

PREAMBLE

The Mount Evelyn Environment Protection and Progress Association (MEEPPA Inc.) has a long and proud history stretching back through its Progress Associations which will celebrate its centenary in just over 20 months time. One hundred years of Progress that was successfully welded with an Environmental Stewardship that began 34 years ago to protect this fragile and beautiful area in the shadows of the Dandenongs.

It is a history that closely parallels that of the village that grew at the *'Dizzy Limits'* and is steeped in its dual roles as a Progress Association & an Environmental Protection body whilst working to protect the Mt Evelyn community from inappropriate development and the destruction of our natural environment, but demonstrably embracing sustainable changes as the village has evolved.

- The area is special, particularly because of the existing vegetation, and the open views both of the surrounding mountains but also from a range of vantage points including the residential streets, parks, trails and from and through the village centre. Many of us have been here for years and many of us came here later to seek those special qualities of the secluded lanes and bush gardens with fern gullies and crystal streams that give us an amenity to our lives that we do not want invaded now or in the future
- How we see ourselves is related to where we live and how that looks. We are not part of metropolitan Melbourne. We don't want to be part of metropolitan Melbourne. This place does not need metropolitan style transplanted buildings that look more like a freeway noise control wall than shops. We simply do not want *"an aircraft carrier in our fishing village"*.
- The special nature of our village has always been under threat of urbanisation and that probably answers for the fact why MEEPPA has always held a special relationship with its people and has always engaged those issues that threaten us collectively.
- Since the notoriety of the C 14 Amendment some 6 years ago we drafted, we wrote, we redrafted and wrote some more. We submitted to Council, to a Planning Panel and then even more after that until those months turned to years and on January 17 this year we won back a Design and Development Overlay (DDO 2) for our village. A shining example of how Progress can combine efficiently with Environmental Protection. We are the proud to be the authors of this very special covenant and we are prepared to fight tooth and nail to repel anyone who wants to invade it.

THE AMENDED PLAN

- The size and the scale of this proposed development is excessive and does not contribute in any way to the modest and low scale building character of the area, and as such this proposal is an unnecessary and gross overdevelopment.
- The development exhibits absolutely no empathetic qualities with the surrounding street scapes especially in regards to Snowball Avenue which is a Residential Zone. There is no transition in design and as such the design would reduce the level of amenity of residents in the locality.
- The most pressing concern is the with the Immediate Interface of this Development to this Residential Area given that Snowball Ave. exhibits typically low elevation built forms of dwellings in a residential streetscape that is not constructed of a pavement that is able to handle very large vehicles or the numbers of vehicles on a daily basis. This is a golden opportunity we should all

grasp to develop a worthwhile benchmark on how we can best create an interface between Commercial and residential properties – something that Town Planners know they often get wrong – so lets think outside the concrete ‘block’ and really work together on both sides of the road.

- This application smacks of inadequate planning time and has been ‘cobbled’ together to take advantage of an unfortunate **hiatus** that was *artificially* created between the DDO (Amendment C 56) being finalised and the DDO being accepted. For this reason the proposal exhibits a number of serious flaws that amply demonstrates how various Reports contradict each other giving the impression (and reality) that this Development is ad hoc in nature and not thoroughly thought through in a logical process.
- So many planning decisions have been left to conjecture or simply do not exist to the extent that the whole Development has been predicated on a notion of opportunism rather than on creating any aesthetic form that could in any way be considered to be consistent with existing Scale & Form – or even ‘consistent’ with anything that is presently there, in spite of what the Planning Scheme dictates.? No Signage has been finalised and **is subject to a separate Permit**. Another example of this ad hoc planning approach..
- On current indications the equatorial to solar inclination of the sun’s rays as expressed on the Context Plan are for **Eastern Summer Time?** Solar access in June/July would only account for **less than 3 hours per day** from June 22 (Winter Solstice) to the end of July. In addition the extreme height of this development would skew the angle of declination both at the start and end of the day. This appears deceptive and is wrong in it’s calculation.

PLANNING IN THE SOCIAL CONTEXT

- This Application derives it’s primary Strategic Justification from ‘selective’ Clauses quoted verbatim from the **State Planning Policy Framework (SPPF)** and **Melbourne 2030** in a very subjective manner. Whilst the statements are true these ‘**alone**’ comprise of very generalised Clauses and Statements that are at times generally too ‘broad’ by their very nature to have a fixed and more relevant impact on Local Planning Issues and for this application they do this **at the expense of the Local Planning Policy Frameworks comprising the Municipal Strategic Statement (MSS) of the Shire of Yarra Ranges Planning Scheme**.
- What would have been more relevant to this application would have been to discuss the implications of the **SYR Planning Scheme – Local Planning Policies 22.04** and their policy frameworks in relation to **Commercial Centres, Residential Accommodation and Structure Plans?**
- In addition to this **the State and regional Planning Context (Municipal Strategic Statement – Clause 21.03)** which incorporates ‘**Vision 20/20 – Yarra Ranges Community Plan (21.03-2)(7/12/2006 Amendment C 55)**’ as well as ‘**Township Policy Areas**’, ‘**Landscape Living Policy Areas**’ in addition to ‘**Commercial Centre Policies**’ are given very little consideration except for **one glaring error** that had occurred with the drafting of C 56 (‘the DDO’) which was outlined in the minutes of Council Meeting Agenda (11/04/2006) (Page 78). Francis Smith, Community Advocate, had attempted to relate **the ‘Mount Evelyn Business Plan’ re: ‘further fragmentation by the introduction of Big Box Supermarkets’....(page 10)** with provisions in the **MSS ‘Commercial Centres’ (21.03)** (See Economic Impact Statement below) regarding **..”achieving a balance...enhancing the amenity of living....improving the retailers’ ...ability to compete..”**

- In another ‘convenient’ lapse of research or disregard for ‘**Vision 20/20 – Yarra Ranges Community Plan (21.03-)**’ as cited above they have NOT quoted once from the 7 key themes of this Plan – principally the ..’**Social Fabric and Quality of life of the Shire in 2020**’..
- This aspect is covered in more detail under the ..’**Social Impact Statement**’.. (see Below) that MEEPPA has declared is not only necessary to be included in this Application but should be, soundly **based as it** on the implications for **Planning controls in the MSS**, and should become a regulatory feature of all large developments such as these **NOW** and in the future. In the absence of such a Statement it shall be shown below that parts of the Yarra Ranges Planning Scheme might become virtually obsolete overnight.

AMEND. C56 . THE DESIGN & DEVELOPMENT OVERLAY AS A SOCIAL IMPACT STATEMENT.

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- The Mt Evelyn community has a long history of involvement with planning, including strategic planning, with community-initiated plans having been both developed and accepted. This is an aware community that does care deeply about the place in which we live.
- The type of buildings that are built in the village need to fit with what is there, and also fit in with the aspirations of the community as shown in the strategic planning documents and the many community submissions made. This means low scale buildings, buildings that fit into a village. This is not a Lilydale or a Chirnside Park.
- The aspirations and ongoing engagement of the Mount Evelyn community and it’s expressed needs as shown through a number of strategic ,but non incorporated documents, show quite comprehensively that DDO 2 took the form of a ‘*Social Control*’ **as much as** a *Planning Control*. Therefore due to the nature of that forward planning DDO 2 is a reflection of the aspirations of this community and it’s determination in engaging Planning **with** the community rather than **at it:** and so the degree of involvement in this DDO should be looked upon in **equal** terms – **Essentially then DDO 2 is a Social Impact Planning Statement that speaks to the developers as much as it ‘speaks out’ for this Community’s aspirations and needs.**

RESPONSE BY THIS PLAN TO THE DDO

There are very few areas where there is any successful response to the provisions of the DDO. We are of the belief that although Woolworths were informed of it’s Provisions they did not either feel the need to respond oor simply were not interested.

SCHEDULE 2 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO2

MOUNT EVELYN TOWN CENTRE

1.0 Design objectives _____ General design objectives for whole town centre:

To reinforce and strengthen the distinctive character of the Mt Evelyn town centre.

It does not achieve any of those characteristics and does not match the ‘fine grain’ design as per Panel report.

To maintain the pedestrian scale and fine grained rhythm of the streetscape of the existing shopping streets.

Fine grain rhythm of this design is inconsistent with how the Panel described that characteristic. Certainly not achieved in Station Street. Not Achieved

..
To maintain the low rise character of the town centre.

The Visual and Actual bulk of the built form especially from the Primary View (York Rd footpath) as discussed at the Panel completely dominates the any low rise character. The dominance of the street scape from the south is totally unsatisfactory. Not Achieved

..

To protect key views from within the town centre to the Dandenong Ranges and surrounding areas.

The response to the slope and the expansive bulk across the ill defined heights occlude any views from Wray Crt. North. Any view from Snowball ave. will be non existent. Not Achieved

.. **To protect the bushland character of the centre.**

By its bulk and nature it cannot do this as bushland is more like camouflage around it's bulk than embellishing the bushland character. Not Achieved.

..

To promote Wray Crescent and Station Street as the hub of the Mt Evelyn town centre and the main focus of pedestrian activity.

To a degree it does. We doubt the designs ability though to provide for much pedestrian activity ACROSS the site

.. **To encourage a continuity of active frontages to Wray Crescent and Station Street.**

.. Wray Crt possibly but most certainly NOT in Station Street. The Primary View from the south will be unrelated and cubistic.

To ensure that development on the eastern side of Snowball Avenue is consistent with the residential character of the street.

This is where we begin to talk about Freeway Noise abatement walls and the like. This is one of the most disgusting features off this Plan. This is a shocker. Never achieved like this!

..

To ensure that buildings with visible roof form make a positive contribution to the character of the centre.

..The wide expanses of roof forms make it un achievable.

To ensure that the design of buildings responds to the site slope.

..It attempts to respond at the northern end but then at Station Street it stills presents as a 'cliff face'

To encourage medium density residential development including shop top housing on sites within and adjoining the established commercial area. Irrelevant to this Plan.

2.0 Buildings and works

Development should maintain a low rise character and should not exceed two storeys (up to 8 metres) above natural ground level. A third storey may be considered where it is setback or recessed.

.There is nothing that is Low rise about this development. It should respond through more attention to the 8 to 9 metre slope. It is simply irrelevant to measure existing buildings within the village in an attempt to justify some of the more outrageous heights. A more stepped approached might have led to more interesting forms. Completely fails.

Development should not obscure views to the Dandenong Ranges (and maintain a view of middle distance vegetation within these views) from Outlook Park, the Warburton Trail and from the elevated northern end of Wray Crescent.

..
The flat expanses of roof levels but more especially the Mezzanine roof will block the views both mid distance as well as Mount Dandenong. This is extremely disappointing. Fails.

Development should avoid visible expanses of flat roof and support a varied and interesting roof form. Plant and equipment of roofs should generally not be visible. They will still be visible in all direction. The stepped roof should have smaller components.
Development should be stepped with slope so that changes in natural ground level do not result in built form with a visual bulk that undermines the low-rise and fine-grained character of the centre. See above. The Visual bulk from the 3 Primary Views will be undermine any finer grained premises. The Visual and Actual bulk is unacceptable. Fails.

..
Buildings should be constructed to the street frontage along Station Street and Wray Crescent except where a setback is required to enable retention of significant vegetation.

The Flame Tree will suffer from more compaction. Station Street will be a 'wall' of cement.

Development should provide a stronger physical and pedestrian connection between the hub of the town centre in Wray Crescent and Station Street and sites to the rear of the town centre including the supermarket development in the south - east corner of the town centre.

There is no pedestrian activity or connection across the site. Fails.

.. **Building canopies or awnings giving continuous all weather protection must be provided along the street frontage to Wray Crescent, Station Street, York Road and Birmingham Road .**

In spite of this provision there will still be frontages without awnings or weather protection.

.. **Development (including corner sites) should provide active frontages to Wray and Station Streets.**

The corner from Station to Wray including the Glass House is still not satisfactory. Active frontages (per Panel) can also include vegetation.

.. **Development on the east side of Snowball Avenue should respect the residential character of the street by the following:**

.. **Avoid the presentation of blank walls to the streetscape.**
.. This type of development using any type of unstepped wall will never respect or balance the Residential side of Snowball. Ave. This fails miserably to do this. (See Notes)

The use of landscaping, setbacks and building articulation to address the visual balance of the street.

.. There is NO visual balance in this design at all and walls like this could hardly be articulated. On balance this Interface if it is allowed to proceed will be the greatest disaster for our village. It could have been one of our greatest challenges and may yet be! But this fails miserably on all points,

Development on public land should retain and extend indigenous vegetation and protect fauna habitat.

Fauna habitat will be affected across zones that link Public Land. Otherwise Provision is irrelevant...

Development on land adjoining the Warburton Trail or open space areas in Birmingham Road should be designed to protect the bushland character of the open spaces areas.

.. Not envisaged but flight corridors of Powerful Owls could be affected.

Car parking and vehicle access ways within road reserves along York Road and Birmingham Road should retain and extend areas of indigenous vegetation.

Not envisaged. Irrelevant.

THE SOCIAL CONTEXT IN THE PLANNING

WHERE THEN IS A REASONABLE SOCIAL IMPACT STATEMENT?

The Victorian Planning and Environment Act 1987 (Amended 2005) SECTION 4

4. (2) The objectives of the Planning Framework established by this Act are -

(d)

To ensure that the effects on the environment are considered and provide for explicit consideration of Social and Economic effects when decisions are made about the use and development of land.

Therefore the Act **does** assume that there will be ‘*explicit consideration*’ ‘*for the effects on the environment*’ as well as the *Social Effects*, which is regarded in the same manner as the *Economic Impact* and that when the decision/s are made, they should be made in light of what impact or effects have been considered about how to **develop** the land appropriately for the use it has been designated. However because it may be zoned *commercial* that does not automatically mean that it is zoned ‘Supermarket’! There are a myriad of other more exciting and appropriate possibilities that this Association has pursued in the past with the Developer.

This also relates and attempts to **expand on** what has already been discussed under the ‘**The Planning Frameworks**’ as outlined earlier in this submission.

- Due to the fact that under the SYR Planning Scheme Mount Evelyn is a Residential Foothills Township with a commercial centre that exists in part for the benefit of residents and Tourists. MEEPPA believes that a full **Social Impact Statement** should still be undertaken in any large development... **‘to provide for the explicit consideration of social.....effects’ (as provided for under the Act)** such as this, as it fundamentally changes the order of life and the way people ‘use’ and perceive their town in their everyday activities, be it for commercial, leisure or recreational activities.
- This should be a **Regulatory Feature in this and any future Application to change the ‘Townscape’ and IS SUPPORTED DIRECTLY BY PROVISIONS in the SYR Planning Scheme and the Planning Act itself.**
- The ‘fracture effect’ on small family business’ combined with the eventual extinction of the traditional Shopping Strip will have a severe social impact on the town.
- The erection of a monolithic concrete structure will not only brutalise the aesthetics of the modest nature of what is existing but will be an attraction for graffiti and other delinquent behaviour due to the complete **absence** of any security or lighting plan. Why build a new Skate Park when a developer is promoting a 3 storey one?

- There is no mention, analysis, map or any other indication of Street Lighting, lights on buildings or places that are illuminated in such a large complex. Such a large centre exhibiting such extensive car parks MUST show a complete lighting plan.
- The Fragmentation of the township at present as outlined in the Urban Design Framework (UDF) will in no way be improved as there is no access across the pedestrian zones that this document promotes.
- The safety factors due to increase vehicle zones will be an attraction to 'hoons' and will lead to anti – social behaviour.
- **Absolutely NO** attention appears to have been paid to any 'Social Impact' to date within the SYR Planning Scheme, but planning guidelines in the SYR **DO** address these concerns in the -:
- **The State and Regional Planning Context (21.03)** Extreme and sudden urbanisation can be seen to 'brutalise' the very people that are affected by it most – the residents.

....'The shire will..need to ensure that demands for tourism,recreation and leisure.. are **redirected to those areas capable of coping with high usage levels, and not to the more sensitive areas of high conservation and environmental value...**

..the Vision 2020 Statement – Yarra Ranges Community Plan recognises this in the provision of the **.'Social Fabric and Quality of life in the Shire in 2020 ..'** and that **..'Our world class Shire will be sustained by a.. rich Social Fabric that is consistent with and support it's environmental values..'**

- This development flies in the face of nearly every facet of the **'Yarra Ranges Community Plan'** and if this development is adopted then the SYR Planning Scheme at best is severely compromised but at worst parts of could be made redundant overnight.
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- With that in mind MEEPPA insists that under the *Victorian Planning and Environment Act* that the **'Social Effects'** are immediately assessed and an investigation in to why this has not been forthcoming when it was expressly requested at the time?

Thus at a MEEPPA meeting on June 8th. 2007 the following resolution was passed and is expressly inserted here as we feel that it's strategic justification outlined in the Rationale for it is very important in considering this Application.

That in the future any large development applications that seek to affect the whole community that a full **'Social Impact Statement'** should form part of the Regulatory Process at a council level and form part of the Application process in any large development such as D/A 2006/1619...." *As these large developments fundamentally seek to change the order of life and the way people use, live in and perceive the amenity of their townships, it's facilities, in their everyday activities be it for Commercial, Leisure or Recreational activities the impact on the general community should be one of our fundamental concerns...."*

Rationale: In MEEPPA's submission to the Original Application which is significantly relevant it was considered extremely important during our own submissions from our membership that the Social consequences of these developments are never or very rarely considered which in IS at odds with relevant parts of the Shire Yarra Ranges Planning Scheme and Section 4 of the Planning & Environment

Act.? For this reason we included a 'Social Impact Statement' with our submission on the aforesaid Submission and formally submitted to Council the above resolution on 8 June 2007.

Principally the strategic justification for this was the *State and Regional Planning Context Clause (21.03) also*

(21-03-2) 'Yarra Ranges Community Plan'. Which frames an important part of the Vision 20/20 statement. Also of the seven key elements, of which the relevant part here is the 'Social Fabric & Quality of Life in the Shire in 20/20'.

Since by definition 'Social Impact' addresses *...the fate of those people living in organized communities and how they interact with their environment*.. we should assume that any infrastructure or proposal that proposes to modify or change those circumstances (especially in their built environment) then any changes that may have *any degree of affect or Impact* should be assessed and reported on in any major development.

The assumption that rulings at VCAT are more to do with 'built form', 'amenity of existing areas' etc. is erroneous in this sense since *Clause 21.* does address what the Shire *prescribes* for our communities in the next decade and beyond; but more especially because it IS incorporated into the SYR Planning Scheme. In that sense these provisions are just as valid as the inclusion of an 'Economic Impact Statement' and to deny that the social consequences of change are off less importance is an abrogation of all our responsibilities to the communities we serve now but more importantly for those come after us.

That Responsible Authorities and Tribunals should now insist on determining the Social Impact as it now assumes more urgency in light of some recent decisions. The decision from the Macedon Ranges Shire Council V Romsey Hotel Ltd is an example. This case certainly concluded with a thorough examination of the *Social & Economic Impacts*, the recognition of community opposition and that such a development as this could be *'detrimental to the well being of the Community'*.

This super market proposal, along with it's built and Visual bulk will be extremely detrimental to the well being of our people in the Social sense (Vandalism, Security and Urban Brutalisation), Environment (Vegetation and Wildlife Corridors) Economic (The extinction of the small business sector) and Health (Safety of Pedestrians and Traffic Impacts)

OTHER PLANNING ISSUES

- As with the original application the Landscape plan appears to have re-mapped Mount Evelyn with locations that just do not exist. (P6) *'Mature Trees at the Northern end of Wray Crt'* – they are down Birmingham road? (30) *'Wray Crt. at the intersection with Snowball Ave'* – As with the original application this location does not exist? We wonder if this an insidious attempt to rename this part of Birmingham Rd to Wray Crt. to enable Trucks to use this part of the Birmingham Rd. service Rd as a 2 way street?
- Copies of Present Titles are not enough to convince us that we have the sites of 2 possibly 3 heritage areas contained within the area of this application - 'Common Property' Right of Way – The history of this **land demands a Full Search of Titles** prior to the 1914 Subdivision. In this area there is still land delineated as the 'Valinda – Post Office' (*Valinda was the previous name of the town prior to 1914*) and we have full documentary evidence from 'Coghill & Son' that was promoted in the Melbourne Age prior to the famous (or infamous) *'Dizzy Limits' Land Sale (so called as it was the highest elevation on the Warburton railway line)* This is the rare and original

Auctioneers Map of this sale which was discovered some years ago now and has been professionally preserved.

- Later evidence possibly suggests a 'Kauffman (?) Street' and a 'Hay Lane' (?) which is a natural consequence of the 'Station Paddock' that was once part of this location. This at least accounts for the 'Right Of Way' which does have a name after all. To be fair this would not have been evident to the current landowners at the time of their purchase but we would request of Council to have the Developer respect and address these facts in any future deliberations.

ACOUSTICS (Plant, Equipments and vehicles)

- . NO design or form has ..'as yet'.. been made available of rooftop refrigeration and air conditioning plant in the plans. It seems that this will be the subject of another separate planning and that it will be recessed into the roof level towards the Wray Crt. side. How large, How high but more importantly how loud?
- The noise levels from trucks and semi trailers in Snowball Ave, along with noise levels from refrigeration and air conditioning plants which according to the Development Application has as yet NOT been designed and is not outlined in this proposal makes this application a nightmare for any residents in nearby residential streets. Especially in Snowball Ave and Birmingham road.

TRAFFIC PLANNING

Essentially this amended Application states that all access (Ingress and egress) to the Loading bays will be from the North, up Wray Crescent into the Birmingham Road *Service Road* (WHICH IS ONE WAY – TOWARDS THE WEST!) and then into Snowball Ave. where now 14 metre trucks are able to pull in and then back up to the loading bays using only one crossover(?) Do we know how long these semis will be in the Loading Bay?

More seriously we have recently been informed that most trucking firms certainly do not check on the destination of their deliveries to see what size of trucks are required at various locations. We suspect that given the original application using 17 metre trucks this would be most common. If a 17 metre truck was loaded for Mount Evelyn instead of a 14 metre truck it would be extremely unlikely to have a firm unload a truck and then dispatch the *correct length* for just Mount Evelyn. Our sources have informed us they would ..'wing it and cop the fine if they were ever there to catch us'.. The police do not enforce this and we are of the suspicion that the local council would be expected to open a compliance office on the corner of Snowball and Birmingham Rds.

- Given that the trucks could do a legal turn (West) into Birmingham Service Road 14 metre trucks would not be able to negotiate the turn back into Birmingham Road given the dimensions of the Traffic Island and the width of the road. Further to this the proposed works on the corner of Snowball and Birmingham Road which will create a 'Sawcut' corner will make the road approximately 3.8 metres wide to protect cars in the service Road. This future development announced in March 2007 would make it impossible for any truck to negotiate this corner. (Photographic Evidence Supplied)
- At different times of the day it appears that some semis would have to queue up to wait for other vehicles leaving or exiting Snowball Avenue. How will the residents be able to access their homes if they are unable to get into their street or houses which is a fundamental 'RIGHT' of Ownership?
- Truck deliveries in Snowball Avenue were to be in the order of 20 to 30 per day with up to 7 of these being 14 metre long semi-trailers. The original proposal is relevant here and stated then that that the ...'adequacy of the Snowball Ave pavement (road surface) is not KNOWN at this stage. The road is a residential Street and was not made for these very heavy and very long

vehicles. The road surface would last 5 minutes! We have gleaned it is a 40mm. seal for light domestic vehicles.

- **Yarra Ranges Planning Scheme 52.07 ‘Loading and unloading of vehicles’** states that an additional 18 sq. metres for Developments exceeding 2,600 sq.metres (and in overall dimensions this does) is required for Loading Bay Dimensions. The applications there is no indication of the area in this proposal but it appears under the size required and would be illegal under the present SYR Planning Scheme. In addition there is now only one crossover.
- The turning templates appear exaggerated based on recent photographic evidence that once again shows a huge disparity between actuality and virtuality through a computer program.

ARBORCULTURAL, Landscaping and Vegetation and it’s Impact on Fauna.

- The use of both Indigenous, Native and Exotic vegetation by some of Mount Evelyn’s most famous species which have Flight Paths across the town will be covered more adequately by Ms. Clare Worsnops Presentation.
- There is nothing wrong with the Silky Oak (*Grevillea Robusta*) and should not be removed?
-
- There is concern for the future of Nature Strip trees in Snowball – all native given that footpath will certainly require realignment as well as the Nature Strip **‘appropriation’** are promoted to disguise the need for a larger setback of the western wall.
- The Application should also consider the ‘Illawarra Flame Tree’ is ..**‘considered to be on site’?** The setback here has made a hard won and protective precinct for our town after such rigorous efforts to save it in the past. Council should be also be appraised of the threat of increased compaction around this tree of ‘cultural’ note.
- We consider that the Liquid Amber and Pinoak has more significance than ‘Pencil Pines’?

OTHER ISSUES

- Once again the Setback visually in Snowball is achieved at the expense of the Council Nature Strip which is approximately 2 metres wide in places. The relevant setback in the Plan is 2.2 to 5 metres due to the ‘Residential Interface with residents on the other side of Snowball Avenue’. We also note that the screen fence in one report (P26 Fulcrum)..’includes an offset of the screen fence near the Loading Dock of **300 metres** – some fence!
- The Basement car park at South end is 6 metres below ground level. Clematis Creek still flows under Station Street. A complete Geo-technic Report MUST include a full and detailed analysis of the Lower Car parking Level given that Station Street was formerly a creek (Clematis Creek) which is now piped in it’s entirety along the length of Station Street. How would this facility impact on the streams potability and long term sustainability. Would engineering tolerances and foundations have to be increased and would this not fundamentally change the design of the proposal? Where then is the **‘Natural Ground Level’** given that Station Street is the original and historic ‘bank’ of Clematis Creek?
- There is *still no clear indication* if the Entry Mall encroaches onto Crown Land and especially the R.O.W. (Right Of Way)

- The height of Car Parks provide for no details of services, suspended sullage, water pipes or Sprinkler systems and all within a 2.1. metre height! The Entry height of 2.1 metres would not allow any of the disabled buses e.g. The Melba Centre and Walking stick Club to park in the development as they are in excess of 2.3 metres high in order to transport wheel chairs.
- We are assuming that this Application is NOT an application for Dispensation of car parking as the net gains under the Planning scheme dictate 8 parking spaces per 100 sq.metres of developed space. At 4.7 per 100 sq.mts. this would be the smallest ratio ever permitted!
- The artistic renderings are all distorted with a **negative** factor far understating their perceived (actual view) size from the viewpoint in perspectives achieved. Achieved we suspect with a flexible or wider Fish Eye Lens? The views along Snowball avenue given the relevant setbacks amount to 'Visual Lies'. The landscape rendering in the 'Vegetated' view was created primarily to camouflage the gable to the Mezzanine Floor which on closer investigation shows clearly that the building does not have any roof line that would be clearly visible from Wray Crt. in the other direction and which would block out any views to the South East – protected under DDO (2). Therefore the rendering of the Development from the Wray Crt.view is substantially wrong and would be clearly visible above the shops –quite especially the Mezzanine Level roof. Further to this the 'Glasshouse' on the corner of Snowball and Station street has been rendered from a height well under the acceptable visual height of 1.7 metres. Whilst the actual photograph may be in line with the acceptable height it is estimated that the actual rendering was achieved from a visual height of approximately 1 to 1.2 metres? This accounts for the exaggerated Roof line (given that it is a skillion type roof) that juts out over the pavement as well as the foreshortened and distorted perspective towards the east up Station Street. We suspect this was done to camouflage the parapet of the Store itself which should be visible from that location standing in Station Street?

HEALTH ISSUES

- If the site is developed in any way, firstly residents in Snowball Avenue and then secondly, 'Business' in Wray Crt. will have to be evacuated due to the fact that under OH&S regs. it would be considered to be a 'Contaminated Site' exhibiting a great deal of Pure Asbestos quite apart from that contained in the Dwellings and the various out houses. 18 station Street exhibits Pure unadulterated corrugated Asbestos by way of a 30 to 40 metre long fence at times nearly 6 feet high! Apart from this the same Pure Asbestos extends to the Station Street/Snowball corner and is used as a retaining Wall.
- All remnants AND FIBRES of this extremely toxic substance would have to be removed if consideration was ever given to excavation especially for any shop selling foodstuffs which this development promotes! A completely detailed Department of Health Report in association with a full EPA Report should have been submitted to assess the degree of contamination on the site.
- In addition to this there is NO description or explanation of how ventilation from the Subterranean Car Park will occur to allow exhaust fumes to be vented. It is assumed that this will be to the Snowball avenue side (The Western Wall) where the toxic fumes will be vented! Where are the 'Exhaust Fans located for such a large area? Where is the Acoustics Report on these?
- In addition to the Road safety issues from increases in traffic, the lack of lighting and the unacceptable noise levels the health and safety issues are still unsatisfactorily dealt with or are non-existent. The dramatic increase in traffic flow and the large trucks using Wray Crt. will create severe safety hazards for children and the elderly especially in an area which is predominantly

residential and pedestrian in nature and where large groups of children will be at risk due to the proximity of such facilities as the Scout and Cubs Hall .This is further exacerbated by the still unsatisfactory and contradictory nature of the Application's Traffic report where Immediate Interfaces (Snowball) – Reversing Alarms are still able to be ..'disabled'..on large vehicles which becomes illegal ..**'if they form part or design of the vehicle'**..

MOUNT EVELYN ECONOMIC IMPACT STATEMENT (EIA) –

We have included only a small part of the original statement from the Original Application where it is deemed to be relevant, but are of the belief that due to the expanded Retail Space and Trading Area that this item in the amended application has been totally overlooked and ignored. With the failure of receiving any such newly amended information we can only proceed from the Original Application parts of which we gather are still relevant in view of the fact that nothing has been generated to replace them.

That the MTA (Main Trade Area) as distinct from (PTA) Primary Trade Area Based was based on a dubious telephone study by 'Dimasi' 300 people from Mt. Ev. And Seville?

- Once again the claim that residents travel from Mt.Evelyn to Yarra junction to shop at a Safeway is ridiculous and was never supported when it is considered that we have 2 very large Shopping Centres and 5 other Safeway stores, the closest of which is 9 minutes away and the furthest just under 15 minutes.
- The claim that the Development would return \$9164 per sq.metre p.a. in it's first year returning profit of \$25.6 millions p.a. (c.f. Olive Tree S.C. @ \$4678 per sq.mt.p.a.after 23 years) in a growth area! Mt. Evelyn for **next decade** will barely average overall a stagnant growth. So same size 'cake' just more shops? The 'catchment area' was never reassessed for this application but would remain very much the same as Mount Evelyn's 'fate'. With a dramatic increase in floor space of some 24% are we able to reconfigure that these amounts could be increased by a similar figure making that assertion in the region of \$11200 per sq. metre?
- **Escape expenditure** – Even more money will in fact leave the area as ALL Goods AND Services will be paid to outside of existing commercial enterprises through their own network and Outsourcing associates and will not source any local produce or production e.g. Bakers as IGA do. Eventually with the Predatory Pricing activities they are noted for, Woolworths will create a monopoly which will drive people away from the town.
- All profits will be go outside the MTA and will flow elsewhere. At least IGA have a 'Community Chest' and assist the local Community – especially the CFA.
- This extremely deceptive '**Multiplier Effect**' alluded to that **1 job= .9** of another **IS NOT** an ABS supported statistic? **The Maleny Experience** (Qld) shows us that this statistic by the **Independent Retailers Association is in reality a LOSS of 1.7 jobs for each new job** in an area such as Mount Evelyn which displays virtually stagnant population growth across the next decade. In fact Mount Evelyn will experience a period of negative population growth for a period of 30 months beginning in July of 2009 depending on how an effective Housing strategy Plan can be configured.

- This **'Statement' delivering a \$25.6 million inflates profits by nearly 100%!** The telephone survey conducted that had been commissioned by 'DIMASI' was a joke. If 150 people within a 5 Km radius of Mt.Evelyn is ..*'truly representational'*. ..well then what about 1500+people at the 4 Public Meetings in the middle of Mount Evelyn who have said it would destroy local business?
- The METIC Business Plan was quoted out of context. This has never been quoted correctly when on Page 10 of this Business Plan it states that the most important ...THREAT to Mount Evelyn Business is....**'Further fragmentation by introduction of Large retailers e.g. Big box Supermarkets'...?**
- If, as it says. that the MSS sets out the vision, objectives and strategies for managing Land Use and change then why is Clause 21.03. The most striking phrases from this Clause are....**'achiev(ing) a balance'.. and improving EVERY ...'retailers ability to compete'**.... Not just a giant Super Market chain which will remove the very things that this 'clause' ensures – especially the small business sector in the Wray Crt 'Strip'!

To be complete Part 2 Clare Worsnop MEEPPA 2 Statement Environment & the DDO (2) 28 March.

Appendix 1

About (EPA) then (MEPA) and then MEEPPA and its Achievements over the Years.

The Evelyn Progress Association evolved from the Railway League sometime in 1903.

- In 1907 Mr. Peter W. Pendlebury, its first named 'Secretary' in association with Mrs. Helen E. Joy and 11 other people petitioned the Victorian Education Department for a school. The school opened in 1910.
- In 1912 it petitioned for the first policeman.
- In 1913 the Evelyn Progress Association was keen to promote the town as the highest point on the newly opened Warburton Railway Line and the prefix '*Mount*' was added to convey a sense of place.
- The **Mount Evelyn Progress Association** (MEPA) was formally named in 1919 after interest had been spasmodic during the First World War.
- MEPA worked closely with the community during the 1920's bringing such improvements as the first telephone to the station as well as a Post Box.
- In 1925 our first '*Tourist Brochure*' was produced in partnership with the *Warburton Progress Association*.
- 1927 submitted to the Shire of Lilydale a plan to purchase land abutting Olinda Creek which eventually became the Recreation Reserve and Camp as well as confirming the Olinda Creek frontage at Swansea road. Beautification and walks were established in the district.
- In 1928 Electric Street Lighting, although sparse at first, illuminated the Main Street.
- From mid 1930's to the early 1950's MEPA, with varying changes in its membership, was instrumental in providing a Mechanics Institute, assisting various Churches, a Public Hall, as well as organising the first Christmas Pageant with Carols, Christmas Lights in the main Street with a Public Christmas tree.
- In 1957 MEPA successfully lobbied for the Main Street to have reticulated water. In 1961 an elderly Citizens Club was established and later in 1965 joined with the 'Save The Dandenongs League'.
- Although MEPA had already distinguished itself with environmental beautification for many years in 1974 the modern MEEPPA as we know it today was formally re-formed to include "**Environment Protection**" to protect against inappropriate development such as the duplication of Hereford Road in 1972 and the establishment of the disused Aqueduct land as a 'Linear Park' which today is such a valuable Community Asset.
- Out of this era emerged the 'Friends of the Aqueduct' as well as 'friends of the Water Race & Quinn reserve' etc.
- We continue today with this rich legacy of Community Representation and Achievement for the benefit of generations to follow and remain as one of Victoria's oldest Progress Associations.

OUR MISSION - OUR VALUES

In consultation with the Community we will protect our Natural Heritage and work closely with Local Government on matters of environmental enhancement balancing this with sustainable and appropriate development. From footpaths to major capital projects such as new street intersections.

We continuously monitor, promote and protect the unique water resources that form part of our beautiful environment. We have continued to seek improvements to the use of Olinda Creek for nearly a century – and our work is not finished yet.

We appreciate and protect our rich Flora and Fauna and where possible and seek to educate the wider community in our efforts.

Mount Evelyn is *the home* of the Powerful Owl and we are the Custodians of the '*Owl Land Reserve*' to the north of the town. One of only two to be set aside exclusively for owls in the world (to this date). We administer this in partnership with Local Government as well as seeking Corporate Sponsorship such as SP Ausnet and Johnson Tiles. This work is ongoing. The '*Owl Pages*' (Deanna Lawis) currently lists the '*Mount Evelyn Owl Lands*' as **Only 3 of Fully dedicated Owl Sanctuaries listed world wide**. Since that time 'Owl Farm' U.K. has been completed. The other sanctuary is located in South Africa. It was only through our Monitoring Team and Expertise Study (including some amazing photography) undertaken that this significant acknowledgement was finally determined. We are justifiably proud of this achievement and we continue to monitor 4 other families that inhabit town Fringes.

Find the listings here at this link <http://www.owlpages.com/links.php?cat=Nature-Sanctuaries> We continue our responsibility of monitoring the welfare of our breeding Powerful Owl Families and record their successes but also this year, unfortunately, their failures. That is why in April of last year we developed an '*Owl Core nesting Area Protocol*' that has been accepted by all Environmental Agencies including the Shire Teams.

We have successfully petitioned and lobbied for a Design & Development Overlay to apply over the township precincts in an attempt to protect small businesses as well as preventing inappropriate commercial development. We are committed to the principle that our town should reflect it's village heritage and atmosphere.

We produce and distribute publications that promote our environment as well as the rich history of the area through our associated History Group.

We represent residents, where possible, on standing committees, initiated by the Shire of Yarra Ranges. For example new 'Burning off Laws'.

We undertake plantings of indigenous plants and are committed to weed eradication in the greater Dandenongs.

From time to time we arrange full Public Meetings on major contentious issues that affect the township as a whole and engage the community to seek what directions they expect of us.

We are a, non sectarian, non aligned and fully independent Association with membership open to anyone who agrees to abide to the articles of the association.

MEEPPA and its members, in its dual roles of Progress Association & Environmental Protection have a long and proud history of working to protect the Mt Evelyn community from inappropriate development and the destruction of our natural environment, whilst embracing sustainable changes as the Township evolves.

Although the current phase dates back to 1972, when the Mt Evelyn Community rallied to stop the widening of Hereford Road, MEEPPA's predecessor, the The Mount Evelyn Progress Association (MEPA) of the early 1900s and beyond, have been working to bring the essential services to our

Community, eg Town Water, Postal Services, Railway services etc Since our reincarnation in 1972, MEEPPA has through its members worked to balance the need for development & change with the preservation of our Natural Resources, our creeks Bushland flora and fauna and preserve the habitat of the endangered species with whom we share our environment.

Some of the many issues on which we have worked closely with the Shire & the Community are. - Vision 2020, Saving the Warburton Trail and its ongoing establishment as a linear park and its upkeep, The Owl Land , with the help of the Wider Community & the Shire was saved from subdivision and later negotiations with TXU (now SPAUSNET) lead to the Partnership and a grant of \$66,500.00 for its rehabilitation and revegetation. In 2007 'Johnson Tiles Australia' joined us as a Community Building exercise to develop a range of Mosaics to be placed in the owl land entrances.

We have attracted grants from Melbourne Water to clean up & re-vegetate the Olinda Creek along Tramway Road & The Mt Evelyn Recreation Reserve. The picnic camping Reserve was first set aside as a Camp Reserve in association with Shire of Lilydale in 1929 and we can trace our presence their back to this time. We have also recently discovered a colony of the endangered Broad-toothed Rat. These small creatures are extremely rare and haven't been recorded in our area since the 1970s.

We have also discovered the presence of a very rare crustacean (*'Pygmy Mountain Shrimp'* – *Melbourne Water – Jamie Ewart 2006*) in the Olinda Creek this little creature is endemic to this area and is the only place it is known to occur in the world to date. A significant find.

We work with the Australian Platypus Conservancy monitoring the health of the Creek & its Platypus which live here. In February of this year we completed an impact statement on the Olinda Creek corridor between York Rd. and Swansea Rds with a view to restoring the 'Source to the Lake Trail'. This was submitted to Council on 13 Feb. 2007 with a host of compliance issues that has defied imagination. We have alerted the Shire to illegal activities & environmental damage by land holders along the Olinda Creek and are working towards the establishment of a walking trail along the Olinda Creek

We have given talks to Community Groups like U3A, and Schools in the area eg Pembroke Secondary College & Billanook College.

We have lead working groups in the area and from afar, to work on & learn about our Natural History. these include The Salvation Army, CJP and many others

We have published the Original Garden & Tracks to Trails for the community to learn about our history & flora & Fauna, and are currently working on a brochure on "Bringing Back The Bush" and hope to complete the book, *"The History of Native Fauna in Mt Evelyn, Under the Canopy"*

MEEPPA has been instrumental in establishing many of the groups who currently work here. These include the establishment of Morrison House, Aqueduct, Water Race & Quinns Reserve, Mount Evelyn History Group, and were responsible for the publication of the Mt Evelyn Community Rag in the 1990s. It was from this that the Mt Evelyn History Group was formed.

We received a grant to attract new members to our group with which we taught a group of adults Mosaics which will soon be placed in the Owl Land.

We have been working with the Shire on numerous issues as a Township Group, these include, Burning Issues, Electoral Boundaries, Charity Bins, Management plan for The Mt Evelyn Recreation Reserve &

Morrison Reserve, All this and much more whilst working tirelessly with our Community to save our township from the inappropriate development of the "Safeway & specialty shops," in the centre of town. We have organized 4 public meetings, numerous rallies and press opportunities Public demonstrations and spent countless hours working with the Shire to achieve the best outcome for Our Town.

We are also the authors of DDO (2) which put many many hours of our time into developing the Design & Development Overlay for our Township Our Members have given openly & generously of their time to maintain the core values of our township, both the human residents & the Flora and Fauna that reside here.