Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Knox Planning Scheme Amendment C149
Knox Central Structure Plan
19 July 2017

Kathy Mitchell, Chair
Michael Ballock, Member
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## Overview

### Amendment Summary

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Executive Summary

The Knox Central Activity Centre is the principle activity centre within the City of Knox, located approximately 26 kilometres to the east of Melbourne. Knox City Council has a strong history of strategic and activity centre planning, where the Council and the Victorian Government have long had aspirations for Knox Central through various strategic plans and frameworks.

Knox Planning Scheme Amendment C149 seeks to implement the Knox Central Structure Plan 2016.

The Amendment was exhibited from 7 October to 16 December 2016 and received 107 submissions. Key issues raised in submissions related to built form, the planning controls for the commercial core, traffic and parking, the boundary of the activity centre, the retention of a dam and a number of issues that focused on the detail of the controls proposed for specific sites.

Following exhibition, Council worked proactively with submitters, seeking to resolve issues and it made several changes to the exhibited Amendment documents to clarify its position. Following its meeting on 27 March 2017, Council requested a Panel to consider all submissions and Council’s revised position.

Following the appointment of the Panel, a Directions Hearing and a four day Hearing, the Panel concludes that the Amendment is the culmination of a great deal of strategic work undertaken by the Council. The Panel commends Council for the work it has undertaken and its willingness to resolve the issues raised in submissions. Knox City Council has been bold and proactive in preparing the Structure Plan and the Amendment to provide strategic direction for this large and complex activity centre.

The Panel thanks all parties and submitters for their assistance during the Hearing and for the manner in which submissions and evidence were presented.

The Panel supports the process advocated by Council with regard to introducing the Structure Plan into the Knox Planning Scheme through changes to local policy, the introduction of Design and Development Overlay Schedule 13, further amendments to Development Plan Overlay Schedule 2 and some site and area specific rezonings. Given the extent of the Structure Plan area and the changes proposed, the Panel considers that issues raised in submissions to be quite confined and able to be reconciled.

Apart from minor changes, the three key areas where the Panel has not agreed with Council relates to:

- application of the Open Space and Recreation Precinct to privately owned land
- inclusion of a masterplan for a strategic development site in the Structure Plan
- application of both the Design and Development Overlay and Development Plan Overlay to the major land holding in the commercial core.

The Panel notes there is significant discussion in a number of Planning Scheme amendments about whether heights should be expressed as mandatory or preferred and in terms of metres or storeys.
With regard to Planning Practice Note 59, the Panel considers Council has correctly applied all heights as preferred. The Council has taken a visionary, but pragmatic approach to the future role of this Activity Centre. Council has recognised that there will be significant and ongoing growth in its municipality and that much of this growth can be catered for in the Knox Activity Centre. Likewise, Council has correctly applied all heights in metres, which the Panel endorses.

The Panel notes that the revised *Ministerial Direction on the Form and Content of Planning Schemes* was released in late May and the implications of this will require careful consideration as the Amendment progresses.

The Council has opted for a range of heights, varying generally between 12 and 34 metres, as well as proposing several key locations where preferred heights of up to 40 metres can be accommodated. The Panel supports this approach and endorses the strategic vision of Council. At the same time, the Panel considers Council has ensured it has provided a manageable but a broad ranging approach in that the defined Activity Centre is a large and diverse area. It contains a strong commercial core, an area of industry and mixed uses, there are numerous sites for significant redevelopment, including opportunities for medium to higher density residential development, and adequate areas for open space and recreation.

This approach could be seen as a model for other Councils in its approach to developing Activity Centres that will cater for significant change and growth going forward.

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

**Overall Amendment C149:**

Adopt Amendment C149 to the Knox Planning Scheme as exhibited, subject to the following modifications:

1. **Review the provisions and schedules of the Amendment during finalisation of the Amendment to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017).**

2. **Review all aspects of the Structure Plan and Amendment documents, including the Design and Development Overlay Schedule 13, Development Plan Overlay Schedule 2 and Clause 22.15 to ensure a high level of consistency once the recommendations are reconciled.**

**Knox Central Structure Plan**

3. **Replace the exhibited *Knox Central Structure Plan* 2016 with the revised *Knox Central Structure Plan* 2017 (Document 15), and:**
   a) amend the preferred Built Form Framework – Preferred Building Heights at Figure 14 to change the preferred heights from 24 metres on land to the north of Burwood Highway and west of Melbourne Street to 25 metres.
   b) delete Figure 23 and all references to Figure 23 and any proposed masterplan from the revised *Knox Central Structure Plan*.
   c) amend Figures 2, 7, 8, 10, 13, 14 and 15 of the Knox Central Structure Plan and Figure 1 of Clause 22.15-6 to remove the privately owned land at 256 and 258 Scoresby Road, Boronia from the *Open Space and Recreation Precinct*. 
d) provide a new designation of “future residential uses” for the privately owned land at 256 and 258 Scoresby Road, Boronia at Figures 2, 7, 8, 10, 13, 14 and 15 of the Knox Central Structure Plan and Figure 1 of Clause 22.15-6.

Design and Development Overlay Schedule 13

4. Replace the exhibited Design and Development Overlay Schedule 13 with the revised Design and Development Overlay Schedule 13 (Document 38, Appendix D) and:
   a) replace the word ‘must’ with ‘should’ to ensure that it is clear that it is a discretionary control.
   b) delete application of Design and Development Overlay Schedule 13 from:
      • the land identified as the Commercial Core where Development Plan Overlay Schedule 2 will apply.
      • the land identified as the Strategic Development Site at 609 – 621 Burwood Highway, Knoxfield.

Development Plan Overlay Schedule 2

5. Replace the exhibited Development Plan Overlay Schedule 2 with the revised Development Plan Overlay Schedule 2 (Document 38 and Appendix E) and:
   a) include a new dot point in Clause 3 to read “provide details of vehicular and pedestrian access, the development impact on the surrounding road network and how the impact will be mitigated”.

Clause 22.15

6. Replace the exhibited Clause 22.15 with the revised Clause 22.15 (Document 38 and Appendix F) and:
   a) delete the second sentence from the Precinct Vision Statement at Clause 22.15-3 (Open Space and Recreation) that reads “This includes the provision of private facilities for sporting/leisure and recreation purposes”.
   b) delete the first dot point “include retention of the biological values of the existing water body” under Strategies ‘Development of the Strategic Development Site must:’ in Objective 4.
1 Introduction

1.1 The Amendment

Amendment C149 to the Knox Planning Scheme (the Amendment) applies to land within the Knox Central Activity Centre (the Activity Centre) as defined by the Knox Central Structure Plan 2016 (the Structure Plan). The Activity Centre is located approximately 26 kilometres east of Melbourne’s CBD. It is large in size, being approximately two kilometres in length, framed by Stud Road to the west and Scoresby Road to the east. Burwood Highway is the central road spine within the Activity Centre, along with Blind Creek that forms an extensive east-west open space corridor.

Figure 1 - Knox Central Activity Centre Area (as amended)

Knox Central is Knox City Council’s largest Activity Centre and comprises a wide range of land uses including retail, office, commercial industrial, residential, education, civic and open space and recreation.

The Amendment was prepared by Knox City Council as Planning Authority, which as exhibited, proposes the following changes to the Knox Planning Scheme:

Local Planning Policy:
- replace Clause 22.04 Knox Central Principal Activity Centre with a new Clause 22.15 Knox Central Activity Centre Local Policy
- amend the Municipal Strategic Statement (MSS) to reflect the vision for the Activity Centre, including replacing references to the Knox Central Urban Design Framework 2005 with Knox Central Structure Plan 2016 as a reference document to Clause 21.09
- amend the Schedule to Clause 81.01 (Incorporated Document) to delete the Knox Central – Rembrandts Triangle and Stud Road West Precincts Plan 2010
Zones:
- rezone land located on the western side of Lewis Road, between Bridgewood Court to the north and Burwood Highway to the south from Industrial 1 Zone to Mixed Use Zone
- rezone the following land from Priority Development Zone to Mixed Use Zone at:
  - 382-384 Burwood Highway, Wantirna South
  - 344-350 Stud Road, Wantirna South
  - land bound by Burwood Highway, High Street Road and Tyner Road, Wantirna South
- delete the Priority Development Zone Schedule 1 from the Scheme

Overlays:
- apply the Environmental Audit Overlay to land on the western side of Lewis Road, between Bridgewood Court to the north and Burwood Highway to the south
- apply a new Design and Development Overlay Schedule 13 (DDO13) to guide development on land within the Activity Centre
- amend Schedule 2 to the Development Plan Overlay (DPO2) which applies to the ‘Commercial Core’ precinct as identified in the Knox Central Structure Plan 2016.

The zones and overlays proposed by the Amendment are shown in Figures 2, 3, 4 and 5. No changes are proposed to the map of the existing DPO2 which is shown in Figure 6, although there are significant changes proposed to the provisions of the Overlay.
Figure 4 - Design and Development Overlay Schedule 13

Figure 5 - Environmental Audit Overlay
1.2 The Knox Central Structure Plan 2016

The Structure Plan provides a vision that is supported by objectives and actions to guide the development of the Activity Centre over the next 20 years. The Structure Plan includes guidance for changes to land use, built form (including building heights), transport networks and public spaces that seek to achieve positive economic, environmental and social outcomes.

Council anticipates that the Structure Plan will provide an enabling planning framework to support the intensification of activity and development within Knox Central.

The vision set out in the Structure Plan envisages that Knox Central will become the ‘Capital of the East’ and states that:

*Knox Central will be a vibrant modern mixed-use activity centre that attracts residents, workers and visitors from across Melbourne’s east. It will be the most well known and popular destination in the east of Melbourne.*

*It will be a busy and attractive urban centre which has a strong connection to the natural environment. It will provide a focus for public life, connecting people and communities, and will be an attractive place to live, work, and play.*

*Knox Central’s physical form, encompassing a distinctive boulevard presence along Burwood Highway alongside the well-activated Blind Creek Corridor and Lewis Park, will provide a unique Activity Centre presence in Melbourne’s eastern suburbs.*

The Structure Plan has the following seven objectives:

1. To enhance Knox Central’s role as the civic and public heart of the municipality, where communities connect and congregate.
2. To enable the development of high quality medium density housing that responds to the housing needs of the Knox community, and supports the activity of the centre.

3. To establish Knox Central as a focal point for activity including employment, education, retail, community, entertainment and leisure activity.

4. To capitalise on Knox Central’s natural and environmental features to distinguish it from other activity centres.

5. To facilitate an accessible and safe active and public transport network to and within Knox Central.

6. To provide an efficient street network that connects key destinations including nodes of activity within Knox Central.

7. To achieve high quality built form and public realm which defines Knox Central as a premier mixed use activity centre.

The objectives are underpinned by a series of strategies and actions to articulate and implement the Knox Vision at the local level.

1.3 Panel process

Council resolved to seek authorisation for the Amendment from the Minister for Planning on 13 September 2016, which was received on 29 September 2016 (A03342). While no conditions were placed on the authorisation, Council was requested to consider minor editorial and formatting advice.

The Amendment was placed on public exhibition between 7 November and 16 December 2016 and attracted 106 in–time submissions (refer to Appendix A). A late submission was received from the Eastern Football League on 10 April 2017, which was referred to the Panel on 20 April 2017.

At its meeting of 27 March 2017, Council made some further changes to aspects of the Amendment and resolved to refer the submissions and its recommended changes to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 5 April 2017 and comprised Kathy Mitchell (Chair) and Michael Ballock. The Panel was assisted by Andrea Harwood, Senior Project Manager of Planning Panels Victoria.

A Directions Hearing was held in relation to the Amendment on 27 April 2017 at the offices of Knox City Council.

On 25 May 2017, the Panel undertook an unaccompanied inspection of the Activity Centre and its surrounds. Council, at the Panel’s request, prepared a walking and driving outline of sites and areas to be inspected based on issues raised in submissions and by further requests from submitters. The Panel inspected each of the precincts within and areas abutting the Activity Centre and specifically (but not exclusively) included the areas noted in (the Council prepared) Document 2. Some of these included:

- Westfield Shopping Centre
• various retirement villages
• Lewis Park and the Blind Creek corridor
• Genesis Gym and headquarters of the Eastern Football League
• community garden and surrounds
• area known as the ‘strategic development site’ (including the dam and surrounds)
• Wantirna Lea estate
• sites and surrounds of various schools and Swinburne University
• area known as ‘Rembrandts Triangle’
• Lewis Road and surrounds
• residential areas abutting High Street, noting in particular vistas to the Dandenong Ranges
• critical intersection and main roads.

The Panel revisited some sites and areas during the course of as well as after the hearing process. It makes the observation that having a good understanding of the subject land and its surrounds provided excellent context to deliberating on the submissions and evidence and in finalising its conclusions and recommendations.

The Panel met in the Council offices on 2 and 6 June 2017 and at Planning Panels Victoria on 5 and 7 June 2017 to hear submissions and evidence about the Amendment. Those in attendance at the Panel Hearing are listed in Appendix B.

1.4 Panel’s Directions

In its letter to parties dated 1 May 2017, the Panel directed that Council address the following issues through its Part B submission:
• an update of any issues regarding Amendment C150 (the MSS review) and its consideration by Council
• further review and discussion at the Hearing of how the Structure Plan as a reference document, the DDO and the DPO will work together and on a without prejudice basis, the Panel questioned the need for the DPO for the Westfield land (in conjunction with the DDO)
• further information on how Council addressed the submission and recommendations of Melbourne Water; the CFA; the Department of Economic Development, Jobs, Transport and Resources (DEJTR); and Department of Environment, Land, Water and Planning (DELWP)
• clarification of issues raised by DELWP in its submission where it referred to “a number of large trees located at the rear of the DELWP site … that should be protected where possible as part of any redevelopment in the area”
• whether there had been any further resolution or studies with regard to retaining or removing the waterbody on the nominated strategic development site
• any further information including timeframes about the proposed Master Plan for Lewis Park and Blind Creek and how this would fit into the planning controls.

Council responded to these issues through its submissions.

The Panel noted at the Directions Hearing that it would take the revised Council version (27 March 2017) of the Amendment as its starting point when considering the further
submissions and evidence to the Amendment. In this regard, this was confirmed in Council’s Part A submission (19 May 2017). The recommended amendments by Council included changes to Clause 22.15, DDO13, DPO2 and the Structure Plan.

For the reasons noted in this report, the Panel adopts the version submitted by Council on 27 March 2017, subject to further modifications.

Panel recommendation

- adopt Amendment C149 to the Knox Planning Scheme subject to further modifications.

### 1.5 Background to the Amendment

The Knox Central Urban Design Framework 2005 (KCUDF) provided background for preparation of the Structure Plan. The KCUDF was adopted by Council in 2005 and has provided high level direction for the Activity Centre over the last decade. The objectives of the KCUDF are embedded in the Knox Planning Scheme in the form of local policy at Clause 22.04. However, Council noted it is now the time for a further review and update.

Council commissioned a number of studies in order to build upon the body of existing strategic work and to test the directions of the KCUDF in the context of contemporary economic and demographic conditions. The key findings of the studies were summarised in the Knox Structure Plan Key Issues Background Report 2016.

Council officers undertook work internally to align the directions of the draft Structure Plan with the relevant objectives of Council plans and policies adopted in recent years. This was assisted by the following background studies commissioned by Council to further inform the development of the draft Structure Plan:

- Knox Central Land Use, Economic and Property Analysis 2015 (updated August 2016), Geografa
- Knox Central Integrated Transport Study 2016, Cardno
- Burwood Highway Design Guidelines 2016, Hansen Partnership
- Knox Central Views and Vistas Study 2016, Hansen Partnership.

The Structure Plan brings the key findings from these studies into the one document.

### 1.6 Summary of Issues raised in Submissions

The Panel was referred 107 submissions (as well as two petitions) from Council as follows:

- 41 from residents/local landowners
- 10 from Government, referral agencies, schools and community organisations
- 12 from major land owners
- 44 proforma submissions under the banner of ‘Save Lake Knox’

The key issues raised in the submissions are briefly summarised as follows:

(i) Planning Authority

- format and wording of DDO13
- relationship between DPO2 and DDO13
- provisions of Clause 22.15.
(ii) Relevant agencies
- inclusion of a masterplan for the strategic development site in the Structure Plan
- provisions in proposed Clause 22.15 relating to a proposed masterplan for this site
- loss of trees and views
- lack of VicRoads and PTV involvement in the Integrated Transport Study
- advocating State transport authorities to extend the Burwood Highway tram line to Knox.

(iii) Individual submitters or groups of submitters
- heights of buildings allowed by the amendment
- building setbacks
- retention of the waterbody (dam) on the strategic development site
- increased traffic and parking availability as a result of the development encouraged in the Activity Centre
- changes to the boundaries to include additional sites within the Activity Centre
- future development of the Westfield centre and the controls that apply to the land
- privately owned land included in the open space and recreation precinct
- provisions of proposed Clause 22.15 that relate to specific sites.

1.7 Issues dealt with in this report
The Panel considered all written submissions made in response to the exhibition of the Amendment, as well as further submissions, evidence and other material presented to it during the Hearing and its observations from site inspections. The Panel has reviewed a large volume of material in relation to this Amendment.

All submissions and evidence has been considered by the Panel in reaching its conclusions, (regardless of whether they are specifically mentioned in the report), which deals with the issues under the following headings:
- planning context
- form of the Amendment
- threshold issues
- site specific issues.

While the recommendations of the Panel are articulated in the relevant chapters of this report, these are grouped and consolidated in Chapter 6 and included in the Executive Summary.
2 Planning context

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

2.1 Policy framework

The relevant State and local policy that the Panel has had regard to includes:

(i) State Planning Policy Framework
- Clause 11.03-2: Activity Centre Planning
- Clause 12.04-2: Landscapes
- Clause 15.01-1: Urban Design
- Clause 15.01-2: Urban Design Principles
- Clause 16.01-2: Housing
- Clause 17.01-1: Economic Development
- Clause 18: Transport

(ii) Local Planning Policy Framework
- Clause 21.03: Vision and Strategic Land Use Framework
- Clause 21.04: Urban Design
- Clause 21.05: Housing
- Clause 21.07: Economic Development
- Clause 21.08: Infrastructure

2.2 Planning strategies or policies

(i) Plan Melbourne 2017-2050

Plan Melbourne 2017 – 2050 Metropolitan Planning Strategy 2017 DELWP (commonly known as Plan Melbourne 2017) was introduced into the State Planning Policy Framework (SPPF) of all planning schemes on 31 March 2017. The Explanatory Report, prepared prior to the release of Plan Melbourne 2017 provides a response to the most relevant aspects of its predecessor, Plan Melbourne 2014.

Going forward and consistent with Plan Melbourne 2017, Wantirna South - Knox Central is identified as a Major Activity Centre and the Amendment implements the following Directions:
- Direction 1.2: improve access to jobs across Melbourne and closer to where people live
- Direction 2.2: deliver more housing closer to jobs and public transport
- Direction 5.1: create a city of 20-minute neighbourhoods.
(ii) **Knox Housing Strategy 2015**

The **Knox Housing Strategy 2015** sets out “Council’s plan for managing residential development to respond to the current and future needs of the Knox Community”. The Strategy aims to “balance the changing housing needs of our current and future residents with the important aspects of Knox that should be retained and enhanced”.

The Housing Strategy states that Knox’s population will grow from 154,623 people in 2011 to 177,588 people in 2031, an increase of 22,964 people. The rate of new household growth is expected to be 21.5 per cent (from 56,112 households in 2011 to 68,154 households in 2031), an increase of 12,041 new households.

(iii) **Knox Open Space Plan 2012-2022**

The **Knox Open Space Plan 2012-2022** “will guide how open space is used and developed in the future”. It contains four key strategic directions aimed at achieving the overall vision for open space in Knox, including to “create healthy creek corridors that people love”.

Blind Creek is identified one of Knox’s key open spaces and as a creek corridor surrounded by a flood zone.

### 2.3 Planning scheme provisions

A purpose common in the relevant zones and overlays is:

> To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

(i) **Zones**

The Amendment proposes to rezone land in parts of the Activity Centre from the Industrial 1 and Priority Development Zones to the Mixed Use Zone, the purposes of which are to:

- **provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality**
- **provide for housing at higher densities**
- **encourage development that responds to the existing or preferred neighbourhood character of the area**
- **facilitate the use, development and redevelopment of land in accordance with the objectives specified in the schedule to the zone.**

(ii) **Overlays**

The Amendment proposes to apply DDO13 to land over the whole of the Activity Centre (see Figure 4) to identify areas which are affected by specific requirements relating to the design and built form of new development.

The Amendment proposes to apply Environmental Audit Overlay to land in part of the Activity Centre (see Figure 5) to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.
2.4 Relevant Knox Planning Scheme Amendments

Amendment C150 to the Knox Planning Scheme proposes to implement the findings of the *Knox Planning Scheme Review Report 2015* and make significant structural changes to the Knox Planning Scheme. The Amendment was exhibited between August and September 2016 and received 16 submissions.

An independent panel process considered the submissions to the Amendment in April 2017 and recommended the amended be adopted as exhibited, subject to changes.

Amendment C150 was adopted by Council on 22 May 2017 and forwarded to the Minister for Planning for approval. Council advised that Amendment C149 is generally consistent with Amendment C150. In its closing, Council advised that Amendment C150 does not have a direct impact on this Amendment.

2.5 Ministerial Directions and Planning Practice Notes

(i) Ministerial Directions

**Ministerial Direction No 11 - Strategic Assessment of Amendments**

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

**The Form and Content of Planning Schemes (s7(5))**

The Panel notes that a new version of the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987* was released on 24 May 2017. Neither the Council or the Panel has undertaken a full review of the Amendment in accordance with the revised Direction. This should be undertaken by Council in conjunction with DELWP following consideration of the recommendations of the Panel.

For example, the new Direction notes that for DDO’s, there should be a maximum of five objectives. DDO13 has numerous objectives, both general and area (precinct) specific. These will need to be reviewed and rationalised prior to the Amendment being finalised.

(ii) Planning Practice Notes

Council provided a detailed review of the relevant Planning Practice Notes (PPN) in Appendix 7 of its Part B submission, which the Panel endorses and adopts. The Panel has highlighted those of particular relevance in light of the submissions made.

**Incorporated and Reference Documents – (PPN13) June 2015**

This PPN states:

*Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. They are not listed in Clause 81.01 or schedule. Different types of documents may perform this role. They may be wide-ranging in their content and contain information not directly relevant to specific decisions under the planning scheme.*
Structure Planning for Activity Centres (PPN58) June 2015

PPN58 guides councils on the activity centre structure planning process. It covers the reasons for structure planning in activity centres the policy context, and possible inputs and outputs of the process.

Height and setback controls for activity centres (PPN60) June 2015

PPN60 provides guidance on applying height and setback provisions for activity centres. It states that height and setback provisions must be based on the outcomes of strategic research that includes a built form analysis that is consistent with State policy. In relation to discretionary controls, it states:

*The application of discretionary controls, combined with clear design objectives is the preferred form of height and setback controls. Discretionary controls are more likely to facilitate appropriate built form outcomes than mandatory controls by providing more flexibility to accommodate contextual variations and innovative design.*

Additionally, the Panel has reviewed PPN59 – the role of mandatory provisions in planning schemes - which notes that planning schemes are predominantly performance based that provides for flexibility in approaches or variations to achieve required outcomes. In its opinion, the Panel considers that Council has correctly applied preferred heights and setbacks across all areas of the Activity Centre, in conjunction with DDO13. Council has not proposed that any of the controls should be mandatory, even though some submitters suggested all heights should be mandatory as the recommended heights would result in over-development of the Activity Centre.

2.6 Discussion and recommendations

The Panel considers the Amendment implements the objectives and strategies of the *Knox Central Structure Plan 2016* and that it has considerable support through the State and Local Planning Policy Frameworks. Specifically, the Amendment is consistent with many objectives and directions in *Plan Melbourne 2017*. The Amendment aligns with PPN59 and PPN60 because it applies discretionary (preferred) provisions with clear design objectives.

The Structure Plan forms a solid foundation for implementing changes to the Knox Planning Scheme to improve its strategic direction, policy implementation and overall operation.

While some submissions opposed aspects of the Amendment, few directly questioned the Amendment’s strategic intent or basis.

The Panel concludes that the Amendment is supported by and implements, the relevant sections of the State and Local Planning Policy Framework. It is consistent with the relevant Ministerial Directions and PPN. The Amendment is well founded and strategically justified and should proceed subject to addressing the more specific issues raised in submissions and evidence as discussed in the following chapters.

The Panel recommends:

* review the provisions and schedules of the Amendment during finalisation of the Amendment to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017).
3 Form of the Amendment

3.1 Overview

This chapter discusses issues concerning the built form provisions of the Amendment. Chapter 5 takes this further and discusses whether the proposed heights and setbacks are appropriate for specific precincts and locations.

The Structure Plan sets out the built form and urban design vision that seeks to intensify development within the key precincts. The Structure Plan includes design objectives and responses for all precincts as well as guidelines specific to individual precincts. With respect to building heights, the Structure Plan states:

A key driver for determining building heights is the facilitation of more intensive activity across the breadth of Knox Central and while achieving a high level of pedestrian amenity and sense of place. Street wall heights are provided for Burwood Highway, to facilitate a strong and consistent built form character for this key road.

The Structure Plan notes that both the building heights and setbacks are discretionary to provide guidance for Council to assist in its decision making.

The DDO13 preferred building heights are consistent with the indicative building heights in the Structure Plan. Table 1 provides a summary of the range of post exhibition DDO13 preferred building heights and setbacks for each precinct.

Table 1 Modified post exhibition DDO13 building heights and setbacks

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Building height (m)</th>
<th>Front setback (where required)</th>
<th>Proposed street setback (where required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burwood Highway South, Mixed Use</td>
<td>12-34</td>
<td>12m, 4 storey street wall height</td>
<td></td>
</tr>
<tr>
<td>Civic/Community</td>
<td>20</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Commercial Core</td>
<td>12-28</td>
<td>12m, 4 storey street wall height, active ground floor</td>
<td></td>
</tr>
<tr>
<td>West of Melbourne Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lewis Road Mixed Use</td>
<td>20-28</td>
<td>15m, 4 storey street wall height</td>
<td>6m along Lewis Road, active ground floor at Burwood Hwy corner</td>
</tr>
<tr>
<td>Lewis Road Industry</td>
<td>12-24</td>
<td>8m, 4 storey street wall height</td>
<td>Active ground floor at Burwood Hwy corner</td>
</tr>
<tr>
<td>Existing Residential</td>
<td>9-13.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic redevelopment site</td>
<td>12-24</td>
<td>8m, 4 storey street wall height</td>
<td></td>
</tr>
</tbody>
</table>
(i) Issue

The issue is whether the built form provisions proposed by the Amendment are appropriate for the Activity Centre, implement the objectives of the Structure Plan and consistent with State policy and Plan Melbourne 2017.

(ii) Submissions

A number of submissions raised concerns about the proposed extent of development within the Activity Centre. While the concerns were primarily focussed with development along Burwood Highway, there were submissions about the building heights proposed in several precincts. In general, these submissions argued that intensive development was out of character with Knox and was inappropriate in the Activity Centre.

Some submissions from Gateshead Drive residents requested specific changes, particularly in relation to areas identified as a ‘sensitive residential interface’ because it abuts part of the commercial core of the Activity Centre. In response Council agreed to amend the exhibited Structure Plan to designate the eastern section of Gateshead Drive, north west of Lewis Park as a sensitive residential interface.

The owners of the property at 1 Jackson Road Wantirna South submitted that the proposed 12 metre height for the site was inconsistent with the recently applied and amended Residential Growth Zone (RGZ) which has a height of 13.5 metres. Council informed the Panel that it supported this submission and the preferred height limit for properties in White, Jackson and Tyner Roads within the RGZ should be set at 13.5 metres. For similar reasons, Council submitted that the preferred height for the Wantirna Lea estate, which is in the General Residential Zone (GRZ), should be increased from 8 to 9 metres.

Council submitted that the building heights had been developed through the Structure Plan process which was informed by the background report and Knox Central Views and Vistas Study 2016 study. The Structure Plan stipulated discretionary building heights and setbacks. The controls proposed in the DDO13 and in Clause 22.15 are, likewise, discretionary that can be varied with a permit, if justified.

With respect to building setbacks, Council advised its position:

... that these requirements remain unchanged (with the continued ability for Council to consider a request to vary them via a permit). This is to support the delivery of a consistent and well-defined urban corridor, characterised by landscaping along Burwood Highway.

(iii) Discussion

The Activity Centre has long been identified in State and local policy as an Activity Centre where growth should be encouraged. The built form proposals in the Structure Plan represent a marked increase in building height from those contained in the KCUDF.
Council has identified the Activity Centre as the focus for growth and the intensification of activities within its municipality. As a result, much of the remainder of the municipality is likely to retain its lower density character as it will not be the major focus for growth. In this respect, Council has demonstrated leadership in identifying the Activity Centre as the clear focus for significant growth and in preparing the Amendment to facilitate that change and growth.

The proposed heights have origin in the Knox Central Views and Vistas Study 2016 which identified the Dandenong Ranges as “a valued characteristic of the City of Knox’s image and identity”. The methodology for the study was explained as follows:

This document assesses the potential impact of future built form within the Knox Central Activity Centre, from key vantage points to determine preferred maximum building heights that will not erode or undermine the publicly accessible views and vistas towards and of the Dandenong Ranges.

The study included recommendations for preferred building heights which were largely adopted in the Structure Plan. As part of its site inspections, the Panel extensively reviewed and walked the areas where submissions were made about the potential impacts of heights and loss of views to the Dandenong Ranges. It found that even with increased height, there would be little impact on existing residents. The increase in height along Burwood Highway and High Street Road meets high level policy objectives and is a worthy outcome and in the context of the Activity Centre and adjacent landholdings, would have minimal impact in this regard.

The Panel is satisfied that this is an appropriate basis from which to establish preferred building heights. A critical consideration is that the recommended heights are discretionary and may be varied, subject to meeting design objectives, building design requirements and the decision guidelines. The Built Form Framework in the Structure Plan importantly, provides guidance as to the circumstances in which a variation to the preferred heights could be reasonably considered.

The building setback requirements result from the urban design analysis undertaken as part of the Burwood Highway Design Guidelines 2016. The key recommendations of this study were:

- A heightened sense of address to the Knox Central Activity Centre and surrounds through consistency and high quality architectural forms
- Increased density through the introduction of a 6 storey prevailing building scale along Burwood Highway with recessive upper levels and punctuations of higher forms at corners/key sites and building height stepped-down to the rear to protect sensitive interfaces
- A green boulevard with the landscape character reflected in the public and private spaces where appropriate
- Frontages configured to orient development towards Burwood Highway and provide activation and surveillance of the street.

These recommendations have been largely incorporated into the Structure Plan and inform the built form design objectives and design response.
The Panel is satisfied that the built form provisions in the Structure Plan are consistent with the requirements of PPN58 and will assist in influencing and facilitating change, as well as intensifying activity within the Activity Centre. Implementation of these provisions through DDO13 and DPO2 is discussed in more detail in the following chapters.

Council proposed a number of changes to the exhibited Structure Plan following the consideration of submissions. These changes are listed in Document 10 (which was submitted at the Panel Hearing) and given effect in Document 15. These changes represent the outcomes of further discussion between Council and submitters and are generally supported by the Panel.

(iv) Conclusions and recommendations

The Panel concludes:

- the Structure Plan provides an appropriate strategic basis for the built form controls proposed in Amendment C149
- the changes to the exhibited Structure Plan are reasonable and appropriate
- the revised Structure Plan (Document 15) should be approved in place of the exhibited document.

The Panel recommends:

- replace the exhibited Knox Central Structure Plan 2016 with the revised Knox Central Structure Plan 2017 (Document 15) subject to further modifications.

3.2 Design and Development Overlay Schedule 13

(i) Issue

The issue is whether the provisions of DDO13 are appropriate to guide future development opportunities in the Activity Centre and given that Council has proposed all height and setbacks are to be preferred, whether the correct terminology is ‘must’ or ‘should’ in the control provisions.

(ii) Submissions

A number of submissions observed that the built form controls in the Structure Plan were discretionary. However, the wording of the exhibited DDO13 used the word ‘must’ when specifying preferred building heights, setbacks and other provisions. Some of these submissions requested that the word ‘must’ be replaced with ‘should’ to ensure it was clear that the heights and other requirements were discretionary.

Council’s submission contained a considered analysis of the relationship between the DDO and the Schedule, which concluded that the use of the word ‘must’ was appropriate in establishing a discretionary control. Nevertheless, it was ultimately Council’s recommendation that the word ‘must’ be replaced with ‘should’.

The Panel raised this issue at the Hearing and invited the Council to respond. The Council informed the Panel that it maintained its revised position of using ‘should’ in referring to building height controls in the DDO13.
Villa Maria submitted that the drafting of the DDO13 controls was confusing. It advised its site has a current planning permit which allows a height of 26.3 metres which is at variance to the 24 metre height proposed in the Amendment. In response to concerns about the DDO13 provisions, the Council advised the Panel that:

Following a review of section 2.0 Buildings & works Council has adopted some additional changes to the 'building design requirements — all precincts'. These changes were recommended as a number of these requirements are best managed via the relevant design objective, the requirement is not appropriate across all precincts, or the requirement needed to be modified.

The Council submitted that the following requirements should be deleted from DDO13:
- Balconies and ground level windows must be provided overlooking the street, driveways
- Car parking must be underground or concealed so that it is integrated into the overall built form.

The Council further recommended the replacement of 'must' with 'should' in the following requirement:

Buildings should avoid large, unbroken expanses of walls to the public realm or oblique side views.

At the Hearing, Council provided the Panel with a revised version of the DDO13 (Document 19) which incorporated the relevant Council changes. This was followed by Council's final position expressed on the overlay through Document 38 and included as Appendix D.

(iii) Discussion

The Panel notes that the recommended replacement of ‘must’ with ‘should’ applied only to the height and setback controls. However, the word ‘must’ is used in several instances in the DDO13 other than when dealing with heights and setbacks. For example, under Building design requirements – all precincts, one of the provisions states:
- A building on a corner site must actively address both frontages at street level.

Nevertheless, whether the proposed requirements of the DDO13 should be discretionary is not at issue. The Structure Plan and Amendment documents nominated the controls as discretionary. Council has supported this approach. The question is then whether the appropriate word for the controls in DDO13 is ‘must’ or ‘should’.

Council referred to this in its Part B submission where it stated:

As was recently discussed at the Panel hearing for Knox Planning Scheme Amendment C141 Clause 43.02-2 specifies that a permit may be granted to construct a building or to carry out works which are not in accordance with any design and development requirement unless the schedule to this zone specifies otherwise. It is the use of these underlined words that creates a mandatory provision, not the creation of the requirement. The often-used words that create the mandatory requirement are 'a permit cannot be granted to vary this requirement'.
The use of the word ‘must’ of itself does not create mandatory provisions in a schedule. It only creates the requirement.

Council submits that this form of drafting, by using the word ‘must’, is necessary in order to create a requirement in the schedule. Alternative forms of drafting, such as replacing the word ‘must’ with the word ‘should’ (which is often suggested), would change the nature of the provision from a requirement to merely something that is a consideration. A matter that ‘should’ be done is not a requirement — it is more of a consideration or a guideline. As a permit is required to vary any requirement, it is important that compliance with the ‘requirement’ is generally ascertainable.

The Panel understands this view. If the word ‘must’ was replaced with ‘should’, as recommended by Council and other submitters, the concern may well be that a permit cannot be granted to vary a preferred height requirement in Schedule 13, because there is no requirement. This outcome would be contrary to the intent of the Structure Plan, the controls, the Council and the Panel. In addition, there is the question whether the use of ‘should’ instead of ‘must’ ought to be applied elsewhere in the DDO13 and not only to heights and setbacks.

However, the intent of the Amendment, the Structure Plan and indeed of the Council’s recommended change is that the preferred heights should be discretionary. The Panel accepts and agrees with this position. It is a position supported by PPN59 and PPN60, both of which recommend the use of discretionary height and setback controls in activity centres. PPN60 states:

The application of discretionary controls, combined with clear design objectives is the preferred form of height and setback controls.

The Panel is mindful of the Ministerial Direction on the Form and Content of Planning Schemes which directs that planning schemes and amendments must be written in plain English. The document Using Victoria’s Planning System 2015 considers plain English in chapter 9 and states:

Criteria or standards are expressed using ‘should’ where they are not mandatory and ‘must’ where they are.

As a consequence, the Panel accepts that the word ‘should’ ought to be used in the requirements of the DDO13. For consistency, all occurrences of the word ‘must’ in the DDO13 ought to be replaced by ‘should’.

Nevertheless, there appears to be some confusion over the proper use of ‘should’ and ‘must’ in the DDO and this is a matter that is best resolved with the assistance of DELWP. If DELWP advises that the word ‘must’ needs to be used to create a requirement that can be varied by a permit in a DDO Schedule, then ‘must’ ought to replace ‘should’ in Document 38, otherwise ‘should’ remains the appropriate word.

The Panel accepts the other changes to the DDO13 proposed by Council as a clarification of the controls. The Panel notes that the heights proposed for the Villa Maria site are discretionary and consequently the permit that has been granted is not inconsistent with the Amendment and what it is seeking to achieve.
(iv) Conclusions and recommendations

The Panel concludes:

- the revised DDO13 (Document 38) is an appropriate control and effectively implements the provisions of the Structure Plan
- the use of the word ‘should’ is appropriate and provides the ability for Council to issue a permit to vary the DDO13 requirements, unless Council is advised otherwise by DELWP
- the use of the either ‘should’ or ‘must’ if advised by DELWP ought be applied consistently throughout the DDO13.

The Panel recommends:

- replace the exhibited Design and Development Overlay Schedule 13 with the revised Design and Development Overlay Schedule 13 (Document 38 and Appendix D)
- replace the word ‘must’ with ‘should’ to ensure that it is clear that it is a discretionary control.

3.3 Development Plan Overlay Schedule 2

The issue is whether the provisions of the DPO2 are appropriate. However, this is dealt with more extensively in Chapter 5.3, as it principally relates to the application of both the DPO2 and the DDO13 over the Westfield land in the commercial core.

The Panel recommends:

- Replace the exhibited DPO2 with the revised DPO2 (Document 38 and Appendix E).

3.4 Local Policy

(i) Issue

The issue is whether the proposed changes to the local policy at Clauses 21.09 and the new 22.15 are appropriate. The Amendment:

- replaces references in the MSS to the KCUDF with the Knox Central Structure Plan 2016
- includes the Knox Central Structure Plan 2016 as a reference document in Clause 21.09
- replaces Clause 22.04 Knox Central Principal Activity Centre Local Policy with Clause 22.15 Knox Central Activity Centre Local Policy.

(ii) Submissions

Council advised that Amendment C150, which was its recent review of the MSS, proposed to “substantially restructure and update existing local content”. However, Amendment C150 does not “remove any key policy directions”. As mentioned, Amendment C150 was adopted by Council on 22 May 2017 and forwarded to the Minister for Planning for approval.

Council advised that Amendment C150 consolidated area based local policies into a new clause. The policies were not reviewed and the consolidation was policy neutral. The
Council submitted that “... the relevant content from Amendment C149 will need to be 'translated' into the new MSS structure proposed as part of Amendment C150".

Council provided the Panel with a copy of the translated local policy content of Amendment C149 into the format of Amendment C150.

(iii) Discussion

Some submissions raised site specific issues with the content of the exhibited Clause 22.15 (further discussed Chapter 5, which deals with specific sites). That aside, the Panel acknowledges the importance of local policy in providing direction for the discretion provided in the relevant zones and overlays.

In the Panel’s view, the proposed changes to the local policy have a sound basis in the Structure Plan. Clause 22.15 incorporates some of the provisions and recommendations of the Structure Plan, which is included as a reference document.

The Panel supports that the drafting of the local policy should follow the format developed in Amendment C150. However, that can only occur once Amendment C150 has been approved and incorporated into the Knox Planning Scheme. There may be consequential changes to the local policy provisions as a result of the resolution of Amendment C150.

Post exhibition and in response to changes made to the DPO during the course of the Hearing, Council proposed further amendments to Clause 22.15. Subject to the discussion and conclusions in Chapter 5 these changes are acceptable and have been incorporated into the version submitted to the Panel as Document 34, and then updated as Document 38.

(iv) Conclusions and recommendations

The Panel concludes:

- subject to the changes discussed in Chapter 5, the proposed local policy changes in Amendment C149 are appropriate and should be adopted
- the revised Clause 22.15 (Document 38) is an appropriate control and effectively implements the provisions of the Structure Plan.

The Panel recommends:

- replace the exhibited Clause 22.15 with the revised Clause 22.15 (Document 38 and Appendix F).

3.5 Rezoning proposals

(i) Issue

The issue is whether the proposed rezonings are appropriate.

Amendment C149 proposes to:

- rezone land on the western side of Lewis Road, between Bridgewood Court to the north and Burwood Highway to the south from Industrial 1 Zone to Mixed Use Zone
- rezone the following land from Priority Development Zone to Mixed Use Zone:
  - land bound by Burwood Highway, High Street Road and Tyner Road, Wantirna South
o 382‑384 Burwood Highway, Wantirna South
o 344‑350 Stud Road, Wantirna South.

(ii) Submissions

Four submissions were received which supported the proposed rezoning of the land on the west side of Lewis Road to Mixed Use Zone. The Structure Plan identified this rezoning as one of the strategies to establish Knox Central as a focal point for activity.

The Council acknowledged that the transition from an industrial to mixed use precinct will require careful management.

With respect to the deletion of the Priority Development Zone, St Andrews Christian College submitted that the proposals for the ‘Rembrandts Triangle’ were not inconsistent with the use of their land. Council advised that a meeting had been held with St Andrews to explain the operation of the proposed controls.

(iii) Discussion

With respect to the Lewis Road Precinct, the Structure Plan states:

*The Lewis Road mixed use area will see a transition from the existing industrial character to a mixed use precinct, characterised by high density residential development with vibrant commercial premises at ground floor.*

In the Panel’s view, the proposed rezoning will facilitate the transition envisaged. In addition, the inclusion of the Environmental Audit Overlay is an appropriate precautionary measure to ensure the former industrial land west of Lewis Road is in a suitable condition to accommodate mixed uses.

The Panel considers the Mixed Use Zone for both the Lewis Road and sites south of Burwood Road provides the flexibility appropriate for an Activity Centre, it encourages residential development and allows for some commercial uses where appropriate.

Further, the Panel accepts that the Priority Development Zone is now somewhat redundant and the Mixed Use Zone provides for a wider range of uses that will be compatible with the strategic vision for the Activity Centre.

(iv) Conclusions

The Panel concludes:

- the proposed rezonings are appropriate.

3.6 Structure Plan

(i) Issue

The issue is whether the Structure Plan is consistent with PPN58.
(ii) Submissions
Council submitted that the broad directions of the KCUDF were sound, the Structure Plan built on these directions and refined others to achieve the Vision and Objectives for the Activity Centre.

Council added that the Structure Plan provided the basis for Amendment C149 to implement the objectives and strategies of the Structure Plan through the application of local policy, zones and overlays.

(iii) Discussion
As Council submitted, the Structure Plan establishes the basis for Amendment C149. PPN58 provides guidance for councils on the development of structure plans, as well as the reasons for preparing a structure plan.

The background to the preparation of the Structure Plan is adequately outlined in the Council’s Part A submission (Document 3). The Panel is satisfied that the preparation and development of the Structure Plan is consistent with PPN58 except for the definition of the Activity Centre boundary. As noted in Chapter 4.1, identification of the boundary was not detailed as part of the Structure Plan.

Once Council has reviewed the Panel report and finalised its position, it should review the Structure Plan to ensure it is consistent with the final outcomes of this process. The Panel has not undertaken a word by word detailed review of the Structure Plan, nor should it, but it will need to be review and updated to ensure it supports and is supported by, the final form of the planning scheme provisions. The Panel notes that given the very large geographic area of the Structure Plan and its surrounds, there were very few submissions that questioned the veracity of the Structure Plan process and the key outcomes. Council is to be commended on this.

(iv) Conclusions and recommendations
The Panel concludes:
- subject to the more specific recommendations later in this report, the Knox Central Structure Plan is consistent with the provisions of PPN58.

The Panel recommends:
- review all aspects of the Structure Plan and Amendment documents, including the Design and Development Overlay Schedule 13 and Development Plan Overlay Schedule 2 and Clause 22.15 to ensure a high level of consistency once the recommendations are reconciled.
4 Threshold issues

4.1 Activity Centre boundaries

(i) Issue

The issue is whether the boundaries identified in the Structure Plan are appropriate and whether the boundary should be amended to include additional sites.

PPNS8 provides criteria for considering the potential location of an activity centre boundary and for setting a boundary.

(ii) Submissions

Submissions from the following parties sought changes to the identified Activity Centre boundary:

- Stockland
- Knox City Tennis Club
- Professor Yoland Lim Health Care
- Barry Chi Tang.

Stockland

Through its original submission, Stockland sought a change to the Activity Centre boundary to include two of its retirement village sites, these being Knox Village at 466 Burwood Highway Wantirna South and Wantirna Village at 2 Old Stud Road, Wantirna South. Stockland submitted that:

... there is strong policy and guidance support for the inclusion of both retirement villages, in their entirety, within the Activity Centre boundary and subject to the new controls proposed under Amendment C149.

At the Hearing, Stockland advised the Panel that it no longer wished to pursue the inclusion of Wantirna Village within the boundary of the Activity Centre.

Council submitted that following the exhibition of the Amendment and as a result of further discussion with Stockland, agreement had been reached to include the Knox Village site in the Activity Centre and to include the site within DDO13 with the preferred heights as proposed by Stockland. These height controls being:

- 18 metre preferred building height in the core of the site and at the eastern interface
- 12 metre preferred building height along the western and southern residential interfaces.

Stockland submitted that the building heights were appropriate because:

- The proposed building heights conservatively draw on the building heights applied to other large development sites to the south of Burwood Road, which include heights of up to 28m.
- The site is large, and in the context of high density development, can accommodate higher built form centrally within the site.
- Lower heights of 12m are nominated to site residential interfaces, consistent with the approach set out the Housing Strategy (paragraph 21 of this submission). This creates an appropriate transition down in height in order to provide appropriate amenity for adjacent sites. Further, the height is in order of the building heights indicated under the Residential Growth Zone (RGZ1), that is 13.5m.

Council submitted that the southern boundary of the Knox Village site should be annotated as a ‘sensitive residential interface’.

Stockland submitted that the inclusion of the Knox Village was strategically justified because it was consistent with PPN58 because the site was:

- highly walkable and located at the heart of the Activity Centre
- a strategic redevelopment site
- a contribution to land supply for long term housing needs.

Stockland added that the use of the word ‘must’ in the setback and street wall height controls in the DDO13 meant that the requirements were mandatory. This was at odds with the Structure Plan which envisioned discretionary controls. This issue is discussed in Chapter 3.2.

Stockland questioned whether the ground floor level active frontage requirements in the Burwood Highway South Mixed Use precinct of Clause 22.15 could be achieved with a retirement village as exists on the site.

Council in response, submitted that it did not support any change to the proposed Vision Statement in Clause 22.15-3 for the Burwood Highway South Mixed Use precinct and argued:

It is not the expectation that every site will provide a mix of uses — rather the precinct as a whole.

Council added that the Vision Statement for the precinct, particularly the last sentence adequately dealt with sites such as Wantirna Village.

**Knox City Tennis Club**

The Knox City Tennis Club sought to be included within the Activity Centre. The site is on Council owned land and Council advised the Panel that following exhibition, it had agreed to this submission.

**Professor Yoland Lim Health Care**

Dr Lim, on behalf of Professor Yoland Lim Health Care, the owner of 309 Stud Road, Wantirna South, submitted that this property should be included in the Activity Centre. Dr Lim added that the practice had attracted local and international visitors and tourists. The submission noted that the site is “directly adjacent” to the proposed Activity Centre and holds a “prominent position on Stud Road”.

Council advised that it did not support the inclusion of the site in the Activity Centre and informed the Panel that the site was included as an ‘Activity Area’ as part of the 2015 Knox Housing Strategy. Council added:
The current planning scheme and the Knox Housing Strategy provide clear guidance for the future of this site. The site is located within a Residential Growth Zone and has considerable development potential.

Barry Chi Tang

Mr Tang submitted that the Activity Centre should be increased in area to reduce the density and intensity of traffic and congestion within the Centre. Mr Tang did not recommend a size or area he considered appropriate to deal with this issue.

Council submitted that it did not support changes to the Activity Centre boundary to manage traffic and congestion.

(iii) Discussion

In its opening on Day 1 of the Hearing, the Panel sought clarification on how the boundaries of the Structure Plan area were defined.

The Structure Plan does not contain any discussion on how the Activity Centre boundary was derived. The Knox Central Activity Centre boundary, while not defined in the Structure Plan, is included in Clause 22.15 and Figure 1 of DDO13. The Structure Plan refers to the KCUDF which provided “high level directions for the activity centre for the past 10 years”. The exhibited Structure Plan adopts the Activity Centre boundary used in the KCUDF which describes Knox Central as including:

- Knox City/ Knox Ozone Shopping Centre
- City of Knox Municipal Offices, Library and Operations Centre
- Lewis Park and the Blind Creek Reserve
- Institute of Horticultural Development (IHD), Knoxfield Campus
- Fairhills High School
- Rembrandts Entertainment Complex
- Swinburne University of Technology, Wantirna Campus
- Villa Maria Society
- Broad areas of commercial, industrial and other uses.

It adds that:

The boundaries of the area are somewhat flexible. They are provided as a guide to define a core ‘area of interest’ around key commercial, civic and recreational facilities.

The KCUDF was adopted in 2005 and PPN58 was published in June 2015. The Practice Note has introduced more rigour into the process of setting an activity centre boundary. The development of the Activity Centre boundary precedes PPN58 by a considerable time as it was effectively identified before the development of PPN58.

Nevertheless, the Panel is satisfied that the Activity Centre boundary as shown in the Structure Plan and through Clause 22.15 and DDO13 and defined in the KCUDF satisfies the criteria set out in PPN58. As a result, the Activity Centre area is large and contains the essential elements identified in PPN58 which include:

- sufficient commercial land for a 30-year horizon
• residential areas
• key public land uses
• public open space areas.

Stockland

The Knox Village is a large site in single ownership and part of the site is included in the Activity Centre. In the Panel’s view, it makes sense to include the whole site within the Activity Centre because of its proximity to the commercial core. The current use and any future development of the site would have a strong functional relationship with the Activity Centre.

The proposed vision for Burwood Highway South Mixed Use Precinct provides policy guidance for the future development of the precinct. The Panel supports the Council’s submission that the last sentence of that Vision provides sufficient flexibility to deal with a variety of circumstances including active frontages. In the Panel’s opinion, no further change is needed.

Knox City Tennis Club

The Knox City Tennis Club abuts Lewis Park and has a strong functional relationship to that open space complex. In the Panel’s opinion, this is a logical inclusion.

Professor Yoland Lim Health Care

The Panel does not see any justification for the inclusion of the property at 309 Stud Road, Wantirna South within the Activity Centre. The site is part of the strip along Stud Road designated as an Activity Area in the Knox Housing Strategy which encourages more intensive forms of residential development.

Barry Chi Tang

There is no justification to expand the boundary beyond what is identified in the Structure Plan, which, as the Panel has previously commented on, is already very extensive.

(iv) Conclusions

The Panel concludes:
• the Activity Centre boundary is appropriate, subject to the inclusion of Knox Village and Knox City Tennis Club
• DDO13 should apply to the Knox Village and the Knox City Tennis Club
• the proposed 18 metre preferred height for Knox Village is appropriate with southern and western boundaries of the Knox Village being notated as ‘Sensitive Residential Interface’ with a 12 metre preferred height as shown in Figure 2 of the revised DDO13 (Document 38)
• no further changes to the Activity Centre boundary are supported
• these changes have been incorporated in DDO13 (Document 38), Clause 22.15 (Document 38) and the revised Structure Plan (Document 15).
4.2 Transport

(i) Issue

The issue is whether the objectives, strategies and actions in the Structure Plan are an appropriate response to the likely transport needs and related issues in and for the Activity Centre.

(ii) Submissions

Some submissions expressed concern that development of the Activity Centre would result in increased traffic and congestion and parking pressure.

Council submitted that the *Knox Central Integrated Transport Study 2016* (the Integrated Transport Study) was commissioned to understand the potential traffic and parking impacts in Knox Central. Council advised that the Integrated Transport Study concluded that there is considerable provision for on and off-street parking. It recommended that parking provision for new development should be in accordance with statutory requirements. The Integrated Transport Study further concluded that there is a need to improve pedestrian and cyclist safety, as well as the introduction of new road links.

DEDJTR - Transport expressed concern that Public Transport Victoria (PTV) and VicRoads were not involved in the preparation of the Integrated Transport Study and there was no agreement on the methodology and assumptions of the study. Concern was expressed how the transport infrastructure would be funded. Under these circumstances, DEDJTR submitted that the Amendment was premature.

Council advised that it met with PTV and VicRoads to address the concerns expressed and, as a result, made the following changes to the Structure Plan:

- *Updated the actions in objectives 5 and 6 to:*
  - Place greater emphasis on the municipal Integrated Transport Plan
  - Remove the actions already contained in the Integrated Transport Plan
- *Changing ‘lobby’ to ‘advocate’*
- *Being clear that Council would continue to liaise with VicRoads.*

Council added that it had commenced work on a municipal wide Development Contributions Plan expected to be implemented in 2017/2018.

Council informed the Panel that as a result, two supplementary submissions were received from VicRoads which proposed minor revisions and additions to DPO2 including:

- *a requirement for a Transport Impact Assessment report that assesses the development impact on the arterial road network*
- *a requirement for a future development plan to provide details of vehicular and pedestrian access, the development impact on the surrounding road network and how the impact will be mitigated.*

Council recommended inclusion of these changes in DPO2. Council further proposed a change in the objective dealing with the tram reserve in Objective 5 of Clause 22.15 to read:

*Support the development of a future tram reserve Burwood Highway.*
This change was included in the revised Clause 22.15 (Document 38). The Panel notes that any future tram reservation is not part of consideration of this Amendment.

(iii) Discussion

The changes to the Structure Plan were incorporated by Council into Document 15. The Panel accepts these changes as proposed by VicRoads and agreed by Council, are appropriate in dealing with the issues raised in the submissions.

For similar reasons, the Panel supports the changes recommended to Clause 22.15 (Document 38) as well as DPO2 (Document 38), noting there is further discussion of the DPO in Chapter 5.3. The Panel notes that the second dot point recommended by VicRoads and agreed by Council was not included in this revision.

The Panel understands Council’s desire to provide for a future tram link to the Activity Centre and notes that this issue and the route is yet to be resolved.

Notwithstanding, the Panel has some concerns about the proposed short and long term road links shown on Figure 10 of the Structure Plan. In the Panel’s view, Council does not appear to have a clear vision or program for achieving either of these two links. The Panel’s concern is that in the absence of a definitive program for implementing these links, the opportunity may be lost. The Panel acknowledges that Council is in the process of developing a municipal wide Development Contributions Plan. However, the projects that can be included in a Development Contributions Plan require definition and detail. From this perspective, Council needs to undertake more work to develop a program of acquiring and developing these two links.

(iv) Conclusions

The Panel concludes:

• the changes proposed to the Structure Plan, DPO2 and Clause 22.15 are appropriate
• more work is needed on how Council will identify and acquire short and long term road links shown on Figure 10 of the Structure Plan
• while it is not a matter before the Panel, any opportunity to increase public transport in the Activity Centre should be rigorously pursued
• there be a new requirement to provide details of vehicular and pedestrian access, the development impact on the surrounding road network and how the impact will be mitigated in Clause 3 of the revised DPO2.
5 Site specific issues

Submissions were received about site specific issues that require resolution through this Amendment process, these being:

- strategic development site at Knoxfield
- Scoresby Road, Boronia
- Scentre Group/Westfield
- Hillsong Church/Grange Developments.

5.1 Strategic development site – 609-621 Burwood Highway, Knoxfield

(i) Issue

The issue is the level of planning control through this Amendment that should apply to the strategic development site at 609-621 Burwood Highway, Knoxfield.

(ii) Submissions

The area referred to as the strategic development site is located on the north west corner of the Burwood Highway and Scoresby Road and is known as 609-621 Burwood Highway, Knoxfield. The offices of DELWP abut this site to the west and these two parcels of land were previously used as the Institute of Horticultural Development under DELWP and its predecessors. The site extends to the Blind Creek corridor in the north and includes a large dam adjacent to the creek. Development Victoria (formerly Places Victoria) advised that it is the “intending purchaser” of the land.

Council submitted that it supported development of the site because it had previously been identified as a ‘strategic development site’ in the Knox Housing Strategy 2015. Amendment C149 does not propose to rezone the site as this will be undertaken through the Fast Track Government Land Service (FTGLS) process. Council took the view that the Structure Plan should provide the basis for its submission to and consideration by the FTGLS and submitted its revised position:

... is for the section in the Structure Plan that considers this site include the Objectives, Strategies and Actions that specifically relate to the development of this site. This will provide a consolidated point of reference for Council’s position on this site.

Figure 14 of the exhibited Structure Plan contained a masterplan for future development of the site. Council advised that the post exhibition changes proposed to the Structure Plan renumbered Figure 14 to Figure 23 and removed the residential designation on the eastern boundary of the site, abutting the Wantirna Lea Estate and the on-site dam.

Council advised that over half the submissions received to this Amendment related to the dam located at the northern end of the site, with others concerned about new residential development abutting Wantirna Lea.

After the submission period, Council commissioned a preliminary ecological assessment of the floodplain and associated dam within the site. Council advised that the exhibited Structure Plan supported retention of the dam. However, as a result of the work undertaken
by Council and further internal consultation, Council revised its position to seek an outcome that retained the ecological values of the waterbody without stipulating a method to achieve this end. Council advised its amended opinion is that the following provision in the exhibited Clause 22.15 Objective 4:

Require the development of the Strategic Redevelopment Site Precinct to retain and enhance the existing water body on site in order to facilitate integrated water management and to reinforce its ecological function and provide a high level of neighbourhood amenity.

be replaced with:

Development of the Strategic Development Site must:

– include retention of the biological values of the existing water body
– facilitate integrated water management
– provide a high level of neighbourhood amenity.

Development Victoria made a submission and supported the high-level objectives of the site for development of the land as a high amenity, medium density neighbourhood.

Development Victoria informed the Panel of its intention to purchase the land from the Department of Treasury and Finance, the authority for the sale of surplus government land in Victoria. It agreed with Council that the land is proposed to be considered for rezoning through proposed Amendment C160.

Development Victoria raised concerns that aspects of the Amendment were premature and ad hoc and these could be remedied by changes to the exhibited documents. Development Victoria noted that a number of studies had identified the site’s potential for future development, including:

• Knox Central Urban Design Framework 2005
• Knox Central Views and Vistas Study 2016
• Burwood Highway Design Guidelines 2016
• Knox Housing Strategy 2015
• Knox Central: Land Use, Economic & Property Analysis 2015, updated 2016

It argued that more detailed work was required to develop a stormwater management strategy for the subject land and its catchment, as well as an assessment of the structural capacity and function of the dam in flood mitigation and water storage. In support of this view, Development Victoria provided four preliminary assessments that had been commissioned for the land, including biodiversity, traffic impact, geotechnical and engineering reviews. The Panel has not reviewed these documents in any detail.

Development Victoria submitted that this work and other studies will form the basis of the future development of the strategic development site to fully exploit the opportunities of the site and to manage the constraints.

Development Victoria concluded that the reference to retention of the existing dam in Clause 22.15-4 was premature and it should be removed. Likewise, it argued the masterplan included in the exhibited Structure Plan at Figure 14 (which would become a reference
document), should be removed. Development Victoria added that it did not have input into preparing this exhibited masterplan, nor was it not sanctioned or approved by its organisation. It argued that the masterplan was already subject to ad hoc changes, as evidenced by the alterations adopted by Council post exhibition.

Development Victoria outlined the issues associated with maintaining the dam on site, noting that “better environmental outcomes could be achieved through the removal of this dam and construction of water bird habitat in the adjacent areas”.

The majority of submissions for this Amendment were received from Friends of Lake Knox Sanctuary (FOLKS) as well as individual submissions that raised concerns about future development of this site. The submissions primarily raised concern about the future of the waterbody on this site and any proposed development adjacent to the Wantirna Lea estate on its eastern abuttal.

The FOLKS submission outlined five areas of concern:

- *site is of Biological significance – development will damage fragile habitat for fauna and flora*
- *water inundation and flood retarding issues*
- *lack of adequate environmental buffer zone*
- *increased traffic without adequate public and alternative transport options*

Dr Glazebrook on behalf of FOLKS outlined the group’s 2030 vision for a ‘Lake Knox Sanctuary’, the name of the dam conceived by the local interested community (but not sanctioned by the owners of the land). Dr Glazebrook submitted that the dam provided “a rare opportunity for people and nature to live in harmony”. He added that the dam was an unpolished gem that could provide habitat and a place for families as well as education. He opined this vision had extensive community support in that almost every household in Wantirna Lea was party to the overarching submission as well as a petition.

Melbourne Water advised that Blind Creek provides an important stormwater function and offered support for the objectives of the Structure Plan. With respect to the strategic development site, the submission of Melbourne Water informed the Panel that the northern end of the property would be subject to flooding in a 1 in 100-year event. The submission concluded that:

*Melbourne Water would require submission of 2-Dimensional Tuflow modelling demonstrating no impact on the Blind Creek floodplain; as well as the submission of volume calculation showing no loss of floodplain storage.*

*Melbourne Water cannot make a considered assessment of the masterplan layout without the submission of this information.*

DELWP submitted that the dotted line designated as a “… line of entry” on the masterplan was not supported because the land was to be retained by it. In addition, a strand of large trees on the boundary within the Development Victoria site should be protected and that building heights should be restricted to maintain views. Council provided further
correspondence from DELWP (Document 13) which clarified that DELWP requested that the protection of the trees be “considered as part of any future development”.

(iii) Discussion

As part of its inspections, the Panel visited the subject land and its surrounds, walked through the site from the DELWP facility and around parts of the dam. The Panel noted the extensive fencing around the site and that the site including the dam, did not allow for any public access.

There is no dispute amongst the parties or the Panel that the site at 609-621 Burwood Highway, Knoxfield is appropriately designated as a strategic development site. The land has been identified for several years as a development site and this has been acknowledged in many studies and documents, including the KCUDF and the Knox Housing Strategy 2015.

The Structure Plan, as exhibited, supports the retention of the water body. Objective 4 of Clause 22.15-4 as exhibited, requires retention of the dam as part of any development of the strategic redevelopment site to facilitate water management and reinforce its ecological and amenity values. Post exhibition, Council sought to change this provision to retention of biological values, facilitation of water management and provision of neighbourhood amenity. Council also sought to amend the exhibited masterplan in the Structure Plan to remove the residential designation abutting the Wantirna Lea Estate.

The Panel supports Development Victoria’s view that the inclusion of a masterplan in the Structure Plan is premature. As discussed, Council submitted a revised version of the Structure Plan (Version 5, 27 March 2017, Document 15). In the Panel’s opinion, the Structure Plan should provide broad guidance about the future development of the site, which Version 5 does in Objectives 2, 3 and 4 and Table 3. However, the inclusion of the masterplan for the strategic development site as Figure 23 in the revised Structure Plan is, in the Panel’s opinion, premature. This plan has not been informed by any of the detailed studies and background investigations necessary to underpin the development of the land (including from relevant authorities such as Melbourne Water) and it has not been authorised by Development Victoria.

This view is supported by the Melbourne Water submission which identified further work is needed before an assessment for the development of a masterplan could be made. In the Panel’s opinion, it is premature to require retention of a water body in an exact location in the absence of this work.

The Panel notes that the dam is on publicly owned land, but it does not have public access. Development Victoria made it clear that it intends to provide a water feature to provide for drainage of the site, as well as for amenity purposes. However, the work to assess the need for and the design and ultimate location of this water feature is yet to be undertaken.

Amendment C149 does not propose to rezone this site. This will occur through the proposed Amendment C160, which will take this matter forward through the FTGLS process. The Panel considers Amendment C160 could consider a Development Plan Overlay for the land and for similar reasons outlined in Chapter 5.3, it considers DDO13 should be removed from the land, with any subsequent DPO including the relevant provisions of DDO13.
The Panel acknowledges that Council wishes to provide strong direction for the future development of the site. However, the inclusion of a masterplan in the Structure Plan is premature and unnecessarily restrictive. This masterplan may represent the Council’s adopted position, but it does not need to sit within the Structure Plan at this stage.

The protection of trees on the site is a matter best dealt with following a detailed assessment of the land. Development Victoria made the comment that if DELWP wished to retain the trees, it could have retained that part of the land holding. The background work for the Structure Plan has adequately addressed the issue of views in the Activity Centre.

The Panel agrees that the first dot point in the Strategies of Objective 4 in Clause 22.15-4 should be replaced and agrees with Development Victoria that the words “include retention of the biological values of the existing water body” lack sufficient direction to be useful.

(iv) Conclusions and recommendations

The Panel concludes:

- the strategic development site is an important opportunity to provide additional residential development in the Activity Centre
- the inclusion of a masterplan for the strategic redevelopment site at 609-621 Burwood Highway Knoxfield in the Structure Plan is premature and should be deleted, as well as all references to the masterplan in the Structure Plan
- the full extent of opportunities for development of this site will only be realised once all the planning and other studies have been undertaken
- the dam that currently acts as a drainage facility may need to be relocated in another location on site, once all the appropriate engineering assessments have been undertaken
- Clause 22.15-4 should be amended as proposed by Council, but with the removal of the first requirement.

The Panel recommends:

- delete Figure 23 and all references to Figure 23 and any proposed masterplan from the revised Knox Central Structure Plan 2017
- delete the first dot point “include retention of the biological values of the existing water body” under Strategies “Development of the Strategic Development Site must:” in Objective 4 of the revised Clause 22.15-4
- delete the application of Design and Development Overlay 13 from the land identified as the Strategic Development Site at 609 – 621 Burwood Highway, Knoxfield.

5.2 256 and 258 Scoresby Road, Boronia

(i) Issue

The issue is whether the proposed designation of the land at 256 and 258 Scoresby Road Boronia in the Open Space and Recreation Precinct and the built form provisions for these sites are appropriate.
(ii) **Evidence and submissions**

The property at 258 Scoresby Road is occupied by a large single storey gym, swimming pool and associated facilities with a large rear at-grade car park. The site at 256 Scoresby Road is occupied by the headquarters of the Eastern Football League which has a front at-grade carpark. Both properties have access from Scoresby Road only.

Council acknowledged that the two Scoresby Road sites were included in a Medium Density Residential Area with a low scale (1-2 storeys) built form in the KCUDF. The KCUDF in Figure 28 identified the land in a Special Use Zone Schedule 1, which was not proposed for potential rezoning.

However, Council argued development of the Structure Plan resulted in some departures from directions in the KCUDF. Council referred to the minutes of the Council meeting of 13 September 2016 which resolved to seek authorisation for Amendment C149 and stated, with respect to including these sites in the Open Space and Recreation Precinct, that:

> This departs from the guidance provided in the Knox Central Urban Design Framework in that residential development along the northern border of the Activity Centre would no longer be supported.

Knox Central Development Pty Ltd (previously referred as the APBG Group) submitted that the inclusion of its land at 258 Scoresby Road as part of an Open Space and Recreation Precinct in the Structure Plan and Clause 22.15 was inconsistent with the underlying zoning and ownership of the land. In addition, it argued the provisions of the DDO13 require further clarity in that the preferred building heights are discretionary and can be exceeded.

It was the fundamental submission of Mr Canavan that Council did not provide any legitimate strategic basis to depart from the findings of the 2005 KCUDF and that the current proposal, was in effect, using policy to burden land with a defacto public use.

Mr Canavan noted that the relationship between his client’s land and the abutting public open space, in particular the gardens and the vineyard is an asset, however the proximity to public open space is not a reason to override the reality of the land being in private ownership. He recommended that the clients land be identified as future residential and be designated as a second strategic development site in the Structure Plan and that the relationship of this land with the existing residential area across Blind Creek be acknowledged.

Mr McGurn was called by Knox Central Development as an expert in planning and stated that the inclusion of private land in an Open Space and Recreation Precinct was problematic and inappropriate. He added that the combination of the proposed policy and the existing Special Use Zone Schedule 1 would result in a highly restrictive planning framework and stated that:

> As a general principle, it is entirely reasonable for an Activity Centre to have an Open Space and Recreation "Precinct".

> There is a fundamental change and restriction in the development opportunities for the subject land between the Knox Urban Design Framework
and the Structure Plan but a lack of detail regarding justification for this change.

It is unreasonable that private land holdings should be restricted to quasi-public purposes.

In relation to the proposed 12 metre preferred height for the precinct, Mr McGurn stated that he could not “find any specific justification to establish the height limit now proposed for the subject land”.

Mr Sheppard was called by Knox Central Development as an expert in urban design and advised the Panel that he supported the objectives and requirements of DDO13. He contended there is scope for development on the site to exceed the 12 metre limit without impacting on nearby residences. He added that if growth is directed to the Activity Centre, it is important that such potential be identified in the DDO13. He added that the building height provision uses the word ‘must’ which ought to be replaced with ‘should’. He recommended that there should be:

... clear guidance about the outcomes sought for the subject land (e.g.: include it within the ‘Strategic Redevelopment Site’ precinct).

The Eastern Football League submitted that the Amendment would result in a local policy and planning framework that does not support any use in the SpecialUse Zone Schedule 1. The Eastern Football League is the owner of 256 Scoresby Road Boronia and uses the property as the administrative headquarters of the League, a use which it submitted, is inconsistent with the designation of the property in the Open Space and Recreation Precinct. The Eastern Football League added that there was no clear justification for the 12 metre height limit and that DDO13 should be clear that this a preferred and not mandatory requirement.

Following the original submission by Knox Central Development, Council acknowledged that that the Open Space and Recreation Precinct did not include a Precinct Vision Statement. It proposed that the following be included in the Structure Plan and Clause 22.15 to address this:

This precinct will continue to provide significant open space and areas for recreation. This includes the provision of private facilities for sporting/leisure and recreation purposes.

Council submitted that the two Scoresby Road sites were “deliberately included” within the Open Space and Recreation Precinct and stated the sites have:

... a Special Use Zone that is consistent with the future and Council’s intended future use for this site. The purpose of the zone recognises the use of private facilities including community, sporting leisure, recreation, education and religious facilities, and the consideration of flood risk in future development (which also applies to this site).

The preferred height of 12m is considered appropriate for this site, within the Open Space and Recreation Precinct; it’s the preferred future land uses; and the context of this site - located on the edge of the Activity Centre, with
adjoining land uses being open space, community gardens and residential land within a ‘Knox Neighbourhood setting’.

(iii) Discussion

One of the consistent themes in the evidence of Messrs McGurn and Sheppard and the submissions by Knox Central Development and the Eastern Football League was that the precinct designation and the proposed vision effectively limit privately owned land for public uses. The Eastern Football League argued that the existing use of the site by the Eastern Football League was not supported by the precinct designation or vision. This is of concern to the Panel.

The Panel accepts that over time, priorities in planning for activity centres will evolve and change. Consequently, it is reasonable that not all of the principles of the KCUDF would be translated into the Structure Plan, especially given that the KCUDF was prepared in 2005. In addition, the Panel notes that the area designated as Medium Density Residential in the KCUDF includes the Community Gardens which was recommended to be zoned to residential and is now proposed as part of the Open Space and Recreation Precinct. However, that land is owned by Council.

The Panel supports the submission of Knox Central Development that the basis for including these properties in the Open Space and Recreation Precinct appears to have originated from the Knox Central: Land use, Economic & Property Analysis 2015 report which identified these two sites as “public land and open space” in the specific adjustments recommended in Table 17.

However, the Panel further notes that this report, in Figure 42, identifies these sites as locations suitable for residential development and that the population structure of Knox, and development of retirement and aged care facilities represent key market opportunities for Knox Central. It is understood by the Panel that application has been made by Knox Central Development for an aged care development on its land.

Amendment C149 has not proposed any changes to the zoning of the land from Special Use Zone Schedule 1, the purposes of which include:

- To recognise the use of private facilities including community, sporting leisure, recreation, education and religious facilities.
- To ensure that flood risk is taken into consideration for use or development of facilities on or near land subject to flooding.

The table of uses in Sections 1 and 2 allows a number of sport and recreation related uses in addition to some residential and other uses. However, the range is limited and any use not listed falls into Section 3, making it prohibited. The use of 258 Scoresby Road for a gymnasium would appear to be one for which a permit can be granted and consistent with the purpose of the zone. If the Panel accepts the Eastern Football League’s submission that the use of 256 Scoresby Road is not defined by any use in Clause 74, then it is likely that the use is prohibited and non-conforming.

The Open Space and Recreation Precinct also applies to nearby land, including the Community Gardens, the Blind Creek corridor and Lewis Park, all of which are in a Public Use Zone or Urban Floodway Zone and in public ownership. There is an extensive area and
corridor of open space in the Activity Centre which would be largely unaffected if these two lots were not to be included as part of the broader Open Space and Recreation Precinct. Through the submissions of Mr Canavan, the Panel requested a plan from Council showing land ownership in the Open Space and Recreation Precinct (Document 37). This plan confirms that apart from the land at 256 and 258 Scoresby Road, all other land in this precinct is in public ownership.

The two Scoresby Road properties and an area of passive open space, owned by Council, between Blind Creek and the Genesis site are in the Special Use Zone. In the Panel’s view, there is a disconnect between the zones, land ownership and the proposed vision for the precinct.

For these reasons and, given the nature of the ownership and zoning of the land at 256 and 258 Scoresby Road, the Panel does not support the inclusion of these properties in the Open Space and Recreation Precinct. However, the Panel is of the opinion that, given the heights in the DDO13 are discretionary, the preferred height for the two Scoresby Road properties are appropriate as exhibited.

With regard to the request that the land be designated as a second strategic development site, the Panel is not in a position to accede to that. Such an outcome would be premature in the absence of supporting information and a full strategic review. However, given the proponent for this land indicated it was pursuing aged care accommodation, the Panel consider a designation of ‘future residential’ to be appropriate. Given that the adjacent Wantirna Lea Estate was formerly Special Use Zone and is now GRZ2, it may be appropriate for the privately owned land to be considered as RGZ for future planning purposes.

As a final comment, the Panel considers any development on these sites should be designed to take advantage of its location in an area that will be surrounded by generous open space. Any new buildings, which will be in an open garden setting, must be designed to integrate and be sympathetic to its surrounds, unlike the existing buildings on site.

(iv) Conclusions and recommendations

The Panel concludes:
- given the nature of the ownership and zoning of the land at 256 and 258 Scoresby Road Boronia, these properties should be excluded from the Open Space and Recreation Precinct
- the proposed vision statement for the Open Space and Recreation Precinct is appropriate on the basis that 256 and 258 Scoresby Road Boronia are not included in the precinct
- the preferred height of 12 metres for the two Scoresby Road properties is appropriate given the abutting General Residential Zone Schedule 5 to the north has a mandatory height of 9 metres.

The Panel recommends:
- amend Figures 2, 7, 8, 10, 13, 14 and 15 of the Knox Central Structure Plan and Figure 1 of Clause 22.15-6 to remove the privately owned land at 256 and 258 Scoresby Road Boronia from the Open Space and Recreation Precinct designation
• Delete the second sentence from the Precinct Vision Statement at Clause 22.15-3 (Open Space and Recreation) that reads “This includes the provision of private facilities for sporting/recreation purposes”.

• provide a new designation of “future residential uses” for the privately owned land at 256 and 258 Scoresby Road Boronia at Figures 2, 7, 8, 10, 13, 14 and 15 of the Knox Central Structure Plan and Figure 1 of Clause 22.15-6.

• delete the second sentence from the Precinct Vision Statement at Clause 22.15-3 (Open Space and Recreation) that reads “This includes the provision of private facilities for sporting/recreation purposes”.

5.3 Scentre Group/Westfield

(i) Issue

The issue is whether both the revised DPO2 and the new DDO13 are appropriate controls for the land occupied by the Scentre Group for the Westfield land, which is wholly located in the Commercial Core Precinct.

(ii) Evidence and submissions

Currently there is an existing DPO2 for the site, this is proposed to be amended and retained and in addition, the provisions of the new DDO13 are proposed to apply to the site. At the Directions Hearing, the Panel raised the issue of whether both the DDO2 and the DPO13 were required for the site.

The Scentre Group, the owner of the Westfield site, submitted that it had concerns with the following requirements for the development plan in Clause 3 of the DPO:

• Significant reduction of ground level car parking within the centre

• Active frontages being provided to Burwood Highway, which may comprise entries, shop fronts, display windows, clear glazing or other engaging interfaces (Site interfaces)

• Active frontages being provided to Burwood Highway and Stud Road to incorporate glazing allowing views between the shopping centre and public realm (Site Interfaces)

• Large areas of at-grade car parking to be avoided (Car parking areas).

Scentre submitted that application of both DDO13 and DPO2 to its site unnecessarily complicated the planning controls for the land and duplicated the objectives and guidelines of the Structure Plan. With respect to the DDO13, the Scentre Group submitted that the word ‘must’ ought to be replaced by ‘should’ and that the building heights were unreasonably restrictive for a high order activity centre. In addition, it raised concerns about how active frontages, balconies and ground level windows and concealed parking, as well as avoiding large unbroken walls to the public realm, could be achieved in a car dependant, mall based retail centre.

The Scentre Group submitted that there was no strategic basis for the preferred height of 24 metres in the precinct west of Melbourne Street. Retail developments such as Westfield are developed “with floor to ceiling envelopes (allowing for services) in 5m increments”.

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Consequently a 25 metre preferred height would be more appropriate to the manner in which the precinct will develop.

The Scentre Group added that on the west side of Melbourne Street, there was considerably more development opportunity which should be enabled in the Activity Centre where intensive development is encouraged. The Panel was informed that Council was currently considering a revised Development Plan as part of the current planning permit application (which is based on a plan ‘conditionally approved’ in November 2014) and a request to amend the existing planning permit. At the Hearing, the Scentre Group did not make any further submissions on the content of DPO2.

Council submitted that because the Amendment “seeks a number of specific built form outcomes”, the application of DDO13 and DPO2, were the appropriate tools to achieve this end. In addition, because of the size of Knox Westfield it is important that “planning permits for the Westfield site are underpinned by a strategic framework — in the form a development plan”.

Both Council and the Scentre Group informed the Panel that they had a close working relationship and following the exhibition of the Amendment, had worked together to revise the exhibited DPO2.

At the Hearing, Council submitted a revised version of DPO2 (Document 18) which included post-exhibition changes agreed with the Scentre Group. These changes involved:

- restructuring the DPO to reduce the layering of controls
- changes to reduce duplication and improve clarity
- clarification that building heights are preferred and not mandatory.

Council submitted that the post exhibition revisions to DDO13 (Document 19) and DPO2 (Document 18) had addressed most of the Scentre Group concerns. However, the issues of active interfaces to Burwood Highway and the approach to height controls remained unresolved.

(iii) Discussion

The Scentre Group is the only landowner affected by DPO2 and it appears that post exhibition, Council and the Scentre Group reached agreement on a revised format of the overlay. The Panel generally supports this agreement as embodied in Document 18. However, the relationship between DPO2 and DDO13 and the over layering of controls remains an issue for the Panel.

The Panel issued a specific Direction about this matter as follows:

At the Hearing, Council must address the following issues through its ‘Part B Submission’:

Further review and discussion at the hearing of how the Structure Plan as a reference document, the Design and Development Overlay and the Development Plan Overlay will all work together. On a without prejudice basis, the Panel questions the need for the Development Plan Overlay.
In response, the Council in its Part B submission stated:

Council believes the application of the DDO is necessary to support the intent of Amendment C149 and is the logical choice as a tool that is 'principally intended to implement requirements based on a demonstrated need to control built form and the built environment' (page 19 of 'Using Victoria's Planning System). Amendment C149 seeks a number of specific built form outcomes — with an emphasis on Burwood Highway as the central spine of Knox Central.

Equally given the size and significance of Knox Westfield Council believes it is important that planning permits for the Westfield site are underpinned by a strategic framework — in the form a development plan.

Westfield Knox, as the main retail and service area, is the core of the Activity Centre. State planning policy encourages and directs the expansion of activities into these centres which are anchored by their commercial core. As such the Westfield Knox site is at the core of this focus for change and at the core of development in the Activity Centre.

The role of the Structure Plan is usefully defined in Planning Practice Note 58 – Structure Planning for Activity Centres:

Structure plans help give effect to State planning policy by managing and facilitating major changes to land uses, the built form and public spaces located within activity centres.

In the Knox context, the implementation of the Structure Plan through the controls in the planning scheme by the Amendment should equally facilitate change in land uses and built form. In the Panel’s view, the existing DPO2 is in need of the review undertaken as part of the Amendment. From this perspective, the Panel supports the proposed changes to DPO2.

However, the additional application of DDO13 to the Westfield site unnecessarily complicates and duplicates the planning controls over the site and may not have the impact of facilitating major development. In the Panel’s view, a more structured and revised DPO2 can accommodate the built form outcomes sought by the Structure Plan and currently included in DDO13, in addition to providing the strategic framework for the consideration of planning permits. In response to a concern raised by Council that the DDO controls the height, Mr Bisset noted heights could be provided in local policy and have the same effect as a DDO. At the Hearing, Mr Bisset urged that the DPO “do all the work” with regard to the appropriate planning control for the site and that the DPO, in conjunction with the DDO, provides a “layer of complication”.

With regard to increasing the preferred heights to 25 metres along Burwood Highway west of Melbourne Street, the Panel can see merit in this slight change. While the preferred height of 24 metres will allow for increase if strategically justified, the addition of one metre will assist the Scentre Group in future planning permit applications, and on balance the Panel supports this reasonable request.

The Panel asked Council and the representatives of the Scentre Group to provide an agreed version of the DPO2 that included the changes previously accepted and the relevant requirements of DDO13 as they apply to the Westfield site. The revised schedule to the DPO2 was provided to the Panel as Document 33, and then post hearing, as Document 38.
The Panel accepts this most recent schedule as an appropriate revision of the DPO2 which includes the relevant elements of the DDO13.

The Panel further notes that in support of Council’s desire to bring public transport to Knox, the Scentre Group has provided an allocation of land through an 11.5 metre setback off Burwood Highway for possible extension of the tram line.

(iv) Conclusions and recommendations

The Panel concludes:

- DPO2 is an appropriate mechanism to guide the future development of the Knox Activity Centre Commercial Core precinct
- application of DDO13 and DPO2 results in unnecessary duplication of planning controls over the land
- the revised DPO2 (Document 38) provides an appropriate single level of control for the Westfield site.

The Panel recommends:

- amend Design and Development Overlay Schedule 13:
  - delete the area identified as the Commercial Core where Development Plan Overlay Schedule 2 will apply
  - amend the preferred Built Form Framework – Preferred Building Heights at Figure 14 to change the preferred heights from 24 metres on land to the north of Burwood Highway and west of Melbourne Street to 25 metres
- include a new dot point in Clause 3 of Development Plan Overlay Schedule 2 to read “provide details of vehicular and pedestrian access, the development impact on the surrounding road network and how the impact will be mitigated”.

5.4 Other issues

(i) Hillsong Church

Hillsong Church advised the Panel that it had recently acquired the land at 557 Burwood Highway, Knoxfield which is located immediately east of Lewis Road, as its new premises. The Amendment does not propose to change the existing Industrial 1 Zone. However, the site is located within 100 metres of the proposed Lewis Road Mixed Use Precinct. Access to the site would be predominantly from Lewis Road, although there is limited access from Burwood Highway.

Hillsong Church submitted that further clarification could be provided in the DDO13 by including a reference to commercial uses in addition to industrial uses in the provisions relating to the amenity of the Lewis Road Mixed Use Precinct.

The Panel noted during its site inspections that there is a new light industrial development adjacent to the site and it is located in an area where there will be significant new activity.

Council submitted that the noise attenuation measures in the DDO13 decision guidelines were adequate. Council added that the EPA regulations would ensure that existing operations can continue.
The Panel accepts Council’s submission and notes the vision statements in Clause 22.15-3 in both the Lewis Road Mixed Use and Lewis Road Industry precincts provides appropriate policy direction. The location of the site on Burwood Highway and adjacent to Lewis Road will result in ambient noise levels in any event and the Panel makes the observation that this Structure Plan process has been ongoing for several years now, where change has been foreshadowed.

The Panel is satisfied the provisions of DDO13 are adequate to support a wide and diverse range of uses, including Hillsong Church and its activities, and concludes that no further changes are necessary.

(ii) Grange Developments

Grange Development Consulting, the owners of 108 Lewis Road, Wantirna South advised that the site is located within the proposed Lewis Road Mixed Use precinct and subject to the proposed DDO13 which specifies a preferred height of 24 metres for the site.

Grange Development Consulting submitted that there is scope and justification for a higher preferred building height without unreasonable impacts. The site at 108 Lewis Road was one of a limited number of large unencumbered sites in the precinct and should be allowed to develop to its full potential.

Grange Development Consulting argued that the Knox Central Views and Vistas Study 2016 did not fully justify the height on the site and that there is scope for a building of at least 28 metres on the site. Grange Development Consulting requested that the word “maximum” be removed from the ‘preferred height’ description in DDO13.

Council submitted that there was no need to increase the preferred height limit because they are discretionary. Council advised that the Geografia Knox Central Land Use, Economic and Property Analysis 2015 stated that:

There is expected to be demand for up to 2,400 additional apartments across Knox Central by 2035. There is expected to be sufficient land to supply for at least 4,000 apartments in the Activity Centre by 2035, easily fulfilling demand.

Under these circumstances Council did not support increasing the preferred height.

The Panel acknowledges that the preferred height is a guide and that in the right circumstances a permit may be issued for a higher development. The Panel accepts that the work undertaken in the Knox Central Views and Vistas Study 2016 provides a logical and reasonable method to arrive at these preferred heights. In these circumstances, the owner of a property can seek a permit for a higher development on the basis that it can be justified not only with respect to the impact on views, but also in terms of other amenity issues such as parking, traffic, over shadowing and design.

In the Panel’s opinion, the heights for the Lewis Road Mixed Use precinct provide an appropriate and discretionary threshold that can be tested in the detailed consideration of a planning permit.

The Panel concludes that no further changes are necessary.
6 Consolidated recommendations

The consolidated recommendations of the Panel are as follows:

Overall Amendment C149:

Adopt Amendment C149 to the Knox Planning Scheme as exhibited, subject to the following modifications:

1. Review the provisions and schedules of the Amendment during finalisation of the Amendment to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017).

2. Review all aspects of the Structure Plan and Amendment documents, including the Design and Development Overlay Schedule 13, Development Plan Overlay Schedule 2 and Clause 22.15 to ensure a high level of consistency once the recommendations are reconciled.

Knox Central Structure Plan:

3. Replace the exhibited *Knox Central Structure Plan* 2016 with the revised *Knox Central Structure Plan* 2017 (Document 15), and:
   a) amend the preferred Built Form Framework – Preferred Building Heights at Figure 14 to change the preferred heights from 24 metres on land to the north of Burwood Highway and west of Melbourne Street to 25 metres.
   b) delete Figure 23 and all references to Figure 23 and any proposed masterplan from the revised *Knox Central Structure Plan*.
   c) amend Figures 2, 7, 8, 10, 13, 14 and 15 of the Knox Central Structure Plan and Figure 1 of Clause 22.15-6 to remove the privately owned land at 256 and 258 Scoresby Road, Boronia from the *Open Space and Recreation Precinct*.
   d) provide a new designation of “future residential uses” for the privately owned land at 256 and 258 Scoresby Road, Boronia at Figures 2, 7, 8, 10, 13, 14 and 15 of the Knox Central Structure Plan and Figure 1 of Clause 22.15-6.

Design and Development Overlay Schedule 13:

4. Replace the exhibited Design and Development Overlay Schedule 13 with the revised Design and Development Overlay Schedule 13 (Document 38, Appendix D) and:
   a) replace the word ‘must’ with ‘should’ to ensure that it is clear that it is a discretionary control.
   b) delete application of Design and Development Overlay Schedule 13 from:
      • the land identified as the *Commercial Core* where Development Plan Overlay Schedule 2 will apply.
      • the land identified as the Strategic Development Site at 609 – 621 Burwood Highway, Knoxfield.
Development Plan Overlay Schedule 2:

5. Replace the exhibited Development Plan Overlay Schedule 2 with the revised Development Plan Overlay Schedule 2 (Document 38 and Appendix E) and:

   a) include a new dot point in Clause 3 to read “provide details of vehicular and pedestrian access, the development impact on the surrounding road network and how the impact will be mitigated”.

Clause 22.15:

6. Replace the exhibited Clause 22.15 with the revised Clause 22.15 (Document 38 and Appendix F) and:

   a) delete the second sentence from the Precinct Vision Statement at Clause 22.15-3 (Open Space and Recreation) that reads “This includes the provision of private facilities for sporting/leisure and recreation purposes”.

   b) delete the first dot point “include retention of the biological values of the existing water body” under Strategies ‘Development of the Strategic Development Site must:’ in Objective 4.
## Appendix A  Submitters to the Amendment

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# Appendix B  Parties to the Panel Hearing

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<tr>
<td>Knox City Council</td>
<td>Nicole Vickridge, Coordinator Strategic Planning, Knox City Council, with Rachel Reed</td>
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<td>Development Victoria</td>
<td>Michael Collie of Collie Pty Ltd</td>
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<td>Stockland</td>
<td>Daniel Milentijevic of Stockland and Sarah Macklin of Urbis</td>
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<td>Scentre Group</td>
<td>Phil Bisset of Minter Ellison Lawyers</td>
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<td>Andrew Crack of Andrew Crack and Associates</td>
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<td>Knox Central Development Pty Ltd</td>
<td>Christopher Canavan QC with Barnaby Chessell, instructed by James Fielding of Macpherson &amp; Kelly Lawyers, with evidence from:</td>
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<tr>
<td></td>
<td>- Stuart McGurn of Urbis in planning</td>
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<td>- Mark Sheppard of DLA in urban design</td>
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## Appendix C  Document list

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Appendix D  Panel recommended version of Design and Development Overlay Schedule 13

SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO13.

KNOX CENTRAL ACTIVITY CENTRE

1.0 Design objectives

General

▪ To provide new built form that can accommodate a significantly higher intensity of land use and activity commensurate with the role of Knox Central.
▪ To provide buildings that exhibit a high standard of architectural and urban design through the presentation of integrated building forms that have a sense of address, clearly articulated façades and sensitively designed building form.
▪ To provide buildings that have regard for adjoining sites, including impacts on sensitive interfaces, the development potential of adjoining sites and the ability for future development to achieve reasonable amenity and design outcomes.
▪ To provide passive surveillance of the public realm.
▪ To ensure that the interface between new development and the Blind Creek corridor contributes to the activity, safety and amenity of the natural environment and open space corridor.
▪ To achieve landscaping and planting that complements the vegetation character of Knox and complements key features unique to Knox Central, such as Blind Creek and Lewis Park.
▪ To provide new building forms that are legible, attractive and representative of function.
▪ To provide new development which is environmentally sustainable and mitigates the urban heat island effect.
▪ To incorporate public art in to the design of buildings, development sites and precincts.
▪ To achieve a continuous boulevard streetscape along Burwood Highway that is planted with canopy trees and formal landscaping to reflect the role and context Knox Central.
▪ To support active and pedestrian-friendly street frontages and public spaces.
▪ To minimise the visual impact of car parking, services and access when viewed from the public realm.
▪ To prioritise pedestrian movement and the walkability of Knox Central.
▪ To provide an appropriate response to sensitive residential interfaces.
▪ To contribute to the activity, safety and amenity of open space.

Burwood Highway Corridor

▪ To promote a more intense built form outcome on Burwood Highway that contributes to a distinctive sense of place.
▪ To provide a contemporary entry into Knox Central.
To provide development that is of a human scale, and provides a positive contribution to public realm and pedestrian amenity.

To achieve a consistent built form that is punctuated with feature forms as shown in Figure 2 to this clause.

To establish a continuous setback along Burwood Highway that is planted with canopy trees and formal landscaping to reflect the role and context Knox Central.

To support active and pedestrian-friendly street frontages and public spaces.

To provide ground floor setbacks that allow for active frontages, particularly at ‘feature forms’.

To create a boulevard within the Burwood Highway Corridor which provides a continuous, consistent and landscaped setback, intense and prominent urban form, and a high level of presentation to Burwood Highway.

Encourage high quality, robust and contemporary development, with larger intensive nodes at key intersections and feature forms at identified key intersections such as Stud Road, Lewis Street/High Street Road, and at Scoresby Road.

**Lewis Road Mixed Use Precinct**

- To transform the existing industrial building stock into a high quality and attractive mixed use area.
- To create an active interface facing the Blind Creek corridor that contributes to the activity, safety and amenity of the open space corridor.
- To provide new residential development that is designed to mitigate the impact of existing commercial and industrial uses on the amenity of residents.
- To provide development that makes a positive contribution to the public realm and pedestrian amenity.
- To support a built form outcome that is higher than the existing industrial buildings.
- To achieve active frontages and higher density residential development built to a sensitive human scale.
- To support active ground level frontages to new streets through the development of the Master Plan for the Civic Precinct.
- To ensure that the new residential development is designed to minimise the impact of external noise sources on residents.
- To encourage the consolidation of smaller lots to optimise the redevelopment potential of the precinct.

**2.0 Buildings and works**

A permit is required to construct a fence within a setback of a building along Burwood Highway, High Street Road or Stud Road.

**Permit exemptions**

A permit is not required for:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.
- To extend an existing single dwelling on a lot or construct buildings and works ancillary to a single dwelling on a lot.
- Within the Industrial 1 Zone:
  - A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
  - A building or works which are used for informal outdoor recreation.
  - A rainwater tank with a capacity of more than 4500 litres if the following requirements are met:
    - The rainwater tank is not located within the building’s setback from a street (other than a lane).
    - The rainwater tank is no higher than the existing building on the site.
    - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

**Building design requirements – all precincts**

The following requirements apply to all precincts:

- Articulate form and façades through the use of different colours, materials, and the composition of rebates, openings and setbacks.
- A building on a corner site **must** address both frontages at street level.
- Residential entries **must** be distinguished from retail and commercial entries.
- Buildings should avoid large, unbroken expanses of walls to the public realm or oblique side views.

**Building design requirements - Burwood Highway**

The following requirements apply to land within the Burwood Highway Corridor as identified in Figure 1 to this schedule:

- Development **must** have a frontage to Burwood Highway.
- Buildings **must** be setback in accordance with Table 2 to provide a substantial area for landscaping in order to contribute to the boulevard character of the Burwood Highway.
- Fencing within a setback to Burwood Highway **must** be substantially transparent and constructed of high quality materials.
- At-grade car parking **must** not be visible from Burwood Highway.
- Setbacks to Burwood Highway **must** be:
  - planted with canopy trees at a minimum density of one canopy tree for each 5 metres of the Burwood Highway boundary (excluding the width of driveways). Each tree **must** be surrounded by 20 square metres of permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.
  - Formally landscaped at the understorey level to support active building frontages and maximise passive surveillance.
Building design requirements - Lewis Road Mixed Use

The following requirements apply to land in the Lewis Road Mixed Use Precinct:

- An active building façade must should be provided to Eastgate Court, Sherwood Court and Bridgewood Courts.
- Development must should provide landscaping within front setbacks to Lewis Road.
- Design of residential development must should include acoustic attenuation measures that will reduce internal noise levels with windows closed from any existing commercial and industrial use.

Building Height

- A building should not exceed the heights shown in Figure 2.

Siting and setbacks

A building must should comply with the street setbacks, street wall heights and upper level setbacks specified in Table 2 and Table 3.

Table 2 Setbacks and Street Wall Heights – Burwood Highway Corridor

<table>
<thead>
<tr>
<th>Setback or Interface</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street setback – Commercial Core</td>
<td>12m</td>
</tr>
<tr>
<td>Street Setback – Burwood Highway South</td>
<td>Sites between Tyner Road and Lynne Avenue (Commercial 1 Zone) – zero setback</td>
</tr>
<tr>
<td></td>
<td>All other sites - 12m</td>
</tr>
<tr>
<td>Street Setback – Lewis Road Mixed Use</td>
<td>15m</td>
</tr>
<tr>
<td>Street Setback – Lewis Road Industry</td>
<td>8m</td>
</tr>
<tr>
<td>Street Setback – Strategic Redevelopment Site</td>
<td>8m</td>
</tr>
<tr>
<td>Street wall height (Feature form locations as shown in Figure 2)</td>
<td>24m (6 storeys)</td>
</tr>
<tr>
<td>Street wall height (All other forms)</td>
<td>16m (4 Storeys)</td>
</tr>
<tr>
<td>Upper Level Setback (above street wall podium)</td>
<td>6 metres</td>
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</table>

Table 3 - Other setbacks

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Street setback to Lewis Road</th>
<th>Street setback to High Street Road</th>
<th>Setback to Eastgate Court, Sherwood Court and Bridgewood Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lewis Road Mixed</td>
<td>6m</td>
<td>n/a</td>
<td>Zero</td>
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</tbody>
</table>
### 3.0 Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The objectives and strategies of Clause 22.15 ‘Knox Central Activity Centre’.
- Whether the design objectives contained in this schedule are satisfied.
- Any approved Development Plan for the Commercial Core.
- Whether development contributes to a continuous and consistent built form outcome on Burwood Highway, through the use of building setbacks and street wall heights that are consistent with this schedule.
- Whether development demonstrates a high level of architectural quality and makes a positive contribution to the public realm.
- Whether development contributes to the pedestrian amenity of Burwood Highway.
- Whether development is designed and sited to maximise retention of canopy trees, where possible.
- Whether landscaping within front setbacks in the Burwood Highway Corridor:
  - Contributes to a consistent boulevard landscape theme; and
  - Supports active frontages and pedestrian amenity.
- Whether any building that exceeds the required height limit:
  - Demonstrates that the design is of exceptional quality and would exceed the high design quality already expected within the centre; and
  - Does not create any additional impacts on the amenity of sensitive residential interfaces (as shown in Figure 2) as a result of additional height.
- Whether development within the Lewis Road Mixed Use Precinct:
  - Contributes to the orderly transition from industrial to mixed use residential area;
  - Is designed and constructed to include acoustic attenuation measures that will reduce noise levels from any existing industrial use to below the noise limits specified in State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N1); and
  - Will have an unreasonable effect on existing uses.

### Application Requirements

All applications for buildings and works must be accompanied by the following information, as appropriate to the satisfaction of the Responsible Authority:

- A Landscape Concept Plan
- A Traffic Management Plan
- An Acoustic Report to demonstrate that new residential development or other sensitive uses have provided high levels of noise attenuation with regard to existing noise sources in the surrounding area.
- A Green Travel Plan which demonstrate opportunities to promote sustainable transport options, such as electric car charging points and car share spaces.
4.0 Reference Documents

*Knox Central Structure Plan, Knox City Council, 2017*

Figure 1: Knox Central Precinct Plan
Figure 2: Knox Central Built Form Framework Plan
Appendix E  Panel recommended version of Development Plan Overlay Schedule 2

SCHEDULE 2 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO2

KNOX CENTRAL COMMERCIAL CORE PRECINCT

1.0  Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- Advertising signs.
- Changes of use to existing tenancies, including permissions under clauses 52.06 and 52.27.
- Minor buildings and works.
- Amendments to existing planning permits and endorsed plans.
- Subdivision of land.
- Minor alterations to the facade of buildings, including canopies and entry and exit points.
- Use and development of the land for temporary uses.
- Internal changes of use and internal floor space reconfiguration.
- Minor works to car parking areas.
- Minor landscape works.
- Upgrading of essential services, including roof plant, waste management facilities and other ongoing maintenance works.

Before granting a permit the Responsible Authority must be satisfied that, the permit will not prejudice the future use and development of the land as contemplated by this Overlay.

2.0  Conditions and requirements for permits

Bus Interchange

Prior to the granting of a permit for a development that will interfere with or obstruct the use of the Bus Interchange, the owner of the land must make arrangements for the alteration or relocation of the Bus Interchange to the satisfaction of Public Transport Victoria and the Responsible Authority.

These arrangements must be secured via an agreement between the owner of the land and the Responsible Authority under Section 173 of the Planning and Environment Act 1987 or through a condition on the relevant permit, to the satisfaction of the Responsible Authority and provide:

- That the owner designs and constructs a bus interchange in a highly accessible location and with a layout as agreed by Public Transport Victoria (or equivalent) and the Responsible Authority.
- For the timing for the completion of the bus interchange.
- Details of the size and nature of the bus interchange facility to the satisfaction of the Responsible Authority.
- That the owner bears all of the costs associated with the design and construction of the bus interchange.
The cost of preparing, negotiating and registering of the Section 173 agreement are to be borne by the owner.

Library

Prior to the approval of any Development Plan or variation to an approved Development Plan, arrangements for the design and construction of the library must be secured, via an agreement between the owner and the Responsible Authority under Section 173 of the Planning and Environment Act 1987 or any other commercial agreement that secures the delivery of the library in accordance with the terms of this clause to the satisfaction of the Responsible Authority. Any such agreement must require that the owner provides:

- A fully functional public library with at least 2000 m2 of floor space.
- The exact location of the library to the satisfaction of the Responsible Authority, including any agreed interim facility if required in the opinion of the Responsible Authority.
- The timing of the provision of the library, and any agreed interim facility if required to the satisfaction of the Responsible Authority.
- Details of the nature of the library and associated amenities to be delivered.

The cost of preparing, negotiating and registering of the Section 173 agreement are to be borne by the owner. If a satisfactory replacement library has already been delivered through agreement between the Responsible Authority and the relevant landowner, this requirement becomes redundant.

Permit Application Requirements

An application for a planning permit for use or development of the land must be accompanied by the following, as appropriate, to the satisfaction of the Responsible Authority:

- A Town Planning Report that, amongst other things, assesses how the planning permit application responds to the Knox Central Structure Plan (2017) and is generally in accordance with the approved Development Plan.
- A Landscape Plan, detailing existing vegetation; proposed retention and removal of vegetation; new planting / landscape works; and any fencing or acoustic treatments required within the landscape areas of the site.
- An Arborist Report, detailing the safe useful life expectancy for trees to be retained or removed, and impacts arising from the proposed development, including management arrangements.
- A Transport Impact Assessment report that assesses the development impact on the arterial road network and provides details of roadworks that are required to mitigate the adverse impact, to the satisfaction of VicRoads.
- A Pedestrian and Cycle Movement Plan.
- A Sustainability Design Assessment.
- A Waste Management Plan.
- A written response stating how the proposed design responds to Safety by Design principles to prevent hazards and unsafe space for the community.
- A Disability Access Audit Report, prepared by a suitably qualified and registered disability auditor, assessing the access requirements for disabled persons.
- An Acoustic Report that identifies the impact of existing and potential noise impacts on any sensitive uses proposed
- A Services and Engineering Infrastructure Report
Development staging plan

Details of:

- Improved access within to and from the site, including pedestrian, cycle, motor vehicle and public transport access.
- How existing and future residential amenity will be protected through the design of car parking, loading bays and services areas.
- How conflicts will be minimised between delivery vehicles and pedestrian, cycle, motor vehicle and public transport access.
- Awnings to be incorporated into façade design on pedestrian routes within the site.

In addition to the above requirements, an application for a planning permit for the development of the land that exceeds the preferred building heights shown in the Knox Central Structure Plan (2017) must be accompanied by the following, as appropriate, to the satisfaction of the Responsible Authority:

- Urban Context report. The urban context report must:
  - Explain the key planning, design and contextual considerations and influence on the proposed buildings and works.
  - Describe the existing urban context of the area in which the proposed buildings and works are to be located.
  - Identify the key opportunities and constraints supporting the design response.
  - Explain the effect of the proposed buildings and works, including on: microclimate, including sunlight, daylight and wind impacts on streets and other public spaces, vistas.

- Shadow diagrams at the equinox between 11am and 2pm demonstrating that the proposed development will not cast unreasonable shadows to adjacent properties or the public realm

- Wind analysis report for a building with a total building height in excess of 40 metres. The wind analysis report must:
  - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
  - At a minimum, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing.
  - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
  - Not rely on street trees or any other element such as screens, within public areas for wind mitigation.

A planning permit must include conditions requiring the following, as appropriate, to the satisfaction of the Responsible Authority:

- Construction Management Plan.
- Travel Plan.
- Shopping Centre Management Plan.
- An Acoustic Report, to be provided within 3 months of the commencement of the use.
- Conditions which give effect to the vision, objectives and outcomes identified in the approved Development Plan.
3.0 Requirements for development plan

A Development Plan may be prepared in stages provided the Responsible Authority is satisfied that preparing a development plan will not prejudice the future use and development of the land as contemplated by this Overlay.

An approved Development Plan may be amended to the satisfaction of the Responsible Authority.

A Development Plan must:

- Provide for future use and development in accordance with the Knox Central Structure Plan (2017), the vision, objectives and strategies of Clause 22.15 Knox Central Activity Centre, and the State and Local Planning Policy Framework.

The development plan must show, to the satisfaction of the Responsible Authority:

- The proposed use and development of each part of the land to which the plan applies.
- Building footprints and heights.
- The continuation and intensification of the use of land west of Melbourne Street for a retail centre and other complementary land uses.
- Where there are opportunities for more intensive development and higher built form outcomes to the east of Melbourne Street, which may significantly exceed the preferred heights in the Knox Structure Plan (2017).
- The location and size of an expanded or relocated public library in a visually prominent and highly accessible location.
- The provision of a bus interchange in a highly accessible location and with an area as agreed by Public Transport Victoria (or equivalent) and the Responsible Authority.
- Setbacks of buildings to property boundaries, including setbacks to the Burwood Highway frontage that are generally in accordance with the Knox Central Structure Plan (2017).
- Areas designated for landscaping, including:
  - canopy trees and formal planting to be provided within Burwood Highway and Stud Road frontages.
  - canopy trees, within car parks and internal streets.
  - appropriate landscaping along the interfaces with residential areas to protect residential amenity.
- Interface treatments to surrounding sites and the public realm.
- Building entries to be clearly defined.

Physical and visual connections being provided to:

- the Civic/Community and Mixed Use Precincts to the north and east, as shown in Clause 22.15-4 Precinct Plan;
- Lewis Park, Gateshead Park and the existing residential area to the north.

Acknowledgement of the residential and public open spaces to the north, and the need for building heights to be generally in accordance with the Knox Central Structure Plan (2017) and achieve an acceptable height transition at these interfaces.

New development to activate Lewis Park, preferably through higher density residential development.

Pedestrian entry points being created to the north to encourage interaction with Lewis Park and future residential development adjoining the park.

A more intense built form along Burwood Highway including clear and legible feature forms to punctuate the Burwood Highway frontage at entry points into the site and at street intersections.
- Active frontages being provided to Burwood Highway, which may comprise entries, shop fronts, display windows, clear glazing, or other engaging interfaces and/or the use of materials, lighting, advertising or architectural treatments to achieve an engaging interface.
- Vertical articulation of buildings to visually break up the appearance of building frontages along Burwood Highway and Stud Road.
- Details of improved access within and to and from the site, including pedestrian, cycle, motor vehicle and public transport access.
- Provide details of vehicular and pedestrian access, the development impact on the surrounding road network and how the impact will be mitigated.
- A clearly delineated internal and external network of pedestrian and shared paths that provide a high level of accessibility throughout the site.
- An internal street network that emphasises and is conducive to street level activity.
- Multi-level car parking concealed and integrated into the built form, where practicable.
- Details of proposed staging and anticipated timing of development.

4.0 Decision Guidelines

When considering the approval of a Development Plan, or amendment to an existing Development Plan, the Responsible Authority should consider (as appropriate):

- Whether any building that exceeds the preferred heights in the Knox Central Structure Plan (2017) demonstrates:
  - Architectural and design quality
  - How the development plan contributes to the vision and achieves the urban design objectives and outcomes for Knox Central
  - Contribution to pedestrian amenity and safety
  - Proximity to residential and open space interfaces
  - The proposal’s contribution to employment generation

5.0 Reference Documents

Knox Central Structure Plan (2017)
Appendix F  Panel recommended version of Clause 22.15

22.15  Knox Central Activity Centre

Policy Basis

The Knox Central Activity Centre (Knox Central) is a regional retail, commercial and entertainment precinct for the municipality and the outer east with significant opportunities for commercial, mixed use and residential development.

Key issues for Knox Central include:

- Significant capacity for the provision of new higher density residential development and increased development intensity, to play a significant role in achieving housing diversity objectives for Knox.
- Opportunities to capitalise on the environmental and public open space attributes within Knox Central to create a distinctive sense of place.
- Opportunities to improve access to, and activation of, public open space areas, such as Lewis Park and the Blind Creek corridor.
- Opportunities to expand the variety of retail, commercial and recreational experiences to allow Knox Central to compete with other regional activity centres.
- Opportunities to facilitate a transition of under-used industrial areas to residential, high amenity industrial, and commercial uses.
- To integrate currently disjointed land uses and built form, and to improve interfaces with open space and the public realm.
- Opportunities to strengthen the civic and community presence in the Activity Centre.
- Opportunities to advocate for improved public transport options to, from and through Knox Central.
- Opportunities to transform the car-dominated appearance and poor presentation of built form along Burwood Highway and to create a distinctive tree-lined boulevard that marks the Knox Central.

22.15-2  Policy

Where a permit is required for the use and/or development of land, it is policy to:

- Support land use and development that is consistent with the Precinct Vision statements in Clause 22.15-3 and the objectives and strategies in Clause 22.15-4.

22.15-3  Knox Central Vision

Knox Central will be a vibrant modern mixed use activity centre that attracts residents, workers, and visitors from Melbourne’s east. It will be the most well-known and popular destination in the east of Melbourne.

It will be a busy and attractive urban centre that has a strong connection to the natural environment. It will provide a focus for public life, connecting people and communities, and will be an attractive place to live, work and play.
Knox Central’s physical form, encompassing a distinctive boulevard presence along Burwood Highway alongside the well-activated Blind Creek corridor, will provide a unique Activity Centre presence in Melbourne’s eastern suburbs.

**Precinct Vision Statements**

The following vision statements apply to precincts as shown in Clause 22.15-5 Precinct Plan.

| Burwood Highway Corridor | The Burwood Highway Corridor overlaps with a number of precincts and will provide a distinctive, high quality and consistent built form. The Corridor will also provide a contemporary entrance to Knox Central, greater activation to the public realm, legible connections across Burwood Highway and development that strongly relates to the surrounding landscape character by delivering a tree-lined boulevard. |
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| Commercial Core | The Commercial Core Precinct will provide a broad mix of land uses including residential, employment, business, entertainment, community and leisure activities. Land to the east of Melbourne Street will support more intensive development and higher built form outcomes to deliver a range of uses into the Commercial Core including retail, high density residential development, office and medical facilities. In this part of the Commercial Core, the expectation is that preferred heights specified in the Knox Central Structure Plan, Knox City Council, 2017, will be significantly exceeded. A reorientation of the built form within the Precinct will integrate with Lewis Park to the north and the Civic/Community and Lewis Road Mixed Use Precincts to the east. Land uses that facilitate active frontages Burwood Highway will interact with the street and make a positive contribution to the public realm. The interface with Lewis Park will be capitalised through the development of higher density residential development, which will provide passive surveillance of this open space. New development within the Commercial Core Precinct will improve permeability within the precinct and support pedestrian amenity and safety. |
| Civic/Community | The Civic/Community Precinct will provide opportunities for formal and informal gathering spaces through the development of integrated, multi-purpose civic facilities with related entertainment, leisure, recreation and commercial uses. The development and use of the land will integrate with the entertainment and leisure uses in the Commercial Core Precinct to the west and complement and integrate with the recreational use of Lewis Park and the Blind Creek Corridor. |
| Lewis Road Mixed Use | The Lewis Road Mixed Use Precinct will transition from the existing industrial character to a mixed use precinct, characterised by higher density residential development with vibrant commercial premises at ground floor. |
Consolidation of small lots will contribute to the achievement of desired built form outcomes. New residential development, as the ‘agent of change’, will be designed to address potential internal amenity impacts resulting from the existing commercial and industrial uses. During this transition, the continuation of commercial and industrial uses with existing uses rights will continue to be supported. However, new land uses which are likely to result in poor amenity outcomes for residential land uses within the precinct will be discouraged.

| Burwood Highway South Mixed Use | The southern side of Burwood Highway will provide a mixed-use environment providing higher density residential development with commercial uses at ground floor. Commercial uses will be complementary to the activities within the Commercial Core and will provide active street frontages, particularly at ‘feature forms’ and corner sites. In areas where active frontages may not be as critical, ground floor frontages will provide transparency and surveillance opportunities, and contribute to pedestrian amenity. |
| Lewis Road Industry | This precinct will support commercial/industrial uses. In addition, the area will support opportunities for emerging industries and encourage a transition from traditional industrial uses to high amenity, high value employment uses over time. Non-industrial uses, such as indoor recreational facilities and places of assembly, are considered appropriate given the Precinct’s location within Knox Central. These types of uses will be supported in locations that minimise amenity impacts on adjoining and nearby land uses. Development will continue to be of a low scale industrial nature, with the exception of sites fronting Burwood Highway. Development fronting Burwood Highway will contribute to the creation and maintenance of a tree-lined boulevard, through the provision of a more intensive built form, consistent street setback and street wall heights and landscaping, including canopy trees. New uses and development will respond appropriately to the interface to existing and future residential, mixed use or public open space adjoining the precinct. |
| Strategic Development Site | The redevelopment of this underutilised site will provide a high amenity, medium density neighbourhood in the northern portion of the site, which will be well-integrated with the Blind Creek corridor. The neighbourhood will be supported by mixed use development to the Burwood Highway frontage and Scoresby Road corner which will provide a small amount of local convenience retail and support local employment opportunities. The on-going use of part of the site by government departments is supported. New public open space on the site will integrate with the Blind Creek corridor and contribute to the environmental, recreational and access functions of the Corridor. |
### Educational

These areas will support the ongoing operation and expansion of existing educational land uses.

### Existing Residential

The low density character of the Wantirna Lea Estate will be retained. The White Road/Jackson Road precinct will be developed to achieve a medium density housing outcome.

### Open Space and Recreation

This precinct will continue to provide significant open space and areas for recreation. This includes the provision of private facilities for sporting / leisure and recreation purposes.

## 22.15-4 Objectives

**Objective 1 – Civic/Community**

To enhance Knox Central’s role as the civic and public heart of the municipality, where communities connect and congregate.

**Strategies**

- Provide integrated civic and community facilities with related entertainment, leisure, recreation and business services around a central public space which integrates with Lewis Park.
- Improve pedestrian and vehicular links between the Commercial Core, Lewis Road and the balance of Knox Central to the east.
- Ensure the municipal and community uses within the Civic/Community Precinct integrate with future expansion of shopping, business and residential uses within the Commercial Core.
- Create feature building forms within the Civic/Community Precinct to complement future civic space.
- Provide civic buildings that improve physical and visual connections to Lewis Park, so that the outlook to and connection with the park is a key feature of the Precinct.
- Provide a highly accessible and visible Civic/Community Precinct that is pedestrian friendly.
- Facilitate accessible and safe pedestrian links between public transport nodes and civic and community facilities.
- Incorporate accessible ground level public spaces into the design of civic and related buildings.
- Support civic buildings to function as flexible and multi-purpose cultural/community facilities.
- Provide a new north-south street link to join the Civic/Community Precinct with underutilised sites to the south.

**Objective 2 - Housing**

To enable the development of high quality medium and higher density housing that responds to the housing needs of the Knox community, and supports the activity of the centre.

**Strategies**

- Optimise sites that are capable of accommodating additional dwellings in Knox Central.
• Support development that demonstrates a high standard of architectural merit and that optimises the land use and development potential of sites.
• Support a diverse range of medium to higher density housing choices in Knox Central to accommodate a changing and increasing population.
• Support the development of a high amenity, medium density neighbourhood in the northern portion of the Strategic Development Site Precinct that is integrated with the Blind Creek corridor, in accordance with the guidance provided in the Knox Central Structure Plan.
• Support development that provides affordable housing options.
• Support development that provides flexible and accessible housing options, with a high level of internal amenity.
• Support opportunities to integrate mixed use and residential development within the Commercial Core Precinct, particularly along the frontage with Lewis Park.
• Support the provision of aged care and supported residential accommodation.
• Support the provision of affordable and social housing stock within Knox Central, particularly as a proportion of redevelopment of Council-owned land and the strategic development site.
• Support the provision of affordable and social housing stock within Knox Central, particularly as a proportion of redevelopment of Council-owned land and the strategic development site.
• To provide an orderly transition from an industrial area to a mixed use area (commercial and residential) within the Lewis Road Mixed Use Precinct.
• Facilitate a shift from the industrial nature of the Lewis Road Mixed Use Precinct to ground level commercial uses with upper level residential uses.
• To manage an orderly transition from an industrial to mixed use character within the Lewis Road Mixed Use Precinct by:
  • Applying an ‘agent of change’ principle so new residential development is responsible for mitigating the amenity impacts of the existing industrial uses within new dwellings.
  • Requiring a high level of internal amenity for new dwellings.
  • Requiring any expansion of an existing industrial use to take reasonable opportunities to further reduce noise below existing levels.

Objective 3 – Land Use Mix

To establish Knox Central as a focal point for activity including employment, education, retail, community, entertainment and leisure activities.

Strategies:

• Support higher density residential development, commercial, entertainment and leisure uses to activate interfaces with Lewis Park and the Blind Creek corridor as shown in Figure 1 to this clause.
• Support higher density residential development, commercial, entertainment and leisure uses in the Commercial Core to the east of Melbourne Street.
• To discourage new development that represents an under development of land.
• Strengthen the role of the significant institutional uses by supporting the ongoing operation and upgrade of educational and aged care services.
• Support the establishment of an arts and culture hub in Knox Central.
• Support the role of Lewis Park as the primary regional open space within Knox, servicing the broader community.
• Support complementary recreational land uses near Lewis Park.
• Support the expansion of activity in the Commercial Core Precinct as the focus for major entertainment, hospitality, retail and leisure in Knox Central.
• Support small scale and complementary retail and hospitality operations outside of the commercial core in order to provide street level activity throughout Knox Central.
• Support local convenience retailing within the Strategic Development Site Precinct as part of its redevelopment.
• Support the role of Knox Ozone as the focus for Knox’s ‘night time economy’, while managing potential negative impacts such as those associated with excessive alcohol use.

Objective 4 – Environment and Open Space

To capitalise on Knox Central’s natural and environmental features to distinguish it from other activity centres.

Strategies:

• Development of the Strategic Development Site must:
  ▪ include retention of the biological values of the existing water body;
  ▪ facilitate integrated water management; and
  ▪ provide a high level of neighbourhood amenity.
• Establish a tree-lined boulevard along Burwood Highway which is a continuous planted setback with a tree canopy and formal landscaping.
• Support development that addresses and allows for high levels of interaction with open space. Avoid development that fails to optimise interfaces with open space.
• Support uses and development which complements and integrates with the Open Space and Recreation Precinct by providing passive surveillance, encouraging the use of these open spaces, and providing landscaping which supports the biological significance of these spaces.
• Maximise opportunities to capitalise on views to the Dandenong Ranges.

Objective 5 – Active and Public Transport

To facilitate an accessible and safe active and public transport network to and within Knox Central.

Strategies:

• Prioritise pedestrian and cyclist movements and access to public transport.
• Integrate development with future transport and street network links.
• Provide pedestrian connections between the Commercial Core Precinct and surrounding land uses to the north and east.
• Improve the pedestrian amenity, safety and connectivity throughout Knox Central, in particular:
  ▪ along Burwood Highway and Stud Road;
  ▪ to and within the Commercial Core Precinct.
To support street level uses and development which activate the street frontage, particularly at areas of high pedestrian activity.
- Improve access for people with limited mobility throughout Knox Central.
- Support development that enhances pedestrian and bicycle accessibility of open space and recreation areas shown in Figure 1 to this clause.
- Support the development of a future tram reserve along Burwood Highway.
- Encourage development that supports sustainable transport and active travel options.

Objective 6 – Road Network

To provide an efficient street network that connects key destinations including nodes of activity within Knox Central.

Strategies:

- Upgrade the road network to distribute traffic volumes throughout Knox Central.
- Support additional east-west road access within Knox Central.
- Improve vehicular links between the Civic/Community Precinct and the Commercial Core Precinct.
- Provide north-south vehicular links to optimise access to and from the Civic/Community and support the efficient use of underutilised land.

Objective 7 – Built Form and Public Realm

To achieve high quality built form and public realm which defines Knox Central as a premier mixed use activity centre.

Strategies:

- Support built form that provides a higher intensity of land use and activity commensurate with the role of Knox Central as the major focal point of the municipality and a premier destination for the outer eastern region of Melbourne.
- Support the development of a strong built form presence to Burwood Highway through the provision of consistent street wall heights and street setbacks.
- Establish a consistent landscape character for Burwood Highway that is a continuous planted setback with a tree canopy and formal landscaping to reflect the role and context of the activity centre and to support active and pedestrian-friendly street frontages and public spaces.
- Support development that demonstrates high levels of architectural merit.
- To discourage new development that represents an under development of land.
- Support the development of well-designed, high-quality and distinctive ‘feature forms’ along Burwood Highway.
- Support development that contributes to an active and pedestrian friendly public realm.
- Require development to be of the scale and design consistent with the objectives of the relevant precinct.
- Maximise views to the Dandenong Ranges from public areas within Knox Central.
- Support development that contributes to the activity, safety and amenity of the natural environment and open space.
Support development adjoining the creek corridor that complements the natural setting.

Support the provision of public art on public land and in communal and semi-public spaces on private land.

Support advertising signage which achieves commercial objectives without creating visual clutter or having detrimental streetscape or amenity impacts.

Support investment in the necessary infrastructure to ensure a high quality public realm as development intensity increases.

Support the ongoing planting of appropriate tree species within the public realm, which contributes to local character, amenity and environmental outcomes.

Maximise public safety in Knox Central through the incorporation of Crime Prevention through Environmental Design principles into design for the public and private realm.

22.15-5 Local Area Implementation

Policy Guidelines

Facilitate development in the Knox Central Activity Centre in accordance with the Knox Central Structure Plan, Knox City Council, 2017

Application of zones and overlays

Apply the Design and Development Overlay – Schedule 13 to all land within the Knox Central Activity Centre as shown in Clause 22.15-6 Precinct Plan, except for land covered by the Development Plan Overlay – Schedule 2

Apply the Mixed Use Zone to the Lewis Road Mixed Use and Burwood Highway South Mixed Used precincts as shown in Clause 22.15-6 Precinct Plan, to achieve higher density residential development and active commercial ground floor frontages.

Apply the Environmental Audit Overlay to the Lewis Road Mixed Use Precinct as shown in Clause 22.15-6 Precinct Plan, to ensure that appropriate site remediation measures are undertaken prior to the commencement of sensitive land uses.

Retain the Industrial 1 Zone to the Lewis Road Industry Precinct as shown in Clause 22.15-6 Precinct Plan.

Amend Development Plan Overlay – Schedule 2 which applies to the Commercial Core Precinct as shown in Clause 22.15-6 Precinct Plan to implement the objectives of the Knox Central Structure Plan.

Apply the Development Plan Overlay as part of the future rezoning of the strategic development site.

Reference documents

Knox Central Structure Plan, Knox City Council, 2017
22.15-6 Precinct Plan

Figure 1: Knox Central Precinct Plan