

Planning and Environment Act 1987

Panel Report

Knox Planning Scheme Amendment C150

Planning Scheme Review

4 April 2017

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Panel Report pursuant to section 25 of the Act

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A handwritten signature in black ink, appearing to read 'Con Tsotsoros', written in a cursive style.

Con Tsotsoros, Chair

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List of Abbreviations

BPEM	<i>Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills)</i> , Environment Protection Authority, August 2015
CFA	Country Fire Authority
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DEECD	Department of Education and Early Childhood Development (now Department of Education and Training)
DELWP	Department of Environment, Land, Water and Planning
EEDAC	Environmentally Efficient Design Advisory Committee
EPA	Environment Protection Authority
ESD	Environmentally Sustainable Development
ESO	Environmental Significant Overlay
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
SPPF	State Planning Policy Framework of the Victoria Planning Provisions

Note: Any number appended to a zone or overlay represents the schedule number

Overview

Amendment Summary	
The Amendment	Knox Planning Scheme Amendment C150
Common name	Planning Scheme Review
Brief description	The Amendment seeks to implement the findings of the Knox Planning Scheme Review 2015
Subject land	All land in the City of Knox
Planning Authority	Knox City Council
Authorisation	13 July 2016
Exhibition	8 August to 19 September 2016
Submissions	<p>Submissions were received from:</p> <ol style="list-style-type: none"> 1. Toni and David Beilken 2. Shirley and Tony Burgess 3. City of Whitehorse 4. Heather Betts 5. Department of Environment, Land, Water and Planning (Environment) 6. South East Water 7. ConnectEast 8. TAG-Ferntree Gully Pty Ltd 9. Carmel Feeney 10. Belvedere Aged Care 11. HD Jenkins & Sons Pty Ltd 11a HD Jenkins & Sons Pty Ltd (Late submission) 12. Environment Protection Authority 13. Outdoor Media Association 14. Country Fire Authority 15. Department of Economic Development, Jobs, Transport and Resources 16. Lee Harris

Panel Process

The Panel	Con Tsotsoros, Chair
Directions Hearing	Knox City Council, 30 January 2017
Panel Hearing	Planning Panels Victoria, 27 February and 2 and 3 March 2017
Site Inspections	6 February 2017
Appearances	<ul style="list-style-type: none">- Knox City Council represented by Ms Susan Thompson with Ms Nicole Vickridge and Ms Rachel Reed- Belvedere Aged Care represented by Mr Jeremy Addison of Message Consultants Australia- Mr Anthony Burgess- Environment Protection Authority represented by Ms Marleen Mathias and Ms Heather Hutchinson- HD Jenkins and Sons Pty Ltd, Denian Nominees Pty Ltd and Mr Brian Edwards represented by Mr Stuart Morris QC with Mr Hubert Algie of Kellehers Australia who called the following expert witness:<ul style="list-style-type: none">- Mr David Barnes of Hansen Partnership on planning
Date of this Report	4 April 2017

Executive Summary

A planning authority is required to review its planning scheme every four years. This enables the Local planning Policy Framework, zones and overlays to factor changes such as new and revised State planning policies and socio-demographic forecasts. Knox will require 12,041 new dwellings between 2011 and 2031 to accommodate an additional 22,964 people.

Knox Planning Scheme Amendment C150 (the Amendment) seeks to implement the findings of the Knox Planning Scheme Review Report 2015. The Review report forms a solid foundation for implementing changes to the Knox Planning Scheme to improve its strategic direction, policy implementation and overall operation. The report factored in the Knox Housing Strategy 2015 and the planning scheme amendment which implemented its findings.

The Amendment was exhibited from 8 August to 19 September 2016 and received 16 submissions and a further later submission from an existing submitter. Key issues raised in submissions related to bushfire management, environmental issues, transport, Dandenong Foothills, accessibility, advertising signs, gaming, social impact assessments and the way in which the Amendment was drafted.

Council then proactively worked with submitters, seeking to resolve issues. A significant proportion of issues were resolved and included in post-exhibition versions of the provisions. The Amendment's evolution from the robust Review report through to the positive outcomes achieved through Council's proactive and cooperative manner is a model process for others to consider.

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

The Panel's conclusions and recommendations align with most of Council's response to issues raised in submissions, including post-exhibition changes to planning provisions. Most of the exhaustive list of recommendations reflects this alignment. While several post-exhibition changes in response to submissions from the Country Fire Authority and other submitters are considered unnecessary, the Panel has no issue with these changes being introduced into the Knox Planning Scheme.

The Panel considers that a local planning policy for closed landfills should be included in Clause 21.04. This policy should not modify any role or responsibility specified in the legislative policy framework and should refer to Environment Protection Authority's (EPA) *Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills)* without repeating its contents.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Knox Planning Scheme Amendment C150 be adopted as exhibited subject to the following:

MUNICIPAL STRATEGIC STATEMENT

1. Amend Clause 21.01 under 21.01-2 – Transport and infrastructure: fourth point, to replace “*pedestrians*” with “*people of all abilities*”.
2. Amend Clause 21.02 to:
 - a) revise the Strategic Framework Plan legend to replace the relevant infrastructure description with:
 - Future Rowville rail
 - Potential future Burwood Highway tram extension.
 - b) recognise the existing residential and commercial zone on Jenkins Orchards at 1201-1211 High Street Road, Wantirna South in Figure 1.
3. Amend Clause 21.03, as shown in Appendix C, to:
 - a) add under 21.03-2:

Maintaining the diversity and genetic integrity of indigenous flora and fauna is therefore a priority. Consideration also needs to be given, where appropriate, to responding to the biodiversity needs of a changing climate, to maximise opportunities for survival of indigenous species under climate change.
 - b) add under 21.03-2: Objective 4, Strategies:

Consider adaptive approaches to biodiversity management, where appropriate, to maximise opportunities for indigenous species to adapt to and survive under climate change, in response to new science and recognised industry best-practice.
4. Amend Clause 21.04, as shown in Appendix C, to:
 - a) reference Lysterfield in the opening statement, key issues and strategies
 - b) delete closed landfill related provisions from Clause 21.04-2
 - c) insert a new Clause 21.04-3 related to closed landfill buffers.
 - d) delete closed landfill buffers in Figure 1.
 - e) add under 21.04-1 (Bushfire):

It must also consider the appropriateness of the intensity and location of any use, and/or development in the context of bushfire risk, directing new development to lower risk areas, where appropriate.

and

Consideration may need to be given to tailored site specific responses to mitigate bushfire risk while also protecting landscape and biodiversity values.
 - f) delete Strategy 1.1

- g) amend Strategy 1.2 to ***“Implement appropriate bushfire protection measures to reduce any risk of bushfire to an acceptable level.”***
 - h) add the following strategies:
 - ***Require consideration of the location, nature and intensity of the use and/or development, including the number of additional persons that will be associated with the proposal, and the level of associated bushfire risk.***
 - ***Direct new development to locations of lower bushfire risk, where appropriate.***
 - i) amend Objective 2 to:
Limit development in areas at high risk from bushfire where there is also significant vegetation of high biological and/or landscape value and where planned bushfire protection measures may be incompatible with the natural environment, landscape and biodiversity values.
 - j) amend Strategy 2.1 to discourage urban development intensification in areas of high risk bushfire events and areas with high biological and/or landscape values
 - k) amend Strategy 2.2 to clarify that it applies to new development
 - l) add a new strategy 2.3:
In areas of high landscape and biodiversity value, consider tailored defensible space and vegetation management responses that mitigate the bushfire risk to an acceptable level while retaining areas of highest biodiversity and landscape value.
 - m) move the implementation action for applying the Industrial 3 Zone from ‘Application of zones and overlays’ to ‘Further strategic work’
5. Amend Clause 21.05, as shown in Appendix C, to:
- a) Add a new Strategy 2.8:
Require new development with an immediate proximity to the EastLink freeway corridor to be designed to respond to the freeway interface, having regard to site layout, setbacks, urban design, lighting, fencing, landscaping, drainage, advertising signs, access arrangements and acoustic attenuation, as required.
 - b) identify bushfire risk areas in Strategy 5.2
 - c) add a new objective and associated strategy:
Objective 7
To require all new development to make a positive contribution to fire safety in Knox
Strategy

7.1 Require all development to meet the requirements of the relevant fire authority in respect to firefighting, water supply and emergency vehicle access.

6. Amend Clause 21.06 to recognise the existing residential and commercial zone on Jenkins Orchards at 1201-1211 High Street Road, Wantirna South in Figure 1.
7. Amend Clause 21.07, as shown in Appendix C, to:
 - a) add a new policy guideline:

Apply Clause 22.03 (Non-Residential Uses in Residential Areas local policy) to non-residential development in residential areas to ensure development is appropriately located, well designed and protects residential amenity
 - b) add under 'Application of zones and overlays' a new implementation action to apply the Industrial 1 Zone to industrial areas
 - c) add under 'Further strategic work' a new strategy to apply the Industrial 3 Zone to industrial areas to protect surrounding amenity.
 - d) add the following strategy under Objective 5:

Support grade separation of level crossings within activity centres, and facilitate new development and community outcomes as a result which will improve amenity, accessibility and economic viability of the centre.
8. Amend Clause 21.08, as shown in Appendix C, to:
 - a) add under 21.08-8 a new policy guideline:

When making decisions on the provision of infrastructure to service new development, consider relevant structure plans, social impact assessments and infrastructure plans, as required.
9. Amend Clause 21.09, as shown in Appendix C, to:
 - a) add under 21.09-1 – Objective 2 Strategy 2.1 *"for people of all abilities."*
 - a) remove under 21.09-4: Implementation, social impact assessments as a consideration in the fifth policy guideline
 - b) add under 21.09-4: Applying zones and overlays, a new implementation action to apply the Urban Flood Zone to areas affected by flooding.
 - a) to revise the Figure 1 legend to replace the relevant infrastructure description with:
 - Future Rowville rail
 - Potential future Burwood Highway tram extension.

PLANNING POLICY

10. Amend Clause 22.01 to:
 - a) Under 22.01-3 – General:
 - change the ninth point to identify digital signs.

- add a new point *“Signs should not have an adverse visual impact on the character and operation of major transport corridors, including the EastLink freeway corridor.”*
- b) Under 22.01-3 – Other (Major promotion signs...):
- add a new criterion *“have an adverse visual impact on the landscape and design character or operational efficiency of a transport corridor, including the EastLink freeway corridor.”*
11. Amend Clause 22.04 to add *“This policy will expire if it is superseded by an equivalent provision of the Victoria Planning Provisions.”*
12. Amend Clause 22.05 to:
- a) append to the second ‘Policy basis’ paragraph: *“in the form of problem gambling”*
 - b) append to the third ‘Policy basis’ paragraph: *“who are least able to cope with the harmful social and economic impacts of gaming machines”*
 - c) recognise social and economic impacts in the first objective
 - d) delete reference to the wellbeing of the community from the fifth objective
 - e) delete the following criterion under 22.05-3: *“In areas which are completely or predominantly used for residential purposes.”*
 - f) delete under ‘Appropriate venues’ reference to signs that are modest in size and discreet.

OVERLAYS

13. Amend Environmental Significance Overlay Schedule 2 to:
- a) amend application requirement (g) so that bushfire protection measures include defensible space
 - b) add a new bushfire protection decision guideline to consider whether the development and/or vegetation outcomes on the site are compatible with the ongoing bushfire protection management measures.
 - c) delete under 1.0 the second paragraph
 - d) add under 1.0, a new significant attribute:

The best examples of natural environments in Knox, providing the community with opportunities for the richest and most authentic natural landscapes and experiences of contact with nature.
 - e) add under 2.0, two new environmental objectives:

To recognise the role that sites of biological significance play in contributing to Knox’s liveability and the health and wellbeing of the community.

To achieve a net increase in the extent of habitat and improve its ecological condition in the sites of biological significance, recognising the key role that those sites play in conserving Knox’s natural environment and associated community benefits.

- f) delete under 2.0, the sixth environmental objective
 - g) amend under 3.0, the final sub-criterion of the first permit exemption to delete references to increasing the building footprint and alterations to an existing building and to explain how to measure the Tree Protection Zone
 - h) delete under 4.0, the application requirement to show the Tree Protection Zone on a site plan.
14. Amend Environmental Significance Overlay Schedule 3 to:
- a) add a new statement of environmental significance:

Its role in providing people in the area with a distinctive bushy environment and contact with nature and its contribution to local amenity, health and wellbeing.
 - b) delete the third environmental objective under 2.0
 - c) add the following environmental objectives:

To achieve a net increase in the extent of habitat and improve its ecological condition.

To maintain the role that nature plays in Knox's liveability and the health and wellbeing of the community.
 - d) add the following under the fifth environmental objective:

The amenity of the natural landscape.

The benefits that the natural environment provides for community health and wellbeing.
 - e) amend under 3.0, the final sub-criterion of the first permit exemption to delete references to increasing the building footprint and alterations to an existing building and to explain how to measure the Tree Protection Zone
 - f) amend under 4.0, the application requirement for the Tree Protection Zone to explain how to measure the Tree Protection Zone.
 - g) add a new bushfire protection decision guideline to consider whether the development and/or vegetation outcomes on the site are compatible with the ongoing bushfire protection management measures.
15. Amend Significant Landscape Overlay Schedule 1 to:
- a) amend the fifth objective under 2.0 to include bushfire as a consideration
 - b) add a new decision guideline:

Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.
 - c) delete from the third 'Building on slopes' decision guideline: "*Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site.*"
16. Amend Significant Landscape Overlay Schedule 2 to:
- a) apply permit exemptions

- b) revise the permit requirement for a fence to reduce transparency from 75 to 50 per cent
 - c) amend the third objective under 2.0 so that it responds to bushfire risk
 - d) add a new vegetation decision guideline under 4.0:
 - Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.*
 - e) delete from the third 'Building on slopes' decision guideline: "*Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site.*"
17. Amend Significant Landscape Overlay Schedule 3 to:
- a) amend the third objective under 2.0 so that it responds to bushfire risk
 - b) revise permit requirements for buildings and works to explain how to measure the Tree Protection Zone and clarify the requirement related to external surfaces.
 - c) add a new vegetation decision guideline under 4.0:
 - Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.*
 - d) delete from the third 'Building on slopes' decision guideline: "*Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site.*"
18. Amend Significant Landscape Overlay Schedule 5 to:
- a) amend the third objective under 2.0 so that it responds to bushfire risk
 - b) add a new vegetation decision guideline under 4.0:
 - Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.*
 - c) delete from the third 'Building on slopes' decision guideline: "*Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site.*"
19. Amend Significant Landscape Overlay Schedule 6 to:
- a) delete the final landscape character decision guideline under 4.0.

OTHER CHANGES

20. Amend the Clause 52.28-3 Schedule to replace the relevant land description to:
- Commercial 1 zoned land on the north side of High Street Road, Wantirna South, immediately west of EastLink (known as 1201-1211 High Street Road, Wantirna South).*
21. Amend clauses, as shown in Appendix C and in Council's post-exhibition versions of the provisions, to make changes which improve their clarity and operation.

1 Introduction

1.1 The Amendment

The Amendment seeks to implement the findings of the Knox Planning Scheme Review 2015 by:

- Replacing the existing Municipal Strategic Statement with the following clauses:
 - 21.01 (Municipal profile)
 - 21.02 (Vision)
 - 21.03 (Environmental & landscape values)
 - 21.04 (Environmental risks)
 - 21.05 (Built environment & Heritage)
 - 21.06 (Housing)
 - 21.07 (Economic development)
 - 21.08 (Community development)
 - 21.09 (Transport & infrastructure)
 - 21.10 (Local areas)
 - 21.11 (Monitoring & Review).
- Introducing new local planning policies in the following clauses:
 - 22.01 (Advertising signs)
 - 22.03 (Non-residential uses in residential areas)
 - 22.04 (Environmentally Sustainable Development)
 - 22.05 (Gaming)
- Amending:
 - Residential Growth Zone Schedules 1, 2 and 3
 - General Residential Zone Schedules 2, 3, 4, 5 and 6
 - Environmental Significant Overlay Schedules 2 and 3
 - Vegetation Protection Overlay Schedule 1, 3 and 4
 - Significant Landscape Overlay Schedules 1, 2, 3, 4, 5 and 6
 - Design and Development Overlay Schedules 1, 2, 3, 4 and 5
 - Clause 52.28 (Gaming) Schedule
- Deleting Environmental Significant Overlay Schedule 1
- Applying Environmental Significant Overlay Schedule 2 (ESO2) to Lot 1 (Reserve 27) Reservoir Crescent, Rowville
- Removing Significant Landscape Overlay Schedule 5 from properties in the Carrington and Rathgar Road estates, Lysterfield.

The Amendment applies to land in the City of Knox.

1.2 Background to the proposal

2010	Previous Knox Planning Scheme review
2014	Knox Planning Scheme was reviewed by Glossop Town Planning and Keaney Planning
2015	
January	Knox Housing Strategy 2015 Report was completed
April	Knox Planning Scheme Review 2015 Report was completed by Glossop Town Planning and Keaney Planning
May	Council endorsed the Knox Planning Scheme Review 2015
2016	
17 March	The new residential zones, which implement the findings of the Knox Housing strategy, were introduced into the Planning Scheme [Amendment C131]
28 June	Council resolved, among other outcomes, to: <ul style="list-style-type: none"> - endorse the Amendment for public exhibition - seek authorisation from the Minister for Planning to prepare and exhibit the Amendment
July	The Department of Environment, Land, Water and Planning (DELWP), under delegation from the Minister for Planning, authorised the Amendment DELWP subsequently asked Council to consider comments regarding gaming and Environmentally Sustainable Design policies before exhibiting the Amendment Council responded this was not possible because of exhibition timeframes
8 August to 19 September	Amendment exhibited
November	Council endorsed Council officer changes to gaming and ESD policies Council considered submissions and resolved to request a Planning Panel

1.3 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 observations from site visits.

All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Bushfire management
- Environmental issues
- Transport
- Dandenong Foothills
- Other issues

- Accessibility
- Advertising signs
- Gaming
- Social impact assessment
- Form, content and post-exhibition changes
- Site specific issues
 - 1157-1165 Burwood Highway, Upper Ferntree Gully
 - 12 Taylors Lane, Rowville
 - Former Boronia Heights Secondary College site
 - Jenkins Orchards, Wantirna South.

1.4 Amendment versions

This report refers to four versions of the Amendment provisions:

- Exhibited version: Provisions as exhibited from 11 August to 19 September 2016
- PE1 version: Provisions including post-exhibition changes as at 22 November 2016
- PE2 version: Provisions including all post-exhibition changes as at the Hearing commencing
- Post-Hearing version: Provisions further revised by Council in response to 'Without prejudice' discussion at the Hearing.

The Panel recommended clauses with substantive changes are contained in Appendix C.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

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

Council submitted the Amendment's explanatory report states:

The Amendment supports the State Planning Policy Framework (SPPF) as the new MSS aligns more closely with the structure of the SPPF with the same or similar themes to better link the MSS to the SPPF. The MSS, local policies and other new and updated local content will provide an up-to-date local context and interpretation of state policy direction from the SPPF, Plan Melbourne: Metropolitan Planning Strategy 2014 and other recent planning reform initiatives.

...

The Amendment provides a clearer strategic direction by improving the structure and legibility of the LPPF, reducing complexity, addressing specific policy gaps and integrating Council's latest Vision, plans and strategies which affect land use and development. It will implement an LPPF that is easier to use and understand by all users.

2.2 Relevant planning strategies, policies and review

(i) Plan Melbourne

Plan Melbourne 2014 is Melbourne's metropolitan planning strategy. The Amendment implements the following Plan Melbourne objectives:

- *Objective 1: Delivering jobs and investment – create a city structure that drives productivity, supports investment through certainty and creates more jobs.*
- *Objective 2 - Housing choice and affordability – provide a diversity of housing in defined locations that caters for different households and is close to jobs and services.*
- *Objective 4: Liveable communities and neighbourhoods – create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*
- *Objective 5: Environment and energy – protect our natural assets and better plan our water, energy and waste management to create a more sustainable city.*

- *Objective 7: Implementation – delivering better governance: achieve clear results through better governance, planning, regulation and funding options.*

Plan Melbourne 2017-2050 was released on 11 March 2017, after the Hearing. The Panel refers to this version of the Plan but has not relied on it to reach its conclusions or make recommendations.

(ii) Knox Housing Strategy, January 2015

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 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) Planning Scheme Review Report, April 2015

Glossop Town Planning and Keaney Planning prepared the Planning Scheme Review Report in accordance with Planning Practice Note 32 (Review of Planning Schemes). It considered previous planning scheme reviews, major strategic issues, strategic gaps and changes, existing zones and overlays and consultation outcomes before making conclusions and recommendations.

2.3 Ministerial Directions and Practice Notes

The Amendment is consistent with:

- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*
- Ministerial Direction 9 – Metropolitan Planning Strategy
- Ministerial Direction 11 – Strategic Assessment of Amendments.

The new Municipal Strategic Statement is consistent with Planning Practice Note 4 (Writing a Municipal Strategic Statement), October 2013 and changes proposed by the Amendment are generally consistent with Planning Practice Note 32 (Review of Planning Schemes), June 2015.

Planning Practice Note 32 explains what a planning scheme review is, and suggests a process for conducting and reporting the review. It refers to the *Continuous Improvement Review Kit* (2006) published by the Department of Sustainability and Environment (now DELWP) and the Municipal Association of Victoria, provides a suggested methodology and includes a seven step guide:

- Step 1 – Scope the review
- Step 2 – Collect data
- Step 3 – Consultation
- Step 4 – Doing the review
- Step 5 – Analysis

- Step 6 – Report the review
- Step 7 – Implement the findings.

The Knox Planning Scheme Review process aligns with this methodology.

2.4 Discussion and conclusion

A planning authority is required to review its planning scheme every four years. This enables the Local planning Policy Framework, zones and overlays to factor changes such as new and revised State planning policies and socio-demographic forecasts.

The Amendment seeks to implement the findings of the Knox Planning Scheme Review 2015. The Review report forms a solid foundation for implementing changes to the Knox Planning Scheme to improve its strategic direction, policy implementation and overall operation. The report factored in the Knox Housing Strategy 2015 and the planning scheme amendment which implemented its findings.

No submitter questioned the strategic basis for the Amendment.

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

3 Bushfire management

3.1 The issue

The issue is whether the Amendment adequately responds to bushfire issues.

3.2 Evidence and submissions

Council noted in its submission that policies and overlay schedules are intended for a specific purpose, must be considered together and they are not mutually exclusive. Council referred to the State Planning Policy Framework (SPPF) which seeks to prioritise human protection and bushfire risk above other policies and it is not necessary to repeat them throughout the Municipal Strategic Statement (MSS). It also referred to Clause 52.27 (Planning for bushfire) which apply to bushfire risk areas.

In its submission, Country Fire Authority (CFA) commended Council for acknowledging local bushfire risk and supported bushfire considerations being included throughout the exhibited provisions. CFA requested changes to some provisions to address the following concerns:

- Consistency and links between policy objectives, strategies and decision guidelines need to be improved.
- Some policy statements that seek to consider and mitigate bushfire risk and prioritise human life potentially conflict with policy statements that seek to conserve vegetation and significant landscapes.
- The Amendment will increase bushfire risk because the exhibited provisions do not adequately resolve potential conflicts between mitigating bushfire and protecting vegetation.

CFA suggested changes to:

- MSS
- Vegetation Protection Overlay Schedules 1, 3 and 4
- Environmental Significance Overlay Schedules 2 and 3
- Significant Landscape Overlay Schedule 6
- Design and Development Overlay Schedule 4.

Details about these changes are shown in Appendix B.

Council submitted that it worked closely with CFA to revise some of the provisions (Post-exhibition version 2) which received mutual agreement and added:

It is considered that the proposed changes are a positive reflection on the importance placed on bushfire risk and protecting human life in Knox through planning decision-making processes, and are an improvement to the operation of the bushfire related content in the Knox Planning Scheme.

3.3 Discussion

Since the 2009 Victorian bushfires, the Victoria Planning Provisions and all planning schemes were changed to introduce detailed and comprehensive State bushfire planning policy, a new Bushfire Management Overlay including Bushfire Assessment Level assessment

requirements and detailed Particular Provisions. Many changes sought by CFA sought to introduce further bushfire related references, many of which repeat considerable existing State planning policy and associated provisions. The Panel agrees with Council that policy must be considered as part of a suite of provisions and does not need to be repeated. Planning Practice Note 8 states that local planning policy should not repeat or contradict the SPPF. When taking this into account, it is unclear why CFA believed that the Amendment would increase bushfire risk and why it sought to unnecessarily repeat references to bushfire risk throughout the Knox Planning Scheme.

Council is commended for accommodating some of CFA's extensive list of changes but it should consider whether the largely repetitive provisions could be further rationalised into a more consolidated location while continuing to achieve their intended outcomes. While this would achieve a better written planning scheme, the Panel does not oppose the bushfire related planning provisions (PE2 version) and has made its recommendations accordingly.

3.4 Conclusion

The Panel concludes:

- The exhibited Amendment adequately responds to bushfire issues, however, there is no issue with introducing the post-exhibition bushfire related provisions.
- Council should consider rationalising the provisions where it does not affect their intended outcome.

3.5 Recommendations

The Panel makes the following recommendations:

Amend Clause 21.04, as shown in Appendix C, to:

a) add under 21.04-1 (Bushfire):

It must also consider the appropriateness of the intensity and location of any use, and/or development in the context of bushfire risk, directing new development to lower risk areas, where appropriate.

and

Consideration may need to be given to tailored site specific responses to mitigate bushfire risk while also protecting landscape and biodiversity values.

- b) reference Lysterfield in the opening statement, key issues and strategies**
- c) delete Strategy 1.1**
- d) amend Strategy 1.2 to "Implement appropriate bushfire protection measures to reduce any risk of bushfire to an acceptable level."**
- e) add the following strategies:**
 - *Require consideration of the location, nature and intensity of the use and/or development, including the number of additional persons that will be associated with the proposal, and the level of associated bushfire risk.*
 - *Direct new development to locations of lower bushfire risk, where appropriate.*
- f) amend Objective 2 to:**

Limit development in areas at high risk from bushfire where there is also significant vegetation of high biological and/or landscape value and where planned bushfire protection measures may be incompatible with the natural environment, landscape and biodiversity values.

- g) amend Strategy 2.1 to discourage urban development intensification in areas of high risk bushfire events and areas with high biological and/or landscape values
- h) amend Strategy 2.2 to clarify that it applies to new development
- i) add a new strategy 2.3:

In areas of high landscape and biodiversity value, consider tailored defensible space and vegetation management responses that mitigate the bushfire risk to an acceptable level while retaining areas of highest biodiversity and landscape value.

Amend Clause 21.05, as shown in Appendix C, to:

- a) identify bushfire risk areas in Strategy 5.2
- b) add a new objective and associated strategy:

Objective 7

To require all new development to make a positive contribution to fire safety in Knox

Strategy

7.1 Require all development to meet the requirements of the relevant fire authority in respect to firefighting, water supply and emergency vehicle access.

Amend Environmental Significance Overlay Schedule 2 to:

- a) amend application requirement (g) so that bushfire protection measures include defensible space
- b) add a new bushfire protection decision guideline to consider whether the development and/or vegetation outcomes on the site are compatible with the ongoing bushfire protection management measures.

Amend Environmental Significance Overlay Schedule 3 to:

- a) add a new bushfire protection decision guideline to consider whether the development and/or vegetation outcomes on the site are compatible with the ongoing bushfire protection management measures.

Amend Significant Landscape Overlay Schedule 1 to:

- a) amend the fifth objective under 2.0 to include bushfire as a consideration
- b) add a new decision guideline:

Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.
- c) delete from the third 'Building on slopes' decision guideline: *"Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site."*

Amend Significant Landscape Overlay Schedule 2 to:

- a) amend the third objective under 2.0 so that it responds to bushfire risk
- b) add a new vegetation decision guideline under 4.0:
Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.
- c) delete from the third 'Building on slopes' decision guideline: *"Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site."*

Amend Significant Landscape Overlay Schedule 3 to:

- a) amend the third objective under 2.0 so that it responds to bushfire risk
- b) add a new vegetation decision guideline under 4.0:
Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.
- c) delete from the third 'Building on slopes' decision guideline: *"Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site."*

Amend Significant Landscape Overlay Schedule 5 to:

- a) amend the third objective under 2.0 so that it responds to bushfire risk
- b) add a new vegetation decision guideline under 4.0:
Where an area is subject to high bushfire risk, whether the vegetation outcome mitigates an increased bushfire risk and considers ongoing bushfire protection management measures.
- c) delete from the third 'Building on slopes' decision guideline: *"Where an area is subject to bushfire risk, that trees are planted having regard to these risks and the associated vegetation management controls that may apply to the site."*

4 Environmental issues

4.1 Environment and landscape values

(i) The issue

The issue is whether the Amendment appropriately responds to environmental and landscape values.

(ii) Submissions

DELWP submitted that Clause 21.03 Objective 4 should seek to replace planting that incorporates a full range of local species from relevant Ecological Vegetation Class or as recommended by an ecologist, except when specifically replacing threatened species. It added that the following management approaches should be included as strategies in Clause 21.03:

Encourage gene mixing (where appropriate) to increase the genetic fitness of populations to adapt to a changing environment, leading to a reduction in the use of "local provenance" material for revegetation projects or potentially favouring translocations of individuals between populations.

Take an adaptive approach to land and conservation management, such as changing objectives and management actions in response to new information.

Council submitted that it worked with DELWP and reached an agreement on changes to Clause 21.03 to consider biodiversity implications of climate change and which introduce a new strategy to consider adaptive approaches to biodiversity to maximise opportunities for indigenous species to adapt to and survive under climate change.

(iii) Discussion and conclusion

The Panel notes agreement between Council and DELWP and agrees with the new post-exhibition strategies proposed for Clause 21.03.

The Panel concludes:

- Adopting DELWP's changes will assist the Amendment to better respond to environmental and landscape values.

(iv) Recommendations

The Panel recommends:

Amend Clause 21.03, as shown in Appendix C, to:

a) add under 21.03-2:

Maintaining the diversity and genetic integrity of indigenous flora and fauna is therefore a priority. Consideration also needs to be given, where appropriate, to responding to the biodiversity needs of a changing climate, to maximise opportunities for survival of indigenous species under climate change.

b) add under 21.03-2: Objective 4, Strategies:

Consider adaptive approaches to biodiversity management, where appropriate, to maximise opportunities for indigenous species to adapt to and survive under climate change, in response to new science and recognised industry best-practice.

Amend Environmental Significance Overlay Schedule 2 to:

- a) delete under 1.0 the second paragraph
- b) add under 1.0, a new significant attribute:
The best examples of natural environments in Knox, providing the community with opportunities for the richest and most authentic natural landscapes and experiences of contact with nature.
- c) add under 2.0, two new environmental objectives:
To recognise the role that sites of biological significance play in contributing to Knox's liveability and the health and wellbeing of the community.
To achieve a net increase in the extent of habitat and improve its ecological condition in the sites of biological significance, recognising the key role that those sites play in conserving Knox's natural environment and associated community benefits.
- d) delete under 2.0, the sixth environmental objective
- e) amend under 3.0, the final sub-criterion of the first permit exemption to delete references to increasing the building footprint and alterations to an existing building and to explain how to measure the Tree Protection Zone
- f) delete under 4.0, the application requirement to show the Tree Protection Zone on a site plan.

Amend Environmental Significance Overlay Schedule 3 to:

- a) add a new statement of environmental significance:
Its role in providing people in the area with a distinctive bushy environment and contact with nature and its contribution to local amenity, health and wellbeing.
- b) delete the third environmental objective under 2.0
- c) add the following environmental objectives:
To achieve a net increase in the extent of habitat and improve its ecological condition.
To maintain the role that nature plays in Knox's liveability and the health and wellbeing of the community.
- d) add the following under the fifth environmental objective:
The amenity of the natural landscape.
The benefits that the natural environment provides for community health and wellbeing.
- e) amend under 3.0, the final sub-criterion of the first permit exemption to delete references to increasing the building footprint and alterations to an existing building and to explain how to measure the Tree Protection Zone
- f) amend under 4.0, the application requirement for the Tree Protection Zone to explain how to measure the Tree Protection Zone.

Amend Significant Landscape Overlay Schedule 2 to:

- a) apply permit exemptions
- b) revise the permit requirement for a fence to reduce transparency from 75 to 50 per cent

Amend Significant Landscape Overlay Schedule 3 to:

- a) revise permit requirements for buildings and works to explain how to measure the Tree Protection Zone and clarify the requirement related to external surfaces.

Amend Significant Landscape Overlay Schedule 6 to:

- a) delete the final landscape character decision guideline under 4.0.

4.2 Closed landfills policy and clauses

(i) The issue

The exhibited Clause 21.04 included policy and land use buffers, including closed landfills, in Clause 21.04-2. It proposed Strategy 4.1:

Avoid locating further sensitive uses near to Cathies Lane and Llewellyn Park landfills, Wantirna South, unless suitable information is provided that satisfies the responsible or planning authority that a proposed development will not be adversely impacted by its proximity to the landfill site.

The PE2 version of Clause 21.04 separated policy associated with closed landfills into a new Clause 21.04-3 (Closed landfills) and included the following strategies:

- 4.1 *Implement the Environment Protection Authority recommended buffer distances under EPA Publication 788.3 – Siting, design, operation and rehabilitation of landfills, August 2015 (or as amended) for the closed landfills at Cathies Lane and Llewellyn Park, Wantirna South.*
- 4.2 *Where proposed use and/or development encroaches into the EPA recommended buffer distances, assess the risk of harm to proposed use and/or development posed by the potential offsite migration of landfill gas or, where appropriate, rely on existing relevant and sufficient information, including previous audits, to consider the risk of harm.*

Any reference to Clause 21.04-3 from this point in the report refers to the PE2 version.

The issue is whether the policy for closed landfills proposed in Clause 21.04-3 is appropriate and justified.

(ii) Evidence and submissions

Council submitted that it is required under section 12(2)(b) of the *Planning and Environment Act 1987* to consider any significant environmental effects of planning scheme amendments or new development. It referred to the SPPF and Ministerial Direction No 1 (Potentially Contaminated Land) which include specific objectives and requirements. Council noted that it operated the Cathies Lane landfill between 1986 and 2004 which has since been covered and rehabilitated.

HD Jenkins & Sons Pty Ltd owns 14.9 hectares of land at 1201-1211 High Street Road, Wantirna South, just west of EastLink and within 500 metres of the former Council owned Cathies Lane landfill. It is otherwise known as the former 'Jenkins Orchards'. It submitted that a section 53V audit¹ conducted by Douglas Partners concluded that there is no unacceptable risk of harm resulting from the proximity of Jenkins Orchards to the former Cathies Lane and Llewellyn Park landfills. Council submitted that the audit report was considered as part of Knox Planning Scheme Amendment C74, which resulted in the land being rezoned to the General Residential Zone and Commercial 1 Zone on 15 December 2015 to enable sensitive land uses. It added:

Consequently, the auditor recommended that a certificate or statement of environmental audit be prepared as required via the Environmental Audit Overlay.

EPA submitted that Clause 21.04-3:

- *should emphasise the need for Council to use a staged, risk-based approach to determine the level of assessment required to inform its decision as to whether or not a development will be adversely impacted by its proximity to the landfill.*
- *should not specifically refer to existing information, including audits, as this is only one component of the thorough assessment required by the Landfill BPEM.*

HD Jenkins & Sons Pty Ltd was concerned that Clause 21.04-3 would introduce additional responsibility beyond existing State planning policy and other legislative policy, shift the responsibility for assessing risk to Council, and require a further audit to be conducted on the land. Mr Stuart Morris QC represented HD Jenkins & Sons Pty Ltd at the Hearing. With regards to Clause 21.04-3 he submitted:

The whole thrust of this policy is "blame the victim". This is not only morally repugnant, but also is contrary to legislative policy.

Mr Morris added that the *Planning and Environment Act 1987* tasks authorities to make the polluter clean up its mess. He referred to the following section of the *Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills)*, EPA, August 2015 (BPEM):

Where the proposed development or planning scheme amendment would have the effect of allowing development that encroaches into the recommended landfill buffer area or increases the extent of development within the already encroached buffer area, EPA recommends that the planning or responsible authority require an environmental audit be conducted under Section 53V of the EP Act. The audit must assess the risk of harm to the proposed development posed by the potential offsite migration of landfill gas and amenity impacts resulting from the landfill. Where a planning or

¹ Section 53V of the *Environment Protection Act 1970* (Environmental audit report on risk caused by industrial process etc)

responsible authority has relevant and sufficient information from previous assessments or audits, then this may be relied on in making a decision.

Mr Morris referred to the other parts of existing regulatory framework for making decisions about such matters including *Environment Protection Act 1970* and SPPF which requires planning to consider *Waste Management Policy (Siting, Design and Management of Landfills)*, Environmental Protection Authority, 2004.

Mr Morris called Mr Barnes as an expert witness on planning. Mr Barnes supported the need for a landfill related policy and stated:

However, the policy needs to be worded to ensure that additional obligations are not imposed on sites that have already had all environmental concerns addressed by way of necessary environmental audits.

Council disagreed that the Amendment shifts responsible away from the ‘polluter pays’ principle and acknowledged its two roles – one as the former landfill operator and the other as the planning authority. In relation to its latter role, it submitted:

Council has obligations to ensure that it properly applies its regulatory framework and guidelines related to planning decisions within the buffer of the former landfills. This includes Council’s obligations under the Planning and Environment Act 1987, the BPEM and associated guidelines.

Mr Morris considered that the policy proposed for Clause 21.04-3 is most suited in the SPPF and should be deleted from local policy. He offered the following alternative options:

- **Option 1:** Add a new strategy which states “*No further environmental audits will be required in relation to the issue of gas migration for The Orchards site.*”
- **Option 2:** Exclude the Jenkins land from the buffer in Figure 1 (Environmental Risks Map)
- **Option 3:** Change Strategy 4.2 to read:

Where proposed use and/or development encroaches into the EPA recommended buffer distances, assess the risk of harm to proposed use and/or development posed by the potential offset migration of landfill gas or, where relevant and sufficient information is available from previous assessments or audits, rely on that information, or the recommendation of the EPA-appointed auditor, in making a decision—appropriate, rely on existing relevant and sufficient information, including previous audits, to consider risk of harm.

Mr Morris submitted that for completeness, the first key issue as Clause 21.04-3 should read:

There are sensitive land use and development sites ~~Strategic Investigation Sites~~ located within the EPA recommended buffer distances from closed landfills.

With respect to Option 1, Council responded that it should not, and cannot, narrow its discretion on planning decisions, “*particularly in relation to underdeveloped land, by providing specific exemption from the requirements of BPEM*”.

(iii) Discussion

The Panel notes:

- Clause 21.04-3 applies to land beyond the former Cathies Lane landfill.
- The Environment Audit Overlay applies to Jenkins Orchards.

To consider whether the proposed policy is appropriate and justified, the Panel compared the existing legislative framework with the content of the proposed provisions.

A common purpose of planning scheme zones and overlays is to implement the State and Local Planning Policy Frameworks. Clause 19.03-5 of the SPPF requires planning to consider BPEM and the Waste Management Policy (Siting, Design and Management of Landfills), Environment Protection Authority 2001 (now 2004). The Environment Audit Overlay prohibits a sensitive use or construction until processes administered through the *Environment Protection Act 1970* have been satisfactorily completed.

There is clear direction about the relevant environmental legislation, policies and guidelines that must be followed with regards to landfills. BPEM is a comprehensive 125 page document that specifies minimum separation distances and buffers depending on different circumstances. It guides a planning authority or responsible authority on how to manage conflicting land uses with landfill buffers.

It is unclear whether Clause 19.03-5 is intended for closed landfills. Without specific guidance in the SPPF, there is a role for local policy to express a planning response to local closed landfill sites. The Panel supports a local policy for closed landfill buffers which does not modify any role or responsibility specified in the relevant environmental legislative policy framework. A carefully worded policy can achieve this outcome. HD Jenkins & Sons Pty Ltd's request for "*no further environmental audits*" would not achieve this outcome. This is because whether its previous section 53V audit satisfies future processes should be determined under the legislation which required the audit in the first instance – the *Environment Protection Act 1970*. Relying on this legislative framework would ensure that planning does not introduce or restrict any statutory obligations. The Panel therefore supports EPA's submission to remove any specific reference to existing information from Clause 21.04.

Section 8.2.2 of BPEM best represents EPA's recommended processes within the legislative framework and does not need to be repeated in Clause 21.04-3. It states that where a proposed development encroaches into the recommended buffer area:

EPA recommends that the planning or responsible authority require an environmental audit be conducted under Section 53V of the Environment Protection Act. The audit must assess the risk of harm to the proposed development posed by the potential offsite migration of landfill gas and amenity impacts resulting from the landfill.

Where a planning or responsible authority has relevant and sufficient information from previous assessments or audits, then this may be relied on in making a decision.²

² Emphasis added by the Panel

The Panel supports Clause 21.04-3 referring to Section 8.2.2 of BPEM.

The Panel agrees with Mr Morris that it is not necessary to specifically reference 'Strategic Investigation Sites' within the EPA recommended buffer distances. The most important issue is that sensitive land use and development sites are located within these environs regardless of how this land is categorised. For this reason, the Panel agrees with Mr Morris' wording for the first key issue.

Chapter 4.3 considers whether closed landfill buffers should be shown in Figure 1 of Clause 21.04.

(iv) Conclusion

The Panel concludes:

- A local planning policy for closed landfills in Clause 21.04 is appropriate and justified.
- The local policy should:
 - not modify any role or responsibility specified in the legislative policy framework
 - refer to BPEM without repeating its contents.

(v) Recommendation

The Panel recommends:

Amend Clause 21.04, as shown in Appendix C, to:

- a) delete closed landfill related provisions from Clause 21.04-2**
- b) insert a new Clause 21.04-3 related to closed landfill buffers.**

4.3 Closed landfills buffers

(i) The issue

BPEM includes landfill buffer distances. The exhibited Clause 21.04 included Figure 1 (Environmental Risks Map) which shows the closed landfill and transfer station with buffer distances specified shown in BPEM.

The issue is whether buffer distances specified in BPEM should be shown in Figure 1 of Clause 21.04.

(ii) Evidence and submissions

Mr Morris submitted that the buffer should be realigned to exclude Jenkins Orchards. Mr Barnes stated that the Jenkins land should be excluded from the buffer area if the policy wording did not clarify that no further environmental audit was required in relation to gas migration for the land. In response to submissions, Council deleted the buffers from Figure 1 of Clause 21.04.

The Environment Protection Authority (EPA) submitted that it did not support:

The removal of the buffers that were previously depicted in Figure 1 of Clause 21.04-2 'Environment Risks Map' around two landfills. EPA believes that depicting the buffers on the map provides transparency around the location of

the buffers, and alerts future purchasers to the requirement to assess the risk of harm outlined in Strategy 4.2.

(iii) Discussion

Planning Practice Note 8 states that a MSS contains the planning strategy and sets out the objectives to be achieved. Showing buffer distances on a map solely to illustrate distances already specified in BPEM does not align with the purpose of a local policy or MSS. Prospective land purchasers often use a planning scheme as part of their diligence, however a planning scheme is not intended for consumer awareness purposes. Importantly, local planning policies do not appear on section 32 Vendor's statements³, which would inform a prospective land purchaser.

Unnecessarily replicating specifications from another document may result in a misalignment between the two. For example, if the BPEM is reviewed and the 500 metre buffer distance was increased, the Knox Planning Scheme would continue to refer to a deficient buffer distance, resulting in confusion.

Council's proposed wording to Strategy 4.1 to "*Implement the Environment Protection Authority recommended buffer distances ...*" offers a workable solution. Firstly, it aligns the purpose of the MSS because it informs how State environmental legislative policy affects planning on land within a closed landfill buffer. Secondly, it refers to whatever distance is specified in BPEM, therefore taking into account any future revisions to this document.

The Panel agrees with Council that the closed landfill buffers should not be illustrated in Figure 1 of Clause 21.04. Removing the buffer illustration means that BPEM would become the primary source for measuring appropriate buffer distances and for associated matters. BPEM would therefore become the primary source for determining whether Jenkins Orchards should be considered differently to other land within the buffer area.

(iv) Conclusion

The Panel concludes:

- It is not appropriate to replicate BPEM closed landfill buffers in Figure 1 of Clause 21.04 because:
 - closed landfill buffer distances are already specified in BPEM and apply to all land within that area
 - Strategy 4.1 states that EPA's recommended buffer distances in BPEM will be applied
 - there would be a misalignment between BPEM and the Knox Planning Scheme if BPEM was reviewed and distances were revised.

(v) Recommendation

The Panel recommends:

Amend Clause 21.04, as shown in Appendix C, to:

- a) delete closed landfill buffers in Figure 1.**

³ section 32 of the *Sale of Land Act 1962*

4.4 Environmentally Sustainable Design

(i) The issue

The Amendment proposes to introduce an Environmentally Sustainable Design (ESD) policy (Clause 22.04). The policy applies to residential (two or more dwellings) and non-residential development throughout Knox.

The issue is whether the Amendment appropriately responds to ESD.

(ii) Submissions

Council submitted that the ESD policy “*is based on extensive research of what is considered realistic and practical to achieve*” and is consistent with ESD policies in other planning schemes. Ms Feeney submitted that it was important to apply sustainable design features into all dwellings. At the Hearing, Council emphasised that ESD is a key priority.

During the Hearing, the Panel asked Council questions regarding a recommendation in the Amendment’s authorisation letter dated 13 October 2016 which stated:

It is recommended that Council consider DELWP provided comments in relation to the proposed gaming and Environmentally Sustainable Design policies prior to exhibiting the amendment, as per the email sent from DELWP to council on Wednesday 13 July 2016.

The email suggested that the ESD policy include an expiry date for the clause as recommended by the Amendment GC42 Panel for Darebin and Manningham:

This policy will expire on <<insert 12 month expiry date>>, or earlier if it is superseded by an equivalent provision of the Victoria Planning Provisions.

At the Hearing, Council responded that it preferred to have no expiry date but if it did have one, it could read:

This policy will expire if it is superseded by an equivalent provision of the Victoria Planning Provisions.

(iii) Discussion

The Panel acknowledges that ESD is a key priority for Council and it is supported by State planning policy. The Panel understands Ms Feeney’s request to extend the ESD policy to apply to single dwellings because they represent a large proportion of housing stock. However, only a relatively small proportion of single dwellings require a planning permit therefore the policy would have limited influence. There was insufficient information provided to the Panel to understand the potential impact of changing the policy beyond what was exhibited. The Panel therefore does not support the ESD policy’s scope being changed.

The Environmentally Efficient Design Advisory Committee (EEDAC) report referred to in the GC42 Panel report stated:

The Committee is firmly of the view a Statewide approach would be the most effective way to achieve the greatest sustainability outcomes, providing greater coverage, consistency, fairness and simplicity.

...

The Committee considers there is merit in including a sunset clause on any local policy introduced that would enable the review of these policies in light of any Statewide approach introduced. If these policies duplicate the Statewide approach it would be appropriate for these local policies to be deleted, however if the local policies go further than the Statewide approach, the policies could be refined to delete areas of duplication and focus solely on those elements which seek to 'raise the bar' at the local level.

Expiry dates are often applied to identify interim provisions or for other reasons where they serve a purpose. The Panel agrees that an expiry clause may serve a purpose, as outlined by the EEDAC report above. However, an arbitrary 12 month expiry date would serve no purpose and would result in additional regulatory burden to administer one or more planning scheme amendments each time the clause is about to expire. For example, the Moreland ESD policy, which was one of the policies considered by the EEDAC, will expire on 31 December 2017. A planning scheme amendment would need to be resourced to extend this timeframe.

An expiry date linked to an equivalent Statewide ESD provision being introduced serves a clear purpose and would not result in unnecessary regulatory burden. This is because it could be deleted through the same planning scheme amendment which introduces the Statewide provisions.

(iv) Conclusions

The Panel concludes:

- It is appropriate to apply an expiry date to Clause 22.04 that is associated with an equivalent Statewide provision being introduced.

(v) Recommendation

The Panel recommends:

Amend Clause 22.04 to add "This policy will expire if it is superseded by an equivalent provision of the Victoria Planning Provisions."

4.5 Waste management

(i) The issue

The issue is whether proposed local planning policy appropriately responds to waste management issues.

(ii) Submissions

EPA submitted that Victoria's population is forecast to increase to 7.7 million by 2031 which will present significant future waste management issues. Accordingly, EPA recommended that the Amendment include planning policy on:

- odour from landfills affecting the amenity of nearby residents
- landfill gas migration from closed or operating landfills
- encroachment of residential development into landfill buffers
- allocating land for materials recycling and other similar land uses.

Council responded:

The general issues raised by the EPA are considered to have already been addressed satisfactorily in the new MSS where appropriate, including recognition of amenity and interface issues with industrial/commercial development.

It is also considered that the new MSS has appropriately responded to the SPPF and relevant EPA legislation, and highlights the existing regulatory framework and recommended buffers which relate to sensitive land uses in proximity to landfills and other industrial uses, consistent with the Landfill BPEM.

(iii) Discussion

The Panel agrees with EPA that a significantly increased population brings challenges including waste management issues. However, the issue is whether there is an adequate planning framework to managing impacts from operating and closed landfills. The Panel agrees with Council that the proposed new MSS, combined with the SPPF, appropriately responds to waste management issues.

(iv) Conclusion

The Panel concludes:

- Existing State planning policy and existing and proposed local planning policy appropriately respond to waste management issues.

5 Transport

5.1 The issues

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) submitted issues related to future transport priorities, the Bayswater Grade separation project and VicTrack land. ConnectEast was concerned that future development interfacing with EastLink could impact on its ability to meet statutory obligations.

This chapter considers whether the Amendment appropriately responds to these transport related issues.

5.2 Future transport priorities

(i) Submissions

The proposed MSS refers to a 'Future Burwood Highway Tram / Rowville train' in Clause 21.02 (Strategic Framework Map) and Clause 21.09 (Figure 1). Council submitted that these transport initiatives form an important part of Council's municipal strategic framework and added:

They underpin the ability to meet existing and future public transport needs within the municipality, and in achieving liveable and sustainable communities across Knox. The need for them is not in question.

DEDJTR requested the following changes:

- Revise the legend for both maps to "Potential future Burwood Highway Tram Extension / Rowville Rail."
- Replace the final paragraph in Clause 21.09-1 with:

Future opportunities for further public transport improvements exist with the potential for an extension of the tram network along Burwood Highway to Knox Activity Centre and a new rail line from Huntingdale to Rowville, identified in PTV's Network Development Plan – Metropolitan Rail (December 2012).

Council responded that it did not support changes to their designation because these infrastructure items need to remain very clearly as "future" transport priorities to inform planning decisions.

(ii) Discussion

The Panel had to grapple between each end of the spectrum. On the one side, the MSS should reflect realistic future outcomes based on known State strategies. On the other, the MSS should be drafted effectively so that planning does not miss opportunities along these corridors or inadvertently impact the ability to deliver this significant transport infrastructure.

Stage 3 of Public Transport Victoria's (PTV) Network Development Plan includes a new line to Rowville within 15 years. The Plan states:

Detailed planning work will continue to allow major rail projects such as Rowville, Doncaster and Melbourne Airport to begin as soon as necessary key infrastructure and supporting works are in place and as funding becomes available.

At the time of the Hearing, Plan Melbourne 2017 had not been released. Plan Melbourne 2014 showed the 'Rowville rail link' in Map 33 (Eastern Subregion) and stated that the line would be constructed between 2025 to 2050. This railway line was not evident in Plan Melbourne 2017-2050.

Table 1 of Clause 21.09 states that Plan Melbourne 2014 identifies the Burwood Highway tram extension to the Knox Central Activity Centre. The Panel could not find reference to this tram extension in any State strategy or any version of Plan Melbourne. It therefore agrees with DEDJTR that this project should be identified as a 'potential' tram extension. Describing the project otherwise may be misleading:

- if it is not identified in a State strategy
- because Council does not have the statutory ability to decide whether this tram line will be extended.

The Panel considers it important to identify a potential tram extension for the reasons submitted by Council. Any reference to the Rowville rail line and potential Burwood Highway tram extension should be separated in the legend so that it is clear that only the term 'potential' only applies to the tram extension.

(iii) Conclusion

The Panel concludes:

- The Burwood Highway tram extension should be described as 'potential' to describe its actual status.
- The Rowville rail line should continue to be referred to as future infrastructure.
- Both projects should be described separately in the legend to maps in Clauses 21.02 and 21.09 to avoid any confusion.

(iv) Recommendation

The Panel recommends:

Amend Clause 21.02 to revise the Strategic Framework Plan legend to replace the relevant infrastructure description with:

- a) Future Rowville rail**
- b) Potential future Burwood Highway tram extension.**

Amend Clause 21.09, as shown in Appendix C, to:

- a) to revise the Figure 1 legend to replace the relevant infrastructure description with:**
 - **Future Rowville rail**
 - **Potential future Burwood Highway tram extension.**

5.3 Bayswater grade separation project

(i) Submissions

DEDJTR submitted that the two Bayswater level crossing projects at Mountain Highway and Scoresby Road are not referenced in the MSS. Council responded that Clause 21.10 (Local areas) translates existing area based policies into the MSS without any content change. This includes the Bayswater Structure Plan, as adopted in 2006. Council agreed that the recent grade separation of the two former crossings would result in significant improvements in Bayswater and changed Clause 21.07-2 (PE2 version) to support grade separations of level crossings in all activity centres.

(ii) Discussion and conclusion

Level crossing grade separation projects are now identified in Plan Melbourne 2017. Council's proposed change to Clause 21.07-2 has been cleverly drafted to apply beyond Bayswater and to support level crossing grade separations within any activity centre in the municipality. The Panel supports this change.

The Panel concludes:

- Introducing a new level crossing grade separation strategy provides clearer guidance on Knox's local response to State planning policy.

(iii) Recommendation

The Panel recommends:

Amend Clause 21.07 to add the following strategy under Objective 5:

Support grade separation of level crossings within activity centres, and facilitate new development and community outcomes as a result which will improve amenity, accessibility and economic viability of the centre.

5.4 VicTrack land

(i) Submissions

DEDJTR submitted that several precincts in Clause 21.10 promote land use and development on VicTrack land and neighbouring vacant land, including Dorset Road, South Terraces (Boronia Junction), Bayswater Activity Centre and Ferntree Gully Village. It added:

- that there can be no inference that this land will be available for non-transport purposes
- any development on this land needs to be considered and approved by DEDJTR, PTV and VicTrack
- planning for the adjoining land and precinct must recognise and respond to existing and future train activity such as noise impacts.

Council responded that content proposed for Clause 21.10 is derived directly from existing local policies in the current planning scheme and reflect relevant structure plans for each activity centre. It submitted that the Amendment does not make inferences about VicTrack land being used for other uses and notes that strategic issues such as potential future land

uses would be considered if the land was sold and needed to be rezoned. Council noted that future VicTrack land priorities would be considered during structure plan reviews and ultimately reflected in Clause 21.10.

Council did not support changing the Amendment in response to DEDJTR's submission on this matter.

(ii) Discussion

The Panel notes that policies related to VicTrack land in Clause 21.10 are a neutral translation from existing local policies. There would be opportunity to include VicTrack priorities through future structure plan reviews. The Panel agrees with Council that the Amendment does not need to be changed in response to this matter.

(iii) Conclusion

The Panel concludes:

- The Amendment appropriately translates existing local policies into the new MSS and no further changes associated with VicTrack land are needed.

5.5 EastLink interface

Advertising sign issues associated with the EastLink interface are discussed in Chapter 7.2.

(i) Evidence and submissions

ConnectEast submitted that it supports development proposals along the EastLink alignment if they respond to the interface and do not interfere with the ability for ConnectEast to meet its noise, maintenance and drainage obligations with the State of Victoria. ConnectEast requested changes to the LPPF to recognise the need for new development interfacing with EastLink to be designed appropriately. It was particularly concerned about how site layout, setbacks, urban design, lighting, fencing, landscaping, drainage, advertising signs, access arrangements and acoustic attenuation respond to the freeway.

Council submitted that ConnectEast's issues had limited applicability because the majority of land along EastLink is either developed or in the Public Use Zone. It added that interface issues for sites such as Jenkins Orchards were resolved through an integrated process involving ConnectEast. Since exhibiting the Amendment, Council proactively worked with ConnectEast which resulted in a new mutually agreed strategy for Clause 21.05 which responds to EastLink interface issues. Mr Barnes did not have an issue with the post-exhibition changes, noting that they aligned with existing EastLink related provisions.

(ii) Discussion

The Knox Planning Scheme recognises EastLink as regional infrastructure so it is important that any adjoining land does not interfere with its ability to meet its obligations. The Panel acknowledges that most land is developed or used for public purposes but the proposed new strategy in Clause 21.05 would provide direction on any unforeseeable circumstances and clarify which specific matters new developments should have regard to.

(iii) Conclusions

The Panel concludes:

- The Amendment appropriately responds to the EastLink interface, however, a new strategy in Clause 21.05 would clarify which specific matters new development should have regard to.

(iv) Recommendations

The Panel makes the following recommendations:

Amend Clause 21.05, as shown in Appendix C, to:

a) Add a new Strategy 2.8:

Require new development with an immediate proximity to the EastLink freeway corridor to be designed to respond to the freeway interface, having regard to site layout, setbacks, urban design, lighting, fencing, landscaping, drainage, advertising signs, access arrangements and acoustic attenuation, as required.

6 Dandenong foothills

There were submissions seeking to change subdivision and built form provisions within the Dandenong foothills.

6.1 Subdivision

(i) The issue

The issue is whether it is appropriately and justified to reduce the minimum subdivision lot size in the Dandenong Foothills area.

(ii) Submissions

Council submitted that minimum subdivision lot sizes and overlays in the Dandenong foothills area seek to protect and enhance the biological, environmental and landscape values. This is identified as a key strategy in the Knox City plan 2013-17. Council added that maintaining the 'Bush Suburban' provisions in the Foothills is a key outcome of the Knox Housing Strategy. New residential zones were introduced into the Knox Planning Scheme in March 2016 as part of this Strategy.

Mr and Mrs Beilken and Mr and Mrs Burgess each submitted that the minimum 2,000 square metre subdivision lot size in part of the Foothills should be reduced to 1,000 square metres to enable further subdivisions. Reasons for reducing the minimum lot size includes increasing local housing supply and reducing land maintenance so that they could remain in their house.

Council responded that rezoning land to reduce minimum subdivision lot sizes is not supported by the Knox Housing Strategy or the Bushfire Management Overlay. It added that it is not appropriate to consider such a major strategic matter through the Amendment.

(iii) Discussion

The Panel acknowledges that the Low Density Residential Zone specifies a minimum lot size of 2,000 square metres which cannot be varied through a schedule. A planning scheme rezoning would be required to enable such a change and the Amendment does not propose to rezone any land in the municipality. There was no strategic information or justification provided to support reducing the minimum subdivision lot size of lots in the foothills areas. The Panel therefore agrees with Council that it is not appropriate for the Amendment to consider this matter.

(iv) Conclusions

The Panel concludes:

- It is not appropriate or justified to reduce the minimum subdivision lot size in the Dandenong Foothills through the Amendment.

6.2 Built form

(i) The issue

The issue is whether there is justification for the Amendment to revise built form provisions, including building heights, in the Dandenong foothills.

(ii) Submissions

Ms Feeney submitted that buildings in the Dandenong foothills should not exceed two to three storeys to protect the view of the Dandenong Ranges from nearby suburbs and closer to Melbourne. She added that site coverage, design quality and building materials are also important for this area.

Council responded that building heights in residential areas across the municipality were considered as part of the recent introduction of the Knox Housing Strategy and Amendment C131. It added that building heights for activity centres, including the Boronia Activity Centre, were considered as part of the relevant structure plan and specified in Design and Development Overlay Schedule 7.

(iii) Discussion

The Panel acknowledges that the Dandenong Ranges are of regional significance and loved by many Melburnians and tourists. The Dandenong foothills therefore play an important role in protecting its environs. Knox Amendment C141 proposed to apply similar controls sought by Ms Feeney. It was supported by extensive modelling and evidence which showed that built form beyond two storeys in the Upper Ferntree Gully Activity Centre would not protect foothills views from key vantage points. Unlike Amendment C141, the Panel was not provided with sufficient information to support submission that existing built form provisions are inappropriate in the Dandenong foothills.

Council's previous strategic work which considered built form provisions throughout the municipality was not contested by Ms Feeney or any other submitter. The Panel therefore does not support built form provision changes through the Amendment.

The Panel notes that since the Hearing, the General Residential Zone was amended⁴, affecting all relevant planning schemes including the Knox Planning Scheme. It introduced a new default mandatory 11 metre (three storey) maximum building height.

(iv) Conclusions

The Panel concludes:

- There is insufficient justification for the Amendment to revise built form provisions, including building heights, in the Dandenong foothills.

⁴ Amendment VC110, 27 March 2017.

7 Other issues

7.1 Accessibility

(i) The issue

The issue is whether the Amendment adequately responds to accessibility matters.

(ii) Submissions

Council submitted that the term “*accessible*” can have two implied meanings. The first is proximity to a train station or freeway while the second is the location and design of development and infrastructure specifically designed to facilitate access between different uses or precincts. Council submitted:

Where the latter meaning is intended, whilst it is implied that such access should relate to people of all abilities, additional text can be inserted to clarify this intent where relevant.

Ms Betts submitted that only the Integrated Transport clause referred to accessibility for all abilities and sought to have this extended to other references to accessibility.

Council responded that there is an existing reference to “*accessible by people of all ages and abilities*” in Clause 21.05-2 (Urban Design) of the MSS. Council agreed to make minor wording changes to Clauses 21.01-2 and 21.09-1 in response Ms Betts’ submission.

(iii) Discussion

The Panel agrees with Council that the term ‘accessibility’ applies to people of all abilities, therefore the exhibited Amendment adequately responds to accessibility matters. The Panel has no issue with Council’s minor wording changes to Clauses 21.01-2 and 21.09-1 (PE2 version).

(iv) Conclusions

The Panel concludes:

- The exhibited Amendment adequately responds to accessibility matters.
- The Panel has no issue with Council’s post-exhibition changes to Clauses 21.01-2 and 21.09-1.

(v) Recommendations

The Panel recommends:

Amend Clause 21.01 under 21.01-2 – Transport and infrastructure: fourth point, to replace “*pedestrians*” with “*people of all abilities*”.

Amend Clause 21.09, as shown in Appendix C, to:

- a) **add under 21.09-1 – Objective 2 Strategy 2.1 “*for people of all abilities.*”**

7.2 Advertising signs

(i) The issue

The Amendment proposes to introduce an advertising signs policy (Clause 22.01). The issue is whether the Amendment appropriately responds to advertising signs.

(ii) Submissions

Outdoor Media Association submitted that it supports the overall intent of the proposed advertising signs policy to *“ensure that advertising signs are appropriate to the character of the area, the streetscape and on the building or site on which they are located and to protect significant views and vistas.*

Outdoor Media Association highlighted that outdoor advertising technology is constantly evolving and it advocates to:

- recognise outdoor advertising signs as a legitimate land use
- provide fair and reasonable development policies for signage land use
- provide responsible outdoor advertising sign display in mixed-use zones, commercial and industrial zones and along transport corridors
- remove the distinction between ‘on-premise’ and ‘third-party’ signs in planning policy
- recognise the growth of digital signs in local planning policy.

Council responded that it is not appropriate to remove the distinction between ‘on-premise’ and ‘third-party’ signs because the Victoria Planning Provisions establish this Statewide distinction. Council agreed to recognise digital signs by adding a new policy statement in Clause 22.01.

In its submission, ConnectEast requested changes to the proposed local planning policy to make it consistent with the EastLink signage policies in the Maroondah and Greater Dandenong Planning Schemes. Council and ConnectEast mutually agreed to additional policy statements to address EastLink signage issues.

HD Jenkins & Sons Pty Ltd submitted that the Advertising Policy is unnecessary and it *“adds additional red tape without providing any real improvements in managing large format advertising.”* Council responded that all permit applications should be subject to the same policy considerations and there is no policy basis to exempt Jenkins Orchards.

(iii) Discussion and conclusion

The Panel agrees with Council that a new policy statement addressing general issues associated with digital signs would be useful and should be included. The Panel notes, and agrees with, the mutually agreed policy statements proposed for Clause 22.01. It considers that the advertising policy is required to provide further guidance and does not agree with HD Jenkins & Sons Pty Ltd’s submission on this matter.

The Panel does not support new signage terminology that is already defined through the Victoria Planning Provisions.

The Panel concludes:

- The Amendment appropriately responds to advertising signs.
- Post-exhibition changes to Clause 22.01 will add clarity and respond better to issues associated with digital signs and the EastLink freeway corridor.

(iv) Recommendations

The Panel recommends:

Amend Clause 22.01 to:

a) Under 22.01-3 – General:

- change the ninth point to identify digital signs.
- add a new point *“Signs should not have an adverse visual impact on the character and operation of major transport corridors, including the EastLink freeway corridor.”*

b) Under 22.01-3 – Other (Major promotion signs...):

- add a new criterion *“have an adverse visual impact on the landscape and design character or operational efficiency of a transport corridor, including the EastLink freeway corridor.”*

7.3 Gaming

(i) The issue

The Amendment proposes to introduce a new gaming policy (Clause 22.05) and amend the Clause 52.28-3 Schedule to prohibit gaming machines in 10 new shopping complexes, including Jenkins Orchards. The issue is whether the Amendment is justified and responds appropriately to gaming related issues.

Subsequent to the Amendment being authorised, DELWP provided Council with questions and comments about Clause 22.05. Council included its agreed changes in the PE2 version of the clause, as shown in the recommendations below.

(ii) Evidence and submissions

Council submitted that Clause 22.05 (Gaming policy) has appropriate evidence to justify its introduction and is consistent with other existing Gaming policies in other planning schemes. With Jenkins Orchards, Council clarified that the gaming prohibition was intended to apply to the commercial area and not to the entire site.

HD Jenkins & Sons supported appropriate social and municipal measures to mitigate the risks of harm from gaming but considered Clause 22.05 and Clause 52.28-3 Schedule to be unnecessarily prescriptive because there are existing site-specific provisions that apply to Jenkins Orchards. It added:

The policy proposed and prohibitions are uncertain and use terms that are undefined in the planning scheme, eg ‘shopping complex’ (C152.28-3).

Council responded that ‘shopping complex’ is an existing term used in the Clause 52.28-3 Schedule and submitted:

Given that a neighbourhood activity centre is proposed on the land, and that centre will include a small supermarket and speciality shops, it is considered important to clarify that this proposed centre has the same prohibition on gaming that other neighbourhood activity centres do across Knox, whether they are a traditional strip shopping centre or form part of a 'shopping complex'.

In his evidence, Mr Barnes acknowledged it was common practice for a planning scheme to prohibit gaming machines in shopping complexes and strip shopping centres. He added that the Amendment updates provisions to reflect this. Mr Barnes suggested the following change to the Jenkins land description to make it technically consistent with the intent of Clause 52.28:

Commercial 1 zoned land on the north side of High Street Road, Wantirna South, immediately west of EastLink (known as 1201-1211 High Street Road, Wantirna South).

Council agreed with Mr Barnes' suggested changes which were reflected in the PE2 version of the Clause 52.28-3 Schedule.

(iii) Discussion

The Panel agrees with Council's post-exhibition changes to Clause 22.05, which include its response to DELWP's comments.

The Panel agrees with Council that Clause 22.05 is justified and should apply to permit applications proposing gaming machines. There was insufficient evidence presented to the Panel to dispute this. The Panel finds Council's post-exhibition version changes to Clause 22.05 would improve its operation.

Clause 52.28-3 enables its schedule to specify only two forms of commercial areas – shopping complexes and strip shopping centres. There is no statutory ability to prohibit gaming machines on other land. The Panel therefore agrees with Mr Barnes and Council's revised version of the Clause 52.28-3 Schedule which prohibits gaming machines only on the commercial proportion of the Jenkins land.

(iv) Conclusions

The Panel concludes:

- The proposed gaming provisions are justified and appropriately respond to gaming related issues.
- Post-exhibition changes to Clause 22.05 in response to DELWP comments would improve its operation.
- Post-exhibition changes to the Clause 52.28-3 Schedule would align it with its parent provision at Clause 52.28-3.

(v) Recommendation

The Panel recommends:

Amend Clause 22.05 to:

- a) append to the second 'Policy basis' paragraph: *"in the form of problem gambling"*
- b) append to the third 'Policy basis' paragraph: *"who are least able to cope with the harmful social and economic impacts of gaming machines"*
- c) recognise social and economic impacts in the first objective
- d) delete reference to the wellbeing of the community from the fifth objective
- e) delete the following criterion under 22.05-3: *"In areas which are completely or predominantly used for residential purposes."*
- f) delete under 'Appropriate venues' reference to signs that are modest in size and discreet.

Amend the Clause 52.28-3 Schedule to replace the relevant land description to:

"Commercial 1 zoned land on the north side of High Street Road, Wantirna South, immediately west of EastLink (known as 1201-1211 High Street Road, Wantirna South)."

7.4 Social impact assessment**(i) The issue**

The Amendment proposes a strategy to require a social impact assessment for, among other land, Strategic Investigation Sites and larger residential development sites. The issue is how this strategy is intended to be applied.

(ii) Submissions

Council submitted that Development Plan Overlay Schedule 10 requires a social impact assessment for Jenkins Orchards and the Amendment does not introduce any further requirements for the site.

HD Jenkins & Sons Pty Ltd submitted that Development Plan Overlay Schedule 10 provisions were derived from a long term process and any new proposed policy could potentially restrict the site's development or require additional strategic planning justification. Specifically:

Cl21.08 – appears to create blanket requirements that new development provide additional Social Impact Assessments. It is unclear how this will integrate controls at strategic site where such strategic planning is well advanced.

Council responded that the Clause 21.08 provisions must apply to Jenkins Orchards because there is currently no approved development plan and Development Plan Overlay Schedule 10 may change through a future planning scheme amendment. It added that it should have the ability to ask for further social impact assessments to meet its obligations under the *Planning and Environment Act 1987* by considering social and economic impacts.

(iii) Discussion

Development Plan Overlay Schedule 10 specifies planning provisions for Jenkins Orchards. It states the development plan must include a social impact assessment. This is a mandatory requirement. Council currently has the ability to request such an assessment for relevant permit applications at its discretion. Clause 21.08 simply clarifies circumstances where Council would require them.

The Panel agrees with Council's submission on this matter.

(iv) Conclusion

The Panel concludes:

- The Clause 21.08 strategy to require a social impact assessment:
 - clarifies circumstances when this assessment will be required
 - would not result in additional requirements for Jenkins Orchards.

7.5 Form, content and post-exhibition changes

There were some submissions that questioned or sought drafting related content changes to provisions. In response, Council made further changes provisions in the post-exhibition versions. The Panel considers that these changes will improve their operation and will better support the Municipal Strategic Statement and associated local planning policy.

(i) Conclusions

The Panel concludes:

- Council's drafting related content changes:
 - resolves the substantive drafting issues
 - will improve their operation
 - will better support the Municipal Strategic Statement and associated local planning policy.

(ii) Recommendation

The Panel recommends:

Amend clauses, as shown in Appendix C and in Council's post-exhibition versions of the provisions, to make changes which improve their clarity and operation.

Amend Clause 21.04, as shown in Appendix C, to:

- a) **move the implementation action for applying the Industrial 3 Zone from 'Application of zones and overlays' to 'Further strategic work'**

Amend Clause 21.07, as shown in Appendix C, to:

- a) **add a new policy guideline:**

Apply Clause 22.03 (Non-Residential Uses in Residential Areas local policy) to non-residential development in residential areas to ensure development is appropriately located, well designed and protects residential amenity

- b) add under 'Application of zones and overlays' a new implementation action to apply the Industrial 1 Zone to industrial areas
- c) add under 'Further strategic work' a new strategy to apply the Industrial 3 Zone to industrial areas to protect surrounding amenity.

Amend Clause 21.08, as shown in Appendix C, to:

- a) add under 21.08-8 a new policy guideline:
When making decisions on the provision of infrastructure to service new development, consider relevant structure plans, social impact assessments and infrastructure plans, as required.

Amend Clause 21.09, as shown in Appendix C, to:

- a) remove under 21.09-4: Implementation, social impact assessments as a consideration in the fifth policy guideline
- b) add under 21.09-4: Applying zones and overlays, a new implementation action to apply the Urban Flood Zone to areas affected by flooding.

8 Site specific issues

8.1 1157-1165 Burwood Highway, Upper Ferntree Gully

(i) The issue

The issue is whether it is appropriate and justified for the Amendment to rezone land at 1157-1165 Burwood Highway, Upper Ferntree Gully and to remove mandatory planning provisions.

(ii) Submissions

Council submitted that the subject site has been subject to the Restructure Overlay since the former Shire of Sherbrooke Planning Scheme. It added any future planning scheme zone for the subject site will have to be considered with the future of the adjoining VicTrack land and the strategic outcomes for all land forming the strip north of Burwood Highway.

TAG-Ferntree Gully Pty Ltd, which owns land at 1157-1165 Burwood Highway, Upper Ferntree Gully, submitted that the Amendment should correct an “*erroneously zoned*” portion of the land. It sought to rezone the land from Neighbourhood Residential Zone Schedule 1 to the Commercial 2 Zone and exclude mandatory provisions from Design and Development Overlay Schedule 2. TAG-Ferntree Gully considered the land inappropriate for residential development because of noise and vibrations associated with the railway and highway. It also considered the site area building coverage of 40 per cent and impervious surface coverage of 60 per cent in Design and Development Overlay Schedule 2 to be unreasonable given the site’s existing constraints.

Council responded:

Consideration of any rezoning proposal or any request for variation of overlay provisions which currently apply to this site is considered to be well beyond the scope and intent of Amendment C150.

(iii) Discussion

The subject site is located on a busy six lane highway adjacent to a railway line and opposite commercial properties. The strip of Neighbourhood Residential Zone land north of the Burwood Highway present an inconsistent mixture of development, design and land use. At the time of the Hearing, the zone sought to, among other purposes:

- manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics
- implement neighbourhood character policy and adopted neighbourhood character guidelines.

The subject site is located within a strip north of the Burwood Highway that is physically and visually isolated from other Neighbourhood Residential Zone land in the broader area. Unlike land in the broader area, this isolated strip has no identified neighbourhood character, heritage, environmental or landscape characteristics.

The Panel agrees with TAG-Ferntree Gully Pty Ltd that the existing planning scheme zone appears inappropriate. However, it is not within the scope of the Amendment to consider a new planning scheme zone for the subject site.

(iv) Conclusions

The Panel concludes:

- The existing planning scheme zone is not appropriate for the subject site.
- Changing the planning scheme provisions for 1157-1165 Burwood Highway, Upper Ferntree Gully is beyond the scope of the Amendment.

8.2 12 Taylors Lane, Rowville

(i) The issue

Land bounded by Wellington Road, Taylors Lane, properties south of Murray Crescent and properties west of Silkwood Way and Vista Crescent are in the Low Density Residential Zone (LDRZ). The exhibited Clause 21.06 designates this LDRZ area as 'Bush Suburban' and includes Strategy 3.2 which states "*Support new residential aged care facilities, except in Bush Suburban areas.*"

The issue is whether the designation of the identified area as Bush Suburban is appropriate and justified.

(ii) Submissions

Council submitted that the Bush Suburban designation was introduced into the Knox Planning Scheme through Amendment C131, which implemented the Knox Housing Strategy.

Belvedere Aged Care owns land at 12 Taylors Lane, Rowville (located within the LDRZ area). It submitted that the LDRZ area does not have the characteristics described for Bush Suburban areas. Specifically, Belvedere Aged Care's analysis concluded that the LDRZ area is not located in the Dandenong Foothills, does not exhibit significant environmental values and does not include sites of biological significance. It requested that the LDRZ area be redesignated to 'Knox Neighbourhood' because:

The Bush Suburban designation provides an unnecessary impediment to the establishment of a residential aged care facility in this LDRZ area, particularly where there is a recognised need to provide housing for ageing residents and that this designation seeks to protect significant environmental values that are not present in this area.

Council responded that although the LDRZ area is not in the Foothills, the Housing Strategy designed this land as Bush Suburban because of its low density nature and added:

It is agreed that the Housing Strategy seeks to discourage aged care facilities from locating in Bush Suburban areas. However, it also provides support for housing for older people that "is well located and appropriately designed to suit the needs of the aged", along with a range of other locational and design criteria.

Council noted that an aged care facility is a discretionary land use under the LDRZ and that the Amendment will not prevent a permit application for an aged care facility at 12 Taylors Lane, Rowville. A permit application would be assessed on a balanced consideration of all relevant planning scheme objectives and strategies. At the Hearing, Council noted that there can be contradicting objectives and strategies.

Council did not consider it appropriate to review the Housing Strategy outcomes or redesignate individual properties through Amendment C150.

(iii) Discussion

The Panel notes Clause 16.02-3 of the State Planning Policy Framework seeks to:

- facilitate the timely development of residential aged care facilities to meet existing and future needs
- encourage well-designed and appropriately located residential aged care facilities.

The Panel accepts Council's position that while the Housing Strategy, and now Clause 21.06, discourage aged care facilities in Bush Suburban areas, they are not prohibited uses. This was demonstrated through Council's recent notice to approve an aged care facility in a Bush Suburban area. The Panel agrees with Council that a permit application is considered through an integrated assessment can involve assessing competing policies but this should be minimised when the opportunity arises. The Amendment provides an opportunity to nuance the proposed policy so that it does not appear that Council is contradicting its own policy. For example, it could state that aged care facilities are generally discouraged in Bush Suburban areas and will only be considered in exceptional circumstances when land is located outside the Dandenong foothills, on a Road Zone and where it interfaces with a Knox Neighbourhood area.

The Panel encourages Council to consider some variation but does not make a formal recommendation because the existing policy wording does not preclude a permit application.

(iv) Conclusions

The Panel concludes:

- The designation of the identified area as Bush Suburban is appropriate and justified, however Council may seek to consider some variation to specify exceptional circumstances.

8.3 Former Boronia Heights Secondary College site

(i) The issue

The issue is whether there should be specific strategic direction about the Boronia Secondary College site.

(ii) Submissions

Council submitted that the former Boronia Heights Secondary College site is identified as a 'Strategic Investigation Site – Residential' in the Housing Strategy and maps in Clauses 21.02 and 21.06 of the MSS.

Ms Feeney submitted that the site has the potential to include public recreational space, vegetation wedges along the Forest Road and Mount View Road perimeters and housing development that aligns with the Foothills development statements.

Council responded that the Amendment does not propose any specific planning provisions for this site. It added that this land was formerly a public use but it is not public open space and submitted:

It is considered that there is sufficient strategic guidance within the Knox Planning Scheme to address all of issues raised by this submitter when any rezoning request/development proposal to mandate any more specific outcomes for this site before an integrated strategic assessment occurs.

(iii) Discussion

Relevant State and local planning policy and the MSS establish the framework for considering the future development of land throughout Knox. This includes identifying the former school site as a strategic investigation site.

In July 2015, the Minister for Planning appointed the Government Land Standing Advisory Committee to consider the most appropriate planning provisions for sites such as the former Boronia Heights Secondary College. This may be a more suitable process to consider future zoning based on the site's strategic context.

The Panel agrees with Council's response because existing policy, strategic priorities and processes are adequate to determine the future planning provisions for sites such as the former Boronia Heights Secondary College.

(iv) Conclusion

The Panel concludes:

- There should be no specific strategic direction for the former Boronia Secondary College site.

8.4 Jenkins Orchards, Wantirna South

Environmental issues related to Jenkins Orchards are considered at Chapters 4.2 and 4.3.

(i) The issue

The issues are:

- whether the Amendment appropriately identifies Jenkins Orchards in relevant clauses and maps
- whether further local planning policy should apply to the site.

(ii) Evidence and Submissions

HD Jenkins & Sons submitted that Clause 21.02 Figure 1 incorrectly describes Jenkins Orchards site as a 'Strategic investigation site' because the site has been through a strategic process, including a planning scheme amendment that rezoned the land for residential and commercial land uses. Mr Barnes considered the post-exhibition changes to the Amendment documents have substantially improved practical implications. However, he was concerned that the Jenkins land continued to be described as a Strategic Investigation Site and stated:

In my opinion, this designation gives a connotation that the future zoning and development of the site has not yet been resolved, and that further strategic work is required to justify the future zoning and development of the land.

This is not the case with The Orchards. All necessary strategic work has been done to justify the existing zoning of the land, and to justify a site specific development plan overlay (DPO10) being included in the planning scheme.

The fact that a development plan and a planning permit have not yet been approved for the site, and that development has not yet commenced, is not in my opinion justification for continuing to designate the land as a Special Investigation Site.

HD Jenkins & Sons queried the description of the figures in Clause 21.06 and 21.07. For example, clause 21.06 Figure 1 describes the site as 'Residential'. In response, Council agreed to change the Clause 21.02 and 21.06 figures to reflect the site's existing residential and commercial zones. HD Jenkins & Sons opposed Clause 22.06 being applied to Jenkins Orchards and opposed changes to ESO2, specifically Clause 3.0, and submitted:

The policy objectives are already sufficiently provided for in the site-specific controls applying to the land.

(iii) Discussion

The Knox Housing Strategy describes Jenkins Orchards as a Strategic Investigation Site (Site 10). The Strategy defines these sites as:

sites that are not currently used for residential purposes, such as quarries no longer in operation, former school sites and golf courses. They are sites where the current land use is likely to change in a short to mid-term timeframe and could be suitable for future residential development (either entirely or in part).

...

Where land is not currently zoned for residential purposes, a detailed, rigorous and public process is required to rezone these parcels of land.

The latter statement recognises that there are sites which are either zone or not zoned for residential purposes. The Panel finds that the 'investigation' nature of these sites extends beyond a planning scheme amendment to rezone land for residential purposes. The Panel agrees with Mr Barnes that, from a literal sense and without the reading the Knox Housing

Strategy, the description may confuse people. The planning intent in the Planning Scheme should be clear without relying on the Knox Housing Strategy.

The Panel considers that terminology found in the Knox Housing Strategy should generally translate to the Planning Scheme. However the terminology in the Strategy appears to be too generic and confusing when applied to the Planning Scheme.

Council should investigate whether a more refined site description can be applied for Jenkins Orchards and other similar sites:

- which have been strategically investigated and subsequently rezoned to enable development, and
- do not remove important links to the Knox Housing Strategy.

Council is best placed to determine the appropriate term and how it would impact the Knox Housing Strategy. The Panel therefore makes no formal recommendation on this matter.

The Panel supports Council's change to Clause 21.02 and 21.06 figures to reflect the existing residential and commercial zones.

(iv) Conclusions

The Panel concludes:

- Describing sites such as Jenkins Orchards which have been strategically investigated as a 'Strategic Investigation Site' in the Planning Scheme is confusing.
- Council should consider whether a more refined site description can be applied to Jenkins Orchards and other similar sites.

(v) Recommendation

The Panel recommends:

Amend Clauses 21.02 and 21.06 to recognise the existing residential and commercial zone on Jenkins Orchards at 1201-1211 High Street Road, Wantirna South in Figure 1.

Appendix A Document list

No.	Description	Tabled by
27 February 2017		
1	Submission – Part A	Council
2	Submission – Part B	Council
3	Planning Scheme – Former Clause 22.03	Council
4	email – Between Mr G Heather and Ms S Thompson, October 2016	Council
5	email – Between Mr E Kyriacou (DELWP) and Ms S Thompson, October 2016	Council
6	Letter – Between EastLink and Ms S Thompson, 20 February 2017	Council
7	Plan – Restructure plan for Burwood Highway, Upper Ferntree Gully	Council
8	Report – Council meeting 27 February 2017, aged care facility permit application for Lot 3, Wellington Road, Rowville	Council
9	email – Between Ms T Garrett (Country Fire Authority) and Ms S Thompson, 22 February 2017	Council
10	email – Between Dr Leonie Kelleher and Ms S Thompson, 23 February 2017	Council
11	Map – Aerial of former Cathies Lane Landfill and Knox City Council Transfer Station Recycle Centre and environs	Council
12	Guidelines – Environment Protection Authority: Siting, design, operation and rehabilitation of landfills, Publication 788.3, August, 2015, pp 55-56	Council
13	Panel report – Maribyrnong Planning Scheme Amendment C82, January 2011, pp 47-48	Council
2 March 2017		
14	Submission – Belvedere Aged Care	Mr Addison
15	Submission – Environment Protection Authority	Ms Mathias
16	<i>Environment Protection Act 1970</i> – pp 2-5	Council
3 March 2017		
17	Submission – Jenkins Family	Mr Morris
18	Victoria Government Gazette – Waste Management Policy (Siting, Design and Management of Landfills), Tuesday 14 December 2004	Mr Morris
19	Ministerial Direction No 1 (Potentially Contaminated Land)	Mr Morris
20	Letter – Between Marleen Mathias (Environment Protection Authority) and Monique Reinehr (Council)	Mr Morris
21	Letter – Between Dr Leonie Kelleher and Mr P Moritz (Douglas Partners)	Mr Morris
22	Submission – Closing	Council

Appendix B CFA requested changes

CFA requested changes		
Municipal Strategic Statement		
Clause 21.02	21.02-1 Strategic Framework Plan	Give strong consideration to bushfire and/or grassfire risk at Boronia Heights College and Waverley Golf Course and surrounding land.
Clause 21.03		This policy does not recognise conflict between retaining Knox's landscape character and its natural environment and bushfire.
	21.03-4	Identify interface issues and the need to consider bushfire risk as a key issue.
Clause 21.04	Objective 1	<p>Retain in its current form but rename to Objective 2. Delete all the current strategies under this objective to avoid duplication with BMO requirements. Replace the strategies under Objective 1 with the following:</p> <ul style="list-style-type: none"> • <i>Prioritise the protection of human life over other policy considerations when planning to create or expand a settlement risk from bushfire</i> • <i>Applying the precautionary approach to planning and decision making when assessing the risk to life, property and community infrastructure from bushfire</i> • <i>Take advantage of existing settlement patterns where new development will not expose the community to increased risk from bushfire</i> • <i>Direct development to locations of lower bushfire risk.</i>
	Objective 2	<p>Renumber this to Objective 1 and revise to focus on managing issues around bushfire risk and the issue implementation of bushfire protection measures, particularly vegetation management. For example:</p> <p><i><u>Objective:</u> Limit development in areas at high risk from bushfire where there is also significant vegetation of high biological and landscape value and any planned bushfire protection measures may be incompatible with the natural environment, landscape and biodiversity values.</i></p> <p><i><u>Strategies:</u></i></p> <p><i>Discourage the intensification of urban development in areas that are susceptible to a high level of bushfire risk, particularly in the Dandenong Foothills and Lysterfield.</i></p> <p><i>Implement appropriate bushfire protection measures to reduce any risk of bushfire to an acceptable level.</i></p> <p><i>Strategies:</i></p> <p><i>Direct new development to areas of lower bushfire risk and landscape and biodiversity values.</i></p> <p><i>In areas of high landscape and biodiversity value, consider tailored defensible space and vegetation management responses that mitigate the bushfire risk to an acceptable level and retain areas of highest biodiversity and landscape value.</i></p> <p>If development is to occur in Boronia Heights (Secondary College) and Waverley Golf Course, give strong consideration to the bushfire and/or grassfire risk. Council to actively engage with CFA to assess and review any planning and/or development within these sites.</p>

	21.04-3	Objective 5 should take into account bushfire. Strategies should include directing new development to low bushfire risk areas.
Clause 21.05	21.05-3: Strategy 5.2	Consider the need to avoid increasing bushfire risk and potential conflict where the BMO also applies.
Clause 21.06		The Bush Suburban Design vision should acknowledge the bushfire risk. Strategic Investigation Sites (Figure 1) should include consideration in planning, particularly for multi-storey developments and the requirements for access and road construction for CFA vehicles. Strategic Investigation Sites in areas with BMO/BPA and alongside major road corridors (EastLink) should include requirement to consider buffers, bushfire/grassfire mitigation, CFA vehicle access, vegetation management and construction design.
	Objective 6	Reword Strategy 6.2 to: <i>“...to meet the requirements of the BMO and where relevant the requirements of the fire authority”</i> .
Clause 21.07	21.07-2: Table 1	Consider bushfire risk (as well as environmental sensitivities).
Clause 21.08	21.08-4	Include a strategy that encourages new facilities to be directed away from areas of high bushfire risk.
Clause 21.09	Objective 2	Consider strategies that ensure road layout and development (including construction standards) that allow access for emergency management vehicles.
Clause 21.10	21.10-1	Where possible, avoid conflict (particularly in Precincts 2 and 3) between the objectives and strategies for continuous closed tree canopies, screening and blending development with vegetation and the need to prioritise the protection of human life. Provide consistency with this policy direction in other parts of the scheme.
Vegetation Protection Overlay		
All Schedules		Recognise that Clauses 52.17 and 52.48 contain further exemptions from vegetation removal permit requirements found in the Vegetation Protection Overlay.
Schedule 4	2.0: Vegetation protection objectives ...	The last point should recognise that bushfire risk to existing residents is not increased and that future residents can readily implement bushfire protection measures.
Environmental Significance Overlay		
All Schedules	2.0: Environmental objectives ...	Reword the bushfire related objective to clarify its alignment with Clause 13.05.
	Permit requirements	Recognise that Clause 52.17 and 52.48 contain further exemptions from the vegetation removal permit requirements of this overlay.
	Application requirements	Reword (g) that seeks “no” or “minimum” adverse environmental impacts” for consistency with Clause 13.05, which prioritises the protection of human life. On the site plan, include the location and extent of any proposed bushfire protection measures including defensible space.
	Decision	Reword to clarify how to resolve potential conflicts when addressing

	Guidelines	bushfire protection. For instance, consider a tailored vegetation management plan and clearer direction in relation to siting.
Significant Landscape Overlays		
All Schedules	2.0: Landscape character objectives ...	Consider bushfire risk when locating, siting and designing development. Consider bushfire risk with landscaping, slope, terrain and vegetation.
	Decision guidelines	Avoid potential for conflicts and ensure that the Decision Guidelines are consistent with Clause 13.05. The Decision Guideline for vegetation should ensure that bushfire risk is considered with the siting and design of the development.
Schedule 6	1.0: Statement of nature and key elements ...	Ensure development is sited and designed to re-establish a closed canopy and require bushfire risk to be considered.
	Decision guidelines	The Decision Guideline for vegetation should ensure that bushfire risk is considered when siting and designing development.
Design and Development Overlays		
Schedule 4	Design objectives	Consider the requirement for bushfire protection measures where the BMO applies. The requirement to demonstrate the visual dominance of vegetation under the Slope clause has the same issue.
	2.0: Vegetation and landscaping	Direct how bushfire risk and BMO requirements are considered. Water requirements should have regard to any BMO requirements, where relevant.

Appendix C Panel recommended clauses

21.03 ENVIRONMENTAL AND LANDSCAPE VALUES

This clause provides local content to support Clause 12 (Environmental and landscape values) of the State Planning Policy Framework.

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

21.03-1 A treed city

The natural environment provides many and varied values and benefits for the local community, including:

- The intrinsic value of biodiversity to support healthy ecosystems.
- Supporting a diversity of organisms and flora and fauna communities within the municipality and within each patch of habitat.
- Practical ecosystem services, such as climate moderation, erosion control, water purification and carbon sequestration.
- Managing environmental risks, minimising impact of urban heat island effects and providing shade.
- Providing landscape character and a green skyline, particularly along ridgelines and creek valleys, along major views and vistas and as a backdrop to urban and rural areas.
- Benefits to the health and wellbeing of the community, including amenity, recreation, social interaction and health benefits and improved liveability of Knox's communities.
- Promoting the value of the natural environment to the community, including the need for environmental sustainability as an integral element of the built form.
- Defining and enhancing the character and image of Knox and its local areas and contributing to a sense of place.

The *Knox City Plan (incorporating the Council Plan) 2013-17* and *Integrated City Strategy and Implementation Plan 2015-17* recognise the role of the natural environment with its many values and benefits, and seek to protect and enhance all natural areas in Knox. Preventing the loss of vegetation and enhancing the green and leafy image of Knox is central to its overall vision, reflecting its healthy, liveable communities and its local identity and character.

Canopy trees are an integral component in retaining Knox's natural environments and maintaining its landscape character. Once canopy trees are lost, they are impossible to replace in the short to medium term. With the loss of canopy trees, local habitat and ecosystems are compromised, and the values and benefits of the natural environment are significantly diminished.

The importance of retaining and enhancing vegetation, in particular canopy tree coverage, as part of the planning application process in the face of competing development pressures is therefore a key objective. All trees, even single canopy trees in suburban backyards, contribute to the green skyline and collectively make a contribution to Knox's green and leafy character and its natural environment.

Key issues:

- Maintaining and strengthening Knox's 'green and leafy' image and its identifiable landscape character, despite development pressures.
- Recognising the importance of retaining canopy trees as the single most important factor in retaining Knox's landscape character and its natural environment.
- Improving overall understanding within the planning system of the value of trees in improving the liveability of Knox's communities, mitigating climate change impacts and providing a range of other health and wellbeing benefits.
- [Habitat Fragmentation.](#)

Objective 1

To protect and strengthen treed character and landscape value across all areas in Knox.

Strategies

- 1.1 Create a greener and more liveable City with more canopy trees and vegetation in public and private spaces.
- 1.2 Require vegetation to be retained where it contributes to landscape value and character, along ridgelines, waterways, streetscapes, transport corridors, and where it contributes to significant views, vistas and local amenity values.
- 1.3 Ensure new development proposals consider the impact on the health and viability of existing vegetation, and respond to the landscape values of the site and local area.
- 1.4 Incorporate the planting of new vegetation, including canopy trees within development proposals to enhance natural values of the site and of the local area.

21.03-2 Biodiversity and native vegetation

The Knox community places a high value on the municipality's natural environment and conserving and enhancing remaining natural habitat and biodiversity values.

Knox has many sites of biological significance, including sites of National, State, regional and local significance as identified within the *Sites of Biological Significance in Knox – 2nd Edition, 2010*. These sites contain native vegetation, creeks, water bodies and floodplains, which not only provide attractive and distinctive landscapes, but contain environmentally significant flora and fauna and are at risk of being degraded and lost to development.

Less than 5% of Knox's land area retains native vegetation (not including scattered trees with no understorey). Of this remaining native vegetation, nearly 90% belongs to Ecological Vegetation Classes (EVCs) that are now listed as endangered or vulnerable at the national or bioregional scale. The EVCs which remain are significantly reduced from their original state and are at further risk from inappropriate clearing and fragmentation.

Conservation of native flora in Knox is at a critical stage, and this has grave implications for native fauna in loss of habitat. More than a quarter (and perhaps as much as half) of remaining flora species is estimated to be lost within one or two decades if no preventative action is taken. It is therefore critically important to retain and enhance the remnants of Knox's remaining native vegetation and sites of biological significance.

[Maintaining the diversity and genetic integrity of indigenous flora and fauna is therefore a priority. Consideration also needs to be given, where appropriate, to responding to the biodiversity needs of a changing climate, to maximise opportunities for survival of indigenous species under climate change.](#)

Biodiversity values are best represented in Knox by the recognised sites of biological significance, and by their indigenous flora, fauna and landscapes. Indigenous flora and fauna outside the recognised sites are also important, and some indigenous fauna are supported by plantings of certain non-indigenous plants.

The State Planning Policy Framework covers the intrinsic values of biodiversity across the State, particularly in the application of Clause 52.17 - Native Vegetation. In the local context of Knox, implementing native vegetation and biodiversity values also includes the objectives and strategies of this clause, Clause 21.11 - Local Areas and relevant schedules to the Environmental Significance Overlay and Vegetation Protection Overlay. Collectively, this local content reflects the context, values and expectations with respect to protecting biodiversity and native vegetation across Knox.

Key issues

- Loss of habitat and loss of biodiversity.

- Protecting and enhancing natural environments and native vegetation for all their natural values, particularly in Sites of Biological Significance.
- Minimising any further reduction in indigenous vegetation that is occurring from land use fragmentation and development pressure.
- Controlling and managing pest plants.

Objective 2

To retain and enhance native vegetation in Knox, in extent and ecological condition.

Strategies

- 2.1 Require land use, development and subdivision to protect and enhance the significance of the natural environment and respond to the environmental and natural values of the local area in an integrated and balanced manner.
- 2.2 Support the retention and enhancement of habitat, ecological and intrinsic values of native vegetation, particularly along creek valleys and linear reserves, in the Dandenong Foothills, parks and reserves and in recognised Sites of Biological Significance.
- 2.3 Ensure that removal or destruction of native vegetation occurs only where it is unavoidable, and then only to the minimum extent necessary.
- 2.4 When native vegetation is lost, compensate the local community and environment through offsets located within Knox.
- 2.5 Incorporate the planting of native vegetation into landscape plans, subject to constraints such as bushfire risk.

Objective 3

To protect and enhance the natural values of Sites of Biological Significance.

Strategies

- 3.1 Protect and enhance Sites of Biological Significance for their natural values, recognising the strategic role these sites play in overall conservation management and achieving biodiversity outcomes in Knox.
- 3.2 Use Sites of Biological Significance as focal points for projects to create and enhance habitat and natural values, such as offset plantings and seed propagation.
- 3.3 Avoid vegetation removal, development or land uses within or near Sites of Biological Significance, that would fragment habitat, weaken habitat linkages, or diminish the extent or quality of native vegetation, aquatic habitats or floodplain processes.
- 3.4 On land adjacent to or upstream of Sites of Biological Significance, foster land management practices that help to buffer or support the Sites' natural values, and discourage adverse impacts such as habitat fragmentation, noise, altered hydrology, increasing the need to remove vegetation for bushfire protection, visual incompatibility and degrading the natural experiences offered by the Sites.

Objective 4

To maintain the diversity and genetic integrity of indigenous flora and fauna within Knox to prevent species from becoming locally extinct.

Strategies

- 4.1 In assessing applications for removal of vegetation and in considering replacement planting:

- Place considerable weight on protecting, managing and planting species whose category of threat of local extinction in Knox is ‘Critically endangered’ or ‘Endangered’.
- Place considerable weight on protection of habitat needed by fauna species that are threatened with extinction at the local or larger scales.
- Avoid planting species or varieties that displace indigenous plants.
- Ensure the provenance of indigenous replacement plants is as close as possible from the planting site (geographically or environmentally).
- [Consider adaptive approaches to biodiversity management \(where appropriate\), to maximise opportunities for indigenous species to adapt to and survive under climate change, in response to new science and recognised industry best-practice.](#)

21.03-3 Natural corridors

Knox is traversed by a series of small creeks, generally running east to west, whose corridors present opportunities for an important system of public spaces. These corridors include drainage easements, floodways, parks and other public reserves. Because of the large areas involved and their relatively uninterrupted extent through the municipality, these spaces have the potential to contribute significantly to Knox’s landscape and recreation resources. These corridors present opportunities to create highly valued and amenable open space networks of walking and cycling paths, public spaces, landscape and ecological corridors. There is further scope for improved urban design outcomes to activate the natural corridors and improve the interface and connectivity between public and private spaces.

Key Issues

- Recognising the multi-faceted role of creek corridors as important environmental, recreation, open space and landscape corridors throughout the City.
- Improving access to and connectivity to creek reserves.
- Improving urban design outcomes along creek reserves.
- [Potential bushfire risk associated with natural corridors.](#)

Objective 5

To protect and enhance the network of habitat and creek corridors, as key public, landscape and environmental assets.

Strategies

- 5.1 Develop and enhance the creek corridor system as a network of paths, public open space, and natural systems with a sense of address.
- 5.2 Support an improved network of habitat corridors and waterways to connect sites of biological significance and other areas of indigenous vegetation.
- 5.3 Support interaction of public and private realms along creek corridors and waterways.
- 5.4 Support and strengthen opportunities for creek corridors being actively used as public spaces, with high levels of connectivity from nearby urban areas, enhancing their role as places for social, recreational, cultural and community activities.
- 5.5 [Manage bushfire risks of natural corridors and adjoining land.](#)

~~5.6~~

~~5.7 Facilitate and support urban design outcomes which improve safety and surveillance of creek corridors and take advantage of outlooks over the creek and open space environment~~

21.03-4 Significant landscapes

The most significant landscape characteristic of Knox is its appearance as a suburban area set in a larger natural and rural landscape. Rural and green wedge land in Knox contributes to its significant landscapes which play an important role in shaping the overall identity and character of the municipality. This land is predominantly located in the foothills of the Dandenong Ranges, including the Lysterfield Valley. This land is significant at the metropolitan, regional and local levels. It forms part of two regional ‘green wedges’: the *Yarra Valley and Yarra and Dandenong Ranges* to the north east, and the *Southern Ranges* to the south east. The residential areas located within the Dandenong Foothills also contribute to the significance of this landscape. Views of the Dandenong Ranges and their foothills are valued highly by the Knox community. The Dandenong Ranges and their foothills also form a backdrop to countless views from across the eastern suburbs of Melbourne, including long range views to and from the Melbourne CBD.

The Lysterfield Valley is classified by the National Trust as “an attractive pastoral landscape which forms part of a ‘green wedge’ between the suburban areas of Rowville and Dandenong North, and the urbanised Ferntree Gully-Belgrave ridge of the Dandenongs”.

The Dandenong Valley Parklands are a series of regionally significant reserves extending 10km along the Dandenong Creek. A large area of the Parklands are within Knox, with EastLink situated along the eastern edge of the Parklands between the creek and residential areas. It is one of the most highly visited and popular parks in Melbourne.

There are other parcels of land outside these three areas with a current or former rural land use or rural zoning that require further investigation to determine their future role in the broader context of rural and green wedge land in Knox.

The eastern side of Knox forms an important edge and buffer to Melbourne’s expanding suburbs. It is here that the built form of the suburbs meets the vegetated hillsides of the Dandenong Ranges, stopping among the folds of the Lysterfield Valley. This edge includes both public land (such as the Dandenong Ranges and Churchill National Parks) and private land, with the Urban Growth Boundary assisting in maintaining the urban edge. The Dandenong Valley Parklands provide a similar edge and landscape buffer to suburban development to the west of the municipality.

Key issues

- Maintaining the unique landscape character, amenity and natural values of Knox’s significant ~~landscapes~~landscapes, including the Dandenong Foothills, Lysterfield Valley and the Dandenong Creek Valley, despite development pressures and managing bushfire risk.
- The impact of new development on the landscape character of rural and green wedge land.
- Fragmentation of land.
- Lack of current information about the productivity (including potential food production) and economic role of agricultural land in Knox.
- Lack of current strategic directions for rural and green wedge land that consider all of its existing and potential values.
- The opportunity in the Dandenong Valley Parklands to consolidate the many disjointed component parklands and reserves since the construction of EastLink.

Objective 6

To protect and enhance the role of Knox’s significant landscapes.

Strategies

- 6.1 Maintain an urban edge that reflects the significance, on a metropolitan level, of the Dandenong Foothills, rural valleys, and natural landscapes along the eastern and western edges of Knox.
- 6.2 Protect and enhance the views of the Dandenong Foothills as vegetated hillsides.

- 6.3 Protect and enhance the views of the Lysterfield Valley as a pastoral landscape.
- 6.4 Protect the rural views along the floodplain of the Dandenong Creek that identify the remnant grazing and horticultural landscapes that once separated Melbourne from the Dandenong Ranges.
- 6.5 Protect and enhance the landscape quality and role of the Dandenong Creek Valley as a wide, green pastoral break separating Knox from the suburban character of the balance of the eastern suburbs of Melbourne.
- 6.6 Limit development within the Dandenong Foothills, Lysterfield Valley and Dandenong Creek Valley that may compromise their landscape and environmental significance.

Objective 7

To protect existing and potential aesthetic, biodiversity, landscape, amenity, cultural and agricultural values of rural and green wedge land.

Strategies

- 7.1 Limit urban development in rural and green wedge land.
- 7.2 Support the consolidation, and avoid further fragmentation of lots.
- 7.3 Support the non-urban values of rural and green wedge land by:
 - Retaining existing agricultural uses in rural and green wedge land; and,
 - Avoiding non-agricultural land uses that would adversely affect the operation of existing and/or future agricultural activities.
- 7.4 Ensure that new use and development protects and complements the established landscape character and scenic qualities of rural and green wedge land.
- 7.5 Minimise the visual dominance of development in:
 - Rural and green wedge land; and,
 - Along the Dandenong Creek Valley.

21.03-5 Implementation

Policy guidelines

- Apply Clause 22.01 (Advertising Signs local policy) to applications for the display of advertising signs on **B**ush **B**oulevards to protect significant landscapes.
- Apply Clause 22.02 (Industrial and Restricted Retail Sales Areas Design local policy) to land in an Industrial 1 Zone or Commercial 2 Zone to ensure development provides high quality landscaping and visual amenity in industrial and restricted retail areas.
- Apply Clause 22.04 (Environmentally Sustainable Development local policy) to relevant **larger** development applications to facilitate more sustainable landscapes and natural habitats.
- Apply Clause 22.07 (Development in Residential Areas and Neighbourhood Character local policy) to facilitate residential development that contributes to the strong ‘green and leafy’ character of Knox.
- Apply Clause 22.08 (Scoresby-Rowville Employment Precinct local policy) to land within the high amenity employment precinct to ensure development responds positively to existing **natural features** **environmental and landscape features**.
- Request applications for use or development in or adjoining parks and waterways to provide information on whether the proposal would impact vegetation, air, water and soil quality of the park or waterway, as appropriate.

Application of zones and overlays

- In and adjacent to Sites of Biological Significance, avoid zoning changes that would conflict with the Sites’ environmental and landscape values.
- Apply the Neighbourhood Residential Zone – [Schedule 1](#) to the Dandenong Foothills area to ensure development protects and enhances Knox’s distinctive environmental and biological values.
- Apply the Public Conservation and Resource Zone to public conservation and recreation areas.
- Apply the Public Park and Recreation Zone to public open space areas.
- Apply the Environmental Significance Overlay to ~~s~~Sites of ~~State~~ Biological Significance, significant indigenous remnant vegetation and the Dandenong Ranges buffer area to protect areas of ~~environmental~~[environmental](#) significance.
- Apply the Vegetation Protection Overlay to areas of significant remnant overstorey vegetation, significant exotic and non-indigenous native trees and areas with significant canopy trees for protection.
- Apply the Significant Landscape Overlay and the Design and Development Overlay to land in the Dandenong Foothills and Lysterfield Valley to ensure development and vegetation removal respects the environmental and landscape significance of the area.
- Apply the Design & Development Overlay and the Development Plan Overlay to protect natural values where required, as part of the desired built form outcomes.

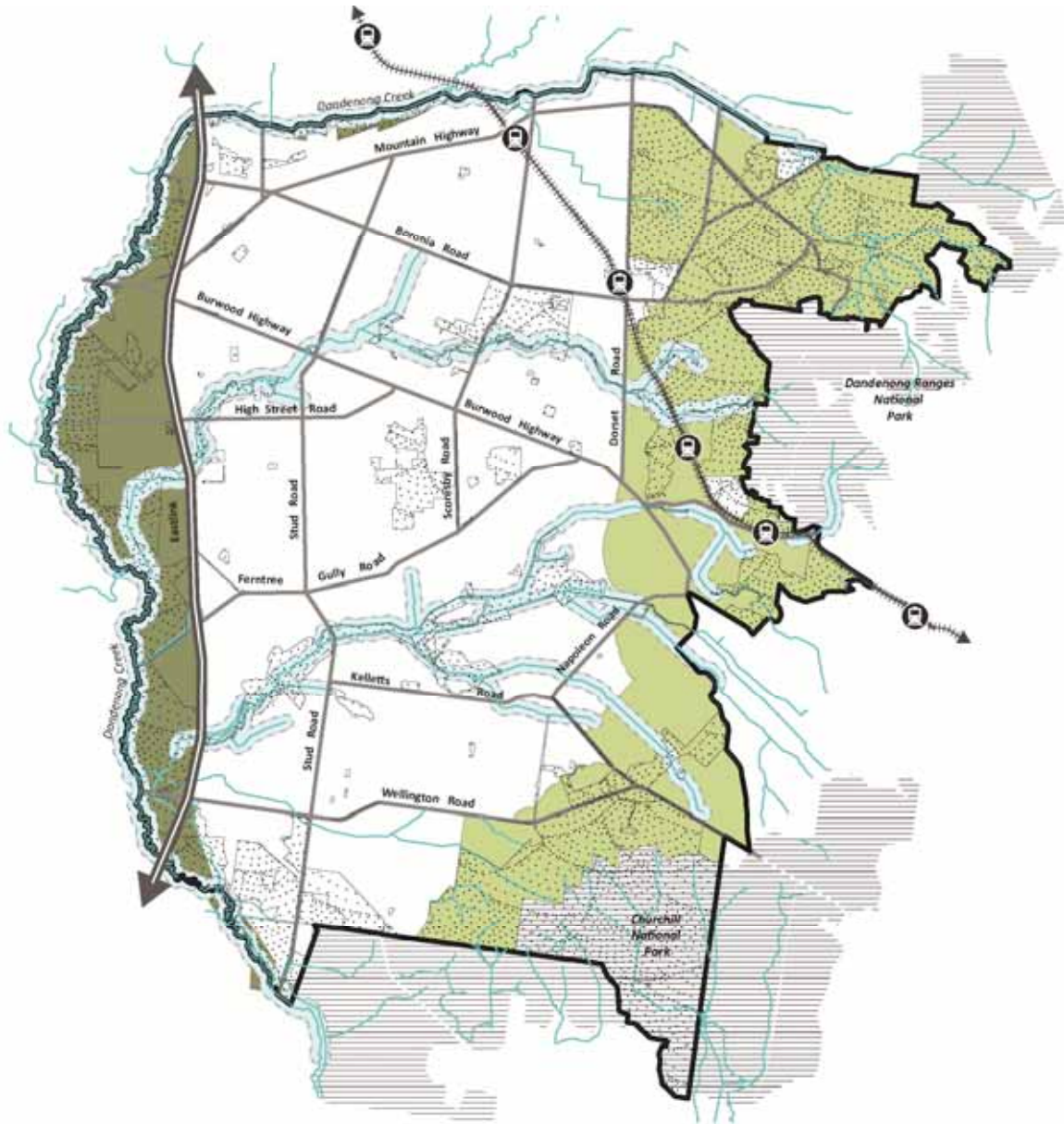
Further strategic work

- Review the application of overlays to ensure all significant vegetation is afforded appropriate protection.
- Investigate further opportunities to take into account the local values of vegetation, including amenity and health and wellbeing values, in considering applications for vegetation removal.
- Complete an assessment of agricultural land in rural and green wedge areas to better understand its productivity (including potential food production) and economy.
- Complete an assessment of and provide strategic directions for all rural and green wedge land that consider its aesthetic, biodiversity, landscape, amenity, cultural and agricultural values.
- Work with State Government agencies and neighbouring municipalities to strategically plan for, consolidate and improve the recreational activities and landscape characteristics of the Dandenong Valley parklands, and to ~~address—interface~~[address interface](#) issues between parkland and urban development.
- Review planning strategies and zoning in the area surrounding the Dandenong Valley Parklands to ensure consistency with objectives for development of the park.

Reference documents

- *Dandenong Foothills Urban and Landscape Review*, Hansen Partnership Pty Ltd for Knox City Council, 2006
- *Dandenong Valley Parkland Future Directions Plan*, Parks Victoria, 2006
- *Genetic Integrity Policy*, Knox City Council, 2015
- *Integrated City Strategy and Implementation Plan 2015-17*, Knox City Council, 2015 [\(or as amended\)](#)
- *Knox City Plan (incorporating the Council Plan) 2013-17*, Knox City Council, 2013 [\(or as amended\)](#)
- *Knox Urban Design Framework 2020*, Planisphere, 2003
- *National Trust Register No. 355 – Lysterfield Valley and Yarra Ranges Landscape*
- *Sites of Biological Significance in Knox - 2nd Edition*, G.S. Lorimer, 2010

Figure 1: Environmental and Landscape Values Map



LEGEND

Not to scale 

-  MUNICIPAL BOUNDARY
-  RAIL CORRIDOR/TRAIN STATION
-  DECLARED ARTERIAL ROAD
-  EASTLINK
-  NATIONAL PARK
-  PRIMARY NATURAL CORRIDOR
-  DANDENONG CREEK VALLEY
-  CREEK
-  SITES OF BIOLOGICAL SIGNIFICANCE
-  DANDENONG FOOTHILLS (INCLUDES OYSTERFIELD VALLEY)

21.04 ENVIRONMENTAL RISKS

DD/MM/YYYY
Proposed C150

This clause provides local content to support Clause 13 (Environmental Risks) of the State Planning Policy Framework.

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

21.04-1 Bushfire

DD/MM/YYYY
Proposed C150

Areas susceptible to bushfire in Knox are predominantly focused on the interface between urban development and the foothills of the Dandenong Ranges and bushland in Lysterfield and are shown in Figure 1. Land use and development planning in these areas must minimise the risk to life, property and the environment by applying the precautionary principle in decision-making. It must also consider the appropriateness of the intensity and location of any use and/or development in the context of bushfire risk, directing new development to lower risk areas where appropriate.

Vegetation in the Dandenong Foothills and Lysterfield is particularly important for biological and landscape purposes. Development in these areas may be limited to both minimise bushfire risk and protect significant vegetation. Consideration may need to be given to tailored site specific responses to mitigate bushfire risk whilst also achieving protection of landscape and biodiversity values.

Key issues

- Identifying areas prone to bushfire.
- Managing development to minimise risk to life, property and the environment.
- Limiting new development in the Dandenong Foothills and Lysterfield where vegetation removal for bushfire management would affect significant vegetation.

Objective 1

To ensure that new development responds to bushfire risk to life and property.

Strategies

Where land is affected by a Bushfire Management Overlay:

- ~~1.1~~ ~~Require development to implement bushfire protection measures including appropriate siting, design, and construction of buildings, vegetation management, water supply and access and egress.~~
- 1.2 Implement appropriate bushfire protection measures to reduce any risk of Development should not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.
- 1.3 Limit further subdivision and rezoning of land for urban purposes.
- 1.4 Require consideration of the location, nature and intensity of the use and/or development, including the number of additional persons that will be associated with the proposal, and the level of associated bushfire risk.
- ~~1.5~~ Direct new development to locations of lower bushfire risk where appropriate.
- 1.6
- 1.7 Require development to meet the requirements of the relevant fire authority in respect to fire fighting, water supply and emergency vehicle access.

Objective 2

Limit development in areas at high risk from ~~prone to~~ bushfire where there is also to minimise risk to life, property and the environment and to protect significant vegetation of high biological and/or

landscape value ~~and where planned bushfire protection measures may be incompatible with the natural environment, landscape and biodiversity values.~~

Strategies

Where land is affected by a Bushfire Management Overlay:

- 2.1 Discourage the intensification of urban development in areas at high risk from bushfire events, and which also have high biological and/or landscape values, particularly in the Dandenong Foothills and Lysterfield.
- 2.2 Limit new development where the extent of vegetation removal, required for bushfire management, would adversely affect the environmental or landscape values of land within the Dandenong Foothills and Lysterfield.
- 2.3 In areas of high landscape and biodiversity value, consider tailored defensible space and vegetation management responses that mitigate the bushfire risk to an acceptable level whilst retaining areas of highest biodiversity and landscape value.

21.04-2 Land use ~~buffers~~ conflicts

DD/MM/YYYY
Proposed C150

Exports from the manufacturing and wholesale trade account for a large proportion of the total gross revenue in Knox. In 2013, manufacturing and wholesale trade made up 40% of the \$19 billion of gross revenue from Knox industry. It is important to maintain the viability of industrial land by protecting it from the encroachment of commercial, residential and other sensitive uses. Conversely, in considering new industrial development, it is important to consider potential adverse impacts the development might have on surrounding sensitive uses, like noise and air emissions (odour and dust).

There are three active quarry sites within Knox as shown in Figure 1. ~~Two of the quarry sites are identified as strategic redevelopment sites: The active George Street Quarry in Wantirna South is a Strategic Investigation Site. and the former Norvel Road Quarry in Ferntree Gully. The other two third quarry sites are both in Wellington Road, Lysterfield Quarry (south of Wellington Road and made up of two active quarries) and~~ provides a regionally significant source of hard rock aggregates for building and construction.

~~Knox has two former landfills (Llewellyn Park Landfill and Cathies Lane Landfill), in Wantirna South, along with the current Knox Transfer Station. Use and development of these sites and land near to these sites must account for potential land contamination (including gas migration) and other adverse effects such as noise and air emissions. The Environment Protection Authority has guidelines which recommend buffers associated with Type 2 landfills.~~

It is important to ~~also~~ manage the interfaces between sensitive or commercial land uses and the active quarries, the Knox Transfer Station and other heavy industrial sites, in order to support ongoing operation of these facilities without exposing residents to adverse effects.

Key issues

- There are Strategic Investigation ~~redevelopment~~ Sites in proximity to quarries, ~~former landfills~~ and a waste transfer station;
- ~~Residential and sensitive use~~ Encroachment of industry and quarries by sensitive uses and some commercial uses ~~and former landfill~~ can impact industry operations and their viability;
- Protecting amenity of residential sensitive uses amenity from residual air and noise emissions and landfill gas emissions.

Objective 3

To prevent conflict between commercial or sensitive uses and with industry, waste recovery and natural resource extraction ~~by maintaining land use buffers.~~

Strategies

- 3.1 ~~Consider the need to~~ provide and maintain suitable ~~separation distances~~ ~~buffers from~~ ~~between~~ the following facilities ~~and commercial or sensitive uses to prevent~~ ~~encroachment of commercial and sensitive uses~~ which may harm industry viability and to protect the amenity of sensitive uses:
- Lysterfield Quarry, Wellington Road;
 - George Street Quarry in Wantirna South, and;
 - Cathies Lane Transfer Station, ~~(George Street,~~ Wantirna South.
- 3.2 Require applications for new industrial developments to consider the proximity and interface with existing commercial ~~or residential and other~~ sensitive uses, along with minimising the impacts of noise, odour, dust and traffic.
- 3.3 Maintain the viability and purpose of Knox's industrial land by minimising encroachment from non-industrial uses that are not complementary to the primary industrial use.

Objective 4

~~To mitigate potential adverse impacts associated with closed landfills, including gas migration and groundwater contamination, by maintaining a suitable separation distance between sensitive uses and landfills during their long-term rehabilitation.~~

Strategies

- ~~4.1 — Avoid locating further sensitive uses near to Cathies Lane and Llewellyn Park landfills, Wantirna South, unless suitable information is provided that satisfies the responsible or planning authority that a proposed development will not be adversely impacted by its proximity to the landfill site.~~

21.04-3 Closed landfills

DD/MM/YYYY
Proposed C150

Knox has two closed landfills (Llewellyn Park Landfill and Cathies Lane Landfill) in Wantirna South, shown in Figure 1. In accordance with the Environment Protection Authority's (EPA) Publication 788.3 – Best Practice Environmental Management: Siting, design, operation and rehabilitation of landfills, August 2015 (Landfill BPEM), both closed landfills are categorised as Type 2 landfills as they contained putrescible waste. Use and development of these sites and land within proximity to these sites must consider environmental risks including land contamination and gas migration.

Key issues

- There are sensitive land use development sites located within the EPA recommended buffer distances from closed landfills.
- Proposed development and works within the recommended landfill buffer can pose a safety risk by potentially providing pathways for landfill gas migration and other adverse amenity impacts.

Objective 4

To manage the potential for adverse impacts associated with closed landfills, including gas migration.

Strategies

- 4.1 — Implement the Environment Protection Authority recommended buffer distances included in Landfill BPEM (or as amended) for the closed landfills at Cathies Lane and Llewellyn Park former landfills, Wantirna South.

[4.2 Where a proposed use or development encroaches into the Environment Protection Authority recommended buffer distances, have regard to section 8.2.2 \(Buffer distances and encroachment\) of Landfill BPEM \(or as amended\).](#)

21.04-43 Climate change resilience

DD/MM/YYYY
Proposed C150

Global environmental issues can affect Knox at a local scale; these include air quality, greenhouse gas emissions and energy efficiency, noise, water quality and catchment management, land development and the loss of vegetation and waste management. Through responsible planning these issues can be better managed and mitigated.

Land use planning and development can have regard to climate change resilience by managing intensification of high-risk areas; encouraging sustainable design in all developments; reducing demand for the private car; and greening our urban areas, which are reflected in objectives and strategies throughout the Knox Municipal Strategic Statement.

Climate change can have major impacts on the environment and people and exacerbates environmental risks such as drought, changes in temperature, the urban heat island effect, and increased storm, flooding and bushfire events. Planning for land use and development should consider these with the view to mitigating the potential future impacts of climate change.

Key issues

- Adapting the built environment to mitigate the impacts of climate change.
- Increased temperatures in urban areas as a result of extensive hard surfaces.
- Increased severity and frequency of extreme weather events as a result of climate change.

Objective 5

To create an urban environment that is resilient to the impacts of climate change, in particular the urban heat island effect, heatwaves, droughts and storm events.

Strategies

- 5.1 Promote greater use of vegetation, including canopy trees and surface grasses, green roofs and other drought-tolerant green infrastructure in development.
- 5.2 Support the use of appropriate materials, colours and heat-reflective surfaces to buildings and permeable pavements and reduce sealed surfaces.
- 5.3 Support development that mitigates increased flood risk as a result of expected changes in storm and rainfall patterns from climate change.
- 5.4 Consider the impact of a changing climate on the Knox community and built environment when evaluating land use and development proposals.

21.04-45 Potentially contaminated land

DD/MM/YYYY
Proposed C150

Land contamination can be a result of past land uses associated with industry, mining, agriculture and the handling, storing and disposal of waste or chemicals. In some circumstances, there is also the potential for off-site or groundwater contamination from neighbouring land uses and fill made up of contaminated imported soil. There are a number of potentially contaminated sites within Knox that may be redeveloped to a sensitive use. These sites require identification, testing and remediation where appropriate to ensure land is of a standard suitable for the intended new use or development.

Objective 6

To avoid harm to human health and the environment from contaminated land.

Strategies

- 6.1 Require applicants to provide an environmental site assessment, from a suitably qualified professional, where there is ~~a medium~~ potential for contamination or the land use history is unclear, to determine if an environmental audit is necessary.

21.04-56

DD/MM/YYYY
Proposed C150

Implementation

Policy Guidelines

- Apply State Environment Protection Policies in relation to siting and separation distances to industrial uses in consultation with the Environment Protection Authority.
- Apply Clause 22.02 (Industrial and Restricted Retail Sales Area Design local policy) to land in an Industrial 1 Zone or Commercial 2 Zone to manage siting, landscape buffers and visual amenity issues at the interface with residential land.
- Apply Clause 22.04 (Environmentally Sustainable Development local policy) to relevant ~~larger~~ development applications to improve the environmental sustainability of buildings to reduce greenhouse gas emissions and urban heat island effects.

Application of zones and overlays

- ~~Apply the Industrial 3 Zone to industrial areas to protect the amenity of surrounding sensitive uses, where appropriate.~~
- Apply a Bushfire Management Overlay to areas of high bushfire risk.
- Apply the Environmental Audit Overlay to potentially contaminated land that is rezoned to allow for a sensitive use.
- Apply the Vegetation Protection Overlay and Environmental Significance Overlay to significant environments and vegetation to protect and enhance existing vegetation to minimise climate change effects including the heat island impact.

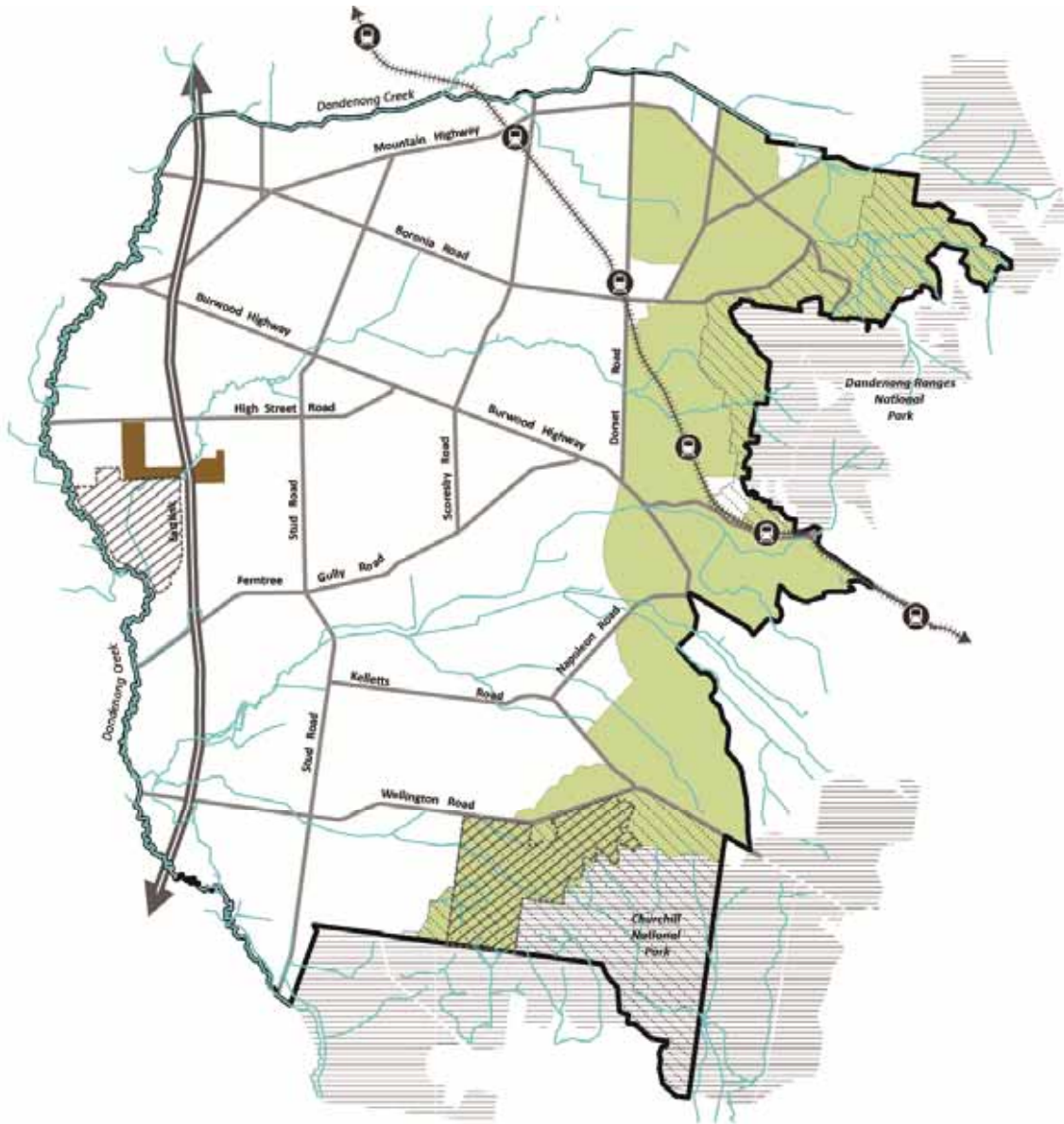
Further strategic work

- Mitigate bushfire risk when planning for the redevelopment of key investigation sites or other large sites that are in a Bushfire Prone Area or in proximity to Lysterfield Park, Churchill National Park and Dandenong Ranges National Park.
- ~~Investigate opportunities to use planning tools to appropriately manage buffer areas between sensitive uses, landfills and any other uses with adverse amenity potential.~~
- Investigate application of the Industrial 3 Zone to industrial areas to protect the amenity of surrounding sensitive uses, where appropriate.

Reference documents

- *Integrated City Strategy and Implementation Plan 2015-17*, Knox City Council, 2015 ([or as amended](#))
- *Knox City Plan (incorporating the Council Plan) 2013-17*, Knox City Council, 2013 ([or as amended](#))
- *Municipal Emergency Management Plan 2016-19*, Knox City Council, 2016
- *Municipal Fire Management Plan, 2015-18*, Knox City Council, 2015

Figure 1 - Environmental Risks Map



LEGEND

- | | |
|-----------------------------|---------------------------------------|
| MUNICIPAL BOUNDARY | KNOX TRANSFER STATION/FORMER LANDFILL |
| RAIL CORRIDOR/TRAIN STATION | BUSHFIRE MANAGEMENT OVERLAY |
| DECLARED ARTERIAL ROAD | QUARRIES/EXTRACTIVE INDUSTRY |
| EASTLINK | |
| DANDENONG FOOTHILLS | |
| NATIONAL PARK | |
| CREEK | |

Not to scale

21.05 BUILT ENVIRONMENT AND HERITAGE

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

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

21.05-1 Local character, identity and sense of place

A vibrant City is one that is made up of liveable communities and neighbourhoods that have a strong identity and local character, reinforcing our sense of place. The creation of place facilitates the expression of diversity and identity in local areas. This includes urban design, landscape, historic and cultural elements, and physical and social infrastructure. These combined factors contribute to prosperity in local communities through new investment, infrastructure, services and facilities.

Knox City Council is committed to an integrated place-based approach to the planning and delivery of development, infrastructure, services and activities for local areas of strategic and community importance. This approach considers not only the physical and economic determinants of a local area, but also the social, cultural, community, and health and wellbeing attributes that help define a place and contribute to its liveability.

The place-based approach empowers stakeholders by fostering partnerships between Council and the community, local businesses and other key stakeholders, improving understanding and ownership within the community and facilitating outcomes that meet community aspirations.

Key issues

- Improving understanding of the value of an integrated place-based approach to local area planning across all stakeholders, including local businesses, residents and government agencies.
- Raising the profile of considering social, cultural and community health and wellbeing issues during the planning processes.
- Empowering local communities to contribute to and have ownership of the outcomes of local area planning initiatives.
- Facilitating social and economic activity in activity centres and other key local areas.

Objective 1

To create vibrant local areas with a strong character, identity and sense of place.

Strategies

- 1.1 Apply a place-based approach to development, infrastructure and land use planning to connect the delivery of services, programs and activities with measurable outcomes in local areas.
- 1.2 Develop and implement local area plans, including structure plans, in partnership with local communities, local businesses and other key stakeholders.
- 1.3 Support the development of arts and cultural facilities and assets that are distinctive to local areas.

21.05-2 Urban design

There is increasing demand by the Knox community for higher quality architectural design and more liveable and sustainable outcomes for built form and public spaces, as important contributors to the local character, identity and image of Knox.

The *Knox Urban Design Framework 2020* (2003) provides a ‘whole of city’ vision and framework for the creation of liveable and sustainable environments, with further potential to capture and enhance social, economic and environmental opportunities.

As the population and local areas change, development should be accessible, sustainable and adaptable to meet existing and future community needs. The City's future urban form will need to play a much stronger role in developing and respecting local character and identity.

Key issues

- Protecting and strengthening Knox's distinctive landscape characteristics.
- Facilitating leading edge, high quality and sustainable urban design outcomes for new development.
- Facilitating design that addresses the public realm and improves public amenity.
- Facilitating design that prioritises the needs of pedestrians and cyclists.
- Addressing the needs of changing commercial and residential markets and household structures.

Objective 2

To create high quality, well-designed places that respect and strengthen the [local context](#)~~cultural identity~~ and landscape qualities of Knox.

Strategies

- 2.1 Require development to be high quality and to respect and positively respond to the site and local context.
- 2.2 Require development to use articulation and materials to present visual interest and to present appropriate scale and detail to the street frontage.
- 2.3 Require development to include landscape as an integral part of the overall design.
- 2.4 Require development on corner sites to maximise the prominence of the location through scale, activation of frontages and building orientation.
- 2.5 Require development to minimise the visual impact of service areas, access and parking.
- 2.6 Require development to protect and enhance the vistas to the Dandenong Foothills, Lysterfield Valley and Dandenong Creek Valley.
- 2.7 Support residential development that makes a positive contribution to the preferred future character of the local area consistent with the local policy at Clause 22.07 (Development in Residential Areas and Neighbourhood Character).
- 2.8 [Require new development with an immediate proximity to the EastLink freeway corridor to be designed to respond to the freeway interface, having regard to site layout, setbacks, urban design, lighting, fencing, landscaping, drainage, advertising signs, access arrangements and acoustic attenuation, as required.](#)

Objective 3

To create places that are accessible and adaptable to changing community needs.

Strategies

- 3.1 Support development that considers flexible and adaptable design for potential future uses to address changing markets and household structures.
- 3.2 Support development that can be accessed by people of all ages and abilities.

Objective 4

To create high quality public spaces with infrastructure for recreation, social interaction and cultural expression.

Strategies

- 4.1 Provide for attractive public space opportunities within activity centres, as identified in local area planning, such as structure plans.
- 4.2 Require development to provide opportunities for community activity and social interaction in communal or shared spaces and at interfaces between the public and private realm.
- 4.3 Require building facades to maximise visual connectivity between the public and private realms.
- 4.4 Facilitate public art and landscape treatments in public spaces in activity centres, public open space areas and along major road networks to reflect cultural identity and improve the amenity of the public realm.
- 4.5 Support opportunities for the expression of visual art in new development.
- 4.6 Require development to contribute to a pedestrian-friendly environment.
- 4.7 Require multistorey development along public spaces and creek corridors to front those public areas or, where this is not possible, to provide high quality, articulated facades which provide passive surveillance.
- 4.8 Require development adjoining public open space to provide accessible pedestrian links.

21.05-3 Bush Boulevards and gateways

The views presented to visitors and residents at the City's entry points and passing along main roads help to define its image and character. These gateways and road corridors accentuate the green and leafy landscape character of Knox with attractive tree-lined avenues and bush landscapes.

Knox has a series of significant road corridors that are identified as 'Bush Boulevards' and 'Paths into the Hills' (shown on Figure 1 to this clause). 'Bush Boulevards' are arterial roads with wide reservations running east-west through Knox (except Stud Road, which runs north-south) that are planted with informal avenues of native trees. As 'Bush Boulevards' extend eastwards into the Foothills they become 'Paths into the Hills' that have roadside verges containing significant understorey and canopy vegetation. Buildings along these roads generally contribute to this character with setbacks from the street and canopy tree planting. These attractive road corridors link the suburbs of Knox to the landscape character of the Dandenong Foothills. They also have various environmental benefits such as supporting local biodiversity, providing wildlife corridors, enhancing native remnant bushland values and mitigating the effects of climate change.

'Gateways' in Knox are landscape-dominant entry points into the City that intersect with the natural significant landscapes of the Dandenong Foothills, the Lysterfield Valley and the Dandenong Creek Valley.

'Dandenong Creek Valley Gateways' (shown in Figure 1 to this clause) are located at entry points along the western and northern boundaries of Knox, where main roads pass through Dandenong Creek Valley's broad corridor of green space separating Knox from adjoining municipalities. These gateways welcome visitors to Knox with a sense of openness and views into the creek valley, promoting the City's green landscape identity.

'Tourist Gateways' (shown in Figure 1 to this clause) are integrated built form and landscape entry points near the eastern boundary of Knox that are on the tourist route for visitors to the Dandenong Ranges.

The two northern-most 'Tourist Gateways' located at The Basin and Upper Ferntree Gully neighbourhood activity centres are entry points to the Dandenong Ranges and provide convenience retail and other services, supporting tourism in the wider area. Opportunities exist to strengthen the arrival experience at these gateways to capitalise on their Foothills setting and local character by integrating built form and landscape outcomes.

The 'Tourist Gateway' of Lysterfield, located to the south-east of Knox, is an entry point to both the City and the Lysterfield Valley and Lysterfield Hills, comprised of a landscape transition with no built form function. This landscape-dominant gateway is a key transition point between the pastoral landscape and the environmental qualities of the Lysterfield Valley and Lysterfield Hills and the significant environmental landscape of the Dandenong Ranges beyond.

Key issues

- Creating attractive road corridors that link the suburbs with the landscape of the Dandenong Foothills.
- Inconsistent landscape outcomes along major road corridors.
- Integrating built form and landscape outcomes along Bush Boulevards and 'Paths into the Hills'.
- Enhancing landscape-dominant gateways that uniquely identify the City of Knox.

Objective 5

To enhance the landscape character of the City's 'Bush Boulevards', 'Paths into the Hills' and 'Gateways' and link them to the significant landscapes of the Dandenong Foothills, the Lysterfield Hills and Valley and the Dandenong Creek Valley.

Strategies

- 5.1 Along 'Bush Boulevards':
- Protect and enhance existing native vegetation within road reservations and minimise crossovers and impacts to street trees.
 - Protect and emphasise views to the Dandenong Ranges.
 - Outside of activity centres, require development to integrate with the surrounding landscape with substantial setbacks from the road planted with a natural arrangement of native canopy trees.
 - Within activity centres, maintain a continuous setback that is planted with a native 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.
- 5.2 Along 'Paths into the Hills':
- Support a built form that does not dominate landscape character.
 - Protect and enhance existing native trees and understorey planting and minimise crossovers and impacts to street trees.
 - Outside of activity centres ~~and high bushfire risk areas~~, require development to be setback and screened with a thick buffer of native vegetation and canopy trees, minimising visibility from the road.
- 5.3 Within 'Gateways':
- Create a sense of arrival and departure at 'Gateways' by integrating natural landscape treatments and public art.
 - Protect view lines to significant landscapes.
 - Protect and enhance existing native vegetation.
 - Support planting of natural arrangements of trees and shrubs.
- 5.4 Within 'Dandenong Creek Valley Gateways', support lower-scale built form that does not dominate landscape character, is well setback and screened with canopy trees to maintain a sense of openness along the gateway corridor.
- 5.5 Within 'Tourist Gateways' located at The Basin and Upper Ferntree Gully, support lower-scale built form that respects the village character, Foothills setting and maintains public realm view lines to the Dandenong Ranges.

21.05-4 Design for safety

All people in Knox should feel and be safe. Applying design for safety principles reduces the fear and incidence of crime and improves quality of life and wellbeing. Designing for safety aims to:

- Maximise visibility and casual surveillance opportunities of the public realm, exterior of buildings and within sites;
- Provide safe movement, good connections, clear sightlines and access;

- Provide public lighting and way finding infrastructure;
- Maximise activity in public spaces;
- Clearly define private and public realm responsibilities; ~~and~~
- Manage public space to be attractive and well used; and,-
- Achieve required fire safety outcomes of buildings and spaces.

Key issues

- Addressing community perceptions of poor safety in areas such as public transport interchanges, on or near public transport, and when walking after dark in public spaces.
- Incorporating Safer Design Principles and Crime Prevention Through Environmental Design (CPTED) in development.

Objective 6

To create places that increase personal safety and perceptions of safety, and reduce opportunities for crime and antisocial behaviours.

Strategies

- 6.1 Require development to incorporate Safer Design Principles and CPTED principles.
- 6.2 Support appropriate street trade and outdoor dining to enhance street activity and public realm surveillance.
- 6.3 Support development that provides legible and safe walking and cycling routes.
- 6.4 Support legible and safe walking, cycling and vehicle access to public transport interchanges.
- 6.5 Require development to provide good lighting, visibility and surveillance of car parks and internal access ways.
- 6.6 Require development to provide opportunities for passive surveillance to road frontages, creek corridors and public open space.
- 6.7 Require buildings to maximise opportunities for passive surveillance and visual connectivity between the public and private realms at ground and podium levels.
- 6.8 Support development that avoids solid fences to maximise visibility and facilitate passive surveillance.
- 6.9 Require development to avoid blind corners and entrapment points.

Objective 7

To require all new development to make a positive contribution to fire safety in Knox.

Strategies

- 7.1 Require all development to meet the requirements of the relevant fire authority in respect to firefighting, water supply and emergency vehicle access.

21.05-5 Environmentally Sustainable Development

The spatial development of Knox since the 1960s has predominantly comprised low-density built form that has led to a car dependent city. This has resulted in an increased use of resources, a rise in air pollution and reduced amenity levels for Knox residents.

There is a critical need to reduce greenhouse gas emissions and improve air quality, minimise water use, protect important vegetation and waterways, and reduce waste. Facilitating sustainable land use and development is critical to achieving these sustainability goals.

The implementation of environmentally sustainable design (ESD) principles at the planning approval stage of development will help to achieve Knox's sustainability and liveability objectives.

Key issues

- Adopting technology and practices in energy efficiency and alternative energy sourcing to achieve ESD outcomes.
- Improving housing liveability and amenity for occupants by supporting indoor environment quality (such as access to daylight, sunlight and ventilation, and reducing noise levels).
- Efficient use of urban water runoff and the quality of stormwater entering waterways.
- Development responding positively to the public realm, including existing and proposed open space and waterway corridors.
- Energy-performing development that reduces reliance on non-renewable resources.
- Minimising car dependency and improving use of sustainable transport modes.
- Reducing waste and pollution during all stages of the construction process.
- Safeguarding environmentally sustainable landscapes and natural habitats.
- Minimising the urban heat island effect.
- Reducing maintenance and utility costs.

Objective ~~8~~7

To achieve environmentally sustainable development that contributes to a more liveable and sustainable Knox.

Strategy

- 8.1 Require new development (not including single dwellings or buildings or additions with a floor area of less than 500m²) to incorporate best practice environmentally sustainable design measures in the following areas: energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology.
- 8.2 Support innovative technology, design and processes in all development, including the use of energy efficient devices and alternative energy sources that positively influence the sustainability of buildings and development.
- 8.3 Facilitate environmentally sustainable development by assessing applications against Clause 22.04 (Environmentally Sustainable Development local policy).

21.05-6 Heritage

DD/MM/YYYY
Revised 2015

Local heritage is an integral part of the evolution of land use in Knox and contributes to the diverse cultural heritage and identity of the City. The *City of Knox Heritage Study* (1993) identifies many known heritage places in the municipality, however it is not a comprehensive record of all places of historic and cultural significance in Knox.

The challenge is to identify, protect and enhance all places of historic, social and cultural significance in Knox and to recognise their contribution to a sense of place and identity. This includes Aboriginal cultural heritage, which is a significant part of the heritage of all Australians. There is a need to protect and better reflect the significance of places of Aboriginal cultural heritage in built and natural environments.

Two Aboriginal clans are recognised by Knox City Council as the Traditional Owners of land within Knox; the Boon Wurrung People and the Wurundjeri People of the Kulin Nation. Significant cultural places of historic significance known to exist include the Dandenong Police Paddocks in Rowville, Dandenong Creek and views towards Mt Corhanwarrabul, which are of spiritual significance. Many other places of Aboriginal cultural heritage are yet to be identified, and some may not be until new development is proposed. Areas of Aboriginal cultural heritage

sensitivity are primarily located along waterways and around Lysterfield Park and are subject to requirements under the *Aboriginal Heritage Act 2006*.

Land use and development approval processes for places of historic and cultural significance must acknowledge their importance and consider potential impacts on their heritage value. Appropriate uses need to be identified or retained to help preserve these places and their heritage values into the future.

Key issues

- Outdated and inadequate identification, assessment and protection of all places of historic and cultural significance in Knox.
- Recognising the need to improve knowledge, understanding of and respect for Aboriginal cultural heritage sites within Knox and to better reflect their significance in the built and natural environment.
- Loss of places of historic and cultural significance from inappropriate development.
- Ensuring land use and development approval processes recognise and protect places of historic and cultural significance.

Objective 98

To identify, protect and enhance places and areas of historic, cultural and social significance.

Strategies

- 9.1 Promote the identification and assessment of all places and areas of historic, cultural and social significance.
- 9.2 Promote the protection, enhancement and management of all places and areas of historic, cultural and social significance.
- 9.3 Facilitate land use and development that is respectful of the heritage values and character of the place and surrounding area, and does not adversely affect the significance of the place.
- 9.4 Support viable uses which recognise the importance of identified places of heritage significance and their adaptive re-use.
- 9.5 Require an application to demolish a building (or part of a building) or carry out works in a heritage overlay to be accompanied by a report justifying the proposal.

Objective 109

To identify and protect significant places of Aboriginal cultural heritage to better reflect Aboriginal values and perspectives in our built and natural environments.

Strategies

- 10.1 Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- 10.2 Support development that reflects Aboriginal values and perspectives in the built and natural environment.

21.05-7 Advertising signs

Advertising signs provide important information relating to local businesses and services and support economic growth, however they can have detrimental impacts on the visual amenity of local areas. The challenge is to ensure that advertising signs are able to adequately and appropriately identify local businesses and services whilst taking into account their visual impact on the built form, streetscape and local amenity.

Key issues

- Excessive signs and visual clutter, which dominate streetscapes.
- Managing the visual impact of signs on the views and vistas towards, from and within the Dandenong Foothills, Lysterfield Valley and hills, and Dandenong Creek Valley parklands.
- Managing the impact of large format signs, such as sky signs, promotion signs and promotion panel signs.

Objective 1₁₀

To ensure advertising signs meet the advertising needs of businesses on the land, without causing visual clutter or having detrimental streetscape or amenity impacts.

Strategies

- 11.1 Support advertising signs which are compatible with the scale of the building and/or site, the surrounding streetscape and landscape character of the area, and the size and nature of other signs in the area.
- 11.2 Avoid advertising signs which will impact on views to significant landscapes, create visual clutter, or adversely impact on residential amenity.
- 11.3 Assess applications for advertising signs in accordance with the Advertising Signs local policy at Clause 22.01.

21.05-8 Implementation

Policy guidelines

- Apply Clause 22.01 (Advertising Signs local policy) to applications for the display of advertising signs to ensure advertising signs meet advertising needs of businesses on the land, without causing visual clutter or having detrimental streetscape or amenity impacts.
- Apply Clause 22.02 (Industrial and Restricted Retail Sales Area Design local policy) to land in an Industrial 1 or Commercial 2 Zone to ensure the design of industrial and restricted retail sales development maintains and enhances the appearance of industrial and restricted retail areas.
- Apply Clause 22.03 (Non-Residential Uses in Residential Areas local policy) to non-residential uses [and development](#) in residential areas to ensure the design is attractive and ~~reflects~~ [protects](#) the residential character of the area.
- Apply Clause 22.04 (Environmentally Sustainable Development local policy) to relevant development applications to facilitate environmentally sustainable design outcomes.
- Apply Clause 22.06 (Residential Land Use and Development within the Commercial 1 Zone local policy) to residential and mixed use development in the Commercial 1 Zone to ensure development has a high standard of visual appearance and is of an appropriate scale.
- Apply Clause 22.07 (Development in Residential Areas and Neighbourhood Character local policy) to development in residential zones to ensure the design of development responds to the preferred future character of residential areas.
- Apply Clause 22.08 (Scoresby-Rowville Employment Precinct local policy) to land in the precinct to ensure development maintains high design and amenity standards.
- [Use Accessibility Guidelines to assist consideration of accessibility issues as part of the consideration of development proposals, as appropriate.](#)

Application of zones and overlays

- Apply the Design and Development Overlay as appropriate, to achieve specific design, built form and landscape outcomes for local areas, including activity centres.

- Apply the Design and Development Overlay and the Significant Landscape Overlay to land in the Dandenong Foothills to ensure development and vegetation removal respects the environmental and landscape significance of the area.
- Apply the Development Plan Overlay, as appropriate, to provide for the integrated and orderly development of local areas, including shopping centres and residential development sites to ensure appropriate lot size and layout, landscaping, design principles and heritage outcomes.
- Apply the Development Plan Overlay to the Scoresby-Rowville Employment Precinct to provide for the integrated and orderly development of the area, including design requirements for a high amenity precinct.
- Apply the Development Plan Overlay to the Wantirna Health Precinct to provide for the integrated and orderly expansion of the Knox Private Hospital to facilitate a State-significant health precinct.
- Apply the Heritage Overlay to areas and buildings of historical, cultural and social significance to protect heritage places, precincts and vegetation.

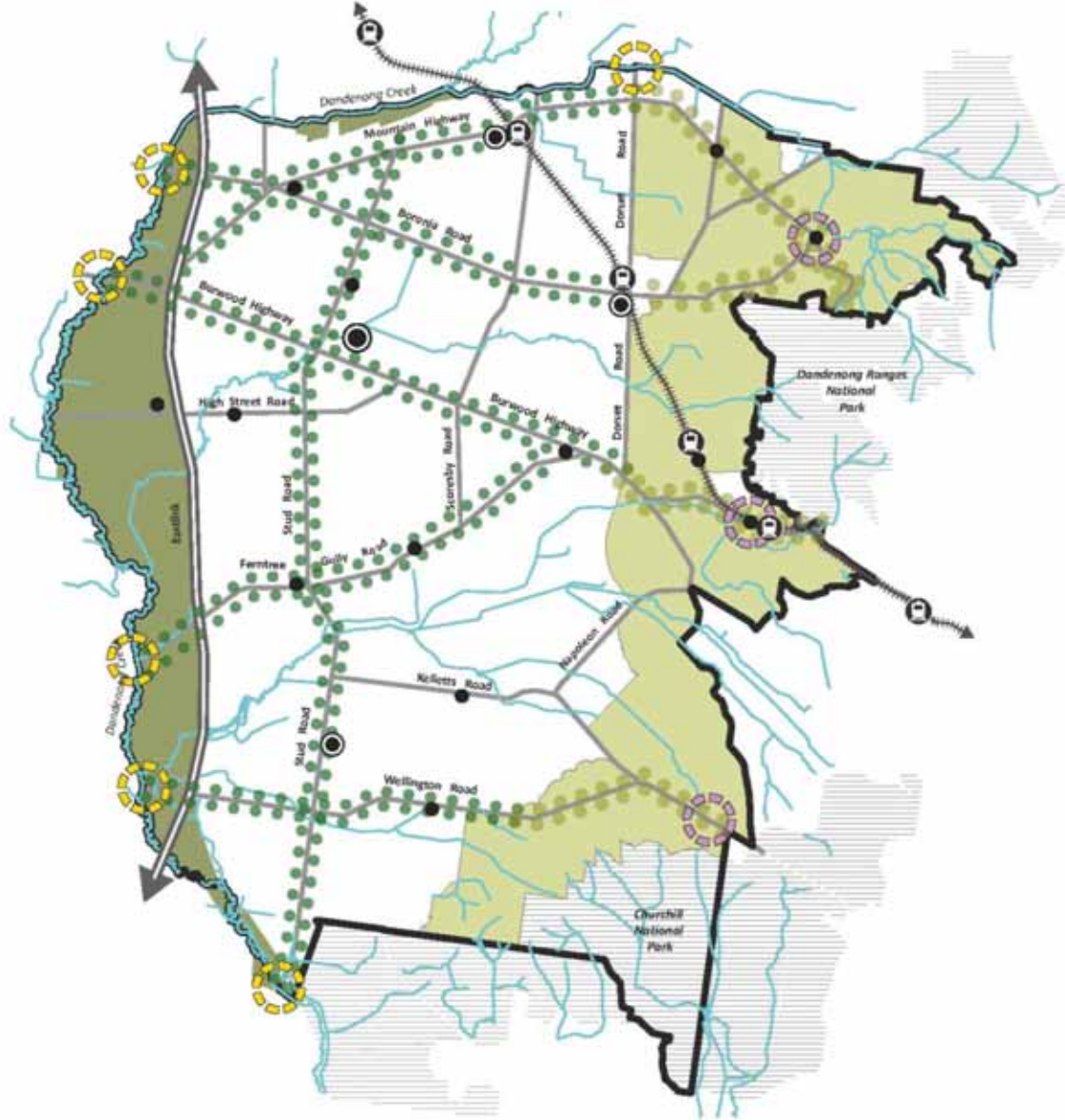
Further strategic work

- Review the *Knox Urban Design Framework 2020* (2003).
- Prepare a local area plan for the Burwood Highway commercial corridor.
- Prepare a new Heritage Study for the City of Knox, to provide a comprehensive record of historic, social and culturally significant places and areas in Knox, including Aboriginal cultural heritage, and to implement its recommendations into the Planning Scheme.

Reference documents

- *City of Knox Heritage Study*, McInnes, M, 1993
- *Integrated City Strategy and Implementation Plan 2015-17*, Knox City Council, 2015 ([or as amended](#))
- *Knox Arts and Cultural Plan 2012-22*, Knox City Council, 2012
- [Knox City Council Mobility Study, Knox City Council, 2011](#)
- *Knox City Plan (incorporating the Council Plan) 2013-17*, Knox City Council, 2013 ([or as amended](#))
- *Knox Community Safety Plan 2013-2017*, Knox City Council, 2013
- *Knox Liveable Streets Plan 2012 -2022*, Knox City Council, 2012
- *Knox Urban Design Framework 2020*, Planisphere, 2003

Figure 1 - Bush Boulevards and Gateways Map



LEGEND

RAIL CORRIDOR / TRAIN STATION

MUNICIPAL BOUNDARY

DECLARED ARTERIAL ROAD

EASTLINK

TOURIST GATEWAY

DANDENONG CREEK VALLEY GATEWAY

BUSH BOULEVARD

PATHS INTO THE HILLS

CREEK

FOOTHILLS

DANDENONG CREEK VALLEY

NATIONAL PARK

HIERARCHY OF ACTIVITY CENTRES:

ACTIVITY CENTRE

NEIGHBOURHOOD ACTIVITY CENTRE

Not to scale

21.07 ECONOMIC DEVELOPMENT

This clause provides local content to support Clause 17 (Economic Development) of the State Planning Policy Framework.

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

21.07-1 Economic growth and employment

Knox is a major contributor to the regional and broader Melbourne economies, with exports largely dependent on the manufacturing and wholesale trade sectors. Recent jobs growth in health care and social assistance and professional, scientific and technical services, with a small decline in manufacturing suggest a shift towards a knowledge-based economy.

Knox enjoys a reputation as a high employment generator, with steady, higher than average levels of workplace participation and lower than average unemployment rates. The highest employment industry sectors are manufacturing, retail trade, wholesale trade and healthcare and social assistance.

Knox has a skilled workforce, which makes it an attractive place to locate for business. Knox has a range of significant employment precincts, as well as a network of smaller commercial and industrial hubs. Both the Bayswater Industrial Precinct and the Scoresby-Rowville Employment Precinct are recognised in *Plan Melbourne 2014* for their investment and employment opportunity. The Wantirna Health Precinct is recognised as a State significant health precinct, and will be a major employment centre for health, community and education services.

Knox has around 13,000 businesses operating within it, employing a workforce in excess of 55,000 people. Just over 9% of land in Knox is specifically zoned for industrial or commercial purposes.

In Knox, 28% of working residents are employed within the municipality and 56% of businesses are registered as 'non-employing', which suggests home-based business is an important source of employment.

The supply of land for primary industry in Knox is mostly located outside the Urban Growth Boundary.

Key issues

- Maintaining a strong and sustainable local economy.
- Strengthening local employment opportunities.
- Strengthening the Knox image for high quality business areas.
- Responding to broader changes in the industrial and commercial sectors.
- Pressure for smaller land allotment sizes.

Objective 1

To create a strong and sustainable local economy and facilitate local employment opportunities.

Strategies

- 1.1 Support the development of local businesses with a focus on advanced and high value manufacturing, health, ageing and business services.
- 1.2 Support appropriate home-based business, having regard to local amenity considerations.
- 1.3 Support development that accommodates emerging business trends.
- 1.4 Support the formation of industry clusters and networks.
- 1.5 Support restricted retail development in highway locations and on the periphery of activity centres.
- 1.6 Avoid alternative use of economically viable primary industry sites.

- 1.7 Support complementary office opportunities on commercial and industrial land that promotes co-working, small business, collaboration and innovation.
- 1.8 Facilitate infill development of vacant commercial and industrial sites and innovative development of underutilised land to support new employment and achieve active frontages.

Objective 2

To ensure sufficient land is available for industrial and production economy-related uses.

Strategies

- 2.1 Avoid non-industrial uses on industrial land that will compromise the supply and viability of the land for industrial and productive economy related uses.
- 2.2 Facilitate site consolidation and redevelopment of under-utilised sites in industrial areas.
- 2.3 Avoid fragmentation of industrial sites and buildings.
- 2.4 Support industrial development with compact internal arrangements that provide for efficient land use.

Objective 3

To provide a local amenity that makes it attractive to work and do business in Knox.

Strategies

- 3.1 Create and maintain a high standard of amenity in industrial, commercial and restricted retail sales areas.
- 3.2 Support industrial, commercial and restricted retail development that provides a high quality built form and well-planted setbacks along declared arterial road frontages.
- 3.3 Protect key public realm views to the Dandenong Ranges in Activity Centres.
- 3.4 Support building renewal and quality built form in existing industrial areas.

Objective 4

To facilitate development and support the growth of key employment precincts, including the Scoresby-Rowville Employment Precinct, Bayswater Industrial Precinct and the Wantirna Health Precinct.

Strategies

- 4.1 Support a transition towards knowledge based industries in areas traditionally dominated by manufacturing, particularly in the Bayswater Industrial Precinct.
- 4.2 Facilitate development of the Scoresby-Rowville Employment Precinct as a regional employment and national and international business attractor for technologically advanced industry (including hi-tech and bio-tech industries) that provide high amenity and lifestyle options.
- 4.3 Facilitate and support development of the Wantirna Health Precinct with a focus on health, education and community employment uses.
- 4.4 Support residential development within the Wantirna Health Precinct which supports and complements the health, education and community activities of the precinct and provides accessible housing options.
- 4.5 Support a collaborative approach to planning for the Bayswater Industrial Precinct across the Knox, Maroondah and Yarra Ranges Councils.

21.07-2 Activity centres

Activity centres in Knox offer a range of retail, commercial, employment, recreational, residential and social activities to support living locally.

The *Integrated City Strategy Implementation Plan 2015-17* seeks to foster viable and accessible activity centres (commensurate with their role and function), in order to support business and employment growth.

The role and function of activity centres across Knox has been set out in Table 1 to this clause, which also sets out strategic directions and development opportunities. More detailed land use, development and design considerations for some activity centres are also contained within Clause 21.10 - Local Areas and relevant zone and overlay schedules.

Key Issues

- Avoiding inappropriate out-of-centre retail activity.
- Revitalising activity centres by facilitating a mix of uses.
- Poor amenity, accessibility and connectivity to and within activity centres.
- An increasing demand for housing within activity centres is changing the traditional nature and role of activity centres.

Objective 5

To establish a network of viable activity centres that provide access to a wide range of goods and services commensurate with their role and function.

Strategies

- 5.1 Facilitate land use and development in activity centres commensurate with their role, function and strategic directions outlined in the Table 1 to this clause.
- 5.2 Support business growth across activity centres to meet community needs.
- 5.3 Consolidate retail development into activity centres, close to railway stations and other transport nodes, and avoid out-of centre retail development.
- 5.4 Direct large entertainment and retail uses serving a regional catchment into Knox Central, Bayswater, Boronia, and Rowville activity centres.
- 5.5 Promote mixed uses and higher density housing in activity centres to increase local living opportunities and the vitality of centres, consistent with structure plans and the *Knox Housing Strategy 2015*.
- 5.6 Support appropriate non-residential uses in residential areas on the periphery of activity centres, where they can provide a buffer between business and residential uses.
- 5.7 Discourage non-residential uses which operate until late at night in residential areas where late night commercial activity does not currently exist.
- 5.8 [Support active ground floor employment uses in activity centres.](#)
- 5.9 [Support grade separation of level crossings within activity centres, and facilitate new development and community outcomes as a result which will improve amenity, accessibility and economic viability of the centre.](#)

Table 1 – Knox activity centres hierarchy table

Knox Central Activity Centre	
<p>Role and function</p> <p>Knox Central serves as the civic, commercial, community, entertainment, leisure and employment focus for the municipality, with Westfield Knox Shopping Centre being a retail base for the outer eastern region of Melbourne.</p> <p>Knox Central has access to a major bus interchange, with multiple bus routes including a Smart Bus route along Stud Road.</p> <p><i>Plan Melbourne 2014</i> identifies the Burwood Highway tram extension to the Knox Central Activity Centre-</p> <p>Housing opportunities comprise medium to high density residential development, including apartments and mixed use development.</p>	<p>Strategic directions</p> <p>Intensify the level of activity throughout the area, with a particular focus on achieving higher density residential and employment uses on land adjacent to the Westfield Knox Shopping Centre.</p> <p>Support the retail expansion of the Westfield Knox Shopping Centre to retain its role as a regional shopping destination.</p> <p>Support the diversification of business and employment opportunities in existing industrial areas.</p> <p>Support development of under-utilised land for a mix of medium to high density, institutional, employment and residential uses.</p> <p>Support development that activates the interface to the Lewis Park and Blind Creek Corridor.</p> <p>Support land use and development within the Knox Central Activity Centre to be consistent with:</p> <ul style="list-style-type: none"> • Clause 21.10-2 (Local Areas – Knox Central Activity Centre); • Clause 43.04 – Schedule 2 to the Development Plan Overlay (Knox City/Towerpoint Shopping Centre); and, • Any <u>other</u> relevant <u>local policy, zone, and</u> overlay <u>and particular</u> provisions.
Boronia Activity Centre	
<p>Role and Function</p> <p>Boronia is a major centre with a broad range of retail, commercial, office and community uses that serve a large residential community. The centre is set amongst the foothills of the Dandenong Ranges.</p> <p>The centre has access to a public transport interchange including a train station and multiple bus routes.</p> <p>Housing opportunities include villa units, townhouses and apartments. Apartment opportunities also exist above active commercial ground floor uses within the centre.</p>	<p>Strategic Directions</p> <p>Increase the scale and level of activity, while ensuring development is well designed and respects Boronia's unique setting amongst the foothills of the Dandenong Ranges. This includes protecting views towards the Dandenong Ranges.</p> <p>Support a broad range of retail, commercial and community uses within the centre to service the local area, which respects its landscape setting and character including height.</p> <p>Provide opportunities for residential and mixed-use activity within the commercial environs.</p> <p>Support land use and development within the Boronia Activity Centre to be consistent with:</p> <ul style="list-style-type: none"> • Clause 21.10-3 (Local Areas – Boronia Activity Centre); • Clause 43.02 – Schedule 7 to the Design and Development Overlay (Boronia Structure Plan Area); and, • Any <u>other</u> relevant <u>local policy, zone, and</u> overlay <u>and particular</u> provisions.
Bayswater Activity Centre	
<p>Role and function</p> <p>Bayswater is a major centre that provides a broad range of retail and commercial activities, including Mountain High Shopping Centre, the Knox Community Arts Centre,</p>	<p>Strategic directions</p> <p>Support a broad range of retail, commercial and community uses within the centre to service the local area.</p>

<p>offices and light industrial uses, serving a large residential and industrial community.</p> <p>The centre has access to a public transport interchange that includes a train station and multiple bus routes.</p> <p>Housing opportunities include villa units, townhouses with a number of sites suitable for apartments or mixed use development. Apartment opportunities also exist above active commercial ground floor uses within the centre.</p>	<p>Support retail activity within the core and office, showroom, entertainment and community uses outside the retail core, with education and bulky goods uses east of the railway.</p> <p>Avoid industrial uses locating within the activity centre.</p> <p>Increase the building scale and level of activity within the centre, while ensuring views towards the Dandenong Ranges are protected.</p> <p>Support land use and development within the Bayswater Activity Centre to be consistent with:</p> <ul style="list-style-type: none"> • Clause 21.10-4 (Local Areas – Bayswater; • Clause 43.02 – Schedule 6 to the Design and Development Overlay (Bayswater Major Activity Centre); and, • Any <u>other</u> relevant <u>local policy</u>, zone, and overlay <u>and particular</u> provisions.
Rowville Activity Centre	
<p>Role and function</p> <p>Rowville is a major centre that serves a large residential community.</p> <p>The commercial core of the activity centre includes the Stud Park Shopping Centre, a municipal centre, library, fast food restaurants, an office and retail building and a number of shops along the north side of Fulham Road.</p> <p>The centre has access to a bus interchange and multiple bus routes including a SmartBus route along Stud Road.</p> <p>Plan Melbourne 2014 identifies a future Rowville rail link.</p> <p>Housing opportunities include villa units, townhouses with a number of sites suitable for apartments or mixed use development.</p> <p>Apartment opportunities also exist above active commercial ground floor uses within the centre.</p>	<p>Strategic directions</p> <p>Support a more diverse mix of activities, services, retail, dining and entertainment options and public spaces in the commercial core.</p> <p>Support a variety of shops, cafes and outdoor dining with high pedestrian amenity on Fulham Road.</p> <p>Improve opportunities for local jobs and life-long learning.</p> <p>Accommodate the changing service needs of an ageing population.</p> <p>Support land use and development within the Rowville Activity Centre to be consistent with:</p> <ul style="list-style-type: none"> • Clause 21.10-5 (Local Areas Rowville Activity Centre); • Clause 43.02 – Schedule 9 to the Design and Development Overlay (Rowville Commercial Core including Stud Park Shopping Centre); and, • Any <u>other</u> relevant <u>local policy</u>, zone, and overlay <u>and particular</u> provisions.
Wantirna Mall, Studfield, Scoresby Village and Mountain Gate Neighbourhood Activity Centres	
<p>Role and function</p> <p>The larger neighbourhood activity centres of Wantirna Mall, Studfield and Scoresby Village provide convenience retail and commercial activities, along with a variety of cafes and restaurants to serve the needs of the local community.</p> <p>These centres have access to a SmartBus Route and a number of local bus routes.</p> <p>Mountain Gate is a larger Neighbourhood Activity Centre that includes Mountain Gate Shopping Centre, providing a diverse range of shops and services which meet the everyday needs of the local community.</p> <p>The centre also comprises a mix of highway bulky goods, restricted retail uses, small scale offices and light and service industry.</p> <p>Development at Mountain Gate will be limited</p>	<p>Strategic directions</p> <p>Support a broad range of retail activities, cafes, restaurants and community facilities to service the local area.</p> <p>Consolidate retail uses within the retail core of the centre.</p> <p>Support land use and development within these neighbourhood activity centres to be consistent with any relevant <u>local policy</u>, zone, and overlay <u>and particular</u> provisions.</p>

<p>due to poor access to public transport with the centre being only served by local bus routes.</p> <p>Housing opportunities within the centres include villa units and townhouses, with a number of sites suitable for apartments or mixed use development along arterial roads (except Mountain Gate), and apartments in the Commercial 1 Zone.</p>	
<p>Wellington Village, Rowville Lakes, Knox Gardens and Knoxfield Neighbourhood Activity Centres</p>	
<p>Role and function</p> <p>The neighbourhood activity centres of Wellington Village, Rowville Lakes, Knox Gardens and Knoxfield provide convenience retail and commercial activities that serve the daily needs of the local community.</p> <p>Most of these centres have access to at least one local bus route.</p> <p>Housing opportunities include dual occupancy, villa unit development, and apartments in the Commercial 1 Zone.</p>	<p>Strategic directions</p> <p>Support a broad range of convenience retail and community facilities commensurate with the scale of the centre.</p> <p>Support land use and development within these neighbourhood activity centres to be consistent with:</p> <ul style="list-style-type: none"> • Clause 43.04 – Schedule 4 to the Development Plan Overlay (Wellington Village); and, • any <u>other</u> relevant <u>local policy, zone, and</u> overlay <u>and particular</u> provisions.
<p>Neighbourhood Activity Centres in the Dandenong Foothills: Ferntree Gully Village, Upper Ferntree Gully, Alchester Village, The Basin, Dorset Road/Landscape Drive and Burwood Highway Corridor (east of Dorset Road between Newton Street & Forest Oak Drive),</p>	
<p>Role and function</p> <p>These neighbourhood activity centres are located in the Dandenong Foothills where development will need to positively respond to the landscape and environmental sensitivities of the area, <u>including bushfire risk</u>.</p> <p>Ferntree Gully Village and Upper Ferntree Gully have access to a train station and local bus routes. The other centres have access to at least one local bus route.</p> <p>Housing opportunities include dual occupancy development and apartments in the Commercial 1 Zone, subject to landscape and environmental sensitivities and the interface with sensitive uses.</p>	<p>Strategic directions</p> <p>Support appropriate, well designed development which respects landscape setting, <u>and</u> environmental sensitivities and local character.</p> <p>Support a broad range of convenience retail and community facilities commensurate with the scale of the centre.</p> <p>Support land use and development within these neighbourhood activity centres within the Dandenong Foothills to be consistent with:</p> <ul style="list-style-type: none"> • Clause 21.10-1 (Local Areas – Dandenong Foothills); • and Clause 21.10-6 (Local Areas – Ferntree Gully Village); • Clause 43.02 – Schedule 10 to the Design and Development Overlay (Interim Neighbourhood Centre Height Control); • Clause 43.02 – Schedule 10 to the Design and Development Overlay (The Basin and Alchester Village Neighbourhood Activity Centres); and, • Any <u>other</u> relevant <u>local policy, zone, and</u> overlay <u>and particular</u> provisions.
<p>The Orchards (North-west corner of High Street Road and EastLink) Wantirna South Neighbourhood Activity Centre</p>	
<p>Role and function</p> <p>This land was rezoned to enable a neighbourhood activity centre to be established in this location.</p> <p>The centre has access to local bus routes.</p>	<p>Strategic directions</p> <p>Development will need to <u>provide a high quality and sustainable urban form in a landscape setting that complements its setting within the Dandenong Creek Valley and positively respond to the landscape sensitivities of the adjacent adjoining</u> Dandenong Valley Parklands.</p>

	<p>Support land use and development within this neighbourhood activity centre to be consistent with:</p> <ul style="list-style-type: none"> • Clause 43.04 – Schedule 10 to the Development Plan Overlay; and, • any <u>other</u> relevant <u>local policy</u>, zone, and overlay <u>and particular</u> provisions.
<p>Other Neighbourhood Activity Centres: Anne Road/Kathryn Road, Boronia Road/Scoresby Road, Burwood Highway (west of Dorset Road/east of Westley Street), Cavell Street/Armin Street, Glenfern Road/Mason Street, Manuka Drive/Loretto Avenue, Mountain Highway/Kumala Road, Stud Bay (Stud Road, north of Leonard Street), Lewis Road/Coleman Road and Harcrest Boulevard</p>	
<p>Role and function</p> <p>These commercial centres contain a limited range of shops and/or services which serve the convenience needs of the local community.</p> <p>These commercial areas have access to local bus routes.</p> <p>Housing opportunities include apartments in Commercial 1 Zone, however this is limited by the smaller role and function of these centres and their interface with sensitive land uses.</p>	<p>Strategic directions</p> <p>Support convenience retail within shopping strips.</p> <p>Discourage further expansion of these centres.</p> <p>Support land use and development within these neighbourhood activity centres to be consistent with:</p> <ul style="list-style-type: none"> • Clause 43.04 – Schedule 8 to the Development Plan Overlay (Redevelopment of Austral Bricks Site, 525 Stud Road, Scoresby); and, • any <u>other</u> relevant <u>local policy</u>, zone, and overlay <u>and particular</u> provisions.

21.07-3 Implementation

Policy guidelines

- [Apply Clause 22.01 \(Advertising Signs local policy\) to ensure applications for the display of advertising signs meet advertising needs of businesses on the land without causing visual clutter or having detrimental impacts.](#)
- Apply Clause 22.02 (Industrial and Restricted Retail Sales Area Design local policy) to land in an Industrial 1 or Commercial 2 Zone to ensure design and subdivision is functional to the needs of industry.
- [Apply Clause 22.03 \(Non-Residential Uses in Residential Areas local policy\) to non-residential use and development in residential areas to ensure development is appropriately located, well designed and protects residential amenity.](#)
- Apply Clause 22.06 (Residential Land Use and Development within the Commercial 1 Zone local policy) to Commercial 1 Zone land to guide appropriate mixed-use development for commercial areas with no adopted Structure Plan or Urban Design Framework.
- Apply Clause 22.08 (Scoresby-Rowville Employment Precinct local policy) to guide land use and development in the precinct and to facilitate a Neighbourhood Activity Centre to serve the precinct.

Application of zones and overlays

- Apply the Commercial 1 Zone within the core retail areas of activity centres to encourage retail uses on ground floor with the opportunity for residential and office uses above.
- Apply the Commercial 2 Zone to office areas and highway retail.
- [Apply the Industrial 1 Zone to industrial areas.](#)
- Apply the Design and Development Overlay, as appropriate, to achieve specific local design outcomes, including for activity centres.

- Apply the Development Plan Overlay, as appropriate, to provide for the integrated and orderly development of local areas, including for shopping centres and redevelopment sites.
- Apply the Development Plan Overlay to the Scoresby-Rowville Employment Precinct to provide for the integrated and orderly development of the area, including a Neighbourhood Activity Centre to serve the precinct.
- Apply the Development Plan Overlay to the Wantirna Health Precinct to provide for the integrated and orderly expansion of the Knox Private Hospital to facilitate a State-significant health precinct.

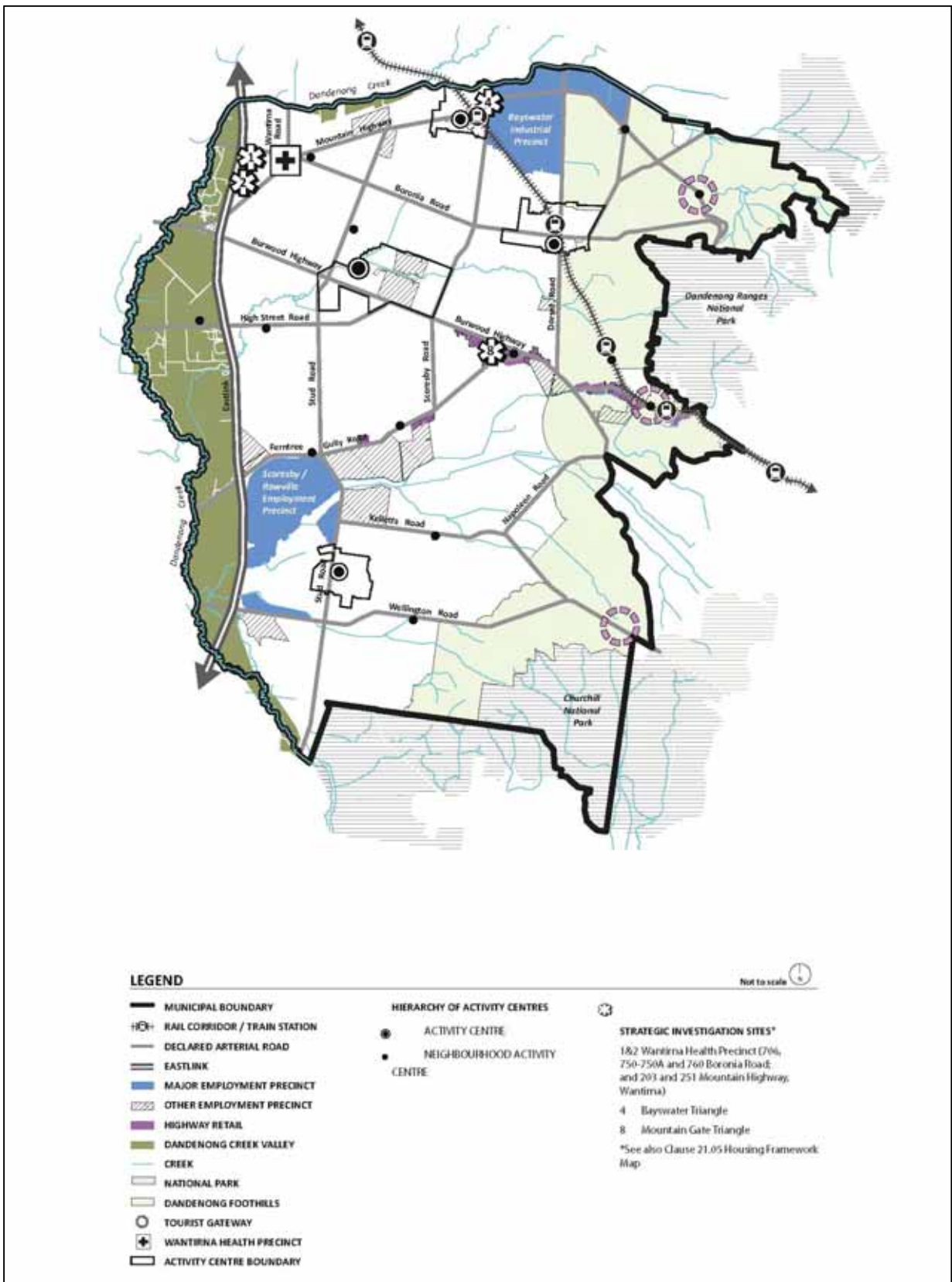
Further strategic work

- Prepare a Land for Business strategy which includes a review of employment, industrial and commercial needs and land requirements across Knox.
- [Investigate application of the Industrial 3 Zone to industrial areas to protect the amenity of surrounding sensitive uses, where appropriate.](#)
- Review rural and green wedge areas to provide strategic guidance for land use and development for land outside the urban growth boundary.
- Develop and implement a new Knox Central Structure Plan to provide updated strategic guidance for the City's largest activity centre.
- Develop and implement a Wantirna Health Precinct Structure Plan and other strategic planning guidance, in collaboration with other key stakeholders.
- Prepare a local area plan for [the](#) Burwood Highway commercial corridor.
- Review the Boronia Activity Centre Structure Plan and associated planning controls to ensure that they are achieving their intended purpose and remain relevant to decision-making in this centre.
- Review the Bayswater Activity Centre Structure Plan and associated planning controls to ensure that they are achieving their intended purpose and remain relevant to decision-making in this centre.

Reference documents

- *Bayswater/Bayswater North Industrial Area Strategy*, Spiller Gibbins Swan Pty Ltd, 2003
- *Bayswater 2020 - Bayswater Activity Centre Structure Plan*, Knox City Council, 2005 and addendum dated March 2012
- *Boronia Structure Plan*, Knox City Council, 2006 and addendum dated March 2012
- *Ferntree Gully Village Structure Plan*, Planisphere, June 2014
- *Integrated City Strategy and Implementation Plan 2015-17*, Knox City Council, 2015 ([or as amended](#))
- *Knox Housing Strategy 2015*, Knox City Council, 2015
- *Knox Urban Design Framework 2020*, Planisphere, 2003
- *Scoresby/Rowville Industrial Area Review*, Spiller Gibbins Swan Pty Ltd, 2000
- *The Rowville Plan 2015*, Knox City Council, 2015

Figure 1: Economic Map



21.08 COMMUNITY DEVELOPMENT

This clause provides local content to support Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 19 (Infrastructure) of the State Planning Policy Framework.

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

21.08-1 Liveability

The way we plan and manage our neighbourhoods affects community health and wellbeing by shaping places that people live in and identify with. By integrating a range of factors that improve community health and wellbeing, planning can facilitate liveable neighbourhoods that are healthy, vibrant and inclusive. A liveable community is one that:

- Is safe with good access and mobility;
- Has a sense of place or identity;
- Is attractive with a green and leafy environment;
- Is vibrant with a range of shops and services;
- Has access to health, education, recreational and cultural facilities;
- Has diverse and affordable housing options;
- Has local and good access to employment opportunities; and
- Has convenient and efficient public and active transport options.

Promoting liveable neighbourhoods in Knox will enhance community and social equity benefits by facilitating living and working locally, active transport, increased social interactions and will better cater for an ageing and more diverse demographic forecast.

Key issues

- Knox has high levels of car dependency and poor walkability of neighbourhoods.
- Some areas of Knox ~~have~~have rates of obese and overweight people that are higher than the State average.
- The Knox population is increasing, ageing and diversifying, creating a need to ensure equitable access to community facilities, along with mobility and accessibility.
- Some parts of the community are vulnerable to social isolation.

Objective 1

- To provide for communities that are walkable, accessible, safe and attractive to support the health and wellbeing of the community.

Strategies

- 1.1 Support development that promotes a more compact, connected, efficient and accessible urban form.
- 1.2 Require land use and development in Strategic Investigation Sites and on other large development sites to maximise walkability and incorporate landscaped pedestrian and bicycle paths and links to open space and community facilities.
- 1.3 Support development that contributes to vibrant, well-serviced and accessible activity centres, with a range of shops and services and community, cultural and recreational facilities that meet the daily needs of communities.
- 1.4 Support development that is attractive, well landscaped, pedestrian friendly and promotes opportunities for social interaction, recreation and enjoyment of the arts.

- 1.5 Support opportunities for healthy food options, including the provision of private or shared garden space for healthy food production in larger residential and mixed use developments and around health, education and community uses, including roof top and vertical gardens.

21.08-2 Open space and recreation

Nestled between the Dandenong Creek Valley Corridor and the foot of the Dandenong Ranges and Lysterfield Hills, the City of Knox features high quality regional open space. Knox has over 890 hectares of open space distributed amongst some 887 areas. This equates to one of the highest levels of active and passive open space in the eastern subregion of Melbourne.

Knox's open space network links with an extensive shared pathway system, make an important contribution to the city's character, outdoor lifestyle and the health and wellbeing of the community. Knox's open space is also important for vegetation provision, which contributes many values and benefits for the local community, including shade, amenity values, landscape character, natural and ecological functions and helping to mitigate the impacts of climate change, including the urban heat island effect.

Whilst Knox is generally well served with open space, some areas are underprovided in terms of either open space provision or access to open space (with physical barriers such as major roads restricting access). Opportunities exist to significantly improve the functionality and design of Knox's open space areas to improve both the quality and diversity of open space and recreation activities and services to meet changing community needs. With a growing population and changing demographics, Knox's recreation needs will become more diverse with greater opportunities for passive and active recreation to promote social interaction for people of all age groups, all abilities and cultural backgrounds.

Key issues

- Providing appropriate types of open space with enhanced levels of service, amenity and functionality to meet the needs of the community.
- Sustaining the 'green and leafy' image and identity of Knox and contributing to community wellbeing and social interaction.
- Promoting Knox as a desirable place to live, ~~and~~ work and play.
- Providing opportunities through the provision of open space to support biodiversity, improved stormwater quality, reducing the heat island effect and impacts of climate change.

Objective 2

To provide a safe, accessible, linked and functional open space network which meets community needs.

Strategies

- a) Provide active and passive open space in new and existing communities to meet the needs of a changing population.
- b) Require the planning for new development to provide for safe, accessible and linked open space while protecting and enhancing its natural landscape and environmental values.
- c) Require open space to be integrated with surrounding development.
- d) Require active street frontages and community surveillance to open space areas.
- e) Support the use and development of open space that is compatible with the desired purpose and function of the open space area.
- f) Require new subdivisions to contribute to the provision and/or improvement of public open space.

21.08-3 Community facilities

Planning for land use and development should positively influence the health and wellbeing of the Knox community by facilitating outcomes that will lead to increased levels of community activity, social connectedness and cohesion.

Residents, workers, and visitors across all age and needs spectrums, require a range of services and facilities. These services include family, children youth and ageing support services, libraries and education services, community support and information services, civic and cultural services, employment services, shopping precincts, and services for people with disabilities and cultural specific services.

New community facilities should be accessible, ideally located close to existing public transport networks and hubs of activity that provide essential goods and services, and providing opportunities for integration with ~~surrounding~~surrounding uses.

Key issues

- Ensuring equitable access to community facilities and services.
- Opportunities for flexible and multipurpose facilities and community hubs to accommodate changing community needs.
- The need to maximise and diversify utilisation and improve access to community facilities.

Objective 3

Facilitate community infrastructure that is accessible and meets the existing and future needs of the community.

Strategies

- 1.1 Support community facilities that are co-located, integrated and/or ~~multi-purpose~~multipurpose to service a range of activities.
- 1.2 Support accessible community facility hubs as focal points for community activity.
- 1.3 Direct community facilities and services, particularly those providing essential services such as education, employment, and health care to be visible, accessible and located near nodes of activity and public transport routes.
- 1.4 Direct community, health and education facilities that have a municipal or regional catchment to be located within the Knox Central Activity Centre or the Wantirna Health Precinct.
- 1.5 Support key community development proposals that provide active, secure and safe public realm opportunities.
- 1.6 Provide and support a range of community infrastructure and services that serve individuals and families throughout their life cycle.
- 1.7 Support the design of community facilities to be flexible and adaptable to accommodate a variety of uses through the building lifespan.

21.08-4 Health & education facilities

People in Knox have relatively high levels of personal health and wellbeing which is fundamental to enjoying a good quality of life. Provision of and accessibility to local health and education facilities are important for a growing and ageing population.

There are three hospitals in Knox. The Wantirna Health Precinct is a State significant precinct identified in Plan Melbourne which provides a significant opportunity for the further clustering of not only health services, but also education and community services, to improve service availability and quality and convenience for users across the region.

Knox has a wide range of education facilities, both public and private, and a tertiary institution campus (Swinburne University of Technology in Wantirna). There are also a wide range of other learning opportunities provided through libraries, registered training organisations, community houses and other corporate education and training providers. There is a continuing need for

further education facilities to serve a growing and diverse population, including skills based training opportunities.

It is important that lifelong learning options provide opportunities for further education and positive employment outcomes and are locally accessible.

Key issues

- A growing and ageing population which will increase pressure on the capacity health and medical facilities.
- Knox has a lower than average levels of access to general practitioners in medical clinics compared with Metropolitan Melbourne and the State.
- Knox has consistently lower than average school completion and post-school education rates compared to Metropolitan Melbourne.
- Need for the continued development of Wantirna Health Precinct to serve the growing population of the region.

Objective 4

To provide health and education facilities that are accessible, adaptable and meet community needs.

Strategies

- a) Support the co-location of primary, secondary and tertiary health services and human services, particularly in the Wantirna Health Precinct.
- b) Support the establishment of new medical and health facilities in and around activity centres and close to public transport.
- c) Support retention and expansion of education and training facilities, (including lifelong learning opportunities, in accessible locations across the ~~municipality~~municipality, to service the needs of residents and workers.
- ~~d) Support access to life long education facilities.~~
- ~~e) Support the establishment and expansion of education and training facilities which contribute to lifelong learning opportunities, particularly in industrial and commercial precincts.~~
- f) Facilitate and support development of the Wantirna Health Precinct with a focus on health, education and other community uses.

21.08-5 Social impacts

Large development can cause impacts on the social environment, including the capacity of services and community facilities, access to a range of housing, shopping, recreational or leisure activities, and effects on the amenity, safety and health and wellbeing of the community.

As a metropolitan municipality Knox's population and demand for housing is forecast to increase, along with significant demographic shifts over the coming years that will see a diversified and ageing population. Knox City Council supports ~~the~~ assessment of social impacts as part of an integrated process for considering significant land use planning and development proposals, to help better inform decision making and achieve social benefits and sustainable outcomes to meet the needs of its growing and changing population.

Objective 5

To minimise adverse social impacts from new development and land uses.

Strategies

- 6.1 Require a social impact assessment for use or development proposals that meet one or more of the following criteria:
- Strategic Investigation Sites and larger residential development sites; or
 - Where requested by the responsible authority for land use and development where the form and scale has not been reasonably anticipated by the planning scheme.

21.08-6 Gaming

Gaming machine gambling is a legitimate form of recreation that can bring social and economic benefits to the community, but it also has the potential to cause harm in the form of problem gambling to some individuals, their families and the broader community. Knox City Council seeks to minimise harm by appropriately locating and managing electronic gaming machines and venues.

Key issues

- Knox has a higher than average gaming machine density and gaming machine loss per capita compared to Metropolitan Melbourne.

Objective 6

To minimise harm associated with gaming.

Strategies

- 7.1 Require applications for electronic gaming machines to provide a social and economic impact assessment.
- 7.2 Discourage gaming machines in areas with a high density of gaming machines or in areas of relative socio-economic disadvantage.
- 7.3 Locate gaming machines in appropriate areas and sites to minimise convenience gambling.
- 7.4 Assess applications to use land for the purpose of a gaming premises or to install or use a gaming machine against the local policy at Clause 22.05 (Gaming).

21.08-7 Licensed premises

Licensed premises bring important economic, social and cultural benefits to Knox, contributing towards the vitality and image of activity centres and providing entertainment and leisure opportunities for residents, workers and visitors. However, these types of premises also have the potential for detrimental amenity and public safety impacts if not located and managed appropriately.

Key issues

- Adverse amenity impacts on sensitive uses from occurrences of increased noise and disturbance.
- Social harm to a community relating to real or perceived threats to safety from anti-social behaviour.
- Potential social harm impacts arising from the cumulative impact of packaged liquor outlets.

Objective 7

To minimise adverse social and amenity impacts from licensed premises.

Strategies

- 8.1 Consider potential adverse social and amenity impacts arising from licensed premises.

- 8.2 Discourage the concentration of late trading licensed venues, including packaged liquor outlets, where residential amenity is a consideration.

21.08-8 Implementation

Policy guidelines

- Apply Clause 22.03 (Non-Residential Uses in Residential Areas local policy) to ensure community facilities in residential areas are appropriately located, well designed and protect residential amenity.
- Apply Clause 22.05 (Gaming local policy) to applications for electronic gaming machines and venues to ensure the location and design of the venue minimise harm.
- Require a public open space contribution for subdivision to be utilised in accordance with the *Knox Open Space Plan 2012-2012 and the Knox Play Space Plan 2013-2023*
- Ensure land use and development responds to the social needs of the community, including health and wellbeing.
- When making decisions on the provision of infrastructure to service new development, consider relevant structure plans, social impact assessments and infrastructure plans, as required.
-
- ~~Develop~~Use Accessibility Guidelines to ~~improve~~assist consideration of accessibility issues as part of the consideration of development proposals as appropriate.

Application of zones and overlays

- Apply the Public Park and Recreation Zone to recognise, protect and appropriately manage public areas for recreation and open space.
- Apply the Public Use Zone to identify land required for public uses, services and facilities.
- Apply the Development Plan Overlay as appropriate, to deliver specific community and open space outcomes for Strategic Investigation Sites.
- Apply the Design and Development Overlay, as appropriate, to deliver community development outcomes as part of the desired built form outcomes.

Further strategic work:

- Identify future community infrastructure needs for Knox as part of an Infrastructure Plan.
- Investigate opportunities and develop a Development Contributions Plan and/or Infrastructure Contributions Plan to fund and upgrade community facilities and other community infrastructure in accordance with the Infrastructure Plan.
- Develop Social Impact Assessment Guidelines to guide the scope, methodology and quality of social impact assessments.
- Develop and implement a Wantirna Health Precinct Structure Plan and other strategic planning guidance for the precinct, in collaboration with other key stakeholders.

Reference documents

- *Community Facilities Planning Policy*, Knox City Council, 2016
- *Electronic Gaming Policy*, Knox City Council, 2016
- *Gaming Policy Direction Paper*, Knox City Council, 2016
- *Integrated City Strategy and Implementation Plan 2015-17*, Knox City Council, 2015 (or as amended)
- *Knox City Council Mobility Study*, Knox City Council, 2011
- *Knox Community Safety Plan 2013-2017*, Knox City Council, 2013
- *Knox Leisure Plan 2014-2019*, Knox City Council, 2014

- *Knox Liquor Licensing Accord 2015-2017*, Knox City Council, 2015
- *Knox Open Space Plan 2012-2022*, Knox City Council, 2012
- *Knox Play Space Plan 2013-2023*, Knox City Council, 2013

21.09 TRANSPORT AND INFRASTRUCTURE

The clause provides local content to support Clause 13 (Environmental Risks), Clause 14 (Natural Resource Management), Clause 18 (Transport) and Clause 19 (Infrastructure) of the State Planning Policy Framework.

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

21.09-1 Integrated and sustainable transport

Knox historically grew around the rail corridor and local bus routes however development in recent years has created low-density suburbs resulting in a dependence on cars for mobility. This has led to increasing use of resources, air pollution, traffic congestion and reduced amenity levels for Knox residents. Knox currently benefits from an extensive network of ~~ereek-~~[transport corridors](#) [and](#) bicycle and pedestrian paths, however significant opportunities exist to improve linkages and overall transport infrastructure in the region and to facilitate further transit-oriented development so that Knox grows in a more sustainable manner.

An integrated transport system aims to connect various transport modes for greater efficiency, integrate land use with transport infrastructure for more sustainable development and promote sustainable active travel, such as walking, cycling, safety and accessibility improvements. Achieving a more integrated transport system will support local living and economic vitality in activity centres [and key employment precincts](#), improved health and wellbeing of the community, create more efficient transport, safer travel and lower transport emissions.

Future opportunities for significant public transport improvements exist with the potential for an extension of the tram network along Burwood Highway to Knox Central Activity Centre and an expansion of the Dandenong train line to Rowville, identified in *Plan Melbourne: Metropolitan Planning Strategy* (Department of Transport, Planning and Local Infrastructure, 2014).

Key issues

- Integrating land-use and transport planning.
- The transport network, including Knox's network of footpaths and shared paths, needs to be better linked to create greater efficiencies and reduce travel times.
- An increasing population will put strain on existing transport infrastructure.
- Providing convenient alternative transport choices to a private car.
- The need for greater accessibility and mobility for pedestrians.
- Poor pedestrian amenity on busy arterial roads that fragment activity centres.
- Advocating for future a future train extension to Rowville and a tram extension to Knox Central.

Objective 1

To provide for the transport needs of existing and future populations in an integrated and sustainable manner.

Strategies

- 1.1 Focus population and housing density in and around activity centres and locations with frequent and reliable public transport facilities and services.
- 1.2 Consolidate commercial and retail activities into areas close to railway stations and other reliable public transport nodes.
- 1.3 Require the redevelopment of shopping centres and Strategic Investigation Sites to integrate public transport facilities within the development.
- 1.4 Maintain and upgrade transport infrastructure to meet existing and future transport needs of the community.

Objective 2

To encourage development that contributes towards an active, safe and accessible transport network.

Strategies

- 2.1 Require new development to provide footpaths and/or cycle paths to complement the existing path network and improve safety, connectivity and accessibility [for people of all abilities](#).
- 2.2 Enhance walking and bicycle routes between activity centres and surrounding neighbourhoods and ~~industrial~~ [employment](#) precincts.
- 2.3 Improve pedestrian infrastructure and prioritise pedestrian movements, including minimising new vehicle crossovers.
- 2.4 Enhance pedestrian accessibility, mobility and amenity to and around public transport facilities to encourage the use of public transport.
- 2.5 Provide access for people with limited mobility in all streets in activity centres, Strategic Investigation Sites and public and commercial buildings.
- 2.6 Encourage installation of end of trip facilities including cycle parking, change rooms and shower facilities in businesses for employees.

21.09-2 Providing and maintaining infrastructure

The provision of infrastructure in Knox requires an integrated approach to land use planning and the efficient, equitable and timely maintenance, replacement and upgrade of infrastructure. This is particularly important in the more established areas of Knox which have ageing infrastructure assets, and where maintenance and/or replacement is a priority. There is also a need to address infrastructure needs in areas of accelerated usage due to population growth and/or an increased employment base.

It is important that any new development is adequately serviced with developers and servicing agencies contributing towards the provision of new and upgraded social and physical infrastructure on a fair and reasonable basis.

Key issues

- Infrastructure nearing the end of intended lifespan.
- Increased demand from new development impacting on the function, efficiency and lifespan of existing infrastructure.
- Funding new or upgraded infrastructure as a result of new development.

Objective 3

To ensure that infrastructure is able to accommodate existing and new development and contributes positively to urban amenity.

Strategies

- 3.1 Maintain the efficiency of existing infrastructure by requiring the upgrade and maintenance of infrastructure as a result of new development.
- 3.2 Facilitate an integrated approach to land use planning and infrastructure provision.
- 3.3 Require a contribution (where a need has been identified) towards infrastructure provision and upgrade through the implementation of Development Contributions Plans or Infrastructure Contributions Plans.

21.09-3 Integrated water management

Council has adopted an integrated water management approach that seeks to manage all water sources (e.g. greywater, stormwater, surface water, and groundwater) as a potential resource. This approach considers Knox's context in an urban environment traversed by a series of waterways, drainage easements, floodways, parks and other public reserves, with a view to managing water resources in a more efficient, equitable and sustainable manner. Integrated water management aims to provide benefits by reducing the burden on limited potable (drinking) water supply, reducing wastewater discharges to the bay and reducing stormwater runoff and flooding impacts through harvesting and fit-for-purpose reuse.

The integrated water management approach also seeks to protect waterways with water sensitive urban design that improves the quality of stormwater entering Knox's waterways and mitigates flooding by incorporating water-related social and ecological objectives into designs that optimise the urban water balance.

Parts of Knox are prone to flooding, including in existing urban areas where natural overland flow paths have been lost over time. Flooding is a natural hazard that will be exacerbated by climate change, causing extensive harm to the built environment and community safety. Careful planning and management of floodplains and overland flow paths can reduce the risk to community safety, the environment and the damage and costs associated with flood events.

Achieving an integrated approach to water management will facilitate efficient and adaptive infrastructure to provide a safer and more resilient, liveable and sustainable city.

Key issues

- Relieving pressure on existing infrastructure networks.
- Protecting the ecological health of waterways from urban impacts.
- Development pressures on land subject to existing flooding and inundation issues.
- Managing the flood risk of an increased frequency of intense storms associated with climate change.
- Increasing use of alternate water sources, such as stormwater, to reduce reliance on potable water and reduce stormwater runoff.
- Mitigating increased pollutant loads from urban runoff associated with increased development by improving stormwater quality.
- Wide availability of tools and technologies to capture, store, filter, and reuse water at both the site and precinct level.
- Constructing water assets that respond to population and climate change to improve Knox's water security and resilience.

Objective 4

To support the efficient and sustainable use of water by requiring development to adopt an integrated approach to water management and infrastructure provision.

Strategies

- 4.1 Support innovative design approaches for the provision, use and management of water infrastructure, including water sensitive urban design and integrated water management.
- 4.2 Support the use of technologies and best practice that minimise water consumption, including the installation of water saving devices in new development.
- 4.3 Support development that harnesses and utilises stormwater as a resource, including the installation of water tanks plumbed directly to households in all new development.
- 4.4 Support development that recycles water, including on-site treatment and fit-for-purpose reuse of grey water or wastewater.

Objective 5

To minimise the risk to people, property and the environment as a result of flooding.

Strategies

- 6.1 Require development to mitigate the risk of flood to people, property and the environment.
- 6.2 Avoid development on land prone to flooding that will increase the risk of flooding.
- 6.3 Require all proposals to accord with the capacity of available infrastructure to accommodate changes in run-off (including on-site detention) and/or contribute to the improvement of infrastructure off-site where this is appropriate.
- 6.4 Ensure new development can accommodate overland flowpaths.

Objective 6

To protect the ecological health of waterways and wetlands from the impact of development.

Strategies

- 8.1 Require new development to achieve a 'no net increase' in the rate, volume and pollutant load of stormwater entering the municipal drainage system and waterways.
- 8.2 Require new development to apply best practice environmental management to be used in the design, construction and operation of drainage systems to reduce impacts on surface water and ground water in accordance with the *Urban Stormwater - Best Practice Environmental Management Guidelines (CSIRO, 2006)*.
- 8.3 Require development to minimise the amount of impervious surfaces on a site.
- 8.4 Require preparation of Stormwater Management Plans for development of sites larger than one hectare and smaller sites as appropriate.
- 8.5 Support development in high value catchment areas that protect and rehabilitate waterways towards pre-development characteristics of the original ecosystem.

21.09-4 Implementation

Policy Guidelines

- Apply Clause 22.08 (Scoresby-Rowville Employment Precinct local policy) to development in the precinct to guide specific access and connectivity requirements.
- Apply the objectives of the *Knox Integrated Transport Plan, A Transport Vision for Knox 2015-2025*.
- Implement local structure plans that include transport, access and mobility objectives for activity centres.
- Take into account Traffic Impact Assessments in considering applications which will result in significant increases in traffic, as required by the responsible authority.
- When making decisions on the provision of infrastructure to service new development, consider relevant structure plans; ~~social impact assessments~~ and infrastructure plans, as required.

Applying zones and overlays

- Apply the Public Use Zone to identify land required for the provision of public uses, services and facilities.
- [Apply the Urban Flood Zone to areas affected by flooding.](#)
- Apply the Special Building Overlay to areas affected by overland flows from the local drainage system and Melbourne Water assets in storm events.
- Apply the Land Subject to Inundation Overlay or Floodway Overlay to land affected by flooding along watercourses.
- Apply the Design and Development Overlay to areas requiring specific transport and infrastructure design outcomes.

- Apply the Development Plan Overlay as appropriate, to provide for the integrated and orderly development of local areas, including for roads, pedestrian and bicycle paths and car parking requirements.
- Apply the Public Acquisition Overlay to all land required for the future provision of public uses, services and facilities.

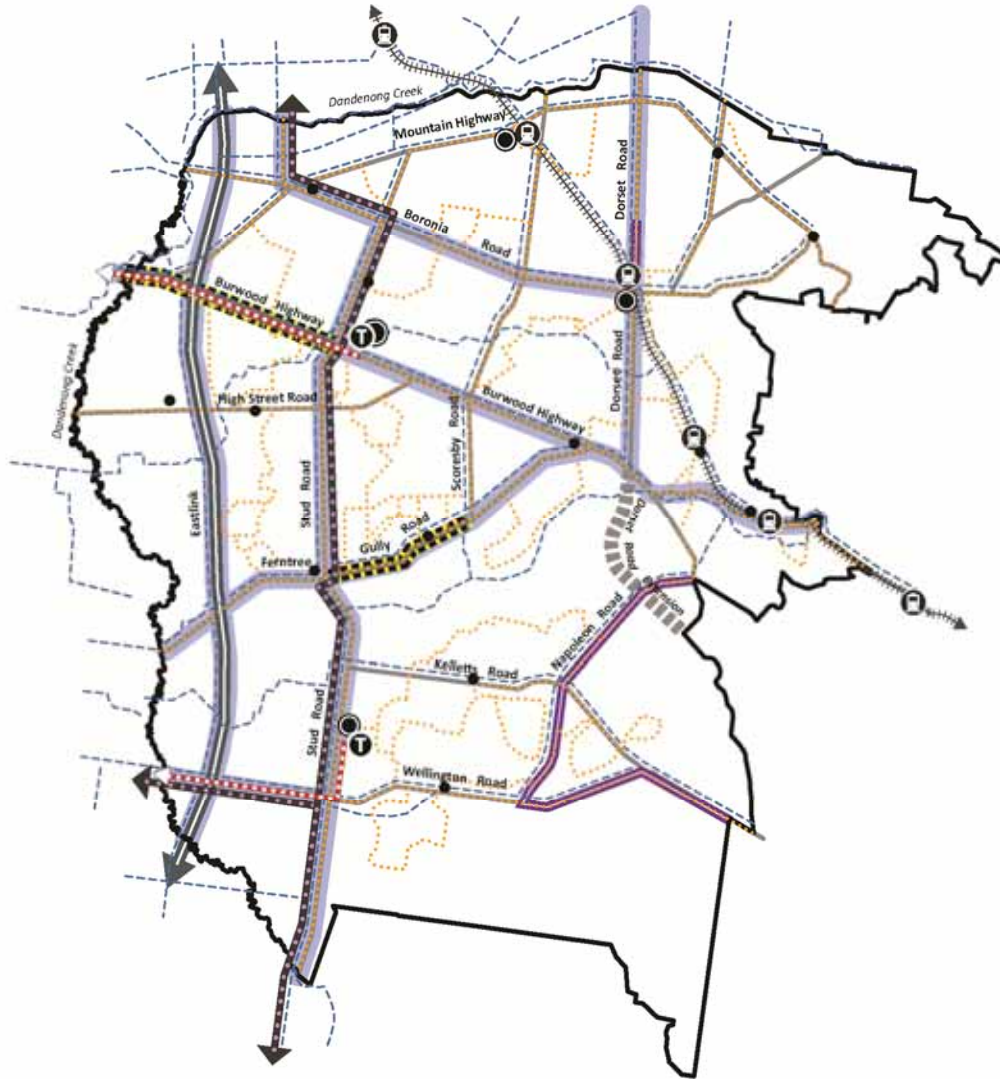
Further strategic work

- Identify future infrastructure needs for Knox as part of an Infrastructure Plan
- Investigate opportunities and develop a Development Contributions Plan and/or Infrastructure Contributions Plan to fund and upgrade infrastructure in accordance with the Infrastructure Plan.
- Develop precinct parking plans to ~~inform the development of Parking Overlay Schedules across the municipality~~ [support the implementation of the Knox Integrated Transport Plan. -A Transport Vision for Knox, 2015-2025](#)
- Develop a Principal Pedestrian Network Plan for the municipality.
- ~~Review the current Knox Pedestrian Plan and develop a new Walking Plan.~~
- Review the current Knox Bicycle Plan and develop a new Cycling Plan.
- Develop guidelines on mobility for transport infrastructure.
- Develop a Green Travel Plan policy and accompanying planning framework for sustainably managing movement in and around high trip generating sites within Knox.
- Work with the Country Fire Authority to determine and plan for the need for fire fighting infrastructure.
- Collaborate with Melbourne Water to update existing and apply new Special Building Overlays based on the results of Melbourne Water mapping and the Knox Flood Mapping and Modelling Project.
- Develop a strategic approach to managing High Value Catchment areas in Knox, including mapping, setting targets for water quantity and pollutant loads in stormwater runoff and determining an appropriate planning implementation response.
- Develop a strategic approach to managing directly connected impervious surfaces in Knox, including mapping and policy objectives and strategies.

Reference documents

















- *Integrated City Strategy and Implementation Plan 2015-17*, Knox City Council, 2015 [\(or as amended\)](#)
- *Knox Bicycle Plan Review*, Knox City Council, 2008
- *Knox City Council Mobility Study*, Knox City Council, 2011
- *Knox Integrated Transport Plan, A Transport Vision for Knox 2015-2025*, Knox City Council, 2015 [\(or as amended\)](#)
- *Knox Liveable Streets Plan 2012-2022*, Knox City Council, 2012
- *Urban Stormwater - Best Practice Environmental Management Guidelines*, CSIRO, 2006
- *Water Sensitive Urban Design (WSUD) Policy*, Knox City Council, 2015
- *Water Sensitive Urban Design (WSUD) Procedure*, Knox City Council, 2012
- *Water Sensitive Urban Design & Stormwater Management Strategy*, Knox City Council, 2010

Figure 1: Integrated Transport Map



LEGEND

Not to scale 

-  MUNICIPAL BOUNDARY
-  RAIL CORRIDOR / TRAIN STATION
-  PRINCIPAL PUBLIC TRANSPORT NETWORK
-  DECLARED ARTERIAL ROAD
-  EASTLINK
-  FUTURE DORSET ROAD EXTENSION
-  FUTURE MAJOR ROAD IMPROVEMENT AND DUPLICATION PROJECT
-  FUTURE MAJOR ROAD WIDENING / ADDED LANES
-  PRINCIPAL BIKE PATH
-  SMART BUS
-  POTENTIAL BURWOOD HIGHWAY TRAM EXTENSION
-  FUTURE ROWVILLE RAIL
-  BUS ROUTE
-  TRANSPORT INTERCHANGE
- HIERARCHY OF ACTIVITY CENTRES:**
-  ACTIVITY CENTRE
-  NEIGHBOURHOOD ACTIVITY CENTRE