



Tecoma Village Action Group_{Inc}

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Re: Planning Permit Application Number YR-2011/647
Application to construct a Convenience Restaurant
at 1529-1531 Burwood Highway, Tecoma

The following submission is made on behalf of myself as a resident of Tecoma and on behalf of the Tecoma Village Action Group Incorporated (TVAG), a member Township Group of the Shire of Yarra Ranges Townships Network, regarding the application to construct a Convenience Restaurant at 1529-1531 Burwood Highway, Tecoma.

Myself and TVAG wish to object to the proposed development as presented on the following grounds, based upon examination of the developer documents provided to the Shire of Yarra Ranges.

Introduction:

The objectives of the State Planning Policy Framework [10.02]¹ include -

- (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- (d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

¹ Note: Numbers in square brackets [] in this document refer to Clauses within the Shire of Yarra Ranges Local Planning Policy Framework

(a) To balance the present and future interests of all Victorians.

In Clause 10.04, the State Planning Policy Framework calls upon

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

And ..

Consistent with the objectives of local government under the Local Government Act 1989 , municipal planning authorities are required to identify the potential for regional impacts in their decision-making and co-ordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

Thus Clause 10.04 calls upon the responsible authority to consider the wider ramifications and the longer term impacts of their decisions, especially in the area of the Dandenong Ranges. The application is for a purpose built structure that, should the business fail, will be difficult to press into general use in a small township in the Dandenong Ranges. Clause 11 states that “*Planning is to recognise the need for, and as far as practicable contribute towards:*

“Protection of environmentally sensitive areas and natural resources.”

One cannot deny that Tecoma in the Dandenong Ranges is one such sensitive area, an area due more consideration for the wider impacts of any development than immediate impacts within a particular planning zone. Melbourne 2030 (Policy 2.4) identifies the Yarra Valley and Dandenong Ranges as an area having significant environmental and social values with a need to protect the area’s distinctive resources for its tourism (Policy 2.4). Any planning decision must consider as relevant the Melbourne 2030 report [11.01-2].

There are numerous relevant references to Tecoma being in a special area and this area known as the Dandenong Ranges is also to be treated with special regard in matters of planning. Clause 21.04 places Tecoma in a “*Foothills Residential Area*” and Clause 21.01-1 (The Upper Yarra and Dandenong Ranges Regional Strategy Plan) requires “*Planning and management resources in the region take account of the interests and views of the community, both within and beyond the region*” and “*Developments be contained to ensure that it does not prejudice the conservation of natural resources and the amenity of those who live there and those who visit the area for recreation*”. Even the applicant’s own submission (Urbis Report, Page 7) states “*The Tecoma area has a distinct ‘hill town’ character*”.

Grounds for Objection

Site History

A planning permit application was lodged in 2008 (YR-2008/816) for the development of a supermarket on the site currently under consideration. The application was heard in VCAT after Council failed to make a decision on the application, which resulted in VCAT directing that no permit should be issued. **The Tribunal found that development in Tecoma should be moderated / tempered in its scale and extent to ensure that it respects the established low profile and modest built form character.** Paragraph 62 of the Tribunal’s conclusions states that, while a commercial land use is appropriate for the site, the design, scale and siting of the built form should better respond and acknowledge the character of the area, the topographical conditions of the site and the interface with residential properties. As we will show in this

submission, the current application is not of a scale that will respect the modest built form character of Tecoma nor is a 3 metre high fence a suitable interface with neighbouring residences. As such, this application should also be refused a permit.

Clause 21.04 Land Use

As recognised in the developer's proposal documents (Urbis, Page 16) and stated in Clause 21.04, *"Tecoma is identified as forming part of a Foothills Residential Area. There is limited potential for more intensive development in these areas if their established character is to be retained. Shopping facilities and other services are not as comprehensive as those situated in the more urban parts of the Shire."*

Thus there is a distinction being made regarding development in the Shire's urban areas, such as Lilydale, and development being conducted in the Foothills Residential Area of Tecoma. It is recognised that, if the character of the Foothills and Tecoma is to be maintained then shopping facilities and other services (including convenience restaurants) are to be less comprehensive than in urban areas. The proposed development in Tecoma will cover approximately 2,914 square metres, which is somewhat greater in size than the existing McDonald's outlet currently servicing the urban area of Lilydale at 2,326 square metres. A development of the size proposed may be suited to the urban areas of the Shire, but it is certainly an intensive development for Tecoma.

Furthermore this single business will dominate the existing business zone of Tecoma, which is approximately 17,860 square metres. The proposal will be twice as large as any other business in Tecoma and **8 times** the size of current average businesses. Such an intensive development will have a great negative impact on the character of Tecoma, which Clause 21.04 endeavours to protect.

Clause 21.04-2 contains the following strategy for achieving the objective regarding Commercial Development.

Provide clear advice about the preferred forms of business development, to reinforce the predominantly rural and green wedge character and image of the Shire.

Clause 21.04-2 continues with ..

Protect surrounding residential and rural and green wedge areas from adverse **visual and amenity impacts** of business encroachment.

Given the size of the proposed development as the largest business in the Tecoma Township and the operation of this business 24 hours per day, 7 days per week there will be negative impacts upon the amenity of the Township which is currently described by the applicant as having a '**distinct hill town character**'. A development that is greater in size than similar developments within the urban areas of the Shire will greatly alter the current 'Hill Town character' and make Tecoma an extension of the urbanisation of the Shire.

With specific reference to restaurants, Clause 21.04-2 says:

Restaurants be designed and sited to protect the amenity of residents and the visual and environmental qualities of the area, and to achieve the primary purpose of the zone within which the land is situated.

The design of the applicant includes works beyond that of a mere building, although even that has not been designed with a *hills town character*. Works also include a drive-thru; another construction, known as a COD that will comprise roof structures, lighting, signage and an electronic communications system; and a fence up to 3 metres in height along the interface with residences. The total works thus will certainly not protect the current amenity of residents and will greatly deprecate the visual and environmental qualities of the area. Nowhere in Tecoma are there 3 metre high fences.

Clause 21.05 Settlement

Amongst the objectives of this clause is -

To establish sustainable and attractive townships which can support a range of residential, commercial, retail, community and recreational facilities and services.

“Attractive Townships”. The meaning of this phrase will change depending upon who is reading it. That which may be attractive in an urban context may not be attractive in a rural setting. In the context of Tecoma it means pertaining to a hills town character that is made up of small locally owned and operated businesses operating in small shop frontages. A place where people leave their cars and stroll around visiting these small shops during daylight hours. It is not a large building with a dominant frontage to the main street with a drive-thru catering for people in cars that don't even have to turn the engine off.

The emphasis of the above objective is also the range of facilities and services. Currently Tecoma has 9 establishments which provide similar services to that proposed by the applicant. Further food businesses do not aid the objective of diversification of business. This principle is further acknowledged in Clause 21.06 Objective 2 which states -

Provide well designed and integrated commercial centres that provide a range of retail and business facilities and associated community services that meet the needs of the local residents and the tourists visiting the municipality

Of utmost importance in Clause 21.05 is

Promote good design and a high quality level of amenity which helps to define and enhance the individual character of each town.

The design of the proposal is such that it could be placed in any suburban location, but not in a hills town. The design is not conducive to the existing individual character of Tecoma even though certain poor quality attempts, such as provisioning of a verandah, have been tried. We strongly disagree with the statement on Page 25 of the Urbis report that the proposal *will revitalize an existing commercial area through the provision of a well designed building and attractive landscaping*. Quite the contrary, the design of the works is not complementary to existing design and will greatly lessen the ability of the Tecoma commercial precinct to distinguish itself as a typical hills town. It is that character that attracts tourists to the Dandenong Ranges and provides the majority income to the region and sustains these small townships. It is not as if the applicant cannot meet the requirements of this clause as McDonald's already have constructed a store in Ballarat that was designed to protect the amenity and the visual and environmental qualities of the Ballarat township and thus acceptable to that community.

Also in Clause 21.05 -

Contain and consolidate existing commercial centres to improve the centre's convenience to users and minimise any impacts or intrusions into adjoining residential areas or natural environments

Appropriate zoning is used to ensure that business activity does not interfere with the peaceful usage of adjoining zones. A restaurant is an allowable usage of B1Z zoning as restaurants have minimal impact upon their neighbours and these impacts such as noise and fumes are controlled. But the impact of a 'Convenience Restaurant' is different to a conventional restaurant. A conventional restaurant does not provide a drive-thru service nor do they provide all of their food in non-recyclable, non-reusable packaging that is easily spread into neighbouring zones. Tecoma's B1Z is very small with each and every B1Z business directly abutting Low Density Residential premises. Extra consideration needs to be given to the impacts and intrusions of a drive-thru business abutting a peaceful low density residential area, especially when that business will become the largest business in the Township.

Clause 21.06 Built Form

Commercial centres in the Shire contain distinctive characteristics which contribute to the identity of the local community. These characteristics need to be recognised and opportunities to enhance the appearance and effectiveness of each centre need to be identified. Future planning decisions about land use and development within these centres will have a major impact on the realisation of the identified opportunities.

The current built form of Tecoma is, as even the applicant describes, ‘hill town character’. Buildings are relatively small and have individual character. Roof lines vary as do parapets which reflect and blend into the surrounding hills, as reflected in the letterhead and logo of the Tecoma Village Action Group Inc. There are no buildings with a large expanse of flat roof and parapet lines as proposed by the development. The proposed building will be the largest in Tecoma and thus will greatly impact upon the current built form and set a future precedent that is not conducive with ‘hill town character’. If you add the visual impact of the drive-thru and its signage, which are typical of any suburban neighbourhood, there is a great risk that Tecoma will be seen by locals and visitors alike as just another suburb of Melbourne. This will greatly discourage “Hills” tourism in the area.

Develop urban design themes for townships, based on their special character, role and function, and ensure that new development reinforces and consolidates those themes.

The design of the building proposed could blend in to any modern suburb in Australia. The square lines, bold stairways and hand rails and the stark materials being used are not based upon the special character of a hill town. And, throwing in a couple of flower boxes and a few trees does not alter this fact. The proposal does not reinforce or consolidate the existing theme of Tecoma, nor the entire Dandenong Ranges region.

Design new development to be compatible with the established character and built form, or with of the surrounding commercial development.

The current B1Z zone of Tecoma comprises 29 existing business frontages along Burwood Highway with an average frontage of 7.7 metres. 80% of business frontages are under 10 metres in width²! To place a new business into this built form with a total frontage of over 38 metres would drastically change the existing built form of the township and set a precedent that could quickly see further combining of existing properties to form other large frontages and the destruction of the township’s ‘hill town character’.

Provide safe and efficient traffic circulation within each centre.

The applicant’s traffic report by GTA Consultants shows the impact that delivery trucks will have on road and pedestrian traffic when turning from Burwood Highway into the site. The delivery truck’s swept path clearly exceeds the available space (labelled “Keep Clear”) for a delivery truck approaching from the east, that is from Belgrave. The report though fails to show the more likely direction of delivery trucks from Melbourne in the west. A left turn into the site by proposed delivery trucks will be almost impossible without the driver first swinging into oncoming traffic in an effort to have a swept path that does not collide with existing signage and gardens on the neighbouring property.

Minimise the intrusion of traffic movements associated with the centre into adjoining residential streets.

This same report by GTA Consultants shows that the majority of exiting car traffic and all of the truck traffic will exit the site across neighbouring properties and into the residential street of Sandells Road. This is unacceptable.

² See Appendix 3

Design and landscape new development and associated car parking areas to avoid directing additional traffic movements into residential streets and to provide effective buffers to protect residential amenity.

By having the entrance to the Drive-thru at the northern most extremity of the site, then flowing south to the food delivery point before exiting either into Burwood Highway or as the GTA Traffic Report indicates, Sandells Road, the bulk of traffic will cross over the entire site at least twice. Some of this traffic will be in a 'Figure 8' pattern across the site, crossing over other users in an attempt to return to Burwood Highway. This complicated routing of vehicles has the potential to cause a 'closed loop' of traffic that cannot move and thus result in blockages that affect access to the site altogether and forms a dangerous situation for drivers and pedestrians. This complicated routing will also more than likely make residential Sandells Road the preferred exit on future visits resulting in a negative impact on the residential amenity of a residential street. There will also be an increased flow of east bound traffic through the back streets of Sandells Road and Terrys Avenue by drivers wishing to avoid delays at the traffic lights, or those finding it difficult to turn right when exiting from the development on Sandells Road.

Clause 21.06 Policy states:

Existing historically, culturally or architecturally significant buildings be retained and renovated in character with the original style of the building, particularly in areas that have a tourist role.

No consideration has been made what so ever to incorporate the existing historical buildings into the plan. Existing upon this site is the Hazelvale Dairy and Dairy Residence, two of the earliest buildings in Tecoma and both of historical significance to the township. There is not even acknowledgement of the history of the site and its historical value to Tecoma and the Dandenong Ranges.

In order to meet minimum noise requirements the developer proposes to construct a 2.4 to 3.0 metre high acoustic fence along the boundary with adjoining properties to the north of the site. Nowhere in Tecoma are there fences of this height, nor constructed of the materials quoted, nor in a colour scheme described. As this is a boundary with a low density residential zone there will be impact upon the neighbouring residences such as a restriction of light and enjoyment of view of the sky. Any view of the night sky by neighbours will be totally lost due to the constant lighting of the car park. Light pollution is a problem for urban areas and a reason for night time visitors to the hills. This will be lost. These issues too are unacceptable.

As the applicant has already been quoted, Tecoma has a typical hills town character. A building made of modern materials and painted in corporate colours is not 'hill town character'. Under the previous Shire of Sherbrooke, a period that helped define *hill town character*, many colours such as bright red and yellow were not allowable building colours and the use of bright or vivid colours was also discouraged. But flashes of corporate McDonald's colours are everywhere in this design proposal. Drawing A202 includes most of the colour scheme for this building, including F03, F07 and F14 "Dulux colour – McDonald's red 88216" and F13 Yellow. Many other colours are yet to be decided, which makes a mockery of the artist's impressions provided with this application. The following F02, F04, F08 and F10 are to "*be nominated by Villa & Villa*" whilst others are "*TBC*". And, F11 is described as "*Vivid White*". The colour scheme does not fit in with hill town character. This is an incomplete submission when the final colour scheme has not been nominated.

With the exception of a small area at the rear of the property that will contain an existing tree (approx 240 sq m), there is very little of the development that is not covered by an impervious surface. The proposal is for something less than 10% impervious coverage. This is not in keeping with the 'green' image of a hill town, but is very common in a suburban development. Not

acceptable.

Clause 21.09 Environment

The Dandenong Ranges and the Upper Yarra Valley are environmentally sensitive areas with significant recreational value and should be protected from development which would diminish their environmental conservation or recreational values.

It is a sad fact that litter from convenience restaurants is spread far and wide and finds its way into streets, residences and the natural environment. There is also constant debate as to who is responsible for this litter with convenience restaurants passing blame onto recalcitrant customers. McDonald's attempt to ask customers to be responsible, but then does too little to prevent or repair the problem. Customers cannot be served their meals upon normal restaurant plates, even within the restaurant. All items are separately wrapped in non-recyclable, non-reusable packaging whether the customer wishes to eat within the restaurant, elsewhere on the premises such as in the car park, or take the meals away. It is the business that generates the litter, not the customers. Some customers may be instrumental in distributing the litter but so too are the wind, natural water courses and other environmental factors. The car park is also part of the business premises and as such is the responsibility of the business owner. Thus packaging left behind by customers is a problem of the business and not the customer. If the business leaves this packaging in the car park for the wind and other elements to distribute as litter then the business is the cause of the problem. Litter generation occurs at the source of the material, not its distribution.

McDonald's have a "Clean Streets" program where they let it be known to their customers and the wider community that their staff will clean up the streets around their premises. This encourages customers to be less responsible and to adopt the attitude that McDonald's will clean up and once in the environment the litter is widely spread by nature. Letting the public know of the Clean Streets Policy may be good for advertising and image manipulation but it is counter-productive in the fight to protect the environment from litter.

Authorities have learnt that many areas of industry and commerce have undesirable waste products that are difficult to control despite protection mechanisms put into place. We do not blame the rain water for distributing chemical run off, thus we have become extremely cautious in placing businesses that may have any chance of producing chemical waste, so as to guarantee the environment will not be adversely affected. And thus it should also be with convenience restaurants until the industry stops producing so much non-reusable and non-recyclable packaging. **Appendix 1** contains photographs taken on random dates at the two closest existing McDonald's outlets to the proposed site and the two current outlets in the Shire of Yarra Ranges. The sample of over 130 photographs clearly shows that existing policies of the convenience restaurant industry do not effectively protect the environment. It is incumbent upon planning authorities under clause 21.09 to protect the environment by not granting a permit until the industry uses reusable or recyclable containers as is normal practice in the restaurant industry and take effective responsibility for maintaining their waste products on and around their premises.

The photographs show the extent of the failure of current policy. Non-recyclable, non-reusable packaging that takes months to decompose is shown in various stages of decomposition indicating the length of time that much of this litter has been diminishing the environmental and recreational values of a wide area around existing convenience restaurants. Food associated with this litter attracts vermin and often provides an unhealthy diet for native fauna. Most of these photos were taken in a radius of approximately 150 metres of the current outlets (which in Tecoma would encompass a large area outside of the current B1Z zone) and some photographs further afield in particularly sensitive areas such as Lilydale Lake. The Dandenong Ranges are recognised under Clause 21.09 as being an environmentally sensitive area requiring special protection from developments that will impact outside their zone of occupation. This application is one such

development with wide spreading impacts upon a named environmentally sensitive area - the Dandenong Ranges. It is a fact that a convenience restaurant will adversely effect the ability of people to enjoy a clean amenity in the area.

A stated strategy within Clause 21.09-1 is

Ensure that the use of the land, construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment

Given that the applicant's proposal would become the largest premises in Tecoma, will operate 24 hours per day and 7 days per week with a well lit property, there will be multiple impacts on the natural environment of this area of the Dandenong Ranges. Many of the local native animals and birds are nocturnal and currently move around the township at night to forage for food. An additional food premises, such as proposed, which will have patrons eating in the car park and discharging scraps into the area will provide additional unnatural food sources for native animals and vermin alike. Both will have an adverse impact upon the environment. Even possum proof rubbish bins are not possum proof when full to overflowing - a common occurrence at convenience restaurants and shown in Appendix 1.

It is the **design of this convenience restaurant** that provides customers the means by which they can eat in their cars in the car park; it is the failed policy of this particular applicant that permits customers to leave their packaging upon the restaurant grounds (therefore part of the restaurant); and it is then the weather that distributes this packing as litter into the environment. To protect the environment, it is incumbent upon planning authorities to refuse a permit to construct a premises (building **and** car park) that will be detrimental to the environment of the specifically named Dandenong Ranges.

Clause 22.04 - Advertising Signs

Signs do not detract from the amenity and streetscape or landscape character of the surrounding area.

The proposed signage is not in keeping with existing signage in the B1Z zone of Tecoma as very little of the proposed 'back-lit' signage currently exists in Tecoma and none of the size proposed. Clause 52.05 reiterates the need for signage to be "compatible with the amenity and visual appearance of the area, including the existing or desired future character". The number of signs, and particularly the size of the main "McDonald's" signs are not in keeping with the current "hill Town character" of Tecoma nor the future character of the township desired by the residents of Tecoma.

Clause 52.05-7 indicates that the minimum limitation on signage in a business area for the purpose of business identification across the entire premises **MUST NOT** exceed 8 square metres. The total area currently proposed for Signs S1 through to S6C is 12.5 square metres, some 50% increase over the maximum permitted on the premises. This calculation does not include, but should, the "Signage Blade" (F09 of DWG A202) whose only purpose is as part of the advertising sign, at least the part above the roof line. Other signs, such as S9 (1.61 m²) that also advertises the business, and the rotating menu board (1.8 m² x 0.7 m² x 3 and is not used to manage traffic flow as stated by the applicant, but to advertise their products) contain business identification and thus should also be included in this calculation. This results in a total signage area of 17.89 m². Clause 52.07 also states that the "total advertising area to each premises must not exceed 1.5 square metres" for internally illuminated signs. The proposal includes signs S1 through to S5 as being "internally illuminated", a total of over 10.5 square metres!

The large McDonald's sign (S1) on the north side of the building will greatly detract from the amenity of the Hills. What purpose will this sign serve for the business? It does not face the Highway but the Hills behind. Patrons already in the car park should know where the building is

without the need for a large glowing sign to tell them, especially as the car park will be well lit itself with other signage and road markings. The only purpose of the sign, the largest proposed, is to advertise to the residences in the hills behind the store. Whilst patrons on the premises may wish to view the Hills, those in the Hills should not be forced to observe a glowing sign 24/7. The current treed landscape nature of the surrounding area viewed from the north will be greatly defaced by this sign.

The size and height of signs are compatible with the scale of the building or site on which they are displayed, the surrounding streetscape or landscape and the size and nature of other signs in the area.

Although the proposed signs may be compatible with the size of the building, which itself is not compatible with the surrounding businesses, the “McDonald’s” signs are much larger than any other in the surrounding streetscape. There is also a proliferation of signs around the site with 32 signs visually littering the streetscape, 8 of which are internally illuminated. No individual business currently has internally illuminated signs of the proposed size on business frontages in the B1Z of Tecoma and as such they are incompatible with the zone and built form of Tecoma. Most of the signs that do exist are switch off at night.

Furthermore, as this premises abuts a Low Density Residential Zone it is appropriate to consider the following paragraph from Clause 22.04 - Residential Areas.

Only illuminated if they relate to a permitted business which operates at night and only if there will be no spillage of light that causes a distraction to motorists or if **the sign will not be visible from residential properties.**

Clause 52.06 - Car parking

The applicant’s report by GTA Consultants highlights a limitation in the Table to Clause 52.06-5 in which a “Convenience restaurant” is not tabled and then tries to justify the use of a parking rate of 0.35. But the proposed McDonald’s outlet comprises many facets, namely a take-away, a Cafe and a restaurant. McDonald’s advertise themselves as a “Family Restaurant” and the submitted drawings contain a cover sheet that clearly states that the drawings, upon which this application stands, are for a “**Proposed McDonald’s Family Restaurant at Burwood Highway, Tecoma**”. It is obvious from the submission that the most applicable item in the Table, in absence of convenience restaurant, should be Restaurant with an applicable rate of 0.6.

This same report by GTA uses a figure of 56 seats for the calculation of the required parking spaces but the submitted Drawing A001 clearly states in the notes column “*Dining Room seating capacity = 56; Terrace seating capacity = 28; Playland seating capacity = 6*”, giving a total of 90 seats. Thus the required parking is $90 \times 0.6 = 54$. Some leeway may be requested due to parking spaces on neighbouring properties but as the neighbouring property contains a restaurant and a take-away store, the current parking spaces there will also be in demand at the same time as the applicant’s need.

The single parking space for disabled patrons is located at the top of the egress lane. Disabled drivers will not have any vision of the traffic coming uphill towards the exit and these drivers will have no vision of the disabled driver’s vehicle until that vehicle is upon the egress lane. This is extremely dangerous. One option would be to reverse into the space in order to maximize vision when exiting. But, the disabled parking bay relies upon the driver using the pedestrian way to exit their vehicle. Although under new legislation this may now be legal, it does restrict a disabled driver who now cannot back into parking bay as there will be insufficient room to exit their vehicle. The shared space of the pedestrian walkway cannot be occupied by the vehicle, only the disabled person as they exit the vehicle.

Although there are sometimes instances when a driver will have limited vision of the road onto which they wish to drive, due perhaps to a truck obscuring their vision, it is wrong to design this fault permanently into a building that will be used 24 hours per day 7 days per week and most likely service many disabled customers.

This disabled parking space is also only 4 metres from the boundary and not the minimum requirement of 6 metres distant. This is not acceptable as the safety needs of a disabled drivers and surrounding pedestrians should be given the greatest importance, certainly more importance than a building.

Many disabled vehicles use rear entry for access to the vehicle. The current plan would place the carer and tailgate of vehicle in the egress lane and subject to being hit by exiting vehicles. Again, an unsafe practice to fix in concrete as proposed. Clause 52.20 highlights this problem by stating:

Achieve safe, efficient vehicle movement on site and access to and egress from the land.

The proposed siting of the disabled parking space in a blind corner near the top of the egress path certainly does NOT meet with this intent of Clause 52.20 which should be applicable to all zones.

There is provision for 2 additional parking bays at the exit of the drive-thru for the purpose of customers awaiting the completion of their orders. Under the Table of Clause 52.06-3, a parallel parking bay, such as are these 2 bays, must have a minimum accessway of 3.6 metres. The drive-thru beside these parking bays does not provide this minimum distance, it being only 3.5 metres wide. Difficulty in parking by customers who have to wait for orders will cause a backup of traffic through the entire drive-thru resulting in vehicles obstructing the onsite access aisle or worse still, obstructing access from Burwood Highway and/or Sandells Road.

Also, no provision has been made for vehicles with trailers, as is the case for many tradespeople. If a vehicle with trailer enters the proposed site where are they supposed to park? Parking appears to be only available for a 'standard' car, and nothing provided for larger vehicles or vehicles with trailers as are common in this region. Tradespeople are common customers of these establishments and need to be catered for.

Our own traffic engineer reports that the slope of the car park does not meet the Australian Standard of 6.25% or 1:16 and this shortfall is also acknowledged in the Urbis report. As this will be a new development for this site, and not an evolution from previous times, now is the most appropriate time for this site to be upgraded to meet the required standards.

Another point of consideration is parking for staff. This may not be a condition for the granting of a planning permit but the overall amenity of the township and it's smooth operation as a tourist town will be impacted upon by staff cars, which could be as many as 20 in peak times, being parked in areas currently used by visitors to other establishments or left in residential side streets. There is no public car-parking centre in Tecoma.

Clause 52.39 – Bicycle Facilities

Although there is the option of the responsible authority to exclude requirements of this clause it would seem inappropriate to do so given the age bracket of the majority of employees who will work at this establishment. The majority of the workforce in the convenience restaurant trade are teenagers who have not as yet achieved the age whereby they can legally drive a motor vehicle. Thus many will use bicycles in order to get to work, particularly considering the 24/7 nature of the operation.

Table 1 to Clause 52.39-3 shows the requirement for a convenience restaurant to be 1 staff bicycle parking space per 25 square metres of "*floor area available to the public*". Section 5 of GTA's Transport Impact Assessment claim that the floor space is approximately 100 square metres. But this refers only to the dining area and not "*floor area available to the public*" which must also include the Terrace, Café and Playland. It should also include the public toilets, as they too are

available to the public. The total area available to the public is in excess of 200 square metres (not including toilet facilities). This results in a requirement of at least 8 employee bicycle parking spaces.

A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.

The installation of a locker or a bike rail suitable for 8 to 10 bicycles within the area of the Corral will place both the cyclists and staff working in this area in danger. The Corral contains very little floor space at ground level, and this space will be occupied by very large delivery trucks that need to reverse into this space. Thus there would be a requirement for cyclists to carry their bicycles up a set of stairs to an area that should be left clear for the movement of goods. The risk to staff moving heavy goods, possibly with the aid of machinery (pallet lifter) and the risk of damage to bicycles in a shared space is too great. The requirements of Clause 52.35-4 cannot be met within the Corral area.

Table2 to Clause 52.39-3 calls for ..

If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.

Thus there is a requirement for an employee shower facility under Clause 52.39-3. This requirement should not be in any way waived considering the health implications. A staff member who has ridden his or her bicycle to work in 30+ degree heat, as is very common in summer, will have a uniform full of sweat and is then required to serve or prepare food. Consideration should also be given to the comfort of staff members under these circumstances.

Furthermore, Table3 to Clause 52.39-3 calls for ..

1 change room or direct access to a communal change room to each shower.
The change room may be a combined shower and change room

No provision has been made for either showering or changing facilities for staff. This is amazing considering this will be a food handling establishment and is a negligent oversight. It can only be assumed that, due to the lack of provision of changing facilities, that it is intended that staff arrive for work in their work uniforms. Consideration should be given to reviewing this requirement in the existing convenience restaurants within the Shire of Yarra Ranges to ensure that this requirement was not overlooked in previous applications. Although little can probably be done now in retrospect, the implications to Health Regulations should be checked by the appropriate Council Department.

Consistency with Vision2020 By Design

Each village has a 'sense of place' within the wider Shire, and the sense of place belonging to Tecoma as part of the Dandenong Ranges is "foothills residential". Tecoma is part of a very special place, both for residents and tourists who come to the Hills to get away from suburbia and the hustle and bustle of life. Tecoma is a quiet 'hills town' that turns off the lights and goes to sleep at night. It is not a place for 24 hour 7 day a week business. The proposed development may be of good urban design in suburban Melbourne, but "*good urban design should help to strengthen people's sense of place*", to quote the Shire's Vision 2020 by Design document. To enter a Hills Community with a proposal to operate 24 hours per day, 7 days per week; to build the largest building in town; to establish a business that will have more times the current customer and vehicular traffic than any existing business in the business zone of town; a type of business that has been shown to contribute unacceptable amounts of litter into the environment, and still believe that such a development will strengthen people's sense of place is a mockery of all that Tecoma and the Shire of Yarra Ranges stands for. Should a permit be granted for this application it will set a precedent that will spread across the Dandenong Ranges because consistency is called for, both in Vision2020 but also the Shire of Yarra Ranges Local Planning Policy Framework [Clause 20.02].

New buildings should not dominate their street environment. The retention and enhancement of the character and amenity of a commercial area requires new buildings to be of similar scale, size and height to those existing in the area. .

New buildings should be designed having regard for materials, colours, variations in plan form and roof form in order to reduce the apparent bulk and add visual interest to the appearance of the building.

The current frontages of businesses in Tecoma range from 5 metres to 21 metres with the average being a mere 7.7 metres. 80% of Tecoma's businesses are less than 10 metres in width! The frontage of the proposal is 38 metres, making it by far the largest frontage of all of Tecoma businesses. The building design is modern in nature, using modern materials which will be an anathema to the current street environment and dominate it, especially as it will be one of the first buildings seen by tourists driving into the Dandenong Ranges from Melbourne. Tecoma is the southern gateway to the Dandenong Ranges and the first shopping precinct that tourists see when entering this special area. People's expectation is to be greeted by typical Hills architecture, not a large modern flat roofed structure but a collection of small quaint buildings. It is unfortunate that the building currently occupied by DVD Destination (1535 Burwood Hwy) is so prominent due to the current vacant block next door, but this bulk will disappear when a suitable building occupies the current vacant block at 1533 Burwood Highway. The parapet of 1535 tries to break up the bulk of the building front and to fit in with the existing theme of roof lines in the business zone.

The applicant makes comment on the "Significant Views" and how the proposal will make use of the existing glorious view of the Hills of the Southern Dandenongs but fails to comment upon the view from those same Hills. A view is a two way thing, the proposed two storey building, its surrounding infrastructure of drive-thru, Customer ordering unit, and well-lit all night car park will become part of the current view for both tourists and residents who are in the Hills and looking south. This current view will be greatly and adversely impacted by the construction of this 24/7 business, particularly at night with the spill of car park lighting and head lights from the many cars expected to go through the drive-thru. Note, although shades can be placed upon fixed overhead lights to mitigate some of the light pollution from these lights, nothing can be done

about the very bright head lights of motor vehicles in a drive-thru queue.

Sustainability is an important objective of Vision2020, and sustainability includes the long-term economic and social sustainability of the Tecoma Township -

Sustainability can be considered in relation to the environment, the economy ('a more sustainable economy'), and communities, social and cultural life. This is often referred to as the Triple Bottom Line, although a fourth element is sometimes added: governance. The main driver of concerns about sustainability in recent times has been the need to improve environmental sustainability, particularly in relation to carbon emissions. Generally **it is important to think about every aspect of sustainability, rather than one aspect only** – this has been referred to as 'triple bottom line' (environmental, economic, social / cultural). For example, efforts to achieve greater environmental sustainability are often most effective if they are embedded into the economic system in a manner that can be maintained over the long term – i.e. that is economically sustainable. Equally these efforts may be counter-productive or undesirable if they might jeopardise social sustainability.

In the public comments made by the McDonald's Corporation eg: ten-news-melbourne.htm the applicant has stated that they will bring \$1M into the local economy in the form of wages. What they do not disclose is that for every dollar distributed in wages through a store, they have \$4 in revenue³. Thus, the proposal will put \$1M into the local economy but extract \$4M. This money is currently being spent by locals and visitors in small local cafes, restaurants, bakeries, etc, that employ local people, purchase much of their stock and services locally, and have many other secondary economic benefits to the Dandenong Ranges area. On the other hand, McDonald's have a centralised purchasing system using the benefits of scale to minimise their costs. But having a centralised purchasing system relies upon large trucks for transporting their food, packaging and other supplies from across Australia to Tecoma. Scale is also used to create a convenience restaurant of great efficiency, minimising the need for staff and other resources. The result is to create net unemployment in the area through an inability of small local business being unable to fairly compete with the billions of dollars spent by the McDonald's Corporation in marketing and mechanised efficiency. This is not in keeping with the concept of economic or environmental benefits in the "Triple Bottom Line".

The third 'leg' of the "Triple Bottom Line" is the social / cultural aspects of a sustainable business. Currently Tecoma is a sleepy hills town where both residents and businesses turn off the lights at night and go to bed. There are no 24/7 businesses in Tecoma encouraging traffic to the township and its car parks throughout the entire day and night. **Appendix 2** of this document shows some samples of changes to local culture brought about by the tendency of convenience restaurants to attract unsavoury elements of society. It is the responsibility of planning officers to limit businesses that attract anti-social behaviour that would change the social sustainability and quiet amenity of Tecoma.

Town planning policy is also called upon to improve sustainability of an area. Melbourne 2030 aims to make greater Melbourne more sustainable by reducing the use of cars, something that the provision of a drive-thru take-away food establishment will not do. Sustainability also encourages the use of alternatives such as walking or cycling. The proposal's answer to this is to provide the barest minimum of required public bicycle parking spots, namely two. This is not the response of a socially or environmentally concerned enterprise.

³ Reference: McDonald's Australia Corporate Responsibility & Sustainability Report 2010
http://mcdonalds-au.dev.tribalstage.com/sites/mcdonalds.com.au/files/images/MCD_CR_S_Complete.pdf

Part of Vision2020, the Shire of Yarra Ranges Council's ESD (Environmentally Sustainable Design) Initiative endeavours to reduce our usage of the "earth's finite resources", something that would be very difficult to achieve by the establishment of a business that provides all of its products in non-recyclable, non-reusable packaging to 60% of its customers who 'drive-thru' by car to collect these products. This is not a sustainable use of energy, no matter how good the insulation quality of the building walls are.

Other Issues

Traffic

The Tecoma Village Action Group Inc has commissioned a traffic survey report which, at the time of writing this report was not finalized. Some summary details have been provided which raises the following issues in addition to those previously stated above.

The driveway access point on Burwood Highway does NOT meet the minimum Safe Intersection Sight Distance requirements.

The assumption made for the directional distribution of 'new McDonalds traffic' on the surrounding road network is not valid.

The impact of turning traffic into and out of McNicol Road has NOT been considered.

The existing traffic using the site, particularly traffic associated with DVD Destination has not been quantified.

The impact of the 'new McDonalds traffic' using the existing DVD Destination car park as a driveway has not been assessed.

The loading facility arrangement does not show how a 12.5m truck can safely turn left into the site from Burwood Highway.

The **impact of traffic** created by the development in the GTA report are based upon industry standard data taken from the NSW Road Traffic Authority and are not necessarily applicable in all cases, especially for the development of a convenience restaurant belonging to the market leader in that category. The establishment of a new store anywhere in Australia must meet the business model and expectations of the company wishing to establish that store in order to be viable. This is especially true when a bespoke building is being constructed. Thus McDonald's must have certain expectations relating to the operation of a store in Tecoma and figures associated with that expectation should be used in calculating the impact of this development.

Representatives of McDonald's have indicated that they expect to employ in excess of 100 staff at Tecoma.

A McDonald's Spokesman in the Ferntree Gully-Belgrave Mail on 3rd May:

"Mr Christianson said any employees at the site's current businesses would be welcome to apply for a job at McDonald's, which would create up to 120 jobs.."

Again on the 11th May in the Free Press Leader newspaper:

"Mr Christianson said the proposed restaurant would provide 80-130 casual and full-time jobs"

And most recently on 13th September 2011 (long after the application was lodged with Council) in the Ferntree Gully – Belgrave Mail

"Mr Christianson said the restaurant would create up to 96 casual and 24 full time jobs"

As the employment of staff for the purpose of serving customers is directly related to the expected number of customers in a 24 hour period, there is a correlation between staff numbers and customer numbers. McDonald's expectation therefore is that Tecoma will be an average store as the average number of employees per store is 105 staff members. According to the McDonald's

Australia Corporate Responsibility & Sustainability Report 2010⁴ there are 808 stores employing 85,000 employees, for an average of 105 employees per store. This was verbally confirmed with McDonald's representatives at the Shire sponsored meeting in Monbulk on Thursday 8th September 2011. This same representative said that McDonald's stores have between 70 and 120 seats, placing Tecoma's 90 seat proposal at the average level. The McDonald's Australia Corporate Responsibility & Sustainability Report 2010 also states that McDonald's Australia serves an average of 7.1 Million customers per day. This results in the average restaurant serving 8787 customers per day [7.1M / 808 = 8787]. Thus the expectation of McDonald's is that the Tecoma store with approximately 100 staff will be serving over 8000 customers per day.

Eight thousand customers per day, over 24 hours of operation is approximately 340 customers per hour across all of those 24 hours. Obviously the period from midnight to 6:00am will have significantly less than average, as will other periods during the day, resulting in an expectation of much higher peak influx of customers during meal times. If we conservatively expect the peak to be only 3 times the average, then there will be a peak of approximately 1000 customers being served in a peak hour of operation. If we assume that 90% of these customers will arrive by vehicle with 3 occupants in each vehicle, this peak operating hour will see 300 vehicles visit the proposed site. This equates to a peak vehicle movement of 600 movements, somewhat greater than the conservative estimation by GTA Consultants at 172 peak vehicle movements based upon fallacious number of seats. This "conservative estimation" is admitted to in the GTA report (page 15)

It is noted that this traffic generation is conservatively assessed based on both indoor and outdoor room seats

Conversely, if we assume a peak of 172 vehicle movements (86 vehicles) and maximize the number of customers in each vehicle with 4 customers per vehicle (unlikely) we obtain a peak customer serving of only 344 customers in that peak hour. If the average number of customers per hour is a third of the peak across 24 hours, Tecoma could expect to serve only 2500 customers in a day and the economic model for the Tecoma store breaks down.

It is believed that there is a significant understatement of peak vehicle movements in the GTA report, as the quoted figure of 172 peak would result in an uneconomical operation of the store with the level of proposed staffing, building design and seat allocation. It is also noted that the GTA calculations based upon seat numbers are incorrect in that the proposed store will have 90 seats and not the figure used by GTA in their calculations. There is also great doubt about the efficacy of using seat numbers in calculating traffic movements in this case.

Rainwater tanks.

McDonald's corporate policy as stated on their website at <http://mcdonalds.com.au/about-us/responsibility/our-environment/initiatives-and-trials>

Rainwater tanks are now standard for all new freestanding restaurants. Rainwater is collected for use in irrigation and toilet flushing.

There is nothing in the documentation presented to Council that relates to rainwater tanks and their location on the site. Given the size of the building and the water requirements of the entire site, it is reasonable to assume that any rainwater tank will be in excess of 4500 litres and therefore require a permit. If less than this size, drawings should at least be provided as part of the site plan in order to show this company policy is being followed and said tanks will not become an obstacle to pedestrians or vehicular traffic.

⁴ Reference: McDonald's Australia Corporate Responsibility & Sustainability Report 2010
http://mcdonalds-au.dev.tribalstage.com/sites/mcdonalds.com.au/files/images/MCD_CRS_Complete.pdf

Noise

The noise report provided by Marshall Day indicates that the site will have a noise problem and adversely affect the residential neighbours without the construction of a 3 metre high acoustic fence. Quoted from the Marshall Day report: “*A preliminary review of the site plan and potential noise impacts indicates that an acoustic fence will be required along the northern and north-east boundaries*”. “*The height of this fence will need to be 2.4 – 3m as shown in figure 4*”. “*All subsequent noise predictions are based upon this fence treatment being installed*”. As a fence of this size and construction is totally out of place in Tecoma’s hill town character, it is suggested that the application cannot effectively meet the required noise limitations. The fence is totally unacceptable on the interface with low density residential properties, especially in Tecoma which needs to maintain its ‘hill town character’ if it is to survive in the longer term.

It may be acceptable in an urban environment for higher levels of noise between 6:00am and 7:00am, but Tecoma is not an urban suburb but a quiet hills town that greatly values its peace for as long as possible. The Marshall Day report, Table 15, indicates that there will be an unacceptable level of cumulative noise at 89 Sandells Road during the ‘night period’ which is defined as 2200 – 0700 hours Monday to Sunday. The ‘solution’ recommended by this report is to redefine ‘night’ to be concluded at 0600, removing some truck noise from the calculations and resulting in Table 16 having a night cumulative noise level that is exactly on the compliance limit. It is not acceptable to redefine ‘night’ for the purpose of making the project appear to be compliant, and only just compliant at that.

Item 5.4 on page 10 of Marshall Day quotes the NSW RTA as saying “*Maximum internal noise levels below 50-55dBA are unlikely to cause awakening reactions*”. Here, the issue is the level of noise that is likely to cause disturbances to sleep. Table 18 predicts the noise level at 89 Sandells Road from various noise sources as:

Worst-case vehicle in drive-thru area	54 dBA
Normal vehicle in car park	47 – 54 dBA
Worst-case vehicle in car park	61 dBA
Voices from patrons in car park	49 – 59 dBA

It can be seen that many of these noise sources are in excess of the 50 dBA disturbance level. The cumulative effect of normal voices and normal vehicles in the car park will almost certainly be in excess of the limit and thus cause sleep disturbances for neighbours who are used to living in a quiet hills town. As for the likelihood of excessive noise, may I draw your attention again to Appendix 2 which shows that unruly behaviour is a common occurrence at the applicant’s premises.

In the summary on page 19 it is stated, “*A full review of mechanical services should be performed once the design is finalised*”. This brings into doubt the validity of some elements of this report as assumptions made may not be based upon the mechanical services actually installed. There is even further doubt as to whether noise from the site will be acceptable to neighbours as this noise report states, “*If use of the terrace area proves to cause adverse noise impact to neighbouring dwellings then some form of management control such as closing this area during the night-time period may need to be considered*”. If the prediction cannot ensure decision makers that all will be OK, and thus there will be no need for ‘management control’, then a permit should not be granted until valid reassurances can be given.

Conclusion

This application has caused an extreme amount of angst within the Tecoma community, and beyond to the rest of the Dandenong Ranges. The Dandenong Ranges are recognised world wide as being a place of special significance, a place to be protected and a place that is explicitly referenced within the Local Planning Policy Framework [21.01-1]. Described within the applicant's own documentation as being a town with 'hills town character', it is this special nature which residents wish to maintain. The construction of a new development that will be twice as large as any other in town, that will have a frontage of over 4 times the average store, and cater mainly for customers who do not even get out of their cars to breathe the fresh mountain air is certainly not befitting of 'hills town character'.

Science and health professionals have drawn some rather startling connections between the prevalence of convenience restaurants in an area and instances of childhood obesity, diabetes and other diseases. Connections that show these establishments have a far greater impact upon the amenity of an area than what is seen on the street frontage by one's eyes. There is much community opposition based upon these health concerns, concerns which may not be seen by some as a planning related issue although *amenity* includes 'that which makes for a comfortable and pleasant life⁵'. Surely health is an important factor in having a pleasant life. Clause 21.01 makes reference to the **Shire of Yarra Ranges Well-being Plan** as a document that expresses the Vision of the Shire. It would be hypocritical to ignore this document, in particular the Shire's vision of improving health by reducing the number of fast food outlets within the Shire.

VCAT has already declared that "*development in Tecoma should be moderated / tempered in its scale and extent to ensure that it respects the established low profile and modest built form character*", something that the proposal does not show. The proposed built form is not in keeping with the current nor desired future form of Tecoma, nor is it in keeping with the Vision of the Shire of Yarra Ranges for the Dandenong Ranges.

The proposed signage does not fit within the guidelines of the LPPF and is excessive. The largest sign does not even face the main street and is a blatant attempt to advertise to the residential areas of Tecoma at the expense of the amenity of those residents who currently enjoy the view.

The inconsistent application of the number of seats in the proposed establishment in order to justify a grossly insufficient number of parking places will not convince reviewers who know the facts. The proposal is short some 26 parking spaces, and that is without any allowance for staff parking. Again incorrect figures are used in an attempt to show there is not a requirement for staff bicycle parking. Correct calculations show there is a necessity for at least 8 bicycle parks and subsequently there is also a requirement for staff shower and changing facilities. It is amazing that a food preparation and sales establishment does not provide, as a matter of course, for proper changing facilities that will enable staff to put on clean clothes before serving food to the public.

The estimated figures for traffic pertaining to the site show that the business would not be viable, based upon the applicant's own business model, and therefore should not be considered reliable. There is no inclusion of traffic impacts upon McNicol Road or of current neighbouring establishments that will now have to share their driveway with 'drive-thru' traffic. There is no impact statement relating to traffic that will be diverted onto Sandells Road and subsequently other back roads.

Perhaps the applicant has chosen to ignore their own company policy regarding rainwater tanks or there has been an oversight in locating them upon the plans submitted for consideration. The applicant's own noise report is barely able to bring the noise impacts of the development below the statutory requirements, and then only through the provision of a totally unacceptable 3 metre high acoustic fence along the low-density residential boundary.

⁵ The Macquarie Dictionary

The Urbis Report comes to the conclusion that “*The Shire of Yarra Ranges Planning Scheme encourages the **intensive** development of the subject site ..*” How can one come to this conclusion when the subject site is in a special area known as the Dandenong Ranges, in a township of special significance needed to maintain the ‘hills town character’ of the this special place? And contrary to the declaration by VCAT which recorded the opposite to be true! **It is agreed that the proposal will be an *intensive development as admitted to in the Urbis Conclusion, but not a development that is appropriate to Tecoma.***

The application for a planning permit to construct a convenience restaurant on Burwood Highway Tecoma should be refused, now and for ever more.

Yours Sincerely

David Jewell

Vice President

Tecoma Village Action Group