

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING & ENVIRONMENT LIST**

**Application for Review No. P3747/2008
1529, 1529A, 1531 & 1533 Burwood Hwy , Tecoma**

SUBMISSION ON BEHALF OF TECOMA VILLAGE ACTION GROUP

A. Introduction

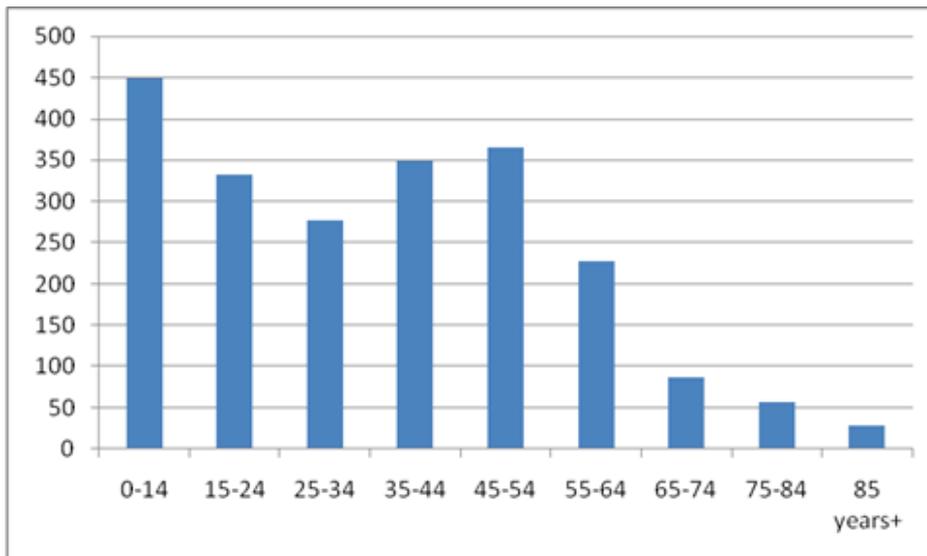
1. The Tecoma Village Action Group is a not for profit community group that has been formed this year with the goal of ensuring that development in Tecoma township is consistent with and appropriate for local community needs and values.
2. We have an active membership of 22 and 146 supporters who assist us with fundraising and community outreach activities.
3. We support the decision made by the Yarra Ranges Council to refuse a permit for this development. However, we commissioned a traffic study and as a consequence draw different conclusions that the Council in relation to the impact of the traffic that would be generate by the proposed development.
4. The permit application received 531 letters and 16 petitions objecting to the proposal. Four letters of support were also received.
5. We received amended plans on the 10th August 2009, after reviewing these we consider that our concerns with the proposal still stand.

B. The subject site and locality

6. The subject site is located in Tecoma, a small village in the heart of the Dandenongs. Tecoma township has been characterised as “Tecoma Village – Flower of the Dandenongs” and as a ‘forest retreat’. Tecoma is idyllically situated to the south of the Dandenong Foothills. The terrain is hilly, offering strong views and unique siting and design of houses. The commercial and community centre is situated on a ridge along either side of Burwood Hwy with strong views out across the Dandenongs.
7. The subject site is the largest area that contains undeveloped land in the Tecoma Business 1 Zone, this site is also already occupied by two

businesses that provide the two of the three eat-in dining establishments.

8. The area surrounding the site is characterised by a sense of space and a distinctive hills character. The prevalent built form is of residential development nestled in vegetation and single storey commercial properties that give the township a village feel. A spectacular view to the North of the site across the highly vegetated residential areas of Tecoma, takes in the Dandenong Ranges. This landscape feature defines the area.
9. Tecoma is the first township encountered on Burwood Hwy and is the southern gateway to the Dandenong Ranges. The subject site is in a prominent position and as such is one of the first properties encountered when approached from the West along the Burwood Highway.
10. To the North of the subject site are single storey, residential dwellings zoned Low Density Residential. Directly abutting the site is a unit development containing two single storey units. To the North-West of the site are some residential units located on Sophia Grove. This medium density housing situated on low density residential blocks is a consequence of a special allowance that was made in the 1970s. The proviso was made at the time that the accommodation was for over 55 year olds residents only. And it is our understanding that this continues today.
11. To the South of the site across the Burwood Hwy is service station, a couple of private residences and the McNichol Rd intersection. Tecoma Primary School, a Pathology service and a Church are further east on the South side of the road. This area is characterised as the community centre of the township.
12. A complex intersection occupies the centre of the township, where traffic lights control the traffic flow at the intersection of Sandells Rd and Burwood Hwy, but a little further to the West along Burwood Hwy, McNichol Rd intersects without traffic lights.
13. The site is highly visible from many residential streets in Tecoma, such as Terry's Av, Alec St and Tooroung Rd.
14. Tecoma has a resident population of 2189 (ABS Census 2006) and an age profile as shown in the chart below. It illustrates the very young population that Tecoma is home to.



C. The Proposal

15. The proposal aims to demolish the existing building on the subject site and construct three retail tenancies one of which is a supermarket with associated car parking, loading and storage facilities. The combined floor space of the retail area is 2258sqm.
16. Only one of the retail tenancies is designed to have access directly to Burwood Hwy streetscape, the remainder are to be accessed via the supermarket lobby.
17. The overall height of the building at the South side is between 6.3 – 7.9m and 7.5 –11.2m at the rear.

D. Applicable planning policies and controls

18. The following planning controls are applicable to the present application:
- 19. Clause 34.01 Business 1 (B1Z)**
20. The purpose of this zone is “To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.”
21. We understand that the zoning allows the use of the site for a retail premises, but the building and works requires a permit.
- 22. Clause 44.06 Wildfire Management Overlay (WMO)**

23. The purpose of this overlay is:

- To identify areas where the intensity of wildfire is significant and likely to pose a threat to life and property.
- To ensure that development which is likely to increase the number of people in the overlay area:
 - Satisfies the specified fire protection objectives.
 - Does not significantly increase the threat to life and surrounding property from wildfire.
- To detail the minimum fire protection outcomes that will assist to protect life and property from the threat of wildfire

24. The following State planning policies are particularly relevant to these proceedings:

25. Clause 11. Introduction

“It is the State Government's expectation that planning and responsible authorities will 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.”

26. Metropolitan Development (Cl. 12)

Activity Centres (Cl. 12.01)

“Concentrate new development at activity centres near current infrastructure and in areas best able to cope with change. Development is to respond to its landscape, valued built form and cultural context and achieve sustainable objectives.”

27. Neighbourhood Activity Centres

Ensuring Neighbourhood Activity Centres:

- Have a mix of uses that meet local convenience needs.
- Are accessible to a viable user population by walking and cycling.
- Are accessible by local bus services with public transport links to Principal or Major Activity Centres.
- Are an important community focal point.

Strategies to achieve this include (cl. 12.05–2):

28. Urban design

“Promote good urban design to make the environment more liveable and attractive by:

- Ensuring new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Requiring development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
- Ensuring sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.

- Ensuring transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects such as open space potential and the use of vegetation to maintain wildlife corridors and greenhouse sinks.“

29. Cultural identity and neighbourhood character

“Recognise and protect cultural identity, neighbourhood character and sense of place by:

- Ensuring development responds and contributes to existing sense of place and cultural identity.
- Ensuring development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
- Ensuring development responds to its context and reinforces special characteristics of local environment and place by emphasising:
 - The underlying natural landscape character.
 - The heritage values and built form that reflect community identity.
 - The values, needs and aspirations of the community.”

30. Settlement (CI 14)

“Planning authorities should plan to accommodate projected population growth over at least a 10 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well as the limits of land capability and natural hazards, environmental quality and the costs of providing infrastructure.”

31. Economic Development (CI 17)

Activity centres (cl 17.01)

“The objective of activities centres is:

To encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.”

Implementation:

“Activity centres should be planned to:

- Provide a range of shopping facilities in locations which are readily accessible to the community.
- Incorporate and integrate a variety of land uses, including retail, office, education, human services, community facilities, recreation, entertainment and residential uses where appropriate.
- Provide good accessibility by all available modes of transport (particularly public transport) and safe pedestrian and cycling routes, and to encourage multi-purpose trip- making to such centres.
- Minimise the effects of commercial development on the amenity of residential and parkland areas, for example as a result of traffic congestion, noise or overshadowing. “

32. Business (CI 17.02)

“To encourage developments which meet community’s needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.”

33. Design and built form (cl 19.03)

“To achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances livability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.”

General Implementation

“Development should achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.”

“For development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56, planning and responsible authorities must have regard to the following design principles:

Context

Development must take into account the natural, cultural and strategic context of its location.

A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

The public realm

The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

Safety

New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.

Landmarks, views and vistas

Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

Pedestrian spaces

Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows, and architectural decoration, should enhance the visual and social experience of the observer.

Consolidation of sites and empty sites

New development should contribute to the “complexity” and diversity of the built environment.

Site consolidation should not result in street frontages that are out of keeping with the “complexity” and “rhythm” of existing streetscapes.

The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.

Light and shade

Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.

This balance should not be compromised by undesirable overshadowing or exposure to the sun.

Energy and resource efficiency

All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.

Architectural quality

New development should aspire to the high standards in architecture and urban design.

Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

Landscape architecture

Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.

Planning authorities should emphasize urban design policies and frameworks for key locations or precincts.

34. Local planning policies are detailed in the Municipal Strategic Statement:

35. Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (Cl. 21.01-1)

“Key policy directions from the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan include:

There be no net increase in the total provision for residential development in the Dandenong Ranges, and no significant increase in the Yarra Valley and the southern foothills, beyond that provided for in proposals approved or exhibited at April 1979.”

36. Land Use (Cl 21.04)

Tecoma is classified in this clause as a foothills residential area and as such the planning scheme recognizes that “There is only limited potential for more intensive development in these areas if their established character is to be retained. “

37. Commercial Centres (Cl. 21.04–2)

Key Issues include:

- Commercial centres are important to local communities and there is a need to consolidate commercial uses in these areas.
- The challenge is to achieve (and maintain) a delicate balance between tourism, the environment and protecting the amenity of the existing residents.

38. Associated policy provisions include:

- Commercial centres are the preferred location for retail, business and community services and encroachment of these uses into other areas be discouraged.
- Any proposed land use reinforces and enhances the established role of the centre.
- The proposed use be located on a site that can provide adequate car parking without compromising the character and appearance of the built and natural environments.
- Traffic generated by a proposed use be able to be accommodated without compromising the functioning of the centre or detracting from the residential amenity of the surrounding area.
- Shops and business uses in the core area of the centre provide a continuity of retail display windows at ground floor level.

39.Cl. Objective 3 – Local Employment (21.04–3)

To facilitate local employment opportunities within the small townships dispersed throughout the Shire, especially opportunities based on the use of information technology and telecommunications in business activities or in servicing local needs.

Strategies

- Encourage and facilitate the establishment of businesses which have little or no impact on local amenity or the environment, and which provide employment and business opportunities, especially for people living in the small townships.

40. SETTLEMENT (cl 21.05)

“Key Issues:

Commercial centres in the Shire range in size from large suburban shopping centres on the metropolitan fringe, to those serving towns and smaller settlements in the rural and green wedge areas.

These commercial centres provide a range of retail, commercial and other community services and are important sources of employment opportunities for the local population.”

Objective 1– Sustainable Towns

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

Strategies:

- Enhance the economic viability, safety and efficiency of the towns.
- Encourage activities which reinforce the character and function of each centre while catering for local and visitor needs.
- Set strategic directions for future development and changes in land use.
- Encourage small business and their use by local communities.
- Promote good design and a high quality level of amenity which helps to define and enhance the individual character of each town.
- Provide for quality retail, commercial and community facilities which cater for consumer needs.
- Retain compact townships with their distinct village-like character and environmental features.
- Encourage land uses that will maintain and enhance the viability of the centre.
- Develop the continuity of shopping activity at street frontages in the core retail area.

41. BUILT FORM (21.06)

Key Issues:

- Buildings and works can have an adverse effect on the natural and built environments of the Shire, unless they are sensitively designed and sited.
- Areas of the Shire are subject to significant physical and environmental constraints including: steep slopes, extensive vegetation cover, lack of reticulated services, proximity to watercourses, areas subject to flooding, landslip and land instability, and visually prominent sites in sensitive landscape areas.
- 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 design and layout of development in commercial centres affects their level of accessibility, safety and convenience for users of the centre.

Objective 1 – Siting and Design

- To promote proper siting and good design in the construction of all buildings and in the carrying out of works.

Strategies

- Encourage the siting and design of development to respond to the characteristics of the site and surrounding 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.
- Implement performance based controls which promote good design in all types of

building construction to ensure that each proposal takes account of the site and its surroundings.

- Provide public information and advice on urban design issues, where required.
- Promote the construction of buildings that incorporate energy conservation principles.

Objective 2 –Commercial Centre Design

- 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.

Strategies

- Create attractive entries and a sense of identity for each centre.
- Provide safe and efficient traffic circulation within each centre.
- Design new development to be compatible with the established character and built form, or with of the surrounding commercial development.
- Minimise the intrusion of traffic movements associated with the centre into adjoining residential streets.
- 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.
- Provide a continuity of retail display windows at ground floor level in the core area of the centre.

Car Parking

- Ensure that there is adequate provision for car parking to meet peak needs and provide convenient access to the centre and minimise impacts on adjoining areas.
- Locate and design car parking to avoid disruption to continuous retail frontages or impediments to pedestrian circulation within the centre.

Policy

- The building setbacks, height, site coverage, design and scale of the proposed development be responsive to any established environmental and built form character of the centre and streetscape characteristics, and protect the amenity of the nearby residents.
- New development on sites adjoining residential areas, protect established residential amenity through the provision of appropriate building design, setbacks and landscaping which are compatible with the scale of nearby residential development.
- Landscaping be provided where appropriate to reinforce any established image or identity for the area, or the landscaping theme characteristic of the centre.

- Established mature trees and other vegetation which contribute to the identity of any centre, if practicable be retained and incorporated within any new development.

42.LANDSCAPE (cl. 21.07)

Objective 1 – Scenic Landscapes

“To retain and protect the scenic landscapes, rural and green wedge character and special environmental features of the Shire.”

“It is policy that:

- Any development proposal demonstrate that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form.
- All development be designed and sited to:
 - Have regard to the built form and to maintain design consistency with surrounding development and avoid detriment to the local environment.
 - Recognise the land capability of the site in terms of slope, land subsidence potential, viewlines, enhancement of landscape values, protection of water resources, retention of indigenous flora and fauna and associated wildlife habitats and other local amenity considerations, and so as to be unobtrusive in the surrounding landscape. .
 - Avoid prominent ridgelines, hill tops and other visually exposed sites.
 - The external surfaces, including roofs, of all buildings, except within Metropolitan Residential Areas as identified in plans showing Residential Areas, be treated with non- reflective materials and subdued colours to reduce the visual impact of the development on the surrounding area. This is particularly necessary where any development is proposed to be located on a visually prominent site.
 - On the completion of any development, the site be landscaped to protect and enhance the residential amenity, landscape character and any environmental features of the area.
 - The landscaping be planted within 12 months of the practical completion of the development or works and then be maintained to the satisfaction of the responsible authority.

43. Other relevant documents

- Parks Victoria visitation statistics
- Shire of Yarra Ranges Housing Strategy 2008
- Shire of Yarra Ranges Vision 2020 by Design 2008
- Shire of Yarra Ranges Tecoma Draft Urban Design Framework and Township Plan 2002
- Shire of Yarra Ranges Tecoma Township Neighbourhood Character Study

E. Statement of the issues

44. The Tecoma Village Action Group opposes the granting of a permit for the development of a supermarket on the subject land for a number of reasons. We wish to address the tribunal on the following 6 concerns that are fundamental to our opposition to this proposal:
- (a) The proposed development is out of character with the design and built form of the area and fails to minimise the impacts on neighbouring properties. This will have negative consequences for local amenity.
 - (b) The proposal fails to respond adequately to its interface with adjoining zones, in particular the residential areas.
 - (c) The proposal fails to achieve a scale and design that is compatible with the environment and built form elements of the area;
 - (d) The proposal is an overdevelopment of the site which could result in detriment to the amenity of the entire area particularly in terms of building bulk, scale, traffic, overshadowing and noise.
 - (e) The proposal will generate increased traffic flows, further traffic congestion and traffic hazards.
 - (f) It has not been demonstrated that the proposal will result in a net community benefit with detrimental impacts far outweighing any perceived benefits.

F. Main Submission

45. The subject site represents a significant opportunity to contribute to the development and enhancement of the Tecoma Village. A well designed and sensitively scaled commercial facility would be welcomed by us and we believe many of the residents of Tecoma. We do not believe that the proposal before us fits that description.
46. This is a site of considerable strategic importance which requires a alternative design that more fully responds to the constraints of the site, complements existing development, provides a suitable gateway to the Dandenongs, takes advantage of the spectacular view that is afforded to the North of the site and overall enhances the identity of the Tecoma village centre.
47. There is no question on the matter of whether a supermarket can be built on this site. From the planning scheme we see that it clearly can. The issue at hand for us is what size development is appropriate for this

site given the sensitivity of the location and the desire to minimise detrimental impacts.

- 48. This development cannot be considered insignificant. It will radically impact on the character of the village as a local shopping centre, tourist centre and a bushland residential area of the Dandenong Ranges.
- 49. This single development will occupy over 16% of the commercial road frontage along Burwood Highway (63m out of 375m). It will occupy over 20% of the commercial area in the village (3,733 sqm out of 17, 720 sqm). Much of the current commercial space is open car parking that does not detract from the current amenity of the area.



- 50. Artist impression of the mass and scale of the proposed development.



51. Residential Interface

We believe that the proposal's urban design does not contribute positively to the local urban character while minimising detrimental impacts on neighbouring properties as required by the CI 12.05, CI. 19.03 and CI. 21.06. The site is inappropriate for a development such as that proposed. Given the site's prominence on a ridge line, the development will also have an impact on the landscape view of residents both close and distant to the site. Our concerns relate to building setbacks, height, site coverage, design and scale.

52. This proposal presents its most unsympathetic side to the residential area of Tecoma to the North of the subject site, where there are five residential properties that currently enjoy high levels of amenity.

53. The proposed development's building height at this interface is in excess of 10m of solid precast walls in alternating shades of grey and extending a length of 33m. The setback from the residential property boundary is 5-6m. Given the slope of the site it is estimated that the perceived height of the wall for residents of Units 1 and 2/89 Sandells Rd will be 4 storeys.

54. The experience for residents of these units will be of an oppressive visual bulk. The pleasant enjoyment of the backyard of these properties will be

significantly undermined. This wall will retain and reflect heat into the neighbouring properties, increasing the intensity of the Summer heat. While it is the rear of these properties that face the proposed building, it is the kitchen area that will have the wall as an outlook.

55. Brenda Jellet, resident of 1/89 Sandells Rd is a member of TVAG and would like the Tribunal to understand the good fortune that she feels to have a home whose aspect and surroundings enable her to continue to enjoy her love of the outdoors despite her significant physical limitations. To be surrounded by 10m high walls on two sides is a detriment to the amenity of these residences.
56. Brenda is concerned that the wall will retain and radiate heat into her property and that this will contribute to discomfort that she currently does not have to worry about.
57. Another category of residential properties affected are those that will overlook the site to some extent. Some will see the rear wall or the building from a corner, others will see the roof as well. It will certainly be visible from many places on the fringe of Sherbrooke Forest and the Dandenong Ranges National Park. The planning scheme is supportive of development having regard for the enhancement of landscape values such that they "Avoid prominent ridge lines, hill tops and other visually exposed sites." (Cl. 21.07). Although we recognise that some type of development is inevitable and desirable for this site, despite its location on a visually exposed spot, we believe that a far more sensitive approach to the design and bulk can be employed. Indeed, we are of the opinion that this site would be best utilised by taking advantage of the view in some manner.
58. While the applicant has clearly attempted to modify the impact of the site, we believe that the amendments do not go far enough. The treatments proposed such as growing plants on the wall (we are dubious of the longevity of this treatment) and other modifications are simply to disguise the sheer bulk of the building. These are token gestures that fail to make up for insensitive design and overdevelopment of the site.
59. The residential interface is the most sensitive interface of the development in terms of the potential impact of noise. An acoustic fence is proposed adjacent to dwellings to deal with the noise coming from the car park and loading area. Proximity is one factor that contributes to the impact of noise. Increased levels of traffic along the Burwood Hwy and Sandells Rd will not be mitigated by the proposed acoustic fence and will result in a further erosion of amenity at the residential interface. Noise also travels across the valley and can carry quite a distance – the acoustic fence will do little to affect this. Further to this there is no mitigation of the noise that will carry down the west side of the building over towards Sophia Grove.

60. The ambient noise level in Tecoma’s residential areas is significantly lower than is that experienced in a typical suburb. Hills residents understand this. We can hear a twig snap five houses away. At night after the peak of the traffic has concluded, the area is very quiet, except for the pleasant sounds of owls and possums. One resident who lives at the far end of Sandells Rd, can quite clearly hear the train as it clicks over each of the sleepers in the early hours of the morning. Noise from the supermarket and associated traffic has to be considered in this more sensitive context.
61. Many of the residents in the units or houses to the rear of the site are retired and or elderly. Many spend most of their time at home. Their quiet enjoyment of the golden years stands to be overtaken by the constant noise of a supermarket at their backdoors. This will have profound effects on their quality of life, some of which may have implications for their health.
62. Below is a diagram of the location of the elderly residents in Sophia Gr. that back onto this site.



X Denotes Elderly Residents

63. Nearly all of those in Sophia Gr objected to this application.
64. We have outlined the key aspects that contribute to residential amenity at the North interface of the subject site. To ameliorate these effect a greater setback between the rear of the building and the residential interface is desired. The better solution would be a combination of an increased setback and reduction building height. This would decrease the building mass overall. The reduction in building height would also

respond to the concerns of those further away from the site but for whom the development would form a prominent feature in the view lines. Both these impacts could be dealt with by reducing the scale of the building overall.

65. With respect to the proposed landscaping, it is not clear how landscaping with anything but mature trees could even begin to provide adequate screening of the building mass. It is unclear from the material provided what the effect of the landscaping would be and over what time period. Maintenance would be a vital component for such a response to be effective. And as such seems to be susceptible to many possible changes, such as who is responsible for maintaining it, to the vagaries of the weather and others.
66. Landscaping will not hide the large expanse of the roof visible from the forest ridge and higher elevated residences. We are sceptical of the potential success of the green walls. The selection of plants also has us concerned. Gums are not usually recommended anymore for planting near residence, due to their propensity to drop heavy limbs unexpectedly and their tendency to disturb the foundations of buildings and underground pipelines. We note that the species selection includes trees such as lemon scented gums, a lovely tree, probably chosen because it is fast growing, but as a mature tree it is somewhere in the range of 20–30m. This is not something desirable to have within such a short distance to a residential property.
67. For the proposal not to significantly detract from the amenity experienced by the adjacent landholders to the North of the site, a larger setback would be required. This would allow for a vegetative buffer to be established with a range of plant heights and no large trees close to properties. We envisage the plantings would ‘step-up’ from smaller shrubs to larger trees as the distance from the residential properties increased.
68. We refer the Tribunal to the following precedent that reflects a decision made in relation to the interface of a proposed supermarket in Mt Evelyn and its impacts on existing amenity. The case is *Woolworths Ltd v Yarra Ranges SC* [2008] VCAT 789 paragraph 84:

“The Tribunal has commented that amenity expectation at zone edges are to be moderated in the context of what is encouraged in the adjacent zone, or indeed in both zones.

The imposition of a high wall, irrespective of treatments and articulation, and a loading bay used for deliveries and storage for a supermarket, is not considered by us to be appropriate.

The moderation of amenity, given the expectations of potential development opportunities due to the zoning and land use policy framework is noted. However, we consider that the level of amenity

expected for existing residents in Snowball Avenue remains relevant and important, and we consider that the development as currently proposed will create unreasonable impacts on the amenity of the residential area of Snowball Avenue.

The design of the supermarket interface with the residential area in Snowball Avenue represents a dramatic change with essentially no transition between commercial and residential built form. We consider that the outlook of the residents in Snowball Avenue to the rear of the supermarket and the loading bay area with screens and high walls, irrespective of treatments, will unreasonably impact on their amenity associated with the streetscape.”

69. If we were to apply the aspect of the decision above that the “that amenity expectation at zone edges are to be moderated in the context of what is encouraged in the adjacent zone” then we need to consider neighbourhood character of the low density residential zone that abuts the site. This character is detailed in the Shire of Yarra Ranges Tecoma Township Neighbourhood Character Study.

70. Tecoma Township Neighbourhood Character Study

Council has produced a series of pamphlets that divide the residential areas of Tecoma into a number of precincts. These were developed with extensive community consultation. Precinct 3 relates to the area covered by the residential properties at the northern interface of the proposed development.

71. There are two statements in this document relevant to the proposed development site that exemplify Council’s and communities vision for the area. In particular the vision statement specifies the need to limit the impact of dwellings on the landscape character by ensuring that the building remains below the [tree] canopy line; and that the community values include the need for ‘architectural styles which retain access to views. On these counts, the development proposal fails.

72. Burwood Highway Façade

The planning scheme specifies in Cl. 21.04-2 and 21.05 that a new development promote active street frontages and reinforce and enhance the established role of the centre. We do not believe that the proposed development meets these criteria.

73. We acknowledge that the amended plans have made a number of improvements to the design of the development. However we still consider the proposal to be out of character with the existing streetscape and of a design that is too dominant compared to the existing retail facilities

74. Cl. 21.06 one of the key issues for this clause is:

“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.”

75. And a strategy for achieving it is “Develop urban design themes for townships, based on their special character, role and function, and ensure that new development reinforces and consolidates those themes.”

76. The Shire of Yarra Ranges has undertaken work to progress this element of the planning scheme. A built environment framework for Yarra Ranges entitled ‘Vision 2020 by Design’ was endorsed by the Council earlier this year after a period of public consultation. While the strategy has yet to be implemented, it does provide strong guidance on both the Council and the communities preferred future for areas within the shire. This document provides urban character type design guidelines within which Tecoma is identified as a ‘Street based activity centre’.

77. The report articulates a ‘Preferred Character Statement’ for these centres: “Street Based Activity Centres in the Shire will be distinctive for their fine grain built form, with ground floor activity fronting traditional streets, and pedestrian activity concentrated along these streets. The centres will connect directly to surrounding residential areas via routes that provide a pleasant and safe pedestrian environment. A backdrop of vegetation will be visible behind the centre and views of the surrounding hills will be seen from numerous vantage points in public space.”

78. Vision 2020 by design allocates ‘big box type developments’ to other types of townships, much larger than Tecoma, such as Chirnside Park or Kilsyth. At the Council meeting in March this year, where this matter was refused, the councillors asked the applicant who would be the tenant for the proposed supermarket. This was not disclosed for stated commercial in confidence reasons, however in his response the applicant indicated that it was a ‘major’ and that they were only interested in the ‘big box’ type developments.

79. Tecoma Commercial Centre Character

The Tecoma streetscape is characterised by single storey small retail premises. The shops front Burwood Hwy with an continuous post supported verandahs and parapet facades, this provides a dominant but unifying character to the built form of the centre.

80. In contrast to the special character of the Tecoma shops, the proposed development’s design is one that will stand out significantly due to the choice of variable roof heights, large glazed areas and a very modern appearance.

81. The amendments also make attempts at providing the development with a more active street frontage, but this still misses the mark. For it to be an active street frontage in keeping with the existing character of the streetscape then all the retail tenancies would have entrance fronting directly on the footpath. The modified design has only one of the tenancies doing this, the other two are accessed via the supermarkets lobby area.

82. Tecoma as a gateway to the Dandenongs

CI 21.06 Built Form includes an objective for commercial centre design one of the strategies cited to achieve this is to : “Create attractive entries and a sense of identity for each centre.”

83. If the Dandenong Ranges are approached along Burwood Hwy, the first township that will be encountered is Tecoma. The proposed development would dominate the approach. And the goal of creating an attractive entry to the tourist destination of the Dandenongs will be undermined.

84. Western Facade

The application proposes to present a blank wall on the western face of the development. This wall would face a number of shops, offices and a restaurant. This is not sensitive to either the local character or the adjoining uses of the land. This will have a detrimental impact on the amenity experienced by the existing commercial properties abutting the site. Further to this the absence of pedestrian access to the site along this facade could undermine the safety of those who attempt to walk into the site from this direction anyway. Pedestrians will walk towards where they are going, this is most easily characterised by the trails we see across grass lawns, where people take the most direct route rather than walking on the provided angular pathways. This will happen here. Pedestrians will not go out of there way to use a footpath that is not a direct path to where they are going. Instead they will end up risking there safety as they walk down the ROW and into the car park.

85. Eastern Facade

This side of the proposed development presents a 10m high blank wall to Sandells Rd. There are considerable visual impacts for residents in Sandells Rd, the photomontages of the development provided give the impression that the development will look like an enormous shed from this angle. Our concerns for the rear of the building are also relevant to those we have for this facade.

86. Traffic, Car Parking, Truck Movements & Loading facilities

The traffic and car parking aspects of our objection to the proposal are being dealt with by Mr Evan Boloutis, Traffic Engineering Consultant.

87. TVAG engaged Mr Boloutis to conduct an additional traffic survey when our review of the Yarra Ranges Council Officer Report on the traffic aspects of the development did not accord with our experience of the

traffic flows, congestion and existing hazards as experienced as part of our daily interactions with this area either by car or on foot.

88. Further to this report we raise the following concerns.

The proposed plans do not show any provision for the smaller tenancies T2 & T3, to have access to or use of the loading bay area. Thus deliveries to these two street frontage tenancies will be made directly from Burwood Highway. This will impact on the current parking spaces along Burwood Highway which are used by all customers of businesses in the area. If the area in front of this development is re-zoned as a loading zone, this will impact upon the available parking for all businesses. If the area is not re-zoned, then where will trucks stop in order to make their deliveries?

89. The number of car parking spaces is still 120, which was below the minimum required under current council rules. Exceptions can be granted if there are other parking spaces available, but if street frontage spaces are lost due to being re-zoned for delivery trucks for Tenancies 2 & 3, and further parking spaces are lost in Sandells Road due to possible changes in the structure and lanes at the intersection with Burwood Highway, then there will not be an excess of other parking.

90. The 120 car parking spaces includes 3 spaces for staff. This is a ridiculous proposition and only allows one parking space per tenancy. To consider that supermarket employees will not occupy some of the remaining 117 parking spaces is ridiculous. If staff are prevented from parking on site they will have to park somewhere else which will impact on the customer parking spaces available to other businesses. Thus there is not adequate parking for customers being provided by this development.

91. There is provision for "parking" 14 bicycles and 4 motor cycle parking spaces. 7 of these bicycle spaces are in the lower carpark, as are 2 of the motorcycle spaces. Doubtful that these will ever be used by customers." Access to the B1 parking area was originally via internal access ramps from the rear lower roadway by the delivery dock but is now off the SHARED access laneway between the new development and the existing businesses. The entrance is set back a mere 10 metres from the front of the development and so is at the high end of the development. Access into the carpark will be via a ramp that is less than 5 metres in length. The exact height offset between the level of the carpark inside and the level of the laneway is unknown but from the plans could be as much as half of the height of the carpark, some 1.5 metres. This will result in an access ramp of some considerable slope (IN EXCESS OF 10 DEGREES AND AS MUCH AS 15 DEGREES) making it very difficult for drivers to safely enter and exit the B1 carpark off the laneway. Added hazards to safe ingress and egress of the carpark is the fact that delivery trucks will also be swinging off Burwood Highway into this laneway and trying to avoid cars entering and exiting the B1 carpark. The distance from the front of the building to the carpark entrance will be

approximately half the length of a semitrailer truck trying to turn off Burwood Highway. Thus if a car comes out of the carpark and prevents a truck from completing its swing into the laneway there will be several metres of truck still obstructing Burwood Highway. There is insufficient space for a truck to swing into the laneway at the same time as a car is trying to turn out of the carpark access ramp and into the same laneway.

92. Pedestrian Safety, Cycling and Public Transport Access

While Tecoma is classed as a Neighbourhood activity centre, it bears pointing out that the township does not fulfil many of the criteria of Cl. 12.01–3 such that if there were a category below this one, it may fit within that. A neighbourhood activity centre should be “accessible to a viable user population by walking and cycling” and “Are accessible by local bus services with public transport links to Principal or Major Activity Centres”. The topography of the area limits that accessibility by walking and cycling to those who are very able and fit. And the absence of footpaths on all but main roads limits accessibility of those with prams or walkers. Public transport servicing is poor with a half hourly train service (Tecoma Station is not well utilised due to the limited car parking), buses run very irregularly and with limited routes beyond the main road. Hence our belief that the supermarket will generate large increase in traffic and not achieve the sustainability goals of activity centres.

93. We are concerned that the proposed removal of the diagonal parking to make way for a left hand turn lane into the site from Sandells rd will result in the undesirable consequence of reduced pedestrian safety. This is a key route for school children as they travel up Sandells Rd or depart the car park to go to and from school.

94. Economic considerations

The planning scheme has a goal of seeing the development of sustainable towns with one of the objectives being to states that “Encourage small business and their use by local communities” (Clause 21.05 Objective 1). This development would see two restaurants lost to the township and have potential negative consequences for other local retailers. This outcome would not be in keeping with encouraging small businesses.

95. Many of the planning scheme clauses (cl. 21.05 related to business, economic development and commercial centres suggest that new developments in activity centres should add to the diversity and range of services available to the community. The categories of these services are described as including offices, retail, education, community facilities, recreation, entertainment and so on. The business zone in Tecoma is dominated by retail services, with only a small amount of the other categories described and no recreational facilities, community hall/centre or entertainment available locally. Given that this application is for another retail facility, its approval would actually limit the diversity and ranges of services available. Indeed this development, given the limited

availability of land in Tecoma's Business 1 Zone may exclude the establishment of any of these services.

96. Further to this, there is a wealth of retail supermarket type services available in the area. A map is provided at the end of this document to demonstrate this availability.

97. Any arguments based on population growth are false. The UYV&DR Regional Strategy Plan clearly specifies that there is to be no net increase in residential housing in the Dandenong Ranges. This was recently formally incorporated into the Shire of Yarra Ranges Housing Strategy. The Victorian Government recognises the Yarra Ranges as a whole as a minimal growth area whereby the population growth that may occur is due to natural replacement.

98. Local Employment

(Cl. 21.04-3 Obj 3) has the objective of facilitating local employment within the small townships. The two restaurants that will be demolished to make way for this development, have a combined staff of 19 people. The supermarket has allocated 3 carparking spaces for staff, if we take this on face value, and it is indicative of the employment opportunities to be generated locally, then it represents a significant net loss.

99. Tourism

Tourist are unlikely to use the supermarket because it is not one of the reasons that people travel one hour from the city to visit the Dandenongs. A lot of tourist coaches come up the Burwood Hwy via Tecoma but do not stop. They are destined for Puffing Billy and Grants Picnic Ground at Sherbrooke Forest which is estimated to receive around half a million visitors a year (Parks Victoria visitation statistics).

100. The shops are primarily utilised by locals with only infrequent tourist patronage. This is in contrast to the villages that dot the main ridge of the Dandenong Ranges along the Mt Dandenong Tourist Rd. Therefore we take issue with the council report that states that tourist oriented shops are pushing out local shopping opportunities - this is not the case in the Upwey - Tecoma - Belgrave corridor.

G. Conclusion

For all the above reasons we believe that the proposed development will not deliver an net community benefit.

We respectfully submitted that a permit for the proposed development ought to be refused.

