KNOX PLANNING SCHEME
AMENDMENT C90

PANEL REPORT

Margaret Baird, Chair

8 February 2012
Knox Planning Scheme
Amendment C90

This is the report of the Panel appointed pursuant to Section 153 of the Planning and Environment Act 1987 to hear and consider submissions in respect of the Amendment.

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<td>Purpose of Amendment</td>
<td>Rezone four lots abutting Eastlink, the Mountain and Burwood Highways, to Residential 3 and include the same land in an Environmental Audit Overlay.</td>
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<td>The Proponent</td>
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<td>Exhibition</td>
<td>27 April to 27 June 2011.</td>
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<td>The Panel</td>
<td>Ms Margaret Baird (Chair).¹</td>
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<td>Site Inspections</td>
<td>The Panel inspected the subject site on 25 January 2012 as it advised all present at the commencement of the Hearing. No further inspection was requested by any party nor considered to be required by the Panel.</td>
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<td>Close of Hearing</td>
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| Appearances         | • Knox City Council – Mr D Wong, solicitor, Maddocks lawyers.  
                      • VicRoads – Ms N Luketic, solicitor, Rigby Cooke lawyers. Mr G Gilfedder, town planner, Sweett (Australia) Pty Ltd, gave expert evidence.  
                      • Mr R Lundgren in person. |
| Submissions         | Eight submissions were received by the Knox City Council to the Amendment. Five were from public authorities with no objection (Department of Sustainability & Environment, South East Water, VicRoads, Melbourne Water, and Department of Transport). Three submissions objecting to the Amendment were received from Steve Dolling; Peter Benson, Robert Lundgren, Kym Batty (attaching a petition with 46 signatures); and Robert Lundgren. |

¹ The Panel was originally constituted with Mr Lester Townsend who conducted the Directions Hearing on 6 December 2011. It was reconstituted on 3 January 2012. Notification of the change was given prior to the Hearing.
1. Summary and recommendation

Summary

The subject site comprises four land parcels. It abuts the Burwood and Mountain Highways, Eastlink and an established residential area. The site is zoned Road Zone Category 1. It has been used by VicRoads in association with the construction of Eastlink.

With Eastlink complete, VicRoads considers that the entire subject site is no longer required for road purposes. To facilitate the property’s sale, VicRoads requested the Knox City Council to rezone the land. Amendment C90 to the Knox Planning Scheme proposes to rezone the land to Residential 3 and include the land in an Environmental Audit Overlay.

The Panel considers the proposed Amendment is appropriate. The rezoning to Residential 3 is consistent with the zoning of the established residential area to the east of the site. Matters arising from a preliminary site assessment showing a level of contamination of the land can be addressed through the application of the Environmental Audit Overlay. Concerns expressed in submissions do not warrant abandoning Amendment C90 but they draw attention to the site’s physical circumstances and setting. These matters will need to be carefully considered in any proposal for the future use and development of the subject site such safe vehicle access, pedestrian connections, drainage, the visual and acoustic presence of Eastlink, the relationship to and impacts on existing residential properties, and vegetation.

Recommendation

Based on the reasons set out in this Report, the Panel recommends:

1. Amendment C90 to the Knox Planning Scheme should be adopted as exhibited subject to:

   a) The unreserved Crown land (Parcel 196) located between Parcels 197/198 and Eastlink being included in Map 1 as Residential 3 and in Map 1EAO.

   b) For consistency, other base maps in the Scheme should be updated to identify the whole of the land including Parcel 196.
2. Background and issues

2.1 Background

The subject site and surrounds

The subject site comprises three lots generally identified as all or parts of No 56 Mountain Highway and Nos 25 and 55 Burwood Highway. This land is also described as Parcel 197 (Volume 8083 Folio 193), Parcel 198 (Volume 8483 Folio 766) and Parcel 199 (Volume 9575 Folio 751) on Plan SP21899A. The site also comprises a fourth lot being unreserved Crown land (Parcel 196) that is positioned between Parcels 197/198 and Eastlink.  

![Diagram showing the subject site and surrounds.]

The land abuts the Mountain Highway (north), Burwood Highway (south) and Eastlink (west). All are arterial roads.

To its east, the site abuts residential properties fronting Traydal Close, The Mews, Southwood Place, Kew Court and Augton Court. Traydal Close provides vehicle access to the other short no-through roads. The established residential area extends further eastwards beyond these streets.

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2 The Amendment was exhibited referring to the first three lots only. At the Directions Hearing, the Panel as then constituted agreed to the inclusion of the additional parcel of unreserved Crown land as part of the Amendment. The bold outline on the plan extract included in this report does not identify the site. The parcels are individually numbered on the plan.
Non-residential uses abut the Highways, in the vicinity of the subject site, including schools, an ambulance station and a recreation reserve. A pedestrian link extends from Traydal Close to the Burwood Highway. A primary school is to the north-east along the Mountain Highway.

The subject site is vacant, is around 9 hectares in area and generally falls to the north-east. The land has been substantially cleared. Some vegetation remains. Drainage lines run through the land including a main drain. The property has been used by VicRoads including as a depot. Eastlink is elevated adjacent to the site. High batters, barriers and acoustic walls abut the land’s western boundary.

Background to the proposal

Parcels 197, 198 and 199 are owned by VicRoads. The unreserved Crown land (Parcel 196) is in the process of being divested to VicRoads by a Crown grant. The roads authority has no further need for the land and is intending to dispose of it. All of the land is zoned Road Zone Category 1. VicRoads proposes a different zone be applied to enable all of the land to be sold.

Details of the Amendment

Amendment C90 proposes to rezone the subject site from Road Zone Category 1 to Residential 3 and include the land in an Environmental Audit Overlay.

2.2 What are the issues?

The Panel has considered all written submissions, as well as submissions presented to it at the Hearing. The Panel has been assisted by the information and arguments presented to it and its site inspection.

The written and oral submissions raise the following issues which are addressed in the following sections of this report:

- Is there strategic justification to rezone the land Residential 3?
- Can site contamination be dealt with?
- Do any vegetation issues warrant abandonment of the Amendment?
- Can vehicle and pedestrian access be addressed?
- Can the land be serviced and will that affect other properties?

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3 Mr Lundgren submitted the land is around 7 hectares. The Panel has relied on the information provided by the Council but if the land is smaller the Panel’s conclusions are unchanged.
4 The Panel was advised this process is underway and is expected to be resolved in early 2012.
2.3 What is the policy context for considering the issues?

Of key relevance to consideration of the above issues are:

- Section 60 of the Planning and Environment Act 1987 [“PEAct”];
- Knox Planning Scheme [“the Scheme”] particularly:
  - State Planning Policy Framework including Clauses 10, 11, 12, 13, 15, 16, 18 and 19.
  - Local Planning Policy Framework including Clauses 21.01, 21.03, 21.05, 21.07, 21.08, 22.07 and 22.10.
  - The purpose and decision guidelines of the Residential 3 Zone (Clause 32.06).
  - The purpose and decision guidelines of the Environmental Audit Overlay [“EAO’] (Clause 45.03).
  - Other particular and general provisions including Clause 52.17.
- Minister’s Directions:
  - No 1 – Potentially Contaminated Land.
  - No 9 – Metropolitan Strategy.
  - No 11 – Strategic Assessment of Amendments;
- Ministerial Direction on the Form and Content of Planning Schemes; and
- VPP Practice Note 46 Strategic Assessment Guidelines.
3. **Strategic justification**

3.1 **What is the issue?**

The subject site is to be disposed of by the current owner, a public authority. Consequently, the existing public-use based zone (Road Zone) must be suitably replaced. Submittors expressed concern about the principle of rezoning the land for medium density housing given the site’s location, its abuttals, the loss of and poor access to public open space, and the relationship to the character of the nearby residential neighbourhood.

3.2 **What was said in submissions and evidence?**

Some submissions by local residents ask for the whole of the land to be open space while others contend part could be Residential 3 and part open space.

In support of these positions, the submittors have raised multiple concerns about Amendment C90 that are summarised by the Panel as follows:

- The land was farmland before it was acquired by VicRoads and it should be returned to being part of the greenbelt;
- The loss of open space in Knox, particularly associated with Eastlink, and poor access to open space for nearby residents given the presence of the Eastlink ramps, justify the subject site being open space;
- There are other potential locations for medium density housing if more is required; there is no medium density housing east of the site;
- The suggestion in the Amendment that the site is well serviced by public transport is contested given bus service limitations; and
- The rezoning does not contribute to the boulevard concept being promoted by the Knox City Council.

Residents’ submissions also identify multiple site constraints in support of the view that all or much of the land should not be rezoned to Residential 3:

- Vehicle access to the land from the main roads is dangerous and there are doubts about lawful access entitlements;
- The land is unsuitable for housing given the presence of the acoustic walls, which are said to have been designed based on the land being open space, and potentially issues relating to drainage; and
- Wildlife inhabit the site including kookaburra, kingfishers, ibis and a family of foxes and their habitat, and remaining vegetation, will be lost.
In response, the Council submitted rezoning to Residential 3 is logical given the same zone applies to the adjacent residential area and policies within the Scheme support the development of additional housing consistent the character of the area. Mr Wong relied on the site’s abuttal to the Principal Public Transport Network [“PPTN”] along Burwood Highway, a preferred location for new housing based on Clauses 21.05 and 22.10. He also referred to the lack of interest by any public authority to purchase the land for open space or another use, the Council’s open space strategy that does not recommend the land be acquired for additional open space, and the unsuitability of the land for commercial or industrial uses.

VicRoads agreed with the Council. Mr Gilfedder’s evidence identified strategic support the rezoning on similar grounds as the Council. He stated a net community benefit would result in economic, social and environmental terms. He said the land is suitable for housing, is not located in the sensitive foothills area, and is a strategic redevelopment site under Clause 16.01-3.

3.3 What are the Panel’s findings?

A public use based zone is not appropriate for land that is to be sold privately by a public authority. The land must, therefore, be rezoned. Amendment C90 is necessary for this purpose.

Based on submissions presented to the Panel, no public authority wishes to acquire the land. The Council considers the land is unnecessary for public open space. The Council’s adopted open space strategy (Knox Open Space Plan 2004-2010) and Clause 21.08 do not identify a need for additional open space associated with the environs of the subject site. The latest revision of the Open Space Plan, a consultation draft5, does not suggest the subject site is being considered to supplement existing public open space.6

The applicable Scheme policies that are relevant to this large land holding focus on themes of (as most relevant to the issues):

- Taking advantage of under-utilised land that is suitable for residential development with significant growth directed away from the sensitive Dandenong foothills. Strategic redevelopment sites are nominated. These include sites on or abutting bus routes that are part of the PPTN and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres;

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5 Draft Knox Open Space Plan 2011-2025.
6 Notwithstanding some ambiguity in two of the plans that Mr Wong said would be corrected. For example, the figure on page 29 identifies the land as “Accessible government land”.
- Improved housing affordability including encouraging more social housing;
- Strengthening the identifiable landscape characteristics of the municipality, particularly along transport corridors; and
- With respect to development in residential areas, creatively and positively responding to the desired future character of the local area and taking account of the particular built form and natural environment elements that make up the neighbourhood character of Knox.

Having regard to these policy and related themes, the Panel agrees with the submissions by the Council and on behalf of the VicRoads that there is strategic support for Amendment C90. In particular:

- The land is suitable for some form of residential development, with the nature and extent of any such development to be determined through a specific development proposal(s) having regard to the site’s opportunities and constraints. Vegetation, acoustic walls and access all properly need to be considered in the context of a specific proposal but the size of the land means that there are many ways in which development may occur with sufficient account taken of the constraints;
- The subject site abuts Burwood Highway which is part of the PPTN, is very large, and is around two kilometres from Knox City. While the site is not directly proximate to that Principal Activity Centre, that Centre is readily accessed via the PPTN. The site is also accessible to the medical employment precinct identified in Clause 21.03;
- Clause 21.05-2 encourages medium density housing along Stud Road and Burwood Highway where properties have direct road frontage;
- The site is adjacent to an established residential area and is accessible to a range of services and facilities including schools and open space networks. It is in a location expressly earmarked by local policy for residential development;
- There is no indication that the land cannot be properly serviced;
- The presence of vegetation (native, indigenous and exotic) is not an impediment to the rezoning. This is discussed again below;
- Ambitions for, and the manner in which development addresses, main roads/transport corridors will need to be considered in any future development proposal(s) for the land and do not need to be resolved in the rezoning stage. Local policy in the Scheme can guide this matter; and
- Other land uses in addition to dwellings may be contemplated under the Residential 3 Zone for which a planning permit may be required.
The Residential 3 Zone does not preclude open space on the site; there are many examples of parks in residential zones including near to the subject site (for example, the William Morris Reserve). However, as there is no current indication that the Council, or any other public authority such as Parks Victoria, has an interest in the land for that purpose, the Panel does not agree with submissions that the proposed rezoning is flawed or should be abandoned to facilitate public open space as a more suitable land use outcome for the subject site.

3.4 What is the Panel’s conclusion?

Having considered this issue, the Panel concludes:

Residential 3 is strategically justified and an appropriate zoning for the subject site given:

- The subject site is no longer required for a public purpose.
- The Residential 3 Zone is identical to the zoning of the adjacent established residential area.
- A site responsive design, as part of a permit application(s) for dwellings and/or subdivision, or another use/development, can ensure that the specific constraints and circumstances of the subject site, and policy outcomes sought through the Scheme, are addressed to achieve an acceptable outcome.
4. Site contamination

4.1 What is the issue?

The land is known to have some contamination. At the Directions Hearing, the Panel asked submittors whether an EAO is an appropriate tool to address contamination of the subject site, whether an audit is required and, if so, what remediation would need to be undertaken or what conditions placed over the use of the land.

4.2 What was said in submissions and evidence?

VicRoads submitted that it would accept the EAO but had been encouraged by the Panel to consider alternatives to such a blunt tool. Ms Luketic said the EAO had been recommended by the Department of Planning and Community Development as an appropriate way to address the matter given some contamination had been identified in a preliminary site assessment. Ms Luketic submitted the subject site is unlikely to be contaminated for the purposes of Ministerial Direction No 1 based on the definition of “potentially contaminated land”. She referred to the Advisory Committee report investigating planning controls and systems relating to potentially contaminated land in support of VicRoads’ submission that there may be merit in not applying an EAO.

Mr Gilfedder’s evidence appended a letter from Monarc referring to the findings in the preliminary site assessment it undertook and suggesting an alternative to the EAO. The soil contaminants identified were said to be typical of former agricultural land uses and not relate to the VicRoads depot. The risks to human health were said to be low with the material left in-situ but excavation would result in some material being required to be disposed of as contaminated soil. While noting the confirmed presence of arsenic and organochlorine pesticides is relevant for the potential application of an EAO, a Section 173 agreement was suggested an alternative mechanism. Ms Luketic submitted that such an agreement could require a site remediation plan to be prepared to ensure the land is fit for residential purposes based on a further detailed assessment of contamination by an expert.

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The Council was firmly of the view that an EAO is the appropriate mechanism to address contamination. It argued this on several key grounds:

- There is no completed audit and no certificate has been issued;
- The preliminary site assessment did not investigate the whole of the land (e.g. Parcel 196 was not included), did not test groundwater or surface water, and did not meet the level of sampling coverage required;
- The assessment has nonetheless demonstrated that the subject site is actually contaminated and the consultant recommends further testing before it can be concluded that the land is suitable for residential development and what conditions should be applied;
- It is unfair to shift costs onto the Council with respect to a Section 173 agreement and assessment of a site remediation plan. The EAO is the only and appropriate mechanism to address contamination. The processes associated with an EAO are known and clear;
- The Council is unlikely to agree to enter into a Section 173 agreement and is concerned about the practicalities with this option; and
- Once the obligations of the EAO are met, the Council will consider removing the EAO.

Submissions by local residents raise several concerns about contamination saying:

- The Amendment has “whitewashed” the fact that the land is saturated to some degree with arsenic and pesticides;
- Removal of contaminated soil will damage properties, referring to previous experience associated with earthworks for Eastlink; and
- Filling of the land has occurred.

### 4.3 What are the Panel’s findings?

Ministerial Direction No 1 obliges the Panel to be satisfied that the land can be used for purposes consistent with the Residential 3 Zone and that any contamination can be properly and appropriately addressed so that the site is fit for a sensitive use. Relevant to this are Section 12 of the PEAct, Ministerial Direction No 1, VPP Practice Note Potentially Contaminated Land and Clause 13.03 of the Scheme.

Contamination of soil on the subject site has been identified with arsenic and organochlorine pesticides. That is currently assessed by Monarc as not being at a great extent or severity based on the preliminary assessment.
That position is based on the history of the site and some sampling described in the 2010 Monarc report. The whole land has not been assessed although the Panel was informed that Monarc is undertaking more work with respect to Parcel 196. Ground and surface water testing has not occurred for the site.

The preliminary assessment and more recent correspondence from Monarc provide comfort that the potential use of the subject site for residential purposes is achievable from this environmental perspective. That is, the level contamination is unlikely to prevent residential use and can be addressed through a remediation program.

However, the documents are not a “sign-off” that the environmental conditions of the land are suitable for the sensitive use akin to a statement referred to in Clause 45.03-1 (EAO). At this stage, the Panel cannot confidently conclude that there is no significant health risk to be addressed before the land can be used for dwellings (a use for which no use permission applies in the Residential 3 Zone) nor is there a remediation program in place. The land may be excluded from the Ministerial Direction No 1 based on the definition of “potentially contaminated land”. That definition relates to land used or known to have been used for industry, mining, or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land). None of these uses of the land have occurred or seem probable based on current information. However, and importantly, a level of contamination is known. On the basis of the investigation to date, it cannot be assumed what has been detected to date represents the full extent and type of contaminants. It is known remediation is required for a sensitive use.

The Advisory Committee has canvassed alternative approaches to the tools available to address contamination. Greater flexibility would be beneficial to deal with situations of the type referred to in the Potentially Contaminated Land Issues and Options Paper. However, there are no final or adopted recommendations, or changes to the EAO or Minister’s Directions and Practice Note, that can be relied upon at this time.

It is appropriate to include the land in an EAO mindful of the Council’s reluctance to entertain a Section 173 agreement that may provide an alternative mechanism to facilitate further site assessment and remediation. The EAO provides a well understood process, is aptly applied where there is known contamination, and will serve a planning purpose with respect to the future use of the subject site. The further information that will result through an EAO is, the Panel finds, required to enable the planning and responsible authority to be as confident as possible that the environmental condition of the land is suitable for the types of uses allowed in the Residential 3 Zone.
Removing the EAO once any necessary remediation has occurred can prevent the requirements of the EAO being maintained on an ongoing basis where they would serve no planning purpose.

Concerns raised by submittors about impacts associated with any remediation works on nearby properties are noted. However, they are not matters dealt with through the rezoning process nor provide a basis to conclude the Amendment should be abandoned or modified.

4.4 **What is the Panel’s conclusion?**

Having considered this issue, the Panel concludes:

- The EAO is an appropriate tool to address site contamination in the circumstances of the subject site.
- The EAO map must be modified to include the unreserved crown land (Parcel 196) that forms part of the subject site.
5. Vegetation issues

5.1 What is the issue?

There are four issues arising from submissions relating to vegetation – previous clearance associated with Eastlink’s construction, the future of remaining indigenous and other vegetation on the land, the site’s potential future contribution to arterial boulevards, and potential impacts on native vegetation off-site.

5.2 What was said in submissions and evidence?

Submissions by local residents raise four concerns about Amendment C90 with respect to vegetation and landscape matters as part of their opposition to the proposal, two of which have been noted previously:

- The removal of vegetation from the land that is contended to have not been properly compensated for by VicRoads;
- The remaining vegetation on the land and the loss of habitat and amenity/outlook its removal would cause;
- The failure of the Amendment to address the boulevard concept being advocated by Knox City Council; and
- The potential for existing stands and patches of native vegetation along the Highways to be affected by works associated with the development of the subject site including pedestrian connections.

In response, the Council and proponent submitted the offsets required through the development of Eastlink have been met, relying on detailed information about the offset program appended to Mr Gilfedder’s evidence. Mr Wong submitted any significant native vegetation would be addressed at a later stage noting the provisions of Clause 52.17 with respect to native vegetation removal.

Mr Wong and Mr Gilfedder observed that Amendment C49 is currently being processed by the Council. The Amendment does not seek to introduce vegetation or environmental significance overlays over the subject site. Mr Wong and Mr Gilfedder said detailed planning as part of a permit application would address the future of existing vegetation and any proposed pedestrian links.
5.3 What are the Panel’s findings?

Vegetation previously on the land

The Panel understands that the subject site formerly was more extensively vegetated than is the case today. Some vegetation remains including pine trees that are not native. The information presented to the Panel (appended to Mr Gilfedder’s witness statement) explains off-sets provided for Eastlink. Contentions that off-sets were not be undertaken in accordance with the obligations, or that the offsets were not appropriately located or sufficient, are not relevant to the proposed rezoning of the land. Any concerns should be raised directly with the agencies involved and do not warrant a delay in approving, or grounds to abandon, Amendment C90.

The future of existing vegetation on and off the subject site

Existing vegetation appears to comprise some indigenous, native and exotic species. Submissions refer to, and value, native fauna, avifauna and vermin associated with the vegetation. The vegetation is not extensive and there is grass and weed growth.

The significance and health of the vegetation does not need to be investigated at this time. The vegetation is not of such an extent that the rezoning of the land should be abandoned. It is notable that specific vegetation protection controls proposed to be introduced into the Knox Planning Scheme through Amendment C49 do not include the vegetation. The future of this vegetation is most appropriately managed through the existing Planning Scheme regime which establishes whether a permit is required for vegetation removal. If a housing project is advanced for the site, then the applicable provisions of the Knox Planning Scheme would be relevant. They may raise questions such as whether permission is required for vegetation removal and whether a site responsive design is achieved having regard to vegetation. New vegetation (with habitat values) can be expected.

Changes in outlook and amenity from existing dwellings may, dependent on the purpose for which any planning permit is sought, be relevant to a decision as to whether a permit is issued but are not reasons to deny rezoning. The presence of existing residential properties would be relevant in designing any development on the subject site.

It is further relevant that the Department of Sustainability and Environment has no objection to the proposed Amendment.
Vegetation corridors are located along the two Highways east of the subject site. Several Overlays apply (eg VPO1 and ESO2) apply. These areas are external to the subject site. Any proposal for footpath connections beyond the site will need to be considered when detailed planning for the land occurs including the protection of/any impacts on these areas and any other reserved or private land.

**Boulevard concept**

The Knox Planning Scheme has a strong policy theme with respect to landscape enhancement including tree lined avenues along main roads and achieving a sense of address to arterial routes\(^9\).

Amendment C90 does not prejudice the achievement of this policy outcome. Development proposal(s) for the land involving a planning permit application would need to take urban design policies in the Scheme into account in association with related matters, such as access and site layout. The development concept would be the subject of assessment through the permit application.

### 5.4 **What is the Panel’s conclusion?**

Having considered this issue, the Panel concludes:

> There are no vegetation issues that warrant abandoning or changing Amendment C90. The future of remaining vegetation, and new vegetation as part of any new use and/or development of the land, are appropriately managed through the existing provisions of the Knox Planning Scheme.

\(^9\) Clause 21.04.
6. Vehicle and pedestrian access

6.1 What is the issue?

Access to the subject site is constrained by the two Highway frontages and the rear of residential properties. Access options are limited for both vehicles and pedestrians. At the Directions Hearing, the Panel asked submitters to address the question of pedestrian connectivity.

6.2 What do the submissions and evidence say?

Submissions by local residents drew attention to the potential dangers associated with vehicle access onto the Highways with one submission stating there should be no Highway access and another commenting that traffic lights cannot resolve the problem. Mr Lundgren referred to accidents on Burwood Highway around the Eastlink ramps and Cathies Lane due, he said, to factors such as unclear and poor sight lines to traffic signals. As noted above, concerns were raised about the width of land required to create pedestrian links with the potential for vegetation along Burwood Highway and land associated with the nearby primary school to be affected.

The Council referred to the difficulties of pedestrian connectivity given the presence of Eastlink, existing residential properties and the Highways. The Council considered pedestrian connections can be taken into account in the development of the land and if there is a recommendation to provide a link to the east into the adjoining residential area that should be dealt with now. That would involve acquisition of private land beyond the site. The Council is not seeking to acquire any such land.

The proponent agreed with the Council that links can be made to the main roads and through the site. Mr Gilfedder’s evidence referred to the potential for a link to the existing bus stop on Burwood Highway via an open space corridor through the subject site. The presence of the main drain is relevant to this suggestion; this could provide for stormwater management as well as pedestrian and bicycle connections. Mr Gilfedder also referred to the potential for upgrading the links to the Wantirna Primary School along the Mountain Highway.

In its response to the Amendment, VicRoads’ Senior Road Access Planning Officer offered no objection to the Amendment. The response noted that the land is surplus to the authority’s requirements.
6.3 What are the Panel’s findings?

The Panel needs to be satisfied that vehicle access to the subject site can be achieved mindful that the land is substantial in size and is likely to generate a reasonable volume of traffic. There is no direct access to the local streets to the east of the site; that limits pedestrian connections but will ensure that traffic associated with direct access into/from the development of the subject site is via a main road. While Mr Lundgren questioned whether the subject site has legal access rights, as noted earlier in this report, VicRoads is of the view that the land does. Neither the Council nor VicRoads have indicated that a traffic engineering solution with respect to access to and from the land cannot be achieved as a consequence of access entitlements, existing traffic volumes or road safety issues. Typically, a planning permit would be required to create or alter access to a Road Zone Category 1 which would be referred to VicRoads and considered by the Council’s engineers. Impacts, and appropriate safety and management measures, can be assessed in the context of a specific proposal with the benefit of advice about estimated traffic volumes and temporal patterns of vehicle movements.

While a direct link into the existing residential area may be desirable it cannot be achieved without purchasing private property. This is not an action which the Council or VicRoads seek to undertake and no notice of such has been part of this Amendment. There are options to link with the existing footpath network and to create links within this large site. The Panel considers the constraints associated with the site’s location and pedestrian access can be addressed in the context of a specific proposal(s) for the development of the land. The Panel does not consider the site is unsuitable for residential development notwithstanding limitations with respect to the potential for pedestrian links to be made beyond the site and particularly to the existing residential area to the east.

6.4 What is the Panel’s conclusion?

Having considered this issue, the Panel concludes:

There are no road or pedestrian access issues that warrant abandonment of Amendment C90. Vehicle access and pedestrian connections can appropriately dealt with under the provisions of the Knox Planning Scheme specifically through the consideration of any planning permit application to use and/or develop the land.
7. Servicing

7.1 What is the issue?

At the Directions Hearing, servicing issues were raised by submittors. The Panel directed submissions to address the adequacy of servicing, in particular water and drainage.

7.2 What do the submissions and evidence say?

Submissions by local residents drew attention to existing drainage patterns and questioned the ability to connect to water supply without adversely affecting water pressure for other residents in the area. Drainage issues, such as the location of the legal point of discharge, were also identified.

The Council and proponent submitted there are no known problems with respect to the potential to service the land. Ms Luketic submitted letters from various servicing authorities in support of this submission. Among them was correspondence from Melbourne Water referring to the Koomba Road Main Drain that traverses the land and gives rise to the potential for some flooding in a 1:100 ARI flood event.

7.3 What are the Panel’s findings?

Wider infrastructure planning is the responsibility of the service providers and is not a reason to prevent the land being developed. Servicing of the subject site will need to be addressed in association with a specific proposal(s) for the use and development of the land. The drainage corridor/main drain/easement(s) may affect the ability to use and develop the land. Physical constraints and potential impacts are typically assessed and then guide the formulation of land use and development options.

7.4 What is the Panel’s conclusion?

Having considered this issue, the Panel concludes:

There are no servicing issues that warrant abandonment of Amendment C90. Matters such as drainage and access to water supply need to be considered in conjunction with any specific proposal for the use and/or development of the subject site.
8. Conclusion

Based on the reasons set out in this Report, the Panel recommends:

1. Amendment C90 to the Knox Planning Scheme should be adopted as exhibited subject to:
   a) The unreserved Crown land (Parcel 196) located between Parcels 197/198 and Eastlink being included in Map 1 as Residential 3 and in Map 1EAO.
   b) For consistency, other base maps in the Scheme should be updated to identify the whole of the land including Parcel 196.
Amendment C90

Subject site shown in Blue – Parcel 196 highlighted in Red