

# Review of Rowville LDRZ and adjoining GRZ2 land

Knox City Council

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<b>GTP Quality System</b>			
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## 1. INTRODUCTION

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Knox City Council ('the Council') has engaged Glossop Town Planning to determine the appropriateness of the existing planning scheme provisions that apply to part of Rowville in the Low Density Residential Zone (LDRZ) and adjoining land to the north and east. We understand that Council is seeking to review the appropriateness of the controls in this area as it has been the subject of three local planning scheme amendments and, since 2001, the subject of ten VCAT decisions. This report has been informed by a meeting with Council officers a site visit in October 2019.

The report has been informed by:

- The *Ministerial Direction on the Form and Content of Planning Schemes* (updated 23 January 2020).
- The State Government's '*A Practitioner's Guide to Victorian Planning Schemes*'.
- Relevant Planning Practice Notes specifically:
  - PPN43: Understanding Neighbourhood Character (January 2018);
  - PPN90: Planning for housing (December 2019); and
  - PPN91: Using the residential zones (December 2019).

This report includes:

- An overview of the study area – its location and physical characteristics.
- Identification of the planning controls past and present (including analysis of relevant VCAT decision and planning panel reports).
- Identification of development and subdivision potential.
- An assessment of the suitability of the current planning controls - recognising the unique character of the area.
- Identification of a preferred option to revise planning controls.

A set of draft planning scheme provisions is appended to this report, based on the preferred option as set out in this report.

### ASSUMPTIONS AND LIMITATIONS

Our investigations are limited to the area defined in the project brief.

This report will be used to assist Council in its determination of whether the current planning controls are appropriate and whether they should be amended. The analysis is based on data provided by Council and publicly available data including Council reports, VCAT decisions and planning panel reports. Council has provided us with information from South East Water –

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including maps of properties with a sewerage connection. Council has also provided us with copies of correspondence from residents in the study area for the purposes of informing our understanding of the context of the study area. We have not identified any individuals or their views in this report.

There may be factors that may impact the recommendations and suggestions we have made as part of this review that we are not aware of, and we reserve the right to amend our planning opinion if that information is brought to our attention.

Our review of planning controls and drafting of proposed changes to the planning scheme is based on the planning scheme at the time. In the event the Knox Planning Scheme is 'translated' into the new PPF structure during this project, this work may need to be updated.

A set of draft planning scheme provisions is appended to this report. These documents have been provided in soft copy to assist Council with drafting changes via ATS Authoring.

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## 2. STUDY AREA

This section provides a description of the study area. The planning context is described below in Section 3.

The study area is in the suburb of Rowville, which is located approximately 28 km from Melbourne’s Central Business District (see Figure 1). The study area (outlined in red) is located to the north east of the intersection of Wellington Road and Taylors Road, approximately 3km east of Eastlink. It includes land generally bounded by Murray Crescent (to the north), Vista Crescent and Silkwood Way (to the east), Wellington Road (to the south) and Taylors Lane (to the west). There are 115 properties in the study area.

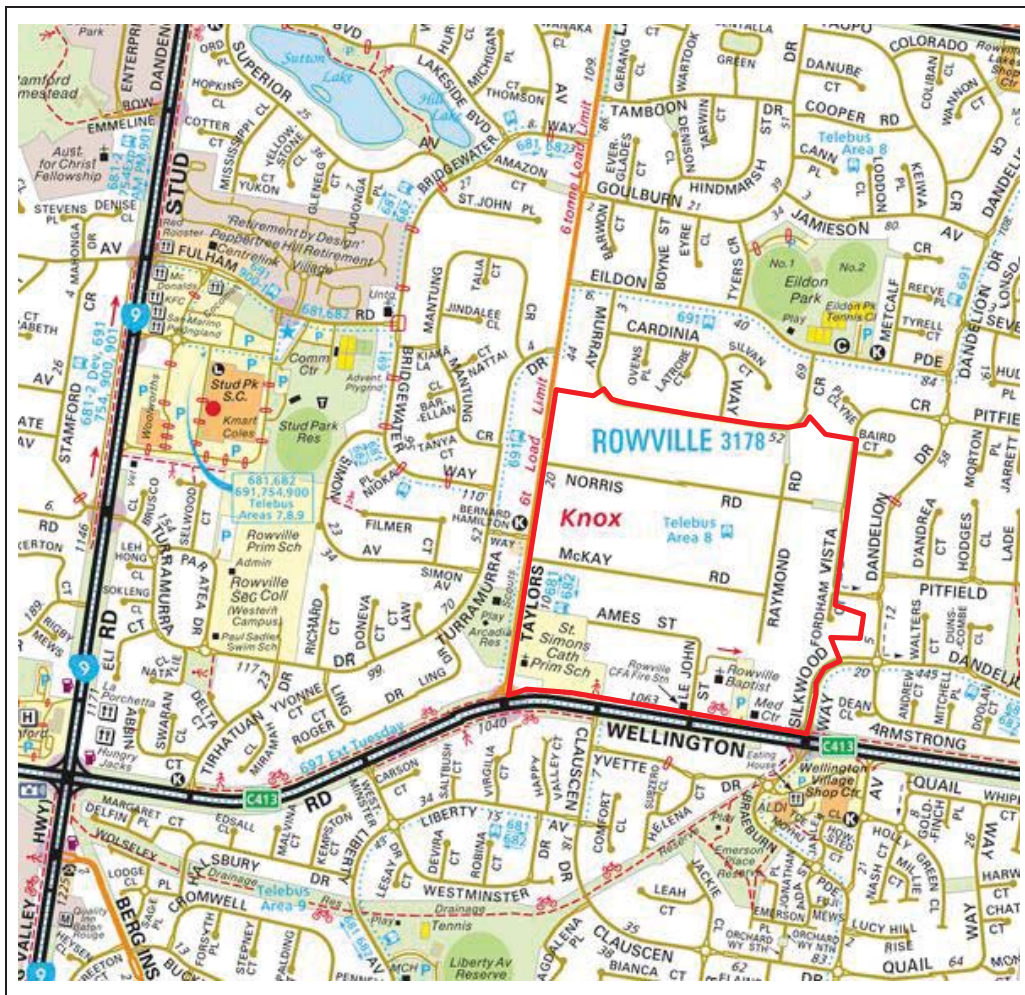


Figure 1 The Study Area and surrounds (Source: <https://www.melway.com.au/online-maps/>). Approximate outline of the Study Area shown in red.

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Figure 2 Study Area: Aerial (Source: <http://maps.au.nearmap.com/>)  
Approximate outline of the Study Area shown in red.

Rowville is the largest and most populous suburb in Knox. However, it was predominantly rural until the 1960s. The City of Knox was established in 1963 and in the decade that followed, the population of Rowville increased. Significant commercial development occurred from the 1980s, including the opening of the Stud Park Shopping Centre (approximately 1km to the west of the study area) in 1989. In the 1990s, the population grew rapidly, doubling between 1991 and 2006.

The study area is well located in terms of access to shops and services. Stud Park Shopping Centre is located approximately 1km to the west, and Wellington Village is located immediately to the south east of the site on the opposite side of Wellington Road. Rowville Primary and Secondary Schools are located approximately 1km to the west of the site and St. Simon the Apostle School is located within the study area. There is a bus service on Taylors Road that connects to the bus interchange at Stud Park Shopping Centre.

Most of the study area is not connected to sewerage. Properties not connected to sewerage are generally in the LDRZ (refer to the discussion under 'Connections to services' below).

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**RESIDENTIAL AREAS**

There are three distinct residential areas within the study area:

- Land in the Low Density Residential Zone (LDRZ);
- Properties on Murray Crescent (along the northern edge of the study area); and
- Properties on west side of Vista Crescent and Silkwood Way (along the eastern edge of the study area).

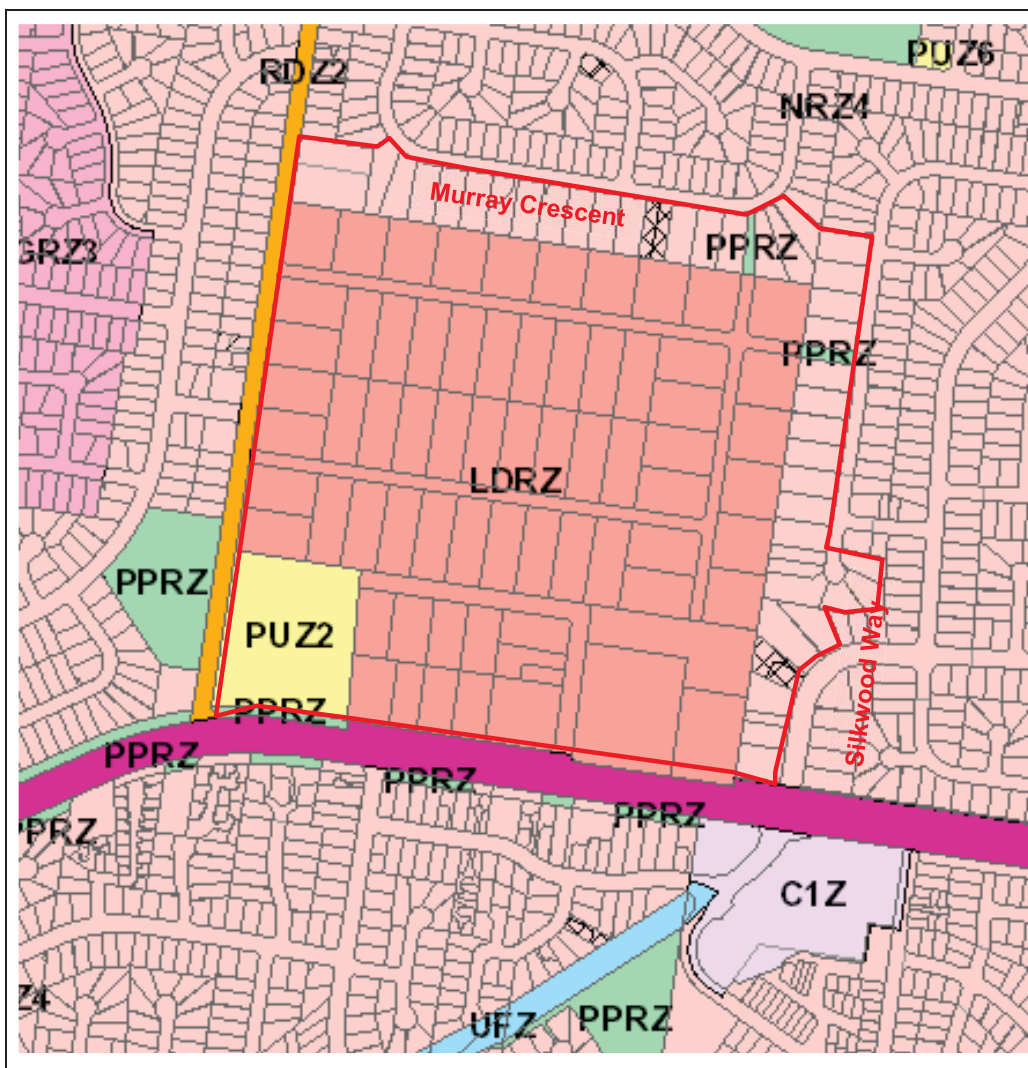


Figure 3 Study Area: Zoning Map (Source: <https://mapshare.vic.gov.au/vicplan/>)

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LAND IN THE LOW DENSITY RESIDENTIAL ZONE (LDRZ).

Land in the LDRZ was known as the 'Twin Views Estate' at the time of subdivision (1960s). This area is predominantly comprised of large residential lots (around 4,000m<sup>2</sup>). There are some non-residential uses along Wellington Road. In the residential areas, front gardens are bushy, containing mostly low-level vegetation, often with planted lawns. Some front gardens contain large mature trees. There are few front fences and where there is fencing, it is usually low. Side setbacks are typically around 5 metres, sometimes more. There are few side fences visible from the streetscape. The front setback of properties that front Wellington Road are heavily vegetated. Where the roads are paved, they are narrow with a curb and no footpaths. Ames Street is an unmade gravel road. Driveways are usually uncurbed and not always paved. Houses are mostly large low scale single storey structures well set back from the street at around 15 metres. Most of the houses were built in the early 1970s.



Figure 4 Top row: Norris Road, and Ames Road, Bottom: Properties on Norris Road

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RESIDENTIAL PROPERTIES ON MURRAY CRESCENT (IN THE NEIGHBOURHOOD RESIDENTIAL ZONE)

This area is comprised exclusively of large residential lots (around 2,000m<sup>2</sup>) that form part of a buffer, or transition to the land in the LDRZ to the south. Along the south side of Murray Crescent, front gardens are vegetated mostly with planted lawns. Some front gardens contain large trees. Where there is front fencing, it is low or semi-transparent. Front setbacks are varied between approximately 6 metres to over 20 metres. Side setbacks are varied, but they are not as wide as the in the residential areas in the LDRZ. Most houses were built in the early 1980s. They are a mix of single and double storey. Houses are not always positioned parallel to the street. There are no vacant lots. All lots are developed with one dwelling. There are no lots with two or more dwellings. The lots on the southern side are very deep (over 60 metres) and all properties have very spacious back yards.



Figure 5 Properties along the South side of Murray Crescent within the study area.

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RESIDENTIAL PROPERTIES ON WEST SIDE OF VISTA CRESCENT AND SILKWOOD WAY (IN THE NEIGHBOURHOOD RESIDENTIAL ZONE)

This area is also comprised exclusively of large residential lots (around 2,000m<sup>2</sup>) that form part of a buffer, or transition to the land in the LDRZ to the west. Along the west side of Vista Crescent and Silkwood Way, front gardens are bushy, mostly low level with planted lawns, there are very few large trees in front setbacks. There are few front fences, where there is fencing it is usually low. Front setbacks, especially along Vista Crescent, are generous (between 10 and 15 metres). Side setbacks (visible from the street) where they exist are not as generous as the residential areas in the LDRZ or along Murray Crescent. The houses were built in the mid to late 1990s. They are a mixture of single and double storey and typically brick construction with a tiled roof. Many properties contain swimming pools or tennis courts in the backyard. There are two vacant lots, and no lots with two or more dwellings<sup>1</sup>.



Figure 6 Properties on Vista Crescent

<sup>1</sup> 13 Silkwood Way has approval for the construction of a second dwelling to the rear of the existing dwelling. This is under construction at the date of this report.

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## NON-RESIDENTIAL USES

There are several non-residential uses within the study area. These are in the southern part of the study area generally along Wellington Road.

### ROWVILLE FIRE STATION

The Rowville Country Fire Authority (CFA) station is located at 1063 Wellington Road on the corner of Le John Street. It was constructed in 2013.

### ST. SIMON THE APOSTLE SCHOOL

St. Simon the Apostle School was established in 1982 on the corner of Wellington Road and Taylors Lane. The Parish Church, Hall, House and Presbytery are located within the grounds. The frontage to Wellington Road is screened by vegetation.



Figure 7 CFA Station and St Simon the Apostle School – view from Taylors Lane (Source: Google Maps)



#### ROWVILLE BAPTIST CHURCH

The Rowville Baptist Church is located at 6 Le John Street, on the corner of Wellington Road and Le John Street. It was initially developed in 2008. The church decided to subdivide and sell land to fund development. In 2012, a combined planning permit and planning scheme amendment (Amendment C87) was approved that enabled a five-lot subdivision immediately north of the church. This subdivision was never completed, and the land is now being developed for an aged care facility.

#### AGED CARE FACILITY

In 2016 a planning permit was issued for the development of an aged care facility at 18 Le John Street (on land formerly owned by the Rowville Baptist Church). This facility is recently constructed.



*Figure 8 Le John Street: The Rowville Baptist Church and a residential aged care facility (under construction in October 2019)*



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**'WELLNESS ON WELLINGTON' MEDICAL CLINIC.**

The Wellness on Wellington Medical Centre (previously known as Parkridge Medical Centre) at 1101 Wellington Road opened in November 2010.

**PLYMOUTH BROTHERS CHRISTIAN CHURCH**

The Plymouth Brethren Christian Church was built in 2016 and is located at 3 Le John Street.



*Figure 9 'Wellness on Wellington' (Source: Google Maps) and the Plymouth Brethren Christian Church.*

**POCKET PARKS**

There are two small 'pocket' parks within the study area that connect the Low Density Residential Areas with Murray Crescent and Vista Crescent.



*Figure 10 Connections to Murray Crescent and Vista Crescent.*

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## CONNECTIONS TO SERVICES (SEWERAGE)

Most of the study area is not connected to sewerage (refer to Figure 11 below). There are 115 properties within the study area (across all zones). 55 properties are not connected to sewerage.

Of the properties not connected to sewerage 53 are in the LDRZ, two are in the Public Park and Recreation Zone (PPRZ) and none are in the NRZ4.

All septic tank systems installed prior to 1988 had a legal right to discharge treated wastewater offsite. Advice from Council's Stormwater team is that properties within the LDRZ (not connected to sewerage) have a legal right to discharge untreated greywater directly into the stormwater network. This area of the stormwater network connects to the Corhanwarrabul Creek.

The State Environment Protection Policy (Waters of Victoria) was published in 1988<sup>2</sup>. It required all wastewater to be kept within property boundaries. Under the current regulatory framework, Council does not have any power to require property owners to upgrade these systems so that they meet current standards<sup>3</sup>. The September 2018 *Victorian Auditor-General's Report Managing the Environmental Impacts of Domestic Wastewater* concluded:

*The regulatory framework is overly complex and has gaps that hinder the effective management of risks from poorly performing onsite systems. Its complexity has led to a lack of clarity around agencies roles and responsibilities. There is a lack of incentives and triggers to drive councils to address the issues with poorly performing onsite systems and their maintenance and upgrades where required. This is exacerbated in the case of systems installed prior to 1988 which either have no permits or have permits that approve offsite discharges. The ongoing unchecked performance of these systems poses the greatest risk to the environment and public health.*<sup>4</sup>

(emphasis added)

Water authorities use property size to measure whether a property can safely contain wastewater onsite. Properties under 4,000m<sup>2</sup> should be connected to sewerage because theoretically they cannot safely treat and contain wastewater onsite. As a result, South East Water 'does not generally prioritise greater than 4,000m<sup>2</sup> for servicing'<sup>5</sup>.

<sup>2</sup> This is now the State Environment Protection Policy (Waters)

<sup>3</sup> Source: Victorian Auditor-General's Report Managing the Environmental Impacts of Domestic Wastewater (September 2018). <https://www.audit.vic.gov.au/sites/default/files/2018-09/20180919-Managing-the-Environmental-Impacts-of-Domestic-Wastewater.pdf> (page 62)

<sup>4</sup> Source: Victorian Auditor-General's Report Managing the Environmental Impacts of Domestic Wastewater (September 2018) page 59

<sup>5</sup> Source: Victorian Auditor-General's Report Managing the Environmental Impacts of Domestic Wastewater (September 2018) page 10





South East Water have advised Council they do not have any plans to provide sewerage facilities to the properties in the study area that are not connected.

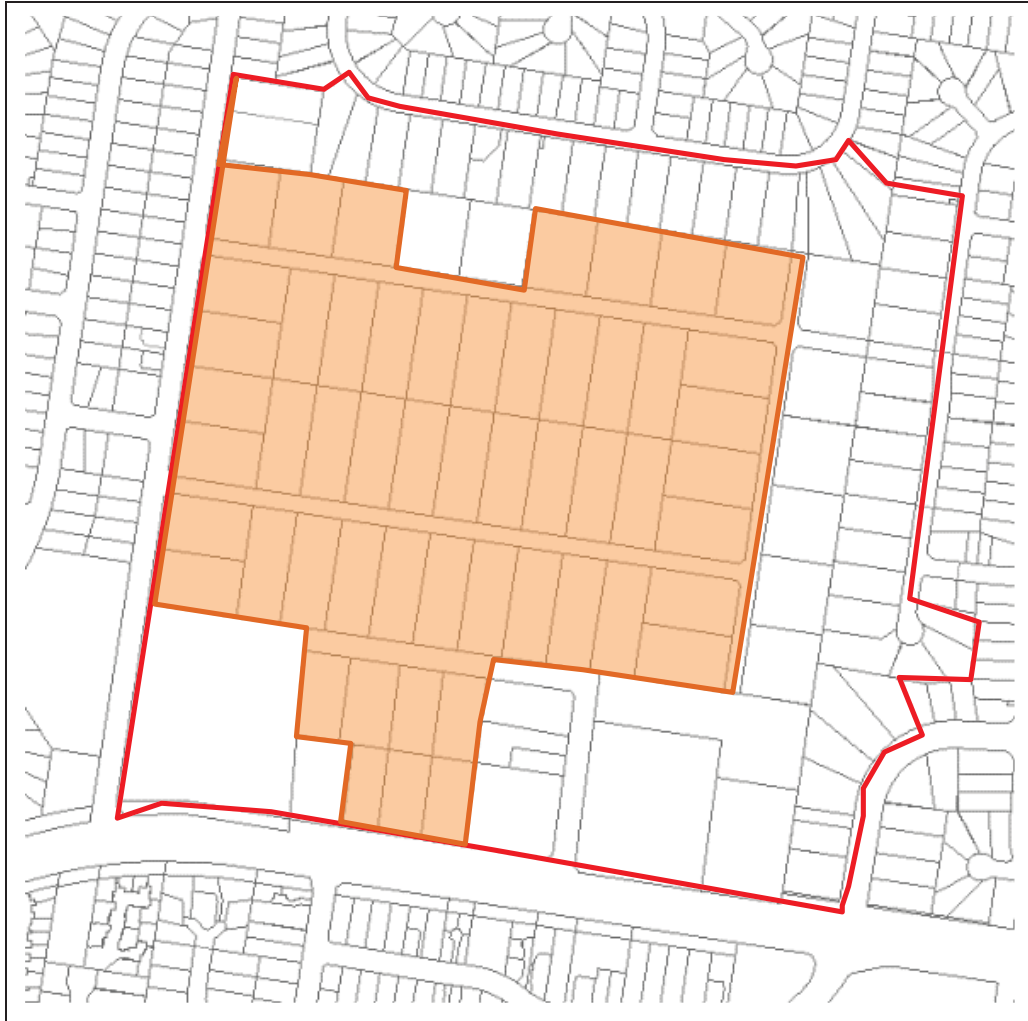


Figure 11 Properties not connected to reticulated sewerage (highlighted in orange). Based on South East Water data supplied by Knox City Council (October 2019)



**ACCESS TO OPEN SPACE**

Clause 19.02-6S (Open Space) includes the following strategy: *improve the quality and distribution of open space and ensure long-term protection.* According to the *Knox Open Space Plan 2012-2022* the study area is almost entirely within an area identified as being underserved by open space. This shortfall could be addressed through ‘improved connections across roads’ to access existing open space in Rowville.

Clause 21.08-2 (Open space and recreation) provides the following context:

*... Whilst Knox is generally well served with open space, some areas are underprovided in terms of either open space provision or access to open space (with physical barriers such as major roads restricting access). Opportunities exist to significantly improve the functionality and design of Knox’s open space areas to improve both the quality and diversity of open space and recreation activities and services to meet changing community needs.*

*(emphasis added)*

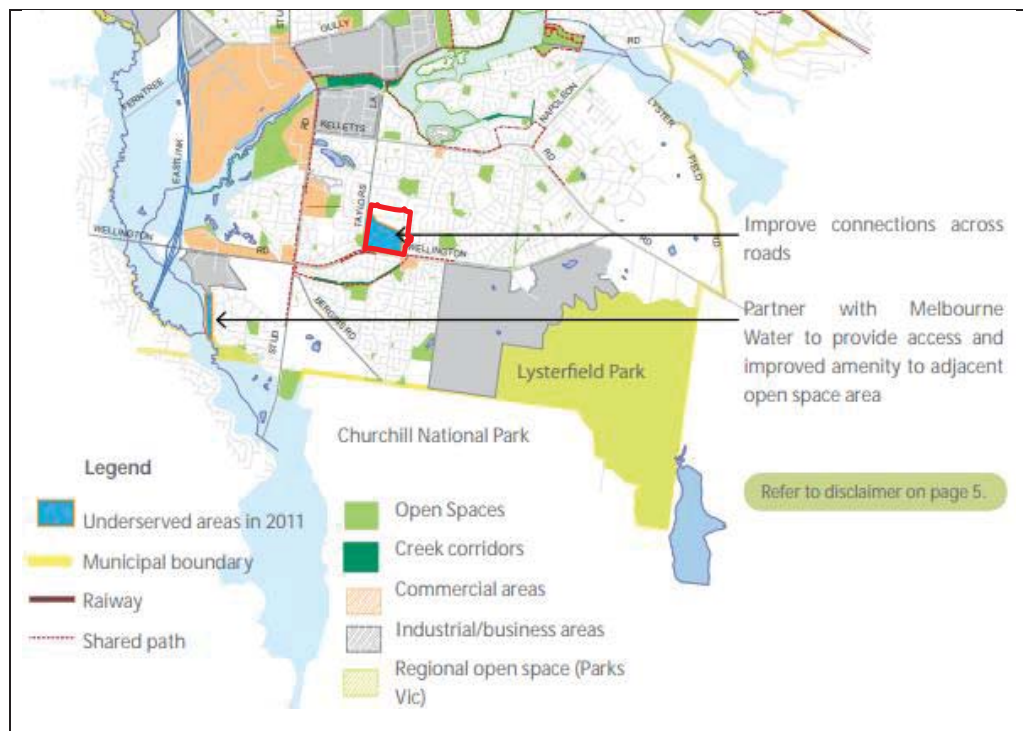


Figure 12 Provision of Open Space (Source: Knox Open Space Plan 2012-2022 page 31) Study area shown in Red

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### 3. CURRENT PLANNING CONTEXT

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#### PLANNING POLICY FRAMEWORK

##### STATE PLANNING POLICY

State and regional policy encourages housing consolidation within the metropolitan area and increased diversity to provide housing for a growing population. *Plan Melbourne* identifies that Melbourne's population is expected to grow to more than 7.9 million people by 2051. To support sustainable development within the metropolitan area, the strategy has policy which seeks to create a city of '20-minute neighbourhoods', where residents are able to achieve their needs for living, working and recreation within a 20-minute journey by walking, cycling or public transport. It is recognised that achieving this goal requires a consolidation of urban form.

Urban consolidation is also encouraged to limit outward urban sprawl. *Plan Melbourne* seeks to protect green wedges from urban development and set a hard urban growth boundary to the metropolitan area.

The key strategic objectives of *Plan Melbourne* guide state and regional policy in the Knox Planning Scheme. Relevant policy directions at a state or regional level for the study area include:

- Clause 11.01-1R 'Settlement – Metropolitan Melbourne', which seeks to maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land. This is supported by strategies which seek to create mixed-use neighbourhoods at varying densities and developing a network of activity centres of varying size, role and function.
- Clause 15.01-5S 'Neighbourhood character' which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. This is supported by strategies to ensure that development responds to cultural identity and contributes to existing or preferred neighbourhood character, its context and the valued features and characteristics of the local environment. It also seeks to ensure that the preferred character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Clause 16.01-1S 'Housing supply', which seeks to facilitate well-located, integrated and diverse housing that meets community needs. Strategies seek to increase the supply and diversity of housing in existing urban areas by facilitating increased housing yield in appropriate locations. It relevantly seeks to increase the proportion of housing in designated locations in established areas (including under-utilised urban land) to reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Clause 16.01-1R 'Housing supply – Metropolitan Melbourne', which seeks to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport. It also

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seeks to provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas and to allow for a range of change in residential areas to balance protecting valued areas with the need to ensure choice and growth in housing.

- Clause 16.01-2S 'Housing affordability, which seeks to deliver more affordable housing closer to jobs, transport and services.

The study area is located within an established urban area that offers good access to jobs, services and transport. Therefore, state and regional planning policy is broadly supportive of additional housing in this location. However, future residential development would need to respond to Clause 15.01-5S (Neighbourhood character).

#### LOCAL PLANNING POLICY

At a local level, the Strategic Framework Plan at Clause 21.02 of the Knox Planning Scheme identifies that the study area forms part of a residential area that is near the Rowville Activity Centre.

Clause 21.06 identifies that the City of Knox adopts a 'scaled approach' to housing and locations for new residential development (see Figure 13, below). Clause 21.06 identifies that the majority of the study area (all land in the LDRZ) forms a 'Bush Suburban' residential area, which is described as follows in terms of its character:

*Bush Suburban Areas include two distinct areas: the Dandenong Foothills and the Sites of Biological Significance. These areas have distinctive and significant biological values. Limited and low scale residential development is anticipated in these areas in order to protect the environmental and biological qualities that make these areas distinct.*

The designation is anachronistic, given that the study area is not located within the Foothills, nor is it identified as forming part of a site or sites of biological significance.

The northern and western buffer within the study area is in a Knox Neighbourhood Area, which is described in the following terms:

*Knox Neighbourhood Areas represent the majority of Knox's residential areas and have a sense of spaciousness within the public and private realm. These areas will continue to be low-scale neighbourhoods, characterised by detached dwellings with large backyards which contribute to the area's green and leafy character.*

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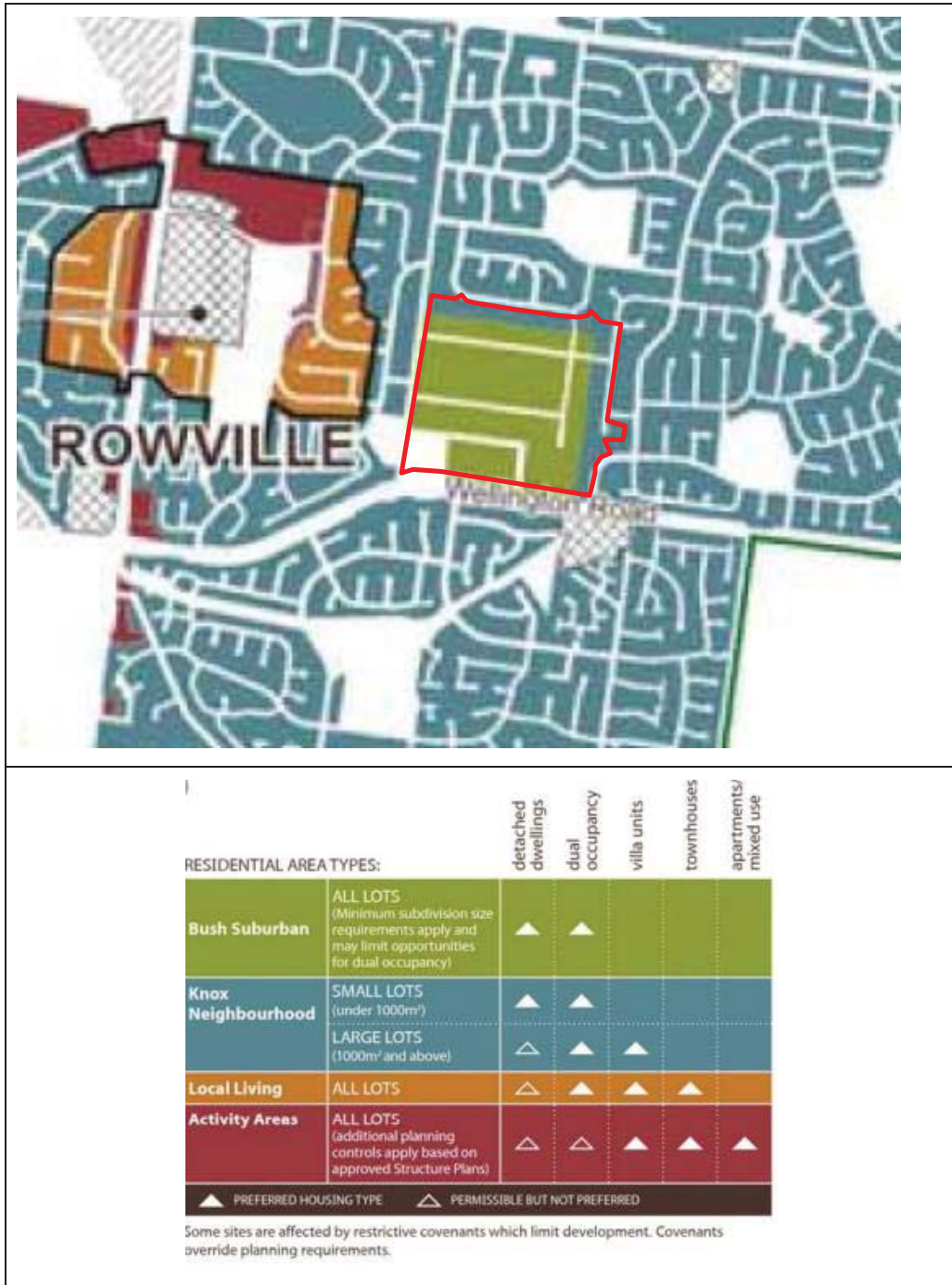


Figure 13 Knox Residential Policy, as it applies to the Study Area<sup>6</sup> Study area shown in red outline.

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Relevant strategies at Clause 21.06-1 seek to:

*Direct growth away from Bush Suburban and Knox Neighbourhood areas.*

Other strategies at this clause seek to limit further development within Bush Suburban and Knox Neighbourhood areas by seeking to avoid the development of land for villa unit, townhouse and apartment development.

Clause 21.06-3 seeks to support development which enhances the City's 'green and leafy' landscape character.

This is furthered by policy at Clause 22.07 'Development in residential areas and neighbourhood character', which has objectives which include:

*To facilitate development that is responsive to the unifying 'green and leafy' character of Knox.*

*To facilitate development that is responsive to the desired future character of the area.*

*To support sustainable urban growth by directing housing to preferred locations.*

*To support a range of housing types and forms to meet the needs of the existing and future community.*

*To support more intensive development in areas where there is access to frequent and reliable public transport services, shopping, employment and community facilities.*

Detailed guidance for Bush Suburban areas is provided at Clause 22.07-3, which says that the preferred future character of Bush Suburban areas will:

*Contribute to the protection and enhancement of Knox's distinctive environmental and biological values.*

*Continue to be low-scale neighbourhoods where significant indigenous and native vegetation is retained and complemented.*

*Require built form that is subservient to the area's landscape dominant character.*

The policy contains a number of design objectives and guidelines to support the achievement of this preferred character.

Clause 22.07-4 provides guidance for Knox Neighbourhood areas. The preferred character for these areas will:

*Continue to be low-scale neighbourhoods, characterised by detached houses and dual occupancies; with some villa unit developments on larger blocks.*

*Retain their green and leafy identity and character through the retention of front and back yards, and the establishment of a garden setting that includes canopy trees.*

<sup>6</sup> See: [https://www.knox.vic.gov.au/Files/CityDev/Knox\\_Housing\\_Policy\\_Map.pdf](https://www.knox.vic.gov.au/Files/CityDev/Knox_Housing_Policy_Map.pdf)



The policy contains several design objectives and guidelines to support the achievement of this preferred character. Refer to Appendix 1 for a copy of clause 21.06.

## ZONES

This section provides an overview of the four zones that apply to land in the study area (refer to Figure 3 above for a zoning map of the study area).

### LOW DENSITY RESIDENTIAL ZONE (LDRZ)

The LDRZ applies to most of the land in the study area. The Practitioner's Guide to Victorian Planning Schemes outlines that the LDRZ is intended to be applied to residential areas that are not serviced by reticulated sewerage systems.<sup>7</sup> Therefore the application and retention of this zone (in the absence of sewerage connections) is entirely appropriate.

The primary purpose of this zone (in addition to implementing the Municipal Planning Strategy and the Planning Policy Framework) is:

*To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

The schedule to the LDRZ can specify a minimum lot size for subdivision, although any lot size specified must be at least 0.4 hectares where reticulated sewerage is not connected or 0.2 hectares where reticulated sewerage is connected. The schedule can also specify dimensions above which a permit is required to construct an outbuilding. There are no local minimum subdivision sizes specified in the LDRZ schedule in the Knox Planning Scheme. Therefore, the minimum subdivision size is 0.4 hectares where reticulated sewerage is not connected and 0.2 hectares where reticulated sewerage is connected.

### NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)

The NRZ applies to land on the southern side of Murray Crescent and the western side of Vista Crescent and Silkwood Way within the study area. This is a recent change to the zoning of land within this area, which was within the General Residential Zone (GRZ) until the gazettal of Amendment GC172 on 23 December 2020.

The *Practitioner's Guide to Victorian Planning Schemes* outlines that the NRZ is generally intended for areas where single dwellings prevail and minimal change is proposed, such as areas of recognised neighbourhood character or environmental and landscape significance.<sup>8</sup> However, Planning Practice Note No. 91 – Using the Residential Zones notes that this zone can be applied to a broader range of circumstances, where either minimal or incremental change is anticipated, or in areas that are identified as being special or constrained.<sup>9</sup> The

<sup>7</sup> *A Practitioner's Guide to Victorian Planning Schemes*, p. 125.

<sup>8</sup> *A Practitioner's Guide to Victorian Planning Schemes*, p. 125.

<sup>9</sup> *Planning Practice Note No. 91*, p. 5.



purpose of the NRZ (in addition to implementing the Municipal Planning Strategy and the Planning Policy Framework) is:

*To recognise areas of predominantly single and double storey residential development.*

*To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

*To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The NRZ applies a mandatory 9 metre, 2 storey height limit. The zone requires that an application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area in accordance with the requirements of the zone.

Schedules to the NRZ can include neighbourhood character objectives and vary the height requirements of the zone and standards of Clause 54 and Clause 55.

Within the study area the Neighbourhood Residential Zone Schedule 4 (NRZ4) applies. This schedule applies to Knox Neighbourhood Areas. This schedule varies several Clause 54 and Clause 55 standards including landscaping and private open space.

#### PUBLIC USE ZONE

The St Simon the Apostle School is partly within the Public Use Zone (PUZ) and partly within the LDRZ. The Public Use Zone recognises the use of land for a public purpose, such as education (in the case of a public school).<sup>10</sup> The school is a Catholic school and therefore not a public school. Its inclusion within the Public Use Zone appears to be an anomaly.

#### PUBLIC PARK AND RECREATION ZONE

There are two linear 'pocket' parks in the north-eastern part of the study area. They are in the Public Park and Recreation Zone (PPRZ). The PPRZ is the primary zone within the Victoria Planning Provisions for public open space and public recreation areas.<sup>11</sup>

The purpose of the zone is:

*To recognise areas for public recreation and open space.*

*To protect and conserve areas of significance where appropriate.*

*To provide for commercial uses where appropriate.*

As these two properties are owned by Council and are appropriately zoned, they are not subject to any further analysis or consideration of alternative planning controls.

<sup>10</sup> A Practitioner's Guide to Victorian Planning Schemes, p. 114.

<sup>11</sup> A Practitioner's Guide to Victorian Planning Schemes, p. 114.



**OVERLAYS AND PARTICULAR PROVISIONS**

No overlays apply to the study area. It is not located within a Bushfire Prone Area, the Principal Public Transport Network Area or an area of Aboriginal Cultural Heritage.

Properties over 4,000m<sup>2</sup> may be affected by clause 52.17 (Native Vegetation). This provision contains provisions that may require or exempt a planning permit for the removal of native vegetation. Since January 2010, two permits for the removal of native vegetation have been issued for properties in the LDRZ.

**CHRONOLOGY OF PLANNING CONTROLS**

The planning history of the study area provides important context to this assessment.

Subdivision of land within the LDRZ - for residential purposes – first occurred in the 1960s. The subdivision was known as the ‘Twin Views Estate’.

Most of the study area was developed in the 1970s and 1980s under the ‘Rowville/Lysterfield Master Development Plan’. This plan recognised the need for the larger lots to have an appropriate buffer<sup>12</sup> to the central part of the study area known as the ‘Twin Views Estate’ at the time of development.

*Table 1 Summary of Changes to Planning Controls*

Changes to Planning controls	Impact on the study area
Prior to the Victoria Planning Provisions (VPPs) and the ‘new’ format Knox Planning Scheme November 1999	In 1981, the land along the northern and eastern boundaries of the ‘Twin Views Estate’ was rezoned to a depth of 65m to the Knox Residential Medium Zone which required minimum lot sizes of 2,000sqm. <sup>13</sup>
November 1999 New Format Planning Scheme introduced	Land within the ‘Twin Views Estate’ was placed in the Low Density Residential Zone (LDRZ) with a minimum subdivision zone of 0.4ha.  Land along the northern and eastern boundaries was placed in the Residential 1 Zone (R1Z) - with no subdivision controls.

<sup>12</sup> See: *Connors V Knox CC [2001] VCAT 557*

<sup>13</sup> This applied to the residential properties on the south side of Murray Crescent and the west side of Vista Crescent and Silkwood Way.





Changes to Planning controls	Impact on the study area
<p>October 2004 Amendment C5 approved</p>	<p>Amendment C5 implemented the City of Knox Neighbourhood Character Study 1999. It introduced a new Neighbourhood Character Policy that defined residential precincts and included a statement of desired future character, design objectives and design responses for each precinct.</p> <p>Land in the LDRZ was placed in the 'Rural Parkland' precinct and land in the study area that was in the (then) Residential 1 Zone was placed in the in the 'Villa Court 4' precinct.</p> <p><i>Both of these precincts were unique to the study area.</i></p> <p>Refer to Appendix 2 for a full copy the (former) Neighbourhood Character Policy.</p>
<p>November 2006 Amendment C46 approved.</p>	<p>Amendment C46 implemented the 2005 Knox Housing Statement. Changes included a new local housing policy and application of the Residential 3 Zone (R3Z) to 'established residential areas'.</p> <p>Land in the study area that was R1Z was rezoned to R3Z. The R3Z included a 9m height limit and increased ResCode standards for private open space.</p>
<p>2013 to 2014 State Government Reform of Residential zones.</p>	<p>The minimum subdivision size for land in the LDRZ was reduced from 0.4ha to 0.2ha – <i>for lots connected to reticulated sewerage.</i></p>



Changes to Planning controls	Impact on the study area
<p>March 2016 Amendment C131</p>	<p>Amendment C131 implemented the 2015 Knox Housing Strategy. Changes included: a new local housing policy; deletion of the Neighbourhood Character Policy and residential precincts; and the introduction of four housing change areas: Activity Areas, Local Living, Knox Neighbourhood and Bush Suburban.</p> <p>Land in the LDRZ was placed in Bush Suburban - the lowest change area.</p> <p>Land in the R3Z was rezoned to GRZ Schedule 2 'Knox Neighbourhood' (GRZ2). This is the second lowest change area which applies to most residential areas across the municipality).</p>
<p>December 2020 Amendment GC172</p>	<p>Amendment GC172 rezoned residential land in a number of municipalities to correct inconsistencies with the application of the reformed residential zones.</p> <p>Relevant to the study area, it rezoned land along Murray Crescent, Silkwood Way and Vista Crescent from the General Residential Zone – Schedule 2 (GRZ2) to the Neighbourhood Residential Zone – Schedule 4. This allows the retention of the maximum building height of 9 metres, in accordance with the proper application of the height limits within the reformed residential zones.</p> <p>The land in this area is now within the lowest order standard residential zone in the Knox Planning Scheme.</p>

### SITE SPECIFIC PLANNING SCHEME AMENDMENTS

There have been three site specific amendments approved in the Study Area since the introduction of the new format Knox Planning Scheme in November 1999.

#### AMENDMENT C15

Amendment C15 (approved on 12 April 2001) applied a site-specific control to 5 Ames Street. The amendment was required to correct an error that occurred in the translation of the former Knox Planning Scheme into the Victorian Planning Provisions New Format Scheme in 1999.

#### p.23



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The control enabled the property to be subdivided into two lots (contrary to the 4,000m<sup>2</sup> minimum requirements of the LDRZ). The lots were required to be no less than 3,000m<sup>2</sup> and have a minimum frontage of 42m to Ames Street. Following completion of the subdivision, the site-specific control was removed from the Knox Planning Scheme.

#### AMENDMENT C87

Amendment C87 (approved on 28 June 2012) applied a site-specific control to land at Lot 3 LP42250 Wellington Road (now known as 18 Le John Street). The site-specific control enabled the property to be subdivided into lots with a minimum size of 2,000m<sup>2</sup> (contrary to the 4,000m<sup>2</sup> minimum requirements of the LDRZ). This was a combined amendment and permit application – with the permit application being for a 6 lot subdivision.

**p.24**



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The Planning Panel that considered this amendment recommended it be adopted (with minor changes for clarification). The Planning Panel also recommended that:

*The planning authority should consider an alternative zoning (potentially with an overlay or revised local policy) for the area of the subject site in any future review of residential zones and/or housing policy.*

The subdivision was not completed and 18 Le John Street is currently being developed for a residential aged care facility. Therefore, the site-specific control is redundant and should be removed from the Knox Planning Scheme.

#### AMENDMENT C103

The land at 3 Le John Street, Rowville was a former Council owned property that was deemed surplus to Council requirements. Amendment C103 (approved on 24 March 2011) rezoned 3 Le John Street, Rowville from Public Park and Recreation Zone to LDRZ.



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## 4. VCAT DECISIONS

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Since the introduction of the New Format Planning Scheme in 1999 this small pocket of Rowville has been the subject of 10 VCAT decisions. This section provides a review of the most *relevant* VCAT decisions to inform our assessment of the suitability of current planning controls.

Generally, these cases have related to land outside the Low Density Residential Zone and most are within the Murray Crescent land that has an interface to the Low Density Residential Zone.

Most of these cases have resulted in no planning permit being issued. In early 2018 VCAT refused to grant a planning permit for developments at: 28, 30, 48 and 50 Murray Crescent and 24-26 Taylors Lane. These cases were essentially refused because the proposed development failed to respect the unique neighbourhood character of the area.

In some cases, in recognition of the unique character of the area, VCAT provided commentary on the need to consider further controls in this area, for example:

*further controls... should be implemented in this part of Rowville to protect its unique character*<sup>14</sup>

Most recently, in March 2020, VCAT considered a new application at 24-26 Taylors Road and set aside Council's refusal of the application and directed a planning permit be issued for 18 dwellings (11 double storey and 7 single storey).

Refer to Figure 14 below for a map of the six planning permit applications refused and one approved by VCAT in the land zoned NRZ4 (previously GRZ2) within the study area (between January 2010 and March 2020).

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<sup>14</sup> *V Developers Pty Ltd v Knox CC [2018] VCAT 1541 (9 October 2018) paragraph 25*



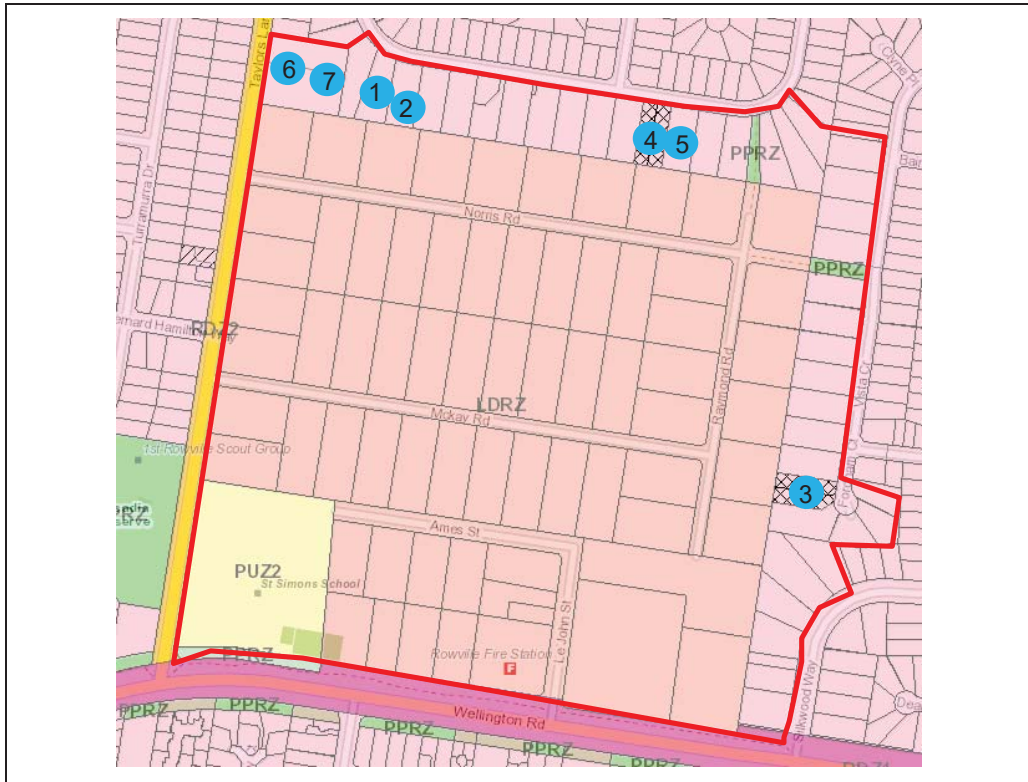


Figure 14 Map of Planning permit applications determined by VCAT in the GRZ2 within the study area (January 2010 to December 2019).

Address		Development Proposal and Outcome
1	28 Murray Crescent	6 Dwellings refused by Council and VCAT (2017)
2	30 Murray Crescent	6 Dwellings refused by Council and VCAT (2017)
3	6 Fordham Court	6 Dwellings refused by Council and VCAT (2017)
4	48 Murray Crescent	6 Dwellings refused by Council and VCAT (2018)
5	50 Murray Crescent	6 Dwellings refused by Council and VCAT (2018)
6	24-26 Taylors Lane	22 Dwellings refused by Council and VCAT (2018)
7	24-26 Taylors Lane	18 Dwellings refused by Council, approved at VCAT (2020)

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### CONNORS V KNOX CITY COUNCIL (2001)

In *Connors V Knox CC*<sup>15</sup>, the Tribunal refused an application for the development of three single storey dwellings at 46 Murray Crescent, Rowville. The site is approximately 2,000m<sup>2</sup> and was in the R1Z in 2001. Despite the age of this case it provides context on the history of the study area and includes a discussion on precedent. These aspects of the case detailed below.

The description of the site included the following observations:

*The south side of Murray Crescent is characterised by lots which generally have about a 30 metre wide street frontage and a depth of approximately 67 metres. All such lots are about 2000sq metres. This differs markedly from the lots which are located on the north side of Murray Crescent and which are more conventionally dimensioned and sized. To the south of the subject site and the lots fronting the south side of Murray Crescent is an area known as the Twin Views Estate, which I understand was developed in the early 1980's as a rural residential subdivision comprising allotments of around 4000sq metres.*

The Tribunal described the history of the zoning of this site as 'interesting'.

*... the Twin Views Estate were developed in the 1970s under the Rowville/Lysterfield Master Development Plan. In 1975 this plan recognised that the larger lots needed to have an appropriate buffer. In 1978 the Council resolved that land along the northern and eastern boundaries of the Twin Views Estate be rezoned to a depth of 65 metres to the Knox Residential Medium Zone. This zone required a minimum lot size of 2000sq metres. This was gazetted in March 1981 and remained in force until the new format scheme came into operation in November 1999. The land was then simply zoned Residential 1 with no overlays.*

This decision provides the following commentary on precedent:

*These are very large lots in comparison to normal residential developments just to the north and east and west of this area. They were definitely set aside as a buffer and it is quite opportunistic to attempt to develop higher densities on them when there is obviously a community and I believe Council's attitude to preserving the buffer. There are at least three other sites of the similar size on the east side of the Twin View Estate that are vacant and if a permit is issued for multi dwelling units on this site it would be very difficult to sustain refusal of any proposal on the others. While it is unusual for Tribunals to place much emphasis on precedent I believe in this particular case it is necessary to do so.*

*[emphasis added]*

<sup>15</sup> *Connors V Knox CC* [2001] VCAT 557 (31 MARCH 2001)



The Tribunal indicated that the ResCode requirements were not sufficient to retain the low-density buffer area and

*...‘if this is to be retained in the long term as a low density buffer area, then the Responsible Authority should take steps either by a schedule or a DDO to protect it’.*

In summary, the Tribunal believed that *‘this proposal fails both on the merits of the design and in relation to Neighbourhood Character’*. VCAT upheld and affirmed the Responsible Authority’s decision and directed that no permit be issued.

### **MURRAY CRESCENT PROJECTS PTY LTD V KNOX CITY COUNCIL (2018)**

In *Murray Crescent Projects Pty Ltd V Knox CC*<sup>16</sup>, the Tribunal refused an application for the development of four double storey dwellings and two single storey dwellings at 50 Murray Crescent, Rowville. The subject site is approximately 2000m<sup>2</sup>.

In this case the Tribunal determined that the balance of the policies in the scheme (in relation to this site) do not give precedence to those which support additional housing growth over those which require consideration of neighbourhood character. This case also describes the ‘backyard’ character of this area.

The Tribunal recognised the different subdivision pattern on the southern and northern side of Murray Crescent and the site’s abuttal to the LDRZ, that is the interface between the Knox Neighbourhood Area and the Bush Suburban Area.

The Tribunal made note that Clause 21.06 of the Knox Planning Scheme states that Knox Neighbourhood and Bush Suburban are not areas which are to be the focus for growth and strategies indicate growth is to be directed away from these areas. The site is not within or in close proximity to an area which policy supports a significant change to the existing area to accommodate growth.

The Tribunal determined that the overall policy direction for site was that any development needs to be tempered to respond to neighbourhood character policy:

*...the balance of the policies in the scheme, as they relate to this site, do not give precedence to those which support additional housing growth over those which require consideration of neighbourhood character. As such, in my view, the overall policy direction for this site is for any development to be tempered so that it appropriately responds to neighbourhood character policy.*

The character policies set out in Clause 22.07 state the preferred character as *a continuation of the existing low scale neighbourhood and the retention of the existing green and leafy identity*. In this matter the Tribunal determined that the extent of built form throughout the site was completely at odds with the spacious setting and substantial backyard areas which form part of the exiting character.

<sup>16</sup> *Murray Crescent Projects Pty Ltd V Knox CC [2018] VCAT 412 (21 March 2018)*



*The spacious setting and substantial backyard areas... form part of the existing character. While there is some built form within existing backyards (such as sheds and pools), this development is of a much lower scale and takes up a lesser proportion of the rear yard space compared with what is proposed.*

### **RESOURCES ACTION DEVELOPERS PTY LTD V KNOX CITY COUNCIL (2018)**

In *Resource Action Developers Pty Ltd V Knox CC*<sup>17</sup>, an application for the development of four double storey dwellings and two single storey dwellings at 48 Murray Crescent, Rowville was refused.

Like previous decisions outlined in this section, the Tribunal determined the proposed development (spanning the length and breadth of the site) was not appropriate for the subject land having regarded to the preferred neighbourhood character and whether the proposal was an overdevelopment of the site. This decision includes discussion on the interface with the LDRZ to the south and commentary on inappropriate setback distances.

In relation to front setbacks the Tribunal said:

*Front setbacks on the larger lots within Murray Street are very generous, for example the adjoining lots have front setbacks of 20 and 16 metres. Whilst large dwellings which appear to be boundary to boundary are common, the visual bulk of these dwellings is mitigated by the setting of these dwellings behind very spacious front gardens. A better response to the character of this area would have been to have taken the average of the two adjoining properties.*

The Tribunal concluded that the proposed 6 metre rear setback was insufficient:

*More troubling is the response to the low-density properties at the rear of the site. Whilst the revised proposal has reduced the height of the rear dwellings to single storey, I find that a six-metre rear setback is insufficient to maintain the rear back yard 'spine'.*

### **V DEVELOPERS PTY LTD V KNOX CITY COUNCIL (2018)**

In *V Developer Pty Ltd V Knox CC*<sup>18</sup>, the Tribunal refused an application for the development of three double storey dwellings and two single storey dwellings at 28 Murray Crescent, Rowville.

In this case the Tribunal found the proposed development failed to achieve the outcome sought by Council's preferred neighbourhood character statement for Knox Neighbourhood areas. The front setback was considered insufficient within Murray Crescent (where large front gardens mitigated the visual bulk of dwellings), and the rear setback was insufficient to respond to the low-density properties to the rear and failed to respond to the overall *sense of*

<sup>17</sup> *Resources Action Developers Pty Ltd V Knox CC [2018] VCAT 365 (5 APRIL 2018)*

<sup>18</sup> *V Developers Pty Ltd V Knox CC [2018] VCAT 1541 (9 OCTOBER 2018)*



*spaciousness on the southern side of Murray Crescent and the properties in the Bush Suburban area.*

The Tribunal determined that while the design may be acceptable in other Knox Neighbourhood Residential Areas, it failed to respond to the unique character of Murray Crescent.

*I am conscious that this design may be perfectly acceptable within other Knox Neighbourhood residential areas, however on this site, it is a design that fails to respond to the unique characteristics of Murray Crescent. Given the policy context of the site, the replacement of one dwelling with more than one dwelling is not unexpected. However, like the other proposals this development is one which proposes too much built form in an area where the development needs to be tempered*

In its conclusion, the Tribunal stated:

*Including the 2001 decision, this is the sixth time the Tribunal has refused an application for medium density development within this section of Rowville. I would encourage Knox City Council to consider whether further controls, such as a Design and Development Overlay should be implemented on this part of Rowville to protect its unique character.*

### **Z & H MANAGEMENT PTY LTD V KNOX CITY COUNCIL (2018)**

In *Z & H Management Pty Ltd V Knox CC*<sup>19</sup>, the Tribunal refused an application for the development of 20 dwellings (16 double storey and 4 single storey) at 24-26 Taylors Lane Rowville. The site is 6,330m<sup>2</sup> and in the decision the Tribunal noted:

*There is no dispute that the subject site is suitable for some form of future medium density housing development, and that given the substantial land area of the subject site, any future medium density housing development will have an impact on this neighbourhood.*

The key issue was whether the design response is acceptable given the physical and policy context of the site. The Tribunal gave considerable weight to the unique context of this area, the sensitive nature of the interfaces with land in the LDRZ. The discussion includes suggestions to consider the use of 'greater' setbacks to all boundaries to respond to neighbourhood character.

This site has three distinct interfaces and the Tribunal stated that the proposal arguably responded appropriately to its conventional suburban interface but fails to do so to the more sensitive interfaces directly to its south, east and north (where it abuts 24 Murray Crescent). The spaciousness of the allotments on the southern side of Murray Crescent and directly to the south along Norris Road (within the LDRZ) is characteristic of the area. Notably the Tribunal made comment that the location of the subject site does not have a defined backyard spine,

<sup>19</sup> *Z & H Management Pty Ltd V Knox CC [2018] VCAT 912*





but this does not obviate the need for the proposed development to appropriately respond to the to the overall sense of spaciousness.

*Overall, the proposal attempts to squeeze too much onto the subject site and is consequently an uncomfortable fit in this unique context. In future, consideration should be given to how greater setbacks can be provided around all of the site boundaries, as well as between the proposed buildings at both the ground and first floor levels in order to successfully achieve the neighbourhood character imperatives of the planning scheme.*

*[emphasis added]*

The Tribunal determined that in this context the development fails to adequately retain the 'green and leafy character' sought for the Knox Neighbourhood Areas.

### **Z & H MANAGEMENT PTY LTD V KNOX CITY COUNCIL (2020)**

In 2020, VCAT considered a new application at 24-26 Taylors Lane. It set aside Council's refusal of the application and directed a planning permit be issued<sup>20</sup>. The 2020 application was for 18 dwellings (11 double storey and 7 single storey). Consistent with the 2018 case, there was no dispute that the site was suitable for some form medium density housing, and the key issue was neighbourhood character.

This was a 'repeat appeal'<sup>21</sup> and the development plans under review were similar to the previous scheme. However, the member was persuaded (by the applicant), that there were changes to the plans including:

- *The overall number of houses has been reduced from 20 dwellings to 18.*
- *The number of single storey dwellings has been increased from four to seven.*
- *There has been a variation to the setbacks to the north, east and southern boundaries...*<sup>22</sup>

In reaching its decision, the Tribunal referred to Planning Practice Note 43 'Understanding Neighbourhood Character' (PPN43) which addresses the question what does 'respect' mean. PPN43 states:

*...In simple terms, respect for the character of a neighbourhood means that the development should try to 'fit in'. Depending on the neighbourhood, there are two broad approaches to respecting character:*

<sup>20</sup> Z & H Management Pty Ltd v Knox CC [2020] VCAT 279

<sup>21</sup> In VCAT matters, the notion of a 'repeat appeal' means that the previous determination for the land is generally given significant weight and the matters are generally confined to: differences in the site context, zoning of the land, changes in policy or changes in the proposal to respond to Tribunal concerns.

<sup>22</sup> Z & H Management Pty Ltd v Knox CC [2020] VCAT 279

### **p.32**



- *respecting the scale and form of surrounding development*
- *respecting the architectural style of surrounding development.*<sup>23</sup>

The Tribunal also considered what the new (released December 2019) Planning for Housing Planning Practice Note (PPN90) says about neighbourhood character in incremental change areas. PPN90 states:

*Neighbourhood character is not a static concept, it is dynamic and evolves over time to meet contemporary housing needs. For example, respecting character does not mean protecting character in an incremental change area.*<sup>24</sup>

While the Tribunal agreed with many of the observations made in the previous case, it found that the proposed development of the site for eighteen dwellings was an appropriate 'fit' in the neighbourhood character when balancing all competing objectives in favour of net community benefit – even though the site is located in an area that has seen relatively little change and has an abuttal to land in the LDRZ to the south.

The Tribunal made the following observations about the interfaces of this site:

*I agree that the interfaces of the site are an important consideration. The review site has an interface to the LDRZ to the south, but to the eastern boundary the zoning is GRZ2, the same as the review site. The density and character of development to the south is different but that is due to the zoning provisions setting minimum lot sizes. To the east, the lots in Murray Crescent again are larger than the conventional suburban lot sizes, but this is a product of the subdivision of the time.*

Having regard to the landscape plan and proposed tree planting (which includes 80 trees) it considered the setbacks from the northern, eastern and southern boundaries acceptable. The Tribunal acknowledged that the landscaping of the site is important to it 'fitting in' with the area.

The Tribunal noted that, in a General Residential Zone area (as it then was), the expectation is for some level of change. In this case, the change is a more intense form of development (than what current exists) but the Tribunal found that 'the development maintains the desired landscape outcomes sought for the neighbourhood'.

*... I have considered clause 71.02-3 and have balanced competing objectives in favour of net community benefit. I find the development, whilst more intense, is the level of development anticipated in a GRZ area and will adequately 'fit in' with the surrounding area.*

<sup>23</sup> Planning Practice Note 43 Understanding Neighbourhood Character (January 2018) page 6

<sup>24</sup> Planning for housing Planning Practice Note 90 (December 2019) page 7



## 5. CURRENT DEVELOPMENT POTENTIAL

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This section of the report attempts to identify the current residential development and subdivision and development potential for land in the LDRZ and GRZ2. This section is informed by the VCAT cases discussed in the previous section.

### LOW DENSITY RESIDENTIAL ZONE

There are 69 properties within the LDRZ. We have excluded the following six non-residential properties from our analysis of subdivision potential for the following reasons: they are connected to sewerage and/or have been developed within the last 10 years.

- The Rowville Country Fire Authority (CFA);
- St. Simon the Apostle School<sup>25</sup>;
- Wellness on Wellington Medical Clinic;
- The Rowville Baptist Church;
- The Plymouth Brethren Christian Church; and
- A residential aged care facility – currently under construction at 18 Le John Street.

Of the remaining 63 properties, 53 are not connected to sewerage. None of these properties could be subdivided under the provisions of the LDRZ. Therefore, they have limited residential development potential – beyond extensions, and the demolition and development of a single dwelling on the lot.<sup>26</sup>

Of the ten properties that are connected to sewerage, eight of them are over 4,000m<sup>2</sup> and have the potential to be the subject of a two-lot subdivision application (with each lot being over 2,000m<sup>2</sup>). A single dwelling would be permitted on each lot, resulting in a potential for eight new dwellings.

In February 2017, VCAT approved a residential aged care facility at 12 Taylors Lane. This property is over 4,000m<sup>2</sup> however it is not connected to sewerage (meaning subdivision is not permitted).

Therefore, based on *current zoning and sewerage connections* the residential development potential is eight new dwellings across the LRDZ.

### NEIGHBOURHOOD RESIDENTIAL ZONE

Since the introduction of the new format Knox Planning Scheme in November 1999, all applications for three or more dwellings on a lot have been refused (either by Council and/or

<sup>25</sup> This property is partly within the LDRZ and partly within a Public Use Zone.

<sup>26</sup> Conceivably, a second dwelling on these lots may be permissible, but the need to treat and retain wastewater on-site is difficult and land could not be subdivided.



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VCAT), with the exception of the March 2020 VCAT appeal for 24-26 Taylors Lane, where the Tribunal approved 18 dwellings on that land.

Also within this part of the study area, two 2-lot subdivisions have been approved on the southern side of Murray Crescent (number 36 and number 48). Neither of these lots have been developed, and both contain a single house. On the east side of the study area there is one approved 2-lot subdivision on Silkwood Way, and one planning permit issued for the construction of two dwellings on a lot on Silkwood Way. Neither of these lots have been developed, and again both lots contain a single house.

As a result, Council and VCAT have given considerable weight to the existing neighbourhood character, as the streetscape character is unchanged since the original houses built in the late 1970s to early 1990s. To date there have been no demolitions, or replacements of the original homes within the study area.

Land in the NRZ4 within the study area is clearly suitable for some form of future medium density housing development. Planning Practice Note No. 91 identifies that this is a zone for minimal and/or incremental change. However, on the other side of the ledger, the effect of Amendment GC172, which rezoned this land from GRZ to NRZ has had the effect of tempering development expectations, given that the purpose of the zone requires development to respond to existing character, of predominantly single and double storey. The purpose of this zone enables a recognition of the unique physical and planning policy characteristics of this area, including the interface with land in the LDRZ to the south and west of these properties.

The extent to which this potential is tempered is unclear, particularly considering the release of PPN90 (Planning for housing) in December 2019; and the approval of 18 dwellings at 24-26 Taylors Lane in March 2020 at VCAT.

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## 6. DISCUSSION AND RECOMMENDATIONS

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This section of the report considers the suitability of the current planning controls and identifies options to revise planning controls.

### RESIDENTIAL AGED CARE AND NON-RESIDENTIAL USES

The table of uses in the LDRZ permits several non-residential uses (subject to a planning permit). As outlined above there are residential aged care facilities (one being developed and one approved) and existing non-residential uses in the LDRZ within the study area. These uses are generally located along Wellington Road.

#### ST. SIMON THE APOSTLE SCHOOL

As outlined above the St Simon the Apostle School is partly within the Public Use Zone and partly within the LDRZ. It would be more appropriate for the school to be within a single zone. The Public Use Zone (which recognises the use of land for a public purpose) is not an appropriate zone as the school is a Catholic school, not a public school. Its inclusion within the Public Use Zone appears to be an anomaly.

To support orderly planning, we recommend that St Simon the Apostle School be placed within a single zone. The application of the PUZ is not appropriate as it is not a public school. An alternative to the 'underlying residential zone' (in this case LDRZ) is schedule 1 to the Special Use Zone (SUZ1). SUZ1 is applied to a range of private community, sporting, education and religious facilities across Knox. The *Planning Scheme Review Report: Knox Planning Scheme* (April 2015) made the following observations on SUZ1:

*Schedule 1 to the Special Use Zone is applied to a range of private community, sporting, education and religious facilities. There is evidence of inconsistency in both the mapping and application of this zone. For instance, St Joseph's School in Ferntree Gully is within the SUZ1, while the Knox School on Burwood Highway retains its underlying residential zoning. If the Council is to adopt best practice in the application of this control, it is appropriate for this zone to be applied consistently to all facilities as intended. In turn, there is scope to review whether it is appropriate to rezone private school facilities and the like that currently retain their underlying residential zoning<sup>27</sup>.*

We recommend that St Simon the Apostle School is rezoned, as its retention in the Public Use Zone is inappropriate and inconsistent with practice guidance outlined in the *Practitioner's Guide to Victorian Planning Schemes*. Council should investigate an appropriate alternative zone for the land.

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<sup>27</sup> *Planning Scheme Review Report: Knox Planning Scheme (April 2015) page 120*





#### WELLNESS ON WELLINGTON

The town planning report that considered application P/2008/6865 for the 'Wellness on Wellington' Medical Centre at 1101 Wellington Road includes a discussion on the potential fragmentation of the Wellington Village Neighbourhood Activity Centre (immediately opposite on the south side of Wellington Road) and drew the following conclusion:

*It is considered that, despite physical proximity to the centre, Wellington Road will serve as a barrier to ensure that the Medical Centre does not form an extension of the Village. Permit conditions to prohibit any form of Retail use will further limit the development to a Medical Centre/Office use.*

On this basis we do not believe it would be appropriate to consider the rezoning of 1101 Wellington Road, to a Commercial Zone. The LDRZ remains an appropriate zone.

#### RESIDENTIAL AGED CARE FACILITIES<sup>28</sup>

There is a residential aged care facility being developed and another approved in the LDRZ. The LDRZ within the study area is in a Bush Suburban area. Prior to the approval of Amendment C150<sup>29</sup> (on 14 December 2017), clause 21.05-2 included the following strategy:

*Support the development of new residential aged care facilities, except in Bush Suburban areas.*

This strategy was relocated and redrafted as a result of Amendment C150. Clause 21.06-2 now reads as follows:

*Support smaller scale dwellings that cater for older people. Support new residential aged care facilities, except in Bush Suburban areas within the Dandenong Foothills or in a Site of Biological Significance.*

The study area is not located within the Dandenong Foothills, or a Site of Biological Significance. This means that since December 2017 residential aged care facilities are now supported within the LDRZ in the study area.

In 2016, Council issued a planning permit for the development of an aged care facility at 18 Le John Street. At the time of the application local planning policy did not support aged care facilities in Bush Suburban areas. Despite this specific strategy Council decided that on balance the application responded to state and local planning policies. In its consideration of the application Council acknowledged that:

*The site is not typical of a residential bush suburban area envisaged by the Knox Housing Strategy*

<sup>28</sup> Clause 53.17 (Residential Aged Care Facility) was introduced to all planning schemes on 11 April 2019. However, this clause does not apply to land in the LDRZ.

<sup>29</sup> This amendment updated Council's Municipal Strategic Statement (MSS), introduced new planning policies, rationalised existing local planning policies, and introduced new permit exemptions for buildings and works within the Dandenong Foothills areas.



...

*The proposed use responds to an identified need in the Rowville area... and will provide an aged care facility in an established residential area with proximity to services, and, will provide a net community benefit, particularly for the aging population in Rowville and the wider area.*

...

*The site is located within an area of non-residential uses (church, medical centre, fire station) where Bush Suburban characteristics are not evident<sup>30</sup>.*

The Residential Aged Care facility at 18 Le John Street is recently constructed. The planning permit included a condition that: *'before development is occupied, the site must be connected to sewer to the satisfaction of the Responsible Authority'*.

As outlined above in section 3 a site-specific control applies to land at Lot 3 LP42250 Wellington Road (now known as 18 Le John Street). As the site-specific control is now redundant it should be removed from the Knox Planning Scheme.

In February 2017 Council received an application for the use and development of a residential aged care facility at 12 Taylors Lane. This application was refused by Council (under delegation) on 18 August 2017. The applicant appealed Council's decision and following a Compulsory Conference in February 2018, Council adopted the agreement reached between the parties present at the VCAT compulsory conference.<sup>31</sup> The planning permit included a condition that: *'before development is occupied, the site must be connected to sewer to the satisfaction of the Responsible Authority'*. As at February 2020, no development has commenced at 12 Taylors Road.

Residential aged care is an appropriate use within the LDRZ. Therefore, the current zoning remains appropriate for these sites. However, we recommend the site specific control relating to land at 18 Le John Street is removed.

#### THE ROWVILLE BAPTIST CHURCH AND THE PLYMOUTH BROTHERS CHRISTIAN CHURCH

The Rowville Baptist Church is located on the corner of Wellington Road and Le John Street. It was initially development in 2008.

The Plymouth Brethren Christian Church was built in 2016 and is located at 3 Le John Street.

Both properties are connected to sewerage.

<sup>30</sup> Knox City Council Minutes of the Ordinary Meeting of Council Monday 27 February 2017 (Item 6.3 (Application for the use and development of a residential aged care facility and removal of vegetation at Lot 3 Wellington Road, Rowville P/2016/6777))

<sup>31</sup> Knox City Council Minutes of the Ordinary Meeting of Council Monday 26 February 2018 (Item 6.2. (Application for the use and development of a residential aged care facility and display of business identification signage at 12 Taylors Lane, Rowville application no. P/2017/6100))



A 'Place of Worship' is a permitted use in the LDRZ (subject to a planning permit) and a piecemeal rezoning of these two properties would be inconsistent with the principles of orderly planning.

A place of worship is an appropriate use within the LDRZ. Therefore, the current zoning remains appropriate for these sites.

#### ROWVILLE FIRE STATION

The Rowville Country Fire Authority (CFA) station is located at 1063 Wellington Road on the corner of Le John Street. It was constructed in 2013.

This property should continue to be zoned consistent with the residential zone of adjoining properties. The LDRZ remains an appropriate zone.

#### SUMMARY

While these uses are not necessarily 'low density' in nature there are no compelling reasons to rezone these sites, except for St Simon the Apostle School which we recommend should be rezoned, following an investigation of the most appropriate zone to apply to the land.

#### LOW DENSITY RESIDENTIAL ZONE (RESIDENTIAL PROPERTIES)

Of the 69 properties in the LDRZ, only 15 are connected to sewerage (21.7 percent of properties). Six of these 15 properties contain either residential aged care or non-residential uses.

While there is development potential within the LDRZ, in the absence of reticulated sewerage across the Twin View Estate ('the Estate') and the ongoing application of the LDRZ, there is very limited opportunities for residential development (the potential for a total of eight new dwellings).

As outlined above, there is a lack of incentives and triggers for Council to address the issues relating to properties that are not connected to reticulated sewerage. This is exacerbated in the case of properties in the Twin Views Estate as they are permitted to discharge grey water and wastewater offsite and Council cannot compel property owners to connect to reticulated sewerage. Water authorities use property size to measure whether a property can safely contain wastewater onsite. As a result, South East Water does not generally prioritise lots greater than 4,000m<sup>2</sup> for servicing<sup>32</sup>. Properties within the Estate are typically over 4,000m<sup>2</sup> and South East Water have advised Council that they do not have any plans to connect the estate to reticulated sewerage in the near future.

Therefore, based on the current lack of sewerage to most properties, the LDRZ remains an appropriate zone and an appropriate use of the Victoria Planning Provisions.

<sup>32</sup> Source: Victorian Auditor-General's Report *Managing the Environmental Impacts of Domestic Wastewater* (September 2018) page 10



The current zone and housing policy designation ('Bush Suburban') provide clarity of the scale and intensity of residential development that is appropriate and recognise its constraints (i.e. that it is not connected to sewer). While the Bush Suburban designation is anachronistic (given that the study area is not located within the Foothills, nor is it identified as forming part of a site or sites of biological significance) it is the best fit of the four change areas identified in the Knox Housing Strategy for this area. If the LDRZ is retained, there is limited strategic justification (and minimal benefit) in applying a new housing change area, given the very limited development potential in the LDRZ.

However, the study area is located within an established urban area that offers good access to jobs, services and transport. Therefore, state and regional planning policy is generally supportive of additional housing in this location. Increased residential development is dependent on properties being connected to reticulated sewerage and the rezoning of the land from LDRZ to an appropriate residential zone (along with changes to local planning policy). Prior to considering any changes to the extent of this zone we suggest Council engage a consulting engineer to provide cost estimates for extensions to the sewer to connect all properties in the LDRZ to reticulated sewerage. The advice from Council is the approximate cost of engaging a consulting engineer to provide cost estimates for extensions to the sewer to connect all properties in the LDRZ to reticulated sewerage is in the order of \$25,000. In conjunction with the cost estimates, Council should discuss the probability of future connections with South East Water.

#### OPTION 1 REZONING LAND IN THE LDRZ (PRIOR TO PROPERTIES BEING CONNECTED TO RETICULATED SEWERAGE)

While it would be technically possible to rezone the entire Estate to an appropriate residential zone prior to all properties being connected to sewerage, it would most likely require the application of conditions (by way of a Development Plan Overlay or another suitable control) for the connection to reticulated sewerage – prior to development.

It is unlikely that more intensive development would achieve regulatory approval (planning, building or otherwise) in the absence of such servicing being available, notwithstanding the merits of achieving housing consolidation policy.

The risks associated with this approach include:

- An absence of a sufficient level of strategic justification for the proposed rezoning. The rezoning of land prior to understanding and resolving infrastructure and servicing issues does not support the principles of orderly planning.
- Progressing the amendment would require the support of South East Water (as the agency who would provide sewerage connections). At present, South East Water does not have plans to connect the Estate to sewerage.

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- It would raise the development expectations of landowners in the absence of understanding all of the constraints and costs associated with providing infrastructure (for example sewerage, drainage, roads, footpaths and open space) across the entire Estate.
- A lack of clarity or certainty as to who would fund the necessary infrastructure upgrades, and when they would occur.
- Significant gains for some property owners – for example those already connected to reticulated sewerage and the ‘sterilising’ of development potential for other properties - as in the absence of a coordinated and planned connection to reticulated sewerage some property owners may not be able to afford the cost of an individual connection.
- There is no certainty this approach would be supported by DELWP or approved by the Minister for Planning. The objective of clause 19.03-2S (Infrastructure design and provision) is: *to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community*. This clause includes the following strategy: *Provide an integrated approach to the planning and engineering design of new subdivision and development*.

We do not support this option.

If Council were to progress this approach, we suggest changes to the planning scheme would also need to consider the preferred future character of the NRZ4 to the north and east, as there is a direct relationship between the future development of land in the LDRZ and land in the NRZ4 to the north and east that forms part of the buffer. If the LDRZ were to be developed more intensively the need for adjoining land in the NRZ4 to provide a buffer diminishes.

#### OPTION 2 REZONING PART OF THE LDRZ

This option considers rezoning part of the Estate - for example properties already connected to sewerage or land south of Ames Street. The assumption is that a rezoning would enable new subdivision and development (beyond what is currently permitted) for selected properties only. This option could allow land (connected to reticulated sewerage) to be redeveloped consistent with state and regional settlement policies that are broadly supportive of additional housing in this location.

Possible risks associated with considering a piecemeal rezoning of part of the LDRZ land include:

- This approach is inconsistent with clause 19.03-2S (Infrastructure design and provision) and the general principles of orderly planning, and the strategy *to provide an integrated approach to the planning and engineering design of new subdivision and development*.
- In considering a request to rezone land, Council would be responding to individual requests from a landowner(s), rather than leading a comprehensive and integrated approach to the future development of the estate.

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- This approach would create a significant uplift in property value to a selected number of property owners with an unknown cost to Council.
- The likelihood of reduced net community benefit to the entire estate (and potentially the wider community) compared to Council leading the integrated planning of the entire Estate. For example, improved pedestrian connections to open space and an improved road and pedestrian network – including footpaths throughout the Estate.
- Limited options for Council to recover the full costs associated with the planning scheme amendment process.
- It may be difficult for Council to recover costs associated with infrastructure (such as upgrades to roads, footpaths, street trees, traffic signals and overland flow paths). Given the relatively small number of landowners (approximately 50) and the uncertainty of timing of development a Development Contributions Plan Overlay (DCPO) is unlikely to be an appropriate planning mechanism to recover costs. Under this option infrastructure costs would probably be considered case by case through the planning permit application process – meaning individual applications may not be of a sufficient scale to create a direct nexus to infrastructure needs across the estate but collectively the development potential may result in the need for upgrades.
- Possible difficulties ‘future proofing’ connections to the remaining LDRZ land – there is a high degree of uncertainty as to where infrastructure could or should be designed and placed. For example, the alignment of future sewerage easements, and preferred road and pedestrian connections. Several of the residential properties currently connected sewerage are in the heart of the estate.
- A request to rezone part of the estate would likely attract submissions from adjoining landowners and residents – resulting in a planning panel hearing. This process could be lengthy (as it would include notification to nearby owners and occupiers), adversarial (Council and the applicant may hold differing views) and costly to Council (including the potential to engage consultants to represent Council at the panel hearing and possibly expert witnesses).
- The rezoning of part of the estate could result in a number of subsequent site-specific rezoning requests from adjoining landowners. Consideration of these requests could result in significant costs (including staff time) to Council. If some lots are rezoned this could set the ‘tone’ and scale of future rezoning requests and development across the estate – and may present unforeseen challenges.

We do not recommend Council consider rezoning part of the Estate as it would be inconsistent with the principles of orderly planning. Additionally, it may be difficult for Council to recover the costs associated with this process, and future infrastructure demands.

A COMMITMENT AND FUNDING TO CONNECT ALL LAND WITHIN THE LDRZ TO SEWERAGE

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In the event there is a commitment – and funding - to connect all land within the LDRZ to sewerage it would be entirely appropriate for Council to consider rezoning to an appropriate residential zone<sup>33</sup>. This decision as to what type and density of development would be appropriate should be based on sound strategic planning that considers the Twin Views estate within the context of planning for housing within Rowville and across the municipality.

If there is a commitment – and funding to connect all land within the LDRZ to sewerage we recommend Council consider how all the necessary infrastructure upgrades would be funded across the Estate and clarify the mechanisms to ensure they are delivered in a timely manner. As outlined above given the limited number of property owners a DCPO may not be the most appropriate tool<sup>34</sup>.

#### SUMMARY

In summary we do not recommend Council consider rezoning land in the LDRZ prior to the Estate being connected to reticulated sewerage. In the absence of a commitment and funding to connect the entire estate to sewerage there is no compelling strategic justification to rezoning the Estate. Rezoning of selected sites is not supported for the reasons outlined above.

**We recommend the LDRZ is retained as the most appropriate zone for the residential properties – in the absence of a commitment and funding to connect all land within the LDRZ to reticulated sewerage.**

#### NEIGHBOURHOOD RESIDENTIAL ZONE

The lots within the NRZ4 that adjoin the LDRZ are very large lots in comparison to normal residential developments just to the north, east and west of this area. Along Murray Crescent, a minimum lot size (2,000m<sup>2</sup>) was deliberately and strategically applied at the time of subdivision to provide a buffer to the 4,000m<sup>2</sup> lots to the south (in the LDRZ). The impact of this is evident in the existing neighbourhood character, which includes generous front setbacks and large backyards.

The current planning controls do not explicitly identify this part of the study area as a ‘buffer’ and there are no planning policies to this effect. Both Council and VCAT have made numerous references to neighbourhood character policy when assessing planning permit applications in this location.

To some extent, it must be acknowledged that the recent rezoning of the land from GRZ2 to NRZ4 as a result of Amendment GC172 has had the effect of tempering development expectations within the zone. The different purposes in these zones require a different consideration of neighbourhood character. However, further consideration must be given to

<sup>33</sup> Most likely the Neighborhood Residential or General Residential Zone – depending on the development outcomes sought and the nature of the zone schedule.

<sup>34</sup> While other mechanisms such as s.173 agreements may be possible we have not explored these within the context of this report.

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the extent to which the current statutory and policy settings afford a protection of the character interface that is envisaged in this location.

There are four options available to Council. They are:

1. Do nothing.
2. Retain the existing zone and amend planning policy to explicitly state that this area can be developed consistent with the NRZ4 and the relevant Knox Neighbourhood policies and it does not form a buffer to the LDRZ land to the south.
3. Amend the planning scheme (via changes to local planning policy only) to identify and require consideration of the unique neighbourhood character of this area, and the role as an interface to land to the south and west – while retaining the existing zone.
4. Rezone land in the NRZ4 applying a unique residential zone schedule that includes objectives to ensure development respects the existing unique neighbourhood character. This option includes variations to 'ResCode' standards relating to private open space, setbacks and landscaping.

**We recommend options 3 and 4 be adopted as a package of provisions.**

#### OPTION 1

We do not support option 1 (do nothing) as we believe changes to the planning scheme should provide greater clarity about the intensity of residential development that is appropriate for land in the NRZ4 within the study area – recognising its unique existing physical context, which is quite distinct from the broader Knox Neighbourhood area that it is located within.

Additionally, the Tribunal decisions referred to earlier in this report highlighting the lack of direction in the Planning Scheme support demonstrate a need to provide stronger policy or further control within the interface area.

#### OPTION 2

Option 2 would amend planning policy to clarify that this area does not form a strong character interface (or 'buffer') to the LDRZ land to the south and could be developed consistent with the relevant Knox Neighbourhood policies. Under this option, future planning applications would not need to consider or address the interface with LDRZ land to the south and west. This option would place greater emphasis on planning policies relating to urban consolidation and recognise the location of this area - in an established urban area that offers good access to jobs, services and transport.

This option represents an explicit shift in policy away from this area providing a buffer to the LDRZ. Based on our recommendation to retain the LDRZ for the bulk of the land within the study area (due to a lack of sewerage connection), we do not support option 2.

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OPTIONS 3 RETENTION OF A STRONG 'INTERFACE CHARACTER' TO THE LDRZ (RETAINING EXISTING ZONE)

Option 3 would identify and require consideration of the unique neighbourhood character of this area, and its role as an interface to land to the south and west (in the LDRZ). This option would retain the existing zone (and Knox Neighbourhood designation). This option could be achieved by inserting a new strategy under Objective 4 under clause 21.06-3 (Design and character):

Objective 4

*To support high quality housing design that responds to the City's 'green and leafy' character, local character and creates a strong sense of place.*

Strategies

*4.1 Support residential development which enhances the City's 'green and leafy' landscape character.*

*4.2 Support residential development that makes a positive contribution to the preferred future character of the local area consistent with the local policy at Clause 22.07 (Development in Residential Areas and Neighbourhood Character).*

*4.3 Support residential development that is innovative, accessible and site responsive.*

*4.4 Support environmentally sustainable residential development consistent with the local policy at Clause 22.04 (Environmentally Sustainable Development).*

**4.5 In Rowville support residential development that provides an appropriate transition to dwellings in the LDRZ through the provision of large backyards for landscaping, tree planting and open space (new).**

In summary while option 3 may provide an acceptable outcome (within the context of the current planning scheme), we recommend that greater clarity should be provided by rezoning the land that forms an interface to the LDRZ and applying a unique residential zone schedule that includes objectives to ensure development respects the unique neighbourhood character.

OPTION 4

Option 4 would specifically identify the interface to the LDRZ by rezoning the land that forms a buffer to the LDRZ to a unique Neighbourhood Residential Zone schedule.

According to *A Practitioner's Guide to Victorian Planning Schemes* local policy should help Council to implement state policy - in a way that is relevant to their vision for the municipality.

*Zones, overlays and particular and general provisions are the primary implementation mechanism of the strategic policy directions in a planning scheme. Where a zone,*

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*overlay, particular provision or general provision provides all the direction required to make a decision, a local policy is not needed.*<sup>35</sup>

The application of a unique residential zone schedule would provide all the direction required to make a decision. However, it should be accompanied by the policy changes identified in option 3, to provide a holistic and robust planning scheme response.

In determining the most appropriate zone we have considered the purpose of the residential zones and relied on the recently released *Using the residential zones Planning Practice Note 91* PPN91 (December 2019) that provides guidance on the role and application of the residential zones.

PPN91 provides the following guidance on the role and application of the NRZ.

#### Neighbourhood Residential zone

*Applied to areas where there is no anticipated change to the predominantly single and double storey character. Also to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.*<sup>36</sup>

One of the purposes of the NRZ is:

*To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

Accordingly, the NRZ requires Neighbourhood character objectives to be included in a schedule.

In order to provide protection of an interface character to the adjoining LDRZ, and to address comments from VCAT regarding a need for development to be 'tempered so that it appropriately responds to neighbourhood character policy', the NRZ is the most appropriate zone as it intended to apply to areas that have been identified as having specific values that distinguish it from other parts of the municipality or adjoining areas. Indeed, it is highlighted that Amendment GC172 rezoned the land within the interface area from the GRZ2 to the NRZ4, highlighting that this was the most appropriate zone for this interface area.

However, it should be considered whether further specific guidance is provided within the study area under the NRZ schedule that applies to the land. We note that within the study area, the specific values that are identified by the Tribunal and in this report as being worthy of acknowledgement in protection are generous backyards that have an abuttal to land in the LDRZ (containing a spacious landscape setting and substantial backyards). This context creates a substantial backyard spine in this location.

<sup>35</sup> *A Practitioner's Guide to Victorian Planning Schemes* (page 76)

<sup>36</sup> *Using the residential zones Planning Practice Note 91* (December 2019) page 2



We believe that the NRZ is the most appropriate choice of zone identify this area as an interface to the LRDZ land. A proposed draft schedule to the NRZ is included in Appendix 3.

We believe it is appropriate for land within the interface area to remain within the 'Knox Neighbourhood' area and for the existing policies relating to Knox Neighbourhood Areas to continue to apply.

The starting point for drafting of the tailored NRZ schedule was for revised planning controls to 'temper' and clarify development expectations – so they respond appropriately to the context of this unique part of Rowville. While we acknowledge that the NRZ4, as it currently applies, will assist in clarifying expectations, it does not sufficiently articulate the uniqueness of this area, which is primarily the spacious setting and substantial backyards – of properties in both the NRZ4 and LRDZ. Accordingly, development spanning the length and breadth of the site is not appropriate and the backyard 'spine' should be retained.

On review of the study area we have identified 13 properties that we recommend remain in the NRZ4, they are:

- 60 Murray Crescent;
- 38 and 34 Vista Crescent;
- 2, 3 and 4 Fordham Court; and
- 1, 5, 7, 9, 13, 17 and 21 Silkwood Way.

These properties either do not directly abut land in the LDRZ, or do not contribute to the backyard 'spine'. This includes properties on Silkwood Way which abut a Medical Centre and an aged care facility (in the LDRZ). In addition, the properties on Silkwood Way benefit from proximity to the Wellington Village Neighbourhood Activity Centre and on balance we believe it would be inappropriate to rezone these properties to a Neighbourhood Residential Zone.

We consider it appropriate to rezone 24-26 Taylors Lane to the proposed new NRZ schedule, for the following reasons:

- This site would continue to benefit from the planning permit issued in March 2020. The Neighbourhood Residential Zone would not prohibit any aspect of this proposed development.
- This site forms part of the interface to the LDRZ to the south, and larger lots on Murray Crescent to the east. Therefore, in the event the March 2020 permit is not enacted, any residential development proposal should be assessed against the NRZ proposed to apply to other properties that form part of the buffer.

#### A NEW NEIGHBOURHOOD RESIDENTIAL ZONE SCHEDULE – CHARACTER TRANSITION AREA

In support of option 4 we recommend a new schedule to the Neighbourhood Residential Zone. The new schedule would be named as 'Character Transition Area'. This section provides an overview of the proposed schedule and the rationale for all of the proposed local variations.

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### Neighbourhood Character objectives

Neighbourhood character objectives must be included in a schedule to the NRZ. We propose four neighbourhood character objectives:

- *To provide an appropriate transition to the low density dwellings in the adjoining LDRZ;*
- *To retain the backyard spine;*
- *To provide large backyards for landscaping, tree planting and open space; and*
- *To ensure dwellings are set within an open garden setting.*

The first and second objectives addresses the objective of the proposed planning scheme amendment. The third objective is based on an existing 'design objective' for Knox Neighbourhood Areas. The fourth objective was derived from the former statement of desired future character for the Villa Court Precinct 4 – which previously applied to this area.

### Minimum subdivision area

We do not recommend a minimum subdivision area is applied. Planning Practice Note 59 *The Role of Mandatory Provisions in Planning Schemes* is clear that:

*Mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes<sup>37</sup>.*

### Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

We do not recommend that these permit requirements enabled. This is consistent with all other residential zone schedules in the Knox Planning Scheme.

### Requirements of Clause 54 and Clause 55

We recommend the following variations:

- **Minimum street setback**  
Retention of the existing variation in the NRZ4 (Knox Neighbourhood Area). The purpose of the new NRZ schedule relates to the interface with land in the LDRZ (to the rear) and not the streetscape.
- **Landscaping**  
Retention of the existing variation in the NRZ4 (Knox Neighbourhood Area). It is the generous front and back yards and the space around dwellings that is a key feature of this

<sup>37</sup> *Planning Practice Note 59 The Role of Mandatory Provisions in Planning Schemes (September 2018) page 2.*



area, not extensive canopy tree coverage. For a property of 2,000m<sup>2</sup> the continued application of the GRZ2 variation (one canopy tree per 175 square metres) would equate to 11 trees.

- Side and Rear setbacks

We recommend the following variation to side and rear setbacks:

*A new building not on or within 200mm of a boundary should be set back 1 metre from the side boundary, 3 metres on the other side boundary and 9 metres from the rear boundary, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.*

There are very few planning schemes that include residential zone schedules with variations to side and rear setbacks. Outside of Knox there are eight metropolitan planning schemes that vary side and rear setbacks.

With regards to rear setbacks the largest rear setback variation is 7 metres (the NRZ2 in the Monash Planning Scheme). The Maroondah, Monash and Whittlesea planning schemes have a variation to the rear setback (in at least one zone schedule) of 5 metres. There are a limited number of useful comparisons as the Monash Planning Scheme does not include the LDRZ, and the Whittlesea Planning Scheme only applies the LDRZ outside the Urban Growth Boundary. Only the Maroondah Planning Scheme contains land in the LDRZ inside the Urban Growth Boundary that abuts land in a residential zone where the rear setback is varied (in this case to 5 metres).

However, within the study area, both Council and VCAT have determined that a 6 metre setback was not acceptable in the case of four applications along Murray Crescent, placing emphasis on the retention of the backyard spine. Therefore, the starting point for varying the rear setback standard was that it should be greater than 6 metres.

Based on the site context which includes substantial backyards and direct abuttal to the LDRZ (with a recommendation that the LDRZ is retained) we believe that a 9 metre rear setback is appropriate to retain the backyard 'spine' in this location. A 9 metre setback will allow sufficient space for canopy trees(s) along the rear interface and retain the backyard spine.

It is an accepted principle within the Victorian Planning System that a 9 metre front setback can achieve a relatively generous landscaped setting – that includes the provision of canopy trees. On this basis we believe it would be difficult to justify a rear setback that is in larger than front setback requirements.

We recommend a variation to the side setbacks part of the standard to reduce the appearance of bulk from the street and allow for landscaping between sites. Development that spans the width of the site is not an acceptable outcome in this location. Previous VCAT decisions within the buffer area have commented that:

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*In future, consideration should be given to how greater setbacks can be provided around all of the site boundaries, as well as between the proposed buildings at both the ground and first floor levels in order to successfully achieve the neighbourhood character imperatives of the planning scheme.<sup>38</sup>*

We recommend a side setback of 1 metre from one side boundary and 3 metres on the other side boundary – to allow for flexibility in the design response. The variation to the side setbacks is similar to variations to side setbacks in the Bayside, Maroondah, Stonnington and Whitehorse planning schemes.

- Private Open Space

Retention of the existing variation in the NRZ4 (Knox Neighbourhood Area).

- Front Fence Height

Retention of the existing variation in the NRZ4 (Knox Neighbourhood Area). The purpose of the new zone relates primarily to the interface with land in the LDRZ (to the rear) and not the streetscape.

- No location variations to site coverage, permeability or walls on boundaries.

Changes to these standards are not necessary to achieve the objectives of the proposed schedule.

#### Maximum building height requirement for a dwelling or residential building

A reduction in the maximum building height (9 metres – 2 storeys) is not necessary to achieve the objectives of the proposed schedule.

#### Application requirements

We recommend the following application requirements are included:

- For developments of five or more dwellings and for residential buildings, a report which demonstrates how the proposal will be accessible to people with limited mobility.
- For developments of three or more dwellings and for residential buildings, an application must be accompanied by a Sustainable Design Assessment.
- An application must be accompanied by a landscape concept plan. The plan must be drawn to scale and include the location of all buildings and works to be constructed on the land and details of all proposed landscaping, including species selection.

The first two application requirements are consistent with the application requirements in the NRZ4.

<sup>38</sup> See: *Z & H Management Pty Ltd V Knox CC [2018] VCAT 912*



The third application requirement (for a landscape concept plan) is consistent with the requirements of NRZ5 (Bush Suburban Areas outside the Dandenong Foothills). In approving 18 dwellings at 24-26 Taylors Lane, the VCAT member noted the importance of achieving the desired landscape outcomes sought for the neighbourhood.<sup>39</sup> We believe this is an appropriate application requirement as it will assist with decision making about whether an application supports the objectives of the zone schedule and can achieve the desired landscape outcomes.

### Decision guidelines

As outlined above one of the challenges drafting a proposed residential zone schedule at this point in time is that many the current residential zone schedules do not have decision guidelines – as these are in part addressed in the current Local Planning Policy Framework. Therefore, we propose a limited number of decision guidelines. However, when local planning policy (relating to residential development and neighbourhood character) is translation into zone schedules the decision guidelines may need to be revised in line with the other residential zone schedules.

We recommend the following decision guidelines are included:

- Whether the development provides for an appropriate transition to the Low Density Residential Zone, where it adjoins the site.
- In developments of three or more dwellings, whether the rear dwellings, and any dwellings along a boundary with the Low Density Residential Zone are single storey in height.
- The provision of a single crossover for driveways.
- Whether upper levels are setback to allow views between dwellings.
- The provision of appropriate landscaping along side boundaries and driveways when viewed from the street.

The first decision guideline reflects existing local planning policy. The emphasis of this zone schedule is about providing a buffer and appropriate transition to low density dwellings therefore achieving this strategy is important and it should be included as a specific decision guideline.

The second decision guideline also reflects existing local planning policy, we recommend that this is included as a decision guideline to maintain the existing streetscape character – which could be altered through the creation of multiple new cross overs and the potential removal of street trees.

<sup>39</sup> See: *Z & H Management Pty Ltd v Knox CC [2020] VCAT 279*



We recommend the inclusion of the third decision guideline to achieve development outcomes that provide greater setbacks between the proposed buildings at both the ground and first floor levels.

The fourth decision guideline is recommended to address views from the street, recognising that there are some comparatively deep lots (up to 65 metres) within the buffer area, and insufficient landscaping along side boundaries could have an impact on the streetscape.

### SUMMARY OF RECOMMENDED CHANGES TO THE PLANNING SCHEME

A set of draft planning provisions accompanies this report based on the recommendations outlined above. These documents have been provided in soft copy to assist Council with drafting changes to the planning scheme via ATS Authoring.

#### CHANGES TO LOCAL POLICY

- Amend Clause 21.06 (Design and Character) to include a new strategy under objective 4 to require consideration of the unique character of the interface area to the LDRZ.

#### REZONING

- Rezone St Simon the Apostle School from PUZ2 and LDRZ to an appropriate zone that would continue to facilitate the school, subject to further investigation.

#### PROPOSED DRAFT SCHEDULE TO THE NEIGHBOURHOOD RESIDENTIAL ZONE

- Rezone the land that forms a buffer to the LDRZ (currently in the NRZ4) to a new NRZ schedule.

Rezoning land that forms a buffer to the LDRZ from NRZ4 to a new tailored NRZ schedule would result in the following changes:

- Application of specific neighbourhood character objectives.
- The introduction of variations to side (at least 1 metre on one side and 3 metres on the other side) and rear setbacks (9 metres).
- An application requirement for a landscape concept plan.
- New decision guidelines (not currently included in local planning policy):
  - Whether upper levels are setback to allow views between dwellings; and
  - The provision of appropriate landscaping along side boundaries and driveways when viewed from the street.

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CHANGES TO PARTICULAR PROVISIONS

- Remove the site specific control relating to land at 18 Le John Street from the schedule to clause 51.01 (Schedule to Specific Sites and Exclusions) as part of a future anomalies or 'fix up' amendment.

CHANGES TO OPERATIONAL PROVISIONS

- Amend the schedule to clause 72.04 to remove the Incorporated Document 'Site Specific Control – Lot 3 LP 42250 Wellington Road, Rowville, 11 March 2011' as part of a future anomalies or 'fix up' amendment.

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## **APPENDIX 1 CURRENT CLAUSE 22.07 (DEVELOPMENT IN RESIDENTIAL AREAS AND NEIGHBOURHOOD CHARACTER)**

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## KNOX PLANNING SCHEME

**22.07**14/12/2017  
C150**DEVELOPMENT IN RESIDENTIAL AREAS AND NEIGHBOURHOOD CHARACTER**

This policy applies to development on residentially zoned land shown in Figure 1 - Housing Map at Clause 21.06 (Housing).

This policy does not apply to land in a Design and Development Overlay or Development Plan Overlay.

**22.07-1**14/12/2017  
C150**Policy basis**

This policy:

- Provides design guidance to facilitate development that contributes to the strong 'green and leafy' character of Knox and preferred future character of residential areas.
- Implements Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the State Planning Policy Framework to take into account the particular needs of Knox.

Development in residential areas needs to respond to the particular built form and natural environment elements that make up the neighbourhood character of Knox. These elements include topography, vegetation, building form, scale, siting, materials and front fencing.

A balance is required to address the changing housing needs of the Knox community, while protecting the City's significant environmental and cultural elements. The *Knox Housing Strategy 2015* seeks to achieve this balance by adopting a scaled approach to residential development.

This approach to housing directs specific types of housing to areas with good access to a range services and infrastructure (Activity Areas and Local Living areas) and away from areas with special local character and significant environmental values (Bush Suburban and Knox Neighbourhood areas).

These outcomes will be achieved by providing housing that:

- has a diversity of housing types and forms in specified locations;
- meets the needs of and is accessible to all groups within the community;
- is well designed and responsive to the local character and environment; and
- recognises that in areas of environmental, biological and landscape significance, these values outweigh the need for urban consolidation.

**22.07-2**14/12/2017  
C150**Objectives**

To facilitate development that is responsive to the unifying 'green and leafy' character of Knox.

To facilitate development that is responsive to the desired future character of the area.

To support sustainable urban growth by directing housing to preferred locations.

To support a range of housing types and forms to meet the needs of the existing and future community.

To support more intensive development in areas where there is access to frequent and reliable public transport services, shopping, employment and community facilities.

To support smaller dwellings (one and two bedrooms) in appropriate locations (Local Living and Activity Areas).

To recognise that the environment significance of the Dandenong Foothills and Sites of Biological Significance (Bush Suburban areas) outweighs the need for urban consolidation within these areas.

To facilitate the design and scale of new development makes a positive contribution to the area's built form.

## KNOX PLANNING SCHEME

### 22.07-3

14/12/2017  
C150

#### **Bush Suburban**

Bush Suburban areas have distinctive and significant environmental and biological values.

#### **Preferred Future Character**

Bush Suburban areas will:

- Contribute to the protection and enhancement of Knox's distinctive environmental and biological values.
- Continue to be low-scale neighbourhoods where significant indigenous and native vegetation is retained and complemented.
- Require built form that is subservient to the area's landscape dominant character.

#### **Preferred Dwelling Typologies**

- In Bush Suburban areas it is policy to support detached dwellings and dualoccupancies.

#### **Design Objectives and Guidelines**

It is policy that the following Design Objectives and Guidelines are addressed when considering any application to develop land:

#### **Design Objectives**

- To retain canopy trees and encourage the new planting of indigenous canopy trees.
- To maintain the continuity of vegetation and landscape character around and in front of dwellings.
- To avoid buildings being prominent from the street.
- To avoid the loss of front and rear garden space.
- To avoid the dominance of car storage facilities from the street.

#### **Design Guidelines**

- Design buildings to be nestled and tucked into the landscape.
- Design buildings to accommodate landscaping including canopy trees in front and rear gardens.
- Retain existing canopy trees and understorey planting, wherever possible.
- Plant indigenous and native canopy trees in accordance with the requirements of the applicable zone schedule.
- Locate carports and garages behind the line of the dwelling or in the rear yard.
- Provide single crossovers for driveways.
- Minimise the amount of paving in front yards and driveways.
- Design new buildings to incorporate pitched, hipped or gabled roof forms.
- Significantly setback first floor levels from the ground floor level.
- Provide no, low or transparent front fencing.

### 22.07-4

14/12/2017  
C150

#### **Knox Neighbourhood**

Knox Neighbourhood areas have the characteristics that many people value about living in Knox – a sense of open space, fresh air, trees and large backyards. In this sense, they are 'typical Knox' and represent the majority of Knox's residential areas. Some areas have access to bus services, but in many locations the car is the main way of getting around.

## KNOX PLANNING SCHEME

### Preferred Future Character

Knox Neighbourhood areas will:

- Continue to be low-scale neighbourhoods, characterised by detached houses and dual occupancies; with some villa unit developments on larger blocks.
- Retain their green and leafy identity and character through the retention of front and back yards, and the establishment of a garden setting that includes canopy trees.

### Preferred Dwelling Typologies

- In Knox Neighbourhood areas, it is policy to support detached dwellings, dual occupancies and villa unit developments (more than two dwellings) on lots greater than 1,000 square metres.

### Design Objectives and Guidelines

It is policy that the following Design Objectives and Guidelines are addressed when considering any application to develop land:

#### Design Objectives

- To retain and enhance the streetscape by the planting of appropriate trees on private land.
- To avoid the dominance of buildings from the street.
- To avoid the loss of front and rear garden space.
- To avoid the dominance of car storage facilities from the street.
- To retain large backyards for landscaping and open space.
- To require buildings to reflect the prevailing scale of buildings in the street.

#### Design Guidelines

- Design buildings to accommodate landscaping including canopy trees in front and rear gardens.
- Retain existing canopy trees and understorey planting, wherever possible.
- Provide a landscaped front and rear yard and plant indigenous canopy trees in accordance with the requirements of the applicable zone schedule.
- In developments of three or more dwellings, require the rear dwelling to be single storey in height.
- Provide single crossovers for driveways.
- Locate carports and garages behind the line of the dwelling or in the rear yard.
- Minimise the amount of paving in front yards and driveways.
- Design new buildings to incorporate pitched, hipped or gabled roof forms.
- Significantly set back first floor levels from the ground floor level.
- Provide no, low or transparent front fencing.

### 22.07-5

14/12/2017  
C150

### Local Living

Local Living areas are focused around the Wantirna Mall, Scoresby Village, Mountain Gate and Studfield activity areas. These areas are within walking distance of local shops and have access to several transport options.

### Preferred Future Character

Local Living areas will:

## KNOX PLANNING SCHEME

- Contribute to creating quality designed detached houses, dual occupancies, villa units and townhouses.
- Contribute to and enhance the 'green and leafy' identity and character of the area.
- Improve the 'village feel' of local shopping areas, by providing medium density housing in the form of dual occupancies, villa units and townhouses.

### Preferred Dwelling Typologies

- In Local Living areas, it is policy to encourage detached dwellings, dual occupancies, villa units and townhouses.

### Design Objectives and Guidelines

It is policy that the following Design Objectives and Guidelines are addressed when considering any application to develop land:

#### Design Objectives

- To support high quality, innovative architectural design and a diversity of housing stock.
- To support quality, innovative architectural design.
- To support a diversity of housing stock, with an increase in smaller dwellings (one and two bedrooms).
- To integrate new styles of housing within existing streetscapes.

#### Design Guidelines

- Retain existing canopy trees and understorey planting, wherever possible.
- Provide a landscaped front yard, including the planting of canopy trees in accordance with the requirements of the applicable zone schedule.
- Locate carports and garages behind the line of the dwelling or in the rear yard.
- Provide single crossovers for driveways.
- Minimise the amount of paving in front yards and driveways.
- Significantly set back first floor levels from the ground floor level.
- In developments of three or more dwellings, ensure that the rear dwelling is single storey in height.
- Provide no, low or transparent front fencing.

## 22.07-6

14/12/2017  
C150

### Activity Areas

Activity Areas are located either on the SmartBus route or close to regional infrastructure such as train stations, bus interchanges, universities, large shopping centres, leisure facilities and employment opportunities.

### Preferred Future Character

Activity Areas will:

- See the most substantial change in housing styles than other areas in Knox.
- Balance retaining the 'green and leafy' character when viewed from the street, whilst allowing more intensive residential development.
- Support new residential development that is well designed both architecturally and functionally.

## KNOX PLANNING SCHEME

### Preferred Dwelling Typologies

- In Activity Areas, it is policy to encourage villa units, townhouses and apartments.

### Design Objectives and Guidelines

It is policy that the following Design Objectives and Guidelines are addressed when considering any application to develop land:

#### Design Objectives

- To support high quality, innovative architectural design and a diversity of housing stock.
- To support a diversity of housing stock, with an increase in smaller dwellings (one and two bedrooms).
- To minimise the appearance of site services to adjoining public and private areas.
- To establish new styles of housing within existing streetscapes.
- To establish consistent street setbacks as part of the future character of the area.

#### Design Guidelines

- Orient and design buildings to maximise key views to the Dandenong Ranges, other local landmarks and open space.
- Provide a landscaped front yard, including the planting of canopy trees in accordance with the requirements of the applicable zone schedule.
- Retain existing canopy trees, wherever possible.
- Plant canopy trees in accordance with the requirements of the applicable zone schedule.
- Locate carports and garages behind the line of or underneath the dwelling or in the rear yard.
- Provide single crossovers for driveways.
- Minimise the amount of paving in front yards and driveways.
- Significantly set back first and second floor levels from the ground floor level.
- Provide wide, upper floor balconies fronting the street and any adjoining public open space to maximise passive surveillance.
- In developments of three or more dwellings, provide a mix of dwelling sizes (number of bedrooms). At least one dwelling should contain a bedroom, kitchen, bath or shower, and a toilet and wash basin at ground floor level.
- Provide no, low or transparent front fencing.

### 22.07-7

14/12/2017  
C150

### Accessible Design

#### Design Objectives

- To require the design of new development to consider the needs of people with limited mobility.

#### Design Guidelines

- Provide a clear and accessible path from the street to the front door.
- Require dwellings with ground floor level entrances to be visitable by people with limited mobility.
- Where possible, the entries of all dwellings should be visible from the street.
- Provide wide and sheltered step-free entries.



## KNOX PLANNING SCHEME

- In developments of three or more dwellings, provide at least one dwelling with a bedroom, kitchen, bath or shower, and a toilet and wash basin on the same level as the entrance to the dwelling.

### 22.07-8

14/12/2017  
C150

#### Architectural Design

##### Design Objectives

- To require the design and scale of new development to be consistent with the housing type(s) encouraged in each area and make a positive contribution to the built form of the area.

##### Design Guidelines

- Provide an appropriate degree of visual interest and articulation to present an appropriate scale and detail to the street frontage and adjoining sites.
- Design street facades with an appropriate scale, rhythm and proportion, which respond to the site's context.
- Support opportunities for social interaction at interfaces between the public and private areas, spaces and facilities within multi storey residential and mixed use developments.
- Design development along public spaces and creek corridors to front those public areas.
- Design development along main road corridors to:
  - emphasise views to the Dandenong Ranges;
  - provide opportunities for passive surveillance to the road frontage; and
  - incorporate landscaping that contributes to the 'Bush Boulevard' character.
- Avoid large blank walls and facades.
- Require site services and car parking areas are sensitively designed and sited so as to be as visually unobtrusive as possible, from the street and adjoining sites.
- Require an appropriate design response for signage, buildings and structures.
- Screen unattractive buildings and developments through planting.
- Integrate elements into the design of the building/s and facades, including: security grills/screens, ramps, carpark entry doors, shading and screening structures, drain pipes, air conditioning units, lift over-runs, plant and communication equipment and other building services.
- Provide large and useable open spaces to maximise solar access.
- Consider including green roofs and walls.

### 22.07-9

14/12/2017  
C150

#### Housing for aged persons

##### Design Objective

- To facilitate development of specialised housing for aged persons that provides a range of on-site services to residents, or can be adapted to do so over time.
- To require development of specialised housing for aged persons to minimise impacts on the surrounding area.

##### Design Guidelines

- Provide a variety of communal public and private open spaces that:
  - link with open space networks in surrounding areas; and

**KNOX PLANNING SCHEME**

- are designed to support a variety of events and activities and facilitate informal social interaction.
- Include accessible paths on-site that link on-site facilities and services, and with networks in surrounding areas (particularly key destination points such as public transport stops, local shops etc).
- Integrate the development with the surrounding neighbourhood by providing, for example:
  - lower scale buildings fronting the street and other public spaces; and
  - paths on-site that link with networks in surrounding areas (particularly key destination points such as public transport stops and local shops).
- Include accessible paths that link on-site facilities and services. Paths should be non-slip, wide enough to allow different users to safely use the path at different speeds and have dropped kerbs to road level.
- Provide seating and shade at regular intervals along paths.
- Provide some affordable housing options in the development, including social housing.
- Protect special views, such as to the Dandenong Ranges.

**22.07-10**14/12/2017  
C150**Policy references***Knox Housing Strategy*, Knox City Council, 2015*Knox Urban Design Framework 2020*, Knox City Council, 2003*Knox Affordable Housing Action Plan 2015-2020*, Knox City Council, 2015



**APPENDIX 2 FORMER CLAUSE 22.07 (NEIGHBOURHOOD  
CHARACTER LOCAL PLANNING POLICY)**

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## KNOX PLANNING SCHEME

**22.07 NEIGHBOURHOOD CHARACTER**19/01/2006  
VC37

This policy applies to development and works in residential areas within the City of Knox as shown on Map 1 forming part of this Clause.

**22.07-1 Policy basis**19/01/2006  
VC37

This policy:

- assists in achieving the objectives of Clause 16.01 (Residential development for single dwellings) and Clause 16.02 (Medium-density housing) of the State Planning Policy Framework;
- applies the objectives of Clause 19.03 (Design and built form) of the State Planning Policy Framework, to local circumstances;
- builds on the objective of Clause 21.05 of the Knox MSS by ensuring that development complements and respects the existing and desired future character of residential areas;
- implements the findings of the City of Knox Neighbourhood Character Study 1999, including the Addendum dated 7 December 2000 that identifies the key existing characteristics and preferred future character of the City's residential areas;
- provides design guidance to ensure that development and, where relevant, works, respond to the preferred neighbourhood character of residential areas.

Development in residential areas needs to respond to the particular built form and natural environment elements that make up the neighbourhood character of Knox. These elements include topography, vegetation, building form, scale, siting, materials and front fencing. The City of Knox Neighbourhood Character Study defines residential precincts based on the delineation of areas of similar character elements (as shown on Map 1 forming part of this Clause).

This Policy provides Design Objectives and Design Responses for ensuring that development is responsive to the key characteristics that make up the desired future character of each precinct. Proposals that meet the Design Responses are also considered to meet the related Design Objectives.

**22.07-2 Objectives**19/01/2006  
VC37

- To ensure that development is responsive to the desired future character of the area.
- To retain and enhance the identified elements that contribute to the character of the area.
- To recognise the need for change around activity centres while respecting the desired future character of the area.
- To recognise the need for new or additional Design Objectives and Design Responses for areas affected by Structure Planning outcomes and Melbourne 2030 housing objectives.

**22.07-3 Garden Court Character Precincts**19/01/2006  
VC37

In the Garden Court Character Precincts it is policy that the following Key Characteristics, Statements of Desired Future Character, Design Objectives and Design Responses are taken into account when considering any application to develop or subdivide land.

## KNOX PLANNING SCHEME

**Key Characteristics**

- Occasional high canopy native and exotic trees.
- Front fences are generally not present and, although becoming more frequent in the some areas, do not predominate. Side fences are either not present or are low forward of the dwelling. Front gardens are generally low level, often with planted lawns and many also have substantial shrubs.
- Front setbacks are generally 7 - 8 metres. Orientation of dwellings to the street is often not parallel and varies. Side setbacks are generally 1 and 3 metres.
- Dwellings are usually single storey throughout.
- Low pitched tile roofs, with wide eaves, are dominant. Dwellings often incorporate a projecting front room or 'triple fronted' articulation.
- Driveways are usually provided to the side of the dwelling. Car parking is provided in carports/garages adjacent to or behind the dwelling.
- Planted street trees are generally medium height and formally arranged, with some informally or irregularly planted.

**Statement of Desired Future Character**

Low scale dwellings set within an open landscape with, in some areas, occasional pockets of large native trees.

**Design Objectives and Design Responses for all Garden Court Precincts**

These Design Objectives and Design Responses apply to all Garden Court Precincts unless replaced by an alternative in the Precinct Specific Design Objectives and Design Responses.

No.	Design Objectives	Design Responses
1.	To retain the remnant indigenous and other native trees and encourage the new planting of large native trees.	Retain existing high canopy trees and understorey planting, wherever possible.  Replace any trees lost due to redevelopment, with indigenous or native trees that will ultimately grow to the same size.
2.	To maintain the rhythm of spacing between dwellings.	
3.	To minimise the dominance of buildings from the street.	Design new buildings to incorporate pitched, hipped or gabled roof forms.  Set second storeys back from the facade.
4.	To minimise loss of garden space, and dominance of car storage facilities.	Locate carports and garages at or behind the line of the dwelling or in the rear yard.
5.	To maintain the openness of front boundary treatments.	Provide a landscaped front yard preferably with native trees and shrubs.

KNOX PLANNING SCHEME

**Precinct Specific Design Objectives and Design Responses**

The following Design Objectives and Design Responses replace the corresponding provisions of the Design Objectives and Design Responses for all Garden Court Precincts.

**Garden Court Precinct 1**

No.	Design Objectives	Design Responses
4.	To minimise loss of garden space, and dominance of car storage facilities.	<p>Locate carports/garages at or behind the line of the dwelling or in the rear yard when this is the predominant location on nearby properties.</p> <p>Where carports/garages are commonly located in front of the dwelling on nearby properties, design any carport/garage proposed forward of the dwelling to match the dwelling in materials and design.</p> <p>Where carports/garages are located in front of the dwelling, set buildings back from the front boundary a sufficient distance to provide substantial landscaping in front of the buildings.</p>

**22.07-4**  
19/01/2006  
VC37

**Villa Court Character Precincts**

In the Villa Court Character Precincts it is policy that the following Key Characteristics, Statements of Desired Future Character, Design Objectives and Guidelines are taken into account when considering any application to develop or subdivide land.

**Key Characteristics**

- Front gardens are generally low level and established exotic landscaped gardens with planted lawns, paving, small shrubs and few tall trees.
- Front fences are not usually present.
- Front setbacks are generally 7 - 8 metres, although this is slightly variable. Side setbacks are generally 1 and 3 metres, at least on one boundary, and carports/garages are frequently built to the boundary.
- Dwellings are a mixture of one or two storey.
- The building form is large scale, the styles are eclectic and include some ranch style houses.
- Driveways are usually provided to the side of the dwelling, or are semi-circular. Carports and garages are often contained within the dwelling design, extend to the boundary and dominate some front facades.
- Street trees are usually formally arranged, and are small and establishing at present.



## KNOX PLANNING SCHEME

**Statement of Desired Future Character**

Predominantly large scale dwellings set within an open garden setting.

**Design Objectives and Design Responses for all Villa Court Precincts**

These Design Objectives and Design Responses apply to all Villa Court Precincts unless replaced by an alternative in the Precinct Specific Design Objectives and Design Responses.

No.	Design Objectives	Design Responses
1.	To retain and enhance the streetscape by the planting of appropriate trees on private land.	<p>Locate carports/garages at or behind the line of the dwelling or in the rear yard when this is the predominant location on nearby properties.</p> <p>Where carports/garages are commonly located in front of the dwelling on nearby properties, design any carport/garage proposed forward of the dwelling to match the dwelling in materials and design.</p> <p>Where carports/garages are located in front of the dwelling, set buildings back from the front boundary a sufficient distance to provide substantial landscaping in front of the buildings.</p>
2.	To ensure buildings reflect the general scale of buildings in the street.	<p>In a single storey streetscape set the second level back from the façade.</p> <p>In a predominantly two storey streetscape, set third, and preferably second, levels back from the building façade.</p> <p>Design two and three storey buildings to fit into the landscape.</p>
3.	To minimise loss of garden space, and dominance of car storage facilities.	Locate carports and garages at or behind the line of the predominant dwelling setback.
4.	To maintain a pleasant and safe pedestrian environment.	Provide a landscaped front yard.

**Precinct Specific Design Objectives and Design Responses**

The following Design Objectives and Design Responses replace the corresponding provisions of the Design Objectives and Design Responses for all Villa Court Precincts.

## KNOX PLANNING SCHEME

**Villa Court Precinct 1**

No.	Design Objectives	Design Responses
1.	To retain and enhance the streetscape by the planting of appropriate trees on private land.	Design buildings to accommodate landscaping with trees and shrubs in front gardens.
3.	To minimise unnecessary loss of garden space, and dominance of car storage facilities.	

**Villa Court Precinct 4**

No.	Design Objectives	Design Responses
3.	To minimise loss of garden space, and dominance of car storage facilities.	Locate carports and garages at or behind the line of the predominant dwelling setback.  Close views along long driveways through the use of landscaping.
5.	To ensure buildings reflect the general shape and style of buildings in the street.	Design new buildings to incorporate pitched, hipped or gabled roof forms.
6.	To maintain the rhythm of building spacing.	

**22.07-5**  
19/01/2006  
VC37

**Garden Suburban Character Precincts**

In the Garden Suburban Character Precincts it is policy that the following Key Characteristics, Statements of Desired Future Character, Design Objectives and design responses are taken into account when considering any application to develop or subdivide land.

**Key Characteristics**

- Gardens are generally low level with small shrubs and occasional tall trees, usually native varieties.
- Front fences are usually not present, although low brick fences matching the brick of the dwelling are relatively common. Lawn frequently extends to the footpath with no delineation between public and private land. Side fences are low forward of the dwelling. Front gardens are generally low level, often with planted lawns and shrubs.
- Front setbacks are generally 7 - 8 metres. Side setbacks are generally 1 and 3 metres.
- Dwellings are usually single storey.
- The low pitched, tiled roof form, with wide eaves, is dominant. Dwellings have low wall heights and hipped roofs.
- Dwellings are constructed in timber and mixed varieties of brick.
- Driveways are usually provided to the side of the dwelling. Car parking is provided in open spaces, carports and garages adjacent to or behind the dwelling.

## KNOX PLANNING SCHEME

- Planted street trees are generally medium height; sometimes formally arranged and sometimes informally or irregularly planted. Nature strips are frequently wide.

**Statement of Desired Future Character**

Low scale dwellings set within an open landscape with occasional large native trees and in some precincts large stands of native and exotic trees.

**Design Objectives and Design Responses for all Garden Suburban Precincts**

These Design Objectives and Design Responses apply to all Garden Suburban Precincts unless replaced by an alternative in the Precinct Specific Design Objectives and Design Responses.

No.	Design Objectives	Design Responses
1.	To retain the tall trees.	Retain existing high canopy trees, wherever possible.  Replace any trees lost due to development, with indigenous or native trees that will ultimately grow to the same size.
2.	To maintain the continuity of garden character between dwellings.	
3.	To minimise the dominance of buildings from the street.	Design new buildings to incorporate pitched, hipped or gabled roof forms.  Set second storeys back from the facade.
4.	To minimise loss of front garden space, and dominance of car storage facilities.	Locate carports and garages at or behind the line of the dwelling or in the rear yard.

**22.07-6**  
19/01/2006  
VC37

**Rural Parkland Character Precinct**

In the Rural Parkland Character Precinct it is policy that the following Key Characteristics, Statements of Desired Future Character, Design Objectives and design responses are taken into account when considering any application to develop or subdivide land.

**Key Characteristics**

- Frequent high canopy indigenous trees and planted natives and exotics in pockets and individually.
- Land is predominantly flat.
- Front fences are generally not present, but where provided are low and may include small entrance gates. Side fences are either not present or are open style. Front gardens are sometimes bushy and otherwise low level, often with planted lawns and many also have substantial trees.
- Front setbacks are very substantial, approximately 15 metres. Orientation of dwellings to the street is often not parallel and varies. Side setbacks are generally at least 5 metres, and frequently substantially more.

## KNOX PLANNING SCHEME

- Dwellings are usually single storey.
- Dwellings are large, but usually not imposing. The building form is low scale and expansive, although the individual styles vary.
- Driveways are usually uncurbed and sometimes paved, and sweep in front of the dwelling. Car parking is provided in garages adjacent to or behind the dwelling and is generally unobtrusive
- Trees in the public domain are informally occurring, and appear to be extensions of the private plantings or remnant indigenous trees.

**Statement of Desired Future Character**

Low scale dwellings set within a park-like landscape with occasional pockets of large native and exotic trees.

**Design Objectives and Design Responses for the Rural Parkland Precinct**

No.	Design Objectives	Design Responses
1.	To retain the remnant indigenous and other native and exotic trees and encourage the new planting of large trees.	Retain existing high canopy trees, wherever possible.  Replace any trees lost due to redevelopment, with trees that will ultimately grow to the same size.  Provide the opportunity to plant large trees on the site.
2.	To maintain the continuity of vegetation and landscape character between and in front of dwellings.	
3.	To minimise the dominance of buildings from the street.	
4.	To minimise loss of garden space, and dominance of car storage facilities.	Locate carports and garages at or behind the line of the dwelling or in the rear yard.  Minimise the amount of paving in front yards and driveways.  Provide a landscaped front yard, preferably with lawn, trees and shrubs.

**22.07-7**  
19/01/2006  
VC37

**Bush Suburban Character Precincts**

In the Bush Suburban Character Precincts it is policy that the following Key Characteristics, Statements of Desired Future Character, Design Objectives and Design Responses are taken into account when considering any application to develop or subdivide land.

**Key Characteristics**

- Stands of high canopy indigenous trees and planted Eucalypts, occasionally forming a semi-closed canopy. Private gardens often contain trees at the front and behind dwellings.

## KNOX PLANNING SCHEME

- Front fences are generally not present and although becoming more frequent, do not predominate. Side fences are either not present or are low forward of the dwelling. Front gardens are generally low level, often with planted lawns and many also have substantial shrubs.
- Front setbacks are generally 7 - 8 metres, however setbacks vary where the topography requires. Side setbacks are generally 1 and 3 metres, and are sometimes more substantial.
- Dwellings are usually single storey, other than on slopes where two storeys are accommodated in the fall of the land.
- Driveways are usually provided to the side of the dwelling. Car parking is provided in garages adjacent to, underneath or behind the dwelling.
- Planted street trees are generally medium height and informally or irregularly planted. In some streets the public area planting is indistinguishable from the private.

**Statement of Desired Future Character**

Dwellings located within frequent bands of high canopy indigenous and native vegetation, creating a vegetation dominated backdrop.

**Design Objectives and Design Responses for all Bush Suburban Precincts**

These Design Objectives and Design Responses apply to all Bush Suburban Precincts unless replaced by an alternative in the Precinct Specific Design Objectives and Design Responses.

No.	Design Objectives	Design Responses
1.	To retain and reinforce the native vegetation dominated backdrop, and encourage the replanting of indigenous plants.	Retain existing trees and understorey planting, wherever possible.  Replace any trees lost due to development, with indigenous or native trees that will ultimately grow to the same size.  Plant or retain at least one substantial indigenous or native tree for every 250 sq.m. of site area.
2.	To maintain the continuity of vegetation and landscape character between dwellings.	Set dwellings back from the side boundaries a sufficient distance to allow for substantial landscaping with mature understorey planting, at least on one side of the dwelling.
3.	To ensure buildings and extensions do not dominate the landscape and streetscape.	Design buildings and extensions to sit below the predominant tree canopy height.
4.	To minimise the dominance of buildings from the street.	Design new buildings and extensions to follow the topography of the site.
5.	To harmonise with the materials used in nearby dwellings.	Incorporate timber or rendered surfaces in streetscapes where timber predominates.

## KNOX PLANNING SCHEME

6.	To minimise excavation for car access, loss of garden space, and dominance of car storage facilities.	Where significant excavation is not required, locate carports and garages behind the line of the dwelling or in the rear yard.  If car spaces must be provided in the front yard to avoid excavation, use a non-impervious surface (eg. gravel, toppings) for the driveway and parking area.
7.	To maintain the continuous flow of the landscape and vegetation, and the bush character of front gardens.	Use timber or rock for retaining walls.  Provide sufficient space in front yards for the retention and/or planting of large trees and understorey plants.

**Precinct Specific Design Objectives and Design Responses**

The following Design Objectives and Design Responses replace the corresponding provisions of the Design Objectives and Design Responses for all Bush Suburban Precincts.

**Bush Suburban Precinct 1**

No.	Design Objectives	Design Responses
5.	To harmonise with the heavily vegetated areas.	Use subdued toned building materials or paint colours.

**22.07-8**  
19/01/2006  
VC37

**Foothills Character Precincts**

In the Foothills Character Precincts it is policy that the following Key Characteristics, Statements of Desired Future Character, Design Objectives and Design Responses are taken into account when considering any application to develop or subdivide land.

**Key Characteristics**

- Vegetation dominates the streetscape. Frequent native high canopy indigenous trees and planted Eucalypts, sometimes forming a closed canopy. Private gardens are informal in style and contain indigenous trees and substantial understorey, frequently tree ferns. The bush vegetation flows uninterrupted across public and private land.
- Front fences are not present, and side fences are usually not visible. Front gardens are generally established and bushy with most containing large trees and substantial undergrowth. Roads are often uncurbed, or with informal rollover kerbing. There is usually no delineation between public and private street space, with bush or grass extending to the roadway.
- Front setbacks are generally 7 - 8 metres, with some 9 – 15 metre setbacks on larger sites. Side setbacks are generally 3 and 4 metres, but are often greater.
- Dwellings are usually single storey, other than on slopes where two storeys are accommodated in the fall of the land.
- Driveways are provided where the slope of the land permits, however vehicle storage is generally not visible. Exceptions occur due to the slope of the land, where carports are located forward of the dwelling.



## KNOX PLANNING SCHEME

- Planted street trees are rare, with the public planting being remnant indigenous vegetation in a natural setting.

**Statement of Desired Future Character**

Varied but often low scale buildings placed behind a heavily vegetated streetscape with a continuous flow of bush vegetation spread across private and public property.

**Design Objectives and Design Responses for all Foothills Precincts**

These Design Objectives and Design Responses apply to all Foothills Precincts unless replaced by an alternative in the Precinct Specific Design Objectives and Design Responses.

No.	Design Objectives	Design Responses
1.	To maintain the native vegetation dominated vistas and streetscapes, and encourage the replanting of indigenous plants.	<p>Retain existing trees and understorey planting, wherever possible.</p> <p>Replace any trees lost due to development, with indigenous or native trees that will ultimately grow to the same size.</p> <p>Plant or retain at least one substantial indigenous or native tree for every 100 sq.m. of site area.</p>
2.	To maintain the continuity of vegetation and landscape character between dwellings.	Set dwellings back from the side boundaries a sufficient distance to allow for substantial landscaping with mature understorey planting.
3.	To ensure buildings and extensions do not dominate the landscape and streetscape.	Design buildings and extensions to sit below the predominant tree canopy height.
4.	To minimise the visibility of buildings from the street.	Design new buildings and extensions to follow the topography of the site.
5.	To harmonise with the vegetation.	Use subdued toned building materials or paint colours.
6.	To minimise excavation for car access, loss of garden space, and dominance of car storage facilities.	<p>Where significant excavation is not required, locate carports and garages behind the line of the dwelling or in the rear yard.</p> <p>If car spaces must be provided in the front yard to avoid excavation, use a non-impervious surface, (eg. gravel, toppings) for the driveway and parking area.</p>
7.	To maintain the continuous flow of the landscape and vegetation, and the bush character of front gardens.	<p>Use timber and rock for retaining walls.</p> <p>Provide sufficient space in front yards for the retention and/or planting of large trees and substantial understorey plants.</p>

## KNOX PLANNING SCHEME

**Precinct Specific Desired Future Character Statements, Design Objectives and Design Responses**

The following Design Objectives and Design Responses replace the corresponding provisions of the Design Objectives and Design Responses for all Foothills Precincts.

**Foothills Precinct 2**

No.	Design Objectives	Design Responses
5.	To harmonise with the vegetation and dominant building materials.	Use subdued toned building materials or paint colours.  Where the dominant building material is timber, include some timber in the external wall treatment or render.

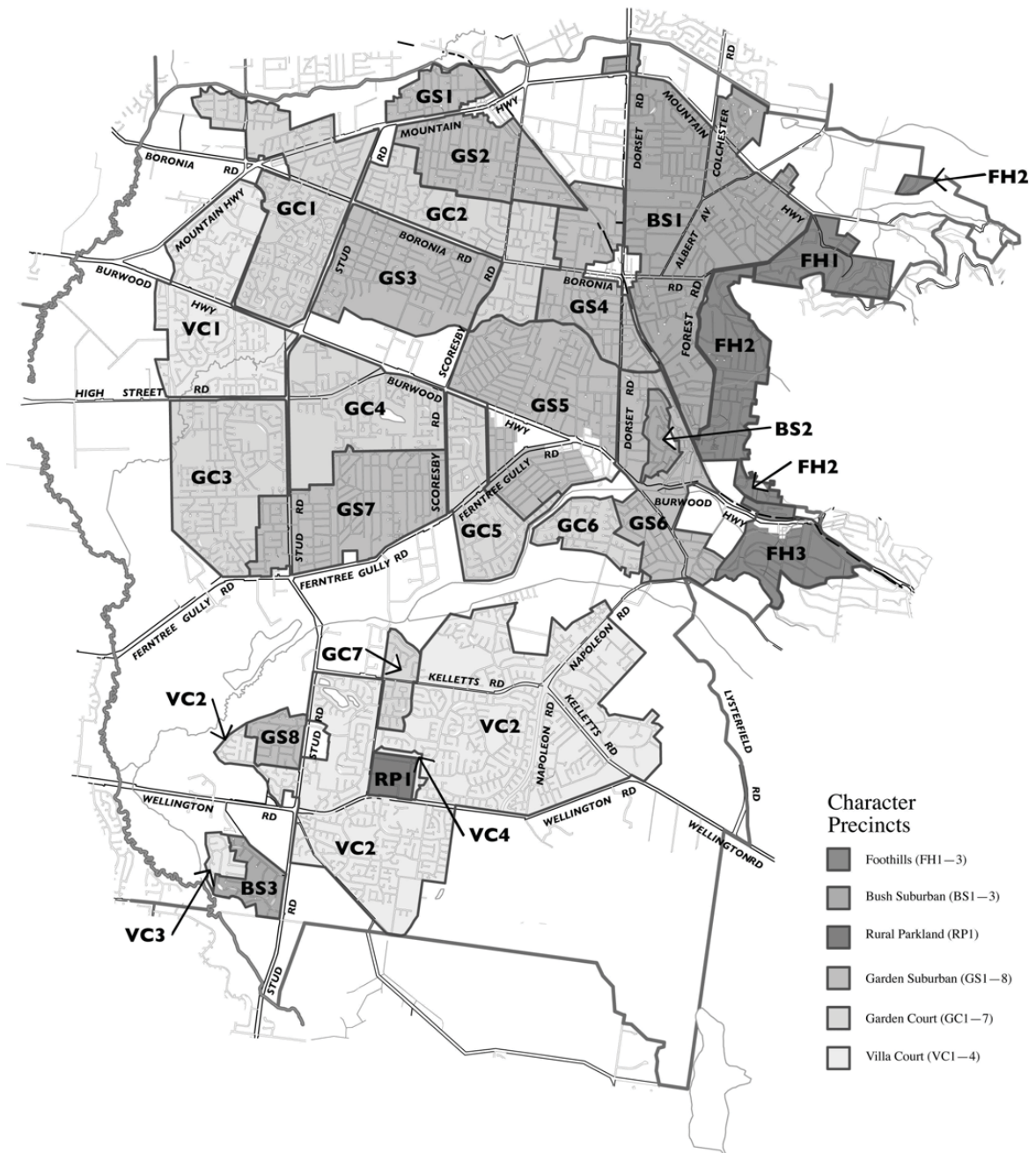
**Foothills Precinct 3**

No.	Design Objectives	Design Responses
5.	To harmonise with the predominant building materials.	In streets where the predominant building material is timber, use timber or render on the external walls.

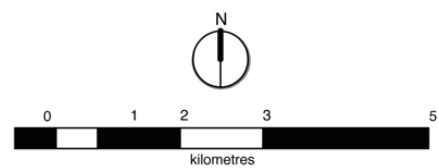
**Policy reference**

City of Knox Neighbourhood Character Study, Mike Scott & Associates et al, 1999, including the Addendum dated 7 December 2000.

KNOX PLANNING SCHEME



**City of Knox  
Neighbourhood Character Study**





**APPENDIX 3 PROPOSED DRAFT NRZ9 SCHEDULE**

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**p.56**



## SCHEDULE 9 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ9**.

### TRANSITION AREA

#### 1.0 Neighbourhood character objectives

To provide an appropriate transition to the low density dwellings in the adjoining LDRZ.

To retain the open backyard spine.

To provide large backyards for landscaping, tree planting and open space.

To ensure dwellings sit within an open garden setting.

#### 2.0 Minimum subdivision area

None specified.

#### 3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

#### 4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	Context: The site is on a corner. Minimum setback from side streets: Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 4.5 metres, whichever is the lesser. All other minimum setbacks from front streets and side streets as specified in the Table to Standard A3 and B6 continue to apply.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	Provision of a minimum of one canopy tree per 175 square metres of the site area including: <ul style="list-style-type: none"> <li>a minimum of one canopy tree within each area of secluded private open space; and</li> <li>a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway).</li> </ul> Each tree should be surrounded by 20 square metres permeable surface with a minimum radius of 3 metres.



	Standard	Requirement
		Up to 50 per cent of the permeable surface may be shared with another tree
<b>Side and rear setbacks</b>	A10 and B17	A new building not on or within 200mm of a boundary should be set back 1 metre from one side boundary, 3 metres on the other side boundary plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. The setback from the rear boundary should be at least 9 metres.
<b>Walls on boundaries</b>	A11 and B18	None specified.
<b>Private open space</b>	A17	Private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 60 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres at the side rear of the dwelling with convenient access from a living room.
	B28	Private open space consisting of: An area of 80 square metres with one part of the private open space to consist of secluded private open space at the side or rear of the B28 dwelling or residential building with minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.
<b>Front fence height</b>	A20 and B32	Streets in a Road Zone, Category 1 2 metres Other streets 1.2 metres

#### 5.0 Maximum building height requirement for a dwelling or residential building

None specified.

#### 6.0 Application requirements

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- For developments of five or more dwellings and for residential buildings, a report which demonstrates how the proposal will be accessible to people with limited mobility.
- For developments of three or more dwellings and for residential buildings, an application must be accompanied by a Sustainable Design Assessment.
- An application must be accompanied by a landscape concept plan. The plan must be drawn to scale and include the location of all buildings and works to be constructed on the land and details of all proposed landscaping, including species selection.

#### 7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development provides for an appropriate transition to the Low Density Residential Zone, where it adjoins the site.

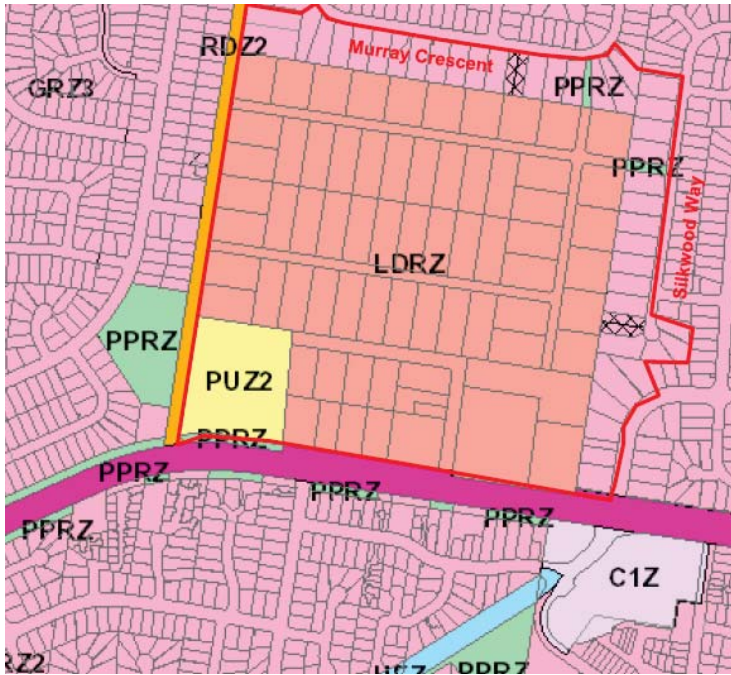




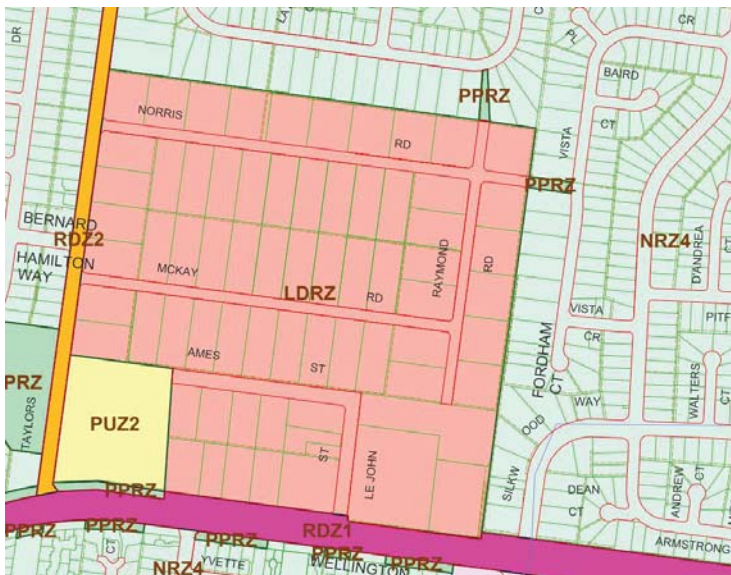
- In developments of three or more dwellings, whether the rear dwellings, and any dwellings along a boundary with the Low Density Residential Zone are single storey in height.
- The provision of a single crossover for driveways.
- Whether upper levels are setback to allow views between dwellings.
- The provision of appropriate landscaping along side boundaries and driveways when viewed from the street.

**'Review of Rowville LDRZ and adjoining GR22 land' study area**

**Study area zoning map: Study area outlined in red, prior to change of zoning through GC172 and removal of the GR22 (pink):**



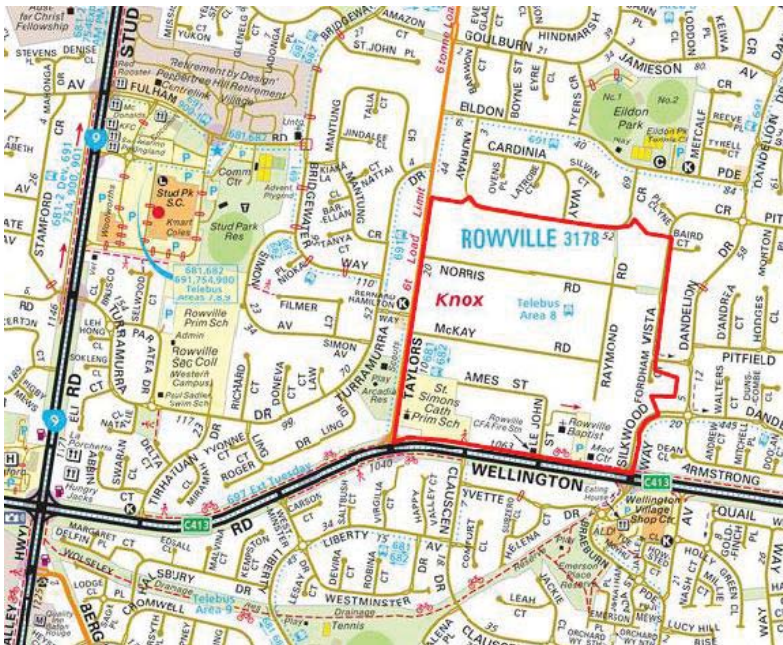
**Study area zoning map updated: Altered zoning shown through GC172 replacing the GR22, with the NRZ4 (light green):**



Study area aerial photo outlined in red:



Study area Melways map with street names:





### Review of Rowville LDRZ and adjoining NRZ4 land

#### Tabulated recommendations from the review regarding residential aged care and non-residential uses:

Site	Current Zone	Recommendation
St Simon the Apostle School	Part LDRZ/PUZ	No change, and subject to further investigation. <ul style="list-style-type: none"> <li>Potential to rezone to an appropriate zone to replace the PUZ2, that would continue to facilitate the use of the existing school.</li> </ul>
Wellness on Wellington, 1101 Wellington Road	LDRZ	No change. <ul style="list-style-type: none"> <li>A commercial zone is not supported to minimise potential fragmentation of Wellington Village Neighbourhood Activity Centre to the south.</li> <li>Wellington Road will serve as a barrier to ensure that the Medical Centre does not form an extension of the Village.</li> <li>The use of land as a medical centre can be considered as part of the LDRZ and there is a current permit for development and use of the site for a medical centre, reduction of the standard car parking requirement, creation of a new access to a Category 1 Road and the removal of native vegetation, under permit P/2008/6865</li> </ul>
Residential Aged Care Facilities	LDRZ	No change (site specific control removal from 18 Le John Street in future 'fix-up' amendment) <ul style="list-style-type: none"> <li>There have been planning permits issued for two residential aged care facility within the study area (18 Le John Street and 12 Taylors Lane).</li> <li>Amendment C150 altered the wording of clause 21.06-2 which allows for residential aged care facilities in Bush Suburban areas, which are not in Sites of Biological Significance or the Dandenong Foothills.</li> <li>Aged care remains an appropriate use under the LDRZ, and no zone change is considered appropriate.</li> <li>Removal of the site specific control at 18 Le John Street is recommended, which addresses subdivision to 2000sqm minimum lots, as it is a redundant control with a construction of a residential aged care facility on the site, and this requirement is already associated with the requirements of the LDRZ for properties with reticulated sewerage.</li> </ul>
Rowville Baptist Church and the Plymouth Brethren Christian Church	LDRZ	No change. <ul style="list-style-type: none"> <li>The Rowville Baptist Church on the corner of Wellington Road and Le John Street, and the Plymouth Brethren Christian Church (3 Le John Street), are both properties connected to reticulated sewerage.</li> <li>As Places of Worship are permitted uses within the LDRZ (subject to planning permission), no change to the existing zoning is recommended, as any zoning change for these uses would not represent orderly planning.</li> </ul>
Rowville Fire Station	LDRZ	No change. <ul style="list-style-type: none"> <li>Located at 1063 Wellington Road, it is recommended to continue to maintaining the zoning of this site consistent with the surrounding residential area. The LDRZ continues to be an appropriate zone.</li> </ul>

*Planning and Environment Act 1987*

## **KNOX PLANNING SCHEME**

### **AMENDMENT C189KNOX**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This Amendment has been prepared by the Knox City Council who 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 land at the following properties within Rowville:

- 24-26 Taylors Lane;
- 26-58 Murray Crescent (even numbers only);
- 42-70 Vista Crescent (even numbers only);
- 5, 6A, 6B, 7 Fordham Court;

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

##### **What the amendment does**

The Amendment proposes to:

- Amend Clause 21.06-3 (Design and Character) by inserting a new strategy under Objective 4 to read:
 

*4.5 In Rowville support residential development that provides an appropriate transition to dwellings in the LDRZ through the provision of large backyards for landscaping, tree planting and open space (new).*
- Rezone the affected land from the Neighbourhood Residential Zone Schedule 4 (NRZ4), to the Neighbourhood Residential Zone – Schedule 9 (NRZ9).

##### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

Amendment C189Knox seeks to apply new planning scheme controls to the affected properties in Rowville. The intention of the controls is to better reflect the unique character of the properties along Taylors Lane, Murray Cres, Vista Crescent and Fordham Court. These properties have large lot sizes and a backyard spine within an open garden setting. The affected properties within the amendment also represent a transitional area, between smaller residential lots, and larger residential lots within the Low Density Residential Zone (LDRZ).

It is the intention of the Amendment to:

- reflect the role of the affected properties in providing an appropriate transition to adjacent properties within the LDRZ and to provide clarity in policy direction by amending the local policy at Clause 21.06-3 (Design and Character).
- recognise the character of these properties through a rezoning that maintains the neighbourhood residential zone but applies a new schedule to temper future development, respect the streetscape, provide for a distinct level of open space and landscaping to protect the uniqueness of this area.

These outcomes are supported by recommendations of the *Review of Rowville LDRZ and adjoining GRZ2 land (March 2021)*, prepared by Glossop Town Planning. Modified planning controls are seen as the most appropriate mechanism to clarify and protect the character of the area, and have previously been recommended by VCAT appeals within the area.

**How does the amendment implement the objectives of planning in Victoria?**

The Amendment implements the objectives of planning in Victoria in providing for the fair, orderly, economic, sustainable use, and development of land.

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

The application of the NRZ9 will address environmental, social and economic effects by ensuring that development within the affected area is appropriate and responsive to the established character and anticipated needs of the area.

**Does the amendment address relevant bushfire risk?**

The affected sites are not in a Bushfire Management Overlay, and are not located in a Bushfire Prone Area.

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

The Amendment complies with the Ministerial Direction on the Form and Content of Planning Scheme under section 7(5) of the Act.

The Amendment is consistent with Minister's Direction No.9 – Metropolitan Strategy (as amended 10 February 2020) pursuant to Section 12 of the Planning and Environment Act 1987 – that requires planning authorities to have regard to the Metropolitan Planning Strategy (Plan Melbourne: Metropolitan Planning Strategy).

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

The Amendment is consistent with the following State planning policies:

- Clause 11.01-1S (Settlement) which seeks to limit urban sprawl and direct growth into existing settlements.
- Clause 15.01-5S (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 16.01-1S (Housing supply) which seeks to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

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

The Amendment is consistent with, and is supported by, the following clauses within the Municipal Strategic Statement and local planning policies:

- Clause 21.06-3 (Design and Character) which seeks to direct growth away from Bush Suburban and Knox Neighbourhood areas, and to support a 'green and leafy' landscape character. The Amendment area currently lies within the Knox Neighbourhood area.
- Clause 22.07 (Development in Residential Areas and Neighbourhood Character) which seeks to support sustainable urban growth by directing housing to appropriate locations, and support a range of housing types and forms to meet the needs of the existing and future community.



**Does the amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victorian Planning Provisions by ensuring the unique character of the amendment properties are recognised within a new NRZ schedule. This meets the purpose of the Neighbourhood Residential Zone, *'To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics'*.

**How does the amendment address the views of any relevant agency?**

The views of relevant external agencies will be sought through the exhibition process of the Amendment.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The relevant requirements of the Transport Integration Act 2010 were considered as part of the preparation of this Amendment, and the Amendment will not have a significant impact on the transport system.

**Resource and administrative costs**

The proposed planning provisions will have minimal impact on the resource and administrative costs of the responsible authority.

**Where you may inspect this amendment**

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

Subject to COVID-19 restrictions, the Amendment may be available for public inspection, free of charge, during office hours at:

- Knox City Council Civic Centre (Customer Service Building and Planning counter) 511 Burwood Highway, Wantirna South, on weekdays from 8.30am to 5.00pm.

**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 via:

- Email to: [psamendments@knox.vic.gov.au](mailto:psamendments@knox.vic.gov.au)
- Post (no stamp required) to: City Strategy and Planning, City Futures Department, Knox City Council, Reply Paid 70243, WANTIRNA SOUTH VIC 3152

**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]

**ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Rowville	Properties within Rowville including: 24-26 Taylors Lane; 26, 28, 30, 32, 34, 36a, 36b, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56 and 58 Murray Crescent; 42, 46, 50, 54, 58, 62, 66 and 70 Vista Crescent; and 5, 6A, 6B and 7 Fordham Court	Knox C189knox 001znMaps06_09 Exhibition

## KNOX PLANNING SCHEME

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Proposed C189knox

**SCHEDULE 9 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ9**.

**TRANSITION AREA****1.0 Neighbourhood character objectives**

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Proposed C189knox

To provide an appropriate transition to the low density dwellings in the adjoining LDRZ.

To retain the open backyard spine.

To provide large backyards for landscaping, tree planting and open space.

To ensure dwellings sit within an open garden setting.

**2.0 Minimum subdivision area**

---  
Proposed C189knox

None specified.

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

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Proposed C189knox

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

**4.0 Requirements of Clause 54 and Clause 55**

---  
Proposed C189knox

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	Context: The site is on a corner. Minimum setback from side streets: Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 4.5m, whichever is the lesser. All other minimum setbacks from front streets and side streets as specified in the Table to Standard A3 and B6 continue to apply.
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	Provision of a minimum of one canopy tree per 175 square metres of the site area including: <ul style="list-style-type: none"> <li>▪ a minimum of one canopy tree within each area of secluded open space; and</li> <li>▪ a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway).</li> </ul> Each tree should be surrounded by 20 square metres permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.
<b>Side and rear setbacks</b>	A10 and B17	A new building not on or within 200mm of a boundary should be set back 1 metre from one side boundary, 3 metres on the other side boundary plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. The setback from the rear boundary should be at least 9 metres.

### KNOX PLANNING SCHEME

	Standard	Requirement
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	A17	Private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 60 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres at the side or rear of the dwelling with convenient access from a living room.
	B28	Private open space consisting of: An area of 80 square metres with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 60 square metres with a minimum dimension of 5 metres of secluded private open space with convenient access from a living room.
<b>Front fence height</b>	A20 and B32	Streets in a Road Zone, Category 1: 2 metres Other streets: 1.2 metres

#### 5.0

Proposed C189knox

#### Maximum building height requirement for a dwelling or residential building

None specified.

#### 6.0

Proposed C189knox

#### Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For developments of five or more dwellings and for residential buildings, a report which demonstrates how the proposal will be accessible to people with limited mobility.
- For developments of three or more dwellings and for residential buildings, an application must be accompanied by a Sustainable Design Assessment.
- An application must be accompanied by a landscape concept plan. The plan must be drawn to scale and include the location of all buildings and works to be constructed on the land and details of all proposed landscaping, including species selection.

#### 7.0

Proposed C189knox

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development provides for an appropriate transition to the Low Density Residential Zone, where it adjoins the site.
- In developments of three or more dwellings, whether the rear dwellings, and any dwellings along a boundary with the Low Density Residential Zone are single storey in height.
- The provision of a single crossover for driveways.
- Whether upper levels are setback to allow views between dwellings.
- The provision of appropriate landscaping along side boundaries and driveways when viewed from the street.

## KNOX PLANNING SCHEME

### 21.06

21/03/2019  
C164

### HOUSING

This clause provides local content to support Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the State Planning Policy Framework.

Additional local content is also provided in Clause 21.10 to support implementation of both the State and Local Planning Policy Frameworks in a local area context.

### 21.06-1

21/03/2019  
C164

### Scaled approach to residential development

In managing the City's current and future housing needs, Council supports a scaled approach to residential development to accommodate population growth and the community's changing household needs. This scaled approach recognises that some parts of the City will need to accommodate change and in other areas, there will be limited change in order to protect and enhance Knox's green and leafy character and protect areas of environmental significance.

The *Knox Housing Strategy 2015* identifies four distinct residential areas that support the scaled approach to residential development as shown in Figure 1 to this clause (Housing Framework Plan). The four areas are:

- Bush Suburban
- Knox Neighbourhood
- Local Living Areas
- Activity Areas

Within each area, a different level of change is anticipated to respond to the City's current and future housing needs.

### Strategic Investigation Sites

Strategic Investigation Sites are generally sites not currently used for residential purposes, such as quarries, schools and golf courses. They are sites where the land use is likely to change in a short to mid-term timeframe, and could be suitable for future residential development (either entirely or in part), including a component of social housing. Strategic Investigation Sites are indicated in Figure 1 to this clause and Figure 1 to Clause 21.07 (Economic Development). The land use(s) proposed should accord with the Strategic Investigation Site designation. Strategic guidance for these sites is provided in the *Knox Housing Strategy 2015* and the *Knox Affordable Housing Action Plan 2015-2020* and the *Knox Land for Business Directions Plan (2018)*, applied by Clause 21.07. Where Strategic Investigation Sites have already been subject to investigation processes and have been rezoned to facilitate future residential development, additional strategic guidance may also be found in the relevant zone and overlay schedules which apply to the land.

### Key Issues

- Responding to the City's changing housing needs.
- Limited availability of land within the municipality, which increases pressure for infill development within established suburbs.
- Protecting sensitive areas from overdevelopment.
- Directing new residential development to preferred locations.

### Objective 1

To support a scaled approach to residential development in accordance with the *Knox Housing Strategy 2015*.

### Strategies

- 1.1 Support residential development that is consistent with preferred dwelling typologies for each area as shown in Figure 1 – Housing Framework Map.

## KNOX PLANNING SCHEME

- 1.2 Direct growth away from Bush Suburban and Knox Neighbourhood areas.
- 1.3 Direct housing growth toward Local Living and Activity Areas.
- 1.4 Support residential development, where appropriate, on Strategic Investigation Sites (in whole or in part).
- 1.5 Support residential development and mixed use development with a residential component in the Commercial 1 Zone, consistent with the local policy at Clause 22.06 (Residential Land Use and Development within the Commercial 1 Zone).
- 1.6 Support residential development on large development sites located within a Design and Development Overlay or a Development Plan Overlay, consistent with the provisions of those overlays and the underlying zone that applies.
- 1.7 Support residential development within the Wantirna Health Precinct which supports and complements the health, education and community and other employment generating activities of the precinct and provides accessible housing options not in conflict with or constraining to the strategic directions of the precinct as specified in Clause 21.07.

### 21.06-2

14/12/2017  
C150

#### Diversity of housing choice

The Knox community is diversifying and ageing. Knox's dominant household type remains families with children, with the number of children (and their parents) forecast to increase over the next 20 years as the population grows. However, the number of people at post-retirement age is growing quickly and forecast to double between 2011 and 2031. This will see an increase in the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years.

Single dwellings on large blocks remain the dominant form of housing. In recent times, there has been an increase in the number of villa units, townhouses and apartment buildings in the municipality to respond to the community's demand for different types of housing. However, the current sizes and types of housing overall are inadequate to respond to the increasing demand for smaller dwellings, particularly from sole and older person households.

The Knox population is ageing, with one in four residents aged over 55 in 2011. The municipality has the opportunity to encourage 'ageing in place' through continued support of aged care facilities and social housing, and an increase in smaller dwellings.

Affordability is declining as growth in median household income has failed to match the growth in house prices. There is an undersupply of affordable housing the City, which has contributed to high levels of mortgage stress within some parts of the municipality. Several northern suburbs of Knox hold top-10 status for the highest number of households in Melbourne experiencing housing stress and above average mortgage default rates. Typical rental properties in Knox are not affordable for lower income households. The supply of social housing is below the Melbourne metropolitan average, with an additional 860 dwellings needed by 2036 to meet minimum requirements.

#### Key Issues

- Lack of diverse housing choices.
- Directing different housing styles, types, forms and sizes to preferred locations.
- Lack of diverse housing choices for older Knox residents.
- Declining housing affordability with a lack of housing at a range of price points.
- Limited supply of social housing to meet the required needs.

#### Objective 2

To support a diversity of housing choices (styles, types, forms and sizes) to cater for the Knox community's current and future needs, in appropriate locations.

#### Strategies

- 2.1 Support a diverse range of housing, including smaller dwellings.
- 2.2 Support developments of three or more dwellings in Activity Areas and Local Living areas that include a mix of sizes (including 1 and 2 bedroom dwellings).

## KNOX PLANNING SCHEME

- 2.3 Support development that includes social housing, particularly in Activity Centres, Strategic Investigation Sites and other large-scale sites.
- 2.4 Support social housing on Council-owned sites.
- 2.5 Avoid the development of villa units, townhouses and apartments in Bush Suburban areas.
- 2.6 Avoid the development of townhouses and apartments in Knox Neighbourhood areas.

### Objective 3

To provide residential development that allows people to ‘age-in-place’.

### Strategies

- 3.1 Support smaller scale dwellings that cater for older people.
- 3.2 Support new residential aged care facilities, except in Bush Suburban areas within the Dandenong Foothills or in a Site of Biological Significance.
- 3.3 Support the diversification of existing aged care facilities to provide a range of housing and care levels on-site.

### 21.06-3 Design and character

14/12/2017  
G456 Proposed C189 Knox

The strong ‘green and leafy’ landscape character is the unifying element of the neighbourhood character of Knox. The scaled approach to residential development adopted in each of the four residential areas will contribute to this "Knox" character and develop a distinct neighbourhood character. This character will contribute to the liveability, high amenity and environmental values of the municipality.

Development in residential areas will need to respond positively to the desired future character of the local area and take account of the particular built form and natural environmental elements that make up the neighbourhood character of Knox. The desired future character or ‘vision’ for each of these areas is:

#### Bush Suburban

Bush Suburban Areas include two distinct areas: the Dandenong Foothills and the Sites of Biological Significance. These areas have distinctive and significant biological values. Limited and low scale residential development is anticipated in these areas in order to protect the environmental and biological qualities that make these areas distinct.

#### Knox Neighbourhood Areas

Knox Neighbourhood Areas represent the majority of Knox’s residential areas and have a sense of spaciousness within the public and private realm. These areas will continue to be low-scale neighbourhoods, characterised by detached dwellings with large backyards which contribute to the area’s green and leafy character.

#### Local Living Areas

Local Living Areas are focused around the larger local villages of Wantirna Mall, Studfield, Scoresby Village and Mountain Gate. These areas are within walking distance of local shops and public transport. Medium scale residential development that contributes to the green and leafy character of the area is encouraged within these areas.

The Orchards in Wantirna South is also included in Local Living Areas, with its future character represented in Schedule 10 to the Development Plan Overlay.

#### Activity Areas

Knox’s Activity Centres contain a range of shops, services and employment and have good access to a range of public transport options. A greater range and increased densities of residential development are encouraged within these areas.



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### Key Issues

- Strengthening the unifying ‘green and leafy’ character of Knox across all residential areas.
- Strengthening the neighbourhood character of each of the four residential areas.
- Improving the quality of residential design.

### Objective 4

To support high quality housing design that responds to the City’s ‘green and leafy’ character, local character and creates a strong sense of place.

### Strategies

- 4.1 Support residential development which enhances the City’s ‘green and leafy’ landscape character.
- 4.2 Support residential development that makes a positive contribution to the preferred future character of the local area consistent with the local policy at Clause 22.07 (Development in Residential Areas and Neighbourhood Character).
- 4.3 Support residential development that is innovative, accessible and site responsive.
- 4.4 Support environmentally sustainable residential development consistent with the local policy at Clause 22.04 (Environmentally Sustainable Development).

4.5 In Rowville support residential development that provides an appropriate transition to dwellings in the LDRZ through the provision of large backyards for landscaping, tree planting and open space.

### 21.06-4

14/12/2017  
C150

### Areas with significant landscape and environmental values

A third of the municipality is located within the Dandenong Foothills and is recognised as having a strong environmental character, with limited capacity for new residential development due to the topography, flora and fauna values and in some parts, the risk of bushfire. Other areas of the municipality also contain significant indigenous flora and fauna species that have been identified as Sites of Biological Significance. The scaled approach to residential development directs growth out of these significant areas and towards the City’s activity areas and other locations better located to public transport, shopping, employment and community services.

Bushfire risk is a significant issue in parts of Knox, particularly in the foothills of the Dandenong Ranges and Lysterfield. Consideration to bushfire issues is required in the planning, siting and design of housing in these areas.

### Key issues

- Protecting Bush Suburban areas (the Dandenong Foothills and Sites of Biological Significance) from overdevelopment.
- Ensuring new residential development responds to bushfire issues.

### Objective 5

To protect and enhance the landscape and environmental values of natural areas of significance within the municipality.

### Strategies

- 5.1 Recognise that the environment and landscape significance of the Dandenong Foothills outweighs the need for urban consolidation in the Foothills.
- 5.2 Direct significant growth in housing stock to locations outside of the Bush Suburban areas.
- 5.3 Require residential development to preserve natural landscape features.
- 5.4 Require development in areas that have been identified as Sites of Biological Significance to retain indigenous vegetation and create habitat.
- 5.5 Require residential development in neighbourhood centres in the Dandenong Foothills to demonstrate a positive contribution to local character.
- 5.6 Require the height of residential development in the Dandenong Foothills to sit below the dominant tree canopy height.

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### Objective 6

To reduce the risk and impacts of bushfire in the high risk areas of the Foothills of the Dandenong Ranges and Lysterfield.

#### Strategies

- 6.1 Limit development, subdivision and rezoning of land for urban purposes.
- 6.2 Site, design, construct and manage development to meet the requirements of the relevant fire authority to minimise the impact of ember attack, radiant heat and direct flame contact from a bushfire.

### 21.06-5

21/03/2019  
C164

### Non-residential uses in residential areas

It is policy to support local employment opportunities and reduce dependence upon car based travel by encouraging non-residential uses to generally locate in and around activity centres and other commercial precincts.

Despite these broader objectives, it is recognised that residential areas require some complementary non-residential uses for the convenience of residents and provide some local employment opportunities. These uses can include medical centres, veterinary centres, display homes, convenience shops, child minding centres, places of assembly and places of worship.

Care must be taken in siting and designing non-residential uses in residential areas to avoid any negative impact on the residential amenity of an area and to avoid inappropriate development of defacto commercial precincts.

#### Key issues

- Accommodating complementary non-residential uses for the convenience of local residents, where appropriate.
- Siting and designing non-residential uses to avoid negative impacts on residential amenity and creating defacto commercial precincts.

### Objective 7

To support some non-residential uses in appropriate residential areas without impacting on residential amenity or creating defacto commercial precincts.

#### Strategies

- 7.1 Support some non-residential uses in appropriate residential areas without impacting on residential amenity or creating defacto commercial precincts by assessing applications against the local policy at Clause 22.03 (Non-Residential Uses in Residential Areas).

### 21.06-6

23/12/2020  
GC172

### Implementation

#### Policy guidelines

- Apply Clause 22.03 (Non-Residential Uses in Residential Areas local policy) to non-residential development in residential areas to ensure development is appropriately located, well designed and protects residential amenity.
- Apply Clause 22.04 (Environmentally Sustainable Development local policy) to relevant development applications to ensure new housing meets appropriate environmental design standards.
- Apply Clause 22.06 (Residential Land Use and Development within the Commercial 1 Zone local policy) to residential and mixed use development in the Commercial 1 Zone to ensure development has a high standard of visual appearance and is of an appropriate scale.
- Apply Clause 22.07 (Development in Residential Areas and Neighbourhood Character local policy) to development in residential zones to ensure the design of development responds to the preferred future character of residential areas.

### KNOX PLANNING SCHEME

- Apply any relevant structure plans, built form guidelines and urban design frameworks, in the assessment of residential development proposals in the area.
- Use Accessibility Guidelines to assist consideration of accessibility issues as part of the consideration of development proposals, as appropriate.

#### Application of zones and overlays

- Apply residential zones to be consistent with the *Knox Housing Strategy 2015*.
- Apply the Neighbourhood Residential Zone – Schedule 1 to the Bush Suburban - Dandenong Foothills Area.
- Apply the General Residential Zone – Schedule 1, or other zone as appropriate, to Strategic Investigation Sites (Residential) and other large residential development sites located within a Design and Development Overlay or a Development Plan Overlay.
- Apply the Neighbourhood Residential Zone – Schedule 4 to Knox Neighbourhood Areas.
- Apply the General Residential Zone – Schedule 3 to Local Living Areas.
- Apply the Neighbourhood Residential Zone – Schedule 5 to the Other Bush Suburban Areas.
- Apply the Residential Growth Zone – Schedule 1 to Activity Areas, where no other guidance applies.
- Apply the General Residential Zone – Schedule 4 and the Residential Growth Zone – Schedule 2 to Bayswater and Boronia Major Activity Centres.
- Apply the Commercial 1 Zone within activity centres to encourage increased residential densities.
- Apply the Mixed Use Zone to allow for residential and commercial mixed use development in appropriate locations.
- Apply the Design and Development Overlay, as appropriate, to achieve specific design, built form and landscape outcomes for local areas, including activity centres and Strategic Investigation Sites.
- Apply the Development Plan Overlay, as appropriate, to provide for integrated and orderly development of larger sites (including Strategic Investigation Sites) and achieve appropriate lot size, density and layout outcomes.
- Apply the Design and Development Overlay, the Significant Landscape Overlay and the Environmental Significance Overlay to land in the Dandenong Foothills to ensure development and vegetation removal respects the environmental significance of the area.
- Apply the Bushfire Management Overlay to areas identified as being of high bushfire risk.

#### Further strategic work

- Investigate the application of Development Contributions Plan Overlays for Activity Centres, Strategic Investigation Sites and other areas to contribute towards the cost of service and infrastructure improvements needed to support the additional population resulting from a development.
- Prepare and implement local area plans (structure plans or built form guidelines) for smaller Activity Centres in the Dandenong Foothills and centres that do not currently have locally specific guidance to address their future housing needs.
- Review the Boronia Activity Centre Structure Plan and associated planning controls to address their future housing needs.
- Review the Bayswater Activity Centre Structure Plan with key stakeholders and associated planning controls to address their future housing needs.
- Investigate obligatory contributions to affordable housing on larger scale development through inclusionary zoning if the Victorian Government provides legislative support for such measures.

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**Reference documents**

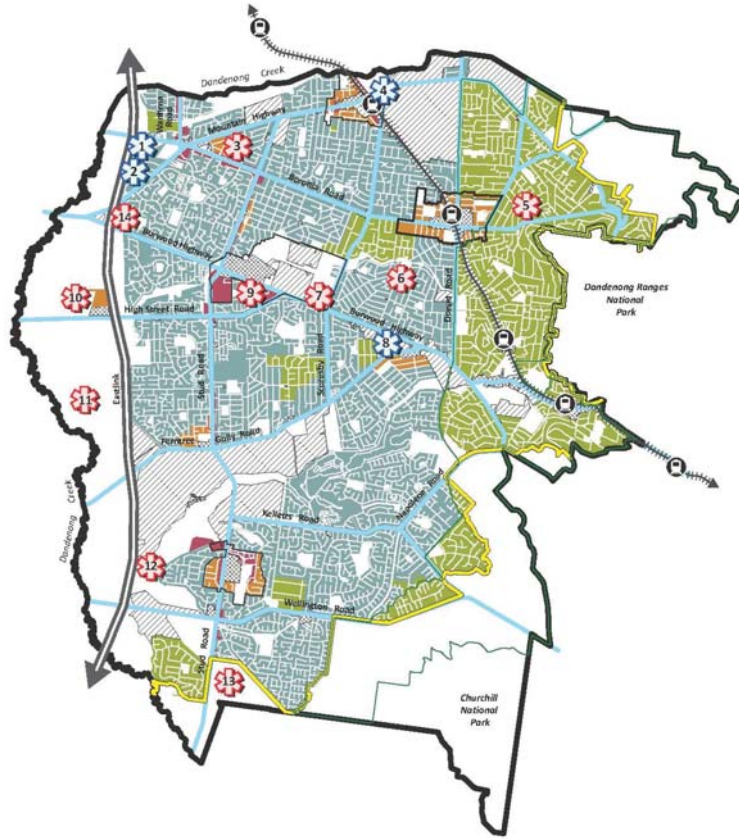
*Knox Affordable Housing Action Plan 2015-2020*, Knox City Council, 2015

*Knox Housing Strategy 2015*, Knox City Council, 2015

*Knox Land for Business Directions Plan*, Knox City Council, Urban Enterprise, December 2018

KNOX PLANNING SCHEME

Figure 1 – Housing Map



LEGEND

- MUNICIPAL BOUNDARY
- RAIL CORRIDOR / TRAIN STATION
- DECLARED ARTERIAL ROAD
- EASTLINK
- URBAN GROWTH BOUNDARY
- ACTIVITY AREA
- LOCAL LIVING
- KNOX NEIGHBOURHOOD
- BUSH SUBURBAN
- NON-RESIDENTIALLY ZONED LAND (E.G. PARKS, SCHOOLS, QUARRIES)
- DANDENONG FOOTHILLS: LIMITED HOUSING OPPORTUNITIES
- ACTIVITY CENTRE BOUNDARY
- MIXED USE AREAS (RETAIL/COMMERCIAL/RESIDENTIAL)
- COMMERCIAL/INDUSTRIAL AREAS

- STRATEGIC INVESTIGATION SITES - RESIDENTIAL
- 3 Wantirna Heights School
- 5 Boronia Heights College
- 6 Norvel Road Quarry, Ferntree Gully
- 7 DPI site, 609- 621 Burwood Highway
- 9 Knox Village Retirement Village (Burwood Highway)
- 10 Jenkins Orchard (1201-1211 High Street Road - Wantirna South
- 11 191 George Street, Wantirna South (Boral Quarry)
- 12 Kingston Links Golf Course
- 13 Waverley Golf Course (and adjoining sites)
- 14 Part of 25 Burwood Highway, 55 Burwood Highway, 56 Mountain Highway and unreserved Crown Land (Parcel 196), Wantirna

- STRATEGIC INVESTIGATION SITES - EMPLOYMENT/ COMMERCIAL/MIXED USE \*
- 1 & 2 Wantirna Health Precinct (750-750A Boronia Road and 203 Mountain Highway, Wantirna)
- 4 Bayswater Triangle
- 8 Mountain Gate Triangle

\* See also Clause 21.07 Economic Development Framework Map

Not to scale