

SUPPLEMENTARY AGENDA



Meeting of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 23 June 2025 at 7:00 PM

This meeting will be conducted as a hybrid
meeting

Order of Business

9 Supplementary Items.....	3
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9.1 Council submission to Draft Planning Scheme Amendment C194knox – 191 George Street

Wantirna South and 1257 Ferntree Gully Road, Scoresby.....	3
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Bruce Dobson

Chief Executive Officer

9 Supplementary Items

9.1 Council submission to Draft Planning Scheme Amendment C194knox – 191 George Street Wantirna South and 1257 Ferntree Gully Road, Scoresby

Final Report Destination:	Council Meeting
Paper Type:	For Decision
Author:	Senior Strategic Planner, Vivienne O'Farrell
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Executive:	Director City Liveability, Matt Kelleher

SUMMARY

The purpose of this report is to seek adoption of the submission lodged by officers in response to Draft Amendment C194knox - 191 George Street, Wantirna South and 1257 Ferntree Gully Road, Scoresby (Boral Quarry site). The submission lodged by officers is provided at **Attachment 1**.

The Proponent (Mirvac) has requested the Minister for Planning to prepare, adopt and approve the Draft Amendment under section 20(4) of the *Planning and Environment Act 1987* to facilitate development of the Boral Quarry site.

The Department of Transport and Planning (DTP) sought comment on the Draft Amendment and invited feedback by 16 June 2025. The Minister/DTP sent letters to adjoining property owners to advise of the public exhibition process and provide an opportunity for feedback. The Draft Amendment documentation included draft planning controls to facilitate development of the land for a residential community, a draft Stage 1 Development Plan providing 320 lots, active open space and supporting infrastructure, and technical reports to support the proposal.

Council's adopted position on the proposal was set out in the Council Report of 29 January 2024. Whilst the submission on the Draft Amendment considered Council's adopted position, the Minister for Planning has since taken over the process and has significantly revised the planning controls.

Key issues raised in Council's submission at **Attachment 1** include:

- biodiversity impacts on Nortons Lane (proposed to be used to access the development) and shortcomings of the biodiversity assessment technical report prepared for the Amendment;
- possible road safety issues resulting from any construction of an upgraded road in Nortons Lane given the existing narrow carriageway width and projected traffic volumes;
- inadequate planning controls to address the long term management of landfill gas migration risk;
- traffic impacts, volumes and the requirement and timing for micro-simulation modelling (noting the complexity of access from George Street, High Street Road, Eastlink, Nortons Road);
- coordination and potential conflicts regarding proposed Responsible Authority arrangements;
- inadequate community consultation led by DTP for the Minister for Planning; and

- concerns with the planning requirements contained within the exhibited Development Plan Overlay Schedule 16 (DPO16). Council's submission proposes changes to DPO16 as indicated by the track changes within the DPO16 included in the submission.

Council's preferred DPO16 proposes various amendments including:

- geotechnical matters – refinement of the Geotechnical Strategy;
- incorporation of the requirement to include any relevant recommendations or conditions resulting from outstanding Environmental Audits on all permits;
- requiring greater certainty and consideration of ESD outcomes and initiatives across the site over the life of the development; and
- stipulating a maximum height of 5 storeys for apartment development in the proposed Mixed Use Zones.

Given the timeframes to consider the Draft Amendment, officers have not had the opportunity to present the submission for Council adoption prior to the submission deadline of 16 June 2025. DTP has confirmed receipt of the officer submission lodged on 16 June 2025 and advised it will accept an addendum to the lodged submission following Council's adoption if required.

Officers have requested that the Minister call a Priority Projects Standing Advisory Committee Hearing to further consider submissions given the complexity of the issues. If a Hearing is called, this is likely to occur in September 2025.

RECOMMENDATION

That Council resolve to:

1. Adopt the submission lodged on 16 June 2025 provided at **Attachment 1** of the Officers report.
2. Seek a referral of Draft Amendment C194knox to the Knox Planning Scheme to a Priority Projects Standing Advisory Committee without limitation to the Terms of Reference.
3. Oppose any attempt by the Minister for Planning (or DTP) to pass through any risks to Council regarding gas migration.
4. Reserve the right not to take on the vesture of land that contains any gas migration measures without the inclusion of a requirement for a separate legal entity to manage risk.
5. Request that the Minister for Planning use their powers to insert the requirement for a legal entity in the proposed planning controls to assume gas migration risk, monitoring and maintenance obligations.

1. DISCUSSION

The Boral quarry site is a strategically significant site comprising a 171ha quarry located in Wantirna South abutting the Dandenong Valley Parklands. The eastern portion of the quarry accessible from George Street is being actively mined until 2027, whilst the western portion of the quarry proximate to Nortons Lane is undergoing rehabilitation. The Dandenong Valley Parklands is a significant local ecological asset highly valued by the local community.

The subject land is a Strategic Investigation Site in the Knox Strategic Framework Plan with an indicative development yield of 1,600 dwellings. The western portion of the site currently undergoing rehabilitation works is proposed to be developed first, whilst the eastern portion is proposed to be developed in future years.

Original proposal

A proposal to redevelop the land was originally submitted to Knox City Council in June 2020 by Echelon Planning on behalf of the proponent. During the course of the process, officers negotiated and resolved numerous technical issues in good faith, including a 5% social and affordable housing contribution and a development contribution via proposed Section 173 Agreements.

On 29 January 2024, Council adopted its position on the proposal and identified technical gaps requiring further resolution. The report remains Council's current position on the proposal. The proponent then sought the involvement of the Minister for Planning to expedite a planning scheme amendment.

Involvement of the Minister for Planning

The Minister for Planning became the Planning Authority for Amendment C194knox, consistent with their increasing approach to centralising planning decisions. The amendment proposes to rezone part of the subject site from Special Use Zone - Schedule 2 (SUZ2) to General Residential Zone - Schedule 1 (GRZ1) and Mixed Use Zone Schedule 2 and 3 (MUZ2 and MUZ3) to allow for residential development, the creation of a Small Neighbourhood Activity Centre, an extension of the Dandenong Valley Parklands reserve and the delivery of active open space assets. The amendment also introduces a new Development Plan Overlay - Schedule 16 (DPO16) to the site to direct the overall development of the land.

Officers have reviewed the publicly exhibited documentation made available for feedback through DTP's website. This includes draft planning controls, Stage 1 Development Plan and various technical reports prepared on behalf of the Proponent to inform key considerations of the proposal.

The following discussion highlights key issues raised in the submission at **Attachment 1**.

Key issues

Nortons Lane

The proposed upgrade of Nortons Lane to an urban standard will result in significant biodiversity impacts in and around Nortons Lane.

The '*Sites of Biological Significance in Knox – 2nd Edition, 2010* (G.S. Lorimer, 2010)' identifies Nortons Lane as belonging to Site 58. Fieldwork has identified various flora and fauna that are listed under the *Flora and Fauna Guarantee Act* within Site 58, such as the Powerful Owl which is listed as vulnerable. Officers understands from the exhibited documentation, that the proponent intends to rely on the ecological assessment prepared by Ecology and Heritage Partners, September 2024 (Ecology Report) to comply with the requirements in the Environmental Significance Overlay – Schedule 2 (ESO2) applicable to Nortons Lane. Officers commissioned a peer review of the technical report to support the amendment from environmental scientist, Dr Graeme Lorimer. The peer review is attached to the submission, finding significant shortcomings in the Ecology Report assessment of biodiversity. The peer review found the technical report overlooks approximately half of the wild, indigenous plant species in the area, omits three threatened bird species within the site, fails to acknowledge habitat, and substantially downplays significance.

Officers have highlighted the probable conflict that will transpire in the exercise of Ministerial decision making as Responsible Authority if the Minister proceeds to determine the approval of the Stage 1 development plan without changes.

To proceed, this stage is dependent upon the upgraded use of Nortons Lane for access and egress. This would require a planning permit application to be lodged with Council as the Responsible Authority in accordance with the Environmental Significance Overlay which applies to the land to protect significant biodiversity assets. This is outside the area subject of the Draft Amendment and the Development Plan.

In addition to biodiversity impacts, Nortons Lane also presents engineering constraints relating to road width and future carrying capacity. In relation to traffic concerns more broadly, the absence of micro-simulation modelling to determine traffic volumes, likely impacts to the local road and intersection network and dwelling yield continues to be sought by officers including in the DPO schedule.

Gas migration matters

The site is susceptible to landfill gas migration risk as informed by the S.53V Environmental Audit. The DPO schedule does not require the findings of any future Environmental Audit that may follow the planning scheme amendment phase to be considered on a planning permit issued following the approval of a Development Plan. This is despite an Environmental Audit Overlay being proposed for the land by the Minister for Planning as a requirement of the planning scheme amendment. In addition, Council's request for a separate legal entity to monitor the Protection Measure Area set out in the Council report of 29 January 2024 has been deleted by DTP in the exhibited Schedule, and a request to reinstate this has been made in accordance with legal advice.

Officers understand this type of arrangement is typically recommended by industry experts and is not uncommon in other developments that are impacted by gas migration issues. Indeed, a recommendation was made by the auditor in the s.53V Environmental Audit to adopt this structure and officers have questioned why this recommendation has not been adopted.

Affordable housing contribution

Officers welcome the increase in the affordable housing contribution from 5% to 10% of the total number of dwellings in the development. Officers note the exhibited DPO schedule contains a change in drafting for this provision which now includes reference to Homes Victoria as well as a registered housing agency.

Officers also seek an amendment to the proposed DPO schedule to require that any cash contribution paid in lieu be expended within the Knox municipality to assist in addressing local affordable housing issues.

Environmentally Sustainable Development (ESD)

The exhibited Development Plan provides a standalone section outlining commitments to delivering ESD outcomes throughout Stage 1 of the project.

Despite this, the exhibited DPO16 does not specify ESD outcomes to be achieved for the future development of the western section of the site. Officers are seeking consistent ESD outcomes and theming for the entire site including for all future development plans in subsequent stages. This is

best achieved via a standalone requirement for the preparation of a 'Sustainability Management Plan' within the DPO schedule.

Next steps

Due to the deadline of 16 June 2025, officers have lodged the submission provided at **Attachment 1** to the Minister for Planning and are now awaiting next steps.

Officers have sought a Hearing by the Priority Projects Standing Advisory Committee (Committee), as part of the amendment process suggesting this would occur in September 2025 if the Minister chooses to refer the amendment. The Minister has discretion to refer the amendment to the Committee, and determine the Terms of Reference. The Committee process plays an important role in reviewing the proposal and amendment package prior to determination and Council should reinforce the importance of the referral of the proposal to the Committee by the Minister.

DTP has informed Officers that an addendum to the lodged submission will be accepted following Council's retrospective adoption of the submission if required.

2. ENGAGEMENT

Due to the limited timeframe to review and prepare the submission, no external consultation was undertaken by Officers in the preparation of the submission. Officers had been in discussions with representatives of DTP and ConnectEast in recent months in relation to the progress of the amendment, prior to the exhibition period.

Officers consulted with internal departments across Council including Traffic and Transport, Biodiversity, and Waste Management on various aspects of the submission. The proposal was also raised with the Environment Advisory Committee.

3. SOCIAL IMPLICATIONS

The amendment will have social implications for Knox with an additional 320 lots provided in Stage 1. No development plans have been prepared for subsequent stages given the balance of the site is an active quarry until 2027 and rehabilitation has not commenced. Development plans will also recognise prevailing market conditions at the time. The overall site is expected to accommodate beyond 1,600 dwellings.

The Stage 1 Development Plan includes provision of active open space for the site including associated pavilion infrastructure. This will facilitate access to additional active open space assets in Knox to support population growth in the area. A 10% affordable housing contribution is included in the proposed controls which may support the Knox community over time by providing more affordable housing options, should the Minister for Planning agree that the contribution must be expended within the municipality.

4. CLIMATE CHANGE CONSIDERATIONS

The site will ultimately be converted from quarry operations into a masterplanned residential community. The absence of public transport to the site means the development will reinforce car dependency across Knox which is expected to increase carbon emissions in the area. If supported by the Minister for Planning, the requirement proposed by Officers to include more substantive ESD controls in the DPO16 Schedule by way of imposing the requirement for a Sustainability

Management Plan to be approved, will determine standards and expectations for the delivery of enhanced ESD initiatives throughout the development.

5. ENVIRONMENTAL IMPLICATIONS

The site and its surrounds has important biodiversity assets including wild, indigenous plant species, threatened bird species and habitat for the Powerful Owl which may be compromised if the Minister for Planning does not determine to progress an alternate access / egress route to Nortons Lane.

A component of the site will be transferred as an extension of the Dandenong Valley Parklands which will secure an improved environmental asset for years to come. This is considered a positive aspect of the proposed development.

6. FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications arising from this report. Officers will continue to work with all relevant parties throughout the process including engaging legal representation and consultant involvement with any future Priority Projects Standing Advisory Committee Hearing.

7. RISKS

The report has several risks to Council which are noted as follows:

- Technical and legal risks arising from available expertise within the organisation to respond to issues such as landfill gas migration monitoring and other issues.
- Political and legal risk arising from further amendments to the Knox Planning Scheme which would seek to move enforcement and monitoring risk from the Minister for Planning to Knox City Council in the future.
- Legal risk being passed through to Council where the Minister for Planning does not exercise the opportunity to include the requirement for a separate legal entity to be implemented regarding gas migration risk.
- Community and regional risk being increased through the inadequacy of the local road and intersection network being able to cope with additional traffic volumes generated by the development, including potential impacts on Eastlink.
- Community risk being elevated through the construction of a road cross section and intersection treatment that it is not sufficient to deal with anticipated traffic volumes should the upgrade of Nortons Lane be supported by the Minister for Planning.
- Maintenance risk associated with the specifications for active open space assets and associated infrastructure by the Proponent and the possibility these assets are transferred to Council following construction.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Neighbourhoods, Housing & Infrastructure

Strategy 2.1 - Plan for and support diverse housing to meet changing community needs.

Natural Environment & Sustainability

Strategy 3.1 - Preserve our biodiversity and waterways, and enhance our urban landscape.

Civic Engagement & Integrity

Strategy 5.3 - Ensure our processes are transparent and decisions are accountable.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. STATEMENT OF COMPATIBILITY

There are no legislative obligations under the Human Rights Charter, Child Safe Standards or the Gender Equity Act that are incompatible with the recommendation in this report.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - Knox City Council Submission - Draft Amendment C194knox – 191 George Street Wantirna South and 1257 Ferntree Gully Road Scoresby - 2015-06-16 [**9.1.1** - 52 pages]

The logo for Knox City Council, featuring the word "knox" in a bold, lowercase, sans-serif font.

16 June 2025

Matt Cohen
Director, Development Approvals and Design
Department of Transport and Planning
GPO Box 2392
MELBOURNE VIC 3001

Via email: development.assessment@transport.vic.gov.au
terri.speirs@transport.vic.gov.au

Dear Mr Cohen

**Submission: Draft Amendment C194knox – 191 George Street Wantirna South & 1257 Ferntree
Gully Road Scoresby
Submission of Knox City Council**

We refer to the abovementioned proposed amendment to the Knox Planning Scheme and appreciate this opportunity to participate in the consultation process progressed by the Minister for Planning pursuant to 20(5) of the *Planning and Environment Act 1987*.

Given the timeline set for lodgement of submissions relative to Council's meeting cycle constraints, we confirm that this document comprises a technical officer submission issued on a 'without prejudice' basis and has not been formally adopted by Council. The submission will undergo a retrospective Council adoption process following the end of the consultation period and is scheduled to be considered at the 23 June 2025 Council Meeting.

We therefore intend to lodge an addendum to this submission following this Council Meeting. We request that this addendum be accepted at that time, once the Council has had the opportunity to formally consider the submission.

Officers have considered the publicly exhibited amendment package and provide feedback as outlined below. An exhibited version of the proposed DPO16 schedule with comments is contained at **Attachment 1**, and a peer review of the Ecology and Heritage Partners technical report is provided at **Attachment 2**. A detailed assessment of the proposal against Council's various traffic and transport strategies is provided at **Attachment 3**.



1. Strategic context

The Boral quarry site is a strategically significant and rare infill opportunity comprising a 171ha site located in Wantirna South abutting the Dandenong Valley Parklands. The Dandenong Valley Parklands is a significant local ecological asset highly valued by our local community.

The subject land is identified in Knox's Housing Strategy (2015) and Knox Planning Scheme as a Strategic Investigation Site with an indicative development yield of 1,600 dwellings. The western portion of the site is currently undergoing rehabilitation works and proposed to be developed first, whilst the eastern portion is proposed to be mined by Boral until approximately 2027.

2. Planning Scheme Amendment

The amendment proposes to rezone part of the subject site from Special Use Zone - Schedule 2 (SUZ2) to General Residential Zone - Schedule 1 (GRZ1) and Mixed Use Zone Schedule 2 and 3 (MUZ2 and MUZ3) to allow for residential development, the creation of a Small Neighbourhood Activity Centre, an extension of the Dandenong Valley Parklands reserve and the delivery of active open space assets. The amendment also introduces a new Development Plan Overlay - Schedule 16 (DPO16) to the site to direct the overall development of the land.

Noting the identification of significant contamination within the subject site, the Minister for Planning has elected to expedite a land rezoning process at this time by relying on an Environmental Audit Overlay (EAO) to determine the suitability of the land for its proposed use. The EAO will be applied to the development parcels of the subject site pursuant to Clause 45.03 of the Knox Planning Scheme, triggering various audits in accordance with the *Environmental Protection Act*. Other consequential changes to overlays are also proposed, with the Minister for Planning identified as the Planning Authority for the amendment.

The consultation package also includes a Stage 1 Development Plan proposal identified as the Wantirna South – North West Residential Area Development Plan (Northwestern Precinct DP) for which the Minister for Planning will be the Responsible Authority. This is a material change to ordinary determination arrangements and removes Council from performing this function, as identified in the proposed amendment to the schedule of clause 72.01 of the Knox Planning Scheme. The perceived inadequacy of the blend in determining powers and scheme administration arrangements that have been proposed are explored further in part 7(h).

Following the consideration of submissions by the Minister for Planning, it is understood the amendment may be referred to a subsequent Priority Projects Standing Advisory Committee (SAC) process for further consideration.

3. Background

The proposal was submitted to Knox City Council in its original form in June 2020 by Echelon Planning on behalf of the proponent. Given the nature and scale of the proposal, there is a significant history between the parties which has included engagement with government agencies, ongoing negotiations and detailed review of complex technical matters such as local network traffic impacts, gas migration and geotechnical concerns.



The complexity of the proposal is heightened by the nature of consequential biodiversity and traffic impacts, coupled with abutting land use conflicts. The former Cathies Lane landfill operation owned by Knox City Council is located on the northern frontage of the subject site, together with the active Knox Waste Transfer Station that is another Council asset.

During the course of the preliminary assessment process, officers negotiated and resolved numerous issues with the proponent in good faith, including a social and affordable housing contribution and a development contributions structure via proposed Section 173 Agreements to support the delivery of community infrastructure as developer works.

4. Council Report – 29 January 2024

A report was tabled at the Council meeting on 29 January 2024 outlining Council's position on the proposal and technical gaps requiring further resolution. That report remains Council's current position on the various matters, notwithstanding the progress which has been made since.

Ultimately, Council did not initiate a planning scheme amendment process due to issues that remained unresolved with the amendment application at the time, and the Minister for Planning stepped in and became Planning Authority.

At the time, Council resolved to continue working with the proponent to address the issues identified. The report also sought authorisation for the Chief Executive Officer or delegate to continue discussions and advocate on Council's behalf, whether this be with the proponent directly or the Department of Transport and Planning (DTP).

The key issues addressed in the Council report that broadly underpinned the decision not to provide support to the proposal at that time are as follows:

- Access and traffic movement – road network configuration and impacts, Nortons Lane carriageway constraints and microsimulation modelling requirements
- Biodiversity impacts – the reliance on Nortons Lane as a primary access and egress route compromising significant biodiversity assets
- Landfill gas migration concerns and residential development proposed within the recommended Protection Measure Area
- Noise attenuation measures – deliberation on what form and location for such which broadly aligned with the position of Connect East
- Odour mitigation – KCC Waste Transfer Station, planning controls to adequately address odour
- Geotechnical strategy implementation – the form that this would take in the DPO controls



5. Minister for Planning becomes Planning Authority

In October 2024, the proponent sought assistance from the Development Facilitation Program (DFP) within DTP to have the Minister for Planning assume responsibility for determining the amendment pursuant to the accelerated pathway criteria available for a project satisfying the program's threshold criteria for a residential development with affordable housing.

A draft package of documentation was circulated by the DFP in October 2024 to Knox City Council for comment. Knox City Council provided comments, including the adopted Council position, and a schedule was provided by the proponent in response to officer comments.

6. Amendment C194knox - Consultation Package

The importance of facilitating new development activity, particularly during a time of constrained housing supply, at a strategically important infill site is well understood. Notwithstanding this, there remain several threshold issues that have wide ranging implications for existing and future communities that the Minister for Planning needs to resolve as part of this process.

The Minister for Planning should reconsider some elements of the proposal including seeking additional technical analysis as a priority on matters of critical importance. Council also considers it appropriate to request that this matter be referred in full to a Standing Advisory Committee (SAC).

7. Unresolved issues of strategic importance

The balance of this submission addresses the key unresolved issues that should be settled by the Minister for Planning as part of this process. To assist, Council has provided comments on the exhibited DPO16 outlined in **Attachment 1** that identify technical gaps and sequencing matters to be addressed and enable reconfiguration of the DPO16 schedule into a form that could be supported.

a) Nortons Lane – Biodiversity impacts

There will be impacts to an array of significant biodiversity assets identified in and around Nortons Lane, as a result of the construction of any interim or ultimate road solution. At this stage of the process, it is incumbent upon the Minister for Planning to request additional technical material from the proponent which better justifies and resolves the proposal.

Acknowledging the abundance and significance of biodiversity assets in and around the vicinity of Nortons Lane, the Environmental Significance Overlay Schedule 2 (ESO2) triggers permit application requirements at Clause 42.01-2 for buildings and works, and the removal of vegetation. The schedule begins with a 'Statement of Environmental Significance' that states what is significant for the purposes of permit applications under the overlay.

The first 'background document' in the list in the schedule is 'Sites of Biological Significance in Knox – 2nd Edition, 2010 (G.S. Lorimer, 2010)', which rates the significance of sites and their natural assets using the Victorian Government's 'Standard Criteria for Sites of Biological Significance'. The document identifies Nortons Lane as belonging to Site 58. Fieldwork has identified various flora and fauna features that are listed under the *Flora and Fauna Guarantee Act* within Site 58, such as the Powerful Owl which is listed as vulnerable. At this time, it is understood



from the exhibited documentation, that the proponent intends to rely on the ecological assessment prepared by Ecology and Heritage Partners, September 2024 (Ecology Report) to comply with the requirements in the ESO2 applicable to Nortons Lane.

Should this transpire, it is highlighted that a conflict would arise with Council being the Responsible Authority for Nortons Lane in determining the permit application triggered under the ESO2. This would conflict with the Minister for Planning as the Responsible Authority for determining the amendment and the Northwestern Precinct DP. The Northwestern Precinct DP relies on the use of Nortons Lane to proceed as the only ingress / egress access route to facilitate the development.

It is highlighted that this is one of several conflicts that has been identified and is explored further in the procedural concerns section below. The biodiversity values of Nortons Lane will be compromised regardless of an interim or final carriageway solution.

Peer review of Ecology and Heritage Partners technical report

Council commissioned a peer review of the technical report prepared by Ecology and Heritage Partners to support the amendment from environmental scientist Dr Graeme Lorimer. The peer review is provided at **Attachment 2**. A summary of findings is provided below:

- The report does not tabulate the different parts of the study area in which each plant species was observed and it is not possible to tell which possible main access route to the development has greater impact on significant plant species.
- The report overlooks roughly half the wild, indigenous plant species which calls into question the thoroughness of the study.
- The report omits most observations of three threatened bird species within the site and states (contrary to the evidence of those observations) that there is no habitat for these species and hence no prospect of impacts. In the case of the Powerful Owl, the absence of lighting and traffic along Nortons Lane is important.
- The report adopts unreferenced, idiosyncratic criteria for rating the biological significance of the site's natural assets (e.g. habitat for a threatened species), substantially downplaying the assets' significance compared with the objective 'standard criteria' of the Victorian Government.
- These flaws result in failure to properly respond to the Application Requirements of Schedule 2 of the Environmental Significance Overlay (ESO2) in the Knox Planning Scheme, in several respects. They also confound assessment of the proposed development against ESO2's Decision Guidelines.

In consideration of the peer review findings, there is an imperative for the Minister for Planning to seek further advice regarding the biodiversity values within Nortons Lane to avoid the reliance on an ecological assessment that is considered unreliable by an industry expert. Once the biodiversity values are appropriately understood, the Minister for Planning must then draw their attention to the anticipated conflicts that will transpire between the respective responsible authorities.



Consideration of a Central or Alternate Access Road

Concerns regarding the impacts to biodiversity assets in Nortons Lane and the narrow road reserve width were first raised with the proponent prior to 2020. This resulted in some redesign of the proposed carriageway to mitigate impacts, which did not address concerns adequately enough to be considered acceptable.

Work continued with the proponent and relevant government agencies to consider alternative routes for access and egress. This work resulted in a central access road concept being explored through Crown Land managed by the Department of Energy, Environment and Climate Action (DEECA). This option was also canvassed in the Council report of 29 January 2024.

It is submitted that the Minister for Planning explore this or alternative access options to resolve this significant issue. Should this not transpire, we request that amendments to the exhibited DPO16 schedule are adopted to respect further the biodiversity values and character of Nortons Lane.

b) Nortons Lane – Traffic and Transport impacts

Traffic engineering feedback is provided in detail in **Attachment 3** which overviews existing road reservation width constraints and the future carrying capacity of a connector road in Nortons Lane. Whether a future connector road will perform adequately relative to the purported traffic modelling and assumptions applied by Traffix Group to inform the proposal has been queried.

Whilst the Minister for Planning may determine the amendment and Northwestern Precinct DP, it is the role of Knox City Council to manage the impacts of the proposal on the current and future community. The safety of the community is always a paramount consideration in decision making and this extends to understanding traffic and transport operation impacts and constraints in this area.

In summary, we highlight the following as key safety and possible future liability concerns identified in the technical comments provided by our traffic engineers:

- narrow road reserve leaving inadequate land available to include auxiliary turn lanes for existing properties or future development outcomes, adequate cyclist amenity, on street parking, or to facilitate an appropriate intersection treatment at High Street Road;
- steep batters exist adjacent to the road which could be a potential hazard to drivers;
- inadequate protection areas for trees that abut the road resulting in further hazards for drivers and compromised tree health outcomes; and
- projected traffic volumes modelled on the ultimate road rely on assumptions that have been queried leading to a concern that the carriageway design and High Street Road intersection treatment will be inadequate to cater to the ultimate traffic demand and thereby compromise community safety.



c) Gas migration, contamination and geotechnical matters

The rehabilitation and redevelopment of a substantial quarry to facilitate a sensitive use is complex and warrants the array of controls that have been proposed to address the suitability of the site for the proposed use. Equally important is the application of various environmental mitigation measures to be implemented and complied with in the future, and this highlights the importance of the EAO being applied as a future control pursuant to Clause 45.03 of the Knox Planning Scheme.

Gas Migration

The ESG Environmental Condition Summary (ESG Report) dated May 2024 as exhibited, indicates that a Section 53X Environmental Audit is required to demonstrate that the land is suitable for the intended use, and was being undertaken in the western precinct as part of rehabilitation and soil filling works. The ESG Report indicates that this s.53X Environmental Audit would further consider the findings of the s.53V Environmental Audit completed on the land regarding gas migration matters and undertake further assessment in this regard.

The s.53X Environmental Audit is not complete and did not form part of the exhibited consultation package in draft form. It is understood that the audit is expected to be finalised late this year. The ESG Report (pages 22 & 23) advises that the s.53X Environmental Audit was anticipated to be completed in 2024 and would review the following in relation to landfill gas detected in the proposed Protection Measure Area:

- *'Consideration of the results of the 53V Environmental Audit being undertaken with regards to the Landfill Gas Risk Assessment and the potential impact that landfill gas may have on the proposed site redevelopment'; and*
- *'It should be noted that the Section 53X Environmental Audit requires consideration of all segments of the environment and beneficial uses of the land. As such, further works with regards to landfill gas, groundwater and soil quality will continue to be considered as the site progresses'*
- *'The ongoing 53X environmental audit will also determine whether further investigation and remediation is required in this area'.*

A review of the exhibited DPO16 indicates there is no requirement for the findings of the s.53X Environmental Audit to be considered when it is completed in relation to gas monitoring levels following the approval of a development plan. It is not implausible that new gas monitoring readings may differ from those previously recorded in earlier environmental assessments, including the s.53V Environmental Audit. Of particular concern is any adverse reading which may elevate the risk assessment pathway from 'Low Risk' to a higher category of risk and thereby require more intensive in ground mitigation and monitoring measures or prevent a sensitive use being developed in the Protection Measure Area at all. It is possible that the proposed controls in the exhibited DPO16 addressing proposed development in the Gas Protection Measure Area, may not contain the requisite flexibility required to adjust mitigation requirements for elevated gas level readings, should the development of a sensitive use still be considered appropriate following the issue of the s.53X Environmental Audit.



It is also highlighted that mitigation design measures and compliance arrangements can differ between an early works / developer works scenario such as the construction of interception trenches along the northern boundary abutting Cathies Lane, and those which could be implemented for a dwelling on a subdivision permit. Hence the need for two DPO16 Clause 3 provisions as our legal review (**Attachment 1**) has proposed, addressing slightly different requirements. To be secured by way of s.173 Agreements, with the inclusion of a legal entity to assume risk and adhere to maintenance and compliance obligations for both. To assume that only one of these provisions is necessary at this stage not only pre-empts the findings of the forthcoming auditor report but also restricts contingency and flexibility being built into the exhibited DPO16. This would allow for developer works measures to be constructed to mitigate gas migration and or measures being implemented on a per dwelling basis.

We also note that the provision designed to address dwelling mitigation measures (headed 'Landfill Gas Protection') secured through a s.173 Agreement, also provides for appropriate disclosure mechanisms and acknowledgement of potential amenity impacts regarding the lots that sit within the Protection Measure Area. This is a standard condition commonly applied by local government authorities on residential subdivision permits and we query why this has not been addressed in the exhibited controls?

If the suggested amendments to the exhibited DPO16 are not accepted, we then question why the Minister for Planning is prepared at this stage to proceed to consider the Northwestern Precinct DP proposal and the issuance of a subsequent development permit without the findings and recommendations of the s.53X Environmental Report having been completed and certified. Whilst we acknowledge the s.53V Environmental Audit has since been completed, we highlight this audit is limited in nature with the outstanding s.53X Environmental Audit being more comprehensive in its assessment.

This is a material oversight which presents as a significant and unacceptable risk to a future community.

It is also plausible that the oversight could result in potential legal liability and reputational damage for the proponent, the Minister for Planning, the State Department or Council. The Minister for Planning has assumed the role of Responsible Authority for the determination of the proposal and issuance of any planning permit which may transpire from the approval of the Northwestern Precinct DP. It also presents as a potential further conflict where the Minister for Planning has supported the Stage 1 development plan outcome and issued a planning permit for the development which cannot be supported by an Environmental Auditor in a particular area of the approved development plan.

We advise that Council will not entertain any potential passing through of risk or responsibility for the decision. Further, and as previously articulated, Council does not have the internal expertise nor the budgetary capacity to allocate resourcing to compliance and maintenance inspection matters for any inground gas mitigation structures that may be constructed in the public realm, proposed to be vested to Council, or within a residential lot boundary, to enable a residential



outcome in the Protection Measure Area. If these matters are not considered comprehensively at a SAC process with appropriate recommendations adopted, it is open to Council to reconsider whether it is appropriate to take on any public realm areas that contain gas mitigation structures to facilitate a residential outcome.

Further, we reinforce the recommendations of the s.53V Environmental Auditor in relation to the operation of the Cathies Lane landfill gas extraction system, where on page 64 of the audit report by Golder Associates (June 2020) highlights that the proponent has *'no control of the operation of this system and it cannot be relied upon as a control measure for the site'*.

The ESG Report provides recommendations on page 23 derived from the s.53V Environmental Audit, detailing requirements to be complied with and suitable for the proposed DPO controls. It is highlighted that these requirements are similar to those proposed previously by Council's consultants. Significantly, the requirements specify that a legal entity be established and engaged to have ongoing responsibility and capability for the installation, operation and maintenance of the measures which is similar drafting to the requirement that Council previously required to be included in an earlier iteration of the draft DPO16 that was annexed to the Council Report of January 2024. It is questioned why the recommendation of the s.53V Environmental Auditor has not been adopted in this regard? Legal review comments on the exhibited DPO16 are provided as part of **Attachment 1**.

Accordingly, it is incumbent on the Minister for Planning to proceed to refer the matter to a SAC for a recommendation prior to making a determination as these significant issues are clearly unresolved.

Geotechnical Considerations

It is understood that there is now a more aligned position between the respective geotechnical consultants regarding the proposed geotechnical implementation strategy pathway for the DPO16.

The strategy must be certified by a qualified professional prior to the commencement of works. Our preliminary legal review of the exhibited DPO16 (**Attachment 1**) has stipulated that that the strategy must be certified and also have regard to potential underground gas migration matters as this may have the effect of impacting compaction conditions.

d) Local Network Traffic Impacts - Microsimulation Modelling

A request for microsimulation modelling to be provided with the stage 2 development plan prior to development of the eastern precinct has been made in technical comments located in **Attachment 3**. This requirement has also been specified in a preliminary legal review of the exhibited DPO16 Schedule attached. It is imperative that microsimulation modelling is provided at this time. There are various new developments that are anticipated to come online between now and then that will impact ultimate network conditions and exacerbate existing congestion areas, such as the network surrounding the State Basketball Centre. The application of microsimulation modelling will also enable a better understanding of the extent of traffic impacts on the performance of key roads and intersections such as High Street Road and George Street.



Technical engineering comments have been circulated previously which contained reservations regarding the assumptions that have been applied to the traffic modelling issued to date, these concerns are also shared by other road management stakeholders. The most appropriate way to address this is to apply more in depth and accurate modelling at a later time, prior to the approval of the stage 2 development plan. This elevated standard of modelling will inform whether earlier traffic volumes assumed for key roads such as George Street, can be relied upon and traffic generation impacts to the broader local network are satisfactory.

e) Affordable Housing Contribution

An increase in the affordable housing contribution from 5% to 10% of the total number of dwellings in the development is welcomed. It is noted the exhibited DPO16 contains a change in drafting for this provision which now includes reference to Homes Victoria as well as a registered housing agency. It is unclear if Council will be the Responsible Authority for the issuance of the initial permit that will contain the Affordable Housing condition or how the contribution is proposed to be staged throughout the course of the development.

Given this uncertainty, Council seeks an amendment to the proposed DPO16 schedule to require that any cash contribution paid in lieu be expended within the Knox municipality. Knox has a significant and growing need for affordable housing within the community. It would be considered unreasonable for any cash contribution to be collected within Knox and then expended outside the municipality. Further, any opportunity for a cash contribution should include an appropriate methodology to calculate the cash equivalent value for each dwelling.

f) Environmentally Sustainable Development (ESD)

The exhibited Development Plan provides a standalone section outlining commitments to delivering ESD outcomes throughout Stage 1 of the project (Section 9: Environmentally Sustainable Design, pp. 67-68). These initiatives are supported and some reflect the initiatives included within the Knox Planning Scheme at Clause 15.01-2L Environmentally Sustainable Development of the Planning Policy Framework. Section 9 of the Development Plan also states that:

'Being a multi-staged development, it is expected that 'best practice' in sustainability will evolve from the start to end of the project, noting the build out of 191 George Street is anticipated to extend for well over ten years. A key focus of the project is ensuring the masterplanned community is 'future ready' to respond to the changing conditions of the location and an ambition of the project is to continually improve sustainability performance as the project evolves. To support and guide sustainability within the project, the following key focus areas or initiatives are outlined for the project which would occur across the development plan areas.' (Our emphasis).

Section 9 details the key focus areas and initiatives which include Natural Resources, Water Management, Nature and Biodiversity, and Social requirements which are generally supported. The exhibited DPO16 does not specify ESD outcomes to be achieved for the future development. The DPO16 only provides, at 'Section 4.0 Requirements for Development Plan: Masterplan', that the masterplan include as relevant, 'Sustainability measures/initiatives to be included in the development.'



Although ESD will evolve throughout the longer-term build-out of the site, ESD is an increasingly integral element of all planning and development outcomes. We submit that it is reasonable that consistent ESD outcomes and theming is applied for all future development plans for the site. This is best achieved via a standalone requirement for the preparation of a 'Sustainability Management Plan' within the DPO16, rather than various measures dot-pointed within a list of considerations under Section 4: Masterplan. The attached annotated DPO16 provides wording to this effect.

g) DPO16 – General

A maximum apartment height has been included for the mixed-use areas, consistent with the design intent stipulated by Echelon Planning in their planning assessment document.

h) Procedural and Risk Matters

There are various procedural concerns and risk matters that have been identified that not only impact on the current process being undertaken by the Minister for Planning, but also complicate the future planning administration landscape. We overview some of these areas further below:

- Procedural conflicts – between responsible authorities and proposed controls contained in the exhibited DPO16 addressing gas migration risk, the ESO2 on Nortons Lane and the approval of the Northwestern Precinct DP relying on Nortons Lane for access/egress.
- Procedural risk – the appointment of the Minister for Planning as the Responsible Authority for the issue of a permit following the approval of the Northwestern Precinct DP in particular places greater risk upon Council to administer and enforce permit conditions that may not be configured to its standard of drafting, or to potentially take on more risk than is reasonable where the Minister for Planning elects to pass on higher risk threshold matters to be managed by Council in the future.
- Procedural - the execution of the consultation process undertaken by the Minister for Planning in accordance with 20(5) of the *Planning and Environment Act* lacks adequate engagement timeframes to address substantial technical content and a deliberative procedure that appropriately respects the importance of the views of local community stakeholders or individuals that are impacted by or have a keen interest in the proposal.
- Procedural - the Plan for Victoria engagement process is recognised by DTP as a key benchmark in consultation standards for strategic planning matters in this state and references several interface requirements with community. It is highlighted that community events have not been led by the DTP in the local area to support and explain the proposal on behalf of the Minister for Planning. Community members have expressed their disappointment to officers regarding the inadequacy of this process. Notwithstanding that Council is not a determining authority for the proposal, it remains respectful of community views and stakeholder concerns. It is disconcerting that greater effort has not been invested by the Minister for Planning in explaining the rationale for wanting to compromise significant biodiversity assets that are highly valued by our community and protected in the Knox Planning Scheme or to inform the community better on what is largely technical documentation made available for community feedback.

**i) Governance**

The need for an officer submission to comply with limited timeframe afforded by the consultation process has been explained previously. We reiterate our request for a supplementary submission to be accepted which will contain a Council resolution regarding the proposal. In making this request, we highlight that Council performs a statutory function and has various obligations placed upon it to perform this role as appropriate. Council carries out this function in accordance with governance obligations depicted in Part 3 Division 2 Section 59 of the *Local Government Act 2020* (among others) and wishes to ensure that this governance requirement is adhered to in accordance with its procedural meeting process. It would be considered unreasonable for the Minister for Planning to refuse this request and thereby discard the opinion of Council by way of its formal adoption of Council's submission.

In conclusion, we thank the Minister for Planning for extending the opportunity to Council to make a submission to the proposal. We reaffirm the importance of the Minister for Planning to turn their mind to the threshold issues that have been identified in this submission and refer these matters to a SAC process for further advice and recommendations prior to making a determination. We look forward to resolving these outstanding issues and seeing the proposal progress to the next phase. Should you require any further information please contact Shiranthi Widan, Manager City Futures on 9298 8382 or by email Shiranthi.Widan@knox.vic.gov.au.

Yours faithfully

Matt Kelleher
Director City Liveability

Document ID: D25-184872

Attachments:

- *DPO16 exhibited version – preliminary legal review compiled by Maddocks*
- *Peer review – Biodiversity*
- *Traffic Engineering review*

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Attachments to Knox City Councils Submission for C194knox

Attachment 1. DPO16 exhibited version – preliminary legal review

Attachment 2: Peer review – Biodiversity

Attachment 3: Traffic Engineering review



Attachment 1. DPO16 exhibited version – preliminary legal review

KNOX PLANNING SCHEME

~~1.0~~
Proposed C194knox

SCHEDULE 16 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO16**.

191 GEORGE ST, WANTIRNA SOUTH DEVELOPMENT PLAN**1.0**

~~1.0~~
Proposed C194knox

Objectives

To provide housing choice and encourage sustainable development and a variety of lot sizes and housing types with high-quality urban design within the residential area which complements the future extension of the Dandenong Valley Parklands into the site.

~~To provide housing choice within Knox with the development of a variety of lot sizes and housing types.~~

To provide for the orderly staging of development and local amenity with the delivery of a variety of open spaces, including active open space, as well as physical and social infrastructure, community facilities and retail within or close to a small Neighbourhood Activity Centre.~~d~~

~~Activity Centre.~~

To establish open space networks, landscaping and walking/cycling trails which integrate the residential development with the future Dandenong Valley Parklands extension and connect to the wider transport network.

To recognise and respond to the land affected by this Schedule contains an active quarry and a former quarry undergoing remediation and is in close proximity to amenity impacting land uses and the sources of potential underground gas migration.

To recognise and respond to the impact of developing the land affected by this Schedule on the surrounding road network and areas of environmental biodiversity and conservation value.

~~To provide for physical and social infrastructure and the orderly staging of the development.~~

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KNOX PLANNING SCHEME

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~~Proposed C194knox~~

Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority to:

- Subdivide or consolidate land which does not prejudice the preparation and approval of a ~~d~~Development ~~p~~Plan.
- Construct or carryout works relating to:
 - any works required to obtain, undertake, or satisfy an Environmental Audit Statement prepared under Part 8.3 of the Environment Protection Act 2017.
 - any works required to undertake or satisfy rehabilitation of the land under a Work Authority issued under the Mineral Resources (Sustainable Development) Act 1990 or its successor legislation.
 - the management of flooding constraints to facilitate staged removal of the Land Subject to Inundation Overlay (LSIO).
- Construct or display a sign.
- Remove, vary, or create an easement.
- A permit for the subdivision, use or development of land prior to the development plan being prepared to the satisfaction of the responsible authority must ensure that any ~~residual~~ contamination of the land is managed by:
 - ~~▪ Ensuring the permit aligns with the list of suitable land uses on any Preliminary Risk Screen Assessment Statement or Environmental Audit Statement issued under part 8.3 of the Environment Protection Act 2017.~~
 - ~~▪ Ensuring the recommendations contained in any Environmental Audit Statement are, where relevant to the proposed permit, translated into a condition on that permit.~~
- ~~Any application for a permit lodged before a --~~Ensuring the permit aligns with the list of suitable land uses on any Preliminary Risk Screen Assessment Statement or Environmental Audit Statement issued under part 8.3 of the Environment Protection Act 2017.
- Ensuring the recommendations contained in any Environmental Audit Statement are, where relevant to the proposed permit, translated into a condition on that permit.

Any application for a permit lodged before a development plan has been approved must be accompanied by a report demonstrating that approval will not prejudice the long-term future of the land ~~affected by as set out in this Schedule~~ or the preparation or approval of a development plan.

This applies to an application under existing use provisions of the Planning Scheme.

3.0

~~Proposed C194knox~~

Conditions and requirements for permits

The following conditions and/or requirements apply to any permits, including a permit granted under this schedule:

- A permit granted for buildings and works must include conditions requiring for, as appropriate:
 - The recommendations and requirements contained in any Environmental Audit Statement

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KNOX PLANNING SCHEME

- A Construction Management Plan and an Environmental Management Plan generally in accordance with this ~~s~~Schedule must be prepared ~~to the satisfaction of the responsible authority~~ and endorsed prior to the commencement of any ~~buildings or works to the satisfaction of the responsible authority~~.
- The provisions, recommendations, and requirements of the endorsed Construction Management Plan and Environmental Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- A Geotechnical Assessment ~~certifying the suitability of the buildings and/or works for use for their intended purpose. The Assessment is to be~~ prepared by a suitably qualified professional to the satisfaction of the responsible authority. ~~Such assessment must have regard to potential underground gas migration.~~

The assessment must be endorsed prior to the commencement of works.

The following conditions and/or requirements only apply to a permit granted after a development plan has been approved to give effect to the development plan to the satisfaction of the responsible authority:

Section 173 Agreement for Affordable Housing Contribution

The responsible authority must include the following condition ~~if required by the responsible authority in deciding to grant a permit:~~

Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (**affordable housing contribution**) ~~equivalent to 10% of dwellings within the land affected by this schedule~~ in the following manner:

- ~~At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency, another housing provider approved by the responsible authority or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be in locations and representative of the approved dwelling mix to the satisfaction of the responsible authority;~~
- ~~Affordable rental of dwellings within the development nominated by the landowner and approved by the responsible authority as part of the Affordable Housing Contribution to be assumed by a Registered Housing Agency or other housing provider or trust approved by the responsible authority; or~~
- Any alternative contribution towards the provision of affordable housing ~~must be provided as agreed to by the responsible authority after consulting with the Council to the satisfaction of the responsible authority.~~ The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement. ~~If the alternative contribution is to be by the payment of money for expenditure by the approved affordable housing provider, the moneys must be expended within the Council's municipal district.~~
- The landowner must pay for all costs of preparing, executing, amending, and registering the agreement on the certificate of title to the land

Section 173 Agreement for Development Contributions

- A planning permit granted for the use or development of the land, must if required by the responsible authority, include a condition that requires prior to the commencement of ~~the use or development (excluding demolition, bulk excavation and site preparation works) or such~~ other date agreed to the responsible authority, the landowner to enter into an Agreement with

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KNOX PLANNING SCHEME

the responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987* which provides for the following matters:

- Provision of a minimum 8.5 per cent of total land to be subdivided for public open space.
 - Construction of an active open space reserve with a pavilion.
 - ~~– Construction of a multi-purpose community space in or adjoining the small Neighbourhood Activity Centre.~~
 - Construction of a multi-purpose community space in or adjoining the small Neighbourhood Activity Centre or co-located with the above pavilion
 - Construction of a road crossing over Blind Creek.
 - Construction of pedestrian and cycling trails.
- all in a location and to a standard to the satisfaction of the responsible authority

The landowner must pay for all costs of preparing, executing, amending, and registering the agreement on the certificate of title to the land.

Infrastructure

A permit granted for use or development of the land must if required by the responsible authority include conditions, ~~as appropriate~~, for the preparation and endorsement of plans, and the implementation of the endorsed plans related to:

- The construction of or improvement to intersections for vehicle and pedestrian access to the site as indicated in Figure 1. These intersection works ~~must will need to~~ be undertaken in accordance with the requirements of, and to the satisfaction of, the relevant road authority and at the cost of the landowner.
- All other road and pathways network and intersection upgrades, mitigation works, and reinstatement of existing assets as outlined in the approved Integrated Transport Management Plan and at the cost of the landowner.
- All stormwater infrastructure works within the site at the cost of the land owner.
- The design of the piped stormwater network servicing the development to have a capacity to cater for the 1 in 10 years ARI rainfall event.
- Acoustic attenuation measures required to be provided which comply with VicRoads' Traffic Noise Reduction Policy (or any subsequent publication) and the ConnectEast Concession Deed (or as updated), at the ~~cost of the landowner's cost~~.
- The creation of reserve and required agreement for future maintenance by ConnectEast for any acoustic attenuation measures not located within the Freeway reserve to the satisfaction of ConnectEast and the ~~r~~Responsible ~~a~~Authority prior to the Certification of a Plan of Subdivision, at the cost of the landowner.

Design guidelines

A permit granted for buildings and works or subdivision of land must include a condition requiring that prior to:

- the commencement of the buildings or works; or
- ~~or~~ certification of the first stage of the subdivision,

any restrictions on the plan of subdivision including relevant "Design Guidelines" and / or Memorandum of Common Provisions must be submitted to the responsible authority for approval and recorded on title for all relevant lots to the satisfaction of the responsible authority.

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KNOX PLANNING SCHEME

Building Envelope Plan

~~A permit for the subdivision of land must include a condition that prior to the certification of the plan of subdivision for each stage of subdivision, a building envelope plan for each lot of (between 250-500 square metres smq) must be submitted to and endorsed by the responsible authority for approval by the responsible authority. The approved building envelopes must be applied as a restriction on the plan of subdivision or, if consented to or required by the responsible authority, be applied through an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that is recorded on the title to the land. The restriction or the agreement must provide for:~~

- The building envelope to apply to each relevant lot.
- All buildings to conform to the building envelope on the relevant lot.
- The building envelope to apply to each relevant lot.
- All buildings to conform to the building envelope on the relevant lot.
- The construction of a building outside of a building envelope only with the prior written consent of the responsible authority.
- ~~A building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.~~
- ~~Where the building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987, the building envelope plan may be approved after the plan of subdivision is certified.~~

Kangaroo Management Plan

~~A permit granted for buildings and works or subdivision of land must include such permit conditions as required to implement the Kangaroo Management Plan approved and endorsed by the responsible authority in accordance with this schedule, requiring for, as appropriate: A Kangaroo Management Plan must be approved by the Secretary to the Department of Energy, Environment, and Climate Action prior to the certification of the Plan of Subdivision. Once approved by the Secretary to the Department of Energy, Environment, and Climate Action, the Kangaroo Management Plan be endorsed by the responsible authority to form part of the permit. Prior to the commencement of any works the provisions, recommendations, and requirements of the endorsed Kangaroo Management Plan must be implemented and complied with.~~

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Environmental Management Plan

A permit granted for subdivision of land or buildings and works must include conditions requiring that an Environmental Management Plan addressing the construction activities proposed on the land be prepared and endorsed by the responsible authority prior to the commencement of works or the certification of the first stage of subdivision. The views of the relevant authorities (Melbourne Water, Parks Victoria, Department of Transport and Planning, and Department of Energy, Environment, and Climate Change) must be sought and the Plan must be prepared to the satisfaction of the responsible authority and, once endorsed, implemented prior to commencement of any works.

The Environmental Management Plan must include:

- Provisions relating to soil erosion and sediment control to protect existing local stormwater infrastructure, Blind Creek and associated wetlands from erosion and sediment transport by minimising erosion of lands during work.
- Provisions requiring protection measures for construction and maintenance workers (associated with sub-surface services) operating in the protection measure area. Protection measures must include the adoption of appropriate confined space protocols to adequately address potential hazardous atmosphere present within service trenches.

KNOX PLANNING SCHEME

- Provisions to protect the floodplain, manage water quality and quantity, and protect the habitat value of Blind Creek and Dandenong Creek (measures used should include the installation of a fencing to protect the Blind Creek waterway prior to the commencement of works).
- Protection measures to ensure that disturbance to native flora and fauna habitat is avoided in the first instance and, minimised where avoidance is not possible with appropriate measures incorporated to prevent the potential for the introduction of exotic flora and fauna species.
- Measures to suppress dust during works to minimise dust impact.
- Measures to prevent construction fill encroaching on or being placed within the EastLink Freeway reserve or adjoining land.
- Measures to address risk associated with landfill gas during construction.

Construction Management Plan

A permit granted for residential subdivision of land or buildings and works must include conditions requiring that a Construction Management Plan be prepared to the satisfaction of the responsible authority prior to the commencement of works or the certification of the first stage of subdivision, and, once endorsed, implemented prior to commencement of any works.

The Construction Management Plan must include as relevant:

- Staging requirements of road upgrade works as identified in the Integrated Transport Management Plan.
- A Traffic Management Plan for the site identifying the location of the proposed vehicle access point(s) and detailing the measures to ensure amenity of the adjoining areas is not impacted by the movement of vehicles (cars, trucks and construction machinery) associated with construction activities on the site.
- ~~The steps to address~~ the recommendations and requirements specified in the approved Kangaroo Management Plan, if applicable.
- ~~The steps to a~~Address the requirements of the Bushfire Management Plan, if applicable.
- ~~Occupation health and safety, and induction of contractors working on the site.~~

Environmental Assessments

Unless otherwise agreed to by the responsible authority, a permit ~~must not be granted~~ to subdivide land, construct a building or construct or carry out works within the 'Protection Measure Area' as identified on Figure 1 of this Schedule (except for a permit issued in accordance with Clause 2.0 of the Schedule) ~~must contain a condition that the landowner enter into until~~ an agreement under section 173 of the *Planning and Environment Act 1987* ~~has been entered into between the owner of the land and the responsible authority~~ which provides for the following:

- ~~Provide for~~ protection measures to be implemented that are consistent with Section 7.2 of BSI 2015 including ~~without limitation~~ the BSI 2015 recommendation that a 'site which is impacted by migratory gases from an off-site source should be protected by pathway intervention measures' ~~and which if successfully validated could also remove the need for further protection. Such protection measures are to include protection for construction and maintenance workers associated with the services as well as to prevent the likelihood of a service trench acting as a preferential pathway~~
- Require the detailed design of the protection measures to be independently verified by an Environmental Auditor (appointed under Part 8.3 of the Environment Protection Act 2017).
- Require the installation of the protection measures to be verified by an Environmental Auditor ~~appointed under Part 8.3 of the Environment Protection Act 2017~~ during the installation and post installation phases.
- ~~Provide for the ongoing maintenance of the protection measures to be undertaken in a sustainable, verifiable and practical manner.~~

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- Identify the legal entity or entities that will be responsible for ensuring that the protection measures are in place and implemented and responsible for the ongoing maintenance of the measures.
- Be registered on the title of the land on which the protection measures are to be installed.
- Include a mechanism for the section 173 agreement to come to an end if an Environmental Auditor verifies that the protection measures are no longer required as land within the 'Protection Measure Area' is no longer subject to risk from landfill gas migration.

Other Requirements

The following requirements apply to all permits, as determined as appropriate to the application by the responsible authority:

Environmental Management Plan

A permit granted for subdivision of land or buildings or works must include a condition requiring an Environmental Management Plan addressing the construction activities proposed on the land be prepared to the satisfaction of the responsible authority and approved and endorsed by the responsible authority prior to the commencement of the buildings or works or the certification of the first stage of subdivision (as the case may be). In preparing the Environment Management Plan, the views of the relevant authorities (Melbourne Water, Parks Victoria, Department of Transport and Planning, and Department of Energy, Environment, and Climate Change) must be sought.

Once endorsed, the Environment Management Plan shall form part of the permit.

The Environmental Management Plan must include:

- Provisions relating to soil erosion and sediment control to protect existing local stormwater infrastructure, Blind Creek and associated wetlands from erosion and sediment transport by minimising erosion of lands during the construction of the buildings and/or the construction or carrying out of the works..
- Provisions to protect the floodplain, manage water quality and quantity, and protect the habitat value of Blind Creek and Dandenong Creek (measures used should include the installation of a fencing to protect the Blind Creek waterway prior to the commencement of works).
- Protection measures to ensure that disturbance to native flora and fauna habitat is avoided in the first instance and, minimised where avoidance is not possible with appropriate measures incorporated to prevent the potential for the introduction of exotic flora and fauna species.
- Measures to suppress noise and dust during works to minimise noise and dust impact.
- Measures to prevent construction fill encroaching on or being placed within the EastLink Freeway reserve or adjoining land.
- Measures to address risk associated with landfill gas during construction.

Landfill Gas Protection

A permit issued for the subdivision of land creating a lot within the Landfill Gas Protection Measure Area depicted in Figure 1 must include a condition that prior to the issue of a statement of compliance, all buildings or works containing confined spaces proposed within the Landfill Gas Protection Measure Area must have gas protection measures designed and constructed, in accordance with the following:

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- A legal entity must have the ongoing responsibility and capability for the installation, operation and maintenance of the gas protection measure(s). Where this cannot be met, to protect low to medium density residential development, a boundary interception trench is acceptable. The design requires Auditor verification and construction quality assurance to be conducted.
- Prior to development, design of the protection measures must be in accordance with the Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings (BS 8485:2015+A1:2019 or subsequent amendments and editions) and be carried out by a qualified and experienced professional.
- The design must be verified by an accredited Environmental Auditor prior to construction of any buildings or confined space on the site.
- Construction quality assurance must be carried out during installation of the gas protection measures in accordance with good practice on the testing and verification of protection systems for buildings against hazardous ground gases (CIRIA C735 or subsequent amendments and editions).
- A construction quality assurance report must be prepared on completion of the installation of the gas protection system and be verified by an Environment Protection Authority appointed Auditor prior to being submitted to the responsible authority.

all at the cost of the landowner

The landowner must enter into an Agreement pursuant to Section 173 of the *Planning and Environment Act* 1987 to be recorded on the certificate of titles of the lots in the subdivision of the land in the Landfill Gas Protection Measure Area which:

- Acknowledges the existence of the former landfill and the potential for impact and other real and perceived amenity impacts.
- Requires the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.
- Where an Auditor identifies gas protection measures as having ongoing requirements for monitoring, reporting and/or maintenance, the owner of the lot or lots the subject of the gas protection measures is/are required to undertake the monitoring, reporting and maintenance (as the case may be) at the landowner's cost.

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Acoustic Treatments

An application for residential subdivision, use or development for a sensitive use within in the development area east of Blind Creek, must be accompanied by a plan to identify the location of the acoustic attenuation measures which considers the indicative location set out in the Traffic Noise Assessment (Marshall Day, June 2023) and designed to enable predicted compliance with the target noise objective at all ground floor locations within the development as set out in the Traffic Noise Assessment prepared by Marshall Day (June 2023).

The Plan should also outline any building design requirements for the housing (if required) to achieve compliance.

Bushfire Management Plan

A permit for residential subdivision or buildings and works must contain a permit condition that, prior to the commencement of the subdivision or buildings and works, the landowner must prepare and submit for the responsible authority's approval a bushfire management plan. The bushfire management plan must contain the following requirements to the satisfaction of the responsible authority. An application for residential subdivision or buildings and works must be accompanied by a bushfire management plan that achieves a bushfire resilient development during staging of the development and for the completed development by addressing the following requirements, which

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KNOX PLANNING SCHEME

~~must demonstrate:~~

For Permanent Bushfire Hazards:

- A perimeter road or other access for emergency service vehicles on all interfaces with a permanent bushfire hazard.
- A building exclusion zone adjoining all permanent hazardous vegetation as identified by AS 3959-2018 (or subsequent amendments and editions) methodology such that radiant heat flux does not exceed 12.5 kilowatts/square metre. The building exclusion zone must comprise non-vegetated areas or low threat vegetation as defined in AS 3959-2018 Construction of buildings in bushfire prone areas (or subsequent amendments and editions) achieved by management of vegetation to the vegetation management requirements listed at Table 6 to Clause 53.02 or meets the exclusion criteria of Table 2.2.3.2 to AS 3959-2018 (or subsequent amendments and editions).
- A subdivision design and approach to lot layout that:
 - Provides for the setback of dwellings beyond the building exclusion zone with the building exclusion zone to be made up of any combination of non-vegetated area, land managed in a permanently low threat state or internal setback of dwellings within lots.
 - Provides for adequate setback of defined building envelopes beyond the building exclusion zone within lots adjoining a permanent bushfire hazard showing that a dwelling will not be constructed within the building exclusion zone.
 - Provides building envelopes on any lot lots adjoining a permanent bushfire hazard showing that a dwelling will not be constructed within the building exclusion zone.
 - Provides assurance that vegetation is managed within the building exclusion zone within lots to the vegetation management requirements listed at Table 6 to Clause 53.02.

For Interim Bushfire Hazards:

- The management of the interim bushfire hazard (other than the identified permanent bushfire hazard) in a low threat state as defined in AS 3959-2018 (or subsequent amendments and editions) within the distance specified in Column A in Table 2 to Clause 53.02 or 30 metres, whichever is the greater as measured from the elevation of the dwelling, to ensure that at no time will a dwelling be exposed to a radiant heat flux of more than 12.5 kilowatts/square metre.
- The mechanism to be used (for example, a Section 173 Agreement or other control) to ensure that the required vegetation management is implemented and in place at all times during the declared fire danger period for the City of Knox.
- Ensure that the location, design and construction of development incorporates and implements bushfire protection measures in accordance with the Building Regulations and published guidance from the relevant fire authority.
- Identify areas where the bushfire hazard requires any other specific interim bushfire management measures (such as, but not limited to, access, means of evacuation and provision of bushfire safety information to people on site) for subdivision and building works to be implemented.

For land outside of the residential development area containing a permanent bushfire hazard adjoining the development:

- The mechanism to be used (for example, a Section 173 Agreement or other control) to ensure that any identified permanent bushfire hazard within the distances defined in Column A to Clause 53.02 for that vegetation type as defined in AS 3959-2018 (or subsequent amendments and editions) does not alter in structure or increase in fuel load such that the distances of the applicable building exclusion zone as measured from the elevations of the nearest dwellings are exceeded.

Traffic Assessment

Unless otherwise agreed with the Responsible Authority an application for residential subdivision

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must include traffic linked / network modelling of future conditions predicated on a distribution analysis of generated traffic having regard to:

- The Integrated Transport Management Plan.
- The nature and breakup of residential trip purposes.
- The current surrounding network.
- The impact on nearby intersections (George Street and High Street Road and Nortons Lane and High Street Road).
- The likely origin and destination of trips based on:
 - residential precincts with the site
 - connections to the arterial network
 - location of nearby services and facilities
 - journey to work data

4.0

reference
Proposed C194knox

Requirements for development plan

A development plan must be generally in accordance with the Overall Development Plan (Figure 1) of this schedule. A ~~d~~Development ~~d~~P~~l~~an may be prepared in stages.

A development plan must include the following as relevant:

Site Context Analysis and Design Response Report

An assessment of the site context and design response including:

- The urban context and existing conditions showing topography, the surrounding land uses, buildings, access points, adjoining roads, cycle and pedestrian network and public transport.
- The holistic stormwater management for the site and those water-related interfaces beyond the site.
- The proposed built form edge and interface treatments to the future Dandenong Valley Parklands extension, and adjacent properties.

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- How the acoustic treatments respond to the residential interfaces and any direct residential properties.
- How the design proposal responds to the requirements of this Schedule and relevant local planning policy in the Knox Planning Scheme.
- A flora and fauna inventory and biodiversity values assessment of the Nortons Lane road reserve, how it is proposed to maintain the inventory and biodiversity values and, if it is not possible to maintain the inventory and biodiversity values, how it is proposed to minimise the loss of the flora and fauna and biodiversity values.
- How the design proposal responds to the requirements of this schedule, the Environmental Significance Overlay applying to land within the development site and part of Nortons Lane and responds to the relevant local planning policy in the Knox Planning Scheme.
- Finished ground level to Australian Height Datum (AHD).
- The key land uses and the location of these uses in each stage.
- The landscape design approach for the site including key streetscapes and public open space (active and passive recreation areas, natural areas, other public realm) and the interface with the future Dandenong Valley Parklands, including the consideration of bushfire requirements.
- The proposed access arrangement into and through the site, including public transport and active transport modes.
- Urban design principles for the small Neighbourhood Activity Centre covering the following matters:
 - provision of active edges and landscaped responses to interface with the future Dandenong Valley Parklands extension;
 - provision of a town/urban plaza with solar exposure, design to active and passive surveillance;
 - integration of public transport connections into the centre; and
 - a description of the building height and massing principles across the Mixed Use Zone, (such building height should not exceed 5 storeys)., and a transition of building height to the General Residential zoned land.

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Masterplan

The Masterplan must include as relevant:

- The distribution of land uses and development throughout the site including public open space, generally in accordance with Figure 1.
- The location of the gas protection measures.
- A description of the indicative composition and siting of the small Neighbourhood Activity Centre (envisaged to be up to 1500sqm of retail space) including its interface with the future Dandenong Valley Parklands extension.
- Detail reflecting public open space, infrastructure and other elements consistent with any agreement entered into with the responsible authority.
- A description of the indicative siting, lot configuration and land uses within the mixed use precinct.
- A provision of diverse housing types in terms of size, design and access. The location and staging of principles relating to the provision of affordable housing, recognizing that the provision of affordable housing to the late stages of development is not supported.
- A hierarchy of public open spaces including an indication on functionality of parks and opportunities for public art.

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- Details of the relationship/interface between housing, site boundaries and public open spaces.
- Sustainability measures/initiatives to be included in the development.
- Transport connections and access points generally in accordance with Figure 1.
- Details of the likely staging of land use and development.
- A notation that the intensity of land uses must not be inconsistent with the Integrated Transport Management Plan required under this Schedule, ~~unless otherwise agreed in writing by the responsible authority.~~
- Detail on how any required noise attenuation measures will meet the noise level objectives in VicRoads Traffic Noise Reduction Policy (2005, or any subsequent publication) and the Traffic Noise Criteria set out in the EastLink Concession Deed (which specifies performance criteria in relation to traffic noise) or as updated at the boundary of the EastLink Freeway reserve to the satisfaction of ConnectEast. All noise attenuation measures required to satisfy these objectives must be met by the relevant landowner/developer. All noise attenuation measures must have a design life of 40 years and any planning permit issued should make provision for a maintenance bond to be provided to ConnectEast for a 10-year maintenance period for the acoustic barrier.
- A notation that dwellings adjacent to the EastLink Freeway reserve achieve compliance with the internal noise levels specified in AS/NZS2107 at all upper level.
- Details of fencing on the boundary of the EastLink Freeway reserve in locations agreed to with ConnectEast. Fencing to mitigate traffic noise from the EastLink Freeway reserve must complement the urban design treatment and landscaping of the EastLink corridor (or within the development depending on final location), restrict access to the EastLink Freeway, prevent unauthorized dumping of materials or rubbish blowing onto the EastLink Freeway reserve and prevent or minimise graffiti and vandalism.
- A notation that buildings are setback a minimum of 2 metres from the EastLink boundary to allow for the construction and maintenance of buildings on the land and a notation that access to the EastLink Freeway reserve will not be permitted to be used for construction and maintenance works.
- A notation that no major promotion signs are permitted to be constructed on the land adjacent to the EastLink Freeway.

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Landscape Masterplan

The Landscape Masterplan must include:

- A statement explaining how landscape design addresses the strategic directions within the Knox Open Space Plan 2012-2022 (or as amended).
- A statement explaining how landscape design addresses the strategic directions within the Knox ~~Creating Liveable Streets Plan 2012-2022~~(or as amended) **(the Plan) and the Liveable Streets Design Guideline within the Plan.**
- A statement outlining the key landscape design principles and details relating to species selected throughout road reserves, along the site's key external interfaces, and within public open space.
A Plan which identifies how the species selection will enhance habitat creation, prioritize indigenous trees/shrubs/grasses recognizing the location of the residential development adjoining the Dandenong Valley Parklands extension.
- Details of how the landscaping responds to the need for management of fire risk including any buffer areas in both the public and private realms.
- Details of any landscaping relating to noise mitigation measures such as bunds or noise walls and the landscaping treatment along the residential interfaces to screen the acoustic structure.
- Details of the open space elements and how they create functional play areas for a range of activities.

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- A planting theme that enhances local habitat values and demonstrates compatibility with the inclusion of water sensitive urban design objectives. The planting theme on the eastern boundary must respond to the landscaping of EastLink.
- Details of the removal/retention of vegetation.

Integrated Transport Management and Traffic Assessment Plan

The Integrated Transport Management and Traffic Assessment Plan must include:

- An assessment of the expected impact of traffic generated by the development on the existing and future road network and any reasonable mitigation measures required to address identified issues, any traffic implications of staging of development as contemplated in the Development Plan, including triggers for the provision of connections to the arterial network and implementation of any mitigation works to the satisfaction of the road authority and the responsible authority.
- A traffic linked, network microsimulation modelling (e.g. microsimulation) to the satisfaction of the responsible authority, DTP and relevant road authorities of base case and future conditions predicated on a distribution analysis of generated traffic having regard to:
 - the nature and breakup of residential trip purposes the current surrounding network the impact on nearby intersections of High Street Road and the EastLink interchange
 - the impact anticipated traffic generated by other developments in the area including, without limitation, Jenkins Orchard and the State Basketball Centre
 - the likely origin and destination of trips based on residential precincts within the site
 - connections to the arterial network location of nearby services and facilities journey to work data
- A statement explaining how the integrated transport network addresses the strategic directions within the Knox Liveable Streets Plan 2012-2022 (or as amended).
- An indicative road, bicycle, and pedestrian network plan showing:
 - vehicular access to the proposed internal road network;
 - pedestrian and bicycle access from surrounding areas, including both on-street and dedicated off-street facilities connecting existing linkages to nearby residential areas;
 - a street network that makes provision for a vehicular link between High Street Road and George St but which discourages non-local through-traffic;
 - layout of internal roads, including a hierarchy of the roads that specifies the purpose, function, cross-sections, and widths of the roads for each road type;
 - provision for bus movement through the site;
 - provision of safe, well-lit and direct pedestrian connections from the bus capable through road;
 - provision of emergency services and waste collection services through the site;
 - a pedestrian and cycle shared path network, both throughout the site and to the existing network at Jells Park, Blind Creek and the EastLink Trail;
 - a connected footpath network both throughout the site and to the external network; and
 - provision for large maintenance vehicle access to the Ausnet pylons.
- AAny slip lane required by DTP to enhance performance of a road and how, if required, it is proposed to transfer the road reserve to construct the slip lane

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Construction and Environmental Management Concept Plan

A Construction and Environmental Management Concept Plan to address works in proximity to transmission lines, the landfill gas risk assessment, environmental audits and analysis of staging requirements of traffic works identified in the Integrated Transport Management Plan.

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Sustainability Management Plan

A sustainability management plan must be prepared for the relevant precinct, to the satisfaction of the responsible authority.
The plan may be submitted in the form of plans, tables and reports and must include the following

- How the plan responds to the objectives of this Schedule
- A set of sustainability guidelines which:
 - Are generally consistent with the sustainability objectives and strategies outlined in the Council's Climate Response Plan 2021 – 2031 as updated from time to time-
 - Prescribe minimum standards.
 - Where relevant, address integrated transport and mobility, water efficiency and re-use, community facilities, open space, energy efficiency and greenhouse gas reductions, climate change and community resilience, ecological management practices, materials and waste environmental impacts.
- Assess climate change risk and vulnerability and identify key measures to be incorporated for climate resilience.
- Identify key sustainability guidelines and strategies to be incorporated within the permit application stage for subdivision, buildings and/or works

Kangaroo Management Plan

A Kangaroo Management Plan must be prepared to the satisfaction of and approved by the Secretary to the Department of Energy, Environment, and Climate Action
Once approved by the Secretary to the Department of Energy, Environment, and Climate Action, the Kangaroo Management Plan be endorsed by the responsible authority to form part of the development plan

Odour and Dust Amenity Impact Assessment

A preliminary assessment of the potential impact of odour and dust from the Materials Recovery Centre at 257 George Street, Wantirna South and the Knox Waste Transfer Station at 251 George Street, Wantirna South, prepared by a suitably qualified professional.
The assessment must consider the views of the Environment Protection Authority, to guide the masterplan layout and determine with sufficient confidence the suitability for any sensitive use within the designated Potential Odour Zone.

The Odour and Dust Amenity Impact Assessment must include recommendations on any limitations to land use, layout or design measures required to ensure that the Materials and Recovery Centre or the Knox Waste Transfer Station will not have an unreasonable impact on the amenity of future uses and its occupants and consider as relevant:

- Proximity to the odour and dust sources;
- The sensitivity of the use proposed and any limitations on land use;
- Design requirements;
- The local meteorological conditions; and
- The proposed structure or built form.

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Integrated Water Management Plan

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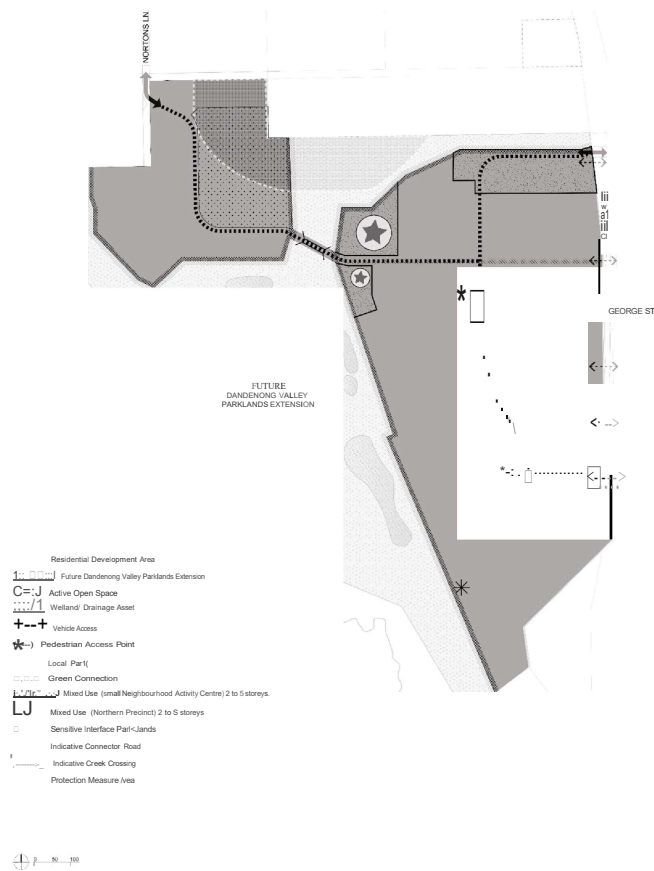
The Integrated Water Management Plan must include:

- Detailed information on how stormwater will be managed in a holistic manner.
- An assessment of the pre-development and expected post-development stormwater conditions.
- Details of how stormwater can be efficiently filtered, infiltrated and harvested on site to limit off-site discharge and meet all relevant State Government water quality targets, including:
 - Total Suspended Solids (TSS)
 - Total Nitrogen (TN)
 - Total Phosphorus (TP)
 - Total flows.
- Details of how the proposed development will either maintain or increase overall floodplain storage capacity of the site.
- Details of how the proposed development will limit avulsion to minimise the risk of:
 - erosion of the creek channel or floodplain;
 - transportation of sediment downstream;
 - damage to or destruction of natural habitat and stream ecology;
 - damage to or destruction of built assets; and
 - changes in the course of the Blind Creek.
- Details of remediation works within the wetlands and along the riparian zone of the Blind Creek to the satisfaction of the responsible authority.
- Details of any proposed modifications to the Blind Creek, and how these modifications will improve water quality and protect and enhance stream ecology.
- Details of any naturalization elements (addition of ponds and riffles, revegetation) to Blind Creek to improve its overall amenity and accessibility to it without materially changing its current course.
- Details of how the proposed development will accommodate a 1 in 100 year ARI flood level inclusive of climate change.
- Details of how any existing drainage infrastructure will be modified and how modifications will maintain or enhance hydraulic performance and flood protection of the local area.
- Necessary site control measures during the construction of any drainage works.
- Details of wetlands and stormwater maintenance works.
- A statement that:
 - All surface water (up to the 1 in 100 ARI storm event) and underground drainage will be directed away from the EastLink Freeway reserve;
 - Any works and earthworks on the site must have no detrimental effect on the flood levels and drainage paths in and around the EastLink Freeway reserve;
 - All surface water runoff must connect to an existing Council or drainage authority water or piped asset prior to entering the EastLink Freeway reserve;
 - Notation of the requirement for a Wetlands Maintenance and Operation Plan, to the satisfaction of the responsible authority, prior to hand over to the public land manager of the ownership and management of stormwater infrastructure; and
 - Arrangement for handover to the public land manager of the ownership and management of stormwater infrastructure subsequent to the maintenance period.

Page 15 of 16

KNOX PLANNING SCHEME

Figure 1 - Overall Development Plan





Attachment 2: Peer review – Biodiversity

Biosphere Pty Ltd

Environmental Science

ABN 28 097 295 504

Consulting & Research

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4th June 2025

[REDACTED]
Knox City Council

by email

[REDACTED]

Peer Review of Ecology & Heritage Partners report re Mirvac Wantirna South

This letter contains my peer review of the Ecology and Heritage Partners ecological report to Mirvac titled 'Existing Ecological Conditions: Planning Scheme Amendment - 191 George Street, Wantirna South, Victoria', dated September 2024 ('the report', in what follows). As requested, I have particularly scrutinised aspects related to Nortons Lane.

In what follows, I will abbreviate 'Ecology and Heritage Partners' to EHP.

Summary

The EHP report contains a significant number of oversights and errors that materially understate the study area's biological significance. This is likely to mislead planners and submitters in regard to their consideration of impacts of the proposed major development proposed for the site.

The principal flaws in the report can be summarised thus:

- The report does not tabulate the different parts of the study area in which each plant species was observed. For example, by not indicating which species were seen along Nortons Lane or George St (other than the arborist's tree data), it is not possible to tell which possible main access route to the development has greater impact on significant plant species and it is not possible to judge whether the chosen route minimises that impact;
- The report overlooks roughly half the wild, indigenous plant species I saw during a brief, inexhaustive inspection of a small part of the study area last September, raising significant concerns about the thoroughness of the study and its assessment of impacts;
- The report omits most observations of three threatened bird species within the site and states (contrary to the evidence of those observations) that there is no habitat for these species and hence no prospect of impacts. In the case of the Powerful Owl, the neglect of lighting and traffic along Nortons Lane is important; and

- The report adopts unreferenced, idiosyncratic criteria for rating the biological significance of the site's natural assets (e.g. habitat for a threatened species), substantially downplaying the assets' significance compared with the objective 'standard criteria' of the Victorian Government.

These flaws result in failure to properly respond to the Application Requirements of Schedule 2 of the Environmental Significance Overlay (ESO2) in the Knox Planning Scheme, in several respects. They also confound assessment of the proposed development against ESO2's Decision Guidelines.

The flaws also confound my ability to respond to your enquiry about which vegetation or habitat is most important to retain. However, with that proviso, I end this letter with the best response I can make. Yarra Gums are probably the area's most important natural assets and some effort has evidently been taken to minimise their loss.

Details

Please note that the term 'Study area' in the text of the EHP report is not the same as in the maps on PDF pp. 94–101 the report. Page 13 of the report says 'Study area: Encompasses all areas subject to on-ground assessment, including the Brickworks Site, Nortons Lane, Cathies Lane and George Street', whereas the maps on PDF pp. 94-101 exclude parts of the true study area along George St, at the site's southern boundary and (except for p. 94) Nortons Lane.

In other respects, the flaws in the report fall under the following headings.

Incomplete data

Plants

It is a significant shortcoming of the EHP report that it does not tabulate which plant species were observed in different parts of the study area. For example, by not indicating which species were seen along Nortons Lane or George St, it is not possible to tell which possible main access route to the development has greater impact on significant plant species, and it is not possible for planners or submitters to judge whether the chosen route minimises that impact. Similarly, the omission hampers my peer review.

Nevertheless, it is clear that the list of plant species beginning on p. 126 of EHP's report misses numerous wild, indigenous species.

As it happens, I did a (not particularly thorough) inspection of part of the Nortons Rd roadsides for the 3rd Edition of *Sites of Biological Significance in Knox* last September – the same month as the EHP report. I detected 15 wild, indigenous plant species that EHP did not detect anywhere within their entire study area, as shown in Table 1.

Table 1. Wild, indigenous plant species that I observed beside Nortons Lane in 2024 but were not detected by EHP anywhere in their entire study area. The two ‘status’ columns show each species’ risk of extinction in Knox, as assessed in 2010 (relevant to ESO2) and 2025. In increasing order of risk, VU=Vulnerable, EN=Endangered, CR=Critically endangered. A tick in the ‘Abundance’ column means the species is present in reasonable numbers.

Scientific name	Common name	2010 Status	2025 Status	Abundance
<i>Acacia implexa</i>	Lightwood	VU	CR	scarce
<i>Acacia mearnsii</i>	Black Wattle	VU	VU	scarce
<i>Acaena echinata</i>	Sheep’s Burr	VU	VU	✓
<i>Austrostipa rudis</i> subsp. <i>rudis</i>	Veined Spear-grass			abundant
<i>Dianella longifolia</i> var. <i>longifolia</i>	Pale Flax-lily	VU		scarce
<i>Gonocarpus tetragynus</i>	Common Raspwort			✓
<i>Leptospermum continentale</i>	Prickly Tea-tree		CR	1 only
<i>Leptospermum scoparium</i>	Manuka	EN		2 only
<i>Oxalis perennans</i>	Wood-sorrel			✓
<i>Poa morrisii</i>	Soft Tussock-grass			✓
<i>Rytidosperma pallidum</i>			EN	✓
	Red-anther (or Silvertop) Wallaby-grass			
<i>Rytidosperma penicillatum</i>	Slender Wallaby-grass			✓
<i>Rytidosperma racemosum</i>	Clustered Wallaby-grass			✓
<i>Thelymitra ?peniculata</i>	Trim Sun-orchid	VU	EN	✓
<i>Veronica gracilis</i>	Slender Speedwell	VU	VU	scarce

These 15 species represent 41% of all the wild, indigenous plant species I saw beside Nortons Lane. For a survey to miss such a large proportion of the species present causes me concern, particularly as my survey was not intended to be exhaustive and I have compared it against EHP’s list for the whole of their study area.

I have not been on the Boral land (not having sought permission to enter) but I walked beside it along the Dandenong Creek Trail and Knox Trail (aka Blind Creek Trail) during my September 2024 fieldwork for the 3rd edition of ‘*Sites of Biological Significance in Knox*’. Looking into the property, without making any effort to compile a full list, I saw the wild, indigenous plant species in Table 2, which were not recorded by EHP anywhere in their entire study area.

Table 2. Wild, indigenous plant species that I observed on the Boral land in 2024 but were not detected by EHP anywhere in their entire study area. Interpretation is as for Table 1. The *Amyema* is east of the western clay pit; the others are close to the Dandenong Ck Trail.

Scientific name	Common name	2010 Status	2025 Status	Abundance
<i>Alisma plantago-aquatica</i>	Water Plantain			✓
<i>Amyema quandang</i>	Grey Mistletoe	VU	EN	scarce
<i>Isolepis hookeriana</i>	Grassy Club-rush	EN	EN	abundant
<i>Isolepis inundata</i>	Swamp Club-rush	VU		✓
<i>Juncus gregiflorus</i>	Green Rush			scarce
<i>Juncus sarophorus</i>	Broom Rush			abundant

I also saw quite a few additional wild, indigenous, wetland plant species not listed by EHP, just inside the property during my previous survey of Dandenong Valley Parklands for *Sites of Biological Significance in Knox* in 2004.

Given that I have not even entered the property, I am concerned that so many plant species were overlooked by EHP. This is not the standard of work I expect for such a major project.

EHP's omission of so many wild, indigenous plant species beside Nortons Lane and the Boral land is a material matter in regard to ESO2. Firstly, it means the report does not adequately meet the ESO2 Application Requirement to '*State the population sizes of any indigenous plant species affected by the proposal that are vulnerable, endangered or critically endangered in Knox or more widely*'. Secondly, it means that planners and submitters regarding the proposed development are misled in regard to what (and how many) species are at stake, and hence – in the terms of the ESO2 Decision Guidelines – how to assess:

- '*The conservation requirements of any threatened species*'; and
- '*Whether the proposal adopts appropriate siting, design and management measures to avoid, or at least minimise, any adverse impacts on indigenous vegetation*'.

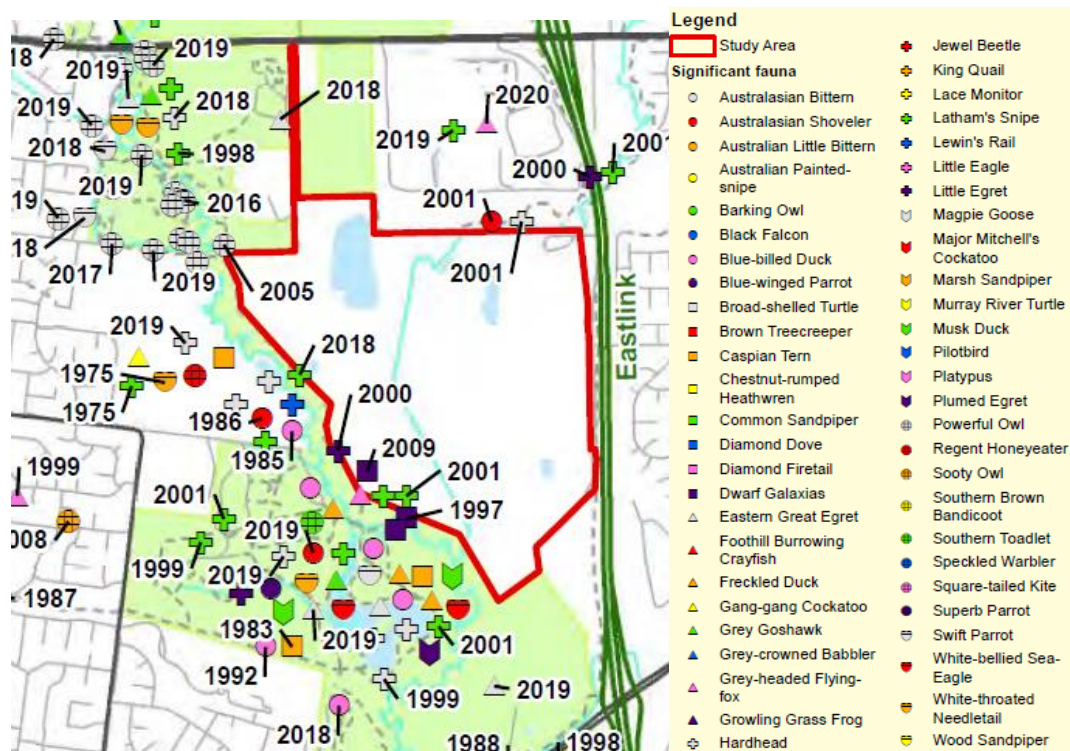
I would like to draw attention to the presence beside Nortons Lane of the only known occurrence of Cranberry Heath in Knox. (The scientific name is *Styphelia humifusa* but it appears in the EHP under the former name, *Astroloma humifusum*.) The nearest record of the species for over thirty years is 9 km away in Donvale in 2008, where it was scarce. The loss of the two plants beside Nortons Lane would result in the species dying out within a radius of at least 9 km. Such information is material to the Decision Guidelines in the two dot-points above. In this context, the magnitude of the adverse impacts should take into account matters like the potential local extinction of a species over such a substantial area, not just how many individual plants are involved.

Fauna

The mobility of many fauna species means that the absence of detection in a short-term fauna survey is not necessarily an indication of poor work – unlike botanical surveys. For example, one cannot draw any adverse inference from EHP's failure to detect White-necked Heron even though I saw one foraging close to the Dandenong Creek Trail in 2024.

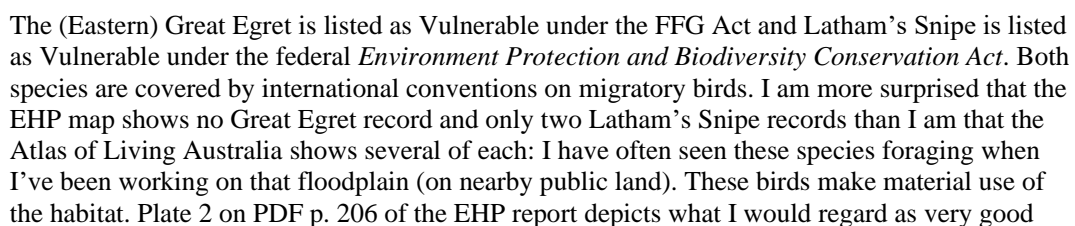
For this reason, it is critical in a study like the one at issue that it discloses and draws fully on all available prior data. EHP has not done that.

PDF p. 120 of the EHP report shows a map titled 'Previously documented significant fauna within 5 km of the study area', the salient part of which is reproduced below.



The only records of significant species mapped inside the study area are two records of Latham's Snipe and a 2009 record of Dwarf Galaxias. The scarcity of records inside the property and the abundance of records in neighbouring Nortons Park appears understandable, considering that the park is well-visited by the public (including bird observers) whereas the Boral land has fences and security to keep the public out.

However, the impression created by the map is misleading. Below is a map showing Atlas of Living Australia records in the past 30 years of federally- or state-listed threatened species within the same area, each labelled by species and year of observation:



habitat for Latham's Snipe, and PDF p. 225 depicts what I would regard as good habitat for Great Egret.

I do not understand why the EHP report omits the records of these threatened species. I am a bit surprised they did not see these species during their survey but perhaps they were just unlucky with their timing.

The Atlas of Living Australia is not the only source of relevant fauna records. For the Powerful Owl (Vulnerable under the FFG Act), the appropriate source is Deakin University's researchers. Their radio tracking of a male and a female in the area in question shows the pair spends most of their time in the parkland abutting the Boral land but also make excursions into the Boral land – see the maps appended to this letter. The mapping in the EHP report creates a quite different impression. This is important because the proposed development's lighting and traffic might deter Powerful Owls from roosting in their adjacent core habitat in the Parklands. This is a particular issue if Nortons Lane is to become a major access to the proposed development.

The omission of highly relevant records of Great Egret, Latham's Snipe and Powerful Owl from mapping of 'significant species' of fauna in the EHP report is problematic in itself, but it is compounded by the statement on p. 19 that:

*'Of particular note, Jells Park, Dandenong Valley Parklands and Churchill National Park contain locally important habitat that is not currently present within the Brickworks Site for several fauna of significance including Powerful Owl *Ninox strenua*, White-throated Needle-tail *Hirundapus caudacutus*, Blue-billed Duck *Oxyura australis*, Eastern Great Egret *Ardea modesta*, Nankeen Night Heron *Nycticorax caledonicus hillii* and Latham's Snipe *Gallinago hardwickii*.'* [my underlining];

and on p. 41:

'Given the absence of mudflats and/or open freshwater wetlands, suitable habitat for Latham's Snipe is not considered to be present within the Brickworks Site.'

In addition, EHP's Table A3.2.2 states that Great Egret and Latham's Snipe have a 'Low Likelihood' of occurrence in the site.

I am very surprised that EHP has made any of these assertions, contrary to the observational evidence. I do not understand how this could have happened.

The ESO2 Application Requirements include the submission of a report containing *'The habitat value of any affected indigenous vegetation to fauna'*. In that regard, the EHP report provides misleading information about Great Egret, Latham's Snipe and Powerful Owl, in my view. As a result, the report tends to mislead planners and any submitters in their assessment of the development proposal against the ESO2 Decision Guideline in regard to *'The conservation requirements of any threatened species ... on the site'*.

Extinction Risk of Species

A primary consideration in all systems I am aware of for rating the significance of a natural asset (e.g. a species or area of habitat) is the asset's 'conservation status'. Conservation status is most commonly a measure of the asset's risk of becoming extinct – globally or within a region such as a nation or municipality. For example, the significance of habitat for a particular species is determined partly by the species' risk of becoming extinct within the relevant spatial scale, combined with the level of support the site provides for the species.

At the state level, the appropriate rating of extinction risk for a species is its listing under the FFG Act. EHP have not uniformly applied the FFG Act listings that are current (and were so at the time of the report): In regard to trees (in Appendix 2.4), they have instead applied the obsolete, non-regulatory *'Advisory Lists'* of rare or threatened species. Those lists were superseded in 2021 (more than three years before the EHP report) by the current FFG Act lists. Relevantly, the Yarra Gum (*Eucalyptus yarraensis*) is listed as Critically Endangered under the FFG Act but it is described in EHP's Appendix 2.4 as only Vulnerable (representing far less extinction risk). By stating the lower, obsolete rating, the EHP report tends to understate the significance of the species present in the site and that may be adversely affected by the proposed development. This raises the same questions of compliance with ESO2 as discussed above. However, I note that the correct rating of Yarra Gum appears on p. 127 of the EHP report.

Vegetation Communities

For a patch of native vegetation belonging to a particular Ecological Vegetation Class (EVC) in Victoria, the only appropriate measure of 'conservation status' is that given in the Department of Energy, Environment and Climate Action's list. All EVCs in the area are (and have always been) listed as Endangered – the highest category. However, Appendix 2.3 of the EHP report (but not Sections 3.5 or 4.2) has wrongly treated the Swampy Woodland EVC as Vulnerable. This understates the significance of the vegetation and has the potential to mislead anyone assessing the acceptability of the project's impacts but it does not affect the offsets shown in the 'Native Vegetation Removal Report' on PDF p. 167 because they were generated by Victorian Government software that did not make the same mistake.

Significance Ratings

The ordinance for ESO2 begins with a 'Statement of Environmental Significance' that states what is significant for the purposes of permit applications under that overlay. The first 'background document' in the list at the end of the schedule is *'Sites of Biological Significance in Knox – 2nd Edition, 2010 (G.S. Lorimer, 2010)'*, which rates the significance of sites and their natural assets using the Victorian Government's *'Standard Criteria for Sites of Biological Significance'* ('the standard criteria' in what follows). The standard criteria, in turn, rely in part on the 'Conservation Significance' criteria in Appendix 3 of *'Victoria's Native Vegetation – A Framework for Action'* (Vic. Govt. 2002). All these criteria for biological significance are objective, produced by the Victorian Government and intended for the purposes of statutory and strategic planning.

A substantial part of EHP's study area is within Site 58 of *Sites of Biological Significance in Knox* (all three editions). The presence of Yarra Gums in the site is of National significance under criterion 3.1.2 of the standard criteria and the site is otherwise of State significance in regard to several other natural assets. Page 15 of the EHP report is wrong in stating that the 2nd edition of *Sites of Biological Significance in Knox* assessed the site as being of only Local significance except for the Yarra Gums.

Rather than using the standard criteria, Appendices 1.2, 1.3 and 1.4 of the EHP report adopt what appear to be idiosyncratic significance criteria that EHP has devised itself, without any explanation or citation to indicate why or how they were devised. As someone who has done substantial research of significance rating criteria over 22 years, I regard EHP's criteria as unfounded and seriously flawed. I question why idiosyncratic criteria are introduced when the Victorian Government has published soundly-argued standard criteria.

EHP's criteria significantly downplay the significance of natural assets and sites by comparison with the standard criteria. Under criterion 3.1.2 of the standard criteria, known habitat for Yarra Gum is of National significance and known habitat of the Veined Spear-grass *Austrostipa rudis* subsp. *australis* is of State significance. By contrast, the EHP report states that both species occur in the study area and p. 73 describes the study area as having Local significance for its habitat for each of these species – two levels of significance lower than the standard criteria.

EHP's criteria for 'vegetation condition and habitat quality' in Appendix 1.4 also downplay significance compared to the standard criteria. Under criterion 3.2.3 of the standard criteria, any patch of a regionally-endangered EVC (like all those at issue here) is of State significance, whereas Table 17 of the EHP report repeatedly describes the entire study area's patches as 'low quality'. In addition, p. 28 describes the understorey beside Nortons Lane as 'dominated by non-indigenous grasses and weeds', which is simply not true in places, e.g. in the vicinity of Knox's last two plants of Cranberry Heath.

My concern in regard to the lower significance ratings that EHP has assessed compared to the standard criteria is that once again, they downplay the importance of the study area's natural assets and tend to mislead planners and submitters about the environment risks of the development proposal. In terms of ESO2's Decision Guidelines, this downplaying of importance obscures:

- *'Whether the proposal adopts appropriate siting, design and management measures to avoid, or at least minimise, any adverse impacts on indigenous vegetation'.*

Which vegetation/habitat is most important to retain

I have considered your question about which vegetation/habitat is most important to retain. I have difficulty providing a clear response because: (a) I have not been on most of the affected land; (b) the EHP report does not tabulate which plant species were seen in different parts of the study area; and (c) the EHP report has overlooked so many flora and fauna species that I feel there isn't a sound basis for drawing conclusions.

With that proviso, my impression is that:

- Habitat for the Yarra Gum – along Nortons Lane and immediately south of the western clay pit – is the most biologically significant natural asset in the study area and arguably in the whole of Knox. (Note that it is the trees' habitat – not just the current generation of trees – that is significant under the standard criteria.) At least seven of them (B32, 45, B46, B47, B48, B50, B51) are shown as being removed for the proposed development. There are probably others; EHP have unfortunately not indicated in Appendix 2.4 which ones are to be removed and the following Yarra Gums are not shown on the maps: B34–B36, B49, B51a, B52, B56, B58–B62, B65, B66, B68, B69, B71.

Page 49 of the EHP report indicates that 'a large emphasis' has been placed on retention of Yarra Gums. I see evidence of that but I have not found any explanation of why it is not possible to avoid removing trees B46–B51 (three of them large) immediately south of the western clay pit. I recommend seeking that explanation;

- The magnitude of adverse impacts on indigenous flora and fauna would be minimised if the development's main access was via George St or the former tip site rather than Nortons Lane;
- If Nortons Lane becomes the main access, it is most important to avoid: (a) the western roadside beside, and north of, the Nortons Park car park; and (b) the eastern roadside in the 210-metre stretch extending north from the Knox Trail;

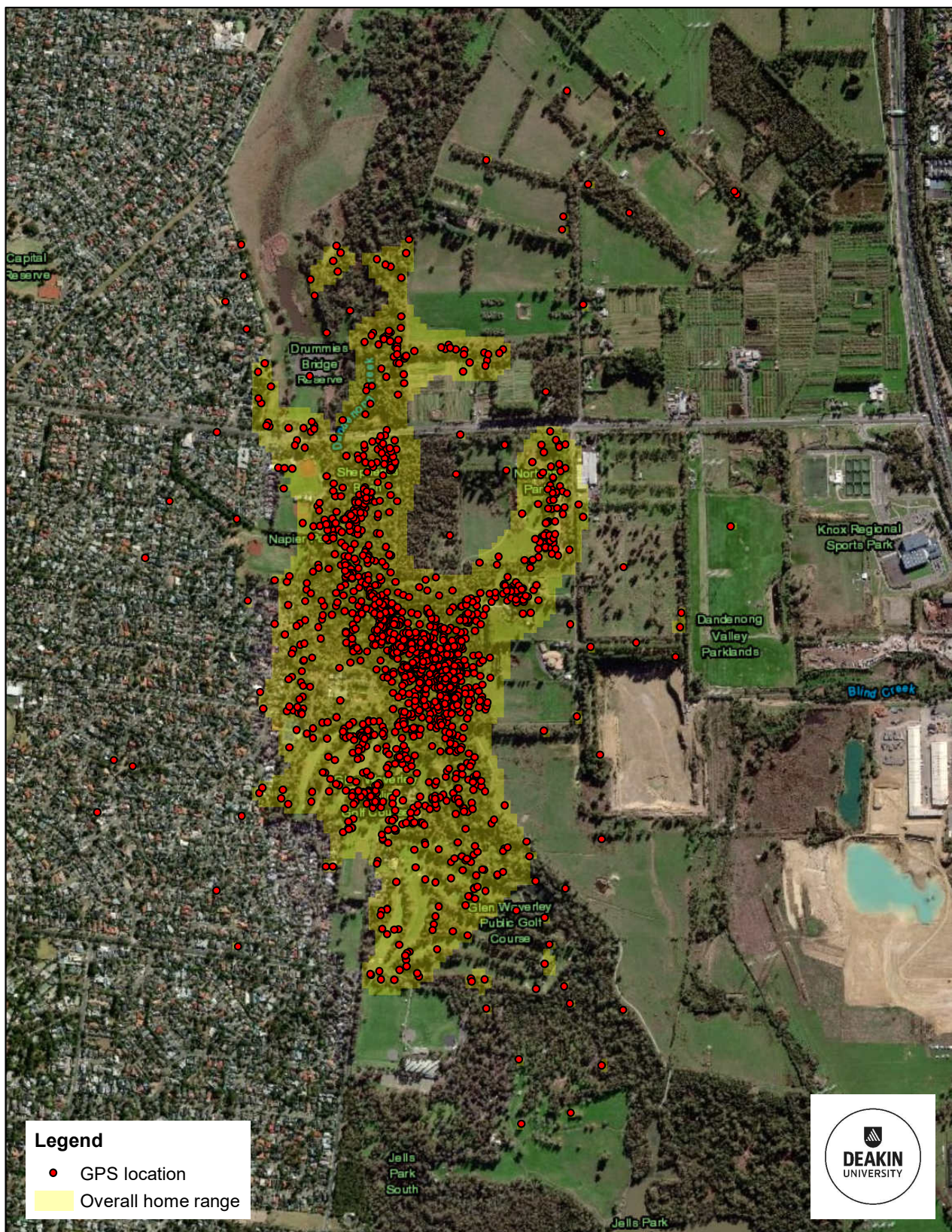
- Care should be taken not to harm the vegetation on the northern side of the Knox Trail in the east-west stretch extending east from Nortons Lane (noting that it is outside EHP's study area and it contains substantial populations of locally-threatened plant species);
- It will be important for the proposed new artificial wetlands to be designed to provide good habitat for species such as Latham's Snipe, Eastern Great Egret and Dwarf Galaxias whose existing habitat is proposed to be largely destroyed; and
- As discussed in the report I provided last week on habitat corridors in Knox, the Boral land represents an important weak link in the Blind Creek corridor, so it is desirable to retain as much riparian habitat as possible and substantially augment it.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G Lorimer', with a stylized, cursive script.

Dr Graeme Lorimer
Environmental Scientist

Shepherds Bush Powerful Owl female GPS locations



Created by Nick Bradsworth
10/07/20
GDA94 MGA Zone 55
For more information and data access
please contact: nbradsworth@deakin.edu.au

Jells Park Powerful Owl male GPS locations



0 0.5 1 km

Legend

- Core range
- Home range
- GPS locations

Created by Nick Bradsworth
3/10/21
Data collected 25/02/21 to 02/05/21
GDA94 MGA Zone 55
For more information and data access
please contact: nbradsworth@deakin.edu.au



Attachment 3: Traffic Engineering review

Draft Planning Scheme Amendment to the Knox Planning Scheme – C194Knox

Planning Scheme Amendment and Development Plan Supporting Documents

Transport Impact Assessment (July 2024)

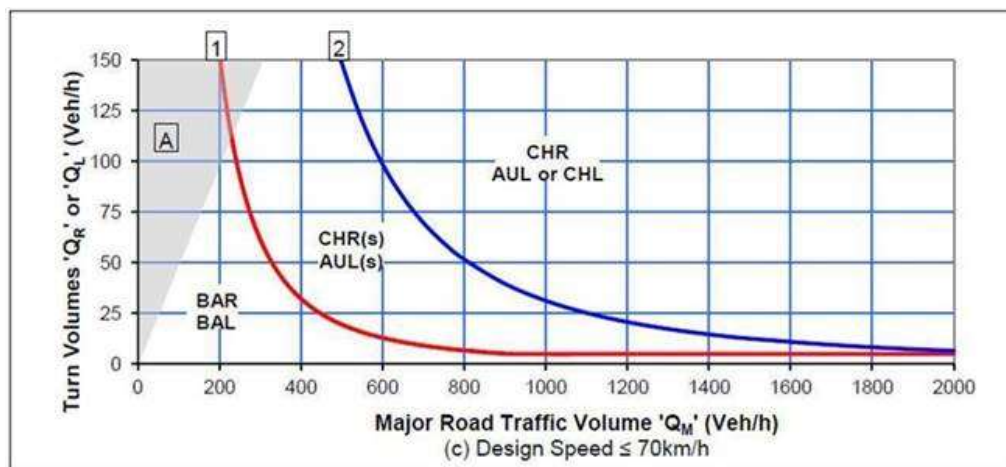
Nortons Lane

The functional design of Nortons Lane is not shown in detail. There are outstanding issues/requests from the Traffic and Transport Team's previous comments on the design of Nortons Lane in 2021.

Additionally, there are other challenges that may affect the future useability of the proposed Nortons Lane construction in relation to biodiversity requirements, uncertain future traffic volumes due to the impact of the development on the George Street/High Street Road intersection and other developments along Nortons Lane. For such requirements to maintain appropriate access to existing developments/uses, a future need to upgrade the road would need to be considered in order to provide a future proof layout of Nortons Lane which would result in further biodiversity impacts and cost to KCC.

Given the above, a Functional Layout Plan for Nortons Lane is required to show that the below outstanding issues are explored and considered.

- *There are some relatively tight curves in Nortons Lane, particularly the curve at CH520 which has a radius of 60m. Based on Table 7.6 of the Austroads Guide to Road Design Part 3, this is significantly sub-standard for a 60km/h design speed and only just adequate for a 50km/h design speed.*
- *Some of the batter slopes adjacent to the road will be quite steep (approx. 1:4), which could be a hazard to errant vehicles.*
- *More significantly, there will be numerous trees within relatively close proximity to the carriageway, which will be unprotected. This is a significant hazard to errant vehicles. For example, a southbound vehicle which failed to negotiate the bend at CH450 could drive straight into Tree 15/14.*
- *The plan does not include any auxiliary turn lanes in Nortons Lane to provide access to the adjacent land uses. Whilst some of the land uses may generate low traffic volumes and hence not warrant turn lanes, the access to Nortons Park is likely to generate moderate volumes of traffic at peak periods and hence may warrant the installation of an auxiliary right turn lane based on Figure 3.25 of the Austroads Guide to Traffic Management Part 6 (below). Specifically, based on a volume of approx. 550 to 600 vehicles per hour in Nortons Lane, a right turn would be warranted if approx. 15 vehicles are seeking to access Nortons Park in a peak hour. A similar approach is warranted at other higher traffic volume sites such the St Pauls Missionary College at 11 Nortons Lane. Access requirements at 1166 High Street Road must also be considered, the site is no longer in operation with the previous use requiring access for 19m long articulated vehicles. The alignment of the roadway (skewed on one side of the road reserve) may cause difficulties for access to some properties.*



- The proposal requires pedestrians to cross Nortons Lane twice with no pedestrian crossing facilities, which is inappropriate and potentially unsafe given the proposed traffic volumes. Preferably the path should stay on one side of the road to avoid the need for pedestrians to cross Nortons Lane. If a crossing is necessary then a median pedestrian refuge island should be provided.
- The footpaths are not shown accurately on some of the cross-section plans. For instance no footpath is shown on the cross-section plans at CH380 and CH390, and the cross-section plan for CH400 has the footpath on the wrong side of the road.
- The design does not appropriately accommodate bicycles. There are no on-road or off-road bicycle facilities. Whilst recreational cyclists may choose to instead use the trail along Dandenong Creek, commuter cyclists would be required to share a relatively narrow road with high volumes of traffic, which is undesirable.
- Past surveys undertaken along Nortons Lane revealed a high volume of pedestrians and cyclists travelling between Nortons Park and the existing shared path connections at the southern end of Nortons Lane. Up to 300 pedestrians and 55 cyclists were observed daily during weekends travelling along the current gravel roadway of Nortons Lane south of Nortons Park to the shared path connection. Given the volumes observed, a continuous shared path connection is required along the entire length of Nortons Lane.
- Recent surveys undertaken also identified a demand for parking on Nortons Lane near the existing shared path. Up to 20 cars were parked on the side of the road. Local experience indicates that the current Nortons Park car park may become fully utilised at peak times and as such, on-street parking may occur along Nortons Lane. This goes against previous advice provided for Nortons Lane that on-street parking is not expected. Further consideration must be provided to accommodate on-street parking demands while aligning with the design standards of a Connector Street (where an additional dedicated parking lane or indented parking within the verge is provided).
- It is unclear as to whether adequate sight lines are provided at the egress points from the adjacent properties, given the amount of vegetation and its proximity to the road.

It is noted that there was no traffic engineering assessment or independent road safety audit provided.

Past discussions between Council and the applicant suggested a possibility to align a path inside private land on either side of Nortons Lane and is considered required to facilitate future users of the development. The outcome of discussions to enable the provision of a shared path along Nortons Lane must be considered.

Speed calming devices such as raised pavements must be constructed along Nortons Lane to the satisfaction of Council.

Furthermore, it is noted that land abutting Nortons Lane is subject to redevelopment which would increase traffic volumes on the street. Such developments must ensure a suitable design is proposed for Nortons Lane and the intersection at High Street Road to reduce the likelihood of excessive delays in the future. The conservative design of Nortons Lane will also support traffic flow towards this intersection rather than utilizing George Street.

In the event of Nortons Lane be unusable, the development should introduce an alternate emergency access road/path.

Broader Road Network

Discussions with DTP reveals a desire for the micro-simulation to be conducted at a later stage to ensure up to date traffic information is included in the modelling. It is recommended that the micro-simulation analysis be undertaken as a development plan application requirement for the eastern precinct (anticipated to occur around 2029-31).

George Street/ High Street Road intersection

There are multiple developments proposed near the intersection which are anticipated to generate substantial volumes of traffic at the intersection. Some intersection mitigation measures have been confirmed to be constructed as part of the Jenkins development but other measures require input from DTP. Confirmation with DTP is required to confirm the 'ultimate' layout of the intersection and ensure that the applicant has accurate information to be used in later modelling analysis of the intersection.

It's unclear whether the Ultimate Traffic Conditions scenario based for 2031 would be realistic and future proofs the effects of the development on High Street Road and surrounding area.

The ability for George Street north to carry 11,000vpd is to be further considered with advice from DTP regarding their updated Sidra assessment. The updated modelling reveals George Street/High Street operates at DoS of 0.955 during the PM Peak hour with the George Street approach at a DoS of 0.951. This may promote a transfer of traffic (such as to Nortons Lane or George Street (E)).

At the moment, we're aware that congestion is at times an issue for the community exiting from George Street (due to activities within the State Basketball Centre). DTP should be aware of mitigation works needed at this intersection and again could provide further advice.

Depending on DTP's review of the Transport Impact Assessment, it is considered that there would be an impact on the cross-section needed for Nortons Lane. Without any changes or concerns from DTP, the expected traffic volumes for Nortons Lane may not fit within the Connector Street – Level 2 category. Our concerns relates to possible differences from their

forecasts and limitations on the possibility to widen and reconstruct the road at KCC's cost should traffic volumes be greater than those modelled.

Stage 1 Development Plan

Integrated Transport Management Plan (July 2024)

Nortons Lane / High Street Road

Comments sought from DTP regarding all aspects of the proposed redesign of the intersection including the proposed bus stop locations, the pedestrian crosswalk location on the west approach of the intersection, the appropriateness of the traffic generation assessment and the Sidra analysis regarding the traffic volumes used in the base case scenario (whether its representative of the 30th busiest hour in the future and proposed traffic signal timings (cycling time of 130 secs during the peak hour).

It is noted that past discussions reveal that Parks Vic plans on upgrading the current reserve abutting Bushy Park Lane and as such, the full maintaining of the current intersection movements is required. Following consideration of desirable pedestrian movements and the location of facilities including the bus stop, it appears desirable for the crosswalk to be located on the east approach of the intersection (this arrangement is shown under the Transport Impact Assessment).

Past discussions with DTP officers also notes a requirement to construct a left turn slip lane for drivers exiting Nortons Lane. The area required for the slip lane would encroach into Crown land managed by Parks Victoria and as such, the applicant would be required to facilitate the land take and undertake all works required.

In particular, the Traffic and Transport team is particularly interested in the modelling of traffic flow for the Nortons Lane approach of the intersection and all measures must be considered to ensure traffic flow is not significantly delayed should alterations be required by DTP to alter the proposed redesign or modelling assessments.

Concerns are raised that under the Ultimate AM peak hour scenario for the intersection, Nortons Lane experiences DoS on the left turn lane of 0.92 and the expected 95% queue length of 173m that exceeds the length of the short right turn lane. Given that the modelling currently lacks a sensitivity test with applying higher traffic volumes at the intersection (such as an increase of 10% additional demand) at the intersection, the potential for higher traffic volumes (Council is aware of possible developments along Nortons Lane which would generate substantial increase in traffic volumes) would lead to further delays for drivers and potentially unsafe driving practices. As such, the Traffic and Transport Team supports the additional implementation of a left-turn slip lane to assist Norton Lane traffic exiting onto High Street Road.

A query is raised the accuracy of the forecasted 2,214 vpd generated under the full development scenario with 320 dwellings at the NWRDA. The conservative construction of 320 dwellings generates an estimated 2560 vpd with 85% projected to travel on Nortons Lane. As such, it is expected that 2125 vpd additional trips are generated within the NWRDA portion of the development.

Cycling Connections

A shared path connection must be provided between the Blind Creek Trail to the development along the Entry Boulevard.

A shared path must be provided to connect to High Street Road along Nortons Lane.

Safe bicycle/pedestrian crossing points across Nortons Lane (along/crossing Blind Creek Trail) and the Connector Boulevard is required. Such as a raised cyclist / pedestrian priority crossing. All raised cyclists / pedestrian priority crossing must be designed in accordance with DTP's guidelines.

Pedestrian Connections

A footpath immediately outside any resident developments must be provided.

All footpaths must aim to be designed / constructed to satisfy DDA requirements in relation to the gradient and crossfall.

Provision of Bus, Emergency and Waste Services

Bus Friendly speed humps are required along the Connector Boulevard designed and constructed in accordance with DTP's Traffic Calming Devices for Buses and relevant Australian Standards and Austroads Guidelines.

The bus friendly speed humps should be incorporated to any cyclist/pedestrian crossing points along the Connector Boulevard.

Traffic calming devices (raised pavements) must be constructed in any road segment longer than 150m.

Wantirna South Development Plan (North-West Residential Area)

Road Cross-sections (Section 6 Integrated Transport Management of Development Plan)

Street Section A – Entry Boulevard (26m)

Proposed

- A Connector Street – Level 2 type street with a carriageway width of 3.5m x 2 (with a 3m wide central median) and 2.1m wide parking lanes.

Comments

- 300mm clearance from title boundary to edge of footpath – For adequate space for fence foundations and full use of footpath width
- A parking lane width of 2.3m is required where parallel parking is provided. Indented parking to be designed in accordance or a minor variation to Knox Standard Drawing S 322.1 or otherwise accepted standard such as AS2890.5.

- Min. 500mm clearance from property boundary to edge of shared path – To avoid handle-bar entanglement in adjacent fences

Street Section B, C & D – Connector Boulevard (2m)

Proposed

- A carriageway width of 3.5m x 2 and 2.1m wide parking lanes.

Comments

- 300mm clearance from title boundary to edge of footpath – For adequate space for fence foundations and full use of footpath width
- A parking lane width of 2.3m is required where parallel parking is provided. Indented parking to be designed in accordance or a minor variation to Knox Standard Drawing S 322.1 or otherwise accepted standard such as AS2890.5.
- Unclear if stated Blind Creek Trail and car park is correct. Shared path must be accessible from the development with crossing points.
- Sufficient clearance must be provided from a car park to overhang the kerb and maintain the useable width of the shared path.
- Any obstructions located on Picnic & Playground and the Active Open Space must be at least 500mm from the edge of shared path – To avoid handle-bar entanglement in adjacent fences
- Sharrows on shared paths are not used but the standard arrow, pedestrian and cyclist symbol placed on shared paths.
- Provide parallel parking for the full abuttal to the reserve

Street Section E – Nortons Lane South (20m)

Proposed

- A carriageway width of 7.3m.

Comments

- Buffers alongside titles needs specifying. Footpaths must be at least 300mm from title boundary (For adequate space for fence foundations and full use of footpath width) and Shared Paths at least 500mm from title boundary (to avoid handle-bar entanglement in adjacent fences).
- Shared path must be accessible from the development with crossing points.

Street Section F – AOS Entry Street (19m)

Proposed

- A carriageway width of 5.5m and 2.1m wide parking lanes.

Comments

- 300mm clearance from title boundary to edge of footpath – For adequate space for fence foundations and full use of footpath width
- Sharrows on shared paths are not used but the standard arrow, pedestrian and cyclist symbol placed on shared paths.

- A parking lane width of 2.3m is required where parallel parking is provided. Indented parking to be designed in accordance or a minor variation to Knox Standard Drawing S 322.1 or otherwise accepted standard such as AS2890.5.

Street Section G – Local Access Street (16m)

Proposed

- A carriageway width of 7.3m

Comments

- 300mm clearance from title boundary to edge of footpath – For adequate space for fence foundations and full use of footpath width

Street Section H – AOS Interface Street (15m)

Proposed

- A carriageway width of 5.5m and 2.1m wide parking lanes.

Comments

- 300mm clearance from title boundary to edge of footpath – For adequate space for fence foundations and full use of footpath width
- A parking lane width of 2.3m is required where parallel parking is provided. Indented parking to be designed in accordance or a minor variation to Knox Standard Drawing S 322.1 or otherwise accepted standard such as AS2890.5.
- Provide parallel parking for the full abuttal to the reserve

Street Section I – Parklands Edge – Local Street (15m)

Proposed

- A carriageway width of 5.5m

Comments

- 300mm clearance from title boundary to edge of footpath – For adequate space for fence foundations and full use of footpath width

Street Section J – Parklands Interface Mews (12m)

Proposed

- A carriageway width of 5.5m

Comments

- 300mm clearance from title boundary to edge of footpath – For adequate space for fence foundations and full use of footpath width
- Clarify if this road is meant to be one-way
- Surface treatment of this road is show different – What is the treatment and what is the reason for this being different?

Street Section K – Paper Road (6m)

Comments

- There is an inconsistency between this cross-section and Section D in the “Thoughtful Interface Treatments” section earlier in the document. It is suggested that the shared path is moved to the west side of the paper road to encourage abutting residents to mow the verge that will abut their property. Otherwise, the verge is unlikely to be maintained by abutting residents.

Street Section L – Laneway (8m)

Comments

- Min. 6m wide carriageway at narrowings with swept paths to show all garages could be accessed by a min. of 1 corrective manoeuvre at double spaced garages.

Street Section M – Blind Creek Crossing (15m)

Proposed

- A carriageway width of 3.5m x 2

Comments

- Sharrows on shared paths are not used but the standard arrow, pedestrian and cyclist symbol placed on shared paths.
- Buffers in between carriageway and Blind Creek Trail and between Blind Creek Trail and Footpath to be designed in accordance with relevant Australian Standards, AustRoads guidelines and DTP's supplements/guides.

General

A traffic generation assessment must be provided to justify the proposed types of roadways within the development in relation to the expected traffic volumes carried along the roads.

All access onto the proposed roadways must consider the appropriateness of the location in respect to the relevant clauses under AS2890.1. In particular, further details are required to show the access to the car park is offset sufficiently from the nearby intersection.