

**Knox Planning Scheme Amendment C174knox
Rezoning of surplus Council owned land**

Panel Report

Planning and Environment Act 1987

25 November 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

KnoxKnox Planning Scheme Amendment C174knox

25 November 2021

A handwritten signature in black ink, appearing to read 'Tim Hellsten', with a stylized flourish at the end.

Tim Hellsten, Chair

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Glossary and abbreviations

Council	Knox City Council
GRZ2	General Residential Zone Schedule 2
Housing Strategy	<i>Knox Housing Strategy 2015</i>
NRZ4	Neighbourhood Residential Zone Schedule 4
PE Act	<i>Planning and Environment Act 1987</i>
PUZ6	Public Use Zone Schedule 6 (Local Government)

Overview

Amendment summary

The Amendment	Knox Knox Planning Scheme Amendment C174knox
Common name	Rezoning of surplus Council owned land
Brief description	Rezone the subject land from the Public Use Zone Schedule 6 (Local Government) to the Neighbourhood Residential Zone Schedule 4
Subject land	4 Coorie Avenue, Bayswater 10 Tamara Street, Wantirna South Part of 69-75 Eildon Parade, Rowville
Planning Authority	Knox City Council
Authorisation	10 January 2019 (conditional)
Exhibition	15 June – 23 July 2021
Submissions	Number of Submissions: 7 including 1 supporting and 1 withdrawn submission and 5 opposing submissions: <ol style="list-style-type: none"> 1. Stephen Mead 2. A Naylor (withdrawn) 3. Ian & Annett Flynn 4. Philip & Lorraine Bennett 5. Debra & Ross Young 6. Adrian Barnes 7. Department of Environment, Land, Water and Planning (Environment) (supporting)

Panel process

The Panel	Tim Hellsten (Chair)
Directions Hearing	By video conference, 27 October 2021
Panel Hearing	By video conference, 23 November 2021
Site inspections	Unaccompanied, 3 November 2021
Parties to the Hearing	Knox City Council represented by David Cameron, Strategic Planner and Madeleine Cheah, Coordinator Strategic Planning
Citation	Knox PSA C174knox [2021] PPV
Date of this report	25 November 2021

Executive summary

Knox Planning Scheme Amendment C174knox(the Amendment) seeks to rezone three Knox City Council (Council) owned sites containing early years (children and family services) building assets and identified as being surplus to its needs, to facilitate their potential disposal.

The sites at 4 Coorie Avenue, Bayswater, 10 Tamara Street, Wantirna South and the south-eastern corner of 69-75 Eildon Parade, Rowville are proposed to be rezoned from the Public Use Zone Schedule 6 (PUZ6) to the Neighbourhood Residential Zone Schedule 4 (NRZ4) consistent with the zoning of adjoining residential areas.

Key issues raised in the opposing six submissions include:

- the loss of early year services
- future use of the land for community purposes
- applying conditions or restrictions to the sale of the land for its future use and development
- the impact of future development on amenity impacts including parking, traffic and loss of vegetation.

The submissions raised issues that were largely outside the scope of the Amendment. They related more to decisions already made by Council about the services previously conducted from those sites and the aspirations of some local residents to retain the sites in public ownership for a community use. The submissions calling for conditions on the sale of the land have no strategic planning basis and are not supported.

Several submissions expressed concern about the future site development, particularly at 10 Tamara Street, Wantirna South. While potential amenity impacts from development including noise, traffic and parking and building height are real issues, the Amendment does not propose any development. The planning permit stage is the appropriate time to consider such impacts in the context of a particular proposal and the provisions of the Knox Planning Scheme.

The application of the NRZ to the three sites is strategically justified and consistent with the Knox Housing Strategy. It is a logical and sound planning approach in the context of the zoning of surrounding neighbourhoods and the predominant low scale residential built form.

The Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework, Municipal Strategic Statement and Local Planning Policy Framework
- is strategically justified
- will deliver a net community benefit.

Recommendations

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

That KnoxKnox Planning Scheme Amendment C174knox be adopted as exhibited.

1 Introduction

1.1 The Amendment

The purpose of the Amendment is to facilitate the alternate use or potential disposal of three Council owned sites containing early years building assets identified by Council as being surplus to ongoing requirements.

The three sites are:

- 4 Coorie Avenue, Bayswater – occupied by the Coorie Avenue Children and Family Centre building (service now closed)
- 10 Tamara Street, Wantirna South – occupied by the NG Haynes Children and Family Centre building (service now closed)
- the south-eastern corner of 69-75 Eildon Parade, Rowville – occupied by the Eildon Parade Children and Family Centre building (service now closed).

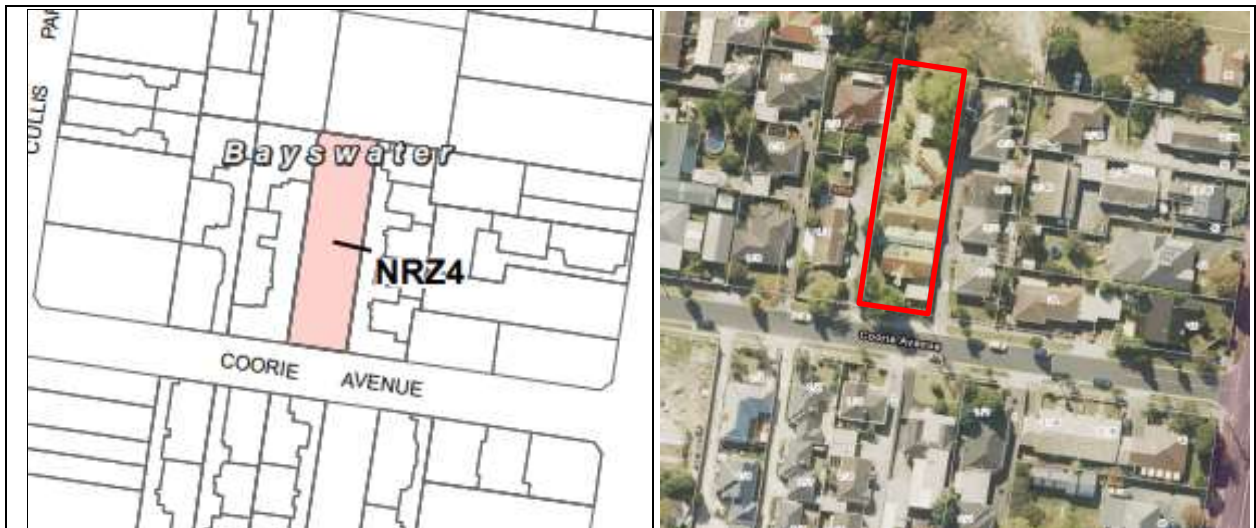
Specifically, the Amendment proposes to rezone the three sites (subject land) from Public Use Zone Schedule 6: Local Government (PUZ6) to the Neighbourhood Residential Zone Schedule 4: Knox Neighbourhood Areas (NRZ4) consistent with the zoning of adjoining residential areas.

4 Coorie Avenue, Bayswater

The site at 4 Coorie Avenue (Figure 1) is approximately 1,137 square metres and comprises a single storey timber clad building with a tiled roof which has a residential scale and appearance. It includes a small carpark area and semi-mature exotic tree in the setback.

The site is located in a residential street comprising predominantly single storey brick detached dwellings (and some medium density housing sites) with tiled roofs located within modest front setback gardens.

Figure 1 4 Coorie Avenue, Bayswater



Source: C174knox exhibition maps and aerial image from Vicmap

10 Tamara Street, Wantirna South

The site at 10 Tamara Street (Figure 2) is approximately 2,850 square metres and comprises a cream and brown brick single storey building with a tiled pitched roof which extends across the site. The building is generously setback from the street. The setback comprises a carparking area with separate access and egress driveways and landscaping comprising modest sized trees and shrubs. Larger trees are located to the rear of the site.

The site is located in a residential street comprising a mix of single and double storey brick dwellings predominantly single storey brick detached dwellings (and some medium density housing sites). The prevailing front landscape character is of gardens with trees. The site is within a short walking distance of the High Street Road neighbourhood activity centre.

Figure 2 10 Tamara Street, Wantirna South



Source: C174knox exhibition maps and aerial image from Vicmap

69-75 Eildon Parade, Rowville

The site at 69-75 Eildon Parade (Figure 3) is approximately 1,276 square metres and comprises a single storey brick building and outdoor play area. It is located on the corner of Eildon Parade and Metcalf Crescent, a no through road. The Metcalf Crescent frontage has a high chain mesh fence. There is little on-site vegetation.

The site is located in a residential street comprising predominantly of single storey brick detached dwellings a mix of single and double storey brick dwellings. Landscaping in the area is modest, with more substantial vegetation found in the road reserve and Eildon Park. Bus stops are located a short distance from the site which adjoins Eildon Park, a large reserve including a range of sporting facilities.

Figure 3 South-eastern corner of 69-75 Eildon Parade, Rowville



Source: C174knox exhibition maps and aerial image from Vicmap

1.2 Background

(i) Identification of surplus land

Council's report of 26 November 2018 discussed its strategic review of ten early years building assets in the context of Council's construction of two new early years hubs in Wantirna South and Bayswater. It identified five sites, including the subject sites, as not being required for Council's existing and future requirements and able to be divested.

(ii) Authorisation

The Amendment was originally authorised by the Department of Environment, Land Water and Planning (DELWP) on 10 January 2019 (subject to conditions) when it was proposed to apply the General Residential Zone Schedule 2 (GRZ2) to the subject land.

The authorisation conditions became redundant after the NRZ4 replaced the GRZ2 through Amendment GC172 which introduced the reformed residential zones. Amended authorisation conditions were issued by the DELWP on 20 January 2021 including:

1. Prior to the commencement of exhibition of Amendment C174, the proposed amendment shall be amended to rezone three surplus council sites from PUZ6 to NRZ4, compliant with Amendment GC172.
2. All documentation, including maps, must be revised to reflect the correct amendment number (C174knox).

Council advised that these conditions were met prior to exhibition of the Amendment.

1.3 Summary of issues raised in submissions and the Panel's approach

Seven submissions were received following the exhibition of the Amendment. These included a supporting submission from DELWP (Environment) and one withdrawn submission. The five remaining submissions raised concerns associated with:

- the loss of early year services

- future use of the land for community purposes
- applying conditions or restrictions to the sale of the land for its future use and development
- the impact of future development on amenity impacts including noise, parking, traffic and loss of vegetation.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Knox Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. 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 and strategic justification
- General issues
- Tamara Street amenity issues.

2 Planning context and strategic justification

2.1 The issues

The issues are whether the Amendment:

- is supported by, and implements the relevant sections of the Planning Policy Framework and relevant local heritage studies
- is consistent with the relevant Ministerial Directions and Practice Notes
- is generally strategically justified.

2.2 Planning context

2.2.1 Planning policy framework

Council submitted that the Amendment is supported by the *Planning and Environment Act 1987* (PE Act) and various clauses in the Planning Policy Framework, which the Panel has summarised below.

(i) Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by:

- providing for the fair, orderly, economic and sustainable use, and development of land
- securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- facilitating development in accordance with the objectives above.

(ii) Planning Policy Framework

The Amendment supports the Planning Policy Framework by:

- limiting urban sprawl and directing growth to existing settlements and applying a residential zone within a residential area – Clause 11.01-1S (Settlement)
- allowing for the sustainable development of serviced land - Clause 11.02-1S (Supply of urban land)
- increasing the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including underutilised urban land – Clause 16.01-1S (Housing supply)
- planning and designing community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge – Clause 19.02-4S (Social and cultural infrastructure).

(iii) Clause 21 (Municipal Strategic Statement)

The Amendment supports the Municipal Strategic Statement by:

- supporting a scaled approach to residential development by applying a Residential zone consistent with the areas low-scale consistent with the *Knox Housing Strategy 2015* (Housing Strategy) – Clause 21.06-1 (Scaled approach to residential development)
- facilitating community infrastructure that is accessible and meets the existing and future needs of the community – Clause 21.08-3 (Community facilities).

(iv) Clause 22 (Local Planning Policies)

The Amendment supports the Local Planning Policy Framework by:

- supporting sustainable urban growth by directing housing to preferred locations and supporting a range of housing types and forms to meet the needs of the existing and future community – Clause 22.07 (Development in Residential Areas and Neighbourhood Character)
- applying a residential zone that reflects the ‘Knox Neighbourhood’ (Clause 22.07-4) and ensures the sites future development responds to the preferred future character of this area which:
 - Continue to be low-scale neighbourhoods, characterised by detached houses and dual occupancies; with some villa unit developments on larger blocks.
 - Retain their green and leafy identity and character through the retention of front and back yards, and the establishment of a garden setting that includes canopy trees.

2.2.2 Planning Scheme provisions

A common zone purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

The subject land is in the PUZ. The purposes of the Zone are:

- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

A permit is not required in the PUZ for the use of land consistent with the public purpose described in Clause 36.01-6 – ‘Local Government’ (PUZ6) in this instance and carried out *“by or on behalf of the public land manager”*. A permit is required for the development of land for a section 2 use by any person that is not the public land manager and with the consent of the public land manager.

The Amendment proposes to apply the NRZ4 to the subject land. This zone applies to the residential neighbourhoods surrounding each of the three subject sites. The purposes of the Zone include:

- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A permit is required in the NRZ to construct two or more dwellings on a lot.

Where no maximum height is set out in a schedule to the NRZ, the default height limit is 9 metres and no more than two storeys.

NRZ4 does not identify neighbourhood character objectives, a minimum subdivision area or height. It identifies variations to the following requirements of Clause 54 (One Dwelling on a Lot) and Clause 55 (Two or more Dwellings on a Lot and Residential Buildings):

- Minimum street setback (Standards A3 and B6)
- Landscaping (Standard B13)
- Private open space (Standard A17 and B28)
- Front fence height (Standards A20 and B32).

(ii) Other provisions

Particular provisions of the Knox Planning Scheme relevant to decision making for residential development at the planning permit stage include:

- Clause 54 (One Dwelling on a Lot)
- Clause 55 (Two or more Dwellings on a lot and Residential Buildings)
- Clause 56 (Residential Subdivision)
- Clause 65 (Decision Guidelines).

2.2.3 Knox Housing Strategy

Council submitted that the Amendment is consistent with the Housing Strategy which sets out its plan for managing residential development to respond to the current and future housing needs of the Knox community.

The Housing Strategy, a reference document in Clause 22.07, identifies that the Knox approach to housing will be scaled, to achieve a balance between growth while preserving Knox's important characteristics. It seeks to direct the majority of new housing to locations and places considered appropriate for change because they have good access to services and infrastructure. This is reflected through preferred housing types for residential areas including:

- Bush Suburban – preferred dwelling types are detached dwellings and some dual occupancies on larger sites
- Knox Neighbourhood - preferred dwelling types are detached dwellings and dual occupancies, with larger lots (over 1,000 square metres) accommodating three or more dwellings
- Local Living - preferred dwelling types are dual occupancies, villa units and townhouses
- Activity Areas - preferred dwelling types are villa units, townhouses and apartments.

The subject sites are in the Knox Neighbourhood Area described as:

- Living in an area which embodies the Knox character of green and leafy streets, backyards and mostly detached houses
- Living in a street that is mostly single and double storey detached houses.

Knox Neighbourhood Areas, will continue to be low scale, retain a neighbourhood vegetation character, and not appropriate for more intensive development.

While the Housing Strategy seeks to apply the GRZ to Knox Neighbourhood Areas, this was superseded by the residential zone reforms introduced by Amendment GC172. The NRZ4 now applies to all Knox Neighbourhood Areas.

Council considered the NRZ4 to be the most appropriate zone to apply to the Amendment sites, given the surrounding NRZ4 zoning and typology of the residential area which is largely made up of detached dwellings and dual occupancies.

2.2.4 Amendment VC148

Council advised that it had submitted a draft Planning Scheme Amendment (unnumbered) to DELWP for its consideration for a section 20(4) process that involved the translation of the Knox Planning Scheme's Municipal Strategic Statement and Local Planning Policy Framework to the Planning Policy Framework format established by Amendment VC148. Council advised that it was a policy neutral translation and that the current local polices (including references to the Housing

Strategy) remained largely the same. Accordingly, it anticipated that this translation would not affect this Amendment.

2.2.5 Ministerial Directions and Planning Practice Notes

The Explanatory Report and Council's Part A submission discusses how the Amendment meets the relevant requirements of the:

- *Ministerial Direction on the Form and Content of Planning Scheme under section 7(5) of the Act*
- *Ministerial Direction 11 (Strategic Assessment of Amendments)*
- *Ministerial Direction 9 – Metropolitan Strategy (as amended 30 May 2014) pursuant to Section 12 of the Planning and Environment Act 1987*
- *Planning Practice Note 46: Strategic Assessment Guidelines, August 2018.*

That discussion is not repeated here.

2.3 Discussion and conclusions

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, Municipal Strategic Statement and Local Planning Policy Framework. It is consistent with the objectives of Plan Melbourne and the relevant Ministerial Directions and Practice Notes.

Council proposes to dispose of the three sites because they are no longer required for their current public purposes. In the event of the sale of the sites, the PUZ is no longer fit for purpose or consistent with their future intended use or private ownership. In this instance, applying the NRZ to each site is appropriate. It is consistent with the adjoining residential land uses and zoning and Council's housing policies and Housing Strategy and provides an orderly approach to planning. It is the logical underlying zoning (the zoning that would be applied in the PUZ were not). The NRZ will enable the consideration of the range of uses and development that are consistent with the zone purpose and the prevailing land uses and built form around each site.

Selling the sites to enable future housing will deliver net community benefit and sustainable development outcomes, as required by Clause 71.02-3 of the Knox Planning Scheme.

The Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is strategically justified
- should proceed.

The following Report chapters discuss the issues raised in submissions.

3 General issues

3.1 The issues

The issues are whether:

- the loss of early years services to the area is relevant to the Amendment
- conditions or restrictions should be applied to the sale of the sites including on disposal, rate relief and future development and use.

3.2 Submissions

Submission 1 expressed disappointment about the loss of the local community facility at Rowville, considering its closure and sale a *“money making venture”*.

Submission 5 considered the decision to close the centres lacked proper thought and failed to consider the benefits of children using a local centre rather than a large central one.

Submission 6 identified that the Tamara Street, Wantirna South site could be used for other community-based uses including library, indoor sports stadium, park, active sporting facility, senior citizens hall or place of worship. It submitted that any sale should be conditional on:

- retaining the site trees
- not allowing apartments or units
- no vehicles parking on the road
- the land not being sold to *“companies or construction companies”*
- rates in the area being waived if construction occurs outside periods and time restrictions negotiated with neighbours
- Council reducing valuations for rates purposes of *“the properties in the entire area”* if there were more than two dwellings built on the land
- a *“selling preference/reasonable discount should be given first to people who live in the area of Tamara Street”*.

Submission 3 considered the site should be rezoned and developed as native garden display if it could not be repurposed for a community use.

In response, Council submitted:

- the decision to close the three sites followed a review of early years assets and to focus new services in areas experiencing vulnerability or disadvantage
- the NRZ does not preclude community uses on the sites subject to a planning permit process, consistent with the purpose of the zone which includes *“to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations”*
- the sale of any of the sites, property revaluations and the waiver of Council rates is not a matter for the amendment process
- subject to the Amendment being approved, Council can choose whether to progress any potential land sale process for these sites, with any sale process involving additional community consultation
- the application of the NRZ4 is consistent with its Housing Strategy and the areas prevalent single storey, low scale form and sense of spaciousness.

Council advised that it had considered the environmental, social and economic impacts of the Amendment when preparing the Amendment and referred to the Explanatory Report which identified:

The Amendment is not expected to have any adverse environmental outcomes.

In relation to social effects, the level of early years services in Knox will not be reduced as a result of the three sites being rezoned. The Coorie Avenue Children and Family Centre services were relocated into the new early years hubs. The NG Haynes Children and Family Centre services discontinued its services prior to the opening of the early years hubs. The Eildon Parade Preschool services will be relocated into the Rowville Children and Family Centre.

Any potential financial return from the sale or leasing of sites that are declared surplus, will assist in offsetting the construction costs of the two early years hubs and refurbishing the early years assets that are to be retained.

3.3 Discussion and conclusions

The Panel acknowledges the concerns of residents about losing three early years services and the potential loss of community access to these sites in the event they are sold. However, the Panel has not reviewed Council's previous process and decision because they do not form part of, and are not relevant to, the Amendment. The Panel's role is to consider whether the rezoning of the three sites from a public zone to NRZ4 is appropriate and strategically justified.

The three sites are relatively small sites, sit squarely within low scale residential areas and generally isolated from other community services. They have not been identified as strategic sites and do not continue to comprise other services or community facilities that provide for wider community usage. The potential development of other uses including housing will provide a community benefit through the provision of additional housing consistent with planning policy. In this context, the Amendment will facilitate future use and development of the sites and provide a net community benefit.

The rezoning of the three sites facilitates an alternative use and potential disposal of them, noting that at this stage Council has not made the decision to sell them. The application of conditions on the sale of the land relating to how the land should be sold and to who and for what, is not a planning issue and is outside the scope of the Amendment. Council has the ability to apply conditions on any future sale or lease of the land as vendor or land manager through a separate process. However, these are commercial and community decisions not relevant to applying appropriate planning zones.

There is no clear strategic basis for restricting the sites for community use or prohibiting them from being used for residential development when they are located in well serviced residential neighbourhoods. The Amendment does not propose the development of the sites. While the Panel notes that each of the sites contain buildings that could be repurposed for a range of other uses, their redevelopment for residential use would seem most likely. The NRZ accommodates a range of uses including community-based uses. Future site development or use will be subject to the provisions of the NRZ4 and Knox Planning Scheme through the planning permit process. This is the appropriate time to consider issues relating to tree retention, parking and construction impacts.

The Panel concludes:

- Council's decision to close services or to dispose surplus land is not a matter relevant to the Amendment.
- Conditions to the future use of potential sale of the land is a matter for Council through a separate process and is not relevant to the Amendment.
- The planning permit stage is the appropriate time to consider any site use and development issue.

4 Tamara Street amenity issues

4.1 The issue

The issue is whether the Amendment will result in unacceptable amenity impacts including:

- noise
- traffic
- parking
- loss of vegetation
- on mental health.

4.2 Submissions

Submission 3 objected to the rezoning of the Tamara Street, Wantirna South site. Reasons include lack of parking for future residents and visitors, the impact of two storey residential development on the amenity of adjoining dwellings, the impact of residential development on traffic movement in Tamara Street. The submission sought to:

- retain the four mature trees in the setback and the three nature strip trees
- designate Tamara Street “*as a one-way thoroughfare*” to manage future traffic activity and development limited to one storey.

Submission 4 objected to the Tamara Street site rezoning because of noise pollution and impacts on mental health, increased traffic and associated impacts on parking and garbage collection. It submitted that the future residential development of the site would increase the number of residents on the site across a broader period of time, and generate associated noise through the operation of heating and cooling services and the movement of vehicles and visitor parking in the street. This would exacerbate existing amenity and mental health impacts from Eastlink, High Street and Stud Road traffic noise and general residential noise.

Submission 4 noted that Tamara Street was already used by traffic navigating the one-way entry/exit at the nearby High Street shops by taking shortcuts through Tamara Street. The narrow width of the street would not easily accommodate additional street parking, safe access to private properties or garbage collection. Further it considered that applying the NRZ would not create lots large enough to accommodate large trees and shrubs and would not provide the habitat values the current site did.

Submission 6 considered that the Tamara Street site should not be used for “*apartments or units*” and the site trees retained.

Council submitted that the Amendment does not contemplate any development proposals. Any future development proposals that required planning permit approval would need to demonstrate an appropriate design response with respect to environmental and amenity issues. The planning permit process would ensure that future development was consistent with the objectives of the zone, and enables associated amenity issues such as parking, traffic, noise to be considered and mitigated in accordance with the purpose of the NRZ and other requirements of the Knox Planning Scheme.

4.3 Discussion and conclusions

The amenity concerns raised in submission associated with future redevelopment related primarily to the Tamara Street site. However, the issues raised apply equally to all three sites in the event of their future reuse or redevelopment.

The Panel has already found the NRZ to be appropriate and logical for the three sites. It reflects the existing neighbourhood zoning and the prevailing neighbourhood character in which each site sits. As each site is larger than 1,000 square metres there is capacity, consistent with the NRZ4, Clause 22.07 and Housing Strategy to accommodate three or more dwellings up to 9 metres in height. The Panel found no strategic reason to limit any future residential development to one storey or require more private open space to be provided for these sites. It is appropriate that any future development or use of the sites is managed in a way consistent with the wider neighbourhood and for the same planning regime to apply. The NRZ provides this consistency and ensures the same provisions are applied for residential development to the three sites in terms of building heights, setbacks, landscaping and open space as the adjoining residential neighbourhoods. Similarly, the range of potential uses is consistent for all sites.

While the Panel did not observe any significant traffic volume or street parking issues when it visited the sites, this is not to say they do not exist. It is not possible to speculate what traffic and parking might be generated by each site without a proposal to consider. Nor is it reasonable for these sites to address any parking or traffic (and associated noise) issues which might already exist in each of the neighbourhoods. Existing traffic management and street parking issues are matters for the local road manager (Council) in consultation with the community and do not need to be resolved through the Amendment for them to be examined by Council.

While potential amenity impacts from development including noise, traffic and parking and building height and any resultant mental health impacts are real issues, the Amendment does not propose any development. The planning permit stage is the appropriate time to consider such impacts in the context of a particular proposal and the provisions of the Knox Planning Scheme. These include local policy and for housing proposals, particular provisions for two or more dwellings which identify standards and requirements for setbacks, overlooking, overshadowing in addition to the NRZ4 variations relating to open space and landscaping.

Each site contains some vegetation although it is more established at the Tamara Street site which is the larger of the sites and has a different building arrangement. The Amendment does not seek to remove site vegetation and the submissions do not include sufficient information to establish any significance to them or support the application of planning provisions to protect them. While established trees do form part of the character of each of the site's neighbourhoods, there are no Environmental Significance, Vegetation Protection or Design and Development Overlays in place in any of them seeking to recognise or protect this element. The planning permit stage is the appropriate time to consider how existing site vegetation, including roadside vegetation, is managed or new planting accommodated.

The Panel concludes:

- The Amendment does not have to address existing traffic and amenity issues.
- The planning permit stage is the appropriate time to consider the future use and development of the land and any potential amenity impacts.

Appendix A Document list

No.	Date	Description	Provided by
1	17/11/2021	Council submission	Council
2	23/11/2021	Council submission PowerPoint presentation	"
