



KNOX CITY COUNCIL AGENDA

STRATEGIC PLANNING COMMITTEE

Meeting of the
Strategic Planning Committee of Council
To be held at the Civic Centre,
511 Burwood Highway, Wantirna South
on Tuesday, 13 December 2016 at 7.00pm

Under Section 89 of the Local Government Act 1989, Council may resolve that the Meeting be closed to members of the public if the Meeting is discussing any of the following issues Personnel Matters, Personal Hardship of any resident or ratepayer, Industrial Matters, Contractual Matters, Proposed Developments, Legal Advice, Matters affecting security of Council property, any other matter which the Council or Special Committee considers would prejudice the Council or any person

APOLOGIES

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Tony Doyle
Chief Executive Officer

ALL WARDS**1. SUSTAINABLE BUILDINGS POLICY 2016 REVIEW**

SUMMARY: *Acting Coordinator Sustainable Futures
(Sam Sampanthar)*

The current Sustainable Buildings Policy expires in December 2016 and a review of the existing policy and review of the implementation of the policy was undertaken. Following the review, no major changes to the existing policy is proposed. The reviewed Sustainable Building Policy is presented for adoption.

RECOMMENDATION

That Council adopt the Sustainable Buildings Policy 2016 attached as Appendix A to this report.

1. INTRODUCTION

The Sustainable Buildings Policy 2016 (Appendix A) helps provide a policy direction for new Council buildings and major Council building refurbishment projects to ensure that the long term ESD implications of buildings are taken into account during design and construction. The policy, which was originally adopted by Council in 2007, and amended in 2013, proposes to continue the use of a suite of Sustainable Design Assessment tools including BESS (Built Environment Sustainability Scorecard) and other independent ESD assessment tools (e.g. Green Star) to Council projects.

2. DISCUSSION

Following a review of the Policy, no major changes are proposed to the existing Sustainable Buildings Policy. The Built Environment Sustainability Scorecard (BESS) is a building assessment tool that supersedes the tools that were available in the previous policy (STEPS – Sustainable Tools for Environmental Performance Strategy and SDS – Sustainable Design Scorecard). BESS is currently used by Knox Council to assess non-residential and residential developments.

Key features of the Policy include:

- Explicit targets to achieve energy efficiency, water efficiency, waste reduction and storm water treatment in Council building projects over \$100,000;
- Meet a minimum 25% efficiency over existing minimum standards for both water and energy use, a 70% recycling target for demolition and construction waste and achieve 100% in Melbourne Water's STORM calculator;
- Require Council officers seek specialist technical advice in the development of the project business case, at the design stage and in the auditing of final designs prior to tender; and

1. Sustainable Buildings Policy Review (cont'd)

- Include ESD principles into the project brief at inception, and in tender documents.

A Tracked Changes version of the existing policy is presented in Appendix B to highlight all changes made to the Policy as part of the review.

3. CONSULTATION

The proposed Policy and associated documentation has been developed with input from Facilities, Major Initiatives Unit and ESD Referrals Officer.

4. ENVIRONMENTAL/AMENITY ISSUES

Council is committed to community facilities that are resource efficient, affordable to operate, enhance the natural environment and consider the broader needs and health of occupants both now and in the future.

The benefits of sustainable buildings include cost savings from reduced energy, water, and waste; lower operations and maintenance costs; reduced public liability; improved stormwater and biodiversity outcomes; and enhanced occupant productivity and health.

5. FINANCIAL & ECONOMIC IMPLICATIONS

Many aspects of good ESD design, such as designing compact buildings with good solar orientation and improved insulation, will have minimal capital and operational cost implications. For example a well orientated and insulated building can reduce the size and capital cost of heating and cooling plant.

For higher cost energy saving and renewable energy features, life cycle costing should be employed to demonstrate financial savings over the life of the building. Life cycle costing shows the real cost of tradeoffs between capital and operating costs over the operational life of the building.

For most projects, an ESD budget of between 2% to 5% of the overall project budget is allocated for ESD costs above the minimum standards to achieve the policy. This ESD allocation should be considered as an investment that will return benefits over the life of the building, as retrofitting a building afterwards is more expensive.

Incremental ESD costs are additional costs for implementing ESD measures over and above the business as usual minimum standards (for example the cost difference between the minimum required insulation and the R4.0 insulation under the Sustainable Buildings Policy). Recycling or reusing building construction waste is increasingly becoming standard practice in most building projects, driven by rising landfill costs (approximately \$100/tonne) and the scarcity of raw materials (e.g. copper).

1. Sustainable Buildings Policy Review (cont'd)

At present, all of the concrete, bricks, steel, metal, electrical wiring, plumbing fixtures and glass is recycled from building demolition projects, with new recycling markets emerging for mercury containing lights, flooring and timber.

6. SOCIAL IMPLICATIONS

Sustainable buildings are healthier to occupy and more affordable to operate. The policy encourages the utilisation of natural ventilation and natural light as well as avoid the use of toxic additives (such as in glues, sealants and paints) to improve indoor air quality.

7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

Theme 3: Vibrant and Sustainable Built and Natural Environments.

- Energy, Water and waste efficient design is increased in residential, business and industry sectors and community facilities.
- Significantly improved integrated and sustainable transport systems and infrastructure and provided to improve opportunity, choice and access for all.

Theme 5: Democratic and Engaged Communities.

- Increase understanding of our changing environment to inform planning for the future City.
- Promote innovation and the pursuit of excellence in Council's practices, projects and service delivery.
- Promote social, economic and environmental responsibility in Council's decision making.

8. CONCLUSION

This report recommends Council adopt the revised Sustainable Buildings Policy 2016. By adopting the Policy, Council has the ability to reduce its consumption of valuable natural resources. The reduction in consumption will also reduce Council's operating costs into the future, reduce carbon emissions, reduce the use of potable drinking water and assist in Council delivering on many of its established strategies.

9. CONFIDENTIALITY

Not applicable.

Report Prepared By: *Acting Coordinator Sustainable Futures
(Sam Sampanthar)*

Report Authorised By: *Director – City Development
(Angelo Kourambas)*

APPENDIX A

KNOX POLICY



SUSTAINABLE BUILDINGS POLICY

Policy Number:	2007/01	Directorate:	City Development
Approval by:	Council	Responsible Officer:	Manager City Futures
Approval Date:	13 December 2016	Version Number:	3
Review Date:	31 December 2018		

1. PURPOSE

The purpose of this Policy is to provide a consistent approach for the inclusion of Environmentally Sustainable Development (ESD) principles into Council projects.

Environmentally Sustainable Development (ESD) principles essentially set out to guide the design and construction of a building towards more sustainable principles and creating spaces that require fewer resources to maintain them as habitable and pleasant places to occupy.

Through the inclusion of ESD principles into all Council buildings, Council has the ability to reduce its consumption of valuable resources. The reduction in consumption has a longer lasting effect in that it will reduce Council's operating costs into the future, reduce carbon emissions, reduce the use of potable drinking water and assist in Council delivering on many of its established strategies.

2. CONTEXT

The Sustainable Buildings Policy succeeds the Environmentally Sustainable Design Policy 2007. The Policy and the associated document "***Knox Council Sustainability Requirements: Sustainable Design for Council Buildings***" should be referred to when planning for, or carrying out works on new or existing Council buildings.

3. SCOPE

This policy applies to the design and construction of all new Council buildings **and** all substantial renovations, renewals and upgrades of Council buildings (of \$100,000 or above).

This policy proposes that Knox City Council uses the Built Environment Sustainability Scorecard (BESS) and other independent ESD assessment tools (e.g. Green Star) through leadership in the application to Council projects.

4. REFERENCES

The Sustainable Buildings Policy is supported by the following documents and legislation.

4.1 *Knox City Plan 2013-17*

- **Theme 3:** Vibrant and Sustainable Built and Natural Environments.
 - Energy, Water and waste efficient design is increased in residential, business and industry sectors and community facilities.
 - Significantly improved integrated and sustainable transport systems and infrastructure and provided to improve opportunity, choice and access for all.
- **Theme 5:** Democratic and Engaged Communities.
 - Increase understanding of our changing environment to inform planning for the future City.
 - Promote innovation and the pursuit of excellence in Council's practices, projects and service delivery.
 - Promote social, economic and environmental responsibility in Council's decision making.

4.2 *Relevant Legislation*

- Local Government Act 1989 - Objectives of a Council (SECT 3C).
 - (1) The **primary objective** of a Council is to endeavour to achieve the best outcomes for the local community **having regard to the long term and cumulative effects of decisions**.
 - (2) In seeking to achieve its primary objective, a Council must have regard to the following facilitating objectives.
 - (a) to promote the **social, economic and environmental viability** and sustainability of the municipal district;
 - (b) to **ensure that resources are used efficiently and effectively** and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;
 - (c) to improve the overall quality of life of people in the local community;
 - (d) to promote appropriate business and employment opportunities;
 - (e) to ensure that services and facilities provided by the Council are accessible and equitable;
 - (f) to ensure the equitable imposition of rates and charges; and
 - (g) to ensure transparency and accountability in Council decision making.

4.3 **Related Council Policies and Strategies**

- Knox City Plan 2013 – 2017.
- Climate Change Response Plan 2012 – 2022.
- Water Sensitive Urban Design & Storm water Management Strategy (2010).
- Knox Integrated Transport Plan.
- Access to Built Environment Policy.
- The Integrated Community Facilities Planning Policy 2016.

4.4 **Related Council Procedures**

- Knox Council Sustainability Requirements: Sustainable Design for Council Buildings (2013).

5. DEFINITIONS

ESD	means Environmentally Sustainable Development or Design
BESS	means Built Environment Sustainability Scorecard
Green Star	means a Building rating system developed by the Green Building Council of Australia
STORM	means Storm water Treatment Objective- Relative Measure

6. COUNCIL POLICY

It is Council policy that all new Council buildings, and where possible renovations, renewals and upgrades over the value of \$100,000 will:

- Demonstrate at Business Case stage how they contribute towards achieving Council's targets in relation to energy conservation, reduction of greenhouse gas emissions, water conservation, waste minimisation, recycling and use of recycled materials, at inception and when complete;
- Ensure that the Business Case includes budget for items required to meet ESD principles;
- Meet a minimum 25% efficiency over existing standards for both water and energy, a 70% recycling target for demolition and construction waste and achieve 100% in Melbourne Water's STORM calculator;
- Require program coordinators to seek specialist technical advice in the development of the project business case, at the design stage and in the auditing of final designs prior to tender; and
- Include ESD principles into the project brief at inception, and in tender documents.



KNOX POLICY

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Approval Date:	22 October 2013 <u>13 December 2016</u>	Version Number:	2 <u>3</u>
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Environmentally Sustainable Development (ESD) principles essentially set out to guide the design and construction of a building towards more sustainable principles and creating spaces that require fewer resources to maintain them as habitable and pleasant places to occupy.

Through the inclusion of ESD principles into all Council buildings, Council has the ability to reduce its consumption of valuable resources. The reduction in consumption has a longer lasting effect in that it will reduce Council's operating costs into the future, reduce carbon emissions, reduce the use of potable drinking water and assist in Council delivering on many of its established strategies.

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This policy applies to the design and construction of all new Council buildings **and** all substantial renovations, renewals and upgrades of Council buildings (of \$100,000 or above).

This policy proposes that Knox City Council ~~continues the use a suite of Sustainable Design Assessment tools including STEPS (Sustainable Tools for Environmental Performance Strategy), SDS (Sustainable Design Scorecard) uses the Built Environment Sustainability Scorecard (BESS)~~ and other independent ESD assessment tools (e.g. Green Star) through leadership in the application to Council projects. ~~Council also applies these tools to planning permit applications, home builders and renovators.~~

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The Sustainable Buildings Policy is supported by the following documents and legislation.

4.1 *Knox City Plan 2013-17*

- **Theme 3:** Vibrant and Sustainable Built and Natural Environments.
 - Energy, Water and waste efficient design is increased in residential, business and industry sectors and community facilities.
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- **Theme 5:** Democratic and Engaged Communities.
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- Ensure that the Business Case includes budget for items required to meet ESD principles;
- Meet a minimum 25% efficiency over existing standards for both water and energy, a 70% recycling target for demolition and construction waste and achieve 100% in Melbourne Water's STORM calculator;
- Require program coordinators to seek specialist technical advice in the development of the project business case, at the design stage and in the auditing of final designs prior to tender; and
- Include ESD principles into the project brief at inception, and in tender documents.

ALL WARDS**2. AMENDMENT C151 TO THE KNOX PLANNING SCHEME – CORRECTION OF MINOR AND ADMINISTRATIVE ERRORS**

SUMMARY: *Senior Strategic Planner (Jayna Liew)*

Amendment C151 is a fix up amendment to the Knox Planning Scheme. The Amendment proposes to fix up minor, technical and administrative errors within the Knox Planning Scheme, including anomalies in zoning and ordinance. Many of these anomalies have resulted from evolution (incremental amendments and changes) of the Planning Scheme over many years. As this is an administrative exercise which officers consider will not cause material detriment to any person, it is recommended that Council request that the Minister for Planning exempt this Amendment from usual requirements to notify owners and occupiers or place notices in local newspapers, and instead provide notice only to prescribed Ministers and in the Victoria Government Gazette.

RECOMMENDATION

That Council:

1. Seek authorisation from the Minister for Planning to prepare and provide notice of Amendment C151, as shown in Appendix A to this report.
2. Request that the Minister for Planning exempt Council from notification requirements for Amendment C151 pursuant to Section 20(2) of the *Planning and Environment Act 1987*.
3. Subject to receiving authorisation and exemption from public notification requirements from the Minister for Planning pursuant to Section 20(2), give notice of Amendment C151 to prescribed Ministers and in the Government Gazette only. Should exemption not be received, place Amendment C151 on public exhibition for a period of at least one month.
4. Resolve that, pursuant to Section 19 of the *Planning and Environment Act 1987*, Council form the belief that no owner or occupier of land, Minister (other than prescribed Ministers), public authority or municipal Council will be materially affected by this amendment.
5. If no objecting submissions or submissions that cannot be resolved are received, adopt Amendment C151 (as shown in Appendix A) and submit the adopted Amendment to the Minister for Planning for approval.

2. Amendment C151 – Correction of Minor Errors (cont'd)

- 6. Authorise the Director – City Development to make any minor changes required for approval of Amendment C151 by the Minister for Planning, provided these are consistent with the intent of the Amendment as shown in Appendix A.**

1. INTRODUCTION AND DISCUSSION

The Knox Planning Scheme inevitably contains minor errors arising from amendments of the Planning Scheme over many years, or where conditions on the ground no longer match planning controls. Council's Strategic Planning team carries out routine, administrative 'fix ups' of the Knox Planning Scheme to ensure that these errors are addressed.

A full list of amendments proposed are detailed in the Explanatory Report attached at Appendix A. Broadly, the changes and corrections relate to:

- Deleting vegetation protection controls where protected trees no longer remain or where other vegetation planning controls are more appropriate;
- Correcting minor errors to planning zone maps, such as where shopping centre car parks are zoned for residential uses;
- Deleting Environmental Audit Overlays which required potentially contaminated land to be investigated or remediated to the satisfaction of the Environment Protection Authority (EPA). These requirements have been met, and certificates for these residential estates (Harcrest, Wantirna South and Waterford Valley, Rowville) are attached at Appendix A; and
- Cleaning up references to redundant overlays and ordinance.

2. CONSULTATION

It is considered that the 'fix ups' proposed to the Knox Planning Scheme are minor in nature, relate to redundant planning controls, and will not introduce new planning controls or cause detriment to any land owner. Hence, it is not recommended that community consultation be undertaken. Consultation with internal departments, including Property Management, Leisure and Recreation, and Statutory Planning, has been carried out where relevant.

With regard to public notification, section 19 of the *Planning and Environment Act 1987* ('the P&E Act') details the notification requirements for Planning Scheme amendments.

The P&E Act provides a mechanism at section 20(2) for Council to request that the Minister for Planning provide exemptions from any of these public notification requirements. It is recommended that Council seek this exemption. Council will still be required to provide notice to a prescribed list of Ministers.

2. Amendment C151 – Correction of Minor Errors (cont'd)

The P&E Act at section 19 also allows Council to make its own decision as to whether it believes any Minister (except Ministers which the P&E Act requires compulsory notice to, known as 'prescribed Ministers'), public authority, municipal Council, or owner or occupier of land will be materially affected by the proposed amendment. Given the very minor nature of this 'fix up' amendment, it is therefore recommended to Council as per the above section of the P&E Act that there will be no material effect (see Recommendation 4).

It is considered unlikely that submissions will be received to this Amendment which cannot be resolved by Council officers. It is therefore recommended that, in the event that no objecting submissions or submissions which cannot be resolved are received, the matter should not return to Council for adoption. Instead, the Director – City Development will be authorised to submit the adopted Amendment to the Minister for Planning for approval. Should objecting submissions be received which cannot be resolved, this amendment will be reported to Council for consideration prior to adoption.

3. ENVIRONMENTAL/AMENITY ISSUES

No environmental or amenity issues are anticipated.

4. FINANCIAL & ECONOMIC IMPLICATIONS

The changes proposed may assist economic development by addressing clear anomalies in planning controls affecting several shopping centres, and by deleting environmental controls which have now been satisfied.

The cost of undertaking this routine amendment will be accommodated within existing City Futures budgets.

5. SOCIAL IMPLICATIONS

Amendment C151 will remove errors, seeking to ensure that the Knox Planning Scheme remains accurate, contemporary and easy for the community to use.

6. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

The proposed 'fix up' amendments to the Knox Planning Scheme will assist in achieving the Knox Vision across all City Plan objectives, but in particular will implement objectives from:

Theme 1: Healthy, Connected Communities;

Theme 2: Prosperous Advancing Economy

Theme 3: Vibrant and Sustainable Built and Natural Environments;

2. Amendment C151 – Correction of Minor Errors (cont'd)**7. CONCLUSION**

Amendment C151 proposes to address minor discrepancies and errors within the Knox Planning Scheme. This represents a routine, administrative exercise to ensure that Council's Planning Scheme is relevant and effective.

As the amendment is administrative in nature and will not have an impact on landowners or the community, it is recommended that Council seek exemption from the Minister for Planning to allow reduced public notification.

8. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

Report Prepared By: Senior Strategic Planner (Jayna Liew)

Report Authorised By: Director – City Development (Angelo Kourambas)

APPENDIX A –**Amendment C151 - Planning Scheme documents for submission to the Minister for Planning**

- **Explanatory Report**
- **Proposed Amendment documents**
- **Background information**

Planning and Environment Act 1987

**KNOX PLANNING SCHEME
AMENDMENT C151
EXPLANATORY REPORT**

Who is the planning authority?

This amendment has been prepared by the Knox City Council which is the planning authority for this amendment.

The Amendment has been made at the request of Knox City Council.

Land affected by the Amendment

The Amendment applies to:

1. Part 3A and 3B 881-887 Burwood Hwy, Ferntree Gully.
2. Koolunga Native Reserve and adjoining residential properties at 28, 30 and 32 St Elmo Avenue and 11, 13 Vaughan Rd, Ferntree Gully, and 11 Shirley Court, Boronia.
3.
 - a) Knox Community Gardens Vineyard, Boronia;
 - b) Norvel Road Quarry, Ferntree Gully;
 - c) J.W. Manson Reserve, Wantirna;
 - d) Part LP3723 Nortons Lane, Wantirna South;
 - e) Caribbean Business Park, Scoresby;
 - f) 74 and 78 Acacia Road, 1152, 1154, 1-8/1154, 1-6/1156, 1158 Burwood Highway, Upper Ferntree Gully;
 - g) Part of the Eastlink Reservation south of Wellington Road, Rowville; and
 - h) Part 98-100 Lewis Road, Wantirna South.
4. Harcrest Estate, Wantirna South.
5.
 - a) Lot A and B of Waterford Valley Estate, Rowville; and
 - b) Harcrest Estate, Wantirna South.
6. 55-67 Ferndale Road, Upper Ferntree Gully.
7. Stud Park Shopping Centre, Rowville.
8. Reserve 27 Reservoir Crescent, Rowville.

What the amendment does

The Amendment:

1. Rezones part of 3A and 3B 881-887 Burwood Hwy (Lots 3A and 3B PS415952) and Part Lot CM PS145952, Ferntree Gully from a General Residential Zone Schedule 2 (GRZ2) to a Commercial 2 Zone (C2Z).
2. Removes the Vegetation Protection Overlay Schedule 2 (VPO2) from Koolunga Native Reserve and adjoining residential properties - Lot 1 Forest Road, Ferntree Gully (Lot 1 LP 87550, CA 53M OP 102261); part 28, 30 and 32 St Elmo Avenue, Ferntree Gully (Lots 1-3 LP 125841); 11 Vaughan Road (LOT 9 LP 56705), 13 Vaughan Road (LOT 4 LP 125841), and 11 Shirley Court, Boronia (LOT 50 LP 50463).
3. Removes the Vegetation Protection Overlay Schedule 1 (VPO1) from various parcels of land:

- a) Knox Community Gardens Vineyard - part 254 Scoresby Rd, Boronia (Lot PART CA 40B)
 - b) Norvel Road Quarry - part 18Q Dion Street, Ferntree Gully (Lot 1 TP 574584);
 - c) J.W. Manson Reserve - part 57R Selkirk Avenue, Wantirna (Lot PART CA 26 (Reserve));
 - d) part LP3723 Nortons Lane, Wantirna South (Lot 13C Parish of Scoresby);
 - e) Caribbean Business Park - part 2 Caribbean Drive, Scoresby (Lot PART S2 PS 630757);
 - f) 74, 78 Acacia Road, 1152, 1154, 1-8/1154, 1-6/1156, 1158 Burwood Highway Upper Ferntree Gully (Lots 1-3, PD402408, Lots CM, 1-8 PS645270, Lots CM, 1-6 PS412720, Lot 1 TP13);
 - g) Part of the Eastlink Reservation south of Wellington Road, Rowville; and
 - h) Part 98-100 Lewis Rd, Wantirna South (Lot 1 TP 820878, Lot 2 TP 820878, Lot 2 PS 412676).
4. Amends the following land within the Harcrest residential estate from a Mixed Use Zone (MUZ) to a General Residential Zone Schedule 1 (GRZ1): Part 1 (Lot Res1 PS630774), part 2-20 (Part 1009-1018 PS641635), 19 (Lot Res3 PS630773), 21, part 23-25 (Lots 1019,1020, 1021 PS641369) and 25A (Lot Res 1 PS641369) Bloom Avenue, Wantirna South.
5. Removes the Environmental Audit Overlay (EAO) from various parcels of land:
- a) Waterford Valley Estate - 115 (lot B PS642758), 125 (Lot A PS642758), 127 (Lot G PS642758) Bunjil Way, Rowville, and 79 Karoo Road Rowville (Lot E PS642758);
 - b) Harcrest Estate - 22, part 24 and 25, 27-41 Appledale Way, part 262, 263, part 269, 270-277 PS705529), 2-16, 1-13, part 15 Cascades Way, (Lots 1157-1164 PS724273, part 1149,1150-1156,PS705511), part 8, 10-28, part 5, 7-21 Flora Grove, (Lots part 1146, 1142-1145 PS724269, 278-28, part 285, 286-293, PS705529), part 29, 31, 22R, part 44, Part 46, 48 ,50 Grove Way, (Lots part 260, 261 PS705229, part 1122, part 1123, 1124 -1125, RES1, RES2 PS722539), part 37R, part 42, 44-60 Harcrest Boulevard, (lot part RES1, part 313, 314-322 PS705504), 1-7 Mirror Way (Lots 256-259 PS648826), 1-33 Reflection Drive, (Lots 209-217, PS648226, Lots 1100-1107 PS705512), 525 Stud Road (LotB8 PS705504, part Res1 PS705529) and part 30, 32-46, 49-51 Verdant St, Lots part 302, 294-301, 306-307 PS705529),Wantirna South.
6. Removes Restructure Overlay 1 from 55-67 Ferndale Road, Upper Ferntree Gully (Plans CP163898, CP163897, CP364179, CP102024, Lots 111, 114,-116 LP5334).
- Amends the incorporated plan named "Restructure Plan 1, November 1999" which is an incorporated document in the schedule to Clause 81.01 by removing 55-57 Ferndale Road, Upper Ferntree Gully from the plan, and deleting all properties identified under Restructure Plan 2 (which was deleted from the Knox Planning Scheme by C099).
7. Stud Park Shopping Centre – 1101 Stud Rd, Rowville.
8. Amends the table in the Schedule to Clause 45.01 to remove reference to Public Acquisition Overlay 5 (PAO5) as the control no longer exists in Planning Scheme maps.

Strategic assessment of the Amendment.

Why is the Amendment required?

1. The land at 3A and 3B 881-887 Burwood Highway Ferntree Gully and the adjoining car park forms part of a small commercial centre along the Burwood Highway and is partially zoned Commercial 2 Zone and General Residential Zone Schedule 2 (GRZ2). A more appropriate outcome for this site is for the whole of the land to be zoned as C2Z, which is consistent with the zoning of adjoining properties.

2. The amendment proposes to remove a Vegetation Protection Overlay Schedule 2 (VPO2) from the Koolunga Native Reserve and surrounding residential properties.

None of these property addresses or Melway coordinates are listed in or correspond to those listed in the VPO2 table. Hence, the VPO2 does not have any ability to control removal of vegetation at these properties. However, these properties are affected by Significant Landscape and Environmental Significance Overlays (SLO2 and ESO3), which will adequately protect significant vegetation onsite.

3. A review of Schedule 1 to the Vegetation Protection Overlay was undertaken through the review of the Knox Planning Scheme, including a desktop review of VPO1 maps. A number of properties and road and open space reservations were identified where vegetation was incorrectly identified or subsequently removed, making the VPO1 control redundant. It is therefore appropriate for the VPO1 to be removed from these properties.
4. As part of the development of the Harcrest estate at 525 Stud Road, Wantirna South, the Mixed Use Zone was applied to the site of the proposed neighbourhood centre. As a result of the residential subdivision and development of the site, a number of surrounding residential properties have consequently been zoned part Mixed Use and part General Residential Zone Schedule 1 (GRZ1). As such, the Mixed Use zoning needs to be correctly aligned with the shopping centre title boundaries.
5. The amendment proposes to remove the Environmental Audit Overlay from recently constructed residential/mixed use developments:
 - a) Part of the Waterford Valley Estate
 - b) Part of Harcrest Estate

The requirement of the EAOs have been satisfied by way of Statements issued by auditors in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the sensitive use. The EAO over these two estates are therefore no longer required.

6. Through the review of the Knox Planning Scheme in C150, the application of the Restructure Overlay and the associated incorporated plan were reviewed, which identified that several properties affected by Restructure Overlay Schedule 1 (RO1) had been developed in accordance with the requirements of the incorporated plan and should be deleted from the overlay, comprising:

- 55 and 57 Ferndale Road (lots CP 163898 and 163897) – The incorporated plan shows a solid line between the properties and, as such, does not appear to seek consolidation. Both lots contain detached houses on separate titles and their inclusion in RO1 is redundant.
- 59 Ferndale Road (PC 364179) has been consolidated in accordance with RO1.
- 61 Ferndale Road (Lot 116) is affected by the RO1 mapping but not included in the incorporated plan.
- 63 (Lot 115) and 63A (Lot 114) Ferndale Road are shown with a solid line between them and have been developed with one detached house per lot, apparently in accordance with the RO1.
- 65 (CP 102024) and 67 (Lot 111) Ferndale Road are affected by the RO1 but not included in the incorporated plan.

The incorporated plan should therefore be amended to remove the above properties from the RO1. This will leave 69 Ferndale Road (Lots 109 and 110) within the RO1. This remains appropriate as a single dwelling is constructed across the two lots.

The incorporated plan should also be amended to remove all properties shown as affected by the RO2. The RO2 was deleted from 9 Fern Road, Upper Ferntree Gully through Amendment C099 on 15 September 2011, following consolidation of the three allotments in question in accordance with the overlay. RO2 is now obsolete.

7. A Development Plan Overlay – Schedule 1 (DPO1) previously applied to the Stud Park Shopping Centre. The DPO1 was removed from the planning maps through Amendment C131, which introduced a new Development Plan Overlay – Schedule 12 (DPO12) to the Rowville Commercial Core, including Stud Park Shopping Centre. However, the DPO1 ordinance itself was not deleted through Amendment C131.

Accordingly, this amendment proposes to delete Clause 43.04 – Schedule 1 (DPO1) as well as reflect the deletion of DPO1 in Clause 61.03 'Maps comprising part of this scheme'.

8. Amendment C99 to the Knox Planning Scheme removed Schedule 5 to the PAO (PAO5) which applied to land at 27 Reservoir Crescent, Rowville. However, the corresponding reference to the PAO5 in the Schedule to Clause 45.01 must also be deleted.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and sustainable use and development of the land.
- To enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.
- To encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities.

The amendment will provide clear and consistent direction for residential and commercial land within the City of Knox, as well as for a number of specific properties, which will balance the present and future interest of all Knox residents.

How does the Amendment address any environmental, social and economic effects?

Environmental effects

The proposal is not expected to have any negative environmental effects. The removal of redundant vegetation protection overlays will have no impact on significant vegetation.

Social and Economic effects

The proposed amendment is expected to have positive social and economic effects, including the provision of greater certainty and direction for all residential and commercial land, and for a number of specific properties.

Does the Amendment address relevant bushfire risk?

The proposed amendment seeks to fix minor inconsistencies in the planning scheme and will not affect bushfire risk within the municipality.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Ministerial Direction – The Form and Content of Planning Schemes

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

Ministerial Direction 11 – Strategic Assessment of Amendments

The requirements of Ministerial Direction 11 have been followed in the course of preparing this amendment, and are embodied within this report.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment proposes to fix inconsistencies in the planning scheme and remove obsolete overlays, allowing for more efficient planning and operation of the SPPF.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment proposes to fix inconsistencies in the planning scheme and remove obsolete overlays, allowing for more efficient planning and operation of the LPPF.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes appropriate, efficient use of the VPPs by eliminating wording and mapping inconsistencies and obsolete overlays.

How does the Amendment address the views of any relevant agency?

The proposed changes do not have negative impacts on any other relevant agency, being minor and administrative in nature.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have any significant impact on the transport system given the minor nature of the changes.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not place any unreasonable resource or administrative costs on Knox City Council.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Knox City Council, 511 Burwood Highway, Wantirna South.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to: Knox City Council, 511 Burwood Highway, Wantirna South.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

Planning and Environment Act 1987

KNOX PLANNING SCHEME

AMENDMENT C151

INSTRUCTION SHEET

The planning authority for this amendment is the Knox City Council.

The Knox Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 13 attached maps.

Zoning Maps

1. Amend Planning Scheme Map Nos.5, 6 and 7 in the manner shown on the two (2) attached maps marked "Knox Planning Scheme, Amendment C151".

Overlay Maps

2. Amend Planning Scheme Map Nos. 2VPO1, 5VPO1, 7VPO1, 8VPO1, 3VPO2, 5EAO, 6EAO and 7RO in the manner shown on the 11 attached maps marked "Knox Planning Scheme, Amendment C151".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. Delete Clause 43.04 – Schedule 1 (DPO1).
4. In Overlays – Clause 45.01 – replace the Schedule with a new Schedule in the form of the attached document.
5. In General Provisions - Clause 61.03 – replace the Schedule with a new Schedule in the form of the attached document.
6. In Incorporated Documents – Clause 81.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document

KNOX PLANNING SCHEME

28/10/2013
VC102
Proposed
C151

SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY

PS Map	Acquiring Authority	Purpose of Acquisition
PA01	Roads Corporation	Road
PA02	Parks Victoria	Public Park and Recreation
PA05	Knox City Council	Public Park and Recreation

KNOX PLANNING SCHEME

17/03/2016
6434C151**SCHEDULE TO CLAUSE 61.03****Maps comprising part of this scheme****Zoning and overlay maps:**

- 1, ~~1DPO~~, 1EAO, 1ESO2, 1HO, 1LSIO, 1PAO, 1SBO, 1VPO1, 1VPO2, 1VPO4
- 2, 2DDO, 2DPO, 2ESO2, 2HO, 2LSIO, 2PAO, 2SBO, 2VPO1, 2VPO2, 2VPO3, 2VPO4
- 3, 3DDO, 3EAO, 3ESO2, 3ESO3, 3HO, 3PAO, 3SBO, 3FO, 3RXO, 3SLO, 3VPO1, 3VPO2, 3VPO3, 3WMO, 3VPO4
- 4, 4DDO, 4ESO2, 4ESO3, 4FO, 4RXO, 4SLO, 4WMO
- 5, 5DDO, 5DPO, 5EAO, 5ESO2, 5HO, 5LSIO, 5PAO, 5SBO, 5VPO1, 5VPO2, 5VPO4
- 6, 6DDO, 6DPO, 6EAO, 6ESO2, 6HO, 6LSIO, 6SBO, 6SLO, 6VPO1, 6VPO2, 6VPO3, 6VPO4
- 7, 7DDO, 7DPO, 7EAO, 7ESO2, 7ESO3, 7HO, 7LSIO, 7PAO, 7SBO, 7FO, 7RO, 7RXO, 7SLO, 7VPO1, 7VPO2, 7VPO3, 7WMO, 7VPO4
- 8, 8ESO2, 8HO, 8LSIO, 8VPO1, 8VPO3, 8VPO4
- 9, 9DDO, 9DPO, 9EAO, 9ESO, 9ESO2, 9HO, 9LSIO, 9PAO, 9SBO, 9SLO, 9VPO1, 9VPO2, 9VPO4, 9WMO
- 10, 10DDO, 10DPO, 10ESO2, 10HO, 10PAO, 10SLO, 10VPO4, 10WMO

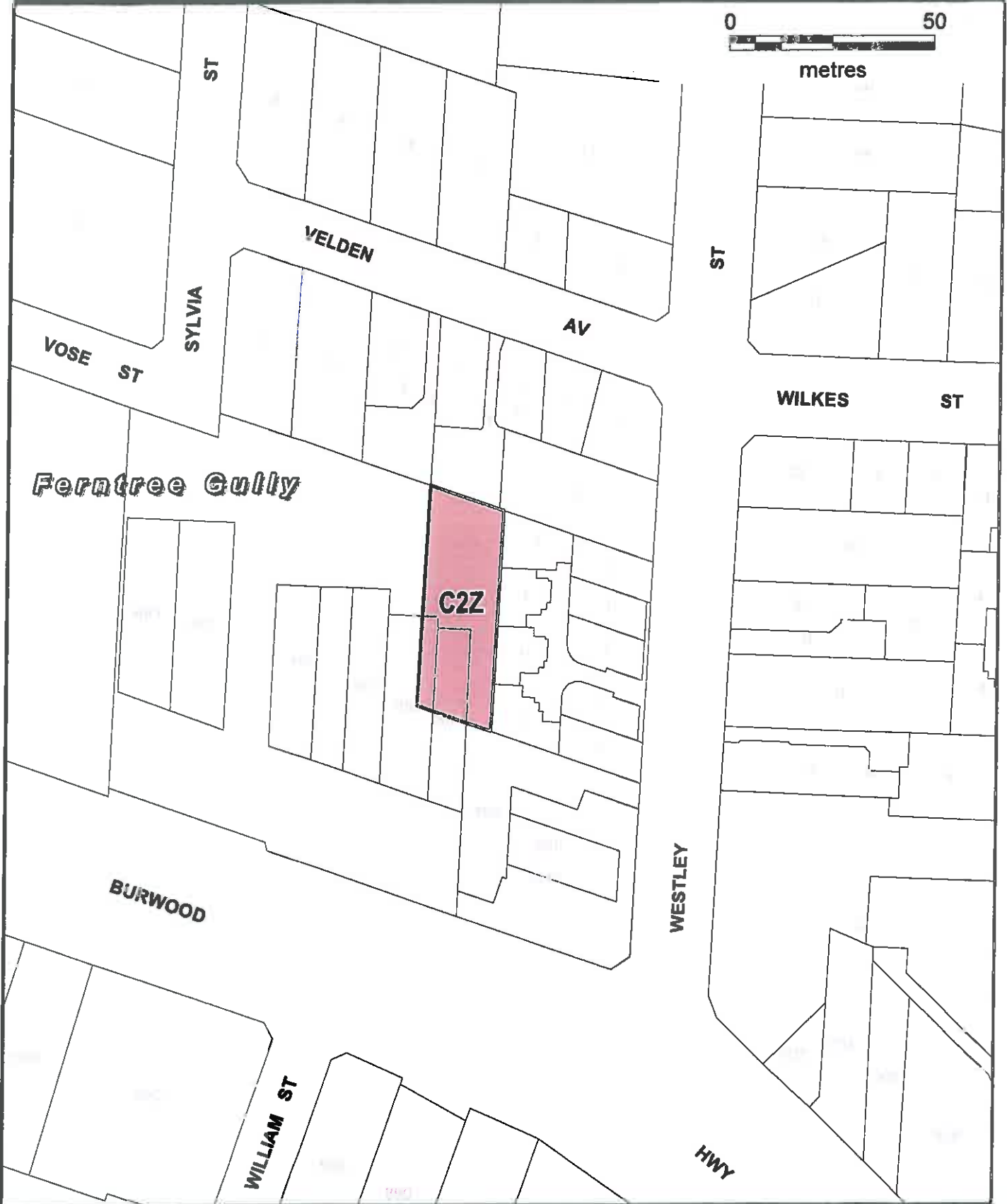
KNOX PLANNING SCHEME

03/03/2016
 C147
 Proposed
 C151

SCHEDULE TO CLAUSE 81.01

Name of document	Introduced by:
Knox Central – Rembrandts Triangle and Stud Road West Precincts Plan – August 2010	C101
Level Crossing Removal Project – Mountain Highway and Scoresby Road, Bayswater Incorporated Document, December 2015	C147
Proposed Knox Driving Range, April 2004	C39
Restructure Plan 1, November 1999 (<u>Amended December 2016</u>)	NPS1
Restructure Plan 3, November 1999	NPS1
Site Specific Control - 27 Reservoir Crescent, Rowville July 2011 Incorporated document	C99
Site Specific Control – 33-35 Napoleon Road, Lysterfield (Lot 1, TP 760282), August 2014	C134
Site Specific Control – Lot 3 LP 42250 Wellington Road, Rowville, 11 March 2011	C87
Site Specific Control – Section of Napoleon Road, Lysterfield, January 2013	C110
Waterford Valley Comprehensive Development Plan, Drawing No. 30015698/101 (A), prepared by Aspect Landscape Consultants Pty Ltd, August 1999	NPS1
Woolworths Oxygen, Knoxfield, February 2011	C107

KNOX PLANNING SCHEME

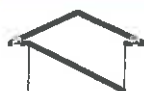


LEGEND

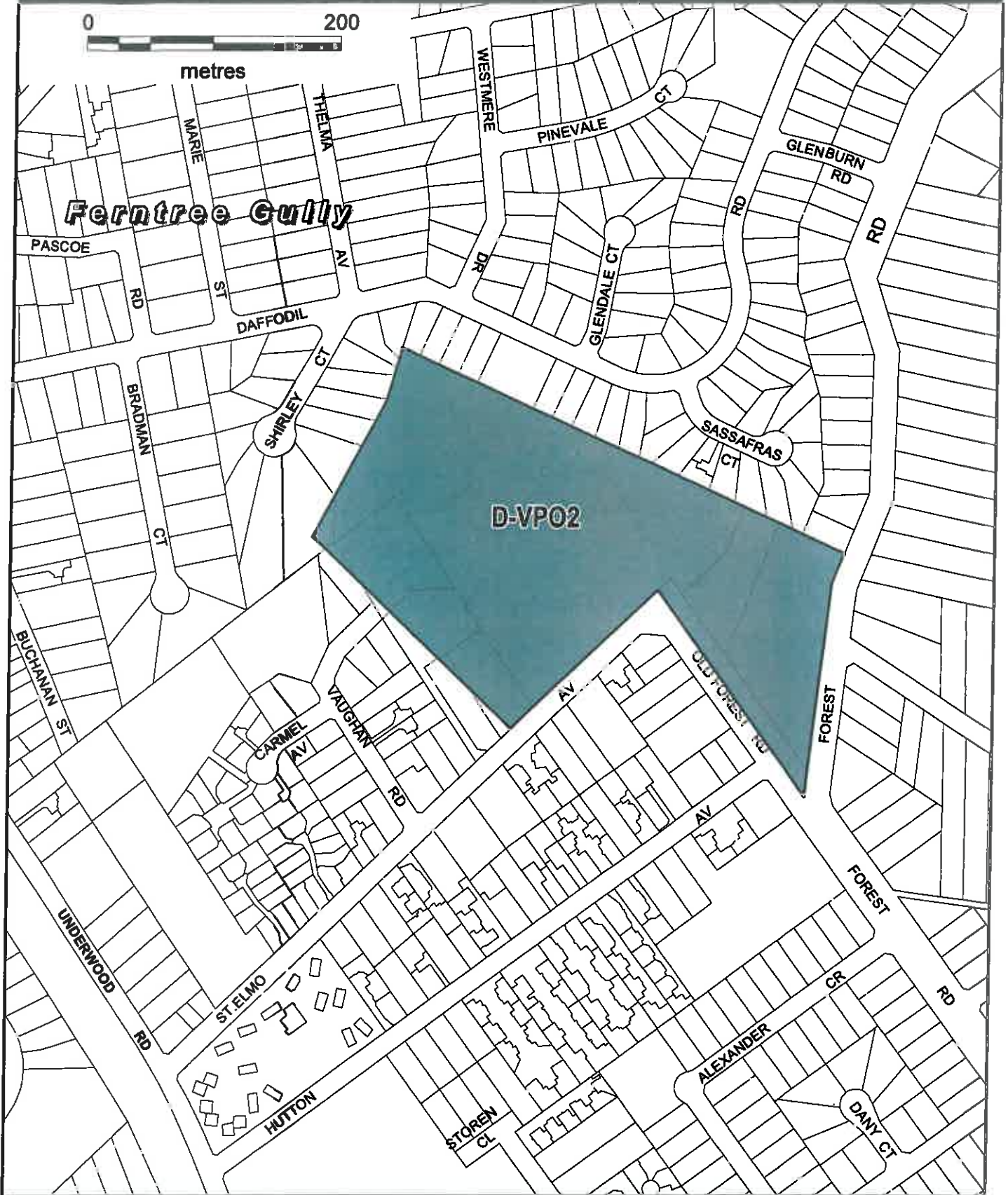
C2Z Commercial 2 Zone

Part of Planning Scheme Map 7

AMENDMENT C151



KNOX PLANNING SCHEME



LEGEND

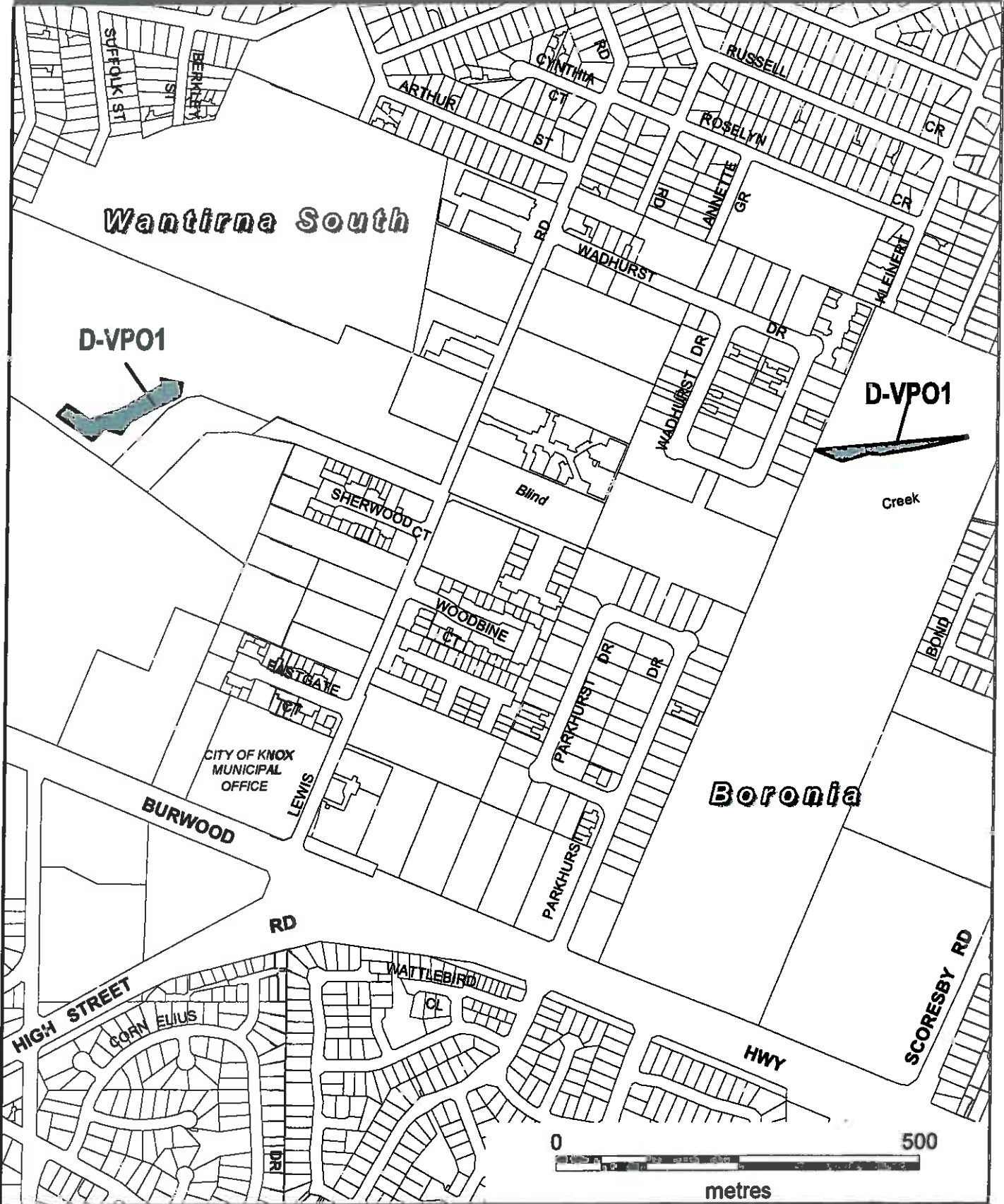
Part of Planning Scheme Map 3VPO2

D-VPO2 Area to be deleted from a Vegetation Protection Overlay (VPO2)

AMENDMENT C151



KNOX PLANNING SCHEME



LEGEND

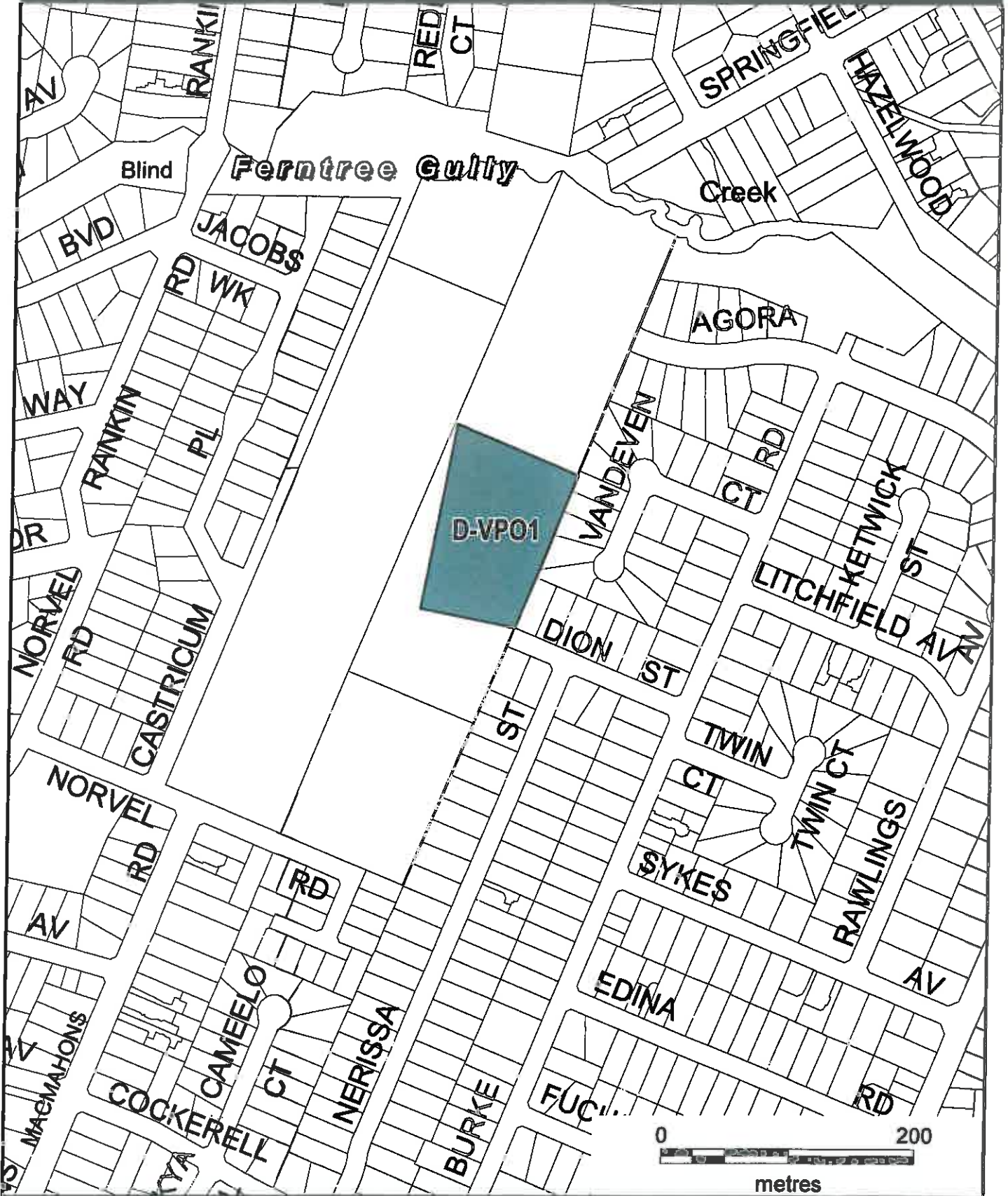
D-VPO1 Area to be deleted from a Vegetation Protection Overlay (VPO1)

Part of Planning Scheme Map 2VPO1

AMENDMENT C151



KNOX PLANNING SCHEME

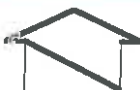


LEGEND

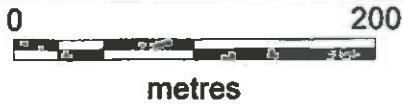
D-VP01 Area to be deleted from a Vegetation Protection Overlay (VPO1)

Part of Planning Scheme Map 2VPO1

AMENDMENT C151



KNOX PLANNING SCHEME



Heathmont

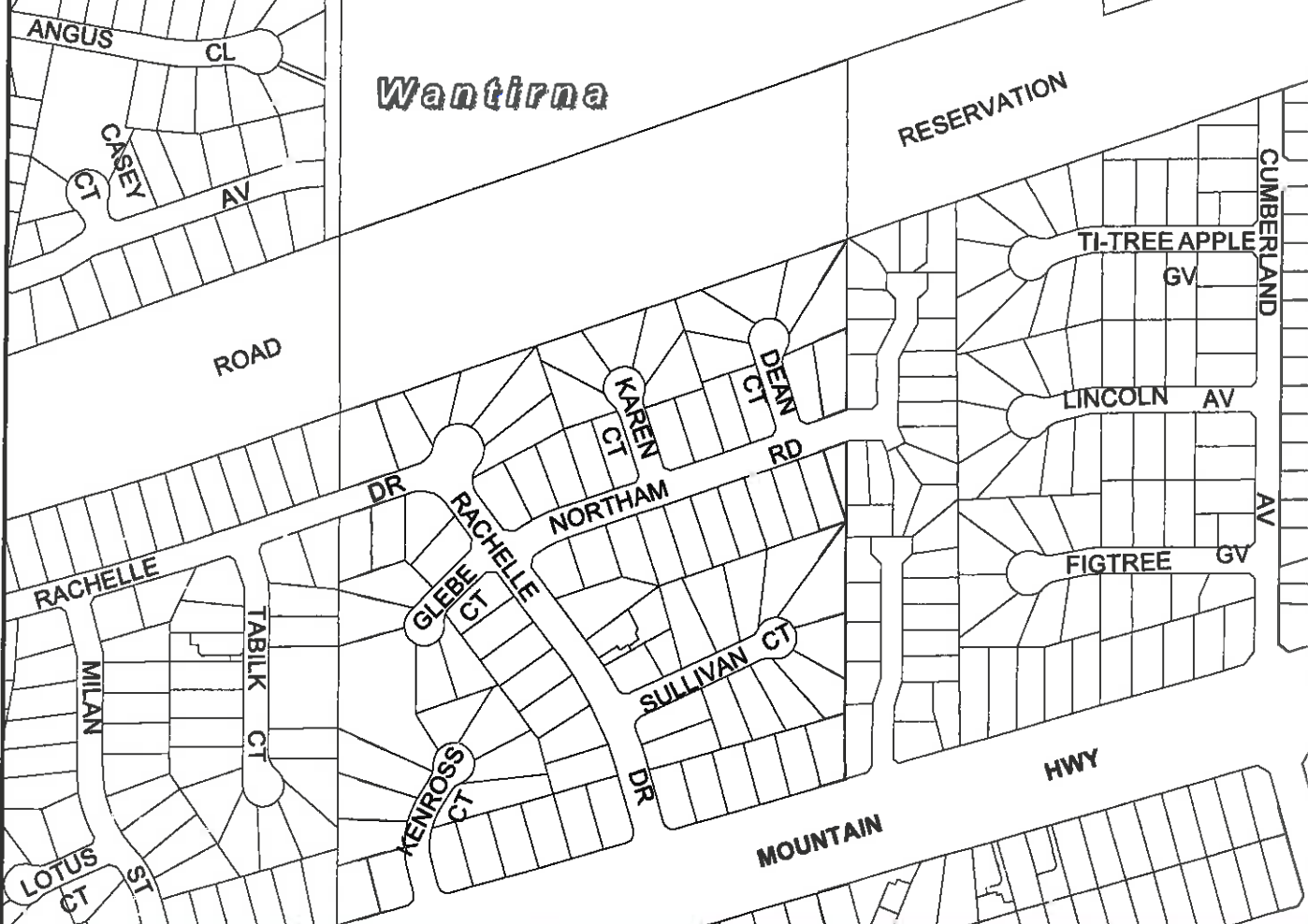
Creek

Dandenong

D-VP01

Wantirna

RESERVATION

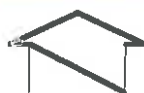


LEGEND

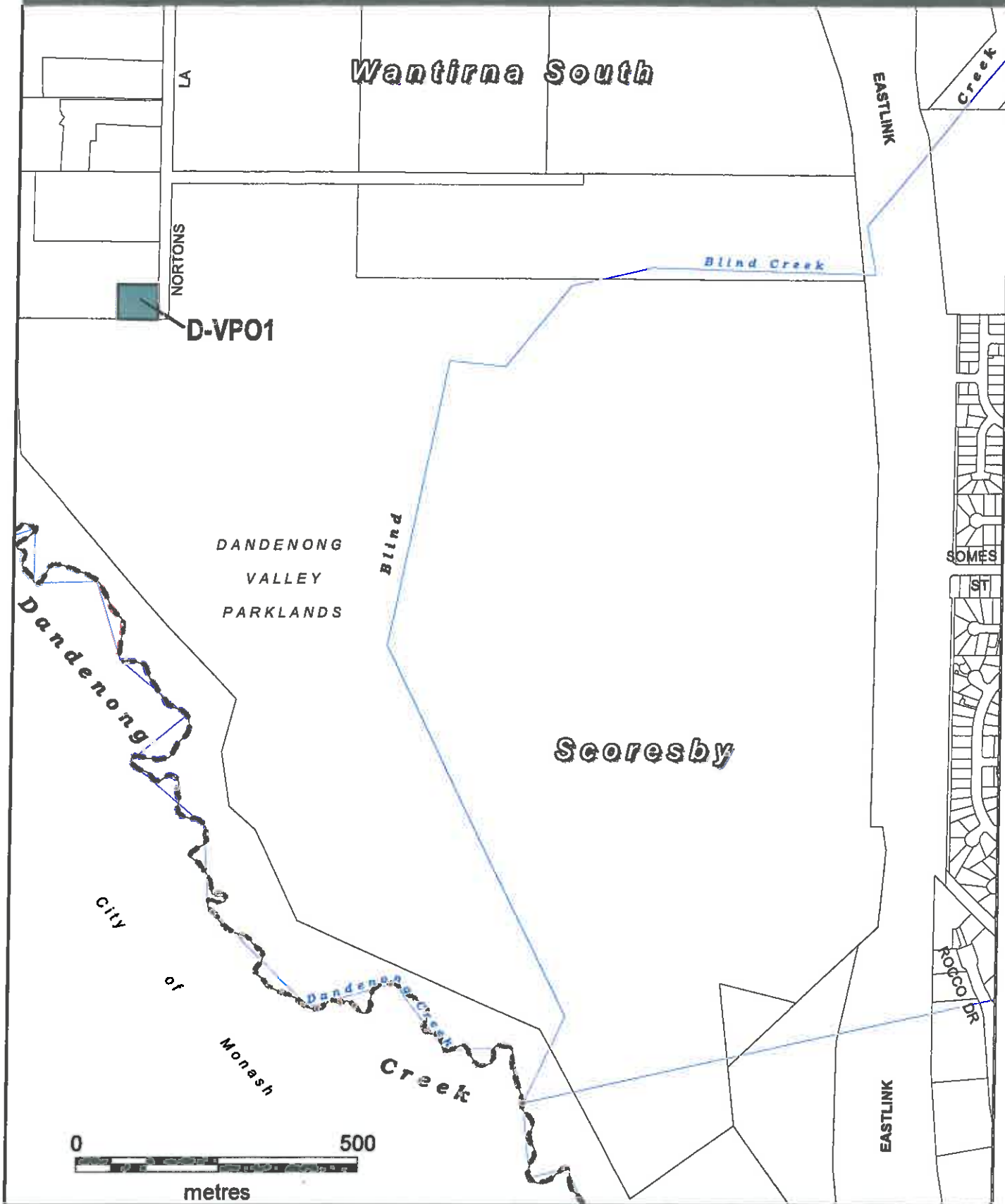
D-VP01 Area to be deleted from a Vegetation Protection Overlay (VPO1)

Part of Planning Scheme Map 2VPO1

AMENDMENT C151



KNOX PLANNING SCHEME

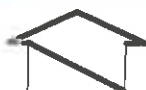


LEGEND

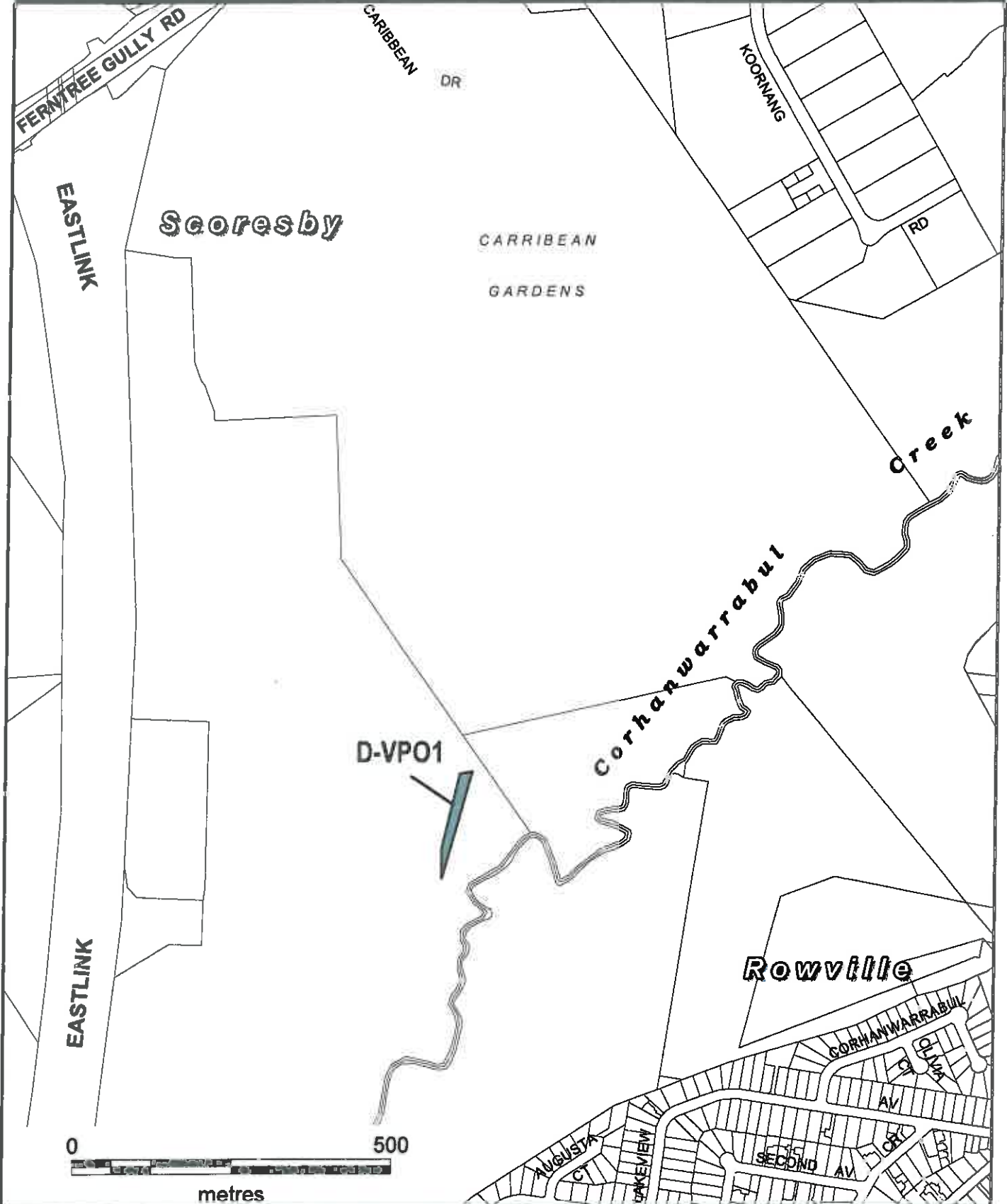
D-VPO1 Area to be deleted from a Vegetation Protection Overlay (VPO1)

Part of Planning Scheme Map 5VPO1

AMENDMENT C151



KNOX PLANNING SCHEME



LEGEND

D-VPO1 Area to be deleted from a Vegetation Protection Overlay (VPO1)

Part of Planning Scheme Map 5VPO1

AMENDMENT C151



KNOX PLANNING SCHEME



LEGEND

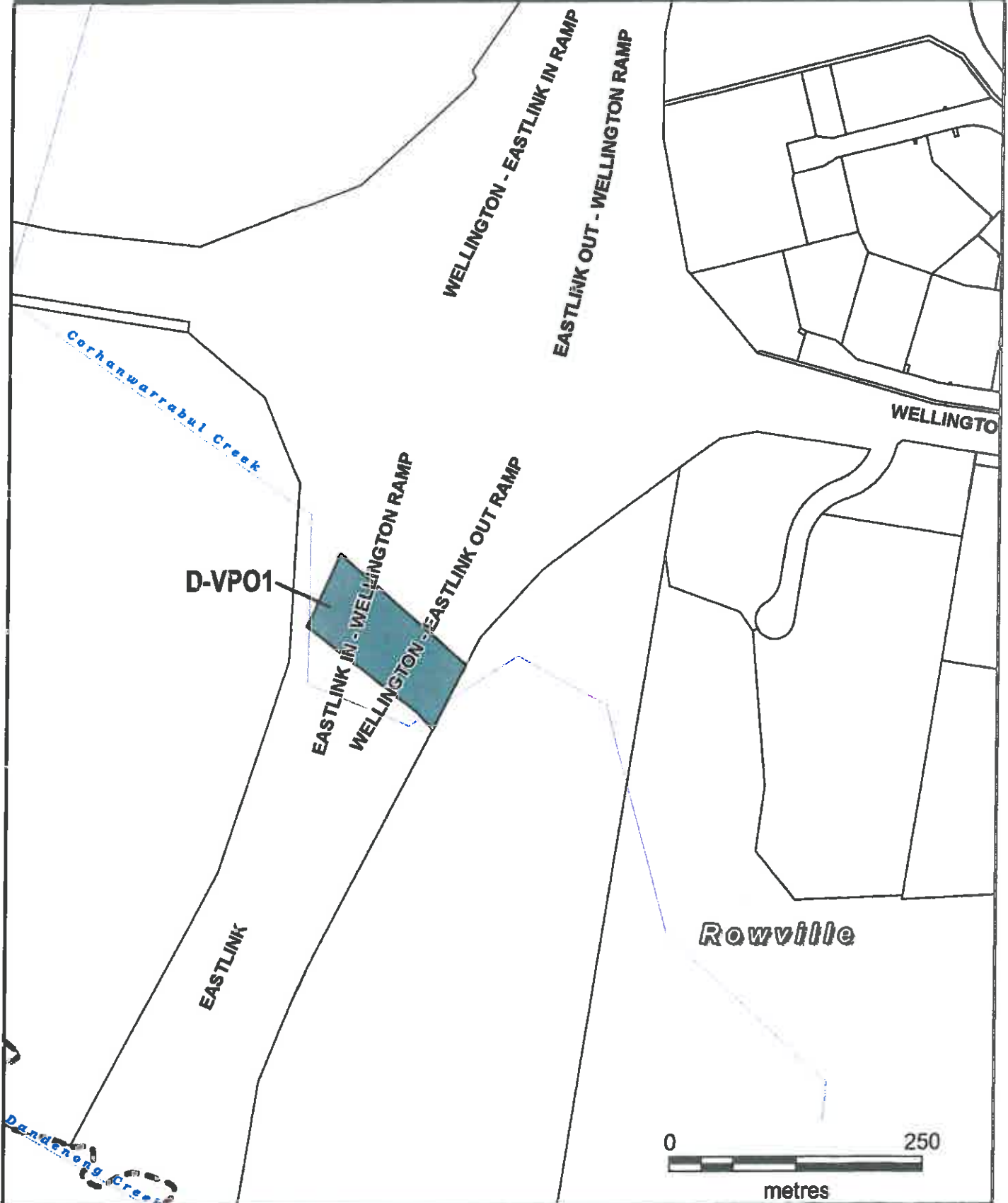
D-VP01 Area to be deleted from a Vegetation Protection Overlay (VPO1)

Part of Planning Scheme Map 7VPO1

AMENDMENT C151



KNOX PLANNING SCHEME



LEGEND

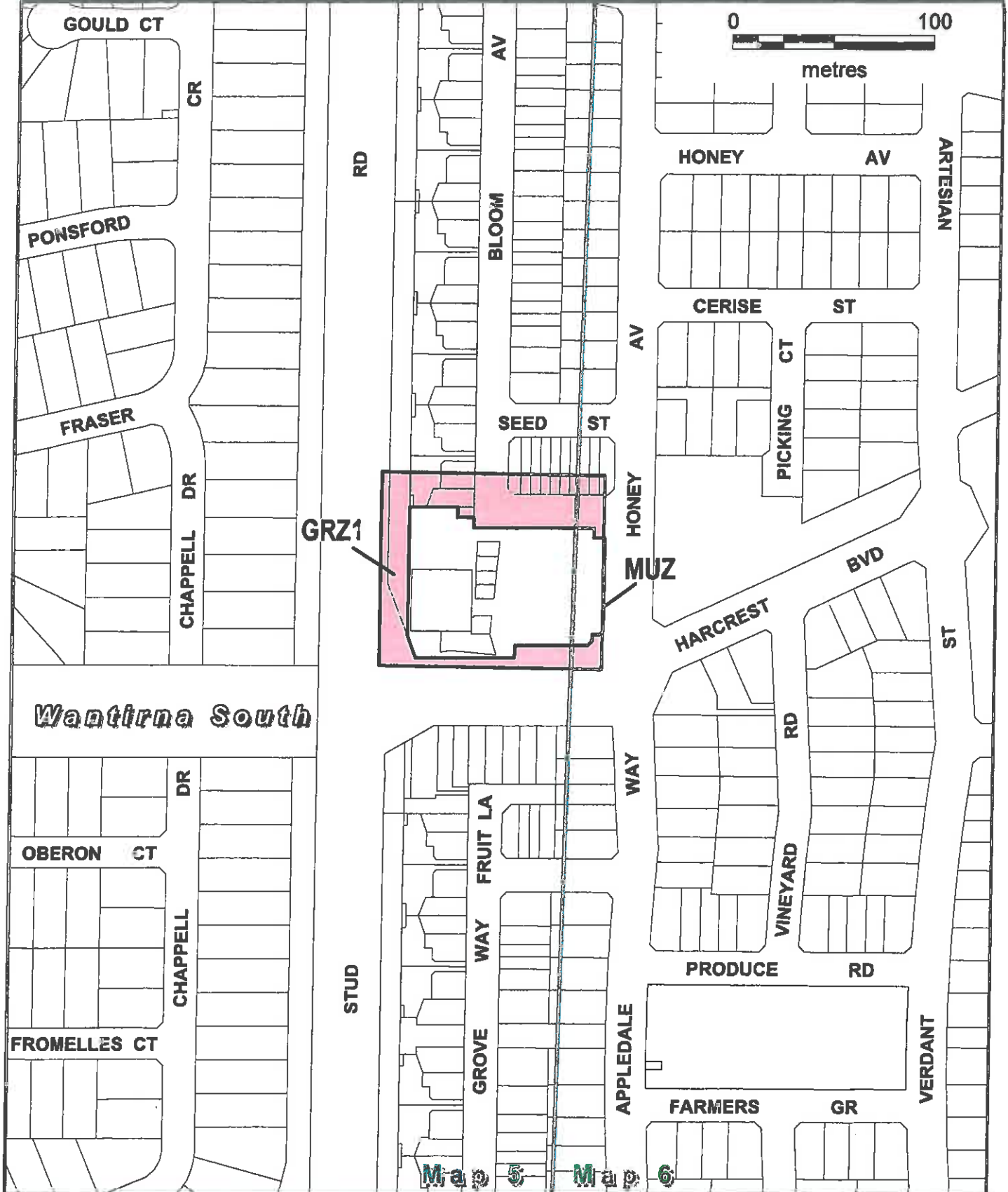
D-VPO1 Area to be deleted from a Vegetation Protection Overlay (VPO1)

Part of Planning Scheme Map 8VPO1

AMENDMENT C151



KNOX PLANNING SCHEME



LEGEND

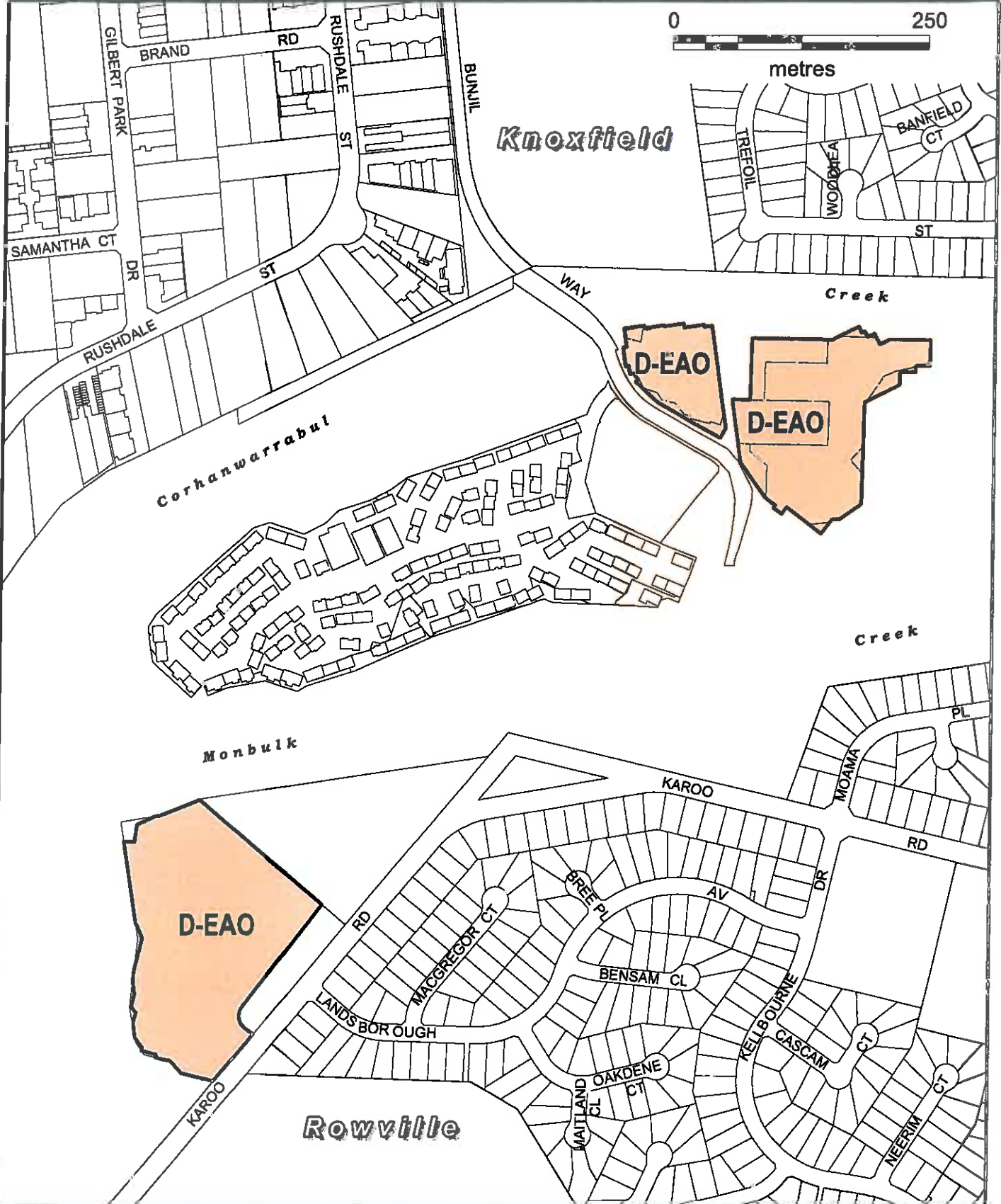
- GRZ1 General Residential Zone - Schedule 1
- MUZ Mixed Use Zone

Part of Planning Scheme Maps 5 & 6

AMENDMENT C151



KNOX PLANNING SCHEME

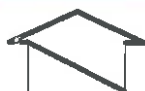


LEGEND

D-EAO Area to be deleted from an Environmental Audit Overlay

Part of Planning Scheme Map 6EAO

AMENDMENT C151



Audit Report
Lots A and B 115 Bunjil Way Knoxfield Victoria

Certificate of Environmental
Audit for Lots A and B, 115
Bunjil Way, Knoxfield

Page 1



**ENVIRONMENT PROTECTION ACT 1970
CERTIFICATE OF ENVIRONMENTAL AUDIT**

I, Richard Wolfe of Sinclair Knight Merz (SKM), a person appointed by the Environment Protection Authority ('the Authority') under the *Environment Protection Act 1970* ('the Act') as an environmental auditor for the purposes of the Act, having:

1. been requested by Emica Pty Ltd (Emica) to issue a certificate of environmental audit in relation to the site located at Lots A and B 115 Bunjil Way Knoxfield Victoria (the site) owned/occupied by Emica and described as Lots A and B on Plan of Subdivision 422898;
2. had regard to, among other things,
 - (i) guidelines issued by the Authority for the purposes of Part IXD of the Act,
 - (ii) the beneficial uses that may be made of the site, and
 - (iii) relevant State environment protection policies/industrial waste management policies, namely

- *SEPP (Prevention and Management of Contamination of Land) 2002*
- *SEPP (Groundwaters of Victoria) 1997*
- *SEPP (Waters of Victoria) 2003* and
- *Industrial Waste Resource Regulations 2009*

in making a total assessment of the nature and extent of any harm or detriment caused to, or the risk of any possible harm or detriment which may be caused to, any beneficial use made of the site by any industrial processes or activity, waste or substance (including any chemical substance), and

3. completed an environmental audit report in accordance with section 53X of the Act, a copy of which has been sent to the Authority and the relevant planning and responsible authority.

HEREBY CERTIFY that I am of the opinion that the condition of the site is neither detrimental nor potentially detrimental to any beneficial use of the site.

Other related formation: None

This Certificate forms part of the SKM *Audit Report - Environmental Audit for Lots A and B 115 Bunjil Way Knoxfield Victoria* dated 15 August 2011. Further details regarding the condition of the site may be found in the environmental audit report.

Dated 15 August 2011

Signed

Environmental auditor pursuant to the *Environment Protection Act 1970*

SINCLAIR KNIGHT MERZ

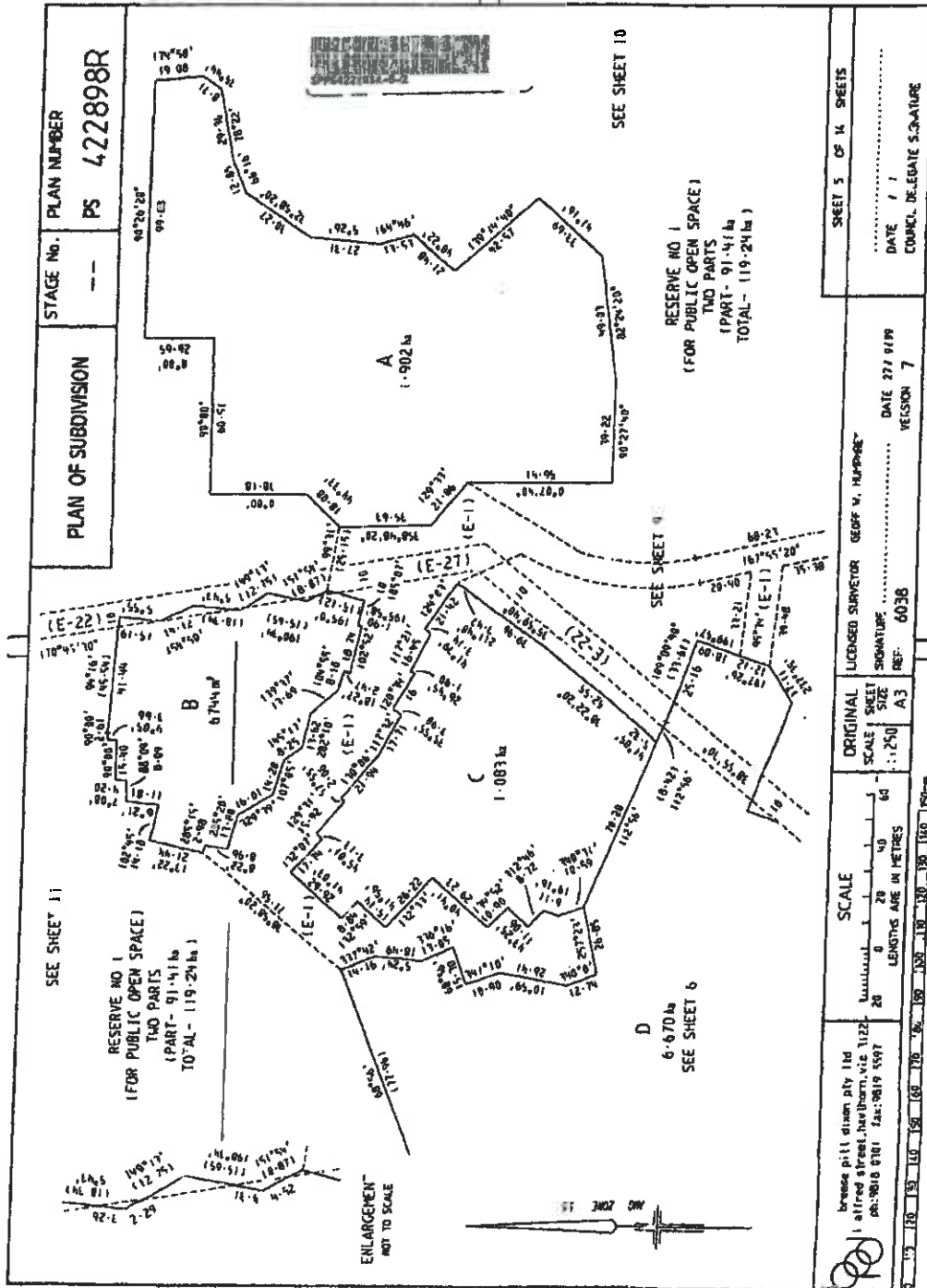
SKM Reference: SKM_V\VOE309D6r2C

Page i

Certificate of Environmental Audit for Lots A and B, 115 Bunjil Way, Knoxfield




Delivered by LANDATA3, Land Victoria timestamp 30/05/2011 11:16 Page 5 of 15

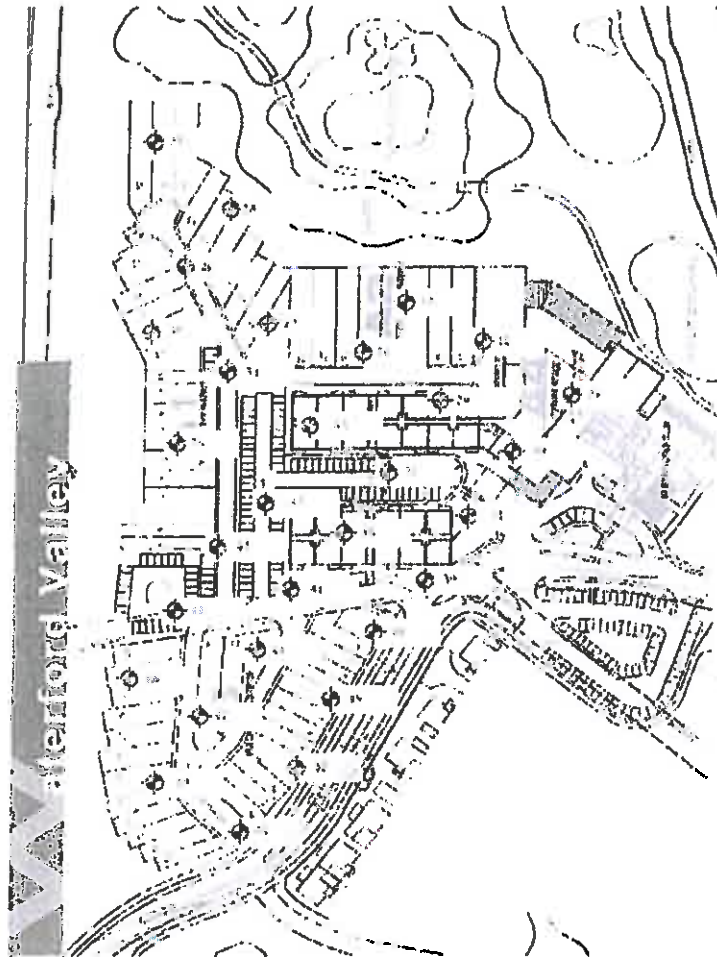


Certificate of Environmental Audit for Lots A and B, 115 Bunjil Way, Knoxfield

As of 11/06/11
 11/06/11 11:06:11 AM



 A.S. JAMES PTY LTD Geotechnical Engineers	JOB: Lots A & B Waterford Park Karoo Road, ROWVILLE.	JOB No. 113111/F1 DATE: June '11
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PLAN OF APPROXIMATE TEST PIT LOCATIONS (N.T.S.)

PLAN OF APPROXIMATE TEST PIT LOCATIONS (N.T.S.)	Tested: _____ Drawn: _____	Figure 1
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Audit Report
Lot E Karoo Road, Rowville Victoria

Certificate of Environmental
Audit for Lot 3 Karoo Rd,
Rowville

Page 1



**ENVIRONMENT PROTECTION ACT 1970
CERTIFICATE OF ENVIRONMENTAL AUDIT**

I, Richard Wolfe of Sinclair Knight Merz (SKM), a person appointed by the Environment Protection Authority ('the Authority') under the *Environment Protection Act 1970* ('the Act') as an environmental auditor for the purposes of the Act, having:

1. been requested by Waterford Valley Developments Pty Ltd (WVD) to issue a certificate of environmental audit in relation to the site located at Lot E Karoo Road, Rowville Victoria (the site) owned/occupied by WVD and described as Lot E on Plan of Subdivision 422898;
2. had regard to, among other things,
 - (i) guidelines issued by the Authority for the purposes of Part IXD of the Act,
 - (ii) the beneficial uses that may be made of the site, and
 - (iii) relevant State environment protection policies/industrial waste management policies, namely

- *SEPP (Prevention and Management of Contamination of Land) 2002*
- *SEPP (Groundwaters of Victoria) 1997*
- *SEPP (Waters of Victoria) 2003* and
- *Industrial Waste Resource Regulations 2009*

in making a total assessment of the nature and extent of any harm or detriment caused to, or the risk of any possible harm or detriment which may be caused to, any beneficial use made of the site by any industrial processes or activity, waste or substance (including any chemical substance), and

3. completed an environmental audit report in accordance with section 53X of the Act, a copy of which has been sent to the Authority and the relevant planning and responsible authority.

HEREBY CERTIFY that I am of the opinion that the condition of the site is neither detrimental nor potentially detrimental to any beneficial use of the site.

Other related formation: None

This Certificate forms part of the SKM *Audit Report - Environmental Audit for Lot E Karoo Road, Rowville Victoria* dated 26 September 2011. Further details regarding the condition of the site may be found in the environmental audit report.

Dated 26 September 2011

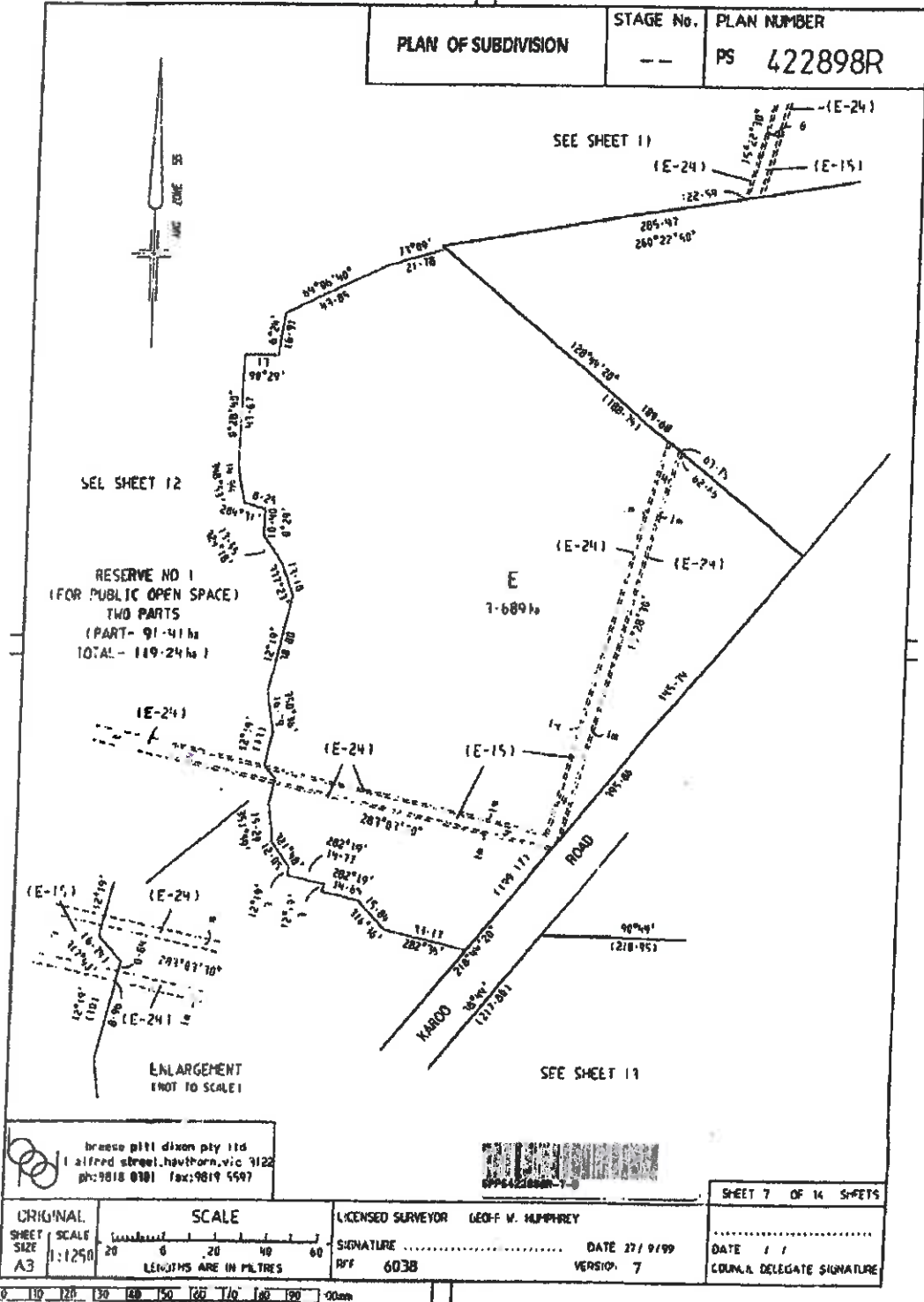
Signed

Environmental auditor pursuant to the *Environment Protection Act 1970*

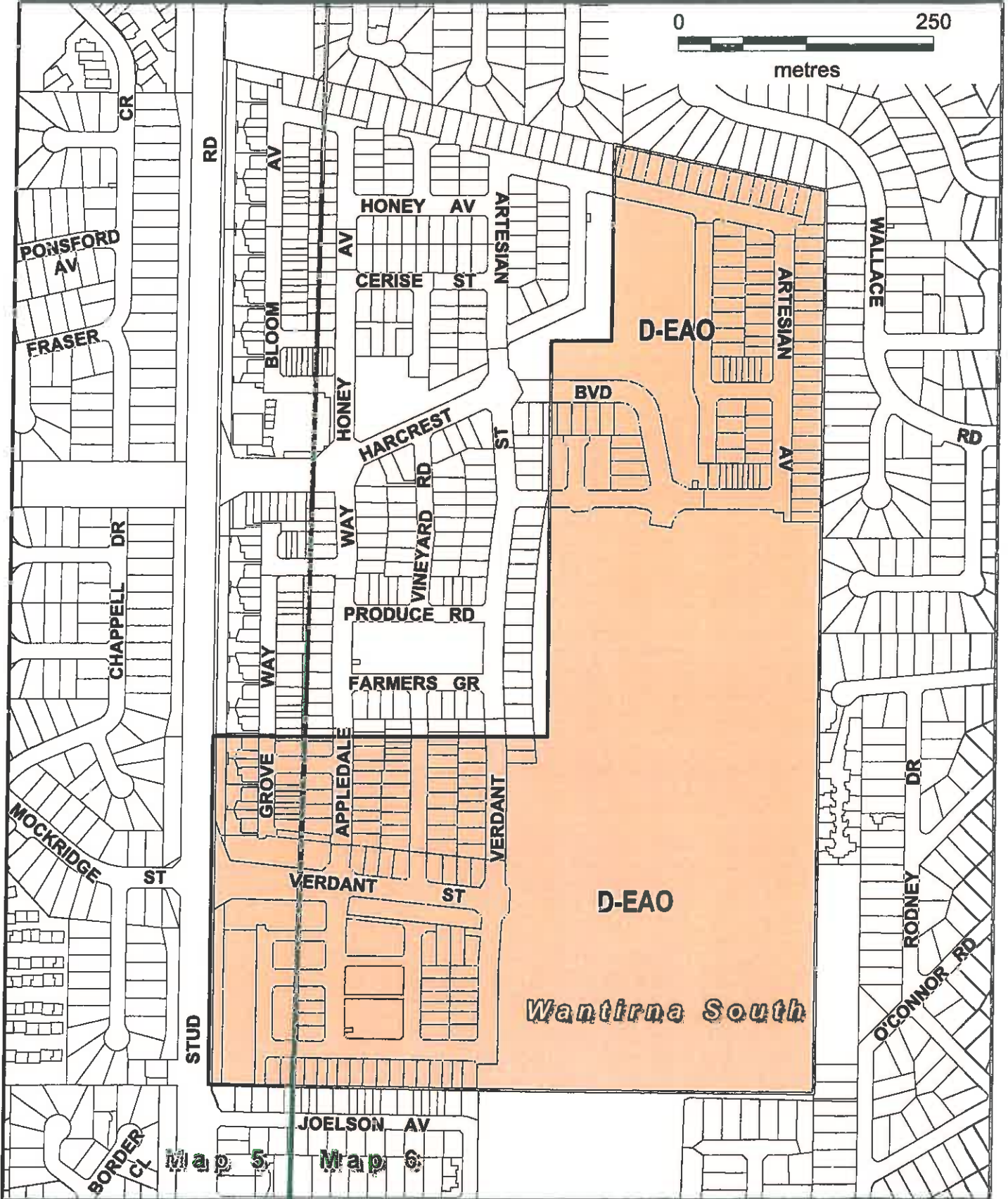
Certificate of Environmental Audit for Lot 3 Karoo Rd, Rowville



Delivered by LANDATA® Land Victoria timestamp 30/05/2011 10:11 Page 7 of 15



KNOX PLANNING SCHEME

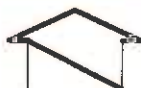


LEGEND

D-EAO Area to be deleted from an Environmental Audit Overlay

Part of Planning Scheme Maps 5EAO & 6EAO

AMENDMENT C151



Certificate of Environmental
Audit for Harcrest (Lot 3 of PS
608190E)

Page 1

ENVIRONMENT PROTECTION ACT 1970
CERTIFICATE OF ENVIRONMENTAL AUDIT

I, Mr Peter J Ramsay of Peter J Ramsay & Associates Pty Ltd, a person appointed by the Environment Protection Authority ('the Authority') under the *Environment Protection Act 1970* ('the Act') as an environmental auditor for the purposes of the Act, having:

- 1 been requested by Ms Megan Kublins of Brickworks Limited and Mr David Penfold of Mirvac Victoria Pty Ltd to issue a *Certificate of Environmental Audit* in relation to the site located at Lot 3, 525 Stud Road, Wantirna South, Victoria, being the property described as Lot 3 on Plan of Subdivision 608190E ('the site') owned by Trust Company Ltd;
- 2 had regard to, among other things,
 - (i) guidelines issued by the Authority for the purposes of Part IXD of the Act,
 - (ii) the beneficial uses that may be made of the site, and
 - (iii) relevant State environment protection policies/industrial waste management policies, namely
 - State Environment Protection Policy (Waters of Victoria);
 - State Environment Protection Policy (Ambient Air Quality);
 - State Environment Protection Policy (Air Quality Management);
 - State Environment Protection Policy (Prevention and Management of Contamination of Land);
 - State Environment Protection Policy (Groundwaters of Victoria);
 - Industrial Waste Management Policy (Waste Acid Sulfate Soils);
 - Environment Protection (Industrial Waste Resource) Regulations;

in making a total assessment of the nature and extent of any harm or detriment caused to, or the risk of any possible harm or detriment which may be caused to, any beneficial use made of the site by any industrial processes or activity, waste or substance (including any chemical substance), and
- 3 completed an environmental audit report in accordance with Section 53X of the Act, a copy of which has been sent to the Authority and the relevant planning and responsible authority.

HEREBY CERTIFY that I am of the opinion that the condition of the site is neither detrimental nor potentially detrimental to any beneficial use of the site.

Other related information:

- Groundwater monitoring undertaken at the site indicates that the naturally elevated nickel, total dissolved solids, chloride and bicarbonate concentrations in the groundwater would preclude the potential uses of the groundwater for stock watering, agriculture, parks and gardens and industrial water use. However, the beneficial uses of maintenance of ecosystems, primary contact recreation and buildings and structures would not be precluded.
- Should excavation greater than 5 metres below ground level occur for the installation of below ground infrastructure, routine health and safety measures should be undertaken.
- Any backfill that is proposed to be imported onto the site must be classified as Fill Material in accordance with EPA Publication IWRG621 or replacement publications prior to use on-site.

This *Certificate* forms part of the environmental audit report: *Mirvac Victoria Pty Ltd, Environmental Audit of Land Pursuant to Part IXD of the Environment Protection Act 1970, Mirvac Harcrest, Lot 3, 525 Stud Road, Wantirna South, Victoria, April 2013*. Further details regarding the condition of the site may be found in the environmental audit report.

DATED:

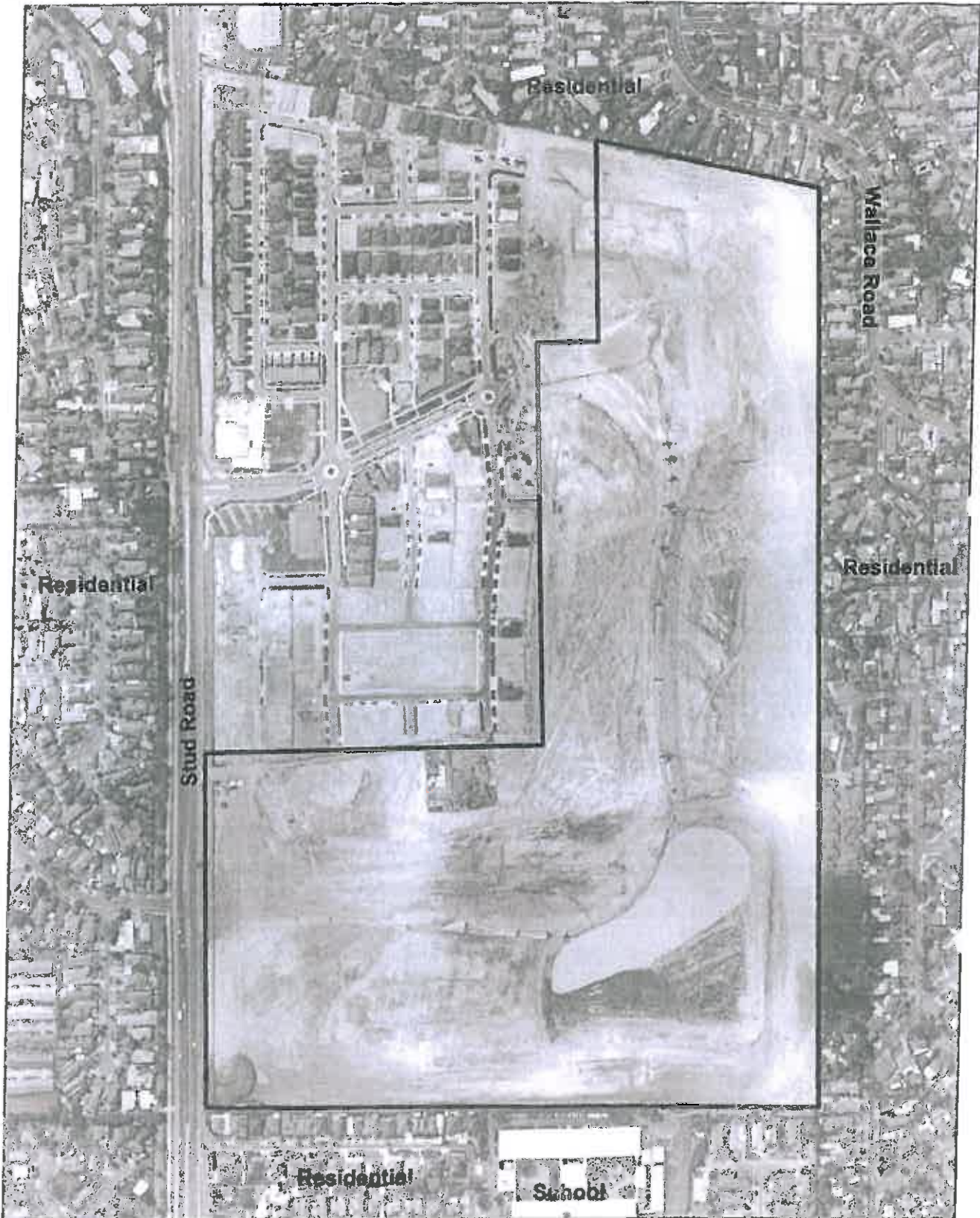
26th April 2013



SIGNED:

P. Ramsay
ENVIRONMENTAL AUDITOR

Certificate of Environmental Audit for Harcrest (Lot 3 of PS 608190E)

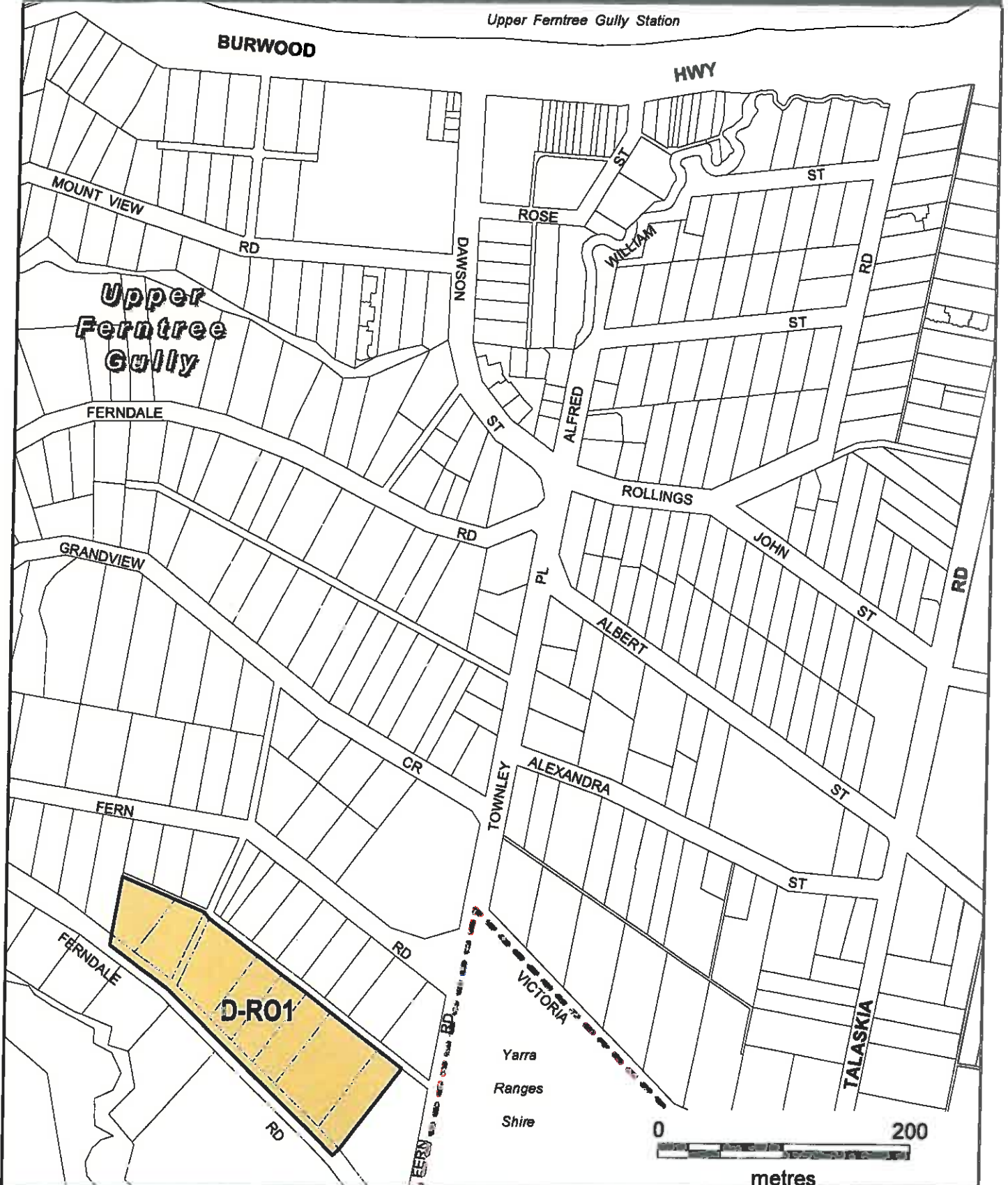
Page 2



<p>Land Subject to Certificate of Environmental Audit</p>	<p>LEGEND</p>	
<p>0 100 m Approximate Scale</p>	<p>— Boundary of Land Subject to Environmental Audit</p>	
<p>525 Stud Road, Wantima South, Victoria</p>	<p>Source: Aerial Photograph Dated 23 October 2012 Courtesy of NearMap Pty Ltd</p>	 <p>PETER J RAMSAY & ASSOCIATES</p>

KNOX PLANNING SCHEME

Upper Ferntree Gully Station

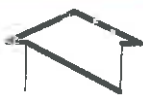


LEGEND

D-R01 Area to be deleted from a Restructure Overlay (R01)

Part of Planning Scheme Map 7R0

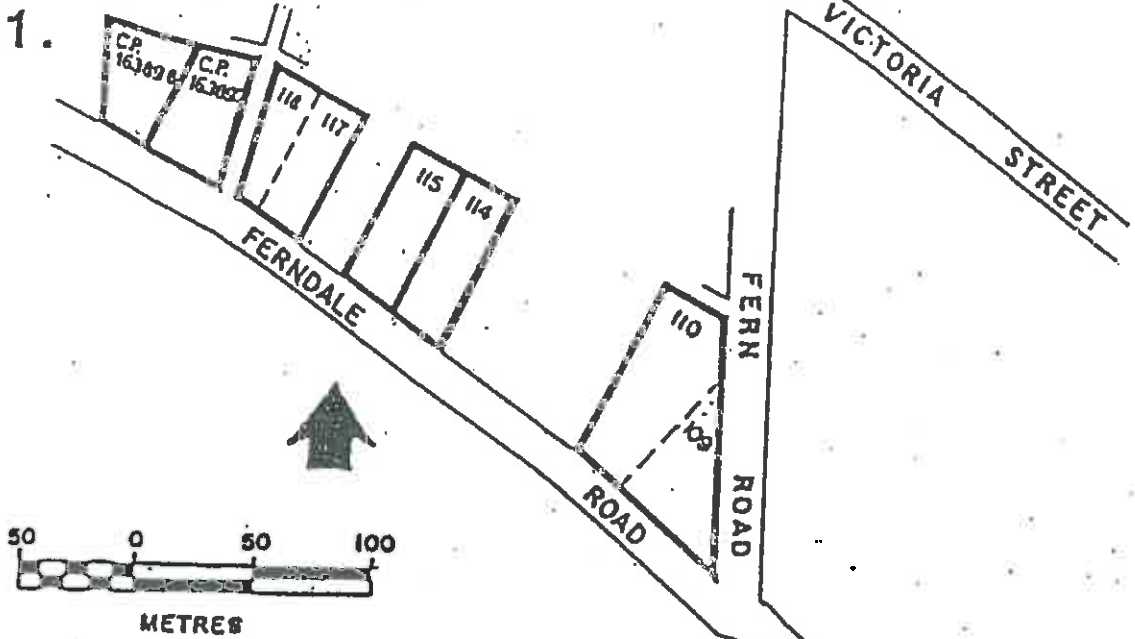
AMENDMENT C151



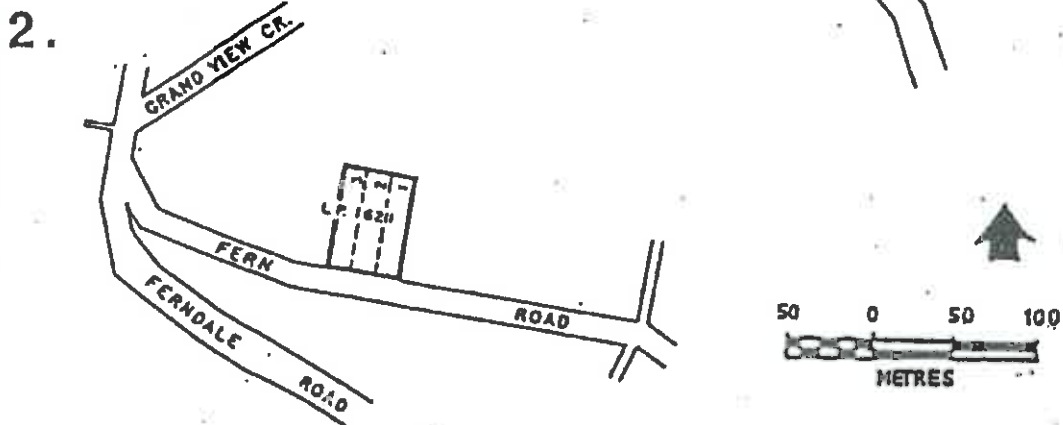
Existing Schedule to Restructure Overlay

LOCAL PROVISION

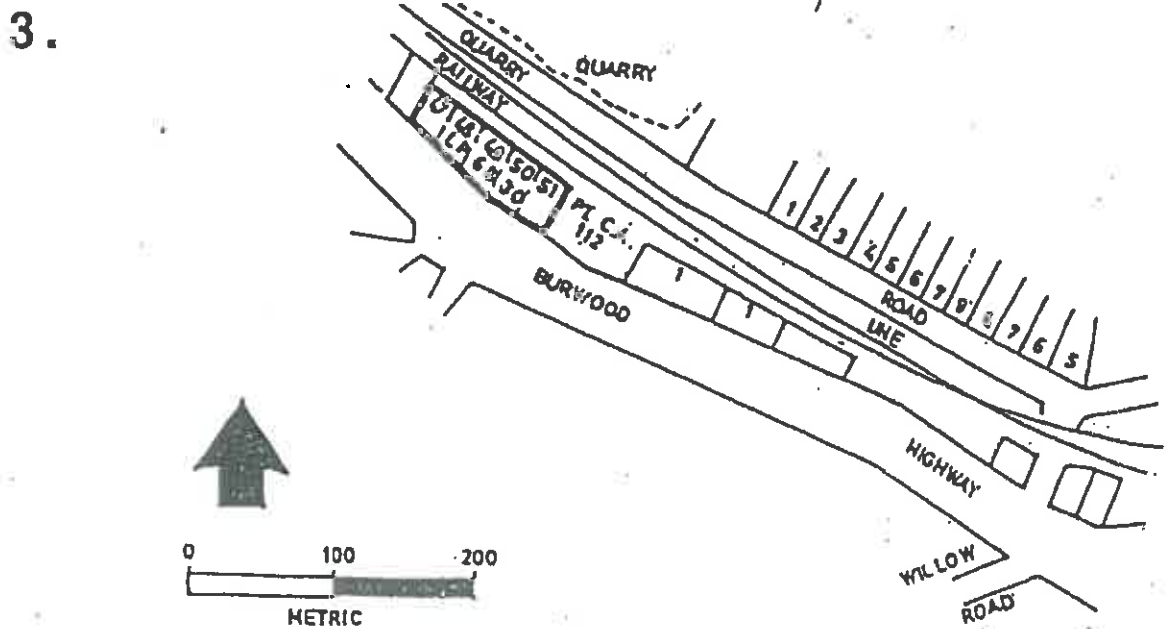
RE-STRUCTURE PLAN 1.



RE-STRUCTURE PLAN 2.



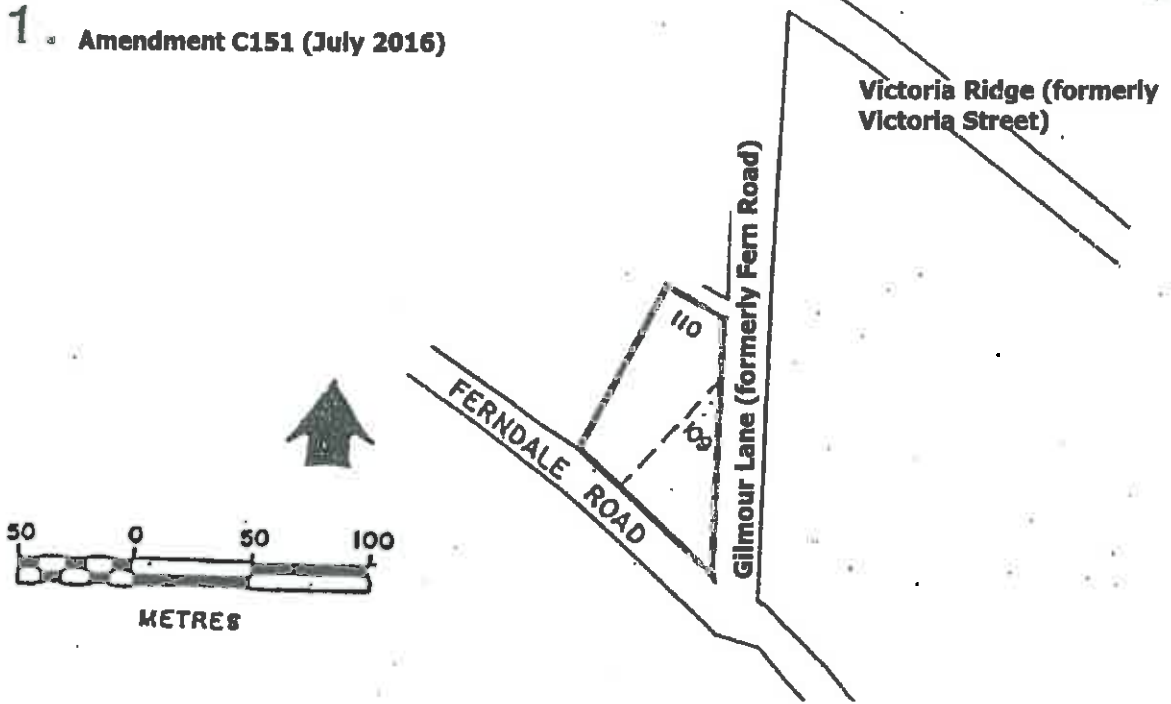
RE-STRUCTURE PLAN 3.



LOCAL PROVISION

RE-STRUCTURE PLAN

1. Amendment C151 (July 2016)

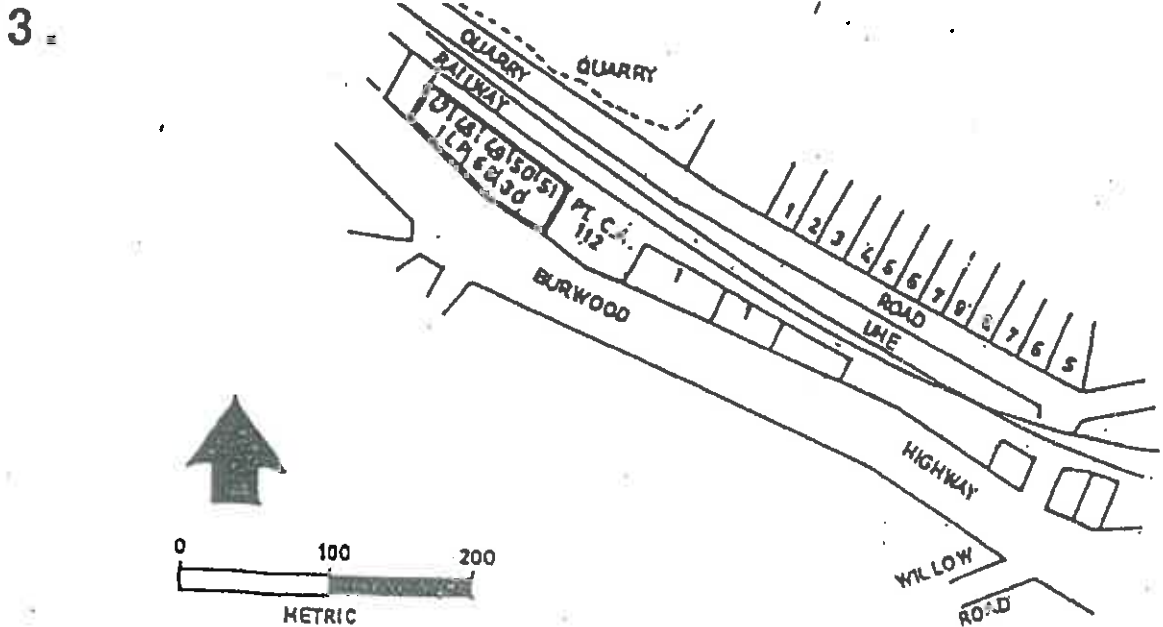


RE-STRUCTURE PLAN

2. Deleted by Amendment C099 (15/09/2011)

RE-STRUCTURE PLAN

3.



ALL WARDS

3. RECREATION AND LEISURE LIAISON GROUP – REPRESENTATION

SUMMARY: *Leisure Services Officer (Robert Morton)*

Council’s Recreation and Leisure Liaison Group is an Advisory Committee that assists Council with its community engagement process, and provides valuable information and advice on sport and leisure issues to support the decision making of Council.

On 13 September 2016, Council endorsed a process to re-establish the Recreation and Leisure Liaison Group for a further two-year term.

Recently, Council has decided that a review of all Council’s advisory committees will be undertaken and this may mean the terms of this committee may be reviewed again during 2017.

An expression of interest process has been undertaken to seek community members to nominate for the Recreation and Leisure Liaison Group. This report seeks Council approval to appoint twelve community representatives to the Recreation and Leisure Liaison Group.

RECOMMENDATION

That Council:

- 1. Appoint the following non-Councillor representatives to the Recreation and Leisure Liaison Group for a term concluding on 31 December 2018:**

NAME

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

- 2. Advise the successful and unsuccessful nominees of Council’s decision.**

3. Recreation and Leisure Liaison Group - Representation (cont'd)

1. INTRODUCTION

The Recreation and Leisure Liaison Group (RLLG) provides feedback and recommendations to Council on a variety of sport and leisure issues within the City of Knox. The Terms of Reference are provided at Appendix A.

The purpose of the RLLG is to assist Council with its community engagement process and to provide valuable information and advice to support the decision making of Council. The establishment of the RLLG supports Council's commitment to engage with its community and to acknowledge the critical role sport and leisure plays in the physical and mental wellbeing of the community.

The RLLG acts in an advisory capacity only and does not represent Council nor does it have delegated authority to make decisions on behalf of Council.

The term of the new RLLG is currently approved to run from February 2017 until 31 December 2018.

As Council will be undertaking a review of all its advisory committees during early 2017, the current term may be amended.

The community members who are recommended to be appointed to the RLLG are from a broad cross-representation as specified within the Terms of Reference.

2. DISCUSSION

2.1 Expression of Interest Applications

Council at its Strategic Planning Committee Meeting of 13 September 2016 endorsed a process to re-establish the RLLG in line with the RLLG's Terms of Reference (Appendix A of this report).

Between October and November 2016 Council sought expressions of interest from community members interested in joining the RLLG through multiple avenues including Council's social media pages and website as well as advertisement through Council's '¼ Time' leisure newsletter. This advertising was completed in conjunction with direct emails to sport and leisure groups within Knox and relevant peak bodies which support community groups within Knox.

The Terms of Reference for the RLLG nominates that membership comprises of up to but no greater than fifteen members and no less than twelve members, including a maximum of three Councillors.

In response to the advertising program, twenty-two applications were received. Membership applications to the RLLG were oversubscribed and a ranking process was undertaken to determine recommended applicants.

3. Recreation and Leisure Liaison Group - Representation (cont'd)

In addition to the ranking process, it was determined that to have a diverse range of sport and leisure activities represented within the RLLG, should there be two or more applicants representing the same sector the highest ranked applicant would be recommended for appointment.

The final ranking of the applicants and the recommended appointments to the RLLG are shown at Confidential Appendix B and a list of the recommended and not recommended appointments by name and organisation at Confidential Appendix C of this report. Copies of the application forms are provided in Confidential Appendix D.

A breakdown based on the twelve recommended applicants to be appointed to the RLLG is listed in Table 1.

Table 1: Proposed RLLG membership breakdown

Councillor Membership		
Membership Categories	Description	2016-17 Municipal Year Councillor Appointments
As per Councillor Committee Appointments	Nominated representatives of Council.	3 – Cr Adam Gill, Cr Jackson Taylor & Cr Jake Keogh
Community Membership		
Membership Categories	Description	Applicants
General Community Representatives	Representatives who are enthusiastic about sport and leisure yet they may not be affiliated with a specific sporting or leisure group.	1
Sporting Association Representatives	Representatives who actively support a sporting code/s within the City.	7
Sector Representatives	Representatives of special recreation interest groups e.g. youth, disability groups and/or the broader sporting and leisure sector.	4
Total		15

3. Recreation and Leisure Liaison Group - Representation (cont'd)

3. CONSULTATION

The twenty-two expressions of interest applications were assessed in accordance with the RLLG Terms of Reference. The assessment panel consisted of Councillors Adam Gill, Jackson Taylor and Jake Keogh. The panel was advised of the twelve applicants recommended for appointment to the RLLG. The recommended applicants would bring an appropriate level of sporting interest, knowledge and experience to the RLLG.

4. ENVIRONMENTAL/AMENITY ISSUES

The RLLG considers matters that may affect the health and wellbeing of the Knox community and assist in the progression of key environmental and amenity improvements facing Council (e.g. sustainability of sporting facilities.).

5. FINANCIAL & ECONOMIC IMPLICATIONS

The cost to Council to support the RLLG is approximately \$4,000 per annum and is funded within Council's annual budget. This sum is made up of costs for catering as well as Council officers' time to support the RLLG's. The total officer time equating to approximately 0.05 EFT per annum.

6. SOCIAL IMPLICATIONS

It is proposed that the RLLG will continue to provide advice to Council concerning the social implications associated with the development of leisure, sport and recreational policies and strategic plans.

7. RELEVANCE TO COUNCIL PLAN

The Knox City Plan 2013-17 identifies a number of objectives within themes that relate directly to the RLLG, as outlined below:

Theme 1: Healthy, Connected Communities

- 1.1 The Knox community benefits from good health and wellbeing at all life stages.
- 1.2 A safe community with strong community connections and where learning and volunteering are valued and supported.

Theme 2: Prosperous, Advancing Economy

- 2.2 Improve local opportunities for people to live, work, learn and play in Knox.

Theme 4: Culturally Rich and Active Communities

- 4.2 Increase the use of public spaces and infrastructure for the purposes of cultural expression and physical activity.

3. Recreation and Leisure Liaison Group - Representation (cont'd)**8. CONCLUSION**

The RLLG is an effective mechanism for community consultation and enables Council to achieve a positive collaboration with the community. This collaboration assists with the development of strategic plans and policies which are particularly relevant to recreation and leisure programs and facilities in Knox.

The RLLG highlights Council's approach towards public participation, engagement and partnerships. It aims to support Council to be effectively advised on various sports, recreation and leisure matters from community group representatives, sports association representatives and community members.

***Report Prepared By: Leisure Services Officer
(Robert Morton)***

***Report Authorised By: Director – Community Services
(Kerry Stubbings)***

Appendix A - Recreation and Leisure Liaison Group Terms of Reference**TERMS OF REFERENCE****KNOX RECREATION AND LEISURE LIAISON GROUP**

Directorate	Community Services
Responsible Officer	Leisure Services Coordinator
Committee Type	Advisory Committee
Approval Date:	23 September 2014
Review Date:	December 2018

1. PURPOSE

The Recreation and Leisure Liaison Group exists to:

- Assist Council with its community engagement process and provide valuable information to support the decision making of Council; and
- Support Council's commitment to engage with its community and to acknowledge the critical role recreation, sport and leisure plays in the wellbeing of our community.

2. OBJECTIVES

The objectives of the RLLG are to:

- Provide strategic advice and input relating to the development of Council's leisure plans and policies;
- Engage in discussion regarding 'special interest' sport and leisure topics as determined by Council;
- Participate in the ongoing consultation, review and implementation of sporting and recreational strategic documents; and
- Provide input into Council's processes relating to sport where requested e.g. provide feedback regarding projects to be considered by Council for submission to Sport & Recreation Victoria grant programs.

3. MEMBERSHIP, PERIOD OF MEMBERSHIP AND METHOD OF APPOINTMENT

The RLLG will comprise of up to but no greater than fifteen (15) members and no less than twelve (12) members, including the following:

- Councillor representatives x (3);
- General Community representatives;
- Sporting Association representatives; and
- Sector representatives.

Membership representation is described below:

- Councillor representatives –Appointed annually;
- General Community representatives – These representatives are enthusiastic about sport and leisure. They may or may not be affiliated with a specific sporting or leisure group;
- Sporting Association representatives – Actively support a sporting code within the City; and
- Sector representatives – Represent special interest groups i.e. youth, access and inclusion and/or the broader sporting and leisure sector.

It is expected that each member will attend a minimum of 70% of RLLG meetings annually. If a member attends less than 70% of meetings annually, Council has the ability to appoint a replacement member if deemed necessary.

Applications

Applications for membership to the RLLG will be assessed by Councillor representatives for recommendation to Council. Applications will be assessed based upon their interest, knowledge and expertise relating to:

- Sporting and leisure infrastructure;
- Community capacity building, particularly the importance of volunteerism;
- Leisure, sporting and health and fitness trends;
- Sporting and leisure networks;
- A working knowledge of sport and leisure within Knox; and
- The provision of sport and leisure within a Local Government context.

Should it be required, a follow up interview with the applicant will take place. In the event of a member resigning from the RLLG, a written letter of resignation should be made to the Chairperson. Council reserves its right to truncate the term of the RLLG.

Substitute

Should a member of the RLLG be unable to attend a meeting, the said member has the ability to send an associate of their organisation/group as a substitute. The substitute must be part of the organisation/group's Executive Committee. The attendance of a substitute must be approved by the Manager - Youth, Leisure and Cultural Services prior to the meeting. Should a general community member with no alignment to an organisation/group be an apology for a meeting, the member will be unable to be replaced by a substitute.

Casual Vacancies

Casual vacancies which occur due to RLLG members being unable to complete their appointments, and not sending a substitute, may be filled by co-opting suitable candidates from a previous selection process for the remainder of the previous incumbent's term.

The selection panel will make a recommendation to the Chief Executive Officer, who will have the authority to appoint the recommended candidate to the RLLG for the remainder of the previous incumbent's term.

Should there be no suitable alternative candidate from the previous selection process; the position will remain unfilled unless the total membership of the RLLG has reached a level below the minimum membership requirements.

Where there are no suitable candidates identified and the minimum membership requirements are not met, a formal expression of interest and selection process is required. The outcome of the formal expression of interest process will be presented to Council for determination.

Term

RLLG non-Councillor members will be appointed for a maximum term of two years. At the conclusion of each term, pending Council approval, new RLLG members will be appointed via the aforementioned application process.

4. DELEGATED AUTHORITY AND DECISION MAKING

The RLLG acts in an advisory capacity only and does not represent Council nor does it have delegated authority to make decisions on behalf of Council. The RLLG may determine and form (through its membership) specific purpose committees to undertake research and make recommendations to the RLLG.

In accordance with section 76E of the Local Government Act 1989, a Councillor must not improperly direct or influence a member of Council staff in the exercise of any power or in the performance of any duty or function.

5. QUORUM

A quorum will be fifty per cent (50%) of the RLLG membership plus one.

6. MEETING PROCEDURES

The RLLG will meet four (4) times per calendar year and additional meetings will be scheduled if required.

Meetings will follow Knox Council meeting procedures, which are in summary:

- Commence on time and conclude by the stated completion time;
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member;
- Encourage fair and reasonable discussion and respect for each other's views;
- Focus on the relevant issues at hand; and
- Provide advice to Council as far as possible on a consensus basis.

7. VOTING

All representatives appointed to the RLLG have equal voting rights and in the event of a tie, the Chairperson will possess a second vote.

8. CHAIRPERSON

The position of Chairperson shall be reviewed annually immediately following Councillor appointments to the RLLG.

Where there is one Councillor representative on the RLLG that Councillor stands as Chairperson. Where there is more than one Councillor representative the Chairperson is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the chair.

The RLLG may determine, with consent of the Councillor representative/s, to appoint another member other than the Councillor representative/s as Chairperson.

If the Chairperson is not present at a meeting, any other Councillor representative shall be appointed Chairperson. In the absence of any other Councillor representative/s, the RLLG shall appoint a Chairperson for the purpose of conducting the meeting.

The RLLG must advise Council's Governance Team of the name of the Chairperson within one week of appointment. These details will then be updated on the intranet and the Internet.

9. AGENDAS AND MINUTES

Agendas and Minutes must be prepared for each meeting of the RLLG. The Agenda must be provided to members of the RLLG not less than 7 days before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting of the committee to be kept.

The minutes of a RLLG meeting must:

- (a) Contain details of the proceedings and resolutions made;
- (b) Be clearly expressed;
- (c) Be self-explanatory; and
- (d) In relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Draft Minutes must be:

- (a) Submitted to the Committee Chairperson for confirmation within 7 days of the meeting;
- (b) Distributed to all Committee Members following confirmation from the Chairperson and within 14 days of the meeting; and
- (c) Submitted to the next meeting of the Committee for formal endorsement.

Minutes must be approved by the Chairperson before being published or distributed and then formally endorsed at the subsequent meeting.

Agendas and Minutes of the Committee will be made available on Council's intranet.

Agendas and Minutes of the Committee will be made available to the public through the Council's website, with the exception of reports and attachments that may be confidential in nature.

10. REPORTING

The RLLG is required to prepare a formal report on an annual basis. The report must be formally adopted by the RLLG and should directly reflect the objectives and performance measures of the RLLG. The report will then be presented to Council detailing the outcomes of the RLLG and any recommendations to Council.

11. CONDUCT AND INTEREST PROVISIONS

In performing the role of an Advisory Group member, a person must:

- act with integrity;
- impartially exercise his or her responsibilities in the interests of the local community;
- not improperly seek to confer an advantage or disadvantage on any person;
- treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons;
- commit to regular attendance at meetings; and
- not make improper use of information acquired because of his or her position or release information that the member knows, or should reasonably know, is confidential information.

Meetings of an Advisory Committee may potentially form an Assembly of Councillors. When this occurs, Councillors and officers are required to comply with the conflict of interest provisions as set down in the Local Government Act 1989.

Where a Councillor or officer declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the relevant interest and be recorded in the minutes of the meeting. The member must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter.

Where a community member has an interest or a Conflict of Interest (as defined in the Local Government Act) in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed. Disclosure must include the nature of the relevant interest or conflict of interest and be recorded in the minutes of the meeting.

It will be at the discretion of the Chairperson if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the minutes of the meeting.

An RLLG member who has declared a conflict of interest on a matter must abstain from voting on the matter if they remain in the meeting.

Where a meeting is identified as an Assembly of Councillors, staff must complete a Record of Assembly of Councillors form. Where a Conflict of Interest is identified by a Councillor or staff member at an Assembly of Councillors, the relevant Conflict of Interest form must also be completed. Forms should be forwarded to the Manager – Governance within five working days of the meeting. This information will be published at the next available Ordinary Council Meeting and on Council's website.

12. MEALS

The provision of refreshments during the course of an RLLG meeting will be in accordance with the Meals and Beverages for Council Committees Policy.

13. SUNSET CLAUSE

The RLLG Terms of Reference will sunset on 31 December 2018.

3. Recreation and Leisure Liaison Group - Representation (cont'd)

The following confidential appendices are circulated under separate cover:

Confidential Appendix B – Summary of the Evaluation Assessment of all applicants

Confidential Appendix C - Recreation and Leisure Liaison Group – Recommended Members

and

Confidential Appendix D – Recreation and Leisure Liaison Group – Application Forms

ALL WARDS**4. AUDIT COMMITTEE – REAPPOINTMENT OF INDEPENDENT MEMBER**

SUMMARY: *Manager – Governance and Innovation
(Fleur Cousins)*

The Knox City Council Audit Committee is an advisory committee of Council and comprises three Councillors (with the Mayor being an ex-officio member) and three independent members. It operates with the purpose of advising Council and Council's management on accounting, financial and internal control related matters.

One external member of the Committee is available for reappointment due to their term expiring at the end of December 2016. In accordance with the Audit Committee Terms of Reference, endorsement is sought for the reappointment of the existing member.

RECOMMENDATION

That Council endorse the reappointment of Mr Peter Harford as an independent member of the Knox City Council Audit Committee for a three year term from 1 January 2017 to 31 December 2019.

1. INTRODUCTION

The purpose of this report is to recommend reappointment of one independent member of the Knox City Council Audit Committee.

2. DISCUSSION

The Local Government Act 1989, Section 139(1) requires Council to establish an Audit Committee as an advisory committee of Council. In accordance with the Knox City Council Audit Committee Terms of Reference, membership comprises of:

- Three Councillors.
- Three independent members with senior business, management and/or finance experience who are conversant with the financial requirements relating to Local Government.
- The Mayor, who is an ex-officio member (no voting entitlement).

The primary objective of the Knox City Council Audit Committee is to assist and advise Council and Council's management in fulfilling their responsibilities in relation to finance and reporting practices and internal control issues.

4. **Audit Committee – Reappointment of Independent Member (cont'd)**

The Audit Committee's Terms of Reference states:

Method of Appointment of Independent Members to the Committee

The appointment of independent members will be by way of a public expression of interest process. The evaluation of potential members will be undertaken by the Mayor or Councillor nominated by the Mayor and Chief Executive Officer, using appropriate selection criteria. The appointment of independent members will be recommended to Council through a report to Council following the evaluation.

Term of Appointment of Independent Members

The term of each independent member will be for a maximum period of three years from the date of appointment following which the Council may reappoint the member or advertise for expressions of interest to appoint a new member. Where a casual vacancy is created with the departure of an independent member from the Committee the position will be filled through the independent member's appointment process.

The retirement of independent members will be staggered to avoid the potential loss of experienced members at the same time.

The current external members and their terms of membership are:

Name	Appointed	Reappointed	Final Meeting
Stan Naylor	January 2006	January 2009 January 2012 January 2015	December 2017
Linda MacRae	January 2010	January 2013 January 2016	December 2018
Peter Harford	January 2010	January 2011 January 2014 January 2017 *	December 2019 *

* Recommended

Mr Harford's curriculum vitae has been circulated separately as Confidential Appendix A.

Mr Harford is well qualified for his role on the Audit Committee, with a Bachelor of Commerce (majoring in Accounting and Economics) and Masters of Business Administration.

In addition to his role on the Knox City Council Audit Committee, Mr Harford has served on a number of Audit Committees including VicRoads and the Department of Infrastructure (Victorian State Government) and he was Deputy Chairman of the Board of Trustees of the Sustainable Melbourne Fund, an investment fund sponsored by the City of Melbourne.

4. Audit Committee – Reappointment of Independent Member (cont'd)

Mr Harford has held senior executive roles at Melbourne Water and Yarra Valley Water, as well as directorships in the commercial and non-profit sector.

Mr Harford is a Fellow of the Australian Society of Certified Practising Accountants.

With his extensive senior level management, financial and business experience, high level knowledge of the operations and objectives of audit committees and a sound knowledge of the business of local government, Mr Harford brings to the Knox City Council Audit Committee a capacity to advise Council in relation to financial, internal control and business management related issues.

On this basis, it is recommended that Mr Harford be reappointed for a further term of three years in accordance with the Audit Committee's Terms of Reference.

If this recommendation is endorsed by Council, Mr Harford's term will expire on 31 December 2019, and this then achieves the staggering of the retirement of external members to avoid the loss of experienced members at the same time.

3. CONSULTATION

No external consultation has been undertaken in this matter.

Mr Harford has indicated his willingness to serve a further three year term.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental or amenity issues to be considered for this report.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The Audit Committee is an integral part of Council's financial management, monitoring and accountability processes. In February 2013, Council resolved to establish the level of remuneration for independent members of the Committee at \$6,631 per annum (paid quarterly), indexed annually in line with the Consumer Price Index. Councillors on the Committee do not receive an additional allowance.

6. SOCIAL IMPLICATIONS

There are no social implications to be considered for this report.

4. Audit Committee – Reappointment of Independent Member (cont'd)

7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

The establishment and work of the Audit Committee supports Council in maintaining accountable and transparent governance practices and Council's sound stewardship of the community's finances and assets.

8. CONCLUSION

The Audit Committee plays an integral role in the corporate governance structure of the Council. Having independent members on the Audit Committee provides an external review capability and independent expertise to advise Council and Council's management on financial, management and internal control related matters. The reappointment of Mr Peter Harford to the Knox City Council Audit Committee is presented to the Council for consideration.

9. CONFIDENTIALITY

A confidential appendix has been circulated separately.

**Report Prepared By: *Manager – Governance and Innovation
(Fleur Cousins)***

**Report Authorised By: *Director – Corporate Development
(Joanne Truman)***

4. Audit Committee – Reappointment of Independent Member (cont'd)

Confidential Appendix A – Audit Committee – Reappointment Of Independent Member is circulated under separate cover.

ALL WARDS**5. CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE PLAN**

A confidential report is circulated under separate cover.

Report Prepared By: *Manager – Governance & Innovation
(Fleur Cousins)*

Report Authorised By: *Director – Corporate Development
(Joanne Truman)*

DOBSON WARD**6. OUTCOME OF REGISTRATIONS OF INTEREST FOR ILLOURA FACILITY**

A confidential report is circulated under separate cover.

Report Prepared By: *Senior Project Officer, ECIS Transition Project
(Mark Patterson)
Manager – Family & Children's Services
(Janine Brown)*

Report Authorised By: *Director – Community Services
(Kerry Stubbings)*

7. SUPPLEMENTARY ITEMS**8. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****9. URGENT BUSINESS****9.1 URGENT BUSINESS****9.2 CALL UP ITEMS**