

MINUTES

Meeting of Council

Held at the
Civic Centre
511 Burwood Highway
Wantirna South
On
Monday 29 January 2024

The Agenda for the Meeting of Council, Monday 29 January 2024, forms part of these Minutes and is attached in full at the end of the Minutes.

These Minutes are considered draft until adopted and confirmed at the next Meeting of Council.



The Meeting commenced at 7:02pm.

PRESENT:

<i>Cr J Dwight (Mayor)</i>	<i>Chandler Ward</i>
<i>Cr Y Allred</i>	<i>Baird Ward</i>
<i>Cr M Timmers-Leitch</i>	<i>Collier Ward</i>
<i>Cr S Grasso</i>	<i>Dinsdale Ward</i>
<i>Cr M Baker</i>	<i>Dobson Ward</i>
<i>Cr S Laukens</i>	<i>Friberg Ward</i>
<i>Cr L Cooper</i>	<i>Scott Ward</i>
<i>Cr D Pearce</i>	<i>Taylor Ward</i>
<i>Cr N Seymour</i>	<i>Tirhatuan Ward</i>

<i>Mr B Dobson</i>	<i>Chief Executive Officer</i>
<i>Mr G Curcio</i>	<i>Director - Customer and Performance</i>
<i>Mr G Thorne</i>	<i>Director – Infrastructure</i>
<i>Mr M Kelleher</i>	<i>Director - City Liveability</i>
<i>Ms J Chalkley</i>	<i>Director – Connected Communities</i>
<i>Ms N Lorkin</i>	<i>Chief Financial Officer</i>
<i>Mr A Dowling</i>	<i>Manager, Governance and Risk</i>

THE MEETING OPENED WITH A PRAYER, STATEMENT OF ACKNOWLEDGEMENT AND A STATEMENT OF COMMITMENT

“Knox City Council acknowledges we are on the traditional land of the Wurundjeri and Bunurong people and pay our respects to elders both past and present.”

Order of Business

1 Apologies And Requests For Leave Of Absence..... 5

2 Declarations Of Conflict Of Interest..... 5

3 Confirmation Of Minutes 5

4 Presentations, Petitions And Memorials 6

5 Reports By Councillors 6

6 Planning Matters..... 11

 6.1 Report of Planning Applications Decided Under Delegation 1 December 2023 to 31
 December 2023..... 11

 6.2 2-8 St Elmo Avenue, Ferntree Gully..... 12

 6.3 Amendment C194knox - Boral Quarry Redevelopment..... 15

7 Public Question Time 19

8 Officer Reports..... 23

 8.1 Minor Grants Program 2023-2024 Monthly Report - January 23

 8.2 Biodiversity Resilience Strategy Update 25

 8.3 Knox Community Awards Program..... 26

 8.4 Capital Works Amended Ranking Criteria..... 28

- 8.5 Carrington Park Leisure Centre - Squash - Intention to Lease..... 29

- 9 Supplementary Items..... 31

- 10 Notices Of Motion..... 31
 - 10.1 Notice of Motion 142 – GARS Heritage Recommendations 31

- 11 Urgent Business 31

- 12 Questions Without Notice 31

- 13 Confidential Items..... 32
 - 13.1 Expression of Interest Outcome for 58-60 Station Street, Bayswater 32

1 Apologies and Requests for Leave of Absence

Nil.

2 Declarations of Conflict of Interest

Councillor Laukens foreshadowed declaring a general conflict of interest in Item 6.2, 2-8 St Elmo Avenue, Ferntree Gully.

3 Confirmation of Minutes

RESOLUTION

MOVED: Councillor Timmers-Leitch

SECONDED: Councillor Laukens

That Council resolve to confirm the Minutes of the Council Meeting held on 18 December 2023 subject to an amendment to include the following Minutes of Confidential Business Item 13.1 in the public Minutes, in accordance with Council's resolution at that meeting:

13.1 Audit and Risk Committee

SUMMARY: Andrew Dowling, Manager Governance and Risk

The Knox City Council Audit and Risk Committee Charter provides that its membership shall comprise of three independent members and two Councillors.

Mr Geoff Harry's term as an independent member on the Audit and Risk Committee concludes in December 2023. This report recommends that Mr Harry be reappointed as an independent member of the Audit and Risk Committee for a further three-year term.

RESOLUTION

MOVED:

Councillor Timmers-Leitch

SECONDED:

Councillor Laukens

That Council resolve:

- 1. To reappoint Mr Geoff Harry as an independent member of the Knox Audit and Risk Committee for a second three-year term, from December 2023 to December 2026.**
- 2. Pursuant to Section 125 of the Local Government Act 2020, to authorise the confidential information in the report to be publicly available for the limited purpose of communicating the effect of this Resolution to the extent necessary to give effect to it.**
- 3. To include the Report Summary and these resolutions in the public Minutes of the Council Meeting.**

CARRIED

CARRIED

4 Presentations, Petitions and Memorials

Nil.

5 Reports by Councillors

5.1.1 Councillor Laukens

- Wished Councillors, staff and attendees in the gallery a Happy New Year, stating she is looking forward to the year ahead including the upcoming Council Elections.
- Highlighted reports of illegal rubbish dumping at a local charity bin and reminded the community there are multiple opportunities to reuse, recycle through opportunity shops and online services.
- Acknowledged the SCR Group for their responsiveness in clearing the dumped rubbish promptly, and encouraged the community to support charities without dumping rubbish, or donations around charity bins.

5.1.2 Councillor Pearce

- Acknowledged on behalf of he and Cr Seymour, acknowledged the recent death of a driver in a road accident on the corner of Braeburn Parade and Wellington Road and:
 - Noted that Wellington Road is controlled by VicRoads and is not within the authority or control of Council;
 - Noted while wishing to manage resident expectations about what Council can actually do to improve safety, he considered the status quo was no longer acceptable.
 - Expressed a desire for Council to take proactive measures to assist in addressing safety issues associated with this intersection; and foreshadowed a Council Motion for Council Traffic and Transport officers to conduct a formal study on the stretch of Wellington Road, between Napoleon Road and Taylors Lane, to be able recommend solutions to minimise the risk of any future tragedies. Such findings will be used to request formal action through an evidence-based proposal to the State Government, noting there is a current formal Police investigation in relation to this recent tragedy.
- Informed the community he will not recontest the upcoming 2024 Council Election in Taylor Ward after 16 years as a Councillor, noting his early resignation announcement gives the residents of Taylor Ward an opportunity to consider what they want from a new representative; and gave potential candidates an opportunity to consider their position.

Councillor Pearce also committed to fulfilling his responsibilities as a Councillor as required under the Local Government Act 2020 for the remainder of his term.

5.1.3 Councillor Allred

Councillor Allred reported attending the following meetings:

- Opening of the State Basketball Centre Development
- Knox Citizenship Ceremony

5.1.4 Councillor Baker

Councillor Baker reported attending the following meetings:

- School Award Presentation at Lysterfield Primary School
- School Award Presentation at Upper Ferntree Gully Primary School
- Australian Institute of Company Directors Course
- Ferntree Gully Tennis Club Open Day

5.1.5 Councillor Grasso

- Met with Mary Doyle MP to discuss ways Council and the Federal Government can work together to achieve better outcomes for the local area.
- Attended the opening of the State Basketball Centre development with State Premier Jacinta Allan, Steve Dimopoulos MP, Jackson Taylor MP, Daniela De Martino MP and other Councillors. This facility has 18 courts, making it the biggest community infrastructure project in Knox and acknowledged this could not have been achieved without State Government funding. The facility also caters for professional and grassroots sport along with gymnastics and the Koori Basketball Academy whilst serving as the home of basketball in Victoria, and is expected to be used by 2 million people each year.
- Noted it was great to join the Hindu Community, as the former Chair of the Knox Multicultural Advisory Committee, together with Senior Constable Dean Cai and First Constable Sarah Davis from the Multicultural Unit of Victoria Police at Shree Swaminarayan Temple in Dinsdale Ward, for the Shri Ram Janmabhoomi Pranpratishta Mahotsav, which was a spectacular and welcoming event.
- Joined the local Indian community and the Consul General of India for India Republic Day celebrations at the Australian Indian Community Charitable Trust Centre in Rowville.
- Attended two Citizenship Ceremonies with other Councillors, where over 300 Knox residents from all over the world became Australian citizens.
- Noted enquiries from residents which related to the mowing of long grass on road sides and parking availability near apartments undergoing renovations.

5.1.6 Councillor Timmers-Leitch

Councillor Timmers-Leitch reported attending the following meetings:

- Knox STAR Awards and End of Year Council Staff Celebration
- Opening of State Basketball Centre Development
- Induction to Environment Advisory Committee
- Knox Citizenship Ceremony
- Opening of the new cricket nets at Templeton Cricket Club

Councillor Timmers-Leitch also:

- Enjoyed the recent Citizenship Ceremony at Knox City Council and the opening of the new development at the State Basketball Centre.
- Attended the first training session of the Templeton Cricket Club at their new four-lane cricket nets which had been well received, and would support a very inclusive and vibrant Club which was fielding 20 teams this season.

5.1.7 Councillor Cooper

- Noted that Kim Wells MP held a community meeting near the David Cooper Memorial Park in Wantirna South with around 50 local residents regarding local crime and unwanted youth behavior, noting particularly the crimes of breaking into cars and stealing cars. that Council's Community Safety team is working with local residents and the Police to address these issues.
- Encouraged residents to be proactively vigilant against carjacking by locking cars, locking garages, closing gates and removing valuable items from cars.

5.1.8 Councillor Seymour

- Noted residents from the Waterlea Estate had made enquiries following flooding during major storms in January in Stamford Park and the nearby creek corridor, noting works were being conducted by Melbourne Water, and Council officers were meeting with community groups to discuss solutions.
- Noted the recent flooding highlighted the precariousness of the environment and the impact of extreme weather on local communities across Knox, and the proactive efforts of Council's Stormwater team towards managing the issue.
- Acknowledged mixed feedback from residents regarding the new Stud Park Playground, with some negative feedback about the hot metal of the slide and lack of shade, noting the feedback has been heard and will be investigated.
- Addressed the recent tragic road accident on the corner of Wellington Road and Braeburn Avenue, noting the risks on this part of the road have been raised for years by Councillors following many near-misses and foreshadowed her support for Councillor Pearce's proposed motion on the issue.
- Noted a second road-related fatality recently occurred when a pedestrian was hit by a car in the region, and that local roads being used as 'rat runs' was triggering safety concerns

for how well the road network in Rowville was coping with a growing population in an area highly dependent on car travel.

- Attended the Hindi Niketan annual Indian Independence Day celebration which showcases the importance of being an Australian along with traditional Indian culture, with new families and children enjoying events and games which marry Indian and Australian culture together.

5.1.9 Councillor Dwight

Councillor Dwight reported attending the following meetings:

- Mayoral Forum Meeting
- Meeting with Mary Doyle MP
- Knox Council STAR Awards
- Opening of the State Basketball Centre Development
- 'Meet The Mayor' Interview on ABC Radio
- The Basin Community Picnic at The Basin Triangle
- Eastern Region Group of Councillors – The Year Ahead Meeting
- Knox Citizenship Ceremony
- Indian Republic Day event at The Basin Ganesha Temple
- Eastern Region Group of Councillors Mayoral Breakfast and Tour of the Round

Councillor Dwight also:

- Attended the opening of the new State Basketball Centre development. This is the single biggest infrastructure project investment in the history of Knox with potential for other future projects in the precinct; noted her pleasure that former Council Chief Executive Officer Tony Doyle and former Council Director Infrastructure Ian Bell were attendance in light of their contributions to the project.
- Welcomed new citizens to Knox and expressed the privilege of watching the pride felt by residents in becoming new citizens at the recent Knox Citizenship Ceremony.
- Noted that Victorian Minister for Local Government The Hon. Melissa Horne MP has announced legislative changes for Councillor behavior, and expressed a belief that such legislative changes require Councillor input. Noted her concern that time is running out to consider such changes with draft papers not yet provided to Council.
- Noted cost of living and food relief issues, with many people struggling to make ends meet and requiring assistance and reflected on the importance of volunteering efforts such as those of volunteer John Draffin who had supported six learner drivers to reach their practice driving hours, offsetting significant time and cost pressures for families in need. meet gain their drivers license. Noted increasing cost of living pressures in the community were leaving many people struggling to make ends meet and requiring assistance. Reflected on the importance of volunteering efforts such as those of 2023 Volunteer of the Year John Draffin who had supported at least six learner drivers to reach their practice hours and gain their drivers license, offsetting the significant time

and cost pressures for families in need. Encouraged the community to consider the ways we can support those with less.

6 Planning Matters

6.1 Report of Planning Applications Decided Under Delegation 1 December 2023 to 31 December 2023

SUMMARY: Manager, City Planning & Building, Paul Dickie

Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.

RECOMMENDATION

That the planning applications decided under delegation reports (between 1 December 2023 to 31 December 2023) be noted.

RESOLUTION

MOVED: Councillor Cooper

SECONDED: Councillor Timmers-Leitch

That the planning applications decided under delegation reports (between 1 December 2023 to 31 December 2023) be noted.

CARRIED

6.2 2-8 St Elmo Avenue, Ferntree Gully

SUMMARY: Senior Planner, Emily Zeng

This report considers Planning Application P/2023/6138 for building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Decision to Refuse a Planning Permit for building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully, subject to the grounds of refusal detailed in the full recommendation in section 10 below.

RECOMMENDATION

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for buildings and works to construct a two storey residential aged care facility, signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully, subject to the following grounds of refusal:

The proposed development fails to balance bushfire, landscape and waterway design response and management on the subject site.

1. The development fails to address the objectives and policy guidelines at Clause 12.03 (Water Bodies and Wetlands) to locate development a minimum of 30 metres from the banks of waterway systems. The setback of the building footprint to the bank of the waterway must be increased another 20 metres to achieve the appropriate balance between the provision of bushfire protection measures and the development's ability to address the objective of this policy and other environmental-related policies and strategies of the Scheme.
2. The development fails to address the objectives and strategies at Clause 12.01 (Biodiversity), Clause 12.03 (Water Bodies and Wetlands), Clause 12.05 (Significant Environments and Landscapes), Clause 13.02 (Bushfire Planning) and Clause 21.03 (Environmental and Landscape Values) to ensure a proposal has been sensitively designed to provide a balanced response to implement bushfire protection measures without unacceptable biodiversity impacts to the surrounding landscape setting, environmental assets, and ecological and hydrological systems.
3. The developments interaction with the northern vegetation and waterway fails to address the strategies at Clause 16.01-5S (Residential Aged Care Facilities) and Clause 21.06-4 (Areas with Significant Landscape and Environmental Values) to ensure that development is designed to respond to the site and its context within the Dandenong Foothills.
4. The proposed development is contrary with two key purposes of Clause 32.09 (Neighbourhood Residential Zone): to implement the Municipal Planning Strategy, Planning Policy Framework, and to manage and ensure that development respects the identified environmental or landscape characteristics.

5. The development fails to address the objectives and decision guidelines of Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), to result an appropriate balance between development and landscaping/environmental outcomes.
6. The development fails to meet the objectives of Clause 43.02 (Design and Development Overlay – Schedule 1) as the rear interface does not achieve the environmental goal sought by Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), the Municipal Planning Strategy, and the Planning Policy Framework.

Pursuant to Section 127 of the Local Government Act 2020 (the Act) and Chapter 5 of the Governance Rules of Knox City Council, Councillor Laukens declared a general conflict of interest in this item on the grounds that she has family residing in affected streets.

Councillor Laukens left the meeting at 7:37pm before the discussion and vote on item 6.2

RESOLUTION

MOVED: Councillor Dwight

SECONDED: Councillor Baker

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for buildings and works to construct a two storey residential aged care facility, signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully, subject to the following grounds of refusal:

The proposed development fails to balance bushfire, landscape and waterway design response and management on the subject site.

- 1. The development fails to address the objectives and policy guidelines at Clause 12.03 (Water Bodies and Wetlands) to locate development a minimum of 30 metres from the banks of waterway systems. The setback of the building footprint to the bank of the waterway must be increased another 20 metres to achieve the appropriate balance between the provision of bushfire protection measures and the development's ability to address the objective of this policy and other environmental-related policies and strategies of the Scheme.**
- 2. The development fails to address the objectives and strategies at Clause 12.01 (Biodiversity), Clause 12.03 (Water Bodies and Wetlands), Clause 12.05 (Significant Environments and Landscapes), Clause 13.02 (Bushfire Planning) and Clause 21.03 (Environmental and Landscape Values) to ensure a proposal has been sensitively designed to provide a balanced response to implement bushfire protection measures without unacceptable biodiversity impacts to the surrounding landscape setting, environmental assets, and ecological and hydrological systems.**

- 3. The developments interaction with the northern vegetation and waterway fails to address the strategies at Clause 16.01-5S (Residential Aged Care Facilities) and Clause 21.06-4 (Areas with Significant Landscape and Environmental Values) to ensure that development is designed to respond to the site and its context within the Dandenong Foothills.**
- 4. The proposed development is contrary with two key purposes of Clause 32.09 (Neighbourhood Residential Zone): to implement the Municipal Planning Strategy, Planning Policy Framework, and to manage and ensure that development respects the identified environmental or landscape characteristics.**
- 5. The development fails to address the objectives and decision guidelines of Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), to result an appropriate balance between development and landscaping/environmental outcomes.**
- 6. The development fails to meet the objectives of Clause 43.02 (Design and Development Overlay – Schedule 1) as the rear interface does not achieve the environmental goal sought by Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), the Municipal Planning Strategy, and the Planning Policy Framework.**

CARRIED

The Chair noted that there was a mistake on page 2 of the report where Councillor Pearce was named as the Chair of the PCC – however it was Councillor Timmers-Leitch who was Mayor at the time and chaired the PCC.

Councillor Laukens returned to the meeting at 7:51pm after the vote on item 6.2

6.3 Amendment C194knox - Boral Quarry Redevelopment

SUMMARY: Senior Strategic Planner, Patrick Dubuc

Amendment C194knox is a planning scheme amendment request from Mirvac Pty Ltd (represented by consultant Echelon Planning) made on 11 June 2020 (and later amended in response to officer and authority/agency comments) to amend the Knox Planning Scheme to rezone land and modify other planning controls to facilitate the redevelopment of the Boral quarry site at 191 George Street, Wantirna South and Scoresby for residential and mixed use purposes.

The amendment proposes to rezone part of the subject site from Special Use Zone - Schedule 2 (SUZ2) to General Residential Zone - Schedule 2 (GRZ2) and Mixed Use Zone (MUZ) to allow for residential development and the creation of a Small Neighbourhood Activity Centre. The proposal also includes the application of a new Development Plan Overlay - Schedule 16 (DPO16) to the site to be incorporated into the Knox Planning Scheme to direct the overall development of the land. Other overlays are proposed to be modified, inserted into or deleted from the Knox Planning Scheme.

During the course of this planning scheme amendment request, officers have negotiated and resolved numerous issues, including social housing contributions, with the proponent prior to reporting the proposal to Council for consideration.

The purpose of this report is to present the proposed amendment, key matters progressed or agreed to, and the remaining unresolved matters. The proposed amendment package is not considered satisfactory in its current form by officers to proceed and includes gaps in addressing the key considerations stated in this report, including but not limited to:

- Access and traffic movement
- Biodiversity impacts
- Landfill gas buffer
- Noise attenuation
- Odour mitigation
- Geotechnical Strategy implementation.

Officers have communicated these issues with the proponent and have recommended changes to the amendment documents. Officers are awaiting a response from the proponent to the most recent feedback.

RECOMMENDATION

That Council:

1. Notes that officers will continue working with the applicant for Amendment C194knox, confirming that the current proposed amendment package, in its current form, is not supported (Refer to Officer Recommendation 2) for the purposes of seeking Ministerial authorisation to prepare and exhibit a planning scheme amendment to the Knox Planning Scheme and encourages the applicant to address these gaps and issues.

2. Notes and endorses that the following aspects of proposed Amendment C194knox require further review and resolution:
 - The amendment package includes gaps and issues in terms of environmental risks, drainage, vehicular connections and other planning considerations.
 - The proposed traffic arrangements are not deemed satisfactory, including the proposed reliance on Nortons Lane as a primary access point and consequential impacts to sites of biological significance on Nortons Lane and overreliance on George Street.
 - The proposed placement of residential areas within the landfill gas buffer area.
 - The proposed planning controls, including the Schedule to the Development Plan Overlay, do not address all the requirements necessary to provide an adequate level of amenity, safety and infrastructure for the future community.
3. Enters into an agreement under Section 173 of the *Planning and Environment Act 1987* for the purpose of social housing contributions relating to the land at 191 George Street, Wantirna South (known as the Boral Estate) in accordance with the Draft Agreement provided in Attachment 2, prior to Amendment C194knox being exhibited.
4. Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to:
 - negotiate and modify the Section 173 Agreement for the purpose of Social Housing contributions, noting any such amendments should maintain general accordance with the draft provided in Attachment 2; and
 - sign any relevant documents (including the Section 173 Agreement), take any actions and provide any necessary consent, to give effect to these resolutions.
5. Endorses the proposed Development Contributions Schedule generally in accordance with Attachment 3.
6. Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to write to the Minister for Planning and enter any discussions or process to advocate on behalf of Council in the event that the Minister for Planning appoints themselves or another authority as the Planning Authority for Amendment C194knox.
7. Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to make any relevant representation to the Minister for Environment to achieve a resolution for the alternative road access arrangement as discussed in this report.

RESOLUTION

MOVED: Councillor Cooper

SECONDED: Councillor Seymour

That Council:

- 1. Notes that officers will continue working with the applicant for Amendment C194knox, confirming that the current proposed amendment package, in its current form, is not supported (Refer to Officer Recommendation 2) for the purposes of seeking Ministerial authorisation to prepare and exhibit a planning scheme amendment to the Knox Planning Scheme and encourages the applicant to address these gaps and issues.**
- 2. Notes and endorses that the following aspects of proposed Amendment C194knox require further review and resolution:**
 - **The amendment package includes gaps and issues in terms of environmental risks, drainage, vehicular connections and other planning considerations.**
 - **The proposed traffic arrangements are not deemed satisfactory, including the proposed reliance on Nortons Lane as a primary access point and consequential impacts to sites of biological significance on Nortons Lane and overreliance on George Street.**
 - **The proposed placement of residential areas within the landfill gas buffer area.**
 - **The proposed planning controls, including the Schedule to the Development Plan Overlay, do not address all the requirements necessary to provide an adequate level of amenity, safety and infrastructure for the future community.**
- 3. Enters into an agreement under Section 173 of the *Planning and Environment Act 1987* for the purpose of social housing contributions relating to the land at 191 George Street, Wantirna South (known as the Boral Estate) in accordance with the Draft Agreement provided in Attachment 2, prior to Amendment C194knox being exhibited.**
- 4. Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to:**
 - **negotiate and modify the Section 173 Agreement for the purpose of Social Housing contributions, noting any such amendments should maintain general accordance with the draft provided in Attachment 2; and**
 - **sign any relevant documents (including the Section 173 Agreement), take any actions and provide any necessary consent, to give effect to these resolutions.**
- 5. Endorses the proposed Development Contributions Schedule generally in accordance with Attachment 3.**
- 6. Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to write to the Minister for Planning and enter any discussions or process to advocate on behalf of Council in the event that the Minister for Planning appoints themselves or another authority as the Planning Authority for Amendment C194knox.**
- 7. Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to make any relevant representation to the Minister for Environment to achieve a resolution for the alternative road access arrangement as discussed in this report.**

PROCEDURAL MOTION

MOVED: Councillor Cooper

SECONDED: Councillor Baker

That Councillor Seymour be granted an extension of time to speak under Section 42 of the Governance Rules of Knox City Council.

CARRIED

PROCEDURAL MOTION

MOVED: Councillor Baker

SECONDED: Councillor Cooper

That Councillor Timmers-Leitch be granted an extension of time to speak under Section 42 of the Governance Rules of Knox City Council.

CARRIED

The substantive motion was put and CARRIED.

7 Public Question Time

Following the completion of business relating to Item 6, Planning Matters, the business before the Council Meeting was deferred to consider questions submitted by the public.

Question Time commenced at 8:03pm.

Councillor Pearce left the meeting at 8:03pm.

Councillor Pearce returned to the meeting at 8:12pm.

The following questions were raised with Council:

7.1.1 Question One - Barney Zwartz

With strong majority support for the actions in the final draft Koolunga Future Directions Plan and Council officer recommendations, why did Council suddenly decide not a single dollar could be spent on low-cost community access improvement?

Is Council proposing the full removal of all pine trees and how will the wider community be involved in any plan for replacement species?

Councillor Dwight responded:

- Melbourne Water's Living Rivers grant (\$120,000) was how the wetland project which led to the Koolunga Future Directions Plan first began.
- Council's original allocation of \$266,000 was to achieve strong water and biodiversity outcomes to supplement that \$120,000 from Melbourne Water and that amount should not be redirected to actions that don't achieve these things, as indicated in the July Meeting of Council in 2023.
- In the July endorsement of the Plan, I said that "undertaking design work for a Gross Pollutant Trap will not ensure its delivery but delivery is what ensures the improvements that people have indicated are important. Planned funding is essential and with it, is the hope that we will gain additional habitat alongside the gross pollutant trap."
- Unfortunately, low-cost access improvements can all too easily dwindle away funding that is needed to address long-term protection and enhancement of the reserve. When that funding is there – which it was – Council had to very carefully consider how it was to be prioritised and used.

The Director Infrastructure, Grant Thorne responded:

- In relation to the second part of the submission, the Future Directions Plan includes an action to plan for the staged removal of all pine trees within the Koolunga Native Reserve. This is Action 1.4 of the Future Directions Plan. Council is currently in the process of developing a detailed plan, which will include how all the pine trees will be removed and a revegetation plan to replace the trees removed. The Plan will include how community

engagement will occur, but it is emphasised that Council has decided to remove the pine trees so any engagement undertaken will not consider whether the trees are to be removed or not. Although still being worked through, noting options are being explored with contractors and plans are considering the involvement of the community in the next steps, the engagement is likely to focus on the revegetation plan.

The Chair noted Council will follow up with Mr Zwartz for further clarification and additions to his question.

7.1.2 Question Two - Darren Wallace

How many Street trees have been planted in Knox, compared to those that have been removed, in the last financial year and in the previous 3 financial years prior to that and may I please have that in writing?

The Director Infrastructure, Grant Thorne responded:

- In response to your enquiry regarding the number of street trees planted and removed in Knox over the last financial year and the previous three financial years, I can advise that the numbers are:

Financial Year	Trees Planted	Trees Removed	Nett Increase
2019-20	2583	1394	1189
2020-21	2574	1325	1249
2021-22	2462	1042	1420
2022-23	2449	838	1611

- The removal of trees is only carried out following an assessment by qualified arborists and trees are only removed based on the health and safety of the trees.
- In addition to the street trees, the Council plants between 50,000 to 60,000 other plants annually, contributing to the overall greenery and environmental efforts in the municipality.
- Regarding the request for the response to be in writing, this response will be documented in the minutes of this meeting and will be made available on the Council's website.

7.1.3 Question Three - Darren Wallace

Bayswater Shopping Centre has one shop which has been vacant for at least five years. Does or can Council apply a differential voting scheme to such shops and what advocacy role can Council play to encourage best use of this specific shop?

The Chief Financial Officer, Navec Lorkin responded:

- Council does not have a specific rating differential for vacant shops. Council does have a rating differential for derelict properties however, this is for properties which are in very poor condition and this case would not fall under such a category.
- Regarding shop occupancy, Council does not provide a service to assist with tenancies for specific commercial properties, this is a matter for the owner.
- Opened up the opportunity to meet with Mr Wallace regarding this matter.

7.1.4 Question Four - Tiasha Fernando

In the past few months I have called and submitted online complaints about the state of maintenance at Knox Council, in particular the complete lack of landscaping of the roads and highways. In particular, the grassy sections of the median strips and footpaths along Wellington road, Stud Road and Burwood Highway. The grass and the weeds are knee high or higher, due to months of negligence. This is a complete eyesore and is destroying the beauty that Knox Council once had. Please have a look at the state of these areas as you drive around Knox Council.

As residents of this council we pay our rates and it is unacceptable that for months that the council has ignored this responsibility. On top it has ignored all complaints, both in writing and on the phone.

Could you please tell us what the Council is going to do to rectify this?

The Director Infrastructure, Grant Thorne responded:

- Regarding responses to the customer service requests the submitter notes they have lodged, upon reviewing Council's records no complaints could be located under the submitter's name or from their property concerning the specific maintenance issues they have highlighted along Wellington Road, Stud Road, and Burwood Highway.
- Asked the submitter to email Council the request numbers they received when lodging these complaints as this information will enable Council to investigate and address the submitter's concerns.
- On the issue of the overgrown grass along Wellington Road, Stud Road and Burwood Highway, this falls under the responsibility of VicRoads/Department of Transport and Planning, not the Knox City Council. Council shares the submitter's views on the matter and have actively advocated for VicRoads to undertake the necessary maintenance.

7.1.5 Question Five - David Ruse

Illegal Parking and Traffic Congestion in Tyner Road Wantirna South near the Council Offices. I have reported issues about congestion in Tyner Road as far back as May 2023 and recently reported many occurrences of illegal parking in Tyner Road via the Snap Send Solve app. With the new school year almost on us I would like to know what action the Council Parking Officers are taking to stop the many, and daily, parking infringements?

The Director City Liveability, Matt Kelleher responded:

- Council has actively been undertaking regular parking enforcement patrols along Tyner Road, in addition to working with St Andrews College and the Department of Transport

and Planning (DTP) to ensure there is safe access along Tyner Road during the school drop off and pick up times, particularly as it intersects with Burwood Highway.

- In December 2022, the line marking and signs in Tyner Road, north of the school, were altered to create a queue lane at pick up times and allow for a separate through traffic lane. Council's Traffic and Transport officers have convened several discussions with the school and DTP during 2023 to determine further feasible safety measures. 'Keep Clear' line markings were installed either side of the school crossing and at the intersection of Tyner Road and Tyner Road West during November 2023 to improve through access from the southern section of Tyner Road. Council also provided information to the school for inclusion in school newsletters, highlighting to parents the relevant road rules and where it is safe for parking to occur on Tyner Road.
- Council's Parking Officers have been attending the location and issuing infringements on a regular basis to ensure drivers are complying with the Road Safety Road Rules 2017. These patrols will continue when school resumes for Term 1 this year.
- To provide some background, a total of 196 parking related infringements have been issued this financial year so far as a result of proactive patrols. 271 infringements were issued in the 2023 calendar year, compared to 102 during the 2022 calendar year.
- It is anticipated that these measures, along with ongoing enforcement, will assist in changing motorist behaviour and keep access along Tyner Road clear for through traffic.
- Council will continue to monitor the traffic and parking in Tyner Road and work with the school to determine if further changes are required.

Question Time Concluded at 8:21pm.

8 Officer Reports

8.1 Minor Grants Program 2023-2024 Monthly Report - January

SUMMARY: Community Partnerships Officer, Jade Mainwaring

This report summarises the grant applications recommended for approval in January for the 2023-2024 Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Procedure.

Applications under the Minor Grants Procedure are limited to a maximum of \$3,000.00 within the current financial year.

RECOMMENDATION

That Council:

1. Approve two applications for a total of \$5,180.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
All Stars Choir	All Stars Choir Music Sessions	\$3,000.00	\$3,000.00
Ferntree Gully Eagles Football Netball Club	Canteen Upgrade	\$2,180.00	\$2,180.00
Total		\$5,180.00	\$5,180.00

2. Refuse one application requesting a total of \$3,000.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Carrington Park Squash Club	Drinking Fountain	\$3,000.00	\$0.00
Total		\$3,000.00	\$0.00

3. Note that should the recommended grants be approved by Council, the remaining Minor Grants Program budget for 2023-2024 will be \$51,279.26 before GST adjustments.

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Allred

That Council:

1. Approve two applications for a total of \$5,180.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
All Stars Choir	All Stars Choir Music Sessions	\$3,000.00	\$3,000.00
Ferntree Gully Eagles Football Netball Club	Canteen Upgrade	\$2,180.00	\$2,180.00
Total		\$5,180.00	\$5,180.00

2. Refuse one application requesting a total of \$3,000.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Carrington Park Squash Club	Drinking Fountain	\$3,000.00	\$0.00
Total		\$3,000.00	\$0.00

3. Note that should the recommended grants be approved by Council, the remaining Minor Grants Program budget for 2023-2024 will be \$51,279.26 before GST adjustments.

CARRIED

8.2 Biodiversity Resilience Strategy Update

SUMMARY: Biodiversity Coordinator, Nadine Gaskell

The development of vegetation mapping and habitat corridor planning to manage our urban biodiversity is an action from the Council Plan. To achieve this action the Biodiversity Resilience Strategy has been developed and the Strategy is now being presented to Council for adoption.

The Biodiversity Resilience Strategy (Attachment A) is a summary of several technical reports including Tree canopy analysis, Biodiversity Resilience Strategy Study, Framework for resilient street trees with recommendations and flagship action themes.

The Strategy will define key opportunities to strategically investigate, analyse and plan for future focused protection and enhancement of biodiversity and habitat values across the municipality.

The Biodiversity Resilience Strategy (the Strategy) aims to introduce a nature positive approach to delivery of services. It will provide strategic direction to assist the long-term survival of local flora, fauna and ecosystems as well as increased tree canopy to support habitat and urban cooling in a warming climate.

This Strategy aligns with both Council's Climate Response Plan and Reconciliation Action Plan and will help inform the development of the Open Space Strategy.

RECOMMENDATION

That Council adopt the Biodiversity Resilience Strategy 2024-2034 as set out in Attachment 1.

RESOLUTION

MOVED: Councillor Allred

SECONDED: Councillor Grasso

That Council adopt the Biodiversity Resilience Strategy 2024-2034 as set out in Attachment 1.

CARRIED

8.3 Knox Community Awards Program

SUMMARY: Head of Governance, Saskia Weerheim

The Knox Australia Day Awards were a discretionary awards program of Council that ran from 1994 to 2023. At the September 2023 Strategic Planning Committee Meeting, a decision was made to discontinue these awards in their current form and investigate ways to offer a revitalised Council-run Community Awards Program, to commence in 2024.

Following on from this decision, various options were considered for a revamped Council awards program. This report proposes a new awards program, the “Knox Community Awards” with the purpose of recognising and celebrating the valuable contribution that volunteers make to the Knox community. It is proposed that the Knox Community Awards be conferred during National Volunteer Week, held annually in May, commencing in 2024.

Terms of Reference have been drafted to support the proposed new awards program and to establish a Committee to recommend the recipients. The new categories in the draft Terms of Reference aim to revitalise the awards program whilst simplifying the process for the community, with the aim of driving increased nominations and increasing community participation in the awards in the future.

RECOMMENDATION

That Council resolve to:

1. Adopt the Knox Community Awards Terms of Reference, as presented in Attachment 1.
2. Appoint two Councillors, Councillor _____ and Councillor _____ to represent Council on the 2024 Knox Community Awards Committee.

RESOLUTION

MOVED: Councillor Timmers-Leitch

SECONDED: Councillor Allred

That Council resolve to:

1. **Adopt the Knox Community Awards Terms of Reference, as presented in Attachment 1 subject to the following changes:**
 - a. **In the Meeting Procedures section (section 5), replace the following text “There will is no designated quorum for the Knox Community Awards Committee” with “The designated quorum for the Knox Community Awards Committee will be a minimum of three members, comprising at least one Councillor member and one community member.”**
 - b. **In the Agendas and Meeting Notes section (section 7), amend the text so that a meeting agenda is required to be sent out “4 business days before the time fixed for the holding of the meeting.**
2. **Appoint two Councillors, Councillor Seymour and Councillor Allred to represent Council on the 2024 Knox Community Awards Committee.**

CARRIED

Councillor Pearce noted on the public record that he would be abstaining from the vote on this Motion.

8.4 Capital Works Amended Ranking Criteria

SUMMARY: Coordinator Capital Works Planning, John Bixby Council annually adopts the Capital Works Ranking Criteria which provides a transparent methodology for the initial ranking of the New and Upgrade programs.

At the October 2023 Council meeting, Council adopted the updated Capital Works Ranking Criteria, as presented except for Program 4000 – Structured Sporting Facilities (Buildings), Program 4001 – Arts and Cultural Facilities (Buildings), Program 4002 – Indoor Leisure Facilities (Buildings) and Program 4003 – Family & Children Service Buildings and Facilities (Buildings). Council sought a further report on the proposed changes to those four programs.

This report provides further explanation of the proposed changes for the four programs and seeks Council adopt the changes as proposed.

RECOMMENDATION

That Council adopt the amended Capital Works Ranking Criteria for New/Upgrade Programs as shown in Attachment 1;

RESOLUTION

MOVED: Councillor Seymour

SECONDED: Councillor Allred

That Council adopt the amended Capital Works Ranking Criteria for New/Upgrade Programs as shown in Attachment 1.

CARRIED

Note: Councillors agreed to a minor administrative change to bullet point 4.7 located on page 222 of the Agenda in relation to this Item, for the text in the rating column to state '5 plus' instead of 'all 5'.

8.5 Carrington Park Leisure Centre - Squash - Intention to Lease

SUMMARY: Coordinator Strategic Planning Active & Creative Communities, Paul Reading
This report is provided to update Council on the details of the intention to lease part of Carrington Park Leisure Centre as a squash and racquetball facility. A previous report to Council's Strategic Planning Committee (SPC) of 7 November 2022 provided the ability to negotiate the terms of the lease, this report now requests authorisation for the Chief Executive Officer (or a delegate that the Chief Executive Officer nominates) to execute the lease.

RECOMMENDATION

That Council:

1. Note the statutory process has been completed in accordance with section 115 of the Local Government Act 2020.
2. Agree to enter into a Lease for part of "Carrington Park Leisure Centre" at 20 O'Connor Road Knoxfield, with JAEN Corporation Pty Ltd ATF James Poynton Family Trust for the purpose of a squash and racquetball facility. The lease term is for 20 years with no further terms. The annual rent payable is \$239 (including GST), increasing by CPI on the anniversary of the agreement, plus outgoings.
3. Authorise the Chief Executive Officer (or a delegate that the Chief Executive Officer nominates) to sign the documentation required to execute the lease, inclusive of:
 - a. A Heads of Agreement, Agreement for Lease and Lease documents for the purpose of securing the capital contribution, maintenance, and management agreement of part of Carrington Park Leisure Centre at 20 O'Connor Road, Knoxfield as a squash and racquetball facility.
 - b. The Deed of Novation; novating the lease and supporting documentation from the proposed tenant JAEN Corporation Pty Ltd ATF James Poynton Family Trust to Tiberius4 Pty Ltd ATF Poynton Family Superfund.

RESOLUTION

MOVED: Councillor Laukens

SECONDED: Councillor Seymour

That Council:

1. **Note the statutory process has been completed in accordance with section 115 of the Local Government Act 2020.**
2. **Agree to enter into a Lease for part of "Carrington Park Leisure Centre" at 20 O'Connor Road Knoxfield, with JAEN Corporation Pty Ltd ATF James Poynton Family Trust for the purpose of a squash and racquetball facility. The lease term is for 20 years with no further terms. The annual rent payable is \$239 (including GST), increasing by CPI on the anniversary of the agreement, plus outgoings.**
3. **Authorise the Chief Executive Officer (or a delegate that the Chief Executive Officer nominates) to sign the documentation required to execute the lease, inclusive of:**
 - a. **A Heads of Agreement, Agreement for Lease and Lease documents for the purpose of securing the capital contribution, maintenance, and management agreement of part**

of Carrington Park Leisure Centre at 20 O'Connor Road, Knoxfield as a squash and racquetball facility.

- b. The Deed of Novation; novating the lease and supporting documentation from the proposed tenant JAEN Corporation Pty Ltd ATF James Poynton Family Trust to Tiberius4 Pty Ltd ATF Poynton Family Superfund.**

CARRIED

9 Supplementary Items

Nil.

10 Notices of Motion

10.1 Notice of Motion 142 – GARS Heritage Recommendations

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Seymour

GARS Heritage Recommendations

I hereby give notice that it is my intention to move the following motion at the Council Meeting on 29 January 2024:

That Council resolve to receive a report at a Council Meeting by July 2024 (or such later meeting as agreed with the Mayor) that provides a brief high level status update on the Heritage Study (1993); the status of the sites identified and recommended by the adopted Green Areas and Rural Strategy (GARS) for heritage investigation, including the Avenue of Honour situated in Lysterfield; and advise on a future pathway (or options) and resourcing implications for giving effect to these recommendations.

CARRIED

11 Urgent Business

Nil.

12 Questions Without Notice

Nil.

13 Confidential Items

13.1 Expression of Interest Outcome for 58-60 Station Street, Bayswater

A confidential report is circulated under separate cover as it contains confidential information pursuant to Council's Governance Rules and Section 66 of the Local Government Act 2020, as it relates to:

- Council business information, that will prejudice Council's position when tendering for services, negotiating a settlement;
- Private commercial information, that if released, would unreasonably expose a financial undertaking to a disadvantage because it would release financial information about the business that is not generally available to their competitors; and
- Confidential meeting information, being the records of the Ordinary Meeting held on 20 December 2021 that was closed to the public under section 66(2)(a) of the Local Government Act 2020.

PROCEDURAL MOTION

CLOSURE OF MEETING

MOVED: Councillor Grasso

SECONDED: Councillor Baker

That Council resolve to close the meeting in accordance with Section 66(2) of the Local Government Act 2020 in order to consider Item 13.1 Expression of Interest Outcome for 58-60 Station Street, Bayswater because its relates to:

- **Council business information, that will prejudice Council's position when tendering for services, negotiating a settlement;**
- **Private commercial information, that if released, would unreasonably expose a financial undertaking to a disadvantage because it would release financial information about the business that is not generally available to their competitors; and**
- **Confidential meeting information, being the records of the Ordinary Meeting held on 20 December 2021 that was closed to the public under section 66(2)(a) of the Local Government Act 2020.**

CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 9:02pm.

MEETING CLOSED AT 10:03pm

Minutes of Meeting confirmed at the
Meeting of Council
held on Monday, 26 February 2024

.....
Chairperson

The Agenda for this meeting is attached in full at the end of the Minutes

AGENDA



Meeting of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 29 January 2024 at 7:00 PM

This meeting will be conducted as a hybrid meeting

Order of Business

1 Apologies And Requests For Leave Of Absence.....4

2 Declarations Of Conflict Of Interest.....4

3 Confirmation Of Minutes.....4

4 Presentations, Petitions And Memorials4

5 Reports By Councillors.....4

6 Planning Matters6

 6.1 Report of Planning Applications Decided Under Delegation 1 December 2023 to 31
 December 2023.....6

 6.2 2-8 St Elmo Avenue, Ferntree Gully.....11

 6.3 Amendment C194knox - Boral Quarry Redevelopment68

7 Public Question Time130

8 Officer Reports.....131

 8.1 Minor Grants Program 2023-2024 Monthly Report - January.....131

 8.2 Biodiversity Resilience Strategy Update151

 8.3 Knox Community Awards Program202

 8.4 Capital Works Amended Ranking Criteria.....214

- 8.5 Carrington Park Leisure Centre - Squash - Intention to Lease229

- 9 Supplementary Items.....234

- 10 Notices Of Motion234
 - 10.1 Notice of Motion 142 – GARS Heritage Recommendations235

- 11 Urgent Business237

- 12 Questions Without Notice237

- 13 Confidential Items.....237
 - 13.1 Expression of Interest Outcome for 58-60 Station Street, Bayswater237

Bruce Dobson
Chief Executive Officer

1 Apologies and Requests for Leave of Absence

2 Declarations of Conflict of Interest

3 Confirmation of Minutes

Confirmation of Minutes of Meeting of Council held on Monday 18 December 2023

4 Presentations, Petitions and Memorials

5 Reports by Councillors

6 Planning Matters

6.1 Report of Planning Applications Decided Under Delegation 1 December 2023 to 31 December 2023

SUMMARY: Manager, City Planning & Building, Paul Dickie

Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.

RECOMMENDATION

That the planning applications decided under delegation reports (between 1 December 2023 to 31 December 2023) be noted.

1.REPORT

Details of planning applications decided under delegation from 1 December 2023 to 31 December 2023 are attached. The applications are summarised as follows:

Application Type	No.
Building & Works: Residential	2
Other	2
Subdivision	14
Units	9
Tree Removal / Pruning	11
Dependent Person Unit	1
Liquor License	4
TOTAL	43

2.CONFIDENTIALITY

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

Report Prepared By: Manager, City Planning & Building, Paul Dickie

Report Authorised By: Director, City Liveability, Matt Kelleher

Attachments

Nil

Knox City Council

Reort of Planning Applications Decided Under Delegation

1 December 2023 and 31 December 2023

Ward	No/ Type	Address	Description	Decision
Baird	2022/6656	21 Stradbroke Road BORONIA VIC 3155	The Construction of Two (2) Double Storey Dwellings and One (1) Single Storey Dwelling on the Land	1/12/2023 Approved
Baird	2023/6495	7 Elder Grove BORONIA VIC 3155	Pruning of two (2) Eucalyptus obliqua (Messmate)	11/12/2023 Approved
Baird	2023/6475	2/163 Boronia Road BORONIA VIC 3155	Restaurant and cafe liquor license	13/12/2023 Approved
Baird	2023/6487	16 Flower Street FERNTREE GULLY VIC 3156	Six (6) Lot subdivision (Approved Unit Development)	21/12/2023 Approved
Baird	2023/6455	2/33A Devenish Road BORONIA VIC 3155	Seven lot subdivision (approved unit development)	15/12/2023 Approved
Baird	2023/6498	CB177 Pavilion 1A Manuka Drive FERNTREE GULLY VIC 3156	Liquor license associated with new club rooms	28/12/2023 Approved
Chandler	2023/6353	24 Alchester Crescent BORONIA VIC 3155	Sale and consumption of liquor (restaurant and cafe licence) associated with a food and drinks premises (as of right use)	5/12/2023 Approved
Chandler	2023/6535	20 Deborah Avenue BORONIA VIC 3155	Removal of one (1) Corymbia citriodora (Lemon Scented Gum)	13/12/2023 Approved
Chandler	2023/6513	18 Emerald Court BORONIA VIC 3155	Removal of one (1) Alnus jorullensis (Evergreen Alder) and one (1) Betula pendula (Silver Birch)	19/12/2023 Approved
Chandler	2023/6450	15 Hansen Road BORONIA VIC 3155	The construction of an alfresco and pool area to an existing dwelling	21/12/2023 Approved

Ward	No/ Type	Address	Description	Decision
Chandler	2023/6507	German Lutheran 67 Mount View Road THE BASIN VIC 3154	Removal of one (1) Eucalyptus goniocalyx (Long Leaved Box)	19/12/2023 Approved
Chandler	2023/6517	5 Batavia Avenue BORONIA VIC 3155	Removal of one (1) Eucalyptus botryoides (Southern Mahogany) and one (1) Cedrus deodara (Himalayan Cedar)	21/12/2023 Approved
Collier	2023/6094	2 Aminya Court WANTIRNA VIC 3152	The construction of two double storey dwellings on the land	6/12/2023 Notice of Decision
Collier	2023/6456	106 Harold Street WANTIRNA VIC 3152	Eight (8) lot subdivision (approved development site)	11/12/2023 Approved
Dinsdale	2023/6357	687 Mountain Highway BAYSWATER VIC 3153	Liquor Licence - Packaged liquor for off- site consumption	7/12/2023 Notice of Decision
Dinsdale	2023/9100	7A & 7B Westham Crescent BAYSWATER VIC 3153	Two (2) lot subdivision (approved unit development)	7/12/2023 Approved
Dinsdale	2023/6516	1&2 /539 Mountain Highway BAYSWATER VIC 3153	Two lot subdivision (approved development site)	8/12/2023 Approved
Dinsdale	2023/6387	11 Warrawee Road WANTIRNA SOUTH VIC 3152	Construction of two (2) single storey dwellings on a lot	14/12/2023 Approved
Dinsdale	2023/6292	153 Kanooka Road BORONIA VIC 3155	Construction of two double storey dwellings on a lot	8/12/2023 Notice of Decision
Dinsdale	2023/6408	30 Scoresby Road BAYSWATER VIC 3153	four (4) Lot Subdivision in two (2) stages (Approved unit development)	21/12/2023 Approved
Dinsdale	2023/6383	780 Mountain Highway BAYSWATER VIC 3153	Alterations and additions to an existing building and variation to the red line plan	13/12/2023 Approved
Dinsdale	2023/6529	20 Maple Street BAYSWATER VIC 3153	Seven (7) lot subdivision (approved unit development)	28/12/2023 Approved
Dobson	2023/6518	4/3 Hillcrest Avenue FERNTREE GULLY VIC 3156	The removal of one (1) Eucalyptus elata (River Peppermint)	1/12/2023 Approved

Ward	No/ Type	Address	Description	Decision
Dobson	2022/6466	13 Roberts Street FERNTREE GULLY VIC 3156	Three (3) lot subdivision and removal of vegetation	7/12/2023 Notice of Decision
Dobson	2023/6489	51 Margot Street FERNTREE GULLY VIC 3156	Removal of one (1) Eucalyptus obliqua (Messmate) and one (1) Melaleuca styphelioides (Prickly-Leaved Paperbark)	8/12/2023 Approved
Dobson	2023/6467	Lot RES1 Dempster Street FERNTREE GULLY VIC 3156	Removal of one (1) Eucalyptus melliodora (Retrospective)	19/12/2023 Approved
Friberg	2023/6279	25 Wedge Crescent ROWVILLE VIC 3178	Development of land for two (2) double storey dwellings and a two (2) lot subdivision	1/12/2023 Notice of Decision
Friberg	2023/9098	12 Holme Road FERNTREE GULLY VIC 3156	Two lot subdivision (approved unit development)	7/12/2023 Approved
Friberg	2023/9099	29 O'Connor Road KNOXFIELD VIC 3180	Two lot subdivision (approved development site)	7/12/2023 Approved
Friberg	2023/9097	32 Folkstone Crescent FERNTREE GULLY VIC 3156	2 Lot subdivision (approved development site)	7/12/2023 Approved
Friberg	2023/6504	41 David Street KNOXFIELD VIC 3180	Removal of one (1) Eucalyptus radiata (Narrow Leaved Peppermint)	19/12/2023 Approved
Friberg	2023/6238	56 Mountain Gate Drive FERNTREE GULLY VIC 3156	Two lot Subdivision (approved development site)	20/12/2023 Approved
Friberg	2023/6145	30 Kathryn Road KNOXFIELD VIC 3180	Development of the land for two (2) double storey dwellings	18/12/2023 Notice of Decision
Friberg	2023/6280	150 Taylors Lane ROWVILLE VIC 3178	Construction of a double storey dwelling at the rear of an existing dwelling	21/12/2023 Approved
Scott	2023/9101	62 Ridge Road WANTIRNA SOUTH VIC 3152	Buildings and Works (addition of a second bedroom to existing unit)	12/12/2023 Approved

Ward	No/ Type	Address	Description	Decision
Scott	2023/6469	41 Sylphide Way WANTIRNA SOUTH VIC 3152	Buildings and works to construct a Dependent Persons Unit in a Special Building Overlay	8/12/2023 Approved
Scott	2023/6506	1/13 The Ridge West KNOXFIELD VIC 3180	The removal of one (1) Eucalyptus cephalocarpa (Silver Leaf Stringybark)and one (1) Eucalyptus botryoides (Southern Mahogany)	11/12/2023 Approved
Taylor	2023/6197	17 Redgum Court ROWVILLE VIC 3178	Development for one (1) single storey and two (2) double storey dwellings	4/12/2023 Notice of Decision
Taylor	2023/9094	79A & 79B Willow Avenue ROWVILLE VIC 3178	Two Lot subdivision (approved unit development)	14/12/2023 Approved
Tirhatuan	2023/6512	13 Tetragona Quadrant ROWVILLE VIC 3178	Lopping of one (1) Eucalyptus radiata (Narrow Leaved Peppermint)	12/12/2023 Approved
Tirhatuan	2023/6295	18 Hillview Avenue ROWVILLE VIC 3178	Construction of a double storey dwelling to the rear of the existing dwelling	13/12/2023 Approved
Tirhatuan	2023/6524	9 & 1/9 Seebeck Road ROWVILLE VIC 3178	Two lot subdivision (approved unit development)	15/12/2023 Approved
Tirhatuan	2023/6436	10 Dalmore Drive SCORESBY VIC 3179	Buildings and Works (Extension to existing warehouse)	15/12/2023 Approved

6.2 2-8 St Elmo Avenue, Ferntree Gully

SUMMARY: Senior Planner, Emily Zeng

This report considers Planning Application P/2023/6138 for building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Decision to Refuse a Planning Permit for building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully, subject to the grounds of refusal detailed in the full recommendation in section 10 below.

1. INTRODUCTION

A new application P/2023/6138 has been lodged with Council for building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully.

This application is being reported to Council as it received objections from more than 10 objector properties (Dandenong Foothills Policy Area location).

2. DISCUSSION

It is considered that the development will not provide an appropriate balance between the need for the proposed facility which responds to Knox's ageing population and the conservation of an area that is identified as a site of biological significance in the municipality.

The proposed development is not considered to be consistent with the State and Local policy direction for landscape character for the following reasons:

- The development is not considered to be sensitively designed to provide a balanced response to address bushfire protection measures and the need to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.
- Policy guidelines at Clause 12.03-1S (Water Bodies and Wetlands) of the Knox Planning Schemes specifies that development should be a minimum of 30 metres from the banks of water systems. The setback of the building footprint to the bank of the waterway must be increased another 20 metres to achieve the appropriate balance between the provision of bushfire protection measures and the development's ability to address the objective of this policy and other environmental-related policies and strategies of the Scheme.
- The proposed developments proximity to an existing waterway and the extent of buildings and works and landscaping is not considered to address the strategy to recognise the natural landscape for its aesthetic value and as a fully functioning system. The loss of vegetation and inability to re-vegetate along the waterway will impact the natural waterway environment.
- As a site where development is affected by environmental constraints, the proposal does not provide a comprehensive response to revegetating and restoring the northern portion

of the site to compensate for the loss of trees and to balance the requirements for ongoing bushfire protection management measures. To achieve the appropriate balance between development and landscaping/environmental outcomes, it is recommended that a further setback of 20 metres to any buildings is provided to the rear to provide both a suitable bushfire solution and to protect the waterway and its environmental and landscape values.

- Regarding the revegetation area to the north of the development, the proposal has not addressed the design guidelines for vegetation. Therefore, the buildings and works associated with the development do not achieve landscape character objectives to maintain vegetation as a key element of the foothills landscape and encourage retention and regeneration of native vegetation to protect wildlife habitat.
- The proposal does not address strategy to protect and enhance habitat for indigenous plants and animals in urban areas, as well as to avoid impacts of land use and development on important areas of biodiversity.

The Officer's Report is provided at Attachment 1.

3. CONSULTATION

The application was advertised by way of a sign on site and notices were sent to adjoining property owners and occupiers. In total 201 objections were received from 148 objector properties.

On 4 October 2023 a Planning Consultative Committee (PCC) meeting was held. The meeting was held online via Zoom and chaired by Cr Pearce.

The application was referred internally to Council's Building Department, Stormwater Engineer, Assets Officer, Waste Department, Health Services Officer, ESD Officer, Arborist, and Landscape Officer. Further, the application was referred to Fire Rescue Victoria (formally Country Fire Authority) and Melbourne Water.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

Whilst there are no significant amenity issues associated with the proposed development, it is considered there are significant environmental impacts. A thorough assessment of the application against environmental and amenity considerations can be found at Section 5 of the Officer's Report at Attachment 1.

6. FINANCIAL & ECONOMIC IMPLICATIONS

There are no financial or economic implications associated with the proposed development for Council.

7. SOCIAL IMPLICATIONS

There are no significant social implications associated with the proposed development. A thorough assessment of the application against all relevant considerations of the Knox Planning Scheme can be found at Section 5 of the Officer's Report at Attachment 1.

8. RELEVANCE TO KNOX COMMUNITY AND 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.

Strategy 2.3 - Provide, maintain and advocate for accessible and sustainable ways to move around Knox.

Natural Environment & Sustainability

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

Strategy 3.2 - Prepare for, mitigate and adapt to the effects of climate change.

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. RECOMMENDATION

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for buildings and works to construct a two storey residential aged care facility, signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully, subject to the following grounds of refusal:

The proposed development fails to balance bushfire, landscape and waterway design response and management on the subject site.

- 1. The development fails to address the objectives and policy guidelines at Clause 12.03 (Water Bodies and Wetlands) to locate development a minimum of 30 metres from the banks of waterway systems. The setback of the building footprint to the bank of the waterway must be increased another 20 metres to achieve the appropriate balance between the provision of bushfire protection measures and the development's ability to address the objective of this policy and other environmental-related policies and strategies of the Scheme.**
- 2. The development fails to address the objectives and strategies at Clause 12.01 (Biodiversity), Clause 12.03 (Water Bodies and Wetlands), Clause 12.05 (Significant Environments and Landscapes), Clause 13.02 (Bushfire Planning) and Clause 21.03 (Environmental and Landscape Values) to ensure a proposal has been sensitively designed to provide a balanced response to implement bushfire protection measures without unacceptable biodiversity impacts to the surrounding landscape setting, environmental assets, and ecological and hydrological systems.**
- 3. The developments interaction with the northern vegetation and waterway fails to address the strategies at Clause 16.01-5S (Residential Aged Care Facilities) and Clause 21.06-4 (Areas with Significant Landscape and Environmental Values) to ensure that**

development is designed to respond to the site and its context within the Dandenong Foothills.

4. The proposed development is contrary with two key purposes of Clause 32.09 (Neighbourhood Residential Zone): to implement the Municipal Planning Strategy, Planning Policy Framework, and to manage and ensure that development respects the identified environmental or landscape characteristics.
5. The development fails to address the objectives and decision guidelines of Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), to result an appropriate balance between development and landscaping/environmental outcomes.
6. The development fails to meet the objectives of Clause 43.02 (Design and Development Overlay – Schedule 1) as the rear interface does not achieve the environmental goal sought by Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), the Municipal Planning Strategy, and the Planning Policy Framework.

11. CONFIDENTIALITY

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

Report Prepared By: Senior Planner, Emily Zeng
Report Authorised By: Director, City Liveability, Matt Kelleher

Attachments

1. Attachment 1 - Officer Report - 2-8 St Elmo Avenue, Ferntree Gully [6.2.1 - 20 pages]
2. Attachment 2 - Council Attachments - 2-8 St Elmo Avenue, Ferntree Gully [6.2.2 - 33 pages]



Planning Application P/2023/6138 for building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation at 2-8 St Elmo Avenue, Ferntree Gully

1. Summary:

Subject Site:	2-8 St Elmo Avenue, FERNTREE GULLY VIC 3156
Proposed Development:	Building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation
Existing Land Use:	Vacant Lot
Site Area:	9,434m ²
Planning Scheme Controls:	Neighbourhood Residential Zone (Schedule 1), Environmental Significance Overlay (Schedule 3), Significant Landscape Overlay (Schedule 2) and Design and Development Overlay (Schedule 1)
Application Received:	21 March 2023
Number of Objections:	201 objections received from 148 properties
PCC Meeting:	4 October 2023
Ward:	Chandler

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2023/6138 to assist in making a decision on the application. It should be read in conjunction with the other attachments.

3. Background

3.1 Planning History

Planning Application P/2020/6237 and the Victorian Civil and Administrative Tribunal (VCAT)

A previous planning application P/2020/6237 proposed buildings and works to construct a two storey residential aged care facility, signage and removal of vegetation. This application was refused by Council and an appeal was lodged with the Victorian Civil and Administrative Tribunal (VCAT).

In *Glengollan Village v Knox CC [2022] VCAT 750 (8 July 2022)*, the application was refused by VCAT. The Tribunal determined that, at Paragraph 190 of its decision:

- *"We find the principal failing with this proposal is its inadequate response to addressing vegetation removal and the subsequent provision of new landscaping that balances the management of bushfire, landscape and waterway management on the site."*



Attachment 1

Based on the information before us we cannot conclude that the relevant objectives of the SLO2 and ESO3 overlays are met. Therefore, for the reasons set out above, the decision of the responsible authority is affirmed. No permit is granted."

The decision of VCAT considered factors such as residential interfaces, location, built form, landscaping, traffic and amenity. A summary of the decision in relation to those matters concluded:

- The building, while larger than other existing buildings in St Elmo Avenue, is within a scale of what could be expected for the development proposed. The presentation to St Elmo Avenue is acceptable.
- In balancing the general context, size of the site and provisions of Clause 53.17, the building footprint and height in relation to adjoining residential properties, is generally acceptable.
- There will not be unreasonable overshadowing of adjoining residential properties and screening of habitable room windows meets the overlooking requirements of Clause 53.17.
- The proposal provides for an acceptable traffic and parking outcome.
- The Tribunal accepted that there is some specific locational advantage for the proposed facility on this site, however these do not outweigh the concerns about whether the proposal sufficiently address the objectives and requirements of the ESO3 and SLO2.

Key changes and similarities between the previous application considered by VCAT (P/2020/6237) and the current application (P/2023/6138) before Council are:

- The location, layout and number of car parking spaces remains.
- The building footprint, height and setbacks are essentially the same.
- Identification of trees to the north of the creek and easement.
- Rehabilitation of the northern area, involving removal of weedy shrubs and ground covers with no existing trees to be removed. Area to be maintained as a grassy understorey less than 100mm in height during fire danger periods.
- Tree 13 relocated to rear garden area as a dead habitat tree.
- Tree 49 and Tree 64 to be retained.
- Addition of an elevated deck within the north-western corner of the building to allow protection of tree roots, in particular Tree 49 and Tree 64.

3.2 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 2.

- The subject site is a large single allotment located on the northern side of St Elmo Avenue, Ferntree Gully. The subject site is irregular in shape, with a frontage of 63.88 metres to St Elmo Avenue and maximum depth of 178.44 metres. The site has a total area of 9,434.00m². The site is currently vacant and contains three easements. The Blind Creek is located within the northern (rear) portion of the site, running in an east-west direction. The subject site is heavily vegetated, containing significant vegetation including canopy trees throughout the site.
- The subject site and surrounds are located within an established residential area, consisting predominately of single storey dwellings, with some double storey dwellings scattered throughout. Of significant note, to the east of the subject site is an area of many existing single storey units, whilst to the south, opposite the subject site is an existing Retirement Village, which is part of Glengollan Village.



Attachment 1

- The Blind Creek trail is located to the north-west of the site, whilst the Vaughan Road Reserve and Koolunga Native Reserve are located within walking distance to the north and northeast of the subject site, respectively.
- The 691 bus service operates along Underwood Road, Hutton Avenue; providing connection to Boronia Activity Centre, Stud Park Shopping Centre and Waverley Gardens Shopping Centre.

3.2 The Proposal

The proposal seeks permission for building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation. Refer to attached plans at Attachment 2. Details of the proposal are as follows:

- The double-storey residential aged care facility proposes 108 beds, including associated lounge, dining and medical services, as well as kitchen, laundry, administrative area, café and multi-purpose areas.
- The ground floor has a total area of 3,358sqm and is setback between 25.74m and 31.72m from St Elmo Avenue, and between 2.98m and 10.09m from the eastern and western boundaries (due to varying articulating wall setbacks), with the addition of an elevated deck to the rear of the proposed building.
- The first floor has a total area of 4,175sqm and is cantilevered over the ground floor level towards the front of the site, creating an undercover car parking area and porte-cochere. The first floor is setback between 5.66m and 7.89m from St Elmo Avenue, and between 2.38m and 14.37m from the eastern and western boundaries.
- The building has a building height that is approximately 10.5m high at the southern, front of the site, between approximately 11.9m to 13.2m high at the rear of the site, with side walls varying between approximately 6.5m to 8.7m high from the varying natural ground level.
- Proposed site coverage is 4,549m² (48.2%) and impervious surface coverage is 1,219m² (12.9%).
- The material and finishes of the development will incorporate various colours of brickwork, stone cladding, timber-look cladding, cement sheet cladding and vertical steel panelled cladding, as well as metal framed fenestration.
- There is provision for 34 car parking spaces, including 2 accessible spaces to be provided within the front setback and undercroft area, with a drop off/pick up area adjoining the main entry area.
- Proposed vehicular entry from St Elmo Avenue to be provided via two new crossovers located within the south-eastern and south-western corners of the site.
- A total of 27 individual trees and 8 groups of trees are proposed to be removed across the site, with 23 of the individual trees requiring a Planning Permit for removal.
- There will be 2 internally illuminated signs along the St Elmo Avenue frontage comprising a sign on the building with an area of approximately 1.7m² and a front entry sign with an area of approximately 1.04m².

4. Consultation

4.1 Advertising

The application was advertised by way of a sign on site displayed along St Elmo Avenue and notices were sent to adjoining property owners and occupiers. In total 201 objections were received from 148 properties, and these are summarised below.



Attachment 1

Overdevelopment in a Bush Suburban Zone

- Refer to the assessment of the proposed development at Section 5.2.1 of this report.

Uncharacteristic of the neighbourhood and enormous visual bulk

- The issue of neighbourhood character and visual bulk has been considered through the previous application and VCAT decision. It was determined that while the visual bulk would be significant, it was reasonable in the context. The development has been provided with appropriate setbacks to the front and side boundaries, and the increase in built form on the site will be balanced by increased landscaping opportunities.

Impact on the environment, loss of mature trees, impact on the streetscape

- An assessment of the proposed development's impact on the environment is provided within Sections 5.1.2 and 5.2 of this report.

Traffic congestion, street access parking congestion in a narrow no-through road

- Car parking has been provided as per the requirements at Clause 52.06 (Car Parking) of the Knox Planning Scheme. Car parking provision is considered to be adequately catered for in the proposed design as noted in Section 5.3 of this report. The provision of car parking and traffic generation has also been considered by VCAT in the previous application, and VCAT determined that parking provision met the Planning Scheme requirements and traffic generation and impact on local roads was acceptable.

Loss of amenity due to overlooking, balconies, noise from HVAC systems

- Off-site amenity concerns are considered as part of Clause 53.17 (Residential Aged Care Facility). The proposed development has been assessed against and is considered compliant with Clause 53.17 of the Knox Planning Scheme. This is consistent with the VCAT decision, where it was determined overlooking had been appropriately addressed.

Loss of views to the Dandenong Ranges for Underwood Road residents and walkers

- Views to the Dandenong Foothills are assessed at Section 5.2.1 (Significant Landscape Overlay – Schedule 2) of this report. It is considered that the proposed development is acceptable and will not impact unreasonably upon views within the Dandenong Foothills area and the distant views across the city and suburbs to the foothills.

On-site amenity Impacts (internal daylight and built form – double-storey)

- On-site amenity concerns regarding daylight to new windows and building height are considered as part of Clause 53.17 (Residential Aged Care Facility). The proposed development has been assessed against and is considered compliant with Clause 53.17 of the Knox Planning Scheme.

Construction (noise, disruptions, property damage)

- A detailed Construction Management Plan can be a condition on any permit to issue to minimise off-site amenity impacts during construction.



Attachment 1

Community concerns (lack of response to local resident concerns, bullying, opposition to road connection between St Elmo Avenue and Old Forest Road)

- Issues relating to lack of response to local resident concerns (of the previous planning application) and alleged bullying are not matters that are not contemplated by the Knox Planning Scheme or *Planning and Environment Act 1987* and are not relevant matters for assessment of a proposal. Council must assess each application based on its own merits.
- The proposed development does not propose a road connection between St Elmo Avenue and Old Forest Road.

Natural disaster (bushfire evacuation traffic, flooding events)

- Bushfire and flooding have been considered within the policy considerations at Section 5.2 of this report. The application was also referred to Fire Rescue Victoria and Melbourne Water for comment.

Drawings (inaccurate representation – making building look smaller than what is proposed)

- The elevation drawings accurately detail height dimensions of the proposed development.

Devaluing property prices

- Issues relating to property de-valuation are not relevant to the assessment of a Planning application.

4.2 Planning Consultative Committee Meeting

A Planning Consultative Committee (PCC) Meeting was held online via Zoom on 4 October 2023. The meeting was attended by 23 participants and the objections listed above were discussed. The issues discussed at the meetings were in accordance with the issues raised in Section 4.1 above. The following additional issues were raised at the PCC meeting:

- Conflict between Core Riparian Zone (CRZ) replanting and “cultivated garden” (defendable space) giving the proposed siting of the building.
- A (significant) process issue in the accuracy of the application documents - particularly the plans.
- The impact on this application of the amended Planning Scheme Clause 12.03-1S.
- Questions about the proposed defendable space, AS3959:2018 and Clause 52.02-5.
- The outstanding question of top of bank, location of the CRZ and the edge of the 1% AEP (Annual Exceedance Probability).
- The response to SLO2 and ESO3.
- Fencing along the northern boundary.
- Health and safety (increased car and pedestrian movements – car accidents, conflict with pedestrians, Emergency Management Plan).

At the conclusion of the PCC meeting, all issues remained unresolved.



Attachment 1

4.3 Referrals

The application was referred to external authorities and internal departments for advice. The following is a summary of relevant advice:

Building: No objection – The property is located in a Bushfire Prone Area, and a building permit must be obtained prior to the commencement of the proposed building works.

Stormwater: No objection – The property is subject to flooding conditions, and Melbourne Water is the responsible authority for drainage assets in the vicinity of the proposed development.

Asset Protection: No objection.

Waste Services: No objection – However, further details regarding waste generation rates and waste collection is required. An updated Waste Management Plan (WMP) will need to be re-submitted for the review and approval by Council's Waste Management Unit.

Health Services: No objection, subject to conditions to be included in any permit to issue.

ESD Officer: No objection, subject to conditions to be included in any permit to issue.

Arborist: No objection to the loss of tree vegetation conditional to an offset or replacement planting of native vegetation to the rear of the site, north of the existing creek. The proposal would need to include the provision of a Land Management Plan and Tree Protection Conditions. However, not supportive of infill around Tree 49 which would render the tree unviable.

Landscape: Not supportive, issues from a landscape perspective regarding the conflicts between the requirement to provide significant number of trees to replace those being removed under the Significant Landscape Overlay (Schedule 2), Environmental Significance Overlay (Schedule 3), Clause 52.17 (Native Vegetation) of the Knox Planning Scheme, Fire Rescue Victoria and Melbourne Water requirements. The northern area of the site forms part of an important habitat corridor adjacent to the Koolunga Reserve and Vaughan Road Reserve. To conserve and enhance the northern area's biological significance, a further setback of 20 metres to any buildings is required to the rear to provide a suitable vegetated area and allow for waterway planting in line with Melbourne Water conditions. Additionally, within the rear interface, Landscape requires the planting of a minimum of 36 large indigenous canopy trees along with other understory indigenous trees, shrubs and groundcovers to be planted in the rear revegetation area.

Fire Rescue Victoria: No objection, subject to conditions to be included in any permit to issue requiring the provision of hydrants.

Melbourne Water: Objects to the current plans and recommends conditions on the development requiring finished floor levels, location of fill, all open spaces maintained at current nature surface level, new fencing to allow for the passage of overland flows and vegetation planting along the waterway.

5. Discussion

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.



Attachment 1

5.1 Zoning and Overlays

5.1.1 Zone

Neighbourhood Residential Zone – Schedule 1 (NRZ1)

The site is located within the **Neighbourhood Residential Zone (Schedule 1)**.

The Table of Uses at Clause 32.09-2 of the Scheme states that the use of land a Residential Aged Care Facility does not require a planning permit.

Clause 32.09-10 of the Scheme states that 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) of the Knox Planning Scheme. Signage requirements are at Clause 52.05. This zone is in Category 3 (High amenity areas) of Clause 52.05 (Signs).

- *The proposal is considered consistent with one of the purposes of the Neighbourhood Residential Zone (Schedule 1) which seeks to recognise areas of predominantly single and double storey residential development. It is considered the proposed scale and size of the double storey Residential Aged Car Facility is appropriate for the surrounding neighbourhood character and will complement the streetscape along St Elmo Avenue. Additionally, the design is considered to appropriately minimise off-site amenity impacts to adjoining properties in terms of proposed setbacks from boundaries, overlooking and overshadowing. The proposal is also considered consistent with Clause 52.05 (Signs) and Clause 53.17 (Residential Aged Care Facility) as discussed below.*
- *However as discussed below in Section 5.2 (Policy Consideration: State and Local Planning Policy Framework) of the report, the proposed development is not supported by key parts of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF), the Significant Landscape Overlay – Schedule 2 and Environmental Significance Overlay – Schedule 3 and is therefore considered to be contrary with two key purposes of the Neighbourhood Residential Zone: to implement the MPS and PPF and to manage and ensure that development respects the identified environmental or landscape characteristics.*

5.1.2 Overlays

The site is affected by the Environmental Significance Overlay (Schedule 3), Significant Landscape Overlay (Schedule 2) and Design and Development Overlay (Schedule 1).

Environmental Significance Overlay – Schedule 3 (ES03)

The site is affected by the **Environmental Significance Overlay (Schedule 3)**, relating to the Dandenong Ranges Buffer. The statement of environmental significance within Schedule 3 to the Environmental Significance Overlay states the area covered by this schedule is identified in Sites of Biological Significance in Knox - 2nd Edition, 2010. The protection and appropriate management of this area is of particular importance as it forms a buffer to the Dandenong Ranges National Park and abuts other identified sites of biological significance, both at its edge and within the area.

Many residential lots within this area, in part due to their lot size and site coverage have been able to retain indigenous trees and intact understorey. The canopy often includes higher numbers of large old indigenous trees than elsewhere in Knox. These trees are irreplaceable in terms of the lifetimes of current residents and their children. They are often critical for habitat, particularly for species like the Powerful Owl and bats.

The Environmental Significance Overlay (Schedule 3) includes the follow relevant environmental objectives:



Attachment 1

- To achieve a net increase in the extent of habitat and improve its ecological condition.
- To avoid any buildings, works or subdivisions that are likely to compromise:
 - The long-term conservation of biologically significant areas.
 - The amenity of the natural landscape.
- To provide for adequate bushfire protection measures that minimise adverse environmental impacts.
- To protect indigenous vegetation that stabilises land vulnerable to erosion or landslip.
- To maximise the continuity of indigenous vegetation used by native fauna as habitat or for passage, particularly between identified sites of biological significance, through protection from:
 - Removal of indigenous understorey and overstorey vegetation.
 - Fragmentation of habitat and the accumulation of incremental losses.
 - Displacement of indigenous flora or fauna by environmental weeds.
 - Alteration to the natural flow and temperature regimes of streams and wetlands.
 - Degradation and interruption to continuity of indigenous riparian vegetation.

Clause 42.01-2 of the Scheme states that a permit is required to construct a building or construct or carry out works, and to remove, destroy or lop any vegetation, including dead vegetation.

The following is an assessment against the relevant decision guidelines at Schedule 3 to the Environmental Significance Overlay:

- *Buildings and works will occur within the Tree Protection Zone of retained trees 49 and 64 which are protected under the Environmental Significance Overlay (Schedule 3). The extent of encroachment into the Tree Protection Zones and the construction of an elevated deck is considered acceptable to minimise root disturbance. However, the submitted plans detail an approximately 3m increase in site levels surrounding the trunk of Tree 49. A 3m site fill is not supported as this would result in the tree being unviable. It is noted by the applicant that a number of site levels on the plans have been superseded from previous civil drawings.*
- *The removal and relocation of Tree 13 to the rear courtyard to act as a dead habitat tree will provide habitat for local fauna, and is supported by Council's Arborist*
- *A total of 27 individual trees and 8 groups of trees are proposed to be removed across the site. Of these trees, many are protected under the Environmental Significance Overlay (Schedule 3). It is considered that the removal of this vegetation can be balanced by an offset under Clause 52.17 (Native Vegetation) and replacement planting of native vegetation within the rear of the site, north of the waterway. The development proposes eleven (11) new canopy trees to the north of the waterway. Council's Landscape Officer has requested a minimum of thirty-six (36) large indigenous canopy trees along with other understorey indigenous trees, shrubs and groundcover to be planted in the rear revegetation area.*
- *The proposed development is considered to provide adequate bushfire protection via a 20 metre setback line from the development which is proposed to include the removal of all weedy shrubs and ground covers; existing canopy trees to be retained; and be maintained as low threat and as grassy understorey less than 100mm in height during declared fire danger periods. However, the bushfire protection measures are not considered to minimise ecological damage and it is clear the requested planting conditions from Council's Landscaping Officer and Melbourne Water will be incompatible with the bushfire protection measures.*
- *Within the 20 metre setback line, the loss of lower and middle storey vegetation along the waterway is considered likely to compromise the long term conservation of the biologically significant area, impact the existing flora and fauna corridor and the wider amenity of natural landscape.*
- *The loss of indigenous vegetation adjacent to the waterway is considered to impact the habitable values and natural hydrology of the waterway. Further to this, the proposed low threat and grassy understorey (amongst several retained canopy trees) is not considered to ensure protection from altered natural flow and temperature and the continuity of indigenous riparian vegetation of the waterway.*
- *As a site where development is affected by environmental constraints, the proposal does not provide a comprehensive response to revegetating and restoring the northern portion of the site to compensate for the*



Attachment 1

loss of trees and to balance the requirements for ongoing bushfire protection management measures. To achieve the appropriate balance between development and landscaping/environmental outcomes, it is recommended that a further setback of 20 metres to any buildings is required to the rear to provide both a suitable bushfire solution and to protect the waterway and its environmental and landscape values.

Significant Landscape Overlay – Schedule 2 (SLO2)

The site is affected by the **Significant Landscape Overlay (Schedule 2)** relating to the Dandenong Foothills: Backdrop and Ridgeline Area. The statement of environmental significance within Schedule 2 to the Significant Landscape Overlay states special care needs to be taken to ensure that development is sited and designed to maintain the landscape character of the area and near and distant view lines. The landscape character of this area depends on the protection of indigenous vegetation (both canopy and understorey), and limiting the visibility of buildings, roads, signs and public realm lighting.

The Significant Landscape Overlay (Schedule 2) includes the follow relevant landscape character objectives:

- To protect and enhance the visual, natural and cultural heritage values of the foothills landscape.
- To protect landscapes from visual intrusion due to the inappropriate siting, design or materials of buildings and works.
- To encourage siting, design and landscaping of buildings and works that responds to the landscape significance and character of the area and responds to bushfire risk.
- To protect the appearance of the foothills of the Dandenong Ranges, particularly when viewed from the west, as treed slopes rising above the suburbs.
- To maintain vegetation as a key element of the foothills landscape and encourage retention and regeneration of native vegetation to protect wildlife habitats.

Clause 42.03-2 of the Scheme states that a permit is required to construct a building or construct or carry out works for a residential aged care facility, and to remove, destroy or lop any vegetation specified in a schedule to this overlay.

The following decision guidelines at Schedule 2 to the Significant Landscape Overlay must be considered:

Landscape character:

- Whether the proposed development will impact upon views within the foothills area and on more distant views across the city and suburbs to the foothills of the Dandenongs.
- Whether the proposed development penetrates the tree canopy and ridgelines.
- Whether the proposed development is of a high standard of architectural and landscape design that is sympathetic to nearby rural and natural landscapes.
- *The design and scale of the proposed development is not considered to impede unreasonably on views across the local neighbourhood, nor detrimentally impact views towards the foothills of the Dandenong Ranges. The modern development will present as a large double-storey building when viewed from St Elmo Avenue, and its scale will not unreasonably impact the existing tree canopies when landscaping is established. The location of the development on site allows the opportunity for landscaping to occur within the open spaces which will complement the subject site and the surrounding vegetated streetscapes.*



Attachment 1

Finishes:

- Whether the proposed development will utilise non-reflective materials maintained in muted colours that blend with the landscape on external surfaces, including roofs of all buildings but excluding solar panels, to reduce its visual impact.
- *The proposal incorporates materials which are non-reflective and colours which are muted, resulting in a development that will appropriately blend in with the surrounding area and landscape.*

Height:

- Whether buildings exceeding a height of 7.5 metres will have a detrimental impact on key elements of the landscape and the landscape character objective.
- *The maximum height of the proposed development well exceeds the preferred maximum height of the Overlay. However, as per Clause 53.17 (Residential Aged Care Facility) of the Scheme, a Residential Aged Care Facility is permitted an overall height of 16m; which is a prevailing requirement (taking precedence).*

Landscaping:

- Whether sufficient provision has been made for the planting of canopy trees and other vegetation to meet the landscape character objectives.
- Whether in areas subject to bushfire risks that sufficient provision has been made to achieve landscape character objectives having regard to vegetation management requirements.
- *The proposal has provided landscaping opportunities for new canopy trees and other landscaping within the front and side boundary setbacks which will assist in softening the appearance of the development from the surrounding neighbourhood.*
- *The site is located within a Designated Bushfire Prone Area and has proposed a 20m setback line from the development which is proposed to be maintained as low threat and as grassy understory less than 100mm in height during declared fire danger periods. The loss of vegetation within the 20m setback line does not achieve the landscape character objective which seeks to maintain vegetation as a key element of the foothills landscape and encourage retention and regeneration of native vegetation to protect wildlife habitats. Therefore, it is considered in relation to the rear of the site the proposed development has not achieved the landscaping outcomes sought by the SLO2.*

Vegetation:

- Whether vegetation will be retained and planting used to screen buildings.
- Whether fragmentation of the tree canopy will be minimised.
- Whether creek corridors will be revegetated using indigenous plants.
- Whether habitats for native fauna, including wildlife corridors, will be identified and protected, and strengthened or created.
- Whether noxious and environmental weeds will be removed.
- Whether the planting of noxious and environmental weeds will be avoided.
- Whether adequate tree protection areas have been provided to protect retained vegetation from buildings or works (including paving), services and other infrastructure, unless demonstrated that there is no adverse effect to the tree's health to ensure its continuing contribution to landscape character.
- Whether any vegetation to be retained, removed, destroyed or lopped addresses the risk of bushfire to life and property.



Attachment 1

- Where an area is subject to high bushfire risk, whether the vegetation outcome does not increase bushfire risk and considers ongoing bushfire protection measures.
- *As discussed in the assessment of Clause 42.01 (Environmental Significance Overlay), a total of 27 individual trees and 8 groups of trees are proposed to be removed across the site; many protected under the Significant Landscape Overlay (Schedule 2). It is considered that the removal of this vegetation can be balanced by an offset under Clause 52.17 (Native Vegetation) and replacement planting of native vegetation within the rear of the site, north of the waterway.*
- *Regarding the revegetation area to the north of the development, the proposal is not considered to address the design guidelines for vegetation. The loss of lower and middle canopy planting within the 20m building setback will not be suitably revegetated to provide a well-protected and strengthened wildlife corridor for native fauna.*
- *Therefore, the buildings and works associated with the development does not achieve one of the landscape character objectives to maintain vegetation as a key element of the foothills landscape and encourage retention and regeneration of native vegetation to protect wildlife habitat.*

Building on slopes:

- Whether building on slopes greater than 20% is appropriate.
- Whether the siting and design of development will follow the topography, avoid the need for earthworks and integrate with the landscape features of the area.
- Whether buildings will be sited on relatively low-lying positions.
- Whether buildings will be dispersed to allow trees to be planted among them.
- *The subject site has a slope of less than 20%, however due to the design of the building, including its size, cut and fill is required across the site. The development's design is considered acceptable as the building has been provided with adequate and articulating setbacks from all boundaries to ensure sufficient landscaping will be provided to screen the building.*
- *It is noted Melbourne Water has requested conditions requiring no fill outside of the proposed building footprint and no fill within the landscaping areas. It is unclear how this condition may impact the siting and design of the development on the sloping site.*

Fences

- Whether the height, materials, construction and colour of fences respond to and maintain the landscape character of the area.
- *No front fencing is proposed for the development.*

Design and Development Overlay – Schedule 1 (DDO1)

The site is affected by the **Design and Development Overlay (Schedule 1)**, relating to the Dandenong Foothills Backdrop and Ridgeline Area. The design objectives are as follows:

- To ensure that residential development reflects the existing subdivision character of the area.
- To ensure that lots are large enough to accommodate development, while retaining natural or established vegetation cover and providing substantial areas for planting and revegetation to occur.
- To minimise site coverage and impervious surface cover to protect environmental values and minimise the visual dominance of development.



Attachment 1

- *Schedule 1 of the Design and Development Overlay (DDO1) introduces site coverage requirements; however, Clause 53.17 (Residential Aged Care Facility) of the Scheme introduces site coverage requirements which prevail over the DDO1 (taking precedence). The VCAT decision on the previous application did query whether the objectives of the DDO1 had been met, and this may depend on whether revegetation and retention of the northern area to the overall landscape and environmental goals for the area is appropriately resolved. Policy and provisions in the ESO3 and SLO2 provide some guidance, as do the MPS and PPF, as to the environmental values of the area. The rear interface of the proposal does not achieve the environmental goals sought by the ESO3, SLO2, MPS and PPF, so it is concluded that the objectives of the DDO1 are also not met.*

5.2 Policy Consideration: State and Local Planning Policy Framework

State and local policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development. The key themes for the assessment of the application include Housing, Sustainability and Environment, Transport and Urban Design (including neighbourhood character).

Municipal Strategic Statement: Council's Municipal Strategic Statement (MSS) encourages development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development, and influencing the urban form so that Knox itself becomes more sustainable.

The MSS makes specific reference that the City of Knox is situated between the Dandenong Creek Valley and the Dandenong Foothills: a regionally significant environmental and landscape feature, defining the character and image of Knox.

Some of the key issues and influences includes (as relevant):

- Environment and Landscape Values – Protecting the Dandenong Foothills, Sites of Biological Significance and other areas of significant biological and landscape value from inappropriate development; Loss of vegetation, tree canopy and habitat eroding Knox's 'green and leafy' image; and Habitat fragmentation.
- Environmental risk - Risk to life and property from bushfire; increasing climate change effects including urban heat island, flooding and the increased severity of weather events. Conflict between incompatible land uses as development occurs, with encroachment of sensitive land uses on key industrial areas, former landfills, quarries, materials recycling and transfer stations, leading to risks to human health and amenity.
- Built environment and Heritage – requiring high quality architecture, urban design and accessibility standards in development; facilitating a strong city character, identity, sense of place and culture; and achieving environmentally sustainable development.
- Housing – Knox's community is ageing and diversifying, requiring more diverse and accessible housing options.

5.2.1 Housing

Clause 16.01-5S Residential aged care facilities: To facilitate the development of well-designed and appropriately located residential aged care facilities.

- *The proposed development facilitates the provision of housing diversity and choice for ageing residents within an established neighbourhood of the municipality. Its location within Ferntree Gully is appropriate as the site is within 1.5km of Boronia and Ferntree Gully railway stations and activity centres, and is within walking distance (approximately 300m) from the nearest bus stations along Underwood Road and Sutton Avenue.*



Attachment 1

- *While the proposed development is larger than conventional housing found within the neighbourhood, the strategy at Clause 16.01-5S recognises that residential aged care facilities are different to dwellings in their purpose and function, and will therefore have a different built form (including height, scale and mass).*
- *However, it is considered that the proposal's interaction with the northern vegetation and waterway does not address the strategy of Clause 16.01-5S which seeks to ensure that residential aged care facilities are designed to respond to the site and its context.*

Clause 21.06 Housing: This clause provides local content to support Clause 11 (Settlement), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the State Planning Policy Framework.

The subject site is located within a "Bush Suburban" area, which are areas that have distinctive and significant environmental and biological values. Clause 21.06-3 (Design and Character) states the desired future character of the bush suburban area will include limited and low scale residential development is anticipated in these areas in order to protect the environmental and biological qualities that make these areas distinct.

- *Scaled approach to residential development, design and character – The design response of the proposed development is considered to respect the surrounding residential area, including both single and double storey built form of the surrounding area, whilst allowing appropriate landscaping setbacks and building articulation to ensure the development transitions to the adjoining properties.*
- *Diversity of housing choice – The development provides an option and choice for the ageing population of the municipality that is in proximity to established public transport options and the Boronia and Ferntree Gully Activity Centres. The facility is also located in proximity to the existing Glengollan facility, which VCAT has identified as a positive feature of the proposal.*
- *Areas with significant landscape and environmental values – The key issues identified at Clause 21.06-4 are protecting Bush Suburban Areas (the Dandenong Foothills and Sites of Biological Significance) from overdevelopment; and ensuring new residential development responds to bushfire issues. It is considered that the proposed development fails to consider the relevant strategies to protect the landscape and environmental values of the site, its risk and impacts of bushfires. Within the strategies at Clause 21.06-4, development located within a Bush Suburban area must recognise that the environment and landscape significance of the Dandenong Foothills outweighs the need for urban consolidation in the Foothills, and preserve natural landscape features. The proposal has failed to achieve an appropriate response to the environment and landscape significance of the rear interface.*

5.2.3 Environment

Clause 12.01 Biodiversity: To protect and enhance Victoria's biodiversity; and to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation

- *The site is affected by the Environmental Significance Overlay (Schedule 3), an area identified in Sites of Biological Significance in Knox - 2nd Edition, 2010. As a site of biological significance, planning strategies seek to ensure that decision making considers the impacts of the development on the local biodiversity, including consideration of cumulative impacts, fragmentation of habitat, and the spread of pest plants, animals and pathogens into natural ecosystems.*
- *The proposed removal and replanting of vegetation to the north of the development is considered to diminish the biodiversity and value of the existing waterway corridor. The proposal does not address the strategy to protect and enhance habitat for indigenous plants and animals in urban areas, as well as to avoid impacts of land use and development on important areas of biodiversity.*



Attachment 1

Clause 12.03 Water Bodies and Wetlands: To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.

The relevant strategies of this policy are as follows:

- Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.
- Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.
- Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.
- Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:
 - Retaining, enhancing and re-establishing indigenous riparian vegetation along waterway systems, ensuring it responds to the bushfire risk of a location.
 - Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterway systems.
 - Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows and water quality.
 - Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.
- Enhance a sense of place and landscape identity by:
 - Retaining and re-establishing vegetation, including grasslands and canopy trees, surrounding waterway systems to enhance and connect to the landscape setting, ensuring it responds to the bushfire risk of a location.
 - Protecting existing topographic features and maintaining a sense of naturalness through sensitive design and siting.
- *The development proposes a 10m Core Riparian Zone (CRZ) setback between the southern perimeter of the existing waterway to the proposed buildings and works, as well as a revegetated northern area. Additionally, the development proposes a 20 metre setback line to allow for adequate bushfire protection and proposes to maintain this area as low threat with several retained canopy trees and as a grassy understory less than 100mm in height during declared fire danger periods. As a Core Riparian Zone is considered to be a fully vegetated area which ensures waterway health and biodiversity functions, the proposed 20 metre building setback is considered contrary to protecting the existing waterway.*
- *The development is not considered to be sensitively designed to provide a balanced response to address bushfire protection measures and the need to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.*
- *Policy guidelines at Clause 12.03-1S specifies that earthworks, including dams, should be a minimum of 30 metres from waterway systems; and development should be a minimum of 30 metres from the banks of water systems. The setback of the building footprint to the bank of the waterway must be increased another 20 metres to achieve the appropriate balance between the provision of bushfire protection measures and the development's ability to address the objective of this policy and other environmental-related policies and strategies of the Scheme.*

Clause 12.05-2S Landscapes: To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

- *The proposed development's proximity to an existing waterway and the extent of buildings and works and landscaping is not considered to address the strategy to recognise the natural landscape for its aesthetic*



Attachment 1

value and as a fully functioning system. The loss of vegetation and inability to re-vegetate along the waterway as a result of the 20 metre building setback is considered to impact the natural waterway environment.

Clause 13.02-1S Bushfire Planning: To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

- *The proposed development is located within a designated bushfire prone area and will provide adequate bushfire protection via a 20 metre setback line from the development which is proposed to include the removal of all weedy shrubs and ground covers; existing canopy trees to be retained; and be maintained as low threat and as grassy understory less than 100mm in height during declared fire danger periods. However, the bushfire protection measures are not considered to achieve strategy within the policy to ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.*

Clause 13.03-1S Floodplain Management: To assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows; the natural flood carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways; and floodplain areas of environmental significance or of importance to river, wetland or coastal health.

- *The application was externally referred to Melbourne Water who objected to the development plans and requested conditions requiring finished floor levels, location of fill, all open spaces maintained at current nature surface level, new fencing to allow for the passage of overland flows and vegetation planting along the waterway.*

Clause 21.03 Environmental and Landscape Values: To protect and enhance the role of Knox's significant landscapes by maintaining the unique landscape character, amenity and natural values of Knox's significant landscapes, including the Dandenong Foothills, Lysterfield Valley and the Dandenong Creek Valley, despite development pressures and managing bushfire risk.

- *Despite the loss of 27 individual trees and 8 groups of trees across the site, the amount of open space proposed by the development is considered to allow the planting of new vegetation, including canopy trees to enhance the overall natural value of the site and of the local area, in line with strategy 1.4 of the policy.*
- *However, the design response within the northern portion of the site fails to consider the developments need to protect and enhance the significance of the on-site environmental and natural values. The extent of building and works and proposed landscaping to the rear of the site is not considered to support the retention and enhance habitat, ecological and intrinsic values of native vegetation, particularly along creek, valleys and linear reserves, in the Dandenong Foothills, parks and reserves and in recognised Sites of Biological Significance (Strategy 2.2).*
- *Further to this, strategy 3.4 of the policy seeks on land adjacent to or upstream of Sites of Biological Significance, foster land management practices that help to buffer or support the Sites natural values, and discourage adverse impacts such as habitat fragmentation, noise, altered hydrology, increasing the need to remove vegetation for bushfire protection, visual incompatibility and degrading the natural experiences offered by the Sites.*



Attachment 1

Clause 22.04 Environmentally Sustainable Development: The overarching objective is that development should achieve best practice ESD, from the design stage through to construction and operation. Developments are to address Environmentally Sustainable Development (ESD) principles including energy performance, water resources, indoor environmental quality, stormwater, waste management, transport and urban ecology.

- *Council's ESD officer is supportive of the proposed development, with conditions to be included in any Planning Permit issued regarding a Sustainable Management Plan being required to the satisfaction of the responsible authority.*

5.2.4 Transport

Clause 18 Land Use and Transport: To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.

- *The site is located within 1.5km of Boronia and Ferntree Gully railway stations and activity centres, and is within walking distance (approximately 300m) from the nearest bus stops along Underwood Road and Sutton Avenue.*

5.2.5 Urban Design (including Neighbourhood Character)

Clause 15.01-1S Urban Design: To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 21.05-2 Built Environment and Heritage: Urban Design: To create high quality, well-designed places that respect and strengthen the local context and landscape qualities of Knox; and to create places that are accessible and adaptable to changing community needs.

The proposed development is considered to be consistent with the state and local policy direction for urban design and neighbourhood character for the following reasons:

- *The design of the development, in regard to built form is considered to respect the surrounding area, with the form and scale considered appropriate. The development incorporates important neighbourhood character features such as pitched roofs, muted finishes and eaves. The proposed development is setback significantly from the most sensitive interfaces of the site. The development also provides generous landscaping opportunities along the boundaries and within the front setback.*
- *The proposal provides an appropriate balance between the need for providing a facility of this type, and the amenity of area and future occupiers of the site. The combination of double storey built form, landscaping opportunities, and side setbacks will result in a reasonable urban design outcome.*

Clause 21.05-7 Built Environment and Heritage: Advertising Signs: To ensure advertising signs meet the advertising needs of businesses on the land, without causing visual clutter or having detrimental streetscape or amenity impacts.

- *The proposed signs located at ground level, are compatible with the scale of the building and will not result in unreasonable visual clutter when viewed from the surrounding streetscape.*

5.3 Particular Provisions

Clause 52.05 Signs: To regulate the development of land for signs and associated structures; to ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character; to ensure signs do not contribute to excessive visual clutter or visual disorder; and to ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.



Attachment 1

Clause 52.05-13 (Signs: High Amenity Areas) states that internally illuminated business identification signs proposed along the building façade and front entrance require a planning permission.

The Key Decision Guidelines include:

- The character of the area including:
- Impacts on views and vistas:
- The relationship to the streetscape, setting or landscape:
- The relationship to the site and building:
- The impact of structures associated with the sign:
- The impact of any illumination:
- The impact of any logo box associated with the sign:
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety.
- *The two internally illuminated identification signs along the St Elmo Avenue frontage are considered appropriate.*
- *The two internally illuminated identification signs are considered to be appropriate. The proposed signs will allow the identification of the Residential Aged Care Facility, whilst not impacting on the surrounding area, road network or neighbouring properties. The proposed signs are low scale and therefore will not impact upon the character of the area, despite being a rare example of signage within the locality. Further, each sign has been designed in scale of the proposed development and does not dominate views to or from the site.*

Clause 52.06 Car Parking: Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 specifies a ratio of 0.3 car parking spaces to each lodging room for a Residential Aged Care Facility. A permit may be granted to reduce or to waive the number of car spaces required by the table.

- *Use of the land for a Residential Aged Care Facility with 108 beds requires the provision of 32 car parking spaces under Clause 52.06. The development proposes a total of thirty-four (34) car parking spaces within the front setback, including two (2) designated accessible car parking spaces and drop off/pick up area adjoining the main entrance. The provision of car parking complies with the requirement of the provision.*

Clause 52.17 Native Vegetation: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

Clause 52.17-1 specifies a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.



Attachment 1

Clause 52.17-5 states if a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

- *As discussed in the assessment, 27 individual trees and 8 groups of trees are proposed to be removed across the site; many protected under Clause 52.17 (Native Vegetation). The development proposes eleven (11) new canopy trees to the north of the waterway and Council's Landscape Officer has requested a minimum of thirty-six (36) large indigenous canopy trees along with other understory indigenous trees, shrubs and groundcover to be planted in the rear revegetation area.*
- *The VCAT decision on the previous application determined that leaving vegetation protection and revegetation of the Environmental Significance Overlay (Schedule 3) and the Significant Landscape Overlay (Schedule 2) to an off-set requirements, as directed by Clause 52.17, is not an appropriate outcome.*

Clause 52.34 Bicycle Facilities: To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Bicycle facilities are required if the use is listed in Table 1 of Clause 52.34.

- *Use of the land for a Residential Aged Care Facility of less than four storeys in height is not specified in Clause 52.34, and therefore no bicycle facilities are required to be provided. The development will provide 3 bicycle racks along the building's façade which is acceptable.*

Clause 53.17 - Residential Aged Care Facility: To facilitate the development of well-designed residential aged care facilities to meet existing and future needs, recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood, and ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings.

This clause applies to an application to construct a building or construct or carry out works for a residential aged care facility in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Clause 53.17-3 of the Scheme states if there is any inconsistency between a requirement in this Clause and a requirement in another provision of the Knox Planning Scheme, this clause prevails.

This Clause replaces an assessment against Clause 55 (Two or more Dwellings on a lot and Residential Buildings) of the Knox Planning Scheme.

Development Requirements

Building Height: Complies.

Street Setback: Complies.

Side & Rear Setbacks – Complies.

Walls on Boundaries – No boundary walls proposed.

Daylight to Existing Windows – Complies.

North-Facing Windows – Complies.



Attachment 1

Overshadowing Open Space – Complies.

Overshadowing Solar Energy Systems – Complies. Whilst the existing solar panels located on the outbuilding roof at No. 79 Underwood Road will be partially shadowed by the development at 9am, the solar panels located on the dwelling's roof will not be affected at any times between 9am and 3pm. The development satisfies this requirement of Clause 53.17.

Overlooking – Complies.

Noise Impacts – Can Comply. A 2m high timber acoustic fence is proposed to be constructed along the shared boundary with No. 12/10 St Elmo Avenue to ensure that the bin storage area of the site does not impact the adjoining neighbouring dwelling. As the bin storage is also adjacent the rear secluded private open space No. 3/10 St Elmo Avenue, an extension of the proposed acoustic fence will also assist in minimising noise impacts to this residence.

Daylight to New Windows – Complies.

Site Coverage – Complies.

Access – Complies.

Building Entry – Complies.

Communal Open Space – Complies.

Front Fence – No front fence is proposed.

5.5 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- *The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.*

6. Conclusion

Clause 71.02-3 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the proposal is considered inappropriate given the following:

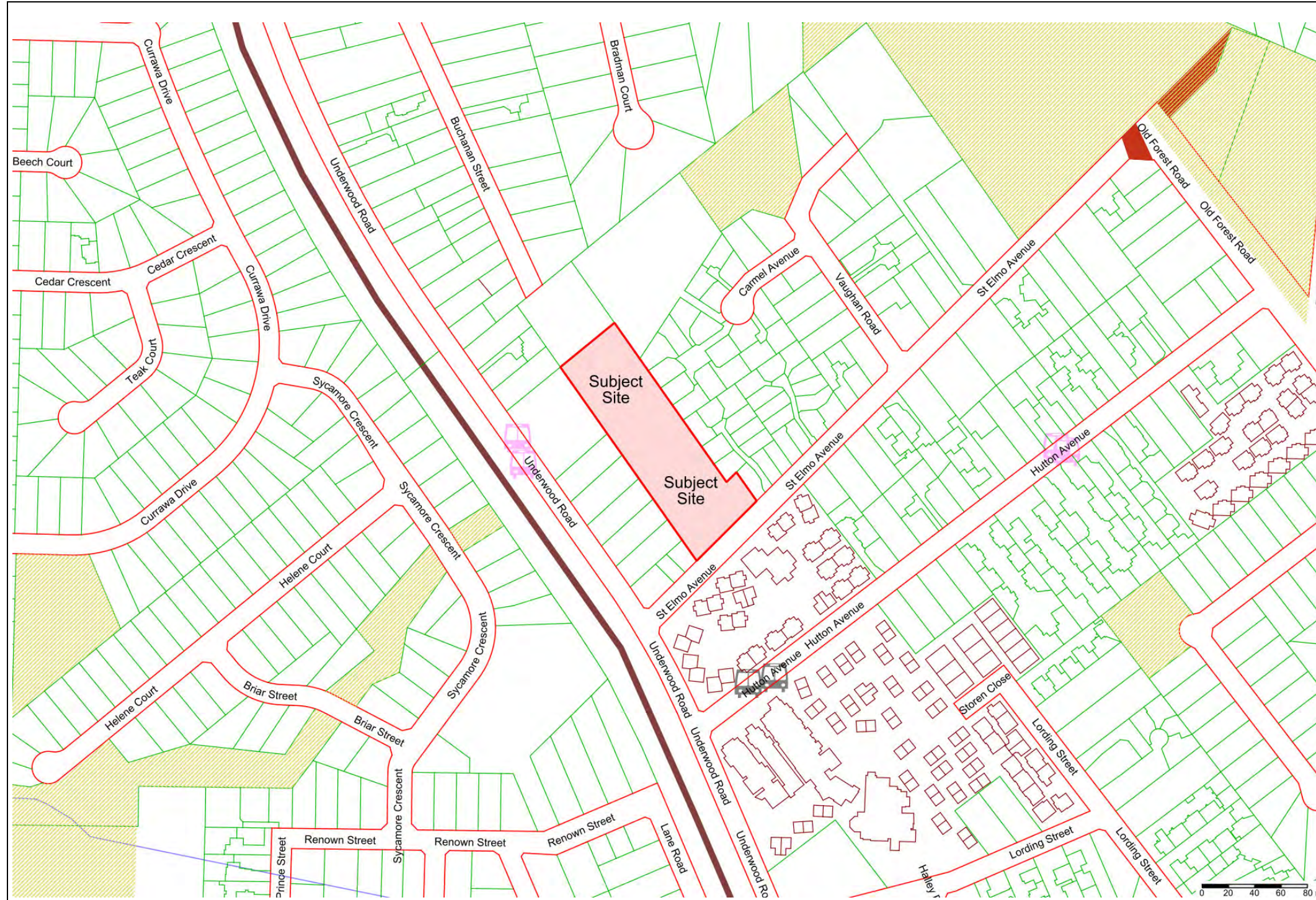
- The proposed development fails to balance bushfire, landscape and waterway design response and management on the subject site.
- The development fails to address the objectives and policy guidelines at Clause 12.03 (Water Bodies and Wetlands) to locate development a minimum of 30 metres from the banks of waterway systems. The setback of the building footprint to the bank of the waterway must be increased another 20 metres to achieve the appropriate balance between the provision of bushfire protection measures and the development's ability to address the objective of this policy and other environmental-related policies and strategies of the Scheme.
- The development fails to address the objectives and strategies at Clause 12.01 (Biodiversity), Clause 12.03 (Water Bodies and Wetlands), Clause 12.05 (Significant Environments and Landscapes), Clause 13.02 (Bushfire Planning) and Clause 21.03 (Environmental and Landscape Values) to ensure a proposal has been



Attachment 1

sensitively designed to provide a balanced response to implement bushfire protection measures without unacceptable biodiversity impacts to the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

- The development's interaction with the northern vegetation and waterway fails to address the strategies at Clause 16.01-5S (Residential Aged Care Facilities) and Clause 21.06-4 (Areas with Significant Landscape and Environmental Values) to ensure that development is designed to respond to the site and its context within the Dandenong Foothills.
- The proposed development is contrary with two key purposes of Clause 32.09 (Neighbourhood Residential Zone): to implement the Municipal Planning Strategy, Planning Policy Framework; and to manage and ensure that development respects the identified environmental or landscape characteristics.
- The development fails to address the objectives and decision guidelines of Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), to result in an appropriate balance between development and landscaping/environmental outcomes.
- The development fails to meet the objectives of Clause 43.02 (Design and Development Overlay – Schedule 1) as the rear interface does not achieve the environmental goal sought by Clause 42.01 (Environmental Significance Overlay – Schedule 3) and Clause 42.03 (Significant Landscape Overlay – Schedule 2), the Municipal Planning Strategy, and the Planning Policy Framework.





Knox City Council
ATTACHMENT 2

Address	2-8 St Elmo Avenue, FERNTREE GULLY
Application Number	P/2023/6138
Description	Building and works to construct a two storey residential aged care facility, display of signage and removal of vegetation
Wardname	Chandler

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition



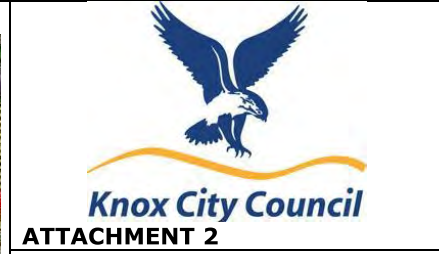
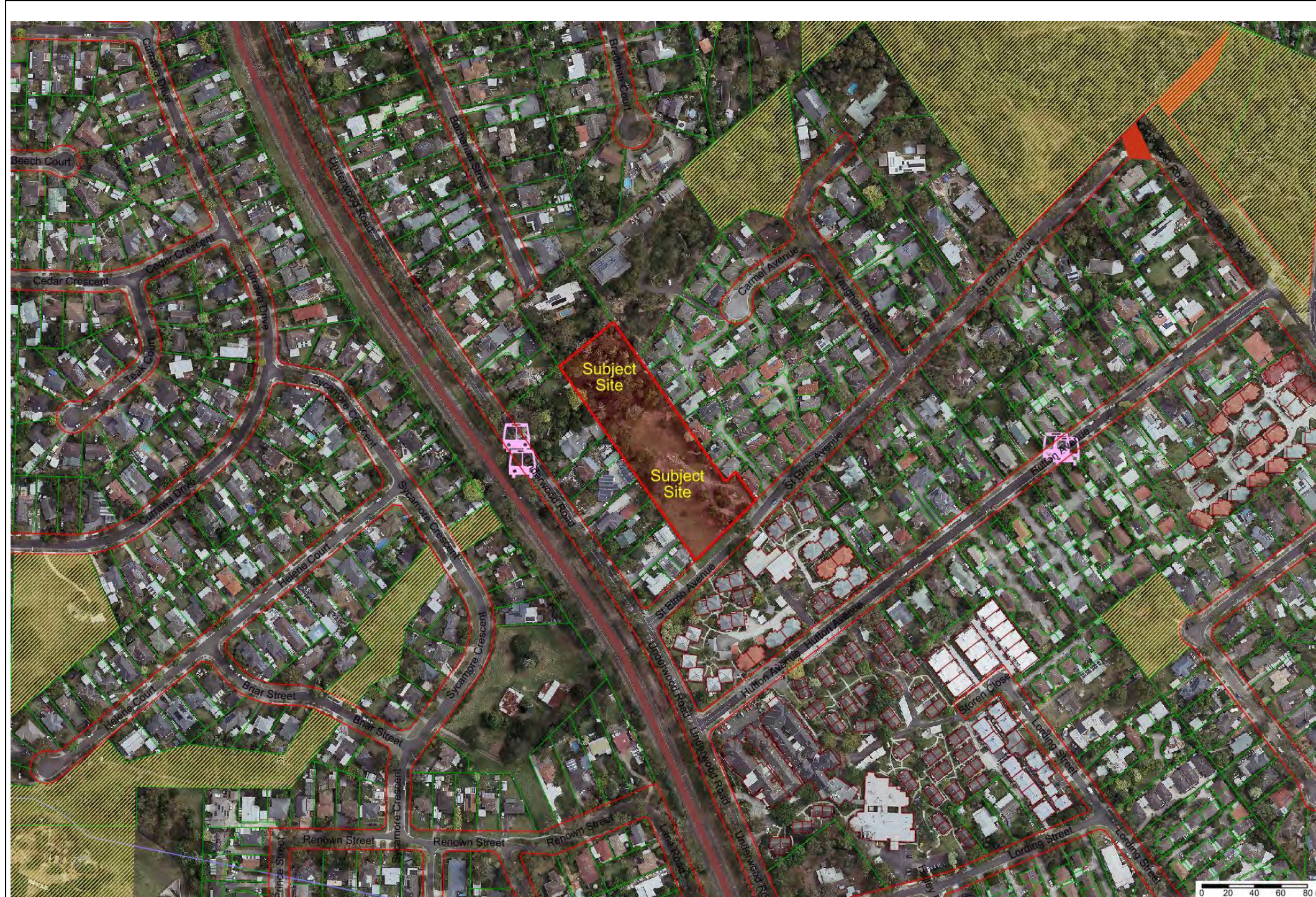
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 Aerial Photography - AAM (Flown February 2022 - unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

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 2. Planning information should be used only as a means of preliminary investigation. For accurate planning overlay information please obtain a Planning Certificate from the Department of Environment, Land, Water and Planning.
 3. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water or by external consultants and is for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water directly.



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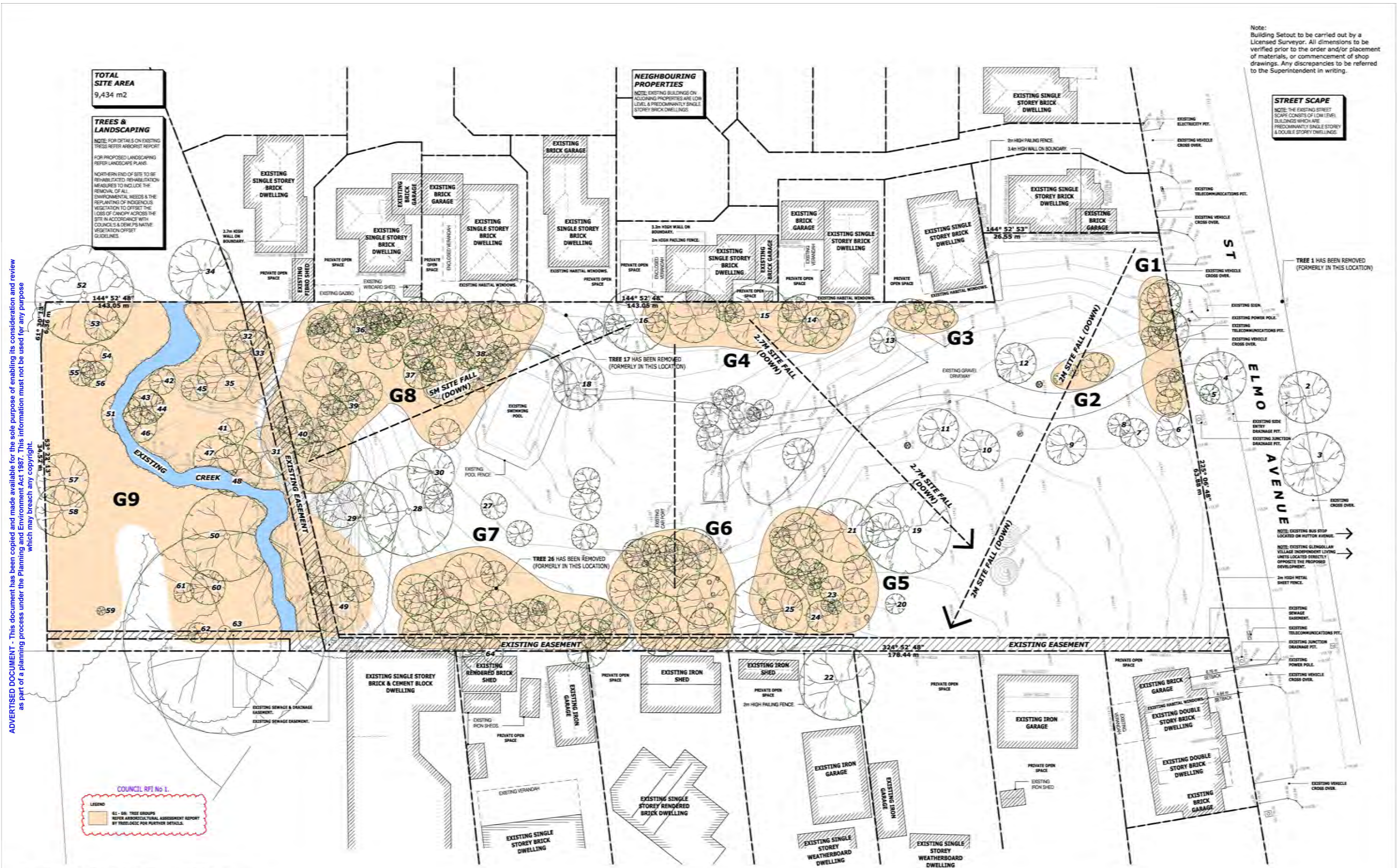


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Note: Building Setout to be carried out by a Licensed Surveyor. All dimensions to be verified prior to the order and/or placement of materials, or commencement of shop drawings. Any discrepancies to be referred to the Superintendent in writing.

STREET SCAPE
NOTE: THE EXISTING STREET SCAPE CONSISTS OF LOW LEVEL BUILDINGS WHICH ARE PREDOMINANTLY SINGLE STOREY & DOUBLE STOREY DWELLINGS.

TREE 1 HAS BEEN REMOVED (FORMERLY IN THIS LOCATION)

TREE 17 HAS BEEN REMOVED (FORMERLY IN THIS LOCATION)

TREE 26 HAS BEEN REMOVED (FORMERLY IN THIS LOCATION)

NOTE: EXISTING BUS STOP LOCATED ON HUTTON AVENUE

NOTE: EXISTING GLENOLLAN VILLAGE INDEPENDENT LIVING UNITS LOCATED DIRECTLY OPPOSITE THE PROPOSED DEVELOPMENT.

EXISTING SITE & CONTEXT PLAN
SCALE 1 : 250



TOWN PLANNING SHEETS		TOWN PLANNING SHEETS	
1961	EXISTING SITE & CONTEXT PLAN	1967	NORTH AND EAST ELEVATIONS
1962	RENOVATION SITE PLAN	1968	SOUTH AND WEST ELEVATIONS
1963	PROPOSED SITE PLAN & DESIGN RESPONSE	1969	3D PERSPECTIVES
1964	EXISTING REMOVED VEGETATION WITH BUILDING ENVELOPE	1970	3D PERSPECTIVES
1965	PROPOSED CRACKING FLOOR PLAN	1971	SECTIONS
1966	PROPOSED FIRST FLOOR PLAN	1972	SECTIONS
1967	PROPOSED ROOF PLAN	1973	SECTIONS
		1974	SHADOW DIAGRAMS - SEPTEMBER 22ND

Client
GLENGOLLAN VILLAGE

Project Manager
connect

Architect
BALDASSO CORTESE
INCORPORATING
BAARDE HARBOUR GEEELONG
ARCHITECTURE - ACTING DESIGNER - ARCHITECTS/INTERIORS
LEVEL 1, 180 SYPOND STREET, COLLINGWOOD VIC 3068
(7) 461 2 8417 7388 www.baldasso.com.au info@baldasso.net
ABN: 71 460 953 2752

DATE	REV	ACTIVITY
09/11/22	0	PRE-APP MEETING
01/05/23	1	COUNCIL RFI RESPONSE

Phase
TOWN PLANNING

Project No.
19011

Client
GLENGOLLAN VILLAGE

Project
ST ELMO AVENUE GLENGOLLAN VILLAGE
2-8 St Elmo Ave, Ferntree Gully VIC 3156

Drawing Title
EXISTING SITE & CONTEXT PLAN

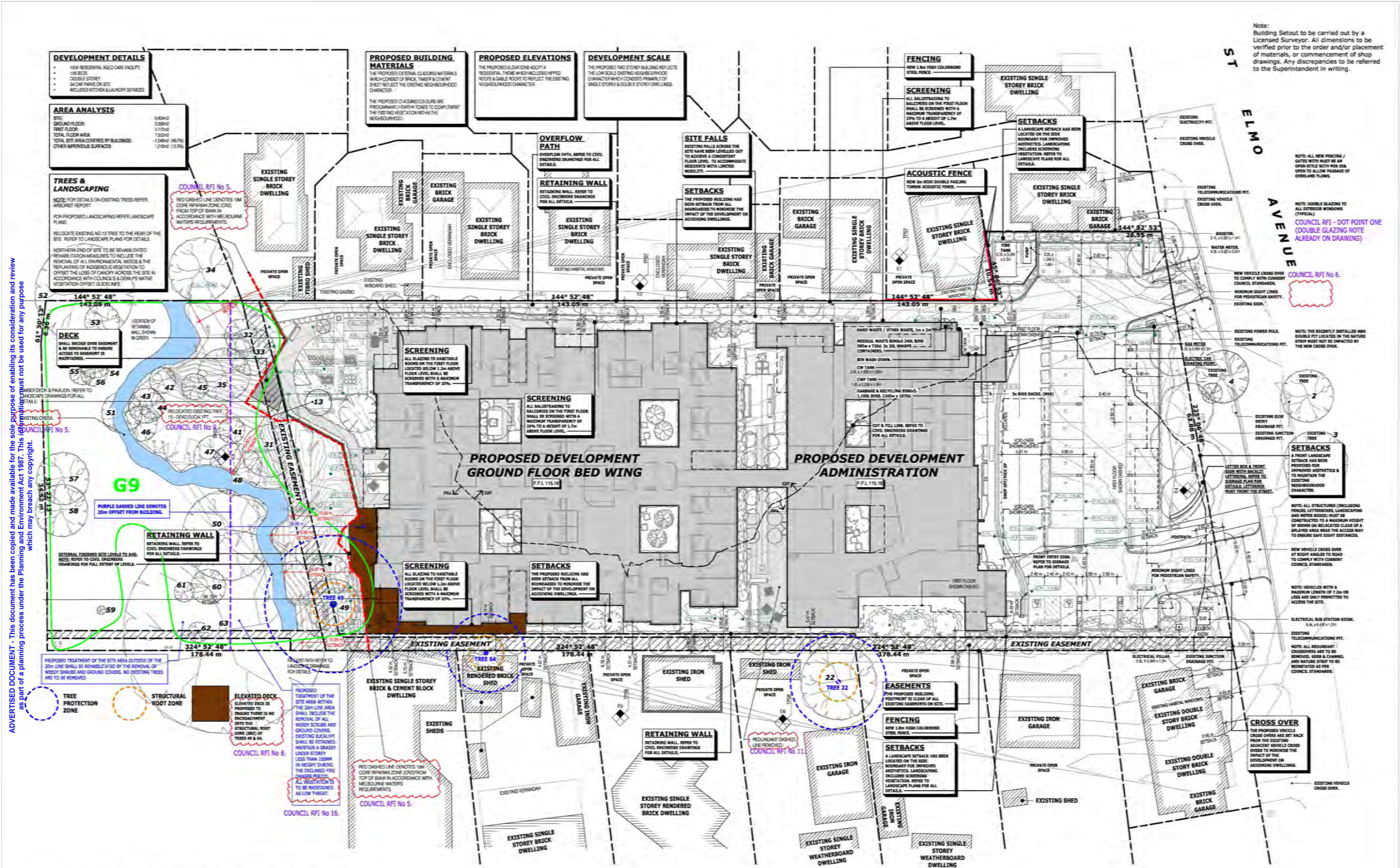
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Date 01/05/23

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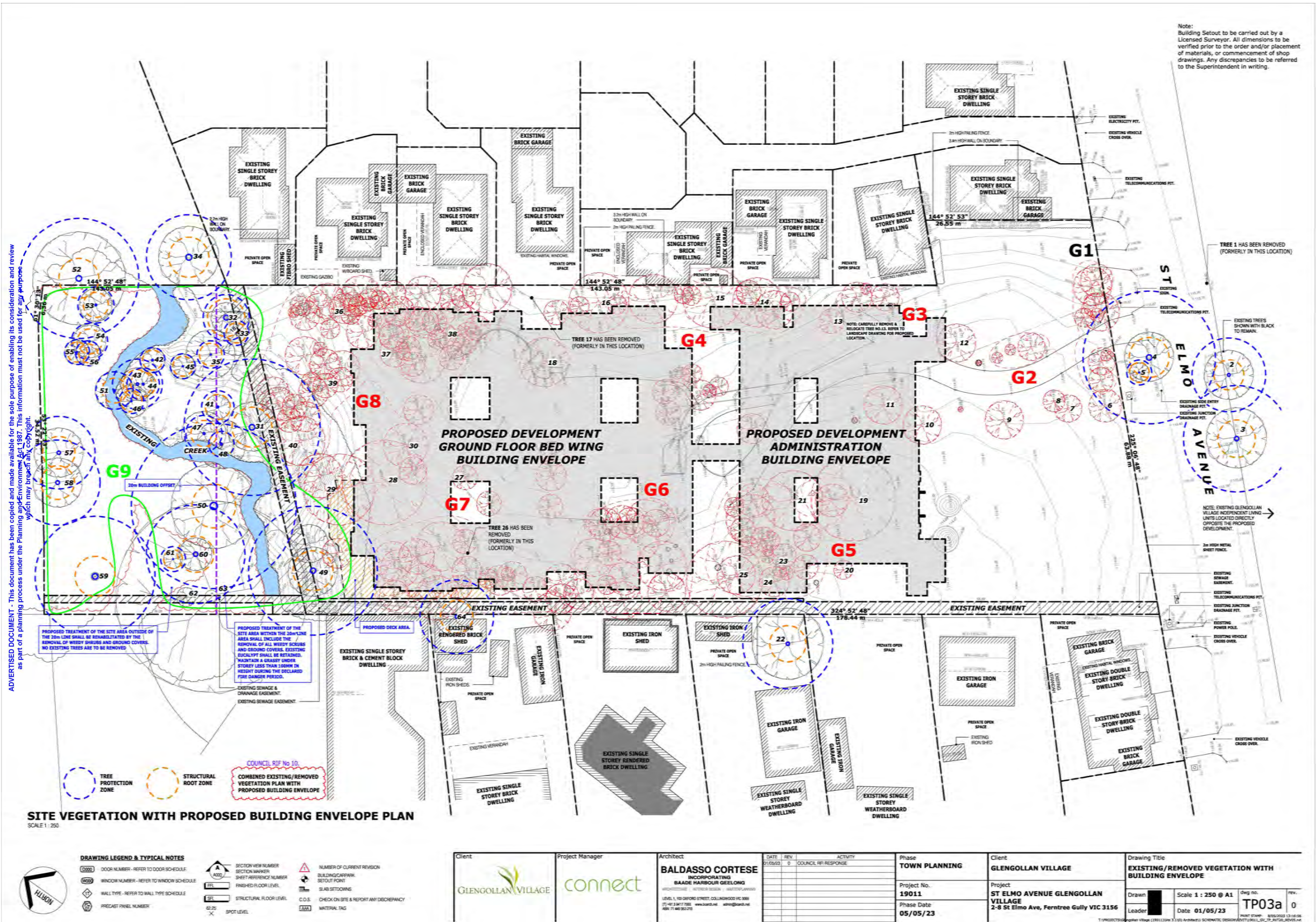


PROPOSED SITE PLAN & DESIGN RESPONSE
SCALE 1 : 250

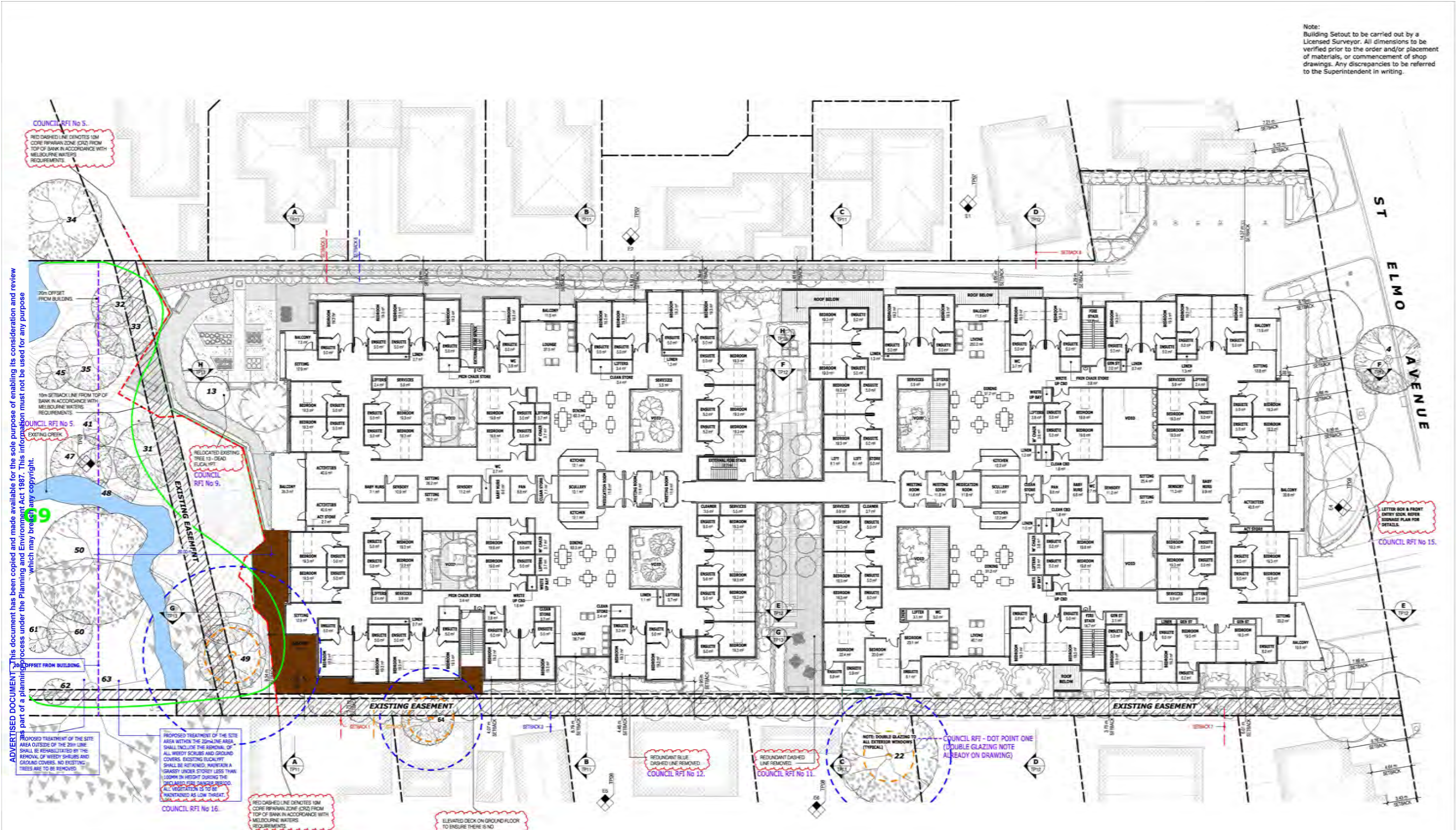
DRAWING LEGEND & TYPICAL NOTES

	DOOR NUMBER - REFER TO DOOR SCHEDULE		SECTION VIEW NUMBER		NUMBER OF CURRENT REVISION
	WINDOW NUMBER - REFER TO WINDOW SCHEDULE		FINISHED FLOOR LEVEL		BUILDING SETPOINT
	WALL TYPE - REFER TO WALL TYPE SCHEDULE		STRUCTURAL FLOOR LEVEL		SLAB SETTING OUT
	PRECAST PANEL NUMBER		SPOT LEVEL		CHECK ON SITE & REPORT ANY DISCREPANCY
			MATERIAL TAG		MATERIAL TAG

Client GLENGOLLAN VILLAGE	Project Manager connect	Architect BALDASSO CORTESE INCORPORATING BLAUDE HARBOUR GEELONG	DATE REV ACTIVITY 09/11/22 2 PRE-APP MEETING 01/05/23 1 COUNCIL RFI RESPONSE	Phase TOWN PLANNING	Client GLENGOLLAN VILLAGE	Drawing Title PROPOSED SITE PLAN & DESIGN RESPONSE
		LEVEL 1: 180 GARDENS STREET, COLLINGWOOD VIC 3068 (0)49 1 8417 788 www.baldasso.com.au/baldasso@baldasso.net (0)3 74 482 833		Project No. 19011	Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawn TP03
						Scale 1 : 250 @ A1
						Date 01/05/23
						Drawn TP03
						Rev. 1



Note:
Building Setout to be carried out by a Licensed Surveyor. All dimensions to be verified prior to the order and/or placement of materials, or commencement of shop drawings. Any discrepancies to be referred to the Superintendent in writing.

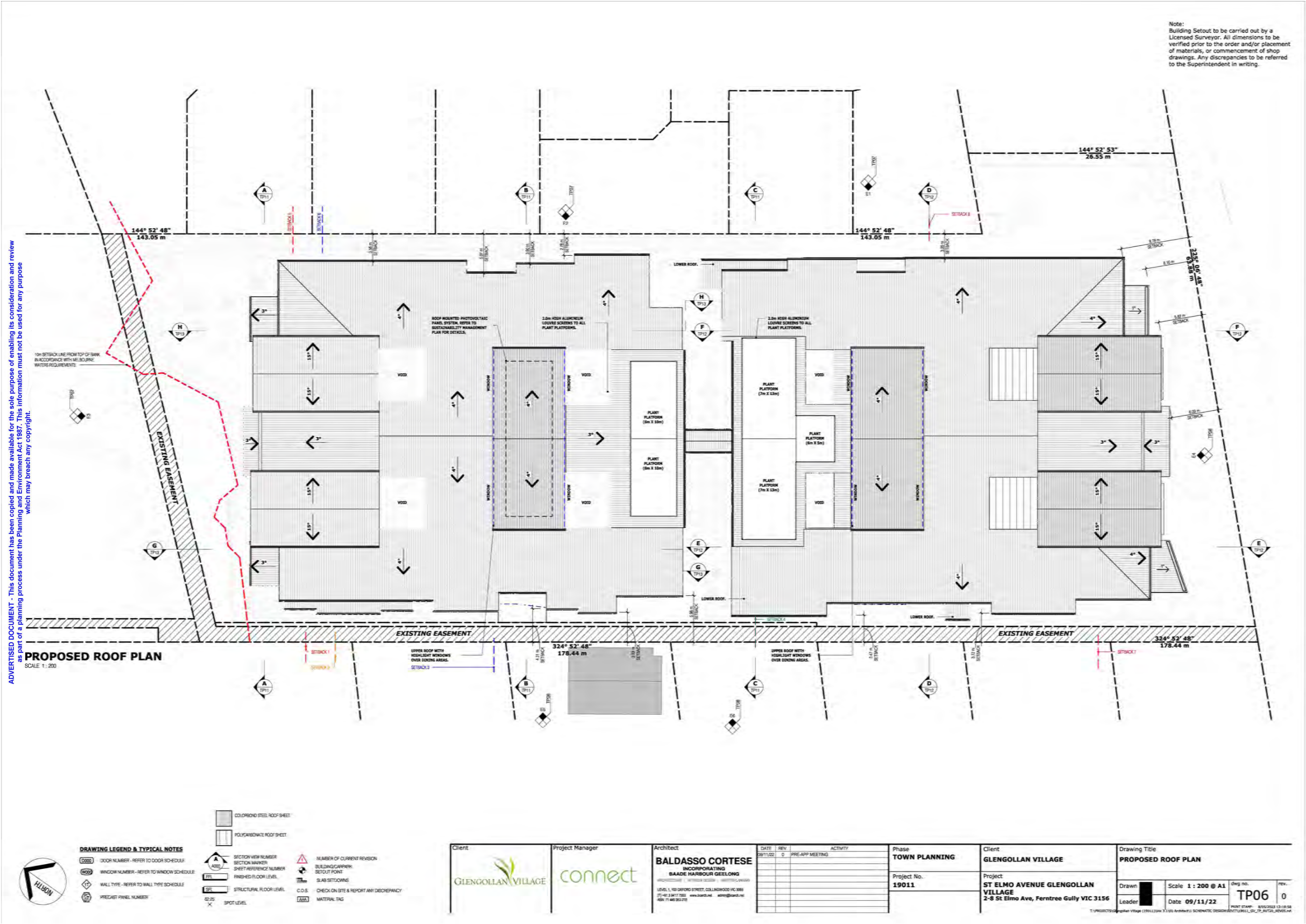


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PROPOSED FIRST FLOOR PLAN
SCALE 1:200



Client GLENGOLLAN VILLAGE	Project Manager connect	Architect BALDASSO CORTESE INCORPORATING BAADE HARBOUR GEELONG LEVEL 1, 100 SPYING STREET, COLLINGWOOD VIC 3068 (7) 41 3 417 788 www.baldasso.com.au	DATE REV ACTIVITY 09/11/22 2 PRE-APP MEETING 01/05/23 1 COUNCIL RFI RESPONSE	Phase TOWN PLANNING Project No. 19011	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title PROPOSED FIRST FLOOR PLAN Drawn Scale As Indicated @ A1 dwg no. TP05 rev. 1 Date 01/05/23
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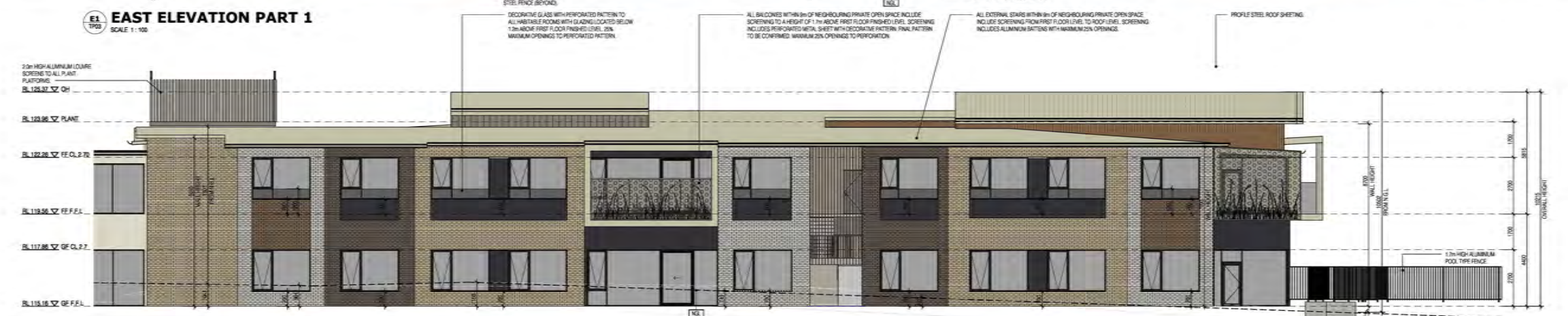
Note:
Building Setout to be carried out by a Licensed Surveyor. All dimensions to be verified prior to the order and/or placement of materials, or commencement of shop drawings. Any discrepancies to be referred to the Superintendent in writing.

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E1 EAST ELEVATION PART 1
SCALE 1:100



E2 EAST ELEVATION PART 2
SCALE 1:100



E3 NORTH ELEVATION
SCALE 1:100

MATERIAL SCHEDULE	
	MASONRY BRICKWORK COLOUR: TAN
	MASONRY BRICKWORK COLOUR: SANDY REDS
	MASONRY BRICKWORK COLOUR: BROWN
	MASONRY BRICKWORK COLOUR: DARK BROWN
	MASONRY BRICKWORK COLOUR: WHITE ONLY LOCATED AT FRONT ENTRY IN CONTIGUOUS SHADOW DUE TO 1ST FLOOR
	MASONRY BRICKWORK COLOUR: CREAM
	STONE CLADDING COLOUR: MIX OF SANDY & BROWN COLOURS
	PERFORATED TIMBER LOOK CEMENT SHEET CLADDING COLOUR: BROWN
	PERFORATED TIMBER LOOK ALUMINIUM CLADDING COLOUR: TAN
	PERFORATED CEMENT SHEET CLADDING COLOUR: BLACK
	PERFORATED CEMENT SHEET CLADDING COLOUR: BEIGE
	PERFORATED CEMENT SHEET CLADDING COLOUR: BEIGE
	PERFORATED CEMENT SHEET CLADDING COLOUR: BROWN
	ALUMINIUM FRAMING SYSTEM COLOUR: BLACK FRAME DECORATIVE GLASS WITH PERFORATED PATTERN. MAXIMUM TRANSPARENCY OF 25% UP TO 1.2m ABOVE F.F.L.
	ALUMINIUM FRAMING SYSTEM COLOUR: BLACK SPANDREL PANEL FRAME FIXED GLAZED PANEL ANNING PANEL
	SCREENING COLOUR: BEIGE PERFORATED METAL SHEETING WITH DECORATIVE PATTERN. COLOUR: TO PC.PREF. FINAL PATTERN TO BE CONFIRMED. MINIMUM 25% OPENINGS TO PERFORATIONS. 1.7m HIGH FROM F.F.L.
	PERFORATED SCREEN COLOUR: BEIGE ALUMINIUM BATTENS WITH PERFORATED METAL SHEET BACKING TO SERVICE 1940 FENCE & GATES. TIMBER LOOK.

DRAWING LEGEND & TYPICAL NOTES

	DOOR NUMBER - REFER TO DOOR SCHEDULE		SECTION VIEW NUMBER		NUMBER OF CURRENT REVISION
	WINDOW NUMBER - REFER TO WINDOW SCHEDULE		FINISHED FLOOR LEVEL		BUILDING WORK SETOUT POINT
	WALL TYPE - REFER TO WALL TYPE SCHEDULE		STRUCTURAL FLOOR LEVEL		SLAB SETTING OUT
	PRECAST PANEL NUMBER		C.O.S. CHECK ON SITE & REPORT ANY DISCREPANCY		MATERIAL TAG
	SPOT LEVEL				

<p>Client GLENGOLLAN VILLAGE</p>	<p>Project Manager connect</p>	<p>Architect BALDASSO CORTESE INCORPORATING BAADE HARBOUR GSEELONG ARCHITECTURE - INTERIOR DESIGN - LANDSCAPE ARCHITECTURE LEVEL 1, 105 GAYFORD STREET, COLLINGWOOD VIC 3068 (03) 9412 7888 www.baldasso.com.au ABN: 71 460 850 270</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>REV</th> <th>ACTIVITY</th> </tr> </thead> <tbody> <tr> <td>09/11/22</td> <td>0</td> <td>PRE-APP MEETING</td> </tr> <tr> <td>01/05/23</td> <td>1</td> <td>COUNCIL RFI RESPONSE</td> </tr> </tbody> </table>	DATE	REV	ACTIVITY	09/11/22	0	PRE-APP MEETING	01/05/23	1	COUNCIL RFI RESPONSE	<p>Phase TOWN PLANNING</p> <p>Project No. 19011</p>	<p>Client GLENGOLLAN VILLAGE</p> <p>Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156</p>	<p>Drawing Title NORTH AND EAST ELEVATIONS</p> <p>Drawn Leader</p> <p>Scale 1:100 @ A1</p> <p>Date 01/05/23</p> <p>Print Stamp TP07</p> <p>rev. 1</p>
DATE	REV	ACTIVITY													
09/11/22	0	PRE-APP MEETING													
01/05/23	1	COUNCIL RFI RESPONSE													

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E4 SOUTH ELEVATION
SCALE 1:100

E5 WEST ELEVATION PART 1
SCALE 1:100

E6 WEST ELEVATION PART 2
SCALE 1:100

MATERIAL SCHEDULE	
	MASONRY BRICKWORK COLOUR: TAN
	MASONRY BRICKWORK COLOUR: SANDY BUSH
	MASONRY BRICKWORK COLOUR: BROWN
	MASONRY BRICKWORK COLOUR: DARK BROWN
	MASONRY BRICKWORK COLOUR: WHITE ONLY LOCATED AT FRONT ENTRY ENTRY IN CONSTANT SHADOW DUE TO 1ST FLOOR
	MASONRY BRICKWORK COLOUR: CREAM
	MASONRY BRICKWORK COLOUR: CLEAR
	STONE GLAZING COLOUR: MIX OF SANDY & BROWN COLOURS
	PRE-FINISHED TIMBER LOOK CORNET SHEET CLADDING COLOUR: BROWN
	PRE-FINISHED TIMBER LOOK ALUMINIUM CLADDING COLOUR: TAN
	PRE-FINISHED CONCRETE SHEET CLADDING COLOUR: BLACK
	PRE-FINISHED CONCRETE SHEET CLADDING COLOUR: GREY
	PRE-FINISHED CONCRETE SHEET CLADDING COLOUR: GREY
	ALUMINIUM FRAMING SYSTEM COLOUR: BLACK
	ALUMINIUM FRAMING SYSTEM COLOUR: BROWN
	ALUMINIUM FRAMING SYSTEM COLOUR: BROWN
	ALUMINIUM FRAMING SYSTEM COLOUR: BROWN
	SCREENING COLOUR: GREY PERFORATED METAL SHEETING WITH DECORATIVE PATTERN, EQUIVALENT TO 10% PERFORATION TO BE CONFIRMED. MAXIMUM 20% OPENINGS TO PERFORMANCES 1.7m HIGH FROM F.F.L.
	PERFORATED SCREEN COLOUR: GREY ALUMINIUM BATTENS TO SERVICE VARD FENCE & GATES TIMBER LOOK.

DATE	REV	ACTIVITY
09/11/22	0	PRE-APP MEETING
01/05/23	1	COUNCIL RFI RESPONSE

Client	Project Manager	Architect	Phase	Client	Drawing Title
GLENGOLLAN VILLAGE	connect	BALDASSO CORTESE INCORPORATING BLAIDE HARBOUR GEESELONG	TOWN PLANNING	GLENGOLLAN VILLAGE	SOUTH AND WEST ELEVATIONS
		LEVEL 1, 100 SPYFORD STREET, COLLINGWOOD VIC 3090 (7549 2417 7588 www.baldasso.net.au info@baldasso.net.au)	Project No. 19011	Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-9 St Elmo Ave, Ferntree Gully VIC 3156	Scale 1:100 @ A1 Date 01/05/23
				Drawn Leader	Drawn Scale 1:100 @ A1 Date 01/05/23 rev. TP08 1

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3D PERSPECTIVE 01

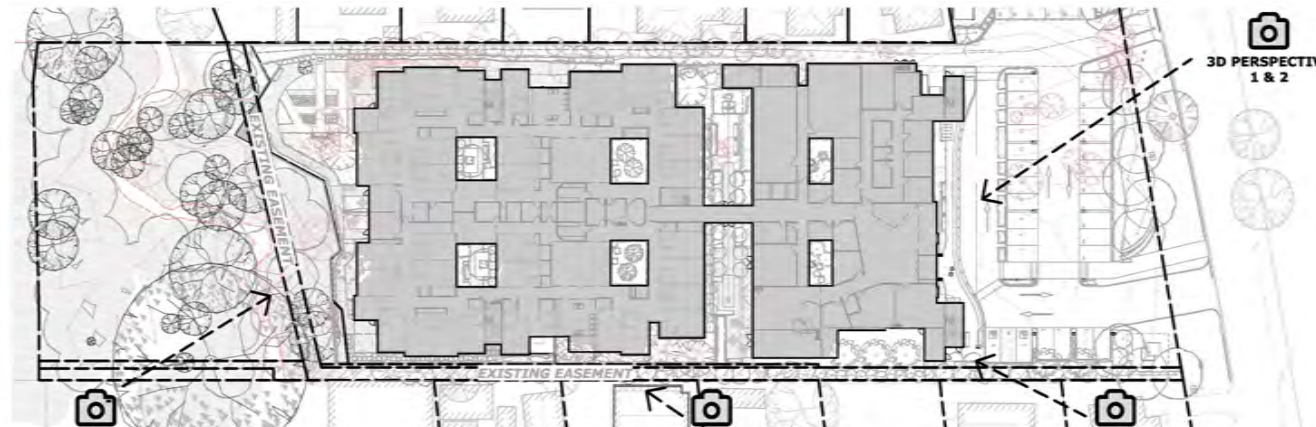


3D PERSPECTIVE 02

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3D PERSPECTIVE 03



3D PERSPECTIVE 04
(TREES HIDDEN FOR CLARITY)



3D PERSPECTIVE 05

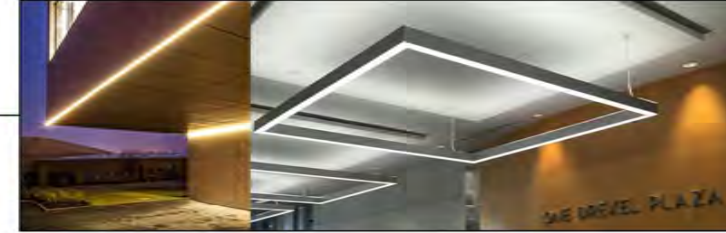
Client GLENGOLLAN VILLAGE	Project Manager connect	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GEEELONG ARCHITECTURE - INTERIOR DESIGN - LANDSCAPE ARCHITECTURE LEVEL 1, 100 GIFFORD STREET, COLLINGWOOD VIC 3068 (0)49 28417 788 www.baldasso.net.au info@baldasso.net.au ABN: 71 460 820 270	DATE REV ACTIVITY 08/11/22 0 PRE-APP MEETING 01/05/23 1 COUNCIL RFI RESPONSE	Phase TOWN PLANNING Project No. 19011	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title 3D PERSPECTIVES Drawn [] Scale 1 : 500 @ A1 Draw no. TP09 rev. 1 Leader [] Date 01/05/23
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Note:
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POLYCARBONATE LINING TO LIGHT SHAFT WITH ARTIFICIAL FEATURE LIGHTING BEHIND



LINEAR FEATURE LIGHTS



NOTE: LIGHT COLOURS GENERALLY SELECTED AROUND FRONT ENTRY DUE TO AREA BEING PREDOMINANTLY UNDER COVER & IN SHADOW.

ALUMINIUM TIMBER LOOK BATTENS



LIGHT SHAFT WITH POLYCARBONATE ROOF SHEETING OVER.

HIGH GLOSS FINISH TO ALL SOFFIT LININGS.



SIGNAGE WITH BACKLIGHT LETTERING.

REFER TO LANDSCAPE PLAN FOR ALL LANDSCAPE DETAILS.



3D PERSPECTIVE 06



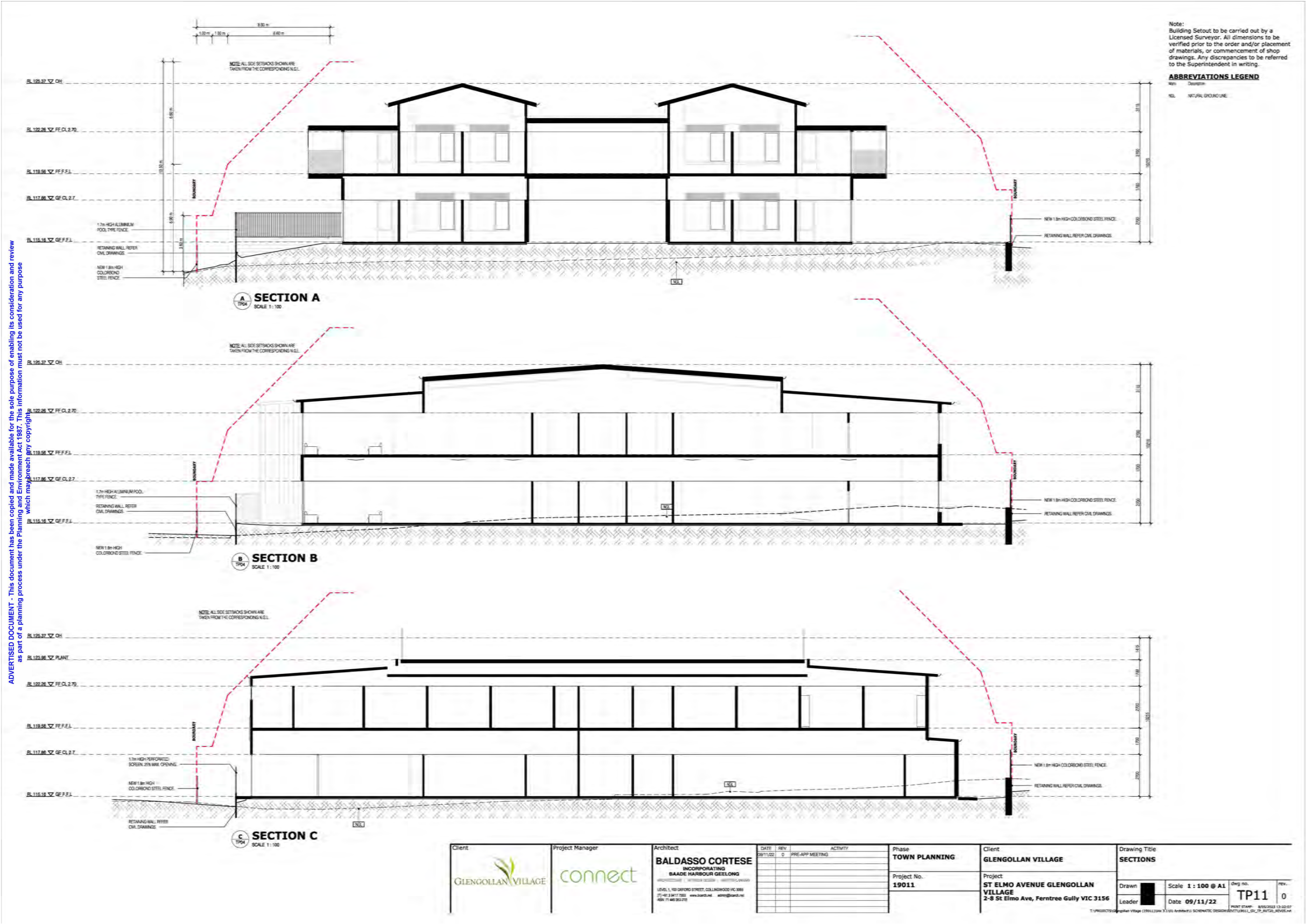
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DRAWING LEGEND & TYPICAL NOTES

- DOOR NUMBER - REFER TO DOOR SCHEDULE
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- PRECAST PANEL NUMBER
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- SECTION MARKER
- SHEET REFERENCE NUMBER
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- STRUCTURAL FLOOR LEVEL
- SPOT LEVEL
- NUMBER OF CURRENT REVISION
- BUILDING SETOUT POINT
- SLAB SETTING
- CHECK ON SITE & REPORT ANY DISCREPANCY
- MATERIAL TAG



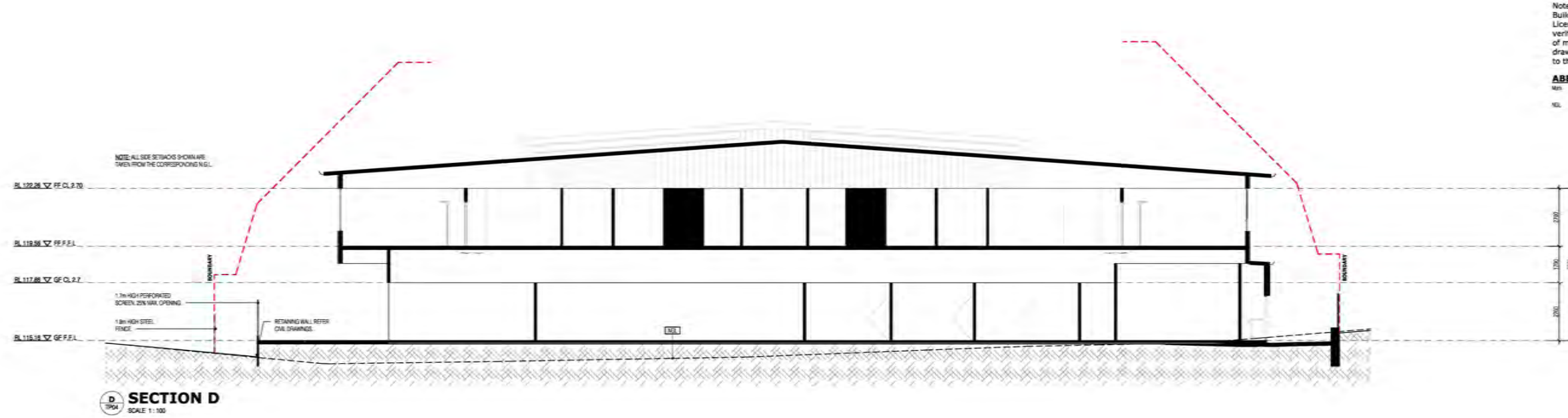
Client 	Project Manager 	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GEELONG ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE LEVEL 4, 120 GIFFORD STREET, COLLINGWOOD VIC 3068 (03) 9412 8417 7088 www.baldasso.net.au info@baldasso.net.au ABRN: 71 460 820 270	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>REV</th> <th>ACTIVITY</th> </tr> </thead> <tbody> <tr> <td>09/11/22</td> <td>0</td> <td>PRE-APP MEETING</td> </tr> </tbody> </table>	DATE	REV	ACTIVITY	09/11/22	0	PRE-APP MEETING	Phase TOWN PLANNING Project No. 19011	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title 3D PERSPECTIVES Drawn Scale 1 : 100 @ A1 Dwg no. TP10 rev. 0 Leader Date 09/11/22 PRINT STAMP: 09/11/22 13:02:50 <small>T:\PROJECTS\Glenollan Village (19011)\DWG\3D\SCHEMATIC DESIGN\ADVTU\KELLER_TP10_REV00.dwg</small>
DATE	REV	ACTIVITY										
09/11/22	0	PRE-APP MEETING										



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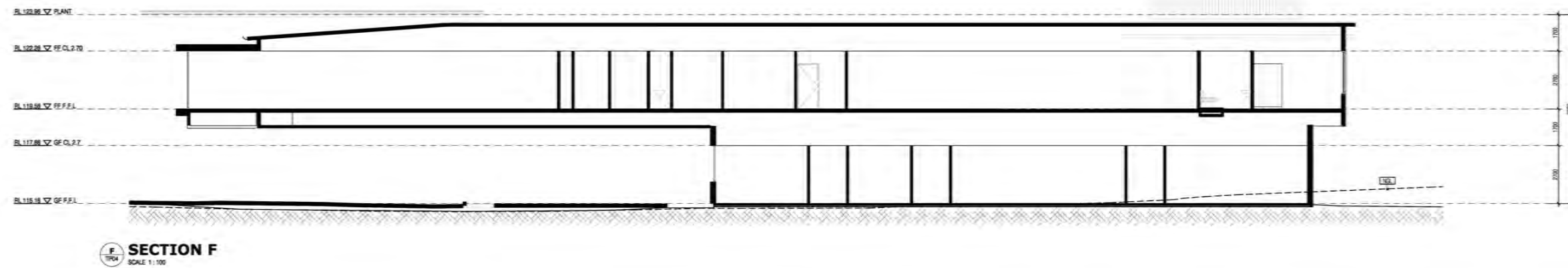
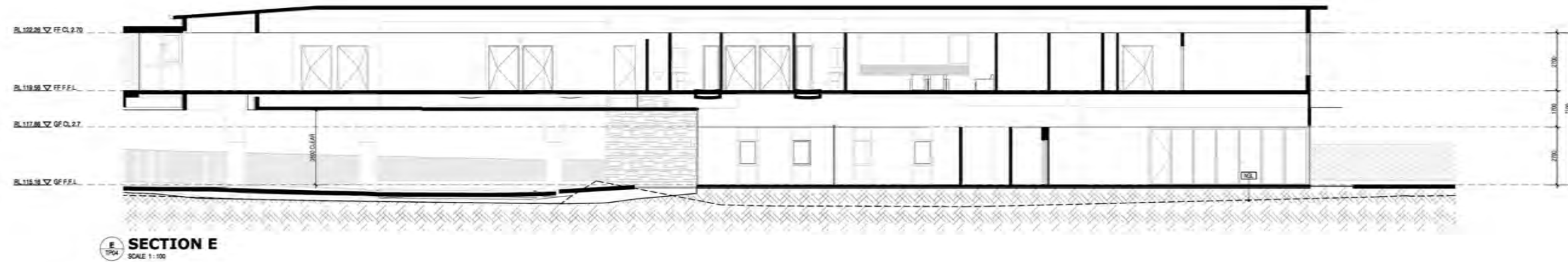
Client GLENGOLLAN VILLAGE	Project Manager connect	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GEELONG LEVEL 1, 100 GARFORD STREET, COLLINGWOOD VIC 3068 (0)49 2 8417 788 www.baldasso.net.au info@baldasso.net.au	DATE REV ACTIVITY 09/11/22 2 PRE-APP MEETING	Phase TOWN PLANNING	Client GLENGOLLAN VILLAGE	Drawing Title SECTIONS
				Project No. 19011	Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawn Leader
						Scale 1:100 @ A1
						Date 09/11/22
						Drawn no. TP11
						rev. 0

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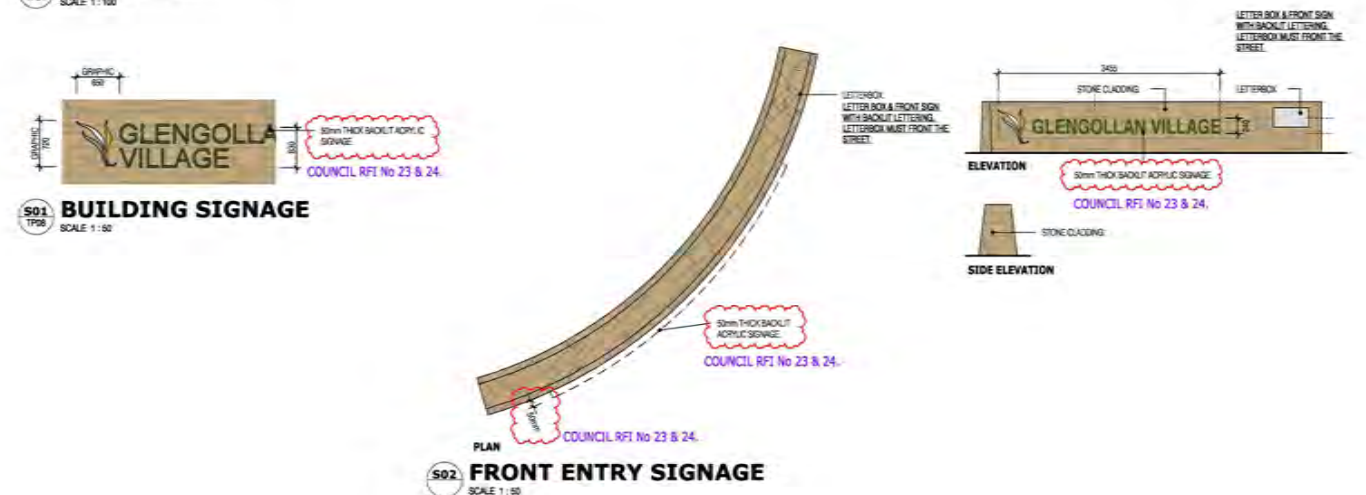
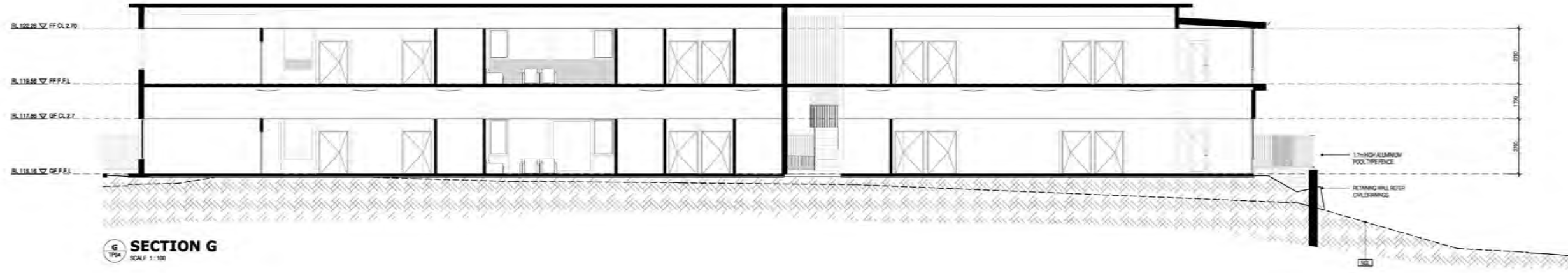
ABBREVIATIONS LEGEND
N.G.L. NATURAL GROUND LINE



Client GLENGOLLAN VILLAGE	Project Manager connect	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GEELONG ARCHITECTURE & INTERIOR DESIGN LEVEL 1, 100 GIFFORD STREET, COLLINGWOOD VIC 3068 (0)41 2 8417 788 www.baldasso.net.au info@baldasso.net.au	DATE REV ACTIVITY 09/11/22 2 PRE-APP MEETING	Phase TOWN PLANNING	Client GLENGOLLAN VILLAGE	Drawing Title SECTIONS
				Project No. 19011	Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawn Leader
						Scale 1 : 100 @ A1
						Date 09/11/22
						Drawn no. TP12
						rev. 0

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DRAWING LEGEND & TYPICAL NOTES

DOOR NUMBER - REFER TO DOOR SCHEDULE	SECTION VIEW NUMBER SECTION MARKER SHEET REFERENCE NUMBER	NUMBER OF CURRENT REVISION
WINDOW NUMBER - REFER TO WINDOW SCHEDULE	FINISHED FLOOR LEVEL	BUILDING SETOUT SETOUT POINT
WALL TYPE - REFER TO WALL TYPE SCHEDULE	STRUCTURAL FLOOR LEVEL	SLAB SETOUTING
PRECAST PANEL NUMBER	SPOT LEVEL	CHECK ON SITE & REPORT ANY DISCREPANCY
		MATERIAL TAG

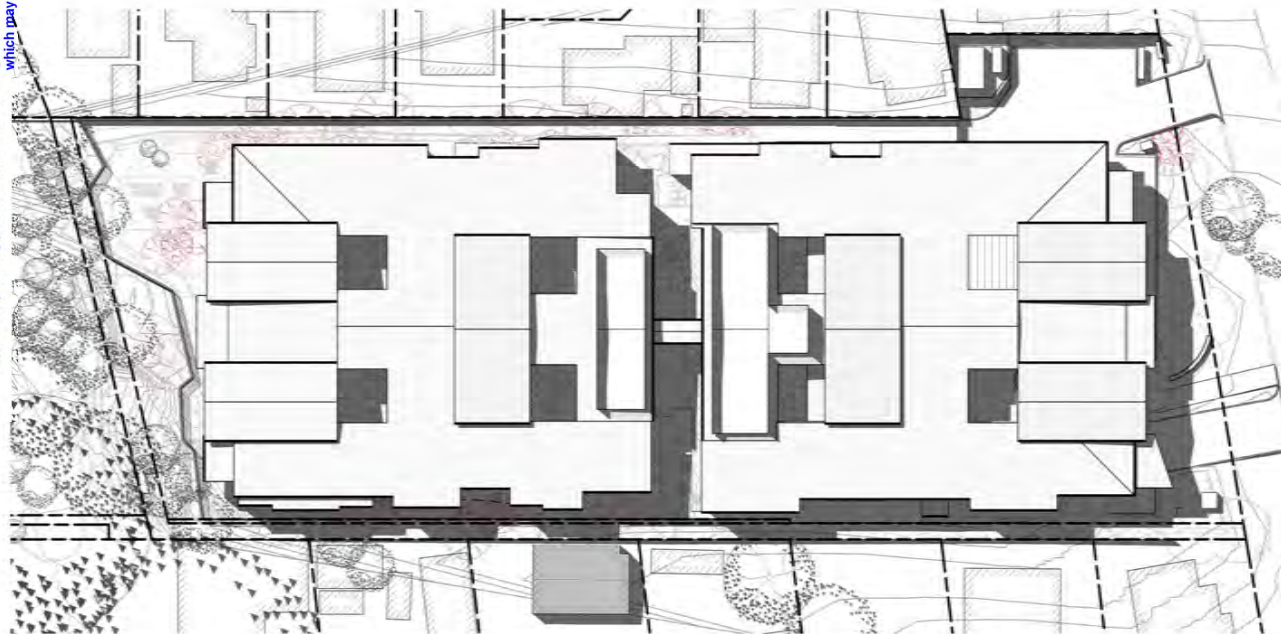
Client GLENGOLLAN VILLAGE	Project Manager connect	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR CREATIONS ARCHITECTURE & INTERIOR DESIGN LEVEL 1, 100 GAYFORD STREET, COLLINGWOOD VIC 3068 (03) 9413 8417 www.baldasso.com.au info@baldasso.com.au	DATE REV. ACTIVITY 08/11/22 2 PRE-APP MEETING 01/05/23 1 COUNCIL RFI RESPONSE	Phase TOWN PLANNING Project No. 19011	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title SECTIONS Drawn Leader Scale As Indicated @ A1 Date 01/05/23 Dwg no. TP13 rev. 1
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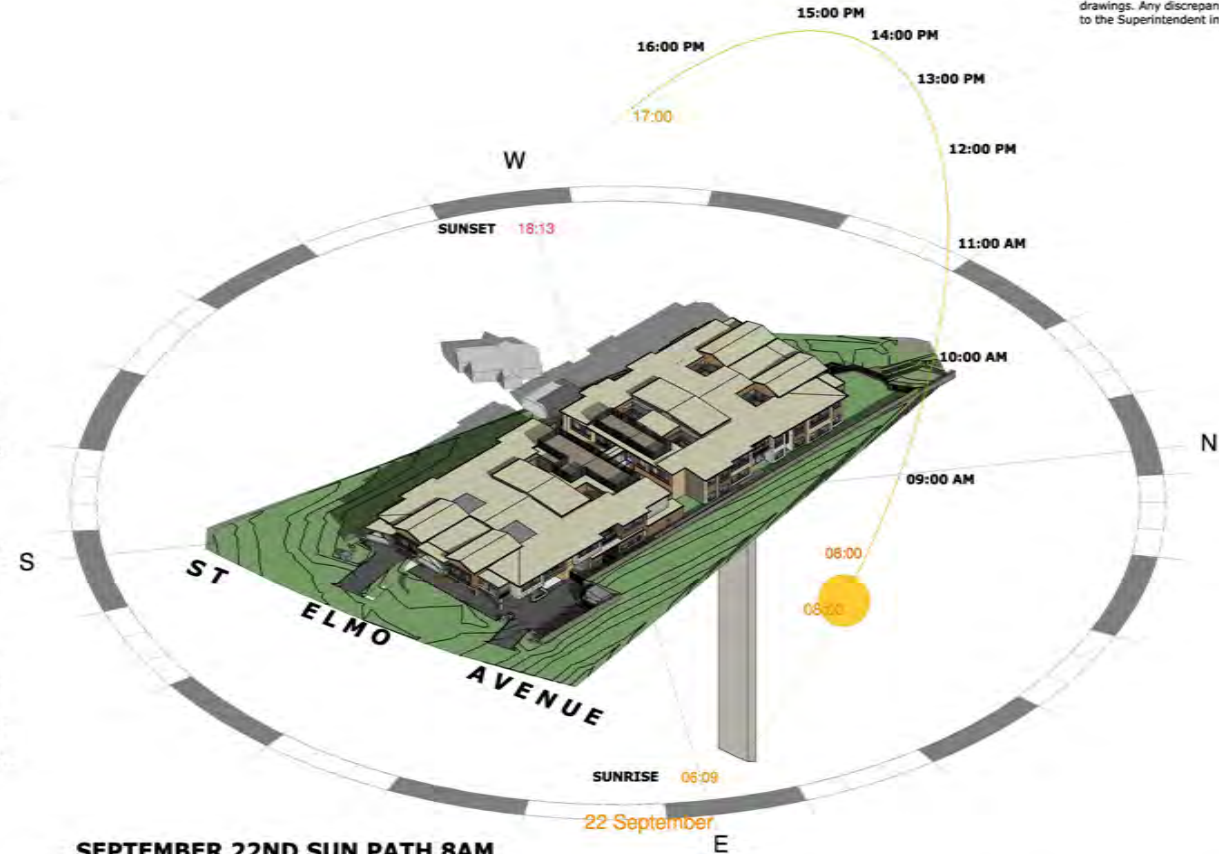
Note:
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SEPTEMBER 22ND 9am SHADOW DIAGRAM
SCALE 1 : 400



SEPTEMBER 22ND 12pm SHADOW DIAGRAM
SCALE 1 : 400



SEPTEMBER 22ND SUN PATH 8AM
SCALE



SEPTEMBER 22ND 3pm SHADOW DIAGRAM
SCALE 1 : 400



Client 	Project Manager 	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GEELONG ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE LEVEL 1, 100 OXFORD STREET, COLLINGWOOD VIC 3068 (03) 9413 4177 www.baldasso.com.au info@baldasso.com.au	DATE REV ACTIVITY 09/11/22 2 PRE-APP MEETING	Phase TOWN PLANNING Project No. 19011	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title SHADOW DIAGRAMS - SEPTEMBER 22nd Drawn [] Scale 1 : 400 @ A1 Date 09/11/22 Drawn [] Leader []	Drawn [] Scale 1 : 400 @ A1 Date 09/11/22 Drawn [] Leader []
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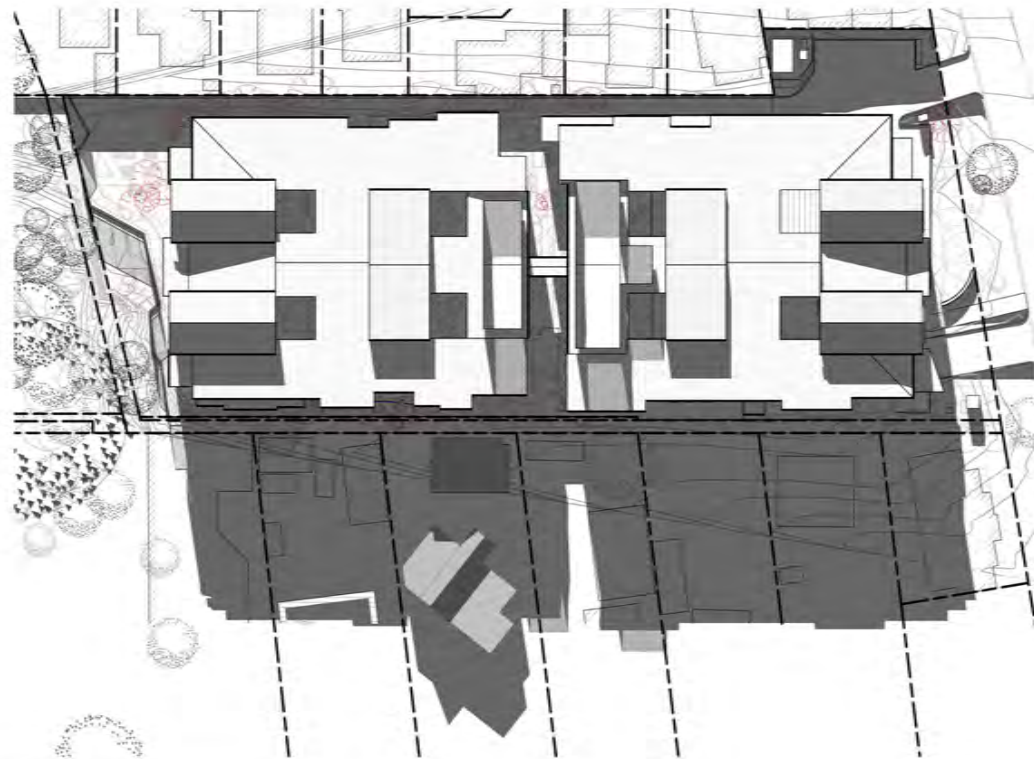
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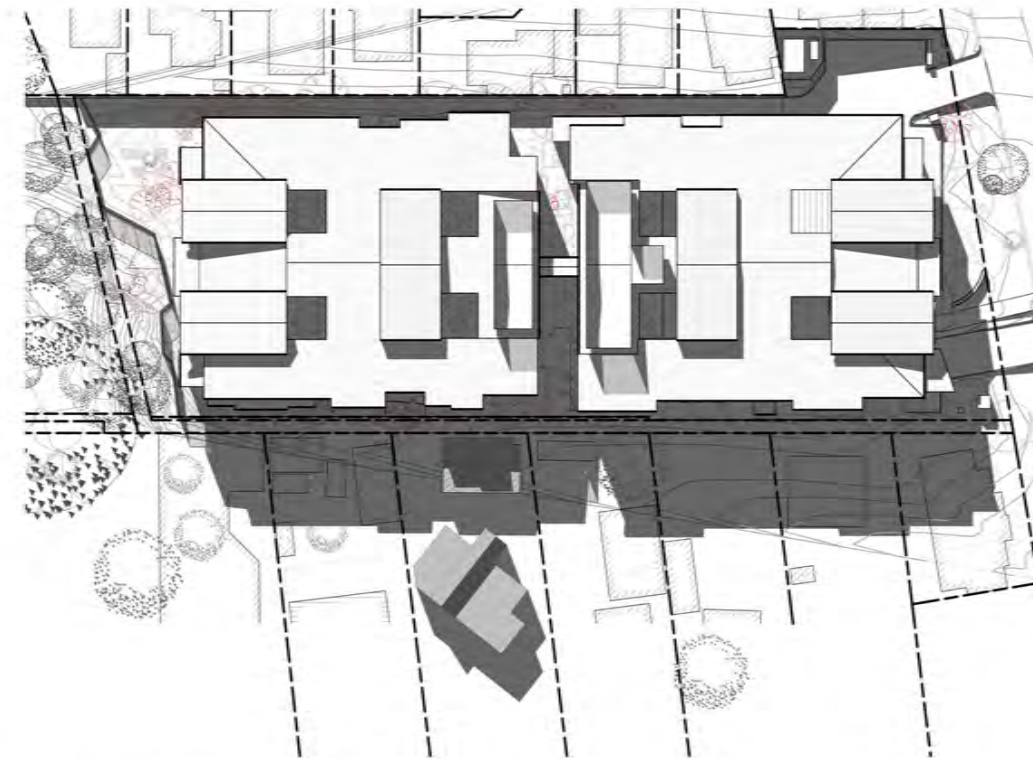
JUNE 22ND 9AM



JUNE 22ND 10AM



JUNE 22ND 9AM



JUNE 22ND 10AM

DRAWING LEGEND & TYPICAL NOTES	
	DOOR NUMBER - REFER TO DOOR SCHEDULE
	WINDOW NUMBER - REFER TO WINDOW SCHEDULE
	WALL TYPE - REFER TO WALL TYPE SCHEDULE
	PRECAST PANEL NUMBER
	SECTION VIEW NUMBER SECTION MARKER SHEET REFERENCE NUMBER
	FINISHED FLOOR LEVEL
	STRUCTURAL FLOOR LEVEL
	SPOT LEVEL
	NUMBER OF CURRENT REVISION
	BUILDING SETOUT POINT
	SLAB SETOUTING
	C.O.S. CHECK ON SITE & REPORT ANY DISCREPANCY
	MATERIAL TAG

Client GLENGOLLAN VILLAGE	Project Manager connect	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GEEELONG ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE LEVEL 1, 180 SPYFORD STREET, COLLINGWOOD VIC 3068 (T) +61 3 9417 7388 www.baldasso.net.au info@baldasso.net.au	DATE REV ACTIVITY 09/11/22 2 PRE-APP MEETING	Phase TOWN PLANNING Project No. 19011 Phase Date 03/07/22	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title 3D SHADOW DIAGRAMS - JUNE 22ND Drawn Scale 1 : 500 @ A1 Date 09/11/22 Leader	Drawn no. TP15 rev. 0
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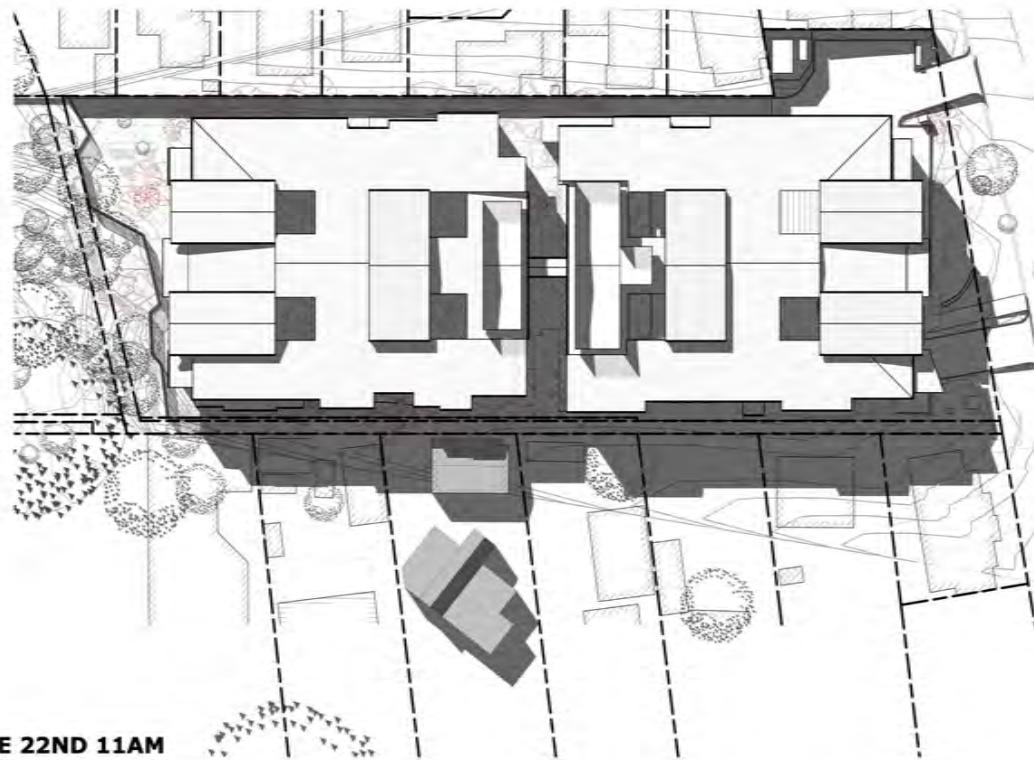
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Building Setout to be carried out by a Licensed Surveyor. All dimensions to be verified prior to the order and/or placement of materials, or commencement of shop drawings. Any discrepancies to be referred to the Superintendent in writing.



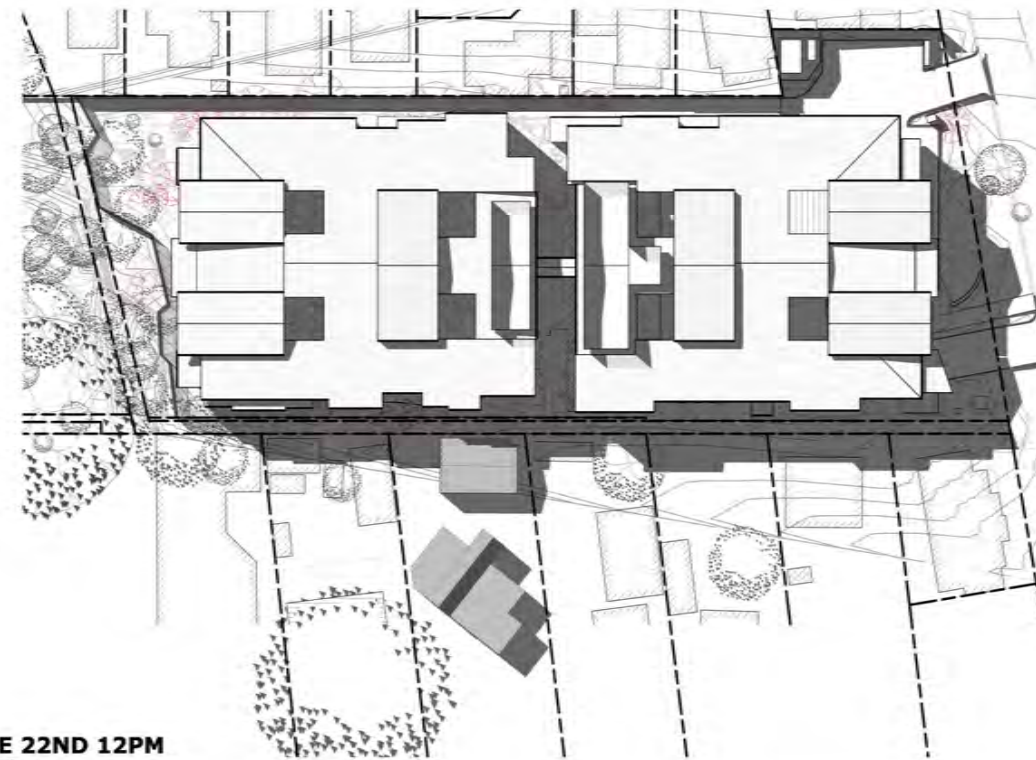
JUNE 22ND 11AM



JUNE 22ND 12PM



JUNE 22ND 11AM
SCALE 1:500



JUNE 22ND 12PM
SCALE 1:500

DRAWING LEGEND & TYPICAL NOTES

- DOOR NUMBER - REFER TO DOOR SCHEDULE
- WINDOW NUMBER - REFER TO WINDOW SCHEDULE
- WALL TYPE - REFER TO WALL TYPE SCHEDULE
- PRECAST PANEL NUMBER
- SECTION VIEW NUMBER
- SECTION MARKER
- SHEET REFERENCE NUMBER
- FINISHED FLOOR LEVEL
- STRUCTURAL FLOOR LEVEL
- SPOT LEVEL
- NUMBER OF CURRENT REVISION
- BUILDING SETOUT POINT
- SLAB SETOUTING
- CHECK ON SITE & REPORT ANY DISCREPANCY
- MATERIAL TAG

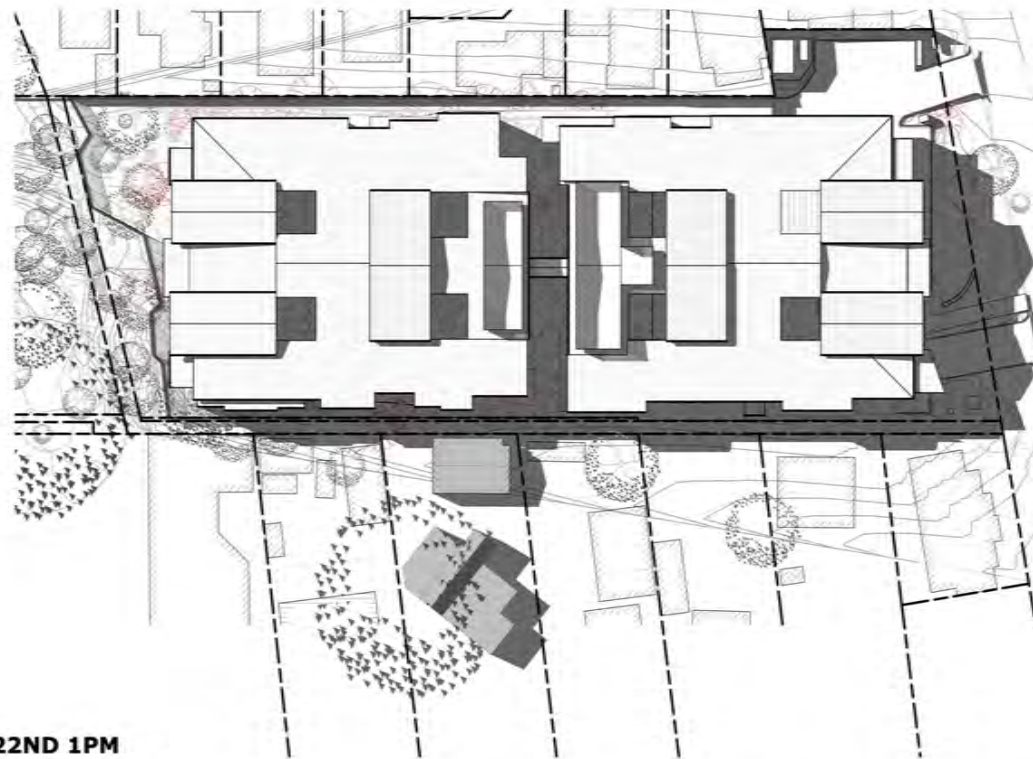


Client 	Project Manager 	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GREENING ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE LEVEL 1, 180 SPYFORD STREET, COLLINGWOOD VIC 3068 (T) +61 3 9417 7988 www.baldasso.com.au info@baldasso.com.au ABRN: 71 460 823 270	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>REV</th> <th>ACTIVITY</th> </tr> </thead> <tbody> <tr> <td>09/11/22</td> <td>2</td> <td>PRE-APP MEETING</td> </tr> </tbody> </table>	DATE	REV	ACTIVITY	09/11/22	2	PRE-APP MEETING	Phase TOWN PLANNING Project No. 19011 Phase Date 03/08/22	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title 3D SHADOW DIAGRAMS - JUNE 22ND Drawn Leader Scale 1 : 500 @ A1 Date 09/11/22 Dwg no. TP16 rev. 0
DATE	REV	ACTIVITY										
09/11/22	2	PRE-APP MEETING										

Note:
Building Setout to be carried out by a Licensed Surveyor. All dimensions to be verified prior to the order and/or placement of materials, or commencement of shop drawings. Any discrepancies to be referred to the Superintendent in writing.



JUNE 22ND 1PM



JUNE 22ND 1PM
SCALE 1 : 500

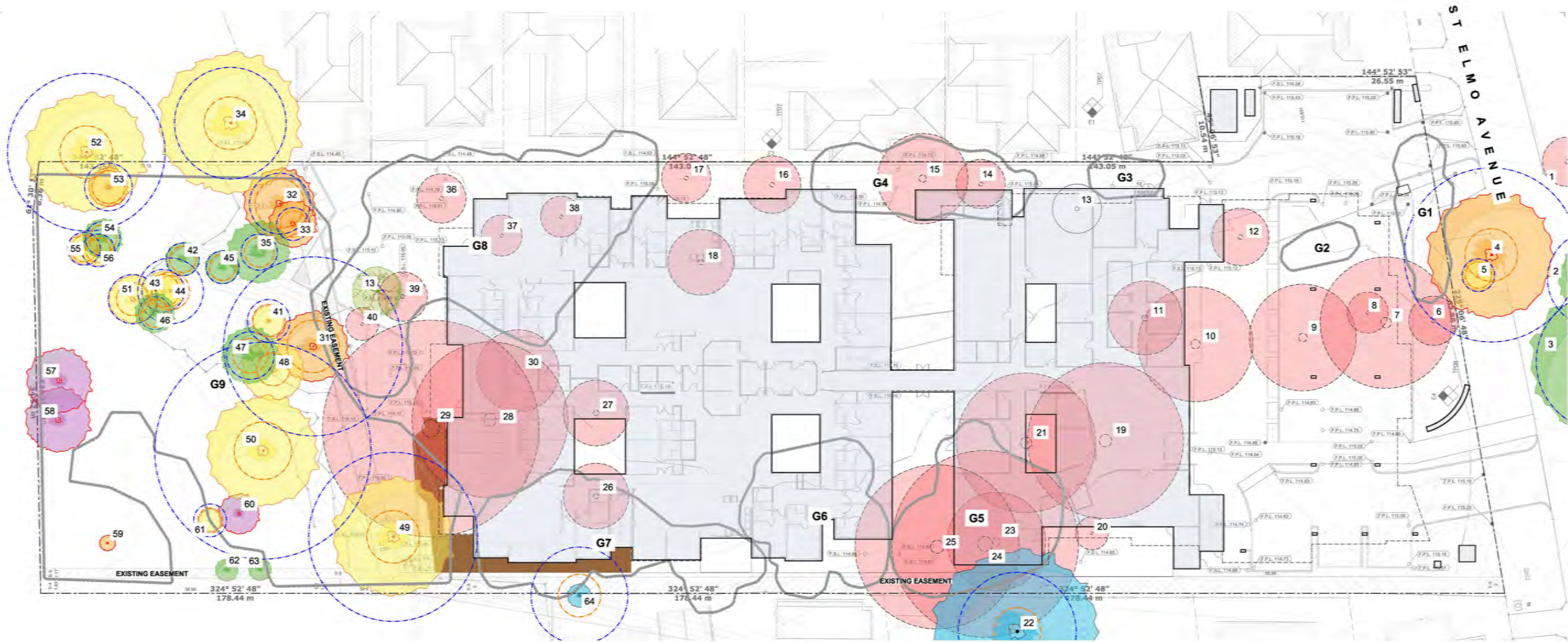
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DRAWING LEGEND & TYPICAL NOTES

- DOOR NUMBER - REFER TO DOOR SCHEDULE
- WINDOW NUMBER - REFER TO WINDOW SCHEDULE
- WALL TYPE - REFER TO WALL TYPE SCHEDULE
- PRECAST PANEL NUMBER
- SECTION VIEW NUMBER
- SHEET REFERENCE NUMBER
- FINISHED FLOOR LEVEL
- STRUCTURAL FLOOR LEVEL
- SPOT LEVEL
- NUMBER OF CURRENT REVISION
- BUILDING SETOUT POINT
- SLAB SETOUTING
- C.O.S. CHECK ON SITE & REPORT ANY DISCREPANCY
- MATERIAL TAG



Client 	Project Manager 	Architect BALDASSO CORTESE INCORPORATING BAARDE HARBOUR GEELONG ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE LEVEL 1, 100 GIFFORD STREET, COLLINGWOOD VIC 3068 (T) +61 3 9417 7988 www.baldasso.com.au info@baldasso.com.au ABR 71 460 820 270	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>REV</th> <th>ACTIVITY</th> </tr> </thead> <tbody> <tr> <td>09/11/22</td> <td>2</td> <td>PRE-APP MEETING</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	REV	ACTIVITY	09/11/22	2	PRE-APP MEETING										Phase TOWN PLANNING Project No. 19011 Phase Date 03/08/22	Client GLENGOLLAN VILLAGE Project ST ELMO AVENUE GLENGOLLAN VILLAGE 2-8 St Elmo Ave, Ferntree Gully VIC 3156	Drawing Title 3D SHADOW DIAGRAMS - JUNE 22ND Drawn Scale 1 : 500 @ A1 Dwg no. TP17 rev. 0 Leader Date 09/11/22
DATE	REV	ACTIVITY																			
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LEGEND

Tree Group Low Arb. Rating	Blue Dashed Line Denotes 10% Easement
Mod A Arb. Rating	Orange Dashed Line Denotes 10% Easement
Mod B Arb. Rating	Existing Trees to be Removed
Mod C Arb. Rating	Existing Trees To Be Relocated
Low Arb. Rating	Relocated Tree New Position
Very Low Arb. Rating	

Note: Refer to Arborist Report Prepared by Tree Logic Dated on 22 Nov 2019 For Further Details

EXISTING VEGETATION SCHEDULE

No.	BOTANICAL NAME	COMMON NAME	HEIGHT x WIDTH (m)	Tree Protection Zone (TPZ) Radius (m)	Structural Root Zone (SRZ) Radius (m)	Arb. Rating	RETAIN REMOVE
1	Pithecolobium unilobatum	Silver Wattle	12 x 8	...	...	...	Remove
2	Ficus sp.	Fig	11 x 11	5.9	2.4	...	Retain
3	Quercus robur	English Oak	11 x 11	8.6	3	...	Retain
4	Eucalyptus ovata	...	11 x 11	10.8	3.2	...	Retain
5	Callistemon sp.	...	11 x 11	2	1.6	...	Retain
6	Phoebe alba	...	11 x 11	...	...	...	Remove
7	Eucalyptus ovata	...	11 x 11	...	...	...	Remove
8	Acacia saligna	...	11 x 11	...	...	...	Remove
9	Cupressus stricta	...	11 x 11	...	...	...	Remove
10	Cupressus stricta	...	11 x 11	...	...	...	Remove
11	Podocarpus neriifolia	...	11 x 11	...	...	...	Remove
12	Podocarpus neriifolia	...	11 x 11	...	...	...	Remove
13	Eucalyptus sp.	...	11 x 11	7.3	2.9	...	Remove/Relocate
14	Eucalyptus sp.	...	11 x 11	...	...	...	Remove
15	Podocarpus neriifolia	...	11 x 11	...	...	...	Remove
16	Podocarpus neriifolia	...	11 x 11	...	...	...	Remove
17	Podocarpus neriifolia	...	11 x 11	...	...	...	Remove
18	Podocarpus neriifolia	...	11 x 11	...	...	...	Remove
19	Eucalyptus ovata	...	11 x 11	...	...	...	Remove
20	Pithecolobium unilobatum	...	11 x 11	...	...	...	Remove
21	Populus x canadensis	...	11 x 11	...	...	...	Remove
22	Eucalyptus saligna	...	11 x 11	7.2	2.9	...	Retain
23	Eucalyptus ovata	...	11 x 11	...	...	...	Remove
24	Phoebe alba	...	11 x 11	...	...	...	Remove
25	Phoebe alba	...	11 x 11	...	...	...	Remove
26	Cedrus deodora	...	11 x 11	...	...	...	Remove
27	Cupressus stricta	...	11 x 11	...	...	...	Remove
28	Populus x canadensis	...	11 x 11	...	...	...	Remove
29	Eucalyptus ovata	...	11 x 11	...	...	...	Remove
30	Liquidambar styraciflua	...	11 x 11	...	...	...	Remove
31	Eucalyptus ovata	...	11 x 11	10.9	3.2	...	Retain
32	Pithecolobium unilobatum	...	11 x 11	3.7	3	...	Retain

EXISTING TREE GROUP SCHEDULE

No.	BOTANICAL NAME	COMMON NAME	HEIGHT x WIDTH (m)	Tree Protection Zone (TPZ) Radius (m)	Structural Root Zone (SRZ) Radius (m)	Arb. Rating	RETAIN REMOVE
33	Pithecolobium unilobatum	Silver Wattle	11 x 11	2	1.6	...	Retain
34	Eucalyptus saligna	...	11 x 11	8.8	3.2	...	Retain
35	Acacia saligna	...	11 x 11	2.2	1.8	...	Retain
36	Eucalyptus sp.	...	11 x 11	7.4	2.9	...	Remove
37	Eucalyptus sp.	...	11 x 11	8.5	2.9	...	Remove
38	Eucalyptus sp.	...	11 x 11	8.1	3.1	...	Remove
39	Eucalyptus sp.	...	11 x 11	9	3.1	...	Remove
40	Acacia saligna	...	11 x 11	2	1.5	...	Remove
41	Myrsine laetiflora	...	11 x 11	2.5	2	...	Retain
42	Myrsine laetiflora	...	11 x 11	2	1.8	...	Retain
43	Myrsine laetiflora	...	11 x 11	2.8	2	...	Retain
44	Myrsine laetiflora	...	11 x 11	4	2.3	...	Retain
45	Myrsine laetiflora	...	11 x 11	2	1.8	...	Retain
46	Myrsine laetiflora	...	11 x 11	2	1.7	...	Retain
47	Acacia saligna	...	11 x 11	2.9	2.1	...	Retain
48	Acacia saligna	...	11 x 11	2	2	...	Retain
49	Eucalyptus saligna	...	11 x 11	10.3	3.2	...	Retain
50	Eucalyptus saligna	...	11 x 11	13.2	3.5	...	Retain
51	Myrsine laetiflora	...	11 x 11	2	2	...	Retain
52	Eucalyptus saligna	...	11 x 11	8.8	3.2	...	Retain
53	Syzygium sp.	...	11 x 11	2.9	2	...	Retain
54	Myrsine laetiflora	...	11 x 11	2.1	1.7	...	Retain
55	Myrsine laetiflora	...	11 x 11	2	1.6	...	Retain
56	Myrsine laetiflora	...	11 x 11	2	1.5	...	Retain
57	Eucalyptus sp.	...	11 x 11	5.9	2.6	...	Retain
58	Eucalyptus sp.	...	11 x 11	8.8	2.7	...	Retain
59	Eucalyptus sp.	...	11 x 11	8.6	3.2	...	Retain
60	Eucalyptus sp.	...	11 x 11	7.9	2.9	...	Retain
61	Acacia saligna	...	11 x 11	2	1.5	...	Retain
62	Ulmus sp.	...	11 x 11	...	...	...	Retain
63	Ulmus sp.	...	11 x 11	...	...	...	Retain
64	Acacia saligna	...	11 x 11	5.9	2.6	...	Retain

EXISTING TREE GROUP SCHEDULE

TREE#	BOTANICAL NAME	COMMON NAME	HEIGHT x WIDTH (m)	Tree Protection Zone (TPZ) Radius (m)	RETAIN REMOVE	COMMENTS
G1	Pithecolobium unilobatum	Silver Wattle	7 x 6	2.0m	Remove	
G2	Acacia saligna	Black Wattle	4 x 4	2.0m	Remove	
G3	Pithecolobium unilobatum	Silver Wattle	8 x 7	2.2m	Remove	
G4	Pithecolobium unilobatum	Silver Wattle	9 x 10	0.9m	Remove	Wood Species of Wood
G5	Pithecolobium unilobatum	Silver Wattle	9 x 7	2.3m	Remove	Wood Species of Wood
G6	Pithecolobium unilobatum	Silver Wattle	12 x 8	3.0m	Remove	Wood Species of Wood
G7	Acacia saligna	Black Wattle	9 x 8	2.0m	Remove	Wood Species of Wood
G8	Pithecolobium unilobatum	Silver Wattle	11 x 8	2.0m	Remove	Wood Species of Wood
G9	Pithecolobium unilobatum	Silver Wattle	7 x 7	3.0m	Remove	Wood Species of Wood

ARBORICULTURAL RATING CATEGORY

Rating	Description	Comments
High	This tree has a high quality or is of exceptional quality. It is a specimen tree or has a high degree of cultural or historical value. It is a tree that is of high quality or is of exceptional quality. It is a tree that is of high quality or is of exceptional quality.	Consideration should be given to the retention of this tree. It is a tree that is of high quality or is of exceptional quality. It is a tree that is of high quality or is of exceptional quality.
Medium	This tree has a medium quality or is of medium quality. It is a tree that is of medium quality or is of medium quality. It is a tree that is of medium quality or is of medium quality.	Consideration should be given to the retention of this tree. It is a tree that is of medium quality or is of medium quality. It is a tree that is of medium quality or is of medium quality.
Low	This tree has a low quality or is of low quality. It is a tree that is of low quality or is of low quality. It is a tree that is of low quality or is of low quality.	Consideration should be given to the retention of this tree. It is a tree that is of low quality or is of low quality. It is a tree that is of low quality or is of low quality.

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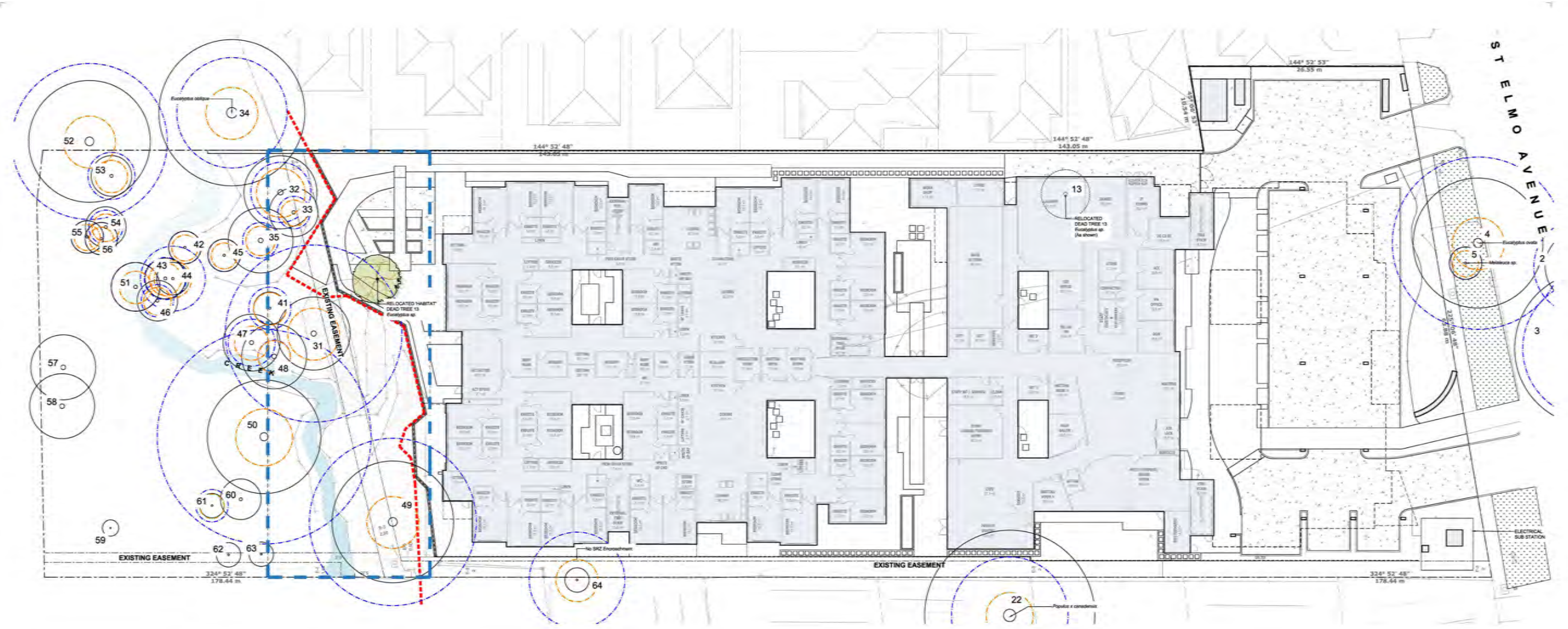
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 www.landscapearchitects.com.au

Fastnet Consulting
 Existing Vegetation Plan
 for Town Planning

Retirement Facility
 2-8 St Elmo Avenue, Fentree Gully

SCALE: 1:200 @ A1
 DATE: 16.08.2023
 DRAWN: [Signature]
 CHECKED: [Signature]
 DATE: 16.08.2023
 CADD FILE: [Filename]

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LEGEND

- Existing Tree to be Retained
- Relocated Tree
- Tree to be Relocated
- Replanted/Replaced Nativeplant
- Replanted/Replaced Nativeplant - Refer to Specification

TREE PROTECTION NOTES

Tree Protection measures are to be in accordance with Australian Standard AS 4810-2008 Protection of Trees in Development Sites

- All trees to be retained are to be identified and fenced off prior to demolition and construction works commencing, or any heavy machinery entering the site. Tree protection fencing is to be established to create an exclusion zone around the tree at the distance from the trunk specified as the Tree Protection Zone (TPZ) or as indicated on the Landscape Plan. Once erected, these areas are to be maintained as 'no go' zones to limit trafficking through the TPZs and avoid inadvertent mechanical damage by construction vehicles and equipment during construction. Fencing is to remain in place until all landscaping works commence as part of the final stage of site works.
- If access or temporary relocation of protective fencing is required e.g. to allow for the demolition of existing structures, it must be with the approval and supervision of a Project Arborist. The appointed Project Arborist is to be an appropriately experienced and skilled professional with a minimum qualification of Certificate V (or equivalent) in Arboriculture.
- Tree Protection fencing is to be constructed of temporary security fencing (or similar) securely fixed to block bases. No holes are to be dug for fence construction unless within the specified TPZ. Fencing is to be at a minimum height of 1.8m and to be secure, so as to deter easy entry. At least one weatherproof sign per site is to be attached to each fenced TPZ and is to clearly state 'TREE PROTECTION ZONE. ENTRY RESTRICTED APPLY'. DO NOT REMOVE FENCE. CONTACT THE CONTRACTOR IF ENTRY IS REQUIRED. NO EXCAVATING OR TRENCHING. NO STORAGE OF MATERIALS OR WASTE' and is to have the Contractor (or appointed site foreman) and Project Arborist's contact details.
- The ground within all TPZs within the site (both fenced and unfenced) and outside of the building footprints is to be maintained with a 30-100mm layer of coarse sand/cracks. Woodchips are to be well composted and are to be kept a minimum of 300mm back from the tree trunk. The soil surface is to be thoroughly wet immediately prior to the installation of the mulch layer. Gases during water applications, irrigation is to be provided for each of the trees from December to March inclusive. A weed control program is to be implemented for mulch areas.

Note:

All structures (including fences, letterboxes, landscaping and meter boxes) must be constructed to a maximum height of 900mm or relocated clear of a play area near the access way to ensure safe sight distances.

The recently installed NBN double pit located in the nature strip must not be impacted by the new crossover.

Northern end of site to be rehabilitated/rehabilitation measures to include the removal of all environmental weeds & the replanting of Indigenous vegetation to offset the loss of canopy across the site in accordance with council's & dewp's native vegetation offset guidelines.

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LANDSCAPE ARCHITECTS PTY LTD 324 Victoria Street, Richmond, VIC 3122 T +61 3 9429 4855 F +61 3 9429 8211 www.landscapearchitects.com.au	REVISION A To Council Request B To Council RPT	DATE 26.03.2023 04.06.2023	BY [Signature]
	CLIENT Fastnet Consulting 2-8 St Elmo Avenue, Ferntree Gully	DRAWING Existing Tree Relocation & Retention Plan for Town Planning	SCALE 1:50 @ A1 DATE 15.03.2023 DRAWN [Signature] CHECKED [Signature] DATE NO 19.03 CAD FILE 24-01-2023

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LEGEND

	Existing Tree to be Retained Refer to Arborist Report Prepared by Tree Logic Dated on 22 Nov 2018 For Further Details		Existing Tree to be Relocated		Relocated Tree		Proposed Tree 01 & 02 Refer to Plant Schedule		Proposed Complementary Trees Refer to Plant Schedule 03 (TP04)		Proposed Shrubs Refer to Plant Schedule 01 & 02		Proposed Groundcovers & Grasses Refer to Plant Schedule 01 & 02		Proposed Lawn Area Refer to Specification (TP05)
	Proposed Timber Decking To Later Detail		Proposed Paving Type 01 To Later Detail		Proposed Paving Type 02 To Later Detail		Proposed Paving Type 03 To Later Detail		Proposed Gravel Surface Refer to Specification (TP02)		Proposed Colored Concrete To Architects Detail		Proposed Sleepers To Later Detail		Proposed Timber Beating To Later Detail
	Relocated/Retained Network Refer to Specification (TP03)		Proposed Mutch Refer to Specification (TP03)		20M Setback from Building Refer to Vegetation Management Note (TP04)		Proposed Revegetation Treatment of the site area outside of 20m line shall be established by the removal of weedy shrubs and ground covers. No existing trees are to be removed.								

PLANT SCHEDULE 01-EXCLUDE INNER COURT YARDS

SYM	BOTANICAL NAME	COMMON NAME	DE ME ¹	HEIGHT X WIDTH AT MATURITY	MIN SUPPLY SIZE	QTY
TREES						
A1	Acacia villosa	Light oak	SI	7-10 x 4m	Min. 1.0 metres tall when planted	10
A2	Allocasuarina littoralis	Black Sheoak	SI	5-12 x 4m	Min. 1.0 metres tall when planted	1
Am	Acacia melanoxylon	Black oak	SI	12-25 x 8m	Min. 1.0 metres tall when planted	11
EC	Eucalyptus corymbosa	Mountain Grey Gum	SI	4-10 x 8m	Min. 1.0 metres tall when planted	1
ES	Eucalyptus melliodora	Yellow Box	SI	10-14 x 17m	Min. 1.0 metres tall when planted	3
						TOTAL
						26
SHRUBS						
Ba	Banksia integrifolia	Sea-lark Banksia	SI	2.4 x 2.0m	200mm pot	200
Ca	Callistemon citrinus	Common Cassinia	SI	2.4 x 1.5m	200mm pot	200
Cc	Coprosma quadrifida	Pinkly Coprosma	SI	2.4 x 1.5m	200mm pot	200
Cz	Cornus inflexa	Common Cornus	SI	1 x 1.1m	200mm pot	200
Co	Coccoloba ovata	Hop Coccoloba	SI	1 x 1.5m	200mm pot	200
Lc	Leptopodium complanatum	Pinkly Tea-tree	SI	2.0 x 2.4m	200mm pot	200
Ls	Leptopodium scapularum	Manuka	SI	1.5-2 x 2.4m	200mm pot	200
Ma	Mitrasacme ericoides	Sea-spray Hebe	SI	4.0 x 2.4m	200mm pot	200
Co	Cochlospermum frutescens	Tree Scaevola	SI	2.5 x 1.5m	200mm pot	200
Cl	Clivia miniata	Striped Clivia	SI	2.5 x 2m	200mm pot	200
Pi	Prostanthera leucantha	Victorian Christmas Bush	SI	2-10 x 2.0m	200mm pot	200
						TOTAL
						2000
MANGROVES						
Ca	Carex rostrata	Tall Sedge	SI	0.8 x 0.8m	140mm pot	140
Ja	Juncus acutiflorus	Yellow Rush	SI	2.2-3.0 x 0.2-0.5 m	140mm pot	140
Ma	Mitrasacme ericoides	Sea-spray Hebe	SI	4.0 x 2.4m	200mm pot	200
						TOTAL
						480
GROUNDCOVERS						
Cs	Claytonia virginica	Pink Star Lily	SI	0.75 x 0.75m	140mm pot	140
Di	Dianella revivida	Black Anther Pink Lily	SI	1 x 1.5m	140mm pot	140
Di	Dianella verticillata	Thatch Star-sedge	SI	7.2 x 0.2m	140mm pot	140
Ja	Juncus acutiflorus	Yellow Rush	SI	2.2-3.0 x 0.2-0.5 m	140mm pot	140
Gr	Green Rush	Green Rush	SI	0.4-1.7 m x 0.6-1.3 m	140mm pot	140
Ja	Juncus pallidus	Pink Rush	SI	1 x 1.5m	140mm pot	140
Lc	Leptocarpus tenax	White Mat-rush	SI	0.2 x 0.2m	140mm pot	140
Lc	Leptocarpus tenax	White Mat-rush	SI	15-40 cm high	140mm pot	140
Lc	Leptocarpus tenax	White Mat-rush	SI	1 x 1.5m	140mm pot	140
Al	Allocasuarina alpestris	Sheep grass	SI	0.2 x 0.2m	140mm pot	140
Ph	Phacelia	Yellow Topsoil Grass	SI	0.2 x 0.4m	140mm pot	140
Pl	Poa pedunculata	Grey Tussock Grass	SI	0.5 x 0.5m	140mm pot	140
Ti	Themeda triandra	Kangaroo Grass	SI	0.5-1 x 0.5m	140mm pot	140
Vs	Vilfa laevis	Nature Violet	SI	0.15 x 0.15m	140mm pot	140
						TOTAL
						1400
CLIMBING						
Hs	Hardenbergia violacea	Pink Samaras/Purple Coral Pea	SI	Climber/Scrambler	140mm pot	140
						TOTAL
						140

¹SI = Deciduous/Evergreen ²SI/E = Indigenous/Native/Exotic

PLANT SCHEDULE 02-INNER COURT YARDS

SYM	BOTANICAL NAME	COMMON NAME	DE ME ¹	HEIGHT X WIDTH AT MATURITY	MIN SUPPLY SIZE	QTY
TREES						
A1S	Acacia villosa	Light oak	SI	7-10 x 4m	Min. 1.0 metres tall when planted	10
A2C	Allocasuarina littoralis	Black Sheoak	SI	5-12 x 4m	Min. 1.0 metres tall when planted	1
Am	Acacia melanoxylon	Black oak	SI	12-25 x 8m	Min. 1.0 metres tall when planted	11
EC	Eucalyptus corymbosa	Mountain Grey Gum	SI	4-10 x 8m	Min. 1.0 metres tall when planted	1
ES	Eucalyptus melliodora	Yellow Box	SI	10-14 x 17m	Min. 1.0 metres tall when planted	3
						TOTAL
						26
SHRUBS						
AC/C	Acacia cognata	Deer-lark	SI	0.8 x 1.8m	200mm pot	200
Cz	Cornus inflexa	Common Cornus	SI	1 x 1.1m	200mm pot	200
Co	Coccoloba ovata	Hop Coccoloba	SI	1 x 1.5m	200mm pot	200
Ph	Phacelia	Yellow Topsoil Grass	SI	0.2 x 0.4m	140mm pot	140
Pl	Poa pedunculata	Grey Tussock Grass	SI	0.5 x 0.5m	140mm pot	140
Sp	Spiraea carolinensis	Rose of Sharon	SI	1.5 x 1.5m	140mm pot	140
St	Stenandrium rotundifolium	Flagrant Star-wet Box	SI	1.5 x 1.5m	140mm pot	140
						TOTAL
						1400
GROUNDCOVERS						
Bs/B	Banksia integrifolia	Sea-lark Banksia	SI	0.2-0.4 x 0.2-0.4m	140mm pot	140
Lg	Leptocarpus tenax	White Mat-rush	SI	0.8 x 0.8m	140mm pot	140
LPH	Leptocarpus tenax	White Mat-rush	SI	0.4 x 0.4m	140mm pot	140
Ls	Leptocarpus tenax	White Mat-rush	SI	0.6 x 0.6m	140mm pot	140
Cl	Clivia miniata	Striped Clivia	SI	0.4 x 0.4m	140mm pot	140
Ta/P	Themeda triandra	Kangaroo Grass	SI	0.4 x 0.4m	140mm pot	140
						TOTAL
						1400

¹SI = Deciduous/Evergreen ²SI/E = Indigenous/Native/Exotic

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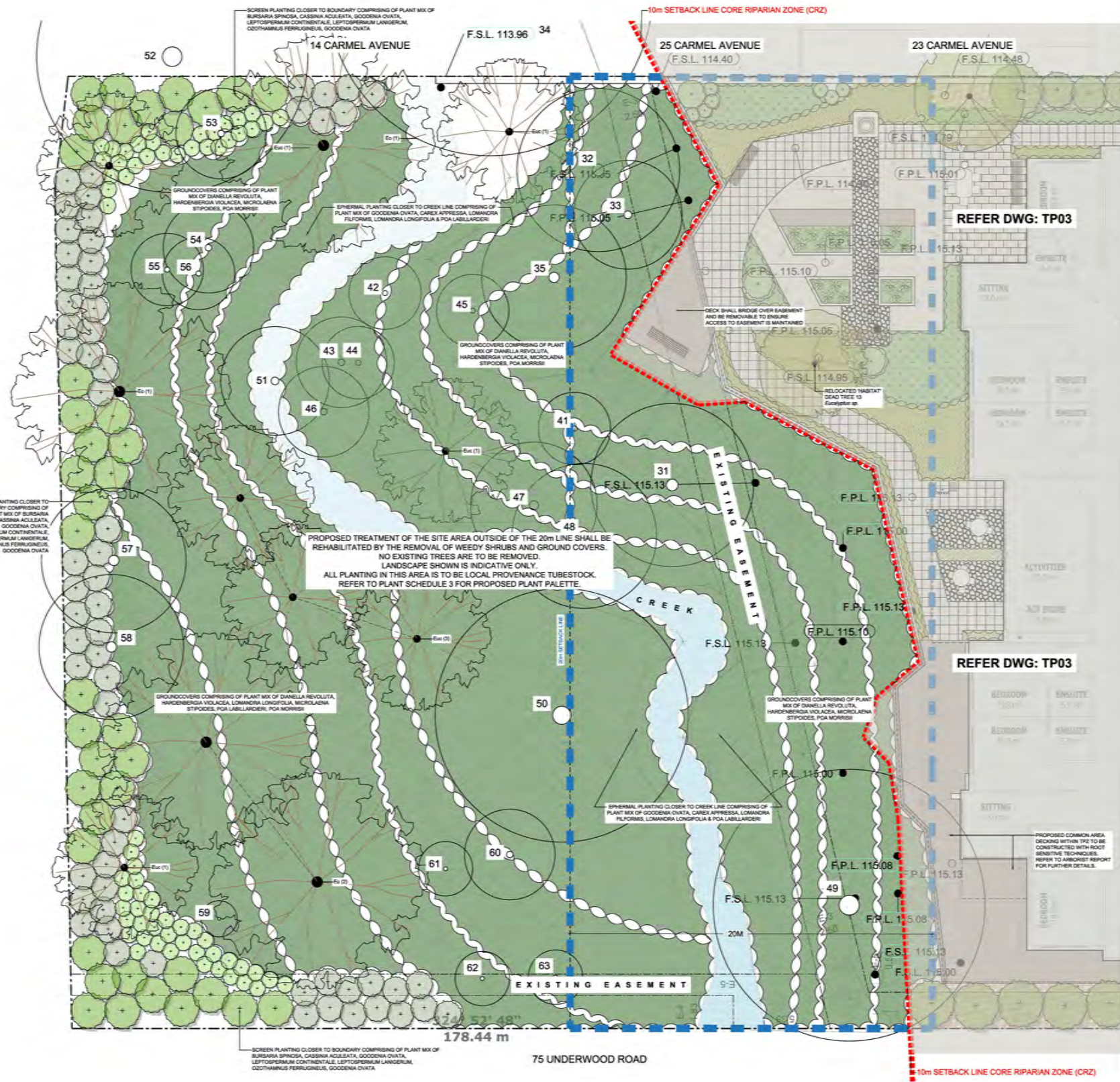
CLIENT: Fastnet Consulting
PROJECT: Retirement Facility
 2-8 St Elmo Avenue, Ferntree Gully

DRAWING: Landscape Plan-Ground Floor for Town Planning
SCALE: 1:200 @ 11

DATE: 11.05.2023
DRAWN: [Signature]
CHECKED: [Signature]
CAD FILE: 23-05-2023

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LEGEND

	Existing Tree to be Retained Refer to Arborist Report Prepared by Tree Logic Dated on 22 Nov 2019 For Further Details		Proposed Groundcover & Grasses Refer to Plant Schedule 01 & 02		Proposed Colored Concrete To Architects Detail
	Relocated Tree		Proposed Timber Decking To Later Detail		Proposed Timber Decking To Later Detail
	Proposed Tree 01 & 02 Refer to Plant Schedule		Proposed Paving Type 01 To Later Detail		Proposed Mulch Refer to Specifications (TP03)
	Proposed Complementary Trees Refer to Plant Schedule 03		Proposed Paving Type 02 To Later Detail		10m Setback from Building Low Threat Vegetation Refer to Vegetation Management Notes
	Proposed Shrubs Refer to Plant Schedule 01 & 02		Proposed Paving Type 03 To Later Detail		Proposed Revegetation Treatment of the site area outside of 20m line shall be rehabilitated by the removal of weedy shrubs and ground covers. No existing trees are to be removed.

REVEGETATION MANAGEMENT REQUIREMENTS

20m setback of the building is provided and is managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All weedy and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, removable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs over 1m high at maturity must not be located under the canopy of trees.
- Individual clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Indicated from Fire Planning Scheme, 2018(a).

Requirements based on TERRAMATRIX REPORT dated April 2022 & CFA STATEMENT OF GROUNDS-VICAT REFERENCE 09/06/2021

CONSTRUCTION OF DECKING AREAS WITHIN TPZs

Design of paving & decking is to be in accordance with the following when inside the Tree Protection Zone of trees to be retained:

- Decking to be constructed above existing soil levels with footing hand dug & relocated if necessary to avoid any roots greater than 40mm diameter. Existing soil levels to be maintained beneath deck.
- Any excavation required (eg. for fence posts or decking footings) is to be hand only.
- Any footings are to be designed to be as widely spaced as possible with enough tolerance to allow slight excavation should significant roots be encountered during excavation.
- Footings is to be designed above existing grade (no-dig profile) including any gravel base course.

Other methods of paving construction may be appropriate with the approval of the Project Arborist. Some intrusion into the edges of the TPZ may take place only with the permission of the arborist.

Any driveway that are to be constructed within the TPZ of trees to be retained are to be of a no-dig profile with a permeable surface such as an open graded asphalt product that allows surface water to drain through.

The tree protection fencing is to be removed and relocated only with Project Arborist approval, as required to allow construction of paved areas and driveways to take place.

PLANT SCHEDULE 03 - G9 AREA (REVEGETATION)

SYM	BOTANICAL NAME	COMMON NAME	DENSI	HEIGHT & MATURE MATURITY	MIN SUPPLY SIZE	QTY
TREES						
Ec	Eucalyptus camaldulensis	Swamp/Red Stringybark	EH	8.0m	1.5 metres in or near planted	7
Ec	Eucalyptus marginata	Wattle	EH	10x 12m	1.5 metres in or near planted	4
					TOTAL	11
SHRUBS						
Bc	Bursaria spinosa	Six well Bursaria	EH	2.4 x 2.3m	Stem tube	
Cs	Cassinia aculeata	Common Cassinia	EH	2.4 x 1.2m	Stem tube	
Gc	Goodenia ovata	Hep Goodenia	EH	1 x 1.5m	Stem tube	
Lc	Lectyospartum confertiflorum	Pinkie Tea-tree	EH	1.4 x 1.2m	Stem tube	
Lf	Lectyospartum longistylum	Woolly Tea-tree	EH	2.4 x 1.2m	Stem tube	
Oc	Ocotea integrifolia	Tree Shearling	EH	2.5 x 1.5m	Stem tube	
Gc	Goodenia ovata	Hep Goodenia	EH	1 x 1.5m	Stem tube	
					TOTAL	10
GROUNDCOVERS						
Dc	Dianella revoluta	Black Anther Flax Lily	EH	1 x 1.5m	Stem tube	
Hc	Hardenbergia violacea	Pink Hardenbergia	EH	Stem tube	Stem tube	
Lc	Lomandra longifolia	Spry-headed Mad-rush	EH	1 x 1.5m	Stem tube	
Mc	Microseris stipoides	Weeping Grass	EH	0.3 x 0.4m	Stem tube	
Pc	Poa labillardieri	Tasmanian Grass	EH	0.8 x 0.8m	Stem tube	
Pc	Poa labillardieri	Tasmanian Grass	EH	0.3 x 0.4m	Stem tube	
					TOTAL	6
PERENNIAL PLANTING						
Cc	Carex appressa	Tad Sedge	EH	0.8 x 0.8m	Stem tube	
Lf	Lomandra filiformis	Wattle Mad-rush	EH	0.3 x 0.3m	Stem tube	
Lc	Lomandra longifolia	Spry-headed Mad-rush	EH	1 x 1.5m	Stem tube	
Pc	Poa labillardieri	Tasmanian Grass	EH	0.8 x 0.8m	Stem tube	
					TOTAL	4

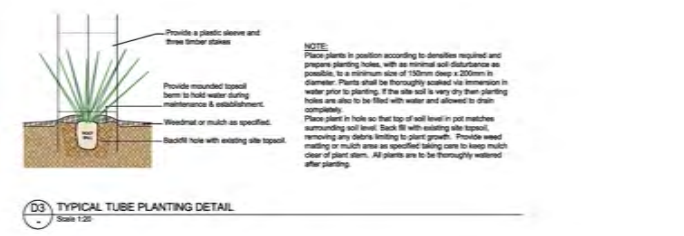
Legend: **DE** = Deciduous/Evergreen, **INDV** = Indigenous/Native/Exotic

Plants selected from Openland plan: EVC 106 & 127, EVC 127 Valley Healthy Forest, EVC 53, Six-well Scrub, EVC 52 Six-well Riparian Woodland, EVC 104 Cassinia Herb-rich Woodland, EVC 102 Gully Woodland, EVC 307 Six-well Woodland, EVC 108 Stubby Gully Forest

* EVC 108 Six-well Riparian Complex includes a range of EVCs therefore EVCs chosen are based on Biodiversity Report (Native Vegetation) PSP 13 Clyde North Prepared by Green & Arves, Authority, dated September 2020, Page 21

Note: All indigenous trees, shrubs & groundcovers planted in the revegetation area near creek should be of local provenance tube stock. (Rivers Council, 2022)

Ongoing maintenance of the revegetation through additional replacement planting and the encouragement of regeneration. (Rivers Council, 2022)



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CLIENT
Fastnet Consulting
2-8 St Elmo Avenue, Ferntree Gully

DRAWING
Landscape Plan - Revegetation Area for Town Planning

SCALE
1:100 @ A1

DATE
18/01/2023

DRAWN
JCB

CHECKED
JCB

DATE
18/01/2023

CAD FILE
18-01-2023

REVISION
A To Council Report
B To Council W/1

DATE
20.01.2023
18.01.2023

BY
[Signature]

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3D Images

2-8 St Elmo Avenue, Ferntree Gully



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15.

6.3 Amendment C194knox - Boral Quarry Redevelopment

SUMMARY: Senior Strategic Planner, Patrick Dubuc

Amendment C194knox is a planning scheme amendment request from Mirvac Pty Ltd (represented by consultant Echelon Planning) made on 11 June 2020 (and later amended in response to officer and authority/agency comments) to amend the Knox Planning Scheme to rezone land and modify other planning controls to facilitate the redevelopment of the Boral quarry site at 191 George Street, Wantirna South and Scoresby for residential and mixed use purposes.

The amendment proposes to rezone part of the subject site from Special Use Zone - Schedule 2 (SUZ2) to General Residential Zone - Schedule 2 (GRZ2) and Mixed Use Zone (MUZ) to allow for residential development and the creation of a Small Neighbourhood Activity Centre. The proposal also includes the application of a new Development Plan Overlay - Schedule 16 (DPO16) to the site to be incorporated into the Knox Planning Scheme to direct the overall development of the land. Other overlays are proposed to be modified, inserted into or deleted from the Knox Planning Scheme.

During the course of this planning scheme amendment request, officers have negotiated and resolved numerous issues, including social housing contributions, with the proponent prior to reporting the proposal to Council for consideration.

The purpose of this report is to present the proposed amendment, key matters progressed or agreed to, and the remaining unresolved matters. The proposed amendment package is not considered satisfactory in its current form by officers to proceed and includes gaps in addressing the key considerations stated in this report, including but not limited to:

- **Access and traffic movement**
- **Biodiversity impacts**
- **Landfill gas buffer**
- **Noise attenuation**
- **Odour mitigation**
- **Geotechnical Strategy implementation.**

Officers have communicated these issues with the proponent and have recommended changes to the amendment documents. Officers are awaiting a response from the proponent to the most recent feedback.

RECOMMENDATION

That Council:

1. **Notes that officers will continue working with the applicant for Amendment C194knox, confirming that the current proposed amendment package, in its current form, is not supported (Refer to Officer Recommendation 2) for the purposes of seeking Ministerial authorisation to prepare and exhibit a planning scheme amendment to the Knox Planning Scheme and encourages the applicant to address these gaps and issues.**

2. **Notes and endorses that the following aspects of proposed Amendment C194knox require further review and resolution:**
 - **The amendment package includes gaps and issues in terms of environmental risks, drainage, vehicular connections and other planning considerations.**
 - **The proposed traffic arrangements are not deemed satisfactory, including the proposed reliance on Nortons Lane as a primary access point and consequential impacts to sites of biological significance on Nortons Lane and overreliance on George Street.**
 - **The proposed placement of residential areas within the landfill gas buffer area.**
 - **The proposed planning controls, including the Schedule to the Development Plan Overlay, do not address all the requirements necessary to provide an adequate level of amenity, safety and infrastructure for the future community.**
3. **Enters into an agreement under Section 173 of the *Planning and Environment Act 1987* for the purpose of social housing contributions relating to the land at 191 George Street, Wantirna South (known as the Boral Estate) in accordance with the Draft Agreement provided in Attachment 2, prior to Amendment C194knox being exhibited.**
4. **Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to:**
 - **negotiate and modify the Section 173 Agreement for the purpose of Social Housing contributions, noting any such amendments should maintain general accordance with the draft provided in Attachment 2; and**
 - **sign any relevant documents (including the Section 173 Agreement), take any actions and provide any necessary consent, to give effect to these resolutions.**
5. **Endorses the proposed Development Contributions Schedule generally in accordance with Attachment 3.**
6. **Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to write to the Minister for Planning and enter any discussions or process to advocate on behalf of Council in the event that the Minister for Planning appoints themselves or another authority as the Planning Authority for Amendment C194knox.**
7. **Authorises the Chief Executive Officer (or such person delegated by the Chief Executive Officer) to make any relevant representation to the Minister for Environment to achieve a resolution for the alternative road access arrangement as discussed in this report.**

1. INTRODUCTION

Background and context

The subject site known as the Boral Quarry sits at the confluence of the Dandenong Creek and Blind Creek valleys, on the border of Monash City Council, immediately west of Eastlink and covers roughly 171 hectares between Ferntree Gully Road and High Street Road. This site address is 191 George Street, Wantirna South and stretches across Wantirna South and Scoresby (Scott and Tirhatuan wards) and abuts George Street to the east and Nortons Lane to the west.

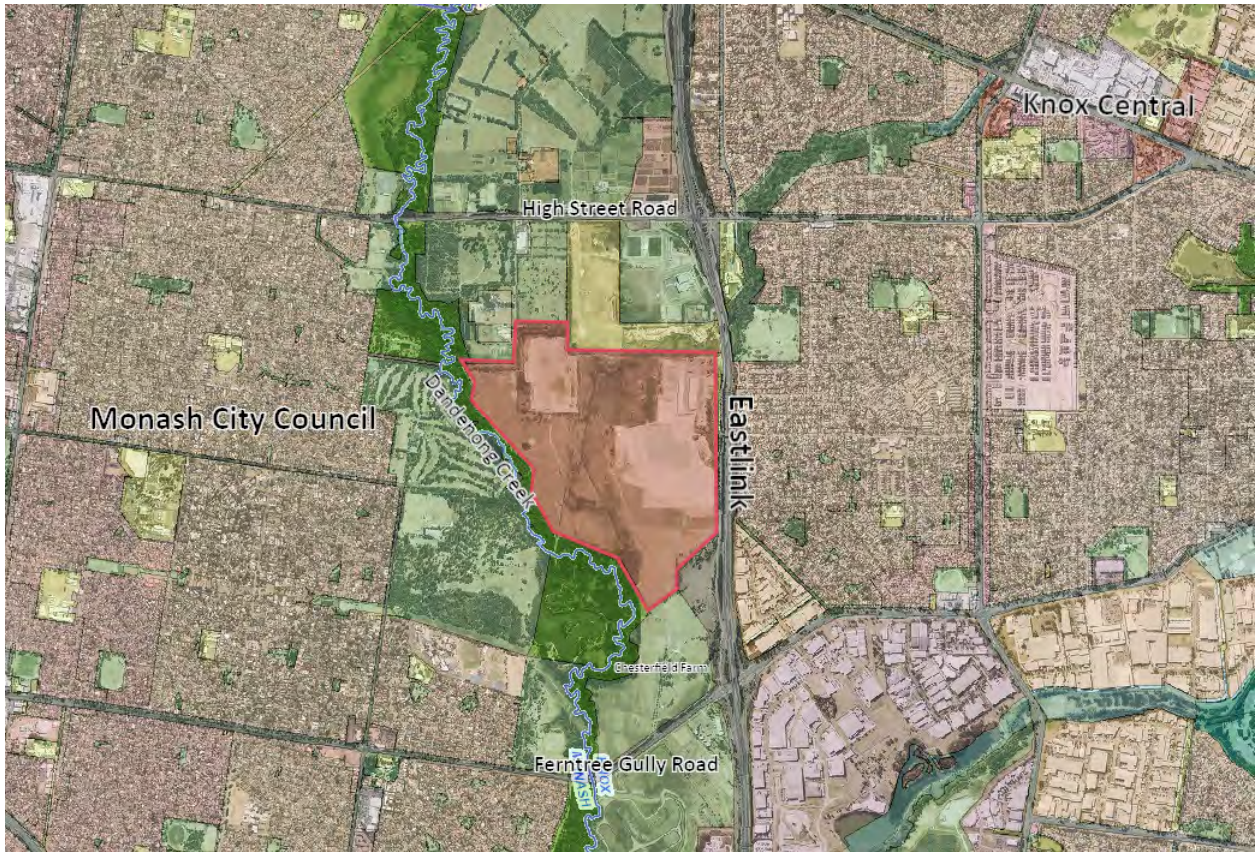


Figure 1. General Location

The surrounding areas comprise (refer to Figure 2 below):

- Crown land to the north, west and south zoned for the purpose of recreation and conservation as part of Parks Victoria's Jells Park, Nortons Park, DEECA's Marsupial Research Facility, and Chesterfield Farm.
- 7.6ha of private rural living and faith-based properties are found along Nortons Lane.
- Public land to the north for waste and resource recovery (Council's former Cathies Lane landfill and the Knox Transfer Station) with an additional private site operating as the Garden State Mulching Service transfer station.
- The newly opened State Basketball Centre and associated sports and recreation facilities at the corner of George Street and High Street Road.
- Eastlink Tolled Freeway to the east (including the Eastlink Trail) across from which are the Wantirna South and Scoresby residential areas.
- A Department of Transport 9.2ha surplus property to the south-east currently leased to a private operator for caravan storage.

The site is owned by Boral Limited and used as a working quarry and brick manufacturing facility spanning over 8 allotments zoned Special Use Zone - Schedule 2 (SUZ2) for the purpose of extraction. The site has been in operation since roughly 1957. The brick production area is in the north-east of the site and includes a sales office, two main buildings, and brick product storage on the eastern and western sides of the buildings. The site also contains two large quarry pits, annotated as Quarry Pit No. 1 and No. 2 in Figure 2 below.

Mirvac currently occupies a small portion of the site in the south-east as a worksite office and planting nursery in preparation for future development.

Site Description

Quarry Pit No. 1 in the north-west is within the proposed western development area (west of Blind Creek). The pit, 14.4ha in area and 14 metres deep, is no longer operational and is in the process of filling and rehabilitation in accordance with the conditions of Work Authority 67, issued by Earth Resources Regulator.

Quarry Pit No. 2 is operational and, together with the existing brick manufacturing facilities, is within the proposed eastern development area (east of Blind Creek). The pit is approximately 18.7ha in size, and the final fill depth is dependent on current extraction rates which are expected to end around 2025.

The remainder of the site is primarily grazing meadows with native vegetation and riparian features. In addition, the land is encumbered by several easements and associated infrastructure for the transmission of high-voltage electricity which, together with the Blind Creek, runs north-south across the middle of the site.

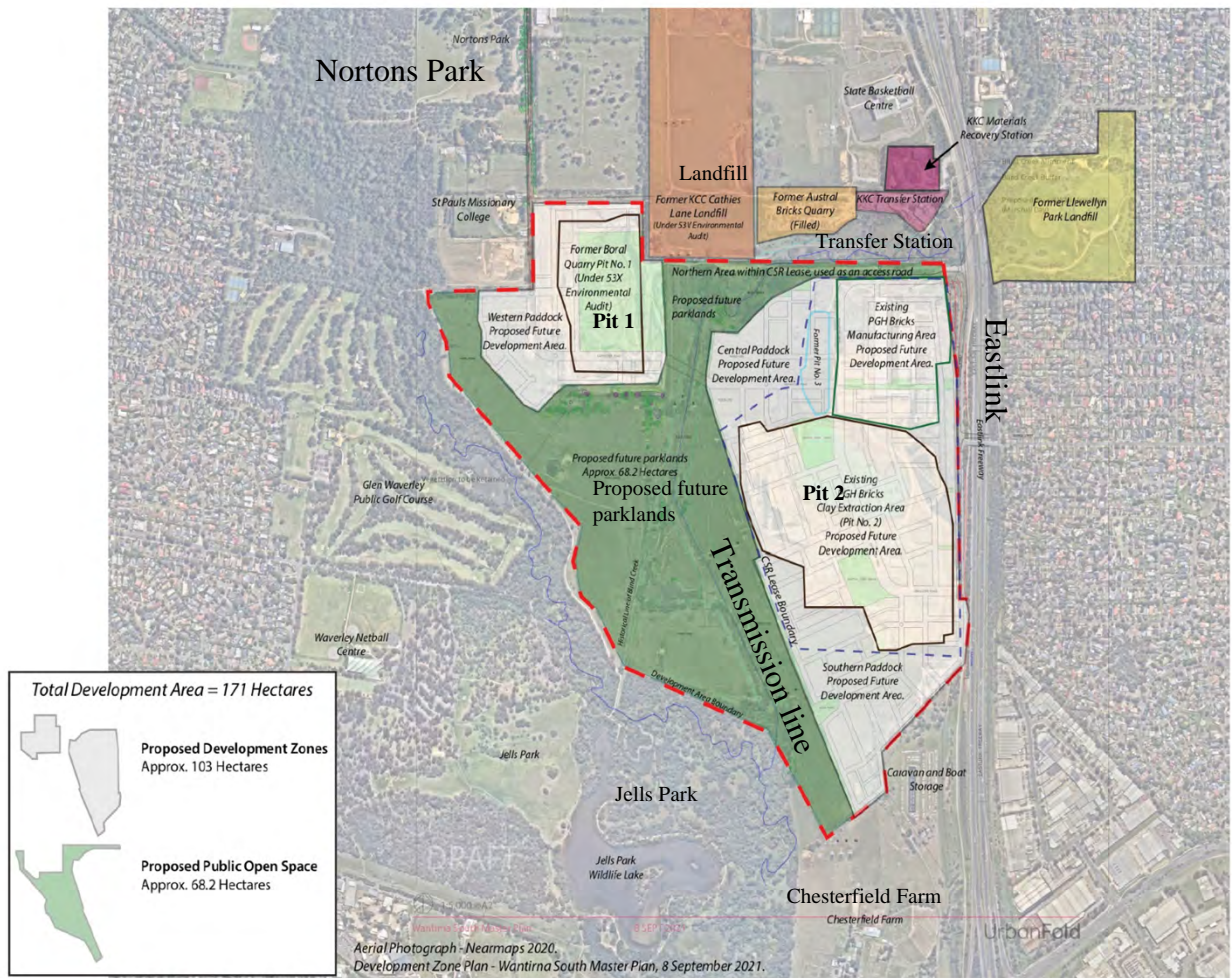


Figure 2: Subject site and surrounding land uses

Planning policy context

The site is identified as a 'Strategic Investigation Site – suitable for residential and commercial' in the Knox Planning Scheme and *Knox Housing Strategy 2015* (The Strategy).

The Strategy highlights a possible capacity of 1,600 dwellings with a preference for primary access to not be via George Street, the provision of public open space, employment generating land, and a precautionary principle in terms of land use compatibility conflict.

The Knox Planning Scheme Local Planning Policy Framework provides the additional guidance for the future of the site in terms of housing, environmental values and risks as well as transport and infrastructure which have been considered as part of this report.

The site is also subject to a Public Acquisition Overlay - Schedule 2 (PAO2) to the benefit of Parks Victoria for acquisition of land for the future extension of the Dandenong Valley Parklands (DVP) (refer to Section 2.4).

The Knox Affordable Housing Action Plan 2015-2020; a reference document in the Knox Planning Scheme, requires officers to “*negotiate with developers (on a case-by-case basis) for a voluntary contribution to social housing of approximately 5% on larger-scale development sites*” (refer to Section 2.5). This policy has now been replaced with the Knox Social and Affordable Housing Strategy and Action Plan (2023) which includes similar provisions, but is not referenced in the Knox Planning Scheme.

2. DISCUSSION

Following assessment and discussions with officers and key authorities, the proposed amendment package for C194knox was amended in 2021. Following further ongoing discussions, feedback was provided to the applicant in July 2023 to address key issues raised which included:

- Planning and design considerations;
- Access and mobility;
- Environmental Risks;
- Dandenong Valley Parklands;
- Social Housing Contributions;
- Development contributions; and
- The proposed Development Plan Overlay (including the indicative masterplan).

2.1. Proposed Planning Scheme Amendment C194knox

The amendment proposes the following ([Attachment 1](#)):

- Rezone part of the site from Special Use Zone – Schedule 2 to General Residential Zone (GRZ) - Schedule 2 to facilitate medium density residential development by inserting a new GRZ Schedule for the Boral Estate into the Knox Planning Scheme. It is estimated the sites will deliver approximately 1,750 residential units.
- Rezone part of the site to Mixed Use Zone to facilitate the creation of a new Small Neighbourhood Activity Centre (NAC). A NAC is a local centre which provides access to local goods, services and employment opportunities and serves the needs of the surrounding community.

- Apply a Development Plan Overlay (DPO) to the land proposed to be rezoned for residential use (102ha). The Overlay would require the submission of a Development Plan for review and endorsement by Council, noting any subsequent permit would need to:
 - Be generally in accordance with the Development Plan; and
 - Include any conditions or requirements specified in a Schedule to the Overlay.

A working draft Schedule 16 (DPO16) has been prepared ([Attachment 4](#)) and is discussed in section 2.6.

- Parts of the site will ultimately be rezoned to the Public Park and Recreation Zone (PPRZ) and Public Conservation and Resource Zone (PCRZ) to create an extension to the Dandenong Valley Parklands (DVP). This will not form part of Amendment C194knox as a public zone cannot be applied until the land is owned by a public authority. While the applicant requested to remove the Public Acquisition Overlay, this and the rezoning to the PPRZ and PCRZ will not happen until the DVP land is secured and transferred to the relevant public authority in accordance with a future agreement with the Victorian Government. In the meantime, the SUZ2 will continue to apply until this rezoning occurs and the amendment package will need to reflect this.
- Other Overlays impacted
- Amend the Vegetation Protection Overlay - Schedule 1 (VPO1) to delete the VPO1 from the site. The Overlay is redundant as there are no native trees within or around the area currently covered by VPO1.
-
- Amend the Environmental Significant Overlay - Schedule 2 (ESO2) to cover the future land proposed as the DVP and remove the ESO2 from proposed residential land to be covered by the Development Plan Overlay. This will remove contradictions in policy outcomes and clearly differentiate between the residential land and the area to be enhanced for environmental value.
- Apply an Environmental Audit Overlay (EAO) to the site.
- The Public Acquisition Overlay - Schedule 2 (PAO2) will eventually be deleted in accordance with a Section 173 Agreement entered into by the State Government to outline the obligations relating to the establishment and delivery of the DVP. This will not form part of this amendment, but rather will be an administrative result of this amendment in the future. The Overlay will remain at this stage as it provides confidence in the future delivery of the DVP in relation to the Estate.

2.2. Planning Considerations

The proposed Amendment triggers the following key planning considerations:

2.2.1. Access and Mobility

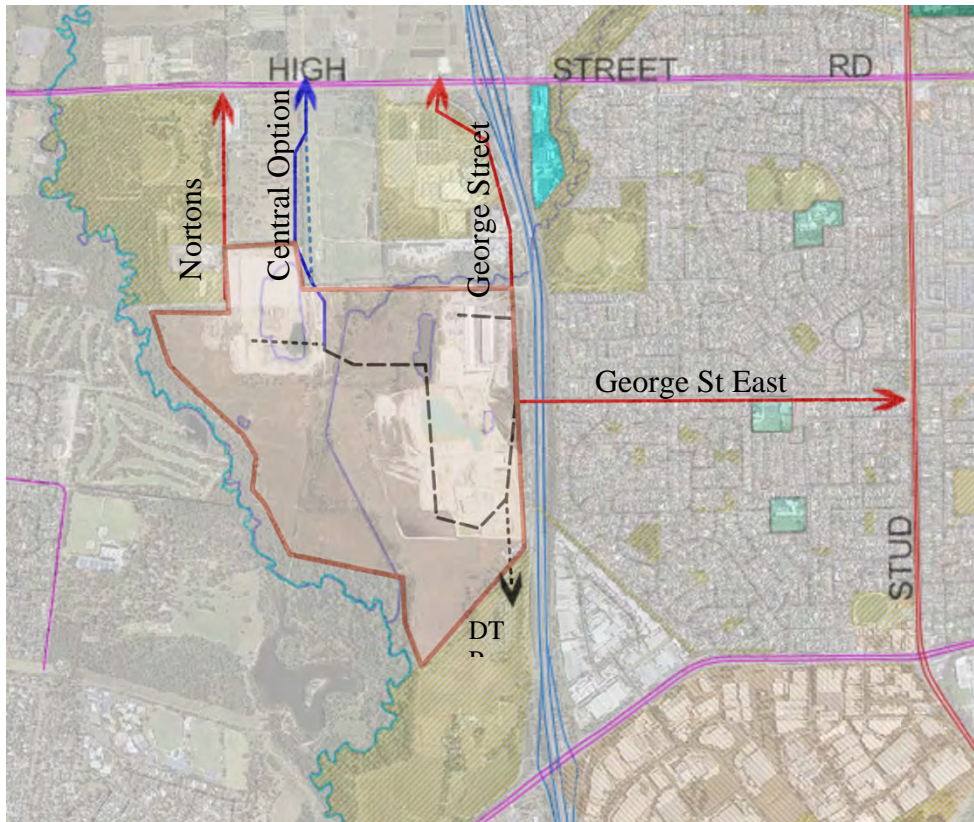


Figure 3: Access options

The subject site has limited connection opportunities to the external road network. The proponent seeks access to the development through a combination of the following two roads (*shown in red in Figure 3*):

- George Street on the east side of the site, which connects through to High Street Road to the north, and Stud Road or Ferntree Gully Road, via other local residential roads, to the east.
- Norton's Lane on the west side of the site, which connects to High Street Road.

Other options considered or suggested by officers:

- A new road reserve connection via other allotments, which would connect to High Street Road via Council or State Government land (*shown in blue in Figure 3*).
- A connection to Ferntree Gully Road through Chesterfield Farm, which was abandoned due to objection by Parks Victoria.

The residential component of the proposal is expected to generate approximately 14,000 vehicle trips per day (vpd), which does not include additional traffic generated by the NAC and the active open space. The supplied traffic report estimates that 38% of peak generated traffic volume would circulate through Norton's Lane (5,320vpd), 34% to High Street Road via George Street (4,760vpd), and 25% to Stud Road via George Street (3,500vpd) for a George Street total of 59% (8,260vpd).

The Department of Transport and Planning (DTP) has provided in-principle support for the amendment to progress to exhibition, subject to:

- Not relying on the George Street/High Street Road intersection as the main access to the proposed residential subdivision.
- An alternate major intersection other than George Street/High Street Road being included in the proposal.

George Street

Council must consider the cumulative impact of the traffic volumes from the State Basketball Centre, Jenkins Orchard Estate (Approved Development Plan), and Boral Estate on George Street; particularly on the High Street Road intersection and the Eastlink access. The risk exists that the High Street Road intersection may not adequately accommodate the generated traffic resulting in a flow-on effect to the surrounding network.

While it is acknowledged that George Street will receive traffic from the future Boral Estate, the concern lies in whether George Street forms a subservient secondary access point or a primary access point; particularly as traffic percentage splits do not have to vary much for the High Street Road/George Street intersection to become the busiest access point.

Given the eastern development pad abutting George Street is larger, concerns exist that some 60% of the traffic volume relies on George Street (north or east, which connects with Stud Road).

This means the proposal does not adequately address the requirement of not relying on George Street as primary access to the development site.

Council and DTP have suggested another primary access point be provided to reduce traffic flow onto George Street, but Council officers consider that Nortons Lane would not efficiently draw the traffic from the eastern development pad westward onto it.

Nortons Lane

Nortons Lane is a 20 metre wide road reserve with a 5 metre wide gravel carriageway and significant native vegetation within and abutting its reserve, identified as Sites of Biological Significance (National level significance) and subject to an Environmental Significance Overlay.

The road is rural in character and provides access to a handful of private Farming Zone properties, DEECA land, and Nortons Park.

The applicant seeks to minimise the impact by designing the road as a collector road designed for a capacity of 7,000vpd, integrating with the natural conditions of the site. Regardless of this, the layout still directly impacts the natural values of the Site of Biological Significance. This design would still require changes to the construction footprint to meet the minimum traffic, accommodate bus, pedestrian/cyclist movements, services requirements as well as vegetation clearance resulting on further impact on vegetation (removal or impact on tree protection zones). In addition, this access would directly change the rural character, create breaks in biodiversity connectivity, and impact local fauna behaviour around Nortons Park. The narrow road reserve also limits potential for future widening of this asset to accommodate growth. Based on the

assessments completed to date, officers are not supportive of the works required to Nortons Lane due to the environmental impact.

Further to the above concerns, the use of an upgraded Nortons Lane continues to rely on George Street (whether east or north) to receive 60% of the traffic volume from the Estate. This is further exacerbated by the need to balance future proofing of infrastructure and movement requirement alongside requirements to protect, enhance, achieve net gain, and maintain connectivity of this site of biological significance and its habitat value. Not only does the proposed use of Nortons Lane impact negatively on the policy outcome for the site of biological significance, it also does not adequately address the primary concern of not relying on George Street.

Alternative Access Option

The applicant seeks to utilise George Street and Nortons Lane with a restriction limiting vehicle traffic of the Estate to 14,000vpd. However, this is not an acceptable solution as no control can be applied to traffic volume via planning or for the use of public roads. This is an unmanageable and an impractical solution from an officers' point of view.

Officers believe the viable alternative is a central reservation through a new road to High Street Road across land to the north and running along the following alignments next to the Transmission Line:

- An alignment over the former Cathies Lane Landfill Cell on Council land was investigated and rejected by Council's Executive Management Team (EMT) due to the high cost, complex engineering solutions required, risks and its future impact on Council's financial asset renewal capacity. It is understood the applicant did not support the option either.
- An alignment over DEECA's land (the Marsupial research site) is a potential alternative option without the negative effect of building over the landfill. This option requires DEECA's support subject to the land being declared surplus and the correct process for the reassignment and transfer of land to Council for the purpose of a road reserve being established. This alignment would likely carry higher volumes of traffic due to being a more direct outlet for the eastern development pad and the activity centre. It would also reduce the impact on George Street and avoid the site of biological significance of Nortons Lane while providing opportunity for future capacity growth.

The DEECA land alignment allows for the following potential benefits:

- Utilising a combination of Council's land and DEECA's land to minimise the extent of Crown Land required.
- Using part of the Blind Creek Trail alignment to avoid soil settlement issues associated with the extraction pit and run on the edge of the proposed active open space.
- Reducing risks and management complexity associated with dwellings located within the Landfill Gas Buffer Area by having most of this area occupied by a road and creating greater separation between housing and the former landfill.
- Reducing reliance on George Street with a road network design of the eastern pad that naturally directs traffic into this access path.
- Providing an improved visual experience to drivers accessing the Estate by maintaining an existing vegetation screen to the Transmission lines and pylons.

- Exploring the opportunity for future vehicular road closure of Nortons Lane to implement net benefit and enhancement of the site of biological significance.

Should none of the options above be considered viable by all parties, the final solution would be to reduce the proposed housing yield, if it is demonstrated that all options are exhausted, and the existing traffic network is not capable of accommodating the generated traffic.

It should be noted that while officers can modify the amendment to add the above alternative access option in the proposed DPO as stated in Section 2.6 of this report, the proponent is currently not supportive of this alternative option and as a result continues to advocate for Nortons Lane.

2.2.2. Environmental Risks

Geotechnical requirements

From a geotechnical perspective, the site will need to be rehabilitated and remediated via filling of two (2) former quarry pits. The Applicant has engaged Golder Associates Pty Ltd (Golder) to provide geotechnical advice and has submitted a “Geotechnical Strategy Document (GSD)”.

Council commissioned Tonkin & Taylor Pty Ltd (TT) to complete an independent review of the Golder GSD and provide advice on the geotechnical monitoring, performance, reporting criteria; and in particular the future settlement performance criteria prior to commencing infrastructure and building construction on the site. The approved GSD forms the lowest-risk and most robust approach to manage the geotechnical, financial, and reputational risks to all key stakeholders involved in this project. Once rehabilitation works are complete in accordance with the Earth Resources Regulator and the approved GSD, a statement of compliance will be provided by the geotechnical consultant to Knox City Council. The geotechnical requirements and process will need to form part of the proposed DPO. The current proposed DPO does not reflect this and officers have requested the Applicant to address this matter.

Noise

The proposal abuts noise emitting sources primarily Eastlink, along with the Knox Waste Transfer Station and the Knox Materials Recovery Centre which are to be addressed through noise mitigation works. These were reviewed by ConnectEast and by Council’s consultant Tonkin & Taylor (TT) who provided additional recommendations and requirements to be included in the proposed DPO and officers have provided comments to the Applicant for these to be addressed.

Of note, the applicant proposes a noise attenuation structure east-west within the northern part of the site which creates the following concerns:

- A noise mitigation structure within private land does not align with the ConnectEast preference for noise infrastructure to be within their Eastlink reservation.
- Officers do not support its delivery in the form of an acoustic wall, instead requesting a grassy mound to improve visual amenity and better solar access on the northern side of the Estate.

Officers negotiated with ConnectEast to first explore delivering a noise mitigation structure on the Eastlink reservation with a second option for the structure to be delivered on private land. This allows some flexibility on the location of the structure, noting that more detailed design may later reveal that it cannot be achieved within the Eastlink reservation whilst achieving good amenity

outcomes for the surrounding development. It should be noted that if the private land option is considered, the amendment package needs to reflect officers' preference for a grassy mound.

Odour

Odour from the Knox Waste Transfer Station and the Knox Materials Recovery Centre directly impacts part of the site with concerns about the ability to locate sensitive uses (dwellings) within the impacted area. The applicant believes that this matter can be resolved at a later time and negotiated for the provision of an Adverse Impact Assessment (AIA) to address EPA concerns at the time of construction. The EPA agreed with this approach. However this approach creates uncertainty as the future outcome of the AIA cannot be guaranteed and could ultimately result in dwellings not being allowed within subject locations despite the residential zone. While this approach is technically feasible, it is only supported subject to the inclusion of clear and codified steps as part of the DPO16 to cover all bases, avoid negative influence on decision-making, anticipate future rectifications to the zoning, and mitigate any detrimental amenity impacts on the future community. At this stage, the amendment package does not adequately cover these steps and its drafting does not provide the necessary reassurance that an optimal future community outcome will be guaranteed.

Landfill Gas

The adjacent former Cathies Lane landfill to the north (and the Llewellyn Park former landfill) creates a risk of landfill gas migration onto the site. A limited audit under Section 53V of the *Environment Protection Act 1970* was undertaken to review subsurface migration of landfill gas risks which recommended a 200 metre landfill gas protection buffer be implemented from the former Cathies Lane landfill, amongst other specific measures. This buffer includes parts of the proposed Dandenong Valley Parklands extension and the Active Open Space area.

The applicant also seeks to include dwellings in a small part of this buffer with a reliance on measures to be applied to these dwellings, which is technically feasible, but would subject these dwellings to specific design requirements and legal agreements that may create monitoring risks and responsibilities for Council. The practicality of these measures remains unclear at this stage of rezoning. As such, officers recommend that the landfill gas buffer be clearly shown on the DPO map and provision(s) be included to ensure adequate assessment occurs prior to Development Plan approval. Of note, the location of an alternative central road access at this location, as discussed in Section 2.2.1 of this report, would also address this problem by putting a road within the buffer instead of dwellings. This outcome would provide a better precautionary approach to risk management and the application package will need to better address this matter.

In addition, considering TT's comments, the Schedule will need to include detailed conditions and requirements relating to gas protection measures which is discussed in Section 2.6.

2.3. Dandenong Valley Parklands (DVP)

68.17 hectares of the site is proposed to be gifted to Parks Victoria/Department of Energy, Environment, and Climate Action (DEECA), to be secured via a separate Section 173 Agreement entered into with the State Authorities, as a response to the Public Acquisition Overlay (PAO) removal affecting the land. Such agreement will ensure the land is rehabilitated and transferred to the relevant public authorities once all requirements have been satisfied. The delivery of the park's improvements will be formalised in conjunction with the subdivision of the residential area.

Part of the DVP will be allocated to Council's ownership and management, while the majority of the land will be crown land managed by the State or Melbourne Water.

Once DEECA is satisfied with the rehabilitation and the DVP land has been transferred to the state, a separate planning scheme amendment will be required to remove the PAO and apply the relevant Public Conservation Resource Zone/Public Park and Recreation Zones to the DVP. Maintaining the PAO until this time is paramount in this instance as it links the development with the delivery of upgrades to the DVP and creates a nexus between the two in order to ensure all works are completed.

Drainage & Stormwater

The proposal includes stormwater treatment basins to be located within the Dandenong Valley Parklands and underneath the Ausnet Transmission Lines. While officers' preference would have been for in-creek treatment, this option was rejected by Melbourne Water (the responsible authority). One of the remaining issues concerns feedback from Ausnet who do not want stormwater basins within their easement to exceed a certain size nor affect the future use for electric transmission. Nonetheless solutions to this matter can be applied through appropriate drafting of the Development Plan Overlay Schedule as referred to in Section 2.6. of this report and updating the amendment package to that effect.

2.4. Social Housing Contribution

In response to the Knox Affordable Housing Action Plan, officers have negotiated to procure 5% of the yield as a social housing outcome within the development, to be managed by a registered housing provider and implemented via a Section 173 Agreement (draft at [Attachment 2](#)) prepared under the *Planning and Environment Act 1987*. In-principle support from the proponent will be required before progressing this matter.

If supported by Council, the general principles of the Agreement proposed to be entered into, provides the delivery mechanisms with respect to the supply of social housing throughout the staging of the proposed development of the site.

Of note, social housing contribution will not occur on the western development area and will focus on delivering social housing within a walkable catchment to services (i.e., within the proposed small neighbourhood activity centre or within 800 metres walkable radius from the centre on the eastern development area).

A 5% contribution of the indicative yield of 1,750 dwellings will equate to 88 social dwellings (rounded up). Although it may be subject to change, the total contributions will represent 5% of the ultimate yield unless otherwise approved by Council. The delivery of social dwellings would be done gradually during the staging of the development, with subsequent stages of the Estate held as guarantee until the delivery is completed.

The Agreement also includes a mechanism for a financial contribution in lieu of physical housing, subject to Council approval, in the instance where some of the delivery becomes unachievable within:

- a) the earmarked catchment area (i.e. 800 metre walkable radius from the centre); or
- b) at an alternate location approved by Council.

This financial mechanism forms an outlet where the main delivery mechanism may not be feasible, and provides clear steps to address any unforeseen issues that could appear through detailed design of the Estate. This financial contribution would then be used to help provide social housing outcomes in other locations close to services within the municipality.

2.5. Development Contributions

Officers have negotiated the following community infrastructure development contributions ([Attachment 3](#)), in addition to the social housing contributions and the provision for the Dandenong Valley Parklands:

- 8 hectares for Active Open Space including the construction of pavilions, ovals, cricket nets, playgrounds, and shared user paths.
- 3.5 hectares of local public parks
- A 600sqm multipurpose community centre.

The local parks and active open space will total 11.5 hectares (11.2%) of public park land providing in excess to the 8.5% public open contributions required under Clause 53.01 of the Knox Planning Scheme for the development area of 102 hectares. This is in addition to the 68.17ha extension to the Dandenong Valley Parklands.

2.6. Proposed Development Plan Overlay (DPO16)

The proposed DPO16 ([Attachment 4](#)) will be a key planning scheme provision to guide the future approvals for both the Development Plan and future permits. The proposed DPO16 in its current form is not assessed as satisfactory by officers and includes gaps in addressing the key considerations stated in this report. Officers provided comments to the applicant on the following key items that would need to be incorporated into the schedule to the DPO for it to be satisfactory, which include but are not limited to the following without prejudice comments:

- Modify the fourth objective and include a fifth objective to the DPO to reinforce the need to preserve surrounding biodiversity and to protect future amenities from adverse off-site impacts.
- Link the Geotechnical Strategy to the development via a Section 173 Agreement requirements or other appropriate measures.
- Include permit condition requirements for:
 - acoustic treatments that account for both Eastlink and within the site.
 - the implementation of the Adverse Amenity Impact Assessment recommendations, the Landfill Gas buffer, the bushfire management, and the approved urban design guidelines.
 - the recording of the relevant restrictions or guidelines on each lot created.
- Include requirements for the design of the development plan to demonstrate:
 - access arrangement(s).
 - mechanisms for traffic noise assessment and to anticipate the outcome of the Adverse Amenity Impact related to the Potential Odour Zone.
 - practical details for the management of the landfill gas protection measures.
 - Urban design and sustainability guidelines.
- Remove the mention of a limit of 14,000 vehicles per day as there is no implementation mechanism; this issue needs to be resolved through adequate access arrangements.

- Ensure the concept plan (figure 1 of the schedule to the DPO) reflects the requirements, including:
 - Displaying the whole landfill gas buffer area.
 - Not showing the internal road network as its finality would be the result of the Traffic Assessment report and based on the final location of road access to the Estate. Officers also recommend alternative central access as discussed in section 2.2.1. of this report, be shown and included in the DPO.

These items are shown in the tracked change version of the DPO16 in [Attachment 4](#). The officer's notations on this attachment are 'without prejudice' and subject to further discussions and response from the applicant. They form, however, an officer's baseline indication of matters that need to be addressed by the applicant in the amendment package.

2.6.1. Indicative Masterplan

The applicant submitted an indicative masterplan as part of the proposal ([Attachment 5](#)). This indicative masterplan served as a working guide for discussions between the applicant and Officers, authorities/agencies and stakeholders to resolve key concepts and frameworks such as the general locations of the development pads, the activity centre, the Dandenong Valley Parklands, and general aspects of the development contributions.

It is important to note in public records that this plan is indicative only and subject to change as a result of technical compliance with the planning controls that will influence a detailed layout for the approval of a Development Plan. As such, the content and requirements of the Development Plan Overlay have precedence over the information shown on this indicative masterplan.

2.7. Next steps

While this report considers there is sufficient strategic justification in policies and controls to justify a proposed rezoning of the land for a future residential estate, it also highlights some significant shortfalls in the application that require a range of changes to the amendment. It should be noted that many of the more detailed technical issues are not required to be fully resolved at the amendment stage, and are more appropriate to be assessed at future stages (including Development Plan and subdivision assessment). However, it is important to ensure that the planning controls framework provides Council and officers with the tools and guidance necessary to adequately assess and resolve the risks throughout the lifespan of the project. For this reason, officers are recommending a series of key changes to the controls proposed by the applicant.

The issues raised in this report have been communicated with the proponent pending their response. This will require an updated amendment package. Once an updated package is received, officers will review and submit the package to Council for a decision.

In the meantime, officers have also been made aware that the proponent has applied to DTP requesting the Minister for Planning to become the Planning Authority (PA) for this amendment. This request is still pending a decision at the time of drafting this report. Notwithstanding the above, Council has made significant progress with the applicant in forming this planning scheme amendment. This report outlines the extensive areas of agreement and significantly narrows the issues in contention.

Ministerial intervention as Planning Authority is not required or necessary and it is justified for Council to remain as Planning Authority. Any Ministerial involvement should be focused on proactively supporting resolution of the now limited issues in contention.

3. CONSULTATION

Amendment C194knox is not recommended for public exhibition in its current form.

Once amendment package C194knox has gained officer's support, it will be presented to Council at a later date to seek a resolution to request Ministerial authorisation to prepare and exhibit the amendment.

Subject to this Council reporting and Ministerial authorisation, the Amendment will be placed on exhibition in accordance with the *Planning & Environment Act 1987* (the Act). The community will be consulted and have an opportunity to make submissions to the amendment and the key stakeholders will have the opportunity to modify their original referral responses.

It is important to note that the application of a Development Plan Overlay (DPO) exempts future planning permit applications from public notice and review rights. As such, the future approval of a development plan and planning permits will not be subject to additional public input or exhibition, provided they are generally consistent with the DPO. The approval of a development plan and permits will be based on their compliance with the provisions stipulated in the Development Plan Overlay and approved Development Plan. Hence the amendment exhibition is the only opportunity available to the public to provide feedback.

The preparation of this Amendment has involved consultation with several internal Council departments and key government agencies/service authorities including Melbourne Water, Department of Energy, Environment, and Climate Action (DEECA), Parks Victoria, Country Fire Authority (CFA), Environment Protection Authority (EPA), Department of Transport (DTP), AusNet, and ConnectEast (Eastlink).

Key agencies will have the opportunity to make formal submissions to the amendment during the exhibition, and other agencies will be formal referral authorities whose views will be considered through the assessment of any future Planning Permits Application, including notably:

- Ausnet as a determining authority for any 'buildings and works' within 60 metres of a major transmission line (220 Kilovolts or more).
- Country Fire Authority as a determining authority for any subdivision which creates a road.
- Environment Protection Authority for any Environmental Audit.

A number of Councillors and Officers also toured the site with Mirvac representatives on 20 March 2023 to support Councillors in directly experiencing and understanding the site, its key features and challenges and the potential access points.

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 analysis, planning, design of this proposal has considered opportunities for adapting to climate change including reduced bushfire risks, biodiversity protection, improved stormwater amelioration, streetscape layout that supports

reduction of urban heat island effect, and a subdivision layout that encourages active transport and connectivity to local bike paths.

Officers have also included consideration for future public transport planning within the Estate (subject to State Government delivery), opportunities for delivery of social housing in walking proximity to the proposed small neighbourhood activity centre and public transport.

The proposed planning controls ensure future development of the site will be subject to sustainable design assessment and require the provision of sustainable design guidelines for the approval of a development plan.

As part of the development contributions, community facilities will be provided by the proponent. Council will have scope to influence the design of these facilities to match its sustainable building and infrastructure policy as the development progresses to detail design.

Consequently, the implementation of the recommendations will create opportunities for Council or this new community to adapt to climate change.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

The proposed controls include a series of requirements to address environmental and amenity considerations for both during the construction of the Estate and for the benefit of the future community.

Key considerations (in addition to those already discussed in this report) include:

- Contamination
The historical and current uses of the subject site and surrounds resulted in the submission of an Environmental Condition Summary Report and a 53V Statutory Environmental Audit Report which identifies the need for future Audit Reports and Preliminary Investigations. The application of an Environmental Audit Overlay (EAO) over the entirety of the site will provide the precaution necessary to determine the scale of rehabilitation works necessary, if any, to ensure the land is suitable for the desired use. Once these are completed a Certificate of Environmental Audit will be provided to both Knox City Council and the Environmental Protection Authority. The amendment package would need to be updated to show the proposed EAO applying over the entirety of the site, unless otherwise agreed.
- Dust/Air Quality
Monitoring of the Knox Waste Transfer Station (WTS) and Knox Materials Recovery Centre (MRC) was undertaken, and the results were below the Environmental Protection Authority guidelines. Future environmental assessment will continue to monitor these elements, including a review of the air quality impacts on the sites nearest to Eastlink.
- Bushfire
The subject site is partly affected by Bushfire Prone Area and a Bushfire Development Report has been submitted to demonstrate how the proposal can comply with the provisions of Clause 13.02 of the Knox Planning Scheme (Bushfire Planning). Officers have negotiated with Parks Victoria and the CFA for a requirement to reduce the reliance on Section 173 Agreements to manage defendable space on future housing lots and the cost

and responsibility it would bear on Council; and apply this as vegetation management to the Dandenong Valley Parklands. This would be expected to be reflected in the updated proposed DPO.

- Flood

The land is partly affected by the Land Subject to Inundation Overlay (LSIO) and the applicant seeks to address this risk by terraforming the development pads and the site to relocate the flood ponding capacity within the future Dandenong Valley Parklands. This approach has been supported by Melbourne Water and Parks Victoria. Once the earthworks are completed, a future assessment and administrative amendment will realign the LSIO to remove it from the developable land.

- Powerlines

The subject sites contain several easements and high voltage transmission lines owned and managed by Ausnet. The transmission lines will be located within the proposed Dandenong Valley Parklands which will provide the necessary separation between them and any future buildings. Ausnet has reviewed the proposed Amendment and raised concerns in relation to the size of the stormwater treatment basin located underneath the transmission line and within their easement. Officer comments in relation to the proposed Development Plan Overlay Schedule include solutions to address Ausnet concerns in the DPO which should be considered in the updated package.

- Aboriginal Cultural Heritage

A Cultural Heritage Management Plan (CHMP) has been prepared and approved for the site. The recommendations of the CHMP have been considered and will be implemented as part of the process of this amendment and its future development.

- Biodiversity and vegetation

The Existing Ecological Conditions Report notes that the development footprint comprises 3.148 hectares of native vegetation which would require removal. A planning permit for the removal of native vegetation with offset conditions will be required prior to any works being undertaken on the site. Areas of significant vegetation have also been considered for protection as part of the future Dandenong Valley Parklands as area for conservation, which will also include a complete rehabilitation of the proposed Parklands to the satisfaction of Parks Victoria.

6. FINANCIAL & ECONOMIC IMPLICATIONS

The future processing of the Amendment can be managed within the existing Council operational budget. The proponent has already paid the application fees to Council as the Planning Authority (i.e., stage 1 fees). The proponent will contribute to the subsequent stages of planning scheme amendment and Panel fees in accordance with the *Planning and Environment (Fees) Regulations 2016*. A Resource Agreement has also been active, supporting the Council costs in assessing the rezoning request.

The following elements will have economic and financial implications for Council:

- A new residential development within 500m of the former Cathies Lane landfill will change the current environmental risk profile of the closed landfill and impact on Council's responsibility for monitoring, maintaining, controlling, and reporting the landfill gas risk.

This will result in additional costs to Council regardless of whether a road option is next to the landfill or not, and this cost will need to be accounted for future operational budgets.

- The applicant's proposal to build, including dwellings, within the landfill gas buffer area creates uncertainty for Council's compliance responsibilities with the requirements that would be set in place for these dwellings. This would result in financial implications, reputational risk, and potential legal implications. For that reason, amongst others, it is deemed preferable to not support dwellings within the buffer area.
- The management of new parklands and infrastructure will create additional running cost to Council as part of operational budget expenses. These will largely be offset by the rate base of this future estate and include, notably:
 - A part of the Dandenong Valley Parklands (10 of the total 68ha) is earmarked for ownership and management by Council (area north of the proposed bridge that abuts the Knox owned land).
 - The stormwater treatment infrastructure for the western pad (totaling 0.9ha) may fall under Council's management and ownership unless managed by Melbourne Water.
 - The community facilities and reserves provided as development contributions.
 - The new tracks and mobility infrastructure falling under Council's responsibility.

Of note, the stormwater treatment infrastructure for the larger eastern pad is identified as a future Melbourne Water asset and all recreational facilities and tracks falling within Parks Victoria land will be maintained by Parks Victoria. Council may still need to apply general maintenance responsibilities on the edge of the DVP for bushfire protection along with any pedestrian tracks recreational facilities falling within Melbourne Water area.

7. SOCIAL IMPLICATIONS

If approved and incorporated into the Knox Planning Scheme, Amendment C194knox will have positive social benefit for the community through additional housing, recreational and social opportunities, employment and services, as well as contribution to social housing.

The proposed Section 173 Agreement will facilitate positive outcomes for the Knox community by way of reducing the gap between offer and demand in social housing and improve accessibility to affordable housing.

It is also worth acknowledging that broader community and stakeholder engagement will be undertaken as part of the Amendment process.

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.

Strategy 2.3 - Provide, maintain and advocate for accessible and sustainable ways to move around Knox.

Natural Environment & Sustainability

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

Strategy 3.2 - Prepare for, mitigate and adapt to the effects of climate change.

Connection, Resilience & Wellbeing

Strategy 4.1 - Support our community to improve their physical, mental and social health and 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.

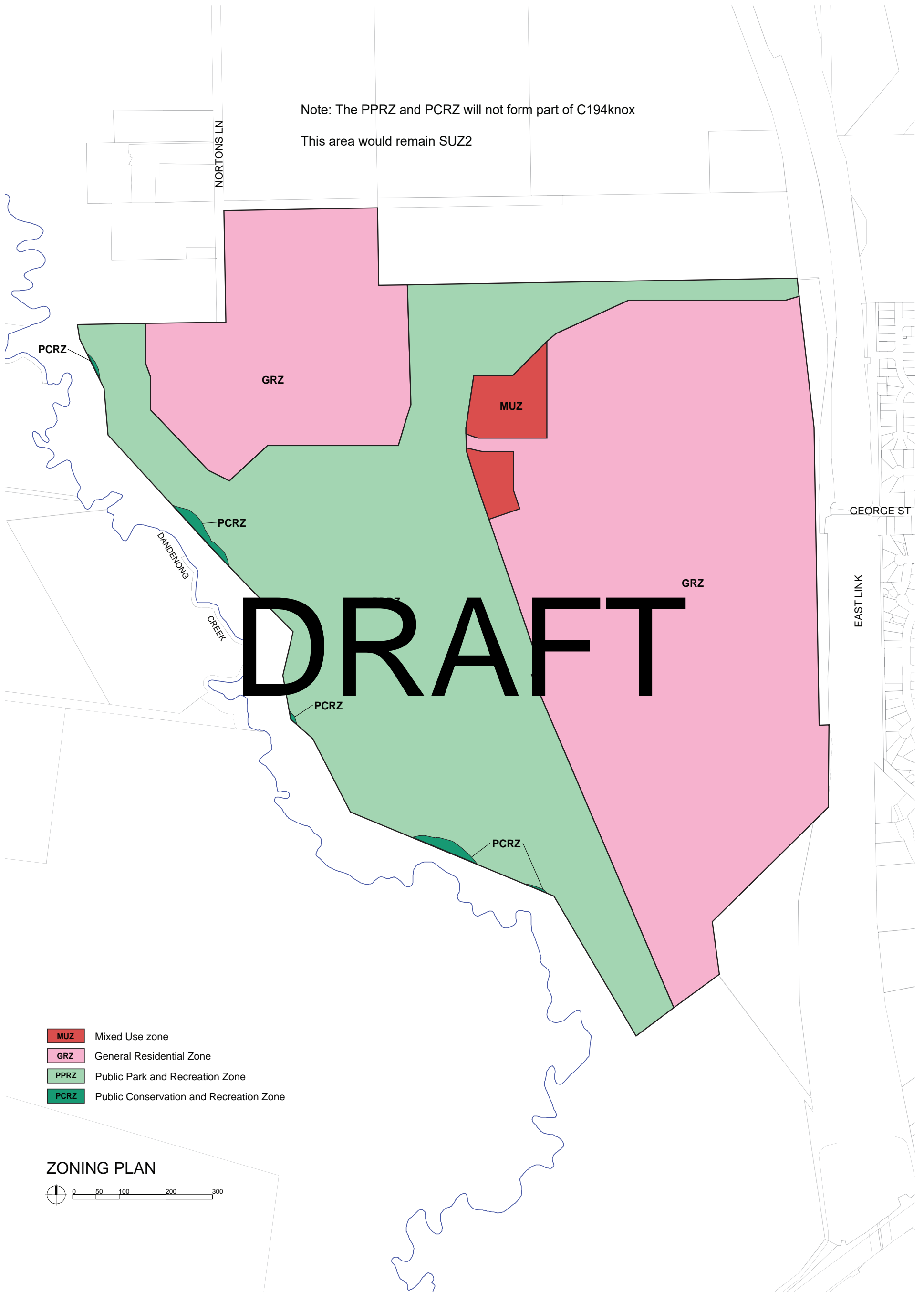
Report Prepared By: Senior Strategic Planner, Patrick Dubuc

Report Authorised By: Director, City Liveability, Matt Kelleher

Attachments

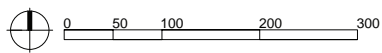
1. Attachment 1 - C 194 knox Amendment Maps [6.3.1 - 6 pages]
2. Attachment 2 - Social Housing draft 173 Agreement [6.3.2 - 18 pages]
3. Attachment 3 - Development Contributions Schedule [6.3.3 - 2 pages]
4. Attachment 4 - C194knox Draft DPO integrating Council officers comments [6.3.4 - 14 pages]
5. Attachment 5 - Concept Illustrated Masterplan V_6 [6.3.5 - 3 pages]

Note: The PPRZ and PCRZ will not form part of C194knox
This area would remain SUZ2



- MUZ Mixed Use zone
- GRZ General Residential Zone
- PPRZ Public Park and Recreation Zone
- PCRZ Public Conservation and Recreation Zone

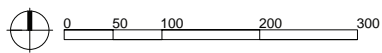
ZONING PLAN





ES02 Environmental Significance Overlay - Schedule 2

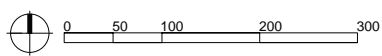
ENVIRONMENTAL SIGNIFICANCE OVERLAY PLAN





D-ES02 Deleted - Environmental Significance Overlay - Schedule 2

ENVIRONMENTAL SIGNIFICANCE OVERLAY PLAN

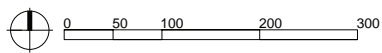


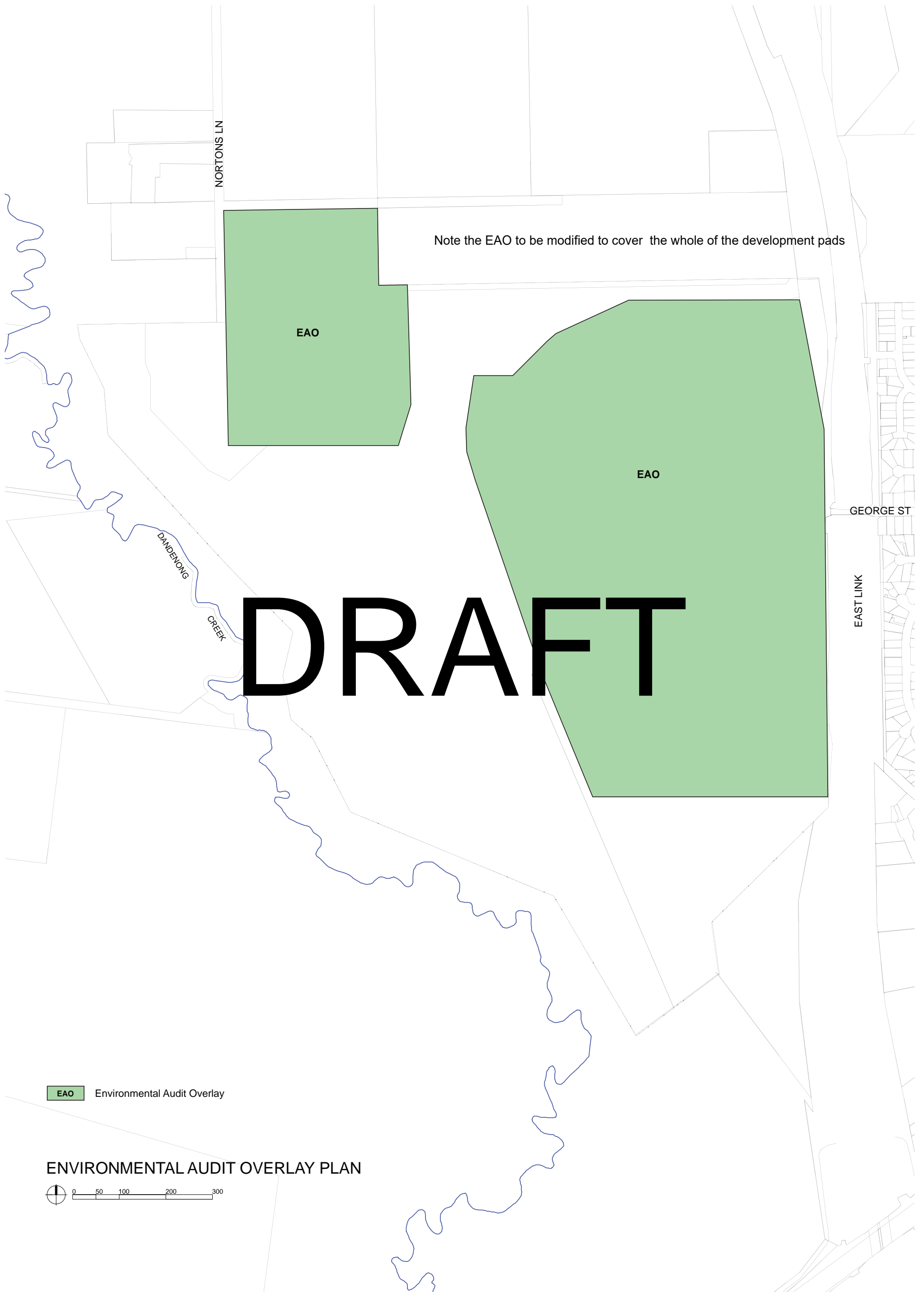




D-VPO1 Deleted Vegetation Protection Overlay - Schedule 1

VEGETATION PROTECTION OVERLAY PLAN







KNOX CITY COUNCIL

and

BORAL BRICKS PTY LTD
(ACN 082 448 342)

and

MIRVAC VICTORIA PTY LTD
(ACN 006 446 342)

HOUSING 173 AGREEMENT

Land: Boral Estate, 191 George Street,
Wantirna South 3152 and 1257
Ferntree Gully Road, Scoresby 3179
Victoria

Russell Kennedy Pty Ltd ACN 126 792 470 ABN 14 940 129 185
Level 12, 469 La Trobe Street, Melbourne VIC 3000 Australia PO Box 5146, Melbourne VIC 3001 Australia
T +61 3 9609 1555 F +61 3 9609 1600 info@rk.com.au russellkennedy.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

An international member of

AllyLaw

Ref
00350

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SXF

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THIS AGREEMENT is made on

2024

PARTIES

- 1 **KNOX CITY COUNCIL**
of 511 Burwood Highway, Wantirna South, Victoria, 3152
(**Council**)
- 2 **BORAL BRICKS PTY LTD**
ACN 082 448 342
of Boral Limited, 'Triniti 2' Level 3, 39 Delhi Road North Ryde NSW 2113
(**Owner**)
- 3 **MIRVAC VICTORIA PTY LTD**
ACN 006 708 363
of Level 28 / 200 George Street, Sydney NSW 2000
(**Developer**)

RECITALS

- A The Council is the responsible authority under the Act for the Scheme.
- B The Owner is registered or is entitled to be registered as proprietor of the Land.
- C The Owner wishes to achieve the Development, a precondition to which is the approval of the Amendment.
- D The Developer, through its agreement with the Owner, will deliver the Development.
- E The parties have agreed on arrangements for the provision of the Housing Dwellings as set out in this Agreement.
- F The Housing Dwellings to be provided under this Agreement are a type of Social Housing.
- G This Agreement must be entered into and registered on the titles to the Land, prior to Council seeking Ministerial approval for the exhibition of the Amendment.
- H This Agreement has been entered into in order to:
 - make provision for the Housing Dwellings;
 - prohibit, restrict or regulate the use or development of the Land; and
 - achieve and advance the objectives of planning in Victoria or the objectives of the Scheme in relation to the Land.
- I This Agreement is made under Division 2 of Part 9 of the Act.
- J The Land is encumbered by mortgage number AS311620G in which MIRVAC VICTORIA PTY LTD is named as mortgagee. In its separate capacity as mortgagee, the Developer has consented to the Owner entering into this Agreement.

THE PARTIES AGREE THAT:**1 DEFINITIONS**

In this Agreement:

- 1.1 **Act** means the *Planning and Environment Act 1987*.
- 1.2 **Agreement** means this deed of Agreement, including the Recitals and any Annexures or Schedules to this Agreement.
- 1.3 **Amendment** means proposed Planning Scheme Amendment C194knox to the Scheme, or a like similar amendment.
- 1.4 **Annexure** means an annexure to and forming part of this Agreement.
- 1.5 **Apartment** means an apartment as defined under the Scheme.
- 1.6 **Business Day** means Monday to Friday excluding public holidays in Victoria.
- 1.7 **Delivered** in respect of a Housing Dwelling means a completed Dwelling on a separate title transferred to and owned by a Housing Provider.
- 1.8 **Development** means the proposed residential and other development and subdivision of the Land as contemplated in the Amendment and represented conceptually in the Indicative Staging Plan.
- 1.9 **Dwelling** means a dwelling as defined under the Act and Scheme.
- 1.1 **East Precinct** means the area designated as the East Precinct as shown on the Indicative Staging Plan.
- 1.2 **GST** means the goods and services tax as provided for by the GST Law.
- 1.3 **GST Act** means the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* (as amended).
- 1.4 **GST Law** means the GST Act and any associated legislation including without limitation delegated legislation.
- 1.5 **Housing Apartment** means a separate Apartment delivered as a Housing Dwelling pursuant to this Agreement.
- 1.6 **Housing Builder Contract** means a contract for the construction of one or more Housing Dwelling.
- 1.7 **Housing Building Permit** means a building permit for the construction of a Housing Dwelling under the *Building Act 1993*.
- 1.8 **Housing Dwelling** means a Dwelling that must be owned, controlled or managed through a Housing Provider as part of the Development, and includes both Housing Lots and Housing Apartments.
- 1.9 **Housing Funding** means the funding that is required to be obtained and held by the Housing Provider to meet the cost of provision of a Housing Dwelling.
- 1.10 **Housing Lot** means a separate Lot incorporating a single Housing Dwelling pursuant to this Agreement.

- 1.11 **Housing Planning Permit** means a planning permit under the Act for the construction of a Housing Dwelling.
- 1.12 **Housing Provider** means a registered housing association or registered housing provider registered as a "*Participating Registered Agency*" under the *Housing Act 1983*.
- 1.13 **Housing Provider Agreement** means an agreement between the Owner and a Housing Provider, which:
- (i) requires the provision of a Housing Dwelling;
 - (ii) incorporates the commitment of the Housing Provider to deliver any Housing Dwelling in accordance with the Housing Requirements; and
 - (iii) may or may not incorporate, or be incorporated within, a Land Sale Contract.
- 1.14 **Housing Requirements** means the requirements for any Housing Dwelling set out at clause 5.5.
- 1.15 **Indicative Staging Plan** means the current concept plan in respect of the Amendment and for the Development, including designation of the East Precinct and West Precinct, attached at Annexure 1.
- 1.16 **Input Tax Credit** in relation to a supply, means a credit under the GST Act for the GST payable by the recipient in respect of the supply.
- 1.17 **Land** means the land within the Scheme described as:
- (i) lot 1 on Plan of Subdivision 404177H being the land more particularly described in certificate of title volume 10394 folio 250;
 - (ii) lot 14 on Plan of Subdivision 003723 being the land more particularly described in certificate of title volume 05907 folio 394;
 - (iii) lot 15 on Plan of Subdivision 003723 being the land more particularly described in certificate of title volume 08055 folio 163;
 - (iv) lots 1 and 2 on Plan of Subdivision 532102A being the land more particularly described in certificate of title volume 09634 folio 102;
 - (v) lot 3 on Plan of Subdivision 532102A being the land more particularly described in certificate of title volume 08869 folio 566;
 - (vi) lot 1 on Plan of Subdivision 634689T being the land more particularly described in certificate of title volume 10394 folio 251; and
 - (vii) lot 1 on Title Plan 557420G being the land more particularly described in certificate of title volume 08489 folio 930.
- 1.18 **Land Sale Contract** means a contract for the sale of land between the Owner and a Housing Provider that includes, or will include, one or more Housing Dwelling.
- 1.19 **Lot** has the same meaning as in the Subdivision Act.
- 1.20 **Minister** means the Minister for Planning.

- 1.21 **Mixed Use Precinct** means the area designated as Mixed Use North and Mixed Use South in the East Precinct as shown on the Indicative Staging Plan.
- 1.22 **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Land or any part of it.
- 1.23 **Plan of Subdivision** means a plan of subdivision of the Land (or any stage thereof) under the Subdivision Act.
- 1.24 **Planning Approvals** means any necessary subsequent planning approvals required for the Development, after approval of the Amendment, including any required Development Plan, Planning Permit or approval or endorsement of any plan or document by the Council as responsible authority.
- 1.25 **Project Plan** means a plan relating to the Development or stage of the Development, which is required to include detail, to the satisfaction of the Council, as to the proposed timing, type, detail and location of any Housing Dwelling.
- 1.26 **Schedule** means a schedule to this Agreement.
- 1.27 **Scheme** means the Knox Planning Scheme or any other planning scheme which applies to the Land from time to time.
- 1.28 **Social Housing** has the same meaning as in section 4(1) of the *Housing Act 1983*.
- 1.29 **Subdivision Act** means the *Subdivision Act 1988*.
- 1.30 **Termination Date** means the date upon which Council notifies the Owner in writing that the Owner has fully satisfied the Owner's obligations pursuant to this Agreement or that the Council no longer requires the Owner to comply with the obligations specified in this Agreement.
- 1.31 **VCAT** means the Victorian Civil Administrative Tribunal.

2 COMMENCEMENT

This Agreement comes into force on the date it was made as set out above.

3 TERMINATION OF THIS AGREEMENT

3.1 Ending of Agreement

This Agreement will end progressively in respect of parts of the Land, as it develops in accord with the obligations of the Owner under this Agreement.

3.2 Cancellation of this Agreement

When this Agreement has ended in respect of any relevant part of the Land the Council must, after a request from and at the cost of, the Owner, apply to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the Register in respect of that relevant part of the Land.

4 DEVELOPER

The Developer enters into this agreement on the basis of its involvement in the delivery of the Development in cooperation with the Owner and agrees that it is jointly and severally responsible with the Owner for compliance with this Agreement.

5 HOUSING DWELLINGS

5.1 Housing Dwellings Requirement

The Owner and Developer must ensure the provision of the Housing Dwellings:

- 5.1.1 in accordance with this Agreement;
- 5.1.2 in accord with any Project Plan; and
- 5.1.3 in the East Precinct, within the Mixed-Use Precinct, or no further than 800 metres walking distance from the Mixed Use Precinct.

5.2 Number of Housing Dwellings

The Owner covenants and agrees that the number of Housing Dwellings to be provided:

- 5.2.1 must be 5% of the total number of Dwellings to be built on the Land upon completion of the Development;
- 5.2.2 the calculation of the total number of Dwellings on the Land includes the Housing Dwellings; and
- 5.2.3 the calculation of the number of Housing Dwellings is to be rounded up to a whole number of Housing Dwellings¹.

5.3 Additional Housing Dwelling

If due to an increase in the density of the Development, the number of required Housing Dwellings to be provided exceeds 90, the Owner must:

- 5.3.1 provide the additional Housing Dwellings:
 - (a) within the Mixed Use Precinct or within 800 metres walk of the Mixed Use Precinct; or
 - (b) in alternate locations approved by the Council;or, if the Council agrees;
- 5.3.2 pay to the Council an amount equal to the market value of each additional Housing Dwelling not provided with such market value assessed:
 - (a) separately for each Housing Dwelling;
 - (b) at the time of payment;
 - (c) for the Housing Lot or Housing Apartment as a completed asset including the building improvements and land

¹ The current density for the Development envisages 1750 Dwellings triggering a requirement for 90 Housing Dwellings. This number of Housing Dwellings may rise or fall in accordance with this Agreement.

- 5.3.3 In any case where the parties are unable to agree as to the market value, as provided in clause 5.3.2, then:
- (a) they must cooperate to jointly appoint an experienced and qualified valuer (**Expert Valuer**) and failing cooperation over that appointment, the Expert valuer will be appointed upon request of any party, by the Valuer-General, Victoria;;
 - (b) the costs of this process will be shared equally by the parties;
 - (c) that Expert Valuer will be instructed to provide a final determination (**Determination**) of the relevant market value and therefore, the payment amount;
 - (d) the parties agree that the Expert Determination is final and that they will not seek to review or challenge that Determination in the Victorian Civil Administrative Tribunal or the courts;
 - (e) both parties must provide separate written briefings, as to the proposed valuation, to the Expert Valuer, which may include other valuations, and copies of such written briefings, must be provided, at the same time, to the other party;
 - (f) the Expert Valuer may specify any other process or requirements the Expert Valuer wishes, for the Determination process;
 - (g) a decision from that Expert Valuer will be requested for within 45 days of the provision of the last written briefing;
 - (h) if a party fails to cooperate then the other party may appoint that Expert Valuer through the Valuer-General Victoria and the Determination process may proceed without the participation of either one or other of the parties.

5.4 Housing Dwellings

The Owner covenants and agrees that, when the Owner applies for a planning permit for subdivision that includes Land that is to include Housing Dwellings, the process must be as follows:

- 5.4.1 the permit application must include a Project Plan identifying the Housing Lots or Housing Apartments which are proposed to be designated for Housing Dwellings;
- 5.4.2 the Project Plan must identify by number and proposed locations, the existing and proposed Housing Dwellings in order to ensure compliance with this Agreement will be achieved;
- 5.4.3 the Project Plan must identify by number and intended location any additional Housing Dwellings required due to any proposed increase in overall Dwelling numbers above 1,750, to maintain the required 5% percentage of Housing Dwellings (rounded up);
- 5.4.4 the planning permit for subdivision must include conditions requiring compliance with a Project Plan endorsed by the Council under the relevant planning permit; and

5.4.5 as a precondition to the issue of a statement of compliance for the particular Plan of Subdivision there must be satisfaction of the requirements of this Agreement, for the relevant part of the Land.

5.5 Housing Requirements

5.5.1 The Housing Dwellings must deliver as a combination of:

- (a) Housing Lots; and
- (b) Housing Apartments.

5.5.2 The nature of the Housing Dwellings must be as follows:

- (a) "Tenure blind", that is, with finishes reflecting all other Dwellings within the Development, being integrated into the Development and broadly indistinguishable from comparable private market Dwellings in the Development.
- (b) Located to the satisfaction of the Council acknowledging the apparent preferences of Housing Providers to locating them in groups of twenty to thirty to ensure the efficient management of the Housing Dwellings by the Housing Providers.
- (c) Acknowledging the suitability for the location of Housing Apartments (rather than Housing Lots) in the Mixed Use Precinct.
- (d) Suitably located, accessible and fitted out to meet the needs of the Housing Provider.
- (e) In compliance with any Urban Design or other guidelines otherwise applied to the Development and Dwellings on the Land.

5.6 Provision of Housing Lots

Prior to and as a precondition to the issue of a statement of compliance for any Plan of Subdivision for land which is to contain Housing Lots, the following must exist or have occurred:

- 5.6.1 the Housing Provider Agreement exists;
- 5.6.2 there is confirmation of the Housing Funding;
- 5.6.3 any required Housing Planning Permit has been obtained;
- 5.6.4 the Land Sale Contract must exist;
- 5.6.5 the Housing Builder Contract must be entered into; and
- 5.6.6 the Housing Building Permit must be obtained.

5.7 Provision of Housing Apartments

Prior to and as a precondition to the issue of a statement of compliance for any Plan of Subdivision for land which is to contain Housing Apartments, the following must exist or have occurred:

- 5.7.1 the Housing Provider Agreement must exist;
- 5.7.2 there is confirmation of the Housing Funding;
- 5.7.3 the construction of the Housing Apartment must be completed; and
- 5.7.4 the Land Sale Contract must exist.

5.8 Timing of provision of Housing Dwellings

- 5.8.1 The parties will work cooperatively to ensure the gradual, efficient and effective delivery of the Housing Dwellings in several stages during the completion of the Development, including through the Project Plans.
- 5.8.2 In any case where a stage of the Plan of the Subdivision includes a Housing Dwelling then as a precondition to the issue of a statement of compliance for a subsequent stage of the Plan of Subdivision, the relevant Housing Dwelling must have been Delivered.
- 5.8.3 The total number of Housing Dwellings required by the Agreement must be Delivered as a precondition to the Statement of Compliance for a Plan of Subdivision, which, in the reasonable opinion of the Council may deliver 80% of the total number of Dwellings in the Development.

5.9 Proof of Requirements

In order to satisfy the Council that the various requirements set out at clause 5.6 and 5.7 are achieved, the Owner will procure and provide the Council with copies of appropriate documents, confirmations or consents as are reasonably required.

6 OWNERS GENERAL COVENANTS**6.1 Successors in title**

Until this Agreement is recorded on the folio of the Register which relates to the Land pursuant to section 181 of the Act, the Owner must ensure that the Owner's successors in title give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement including requiring the successors in title to execute a deed agreeing to be bound by the terms of this Agreement. Until that deed is executed, the Owner, being a party to this Agreement, remains liable to perform all of the Owner's obligations contained in this Agreement.

6.2 Further assurance

The Owner must do all things necessary (including signing any further agreement, acknowledgment or document) to enable the Council to record this Agreement on the folio of the Register which relates to the Land.

6.3 **Payment of Council's costs**

The Owner agrees to pay on demand to the Council the Council's reasonable costs and expenses (including any legal fees incurred on a solicitor-client basis but excluding Council staff costs) of and incidental to the preparation, execution and recording of this Agreement.

6.4 **Mortgagee to be bound**

The Owner covenants to obtain the consent of any Mortgagee to be bound by the covenants in this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

6.5 **Indemnity**

6.5.1 The Owner covenants to indemnify and keep the Council, its officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be or become liable for or in respect of any suit action proceeding judgement or claim brought by any person arising from or referable to this Agreement or any non-compliance with this Agreement but excluding any costs, expenses, losses or damages caused by the negligence or reckless act of the Council.

6.5.2 The parties agree that each will conduct itself in a manner that ensures mitigation of its loss in respect of any claim, suit, action, proceeding or judgment brought by any person.

6.6 **Non-compliance**

If the Owner has not complied with this Agreement within twenty-eight (28) days after the date of service on the Owner by the Council of a notice which specifies the Owner's failure to comply with any provision of this Agreement, the Owner covenants:

6.6.1 to allow the Council its officers, employees, contractors or agents to enter the Land and rectify the non-compliance;

6.6.2 to pay to the Council on demand, the Council's reasonable costs and expenses (**Costs**) incurred as a result of the Owner's non-compliance;

6.6.3 to pay interest at the rate of 2% above the rate prescribed under section 2 of the *Penalty Interest Rates Act 1983* on all moneys which are due and payable but remain owing under this Agreement until they are paid in full;

6.6.4 if requested to do so by the Council, to promptly execute in favour of the Council a mortgage to secure the Owner's obligations under this Agreement,

and the Owner agrees:

6.6.5 to accept a certificate signed by the Chief Executive Officer of the Council (or any nominee of the Chief Executive Officer) as prima facie proof of the Costs incurred by the Council in rectifying the Owner's non-compliance with this Agreement;

- 6.6.6 that any payments made for the purposes of this Agreement shall be appropriated first in payment of any interest and any unpaid Costs of the Council and then applied in repayment of the principal sum;
- 6.6.7 that all Costs or other monies which are due and payable under this Agreement but which remain owing shall be a charge on the Land until they are paid in full; and
- 6.6.8 if the Owner executes a mortgage as required by clause 6.6.4, any breach of this Agreement is deemed to be a default under that mortgage.

6.7 **Standard of works**

The Owner covenants to comply with the requirements of this Agreement and to complete all works required by this Agreement as expeditiously as possible at its cost and to the reasonable satisfaction of the Council.

6.8 **Council access**

The Owner covenants to allow the Council and its officers, employees, contractors or agents or any of them, to enter the Land (at any reasonable time) to assess compliance with this Agreement and in accordance with the requirements of the Act.

6.9 **Covenants run with the Land**

The Owner's obligations in this Agreement are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Land and every part of it, and bind the Owner and its successors, assignees and transferees, the registered proprietor or proprietors for the time being of the Land and every part of the Land.

6.10 **Owner's warranty**

The Owner warrants and covenants that:

- 6.10.1 the Owner is the registered proprietor (or is entitled to become the registered proprietor) of the Land and is also the beneficial owner of the Land;
- 6.10.2 there are no mortgages, liens, charges or other encumbrances or leases or any rights inherent in any person other than the Owner affecting the Land which have not been disclosed by the usual searches of the folio of the Register for the Land or notified to the Council;
- 6.10.3 no part of the Land is subject to any rights obtained by adverse possession or subject to any easements or rights described or referred to in section 42 of the *Transfer of Land Act 1958*; and
- 6.10.4 until this Agreement is recorded on the folio of the Register which relates to the Land, the Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of the Land without first disclosing to any intended purchaser, transferee, assignee or mortgagee the existence and nature of this Agreement.

7 ACKNOWLEDGEMENTS

- 7.1 The parties acknowledge and agree that all obligations and contributions set out in this Agreement are in addition to any future requirements arising from the Amendment or any Planning Approvals for the Development except that the Public Open Space is considered by Council to be sufficient to satisfy the requirements of clause 52.01 of the Scheme and that Council agrees that the Development Contributions set out in this Agreement are sufficient to meet the reasonable obligations of the Owner in relation to the Development.
- 7.2 In any case where the Owner has failed to comply with this Agreement, including by a relevant due date or specified event, for that obligation, the Council may withhold its issue of a Statement of Compliance under the *Subdivision Act 1988* for any Stage unless or until compliance with this Agreement is achieved.
- 7.3 In any case where any attachment, schedule or annexure to this Agreement is considered unsatisfactory by the Office of the Registrar of Titles, for registration against the Certificates of Title to the Land, then the parties agree that they will consent to the inclusion of any replacement plan or document prepared of a different form to the same effect of the plan or document being replaced, to allow this Agreement, including all relevant attachments, to be registered against the title to the Land. The acknowledgement and consent of the parties under this clause includes agreement to execute, if required, a replacement version of this Agreement.

8 GOODS AND SERVICES TAX

8.1 Definitions and expressions

Expressions used in this Agreement that are defined in the GST Act have the same meaning as given to them in the GST Act, unless expressed to the contrary.

8.2 Amounts payable do not include GST

Each amount, of whatever description, specified as payable by one party to the other party under this Agreement is expressed as a GST exclusive amount unless specified to the contrary.

8.3 Liability to pay any GST

Subject to clause 8.4, in addition to any amount payable by one party to the other party under this Agreement in respect of a taxable supply, the party liable to pay the amount (**Recipient**) must pay to the other party (**Supplier**) a sum equivalent to the GST payable, if any, by the Supplier in respect of the taxable supply on the date on which the Supplier makes a taxable supply to the Recipient irrespective of when the Supplier is liable to remit any GST under this Agreement in respect of a taxable supply to any governmental authority.

8.4 Tax Invoice

A party's right to payment under clause 8.3 is subject to a Tax Invoice being delivered to the Recipient.

9 GENERAL

9.1 No fettering of Council's powers

This Agreement does not fetter or restrict the Council's power or discretion in respect of any of the Council's decision making powers including but not limited to an ability to make decisions under the Act, Subdivision Act and the Act or to make or impose requirements or conditions in connection with any use or development of the Land or the granting of any planning permit, the approval or certification of any plans of subdivision or consolidation relating to the Land or the issue of a Statement of Compliance in connection with any such plans.

9.2 Time of the essence

Time is of the essence as regards all dates, periods of time and times specified in this Agreement.

9.3 Counterparts

9.3.1 This Agreement may be executed in any number of counterparts and all the counterparts together constitute one and the same instrument; and

9.3.2 A copy of an original executed counterpart received by email:

- (a) must be treated as an original counterpart;
- (b) is sufficient evidence of the execution of the original; and
- (c) may be produced in evidence for all purposes in place of the original.

9.3.3 If the signatures on behalf of one party are on different counterparts, this will be taken to be, and have the same effect as, signatures on the same counterpart and on a single copy of this Agreement.

9.4 Governing law and jurisdiction

This Agreement is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts and tribunals of Victoria and waives any right to object to proceedings being brought in those courts or tribunals.

9.5 Enforcement and severability

9.5.1 This Agreement shall operate as a contract between the parties and be enforceable as such in a Court of competent jurisdiction regardless of whether, for any reason, this Agreement were held to be unenforceable as an agreement pursuant to Division 2 of Part 9 of the Act.

9.5.2 If a Court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void, then it shall be severed and the other provisions of this Agreement shall remain operative.

10 NOTICES

10.1 Service of notice

A notice or other communication required or permitted, under this Agreement, to be served on a person must be in writing and may be served:

- 10.1.1 personally on the person;
- 10.1.2 by leaving it at the person's address set out in this Agreement;
- 10.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 10.1.4 by email to the person's current email address notified to the other party; or
- 10.1.5 by facsimile to the person's current number notified to the other party.

10.2 Time of service

A notice or other communication is deemed served:

- 10.2.1 if served personally or left at the person's address, upon service;
- 10.2.2 if posted within Australia to an Australian address, five (5) Business Days after posting, by standard post, six Business Days after posting;
- 10.2.3 if sent by email, subject to the clause 10.2.5, at the time of receipt as specified in section 13A of the *Electronic Transactions (Victoria) Act 2000*;
- 10.2.4 if served by facsimile, subject to clause 10.2.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile; and
- 10.2.5 if received after 5.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

10.3 Proof of receipt of notice by email

In proving that a notice given by email has been received by the recipient, it is sufficient to produce an acknowledgement or receipt that the email has reached the recipient's email address.

11 INTERPRETATION

In this Agreement, unless the contrary intention appears:

- 11.1 the singular includes the plural and vice versa;
- 11.2 a reference to a document or instrument, including this Agreement, includes a reference to that document or instrument as novated, altered or replaced from time to time;
- 11.3 a reference to an individual or person includes a partnership, body corporate, government authority or agency and vice versa;

- 11.4 a reference to a party includes that party's executors, administrators, successors, substitutes and permitted assigns;
- 11.5 words importing one gender include other genders;
- 11.6 other grammatical forms of defined words or expressions have corresponding meanings;
- 11.7 a covenant, undertaking, representation, warranty, indemnity or agreement made or given by:
 - 11.7.1 two or more parties; or
 - 11.7.2 a party comprised of two or more persons,
 is made or given and binds those parties or persons jointly and severally;
- 11.8 a reference to a statute, code or other law includes regulations and other instruments made under it and includes consolidations, amendments, re-enactments or replacements of any of them;
- 11.9 a recital, schedule, annexure or description of the parties forms part of this Agreement;
- 11.10 if an act must be done on a specified day that is not a Business Day, the act must be done instead on the next Business Day;
- 11.11 if an act required to be done under this Agreement on a specified day is done after 5.00pm on that day in the time zone in which the act is performed, it is taken to be done on the following day;
- 11.12 a party that is a trustee is bound both personally and in its capacity as trustee;
- 11.13 a reference to an authority, institution, association or body (**original entity**) that has ceased to exist or been reconstituted, renamed or replaced or whose powers or functions have been transferred to another entity, is a reference to the entity that most closely serves the purposes or objects of the original entity;
- 11.14 headings and the provision of a table of contents are for convenience only and do not affect the interpretation of this Agreement.
- 11.15 A reference to the Council includes the Council in its capacity as responsible authority pursuant to the Scheme.

12 REGISTRATION OF AGREEMENT

- 12.1 The Owner will do all things necessary to enable the Council to make an application to the Registrar of Titles to make a recording of this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Act including the signing of any further agreement, acknowledgement or other document.
- 12.2 The Council will record this Agreement on the Title to the Land.
- 12.3 In any case where the Amendment is not adopted, this Agreement will end and the Council will promptly arrange for the cancellation of registration of the Agreement pursuant to the Act.

EXECUTED as a deed of agreement under Division 2 of Part 9 of the Act.

THE COMMON SEAL of **KNOX CITY**)
COUNCIL was affixed in the presence of:)

.....
Councillor

.....
Councillor

.....
Chief Executive Officer

EXECUTED by **BORAL BRICKS PTY LTD**)
in accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by being signed)
by the authorised person:)

.....
Sole director and sole company secretary

.....
Full name

.....
Usual Address

MORTGAGEE'S CONSENT

MIRVAC VICTORIA PTY LTD as Mortgagee under Mortgage No. AS311620G which encumbers the Land consents to the Owner entering into this Agreement and agrees to be bound by the terms of and conditions of this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

DATED:

Executed by **MIRVAC VICTORIA PTY LTD**

THE COMMON SEAL MIRVAC VICTORIA PTY LTD was affixed in accordance with sections 127(2) and 127(2A) of the *Corporations Act 2001* (Cth) and witnessed by:)
)
)
)
)

.....
Director signature

.....
Director/company secretary signature

.....
Director name

.....
Director/company secretary name

Date:

Date:

SCHEDULE 1 INDICATIVE STAGING PLAN

Precinct Breakdown - Land Budget
Draft



Schedule 3 – Community Infrastructure – Development Contributions

Section 173A - Council

Community Infrastructure – Development Contributions			
Refers to plan in attachment 5.			
Item	Required by/Nexus	Staging	Preliminary Specifications
<p>Active Open Space (AOS)</p> <p>AOS – 01</p> <p>Land (c8ha hectares) and Construction of Active Open Spaces including Pavilion</p>	<p>Forms part of the 8.5% public open space for the site as required by Clause 53.01 in the Knox Planning Scheme.</p> <p>The consultant 'ASR Research' Report indicates the need for local scale active open space reserve.</p>	<p>Construction of AOS to be completed prior to the creation of the 350th lot.</p> <p>Works in Kind for construction of AOS facilities is preferred.</p>	<p>Generally, as per the concept plan as provided at Appendix 1:</p> <p>A fenced and 100 lux floodlit senior AFL oval of 160m x 130m and a fenced and 100 lux floodlit junior oval of 140m x 120m with associated goal post netting</p> <p>4 x cricket nets (30.3.6m each) covering 450m²</p> <p>A 600m² pavilion with change rooms, kiosk, and publicly accessible toilets</p> <p>A shared user path providing connection through the AOS and to the existing and future SUPs within the Dandenong Regional Parklands</p> <p>100 Car Parking spaces dedicated to AOS and for Dandenong Regional Parklands visitors, including the provision of EV charging point.</p> <p>Associated Landscaping adopting tree and planting species consistent within the Dandenong Regional Parklands</p> <p>A Nature Neighbourhood Playground</p> <p>A family gathering space including BBQ, shade structure, toilet and cycle racks.</p>
<p>Open Space</p> <p>OS – 02</p> <p>Land (c3.5 hectares) and Construction of Local Parks and Green Link</p>	<p>Forms part of the 8.5% public open space for the site as required by Clause 53.01 in the Knox Planning Scheme.</p>	<p>To be delivered as part of each relevant stage of the Development in accordance with planning approvals.</p>	<p>Generally, as per the concept masterplan (V6) provided at Appendix 2:</p> <p>Two large landscaped neighbourhood parks of approx.1.4ha each are located to provide access to a recreational open space within 400m (or approx. 5-minute walk) of the majority of homes in the eastern portion of the development.</p> <p>Both parks will provide a range of informal active and passive uses for residents and visitors, including all-ages playgrounds, kick-about zones, landscaped areas, and gathering spaces with shelters, picnic, and barbecue facilities.</p>

Schedule 3 – Community Infrastructure – Development Contributions

Section 173A - Council

			<p>A third, but smaller and more passive park will celebrate the cultural heritage of the site with interpretation of the remnant scarred tree identified within the sites' Cultural Heritage Management Plan</p> <p>An east-west linear open space including a walking path and seating, ranging between 15-30m wide providing a pedestrian connection for existing residents east of Eastlink through the development to the proposed neighbourhood parks (as described above).</p>
<p>Community Facility</p> <p>C – 01</p> <p>Community Activity Centre</p>	<p>ASR Demand Assessment recommends that given the nature of the site being separated from by the Creek and Eastlink, the delivery of a Multipurpose Community Centre.</p>	<p>To be delivered prior to a Statement of Compliance for any lots within the Mixed Use Zone.</p>	<p>A maximum 600m2 Multipurpose Community Centre designed to respond to feedback and the local needs identified as part of a community consultation process, however consisting of the following primary functions:</p> <ul style="list-style-type: none"> • Community meeting spaces. • Playgroup or kindergarten rooms. • Low noise Community (Men's) Shed • Community Garden
<p>AH – 01</p> <p>Affordable Housing</p>	<p>No mandatory requirement in the Planning Scheme.</p> <p>Knox Planning Scheme seeks a minimum of 5 % contribution of Affordable Housing to be agreed between Council and landowner.</p>	<p>This is covered by a separate agreement – refer to Attachment 3.</p>	

KNOX PLANNING SCHEME

SCHEDULE 16-- TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

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

WANTIRNA SOUTH (BORAL QUARRY) DEVELOPMENT PLAN**1.0 Objectives**

To facilitate a high-quality residential development with sustainable lots and built form compatible with the surrounding Dandenong Valley Parklands.

To deliver a landscape approach which provides a positive transition between the residential development and the adjoining Dandenong Valley Parklands.

To create a small neighbourhood activity centre as the heart of the community to include small scale retail, community facilities and a mix of housing options.

To connect the development to the existing network, including pedestrian and cyclist connections, while preserving the surrounding biodiversity conservation value.

To rehabilitate the site for residential use and protect future amenity from potential adverse off-site impacts.

2.0 Requirement before a permit is granted

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

- Subdivide land which does not prejudice the preparation and approval of a Development Plan.
- Construct or carry out works relating to:
 - rehabilitation to the Blind Creek corridor and the interface to Dandenong Valley Parkland.
 - minor works.
 - any works required to obtain, undertake, or satisfy a Statement of Environmental Audit under the *Environment Protection Act 1970* or its successor legislation.
 - any works required to undertake or satisfy rehabilitation of the extractive quarry under a resource license under the *Mineral Resources (Sustainable Development) Act 1990* or its successor legislation.
 - the management of flooding constraints to facilitate staged removal of the Land Subject to Inundation Overlay (LSIO).
- Construct or display a sign.
- Remove, vary, or create an easement.
- Amend an existing permit and endorsed plans.

Any application for a permit lodged before a development plan has been prepared must be accompanied by a report demonstrating that approval will not prejudice the long term future of the land as set out in this schedule. This applies to an application under existing use provisions.

The land may be developed in stages.

3.0 Conditions and requirements for permits

The following conditions and/or requirements apply to any permits, including a permit granted in accordance with Clause 2.0 of this schedule:

- A permit granted for buildings and works must include conditions requiring for, as appropriate:

KNOX PLANNING SCHEME

- A Construction and Environmental Management Plan generally in accordance with this Schedule must be prepared and endorsed prior to the commencement of any works to the satisfaction of the Responsible Authority.
- The provisions, recommendations, and requirements of the endorsed Construction and Environmental Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

Officers Note: possibly relocate to Clause 4.0 or consider drafting an agreement prior to adopting an amendment

Section 173 Agreement for Development Contributions

- A ~~planning~~ permit granted for the, subdivision, use or development of the land must, if required by the responsible authority, include a condition that requires the land-owner to enter into an Agreement with the responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987* which provides for the following matters to the satisfaction of the Responsible Authority:
 - provision of a minimum 8.5 per cent of total land to be subdivided within the area subject to this Development Plan Overlay (excluding the Dandenong Valley Regional Parklands) ~~for as~~ public open space contribution under Section 18A of the Subdivision Act 1988 generally in accordance with the open space and parks shown in Figure 1 of this Schedule;
 - ~~provision of 5% of total number of residential lots or dwellings as land/buildings and/or cash contribution for Affordable Housing~~
 - construction of active open space reserve, including any Landfill Gas Protection Zone protection measures for any buildings or enclosed space within the active open space reserve;
 - construction of a multi-purpose community space in or adjoining the small Neighbourhood Activity Centre;
 - construction of road crossing over Blind Creek;
 - ~~construction of pedestrian and cyclist trails, including the vesting of land in the Responsible Authority where it joins the EastLink trail~~;

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

Infrastructure

- A permit granted for subdivision or buildings and works must include conditions, as appropriate, for the preparation and endorsement of plans, and the implementation of the endorsed plans related to:
 - The construction/improvement to intersections for vehicle and pedestrian access to the site as indicated in Figure 1 to this schedule. These intersection works will need to be undertaken in accordance with the requirements of, and to the satisfaction of, the relevant road authority and at the cost of the landowner.
 - All other road and pathways network, ~~and~~ intersection upgrades, mitigation works, and reinstatement of existing assets as outlined in the approved Integrated Transport Management Plan and at the cost of the landowner.
 - ~~All stormwater infrastructure works and utility services~~ within the site at the cost of the landowner.
 - The design of the piped stormwater network servicing the development to have a capacity to cater for the 1 in 10 years ARI rainfall event.
 - ~~Acoustic attenuation measures required to be provided on the land, adjoining to the land or, where an acoustic barrier is required, within the Freeway reserve,~~ which comply with VicRoads' Traffic Noise Reduction Policy (or any subsequent publication) and the ConnectEast Concession Deed (or as updated), at the landowner's cost.

KNOX PLANNING SCHEME

- Where an acoustic barrier is required to be provided, it must be provided within the EastLink Freeway Reserve, unless otherwise agreed with ConnectEast.
- If an acoustic barrier or similar is provided on land not within the EastLink Freeway reserve, provision must be made for the creation of a reserve vesting the land in the Responsible Authority and ~~required a Section 173 agreement be entered into to provide~~ for future maintenance of the barrier by ConnectEast ~~at the owner's cost for any acoustic attenuation measures not located within the Freeway reserve~~ to the satisfaction of ConnectEast and the Responsible Authority prior to the Certification of a Plan of Subdivision.

Design guidelines

- Prior to the granting of a subdivision permit, any restrictions on the plan of subdivision including relevant "Design Guidelines" and / or Memorandum of Common Provisions must be submitted to the Responsible Authority for approval and applied to all lots to the satisfaction of the Responsible Authority.
- [PLACEHOLDER IF NEEDED] Restrictions related to other design measures (acoustic bushfire, environmental etc)

Kangaroo Management Plan

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

Construction and Environmental Management Plans

- A permit granted for subdivision or buildings and works must include conditions requiring that ~~a~~ Construction and Environmental Management Plans addressing the construction activities proposed on the land be prepared and endorsed by the Responsible Authority. The views of the relevant authorities (Melbourne Water, Parks Victoria, Department of Transport and Planning, and Department of Energy, Environment, and Climate ~~Change~~Action) must be sought and the Plan must be prepared generally in accordance with the Construction and Environmental Management Concept to the satisfaction of the Responsible Authority and, once endorsed, implemented prior to commencement of any works and for the duration of the works.

The Construction and Environmental Management Plan must ~~include~~address:

- ~~Provisions relating to~~ Soil erosion and sediment control to protect existing local stormwater infrastructure, Blind Creek and associated wetlands from erosion and sediment transport by minimising erosion of lands during work.
- ~~Provisions~~ Measures to protect the floodplain, manage water quality and quantity, and protect the habitat value of Blind Creek and Dandenong Creek (measures used should include the installation of a perimeter fence to protect the Blind Creek waterway prior to the commencement of works).
- ~~Protection m~~ Measures to ensure that disturbance to native flora and fauna habitat is avoided in the first instance, minimised where avoidance is not possible with appropriate measures incorporated to prevent the potential for the introduction of exotic flora and fauna species.
- Measures to suppress and minimise dust impact during works, ~~to minimise dust impact~~
- Measures to prevent construction fill encroaching on or being placed within the EastLink Freeway reserve or adjoining land.
- Measures to address risk associated with landfill gas during works.
- If requested by the Responsible Authority, a contamination assessment for any stage containing a site with known or suspected contamination.

KNOX PLANNING SCHEME

Construction Management

- ~~A permit granted for subdivision or buildings and works must include conditions requiring that a Construction Management Plan to be prepared to the satisfaction of the Responsible Authority and, once endorsed, implemented prior to commencement of any works.~~

The Construction Management Plan must ~~include~~address:

- Staging requirements of road upgrade works as identified in the Integrated Transport Management Plan
- ~~A Traffic Management Plan for the site identifying the location of the proposed vehicle access point(s) and detailing the measures to ensure amenity of the adjoining areas is not impacted by the movement of vehicles (cars, trucks and construction machinery) associated with construction activities on the site.~~
- ~~Provision for tree protection zone of~~Details of Tree Protection Zones and areas of biological significant Protection ofincluding any protection requirements specified in the approved Landscape Masterplan, if applicable.
- ~~Measures related to the protection of the ecological features of the Dandenong Valley Parklands and works in proximity to high voltage transmission lines.~~
- ~~Cultural protection measures through the installation of temporary fencing and signage for the Blind Creek Scarred Tree in accordance with the approved Cultural Heritage Management Plan 16890.~~
- ~~Provision to a~~Address the recommendations and requirements specified in the approved Kangaroo Management Plan, if applicable.
- ~~Address~~Provision to address the requirements of the approved Bushfire Hazard Management Plan / Bushfire Management Plan, if applicable.
- ~~Provision related to Management of construction waste management.~~
- Occupational health and safety, and induction of contractors working on the site.

Environmental Assessments

- An application for residential subdivision, use or development for a sensitive use within in the Potential Odour Zone identified on Figure 1 of this schedule, must be accompanied by an assessment of potential odour and dust amenity impacts (Adverse Amenity Impact Assessment) from the Materials Recovery Centre at 257 George St, Wantirna South and the Knox Waste Transfer Station at 251 George St, Wantirna South, prepared by a suitably qualified professional and including the views of the Environment Protection Authority, to determine with sufficient confidence the suitability for any sensitive use within the designated Potential Odour Zone.

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

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

All to the satisfaction of the responsible authority.

- Pursuant to the recommendations of the Adverse Amenity Impact Assessment, a permit issued for the subdivision of land for a lot within the Potential Odour Zone must include a condition that the owner of the land enter into a Section 173 Agreement, at the owner's cost, prior to the issue of a statement of compliance to:
 - Implement and ensure the ongoing maintenance of the recommendations of the Adverse Amenity Impact Assessment in relation to:

KNOX PLANNING SCHEME

- Sensitivity of the proposed use and limitations to land uses.
 - Design requirements applicable to buildings.
 - Potential rezoning of land.
 - Acknowledge the existence of the Knox Materials Recovery Centre and the potential for impact from odour and other real and perceived amenity impacts.
 - Require the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.
To the satisfaction of the Responsible Authority.
- An application for a development of land identified within the Landfill Gas Protection Zone identified on Figure 1 of this schedule, must be accompanied an Environmental Auditor Report identifying the gas protection measures required for any buildings or confined enclosed space proposed within the landfill gas protection zone.
 - A permit issued for the subdivision of land creating a lot within the Landfill Gas Protection Zone must include a condition to enter into a Section 173 Agreement, at the owner's cost, prior to the issue of a statement of compliance requiring for all buildings or confined space proposed within the landfill gas protection zone must have gas protection measures designed and constructed, in accordance with the following:
 - a) A legal entity must have the ongoing responsibility and capability for the installation, operation and maintenance of the gas protection measure(s).
 - b) Prior to development, design of the protection measures must be in accordance with the Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings (BS 8485:2015+A1:2019 or subsequent amendments and editions) and be carried out by a qualified and experienced professional.
 - c) The design must be verified by an accredited Environmental Auditor prior to construction of any buildings on the site.
 - d) Construction quality assurance must be carried out during installation of the gas protection measures in accordance with Good practice on the testing and verification of protection systems for buildings against hazardous ground gases (CIRIA C735 or subsequent amendments and editions).
 - e) A construction quality assurance report must be prepared on completion of the installation of the gas protection system and be verified by an Environment Protection Authority appointed Auditor prior to being submitted to the responsible authority.
 - f) Where Clause a) cannot be met, to protect low to medium density residential development, a boundary interception trench is acceptable. The design requires Auditor verification and construction quality assurance to be conducted.
 - g) Acknowledge the existence of the former landfill and the potential for impact and other real and perceived amenity impacts.
 - h) Require the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.
To the satisfaction of the Responsible Authority.

Acoustic Treatments

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

The Plan should must also outline any noise attenuations building design measures requirements to buildings required for the housing (if required) to achieve compliance with the approved Development Plan.

Once endorsed, the plan must be implemented as part of the proposed development and complied with.

- A permit issued for the subdivision of land creating a lot subject to design acoustic attenuation measures must include a condition to enter into a Section 173 Agreement, at the owner's cost, prior

KNOX PLANNING SCHEME

to the issue of a statement of compliance for the implementation and ongoing maintenance of the required noise attenuations design measures on any applicable buildings to be constructed on the land, to the satisfaction of the Responsible Authority.

Bushfire Management Plan

A permit granted for residential subdivision of land subject to bushfire management must meet the following requirements as per the endorsed bushfire management plan. The Bushfire Management Report prepared under Section 4.0 of this Schedule must be endorsed and form part of any permit.

- For any lot that contains defensible space, prior to the issue of a Statement of Compliance, the owner of the land must enter into a section 173 Agreement with the Responsible Authority to ensure bushfire protection measures are implemented. All costs associated with the preparation and registration of the agreement must be borne by the owner of the land.
- Any lot that contains defensible space must include a building envelope that ensures development will not be allowed within the area of defensible space.

bushfire management plan. [Officers Note: Section below to be reviewed, possibly reallocated to Clause 4.0 and removed duplication]; that achieves a bushfire resilient development both during staging of the development and for the completed development by addressing the following requirements, which must demonstrate:

For Permanent Bushfire Hazards:

- (Clause 4?) A perimeter road or other access for emergency service vehicles on all interfaces with a permanent bushfire hazard.
- Condition (but also need introduction in Clause 4) A building exclusion zone adjoining all permanent hazardous vegetation as identified by AS 3959-2018 (or subsequent amendments and editions) methodology such that radiant heat flux does not exceed 12.5 kilowatts/square metre. The building exclusion zone must comprise non-vegetated areas or low threat vegetation as defined in AS 3959-2018 Construction of buildings in bushfire prone areas (or subsequent amendments and editions) achieved by management of vegetation to the vegetation management requirements listed at Table 6 to Clause 53.02 or meets the exclusion criteria of Table 2.2.3.2 to AS 3959-2018 (or subsequent amendments and editions).
- (condition? also Clause 4) A subdivision design and approach to lot layout that:
 - Provides for the setback of dwellings beyond the building exclusion zone with the building exclusion zone to be made up of any combination of non-vegetated area, land managed in a permanently low threat state or internal setback of dwellings within lots.
 - Provides for adequate setback of defined building envelopes beyond the building exclusion zone within lots adjoining a permanent bushfire hazard showing that a dwelling will not be constructed within the building exclusion zone.
 - Provides building envelopes on any lot lots adjoining a permanent bushfire hazard showing that a dwelling will not be constructed within the building exclusion zone.
 - Provides assurance that vegetation is managed within the building exclusion zone within lots to the vegetation management requirements listed at Table 6 to Clause 53.02.

[Officers Note: Review section below, reallocated relevant content to Clause 4.0 and reduce duplication]

For Interim Bushfire Hazards:

- The management of the interim bushfire hazard (other than the identified permanent bushfire hazard) in a low threat state as defined in AS 3959-2018 (or subsequent amendments and editions) within the distance specified in Column A in Table 2 to Clause 53.02 or 30 metres, whichever is the greater as measured from the elevation of the dwelling, to ensure that at no time will a dwelling be exposed to a radiant heat flux of more than 12.5 kilowatts/square metre.
- Condition? The mechanism to be used (for example, a Section 173 Agreement or other control) to ensure that the required vegetation management is implemented and in place at all times during the declared fire danger period for the City of Knox.

KNOX PLANNING SCHEME

- Ensure that the location, design and construction of development incorporates and implements bushfire protection measures in accordance with the Building Regulations and published guidance from the relevant fire authority.
- Identify areas where the bushfire hazard requires any other specific interim bushfire management measures (such as, but not limited to, access, means of evacuation and provision of bushfire safety information to people on site) for subdivision and building works to be implemented.

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

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

4.0 Requirements for development plan

A development plan must be generally in accordance with the Concept Plan (Figure 1) of this schedule.

A development plan must include the following plans and documents:

Site Context Analysis and Design Response Report

The Site Context and Design Report must address:

- The urban context and existing conditions showing topography, the surrounding land uses, buildings, access points, adjoining roads, cycle and pedestrian network and public transport.
- Views to be protected and enhanced through the site. This includes the preparation of a view impact analysis of building height in the Small Neighbourhood Activity Centre on views to the Dandenong Ranges National Park from the Dandenong Creek Trail. identified to be protected as outlined in the Urban Design and Landscape Report.
- The holistic stormwater management for the site and those water-related interfaces beyond the site, inclusive of a stormwater harvesting system to irrigate future public open spaces.
- The proposed built form edge and interface treatments to the Dandenong Valley Parklands, future open spaces, and adjacent properties.
- How the acoustic treatments respond to the residential interfaces and any direct residential properties.
- Finished ground level to Australian Height Datum (AHD).
- The key land uses and the location of these uses in each stage.
- The landscape design approach for the site includes key streetscapes and public open space (active and passive recreation areas, natural areas, other public realm) and interface with the Dandenong Valley Parklands including the consideration of bushfire requirements internal and adjacent to the parklands.
- The proposed access arrangement into and through the site, including public transport and active transport modes.
- Urban design principles for the Small Neighbourhood Activity Centre covering the following matters:
 - provision of active edges and landscaped responses to the Dandenong Valley Parklands interface;
 - provision of a town/urban plaza with solar exposure, design for active and passive surveillance;
 - integration of public transport connections into the centre;
 - provision of active edges to public transport connections;
 - access and loading options;

KNOX PLANNING SCHEME

- incorporation of public art, street furniture, public facilities, and placemaking elements;
 - a description of the building height and massing principles across the Mixed Use Zone and a transition of building height to the General Residential zoned land;
 - Building design principles for the residential areas covering the following matters:
 - Maintaining passive surveillance to public open space;
 - Minimising the use of potable water through rainwater tanks plumbed to garden and toilets at lot level;
 - Mitigating urban heat island effect through the use of light materials and colours, and the provisions of canopy trees with adequate permeable space to the satisfaction of the Responsible Authority within each private lots;
 - Integration of bicycle facilities and support infrastructure related to low-emissions vehicle technology.
 - A Bushfire Management Plan prepared by a suitably qualified person that:
 - Demonstrates all lots can achieve a BAL-12.5 construction standard;
 - Shows the required defendable space buffer;
 - Implement a defendable space measured from the residential lot boundaries, where possible, to the satisfaction of the Responsible Authority, and the relevant fire authority;
 - Shows the location of all reserves;
 - Details the classified vegetation of the Dandenong Valley Parklands and addresses how the vegetation within the Dandenong Valley Parklands will be managed and maintained for the purpose of providing defendable space.
 - Shows the road layout and a perimeter road along the northern boundary and between the Forest, Scrub, and Grassland hazards within the proposed Dandenong Valley Parklands;
 - Identifies the vegetation management requirements for areas of defendable space.
 - Indicative Staging Plans including dwelling density calculations for each stage and indicative social housing delivery.
- [Officers Note: provided by ConnectEast]
- The Traffic Noise Assessment recommendations prepared by a qualified acoustic engineer to the satisfaction of the responsible authority and, where applicable, the responsible road authority, which:
 - Demonstrates that the EastLink Freeway traffic noise levels will not exceed the noise level objectives in the VicRoads Traffic Noise Reduction Policy (or any subsequent publication) and the Traffic Noise Criteria set out in the EastLink Criteria (which specifies performance criteria in relation to traffic noise) at the boundary of the EastLink Freeway Reserve.
 - Assesses the existing and anticipated noise levels associated with the operation of EastLink until 2043 based on ultimate traffic volumes.
 - Applies the following traffic noise objectives for noise from EastLink at noise-sensitive land uses:
 - 63 dB LA10,18h for accommodation and hospitals measured externally at 1 metre from the façade of the lowest habitable floor.
 - 63 dB LA.10,12h for education centres (except tertiary institution and employment training centre), libraries and places of worship measured externally at 1 metre from the façade of the lowest noise-sensitive floor.
 - Applies the following traffic noise objectives for noise-sensitive land uses of a residential nature where there is more than one habitable floor:
 - 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am.
 - 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.
 - The intended management of the landfill gas protection measures with the detail on the design of such measures to protect the acoustic and visual amenity of proposed nearby residential properties.

KNOX PLANNING SCHEME

- A preliminary potential odour amenity impacts (Adverse Amenity Impact Assessment) from the Materials Recovery Centre at 257 George Street, Wantirna South and the Knox Waste Transfer Station at 251 George Street, Wantirna South, prepared by a suitably qualified professional and including the views of the Environment Protection Authority, to guide the masterplan layout and determine with sufficient confidence the suitability for any sensitive use within the designated Potential Odour Zone.

Planning Report

A Planning Report which demonstrates how the proposal meets the requirements of the planning scheme.

Masterplan

The Masterplan must include:

- The distribution of land uses throughout the site including public open space, generally in accordance with Figure 1 to this Schedule.
- A description of the indicative composition and siting of the small Neighborhood Activity Centre (envisaged to be up to 1500sqm of retail space) including its interface with the Dandenong Creek Regional Parklands.
- Detail reflecting public open space, infrastructure and other elements consistent with any agreement entered into with the responsible authority.
- A description of the indicative siting, typology, lot configuration and land uses within the mixed use precinct.
- A provision of diverse housing types in terms of size, design and access.
- A hierarchy of public open spaces including an indication on functionality of parks, opportunities for public art.
- Details of the relationship/interface between housing and the public open spaces.
- Details of housing typologies for boundary interfaces where relevant to deal with level changes, acoustics, environmental, and any interface issues, including the interface with the Potential Odour Zone in the instance that sensitive uses are not allowed in this zone.
- Sustainability measures/initiatives to be included in the development, and as part of the building design, aiming for:
 - A Net Zero Greenhouse emissions precinct
 - A 5-star Green Star Communities rating (both at Design and 'as constructed' level)
 - Avoidance of light spill through the use of directional LED lighting and no up-lighting of building facades
 - Dwellings to achieve a minimum of 7.5 stars.
 - Provision of a minimum of two Electric Vehicle Charging Stations with fast charging capabilities in each retail areas and the active open space area.
- Bushfire management related measures.
- Transport connections and access points generally in accordance with Figure 1 to this Schedule and the principles of the Integrated Transport Management Plan.
- Details of the likely staging of land use and development throughout the site.
- A notation that the intensity of land uses must not exceed that adopted for the traffic-generation development scenario (that is 14,000 vehicles per day as per Transport Impact Assessment XXX 2023) that forms part of the approved Integrated Transport Management Plan, unless otherwise agreed in writing by the Responsible Authority. [Officers Note: delete as this is an inappropriate mechanism that cannot be enforced]
- Location of the stormwater detention for the eastern development pad.
- The indicative area subject to the noise attenuations design measures as set out in the endorsed Traffic Noise Assessment.
- Detail on how any required noise attenuation measures will meet the noise level objectives

KNOX PLANNING SCHEME

in VicRoads Traffic Noise Reduction Policy (2005, or any subsequent publication) and the Traffic Noise Criteria set out in the EastLink: Concession Deed (which specifies performance criteria in relation to traffic noise), or as updated, at the boundary of the EastLink Freeway reserve to the satisfaction of ConnectEast.

~~Concession Deed (which specifies performance criteria in relation to traffic noise) or as updated at the boundary of the EastLink Freeway reserve to the satisfaction of ConnectEast.~~ All noise attenuation measures required to satisfy these objectives must be met by the relevant landowner/developer. Where an acoustic barrier is required, it must be provided within the Eastlink Freeway reserve unless otherwise agreed with ConnectEast.

All noise attenuation measures must have a design life of 40 years and any planning permit issued should make provision for a maintenance bond to be provided to ConnectEast for a 10-year maintenance period for the acoustic barrier.

- A notation that dwellings adjacent to the EastLink Freeway reserve achieve compliance with the internal noise levels specified in AS/NZS2107 at all upper level.
- Details of fencing on the boundary of the EastLink Freeway reserve in locations agreed to with ConnectEast. ~~Fencing to mitigate traffic noise from the EastLink Freeway reserve~~ must complement the urban design treatment and landscaping of the EastLink corridor (or within the development depending on final location), restrict access to the EastLink Freeway, prevent unauthorized dumping of materials or rubbish blowing onto the EastLink Freeway reserve and prevent or minimise graffiti and vandalism.
- A notation that buildings and landscaping are setback a minimum of 2 metres from the EastLink boundary to allow for the construction and maintenance of buildings-structures on the land and a notation that access to the EastLink Freeway reserve will not be permitted to be used for construction and maintenance works.
- A notation that no major promotion signs are permitted to be constructed on the land adjacent to the Eastlink Freeway.
- A public access setback in the form of a perimeter road or other access for emergency service vehicles and pedestrians along the southern interfaces of the site.
- The line and distance identifying the extent of the Landfill Gas Protection Zone.
- The line and distance identifying the extent of the Potential Odour Zone from the Materials Recovery Centres.
- Details on how the proposed design, network and layout addresses the potential limitations to sensitive land uses within the Potential Odour Zone, including a notation that future building design within the Zone are subject to Adverse Amenity Impact Assessment.

Landscape Masterplan

The Landscape Masterplan must include:

- A statement explaining how landscape design addresses the strategic directions within the Knox Open Space Plan 2012-2022 (or as amended) and the Knox Liveable Streets Plan 2012-2022 (or as amended).
- ~~A statement explaining how landscape design addresses the strategic directions within the Knox Liveable Streets Plan 2012-2022 (or as amended).~~
- A statement outlining the key landscape design principles and details relating to species selected throughout road reserves, along the site's key external interfaces, and within public open space. A Plan which identifies how the species selection will enhance habitat creation, prioritize indigenous trees/shrubs/grasses given the location of the site adjoining the Dandenong Valley Regional Parklands.
- Details of how the landscaping responds to the need for management of fire risk including any buffer areas in both the public and private realms.
- Details of any landscaping relating to noise mitigation measures such as bunds or noise walls and the landscaping treatment along the residential interfaces to acoustic structure (including a minimum setback of 2 metres clear from EastLink structures to allow for maintenance).
- Details of the open space elements and how they create functional play areas for a range of activities.

KNOX PLANNING SCHEME

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

Integrated Transport Management Plan

The Integrated Transport Management Plan must include:

- An assessment of the expected impact of traffic generated by the development on the existing and future road network and any mitigation measures required to address identified issues, any traffic implications of staging of development as contemplated in the Development Plan, including triggers for the provision of connections to the arterial network and implementation of any mitigation works to the satisfaction of the relevant road authorities and the responsible authority.;
- Traffic linked / network microsimulation modelling (e.g. microsimulation) to the satisfaction of the responsible authority and relevant road authorities of base case and future conditions predicated on a distribution analysis of generated traffic having regard to:
 - the nature and breakup of residential trip purposes
 - the current surrounding network
 - the impact on nearby intersections (name them?) of High Street Road and the EastLink interchange
 - the likely origin and destination of trips based on:
 - residential precincts within the site
 - connections to the arterial network
 - location of nearby services and facilities
 - journey to work data.
- A statement explaining how the integrated transport network addresses the strategic directions within the Knox Liveable Streets Plan 2012-2022 (or as amended).
- AusNet Transmission Group approval for any roads proposed within the AusNet Transmission Group easement.
- An indicative road, bicycle, and pedestrian network plan showing:
 - vehicular access to the proposed internal road network;
 - pedestrian and bicycle access from surrounding areas, including both on-street and dedicated off-street facilities connecting to existing linkages to nearby residential areas;
 - 800 metres ground walkability catchment to the Small Neighbourhood Activity Centre;
 - a street network that makes provision for a vehicular link between High Street Road and George St but which discourages non-local through-traffic;
 - a pedestrian and shared paths network that prioritises walkability, distance and accessibility to destination, and desire path principles towards public open spaces, transit stops, and the Small Neighbourhood Activity Centre;
 - layout of internal roads, including a hierarchy of the roads that specifies the purpose, function, cross sections, and widths of the road reserves for each road type;
 - provision for bus movement through the site;
 - provision of safe, well-lit and direct pedestrian connections from the bus capable through road;
 - provision of emergency services and waste collection services through the site;
 - provision for vehicle crossing and maintenance access to the Dandenong Valley Parklands and the AusNet Transmission Group pylons.

KNOX PLANNING SCHEME

- a pedestrian and cycle shared path network, both throughout the site and to the existing network at Jells Park, Nortons Park, High Street Road, Blind Creek and the EastLink Trail;
- a connected footpath network both throughout the site and to the Dandenong Valley Parklands, and the external network;--
- provision for a future reserve access to the Roads Corporation land to the south of the site (Lot 1 TP951327 Vol 9108 Folio 354) to the satisfaction of the relevant road authorities;
- Provision for large maintenance vehicle access-movements through the site to access the AusNet Transmission Group pylons.

Construction and Environmental Management Concept

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

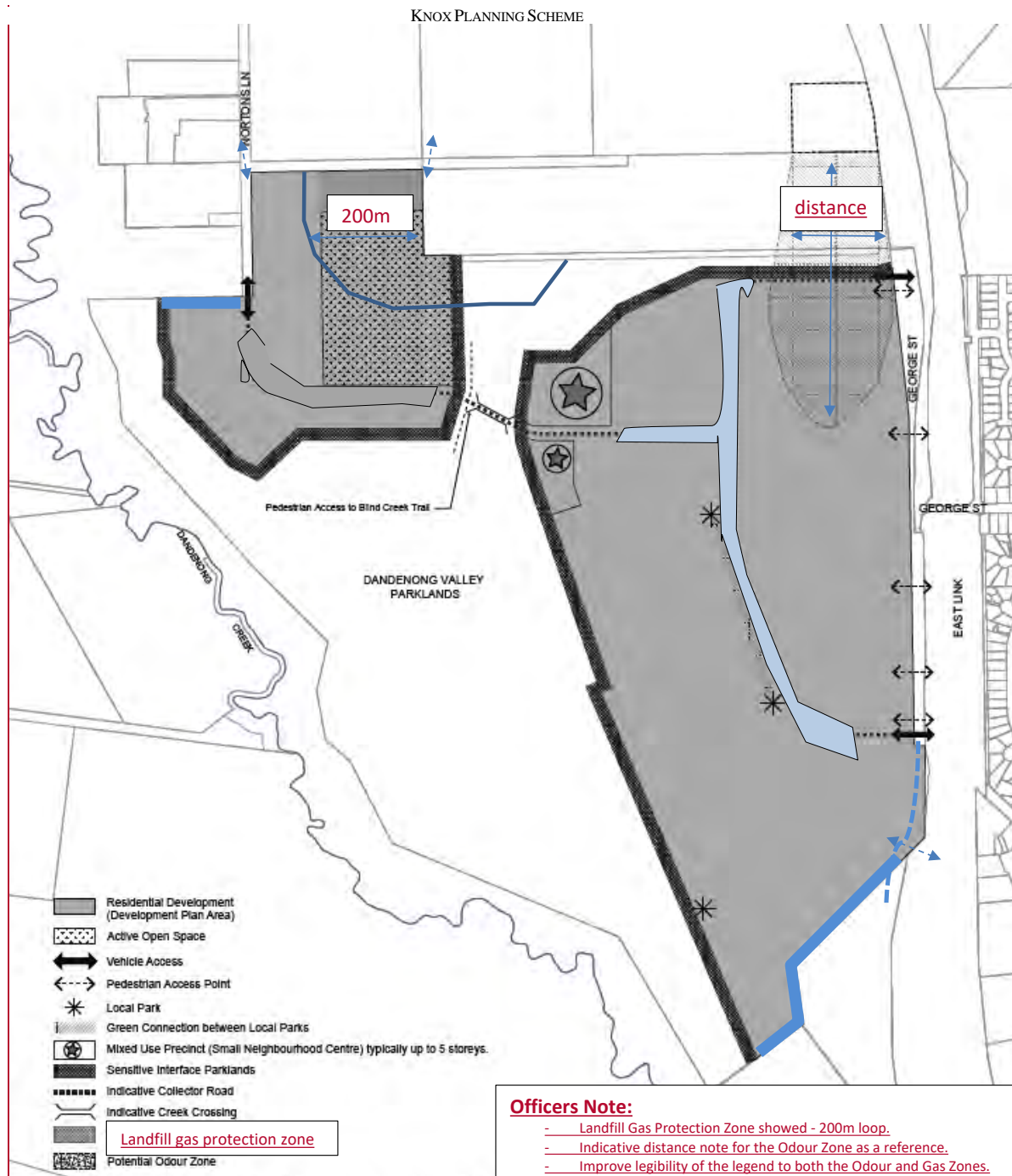
Integrated Water Management Plan

The Integrated Water Management Plan must include:

- Detailed information on how stormwater will be managed in a holistic manner.
- An assessment of the pre-development and expected post-development stormwater conditions.
- Details of how stormwater can be efficiently filtered, infiltrated and harvested on site to limit off-site discharge and meet all relevant State Government water quality targets, including:
 - Total Suspended Solids (TSS)
 - Total Nitrogen (TN)
 - Total Phosphorus (TP)
 - Total flows.
- Details of how the proposed development will either maintain or increase overall floodplain storage capacity of the site.
- Details of how the proposed development will limit avulsion to minimise the risk of:
 - erosion of the creek channel or floodplain;
 - transportation of sediment downstream;
 - damage to or destruction of natural habitat and stream ecology;
 - damage to or destruction of built assets; and
 - changes in the course of the Blind Creek.
- Details of remediation works within the wetlands and along the riparian zone of the Blind Creek to the satisfaction of the responsible authorities.
- Details of any proposed modifications to the Blind Creek, including where such modifications are required to address the location of stormwater detention wetlands, and how these modifications will improve water quality and protect and enhance stream ecology.
- Details of any naturalization elements (addition of ponds and riffles, revegetation) to Blind Creek to improve its overall amenity and accessibility to it without materially changing its current course.
- Details of how the proposed development will accommodate a 1 in 100 year ARI flood level inclusive of climate change.
- Details of how the proposed development will respond to a 1 in 200 year ARI flood event within the adjacent floodplain.
- Details of how any existing drainage infrastructure will be modified and how modifications will maintain or enhance hydraulic performance and flood protection of the local area.
- Necessary site control measures during the construction of any drainage works.

KNOX PLANNING SCHEME

- Design and location of stormwater detention wetlands, including approval for the design, size, location, and configuration of any wetlands within the AusNet Transmission Group easement, to the satisfaction of the responsible authority and AusNet Transmission Group.
- Details of wetlands and stormwater maintenance works.
- A statement that:
 - all surface water (up to the 1 in 100 year ARI storm event) and underground drainage will be directed away from the EastLink Freeway reserve (and Eastlink Wetland located on George Street); and
 - any works and earthworks on the site must have no detrimental effect on the flood levels and drainage paths in and around the EastLink Freeway reserve.
 - All surface water runoff must connect to an existing Council or drainage authority water or piped asset prior to entering the EastLink Freeway reserve.
- Notation of the requirement for a Wetlands Maintenance and Operation Plan, to the satisfaction of the responsible authority (Melbourne Water), prior to hand over to the public land manager of the ownership and management of stormwater infrastructure.
- Arrangements for handover to the public land manager of the ownership and management of stormwater infrastructure subsequent to the maintenance period.



Note: Bushfire Separation Distances Apply as per Terra Matrix Report dated XX July 20

DPO CONCEPT PLAN

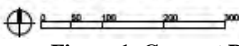
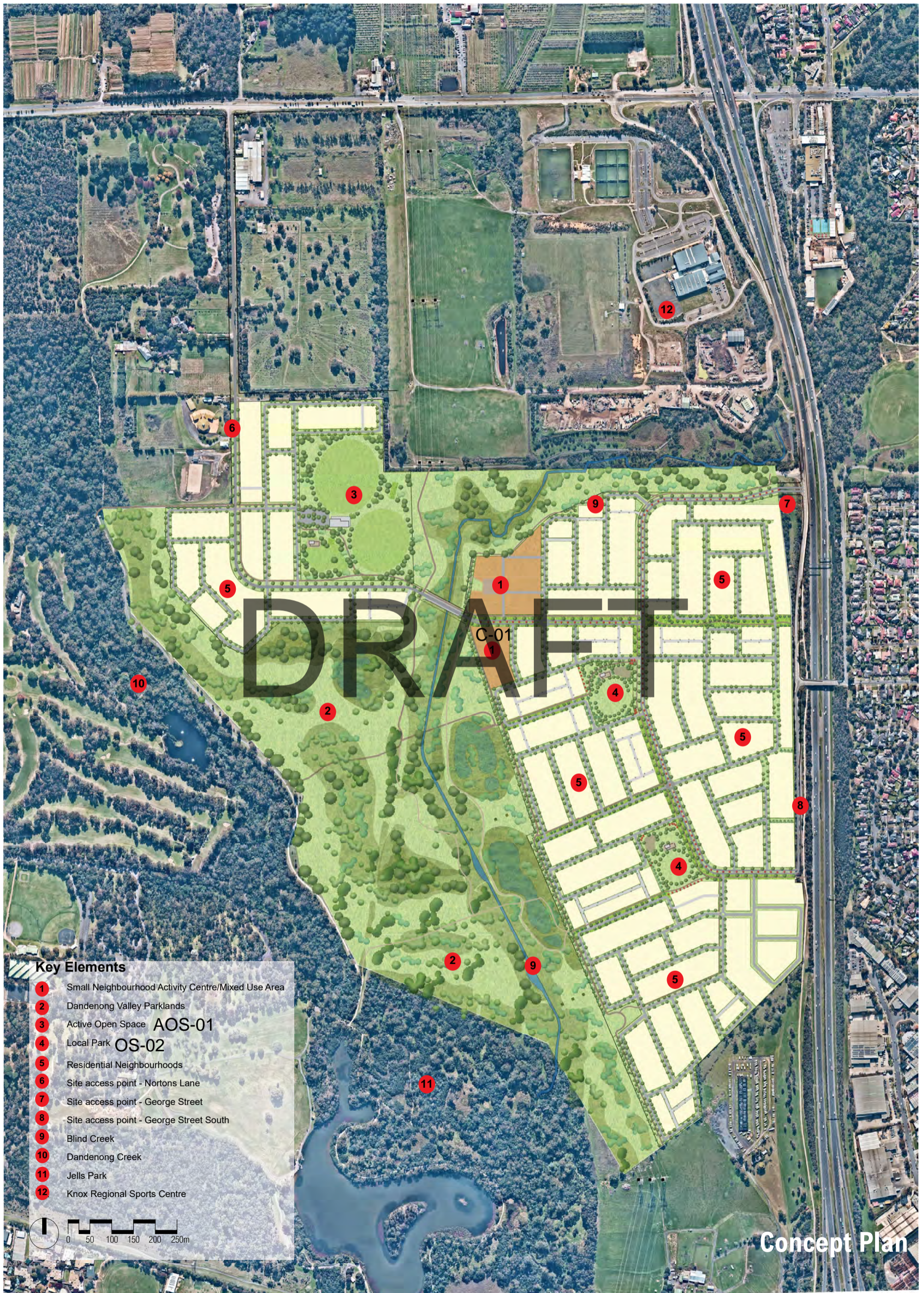
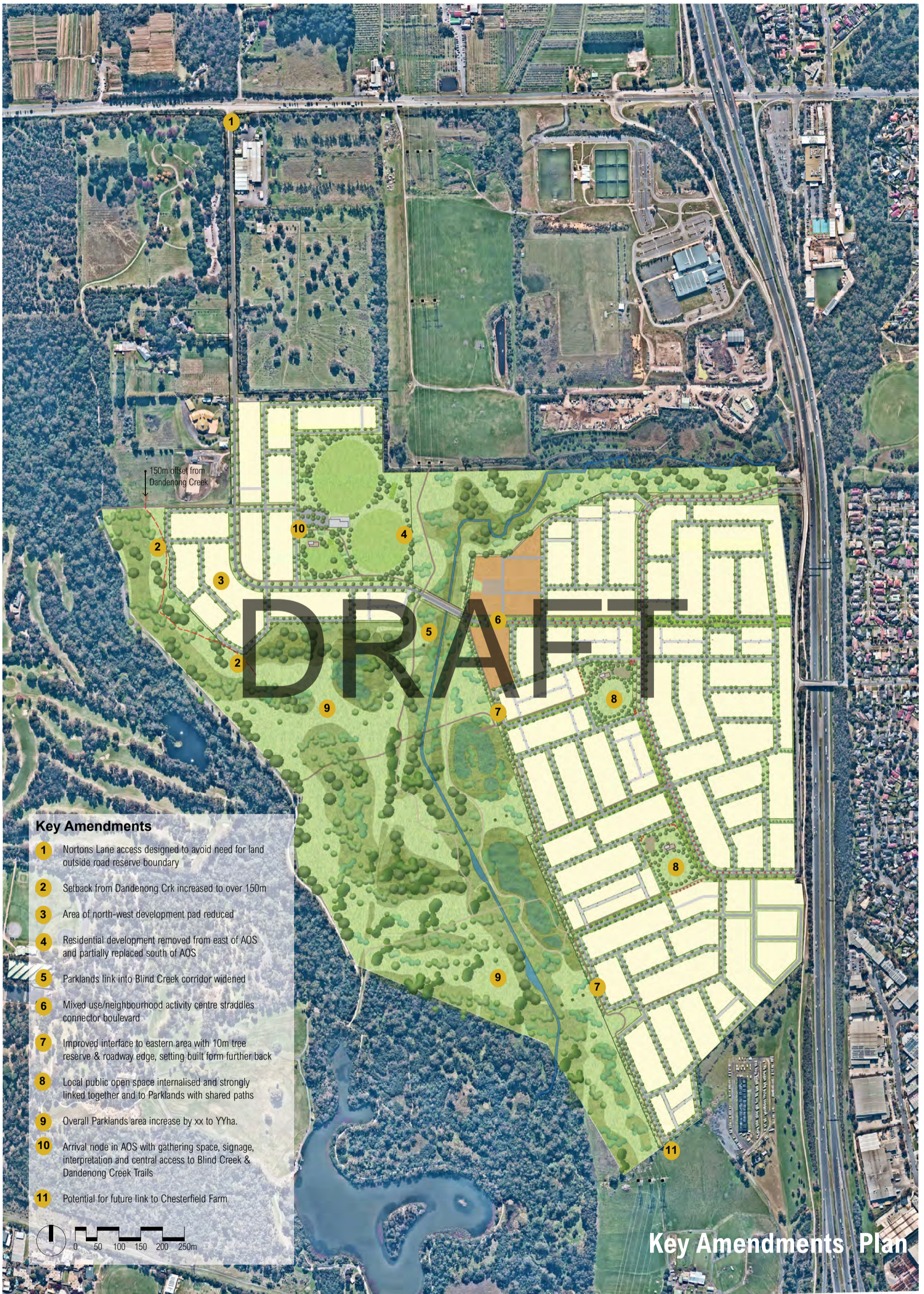


Figure 1: Concept Plan (Indicative Only)

Officers Note:

- Landfill Gas Protection Zone showed - 200m loop.
- Indicative distance note for the Odour Zone as a reference.
- Improve legibility of the legend to both the Odour and Gas Zones.
- Add pedestrian access point to Eastlink in SE
- Add 'collector' to DoT land to the south as per DoT requirements
- Pedestrian connections towards High Street Road/Nortons Park (as per background documents)
- Sensitive interface parklands on the southside (east pad) and northern side (west pad)
- Remove internal collector road layout within the estate as shown (as per DoT's letter) leaving only the bridge and start of each vehicle access
- Central access is preferred over Nortons and state that a 'vehicle access' arrow needs to be shown running on the edge of the active open space area
- Provide digital copy of the Figure 1 file.







7 Public Question Time

8 Officer Reports

8.1 Minor Grants Program 2023-2024 Monthly Report - January

SUMMARY: Community Partnerships Officer, Jade Mainwaring

This report summarises the grant applications recommended for approval in January for the 2023-2024 Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Procedure.

Applications under the Minor Grants Procedure are limited to a maximum of \$3,000.00 within the current financial year.

RECOMMENDATION

That Council:

1. Approve two applications for a total of \$5,180.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
All Stars Choir	All Stars Choir Music Sessions	\$3,000.00	\$3,000.00
Ferntree Gully Eagles Football Netball Club	Canteen Upgrade	\$2,180.00	\$2,180.00
Total		\$5,180.00	\$5,180.00

2. Refuse one application requesting a total of \$3,000.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Carrington Park Squash Club	Drinking Fountain	\$3,000.00	\$0.00
Total		\$3,000.00	\$0.00

3. Note that should the recommended grants be approved by Council, the remaining Minor Grants Program budget for 2023-2024 will be \$51,279.26 before GST adjustments.

1. INTRODUCTION

The Minor Grants Program provides a pool of grant funding that can respond on a monthly basis to requests for small amounts of funding to assist with short term, one-off projects or initiatives that are relatively minor in nature.

The objective of the Minor Grants Program is to be an accessible and responsive funding source to assist a wide range of community led activities across the municipality and support volunteer effort and civic participation.

It operates under the principles of other Knox Council grants programs to ensure:

- Funded projects will provide benefit to the Knox community and help meet Council objectives;
- Co-operation and collaboration between groups will be encouraged;
- The grant process will be consistent, equitable and transparent; and

- The grant process will support and strengthen community groups in developing local solutions to local needs.

Applications are assessed against criteria specified in the Minor Grants Program Procedure (approved in November 2022), to determine the eligibility of the applicant organisation and the eligibility of the grant application.

The Procedure and Council's Grant Framework Policy set out an open and transparent grant program that meets the principles of good governance and is compliant with the requirements of the Local Government Act 2020.

In accordance with the Procedure, applications for funding have been assessed by the Chief Executive Officer, or delegate, for Council's approval.

2. DISCUSSION

This report presents to Council the recommendations for recent Minor Grant applications in accordance with the Procedure.

2.1 Applications Recommended for Approval

Three applications have been assessed this month, requesting grants totaling \$8,180.00. Of these, two are recommended for approval.

A summary of the projects recommended is as follows:

- All Stars Choir are seeking grant support for the purchase of PA equipment and microphones to be used by people with a disability during the Choir's live music sessions; and
- Ferntree Gully Eagles Football Netball Club are seeking a grant to assist with the canteen upgrade, with the purchase of an electric stove to replace the current aged gas stove, to improve the safety of their volunteers.

Application details are provided in Attachment 1.

2.2 Applications Recommended for Refusal

One application received this month from Carrington Park Squash Club for the purchase of a drinking fountain, is recommended for refusal as it is beyond the scope of the Minor Grants Program. Under the proposed lease agreement, the lease holder is responsible for fit-out of the facility. If this asset is required, it is the responsibility of the lease holder to fund and install. The Squash Club have been encouraged to identify projects that have a direct benefit to the group for consideration in future Minor Grants rounds.

2.3 Applications Recommended for Deferral

There are no applications recommended for deferral this month.

There was one application deferred at the December 2023 Ordinary Meeting of Council. The applicant, Ferntree Gully Eagles Football Netball Club, have now provided the requested additional information and are now recommended for funding.

3. CONSULTATION

Consultation is undertaken with organisations in relation to their grant applications whenever possible and if necessary, to clarify details regarding their applications prior to Council's consideration.

Advice or information may be sought from officers across Council in relation to either the applying organisation or the proposed project, or both, if considered necessary.

The Minor Grants Program Procedure specifies assessment can occur by the Chief Executive Officer, or delegate, and make recommendation for Council's determination.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

There are no environmental or amenity issues associated with this report.

6. FINANCIAL & ECONOMIC IMPLICATIONS

The approval of Minor Grants is managed within Council's adopted budget. The 2023-2024 budget provides \$153,617.00 for the Minor Grants Program.

Funding commitments to date are summarised below:

Month	Amount Committed at Date of Council Meeting	Amount Committed and Paid after GST Adjustments
July 2023	\$18,914.44	\$18,204.40
August 2023	\$25,426.03	\$23,892.21
September 2023	\$13,370.77	\$12,450.86
October 2023	\$22,127.00	\$21,647.00
November 2023	\$9,791.00	\$9,381.91
December 2023	\$12,335.50	\$11,581.36
Total	\$101,964.74	\$97,157.74

Recommended applications for the January period total \$5,180.00 (prior to GST adjustments).

If approved as recommended, the remaining Minor Grants budget for 2023-2024 will total \$51,279.26, prior to GST adjustments for this month.

7. SOCIAL IMPLICATIONS

The Minor Grants Program allows Council to respond promptly to requests from Knox- based community groups for small amounts of funding to assist a variety of community-based programs, projects or activities. Council's Minor Grants are a simple and streamlined source of funding that can make a significant difference for local community organisations in need of short-term, specific purpose assistance.

8. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Opportunity & Innovation

Strategy 1.2 - Encourage and support opportunities for skills development and lifelong learning for all people in Knox.

Neighbourhoods, Housing & Infrastructure

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

Resilience & Wellbeing

Strategy 4.1 – Support our community to improve their physical, mental and social health and wellbeing.

Strategy 4.2 – Foster inclusivity, equality, belonging and safety within the community.

Strategy 4.4 - Support the community to identify and lead community strengthening initiatives.

Civic Engagement & Integrity

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

9. CONFLICT OF INTEREST

Council’s Community Partnerships Officer, Jade Mainwaring, has declared a Conflict of Interest under Chapter 5 of the Governance Rules of Knox City Council, and has not been involved in the assessment process, eligibility check process, or recommendations of the applications recommended for approval in this report.

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: Community Partnerships Officer, Jade Mainwaring
Report Authorised By: Director Connected Communities, Judy Chalkley

Attachments

1. Attachment - Minor Grant Applications REDACTED - JANUARY - 2024 [8.1.1 - 16 pages]

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 3 of 3)
Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club
 Form Submitted 8 Jan 2024, 2:31PM AEDT

MINOR GRANTS PROGRAM APPLICATION FORM

* indicates a required field

Minor Grants Information

To be eligible for a Minor Grant, applying organisations must:

- Provide services, projects and programs that directly benefit residents of the City of Knox.
- Be a not-for-profit legal entity that provides services, support or activities to the Knox community (or auspiced by an incorporated body or other not-for-profit legal entity).
- Have an Australian Business Number or complete a Statement by Supplier form.
- Have a Committee of Management or similar governing body that accepts responsibility for the administration of the Grant.
- Hold adequate public liability insurance appropriate to the activity outlined in the application.

Your project start date must be after the Council meeting date where your application is being presented for approval. Projects that are due to begin before the Council meeting date at which they're being presented will not be considered.

Submission deadline Council meeting date

6 October 2023 23 October 2023

10 November 2023 27 November 2023

1 December 2023 18 December 2023

5 January 2024 22 January 2024

9 February 2024 26 February 2024

8 March 2024 25 March 2024

5 April 2024 22 April 2024

10 May 2024 27 May 2024

7 June 2024 24 June 2024

Application Amount	Incorporated or Auspiced?	Assessment & Determination	Acquittal
< \$500	Yes	Assessed and determined by the CEO or delegate.	Proof of expenditure / purchase (i.e. receipt).
\$501 to \$1,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Proof of expenditure / purchase (i.e. receipt).
\$1,001 to \$3,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Funding Agreement & Acquittal required.

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 3 of 3)
Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club
 Form Submitted 8 Jan 2024, 2:31PM AEDT

Application Category

Application Amount *

< \$500 \$501 to \$1,000 \$1,001 to \$3,000

APPLICANT DETAILS

*** indicates a required field**

Applicant Details

Organisation Name *

Ferntree Gully Eagles Football Netball Club

Organisation Address *

Glenfern Rd
Ferntree Gully VIC 3156 Australia
Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required.

Contact Name

[Redacted]

Contact Address *

[Redacted]

Province, Postcode, and Country are required.

Phone Number *

[Redacted]

Australian phone number.

Phone Number

Must be an Australian phone number.

[Redacted]

Committee Secretary (Second Contact Person) *

[Redacted]

Mobile Phone Number *

[Redacted]

Must be an Australian phone number.

[Redacted]

Must be an email address.

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 3 of 3)
Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club
 Form Submitted 8 Jan 2024, 2:31PM AEDT

Please provide your ABN
 49 562 259 379

Information from the Australian Business Register	
ABN	49 562 259 379
Entity name	Ferntree Gully Eagles Football Netball Club
ABN status	Active
Entity type	Other Incorporated Entity
Goods & Services Tax (GST)	Yes
DGR Endorsed	No
ATO Charity Type	Not endorsed More information
ACNC Registration	No
Tax Concessions	No tax concessions
Main business location	3156 VIC
<i>Information retrieved at 12:02am today</i>	

Must be an ABN.
 provide ABN of auspice organisation if relevant. If no ABN please complete a Statement by Supplier declaration.

Is your organisation Incorporated? *

Yes No

If no, please confirm if you are a registered not-for-profit legal entity

Committee/Governance Structure

Complete the details of your full committee below:

Committee Member Full Name	Position	Email Address	Phone Number
			Must be a number.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Minor Grants Program - 2023-2024

Minor Grant Program Application Form 2023-2024 (Version 3 of 3)

Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club

Form Submitted 8 Jan 2024, 2:31PM AEDT

Incorporation Details

Please provide your Incorporated number

A0102940G

This can be found on the Consumer Affairs Victoria website

Child Safety

Knox City Council has a zero tolerance for child abuse. Organisations that provide services or facilities for children are required by law to comply with the Victorian Child Safe Standards to safeguard children.

Obligations are detailed on the Commission for Children and Young People (CCYP) website [CCYP | Child Safe Standards](#)

Organisations providing services, facilities or activities for children under 18 must:

1. Ensure a representative from your organisation has completed relevant Child Safe Training, and
2. Complete a Statutory Declaration regarding compliance with the Victorian Child Safe Standards: [Click here to download Knox City Council Statutory Declaration Template](#)

Please confirm that your organisation is aware of its obligations as detailed on the Commission for Children and Young People (CCYP) website *

Yes, we are aware of our obligations regarding the new Child Safe Standards that came into effect 1 July 2022 and can meet the requirements relevant to our organisation. We will attach a Statutory Declaration detailing our commitment to ensuring our organisation and all Council funded programs, services, events and/or activities are compliant with the Child Safe standards.

Our organisation does not provide any services, facilities or activities for children under 18.

If you have answered yes to the above, please attach your signed Statutory Declaration here

Filename: Stat Dec pg 1.jpg

File size: 587.4 kB

Filename: Stat Dec pg 2.jpg

File size: 466.4 kB

Pre-application contact with Knox City Council

Have you discussed your application with any Knox Council Officer? If so, please provide details below:

Belinda

Community Strengthening e-Bulletin Subscription

To subscribe to our e-Bulletin containing information on community training, grants and more, please follow the link below:

[Subscribe here](#)

Minor Grants Program - 2023-2024**Minor Grant Program Application Form 2023-2024 (Version 3 of 3)****Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club**

Form Submitted 8 Jan 2024, 2:31PM AEDT

PROJECT DETAILS*** indicates a required field****Request Details****Project Title ***

canteen upgrade

Project Start Date *

01/03/2024

Must be a date after the Council meeting at which your application is being presented. See dates at beginning of this application for guidance.

Project End Date *

30/06/2024

Must be a date.

(a) Briefly describe details of the request: *

The canteen at Wally Tew Reserve requires a new stove as the ignition switch does not work at all so we manually have to put a flame to the gas, and we spend up to about 15-20 mins trying to light the 2 burners that work out of the 4 burners. This releases a lot of gas and also time lost in preparation for canteen customers. The automatic ignition does not work and we have to use a manual flame to try and light the burner which often results in a large flame in our face. We would love to be able to replace this with a safe and fully functional cook top so our volunteers can work in a safe and comfortable environment. We have been advised that we will now have to purchase an electric stove to replace the current gas stove so this should help with the safety aspect for our volunteers.

(b) What community benefit is gained from this project / activity? *

The community would benefit from this, as we would be able to provide more variety of foods and in a safe and healthy manner. Our volunteers would be able to work in a safer working environment and be able to provide our customers and community with suitable food standards. This in turn will also help generate income for the football and cricket clubs which will then go back into the daily running's of each club which will benefit the community as a whole.

How many people who identify as volunteers (including committee members) are currently involved in keeping your group / organisation active? *

20

Must be a number

How many people will directly benefit from or participate in your project / activity? *

400

Must be a number

How many of the above are Knox residents? *

300

Must be a number

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 3 of 3)
Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club
 Form Submitted 8 Jan 2024, 2:31PM AEDT

BUDGET

*** indicates a required field**

(c) What is the total cost of the project / activity? *

\$2,180.00

Must be a dollar amount.

What is the total budgeted cost (dollars) of your project?

(d) What amount is being requested? *

\$2,180.00

Must be a dollar amount.

What is the total financial support you are requesting in this application?

Budget

Income = grant/s requested, contribution from your organisation, ticket sales etc

NOTE: total income must match total expenditure

Income	Income Amount	Expenditure	Expenditure Amount
Please describe income item (ie: council grant, your organisations cash contribution, ticket sales etc	\$AUD	Please describe expenditure item ie: venue hire	\$ AUD
grant	\$2,180.00	appliances and labour	\$2,180.00

Budget Totals

Total Income Amount

\$2,180.00

This number/amount is calculated.

Total Expenditure Amount

\$2,180.00

This number/amount is calculated.

Income - Expenditure

\$0.00

This number/amount is calculated.

Must total \$0.00

If your income is only the Minor Grant requested, the below will show \$0 and you will be directed to the following page

If your only income is only the Minor Grant requested, the total below will be \$0

\$0.00

This number/amount is calculated.

Quotes For Planned Expenses

Attach quotes for expenses here. *

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 3 of 3)
Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club
 Form Submitted 8 Jan 2024, 2:31PM AEDT

Filename: D&E Electrical and Construction Quote QFG01 4.1.23.pdf
 File size: 24.4 kB

Filename: Electric oven.JPG
 File size: 21.8 kB

Filename: Parklane Plumbing Services Quote 5.1.24.pdf
 File size: 439.6 kB

A minimum of 1 file must be attached.
 Quotes must support all expenditure items listed in table above

ADDITIONAL SUPPORTING INFORMATION

*** indicates a required field**

Evidence of Public Liability

Evidence of current Public Liability Insurance must be supplied *

Filename: Public Liability Insurance 23.24.pdf
 File size: 98.9 kB

A minimum of 1 file must be attached.

Public Liability Expiry Date *

31/03/2024

If the expiry date is prior to project completion date, you may be requested to supply an updated certificate upon renewal

Please attach any other relevant supporting documentation. This can include:

- **A project plan**
- **Letters of support**
- **Any other relevant information you feel is necessary to support your application**

Attach relevant documentation:

No files have been uploaded

DECLARATION

*** indicates a required field**

Conflict of Interest

Do you or member of your organisation have a relationship with a Council staff member or Councillor? *

Yes No

A relationship can include a direct relative, member or the household, neighbour, or friend. If you have any queries regarding this, please call Council's Community Partnerships Team on 9298 8000 to

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 3 of 3)
Application No. 2324-MGP-70 From Ferntree Gully Eagles Football Netball Club
Form Submitted 8 Jan 2024, 2:31PM AEDT

discuss.

Does your organisation have any members who are Council staff members or Councillor? *

- Yes
- No

I declare that all information within this application is true and correct.
If successful the organisation commits to provide an acquittal of all grant funds to Council as outlined in the Minor Grants Program Procedure.

Name *

[Redacted]

Organisation Name *

Ferntree Gully Eagles Football Netball Club

Position (eg: President, Treasurer) *

[Redacted]

Declaration Date *

[Redacted]

ate.

Privacy Statement

The personal information requested in this application form is for the purposes of administering the Minor Grants Program and will only be used by Council for that primary purpose or directly related purposes. Whilst information relating to groups and the specific request/project details will be published, personal information in regards to individuals will not be disclosed except as required by law.

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 2 of 2)
Application No. 2324-MGP-96 From All Stars Choir
 Form Submitted 18 Dec 2023, 9:15PM AEDT

MINOR GRANTS PROGRAM APPLICATION FORM

* indicates a required field

Minor Grants Information

To be eligible for a Minor Grant, applying organisations must:

- Provide services, projects and programs that directly benefit residents of the City of Knox.
- Be a not-for-profit legal entity that provides services, support or activities to the Knox community (or auspiced by an incorporated body or other not-for-profit legal entity).
- Have an Australian Business Number or complete a Statement by Supplier form.
- Have a Committee of Management or similar governing body that accepts responsibility for the administration of the Grant.
- Hold adequate public liability insurance appropriate to the activity outlined in the application.

Your project start date must be after the Council meeting date where your application is being presented for approval. Projects that are due to begin before the Council meeting date at which they're being presented will not be considered.

Submission deadline Council meeting date

6 October 2023 23 October 2023

10 November 2023 27 November 2023

1 December 2023 18 December 2023

5 January 2024 22 January 2024

9 February 2024 26 February 2024

8 March 2024 25 March 2024

5 April 2024 22 April 2024

10 May 2024 27 May 2024

7 June 2024 24 June 2024

Application Amount	Incorporated or Auspiced?	Assessment & Determination	Acquittal
< \$500	Yes	Assessed and determined by the CEO or delegate.	Proof of expenditure / purchase (i.e. receipt).
\$501 to \$1,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Proof of expenditure / purchase (i.e. receipt).
\$1,001 to \$3,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Funding Agreement & Acquittal required.

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 2 of 2)
Application No. 2324-MGP-96 From All Stars Choir
 Form Submitted 18 Dec 2023, 9:15PM AEDT

Application Category

Application Amount *

< \$500 \$501 to \$1,000 \$1,001 to \$3,000

APPLICANT DETAILS

* indicates a required field

Applicant Details

Organisation Name *

All Stars Choir

Organisation Address *

265 Canterbury Rd
Bayswater North VIC 3153 Australia

Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required.

Contact Name

[Redacted]

Address *

[Redacted]

Address Line 1, Suburb/Town, State/Province, Postcode, and Country are required.

Phone Number *

[Redacted]

Australian phone number.

Mobile Number

[Redacted]

Australian phone number.

[Redacted]

Committee Secretary (Second Contact Person) *

[Redacted]

Mobile Phone Number *

[Redacted]

Must be an Australian phone number.

[Redacted]

Must be an email address.

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 2 of 2)
Application No. 2324-MGP-96 From All Stars Choir
 Form Submitted 18 Dec 2023, 9:15PM AEDT

Please provide your ABN
 72 762 807 388

Information from the Australian Business Register	
ABN	72 762 807 388
Entity name	All Stars Chior
ABN status	Active
Entity type	Other Incorporated Entity
Goods & Services Tax (GST)	No
DGR Endorsed	No
ATO Charity Type	Not endorsed More information
ACNC Registration	No
Tax Concessions	No tax concessions
Main business location	3136 VIC
<i>Information retrieved at 12:28am yesterday</i>	

Must be an ABN.
 provide ABN of auspice organisation if relevant. If no ABN please complete a Statement by Supplier declaration.

Is your organisation Incorporated? *

Yes No

If no, please confirm if you are a registered not-for-profit legal entity

Committee/Governance Structure

Complete the details of your full committee below:

Committee Member Full Name	Position	Email Address	Phone Number
			Must be a number.

Incorporation Details

Please provide your Incorporated number

A0094590G

This can be found on the Consumer Affairs Victoria website

Child Safety

Minor Grants Program - 2023-2024

Minor Grant Program Application Form 2023-2024 (Version 2 of 2)

Application No. 2324-MGP-96 From All Stars Choir

Form Submitted 18 Dec 2023, 9:15PM AEDT

Knox City Council has a zero tolerance for child abuse. Organisations that provide services or facilities for children are required by law to comply with the Victorian Child Safe Standards to safeguard children.

Obligations are detailed on the Commission for Children and Young People (CCYP) website [CCYP | Child Safe Standards](#)

Organisations providing services, facilities or activities for children under 18 must:

1. Ensure a representative from your organisation has completed relevant Child Safe Training, and
2. Complete a Statutory Declaration regarding compliance with the Victorian Child Safe Standards: [Click here to download Knox City Council Statutory Declaration Template](#)

Please confirm that your organisation is aware of its obligations as detailed on the Commission for Children and Young People (CCYP) website *

Yes, we are aware of our obligations regarding the new Child Safe Standards that came into effect 1 July 2022 and can meet the requirements relevant to our organisation. We will attach a Statutory Declaration detailing our commitment to ensuring our organisation and all Council funded programs, services, events and/or activities are compliant with the Child Safe standards.

Our organisation does not provide any services, facilities or activities for children under 18.

If you have answered yes to the above, please attach your signed Statutory Declaration here

No files have been uploaded

Pre-application contact with Knox City Council

Have you discussed your application with any Knox Council Officer? If so, please provide details below:

Jade Mainwaring - Community Partnerships Officer

Community Strengthening e-Bulletin Subscription

To subscribe to our e-Bulletin containing information on community training, grants and more, please follow the link below:

[Subscribe here](#)

PROJECT DETAILS

*** indicates a required field**

Request Details

Project Title *

All Stars Choir music sessions

Project Start Date *

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 2 of 2)
Application No. 2324-MGP-96 From All Stars Choir
 Form Submitted 18 Dec 2023, 9:15PM AEDT

24/01/2024

Must be a date after the Council meeting at which your application is being presented. See dates at beginning of this application for guidance.

Project End Date *

31/12/2024

Must be a date.

(a) Briefly describe details of the request: *

Financial support to continue to provide a live music program for people with disability. We need financial support for the purchase, maintenance and upgrade of PA equipment and instruments to be used by people with disability during the live music sessions.

At the end of 2022 we averaged 15 to 20 at a session. As at the end of 2023 we regularly have 45 attend the sessions. Due to the increase in numbers we need to purchase specific music equipment in order to continue to provide a quality and inclusive music program.

(b) What community benefit is gained from this project / activity? *

People with disability benefit from attending all stars sessions where they are free to access the community, meet others and develop friendships and participate in live music supported professional Australian Musicians.

The All Stars program is a real live amplified music experience where people with a disability perform on stage using professional sound equipment and instruments supported by Professional Australian musicians.

How many people who identify as volunteers (including committee members) are currently involved in keeping your group / organisation active? *

6

Must be a number

How many people will directly benefit from or participate in your project / activity? *

50 plus

Must be a number

How many of the above are Knox residents? *

30 (approximate)

Must be a number

BUDGET

*** indicates a required field**

(c) What is the total cost of the project / activity? *

\$3,000.00

Must be a dollar amount.

What is the total budgeted cost (dollars) of your project?

(d) What amount is being requested? *

\$3,000.00

Must be a dollar amount.

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 2 of 2)
Application No. 2324-MGP-96 From All Stars Choir
 Form Submitted 18 Dec 2023, 9:15PM AEDT

What is the total financial support you are requesting in this application?

Budget

Income = grant/s requested, contribution from your organisation, ticket sales etc
NOTE: total income must match total expenditure

Income	Income Amount	Expenditure	Expenditure Amount
Please describe income item (ie: council grant, your organisations cash contribution, ticket sales etc)	\$AUD	Please describe expenditure item ie: venue hire	\$ AUD
Know minor grants	\$3,000.00	Purchase of PA and microphones	\$3,000.00
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$

Budget Totals

Total Income Amount	Total Expenditure Amount	Income - Expenditure
\$3,000.00 <small>This number/amount is calculated.</small>	\$3,000.00 <small>This number/amount is calculated.</small>	\$0.00 <small>This number/amount is calculated. Must total \$0.00</small>

If your income is only the Minor Grant requested, the below will show \$0 and you will be directed to the following page

If your only income is only the Minor Grant requested, the total below will be \$0
 \$0.00
This number/amount is calculated.

Quotes For Planned Expenses

Attach quotes for expenses here. *

Filename: All Stars Choir quote for planned expences.pdf
 File size: 280.8 kB

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 2 of 2)
Application No. 2324-MGP-96 From All Stars Choir
 Form Submitted 18 Dec 2023, 9:15PM AEDT

A minimum of 1 file must be attached.
 Quotes must support all expenditure items listed in table above

ADDITIONAL SUPPORTING INFORMATION

*** indicates a required field**

Evidence of Public Liability

Evidence of current Public Liability Insurance must be supplied *

Filename: Certificate of Currency-All Stars Choir-Public Liability.pdf
 File size: 64.5 kB
 A minimum of 1 file must be attached.

Public Liability Expiry Date *

20/01/2024

If the expiry date is prior to project completion date, you may be requested to supply an updated certificate upon renewal

Please attach any other relevant supporting documentation. This can include:

- **A project plan**
- **Letters of support**
- **Any other relevant information you feel is necessary to support your application**

Attach relevant documentation:

No files have been uploaded

DECLARATION

*** indicates a required field**

Conflict of Interest

Do you or member of your organisation have a relationship with a Council staff member or Councillor? *

Yes No

A relationship can include a direct relative, member or the household, neighbour, or friend. If you have any queries regarding this, please call Council's Community Partnerships Team on 9298 8000 to discuss.

Does your organisation have any members who are Council staff members or Councillor? *

Yes
 No

Minor Grants Program - 2023-2024
Minor Grant Program Application Form 2023-2024 (Version 2 of 2)
Application No. 2324-MGP-96 From All Stars Choir
Form Submitted 18 Dec 2023, 9:15PM AEDT

I declare that all information within this application is true and correct.
If successful the organisation commits to provide an acquittal of all grant funds to Council as outlined in the Minor Grants Program Procedure.

Name *

[REDACTED]

Organisation Name *

All Stars Choir

Position (eg: President, Treasurer) *

[REDACTED]

Declaration Date *

[REDACTED]

Privacy Statement

The personal information requested in this application form is for the purposes of administering the Minor Grants Program and will only be used by Council for that primary purpose or directly related purposes. Whilst information relating to groups and the specific request/project details will be published, personal information in regards to individuals will not be disclosed except as required by law.

8.2 Biodiversity Resilience Strategy Update

SUMMARY: Biodiversity Coordinator, Nadine Gaskell

The development of vegetation mapping and habitat corridor planning to manage our urban biodiversity is an action from the Council Plan. To achieve this action the Biodiversity Resilience Strategy has been developed and the Strategy is now being presented to Council for adoption.

The Biodiversity Resilience Strategy (Attachment A) is a summary of several technical reports including Tree canopy analysis, Biodiversity Resilience Strategy Study, Framework for resilient street trees with recommendations and flagship action themes.

The Strategy will define key opportunities to strategically investigate, analyse and plan for future focused protection and enhancement of biodiversity and habitat values across the municipality.

The Biodiversity Resilience Strategy (the Strategy) aims to introduce a nature positive approach to delivery of services. It will provide strategic direction to assist the long-term survival of local flora, fauna and ecosystems as well as increased tree canopy to support habitat and urban cooling in a warming climate.

This Strategy aligns with both Council's Climate Response Plan and Reconciliation Action Plan and will help inform the development of the Open Space Strategy.

RECOMMENDATION

That Council adopt the Biodiversity Resilience Strategy 2024-2034 as set out in Attachment 1.

1. INTRODUCTION

The significant and ongoing loss of biodiversity across Australia and worldwide has led to the local extinction of numerous Indigenous species. This severe decline in biodiversity stems from a combination of factors. Among those relevant to the Knox municipality are land use change (urbanisation), the presence of invasive species such as environmental weeds, foxes and feral cats, a lack of fire regimes for vegetation regeneration, and the impacts of climate change.

In Knox, biodiversity encompasses many species of flora and fauna and ecosystems. Almost half of the local flora is locally threatened, as such it is imperative to protect local biodiversity for current and future generations. This requires maintaining healthy ecosystems, establishing connected habitat networks accessible to Indigenous species, creating opportunities for local businesses to connect with the nature, fostering an ongoing connection to Country and increased community biodiversity stewardship.

With a changing climate, it has become more important for Council to consider the biodiversity of ground flora and middle story vegetation, habitat, ecosystems and canopy trees on public and private land and consideration of key risks, threats and opportunities. In addition, it is important to identify measures that need to be taken to ensure a healthy, connected and thriving native habitat corridor for flora and fauna to thrive as well as a flourishing tree canopy cover.

Further, while climate change is considered a key factor in the species selection and management of biodiversity management, revegetation and planting of tree canopy in Knox, ongoing

development and clearing of private trees and vegetation continues to be an issue. The effective management of street trees and vegetation in Council owned bushland reserves and parks will be important, to offset the effects of urban consolidation. In addition, there remains a strong need to explore protection measures on private land.

The Biodiversity Resilience Strategy is a fusion of several Council priorities that were identified through the budget process and combined into one Strategy.

As such, the Biodiversity Resilience Strategy incorporates a summary of the below technical documents.

- Tree canopy analysis;
- Biodiversity Resilience Strategy Study
 - Chapter 1 – Emblematic Species
 - Chapter 2 – Land Acquisition Framework
 - Chapter 3 - Habitat Corridor Mapping
 - Chapter 4 – Biodiversity Sensitive Urban Design Planning Approach
- Framework for resilient street trees; and
- Flagship action themes.

Note: The tree canopy analysis, Biodiversity Resilience Strategy Study, Framework for resilient street trees with recommendations and flagship action themes are considered technical documents and have not been included here due to the length of the documents. The documents are available for reading on request.

2. DISCUSSION

The Knox community highly values its leafy green environment, which includes all trees, shrubs and grasses on public and private land. These natural assets provide numerous health benefits for humans and support local native flora and fauna.

The benefits include:

- Improved mental, spiritual and physical health;
- Maintain air quality, by absorbing pollutant gases and providing oxygen;
- Help prevent water pollution by filtering toxins in their root system;
- Provide shade from the sun and cool streets;
- Reduce noise;
- Absorb carbon dioxide as they grow and store carbon;
- Reduce wind speeds and cool air as they lose moisture;
- Reduce flooding and soil erosion;
- Provide urban character by beautifying the area and strengthening communities;
- Host birds, insects, mammals, lichen, fungi, etc. and provide cover for native animals; and
- Are an essential part of the economy and the future.

Biodiversity resilience is the ability of species, ecosystems, or processes to thrive during a state of relative instability. It involves the capability to change and adapt in response to natural environmental stressors and anthropogenic disturbances. Biodiversity resilience in urban areas attempts to increase the bio-resilience and liveability of cities.

Biodiversity and tree canopy loss continues across Knox, due to increasing development and infrastructure, to support an increasing population. This report allows Council to take stock, identify the key risks and work towards a nature positive future.

The Biodiversity Resilience Strategy has been developed to provide an integrated approach to managing urban biodiversity including local flora and fauna, guiding tree canopy targets, and selecting resilient tree species in streetscapes. It will also be important to consider how to address protection of tree canopy on private land.

Biodiversity Goals include:



BIODIVERSITY RESILIENCE STRATEGY

The Strategy delivers a summary of technical documents with higher level recommendations.

Project 1	Project 2	Project 3
Mapping Analysis	Biodiversity Resilience Strategy Study	A Climate Resilience Tree Framework
Knox Council Mapping and Research	WSP Consultants	Dave Kendall – University of Tasmania
Mapping the Extent and Change of Tree Canopy Cover in Knox	Chapter 1. Emblematic Species	A Climate Resilient Tree Framework for Knox City Council
	Chapter 2. Land Acquisition Framework	
	Chapter 3. Habitat Connectivity Mapping	
	Chapter 4. BSUD Planning Approach	

Project 1. Snapshot - Tree Canopy Analysis

Description:

In 2021 Knox City Council conducted a mapping analysis regarding the extent and change of tree canopy cover across the Knox municipality. The purpose of this analysis was to inform the Biodiversity Resilience Strategy support's Knox's tree canopy cover target of 30% by 2050. The tree canopy target was an action adopted as part of the Climate Response Plan, to support a liveable city in a warming climate.

More broadly, the tree canopy analysis assists with strategic planning of the municipality as well as planning and budgeting for revegetation projects and priority conservation areas.

Key insights

- 18% of Knox was covered by tree canopy in 2018, this coverage is likely to be less in 2024;
- More than half of this is cover from trees under 10 metres tall;
- Knox is losing canopy from smaller trees, over half of which is over privately owned land;
- Knox, like some surrounding LGAs (Local Government Areas), saw some growth in canopy from medium and large trees between 2014 and 2018;
- 80% of the canopy loss in Knox between 2014 and 2018 was from privately owned land.
- This data is not current - it is likely the canopy cover has reduced further.

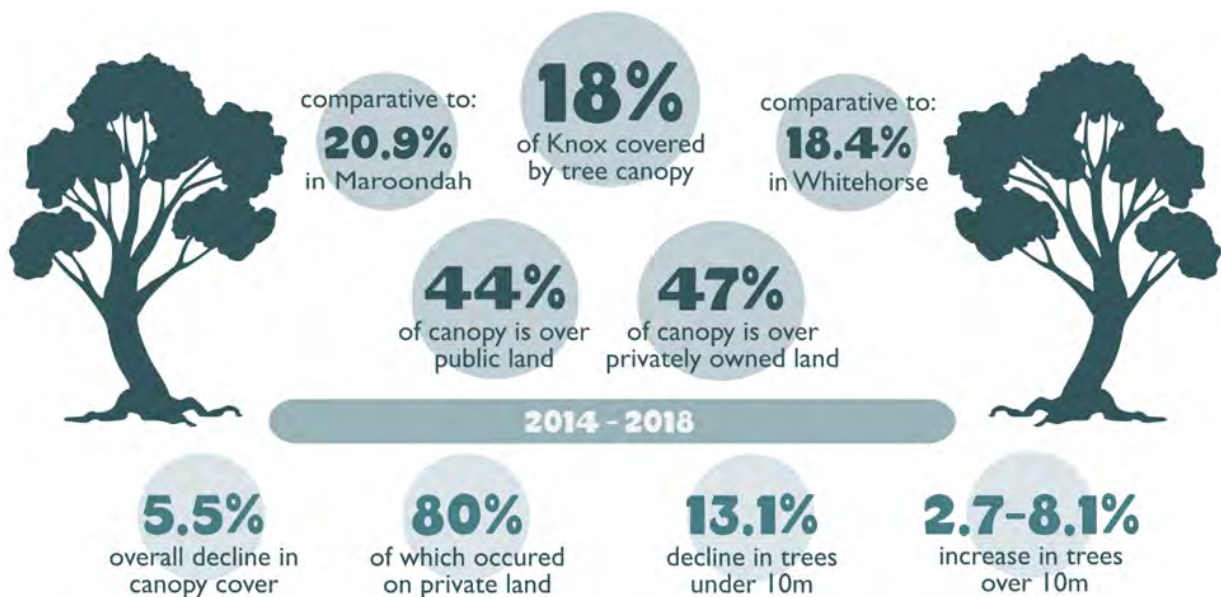


Diagram 1 – Vegetation cover in Knox

Key Challenge:

- Council has a tree canopy target of 30% by 2050, in 2018 Knox had a canopy cover of 18% and it is likely to be lower in 2024.
- 47% tree canopy cover is on private land.

Actions Identified from the report:

- Explore and establish a means of mapping canopy regularly to establish ongoing tree canopy percentage and set tree canopy target milestones.
- Establish a clear understanding of where tree canopy can be planted on Council owned land to support the tree canopy target and habitat connectivity.

- Explore approaches to support long term vegetation cover protection and enhancement on private land.

Project 2. Snapshot –Technical Report - Biodiversity Resilience Strategy Study

Description:

Knox City Council commissioned ecological consulting firm WSP for the Biodiversity Resilience Strategy Study to identify and develop recommendations for the protection and enhancement of biodiversity values across the municipality. The study included four discrete components:

1. Identify a suite of emblematic species to enhance community engagement outcomes and inform conservation actions.
2. Develop a framework to guide Council staff when making decisions about the acquisition of land for biodiversity conservation outcomes.
3. Conduct an analysis of Knox’s habitat connectivity and identify gaps in the network that offer the best opportunities for conserving biodiversity and facilitating the movement of wildlife across the municipality.
4. Investigate best practise in Biodiversity Sensitive Urban Design (BSUD) to incorporate into future developments and projects in Knox.

Progress to date:

The Habitat Corridor Strategy and Criteria for land acquisition framework:

- Identifies key fauna species/guilds to support habitat connectivity modelling;
- Identifies emblematic fauna species for community engagement and promoting the values of the habitat corridor Strategy;
- Provides a technical document that supports future revegetation planning, strategic planning and community education including a map of current and future habitat connectivity corridors;
- Provides a Habitat Connectivity Strategy that considers biodiversity sensitive urban design options, to support fauna movement, such as fauna bridges and tunnels; and
- Provides a framework for land acquisition that supports biodiversity and will underpin the Habitat Connectivity Strategy.

Chapter 1. Technical Report - Biodiversity Resilience Strategy Study:

Emblematic Species

Following a series of online community surveys and workshops with internal and community stakeholders it was clear that stories which integrated species and places was key for effective and long-term engagement with the community for conservation actions.

There was consensus that the inclusion of emblematic species and stories should come from a base in Knox’s Indigenous culture (Wurundjeri Woi Wurrung and Bunurong people of the Kulin Nation), and that the use of Indigenous seasons would be an ideal framework for creating conservation action programs.

A list of 27 ‘emblematic’ species that represented a range of habitat uses and movement typologies in Knox was compiled based on the responses to the community consultation. From this list, and in consultation with data from the habitat connectivity matrix of the connectivity plan, a selection of five species were chosen to be Knox’s ‘focal’ species.



**SUPERB FAIRY
WREN**



ECHIDNA



SUGAR GLIDER



STRIPED MARSH FROG



**AUSTRALIAN ADMIRAL
BUTTERFLY**

The final five focal species chosen to represent Knox and for use within the Biodiversity Resilience Strategy

Key recommendations from this phase of the project are:

- Undertake further consultation with the Indigenous community to identify and develop seasonal stories.
- Adopt the seven seasons of the Kulin Nation as the basis for emblematic species, stories, and Country.
- Use emblematic and focal species and stories to inform Council actions and engage with the community to undertake on-ground actions on public and private land to improve biodiversity health, resilience, and coexistence with nature.

Chapter 2. Technical Report - Biodiversity Resilience Strategy Study:

Land Acquisition Framework

The conservation of biodiversity in urban and suburban landscapes is a high priority for land managers, including Knox City Council. There are many parcels of land within the municipality that occur outside the formal or protected reserve system but still contribute to the conservation of biodiversity and habitat connectivity. Opportunities to acquire these locations occasionally arise (e.g., Bateman St Bushland, Victrack land).

The acquisition framework provides an objective and evidence-based approach to evaluate the costs and benefits of acquiring land to strengthen the resilience, viability, and connectedness of the biodiversity system.

This ensures that assessment methods and formal decision-making are actively geared towards positive ecological outcomes through habitat provision and enhanced ecological connectivity.

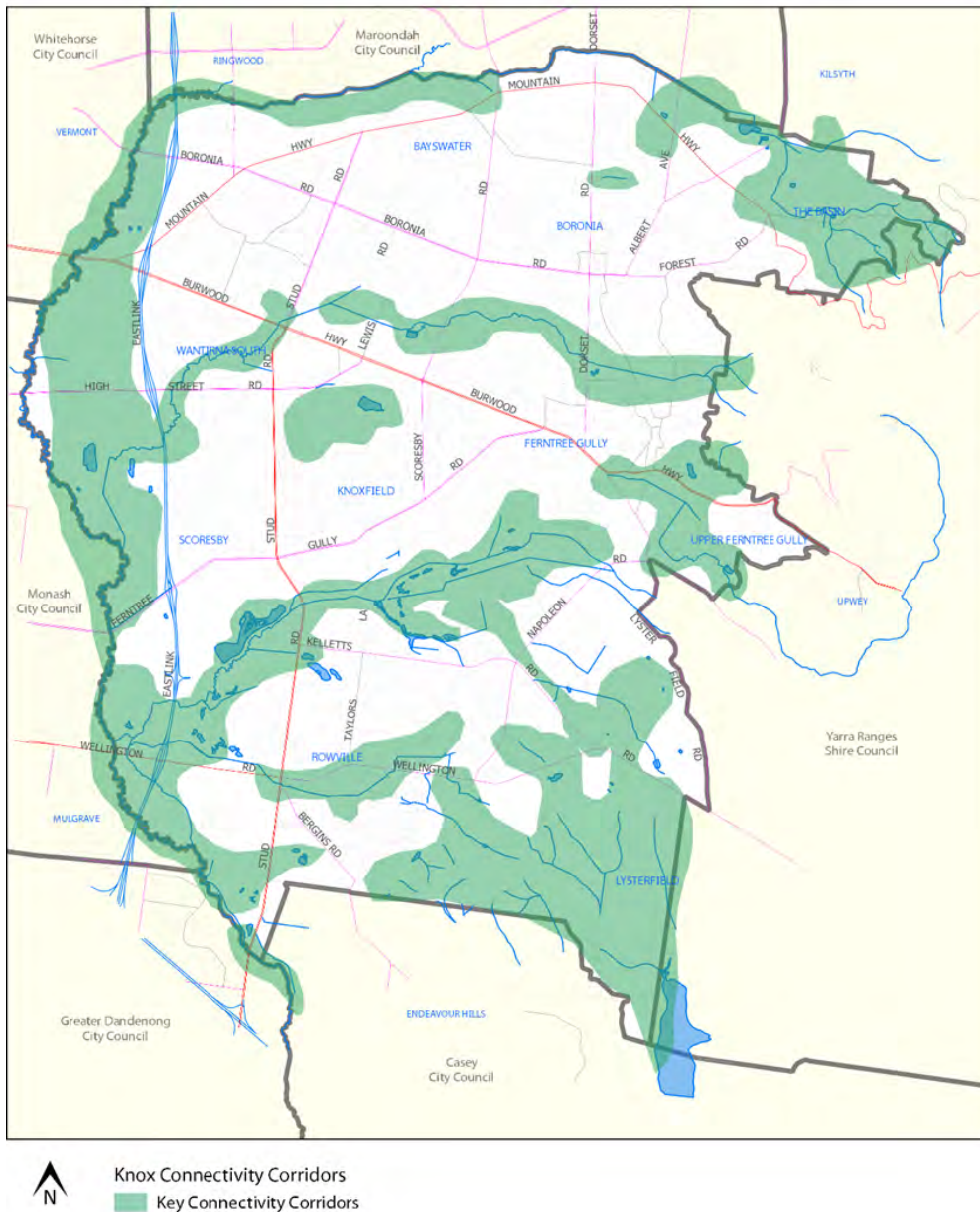
Chapter 3. Technical Report - Biodiversity Resilience Strategy Study:

Habitat connectivity Mapping

In Knox, key connectivity BioLinks include the three main waterways (Dandenong Creek, Blind Creek and Corhanwarrabul Creek), the large areas of National Park in the south-east of the municipality, and areas with relatively high canopy cover, such as around The Basin and Boronia.

The existing ecological connectivity of habitat patches was assessed using an overall metric of connected habitat area (effective mesh size in hectares) for the five chosen focal species; Sugar Glider, Marsh frog, and Short-beaked Echidna, Australian Admiral Butterfly, Superb Fairy-wren.

Knox Connectivity Corridors



Map showing ecological connectivity corridors within the City of Knox.

Chapter 4. Technical Report - Biodiversity Resilience Strategy Study:

Biodiversity Sensitive Urban Design Planning approach

Biodiversity Sensitive Urban Design (BSUD) is an approach and methodology to scope, Strategy, design and construct future urban infrastructure to support the conservation of biodiversity and enhancement of ecosystem health and services.

Key recommendations include:

- Provide simple and easy to use resources for community to understand BSUD and be encouraged to adopt these on private land.
- Develop and implement policy and process that incorporates BSUD design considerations, such as wildlife sensitive night-lighting, fencing, habitat protection and restoration, wildlife bridges and connectivity options.
- Develop and implement capital funding programs to fund the adoption and incorporation of BSUD in Council projects to support a nature-positive environment.

Project 3. Snapshot – Technical Report - Resilient Tree Framework

Description:

Development of a framework for planning and management of a climate resilient tree stock that supports increasing street tree canopy and wildlife habitat connectivity.

The Report includes an overview of the climate resilience of each species of the current Street Tree list.

Project 4. Snapshot - High Level Flagship Action Themes

Description:

The Flagship Action Themes guides a program which identifies key projects that are required to progress Councils tree canopy target, climate resilience and habitat connectivity.

The actions provide Council with a strategic and future focused approach to biodiversity, habitat connectivity and tree canopy management.

The objective of the Biodiversity Resilience Strategy is to ensure greater internal collaboration across teams to achieve more effective outcomes through shared objectives. Reprioritisation of existing budgets may occur to achieve these objectives, with no net increase of the current budget.

Additional recommendations from the Strategy, requiring additional budget will follow the budget bid process in line with the long-term Financial Strategy.

BIODIVERSITY VISION

The native flora, fauna and ecosystems of Knox create a thriving and resilient natural environment in which the community coexists and is working towards a nature positive future.



CONNECT

- 1.1** Educate, upskill and empower community
- 1.2** Support and protect our native wildlife
- 1.3** Cross organisation collaboration to support the delivery of 30% tree canopy coverage



OPERATIONAL ACTIONS



PROTECT

- 2.1** Support, protect and enhance our biodiversity in Knox
- 2.2** Enhance livability
- 2.3** Identify habitat links and develop action plans



OPERATIONAL ACTIONS



ADAPT & INNOVATE

- 3.1** Pilot and implement best practice projects and actions
- 3.2** Exploring opportunities to implement biodiversity sensitive urban design in capital projects
- 3.3** Develop an understanding of community values towards the environment, biodiversity and trees



OPERATIONAL ACTIONS

Key Measures of Success

The Key measure of success (below) have been identified as some of the fundamental actions to ensure a successful delivery of the Strategy.

- Development of up to 7 habitat corridor plans over the duration of the strategy.
- Develop a community engagement process to inform the development of the corridor action plans.
- Develop a policy and process for an Urban Biodiversity Sensitive Urban Design guide for infrastructure projects.
- Recruitment of Environmental Weed Officer (0.6 EFT)
- Develop an Environmental Weed Strategy
- Develop a program of environmental weed education and campaigns
- Incorporation of key bushland sites into the corridor mapping which include 'secondary' linkages and stepping stones that connect ecological priority areas.
- Development of fact sheets - focal species and stories
- Undertake mapping and analysis of tree canopy to develop incremental tree canopy target milestones and actions.

3. CONSULTATION

A range of consultation has taken place through:

Tree canopy analysis:

- Internal Stakeholder consultation
- Consultation with neighbouring Council's
- Environmental Advisory Committee
- Internal working group formed (Urban Forest Group)

Biodiversity Resilience Strategy Study:

- Community Engagement Platform - Have your say – two community surveys/call for feedback
- Two community workshops (including environmental volunteers)
- Two internal stakeholder workshops
- Online Councillor informal briefing
- Issues Briefing
- Two updates at Environment Advisory Committee
- Consultation with neighbouring Councils

Land Acquisition Framework:

Consultation with relevant internal stakeholders including:

- Governance
- Property
- Strategic Planning
- Statutory Planning
- Open Space

Resilient Tree Stock:

- Internal stakeholder workshop
- Community workshop
- Environment advisory Committee
- Consultant presentation to internal Urban Forest working Group

Draft Final Biodiversity Resilience Strategy:

- Environment Advisory Committee – November 2023

In addition, community engagement will be undertaken as part of the delivery of some of the actions in the Operational - Biodiversity Action Plan.

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.

Implementation of the recommendation will:

Positively/impact on Council's Net zero 2030 target by responding directly to several of the Plan's actions through the increase in tree canopy targets and vegetation cover. This will support urban cooling carbon sequestration and habitat corridor connectivity.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

Biodiversity and canopy trees provide many benefits to the community and the natural environment.

Some of the important environmental/amenity values are:

- Climate adaptation: trees sequester carbon, reducing the overall concentration of greenhouse gases in the atmosphere;
- Mitigating urban heat as shading from trees can reduce surface temperatures by 20 degrees Celsius, as well as reducing wind speeds and reducing glare;
- Energy conservation: shading from trees means that air conditioner use can often be substantially reduced, decreasing energy costs for households and businesses;
- Water filtration and retention: trees capture rainfall and intercept runoff, reducing flooding and stormwater management costs, and decrease the flow of polluted water into our waterways by intercepting and using nutrients that would otherwise be discharged to waterways; and
- Wildlife habitat: trees provide important habitats for numerous bird, insect and animal species and create habitat connectivity or 'stepping stones' between key habitat areas for fauna to disperse, such as through avenues of trees along road corridors and open space.

6. FINANCIAL & ECONOMIC IMPLICATIONS

\$135,000 has been contributed since the 21/22 budget towards the development of the Biodiversity Resilience Strategy.

The objective of the Strategy is to ensure greater internal collaboration across teams to achieve more effective outcomes through shared objectives. Reprioritisation of existing budgets may occur to achieve these objectives, with no net increase of the current budget.

Additional recommendations from the Strategy, requiring additional budget will follow the budget bid process in line with the long-term Financial Strategy.

7. SOCIAL IMPLICATIONS

Studies have demonstrated a clear link between the physical and mental health of communities and that of individuals through contact with nature. Anecdotally, the value of the natural environment for individual and community physical and mental health was evident during Covid19 lockdowns.

The planting of indigenous species within streetscapes and parks will showcase to the community species appropriate to gardens that will sustain themselves in the Australian climate as well as support local wildlife.

8. RELEVANCE TO KNOX COUNCIL STRATEGY 2021-2025

Natural Environment & Sustainability

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

Strategy 3.2 - Prepare for, mitigate and adapt to the effects of climate change.

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: Biodiversity Coordinator, Nadine Gaskell

Report Authorised By: Director, Infrastructure, Grant Thorne

Attachments

1. Attachment 1 - Plan - Final - Biodiversity Resilience Strategy - Biodiversity - January 2024
[8.2.1 - 38 pages]

BIODIVERSITY RESILIENCE STRATEGY

PROTECTING OUR BIODIVERSITY ASSETS

2024 – 2034

Biodiversity Team | Knox City Council



FOREWORD

DRAFT

CONTENTS

- INTRODUCTION..... 4
- ACKNOWLEDGEMENT OF COUNTRY 6
- TRADITIONAL OWNER’S MESSAGE..... 6
 - Simone Thomson 6
- DEFINING BIODIVERSITY..... 7
- WHAT IS BIODIVERSITY RESILIENCE? 8
- LANDSCAPE OF KNOX 9
- REGIONAL CONTEXT 10
- LEGISLATIVE CONTEXT/ROLE OF COUNCIL..... 10
- THREATS TO OUR ENVIRONMENT 11
- BIODIVERSITY VISION 11
- BIODIVERSITY GOALS 12
- STATUS OF KNOX 15
- WHAT WILL THIS STRATEGY DELIVER?..... 16
- BIODIVERSITY RESILIENCE STRATEGY PROJECTS:..... 17
 - Project 1: Mapping Analysis..... 17
 - Project 2: Biodiversity Resilience Strategy Study (4 Chapters)..... 20
 - Chapter 1 – Emblematic/focal species 20
 - Chapter 2 - Acquisition 22
 - Chapter 3 - Connectivity..... 23
 - Chapter 4 – BSUD Design 25
 - Project 3: A Climate Resilience Tree Framework 26
- MONITORING AND REVIEW 30
- GLOSSARY OF TERMS..... 33
- APPENDIX 34

INTRODUCTION

The Knox municipality holds a significant role in metropolitan Melbourne's biodiversity, providing key habitat connectivity between the eastern suburbs of Melbourne and the Dandenong Ranges. One of Knox's defining features is its leafy green feel, an aesthetic cherished by the community and one that offers valuable opportunities for engaging with the natural environment. The substantial involvement of dedicated volunteers within various environmental volunteer groups including Friends groups, Gardens for wildlife, the Knox Environment Society, and enthusiastic citizen scientists demonstrates the strong connection Knox's community has with biodiversity, and reinforces our commitment to initiatives that connect, protect, and celebrate biodiversity.

BIODIVERSITY CRISIS (Global/National/State/Local)

The significant and ongoing loss of biodiversity across Australia and worldwide has led to the local extinction of numerous Indigenous species. This severe decline in biodiversity stems from a combination of factors. Among those relevant to the Knox municipality are land use change (urbanisation), the presence of invasive species (environmental weeds and pest animals), a lack of fire regimes for vegetation regeneration, and the impacts of climate change.

In Knox, biodiversity encompasses many species of flora and fauna, and ecosystems. Almost half of the local flora is locally threatened, as such it is imperative to protect local biodiversity for current and future generations. This includes maintaining healthy ecosystems, establishing connected habitat networks accessible to Indigenous species, creating opportunities for local businesses to connect with the nature, and fostering an ongoing connection to Country and biodiversity stewardship.

Knox's natural environment is extremely fragmented due to residential and commercial development as well as supporting infrastructure such as roads. Council-managed bushland reserves are therefore an important part of the remaining network of natural habitat that provides food and shelter for a wide variety of wildlife, including many bird species, bats, frogs, reptiles, and insects. In addition, 47% of biodiversity in Knox sits on private land. This will require further consideration on how we protect biodiversity and tree canopy in these spaces to ensure liveability for future generations.

Council's approach to the biodiversity crisis focuses on collaborating with community groups, residents, local businesses, as well as local, state, and national governments and organisations. This ensures Knox's biodiversity remains resilient to threats and is protected for the future.

To achieve this, we utilise 'best-practice' methods on the ground and stay up-to-date with the latest biodiversity research. The management of pest flora and fauna requires consistency in long-term objectives, and we strive to do this by continuously improving the quality of our service and actioning long-term management plans.

This Strategy describes the current state of Knox's biodiversity and outlines the visions and goals for sustaining biodiversity resilience, a nature positive future and connection to Country over the upcoming decade. It does so within three primary focus areas: tree canopy and vegetation cover, habitat connectivity, and climate change resilience.

DRAFT

ACKNOWLEDGEMENT OF COUNTRY

We would like to respectfully acknowledge the traditional custodians of the Country on which we proudly care for, the Wurundjeri and Bunurong people of the Kulin Nation, and pay our respects to their Elders past, present and emerging.

TRADITIONAL OWNER'S MESSAGE

'Boorndup wan Dill-b-din – Respect and Protect'

We are born of the earth. We are people of the salt water and freshwater rivers and children of the Dreamtime. We walk in the footsteps of our ancestors and protect our environment so it can continue to protect us. It provides us with vital food sources and healing waters and supplies us with generous shelter and hunting grounds. We only take what we need and never waste, we always leave enough vegetation for regrowth and fish in the waterways to replenish. This is to keep the natural balance in Country so our creatures and animals may survive too.

All Aboriginal people are born with a totem. They are handed down over thousands of generations and specific to each Clan according to where their Country is. We are taught we must never harm or eat our totem, but to always respect and protect it. In turn, our spirit totem will watch over us and speak to us in the spiritual sense to keep us safe.

The traditional language of the Wurundjeri People is Woi-Wurrung. In the Woi-Wurrung language, the word Wurundjeri is in two parts: 'Wurun', meaning the manna gumtree, and 'djeri', meaning the white grub that lives in the tree - the witchetty grub. The gentle floating gum leaves represent Wurundjeri Country and the lush green eucalyptus trees that house our native fauna.

Simone Thomson

Wurundjeri, Woi-Wurrung / Yorta-Yorta



DEFINING BIODIVERSITY

Biodiversity refers to the variety of life found on Earth and includes the flora, fauna, fungi, insects, and microscopic organisms that share our planet with us. It is the natural environment around us and is fundamental to the health and wellbeing of all life on Earth. Across the state of Victoria, biodiversity is in decline with more than half of Victoria's vegetation being cleared since European settlement. Numerous flora and fauna species are at risk of local extinction, primarily due to a range of pressures, including the impacts of climate change and habitat loss. At Knox City Council, the biodiversity service is specifically focused on the protection, enhancement, and celebration of Indigenous and native flora and fauna and their habitats.

In 2017, the Victorian Government launched the *Protecting Victoria's Environment - Biodiversity 2037* plan that presents a long-term vision for Victoria's biodiversity to be healthy, valued, and actively cared for. The protection of biodiversity is paramount to ensuring healthy, liveable communities, and is a key priority for Knox City Council.

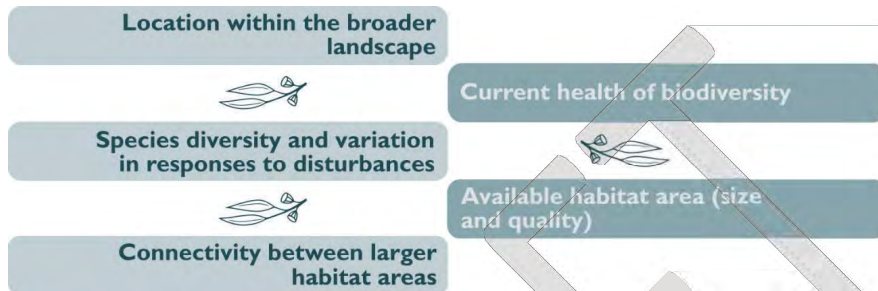
Council aims to uphold this vision through its extensive work in the biodiversity space, which includes:

- The current revision of the Sites of Biological Significance study 2010
- Developing long-term objectives and action plans.
- Utilising contemporary best practices in the field to protect and enhance bushland reserves and biodiversity.
- Undertaking pilot research projects to incorporate science and natural resource management (e.g., revegetation climate plots and hollow enhancement program).
- Collaborating with local environmental volunteers and community groups to undertake biodiversity works, research and monitoring.
- Promoting awareness of biodiversity in the community and encouraging stewardship.
- Protecting and enhancing biodiversity on private land.

WHAT IS BIODIVERSITY RESILIENCE?

Biodiversity resilience is the ability of species, ecosystems, or processes to thrive during a state of relative instability. It involves the capability to change and adapt in response to natural environmental stressors and anthropogenic disturbances. Biodiversity resilience in urban areas attempts to increase the bio-resilience and liveability of cities.

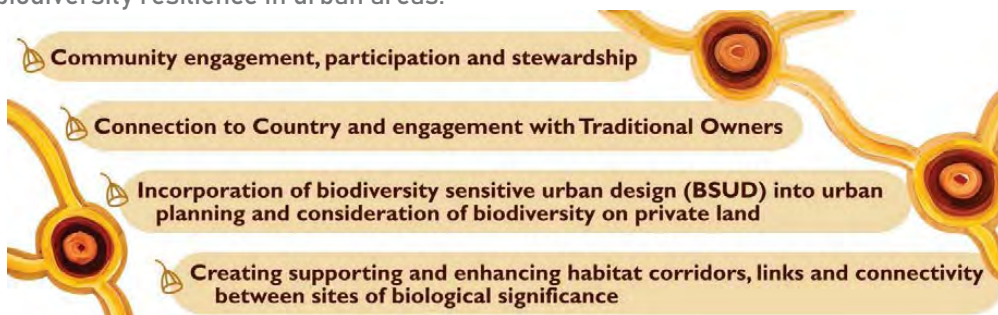
An ecosystem’s ability to be resilient is dependent on several factors:



For each species that contributes to the same ecosystem function, its ability to respond in a diverse manner to natural and anthropogenic human change can alter an ecosystems vulnerability. As particular species or species guilds (group of species with similar traits) provide unique ecosystem functions, actions to restore resilience should focus on particular species or functions for landscape and urban biodiversity management.

The healthy state of all components is essential for the maintenance of urban bio-resilience. Urban ecosystems are commonly comprised of small bushland remnants, pocket parks and roadside reserves that are particularly important in maintaining ecosystem connectivity and biodiversity resilience within the residential and industrial matrix of the Knox municipality. Of the 122 Council-managed bushland reserves in Knox, many are tucked-away inconspicuously in streetscapes yet still provide critical habitat for the region’s native flora and fauna and are managed to ensure the enhancement of biodiversity.

Knox recognises that the following components are essential to successfully create biodiversity resilience in urban areas:



LANDSCAPE OF KNOX

The Knox municipality is uniquely positioned on the urban-rural fringe to the east of Melbourne. It encompasses a blend of residential and industrial land uses, complemented by expansive rural and conservation areas that encompass National Parks and waterways. Nestled in the foothills of the Dandenong Ranges, Knox supports important and significant tracts of land that provide habitat to a diverse array of Indigenous flora and fauna. The municipality is within the Gippsland Plain and Highlands Southern Fall Bioregions and Port Phillip and Westernport Catchment. Furthermore, Knox rests on the traditional lands of the Wurundjeri and Bunurong Peoples.



The key bio links comprise the three main waterways (Dandenong Creek, Blind Creek and Corhanwarrabul Creek), extensive areas of National Park and reserves to the east and south-east, and regions characterised by relatively high canopy cover, notably around The Basin and Boronia. Additionally, there are numerous other connectivity zones and secondary linkages that feed into these zones right across the municipality.

The fauna of Knox is dominated by urban species found in many Melbourne municipalities. However, the proximity of Knox to the Dandenong Ranges enhances fauna diversity. Common fauna within Knox includes Ringtail and Brushtail Possums, Sugar Gliders, Feathertail Gliders, Blue Tongue lizards, Crimson and Eastern Rosellas, and Sulphur Crested Cockatoos. In addition to these common species, Echidnas, Platypus, Swamp Wallabies, Bush Rats, Bats, Black Cockatoos, Powerful owl, Blue-billed ducks, Falcons, and Gang Cockatoos are also frequently observed.

The Dandenong Foothills in the east of Knox is highly valued by the local community for their aesthetic appeal and for giving Knox its unique bushland feel. This unique landscape setting provides a strong cultural, social, and environmental reference point for residents who take pride in, are deeply connected to, and actively enhance the natural environment and its associated values.

REGIONAL CONTEXT

Knox occupies a pivotal transition zone, serving as a link connecting Melbourne’s urban landscape with the vegetated hillsides of the Dandenong and Yarra Ranges. The municipality’s topography has influenced the extent of its development with primarily flat areas in the west, gradually transitioning to undulating hills and steeper slopes towards the Dandenong Ranges in the east. Detailed description of the geology, rainfall and vegetation communities within these bioregions is given in extensive detail in The Sites of Biological Significance report 2010. Within Knox, a diverse array of larger natural and semi-natural landscapes exists, interspersed with smaller bushland reserves and various forms of public open spaces that are dispersed throughout the residential and industrial landscape. Significant natural landscapes include the Lysterfield Valley and Lysterfield National Park, Dandenong Ranges National Park, Churchill National Park, and the Dandenong Creek Parklands. These natural areas are ecologically and socially significant at both regional and local levels.

LEGISLATIVE CONTEXT/ROLE OF COUNCIL

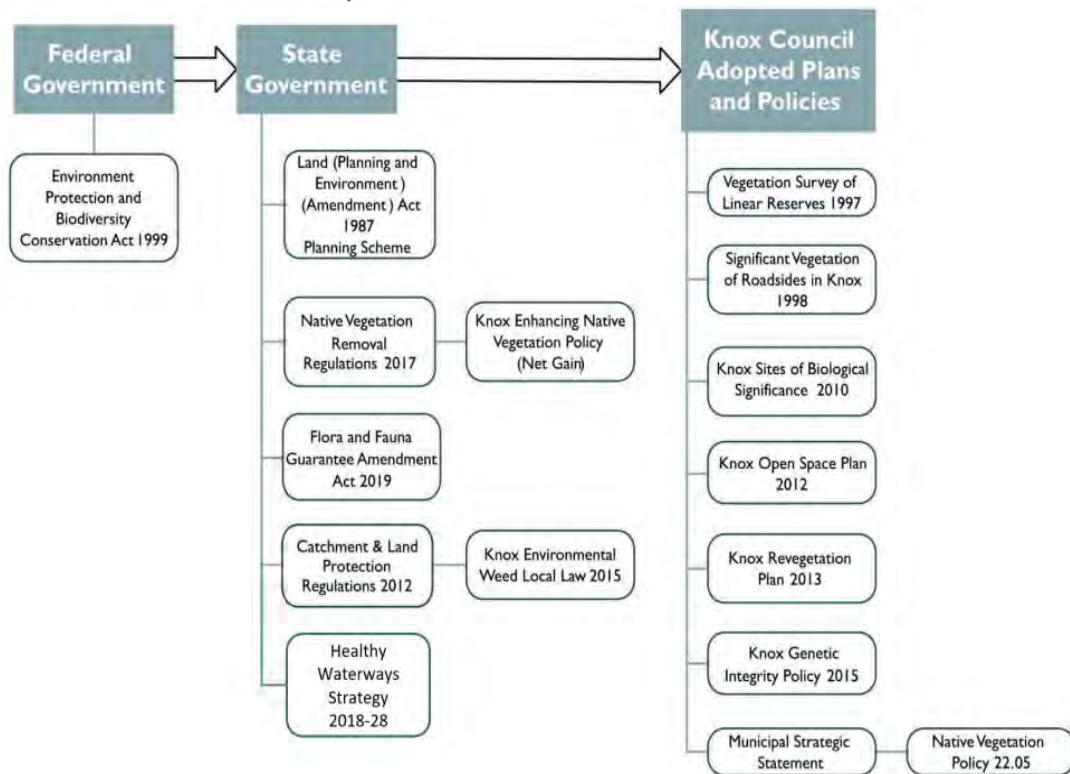


Figure 1. Regulations directing biodiversity protection

THREATS TO OUR ENVIRONMENT

Climate change and extreme weather events pose a significant threat to biodiversity. Increasing temperatures, shifting rainfall patterns and heightened occurrences of severe weather events can lead to several adverse impacts on biodiversity. These include habitat loss, faunal casualties, reduced 'functional biodiversity' (ability for fauna to move for food, breeding, and protection), reduced long-term survival, and the species resilience to disease. In 2022 Knox City Council declared a climate emergency that recognizes the threat to biodiversity and formally enables Council to action activities to mitigate the effects of climate change.

Habitat loss and fragmentation from residential and commercial development, agricultural land use, and infrastructure construction (such as roads and community facilities) alters the functioning of ecosystems, and reduces the available vegetation used by wildlife for habitat (such as tree hollows), food resources and movement.

Invasive flora and fauna species displace Indigenous species, contribute to land degradation, and reduce the food and habitat availability for wildlife. It also threatens the resilience of remnant vegetation that supports ecosystem health and gives Knox its 'sense of place'. Specific invasive species of concern in Knox are also common across south-eastern Victoria and include deer, foxes, blackberries, and Ivy.

BIODIVERSITY VISION

The native flora, fauna and ecosystems of Knox create a thriving and resilient natural environment in which the community coexists and is working towards a nature positive future.

In addition, we strive for:

- Healthy connected communities, with people working jointly toward the goals of protection & enhancement of biodiversity and habitat connectivity.
- People feeling physically, spiritually, and emotionally connected to their neighbourhood through greater connection to nature, and environmental stewardship.
- Partnerships between levels of government, the private and not for profit sectors that deliver innovative solutions to complex issues and support a nature positive future.
- Sustainable living within all sectors of the community, where the norm is using energy and water conservatively, minimising waste creation to care for the natural environment.

- The support, protection, and enhancement of biodiversity, including rare and threatened species.
- Knox caring for their biodiversity values and supporting a nature positive future.

BIODIVERSITY GOALS



Prevent further extinctions of flora, fauna, or ecological vegetation classes in Knox.
 Populations of Indigenous species in Knox are under threat from habitat destruction, drought, and other threats. In certain instances, such as with the platypus, local populations have plummeted to unsustainable levels and could result in the local extinction of platypus. Knox also provides habitat for species that are threatened and vulnerable within the broader region, such as the gang-gang cockatoo. Reducing the likelihood of extinctions in Knox requires active habitat protection and controlling threats that impact species both residing in Knox and those for which Knox provides a crucial portion of their habitat. Work will also be required to identify species that are most likely to be seriously affected by changes in climate.

Develop and implement approaches and systems that ensure Biodiversity Sensitive Urban Design principles are adopted throughout Council.
 Biodiversity Sensitive Urban Design (BSUD) represents both an approach and a methodology aimed at overseeing current urban infrastructure and guiding the planning, design, construction, and ongoing operation of forthcoming urban infrastructure. By implementing BSUD principles within capital funding projects and integrating them across the spectrum of Council projects, we will ensure that biodiversity resilience in Knox is maintained into the future, particularly within the context of climate change.

In addition, consideration of biodiversity in scoping and design of Council built facilities would support the opportunity to gain five Green Star rated buildings.

Establish a network of habitat corridors to join sites of significance with other areas of Indigenous vegetation.

Knox has undertaken and is currently in the process of revising the Sites of Biological Significance Study. This study maps out locations within Knox that hold exceptional biodiversity value. Protecting these sites from unsuitable development is of utmost importance to their preservation and this has been facilitated by establishing a connection between these significant sites and the Knox planning scheme. Maintaining existing habitat corridors and developing new ones is critical in connecting the remaining habitat patches which local wildlife depend on for feeding, breeding, and shelter.

Improve community understanding of the importance of biodiversity and the role they can play in its conservation and protection.

Many community members are unaware of the ways in which their day-to-day activities may have an impact on biodiversity, or of the importance of well- functioning ecosystems in sustaining life. Concurrently, there exists a collective desire to make environmentally responsible choices, albeit without clear guidance on how to do so. Improving Council education programs and campaigns will serve as a valuable platform for imparting practical advice and enabling people to actively participate in biodiversity conservation efforts. This includes Council developing a greater understanding of community's values around biodiversity.

Deliver focused programs for control of pest fauna and flora on private and public land.

A variety of introduced predators, such as foxes, rabbits, deer, and cats, pose significant threats to Indigenous flora and fauna. In urban areas, domestic animals, especially, become a specific concern. Additionally, environmental weeds exacerbate the challenges faced by local ecosystems. Notable species vary from one region to another; within Knox, particularly problematic ones (but not limited to) include Sweet Pittosporum, Blackberry, Cotoneaster, Angled Onion, Sweet Vernal-grass, Asparagus Fern, Large Quaking-grass, Greater Bindweed, Red Cestrum, Boneseed, Hawthorn, Montbretia, English Broom, Ivy, and Sallow Wattle. Several programs, including Gardens for Wildlife, Nature Stewards, Friends Groups, and citizen science initiatives, play pivotal roles in addressing the control of pest fauna and weeds. These programs actively engage community members, local businesses, and the Council. Notably, Knox is a leading participant in the Eastern Region Pest Animal Network, which collaboratively developed the Pest Animal Strategy adopted by the Knox Council in 2019.

Contribute to regional and global biodiversity working with regional partners.

Knox is part of the Port Phillip and Westernport catchment region, which spans the catchments of Port Phillip and Westernport Bays.

The water ways, soil, geology, flora, fauna, and atmosphere of Knox are directly connected to those of neighbouring municipalities and the larger region. Improving biodiversity outcomes in Knox requires consideration of this broader context and on-going cooperation with current and future organisations including Living Links, Gardens for Wildlife Victoria, Eastern Region Pest Animal Network, and the Vegetation Climate Resilience Grant Partnership to work towards shared goals.

Create a greener city with more trees and Indigenous vegetation in public spaces and thriving emblematic species.

Healthy ecosystems with flourishing biodiversity are typically more enjoyable environments for people. Most people find flora and wildlife aesthetically pleasing and relax when in nature. Extensive research indicates a compelling connection between community well-being, the availability of green spaces, and the proximity to natural settings. While exceptions certainly exist, the enhancement of biodiversity conservation within Knox offers a valuable opportunity to elevate the overall appearance, atmosphere, and liveability of the region.

Survey results consistently demonstrate the Knox community highly value the natural environment, bushland reserves and native wildlife.

Fostering a connection to Country.

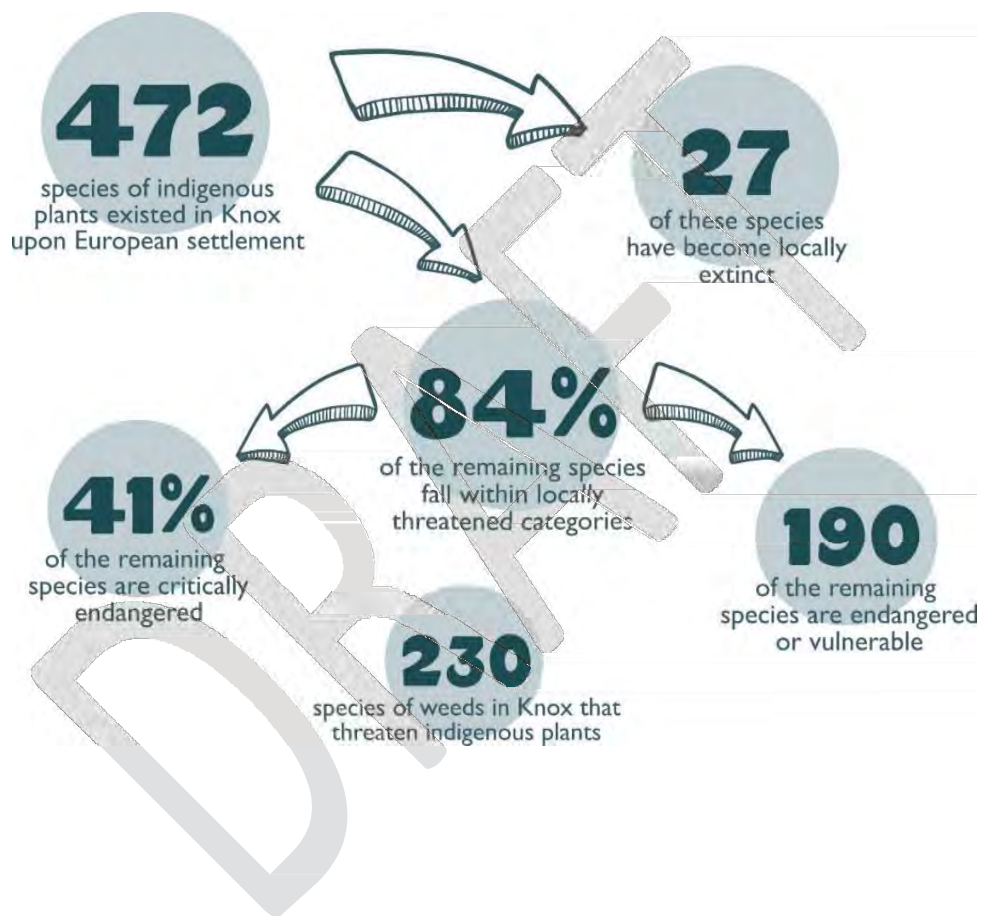
Knox recognises that a thriving resilient natural environment is only possible when a meaningful and ongoing connection to Country exists. Through our biodiversity vision, goals, and the actions we take for maintaining biodiversity resilience, we will ensure that Indigenous culture and knowledge is always incorporated and represented in our biodiversity practice. The incorporation of Indigenous stories and seasons as a vehicle for reconciliation, truth-telling and healing of Country will help acknowledge Knox's Aboriginal heritage and create exciting biodiversity conservation actions that engage community and inspire action.

Facilitating internal biodiversity champions.

Provide opportunities and support for Knox City Council staff to connect and engage in biodiversity activities. This includes facilitating staff to participate in the annual Business National Tree Day, encouraging internal groups to consider biodiversity issues and goals, and encouraging staff to participate in public biodiversity campaigns such as Biodiversity month and City Nature Challenge.

STATUS OF KNOX

In 2010, Knox undertook a study regarding Sites of Biological Significance within the municipality, which identified 118 sites containing remnant Indigenous vegetation. These include several significant bushland areas which are managed as conservation zones. As remnant vegetation becomes more fragmented, it results in habitat quality decline. It is a key priority for Knox to ensure the protection of these biologically significant sites.



WHAT WILL THIS STRATEGY DELIVER?

Project 1	Project 2	Project 3
Mapping Analysis Study	Biodiversity Resilience Study	A Climate Resilience Tree Framework
Knox Council Mapping and Research	WSP Consultants	Dave Kendall – University of Tasmania
Mapping the Extent and Change of Tree Canopy Cover in Knox	<i>Chapter 1.</i> Emblematic Species	A Climate Resilient Tree Framework for Knox City Council
	<i>Chapter 2.</i> Land Acquisition Framework	
	<i>Chapter 3.</i> Habitat Connectivity Mapping	
	<i>Chapter 4.</i> BSUD Planning Approach	

This Strategy outlines the priorities for biodiversity within Knox City Council over the next decade (2024–2034). This will allow Council to set targets and ensure that areas identified as key biodiversity zones are managed effectively to ensure protection of their ecological significance. The Biodiversity Resilience Strategy will enable Council to provide greater support to environmental volunteers, while also facilitating the identification of opportunities for securing external funding. Moreover, it will establish a framework to ensure ongoing monitoring and adaptive management as integral components of Knox's overarching biodiversity strategy.

This Strategy supports a suite of programs, activities and initiatives that will continue to protect and enhance our natural environment and create a more resilient habitat for Indigenous flora and fauna.



BIODIVERSITY RESILIENCE STRATEGY PROJECTS:

Project 1: Mapping Analysis

Knox City Council conducted a mapping analysis regarding the extent and change of tree canopy cover across the Knox municipality. The purpose of this analysis was to inform the Biodiversity Resilience Strategy and support Knox’s tree canopy cover target of 30%. More broadly, the analysis assists with strategic planning of the municipality as well as planning and budgeting for revegetation projects and priority conservation areas.

Part of the study included a benchmark study to identify the vegetation monitoring practices of surrounding Councils (Boroondara, Kingston, Maroondah, Monash, Whittlesea) to determine the best method for canopy cover analysis. Aerial photography, LiDAR and colour infrared images were found to be efficient, cost-effective, and reproducible over subsequent years for comparison. Councils used varied approaches to locate trees and estimate canopy cover using tools including manually pinpointing tree locations and utilising machine learning and artificial intelligence.



The decline in total tree canopy cover has been concentrated in the northern suburbs of the municipality, particularly in Wantirna, Boronia, Ferntree Gully, and Scoresby. In residential areas, this decline is specifically concentrated to the north and northwest of the Westfield shopping centre. Both private and public land types show this decline, however public land in these areas mainly consists of streetscapes rather than parklands, so this might be explained by housing developments in these areas. Historically, the decline in the northern suburbs aligns with long-term land conversion from native trees to urban and built-up areas since the late 1980s.

Canopy cover change has been mixed near Sites of Biological Significance and in areas where rare and threatened species occur. Specifically, with the help of Councils extensive revegetation program, there has been notable increases in canopy cover of between 5-20% at biologically significant sites including Koolamara Waters, Heany Park, Wally Tew Reserve and Napoleon Road Linear Reserve. Despite this, in surrounding residential areas of Sites of Biological Significance there has continued to be a decline - particularly around Old Joes Creek, Koolunga Native Reserve, and Bateman Street Reserve, which hold some of Knox's most sensitive and significant remnant patches of bushland.

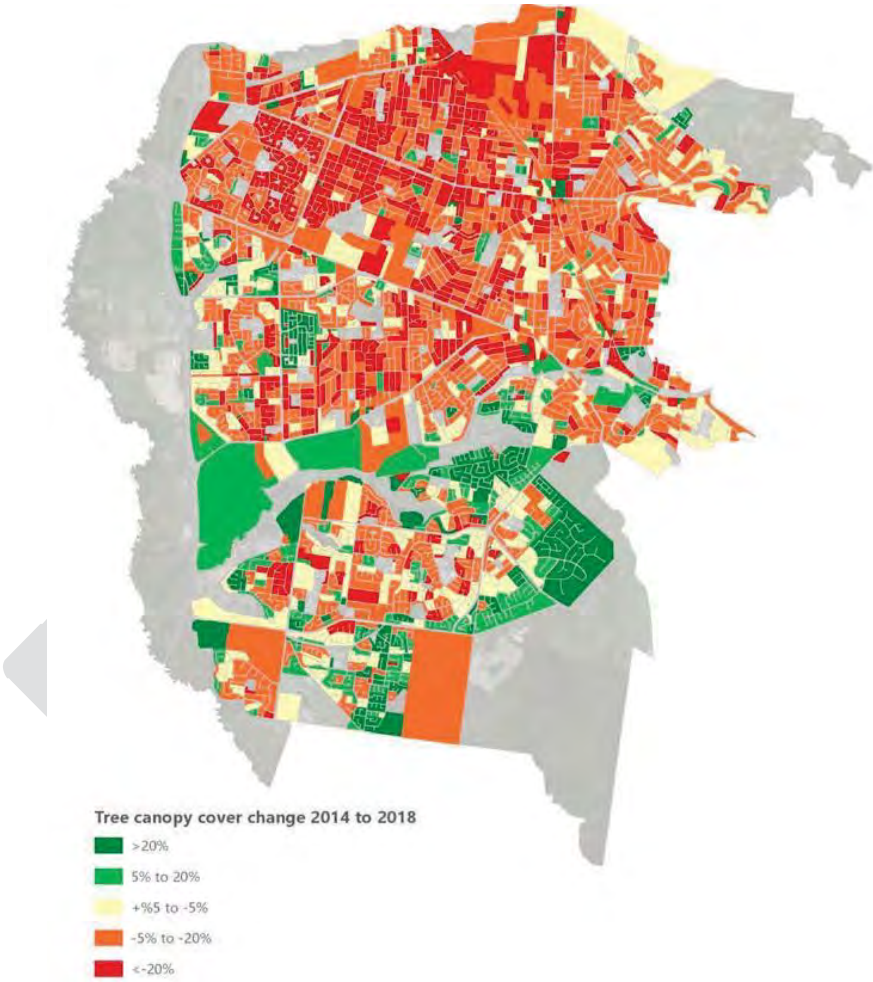


Figure 2. Tree canopy cover change 2014-2018 on private land (residential, industrial, and commercial)

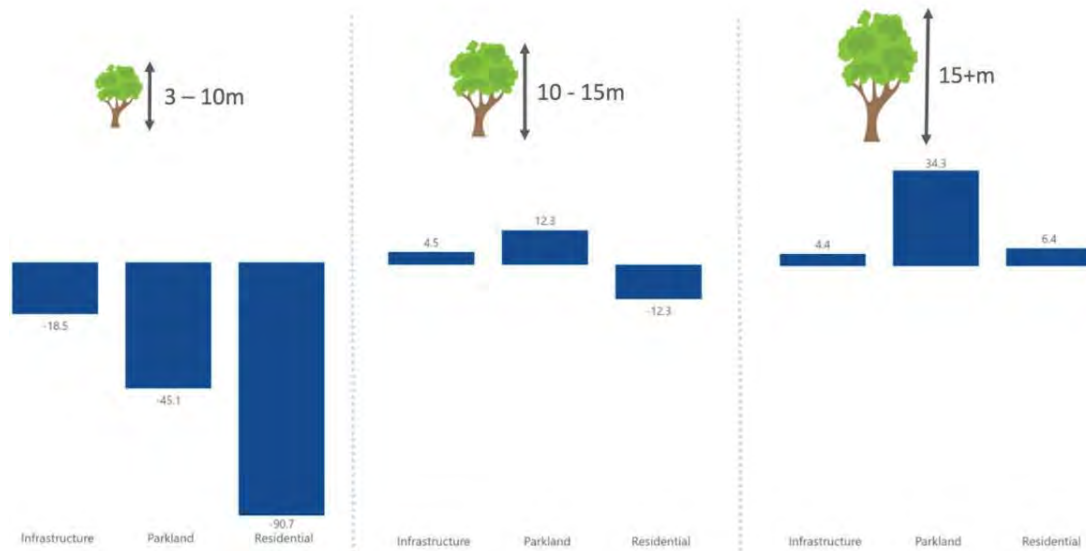


Figure 3. Canopy cover change across different land tenure and tree size.

Concerningly, there have been consistent declines in canopy cover (5–20%) (predominantly on private land) across The Basin and the western edges of Boronia and Ferntree Gully – areas that provide key habitat connectivity and facilitate wildlife movement into the Dandenong ranges. The data used in this analysis considers the change in vegetation extent between 2014 and 2018. There have since been revisions of this dataset with indications that DEECA intends on updating this type of vegetation data on a regular basis.

Key recommendations:

- Work with internal, external, and residential stakeholders to achieve 30% tree cover by 2050. Internally, this will involve policy, statutory and strategic planning, operations, community engagement and business support teams. Concert energy towards reducing the canopy decline on private land.
- Explore and establish a means of mapping canopy regularly in order to establish success of canopy increase.
- Set Council incremental canopy milestones in the lead up to 2050 target of 30% canopy.
- Ensure small trees and newly vegetated areas are prioritised to ensure they become established and resilient.
- Review how vegetation is protected on private property to reduce the opportunity of canopy cover loss and how community campaigns can support vegetation management.
- Explore how local laws can contribute to reducing environmental weeds on private property that reduce the vegetation cover of Indigenous species.

- Continue and improve community engagement and education campaigns to improve public perception towards trees.
- Review the methodology of calculating Knox's tree canopy cover and verify how to incorporate and compare the findings of this analysis with future datasets, analyses, and monitoring objectives.
- Gain greater understanding of community values around trees in order to develop targeted campaigns and education.

Project 2: Biodiversity Resilience Strategy Study (4 Chapters)

Knox City Council commissioned ecological consulting firm WSP for the Biodiversity Resilience Strategy Study to identify and strategically plan for the protection and enhancement of biodiversity values across the municipality. The study included four discrete components:

1. Identify a suite of emblematic species to enhance community engagement outcomes and inform conservation actions,
2. Develop a framework to guide Council staff when making decisions about the acquisition of land for conservation outcomes,
3. Conduct an analysis of Knox's habitat connectivity and identify gaps in the network that offer the best opportunities for conserving biodiversity and facilitating the movement of wildlife across the municipality,
4. Investigate best practise in Biodiversity Sensitive Urban Design (BSUD) to incorporate into future developments and projects in Knox.

Chapter 1 - Emblematic/focal species

Following a series of online community surveys and workshops with internal and community stakeholders it was clear that stories which integrated species and places was key for effective and long-term engagement with the community for conservation actions. Wurundjeri and Yorta-Yorta woman Simone Thomson was an integral participant in this process and told the story of Aboriginal people being born with a totem that is handed down over thousands of generations and specific to each clan. There was consensus that the inclusion of emblematic species and stories should come from a base in Knox's Indigenous culture (Wurundjeri Woi Wurrung and Bunurong people of the Kulin Nation), and that the use of Indigenous seasons would be an ideal framework for creating conservation action programs. A list of 27 'emblematic' species that represented a range of habitat uses and movement typologies in Knox was compiled based on the responses to the community consultation (Appendix 1).

From this list, and in consultation with data from the habitat connectivity matrix of the connectivity plan, a selection of five species were chosen to be Knox's 'focal' species.

'Boroin', the superb fairy wren, 'bullum-bullum', the butterfly, 'tadjerrri' the sugar-glider possum, 'ngarrert', the frog and 'gawarn' the echidna each exist in harmony as they have done since the time of Bunjil's creation. Each represents their ongoing presence and connection to Country and their importance to the balance of nature within the traditional seasons. They represent their ongoing survival and place on Country and their existence in the totem world (Simone Thomson).



Figure 4. The final five focal species chosen to represent Knox and for use within the Biodiversity Resilience Strategy.

Presenting these stories and emblematic/focal species with Indigenous seasons as a framework would provide space for:

1. reconciliation, truth-telling and hearing and healing Country,
2. creating exciting conservation actions to engage the community,
3. representing Country, culture, and connections ("Country is connectivity"),
4. utilising emblematic and focal species to inspire action,
5. incorporating Indigenous bio-culture for more effective conservation outcomes,
6. stories to connect the Knox landscape and Songlines to create a sense of place.

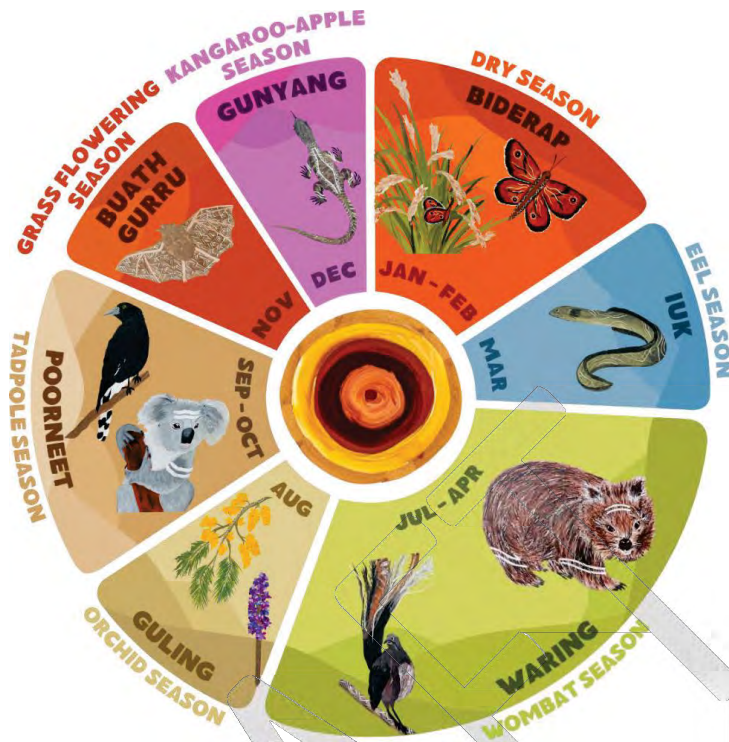


Figure 5. The Seven Seasons of the Kulin People, featuring artwork by Simone Thomson.

Key recommendations from this phase of the project are:

- Undertake further consultation with the Indigenous community to identify and develop seasonal stories.
- Adopt the seven seasons of the Kulin Nation as the basis for emblematic species, stories, and Country.
- Use emblematic and focal species and stories to inform Council actions and engage with the community to undertake on-ground actions on public and private land to improve biodiversity health, resilience and coexistence with nature.
- Prepare and implement a detailed action plan that describes the stories, engagement methods and resources to achieve biodiversity resilience in the City of Knox, with the ambition to strive for a nature positive community.

Chapter 2 - Acquisition

The conservation of biodiversity in urban and suburban landscapes is a high priority for land managers, including Knox City Council. There are numerous parcels of land within the municipality that occur outside the formal or protected reserve system, but which still contribute to the conservation of biodiversity and habitat connectivity.

Opportunities to acquire these locations occasionally arise (e.g., Bateman St Bushland, Victrack land) triggering a response by Council to assess the current, future, and potential benefits to biodiversity at the specific location and across the municipality (e.g., connecting fragmented habitat corridors). The acquisition framework provides a transparent, objective and evidence-based approach to evaluate the costs and benefits of acquiring land to strengthen the resilience, viability, and connectedness of the biodiversity system. This ultimately ensures that assessment methods and formal decision-making is actively geared towards positive ecological outcomes through habitat provision and enhanced ecological connectivity.

There are four phases to the framework guidance:

1. a rapid appraisal to shortlist potential sites and determine if a site warrants further assessment,
2. undertake a site-specific screening to identify any major issues or concerns,
3. undertake a comprehensive biodiversity assessment to score and rank the value of the site for conservation,
4. further considerations to identify additional values that may support the acquisition.

Chapter 3 - Connectivity

The movement of wildlife, flora and ecosystem processes is critical to biodiversity conservation and the health and functioning of ecosystems. Ecological connectivity is the ability of species to freely move through a landscape and the arrangement of landscape elements that facilitate or impede such movement. Improving ecological connectivity is particularly important in urban environments where species often face increased levels of habitat fragmentation and novel habitat types (major roads) that need to be negotiated while moving.

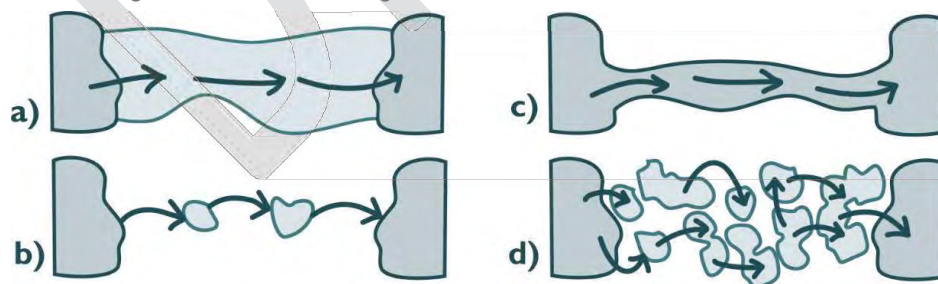


Figure 6. Different ways in which landscape connectivity can be achieved. (a) continuous habitat is maintained within a landscape; (b) stepping stones of different size or spacing along a mostly linear route where animals must cross unsuitable areas; (c) continuous corridors of varying width which provide an uninterrupted link between two larger patches of habitat, and (d) is where the intervening matrix has sufficient 'habitat' to allow wildlife to persist within the matrix as well as move between larger patches of habitat.

In Knox, key biolinks include the three main waterways (Dandenong Creek, Blind Creek and Corhanwarrabul Creek), the large areas of National Park in the south-east of the municipality, and areas with relatively high canopy cover, such as around The Basin and Boronia. The existing ecological connectivity of habitat patches was assessed using an overall metric of connected habitat area (effective mesh size in hectares) for the five chosen focal species; Sugar Glider, Marsh frog, and Short-beaked Echidna, Australian Admiral Butterfly, Superb Fairy-wren. The study identified the location of connected habitat patches for each species, and connections and gaps or barriers to movement and suggested priority areas for focused effort by Council to maintain and enhance ecological connectivity within Knox.

<i>Species</i>	<i>Total area of habitat</i>	<i>Number of connected areas</i>	<i>Effective mesh size (i.e., connected areas)</i>	<i>Proportion of available area to species</i>
Sugar Glider	505.4 ha	587	25.9 ha	5%
Striped Marsh Frog	305.2 ha	45	45.4 ha	15%
Echidna	1680.1 ha	188	314.5 ha	19%
Aus. Admiral Butterfly	1536.1 ha	153	334.4 ha	22%
Superb Fairy Wren	1481.0 ha	168	336.5 ha	23%

Figure 7. Overview of habitat connectivity analysis for each of the focal species.

Key recommendations from this section of the report include:

- Identify locations where habitat is contributing to ecological connectivity for many species.
- Identify opportunities to improve landscape level ecological connectivity (e.g., south of Napoleon Road, Lysterfield, and Bayswater industrial area).
- Refine the boundaries of connectivity zones so they follow natural ecological boundaries and explore opportunities to formally recognise connectivity zones through the Planning Scheme and other mechanisms.
- Identify and map 'secondary' linkages and stepping-stones that connect connectivity priority areas (e.g., roadside reserves, tributaries that drain into major waterways, private land parcels, and other patches of vegetation).
- Develop a biodiversity action plan for each connectivity corridor to ensure operational activities are relevant and suited to specific connectivity corridors.
- Identify and restore missing connectivity network links through habitat restoration, installation of wildlife crossing structures, working with private landowners (e.g., through Gardens for Wildlife) and other BSUD methods.

Knox Connectivity Corridors

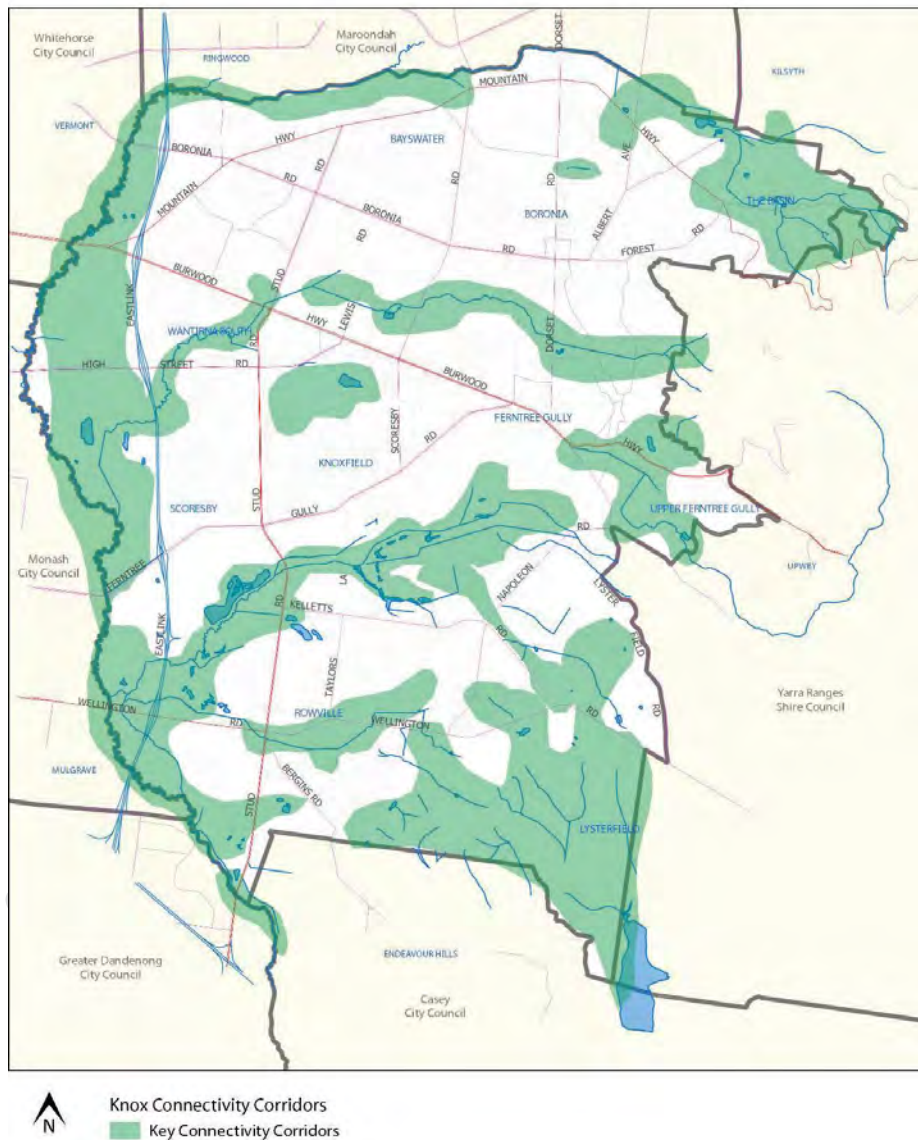


Figure 8. Map showing ecological connectivity corridors within the City of Knox.

Chapter 4 - BSUD Design

Biodiversity Sensitive Urban Design (BSUD) is an approach and methodology to scope plan and design and construct future urban infrastructure to support the conservation of biodiversity and enhancement of ecosystem health and services. This section of the report provides guidance on protecting, enhancing, and restoring biodiversity in urban and peri-urban spaces and offers design principles for Council to apply across numerous projects to improve urban biodiversity outcomes across multiple land tenures including residential, roadsides, waterways, industrial areas, and existing and proposed developments.

Key recommendations from this section of the report include:

- Provide simple and easy to use resources for community to understand BSUD and be encouraged to adopt these on private land (specifically via supporting the Gardens for Wildlife program to promote BSUD more widely across the municipality).
- Specific design considerations, such as wildlife sensitive night-lighting, fencing, habitat protection and restoration, wildlife bridges and connectivity.
- Develop and implement capital funding programs to fund the adoption and incorporation of BSUD in Council projects in order to support a nature positive environment.

Project 3: A Climate Resilience Tree Framework

Knox City Council commissioned the Climate Resilient Tree Framework to provide baseline information on the climate resilience of Knox's current street tree network. The project developed a framework to support the decision making in the planning and management of a climate resilient streetscape that also supports a comprehensive habitat corridor network.

Climate change and urban heat are major challenges for the planning and management of urban forests, the biodiversity they support, and the ecosystem services they provide. Managers of street trees must understand the resilience of tree species in a changing climate and plan for streetscapes that are more resilient.

The framework highlights that a range of climate resilience actions are possible that are constrained by budgets and knowledge. These decisions are predominantly focussed on species selection. Different decisions may happen in different parts of the landscape (e.g., new climate adapted species may be introduced to ornamental landscapes, while the status quo or climate adapted provenances of existing species may be introduced in bushland reserves). Changes to species composition and abundance will affect the ecological and social functions and services, and in turn the benefits delivered by the urban forest. For example, replacing locally Indigenous trees with unrelated species may lead to improved amenity (e.g., flowering and shade), but reduce habitat for local fauna and disrupt host-species interactions. Maintaining the status quo may lead to the decline of some species in future climates and the loss of the habitat and ecosystem services they provide.

The loss of local provenance species and genetic material may affect the cultural connections that traditional owners have with their country, or sense of place more broadly. Some of these effects are well understood but there are many knowledge gaps. These changes may also affect different parts of Knox’s community (both human and non-human) in different ways.

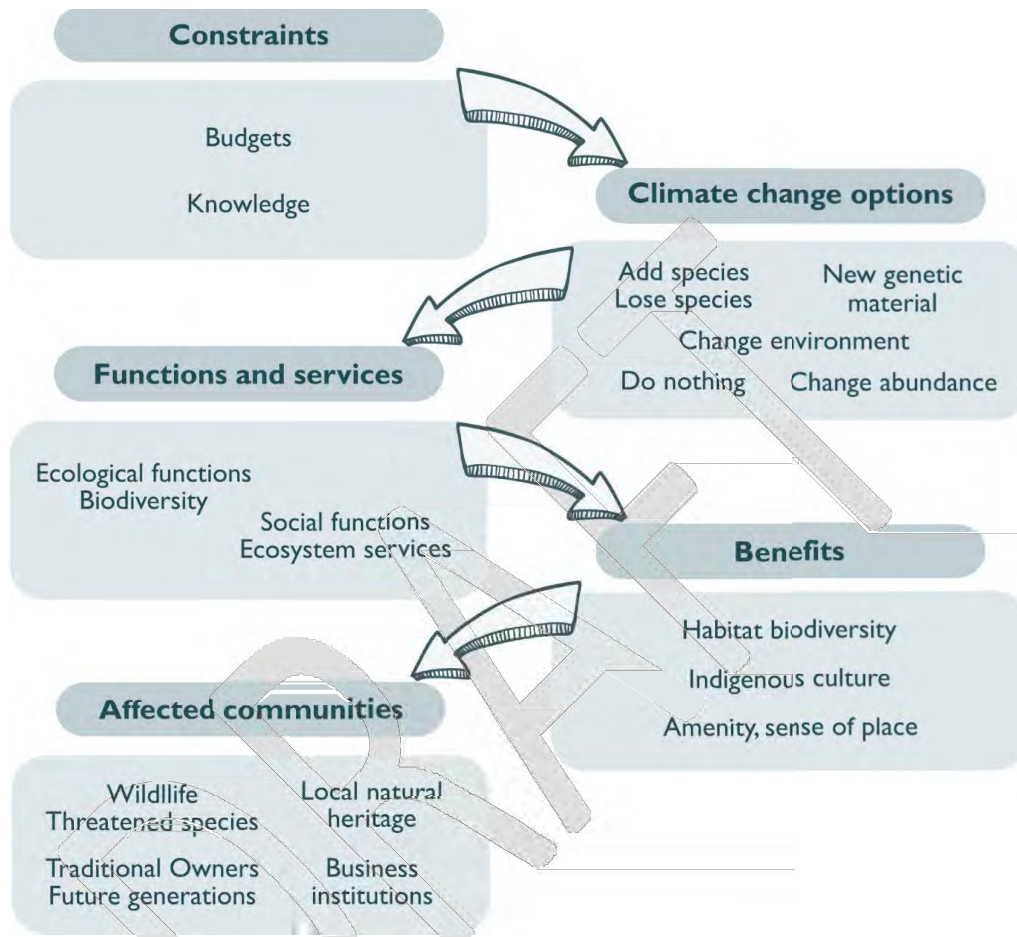


Figure 9. A climate resilient tree decision-making framework

As part of developing the framework, internal and external stakeholders from Council and key community members and groups (Knox Environment Society, Environmental volunteers) workshopped potential approaches to urban forest resilience. Three approaches were proposed to suit a range of scenarios appropriate to different locations, community values and ecological requirements (Figure 10).

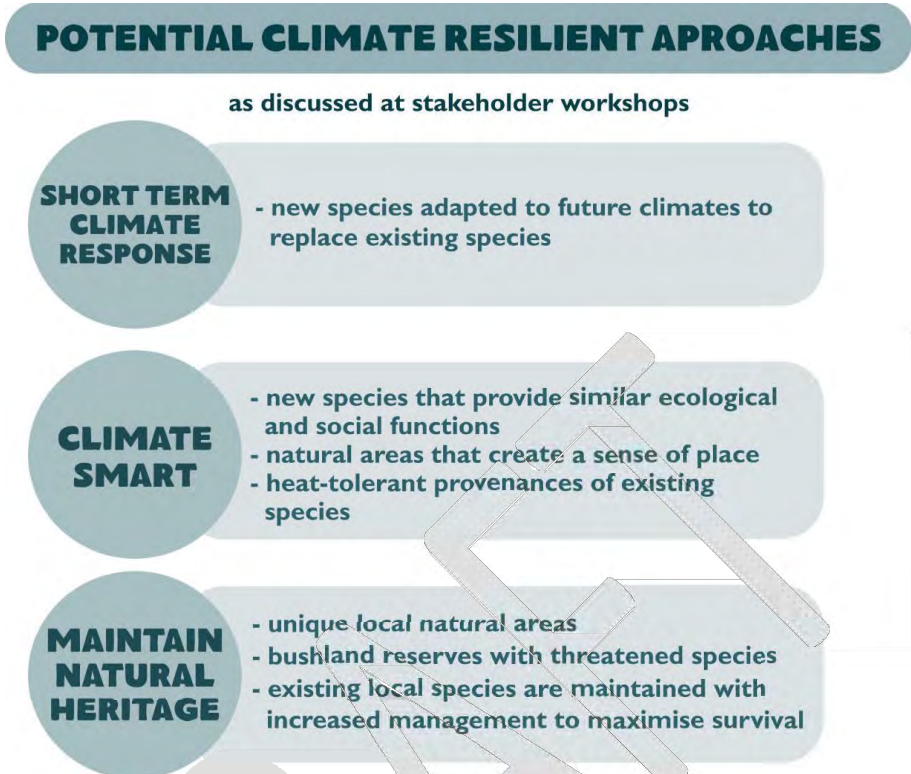


Figure 10. Various climate resilient approaches explored during workshop discussions.

These discussions highlighted the critical role that trees play in urban social-ecological systems, and how resilience is affected by ecosystem components (trees, shrubs, wildlife), indirect ecological factors (habitat corridors, temperature), and social and cultural functions (Indigenous connection to country, mental health, amenity). Through these discussions, we identified areas that connect habitat are particularly valuable environmentally and culturally. For example, sites such as Dobsons Creek, Lewis Park, Blind Creek and Starlight Reserve hold significant Indigenous cultural values and contribute to the wellbeing of community aesthetically and recreationally.

Knox’s current Street Tree selection (based on species in the street tree list) is quite well adapted to future climates, with only 5 of the top 50 species in the current tree inventory near the edge of their known climatic range even under the most extreme climate scenario – four deciduous northern European species (*Betula pendula*, *Quercus palustris*, *Acer × freemanii*, *Tilia cordata*), and one Tasmanian eucalypt (*Eucalyptus pulchella*).

An analysis of the whole street tree species list (Error! Reference source not found. and Error! Reference source not found.) shows that most trees and tree species are known to be at least as well suited to Knox’s emissions limited temperature scenario than current conditions, perhaps because Knox draws on a pool of species cultivated across Melbourne, and much of Melbourne is warmer than Knox.

While the risk to the whole Knox municipality Street Tree matrix is relatively small, risk is not equitably distributed across the municipality. There are streets in Lysterfield in the south and to a lesser extent, Boronia in the north with uniform plantings of northern European and northern American species, which present a risk of not surviving in a warming climate.

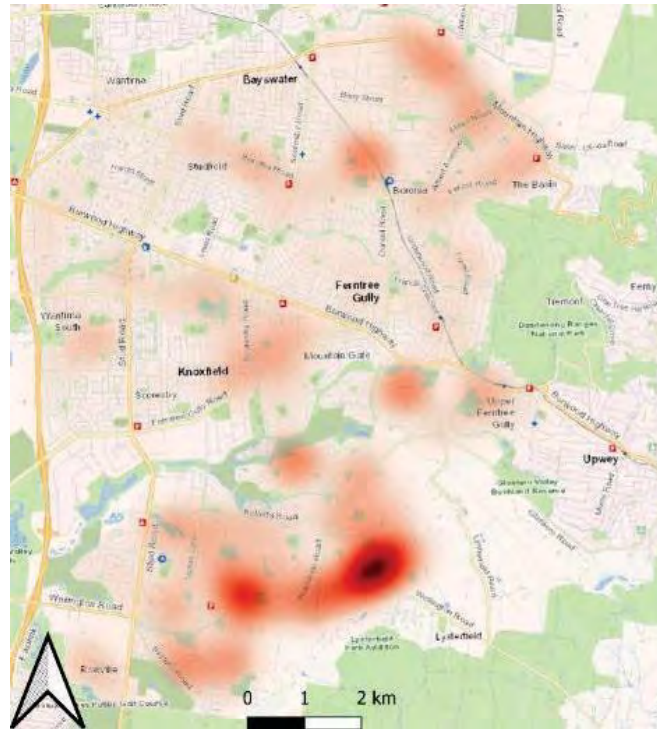


Figure 11. The spatial distribution of tree species risk across the municipality based on street trees that are at-risk in the business-as-usual climate scenario.

Key recommendations:

- Current research on climate suitability of trees being undertaken by Greening Australia and various universities should be incorporated into future revisions of this framework.
- The ecological implications of potential approaches to urban forest resilience should be considered within the context of Knox's ecological and socio-ecological systems.
- A comprehensive assessment of the ecological importance of new (those used to increase forest resilience), and existing species would aid urban forest decision making.

- Additional community engagement work, such as community surveys, would develop a broader understanding of the social implications, needs and preferences of the community regarding urban forest resilience approaches.
- The most important areas in Knox contributing to local natural heritage should be identified and actions to conserve local natural heritage should be prioritised in these landscapes.
- Knox's current Sites of Biological Significance data should be reviewed to ensure contemporary data is available to inform decision making.

MONITORING AND REVIEW

The biodiversity resilience of Knox will be reviewed every 10 years to determine the long-term objectives needed to ensure Knox's biodiversity remains healthy and resilient in the context of local threats and climate change. A core value of Council is that the actions and strategies taken towards biodiversity resilience be continuously improved via adaptive management approaches.

Indicators that will be used to measure improvements in biodiversity and the health of ecosystems are:

1. Implementation of policy and process that incorporates BSVD in capital and operational works
2. Habitat connectivity. The ratio of linked to unlinked areas of habitat. Habitat connectivity actions and projects (revegetation) are prioritised in high-priority areas as outlined in Project 2 of this Strategy.
3. Species diversity and health. Increase in the diversity and health of Indigenous species represented within Knox. A reduction in the risk of further species extinction within Knox from an improvement of species and ecosystem health. Consider the findings of past and future Sites of Biological Significance reports.
4. The status of EVCs within Knox and the health of ecosystem functions. Determine if the conservation status of EVCs within Knox has changed or is likely to change. Consider the findings of past and future Sites of Biological Significance reports.
5. Tree canopy cover. Increase tree canopy cover with the goal of achieving the 30% of land cover by 2050.
6. Community participation in biodiversity education programs (e.g., Gardens for Wildlife, Biodiversity Buddies Grant Applications, Nature Stewards) and stewardship activities (e.g., Friends groups, citizen science).
7. Activity with regional partners. Determine if regional programs and partnerships have had positive outcomes for biodiversity resilience in Knox.

Project 4: High Level – Biodiversity Flagship Action Themes

Biodiversity Vision

The native flora, fauna and ecosystems of Knox create a thriving and resilient natural environment in which the community coexists and is working towards a nature positive future.



CONNECT

- 1.1 Educate, upskill and empower community
- 1.2 Support and protect our native wildlife
- 1.3 Cross organisation collaboration to support the delivery of 30% tree canopy coverage



OPERATIONAL ACTIONS



PROTECT

- 2.1 Support, protect and enhance our biodiversity in Knox
- 2.2 Enhance livability
- 2.3 Identify habitat links and develop action plans



OPERATIONAL ACTIONS



ADAPT & INNOVATE

- 3.1 Pilot and implement best practice projects and actions
- 3.2 Exploring opportunities to implement biodiversity sensitive urban design in capital projects
- 3.3 Develop an understanding of community values towards the environment, biodiversity and trees



OPERATIONAL ACTIONS

Key Measures of Success

The Key measures of success (below) have been identified as some of the fundamental actions (outlined in the Biodiversity Operational Action Plan) to ensure a successful delivery of the Strategy.

- Development of up to 7 habitat corridor plans over the duration of the strategy.
- Develop a community engagement process to inform the development of the corridor action plans.
- Develop a policy and process for an Urban Biodiversity Sensitive Urban Design guide for infrastructure projects.
- Recruitment of Environmental Weed Officer (0.6 EFT)
- Develop an Environmental Weed Strategy
- Develop a program of environmental weed education and campaigns
- Incorporation of key bushland sites into the corridor mapping which include 'secondary' linkages and stepping stones that connect ecological priority areas.
- Development of fact sheets - focal species and stories
- Undertake mapping and analysis of tree canopy to develop incremental tree canopy target milestones and actions.

E.g. 2030/35, 2040/45, 2050

GLOSSARY OF TERMS

Biodiversity – The variety of life on Earth. There are three levels of biodiversity, including genetic, species and ecosystem diversity.

Ecosystem – All living things in a given area, interacting with each other and with the abiotic factors in their environment.

Endemic – Native plant or animal restricted to a certain place.

Indigenous species – A plant species that naturally occurs in an area and was present prior to 1788.

Resilience – The capacity of a substance or object to recover from disturbance and return to the pre-disturbance state or condition.

Ecosystem services – The benefits provided to people by ecosystems, including provisioning (e.g., food and fibre), regulating (e.g., cooling), supporting (e.g., soil formation) and cultural (e.g., recreation, heritage) services.

Urban forest – The tree-based vegetation communities that occur in cities, including all land uses and both public and private land.

Urbanisation – The process of making an area more urban, typically with higher density of human residents, buildings, roads and reduced canopy cover, open space, and biodiversity.

DEECA – Department of Energy, Environment & Climate Action

Locally Extinct – Termination of a species in a specific geographical area (in this case Knox), though it still exists elsewhere

Regeneration – a region defined by characteristics of the natural environment rather than by man-made divisions

LGA – Local Government Area

EVC – Ecological Vegetation Class.

APPENDIX

1. List of 27 emblematic species

<i>Species</i>	<i>Conservation Status</i>	<i>Species in Knox Atlas (1998-2017)</i>	<i>Knox Atlas # of records</i>	<i>VBA & ALA record numbers</i>	<i>Species/group mentioned in community online surveys</i>
Southern Toadlet <i>Pseudophryne semimarmorata</i>	en	Yes	20	105	Yes (generally referred to as frogs in surveys)
Blue-billed Duck <i>Oxyura australis</i>	vu	Yes	142	157	Yes
Powerful Owl <i>Ninox strenua</i>	vu	Yes	68	1286	Yes
White-plumed Honeyeater <i>Ptilotula penicillata</i>		Yes	1039	1537	Yes
Short-beaked Echidna <i>Tachyglossus aculeatus</i>		Yes	41	26	Yes
Australian King-Parrot <i>Alisterus scapularis</i>		Yes	250	2159	Yes
Eastern Great Egret <i>Adrea alba modesta</i>	vu	Yes	441	663	Yes (generally referred to as Egret in surveys)

<i>Species</i>	<i>Conservation Status</i>	<i>Species in Knox Atlas (1998-2017)</i>	<i>Knox Atlas # of records</i>	<i>VBA & ALA record numbers</i>	<i>Species/group mentioned in community online surveys</i>
Eastern Yellow Robin <i>Eopsaltria australis</i>		Yes	820	1162	No
Crimson Rosella <i>Platycercus elegans</i>		Yes	1178	2287	Yes
Gang-gang Cockatoo <i>Callocephalon fimbriatum</i>		Yes	105	157	Yes
Rainbow Lorikeet <i>Trichoglossus molucannus</i>		Yes	2329	1549	Yes
Sacred Kingfisher <i>Todiramphus sanctus</i>		Yes	157	951	No
Tawny Frogmouth <i>Podargus strigoides</i>		Yes	200	1058	Yes
Yellow-tailed Black Cockatoo <i>Calyptorhynchus funereus</i>		Yes	289	1887	Yes
Southern Shortfin Eel <i>Anguilla australis</i>		No	0	47	Yes (generally referred to as eels in surveys)
Australian Admiral Butterfly <i>Vanessa itea</i>		Yes	16	10	Yes (generally referred to as butterflies in surveys)

<i>Species</i>	<i>Conservation Status</i>	<i>Species in Knox Atlas (1998-2017)</i>	<i>Knox Atlas # of records</i>	<i>VBA & ALA record numbers</i>	<i>Species/group mentioned in community online surveys</i>
Blue Skinner Dragonfly <i>Orthetrum caledonicum</i>		No			Yes (generally referred to as dragonflies in surveys)
Sugar Glider <i>Petaurus breviceps</i>		Yes			Yes
Dandenong Burrowing Crayfish <i>Engaeus urostrictus</i>	cr	No	0	2	Yes (generally referred to as Burrowing Crayfish in surveys)
Tubercle Burrowing Crayfish <i>Engaeus tuberculatus</i>	en	No	0	2	Yes (generally referred to as Burrowing Crayfish in surveys)
Superb Fairywren <i>Malurus cyaneus</i>		No	0	13694	Yes
Common Galaxias <i>Galaxias maculatus</i>		Yes	22	2	-
Dwarf Galaxias <i>Galaxiella pusilla</i>		Yes	20	0	-
Agile Antechinus <i>Antechinus agilis</i>		Yes	13	9	-
Blotched Blue-tongues Lizard <i>Tiliqua nigrolutea</i>		Yes	12	4	Yes (generally referred to as blue-tongues in surveys)

<i>Species</i>	<i>Conservation Status</i>	<i>Species in Knox Atlas (1998-2017)</i>	<i>Knox Atlas #</i>	<i>VBA & ALA numbers</i>	<i>Species/group mentioned surveys</i>
Eastern Snake-necked Turtle <i>Chelodina longicollis</i>		No	0		Yes (generally referred to as turtles in surveys)
Garden skink <i>Lampropholis guichenoti</i>		Yes	30		Yes (generally referred to as skinks in surveys)

II. List of notable weeds in Knox and their scientific names

<i>Notable weeds (common names)</i>	<i>Scientific names</i>
Sweet pittosporum	<i>Pittosporum undulatum</i>
Blackberry	<i>Rubus fruticosus</i> agg.
Cotoneaster	<i>Cotoneaster</i> spp.
Angled Onion	<i>Allium triquetrum</i>
Sweet vernal grass	<i>Anthoxanthum odoratum</i>
Asparagus fern	<i>Asparagus aethiopicus, A. africanus, A. plumosus, A. delinatus, A. scandens</i>
Large quaking grass	<i>Briza maxima</i>

<i>Notable weeds (common names)</i>	<i>Scientific names</i>
Greater bindweed	<i>Calystegia sepium</i>
Red cestrum	<i>Cestrum elegans</i>
Boneseed	<i>Chrysanthemoides monilifera</i>
Hawthorn	<i>Crataegus monogyna</i>
Montbretia	<i>Crocasmia x crocosmiiflora</i>
English broom	<i>Cytisus scoparius</i>
English Ivy	<i>Hedera helix</i>
Cape Ivy	<i>Delairea odorata</i>
Sallow wattle	<i>Acacia longifolia</i>

8.3 Knox Community Awards Program

SUMMARY: Head of Governance, Saskia Weerheim

The Knox Australia Day Awards were a discretionary awards program of Council that ran from 1994 to 2023. At the September 2023 Strategic Planning Committee Meeting, a decision was made to discontinue these awards in their current form and investigate ways to offer a revitalised Council-run Community Awards Program, to commence in 2024.

Following on from this decision, various options were considered for a revamped Council awards program. This report proposes a new awards program, the “Knox Community Awards” with the purpose of recognising and celebrating the valuable contribution that volunteers make to the Knox community. It is proposed that the Knox Community Awards be conferred during National Volunteer Week, held annually in May, commencing in 2024.

Terms of Reference have been drafted to support the proposed new awards program and to establish a Committee to recommend the recipients. The new categories in the draft Terms of Reference aim to revitalise the awards program whilst simplifying the process for the community, with the aim of driving increased nominations and increasing community participation in the awards in the future.

RECOMMENDATION

That Council resolve to:

1. **Adopt the Knox Community Awards Terms of Reference, as presented in Attachment 1.**
2. **Appoint two Councillors, Councillor _____ and Councillor _____ to represent Council on the 2024 Knox Community Awards Committee.**

1. INTRODUCTION

Council has run a community awards program since 1994. A downward trend in the number of nominations and awards presented in recent years, combined with the low engagement in recent community consultation on the awards, suggested that the awards in their previous configuration were no longer effectively resonating with our community. Consequently, the Strategic Planning Committee decided to discontinue this awards program and focus efforts on a revamped program, incorporating a revised structure and award categories for consideration by Council.

Scoping was undertaken to develop a revamped Council award program, incorporating feedback received from the community as part of the review of Council’s previous awards program in 2023. Based on community feedback, the scoping considered incorporating the program with either an existing Council event or day of recognition, with the aim of capturing a wider audience and showcasing volunteerism in Knox.

2. DISCUSSION

2.1 National Volunteer Week

Based on scoping, it is the officer recommendation that Council adopt the draft Terms of Reference (Attachment 1), that establishes the Knox Community Awards and associated specific purpose committee, the Knox Community Awards Committee.

The Terms of Reference provide the framework for a new Council awards program aligned to and celebrated during National Volunteer Week – normally held in the third week of May each year.

National Volunteer Week is Australia's largest annual celebration of volunteering and will be next held between 20 to 26 May 2024. Each year this event recognises the crucial role of volunteers in supporting our community and encourages people to start volunteering.

Following adoption of the Terms of Reference, a Communications Plan will be developed to seek nominations in the lead-up to National Volunteer Week. Nominations will occur over an eight-to-ten-week period, and it is proposed that the Committee meet in April to consider the nominations, with a presentation event to be held during National Volunteer Week.

2.2 Draft Terms of Reference – Knox Community Awards Committee

Draft Terms of Reference have been developed to establish a new awards program with accompanying specific purpose committee, the Knox Community Awards Committee – see Attachment 1.

The draft Terms of Reference outline the expectations and operations of a Council Committee. Support is sought for up to two Councillors to become members of the 2024 Committee, in line with the draft Terms of Reference. It is proposed that the remainder of the Committee comprise the previous year's Knox Community Awards recipients (from Categories One and Three and a representative from the recipient of Category Two). For the 2024 round, it is proposed that the 2023 Knox Australia Day Award recipients be invited to join the inaugural Knox Community Awards Committee.

The draft Terms of Reference propose new award categories that offer a broad opportunity to recognise volunteer effort, as well as the opportunity for a Knox-based organisation to be recognised. The categories are as follows:

Category One: Knox Volunteer of the Year

For a volunteer:

- Who has made a difference to the Knox community through their volunteer efforts; and
- Whose service is over and above the contributions of other volunteers.

Category Two: Knox Community Organisation of the Year

For community organisations, clubs or groups whose service is over and above the contribution of other community organisations in improving the lives of the Knox community. Nominees must be not-for-profit community organisations or groups who have made a significant contribution to the Knox community.

Community groups may be nominated for a specific project or event undertaken in the last 12 months that demonstrates a positive impact to the Knox community.

Category Three: Outstanding Volunteer Service

The Committee will also consider recognising up to five volunteers who have made an outstanding contribution to the Knox community through their volunteer efforts.

Category Four: Recognition of Years of Service

Council will also recognise volunteers who have provided continuous volunteer service to a community organisation that benefits the Knox community. Local community organisations are

invited to recognise their volunteers who have provided services to the Knox community for the following time periods:

- 10 years of service;
- 15 years of service; and
- 20 years + of service.

A scoring matrix has been developed (Attachment 2) to support the Terms of Reference and assist the Knox Community Awards Committee to assess nominations for the Knox Community Awards Program. The scoring matrix will also be made available for nominators to assist in the nomination process.

2.3 Post-Event Review

As has been the practice with the previous Council awards program, officers propose to present a post-event report enabling Councillors to review and provide feedback regarding the event and potential consider changes to improve the program.

3. ENGAGEMENT

Community engagement was undertaken in 2023 and feedback was considered as part of the review process.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental implications associated with this report.

6. FINANCIAL & ECONOMIC IMPLICATIONS

Administration of the awards and the events will be resourced through the existing budget.

7. SOCIAL IMPLICATIONS

Council's Community Awards Program provides the community with an opportunity to acknowledge those people who work tirelessly by helping others and building a more connected community.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Connection, Resilience & Wellbeing

Strategy 4.2 - Foster inclusivity, equality, belonging and safety within the community.

Civic Engagement & Integrity

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

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: Head of Governance, Saskia Weerheim

Report Authorised By: Acting Director Customer and Performance, Liesl Westberry

ATTACHMENTS

1. Attachment 1 - Draft Knox Community Awards Committee Terms of Reference [**8.3.1** - 6 pages]
2. Attachment 2 - Draft Knox Community Awards Scoring Matrix [**8.3.2** - 2 pages]



Knox Community Awards Committee

Directorate:	Customer and Performance		
Approved by:	Council	Responsible Officer:	Manager Governance and Risk
Approval Date:	TBC	Review Date:	4 year from approval

1. Purpose

The purpose of the Knox Community Awards Committee is to recognise and celebrate the valuable contribution that volunteers make to the Knox community through an annual awards program.

2. Objectives

2.1 The objectives of the Knox Community Awards Committee are to consider nominations and recommend annual award recipients in the following categories:

1. Knox Volunteer of the Year

For a volunteer:

- Who has made a difference to the Knox community through their volunteer efforts; and
- Whose service is over and above the contributions of other volunteers.

2. Knox Community Organisation of the Year

For community organisations, clubs or groups whose service is over and above the contribution of other community organisations in improving the lives of the Knox community. Nominees must be not-for-profit community organisations or groups who have made a significant contribution to the Knox community.

Community groups may be nominated for a specific project or event undertaken in the last 12 months that demonstrates a positive impact to the Knox community.

3. Outstanding Volunteer Service

The Committee will also consider recognising up to five volunteers who have made an outstanding contribution to the Knox community through their volunteer efforts.

4. Recognition of Years of Service

Council will also recognise volunteers who have provided continuous volunteer service to a community organisation that benefits the Knox community. Local community organisations are invited to recognise their volunteers who have provided services to the Knox community for the following time periods:



- 10 years of service;
- 15 years of service;
- 20 years + of service.

2.2 The Committee may consider volunteers who are not residents of the municipality, but whose contributions have principally been within the municipality, or primarily for the benefit of the Knox community.

2.3 Awards will be presented at an event during National Volunteer Week – held annually, generally in the third week in May. The format of the award presentation is determined by the Chief Executive Officer in consultation with the Mayor and Councillors.

2.4 The Committee is expected to meet up to three times annually between March and April.

3. Membership, Period of Membership and Method of Appointment

Membership of the Knox Community Awards Committee is comprised of the following:

- Up to 2 Councillor(s) – appointed annually by Council at the November Council Meeting for the election of the Mayor.
- The previous year's Knox Community Awards Recipients (from categories one and three and a representative from the recipient of category two) are invited to participate on the committee for the following year's award recipients.

It is noted that in the first year of the awards, Council will appoint Councillors to the Committee at a Council Meeting. The 2023 Knox Australia Day Award recipients will also be invited to join the inaugural Knox Community Awards Committee.

Unless appointed to the Committee, the Mayor is, by virtue of the Office, ex officio a member of the Committee. As an ex officio member the Mayor may not chair these meetings, however appropriate recognition should be given to the presence of the Mayor if in attendance. The Mayor has no voting rights in their capacity as an ex officio member of the Committee.

Council staff will provide support and assistance to the Committee as required.

4. Delegated Authority and Decision Making

The Committee has the capacity to make recommendations in relation to the objectives outlined in section 2 of these Terms of Reference.

The Committee will consider and assess all nominations in accordance with the objective set out in section 2 of these Terms of Reference.



The Committee will then recommend a preferred recipient(s) for each award category, which will be referred to the Chief Executive Officer. The Chief Executive Officer may either ratify the recommendations under delegated powers, or refer the decision to Council at their discretion.

In making recommendations, the Committee must comply with Council's policies, procedures and guidelines. In accordance with section 124 of the *Local Government Act 2020*, a Councillor must not intentionally direct or seek to direct a member of Council staff in the exercise of any power or in the performance of any duty or function.

The Committee cannot make recommendations outside the agreed scope detailed in its Terms of Reference.

5. Meeting Procedures

The meeting schedule for the Committee will be determined in consultation with the Councillor members of the Committee.

Committee meetings are confidential and closed to the public. Committee members must not disclose the matters discussed at the meeting with anyone other than a fellow Committee member.

Officers are authorised to disclose award recipients to third parties in order to plan for the presentation of Knox Community Awards.

Meetings will:

- Commence on time and conclude by the stated completion time;
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member;
- Encourage fair and respectful discussion, participation and respect for each other's views;
- Focus on the relevant issues at hand; and
- Provide advice to the Chief Executive Officer, as far as practicable, on a consensus basis.

There will be no designated quorum for the Knox Community Awards Committee.

6. Chair

The position of Chairperson will be appointed annually at the first meeting of the Committee.

Where there is one Councillor representative on the Committee, that Councillor stands as chair. Where there is more than one Councillor, the chair is to be agreed upon between Councillors. When this cannot be achieved, the Mayor of the day shall determine the Chair.

A Committee may determine, with consent of the Councillor representative/s, to appoint another member other than the Councillor representative/s as Chairperson.



If the Chairperson is not present at a meeting, any other Councillor shall be appointed Chairperson. In the absence of any other Councillor representative/s, the Committee members shall appoint a Chairperson for the purpose of conducting the meeting.

The Chairperson must advise the Governance Team of the name of the Chairperson within one week of appointment.

7. Agendas and Meeting Notes

Agendas and Minutes must be prepared for each meeting. The Agenda must be provided to members of the Committee not less than 4 days before the time fixed for the holding of the meeting.

The Chairperson must arrange for minutes of each meeting of the Committee to be kept.

The minutes of a Specific Purpose Committee meeting must:

- (a) Contain details of the proceedings and outcomes reached;
- (b) Be clearly expressed;
- (c) Be self-explanatory; and
- (d) In relation to outcomes recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process.

Minutes must be approved by the Chair. Due to the nature and role of this Committee, minutes shall remain confidential.

8. Voting

As Council Committees are advisory in nature, voting on issues is not required. Any recommendations will generally be developed through consensus. Where a matter cannot be agreed the differing opinions should be clearly expressed in the notes of the meeting.

Staff provide support and advice to the Committee only.

9. Conflict and Interest Provisions

In performing the role of Committee member, a person must:

- Act with integrity;
- Impartially exercise their responsibilities in the interests of the local community;
- Not improperly seek to confer an advantage or disadvantage on any person;
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons;
- Commit to regular attendance at meetings; and



- Not make improper use of information acquired because of their position or release information that the member knows, or should reasonably know, is confidential information.

Meetings of the Committee will typically constitute a Meeting Conducted under the Auspices of Council pursuant to Council's Governance Rules and Councillors are consequently required to comply with the conflict of interest provisions as set down in section 131 of the 2020 Act and Chapter 5 of the Council's Governance Rules.

Councillors must:

- Disclose that conflict of interest by explaining the nature of the conflict of interest to those present immediately before the matter is considered;
- Absent themselves from any discussion of the matter; and
- As soon as practicable, provide the CEO with a written notice recording the nature of the conflict.

Typically, where a member of staff or a community member has a conflict of interest or perceived conflict of interest in relation to a matter before the Council Committee, they must disclose the matter to the Council Committee before the matter is considered or discussed. Disclosure must include the nature of the interest and be recorded in the meeting notes. It will be at the discretion of the Chairperson if the staff and/or community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the notes of the meeting.

10. Reporting

A report will be presented annually to Council to:

- Provide an overview of the Awards presented in that year; and
- Confirm the awards to be presented in the following year.

11. Administration Support

Administration support is provided to the Knox Community Awards Committee by the Governance Team.

12. Contact with the Media

Contact with the Media by members of the Committee will be conducted in accordance with the Councillor and Staff Media Policies. Community members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the Committee.

13. Review Date

The Terms of Reference will be reviewed as required, or as a minimum every 4 years.

14. Meals



Reasonable refreshments will be provided during the course of a Committee meeting. The provision of meals will be determined by the CEO or delegate, and be within the capacity of the relevant department's budget.

15. Administration Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this Terms of Reference, such a change may be made administratively and approved by the Chief Executive Officer. Examples of minor administrative changes include change to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation, or a change that does not otherwise have material impact. Where any change or update may materially change the intent of this Terms of Reference, it must be considered by Council at a Council or delegated Committee meeting.



Knox Community Awards

1. This scoring matrix has been developed to assist the Knox Community Awards Committee to assess nominations for the Knox Community Awards Program. The scoring matrix will also be made available for nominators to assist in the nomination process for the following categories:

Knox Volunteer of the Year

For a volunteer:

- Who has made a difference to the Knox community through their volunteer efforts; and
- Whose service is over and above the contributions of other volunteers.

Knox Community Organisation or Event of the Year

For community organisations, clubs or groups whose service is over and above the contribution of other community organisations in improving the lives of the Knox community. Nominees must be not-for-profit community organisations or groups who have made a significant contribution to the Knox community.

Community groups may be nominated for a specific project or event undertaken in the last 12 months that demonstrates a positive impact to the Knox community.

Outstanding Volunteer Service

Recognition of up to five volunteers who have made an outstanding contribution to the Knox community through their volunteer efforts.

2. The Committee may consider volunteers who are not residents of the municipality, but whose contributions have principally been within the municipality, or primarily for the benefit of the Knox community.
3. The Committee may, through consensus, elect:
 - i. Not to recommend an award recipient in a particular category; and/or
 - ii. To consider a nominee in a category other than that for which they have been nominated.
4. The Committee will consider and assess all nominations in accordance with the objective set out in Knox Community Awards Committee Terms of Reference.

The Committee will then recommend a preferred recipient (s) for each award category, which will be referred to the Chief Executive Officer. The Chief Executive Officer may either ratify the recommendations under delegated powers, or refer the decision to Council at their discretion.



5. The Committee will use the following scoring matrix to assess nominations:

Criterion	
Impact	<ul style="list-style-type: none"> - Level of impact on the Knox community - Demonstrated positive change and influence
Community Involvement	<ul style="list-style-type: none"> - Collaboration with others in the community - Building partnerships for collective success
Inclusivity	<ul style="list-style-type: none"> - Promotion of inclusivity within the community
Leadership	<ul style="list-style-type: none"> - Demonstrating leadership in community initiatives - Inspiring and motivating others to contribute

Each criterion is scored on a scale from 0 to 10, reflecting the nominee's demonstrated performance in each category. The total score will provide an overall assessment of the individual or group's eligibility for the community award.

8.4 Capital Works Amended Ranking Criteria

SUMMARY: Coordinator Capital Works Planning, John Bixby
Council annually adopts the Capital Works Ranking Criteria which provides a transparent methodology for the initial ranking of the New and Upgrade programs.

At the October 2023 Council meeting, Council adopted the updated Capital Works Ranking Criteria, as presented except for Program 4000 – Structured Sporting Facilities (Buildings), Program 4001 – Arts and Cultural Facilities (Buildings), Program 4002 – Indoor Leisure Facilities (Buildings) and Program 4003 – Family & Children Service Buildings and Facilities (Buildings). Council sought a further report on the proposed changes to those four programs.

This report provides further explanation of the proposed changes for the four programs and seeks Council adopt the changes as proposed.

RECOMMENDATION

That Council adopt the amended Capital Works Ranking Criteria for New/Upgrade Programs as shown in Attachment 1.

1. INTRODUCTION

In accordance with Council's Funding Allocation Policy, all proposed New/Upgrade category capital works projects are to be ranked within their respective sub programs for presentation to Council. The Capital Works Program ranking criteria is a tool used to initially rank new/upgrade projects for Council's consideration. Council then considers the whole of the capital works new and upgrade program and makes the final decision on the projects which form the capital works program.

The principle of this approach is to demonstrate transparently that Council is considering the allocation of funding to the highest priority needs within the municipality. This process also facilitates good governance and strategically drives the delivery of the Capital Works Program to improve services to the community.

2. DISCUSSION

2.1 Basis for review of Ranking Criteria

At its Ordinary Meeting of Council on 23 October 2023, Council received a report in relation to the Capital Works Ranking Criteria. Council elected to adopt the Ranking Criteria with the following changes to occur (which have now been applied) to the capital works planning process:

1. *Adopt the Capital Works Ranking Criteria for New/Upgrade Programs subject to the following amendments;*
 - A.) *Amend the proposed ranking criteria for Program 4000 – Structured Sporting Facilities (Buildings), Program 4001 – Arts and Cultural Facilities (Buildings), Program 4002 – Indoor Leisure Facilities (Buildings) and Program 4003 – Family & Children Service Buildings and Facilities (Buildings) by retaining the (unamended) maximum score for the 'External Funding' criteria as currently endorsed by Council and reducing the other respective criteria which were changed to maintain the 100-point total score.*

B.) Amend Programs 4000 Structured Sporting Facilities (Non - Buildings) Item 1.2, 4001 Arts and Cultural Facilities (Buildings) Item 4.7 and 4002 Indoor Leisure Facilities (Non-Buildings) Item 5.2 by including “, CALD” after “LGBTQI+” in each Program.

2. *Receive a further report to a future Council or Committee meeting to consider potential amendments to the proposed ranking criteria for Program 4000 – Structured Sporting Facilities (Buildings), Program 4001 – Arts and Cultural Facilities (Buildings), Program 4002 – Indoor Leisure Facilities (Buildings) and Program 4003 – Family & Children Service Buildings and Facilities (Buildings).*

In accordance with the meeting outcomes, Council Officers have applied the adjustments to the scoring process for identified elements of the Capital Works program.

2.1 Ranking Criteria Basis for Amendments

In response to Resolution 2 the proposed modifications to the existing capital works ranking criteria involve prioritising Regulatory Compliance or Asset Performance while acknowledging the potential for External Funding. The revised criteria offers a more balanced and future-proof ranking system, minimising impact on the current program and supporting responsible infrastructure investment.

The proposed changes elevate the importance of Regulatory Compliance or Asset Performance by increasing their respective scores within the ranking system. This shift aligns with our commitment to maintaining safe and reliable infrastructure, ensuring adherence to legal and environmental regulations.

To compensate for the increased focus on internal factors, the score for External Funding is proposed to decrease by 5 points. This acknowledges the uncertainty of securing external funding, which often materialises closer to project execution. By de-emphasising this factor in the initial ranking, we avoid prioritising projects on speculative funding possibilities.

The revised criteria are designed to preserve the overall project ranking within the current program. While individual project positions may vary slightly, significant shifts are unlikely due to the strategic adjustments and focus on long-term asset health and regulatory compliance.

It is recognised that securing external funding can significantly impact project viability. Therefore, the final program adoption by Council will consider securing external funding as a key factor. This ensures transparency and allows Council to adjust priorities based on concrete funding developments.

The proposed modifications create a more balanced ranking system, prioritising essential factors like safety, environmental compliance, and asset longevity. This fosters responsible infrastructure investment, protects against funding uncertainties, and provides Council with the flexibility to adapt to funding developments at the final approval stage.

The proposed adjustments to the capital works ranking criteria support responsible infrastructure management. By prioritising Regulatory Compliance, Asset Performance, and long-term value, we lay the foundation for a sustainable and robust infrastructure program.

Attachment 1 shows all the proposed amendments both scoring and text. The amended scoring changes are listed below:

Program 4000 - STRUCTURED SPORTING FACILITIES (Buildings)

- 2.2 Risk (Regulatory compliance) – update maximum score from 10 to 15
- 2.3 Financial (External Funding) – update maximum score from 10 to 5

Program 4001 - ARTS AND CULTURAL FACILITIES (Buildings)

- 4.3 Financial - External funding) – update maximum score from 10 to 5
- 4.4 Asset Service Delivery Improvement – Asset Performance – update maximum score from 25 to 30.

Program 4002 - INDOOR LEISURE FACILITIES (Buildings)

- 6.2 Risk (Regulatory compliance) – update maximum score from 10 to 15
- 6.3 Financial (External Funding) – update maximum score from 10 to 5

Program 4003 - FAMILY & CHILDREN SERVICES BUILDINGS AND FACILITIES (Buildings)

- 8.3 Financial (External Funding) – update maximum score from 10 to 5
- 8.4 Asset Service Delivery Improvement – Asset Performance – update maximum score from 25 to 30.

3. CONSULTATION

A discussion was held with Councillors on 4 December 2023 to clarify the proposed changes and to discuss the impacts of the changes.

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 need for investment in Council assets will be an ongoing component of service provision. Council's investment in its Capital Works programs can have direct impacts on achieving objectives outlined in the Climate Response Plan. Delivering outcomes, a range of programs can both directly align with climate response plan objectives (tree planting, stormwater management, sustainability initiatives, facilities enhancement) and potentially misalign with Council's climate aspirations (road surfacing, footpath and shared path construction). When delivering across all programs, Council officers are actively seeking to ensure circular economy principles through re-use of products, procurement of recycled materials and products and sustainable disposal techniques where possible.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

The ranking criteria for New/Upgrade projects have been developed using a multifaceted evaluation philosophy, with programs structured in accordance with social, environmental, economic as well as governance categories. As noted, the criteria for New and Upgrade Capital Works sub programs have been reviewed, with only administrative adjustments proposed to inform the ongoing development and delivery of Council's overall Capital Works Program.

This assessment process is important in ensuring that the Program delivers the greatest benefits to the Knox community.

6. FINANCIAL & ECONOMIC IMPLICATIONS

The underpinning concept in the use of the ranking criteria is to ensure that projects are prioritised with substantiation so that the overall needs of the community are addressed in a strategic way with the highest priority projects taking precedence.

This supports consistency and transparency in allocating funding to ongoing capital programs whereby, subject to practicality and Council endorsement, funding is directed to the highest ranked projects.

7. SOCIAL IMPLICATIONS

The provision, upgrade and replacement of community assets and infrastructure are aligned to the needs of the community, so that they are enjoyed by current and future generations.

As noted, the use of comprehensive and transparent ranking criteria is seen to be an important tool in the establishment of Council's Capital Works Program to ensure that those projects that have the greatest benefit or outcome are identified and prioritised.

Importantly, members of the community or individuals who are advocating for projects can be confident that a transparent process, based on objective and agreed criteria, will form the basis of ranking and identify the top ranked projects. This also ensures equity consideration whereby all community groups or individuals, whether large or small, can be confident that projects are transparently assessed based on merit. This also meets the objectives of the Local Government Act 2020 and best practice in terms of good governance and transparency and allows all groups and individuals to see where their projects sit based on these ranking criteria.

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.

Strategy 1.2 - Encourage and support opportunities for skills development and lifelong learning for all people in Knox.

Neighbourhoods, Housing & Infrastructure

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

Strategy 2.3 - Provide, maintain and advocate for accessible and sustainable ways to move around Knox.

Natural Environment & Sustainability

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

Strategy 3.2 - Prepare for, mitigate and adapt to the effects of climate change.

Strategy 3.3 - Lead by example and encourage our community to reduce waste.

Connection, Resilience & Wellbeing

Strategy 4.1 - Support our community to improve their physical, mental and social health and wellbeing.

Strategy 4.2 - Foster inclusivity, equality, belonging and safety within the community.

Strategy 4.4 - Support the community to identify and lead community strengthening initiatives.

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.

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 are no items of a confidential nature in this report.

Report Prepared By: Coordinator Capital Works Planning, John Bixby
Manager Sustainable Infrastructure, Matthew Hanrahan

Report Authorised By: Director Infrastructure, Grant Thorne

1. Attachment 1 - Council Report - Capital Works Ranking Criteria - New & Upgrade Programs [8.4.1 - 10 pages]

ATTACHMENT 1

**PROPOSED RANKING CRITERIA – 2024-2029
(With changes identified for reference)**

4000, 4001, 4002, 4003 NEW/UPGRADE

Change Identification

All text highlighted in yellow show a change from the 2023-2027 Capital Works Ranking Criteria.

Text that has a strike though, show what is proposed to be removed due to a change in criteria.

4000 STRUCTURED SPORTING FACILITIES (Buildings)

The assessment process for Structured Sporting Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

2 Assessment Criteria for Buildings in Structured Sporting Facilities				
		Maximum Score	Description	Score
2.1	Alignment with Strategic Plans			
	Community and Council Plan or other adopted Plan or Strategy	15	Project Aligns with a Council Plan key direction Initiative	15
	Key direction, strategies and Initiatives, strategies and goals of the Community and Council Plan. Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
			Project Aligns with two or more Council Initiatives Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
			Project Aligns with 1 Council Goal key direction, Strategy or Initiative	5
			Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
	Climate Change Response	15	The Project Addresses both Mitigation and Adaptation	15
	The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
			The Project Addresses neither Mitigation nor Adaptation	0
2.2	Risk			
	Regulatory compliance	40 15	Project is required to resolve one or more regulatory issues	40 15
	DDA, NCC, Australian standards, etc.		Project will enable the facility to meet specific industry guidelines	5 10
			Project does not resolve regulatory issues or respond to specific industry guidelines	0
	Risk if project does not proceed	15	High	15
	Based on assessment from Corporate Risk Framework		Medium	10
			Low	5
			Negligible	0

2.3	Financial			
	External funding	10 5	Project to be 50% or more funded by a grant, or external organisation	10 5
			Project to be 10-50% funded by a grant, or external organisation	5- 3
			Project <10% funded by grant or external organisation	2 1
			Project completely Council funded	0
	Lifecycle cost impact	10	RI equal to or greater than 20%	10
	Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
	Renewal Indicator (RI) = Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
2.4	Asset Service Delivery Improvement			
	Asset Performance	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
	How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities)		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
	- Fitness for Purpose - Utilisation - Demand		Project will improve asset performance, but current service delivery is acceptable	5
			Project does not improve asset performance	0
	Maximum Possible Score			100

4001 ARTS AND CULTURAL FACILITIES (Buildings)

The assessment process for Arts and Cultural Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

4 Assessment Criteria for Buildings in Cultural Facilities				
		Maximum Score	Description	Score
4.1	Alignment with Strategic Plans			
	Community and Council Plan or other adopted Plan or Strategy	15	Project Aligns with a Council Plan key direction Initiative	15
	Key direction, strategies and Initiatives, strategies and goals of the Community and Council Plan. Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
			Project Aligns with two or more Council Initiatives Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
			Project Aligns with 1 Council Goal key direction, Strategy or Initiative	5
			Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
	Climate Change Response	15	The Project Addresses both Mitigation AND Adaptation	15
	The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
			The Project Addresses neither Mitigation nor Adaptation	0
4.2	Risk			
	Regulatory compliance	10	Project is required to resolve one or more regulatory issues	10
	DDA, NCC, Australian standards, etc.		Project will enable the facility to meet specific industry guidelines	5
			Project does not resolve regulatory issues or respond to specific industry guidelines	0
	Risk if project does not proceed	15	High	15
	Based on assessment from Corporate Risk Framework		Medium	10
			Low	5
			Negligible	0

4.3	Financial			
	External funding	40 5	Project to be 50% or more funded by a grant, or external organisation	40 5
			Project to be 10-50% funded by a grant, or external organisation	5 3
			Project <10% funded by grant or external organisation	2 1
			Project completely Council funded	0
	Lifecycle cost impact	10	RI equal to or greater than 20%	10
	Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
	Renewal Indicator (RI) = Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
4.4	Asset Service Delivery Improvement			
	Asset Performance	25 30	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25 30
	How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
			Project will improve asset performance, but current service delivery is acceptable	5
			Project does not improve asset performance	0
	Maximum Possible Score			100

4.5	Assessment Criteria for Cultural Facilities, not including Buildings	Rating	Score
4.6	Governance		
	Is the project supported by Council's Community and Council Plan, current Arts and Cultural Service Plans, or other relevant Council plans or relevant State and Federal standards?	Significant Moderate Slightly Not at all	20 10 7 0
	What risk would the community/Council be exposed to should the project not be undertaken? (rated against Council's Integrated Risk Management Process).	Medium Low None	12 5 0
4.7	Social / Community Engagement / Community Benefit		
	To what extent has planning for this project been completed?	Significantly (Detailed design/Costing and relevant permits/Stakeholder sign-off) Moderately (Concept design/QS Costing/Extensive Consultation) Slightly (Initial scoping/initial discussion) Not at all	7 3 1 0
	Will the project increase support placemaking and cultural tourism through increased visitation at a local, municipal or regional level?	Regional Municipal Local	6 3 1
	Does the project encourage greater arts participation/engagement from any of the following: women, people with disabilities, youth, seniors, First Nations, LGBTQIA+, CALD and socially isolated individuals and communities?	All 5 4 3 1-2 0	7 5 3 1 0
	Does the project assist in the support, development and advocacy of artists and/or the creative industries in Knox?	Significant Moderate Slightly Not at all	10 7 2 0
4.8	Environmental		
	How does this project contribute to the natural and built environment of Knox, considering energy efficiencies, sustainable design principles and integrated transport options?	Significant Moderate Slightly Not at all	7 5 2 0
	Can the project be completed through the use of sustainable materials?	Significant Moderate Slightly Not at all	6 3 1 0
4.9	Economic / Financial Impact		
	Will the project have a positive impact on the economic development of Knox?	Significant Moderate Slightly Not at all	7 3 1 0
	Will the impact on recurrent costs change?	Decrease Same Increase	6 3 0
	Does the project have the potential of attracting external funding from grants, partners, investors, sponsors, developers, philanthropic givers, etc?	>50% <50% None	12 6 0
	Maximum Possible Score		100

4002 INDOOR LEISURE FACILITIES (Buildings)

The assessment process for Indoor Leisure Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

6 Assessment Criteria for Buildings in Indoor Leisure Facilities				
		Maximum Score	Description	Score
6.1 Alignment with Strategic Plans				
	Community and Council Plan or other adopted Plan or Strategy	15	Project Aligns with a Council Plan key direction Initiative	15
	Key direction, strategies and Initiatives, strategies and goals of the Community and Council Plan. Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
			Project Aligns with two or more Council Initiatives Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
			Project Aligns with 1 Council Goal key direction, Strategy or Initiative	5
			Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
	Climate Change Response	15	The Project Addresses both Mitigation and Adaptation	15
	The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
			The Project Addresses neither Mitigation nor Adaptation	0
6.2 Risk				
	Regulatory compliance	10 15	Project is required to resolve one or more regulatory issues	10 15
	DDA, NCC, Australian standards, etc.		Project will enable the facility to meet specific industry guidelines	5 10
			Project does not resolve regulatory issues or respond to specific industry guidelines	0
	Risk if project does not proceed	15	High	15
	Based on assessment from Corporate Risk Framework		Medium	10
			Low	5
			Negligible	0

6.3	Financial			
	External funding	40 5	Project to be 50% or more funded by a grant, or external organisation	40-5
			Project to be 10-50% funded by a grant, or external organisation	5-3
			Project <10% funded by grant or external organisation	2-1
			Project completely Council funded	0
	Lifecycle cost impact	10	RI equal to or greater than 20%	10
	Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
	Renewal Indicator (RI) = Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
6.4	Asset Service Delivery Improvement			
	Asset Performance	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
	How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
			Project will improve asset performance, but current service delivery is acceptable	5
			Project does not improve asset performance	0
	Maximum Possible Score			100

4003 FAMILY & CHILDREN SERVICES BUILDINGS AND FACILITIES (Buildings)

The assessment process for Family & Children Services Buildings and Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

8 Assessment Criteria for Buildings in Family & Children's Services				
		Maximum Score	Description	Score
8.1	Alignment with Strategic Plans			
	Community and Council Plan or other adopted Plan or Strategy	15	Project Aligns with a Council Plan key direction Initiative	15
	Key direction, strategies and Initiatives, strategies and goals of the Community and Council Plan. Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
			Project Aligns with two or more Council Initiatives Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
			Project Aligns with 1 Council Goal key direction, Strategy or Initiative	5
			Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
	Climate Change Response	15	The Project Addresses both Mitigation AND Adaptation	15
	The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
			The Project Addresses neither Mitigation nor Adaptation	0
8.2	Risk			
	Regulatory compliance	10	Project is required to resolve one or more regulatory issues	10
	DDA, NCC, Australian standards, etc		Project will enable the facility to meet specific industry guidelines	5
			Project does not resolve regulatory issues or respond to specific industry guidelines	0
	Risk if project does not proceed	15	High	15
	Based on assessment from Corporate Risk Framework		Medium	10
			Low	5
			Negligible	0

8.3	Financial			
	External funding	40 5	Project to be 50% or more funded by a grant, or external organisation	40 5
			Project to be 10-50% funded by a grant, or external organisation	5 3
			Project <10% funded by grant or external organisation	2
			Project completely Council funded	0
	Lifecycle cost impact	10	RI equal to or greater than 20%	10
	Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
	Renewal Indicator (RI) = Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
8.4	Asset Service Delivery Improvement			
	Asset Performance	25 30	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25 30
	How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15 20
			Project will improve asset performance, but current service delivery is acceptable	5 10
			Project does not improve asset performance	0
	Maximum Possible Score			100

8.5 Carrington Park Leisure Centre - Squash - Intention to Lease

SUMMARY: Coordinator Strategic Planning Active & Creative Communities, Paul Reading

This report is provided to update Council on the details of the intention to lease part of Carrington Park Leisure Centre as a squash and racquetball facility. A previous report to Council's Strategic Planning Committee (SPC) of 7 November 2022 provided the ability to negotiate the terms of the lease, this report now requests authorisation for the Chief Executive Officer (or a delegate that the Chief Executive Officer nominates) to execute the lease.

RECOMMENDATION

That Council:

1. Note the statutory process has been completed in accordance with section 115 of the Local Government Act 2020.
2. Agree to enter into a Lease for part of "Carrington Park Leisure Centre" at 20 O'Connor Road Knoxfield, with JAEN Corporation Pty Ltd ATF James Poynton Family Trust for the purpose of a squash and racquetball facility. The lease term is for 20 years with no further terms. The annual rent payable is \$239 (including GST), increasing by CPI on the anniversary of the agreement, plus outgoings.
3. Authorise the Chief Executive Officer (or a delegate that the Chief Executive Officer nominates) to sign the documentation required to execute the lease, inclusive of:
 - a. A Heads of Agreement, Agreement for Lease and Lease documents for the purpose of securing the capital contribution, maintenance, and management agreement of part of Carrington Park Leisure Centre at 20 O'Connor Road, Knoxfield as a squash and racquetball facility.
 - b. The Deed of Novation; novating the lease and supporting documentation from the proposed tenant JAEN Corporation Pty Ltd ATF James Poynton Family Trust to Tiberius4 Pty Ltd ATF Poynton Family Superfund.

1. INTRODUCTION

This report is provided to finalise the administrative procedures in accordance with property leasing under the Local Government Act 2020.

At Council's Strategic Planning Committee (SPC) Meeting of 7 November 2022 the following recommendations were endorsed.

That the Committee:

- Note the initial community engagement process undertaken regarding the proposed redevelopment of the Squash Facility at Carrington Park.
- Approves the project progressing to development of a detailed design and construction tender.
- Authorise the Chief Executive Officer (or such a person the Chief Executive Officer nominates) to negotiate terms for a lease (including an agreement for lease and lease) to JAEN Corporation Pty Ltd for a term of up to 20 years that sets out capital contributions of the tenant and Council for redevelopment of Carrington Park Leisure Centre.
- Following the agreement of key commercial terms, commences the statutory procedure under section 115 of the Local Government Act 2020 (Act) necessary to enter the lease (including an agreement for lease and lease) with JAEN Corporation Pty Ltd for a term of up to 20 years providing for the joint redevelopment of Carrington Park Leisure Centre.

- Authorise the Chief Executive Officer (or such a person the Chief Executive Officer nominates) to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 115 of the Act in relation to the lease proposed.
- Pursuant to Section 125 of the Local Government Act 2020, resolves that the confidential information in the officers' report and this resolution be publicly available for the limited purposes of communicating the effect of this Resolution to the extent necessary to give effect to it.
- Authorise the Chief Executive Officer (or such a person the Chief Executive Officer nominates) to communicate the effect of these resolutions to the extent necessary at their discretion.

Since that time the noted actions above have been concluded, including a second round of community consultation and the negotiation and development of an agreement to lease.

Key terms of the lease are detailed below:

- Tenant: JAEN Corporation Pty Ltd ATF James Poynton Family Trust; novating to Tiberius4 Pty Ltd ATF Poynton Family Superfund
- Lease commencement: February 2024, when the fitout is completed. This is subject to obtaining relevant authority approvals in the contract.
- Lease term: 20 years.
- Lease premises: Part of building at 20 O'Connor Road Knoxfield (Carrington Park Leisure Centre), including existing squash courts and new development area (see Image 1)
- Options for renewal: Not applicable.
- Rental: \$239.00 (inc. GST).
- Rent review: Annually on the anniversary of the agreement, adjusted by CPI.
- Permitted use: Activities associated with the operation and management of a Squash and Racquetball Facility.
- Outgoings: Payment of all assessments, levies, charges and consumption costs for applicable utilities, telecommunication services and security services applied to the Premises. The tenant is to pay half of all cleaning costs to common areas.
- Guarantees: Council requires a Fitout Guarantee and Bank Guarantee for the two stages of this agreement.
 - Construction Guarantee, refundable on the completion of the fitout works undertaken by the tenant
 - Bank Guarantee for the lease, totaling \$25,000 including GST. The Bank Guarantee will be held by the Council for 20 years, the lease term.
- Hours of Operation: Hours of operation are at the discretion of the tenant, however limited to 6am to 12pm Monday to Friday, and 6am to 8pm Saturday and Sunday.
- Special conditions:
 - a. Council to be responsible for engaging and project managing the works, at the Tenant's expense.
 - b. Tenant to pay full costs up front, excluding existing Council budgeted funds, before Council enters into any building works.
 - c. Tenant to be responsible for repairs and maintenance, but Council responsible for capital and structural repairs.

Detailed design and tendering have been completed and construction of the project has commenced following receipt of the required capital contribution and signing of the Heads of Agreement.

2. DISCUSSION

The endorsed recommendations from the SPC Meeting of 7 November 2022 included the Authorisation of the Chief Executive Officer (or such a person the Chief Executive Officer nominates) to negotiate terms for a lease (including an agreement for lease and lease) to JAEN Corporation Pty Ltd (now trading as Tiberius4 Pty Ltd t/as Poynton Family Superfund) for a term of up to 20 years that sets out capital contributions of the tenant and Council for redevelopment of Carrington Park Leisure Centre.

Further community consultation was undertaken presenting the proposed details of the lease. All the appropriate procedures and consultations under the Local Government Act 2020 (the Act) have now been carried out and Officers are now seeking authorisation for the Chief Executive Officer to execute the lease agreement.

The lease is for a part of the building at 20 O'Connor Road, Knoxfield (Carrington Park Leisure Centre), comprising of the existing squash courts and new development area. (Image 1).



Image 1: Proposed Lease area, after construction

Parties to the Contract

The tenant has requested that the agreements are established under Tiberius 4 Pty Ltd [TIBERIUS 4 PTY LTD ACN 146 900 058 ATF POYNTON FAMILY SUPERFUND ABN 87 420 052 235] instead of the tendering entity JAEN Corporation [JAEN CORPORATION PTY LTD ACN 125 718 676 ATF JAMES POYNTON FAMILY TRUST ABN 26 027 560 456].

JAEN Corporation is the tendering entity with whom Council has been negotiating this lease proposal. Since the tender was conducted, the proponent has changed their business entity. Council officers have undertaken due diligence to satisfy that the new entity can service the agreement and is operated by the same Director/s; recommending this change is supported through a Deed of Novation.

Legal advice sought advises that this novation does not require advertisement nor community engagement under the Act.

3. CONSULTATION

A two-step process for community consultation was undertaken. The initial stage in October 2022 involved the development of a Have Your Say (HYS) page and an onsite public information evening with staff. The HYS page provided the community with a description of the general intent of the project, including draft concept plans and reference to the financial and management approach being considered. The responses were overwhelmingly positive and primarily focused on excitement about a new and accessible sporting facility within the municipality.

Following the SPC meeting of 7 November 2022, an engagement process on the proposed lease was undertaken in accordance with section 115 of the Act.

Internal consultation has included the Property unit, Procurement, and the Major Initiatives Unit. Council's lawyers have also been consulted on the model for procurement of the management arrangements and have assisted in the final development of the lease.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL/AMENITY CONSIDERATIONS

There are no environmental or amenity issues with this report.

6. FINANCIAL & ECONOMIC IMPLICATIONS

The proposed lease for part of Carrington Park Leisure Centre is for 20 years, with no additional terms. The annual rent payable is \$239 (including GST), increasing by CPI on the anniversary of the agreement, plus outgoings.

All redevelopment costs have been agreed to by all parties, and previously reported to Council, with no changes.

7. SOCIAL IMPLICATIONS

The redevelopment of the Carrington Park Leisure Centre is expected to have significant social benefits for our community by providing state-of-the-art squash and racquetball facilities within the Knox municipality.

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

Connection, Resilience & Wellbeing

Strategy 4.1 - Support our community to improve their physical, mental and social health and wellbeing.

Civic Engagement & Integrity

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

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

9. CONFLICT OF INTEREST

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

10. CONFIDENTIALITY

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

**Report Prepared By: Coordinator Strategic Planning Active & Creative Communities,
Paul Reading**

Report Authorised By: Director, Connected Communities, Judy Chalkley

Attachments

Nil

9 Supplementary Items

Nil.

10 Notices of Motion

10.1 Notice of Motion 142 – GARS Heritage Recommendations



29 January 2024

Notice of Motion No.142

GARS Heritage Recommendations

I hereby give notice that it is my intention to move the following motion at the Council Meeting on 29 January 2024:

That Council resolve to receive a report at a Council Meeting by July 2024 (or such later meeting as agreed with the Mayor) that provides a brief high level status update on the Heritage Study (1993); the status of the sites identified and recommended by the adopted Green Areas and Rural Strategy (GARS) for heritage investigation, including the Avenue of Honour situated in Lysterfield; and advise on a future pathway (or options) and resourcing implications for giving effect to these recommendations.

Cr Meagan Baker
Dobson Ward

19 January 2024

11 Urgent Business

Nil.

12 Questions Without Notice

Nil.

13 Confidential Items

13.1 Expression of Interest Outcome for 58-60 Station Street, Bayswater

A confidential report is circulated under separate cover as it contains confidential information pursuant to Council's Governance Rules and Section 66 of the Local Government Act 2020, as it relates to:

- Council business information, that will prejudice Council's position when tendering for services, negotiating a settlement;
- Private commercial information, that if released, would unreasonably expose a financial undertaking to a disadvantage because it would release financial information about the business that is not generally available to their competitors; and
- Confidential meeting information, being the records of the Ordinary Meeting held on 20 December 2021 that was closed to the public under section 66(2)(a) of the Local Government Act 2020.