

Letter to the Editor

Dear Sir/ Madam

We write in response to the report in the Midland News paper, Tuesday August 4, on the proposed development of the land either side of the Pipers Creek Rd intersection with Edgecombe Rd, listing possible interested tenants as including a retail fuel out let, fast food outlets, bulky goods outlets, trade suppliers, wholesale food suppliers and more.

The article speaks of 500 construction jobs, and then 400 and 150 part time on going jobs expected to come with the development.

In the face of so much loss to our economy, jobs and businesses, as a result of the Covid pandemic, such a possibility seems to offer us much that is good.

But of course, there are many 'goods'.

We would like to ask if there is room for a public consultation about this proposal for our town?

Questions that come to mind are such things as:

What would the people want for our environment?

How much of the large income from this proposed development would come back into the town (recognising that proposed wages of people working there will undoubtedly bring benefit)?

What will such a development mean for people already providing similar services in our town?

How will the character and streetscape of our town be affected by the coming of 2 fast food outlets (MacDonalds?)

What type of future development will best serve the well being ,character and longevity of our town?

How else might a development look, what else might be included for the people?

The experience of the Covid epidemic and shutdown has taught us many things (hopefully!).

Perhaps the most important learning is that people come before money.

We implore our council to keep this learning in mind as they consider their response to this proposed development and to hold all possibly good outcomes in tension.



We call upon the Council to strongly oppose the plans to build another service station and fast food outlets at the corner of Edgecombe Rd and Pipers Creek Rd, and in so doing actively support small business, cafes and restaurants bringing tourism, life and particular colour to our town, supporting our local economy rather than the pockets of large scale conglomerates in major capital cities and overseas.

We call upon the Council to help build the character of our town, rather than helping it become submerged in the creeping of a city sprawl that has no particular feature other than an homogenous grey sameness.

WE call upon the Council to allow the stories of our very early past, of our first nation ancestors to speak aloud and help sustain us with their Spirit embedded in a place of gathering at this site, rather than concreting it over with car parks that speak to no one. As an entrance to our town, what an ideal place for people to gather in community, on a land hallowed by such meetings in the past.

We call upon the Council to above all play its part in the care and sustainability of our land and environment; to help limit the destruction of native grasses, vegetation, small creeks and their creatures, to help green the earth rather than add to its pollution with traffic, fumes, unwanted rubbish that in the end bring destruction rather than life.

[REDACTED]

From: [REDACTED]
Sent: Thursday, 4 February 2021 6:04 PM
To: Macedon Ranges Shire Council
Subject: PLN/2019/572 & PPLN/2019/571

Categories: Planning

Hi

Feedback regarding: PLN/2019/572 & PPLN/2019/571

[REDACTED]

I am writing to state that I have no objection to the above applications and I am in fact in favour of them. Currently I have to spend a lot of extra time driving to get the building materials I need as the local hardware store has a lack of choice or the prices are just too high.

Last time I tried to get products from them they actually told me to just go buy it from Bunnings...

I couldn't care less about the fast food but it is nice to be able to get a drive through coffee at 9pm when needed.

Thanks!

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 19 January 2021 9:04 AM
To: [REDACTED]
Subject: FW: Development Plans - PLN/2019/572 & PLN/2019/573

From: [REDACTED]
Sent: Monday, 18 January 2021 9:29 PM
To: [REDACTED]
Subject: Development Plans - PLN/2019/572 & PLN/2019/573

Hello Strategic Planning Team,

I'm not sure that I am contacting the right team, but I couldn't find a contact for the Council Planning Officer on the MRSC website. Please pass this onto the correct team if it is in fact not you.

Today I got a flyer in my mailbox regarding the proposed developments mentioned in the subject of this email. The flyer encouraged residents to voice their objections to the West Ward Councillors. This concerns me as I feel like both of these would be great for Kyneton.

I am writing to you to voice my support for these. While McDonald's, and to a lesser extent Bunnings, would not be a great look in the centre of Kyneton, the proposed development is on the opposite side of the freeway so it wouldn't affect the great character that our town of Kyneton has. The biggest advantage I see with these developments is the opportunities that it will give our youth to engage in part time work that will be advantageous throughout their future working life (I'm talking about McDonald's primarily). The respect and hard work ethic that working at McDonald's instils in the young is invaluable.

With the number of youths I have witnessed moseying around the streets of Kyneton, more opportunities for work would surely be welcomed.

I would think that the Bunnings would bring people from many surrounding towns to Kyneton. And I don't think any of them in their right mind would choose a Bunnings snag over the great options we have in town such as the famous pies at Country Cob or Grist.

To me this appears to be a development that will only do good for the economy of Kyneton, all without adversely affecting the character of our great town.

Whilst I doubt there will be any residents campaigning in favour of it like we are seeing with the one resident who is dropping flyers in mailboxes, just know that there is a lot of support for this.

People are less likely to compliment a business than complain about it and I think that would ring true with council developments. You may hear a lot of objections regarding these developments, but just know that there is a lot of us in support of them.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Date: 30 Jan 2020

Macedon Ranges Shire Council.

Planning Dept

Att: Awais Sadiq

[REDACTED]

ASadiq@mrsc.vic.gov.au

Dear Mr Sadiq,

Re : Edgecombe Road Planning application PLN/2019/571

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

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 goldfields heritage and deserves to be developed in a manner which upholds its historic background.
- The inclusion of a sizable Pylon Sign (S13 in the Signage Plan) does not fit with the Kyneton heritage or with the greater Macedon Ranges environment for visual amenity. It is clear from other McDonalds locations that there are a range of signs available and I would request the planners minimise



Gisborne McDonalds

- The inclusion of flag poles (S12 in the Signage Plan) identifies that there will be two flag poles up to 8.5m high, one of them with a McDonalds flag and also a banner between the poles at a 2m height. This would seem to be an unnecessary eyesore and not required to identify the McDonalds at the site. It would be totally unfitting within the area and should be removed from the proposed plans
- I oppose the proposed plan based on the existing limited traffic management plan. To access the site whilst heading north, traffic would be required to exit the freeway and then via a roundabout and bridge to reach the site. This roundabout is not suitable for the current volume of traffic using it and would require substantial improvement to enable it to manage the expected increase traffic. The road surface is regularly being repaired and resurfaced due to the damage caused by large vehicles. This proposal makes no indication of any improvements or assessments on the approaches to the area and needs to be opposed until a fully comprehensive traffic management plan addresses not just the access points to the sites but also the surrounding areas and approach.
- I also object to the traffic plans due to the only pavement towards the site is on the north side of the bridge and any foot access would need at some point to cross the bridge to access the site. With traffic approaching the area from multiple directions including both on and off ramps to the freeway, the lack of safe pedestrian approach with lights and crossing access needs to be addressed prior to any approvals.

- The application makes no reference to any long-term sustainability approach for sites that will be established and aim to operate for a significant number of years. I object to the existing applications without a clear long term sustainability plan for the developments with commitments to managing waste, sustainable packaging across all developments, renewable energy, use of sustainable building materials etc. I urge council to ensure a clear sustainability plan is defined and included in any planning approvals.

I hope that the above detail is sufficient for you record but should you require further information, please contact me via return email or the address listed above.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

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:	N/A
Postal Address:	
Postcode:	3444
Contact phone:	
	au

Planning Application details

Provide the Planning Application Number

PLN/2019/572

The land

Address of the land

Street No: not known	Street Name: Edgecombe Rd
Lot No: not known	Title details (CA, LP, PS, CP, TP) no.: not known
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.

My objection relates to the following:
1. Proposed Traffic Management
2. Intersection treatment and interface
3. Significant increase to traffic on rural residential roadway
4. Large truck movements on rural residential roadway
5. Large illuminated signage
6. Noise and hours of operation
7. Creek interface

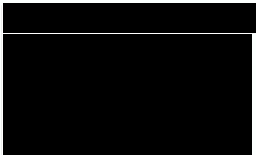
How will you be affected by the granting of a Planning Permit

Attach additional page/s if there is insufficient room.

See attached letter outlining further details.

Objectors Signature

This form must be signed


Signature:
Date: 5 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:

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

5 February 2021

[REDACTED]
[REDACTED]
[REDACTED]

Damian Hodgkins
Senior Statutory Planning Officer
Macedon Ranges Shire Council

Dear Damian,

**RE: Objection to Notice of an Application for Planning Permits
 PLN/2019/571 & PLN/2019/572
 Lot 1 PS 331532TP P/Carlsruhe
 Edgecombe Road, Kyneton**

I have received correspondence from the applicant with a proposed overall site plan and elevation plan for Retail premises. Further information has been sourced through Councils advertising online planning applications. I also note that no correspondence was received for PLN/2019/572 Service Station proposal.

Although I have no objection to the actual proposed permitted use, I do have objections to the following matters:

1. Proposed Traffic Management

The traffic assessment needs to further consider the significant increase in large trucks and general traffic to use the proposed trade supplies and service station. This will also include delivery trucks up to B-Doubles that are proposed to deliver products on and off site at both Edgecombe and Pipers Creek Road.

If these two proposals had been consolidated to the one site as per proposal from VicRoads (i.e. Edgecombe Road Bunnings side of Pipers Creek Road) without needing to have exits and entrances to both sides of Pipers Creek Road (before an intersection) this would create less traffic and in particular through traffic across a rural roadway. Would a service station that includes convenience stores be better located with direct access from the freeway rather than an entrance to the town as per the ones located at Calder Park.

I do not believe the further increase to traffic for other industrial sites that have all been sold and will soon be in use have been taken into consideration. Traffic and in particular large vehicles or trucks will also need to be accounted for the new businesses that will be located in Saleyards and Edgecombe Roads. Have Council evaluated the future proposals for these sites i.e. vehicle transport and other retail commercial and industrial premises.

The traffic assessments were also done prior to the two businesses now located across from the proposed service station site, vehicles are already crossing over the double lines and right-hand traffic lane for Pipers Creek Road to access these driveways instead of using the Saleyards Road driveway. Assessments were also not undertaken during the busier warmer months of the year and over long weekends. I believe future traffic counts may have been underestimated for the attendance to both of these sites.

Once these businesses are built and the road interfaces created, they will not be able to be changed to accommodate further increased traffic and will therefore impact the current residents who utilise these roads to access the township, work and schools.

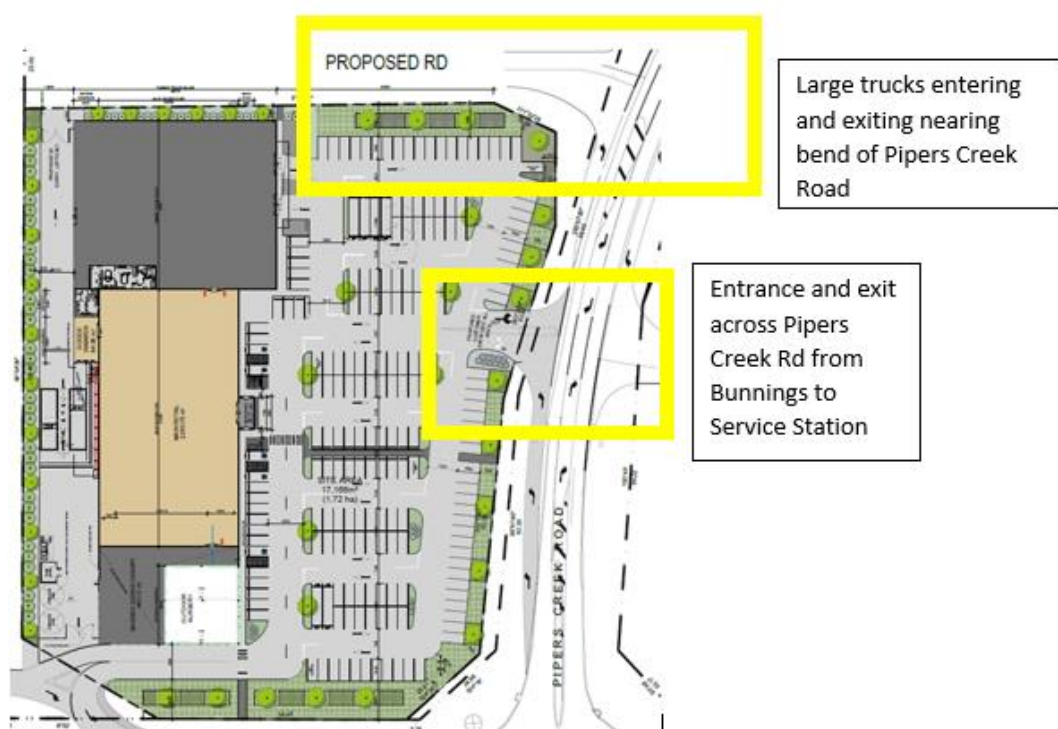
there has been a significant increase to the traffic in this area over the last 10 years with not only large trucks but also with caravans and boats as the main roadway to Lake Eppalock and the Murray River. This is likely to continue with Metropolitan Melbourne residents now frequenting regional Victoria more often.

2. Intersection treatment and interface

The traffic assessment does not address the near misses or accidents without injury or report that happen on a frequent basis at the intersection. Drivers are already challenged with the current format and as a consequence of the Pipers Creek, Saleyards Road crossover Edgecombe Road drivers are not always giving way to the appropriate traffic. This will only be increased with the significant increase of traffic that will be using not only the intersection due to the proposed new businesses but by also having these on either side of Pipers Creek Road. I believe further consideration will need to be given how to best address this intersection i.e. should it be a roundabout or altered intersection. If the service station was moved on the other side of Bunnings and the factories moved to where the service station is it would create less traffic in this small intersection particularly with large vehicles on Pipers Creek Road.

3. Significant traffic increase to rural residential roadway

Pipers Creek Road and Baynton Road are both rural residential roadways that already see quite significant traffic which will be further increased with the new rural living blocks having been approved by Council. The plan below shows the increased challenges prior to the Edgecombe Road intersection on Pipers Creek Road. Traffic will be crossing from the Bunnings site across to the Service Station along with large trucks entering the proposed new Road for deliveries. Along with this Pipers Creek Road and Baynton Road are both used for cyclists and road races on a frequent basis. Another thing to consider is the large amount of rain water that collects at the current Pipers Creek entrance to Edgecombe Road this will need to be addressed.



4. Large truck movements on rural residential roadway

Pipers Creek Road is a rural road and even with the proposed alterations to the roadway will still be a concern with large trucks trying to exit and enter before a bend in the road and with school buses in the mornings and afternoons adding to the large traffic movements. The roundabout off the freeway on Edgcombe Road and bridge already have asphalt road issues due to the large amount of turning heaving vehicles this will also need to be a consideration for Pipers Creek Road.

5. Signage (illumination)

Even though this entrance to the town is through a Commercial/Industrial area Kyneton is still known for being a tourist town and is reliant on tourist visitation. The new businesses will be clearly visible driving on this roadway therefore is there a need for large signage in particular signage that is illuminated. These businesses logos are well known and recognisable and will also be large on their business premises. This does not make for a welcoming tourist entrance to a country town rather promotes a larger city entrance to the township. Illumination will also need to be considered for the residents nearby as so to not impact on the rural living and amenity for this area.

6. Noise and Hours of operation

Has there been any consideration to the noise created by large truck movements in particular on Pipers Creek Road and how this will be mitigated? Large trucks already travel along Pipers Creek and Baynton Roads using air brakes. Will there be noise from early deliveries to site and from patrons particularly late at night as the sound travels some distance. Noise generation can cause significant loss of residential amenity. Is there a need for a 24-hour operation for this site as it is not located directly facing a major freeway? What would be the impact of these hours on the surrounding rural living areas?

7. Creek interface

With the recent heavy rain, the land where the proposed Service Station is to be located was inundated with water laying across the front of the property. This is a common occurrence with a significant rain event and would need to be considered in the design as to not allow hard surface run off into the Post Office Creek. Household septics are to be a significant distance from waterways to avoid pollution we need to ensure the hard surface run off or any other spills or leakages from a Service Station i.e. fuel does not impact the waterway.

Please feel free to contact me should you require any further information or clarification about my objection. It is important that growth still includes an interface and design that fits with our local community and town. I hope that all of my comments are taken into consideration and thank you for your consideration.

Regards,

████████████████████
████████████████

[REDACTED]

From: [REDACTED]
Sent: Friday, 21 August 2020 9:37 AM
To: Macedon Ranges Shire Council
Subject: Potential development

Good morning Shire Officers

I was thrilled to hear about the development plan before council on the corner of Edgecombe and Pipers Creek roads.

[REDACTED] this is a golden opportunity we cannot afford to miss.

With the current economic climate, this will provide Macedon Ranges with excellent employment opportunities as well as a huge injection of funds to stimulate the local economy (including the shire).

Over recent times there has been too many obstructions and too many delays which have caused much frustration.

As responsible members of our council, please make every effort to see this project move forward quickly.

I look forward to your responses and enjoy your day.

Kind Regards,
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. Rodburn reserves the right to monitor all e-mail communications through our networks. Any views expressed in this message are those of the individual sender, except where the message states otherwise and the sender is authorised to state them to be the views of any such entity



Objection to Grant a Planning Permit

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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/2019/571 & PLN/2019/572

The land

Address of the land

Street No:	Street Name: Edgecombe Road
Lot No: 1	Title details (CA, LP, PS, CP, TP) no.: PS 331532T
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.

Firstly, can I say that I am not against the development and the proposed businesses, in fact I'm for it. What I am strongly against is the traffic report contained within them suggesting that the current set up of roads is sufficient and will cope with the proposed increase in traffic. [REDACTED] and travel the proposed intersection multiple times a day and it is not good enough as it currently is, and in my eyes is a major black spot for an intersection, with the speed that cars travel usually well above the 60km/h limit, and vision being very difficult towards the Redesdale direction. To suggest that the introduction of a Bunnings, Service Station and McDonalds will not impact traffic it is ludicrous and the person writing the report is delusional. Such increase in traffic with multiple entries onto Edgecombe Rd from the proposed will mean that vehicles crossing from both Pipers Creek Rd and Saleyards Rd will have traffic coming from multiple angles all at once, with cars pulling out left, right and centre, not caring that they are not on the road when others are. At times, it is near impossible to get across Edgecombe Rd from either side with cars travelling from both ways on Edgecombe Rd, and to put this development on (again I am not against this side of the proposal), would see the traffic increase further as set out in report, making the intersection one of the most dangerous in the Shire. [REDACTED] [REDACTED]. If the proposed development goes ahead, and I hope it does, it will require Traffic Lights at a minimum and a reduction in speed limit to 60km/h on Pipers Creek Rd until at least past Batters Lane.

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

Attach additional page/s if there is insufficient room.

If the planning permit is approved in its current state, [REDACTED] every vehicle that travels the road normally, will be put at further risk each day multiple times with the entering and exiting of the intersection. Cars turning onto Pipers Creek Rd and the proposed roads will create much more traffic and vision problems for the intersection.

Objectors Signature

This form must be signed

Signature:	[REDACTED]
Date:	[REDACTED]

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

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For help or more information

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



Mr Awais Sadiq and Mr 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

Monday, 08 February 2021

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

Dear Mr Sadiq and Mr Hodgkins

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	The proposal is inconsistent with the State Planning Policy Framework	2
2	The proposal is inconsistent with “Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria’s planning system”	2
3	The proposal is inconsistent with the Loddon Mallee South Regional Growth Plan.....	3
4	The proposal is inconsistent with the Macedon Ranges Community Vision and MRSC Council Plan 2017-2021	6
5	The proposal does not deliver outcomes for the Victorian Public Health and Wellbeing Plan 2019-2023	7
6	The development does NOT contribute to a 20-minute neighbourhood.....	8
7	The proposed development does not contribute to Kyneton’s social infrastructure	8
8	There is no need for a Service Station at this location	9
9	Breaches in the Commercial 2 Zone land planning	9
10	Impacts on Kyneton Town Centre.....	9
11	Inconsistencies with the Kyneton Structure Plan	10

12	Inappropriate Signage.....	10
13	Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines	11
14	Contravenes Macedon Ranges Environment Strategy 2019	11
15	Traffic Impacts.....	11
16	Cultural Heritage Impacts	11

1 The proposal is inconsistent with the State Planning Policy Framework

The proposed development fails to uphold the following Principles or clauses.

Section of SPPF	The McDonald's / Bunnings development will not:
Principles for settlement planning in Victoria's regions	<ul style="list-style-type: none"> Support networks of settlements by maintaining and improving transport links, spatial patterns of services delivery, and promoting commercial relationships and community activities.
	<ul style="list-style-type: none"> Direct growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
	<ul style="list-style-type: none"> Strengthen the Kyneton settlement "by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations."
	<ul style="list-style-type: none"> Respect or and enhance the scenic amenity, landscape features and view corridors
	<ul style="list-style-type: none"> Limit urban sprawl and direct growth in to existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment
Regional Development (Clause 11.05 - 4)	"develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable. "
Urban Design (Clause 15.01-1)	"create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity ", or "respond to its context in terms of character, cultural heritage, natural features, surrounding landscape and climate."

2 The proposal is inconsistent with "Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system"

The proposal fails on multiple levels to contribute to current or strengthened ESD outcomes, as envisaged in the current DELWP roadmap document.

15.01-2S Building design

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.

- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

15.01-3S Subdivision design

Objective: To facilitate subdivisions that achieve attractive, safe, accessible, diverse and sustainable neighbourhoods.

McDonalds/Bunnings – AND the recently-approved adjoining 43-lot subdivision do not deliver on any of these criteria:

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.

Reduce car dependency by allowing for:

- Convenient and safe public transport.
- Safe and attractive spaces and networks for walking and cycling.
- Subdivision layouts that allow easy movement within and between neighbourhoods.
- A convenient and safe road network.
- Being accessible to people with disabilities.

Creating an urban structure and providing utilities and services that:

- Responds to climate change hazards and contributes to reduction of greenhouse gas emissions.
- Support resource conservation.
- Support energy efficiency through urban layout and lot orientation.

3 The proposal is inconsistent with the Loddon Mallee South Regional Growth Plan

Section of LMS Regional Growth Plan	The McDonald's / Bunnings development will not:
Vision for Loddon Mallee South region	This development will not deliver on the Vision for 2041, which calls for communities that will “continue to enjoy regional liveability with urban accessibility . We are a region with vibrant, innovative, sustainable and connected communities offering a diversity of lifestyles, building on our heritage, natural environment and agricultural landscapes. ”
Challenges for the LMS Region (p. 13)	<p>The McDonald's / Bunnings development will exacerbate, rather than address, the following challenges to the Region:</p> <ul style="list-style-type: none"> • manage growth so that it does not overwhelm the environmental and social attributes that are attracting growth • adapt to the potential impacts of changing climate • manage growth in a way that protects the environmental assets and natural resources of the region • support residential and commercial growth of centres throughout the region and access to employment, education and services, including from dispersed settlements • stimulate sustainable growth over the long term while maintaining the distinctive character of the region's rural areas and towns • maintain the extent of the region's agricultural areas recognising its importance to the region's economy • manage the risk to settlements from natural hazards such as bushfire and flood • support capacity enhancements to infrastructure to enable sustainable growth
Principle 1: Manage our population growth and settlements	<ul style="list-style-type: none"> • Manage settlement growth to limit the impact on agricultural productivity, natural resources and ecological values • Value the region's unique and connected communities
Principle 2: Strengthen our communities, especially in our small towns	<ul style="list-style-type: none"> • Invest in liveability, infrastructure and urban design initiatives to make the region's towns great places to live • Build community connectedness and reduce areas of social disadvantage • Build a skilled and adaptable workforce by attracting skilled workers and providing access to high quality education and training opportunities, which provide pathways to employment • Plan for the facilities and infrastructure needed for delivery of education and training to support growth
Principle 3: Strengthen and diversify our economy	<ul style="list-style-type: none"> • Support and develop emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries
Principle 4. Improve our infrastructure	<ul style="list-style-type: none"> • Strategically direct growth to locations with good existing infrastructure and infrastructure with the capacity for enhancement • Provide adequate waste and resource recovery infrastructure and services to support new developments and population growth in the region • Strategically renew, maintain and develop infrastructure to maximise opportunities and services to meet anticipated need

Section of LMS Regional Growth Plan	The McDonald's / Bunnings development will not:
	<ul style="list-style-type: none"> • Protect water quality and quantity • Provide for the future of waste management and resource recovery
Principle 5. Improve education and training outcomes	<ul style="list-style-type: none"> • Build a skilled and adaptable workforce by attracting skilled workers and by providing access to high quality education and training opportunities, which provide pathways to employment • Plan for the facilities and infrastructure needed for delivery of education and training to support growth
Principle 6. Protect and enhance our natural and built environment	<ul style="list-style-type: none"> • Protect and improve the condition of the region's important environmental assets such as the forests, wetlands and rivers • Protect identified visually important landscapes, and cultural and built heritage places • Plan for settlement growth to occur in locations that avoid areas of high risk from natural hazards such as bushfire and flood • Manage settlement growth to limit the impact on agricultural productivity, natural resources and environmental assets • Maintain the non-urban breaks between settlements • Minimise the impacts of land use change and development on areas with significant environmental assets
Principle 7. Ensure our food, water and energy security	<ul style="list-style-type: none"> • Facilitate ongoing agricultural productivity and investment in high value agriculture • Support ongoing adaptation and flexibility for the agricultural sector • Facilitate ongoing agricultural productivity and new opportunities that respond to the potential impacts of climate change • Support the sustainable use of rural land, including the development of regional catchment strategies and other suitable tools • Encourage and facilitate development in renewable energy, waste to energy, carbon sequestration and other new energy opportunities • Protect water quality and quantity

4 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		"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 <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.

Section of Council Plan	The McDonald's / Bunnings development will not:
2. Protect the natural environment	<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
3. Improve the built environment	<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
4. Enhance the social and economic environment	<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 • 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>

5 The proposal does not deliver outcomes for the Victorian Public Health and Wellbeing Plan 2019-2023

Citing internationally-recognised research from RMIT's Healthy Liveable Communities Group, the Victorian Public Health and Wellbeing Plan 2019-2023 calls for the development of healthy, liveable communities:

Liveable communities provide a basis for good health and wellbeing for all age groups and can contribute to reducing health inequalities. A liveable place has been defined as a place that is safe, attractive, socially cohesive/inclusive and environmentally sustainable, with affordable and diverse housing linked to employment, education, public open space, local shops, health and community services, and leisure and cultural opportunities via convenient public transport, walking and cycling infrastructure (Lowe et al. 2013). (p. 17)

6 The development does NOT contribute to a 20-minute neighbourhood.



In line with Plan Melbourne’s call for an integrated network of liveable, regional towns, the proposed development does not enable people to “meet most of their daily needs within a 20-minute walk from home, with access to safe cycling and local transport options.”¹

The proposed development is on the other side of the Calder Freeway, with poor amenity, walkability and cyclability into the town centre. People will be unlikely to walk there – it is not a convenient or attractive journey or destination, and will not provide safe or sheltered pedestrian, wheelchair, pram or bicycle access. It is not connected to any of the other features that contribute to a 20-minute neighbourhood, especially shops; public transport connections; services for daylily living; diverse, affordable and compact housing; other social infrastructure.

7 The proposed development does not contribute to Kyneton’s social infrastructure

The proposed development is exactly the kind of unliveable, unhealthy development that detailed liveability research warns us about²:

Social infrastructure is essential for the creation and ongoing development of healthy communities and must be planned for, to ensure provision of social services across the lifespan. The amenities and services available within a community also influence the liveability of local communities, as well as the health and wellbeing of individuals....

Gentrification, population growth and housing unaffordability have been associated with the displacement of low-income residents in areas well serviced by jobs, transport and social infrastructure.

Access to local services, convenience goods and public open space are associated with increased walking for transport, and local shops, transport, low-cost

*recreation facilities, walking and cycling infrastructure associated with increased levels of physical activity in 11 countries. In comparison, **sprawling low density and car dependent suburbs have been shown to produce adverse health outcomes, and declining social capital, which is in turn associated with poor self-rated health and coronary heart disease.***

8 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.

9 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.

10 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.

11 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.

12 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.

13 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.

14 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.

15 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.

16 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.

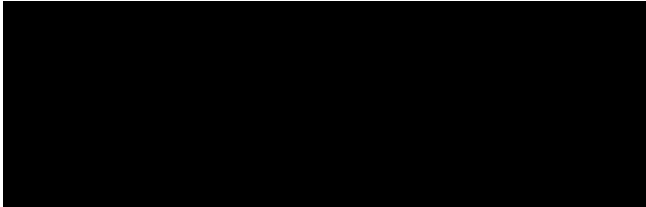
The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people 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,



¹ <https://www.planning.vic.gov.au/policy-and-strategy/planning-for-melbourne/plan-melbourne/20-minute-neighbourhoods#:~:text=The%2020%2Dminute%20neighbourhood%20concept,cycling%20and%20local%20transport%20options.>

² [Redacted] Using spatial measures to test a conceptual model of social infrastructure that supports health and wellbeing, Cities & Health, 1:2, 194-209, DOI: [10.1080/23748834.2018.1443620](https://doi.org/10.1080/23748834.2018.1443620)



To Macedon Shire Council Planning Department and Councillors,

I write in response to;

Application Number	PLN/2019/571
Lodgement Date	3/01/2020 12:00:00 AM
Application Location	Edgecombe Road, KYNETON VIC 3444
Town/Locality	KYNETON



My response is an objection on the following grounds;

Traffic management:

I object to the development on a traffic management basis, specifically traffic travelling into and through Kyneton via Edgecombe St, past RM Begg, two primary schools and the ludicrously proposed kindergarten. Edgecombe St carries heavy traffic past Kyneton's most vulnerable citizens, the aged and infirm, primary students, families with prams, toddlers and kindergarteners. Edgecombe St in this zone already carries trucks, commercial traffic, emergency vehicles and holiday makers travelling between Kyneton, the Calder Fwy and other routes. School times has this road at a standstill and the increased through traffic to the proposed development to the north of the Calder is entirely inconsistent with the aged care and educational precinct located on Edgecombe St. No further development of the proposed area should be accepted until a traffic route is established that bypasses Edgecombe St in the area around RM Begg, both Primary Schools and the proposed Kindergarten. Of course this new route must also avoid the two High Schools just around the corner.

Thank you for your time, I trust you will consider these fundamental issues in considering the proposed development and act in accordance with the long term sustainability of Kyneton, the environment and the safety of our vulnerable residents.





To Macedon Shire Council Planning Department and Councillors,

I write in response to;

Application Number	PLN/2019/572
Lodgement Date	3/01/2020 12:00:00 AM
Application Location	Edgecombe Road, KYNETON VIC 3444
Town/Locality	KYNETON

[Redacted]

My response is an objection on the following grounds;

Environmental:

I object to the planning development on environmental grounds around the installation of a service station at this site. Kyneton already has three service stations, with another just a few kms down the highway at Carlsruhe, therefore the need for a new service station site is tenuous at best. To the environmental point, this site is close to a waterway, Post Office Creek, in a water catchment area servicing much of Victoria. The water way is associated with, and possibly directly homing Platypus and other vulnerable flora and fauna. The expected life span of a service station is realistically no more than 20 years, whilst the environmental degradation is permanent, even with modern remediation techniques. Globally, governments and manufacturers are signalling the end of petro-chemical combustion engines in transport by 2030-2035, even with an Australian lag time, this does not give a long lifespan for this proposed commercial premises. I therefore put it to council that the cost benefit analysis to the community is unacceptable on an environmental degradation basis. The petrol station at Carlsruhe already has contaminated land and has easy proximity to the same traffic targeted by this proposed petrol station, if there was a true need for a larger or modern service station in the district, this would be a prime target for redevelopment rather than exposing a new site and waterway to contamination and degradation.

Traffic management:

I object to the development on a traffic management basis, specifically traffic travelling into and through Kyneton via Edgecombe St, past RM Begg, two primary schools and the ludicrously proposed kindergarten. Edgecombe St carries heavy traffic past Kyneton's most vulnerable citizens,

the aged and infirm, primary students, families with prams, toddlers and kindergarteners. Edgcombe St in this zone already carries trucks, commercial traffic, emergency vehicles and holiday makers travelling between Kyneton, the Calder Fwy and other routes. School times has this road at a standstill and the increased through traffic to the proposed development to the north of the Calder is entirely inconsistent with the aged care and educational precinct located on Edgcombe St. No further development of the proposed area should be accepted until a traffic route is established that bypasses Edgcombe St in the area around RM Begg, both Primary Schools and the proposed Kindergarten. Of course this new route must also avoid the two High Schools just around the corner.

Thank you for your time, I trust you will consider these fundamental issues in considering the proposed development and act in accordance with the long term sustainability of Kyneton, the environment and the safety of our vulnerable residents.



From: [REDACTED]
Sent: Tuesday, 9 February 2021 3:30 PM
To: Macedon Ranges Shire Council
Subject: Objection to Planning Applications PLN/2019/571 and PLN/2019/572

Categories: Planning

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

09/02/21

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 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 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.

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.

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 heights 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 states 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 a 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 the 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 the 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 inextinguishable 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]

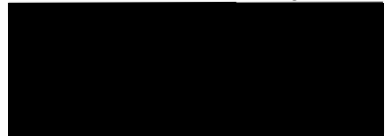
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D21-14341



3rd February 2021

Macedon Ranges Shire Council
129 Mollison Street
Kyneton, Vic. 3444

Attention Awals Sandiq
Co-ordinator Statutory Planning

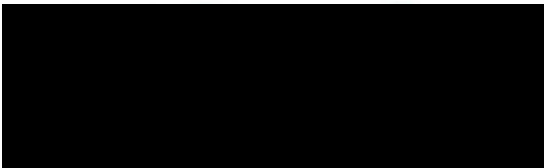
Reference Your ref. PLN2019/572, Service Station & Restaurant, etc.
Applicant – Retail Fuel Developments Pty. Ltd

58 Simpson
Kyneton, Vic.
3444

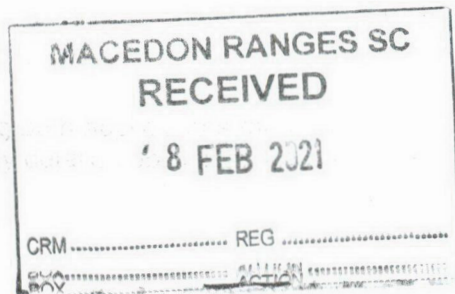
Dear Sirs

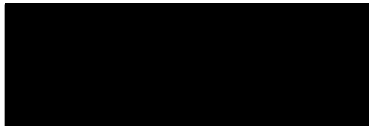
I enclose a copy of my letter to Damien Hodgkins regarding both applications for the Edgecombe Road developments - Nos. PLN2019/572, and PLN2019/571. My detailed objections and comments outlined in that letter apply to both developments.

Yours faithfully



Encls.





COPY ONLY

3rd February 2021

Mr. Damien Hodgkins
Senior Statutory Planning Officer
Macedon Ranges Shire Council
129 Mollison Street
Kyneton, Vic. 3444

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

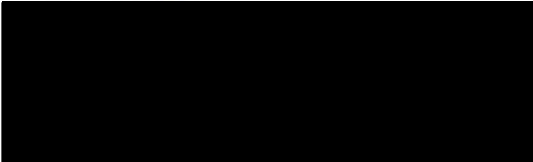
Dear Sir

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.

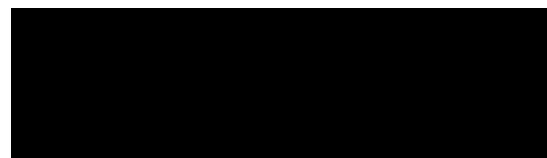
There is already a considerable increase traffic in this recently expanding industrial area, with large trucks servicing the abattoirs and Hardwicks, the Industrie Concrete business in Saleyards Road, the buses now running to and from the newly situated Dyson's bus depot (with the possibility of Organs 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



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.

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 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), Home Timber & Hardware, The Garden Tap, Kyneton Garden Supplies, Rodilesa Plant Supplies, 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.

In addition, a large service station on the Calder will reduce number of visitors passing through Kyneton. Drivers, when forced to come into town to refuel, are likely to stop and find something to eat or shop at one of the numerous local business in town. A service centre on the town's outskirts will effectively wipe out all of this trade.

Kyneton has a national reputation as a foodie destination. People come from all over the country to soak up our beautiful historical atmosphere and eat at our unique cafes and restaurants. McDonald's and other fast food multinationals completely undermine this reputation.

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 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.

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.

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 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.

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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..”

Kyneton has an existing litter problem. A walk in almost any street in town will reveal discarded rubbish.

Most of this rubbish is in the form of food and drink packaging. The introduction of a McDonald's will, without a doubt, increase the litter in town by introducing more food packaging especially given that the main litterers appear to be school age children (evidenced by the enormous quantity of rubbish around the high school) and people who have been drinking

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, although there are no formal footpaths to the location it is within walking distance of the centre of town and reasonably proximate to the schools. The mix of freeway exit, heavy traffic (including trucks) and school children who will walk to access the MacDonal'd's if they don't have access to a car is an accident waiting to happen. What strategies, if any, has the developer done to ensure that pedestrians will be able to access the site safely?

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 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]

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.


Yours Sincerely,

[REDACTED]



2nd February 2021

To Whom It May Concern,

Re: PLN/2019/571 and PLN/2019/572

 will be impacted by these developments in terms of increased traffic flow and therefore increased roadway danger which appears to have been underestimated in the planning applications. The two applications should not be considered independently as they impact the same area and are submitted by the same developers. However, I recognise they can be submitted independently and must be viewed in this light.

I object to the above planning application(s) on the basis that the traffic management plans are unacceptable on safety grounds.

 the roadways (existing and new) covered in the planning application do not adequately provide for safe traffic management. The intersection of Edgcombe Road, Pipers Creek Road and Saleyards Road is already a busy and dangerous intersection and to provide a higher level of traffic and multiple new entry and exit points along that section of road appears to be a terrible misjudgement of driver safety.

It appears that the same traffic management blindness that was utilised for the relatively recent Coles application in Woodend is being applied here too. The junction of Urquhart and High Streets in Woodend is a dangerous, confusing, jumbled mess and could surely have been planned in a safer, clearer way. Let's not make the same mistake again.

Please do not cause another hazardous roadway area in the Macedon Ranges with this development in Kyneton. Please do not only use the planning regulations but use your common sense to insist on a safer reconfiguration of the existing and proposed new roads if this development is to be granted permission. Perhaps the developers could be forced to install a roundabout or two as this would at least slow down the traffic along Edgcombe Road allowing for a less risky passage.

Kind regards,



09/02/2021

[REDACTED]

Dear MRSC,

Re: PLN/2019/572 AND PLN/2019/571

I strongly object to the proposed development for the following reasons including refuting arguments to those who support this development:

1. McDonalds – when will it be that we learn that providing fat and sugar laden foods costs our society zillions and is overall an appalling idea. The cancers caused by obesity let along diabetes and depression you would think would negate the supply of this crap as it is with nicotine, illicit drugs and deservedly alcohol. The endemic diseases this sort of food causes defies logic as to why anyone would want this restaurant in their neighbourhood.

2. Annihilation of local employment opportunities – the places proposed do not offer a career path except for the very, very minimal few. What they do is make established local businesses struggle even further than what they've had to already as a result of Covid 19 which does not look like it's going away in a hurry. Council support for established local businesses should be a priority over these multi nationals.

3. Location – the unique country town atmosphere is immediately destroyed by these businesses being at the gateway of out town. Let them go north without affecting the dear Carlsruhe business.

4. Traffic congestion – [REDACTED] I perish the thought of the traffic at the intersection of Edgcombe Rd and Pipers Creek Rd. [REDACTED] ... the country town ambience.

Perish the thought of these country town munching multinationals chewing up our little town.

Be wise,

[REDACTED]

16 February 2021

Macedon Ranges Shire Council

Re: Planning application PLN/2019/572

To Whom It May Concern,

I believe the question of putting a McDonalds in Kyneton is very straightforward; it is contentious simply because it is the wrong thing to do. [REDACTED] it is a disturbing prospect to have to pass by a McDonalds every day. For me this would symbolise – in giant neon signage – a community that has chosen to give up, like so many others have, in pursuit of a short-term growth strategy. [REDACTED]. [REDACTED]. [REDACTED]. The McDonalds business model is anathema to this local reality – its function is only to extract wealth out of the community. It cannot join a local supply chain and can never be a local business.

I am not registering an objection to the Bunnings – though my instinct is to do so – but the McDonalds is a different question entirely. It would crowd out the possible expansion of other options already proven in the local economy. Why would we not reserve this space for local business, market stalls, food trucks, or community-minded enterprise such as The Social Foundry. If the answer is because the developer is willing to build the infrastructure for a McDonalds, then the answer isn't good enough.

A cursory review of the planning report leaves me very unconvinced by the conventional arguments made by the developer. A very brief selection:

4.10] State policy supports regional growth in locations that benefit from existing community infrastructure and services (Clause 11) and support rural economies to grow and diversify (Clause 17.01-1S) and provide a net benefit to the regional community (Clause 17.02-2S).

- I believe it is very easily argued that there is no net benefit to a unique, rural community by a foreign, corporate chain restaurant.

[5.1] The Site is a strategic location for commercial expansion due to its proximity to surrounding services and infrastructure.

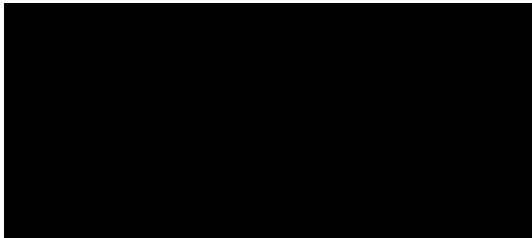
- Yes, and therefore a McDonalds is a very poor option for the site.

[5.3] The developments will act as the catalyst development with a substantial customer base to stimulate the future development of the precinct.

- This needs considerable further thought. The nature of the business and buildings proposed will dictate the nature of further development, namely further chain stores which are disconnected from the community.

On the issue of the service station, it appears to me that this is purely a conventional petrol station. This will be an obsolete – or at least far less viable – business model based on local, state and national commitments to a net zero emissions within a relatively short time frame. It is not clear to me how this simple fact is being taken into account and whether there is a risk of abandoned infrastructure or significant transition costs that are unlikely to be covered by the developer.

Sincerely,



30 January 2021

To whom it may concern,

Planning proposal objection: PLN/2019/571

I write with the following items as key points to my objection -

- **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 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.
- **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 very busy 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.
- **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 Liveability:**
 - 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.

Our community is a happy, healthy and thriving one and we pride ourselves on shopping locally, supporting those small businesses within our town and

welcoming those from far and wide. People come here to escape from McDonalds, Bunnings, giants that are simply just not needed. And if we were to start letting these giants in, then the heart and soul of our town will be lost. The single reason for people to come visit, support our beautiful little town goes away. [REDACTED]

I submit my objection in good faith and hope that you see fit to see all the reasons why this is not a direction that Kyneton needs or should head. I am all for development but this is not the right way to go about it. It is simple minded and I imagine seen as an easy fix. But, it is not. It will bring nothing good to our town only another reason to bypass it.

Kind regards,

[REDACTED]

[REDACTED]



30 January 2021

To whom it may concern,

Planning proposal objection: PLN/2019/572

I write with the following items as key points to my objection -

- **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 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.
- **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 very busy 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 Liveability:**
 - 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.
- The 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.

[REDACTED]

[REDACTED] Our community is a happy, healthy and thriving one and we pride ourselves on shopping locally, supporting those small businesses within our town and welcoming those from far and wide. People come here to escape from McDonalds, Bunnings, giants that are simply just not needed. And if we were to start letting these giants in, then the heart and soul of our town will be lost. The single reason for people to come visit, support our beautiful little town goes away. This will impact me deeply. [REDACTED] Please do not let this happen to us. If you once knew Torquay and the fight that they put up for McDonalds not to come which ultimately they lost and to see Torquay now... it opened the flood gates to the loss of Torquay's heart and soul. It will never be the beachside town that people longed to visit but rather a commercial den of nothingness that lost its very reason to visit. [REDACTED]

[REDACTED]

I submit my objection in good faith and hope that you see fit to see all the reasons why this is not a direction that Kyneton needs or should head. I am all for development but this is not the right way to go about it. It is simple minded and I imagine seen as an easy fix. But, it is not. It will bring nothing good to our town only another reason to bypass it.

Kind regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 9 February 2021 6:11 PM
To: Macedon Ranges Shire Council
Subject: Planning Objection

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]

Regards

From: [REDACTED]
Sent: Sunday, 7 February 2021 5:55 PM
To: Macedon Ranges Shire Council
Subject: Planning objection

Categories: Planning

Planning objection to application numbers PLN/2019/572 for McDonalds and PLN/2019/571 for Bunnings and Associated Developments by [REDACTED]

7.2.2021

Macedon Ranges Shire Council,
Dear Sir/Madam

We are writing this submission because we feel that both these planning applications will lead to the over development of Kyneton and the loss of its rural and historic appeal and character. We don't want Kyneton to become like another suburb of Melbourne.

PLN/2019/572

We feel strongly that Kyneton does not need a McDonalds because:

- Kyneton has enough take away food outlets.
- Everywhere McDonalds has established its stores the amount of litter and rubbish has increased putting an extra burden and cost on the local community.
- McDonalds does not provide net job increases as it usually causes the closure of nearby small food outlets thus causing a loss of jobs.

PLN/2019/571

We feel strongly that Kyneton does not need a Bunnings store because:

- Many local businesses will suffer, especially the local hardware store, plumbing supply stores and mower retailers.
- Kyneton has access to Bunnings stores in Sunbury and Kangaroo Flat.
- Bunnings will cause the loss of local jobs because small businesses will be effected and some may even close losing local jobs.



Date : 9/2/2021



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 Edgcombe 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 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.

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 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.

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 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,

[Redacted signature block]

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. Edgecombe 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, Edecombe 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 Edgcombe 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, Edgcombe 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 Edgcombe Road or around the corner of Pipers Creek Road

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.

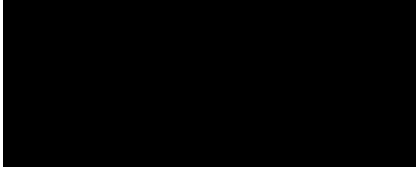
The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people 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.

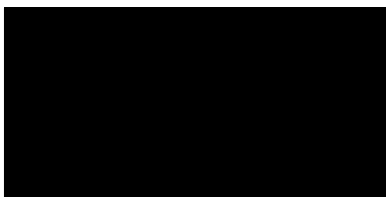
Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of 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,





04/02/2021

Macedon Ranges Shire Council

PO Box 151,

Kyneton, Vic, 3444.

RE: Applications for Development of Land at Lot1,

P/Carlsruhe, Edgecombe Rd & Pipers Ck Rd, Kyneton.



[Redacted], I write to urge you to strongly support this development – not only for the town of Kyneton, but the whole of the central Victoria area. This is an opportunity that must not be missed.

[Redacted] hasten to state I have no vested interests whatsoever in this development – I purely believe that this is the right thing to happen, and situated right where it is proposed to be !

The position roughly halfway between outer Melbourne and Bendigo is perfect.

It was very disappointing to read some of the negative letters to the local paper. There is plenty of scope for people to locate to areas in the north of the state, where they are unlikely to be troubled by this *'terrible development'* they seem to fear. Some points -

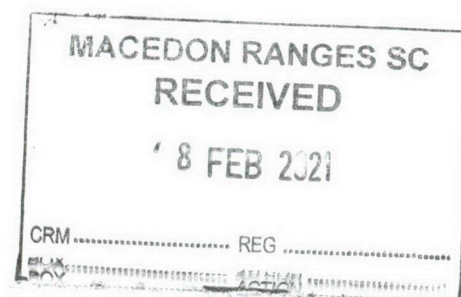
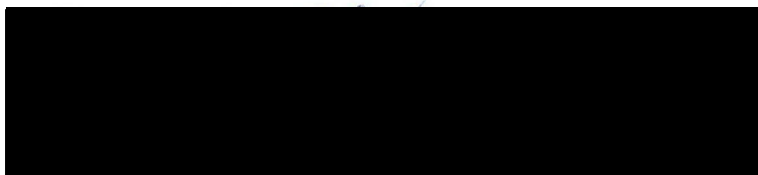
Re Native Vegetation: Much of the land, as it is now, is covered in 'Gorse' bushes, a noxious weed; and the rest is Bent grass, which is considered as an environmental weed.

Re BP: A new one on the town outskirts could allow the existing High Street one to be redeveloped into smaller shops, much more suitable in the High Street area.

Re Bunnings etc: Many of the existing town businesses could get some spinoff benefits.

Re: McDonalds: They keep their premises very clean & tidy - it's the people who are untidy !

Certainly, traffic will need to be given due consideration. Roundabouts at both Edgecombe Road - Pipers Creek Road, and at Pipers Creek Road – Baynton Road will be essential, and the cost of these should be a requirement as part of the Planning Permits, at the appropriate stage.



From: [REDACTED]
Sent: Sunday, 31 January 2021 7:30 PM
To: Macedon Ranges Shire Council; Cr Mark Ridgeway; Cr Janet Pearce; Cr Jennifer Anderson
Subject: PLN/2019/571 and PLN/2019/572 Query
Categories: Planning

Hi there,

First off, I would like to say I am wholeheartedly in favour of the proposed developments because of the jobs they will bring and the extra rates that will flow to Council.

I am writing to question the traffic management assessments for the two developments - and the additional residential developments surrounding the new Bunnings – not to mention the current and future commercial developments on Salesyards Road.

Can you please tell me if the two traffic management plans have been considered together and the impact on the safety of existing local residents to negotiate the intersection of Pipers Creek Road, Edgecombe Road and Salesyards Road? It appears that each of the two developments have been reported on separately and the combined traffic impact has not been assessed.

[REDACTED] is increased traffic for a dogleg intersection with Salesyards Road and Edgecombe Road. There have already been a number of near misses I have witnessed of people driving from Salesyards to Pipers Creek Road and vice versa. Some people do not know who has right of way and do not indicate adequately.

Is a roundabout in order? What about traffic lights?

I would not like to see a repeat of the situation at the Coles car park where Urquhart Street intersects High Street with additional traffic complications coming from the station car park. This design should not have been allowed when Coles was built. It is very confusing for drivers and difficult to negotiate. I am sure a better design could have been achieved there. Please don't make a mistake in Kyneton.

Thanks

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

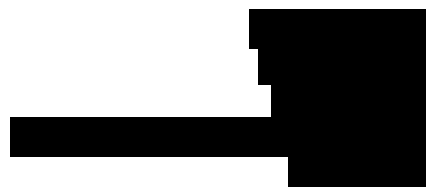
From: [REDACTED]
Sent: Tuesday, 9 February 2021 8:20 AM
To: Macedon Ranges Shire Council
Subject: planning objection

Categories: Planning

[REDACTED] I object to the McDonalds/Bunnings planning applications PLN/2019/572 and PLN/2019/571 and the developments associated with them. I object on the grounds of increased traffic, noise and litter and particularly the impact that this will have on local, existing businesses. Aesthetically both the McDonalds and Bunnings companies build ugly buildings. Having both of these buildings at a town entrance will detract from the atmosphere and country ambience of Kyneton. Please take note of the community and oppose these applications.
regards

[REDACTED]

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 the [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

8th 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 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, wastewater, 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.

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 wit 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 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:

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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]
[REDACTED]
[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

7/2/2021

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.

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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.

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

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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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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 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: Tuesday, 9 February 2021 9:07 AM
To: Macedon Ranges Shire Council
Subject: Objection to Planning Application PLN/2019/571 and PLN/2019/572

Categories: Planning

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.

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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 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: Tuesday, 9 February 2021 4:16 PM
To: Macedon Ranges Shire Council
Subject: Objection to Planning Applications: PLN/2019/572 and PLN/2019/571 - FAO: Awais Sediq and Damien Hodgkins

Categories: Planning

Dear Awais and Damien,

I am writing to submit my objection for both 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.

I have a series of objections, listed below, based on my opinion as both a community member and small business owner in Kyneton.

1. **Destruction of the perception of Kyneton and removal of the motivation for tourists to visit and, increasingly move to, Kyneton and its surrounds:**

[REDACTED]
 [REDACTED] As such my first concern below is one of my primary objections. By having a McDonald's, service station and potentially Bunnings, we as a community are sending the wrong signals to the ever-growing modern tourist that is seeking a unique, independent experience, not a generic one.

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. 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. Perception is a critical driver of tourism, and the perception that Kyneton and its surrounds is a place of big brands will I believe dramatically affect trade.

It will also cause small fast food or take away businesses in town to be affected and they will likely either lose significant trade or be forced to close.

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**

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 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 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. 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.

This final point causes great concern to me for the environmental impacts on the immediate community and wildlife.

There is simply no way that the land used in its proposed manner will not lead to those issues listed in the paragraph above.

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), and based on my own knowledge [REDACTED]

[REDACTED] strongly believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 9 February 2021 3:12 PM
To: Macedon Ranges Shire Council
Subject: Objection to Planning Applications: PLN/2019/572 and PLN/2019/571 - FAO: Awais Sediq and Damien Hodgkins

Categories: Planning

Dear Awais and Damien,

I am writing to submit my objection for both 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.

I have a series of objections, listed below, based on my opinion as both a community member and small business owner in Kyneton.

1) Destruction of the perception of Kyneton and removal of the motivation for tourists to visit and, increasingly move to, Kyneton and its surrounds:

[REDACTED]

As such my first concern below is one of my primary objections. By having a McDonald's, service station and potentially Bunnings, we as a community are sending the wrong signals to the ever-growing modern tourist that is seeking a unique, independent experience, not a generic one. As an outsider to a new place, I would not stop at a town that that signalled big business such as these overly-familiar brands.

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. 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. Perception is a critical driver of tourism, and the perception that Kyneton and its surrounds is a place of big brands will I believe dramatically affect trade.

It will also cause small fast food or take away businesses in town to be affected and they will likely either lose significant trade or be forced to close.

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.

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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.

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Clause 34.02-2 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. 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.

This final point causes great concern to me for the environmental impacts on the immediate community and wildlife.

There is simply no way that the land used in its proposed manner will not lead to those issues listed in the paragraph above. Our green spaces are disappearing too quickly already, and in addition to the human population being detrimentally impacted, wildlife is often sighted at the proposed location, not to mention the soil biology and waterways and wider ecosystem that will inevitably be disrupted.

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), [REDACTED]

[REDACTED] I strongly believe the only viable choice for MRSC is to refuse this planning application.

Yours Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Objection to Grant a Planning Permit

D21-9610

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]		
[REDACTED]	[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 –
PLN/2019/573

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.

<p>I object to the this development application on Traffic, Cultural and Water reasons.</p> <p>Having a service station, fast food shops and a Hardware store in this location will draw people into an industrial area that will complicate a growing area of the town. With one bus depot and most likely a second bus depot located in the industrial area , that service two primary schools in Edgecombe St will course more bedlam at school drop off and pick up times. Livestock trucks heading to Hardwick's or the Sale yards, trucks servicing business such as Perry's, Elders , Central Vic sheds, Bridgestone, just to mention a few will make these businesses question why they have moved to this location. We are trying to create an industrial area which relieves congestion in the town and allows for easy movement off the freeway that services the industrial area. This developme</p>
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Attach additional page/s if there is insufficient room.

has the potential to congest a developing industrial area and could have drastic effect on existing business within the town.
The Southern entrance/exit into Kyneton has a welcoming feel to it, open field with Trees and Stonework. The Northern entrance/exit at the moment also has this feel but this will not be the case if the usual fast food, fuel and Bunnings hardware have their way.
With the influx of people into this development will put more pressure on Coliban Waters Kyneton Reclamation plant. This plant has failed continually since 2007 and Coliban Water are charged with 11 counts of pollution by the EPA in 2019. This case has not yet been dealt with by the courts.

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

Attach additional page/s if there is insufficient room.

████████████████████ Since 2007 the quality of water has declined to the point where I am no longer able to use this water for stock and domestic purposes. This has cost me tens of thousands of dollars. The permanent water holes are covered by Azola, starving the water of oxygen thus destroying habitat for all water life including the Platypus. Platypus are now on the endangered list. Further development that impacts on the rivers and streams has to stop.

Empty table rows for additional text.

Objectors Signature

This form must be signed

Signature:

Date:

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


9th 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 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 object to this proposal 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 already well provided with 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, 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 deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgcombe Road, 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 carriageway would hold up traffic and bank it back 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 m². This proposal has a stand-alone restaurant, McDonalds, at 377 m², and has a Service Station that has a retail shop, at 250 m², and a restaurant, at 165 m², inside it. This is a total area of 792 m² 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 affect all the above-mentioned clauses which aim 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.

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.

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 affected 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 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.

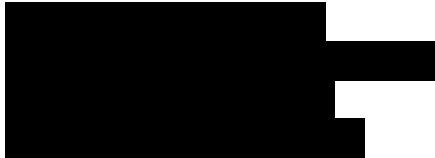
Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of 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 demonstrating serious inconsistencies 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 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

Date 16th 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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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.

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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.

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 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).

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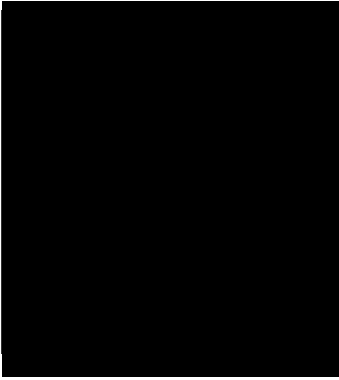
Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of 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,





11th December 2020

Governance Department
Macedon Ranges Shire Council
P.O.Box151
Kyneton

Dear Sir/Madam,

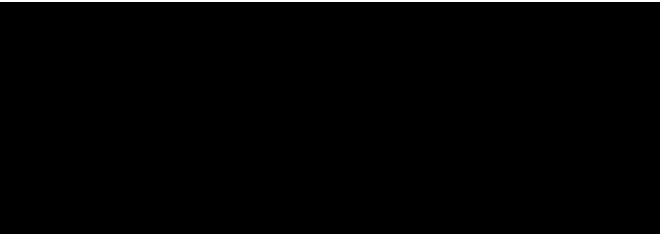
I would like to register our strong support of the Bunning/McDonald development on Edgecombe Road, Kyneton

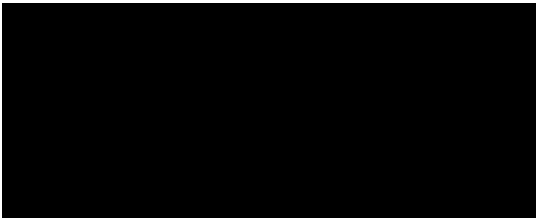
This development will provide hundreds of jobs and opportunities especially for young people with their outstanding training programs preparing them for the next stage of their careers.

Bunnings is renowned for hiring retired skilled tradesmen giving customers expert advice in the field of their expertise. At the same time will give support for residents and business owners.

I strongly support this development reasons I have already outlined.

Yours sincerely





ATT: 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

Monday February 15, 2021

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

Hello Awais and Damien,

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I feel that the addition of a service station, Bunnings and McDonalds to Kyneton would be a major misstep and very damaging to the community. The times in which we all live call for decisions regarding our communities to be made with the environment at the forefront of our minds. Please consider my objections.

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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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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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 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.

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.

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 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.

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 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,

██████████

Re: Objection to Planning Permit PLN/2019/572 at Edgecombe Road.

From:

[REDACTED]

[REDACTED]

[REDACTED]

Dear Councillors,

I formally object to the application for a planning permit (Planning Permit PLN/2019/572 at Edgecombe Road) on the following grounds:

1. Destruction of heritage

This grotesque development serves only to benefit the pockets of the developers and environmentally and socially irresponsible multinational corporations. It doesn't nothing to enhance the environment, community or region. A few casual, exploitative jobs for teens is not worth destroying the cultural heritage and image of a town that is known for being a small, rural hamlet without corporate, multinational fast food chains.

Ultimately, it will do nothing for this town but degrade it's reputation, natural environment and liveability, turning it into a generic, soulless wasteland akin to the outer suburbs of Melbourne.

Large developments like this are out of character for the town and totally out of the step with the wishes of the community who support farmer's markets, small businesses and local farmers.

2. Noise, air and light pollution

Unlike the city, Kyneton is not a 24-hour economy. By night, Kyneton is a quiet town where you sleep peacefully without traffic noise and look up to the sky to see the stars without bright lighting from Golden Arches signs interrupting the view.

This hideous, greedy development will create light pollution, noise pollution, traffic and air pollution from the trucks and semi-trailers that will continually roll into town 24 hours a day, 7 days a week.

Studies have shown that light and noise pollution at night has been linked to higher rates of depression, anxiety and insomnia. Is this what you want for ratepaying residents?

Our quiet lifestyle must be protected and preserved in order to maintain our health.

3. Threat to tourism industry

Kyneton's unique heritage and character will no doubt be destroyed by this development, and with it the tourism industry and small businesses that rely on visitors who come to this region to immerse themselves in a special town that doesn't have a city feel.

This huge, unnecessary, city-style development will destroy the goodwill of the community and sell the soul of a beautiful place. Once developments of this nature are allowed, there is no going back. Right now, more than ever, tourists are seeking to disconnect from the fast-paced, neon-lit, loud and busy cities by coming to rural hamlets like Kyneton to enjoy peace, nature and slow pace of life.

Adding a 24-hour McDonald's will destroy the image of the town and make it akin to Sunbury or Melton. If the pandemic has taught us anything, it's that living a slower, more connected life is key to a sustainable future for the planet and strong, healthy communities.

4. Health of the community

Speaking of healthy communities. Consumption of processed, fast food causes dental decay, obesity, heart disease and diabetes. There is no point council encouraging the community to 'get healthy' if the same council approves a McDonald's and other fast food restaurants to exist in the community, especially ones that are open 24/7.

5. Impacts on small businesses run by hardworking locals

Local restaurants and eateries that are run by and employ locals will be less likely to trade and compete against a multinational corporation with huge

budgets (and offshore bank accounts to fuel tax avoidance strategies). Macedon Ranges Council recently spent considerable funds on encouraging residents to 'shop small' and 'shop local'. This development is completely contradictory to this message and notion.

6. Adds nothing positive to the community

Kyneton already has several service stations, eateries, locally-run nurseries and hardware stores. The town doesn't need more of these, especially not ones run by multinational corporations with no connection or investment in the local community, who serve only to benefit the wealthy CEO and shareholders.

7. Personal impacts

[REDACTED]

Overall, I strongly oppose this greedy, characterless development on the above grounds. The character and future of Kyneton is at stake. Growth for growth's sake is what has obliterated the world's natural resources and communities. Let's preserve the beautiful, strong, happy community we've got, and say no to the greed and wanton environmental destruction that this grim development stands for.

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

13th 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 would like to submit an objection to both of the above planning applications on the following grounds:

1. I don't believe there is a need for another Service Station at this location.

According to feedback I have seen - 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 site is within 10 km of the Karlsruhe service station, and within 50 km of the Ravenswood service centre. I understand also that the Karlsruhe Service Station site is due for development as well, which would be a far better option than this greenfield location.

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

Is the Council confident and has evidence that there is a need for this service station in this proposed location, as I believe the area and the Freeway are already well serviced.

2. Breaches in the Commercial 2 Zone land planning

I understand also, 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 100 m², it does not specify the land use of Service Station like in other zones.

Under Clause 34.02-1, C2Z specifies the leasable area for Food and drink must not exceed 100 square metres. This proposal has a standalone 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. 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. It is increasing the urban sprawl and highlighting unimaginative use of prime space.

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.

I believe the existing; Food & Beverage, Hardware, Plumbing, Farm & Garden Centre business outlets will be severely impacted by the introduction of a Bunnings & Macdonald's into our local area – creating unemployment and further community stress.

4. 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 bio-links.”

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 will be an increase in waste materials being dumped by users of the proposed food outlets, along the various streetscapes, which is already a big issue as you head north along Edgecombe road out of Kyneton – further impacting outlying environments.

5. 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.

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”.

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 and hope the only viable choice for MRSC is to refuse this planning application, and save Kyneton from becoming another tasteless multi-national retail outlet town pawn.

Yours Sincerely,

██████████

To whom this may concern at MRSC,

I wish to provide support for planning permit applications PLN/2019/571 and PLN/2019/572.

These projects present an opportunity to contribute significant social and economic benefits to the Kyneton and wider Macedon Ranges community; at its core the development will provide state-of-the-art, gender-equitable, universally designed environments to allow the site to transform from a paddock into a vibrant hub creating economic stimulus and visitation to the township.

With Council continuing to support subdivisions and growth of townships in the region (Kyneton, Gisborne, Woodend, Romsey the most notable) the importance of local jobs is paramount and developments which support a thriving economic environment are imperative - this development will create an abundance of jobs including direct, industrial and consumption effects. I support Council wholeheartedly in providing the opportunity to encourage opportunities for residents to work locally, particularly in a community such as ours where residents in rural areas experience higher levels of stress due to long commutes

[REDACTED] and the majority of residents have no issues with the proposal put forward by the applicant and would ask Council / Councillors to consider the greater community benefit rather than the views of a small group of objectors.

Kind 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

06/02/21

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 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 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. [REDACTED] I am worried about the additional traffic and congestion that a new development over the bridge will create.

In addition, 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. I support local wherever possible this is the fabric and benefit of living rural and living in a smaller town. Future developments need to be made taking into account the impact on smaller businesses.

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 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. [REDACTED]

[REDACTED] I am not interested in supporting developments that would detract from the character of why [REDACTED]. I believe in sustainable development and [REDACTED]

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 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.

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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.

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.

It is telling when a new development requires screening measures. If good design principles and sustainability were forefront in this development, we would not need to include these types of clauses.

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.

7. Traffic Impacts

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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.

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

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. 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

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] 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 and 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 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 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 [REDACTED]. 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.

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:

- ‘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:

From: [REDACTED]
Sent: Thursday, 28 January 2021 1:41 PM
To: Macedon Ranges Shire Council
Subject: [Sender Unverified] Objection to MacDonalDs/Bunnings/BP development

Categories: Planning

Dear Macedon Ranges Shire Council.

I strongly object to the proposed developments on the corner Edgecombe and Pipers Creek Rd 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 aesthetic, environmental and agricultural aspects of the site.

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

Customers who eat junk food tend to throw their litter out the car window as they drive off. Edgecombe

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

There is no need for more junk food outlets in Central Victoria.

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


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


[REDACTED] 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]



To: Macedon Ranges Shire Council
Planning Dep.
Att. Damien Hodgkins 

Kyneton, 3rd February 2021

RE: Edgcombe Road Planning application PLN/2019/571

Objection, 2 pages.

Dear Mr Hodgkins,

I write in regard to the above planning application for Edgcombe Road Kyneton, which includes a Bunnings trade supplies retail premises, removal of native vegetation, alteration of access to road zone. We are here lodging a formal objection. Should this application proceed to a council submitters meeting, we wish to be included as objectors.

Supporting local economy:

The Council campaign "Go local first" encouraging residents to support small business in the local community should be reflected in its actions. The plan for a Bunning will directly threaten local businesses such as nurseries, paint shop, family-owned "Home" hardware shop. It runs contrary to the Council's stated vision for the town in its own Kyneton structure plan. There are Council's moral and legal duty to protect local economy, as stated in its Macedon Ranges Visitor Economy Strategy, p. 4. Other quotes from the Kyneton structure plan: "The existing Business 3 zone land on Edgcombe Road North 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."

Traffic:

The new development relies on motor travel to get to it with foreseeable traffic congestions at peak hours and impacts on residents with heavy vehicles using this route. I am concerned about poor traffic management with entry/exit lanes. The intersection Edgcombe rd/Sales Yard rd/Piper Creek road will be particularly dangerous. Edgcombe road is not designed for increased heavy vehicles traffic.

· The southern and western areas of the site is zoned Commercial 2 Zone (C2Z) and the eastern section is zoned Rural living zone (schedule 2) (RLZ2)

· This site is subject to the Environmental Significance Overlay Schedule 4 (ESO4) and the Macedon Ranges is identified as an Environmentally Sensitive Area of State Significance under clause 12.05-S1. State and local policy require the protection of Post Office Creek.

· This site is identified as an area of Cultural Heritage Sensitivity and found to be of high archaeological/ scientific, high social and high spiritual significance. State policy at clause 15.03-2s seeks to ensure the protection and conservation of areas of Aboriginal cultural heritage and significance

This northern section of Kyneton is absorbing the lion's share of industrial/commercial development in the Macedon Ranges, when you include Saleyard Rd, Beauchamp St, Redesdale Rd and the above development. Yet is also the gateway to some of our most precious natural attractions, such as Blackhill reserve and Turpin falls. The Post office Creek runs directly through this parcel of land and provides habitat for species, indigenous to the Kyneton area, yet this development would place this habitat under an untenable burden.

This huge development is land being lost to industrialisation and urban sprawl and is unnecessary for our agricultural history, local small businesses and the jobs they provide, our precious unique environment, our ancient cultural heritage, our tourism economy, our children and our community.

Victoria has seen many country towns damaged by over development and a move away from what makes them attractive places to live and visit. Let us work together to avoid that sinister future.

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:	[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

The land

Address of the land

Street No:	Street Name: Edcombe road
Lot No: Township Kyneton	Title details (CA, LP, PS, CP, TP) no.: 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.

Objection attached

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

Attach additional page/s if there is insufficient room.

██████████, see objection

Objectors Signature

This form must be signed

Signature: ██████████
Date: 27 January 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:

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

In Person:
Any Council Office

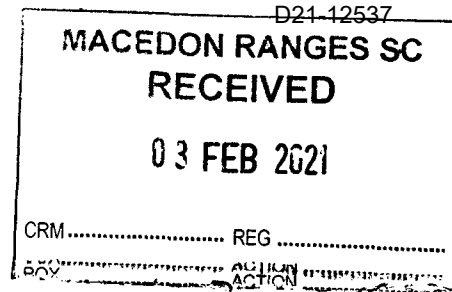
Email: mrsc@mrsc.vic.gov.au

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



ATT: Damien Hodgkins

RE: Application Number PLN/2019/571

I wish to submit this **strong and formal objection** of the development site by Retail Fuel Development Pty Ltd reference number as listed above.

[Redacted] with the expectation that I will be offered a rural lifestyle and contribute to the neighbourhood hub and support my local retailers. Now I learn that Kyneton has plans to disrupt this landscape and carve up huge acreage and build roads to allow for Bunnings development.

Objections:

TRAFFIC: [Redacted] will increase the truck and automobile traffic along both Edgecombe and Piper Creek Road.

CONGESTION: The intersection at Edgecombe and Piper Creek Roads will be further congested with large delivery trucks and shoppers than at present by Dyson buses and cattle trucks.

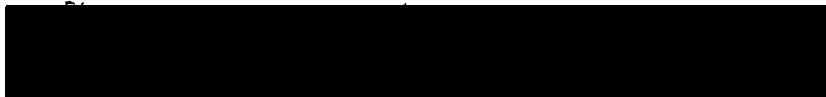
NOISE: This site will attract large vehicles to the site by truck deliveries at all hours thus increase the noise level along Edgecombe Road during the night.

LOCAL BUSINESS: As Kyneton already has an existing Hardware and Nursery that is struggling to exist in this COVID 19 era do we really need more of the same.

LIGHTS: This development will need security lights and alarms systems this will certainly cast an impact from the view [Redacted]. Further, the high beam lights from the delivery trucks will be seen throughout the night every night.

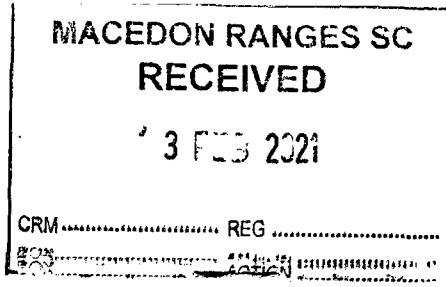
LANDSCAPE: Most Kyneton roads offer residents and visitors a lovely rural landscape. Removal of existing trees and vegetation and installing metre high signage and future traffic lights will indeed turn that area into an industrial eye sore.

SOLUTION: Rezone all this acreage to rural farming so that we do not have to fight any future industrial developers again. In return offer housing development for Kyneton homeowners a rural style.



you have receipt of the

All three propose development sites will impact of the Kyneton township by creating a divide between the town and industrial communities. In addition the value of the existing residential properties along Edgecombe Road will lose their status and property value.



RE: Application Number PLN/2019/572

I wish to submit this **strong and formal objection** of any development of home plots and/or factories on Edgecombe Road. Furthermore, wish to object to the fact that **I was not notified of this planning application** as this development could

[REDACTED]

Objections:

TRAFFIC: Traffic will continue 24 hours 7 days a week from customers, truck drivers and night-time deliveries.

ENVIRONMENTAL IMPACT: The impact on wild life and water ways over such huge acreage would be devastating. The impact on Kyneton's resources such as town water usage and septic flow would be a cause of concern in future by such a huge development site. In addition sinking a fuel tank into the ground would render that land useless for any further farming, parks and/or natural reserve.

NOISE: Traffic and delivery noise will now increase to 24 hours because to the countless delivery trucks to the proposed 25 factories.

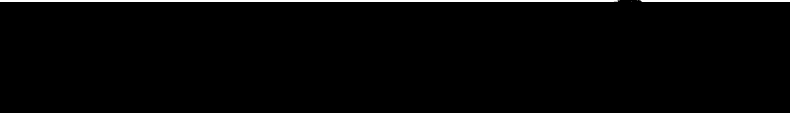
LIGHTS: Signage lit up 24/7 on tall pylons will case a beam **[REDACTED]** and all residential homes in Dettmanns Lane

LANDSCAPE: This area of Kyneton will lose all it existing trees and natural vegetation to the detriment of the wild life.

RESOURCES: With that many new developments there will be a drain on existing town water resources.

SEPTIC: The septic overflow from the proposed 25 factories and 18 homes will indeed be cause for concern.

SOLUTION: **Rezone all this acreage to rural farming so that we do not have to fight any future industrial developers again. In return offer housing development for Kyneton homeowners a rural style.**



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All three propose development sites will impact of the Kyneton township by creating a diviae between the town and industrial communities. In addition the value of the existing residential properties along Edgecombe Road will lose their status and property value



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

7 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 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 northern Gateway of Kyneton does not exhibit high quality architecture or pleasing and

liveable urban design but is an off the shelf boiler plate concept that will make that entrance to Kyneton just as ugly as any of the roadhouse entrances anywhere else. In other words, what is happening to the unique character of Kyneton that council is supposed to protect?

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 against the Kyneton town centre and will have an adverse economic impact on Kyneton businesses.

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 Figure43)." 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 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 car parking fronting Edgecombe Road and Pipers Creek Road. The approaches to town on Edgecombe Rd will be congested and therefore the motorists visiting the town at this point will be met with an experience in conflict with a well planned town entrance.

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 bio links.”

The existing fields are a significant grazing area for protected eastern grey kangaroos which if displaced by the development and traffic, will have not only the habitat destroyed and degraded but the increased road kill events on the adjacent roads will demonstrate poor planning and lack of adequate concern for the environment if the proposal was approved.

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 anon-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,

██████████

5 February 2021

[REDACTED]
[REDACTED]
[REDACTED]

Damian Hodgkins
Senior Statutory Planning Officer
Macedon Ranges Shire Council

Dear Damian,

**RE: Objection to Notice of an Application for Planning Permits
PLN/2019/571 & PLN/2019/572
Lot 1 PS 331532TP P/Carlsruhe
Edgecombe Road, Kyneton**

I have received correspondence from the applicant with a proposed overall site plan and elevation plan for Retail premises. Further information has been sourced through Councils advertising online planning applications. I also note that no correspondence was received for PLN/2019/572 Service Station proposal.

Although I have no objection to the actual proposed permitted use, I do have objections to the following matters:

1. Proposed Traffic Management

The traffic assessment needs to further consider the significant increase in large trucks and general traffic to use the proposed trade supplies and service station. This will also include delivery trucks up to B-Doubles that are proposed to deliver products on and off site at both Edgecombe and Pipers Creek Road.

If these two proposals had been consolidated to the one site as per proposal from VicRoads (i.e. Edgecombe Road Bunnings side of Pipers Creek Road) without needing to have exits and entrances to both sides of Pipers Creek Road (before an intersection) this would create less traffic and in particular through traffic across a rural roadway. Would a service station that includes convenience stores be better located with direct access from the freeway rather than an entrance to the town as per the ones located at Calder Park.

I do not believe the further increase to traffic for other industrial sites that have all been sold and will soon be in use have been taken into consideration. Traffic and in particular large vehicles or trucks will also need to be accounted for the new businesses that will be located in Saleyards and Edgecombe Roads. Have Council evaluated the future proposals for these sites i.e. vehicle transport and other retail commercial and industrial premises.

The traffic assessments were also done prior to the two businesses now located across from the proposed service station site, vehicles are already crossing over the double lines and right-hand traffic lane for Pipers Creek Road to access these driveways instead of using the Saleyards Road driveway. Assessments were also not undertaken during the busier warmer months of the year and over long weekends. I believe future traffic counts may have been underestimated for the attendance to both of these sites.

Once these businesses are built and the road interfaces created, they will not be able to be changed to accommodate further increased traffic and will therefore impact the current residents who utilise these roads to access the township, work and schools.

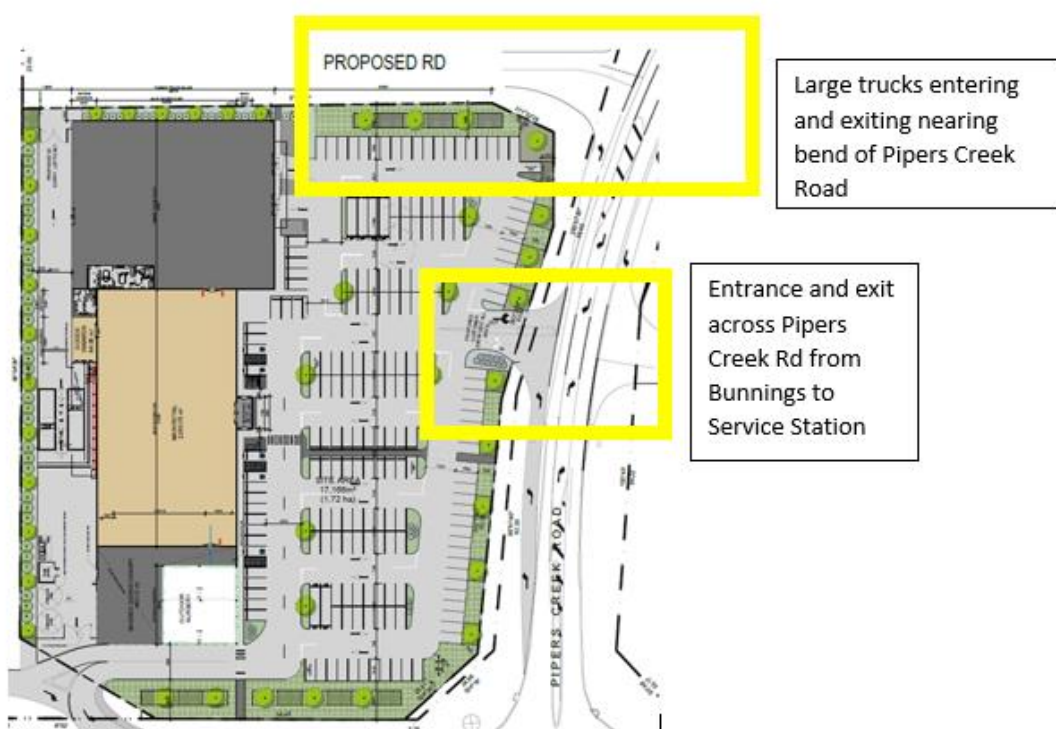
there has been a significant increase to the traffic in this area over the last 10 years with not only large trucks but also with caravans and boats as the main roadway to Lake Eppalock and the Murray River. This is likely to continue with Metropolitan Melbourne residents now frequenting regional Victoria more often.

2. Intersection treatment and interface

The traffic assessment does not address the near misses or accidents without injury or report that happen on a frequent basis at the intersection. Drivers are already challenged with the current format and as a consequence of the Pipers Creek, Saleyards Road crossover Edgecombe Road drivers are not always giving way to the appropriate traffic. This will only be increased with the significant increase of traffic that will be using not only the intersection due to the proposed new businesses but by also having these on either side of Pipers Creek Road. I believe further consideration will need to be given how to best address this intersection i.e. should it be a roundabout or altered intersection. If the service station was moved on the other side of Bunnings and the factories moved to where the service station is it would create less traffic in this small intersection particularly with large vehicles on Pipers Creek Road.

3. Significant traffic increase to rural residential roadway

Pipers Creek Road and Baynton Road are both rural residential roadways that already see quite significant traffic which will be further increased with the new rural living blocks having been approved by Council. The plan below shows the increased challenges prior to the Edgecombe Road intersection on Pipers Creek Road. Traffic will be crossing from the Bunnings site across to the Service Station along with large trucks entering the proposed new Road for deliveries. Along with this Pipers Creek Road and Baynton Road are both used for cyclists and road races on a frequent basis. Another thing to consider is the large amount of rain water that collects at the current Pipers Creek entrance to Edgecombe Road this will need to be addressed.



4. Large truck movements on rural residential roadway

Pipers Creek Road is a rural road and even with the proposed alterations to the roadway will still be a concern with large trucks trying to exit and enter before a bend in the road and with school buses in the mornings and afternoons adding to the large traffic movements. The roundabout off the freeway on Edgcombe Road and bridge already have asphalt road issues due to the large amount of turning heaving vehicles this will also need to be a consideration for Pipers Creek Road.

5. Signage (illumination)

Even though this entrance to the town is through a Commercial/Industrial area Kyneton is still known for being a tourist town and is reliant on tourist visitation. The new businesses will be clearly visible driving on this roadway therefore is there a need for large signage in particular signage that is illuminated. These businesses logos are well known and recognisable and will also be large on their business premises. This does not make for a welcoming tourist entrance to a country town rather promotes a larger city entrance to the township. Illumination will also need to be considered for the residents nearby as so to not impact on the rural living and amenity for this area.

6. Noise and Hours of operation

Has there been any consideration to the noise created by large truck movements in particular on Pipers Creek Road and how this will be mitigated? Large trucks already travel along Pipers Creek and Baynton Roads using air brakes. Will there be noise from early deliveries to site and from patrons particularly late at night as the sound travels some distance. Noise generation can cause significant loss of residential amenity. Is there a need for a 24-hour operation for this site as it is not located directly facing a major freeway? What would be the impact of these hours on the surrounding rural living areas?

7. Creek interface

With the recent heavy rain, the land where the proposed Service Station is to be located was inundated with water laying across the front of the property. This is a common occurrence with a significant rain event and would need to be considered in the design as to not allow hard surface run off into the Post Office Creek. Household septic are to be a significant distance from waterways to avoid pollution we need to ensure the hard surface run off or any other spills or leakages from a Service Station i.e. fuel does not impact the waterway.

Please feel free to contact me should you require any further information or clarification about my objection. It is important that growth still includes an interface and design that fits with our local community and town. I hope that all of my comments are taken into consideration and thank you for your consideration.

Regards,

████████████████████
██████████

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 3 February 2021 11:57 AM
To: [REDACTED]
Subject: New truckstop development, Mc Donald's and Bunnings

I really hope this goes ahead.
There are currently no 24/7 service stations in Kyneton.
The proposed truck stop will encourage Truckie to stop and have a coffee, grab a bite. Something they can't do at present as there is no where to park in town.
Stastics have shown these type of truck stops save lives, especially when driving for long hours, and as we all know, accidents happen the closer a person gets when driving home.
This would be the only truckstop on the left hand side of the highway between Swan Hill and Calder Park.

This type of development will not take away from the town.
EURORA currently has a truck stop located on the Hume. Eurora also is a historic town and the truck stop there has not hurt the historical value of that town.

McDonald's and Bunnings are very big supporters and puts back into the community. Local kids and Mums with school kids will be able to benefit from the employment both sites, as well as full time employment for many locals.

I encourage councillors to look for all the positive of this type of development in the community.

Currently there were objections to the development of the old hospital, and primary school. The Hospital is now an eyesore, and falling down, it will soon be a safety risk, and will be unable to be restored, and it will need to be demolished. The primary school is beautiful, always seems deserted.

Our world and community are changing. To keep our community growing we need more infrastructure. Another supermarket in town would be great as well.

There is lots of new housing developments happening, and if we want to attract people we need to have infrastructure to support this

Kind Regards
[REDACTED]

Get [Outlook for Android](#)

[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

9th 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 wish to make my objection on the following grounds:

1. There is no need for a Service Station at this location and post-use contamination clean up

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. I also understand there is soon to be a major upgrade of the Karlsruhe service station in the near future.

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.

Also, service station sites are invariably contaminated, and I am wondering who is finally responsible for the clean up when it is closed down – as it will be once fossil fuels are no longer used.

2. Litter

I am very concerned at the inevitable increase in litter that will result from the Macdonalds, it will be strewn up and down all the surrounding roadsides. Macdonalds take-away containers are not biodegradable, neither are most recyclable. This is also true for most of the take-away containers used by other food outlets in Kyneton. Given the great work the council is doing on waste it would

be great if the council could get together through the national council association to work towards requiring all take-away containers to be preferably biodegradable or fully recyclable.

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 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.

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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.

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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

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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.

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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 and traffic lights

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 increase in traffic will result in a demand for traffic lights and who will pay for these?

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.

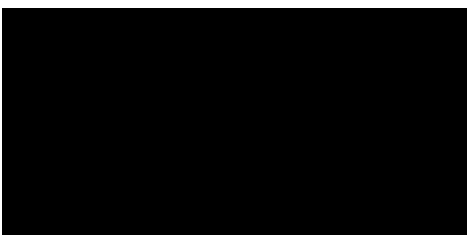
The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians’ (p. 6). Amongst other objectives the 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]

[REDACTED]

[REDACTED]

Date: 9 Feb 2021

Macedon Ranges Shire Council.

Planning Dept

Att: Awais Sadiq

[REDACTED]

[REDACTED]

Dear Mr Sadiq,

Re : Edgecombe Road Planning application PLN/2019/571

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

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 goldfields heritage and deserves to be developed in a manner which upholds its historic background. I do not believe these proposed developments support this heritage. It seems fair to ask that some towns such as Kyneton have their historic character protected, over and above large corporate development.
- The inclusion of a sizable pylon sign (S13 in the Signage Plan) does not fit with the Kyneton heritage or with the greater Macedon Ranges environment for visual aesthetics. It is clear from other McDonalds locations in the Macedon Ranges there are a range of signs available, and I would request the planners consider minimising the height of the pylon similar to Gisborne McDonalds if the development goes ahead.



Gisborne McDonalds with a low pylon sign

- The inclusion of flag poles (S12 in the Signage Plan) identifies that there will be two flag poles up to 8.5m high, one of them with a McDonalds flag and also a banner between the poles at a 2m height. This would seem to be an unnecessary eyesore and not required to identify the McDonalds at the site. It would be totally unfitting within the area and should be removed from the proposed plans
- The application makes no reference to any long-term sustainability plan, as part of the development. I object to the proposed development without a clear long term sustainability plan, with commitments to managing waste, sustainable packaging, renewable energy, use of sustainable building materials etc. I urge council to ensure a clear sustainability plan is defined and included in any planning approvals.

I hope that the above detail is sufficient for you record my objection to the proposed development. If you require further information please feel free to contact me.

Yours sincerely

██████████

[REDACTED]

[REDACTED]

[REDACTED]

Date: 9 Feb 2021

Macedon Ranges Shire Council.

Planning Dept

Att: Awais Sadiq

[REDACTED]

[REDACTED]

Dear Mr Sadiq,

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I hope that the above detail is sufficient for you record my objection to the proposed development. If you require further information please feel free to contact me.

Yours sincerely

██████████

28 January 2021

Macedon Ranges Shire Council

Submission to Planning Permit Application PLN/2019/572 and PLN/2019/573

I am writing in support of the proposed developments on Edgcombe Road Kyneton.

[REDACTED] and its always the same, people complaining about progress and change, and those that want to see change not expressing their views, so I find myself wanting to write and support the proposed development on the outskirts of the town [REDACTED] (especially after being letter bombed by people trying to incite angst in the community by labelling their document 'Proposed developments – unacceptable levels of risk and danger!' and trying to get others to make an objection, then I am even more compelled to make a submission outlining my own supporting view!).

I [REDACTED] have no issues with the any of the developments proposed (service station, food outlet or new hardware store) in fact I am excited that such retail offerings will be available in close proximity to where I live rather than having to travel out of town.

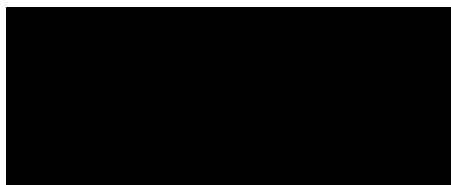
I do not believe the developments will detract at all from the character of the Kyneton township, as they will be developed on the northern side of the freeway and in an appropriate industrial zone. It is about time the local service stations got some further competition, maybe then will see more competitive local fuel prices. Having a Bunnings will mean that I will be able to buy what I need locally and not have to travel out of town to do so (not to mention keeping local the flow on spend that is done while I am in another town). McDonalds are a huge supporters of local community groups and sporting clubs, providing much needed sponsorship which is a of great benefit, at the end of the day it is just another food option, no one is forced to eat there.

After looking at the supporting documents provided with the planning submission I am sure the developers will follow due process and that Council will ensure suitable planning conditions are put in place to ensure the development is done in an appropriate manner.

I see it as a win for Kyneton and am looking forward to seeing some local progress and more employment opportunities, especially for our youth.

Sincerely

[REDACTED]

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 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. 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.

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 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, 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 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 m². This proposal has a stand-alone restaurant, McDonalds, at 377 m², and has a Service Station that has a retail shop, at 250 m², and a restaurant, at 165 m², inside it. This is a total area of 792 m² 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, as 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 northern gateway of Kyneton does not exhibit high quality architecture nor urban design, but rather 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.

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 stand-alone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgcombe Road side of the McDonalds stand-alone 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 the 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.

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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 a 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.

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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.

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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.

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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,

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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

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.

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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.

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

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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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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 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]
[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

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

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 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 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 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.

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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.

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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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.

In addition to the other points listed above, [REDACTED] I believe that the Macedon Ranges region is truly the most remarkable area and the only place in Victoria in which I want to live. [REDACTED]

[REDACTED] I am also deeply concerned that there will be unplanned consequences of this proposed development that will destroy the fabric of Kyneton.

Yours Sincerely,



