make up the declared area; it is the holistic integration of both of these environments across the region that this Statement of Planning Policy seeks to protect and enhance. The declared area has contrasting landscapes formed by volcanic activity and shaped by wind and water erosion and human activities. The south-east of the declared area is flat-to-undulating basaltic plain scattered with volcanic features – stony rises, evidence of lava flows, volcanic cones and eruption points – which together form a unique visual landscape. The remainder is characterised by granitic intrusions that form steeply sloping peaks and ridges, some of which are carpeted in vegetation at higher elevations. In parts of the declared area, the moderate-to-steep sloping hills of the highlands transition to flatter plains where rocky outcrops, ridges and escarpments (often associated with significant watercourses) create distinctive visual elements. The contrasting topography accommodates lush

forests, rolling agricultural fields, picturesque vineyards and scenic residential enclaves, and it is a large part of why tourists are attracted to the region.

PAGE 27 POLICY DOMAINS -Macedon Ranges Statement of Planning Policy

Aboriginal culture, heritage and caring for Country

Dja Dja Wurrung Although the declared area is only a small part of Dja Dja Wurrung Country — it extends much further into north-west Victoria — the area has immense value and there is evidence of semi-permanent occupation. Concentrations of archaeological artefacts, particularly around waterways, confirm that the area was a source of food and medicine, and it had many places to camp, hunt, fish, swim and conduct ceremonies. The Campaspe and Coliban rivers were particularly important for the Dja Dja Wurrung, and they feed into the broader waterway system that nourished Country. Today, the Dja Dja Wurrung are joint managers of six Aboriginal Title parks and reserves under the 2013 Settlement Agreement and Traditional Owner Settlement Act 2010. The Dja Dja Wurrung Country Plan Dhelkunga Dja 2014-34 outlines strategic goals for managing land and water and consultation principles for state and third parties that should be considered in planning for Dja Dja Wurrung country in Macedon Ranges Shire.

Taungurung Taungurung Country extends from the Campaspe River in the west across central Victoria to the Ovens River. A small part of Taungurung Country is located in the declared area. The Campaspe River and its tributaries provided food and other resources for Taungurung people. The waterways flowing north from the Cobaw Ranges, including Pipers Creek, Jews Harp Creek and Pohlman Creek, are also significant.

PAGE 29 POLICY DOMAINS -Macedon Ranges Statement of Planning Policy

Post-contact cultural heritage

The heritage character of townships and rural landscapes is highly valued by residents and visitors. Significant streetscapes are enhanced by avenues of honour in many townships. A strong legacy of 19th and early 20th century architecture is particularly evident in the towns of Kyneton, Malmsbury, Mount Macedon, Gisborne and Woodend. Historical botanical gardens are located in Kyneton and

Malmsbury. Malmsbury also has a significant industrial heritage associated with the early harnessing of the Coliban River as a water supply. The declared area's historic residences, commercial and industrial buildings, public institutions, bridges, aqueducts and places of worship all contribute to its unique post-contact cultural heritage values. Sympathetic urban design, siting and infrastructure design are important for new developments to protect heritage places and enhance their character

PAGE 30 POLICY DOMAINS -Macedon Ranges Statement of Planning Policy

Agriculture and natural resources

The declared area's picturesque rural landscapes are a window into the history of colonial settlement in Victoria. The eastern part of the declared area at Lancefield is strongly associated with Victoria's early pastoral activities. Shelterbelts of cypress and pine trees planted to protect crops and livestock from winds sweeping the Western Basalt Plain are now a defining feature of the area. Agriculture and associated agribusinesses are important economic activities in the declared area, with high-quality soils between Lancefield, Hesket and Romsey; around Clarkefield; between Macedon and Riddells Creek; north-east of Gisborne; east and west of Kyneton; and in the valleys around Baynton and Sidonia. While traditional farming is widespread, more diverse or intensive farming activity and horticulture is increasing. The area's proximity to Melbourne brings opportunities for food and wine-based tourism and opportunities to reduce 'food miles'. Farming landscapes provide a rural break between townships and settlements within the declared area and metropolitan Melbourne. The combination of these working rural landscapes with the backdrop of mountain ranges, forested areas and waterways contribute to a highly valued agricultural landscape. Forestry was important historically for the development of the declared area's communities. Monoculture forestry remains in areas around Macedon and Mount Macedon. The equine industry has become more important in the past two decades, partly because of the declared area's proximity to Melbourne. Viticultural production has also increased, and it adds an attractive diversity to the agricultural landscape. Extractive industry is vital to the development of housing,

transport and other infrastructure across Victoria. High-quality extractive resources are finite and only exist in areas of favourable geology. Macedon Ranges has areas identified as important to Victoria's future supply of extractive materials.

PAGE 31 POLICY DOMAINS -Macedon Ranges Statement of Planning Policy:Tourism and recreation

The declared area is part of the Daylesford and Macedon Ranges tourism region and is important to Victoria's tourism and recreation industries. The area is close to Melbourne and Bendigo, making it practical for a large number of people to visit. It is increasingly popular with domestic and international visitors, who are attracted by its natural beauty, rural landscapes, cultural heritage, festivals and other events. The declared area attracts significant numbers of local, national and international visitors each year, which generates a significant proportion of the shire's employment, economic activity and regional output. The recreation and tourism industry was established in the mid-19th century with the development of the Macedon Ranges as a holiday and health resort. Hanging Rock and Macedon Regional Park, together with Wombat State Forest, Cobaw State Forest and Lerderderg State Park, have unique natural beauty and offer visitors a connection with nature. Visitor facilities in these areas provide active and passive recreation and tourism opportunities. There are magnificent views of Melbourne and its hinterland from the Mt Macedon Memorial Cross and Camels Hump viewing areas. Day trip and overnight visitors are attracted to the declared area for nature-based recreational pursuits such as bush walking, cycling, horse riding, fishing and bird watching. People also come for sightseeing, pleasure driving, picnicking, arts and culture events, gourmet food trails, wellness tourism, festivals and markets. In essence, the declared area offers Victorians and visitors with a vast array of recreational pursuits that enable people to be better connected to the natural environment. Cultural heritage and the character of townships, with their historic streetscapes and properties and formal parks and gardens (including the private gardens of Mount Macedon), draw visitors yearround. Visitor numbers are projected to continue to grow into the future. Opportunities to expand and diversify tourism and recreational offerings in the declared area need to be carefully managed, including through land use planning, to conserve and enhance the declared area's significant landscapes, assets and heritage features that these industries and activities depend on

Objective 7: To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area. Strategies

Responsible public entities must consider, where relevant, the following strategies to achieve the objective when performing a function or duty or exercising a power in relation to the declared area. • Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.

- Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.

- Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.

- Protect the unique rural character of towns in the declared area

I hope you understand the significance of these decisions at this time. Once this is allowed to pass there will be no turning back To quote an Australian journalist who wrote on the weekend about how the beauty and charm of Sydney has been lost to lack of vision and inappropriate development

"...change in s city is inevitable and often welcome, but not at expense of rate-paying residents, public amenity and communal continuity."

[REDACTED]

[REDACTED]

[REDACTED]




Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

16 January 2021

Dear Mr Sadiq and Mr Hodgkins

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

I am writing regarding Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

 I am strongly committed to doing what I can to ensure the best outcomes for our community, and in particular our children. I therefore wish to make my strong objection to this planning application on the following grounds:

1. A Service Station would be inappropriate and unnecessary at this location

The Freeway Service Centre Design Guidelines (1997) state *“Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.”* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations. If anything, service stations of this type are looking to be less common in the near future as the world moves away from fossil fuels so why allow development of a new large one that will most likely be obsolete soon when there are already several nearby?

2. Breaches in the Commercial 2 Zone land planning

The proposed Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency must be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

The proposed development will significantly impact the amenity on local residents [REDACTED] in particular through additional noise, light, waste products and impact on traffic and roads. The appearance of the proposed buildings will fundamentally impact the visual amenity of local residents in the area.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be detrimental.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening of Kyneton.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets.

While the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring. I strongly urge the Council to consider the *net impact* on job creation as a key consideration – in particular in light of the fact that large corporations including McDonalds, Bunnings and service stations are moving towards automation (for example through self service kiosks) and away from employing human capital. Existing local businesses that employ large numbers of local people (for example Major Toms, Donkey and Home Hardware) are significantly less likely to move towards automated systems which make jobs for local residents redundant. If approved, this application would have a considerable negative impact on existing businesses such that existing jobs in retail and hospitality will be lost. These jobs will not be replaced in the long term by the proposed developments given the likely automation of services in the businesses proposed.

Importantly, Kyneton's key value proposition for tourists, local residents of the Macedon Ranges Shire, and prospective residents and businesses is the distinct any unique heritage and rural and natural characteristics of the town and its surrounds. Unfortunately the large commercial operations proposed in this planning application are distinctly at odds with these characteristics through brand association, and this will have a detrimental impact on the ability of our community to market itself a way that attracts tourists and future business. I am very concerned about the impact of the development on tourism – for example the Kyneton Bushland Resort [REDACTED] [REDACTED] which markets itself as a quiet bushland retreat where you can spend time in nature. It will be very difficult for businesses such as these to maintain and market their unique selling points when there is a huge commercial development such as this just down the road. This development is entirely inconsistent with the future vision for Kyneton as a quality tourist destination.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

I reject the applicant's assessment that Kyneton's Northern Gateway should not form part of assessing this application. This proposal within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway. The traffic report clearly shows there are many north/south-bound vehicle movements along Edgecombe Road – e.g., during the AM peak hour assessment, 91 movements coming from the south, 273 movements coming from the north. I would argue that majority of these vehicles would be going into or coming out of Kyneton and therefore constitute

the use as a Gateway. The claim that this is not part of the Gateway into Kyneton is false and all criteria council expects of a Gateway should indeed be assessed against this proposal.

a. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road that will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is no Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgecombe Road and Pipers Creek Road.

6. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

There is a beautiful mob of kangaroos upon whose habitat the proposed development will be built, should this application be successful.

I urge Council to seriously consider the impact this development will have on habitats for our local species and biolinks.

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document “Inquiry Into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council”, the Council states that “Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations...and support for community groups and community led action.” It also states that “the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline....this decline will continue as land is further fragmented by subdivision and development..”

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council and serve as a littered gateway to our town.

As regular visitors to Turpins Falls, which is nearby to the proposed development, we notice significant amounts of rubbish and pollution already left by tourists. There are no rubbish bins at this site and it is often left a complete mess with rubbish left near the waterway. When we visit, we collect the rubbish that we can and dispose of it in our personal bins. The volume of rubbish that would end up in Turpins Falls that should this planning application be approved should be considered by Council. It is inevitable that tourists and visitors to the site will “pick up some maccas” on the way and leave the rubbish there. If Council approves the development it must consider this impact and install appropriate rubbish disposal at Turpins Falls and other nearby sites (including but not limited to the Metcalfe Cascades, the Black Hill Recreation Reserve, and the Bald Hill Recreation Reserve). It would also be prudent for Council to consider the additional cost of maintaining these sites due to additional rubbish that is likely to be generated through this development.

7. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald’s or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay.

In addition, I am very concerned that local school children [REDACTED] will attempt to commute by foot or bike from town (or the several schools located nearby on Edgecombe Road) to the McDonalds, for example after school. This will create significant risk to those children as there is currently no safe route for pedestrians or cyclists to cross the very busy intersections that lead to the proposed development along Edgecombe Road. It will be expensive for Council to mitigate this risk, for example through the construction of new footpaths, cycleways or traffic lights.

8. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective ‘[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance’ and provides that planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.’
- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

I note that the National Indigenous Australian Agency has today opened the 2021 NAIDOC Local Grants funding round, which aims to support activities that celebrate Aboriginal and Torres Strait Islander histories, cultures, achievements and continuing contributions to country and society that align with the theme ‘Heal Country’. I would strongly support a Council application for Commonwealth funds that celebrate, rather than decimate, the cultural history of the land proposed for this development as an alternative to this planning application.

9. Health impacts in our community

I am very concerned about the potential health impacts on our community of the proposed McDonalds development in particular. The Macedon Ranges Shire Council’s most recent Active Living Census showed:

- Almost two thirds of residents (61 per cent) are overweight or obese.
- Only 14 per cent of adults meet guidelines for vegetable consumption, 51 per cent meet guidelines for fruit consumption, and 62 per cent met guidelines for physical activity.

[REDACTED]

[REDACTED]

[REDACTED] The marketing strategies and budgets of multinational corporations are very powerful and are at complete odds with the messages about health that we, as a community, want to send to our children and our families, especially considering the results of the Active Living Census and the greater impact of obesity and poor nutrition on our local health services.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

The Council should be insisting the land use be "Informal outdoor recreation" and a 100m² "Food and drink premises" as taken from the list which states the preferred land use for C2Z. Given the large numbers of talented and hardworking growers and makers in our local area, a strong strategic vision for this site would be a permanent "farmer's market" development that showcases Kyneton's, and the wider region's, incredible local produce, and reputation for quality and artisan goods. This would surely be a drawcard for those visiting both from Melbourne, from across the state and the nation, as well as internationally.

I implore the Council to consider the long-term impacts of the proposed development on Kyneton and the Shire as a whole, rather than an inappropriate development that is detrimental to the character and unique value proposition of our town and community. Thank you for considering my objection, and please do not hesitate to contact me if you require any further information.

Yours Sincerely,

[REDACTED]



**Re: Objection to Planning Application PLN/2019/572 and
PLN/2019/571**

Dear Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

My objections are as follows:

- There is no need for another servo in the Kyneton area. Currently there are three in town, another one 10 km away in Carlsruhe and one more less than 50 km at Ravenswood;
- The economic impact on the town will be a huge negative. We have plenty of wonderful businesses, eateries and conveniences in the historic centre of town. We have our local hardware store as well. We do not need a highway, roadside stop over to gain an economic advantage over our small and locally owned businesses;
- There seems to be a breach in the Commercial 2 Zone land planning in relation to what can be included in a development and also the size of the development;
- [REDACTED] quality of life will be severely impacted. This includes all kinds of pollution such as air, noise which will carry to my residence, dust. Things like huge, highway signage will have a negative, visual impact on the area. [REDACTED]

- [REDACTED]
- The artificial light at night will impact [REDACTED]. Part of my choosing to live in Kyneton was to look at the night sky to enjoy the stars. The nearby light source of a 24 hour servo will take away this pleasure and pastime;
 - The movement of traffic will increase with people coming on and off the highway at all hours to buy food and petrol. The intersection where the development will be constructed will become extremely busy and dangerous. [REDACTED]
- [REDACTED]
- Much work has been done to protect and aid ecosystems to flourish in their habitats. This proposed development will have severe impact on all ecosystems and the efficacy of the hard work by local groups. The council needs to continue to protect and support all the good work done so far in relation to ecological health in the shire. Building the development will only damage what has been rehabilitated;

I came to live in Kyneton for many positives. [REDACTED]

[REDACTED] I came for a tree change. I came to add to the economy of the town. I haven't come to Kyneton to have it replaced with metropolitan monstrosities and a town poorer for it, if the council allows this development to go ahead.

Thank you for reading my objection.

[REDACTED]

[REDACTED]



3rd February 2021

Macedon Ranges Shire Council



Attention Awals Sandiq
Co-ordinator Statutory Planning

Reference Your ref. PLN2019/572, Service Station & Restaurant, etc.
Applicant – Retail Fuel Developments Pty. Ltd

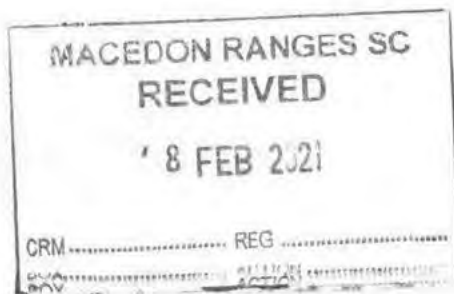
Dear Sirs

I enclose a copy of my letter to Damien Hodgkins regarding both applications for the Edgecombe Road developments - Nos. PLN2019/572, and PLN2019/571. My detailed objections and comments outlined in that letter apply to both developments.

Yours faithfully



Encls.





COPY ONLY

3rd February 2021

Mr. Damien Hodgkins
Senior Statutory Planning Officer
Macedon Ranges Shire Council



Reference Your ref. PLN/2019/571, Lot 1 PS331532T P/Carlsruhe Edgecombe Road
Applicant – Retail Fuel Developments Pty. Ltd.

Dear Sir

I am writing to register my objections to the above proposed application. I do not consider the placement of a fast-food outlet, a service station, a Bunnings store, truck parking bays, etc. at the Edgecombe Road/Saleyards Road corner just north of our town a suitable development for Kyneton for reasons of noise, traffic, loss of native vegetation and habitat.

There is already a considerable increase traffic in this recently expanding industrial area, with large trucks servicing the abattoirs and Hardwicks, the Industrie Concrete business in Saleyards Road, the buses now running to and from the newly situated Dyson's bus depot (with the possibility of Organs moving to this area as well), the new Central Steel factory and offices with a large number of cars and trucks entering and leaving their parking area, and the newly situated tyre service centre right on the corner of Saleyards Road. Even without all this extra traffic, light and heavy vehicle movement on Edgecombe Road has been steadily increasing over the past several years. Despite these developments being north of the town, all this, together with the removal of large areas of native vegetation and grasslands and the re-alignment of the various roads to service these industrial concerns along with their associated advertising signage, new road signage, and the extra expansive lighting, will for ever alter the (already disappearing) country town feel of Kyneton.

Kyneton is an inviting and welcoming township for visitors from Melbourne and the surrounding areas. The Macedon Shire rightly promotes our "Cool Climate Macedon Ranges" area, for its wonderful wineries and restaurants, its beautiful countryside and relaxing atmosphere. Large commercial vehicles coming into the town from north and south will destroy the peaceful atmosphere which you promote.

Yours faithfully



c.c. Awals Sadiq

From: [REDACTED]
To: [Macedon Ranges Shire Council](mailto:info@mrsc.vic.gov.au)
Subject: No to McDonalds
Date: Tuesday, 9 February 2021 5:57:06 PM
Attachments: [image001.gif](#)

Awais Sediq and Damien Hodgkins
 Co-ordinator Statutory Planning and Senior Statutory Planning Officer
 Macedon Ranges Shire Council
 PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au
 9.2.2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state *“Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.”* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

(Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network which is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would

hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency must be rectified. Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand alone restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

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Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

4. Inconsistencies with the Kyneton Structure Plan

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This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

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of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43).” Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

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As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgcombe Road and Pipers Creek Road.

7. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

8. Traffic Impacts

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak

hour traffic.

9. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective '[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance' and provides that planning should consider as relevant, "the findings and recommendations of the Aboriginal Heritage Council".

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- 'Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP's position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.'
- 'The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.' (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

[REDACTED]



Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

16 February 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Dear Sirs,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*), and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state “*Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.*” (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations. Furthermore, service stations of this type will become obsolete in the near future as the world moves away from fossil fuels. For council to approve development of such a large service station when the freeway and Kyneton is already well served is regressive planning.

2. Breaches in the Commercial 2 Zone land planning

The Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones. In fact, C2Z specifically requires that the proposed use “do[es] not affect the safety and amenity of adjacent, more sensitive uses”. (Clause 34.02)

C2Z stipulates the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgcombe Street, Kyneton, and those using the road for commuting and travelling.

The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgcombe Road, then the carriage way would hold up traffic and bank it to the ‘Gateway’ to Kyneton. This inconsistency much be rectified.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton’s distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom’s, Kriskens PaintRight as well as the numerous coffee and food outlets. While the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring.

And then there is the issue of the light pollution that will impact our current stunning views of the night sky. Or that Kyneton might no longer be known as the unique heritage, interesting town that it

is, but as the place on the Calder where the McDonald's is. We have recently lost some of the things that made us unique, such as the Lost Trades Fair and the Kyneton Music Festival, should we replace them with Bunnings and McDonald's that are easily accessible in so many locations?

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton businesses.

I reject the applicant's assessment that Kyneton's Northern Gateway should not form part of assessing this application. This proposal within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway. The traffic report clearly shows there are many north/south-bound vehicle movements along Edgcombe Road – e.g., during the AM peak hour assessment, 91 movements coming from the south, 273 movements coming from the north. I would argue that majority of these vehicles would be going into or coming out of Kyneton and therefore constitute the use as a Gateway. The claim that this is not part of the Gateway into Kyneton is not valid and all criteria council expects of a Gateway should indeed be assessed against this proposal.

a. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road that will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgcombe Road and Pipers Creek Road.

6. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document “Inquiry Into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council”, the Council states that “Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations...and support for community groups and community led action.” It also states that “the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline....this decline will continue as land is further fragmented by subdivision and development..”

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council and serve as a littered gateway to our town.

7. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald’s or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay.

8. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

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In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

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process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.'

- 'The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.' (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

The Council should be insisting the land use be a "Informal outdoor recreation" and a 100m² "Food and drink premises" as taken from the list which states the preferred land use for C2Z. I see these land uses together could respect and celebrate the Cultural significance of the area - what a wonderful "Gateway" that would be to Kyneton! "You are on Taungurung Country - Welcome to Kyneton" and instead of a 12m pylon give us a totem from Taungurung. Instead of McDonalds give us some Indigenous tucker house, which source ingredients from the Bush Tucker farm in Harcourt <https://www.abc.net.au/.../bush-tucker-farm-in.../12884190>, or an "Education Centre" whereby encouraging the development of a new campus for William Angliss or a similar teaching facility to be built in the Shire so local youth can train close to home to fill any number of roles in the hospitality industry and be encouraged to make a career of it. Kyneton would be the perfect place. Surrounded by many growers and producers of excellent quality ingredients and encouraged by a recent State

Government Industry Development Plan. C2Z is valuable and should be used to its greatest potential.

Yours Sincerely,

[Redacted Signature]

12 Feb 2021



Planning Objection: PLN/2019/572 and PLN/2019/571

Members of the Macedon Ranges Shire Council,

I would like state my opposition to the proposed development in Edgcombe Road Kyneton, being the Service station and Mac Donald's (PLN/2019/572) and Bunnings (PLN/2019/571).

The proposed site is not an appropriate location for such a development, being situated off the freeway where it will not be readily accessible through on and off ramps from the freeway. Any traffic wanting to access the facility, either local or passing, will need to use local roads.

Kyneton already has 3 service stations (Carlsruhe has one) and multiple food service restaurants, Kyneton has a hardware as does Woodend, all of which will be negatively affected by the new development. Local business has had a hard enough time over the past 12 months due to Co-Vid without being subjected to large corporation competition at this time.

Whilst the area is zoned as a commercial area, the excessiveness of the advertising on the MacDonald's, Bunnings and Service Centre will be unsightly for locals who desire a country living lifestyle, and will give the township an out of character appearance to those passing by or entering from the freeway. This development is not in keeping with the feel or history of the town and is being proposed in a location that also has environmental and cultural significance.

I have taken some time to read the traffic report that has been submitted as part of the planning application, and I believe that some of the content is not factually correct and misleading.

The proposed site is not directly accessible from the freeway and will require patrons to access Edgcombe and Pipers Creek Roads, neither of which are suitable for the amount of traffic that this development is likely to bring. There are already several accidents each year on this stretch of road, and kangaroos are in almost plague numbers and can regularly be seen in the paddocks opposite the proposed location. The T-intersection at Saleyards rd. and the exit from Pipers Creek rd. are already hazardous due to the way they entre Edgcombe rd. offset to one another and the way traffic will use the intersection straight through rather than making 2 turns. Traffic is already noticeably busier just due to the Sale yards road developments.

I seriously doubt the numbers of vehicles that is stated in the report is a standard day for the roads (Edgcombe, Pipers Creek or Sales Yard roads). Certainly additional traffic from in town and passing freeway traffic using this single lane road with its short turning lane into Pipers creek rd to access the facilities, has the potential to worsen an already hazardous traffic scenario.

The statement that most people will access the facility in private cars is an estimation that could prove to be incorrect at certain times, particularly at after school hours. With the close proximity to the local High schools and primary schools it would be reasonable to expect that numerous students

of various ages would attempt to access the MacDonald's on foot or by bike on a daily basis, the lack of footpath infrastructure and crossings just increases the hazards around the restaurant and service station. It is highly likely that this site would also become a weekend hangout for local youths.

The figures stated for the passing traffic being quoted in the traffic report are in the numbers of over 300++ cars per hour during peak hour!!! Add this to the proposed Bunnings at 270 vehicle per hour.....am I going to get stuck in a traffic jam [REDACTED] It's bad enough now, with all the schools now located on the Edgecombe street block.

With the fast food restaurants being proposed at the at the exit from the Calder freeway that is used by a significant amount of traffic on long weekends and holidays to access Lake Eppalock there is undoubtedly going to be a trail of rubbish strewn half way to Redesdale, who would be responsible for cleaning all that up?

Probably most importantly platypus has just last month been added to the Victorian threatened species list, I understand that platypus can be found in Post Office creek adjacent to the proposed building site. What, if any research has been done into the possible effects of this construction on the local endangered wildlife?

<https://www.smh.com.au/environment/conservation/victorians-urged-to-help-scientists-count-vulnerable-platypuses-20210113-p56tt5.html>

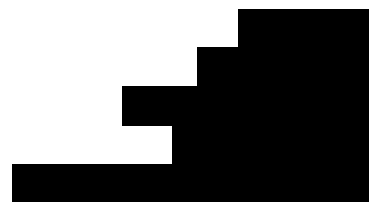
It is a development that is not wanted, required or appropriate for this area, and if such a thing does have to be built there are more appropriate locations for it.

If Council approves this development it will just enforce to all that the mighty dollar is far more important than protecting the feel, heritage, environment and children of Kyneton.

Thank you for taking the time to read and consider my concerns.

Best Regards





Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

15 February 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

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I wish to make my objection on the following grounds:

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Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations. If anything, service stations of this type are looking to be less common in the near future as the world moves away from fossil fuels so why allow development of a new large one that will most likely be obsolete soon when there are already several nearby?

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant

Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets. While the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring.

And then there is the issue of the light pollution that will impact our current stunning views of the night sky. Or that Kyneton might no longer be known as the heritage, interesting town that it is, but as the place on the Calder where the McDonald's is. We have recently lost some of the things that made us unique, such as the Lost Trades Fair and the Kyneton Music Festival, should we replace them with Bunnings and McDonald's that are easily accessible in so many locations?

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Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

I reject the applicant's assessment that Kyneton's Northern Gateway should not form part of assessing this application. This proposal is within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway. The traffic report clearly shows there are many north/south-bound vehicle movements along Edgcombe Road – e.g., during the AM peak hour assessment, 91 movements coming from the south, 273 movements coming from the north. I would argue that majority of these vehicles would be going into or coming out of Kyneton and therefore constitute the use as a Gateway. The claim that this is not part of the Gateway into Kyneton is false and all criteria council expects of a Gateway should indeed be assessed against this proposal.

a. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road that will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that

signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43).” Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgcombe Road and Pipers Creek Road. The provision of 60 standard car bays will be inadequate given that the majority of vehicles will be large 4WD/trade and more than 50% will be towing a trailer/boat/caravan.

6. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek

will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document "Inquiry Into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council", the Council states that "Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations...and support for community groups and community led action." It also states that "the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline...this decline will continue as land is further fragmented by subdivision and development.."

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council and serve as a littered gateway to our town.

7. Traffic

The Traffic Report submitted with the application states "given the nature of the site's proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...". This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald's or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay.

8. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial

occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective '[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance' and provides that planning should consider as relevant, "the findings and recommendations of the Aboriginal Heritage Council".

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- 'Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP's position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.'
- 'The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.' (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

The Council should be insisting the land use be an "Informal outdoor recreation" and a 100m2 "Food and drink premises" as taken from the list which states the preferred land use for C2Z. I see these land uses together could respect and celebrate the Cultural significance of the area - what a wonderful "Gateway" that would be to Kyneton! "You are on Taungurung Country - Welcome to Kyneton" and instead of a 12m pylon give us a totem from Taungurung. Instead of McDonalds give us some Indigenous tucker house, which source ingredients from the Bush Tucker farm in Harcourt <https://www.abc.net.au/.../bush-tucker-farm-in.../12884190>, or an "Education Centre" whereby encouraging the development of a new campus for William Angliss or a similar teaching facility to be built in the Shire so local youth can train close to home to fill any number of roles in the hospitality industry and be encouraged to make a career of it. Kyneton would be the perfect place. Surrounded by many growers and producers of excellent quality ingredients and encouraged by a recent State Government Industry Development Plan. C2Z is valuable and should be used to its greatest potential.

Yours Sincerely,



From: [REDACTED]
Sent: Monday, 15 February 2021 3:26 PM
To: [REDACTED]
Subject: Objection to proposed development including McDonalds, Bunnings etc.

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]
I object to the proposal to "develop" the area near the freeway/Edgecombe St which is said to include a McDonalds, Bunnings and another housing estate.

My objection is based on a number of factors:

- Small businesses in Kyneton will be threatened to the point of closure. Especially during these times we should be supporting small businesses and not the big corporations which will survive regardless.
- Habitat loss is threatening the very existence of our natural fauna and flora. We should be doing all we can to preserve these habitats, not reducing them.
- The village atmosphere and individual character of Kyneton will be lost. What will separate us from so many other towns that sport the "Golden Arches"?
- Pollution - of rubbish from disposable food containers, light etc will run down our beautiful town and it's country/rural atmosphere.
- Council has an obligation to support the residents of the shire (including businesses) rather than new developments.

Please represent my views to the appropriate Councillors and Council staff in their consideration of the proposal,

Many thanks,
[REDACTED]
[REDACTED]
[REDACTED]



Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

16 February 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1 at Lot 1 Edgecombe Road, Kyneton.*

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state *“Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.”* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations. If anything, service stations of this type are looking to be less common in the near future as the world moves away from fossil fuels so why allow development of a new large one that will most likely be obsolete soon when there are already several nearby?

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets. While

the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring.

And then there is the issue of the light pollution that will impact our current stunning views of the night sky. Or that Kyneton might no longer be known as the heritage, interesting town that it is, but as the place on the Calder where the McDonald's is. We have recently lost some of the things that made us unique, such as the Lost Trades Fair and the Kyneton Music Festival, should we replace them with Bunnings and McDonald's that are easily accessible in so many locations?

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Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

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signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43).” Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgecombe Road and the 12 m pylon sign on Edgecombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

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It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the

proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

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The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

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planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

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- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

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The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

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Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: PLANNING OBJECTION
Date: Wednesday, 10 February 2021 2:39:48 PM

Dear MRSC

Re: Objection to Planning Applications PLN/2019/572 and PLN/2019/571

I wish to submit my strong objection to the McDonalds and Bunnings Developments in Edgecombe Street, Kyneton.

What are you thinking? Do you want to ruin the town and the community? Are you so money focused, and anti community focused, that you can not see the damage these developments will do?

You must know that these developments will destroy the existing small family hospitality and hardware businesses. As if Covid hasn't already destroyed enough people's lives! The development will also destroy the historic and rural nature of Kyneton which is famous for its granite and cobblestone pavements, original bluestone guttering and some of the finest heritage and bluestone buildings and streetscapes in the Macedon Ranges. Kyneton has a reputation for its unique artistic and gastronomic focus including fine dining and world-class wineries. Kyneton's fine dining reputation will be negatively compromised by the inclusion of a McDonalds fast food establishment.

We already have existing fast-food outlets, we already have three service stations, we already have a hardware store.

If you go ahead with this development you will destroy people's lives and incomes, you will force the closure of many local businesses, you will create a great deal of unemployment, you will destroy the uniqueness of Kyneton, and you will be in breach of the Commercial 2 Zone land planning. In addition, the application for this development is not consistent with state and local planning regulations or the Freeway Service Centre Design Guidelines (1997).

We beg you to please refuse this planning application. Support the rate-payers and the local community instead of supporting big corporations.

Do the right thing!

[REDACTED]

From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Planning Objection
Date: Tuesday, 9 February 2021 6:11:46 PM

D21-17000

I wish to lodge an objection to the planning application for the McDonalds and Bunnings associated developments for Kyneton, referenced respectively PLN/2019/52 and PLN/2019/571.

[REDACTED] the scale and type of developments are inappropriate for the rural orientations of the district. The developments will increase traffic (and therefore noise) into the township, will impact negatively on the current food outlets, service stations, and trade orientated businesses in the town, and will further detract from the heritage and country-feel amenity of the area.

Further, planning around growth for the sake of some whimsical notion of "progress" is not what the region needs in the face of issues relating to food security (with farming land sacrificed for housing and major developments such as those proposed with these developments), the historical ambience of the township, as well as sustainability threats (to natural environment and existing infrastructure).

A more measured approach should be considered by the Macedon Ranges Shire Council towards the future of the Kyneton township.

Regards

[REDACTED]



Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

ATTENTION

Awais Sediq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant), and the Planning Application PLN/2019/571 for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone - Category 1 at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state "Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre." (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network which is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

5. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgecombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgecombe Road which will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgecombe Road and the 12 m pylon sign on Edgecombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgecombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgecombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgecombe Road and Pipers Creek Road.

7. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

"A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks."

It is Council's responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for

Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

8. Traffic Impacts

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic.

9. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective ‘[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance’ and provides that planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.’
- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,

[Redacted signature block]



Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

15/02/2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Dear Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

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This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations.

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and the small nearby streets such as Dettmanns lane on which we live.

The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency must be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a Mc Donalds restaurant, at 377 square metres. It also has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

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Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

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5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets. While the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

I reject the applicant's assessment that Kyneton's Northern Gateway should not form part of assessing this application. This proposal within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway. The traffic report clearly shows there are many north/south-bound vehicle movements along Edgecombe Road – e.g., during the AM peak hour assessment, 91 movements coming from the south, 273 movements coming from the north. I would argue that majority of these vehicles would be going into or coming out of Kyneton and therefore constitute the use as a Gateway. The claim that this is not part of the Gateway into Kyneton is false and all criteria council expects of a Gateway should indeed be assessed against this proposal.

a. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgecombe Road side of the McDonalds standalone restaurant.

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PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

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6. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document “Inquiry Into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council”, the Council states that “Local government also has the ability to influence conservation

outcomes on private land through implementation of planning regulations...and support for community groups and community led action.” It also states that “the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline....this decline will continue as land is further fragmented by subdivision and development..”

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council and serve as a littered gateway to our town.

7. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald’s or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay.

8. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

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- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval

- Traffic is managed appropriately and in line with the fact that it is only going to increase over the coming years. Our preference is to avoid the use of traffic lights.
- To reduce light pollution
- To see the proposed project fund the implementation of soft plastics recycling (or similar worthy environmental project) for the Macedon Ranges to counteract the increased roadside litter that the proposal will bring to our local area. The increased litter will need to be removed by the Macedon ranges Council, ultimately leading to an increase on our rate payments.

Yours Sincerely,





Awais Sediq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

13th February 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

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This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations. If anything, service stations of this type are looking to be less common in the near future as the world moves away from fossil fuels so why allow development of a new large one that will most likely be obsolete soon when there are already several nearby?

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgecombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

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There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets. While

the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring.

And then there is the issue of the light pollution that will impact our current stunning views of the night sky. Or that Kyneton might no longer be known as the heritage, interesting town that it is, but as the place on the Calder where the McDonald's is. We have recently lost some of the things that made us unique, such as the Lost Trades Fair and the Kyneton Music Festival, should we replace them with Bunnings and McDonald's that are easily accessible in so many locations?

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

5. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgecombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgecombe Road that will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgecombe Road and the 12 m pylon sign on Edgecombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgcombe Road and Pipers Creek Road.

7. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large

ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document “Inquiry Into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council”, the Council states that “Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations...and support for community groups and community led action.” It also states that “the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline....this decline will continue as land is further fragmented by subdivision and development..”

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council. There was McDonald’s branded rubbish in the gutter on [REDACTED] (in Kyneton Township) this morning and the nearest outlet is 34 kms away in Gisborne.

8. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald’s or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay.

9. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective ‘[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance’ and provides that planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.’
- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,





Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

17 February 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Dear Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*), and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I am using some content that you will already have seen from other objectors but wish for you consider in full, though I have given you the benefit of highlighting further additions in bold. The reason that I am using this approach is because of the way that the planning objection processes appear stacked against the ordinary citizen and in favour of the applicant, developers and their large financial and legal resources.

To expect typical residents to understand the intricacies of ensuring that their objections count (i.e. focused on issues, violations, etc of the application with respect to permit guidelines) is quite frankly ludicrous. I trust that the numerous objections will each be heard and that the community voice will carry influence with these incredibly contentious applications. The fact that the applicant acknowledged splitting the application up in to 3 parts to ease its passage and then had two of them published virtually simultaneously during the January summer holidays (not to mention the minimal transparency about the sub-division that was approved before Christmas 2020) demonstrates the underhand way in which this undesirable development is attempting to be foisted upon the community. I sincerely hope the Council is sufficiently representative of its community members to ensure that the will of people that have committed to this region – some new, some for many generations; all valid – will be at the very least equally weighed against the will of land developers and multi-national corporations that have zero ties to the area other than what they see on a spreadsheet.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state *“Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.”* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue, **some if not all of which will of course be impacted by the introduction of ANOTHER petrol station servicing the area. I trust that consideration is being given to the net job outcome to counter these applications proponent’s public statements about job opportunities.**

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations. If anything, service stations of this type are looking to be less common in the near future as the world moves away from fossil fuels so why allow development of a new large one that will most likely be obsolete soon when there are already several nearby?

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgcombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgcombe Road, then the carriage way would hold up traffic and bank it to the ‘Gateway’ to Kyneton, **directly towards the town’s primary school district, which is already underserved by useable pathways and surely is the least desirable area to want to increase traffic in. Kyneton is more than just its town centre.**

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets. While the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring **as a part time job at MacDonalds is not equivalent to a full time job elsewhere.**

And then there is the issue of the light pollution that will impact our current stunning views of the night sky. Or that Kyneton might no longer be known as the heritage, interesting town that it is, but as the place on the Calder where the McDonald's is. We have recently lost some of the things that made us unique, such as the Lost Trades Fair and the Kyneton Music Festival, should we replace them with Bunnings and McDonald's that are easily accessible in so many locations? **The latest edition of the Midland Express (Feb 16, 2021) carries the front page story of the recent boom in tourism to regional Victoria. Whilst the story centres on Mount Alexander Shire, I am sure from witnessing post-lockdown weekend in Kyneton in particular that this uplift hasn't bypassed Kyneton. There is no way that these numbers in to our town will be maintained when a major gateway in and out of the town carries the inevitable signage drawing visitors to these types of developments that they are expressly seeking to avoid.**

4. Inconsistencies with the Kyneton Structure Plan (KSP)

A Vision for Kyneton:

...to continue to build on and enhance Kyneton as a key local and regional township, building on a rich and historic character set amongst a picturesque rural and environmental landscape.

Ensure Kyneton is home to a connected and active local community, renowned and viable destination for businesses providing an attractive and inviting range of shops, services, eating places and community activities whilst retaining the distinct character, historic streetscapes and landscapes through consolidated growth.

What part of these applications is truly consistent with the principles in this “Vision for Kyneton”, taken directly from the KSP?

Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

I reject the applicant’s assessment that Kyneton’s Northern Gateway should not form part of assessing this application. This proposal is within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway. The traffic report clearly shows there are many north/south-bound vehicle movements along Edgecombe Road – e.g., during the AM peak hour assessment, 91 movements coming from the south, 273 movements coming from the north. I would argue that majority of these vehicles would be going into or coming out of Kyneton and therefore constitute the use as a Gateway. The claim that this is not part of the Gateway into Kyneton is false and all criteria council expects of a Gateway should indeed be assessed against this proposal. **Indeed, this Gateway has two entry and two exit ramps, whilst the other only has one of each, so to undermine its value based purely (it would seem) on a large bluestone wall and its closer proximity to Melbourne seems ridiculous.**

Re. 4.2 Community Development and ‘Place Making’ in the KSP:

Action: Secure areas of open space through the planning process around the Campaspe River corridor and Post Office Creek to link areas of public open space and provide environmental corridors.

This proposal appears directly contradictory to this aim.

a. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road that will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from any McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgcombe Road and Pipers Creek Road.

6. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document “Inquiry Into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council”, the Council states that “Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations...and support for community groups and community led action.” It also states that “the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline....this decline will continue as land is further fragmented by subdivision and development..”

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council and serve as a littered gateway to our town, **just as it is to so many others.**

7. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic, **including and in particular for primary school runs to and from the two primary schools on Edgcombe Rd.** The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the

reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald's or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay. **Additionally, the obvious enticement of the local youth towards McDonalds (and whatever other fast food outlets follow) in particular will expose a significant number of young people to visit on foot an area being expressly designed to service cars and trucks.**

8. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective '[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance' and provides that planning should consider as relevant, "the findings and recommendations of the Aboriginal Heritage Council".

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- 'Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP's position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.'
- 'The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.' (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Assimilation in to what development and convenience means elsewhere is surely something that Kyneton should seek to avoid? I object to the idea that this can be claimed as “progress”. It is “change” only and both undesirable and undeserving change at that. Engage the town for input beyond its centre; Kyneton is on the map and a desirable destination, in large part because of the work that Council has down to positively promote and retain its heritage. Don’t throw this all away now, when you have drawn so many people to the area specifically because of those reasons. The attraction of \$\$\$ signs on an application is obvious but the consequences are just as important to gauge and will likely be far reaching in terms of Kyneton as a desirable destination for visitors and future residents alike, the health and safety of our children being educated just up the road from the proposed development and the ongoing viability of so many of our local businesses, serving tourists and residents alike.

Yours Sincerely,



Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

17/02/2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location

The Freeway Service Centre Design Guidelines (1997) state *"Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre."* (p. 17)

This proposal lies within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre.

Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations. If anything, service stations of this type are looking to be less common in the near future as the world moves away from fossil fuels so why allow development of a new large one that will most likely be obsolete soon when there are already several nearby?

2. Breaches in the Commercial 2 Zone land planning

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate *the use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). This application requires the transport of petroleum

products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgcombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgcombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency much be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets. While the development proposes that it will bring many new jobs, Council still needs to take into account how many jobs will be lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring.

And then there is the issue of the light pollution that will impact our current stunning views of the night sky. Or that Kyneton might no longer be known as the heritage, interesting town that it is, but as the place on the Calder where the McDonald's is. We have recently lost some of the things that made us unique, such as the Lost Trades Fair and the Kyneton Music Festival, should we replace them with Bunnings and McDonald's that are easily accessible in so many locations?

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of

Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

I reject the applicant's assessment that Kyneton's Northern Gateway should not form part of assessing this application. This proposal is within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway. The traffic report clearly shows there are many north/south-bound vehicle movements along Edgcombe Road – e.g., during the AM peak hour assessment, 91 movements coming from the south, 273 movements coming from the north. I would argue that majority of these vehicles would be going into or coming out of Kyneton and therefore constitute the use as a Gateway. The claim that this is not part of the Gateway into Kyneton is false and all criteria council expects of a Gateway should indeed be assessed against this proposal.

a. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road that will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large car parking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor car parking fronting Edgcombe Road and Pipers Creek Road.

6. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document “Inquiry Into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council”, the Council states that “Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations...and support for community groups and community led action.” It also states that “the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline....this decline will continue as land is further fragmented by subdivision and development..”

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council and serve as a littered gateway to our town.

7. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This

will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald's or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay.

8. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artefacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective '[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance' and provides that planning should consider as relevant, "the findings and recommendations of the Aboriginal Heritage Council".

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- 'Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP's position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.'
- 'The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.' (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

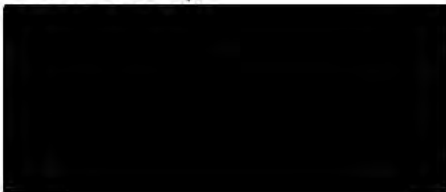
Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

The Council should be insisting the land use be a "Informal outdoor recreation" and a 100m² "Food and drink premises" as taken from the list which states the preferred land use for C2Z. I see these land uses together could respect and celebrate the Cultural significance of the area - what a wonderful "Gateway" that would be to Kyneton! "You are on Taungurung Country - Welcome to Kyneton" and instead of a 12m pylon give us a totem from Taungurung. Instead of McDonalds give us some Indigenous tucker house, which source ingredients from the Bush Tucker farm in Harcourt <https://www.abc.net.au/.../bush-tucker-farm-in.../12884190>, or an "Education Centre" whereby encouraging the development of a new campus for William Angliss or a similar teaching facility to be built in the Shire so local youth can train close to home to fill any number of roles in the hospitality industry and be encouraged to make a career of it. Kyneton would be the perfect place. Surrounded by many growers and producers of excellent quality ingredients and encouraged by a recent State Government Industry Development Plan. C2Z is valuable and should be used to its greatest potential.

Yours Sincerely,



7th February 2021

Awais Sediq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding Planning Application PLN/2019/572: 'Development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant and a stand-alone Convenience Restaurant)', and Planning Application PLN/2019/571: 'Development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1' at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a service station at this location

The Freeway Service Centre Design Guidelines (1997) states '[s]ervice centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre' (p.17). The proposed service station lies within 10 km of the Karlsruhe service station (which is also planned to be developed extensively to include many similar services), and within 50 km of the Ravenswood service centre. This proposed service station – being placed back from the freeway where it lacks visibility – is poorly placed for servicing freeway traffic, unlike the Karlsruhe location, which is highly visible from the freeway.

The Kyneton township already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue. These are already sufficient to the town's needs.

I believe the proposed service station is not required for adequate service on the freeway – as there are already existing service stations that sufficiently meet this need (and will even better meet this need with planned developments), and the township itself is already more than adequately serviced by existing service stations within the town, which means there is no need for this proposed service station. Council must ensure there is a need for this service station in this proposed location.

2. Impacts on Kyneton town centre

The Macedon Ranges Planning Scheme lays out some clear objectives for the retail, commercial and industrial functions of Kyneton. Objective 4 of Clause 21.13-2 clearly encourages ‘development that respects Kyneton’s distinctive character and defining attributes such as its heritage buildings and features’ (p.11) by requiring ‘high quality design and landscaping in industrial and commercial development’ (p.11). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Objective 5 of Clause 21.13-2 aims to ‘consolidate and strengthen the retail, commercial and industrial functions of Kyneton’ (p.12). Strategies to achieve this include maintaining the role of the town centre as the retail, commercial and civic core and to avoid out-of-centre commercial development that may have a negative impact on the viability of the town centre (p.12). The proposed development would develop a second commercial centre which could potentially compete with the town centre, rather than compliment it.

There is readily available research which indicates that large businesses – of the type proposed in this development – not only employ a smaller proportion of staff than local small businesses when compared to both space and economic activity, but also that a far smaller percentage of the economic activity is returned to the local community. Despite this, because of their “economic muscle”, they can take control of local markets in a way which has been seen to be anti-competitive and distorts the free market. Kyneton has in recent years had an economic resurgence which has been largely based on the development and support of small businesses provide high-quality product in niche markets. A second commercial centre which is based on mass produced product runs directly counter to the character and economic model which has been highly successful in revitalising Kyneton’s retail centre and economic development as a town. The proposed development, therefore, does not ‘consolidate and strengthen the retail, commercial and industrial functions of Kyneton’ (p.12).

3. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton, does not exhibit high quality architecture nor urban design, but rather generic and non-descript building design. Edgcombe Road is the main accessway to Kyneton from Langley, Barfold, Redesdale, Heathcote, Mia Mia and other locations. Pipers Creek Road is a main access way from Pipers Creek and Pastoria. Additionally, Edgcombe Road is a primary access point from the Calder Highway. Objective 5 of Clause 21.13-2 of the Macedon Ranges Planning Scheme aims to avoid ‘prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton’ (p.12). The proposed signage is not in line with these requirements.

This development will not support the presentation of Kyneton as detailed in the Kyneton Structure Plan, and is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and food restaurants is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton businesses.

4. It contravenes the Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019 states:

‘A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.’ (p.9)

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments. There is a serious possibility that Pipers Creek will become a glorified storm water drain for this proposed development, which is especially concerning as there is a noted history of similar stand-alone restaurants and service stations being a source of extensive waste and litter.

Water quality is already an area of concern for many Kyneton residents. A proposal of this nature will put great pressure on the water quality of Pipers Creek. This is an area the Council should be seeking to improve, both within the current town boundaries and beyond towards the rural residential areas to the north-east of town. Indeed, Pipers Creek should form the basis for a walking/ cycling path linking the Campaspe River Walk to the north-east of town, providing improved pedestrian and cyclist access to Edgecombe Street (which leads to the educational precinct and health precinct of Kyneton) and through to the north and east of this development.

5. Traffic impacts

The Traffic Report submitted with the application states that ‘given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and [it is] expected to generate up to 334 additional vehicle movements ...’. This will have a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic, especially because of the lack of alignment between Saleyards Road and Pipers Creek Road, combined with the lack of traffic control infrastructure. The provision of right turn lanes supports access to these proposed developments but does little to address potential for traffic congestion.

A major flaw in the assumptions of the Traffic Report is based on the lack of infrastructure for pedestrians and cyclists, which enables it to mischaracterise the area. It should be noted that Edgecombe Road and Pipers Creek Road both give access to extensive rural residential areas of Kyneton that begin just beyond the borders of this proposed development. These roads are major residential accessways to both Kyneton and – especially – the educational and health precincts. Instead of dismissing the residential nature of these roads, extensive infrastructure should be developed to *support* the residential nature, including providing suitable recreational and green space *as well* as supporting the biodiversity requirements of Post Office Creek. The proposed

development will instead *impinge* on the residential requirements of these roads, making it less safe for residents to walk or ride to school or to the central business district. Please see the below image.



As can be seen in this image, the large rural residential area – highlighted in green – is channelled along three main roads to access town – indicated in red – which also serve as access to Kyneton from other rural towns and areas to the north and east. These three roads form a nexus at the site of the proposed development, meaning that increased traffic at this nexus (with little more traffic controls than a few right turn lanes) will directly impinge on the quality of access for a large proportion of Kyneton’s population. (A proportion who are – it must be noted – already poorly served with transport infrastructure, i.e., no accessways for pedestrians or cyclists.)

6. Poor design and future planning

The design for the proposed hardware store, service station and restaurants shows little regard for future planning. If the Council were to decide that the industrial area *should* expand across Edgecombe Road into an area which is surrounded by rural residential, then the design of these proposals is very poor and lacks future planning.

As seen in the image above, there is already a substantial industrial area to the north of Kyneton, between the Calder Freeway to the south, Edgecombe Road to the east, the Kyneton Airport to the West and the Rollinson Reserve to the north. As can *also* be seen in the image above, a large proportion of this area is currently vacant. There is already substantial areas within the existing industrial area which can accommodate these developments. By increasing the industrial area into a predominantly rural residential area, this development fails to follow Objective 5 of Clause 21.13-2 of the Macedon Ranges Planning Scheme which aims to ‘consolidate and strengthen the retail, commercial and industrial functions of Kyneton’ (p.12).

Secondarily, if a large commercial/ industrial area is developed on the proposed site, then the proposed design will also not consolidate or strengthen commercial and industrial functions. The design and orientation of the large retail hardware store (as indicated by the plans) is towards Pipers Creek Road, with car parking in front of it. Any future commercial development – due to the bends in Pipers Creek Road and Pipers Creek – will not be able to consolidate with this hardware store, building either behind it along Edgecombe Road or around the corner of Pipers Creek Road

(separated from this development by a proposed road heading north). Any future commercial development will not be a part of a consolidated, cohesive commercial/ industrial area. Please see the below image.



This image shows the central business district of a town [REDACTED]. It was poorly designed. The streets highlighted in yellow are the central business district, mainly taken up with small businesses. The rest of the image shows extensions to the central business district incorporating large commercial developments. Each development has been constructed individually, with later developments facing the rear and back of earlier developments. Each has its own car park, each of which is mostly empty. Walking between these large stores is discouraged, which increases car traffic in the area, which further discourages pedestrian traffic. Space is used inefficiently, and the area is unattractive, as you can always see the rear of another large development. Similar poor planning is apparent with these proposed developments in Kyneton.

I believe that it is poor design and future planning for these developments to continue, and poor design and development if they were to continue in the form that is proposed.

7. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial

occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (p.104).

Clause 15.03-2 of the Victorian Planning Provisions sets out as an objective '[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance' and provides that planning should consider as relevant, 'the findings and recommendations of the Aboriginal Heritage Council'.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- 'Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP's position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.'
- 'The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.' (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy, which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the Macedon Ranges Statement of Planning Policy aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various strategies, I believe the only viable choice for Macedon Ranges Shire Council is to refuse this planning application.

Yours Sincerely,



Objection to Grant a Planning Permit

Objection Enquiries:
Phone: (03) 5421 9699
Web: www.mrsc.vic.gov.au

This form is to assist in making an objection as outlined in the *Planning and Environment Act 1987*.

Privacy notice

Council is collecting the information on this form so that it may consider your objection in accordance with its legislative powers and functions. Council can only disclose any information collected in accordance with these powers and functions. Please be aware that Council may provide copies of this objection to interested parties. Visit Council's website to view our Privacy Policy.

Objector details

Provide details of the objector
The person you want Council to
communicate with about your
objection

Name	██████████
Organisation:	
Postal Address:	██████████
Postcode	██████
Contact phone:	Mobile phone: ██████████
Email	██████████

Planning Application details

Provide the Planning
Application Number

PLN/2019/571 and PLN/2019/572

The land

Address of the land

Street No:	Street Name: Edgecombe Rd
Lot No:	Title details (CA, LP, PS, CP, TP) no.:
Township Kyneton	Postcode: 3444

Reason for your Objection

Prior to lodging an objection please make sure you clearly understand what is proposed. You can inspect the application at the Macedon Ranges Shire Council's Office or on mrsc.vic.gov.au/Build-Plan/Planning-Permits-Approvals-Forms/Object-to-an-application. Under the *Planning and Environment Act 1987*, an objection can be dismissed if it is evident the objection has been made to secure or maintain a direct or indirect commercial advantage.

Attach additional page/s if there is insufficient room.

From a planning scheme perspective:

Planning in Commercial 2 Zone, Road 1 Zone, and Signs

Under Clause 34.02-1, Service Station and a Convenience Shop are not listed as preferred developments and uses of this land. What is the need for this development?

Under Clause 34.02-1, the development exceeds the allowable leasable area of 100 m2 with the use and development of 2 x Convenience Restaurants. This includes one Convenience restaurant internal to the Service station building, and one standalone Convenience restaurant totalling 542 m2 (including the Retail Shop it would be 792 m2).

Under Clause 52.29-2, the development wants to create an access point on Edgcombe Road which is a Road Zone 1 Category. The Council must consider items under Clause 65 that mentions things like 'the effect on the amenity of the area' – such as traffic and vulnerable road users, walkers and bike riders.

Under Clause 52.05-2, the development proposes to install signs and the Council must ensure the signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character. There is a 6 m McDonalds Pylon Sign proposed for Pipers Creek Road, and there is an undetermined height on the McDonalds Pylon Sign on Edgcombe Road.

From a MRSC Perspective:

The proposal is inconsistent with the Macedon Ranges Community Vision and MRSC Council Plan 2017-2021

It does not:

- Promote and provide healthy food and drink options across the shire
- Improve infrastructure for walking and cycling across the shire
- Address climate change mitigation, resilience and adaptation
- Protect biodiversity
- Enhance waterways and water catchment quality
- Manage waste as a resource
- Demonstrate proactive environmental planning and policy
- Embed environmental sustainability principles across all Council operations
- Encourage economic vitality (tourism, agribusiness, **buy local**)
- Consider socio-economic disadvantage
- Attract strategic investment that is consistent with Council's vision
- Support local industry sectors that align with our vision and principles
- Promote positive community attitudes and behaviours

How will you be affected by the granting of a Planning Permit

Attach additional page/s if there is insufficient room.

[Redacted] this will encourage poor diet and health outcomes for [Redacted] young people (and older people) in my community.

I moved away from the city to have less of the fast-food, multi-national retailer ethos and support local business and ideas, nature and the natural environment. Having a McDonalds and Bunnings trashes the charm and attractiveness of Kyneton and the Macedon Ranges. The nearest of these aren't far away and can be accessed if needed.

Allowing this wildly inappropriate development to proceed will be a terrible outcome for our shire and its' people and environment.

Objectors Signature

This form must be signed

Signature: [Redacted]
Date: 12/2/21

Lodgement

To ensure Macedon Ranges Shire Council considers your objection, ensure the Council receives your objection by the due date on the notice. Council will send you an acknowledgement letter upon receipt of your objection.

Lodge the completed and signed form by:

Mail:
Macedon Ranges Shire Council
PO Box 151
Kyneton Vic 3444

In Person:
Any Council Office

Email: mrsc@mrsc.vic.gov.au

Further important information:

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For help or more information

Telephone: Planning (03) 54 21 9699
Website: www.mrsc.vic.gov.au

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Awais Sadiq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

16 February 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the **Planning Application PLN/2019/572 for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant**, and the **Planning Application PLN/2019/571 for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1** at Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location.

The Freeway Service Centre Design Guidelines (1997) state “*Service centres must be located at strategic intervals along rural freeways, preferably at no less than 50 km from an existing or approved centre.*” (p. 17)

This proposal lies within 10 km of the Carlsruhe service station, and within 50 km of the Ravenswood service centre. In addition, Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

Council must ensure there is a need for this service station in this proposed location as I believe the area and the Calder Freeway are well serviced by service stations.

2. Breaches in the Commercial 2 Zone (C2Z) land planning

A Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100m², it does not specify the land use of Service Station like in other zones.

The C2Z goes further to stipulate the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes,*

smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. (Clause 34.02-2). This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgcombe Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgcombe Road, then the carriage way would hold up traffic and bank it to the 'Gateway' to Kyneton. This inconsistency must be rectified.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a stand along restaurant, McDonalds, at 377 square metres, and has a Service Station that has a retail shop, at 250 square metres, and a restaurant, at 165 square metres, inside it. This is a total area of 792 square metres that clearly contravenes this section of the planning scheme.

3. Impacts on Kyneton Town Centre

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense.

Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

5.1 Maintain the role of the town centre as the retail, commercial and civic core.

5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

There are many businesses within the Kyneton Town Centre that will be adversely affected by the proposed development, including but not limited to the two existing service stations (particularly Bowser Bean which runs its own food outlet), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, Major Tom's, Kriskens PaintRight as well as the numerous coffee and food outlets. While the development proposes that it will bring many new jobs, Council still needs to consider the number of jobs lost by the approval of the new development. There must also be consideration as to what type of jobs and job pathways the development will bring.

Furthermore, there is the issue of the light pollution that will impact our current stunning views of the night sky. Or that Kyneton might no longer be known as the heritage, interesting town that it is, but as the place on the Calder where the McDonald's is. We have recently lost some of the things that made us unique, such as the Lost Trades Fair and the Kyneton Music Festival, should we replace them with Bunnings and McDonald's that are easily accessible in so many locations?

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town that are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the northern gateway of Kyneton does not exhibit high quality architecture or urban design with its generic and non-descript design of the buildings.

This proposal is designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

I reject the applicant's assessment that Kyneton's Northern Gateway should not form part of assessing this application. This proposal within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway. The traffic report clearly shows there are many north/south-bound vehicle movements along Edgcombe Road – e.g., during the AM peak hour assessment, 91 movements coming from the south, 273 movements coming from the north. I would argue that majority of these vehicles would be going into or coming out of Kyneton and therefore constitute the use as a Gateway. The claim that this is not part of the Gateway into Kyneton is false and all criteria council expects of a Gateway should indeed be assessed against this proposal.

Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road that will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large carparking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting Edgcombe Road and Pipers Creek Road.

6. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments, including light pollution necessitated by the 24 hour nature of roadside petrol station operation as well as the need for after-hours security for the proposed development. Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light and the recently listed as threatened platypus which are highly sensitive to water and sediment quality, especially changes to surface water quality variables including dissolved organic levels and suspended solids, concentrations of sediment toxicants, extent of catchment and daily discharge. The addition of large ambient evaporative emissions (assuming no spillages!) of highly toxic petroleum, benzene and toluene to the environment can hardly be beneficial to the flora and fauna nearby.

In the document “Inquiry into Ecosystem Decline in Victoria – Submission by Macedon Ranges Council”, the Council states that “Local government also has the ability to influence conservation outcomes on private land through implementation of planning regulations...and support for community groups and community led action.” It also states that “the extent of ecosystem decline is severe and ongoing – Macedon Ranges has experienced significant species decline....this decline will continue as land is further fragmented by subdivision and development..”

I understand that the development will undertake all efforts to correctly dispose of rubbish but you only need to look at similar sites along the Calder to appreciate that it is inevitable that the area near the site will be strewn with rubbish that will only increase the cleaning burden on Council and serve as a littered gateway to our town.

7. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic. The Traffic Report in the application is over 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be done to account for the more recent increases.

The traffic flow within the sites is problematic. Any trucks in and out of the loading docks of either the McDonald’s or the petrol station will have to reverse into traffic entering the drive throughs. Furthermore, pedestrian access from the stand-alone carpark to the petrol station shop will be across the drive through and loading bay.

The intersection between Saleyards Road / Edgecombe Road / Pipers Creek Road is already tricky to navigate, and there is nothing in the proposal to address the increased traffic coming into and out of the site. In addition, the situation of the McDonald’s close to local primary and secondary schools would likely see an increase in foot traffic to the site, for which infrastructure is grossly lacking, creating a significant safety concern.

8. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artifacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective ‘[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance’ and provides that planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.’
- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

The Council should be insisting the land use be an "Informal outdoor recreation" and a 100m2 "Food and drink premises" as taken from the list which states the preferred land use for C2Z. C2Z is valuable and should be used to its greatest potential.

Yours Sincerely,



Objection to Grant a Planning Permit

Submission 97

D21-17179

Objection Enquiries:
Phone: (03) 5421 9699
Web: www.mrsc.vic.gov.au

This form is to assist in making an objection as outlined in the *Planning and Environment Act 1987*.

Privacy notice

Council is collecting the information on this form so that it may consider your objection in accordance with its legislative powers and functions. Council can only disclose any information collected in accordance with these powers and functions. Please be aware that Council may provide copies of this objection to interested parties. Visit Council's website to view our Privacy Policy.

Objector details

Provide details of the objector
The person you want Council to
communicate with about your
objection

Name:	
Organisation:	
Postal Address:	
Postcode:	
Contact phone:	Mobile phone:
Email:	

Planning Application details

Provide the Planning
Application Number

PLN/2019/572

PLN/2019/571

The land

Address of the land

Street No:	Street Name: Edgecombe Road, Kyneton
Lot No: 1	Title details (CA, LP, PS, CP, TP) no.:
Township: Kyneton	Postcode: 3444

Reason for your Objection

Prior to lodging an objection please make sure you clearly understand what is proposed. You can inspect the application at the Macedon Ranges Shire Council's Office or on mrsc.vic.gov.au/Build-Plan/Planning-Permits-Approvals-Forms/Object-to-an-application. Under the *Planning and Environment Act 1987*, an objection can be dismissed if it is evident the objection has been made to secure or maintain a direct or indirect commercial advantage.

Attach additional page/s if there is insufficient room.

The **Macedon Ranges Environment Strategy 2019**: 9 states:

"A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks."

It is Council's responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

Macedon Ranges Shire Council's submission to the 2020 Victorian State governments Parliamentary Inquiry into Ecological Decline clearly states that the "Local fauna in decline – Many fauna species found in the Macedon Ranges are now listed as threatened or endangered, including:

- Powerful Owl,
- Brush-tailed Phascogale,
- Brown Toadlet, and
- the Yarra Pygmy Perch.

Iconic species which were once considered relatively common are seeing local declines including Platypus, Wombats and Koalas. According to Birdlife Australia, the chance of seeing a Kookaburra has halved since 1999."

Clause 21.05-2, Objective 6 which is to protect the character of visually sensitive areas such as roadsides, rail corridors and water courses. This Objective is to ensure buildings and works are designed and sited so that landscape values, natural features and important vistas including significant stands of cypress hedges are not degraded. And to ensure building siting, form and design is sympathetic to the landscape character of the surrounding area.

The current proposal is not sympathetic to the surrounding area with the massive pylon sign on Edgcombe Road and the blocky built form and the extensive concrete car park along Piper's Creek Road.

Clause 21.13-2 states as its Objective 4, to encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features by requiring high quality design and landscaping in industrial and commercial development (Objective 4.5). The building of a McDonalds/Service Station, and a Bunnings, does not constitute high quality design and the landscaping plan is such that the visual impact on Kyneton will be immense. There is no appropriate screening to stop the visual impact of the site. If you are travelling north along Edgcombe Rd, over the Calder Hwy, there is a very clear sight across the site where I will be able to see the big constructions of McDonalds, Service Station and Bunnings – I do not want to have this at the Gateway of my town. It is in direct contravention as to why I love and live here. I will see this constantly as I use this entry/exit on a regular basis.

Attach additional page/s if there is insufficient room.

Climate change is everyone’s responsibility and will affect everyone. This kind of development runs completely against the future of what we want in our Shire. We need development that respects the environment, plants more trees, enhances the natural environment in which is it wanting to build on. Digging a 10m deep pit to install underground storage tanks for the petrol and diesel is going to decimate the land, change the underground water dynamics and ruin some pretty significant Indigenous culture. Pouring concrete across the land does nothing to enhance the environmental protection. We should be ensuring there are permeable surfaces across the development and that trees are planted in abundance so we cannot see the buildings at all and that it adds to increasing shade and canopy across the landscape.

[Redacted] We loved it small county town feel and connection. We did not come here to see and be faced with generic multi-national companies that do not care for our local fabric. They do not want to meld with Kyneton or bring its own unique attributes to the town but rather take over and overshadow what wonderful independent shops we have here. Shops that are owned and run by locals, living their dream. [Redacted]

[Redacted] This development does not belong in Kyneton.

Objectors Signature

This form must be signed

Signature:
Date: 15 February 2021

Lodgement

To ensure Macedon Ranges Shire Council considers your objection, ensure the Council receives your objection by the due date on the notice. Council will send you an acknowledgement letter upon receipt of your objection.

Lodge the completed and signed form by:

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Kyneton Vic 3444

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Any Council Office

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For help or more information

Telephone: Planning (03) 54 21 9699
Website: www.mrsc.vic.gov.au

From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Objection to application for planning permits PLN/2019/571 and PLN/2019/572
Date: Monday, 15 February 2021 8:44:22 PM

February 15

[REDACTED]

To whom it may concern.

I wish to register my strong objection to proposed developments of LOT PS331532T .

Having lived in this community for over 30 years I am very disturbed with this proposition.

To have a fast food development which will only take away from our already fragile local shops is very upsetting.

Re petrol station, we are already supplied with three. These stations also bring passing trade into Kyneton. Also where they are planned is close to very sensitive area, which may pollute our river system, which is already fragile.

Bunnings Light doesn't make sense at all. Kyneton is well supplied with these facilities. This development will only hurt local suppliers.

Regards [REDACTED]



Awais Sediq and Damien Hodgkins
Co-ordinator Statutory Planning and Senior Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151, KYNETON VIC 3444
mrsc@mrsc.vic.gov.au

2nd February, 2021

Re: Objection to Planning Application PLN/2019/572 and PLN/2019/571

Hello Awais and Damien,

I am writing to you both regarding the Planning Application PLN/2019/572 *for the use and development of land for a Service Station (including a Convenience Shop and a Convenience Restaurant) and a stand-alone Convenience Restaurant*, and the Planning Application PLN/2019/571 *for the development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone – Category 1* at Lot 1 Edgecombe Road, Kyneton.

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Council must ensure there is a need for this service station in this proposed location as I believe the area and the Freeway are well serviced by service stations.

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5.2 Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.

5.5 Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

This development has the capacity to adversely impact on all the above-mentioned clauses to consolidation and strengthening Kyneton.

4. Inconsistencies with the Kyneton Structure Plan

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal, at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

This proposal in designated as Industrial Services Uses that should avoid compromising the viability and/or undermining the role of the town centre as the retail focus of Kyneton. The inclusion of a fuel

retailer, hardware retailer, and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business.

5. Inappropriate Signage

Strategy 5.5 of the Kyneton Structure Plan states that applications should *avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*

PLN/2019/572 proposes a 6 m pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.

PLN/2019/571 proposes to have a 12 m pylon sign on the Edgcombe Road which will have a definite visual impact on the entry and exit points of the Gateway to Kyneton. It is noted there were no height listed on the 'Signage Plans' submitted with this application, so an accurate assessment of the impact of these signs could not be determined. However, the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is a gross visual impact on the Gateway to Kyneton town centre and should be removed.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that "Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building facade will not provide effective business identification. If freestanding signage is permitted, it should integrate with the overall design of the site in terms of scale, form, landscaping, and materials, and should not detract from the streetscape character and key views to the area (refer to Figure 43)." Both the 6 m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from Edgcombe Road pavement, and a 5 m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and as there is not Landscaping Plan for the site, the meagre Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless.

PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

Section 2.5 of the Design Guidelines for Industrial and Commercial Development in Macedon Ranges (2012) states large car parking lots should be avoided in the front of the building and along the street frontage (p. 26). Both PLN/2019/571 and PLN/2019/572 contravene this Guideline with all of its visitor car parking fronting Edgecombe Road and Pipers Creek Road.

7. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

“A key requirement for the viability of ecosystems and for survival of flora and fauna species is connectivity of vegetation and waterways, to allow for movement of wildlife, and cross pollination within individual plant species to maintain genetic diversity. Within the Shire, connectivity is provided by roadside vegetation, streamside vegetation and waterways and native vegetation on private and public land. Connectivity is provided by remnant or restored ecosystems, and plantings of native vegetation, especially in the form of strategically planned biolinks.”

It is Council’s responsibility to ensure that the good work of protecting and rehabilitating the ecological quality of the shire and the habitat for our valued species is not interrupted by the adverse impacts of this proposed development. The recently planned reserve for Post Office Creek will be greatly impacted by the ecological and aesthetic impacts of the proposed developments.

8. Traffic Impacts

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have such a massive impact on traffic that flows through this area and cause unnecessary delays and stress on peak hour traffic.

9. Cultural Heritage Impacts

A Cultural Heritage Management Plan (CHMP) was prepared in support of the subdivision (PLN/2019/573) that preceded the current planning applications (PLN/2019/571 and PLN/2019/572) due to the high impact development proposed within an area of cultural heritage sensitivity. The complex assessment undertaken for the CHMP has found that this area contains a significant scatter of artefacts, the largest of its kind in the region, suggesting this was a location of substantial occupation and a place where social activities involving ochre as well as social interaction and trade between Aboriginal groups took place (CHMP, p. 104).

Clause 15.03-2 of the Victorian Planning Provisions (VPP) sets out as an objective ‘[t]o ensure the protection and conservation of places of Aboriginal cultural heritage significance’ and provides that planning should consider as relevant, “the findings and recommendations of the Aboriginal Heritage Council”.

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s 61(b) of the Act:

- ‘Sponsors have the power to argue that an activity must still go ahead despite the threat of harm to Aboriginal Cultural Heritage. This is because the activity is still arguably being conducted in a way that minimises that harm. Thus, the RAP’s position in the approval process is less about protecting Aboriginal Cultural Heritage and becomes something in the way of managing damage to Cultural Heritage. RAPs are often placed in a difficult negotiating position, having to approve CHMPs that still cause harm to Cultural Heritage.’
- ‘The Act should be amended to allow RAPs a veto power over CHMPs that threaten harm to Aboriginal Cultural Heritage. This would be in accordance with s 1(b) of the Act, which states that a purpose of the legislation is to empower Traditional Owners as protectors of their Cultural Heritage. It would also accord with Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

It should also be noted when assessing the development proposal against the Macedon Ranges Statement of Planning Policy (MRSP), which sets out the following binding objective for RPEs:

- Objective 4 - To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, Objective 4 of the MRSP provides Council a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

Summary

Based on the examples of this application not being consistent with state and local planning regulations, nominated Design Guidelines, and the various Strategies, I believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,



From: [REDACTED]
To: [Macedon Ranges Shire Council](#)
Subject: Planning application nos. PLN/2019/572 and 571 - Objection
Date: Wednesday, 10 February 2021 3:24:25 PM

D21-15495

I am opposed to the above planning applications for the following reasons-

1. Ecological grounds - Post Office Creek.
2. Breaches in the Commercial 2 Zone land planning
3. Impacts on Kyneton Town Centre
4. Inconsistencies with the Kyneton Structure plan
5. Inconsistencies with the Kyneton Industrial Master Plan and Design Guidelines.
6. Contravenes Macedon Ranges Environment Strategy 2019.
7. Traffic Impacts.
8. Cultural Heritage Impacts. u

Summary

On the basis of the examples of this application not being consistent with state and local planning regulations and the Freeway Service Centre Design Guidelines (1997), I believe the only viable choice for MRSC is to refuse this planning application.

[REDACTED]