

SUPPLEMENTARY AGENDA

Meeting of the Strategic Planning
Committee of Council



To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 7 November 2022 at 7:00 PM

Order of Business

6 Supplementary Items.....3

 6.1 Update – Knox Central – Central Precinct Land Rezoning3

7 Urgent Business69

Bruce Dobson
Chief Executive Officer

6 Supplementary Items

6.1 Update – Knox Central – Central Precinct Land Rezoning

SUMMARY: Project Manager Knox Central, Michael Ballock

This report updates the Committee on discussions with the Department of Environment, Land, Water and Planning (DELWP) on Amendment C198knox. The original proposal included the land accommodating the existing Council offices, the Eastgate buildings, the former operations depot, as well as the recently acquired land to the west of the former operations centre and the strip of land north of Eastgate. This land is collectively referred to as the 'Central Precinct' within this report.

DELWP has advised that it will not support the amendment in its current format.

As a result, it is recommended that the Committee revise its resolution of 8 August 2022, to limit the rezoning of land to a Mixed Use Zone to the former operations depot, as well as the recently acquired land to the west of the former operations centre and the strip of land north of Eastgate. It is also recommended that the Committee withdraw the request to limit notification of the amendment to Prescribed Ministers, Statutory authorities and relevant agencies.

These changes will require adoption of a modified Explanatory Report and zoning map to replace those adopted at the Committee's 8 August 2022 meeting.

RECOMMENDATION

That the Committee:

1. Notes the report on the progress of Amendment C198knox.
2. Authorises the Chief Executive Officer (or their chosen delegate) to modify Amendment C198knox to:
 - a) replace the Explanatory Report with the version shown in Attachment 2;
 - b) reduce the extent of the proposed Mixed Use Zone to the area shown in attachment 3; and
 - c) write to the Minister for Planning to withdraw the request to authorise the amendment under Section 20(2) of the Planning and Environment Act.

1. INTRODUCTION

On 8 August 2022 a report was presented to the Strategic Planning Committee of Council to rezone the land in the Central Precinct to a Mixed Use Zone (MUZ). The rationale and justification for the amendment is outlined in that report (Attachment 1). The Committee resolved the following:

That the Committee

1. Note the goals and objectives of the adopted Knox Central Structure Plan supports rezoning the land shown in Attachment 1 from Public Use Zone, Industrial 1 Zone and Commercial 1 Zone to Mixed Use Zone Schedule 1.

2. *Adopt Attachments 1 to 7 inclusive as the Amendment C198knox documents.*
3. *Write to the Minister for Planning to request authorisation to prepare and exhibit Amendment C198knox to the Planning scheme to:*
 - a. *Rezone the land, shown in Attachment 1 to a Mixed Use Zone Schedule 1.*
 - b. *Apply the Environmental Audit Overlay to the land, shown in Attachment 2.*
 - c. *Remove the Development Plan Overlay Schedule 2, as shown in Attachment 3 from the land currently zoned Commercial 1 Zone that will form part of Amendment C198knox.*
 - d. *Apply the Design and Development Overlay Schedule 13, as shown in Attachment 4, to the land currently zoned Commercial 1 Zone that will form part of Amendment C198knox.*
 - e. *Replace Map 1 in Schedule 13 to Clause 43.02 of the Knox Planning Scheme with the map in Attachment 5*
4. *Request the Minister for Planning to use section 20(2) of the Planning and Environment Act 1987 to authorise exhibition of the Amendment to Prescribed Ministers, Statutory authorities and relevant agencies.*
5. *Subject to receiving Ministerial authorisation, place Amendment C198knox on limited exhibition for a period of two weeks under section 20(2) of the Planning and Environment Act 1987.*
6. *Note that the proposed Amendment would be made available for inspection over the exhibition period.*
7. *Authorise the Chief Executive Officer to make minor changes to the amendment documents in order to obtain authorisation for the amendment.*

In accordance with the Committee's resolution, Council officers met with staff of the Department of Environment, Land, Water and Planning (DELWP) to outline the proposal after which the Amendment documents were finalised and the Amendment was formally submitted to the Minister on 24 August 2022. On 2 September 2022 DELWP advised Council by letter that the application for authorisation required further review.

In response to Council's inquiries about the progress of the amendment, officers met with the DELWP Manager of Planning Services on two occasions on 12 and 23 October. At those meetings the DELWP officers made it clear that they would not support authorisation of Amendment C198knox as proposed and they also would not recommend that the Minister endorse the use of Section 20(2) of the *Planning and Environment Act 1987* to limit notification of the amendment.

DELWP expressed the view that rezoning all the Council land in the Central Precinct was not consistent with the Knox Central Structure Plan because part of the land was designated as a civic precinct in the structure plan and Amendment C198knox proposed to rezone all the land to a MUZ. The DELWP view was that under the MUZ, all the land could be used for residential or commercial uses and any civic use would require a planning permit. The view was expressed that some of the land should remain in a Public Use Zone. DELWP also expressed concern about rezoning the land accommodating the current council offices to a MUZ but acknowledged that this is what the Structure Plan proposed.

Officers provided DELWP with a briefing of the draft Central Precinct Plan to confirm the work Council is undertaking and the change in direction that the Precinct Plan was proposing. DELWP responded by stating that the normal process would be to complete and adopt the Precinct Plan and use it as the basis to justify any rezoning.

DELWP advised that, in its current format, it would write to Council refusing authorisation for Amendment C198.

As a consequence, Council officers proposed a compromise to limit the rezoning of the MUZ to the land Council purchased from Westfield and the former Operations Centre land, retain the current council offices in the Public Use Zone and withdraw the request to the Minister to use Section 20(2) to authorise limited notification of the amendment. DELWP advised that it would more favorably consider such a modified proposal.

2. DISCUSSION

If authorisation of Amendment is refused, Council has nowhere to go with the proposal to rezone the land. There is no effective avenue of appeal or review of the decision.

Consequently, a pragmatic approach is then to modify the Amendment to achieve the best outcome which would be to rezone a significant proportion of the land to a MUZ and retain the Council offices in the current Public Use Zone and review the zoning of this land at a later stage after the adoption of the Central Precinct Plan.

Withdrawal of the request to the Minister would mean that the amendment would have to go through the normal notification process and exhibition and potentially receive submissions. In any event DELWP has advised that it does not support the request. Whilst this is not ideal it is still possible to undertake the normal amendment notification process and meet the original timetable for finalising the Amendment, provided that authorisation is received in early November and there are no opposing submissions to the amendment.

If the Committee agrees to modify Amendment C198knox it will be necessary to change the Explanatory Report as shown in Attachment 2 and the zoning map as shown in Attachment 3. All the other amendment documents will remain the same.

As a pragmatic approach, it is recommended that the Committee amendment C198knox to reduce the extent of the proposed MUZ and withdraw the request for the minister to use Section 20(2).

3. CONSULTATION

The revised amendment would be subject to exhibition and community engagement as part of a planning scheme amendment.

4. CLIMATE CHANGE CONSIDERATIONS

The subject of this report has been considered in the context of climate change and its relevance to the Knox Climate Response Plan 2021-2031. The recommendation to rezone the land does not of itself have direct implications or direct impacts. There are however impacts that will need to be considered in the subsequent development of the Precinct Plan for the Central Precinct that will outline the specific types of land uses that may be developed within this land area.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

The recommendation in the report is consistent with the goals and objectives of the Structure Plan.

The application of the Environmental Audit Overlay places a requirement that an environmental audit and site remediation occurs (as appropriate) before planning approval is given for development and occupation by sensitive uses such as residential, child care or kindergarten.

Work on remediating the site of Council's former Operations Centre is progressing but not yet complete to the stage where an auditor could issue a certificate and the former Scentre Group land was used as a depot associated with the shopping centre. Consequently, as a precautionary approach, an EAO should be applied to the former Operations Centre land along with the land purchased from Scentre Group.

Further consideration of environmental and amenity impacts will be appropriately undertaken in development of the Precinct Plan.

6. FINANCIAL & ECONOMIC IMPLICATIONS

The costs associated with the rezoning process are allowed for within Council's operating budget.

7. SOCIAL IMPLICATIONS

The recommendation in the report is consistent with the goals and objectives of the Structure Plan. Further consideration of social implications will be appropriately undertaken in development of the Precinct Plan as specific land uses within the site are identified at a more detailed level.

8. RELEVANCE TO KNOX COUNCIL PLAN 2021-2025

Neighbourhoods, Housing & Infrastructure

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

Strategy 2.2 - Create, enhance and maintain places and spaces for people to live, work, play and connect.

Natural Environment & Sustainability

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

Connection, Resilience & Wellbeing

Strategy 4.3 - Honour and integrate First Nations Culture into actions and environments.

Civic Engagement & Integrity

Strategy 5.1 - Provide opportunities for all people in Knox to have their say.

Strategy 5.2 - Manage our resources effectively to ensure financial sustainability and improved customer experience.

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. CONFIDENTIALITY

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

Report Prepared By: Project Manager Knox Central, Michael Ballock

Report Authorised By: Director, City Liveability, Matt Kelleher

Attachments

1. Attachment 1 - Knox C198knox SPC - Knox Central Report - 2022-08-08 [6.1.1 - 54 pages]
2. Attachment 2 - Knox C198knox Explanatory Report Authorisation [6.1.2 - 7 pages]
3. Attachment 3 - Knox C198knox 001zn Map 02 Exhibition [6.1.3 - 1 page]

SUPPLEMENTARY AGENDA



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2022-08-08 - Strategic Planning Committee

Order of Business

6 Supplementary Items.....3

 6.1 Knox Central - Central Precinct land zoning.....3

Bruce Dobson
Chief Executive Officer

2022-08-08 – Strategic Planning Committee

SUMMARY: Consultant – Knox Central, Michael Ballock

This report relates to the proposed rezoning of Council-owned land within the Knox Central Activity Centre through planning scheme Amendment C198knox. The land includes the existing Council offices, the Eastgate buildings, the former operations depot, as well as the recently acquired land to the west of the former operations centre and the strip of land north of Eastgate (refer Figure 2 within the body of this report). This land is collectively referred to as the 'Central Precinct' within this report.

The Knox Central Structure Plan is the strategic plan that provides the vision, objectives and actions for the future of the Knox Central Activity Centre. The Structure Plan was implemented through Amendment C149 to the Knox Planning Scheme in 2018 which was placed on public exhibition after an extensive notification process. One of the goals of the Structure Plan was to *"provide opportunities for greater residential intensification and mixed use development."*

As part of Amendment C149, sections of land within the Lewis Road Mixed Use Precinct, including land owned by Council, were rezoned to Mixed Use, consistent with the Structure Plan objectives. Formal consideration of rezoning other parts of Council-owned land, to support the Structure Plan objectives, was held off pending the outcome of Council's acquisition of land from Scentre Group. That acquisition has since been completed, work has commenced on a Precinct Plan, and it is now appropriate to progress the rezoning of the remaining Council-owned land. The Mixed Use Zone is consistent with the objectives and goals of the Structure Plan as it relates to the land in question.

As a result, it is recommended that Council request Ministerial authorisation to prepare a planning scheme amendment to rezone the remainder of the land in the Central Precinct to the Mixed Use Zone and apply the Environmental Audit Overlay (EAO) to part of the land. Work on remediating the site of Council's former Operations Centre is progressing but not yet complete to the stage where an auditor could issue a certificate and the former Scentre Group land was used as a depot associated with the shopping centre. Consequently, as a precautionary approach, an EAO should be applied to the former Operations Centre land along with the land purchased from Scentre Group.

There are also minor consequential changes recommended to the existing Design and Development Overlay Schedule 13 (DDO13) and Development Plan Overlay Schedule 2 (DPO2). The existing DDO13 already includes maximum height limits for the development of the Council-owned land within the Central Precinct which cannot be exceeded, as well as requirements for development to be setback from Burwood Highway. The DDO13 overlay also requires a planning permit be obtained for most new buildings and works. These requirements will remain in place should the Central Precinct land be rezoned as Mixed Use. The small section of land currently zoned Commercial 1 discussed in this report would also be included within the DDO13 to match the controls that apply to the rest of the precinct.

Council is the sole owner and occupier of the land in question. Extensive community and stakeholder engagement was undertaken on the Knox Central Structure Plan in 2016 and 2017, and the proposed Mixed Use Zone is consistent with the Structure Plan objectives. Subject to the Minister's authorisation, it is recommended that Council undertake exhibition of the amendment to Prescribed Ministers, Statutory authorities and relevant agencies. The proposed Amendment would also be available for inspection by interested parties over the exhibition period.

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A Precinct Plan is currently being prepared to guide the future development of the Central Precinct area. The Precinct Plan will outline what different areas of the Council owned land may be used for and what kinds of development may take place. Community and stakeholder feedback will be sought on the draft Plan, consistent with Council's adopted Community Engagement Policy, prior to Council adopting the Plan.

RECOMMENDATION

{recommendation-start-do-not-remove}

That the Committee:

1. Note the goals and objectives of the adopted Knox Central Structure Plan supports rezoning the land shown in Attachment 1 from Public Use Zone, Industrial 1 Zone and Commercial 1 Zone to Mixed Use Zone Schedule 1.
2. Adopt Attachments 1 to 7 inclusive as the Amendment C198knox documents.
3. Write to the Minister for Planning to request authorisation to prepare and exhibit Amendment C198knox to the Planning scheme to:
 - A. Rezone the land, shown in Attachment 1 to a Mixed Use Zone Schedule 1.
 - B. Apply the Environmental Audit Overlay to the land, shown in Attachment 2.
 - C. Remove the Development Plan Overlay Schedule 2, as shown in Attachment 3 from the land currently zoned Commercial 1 Zone that will form part of Amendment C198knox.
 - D. Apply the Design and Development Overlay Schedule 13, as shown in Attachment 4, to the land currently zoned Commercial 1 Zone that will form part of Amendment C198knox.
 - E. Replace Map 1 in Schedule 13 to Clause 43.02 of the Knox Planning Scheme with the map in Attachment 5
4. Request the Minister for Planning to use section 20(2) of the *Planning and Environment Act 1987* to authorise exhibition of the Amendment to Prescribed Ministers, Statutory authorities and relevant agencies.
5. Subject to receiving Ministerial authorisation, place Amendment C198knox on limited exhibition for a period of two weeks under section 20(2) of the *Planning and Environment Act 1987*.
6. Note that the proposed Amendment would be made available for inspection over the exhibition period.
7. Authorise the Chief Executive Officer to make minor changes to the amendment documents in order to obtain authorisation for the amendment.

{recommendation-end-do-not-remove}

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1. INTRODUCTION

Knox Central Structure Plan (2016)

Knox Central 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. Knox Central serves a broad community, both within Knox and across the eastern suburbs of Melbourne. Council has long had aspirations for future development of Knox Central.

Knox Central fulfils an important local and regional role as a significant shopping, civic, entertainment and employment focus for Knox residents. Knox Central plays a significant role in the overall planning framework for the municipality and the Knox Housing Strategy 2015 identifies the Activity Centre as being the focus for higher density residential development.

The Knox Central Structure Plan (Structure Plan), adopted by Council in 2016, is the strategic plan that provides the vision, objectives and actions for the future of the Knox Central Activity Centre. It includes guidance for changes to land use, built form (including building heights), transport networks and public spaces that together can achieve positive economic, social and environmental outcomes. The 2005 Knox Central Urban Design Framework formed the starting point for the development of the Structure Plan.

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

Council officers undertook work internally to align the directions of the draft Structure Plan with the relevant objectives of Council plans and policies adopted in recent years. In addition, relevant State Government agencies and the affected landowners were consulted on the draft Structure Plan in 2016. This was assisted by the following background studies commissioned by Council to further inform the development of the draft Structure Plan:

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

The Structure Plan brings the key findings from these studies into the one document. One of the objectives of the Structure Plan is to facilitate residential development so that the Activity Centre can develop as "a place to live, work and play". This included the west side of Lewis Road, south of Blind Creek (referred to in the Structure Plan as Lewis Road Mixed Use).

Affected landowners and other stakeholders were invited to comment on the draft Structure Plan before it was adopted by Council for formal exhibition as part of Amendment C149.

Implementation of the Knox Central Structure Plan (Amendment C149 to the Knox Planning Scheme)

The Structure Plan was implemented through Amendment C149 to the Knox Planning Scheme which was placed on public exhibition from 7 November to 16 December 2016. As part of the exhibition, all landowners within the Activity Centre and relevant authorities were notified by

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mail. In addition, all properties within approximately 100 metres of the Activity Centre boundary were notified by mail. In all, a total of approximately 2,200 property owners and occupiers were notified by letter. Targeted letters were sent to landowners and occupiers within the proposed Lewis Road Mixed Use precinct who were materially affected because it was proposed to rezone the land from an Industrial 1 Zone to a Mixed Use Zone. Finally, the following media were used to advise the broader community of the exhibition of the Amendment:

- Social Media.
- Ward Newsletters.
- Advertisement in local papers.
- Media Release.
- Council website.

Council received 107 submissions to the amendment:

- 41 from residents/local landowners.
- 10 from Government, referral agencies, schools and community organisations.
- 12 from major land owners.
- 44 proforma submissions focused on a specific parcel of State Government owned land.

The Amendment was referred to a Panel Hearing which took place from 5 to 7 June 2017.

In recommending approval of the Amendment with some minor changes, the Panel made the following comments:

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

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

Of note, when considering the proposed rezoning of the Lewis Road Mixed Use precinct (Figure 1) from the Industrial Zone to the Mixed Use Zone, four submissions were considered by the Panel, all in support of the rezoning. It was also noted by the Panel that the Mixed Use Zone was the appropriate zone for this precinct.

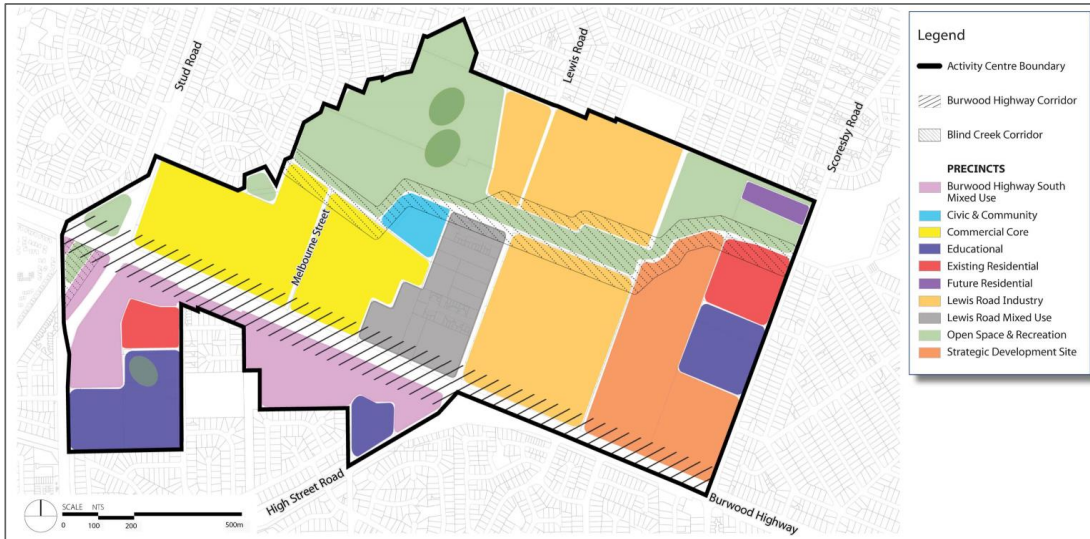
The Structure Plan will continue to provide the overarching Vision, Objectives and Strategies for Knox Central for the next 20 years, until a strategic review is undertaken.

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Proposed Amendment C198knox to the Knox Planning Scheme

The Structure Plan included the following precinct plan (Figure 1).

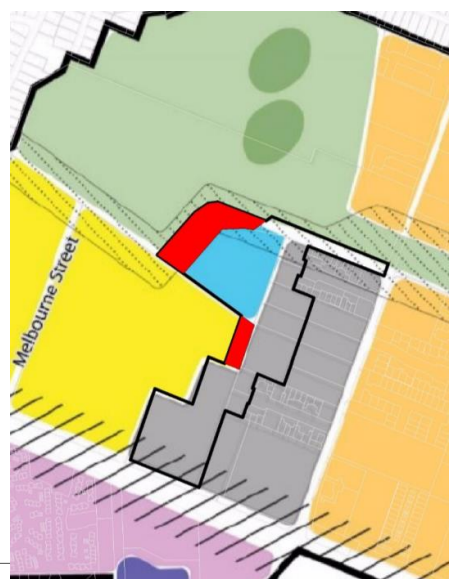
Figure 1: Knox Central Structure Plan - precinct plan



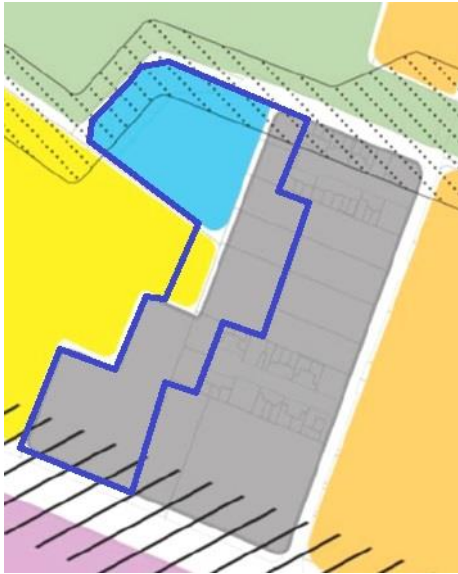
While not separately defined in the Structure Plan, the ‘Central Precinct’ is a term used in this Council report to describe an area of Council-owned land within the Knox Central Activity Centre. The Central Precinct encompasses three of the precinct areas identified in the Structure Plan as Figure 2 below shows, with the Central Precinct outlined in blue. All three of these Structure Plan precincts have a common vision of encouraging a mix of uses and providing active frontages to Blind Creek and Burwood Highway as applicable. Subsequent to the Structure Plan being adopted, Council has acquired land formally owned by Scentre Group shown in red on Figure 3 below. This has enhanced Council’s ability to achieve the Structure Plan vision in the Central Precinct.

Figure 2: Central Precinct shown on the precinct plan

Figure 3: Land purchased by Council

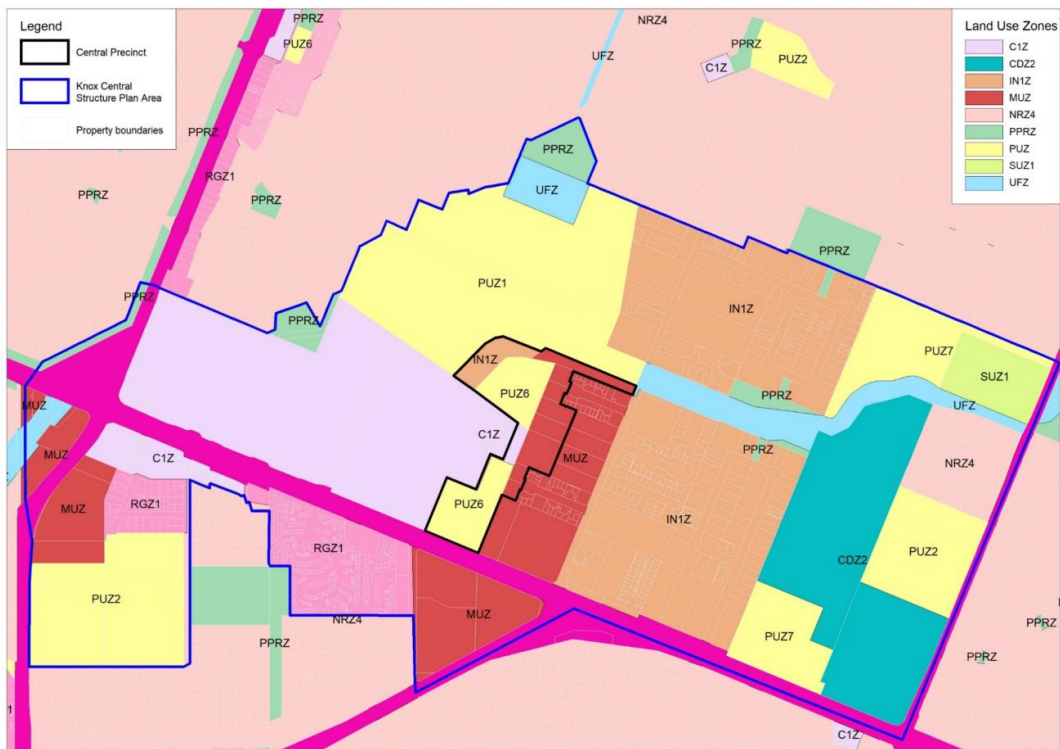


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This mix of Structure Plan precincts is reflected in the current zoning of the land, as shown in the following diagram. All this land in the Central Precinct is owned by Council and there is logic in unifying these properties under a single zone. The Central Precinct is outlined in black in figure 4 below.

Figure 4: Central Precinct over land use zones

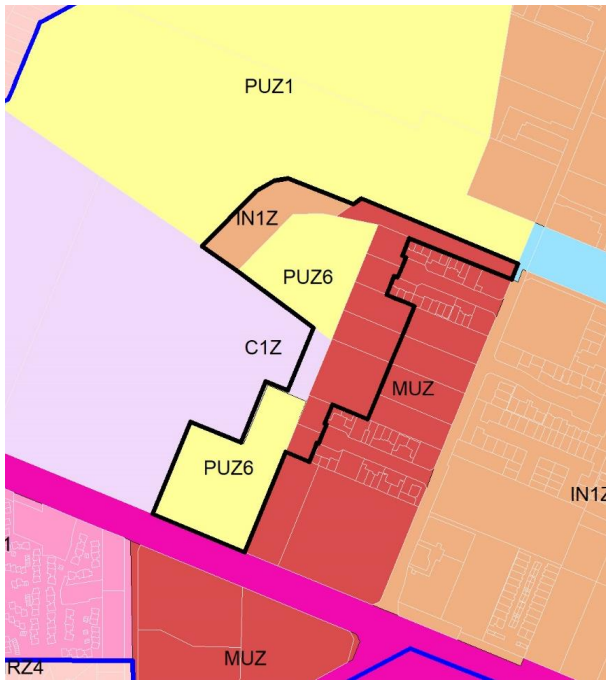


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The enlargement below (Figure 5) shows that the Central Precinct is currently a mixture of Mixed Use, Public Use (Local Government), Industrial 1 and Commercial 1 Zone.

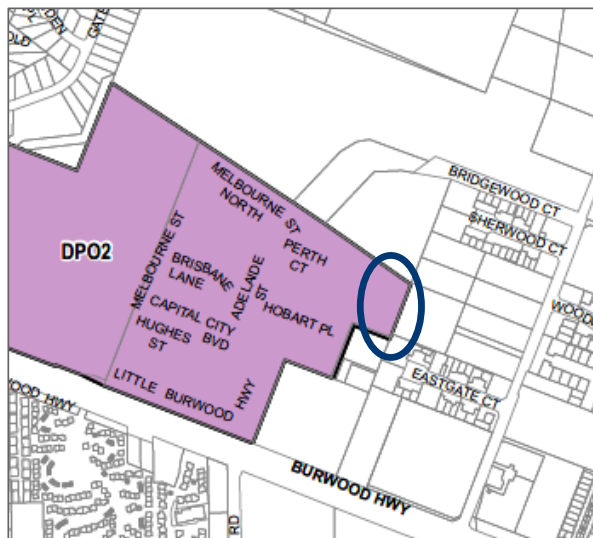
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Figure 5: Enlargement of Central Precinct over land use zones



The small section of land shown in Figure 5 currently in the Commercial 1 Zone (Title Volume 12355 Folio 896) is also within the Development Plan Overlay Schedule 2 (DPO2) in the Knox Planning Scheme, as is all of the land in the Westfield shopping centre as the following Figure 6 shows. The purpose of the DPO2 (Knox Central Commercial Precinct) 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.”*

Figure 6: Location of the Development Plan Overlay Schedule 2



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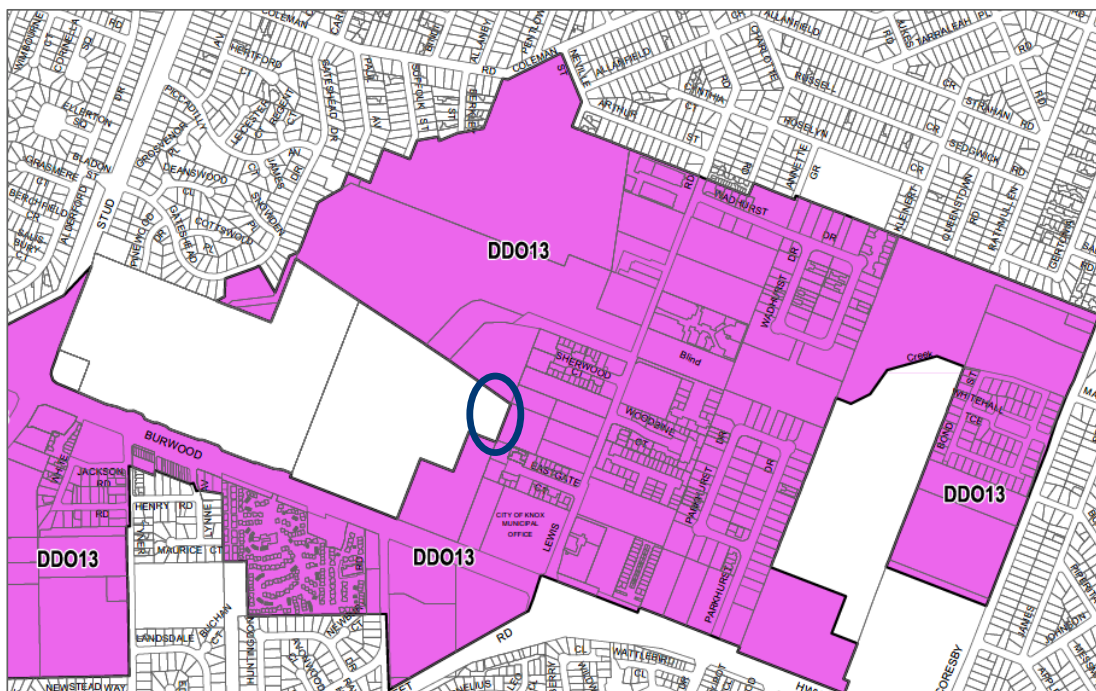
The remainder of the Knox Central Activity Centre is covered by a Design and Development Overlay Schedule 13 (DDO13) in the Knox Planning Scheme (Figure 7), which has as its objectives:

- higher intensity of activity in Knox Central consistent with the role of Knox Central as an activity centre;
- landscaping that complements the character of Knox and key features such as Blind Creek and Lewis Park;
- achieving a boulevard streetscape along Burwood Highway; and
- a safe and natural interface with the Blind Creek corridor.

The DDO13 includes maximum height limits for the development of land within DDO13 which is shown in Figure 7 below, which cannot be exceeded, as well as requirements for development to be setback from Burwood Highway, Lewis Road and High Street Road. The overlay also requires a planning permit be obtained for most new buildings and works.

It should be noted that the proposed Amendment C198knox will not remove the existing DDO13 planning controls that currently apply in the event that the land in the Central Precinct is rezoned as Mixed Use, rather the amendment seeks to incorporate the small section of Commercial 1 Zone land discussed in this report also within the DDO13.

Figure 7: Location of Design and Development Overlay Schedule 13



2. DISCUSSION

The Structure Plan's intent for the Lewis Road Mixed Use precinct is for it to be a mixed use area and Amendment C149 rezoned most of the precinct to a Mixed Use Zone. The Structure Plan includes the following objectives:

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Lewis Road Mixed Use

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

During this transition, the continuation of commercial and industrial uses will be supported. New sensitive land uses will be required to address potential impacts to amenity resulting from existing commercial and industrial uses.

New land uses that are likely to result in poor amenity outcomes for residential land uses within the precinct are discouraged.

Given the fine grain subdivision pattern in some locations, consolidation of lots will be supported in order to achieve desired land use outcomes.

Appropriate site remediation measures will be required to be undertaken prior to the commencement of new sensitive land uses.

Civic/Community

The precinct will provide opportunities for formal and informal gathering spaces through the development of integrated, multi-purpose civic facilities and related entertainment, leisure, recreation and commercial uses.

The development and use of the land will integrate with the entertainment and leisure uses in the Commercial Core to the west and complement and integrate with the recreational use of Lewis Park and the Blind Creek Corridor to the north.

Rezoning – Mixed Use Zone

Amendment C149 rezoned the eastern portion of the Central Precinct to a Mixed Use Zone (MUZ). The remainder of the then Council owned land (the Civic Centre, Eastgate and the Operations Centre) remained in their existing zones at that time pending the outcome of Council's acquisition of land then owned by Scentre Group.

Clearly the Structure Plan's intent was to allow for the current Civic Centre site to be redeveloped at a future time in accordance with a MUZ because it was included in the Lewis Road Mixed Use precinct. In addition, the adopted Structure Plan nominates preferred heights on the current Civic Centre site which anticipates a more intensive use and development than would be expected in a Public Use Zone. It should be noted that Design and Development Overlay 13 (DDO13) in the Knox Planning Scheme includes built form controls, consistent with the Structure Plan, which cover the land which is the subject of the proposed amendment. The requirements of the DDO13 are not impacted by the proposed rezoning.

As noted above, Council has now acquired the land formally owned by Scentre Group and work on the preparation of a Precinct Plan for Council's land is underway. Consequently, it is now an appropriate time to consider the zoning of the Central Precinct land. The Public Use Zone (PUZ) on the former Operations Centre effectively limits any use of the land to a local government purpose which has the potential to frustrate the Structure Plan's objective of encouraging entertainment, leisure, recreation and commercial uses in what it designated the Civic and Community Precinct. Likewise, the PUZ is at odds with the Structure Plan's inclusion of the current Civic Centre and Eastgate in the Lewis Road Mixed Use Precinct. Finally, the Industrial 1 Zone is inappropriate for the high amenity land fronting Blind Creek and it prohibits residential and some commercial uses.

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However, the MUZ provides the flexibility that would allow a variety of uses, including residential and office without a permit and a range of commercial (including recreational and entertainment) uses with a permit. It is important to note that Council would require a permit for the construction of a new Civic Centre in a MUZ. However, under the provisions of the existing DDO13 which covers all of the Central Precinct, a permit is required for construction of a new development. So the requirement for a permit for construction already exists and is unchanged.

By contrast the PUZ6 focuses on local government uses only. The following table details the purpose of the MUZ and PUZ. As the text shows the purpose of the MUZ is to provide for a variety of activities on the land while the PUZ is fundamentally restricted to local government activities.

Table 1 Summary of Zone Purpose - Mixed Use Zone and Public Use Zone 6

Mixed Use Zone	Public Use Zone 6
<p>To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.</p> <p>To provide for housing at higher densities.</p> <p>To encourage development that responds to the existing or preferred neighbourhood character of the area.</p> <p>To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone</p>	<p>To recognise public land use for public utility and community services and facilities.</p> <p>To provide for associated uses that are consistent with the intent of the public land reservation or purpose.</p>

In summary the MUZ can provide for Council's activities and provides the flexibility to allow a number of other uses that support the vision of the Structure Plan.

Environmental Audit Overlay

Ministerial Direction No 1 deals with potentially contaminated land and related to land previously used for industry or for the storage of chemicals, gas, waste or fuel. This Direction would apply to the northern former Scentre parcel which is currently zoned Industrial 1 and the former Council Operations Centre land. In these circumstances Council has the following options:

- An environmental auditor issues a statement that an audit is not required for sensitive uses to use the land;
- An environmental audit has declared the land safe for sensitive uses to use the land; or
- An Environmental Audit Overlay (EAO) is applied to the land.

Work on remediating the site of the former Operations Centre is progressing but not yet complete to the stage where an auditor could issue a certificate and the former Scentre Group land was used as a depot associated with the shopping centre. Consequently, as a precautionary approach, an EAO should be applied to the former Operations Centre land along with the land purchased

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from Scentre Group. The application of the EAO places a requirement that an environmental audit and site remediation occurs (as appropriate) before planning approval is given for development and occupation by sensitive uses such as residential, child care or kindergarten.

Design and Development Overlay 13

For consistency of controls the DPO2 should be removed from the land currently zoned C1Z (Attachment 3) and the DDO13 applied to this land (Attachment 4) to match the controls that apply to the rest of the precinct. In addition, Map 1 contained in the DDO13 will need to be amended to include this property (Attachment 5).

Proposed notification

As discussed above, the Structure Plan and Amendment C149 underwent an extensive notification and engagement process. The notification provisions of Section 19 of the Planning and Environment Act 1987 require Council to give notice to the owners and occupiers of land that may be “materially affected” by the Amendment. As the sole owner and occupier of the land in question, Council is the only land owner materially affected by the proposed rezoning. The rezoning would also enable and implement the objectives of the Structure Plan. Given this context, it is appropriate for Council to request the Minister for Planning, under Section 20(2) of the Planning and Environment Act 1987, to exempt Council from some of the notification requirements of Section 19 and for Council to undertake exhibition of the amendment notifying Prescribed Ministers, Statutory authorities and relevant agencies. The proposed Amendment would also be available for inspection by any interested parties over the public exhibition period.

A Precinct Plan is being prepared to guide the future development of the Central Precinct area. Community and stakeholder feedback will be sought on the draft Plan, prior to Council adopting the Plan. The Precinct Plan will outline the specific types of land uses that may be developed within the Council-owned land.

Included as Attachment 6 is the Explanatory Report and Attachment 7 is the Instruction Sheet which would form part of the amendment documentation which The Committee will adopt if it resolves to seek authorisation for Amendment C198knox.

Attachment 8 contains the Mixed Use Zone, Attachment 9 the Schedule 1 to the Mixed Use Zone, Attachment 10 the Environmental Audit Overlay, Attachment 11 the Design and Development Overlay and Attachment 12 Schedule 12 to the Design and Development Overlay.

3. CONSULTATION

The proposed rezoning is a further step in implementing the Structure Plan. The first step of implementing the Structure Plan was Amendment C149 to the Knox Planning Scheme which was placed on public exhibition from 7 November to 16 December 2016. As part of the exhibition, all landowners within the Activity Centre and relevant authorities were notified by mail. In addition, all properties within approximately 100 metres of the Activity Centre boundary were notified by mail. In all, a total of approximately 2,200 property owners and occupiers were notified by letter. Targeted letters were sent to landowners and occupiers within the proposed Lewis Road Mixed Use precinct who were materially affected because it was proposed to rezone the land from an Industrial 1 Zone to a Mixed Use Zone. Finally, the following media were used to advise the broader community of the exhibition of the Amendment:

- Social Media.

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- Ward Newsletters.
- Advertisement in local papers.
- Media Release.
- Council website.

Council received 107 submissions to the amendment:

- 41 from residents/local landowners.
- 10 from Government, referral agencies, schools and community organisations.
- 12 from major land owners.
- 44 proforma submissions focused on a specific parcel of State Government owned land.

The Amendment was referred to a Panel Hearing which took place from 5 to 7 June 2017.

In recommending approval of the Amendment the Panel suggested only minor changes.

It is proposed that this subsequent Amendment, subject to Ministerial approval, would involve sending written notices to Prescribed Ministers, statutory authorities and relevant agencies. Because Council is the only land holder materially affected and because the rezoning is consistent with the strategies, goals and objectives of the Structure Plan, which underwent extensive public notification, it is considered appropriate for Council to seek Ministerial approval under Section 20(2) of the Planning and Environment Act 1987, as described above.

The built form controls of DDO13, which include building heights, setbacks and landscaping, are unaffected and unchanged by the rezoning. What the rezoning effectively does is change the focus of the permitted uses on local government only to a broader mix and it does not include any specific proposal to develop the land.

How that broader mix of uses will be implemented is the focus of the work currently being undertaken to develop a Precinct Plan for the Central Precinct. Some of the land in the Central Precinct is already in a MUZ. The Precinct Plan for the Central Precinct is being prepared to guide the future development of the area. Community and stakeholder feedback will be sought on the draft Plan and considered by Council, prior to Council adopting the Plan. Assuming that after Council reviews the outcomes of that consultation process it adopts the Precinct Plan it may then be followed by preparation of a Development Plan Overlay to the entire Central Precinct, which would also be subject to community engagement as part of an associated planning scheme amendment.

Indicative timelines are shown in Attachment 13. The timelines should be taken as indicative because a number of steps in the process require the approval of the Minister for Planning and/or the Department of Environment, Land, Water and Planning (DELWP).

4. CLIMATE CHANGE CONSIDERATIONS

The subject of this report has been considered in the context of climate change and its relevance to the Knox Climate Response Plan 2021-2031. The recommendation to rezone the land does not of itself have direct implications or direct impacts. There are however impacts that will need to be considered in the subsequent development of the Precinct Plan for the Central Precinct that will outline the specific types of land uses that may be developed within this land area.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

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The recommendation in the report is consistent with the goals and objectives of the Structure Plan.

The application of the Environmental Audit Overlay places a requirement that an environmental audit and site remediation occurs (as appropriate) before planning approval is given for development and occupation by sensitive uses such as residential, child care or kindergarten.

Work on remediating the site of Council’s former Operations Centre is progressing but not yet complete to the stage where an auditor could issue a certificate and the former Scentre Group land was used as a depot associated with the shopping centre. Consequently, as a precautionary approach, an EAO should be applied to the former Operations Centre land along with the land purchased from Scentre Group.

Further consideration of environmental and amenity impacts will be appropriately undertaken in development of the Precinct Plan.

6. FINANCIAL & ECONOMIC IMPLICATIONS

The costs associated with the rezoning process are allowed for within Council’s operating budget.

7. SOCIAL IMPLICATIONS

The recommendation in the report is consistent with the goals and objectives of the Structure Plan. Further consideration of social implications will be appropriately undertaken in development of the Precinct Plan as specific land uses within the site are identified at a more detailed level.

8. RELEVANCE TO KNOX COUNCIL PLAN 2021-2025

Opportunity & Innovation

Strategy 1.1 - Maximise the local economy by supporting existing businesses and attracting new investment.

Neighbourhoods, Housing & Infrastructure

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

Strategy 2.2 - Create, enhance and maintain places and spaces for people to live, work, play and connect.

Natural Environment & Sustainability

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

Connection, Resilience & Wellbeing

Strategy 4.3 - Honour and integrate First Nations Culture into actions and environments.

Civic Engagement & Integrity

Strategy 5.2 - Manage our resources effectively to ensure financial sustainability and improved customer experience.

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

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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. CONFIDENTIALITY

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

Report Prepared By **Consultant – Knox Central, Michael Ballock**
Report Authorised By: **Chief Executive Officer, Bruce Dobson**

Attachments

{attachment-list-do-not-remove}

Attachment 1 Amendment C198knox Proposed Mixed Use Zone

Attachment 2 Amendment C198knox Proposed Environmental Audit Overlay

Attachment 3 Amendment C198knox Development Plan Schedule 2 to be removed

Attachment 4 Amendment C198knox Proposed Design and Development Overlay Schedule 13

Attachment 5 Amendment C198knox Proposed Map 1 replacement for Schedule 13 to Clause 43.10

Attachment 6 Amendment C198knox Explanatory Report

Attachment 7 Amendment C198knox Instruction Sheet

Attachment 8 Clause 32.04 Mixed Use Zone

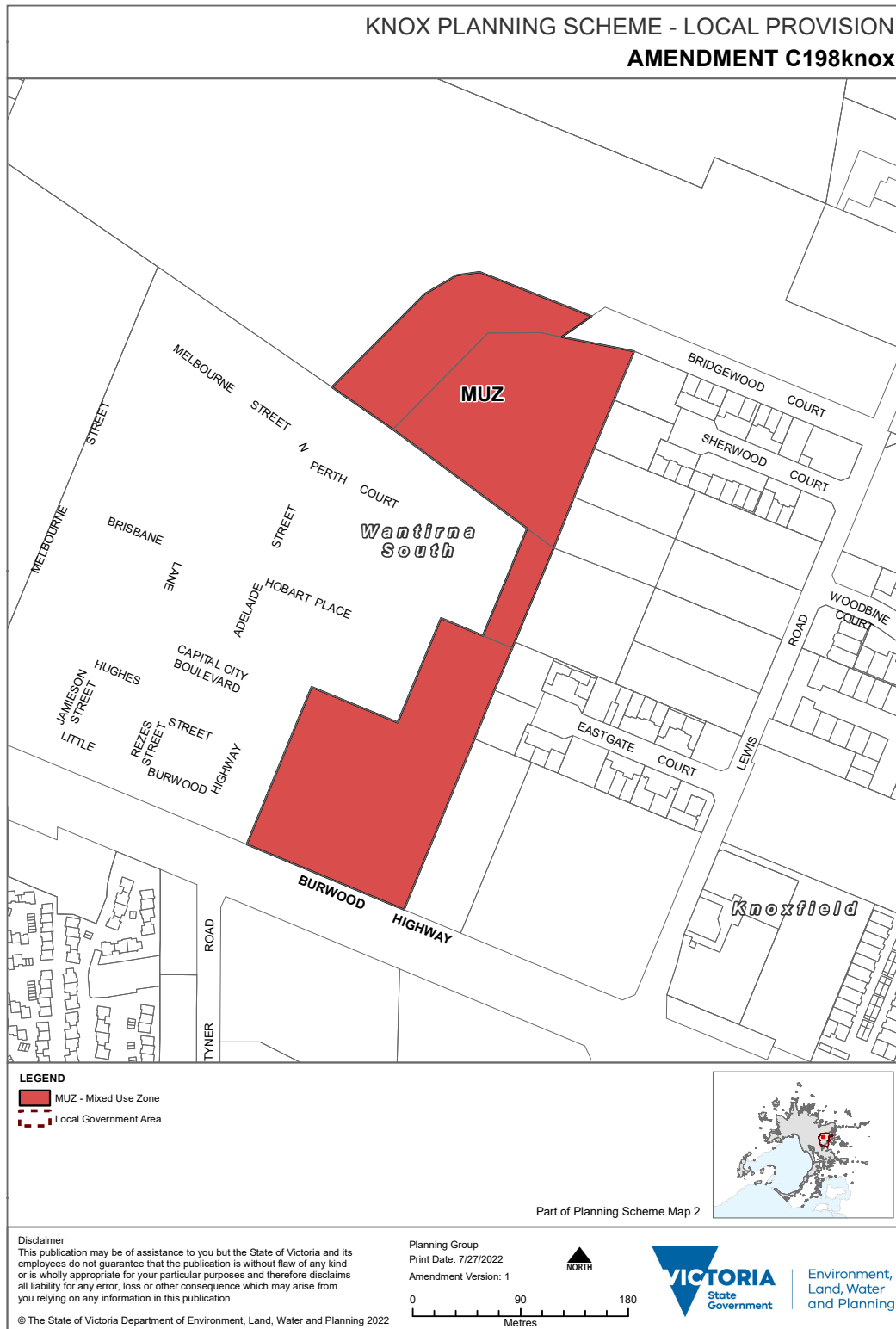
Attachment 9 Schedule 1 to the Mixed Use Zone

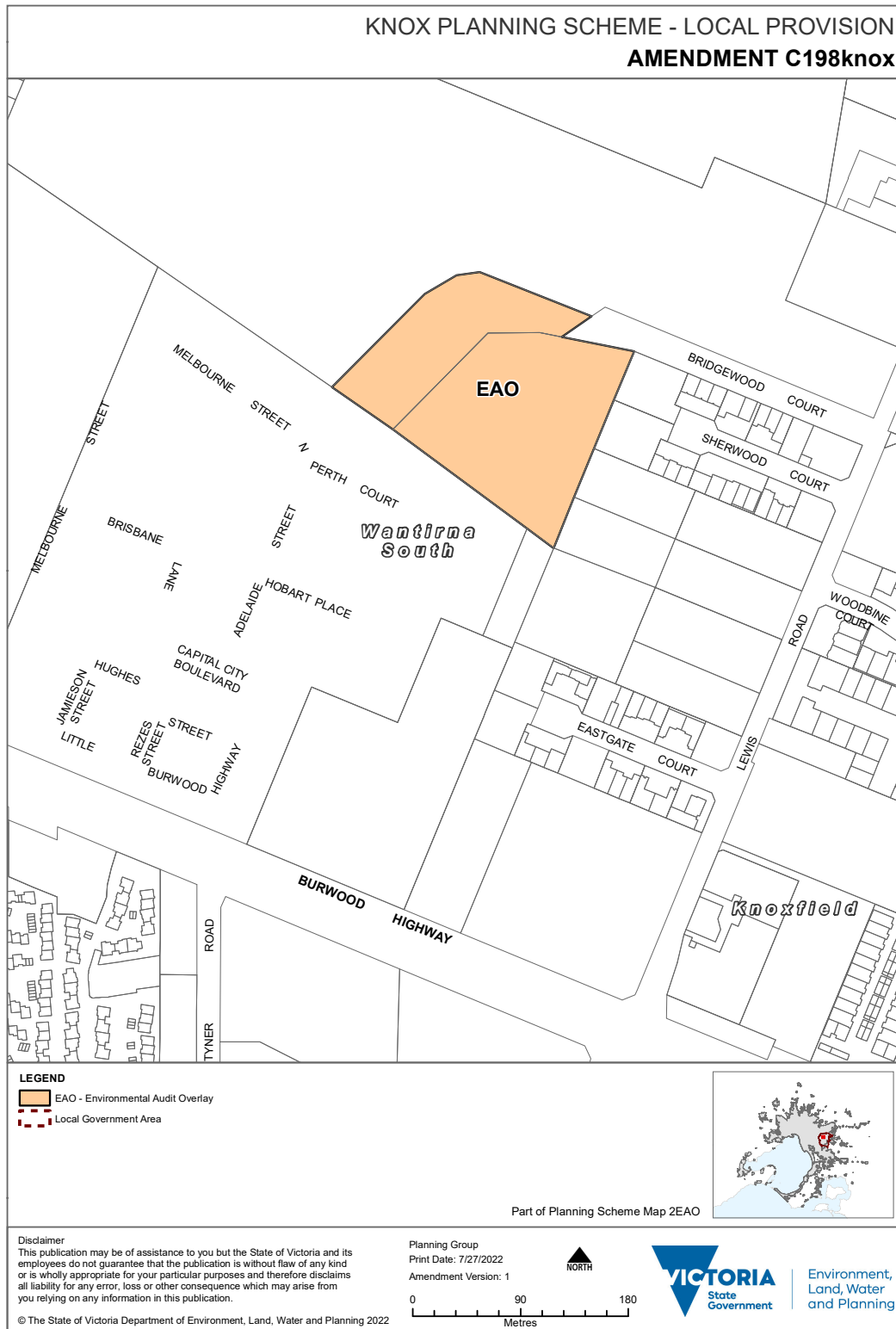
Attachment 10 Clause 45.03 Environmental Audit Overlay

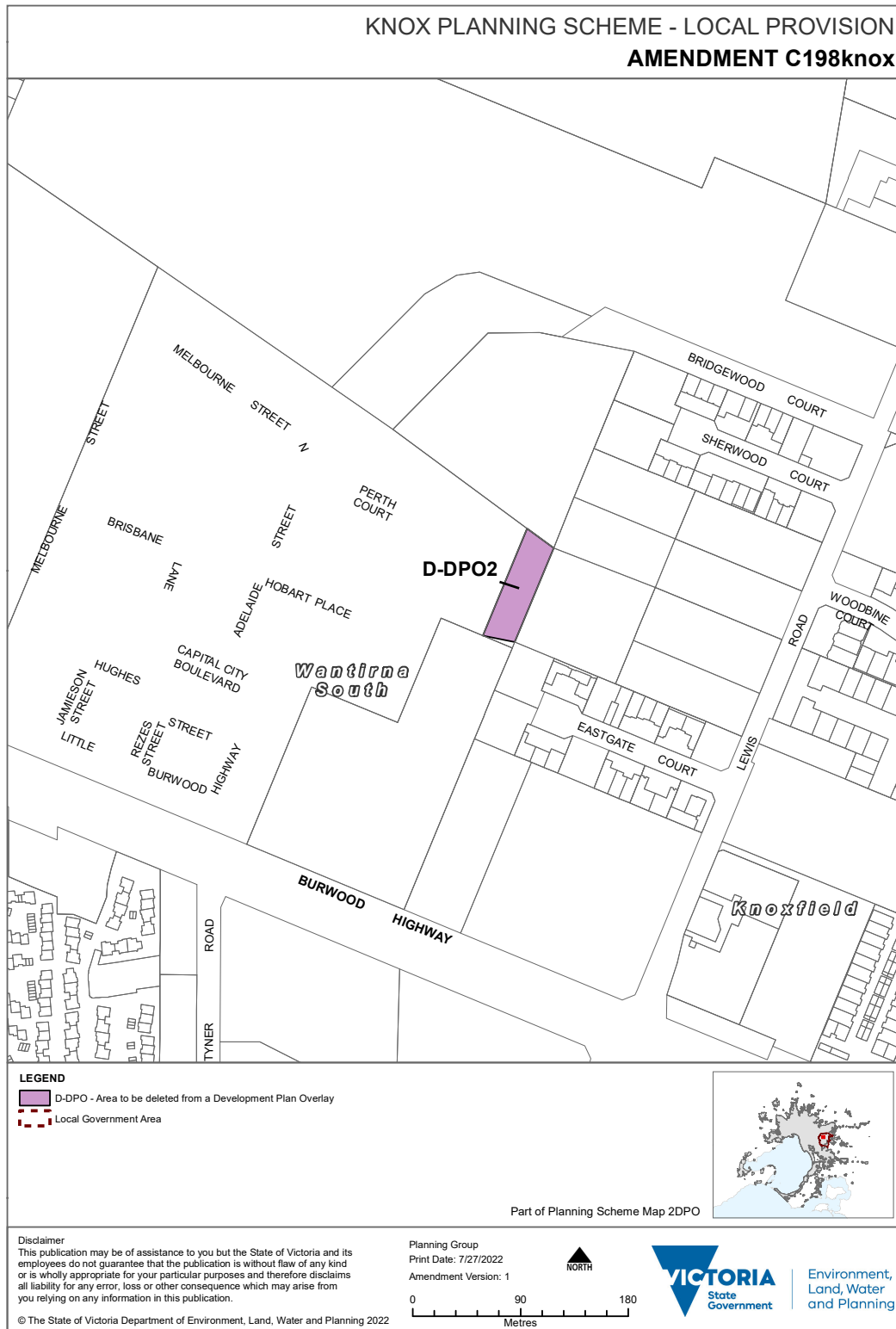
Attachment 11 Clause 43.02 Design and Development Overlay

Attachment 12 Schedule 13 to the Design and Development Overlay

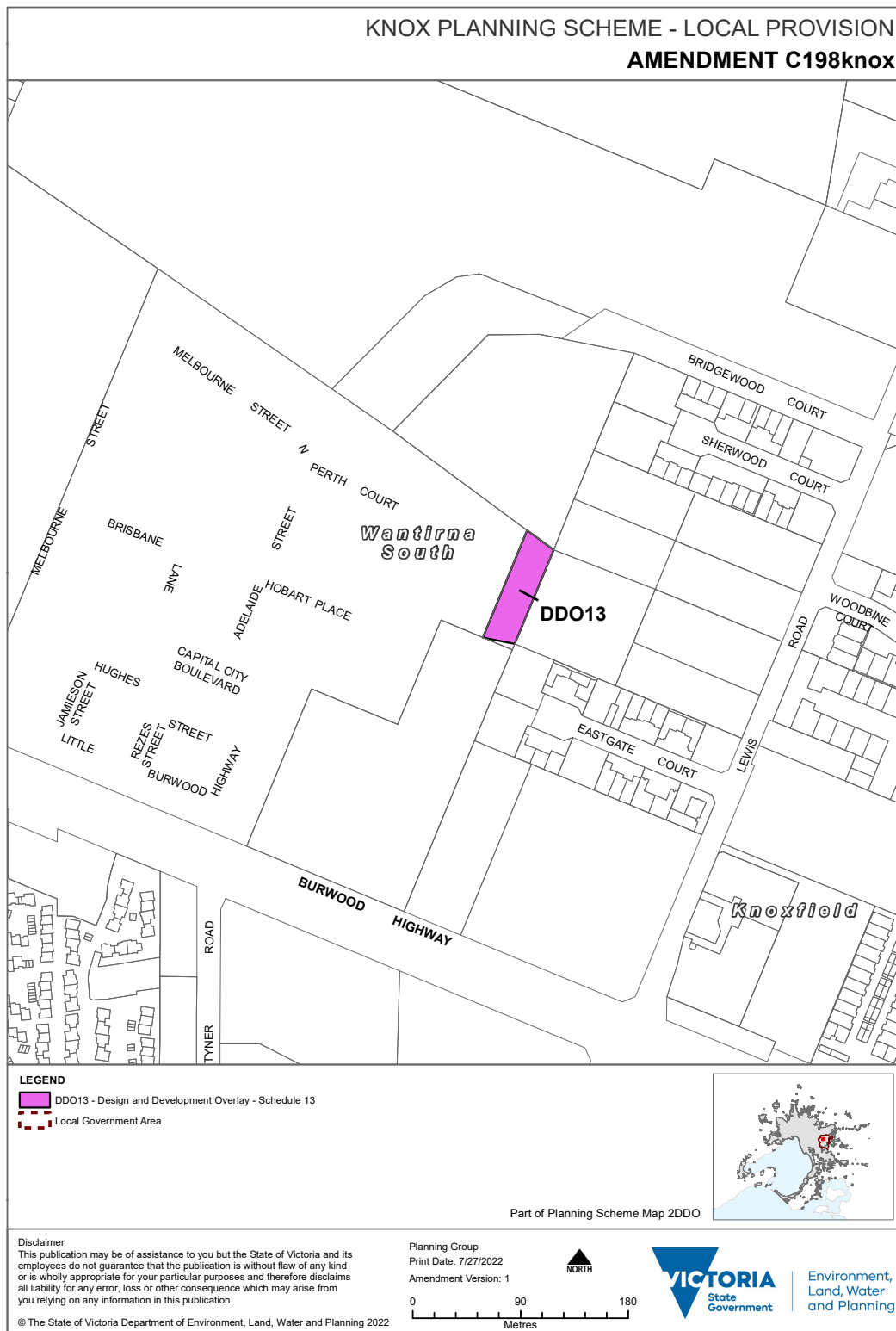
Attachment 13 – Timelines diagram

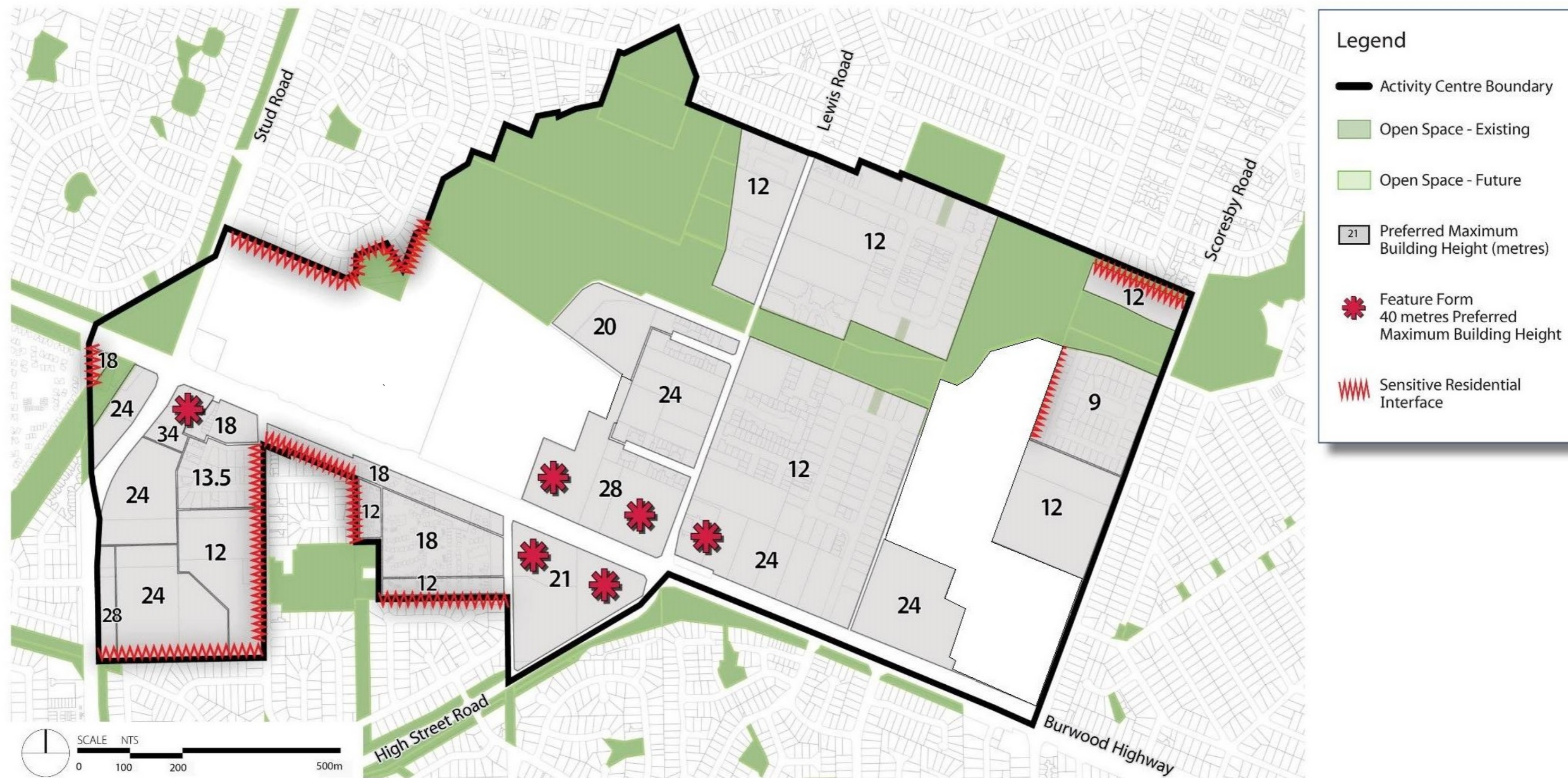






003





Planning and Environment Act 1987

KNOX PLANNING SCHEME

AMENDMENT C198KNOX

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by Knox City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Knox City Council

Land affected by the amendment

The amendment applies to the Central Precinct of the Knox Central Activity Centre (see Figure 1) located at:

- 509A Burwood Highway, Wantirna South (lot 1 PS836494J Volumen12355 Folio 897)
- 511 Burwood Road, Wantirna South (Lot 1 TP166252F Volume 9227 Folio 042), Lot 1 TP175600H Volume 9168 Folio 459, Lot 1 TP175601F Volume 9168 Folio 4609 and Lot 1 TP131202T Volume 9073 Folio 341)
- 100 Lewis Road, Wantirna South (Lot 1 PS 412676S Volume 12355 Folio 896)
- 102 Lewis Road, Wantirna South (Lot 1 TP131202T Volume 9073 Folio 341)

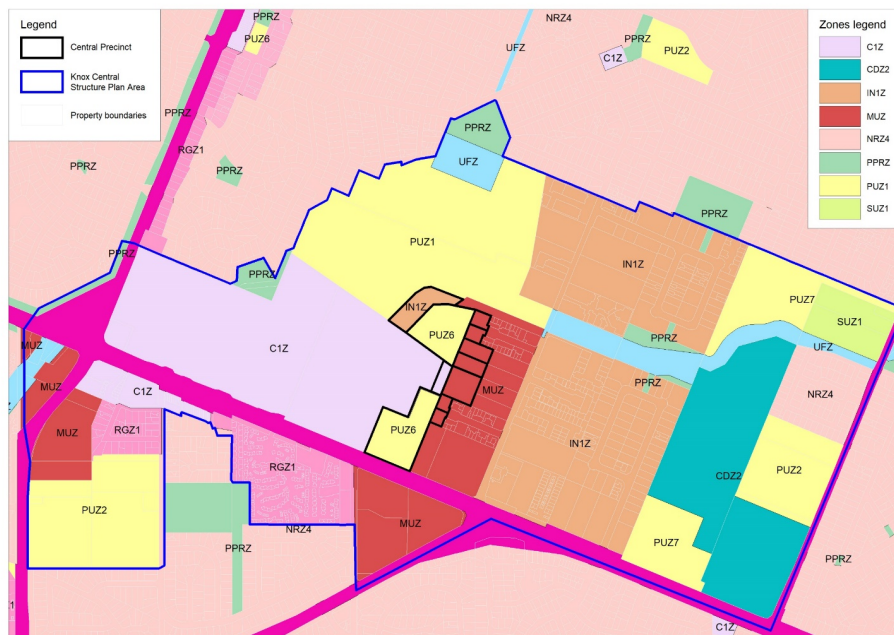


Figure 1: Location of the Knox Central Precinct

What the amendment does

The Amendment continues the implementation of the objectives and strategies of the *Knox Central Structure Plan 2016*, through the application of a zone and overlay.

Specifically, the Amendment proposes to:

- Rezone the following land from Industrial 1 Zone, Commercial 1 Zone and Public Use 6 Zone to Mixed Use Zone Schedule 1 (Amends Planning Scheme Map 2):
 - 509A Burwood Highway, Wantirna South (lot 1 PS836494J Volumen12355 Folio 897)
 - 511 Burwood Road, Wantirna South (Lot 1 TP166252F Volume 9227 Folio 042), Lot 1 TP175600H Volume 9168 Folio 459, Lot 1 TP175601F Volume 9168 Folio 4609 and Lot 1 TP131202T Volume 9073 Folio 341)
 - 100 Lewis Road, Wantirna South (Lot 1 PS 412676S Volume 12355 Folio 896)
 - 102 Lewis Road, Wantirna South Lot 1 TP131202T Volume 9073 Folio 341) (see Figure 2).

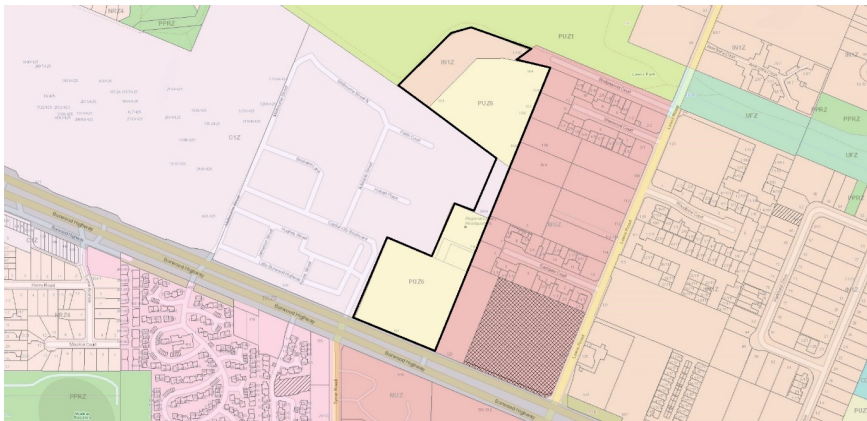


Figure 2: Location of the proposed Mixed Use Zone Schedule 1

- Apply the Environmental Audit Overlay to the following land:
 - 100 and 102 Lewis Road Wantirna South (see Figure 3).

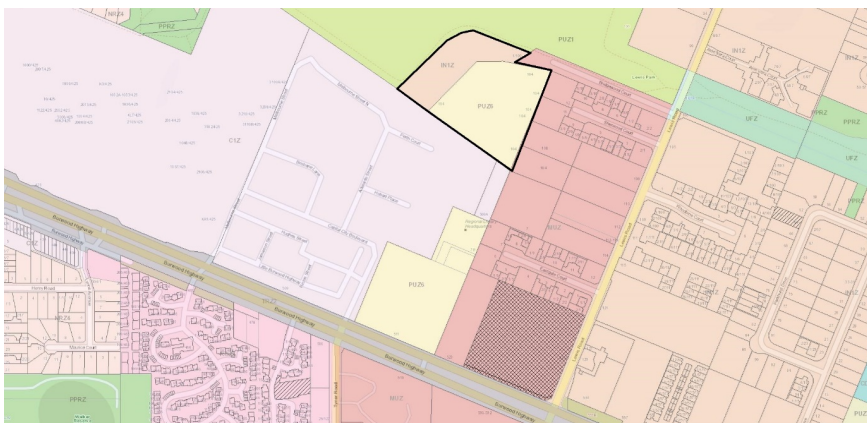


Figure 3: Location of the land to be rezoned

- Remove the Development Plan Overlay Schedule 2 from the land at 509A Burwood Highway, Wantirna South (see Figure 4).

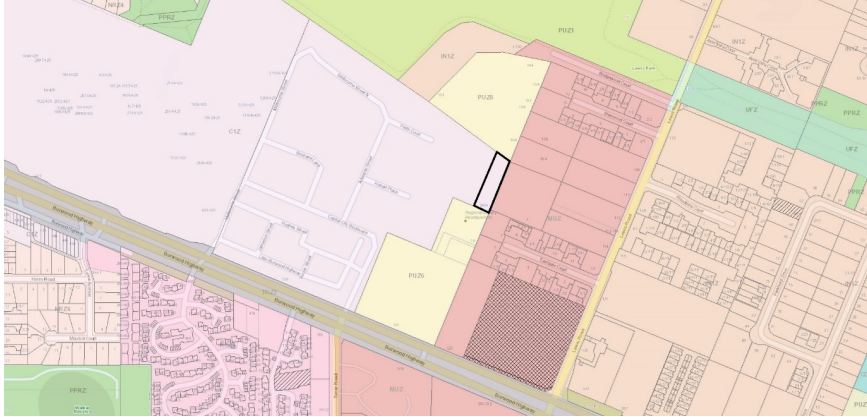


Figure 4: Location of 509A Burwood Highway Wantirna South

- Apply the Design and Development Overlay Schedule 13 to the land at 509A Burwood Highway, Wantirna South.
- Update Map 1 of the Development Overlay Schedule 13 to include the land at 509A Burwood Highway, Wantirna South.

Why is the amendment required?

The amendment is required in order to continue to implement into the Knox Planning Scheme the relevant objectives and strategies of the *Knox Central Structure Plan 2016*.

The Structure Plan's intent was for the current Civic Centre site at 511 Burwood Highway Wantirna South to be redeveloped in accordance with a Mixed Use Zone (MUZ) with a preferred building height of 28 metres (8-10 storeys) fronting Burwood Highway and a 20 metre (5-7 storeys) height limit for the Blind Creek or northern parcels of the land. Amendment C149 rezoned the eastern portion of the Central Creek Precinct to a Mixed Use Zone. The remainder of the then Council owned land (the Civic Centre, Eastgate and the Operations Centre) remained in their existing zones because of the uncertainty around the potential purchase of land then owned by Scentre.

Council has now acquired the land and rezoning of sites to the Mixed Use Zone will support the diversification of uses within the activity centre and support the development of higher density residential development and implement metropolitan policy.

How does the amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of planning in Victoria, as set out in the *Planning and Environment Act 1987*. In particular, it provides for the orderly, economic and sustainable use and development of an identified activity centre. It enables the development of the land to create of efficient and safe living and working areas and facilitates development to achieve these outcomes. It enables the provision of additional housing consistent with sound strategic planning while preserving areas of significance within the municipality. The amendment supports the vision of Knox Central as articulated in the *Knox Central Structure Plan 2016*.

The Amendment assists in the implementation of the following objectives set out at Section

4(1) of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and sustainable use, and development of land;*
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

- d) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- e) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c) and (e);
- f) To balance the present and future interests of all Victorians.

The amendment implements the above objectives by providing clear strategic direction for future land use and development in the Central Precinct of the Knox Central Activity Centre.

How does the amendment address any environmental, social and economic effects?

The Amendment is expected to deliver positive environmental, social and economic outcomes by implementing the objectives of the *Knox Central Structure Plan 2016*.

Implementation of the *Knox Central Structure Plan 2016* will contribute to integrated development of a mix of uses, avoiding ad hoc development. It will provide new focus for public life, provide opportunities for a variety new uses, and encourage high quality urban design and development. Greater certainty will be provided for the local community, developers/investors and traders.

Potential benefits to the community include greater access to the Blind Creek corridor and Lewis Park, improvements to the movement network and facilitation of a civic/community precinct.

The Amendment will achieve economic benefits associated with improving strategic direction for future land use and development within Knox Central, supporting an increase in activity with the Activity Centre, and reinforcing the importance of Knox's valued environmental and landscape features.

The Amendment supports the provision of a mix of housing types, to respond to the current and future housing needs of the Knox community.

Does the amendment address relevant bushfire risk?

The Amendment will not increase bushfire risk. It supports the local and State planning policy objectives in relation to bushfire risk by:

- Supporting significantly increased residential development in a location that is not subject to bushfire risk.
- Relieving pressure for intensification of urban development in areas that are susceptible to bushfire events.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

The Amendment is consistent with Minister's Direction 11 – Strategic Assessment of Amendments under Section 12(2) of the Act. The requirements of this Direction have been followed in the course of preparing this Amendment and are embodied within this report.

The Amendment is consistent with Minister's Direction 9 – Metropolitan Planning Strategy under Section 12(2) of the Act, by implementing the following *Plan Melbourne 2014* objectives and outcomes at the municipal level:

- Objective 1: Delivering jobs and investment – create a city structure that drives productivity, supports investment through certainty and creates more jobs.
- Objective 2 - Housing choice and affordability – provide a diversity of housing in defined locations that caters for different households and is close to jobs and services.
- Objective 3: A more connected Melbourne: Provide an integrated transport system connecting people to jobs and services and goods to market.
- Objective 4: Liveable communities and neighbourhoods – create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.

- Objective 5: Environment and energy – protect our natural assets and better plan our water, energy and waste management to create a more sustainable city.
- Objective 7: Implementation – delivering better governance: achieve clear results through better governance, planning, regulation and funding options.

The Amendment satisfies Ministerial Direction No. 1 on Potentially Contaminated Land by applying the Environmental Audit Overlay to potentially contaminated sites that would allow for sensitive uses once the Amendment is approved.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The proposed amendment supports the following policies within the State Planning Policy Framework:

- Clause 11.01-2 Activity Centre Planning – it will support the concentration of major retail, residential, commercial, entertainment and cultural developments into the Knox Central Activity Centre.
- Clause 12.04-2 Landscapes – it seeks to enhance the landscaped setting that contributes to the existing character of the Activity Centre, building on elements such as Lewis Park, the Blind Creek corridor and the Dandenong Ranges backdrop.
- Clause 15.01-1 Urban design and Clause 15.01-2 Urban design principles – it seeks to create a vibrant activity centre environment with a sense of place and identity, with improved safety, accessibility and environmental sustainability.
- Clause 16.01-2 Housing – it supports the development of new housing within the activity centre that offers good access to services and transport.
- Clause 17.01-1 Economic Development – it supports the intensification of retail, entertainment and other commercial uses in Knox’s premier activity centre.
- Clause 18 Transport – it seeks to support a safe and sustainable transport system by integrating land-use and transport.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment supports the implementation of the Planning Policy Framework (LPPF) in the following manner:

Municipal Strategic Statement (MSS)

The MSS supports the Knox Central Activity Centre as a regional retail, commercial and entertainment focus for the municipality and the outer east with significant opportunities for mixed use and residential development.

Specific references to “applying the Knox Central Principal Activity Centre local policy” can be found within Clauses 21.03 (Environmental and Landscape Values), 21.07 (Economic Development) and 21.10 (Local Areas).

Clause 21.01 (Municipal Profile) describes the role of Knox Central Activity Centre as follows:

“The Knox Central Activity Centre will continue to provide a regional retail, entertainment, recreational and civic focus for Knox and Melbourne’s outer east with significant opportunities for mixed use and residential development.”

Clause 21.07 (Economic Development) Outlines the following strategic directions

“Support a diverse range of mixed uses within industrial, commercial and mixed use zones to reflect the regional role of the activity centre.

Facilitate and support opportunities to improve integration of employment generating uses with residential uses, open space and the retail core of the activity centre.”

Clause 21.10-2 (Knox Central Activity Centre) implements the Structure Plan.

Objective 1 - Civic/Community contains the following strategy:

"1.1 Provide integrated civic and community facilities with related entertainment, leisure, recreation and business services around a central public space which integrates with Lewis Park."

Objective 2 - Housing contains the following strategy:

"2.1 Optimise the use and development of sites that are capable of accommodating additional dwellings in

Knox Central."

Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions through the selection of appropriate planning tools to achieve guidance for future land use and development outcomes within Knox Central. The Amendment makes changes to the MSS, local planning policy framework, zone and overlay schedules and map changes to achieve the strategic vision for Knox Central.

How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought during the public exhibition process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The increase in land use activity and development supported by the *Knox Central Structure Plan 2016* is likely to have an impact on the transport system. By rezoning the land to mixed use the Amendment will enable residential development adjacent to a significant activity centre, employment node and transport hub. From this perspective the amendment includes will support the objectives of the *Transport Integration Act 2010* including the following:

- social and economic inclusion (s. 8)
- economic prosperity (s. 9)
- environmental sustainability (s. 10)
- integration of transport and land use (s. 11)
- efficiency, coordination and reliability (s. 12)
- safety and health and wellbeing (s. 13).

The Amendment complies with the principles set out in the *Transport Integration Act 2010*.

Resource and administrative costs

The Amendment will not result in any significant impact on the resources and administrative costs of the Planning Authority.

Where you may inspect this amendment

Subject to COVID-19 restrictions, the Amendment is available for public inspection, free of charge, during office hours at the following places:

Knox City Council, Civic Centre

511 Burwood Highway, Wantirna South

Operating hours: Monday to Friday: 8.30am-5:00pm.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Planning and Environment Act 1987

KNOX PLANNING SCHEME

AMENDMENT C198knox

INSTRUCTION SHEET

The planning authority for this amendment is the City of Knox

The Knox Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 4 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No 2 in the manner shown on the attached map marked "Knox Planning Scheme, Amendment C198"

Overlay Maps

2. Amend Planning Scheme Map No 2EAO in the manner shown on the 2 attached maps marked "Knox Planning Scheme, Amendment C198".
3. Amend Planning Scheme Map No 2DPO in the manner shown on the 2 attached maps marked "Knox Planning Scheme, Amendment C198".
4. Amend Planning Scheme Map No 2DDO in the manner shown on the 2 attached maps marked "Knox Planning Scheme, Amendment C198".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

5. In Schedule 13 to Clause 43.02 replace Map 1 in the form of the attached document

End of document

KNOX PLANNING SCHEME

32.04
31/07/2018
VC148

MIXED USE ZONE

Shown on the planning scheme map as **MUZ** with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

32.04-1
15/07/2013
VC100

Objectives

A schedule to this zone may contain objectives to be achieved for the area.

32.04-2
26/05/2020
VC175

Table of uses

Section 1 – Permit not required

Use	Condition
Art gallery	
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	
Food and drink premises	The leasable floor area must not exceed 150 square metres.
Home based business	

KNOX PLANNING SCHEME

Use	Condition
Informal outdoor recreation	
Medical centre	The gross floor area must not exceed 250 square metres.
Museum	
Office (other than Medical centre)	The leasable floor area must not exceed 250 square metres.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.
Racing dog husbandry	Must be no more than 2 animals.
Railway	
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Shop (other than Adult sex product shop)	The leasable floor area must not exceed 150 square metres.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Section 2 - Permit required	
Use	Condition
Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)	
Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)	
Domestic animal boarding	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Grazing animal production	

KNOX PLANNING SCHEME

Use	Condition
Industry (other than Materials recycling and Transfer station)	Must not be a purpose listed in the table to Clause 53.10.
Leisure and recreation (other than Informal outdoor recreation)	
Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)	
Retail premises (other than Food and drink premises and Shop)	
Utility installation (other than Minor utility installation and Telecommunications facility)	Must not be a purpose listed in the table to Clause 53.10.
Warehouse	Must not be a purpose listed in the table to Clause 53.10.
Any other use not in Section 1 or 3	
Section 3 - Prohibited	
Use	
Adult sex product shop	
Animal production (other than Grazing animal production)	
Brothel	
Extractive industry	
Materials recycling	
Transfer station	

32.04-3
31/07/2018
VC148

Use for industry, service station and warehouse**Amenity of the neighbourhood**

The use of land for an industry, service station or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

KNOX PLANNING SCHEME

32.04-4
31/07/2018
VC148

Subdivision**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> • The area of either lot is reduced by less than 15 percent. • The general direction of the common boundary does not change. 	
Subdivide land into lots each containing an existing building or car parking space where:	Clause 59.02
<ul style="list-style-type: none"> • The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. • An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the 	

KNOX PLANNING SCHEME

Class of application	Information requirements and decision guidelines
buildings within 5 years prior to the application for a permit for subdivision.	
Subdivide land into 2 lots if: <ul style="list-style-type: none"> • The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> • Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. • Has started lawfully. • The subdivision does not create a vacant lot. 	Clause 59.02

32.04-5
31/07/2018
VC148

Construction and extension of one dwelling on a lot**Permit requirement**

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct an outbuilding or extend a dwelling if the development: <ul style="list-style-type: none"> • Does not exceed a building height of 5 metres. • Is not visible from the street (other than a lane) or a public park. 	Clause 59.14

KNOX PLANNING SCHEME

Class of application	Information requirements and decision guidelines
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- Meets the requirements in the following standards of Clause 54:
 - A10 Side and rear setbacks.
 - A11 Walls on boundaries.
 - A12 Daylight to existing windows.
 - A13 North-facing windows.
 - A14 Overshadowing open space.
 - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.04-6
20/12/2021
VC174

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person's unit on a lot.

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

KNOX PLANNING SCHEME

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

32.04-7
15/07/2013
VC100

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.04-8
26/10/2018
VC152

Residential aged care facility**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

32.04-9
04/12/2020
VC180

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

VicSmart applications

KNOX PLANNING SCHEME

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct a building or construct or carry out works where:</p> <ul style="list-style-type: none"> • The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or • The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and • The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes: <ul style="list-style-type: none"> • A10 Side and rear setbacks. • A11 Walls on boundaries. • A12 Daylight to existing windows. • A13 North-facing windows. • A14 Overshadowing open space. • A15 Overlooking. <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	<p>Clause 59.04</p>

32.04-10 Buildings on lots that abut another residential zone

26/10/2018
VC152

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

This does not apply to a building or works for a residential aged care facility.

32.04-11 Maximum building height requirement

26/10/2018
VC152

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

KNOX PLANNING SCHEME

- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- It is a residential aged care facility and the maximum building height in the schedule to the zone is less than 16 metres.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

32.04-12 Application requirements

01/07/2021
VC203

General

Any application requirements specified in a schedule to this zone.

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:

KNOX PLANNING SCHEME

- The layout of proposed buildings and works.
- An elevation of the building design and height.
- Setbacks to property boundaries.
- All proposed access and pedestrian areas.
- All proposed driveway, car parking and loading areas.
- Existing vegetation and proposed landscape areas.
- The location of easements and services.

32.04-13 Exemption from notice and review26/10/2018
VC152**Subdivision**

An application for subdivision is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

32.04-14 Decision guidelines24/01/2020
VC160**General**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Use for industry, service station and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.

KNOX PLANNING SCHEME

- For subdivision of land for residential development, the objectives and standards of Clause 56.

Construction and extension of one dwelling on a lot

- The objectives, standards and decision guidelines of Clause 54.

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

32.04-15 Signs

26/10/2018
VC152

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

KNOX PLANNING SCHEME

05/11/2021
C180knox

SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE

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

KNOX MIXED USE AREAS

1.0
05/11/2021
C180knox

Objectives

None specified.

2.0
05/11/2021
C180knox

Clause 54 and Clause 55 requirements

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

3.0
05/11/2021
C180knox

Maximum building height requirement

None specified.

4.0
05/11/2021
C180knox

Exemption from notice and review

None specified.

5.0
05/11/2021
C180knox

Application requirements

None specified.

KNOX PLANNING SCHEME

6.0 **Decision guidelines**
05/11/2021
C180knox None specified.

7.0 **Signs**
05/11/2021
C180knox None specified.

KNOX PLANNING SCHEME

45.03
01/07/2021
VC203

ENVIRONMENTAL AUDIT OVERLAY

Shown on the planning scheme map as EAO.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Application

This provision applies to land in an Environmental Audit Overlay and applies whether or not a permit is required.

45.03-1
04/05/2022
VC210

Requirement

Before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

Exemption from requirement

The requirement for a preliminary risk screen assessment statement, an environmental audit statement, a certificate of environmental audit or a statement of environmental audit in this provision does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children's playground, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;
- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use; or
- The buildings and works are reasonably required by environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

KNOX PLANNING SCHEME

43.02
31/07/2018
VC148

DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas which are affected by specific requirements relating to the design and built form of new development.

43.02-1
19/01/2006
VC37

Design objectives

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

43.02-2
31/07/2018
VC148

Buildings and works

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply:
 - If a schedule to this overlay specifically states that a permit is not required.
 - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
- Construct a fence if specified in a schedule to this overlay.

Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:

- Building setbacks.
- Building height.
- Plot ratio.
- Landscaping.
- Any other requirements relating to the design or built form of new development.

A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05
Construct a building or construct or carry out works for:	Clause 59.05

KNOX PLANNING SCHEME

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> • A carport, garage, pergola, verandah, deck, shed or similar structure. • An outdoor swimming pool. <p>The buildings and works must be associated with a dwelling.</p>	
Construct a building or construct or carry out works with an estimated cost of up to \$1,000,000 where the land is in an industrial zone.	Clause 59.05
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is in a commercial zone or a Special Use, Comprehensive Development, Capital City, Docklands, Priority Development or Activity Centre Zone.	Clause 59.05

Exemption from notice and review

A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

43.02-3
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> • The area of either lot is reduced by less than 15 percent. 	

KNOX PLANNING SCHEME

Class of application	Information requirements and decision guidelines
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- The general direction of the common boundary does not change.

Subdivide land into lots each containing an existing building or car parking space where: Clause 59.02

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if: Clause 59.02

- The construction of a building or the construction or carrying out of works on the land:
 - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
 - Has started lawfully.
- The subdivision does not create a vacant lot.

Exemption from notice and review

A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

43.02-4
31/07/2018
VC148

Signs

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

43.02-5
31/07/2018
VC148

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

43.02-6
31/07/2018
VC148

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.

KNOX PLANNING SCHEME

- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Any other matters specified in a schedule to this overlay.

KNOX PLANNING SCHEME

05/11/2021
C180knox**SCHEDULE 13 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO13**.**KNOX CENTRAL ACTIVITY CENTRE****1.0**05/11/2021
C180knox**Design objectives**

To provide new built form that can accommodate a significantly higher intensity of activity commensurate with the role of Knox Central.

To achieve landscaping that complements the vegetation character of Knox and complements key features unique to Knox Central, such as Blind Creek and Lewis Park.

To achieve a continuous boulevard streetscape along Burwood Highway that is planted with canopy trees and formal landscaping and provides an intense and prominent urban form to reflect the role and context of Knox Central.

To transform the Lewis Road Mixed Use precinct into a high quality, attractive mixed use area that achieves higher density residential development at a sensitive human scale.

To ensure that the interface between new development and the Blind Creek Corridor contributes to the activity, safety and amenity of the natural environment and open space corridor and is integrated with development.

2.005/11/2021
C180knox**Buildings and works****Permit requirements**

A permit is not required to construct a building or construct or carry out works for:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
 - An awning that projects over a road if it is authorised by the relevant public land manager.
- The extension of an existing single dwelling on a lot or construct buildings and works ancillary to a single dwelling on a lot.

For land within the Industrial 1 Zone, a permit is not required to construct a building or construct or carry out works:

- To rearrange, alter or renew plant if the area or height of the plant is not increased.
- On land used for informal outdoor recreation.
- To install a rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

A permit is required to construct a fence within setbacks to Burwood Highway, High Street Road or

KNOX PLANNING SCHEME

Stud Road.

Design or built form requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Buildings must not exceed the total building heights shown in Map 1.
- A building must comply with the minimum street setbacks specified in Table 1.

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

Table 1: Minimum Street Setbacks

Precinct (shown in Map 2)	Minimum Street Setback
Burwood Highway South Mixed Use	Burwood Highway, between Tyner Road (western end) and Lynne Avenue - Commercial 1 Zone: zero metres All other sites fronting Burwood Highway: 12 metres High Street Road: 6 metres
Lewis Road Mixed Use	Burwood Highway: 15 metres Lewis Road: 6 metres Eastgate Court, Sherwood Court and Bridgewood Court: zero metres
Lewis Road Industry	Burwood Highway: 8 metres

Burwood Highway Corridor

The following buildings and works requirements apply to an application to construct a building or construct or carry out works on land within the Burwood Highway Corridor (shown in Map 2):

- The street wall height for all buildings to the Burwood Highway must be a maximum of 24 metres (6 storeys) for Feature Form locations (as indicated on Map 1) and 16 metres (4 storeys) for all other locations.

Street wall is the façade of a building fronting the street boundary, and may take the form of a base or podium.
- The upper level setback (above street wall podium) for all buildings abutting the Burwood Highway Corridor must be a minimum of 6 metres.

Upper level setback is the shortest horizontal distance from the top of the street wall base or podium and may include projections such as balconies, building services and architectural features.

KNOX PLANNING SCHEME

- Development must have an active frontage to Burwood Highway.
- Fencing within a setback to Burwood Highway must be substantially transparent and constructed of high quality materials.
- At-grade car parking must not be visible from Burwood Highway.
- Setbacks to Burwood Highway must provide a substantial, continuous area for landscaping.
- Setbacks to Burwood Highway must be:
 - Planted with canopy trees at a minimum density of one canopy tree for each 5 metres of the Burwood Highway boundary (excluding the width of driveways). Each tree must be surrounded by 20 square metres of permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.
 - Formally landscaped at the understorey level to support active building frontages and maximise passive surveillance.

Lewis Road Mixed Use precinct

The following buildings and works requirements apply to an application to construct a building or construct or carry out works on land within the Lewis Road Mixed Use precinct (shown in Map 2):

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

3.0
05/11/2021
C180knox

Subdivision

None specified.

4.0
05/11/2021
C180knox

Signs

None specified.

5.0
05/11/2021
C180knox

Application requirements

None specified.

6.0
05/11/2021
C180knox

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The objectives and strategies of Clause 21.10-2 Knox Central Activity Centre.
- Whether the application is supported by and meets the requirements of the following, as relevant, to the satisfaction of the responsible authority:
 - A Landscape Concept Plan.
 - A Traffic Management Plan.
 - An Acoustic Report demonstrating that new residential development or other sensitive uses have provided appropriate levels of noise attenuation with regard to existing noise sources in the

KNOX PLANNING SCHEME

surrounding area.

- A Green Travel Plan demonstrating opportunities to promote sustainable transport options, such as electric car charging points and car share spaces.
- Whether development contributes to a continuous and consistent built form outcome on Burwood Highway, through the use of building setbacks and street wall heights that are consistent with this schedule.
- Whether development demonstrates a high level of architectural quality and makes a positive contribution to the public realm.
- Whether development contributes to the pedestrian amenity of Burwood Highway.
- Whether development is designed and sited to maximise retention of canopy trees, where possible.
- Whether landscaping within front setbacks in the Burwood Highway Corridor:
 - Contributes to a consistent boulevard landscape theme.
 - Supports active frontages and pedestrian amenity.
- Whether any building that exceeds the required height limit:
 - Demonstrates that the design is of an exceptional quality and would exceed the high design quality expected within the centre.
 - Does not create any additional impacts on the amenity of residential land (as shown in Map 1) as a result of additional height.
- Whether development within the Lewis Road Mixed Use precinct:
 - Contributes to the orderly transition from industrial to mixed use residential area.
 - Is designed and constructed to include acoustic attenuation measures that will manage noise levels from any existing industrial use to be below that specified in State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N1).
 - Will have an unreasonable effect on existing uses.

KNOX PLANNING SCHEME

Map 1 to Schedule 13 to Clause 43.02

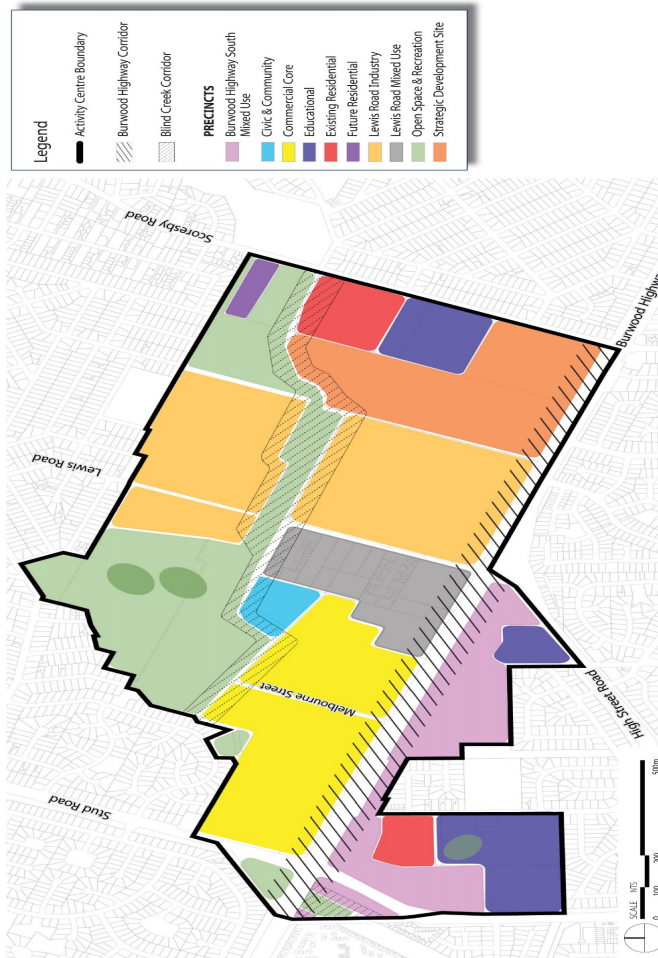
Knox Central Built Form Framework Plan



KNOX PLANNING SCHEME

Map 2 to Schedule 13 to Clause 43.02

Knox Central Precinct Plan



Indicative timeline

Project/Stage	2022					2023											2024						
	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Rezoning Amendment C198 Knox																							
Seek authorisation to commence PSA from Minister	█																						
Notification of Prescribed Ministers, Statutory authorities and relevant agencies			█																				
Council review and adoption				█																			
Submit PSA to Minister for approval					█																		
Minister approves amendment									█														
Central Precinct Precinct Plan																							
Draft Precinct Plan	█																						
Community Engagement								█															
Council adoption									█														
Seek authorisation to commence PSA to apply a DPO from Minister											█												
Exhibition													█										
Council consideration of submissions during exhibition and Refer to Panel (possibly)														█									
Independent Panel Hearing																█							
Council consideration of Panel recommendations and adoption																						█	
Submit PSA to Minister for approval																						█	
Minister approves amendment																							█

Note: These timelines are subject to Ministerial approvals █ Community Engagement █ Timeline

Planning and Environment Act 1987

**KNOX PLANNING SCHEME
AMENDMENT C198KNOX
EXPLANATORY REPORT**

Who is the planning authority?

This amendment has been prepared by Knox City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Knox City Council

Land affected by the amendment

The amendment applies to part of the Central Precinct of the Knox Central Activity Centre (see Figure 1) located at:

- 509A Burwood Highway, Wantirna South (lot 1 PS836494J Volumen12355 Folio 897)
- 100 Lewis Road, Wantirna South (Lot 1 PS 412676S Volume 12355 Folio 896)
- 102 Lewis Road, Wantirna South (Lot 1 TP131202T Volume 9073 Folio 341)

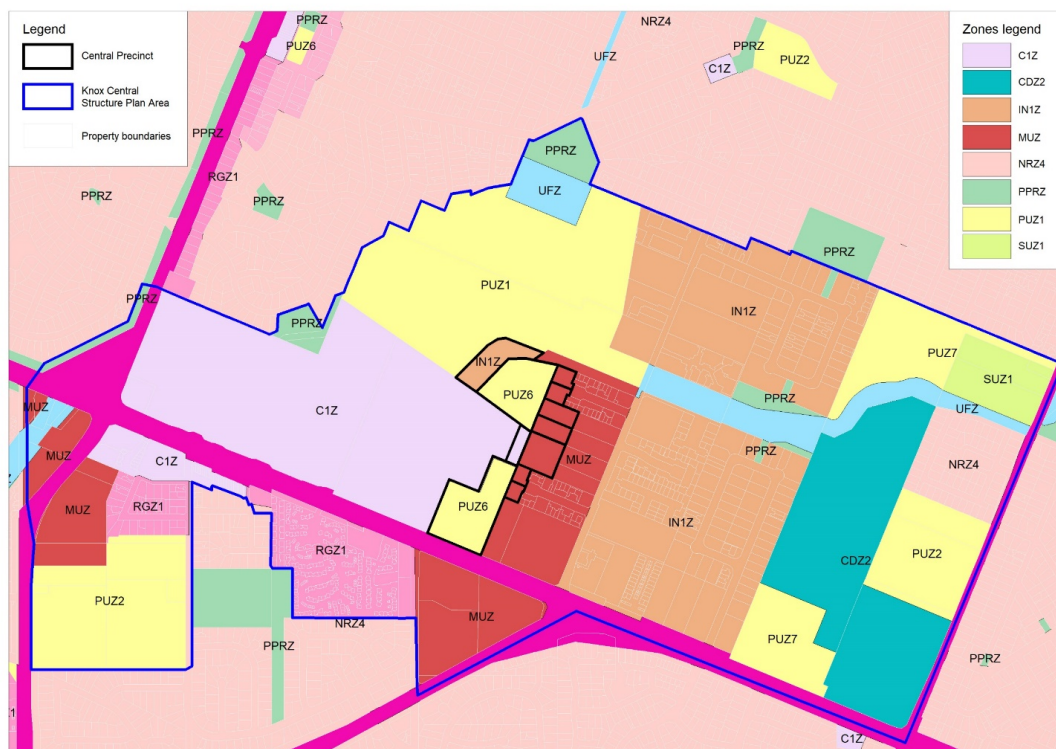


Figure 1: Location of the Knox Central Precinct

What the amendment does

The Amendment continues the implementation of the objectives and strategies of the *Knox Central Structure Plan 2016*, through the application of a zone and overlay.

Specifically, the Amendment proposes to:

- Rezone the following land from Industrial 1 Zone, Commercial 1 Zone and Public Use 6 Zone to Mixed Use Zone Schedule 1 (Amends Planning Scheme Map 2):
 - 509A Burwood Highway, Wantirna South (lot 1 PS836494J Volumen12355 Folio 897)
 - 100 Lewis Road, Wantirna South (Lot 1 PS 412676S Volume 12355 Folio 896)
 - 102 Lewis Road, Wantirna South Lot 1 TP131202T Volume 9073 Folio 341) (see Figure 2).

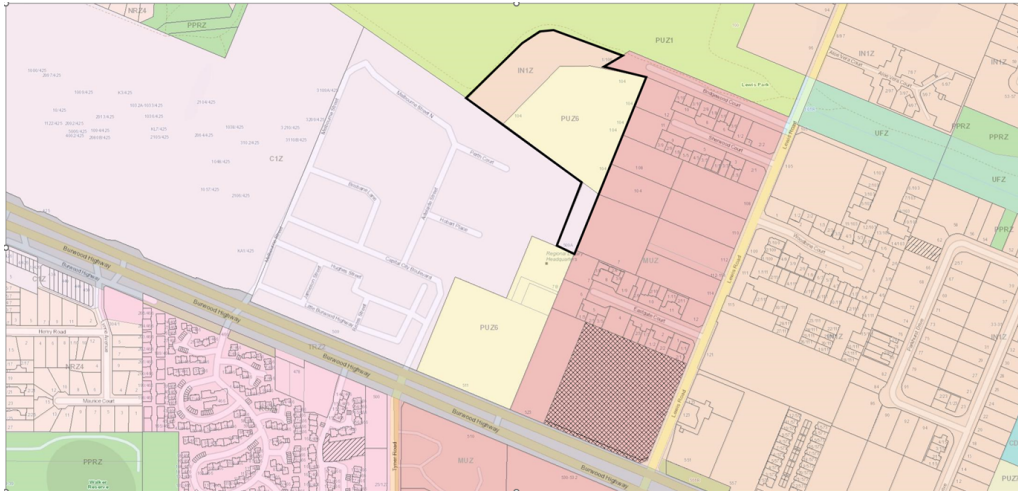


Figure 2: Location of the proposed Mixed Use Zone Schedule 1

- Apply the Environmental Audit Overlay to the following land:
 - 100 and 102 Lewis Road Wantirna South (see Figure 3).

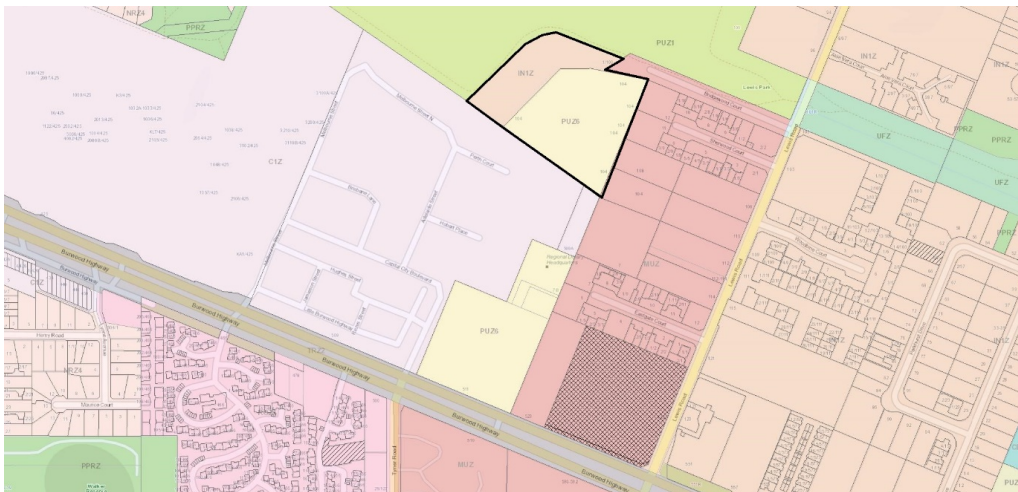


Figure 3: Location of the land to be rezoned

- Remove the Development Plan Overlay Schedule 2 from the land at 509A Burwood Highway, Wantirna South (see Figure 4).

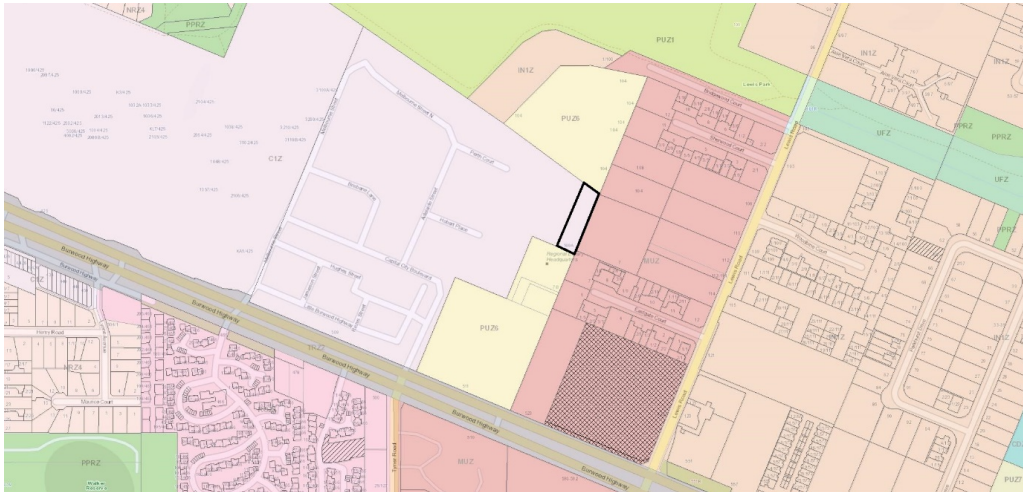


Figure 4: Location of 509A Burwood Highway Wantirna South

- Apply the Design and Development Overlay Schedule 13 to the land at 509A Burwood Highway, Wantirna South.
- Update Map 1 of the Development Overlay Schedule 13 to include the land at 509A Burwood Highway, Wantirna South.

Why is the amendment required?

The amendment is required in order to continue to implement into the Knox Planning Scheme the relevant objectives and strategies of the *Knox Central Structure Plan 2016*.

The Structure Plan's intent was for the current Civic Centre site at 511 Burwood Highway Wantirna South to be redeveloped in accordance with a Mixed Use Zone (MUZ) with a preferred building height of 28 metres (8-10 storeys) fronting Burwood Highway and a 20 metre (5-7 storeys) height limit for the Blind Creek or northern parcels of the land. Amendment C149 rezoned the eastern portion of the Central Precinct to a Mixed Use Zone. The remainder of the then Council owned land (the Civic Centre, Eastgate and the Operations Centre) remained in their existing zones because of the uncertainty around the potential purchase of land then owned by Scentre.

Council has now acquired the land and rezoning of sites to the Mixed Use Zone will support the diversification of uses within the activity centre and support the development of higher density residential development and implement metropolitan policy.

The Structure Plan also identified the need to develop a masterplan for the Council's land holdings and the Civic Precinct. This work has progressed and identified land at 509A Burwood Highway and 100 to 102 Lewis Road Wantirna South in the north of the Central precinct as the best location for residential based mixed use development. It also identified the land in the centre of the Central Precinct as the best location for the civic precinct. As a consequence, the land at 511 Burwood Highway, Wantirna South which the Structure Plan included in the Lewis Road Mixed Use precinct is to be retained in its current Public Use Zone. This new direction will require a further amendment of the Structure Plan precinct plan to reflect the new location of the civic precinct and mixed use precincts.

How does the amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of planning in Victoria, as set out in the *Planning and Environment Act 1987*. In particular, it provides for the orderly, economic and sustainable use and development of an identified activity centre. It enables the development of the land to create of efficient and safe living and working areas and facilitates development to achieve these outcomes. It enables the provision of additional housing consistent with sound strategic planning while preserving areas of significance within the municipality. The amendment supports the vision of Knox Central as articulated in the *Knox Central Structure Plan 2016*.

The Amendment assists in the implementation of the following objectives set out at Section

4(1) of the *Planning and Environment Act 1987*:

- a) *To provide for the fair, orderly, economic and sustainable use, and development of land;*
- b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- d) *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;*
- e) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c) and (e);*
- f) *To balance the present and future interests of all Victorians.*

The amendment implements the above objectives by providing clear strategic direction for future land use and development in the Central Precinct of the Knox Central Activity Centre.

How does the amendment address any environmental, social and economic effects?

The Amendment is expected to deliver positive environmental, social and economic outcomes by implementing the objectives of the *Knox Central Structure Plan 2016*.

Implementation of the *Knox Central Structure Plan 2016* will contribute to integrated development of a mix of uses, avoiding ad hoc development. It will provide new focus for public life, provide opportunities for a variety new uses, and encourage high quality urban design and development. Greater certainty will be provided for the local community, developers/investors and traders.

Potential benefits to the community include greater access to the Blind Creek corridor and Lewis Park, improvements to the movement network and facilitation of a civic/community precinct.

The Amendment will achieve economic benefits associated with improving strategic direction for future land use and development within Knox Central, supporting an increase in activity with the Activity Centre, and reinforcing the importance of Knox's valued environmental and landscape features.

The Amendment supports the provision of a mix of housing types, to respond to the current and future housing needs of the Knox community.

Does the amendment address relevant bushfire risk?

The Amendment will not increase bushfire risk. It supports the local and State planning policy objectives in relation to bushfire risk by:

- Supporting significantly increased residential development in a location that is not subject to bushfire risk.
- Relieving pressure for intensification of urban development in areas that are susceptible to bushfire events.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

The Amendment is consistent with Minister's Direction 11 – Strategic Assessment of Amendments under Section 12(2) of the Act. The requirements of this Direction have been followed in the course of preparing this Amendment and are embodied within this report.

The Amendment is consistent with Minister's Direction 9 – Metropolitan Planning Strategy under Section 12(2) of the Act, by implementing the following *Plan Melbourne 2014* objectives and outcomes at the municipal level:

- Objective 1: Delivering jobs and investment – create a city structure that drives productivity, supports investment through certainty and creates more jobs.
- Objective 2 - Housing choice and affordability – provide a diversity of housing in defined locations that caters for different households and is close to jobs and services.
- Objective 3: A more connected Melbourne: Provide an integrated transport system connecting people to jobs and services and goods to market.
- Objective 4: Liveable communities and neighbourhoods – create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities.
- Objective 5: Environment and energy – protect our natural assets and better plan our water, energy and waste management to create a more sustainable city.
- Objective 7: Implementation – delivering better governance: achieve clear results through better governance, planning, regulation and funding options.

The Amendment satisfies Ministerial Direction No. 1 on Potentially Contaminated Land by applying the Environmental Audit Overlay to potentially contaminated sites that would allow for sensitive uses once the Amendment is approved.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The proposed amendment supports the following policies within the State Planning Policy Framework:

- Clause 11.01-2 Activity Centre Planning – it will support the concentration of major retail, residential, commercial, entertainment and cultural developments into the Knox Central Activity Centre.
- Clause 12.04-2 Landscapes – it seeks to enhance the landscaped setting that contributes to the existing character of the Activity Centre, building on elements such as Lewis Park, the Blind Creek corridor and the Dandenong Ranges backdrop.
- Clause 15.01-1 Urban design and Clause 15.01-2 Urban design principles – it seeks to create a vibrant activity centre environment with a sense of place and identity, with improved safety, accessibility and environmental sustainability.
- Clause 16.01-2 Housing – it supports the development of new housing within the activity centre that offers good access to services and transport.
- Clause 17.01-1 Economic Development – it supports the intensification of retail, entertainment and other commercial uses in Knox’s premier activity centre.
- Clause 18 Transport – it seeks to support a safe and sustainable transport system by integrating land-use and transport.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment supports the implementation of the Planning Policy Framework (LPPF) in the following manner:

Municipal Strategic Statement (MSS)

The MSS supports the Knox Central Activity Centre as a regional retail, commercial and entertainment focus for the municipality and the outer east with significant opportunities for mixed use and residential development.

Specific references to “applying the Knox Central Principal Activity Centre local policy” can be found within Clauses 21.03 (Environmental and Landscape Values), 21.07 (Economic Development) and 21.10 (Local Areas).

Clause 21.01 (Municipal Profile) describes the role of Knox Central Activity Centre as follows:

“The Knox Central Activity Centre will continue to provide a regional retail, entertainment, recreational and civic focus for Knox and Melbourne’s outer east with significant opportunities for mixed use and residential development.”

Clause 21.07 (Economic Development) Outlines the following strategic directions

“Support a diverse range of mixed uses within industrial, commercial and mixed use zones to reflect the regional role of the activity centre.

Facilitate and support opportunities to improve integration of employment generating uses with residential uses, open space and the retail core of the activity centre.”

Clause 21.10-2 (Knox Central Activity Centre) implements the Structure Plan.

Objective 1 - Civic/Community contains the following strategy:

“1.1 Provide integrated civic and community facilities with related entertainment, leisure, recreation and business services around a central public space which integrates with Lewis Park.”

Objective 2 - Housing contains the following strategy:

“2.1 Optimise the use and development of sites that are capable of accommodating additional dwellings in Knox Central.”

Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions through the selection of appropriate planning tools to achieve guidance for future land use and development outcomes within Knox Central. The Amendment makes changes to the MSS, local planning policy framework, zone and overlay schedules and map changes to achieve the strategic vision for Knox Central.

How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought during the public exhibition process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The increase in land use activity and development supported by the *Knox Central Structure Plan 2016* is likely to have an impact on the transport system. By rezoning the land to mixed use the Amendment will enable residential development adjacent to a significant activity centre, employment node and transport hub. From this perspective the amendment includes will support the objectives of the *Transport Integration Act 2010* including the following:

- social and economic inclusion (s. 8)
- economic prosperity (s. 9)
- environmental sustainability (s. 10)
- integration of transport and land use (s. 11)
- efficiency, coordination and reliability (s. 12)
- safety and health and wellbeing (s. 13).

The Amendment complies with the principles set out in the *Transport Integration Act 2010*.

Resource and administrative costs

The Amendment will not result in any significant impact on the resources and administrative costs of the Planning Authority.

Where you may inspect this amendment

Subject to COVID-19 restrictions, the Amendment is available for public inspection, free of charge, during office hours at the following places:

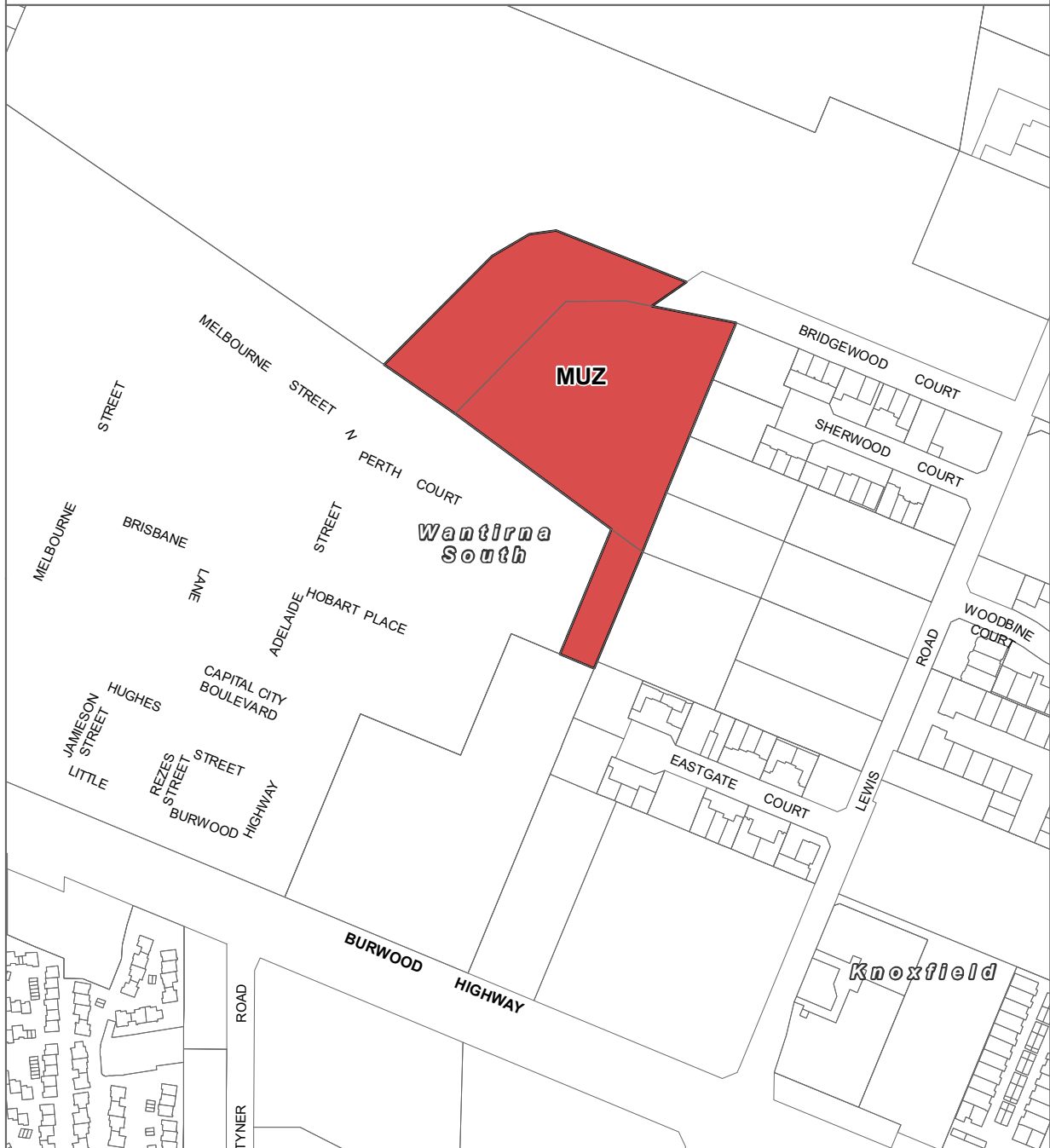
Knox City Council, Civic Centre

511 Burwood Highway, Wantirna South

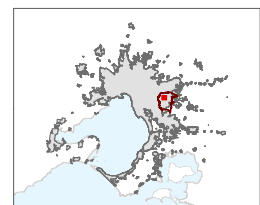
Operating hours: Monday to Friday: 8.30am-5:00pm.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

KNOX PLANNING SCHEME - LOCAL PROVISION AMENDMENT C198knox



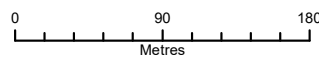
- LEGEND**
- MUZ - Mixed Use Zone
 - Local Government Area



Part of Planning Scheme Map 2

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Planning Group
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