

*Planning and Environment Act 1987*

# Panel Report

Knox Planning Scheme

Amendment C129

Ferntree Gully Village Structure Plan

**8 April 2014**

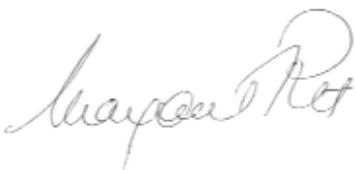


*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Knox Planning Scheme Amendment C129

Ferntree Gully Village Structure Plan

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Margaret Pitt, Chair

A handwritten signature in black ink, appearing to read 'Gordon Anderson'. The signature is written in a cursive style with a large, prominent initial 'A'.

Gordon Anderson, Member

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## List of Abbreviations

DDO	Design and Development Overlay
DTPLI	Department of Transport, Planning and Local Infrastructure
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
ESO	Environmental Significance Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NAC	Neighbourhood Activity Centre
PTV	Public Transport Victoria
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

## Amendment Summary

Table 1 Amendment Summary

<b>The Amendment</b>	Knox Planning Scheme Amendment C129
<b>Subject Site</b>	Ferntree Gully Village commercial area
<b>Purpose of Amendment</b>	Implement the Ferntree Gully Village Structure Plan by introducing a local planning policy, rezoning some sites and introducing DDO8 specifying height and setback controls for the village.
<b>Planning Authority</b>	Knox City Council
<b>Exhibition</b>	28 October to 9 December 2013

## Panel Process

Table 2 Panel Process

<b>The Panel</b>	Margaret Pitt (Chair) and Gordon Anderson (Member)
<b>Directions Hearing</b>	26 February 2014
<b>Panel Hearing</b>	19 and 20 March 2014
<b>Site Inspections</b>	21 February 2014
<b>Appearances</b>	<ul style="list-style-type: none"> <li>Nicole Vickridge (Knox City Council) with Trevor Ludeman (Project Planning and Development) and Kate Dundas (Planisphere)</li> <li>Graham Crichton</li> <li>Anne Boyd (resident's group)</li> <li>Janet Claringbold (Mountain District Learning Centre)</li> <li>Lynn Brewster</li> <li>Patricia Sykes</li> <li>Desmond Higginbotham</li> <li>A request to be heard was received from Christina Sleeman, but no appearance was made at the hearing.</li> </ul>
<b>Submissions</b>	<p>37 submissions were received, 29 of which supported the Amendment but opposed the 11m building heights exhibited in some areas.</p> <p>A further 3 late submissions were referred to the Panel after the Hearing and were considered by the Panel.</p>
<b>Date of this Report</b>	8 April 2014

# 1. The Proposal

## 1.1 The Amendment

The purpose of the Amendment was to enable implementation of the Knox Ferntree Gully Village Structure Plan (the Structure Plan), giving effect to the land use and design strategies and objectives for the Village. It proposed the following changes to the Knox Planning Scheme, as set out in the Explanatory Report:

- Amend Clauses 21.05, 21.07 and 21.09 of the MSS to support implementation of the Ferntree Gully Village Structure Plan.
- Amend Clause 22.01 to exclude references to Ferntree Gully Village.
- Amend Clause 22.10 of the LPPF to remove reference to the Ferntree Gully Village Structure Plan area.
- Introduce Clause 22.11 Ferntree Gully Village to include objectives and strategies relating to the future direction of the Ferntree Gully Village Structure Plan.
- Replace Schedule 8 to the Design and Development Overlay to guide the growth and development of sites within the Structure Plan boundary.
- Apply an Environmental Audit Overlay to potentially contaminated sites (2 Francis Crescent, 33, 41, 47, Forest Road and 170 Underwood Road).
- Rezone 88, 90, 92, 98 and 100 Station Street from Public Use Zone 4 to Commercial 1 Zone.
- Rezone 33 and 41 Forest Road from Commercial 2 Zone to Commercial 1 Zone.
- Rezone sites 3, 5 and 7 The Avenue from Commercial 1 Zone to Mixed Use Zone.
- Rezone 32, 36, 40, 42, 44, 46, 46, 48, 50, and 52 Forest Road from Commercial 2 Zone to Mixed Use Zone.
- Rezone 47 Forest Road and 170 Underwood Road from Commercial 2 Zone to Mixed Use Zone.
- Introduce Clause 32.08 General Residential Zone to the Knox Planning Scheme.
- Introduce Schedule 1 to the General Residential Zone, and apply maximum height limits.
- Rezone 2 Francis Crescent from Commercial 2 Zone to General Residential Zone (Schedule 1); Rezone 26, 28, 30, 32, 34, 36 and 38 Station Street from Commercial 1 Zone to General Residential Zone (Schedule 1).
- Update Clause 61.03.

## 1.2 Subject site and surrounds

The Ferntree Gully Village ('the Village') is nestled at the foot of the Dandenong Ranges. It marks the point where, due to the topography, the rail line changes from dual to single track and starts rising towards Belgrave, following the contour of the hills. Development of the surrounding residential area is significantly restricted by lot size, subdivision, site coverage and height controls, with the objective of preserving the tree canopy and blending into the Dandenong Ranges National Park just over 0.5 km to the east.

The Village itself enjoys a 'country atmosphere' with its mainly single-storey development, open feel and well-treed streetscapes, all set against the backdrop of the forested foothills.

The Village is one of four Neighbourhood Activity Centres within the Dandenong Ranges Foothills providing a limited mix of uses to service the basic needs of immediate residents, with access to the Ferntree Gully train station. Figure 1 shows the Structure Plan area.

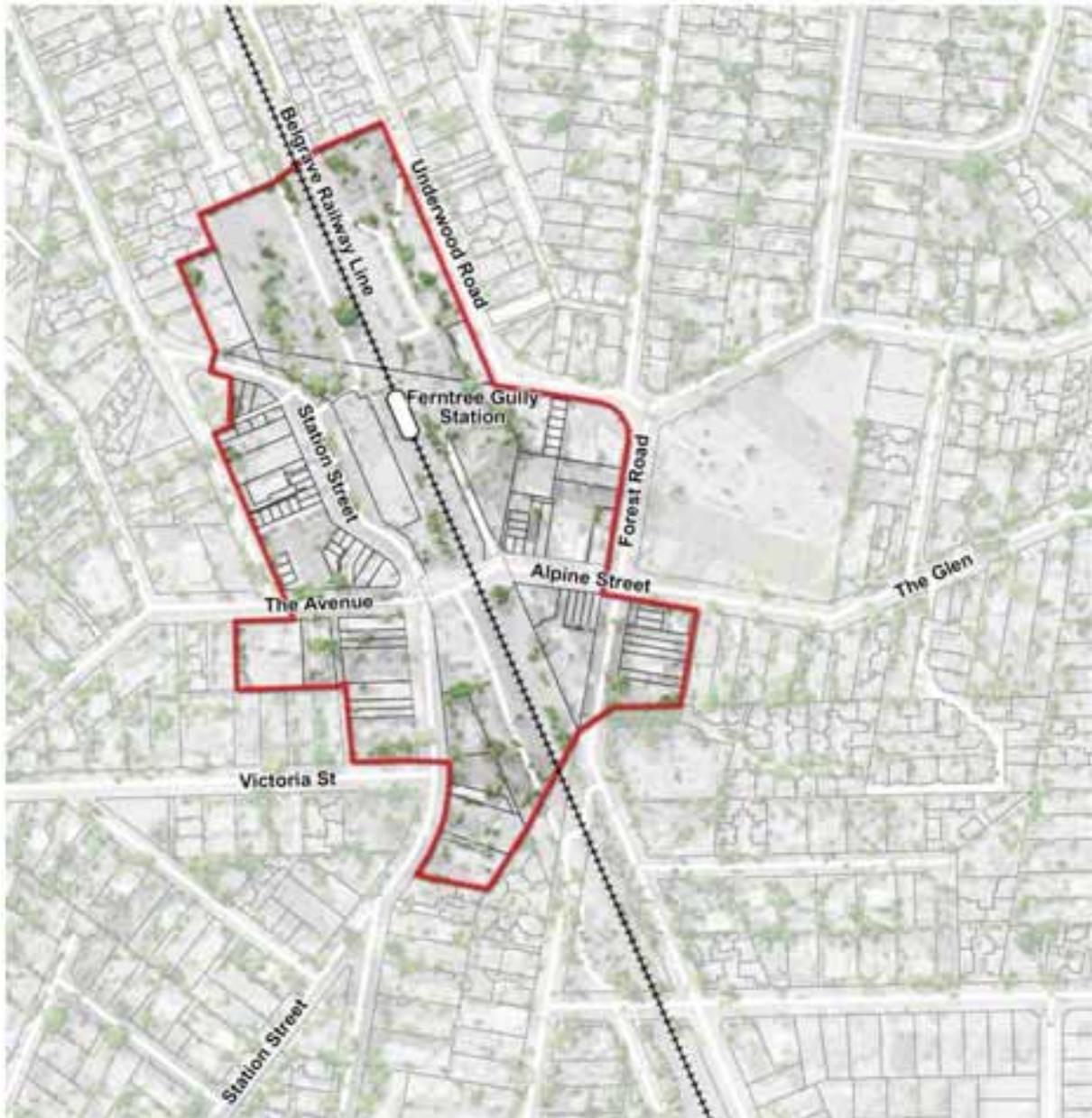


Figure 1 Structure Plan Area<sup>1</sup>

Ferntree Gully provides a limited mix of uses for convenience shopping and services to meet the basic needs of local residents. It is an important focal point for the surrounding neighbourhood, ideally located close to community services, and accessible by public transport, being served by the railway station and three bus routes.

<sup>1</sup> Source: *Ferntree Gully Village Structure Plan Draft September 2013*.

### **1.3 Need for Amendment**

Council, with help from Planisphere Pty Ltd, prepared the Structure Plan to provide an evidence-based strategic framework to guide future use and development of the Village, with several key directions:

- Implement limits to building heights and setbacks to protect key views to the Dandenong Ranges and retain the low scale and openness
- Promote better integration of existing bus and train services
- Provide more opportunities for housing in the Village
- Provide opportunities for a diversity of housing types
- Retain and improve the Village's unique identity and 'village' character
- Enhance the leafy landscape setting of the Village
- Better utilise spaces for community uses such as town square, markets and events.

The Amendment was required to implement and give statutory effect to the land use and buildings objectives of the Structure Plan, and to replace the interim height controls now in place through Schedule 8 to the Design and Development Overlay (DDO8).

At Council's request in December 2012, the Minister for Planning approved an interim height limit of 7.5 metres in Ferntree Gully Village – through Amendment C122. This was in response to community and Council concerns that the planning policy and controls applying to the Village at the time allowed change that did not reflect community aspirations for the future direction of the Village. The interim height controls expire on 31 December 2014.

The proposed changes to the Knox Planning Scheme would implement the Structure Plan objectives by updating and introducing a new Local Policy to guide discretion in assessing development applications. This would enable growth and development within the Village by applying the DDO and rezoning, and ensure it was well designed and respectful of the surrounding sensitive landscape context.

### **1.4 Background to the Draft Structure Plan**

Council worked closely with the traders and community through the Place Program over several years which, with some technical and background studies, revealed:

- The population in Knox was ageing and household structure was changing
- Younger professionals were moving into the area
- There was a lack of housing choice
- The Village provided an opportunity for more housing diversity
- There were a number of potential development sites in the Village
- Reinvestment would be more viable if there was some flexibility for development heights and density
- Commuter parking on VicTrack land was at capacity, while on-street parking was not
- A height limit of 7.5 metres would block some views to the Dandenong Ranges
- A 7.5 metre height limit did not allow for a two-storey building with any roof detail
- The long-term economic health of the Village, in particular the retail sector, depended on existing established services such as community health.

The diversity of views and aspirations created a few tensions and challenges that the Structure Plan sought to balance and resolve by proposing key strategies to achieve the desired future for the Village.

In preparing the Draft Structure Plan, Council captured the recurring themes from community feedback, including:

- More diversity of retail, including fresh food and arts markets
- Shop fronts needed upgrading
- The Village needs more life and buzz
- Maintain the foothills character and views to the hills – see Figure 2
- Any new buildings should be low-scale to protect views and of a design quality in keeping with the Village character
- New shops, apartments and new development were welcomed, bringing life into what could be the best commuter Village
- More development was required to bring more people to the Village and make local businesses more viable and attract new ones.



Figure 2 Conceptual View Looking East Along Alpine Street<sup>2</sup>

## 1.5 Post-exhibition changes

Following its consideration of submissions, Council made several changes to the proposed DDO8:

- In Clause 3 of the proposed DDO8, include reference to noise attenuation in response to concerns about potentially adverse amenity impacts from noise associated with the railway and the suitability of dwellings in this location
- Reduce the maximum height limit to 8.0m in all areas, and remove the height exemption for *'architectural features and detailing'*
- Include specific permit exemptions in DDO8 for routine railway works and activities to address the concerns of Public Transport Victoria (PTV).

<sup>2</sup> Source: *Ferntree Gully Village Structure Plan Draft September 2013*

During exhibition, Council officers noted that there were some inconsistencies with second-level setbacks between the maps in the Structure Plan and in the planning scheme amendment documents. They recommended correcting these inconsistencies and setting back the upper levels (for the second storey) a minimum of two metres on Wyuna Street, and the laneway between The Avenue and Victoria Street, to help protect the amenity of existing adjoining residents.

## **1.6 Late submissions**

After the hearing, Council received, and referred to the Panel, a further three submissions on the Amendment. It is not clear whether these submissions were made in response to the exhibited Amendment or to the changes made by Council on 28 January 2014 and presented to the Panel at the Hearing.

The submissions opposed the height limits in the Village on the grounds that individual sites should be allowed to achieve their maximum potential and increase the residential population of the Village.

The Panel has treated these submissions as submissions to the Panel and has considered them in its assessment of Amendment C129.

## **1.7 Issues dealt with in this report**

This report deals with the issues under the following headings:

- Strategic Planning Context
- Built form issues
- Transport and access issues
- Economic and community issues
- The form of the Amendment and the drafting of the proposed planning scheme provisions.

In reaching its conclusions and recommendations, the Panel has read and considered the submissions and a range of other material referred to it. This includes written submissions, evidence and verbal presentations. The following chapters of this report discuss the issues raised in submission relating to the Amendment in further detail, with the Panel's conclusions and recommendations provided in Chapter 7.

## 2. Strategic Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### 2.1.1 State Planning Policy Framework

Council submitted that the Amendment is supported by, and implements, the following clauses in the SPPF:

- 11.01 Activity Centres
- 15.01 Urban Design
- 17.01 Economic Development.

The Panel is satisfied that Amendment C129 is fully consistent with the objectives of the above clauses.

#### 2.1.2 Local Planning Policy Framework

Council submitted that the Amendment supports the following local strategic objectives of the Municipal Strategic Statement:<sup>3</sup>

- 21.03 Vision and Strategic Land Use Framework
- 21.04 Urban Design
- 21.05 Housing
- 21.06 Environment
- 21.07 Economic Development

It also supports Local Planning Policy Clause 22.01 Dandenong Foothills Policy.

The Panel is satisfied that Amendment C129 is supported by, and implements, the above local planning policies and strategies.

### 2.2 Planning scheme provisions

#### Zones

The Amendment includes several zoning changes within the Village:

- Rezone 88, 90, 92, 98 and 100 Station Street from Public Use Zone 4 to Commercial 1 Zone
- Rezone 33 and 41 Forest Road from Commercial 2 Zone to Commercial 1 Zone
- Rezone sites 3, 5 and 7 The Avenue from Commercial 1 Zone to Mixed Use Zone
- Rezone 32, 36, 40, 42, 44, 46, 46, 48, 50, and 52 Forest Road from Commercial 2 Zone to Mixed Use Zone
- Rezone 47 Forest Road and 170 Underwood Road from Commercial 2 Zone to Mixed Use Zone.

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<sup>3</sup> The MSS is currently being restructured. The above clauses applied at the time of exhibition of C129.

- Rezone 2 Francis Crescent from Commercial 2 Zone to General Residential Zone (Schedule 1)
- Rezone 26, 28, 30, 32, 34, 36 and 38 Station Street from Commercial 1 Zone to General Residential Zone (Schedule 1).

The Panel is satisfied that the zoning changes are appropriate and will support implementation of the Structure Plan.

### **Overlays**

The Amendment introduces the Environmental Audit Overlay (EAO) over sites that are being rezoned to a sensitive use and may have been subject to contamination in a previous use.

The Amendment also replaces the existing interim Design and Development Overlay Schedule 8 to guide growth and development within the Village in accordance with the Structure Plan.

There is a range of existing environmental overlays affecting the area covered by the Structure Plan. They comprise:

- VPO1 *Remnant vegetation with a high degree of naturalness*: Applies to two parcels of land adjoining the rail corridor
- VPO3 *Remnant overstorey vegetation*: Applies to most of the commercial land in the Village
- SLO2 *Dandenong foothills - Foothills backdrop and Ridgeline area*: Applies to the railway corridor and the residential areas surrounding the Village
- ESO2 *Sites of biological significance*: Applies to the railway corridor
- ESO3 *Dandenong Ranges Buffer*: Applies to land on the south side of Alpine Street east of the railway corridor.

These Overlays will be retained, and are compatible with the objectives of the Structure Plan.

### **Other planning strategies**

#### Knox 2009–2013 Council Plan

The Plan, which is summarised in the MSS at Clause 21.03, identifies the following six strategic objectives for a sustainable community:

- Community Wellbeing
- Quality Services & Infrastructure
- Accessible Transport Choices
- Sustainable Natural Environment
- Quality Urban Environment
- Prosperous modern economy.

#### Knox Urban Design Framework 2020 (2003)

The framework provides a set of principles to guide urban design considerations in different parts of the municipality, which have been included in the MSS at Clause 21.04.

The Panel is satisfied that the Structure Plan is consistent with these planning strategies.

## **2.3 Ministerial Directions and Practice Notes**

Council advised the Panel that the Amendment was prepared with reference to the following VPP and General Practice Notes:

- Writing a Local Planning Policy
- Writing a Municipal Strategic Statement
- Strategic Assessment Guidelines
- Incorporated and reference Documents
- Writing Schedules
- Applying the residential zones
- Height and setback controls for activity centres
- Local planning for bushfire protection
- Potentially Contaminated Land
- The role of mandatory provisions in planning schemes.

The Panel is satisfied that the Amendment is consistent with the relevant Practice Notes.

## **2.4 Overall Strategic Assessment**

The Panel concludes that the Amendment is supported by, and implements, the relevant objectives of the State and Local Planning Policy Framework. The Amendment makes appropriate use of the VPP tools, and complies with the relevant Planning Practice Notes.

### 3. Built form issues

#### 3.1 Issues identified

The Structure Plan identifies three critical view corridors looking from Station Street towards the foothills to the east (see Figure 3) - one of the critical factors in determining the preferred building envelopes within the Village. At the Hearing, Planisphere demonstrated how various options for height and setback controls had been tested to assess their impact on the view corridors. The exhibited DDO8 was assessed as providing an appropriate balance between protection of views and local character, and encouraging new development to improve the economic viability of the Village.

The issue was whether an appropriate balance was achieved with the exhibited DDO8. Other issues raised were the lack of open space and the need for streetscape improvements to support the Structure Plan.

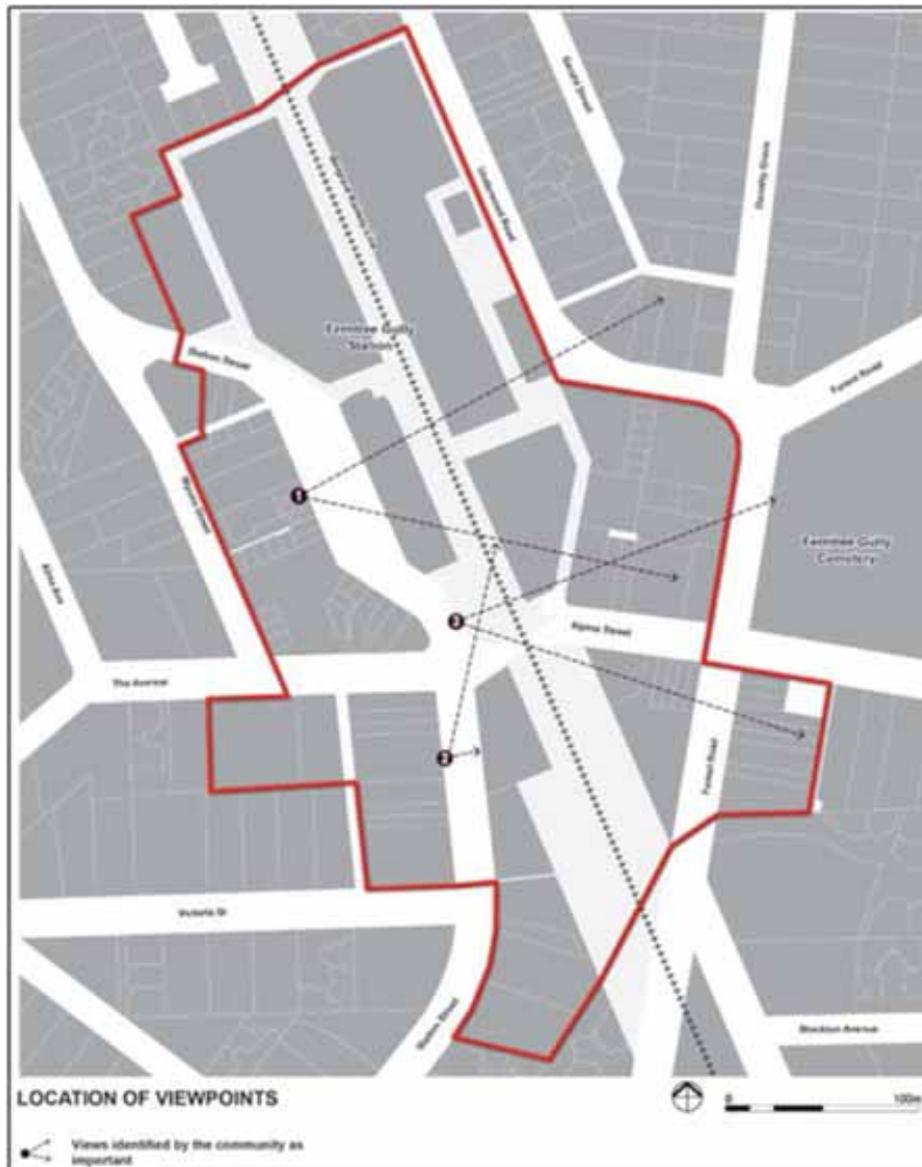


Figure 3 Three Key Viewing Points  
Source: Planisphere submission on behalf of Knox City Council

### 3.2 Submissions

The majority of the 40 submissions, while supporting the aims of the Amendment, opposed the introduction of a three-storey (11m) height limit applied in some areas of the Village under DDO8. They argued that it was not consistent with the character of the Village (which is predominantly single-storey), and pointed to the one three-storey development within the Village as a recent example of both poor design and out-of-scale development in terms of height and bulk. While few submissions commented directly on the proposed setbacks, they were supportive of setback controls.

The submission from the Lower Gully Traders Association was signed by a total of 13 members, and a representative of the Association appeared at the hearing. The submission supported the Structure Plan but wanted the maximum height reduced to 7.5m, in line with the current interim controls. The submission stated that the members *'believe the economic viability of the Village is better served by the preservation of the special landscape as part of the Foothills of the Dandenong Ranges.'*

Six submissions (3, 11, 36, 38, 39 and 40) opposed the Amendment on various grounds including the restriction of perceived development potential, limitation of population growth to support local businesses and/or the potential for 'stifling' of good design.

In response to these submissions, Council resolved to change the Amendment by reducing the maximum height across the whole Village to 8.0m (effectively two storeys) and by deleting the exhibited exemption from the height limit for 'architectural features and detailing'.

### 3.3 Discussion

Resolution of the height control issues requires a balancing of three objectives, all of which enjoy community support:

- The desire to protect the Village 'feel' and its views
- The desire to increase the economic viability of the Village
- The desire to vary rooflines to reflect the landform and avoid box-like structures.

The majority of submissions, including that of the Traders Association, give priority to protecting the existing characteristics of the Village and were supportive of varying rooflines. Submission from specific landowners in the Village gave priority to increasing development opportunities to support economic viability.

Council has resolved the issue in favour of preserving the existing character of the Village. It has accepted (and this was confirmed by Council's representative Mr Ludeman at the hearing) that the Village is unlikely to undergo substantial change, especially in view of the fact that its catchment residential area is effectively 'locked up' at existing densities through existing the DDO controls.

Both State and local policies are supportive of protection of places with 'special character' such as Ferntree Gully which lies within the Dandenong foothills. For example, the strategies under SPPF Clause 15.01-5 (Cultural identity and neighbourhood character) are to:

*Ensure development responds and contributes to existing sense of place and cultural identity.*

*Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*

*Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*

- *The underlying natural landscape character.*
- *The heritage values and built form that reflect community identity.*
- *The values, needs and aspirations of the community.*

Even more explicitly, one of the objectives of Clause 22.10 Housing is:

*To recognise that the environment and landscape significance of the Dandenong Foothills outweighs the need for urban consolidation in the Foothills.*

The proposed Clause 22.11 Ferntree Gully Village Local Policy clearly describes how the Village fits within this framework:

*Ferntree Gully Village has a distinct character formed by its landscape setting in the Dandenong Foothills. Views to the Dandenongs frame Ferntree Gully Village to the east and significant native and exotic trees form an essential part of its identity and amenity. Low rise buildings sit comfortably within the undulating foothills topography. It is important that future development within the Village complement this important landscape setting.*

The Panel agrees with Council's January decision to prioritise Village character, which is that of a small neighbourhood centre in a country-like setting. While some landowners within the Village have aspirations for redevelopment of their own sites, in strategic terms there does not appear to be an urgent imperative for intensive development in the Village. The proposed Amendment will not prevent redevelopment of sites, and it will continue to allow new two-storey development across the whole Village, including the development of an additional 40 to 50 dwellings. The Panel considers that the potential for development, although limited, is consistent with policies for consolidation around railway stations given the foothills location, character and static catchment population of the Village.

While supporting Council's decision to reduce the maximum height to two storeys, the Panel is concerned about the combined effect of raising the existing height limit from 7.5m to 8.0m, and removing the exemption for 'architectural details and features'. The outcome of these changes may work against the aims of the Design Guidelines in the Structure Plan, which state that:

- *Building roof lines should vary on form and reflect the landform of the Dandenong Ranges*
- *Avoid building masses that dominate the streetscape*
- *Avoid excessive use of flat and unarticulated roof forms.*

This is echoed in Clause 3 of the proposed DDO8, which requires new buildings and works to:

- *Avoid bulky building forms, bland facades and flat roofs.*

The Panel considers it would be preferable, and more consistent with the aims of the Structure Plan, to reintroduce the exemption for 'architectural features and detailing'. This change does not affect the outcome – it will still be a two-storey limit. However, the removal of the exemption for architectural features limits the design flexibility needed to

create interesting roof forms and details that ‘reflect the landform of the Dandenong ranges’. The Panel believes that retention of this exemption is more important than the height limit in terms of urban design outcomes.

The Panel concludes that, provided the above changes are made, the most important legacy of the Amendment will be the Design Guidelines and DDO controls, which should over time lead to the gradual replacement of some of the existing poor quality building stock with better designed buildings and streetscapes. This will have a positive effect on the viability and attractiveness of the Village.

The issues raised by submitters regarding better utilisation of open space and further streetscape improvements are clearly addressed in the Structure Plan under the heading ‘Spaces’. There is a plan showing proposed upgrades and landscape enhancements within the Village, which will significantly improve both its coherence and its presentation. These matters are to be addressed as part of the Council’s implementation of the Structure Plan through its capital works program, rather than through this Amendment.

### **3.4 Recommendations**

The Panel recommends that:

- 1. DDO8 (as amended by Council on 28 January 2014) be modified to reintroduce the exemption from the height limit for architectural features and detailing.**

## 4. Transport and access issues

### 4.1 Issues identified

Several resident and business submitters raised issues about traffic volumes, delays and congestion at the rail level crossing in Alpine Street, and car parking constraints, mainly at and around the Ferntree Gully Train Station, and some matters about general accessibility.

The submission from Public Transport Victoria (PTV) sought exemption from planning permit requirements for routine railway maintenance works and activities.

### 4.2 Submissions

Council, through Mr Ludeman and Ms Dundas, expanded on the range of general access issues raised by submitters.

In the Structure Plan consultation phase, Ms Dundas said respondents continually mentioned parking issues. They emphasised the Village's role as a commuter 'park and ride' hub, and flow-on effects on car parking availability for short-term users of the Village. Residents also commented on the need to address the presence and quality of disabled parking.

Council's response to submissions about parking was, in part, that:

- Studies showed short-term parking capacity was around 50%, and time restrictions could be adjusted if necessary in the future
- Council intends to work with key agencies, including PTV, on opportunities to formalise, expand and regulate commuter parking. This could include improving the existing limited Telebus services to the station from the surrounding residential areas to further reduce the demand for parking. There is also the opportunity to create a well-designed station forecourt to provide a safe and easy transport interchange point.

Accordingly, Council did not propose any immediate changes to parking in the Structure Plan or to statutory parking rates.

At the Hearing, several submitters mentioned the impacts of the rail level crossing on traffic movements, for example, extensive queuing of vehicles in Alpine Street often spilling through the roundabout into Forest Road. The Panel notes there were general concerns about likely increases in traffic and parking demand and congestion on roads in and around the Village.

On the matter of traffic impacts from increased development in the Village, Council's response was that Traffix Group's work, including its *Ferntree Gully Village Traffic Study, 2009*, had informed preparation of the Structure Plan and proposed no further changes. Council supported the Structure Plan's proposition that the existing road network had enough capacity to cope with the extra development anticipated.

In its submission, PTV suggested changes to DDO8 to grant a permit exemption to avoid unnecessary restrictions on its ability to undertake routine works. One of the changes made by Council on 28 January 2014 was to include PTV's suggested wording in Clause 2 of DDO8:

*Building and works for railway purposes including signals (and related controls buildings), new tracks, track-work and realignment, train stabling, overhead powerlines, gantries, buildings and works related to railway power requirements and any other works required under the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.*

PTV also sought to ensure planning should allow for extending station platforms, possible road/rail grade separation, bus interchanges and no net loss of parking.

### **4.3 Discussion**

The Panel notes the Background Report<sup>4</sup> extensively covers work done mainly by Traffix Group on traffic, parking, public transport, walking and cycling. It revealed no serious or unmanageable concerns.

The Panel notes submissions at the Hearing did not extensively address matters such as traffic and parking. However, Mr Ludeman submitted that key elements of the Structure Plan such as improvements to streetscape, traffic, parking, cycling and VicTrack land would require implementation through the Council Plan (Knox City Plan), Capital Works programs and advocacy by Council to the State Government.

Traffic volumes in and around the Village are relatively low and unlikely to increase significantly with development envisaged in the Structure Plan and given the present road arrangement, which includes strategically-located roundabouts.

The Panel notes Council's intention to explore the development of a Station Master Plan working group. One of its considerations might be to provide increased commuter parking, possibly through more efficient (and legal) use of some large areas of informal open space on VicTrack land. Other matters for consideration could include improving access to the station car park areas, such as through a new access from Underwood Road (as proposed in the Structure Plan), and an improved and safer transport interchange, principally for buses.

Another key strategy and action the Panel notes is on walking and cycling, which seeks to remove barriers and create better links through the Village and to and from the train station and the Dandenong Ranges and its walking and cycling tracks, supported by improved car parking and traffic calming.

### **4.4 Conclusions**

The Panel notes Traffix Group's input to preparation of the Structure Plan and accepts the road layout, including several roundabouts, effectively and safely controls traffic movements. As the Structure Plan notes, Ferntree Gully Village is a slow traffic speed environment. In fulfilling parts of the Structure Plan, the Panel recognises there is scope to use extra traffic management devices as necessary in future.

The Panel recognises the proposed access to the station car park from Underwood Road would help ease the rail level crossing delays and resulting congestion. While grade separation would be the ultimate solution, the relatively low traffic volumes mean it would be difficult to justify, even in the medium term.

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<sup>4</sup> *The future of our Village Ferntree Gully – Background Report*, Planisphere 2013.

The Panel notes the investigations showed car parking, apart from at Ferntree Gully Station, was not of major concern, was manageable and would not unreasonably impact on the expected Structure Plan outcomes. The Panel supports the Structure Plan's proposal to remove short-term parking controls (designed to discourage commuter parking) in the evening hours. Council also could reconfigure car parking layouts, use and time limits as necessary to meet changing needs.

In summary, the Panel believes all identified transport and access matters are manageable, principally by Council or in consultation with other authorities as necessary, especially through the proposed station Master Plan working group.

The Panel supports Council's decision on 28 January 2014, to include PTV's suggested clause in DDO8 to allow buildings and works for railway purposes to proceed without a permit.

## 5. Economic and community impacts

### 5.1 Issues identified in submissions

Several submitters raised concerns about potential impacts on projected population growth, commercial viability, opportunities for community activities and the role of not-for-profit (NFP) services in the Village.

The Lower Gully Traders Association argued the economic viability of the Village was strongly connected to its existing character. Other submitters opposed the restrictions on development and the 'lost opportunities' they represented. Community organisations generally opposed the strategy of concentrating NFP services east of the railway line.

### 5.2 Submissions

Both the Structure Plan and Background Report suggest that over the next 20 years Ferntree Gully will experience low population growth and retain its role as a Neighbourhood Activity Centre. The reports recognise that trends show the population is ageing, but there are younger professionals and families moving into the area and there is a lack of housing choice. Most houses are detached family homes.

Mr Ludeman referred to Amendment C40 which, among other things:

- Precluded any increase in population density around the Ferntree Neighbourhood Activity Centre through schedules to the DDO which restrict subdivision
- Clearly established Ferntree Gully's strategy of retaining the status quo of the residential areas surrounding the centre.

He added that Clause 22.10 *Housing* further clarifies this strategy and limits urban consolidation in the Dandenong Foothills in favour of protecting landscape character. This means housing diversity and density is limited to the Ferntree Gully Neighbourhood Activity Centre, with potential for perhaps up to 50 additional dwellings.

Mr Ludeman referred to the Background Report and analysis by Urban Enterprise which used estimates for dwelling yield and floor space and found:

- Identified infill development sites could support around 44 dwellings and 1,800 square metres of commercial floor space
- With a maximum two storeys, these sites would accommodate 22% of future dwelling demand for the neighbourhood catchment
- Projected demand to 2031 in the neighbourhood catchment is for an additional 197 dwellings and 780 square metres retail and commercial floor space.

The Structure Plan responds to the limited demand for additional retail and commercial floor space by seeking to consolidate these uses. The Amendment reduces the commercially zoned area, and rezones appropriate parts of the Village for mixed use or residential use.

Ms Dundas outlined community views about the strong presence of the community (not-for-profit) sector in the Village, and the desire for more diversity in the retail offer, including fresh food sales and arts and craft markets.

The Lower Gully Traders Association submitted the economic viability of the Village would be better served by preserving the special landscape of the Dandenong Ranges Foothills.

The Association saw ‘no economic advantage in medium density housing with its pressures on parking, traffic and infrastructure, with the loss of landscape identity and loss of amenity generally in this significant but geographically confined space’.

The Traders Association, the Mountain District Learning Centre and other NFP organisations opposed the strategy of concentrating NFP services east of the railway line. They cited the long history (in some cases over 40 years) of such organisations in Ferntree Gully and the high degree of acceptance of their clients by local residents as part of the Village community. Submission 17 stated that:

*It would be a misstep to cluster community services on one side of the railway line – as is proposed in the Draft Plan – and situate retail/commercial on the other. This is the opposite of integration and inclusion and would create an unnecessary schism.*

The Traders Association recognised the benefits of trade from NFP staff and clients, and sought to encourage greater unity and inclusiveness so as not to shut out people with special needs. The Association welcomed many other aspects of the Structure Plan such as increased promotion of the Village, including a calendar of events, and sponsoring arts, heritage and tourism initiatives.

As background, Council provided to the Panel a copy of the report it commissioned, namely *The Not for Profit Sector & Ferntree Gully Village, August 2012*, by Geografia. Some key points from the study were:

- While mainly serving Knox residents, the NFP organisations serve a larger catchment because of the train line
- Local NFP enterprises generate more than \$7.7 million in the area through employment alone
- There are opportunities for expanding services, showcasing their effectiveness and for greater collaboration.

Some submissions expressed concern about the impacts of increased housing and hence population on aspects such as community spirit and participation.

### **5.3 Discussion and conclusions**

The Panel notes expectations for modest population growth and potentially fewer than 50 new dwellings in the Neighbourhood Activity Centre, largely because of the centre’s size and the MSS and other planning controls which limit development in the Dandenong Foothills.

The Panel accepts that this modest growth is unlikely to have any adverse and unmanageable impacts on the Village, particularly its infrastructure, its economic viability or the way it operates.

The Structure Plan provides for strengthening of the Village’s convenience role and as a location for specialised or ‘niche’ retailers. Consolidation of these uses into a more clearly defined retail/commercial area would contribute to its viability. The Panel has noted the submissions from several Village landowners who favoured giving priority to increasing development opportunities to support economic viability. However, as also noted, it needs to be recognised the tight restrictions on population growth in the Village’s retail catchment area also limit the potential for any significantly increased economic activity in the Village.

The Panel notes the strong community support for strengthening the role of NFP organisations and other community initiatives. In response to submissions concerned about the proposed consolidation of NFP and allied uses east of the railway line, Council resolved on 28 January 2014 to delete the following element of the Ferntree Gully Village Policy at 22.11-3:

*Encourage health, aged care and allied community services to locate east of the railway line.*

The Panel supports Council's resolution.

Overall, the Panel believes the Structure Plan provides a sound basis for reinvigorating the Village's role as a neighbourhood centre, albeit in a low-key manner consistent with its low growth potential and the primacy given to the landscape significance of the Dandenong Foothills over the need for urban consolidation. Consultation with the local community will continue to be an important element in shaping the Village's future.

## 6. The Form of the Amendment

At the Hearing, Council provided the Panel with updated versions of the amendment documentation that include the changes made by Council on 28 January 2014. The comments and recommendations below relate to these versions dated 19-20 March 2014.

### 6.1 Municipal Strategic Statement

The technical changes made to Clauses 21.05, 21.07 and 21.09 will need to be further amended to reflect final date of Structure Plan.

#### Recommendation

- 2. The date of the Structure Plan to be amended in Clauses 21.05, 21.07 and 21.09.**

### 6.2 22.01 Foothills Policy

This change deletes the reference to the Village from the Foothills Policy, which is appropriate given the new policy at 21.11 specifically for the Village.

### 6.3 22.11 Ferntree Gully Village Local Policy

The Panel supports the proposed policy subject to the following comments and recommendations.

Clause 22.11-3 Land Uses includes the following policy:

*Encourage the Mixed Use Zone on the east side of Forest Road as a preferred location for restaurants, take away and food and drink premises.*

The strategy behind this policy was not clear to the Panel and at the hearing Council was unable to explain it beyond saying there is already a small cluster of such uses in this area that should be supported. Council agreed there are other cafes etc. in other parts of the Village, and the best way to support the Forest Road businesses was through streetscape improvements. The Panel supports this view.

The Panel notes that deletion of this element of the policy is consistent with Council's proposed deletion of a policy encouraging co-location of health, aged care and allied services, which was supported by the Panel in the previous Chapter.

#### Recommendation

The Panel recommends that:

- 3. The policy to 'encourage the Mixed Use Zone on the east side of Forest Road as a preferred location for restaurants, take away and food and drink premises' be deleted from Clause 22.11-3.**

Clause 22.11-3 also includes policies relating to built form. The Panel believes this clause would be more consistent with the requirements of DDO8 and the Design Guidelines in the Structure Plan if it included a policy statement on preferred rooflines.

## **Recommendation**

The Panel recommends that:

- 4. Clause 22.11-3 Buildings be modified to include a policy stating that rooflines are to vary in form and reflect the landform of the Dandenong Ranges.**

### **6.4 General Residential Zone - Schedule 1**

The Schedule specifies the 8.0m height limit. It does not require modification.

### **6.5 Design and Development Overlay - Schedule 8**

The Panel has recommended in Chapter 3 that the Schedule be amended to reinstate the exemption of architectural features and detailing from the height limit.

The remainder of the Schedule is supported by the Panel.

### **6.6 Reference Document – Ferntree Gully Village Structure Plan**

The Panel is aware that the revised Structure Plan (dated February 2014), especially the section on Buildings (including maps and sketches), will require further modification to reflect the reinstatement of the exemption of architectural features and detailing from the height limit, as recommended by the Panel.

The Structure Plan needs to be updated because it will play an important role in guiding not just built form but the many other aspects of urban design in the Village covered in the document. In particular, it provides clear direction for streetscape, open space and access improvements that will be implemented through Council and VicTrack capital works programs.

## **Recommendation**

The Panel recommends that:

- 5. The Ferntree Gully Village Structure Plan be included as a Reference Document subject to modifications to reflect the reintroduction of the exemptions for architectural featured and detailing.**

## 7. Conclusions and Recommendations

### 7.1 Conclusions

The Panel commends the Knox City Council for its commitment to preparation and implementation of the Ferntree Gully Village Structure Plan. The Village plays an important role within the Dandenong Foothills area, and its future development required careful consideration.

The planning study undertaken by Planisphere was clearly rigorous and included an extensive consultation process with the local community. The outcomes were consistent with State and local policies for neighbourhood centres and paid careful attention to the impact of development on view lines and what was described as the 'country feel' of the Village.

The changes to the Amendment made by Council on 28 January 2014 recognised and supported the views expressed by the community in submissions that the exhibited Structure Plan did not give sufficient weight to the Knox Planning Scheme's policies prioritising *'the environmental and landscape significance of the Dandenong Foothills over the need for urban consolidation'*. The Panel supports the change reducing the maximum height from 11.0m to 8.0m. However, it has recommended the reinstatement of the height exemption for 'architectural features and detailing' believing it will unnecessarily limit the creation of interesting roof forms and details that 'reflect the landform of the Dandenong Ranges' as required under planning scheme policy. The Panel has also recommended strengthening the wording of policies to give clear preference to varying roof forms.

The Panel recognises that the Village itself is excluded from the Foothills area as defined in the Planning Scheme. However, as a Neighbourhood Centre, it cannot be considered in isolation from the policies and planning controls applying to its catchment area. Where there is limited potential for population growth, there is also limited potential for growth in the retail and commercial activities servicing that catchment. The potential addition of up to 50 dwellings within the Village will make only a small difference to this equation.

Incremental change in Ferntree Gully Village, supported by streetscape, access and other improvements to be undertaken by Council and other authorities, will be an appropriate way to consolidate and enhance the Village. Low-key change will be consistent with both its low growth potential, and the primacy given to the landscape significance of the Dandenong Foothills over the need for urban consolidation.

The Panel concludes that Amendment C129 should be adopted as amended by Council on 28 January 2014, subject to a number of minor modifications.

## 7.2 Recommendations

Therefore, for the reasons outlined in this report, the Panel recommends that:

**Knox Planning Scheme Amendment C129 should be adopted as amended by Council on 28 January 2014, subject to the following modifications:**

1. **DDO8 (as amended by Council on 28 January 2014) be modified to reintroduce the exemption from the height limit for architectural features and detailing.**
2. **The date of the Structure Plan to be amended in Clauses 21.05, 21.07 and 21.09.**
3. **The policy to *'encourage the Mixed Use Zone on the east side of Forest Road as a preferred location for restaurants, take away and food and drink premises'* be deleted from Clause 22.11-3.**
4. **Clause 22.11-3 Buildings be modified to include a policy stating that rooflines are to vary in form and reflect the landform of the Dandenong Ranges.**
5. **The Ferntree Gully Village Structure Plan be included as a Reference Document subject to modifications to reflect the re-statement of exemptions for architectural features and detailing.**

## Appendix A List of Submitters

No.	Submitter
1	Robert Preston
2	Darren Woodward South East Water
3	Len Fagenblat Ferntree Gully Holdings P/L
4	Liane Grabar
5	A and N Younes
6	Declan High
7	Jenni Bendle
8	Graham Crichton
9	John Ford
10	Leigh Bryant Environment Protection Authority
11	Joseph Accary
12	Elizabeth Bibby
13	Corinne Koelmeyer
14	Michael Martin
15	Heidi Lighten
16	Robbyn Johnson and John Slimmon
17	Patricia Sykes
18	Patricia Sykes
19	Des Higginbotham
20	Janet Claringbold Ferntree Gully Community Group
21	Janet Claringbold Mountain District Learning Centre
22	Anne Boyd
23	Marty's Meats
24	Mark Kane
25	Katrina Jancar
26	Kaz Hillier
27	Andrey Starostecki
28	Amanda Plenty
29	Des Higginbotham
30	P A Gore
31	Lynn Brewster

No.	Submitter	
32	John Bart	
33	Bogdan Platek	
34	Christine Sleeman	
35	Albert Riddell	
36	Peter Ruzyla	EACH Social and Community Health
37	Richard McAliece	Public Transport Victoria
38*	Niall Quinn	Quinn Family Trust
39*	Perry Underwood Design	Owners of 88-100 Station Street
40*	Maree Bowker	

*\*Late submission received after the hearing but accepted and considered by the Panel.*