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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](mailto:mrsc@mrsc.vic.gov.au)

16<sup>th</sup> 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, like many others am concerned about this development and the impact it will have on the environment, local business and tourism in the area.

As a resident I believe that I will be negatively impacted by the development in terms of traffic and congestion and that there is essentially no need for a development of this scale in the proposed location. We already have three service stations in town. There appear to be many grounds to object from a logistical and planning perspective that are outlined below.

Furthermore, as a local business owner working in tourism, I feel that having a development of this kind at the gateway to some of our key tourist attractions – Black Hill, Bald Hill and Hanging Rock will be not only an eyesore to tourists but a danger to traffic, cyclists and animals. The Macedon Ranges is promoted widely as a boutique, artisanal, “foodie” destination yet this image will be undone by the establishment of a McDonalds in the area. The road should be further developed as a tourist trail and not locked into a suburban style development that will severely impact the look and feel of Kyneton. With tourism, as one of the leading employers in the region I expect that my voice will be listed to not only as a resident but as a committed business owner that has been working hard to improve the status of Kyneton as a visitor destination over many years. To that end I have assisted on the Councils own Tourism and Economic Development Strategy that recommended improving existing infrastructure around rail trails and moving away from large scale developments that undermine the nature based and boutique style tourism experiences that our visitors are drawn to.

I wish to make my objection specifically 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?

Furthermore, the increased take up of electric vehicles and movement away from fossil fuels will make the need for further service stations obsolete. The recent closure of Exxon Mobile’s Altona refinery being a case in point.

### **2. Contravenes Tourism Macedon Ranges Visitor Economy Strategy 2019-18**

The [Macedon Ranges Visitor Economy Strategy 2019-2029](#) and [action plan](#) sets the long-term vision and strategic direction to support and grow the future visitor economy. As I was active in helping to develop the strategy, I feel certain that the McDonalds development contravenes the core goals of the strategies and undermines many of the Councils own action plans built on ensuring that we develop the Macedon Ranges brand and manage the “significant landscape, environmental and cultural values of the Macedon Ranges”.

Any growth in tourism and jobs also needs to be weighed against these and, with tourism as the major employer in the area, it is a real danger that the development would put at risk our local tourism sector in favour of a large corporation and unlikely that the McDonalds development will do anything in real terms

to aid employment opportunities or put back into the local community. Furthermore, whilst one of the key goals of the strategy was to increase visitation, visitors are known to visit the region to take part in a range of nature-based activities, artisanal workshops and partake in the food and wine offerings of the region. McDonalds is a feature of many towns and offers nothing unique to celebrate. It will not increase the type of visitors that will contribute economically to the region's health.

The below key points summarised in the action plan will be directly impacted by the development:

*2.1 ensure growth of the visitor economy is appropriately managed to conserve the significant landscape, environmental and cultural values of the Macedon Ranges*

*2.2 build and grow the identity of the Macedon Ranges brand*

### **3. Cultural Heritage**

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). There is much more work needed to ensure that an area of cultural significance is not overlooked

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.

#### **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 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.

## **5. 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?

## **6. 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*. Dominant McDonalds signage will inevitably lead to a branding association with the town and leave a negative and contradictory impression with tourists visiting Kyneton because it has been widely as an artisanal, bespoke, “foodie” town.

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.

## **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. 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.

## **Summary**

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

Yours Sincerely,





**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** planning objection  
**Date:** Tuesday, 9 February 2021 8:19:52 AM

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[REDACTED] I am a long-time resident of Kyneton and 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]  
[REDACTED]  
[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]

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** OBJECTION to Application number PLN/2019/572  
**Date:** Monday, 8 February 2021 9:50:18 AM

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D21-13890

[REDACTED]  
[REDACTED]  
[REDACTED]

I object to the application to build a service station and McDonalds because;

1.It will degrade the attraction of the town as an historic place.Would a McDonalds be allowed in Maldon?Of course it wouldn't.

2.It will be dangerous.The intersection of Edgecombe/Saleyards/Pipers ck rds is already difficult to negotiate.With more traffic in that area it will be unacceptably dangerous for road users.

3.It will lead to empty shops in Kyneton,further degrading the historical charm,with travellers stopping at the Maccas instead of coming into town and supporting local businesses.

Macedon Ranges Shire Council  
 Item received at Kyn Office  
 On 9/2/21 Signed [Signature]

D21-15025



# Objection to Grant a Planning Permit

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

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

**Privacy notice**

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

**Objector details**

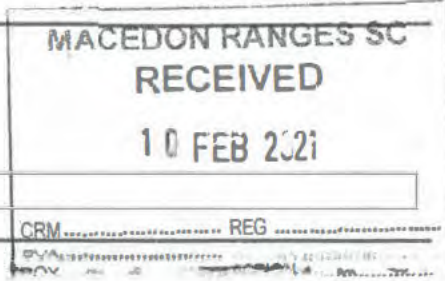
Provide details of the objector  
 The person you want Council to communicate with about your objection

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

**Planning Application details**

Provide the Planning Application Number

PLN/	[Redacted]
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**The land**

Address of the land

Street No: <u>1</u>	Street Name:
Lot No:	Title details (CA, LP, PS, CP, TP) no.:
Township	Postcode:

**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](http://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.

INCREASED TRAFFIC BOTTLENECK  
DANGER TO SCHOOL CHILDREN  
UGLY SIGNS - NOT HERE  
BAD FOOD NO  
LOSS OF BUSINESS FROM TOWN  
CONCERNS OVER SEWERAGE CAPACITY  
THATS ALREADY A PROBLEM

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

Attach additional page/s if there is insufficient room.


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## Objectors Signature

This form must be signed

Signature:
Date:

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## 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](mailto: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](http://www.mrsc.vic.gov.au)

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PO Box 151, KYNETON VIC 3444  
[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

8<sup>th</sup> February 2021

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I wish to make my objection on the following grounds:

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

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

Council must ensure there is a need for this service station in this proposed location as I believe the area and the 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 m<sup>2</sup>, 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.

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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.

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## **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:

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



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

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

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

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

### **Summary**

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

Yours Sincerely,



**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** "Planning objection"  
**Date:** Sunday, 14 February 2021 10:05:40 PM

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D21-16906

Dear Councilors,

I would like to strongly object to building a McDonalds or a Bunnings development in our beautiful country town. The whole reason we came to Kyneton 22 years ago was to get away to such a lovely community where eateries are owned by the locals and supported by locals. We want healthy eateries, not junk food, which will impact not just upon the local food businesses, but also on the look of our town but also on the rubbish that comes from large takeaway outlets.

[REDACTED] This outlet goes against everything I am trying to teach. If the outlet is close, the town will become fatter and unhealthy. It is a well researched fact. Please listen to the people who chose to live here. The local cafes, restaurants have already had a difficult year with Covid 19, but the community got together to support all our outlets and they survived as a result. Bringing in a McDonald's and Bunnings will cause harm to our businesses and poorer health to our community. It is unethical to force a town to put up with a McDonald's as we don't want to become just another town with its own personality!

Please listen to the people, we do not want a McDonald's or a Bunnings in our lovely historic town, please.

Thankyou for taking my point of view into consideration.

[REDACTED]

[REDACTED]

**From:** [REDACTED] D21-16074  
**Sent:** Thursday, 11 February 2021 2:56 PM D21-16131  
**To:** Macedon Ranges Shire Council  
**Cc:** [REDACTED]  
**Subject:** Planning objection PLN/2019/571 and PLN/2019/573  
**Categories:** Planning

I write again to object to Council approval of PLN/2019/571 and PLN/2019/573.

On PLN/2019/571:

- Kyneton is well served by the long established Home Hardware store and its associated building and plumbing supplies business.
- Existing local, family-owned and operated businesses should be prioritised and supported by Council, just as we all endeavoured to do during 2020.
- Whilst competition can result in improved service, product range and the like it can also result in the demise of a viable local business and a loyal employer.
- A 45minute drive to either Sunbury or Bendigo for those who need/want to shop at Bunnings is more than feasible. Does Kyneton really need Bunnings? [REDACTED]

- The proposed site is inappropriate and such a development would have an adverse effect on traffic movements and volumes in and around the area.
- The proposed site is inappropriate and such a development would have an adverse effect on the amenity of the rural living blocks in the immediate vicinity.
- The proposed site is inappropriate and such a development would have an adverse effect on the visual approach to and from the town via the Calder Freeway and/or Edgecombe Road.
- Future industrial development should be confined to within the current envelope on the opposite side of Edgecombe Road along with the existing new Dysons depot, tyre outlet and the saleyards area. There is plenty of open space still available for development.

On PLN/2019/573:

- A subdivision with 20+ commercial lots along the east side of Edgecombe Road and the associated network of roads is inappropriate for this area.
- The amenity of the existing and adjacent rural living lots along Edgecombe Road will be adversely affected by the close proximity of multiple factories and commercial developments.
- Traffic movements and volumes in and around the area will create hazards, especially in relation to the Calder Freeway on/off ramps, plus adversely impact the local residents and existing businesses in the vicinity.
- The proposed development would have an adverse effect on the visual approach to and from the town via the Calder Freeway and/or Edgecombe Road with ugly industrial buildings, multiple signs, bright lighting and potentially associated rubbish and litter.
- Future industrial development should be confined to the saleyards area where there are existing commercial sites and open space for future development which does not impact upon local residential areas.

In conclusion, it is extremely disappointing that the many benefits of living in historic and rural Kyneton are under threat from 'big business' developments that are entirely inappropriate for the town. Council's role is to listen to residents and ratepayers, to protect and enhance all that we value living in the Macedon Ranges whilst simultaneously fostering sensitive and appropriate new developments, businesses and employment opportunities.

I hope Council will get the balance right and reject outright these planning requests.



**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Cc:** [REDACTED]  
**Subject:** Planning objection PLN/2019/572  
**Date:** Thursday, 11 February 2021 1:53:55 PM

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I write to register my objection to the proposed McDonald's outlet on Edgecombe Road.

Kyneton is renowned as a gastronomic town in an environmentally-sensitive area surrounded by world-class wineries, olive groves, beef, poultry and lamb producers, apiaries, providores and much more. Why sully this reputation and threaten their existence by accepting the lowest threshold of food outlets available?

The argument that a McDonald's would create employment opportunities for local young people does not stack up. Any number of local hospitality outlets are currently struggling to find, employ and retain staff. Employment opportunities for local youth, and others, are already available in Kyneton and its surrounds in existing businesses, all of which deserve support.

As a global franchise McDonald's has contributed significantly to the endemic problem of overweight and obesity worldwide in recent decades. Further, the intrusive signage, lighting and all pervasive litter accompanying these outlets is counter to our 'green' reputation in the Macedon Ranges.

I object strongly to our Council approving the establishment of a McDonald's, or any other fast-food, outlet in Kyneton. Approval can only be detrimental to our local hospitality businesses and producers, the amenity of our environment and the wellbeing of our people.

Kyneton does not need McDonald's - on any level. In the words of a local 15year old male 'now we'll have somewhere to loiter'! Is this what we want to encourage?

[REDACTED]

# Objection to Grant a Planning Permit

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

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

## Privacy notice

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

## Objector details

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

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

## Planning Application details

Provide the Planning Application Number

PLN/2019/571 and 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.:
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](http://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.

Please see attached appendix.

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

Attach additional page/s if there is insufficient room.

Please see attached appendix

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## Objectors Signature

This form must be signed

Signature: 
Date: 16/02/2021

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## 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](mailto: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](http://www.mrsc.vic.gov.au)

## Appendix: Reasons for objecting to planning applications PLN/2019/572 and PLN/2019/571

Thank you for the opportunity to respond to these applications. There are a number of reasons why I strongly believe you should refuse these applications, listed below.

### 1. Ecological concerns

#### a) The proposal is contrary to Clause 13 (Environmental Risks and Amenity)

The proposal is contrary to Clause 13 (Environmental Risks and Amenity) which seeks to avoid amenity impacts such as noise, lighting and otherwise to sensitive land uses and ensure appropriate location, separation and format of use and development to safeguard amenity and avoid off-site effects. The amenity of nearby sensitive land uses including dwellings close to the site would be detrimentally impacted by traffic, noise, lighting, 24 hour operation and otherwise.

This development would be located on Post Office Creek, within a significant Central Victorian Biolinks corridor, and adjacent to the ecologically significant Bald Hill Reserve. If it goes ahead, it will have severe impacts to water, air, soil and light quality with immeasurable impacts on local ecology. This will contradict objectives set out in the MRSP and Environment Strategy.

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.'*

#### b) Light pollution

The light pollution produced by such a development across the proposed 24 hr daily cycle will have a significant impact on local ecology. A plethora of high-quality urban ecology studies have demonstrated the impact that light pollution has on faunal populations and health. This could very likely impact many fauna species in the Ranges, many of which are threatened or endangered, such as the brushtailed phascogale (*Phascogale tapoatafa*). [Studies of bats and insects](#) have found that artificial night lighting creates *'reduce[d] available habitat and decrease[d] connectivity for light-sensitive species'* (p17). Microbats are light sensitive, particularly important in local biodiversity and their conservation is critical. [Insects are affected by artificial lighting in three main ways:](#) *'disturbed from their normal activity by contact with an artificial illumination source', by 'disturbance of long distance flights of insects by lights encountered in their flight path' and 'the 'vacuum cleaner' effect...[where insects are] "sucked" out from their habitats as if by a vacuum, which may deplete local populations'* (p 5–6). Then there is the remarkable wonder of actually seeing stars that we may take for granted, until it's gone.

#### c) Platypus habitat

The potential for Platypus (*Ornithorhynchus anatinus*) to survive in the region or thrive in the future will be adversely impacted by this development. The scale of toxicity, runoff and water alteration to the stream will be severe and add to an already terrible legacy of caring for, monitoring and regulating issues with waterways in the region. A 2005 Victorian study demonstrated that [Platypus are particularly sensitive to water and sediment quality](#), and in particular to changes in water quality including surface water-quality variables, dissolved organic levels and suspended solids, [concentrations of sediment toxicants](#), extent of catchment, and daily discharge. Platypus have recently been added to Victoria's threatened species list and classified as vulnerable (in January 2020). Their challenges will only impact with increasing development, land clearing and impacts of climate change.

#### Capacity for rehabilitation and site improvement



As Council celebrates in the strategy, *'the improved status of the natural environment can be attributed to the countless hours of work undertaken by community groups and individuals to protect biodiversity and restore ecosystems, on both public and private land'* (p23). Friends of Post Office Creek have an active plan to rehabilitate the site and ensure that it becomes a contribution to ecological and public benefit and pathways into Kyneton township and connect the township with Bald Hill Reserve. The proponent's current proposals for ecological impacts and remediation rely on the argument that because the area is not 'pristine' it does not require special consideration. This contradicts the efforts of land rehabilitation that the Council supports and direct policy that encourages rehabilitation projects which include the incredible work already achieved by community and Landcare groups in the region. The proposed development would inhibit future restoration activities from succeeding while creating further damage.

## **2. Tourism impact**

The proposal is contrary to Clauses 17 (Economic Development) and 21.10 (Economic Development and Tourism) that seek to protect and promote rural economic development including tourism within the Macedon Ranges. The detrimental impact of the proposed development and use to the rural locality and significant landscapes and areas in proximity of the subject land would result in negative impacts to tourism and the rural economy of the Shire.

According to the Council's Visitor Economy Strategy, *'the key target market [for the strategy] is the 'Lifestyle Leader' market segment, as they are inclined to stay longer and spend more, and have a particular desire to escape city life and embrace nature/outdoors and new discoveries.'* (p4).

Furthermore, the strategy goes on to say that *'visitation is concentrated predominantly to Kyneton and Woodend sub regions, which together attract 68% of total visitation to the Macedon Ranges. This highlights that product development in the eastern corridor of the shire should be a key consideration to support the visitor economy in this area and encourage visitor dispersal. (Macedon Ranges Visitor Economy Impact Study 2017).'*

The proposed site is one of the gateways to many of the products and experiences Council wishes to promote to visitors, including food, wine, artisanal villages, nature-based tourism, festivals and events and accommodation. It is also in the eastern corridor of the shire earmarked for key consideration to support the visitor economy. To have a ubiquitous city life service centre and trade supplies retail shop at this gateway is contrary to the Visitor Economy Strategy's aims.

## **3. Inaccuracies in the Traffic Impact Assessment**

There are a number of inaccuracies in the traffic impact assessment. They are:

Section 2.2 states no public transport links in the area – ignoring the bus depot on Salesyard road which houses all the Dysons local bus movements to and from bus routes in the area and ignoring the school bus routes that operate in this area during school term times. School buses pick up and drop off school kids along both Baynton and Pipers Creek roads.

Section 2.3 states no formal footpaths or cycle facilities in the area. Whilst there are no facilities, it is an route Council promotes to cyclists, specifically cycling tourism via the 'Visit Macedon Ranges' ride guide. the clearly an area use by large groups of cyclists.

Section 2.3 measured movements in October 2019 which was prior to the opening of the Dysons bus depot and the steel factory on Salesyard Road and the refurbishment of the agricultural business and tyre/auto centre on Edgecombe Road which have increased road traffic in the area significantly already. The bus depot has a capacity of 57 buses currently. This greatly reduces the reliability of the

intersection study done via SIDRA intersection software which shows that there are excellent conditions and negligible wait times at the intersection. Traffic has increased at the intersection since October 2019 and wait times are now a common occurrence.

Section 2.4 Safety Review assumes that past reported injuries is the only factor in determining the safety of a particular road. This does not include consideration of near misses, accidents where no injury occurred or the possibility of a non-reported accident. Additionally Edgecombe Road is often targeted by police vehicles both for speed monitoring and for the roadside alcohol and drug testing stops. Statistics from these have not been considered in determining the overall safety of the road.

Section 7.1 Uses the NSW traffic generation guide is from 2002 to model the anticipated traffic figures for the development. There are a number of inadequately considered factors within the figures used to calculate the anticipated traffic from the development. The traffic figures quoted add up to over 600 vehicle movements an hour and do not include the land to be sub-divided for residential development previously approved by council, which will increase traffic volume from the subdivision of land. These figures also do not factor in the already raised traffic volumes from recent developments in the area post the traffic survey mentioned in section 2.3. Furthermore it does not appear from the figures shown in 7.1 that the proposed use of the site as a truck stop has been factored into these figures either. The NSW guide to traffic generating development specifically highlights the fact their guide does not include this data and further reading of an American study (ITE Trip Generation manual) is recommended. The traffic impact assessment does not mention this study.

Section 8 Conclusion. The concluding statement from the impact assessment is misleading as it does not adequately consider the development as a whole. *“Traffic from the proposed development can comfortably be accommodated on the road network without compromising its function or safety and no mitigating works on the nearby road network are required as part of the proposed development”*. This is based on one development in isolation and does not reflect a true picture of proposed development’s impact on the function and safety of the existing road network, especially given the 24/7 nature of the proposed McDonalds. The addition of over 600 vehicles an hour is likely to have a much greater impact on the existing road network and would necessitate mitigating works and would likely mean that the proposed developments as a whole would not be suitable for the proposed location.

Section 8 also comments *“Given the nature of the site’s proposed use, 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”*. This statement is contrary to Council’s vision and supporting goals contained with the Macedon Ranges Walking and Cycling Strategy. The specific goal to, *“...create a more healthy, active community and reduce the incidence of obesity related conditions”* would be hugely harmed by allowing the development of two fast food restaurants solely accessible by car outside the Kyneton Town centre.

#### **4. The location contravenes Freeway service centre design guidelines**

- a) The proposal is not compliant with Clause 53.05 (Freeway Service Centre) and the Freeway Service Centre Design Guidelines (May 1997) Reference Document which require consideration of location, design and amenity impacts for these facilities. The proposal would be detrimental within this area of significant rural and natural landscape values, and would result in detrimental impacts to the amenity of nearby residences and other sensitive land uses including animal keeping by way of traffic, noise, lighting and 24 hour operation.
- b) 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.
- c) Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

## 5. Breaches in the Commercial 2 Zone (C2Z) land planning

- a) The proposed service station contravenes Commercial 2 zone land planning clause which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, it does not specify the land use of Service Station.

The C2Z land planning 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).

The use of land proposed in this application will absolutely detrimentally affect the amenity of the neighbourhood through transport in the ways specified, including but not limited to transport of materials, goods or commodities, emission of noise, artificial light, vibration, smell, waste products and oil, noting that in addition to this it is also proposed that at least one fast food outlet will operate 24/7.

- b) The cross-overs for the application are inconsistent. The plans submitted with the application are inconsistent with the Planning Report and demonstrate a lack of proper consideration impacts to local traffic with an influx of trucks and heavy traffic.
- c) 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.

## 6. Impacts on Kyneton Town Centre

Objective 4 in the Macedon Ranges planning scheme clearly states that you will *'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'* (p11-12).

Equally, objective 5 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.*

In creating separate access to businesses which divert people from the town centre and therefore away from a number of existing, local and family owned businesses, these applications directly contravene your planning scheme.

## 7. Inconsistencies with the Kyneton Structure Plan

There are several inconsistencies between the applications and the Kyneton Structure Plan. Section 4.1 of the Kyneton Structure Plan outlines how you will *'strengthen town character'*. One of the guiding principles for achieving this is to *'Strengthen natural and visual links with the rural and environmental landscape'*. One of the actions for section 4.1 is to:

*'Enhance key gateway locations in accordance with the Kyneton Urban Design Framework that support high quality architecture and urban design'. The proposed site under these applications is at the middle gateway to Kyneton.*

These are two of the guiding principles from Section 4.2 "Community development and placemaking":

*'Build upon the celebrated local history, culture and diversity, including strengths in recreation, tourism and the arts.'*

*'Create an urban environment that is a desirable place for residents and visitors.'*

Section 4.3 speaks to 'economic prosperity' and singles out the area covered by the proposal, specifying *'facilitate industry and trade-related land uses that avoid undermining the role of the town centre as the retail focus of Kyneton. Shop/supermarket use is strongly discouraged at this location'*.

The applications directly contradict these principles and action in the following ways:

- Not only will this proposal not strengthen natural and visual links, it will actively detract 'natural and visual links' for surrounding residents and tourist visitors alike.
- These applications propose neither high quality architecture nor urban design at this gateway location.
- The proposal will replace an area of cultural sensitivity/Aboriginal cultural significance (see objection number 1 for more information)
- Edgcombe Road is currently signposted within town as the main route to access the areas wineries, as well as being the access point to numerous other tourist attractions in the area. The current view of the proposed site is fields, far more in keeping with expectations for rural tourism than what is proposed in the applications.
- Due to ecological, cultural heritage, environmental and health concerns raised in this objection, this development will not be an 'urban environment that is a desirable place for residents and visitors'.
- The proposal includes multiple shops, including a convenience shop, likely to be a mini-supermarket.

## **8. 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'*.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that *'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'*.

The current site and surrounding area to the east is open, undulating fields.

- a) PLN/2019/572 is contrary to both the guidelines and the Kyneton Structure Plan in that it proposes a 6 metre pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant. In addition there is also another pylon sign of indeterminate height marked on the Plans for the Edgcombe Road side of the McDonalds standalone restaurant.
- b) PLN/2019/571 is also contrary to both the guidelines and the Kyneton Structure Plan in that it proposes to have a 12 metre pylon sign on the Edgcombe Road which will have an obvious visual impact on the entry and exit points of the gateway to Kyneton. Furthermore, the likely signage format for the proposals is in part unclear though the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is contrary to clause 52.05 (Signs) provisions. Signage is integral to the proposal in respect to design and form, rural and natural landscape values and amenity.



**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Objection to Planning Applications: PLN/2019/572 and PLN/2019/571 - FAO: Awais Sediq and Damien Hodgkins  
**Date:** Tuesday, 9 February 2021 4:16:07 PM

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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] we really heavily on the tourism trade; but importantly, a tourism trade that is based on the ‘brand’ of the Macedon Ranges, and Kyneton and surrounds in particular, as a place of outstanding natural beauty that nourishes a thriving, small and independent local trade on Melbourne’s doorstep. 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 as a small business owner and community member that this would have a negative impact on both my own and the myriad other businesses in this region, I strongly 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

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 m<sup>2</sup>, 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, 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.

### **1. 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..”

Kyneton has an existing litter problem. A walk in almost any street in town will reveal discarded rubbish. I pick up discarded rubbish from the pavement outside my house and in my front garden almost daily. 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 (evidenced by the number of discarded bottles and cans I find in my front garden and on the pavement) both of which are target demographics for McDonalds.

## **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).

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

Most of this objection has been proforma, I know. I've been busy at work, but I'm telling you this is really important to me, and to a hell of a lot of my friends in town. As others have said, the only viable choice for MRSC is to refuse this planning application.

Multinational corporations do nothing for communities except provide a few minimum wage jobs at the expense of independent, local business. We live in the Macedon Ranges because of the community, the natural beauty and the culture of food and the arts. People visit the Macedon Ranges for the same.

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,

A solid black rectangular box used to redact the signature of the sender.



To: Macedon Ranges Shire Council  
Planning Dep.  
Att. Damien Hodgkins dhodgkins@mrc.vic.gov.au

Kyneton, 3<sup>rd</sup> February 2021

RE: Edgcombe Road Planning application PLN/2019/571

Dear Mr Hodgkins,

I expect you've got a lot of correspondence regarding the Edgcombe Road plan. It is an absolutely terrible idea, and if our objections don't work there will be a really big fuss. You absolutely cannot allow this plan to proceed. To be formal: I am here lodging a formal objection. Should this application proceed to a council submitters meeting, I wish to be included as objectors.

**Supporting local economy:**

This would be huge. If you allow a Bunnings and a Macdonalds you will absolutely destroy a bunch of local businesses and thereby degrade the morale, well-being and character of the town, You absolutely know this is true. It would also damage the beautiful historic character of the town, which would knock off a lot of tourist visits.

**Aboriginal Heritage**





They're not wrong - the proposed site is identified as an area of Cultural Heritage Sensitivity with high social and high spiritual significance. When First-Nations people around here have lost so much, I don't want a single thing done in my name that will further damage their heritage.

To sum up, the alleged benefits of this development (jobs, etc) are nothing compared to the losses the town would suffer if it went ahead. Please listen to our voices and throw it out.

Regards,





  
  
  
  
 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](mailto: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 .....	3
2	The proposal is inconsistent with “ <i>Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria’s planning system.</i> ” .....	3
3	The proposal is inconsistent with the Loddon Mallee South Regional Growth Plan.....	5
4	The proposal is inconsistent with the Macedon Ranges Community Vision and MRSC Council Plan 2017-2021 .....	7
5	The proposal does not deliver outcomes for the Victorian Public Health and Wellbeing Plan 2019-2023 .....	8
6	The development does NOT contribute to a 20-minute neighbourhood.....	9
7	The proposed development does not contribute to Kyneton’s social infrastructure .....	9
8	There is no need for a Service Station at this location .....	10
9	Breaches in the Commercial 2 Zone land planning .....	10
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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"> <li>Support networks of settlements by maintaining and improving transport links, spatial patterns of services delivery, and promoting commercial relationships and community activities.</li> </ul>
	<ul style="list-style-type: none"> <li>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.</li> </ul>
	<ul style="list-style-type: none"> <li>Strengthen the Kyneton settlement "by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations."</li> </ul>
	<ul style="list-style-type: none"> <li>Respect or and enhance the scenic amenity, landscape features and view corridors</li> </ul>
	<ul style="list-style-type: none"> <li>Limit urban sprawl and direct growth in to existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment</li> </ul>
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.

Section	The McDonald's/Bunnings proposal fails to deliver on the following Strategies
<b>15.01-2S Building design</b>  <b>Objective</b> To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.	<b>Strategies</b> <ul style="list-style-type: none"> <li>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.</li> <li>Ensure development responds and contributes to the strategic and cultural context of its location.</li> <li>Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.</li> <li>Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.</li> <li>Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure development is designed to protect and enhance valued landmarks, views and vistas.</li> <li>• Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.</li> <li>• Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.</li> </ul>
<p><b>15.01-3S Subdivision design</b></p> <p><b>Objective</b> To facilitate subdivisions that achieve attractive, safe, accessible, diverse and sustainable neighbourhoods.</p>	<p>McDonalds/Bunnings – AND the recently-approved adjoining 43-lot subdivision do not deliver on any of these criteria:</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Creating compact neighbourhoods that have walkable distances between activities.</li> <li>• Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.</li> <li>• Creating neighbourhood centres that include services to meet day to day needs.</li> <li>• Creating urban places with a strong sense of place that are functional, safe and attractive.</li> <li>• 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.</li> <li>• Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.</li> <li>• Protecting and enhancing native habitat.</li> <li>• Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.</li> </ul> <p>Reduce car dependency by allowing for:</p> <ul style="list-style-type: none"> <li>• Convenient and safe public transport.</li> <li>• Safe and attractive spaces and networks for walking and cycling.</li> <li>• Subdivision layouts that allow easy movement within and between neighbourhoods.</li> <li>• A convenient and safe road network.</li> <li>• Being accessible to people with disabilities.</li> </ul> <p>Creating an urban structure and providing utilities and services that:</p> <ul style="list-style-type: none"> <li>• Responds to climate change hazards and contributes to reduction of greenhouse gas emissions.</li> <li>• Support resource conservation.</li> <li>• Support energy efficiency through urban layout and lot orientation.</li> </ul>

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"> <li>• manage growth so that it does not overwhelm the environmental and social attributes that are attracting growth</li> <li>• adapt to the potential impacts of changing climate</li> <li>• manage growth in a way that protects the environmental assets and natural resources of the region</li> <li>• support residential and commercial growth of centres throughout the region and access to employment, education and services, including from dispersed settlements</li> <li>• stimulate sustainable growth over the long term while maintaining the distinctive character of the region's rural areas and towns</li> <li>• maintain the extent of the region's agricultural areas recognising its importance to the region's economy</li> <li>• manage the risk to settlements from natural hazards such as bushfire and flood</li> <li>• support capacity enhancements to infrastructure to enable sustainable growth</li> </ul>
Principle 1: Manage our population growth and settlements	<ul style="list-style-type: none"> <li>• Manage settlement growth to limit the impact on agricultural productivity, natural resources and ecological values</li> <li>• Value the region's unique and connected communities</li> </ul>
Principle 2: Strengthen our communities, especially in our small towns	<ul style="list-style-type: none"> <li>• Invest in liveability, infrastructure and urban design initiatives to make the region's towns great places to live</li> <li>• Build community connectedness and reduce areas of social disadvantage</li> <li>• <b>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</b></li> <li>• Plan for the facilities and infrastructure needed for delivery of education and training to support growth</li> </ul>
Principle 3: Strengthen and diversify our economy	<ul style="list-style-type: none"> <li>• Support and develop emerging and potential growth sectors such as <b>tourism, renewable energy, resource recovery and other green industries</b></li> </ul>

Section of LMS Regional Growth Plan	The McDonald's / Bunnings development will not:
<b>Principle 4.</b> <b>Improve our infrastructure</b>	<ul style="list-style-type: none"> <li>• <b>Strategically direct growth to locations with good existing infrastructure and infrastructure with the capacity for enhancement</b></li> <li>• Provide adequate waste and resource recovery infrastructure and services to support new developments and population growth in the region</li> <li>• Strategically renew, maintain and develop infrastructure to maximise opportunities and services to meet anticipated need</li> <li>• Protect water quality and quantity</li> <li>• Provide for the future of waste management and resource recovery</li> </ul>
<b>Principle 5.</b> <b>Improve education and training outcomes</b>	<ul style="list-style-type: none"> <li>• Build a skilled and adaptable workforce by <b>attracting skilled workers</b> and by providing access to high quality education and training opportunities, which provide pathways to employment</li> <li>• Plan for the facilities and infrastructure needed for delivery of education and training to support growth</li> </ul>
<b>Principle 6.</b> <b>Protect and enhance our natural and built environment</b>	<ul style="list-style-type: none"> <li>• Protect and improve the condition of the region's important environmental assets such as the forests, wetlands and rivers</li> <li>• <b>Protect identified visually important landscapes, and cultural and built heritage places</b></li> <li>• Plan for settlement growth to occur in locations that avoid areas of high risk from natural hazards such as bushfire and flood</li> <li>• <b>Manage settlement growth to limit the impact on agricultural productivity, natural resources and environmental assets</b></li> <li>• Maintain the non-urban breaks between settlements</li> <li>• Minimise the impacts of land use change and development on areas with significant environmental assets</li> </ul>
<b>Principle 7.</b> <b>Ensure our food, water and energy security</b>	<ul style="list-style-type: none"> <li>• Facilitate ongoing agricultural productivity and investment in high value agriculture</li> <li>• Support ongoing adaptation and flexibility for the agricultural sector</li> <li>• Facilitate ongoing agricultural productivity and new opportunities that respond to the potential impacts of climate change</li> <li>• Support the sustainable use of rural land, including the development of regional catchment strategies and other suitable tools</li> <li>• <b>Encourage and facilitate development in renewable energy, waste to energy, carbon sequestration and other new energy opportunities</b></li> <li>• Protect water quality and quantity</li> </ul>

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."
<b>Themes</b>		
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"
<b>Priorities</b>		
1. Promote Health and Wellbeing		<ul style="list-style-type: none"> <li>• Promote and provide healthy food and drink options across the shire</li> <li>• Improve infrastructure for walking and cycling across the shire</li> </ul> <p><b>The McDonald's / fast food outlet will not help deliver outcomes for the Healthy Heart of Victoria initiative</b></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"> <li>• 10% of adults meet vegetable consumption guidelines.</li> <li>• 37% of adults meet fruit consumption guidelines.</li> <li>• 40% of adults meet physical activity guidelines."</li> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> </ul>

Section of Council Plan	The McDonald's / Bunnings development will not:
<b>2. Protect the natural environment</b>	<ul style="list-style-type: none"> <li>• Address climate change mitigation, resilience and adaptation</li> <li>• Protect biodiversity</li> <li>• Enhance waterways and water catchment quality</li> <li>• Manage waste as a resource</li> <li>• Demonstrate proactive environmental planning and policy</li> <li>• Embed environmental sustainability principles across all Council operations</li> </ul>
<b>3. Improve the built environment</b>	<ul style="list-style-type: none"> <li>• Foster township character and care for resources of historical significance</li> <li>• Advocate for better access to public transport</li> <li>• Increase walking and cycling connectivity</li> <li>• Improve access to our spaces and streetscapes</li> </ul>
<b>4. Enhance the social and economic environment</b>	<ul style="list-style-type: none"> <li>• Encourage economic vitality (tourism, agribusiness, buy local)</li> <li>• Promote housing diversity</li> <li>• Consider socio-economic disadvantage</li> <li>• Attract strategic investment that is consistent with Council's vision</li> <li>• Support local industry sectors that align with our vision and principles</li> <li>• Promote positive community attitudes and behaviours</li> </ul>
<b>5. Deliver strong and reliable government</b>	<ul style="list-style-type: none"> <li>• Make responsible and evidence-based decisions</li> <li>• Demonstrate accessible and responsive customer service</li> <li>• Enable the community <i>"to have confidence in the way we govern and make decisions."</i></li> </ul>

## 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.”<sup>1</sup>

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 about<sup>2</sup>:

*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 m<sup>2</sup>, 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.

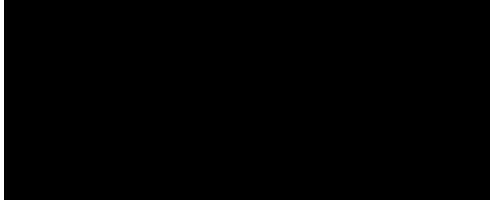
The purpose is articulated in the document as 'providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people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

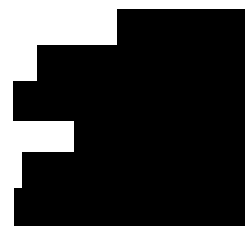
Yours Sincerely,



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

<sup>2</sup> Melanie Davern, Lucy Gunn, Carolyn Whitzman, Carl Higgs, Billie Giles-Corti, Koen Simons, Karen Villanueva, Suzanne Mavoa, Rebecca Roberts & Hannah Badland (2017) 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)



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10 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 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 town of Kyneton already has three service stations within its boundaries: two in the town centre on High Street, and one on the northern end of town on Burton Avenue. In addition, there is the service station at Karlsruhe, which already provides access and parking for a great number of vehicles, including trucks. There is currently a planning application for the Karlsruhe service station to expand the facility to service the Calder freeway, so it makes no sense to establish a new freeway service station in Kyneton in such close proximity to the Karlsruhe service station.

It seems preposterous for Council to tick off on two similar projects within 10 kilometres of each other. The service station facility already exists in Karlsruhe and has existed for decades. It makes more sense to expand this facility and review the potential use of the land at Lot 1 Edgecombe Road.

I believe the area around Kyneton and the Calder freeway is well serviced by service stations and does not need an additional one as is proposed by this application.

## 2. Breaches in the Commercial 2 Zone land planning

The service station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100m<sup>2</sup>, 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.

Under Clause 34.02-1, C2Z specifies the leasable area for food and drink must not exceed 100m<sup>2</sup>. This proposal has a standalone restaurant, McDonalds, at 377m<sup>2</sup>, and has a service station that has a retail shop at 250m<sup>2</sup> and a restaurant at 165m<sup>2</sup> inside it. This is a total area of 792m<sup>2</sup> that clearly contravenes this section of the planning scheme.

There is also the issue of light pollution originating from the 24-hour operation of this development, which will have a significant and detrimental effect on wildlife in the area and on the natural environment of the Post Office Creek.

## 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 negatively impacted and have their economic viability threatened by the proposed development, including but not limited to



the two existing service stations (particularly Bowser Bean, which also provides takeaway food and coffee), 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.

Kyneton has long been popular with tourists, who are attracted to Kyneton for its heritage streetscapes and the interesting ambience of a country town with a large number of unique shops and restaurants and cafes within a short drive from Melbourne. It is this mix that makes Kyneton unique. Generic businesses like McDonalds and Bunnings can be found in many other locations all over Australia and are not the reason people travel to a town like 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 does it indicate considerate urban design. The generic and non-descript design of the buildings is something that can be found in similar developments all around Australia. It is in strong contrast to the streetscape of Kyneton, a town which prides itself on its heritage buildings and architecture in keeping with Kyneton's historic past.

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 lies 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 the 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.

#### **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 6m 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 12m 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 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 represents a gross visual impact on the Gateway to Kyneton town centre.

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 6m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgecombe Road and the 12m pylon sign on Edgecombe Road do not adhere to the design guidelines. They would 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 have a setback of at least 20 metres from Edgecombe Road pavement, and a 5m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6m from Edgecombe 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 6m 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 without trees.

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 5m 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 its entire visitor car parking fronting Edgecombe Road and Pipers Creek Road.

## 7. Contravenes Macedon Ranges Environment Strategy 2019

The Macedon Ranges Environment Strategy 2019: 9 states:

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

The proposed development at no time makes mention of Lot 1 Edgcombe Road being home to a large mob of eastern grey kangaroos and how it will address the restriction of this wildlife corridor. On most days up to 100 kangaroos can be sighted as they graze and move around on this land. This proposed development will lead to a further fragmentation of the traditional grazing lands of these kangaroos. This in turn will lead to more kangaroos being at risk of being run over in the surrounding streets. Already Edgcombe Road, Baynton Road and Piper Creek Road are locations of substantial roadkill, kangaroos included. This is only likely to be exacerbated when the open undulating land is boxed in with further buildings and internal roadways.

On the disposal of rubbish, I understand that the development will undertake all efforts to correctly dispose of rubbish but the reality is that a facility like McDonalds – serving food in disposable wrappers – only adds to the waste problem. A visit to any similar sites in other parts of Melbourne and country towns shows that the area near the site will be strewn with rubbish. This will place an increased burden on Council for cleaning services, which ultimately translates into higher rates for all property owners in the area. A littered gateway to our town is not something we want to see.

## 8. Traffic

The Traffic Report submitted with the application states “given the nature of the site’s proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...”. This will have 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 October 2019 and particularly since the reservoirs have been open to boating. A more recent traffic report needs to be the basis for any calculations done to address the impact on traffic and the increased number of vehicles using the facility.

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

The question arises as to whether a development of this nature should be encouraged at all if it relies so heavily on car traffic.

## 9. Cultural Heritage Impacts

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

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

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

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

the Rights of Indigenous Peoples, which states that Indigenous peoples have the right to maintain, control, protect and develop their Cultural Heritage.’ (p. 20)

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

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

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

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

### **Summary**

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

Yours sincerely,





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](mailto: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 m<sup>2</sup>, 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 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 Edgecombe 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 m<sup>2</sup>. This proposal has a stand-alone restaurant, McDonalds, at 377 m<sup>2</sup>, and has a Service Station that has a retail shop, at 250 m<sup>2</sup>, and a restaurant, at 165 m<sup>2</sup>, inside it. This is a total area of 792 m<sup>2</sup> 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

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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 affected by the ecological and aesthetic impacts of the proposed developments.

## 6. Cultural Heritage Impacts

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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 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,



[REDACTED]

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](mailto: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,

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 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**

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

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

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

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

## **2. Breaches in the Commercial 2 Zone land planning**

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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 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.

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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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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,

██████████.





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](mailto:mrsc@mrsc.vic.gov.au)

16<sup>th</sup> February 2021

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

Hello Awais and Damien,

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

I wish to make my objection on the following grounds:

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

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

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

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

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

## **2. Breaches in the Commercial 2 Zone land planning**

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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 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 Edgcombe Road and the 12 m pylon sign on Edgcombe Road should be avoided as they completely detract from the streetscape and key views of the area. The current sight is a wide-open undulating land that will be at complete odds to this form of signage.

## **5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines**

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

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

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

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

## **6. Contravenes Macedon Ranges Environment Strategy 2019**

The Macedon Ranges Environment Strategy 2019: 9 states:

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

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

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

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

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

## **7. Traffic**

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

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## Summary

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Yours Sincerely,



**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Planning Objection PLN/2019/572 Macdonalds and PLN/2019/571 Bunnings  
**Date:** Saturday, 6 February 2021 3:26:18 PM

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Hi,

I am a local who bought and moved here 6 years ago because of the lack of suburban developements like those of McDonalds & Bunnings !

We could have chosen Gisborne or Bendigo , but Kyneton had no Commercial Developement like McDonalds / Bunnings & that adds to the feel of the Town . In our view all of this would change with such a big proposed developement so close to such beautiful farm land and natural reserve land like Bald Hill .

I also imagine traffic issues on Edgecombe St [REDACTED] .

I hereby object to this Proposal !

[REDACTED]

Sent from my iPhone



From: [REDACTED]  
To: [Macedon Ranges Shire Council](#)  
Subject: PLANNING OBJECTION  
Date: Saturday, 6 February 2021 5:57:39 PM

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**PLANNING OBJECTION.**

We have been Lauriston residents for over twenty years. We wish to lodge a strong objection to the following

Planning permissions – PLN/2019/572 for Mc Donalds and PLN/2019/571 for Bunnings.

We love the fact that Kyneton and it's surrounds are what most city people envy. A welcoming friendly village

environment with interesting strip shopping. Plenty of variety of food outlets and coffee shops. Some of these

businesses are highly acclaimed. The town has become a "go to" destination for day trippers.

Piper street is a clear

example of what people crave and desire. It is a unique and charming place, we are blessed to have what we have.

Our personal answer to the question of 'Where do you live ?' is 'Oh, we are lucky to live in a little country town

called Kyneton. It has all you need. One set of traffic lights, no big shopping malls or ugly fast food outlets or massive

DIY's yet, comfortably close enough to Melbourne or Bendigo'.

My question to council is ..

Why would you put at risk a healthy, thriving , unique gem such as ours?

Turning our town into another boring suburb is madness. We deserve better!

Council would gain huge respect by making a stand and denying these huge corporations a foothold.

They have no care for Kyneton other than profits.

**Don't let yourselves be known as..... The Council That Sold Kyneton's Soul.**

We as residents and ratepayers strongly object to above planning permissions.

[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](mailto:mrsc@mrsc.vic.gov.au)

**DATE** 15/2/21

**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.

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







15<sup>th</sup> February 2021

Planning Department  
Macedon Ranges Shire Council  
[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

Attn: Awais Sediq, Coordinator Statutory Planning  
Damien Hodgkins, Senior Statutory Planning Officer

**Re: Objection to Planning Applications PLN/2019/571 & PLN/2019/572**

Please find below my objections to the above applications with reference to the Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire (2012), the Macedon Ranges Industrial Master Plan (2012), the Kyneton Structure Plan, the MRSC Economic Strategy (2020-2030) including Jobs for the Future Blueprint Economic Report, and the MRSC Environment Strategy (2019)

### **1. Site Responsive Design**

- PLN/2019/571-572 are applications for large urban-style commercial developments that do not fulfill the Site and Context Assessment Objectives. McDonald's and Bunnings are chain stores, which are constructed recognisably, in format and size, to promote corporate branding and customer awareness. New construction rarely strays from these formats, and associated advertising, signage and logos are key, which is not in keeping with Objective 2: *To reinforce the rural character of the Macedon Ranges.*
- The applications fail to comply with the Guideline that assesses the development in context with *surrounding existing and future land uses and surrounding built form character and heights*. The large commercial premises provide long trading hours seven days a week (Bunnings) to the public as well as trades (estimated 70/30% split), and a 24hr Service Station with three convenient food outlets and two drive-throughs (80/20% split). All three buildings are positioned on what is considered by locals to be Kyneton's Northern Gateway alongside a proposed new residential area, an existing Rural Living Zone 2, and the newly designated Post Office Creek Reserve. With no comparable neighbouring built forms, the developments are inappropriate in size and function to the surrounding area, and may impact future land uses.

- In addition to the proposed 23 residential lots that will make up Part Three of this development proposal as well as a further 19 RLZ2 lots in the area (42 in total approved by Council), there remain an additional 20 lots within the C2 zone still to be developed. PLN/2019/571-572 in their current forms set a precedent for impacts on traffic movement as well as future land uses, building designs/sizes on lots and the positioning of advertising signs and corporate logos, which will severely undermine MRSC vision and strategy (and community understanding) for the Industrial area. Additionally, the impacts on immediate as well as surrounding RLZ2 areas will be considerable. These applications need to be considered from a 'whole-precinct' planning perspective.
- In their response to MRSC's RFI (12<sup>th</sup> May 2020) the applicants have failed to demonstrate understanding of the significance of Edgecombe Road as Kyneton's northern gateway, and appear only to assign gateway status where the town is accessed from the Calder Freeway (northbound). While this assessment has been taken from the Kyneton Structure Plan (4.2), it assumes that gateways to Kyneton are approached from the south (Melbourne) only. Kyneton receives visitors and workers from *all* directions, including (but not limited to) Castlemaine, Bendigo, Ballarat, Daylesford. As the site for the development lies within 400m of an on/off ramp to Calder Freeway (southbound from Bendigo and Castlemaine), and Edgecombe Road is a designated B-Double road, as well as a popular route for tourists and holiday makers, it is reasonable to assess Edgecombe Road as being Kyneton's northern gateway. Others are High Street as well as the northbound on/ramp from Calder to Edgecombe Road (eastern), Kyneton Tylden Road leading into Mollison Street (south western) and Burton Road leading into Piper Street (north western). Each are unique to their immediate surrounds and showcase the varied *rural* identity Kyneton enjoys. The large public retail developments proposed in these applications in no way enhance the Industrial area strategy and Kyneton's northern gateway. The applicant's later comparisons to the Council's strategic assessment of the eastern gateway that 'provides a high amenity and improved gateway to Kyneton' should not be considered as there are no comparable buildings or services in that vicinity.
- PLN/2019/572 RFI Response to Council (12<sup>th</sup> May, 2020), the applicant advised that it considered the signage for the Bunnings (and McDonalds), including the installation of pylon signs, which the applicant states: *integrates with the overall design of the building in relation to scale, form and materials. It will form part of the new C2Z commercial character that Council envisages for the area.* It has never been indicated by MRSC to the Kyneton residents and wider community, in any of the planning guidelines, structure plans or economic reports, that large commercial enterprises encouraging mass consumption and designed to bring in retail customers to bypass the town centre form part of the Council's vision for the area.
- Kyneton and its surrounding districts are currently served by three Service Stations in town (two on High Street, and one on Burton Avenue), a Fuel Stop/general store in Tylden, and a Service Station in Carlsruhe, which is easily accessed from Calder Freeway and is situated in a rural area less than

10kms south of the proposed Service Station in PLN/2019/572. There is an application being assessed by Council to upgrade the Carlsruhe Service Station, and the applicant has been working closely with Vic Roads and secured necessary permits to convert the site into a much-needed Freeway Service Station. The development will include a large roadhouse, truck stop facilities including showers, a dining area and convenient food drive-through facilities. Given that it is better situated - away from residential and built-up industrial areas where ingress/egress of traffic from the Station will have no impact on local road networks - it is better placed to offer these services than the site in PLN/2019/572. To allow both developments within 10kms of each other and southbound along the Calder Freeway would be detrimental to the longstanding Service station at Carlsruhe, which has served the wider community for years.

- The Macedon Ranges Industrial Master Plan (2012) and the Kyneton Structure Plan, state:

*The Town Centre (Mollison, Piper and High Streets) area should be supported to continue to provide main retail and commercial focus for Kyneton. Other commercial areas should be based around service, trade and industry supporting uses. (p5)*

*The existing Business 3 Zone (now C2Z) land on Edgcombe Road north of the Freeway needs to be carefully managed to avoid undermining the town centre with the preferred land uses to be trade and industry based to support the adjoining industrial area.*

Both applications undermine Council's strategy and vision for this area by introducing large commercial enterprises whose main goal is to 'support' the public rather than surrounding trades and industry. This will impact on the Industrial Area and the RLZ2 surrounds by increasing unsustainable volumes of traffic.

## **Precedence**

Council's approval of PLN/2019/571-572 in December 2020 illustrates MRSC's refusal to listen to its constituents. Residents in MRSC townships and wider communities do not want large urban style national and multinational corporations operating in the area, as has been demonstrated by the overturning of previous similar applications in South Gisborne (1998) and in Woodend (2020). Not only were these applications denied approval on planning grounds (Woodend – Farm Zoning), but were also heavily influenced by community objections. Objectors to PLN/2019/571-572 request the same consideration.

Kyneton has been identified as Macedon Ranges most favoured tourist destination, and is enjoying a long-standing and still-growing reputation as a food/wine haven. The Vision for the Macedon Ranges Visitor Economy states: *The Macedon Ranges will be a favoured destination for escape and rejuvenation that is highly regarded for its quality nature-based attractions, artisan products, maker's culture and*

*authentic experiences*. The current applications fail to deliver on this statement in its entirety.

## 2. Access & Circulation

The applications' designs fail to respond to “*surrounding existing and future transport networks – road, pedestrian and cycle paths, and public transport.*” (Pg 22 Guidelines 1.1.1)

The scale of the developments, both intended for vehicular visitors, will further encumber and complicate *surrounding existing and future transport networks*. (Site & Context Assessment p12)

The sites are located at the junction of Edgecombe, Pipers Creek and Sale Yard Roads, and within 400m of on/off ramps to the Calder Freeway (southbound) and less than 1km to on/off ramps (northbound). There are no existing pedestrian or cycle paths along Edgecombe Road or Pipers Creek Road. Edgecombe Road is a designated B-Double road for trucks, compounded by weekly (and monthly) stock sales transport, and is a popular direct route to Lake Eppalock for camping, caravanning, boating and fishing. Cycling has also become a popular pastime for locals and tourists. In addition, there is a growing equine industry in the area, with pony clubs, cross-country and dressage facilities located on Edgecombe Road, north of the site, which necessitates the frequent use of horse trailers. As both applications are for largely retail services, to bring in more traffic from all directions, including the Freeway (north and south bound), even at the conservative rates anticipated within the TIAR, will be detrimental to the area and has the potential to create serious hazards.

### 2.1 Pedestrian & Cyclist Access

Both applications fail to meet the Objectives as well as Guidelines (2.1.1/2/4/5/6):

PLN/2019/572

- Site 2 (McDonalds) makes provision for shared cycle/pedestrian access from Edgecombe Road as well as Pipers Creek Road.
- Site 1 (Service Station, Convenience Store and Restaurant) provides no direct pedestrian or cycle access, and pedestrians/cyclists entering the site would either need to use Site 2 access points, navigating their way across vehicle lanes and through the fueling area, or walk along the Pipers Creek Road vehicle entry lane to reach the bike parking spaces that are located beside the entry to the drive-through.
- Site 1 pedestrian access from the main 44 bay car park to the Service Station requires pedestrians to cross the drive through (no crossing provided on plans) as well as the loading bay in order to reach the convenience store.

- Site 2 provides 6 bike spaces sharing three security racks. Given that some local employees (especially younger workers who don't drive) may choose to cycle to work, this number is deemed insufficient. The same reasoning can be applied to Site 1, and as it is also more likely that health-conscious cyclists will visit the convenience store than McDonald's, more bike spaces should be provided at both sites.
- Under Guideline 2.1.5 Site 1 does not provide shower facilities for staff who cycle to work. Plans should be amended accordingly. It is unclear from the plans if shower facilities are provided at Site 2; what appears to be a shower shows two open cubicles within the one space? If not a shower, then plans should be amended.
- No separate staff toilets are provided at either site.

#### PLN/2019/571

- Bunnings provides pedestrian paths (possible shared cycle paths) from both Edgecombe and Pipers Creek Roads. It does not provide any public bike parking with the applicant seeking a waiver of the requirements under Clause 52.34-5 and Clause 52.34-6 (FRI Response Letter) based on patronage of the store being vehicular only. While this may be true 99% of the time, it must be assumed that some local customers will cycle, particularly if they are only purchasing a small item.
- The application does not meet Guideline 2.1.5 by not providing secure bike parking to staff and employees who may wish to cycle to work rather than drive. It is unclear from the plans whether shower facilities are provided for staff who cycle to work.
- Neither Site 1 or 2 provide any dedicated cycling lanes to/from/ and around the sites.
- No public toilet facilities are provided on the plans.

## **2.2 Vehicle Access**

#### PLN/2019/572

- Site 1's vehicle lanes between the fueling station and the convenience shop/restaurant should be one way only (left to right of the plans) to promote circular movement of all vehicles and avoid confusion by motorists.

### **TIAR Report & Department of Transport Recommendations:**

- Part Three of these applications - the residential subdivision of 23 Lots that will surround this Industrial area - must be taken into account when assessing PLN/2019/571-572 as the hours of trading, the provision of a truck stop and two drive-throughs servicing three 24 hour convenience food outlets will

adversely affect nearby residences and impinge on the amenities that should be integral to a Rural Living Zone 2 area.

- The Department of Transport response to the applicant's Traffic Impact Assessment Report (TIAR) outlined many problems and flagged a gross underrepresentation of anticipated traffic volumes for the area. The DoT's suggestion that PLN/2019/572 amalgamate the businesses (Service Station and McDonald's) into a single building to allow for better and safer traffic flow was dismissed by the applicant.
- The assessment of existing traffic volumes was carried out in October 2019, after community football and netball seasons, and equine competitions were over, and well before the summer school holiday period. Given the unprecedented post-Covid influx of new residents from Melbourne since 2019, and that PLN/2019/571 is expected to receive most of its customers on weekends, a new TIAR must be carried prior to any application approval in order to better reflect current conditions. As Kyneton (and the Macedon Ranges) are not restricted by seasonal tourism, it is not unreasonable to expect the TIAR be carried out over a period of time, and must include times that incorporate local peak traffic (mornings 6am – 10am) on a Wednesday, to better reflect stock trucks heading to the sale yards and traffic visiting the Kyneton Transfer Station, and all day Saturday, as well as Sunday afternoon, to reflect local community activities and incoming/passing tourist traffic. It should also reflect school holiday winter and summer traffic, and at least one Friday evening prior to a long weekend. With regard to this particular site, assumptions about traffic volumes could prove onerous and hazardous down the track, and may require substantial (but avoidable) future public spending by Vic Roads to remedy issues.
- While the TIAR complies with statutory traffic analysis guidelines to measure traffic volume and flow, it does not provide an accurate reflection of the numbers by type: how many B-Double and other large trucks (including stock), utes and cars towing trailers (of all sizes) and caravans, campervans, delivery trucks and vans, motorbikes and bicycles turn in and out of Edgcombe/Pipers Creek and Sale Yard Roads? It also doesn't analyse pedestrian traffic. That there are no formal pedestrian or bike paths in the vicinity does not mean people do not walk or cycle in that vicinity.

### **2.3 Loading and Servicing**

Guideline 2.3.5 states: *Access to loading areas should be clearly separated from pedestrian and bicycle access routes, and where practical, separated from vehicle access routes.*

- Loading bay and waste collection at both sites requires vehicles to reverse in or out either across vehicle lanes in front of the fuelling station or across the entry to the drive through. This is particularly problematic at McDonald's. Both plans should be amended.

### **2.4 Car Parking Provision**

- Under statutory requirements, all parking bays are provided for B99 vehicles only. However, as Kyneton is in a rural area, and the site is located on a popular tourist road (Lake Eppalock) as well as having easy access to the Calder Freeway, realistic consideration needs to be made for vehicles towing boats, caravans, trailers, etc, as well as campervans and smaller trucks. On the current plans there is nowhere for such vehicles to park at either site. Given the turning corners within the drive-through are deemed sufficient for B99 vehicles only, it is unlikely anything much larger/longer will be able to use that facility. Planning must carefully assess whether alterations need to be made to accommodate the sort of traffic this development is likely to attract. At the very least, the current two-lane entry into Site 2's drive-through should be reduced to a single lane.
- Site 1 Area Schedule states 5 Truck parking spaces are provided, but only three are dedicated parking spaces; two are for refueling.
- Plan revision schedule includes EV charging bays (13/08/20) but they are not indicated on the plans.
- Site 2 provides insufficient disabled parking. Regardless of statutory requirements, this needs to be increased to better meet the needs of the community.
- What allocation has been made for staff parking in the plans at both sites, and how much will it reduce available customer parking?

#### 4. Built Form

- PLN/2019/572 Site 1:

Under Victorian Planning Provisions, the size of the convenience shop is not within acceptable limit of 240sqm max, being 250sqm.

- PLN/2019/571-572

Under Clause 34.02-1, C2Z specifies *the leasable area for food and drink must not exceed 100 square metres*. Site 1 is 165m<sup>2</sup>. Site 2 is 377m<sup>2</sup>.

- In their response to Council's FIR, the developers agreed they 'could' source local materials for construction of the buildings, but made no guarantees. It is unlikely that either local materials or local labour will be used, because both the developers and the large corporations have their own contractors. This signifies a huge loss to the local economy.
- MRSC Planning Guidelines for Industrial & Commercial Developments state

*4.2.8: Locate uses such as cafes and convenience shops adjacent to the open space to take advantage of the outlook and provide a location for staff and visitors to enjoy outdoor dining.*

PLN/2019/572 Sites 1 & 2 are skirted by car parks, drive-throughs and truck lanes. There is no safe outdoor space provided for either staff or customers. Views from Site 1 are facing the fueling station and the immediate car park. The views provided from inside the restaurant are across the the drive-through and truck lanes towards the open area.

*4.2.4: Distribute open space throughout the subdivision so that it is accessible to workers of the business or industrial areas.*

PLN/2019/571 offers no discernible open space, with only 15% of the site landscaped and all of that around the perimeter. PLN/2019/572 Site 1 offers no open space that is accessible by pedestrians; Site 2's accessible space lies alongside Edgecombe and Pipers Creek Roads.

#### **4.4 Building Heights**

*Objective 3: To ensure industrial and office buildings have minimal impact on the amenity of the adjoining public realm and residential areas.*

As the land parcels lie within a C2 Zone, for both Industrial and Commercial developments, they fail to fulfill this objective. The scale of the development and subsequent business operation will ensure maximum and ongoing impact upon the public realm, residential areas, and nearby industrial areas.

It is not possible to ascertain whether the applications meet the other Objectives or comply with Guidelines as both applications are the first to seek development within this C2 Zone. Therefore Planning must take account that the scale of these developments will set the precedent for the area.

#### **4.6 Signage and Advertising**

*4.6.2: Signage should be limited in numbers to avoid visual clutter and unnecessary repetition.*

PLN/2019/572 Site 2 does not meet this Guideline. The façade contains five S3 Wall/Blade signs, one S2 Blade sign, one S4 sign and one S1 sign, a total of nine façade signs advertising the business. This is excessive, overly repetitive and creates visual clutter. Additionally, the drive-through directional sign S8 is topped with another logo, bringing the overall total to ten.

*4.6.1: Signage should be integrated into the design of buildings forming a logical element of the front façade and be in keeping with the scale of the façade.*

*4.6.4 Freestanding signage should be avoided and will only be permitted if it can be demonstrated that signage on the building façade will not provide effective business identification.*



With a total of 9 façade advertising signs and the drive-through directional sign, there is no justification for pylon or flagpole signs. The developers are seeking a waiver for this Guideline because both the flagpoles and pylon signs will be visible from the freeway and will attract traffic. This contravenes MRSC Guidelines and the Kyneton Structure Plan, and should not be permitted as some of this traffic might otherwise have entered the town centre and supported local businesses.

There is provision of a double flagpole sign S12 in the signage plans containing at least 2 McDonald's advertising/logo banners but its location is not indicated on the site plan. At a height of 8.5m, this is not in keeping with the scale of the façade or built form.

The pylon sign S13 at the front of the site along Edgecombe Road contains two further advertising logos for McDonald's and the play centre and is at a height of 10m (to be confirmed). As the height of the building is less than 5m, and is already cluttered with advertising, the pylon sign either should be reduced in height so as not to exceed the height of the building or be removed altogether.

PLN/2019/571 proposes two 10m externally illuminated pylon signs at the entries/exits to both Edgecombe and Piper Creek Roads. This is excessive considering Bunnings recognisable branding and façade advertising. If pylon signs are to be permitted they should be no higher than the nearest roof height, and they should not be illuminated. In their response to Council's RFI, the developer states:

*The location of the sign will not be highly visible from the Calder Freeway ..*  
Not highly visible is still visible.

*The proposed pylon sign on Edgecombe Road is not proposed to be illuminated ..*  
The signage plans indicate that the pylon signs are to be illuminated. It is unclear from the response letter, which makes reference in its header only to Application 572, yet incorporates elements of responses to 571 as well, whether this response is in relation to 571 or 572. Regardless, no pylon signs at the heights proposed should be permitted, and none should be illuminated.

## **5 Landscaping**

PLN/2019/572 have failed to provide landscaping plans and have stated they will only do so if planning permission is granted. This is unacceptable, and the landscaping plans should be able to be scrutinised unconditionally by MRSC Planning and Environment departments, as well as the public.

PLN/2019/571 landscape plans fail to meet the first three Objectives and several Guidelines.

*5.1.7 Provide elements within the front setback that will encourage the use of the space by staff and visitors.* There are grass areas adjacent to the busy Edgecombe Road, but not seating has been provided.

*5.1.12 For large car parks with greater than 20 spaces, provide canopy tree planting for every 8 car spaces. The species should be selected to provide shade for vehicles and pedestrians ...*

As the majority of the canopy tree planting is around the perimeter of the site, the majority of car spaces will not be shaded, or provide any benefit to pedestrians.

*5.1.9 Landscaping in rear setbacks should be provided is the rear of the site adjoins a public street ... 5.1.16 Where a landscape screen/buffer is required, it should have a minimum width of 5 metres ...*

The landscaped area immediately behind the building and adjoining the new proposed road is much less than 5m.

### **5.3 Fencing**

*5.3.3 If security fencing is required, it should have a high degree of transparency and be constructed with black coated chain link wire or black steel post style ... avoid the use of razor or barbed wire fencing.*

PLN/2019/571 plans or the RFI response do not specify compliance with black coated chain wire, and include the use of barbed wire.

## **6. Site Amenity**

### **6.1 Waste Storage**

PLN/2019/572 Site 2 waste storage is located within the building, and contains large commercial bins, which are designed to be emptied a maximum of twice weekly. An extraction fan is indicated on the plan, which would presumably need to operate 24 hours a day. There are possible health issues arising from the accumulation of food and other waste, as well as the necessity for staff to wheel the bins out to an area where they can be easily accessed by rubbish removal trucks. This needs to be amended on the plan and an external waste storage area be provided as per Site 1.

## **7 Interface Treatments**

### **7.1 Interface Types**

*7.1.10 Sites considered to have importance in the entry to townships and sites located on main roads require careful design guidance to ensure that the proposed development does not diminish the sense of arrival into the town, and detrimentally alter the character of the place. The elements that will need to be carefully considered include:*

*Limiting the prominence of signage and advertising so that it is a recessive element in the streetscape ...*

PLN/2019/571-572 both fail to comply with this guideline. (See Pg8 Signage and Advertising)

## **9 Environmentally Stable Design**

### **9.2 Energy Efficient Building & Site Design**

*9.2.6 Maximise natural lighting through skylights, light wells and positioning windows to capture northern light.*

PLN/2019/571-572 plans do not comply with this Guideline.

*9.2.8 Consider on-site production of renewable energy through photovoltaic cells and solar hot water systems*

*9.2.9 Consider wind generation as a form of renewable energy ...*

PLN/2019/571-572 roof plans do not indicate solar capture. As we move inexorably away from fossil fuels, the incorporation of solar and wind energy generation should be mandatory on all new builds (residential, industrial and commercial) and MRSC should be leading the way.

### **Building Materials**

*9.2.10 Where practical, source local building materials to reduce transportation.*

Applications PLN/2019/571-572 will not source local materials or construction labour as they will use their own suppliers and contractors. Nor have they made any commitment to MRSC to do so, which will result in a significant loss of revenue to the local area.

## **Socio-Economic Impact**

The socio economic impact upon the town centre as well as surrounding district businesses will be enormous. The list of local businesses that will be directly impacted by the construction/operation of a Bunnings, McDonalds, and two other convenient food outlets are:

Kyneton:

Home Timber & Hardware Kyneton Building Supplies

Kyneton Plumbing

Midland Irrigation

Reece Plumbing

Macedon Ranges Plumbing

Kriskens Paint & Workwear

Autopro

Rodilesa Plant Supplies

Kyneton Garden Supplies

The Garden Tap

Major Toms

Donkey  
Pizza & Wine Club  
Hughie's Café & Grill  
Kaddy's Café  
Subway  
Ruby's Café  
Cobb & Co bakery  
The Reject Shop  
Hot Variety  
Kyneton Betta Home Living  
Macedon Ranges Electrics  
Kyneton Carpet Court and many more.

In addition, surrounding areas and towns that have similar stores (eg, Lancefield Hardware, Springhill nursery, etc) will also be impacted. Even given the highly exaggerated number of jobs these developments are proposing to attract, just as many will be forced to let go staff or close altogether.

### **Environmental Impact**

49% of all kerbside litter in Australia is produced by McDonalds. The company states that it supports Clean Up Australia (as it should, given how much rubbish its products contribute) but the real goal is to stop the spread. While the blame can only be indirectly apportioned to the business, with the real culprits being their customers, operating a McDonald's within an area that relies so heavily on visitors to the region will exacerbate an increasing problem. McDonald's may have stopped supplying plastic straws and cutlery, but their drink cups are plastic lined, and all the paper wrapping that is left in park, reserves, forests and along roadsides adds to fire fuel loads. It also makes its way into waterways and reservoirs.

### **Conclusion/Recommendation**

Planning permission should be denied to PLN/2019/571-572 in their current forms, with a view to working with the developer to provide alternatives (in size, format and design) that do not deter from Council's strategy for this industrial area or for the economic viability of the town centre.

Examples might include reducing Bunnings to a Trade Centre only, which would be ideal for surrounding trade and industry without attracting large public numbers and increasing the volume of traffic in and out of the area. It would also reduce impacts on existing businesses within the town centre. While there may be merit in opening a Service Station within the Industrial area, it should replicate (in size, service and hours of operation) existing Service Stations within the Kyneton precinct (Kuppers), which do not offer fast food or drive-throughs, and are not open 24 hours.

Sincerely,

██████████



16<sup>th</sup> February 2021

To Whom It May Concern:

I wish to register my objection to this proposed development. I am concerned about the alteration to the open rural landscape along the Piper's Creek Road turn-off.

My husband and I moved to Kyneton to find a peaceful rural setting to reside in. We do not wish to see this town become more like Gisborne which I believe has lost much of its charm and appeal. I believe that this could also have a detrimental effect on tourism in Kyneton.

Please don't let money-hungry developers ruin our beautiful town!

Sincerely,



**Subject:** Edgecombe Road - PLN/2019/571 & PLN/2019/572

-----Original Message-----

From: [REDACTED]  
Sent: Monday, 15 February 2021 1:30 PM  
To: [REDACTED]  
Subject: MacDonald s and Bunnings development

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

I harbour fears for this lovely town. If I had wanted all this I would not have left Melbourne. Please reconsider such a development.

[REDACTED]  
Sent from my iPhone

From: [REDACTED]  
To: [Macedon Ranges Shire Council](#)  
Subject: Fwd: Edgecombe Rd development(s) [REDACTED]  
Date: Monday, 1 February 2021 12:16:24 PM

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D20-82656

Dear [REDACTED]

Further to my conversation with [REDACTED], I am writing to you to clarify the Objections process, as we have been receiving mixed messages from council offices regarding the objection submissions for the two Edgecombe Road developments.

I have been told by one of the officers that placing both planning numbers (PLN) on the one sheet ( Objection to Grant a Planning Permit) is fine, other members of our group have been told by another officer that we need to do separate forms. This second way is making an already difficult process, so onerous, some people just don't want to bother, which to me, see contrary to the entire point of the Objections form - to engage the public.

Also, a member in our group was told by a planning officer, that objection forms / letters, need to be taken down to the Gisborne Office, due to Covid 19 restrictions. What is going on here? I rang the Kyneton offices today and reception advised me that they can accept objections between 10 am and 3pm. Again, mixed messages styming the Objections process.

I hope you can help with this, as it is these small bureaucracies that can further disengage the public. Please contact me either by return email or phone 5422 7374, so we can quickly clarify this.

Regards

[REDACTED]

We have been receiving mixed messages from council offices regarding the submissions for the two Edgecombe Road(s) which were released simultaneously, the day after Australia Day.

I have been told by one on the officers that placing both planning numbers (PLN) on the one sheet ( Objection to Grant a Planning Permit) is fine, other members of our group have been told by another officer that we need to do separate forms. This second way is making an already difficult process, so onerous, some people just don't want to bother, which to me, see contrary to the entire point of the Objections form - to engage the public.

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Seems to me that Retail Fuels want it all their own way, three separate lots of applications, so that it is pretty much impossible for the average person to keep up with it all, let alone afford to take to VCAT, three times instead of

once. This is already a confusing and divisive development, compounded by it being split in three, with the final 2 applications being released to the public at the same time.

I hope you can help with this, as it is these small bureaucracies that can further disengage the public. Please contact either by return email or phone 5422 7374, so we can quickly clarify this

Regards

[REDACTED]

Sent from my iPad

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 1 February 2021 at 10:36:09 am AEDT  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Edgecombe Rd development(s)

Hi [REDACTED]

Sorry to contact you on a seemingly minor issue but I was wondering if you could help? We have been receiving mixed messages from council offices regarding the submissions for the two Edgecombe Road(s) which were released simultaneously, the day after Australia Day.

I have been told by one on the officers that placing both planning numbers (PLN) on the one sheet ( Objection to Grant a Planning Permit) is fine, other members of our group have been told by another officer that we need to do separate forms. This second way is making an already difficult process, so onerous, some people just don't want to bother, which to me, see contrary to the entire point of the Objections form - to engage the public.

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I hope you can help with this, as it is these small bureaucracies that can further disengage the public. [REDACTED]



Regards



Sent from my iPad

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Objection to application for planning permits PLN/2019/571 and PLN/2019/572  
**Date:** Monday, 15 February 2021 6:39:05 PM

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D21-17514

15 February 2021

[REDACTED]

[REDACTED]

**Objection to application for planning permits**

**PLN/2019/571 and PLN/2019/572**

To whom it may concern

I strongly object to the proposed developments of LOT PS 331532T

I believe that the build of these developments serves no purpose to the Kyneton Community. The development only serves the purpose of the developers. Not the township and broader community. Sure there will be some job opportunities but to what avail.

What the developments will undoubtedly bring is traffic congestion, pollution, rubbish on the roadside, the undesirable stench/air pollution of deep fryer fat, loss of income to local businesses particularly café's and coffee shops. Cars not stopping in the township of Kyneton and supporting the local industry.

Kyneton has three petrol stations already. This proposal for a fourth to be built in what was once a wetland and with Post Office Creek running through and into the Campaspe River can only serve to pollute that already polluted river system more. Petrol Stations are notorious for ground water leakage and I do not trust that this will not occur.

Bunnings Light – why on earth? We have two nurseries, Watts Fresh and Home Hardware providing plants and pots and fertilisers. A Bunnings Light serves no purpose but to undermine these local businesses.

McDonalds is totally unnecessary. There is one in Gisborne only 25 minutes away. If people really want McDonlads (!) they can travel to it. It serves no purpose but to take away from the small businesses already present.

Consideration must be taken. To consider the future of this area and town. To keep it's heritage appeal and to support small businesses, the environment and greater community. These three proposed developments do none of that.

Regards, [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](mailto: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 a local Kyneton resident, mother and active community member, including [REDACTED]. 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 m<sup>2</sup>, it does not specify the land use of Service Station like in other zones.

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

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

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

## **3. Impacts on Kyneton Town Centre**

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

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

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

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

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

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

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

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

Importantly, Kyneton's key value proposition for tourists, local residents of the Macedon Ranges Shire, and prospective residents and businesses is the distinct any unique heritage and rural and natural characteristics of the town and its surrounds. Unfortunately the large commercial operations proposed in this planning application are distinctly at odds with these characteristics through brand association, and this will have a detrimental impact on the ability of our community to market itself a way that attracts tourists and future business. I am very concerned about the impact of the development on tourism –

It will be very difficult for businesses such as these to maintain and market their unique selling points when there is a huge commercial development such as this just down the road. This development is entirely inconsistent with the future vision for Kyneton as a quality tourist destination.

#### **4. Inconsistencies with the Kyneton Structure Plan**

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

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

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

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

#### **a. Inappropriate Signage**

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

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

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

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

### **5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines**

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

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

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

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

## **6. Contravenes Macedon Ranges Environment Strategy 2019**

The Macedon Ranges Environment Strategy 2019: 9 states:

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

I drive past the proposed development site many times a week and often several times a day. There is a beautiful mob of kangaroos upon whose habitat the proposed development will be built, should this application be successful. My children and I often stop to watch the roos, and if we have international guests it is a favourite place to be able to show them our local fauna. I urge Council to seriously consider the impact this development will have on habitats for our local species and biolinks.

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

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

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

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

## **7. Traffic**

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

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

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

## **8. Cultural Heritage Impacts**

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

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



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

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

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

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

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

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

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

## **9. Health impacts in our community**

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

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

[REDACTED]

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

### **Summary**

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

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

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

Yours Sincerely,

[REDACTED]

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Fwd: Deceptive Advertising and misleading activities in our Local Electoral region.  
**Date:** Wednesday, 24 February 2021 2:35:18 PM  
**Attachments:** [image0.png](#)

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Re Copy of email sent to all Councillors Regarding Planning Permit Applications  
PLN/2019/573  
PLN/2019/572  
PLN/2019/571

Sent from my iPad

Begin forwarded message:

[REDACTED]  
**Date:** 24 February 2021 at 11:46:44 am AEDT

**To:** [REDACTED]

**Subject: Deceptive Advertising and misleading activities in our Local Electoral region.**

Dear Councillors and MRSC

I have attached a page from the Website of a group that describes themselves as Stakeholders ( which could more honestly be described as Investors ) and I am sure you are already aware of their attempts to influence the outcomes of the most recent MRSC elections and I believe also the previous Council Elections.

The page attached omits 2 Councillors in the list of whom to contact so as to lobby for the Approval of extremely controversial and questionable developments. Coincidentally these 2 Councillors voted to not give approval to the recent badly structured Subdivision on Edgecombe Road.

This is deeply concerning that such type of conduct is occurring in our Community. One of the most troubling matters regarding this activity is the completely false information regarding employment opportunities that these developments will enable.

300 Full time Jobs

200 Part time jobs.

500 Local Construction jobs.

The Developers stated in the Midland Express in January 26 Edition that Bunnings would provide 40 permanent Jobs. No mention of the word Full time. Bunnings main employees will be Casual. Wether it ever would reach the number of 40 is unsubstantiated.

Service Centre was stated as 60 which also is questionable and unsubstantiated. Most of these jobs would be casual and not even the security of Part time.

McDonald's 100 which is also questionable and unsubstantiated. Most would be casual so not even the security of Part Time.

So these figures quoted in attached document are completely misleading and deceptive by a figure one can estimate at easily 300 if not 400 jobs.

As to 500 Local Construction Jobs. Bunnings, McDonald's and Fuel Service

Centres

have their own construction teams.

Bunnings especially are factory designed and prefabricated the idea that they are going to get Local Builders to erect these buildings is completely untrue. Not even the local concrete companies would get a look in. All materials will be trucked in and Bunnings can supply all their own plumbing and electrical materials and Trades people.

Look forward to following up these concerns with all Councillors.

Kind regards



Sent from my iPad

D21-14964

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Objection to Planning Applications: PLN/2019/572 and PLN/2019/571 - FAO: Awais Sediq and Damien Hodgkins  
**Date:** Tuesday, 9 February 2021 6:28:20 PM

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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.

Please see below my objections:

1. If there is a McDonald's in Kyneton it will severely tarnish the look and feel of the beautiful township and surrounding areas.
2. It will remove the need for travellers between Melbourne and Bendigo to come to the town for food, weakening the local economy.
3. There is enough service stations to service the whole area

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

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

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.

Kind regards,

[REDACTED]

D21-15774



Att: Mr Awais Sediq 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](mailto:mrsc@mrsc.vic.gov.au)

10 February 2021

Dear Mr Sediq and Mr Hodgkins,

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

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

I wish to make my objection on the following grounds:

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

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

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

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 m<sup>2</sup>, 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 nor urban design. The generic and non-descript design of the buildings.

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

## **5. Inappropriate Signage**

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

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

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

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

## **6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines**

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from 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,



# Objection to Grant a Submission 128

## Planning Permit D21-17257

Objection Enquiries:  
Phone: (03) 5421 9699  
Web: [www.mrsc.vic.gov.au](http://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 Numbers

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

### The land

Address of the land

Street No: as per planning apps	Street Name:
Lot No:	Title details (CA, LP, PS, CP, TP) no.:
Township	Postcode:

### 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](http://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.

Please see attached document covering full details of objections to both applications.

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



Attach additional page/s if there is insufficient room.

Please see attached document covering full details of objections to both applications.

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## Objectors Signature

This form must be signed

Signature:	
Date: 15 February 2021	

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## 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](mailto:mrsc@mrsc.vic.gov.au)

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.

**Telephone:** Planning (03) 54 21 9699  
**Website:** [www.mrsc.vic.gov.au](http://www.mrsc.vic.gov.au)

Further important information:

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15 February 2021

Via Email to accompany Objection to Grant a Planning Permit Form

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](mailto:mrsc@mrsc.vic.gov.au)

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

Dear Awais and Damien,

We are writing to you both to register our objections to:

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

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.

Our objections are based on the following:

**1. Breaches in the Commercial 2 Zone land planning**

A Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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 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 cause it to bank up – not desirable for the ‘Gateway’ to Kyneton. This inconsistency must be rectified.

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

## **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 50km from an existing or approved centre.*' (p. 17)

This proposal lies within 10km of the Karlsruhe service station, and within 50km 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 genuine need for another service station in this proposed location. The Calder Freeway is well serviced by existing service stations. Is there any indication of the provision of electric vehicle charging stations forming part of this development? What is the 'shelf life' of a development that will require eventual fuel tank decommissioning and who will bear the cost of remediating the site?

## **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 this approach to 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. A proposed 6m McDonalds Pylon sign for Pipers Creek Road as well as an undetermined height Pylon sign for Edgecombe Road are clearly in breach of this.

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. Where is the guarantee that self service kiosk-style ordering systems will not replace jobs?

Developments of this nature also contribute light pollution, disturbance of native fauna and traffic at all hours. Rural amenity will disappear.

#### **4. Inconsistencies with the Kyneton Structure Plan**

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.

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.

The applicant's assessment that Kyneton's Northern Gateway should not form part of assessing this application as part of the Urban Design Framework should be rejected. This proposal is well within the vicinity of the Gateway into Kyneton and on key arterial roads into the Gateway.

The traffic report clearly shows there are predicted to be many north/south-bound vehicle movements along Edgecombe Road and not just during peak hours. The majority of these vehicles are going into or coming out of Kyneton – the claim that this not part of the Gateway to Kyneton is misleading and all criteria council expects of a Gateway should indeed be assessed against this proposal.

#### **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 6m 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 12m 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 will have a gross visual impact on the Gateway towards 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 6m pylon sign on Pipers Creek Road, the undetermined height of the pylon sign on Edgecombe Road and the 12m pylon sign on Edgecombe Road should be



avoided as they completely detract from the streetscape and key views of the area. The current site is a wide-open undulating land that are completely at 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 5m screening should be provided along Pipers Creek Road. The current proposal is set at 15.6 m from Edgcombe Road and there is no detailed Landscaping Plan for the site. The Plan submitted only shows a few small trees scattered along the boundary length. This must be screened so there is no visual impact from the McDonalds, which is a 6 m high building.

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

PLN/2019/571

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

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

## **7. Contravenes Macedon Ranges Environment Strategy 2019**

The Macedon Ranges Environment Strategy 2019: 9 states:

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

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

Near the area of the proposed development are endangered species such as the nocturnal brush-tailed phascogale (approx. 2.5kms away) and microbats which are sensitive to light. There are recently-listed-as-threatened platypuses 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 inappropriate development..'

We understand that the development commits to undertake all efforts to correctly dispose of the rubbish they generate, but a quick look at similar developments along the Calder show that it is inevitable that the area near the site will be littered with fast food detritus as the general public often make no such commitments to properly dispose of take-away packaging. This will increase the cleaning burden on Council and without doubt this litter will make its way into the environment and serve as pollution gateway to our town and its surrounds.

## **8. Traffic**

The Traffic Report submitted with the application states 'given the nature of the site's proposed use as a service station and convenience restaurants, and its location in a non-residential area with no formal footpath or bicycle path connections, it is anticipated that almost all people visiting the site will do so by private vehicle, including a mixture of cars and heavy vehicles ... and expected to generate up to 334 additional vehicle movements...'

A massive impact will affect traffic that flows through this area and cause unnecessary delays and stress on peak traffic. The Traffic Report in the application is now already 15 months old and differs markedly from Department of Transport figures. Traffic has increased significantly since Oct 2019 and particularly since our local reservoirs have been open to boating. A more recent traffic report needs to be undertaken to reflect current conditions.

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

## **9. Cultural Heritage Impacts**

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

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

In mid-2020, the Aboriginal Heritage Council released a discussion paper proposing reforms to the Aboriginal Heritage Act 2006 in which they highlight the current weakness of protection under s61(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, we believe the only viable choice for MRSC is to refuse this planning application.

The Council should be insisting instead on greater adherence to preferred land use stated under C2Z - the land use be for ‘Informal outdoor recreation’ and a capped 100m<sup>2</sup> ‘Food and drink premises’. Surely this is more appropriate for the Gateway to our town?

The 'product' offered by McDonalds can scarcely be regarded as quality food. The Macedon Ranges was recently awarded grants by the State Government Industry Development Plan in recognition of the exception contribution made by many growers and artisan producers of excellent quality ingredients that reside in the Shire. Why would the Council not encourage hospitality education and training for our local youth to become entrepreneurs of the future and be able to hold qualifications enabling them to work locally? Just ask local cafes and restaurants how hard it is to find well-trained staff who live in the Shire. Staff who travel to the Shire for work also struggle to find accommodation if they are taking up chef positions requiring them to work long hours.

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

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

'Authenticity' is something that visitors are looking for: 'Visitors are more regularly seeking out new and authentic ways to experience destinations, with a strong desire to connect to the people and places they are visiting. Increasingly visitors are researching the history and culture of the places they want to travel to online...'

Visitation is concentrated predominantly to Kyneton and Woodend sub-regions, which together attract 68% of total visitation to Macedon Ranges. The visitor economy in Macedon Ranges contributes \$456 million in output and 2,355 jobs, making it one of the most important industry sectors for the region. Does the Council genuinely believe that the addition of a McDonalds or Bunnings delivers an authentic experience to people visiting Kyneton?

Are the profits of McDonalds, retail fuel and Bunnings re-invested into the communities they profess to serve? Or do we get increasing obesity rates, pollution, environmental damage, congested traffic and loss of amenity as our community's reward?

In no way does this represent 'A Welcome to Country' or a 'Welcome to Kyneton'. Please reject these applications.

Yours faithfully,



From: [REDACTED]  
 To: [Macedon Ranges Shire Council](#)  
 Subject: Re: Objection to Planning Application PLN/2029/572 and PLN/2019/571  
 Date: Monday, 15 February 2021 3:38:06 PM

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D21-17271

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

Hello Awais and Damien,

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

I wish to make my objection on the following grounds:

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

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

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

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

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

### **2. Breaches in the Commercial 2 Zone land planning**

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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 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 20metres 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 100m<sup>2</sup> "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,

A large black rectangular redaction covers the signature and name of the sender. Below the main redaction, there is a smaller, separate black rectangular redaction.

# Objection to Grant a Planning Permit

Submission 130

D21-18421

Objection Enquiries:  
Phone: (03) 5421 9699  
Web: [www.mrsc.vic.gov.au](http://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:
Email:	[REDACTED]

## Planning Application details

Provide the Planning Application Number

PLN/2019/571 and PLN/2019/572

## The land

Address of the land

Street No:	Street Name: Edgecombe Road
Lot No: 1	Title details (CA, LP, PS, CP, TP) no.:
Township: Kyneton	Postcode: 3444

## Reason for your Objection

Prior to lodging an objection please make sure you clearly understand what is proposed. You can inspect the application at the Macedon Ranges Shire Council's Office or on [mrsc.vic.gov.au/Build-Plan/Planning-Permits-Approvals-Forms/Object-to-an-application](http://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.

Please see attached appendix.

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


Attach additional page/s if there is insufficient room.

Please see attached appendix

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## Objectors Signature

This form must be signed

Signature: 
Date: 08.02.21

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## 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](mailto: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](http://www.mrsc.vic.gov.au)

## Appendix: Reasons for objecting to planning applications PLN/2019/572 and PLN/2019/571

Thank you for the opportunity to respond to these applications. There are a number of reasons why I strongly believe you should refuse these applications, listed below.

### 1. Cultural Heritage Impacts

The approval of these applications will have a significant impact of the cultural heritage of the area and specifically the proposed sites.

The Macedon Ranges Statement of Planning policy (SPP) *'provides a framework to ensure 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' (p6)*. The statement goes on to specifically state that it *'aims to support efforts to recognise the connection and stewardship of Traditional Owners in relation to land in the declared area, recognise the connection and stewardship of Traditional Owners in relation to land in the declared area and identify and protect significant landscapes and environmental and cultural heritage features within the declared area'*

The vision for the SPP also states that *'The area's Aboriginal cultural heritage is well understood and celebrated, and the continuing contribution and connection of Traditional Owners and custodians in caring for Country is acknowledged and supported.'*

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 the following:

- This geographic region reflects the specific vegetation history and resource availability in the catchment areas of these waterways and exhibits environmental characteristics that likely influenced Aboriginal occupation. It is also bounded by those significant markers on the landscape that would have influenced the movement of groups across the landscape. Therefore, the geographic region relates specifically to the tangible and intangible values of the landscape and is highly relevant to any Aboriginal cultural heritage that may be present within the activity area (7.1.1, p26)
- The artefact scatters found in the area *'likely represent locations of more substantial occupation and activity, such as the manufacture of tool forms...associated social activities (involving ochre), and likely interaction and trade associated with the traditional boundaries between Aboriginal languages and groups' (10.2.2, p104)*
- *'the area along Edgecombe Street [Road] near St. Mary's Primary School was used as a corroboree ground'*, and this location is directly to the south of the present activity area. Furthermore, the report states that *'it is likely that the Aboriginal places within the surrounding region, associated with the key waterways, are likely to have functioned as important settlement areas where trade, exchange, and communication was being undertaken, as well as associated social activities'.* (10.5.4, p113)
- A 'summary of Significance for Aboriginal Places in the Activity Area' and indicates that three out of the four criteria archeological/scientific, contemporary/social and spiritual' are of high significance. Further it also states that the area has *'potential to answer pertinent research questions about Aboriginal occupation of the local region' (10.3, p107)*

The findings set out in the application's CHMP directly contradict the vision and intention of the SPP and essentially outline a process for the managed destruction of the cultural heritage significance in the area. This alone should be sufficient grounds to reject these applications. Given the additional protection afforded the Macedon Ranges in recognition of the significance of the area, objective 4 of the SPP (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'*) also

provides Council with a sound basis to refuse the current proposal as it fails to recognise, protect, conserve or enhance the heritage significance of this place.

## **2. Environmental concerns**

These applications are contrary to the following Council Plan priorities 1: Protect the natural environment and 2: Promote health and wellbeing. In addition, they are the following concerns:

### **Non-compliance with Planning and Environment Act**

The proposal is not compliant with Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987 under which provision the Macedon Ranges has been declared as a “Distinctive Area and Landscape”. The proposal would be contrary to the objective of the Statement of Planning Policy which aims to manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced. The applications are also contrary to Council’s adopted Macedon Ranges Landscape Assessment Study 2019 which aims to protect the significant landscapes and views of State and local significance.

### **Natural resources management**

The proposal is contrary to Clauses 14 (Natural Resource Management) and 21.07 (Natural Resource Management) which seek to protect and avoid the permanent loss of agricultural land from that use, to protect productive agricultural land from incompatible uses, and to seek the consolidation rather than development of small lots in rural zones. The proposal would remove the site from current and future use for agricultural activity and would comprise a non-rural use and development that would detrimentally impact on the viability of surrounding rural land uses.

### **Protection of natural and rural landscape**

The proposal is contrary to Clause 22.01 (Macedon Ranges and Surrounds) which is drawn from the Victorian Government’s “Statement of Planning Policy No. 8” that aims to ensure the protection of the natural and rural landscape of the Macedon Ranges as well as the agriculture, tourism and environmental values. The proposal would be detrimental to the significant rural and natural landscape values of the surrounding locality, would result in the permanent loss of the land from rural use and adverse impacts to nearby rural land uses, and detrimental impacts to the viability and growth of tourism based around the significant rural and natural values of the Shire.

### **Purpose and provisions of the Farming Zone**

The proposal is contrary to the purpose and provisions of the Farming Zone which aims to retain and protect productive agricultural land use and to ensure that non-agricultural uses do not adversely affect agricultural land use. The proposal would be detrimental to the significant rural and natural landscape values of the surrounding locality, would result in the permanent loss of the land from rural use and adverse impacts to surrounding rural land uses including the amenity of nearby dwellings. The proposal is inappropriate in its design and form within a rural setting and would set an unwanted precedent for other non-rural development in rural locations.

## **3. Ecological concerns**

### **a) The proposal is contrary to Clause 13 (Environmental Risks and Amenity)**

The proposal is contrary to Clause 13 (Environmental Risks and Amenity) which seeks to avoid amenity impacts such as noise, lighting and otherwise to sensitive land uses and ensure appropriate location, separation and format of use and development to safeguard amenity and avoid off-site effects. The amenity of nearby sensitive land uses including dwellings close to the site would be detrimentally impacted by traffic, noise, lighting, 24 hour operation and otherwise.

This development would be located on Post Office Creek, within a significant Central Victorian Biolinks corridor, and adjacent to the ecologically significant Bald Hill Reserve. If it goes ahead, it will have severe impacts to water, air, soil and light quality with immeasurable impacts on local ecology. This will contradict objectives set out in the MRSPP and Environment Strategy.

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.'*

## **b) Light pollution**

The light pollution produced by such a development across the proposed 24 hr daily cycle will have a significant impact on local ecology. A plethora of high-quality urban ecology studies have demonstrated the impact that light pollution has on faunal populations and health. This could very likely impact many fauna species in the Ranges, many of which are threatened or endangered, such as the brushtailed phascogale (*Phascogale tapoatafa*). [Studies of bats and insects](#) have found that artificial night lighting creates *'reduce[d] available habitat and decrease[d] connectivity for light-sensitive species'* (p17). Microbats are light sensitive, particularly important in local biodiversity and their conservation is critical. [Insects are affected by artificial lighting in three main ways:](#) *'disturbed from their normal activity by contact with an artificial illumination source', by 'disturbance of long distance flights of insects by lights encountered in their flight path' and 'the 'vacuum cleaner' effect...[where insects are] "sucked" out from their habitats as if by a vacuum, which may deplete local populations'* (p 5–6). Then there is the remarkable wonder of actually seeing stars that we may take for granted, until it's gone.

## **c) Platypus habitat**

The potential for Platypus (*Ornithorhynchus anatinus*) to survive in the region or thrive in the future will be adversely impacted by this development. The scale of toxicity, runoff and water alteration to the stream will be severe and add to an already terrible legacy of caring for, monitoring and regulating issues with waterways in the region. A 2005 Victorian study demonstrated that [Platypus are particularly sensitive to water and sediment quality](#), and in particular to changes in water quality including surface water-quality variables, dissolved organic levels and suspended solids, [concentrations of sediment toxicants](#), extent of catchment, and daily discharge. Platypus have recently been added to Victoria's threatened species list and classified as vulnerable (in January 2020). Their challenges will only impact with increasing development, land clearing and impacts of climate change.

## **Capacity for rehabilitation and site improvement**

As Council celebrates in the strategy, *'the improved status of the natural environment can be attributed to the countless hours of work undertaken by community groups and individuals to protect biodiversity and restore ecosystems, on both public and private land'* (p23). Friends of Post Office Creek have an active plan to rehabilitate the site and ensure that it becomes a contribution to ecological and public benefit and pathways into Kyneton township and connect the township with Bald Hill Reserve. The proponent's current proposals for ecological impacts and remediation rely on the argument that because the area is not 'pristine' it does not require special consideration. This contradicts the efforts of land rehabilitation that the Council supports and direct policy that encourages rehabilitation projects which include the incredible work already achieved by community and Landcare groups in the region. The proposed development would inhibit future restoration activities from succeeding while creating further damage.

# **4. Tourism impact**



The proposal is contrary to Clauses 17 (Economic Development) and 21.10 (Economic Development and Tourism) that seek to protect and promote rural economic development including tourism within the Macedon Ranges. The detrimental impact of the proposed development and use to the rural locality and significant landscapes and areas in proximity of the subject land would result in negative impacts to tourism and the rural economy of the Shire.

According to the Council's Visitor Economy Strategy, *'the key target market [for the strategy] is the 'Lifestyle Leader' market segment, as they are inclined to stay longer and spend more, and have a particular desire to escape city life and embrace nature/outdoors and new discoveries.'* (p4).

Furthermore, the strategy goes on to say that *'visitation is concentrated predominantly to Kyneton and Woodend sub regions, which together attract 68% of total visitation to the Macedon Ranges. This highlights that product development in the eastern corridor of the shire should be a key consideration to support the visitor economy in this area and encourage visitor dispersal. (Macedon Ranges Visitor Economy Impact Study 2017).'*

The proposed site is one of the gateways to many of the products and experiences Council wishes to promote to visitors, including food, wine, artisanal villages, nature-based tourism, festivals and events and accommodation. It is also in the eastern corridor of the shire earmarked for key consideration to support the visitor economy. To have a ubiquitous city life service centre and trade supplies retail shop at this gateway is contrary to the Visitor Economy Strategy's aims.

## **5. Inaccuracies in the Traffic Impact Assessment**

There are a number of inaccuracies in the traffic impact assessment. They are:

Section 2.2 states no public transport links in the area – ignoring the bus depot on Salesyard road which houses all the Dysons local bus movements to and from bus routes in the area and ignoring the school bus routes that operate in this area during school term times. School buses pick up and drop off school kids along both Baynton and Pipers Creek roads.

Section 2.3 states no formal footpaths or cycle facilities in the area. Whilst there are no facilities, it is an route Council promotes to cyclists, specifically cycling tourism via the 'Visit Macedon Ranges' ride guide. the clearly an area use by large groups of cyclists.

Section 2.3 measured movements in October 2019 which was prior to the opening of the Dysons bus depot and the steel factory on Salesyard Road and the refurbishment of the agricultural business and tyre/auto centre on Edgecombe Road which have increased road traffic in the area significantly already. The bus depot has a capacity of 57 buses currently. This greatly reduces the reliability of the intersection study done via SIDRA intersection software which shows that there are excellent conditions and negligible wait times at the intersection. Traffic has increased at the intersection since October 2019 and wait times are now a common occurrence.

Section 2.4 Safety Review assumes that past reported injuries is the only factor in determining the safety of a particular road. This does not include consideration of near misses, accidents where no injury occurred or the possibility of a non-reported accident. Additionally Edgecombe Road is often targeted by police vehicles both for speed monitoring and for the roadside alcohol and drug testing stops. Statistics from these have not been considered in determining the overall safety of the road.

Section 7.1 Uses the NSW traffic generation guide is from 2002 to model the anticipated traffic figures for the development. There are a number of inadequately considered factors within the figures used to calculate the anticipated traffic from the development. The traffic figures quoted add up to over 600 vehicle movements an hour and do not include the land to be sub-divided for residential development previously approved by council, which will increase traffic volume from the subdivision of land. These

figures also do not factor in the already raised traffic volumes from recent developments in the area post the traffic survey mentioned in section 2.3. Furthermore it does not appear from the figures shown in 7.1 that the proposed use of the site as a truck stop has been factored into these figures either. The NSW guide to traffic generating development specifically highlights the fact their guide does not include this data and further reading of an American study (ITE Trip Generation manual) is recommended. The traffic impact assessment does not mention this study.

Section 8 Conclusion. The concluding statement from the impact assessment is misleading as it does not adequately consider the development as a whole. *“Traffic from the proposed development can comfortably be accommodated on the road network without compromising its function or safety and no mitigating works on the nearby road network are required as part of the proposed development”*. This is based on one development in isolation and does not reflect a true picture of proposed development’s impact on the function and safety of the existing road network, especially given the 24/7 nature of the proposed McDonalds. The addition of over 600 vehicles an hour is likely to have a much greater impact on the existing road network and would necessitate mitigating works and would likely mean that the proposed developments as a whole would not be suitable for the proposed location.

Section 8 also comments *“Given the nature of the site’s proposed use, 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”*. This statement is contrary to Council’s vision and supporting goals contained with the Macedon Ranges Walking and Cycling Strategy. The specific goal to, *“...create a more healthy, active community and reduce the incidence of obesity related conditions”* would be hugely harmed by allowing the development of two fast food restaurants solely accessible by car outside the Kyneton Town centre.

## **6. The location contravenes Freeway service centre design guidelines**

- a) The proposal is not compliant with Clause 53.05 (Freeway Service Centre) and the Freeway Service Centre Design Guidelines (May 1997) Reference Document which require consideration of location, design and amenity impacts for these facilities. The proposal would be detrimental within this area of significant rural and natural landscape values, and would result in detrimental impacts to the amenity of nearby residences and other sensitive land uses including animal keeping by way of traffic, noise, lighting and 24 hour operation.
- b) 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.
- c) Kyneton already has three service stations: two in the town centre on High Street, and one just outside of town on Burton Avenue.

## **7. Breaches in the Commercial 2 Zone (C2Z) land planning**

- a) The proposed service station contravenes Commercial 2 zone land planning clause which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, it does not specify the land use of Service Station.

The C2Z land planning 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).

The use of land proposed in this application will absolutely detrimentally affect the amenity of the neighbourhood through transport in the ways specified, including but not limited to transport of [502](#)

materials, goods or commodities, emission of noise, artificial light, vibration, smell, waste products and oil, noting that in addition to this it is also proposed that at least one fast food outlet will operate 24/7.

- b) The cross-overs for the application are inconsistent. The plans submitted with the application are inconsistent with the Planning Report and demonstrate a lack of proper consideration impacts to local traffic with an influx of trucks and heavy traffic.
- c) 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.

## 8. Impacts on Kyneton Town Centre

Objective 4 in the Macedon Ranges planning scheme clearly states that you will *'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'* (p11-12).

Equally, objective 5 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.*

In creating separate access to businesses which divert people from the town centre and therefore away from a number of existing, local and family owned businesses, these applications directly contravene your planning scheme.

## 9. Inconsistencies with the Kyneton Structure Plan

There are several inconsistencies between the applications and the Kyneton Structure Plan. Section 4.1 of the Kyneton Structure Plan outlines how you will 'strengthen town character'. One of the guiding principles for achieving this is to *'Strengthen natural and visual links with the rural and environmental landscape'*. One of the actions for section 4.1 is to:

*'Enhance key gateway locations in accordance with the Kyneton Urban Design Framework that support high quality architecture and urban design'*. The proposed site under these applications is at the middle gateway to Kyneton.

These are two of the guiding principles from Section 4.2 "Community development and placemaking":

*'Build upon the celebrated local history, culture and diversity, including strengths in recreation, tourism and the arts.'*

*'Create an urban environment that is a desirable place for residents and visitors.'*

Section 4.3 speaks to 'economic prosperity' and singles out the area covered by the proposal, specifying *'facilitate industry and trade-related land uses that avoid undermining the role of the town centre as the retail focus of Kyneton. Shop/supermarket use is strongly discouraged at this location'*.

The applications directly contradict these principles and action in the following ways:

- Not only will this proposal not strengthen natural and visual links, it will actively detract 'natural and visual links' for surrounding residents and tourist visitors alike.
- These applications propose neither high quality architecture nor urban design at this gateway location.
- The proposal will replace an area of cultural sensitivity/Aboriginal cultural significance (see objection number 1 for more information)
- Edgecombe Road is currently signposted within town as the main route to access the areas wineries, as well as being the access point to numerous other tourist attractions in the area. The current view of the proposed site is fields, far more in keeping with expectations for rural tourism than what is proposed in the applications.
- Due to ecological, cultural heritage, environmental and health concerns raised in this objection, this development will not be an 'urban environment that is a desirable place for residents and visitors'.
- The proposal includes multiple shops, including a convenience shop, likely to be a mini-supermarket.

## 10. 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*'.

Section 4.6.4 of the Design Guidelines for Industrial and Commercial Development state that '*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*'.

The current site and surrounding area to the east is open, undulating fields.

- a) PLN/2019/572 is contrary to both the guidelines and the Kyneton Structure Plan in that it proposes a 6 metre pylon sign on the Pipers Creek Road side of the McDonalds standalone restaurant. In addition there is also another pylon sign of indeterminate height marked on the Plans for the Edgecombe Road side of the McDonalds standalone restaurant.
- b) PLN/2019/571 is also contrary to both the guidelines and the Kyneton Structure Plan in that it proposes to have a 12 metre pylon sign on the Edgecombe Road which will have an obvious visual impact on the entry and exit points of the gateway to Kyneton. Furthermore, the likely signage format for the proposals is in part unclear though the Proposed Elevations Version B document clearly shows this pylon to be taller than the actual building itself. This is contrary to clause 52.05 (Signs) provisions. Signage is integral to the proposal in respect to design and form, rural and natural landscape values and amenity.

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Objection to Planning Application PLN/2019/572 and PLN/2019/571  
**Date:** Monday, 15 February 2021 9:10:17 PM

D21-17616

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

15.02.21

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

Hello Awais and Damien,

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

I wish to make my objection on the following grounds:

#### **1. 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 m<sup>2</sup>, 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 norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

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

#### **5. Inappropriate Signage**

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

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

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

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

#### **6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines**

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from 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.

The Council should be insisting the land use be a "Informal outdoor recreation" and a 100m<sup>2</sup> "Food and drink premises" as taken from the list which states the preferred land use for C2Z. I see these land uses together could respect and celebrate the Cultural significance of the area - what a wonderful "Gateway" that would be to Kyneton! "You are on Taungurung Country - Welcome to Kyneton" and instead of a 12m pylon give us a totem from Taungurung. Instead of McDonalds give us some Indigenous tucker house, which source ingredients from the Bush Tucker farm in Harcourt <https://www.abc.net.au/.../bush-tucker-farm-in.../12884190>, or an "Education Centre" whereby encouraging the development of a new campus for William Angliss or a similar teaching facility to be built in the Shire so local youth can train close to home to fill any number of roles in the hospitality industry and be encouraged to make a career of it. Kyneton would be the perfect place. Surrounded by many growers and producers of excellent quality ingredients and encouraged by a recent State Government Industry Development Plan. C2Z is valuable and should be used to its greatest potential.

Yours Sincerely,

[REDACTED]

[REDACTED]



From: [REDACTED]  
 To: [Macedon Ranges Shire Council](#)  
 Subject: Objection to Planning Application PLN/2019/572 and PLN/2019/571  
 Date: Wednesday, 10 February 2021 10:17:42 PM

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Hello Awais and Damien,

I am writing to both regarding the Planning Application **PLN/2019/571** for the use and development of land for a Service Station including Convenience Shop and Convenience Restaurants, 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 Rd, Kyneton.

[REDACTED] I'd hoped that any new development would be focused on restoring historical buildings/street scapes and enhancing the natural environment. I had a sense that Kyneton was different to the surrounding suburbs of Melbourne, where 24hr MacDonalds are an unsightly, unhealthy, polluting (*rubbish*) common sight. I've taken a close look at the site plans for the corner of Edgecombe Rd & Pipers Creek Rd and it truly saddens me to think that the developers are calling the shots on this development, with little concern for the cultural, historical and important environmental sense of place that I strongly believe Kyneton embodies.

I'm not completely apposed to development, but I am strongly apposed to development that doesn't appear to have conducted it's due diligence in design development. The development plans available for viewing on the Macedon Ranges Shire Council web site, scream 'COOKEE CUTTER' thoughtless development. With no consideration to the Kyneton sense of place, if these plans are approved by council I will be heartbroken [REDACTED]

I wish to formally make the following objections on the following grounds:

Under Clause 34.02-1, Service Station and a Convenience Shop are not listed as preferred developments and uses of this land. What is the need for this development?

Under Clause 34.02-1, the development exceeds the allowable leasable area of 100 m2 with the use and development of 2 x Convenience Restaurants. This includes one Convenience restaurant internal to the Service station building, and one standalone Convenience restaurant totalling 542 m2 (including the Retail Shop it would be 792 m2).

Under Clause 52.29-2, the development wants to create an access point on Edgecombe Road which is a Road Zone 1 Category. The Council must consider items under Clause 65 that mentions things like 'the effect on the amenity of the area' – such as traffic and vulnerable road users, walkers and bike riders.

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

### **There is no need for a Service Station at this location**

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

This proposal lies within 10 km of the Carlsruhe service station, which I understand is also about to be developed, 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.

### **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 m<sup>2</sup>, 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.

### **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.

### **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.

### **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 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 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.

### **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.

### **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.

### **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.

### **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:

--[if !supportLists]--> <!--[endif]--> ‘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.’

--[if !supportLists]--> <!--[endif]--> ‘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:

--[if !supportLists]--> <!--[endif]--> Objective 4 - To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.

The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are

protected and conserved and continue to be of special significance to the people of Victoria. It celebrates the inexorable links between Country and Aboriginal Victorians' (p. 6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

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

**Summary**

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

Yours Sincerely,

[Redacted signature]

[Redacted name]

[Redacted address]

From: [REDACTED]  
 To: [Macedon Ranges Shire Council](#)  
 Subject: Objection to Planning Application PLN/2019/572 & PLN/2019/571  
 Date: Wednesday, 10 February 2021 10:53:48 PM

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[REDACTED]  
 Awais Sediq & Damien Hodgkins  
 Co-ordinator Statutory Planning and Senior Statutory  
 Planning officer  
 Macedon Ranges Shire Council  
 PO Box 151, Kyneton Vic 3444

10.2.21

RE: OBJECTION TO PLANNING APPLICATION PLN/2019/572 & PLN/2019/571

Dear Awais and Damien,

I'm writing to you about the planning application for the service station, shop and MacDonald's restaurant and Bunnings at Lot 1 Edgecomb Road, Kyneton.

1) There is no need for a service station here, because there are already two within 50 kms (Carlsruhe and Ravenswood). The Freeway service Centre Design Guidelines state they should not be closer than 50kms apart.

Also, Kyneton already has three petrol stations in town and nearby.

2) The land is zoned Commercial 2, which allows for uses such as outdoor recreation, art gallery or food and drink premises under 100m<sup>2</sup>, not for a service station. It would negatively affect the locality with its appearance, noise, smell, fumes and rubbish, with trucks and cars degrading this rural area on the edge of town. The C2Z states this must not happen. The proposal for McDonald's is 377m<sup>2</sup> and total area of the service centre is 792m<sup>2</sup>. This clearly breaches the planning scheme dramatically.

3) Kyneton has a unique identity because of its history. The heritage buildings have been carefully preserved, and many residents and tourists come to savour these amenities, which have been lost in so many other towns.

Clause 21.13-2 states that development must respect our heritage buildings.

The service station/McDonald's/Bunnings proposal would be a blot on the landscape and totally contravene Kyneton's character.

Clause 21.13-2 states specifically to 'maintain the role of the town centre as the retail, commercial and civic core,

to 'avoid out-of- centre commercial development that may have a negative impact on the economic viability of the town centre' and to 'avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps serving Kyneton.'

4) If allowed to go ahead, this proposal will directly undermine the numerous cafes, restaurants, hardware and service station businesses which are already established in Kyneton. Especially after the covid19 restrictions of 2020, it is a totally unwarranted and

unfair proposal.

We do not want this multinational company, (MacDonalds) adding to the existing obesity problem we already have in our community. They are also known to under pay their workers.

5) It also contravenes the Kyneton Urban Design Framework, and the Kyneton Industrial Master Plan and Design Guidelines. It is not set back from the road far enough, it must be screened off, and car parking should not be in front of the building, as the plan stipulates. It has been designed by people who are ignorant of MRSC's policies.

6) This plan contravenes the Macedon Ranges Environment Strategy 2019. It will impact on the recently planned reserve for Post Office creek, both aesthetically and environmentally.

7) This proposal will impact and create traffic problems in the area, as it is expected to increase up to 334 extra cars and trucks.

8) The Cultural Heritage assessment found that this is a very significant area for indigenous artifacts, and is a place where trade and social interaction between aboriginal groups took place.

The Victorian Planning Provisions (VPP) states that significant places must be protected and preserved.

Also the Macedon Ranges Statement of Planning Policy states ' 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.'

I object strongly to the proposal!

It clearly goes against the MRSC's planning policies and guidelines in many ways, as well as the Victorian government's policies and laws.

Stop these multinational companies undermining and destroying our unique historical, cultural and social identity!

Yours Sincerely,



Get [Outlook for Android](#)

[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](mailto:mrsc@mrsc.vic.gov.au)

**15/2/20**

**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 the land for a Service Station* and Planning Application PLN/2019/571 for *the development of land for Trade Supplies/Restricted Retail* – At Lot 1 Edgecombe Road, Kyneton.

I wish to make my objection on the following grounds:

There are 3 service stations already within our small town. Two are situated within High Street and one just outside of town on Burton Avenue. The nearby service station in Woodend is currently being revamped and the Karlsruhe service station, which is within 10km of the proposed site, is also going to receive an upgrade.

It would be unnecessary for Kyneton to have an additional service station when the existing three in the town, as well as others close to the town can successfully accommodate the local community, tourists visiting the town, and passers-by.

Multiple locally owned businesses who employ people from our local communities such as our service stations, cafes, restaurants, hardware stores, and nurseries will see adverse effects and potentially be detrimentally impacted due to the proposed development.



I would hate to think that our Council would be willing to approve a development that could cause local businesses who have served our town to close their doors, and community members to lose their jobs.

The proposal will cause Edgecombe road to be inundated with traffic, which may cause increased accidents along this road as well as causing a delay in travel times during peak periods, such as weekends and school hours due to the two primary schools located just a few hundred metres away. As well as this, the flow of traffic is problematic, as trucks from the loading dock will be required to reverse into traffic entering the drive throughs, and pedestrian access is quite hazardous as they must walk through areas of traffic to get to the service station shop.

Properties along Edgecombe road are home wildlife such as Kangaroos that are seen frequently hopping beside the road, wombats and platypuses. I fear that this development will cause destruction to our wildlife's natural habitats and cause them to find oasis elsewhere, as well as raise their risk of being killed by the increased volume traffic driving along this road.

There's a reason why we choose to live in Kyneton and why tourists choose to holiday and visit the town. People who come to visit from larger towns and cities do so to get away from the hustle and bustle of city life, where there are service stations, Bunnings stores and fast-food chain restaurants on every corner. People come to Kyneton to experience an authentic country town which oozes excellence in dining and food, to live on and experience the rolling landscapes and gardens that is home to hundreds of wildlife species, to be able to breathe fresh air and to have a sense of freedom.

I am convinced that our country appeal will no longer be as appealing if a large development like this were to go ahead and our town starts taking on the persona of a metro town.

Kyneton is a small country town, and I would love nothing more than to keep it that way.

I believe the only viable choice for MRSC is to refuse this planning application.

It would be far more beneficial for the town as a whole if the land were to be used for informal outdoor recreation, an educational space, or as a cultural site, used to celebrate the Aboriginal Cultural Heritage the land possesses. This would be valuable to our community and fulfill the lands potential.

Yours Sincerely,



Objection PLN/2019/571 and PLN/2019/571



Awais Sadiq  
Co-ordinator Statutory Planning  
Macedon Ranges Shire Council  
PO Box 151, KYNETON VIC 3444  
[mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

10 February 2021

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

Hello Awais,

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* 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 m<sup>2</sup>, 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 is proposed to be operating 24 hours a day which means light will be emanating from the site, transport of petroleum products, retail deliveries, food and drink deliveries to/from this one site constantly. All this will increase the level of impact on the roads and residents living on Edgcombe Street, Kyneton, and those using the road for commuting and travelling. The crossovers 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. Waste water will be created from this development, given the local Reclamation Plant already discharges illegal and contaminated water into the Campaspe River, how is it possible to approve this proposal with such inadequacies present.

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. Need more strategies to link unemployed with current jobs in the region**

Recent research, "How work works" by Janette Pope, shows there is enough job opportunities in our region in the already thriving industries of retail, hospitality, food, wine, manufacturing, farming and trades. The report goes on to recommend more investment be placed in connecting those job opportunities with people who are looking for work. The current working sector we have in our

region goes a long way to setting up our youth for career pathways, whereas work like McDonalds does not. Further, the report highlights how employers look to other experiences like participation in sports clubs or contributing to community events or groups that show a certain skill set. Council must make sure it is connecting unemployed people to the jobs which help support our local economy and thriving community.

## **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 and a food restaurant is in direct competition with the Kyneton town centre and will have an adverse economic impact on Kyneton business. There are two service stations in town which then direct potential customers into the town centre, by locating one on the highway will draw people away from the town centre.

### **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 of the McDonalds standalone restaurant, and there is also another pylon sign (no height mentioned) marked on the Plans for the Edgecombe Road.

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 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.

### **b. Impacts on Post Office Creek**

Section 3.3 of the Kyneton Structure Plan states *“There is the potential for better open space links in and around the township, including connections along Post Office Creek and the Campaspe River. These environs and the surrounds of Kyneton contain sensitive ecological assets which can be vulnerable to bushfire impacts. There is also a need to consider impacts on the natural environment, flora and fauna. In addition, Kyneton’s location within the Lake Eppalock Water Catchment means that it is highly sensitive to water, wastewater treatment and reuse and on-site effluent management. The Kyneton area is a major source of water for irrigation, stock, domestic and urban water supplies within the municipality... The development of land within environmentally significant*

*areas, particularly near and along the Campaspe River and Post Office Creek, must adequately address the protection and conservation of threatened native flora and fauna species which need to be considered when planning infrastructure and pedestrian and bicycle access to these areas.” (p. 5)* There is also the impact of increased wastewater being generated for Kyneton’s Water Reclamation Plant which is already at capacity. The local Plant has already discharged illegal water into the Campaspe River system, and totally polluted Snipes Creek. Our local Water Reclamation Plant must be able to receive this extra wastewater, if it is already discharging contaminated water into our waterways, Council needs to get greater confirmation it can receive it.

## **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.

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). PLN/2019/572 contravene this Guideline with all of its visitor carparking fronting 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 (MRSPP), 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.

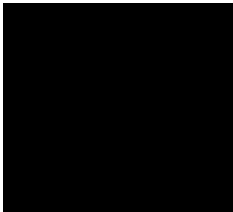
6). Amongst other objectives the MRSP aims to support efforts to identify and protect significant landscapes and environmental and cultural heritage features within the declared area; and to provide greater certainty about the landscape values and rural land to be conserved for current and future generations.

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 Macedon Ranges Shire Council 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](mailto: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 m<sup>2</sup>, 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.

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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 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**

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

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

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

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

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

**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,

A solid black rectangular redaction box covering the signature area.

[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](mailto:mrsc@mrsc.vic.gov.au)

9<sup>th</sup> 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 m<sup>2</sup>, 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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Clause 21.13-2 states at its Objective 5, to consolidate and strengthen the retail, commercial and industrial functions of Kyneton. This includes strategies to:

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

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

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

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

### **5. Inconsistencies with the Kyneton Structure Plan**

Gateways are designated as areas of the town which are to promote high quality architecture and urban design, through the implementation of the Kyneton Urban Design Framework. This proposal,



at the norther Gateway of Kyneton does not exhibit high quality architecture nor urban design. The generic and non-descript design of the buildings.

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

## **6. Inappropriate Signage**

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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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## **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.

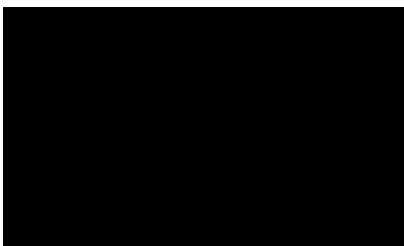
The purpose is articulated in the document as ‘providing a framework to ensure that the outstanding landscapes, layers of settlement history, impressive landforms and diverse natural environment of the Macedon Ranges are protected and conserved and continue to be of special significance to the people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

---

**From:** Planning  
**Sent:** Tuesday, 23 February 2021 3:22 PM  
**To:** [REDACTED]  
**Subject:** McDonalds/Bunnings Development

-----Original Message-----

**From:** [REDACTED] >  
**Sent:** Tuesday, 16 February 2021 4:20 PM  
**To:** [REDACTED] >  
**Subject:** McDonalds/Bunnings Development

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

I strongly object to the proposed McDonalds/Bunnings development as it will have a devastating effect on the existing local businesses, including the hardware store, service stations, nurseries etc. It's unnecessary and will certainly be a blot on the landscape.

[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](mailto:mrsc@mrsc.vic.gov.au)

14/2/2021

**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.

**1. Impact on surrounding streets**

[REDACTED]  
[REDACTED] I have noticed the recent plans to instal proper pavements up our street to Edgecombe Road and am aware this may be a way of increasing accessibility to this proposed development. This greatly concerns me as we have an oval and skate park [REDACTED] A 24 hour McDonald's just around the corner, will increase people congregating in the evening and overnight at the skate park, which will be a disturbance along with the likely rubbish left in this public space.

**2. There is definitely 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. As the 50km requirement has already been met it seems unnecessary for the town to be impacted by such a development.

**3. Breaches in the Commercial 2 Zone land planning**

This land is not zoned for a petrol station and the proposal for a fast food outlet exceeds the limit of a 100square metres. The total area of 792 square metres for the entire construction site clearly contravenes this section of the planning scheme.

Such a construction will go against the C2Z which stipulates the *use of land must not detrimentally affect the amenity of the neighbourhood through transport of materials, goods or commodities to or from the land, appearance of any building, works or materials, or the emission of noise, artificial light, vibration, smell, fumes, smote, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.* (Clause 34.02-2). Clearly a patrol station and fast food outlet would greatly contradict the zoning for this site. It would also have a huge impact on residents living on Edgecombe Street, Kyneton, and those using the road for commuting and travelling.

#### **4. Impacts on Kyneton Town Centre**

This construction by no means supports the culture or aims of the Kyneton area. The design is not in line with the heritage image of the town and it in no way supports the growing effort by community to foster a supportive, community environment. Large commercial companies coming into the area in now way support the growth and survival of the small businesses, which do so well to attract tourists and income to our community and town. In fact, any profits will go to these large companies who make no mention of investing in the wellbeing of our town and people. The rationale that it will bring jobs is very short sighted, considering how many jobs will be lost when businesses in the town will be grievously impacted, such as the hardware store, cafes and restaurants and 3 already functioning petrol stations!

#### **5. Contravenes Macedon Ranges Environment Strategy 2019**

The Macedon Ranges Environment Strategy 2019: 9 states:

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

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

## **6. 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.

## **7. Cultural Heritage Impacts**

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

A solid black rectangular box used to redact the signature of the sender.

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Cc:** [REDACTED]  
**Subject:** Planning Objection PLN/2019/572 and PLN/2019/571  
**Date:** Sunday, 7 February 2021 10:19:00 AM  
**Importance:** High

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D21-13806

To Whom it May Concern,

I wish to voice my strong objection to the plans for a McDonald's fast food restaurant and the Bunnings (and associated buildings) development to be built in Kyneton.

Planning application numbers PLN/2019/572 and PLN/2019/571.

The impact that junk food chains such as this have on the environment and on our health in general is undisputed and we **do not** want this here in Kyneton.

In addition to this, the harm it will do to the small family-run businesses which Kyneton is largely made up of will be significant, and after a year of COVID's impact on their revenue, this may push many of them out of the market and towards closure.

The Bunnings development plan locates septic waste on the edge of a creek which is home to a vast array of wildlife including platypus. A recent study by the University of NSW concluded that the platypus is on the brink of extinction. It is currently listed on the endangered list. Placing this development on this location has the capacity to seriously impact the local population of this endangered native animal. This development is neither welcome nor wanted, with a Bunnings warehouse located only 30 minutes away in Kangaroo Flat. We also have a perfectly good Home Hardware store in town, whose business will surely suffer from this development, impacting all of the families associated with it. This is driven by needless greed without any consideration for the people, businesses, animals or environment that it will impact.

Kyneton has a well known public image, of which its residents are extremely proud, as a historic country town renowned for its fine dining, wineries, markets and beautiful scenery. Thousands of tourists come to Kyneton every year to holiday because of exactly those reasons. They want to escape the multi-national generic tediousness of city living, not see more of it here! It is absolutely NOT an appropriate place for a McDonald's junk food restaurant and the associated stress on the environment that this brings. If any place in the Ranges needs a petrol station, it is Woodend, which currently has none.

As a resident of Kyneton, I strenuously object to these developments and have to seriously wonder at the motivations of a council who would consider allowing something as offensive and poorly considered to be put forward. These developments must not proceed.

I can be contacted by reply email for further discussion.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[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

15 February 2021

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

Dear Awais and Damien,

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

My objection is on the following grounds:

**1. Damage to the Macedon Ranges reputation and amenity as an area that values and protects its natural attractions and country town character, which attracts and is enjoyed by residents and visitors.**

- The development works against the following gazette 160813 clauses of section 46AO(2)(d) of the Planning and Environment Act 1987 in which the Macedon Ranges has been declared a 'Distinctive Area and Landscape':

*(a) The Macedon Ranges has landscapes of outstanding natural beauty and environmental, economic and cultural heritage values of state and national significance.*

*(b) Its diverse natural environment and impressive landforms, combined with visible layers of settlement history, underscore its special significance to the people of Victoria and its important role in our social, cultural and economic development.*

*g) The Macedon Range's 19th century built heritage includes public buildings, private homes and businesses and formal gardens. The public infrastructure legacy includes the major transport corridor to Victoria's goldfields and the railway linking Melbourne to Bendigo, which continues inland to the Murray River. The area has some of the earliest pastoral settlements and farm complexes in Victoria, and its townships reflect the importance of transport, agriculture and forestry to Victoria's early social and economic development.*

- The Kyneton Structure plan, 2013 (KSP) sets out a Vision for Kyneton:  
*...to continue to build on and enhance Kyneton as a key local and regional township, building on a rich and historic character set amongst a picturesque rural and environmental landscape. Ensure Kyneton is home to a connected and active local community, renowned and viable destination for businesses providing an attractive and inviting range of shops, services, eating places and community activities whilst*

*retaining the distinct character, historic streetscapes and landscapes through consolidated growth.*

These developments do not reflect this vision.

- The KSP identifies the Beauchamp Street intersection round-a-bout as one of the three Gateway Sites determined to: *Promotes high quality architecture and urban design at key gateway location (Legend pg 8)*

Positioning a McDonald's, a proposed mega service station with a further food outlet and a Bunnings at both a major gateway to the town and access point to local wineries and landscapes would significantly undermine Kyneton's tourism appeal and town character.

- The KSP indicates the signage proposed by the developers is inappropriate:

Strategy 5.5 of the KSP 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.*

- The planning applications are inconsistent with the MRSC Visitor Economy Strategy 2019 – 2029 that states:
  - *This strategy supports the vision and objectives of the SPP by providing the strategic direction to grow a sustainable visitor economy that protects and enhances the values of the Macedon Ranges, which directly support and define its unique brand.*
  - *68% of visitation is to Kyneton and Woodend and visitation projections show that Macedon Ranges has the potential to attract an additional 1 million visitors by 2025 using a mid-point growth scenario. This highlights the need to develop strategies to ensure the sustainable growth of the visitor economy, where benefits are realised and potential impacts are mitigated. These developments have the potential to deter the visitors.*
  - *The aim of the Visitor Economy strategy to: Ensure growth of the visitor economy is appropriately managed to conserve the significant landscape, environmental and cultural values of the Macedon Ranges.*
  - *Visitors are more regularly seeking out new and authentic ways to experience destinations, with a strong desire to connect to the people and places they are visiting. (pg 13)*

These developments are on land that is within the town boundary as detailed in the KSP and would detract from the authenticity of the town.

- The proposals are inconsistent with the Macedon Ranges Shire Council (MRSC) Plan 2017-2021 major theme:

*Liveability: strengthen community resilience, inclusion, safety, accessibility and connectivity, protect our natural environment, heritage and rural character.*

- The Council Plan, Year 4 (2020 – 2020) also lists community input that the plan responds to: *All development should be consistent with town character...to ensure we do not lose our existing character. (pg 10)*

## **2. The developments would cause significant increased congestion and traffic safety issues**

Edgecombe Road is already a very busy road with local traffic to/from rural land holders, the industrial area, from the freeway and school buses, along with cars and heavy vehicles travelling to and from Bendigo, Lake Eppalock and other rural areas.

- The impact of the approved 43 lot development approved for Edgecombe Road in December 2020 should be taken into consideration as it will further exacerbate traffic volume and congestion.
- The traffic report provided by the applicant, although outdated and should be updated, 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.

It also states “...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...”.

- The Plans submitted with the application are inconsistent with the Planning Report and it is unclear where the entry and exit points will be. 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.
  - The corner of Saleyards road and Edgecombe road is known for being particularly busy and complicated by the opposite intersection of Piper’s Creek Rd.
  - There is considerable traffic consistently on Edgecombe Road from the freeway, both feeding from the freeway (from south bound traffic coming into Kyneton township) and turning onto the freeway (south bound towards Melbourne).
- The development appears to breach the Commercial 2 Zone land planning under Clause 52.29-2:  
The development wants to create an access point on Edgecombe Road which is a Road Zone 1 Category. The Council must consider items under Clause 65 that specifies considerations including ‘the effect on the amenity of the area’ – such as traffic and vulnerable road users, walkers and bike riders.

The proposed developments would have a disastrous impact on traffic flow in the area including along Edgecombe Road, Piper’s Creek Road, Saleyards Road, Edgecombe Street and Beauchamp Street, the roundabout and freeway on/off-ramps; and cause potentially dangerous levels of traffic volume and congestion.

### 3. The development undermines local businesses and the town centre

- The introduction of a service station and fast food/convenience outlets is directly contrary to the KSP key Retail and Commercial recommendation:

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

- The development is inconsistent with the MRSC Plan 2017-2021, *Priority 4: Enhance the social and economic environment: Encourage economic vitality (tourism, agribusiness, buy local, local employment options)*
- The area is indicated under the KSP for Industrial Uses:

Actions in the KSP under 4.3 Economic prosperity (pg 9):

- *Encourage consolidation of the industrial area north of the Calder Freeway (including zoning review) to maintain opportunities for Industrial 1/2 zone uses whilst avoiding land use conflicts.*
- *Encourage industry and trade related land uses on the eastern side of Edgcombe Road north of Calder Freeway in a way that avoids a compromise of the industrial area and or undermine the role of the town centre. Shop/supermarket use is strongly discouraged in this location.*

As proposed in these planning applications, the inclusion of a fuel retailer, hardware retailer, and at least one food restaurants, will compromise the role of the town centre and have an adverse economic impact on Kyneton business.

- While the development proposes that it will bring many new jobs, Council needs to take into account how many jobs will be lost by the approval of the new development. This consideration should be inclusive of the local businesses that will be impacted due to direct competition along with the flow on impact to tourism inclusive of the snowball effect due to the precedent set to allow large conglomerates and their associated branding.

There must also be consideration as to what type of jobs and job pathways the developments will bring. As documented in a recent regional research study, there are existing and growing job and career pathway opportunities in a significant range of rural industries. Ref: *How Work Works- getting young people employment in our growing industries*, prepared for a partnership of Local Learning and Employment Networks (LLENs) in 2020 <https://www.cllen.com.au/publications/193-how-work-works-loddon-campaspe/file>

### 4. 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 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 Responsible Public Entities:

*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.*

## **5. Environmental impacts**

- The developments should be considered in light of identified community and Council priorities documented in the MRSC Plan 2017 – 2021:

### *Priority 2: Protect the natural environment*

- *Address climate change mitigation, resilience and adaptation*
  - *Protect biodiversity*
  - *Enhance waterways and water catchment quality*
  - *Proactive environmental planning and policy*
- The Macedon Ranges Environment Strategy (2019) pg 19 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.”*

- The KSP, under 4.2 Community Development & Place making lists as an action:

*Secure areas of open space through the planning process around the Campaspe River corridor and Post Office Creek to link areas of public open space and provide environmental corridors (pg 8)*

It is Council’s responsibility to ensure that the essential 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.

## **6. 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.
  - Additionally, it should also be noted that an application was approved in 2020 to upgrade the Karlsruhe service station to provide a more extensive truck stop including moving it closer to the freeway.
  - Should the McDonalds and service station development proceed this would have the potential to jeopardise the operation of Karlsruhe service station that has operated on the old highway for many years.
- 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 catered for by service stations. If anything, in the near future, service stations of this type will be less common 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?

## **7. Breaches in the Commercial 2 Zone land planning**

The service station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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).

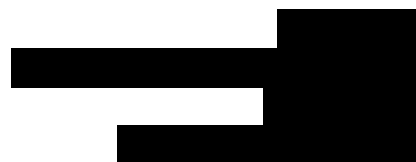
This application requires the transport of petroleum products, retail deliveries, food and drink deliveries to this one site increasing the level of impact on the roads and residents living on Edgecombe Street, Kyneton, and those using the road for local or regional commuting.

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

I believe due to the above grounds that are examples that contravene State legislation, planning regulations and guidelines, along with Local Government plans as detailed, the only viable option for Macedon Ranges Shire Council is to refuse these planning applications.

[REDACTED]

[REDACTED]

7<sup>th</sup> 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](mailto: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 m<sup>2</sup>, 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 m<sup>2</sup>. This proposal has a stand-alone restaurant, McDonalds, at 377 m<sup>2</sup>, and has a Service Station that has a retail shop, at 250 m<sup>2</sup>, and a restaurant, at 165 m<sup>2</sup>, inside it. This is a total area of 792 m<sup>2</sup> 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.

## 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 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 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,



# Objection to Grant a Planning Permit

Submission 143

D21-16900

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

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

## Privacy notice

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

## Objector details

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

Name:	
Organisation:	
Postal Address:	
Postcode:	
Contact phone:	Mobile phone:
Email:	

## Planning Application details

Provide the Planning  
Application Number

PLN/2019/571 and PLN/2019/572

## The land

Address of the land

Street No:	Street Name: Edgecombe Road Kyneton
Lot No: 1	Title details (CA, LP, PS, CP, TP) no.: PS331532T P/Carslsruhe
Township Kyneton	Postcode: 3442

## 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](http://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.

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

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

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

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

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

### **2. Breaches in the Commercial 2 Zone land planning**

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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 Street, Kyneton, and those using the road for commuting and travelling. The cross-overs for the application are inconsistent. Where are the entry/exit points going to be? The Plans submitted with the application are inconsistent with the Planning Report. If they were to use Pipers Creek Road, then this is a local road network that is not appropriate for such traffic movements. If they were to use Edgcombe Road, then the carriage way would hold up traffic and bank it to the ‘Gateway’ to Kyneton. This inconsistency much be rectified.

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

### **3. Impacts on Kyneton Town Centre**

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

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

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

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



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

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

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

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

#### **4. Inconsistencies with the Kyneton Structure Plan**

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

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

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

##### **a. Inappropriate Signage**

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

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

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

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

#### **5. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines**

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

As the site interfaces with the Post Office Creek, the Design Guidelines for Industrial and Commercial Development in the Macedon Ranges (2012) state that there should be a continuation of plant species to provide both a visual and ecological connection (p 38). The Plans for landscaping between the interface of the development and the Post Office Creek is inadequate, as only a few trees are marked on the Plan and the rest of the land to the creek is vacant and treeless. PLN/2019/571 The landscaping along Pipers Creek Road does not fulfil the requirements of the Kyneton Industrial Master Plan or the Design Guidelines that require a 5 m screening buffer between the development and the road. There should be only trees or a green wall to remove the visual impact of the development from Pipers Creek Road.

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

#### **6. Contravenes Macedon Ranges Environment Strategy 2019**

The Macedon Ranges Environment Strategy 2019: 9 states:

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

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

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

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

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

#### **7. Traffic**

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

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

#### **8. Cultural Heritage Impacts**

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

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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.

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

Attach additional page/s if there is insufficient room.

As a resident who lives close by and borders the Commercial zone and the Rural Living zone, I will be directly affected. The Lighting, signage and evening lights will be visible from our house.
Extra traffic, Pipers creek Road is a small road we use it to go to Kyneton shops and amenities. We already have an unauthorised truck repair business on this road that causes lots of disruption, traffic chaos and often dangerous situations.
Rubbish, the incorrect disposal of Mc Donalds packaging and any other wrapping from the other outlets, which inevitably will drift into our property. Our stock may inadvertently consume this rubbish (vet bills \$\$\$\$\$\$). Council already struggles with the upkeep of our road I don't have confidence in the council that they will come and collect the rubbish. Is council expecting me to collect the rubbish?
Traffic noise. On a 24 hour basis an increase of trucks stopping and starting some using air brakes specially in the evening, this will affect not only us but our livestock and increase our vet bills.

## Objectors Signature

This form must be signed

Signature:	
Date:	February 14, 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](mailto: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](http://www.mrsc.vic.gov.au)

**Awais Sadiq and Damien Hodgins**

Co-ordinator Statutory Planning and Senior Statutory Planning Officer

Macedon Ranges Shire Council

PO Box 151, Kyneton, VIC 3444

[mrsc@mrsc.vic.giv.au](mailto:mrsc@mrsc.vic.giv.au)

15 February, 2021

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

Dear Awais and Damien,

We are writing to register our objection to 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: 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.

Our objection is based on the following grounds:

**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 easily accessible service stations. Why would Council accept an application for another Service Station when the Freeway Service Centre Design guidelines are not met?

We applaud your rejection of an inappropriate freeway service centre development at Woodend North in August last year and implore you to also reject this Planning Application PLN/2019/572.

The focus of a service station development and food outlet should be in the re-development of the existing Karlsruhe service station and not a new development in Kyneton. Proposed upgrades to the existing Karlsruhe service station will provide jobs, cater for the needs of those requiring fuel, food and refreshments along this stretch of the Calder Freeway with plenty of space for traffic flow and no impact on a local township.

**Impacts on Kyneton Town Centre**

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

**5.1 Maintain the role of the town centre as the retail, commercial and civic core.** This proposed development does not *“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.**

There is much talk within Kyneton and the surrounding community about jobs if this 'out-of-centre commercial development' were to go ahead. In particular, there is a question about jobs that will be either created (via the construction or daily running operation of the development) or taken away (from other businesses within Kyneton and surrounds). Has a study been undertaken to determine where prospective employees would come from? If not, why not? The 'creation of jobs' is an easy claim to make. But if any jobs are created at the development site at the expense of jobs created and utilised by local businesses, then this clearly constitutes an "out-of-centre commercial development that may have a negative impact on the economic viability of the town centre". The Planning Application does not provide any evidence that they will not take employees from local businesses. As such, the council's assessment of the Planning Application should only regard 'job creation' (from nothing) as a face-value, potential benefit: not a guaranteed benefit with no adverse economic impact on the town centre. The trend toward self-serve kiosks in franchised fuel, fast food and hardware store outlets is also of concern and flies in the face of so called 'job creation.'

### **Inappropriate Signage**

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

The construction of a Service Station, a McDonalds and a Bunnings is 100% in contradiction to Objective 5.5, because all three businesses operate by erecting large signage to expressly capitalise on "business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton."

On this alone, council should reject the Planning Application.

### **Traffic Impacts**

The 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 raises many questions about a significant impact on traffic that flows through this area and adjoins the Calder Fwy. Has an independent Traffic Report been undertaken - other than the one submitted within the Planning Application? As far as we can tell, the close proximity to schools and unanticipated foot/bicycle traffic has not been addressed at all in terms of safety. Will council be paying for future pedestrian crossings at the big 5-exit roundabout on Edgecombe St?

### **Increase in rubbish**

We are also concerned about the increase in rubbish both in Kyneton/surrounds and scattered on the freeway due to a McDonalds fast food business being operated. In the last week alone (and many times prior), I have spotted items of litter, discarded on the ground, identifiably from a McDonalds outlet: At Kyneton Station, near the Kyneton Botanic Gardens and at Lake Macedon. We understand that the development will undertake efforts to correctly dispose of rubbish, but you only need to look at similar service centre sites to know there will be an increase in litter. So the question is whether or not Macedon Ranges Shire Council is happy to accept a significant and permanent increase in identifiably fast food related litter if a McDonalds franchise is located on Edgecombe St.

We are proud that MRSC has taken a leading position in reorganising and promoting minimal waste impact through its robust kerbside recycling program and efficient management at its transfer stations. It has also been proactive in creating educational resources to encourage locals to take responsibility for their waste and care for the environment. But if this Planning Application is accepted, Kyneton will have to absorb this McDonald's litter into the environment and into its public image. Is the council happy with this? Is this a good, appropriate and positive decision for the future and the improvement of the town, especially given how much energy MRSC has put into positive education and inspiring focus on sustainability, waste management and reduction?

Kyneton is an historic town rich with cultural heritage, good food, great art and great community among other things of which to be proud. Aside from this Planning Application's inconsistency with planning regulations, nominated Design Guidelines and the various Strategies, it would be concerning to see these hard won strengths of the town, in addition to the noteworthy natural landscape and other unique tourism attractions being undersold for 'convenient' big brand generic development. We hope MRSC will show some inspiring and creative vision and grit and refuse this Planning Application focussing instead on encouraging unique development that fosters the existing strengths of the town and region.

MRSC is obliged to thoroughly assess this Planning Application and given all of the above, we believe the only viable option is to refuse it.

Yours Sincerely,

A solid black rectangular redaction box covering the signature area.





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](mailto:mrsc@mrsc.vic.gov.au)

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.

I wish to make my objection on the following grounds:

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

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

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

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

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

**2. Breaches in the Commercial 2 Zone land planning**

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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 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.

#### **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.

As a resident of the farming region of Baynton, I use this intersection everyday. I welcome thoughtful, meaningful development that provides for the residents of Kyneton and its surrounding areas and pays meaningful respect to the land it resides on. I feel that this development application does not complement the goals and visions of not only Kyneton but the Macedon Ranges region as a whole.

Yours Sincerely,

██████████

[REDACTED]

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**From:** Planning  
**Sent:** Tuesday, 23 February 2021 3:15 PM  
**To:** [REDACTED]  
**Subject:** Proposed development Edgecombe Road- Pipers Creek Road, Kyneton

-----Original Message-----

**From:** [REDACTED] >  
**Sent:** Tuesday, 16 February 2021 4:04 PM  
**To:** [REDACTED] >  
**Subject:** Proposed development Edgecombe Road- Pipers Creek Road, Kyneton

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

Dear Mr [REDACTED]

[REDACTED]

While accepting that "progress" is inevitable, I am far from convinced that the proposed development will make Kyneton a better place.

Please listen carefully to all the objectors.

[REDACTED]

Sent from my iPhone

D21-17512

**From:** [REDACTED]  
**To:** [Macedon Ranges Shire Council](#)  
**Subject:** Objection to applications for planning permits PLN/2019/571 and PLN/2019/572  
**Date:** Monday, 15 February 2021 6:36:26 PM

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I object to the proposed development of LOT 1 PS 331532T Edgecombe Rd in Kyneton.

We do not need another petrol station, fast food restaurants or a Bunnings. Local businesses will suffer as traffic will no longer need to enter the town centre to get fuel and a bite to eat. Bunnings will take business away from Home Hardware, local plant retailers and countless other businesses.

I'm concerned that the environment will be impacted by industrial development and the potentially toxic by-products of construction, technical mishaps and the general waste that humans create, be it sewerage or fast food litter. Increased traffic congestion and light and noise pollution are also inevitable. Edgecombe Rd already has a disproportionate number of accidents and to bring more traffic into the area would be irresponsible.

With increased traffic comes people who have no connection to Kyneton and its residents and I fear some of its unique small-town charm and neighbourliness will be lost in creating an impersonal pit-stop just off the highway.

[REDACTED]

Sent from my iPad





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](mailto:mrsc@mrsc.vic.gov.au)

15/2/21

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

Hello Awais and Damien,

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

I have concerns about allowing a multi-national establishment to be erected at the gateway to a town whose historic, quaint, local businesses are a major drawcard for tourism as well as a foundation for local business success. 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 m<sup>2</sup>, 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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## **3. Impacts on Kyneton Town Centre**

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

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

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

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

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

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

#### **4. Inconsistencies with the Kyneton Structure Plan**

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

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

#### **5. Inappropriate Signage**

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

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

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

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

#### **6. Inconsistencies with Kyneton Industrial Master Plan and Design Guidelines**

PLN/2019/572 According to the Kyneton Industrial Master Plan the McDonalds restaurant should be setback at least 20 metres from 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.

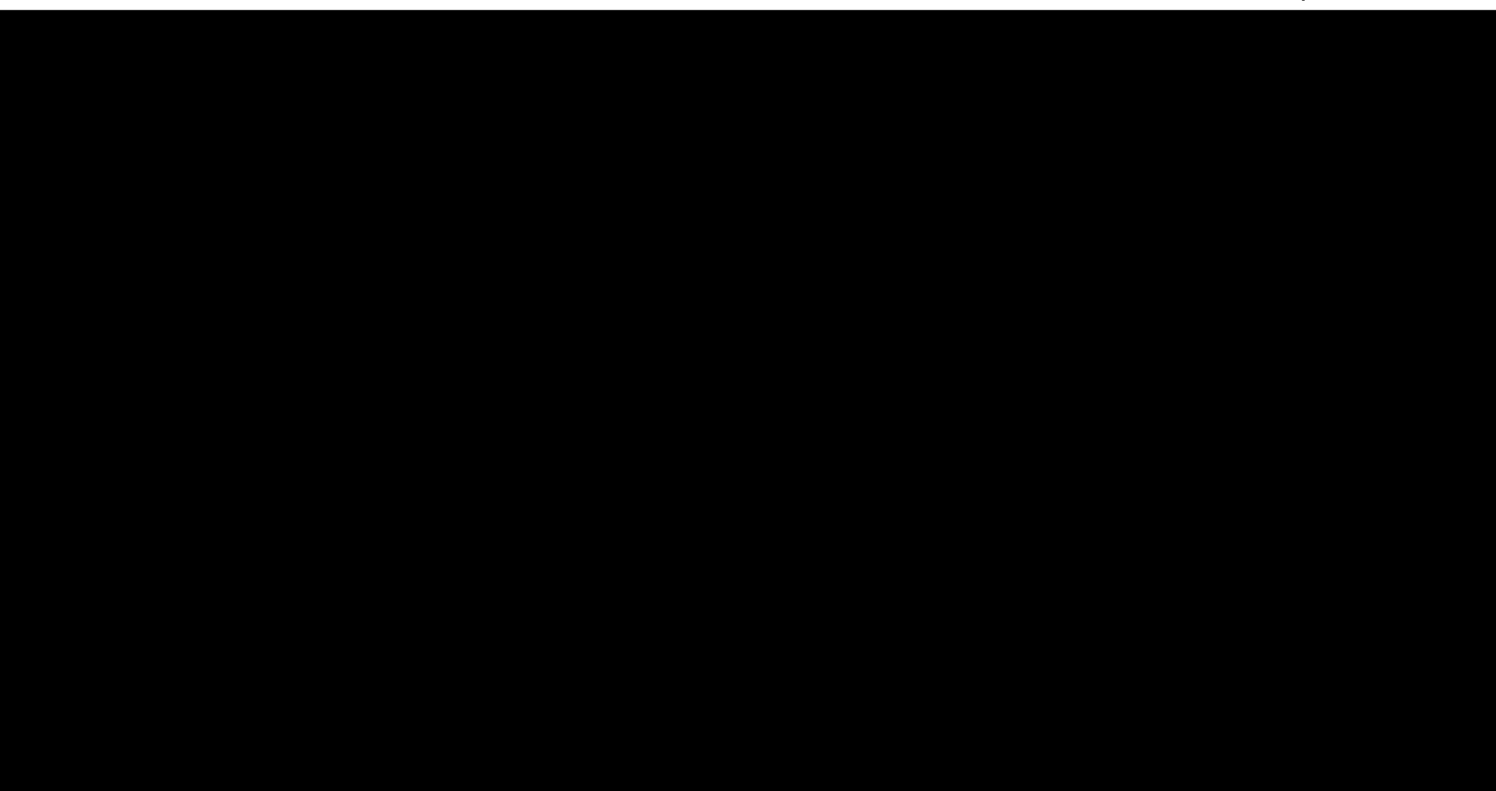
Thus, the management conditions set out in the CHMP are a process for the managed destruction of the cultural heritage significance in the area, this alone should be sufficient to reject the application. Given the additional protection afforded the Macedon Ranges in recognition of the significance of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

A solid black rectangular box used to redact the signature of the sender.



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](mailto:mrsc@mrsc.vic.gov.au)

15/02/2021

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

Hello Awais and Damien,

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

I wish to make my objection on the following grounds:

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

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

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

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

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

## **2. Breaches in the Commercial 2 Zone land planning**

Service Station is not in keeping with the C2Z which permits land reserved for uses including an art gallery, informal outdoor recreation, and food and drink premises under 100 m<sup>2</sup>, 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 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.

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

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

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

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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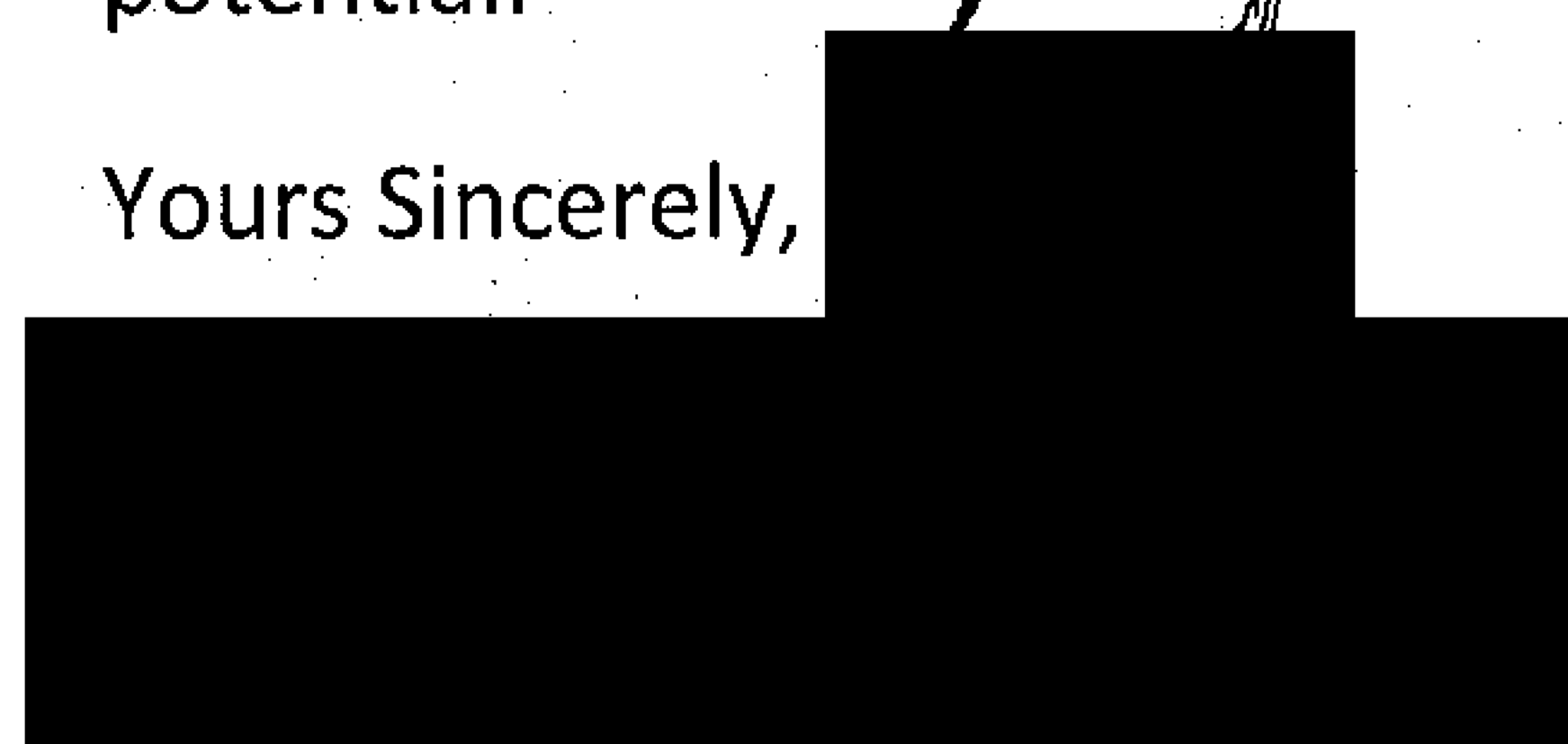
## Summary

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.

The Council should be insisting the land use be a "Informal outdoor recreation" and a 100m<sup>2</sup> "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,

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



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

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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).

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,

