

Planning Delegated Committee Meeting Agenda

Wednesday 8 September 2021 at 7pm

Held online and livestreamed at mrsc.vic.gov.au

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1. ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that those attending today's meeting are gathering on their land. Council pays its respects to their Elders past, present and emerging and any Aboriginal and/or Torres Strait Islander People who may be viewing this meeting.

2. RECORDING AND LIVE STREAMING OF THIS COMMITTEE MEETING

This meeting will be held online and streamed live on the internet.

The meeting will be recorded. The recording will be available on Council's website within 48 hours of the end of the meeting.

3. PRESENT

4. APOLOGIES

5. DECLARATION OF CONFLICTS OF INTEREST

6. PURPOSE OF PLANNING DELEGATED COMMITTEE

Council established the Planning Delegated Committee to provide a regular forum for hearing from people who have made a submission to Council or who are an applicant or objector in relation to a planning permit application.

The Committee is authorised to determine statutory planning applications and planning scheme amendments only in relation to the *Planning and Environment Act 1987*. Its purpose is hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters, including planning applications and to determine planning matters.

7. ADOPTION OF MINUTES

Planning Committee Meeting: **Wednesday 11 August 2021**

Recommendation:

That the minutes of the Planning Delegated Committee of the Macedon Ranges Shire Council held on Wednesday 11 August 2021 as circulated be confirmed.

8. APPLICATION FOR PLANNING PERMIT PLN/2019/571

Development of the land for trade supplies/restricted retail premises, display of business identification signage, removal of native vegetation, and creation and alteration of access to a road zone – category 1.

LOT 1, PS 331532T, Edgecombe Road, Kyneton

Officer Damien Hodgkins – Senior Statutory Planning Officer

Council Plan Relationship Improve the Built Environment

Attachments

- 1. Statement of Planning Policy Assessment**
- 2. Locality/Aerial Plan**
- 3. Elevation Plans**
- 4. Landscape Plans**
- 5. Signage Plans**
- 6. Site Plan 1:300**
- 7. Site Plan 1:1000**

Applicant Kyneton Project Management Pty Ltd

Date of Receipt of Application 3 January 2020

Trigger for Report to Council Councillor Call-In

Purpose and overview

It is proposed to develop land at Lot 1, PS 331532T, Edgecombe Road, Kyneton for a trade supplies and restricted retail premises, the display of business identification signage, removal of native vegetation, and the creation and alteration of access to a Road Zone - Category 1.

The application was advertised and two hundred and fifty five (255) objections and sixteen (16) letters of support have been received to date. Key issues to be considered relate to the impact of the proposal on the amenity of the area, the design, built form and landscaping of the proposed development, the interface with adjacent and nearby main roads and the Calder Freeway, whether native vegetation removal can be avoided, impacts to the proclaimed water catchment area, and pedestrian separation and safety within car parking and access areas.

The matter is subject to an appeal to the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the matter within statutory timeframes. Council needs to determine its position ahead of the VCAT hearing and compulsory conference.

It is recommended that Council determine that had it decided the application, it would have refused the application on grounds related to detrimental amenity impacts, the inappropriate design, built form and landscaping of the proposal, the inappropriate interface of the development with adjacent and nearby main roads and the Calder Freeway, the lack of avoidance of native vegetation removal, detrimental impacts to the proclaimed water catchment area, and detrimental pedestrian separation and safety within the car parking and access areas.

Recommendation

That Council determine that had it decided the application it would have refused the application on the following grounds:

- 1. The proposal is contrary to the Planning Policy Framework including Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 18 (Transport) as well as Local Planning Policy Framework Clauses 21.04 (Settlement), 21.05 (Environment and Landscape Values), 21.07 (Natural Resource Management), 21.08 (Built Environment and Heritage), 21.11 (Transport). These policies respectively aim to ensure appropriate protection of valued settlement attributes, environmental values, rural and natural landscape values, to ensure appropriate development form, and integrated and holistic transportation outcomes. The development is not appropriately responsive to these policies and would result in detrimental outcomes to the character and built form of the locality, as well as adverse environmental and pedestrian safety impacts.**
- 2. The proposal is contrary to Clause 21.13-2 (Local Areas and Small Settlements – Kyneton) as well as the reference document the Kyneton Structure Plan 2013, which aim to ensure that new development in Kyneton is appropriately located, is responsive to landscape, character, interface and environmental values and achieves suitably high quality design and built form. The proposed development does not respond to the unique values of Kyneton and the locality of the subject land and would result in a detrimental impact in respect to design and built form, amenity, and environmental impacts.**
- 3. The proposal is contrary to Clause 22.06 (Design of Industrial and Commercial Development) as well as the reference document Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire 2012. The proposal is inconsistent with the objectives and guidelines of this policy document and would result in a development outcome that would be inappropriately visually dominant with minimal articulation and landscaping, as well as resulting in adverse outcomes in respect to native vegetation and pedestrian safety.**
- 4. The proposal is contrary to the Commercial 2 Zone (C2Z) which aims to encourage commercial uses including bulky goods retailing and other retail uses and ensure that uses do not impact the amenity of adjacent sensitive land uses. The proposed development does not appropriately respond to the character of the locality, and the frontages and interfaces of the site, and would be unduly visually dominant and stark with minimal landscaping to the detriment of the amenity of the surrounding locality. The car parking arrangements do not appropriately account for pedestrian safety and movement.**
- 5. The proposal is contrary to the Environmental Significance Overlay (ESO4) which aims to protect the quality and supply of the Eppalock Proclaimed Catchment. The removal of native vegetation would result in adverse impacts to the water catchment area including its habitat values.**
- 6. The proposal is contrary to Clause 52.05 (Signs) of Macedon Ranges Planning Scheme which aims to ensure signage is compatible with character**

and amenity of an area, and does not result in excessive visual clutter or disorder. The proposed signage is unduly large and excessive and would be highly detrimental to the amenity, character and landscape values of the surrounding locality.

- 7. The proposal is contrary to Clause 52.06 (Car Parking) which aims to ensure that car parking is adequate, functional and efficient, facilitates alternative transport modes, avoids amenity impacts, and is safe and of a high standard. The proposed car parking and access arrangements do not account for pedestrian safety and movement and do not achieve a suitably high quality visual outcome for a large expanse of pavement within the site frontages.**
- 8. The proposal is contrary to Clause 52.17 (Native Vegetation) which aims to ensure no net loss to biodiversity by ensuring the consideration of avoidance, minimisation and offsetting of native vegetation removal. The proposal seeks removal rather than retention of native vegetation and would therefore result in adverse biodiversity impacts for the site and surrounds.**
- 9. The proposal is contrary to Clause 65.01 (Decision Guidelines) which includes requirements for consideration of the orderly planning, environmental and amenity impacts, and road safety.**
- 10. The proposal is not compliant with Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme as it would be contrary to the objectives and strategies of the Statement of Planning Policy relating to landscape, biodiversity and environmental values, water catchments and supply, settlements, and transport and infrastructure.**

Existing conditions and relevant history

Subject land

The subject site is a 1.7 hectare portion of a larger title which aligns the eastern side of Edgecombe Road just north of the Calder Freeway, 1.6 kilometres north-east of the Kyneton town centre.

Pipers Creek Road forms the southern boundary of the development area subject to this application. The proposed development area otherwise fronts to Edgecombe Road on its western side and a proposed road approved by previous planning permit PLN/2019/573 for the subdivision of the broader parent title into commercial and rural living lots that is currently under appeal to VCAT.

The development area for this application is predominantly rectangular in shape and is subject to gentle sloping generally uphill to the north and the east. The land comprises pasture other than three remnant native trees comprising two River Red Gums and one Candlebark tree within its southern side.

A smaller portion of the larger property is located on the southern side of Pipers Creek Road and abuts the Calder Freeway and is subject to concurrent planning permit application PLN/2019/572 for the development of a service station and convenience restaurant that is also included in this Councillor List. The remainder of the larger northern portion of this property extends further north and east of the development areas subject to these concurrent applications.

Surrounds

Land on the western side of Edgecombe Road is industrial in zoning and development with the former Frews abattoir and meatworks site Kyneton abattoir land located

directly opposite the development area for this application. Smaller industrial properties are located to the south side of Saleyards Road which intersects with Edgcombe Road opposite the site, whilst other industrial properties extend westward are in various stages of development including ongoing subdivision of land on the north side of Saleyards Road.

To the south of the subject land is Pipers Creek on the southern side of which is the Calder Freeway alignment. A residential area within the main established township of Kyneton is located on the south side of the freeway.

The land subject to planning permit PLN/2019/573 for commercial and rural residential subdivision which includes the subject land extends to the north and east of the development area subject to this application and includes a number of other lots within that application area. Beyond those titles to the north and east of the subject land are rural residential properties, as well as the Kyneton Golf Course to the north-east.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

The title provided with the application shows that the property is not encumbered by any restrictive covenants and/or Section 173 Agreement.

Previous planning permit history

Planning Permit PLN/2019/573 for the “subdivision of four (4) lots into forty two (42) lots and drainage reserve in four (4) stages, creation of a vehicular access to a Road Zone, Category 1, removal of native vegetation, and creation of easements” was granted on 21/1/2021. A subsequent appeal to VCAT by the applicant seeks review of the conditions of the issued permit and is currently awaiting the appeal hearing commencing on 25 August 2021.

Proposal

The proposal is for the development of a trade supplies and restricted retail premises, the display of business identification signage, removal of native vegetation, and the creation and alteration of access to a Road Zone - Category 1.

The proposal comprises the development of the subject land for a trade supplies and restricted retail premises being a Bunnings Warehouse, along with display of signage, removal of native vegetation, and the creation of access to a Road Zone, Category 1. The site layout would provide for an extensive car park on the southern half of the development area with the Bunnings building occupying the majority of the northern area of the site.

The building would be divided into three main sections being a central retail area totalling 2093m² in area with a connected outdoor covered nursery and bagged goods area totalling 790m² in area to its western side, and a separately accessed timber and trade supplies outlet totalling 1893m² forming the eastern portion of the building. The total building area including loading bay and adjacent canopy would total around 5060m² floor area and would extend to maximum width of 102m and depth of 49m. The building would be set back minimum 18m from the western frontage, 58m from the southern frontage, and 3m from the eastern frontage to the proposed new road.

The building design is a standard Bunnings Warehouse design incorporating predominantly dark green metal wall cladding with white panelling along the lower portion of the facades. The building would incorporate low pitched roofing clad with galvanised iron. The main projecting entry feature along the southern side of the building would provide glazing on its frontage with flat roof above. The nursery/outdoor goods area would comprise a flat canopy roof with mesh fencing enclosing its sides. The timber and trade supplies section of the building would be 8.6m in height at the roof apex (5.4m side wall height) with the main retail building and nursery/goods canopy rising to 7.0m in height.

The car park in front of the building would provide parking for 194 cars and an additional 6 spaces for vehicles with trailers along with internal driveways, with entry and exit to Pipers Creek Road midway along its southern boundary and a driveway entry from a proposed service road aligning the western side of Edgecombe Road. Pedestrian pathways extending from Pipers Creek Road and Edgecombe Road would access the front of the building. A separate driveway would extend from the proposed road on the eastern side of the site along the rear of the building, to provide access to the loading and service areas and would share the driveway exit to Edgecombe Road.

Landscaping is proposed along the road frontages of the site, along the northern rear boundary, with within the car park area of the site. Signage would comprise white Bunnings text and red logo on each façade that would be coloured with the standard green wall cladding other than white panelling on the lower wall surfaces, along with smaller direction signage to the garden centre and timber/trades entrances respectively, along with a 10m high and 4.8m wide externally illuminated pylon sign to be located at the front (south-west) corner of the site adjacent to the Edgecombe Road and Pipers Creek Road intersection.

The proposed use of the land for trade supplies and restricted retail premises is exempt from planning permit under the Commercial 2 Zone (C2Z) provisions applying to the subject land.

Relevant Macedon Ranges Planning Scheme controls

Statement of Planning Policy

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause No.	Clause name
11	Settlement
12	Environmental and Landscape Values
13	Environmental Risks and Amenity
14	Natural Resource Management
15	Built Environment and Heritage
17	Economic Development
18	Transport

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.04	Settlement
21.05	Environment and Landscape Values
21.07	Natural Resource Management
21.08	Built Environment and Heritage
21.10	Economic Development and Tourism
21.11	Transport
21.13-2	Kyneton
22.06	Design of Industrial and Commercial Development

Zoning

Clause No.	Clause name
34.02	Commercial 2 Zone (Schedule)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (Schedule 4)

Particular Provisions

Clause No.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
52.05	Signs
52.06	Car Parking
52.17	Native Vegetation
52.29	Land Adjacent to a Road Zone, Category 1, et al.
52.34	Bicycle Facilities

General Provisions

Clause No.	Clause name
65	Decision Guidelines
66	Referral and Notice Provisions

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	No
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

Based on the above assessment, a Cultural Heritage Management Plan is required in accordance with Part 2 Division 1 Regulation 6 *Aboriginal Heritage Regulations 2007*.

The applicant has provided an approved Cultural Heritage Management Plan as part of the application process.

The process to date

Referral

Authority (Section 55)	Response
Department of Transport (VicRoads)	No objections, subject to conditions.
Coliban Water	No objections, subject to conditions.
Goulburn-Murray Water	No objections, subject to conditions.
Authority (Section 52)	Response
North Central Catchment Management Authority (NCCMA)	No objections, subject to conditions.
Department of Environment, Land, Water and Planning (DELWP)	No objections, subject to conditions.
MRSC Engineering and Projects	No objections, subject to conditions.
MRSC Strategic Planning	Objected to proposed design and layout of proposal.
MRSC Environment	Recommended retention of existing native vegetation rather than removal.
MRSC Open Space and Recreation	No objections, subject to conditions.
MRSC Economic Development	No objection.

Advertising

The application was advertised with two hundred and fifty five (255) objections and sixteen (16) letter of supports being received at this time.

Following is the summary of objections received:

- Proposal is inconsistent with Macedon Ranges Planning Scheme and associated documents including the Macedon Ranges Commercial and Industrial Design Guidelines 2012, Kyneton Structure Plan 2013, and the Macedon Ranges Statement of Planning Policy.
- Not appropriate in Commercial 2 Zone.
- Detrimental environmental impacts including loss of native vegetation, water catchment and waterway impacts. Inconsistent with Macedon Ranges Environment Strategy 2019.
- Detrimental economic impacts including competition with existing businesses and reduced viability of town centre retail, loss of jobs, diversion of profits from the local economy, inadequate intersection design for adjacent roads, lack of skilled employment opportunities, detriment to tourism, preference for local rather than multi-national businesses, other Bunnings stores in proximity of Kyneton.
- Bunnings and other similar franchise businesses more representative of urban sprawl development than country town character. Objectors chose to live in country town rather than metropolitan locations to avoid this type of development.
- Detrimental traffic safety and efficiency impacts from increased traffic, inadequate road capacity and infrastructure, increased movement of large commercial vehicles.
- Detriment to pedestrian and cyclist safety.
- Location of development inappropriate including out of town centre and near rural residential land.
- Inappropriate building design, not in keeping with character of with Kyneton and Macedon Ranges. Large and poorly articulated building.

- Detrimental landscape and visual amenity impacts.
- Unduly large and dominant signage.
- Detrimental amenity impacts including noise, lighting and disturbance from business operation including on weekends and evenings, and traffic movements including large commercial vehicles.
- Inappropriate design and presentation along road entrances to Kyneton including Edgecombe Road as the northern gateway.
- Local services including sewerage and water already overstressed.
- Lack of landscaping for proposal.
- Impacts to Aboriginal cultural heritage.
- Loss of existing productive farmland.
- Development would set unwanted precedent for similar development in the future.
- False and misleading information about proposal.
- Lack of response to request for further information including suggestions for modifications to the proposal.

Following is the summary of the grounds for support:

- Creation of new jobs including youth employment, additional income for other businesses with customers coming from elsewhere.
- Increased retail choice for developing town.
- Weed control.

Officer assessment

Planning Policy Framework and Local Planning Policy Framework

State and Local Policies relating to settlement, environment, landscape, amenity, natural resource management, built environment, economic development, transport, the development of the Kyneton township, and industrial and commercial development are relevant to consideration of this application. These policies generally encourage the development of designated commercial zoned land in a manner that is appropriately responsive to preferred commercial design format as well as responding to the surrounding context and character, environmental and landscape values, natural resources, the amenity of the surrounding locality, and servicing and road access.

Clause 21.04 (Settlement) promotes urban development that is appropriately responsive to opportunities and constraints and identifies growth opportunities within the larger settlements including Kyneton which is expected to cater for increased population as a Regional Centre in coming years. The facilitation of employment as well as provision of goods and services within Kyneton is encouraged by this policy, but also includes application requirements that require responsiveness to built environment as well as environmental features and natural resources.

The proposed trade supplies and restricted retail premises is in keeping with the commercial zoning of the land and is exempt from permit requirement for those uses. The proposed development of the land is considered to be inappropriately responsive to the preferred built form requirements of the Macedon Ranges Planning Scheme and Kyneton in particular and does not respond appropriately to the environmental and natural resource values of the land by the removal of native vegetation and lack of landscaping.

Clause 21.05 (Environment and Landscape Values) provides local policy guidance in respect to biodiversity and native vegetation, and significant environments and landscapes. Clause 21.05-1 encourages the protection and enhancement of native vegetation and habitat values where the proposal instead seeks to remove the only native vegetation on the subject land that could easily be retained within an appropriate

development layout, and proposes minimal landscaping that avoids locally native plant species that could otherwise improve habitat values of the locality.

Clause 21.05-2 (Significant Environments and Landscapes) details that landscape character within the Macedon Ranges Shire is defined in part by “distinctive settlements set within a rural environment”. Objective 1 of this policy aims to maintain and enhance the existing rural landscapes and includes strategies that aim to minimise landscape impacts adjacent to the Calder Freeway. Objective 6 of this policy aims to protect the character of visually sensitive areas including roadsides by ensuring that buildings and works are designed and sited to protect landscape values, natural features and important vistas, and that building siting, form and design is sympathetic to the landscape character of the surrounding area. Objective 7 aims to provide for the retention of exotic and native vegetation as a contributory factor for landscape character.

The proposal incorporates a large building with minimal articulation and design detail that would be set amongst a large expanse of paved car parking and driveways that would be an incongruous presence within the distinctive township character of Kyneton as well as its interface to the Calder Freeway as well as Edgcombe Road as a key township entry, and would also be inappropriate in the transition from urban to rural land to the north and west sides of the subject land.

Clause 21.07 (Natural Resource Management) incorporates local policy relating to is a local policy relating to agriculture and rural land management, as well as water. Although the land is currently undeveloped and remains as open pasture at present, it has been zoned for commercial use and development for many years and it is reasonable for the land use to transition from agriculture in keeping with long term strategic planning for Kyneton.

Water as a natural resource is an important issue within the Shire including the Eppalock Proclaimed Catchment within which the site and surrounds are located. The site would be connected to reticulated sewerage and so effluent disposal would be appropriately provided for. The removal of the only native vegetation on the subject land would however diminish rather than protect and enhance the role of this vegetation as part of the natural system of water quality within this catchment.

Clause 21.08 (Built Environment and Heritage) includes in its policy overview that “*the high landscape qualities of the Shire and its towns demand appropriate control of built form*”. Clause 21.08-3 (Built Environment) includes Objective 2 that aims to protect and enhance the existing character and form of the Shire’s towns and includes strategies that aim for development to respond to the character and attributes of each settlement, and is responsive to context and preferred character. Objective 3 of this policy promotes sustainable development and includes strategies for energy efficiency, walkability and accessibility, as well as stormwater capacity. The proposal incorporates a high proportion of built form and pavement within the site with minimal landscaping that could otherwise reduce the heat sink effect of the development and reduce stormwater infrastructure requirements for the site. The southerly aspect of the development also fails to respond to potential passive solar efficiency that could be incorporated into the building design.

Clause 21.10 (Economic Development and Tourism) includes local policy aimed at providing for commercial development and employment within the Shire. Clause 21.10-1 (Commercial and Industry) includes Objective 1 that aims to provide for commercial development in appropriate locations. Objective 2 aims to maintain the amenity of areas interfacing with commercial uses as well as the quality of the rural environment, and includes strategies to ensure the treatment of commercial development interfaces as well as responding to reasonable amenity expectations of adjoining sensitive land uses, that commercial development complements and

enhances the township character, and that commercial development at township gateways and along major roads does not detract from the valued landscape elements.

Clause 21.10-3 (Retail and Services) promotes retail services in appropriate locations including sufficient services to cater for local need and avoid leakage of economic activity from the local area. Objective 1 of this policy encourages active frontages for commercial development and the improvement of the function, design and presentation of town centres and entrances.

Whilst this policy promotes the intended use of the subject land for commercial and retail purposes, it also aims to ensure that economic development avoids detrimental impacts to residential amenity as well as township, and landscape character and development design, which the proposed development fails to achieve. The proposed development would be visually detrimental and is inappropriately responsive to the character of Kyneton and the landscape interfaces of the surrounding locality, as well as the preferred design standards for commercial development within the Macedon Ranges.

Clause 21.11 (Transport) is a local policy aimed at providing for efficient and functional transport infrastructure. Clause 21.11-1 (Integrated Transport) includes Objective 1 that aims to integrate transport with land use and development and promotes commercial development adjacent to transport corridors. Objective 2 is to provide a safe and efficient road transport networks including minimised access points to Category 1 roads as well as safe and efficient access and adequate and well located car parking areas.

The general arrangement for vehicular access within the site and to and from adjacent main roads is acceptable, however the proposed pedestrian access pathways would be limited to the building frontage and single pathways accessing to the western and southern frontages of the site. The lack of pathways of even refuge areas for the remainder of the extensive car parking areas would be unsatisfactory in respect to pedestrian safety and efficient movement including customers with trolleys, children in tow or otherwise, and particularly during busy times.

Clause 21.13-2 (Local Areas and Small Settlements – Kyneton) is a local policy relating specifically to Kyneton and which aims to manage the development of the township. This policy notes in its overview that there are limited opportunities for restricted retail and large commercial development formats within the town centre but that there is sufficient commercial zoned land within the township in general. Key issues identified include the protection of the township character.

Objective 1 within this policy aims to manage the growth of Kyneton within the township boundary and includes a strategy to improve the town entry points from the Calder Freeway. Objective 2 is the protection and enhancement of landscape character, waterways and open space corridors. Objective 4 aims to encourage development that respects Kyneton's distinctive character and defining attributes and includes a strategy requiring high quality design and landscaping in industrial and commercial development.

Objective 5 is for the consolidation and strengthening of retail, commercial and industrial functions of Kyneton. Strategies within this objective aim to protect and strengthen the retail and commercial role of the Kyneton town centre but also to facilitate uses in the Commercial 2 Zone north of the freeway (Edgecombe and Pipers Creek Road area) that supports the adjoining industrial precinct, as well as avoiding prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.

The Kyneton Strategic Framework Plan included within this policy includes the land subject to Commercial 2 Zone within which the subject land is located as being an area for Industry and Trade Related Services which reinforces Objective 5 and its strategies.

The Kyneton Structure Plan 2013 is a reference document within Clause 21.13-2 and includes five themes relating to strengthening town character, community development and place making, economic prosperity, transport and access, and residential growth and development. The sections relating to each of these themes outline principles for retaining and improving the diversity and attractiveness of Kyneton and its interface and setting with the rural and environmental landscape, protection and reinforcement of the role of the town centre, protection of the encouragement of industry and trade related land uses on the eastern side of Edgecombe Road north of the Calder Freeway that does not compromise the industrial area or the town centre as part of the broader structure planning for the town, improving and balancing access for all transport modes, as well as residential development principles.

The Kyneton Industrial Master Plan 2012 is incorporated into the Kyneton Structure Plan and includes the area zoned Commercial 2 within which the site is located within its study area. Relevant to the subject land, the Edgecombe Road interface on its western side is intended to provide for a 20m setback for buildings that should include landscaping, as well as a 5m rural interface on its western and southern sides intended for vegetated screening or mounding, which accords with the requirements of the Macedon Ranges Design Guidelines for Industrial and Commercial Development (discussed in more detail below in respect to Clause 22.06).

In respect to Clause 21.13-2 and the Kyneton Structure Plan 2013, the proposal is considered to be consistent in providing for bulky goods and trade supplies retailing within an area specifically designated and zoned for this type of facility. The proposal is inconsistent with this policy and its underlying reference document in the format and design of the proposed development by proposing a bulky and minimally articulated building set amidst an extensive car parking area which does not appropriately respond to a preferred design character for new commercial development in the Shire and in Kyneton specifically.

The building would provide only minimal interface within its own car park area and otherwise provide blank presentation to other road frontages including Edgecombe Road as a major township entry route, and significantly short setback to its eastern road frontage with minimal landscaping opportunity to reduce the visual impact of a high blank wall. The signage proposed is significantly large and unnecessary and would be visually detrimental in its own right. The lack of landscaping would exacerbate the starkness of the building and pavement areas proposed.

The removal of the existing native vegetation is not necessary where this could and should be retained as part of holistic landscaping for the site that would protect and enhance its functions for habitat and water quality as well as for the character of the development and its interface with main roads and nearby rural landscape areas.

While traffic movement and parking proposed would cater for the functionality of the site for customers and deliveries, pedestrian movement and safety is clearly subservient to traffic function with no other paths or refuge areas within the expansive car park areas with the exception of the building frontage and one pathway to each of the two main road frontages. The relative lack of landscaping throughout the car park also demonstrates the intent to maximise car parking provision at the expense of safety and urban design.

Clause 22.06 (Design of Industrial and Commercial Development) is a local policy which applies to development within industrial zones as well as the Commercial 2 Zone to which the application site is subject, and which seeks to ensure that new commercial

and industrial development exhibits a high quality built form that considers functionality and amenity, and reinforces the preferred visual character of townships. It is policy for applications to be assessed against the Macedon Ranges Design Guidelines for Industrial and Commercial Development 2012, which is an incorporated document within this clause.

Part C of the Industrial and Commercial Design Guidelines provides Development Design Guidelines whilst Part D provides Site Specific Guidelines. An assessment of the proposal against these provisions of the guidelines follows:

Part C: Development Design Guidelines

1. Site Responsive Design

- *To ensure new development is designed to respond to the local characteristics of the site and its context.*
- *To reinforce the rural character of the Macedon Ranges Shire.*

The development does not respond appropriately to the character of the site and surrounds. The proposal does not suitably respond to the existing and preferred character of the nearby industrial zoned land, the adjacent rural zoned land, or the interfaces of the site with the Calder Freeway and Edgecombe Road. The development would form a stark visual presence in this locality which would form an undesirable precedent for future development in this commercial precinct. The proposal is a generic development design with little modification specific to the site and surrounds.

2. Access and Circulation

Pedestrian and Cyclist Access

- *To provide safe and convenient access for pedestrians and cyclists within industrial and business sites.*
- *To provide adequate walking and cycling facilities within industrial and business sites.*
- *To provide walking and cycling as suitable transport alternatives in order to minimise the numbers of vehicle trips.*

Pedestrian pathways are proposed to align the front of the main retail part of the building and then extending single pathway routes to each of the west and south frontages of the site to Edgecombe Road and Pipers Creek Road respectively, with no other internal pathways or pedestrian refuge areas. This car park will be busy at various times with inadequate safety provided for pedestrians including customers who are less able, are supervising children or pushing trolleys within areas that are clearly prioritised for traffic movements. There is also no footpath proposed along the western side of the building that could connect to the footpath that would be provided along the front of adjacent subdivided lots extending north of the site along the Edgecombe Road service lane. The separation of pedestrian and vehicle movements is preferred as well as clear view lines for pedestrian safety. The proposal does not accord with this guideline and does not adequately provide for pedestrian safety within car parking and access areas. Bicycle access is reasonable and a permit conditions could require bike racks to be provided for customers and staff.

Vehicle Access

- *To provide safe, convenient and efficient access for all vehicles to and from industrial and business sites.*
- *To minimise the impacts of traffic on surrounding sensitive land uses.*
- *To provide access and car parking arrangements that are logical and legible to visitors and employees.*

- *To minimise the impacts of driveway crossovers on pedestrian / cyclist access and streetscapes.*

The proposed vehicle access arrangements are appropriate for the movement of traffic within the site but as noted above does not provide for adequate pedestrian safety. The car parking and access dimensions meet the minimum requirements of the planning scheme whilst the loading areas to the rear of the building would also function effectively for delivery and waste collection vehicles. Access to the adjacent roads as proposed meets the requirements of the relevant traffic authorities including minimised access points. The proposal does not fully comply with this guideline.

Loading and Servicing

- *To provide safe and efficient loading and servicing of industrial and business sites.*
- *To minimise the visual impact of loading bays and service areas when viewed from the surrounding streets and other key viewing areas.*

The loading and service area to the rear of the building has been designed for efficient function, however the visual impact of this part of the site adjacent to and visible from road frontages would be detrimental due to the stark presentation of the large and minimally articulated rear building façade and the location of large structures including water tanks and a water pump house that would be visible from Edgecombe Road with that area being enclosed by fencing with minimal and likely ineffective landscaping proposed for visual softening. The rear of the site would be visually detrimental along Edgecombe Road as a key entry route for Kyneton as well as to the new road on the eastern side of the site where adjacent commercial properties to the north will be required to incorporate significant landscaping and visual presentation to those same frontages. The proposal is not compliant with this guideline.

Car Parking Provision

- *To provide sufficient car parking for the needs of the business or industry within the site without adverse impacts on streetscapes.*

The applicant has provided 189 car parking spaces within the subject land including five disabled parking bays and six spaces providing for vehicles with trailers. This parking provision is compliant with the numerical requirements of Clause 52.06 in providing for both the proposed trade supplies and restricted retail premises uses. The proposed parking would cater for the use of the subject land whilst avoiding overflow parking to the surrounding locality. On-street parking in vicinity of the site would be limited to the service road along Edgecombe Road north of the site and on the proposed road to the east side of the site however it is more likely that customers would use the onsite parking given the bulky nature of goods retailed by the proposed operation. Disabled parking bays would be located adjacent to the building frontage for appropriate access to the premises.

Car Parking Layout and Design

- *To provide attractive industrial and office areas where parking is not a dominant element of the streetscape.*
- *To provide landscaped car parks that integrate with the design of the site and adjoining streetscape.*
- *To provide safe and efficient access within car parks for all users.*

The proposal will result in extensive amount of car parking within the front setbacks of the site which would fronts to three roads. Although the guidelines generally encourage parking to be provided at the rear of site layouts, the provision of parking at the front of retail premises by comparison to industrial development is more reasonable where those areas can be appropriately treated to avoid the parking being visually dominant and stark.

Landscaping proposed is relatively minimal and generally limited to the very edges of the site with the exception of a sparse number of trees with those proposed within the car park to be located within minimal landscaping beds that would not afford adequate lower level planting in addition to trees. The mix of landscaping species proposed includes only smaller tree species which does not respond to the landscape character of Kyneton where larger native and exotic trees are an important component.

Landscaping proposed would not adequately counteract the visual impact of a broad expanse of pavement and vehicles within a locality with interfaces to major transport corridors and township entry routes as well as rural landscape areas.

The lack of designated pedestrian pathways or refuges within the car park is also unsatisfactory as described above.

The proposal is not compliant with this guideline.

3. Building Siting and Orientation

Setbacks

- *To ensure the siting of buildings reinforces the rural character of the Shire and/or the preferred character of the local area.*
- *To create cohesive streetscapes that are characterised by consistent building setbacks.*
- *To provide active and pedestrian friendly streets.*
- *To ensure the siting of buildings provides adequate space for landscaping and planting and strengthens the landscape character of the area.*
- *To minimise impacts of overshadowing within the site and on adjoining uses.*

Although the proposed building incorporates spacious setbacks from Edgecombe Road and Pipers Creek Road, the lack of landscaping for the development and the lack of active frontage to those streets is not compliant with this guideline whilst the large and poorly articulated building along with the expanse of hard pavement for the car parking and access areas would not be appropriately responsive to the rural character of the Shire and the preferred character for Kyneton.

Building Orientation

- *To provide development which addresses the street and enhances street activity in the area.*
- *To minimise the impact of car parking and loading areas on the streetscape through the orientation of buildings.*
- *To maximise opportunities for passive solar design through the orientation of buildings.*

The proposed development does not satisfactorily address street frontages given the extent of bulky and relatively blank building elevations including the unduly short setback of the proposal from the eastern frontage. The expansive car park area would be highly visible from the surrounding locality by the relative lack of landscaping proposed. The development does not account for passive solar design.

4. Built Form

Building Address

- *To create active and pedestrian friendly industrial and business areas through the design and layout of buildings.*
- *To ensure development provides adequate activation and passive surveillance of adjoining open space areas.*
- *To provide businesses and industry that is easy to find for visitor and workers.*

The proposal does not provide adequate interface with adjacent roads. The bulky and poorly articulated building facades are primarily blank and incorporate minimal glazing, with the main retail entry being relatively minimal in context of the overall built form proposed. Streetscape presentations would be quite blank otherwise. The extensive car park would be visually dominant by its lack of landscaping. The development would set a poor precedent for building address for future commercial and industrial development.

Building Design and Detail

- *To reinforce the rural character of the Shire and/or the preferred character of a local area through the design of new buildings.*
- *To provide buildings that are simple in detail, and representative of the particular industrial or business built form.*
- *To provide practical building forms that meet the purpose of the industry or business.*

The proposed building design is generic and does not respond to the rural character of the Shire. Although the building would be simple in its design, that element in context of its large size means that there is little articulation or design detail that would reduce its visual dominance and respond to the preferred character of Kyneton. A large bulky building with high blank walls and minimal landscaping as proposed is not envisioned by these guidelines. The proportion of glazing proposed is extremely minimal and nowhere near the standard minimum 30% proportion of glazed surfaces required for facades fronting to streets.

Colours, Materials and Finishes

- *To ensure colours, materials and finishes are compatible with the rural character of the Macedon Ranges Shire.*
- *To provide a co-ordinated palette of colours, materials and finishes within industrial and business areas.*
- *To provide materials that are durable and robust.*

The dark green metal wall cladding as proposed is not problematic in its own right, however in context of a large and poorly articulated building there is minimal design detail and relief from this singular external finish. This is exacerbated by the lack of landscaping. In addition to actual design detail and articulation, some variation in external cladding materials and colours would be reasonable. Roof cladding should be muted colour finish rather than reflective zincalume as proposed.

Building Heights

- *To ensure building heights respond to the predominant scale of built form in the area.*
- *To ensure building are appropriately scaled to maintain key views from surrounding areas*
- *To ensure industrial and offices buildings have minimal impact on the amenity of the adjoining public realm and residential areas.*

The height of the development will be less than 9m however at between 6m and 8.5m height and extending over 120m in length and up to 49m width with relatively minimal articulation and design detail this building would be significantly bulky and visually impactful. With little landscaping proposed this development would loom large on the landscape when viewed from the surrounding locality, particularly given its location adjacent to rural landscape areas.

Roof Forms

- *To provide articulated roof forms that create visual interest and variation in the street.*
- *To integrate the roof form into the overall design of the building.*

- *To ensure roof forms reflect the prevailing streetscape character and the industrial / business function of the building.*
- *To minimise the impact of roofing and building infrastructure on adjoining areas.*

The roof form as discussed above will have minimal articulation and variation for this large and expansive building. Along with generally high front and side walls the proposed building would be visually dominant and relatively blank.

Signage and Advertising

- *To ensure signage and advertising is designed and located to be compatible with the rural character of the Shire.*
- *To provide for the identification of businesses in a way that maintains the character and amenity of the street and is designed to be compatible with visually sensitive areas.*
- *To ensure signage is informative and co-ordinated in a way that enables customers to easily locate the industry or business and determine its services.*

The subject site is located adjacent to Edgecombe Road as a key entry route for Kyneton as well as the Calder Freeway which is located nearby and within close viewing distance from the site, whilst adjacent land to the east and north beyond the township boundary comprises a rural landscape area. The proposed signage would be unduly visually dominant from the surrounding locality and would be detrimental in context of the character of this locality as well as the interface of the township along major transport routes.

The large extent of signage proposed on the building as well as by a significantly high and large pylon sign is inappropriate in context of the site and surrounds. Nearby property owners and occupiers would be detrimentally impacted by the proposed signage including by the illumination of signage after daytime hours which is particularly inappropriate for a site adjacent to a rural landscape area. Visual amenity impacts will also result to users of the Calder Freeway and surrounding road network. The role of this location as an important entrance corridor to Kyneton will be undermined by provision of oversized signs in this setting.

Below is the assessment of proposed signage against the relevant signage guidelines:

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

The proposed signage on the building facades would be unduly large and dominant rather than providing relief and design interest to the bulky and generally blank building facades.

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

The freestanding pylon sign in addition to those proposed on the building facades would be inappropriately large and so would result in visual cluttering and repetition.

Where there are multiple business occupancies within the one site, one shared sign should be provided that details the location of the businesses. A small identification sign may be provided for each business that it is co-ordinated with the shared sign in terms of style and materials.

N/A. One tenancy proposed.

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.

A very large double sided freestanding pylon sign is proposed at the site frontage of 12m height. This sign would be visually dominant in its own right and inappropriate in the context of the character of the locality. This sign is significantly higher than even the proposed large building and therefore does not comply with this requirement.

In visually sensitive areas, signage should be designed so that it does not detrimentally affect the character of the area and does not unduly diminish key views within the area.

As noted above, the proposed signage would be dominant and detrimental to the character of the locality including the nearby major transport route and township entry road, as well as the adjacent rural landscape area.

The proposed signage is considered to be inappropriate as it would result in undue visual cluttering and dominance of the locality.

5. Landscaping

Landscape Design

- *To build on the rural character of the Shire through compatible and ample landscaping within industrial and business areas.*
- *To provide landscape design that responds to the characteristics and qualities of the particular site and area.*
- *To provide high quality landscaping within the front setback that enhances the setting of buildings in the street.*
- *To provide low maintenance and drought tolerant landscaping.*
- *To ensure the ongoing maintenance of landscaped areas.*

Landscaping areas have been shown on the plans which meets the general requirements in relation to front setbacks. The scale of development is large and landscaping provided in relation to the scale of the development is minimal. Other than some sparsely located trees around the perimeter of the development there is minimal landscaping within the car park area or adjacent to the building that would reduce the visual prominence of the proposal. The species of trees proposed for landscaping are small or medium in size and would therefore have minimal value for visual softening or even providing shading of a development incorporating a high degree of hard surfacing. The dimensions of planting beds for trees within the car park would be inadequate for the long term survival of the trees or the provision of adequate lower planting in addition to the isolated trees as proposed.

Fencing

- *To ensure the front boundary treatment contributes positively to the appearance of the streetscape and clearly delineates the public and private realms.*
- *To ensure fencing provides for adequate site security.*
- *To ensure fencing is co-ordinated with the design of the building and landscaping.*

High chain mesh fencing is proposed enclosing the plant nursery and bagged goods area of the premises, as well as enclosing either end of the rear delivery and service area. These fenced areas would be minimally landscaped and so would abut hard paved driveway areas and would form part of the stark visual presentation of these areas to adjacent roads including Edgecombe Road on the west side of the site.

Paving

- *To minimise excessive runoff from sites and maximise infiltration of water.*

- *To provide paved areas that are robust and require minimal maintenance in an industrial or office environment.*

A very high proportion of the site would comprise hard paved car parking or loading/service areas in addition to the large building. Whilst drainage can be achieved satisfactorily, the lack of landscaped areas for the development means that the extent of permeable surfacing is relatively minimal.

6. Site Amenity

Waste Storage

- *To ensure adequate access to waste and recycling facilities is provided for each business or industry.*
- *To ensure waste storage and treatment areas do not detrimentally impact on the amenity of streetscapes and the quality of stormwater.*

Although the waste storage area would be located within the rear delivery/service area of the site, the screening provided by high mesh fencing with minimal landscaping would not achieve a suitable visual outcome.

Goods Storage

- *To ensure goods storage areas are appropriately sited and designed to minimise impacts on streetscapes.*
- *To ensure the storage of goods does not adversely impact on the quality of stormwater.*

The storage of goods would be somewhat visible with the mesh fencing proposed for the plant nursery and bagged goods area. The lack of landscaping adjacent to this part of the premises would result in the development being visually detrimental.

Lighting

- *To ensure lighting is adequate for the purposes of navigation for pedestrians and security.*
- *To minimise the spill of light onto adjoining and nearby residential and rural properties.*

Lighting as proposed for the premises and for the illuminated signage has the potential to detrimentally impact the character and the amenity of nearby rural residential areas. In the event of a permit being granted, conditions should require careful design of lighting to minimise light spill beyond the subject land.

Acoustic Treatment

- *To ensure acoustic treatments are designed to achieve their purpose and integrate with the surrounding context.*
- *To ensure acoustic treatments match in with the site design.*

The loading and service area would be located to the rear of the building which would limit likely noise impacts from those activities.

Interface Types

- *To protect the amenity of residential, low density residential, rural living, rural areas and other sensitive land uses.*
- *To ensure the rural character of the Macedon Ranges Shire is maintained when industrial and business sites are viewed from key public areas.*
- *To ensure industrial and business sites contribute positively to their particular context.*

The subject land interfaces with rural residential land with its rural landscape character and amenity values, as well as with major transport routes being the Calder Freeway

and Edgecombe Road. The development is proposed to have inappropriate interface with these areas by way of a bulky and poorly articulated building set within a large expanse of car parking and driveway areas with minimal landscaping for visual softening. The unduly large extent of signage would also be detrimental to these interfaces. The development would be inappropriate for the character of this locality.

Strategies in relation to Township Entries/Main Roads under the guidelines are:

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 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 and visual clutter is minimised.*

Assessment: The proposed signage are excessive for the development and will dominate the streetscape and result in visual clutter.

- *Retaining vegetation that is considered by the responsible authority to be an important element of the entry experience or main road character.*
- Assessment: The only remaining native vegetation within the subject land is proposed for removal, with relatively minimal new landscaping proposed.
- *Providing appropriate setbacks and landscaping that integrates with the adjoining public realm.*
- Assessment: Landscaping has been proposed however it will not be sufficient in relation to the visual dominance of the building and its extensive paved car parking area.
- *Providing high quality built form, materials, colours and finishes that are compatible with the scale and character of built form in the industrial area and the township.*

Assessment: The built form is a generic building design that does not respond to the local area and context. The development design will not be consistent with the township and rural character of the area.

7. Environmentally Sustainable Design

Integrated water management

- *To minimise any increase in stormwater run-off and protect receiving waters from environmental degradation.*
- *To reduce potable water consumption.*

Council's Engineering & Projects Unit is generally satisfied with proposed stormwater drainage arrangements, although the relative lack of landscaping as proposed means that the extent of permeable surfacing on the site is less than ideal.

Energy Efficient Building & Site Design

- *To minimise greenhouse gas emissions from industrial and business sites.*
- *To provide economically viable solutions to energy efficient design.*

The proposed development fails to account for solar orientation for energy efficiency and also proposes minimal landscaping for a site with a significant degree of hard paved surfaces which could reduce its heat sink effect and provide effective shading.

Summary

The proposal is considered to be poorly responsive to the requirements of the Macedon Ranges Design Guidelines for Industrial and Commercial Development 2012. The building proposed would be large and bulky with minimal design articulation and design detail. The signage proposed would be excessive and would be visually dominant. The lack of landscaping proposed would not adequately screen or soften the development from the surrounding locality including the adjacent rural landscape areas and major transport routes. The development would be detrimental to the visual amenity of the locality. The lack of separated footpaths would be detrimental to pedestrian safety and movement within an extensive car parking and driveway layout.

Clause 34.02 – Commercial 2 Zone

The purpose of the Commercial 2 Zone is to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services and to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

A planning permit is not required to use land for a restricted retail premises and for trade supplies. A permit is required for buildings and works. Category 1 signage requirements at Clause 52.05 apply under the requirements of this zone.

The relevant decision guidelines within the Commercial 2 Zone to be considered in deciding on an application are as follows:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Building and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandas, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *The availability of and connection to services.*
- *Any natural or cultural values on or nearby the land.*
- *Outdoor storage, lighting, and stormwater discharge.*
- *The design of buildings to provide for solar access.*

The proposal is not considered to be compliant with the relevant policy framework within the planning scheme as discussed above.

The proposed development would inappropriately interface with adjoining zones. The interface with other surrounding zones including the rural residential, industrial, commercial and road zones would be inappropriate by the visual dominance and

starkness of the development including the large and bulky signage and stark car park with minimal landscaping. The proposal would comprise a poor precedent for other future development within the industrial and commercial precincts in this northern side of Kyneton as well as with its response to the adjacent rural residential areas and main road alignments nearby.

As described elsewhere, the safe and efficient movement of pedestrians is poorly accounted for within the site layout, with minimal provision of separate footpaths within the expansive car park and driveway areas. The car parking layout otherwise accounts for adequate provision of spaces and accessibility but it fails to provide for adequate landscaping that would provide visual softening of a large expanse of pavement as well as reducing its heat sink effect. The development also fails to account for solar efficiency with its entirely southerly aspect.

The proposed building itself is considered to be bulky and visually dominant by its large size and lack of design detail and articulation, as well as the lack of landscaping throughout the site and in proximity of its frontage. The main entry to the building is a minor feature by comparison to the remainder of the large building facades being generally blank with the exception of the large extent of corporate signage. The location of the plant nursery and bagged goods area adjacent to the Edgecombe Road frontage as well as the rear service area with the rear blank wall of the building and large infrastructure structures with minimal landscaping would be a poor presentation outcome along a main road entry for Kyneton. The short setback to the eastern boundary is also inappropriate for a high and blank wall near that edge of the site.

The main pylon sign at the front of the subject land is excessively large in its dimensions in addition to the signage proposed on the building and by being illuminated would further impact the amenity of the locality. This presentation of the site to three road frontages including Edgecombe Road as a major entry route on the northern side of Kyneton is unacceptable, as is its visual impact to the Calder Freeway corridor to which the subject land is also adjacent.

The proposal is also detrimental to the existing and preferred character of Kyneton and its commercial areas as the cultural values of the township, as well as to the natural values by way of the removal of native vegetation that would impact upon the habitat and water quality of the locality.

The proposal is considered to be non-compliant with the purpose and provisions of the Commercial 2 Zone.

Clause 42.01 – Environmental Significance Overlay (ESO4)

The purpose of the Environmental Significance Overlay is to identify areas where the development of land may be affected by environmental constraints. Schedule 4 to the Overlay relates to the protection and maintenance of water quality in the Eppalock Water Catchment.

A permit is required under this overlay for the removal of vegetation.

Applications for development of land within a Special Water Supply Catchment Area (being the Eppalock Catchment) are required to be referred to the relevant water board and water supply authority as determining referral authorities in accordance with the requirements of Clause 66.02-5. The application was referred to Coliban Water and Goulburn Murray Water who both responded consenting to the proposal subject to conditions relating to sewerage and water service connection, erosion and sediment control, watercourse protection, and stormwater control.

The application was also referred to North Central Catchment Management Authority

as a non-statutory referral given the proximity of the development to Pipers Creek as well as a mapped watercourse aligning within the subject land. The NCCMA offered no objection to the proposal with no conditions specified.

The relevant decision guidelines within the Environmental Significance Overlay (ESO4) to be considered in deciding on an application are as follows:

- *The impact of the development on the water catchment.*
- *The need to protect vegetation and habitat and the role these attributes play in improving and assisting in the maintenance of water quality. In particular, the need to maintain and revegetate land within 30 metres of a watercourse.*
- *The need to retain vegetation which prevents or limits adverse effects on ground water recharge.*
- *How any proposed septic tank or other form of waste water treatment may impact the quality of water in the catchment. This should include demonstration that the proposed density of septic tanks in the area:*
 - *Will not overload the natural environment with effluent and lead to pollution of watercourses or other properties;*
 - *That the design and location of septic tanks is appropriate to the site and environmental characteristics of the allotment.*
 - *That the disposal of effluent will not result in the discharge of waste water from the site.*
- *The need to include litter traps and artificial wetlands in development proposals to improve the quality of discharge from new developments prior to discharge to water courses and to minimise the amount of sediment and litter entering waterways from new development.*

The proposed development would be connected to reticulated sewerage to provide for effluent disposal, and so would avoid the need for onsite effluent disposal. Drainage would be required to meet the requirements of Council's Engineers, as well as relevant local water authorities where the subject land interfaces with the Pipers Creek further to the south. These outcomes would be acceptable in respect to the relevant decision guidelines.

On the other hand, the proposed removal of native vegetation from the subject land that could easily be avoided by an alternative development layout does not comply with the decision guideline which requires consideration of the need to retain vegetation that limits adverse groundwater recharge impacts in a water catchment. This would be exacerbated by the relative lack of landscaping proposed within a development that would encompass a very high degree of impermeable surfacing.

The removal of native vegetation within a proclaimed water supply catchment would be detrimental and therefore the proposal fails to respond to the purpose and provisions of the Environmental Significance Overlay (ESO4).

Clause 51.07 – Macedon Ranges Statement of Planning Policy

The purpose of this recently introduced Particular Provision in integrating the Macedon Ranges Statement of Planning Policy (MRSP) into the Macedon Ranges Planning Scheme is:

To ensure that a decision made under this planning scheme by a responsible public entity:

- *Is consistent with the parts of the Macedon Ranges Statement of Planning Policy that are binding on the public entity.*
- *Has regard to the parts of the Macedon Ranges Statement of Planning Policy that are in the nature of recommendations to which the public entity is required to have regard.*

A full assessment of the proposal against the MRSPP comprises an attachment to this report. In summary, the proposal is considered to be non-compliant with relevant objectives and strategies of the MRSPP relating to landscape, biodiversity and environmental values, water catchments and supply, settlements, transport and infrastructure.

The visually dominant and stark presentation of the development does not respond to the landscape, settlement, and transport and infrastructure objectives in respect to its lack of response to the existing and preferred character of the Kyneton township and the interfaces of the site with immediately adjacent rural landscape areas abutting the Protected Settlement Boundary for Kyneton which aligns the eastern edge of the subject land, as well as the Calder Freeway and other highway alignments in proximity of the subject land.

The removal of native vegetation proposed does not comply with the MRSPP objectives relating biodiversity and environmental values, and water catchments and supply.

Clause 52.05 - Signs

The purpose of this Particular Provision is:

To regulate the development of land for signs and associated structures.

- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The subject site is within Commercial 2 Zone, and therefore Category 1 (Clause 52.05-11) applies to the subject site, which has minimum limitation applying to commercial areas. A planning permit is required for business identification signage exceeding 8 square metres in area.

The signage proposed on the building facades entails large panel signs on three elevations of the building including the business name (13.5m x 2.3m) and logo (5.3m x 4.4m) along with details of directions to the location of the garden centre, and timber and trade area, and a banner sign (8m x 2.5m) mounted on the high mesh fencing of the garden centre/bagged goods area. These signs would be set on the backdrop of the main building façade predominantly being the dark green corporate colour scheme.

The main separate pylon sign at the front south-east corner of the site adjacent to the corner of Edgecombe and Pipers Creek Roads would be 12m high and would incorporate a main signage panel of 7.2m high x 4m width that would be double sided and would also be illuminated by downlighting from the top of the signage structure. A banner would be located within its lower frame of the sign. Other direction signage is proposed including entry signs which would incorporate business identification detail however the dimensions of these signs has not been provided.

The freestanding pylon sign at 12m high with a main 7.2m x 4m double sided signage panel would be significantly large and high and would be a very poor precedent to set when recently approved signage for other industrial and commercial development nearby is much lower in height and smaller in dimensions whilst still affording appropriate business identification. The illumination of this sign would maintain its visual dominance after daytime hours.

Although the proposed building is large in its dimensions, the signage proposed on the building facades is excessive. In addition to the lack of design detail and articulation

of the building itself, the facade signage would add to the stark and dominant presentation of the development to the surrounding locality.

The lack of dimension detail for the direction and information signage proposed is unhelpful and if this signage is larger than necessary for information purposes it would add to the detrimental visual cluttering of signage as proposed.

As detailed above, the proposed signage for the development is not in accordance with the Macedon Ranges Design Guidelines for Industrial and Commercial Development. Signage as proposed would be detrimental to the character and amenity of the locality. It would be visually dominant and would compromise the settlement character of Kyneton by way of its detrimental impact to the surrounding commercial and industrial precinct, the township entry route of Edgecombe Road and the major transport route of the Calder Freeway, and the interface of the subject land with the adjacent rural landscape area.

The proposed signage is not considered to be compliant with the purpose and provisions of Clause 52.05.

Clause 52.06 - Car Parking

The purpose of this Particular Provision is to ensure that adequate car parking is provided for use and development for likely demand and activities and the nature of the locality, to support sustainable transport alternatives, to provide efficient use of parking spaces, to ensure that car parking does not adversely affect the amenity of the locality, and that car parking is of a high standard of design and creates a safe environment for users.

The provision of specified parking for the use of land is required by this provision, being 3 spaces per 100m² of leasable floor area for restricted retail premises and 10 per cent of site area to be provided for parking for trade supplies. The total floor area proposed for restricted retail premises at approximately 2900m² draws a standard requirement of 87 spaces. The trade supplies requirement for 10% of site area totals 1700m² area (calculated from 1.7 hectares site area).

With the total number of parking spaces at 200 including 194 standard and disabled parking spaces as well as 6 trailer parking spaces, this provision exceeds the total number required even if the restricted retail premises rate were to be applied for the trade supplies floor area, but also exceeds the individual requirements for the two separate uses. The parking spaces and access aisles meet the dimension requirements of this provision. The application has been referred to MRSC Engineering Department who have advised that the proposed parking and vehicle access arrangements are satisfactory.

The lack of landscaping and safe pedestrian access within the car park areas are not compliant with this provision. Design standards 5 (Urban Design), 6 (Safety) and 7 (Landscaping) within this provision aim for car parking to avoid visual dominance, to provide for separation of pedestrians from traffic for appropriate safety in high activity areas, and to provide adequate landscaping to soften the visual impact of parking areas as well as water sensitive urban design.

The decision guidelines within this provision include requirements for pedestrian movement within the parking area, the protection and enhancement of the streetscape, and the provision of landscaping for screening and shade. The proposed car parking area would occupy a significant proportion of the subject land within its frontages to

adjacent roads and given the relative lack of landscaping proposed not just within the front setbacks but also throughout the car park area would present an unduly stark

appearance to the surrounding locality. The provision of parking within the site frontages increases the importance of landscaping to be provided for visual softening of these areas however the proposal is quite minimal in the extent of landscaping and planting proposed.

The proposal includes separated pedestrian footpaths only along the building frontage and one route to each road frontage of the site where the extensive car park area is otherwise devoid of separate pedestrian accessways or even refuge areas. The proposed development would likely be very busy at times and with a lack of separate pedestrian access from the main traffic aisles this would be unacceptable in terms of pedestrian safety.

The proposal is not compliant with the purpose and provisions of Clause 52.06 in respect to urban design and visual impact, landscaping, and pedestrian safety.

Clause 52.17 – Native Vegetation

The purpose of this Particular Provision is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation by applying a three step approach of avoidance, minimisation and offsetting of native vegetation removal, and to minimise land and water degradation resulting from native vegetation removal.

A permit is required under this provision for the removal of native vegetation.

The proposal involves the removal of the only native vegetation within the subject land. Although the application includes details of proposed native vegetation offsets for the removal of vegetation, the proposal has made no attempt to avoid vegetation removal that could be feasibly retained within the site layout, particularly within the proposed car park area where trees are located. As noted above, the three step approach for native vegetation removal is avoiding removal where the proposal has gone immediately to the third step of offsetting the proposed loss.

The existing native vegetation could be used as a theme for landscaping for the site that would improve the biodiversity and habitat values of the land rather than removing the last remaining locally native species on the site. Proposed landscaping includes no locally native planting and is relatively sparse in its extent and would therefore have a lesser environmental benefit.

The application was referred to the Department of Environment, Land, Water and Planning (DELWP) who offered no objection to the proposal subject to conditions specifying the offsets to be secured. Council's Environmental Planner recommended the retention of these remaining native trees to ensure avoidance rather than removal of native vegetation is achieved.

The proposal is not compliant with the purpose and provisions of this provision as the removal of native vegetation has not been adequately justified when its retention could easily be facilitated within the scope of the proposed development.

Clause 52.34 – Bicycle Facilities

The purpose of this Particular Provision is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Standard rates of bicycle parking are specified for use of land, with retail premises not otherwise listed being specified at 1 space per 300m² of floor area for employees and 1 space per 500m² for customers. Based on the floor area for the premises totalling

approximately 4900m², the normal requirement for bicycle parking at the specified rates is 27 spaces. No bicycle spaces are proposed as part of this development.

Whilst the calculated total of 27 spaces seems unduly high, the provision of some bicycle parking for customers as well as staff seems reasonable to encourage visitors to use modes of travel other than private vehicle, as well as providing secure bicycle parking for staff. In the event of a planning permit being granted, a permit condition would require satisfactory bicycle parking to be provided in appropriate locations for staff and customers.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads.

The proposal includes the creation of direct access to Edgecombe Road as a Category 1 Road Zone. It is required by Clause 66.03 that applications including the creation of access to a road zone must be referred to the Department of Transport as a determining authority.

The application was referred to that authority who provided response consenting to the proposal subject to conditions specifying entry and exit arrangements to the site from Edgecombe Road and the requirement for engineering plans, a road safety audit, and works to be completed.

The proposed new access arrangements to Edgecombe Road as a Road Zone, Category 1 are suitably compliant with this provision.

Officer declaration of conflict of interest

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

The proposed development of the subject land would be contrary to the relevant provisions of the Macedon Ranges Planning Scheme as outlined above.

The development is not compliant with the Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire, June 2012 and the Macedon Ranges Statement of Planning Policy.

The proposed design and layout would present a visually dominant and stark outcome to the surrounding locality that does not respond to the existing or preferred character of the Kyneton township as well as the interfaces of the subject land with major transport routes and rural landscape areas. This outcome would result in adverse amenity impacts to the locality.

The proposed native vegetation removal would be detrimental to the biodiversity of the locality as well as the water catchment within which the site is located. The proposed parking layout arrangements fail to provide for adequate pedestrian safety and movement.

In light of the above, it is recommended that Council determine not to support the application and that it would have been refused if an appeal against failure to determine the proposal had not been lodged with VCAT in the meantime.

9. APPLICATION FOR PLANNING PERMIT PLN/2019/572

Use and development of the land for a service station and development of a restaurant, alteration of access to a road zone, category 1 and display of business (illuminated) identification signage.

LOT 1, PS 331532T, Edgecombe Road, Kyneton

Officer **Awais Sadiq – Coordinator Statutory Planning**

Council Plan Relationship **Improve the Built Environment**

Attachments

- 1. Statement of Planning Policy Assessment**
- 2. Plans**
- 3. Locality Plan**

Applicant **Kyneton Project Management Pty Ltd**

Date of Receipt of Application **3 January 2020**

Trigger for Report to Council **Councillor Call-In**

Purpose and Overview

It is proposed to use and develop land at Lot 1, PS 331532T, Edgecombe Road, Kyneton for a service station and development of a restaurant, alteration of access to a Road Zone, Category 1 and display of business (illuminated) identification signage.

The application was advertised and Three hundred and seventy two (372) objections and fifteen (15) letter of supports were received. Key issues to be considered relate to the impact of the proposal on the amenity of the area, the appropriateness of the proposal in relation to the relevant provisions of Macedon Ranges Planning Scheme including Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire, June 2012.

The application has been assessed against the Macedon Ranges Planning Scheme and is not considered appropriate. It is recommended that council determine that had it decided the application, it would have refused the application on grounds related to non-compliance with Industrial & Commercial Development for the Macedon Ranges Shire, June 2012, landscape, amenity and traffic impacts.

Recommendation

That the Planning Committee:

Resolve that the application is not supported and that it would have been refused if the VCAT appeal had not been made for the Use and Development of the Land for a Service Station and Development of a Restaurant, Alteration of Access to a Road Zone, Category 1 and Display of Business (Illuminated) Identification Signage at Lot 1, PS 331532T, Edgecombe Road, Kyneton on the following grounds:

- 1. The proposal is contrary to Clause 11.03-3S as it will result in development that fails to protect and enhance the identified valued attributes of the area.**

2. 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 (dwellings) close to the site would be detrimentally impacted by traffic, noise, lighting, and 24 hour operation and otherwise.
3. 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.
4. The proposal is contrary to Clauses 12.05-2S (Landscapes) and 21.05-2 (Significant environments and landscapes) that seek protection of landscape. The area is generally open in character displaying rural landscape and the introduction of such intense development on the site will have adverse impacts on the landscape and will be unable to respect the distinctive character and defining attributes of Kyneton.
5. The proposal is contrary to Clauses 21.08-3 (Built Environment) and 21.13-2 (Kyneton) that seek to guide future urban development having regard for township character and environmental constraints. The proposal will undermine the role of town centre as the retail focus by resulting in a type of development that will reduce the reliance on commercial areas within the town centre.
6. The proposal is contrary to a number of objectives under Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire, June 2012 at Clause 22.06 (Design of Industrial and Commercial Development) including access and circulation, building siting and orientation, built form, signage, landscaping and interface treatments.
7. The proposal is contrary to the purpose of Commercial 2 Zone as it will result in impact on the safety and amenity of adjacent, more sensitive uses (dwellings).
8. The proposal is also contrary to the decision guidelines under Commercial 2 Zone in relation to impact on traffic, movement of pedestrians, cyclists and vehicles and streetscape character.
9. The proposal is contrary to the following purposes under Clause 52.05 (Signs) of Macedon Ranges Planning Scheme:
 - To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
 - To ensure signs do not contribute to excessive visual clutter or visual disorder.
 - To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.
10. The proposal will unable to meet the decision guidelines under Clause 52.05 (Signs) in relation to character of the area, impacts on views and vistas in association with signs and structures, their relationship to streetscape and impact of illumination.

- 11. The likely signage format for service station is unclear. Signage is integral to the proposal in respect to design and form, rural and natural landscape values, amenity, and other considerations.**
 - 12. The proposal is contrary to Clause 65.01 (Decision Guidelines) which requires consideration of the orderly planning of the area.**
 - 13. The proposal is not compliant with Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme as it 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.**
-

Existing conditions and relevant history

Subject land

The site is located to the north of Kyneton, with frontage to Edgecombe Road, a major gateway entrance into the town. It is located adjacent to the Calder Freeway. The subject site is located on the east side of Edgecombe Road, at the intersection of Edgecombe Road and Pipers Creek Road. It is irregular in shape with an overall area of approximately 21.99 and vacant in terms of any buildings. It is an open, gently undulating rural landscape comprising fenced paddocks and some scattered vegetation. Clusters of trees are located along the southern boundary where the site adjoins the Calder Freeway onramp. Post Office Creek intersects the southern portion of the site and runs in an east-west direction. Land forms part of the largely undeveloped extension of Kyneton township on the north of the Freeway, which partially used for industrial activity, open paddock areas and rural lifestyle living.

Surrounds

Land on the opposite side of Edgecombe Road is zoned Industrial containing various industrial/commercial uses including a small vehicle servicing centre and the former Kyneton abattoir land. A pocket of industrial development is located 1km further west of the site, with some standalone businesses and the industrial precinct, along Saleyards Road. The southern boundary abuts the Calder Freeway slip lane and Freeway. Across the Freeway to the south is residential land (zoned Neighbourhood Residential Zone, Schedule 1) forming the periphery to the established area of the Kyneton Township. The eastern part of the site and broader eastern hinterland is used for rural residential living, apart from Kyneton Golf Course which is zoned Special Use Zone. Edgecombe Road connects to the established Kyneton Township to the south of the Freeway via an overpass. To the north, Edgecombe Road contains rural residential land and farm land.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

The title provided with the application shows that the property is not encumbered by any restrictive covenants and/or Section 173 Agreement.

Previous planning permit history

A search of Council's records has found no relevant planning permit history.

Proposal

The proposal is for the use and development of the land for a service station and development of a restaurant, alteration of access to Edgecombe Road (Road Zone, Category 1) and display of business (illuminated) identification signage.

Service Station

The proposed development associated with the service station will comprise the following:

- Retail building having a floor area 450m² comprising a fuel shop (250m²) and a convenience restaurant (165m²) with a minimum setback of approximately 72m from the western boundary (Edgecombe Road) and 65m from the northern boundary (Pipers Creek Road);
- An approximately 30m long and 6.5m wide car fuel canopy with an overall height of 5.6m with a minimum setback of approximately 53m from the Edgecombe Road and minimum setback of 56m from Pipers Creek Road;
- An approximately 16m long and 12m wide truck fuel canopy with an overall height of 6.4m with a minimum setback of approximately 62m from the northern boundary and 9.75m to the rear of proposed retail building associated with the service station.
- Four fuel bowzers and eight fuel bays for cars;
- Two fuel bowzers and three fuel bays for trucks;
- 54 car parking bays, 5 truck parking spaces and 6 bikes for customers and staff;
- A drive through access/window in association with the convenience restaurant along the eastern elevation of the building;
- Air and water facilities in front of the retail building;
- Bin storage area and loading bay adjacent to the northern side of retail building;
- To the immediate west of the car fuel bowser canopy, two below ground fuel storage tanks.

Stand Alone Convenience Restaurant (McDonald's)

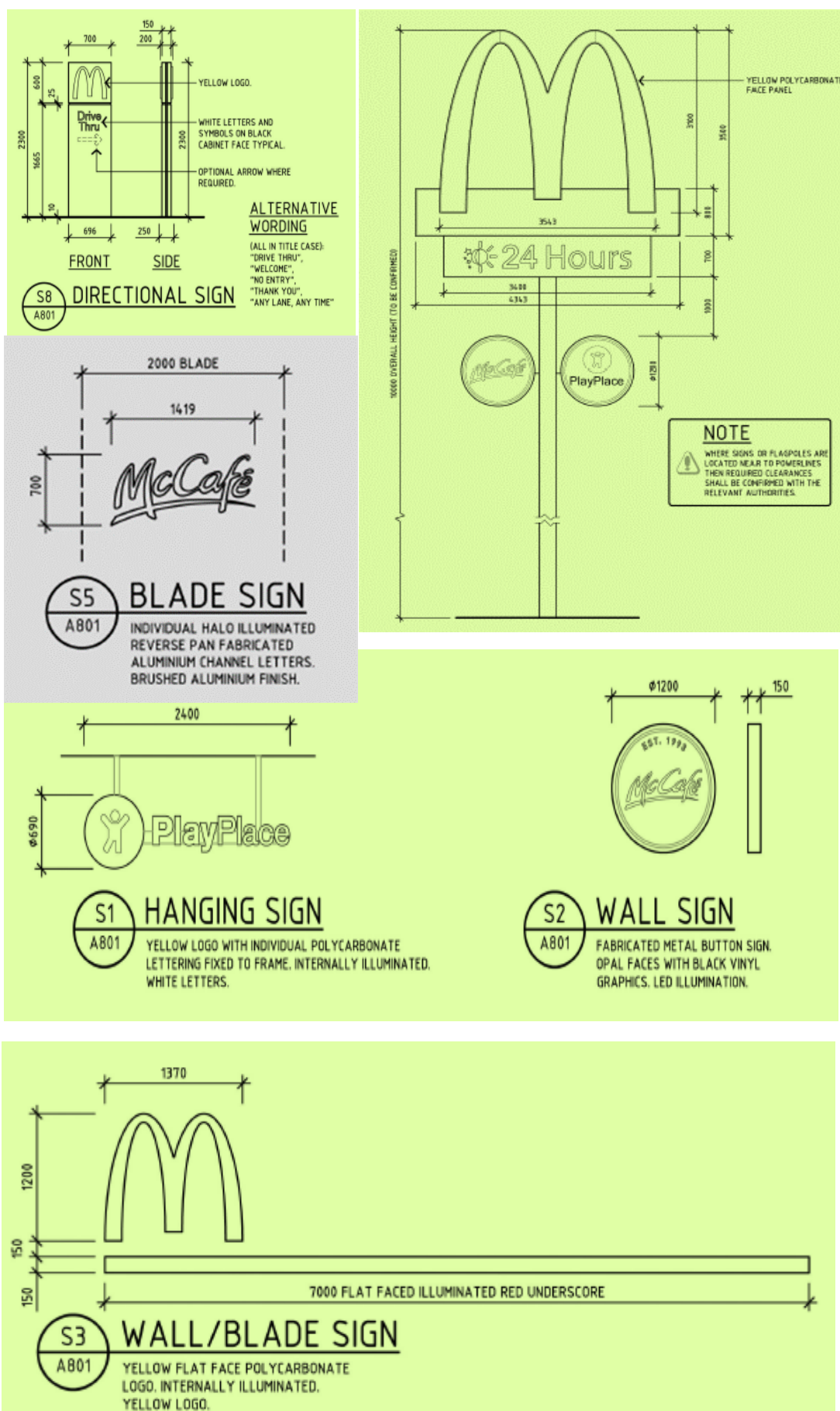
The proposed development associated with McDonald's will comprise the following:

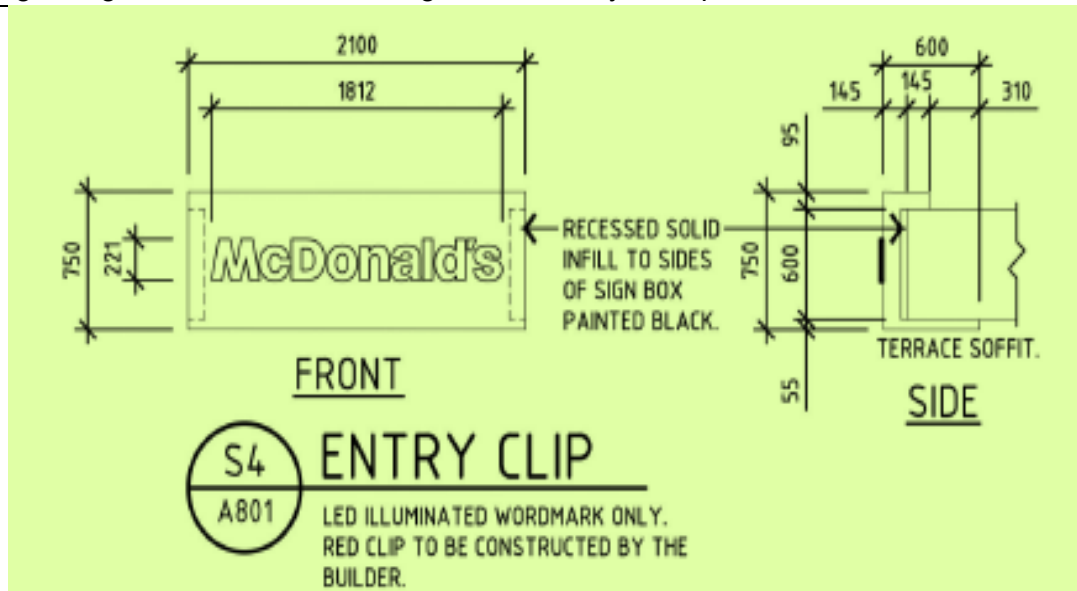
- Building having a floor area of 377m² containing playground, kitchen area, dining area, offices and play land;
- Setback of approximately 28m from Pipers Creek Road and 27m from Edgecombe Road;
- Overall height of 6.075m;
- A drive through access/windows along the southern elevation of the building;
- Bin storage area and loading bay adjacent to the eastern side of retail building;
- 28 car parking bays and 6 bikes for customers and staff.

Business Identification Signage

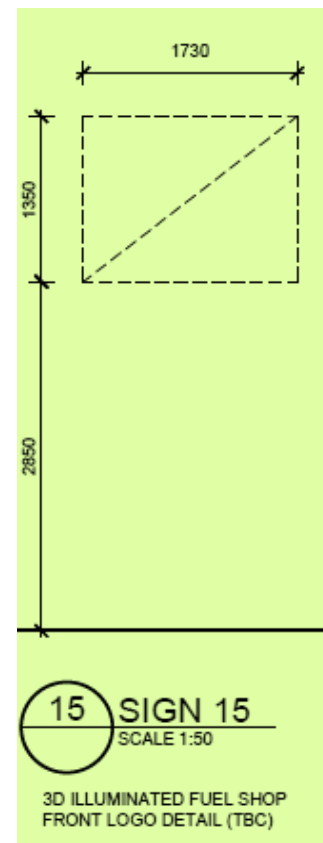
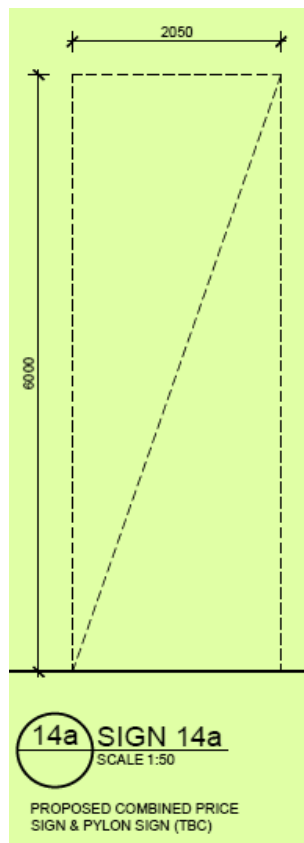
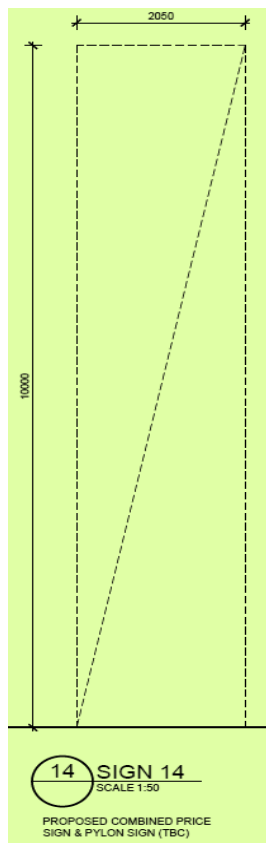
Standard various McDonald's internally illuminated signage is proposed, including a pole sign, pylon signs and other signage. The service station and other convenience restaurant has not been finalised therefore final font/colours of signage for the service station and convenience restaurant are unknown.

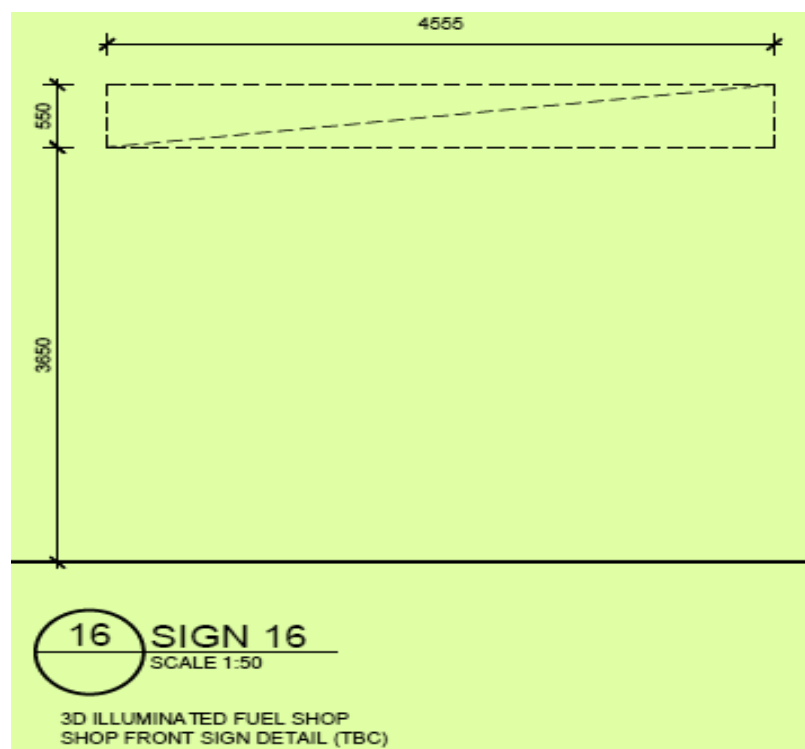
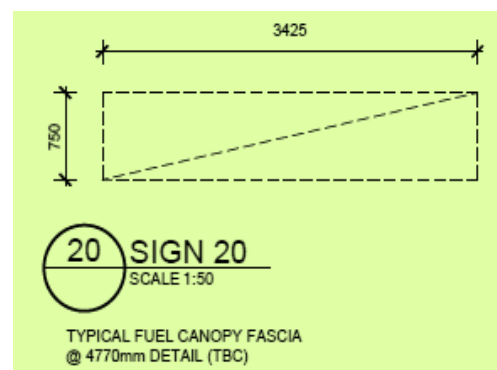
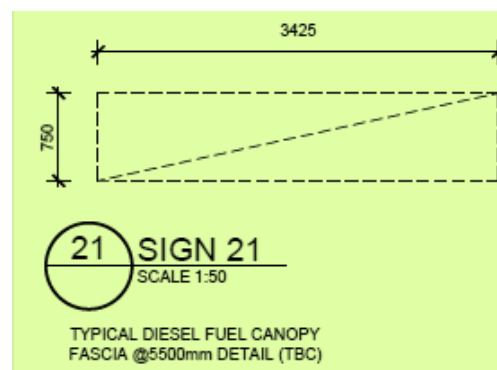
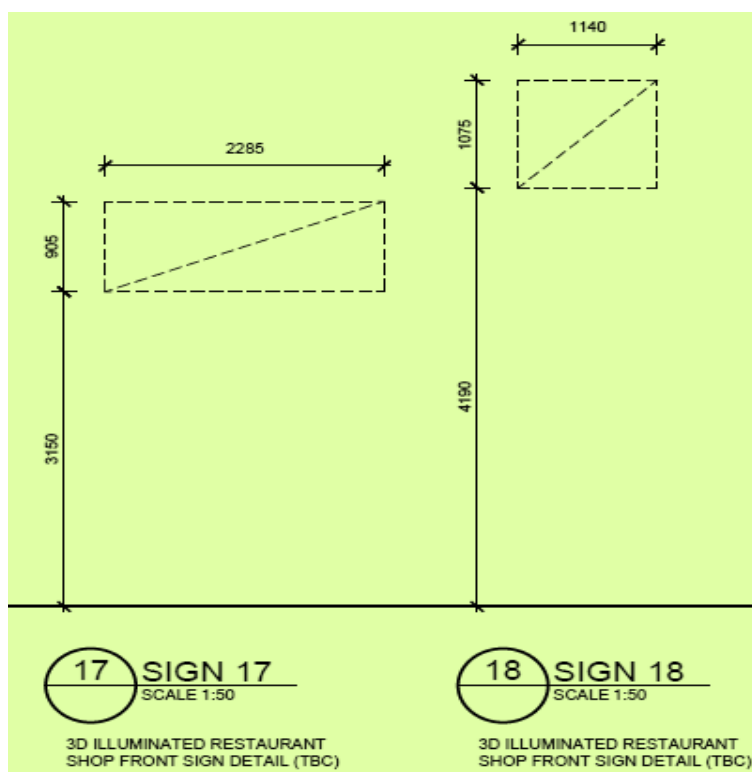
McDonald's Signs Details





Service Station Signs Details





Relevant Macedon Ranges Planning Scheme controls

Statement of Planning Policy

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause No.	Clause name
11.03-3S	Peri-Urban Areas
13	Environmental Risks and Amenity
15.01	Built Environment
15.01-2S	Building Design
17.01	Employment
17.02	Commercial

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.02-4	Built Environment and Heritage
21.05-2	Significant environments and landscapes
21.08-3	Built Environment
21.10-1	Commercial and Industry
21.10-3	Retail and Services
21.13-2	Kyneton
22.06	Design of Industrial and Commercial Development

Zoning

Clause No.	Clause name
34.02	Commercial 2 Zone (Schedule)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (Schedule 4)

Particular Provisions

Clause No.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
52.05	Signs
52.06	Car parking
52.29	Land Adjacent to a Road Zone, Category 1
52.34	Bicycle Facilities
53.10	Uses with Adverse Amenity Potential

Clause No.	Clause name
65	Decision Guidelines
66	Referral and Notice Provisions

General Provisions

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	No
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

Based on the above assessment, a Cultural Heritage Management Plan is required in accordance with Part 2 Division 1 Regulation 6 *Aboriginal Heritage Regulations 2007*.

The applicant has provided an approved Cultural Heritage Management Plan as part of the application process.

The process to date

Referral

Authority (Section 55)	Response
Department of Transport	No objection subject to conditions.
Coliban Water	No objection subject to conditions.
Goulburn-Murray Water	No objection subject to conditions.
Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
MRSC Strategic Planning	No objection.
MRSC Environment	No objection.
MRSC Health	No objection.
MRSC Economic Development	No objection.
MRSC Heritage Advisor	No objection.
Environment Protection Authority	No objection subject to conditions.
Worksafe	No objection subject to a condition.
Country Fire Authority	No objection.

North Catchment Management Authority	Central	No objection subject to conditions.
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Advertising

The application was advertised and Three hundred and seventy two (372) objections and fifteen (15) letter of supports were received.

Following is the summary of objections received:

- Inappropriate location towards the entry of Township;
- Environmental Impact;
- Traffic;
- Road configuration;
- Road Safety for users;
- McDonald's food in conflict with VicGov and Council's health and wellbeing objectives;
- Contrary to Kyneton Structure Plan;
- Impact on biodiversity;
- Impact on Water Quality;
- Chemical contamination;
- Impact on the health Post Office Creek;
- Out of character for Kyneton Township;
- Impact on local businesses;
- Impacts on Kyneton town centre;
- Increase in rubbish;
- Health issues with fast food;
- Animal welfare;
- Prime agricultural land;
- Load on sewerage;
- Impact on aesthetics;
- Air pollution;
- Noise;
- Too many service stations;
- Impact on views from town entry;
- Impact on the amenity of dwellings;
- Uses not allowed under the zone;
- Service station contrary to the freeway service centre design guidelines;
- Light pollution;
- Ecological impacts;
- Impact on local economy and businesses;
- Inappropriate signage;
- Contrary to Industrial guidelines;
- Contravenes Macedon Ranges Environment Strategy 2019;
- Cultural Heritage Impacts;
- Children health and safety concerns;
- Negative impact on tourism;
- Minimal landscaping;
- Loss of sense of place;
- 24 hour operation is not appropriate;
- Risk of accidents;
- Setbacks;
- Large area of hard surface;
- Not appropriate for industrial zoned land;
- Close proximity to schools;
- Odour/Smell;
- Contrary to Council vision;

- Property devaluation;
- Impact on heritage of the town and properties;
- Loss of flora and fauna;
- Lack of support for alternative mode of transports;
- Lack of pedestrian use and access;
- Night time noise;
- Lack of pedestrian access from Kyneton Township;
- Impact on sleep due to noise from traffic;
- McDonald's not required in this location;
- Impact on waterways and marine life due to litter;
- Job losses;
- Water pollution;
- Lack of community engagement;
- Landscape impacts on rural land;
- Stress on families;
- No safe pedestrian and bicycle route;
- Location of petrol station in close proximity to Rural Living Zone land;
- Loss of fertile farming land;
- Unsociable behaviour;
- Congestion in the industrial area;
- Impact on water quality;
- Pressure on Coliban Water Reclamation plant;
- Impacts on liveability;
- Threat to aquatic habitat;
- No need for freeway service station;
- Discrepancies in the plans in relation to access points;
- Flooding;
- Lack of footpaths;
- Lack of long term sustainability plan;
- Developer not covering cost of traffic infrastructure and upgrade and maintenance;
- Effluent disposal;
- Brightness of signs;
- Anti-social behaviour;
- Homogenisation of community (McDonaldization);
- Traffic congestion;
- Light spill;
- Pressure on existing resources;
- The proposal is not in the interests of community;
- Setting precedence for other big corporations;
- Issues in relation to fuel storage for its contamination with ground water;
- Impacts of underground fuel storage on drinking water;
- Impact on Bald Hill Reserve;
- Large truck movements on rural roads;
- Traffic impacts for proposal and Bunnings have not been considered together;
- No increase in jobs due to other job losses because of the proposal;
- Poor design and lack of future planning;
- Inconsistent with a number of Macedon Ranges Policies;
- Removal of vegetation;
- Soil contamination impacts from post service station;
- Food security issues;
- Contrary to Freeway Service Centre Design Guidelines 1997;
- Suburban Sprawl like Sunbury;
- Contrary to Kyneton Urban Design Framework;
- Impact on wildlife from traffic;

- Council obligation to support residents;
- Contrary to objectives of Statement of Planning Policy;
- Risk of Bushfire;
- Insufficient screening of lighting on the eastern boundary of service station;
- Lack of details in relation to waste collection points;
- Lack of trust from students on Council;
- Lack of support for cycling;
- Lack of pedestrian access;
- Lack of public transport;
- Underpayment to staff;
- Undermines Daylesford Macedon Ranges branding;
- Impact on roads.

Following is the summary of support:

- Employment opportunities;
- Improvement to landscape;
- No impact to heritage;
- Availability of food;
- Additional rest area along freeway;
- Coffee availability options.

Officer assessment

Planning Policy Framework and Local Planning Policy Framework

Clause 12.05-2S (Landscapes) has an objective *“to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.”*

Strategies to achieve this objective which are applicable to the proposal are:

- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

Clause 13.05-1S (Noise Abatement) relates to the noise impacts and has an objective *“to assist the control of noise effects on sensitive land uses.”* The strategy to achieve this objective is to ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

The proposal will result in 24/7 operation involving a lot of traffic which will impact the amenity of the locality in relation to noise. The illumination of signs on the land will result in light pollution that will also have impact on the amenity of surrounding sensitive land uses.

Clause 13.07-1S (Land use compatibility) has an objective *“to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.”*

Relevant strategies to achieve this objective are:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Whilst it is acknowledged that the site is zoned commercial and proposed development can be considered under the zone however the location of the development being outside the main commercial area of Kyneton will not result in orderly planning of the area. Such uses are more akin to main activity centres rather than within the outskirts of the towns. Proposed development will compromise the existing industrial uses in the area through the increase in activities on the subject site.

Clause 15.01-1S relates to urban design and specifies design principles which should apply to non-residential development. The objective is *“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.”*

Strategies to achieve this objective which are applicable to the proposal are:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

In this instance it is considered that the development will not represent an appropriate design for the site and will not respond to the context of site in terms of character and surrounding landscape. The internal access layout will not result in safe movement of traffic and pedestrians. The proposed signs will have detrimental impacts on amenity and on natural and built environment as the signs will dominate the open landscape area currently surrounding the site.

Clause 15.01-2S objective is *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”* and the relevant strategies to achieve this objective are:

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces. Encourage development to retain existing vegetation.*

In this instance it is considered that the development does not provide an appropriate design response. The bulk and design of the development is not sufficiently articulated when viewed from road which creates visual bulk through almost blank walls, with minimal materials and glazing to break up the bulk. The location of the car parking will be a dominant feature of the site located in front of the restaurant.

Clause 17.01 supports the development which results in employment opportunities and the proposal will support the policy as it will offer employment opportunities. Clause 17.02-1S has an objective “to encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.” Relevant strategies associated with this objective are:

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*

Clause 17.02-2S has an objective “to manage out-of-centre development”. Relevant strategies associated with this objective are:

- *Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.*
- *Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.*
- *Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations*

The proposal is contrary to policies relating to economic development due to the detrimental impact of the proposal in respect to the landscape. The obtrusive and incongruous development would detrimentally impact on the landscape values of this locality. It is acknowledged that the proposal will result in employment opportunities however it will result in an out of centre development which the policies seek to discourage. Whilst it can be argued that the location is appropriate in terms of the zoning however the site is located at the key entrance point to Kyneton and such bulky development will have impact on the overall character of the township.

Relevant key influences under Clause 21.02-4 relating to built environment and heritage include:

- *Significant and highly valued characteristics of each township area.*
- *Increasing development will place added pressure on the Shires heritage buildings and streetscapes.*

As mentioned the site is located towards key entrance to Kyneton Township and the proposal with associated signage will add pressure on the streetscape character of Kyneton Township.

Clause 21.05-2 (Significant environments and landscapes) is applicable to the proposal because Macedon Ranges and its surrounds are acknowledged as an area of both state and national environmental and conservation significance. The preservation and enhancement of its natural environment is fundamental to the Shire's attractiveness as a residential living area and tourist destination.

Following objectives under Clause 21.05-2 are relevant to the proposal:

- *To maintain and enhance the existing rural landscapes.*
- *To protect the character of visually sensitive areas such as roadsides, rail corridors and water courses.*

Strategies to achieve these objectives are to ensure development and works complement the Shire's rural landscape character, to ensure buildings and works are designed and sited so that landscape values, natural features and important vistas including significant stands of cypress hedges are not degraded and to ensure building siting, form and design is sympathetic to the landscape character of the surrounding area.

Clause 21.08-3 (Built Environment) is applicable as the high landscape qualities of the Shire and its towns demand appropriate control of built form. The high landscape qualities of the Shire and the built form of its towns must be appropriately controlled to ensure development is sustainable and respects character. Following objectives are applicable to the proposal:

- *To promote development that respects the rural character and high landscape values of the municipality.*
- *To protect and enhance the existing character and form of the Shire's towns.*

Strategy to achieve these objectives are to direct population and development to settlements where scenic landscapes will not be jeopardised. Strategies also aim to encourage development that respects the distinctive character and defining attributes of each settlement and to ensure development in sensitive areas respects its context and the preferred character of the area. Another strategy relevant to the proposal is to identify appropriate locations for higher density urban development in town centre structure plans and outline development plans that do not detrimentally affect the heritage values, preferred neighbourhood character or landscape character of the Shire's towns.

It is acknowledged that the zoning of the land allows such uses however the overall design of development with associated signage will be unable to protect the character of the Kyneton. The area is generally open in character displaying rural landscape and the introduction of such intense development on the site will have adverse impacts on the landscape and will be unable to respect the distinctive character and defining attributes of Kyneton.

In general proposal is considered to be consistent with Objective 1 at Clause 21.10-1 in relation to the provision of development that will result in employment opportunities.

Objective 2 of Clause 21.10-1 is:

- *To maintain the amenity of the areas interfacing with industrial and commercial uses and the quality of the rural environment.*

Relevant strategies to achieve this objective are:

- *Ensure the treatment of industrial and commercial development interfaces and business operations appropriately respond to the reasonable amenity expectations of adjoining sensitive land uses.*
- *Ensure industrial and commercial development is designed to complement and enhance local township character.*
- *Minimise negative impacts of industrial and commercial development on residential amenity.*
- *Ensure industrial and commercial development at township gateways and along major roads does not detract from the valued elements of the surrounding landscape.*

The proposal will not accord with the above objective as it will result in development which will have impact on the amenity of the area in relation to design and signage. The design of the development is typical for such land uses with no consideration to the local context in relation to built form. The site is located towards the gateway entrance and the proposal will detract from the valued elements of the surrounding landscape comprising Calder Freeway and open paddocks to north, east and west.

Clause 21.13-2 (Kyneton) identifies Kyneton as performing ‘an important retail and service role to the surrounding agricultural district and smaller settlements.’ The town’s economic base is supported by major industries and enterprises such as saleyards, abattoirs, and an administration centre.

The Kyneton Structure Plan, 2013 was prepared to guide future urban development having regard for township character and environmental constraints. This will enable commercial and industrial growth, as well as the orderly, sustainable and sequential development of housing. Some key issues for Kyneton relevant to the proposal are:

- *Protecting the township’s key character elements, including the grid based town centre and heritage assets.*

Clause 21.13-2 (Kyneton) has following objectives with associated strategies which are relevant to the proposal:

Objective 1

- *To provide for managed growth of Kyneton by prioritising growth within the identified town boundary and managing staged greenfield growth to the south and southeast of town.*

Relevant strategy to achieve this objective for the proposal is to improve the town entry points from the Calder Freeway and maintain the role of the freeway as the northern and eastern edge of the urban residential area (north of the Campaspe River).

Objective 2

- *To protect and enhance the landscape character, waterways and network of open space corridors in Kyneton.*

Relevant strategy to achieve this objective for the proposal is to facilitate the securing of areas of open space adjoining the Campaspe River and Post Office Creek to protect

riparian zones and waterway health, provide environmental corridors and link areas of public open space.

Objective 4

- *To encourage development that respects Kyneton's distinctive character and defining attributes such as its heritage buildings and features.*

Relevant strategy to achieve this objective for the proposal is the requirement of high quality design and landscaping in industrial and commercial development.

Objective 5

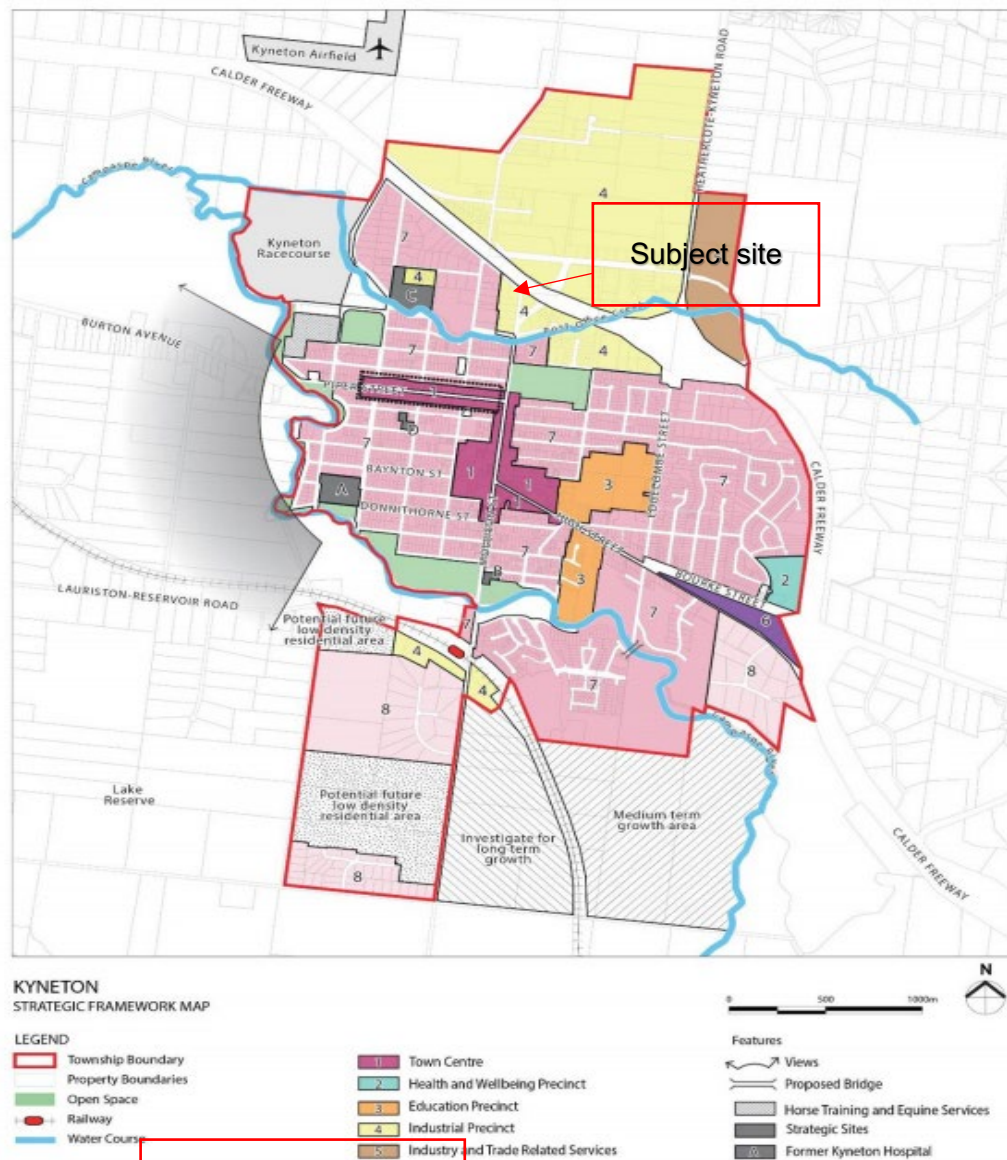
- *To consolidate and strengthen the retail, commercial and industrial functions of Kyneton.*

The relevant strategies to achieve the objective are:

- *Avoid out-of-centre commercial development that may have a negative impact on the economic viability of the town centre.*
- *Avoid prominent business identification or promotional signs that are visible from the Calder Freeway or its exit and entry ramps servicing Kyneton.*
- *Facilitate uses in the Commercial 2 Zone north of the freeway (Edgecombe Road and Pipers Creek Road area) that support the adjoining industrial precinct.*
- *Require industrial and commercial development backing on to the Calder Freeway or its exit and entry ramps servicing Kyneton, to screen buildings from view using landscaping and vegetation along the rear boundary.*

Kyneton is recognised by this policy as having one of the highest levels of infrastructure, service accessibility and employment within the Shire and therefore a key location for development. The site is located within an area which is earmarked for industrial and trade related services (image below). The proposal will result in food premises and service station which will be contrary to what Kyneton Structure Plan's is intending to achieve for the land.

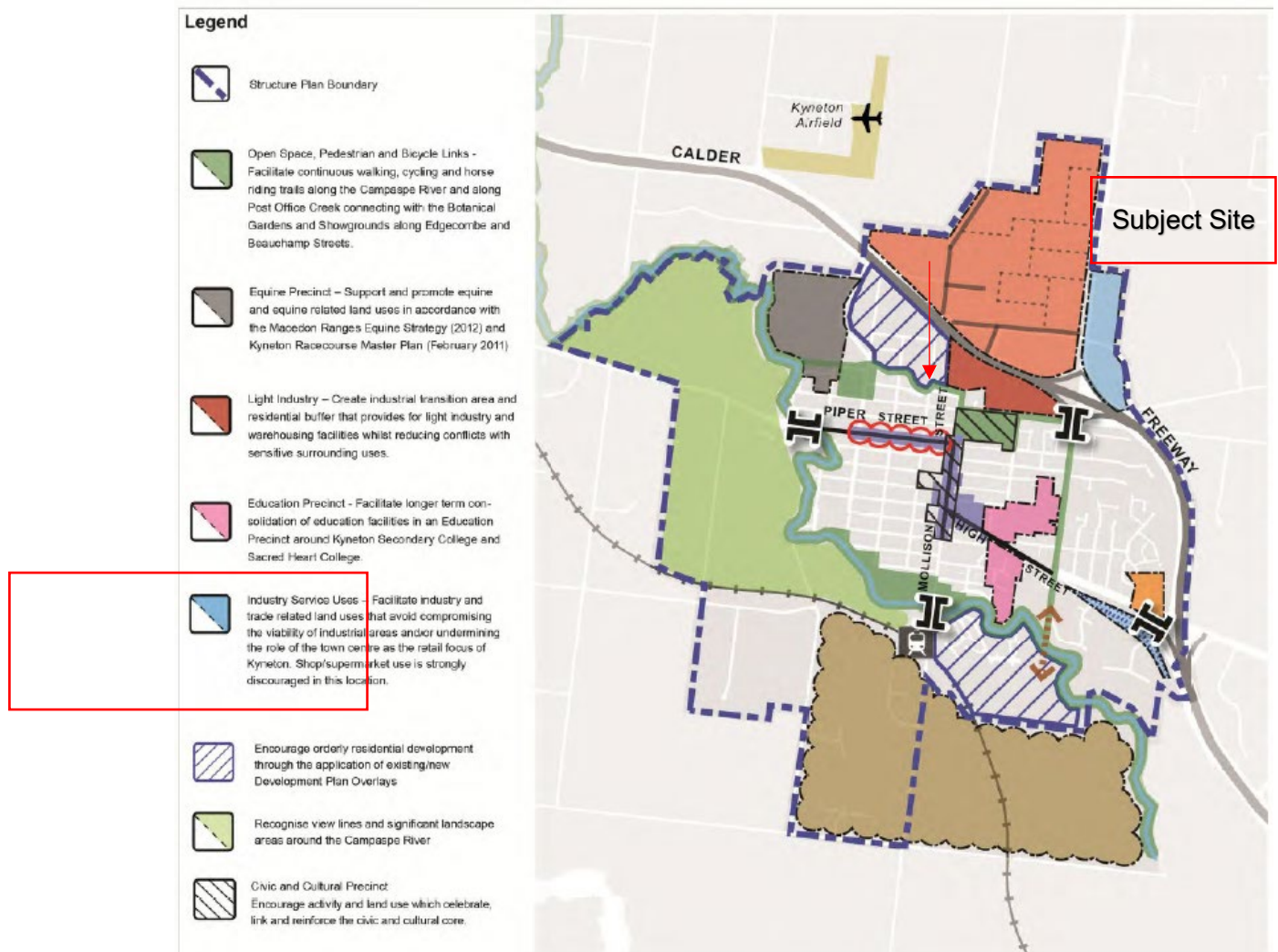
Kyneton Strategic Framework Map



Kyneton Structure Plan (2013) in relation to strengthening town character and economic prosperity states:

“Kyneton’s character is defined by built form, public streets and spaces and the quality of the surrounding landscapes. Together with the underlying natural landscape and vistas, Kyneton’s character has evolved into the unique township that exists today. As Kyneton continues to mature, this character will evolve also, though its valued elements will need to be protected and further strengthened to ensure it remains the recognisable, liveable town it is today.

The economic prosperity of Kyneton is largely reliant on the mix of service, industry, retail and tourist-related activities that co-exist within the town. The future prosperity of Kyneton and the generation of employment are heavily reliant on the growth and development of these industries which should be promoted whilst protecting the unique urban character of the town.”



The site is located in an area which aims to facilitate industry and trade related land uses that avoid compromising the viability of industrial areas and/or undermining the role of Kyneton town centre as the retail focus of Kyneton. Shop/supermarket use is strongly discouraged in this location. The development proposed for the site will be contrary to the structure plan as it will result in a food and drink premises and service station use.

The development will be unable to compliment the industrial uses as it will be resulting in a development which is more focussed towards attracting freeway users. The proposal will undermine the role of the town centre as the retail focus by resulting in a type of development that will reduce the reliance on commercial areas within the town centre.

The site located within Commercial 2 Zone however it is isolated from the main commercial area of Kyneton Township. In *Truelove v Swan Hill Rural CC [2016] VCAT*, Senior Member Liston refused a service station within Commercial 1 Zone while considering the site and its context in relation to the main commercial area of Swan Hill by making following comments:

“It was my observation that the liveliest part of the CBD, primarily from a retail perspective, was Campbell Street between McCallum and McCrae streets in association with the east side of Beveridge Street also between McCallum and McCrae streets. Importantly, it was also my observation that McCallum Street from its intersection with Beveridge Street to its intersection with Curlewis Street provides an important amenity to the core of the Swan Hill CBD. The broad median provides a physically attractive open space that can be used and enjoyed by those who work within

or visit the CBD. However, it was also my observation that the built form character encouraged by planning policy does not exist on the west side of Beveridge Street, including on the subject land.

My inspection also added to my understanding of the broad aims of planning policy in respect of urban design. Swan Hill CBD has a dispersed, low scale character and unlike many central Victorian townships, Swan Hill does not have a large number of substantial, two storey, commercial buildings (hotels, banks, offices and shops) developed in the late 19th and early 20th centuries, to define built form character within the heart of the CBD. The policy through quite simple tools seeks to create a more robust built form environment to visually define the heart of this commercial centre.”

On one hand you could take the view, proposed on behalf of the respondent, that the proposed service station is a legitimate retail use within the zone, properly located at the periphery of the CBD, in a context where the built form aspirations of planning policy are unlikely to emerge. On the other hand, you could take the view that McCallum Street and its three intersections within the core of the CBD are important to the overall character and visual amenity of this regional town centre and that therefore, a service station on the subject land is an inappropriate response to planning policy. Having considered the submissions and inspected the locality it is this latter proposition which I think is correct in respect of the subject land.

However, I do not wish to understate the dilemma which confronts a decision maker in cases such as this. As the local planning policy recognises there is an interrelationship between economic development and urban design. However, in each case a balance must be struck between these sometimes competing considerations. Issues which might be important in striking this balance include:

- i. town planning is essentially about creating a plan and implementing the plan to achieve a future outcome, therefore there needs to be a long-term commitment to implementation of the plan;*
- ii. the evolution of town centres in regional locations, the pace at which development and redevelopment occurs, can be slow and this complicates the implementation of long-term planning;*
- iii. because the pace of change is slow, a proposal approved today is likely to form part of the urban fabric of the town centre for a long time;*
- iv. not all sites are equal, some sites are more important to the achievement of a preferred urban design outcome than others;*
- v. not all proposals are equal, some might lead to long-term growth in economic activity and employment others may only result in the relocation of existing economic activity and employment within the town centre.*

In this case I find that;

- i. the proposal will result in a long-term change to the character of the subject land,*
- ii. in the long term McCallum Street, and the subject land, are important locations for the achievement of urban design related planning policies the for Swan Hill CBD, and*
- iii. in the long term the proposed use and development is not likely to result in any significant change to economic activity or employment.*

Ultimately, I cannot be satisfied that the proposal:

- i. improves the character and visual amenity of Swan Hill;*
- ii. contributes to the implementation of the precinct based approach to land-use within the CBD;*
- iii. protects and enhances the built form character of the CBD, and*

- iv. *contributes positively to the important amenity provided by McCallum Street within the CBD context;*

for these reasons I consider the proposal inconsistent with important aspects of planning policy and that this failure is not outweighed by other more positive attributes of the proposal."

The development of the site will support the economy by creating job opportunities however it will not be consistent with Planning and Local Planning Policies that seek to encourage development which aims to protect the landscape, township entrance and will result in built form which is contrary to the policies. It will also result in a development outside the main commercial area of the Kyneton.

Design Guidelines for Industrial Development

Clause 22.06 relates to the design of commercial and industrial development and primarily seeks to ensure that new commercial and industrial development exhibits a high quality built form which considers functionality and amenity, and reinforces the preferred visual character of townships.

The document Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire is an incorporated document. The following is the assessment of the proposal against the guidelines:

Site Responsive Design

- *To ensure new development is designed to respond to the local characteristics of the site and its context.*
- *To reinforce the rural character of the Macedon Ranges Shire.*

The development will be unable to respond to the site and its local character. The adjoining area to north and east is predominantly rural in character comprising open paddocks. The development proposed will dominate the open landscape of the area and will dominate the landscape. The built form of the development will not respond to the character of the area as the restaurant building with associated signage for the development will create visual pollution in an existing open landscape. It is acknowledged that land to the west across Edgecombe Road is zoned industrial however the buildings located in the area are setback reasonably from the road with appropriate height and signage.

Zoning of the site allows such development but the overall design of the development is not consistent with the immediate area. No consideration has been given to the site and local context by proposing a typical box type development with lack of articulation and respect to the character.

Access and Circulation

Pedestrian and Cyclist Access

- *To provide safe and convenient access for pedestrians and cyclists within industrial and business sites.*
- *To provide adequate walking and cycling facilities within industrial and business sites.*
- *To provide walking and cycling as suitable transport alternatives in order to minimise the numbers of vehicle trips.*

The plans show the location of pedestrian and bicycle access points for the development. The pedestrian and bicycle circulation between the restaurant and the car parking area to east of the restaurant will be in direct conflict with each other. It will

create safety issues between the vehicles entering/exiting from Pipers Creek Road and pedestrians' movement between the restaurant and the car parking area.

Vehicle Access

- *To provide safe, convenient and efficient access for all vehicles to and from industrial and business sites.*
- *To minimise the impacts of traffic on surrounding sensitive land uses.*
- *To provide access and car parking arrangements that are logical and legible to visitors and employees.*
- *To minimise the impacts of driveway crossovers on pedestrian / cyclist access and streetscapes.*

The access to the site will not be generally consistent with the above objectives as there a number of conflicting points for traffic within the development which can cause safety issues. Site will have one access (entry/exit) from Edgecombe Road and two access points including one for trucks from Pipers Creek Road. Although Department of Transport and MRSC Engineering Department have consented to the proposal, the access arrangements do not comply with the above objectives.

There will be traffic conflicts within the site specifically between the traffic entering/exiting from the restaurant and traffic entering/exiting the site to access service station. Conflict will also arise between traffic entering/exiting Pipers Creek Road and the truck movement to and from the site along Pipers Creek Road. The number of conflict points for traffic will therefore result in safety issues not only for traffic within the site but also for the traffic using the adjoining roads.

The overall car parking and access arrangements will confuse the traffic due to a number of access points and the traffic layout movement within the site. One of the pedestrian routes is within the vehicle route area which will cause safety issues.

Loading and Servicing

- *To provide safe and efficient loading and servicing of industrial and business sites.*
- *To minimise the visual impact of loading bays and service areas when viewed from the surrounding streets and other key viewing areas.*

The loading bay and bin area for the service station will be located in an area where it will be in conflict with the drive through traffic and pedestrian route. This arrangement will create safety issues for pedestrians and vehicles accessing the drive through.

Similarly the loading bay area of the standalone restaurant will be adjacent to the drive through vehicular movement. It will require access by driving through the pedestrian crossing which will also cause safety issues. Loading bay areas are located to the side and rear of the buildings and will create safety concerns due to conflict with vehicles and pedestrians.

Car Parking Provision

- *To provide sufficient car parking for the needs of the business or industry within the site without adverse impacts on streetscapes.*

The applicant has provided 82 dedicated car parking spaces (54 for the service station and 28 for the restaurant) within the site which is compliant with Clause 52.06.

Car Parking Layout and Design

- *To provide attractive industrial and office areas where parking is not a dominant element of the streetscape.*
- *To provide landscaped car parks that integrate with the design of the site and adjoining streetscape.*
- *To provide safe and efficient access within car parks for all users.*

The proposal will result in an extensive amount of car parking within the front setback along Pipers Creek Road which will be contrary to the guidelines that discourages large expanses of car parking within the front setback. The large expanse of car parking at the front has not been landscaped appropriately which will be discussed further in the report. Car parking will dominate the streetscape along Pipers Creek Road. Edgecombe Road frontage will also be dominated by car parking and accessways.

A designated truck movement for the site has been provided. Car parking areas located to the eastern side of McDonald's and northern side of service station will not result in passive surveillance as this area is located away from the building frontages.

Building Siting and Orientation

Setbacks

- *To ensure the siting of buildings reinforces the rural character of the Shire and/or the preferred character of the local area.*
- *To create cohesive streetscapes that are characterised by consistent building setbacks.*
- *To provide active and pedestrian friendly streets.*
- *To ensure the siting of buildings provides adequate space for landscaping and planting and strengthens the landscape character of the area.*
- *To minimise impacts of overshadowing within the site and on adjoining uses.*

It is acknowledged that the development will be setback reasonably from the side and rear boundaries however the nature of development proposed for the site will not be able to reinforce the rural character of the Shire.

The design of the development is of typical of such developments in urban areas and no regard has been given to the local area context and character. There is no consistent pattern for setbacks of buildings along Edgecombe Road with buildings located close to street frontage and car parking to the side or rear of the buildings. Large expanse of car parking will limit the landscaping within the frontage of the buildings that will unable to meet the open landscape character.

Building Orientation

- *To provide development which addresses the street and enhances street activity in the area.*
- *To minimise the impact of car parking and loading areas on the streetscape through the orientation of buildings.*
- *To maximise opportunities for passive solar design through the orientation of buildings.*

The orientation of both buildings will front the respective streets. As discussed above, the car parking area for the restaurant building will dominate the street frontage. The orientation of the development will be appropriate to receive adequate solar energy.

Built Form

Building Address

- *To create active and pedestrian friendly industrial and business areas through the design and layout of buildings.*
- *To ensure development provides adequate activation and passive surveillance of adjoining open space areas.*
- *To provide businesses and industry that is easy to find for visitor and workers.*

The design of the restaurant building will generate conflicts between pedestrians and traffic due to the nature and location of accessways and parking. The northern elevation of the restaurant building shows a lack of articulation with the provision of loading

facilities. Apart from small portion along this elevation being glazed, the rest of the building will have a blank wall and a roller door. This will not achieve a good design outcome and will result in a blank wall for most part of the building along the northern elevation.

The western elevation of the restaurant building fronting Edgecombe Road will have a more active frontage, however it will not be to the required standard of the guidelines. The design of the building is a typical design with limited articulation and it will appear as a box type development within the landscape.

The service station building frontage will have a reasonable amount of active frontage however it will also have the loading bay and bin area next to the building. The service station building will have a frontage towards Edgecombe Road however it will be setback significantly from the frontage and all the area at the front of the building will be dominated by traffic circulation and the fuel canopy.

Building Design and Detail

- *To reinforce the rural character of the Shire and/or the preferred character of a local area through the design of new buildings.*
- *To provide buildings that are simple in detail, and representative of the particular industrial or business built form.*
- *To provide practical building forms that meet the purpose of the industry or business.*

As mentioned above, the overall development on site in terms of the design will not be in keeping with the rural character of the area. The character of this area comprises of predominantly open landscape with the exception of the industrial area towards the west. The design of the restaurant building is a standard design for this type of development with no regard given to the local context.

Guidelines states that all building walls visible from the street should be articulated to provide visual interest. The restaurant building will have a predominantly blank wall along Pipers Creek Road frontage apart from small portion comprising windows. It will maintain a consistent setback and roof form thereby creating a monotonous built form. The service station building will have a variety of design elements along its frontage which will provide better articulation, however the roof pattern lacks variety.

It is important to mention that the development will be visible from the Calder Freeway and it will not result in a good design outcome when viewed from this vantage point.

Colours, Materials and Finishes

- *To ensure colours, materials and finishes are compatible with the rural character of the Macedon Ranges Shire.*
- *To provide a co-ordinated palette of colours, materials and finishes within industrial and business areas.*
- *To provide materials that are durable and robust.*

Colours and materials will be of muted and darker tone.

Building Heights

- *To ensure building heights respond to the predominant scale of built form in the area.*
- *To ensure building are appropriately scaled to maintain key views from surrounding areas*
- *To ensure industrial and offices buildings have minimal impact on the amenity of the adjoining public realm and residential areas.*

The height of the development will be less than 9m however the scale of the development will not be able to protect the key views from the surrounding area.

Roof Forms

- *To provide articulated roof forms that create visual interest and variation in the street.*
- *To integrate the roof form into the overall design of the building.*
- *To ensure roof forms reflect the prevailing streetscape character and the industrial / business function of the building.*
- *To minimise the impact of roofing and building infrastructure on adjoining areas.*

The roof form as discussed above will have no articulation. The properties across Edgecombe Road are zoned industrial with most of them having gable end roof and reasonable setbacks from the street to minimise the bulk. The proposed development will have a flat roof without articulation which will not enhance the streetscape and visual interest.

Signage and Advertising

- *To ensure signage and advertising is designed and located to be compatible with the rural character of the Shire.*
- *To provide for the identification of businesses in a way that maintains the character and amenity of the street and is designed to be compatible with visually sensitive areas.*
- *To ensure signage is informative and co-ordinated in a way that enables customers to easily locate the industry or business and determine its services.*

The subject site is located towards the entry of the township on main road. The proposed signage associated with the development will diminish the sense of arrival into the town, and detrimentally alter the character of the area.

The large number of signs proposed which will be out of context in this rural location. The provision of oversized signs will be highly obtrusive and incongruous in this rural area, with resultant detriment to the landscape values. The proposed signs will result in visual clutter. The light spill from the signs will potentially cause detriment to surrounding sensitive land uses.

The proposed signs will be visually intrusive and unduly large in respect to the site and the surrounding rural and natural landscape, as well as to the adjacent public realm. The proposed signs will be detrimental to this main road and town entry and would detrimentally alter the character of this location.

Nearby property owners and occupiers will be detrimentally impacted by the visual impact of the signs, as evidenced by the objections received in respect to the proposal. Visual amenity impacts will also result to users of the Calder Freeway and surrounding road network. The role of this location as an important entrance corridor to Kyneton will be undermined by provision of oversized signs in this setting.

Below is the assessment of proposed signage against the relevant signage guidelines:

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

The proposed signs will dominate the façade of the buildings and fails to integrate into the overall design.

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

A number of signs will be attached to the buildings which will create visual clutter and repetition.

Where there are multiple business occupancies within the one site, one shared sign should be provided that details the location of the businesses. A small identification sign may be provided for each business that it is co-ordinated with the shared sign in terms of style and materials.

Two uses will operate from the site and no efforts have been made to limit or consolidate the signs.

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.

Both uses will have their own freestanding signs which will result in amenity impacts. As per the guidelines, freestanding signs should be permitted where it can be demonstrated that signage on the building facade will not provide effective business identification. As discussed above, a number of signs have been proposed on the buildings which will impact the streetscape character and key views due to their scale and bulk. Two pylon signs, each having a height of 10m, will create visual and amenity impacts and no efforts have been made to address this matter.

In visually sensitive areas, signage should be designed so that it does not detrimentally affect the character of the area and does not unduly diminish key views within the area.

As discussed above the site is located along the key entrance to the Kyneton Township and the scale and bulk of signage proposed will be detrimental to character of the area.

In *Total Outdoor Media Pty Ltd v Macedon Ranges SC* [2019] VCAT 352, Member Sibonis upheld Council's decision for refusing a major promotion sign in an Industrial zoned land having similar setting by considering the local context and landscape. Member Sibonis made following comments:

"The review site is within a discrete industrial zone in an otherwise rural context. The zone is confined in its extent, affecting the review site and the Kyneton Mineral Water factory adjoining directly to the west. This localised urban element is surrounded by non-urban land comprising farmland and rural living properties. The Council's submission described the site as being within an area with significant environmental and landscape values including the Mineral Springs reserve and Campaspe River, and a rural landscape character resulting from rural residential properties and the rural boulevard that Burton Avenue forms as the western entry to Kyneton. Broadly, I consider that this is a fair description of the locality, although the area's environmental and landscape values do not have specific recognition as being significant pursuant to the provisions and policies that are relevant to the assessment of the advertising sign.

Member further added:

"The sign will detract from its prevailing rural context. It will be a large element with an overall height of 6.0 metres and a length that exceeds 12 metres. The applicant submitted that the height of the sign is not dissimilar to that of the service station canopy. Of itself, it will be prominent and visually intrusive within the property and immediate context, in particular on the approach from the west, where its visibility will be at its greatest. It is not consistent with the purpose ... will not be compatible with the amenity and visual appearance of the area. It will not complement or enhance the character of the area. I agree with the Council that the sign will stand as an obtrusive

element.”

Overall, the proposed signage will not be supported based on the above requirements, as it will be a prominent element within the streetscape and surrounding area.

Landscaping

Landscape Design

- *To build on the rural character of the Shire through compatible and ample landscaping within industrial and business areas.*
- *To provide landscape design that responds to the characteristics and qualities of the particular site and area.*
- *To provide high quality landscaping within the front setback that enhances the setting of buildings in the street.*
- *To provide low maintenance and drought tolerant landscaping.*
- *To ensure the ongoing maintenance of landscaped areas.*

Landscaping areas have been shown on the plans and meets the general requirements in relation to front setbacks. The landscaping proposed is small compared to the scale of development. No canopy trees have been provided within the large car parking areas where guidelines talk about provision of canopy trees to soften the overall appearance of the car parking areas.

Fencing

- *To ensure the front boundary treatment contributes positively to the appearance of the streetscape and clearly delineates the public and private realms.*
- *To ensure fencing provides for adequate site security.*
- *To ensure fencing is co-ordinated with the design of the building and landscaping.*

No front fencing has been proposed.

Paving

- *To minimise excessive runoff from sites and maximise infiltration of water.*
- *To provide paved areas that are robust and require minimal maintenance in an industrial or office environment.*

There will be a significant amount of hard surface area associated with the development which includes driveways and car parking areas. Landscaping areas will be permeable however as mentioned above, the landscaping will not be able to reduce the bulk of the hard surfaced area.

Site Amenity

Waste Storage

- *To ensure adequate access to waste and recycling facilities is provided for each business or industry.*
- *To ensure waste storage and treatment areas do not detrimentally impact on the amenity of streetscapes and the quality of stormwater.*

Waste storage area for the restaurant will be located inside the building. Waste storage area for the service station will be located to the side of the building. Waste storage area will be screened and located away from the street frontages.

Goods Storage

- *To ensure goods storage areas are appropriately sited and designed to minimise impacts on streetscapes.*

- *To ensure the storage of goods does not adversely impact on the quality of stormwater.*

No storage of goods will be occurred outside the buildings.

Lighting

- *To ensure lighting is adequate for the purposes of navigation for pedestrians and security.*
- *To minimise the spill of light onto adjoining and nearby residential and rural properties.*

Lighting on the building in the form of illuminated signs and standalone signs will impact the amenity of the area and the road users.

Acoustic Treatment

- *To ensure acoustic treatments are designed to achieve their purpose and integrate with the surrounding context.*
- *To ensure acoustic treatments match in with the site design.*

No acoustic treatments will be required as the development does not involve any heavy industry manufacturing.

Interface Types

- *To protect the amenity of residential, low density residential, rural living, rural areas and other sensitive land uses.*
- *To ensure the rural character of the Macedon Ranges Shire is maintained when industrial and business sites are viewed from key public areas.*
- *To ensure industrial and business sites contribute positively to their particular context.*

The development will abut Rural Living Zone to the east and Calder Freeway to the south. It is acknowledged that the development will be setback significantly from the Rural Living Zone properties however the nature and operation of the facilities in addition to the illuminated signage will have an impact on the amenity of the adjoining Rural Living Zone area. Signage will dominate the views from the rural living area and the Calder Freeway. The southern elevation of the restaurant building will be visible from the Calder Freeway and comprises of the drive through area and a blank wall with no articulation. Large queues of cars in the drive through and a blank wall will not represent an attractive look from the Calder Freeway.

Strategies in relation to Township Entries/Main Roads under the guidelines are:

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 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 and visual clutter is minimised.*

Assessment: The proposed signage are excessive for the development and will dominate the streetscape and result in visual clutter.

- *Retaining vegetation that is considered by the responsible authority to be an important element of the entry experience or main road character.*

Assessment: No vegetation is proposed to be removed.

- *Providing appropriate setbacks and landscaping that integrates with the adjoining public realm.*

Assessment: Landscaping has been proposed however it will not be sufficient to soften the bulk of the development.

- *Providing high quality built form, materials, colours and finishes that are compatible with the scale and character of built form in the industrial area and the township.*

Assessment: The built form is typical of such developments with no consideration given to the local area and context. The development design will not be consistent with the rural character of the area.

Strategies in relation to Waterway/Water body interface under the guidelines are:

- *Creeks, waterways or water bodies within sites should be emphasised as key features through the layout and design of buildings and landscaping. Development should address the water feature with articulated built form and habitable rooms or spaces, and provide uses such as staff amenity areas at the interface.*

Post Office Creek traverses the property however it will not be part of the subject site as the creek will be in a separate lot as per the approved subdivision application PLN/2019/573.

- *Planting within the site should integrate with the natural vegetation of the water feature.*
- Assessment: No details for landscape planting has been provided.
- *Development should be set back from the drainage corridors and waterways in accordance with any referral authority requirements and State Planning Policies.*

Assessment. Development will be setback reasonably from the waterway.

Environmentally Sustainable Design

Integrated water management

- *To minimise any increase in stormwater run-off and protect receiving waters from environmental degradation.*
- *To reduce potable water consumption.*

The application was referred to MRSC Engineering Department and relevant water authorities and no concerns have been raised in relation to this matter.

Energy Efficient Building & Site Design

- *To minimise greenhouse gas emissions from industrial and business sites.*
- *To provide economically viable solutions to energy efficient design.*

No vegetation has been provided within the close vicinity of the buildings for the provision of shade.

Commercial 2 Zone

The purpose of the Commercial 2 Zone is to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services and to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Use

Commercial 2 Zone requires to consider the likely effects of the use upon the amenity of the neighbourhood in terms of transport of materials, goods or commodities to or from the land, appearance of any building, works or materials and emission of noise,

artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The decision guidelines of Clause 34.02-7 in relation to use are addressed in turn below:

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

As discussed above under the assessment of guidelines, the service station with associated signage will impact the amenity of the sensitive uses in the area. 24 hours operation with illuminating signs and traffic (including trucks) will impact the amenity. It is acknowledged that the site abuts industrial land to the west however sensitive uses are located to the east and further to the north of the subject site, which will be impacted by the proposal.

- *The effect that existing uses may have on the proposed use.*

The area comprises low key industrial/warehousing development and sensitive uses. The existing uses will not have an impact on the proposal.

- *The drainage of the land.*

The application was referred to MRSC Engineering Department who did not raise any concerns in relation to drainage.

- *The availability of and connection to services.*

The site is located within commercial area. Services are available if required.

- *The effect of traffic to be generated on roads.*

It is considered that the use would result in significant increase of traffic (both heavy and light). The applicant has provided a traffic impact assessment report which demonstrates that the proposal will not result in any traffic congestion. Although Department of Transport and MRSC Engineering Department has raised no objection, the increase in traffic (24 hours) will have an impact on the area and its surrounds. The area is quiet at night time and the proposal will result in vehicle movement 24 hours a day.

- *The interim use of those parts of the land not required for the proposed use.*

The whole site will be used for the proposal comprising buildings, driveways and landscaping.

- *If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

Not applicable.

Buildings and Works

The decision guidelines of Clause 34.02-7 in relation to buildings and works are addressed in turn below:

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*

This has been discussed in detail under the access and circulation section of the guidelines. The development will result in conflict between traffic, pedestrians and delivery vehicles, as discussed above.

- *The provision of car parking.*

Adequate car parking has been provided in association with the development.

- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.*

This has been discussed in details under the industrial and commercial guidelines assessment. The streetscape will be impacted by the appearance and bulk of the building and signage. Illuminated signs on the buildings and stand-alone pylon signs will also dominate the views and streetscape.

- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*

Relevant tenants will have the responsibility to manage their respective areas.

- *The availability of and connection to services.*

The site is located within a commercial area. Services are available if required.

- *Any natural or cultural values on or near the land*

The site is located within an Aboriginal Heritage Sensitive Area and the applicant has provided an approved Cultural Management Plan as part of the application. No vegetation removal is required for the proposal.

- *Interface with non-industrial areas*

The subject site is located within a commercial area and has an interface with the Rural Living Zone and Calder Freeway. As discussed above the development will adversely impact upon these interfaces by resulting in an intrusive development with associated signage.

- *Parking and site access*

This has been discussed earlier in the report.

- *Loading and service areas*

The loading and unloading bays and bin storage areas will be provided and their location and appropriateness has been discussed in the assessment against the guidelines.

- *Outdoor storage, lighting and stormwater discharge*

This has been discussed earlier in the report.

- *The design of buildings to provide for solar access.*

The orientation of the development will be able to receive adequate sunlight however limited windows have been provided along the northern elevation of the restaurant which will limit the solar access.

Environmental Significance Overlay (Schedule 4)

The purpose of the Overlay is to identify areas where the development of land may be affected by environmental constraints. Schedule 4 to the Overlay has regard to protection and maintenance of water quality in the Eppalock Water Catchment. A permit is not required under the overlay.

The decision guidelines specified in the planning scheme require Council to consider the impact of the use and development on the water catchment; the need to protect or retain vegetation; and any land capability study.

The site is located within a commercial area and will be connected to reticulated sewerage. The application was referred to Coliban Water and Goulburn-Murray Water. Goulburn-Murray and Coliban Water have no objection to the granting of a permit subject to conditions and therefore it is unlikely that the development will adversely impact the water quality of the area.

Signs

The subject site is within Commercial 2 Zone, and therefore Category 1 (Clause 52.05-11) applies to the subject site, which has minimum limitation applying to commercial areas.

The proposed signs are considered to be inappropriate as it is considered to have a detrimental impact on the natural environment and rural landscape character of the area, particular given its location. Signs will likely cause visual disorder and clutter.

The signs will have a detrimental impact on the character of the area as they are in a gateway location along one of the main roads into the Kyneton Township. The signs will likely detrimentally alter the character of the area given the location abutting a township entry.

The appearances of the signs are not considered orderly and of good design. The general appearance of the signs and in particular the scale, location, colour and materials is considered to have an adverse impact on the amenity of the surrounding area due to their illumination and scale. The signs are not in accordance with the industrial and commercial guidelines as mentioned above and will impact the character of the area.

The proposed signs will impact on views or. Signs will dominate the skyline and will compromise important views from the public realm. The size of the signs is not proportionate to the scale of the buildings proposed on the site. The signs are considered to be a safety hazard as they involve illumination which could be distracting to passers-by as contained within the decision guidelines of Clause 52.05.

In *Total Outdoor Media Pty Ltd v Macedon Ranges SC* [2019] VCAT 352, Member Sibonis made following comments for refusing a major promotion sign while considering decision guidelines of Clause 52.05:

“Decision guidelines at clause 52.05-8 refer to the consideration of the area’s character, including the sensitivity of the area in terms of the natural environment, heritage values,

waterways and open space, rural landscape or residential character. A further decision guideline is the cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs. In respect of a sign's relationship to the streetscape, setting or landscape, a decision guideline is the proportion, scale and form of the proposed sign relative to these features.

Land opposite the site and along Burton Avenue is entirely rural in appearance. On the approach from the east and west, the experience is one of driving through an expansive non-urban area, characterised by open paddocks, post-and-wire (or similar) fences, and various stands of trees. Policies outlined earlier seek to protect this rural landscape character. The proposed advertising sign will not do this. It will not be read or understood as forming part of an urban (or non-rural) context, notwithstanding the industrial zoning. It is located in a small 'pocket' of commercial/industrial land use, within broader non-urban surrounds. In the drive along Burton Avenue, one is aware of the rural landscape setting, which includes the Mineral Springs reserve opposite the site.

My inspection included the approach along Burton Avenue from the west. Although the broader rural landscape may not be read as the sign first comes into view, this is not the case as one comes proximate to the site, past the Mineral Springs reserve and the associated trees. Once past this location, the rural context becomes apparent and forms the context in which the sign is viewed. It will detract from this setting. By virtue its size, display area and siting (at a 9.0 metre setback from the frontage) the sign will have a greater visual impact than the car wash structure, which has less signage and is set back in excess of 20 metres from Burton Avenue. On both the approach and in the immediate surrounds, the sign will have a dominant presence. This outcome will be to the detriment of the area's visual appearance."

In relation to visual clutter Member Sibonis made following comments:

"A purpose of clause 52.05 is to ensure signs do not contribute to excessive visual clutter or visual disorder. .. the proposed sign will result in the eastern end of the site displaying a dominance of advertising signs. It will cause visual clutter, adding to the discordance of the site within its context. The outcome is not consistent with the purpose of clause 52.05."

Car Parking

The car parking requirement for service station have not been specified under Clause 52.06, therefore it will be to the satisfaction of the Responsible Authority. Plans show that the service station use will have 54 car parking spaces and 5 truck spaces which are considered reasonable.

Under Clause 52.06, 4 car spaces are required for each 100m² of leasable floor area for the food and drink premises. The total floor area for the premise will be 377m² which require 15 car spaces. Plans show the provision of 28 car parking spaces which are in excess of the requirement.

The application has been referred to MRSC Engineering Department who has advised that the site has adequate space to accommodate all the required car parking spaces on site.

Bicycle Facilities

Clause 52.34 does not specify the bicycle requirements for the service station however 6 bikes spaces will be provided in association with the use which is reasonable.

1 bicycle parking space to be provided to each 25m² of floor area available to the public and additional 2 spaces for visitor/employer. A total of approximately 140m² will be made available to the public which requires 5 bicycle spaces in addition to 2 spaces for

visitor/employer. Plans show the provision of 6 bicycle spaces in association with the use which is considered acceptable.

Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The purpose of this clause is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads.

The application was referred to Department of Transport as the proposal involves alteration of an access to a Road Zone, Category 1 and illuminated signs. Department of Transport has no objection to the proposal subject to conditions.

Clause 53.10 Uses with Adverse Amenity Potential

The uses are not listed under Clause 53.10 as uses with adverse amenity potential. The application however was referred to the Environmental Protection Authority (EPA) Worksafe Victoria who both have consented to the proposal subject to conditions.

Officer declaration of conflict of interest

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

The proposal will impact the amenity of the area and will result in development that is contrary to the relevant provisions of the Macedon Ranges Planning Scheme, including the Design Guidelines for Industrial & Commercial Development for the Macedon Ranges Shire, June 2012.

It is considered that this application does not provide a design response which will respect the rural landscape and township entry character.

For the above reasons it is recommended that the application not be supported, and that Council resolve that if the applicant had not made an application to VCAT to seek appeal for failure to determine, the application would have been refused. Council's resolution in respect to this application will be the position that will be taken in respect to the forthcoming appeal proceedings.

10. HEARING OF SUBMITTERS

For the purpose of hearing from those making submissions, the Delegated Planning Committee may suspend standing orders for the purposes of allowing a member of the public to address the meeting.

In accordance with the Planning Committee Guidelines, each speaker will be allocated a maximum of three (3) minutes to speak to their submission.

In the case of joint submissions, a maximum of three (3) minutes will be allocated per submission, up to a maximum of nine (9) minutes, and one person should be nominated to speak on behalf of the submitters.

10.1 Hearing of submitters in relation to PLN/2020/331 - Lot 2 Melbourne Lancefield Road, Romsey

10.2 Hearing of submitters in relation to PLN/2021/115 – 48 Brantome Street, Gisborne

10.3 Amendment C127macr

11. PLANNING PERMIT APPLICATION PLN/2020/331

Use and development of the land for a residential aged care facility

Officer Christo Crafford, Coordinator Statutory Planning

Attachments Submissions received

Purpose and Overview

To hear from submitters in relation to planning application PLN/2020/331 regarding the Use and development of the land for a residential aged care facility.

Recommendation

- 1. That the Planning Delegated Committee note the submissions received in relation to Application for Planning Permit, Application PLN/2020/331, for the Use and development of the land for a residential aged care facility; and**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Council Meeting on 22 September 2021.**

Background

The subject land is a spacious parcel of 8.4 hectares located on the corner of Melbourne Lancefield Road and Hutchinsons Lane West, immediately north of the township boundary of Romsey and 1.2 km north of the intersection of Main Street and Barry Street at the centre of the Romsey township. The land is rectangular in shape being 430m length from east to west and 195m width from north to south. The property presently comprises open pasture having previously been used as grazing land, with a row of cypresses aligning its southern boundary to Hutchinsons Lane West with avenue tree planting aligning the Melbourne Lancefield Road on the eastern frontage of the land. The land slopes gradually downhill at a shallow angle of around 3% at a relatively even gradient from north-west to south-east with the total fall being 15m across the land. A dilapidated shed is located within the eastern half of the site.

Surrounding properties to the north side of Hutchinsons Lane West are similarly subject to Rural Living Zone and generally comprise rural residential properties other than a few larger properties remaining in agricultural production. The properties abutting to the west and north sides are rural residential with the nearest dwelling being sited within 12m of the northern boundary of the subject land, whilst other dwellings are at least 120m or further from the subject land. The southern boundaries of the properties to the north are aligned with high hedging, with no boundary planting on or adjacent to the western side of the site. To the eastern side of Melbourne Lancefield Road from the subject land is a larger farming property used predominantly for cropping and grazing, with the dwelling on that land located 360m east of the application site. To the south side of the subject land is the northern boundary of the Romsey township, with residential properties within the urban area of the township extending southwards. Dwellings along the southern side of Hutchinsons Lane West from the subject land are sited within 30m with those properties incorporating rural post and wire fencing along

the northern boundaries to that road within the reserve for which is a row of mature native trees.

Summary of Proposal

The proposal comprises the development and use of a residential aged care facility comprising 120 beds for which allocation has been provided by the Federal Government. The facility would provide accommodation and services for aged care residents of higher and lower care needs, and would include private rooms for residents along with communal recreation and dining rooms, nursing stations and medical rooms throughout the building. Additional facilities for residents would include a library, doctor's consulting room, hair salon, a café, and a "Men's Shed" workshop, with office/reception, kitchen, laundry and staff change rooms also providing for the broader operation of the facility. Other areas and rooms would provide for plant, maintenance, storage and the like.

The proposed building would be sited centrally within the eastern half of the subject land, set back from its eastern boundary to Melbourne Lancefield Road by 49.5m, from its southern boundary to Hutchinsons Lane West by 44.1m and by 49.1m from its rear northern boundary. The building footprint would extend approximately 130m x 120m, being relatively square and occupying an area of roughly 1.2 hectares other than a number of internal courtyards for resident use. The building would include some sections projecting forward and back to provide a level of articulation but with a connected single storey footprint the roofing above would be continuous other than some areas reducing in height. External cladding proposed is a combination of brown brick and light grey weatherboards for side walls and dark grey coloured metal roofing.

The higher roofing would extend 9.5m above ground level with the majority of roofing being around 6.5m above ground level. A significant level of earthworks is likely given the change in level across the proposed development area of between 3-5m meaning that extensive fill and cut sections would be required including the portions of the building fronting to roads likely to sit atop benched areas filled to 2m or more above the existing ground level. The small men's shed building would be located on the north side of the main building.

A main car park including 44 parking spaces would front to Hutchinsons Lane West to the south of the building in front of its main porte cochere entry which would double as an ambulance access to the facility. A separate driveway along the western side of the building would provide access to a loading area as well as staff parking comprising 12 spaces. Stormwater infrastructure in the form of a retention basin would be provided within the front setback of the site whilst an open channel would circumnavigate the western and northern sides of the building for drainage purposes. Other infrastructure in the form of water tanks with pump equipment for firefighting purposes and an electricity transformer would be located near the frontages of the site. The majority of the exotic trees aligning the frontages of the site would be retained other than a small number to be removed (these are exempt from permit requirement) for driveway accesses, infrastructure provision and to provide visibility of the building frontage. Landscaping within the eastern half of the site is proposed surrounding the development area.

The application notes a proposal for the western half of the subject land to comprise alpaca keeping as an interactive agricultural use for the aged care residents and to provide a rural aspect to the development. However the alpaca keeping does not form part of this application and a shed proposed for that operation is subject to separate planning permit application PLN/2020/463 rather than being consolidated with this proposal.

Planning Permit Triggers

Clause No	Details
35.03	Rural Living Zone (RLZ1) – permit required for use and development of land for a Residential Aged Care Facility
52.29	Land adjacent to a Road Zone, Category 1, – permit required to alter access to a Road Zone, Category 1.

Summary of Submissions

Eight (8) objections were received to this application. They are summarised as follows:

- Detrimental impacts from increased traffic along Hutchinsons Lane and other nearby roads including road safety.
- Amenity impacts from dust and noise resulting from traffic as well as noise, lighting and disturbance from operation of aged care facility.
- Fire hazard from increased vehicle traffic to unmaintained roadside vegetation (long grass).
- Detrimental impacts to landscape and rural character of area north of Romsey.
- Visual amenity impacts of development including significant extent of fill on which the building would sit. Lack of screening within site, preference for new screen landscaping for proposal. Design needs to account for appropriate presentation to Melbourne Lancefield Road as a township entry to Romsey.
- Concerns about alpaca keeping proposed in conjunction with aged care facility conflicting with adjacent equine land use.
- Loss of views.
- Property devaluation.
- Facility would be better located on the south side of Romsey.
- Loss of privacy.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

12. PLANNING PERMIT APPLICATION PLN/2021/115

Development of one (1) office and four (4) dwellings

48 Brantome Street Gisborne

Officer **Alexia Paterson, Senior Statutory Planner**

Attachments **Submissions received**

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2021/115 regarding Development of one (1) office and four (4) dwellings at 48, Brantome Street Gisborne.

Recommendation

- 1. That the Planning Delegated Committee note the submissions received in relation to Application for a Planning Permit Application PLN/2021/115 – Development of one (1) office and four (4) dwellings); and**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 13 October 2021.**

Background

The subject site is located on the west side of 48 Brantome Street on land covered by the Commercial 1 Zone (C1Z), immediately adjacent to residential development on all sides. The site is approximately 1018m² in size, flat and is occupied by a dwelling. The surrounding area is situated within an established residential area adjacent to and well serviced by the commercial offerings of Gisborne Town Centre to the north and east. Lots around the immediate area to the north, west and south have already been redeveloped into denser residential accommodation, however mostly adopting a single storey built form. Areas beyond the subject site street block to the south, east and west are earmarked for further medium density re-development as identified in the Gisborne/New Gisborne Framework Plan.

Summary of Proposal

The proposal is for a mixed development with the following attributes:

1x Office

- Fronting on Brantome Street
- Two storey built form
- 84m² usable office space
- Three (3) car parking spaces. A full complement of car parking requirement.

4x Dwellings

- Located in tandem format behind Office building
- Two storey built form with garages attached at the ground floor level
- Three (3) bedroom and open plan living area
- Secluded open space located at ground level
- A maximum building height of 8.0 metres
- Adopts traditional village style detailing with weatherboard exterior, pitched gable roof form, portrait shaped windows and a metal roof.

- Two (2) car spaces for each dwelling. A full complement of car parking requirements is provided.

Planning Permit Trigger/s

Pursuant to clause 34.01-4. A permit is required to construct a building or construct or carry out works. Commercial Zone.

Summary of Submissions

Two (2) objections were received to this application and summarised as follows:

- Overlooking;
- Overshadowing;
- Devaluation of property
- Parking
- Stormwater

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

13. PLANNING SCHEME AMENDMENT C127macr

Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon 2019

Officer **Leanne Khan, Coordinator Strategic Planning**

Attachments **Submissions Received**

Purpose and Overview

To hear from submitters in relation to Planning Scheme Amendment C127macr regarding the implementation of the Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon (2019).

Recommendation

That the Planning Delegated Committee:

- 1. Note the submissions received in relation to Planning Scheme Amendment C127macr regarding the implementation of the Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon (2019).**
- 2. Determine the next step in the Planning Scheme Amendment process at a future meeting.**

Background

The *Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon Heritage Study* (2019) was commissioned in 2018 and completed by GJM Heritage. The Study can be viewed on Council's website at <https://www.mrsc.vic.gov.au/Build-Plan/Heritage-Protection-and-Planning/Heritage-Studies/Woodend-Lancefield-Macedon-and-Mt-Macedon-Heritage-Study-2019>.

The study reviewed 56 places previously identified in the older work, the *Macedon Ranges Cultural Heritage and Landscape Study* 1994 and of these, 33 heritage sites were documented for their significance.

Two of these 33 heritage places from the Study have been protected by interim Heritage Overlays during this process. The Victoria Police Residence at 59 Victoria Street Macedon has been now been permanently protected (C124macr and C125macr), and 'Carramar' at 20 Bowen Street Woodend is temporarily protected awaiting the final outcome of Amendment C127macr.

At the Ordinary 24 April 2019 Council Meeting, it was resolved to seek authorisation from the Minister for Planning to apply the Heritage Overlay to 32 places of significance identified as:

- **LANCEFIELD**
 - HO319 The Grange Farm Complex 153 (part) Collivers Road, Lancefield
 - HO320 Blois Cottage Farm Complex 114 (part) High Street, Lancefield
 - HO321 Annie Vale Farm Complex 158 (part) Mahers Road, Lancefield
 - HO322 Lancefield Railway Station (Former) &

- Railway Line Remnants 36 (part), 42 & 68A (part) Main Road, Lancefield
- HO323 Lancefield Presbyterian Manse (Former) 3416 Melbourne Lancefield Road, Lancefield
- HO324 Newland Farm Complex 46 Millers Lane, Lancefield
- MACEDON
 - HO325 Macedon Cemetery 54 Bent Street, Macedon
 - HO326 House 29-31 Margaret Street, Macedon
- MOUNT MACEDON
 - HO327 Penola 222 (part) Alton Road, Mount Macedon
 - HO328 Cheniston 20 Cheniston Road, Mount Macedon
 - HO329 Ard Rudah 51 Devonshire Lane, Mount Macedon
 - HO330 Marnanie 53 Devonshire Lane, Mount Macedon
 - HO331 Glen Drouitt 51 Glen Drouitt Road, Mount Macedon
 - HO332 Dreamthorpe 455 Mount Macedon Road, Mount Macedon
 - HO333 Mount Macedon Presbyterian Church (Former) 682 Mount Macedon Road, Mount Macedon
 - HO334 Sefton 864 Mount Macedon Road, Mount Macedon
 - HO335 Craigielea 109 (part) Mountains Road, Mount Macedon
 - HO336 Ard Choille Cottage, Stables, Fernery & Garden 80 (part) Turner Avenue, Mount Macedon
- WOODEND
 - HO337 Carramar 20 Bowen Street, Woodend
 - HO338 Woodend Catholic Primary School (Former) 16 Brooke Street, Woodend
 - HO339 Blanchwood 18 Brooke Street, Woodend
 - HO340 Manchester Unity Convalescent Home (Former) 8 Carlisle Street, Woodend
 - HO341 Lyndhurst 6-8 Collier Street, Woodend
 - HO342 Zion Baptist Chapel (Former) 2\TP856403 Colwells Road, Woodend
 - HO343 Pindari 2-8 Dickens Street, Woodend
 - HO344 Woodend Racecourse (Former) 1-29 Forest Street and 11 (part) Davy Street, Woodend
 - HO345 Woodend Masonic Lodge No. 403 35 (part) Forest Street, Woodend
 - HO346 St Andrews Presbyterian Church (Former) 37 (part) Forest Street, Woodend
 - HO347 Campaspe House 29 Goldies Lane, Woodend
 - HO348 Flint Hill 65 (part) Romsey Road, Woodend
 - HO349 St Ambrose Catholic Church Complex 16 and 18 (part) Templeton Street, Woodend
- WOODEND NORTH
 - HO350 Springfield State School No. 1963 (Former) 3 Clarkes Lane, Woodend North

The Minister authorised Amendment C127 on 11 March 2020, initially subject to seven conditions, and revised to six conditions with one to be read as advice. These conditions were satisfied by Council on 7 May 2021.

Consultation

Amendment C127macr was exhibited for a period of six weeks, from 3 June to 16 July 2021. All amendment documents were on display meeting the requirements of the statutory exhibition process as per the *Planning and Environment Act 1987*.

In addition, the *Midland Express* compiled its own 2 page spread on Amendment C127macr, 'Heritage Protection Ahead', on Tuesday 8 June 2021.

Due to the ongoing COVID-19 situation, no community drop in sessions were offered. Instead, site visits, online and phone meetings were offered to each property owner in order to resolve as many issues as possible during and following the exhibition period, where restrictions allowed.

Summary of submissions

A total of 14 submissions were received. These submissions have now been placed on Council's website in accordance with the *Planning and Environment Act 1987* (personal information redacted). They are also available to be viewed at Council Offices.

The submissions raise a variety of issues such as:

- strategic justification of the Study;
- organisation of the planning scheme for the Heritage Overlay;
- requests to reduce the Heritage Overlay curtilage,
- development changes to properties (alterations, additions etc);and
- proposed triggers for trees or outbuildings etc.

It is anticipated that there may be a number of changes or clarifications to the heritage planning documents in response to the submissions received.

In addition, three places proposed to be included in a heritage overlay generated verbal queries or other circumstances brought to Council officer's attention during the exhibition of the amendment. These issues require further follow up and may also result in clarifications or changes to the amendment.

Site visits are continuing to be undertaken to address the issues raised in submissions. These site visits will continue in an attempt to resolve as many issues as possible, prior to the Planning Delegated Committee determining the next step in the Planning Scheme Amendment Process.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.