Planning and Environment Act 1987

Government Land Standing Advisory Committee
Tranche 14 Report
609 – 621 Burwood Highway, Knoxfield

15 May 2018

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VICTORIA State Government | Planning Panels Victoria

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List of Abbreviations

CDP	Comprehensive Development Plan
CDZ	Comprehensive Development Zone
CFA	Country Fire Authority
DDO13	Design and Development Overlay – Schedule 13
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
DTF	Department of Treasury and Finance
ESO2	Environmental Significance Overlay – Schedule 2
FTGLS	Fast Track Government Land Service
GLPS	Government Land Planning Service
GRZ	General Residential Zone
INZ1	Industrial Zone – Schedule 1
LSIO1	Land Subject to Inundation Overlay – Schedule 1
MUZ	Mixed Use Zone
PPN	Planning Practice Note
PUZ	Public Use Zone
Structure Plan	Knox Central Structure Plan

About this report

On 29 October 2017, the Minister for Planning referred 609 – 621 Burwood Highway, Knoxfield to the Government Land Standing Advisory Committee as Tranche 14.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 609 – 621 Burwood Highway, Knoxfield.

Mandy Elliott, Chair

John Ostroff, Member

15 May 2018

1 Summary and recommendations

1.1 The site

609 – 621 Burwood Highway, Knoxfield (the site) is approximately 19.2 hectares and is irregular in shape, with a slope from south to north of approximately 20 metres. The site was previously used as the horticultural research and flora quarantine facility for the Department of Environment, Land, Water and Planning (DELWP), which ceased operation in 2013. The site is identified as a *Strategic Development Site* in the *Knox Housing Strategy 2015.* It is proposed by Development Victoria on behalf of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) (the site owner) that the site is from Public Use Zone – Other Public Use to the Comprehensive Development Zone –Schedule 2.

1.2 Issues raised in submissions

Most submissions raised issues with the proposal to fill in 'Lake Knox', a man-made water body that is used by the endangered Blue-billed Duck (endangered on the DELWP Advisory List and listed under the *Flora and Fauna Guarantee Act 1988*) and other avifauna. Other issues raised include the impact on surrounding land uses, traffic and the lack of detail of what is proposed for the site.

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its observations from inspections of the site.

1.3 Committee conclusions and recommendations

1.3.1 Conclusions

The site owner proposes to rezone the site from Public Use Zone – Other (PUZ) to the Comprehensive Development Zone (CDZ) with a new Schedule 2, and retain but vary the locations of the Environmental Significance Overlay (ESO) and Land Subject to Inundation Overlay (LSIO). The Committee concludes that the CDZ is not an appropriate zone if the land is to be sold.

The Committee considers that the most appropriate control for the site is the Mixed Use Zone (MUZ) and General Residential Zone (GRZ) with an accompanying Development Plan Overlay (DPO). The Committee agrees that the LSIO should be varied as exhibited. The Committee disagrees with the proposed location of the ESO and recommends that it be amended to include an area around a large Swamp Gum.

The sites are located within a designated Metropolitan Activity Centre and have resounding state and local planning policy support.

Table 1: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Advisory Committee Recommendation
Public Use Zone – Other Public Use	Comprehensive Development Zone – NEW Schedule 2	Mixed Use Zone
		General Residential Zone
Environmental Significance Overlay – Schedule 2	Retain – vary location	Retain – Committee's version of varied location
Land Subject to Inundation Overlay	Retain – vary location	Retain – vary location
		New DPO

1.3.2 Recommendations

The Committee recommends that:

A planning scheme amendment be prepared and approved to:

- **Rezone the subject site to the Mixed Use Zone and General Residential Zone as shown in Figure 6**
- **Apply a new Development Plan Overlay Schedule as shown in Appendix D**
- **Apply the Environmental Significance Overlay – Schedule 2 as exhibited, but adjust the boundary to include the remnant Swamp Gum (including an area for its Tree Protection Zone)**
- **Apply the Land Subject to Inundation Overlay as exhibited.**

1.4 Process summary

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche and site reference	Tranche 14: site reference FT117
Site address	609 – 621 Burwood Highway, Knoxfield
Previous use	A horticultural research and flora quarantine facility operated by DELWP
Site owner	Development Victoria on behalf of Department of Economic Development, Jobs, Transport and Resources (DEDJTR)
Council	City of Knox
Exhibition	Between 15 January and 23 February 2018
Submissions	154

Table 3: Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Other Public Use	Comprehensive Development Zone – New Schedule 2
Environmental Significance Overlay – Schedule 2	Retain – vary location
Land Subject to Inundation Overlay	Retain – vary location

Table 4: Committee process

Committee process	
Members	Mandy Elliot (Chair) and John Ostroff
Information session	6 February 2018
Hearing	8 and 9 March 2018
Site inspections	Unaccompanied, prior to Hearing
Appearances	Development Victoria represented by Michael Collie of Collie Planning, calling evidence from: - Peter Gannon of Ecocentric Environmental Consulting in Ecology - Glenn Ottrey of Engeny Water Management in Water Knox City Council represented by Matthew Gilbertson of Glossop Town Planning Gardens for Wildlife and Knox Environment Society represented by Irene Kelly VicRoads represented by Michael Freeman Richard Faragher Animal Justice Party Victoria represented by Gregory Sawyer Darren Wallace Anthony Bigelow Johanna Selleck Echo Active represented by Nadine Richings Signature Stairs Pty Ltd represented by Ian Crosher Colin Thomas Newberry Friends of Lake Knox Sanctuary represented by Thomas Carydias
Date of this Report	15 May 2018

(i) Committee direction

In its submission, the City of Knox (Council) stated that its preference for the site was for the application of the MUZ and a GRZ to the site with a DPO Schedule. On 22 March 2018, the Committee directed Council to circulate its preferred version of a DPO Schedule to all parties to the Hearing by Thursday 29 March 2018. Parties were provided with an opportunity to respond to Council's preferred version of the DPO Schedule by Wednesday 11 April 2018. The site owner and other parties provided responses to the Committee which have been considered in this report.

2 Introduction

2.1 The site

The site at 609 – 621 Burwood Highway, Knoxfield is approximately 19.2 hectares and is irregular in shape, with a slope from south to north of approximately 20 metres. It has frontages to Burwood Highway (to the south) of approximately 210 metres and to Scoresby Road (to the east) of approximately 290 metres. It was previously used as the horticultural research and flora quarantine facility for the Department of Environment, Land, Water and Planning (DELWP), which ceased operation in 2013. It consists of grassed vacant land, some sparse tree cover, a dam and some abandoned road pavements.

The site is located in the Knox Central Principal Activity Centre, which is the municipality's largest activity centre and comprises a wide range of land uses including retail, office, commercial/industrial, residential, education, Government/Civic and open space/recreation.

The site is located in close proximity to the following:

- Fairhills High School, immediately east and adjacent to the subject land
- Fairhills Primary School, 800 metres to the northeast
- Lewis Park, approximately 800 metres to the northwest
- St Andrews Christian College, approximately one kilometre to the southwest
- Council offices, approximately one kilometre to the west
- Westfield Knox, a major retail shopping centre located approximately one kilometre to the west
- various bus stops adjacent to the subject site on Burwood Highway and Scoresby Road.

Figure 1: The site

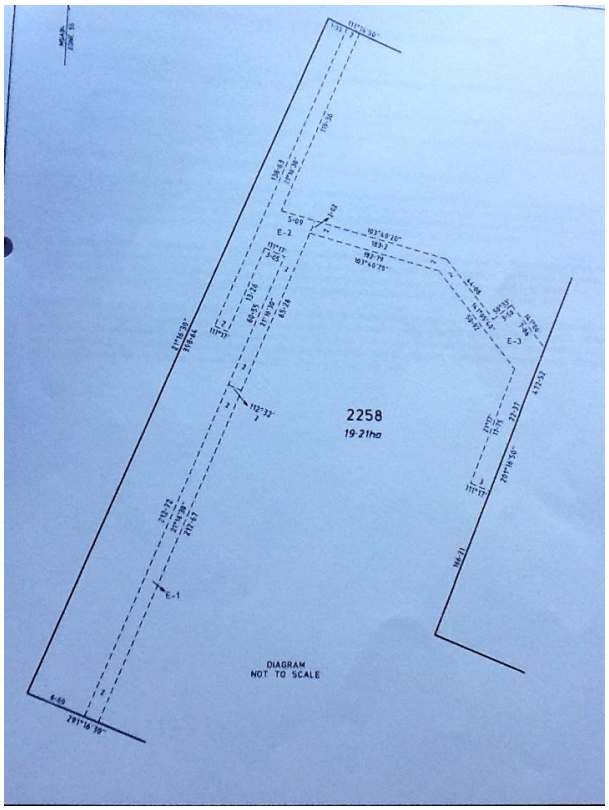
2.2 Physical constraints

(i) Drainage

The site drains towards the northwest corner of the site where an existing dam is located. The dam overflows to the north into the adjacent Blind Creek waterway. Currently the dam provides water storage services with limited treatment. The dam was originally built for agricultural water supply purposes and has been identified as a site constraint in the *Preliminary Stormwater Management Strategy (August 2017)* because it was not designed to retard stormwater.

A water drainage easement exists on the site, shown in Figure 2 below. The inlet drain takes surface water from the adjacent Fairhills High School.

Figure 2: Water drainage easement



(ii) Access

Access to the site is from Scoresby Road. The exhibited Traffic Impact Assessment states:

> *The volume of traffic turning right into the site from Scoresby Road will likely not be great enough to warrant signalisation. However, the volume of traffic exiting the development is likely to experience significant delays and would warrant signalisation.*

(iii) Interface with surrounds

The subject land forms part of the Knox Central Principal Activity Centre and is surrounded by a range of uses including residential to the east and south, light industrial and service industries to the west, Blind Creek Reserve (and its shared path) to the north and Fairhills High School to the east. The site has frontages to Burwood Highway and Scoresby Road.

2.3 Strategic context

(i) Plan Melbourne 2017-2050

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

Wantirna South – Knox Central is identified as a Major Activity Centre.

(ii) Knox C149

Amendment C149 to the Knox Planning Scheme (Knox C149) proposed to implement the vision, objectives and actions of the Knox Central Structure Plan (Structure Plan) into the Planning Scheme. Knox C149 sought to introduce a Design and Development Overlay Schedule 13 (DDO13) to the site, which was being proposed over all of the Knox Central Activity Centre. Council sought to include further guidance for this Strategic Development Site by including a master plan, as well as objectives, strategies and actions that pertain to its development, to reflect the Structure Plan.

The Amendment was exhibited between November to December 2016 and the Panel Hearing for the Amendment was held in June 2017. The Panel report was submitted on 19 July 2017. The Panel identified significant concerns with the proposed DDO13 and did not support mandatory height limits. The Panel concluded that the Amendment lacked sufficient strategic justification and recommended that the built form component of the Amendment be abandoned.

The Committee notes that the Panel report stated:

> *Amendment C149 does not propose to rezone this site. This will occur through the proposed Amendment C160 which will take the matter forward through the FTGLS process. The Panel considers Amendment C160 could consider a Development Plan Overlay for the land and for similar reasons outlined in Chapter 5.3, it considers DDO13 should be removed from the land, with any subsequent DPO including the relevant provisions of DDO13.*

Council adopted Knox C149 on 9 October 2017, including the application of the exhibited DDO13 to the site, in contrast to the planning panel recommendation.

Knox C149 is currently with the Minister for Planning awaiting approval.

(iii) Knox Central Structure Plan

The Structure Plan provides a vision to guide the development of the Knox Activity Centre for the next 20 years, including guidance for land use, built form, transport networks and public spaces to seek positive economic, environmental and social outcomes. The Structure Plan provides an enabling planning framework to support the intensification of activity and development within Knox Central.

The Structure Plan sets out the following objectives:

- *To enhance Knox Central's role as the civic and public heart of the municipality, where communities connect and congregate.*
- *To enable the development of high quality medium density housing that responds to the housing needs of the Knox community, and supports the activity of the centre.*
- *To establish Knox Central as a focal point for activity including employment, education, retail, community, entertainment and leisure activity.*
- *To capitalise on Knox Central's natural and environmental features to distinguish it from other activity centres.*
- *To facilitate an accessible and safe active and public transport network to and within Knox Central.*
- *To provide an efficient street network that connects key destinations including nodes of activity within Knox Central.*
- *To achieve high quality built form and public realm which defines Knox Central as a premier mixed use activity centre.*

The Structure Plan identifies the site as a Strategic Development Site and states:

- *The development of this underutilised site will provide a high amenity medium density neighbourhood in the northern portion of the site, which is well-integrated with the Blind Creek corridor. The neighbourhood will be supported by a mixed use precinct to the Burwood Highway frontage and Scoresby Road corner which will provide a small amount of local convenience retail and support local employment opportunities. The ongoing use of part of the site by State Government (including for the use of emergency services) is supported. New public open space on the site will integrate with the Blind Creek corridor and contribute to the environmental, recreational and access functions of the Corridor.*

(iv) Planning Practice Notes

Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays (PPN23)

PPN23 provides advice on how and when to use the Incorporated Plan and Development Plan Overlays. The purpose of using a Development Plan Overlay is:

- To identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted.
- To exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.

- A Development Plan is not incorporated into the planning scheme and can be amended by the responsible authority.

(v) The Knox Housing Strategy 2015

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

The Housing Strategy describes the site as follows:

> *This is a large site that has formerly been used by the Department of Primary Industries. Some areas to the front of the site are still used by the Department. A mix of residential and commercial uses is considered appropriate for this site. Future development of this site is to be guided by strategic work carried out for the broader Knox Central area.*

3 Issues with the proposed changes

3.1 What zone is suitable

(i) Planning controls context

The site owner proposes to rezone the site from PUZ7 to CDZ2 with an accompanying Comprehensive Development Plan (CDP).

Figures 3 and 4 show the current and exhibited proposed zonings.

Figure 3: Current zoning

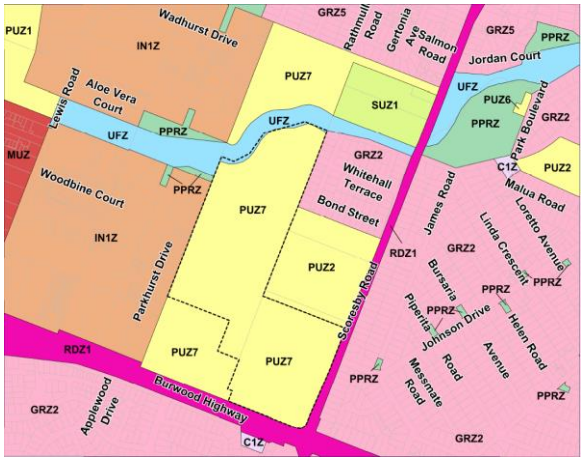


Figure 4: Proposed zoning

(ii) Evidence and submissions

Council supports the rezoning and redevelopment of the site to provide a high quality residential and mixed use development, but disagrees with the site owner about the appropriate zone for the site preferring the MUZ and GRZ to the CDZ.

Comprehensive Development Zone

The CDZ works in tandem with a Comprehensive Development Plan (CDP) incorporated into the planning scheme. The exhibited CDP consisted of one diagram, as shown in Figure 5.

The site owner submitted that the use of the CDZ with an accompanying CDP is the most appropriate planning tool for the site because the site is within a single title and the CDP adequately reflects the intent of the future development of the site. The CDZ and CDP would provide the flexibility to tailor development on different parts of the site, which would not be possible in a single zone.

The site owner also submitted that the use of the CDZ would enable the Small Lot Housing Code to be adopted for the site. As a significant infill site, a large proportion of lots less than 300 square metres would be proposed on the land; not requiring planning permits and the need to assess plans would reduce the workload required of Council.

Figure 5: Exhibited Comprehensive Development Plan

Council submitted that although it supports the intent of the proposed zoning, it has concerns with the use of the CDZ2 and CDP.

Other submitters were mostly concerned with matters such as retaining 'Lake Knox' (the existing dam on the site), traffic, amenity and what the built form would be, rather than the zoning itself.

Comprehensive Development Plan

Council submitted that the exhibited CDP for the site does not provide an appropriate level of detail and that the CDP in its current form exposes Council to a higher level of risk as there would be minimal requirements for any future developer to comply with. Council submitted that the need for flexibility in the future design and layout of the residential subdivision, while important, does not outweigh the need for a comprehensive master-planned approach in order to achieve the optimal design and development outcomes expected on this site. Council submitted that administering the CDZ is likely to result in significant Council staff time and reduce Council's capacity to consider planning applications within prescribed timeframes. In addition, Council noted that any changes to the plan would only be allowed by a future planning scheme amendment, which would increase time and other costs for any modifications.

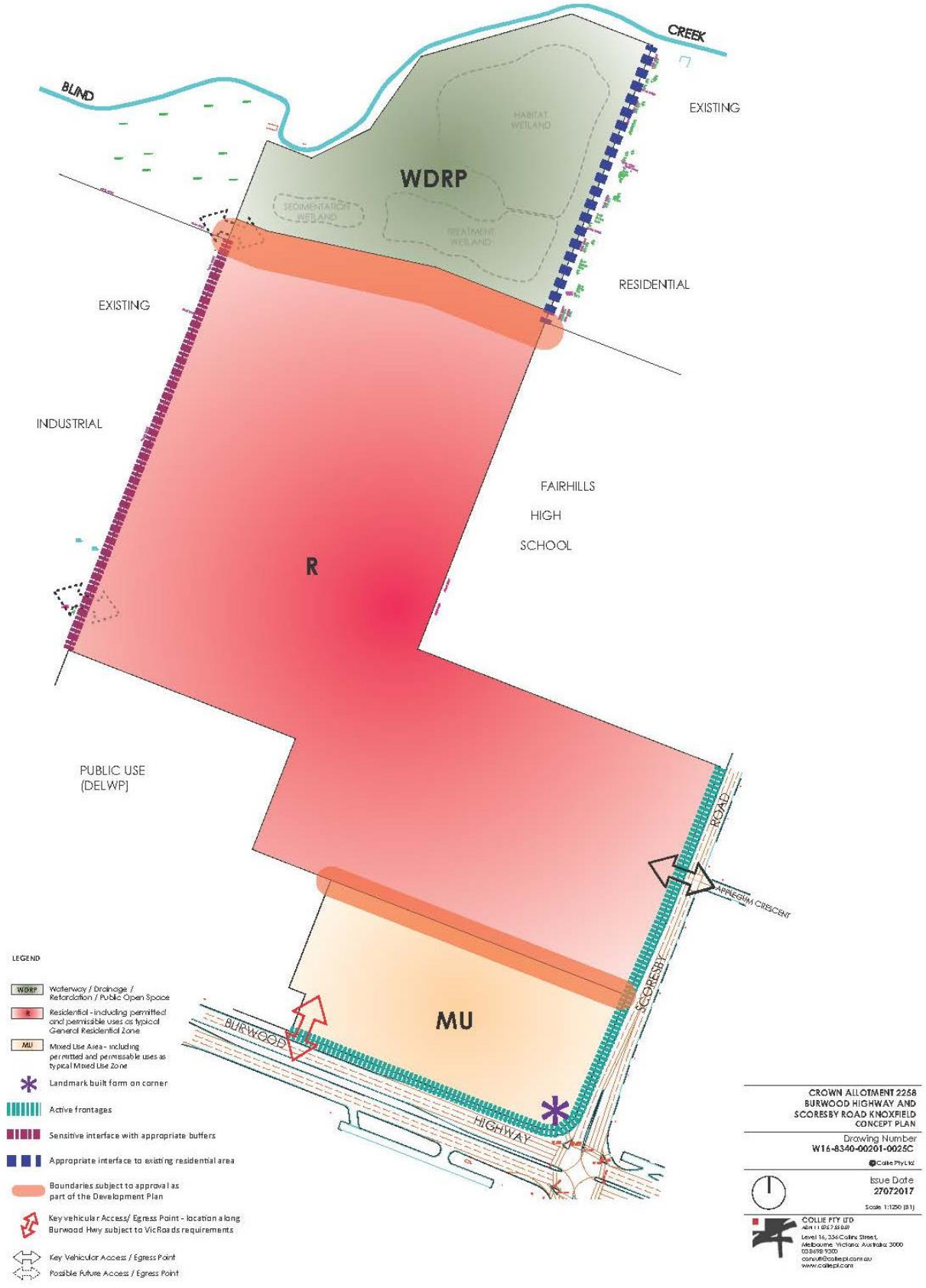
The site owner submitted that the CDZ2 and CDP meet the vision of Council contained in the Structure Plan. However, taking account of Council's concerns regarding the level of detail in the CDZ2/CDP, the site owner made changes to the CDP generally to accord with Council's amendments to the documents.

Mixed Use Zone and General Residential Zone with a Development Plan Overlay

Council submitted that the MUZ and GRZ with a DPO would be more appropriate for the site if it were to be rezoned to reflect Council's endorsed masterplan, the relevant provisions contained within the DDO13 (as exhibited under Knox C149) and the strategic direction of the Structure Plan.

Council provided its preferred version of the DPO as directed by the Committee. The areas marked 'R' to be rezoned to GRZ and the areas marked 'MU' to be rezoned to MUZ as per the diagram below.

Figure 6: Concept Plan showing areas to be rezoned to MUZ and GRZ



A purpose of the DPO contained in the planning scheme is:

> *To identify areas which require the form and conditions of future use and development to be shown on a Development Plan before a permit can be granted to use or develop the land.*

Council preferred the application of a DPO on the whole of the site, as "*this will allow for an appropriate and comprehensive master planning process to take place, commensurate with the strategic importance of the site".*

Council submitted that there is insufficient information on Aboriginal Cultural Heritage, Drainage Design and Habitat Wetland because a DPO has not been proposed for this site. Council therefore has not reviewed a sufficient amount of information to understand the context properly to ensure that the ultimate subdivision design is the best for this site. These issues would need to be resolved through the planning permit process, which Council argues is an inefficient approach. Moreover, it is inconsistent with the approach taken for other Strategic Investigation Sites where such issues are resolved prior to or at the same time as the approval of a Development Plan.

In support of its position, Council referred to a site at 40 Mount View Road, Boronia (former Boronia Heights College), which was proposed to be rezoned through the Fast Track Government Land process to Neighbourhood Residential Zone Schedule 1 with a DPO. Council submitted in its written submission that:

> *This approach of using standard zones and overlays is considered to be more aligned with Smart Planning principles of rationalising planning schemes, to improve their legibility and understanding for the community, and to facilitate more efficient outcomes. The use of the CDP/CDZ approach does not reflect contemporary best practice planning principles, and is inconsistent with the approach adopted for other key strategic development sites within Knox.*

The site owner submitted that it was opposed to the proposed DPO for the following reasons:

- *it is poorly thought out, is unnecessarily complex and adds another level of planning approval that is unnecessary in the circumstances of the subject land*
- *it makes mandatory a number of provisions that specify heights, setbacks and the like when neither the DDO13 (under amendment C149) nor the exhibited CDZ2 / CDP, made such provisions mandatory*
- *it duplicates, adds unnecessary work and delays (requirement for an additional layer of approval) the planning process without any tangible benefit – with the CDZ2 / CDP model providing Knox City Council, as the responsible authority, with the identical key role in assessing any proposal*
- *it includes provisions that are ultra vires*
- *it includes a multitude of provisions that are either: dealt with appropriately / normally in the course of the planning permit application / request for further information / permit process and the inclusion of conditions with appropriate triggers (such as before any development, before certification, before compliance and so on); or part only of a revised*

> *statutory model where the exhibited model has been discussed and tested legally and with the Development of Environment, Land, Water and Planning and the Victorian Planning Authority but where the alternative has clearly not had such testing.*

The site owner considered that Council's desire for a DPO is not warranted where the combination of the CDP and future subdivision plans will serve the same purpose. The site owner submitted that the need for an approved Development Plan under the DPO would involve an unnecessary additional approval step. The site owner stated that further detailed work is more appropriately completed in the next subdivision planning permit application stage, where the requirements of the responsible and referral authorities will have to be addressed. Provided an indicative lot and road layout masterplan is submitted with the subdivision application, it is unnecessary to require another level of approval under the DPO.

(iii) Discussion

The Committee notes that Council supports the use and development of the site for residential and mixed use purposes within the areas shown on the exhibited CDP. The issue between the site owner and Council is whether the CDZ and CDP, as amended and agreed to in part by the parties, are the appropriate planning tools to guide the future development of the site, or whether the site should be zoned GRZ and MUZ with a DPO, which is Council's preference.

A DPO provides certainty and guidance about the nature of the proposed use and development of a site before a permit under the zone can be granted. The Development Plan content may include, among other matters, the future distribution of the built environment including location of new buildings, maximum building heights and building envelopes and distribution of open space.

In light of the purpose of the DPO, the identification of areas on the Development Plan requiring the form and conditions of future use and development, together with other details, would provide interested persons who wished to inspect the plan, with information that is not available in the proposed CDZ2/CDP. Were the CDZ2 and the CDP approved in their exhibited or amended forms, the community would be provided with very limited information regarding what is proposed for the land, particularly as any subsequent permit applications would be exempted from notice requirements.

The CDP, once approved, would be an Incorporated Document and any changes proposed to the Document would require a planning scheme amendment process under the Act. A Development Plan can be amended to the satisfaction of the responsible authority without a planning scheme amendment.

The version of Clause 22.15, Knox Central Activity Centre recommended by the Knox C149 Panel stated that a DPO be applied as part of the future rezoning of the Strategic Development Site (Knox C149 Panel Report Appendix F, page 71).

The CDP shows that the majority of the site will be used and developed for residential and mixed uses. There are a number of residential zones contained in the planning scheme but it is presumed that uses in the General Residential Zone and Mixed Use Zone will be applicable given that Council and the site owner refer to these zones in the key to their amended CDP.

The Committee does not agree with the site owner that the CDZ should be applied because the site is in a single title. While it is generally regarded as good practice to follow title boundaries, there is nothing in the Victoria Planning Provision to say that land cannot be in two zones. In any case, the land will ultimately be subdivided. The CDZ has not been used to create a tailored set of uses, but to apply the GRZ to one part of the land and the MUZ to another. The Panel believes it would be better simply to apply those zones directly.

The Committee notes that the Table to the CDZ2 combines the Section 1, 2 and 3 uses generally contained in the GRZ and MUZ. It also notes that most non-residential uses are required as a condition to be limited to the mixed use area of the site. Should the condition not be complied with, the Section 1 as of right use becomes a Section 2 use for which a permit is required, and a Section 2 use becomes a Section 3 prohibited use.

However, a number of uses and requirements contained in the proposed CDZ2 Table do not accord with the those found in the GRZ and MUZ. No explanation has been provided by the site owner to justify the variations in the uses and associated requirements.

The Committee notes that under the CDZ2, any application for subdivision, use or development that was generally in accordance with the approved Comprehensive Development Plan would be exempt from notice requirements under section 52(1)(a), (b) and (d) of the Act and review rights under section 82(1) of the Act. The DPO also provides exemption from third party notice and review for development that was generally in accordance with the approved Development Plan.

The Committee considers that, notwithstanding the proposed requirements for future subdivision, uses and developments contained in the CZ2 and CDP, there is a limited amount of detail provided to clarify the future use and development of the subject site in the proposed controls.

The Committee agrees with Council that the *R* and *MU* areas contained in the CDP should be replaced with the GRZ and MUZ, together with a DPO to provide greater detail and certainty regarding the future uses that can be considered for the land, and the requirements for the use and development of the land. This accords with the Implementation provision contained in Clause 21.06-6, *Housing-Implementation*, in the planning scheme, which states:

- *Apply the Development Plan Overlay, as appropriate, to provide for integrated and orderly development of larger sites (including Strategic Investigation Sites), and achieve appropriate lot size, density and layout outcomes.*

The Committee also notes that Clause 21.06 of the Scheme states that the General Residential Zone Schedule 1, or other zone as appropriate, should be applied to Strategic Investigation Sites (Residential), together with a DPO.

The Committee agrees with Council that, unlike the proposed CDZ and CDP, this approach would ensure that appropriate master planning is undertaken *before* the planning permit process.

(iv) Conclusion

The Committee concludes:

- The CDZ is not the appropriate zone for the redevelopment of the site. Instead, the areas shown as 'MU (Mixed Use)' in the proposed Comprehensive Development Plan should be rezoned Mixed Use Zone, and the remainder of the site should be rezoned GRZ.
- The Development Plan Overlay should be applied to the whole site to guide the future redevelopment of the site.

3.2 What overlays are suitable

The site is affected by the ESO2 and LSIO. The site owner proposes to alter the boundary of both overlays as per the Figures below.

Figure 7: Current ESO boundary

Figure 8: Proposed ESO boundary

Figure 9: Current LSIO boundary

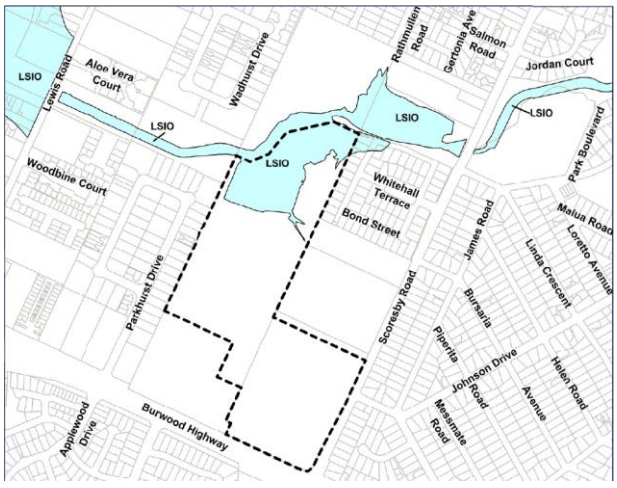
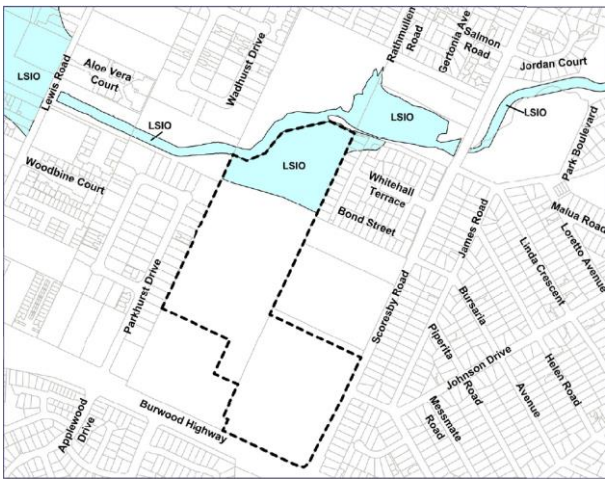


Figure 10: Proposed LSIO boundary



3.2.1 Environmental Significance Overlay Schedule 2

(i) Evidence and submissions

Part of the northern section of the site is affected by Schedule 2 of the Environmental Significance Overlay (ESO2). The site owner explained that the ESO2 specifically relates to sites of biological significance and aims to achieve a range of environmental objectives that generally seek to protect and retain flora and fauna species and in particular, indigenous species.

The site owner seeks to vary the location of the ESO2 to match the proposed new boundary of the LSIO.

A flora and fauna assessment was undertaken for the site as part of the amendment by Ecocentric Environmental Consulting. The assessment identified the existing dam (referred to by submitters as Lake Knox) as being of importance for a range of flora and fauna species, including the Blue-billed Duck (endangered on the DELWP Advisory List and listed under the *Flora and Fauna Guarantee Act 1988*). The report concludes that the new proposed wetlands to be constructed as part of the water treatment and drainage for the site will result in an improvement to the habitat quality of the Blue-billed Duck and other species.

In his evidence on behalf of the site owner, Mr Gannon stated that the surveys of the site and the Blind Creek riparian corridor recorded seven flora species of conservation significance, 59 terrestrial vertebrate species (of which 15 percent are exotic) comprising 47 bird species, five mammal species, three frog species, two native reptile species and two fish species. The Blue-billed Duck was recorded on site and is known to frequent the dam.

Mr Gannon acknowledged in his evidence that there would be impacts on some remnant vegetation, loss of the extant dam in the northern sector, with losses or reductions in native fauna occurring in these habitats. He stated:

> *The principle mechanism for the mitigation of impacts, in particular impacts on listed threatened flora and fauna including (but not limited to) Blue-billed Duck, Hardhead and resident waterbirds, is staged removal of the extant dam on site and the creation of a new wetland complex comprising an interconnected sedimentation basin, stormwater treatment wetland and habitat wetland. It is recommended that the new wetland complex includes (at minimum) establishment of reed/marsh habitat areas, improved vegetation conditions at the wetland margins, and establishment of an increased diversity of submergent and emergent vegetation. It is further recommended that an open-water wetland be constructed and planted at least 12 months prior to the clearance of the current dam, (p.7).*

The site owner acknowledged that there are existing ecological values associated with the dam and the intent is to enhance these values through the development of a more appropriate sedimentation pond or wetland system, which also solves a variety of existing problems such as untreated run-off into Blind Creek.

The Friends of Lake Knox Sanctuary, Croydon Conservation Society, Friends of Koolunga Native Reserve, Knox Environment Society, Echo Active and many individual submitters

raised concerns with the removal of the dam. There was particular concern regarding the impact on existing habitat values and native species such as the Blue-billed Duck. Many of these submissions included a pro-forma submission that stated:

> *… Lake Knox, although man-made, has been in existence for many years and has become an attractive and distinctive landscape within an urban environment containing environmentally significant flora and fauna …*

Mr Gannon noted that there is potential to improve habitat values on site for resident flora and fauna, including the Blue-billed Duck, through careful removal and redevelopment with retention of remnant habitat areas surrounding the dam.

DELWP provided support for the retention of the northern section of the dam in their submission, although they raised concerns about the ongoing maintenance works of the sedimentation pond and potential impacts on habitat associated with such works (submission number 63). DELWP also noted that the proposed wetlands would only provide a water depth of 1.5 to 2 metres, compared to the existing dam being four metres, which is ideal habitat for the Blue-billed Duck. DELWP recommended that further investigation occur to include deeper water habitat as part of the future wetland for the site.

Council agreed with the site owner that the dam should be removed and a much better system of water treatment and wetlands be established to include areas of public open space. Notwithstanding, Council acknowledged the biodiversity values of the dam and sought reassurance that the future development would provide similar habitat outcomes.

Mr Wallace (submitter number 110) raised a number of concerns regarding the removal of the dam and stated that it should be given greater protection and enhancement as a sanctuary for the flora and fauna that are present. He tabled an ecological report undertaken by Dr Graeme Lorimer, which was submitted as part of the Knox C149 Panel process on behalf of Council (Document 13). This report suggests that rare wetland plants and habitat for the Blue-billed Duck are present within the dam and that approximately 1.6 hectares of the dam is covered with native submerged plants, including rare species.

DELWP also submitted that the retention of the old large Swamp Gum, *Eucalyptus ovata*, be included in the area of ESO2 to ensure ongoing protection "*of this significant tree"*. The Swamp Gum is located just north of the inlet channel to the dam. The ecological report by Mr Lorimer also recommends that this large Swamp Gum be protected, including its Tree Protection Zone.

When questioned by the Committee, Mr Gannon agreed that the old large Swamp Gum should be included within the ESO2 boundary, as did Council.

(ii) Discussion

The Committee appreciates that the dam has been on the site possibly for 50 years and values have been attributed to it within the local community. Habitat has been established and species such as the Blue-billed Duck have been utilising it. The dam is fenced off and there is no public access and it seems that neither Council nor the site owner wish to manage it for the future.

The Committee understands that through the process of designing better drainage and water treatment across the site, new habitat and wetlands will be established, including retaining the northern part of the existing dam where significant flora and habitat values exist. There will also be areas of public open space within these areas, managed by Council.

The evidence of Mr Gannon, including questioning from the Committee and submitters, has provided some parameters for establishing the wetlands. These include the waiting period of 12 months between constructing the new wetland and removing the existing dam and inclusion of deep water habitat if viable.

Dr Lorimer's report noted the vegetation on the northern bank of the dam should be left unmodified and the Committee notes that the site owner and Council are in agreement that modifications to the dam and proposed plans for the new wetland and sedimentation ponds will ensure this area remains. The Committee notes the following from Dr Lorimer's report:

> *Any residential development of the former horticultural research station will require a wetland system on the floodplain to manage stormwater. The existing dam could contribute to stormwater management but it would need modification. Modification would also be required to improve the public safety of the currently tall, steep banks on the south, west and east. Shores with more gradual slopes would also be ecological beneficial, (p.1).*

The Committee notes Dr Lorimer's report is part of Mr Wallace's submission to the Hearing, and does not constitute an expert witness report for the purposes of this amendment.

Mr Ottrey, expert for the site owner on stormwater management, stated in his evidence that "*the dam in its current state is not engineered to provide stormwater treatment"*. He referred to a Dam Condition Assessment in Appendix D to his evidence statement which concluded that the dam is not fit for purpose and would only be suitable for ongoing use if a number of upgrades and remedial works were undertaken.

The Committee acknowledges that the dam has ecological values and these must be replicated on the site as proposed in the stormwater management strategy. Implementation of Mr Gannon's recommendations will be important in meeting the future ecological objectives for the site, including waiting a period of 12 months between constructing the new wetland and removing the existing dam, and inclusion of deep water habitat if viable. The Committee agrees with the closing remarks of the site owner that "*the alternative wetland model has balanced the ecological and water treatment issues of the site and will lead to a net community benefit"*. In its current form, the dam cannot be open to the public due to safety issues and neither Council nor the site owner wish to take on responsibility for its management as it is.

The Committee agrees with DELWP that the exhibited ESO2 boundary should be amended to reflect the old large Swamp Gum (including its Tree Protection Zone), located just north of the inlet channel to the dam. This will not significantly increase the area of ESO2 but will provide protection of the remnant Swamp Gum and add an additional buffer between the wetland area and residential development.

(iii) Conclusion

The Committee concludes that the exhibited ESO2 boundary should be modified to include the area of the remnant Swamp Gum (including an area of its Tree Protection Zone).

3.2.2 Land Subject to Inundation Overlay

(i) Evidence and submissions

The exhibited LSIO boundary is not in dispute between the parties. The LSIO is proposed to be changed to generally reflect the location of the proposed wetlands which are an outcome of the preliminary stormwater management strategy for the site.

Stormwater entering and leaving the site must be managed to ensure problems are not exacerbated. The site owner proposes to remove the existing dam and replace it with a properly planned stormwater management system that has been prepared having regard to ecological assessments. The exhibited LSIO includes the areas for the new stormwater management system.

As stated in the site owner's submission, a new stormwater management system will:

- *properly manage stormwater on the subject land*
- *provide for essential and appropriate treatment of stormwater before it enters Blind Creek*
- *result in the resolution of existing and potentially greater erosion problems associated with stormwater run-off into Blind Creek*
- *provide a better ecological result for habitat together with controlled public access to an open space and passive recreation asset.*

The site owner called Mr Ottrey to provide evidence on the stormwater management strategy. Mr Ottrey explained that the existing dam in its current state is not engineered to provide stormwater treatment. He states in his evidence that:

> *Retrofitting the existing dam to provide stormwater treatment is not considered to be feasible without significant disturbance to the dam as stormwater treatment wetlands require shallow areas with significant vegetation, (p8).*

The stormwater treatment for the entire site is proposed to be achieved in a single location through a combined sedimentation basin and wetland.

A hydrologic model was developed to determine the required size of the retarding basin to ensure that peak flows discharging from the site were not increased in the 100 year ARI event in developed conditions compared to existing conditions. The retarding impact of the existing dam was considered as part of this modelling.

Mr Ottrey's evidence was that ultimately, the modelling shows that the development will keep flows at predevelopment levels. He confirmed that the construction of the additional 10,400 square metres of habitat wetland could be staged so that the habitat wetland is constructed prior to the removal of the existing dam.

(ii) Discussion

The replacement of the dam with a new waterway, drainage, wetland and water treatment strategy will result in improved drainage, water treatment and ecological outcomes for the site in the long term.

The Committee agrees that the exhibited LSIO includes an appropriate boundary for the new stormwater management system.

(iii) Conclusion

The Committee concludes that the LSIO as exhibited should be approved.

3.3 The form of the Development Plan Overlay

3.3.1 Council preferred Development Plan Overlay

As previously discussed, Council's preferred outcome is the MUZ, GRZ and a DPO Schedule for the site. A DPO Schedule was not exhibited for the site.

Following the Hearing, the Committee directed Council to circulate its preferred version of a DPO Schedule to all parties to the Hearing. Parties were provided with an opportunity to respond to Council's preferred version of the DPO Schedule. The Committee has considered all the submissions it received on Council's circulated DPO Schedule.

The Committee disagrees with the site owner that many of the matters included in Council's proposed DPO Schedule should be dealt with at the 'application/further information/permit/condition' stage of a planning process.

The Committee notes that Council's version of the DPO Schedule has a number of very specific requirements.

The Committee considers that there are various matters that should be included in a DPO Schedule in order to provide clear direction and guidance to applicants regarding the necessary requirements relating to subdivision, use and development well before submitting permit applications. The Committee also notes the conclusion of the Knox C149 Panel that the DDO13 is adequately reflected in a DPO schedule for the subject site. The Committee considers that the specific requirements in the DPO Schedule have not been tested adequately through exhibition, as noted by the site owner.

The Committee has concluded that the DPO is the appropriate planning tool for the site, in combination with the MUZ and GRZ. Given the unsuitability of Council's preferred version the Committee considers that a more generalised DPO Schedule is appropriate. The Committee has based its recommended DPO on the Schedule recommended for 40 Mount View Road, Boronia, which was recently considered by the Committee.

3.3.2 Traffic and access

The exhibited and subsequent CDP presented by the site owner during the Hearing show the key vehicular access/egress point to be located off Scoresby Road opposite Applegum Crescent, with possible future access/egress points on the northwest and southwest corners of the land designated for residential use, and with access presumably via Parkhurst Drive.

Council's concept plan from the Knox Structure Plan shows direct access/egress off Burwood Highway within the western section of the MUZ precinct.

(i) Evidence and submissions

VicRoads submitted that the preferred access/egress is off Burwood Highway, adjacent to Lakewood Drive. VicRoads' submission stated:

> *VicRoads does, however, have concern with the lack of detail in the Comprehensive Development Plan and/or the lack of a requirement in Schedule 2 to the Comprehensive Development Zone for such detail to be provided by an alternative means, such as via a Local Structure Plan, before a permit can be issued to subdivide, develop or use the land. Accordingly, VicRoads believes that the Comprehensive Development Plan fails to ensure one of the purposes of Schedule 2 to the Comprehensive Development Zone is achieved:*
>
> - *To ensure that development occurs in an orderly and staged manner.*

In summary, Mr Freeman, representing VicRoads, was concerned regarding the lack of detail in connection with access to and from the site, and the lack of information regarding the proposed uses and their intensity, which would have a direct bearing on traffic generation.

Mr Collie, for the site owner, advised that general traffic and access issues have been addressed in the proposed changes to the CDZ2 and CDP. He noted that vehicular access via Burwood Highway remains an unresolved issue.

(ii) Discussion

The Committee notes the views of VicRoads and the lack of detailed information submitted in support of the proposal and concerns raised about the access/egress to the site.

The CDZ2 and CDP provide minimal information as to traffic matters regarding external access to the site and internal road layout, together with proposed uses and the intensity of such uses. The exhibited CDZ2 contains no reference to the need for a Traffic Management Plan, though the DDO13 introduced by Knox C149 requires that all applications for buildings and works be accompanied by a Traffic Management Plan (page 56 of the Knox C149 Panel report).

The Decision Guidelines in Clause 2.0 of CDZ2 include the following which must be considered, as appropriate, when submitting an application to the responsible authority:

> *The effect of traffic to be generated on roads and orderly management of vehicular and pedestrian traffic.*

Given the scale of the project, the Committee does not consider this decision guideline to be adequate, and considers that there should be a requirement to provide a Traffic Management Plan to the responsible authority prior to the issue of a permit.

(iii) Conclusion

The Committee concludes:

- The DPO Schedule should include a requirement for a Traffic Management Plan
- The Traffic Management Plan should include the proposed external access/egress to the site from Burwood Highway, Scoresby Road and Parkhurst Drive, as well as the proposed internal road layout.

3.3.3 Building height

(i) Evidence and submissions

Council submit that there be adequate building and works requirements in planning controls to accord with the relevant aspects of the Knox Central proposed local planning policy and that the requirements under the DDO13 are translated into any future controls.

(ii) Discussion

The Committee notes that the DDO13 exhibited as part of Knox C149 proposed preferred building heights for the site are 12 to 24 metres, with a front street wall setback along Burwood Highway of 8 metres. This accords with the preferred heights and setbacks contained in the Structure Plan (Figures 13 and 14, at pages 34 and 35), though Council has proposed a setback requirement of 12 metres along Burwood Highway in its amended CDZ2. The Committee also notes that a preferred building height of 28 metres is proposed for the part of the site at the corner of Burwood Highway and Scoresby Road, with the feature form building at a maximum height of 40 metres.

The Knox C149 Panel referred to PPN59 (the role of mandatory provisions in planning schemes) and PPN60 (Height and setback controls for activity centres), both of which recommend the use of discretionary height and setback controls in activity centres.

(iii) Conclusion

The Committee concludes:

- The DPO Schedule should include the discretionary height and setback controls in activity centres as per any approved Structure Plan.

3.3.4 Interface with surrounding uses

(i) Evidence and submissions

Mr Jamieson (AESP Coffee, Submitter 12) and Mr Crosher (Signature Stairs, Submitter 146) both raised concerns regarding the establishment of residential land adjacent to industrial land. Mr Crosher submitted that "*the very nature of a commercial premises will create conflict between the residential inhabitants and the commercial enterprises that it will abut".*

Council submitted that the CDP should address:

> *Details of any sensitive residential and industrial interfaces and the principles for how these will be managed, particularly in relation to the existing industrial area along Parkhurst Drive and at the rear of the proposed wetland area.*

Mr Collie, for the site owner, considered that the Industrial 1 Zone (INZ1) should not be seen as a protected "*free for all industrial area"* but rather one where appropriate uses sensitive to the neighbourhood and existing/proposed residential areas are possible. Information required under Clause 33.01-2, *Application Requirements*, of the INZ1 would minimise any risk of adverse amenity impacts. He concluded that the CDP should be varied to require the treatment of the west boundary of the site to recognise the interface and the consideration of boundary treatments, if warranted.

Both Council's and the site owner's revised CDPs show a 'buffer' area running parallel with the west side of the site. Council's plan states *Sensitive Interface with Appropriate Buffers,* whereas the site owner's plan states *Sensitive Interface with Appropriate Treatment, if required.*

The EPA (submission number 34), advised in its written submission that it is important to note the issues in managing the encroachment of residential development/intensification in the vicinity of established industrial areas. It referred to the EPA Publication 1518, *Recommended separation distances for industrial residual air emissions* which contains a list of recommended minimum separation distances that aim to minimise the off-site impacts on sensitive land uses arising from unintended industry-generated emissions. It advised that its review of the current land uses operating suggests there is minor concern for land use conflict via amenity impacts. However, under the current INZ1 framework land uses likely to result in adverse amenity impacts such as waste transfer stations are permissible with a permit. The EPA recommended that sensitive land uses proposed should adequately consider the adjoining INZ1 in the context of Publication 1518, the land uses prevalent in the industrial area, and potential impact on both the proposed development and the efficient operation of existing uses within the INZ1.

(ii) Discussion

As illustrated in the CDP, it is proposed that residential use and development be provided on land immediately west of the site. Council's proposed DPO Schedule states that the Development Plan must include a masterplan that addresses appropriate interface treatments.

The Committee recognises that the potential detriment to residential amenity from existing and future uses in the INZ1 should be recognised.

It notes that in relation to Application Requirements contained in DDO13 (Knox C149), the Panel amended Clause stated:

> *All applications for buildings and works must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority:*
> - *An Acoustic Report that demonstrates that new residential development or other sensitive uses have provided appropriate levels of noise attenuation with regard to existing noise sources in the surrounding area.*

It is possible that the buffer/interface treatment area shown on the revised CDPs provided by Council and the site owner during the Hearing process may be appropriate, but given the lack of detail regarding the treatment of this area, nor details regarding proposed subdivision and development, including detailed sound attenuation design measures, the

Committee considers that an acoustic report should be provided prior to the issue of permits for residential or sensitive uses in proximity to the western boundary. Words to this affect should be included in the future version of the DPO Schedule to be prepared. The Committee also notes the advice of the EPA with regard to air emissions potentially affecting residential occupiers of the land.

In regard to amenity, the Committee considers it appropriate for an acoustic and air emissions report to be submitted to the responsible authority with any application for residential or sensitive uses/development to address existing and potential noise and air emission sources derived from the INZ1 to the west. Such information should be part of any future permit for the site and should be included in the future DPO Schedule prepared for the site.

(iii) Conclusion

The Committee concludes that the DPO schedule should address acoustic and air emissions issues.

3.3.5 Potential contamination

(i) Evidence and submissions

Council submitted that given the historical use of the site, including use as a testing area for pesticides and other horticultural testing, Council is concerned about the potential contamination levels that may exist on the site. Council requests that in the absence of an Environmental Audit or Statement, the Environmental Audit Overlay should apply to the site in accordance with M*inisterial Direction No. 1 – Potentially Contaminated Land* and *Planning Practice Note 30 – Potentially Contaminated Land*. If an Environmental Audit Overlay is not applied, Council submits that the DPO Schedule should require further assessment of the former building areas that are now demolished.

The site owner provided the Committee with three environmental site assessments, including soil investigations. With the exception of one building site which was being assessed at the time of the Hearings the investigations have shown that the subject land is not required to be the subject of an environmental audit.

(ii) Discussion

The Committee notes the submission of the EPA that alerts the Committee to the M*inisterial Direction No. 1 – Potentially Contaminated Land* and *Planning Practice Note 30 – Potentially Contaminated Land.* The EPA states that *"responsible authorities must satisfy themselves that environmental conditions on site are suitable for the proposed future use of land. This requirement extends to ensuring that environmental assessments are diligent, accurate and exhaustive".*

The Committee concludes that although a number of comprehensive environmental assessments have been undertaken for the site, there remain areas that still have some uncertainty about potential contamination (namely the former building areas that are now demolished).

The Committee accepts the position of Council that further assessment of this area is required, and considers that the future DPO Schedule needs to reflect this further requirement.

(iii) Conclusion

The Committee concludes the DPO Schedule include the provision for further assessment of land contamination.

Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service (formerly the Fast Track Government Land Service) is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

A revised Terms of Reference for the Committee was approved in April 2018.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Trevor McCullough and Mandy Elliott
- Members: Gordon Anderson, Elissa Bell, Alan Chuck, Jenny Fraser, Prue Mansfield, Jane Monk, Rachael O'Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Ms Emily To, Project Officer with Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- *advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and*
- *provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.*

The Advisory Committee must produce a written report for the Minister for Planning providing:

- *an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks*
- *consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes*
- *an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions*
- *an assessment of submissions to the Advisory Committee*
- *any other relevant matters raised during the hearing(s)*
- *a list of persons who made submissions considered by the Advisory Committee*
- *a list of persons consulted or heard*
- *endorsement by the Chair or the Deputy Chair.*

Appendix B: List of submitters

No.	Submitter
1	Michael Haritonidis
2	Emma Billing
3	Benjamin Naismith
4	Natural Habitat Tours
5	Barry Rusch
6	Justin Metcalf, AESP Coffee Roasters
7	Sheree Van Dyk
8	Emily Metcalf
9	Jake Oxley
10	Croydon Conservation Society
11	Erica Louis
12	Duncan Jamieson, AESP Coffee
13	Debra Bartletg
14	Brett Nathan
15	Zoe Glen-Norman
16	John Cull
17	Kirilee Chaplin
18	Fiona Wallace
19	Michael John Barber
20	Patrina Metcalf
21	Jan Metcalf
22	Jennifer Bissett
23	Travis Faulkner, AESP Coffee
24	Rhonda Carol Newberry
25	Colin Thomas Newberry
26	Justin Lowe
27	Robert & Jenni Walkerden
28	Pamela Clough
29	Dennis Thomas
30	Margaret Thomas
31	Steven Brotja

32	Chloe Metcalf
33	Dylan Hare
34	Environment Protection Authority Victoria
35	Sachin Mishra
36	Friends of Koolunga Native Reserve
37	Gordon Young
38	Pam & Ian Hutchinson
39	Elkie White
40	Jennifer Milner
41	Eril Riley
42	Karen Coulson
43	Nicky Zanen
44	Michael Gerard Barry
45	Maureen Therese Barry
46	Jessica Brown
47	Sue Crawford OAM
48	Debra Robbins
49	Louise Wentworth
50	Meredith Tenbuuren
51	Andrew Tenbuuren
52	Rosemary Lavin
53	Kathleen Pearce
54	Daniela Ghioghiu
55	Melanie Bird
56	Angela Floyd
57	Nicole Maree Bannigan
58	Maureen Therese Barry
59	Brie Roberts
60	Vanessa Clough
61	Mark McCarter
62	Johanna Selleck
63	Department of Environment, Land Water and Planning
64	Peter Hassett

65	David Rimmer
66	Friends of Lake Knox Sanctuary
67	Tamsyn Macdonald
68	Catherine Jackson
69	Jenny Husselbee
70	Dennis Jackson
71	Darren Wallace
72	Jan Heald
73	Meliza Smith
74	Helen Lorini
75	Janice Hendrey
76	Sue Brown
77	Georgia Irvine
78	Daniela da Silva Goncalves
79	Kate Barry
80	Jenny Petinatos
81	Steve Raymond
82	Mohamad Heydari
83	Conor Robinson
84	Ian Louis Morrish
85	Kate Rowe
86	Homeless Hounds Animal Rescue
87	Deanna Cooper
88	Emma Sullivan
89	Salome Argyropoulos
90	Michael Gysberts
91	Thomas Carydias
92	Iris Bergmann
93	Gardens for Wildlife and Knox Environment Society
94	Bronwen Baker
95	Patricia Hoelmer
96	Linda Bester
97	Jill Christine Bannan

98	Sarah Warner
99	Renee Williams
100	Richard Faragher
101	Amber Wallace
102	Animal Justice Party Victoria
103	Melissa Morrow
104	Jennifer-Maree Gamble
105	Harriet James
106	Lee O'Mahoney
107	Sue Beattie-Johnson
108	Jenny Clifton
109	Fay Mackie
110	Darren Wallace
111	Susan Laukens
112	Lauren Hoiles
113	Erica Peters
114	Anthony Bigelow
115	Kerry Ann Howard
116	Jessica Bower
117	Anthony Ryan
118	Zoe Leermakers
119	Gregory Hardy
120	Catarina Belo
121	Shannon Whitelaw
122	Christine Kelly
123	Jenny Tudball Smith
124	Michele Mitchell
125	Kirrily Whatman
126	Echo Active
127	Irene M Fullarton
128	Meagan (surname not provided)
129	Nalini Scarfe
130	Meagan Baker

131	Knox City Council
132	Samuel Shacklock
133	Mollie Tucker
134	enRICHed Pursuits
135	Carolyn Joy Ebdon
136	Ben Garbutt
137	Celia Hardy Smith
138	Reuben Vogt
139	Jeanette Newton
140	Jacqueline Mitchell
141	Elaine Miller
142	Judith Lesley
143	Dina Bhudia
144	Kiran Bhudia
145	Dishan Marikar
146	Signature Stairs Proprietary Limited
147	Jenny Rowe
148	Rebecca Dunne
149	Vanessa Verzaci
150	Tamasin Ramsay
151	Danielle Mack
152	Jonathon Schulz
153	Katherine Lasker
154	VicRoads

Appendix C: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Submission on behalf of the site owner	Mr M Collie
2	Evidence on Stormwater Management Strategy	Mr G Ottrey
3	Evidence on Threatened Species	Mr P Gannon
4	Environmental Site assessment, WSP Pty Ltd	Mr M Collie
5	Environmental Site assessment, WSP Pty Ltd	Mr M Collie
6	Environmental Site assessment, Golder Assocs.	Mr M Collie
7	Cultural Heritage Management Plan, Archaeology at Tardis.	Mr M Collie
8	Submission on behalf of Knox City Council	Mr M Gilbertson
9	Attachments to submission on behalf of Council.	Mr M Gilbertson
10	Waterford Valley CDP	Mr M Gilbertson
11	Submission on behalf of Gardens for Wildlife and Knox Environment Society	Ms I Kelly
12	Submission	Ms J Selleck
13	Preliminary Ecological Assessment of Floodplain by Dr G Lorimer	Mr D Wallace
14	Submission on behalf of Echo Active	Dr N Richings
15	Submission	Mr A Bigelow
16	Submission	Mr C Newberry

Appendix D: Committee preferred DPO Schedule

SCHEDULE 14 TO THE CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO14**

CROWN ALLOTMENT 2258 BURWOOD HIGHWAY AND SCORESBY ROAD KNOXFIELD

1.0 Requirement before a permit is granted

A permit may be granted before a Development Plan has been approved provided the responsible authority is satisfied that it will not prejudice the future use and development of the land.

2.0 Conditions and requirements for permits

None specified

3.0 Requirements for development plan

A development plan to the satisfaction of the responsible authority:

- The key attributes of the land, its context, the surrounding area and its relationship with existing and proposed uses on adjoining land.
- A report on potential soil contamination.
- Concept plans for the layout of the site which show:
  - Building orientation and location, including height and setbacks informed by any approved Structure Plan for the activity centre.
  - Proposed lot and road layout, including, public roads, vehicle access locations, and pedestrian and bike paths.
  - Proposed earthworks and levels for future development.
  - A mix of dwelling sizes to provide for a diversity of housing, including the location of lots less than 300 square metres that are suitable for development in accordance with the Small Lot Housing Code.
  - Stormwater and drainage management treatments including any water sensitive design, or integrated water management elements.
  - Any public open space contribution provided within the developable area and not to within any habitat zone.
  - How the layout pattern and proposed development responds to the site analysis and treats residential interfaces.
- A traffic management report prepared by a suitably qualified person(s), which identifies, as relevant:
  - The proposed external access/egress to the site from Burwood Highway, Scoresby Road and Parkhurst Drive.
  - The capacity of surrounding roads and intersections and impacts of additional access points into the site.
  - Roads, pedestrian, cyclist and vehicle access locations.
  - Any traffic management measures.
- An acoustic and air emissions report that addresses potential impacts on residential or sensitive uses from existing and potential noise and air emission sources in the adjoining Industrial 1 Zone to the west.

- An environmental management plan prepared by a suitably qualified person(s) which ensures that all necessary measures are identified and implemented in order to protect the environment and comply with environmental legislation.

The Development Plan for any part of the development area or for any stage of development may be amended from time to time to the satisfaction of the responsible authority.

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular Development Plan or part of a Development Plan.

INCLUDE CONCEPT PLAN AS SHOWN IN FIGURE 6